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ANNUAL

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THIS INDEX is based on a consolidation of contents entries appearing in the January—December issues of the FEDERAL REGISTER together with broad subject references. The entries are arranged first under the name of the agency which issued the document. Under each agency, the entries are then listed alphabetically within the categories of Rules, Proposed Rules, and Notices. The number at the end of each entry gives the page in the FEDERAL REGISTER where the document begins. Use the table of Federal Register Pages and Dates at the back of this index to locate the issue date for each page number. This index is published monthly and is cumulated for 12 months.

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Editorial Note: 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Certain amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the four quarters of 1981 in order to notify the public of the availability of these indexes for sale or public inspection or both.

For Further Information Contact:

Roy Nanovic, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408 (202–523–5227).

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Department of Defense, Department of the Army, The Adjutant General's Office, Army Publications Directorate.	DA pamphlet 310–1 Index of administrative publications (regulations, circulars, pamphlets, posters, general orders, joint chiefs of staff publications.) Dec. 1981. Printed in microfiche.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220. Price: $.08. Make checks payable to: Treasurer of United States. In addition to the indicated prices of the indexes, there is a $2.85 charge for each order, regardless of the size of the order. For example, if DA Pamphlet 310–1 is ordered, add $2.85 to the price of $.08. If all the pamphlets are ordered, add $2.85 to total price of $.88.	Director, Army Publications Directorate, Hoffman Bldg., Washington, D.C. 20310.
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Do	DA pamphlet 310–4: Index of Technical Publications (includes Equipment Identification Lists, Lubrication Orders, Modification Work Orders, Supply Bulletins, Supply Catalogs, Supply Manuals, Technical Bulletins, Technical Manuals and Technical Publications Rescinded for Active Army use, but valid for USAR, ARNG, or FMS/IL Programs). Oct. 1981. Printed in microfiche only.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220. Price: $.48. Make checks payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310–99: Index of Obsolete Forms/Publications, Oct. 1981. Printed in microfiche only.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220. Price: $.16. Make checks payable to: Treasurer of United States.	Do.

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Department of Energy, Bonneville Power Administration.	BPA Manual Index dated Mar. 26, 1979 (33 pages). Policy, procedural, and directives material indexed by subject and BPA Manual chapter number.	The public may review the index, obtain a copy of the index, without charge, or secure further information concerning the contents of the records listed by contacting Bonneville Power Administration's Office of Public Information, 1002 NE. Holladay Street, Portland, Oregon 97232, or the Washington, D.C., Office, Federal Building, Room 3352, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461.	Bonneville Power Administration offices listed in previous column or BPA Areas and Districts as the following: 1500 NE. Irving, Portland, OR 97208; 415 First Ave. N., Seattle, WA 98109; U.S. Courthouse, Spokane, WA 99201; West 101 Poplar St., Walla Walla, WA 99362; U.S. Federal Bldg., 211 E. 7th St., Eugene, OR 97401; Highway 2E, Box 758, Kalispell, MT 59901; U.S. Federal Bldg., 301 Yakima St., Wenatchee, WA 98801; and 531 Lomax St., Idaho Falls, ID 83401.
Department of Health and Human Services, Public Health Service, Centers for Disease Control (HHS/PHS/CDC).	CDC Freedom of Information Act (FOIA) Index contains those records required by the Freedom of Information Act (P.L. 90–23). This index provides identifying information, by program and subject, for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and not published in the Federal Register. Index is updated quarterly.	Public Inquiries, Management Analysis and Services Office, Centers for Disease Control, Atlanta, Ga. 30333. No charge for 1 copy.	Public Inquiries, Management Analysis and Services Office, Centers for Disease Control, Atlanta, Ga. 30333.
Department of Health and Human Services, Public Health Service, Food and Drug Administration (HHS/PHS/FDA).	Analyst Operations Manual: Training information, instructions and procedures for new laboratory personnel.	National Technical Information Service, U. S. Department of Commerce, 5285 Port Royal Rd., Springfield, Va. 22161. Accession No. PB81–246456; $38 paper copy, $3.50 microfiche.	Freedom of Information Staff (HFI–35) Room 12A–16, FDA, 5600 Fishers Lane, Rockville, Md. 20857.
Do.	NCTR Nonclinical Bio–Research Monitoring Manual for Supervisory Investigators and Compliance Officers: One–week course conducted by the National Center for Toxicological Research.	Freedom of Information Staff (HFI–35) 5600 Fishers Lane, Rockville, Md. 20857. $45. Payable to Food and Drug Administration.	Do.
Do.	Bureau of Foods Daily Operating Guide: Primarily concerned with the preparation and review of documents within the Bureau of Foods..	Freedom of Information Staff (HFI–35) 5600 Fishers Lane, Rockville, Md. 20857. $33. Payable to Food and Drug Administration.	Do.
Do.	Bureau of Drugs Manual: Primarily concerned with the preparation and review of documents within the Bureau of Drugs.	Freedom of Information Staff (HFI–35) 5600 Fishers Lane, Rockville, Md. 20857. $80. Payable to Food and Drug Administration.	Do.
Do.	Bureau of Veterinary Medicine Manual: Primarily concerned with the preparation and review of documents within the Bureau of Veterinary Medicine.	Freedom of Information Staff (HFI–35) 5600 Fishers Lane, Rockville, Md. 20857. $45. Payable to Food and Drug Administration. Payable to Food and Drug Administration.	Do.
Do.	Compliance Policy Guides: Statements of FDA compliance policy, including those statements which contain regulatory action guidance information.	National Technical Information Service, U. S. Department of Commerce, 5285 Port Royal Rd., Springfield, Va. 22161. Accession No. PB81–915499; $35; subscription accession No. PB81–915400, $100.	Do.
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Do.	Inspector Training Manual: Basic training manual for food and drug inspectors and inspection technicians.	Freedom of Information Staff (HFI–35) 5600 Fishers Lane, Rockville, Md. 20857. $28. Payable to Food and Drug Administration.	Do.
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Do.	Inspector's Technical Guide: Technical information for FDA inspectors, not previously available on a broad scale.	Freedom of Information Staff (HFI–35) 5600 Fishers Lane, Rockville, Md. 20857. $12. Payable to Food and Drug Administration.	Do.

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Department of Health and Human Services, Public Health Service, Health Services Administration (HHS/PHS/HSA).	HSA Freedom of Information Act (FOIA) Index: March 1975 to Sept. 30, 1981. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of Sept. 30, 1981. The respective bureau level indexes are listed as follows:	Office of Communications and Public Affairs, HHS/PHS/HSA, Room 14A–55, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to HHS/Public Health Service. Mail to HSA Collection Officer, HHS/PHS/HSA, Room 16–36, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs, HHS/PHS/HSA, Room 14A–55, 5600 Fishers Lane, Rockville, Md. 20857.
	OA—OFFICE OF THE ADMINISTRATOR		
	OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1979–83; OM/OCG—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to HHS manuals; HSA Circulars; OM/OFS—policy decisions, procedures, and opinion.		
	BMS—BUREAU OF MEDICAL SERVICES		
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	IHS—INDIAN HEALTH SERVICES		
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	BCHS—BUREAU OF COMMUNITY HEALTH SERVICES		
	BCHS administrative guide system; BCHS Operations Manual; "Emergency Medical Service Systems Program Guidelines".		
	BHPDS—BUREAU OF HEALTH PERSONNEL DEVELOPMENT AND SERVICE		
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Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Public Affairs.	Office of the Secretary Index: contains those records required by Public Law 90–23 (Freedom of Information Act). The index is a guide to Departmental policies, information, instructions, memoranda, administrative staff manuals, Federal regulations, delegations of authority, organization and functional statements, guidelines, final opinions, decisions, appointments and procedures not published in the Federal Register. Contains records originated since July 4, 1967; updated quarterly.	Freedom of Information Officer, Office of Assistant Secretary for Public Affairs, 200 Independence Ave. S.W., Washington, D.C. 20201.	HHS Public Reading Room, Room 1180F, Hubert H. Humphrey Bldg., 200 Independence Ave. S.W., Washington, D.C. 20201. Telephone (202) 472–7453
Department of the Interior, Bureau of Mines.	Basic Bureau of Mines Manual General Table of Contents and Checklist–July 6, 1976.	In accordance with fee schedule in 43 CFR 2, App. A.	Directives Management Officer, Columbia Plaza Office Bldg., 2401 E St. NW., 5th Floor, Washington, D.C. 20241.

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Department of Transportation, Federal Highway Administration (FHWA).	Cease and desist and Driver Disqualification Final Orders by the Federal Highway Administrator: 1968–81; listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier and date notice of investigation was mailed.	FOIA Program Officer, FHWA, 400 Seventh Street, S.W., Washington, D.C. 20590. No charge.	FOIA Program Officer, FHWA, 400 Seventh Street, S.W., Washington, D.C. 20590.
Do	Opinions and Final Orders of the FHWA in Regard to the Regulation of Toll Bridges: 1968–81 listing of opinions and final orders regarding regulation of toll bridges issued by the Federal Highway Administrator, which identifies the case and the date issued.	Do	Do.
Do	Cross Reference Index of current Federal Highway Administration directives. The computerized index is alphabetical by subject and within each subject, applicable FHWA orders, notices, technical advisories, and manuals are identified. In some cases manuals may also be identified by the applicable volume or other subordinate breakdown. The index is updated quarterly and is issued generally during the second month following the end of the quarter (i.e., May, August, November, February).	Do	FOIA Program Officer, FHWA, 400 Seventh Street, S.W., Washington, D.C. 20590 FHWA Regional Offices. (For location see 49 CFR Part 7). FHWA Division Offices. (For location see 49 CFR Part 7).
Department of the Treasury, Office of the Secretary.	Index of Selected Records: July 1967 to Dec. 1981; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, $1.50, Treasury of the United States.	Treasury Department Library, Room 5010 Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to Notices, Instructions, Regulations and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Dept. of State Building, Washington, D.C. 20451 No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Dept. of State Building, Washington, D.C. 20451
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the Procurement List: (a) Procurement List 1982 incorporates all additions and deletions through Nov. 7, 1981; (b) Current Index Nov. 1981–Dec. 1981.	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: Ten cents per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped, Attention: Freedom of Information Officer
Commodity Futures Trading Commission.	Index of final Commission opinions, including concurring and dissenting opinions, and orders in the adjudication of cases. Apr. 21, 1975 to date. (This index consists of separate chronological listings of final Commission opinions and orders in enforcement cases and reparations proceedings before the Commission).	Office of the Secretariat, Commodity Futures Trading Commission, 2033 K St., NW., Wash. D.C. 20581. Price: $.10 per page.	Office of the Secretariat, Commodity Futures Trading Commission, 2033 K St., NW., Wash. D.C. 20581 (202) 254—6314.
Do	Index of statements of policy and interpretations adopted by the Commission and not published in thge Federal Register. Apr. 21, 1975 to date.	do	Do.
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General Services Administration (GSA).	GSA Freedom of Information Index; July 4, 1967 through Dec. 31, 1981. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect members of the public.	GSA, Director of Information (XI), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed: Central Office Library, 18th & F STS. NW, Rm. 1033, Washington, D.C. 20405 Business Service Centers: National Capital Region: 7th & D STS. SW., Washington, D.C. 20407 Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109 Region 2: 26 Federal Plaza, New York, N.Y. 10278 Region 3: 9th & Market Sts., Philadelphia, Pa., 19107 Region 4: Richard B. Russell Bldg., 75 Spring St., Atlanta, Ga. 30303 Region 5: 230 So. Dearborn St., Chicago, Ill., 60604 Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131 Region 7: 819 Taylor St., Ft. Worth, Tex. 76102 Region 8: Building 41–Denver Federal Center, Denver, Colo. 80225 Region 9: 525 Market St., San Francisco, Calif. 94105 Region 10: GSA Center, Auburn, Wash. 98002
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.

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Do	Water Bulletins: containing data for 1 yr. covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas–for years 1931 through 1978.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $4.20 per bulletin (data for 1 yr). Payable to: International Boundary and Water Commission, U.S. Section.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Water Bulletins: Containing data for 1 yr. covering flow of Colorado River and other Western Boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1977.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $5.10 per bulletin (data for 1 yr). Payable to: International Boundary and Water Commission, U.S. Section.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Color print map – Lower Rio Grande Valley United States and Mexico.	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $4.00 per map. Payable to: International Boundary and Water Commission, U.S. Section.	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902
Do	Annual Report: Operation of Rio Grande Dams and Reservoirs. This report provides data concerning the operation of the international dams and reservoirs constructed by the Governments of the United States and Mexico on the reach of the Rio Grande which forms the boundary between the two countries.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. No charge.	Division Engineer, Hydrographic Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902
Do	Color print map: El Paso Rio Grande Projects, Canalization and Rectification Projects..	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902. Price: $10.00 per map. Payable to International Boundary and Water Commission, U.S. Section..	Division Engineer, Projects Division, U.S. Section, IBWC, 4110 Rio Bravo, El Paso, Tex. 79902
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Aug. 11, 1981. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars–convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals–provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins–used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 1242, 1800 G St. NW., Washington, D.C. 20550.
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Do	Numerical index of NSF important notices in effect as of Feb. 27, 1980. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.	do	Do.
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Do	Publications of the National Science Foundation. An index by topical classification, as of October, 1980, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special studies publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 80–61).	NSF Publications Section, Room 235, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 1242, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGPP) room 531, 1800 G St. NW., Washington, D.C. 20550.

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Do	NSF Grant Policy Manual. A compendium of basic NSF grant policies and procedures for use by the grantee community and NSF Staff. The Manual implements OMB Circular No. A-110, which is directed toward standardizing and simplifying the various accountability and reporting requirements among Federal granting agencies. (NSF publication 77-47).	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 038-000-81001-4. Unit price: $9.00.	NSF Division of Grants and Contracts, Room 201, 1800 G St. NW., Washington, D.C. 20550.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 through Dec. 31, 1981. Chronological listing (by date of service) of decisions after hearings on appeal involving airmen or air safety certificates.	Copies of indexes may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.	Docket Section, Office of Administrative Law Judges, National Transportation Safety Board, Washington, D.C. 20594
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	NTSB directives checklist as of May 1, 1980. Numerical listing (by NTSB order No.) of staff operations directives.	Copies of checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.	Public Inquiries Section, Room 808-F, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 808-G
Office of Personnel Management	Index to Information, OPM Document No. 1. Period covered: Jan. 1979-Nov. 1981. A listing of policy and non-policy publications and information systems arranged alphabetically by title and subject. This index includes some information formerly published in the Index to Civil Service Commission Information.	Internal Distribution Unit, Room B-431, Office of Personnel Management, 1900 E Street, NW, Washington, D.C. 20415. Free.	OPM Library or any OPM Office, including regional and area offices.
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to Dec. 31, 1981; interpretive letters addressing the provisions of Title IV of the Employee Retirement Income Security Act (ERISA)-plan termination insurance program.	Disclosure Officer, Office of the Executive Director, Pension Benefit Guaranty Corp., Room 7000, 2020 K St. NW., Washington, D.C. 20006; Charge $0.10 per page; Payable to The Pension Benefit Guaranty Corp.; or contact Disclosure Officer for information regarding a subscription to the Opinion Manual.	Disclosure Officer, Office of the Executive Director, (202) 254-4827, 2020 K St. NW., Washington, D.C. 20006
Pension Benefit Guaranty Corporation, Office of Program Operations.	Index to Pension Benefit Guaranty Corp. OPO Operations Manual; as of Dec. 31, 1981; contains statements of basic policies and procedures used by Office of Program Operations staff in administering Title IV of the Employee Retirement Income Security Act (ERISA)—plan termination insurance program.	Disclosure Officer, Office of the Executive Director, Pension Benefit Guaranty Corp., Room 7000, 2020 K St., N.W. Washington, D.C. 20006. Charge $.10 per page. Payable to Pension Benefit Guaranty Corp. or contact Disclosure Officer for price of entire Operations Manual.	Do.

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Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

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213.3105 (c)(1) and (f)(1) removed; (a)(1) added	18929
213.3109 (c) added	18927
213.3113 (d)(2) and (k)(2) revised	18927
213.3116 (a)(13) and (j)(2) added	18928
(k)(1) revised	18929
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213.3214 (a)(2) revised	18928
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213.3303 (b)(1) revised; (h)(2) added	20140
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213.3304 (a)(2) and (q)(1) added; (a)(21) revised	20145
213.3305 (a)(41) and (51) revised	20146
213.3310 (l)(2) added; (o)(1) revised	20144
213.3312 (a)(28) revised; (d)(1) added	20143
213.3314 (a)(10) and (25) revised	20137
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213.3333 (a) and (g) revised; (b), (d) and (i) removed	20141
213.3339 (a), (c), and (e) revised	20143
213.3342 (m) revised	20140
213.3372 (a)(2) revised	20137
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213.3384 (d)(2) and (j)(4) revised	20142
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351.301—351.303 (Subpart C) Revised 13199
351.403 Revised 13201
351.701 (e) added 13201
352.801—352.807 (Subpart H) Added 8433
511.601—511.615 (Subpart F) Revised 9913
511.701—511.703 (Subpart G) Revised 9913
531.401—531.413 (Subpart D) Revised 2319
531.501—531.517 (Subpart E) Redesignated as 531.601—531.617 (Subpart F) 2319
531.501—531.509 (Subpart E) Added 2322
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550.301—550.381 (Subpart C) Revised 2325
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733.124 (b) amended 35080
738 Added 2583
752.201 (d)(3) added 12191
831.502 Revised 16654
831.1005 Added 35081
831.1006 Added 35081
870.202 (a)(2) revised 25595
870.701 (a)(1) revised; interim 21355
871.501 (b) revised; interim 21355
872.501 (b) revised; interim 21356
873.501 (b) revised; interim 21356
890.101 (a)(6) through (10) redesignated as (a)(7) through (11); new (a)(6) added 35082
890.102 (c)(2) revised 25595
890.301 (w) added 25596
890.302 (b) through (e) redesignated as (d) through (g); new (b) and (c) added 35082
930.204 Revised 31406

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1200.10—1200.11 (Subpart B) Added 30999
1203 Added; interim 2327

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705 Removed 11229
706 Removed 11229
707 Removed 11229

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0.735–11 (b)(13), (14), and (15) added 22559
0.735–21 (a)(2) revised 22559
0.735–24 (a)(67), (68), and (69) added 22354
0.735–42 (h) revised 22559
1.1—1.16 (Subpart A) Appendix A amended 23913
2.4 Revised 19215, 21985
2.5 Revised 19215, 21985
2.13—2.29 (Subpart C) Heading revised 19215

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2.19 (f)(4)(v) and (f)(6) amended 19215
2.21 (d)(3) and (16) amended 21986
2.23 Heading, introductory text, and (a)(1) amended 19215
(a)(15) added 23914
2.25 (c)(1) revised; (c)(2) and (5) removed; (e)(12), (13), and (14) added 2969
2.27 Heading and introductory text revised; (a), (b)(4), and (h) removed; (b) through (g) redesignated as (a) through (f) 21986
2.28 Revised 21986
2.31 (e) revised 31871
2.36 Added 21986
2.37 Added 21986
2.39 (d) amended 19215
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2.60 (a)(5) revised; (b)(9) removed 32227, 32853
2.68 (a) introductory text corrected 3203
(a)(4) and (21) amended 21986
2.69—2.72 (Subpart I) Heading revised 19215
2.69 Revised 19215
2.70 (a) introductory text revised; (a)(16) and (b) amended 19216
(a)(30) added 23914
2.72 Introductory texts of (a) and (b) revised 19216
2.75 (a) introductory text revised; (a)(20) through (25) added 2969
2.77 Removed 2970
2.78 (a)(16), (17), and (18) and (b) added 2970
2.83—2.86 (Subpart K) Heading revised 21987
2.83 Revised 21987
2.84 (a)(21) amended 19216
Removed 21987
2.85 (a)(4) removed; (a) introductory text, (16) and (b) revised 21987
2.86 (a) introductory text, (1)(ii), (2)(i), and (b) revised 21987
6 Application policy 35518
6.21 (m) and (s) revised 1660
6.25 (a)(2), (c)(2), and (d)(3) revised 1660
6.26 (c)(2)(i), (d)(1), and (e)(2)(ii) revised; (c)(4) added 1660

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6.29 (b)(3) revised 1661
6.20—6.32 (Subpart) Appendixes 1 and 2 amended 1660
20 Appendix 1 amended 32228

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27.93 Determination rescinded 3203
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27.94 (a) revised; interim 35106
28.2 (o) and (p) revised 24927
28.303 (c) removed 24927
28.551—28.560 Undesignated center heading and sections removed 24927
28.591—28.594 Undesignated center heading and sections removed 24927
28.950 (c) and (e) revised; interim 30074
28.952 Revised; interim 30074
28.955 Revised; interim 30074
28.956 Revised; interim 30074
28.958 Removed; new 28.958 redesignated from 28.959 30075
28.959 Redesignated as 28.958; new 28.959 redesignated from 28.960 30075
28.960 Redesignated as 28.959; new 28.960 redesignated from 28.961 30075
28.961 Redesignated as 28.960; new 28.961 redesignated from 28.962 30075
28.962 Redesignated as 28.961 30075
29.123 Revised 10452
29.9251 Revised 10452
46.45 (e) added 22746
180.5 (a) revised 2329

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210.2 (o)(2) revised; emergency 2330
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210.4 (b) amended; emergency 3
(a) and (c) amended 3813
210.4a (b)(7) comment time extended 35629
210.5 (a) comment time extended 35629
210.6 (b) amended 3813

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210.8 (e)(18) comment time extended 35629
210.10 Compliance exemption in part to 7-1-82 37017
210.11 (c) amended 3813
210.13 (b) comment time extended 35629
210.14 (a)(2), (3), and (4), and (g)(2) and (5) comment time extended 35629
210.16 (a), (b), and (e) comment time extended 35629
210.17 (f) comment time extended 35629
210.19 (a) comment time extended 35629
215.1 Amended; emergency 4
215.2 (v)(2) revised; emergency 2330
215.8 (b)(1) amended; emergency 4
220.2 (c)(2) revised; emergency 2330
220.9 (b) amended 3813
225 Revised 6272
226.4 (g) introductory text and (2) revised; emergency 5
226.25 (d) revised 3814
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235.2 (o)(2) revised; emergency 2331
235.4 (a) amended 3813
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246.2 Amended 7851
246.4 (a)(9) and (12) revised 7851
246.5 (e)(1)(i) through (iv) revised; (e)(1)(v) added 7851
246.6 (b)(3) revised 7851
246.7 (a)(3), (b)(2), and (c) revised; (n) added 7851
247 Revised 6341
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250.1 (b)(6) and (17) amended; (b)(19) added; emergency 2332
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250.4 (b)(5)(i) revised; emergency 2332
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250.8 (a) amended; emergency 2332
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250.13 (g)(3)(iii)(B) corrected 26759
271.2 Amended 7263
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272.1 (g)(23) added 2335
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273.1 (f)(1)(i) revised 4627
273.2 (i)(3) introductory text added 1427
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273.7 (a) revised; (b) introductory text and (1) through (9) redesignated as (b)(1) introductory text and (i) through (ix); new (b)(1)(iii), (vi), (viii), and (ix) revsed; new (b)(2) added 4627
(c) redesignated as (n) and (n)(3) amended; new (c) and (d) added 4628
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(h) introductory text, (1), (3), (4), (5), and (6) redesignated as (h)(1) introductory text, and (i) through (v); new (h)(1) introductory text, (iv), and (v) and (2) revised 4631
(k) heading and (1) and (m) revised 4632
273.8 (g) amended 3202
273.9 Appendix A revised 27902
273.10 (e)(2)(ii) amended; (e)(2)(iii) revised 1427
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273.12 (c)(1)(iii) revised 3202

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274.8 (a)(5) added; (a)(6) revised 2335
275.3 (b)(2) removed; (c) revised 7263
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275.16 (b)(3) revised 7263
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277 Technical correction 2336
277.4 (b)(2) revised; (b)(5) redesignated as (b)(8); new (b)(5), (6), and (7) added 7266
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280 Added 8922
280.1 Added 8922

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301.45-2a (a) revised 21146
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301.45-2c Revised; interim 35909
301.52-2a Amended 21149
301.78—301.78-10 (Subpart) Added 37710
301.80-2a Amended 32000, 32006
319.75—319.75-8 (Subpart) Added; interim 38334
331.1—331.1-9 (Subpart) Removed 37713
331.1-2 (c) revised; interim 36150
(c) effective date corrected 37017
331.1-9 (f) amended 17754
354.2 Table amended 1662, 22355, 32007
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437.3 Removed 23221
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700.2 (a) revised; interim 29454
700.3 Introductory text amended; interim 29454
700.4 (h) revised; interim 29454
700.5 (g) amended; (i)(7) revised; (j)(2) through (7) redesignated as (j)(3) through (8); new (j)(2) added; interim 29454
700.15 Heading and (b) revised; interim 29454

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726.11—726.21 Undesignated center heading revised 11236
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800.19 (b)(3) removed; (b)(4) redesignated as (b)(3); interim 30323
(a)(4) added; interim 32860
800.71 (a) revised 27070
(a) revised; Schedules A and B amended; interim 30323
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800.160 (e) and (f)(1) revised; interim 30324
800.161 (b)(2), (6), (9)(v), (31), (32), and (35) revised; interim 30324
800.170 (a) and (b) revised; interim 30325
800.205 Revised; interim 38337
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919 Limitation of handling 39115
921.318 (Subpart) Added 38668
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923 Limitation of handling 32009
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948 Limitation of handling 39119
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984.332 (b) corrected 31637
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1050 Effective date suspensions 24928
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1823 Exhibit B amended 36106
1865.3 (b) introductory text and (c) confirmed 27908
1872.18 (b)(14) amended 4686
(b)(14) effective date deferred 11501, 17753
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1904.305 (g) amended 4686
(g) effective date deferred 11501, 17753
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1910.53 Amended 4686
Effective date deferred 11501, 17753
1924.5 (l) amended 4687
(l) effective date deferred 11501, 17753

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1933.403 (j) amended 4687
(j) effective date deferred 11501, 17753
1942.1 Revised 27909
1942.15 Revised 39122
1942.17 (b) revised 8436
(b) corrected 24523
(p)(3)(i) amended 36112
1942.351 (b) and (c) redesignated as (c) and (d); new (b) added 27909
1943.24 (b)(2) amended 4687
(b)(2) effective date deferred 11501, 17753
1944.1—1944.46 (Subpart A) Added 4688
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1944.153 (e) amended 4687
(e) effective date deferred 11501, 17753
1944.164 (j)(2)(ii) and (n) amended 4687
(j)(2)(ii) and (n) effective date deferred 11501, 17753
1944.168 (c)(1)(ii) amended 4687
(c)(1)(ii) effective date deferred 11501, 17753
1944.169 (g)(2) amended 36112
1944.151—1944.200 (Subpart D) Exhibits C, D, and E amended 36112
1944.205 (d) and (l) amended 4687
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1944.215 (i)(1) amended 4687
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1944.222 (b) amended 4687
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1945.2—1945.45 (Subpart A) Exhibit A removal confirmed 27908
1945.51—1945.92 (Subpart B) Confirmed 27908
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1945.80 (c) and (d) removed 28338
1945.89 (a)(2)(ii) amended 4687
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1945.116 (a)(2)(iii), (9), (10), and (b)(1) revised 2590
1945.117 (a)(5) revised 2590
1945.129 (b)(2)(i)(D) amended 4687
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1948.54 Revised 33022
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1948.84 (d)(2) amended 4687
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1948.93 (b)(3) revised; (b)(4) and (5) added 33022
1951.10 (a)(5), (6), and (7) confirmed 27908
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1955.117 (b) introductory text and (c) revised; (b)(3) amended; (d) and (e) redesignated as (e) and (f); new (d) added 37874
1955.122 Amended 37875
1962.30 (e) introductory text revised; (e)(4) added 39122
1962.49 (e)(3)(ii) amended 39123
1962.1—1962.49 (Subpart A) Exhibit C added 39123
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Effective date deferred 11501, 17753
1980.330 (h)(1) amended 4688
(h)(1) effective date deferred 11501, 17753
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	(b)(1) and (2) revised	25597
	(b)(3) revised	37240
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	(d) removal effective date deferred	10901
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51.1 (dd) confirmed 13670
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51.3 (a)(1) and (2) confirmed 13670
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51.6 (c) corrected 5861
51.7 Redesignated as 51.9; new 51.7 added 13674
51.8 Redesignated as 51.10; new 51.8 added 13674
51.9 Redesignated as 51.11; new 51.9 redesignated from 51.7 13674
51.10 Redesignated as 51.12; new 51.10 redesignated from 51.8 13674
51.11 Redesignated from 51.9 13674
51.12 Redesignated from 51.10 13674
73 Authority citation 25426, 27628
73.1a (a)(3) revised 25426
(c) added 27628
75 Authority citation 15495, 22565

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75.7 (a)(1)(ii)(E), (iv)(C), (E), (I), (J), (M), (N), and (R), and (xi)(B) removed 22565
(b)(1)(i) removed 37018
75.10 Added 15495
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78 Authority citation 18686, 30487
78.20 Revision corrected 7934
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78.21 (a) and (b) amended 18686
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82 Authority citation 24524, 25599, 29457, 30488, 31250
82.3 (a)(3)(ii) removed 859
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91 Authority citation 35913
91.14 (a) revised 35913
92 Authority citation 24147, 24931, 29242
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92.11 (f)(5) amended; (f)(6) revised 26041
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92.17 Confirmed 29240
92.41 (d) added 24931
94 Authority citation 19817
94.1 (a)(2) amended 19817
94.11 (a) amended 19817
106 Confirmed 24147
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303.1 (d)(2)(iii)(b) amended 26760
307 Authority citation 36114

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307.2 (m) added; interim 36114
307.5 Authority citation correctly added 1258
310 Authority citation 36114
310.1 Heading revised; existing text designated as (a); (b) added; interim 36115
312 Authority citation 38071
312.7 (a), (b), and (d) revised 38071
313.2 (e) confirmed 23225, 23265
316 Authority citation 38071
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319.106 (c)(5) and (6) effectiveness deferred 1257
331 Authority citation 24525, 28838
331.2 Table amended 24525, 28838
331.6 Table amended 2338
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350.7 Authority citation correctly added 1258
351.8 Authority citation correctly added 1258
351.9 Authority citation correctly added 1258
354.101 Authority citation correctly added 1258
355.12 Authority citation correctly added 1258
362.5 Authority citation correctly added 1258
381.10 (d)(2)(iii)(b) amended 26760
381.38 Authority citation correctly added 1258

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2 Authority citation 35487
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2.104 (e) revised 13977
2.105 (a)(4) and undesignated text redesignated as (a)(6) and (7) and revised; new (a)(4), (5), and (8) added; (e) revised 13977
2.106 (c) added 13978
2.712 (f) footnote 1 revised 13681
2.730 (e) revised 30331
2.749 (a) revised 30331
2.750 (c) footnote 1 revised 13681
2.751a (d) revised 30331
2.752 (c) revised 30331
2.754 (a) revised 30331
2.762 (e) redesignated as (f); new (e) added 12192
2.764 Heading revised; (a) and (b) amended; (d) and footnote 4 added 13978
(a) and (b) revised; (e) and (f) added 28628
2.772 (h) added 34794
2.780 (g) added 13978
2.802 (e) revised 35487
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20.3 (a)(9) revised 13978
20.105 (c) added 18526
20.106 (f) revised; (g) added 18526
20.301 (a) revised 13978
(c) revised 16234
20.303 (d) revised 16234
20.305 Revised 16234
20.306 Added 16234
20.405 (b) revised; (c) added 18526
20.408 (a)(3) revised; (a)(4) redesignated as (a)(5); new (a)(4) added 13978

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21 Authority citation 13202, 36118
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50.55a (b) introductory text added; (b)(1) and introductory text of (b)(2) revised; footnote 1 removed 20154
50 Appendix E heading and text corrected 28839
51 Authority citation 28632
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51.41 Revised 13979
51.53 Existing text designated as (a); (b) added 28632
(b) effective date corrected 29457
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70.4 (v) added 12194
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212.126 (a), (b), and (c) removed 20516
212.128 Removed 20517
212.129 Removed 20517
212.130 Removed 20517
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212.133 Removed 20519
212.161—212.173 (Subpart K) Removed 20517
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220.1 (b) revised 20518
220.2 Amended 20518
220.10 (a) revised 20518
220.30 Revised 20518
220.32 (a) revised 20518
220.33 Added 20518
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(a)(6) added 35625
390.001 (b) revised 29689
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430.21—430.24 (Subpart B) Appendix D revised 27326
440 Incorporation by reference approvals 10112
440.2 (a)(3) removed; (a)(4) through (9) redesignated as (a)(3), (4), (5), (9), (10), and (11); new (a)(6), (7), and (8) added; (b) amended; interim 29245
440.3 Amended; interim 29245
440.10 (b)(1) and (2) and (e) amended; interim 29245
440.16 (a)(1)(iii) amended; (b) revised; interim 29245
440.17 (a)(2) amended; interim 29245
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456 Incorporation by reference approvals correction 10111

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456.105 (f)(3)(iii) heading and introductory text, (iv), (5), and (v)(4)(iv) amended 1622
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456.106 Amended 1622
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456.107 Added 1622
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456.205 (e)(2) amended 1622
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456.306 (a)(10) amended 1622
(a)(10) decision to review 14340
456.307 (b)(2)(iv) and (c)(10)(iii) revised; (b)(2)(xii), (6)(i), (iii), (c)(2) and (e)(2) amended; (b)(2)(xvii) removed 1622
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456.308 (d) amended 1622
(d) decision to review 14340
456.309 (d) amended; (h) added 1623
(d) and (h) decision to review 14340
456.311 (a)(1) revised 1623
(a)(1) decision to review 14340
456.312 (b)(1)(iv) and (vii) revised; (b)(2)(ii) amended; (b)(4) redesignated as (b)(5); new (b)(4) added 1623
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456.313 (b)(1)(i)(F) added 1623
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456.314 (a)(6) and (f) introductory text amended 1623
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456.505 (a)(1) and (b) amended 1623
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456.507 (b) amended 1623
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456.602 (a) amended 1623
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456.802 (a)(1), (b)(6), (25), and (29) amended 1623
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456.803 Table I amended 1623
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456.804 (b)(6) introductory text, (iv) and (v) and Table II amended 1623
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456.805 (b)(1)(i), (7) introductory text and (ii) amended 1624
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456.806 (b)(5)(v) amended 1624
(b)(5)(v) decision to review 14340
456.810 Effective date deferred 11943, 14339
456.811 (a) amended 1624
(a) decision to review 14340
456.812 (a) introductory text amended 1624
(a) introductory text decision to review 14340
456.813 (b)(6) amended; (b)(8) added 1624
(b)(6) and (8) decision to review 14340
456.814 (e) and (g)(1)(ii) amended 1624
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456.903 (b)(26) Note 1 and (28) amended 1624
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456.905 (c)(3)(i)(A) and (B) amended 1624
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456.906 (c)(2)(i)(C) amended 1624
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456.907 (c)(2) and (d)(1) amended 1624
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456.908 (b)(1)(iii) Note 2 amended 1624
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456.909 Figure 1 subheading removed 1625
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456.910 (a) amended; Figure 1 correctly redesignated as Figure 4 1624
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456.912 (b)(2), (3)(ii), (iii), (4)(i) and (ii) amended; Figures 7, 8, and 9 correctly redesignated as Figures 5, 6, and 7 1624
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456.913 (b)(1)(xviii) and (d)(1) amended; Figures 10 and 11 correctly redesignated as Figures 8 and 9 1624
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456.901—456.913 (Subpart I) Appendix A amended 1625
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474 Added 22753
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710.20 Nomenclature change 18170
710.22 (c), (e), and (f) revised 18170
710.25 (b) revised 18171
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710.27 (a), (c)(2), (e), (f), and (j) revised 18171
710.28 (c) and (d) revised 18171
710.29 (b)(1) revised 18171
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781 Notice of impending revision 37019
903 Nomenclature change 25427
903.1 (b) corrected 6864
903.2 (e) and (j) corrected 6864
903.13 (a)(4) corrected 6864
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1020.3 (a) revised 2972
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1020.4 Revised 2972
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1020.5 Revised 2972
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1045 Added 23917
1045.10—1045.14 (Subpart B) Added 23920
1060 Added 35631

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1500—1506 (Subchapter A) Added 22328
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1502 Added 22332
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1530 Added 28397
1534 (Subchapter C and Part) Added 22337
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30 ..... 3903, 11666, 14019, 15278, 29712, 35622, 35663, 38081
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1 Rulings 16240
5 Authority citation 16658, 16660, 16662
5.3 (c)(5) added 16663
5.5 Revised 16658
5.10 Revised 16660
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5.20 (e) revised 16658
5.21 (e) revised 16658
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5.22 (c) revised 16658
5.24 (a)(3) revised 16658
5.25 (c) revised 16659
5.30 (d) revised 16659
5.31 (d) revised 16659
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5.41 (e) revised 16659
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8 Authority citation 16665
8.7 Revised 16665
9 Authority citation 6865
9.20 (c) amended 6865
11 Authority citation 6866
11.2 (e) through (i) added 6869
11.5 (d), (h), (l), and (m) revised; (n) and (o) redesignated as (p) and (q); (b)(5), (e)(5), new (n), and (o) added 6869
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11.6 (j) through (u) redesignated as (k) through (v); new (j) added 6877
11.51 Amended 6877, 6879
11.53 Revised 6878
11.54 Amended 6879
19 Authority citation 18932
19.4 (a) revised 18932
21 Authority citation 15866
21.5 (c) removed; (d) and (e) redesignated as (c) and (d) 15866
29 Added 18943

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(t) added 27092
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204.4 (b)(1) introductory text and (ii), (2) introductory text and (ii), (d), and (g)(2)(ii)(A) and (B) and (iii) amended 32430
204.8 Redesignated as 204.9; new 204.8 added 32429
204.9 Redesignated from 204.8 32429
205 Staff interpretation 19217
205.3 (d)(2) and (3) revised; footnote 1 redesignated as footnote 1b; footnote 1a added 2973
(d)(3) corrected 9920

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206.3 Heading revised; (b) added 11238
206.5 (b)(5) and (e)(6) added; (a), (b) introductory text, (c)(1) introductory text, and (5), (d), (g)(1)(i) and (ii), (2)(ii) and (iii), and (3), (h)(1), (i)(3)(i), (ii), and (iii), and (6) and k)(1) through (4) revised; (c)(2) amended 11239
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(d)(3) through (6) correctly added 21747
206.6 (j) through (u) redesignated as (k) through (v); new (j) added 11242
206.8 Added 11242
206.41 Form F-1 amended 11249
206.42 Form F-2 amended 11249
206.44 Form F-4 amended 11249
206.51 Heading revised; Form F-5 amended 11249
206.53 Form F-12 redesignated as 206.81 and revised 11250
206.54 Form F-13 redesignated as 206.82 and amended 11251
206.81 Form F-12 redesignated from 206.53 and revised 11250
206.82 Form F-13 redesignated from 206.54 and amended 11251
206.104 Added 11251
207 OTC margin stock list 20977
208.8 (f)(2) amended; (f)(4) removed 2026
211.3 (b)(2) revised 18016
211.5 (c)(2) amended 2027
211.602 Interpretation 8437
213 Added 20951
213.2 (a)(17)(ii) corrected 29245
213.5 (b) introductory text corrected 29245
213 Appendixes A and B corrected; Appendix A footnotes 2 through 5 and Appendix B footnotes 6 through 10 correctly redesignated as footnotes 1 through 4 and 1 through 5 29245
216 Authority citation 15865
216.3 (c) amended 15865
216.4 (a) amended 15865
216.5 (b) removed; (c) and (d) redesignated as (b) and (c) 15865
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(a) and (b) revised; (l) added 32430
217.3 (f) amended 10453

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217.4 (d) revised 10453
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217.7 (c), (f), and (g) revised 10454
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220.6 (j) removed; (k) and (l) redesignated as (j) and (k) 31250
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225.4 (a)(14) confirmed 31406
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225.5 (c)(2) amended; (c)(4) removed 2026
225.128 (b), (c)(3), and (e) removed; (c), (c)(4), and (d) redesignated as new (b), (b)(3), and (c); new (b) and (c) headings amended 38495
226 Staff interpretation corrected 1662
Revised 20892
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226.2 (a)(17)(iii) corrected 29246
226.7 (d) and (j) corrected 29246
226.8 (a)(3) and (b) corrected 29246
226.9 (a)(2) corrected 29246
226.18 (q) corrected 29246
226.29 (c) corrected 29246
226 Appendixes A and D corrected; appendixes H and J amended 29246
262.3 (l) added 5861
265.2 (c)(1) revised; (f)(49) added 1663
(c)(27) added 2027
(c)(28), (f)(18)(iv) and (v), (50), (51), and (52) added; (f)(27) and (45) revised 2028
(c)(30) and (f)(53) added 5862
(c)(29) added; (f)(1) revised 5863
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303 Authority citation 17755, 17756, 30079
303.13 (l) and (m) added 17756
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326 Authority citation 15865
326.5 (c) removed; (d) and (c) redesignated as (c) and (d) 15865
328 Authority citation 37876
328.0 Amended 37876
328.1 (a) and (b)(l) amended; (b) introductory text revised 37876
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400 Authority citation 1134
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400.735–30—400.735–35 (Subpart C) Revised 38896
400.735–70—400.735–76 (Subpart G) Added 1132

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510.2 Removed 19219
511.737–1—511.737–2 (Subpart F) Added 19219
522.70—522.72 Undesignated center heading revised 19220
522.73 Added 19220
523.10 (g)(1) revised; (g)(6) and (h)(5) amended; (g)(7) and (h)(6) redesignated as (g)(8) and (h)(7) and amended; new (g)(7) and (h)(6) added 2030
(a), (g)(1), (7), and (8), (h)(6) and (7) revised 18688
(g)(3)(xi) and (9) added; (g)(7) and (8) amended; (h) introductory text revised 32014
531.1 (f) removed 36828
534.9 (c) removed; (d) redesignated as (c) and revised 38900
541.30 Added 8439
544.2 (g) added 9916
544.6–1 Introductory text corrected 16881
545.2 (b) revised; (c) removed; (d) and (e) redesignated as (c) and (d); new (d) revised 8439
545.4 (c) and (d) redesignated as (d) and (e); new (c) added 8440
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545.4–1 Heading, (a) and (d) revised; (c) redesignated as (b) and heading revised; (b) redesignated as (c); (e) added 8440

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545.4–2 (b) and (c) revised; (d), (k), (m), and (n) removed; (e) through (j) and (l) redesignated as (d) through (j); new (h) and (i) revised; nomenclature change 8440
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545.7–7 Added 8441
545.8–10 (b) amended 13685
545.9 (a) revised; (g) and (h) amended; (i) added 18688
545.9–1 (a)(2) and (d)(4) amended; (b), (c), and (d)(2) introductory text revised 24529
(c)(20) revised 36832
545.9–4 (a) revised 18688
545.25–1 (b) removed; (c) redesignated as (b); new (b)(3) and (b)(4) amended; new (b)(6) added 9918
545.29 Revised 36832
546.2 (h)(11) amended; (h)(12) redesignated as (13); new (h)(12) added 9919
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(h)(1) and (6) revised; undesignated text added 14728
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552.13 (c)(1)(ii) amended 11502
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552.15 Amended 30489
556.5 (d) amended 16247
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556.9 (f) added 39124
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561.8 Amended 13685
563.8 (j)(2), (3), and (4) redesignated as (j)(3), (4), and (5); (c)(2), (f)(2), (j)(1), and new (5) revised; new (j)(2) added 13685
563.8–3 (a)(1) and (2) redesignated as (a)(3) and (4); new (a)(1) and (2) added; (b) revised 13685
563.9–4 (b) amended 13686
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569a.7 (a)(6) revised 29247
570.11 Added 13988
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571.5 (d)(1) revised; (e)(4) added 9919
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701.21–2 Revised 38676
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701.21–5 Removed 29247
701.21–6 (b) introductory text revised; (c)(5) removed 17538
Heading and (b)(4) revised; (d) added 38678
701.21–6A Added (effective in part pending OMB review) 19931
701.21–6B Added 38671

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701.21–7 (a)(7) and (b)(3) removed; (b)(4) redesignated as (b)(3); (a) introductory text, (1), and (5), and (b)(2) revised 38680
701.21–8 (a)(4), (b)(3), (c)(2) and (3) removed; (b)(4), (c)(1) introductory text, (i) and (ii) redesignated as (b)(3), (c) introductory text, (1) and (2); (a)(1) and (d)(2) revised 38680
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742.2 (c)(1) amended 36835
748 Authority citation 15865
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101.2–9b Added 12
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Removal effective date deferred and request for comments ---- †19234
Removal effective date confirmed ---- †22586
14 Revised; interim ---- 85377
20 Appendixes C through G removed ---- †16898
35 Added ---- 80263
35.5 Suspended in part ---- †14129
35.7 Suspended in part ---- †14129

Chapter I—Bureau of Reclamation, Department of the Interior

Chapter I Heading revised; nomenclature change ---- †34345
428.6 (a) revised ---- 86495

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2091.2–3 Removed; new 2091.2–3 redesignated from 2091.2–4 ---- †1642
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Removal and redesignation effective date deferred and request for comments ---- †19234
Removal and redesignation effective date confirmed ---- †22586
2091.2–4 Redesignated as 2091.2–3; new 2091.2–4 redesignated from 2091.2–5 ---- †1642,
Removed ---- †5805
Redesignation and removal effective date deferred ---- †10707
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Redesignation and removal effective date confirmed ---- †22586
2091.2–5 Redesignated as 2091.2–4 ---- †1642
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2091.2–6 Added ---- †38508

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2200 Revised ---- †1638
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2211.0–3—2211.2 (Subpart 2211) Removed ---- †1642
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2212.1 Amended ---- †1642
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2220 Removed ---- †1642
Removal effective date deferred ---- †10707
Removal effective date deferred and request for comments ---- †19234
Removal effective date confirmed ---- †22586
2230 Removed ---- †1642
Removal effective date deferred ---- †10707
Removal effective date deferred and request for comments ---- †19234
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2240.1 Amended ---- †1642
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Effective date confirmed ---- †22586
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2260 Removed ---- †1642
Removal effective date deferred ---- †10707
Removal effective date deferred and request for comments ---- †19234
Removal effective dated confirmed ---- †22586
2271.1 Amended ---- †1642
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2273.0–3 Amended ---- †1642
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2310 Removed ..... †5805
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Removal effective date confirmed ..... †22586
2320 Removed ..... †5805
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Removal effective date deferred and request for comments ..... †19234
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2340 Removed ..... †5805
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Removal effective date confirmed ..... †22586
2350 Removed ..... †5805
Removal effective date deferred ..... †10707
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2621.1 Removed; new 2621.1 redesignated from 2621.2 ..... †24135
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3110 Partial suspension removed ..... †37250
3316.3–2 (a) revised 69174
3316.3–4 (b), (c)(4), and (d) revised 69175
3316.4 (h)(2) revised 69175
3317.1 (a), (b), and (e) revised 69175
3540.1 (a)(11) revised 69175
3611.4 Added 77438
3809.0–1—3809.6 (Subpart 3809) Added 78909
3809.0–5 (a) corrected 82934
3809.1–3 (b), (c)(4), and (f) corrected 82934
3809.1–4 (a) corrected 82934
3809.1–5 (c)(5) corrected 82934
3809.1–6 (b) and (e) corrected 82934
3809.1–8 (a) introductory text, (1), and (2) corrected 82934
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4120.2–2 Revised ..... †5789
4120.2–3 (a) revised ..... †5789
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656 Revoked by PLO 5827 ..... †7339
702 Revoked by PLO 5800 ..... †1734
706 Revoked in part by PLO 5785 80828
739 Revoked by PLO 5879 ..... †28166
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850 Revoked by PLO 5776 79069
1009 Revoked by PLO 5838 ..... †7343
1095 Revoked in part by PLO 5919 ..... †28410
1109 Revoked by PLO 5849 ..... †7347
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1165 Revoked by PLO 5831 ..... †7341
1169 Revoked by PLO 5821 ..... †6947
1175 Amended by PLO 5832 ..... †7341
1258 Revoked by PLO 5848 ..... †7347
1261 Revoked by PLO 5897 ..... †28416
1281 Revoked by PLO 5883 ..... †29263
1362 Revoked by PLO 5799 ..... †2047
1385 Revoked by PLO 5933 ..... †28853
1438 Revoked by PLO 5841 ..... †7345
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2407 Revoked in part by PLO 2555 Amended by PLO 5784 80827
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4289 Revoked in part by PLO 5886 ..... †28411
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59.1 Amended	†1274
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64.3 (a)(1) amended	†1274
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46.115 (a)(7) corrected..... †19195

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[1] Public Law 96–88 transferred the regulations of the Office of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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[1] Public Law 96–88 transferred the regulations of the National Institute of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

[2] Public Law 96–88 transferred the regulations of the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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83.115 (a)(1) and (2) and (e) revised ---------- †18987
83.131 (b)(8) added ---------- †15702
83.132 (a)(6) added ---------- †15702
(a)(2)(i) and footnote 2 revised; footnote 3 removed ---------- †18983
83.133 (a) table amended ---------- †15702
(a) table revised; (a) table footnote 3 removed ---------- †18983
(a) table corrected ---------- †31016
83.134 (l) added ---------- †15703
(a)(1) and (d) table revised ---------- †18983
83.136 Introductory texts of (a)(1) and (2) revised ---------- †18983
83.137 (b) revised ---------- †15703
(c) introductory text and (f) revised; (d) removed ---------- †18983
83.138 Revised ---------- †18987
83.139 (l) added ---------- †15703
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83.152 (b) revised ---------- †18719
83.155 (d) and (e) eff. 10–13–80 ---------- 68937
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(d) corrected ---------- †31016
83.156 (b)(3) eff. 10–13–80 ---------- 68937
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83.160 (a) introductory text eff. 10–13–80 ---------- 68937
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83.233 Footnote 1 removed ---------- †18983

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83.329 (a) revised ---------- †18983
83.339 (a) introductory text revised ---------- †18984
83.341 Added ---------- †15703
83.351 (a) table amended; (b)(11) added ---------- †26485
83.359 (a) table amended ---------- †18984
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83.364 (d) amended ---------- †18984
83.367 (a) introductory text revised ---------- †18984
83.373 Added ---------- †15703
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83.441—83.480 (Subpart R) Heading revised ---------- †18987
83.442 Revised ---------- †18987
83.447 Revised ---------- †18987
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83.464 Redesignated as 83.460; new 83.464 added ---------- †18987
83.465 Added ---------- †18988
(c) temporary waiver ---------- †25463
83.472 (c) amended; footnote 1 removed ---------- †18984
83.484 (a) and (d)(2) revised; footnote 1 removed ---------- †18984
83.554 (a)(1)(i)(a) and (b) revised ---------- †22589
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87.29 (a)(6) added ---------- †23457
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87.99 (a) introductory text amended ---------- 78139
87.115 (l) amended ---------- 78139
87.133 (a)(1) eff. 10–13–80 ---------- 68937
87.136 (a) eff. 10–13–80 ---------- 68937
87.139 (b)(2) eff. 10–13–80 ---------- 68937
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87.235 Existing text designated as (a); (b) added ---------- †38702
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90.19 (f)(5) added ---------- †11976
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90.21 Footnote added ---------- †23453
90.23 Footnote added ---------- †23453
90.25 Footnote added ---------- †23453
90.33 Revised ---------- †27481
90.38 Added ---------- †15276
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90.65 Footnote added ---------- †23453
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90.103 (c)(21) revised ---------- 83233
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90.155 Revised ---------- 81208
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90.205 (b) table amended ---------- †23454
90.207 (k) revised ---------- †27708
90.209 (c) introductory text, (f), and (g) revised ---------- 84803
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90.212 (b) revised ---------- †27708
90.307 (f) effective date deferred ---------- †31648
90.365 (a)(1) introductory text and (3) revised ---------- 81209
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90.367 (a) revised ---------- 81209
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90.385 (c) revised ---------- †27708
90.425 (d)(6) added ---------- †15277
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90.555 (b) table amended ---------- †15277
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94.3 Amended ---------- †9953
94.9 (a)(1) revised; (a)(2) and (3) redesignated as (a)(3) and (4); new (a)(2) added ---------- †27958
94.15 (g) revised ---------- †9953
94.25 (j) added ---------- †9954
94.27 (a)(5) added ---------- †9954
94.61 (b) table amended; footnote 19 added ---------- †9954
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94.63 (d)(4) and (5) added ---------- †9954
94.65 (a) revised ---------- †9954
94.67 (a) amended ---------- †9955
94.71 (b), footnotes 6 and 7, and (f) added ---------- †9955
94.73 Amended ---------- †9955
94.75 (b) amended; (g) added ---------- †9955
94.107 (c) added ---------- †9955
95.15 (a)(5) removed; (b) added ---------- †22593
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95.17 (g) added ---------- †21171
95.201—95.243 (Subpart C) Revised; eff 7–20–81 and 7–1–82 ---------- †32416
95.618 Added ---------- †32424
97.45 (a) introductory text and (3) revised; (a)(4) added (effective pending GAO clearance) ---------- †10916
97.61 (b)(7)(v) and (vi) added ---------- †15147
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97.75 (a) introductory text revised ---------- †18982
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97.79 (d) interpretation ---------- 80106
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97.421 (c) added ---------- †15147
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7 †11324
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9 65640
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36 79843
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1.3 (c) removed; (b) introductory text and (8) revised 83403
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1.43 (b) revised 83405
1.45 (a)(5) amended; (a)(10) redesignated as (a)(11) and republished; new (a)(10) and (12) added 83405
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(dd) added †23057
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1.47 (a), (b), and (f)(2) amended; (m) added 83405
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1.48 Revised 83405
1.49 (f) removed; (g) through (u) redesignated as (f) through (t); new (o) and (t) revised; new (u) and (v) added; new (i), (l), (o), and (t) amended 83407
1.50 Revised 83407
1.51 Revised 83408
1.53 (f) added †10919
1.54 (a) and (b)(7) amended 83408
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1.55 (f) revised 83408
1.55 Redesignated as 1.57; new 1.56 added 83408
1.57 Removed; new 1.57 redesignated from 1.56; new (b), (e), and (j) amended 83408
1.58 Removed; new 1.58 redesignated from 1.64 83409
1.59 (a)(1) and (c)(1) and (3) (i) amended; (a)(4) and (n) removed; (c)(6) through (10) redesignated as (c)(5) through (9); (b)(8), (e), and (k) through (m) revised 83409
1.60 Removed 83409
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1.62 Removed; new 1.62 redesignated from 1.65 and revised 83409
1.63 (d) added 83409
1.64 Redesignated as 1.58; new 1.64 added 83409
1.65 Redesignated as 1.62 and revised; new 1.65 added 83409

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1 Appendix A amended †37902
3 Revised 75666
23.45 (h) revised; (i) removed; Appendix A added †23461
23.51 Effective date confirmed 67667
25 Appendix A tables revised †9604, 36857
27.5 Amended; interim †37492
27.61 Amended; interim †37492
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27.67 (a) amended; interim †37492
27.71—27.77 (Subpart D) Heading revised; Appendixes A and B added; interim †37492
27.77 Added; interim †37492
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106.9 Introductory text amended 81571
107.3 Amended †9888
107.9 Introductory text and (d) amended 81571
107.109 (e) amended 81571
107.123 (a) amended 81571
107.401—107.405 (Subpart E) Added †9888
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171.3 (d) amended 74648
171.7 (c)(28) amended 74648
(b) and (d)(19) amended 81571
(d)(23) added; eff. 2–1–82 †5315
(c)(29), (d)(24), and (f) added †9889
(d)(3)(vi) through (viii) added †22195
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(d)(24) correctly designated †24183
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171.8 Amended 74648
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Amended †9889
171.12 (b) revised 74648
171.16 (b) revised; (c) and (d) added 73683
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171.17 (a) introductory text and (c) amended 74648
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172.102 Heading, (a), and (b) revised; (h) introductory text, and (1) through (9) amended; table amended	74652
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172.202 Revised	74665
172.203 (c)(1), (e)(1), (i)(2), (j), and (k) revised	74665
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172.204 (c)(4) revised	†24185
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172.301 Redesignated from 172.300 and revised	74666
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172.312 (d) and (e) revised	68654
172.316 (a) introductory text and (c) revised	74666
172.324 Revised	74666
172.326 (a)(2) introductory text and (ii) and (d) amended	74666
172.328 (a) introductory text and (d) amended; (a)(1) and (b) revised	74666
172.330 (a)(2), (c)(1) and (e) amended; (g) revised	74667
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172.336 Revised	74667
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172.400 (a) amended; (b)(8) revised	74668
172.407 (g) introductory text and (l) and (h) revised; (j) added	74668
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172.415 (b) amended	74668
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172.419 (b) amended	74668
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172.500 (b)(2) revised	74668
172.507 Added; eff. 2-1-82	†5316
172.516 (c)(5) revised	74668
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172.527 Heading and (a) revised; eff. 2-1-82	†5316
173 Incorporation by reference approvals	81485
173.7 (b) amended	81571
173.8 (a) amended	74669
173.21 (b)(3) added	74669
173.22 (b) revised; (c) added; eff. 2-1-82	†5316
173.29 (a)(1) and (3)(ii) revised; (d) added	74669
173.31 (c)(1) amended	81571
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173.32 Heading revised; (a)(2) removed	†9889
173.32a Added	†9890
(e)(1)(ii) and (3) corrected	†24183
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173.34 (e)(1), (6), (13)(v), (15)(ii), and (16)(iii) amended	81571
(d) heading revised; (d) text amended	†22195
173.86 (a)(2), (b) introductory text, and (c) revised	†22195
173.107 (e) amended	81571
173.114a (d)(3) revised	†22195
173.118a (b) revised	74669
(b)(5) correctly revised	†9893, 24184
173.119 (a)(3), (e)(5), (f)(7), and (m)(18) added	†9893
173.124 (a)(5)(ii) added	†8010
(a)(5)(ii) effective date deferred	†10707, 10907
173.125 (a)(5) and (7) removed	81571
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173.257 (a)(6) and (14) amended; (a)(13) removed	81571
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173.272 (i)(30) correctly added	†9893, 24184
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173.294 (a)(1) amended	81572
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173.301 (h) table and (k) amended	81572
173.303 (a) introductory text revised	†22196
173.306 (c)(7) and (d)(3)(i) amended	81572
173.314 (c) table note 25 revised	81572
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173.328 (a)(2) amended	81572
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173.1080 (a) amended	81572
174 Incorporation by reference approvals	81485
174.25 (a)(2) table amended; (b)(1) through (4) and (c) revised; (b)(5) and (6) removed	74669
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34305 **Amending the Generalized System of Preferences** Executive order

34303 **National Clean-up and Flag-up America's Highways Week, 1981** Presidential proclamation

34311, 34348 **Housing—Income Taxes** Treasury/IRS issues and proposes temporary regulations on tax-exempt status of interest on mortgage subsidy bonds. (2 documents)

34490 **Budget** OMB reports rescissions and deferrals as of 6–19–81. (Part IV of this issue)

34454, 34462 **Recombinant DNA Research** HHS publishes actions under NIH guidelines for research and issues revised guidelines for research involving recombinant DNA molecules. (Parts II and III of this issue) (2 documents)

34348 **Surface Mining** Interior/SMREO proposes to give States more flexibility in regulating surface coal mining and reclamation operations on non-Federal and non-Indian lands within their borders.

34512 **Health Facilities** HHS/PHS issues cumulative list of qualified Health Maintenance Organizations as of 12–31–80. (Part V of this issue)

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

34330 **Postal Service** PS revises Domestic Mail Manual provisions for submission of address cards for sequencing and correction.

34546 **Prisoners** Justice/PB publishes final rules on control, custody, care, treatment and instruction of inmates, and proposes rule on inmate correspondence. (Part VI of this issue) (4 documents)

34351 **Armed Forces—Health Care** DOD/Sec'y proposes to allow CHAMPUS benefit consideration for surgical treatment of morbid obesity related to severe illness or condition.

34325 DOD/Sec'y clarifies CHAMPUS regulations on Nonavailability Statement requirements for Emergency Maternity admissions.

34328 DOD/Sec'y revises CHAMPUS benefits available to dependents of "NATO members."

34436 **Antidumping—Audio-Visual Games** ITC institutes investigation and issues exclusion order on certain imported coin-operated audio-visual games and components. (2 documents)

34361 **Imports** CITA announces import restraint levels for certain cotton, wool and man-made fiber textile products from Colombia.

34450 **Sunshine Act Meetings**

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34454 **Part II, HHS/NIH**
34462 **Part III, HHS/NIH**
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Wednesday, July 1, 1981

Presidential Documents

Title 3—

The President

Proclamation 4849 of June 27, 1981

National Clean-up and Flag-up America's Highways Week, 1981

By the President of the United States of America

A Proclamation

Americans enjoy the use of our Nation's highway system, which is one of the finest systems in the world, both for business and pleasure. Our highways are a source of pride for this Nation and they directly or indirectly affect and serve every American. Highways are our lifelines—providing us with food and other necessities, the opportunity to explore this vast, beautiful country, and a great freedom of choice in selecting our home and work areas. Highways have contributed significantly to employment, provided us improved lifestyles, and aided in our defense. Our highways should be recognized as a national asset and our citizens should be urged to clean up and rehabilitate them. Clean and litter-free highways will contribute to national pride and road safety.

To remind all Americans of the importance of national pride and road safety, the Congress, by an Act approved June 5, 1981 (Public Law 97–12), has requested the President to proclaim June 28 through July 4 as "National Clean-up and Flag-up America's Highways Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning June 28 through July 4, 1981, as National Clean-up and Flag-up America's Highways Week. I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-19609
Filed 6-30-81; 1:01 pm]
Billing code 3195-01-M

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Executive Order 12311 of June 29, 1981

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*) as amended, Section 604 of the Trade Act of 1974 (88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, in order to modify the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries and to adjust the original designation of eligible articles taking into account information and advice received in fulfillment of Section 503(a) and 131–134 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463; 88 Stat. 1994, 19 U.S.C. 2515 *et seq.*), it is hereby ordered as follows:

Section 1. In order to subdivide and amend the nomenclature of existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in Annex I, attached hereto and made a part hereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country is amended:

(a) by adding in numerical sequence the following TSUS item numbers created by Annex I of this Order: 170.12, 170.13 and 170.70,

(b) by deleting TSUS item 408.52, and

(c) by adding in numerical sequence TSUS items 603.45, 687.42 and 727.29.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by deleting TSUS items 603.45, 687.42, and 727.29 therefrom.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is modified by deleting Mozambique opposite TSUS item 155.20, and also deleting "603.45 . . . Chile", "687.42 . . . Taiwan", and "727.29 . . . Yugoslavia" therefrom.

Sec. 5. In order to provide staged reductions in the rates of duty for the new TSUS items created by Annex I to this Order, Annex III to Proclamation 4768 of June 28, 1980, is amended by Annex II to this Order, attached hereto and made a part hereof.

Sec. 6. (a) The amendment made by Section 2(b) of this Order is effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after December 2, 1980;

(b) The amendments made by sections 2(c), 3, 4, and Annex I(A) are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 31, 1981; and

(c) The amendments made by the remaining sections of this order are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the third day following the date of publication of this Order in the Federal Register.

Ronald Reagan

THE WHITE HOUSE,
June 29, 1981.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

(A) 1.(a) Item 138.40 is superseded by:

	[Vegetables...:]			
	[Other:]			
"138.40	Bamboo shoots or water chestnuts, frozen.....	17.5% ad val.	35% ad val."

(b) Conforming change:

The article description for item 903.45 is modified by substituting therein "or 138.40" for ", 138.40 or 138.42".

2. Schedule 3, headnote 10 is modified by deleting the words "regulations" and "Secretary of the Treasury" therefrom and substituting "instructions" and "Commissioner of Customs", respectively, in lieu thereof.

(B) 1.(a) Items 170.10 and 170.15 are superseded by:

	[Wrapper...:]			
	"Mixed or packed with more than 5% of filler tobacco:			
170.08	Not stemmed.....	36c per lb.	$2.275 per lb.
170.09	Stemmed.....	62c per lb.	$2.925 per lb.
	Other:			
170.12	Not stemmed.....	36c per lb.	$2.275 per lb.
170.13	Stemmed.....	62c per lb.	$2.925 per lb."

(b) Conforming changes:

Headnote 2 of schedule 1, part 13 is modified by substituting therein "wrapper or filler" for "wrapper" where it first appears in the headnote, and by substituting therein "such type of" for "wrapper" where it next appears.

2. Item 170.69 is superseded by:

	[Cigars...:]			
"170.68	Cigars each valued 15c or over but less than 23c.....	[See Annex II]	$4.50 per lb. + 25% ad val.
170.70	Cigars each valued 23c or over.....	[See Annex II]	$4.50 per lb. + 25% ad val."

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ANNEX II

Annex III to Presidential Proclamation 4768 of June 28, 1980, is amended by deleting from Section B of that Annex TSUS item number 170.69 with its corresponding rates of duty and by inserting the following TSUS item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after —					
		July 1, 1980	July 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
170.68 3/	95¢ per lb. + 5% ad val.	71¢/lb.y + 3.7% 2/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/
170.69 3/	95¢ per lb. + 5% ad val.	71¢/lb.y + 3.7% 2/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/
170.70 3/	95¢ per lb. + 5% ad val.	71¢/lb.y + 3.7% 2/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/	57¢/lb. + 3% 3/

Footnote 3 for items 170.68, 170.69, and 170.70:
3/ Item 170.69 is discontinued and is superseded by items 170.68 and 170.70, effective July 4, 1981, in accordance with Executive Order No.12311.

[FR Doc. 81-19310
Filed 6-30-81: 1:02 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 128
Wednesday, July 1, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

GENERAL ACCOUNTING OFFICE

4 CFR Part 20

Clearance of Proposals by Independent Federal Regulatory Agencies To Conduct or Sponsor the Collection of Information; Revocation of Part

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This rule revokes Part 20 of Title 4, Code of Federal Regulations, setting forth procedures for our review of the reporting requirements of independent regulatory agencies. The Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 94 Stat. 2812, amended Chapter 35 of Title 44, United States Code, to transfer responsibility for review of reporting requirements for independent regulatory agencies from the General Accounting Office to the Office of Information and Regulatory Affairs in the Office of Management and Budget, effective April 1, 1981. Since this Office is no longer involved in regulatory reports review Part 20 is no longer necessary.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard T. Cambosos, Office of General Counsel, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548, (202) 275-5544.

Accordingly, Part 20 of Title 4, Code of Federal Regulations is hereby revoked.

Milton J. Socolar,
Acting Comptroller General of the United States.

[FR Doc. 81-19332 Filed 6-30-81: 8:45 am]
BILLING CODE 1610-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2—Amdt. 20]

Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is delegating program authority for field personnel to approve or decline Section 503 Certified Development Company guarantees. This authority enables SBA to provide a 100 percent guarantee of the timely payment of principal and interest on debentures issued by qualified 503 development companies. These qualified development companies would be authorized to sell each debenture pertaining to an identifiable small concern with SBA's guarantee.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 L St. N.W., Washington D.C. 20416, Telephone Number: (202) 653-6703.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures. For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, Chapter I of Title 13 of the Code of Federal Regulations is amended by adding to Section 101.3-2 a new Section 503 Certified Development Company guaranty authority and retitling Sections A and B thereof as set forth below:

* * * * *

1. Part III, Section A is amended by retitling as indicated and adding at the end thereof a new paragraph 3 as set forth below:

Section A—Sections 501 and 502 Loan Approval Authority and Section 503 Debenture Guaranty Approval Authority (Small Business Investment Act).

3. *Section 503 Certified Development Company Debenture Guaranty Approval Authority (SBI Act).* To approve or decline section 503 guarantees of debentures issued by certified development companies not exceeding the following amounts (SBA share) for each small business being assisted, within the project cost limitations shown below:

Note.—Project cost as used in this part, means the sum of all financial assistance to the small business concern and its affiliates for the construction project under consideration, not just that portion on which the 503 debenture guarantee action is being taken.

a. Overall project cost exceeding $1,500,000.
(1) Regional Administrator, $500,000.
b. Overall project cost not exceeding $1,500,000.
(1) District Director, $500,000.
(2) Deputy District Director, $500,000.
(3) Assistant District Director for F&I, $500,000.
c. Overall project cost not exceeding $1,000,000.
(1) Chief, Financial Division, D/O, $500,000.

2. Part III, Section B is amended by retitling as indicated below:

Section B—Other 501, 502 and 503 Authority.

Dated: June 25, 1981.

Michael Cardenas,
Administrator.

[FR Doc. 81-19320 Filed 6-30-81: 8:45 am]
BILLING CODE 8025-01-M

13 CFR Part 107

Small Business Investment Companies; Leverage for Section 301(d) Licensees

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: It has been the Small Business Administration's policy to extend leverage to section 301(d) Licensees which invest in socially or economically small businesses in amounts up to 100 percent of each Licensee's private capital without regard to the Licensee's need therefor. All applications for leverage filed with SBA after the effective date of this regulation must be accompanied by evidence demonstrating to SBA's satisfaction the Liceness's need therefor.

DATE: This regulation is effective July 1, 1981.

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FOR FURTHER INFORMATION CONTACT:
Peter F. McNeish, Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 (202) 653–6846.

SUPPLEMENTARY INFORMATION:
Anticipated reductions in the funds available to SBA for the purchase of preferred stock and debentures issued by section 301(d) Licensees make it urgently necessary to insure that leverage funds remain available to be currently invested in disadvantaged small business concerns. SBA has determined that an excessive proportion of the capitalization (including leverage) of section 301(d) Licensees is now invested in otherwise eligible "idle funds" investments.

For the foregoing reason, and because this regulation will by its terms affect only those section 301(d) Licensees that have no present investment plans to justify their need for leverage funds, SBA hereby further determines that publication of this rule as a proposed regulation for the purpose of eliciting public comment is unnecessary and impractical. This regulation makes no change in SBA's practice with regard to section 301(c) Licensees, which are presently required to demonstrate a need before any leverage will be granted.

For the purposes of Executive Order 12291, effective February 17, 1981, SBA hereby certifies that this rule is not a "major rule", as defined by section 1(b) of the Executive Order. This rule will not have an annual effect on the economy of $100 million or more; nor will it result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographic regions, or significant adverse effects on competition, employment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

SBA further certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C 605(b), that this rule will not have a significant impact upon a substantial number of small entities.

Accordingly, Part 107, Chapter I of Title 13, Code of Federal Regulations is hereby amended by revising the last sentence of § 107.201(a)(2). As revised § 107.201 reads as follows:

§ 107.201 is revised to read as follows:

§ 107.201 Funds to licensee.

(a) *Application procedure*—(1) *General.* A Licensee may apply for Leverage pursuant to section 303(b) of the Act on SBA Form 416 (for purchase) or SBA Form 1022 (for guaranty) in accordance with accompanying instructions. Applications for Leverage must be accompanied by evidence demonstrating to SBA's satisfaction the need therefor. Prior to the extension of any Leverage, an Unincorporated Lincensee must also furnish SBA with a ruling by the Internal Revenue Service that it qualifies as a partnership for tax purposes, *Provided, however,* That where a delay in obtaining an IRS ruling would cause hardship to the Licensee, SBA may, pending receipt of such a ruling, make leverage funds available under interim financial arrangements which, in SBA's judgment, are satisfactory to protect SBA's creditor or guarantor position from an adverse IRS determination.

(2) *Section 301(d) Licensees.* A section 301(d) Lincensee may apply for Leverage pursuant to section 303(c) of the Act[4] on SBA Form 1022A (for purchase of preferred securities and debentures), on SBA Form 1022B (for exchange of debentures for preferred securities, subject to § 107.205(f)) or on SBA Form 1022 (for guaranty of debentures) in accordance with accompanying instructions.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 24, 1981.

Michael Cardenas,
Administrator.

[FR Doc. 81-19284 Filed 6-30-81; 8:45 am]
BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 4 and 140

Commodity Pool Operators—Amendment to Rule Governing Certain Prohibited Activities; Delegation of Authority; Final Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: On May 8, 1981 the Commodity Futures Trading Commission published revised Part 4 of its regulations, 17 CFR Part 4, which relates to the operations and activities of commodity pool operators ("CPOs") and commodity trading advisors. That revision added a new § 4.20, which prohibits a CPO from engaging in certain activities. The Commission is now amending § 4.20(a) to provide that the Commission, in appropriate cases, may exempt a corporate CPO from operating such corporation itself as a commodity pool. The Commission also is amending § 140.93 of its regulations by delegating to the Director of the Division of Trading and Markets, and to his designees, the authority to grant an exemption from certain of the prohibitions specified in § 4.20.

EFFECTIVE DATES: The amendments to § 4.20 and § 140.93 are effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Section 4.20: Prohibited Activities.

On May 8, 1981 the Commission published revisions to Part 4 of its regulations, 17 CFR Part 4, which relates to the operations and activities of CPOs and commodity trading advisors. *See* 46 FR 28004. Among other things, by those revisions the Commission adopted new rules that require a CPO to operate its pool as an entity cognizable as a legal entity separate from that of the pool operator, that require pool funds to be received in the pool's name, and that prohibit a CPO from commingling pool property with the property of any other person. (Sections 4.20(a), 4.20(b), and 4.20(c), respectively.) The purpose of these rules is to ensure the protection of pool participants.[1]

Subsequent to the issuance of the revisions to Part 4, the Commission has received several requests for an exemption from the provisions of § 4.20(a). These requests have been made by certain CPOs which are organized as corporations and for which there is no separate pool other than such corporation. Upon consideration of the information contained in the requests and the Commission's further deliberations concerning the rule, the Commission has determined to amend § 4.20 to provide for an exemption therefrom under certain specified conditions.

Specifically, the requirement that a CPO operate its pool as a separate legal entity continues to be specified in § 4.20(a)(1). Under new § 4.20(a)(2), however, the Commission may exempt a corporate CPO from that requirement where (i) the CPO represents that each participant will receive evidence of ownership in the corporation for its capital contributions thereto; [2] (ii) the CPO satisfactorily demonstrates that it has established controls to assure compliance with §§ 4.20(b) and 4.20(c); [3] and (iii) the Commission finds that granting the exemption would not be contrary to the public interest or to the purposes of § 4.20(a). The Commission believes that through the amendment the concerns of those CPOs that have requested an exemption from § 4.20 will be adequately addressed without sacrificing any protections essential to pool participants.

The amendment to § 4.20(a) will become effective July 1, 1981, which is the effective date of the revisions to Part 4. Since the amendment recognizes an exemption from a rule, the Commission finds that notice and opportunity for public comment called for by 5 U.S.C. 553 are unnecessary and that the amendment may become effective immediately upon publication.

II. Section 140.93: Delegation of Authority.

Concurrent with the issuance of the revisions to the Part 4 regulations, the Commission amended Part 140 of its regulations, 17 CFR Part 140, to provide a new § 140.93. This rule delegates to the Director of the Division of Trading and Markets, and to such members of the Commission's staff acting under his direction as he may designate, the authority to perform certain functions reserved to the Commission under Part 4. the Commission adopted § 140.93 because it found that these functions could be performed most efficiently and expeditiously by Commission staff. For the same reason, the Commission has amended § 140.93 to add to the authority delegated thereunder the authority to perform the functions reserved to the Commission under § 4.20(a). This new delegation is specified in § 140.93(a)(4).

Section 140.93(a)(4) will become effective July 1, 1981. The Commission finds that the rule relates solely to agency practice and procedure and, thus, that notice of proposed rulemaking and opportunity for public participation are not required and that the rule may become effective immediately upon publication. The foregoing findings are in accordance with the Administrative Procedure Act, 5 U.S.C. 553.

In adopting these rules, the Commission has taken into consideration the public interest to be protected by the antitrust laws ans has endeavored to take the lease anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

In consideration of the foregiong and pursuant to the authority contained in sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 885 *et seq.*, the Commission hereby amends § 4.20 and § 140.93 of Chapter 1 of 17 CFR.

1. Section 4.20 is amended by revising paragraph (a), to read as follows:

§ 4.20 Prohibited Activities.

(a) (1) Except as provided in paragraph (a)(2) of this section, a commodity pool operator must operate its pool as an entity cognizable as a legal entity separate from that of the pool operator.

(2) The Commission may exempt a corporation from the requirements of paragraph (a)(1) of this section if;

(i) The corporation represents in writing to the Commission that each participant in its pool will be issued stock or other evidences of ownership in the corporation for all funds, securities or other property that the participant contributes for the purchase of an ownership interest in the pool;

(ii) The corporation demonstrates to the satisfaction of the Commission that it has estabilshed procedures adequate to assure compliance with paragraphs (b) and (c) of this section; and

(iii) The Commission finds that the exemption is not contrary to the public interest and to the purposes of the provision from which the exemption is sought.

* * * * *

2. Section 140.93 is amended, by adding paragraph (a)(4), to read as follows:

§ 140.93 Delegation of Authority to the Director of the Division of Trading and Markets.

(a) The Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Director of the Division of Trading and Markets and to such members of the Commisison's staff acting under his direction as he may designate from time to time: * * *

(4) All functions reserved to the Commission in § 4.20(a) of this chapter.

* * * * *

Issued in Washington, D.C. on June 30, 1981 by the Commisison.

Jane K. Stuckey,
Secretary, Commodity Futures Trading Commission.

[FR Doc. 81-19803 Filed 6-30-81; 10:45 am]
BILLING CODE 6351-01-M

[1] In proposing § 4.20 the Commission stated:

The Commission, through investigations and enforcement proceedings, is aware of several instances in which the operation of a pool in a CPO's name and the commingling of pool property have resulted in abuses of customers' funds. Therefore, the proposed rules would prohibit a CPO from (engaging in such activities). 45 FR 51600, 51604 (August 4, 1980).

[2] By its terms, then, the exemption in § 4.20(a)(2) would not be available to all CPOs organized as a corporation. The Commission also wishes to note that the amendment in § 4.20(a)(2) in no way affects the requirements in § 4.20(a)(1) that a pool must be a legally cognizable entity.

[3] Because the adequacy of the procedures required by § 4.20(a)(2)(ii) depends on the particular fac'ts of each case, the Commission cannot specify without exception what such procedures should be. Moreover, such procedures might be required to be especially stringent where the corporation is not governed by all of its participants collectively because one participant or one limited group of participants has an equity interest sufficient to control, or who otherwise directly or indirectly, controls the corporation.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T.D. 7790]

Mortgage Subsidy Bonds; Temporary Income Tax Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary income tax regulations relating to the tax-exempt status of interest on mortgage subsidy bonds. Changes to the tax law were made by the Mortgage Subsidy Bond Tax Act of 1980. These regulations affect all purchasers and governmental issuers of tax-exempt housing bonds. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATE: These temporary regulations are effective for governmental obligations issued after April 24, 1979.

FOR FURTHER INFORMATION CONTACT:
Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to mortgage subsidy bonds under section 103A of the Internal Revenue Code of 1954, as added by sections 1100–1102 of the Omnibus Reconciliation Act of 1980 and amended by the Act of December 24, 1980, (Pub. L. 96–595, 94 Stat. 3467). Further, a new

Part 6a, Temporary Regulations under Title 11 of the Omnibus Reconciliation Act of 1980, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Section 103A(a) of the Internal Revenue Code of 1954 provides that a mortgage subsidy bond shall be treated as an obligation not described in section 103(a) (1) or (2). As such, the interest on a mortgage subsidy bond is not excludable from gross income. However, under section 103A(b)(2) a qualified mortgage bond and a qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond, and the interest thereon will not be included in gross income.

A mortgage subsidy bond is defined in § 6a.103A–1(b)(1) as any obligation which is issued as part of an issue a significant portion of the proceeds of which is to be used directly or indirectly to provide mortgages on owner-occupied residences. Section 6a.103A–1(b)(1)(ii) states that a significant portion is provided for mortgages if 5 percent or more of the proceeds are so used. Section 6a.103A–1(a)(5) requires that after December 31, 1981, all qualified mortgage bonds and qualified veterans' mortgage bonds must be issued in registered form. "In registered form" has the same meaning as in § 1.6049–2(d).

Qualified Mortgage Bond

Section 6a.103A–2(b)(1) defines a qualified mortgage bond as one or more obligations issued by a State or political subdivision as part of an issue all the proceeds of which (net of the cost of issuing the obligations and of proceeds invested in a reasonably required reserve fund) are to be used to finance owner-occupied residences and which satisfies all of the requirements of §§ 6a.103A–1 and 6a.103A–2.

Compliance

Pursuant to § 6a.103A–2(c)(1) an issue complies with the mortgage eligibility provisions (*i.e.*, the principal residence, the 3-year, the purchase price, the new mortgage, and the mortgage assumption requirements) if three requirements are met. First, under § 6a.103A–2(c)(1)(i) the issuer must make a good faith effort to satisfy all such requirements of section 103A before the mortgages were executed. Such effort requires that the issuer provide restrictions in all relevant documents that permit financing only in accordance with such requirements and that the issuer establish reasonable procedures to ensure such compliance. Second, pursuant to 6a.103A–2(c)(1)(ii) at least 95 percent of the proceeds of an issue devoted to owner financing must be placed in qualifying mortgages (at the time the mortgages are made). The 5 percent margin for nonqualifying mortgages protects the issuer from inadvertent error or mortgagor fraud. Third, where the good faith and 95 percent requirements are met, pursuant to § 6a.103A–2(c)(1)(iii) any failure to meet such requirements for mortgages comprising less than 5 percent of the proceeds devoted to owner financing must be corrected within a reasonable period after such failure is discovered.

Additionally, § 6a.103A–2(c)(2) requires that, in order for a qualified mortgage bond to meet the nonmortgage eligibility requirements (*i.e.*, the market limitation, arbitrage requirements, targeted area requirement, and registration requirement), the issuer must attempt in good faith to meet such requirements. Further, any failure to meet such requirements must be due to inadvertent error. Inadvertent error is illustrated in the regulations as mathematical error. An erroneous legal opinion is not an inadvertant error since the failure is not the result of an erroneous factual conclusion but is the result of an erroneous interpretation of the statute.

Qualified Home Improvement Loans

Qualified mortgage bond proceeds may be used to finance qualified home improvement loans. Such a loan must meet the requirements of § 1.103A–2 except for the 3-year and purchase price requirements. Section 6a.103A–2(b)(9) defines a qualified home improvement loan as the financing, whether or not secured by a mortgage, in an amount not exceeding $15,000, for alterations, repairs, or improvements on, or in connection with, an existing, single-family owner-occupied residence. Under § 6a.103A–3(f) home improvement loans in excess of $15,000 may be made with the proceeds of qualified veterans' mortgage bonds if such loans are made for the alteration, repair, or improvement of a residence by an owner thereof who is a veteran.

Where one of the owners of a residence had a present ownership interest in such residence when any prior home improvement loan was obtained, the amount of such prior loan is required to be taken into account in determining the $15,000 limit.

Qualified Rehabilitation Loans

Qualified mortgage bond proceeds also may be used to finance qualified rehabilitation loans. Such loans must meet the requirements of § 6a.103A–2 except for the 3-year and new mortgage requirements. Section 6a.103A–2(b)(10) defines a qualified rehabilitation as one where (1) the rehabilitated building is at least 20 years old, (2) 75 percent of the external walls are retained and (3) the rehabilitation expenditures account for 25 percent or more of the mortgagor's adjusted basis in the property.

Residence Requirement

Residences which may be financed with qualified mortgage and qualified veterans' mortgage bonds must be the principal residence of the mortgagor. The term "residence", according to § 6a.103A–2(d)(4), includes stock held by a tenant-stockholder in a cooperative housing corporation and factory-made houses which are permanently attached to real property. Section 6a.103A–2(d)(4) includes within the meaning of "residence" land that is appurtenant to a residence so long as such land reasonably maintains the basic livability of the residence. The term "residence" as defined by the regulations does not include property that is expected to be used in a trade or business, as an investment property, or as a recreational home.

Finally, § 6a.103A–1(b)(6) defines single-family and owner-occupied residences so as to include two-, three-, and four-family residences. However, one of such units must be occupied by the owner of the units, and the units must have been first occupied as a residence at least 5 years before the mortgage is executed.

A special rule set forth in § 6a.103A–2(d)(2) allows the issuer to accept an affidavit to satisfy the requirement of § 6a.103A–2(d)(1)(i) that the property the financing of which is provided by the proceeds of a qualified mortgage bond or a qualified veterans' mortgage is reasonably expected to be used as the mortgagor's principal residence.

Three Year Requirement

Section 6a.103A–2(e) prohibits the financing of residences where the mortgagor had a present ownership interest in a principal residence within the 3 years prior to such financing. However, § 6a.103A–2(e)(2) provides an exception to such requirement for qualified rehabilitation and home improvement loans and for financing provided for targeted area residences. The regulation provides that where there is more than one mortgagor with respect to a residence each mortgagor must meet this 3-year requirement.

Purchase Price

Section 6a.103A–2(f) requires that the acquisition cost of each residence, other than a targeted area residence, may not exceed 90 percent of the "average area purchase price" for a residence in such area. For a targeted area residence, the acquisition cost may not exceed 110 percent of such price. This requirement does not apply to qualified home improvement loans.

Section 6a.103A–2(f)(3) defines "average area purchase price" as the average price of a single-family residence in the statistical area in which such residence is located. Section 6a.103A–2(b)(7) defines statistical area as a standard metropolitan statistical area (SMSA) or any county which is not within an SMSA. A special rule is included in the regulations for Alaska and Louisiana which do not have counties. Section 6a.103A–2(f)(4)(ii) provides that average area purchase price must be determined separately with respect to new and used residences and residences with multiple units.

A safe harbor limitation is contemplated by the regulations. For each statistical area, the Treasury Department will publish a purchase price limitation. However, an issuer may use a limitation different from the published safe harbor limitation if such different limitation is based on more accurate and comprehensive data.

Market Limitation

Section 6a:103A–2(g) provides a ceiling for the amount of qualified mortgage bonds which may be issued within a State within a single calendar year. Section 6a.103A–2(g)(6) sets forth a formula for calculating such ceiling amounts. A minimum ceiling amount of $200,000,000 is provided for each State. A safe harbor limitation is contemplated in § 6a.103A–2(g)(6)(iii) and will be published by the Treasury Department on a yearly basis. In the event that an issuer makes a more accurate and comprehensive determination of such ceiling amount, the issuer is entitled to use such amount.

An allocation of the State market limitation among the issuers of each State is provided by § 6.103A–2(g). Such allocation may be changed by the governor of the State until such time as the State legislature meets and provides or fails to provide a different allocation. A reallocation by the governor or State legislature may not retroactively affect whether any outstanding bond issue complies or fails to comply with the requirements of § 6a.103A–2(g). A State may not directly or indirectly increase the State ceiling amount by providing a different allocation.

Targeted Areas

Under § 6a.103A–2(h) an issuer of qualified mortgage bonds must make a specified portion of the lendable proceeds of the issue available for owner financing of targeted area residences for a period of at least 1 year. Further, the issuer must attempt with reasonable diligence to place such portion in qualifying mortgages. The specified portion is the lesser of 20 percent of the lendable proceeds of an issue or 40 percent of the average annual aggregate principal amount of mortgages executed in targeted areas within the issuer's jurisdiction during the preceding 3 years. Section 6a.103A–2(h)(3) provides a safe harbor formula for determining the 40 percent market share amount, where such amount applies.

A targeted area residence is defined in § 6a.103A–2(b)(3) as a residence located in either a qualified census tract or an area of chronic economic distress. A "qualified census tract" is an area defined by the Bureau of the Census in which at least 70 percent of the families have an income that is 80 percent or less of the State-wide median family income. An "area of chronic economic distress" is an area designated by the State and approved by the Secretary of the Treasury and the Secretary of Housing and Urban Development as meeting certain criteria which are set forth in § 6a.103A–2(b)(5)(iii).

Arbitrage

In addition to meeting the requirements of section 103(c) and the regulations thereunder, an issue of qualified mortgage bonds must meet the arbitrage restrictions of section 103A(i) and § 6a.103A–2(i).

Section 6a.103A–2(i)(2) restricts the effective rate of interest on mortgages provided with the proceeds of a qualified mortgage bond to 1 percentage point over the yield on the issue of qualified mortgage bonds. The effective rate of interest is defined in § 6a.103A–2(i)(2)(ii) as taking into account all amounts borne by the mortgagor either directly or indirectly.

A convention is provided in § 6a.103A–2(i)(2)(ii)(E)(*1*) which allows regular monthly mortgage payments to be treated as received at the end of each semiannual debt service period. Such convention does not apply to prepayments of principal.

Section 6a.103A–2(i)(2)(iv) provides that in calculating the effective rate of interest on mortgages financed by bonds, the mortgage prepayment rate shall be based on the maturity experience table published by the Federal Housing Administration. For qualified home improvement loans or shorter term qualified rehabilitation loans, however, the prepayment rate shall be based upon the reasonable expectations of the issuer.

Further, pursuant to § 6a.103A–2(i)(2)(v), such calculation may take into consideration the projected net losses on the mortgage pool based on the issuer's most recent default experience. Where actual losses exceed such projected losses, moreover, arbitrage earned on nonmortgage assets may be used to recover such excess losses.

Pursuant to § 6a.103A–2(i)(2)(vi), yield on a qualified mortgage bond shall be calculated on the basis of issue price and the prepayment assumption described in § 6a.103A–2(i)(2)(iv). Issue price has the same meaning as described in section 1232(b)(2).

Section 6a.103A–2(i)(3) provides a maximum amount which may be invested in nonmortgage investments at an unrestricted yield during the term of the bonds. Such amount is equal to 150 percent of the debt service on the issue for the bond year. Further, such amount must be promptly and appropriately reduced as mortgages are repaid and actual monthly mortgage payments are reduced. Proceeds invested for certain temporary periods are excepted from the 150 percent rule.

Finally, § 6a.103A–2(i)(4)(i) requires that all arbitrage earned on nonmortgage investments be paid or credited to the mortgagors are rapidly as practicable. Section 6a.103A–2(i)(4)(v) provides that, in lieu of making rebates to the mortgagors, the issuer may elect to pay the arbitrage earned on nonmortgage investments to the United States. The election must be made before the bonds are issued. If the election is made, 90 percent of the cumulative arbitrage earnings must be paid to the United States at least once every 5 years. The balance of the arbitrage must be paid within 30 days after the redemption of the last obligation.

Section 6a.103A–2(i)(4)(iii) permits the payment of a limited amount of arbitrage earnings on nonmortgage investments to the issuer. The amount that can be paid to the issuer is the amount computed on the yield determination date which results in the effective rate of interest on mortgages being equal to 1 percentage point above the yield on the issue. This fixed dollar amount may be paid to the issuer at any time, but is not adjusted for the time of payment.

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Other Requirements

Section 6a.103A–2(j)(1) prohibits the use of the proceeds of qualified mortgage bonds to acquire or replace existing mortgages. All proceeds must be used to provide loans for new mortgages. An exception to this general rule allows for the refinancing of construction period loans, bridge loans, and, in the case of a qualified rehabilitation loan, an existing mortgage. Further, § 6a.103A–2(j)(3) provides that, in the event that a mortgage provided by such proceeds is assumed, the principal residence requirement, 3-year requirement, and purchase requirement must be met.

Qualified Veterans' Mortgage Bonds

Section 6a.103A–3(b) defines a qualified veterans' mortgage bond as an obligation substantially all of the proceeds of which are to be used to provide financing for single-family, owner-occupied residences for veterans. As in the case of qualified mortgage bonds, a residence must be the principal residence of the mortgagor. In addition to the requirements of § 6a.103A–1, the obligations must meet the requirements of § 6a.103A–2(d) and (j) (1) and (2) and must be general obligations. The term "veteran" has the same meaning as set forth in 38 U.S.C. 101(2).

A special rule set forth in § 1.103A–3(d) provides that if a residence is to be owned by a husband and wife and one spouse is a veteran then financing provided to both spouses satisfies the requirement that financing only be provided to veterans. Finally, the term "substantially all", as used in § 6a.103A–3, has the same meaning as set forth in § 1.103–8.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will not impose substantial new reporting or recordkeeping requirements.

Drafting Information

The principal author of these temporary regulations is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, a new Part 6a, Temporary Regulations under Title 11 of the Omnibus Reconciliation Act of 1980, is added to Title 26 of the Code of Federal Regulations. Part 6a reads as follows:

PART 6A—TEMPORARY REGULATIONS UNDER TITLE II OF THE OMNIBUS RECONCILIATION ACT OF 1980

Sec.

6a.103A–1 Interest on mortgage subsidy bonds.
6a.103A–2 Qualified Mortgage bond.
6a.103A–3 Qualified veterans' mortgage bonds.

Authority: Sec. 7805, Internal Revenue Code of 1954(68A Stat. 917; (26 U.S.C. 7805)).

§ 6a.103A–1 Interest on mortgage subsidy bonds.

(a) *In general*—(1) *Mortgage subsidy bond.* A mortgage subsidy bond shall be treated as an obligation not described in section 103 (a)(1) or (a)(2). Thus, the interest on a mortgage subsidy bond is includable in gross income and subject to Federal income taxation.

(2) *Exceptions.* Any qualified mortgage bond and any qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond. See § 6a.103A–2 with respect to requirements of qualified mortgage bonds and § 6a.103A–3 with respect to requirements of qualified veterans' mortgage bonds.

(3) *Additional requirement.* In addition to the requirements of § 6a.103A–2, § 1a.103A–3, and this section, qualified mortgage bonds and qualified veterans' mortgage bonds shall be subject to the requirements of section 103(c) and the regulations thereunder.

(4) *Advance refunding.* On or after December 5, 1980, no tax-exempt obligation may be issued for the advance refunding of a mortgage subsidy bond (determined without regard to section 103A(b)(2) or § 6a.103A–1(a)(2)). An obligation issued for the refunding of a mortgage subsidy bond will be considered to be an advance refunding obligation if it is issued more than 180 days before the prior issue is discharged.

(5) *Registration.* Any obligation that is part of a qualified mortgage bond issue or qualified veterans' mortgage bond issue and which is issued after December 31, 1961, must be in registered form. The term "in registered form" has the same meaning as in § 1.6049–2(d). Thus, in general, an obligation is issued in registered form if it is registered as to both principal and interest and if its transfer must be effected by the surrender of the old instrument to the issuer and by either the reissuance of the old instrument to a new holder or the issuance of a new instrument to a new holder.

(b) *Definitions.* For purposes of § 6a.103A–2, § 6a.103A–3, and this section the following definitions apply:

(1) *Mortgage subsidy bond.* (i) The term "mortgage subsidy bond" means any obligation which is issued as part of an issue a significant portion of the proceeds of which is to be used directly or indirectly to provide mortgages on owner-occupied residences.

(ii) For purposes of subdivision (i), a significant portion of the proceeds of an issue is used to provide mortgages if 5 percent or more of the proceeds are so used.

(2) *Mortgage.* The term "mortgage" includes deeds of trust, conditional sales contracts, pledges, agreements to hold title in escrow, and any other form of owner financing.

(3) *Bond.* The term "bond" means any obligation. The term "obligation" means any evidence of indebtedness.

(4) *State.* (i) The term "State" includes a possession of the United States and the District of Columbia.

(ii) For purposes of subdivision (i), obligations issued by or on behalf of any State or local governmental unit by constituted authorities impowered to issue such obligations are the obligations of such governmental unit. See § 1.103–1(b).

(5) *Proceeds.* The term "proceeds" includes original proceeds and investment proceeds. The terms "original proceeds" and "investment proceeds" shall have the same meaning as in § 1.103–13(b)(2). Unless otherwise provided in § 6a.103A–2 or this section, however, amounts earned from the investment of proceeds which are derived from qualified mortgage bonds in nonmortgage investments may not be commingled for the purposes of accounting for expenditures with other non-bond amounts, and such proceeds are investment proceeds even though not treated as investment proceeds for purposes of section 103(c). Repayments of principal or mortgages shall be treated as proceeds of an issue. Amounts (such as State appropriations or surplus funds) which are provided by the issuer or a private lender in conjunction with a qualified mortgage bond or a qualified veterans' mortgage bond shall not treated as proceeds of a mortgage subsidy bond under this section. Such amounts may be treated as proceeds of the issue pursuant to section 103(c).

(6) *Single-family and owner-occupied residences.* Except for purposes of § 6a.103A–2 (g) and (h)(2)(ii), the terms "single-family" and "owner-occupied," when used with respect to residences, include two-, three-, and four-family residences—

(i) One unit of which is occupied by the owner of the units, and

(ii) Which were first occupied as a residence at least 5 years before the mortgage is executed.

§ 6a.103A–1 Qualified mortgage bond.

(a) *In general*—(1) *Qualified mortgage bond.* A qualified mortgage bond shall not be treated as a mortgage subsidy bond, and the interest on a qualified mortgage bond will be exempt from Federal income taxation.

(2) *Termination date.* No obligation issued after December 31, 1983, shall be treated as part of a qualified mortgage bond issue.

(b) *Definitions and special rules.* For purposes of this section and § 6a.103A–1, the following definitions apply:

(1) *Qualified mortgage bond.* The term "qualified mortgage bond" means one or more obligations issued by a State or any political subdivision thereof (hereinafter referred to as "governmental unit") as part of an issue—

(i) All of the original proceeds of which, net of the costs of issuing the obligations and proceeds invested in a reasonably required reserve fund (such net amount hereinafter in this section referred to as "lendable proceeds"), are to be used to finance owner-occupied residences, and

(ii) Which meets each of the requirements of § 6a.103A–1 and this section.

A qualified mortgage bond does not include any bond that is an industrial development bond under section 103(b).

(2) *Constitutional home rule city.* The term "constitutional home rule city" means, with respect to any calendar year, any political subdivision of a State which, under a State constitution which was adopted in 1970 and effective on July 1, 1971, had home rule powers on the 1st day of the calendar year.

(3) *Targeted area residence.* The term "targeted area residence" means a residence in an area which is either—

(i) A qualified census tract, or

(ii) An area of chronic economic distress.

(4) *Qualified census tract.* (i) The term "qualified census tract" means a census tract in which 70 percent or more of the families have an income which is 80 percent or less of the State-wide median family income.

(ii) The determination under subdivision (i) shall be made on the basis of the most recent decennial census for which data are available. With respect to any particular bond issue, such determination may be based upon the decennial census data available 3 months prior to the date of issuance and shall not be affected by official changes to such data during or after such 3-month period.

(iii) The term "census tract" means a census tract as defined by the Secretary of Commerce.

(5) *Areas of chronic economic distress.* (i) The term "area of chronic economic distress" means an area designated by a State as meeting the standards established by that State for purposes of this subparagraph and approved by the Secretary and by the Secretary of Housing and Urban Development in accordance with the criteria set forth in (iii) of this subparagraph A State may withdraw such designation at any time, with reasonable cause. Such withdrawal shall be effective upon notification by the State to the Assistant Secretary for Housing/Federal Housing Commissioner of the Department of Housing and Urban Development. Such withdrawal shall not affect the tax-exempt status of any outstanding issue of obligations.

(ii) For purposes of making a designation under this subparagraph, withdrawing a designation, or making any other submission, "State" means the governor of a State, or a State official commissioned by the governor or by State statute for such purposes.

(iii) The following criteria will be used in evaluating a proposed designation of an area of chronic economic distress:

(A) The condition of the housing stock, including the age of the housing and the number of abandoned and substandard residential units. Data pertinent to this criterion include the number and percentage of housing units that were constructed prior to 1940, the average age of the housing stock, the number and percentage of abandoned housing units, and the number and percentage of substandard residential units.

(B) The need of area residents for owner financing under a qualified mortgage bond issue as indicated by low per capita income, a high percentage of families in poverty, a high number of welfare recipients, and high unemployment rates. Data pertinent to this criterion include the per capita income of the population in the area, the number and percentage of families eligible to receive food stamps from a program pursuant to 7 U.S.C. 2011, the number and percentage of families eligible to receive payments under the Aid to Families with Dependent Children program, and the unemployment rate.

(C) The potential for use of owner financing under a qualified mortgage bond issue to improve housing conditions in the area. Data pertinent to this criterion include the number and percentage of owner-occupied homes that are substandard, the number and percentage of families that are low- or moderate-income renters, and the number and percentage of substandard units in the area that will be improved through the use of owner financing provided by the proceeds of a qualified mortgage bond issue.

(D) The existence of a housing assistance plan which provides a displacement program and a public improvements and services program (similar to the Housing Assistance Plan (HAP) required by the Department of Housing and Urban Development under the Community Development Block Grant program (42 U.S.C. section 5301 *et seq.*)).

For purposes of giving appropriate weight to these criteria within a State, the population in all areas of chronic economic distress may not exceed 20 percent of the total population of the State, excluding the population in qualified census tracts. This determination shall be based upon the most recent data availabe. The certification described in subdivision (iv)(C) shall satisfy the criteria set forth in subdivisions (C) and (D). A certification described in (iv)(D) shall satisfy the criteria set forth in subdivisions (A) and (B): *Provided,* That the majority of the households in the proposed area have incomes less than 80 percent of the median income for the standard metropolitan statistical area (SMSA) in which the proposed area is located or, if the proposed area is not within a SMSA, less than 80 percent of the median income for the State.

(iv) A proposal by the State that an area be approved as an area of chronic economic distress shall contain the following information:

(A) A description of the proposed area by its geographical limits.

(B) Maps of the State and of areas within the State that are qualified census tracts and existing or proposed areas of chronic economic distress.

(C) Where applicable, a certification of the local Area Manager of the Department of Housing and Urban Development in which the proposed area is located that the proposed area is a Neighborhood Strategy Area (NSA) under 24 CFR 570.301(c) promulgated

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pursuant to the Community Development Block Grant program or an area comparable to a NSA which has been reviewed and approved by the Area Manager as meeting the standards for an NSA.

(D) Where applicable, a certification from the HUD Area Manager with jurisdiction over the proposed area that the proposed area is within a geographic area which has been declared eligible for grants under the Urban Development Action Grant Program, Pursuant to 24 CFR 570.452, by the Secretary of Housing and Urban Development.

(E) Statistical and descriptive information pertinent to the criteria enumerated in subdivision (iii) of this subparagraph, and a succinct statement of how the information furnished satisfies those criteria. Such statistical information shall be based upon the most recent data available.

(F) If the State so desires, a written request for a conference prior to any adverse decision on the proposed designation.

(G) A certification by the Governor or designated official that the proposed designation conforms to these regulations.

(v) The proposed designation and the information furnished with it as required by subdivision (iv) of this subparagraph shall be submitted in triplicate to the Assistant Secretary for Housing/Federal Housing Commissioner of the Department of Housing and Urban Development (Attention: Office of State Agency and Bond Financed Programs, Rm. 6138, 451 7th Street, SW., Washington, D.C. 20410).

(vi) Only those areas of chronic economic distress that have been previously designated by the State and approved in accordance with this subparagraph at least 3 months prior to the date of issuance need to be taken into account for any particular bond issue.

(6) *Standard metropolitan statistical area.* A standard metropolitan statistical area ("SMSA") is an area in and around a city of 50,000 inhabitants or more (or equivalent area) and defined by the Secretary of Commerce as an SMSA.

(7) *Statistical area.* The term "statistical area" means—

(i) An SMSA,

(ii) Any county (or portion thereof) which is not within an SMSA, or

(iii) If there is insufficient recent statistical information with respect to a county (or portion thereof) described in subdivision (ii) of this subparagraph, such other area as may be designated by the Commissioner, upon proper application, as a substitute for such county (or portion thereof). For purposes of subdivisions (ii) and (iii) of this subparagraph, in Alaska, the entire State, and in Louisiana, a parish, shall be treated in a manner similar to a county.

(8) *Acquisition cost.* (i) The term "acquisition cost" means the cost of acquiring a residence from the seller as a completed residential unit. Acquisition cost includes the following:

(A) All amounts paid, either in cash or in kind, by the purchaser (or a related party or for the benefit of the purchaser) to the seller (or a related party or for the benefit of the seller) as consideration for the residence.

(B) If a residence is incomplete, the reasonable cost of completing the residence whether or not the cost of completing construction is to be financed with bond proceeds. For example, where a mortgagor purchases a building which is so incomplete that occupancy of the building is not permitted under local law, the acquisition cost includes the cost of completing the building so that occupancy of the building is permitted.

(C) Where a residence is purchased subject to a ground rent, the capitalized value of the ground rent. Such value shall be calculated using a discount rate equal to the yield on the issue (as defined in § 6a.103A–2(i)(2)(vi)).

(ii) The term "acquisition cost" does not include the following:

(A) The usual and reasonable settlement or financing costs. Settlement costs include titling and transfer costs, title insurance, survey fees, or other similar costs. Financing costs include credit reference fees, legal fees, appraisal expenses, "points" which are paid by the buyer (but not the seller, even though borne by the mortgagor through a higher purchase price) or other costs of financing the residence. However, such amounts will be excluded in determining acquisition cost only to the extent that the amounts do not exceed the usual and reasonable costs which would be paid by the buyer where financing is not provided through a qualified mortgage bond issue. For example, if the purchaser agrees to pay to the seller more than a pro rata share of property taxes, such excess shall be treated as part of the acquisition cost of a residence.

(B) The value of services performed by the mortgagor or members of the mortgagor's family in completing the residence. For purposes of the preceding sentence, the family of an individual shall include only the individual's brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants. For example, where the mortgagor builds a home alone or with the help of family members, the acquisition cost includes the cost of materials provided and work performed by subcontractors (whether or not related to the mortgagor) but does not include the imputed cost of any labor actually performed by the mortgagor or a member of the mortgagor's family in constructing the residence. Similarly, where the mortgagor purchases an incomplete residence the acquisition cost includes the cost of material and labor paid by the mortgagor to complete the residence but does not include the imputed value of the mortgagor's labor or the labor of the mortgagor's family in completing the residence.

(C) The cost of land which has been owned by the mortgagor for at least 2 years prior to the date on which construction of the residence begins.

(iii) The following examples illustrate the provisions of subparagraph (8):

Example (1). A contracts with B, a builder of single-family residences, for the purchase of a residence. Under the terms of the contract, B will deliver a residential unit to A that contains an uncompleted recreation room and an unfinished third floor and which lacks a garage. Normally, a completed recreation room, a finished third floor and a garage are provided as part of the residence built by B. The contract price for the residence is $58,000. At the same time, A contracts with C, an affiliate of B, to complete the recreation room and third floor and to construct the garage for a contract price of $10,000. C will perform this work after A receives title to the unit from B. Under § 6a.103A–2(b)(8)(i)(A), the acquisition cost of A's completed residential unit is $68,000, which represents the contract price of the residence plus the cost of completion of the recreation room and third floor and construction of the garage.

Example (2). E owns a single-family residence which E has listed for sale. D contracts to purchase E's residence, and the contract provides for a selling price of $30,000. D also agrees to pay an unsecured debt in the amount of $5,000, which E owes to X, a local bank. D further agrees to purchase from E the refrigerator, stove, washer, and dryer located in E's residence for $500. Such amount is equal to the fair market value of such personalty. D also agrees to purchase the light fixtures, curtain rods, and wall-to-wall carpeting for a fair market value price of $700. Under § 6a.103A–2(b)(8)(i)(A), the acquisition cost of D's completed residential unit is $35,700. Such amount includes the $5,000 unsecured debt paid off by D. The $500 paid for the refrigerator, stove, washer, and dryer are not included because such items are not included within the definition of a residence under § 6a.103A–2(d)(4). Such definition does include, however, the light fixtures, curtain rods, and wall-to-wall carpeting purchased by D.

Example (3). F contracts with G to purchase G's home for $40,000. After purchasing the residence, F pays a party unrelated to G $3,000 for painting, minor repairs, and refinishing the floors. Under § 6a.103A–2(b)(8)(i)(A), the acquisition cost of the residence is $40,000. Such fix-up expenses are not treated as part of the acquisition costs. If G had incurred such fix-up expenses, however, F may not reduce his acquisition cost of the residence by such amounts.

(9) *Qualified home improvement loan.* (i) The term "qualified home improvement loan" means the financing (whether or not secured by a mortgage), in an amount which does not exceed $15,000 with respect to any residence, of alterations, repairs, and improvements on, or in connection with, an existing single-family, owner-occupied residence by the owner thereof, but only if such items substantially protect or improve the basic livability or energy efficiency of the residence.

(ii) Alterations, repairs, or improvements that satisfy the requirement of subdivision (i) of this subparagraph include the renovation of plumbing or electric systems, the installation of improved heating or air conditioning systems, the addition of living space, or the renovation of a kitchen area. Items that will not be considered to substantially protect or improve the basic livability of the residence include swimming pools, tennis courts, saunas, or other recreational or entertainment facilities.

(iii) If—

(A) Two or more qualified home improvement loans are provided for the same residence, whether or not by the same lender, and

(B) Any person who had a present ownership interest in such residence at the time the previous qualified home improvement loan or loans were made has a present ownership interest in the residence at the time the subsequent qualified home improvement loan is made,

then the allowable amount of the subsequent qualified home improvement loan shall be reduced by the amount, at origination, of any previous qualified home improvement loan, so that the sum of such loans does not exceed $15,000.

(iv) The following example illustrates the provisions of subparagraph (9):

Example. A and B jointly own a residence located in Town M. They obtain a qualified home improvement loan for $10,000 from Town M. A acquires B's interest in the residence. A applies to State X for a qualified home improvement loan. The maximum amount of a qualified home improvement loan which may be made by State X is $5,000, the amount that when added to the $10,000 previous loan from Town M does not exceed $15,000.

(10) *Qualified rehabilitation loans.* (i) The term "qualified rehabilitation loan" means any owner financing provided in connection with—

(A) A qualified rehabilitation, or

(B) The acquisition of a residence with respect to which there has been a qualified rehabilitation,

but only if the mortgagor to whom such financing is provided is the first resident of the residence after completion of the rehabilitation. Where there are two or more mortgagors of a rehabilitation loan, the first residency requirement is met if any of the mortgagors meets the first residency requirement.

(ii) The term "qualified rehabilitation" means any rehabilitation of a residence if—

(A) There is a period of at least 20 years between the date on which the building was first used and the date on which physical work on such rehabilitation begins,

(B) 75 percent or more of the existing external walls of such building are retained in place as external walls in the rehabilitation process, and

(C) The expenditures for such rehabilitation are 25 percent or more of the mortgagor's adjusted basis in the residence (including the land on which the residence is located).

(iii) For purposes of (A) and (B), the rules applicable to the investment tax credit for qualified rehabilitated buildings under section 48(g)(1) (A)(iii) and (B) shall apply. However, unlike section 48(g)(1)(B), once a building meets the 20-year test, more than one rehabilitation of that building within a 20-year period may qualify as a qualified rehabilitation.

(iv) The adjusted basis to the mortgagor is the mortgagor's adjusted basis for purposes of determining gain or loss on the sale or exchange of a capital asset (as defined in section 1221). The mortgagor's adjusted basis shall be determined as of the date of completion of the rehabilitation, or, if later, the date the mortgagor acquires the residence, *i.e.*, the date on which the mortgagor includes in basis any amounts expended for rehabilitation that are expended for capital assets.

(v) The amounts expended by the mortgagor for rehabilitation include all amounts expended for rehabilitation regardless of whether the amounts expended were financed from the proceeds of the loan or from other sources, and regardless of whether the expenditure is a capital expenditure, so long as the expenditure is made during the rehabilitation of the residence and is reasonably related to the rehabilitation of the residence. The value of services performed by the mortgagor or members of the mortgagor's family (as used in § 6a.103A–2(b)(8)(ii)(B)) in rehabilitating the residence will not be included in determining the rehabilitation expenditures for purposes of the 25-percent test.

(vi) Where a mortgagor purchases a residence that has been substantially rehabilitated, the 25-percent test is determined by comparing the total expenditures made by the seller for the rehabilitation of the residence with the acquisition cost of the residence to the mortgagor. The total expenditures made by the seller for rehabilitation do not include the cost of acquiring the building or land but do include all amounts directly expended by the seller in rehabilitating the building (excluding overhead and other indirect charges).

(c) *Good faith compliance efforts*—(1) *Mortgage eligibility requirements.* An issue of qualified mortgage bonds which fails to meet one or more of the requirements of paragraphs (d), (e), (f), and (j) of this section shall be treated as meeting such requirements if each of the following provisions is met.

(i) The issuer in good faith attempted to meet all such requirements before the mortgages were executed. Good faith requires that the trust indenture, participation agreements with loan originators, and other relevant instruments contain restrictions that permit the financing of mortgages only in accordance with such requirements. In addition, the issuer must establish reasonable procedures to ensure compliance with such requirements. Such procedures include reasonable investigations by the issuer or its agent to determine that the mortgages satisfy such requirements.

(ii) Ninety-five percent or more of the lendable proceeds (as defined in § 6a.103A–2(b)(1)) that were devoted to owner financing were devoted to residences with respect to which, at the time the mortgages were executed or assumed, all such requirements were met. Where a particular mortgage fails to meet more than one of these requirements, the amount of the mortgage will be taken into account only once in determining whether the 95-percent requirement is met. However, all of the defects in that mortgage must be corrected pursuant to subdivision (iii).

(iii) Any failure to meet such requirements is corrected within a reasonable period after such failure is discovered. For example, where a mortgage fails to meet one or more of such requirements those failures can be corrected by calling the nonqualifying mortgage or by replacing the

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nonqualifying mortgage with a qualifying mortgage.

(iv) *Examples.* The following examples illustrate the application of this subparagraph (1):

Example (1). State X issues obligations to be used to provide mortgages for owner-occupied residences. X contracts with bank M to originate and service the mortgages. The trust indenture and participation agreement require that the mortgagor meet the mortgage eligibility requirements referred to in paragraph (c)(1). In addition, pursuant to procedures established by X, M obtains a signed affidavit from each applicant that the applicant intends to occupy the property as his or her principal residence within 60 days after the final closing and thereafter to maintain the property as his or her principal residence. Also in accordance with X's procedures, M obtains from each applicant a signed affidavit as to facts that are sufficient for M to determine whether the residence is located within X's jurisdiction and that the 3-year, the purchase price, and the new mortgage requirements have been met. M follows up by independently investigating the accuracy of those facts. Further, the mortgage instrument provides that the mortgage may not be assumed by another person unless X determines that the principal residence, 3-year, and purchase price requirements are met at the time of the assumption. These facts are sufficient evidence of the good faith of the issuer and meet the requirements of paragraph (c)(1)(i).

Example (2). State Y issues obligations to be used to provide mortgages for owner-occupied residences. Y contracts with bank N to originate and service the mortgages. The trust indenture and participation agreement require that the mortgagor certify compliance with the requirements referred to in paragraph (c)(1). By itself, this certification is not sufficient evidence of the good faith of the issuer to meet the requirements referred to in paragraph (c)(1).

Example (3). The facts are the same as in Example 1, except that M discovers through a verification procedure required by X that, at the time of closing, A fraudulently executed the residency affidavit. Instead of occupying the propery as a principal residence, A leased the property to B for one year. A did not use the property as his residence during the lease term. Thus, at the time that A's mortgage was executed the residence failed to meet the requirements of paragraph (d) of this section.

More than 95 percent of the lendable proceeds of the issue were devoted to residences which met all the requirements referred to in paragraph (c)(1) at the time the mortgages were executed. Furthermore, pursuant to a provision in the mortgage instrument M called the loan. Any failures with respect to other mortgages are corrected by M. Based on these facts, the issue meets the requirements of subparagraph (c)(1).

(2) *Nonmortgage eligibility requirements.* An issue of qualified mortgage bonds which fails to meet one or more of the requirements of paragraphs (g), (h), and (i) of this section and § 1.103A–1(a)(5) shall be treated as meeting such requirements if each of the following provisions is met.

(i) The issuer in good faith attempted to meet all such requirements. This good faith requirement will be met if all reasonable steps are taken by the issuer to ensure that the issue complies with these requirements.

(ii) Any failure to meet such requirements is due to inadvertent error, *e.g.*, mathematical error, after taking reasonable steps to comply with such requirements.

(iii) The following examples illustrate the application of this subparagraph (2):

Example (1). City X issues obligations to finance owner-occupied residences. However, despite taking all reasonable steps to determine accurately the size of the market share limitation, as provided in paragraph (g)(3), the limit is exceeded because the amount of the mortgages originated in the area during the past 3 years is incorrectly computed as a result of mathematical error. Such facts are sufficient evidence of the good faith of the issuer to meet the requirements of paragraph (c)(2).

Example (2). City Y issues $25 million of bonds to finance single-family, owner-occupied homes. Attorney A gives an opinion that the bonds satisfy the arbitrage requirements of § 6a.103A–2(i) and § 6a.103A–1(a)(3). In fact, however, the legal conclusion reached by A is erroneous, and the bonds do not meet the requirements of § 6a.103A–2(i). The issue does not meet the requirements of subparagraph (c)(2) because the erroneous opinion does not constitute inadvertent error.

(d) *Residence requirements*—(1) *In general.* An issue meets the requirements of this paragraph only if all of the residences for which owner financing is provided under the issue meet the requirements of this paragraph. A residence meets the requirements of this paragraph only if—

(i) It is a single-family residence (as defined in § 6a.103A–1(b)(6)) which, at the time the mortgage is executed or assumed, can reasonably be expected by the issuer to become the principal residence of the mortgagor within a reasonable time after the financing is provided; and

(ii) It is located within the jurisdiction of the authority issuing the obligation.

(2) *Affidavit.* The requirements of subparagraph (1)(i) of this paragraph may normally be met if the mortgagor executes an affidavit of his intent to use the residence as his principal residence within a reasonable time (*e.g.*, 60 days) after the financing is provided.

(3) *Principal residence.* Whether a residence is used as a principal residence depends upon all the facts and circumstances of each case, including the good faith of the mortgagor. Except for certain owner-occupied residences described in paragraph (b)(6) of § 1.103A–1, a residence which can reasonably be expected to be used in a trade or business, as an investment property, or as a recreational home does not satisfy the requirements of this subparagraph.

(4) *Residence.* (i) The term "residence" includes stock held by a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216(b) (1) and (2)). It does not include property such as an appliance, a piece of furniture, a radio, *etc.*, which, under applicable local law, is not a fixture. The term also includes factory-made housing which is permanently fixed to real property. The determination of whether factory-made housing is permanently fixed to real property shall be made on the basis of the facts and circumstances of each particular case.

(ii) *Land.* Land appurtenant to a residence shall be considered as part of the residence only if such land reasonably maintains the basic livability of the residence and does not provide, other than incidentally, a source of income to the mortgagor.

(5) *Examples.* The following examples illustrate the application of this paragraph (d):

Example (1). A contracts to purchase a new residence from B. Since B is unable to move from the residence until 1 month after the scheduled closing date, A agrees to lease the residence to B for 1 month at a rent equal to the fair rental value. A applies for a mortgage to be provided from the proceeds of a qualified mortgage bond. In light of all the facts and circumstances in the case, the fact that A temporarily leases the residence to B does not prevent the residence from being considered as property that can reasonably be expected to be used as A's principal residence within a reasonable period of time after financing is provided.

Example (2). C contracts to purchase a new residence located on 2 acres of land in city X. City X has a zoning regulation which prevents the subdividing of any lot in that part of the city for use as a private residence into parcels of less than 3 acres. In light of all the facts and circumstances in the case, the fact that the residence is located on 2 acres of land appurtenant to the residence does not prevent the entire property from being considered as property to be used by C as a residence.

Example (3). D contracts to purchase a new residence located on 40 acres of land that D intends to farm. Any financing provided for the purchase of that portion of the property intended to be farmed will not be considered as financing provided for an owner-occupied residence.

(e) *3-year requirement*—(1) *In general.* An issue meets the requirements of this paragraph only if each of the mortgagors to whom owner financing is provided under the issue meets the requirements of this paragraph. A mortgagor meets the requirements of this paragraph only if the mortgagor had no present ownership interest in a principal residence at any time during the 3-year period prior to the date on which the mortgage is executed. For purposes of the preceding sentence, the mortgagor's interest in the residence with respect to which the financing is being provided shall not be taken into account.

(2) *Exceptions.* Subparagraph (1) shall not apply with respect to—

(i) Any financing provided with respect to a targeted area residence (as defined in § 6a.103A–2(b)(3)),

(ii) Any qualified home improvement loan (as defined in § 6a103A–2(b)(9)), and

(iii) Any qualified rehabilitation loan (as defined in § 6a103A–2(b)(10)), and

(3) *Multiple mortgagors.* In the event that there is more than one mortgagor with respect to a particular residence, each of such mortgagors must meet the 3-year requirement. A person who is liable under a note secured by the mortgage but who does not have a present ownership interest in a residence subject to the mortgage need not meet the 3-year requirement. For example, where a parent of a home purchaser cosigns the note for a child but the parent takes no interest in the residence, it is not necessary that the parent meet the 3-year requirement since the parent is not a mortgagor of the residence.

(4) *Included interests.* Examples of interests which constitute present ownership interests are the following:

(i) A fee simple interest;

(ii) A joint tenancy, a tenacy in common, or tenancy by the entirety;

(iii) The interest of a tenant-shareholder in a cooperative;

(iv) A life estate;

(v) A land contract (*i.e.*, a contract pursuant to which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time); and

(vi) An interest held in trust for the mortgagor (whether or not created by the mortgagor) that would constitute a present ownership interest if held directly by the mortgagor.

(5) *Excluded interests.* Examples of interests which do not constitute present ownership interests are the following:

(i) A remainder interest;

(ii) A lease with or without an option to purchase;

(iii) A mere expectancy to inherit an interest in a principal residence;

(iv) The interest that a purchaser of a residence acquires on the execution of a purchase contract; and

(v) An interest in other than a principal residence during the previous 3 years.

(f) *Purchase price requirements*—(1) *In general.* An issue meets the requirements of this paragraph only if the acquisition cost (as defined in § 6a.103A–2(b)(8)) of each residence, other than a targeted area residence, for which owner financing is provided does not exceed 90 percent of the average area purchase price applicable to such residence. In the case of a targeted area residence (as defined in § 6a.103A–2(b)(3)), the acquistion cost may not exceed 110 percent of the average area purchase price applicable to such residence.

(2) *Exception.* Paragraph (1) shall not apply with respect to any qualified home improvement loan (as defined in § 6a.103A–2(b)(9)).

(3) *Average area purchase price.* The term "average area purchase price" means, with respect to any residence, the average purchase price of all single-family residences in the statistical area (as defined in § 6a.103A–2(b)(7)) in which the residence being financed is located for the most recent 12-month period for which sufficient statistical information is available. The determination whether a particular residence meets the purchase price requirement shall be made as of the date on which the commitment to provide the financing is made or, if earlier, the date of purchase of the residence.

(4) *Special rules.* (i) In the case of a qualified rehabilitation loan, the requirements of this paragraph are met if the mortgagor's adjusted basis in the property as of the completion of the rehabilitation (including the cost of the rehabilitation) meets the requirements of paragraph (f)(1). For this purpose, a rehabilitated residence is to be treated as a residence which has been previously occupied.

(ii) The determination of average area purchase price shall be made separately with respect to—

(A) Residences which have not been previously occupied;

(B) Residences which have been previously occupied; and

(C) One-family, two-family, three-family, and four-family residences.

(5) *Safe harbor limitation.* (i) For purposes of meeting the requirements of this paragraph, an issuer may rely upon average area purchase price limitations published by the Treasury Department for the statistical area in which a residence is located. These safe harbor limitations will be effective for the period stated at the time of publication. An issuer may use a limitation different from such safe harbor limitation for any statistical area (as defined in § 6a.103A–2(b)(7)) for which the issuer has more accurate and comprehensive data.

(ii) The following example illustrates the application of subparagraph (5)(i):

Example. The average area purchase price safe harbor limitation for new single-family residences published by the Treasury Department for the second half of 1981 for the jurisdiction of governmental unit X is $41,500. However, on July 1, 1981, X determines that its average area purchase price for new single-family residences is actually $43,000. Such determination is based on a comprehensive survey of residential housing sales in the jurisdiction over the previous calendar year. The data accumulated are based on records maintained by the county clerk's office in X's jurisdiction, which enables X to compute average area purchase prices separately for new and used residences and for one-, two-, three-, and four-family residences. X cannot reasonably update such data more often than once a year. X may use average area purchase prices computed from these data for mortgages made from July 1, 1981, through June 30, 1982, rather than the safe harbor published by the Treasury Department.

(g) *Limitation on aggregate amount of qualified mortgage bonds issued during any calendar year*—(1) *In general.* An issue meets the requirements of this section only if the aggregate amount of bonds issued pursuant thereto, when added to the aggregate amount of qualified mortgage bonds previously issued by the issuing authority during the calendar year, does not exceed the applicable limit for such authority for such calendar year. Such combined aggregate amount is the issuing authority's "market limitation" for the calendar year.

(2) *State housing finance agency.* Except as provided in paragraph (g)(4) of this section, the market limitation for any State housing finance agency for any calendar year shall be 50 percent of the State ceiling for such year. For purposes of the preceding sentence, if any State has more than one housing finance agency all such agencies shall be treated as a single agency.

(3) *Other issuers.* Except as provided in paragraph (g)(4), the market limitation for any issuing authority (other than a State housing finance agency) for any calendar year is an amount equal to that authority's proportionate share of 50 percent of the State ceiling amount for such calendar year. The proportionate share is an amount which bears the same ratio to 50 percent of the State ceiling for such year as—

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(i) The average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences located within the jurisdiction of such issuing authority, bears to

(ii) An average determined in the same way for the entire State.

(4) *Constitutional home rule city.* (i) In determining the market limitation for any constitutional home rule city (as defined in paragraph (b)(2) of this section), subparagraph (3) shall be applied by substituting "100 percent" for "50 percent."

(ii) In a State with one or more constitutional home rule cities, in computing the market limitation for issuers other than constitutional home rule cities, the State ceiling amount for any calendar year shall be reduced by the aggregate market limitation for such year for all constitutional home rule cities in the State.

(5) *Overlapping jurisdictions.* (i) For purposes of subparagraph (3) of this paragraph, if an area is within the jurisdiction of two or more governmental units, such area shall be treated as only within the jurisdiction of the unit having jurisdiction over the smallest geographical area. However, the governmental unit with jurisdiction over the smallest geographical area may enter into a written agreement to allocate all or a designated portion of such overlapping area to the governmental unit having jurisdiction over the next smallest geographical area.

(ii) Where two governmental units have authority to issue mortgage subsidy bonds and both governmental units have jurisdiction over the identical geographical area, the aggregate principal amount of mortgages on residences located within that area shall be allocated to the governmental unit having broader sovereign powers.

(6) *State ceiling.* (i) The State ceiling applicable to any State for any calendar year shall be the greater of—

(A) 9 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences located within the jurisdiction of such State, or

(B) $200,000,000.

Only single-family owner-occupied residences (without regard to the definition of such term under § 6a.103A–1(b)(6)) may be used in determining the market limitation regardless of whether or not residences with up to four family units are to be financed by the program. First and second mortgages or mortgages used to refinance an existing mortgage shall be used in making such determination. Liens, special assessments, and similar encumbrances may not be taken into consideration.

(ii) For mortgages on residences with more than one family unit, the full amount of the mortgage shall be applied toward the market limitation and not merely that portion allocable to the owner-occupied unit.

(iii) For purposes of determining the State ceiling amount applicable to any State for any calendar year an issuer may rely upon the State ceiling amount published by the Treasury Department for such calendar year. An issuer may rely on a different State ceiling amount than such safe-harbor limitation where the issuer has made a more accurate and comprehensive determination of such amount.

(iv) The following example illustrates the application of subparagraphs (3) and (6) of this paragraph (g):

Example. Pursuant to the allocation rule provided in subparagraph (3), City Y determines that its maximum market limitation in 1981 is $15,000,000. This determination is based on records maintained by the county clerk's office from which data for the preceding 3 years have been accumulated by City Y as to the number of sales of single-family homes in City Y's jurisdiction, the purchase price in each such sales transaction, the number of such sales that were financed by mortgages and the volume of second mortgages and refinancing on previously purchased owner-occupied single-family residences. This information, combined with estimates made by City Y of the average mortgage-loan-to-purchase-price ratio and the ratio of sales of single-family, owner-occupied residences to all sales of single-family residences from a representative sample of sales transactions, enables Y to estimate the preceding 3 years' annual aggregate mortgage volume by using the following formula:

$$v = \frac{1}{3} \sum_{i=t-3}^{t-1} (u_i \cdot w_i \cdot x_i \cdot y_i \cdot z_i) + a_i, \text{ where}$$

v = the preceding 3 years' average annual aggregate volume of mortgages on single-family, owner-occupied residences in City Y,
u_i = number of sales of single-family residences,
w_i = average purchase price of all sales,
x_i = percent of all sales transactions that were financed with mortgages,
y_i = estimated average mortage-loan-to-purchase-price ratio,
z_i = estimated percent of sales that were owner-occupied residences,
a_i = total volume of second mortgages and refinancing on previously purchased owner-occupied, single-family residences,
i = the annual period of calculation, and
t = the current year.

City Y determines its applicable limit for 1981 based on the following formula:

L = 0.5 (v/s) r, where
L = market limitation for City Y for the current year,
s = the preceding 3 years' average annual aggregate volume of mortgages on single-family, owner-occupied residences in State X, and
r = ceiling for State X (*i.e.*, r = the greater of .09s or $200,000,000).

City Y may use the Treasury estimate of s which will be published with the mortgage volume safe harbor limitation. City Y may rely on its determination of its market limitation for obligations issued during 1981.

(7) *Excess obligations.* Where an issue of obligations when added to the aggregate amount of bonds issued by the same issuing authority in the same calendar year exceeds the market limitation determined in accordance with this paragraph (g), no portion of the issue will be treated as a qualified mortgage bond issue, and interest on such obligations shall be subject to Federal income taxation. However, previously issued qualified mortgage bond issues which met the market limitation at the time of their issuance will not cease to be qualified mortgage bond issues even though a subsequent issue causes the aggregate amount of obligations to exceed such limitation for a calendar year.

(8) *Transitional rule obligations.* In applying this paragraph (g) to any calendar year, there shall not be taken into account any bond which, by reason of section 1104 of the Mortgage Subsidy Bond Tax Act of 1980 (94 Stat. 2670) (relating to transitional rules), receives the same tax treatment as bonds issued on or before April 24, 1979.

(9) *Procedure for providing a different allocation.* (i) A State may, by law enacted after December 5, 1980, provide a different formula for allocating the State ceiling amount among the governmental units in such State (other than constitutional home rule jurisdictions) having authority to issue qualified mortgage bonds.

(ii) The governor of any State may proclaim a different formula than provided in subparagraphs (g)(2) and (g)(3) for allocating the State ceiling amount among the governmental units in such State having authority to issue qualified mortgage bonds. The authority of the governor to proclaim a different formula shall not apply after the earlier of—

(A) The 1st day of the 1st calendar year beginning after the 1st calendar year after 1980 during which the legislature of the State met in regular session, or

(B) The effective date of any State legislation dealing with such ceiling enacted after December 5, 1980.

If, on or before either date, the governor of any State exercises the authority to provide a different allocation, such allocation shall be effective until the date specified in (B).

(iii) Unless otherwise provided in a State constitutional amendment or by law changing the home rule provisions adopted in the manner provided by the State constitution, the allocation of that portion of the State ceiling which is allocated to any constitutional home rule city may not be changed by the governor or State legislature unless such city agrees to such different allocation.

(iv) Where a State elects to make a different allocation in accordance with subdivision (i) or (ii) of this subparagraph, the determination as to whether a particular bond issue meets the requirements of paragraph (g) of this section will be based upon the allocation in effect at the time such bonds were issued. Moreover, the authority to provide for a different allocation may not be used directly or indirectly to increase the State ceiling amount.

(h) *Portion of loans required to be placed in targeted areas*—(1) *In general.* An issue meets the requirements of this paragraph only if—

(i) The portion of the lendable proceeds (as defined in § 6a.103A–2(b)(1)) of the issue specified in subparagraph (2) is made available for owner financing of targeted area residences (as defined in § 6a.103A–2(b)(3)) for at least 1 year after the date on which owner financing is first made available with respect to targeted area residences, and

(ii) The issuer attempts with reasonable diligence to place such proceeds in qualified mortgages.

Proceeds are considered first made available with respect to targeted area residences on the date on which any financing of mortgages with the lendable proceeds of an issue first becomes available. Reasonable diligence requires that the issuer and the loan originators use reasonable efforts in trying to place mortgages in targeted areas, such as by advertising that mortgage funds are available for targeted areas. Reasonable diligence is not shown by merely providing in the governing instruments that the required amount be set aside for targeted areas.

(2) *Specified portion.* The specified portion of lendable proceeds of an issue required to be made available in targeted areas is the lesser of—

(i) 20 percent of the lendable proceeds, or

(ii) 40 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences in targeted areas within the jurisdiction of the issuing authority.

(3) *Safe harbor.* For purposes of computing the required portion of proceeds specified in subparagraph (2)(ii) of this paragraph, where such provision is applicable, an issuer may rely upon the amount produced by the following formula:

$P = .2(X/Y \times Z)$, where

P = Required portion to be made available in targeted areas,
X = Average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single-family, owner-occupied residences within the State in which the issuing jurisdiction is located,
Y = The total population within the State, based on the most recent decennial census for which data are available, and
Z = The total population in the targeted areas located within the issuer's jurisdiction, based on the most recent decennial census for which data are available.

The issuing jurisdiction may use the Treasury Department estimate of X which will be published with the mortgage volume safe harbor limitation.

(4) *Minimum amount.* (i) The specified portion required to be made available in targeted areas is a minimum amount. More than the minimum amount may be (but need not be) made available in targeted areas.

(ii) With respect to any proceeds not required to be made available in targeted areas, the requirements of this paragraph do not abrogate the requirement of the arbitrage rules that due diligence be used in placing lendable proceeds into mortgages.

(i) *Arbitrage and investment gain*—(1) *In general.* An issue meets the requirements of this paragraph only if such issue meets the requirements of subparagraphs (2), (3), and (4) of this paragraph. For purposes of these requirements, all determinations of yield, effective interest rates, and amounts required to be paid or credited to mortgagors under paragraph (i)(4)(i) of this section shall be made on an actuarial basis taking into account the present value of money. The requirements of section 103A(i) and this paragraph are applicable in addition to the requirements of section 103(c) and §§ 1.103–13, 1.103–14, and 1.103–15.

(2) *Effective rate of mortgage interest not to exceed bond yield by more than 1 percentage point*—(i) *Maximum yield.* An issue of qualified mortgage bonds shall be treated as meeting the requirements of this subparagraph only if the excess of—

(A) The effective rate of interest on the mortgages financed by the issue, over

(B) The yield on the issue,

is not greater over the term of the issue than 1 percentage point.

(ii) *Effective rate of interest.* (A) In determining the effective rate of interest on any mortgage for purposes of this subparagraph, there shall be taken into account all fees, charges, and other amounts borne by the mortgagor which are attributable to the mortgage or to the bond issue. Such amounts include points, commitment fees, origination fees, servicing fees, and prepayment penalties paid by the mortgagor.

(B) Items that shall be treated as borne by the mortgagor and shall be taken into account in calculating the effective rate of interest also include—

(*1*) All points, commitment fees, origination fees, or similar charges borne by the seller of the property;

(*2*) The excess of any amounts received from any person other than the mortgagor by any person in connection with the acquisition of the mortgagor's interest in the property over the usual and reasonable costs incurred by a person acquiring like property where owner financing is not provided through the use of qualified mortgage bonds.

(C) The following items shall not be treated as borne by the mortgagor and shall not be taken into account in calculating the effective rate of interest:

(*1*) Any expected rebate of arbitrage profit (as required by § 6a.103A–2(i)(4)).

(*2*) Any application fee, survey fee, credit report fee, insurance fee or similar settlement or financing cost to the extent such amount does not exceed amounts charged in such area in cases where owner financing is not provided through the use of qualified mortgage bonds. For example, amounts paid for FHA, VA, or similar private mortgage insurance on an individual's mortgage need not be taken into account so long as such amounts do not exceed the amounts charged in the area with respect to a similar mortgage that is not financial with qualified mortgage bonds. Premiums charged for pool mortgage insurance will be considered amounts in excess of the usual and reasonable amounts charged for insurance in cases where owner financing is not provided through the use of qualified mortgage bonds.

(D)(*1*) Where amounts other than those derived from the proceeds of a

mortgage subsidy bond are used to finance single-family residences such amounts will not be treated as the proceeds of a qualified mortgage bond issue and will not be subject to the limitations set forth in subparagraphs (2), (3), and (4) of this paragraph (i). Such amounts may, however, be treated as proceeds for purposes of the requirements of section 103(c) and the regulations thereunder. Thus, the portion of the mortgage pool financed by the proceeds of a qualified mortgage bond issue will be subject to the limitations of subparagraphs (2), (3), and (4) of this paragraph (i), while the portion not provided with bond proceeds will not be subject to such limitations. The interest rate, points, origination fees, servicing fees, and other amounts charged with respect to that portion of a mortgage loan financed with non-bond amounts may not exceed the reasonable and customary amount which would be charged where financing is not provided through a qualified mortgage bond issue. Where the charge does exceed such reasonable and customary amount, any excess will be taken into account in computing the effective interest rate on the portion of the loan provided with the proceeds of the qualified mortgage bond issue. Furthermore, where such fees and other charges are less than the reasonable and customary charges, the issuer may not allocate that portion of the charges on the loan amounts made with bond proceeds which is equal to such differential to loan amounts made with non-bond proceeds.

(*2*) If any mortgage is allocated to two or more sources of funds, the receipt of amounts which are described in paragraph (i)(2)(ii) (A) and (B) of this section, repayments of principal, or payments of interest on such mortgage must be allocated to each source of funds.

(E) The effective rate of interest on any mortgage shall be determined in a manner consistent with actuarial methods and shall take into account the discounted value of all amounts from the time received (except as provided in (*1*) and (*2*)) to an amount equal to the "purchase price" of the mortgage. Such discount rate is the effective rate of interest on the mortgages. The "purchase price" of a mortgage means the net amount loaned to the mortgagor. For example, if a mortgage loan is in the amount of $30,000 and the mortgagor is charged one point ($300) as an origination fee which amount is deducted from loan proceeds available to the mortgagor, the purchase price is $29,700.

(*1*) If interest on an issue is paid semiannually, all regular monthly mortgage payments may be treated as being received at the end of each semiannual debt service period.

(*2*) Prepayments of principal shall be treated as being received on the last day of the month in which the issuer reasonably expects to receive such prepayments.

(F) The rate shall be determined on a composite basis for all mortgages financed by the issue.

(iii) *Example.* The following example illustrate the provisions of subparagraph (2)(ii) of this paragraph:

Example. Purchaser A contracts with seller B, who is represented by real estate agent C, for the purchase of B's residence for $65,000. A applies to County X for a mortgage provided by the proceeds of a qualified mortgage bond. County X requires that agent C provide it with a principal residence affidavit as well as verify the purchase price of the residence and the location of the purchasers previous residences. Due to the increased administrative burden imposed on agent C by County X, C charges B a real estate commission of 8 percent ($5,200), rather than 6 percent ($3,900). The normal real estate commission is 6 percent. Since the 6 percent commission charged by C and paid by B is in excess of the usual and reasonable real estate commission where owner financing is not provided through the use of qualified mortgage bonds, 2 percent ($1,300) shall be treated as borne by A and taken into account in calculating the effective rate of interest on the mortgage.

(iv) *Prepayment assumption* In determining the affective rate of interest on mortgages, it shall be assumed that the mortgage prepayment rate for mortgages made out of both original proceeds and mortgages that the issuer expects with reasonable certainty to be made out of prepayments of principal will be equal to 100 percent of the rate set forth in the most recent mortgage maturity experience table for mortgages having the same term insured under section 203 of the National Housing Act and published by the Federal Housing Administration in "Survivorship and Decrement Tables for HUD/FHA Home MORTGAGE Insurance Program" for the region, or, if available, the State in which the residence is located. For purposes of applying these tables, either the original balance method or the declining balance method of calculating mortgage loan prepayments may be used. For proceeds used to finance qualified home improvement loans or shorter term qualified rehabilitation loans for which there are no comparable FHA mortgage maturity experience tables, the assumption used by the issuer as to the rate of prepayment shall be based upon the reasonable expectations of the issuer, as reflected, where applicable, by the issuer's prior experience with such loans.

(v) *Net losses.* The projected net losses on the mortgage pool (after foreclosure and payment of insurance proceeds), based on the most recent default experience for the area in which the residences are located, shall be taken into consideration in calculating the effective rate of interest on the mortgages. However, where mortgages provided under an issue are insured with FHA, VA, or private mortgage insurance, in conjunction with pool mortgage insurance, the expected net losses will be presumed to be zero. In the event that the actual losses on the mortgage pool exceed the projected net losses which were taken into consideration in calculating the effective rate of interest on the mortgages, investment proceeds earned from nonmortgage assets may be used to recover the excess losses and need not be paid or credited to the mortgagors under § 6a.103A–2(i)(4).

(vi) *Yield on the issue.* (A) The yield on an issue of qualified mortgage bonds shall be calculated on the basis of—

(*1*) The issue price, and

(*2*) An expected maturity for the bonds which is consistent with the prepayment assumption required under subparagraph (2)(iv) of this paragraph. The expected maturity will be considered consistent with such prepayment assumption if all prepayments are assumed to be used to call bonds proportionately (*i.e.*, a "strip" call). The preceding sentence shall not apply to prepayments of mortgages provided from original proceeds to the extent such prepayments are used to provide mortgages.

(B) For purposes of (*1*) of this subdivision (vi), the term "issue price" shall have the same meaning as in section 1232(b)(2). Thus, in general, such term means the initial offering price to the public, not including bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers, at which price a substantial amount of such obligations were sold or, if privately placed, the price paid by the first buyer of such obligations or the acquisition cost of the first buyer.

(3) *Nonmortgage investments*—(i) *Maximum investment.* Except as provided in subdivision (ii) of this subparagraph, an issue meets the requirements of this subparagraph only if—

(A) At no time during any bond year does the aggregate amount invested in nonmortgage investments, *e.g.*, reasonably required reserve funds, with a yield materially higher than the yield on the issue exceed 150 percent of the debt service on the issue for the current bond year, and

(B) Such aggregate amount invested in nonmortgage assets with a yield materially higher than the yield on the issue is promptly and appropriately reduced as mortgages are repaid.

The amount subject to the maximum investment rule in subdivision (i)(A) of this subparagraph includes the original bond proceeds, investment proceeds and repayments of principal on the mortgages. For purposes of subdivision (B), the amount described in subdivision (A) shall be considered promptly and appropriately reduced if beginning in the first bond year after the expiration of the temporary period for original proceeds described in subdivision (ii)(A) of this subparagraph, such amount is reduced within 30 days of the beginning of each bond year by an amount equal to the difference between the average scheduled monthly mortgage receipts for the bond year (excluding any receipts that were scheduled with respect to mortgages that were discharged in the preceding bond year) and the average scheduled monthly mortgage receipts for the preceding bond year.

(ii) Temporary periods. Subparagraph (3)(i) of this paragraph shall not apply to—

(A) Proceeds (including prepayments of principal designated to be used to acquire additional mortgages) of the issue invested for an initial temporary period not to exceed 1 year (1½ years for proceeds required to be set aside for placing mortgages in targeted areas) until such proceeds are needed for mortgages, and

(B) Repayments of principal and interest on mortgages that are contributed to a bona fide debt service fund (as defined in § 1.103–13(b)(12)) and invested for a 13-month temporary period as provided in § 1.103–14(b)(10).

(iii) *Debt service defined.* For purposes of subparagraph (3)(i)(A) of this paragraph, the debt service on the issue for any bond year is the scheduled amount of interest and amortization of principal payable for such year with respect to such issue. There shall not be taken into account amounts scheduled with respect to any bond which has been retired before the beginning of the bond year.

(iv) *Nonmortgage investment.* A nonmortgage investment is any investment other than an investment in a qualified mortgage. For example, a mortgage-secured certificate or obligation is a nonmortgage investment. In addition, fees paid by a participating financial institution and retained by an issuer due to the failure of such institution to place bond proceeds in mortgages in accordance with the agreement with the issuer are treated as investment proceeds on nonmortgage investments. Any investment earnings on such fees, whether or not such fees are retained by the issuer, are treated as investment proceeds on nonmortgage investments.

(4) *Arbitrage and investment gains to be used to reduce costs of owner financing*—(i) *Rebate requirement.* An issue shall be treated as meeting the requirements of this subparagraph only if an amount equal to the sum of

(A) The excess of—

(*1*) The net amount earned on all nonmortgage investments pursuant to subparagraph (3)(i) and (ii) of this paragraph (other than investments attributable to an excess described in this subdivision (A)) over

(*2*) The amount which would have been earned if the investments were invested at a rate equal to the yield on the issue, plus

(B) Any income attributable to the excess described in subdivision (A).

shall be paid or credited to the mortgagors as rapidly as practicable. Such amount may be disproportionately distributed to the mortgagors if the larger portion of such amount is distributed to lower income mortgagors. The determination of the excess described in subdivision (A) shall take into account any reinvestment of nonmortgage investment receipts and any gain or loss realized on the disposition of nonmortgage investments. In addition, where nonmortgage investments are retained by the issuer after retirement of an issue, any unrealized gains or losses as of the date of retirement of such issue must be taken into account, in calculating the amount to be rebated to the mortgagors. The amount described in subdivision (A)(*2*) is the amount that would have been earned if the investments in nonmortgage obligations were invested at a rate equal to the yield on the issue calculated in the same manner as provided in § 6a.103A–2(i)(2)(vi) and by using the same compounding method. For purposes of subdivision (B), any income attributable to the excess described in subdivision (A) shall be taken into account whether or not such income exceeds the yield on the bonds.

(ii) *Computation period.* Whether earnings are amounts described in subdivision (i) (A) or (B) of this subparagraph shall be determined by making computations on an annual basis. For example, if at the end of the first year the earnings on nonmortgage investments exceed the amount that could have been earned if such investments were invested at the bond yield, the amount of earnings equal to such difference constitutes an excess described in subdivision (i)(A) of this subparagraph. In the following year, investment proceeds earned on such excess must be taken into account, whether or not such earnings exceed the yield on the bonds, and may not be treated as "negative arbitrage".

(iii) *Paid or credited.* For purposes of subdivision (i) of this subparagraph, amounts are paid or credited to mortgagors as rapidly as practicable if such amounts are paid or credited to such mortgagors at the time the mortgagor discharges the mortgage, for example, through prepayment of the entire principal amount or through making the last regular payment on the mortgage. The amount paid or credited to the mortgagors must have a present value at least equal to the present value of the amount described in subdivision (i) of this subparagraph, using the yield on the bonds as the discount rate. In the case of prepayments, the cumulative amount required to be rebated under subparagraph (4)(i) of this paragraph may be determined as of a date before the actual prepayment but not more than 1 year earlier than the date of prepayment. Except as provided in subparagraph (2)(v) or subparagraph (4)(iv) of this paragraph, such amount may not be subject to the claim of any party, *e.g.*, a bondholder, and may not be paid over to any party other than the mortgagor or the United States.

(iv) *Reduction where issuer does not use full 1 percentage point.* (A) The amount required to be paid or credited to mortgagors under subparagraph (4)(i) of this paragraph shall be reduced by the amount which (if it were treated as an interest payment made by mortgagors) would result in the excess referred to in subparagraph (2)(i) of this paragraph being equal to 1 percentage point. Such amount shall be fixed and determined as of the yield determination date. This fixed dollar amount may be received by the issuer at any time but may not be adjusted for the time of payment. Such fixed dollar amount shall be equal to the difference between the purchase price of mortgages financed by the proceeds of the issue and the present value of expected payments of principal and interest on such mortgages, using a discount rate equal to the bond yield plus 1 percentage point.

(B) The following example illustrates the provisions of subparagraph (4)(iv)(A) of this paragraph:

Example. In 1981, County X issues obligations to provide mortgages for owner-occupied residences. The yield paid on the obligations is 10 percent, and the effective rate of interest on the mortgages provided by the proceeds of such obligations is 9.75 percent. X maintains a reasonably required reserve fund which is invested at 15 percent and intends to recover that additional amount computed in the manner described in subparagraph (4)(iv) which could have been earned from investment of the proceeds in mortgages with an effective interest rate of 11 percent from the arbitrage earned from the reserve fund nonmortgage assets. X plans to recover such amount from the arbitrage over a period of 3 years; thus, X will not recover such amount until 1984. X may not adjust the amount to be received to account for the time when such amount will be received.

(v) *Election to pay United States.* Subparagraph (4)(i) of this paragraph shall be satisfied with respect to any issue if the issuer elects in writing before issuing the obligations to pay over to the United States—

(A) Not less frequently than once each 5 years after the date of issue, an amount equal to 90 percent of the aggregate amount described in subdivision (i) earned during such period (and not theretofore paid to the United States), and

(B) Not later than 30 days after the redemption of the last obligation, 100 percent of such aggregate amount not theretofore paid to the United States.

(j) *New mortgages*—(1) *In general.* An issue meets the requirements of this paragraph only if no part of the proceeds of such issue is to be used to acquire or replace an existing mortgage. All of the lendable proceeds must be used to provide mortgage loans to persons who did not have a mortgage (whether or not paid off) on the residence securing the mortgage note at any time prior to the execution of the mortgage.

(2) *Exceptions.* For purposes of this paragraph (j), the replacement of—

(i) Construction period loans,

(ii) Bridge loans or similar temporary initial financing, and

(iii) In the case of a qualified rehabilitation, an existing mortgage,

shall not be treated as the acquisition or replacement of an existing mortgage. Generally, temporary initial financing is any financing which has a term of 6 months or less.

(3) *Assumptions.* An issue meets the requirement of this paragraph only if a mortgage with respect to which owner financing has been provided under such issue may be assumed only if the requirements of paragraphs (d), (e), and (f) of this section are met with respect to such assumption. The determination of whether these requirements are met is based upon the facts as they exist at the time of the assumption as if the loan were being made for the first time. For example, the purchase price requirement is to be determined by reference to the average area purchase price at the time of the assumption and not when the mortgage was originally placed. If the bond documents and relevant mortgage instruments provide that a mortgage may be assumed only if the issuer has determined that the conditions stated in this subparagraph are satisfied, the good faith and 95-percent requirements of paragraph (c)(1) (i) and (ii) of this section will be considered satisfied with respect to the requirements of this subparagraph at the time the mortgages were executed. However, any failure to meet the requirements of this subparagraph at the time a mortgage is assumed is subject to the remedy requirement in paragraph (c)(1)(iii) of this section.

(4) *Examples.* The following examples illustrate the application of this paragraph (j):

Example (1). In June 1981 mortgagor A obtained a mortgage from a private lending institution in order to construct a house on land which A purchased without a mortgage in May 1981. In January 1982 A applies to obtain permanent financing on the residence from a program sponsored by State housing finance agency Y. Such program is funded with the proceeds of qualified mortgage bonds. If A meets the other requirements of this section, A qualifies for such permanent financing since the replacing of construction financing is not treated as the acquisition or replacement of an existing mortgage.

Example (2). In June 1981 mortgagor B purchased a new residence in a targeted area but was unable to sell his former residence. Therefore, B obtained temporary financing for his new residence until his former residence was sold. In October 1981 B applies to County Z to obtain financing from a program funded with proceeds of qualified mortgage bonds. Such financing is needed by B to replace the temporary financing for his new residence. If B meets the other requirements of this section, the mortgage qualifies for such permanent financing since the permanent financing replaces temporary initial financing.

Example (3). In 1979 mortgagor C purchased a residence but was unable to obtain financing from a program sponsored by County W because such program prohibited loans from the program which were in excess of 80 percent of the fair market value of the property. Therefore, in 1979 C obtained financing from a private lending institution with the intention of refinancing when he accumulated sufficient equity in the property. In 1981 C has accumulated sufficient equity in the property so as to comply with the requirements of the program. C applies to County W to refinance under the program, which is funded with the proceeds of qualified mortgage bonds. Even if C met the other requirements of this section, the mortgage would fail to meet the requirement of paragraph (j) since such a mortgage would replace an existing mortgage.

Example (4). In 1969 mortgagor D purchased a residence and obtained financing from a private lending institution. In 1981 D applies to County U for a loan for the rehabilitation of the property and for the refinancing of the existing mortgage. The program is funded with qualified mortgage bonds. If D meets the other requirements of this section the mortgage qualifies for such permanent financing since the replacement of the mortgage is not treated as the replacement or acquisition of an existing mortgage.

Example (5). In 1950 mortgagor E purchased a residence, obtaining a mortgage from a private lending institution to finance the purchase price. In 1980 E completed repaying the mortgage. In 1981 E applies for a loan from a program sponsored by State housing finance agency X and funded with the proceeds of qualified mortgage bonds. The mortgage does not meet the requirements of paragraph (j) since E had a previous mortgage on his residence, even though such mortgage was previously released.

§ 6a.103A–3 Qualified veterans' mortgage bonds.

(a) *In general.* A qualified veterans' mortgage bond shall not be treated as a mortgage subsidy bond, and the interest shall be exempt from Federal income taxation.

(b) *Qualified veterans' mortgage bond.* The term "qualified veterans' mortgage bond" means any issue of obligations—

(1) Which meets the requirements of § 6a.103A–1, § 6a.103A–2(j) (1) and (2), and this section;

(2) Substantially all of the proceeds of which are to be used to provide financing for single-family, owner-occupied residences (which meet the requirements of § 6a.103A–1(b)(6) and § 6a.103A–2(d)) for veterans; and

(3) Payment of the principal and interest on which is secured by a pledge of the full faith and credit of the issuing State.

A qualified veterans' mortgage bond does not include any bond that is an industrial development bond under section 103(b).

(c) *Veteran.* The term "veteran" shall have the same meaning as in 38 U.S.C. 101(2), that is, a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(d) *Husband and wife.* For purposes of this section, if a residence is to be owned by a husband and wife as joint tenants, as tenants by the entirety, or as community property, and if one spouse is a veteran, then both spouses shall be treated as satisfying the requirements of paragraph (c) of this section.

(e) *Substantially all.* For purposes of this section, the term "substantially all" shall have the same meaning as in § 1.103–8.

(f) *Qualified home improvement loan.* The term "qualified home improvement loan" means the financing (whether or not secured by a mortgage) of alterations, repairs, and improvements on, or in connection with, an existing single-family, owner-occupied residence by a veteran who is the owner thereof. The alterations, repairs, and improvements, however, must substantially protect or improve the basis livability or energy efficiency of the property, such as the renovation of plumbing or electric systems, the installation of improved heating or air conditioning systems, the addition of living space, or the renovation of a kitchen area. Items that will not be considered to substantially protect or improve the basic livability of the property include swimming pools, tennis courts, saunas, or other recreational or entertainment facilities.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: June 23, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-18338 Filed 6-29-81; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8–R, Amdt. No. 6]

Implementation of the Civilian Health and Medical Program of the Uniformed Services

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule and statement of policy admissions.

SUMMARY: This amends the comprehensive CHAMPUS Regulation DOD 6010.8–R which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This technical amendment corrects an oversight and clarifies that a Nonavailability Statement is not required for maternity-related inpatient care when the care meets the definition of a maternity medical emergency.

DATE: The provisions of this technical change and Statement of Policy are applicable to Regulation 6010.8–R, and effective retroactively to 1 June 1977, the date the regulation was initially implemented.

ADDRESS: Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, Office of the Assistant Secretary of Defense (Health Affairs), telephone (202)–697–5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its Regulation, DOD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)" as part 199 of this title. Amendment No. 1 was published in FR Doc 79–9566, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661), and Amendment No. 2 was published in FR Doc 79–31420, appearing in the **Federal Register** on October 11, 1979 (44 FR 58709). Amendment No. 3 was published in FR Doc 80–6788, appearing in the **Federal Register** on March 4, 1980 (45 FR 14034), and Amendment No. 4 was published in FR Doc 80–19463, appearing in the **Federal Register** on June 27, 1980 (45 FR 43407). Amendment No. 5 was published in FR Doc 81–11440, appearing in the **Federal Register** on April 15, 1981 (46 FR 21992).

In accordance with the annual Department of Defense Appropriations Acts, enacted since Fiscal Year 1976, if a beneficiary resides within a 40-mile radius of a Uniformed Services hospital, CHAMPUS funds cannot be expended for nonemergency inpatient care unless the Uniformed Services Hospital Commander issues the beneficiary a Nonavailability Statement. Maternity care is considered inpatient care if the mother-to-be *intends* to deliver on an inpatient basis. § 199.8(b) (103) defines *Medical Emergency* but through an oversight, the effect on maternity care was omitted from the definition. §§ 199.10(b)(5)(iii), and 199.10(c)(3)(xiii) contain language which encourage a maternity patient residing within a 40-mile radius to obtain a Nonavailability Statement as protection against incurring expenses with unforeseen patient maternity care. Because of the omission in the definition of *Medical Emergency*, however, this language has been interpreted to mean that the requirement for a Nonavailability Statement could not be waived on the basis of an emergency because it was assumed that the appropriate Uniformed Services Hospital Commander could analyze the case and issue a retroactive Nonavailability Statement if one would have been issued in advance of need. This assumption was in error and put the CHAMPUS Regulation in contradiction with Uniformed Service rules governing the issuance of Nonavailability Statements. Service regulations neither require nor provide for issuance of a Nonavailability Statement for civilian inpatient medical care that arises from emergency situations, whether maternity or other type of case. This has caused a dilemma for the beneficiary who experienced an emergency maternity admission. The CHAMPUS Fiscal Intermediary could not pay for the maternity claim without a Nonavailability Statement and on the other hand, Uniformed Services Hospital Commanders have been refusing to issue retroactively a statement because their Service rules do not provide for it. Certification of other medical emergencies generally emanates from the attending physician, subject to review and verification by the CHAMPUS Fiscal Intermediaries. To alleviate this problem with maternity cases, the Regulation is being technically amended to clarify that the principle of medical emergency should also be applied to emergency maternity admissions and to include maternity care within the definition of "medical emergency."

Accordingly, 32 CFR Chapter 1, Part 199 is technically amended reading as follows:

1. § 199.8 is amended by adding two sentences to (b)(103), the definition of *Medical Emergency*, as follows: "In the case of a pregnancy, again a medical emergency must involve a sudden and unexpected medical complication which puts the mother, or baby, or both, at risk. Pain would NOT, however, qualify a maternity case as an emergency; nor would insipient birth after the 34th week of gestation, unless an otherwise qualifying medical complication is present. Examples of medical emergencies related to pregnancy and/or delivery are hemorrhage, ruptured

membrane with prolapsed cord, placenta previa, abruptio placenta, presence of shock or unconsciousness, suspected heart attack or stroke or trauma (such as injuries received in an automobile accident)."

Accordingly § 199.8(b)(103) is revised to read as follows:

§ 199.8 Definitions.

* * * * *

(b) * * *

(103) *Medical Emergency.* "Medical Emergency" means the sudden and unexpected onset of a medical condition or the acute exacerbation of a chronic condition which is life-threatening to life, limb or sight, and requires immediate medical treatment and/or which manifests painful symptomatology requiring immediate palliative efforts to alleviate suffering. Medical emergencies include heart attacks, cardiovascular accidents, poisoning, convulsions, kidney stones and such other acute medical conditions as may be determined to be medical emergencies by the Director, OCHAMPUS (or a designee). In the case of a pregnancy, again a medical emergency must involve a sudden and unexpected medical complication which puts the mother, or baby, or both, at risk. Pain would NOT, however, qualify a maternity case as an emergency; nor would insipient birth after the 34th week of gestation, unless an otherwise qualifying medical condition is present. Examples of medical emergencies related to pregnancy and/or delivery are hemorrhage, ruptured membrane with prolapsed cord, placenta previa, abruptio placenta, presence of shock or unconsciousness, suspected heart attack or stroke, or trauma (such as injuries received in an automobile accident).

* * * * *

Section 199.10(b)(5)(iii), introductory text, and (c)(3)(iii) are revised to read as follows:

§ 199.10 Basic program benefits.

* * * * *

(b) *Institutional benefits.* * * *

(5) *Extent of institutional benefits.*

* * *

(iii) *Nonavailability statement related to maternity care.* If a beneficiary received services and supplies as a registered inpatient from a hospital or other authorized institution, related to maternity care and/or the actual delivery, without securing a required Nonavailability Statement, CHAMPUS benefits are not available for any costs related to that maternity care except in the event of a bona fide medical emergency.

* * * * *

(c) *Professional services benefit.*

* * *

(3) *Extent of professional benefits.*

* * *

(iii) *Nonavailability statements related to maternity.* When a beneficiary resides in an area where Nonavailability Statements are required and receives inpatient maternity care from a civilian source without having secured the required Nonavailability Statement, CHAMPUS benefits are not available for any services and supplies related to that maternity case, except in the event of a bona fide medical emergency.

* * * * *

Section 199.10 (a)(10) and (a)(11) of the CHAMPUS Regulation (Part 199 of this title) authorizes the Director (or a designee), to issue such other instructions, procedures, guidelines, standards, norms and criteria, as may be necessary to implement the intent of the Regulation.

Accordingly, the following statement of policy provides guidelines for payment of claims for maternity emergency admissions in accordance with § 199.8(b)103, § 199.10(b)(5)(iii) and § 199.10(c)(3)(xiii).

Statement of Policy

A. *Background.* Since Fiscal Year 1976, the Defense Appropriations Acts have limited the use of CHAMPUS-appropriated funds for nonemergency inpatient stays if the beneficiary resides within 40 miles of a Uniformed Service Hospital that had the space and professional capability to provide the care. This restriction applies equally to inpatient admissions for injury, illness (both physical and mental) and maternity cases. In order to assure compliance with Appropriations Act requirements, those CHAMPUS beneficiaries residing within 40 miles of a Uniformed Service Hospital are required to obtain a Certificate of Nonavailability (CNA) from that facility before utilizing civilian hospitals for nonemergency inpatient care. If a CNA is not obtained, either through negligence or because it was denied by the Uniformed Services Hospital, CHAMPUS benefits cannot be extended regardless of whether the stay and related care is otherwise covered.

B. *Purpose.* Because there appears to be wide variance in the understanding of what constitutes a maternity emergency, the purpose of this Statement of Policy is to clarify when a maternity admission can be considered also to qualify as an emergency admission under CHAMPUS.

C. *Maternity Emergency.* Generally speaking, a maternity emergency must involve a *sudden and unexpected medical complication* which puts either the life of the mother or baby, or both, at risk, and where time is of the essence.

1. *Examples of Medical Complications in Maternity Cases.* The following are examples of complications, the presence of which could qualify a maternity admission as an emergency.

(1) Hemorrhage;

(2) Ruptured membrane with prolapsed cord;

(3) Placenta previa;

(4) Abruptio placenta;

(5) Presence of shock and/or unconsciousness;

(6) Suspected heart attack or stroke; or

(7) Trauma (such as injuries in an automobile accident).

2. *Other Factors.* In addition to medical complications there are two other factors which can be considered in qualifying a maternity admission as an emergency, as follows:

a. *Weather.* Severe inclement weather which makes it impossible for a pregnant beneficiary to get from her residence to the Uniformed Services Hospital where she has been receiving her prenatal care—for example, heavy snow or flooding.

b. *Transportation Barriers.* Occurrences which make it impossible to use the transportation route from her residence to the Uniformed Services Hospital where the pregnant beneficiary has been receiving her prenatal care—for example, unavailability of a ferry due to breakdown or high winds, or a landslide blocking the road.

3. *Pregnant Beneficiary in Travel Status.* The guidelines for emergency maternity admissions described in C.1. and C.2. above, assume the emergency situation occurred while the pregnant beneficiary was located in her residence area. It is recognized, however, that she may be in travel status which requires additional guidelines.

a. *General Guideline: Exercise of Prudence.* The pregnant beneficiary is expected to exercise prudence in engaging in travel away from her residence area and the Uniformed Services Hospital where she is receiving her prenatal care. This is particularly indicated during the last six weeks of gestation (35th through 40th weeks) or when the patient has experienced problems with the pregnancy or had a history of complications with prior pregnancies.

b. *Travel Status: Emergencies.* Delivery or other maternity-related care which would qualify as a medical emergency while in the residence area, as described in C. and C.1. of this Statement of Policy, would also qualify as an emergency while in travel status. In addition, any delivery or maternity care which occurs during or preceding the 34th week of gestation qualifies as an emergency when in travel status. (If a baby is delivered weighing five pounds or less at birth, it will be assumed that delivery occurred before the 35th week.) A case of insipient birth during or after the 35th week of gestation would not qualify as an emergency, even in travel status.

D. *Claims Screening Criteria.*

1. *General.* CHAMPUS is required to be in compliance with the provisions of the Defense Appropriations Acts from Fiscal Year 1976 through Fiscal Year 1981 (and subsequent fiscal years if the Congress retains the current language) which precludes the use of Program funds for nonemergent inpatient stays when the beneficiary resides within 40 miles of a Uniformed Services Hospital with the space and professional capability of providing the required care. In order to assure compliance with this limitation, the beneficiary/patient seeking nonemergency inpatient hospital care, and who resides within 40 miles of a Uniformed Service Hospital, must obtain a Certificate of Nonavailability (CNA) from that facility which certifies that the Uniformed Service Hospital cannot provide the required inpatient care. Therefore, a CNA must be attached to any CHAMPUS claim for inpatient care (whether institutional or professional) rendered a beneficiary residing within 40 miles of a Uniformed Services Hospital, *unless the inpatient admission qualifies as a medical emergency.*

2. *Applicability.* The claims screening criteria outlined below apply equally to all emergency admissions—that is, medical, surgical, psychiatric, or maternity—unless otherwise specified.

3. *Claim Submission: Routine Documentation.* The determination of an emergency generally emanates from the attending physician, subject to review and verification by the CHAMPUS Fiscal Intermediary serving the geographic area where the admission occurred. In order to conduct such review and verification, the following information is required:

a. *Claim Form.* The information provided on the claim form(s) itself should be as explicit and detailed as possible concerning the medical circumstances resulting in the emergency admission. Instead of automatically denying the claim because a CNA is not attached, more complete information on the claim form will permit the CHAMPUS Fiscal Intermediary to identify the case as a potential emergency. This detailed information should be provided regardless of the admitting diagnosis or type of case. If the case involves an emergency maternity admission, the physician must also certify that he/she had not been seeing the patient during her pregnancy prior to the admission.

4. *Claims Review.* The CHAMPUS claim form(s) and physician's statement asserting an emergency admission are reviewed in the same manner as all other claims.

a. *Routine.* If it is found that the admitting diagnosis on the claim form, and the attached physician's statement, indicate a type of case that, without question, qualifies as a medical emergency (such as a heart attack), the claim(s) can be entered into processing without further review.

b. *Additional Documentation.* If the emergency admission does not fall within that limited number of diagnoses that automatically qualify as medical emergencies, the CHAMPUS Fiscal Intermediary will obtain a copy of the admitting history and physical and doctor's initial orders. The case will then be referred to medical review for a determination as to whether the case falls within the Program's definition of *Medical Emergency.* Medical review may determine additional information is required, and request the complete hospital record and/or contact the attending physician.

5. *Limitations.* The following limitations apply in determining whether or not CHAMPUS benefits can be extended for an emergency admission.

a. *Prior Care.* In the case of an emergency maternity admission, if it is determined the attending physician was seeing the patient during her pregnancy (whether or not she was being provided prenatal care from a Uniformed Services facility), CHAMPUS benefits will not be provided for the inpatient stay/care, regardless of any other circumstances.

b. *Planned Admission.* If it is determined the inpatient admission being claimed as an emergency was a planned admission, regardless of any other circumstances, CHAMPUS benefits will not be provided for the inpatient stay/care.

c. *CHAMPUS-determined Allowance.* In the case of an emergency maternity admission, the CHAMPUS-determined allowance for the maternity case will be limited to the delivery only. No CHAMPUS benefits will be extended for pre or post natal care since that care would not be considered part of the emergency.

d. *Distance.* In order to be considered an emergency admission, the civilian hospital must be significantly closer (that is, in either distance or time, depending on the circumstances) than the Uniformed Services hospital in relation to the location of the beneficiary/patient at the time the emergency occurred.

e. *Consultation: Duplication of Services.* Wherever possible, when an emergency admission occurs in the beneficiary's residence area, the admitting and/or attending physician is expected to consult with the Uniformed Services hospital/physician concerning the patient's medical history, recent tests results, etc. To the extent possible, Uniformed Services medical records will be made available to the civilian hospital/attending physician to avoid duplication of diagnostic procedures.

f. *Transfer May Be Required.* Beneficiary/patients are alerted that even where an emergency admission occurs, the Program may subsequently exercise its right to require transfer to the nearest Uniformed Services hospital (assuming space and professional capability is available) when it is determined the emergency has passed. Whether or not the beneficiary/patient accepts transfer, CHAMPUS benefits terminate within 24 hours of the time the transfer request is initiated.

g. *Fraudulent Information.* Beneficiaries are cautioned that falsifying information (for example, providing an incorrect residence address, creating information concerning a medical emergency, etc.) in order to circumvent the requirements to use a Uniformed Services hospital, is considered fraud. Upon detection, the least that will occur is to recoup Program funds paid in error. Criminal prosecution is also an option.

h. *Appeals.* Beneficiaries have the right to appeal any adverse decision relative to what constitutes a medical emergency and/or when that emergency ceases. The administrative appeal system may not be used to challenge the 40-mile rule, however.

i. *All Review Guidelines Apply.* Notwithstanding the special requirements related to a medical emergency, all standard claims review guidelines apply to such cases—that is, eligibility, covered services, authorized provider, etc.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 25, 1981.

[FR Doc. 81-19144 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

V 46 / 126 JL 1 81 UMI

32 CFR Part 199

[DoD Regulation 6010.8-R; Amdt. No. 7]

Implementation of the Civilian Health and Medical Program of the Uniformed Services

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment No. 7 to final rule.

SUMMARY: This amends DoD Regulation 6010.8-R (32 CFR 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment revises benefits available to dependents of military members of an armed force of a foreign NATO nation who are on active duty and who, in connection with official duties, are stationed in or passing through the United States. This amendment is a result of Public Law 96-527.

EFFECTIVE DATE: This amendment is effective retroactive to December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas J. Osoba, Chief, Program Policy Branch, OCHAMPUS, telephone (303) 341-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)." Amendment No. 1 was published in FR Doc. 79-9560, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661), and Amendment No. 2 was published in FR Doc. 79-31420, appearing in the **Federal Register** on October 11, 1979 (44 FR 58708). Amendment No. 3 was published in FR Doc. 80-6788, appearing in the **Federal Register** on March 4, 1980 (45 FR 14034), and Amendment No. 4 was published in FR Doc. 80-19463, appearing in the **Federal Register** on June 27, 1980 (45 FR 4307).

Section 199.8, paragraph (b)(111) of this regulation defines a "NATO Member" as a military member of an armed force of a foreign NATO nation who is on active duty and who, in connection with official duties, is stationed in or passing through the United States. The foreign NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom. This paragraph also expands on the definition, by inclusion of a "NOTE", to clarify that spouses and children of NATO members are eligible for CHAMPUS benefits while officially accompanying the NATO member who is stationed in or passing through the United States on official business.

Additionally, § 199.9, paragraph (b)(2) and its subparts sets forth the CHAMPUS eligibility requirements for those spouses and children. Thus, in accordance with the regulation, dependents of NATO members are eligible for both inpatient or outpatient benefits under the CHAMPUS Program.

The Department of Defense Appropriation Act, 1981, (Public Law 96-527, Section 767) specifically prohibits CHAMPUS coverage of medical care provided on an inpatient basis in the United States to dependents of foreign military personnel. Therefore, a change to the regulation is required.

This amendment is effective for claims paid on or after December 15, 1980. Since the amendment is made necessary as a result of a provision of the annual Department of Defense Appropriation Act, the availability of benefits for inpatient care for NATO dependents after September 30, 1981, will depend on the specific language of future Appropriation Acts.

Accordingly, 32 CFR, chapter I, is amended as follows: Section 199.8 is amended by deleting the "NOTE" in paragraph (b)(111). (This is basically a technical change as it is determined that inclusion of eligibility information within a definition is inappropriate.) Section 199.8(b)(111) is revised as set out below. Section 199.9 is amended by revising paragraph (b)(2), introductory text, as set out below.

§ 199.8 Definitions.

* * * * *

(b) *Specific Definitions* * * *

(111) *NATO Member.* "NATO Member" means a military member of an armed force of a foreign NATO nation who is on active duty and who in connection with official duties is stationed in or passing through the United States. The foreign NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

* * * * *

§ 199.9 Eligibility.

* * * * *

(b) *Persons Eligible* * * *

(2) *Dependent.* A person who bears one of the following relationships to an active duty member (under a call or order that does not specify a period of thirty (30) days or less), to a retiree, to a NATO member who is stationed in or passing through the United States on official business, or to a deceased person who, at the time of death, was an active duty member or a retiree.

Note.—According to section 767 of the Department of Defense Appropriation Act, 1981, (Public Law 96-527), from December 15, 1980 through September 30, 1981, spouses and children of NATO members are eligible only for *outpatient* CHAMPUS benefits while officially accompanying the NATO member who is stationed in or passing through the United States on official business. Availability of benefits after September 30, 1981, will depend on the language of future Appropriation Acts.

* * * * *

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 25, 1981.

[FR Doc. 81-19145 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 2200

National Security Agency

AGENCY: National Security Agency, DOD.

ACTION: Final rule.

SUMMARY: In Title 32, Chapter XXII, National Security Agency/Central Security Service, is removed.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of the General Counsel, National Security Agency, Ft. George Meade, MD 20755. Telephone: 301/688-6054.

SUPPLEMENTARY INFORMATION: The removal of the text of Chapter XXII of Title 32 was noticed at 46 FR 11659, 10 February 1981.

June 24, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

[FR Doc. 81-19143 Filed 6-30-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Chapters I and XII

Redesignation of Chapter XII to Chapter I, Part 60-69

SUMMARY: On February 19, 1981, the Secretary of the Interior issued Order No. 3060 to consolidate Heritage Conservation and Recreation Service (HCRS) functions into the National Park Service (NPS) in order to achieve economy in the utilization of funds, personnel, equipment, and improve program services.

As of May 31, 1981, HCRS is no longer a separate entity of the Department of the Interior. Their major functions were transferred and consolidated into NPS and the residual functions terminated.

EFFECTIVE DATE: May 31, 1981.

Authority: This order was issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

FOR FURTHER INFORMATION CONTACT: Thelma D. Wood, Management Consulting Division, U.S. Department of the Interior, National Park Service, Washington, D.C., 20240, (202) 523-5133.

SUPPLEMENTARY INFORMATION:

Title 36 of the Code of Federal Regulations is amended as follows:

A. Chapter XII is removed, and its Parts 1201, 1202, 1204, 1205, 1207, 1208, 1212, 1226, 1227, and 1228 are redesignated as Parts 60 through 69 of Chapter I as follows:

Old Part	New Part
1201	61
1202	60
1204	63
1205	65
1207	66
1208	67
1212	62
1226	64
1227	68
1228	69

B. Wherever the name "Heritage Conservation and Recreation Service" appears within the new Parts 60 through 69, change it to read "National Park Service".

Dated: June 23, 1981.

Russell E. Dickenson

Director, National Park Service.

[FR Doc. 81-19699 Filed 6-30-81; 10:16 am]

BILLING CODE 4310-70-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

Catalog of Copyright Entries; Preparation of Catalog Card; Recordation of Agreements Between Copyright Owners and Public Broadcasting Entities; Copyright Notice; Pictorial, Graphic, and Sculptural Works

Correction

In FR Doc. 81-19129, appearing on page 33248 in the issue of Monday, June 29, 1981 make the following correction. On page 33249, paragraph (a)(1) of § 202.2 should have appeared as set forth below:

§ 202.2 Copyright notice.

(a) *General.*

(1) With respect to a work published before January 1, 1978, copyright was secured, or the right to secure it was lost, except for works seeking ad interim copyright, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time. The adequacy of the copyright notice for such a work is determined by the copyright statute as it existed on the date of first publication.

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Parts 2, 211, 221, 224, 225, 232, 233

Miscellaneous Organizational and Administrative Changes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: These amendments make a series of conforming changes to the published organizational and administrative regulations of the Postal Service to reflect previously implemented changes in organization and reporting relationships and in the directives system, including the replacement of the Postal Service Manual with functional manuals.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Neva Watson, (202) 245-4642.

SUPPLEMENTARY INFORMATION: The specific changes made are to revise § 211.2 to include specific references to the functional manuals in the list of regulations of the Postal Service; amend § 225.2 to reflect that the Regional Postmasters General now report to the Deputy Postmaster General rather than to the Senior Assistant Postmaster General, Operations Group; clarify the statement of Law Department functions in § 224.6(b)(9) and make the statement in § 224.6(b)(12) consistent with § 2.2; delete certain portions of Part 232 relating to postal losses and offenses which are internal operating procedures now appearing in the Administrative Support Manual; and make certain other corrections and clarifying changes and rearrangements.

Accordingly, the Postal Service adopts the following amendments to 39 CFR:

PART 2—GENERAL AND TECHNICAL PROVISIONS [ARTICLE II]

1. Revise § 2.2 to read as follows:

§ 2.2 Agent for receipt of process.

Except in garnishment cases where the postmaster acts as agent for the receipt of legal process, the General Counsel of the Postal Service shall act as agent for the receipt of legal process against the Postal Service, and as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that the process arises out of the official functions of those officers and employees. The General Counsel shall also issue public certifications concerning closed meetings of the Board as appropriate under 5 U.S.C. 552b(f).

PART 211—APPLICATION OF REGULATIONS

2. In § 211.2 revise paragraph (a)(2) and the first sentence in paragraph (a)(3) to read as follows:

§ 211.2 Regulations of the Postal Service.

(a) * * *

(2) The Domestic Mail Manual, the Postal Operations Manual, the Administrative Support Manual, the Employee and Labor Relations Manual, the Financial Management Manual, the Postal Contracting Manual, Publication 42 (International Mail), and those portions of chapter 2 of the former Postal Service Manual and chapter 7 of the former Postal Manual retained in force;

(3) Headquarters Circulars, Management Instructions, Regional Instructions, handbooks, delegations of authority, and other regulatory issuances and directives of the Postal Service or the former Post Office Department. * * *

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

§ 221.6 [Amended]

3. In § 221.6 amend paragraph (a) by striking out "Senior Assistant Postmaster General, Operations," and

inserting in lieu thereof "Deputy Postmaster General".

PART 222—DELEGATIONS OF AUTHORITY

§ 222.1 [Amended]

4. In § 222.1 amend paragraph (d) by striking out "§§ 3.9 and 5.3" and inserting "§§ 3.5 and 4.3" in lieu thereof.

PART 224—GROUPS AND DEPARTMENTS

5. In § 224.6, revise paragraphs (b)(9) and (b)(12) to read as follows:

§ 224.6 Law Department.

* * * * *

(b) * * *

(9) Renders legal services concerning employee and labor relations matters;

* * * * *

(12) Except in garnishment cases where the postmaster acts as agent for the receipt of legal process, acts as agent for the receipt of legal process against the Postal Service and as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that the process arises out of the official functions of those officers and employees.

PART 225—POSTAL REGIONS

6. In § 225.2 amend paragraph (a) by striking out "Senior Assistant Postmaster General, Operations" and inserting "Deputy Postmaster General" in lieu thereof.

PART 232—CONDUCT ON POSTAL PROPERTY

7. In Part 232:

a. Revise the heading to read as above:

§§ 232.1–232.4 [Removed]

b. Remove §§ 232.1, 232.2, 232.3 and 232.4.

§ 232.6 [Redesignated as § 232.1]

c. Redesignate § 232.6 as § 232.1.

§ 232.1 [Amended]

d. Revise the last sentence in paragraph (f) of redesignated § 232.1 to read as follows:

"(See Domestic Mail Manual 123.361 and 123.42; Administrative Support Manual 221.42; Regional Instructions, Part 782, section IV G 2c)."

PART 233—INSPECTION SERVICE AUTHORITY

8. In Part 233:

§§ 233.1–233.4 [Redesignated as §§ 233.2–233.5]

a. Redesignate §§ 233.1–233.4 as §§ 233.2–233.5.

§ 232.5 [Redesignated as § 233.1]

b. Redesignate § 232.5 as § 233.1.

§ 233.2 [Amended]

c. Change the reference at the end of redesignated § 233.2(b)(2) to read as follows: "(See 273.14 of the Administrative Support Manual)."

(39 U.S.C. 401(2), 402)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 81-19319 Filed 6-30-81; 8:45 am]
BILLING CODE 7710-12-M

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39 CFR Part 111

Address Cards; Arrangement in Sequence of Carrier Delivery

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule makes a general revision of the Domestic Mail Manual provisions for submission of address cards to the Postal Service for sequencing and correction. In the past there were some complaints about the timeliness and accuracy of the information provided, as well as some confusion over what services were available. Accordingly, the Postal Service undertook this broad revision of the rules, with the intent of clarifying and streamlining the address card sequencing services.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald A. Mumma, (202) 245–4353.

SUPPLEMENTARY INFORMATION: A proposed rule was published on August 5, 1980, (45 FR 51846) amending and clarifying the provisions concerning submission of address cards by mailers to the Postal Service for sequencing in order of carrier route delivery and correction. The Postal Service received detailed written comments in response to the proposal from one association that represents existing and potential users of the carrier sequencing service and two business organizations that use the service. Those comments are discussed below in order of the section numbers of the proposed rule to which the comments applied:

945.32a

Two commenters suggested changes to the size and format requirements of address cards submitted for sequencing. One of the commenters proposed that the Postal Service accept metal address plates, paper stencils, or other cards which are similar, but not identical to standard computer cards. These are presently used by many smaller volume mailers who do not have computer generated lists.

Experience has shown that many of these types of cards are difficult to handle by the carriers doing the sequencing. A prime example is metal address plates which are attached to cards with the addresses stenciled on them. These cards are difficult to handle. When sequencing these types of cards, carriers must spend additional time, thus decreasing their productivity. If the Postal Service is to meet its commitment to return sequenced cards to the mailer within 15 working days after receipt, it is necessary to maintain card size standards which will enable the carriers to handle them efficiently. The Postal Service, however, can sequence address cards which are identical or similar to computer cards without impairing carrier efficiency. Section 945.32a, therefore, is revised to allow an acceptable variance to the 80 column computer size cards. The allowed variance will be: length—6 $^{9}/_{16}$ to 8 $^{9}/_{16}$ inches and height—2 $^{1}/_{4}$ to 4 $^{1}/_{4}$ inches for addresses on standard card stock. Standard 3 x 5 inch file cards are not acceptable.

945.32c

One commenter suggested that the Postal Service provide the blank cards which are required for customers requesting levels of list sequencing service offered under 945.34 and 945.35 (i.e., "Sequencing of Address Cards with Total Possible Deliveries Shown" and "Sequencing of Address Cards with Missing Addresses Added").

Adoption of this suggestion would increase costs to the Postal Service for purchasing computer cards and inventory maintenance for the sole benefit of the mailer, thus increasing overall costs to provide this service. There would be no accrued benefits to the Postal Service. This suggestion therefore is not adopted.

945.32e

One commenter suggested that the Postal Service allow the address to be printed in the upper-half area of the card, instead of restricting it to not more than ½ inch from the top of the address card.

In order to maintain carrier efficiency in sequencing cards, it is necessary to establish standards for the placement of the address on the cards. In order to be as flexible as possible without impairing carrier efficiency, however, section 945.32e, is revised to *recommend* that the address be positioned within ½ inch from the top of the card. However it *must* be within one inch from the top of the card.

One commenter suggested that the Postal Service not require mailers to include the ZIP Code and carrier route on the address card, since this information is provided on the header card for each route. The commenter stated that the inclusion of ZIP Codes and carrier routes on the address cards is not a standard practice of mailers who presently use list sequencing service. Therefore, it would create an extreme cost burden on the mailers to revise their cards.

The primary purpose for including the ZIP Code and carrier route information on individual address cards is to provide operational controls for both the mailer and the post office. It is especially important for mailers using the level of list sequencing service provided for in 945.35, which enables mailers to receive hard copy scheme changes from Management Sectional Centers automatically as they occur. When mailers receive these scheme change notifications, mailers are expected to put the affected address cards in the correct decks of cards for a specific route before submitting the cards for resequencing. The inclusion of the ZIP Code and carrier route on individual address cards can help the mailer to sort affected address cards to the correct route before submitting them for resequencing. The post office also can use specific carrier route information on the cards to determine if these changes are not made by the mailer to its address cards before submitting them to the post office for resequencing. If these changes are not made by the mailer, the post office must do this sorting also, thus increasing the time and operating costs to provide list sequencing service.

The Postal Service, however, recognizes the additional cost burden which may be incurred by mailers who do not presently include ZIP Codes and carrier routes on address cards. For this reason, the final regulations have been written so that this information is not mandatory, but is strongly recommended. In addition, if it is found that the exclusion of this information results in additional sorting (workhours) to provide the service, the Postal Service may make the inclusion of ZIP Codes and carrier routes on individual address cards mandatory at a later date.

One commenter suggested that mailers be allowed to abbreviate street names in order for them to fit on standard computer cards.

The computer card size (7 $^{9}/_{16}$ inches in length) is adequate to accommodate the complete address without abbreviating street names. Mailers should not attempt to reduce key punch operating costs by unnecessarily abbreviating street names, since carriers can frequently confuse abreviated street names with other streets on their routes which are spelled similarly. For example, the Milpas station scheme of Santa Barbara, California includes the following set of streets which, if abbreviated, could be mistaken for other streets: Rancheria/Ranchita; Winther/Winthrop; Camino Meleno/Camino Molinera; Corona/Coronado. Although the Postal Service does not see a need for abbreviating street names, with the exception of reducing mailers' key punch costs, the final rule is revised to not require full street names. However, it is strongly recommended that mailers not abbreviate street names. In addition, when street names are abbreviated there are no assurances that these abbreviated street addresses will not be confused with other streets within the delivery area and thus be considered as an undeliverable address by carriers performing the sequencing service.

One commenter expressed concern that mailers may be required to verify that address street designators supplied by the Postal Service comply with those approved abbreviations listed in section 2 of Publication 65, *U.S. Postal Service National ZIP Code and Post Office Directory*.

The proposed rule does not require mailer verification or the specific use of approved designators. This wording in the final rule, therefore, is not changed.

945.32f

One commenter requested that mailers be allowed to abbreviate column headings on the carrier route header cards (945.32f), so all required information can fit on standard size computer cards. In addition, this commenter requested that those headings which would not be applicable to mailers using the sequencing service provided under 945.33 and 945.34 be deleted for the submitted cards when these levels of service are requested.

Mailers will be allowed to abbreviate column headings in order to accommodate the space available on the computer cards. However, all column headings must be included, whether or not they are applicable to a specific level of service requested. This will enable carriers to work with standard forms and minimize postal training and administrative requirements. It also will eliminate the possibility of mailers presenting the wrong type of header cards for the level of service desired which could result in postal carriers miscalculating appropriate charges.

945.32h

One commenter suggested that mailers submit address cards directly to each post office rather than submitting them to the appropriate Management Sectional Center (MSC) manager first. It was suggested that this would save time and reduce postal operating costs associated with the rehandling of cards by the MSC's. In order to make sure the requested service is accomplished in a timely manner, it was suggested that an informational memo could be sent to the MSC manager, by the mailer, providing notification that cards were submitted on a specific date to a local post office within the MSC's jurisdiction for sequencing.

The control mechanism for ensuring that post offices perform the appropriate level of list sequencing requested within the required time is more efficiently administered by the MSC manager for all post offices within a specific geographical area designated by 3-digit ZIP Code prefixes. The operating controls built into the list sequencing service are therefore dependent on the MSC's involvement. Mailer submitted address cards received at the MSC's will be sent to local post offices daily. This procedure will also help ensure that lists are not misplaced by local post offices, which is more likely to occur if lists were submitted directly to local post offices.

The final rule does provide an exception to this procedure in order to benefit mailers who normally use local mailing lists only. Address cards which relate only to those addresses in the city in which the mailer is located may be submitted to the postmaster of that city for sequencing, thus bypassing the MSC involvement. In all other cases, cards must be submitted to the appropriate MSC manager. This is necessary to maintain management controls for ensuring cards are sequenced and returned to the customer within 15 working days after receipt. This suggestion therefore is not adopted in the final rule.

One commenter suggested that cards which are sent to the MSC manager be directed to a specific office responsible for sequencing. This would avoid situations where customer address cards are inadvertently confused with computer card supply orders, which would be sent to supply areas without ever being opened.

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This suggestion is adopted. Mailers must send address cards to the MSC Director of Customer Services, LIST SEQUENCING SERVICE. In addition, mailers must also submit cards for each 5-digit ZIP Code area in separate containers which are suitable for postal handling within the MSC area and return mailing to the customer. An envelope, which contains appropriate packing lists and "Delivery Unit Summary" sheets for the 5-digit ZIP Code area must be affixed to each container. This will enable the post office to handle and distribute address cards efficiently and quickly to the appropriate 5-digit delivery units and return sequenced cards to the mailer in a timely manner.

945.33

One commenter said that addresses of units which are temporarily vacant should not be removed from the list as undeliverable whereas addresses for demolished buildings would be removed.

In providing sequencing service, carriers will not make arbitrary or subjective decisions regarding the temporarily vacant status of a building or other delivery address. These address cards will not be removed from a mailers list as "undeliverable". Applicable instructions will be included in internal postal operating instructions.

One commenter asked if the presently allowed time extension for the post office to return sequenced cards to the customer which are submitted between November 16 and January 1, was intentionally omitted from the proposed rule.

This extension was inadvertently left out of the proposed rule and is included in the final regulation. The post office will require additional time for sequencing customer cards submitted between November 16 and January 1, to accommodate carriers' heavyworkload schedules during the holiday mailing season.

945.33, 945.34 and 945.35 1d

One commenter opposed the provision which would make the removal of a nonexistent or undeliverable address a non-chargeable item. These are chargeable services under existing list sequencing regulations. It was suggested that mailers could build a mailing list from scratch by providing the post office with cards containing all possible street addresses within a 5-digit ZIP Code area. This would be time consuming for postal clerks with no reimbursement for their effort. It was said this would also circumvent the intent of the law which prohibits the post office from providing mailing lists to customers.

The proposal not to charge for these removals was incorporated to allow small volume mailers an opportunity to use list sequencing services cost effectively and to reduce the volume of "undeliverable as addressed" mail to help keep postal operating costs down. In light of the potential abuse and loss of postal revenues if there were no charge for the removal of nonexistent or undeliverable addresses, the final rule continues the charge for this service. In addition, the final rule precludes a mailer from submitting address cards for any 5-digit ZIP Code area for sequencing if the mailer presents more address cards than 110% of the possible delivery points within that 5-digit area. This will provide safeguards against the possibility of the Postal Service creating a list for a mailer.

945.35

One commenter opposed the reference to and criteria for providing "complete correction of address cards". The commenter suggested that the procedures which instruct carriers to correct addresses with "transposed house numbers, misspelled street names, etc." is seriously undefined and unworkable, will increase undue hardships and be costly to the post office and mailers alike. It was suggested that transposed house numbers continue to be considered a non-deliverable or nonexistent address. Furthermore, the commenter suggests that the procedure is unnecessary since mailers are and should be held responsible for making such corrections as misspelled street names, missing street designators, etc., in their normal course of business (within specific time limits) after being notified of these errors by the post office. The commenter also suggests that the procedures would create ongoing disagreement about contested charges such as:

"1. Should mailers be charged for post office unintentional errors?

"2. Should mailers be charged for correcting addresses which were provided by the post office in the past?

"3. Is there an equitable method of verifying the corrections made?

"4. Do you have a safeguard against the ever present threat of 'double jeopardy' charges?"

Undeliverable-as-addressed mailing pieces continue to be a major postal operating problem costing the Postal Service in excess of $300 million annually. Although the Postal Service cannot expect total elimination of this problem, we must try to deal with it as changes are made to available mailing list services, including "List Sequencing". The options available to the Postal Service for addressing this problem in these revisions are:

1. include corrections as chargeable items under provisions of 945.35, or

2. allow mailers to incorporate these corrections during their name list maintenance cycles after notification by the Postal Service of specific errors detected during the sequencing of the mailers' address cards.

Experience has shown that the second option, although preferable in some respects, is not always a viable approach for helping resolve the problem. Not all mailers incorporate the corrections in their files, when notified of address errors, since corrections do represent an operating cost factor to the address list owner, who may not always be willing to absorb it. Furthermore, it would be too costly for the post office to administer accounting procedures to ensure that all mailers have incorporated address correction changes in their lists within a specific time period before resubmitting them for list sequencing. At the same time, Postal Service carriers are not intended to serve as experts for the purpose of correcting misspelled street names or designators.

Taking these factors into consideration, the proposed regulations are revised to eliminate the reference to complete correction of address cards. Address cards with the following errors will be treated as undeliverable-as-addressed, and will be removed from the list with the appropriate charge assessed:

(1) street addresses with transposed numbers;

(2) street names which are not decipherable enough to the carrier responsible for delivering the mail to effect delivery; and,

(3) addresses which do not include an appropriate street designator which is necessary to identify a specific delivery point, (e.g., the Santa Barbara, California Goleta Scheme includes the following streets, each of which would require the complete street name to specifically identify a delivery point: Avenida Gorrion, Avenida Garea, and Avenida Garza).

Under provisions of 945.352, a new address card with the correct address will be inserted in the correct sequenced position in the list to replace the addresses removed as "undeliverable-as-addressed". If address cards are found to include misspelled street names or designators, the post office will attempt to note these changes on the address cards submitted, without

charge, when the misspelling does not result in carrier misunderstanding regarding the specific delivery address intended. Address cards bearing such notations will be identified by the post office by: 1) affixing a paper clip to the card, or 2) wrapping a rubber band around the card. These cards will be placed in their proper carrier route sequence order in the deck of address cards returned to the customer. It will be incumbent on the mailer to make these corrections to its list before resubmitting the list for sequencing.

Our answers to the specific questions about contested charges follow: (1) The mailer is not to be charged for unintentional address correction errors provided by the post office. We believe the procedures provide the necessary documentation and controls to identify post office errors. (2) The mailer will not be charged for documented address errors provided by the post office previously under list sequencing; however, since administrative controls are not presently included as part of the list sequencing service offered under 945.3, the mailer will have to provide sufficient documented proof that the address errors were the fault of the Postal Service. (3) The MSC manager is responsible for ensuring that corrections were made to mailer-submitted lists by post offices under his jurisdiction. The documentation requirements included as part of the final rule are intended to provide the necessary verification controls. (4) An example of a major "double jeopardy" charge would be an assessed charge for a correct address card identified as undeliverable by one carrier when that address is deliverable on another route within the delivery area. Under the level of service provided in 945.35, the second carrier would also assess this same customer a charge for including this address to his deck of carrier address cards. This major source of "double jeopardy" charges can be avoided if the mailer incorporates scheme changes in its list upon notification by the post office, before it submits them for resequencing. If these "double jeopardy" charges are assessed, as a result of mailers not incorporating scheme changes in their lists prior to submitting them for resequencing, the "Delivery Unit Summary" can be used as a basis for correcting "double jeopardy" charges assessed.

Seasonal Addresses

One commenter stated that no provision was included in the proposed rule for correcting, changing, updating, and handling of seasonal addresses. The commenter suggested the following:

"1. If an existing address card being sequenced is subject to seasonal vacancy and is missing its seasonal indicator, please rewrite the entire address on a blank card checking the seasonal box as indicated in the sample card.

"2. If an existing address card being sequenced is not subject to seasonal vacancy and the seasonal indicator is shown on the card, please rewrite the entire address on a blank card omitting the seasonal indicator.

"3. If a new address is added to the list, carrier will check seasonal column if applicable.

"4. Seasonal changes made to existing addresses which are otherwise correct should be corrected at no charge to the mailer."

The final rule includes section 945.36 regarding the treatment of seasonal addresses (section 945.36, .37, and .38 in the proposed rule are changed to sections 945.37, .38, and .39 respectively in the final rule). Correct address cards which are subject to seasonal occupancy but which do not indicate seasonal treatment will be marked with an "S" on the address card. If the address is included in a series card, such as those cards used specifically for apartment buildings, trailer parks, and seasonal delivery areas in general, the appropriate "seasonal" indicator box will be checked. (See exhibit under 945.353). When correct address cards are submitted which are not subject to seasonal occupancy, but include seasonal treatment notations, the carrier will obliterate or mark through the seasonal indicator. These cards will be specifically identifyed by: (1) affixing a paper clip to the card, or (2) wrapping a rubber band around the card. These cards will be placed in their proper carrier route sequence order in the deck of address cards returned to the customer. No charges are assessed for these services. Since no charge is assessed for these changes, the Postal Service will not prepare new address cards.

When mailers request the level of service provided under 945.35, address additions which are subject to seasonal treatment will be specifically noted as seasonal. A charge of $0.10 per addition will be assessed in these cases.

945.351c

One commenter said that mailers who mail to rural routes always use simplified addresses as outlined in section 122.4, Domestic Mail Manual (DMM), and that when rural conversions occurred, post offices have refused to convert the rural route list since there was no list to convert. The commenter suggested "that third-class bulk mailers who mailed rurals as a simplified address are entitled to all rural conversions to city delivery".

Most occupant/resident mailers who mail to rural routes use simplified address as outlined in section 122.4. When simplified addressing is used, there is no list to sequence. In addition, these mailers do not meet the 90% criteria for obtaining list sequencing service provided under 945.35.

Although it is permissible for mailers to use simplified addresses for rural route customers, rural customers generally have specific delivery addresses also, usually assigned box numbers. Some mailers, generally name list owners, mail to rural customers using specific designated addresses. In these cases, mailers are considered to have an address list and therefore are entitled to any address or scheme changes or conversions which affect specific rural addresses when they are initiated by the Postal Service. Therefore, if a mailer includes correct rural addresses as part of its mailing lists and submits them with city delivery lists for sequencing, the post office will provide the mailer with all affected addresses converted to city delivery at no cost when the list is sequenced.

Mailers who use simplified addressing are not entitled to these conversions free of charge or automatically, since they have no specific rural address list to correct or sequence. In these cases, the rural address conversion is handled as a new address for which the mailer is charged. The mailer also must meet the 90% criteria as required in 945.352(c). We believe that providing these conversions automatically to simplified address users without regard to section 945.352(c) would be legally prohibited because it would assist mailers in developing a mailing list. This recommendation, therefore is not adopted.

945.352c

Two commenters provided comments to section 945.352c. One suggested that the requirement that lists submitted for sequencing under section 945.352c contain at least 90% of all delivery addresses be amended to permit a 5% variance. The commenter stated that the post office applies the 90% rule to total possible deliveries, which include permanent vacancies; boarding and rooming houses; uninhabitable dwellings; addresses scheduled for demolition; vacant trailer lots; and rural conversions to city delivery. The comment said these types of addresses typically account for 6–8% of all possible

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deliveries within a 5-digit ZIP Code area. It also said that address lists generally exclude these types of delivery addresses for two reasons: first, that retail clients do not wish them included in their mailings, since they represent a wasted promotional effort and cost; and second, that carriers generally provide list owners with "actual deliveries" when sequencing lists to minimize the amount of undeliverable-as-addressed mail which is generated from these mailings. The commenter also asked if lock boxes will be included in the possible delivery count and suggested that if they are, it would represent a duplicate address. The commenter raised concerns that the new regulations may result in an MSC determining that a mailer does not qualify for complete address correction service because its list does not meet the 90% criteria even though the mailer has had the list sequenced within the past year. The commenter suggests that the MSC be required to provide this service if the mailer can provide sufficient evidence that the list has been sequenced within the past 12 months.

The terms "Actual Deliveries", "Actual Carrier Deliveries", and "Actual Resident Deliveries" to which the commenter referred are not generally-used postal terms with a common understanding throughout the Postal Service. The Postal Service is reluctant to use such terms for operating instructions, since they would put postmasters and carriers in the position of subjectively determining the value of a deliverable address to the needs of the mailer requesting the sequencing service. Therefore, no attempt is made in the regulations to define "Actual Deliveries" as suggested.

Mailers are expected, as part of their list maintenance procedures, to take all necessary steps to maintain their resident/occupant lists as near as possible to 100% correct. The Postal Service also understands that a mailer may not wish to have certain types of possible delivery addresses included in a specific list. However, it is the mailers' responsibility to purge such addresses from their lists based on individual customer needs before preparing a mailing. Before submitting a deck of address cards for the level of service provided under 945.35, the mailer must reinsert these cards in the submitted deck presented to the post office in order to avoid the possibility of being charged for the addition of these addresses. In addition, if the mailer does not include these addresses in his submitted deck of address cards, the list may not meet the 90% criteria for obtaining the level of service provided for in 945.35.

Experience has shown that this 90% rule (which is not changed from existing regulations), provides a sufficient variance for those mailers who maintain accurate and updated mailing lists to enable them to meet the 90% criteria consistently and receive the level of list sequencing service provided under section 945.35. Therefore, no change is made to the proposed rule outlined in 945.352c. However, until September 1, 1982, MSC managers will authorize list sequencing service provided under 945.35 to mailers whose submitted lists may not meet the 90% rule if the mailer can provide sufficient evidence, such as a postal receipt, that the specific list which the mailer has submitted for sequencing met the 90% criteria and was sequenced by the post office within the preceeding 12 months.

The second commenter suggested that if a city or town is being numbered or renumbered, then the 90% rule should be waived during that process.

The decision to number or renumber streets is the responsibility of local community jurisdictions, and not the Postal Service. Since the Postal Service is not responsible for disruptions in mailing lists which occur as a result of these changes, it is incumbent on mailers to monitor such changes in local jurisdictions where they occur as part of their list maintenance procedures to ensure the 90% criterion is maintained. In nearly all cases, these changes are scheduled so that changes affecting entire jurisdictions are not made simultaneously. The Postal Service will consider requests for exceptions in very unusual cases on a case-by-case basis. The final rule, however, is not changed to incorporate this commenter's suggestion.

945.353 and 945.36

Three commenters provided suggested revisions to these sections.

One commenter stated that section 945.353 represents a radical departure from existing procedures, since it would treat each apartment unit as a separate address in determining whether a submitted mailing list contains at least 90% of all delivery addresses in a 5-digit ZIP Code area for purposes of qualifying for sequencing service under provisions of 945.35. The commenter suggested that this change would represent a major hardship to list owners, since the construction of just a few large apartment buildings could result in a mailing list having less than 90% of the total addresses in a 5-digit ZIP Code area. The commenter suggested that if this rule were adopted, mailers would submit their lists more frequently than necessary, causing more work for the post office.

The Postal Service recognizes that the inclusion of individual apartment units in calculating the total number of delivery addresses in a 5-digit ZIP Code area will require mailers to review their lists more frequently to ensure they meet the 90% criteria. Mailers will likely submit lists more frequently for sequencing and address correction. This in itself should benefit postal operations and delivery service by keeping lists up-to-date. Since mailers are expected to maintain their resident/occupant lists at close to 100% accuracy, it is felt that the 10% variance allowed is sufficient to account for missing addresses (in a submitted list) which are the result of newly constructed apartment buildings. The Postal Service does not feel that this requirement places a major hardship on mailers. Therefore, the suggested change is not adopted in the final rule.

One commenter suggested that a one year grace period be allowed for mailers to include individual apartment units in their address lists (section 945.353) and that no charge be assessed for apartment unit corrections during that period (section 945.36).

Certain 5-digit ZIP Code areas have an unusually large number of apartment buildings. Mailing lists for these areas which presently comply with the 90% criteria could be out of compliance if mailers were required to include individual apartment units in their lists in order to have 90% of all addresses represented. Therefore, a grace period of approximately one year (until September 1, 1982) will be allowed for mailers to include individual apartment units in submitted lists, if these lists qualified under the 90% rule previously. Furthermore, mailers will not be charged $0.10 for each apartment unit address which is added to a submitted list during this grace period.

For example, if the mailer includes an address card in its deck for an apartment complex with 50 separate units, if the street address is correct, and if the mailer identifies the range or number of individual units (i.e., 1–50 or 50), the apartment numbers will be provided free of charge in their appropriate delivery sequence. (The mailer may also submit 50 separate cards each with the identical street address.) If the mailer does not have an address card for the apartment complex, the post office will add an address card to the mailer's list under provisions of 945.36 and will note the delivery sequence of all 50 units on the card or cards, (i.e., apts. 1–20; apts. 35–50; apts. 21–33; apt. 51). A charge of $0.10 for each apartment number provided will be assessed (e.g., 50 X $0.10=$5.00).

Two commenters suggested that the proposed charge of $0.10 per possible delivery unit added, corrected, or deleted be revised to exclude the addition of individual apartment units or offices within a building (section 945.36). The post office provides these additions by inserting a card showing a range of apartment or office numbers. The commenter suggests that one $0.10 charge be assessed for each card included whether it contains a single address or range of individual delivery addresses, since it would better reflect postal costs for providing the information. The $0.10 charge per addition or deletion is intended to cover a wide variety of postal costs associated with providing this service. It does not reflect only the carrier's time required to complete the information cards. We do not believe it would be prudent to attempt to identify postal costs for each specific activity required to provide this service and charge mailers accordingly. The administrative costs to do so would outweigh the benefits. Therefore, assessed charges are based on estimated overall costs to provide the service and translated to the specific benefits derived by the mailers. In this case, the benefits are not cards corrected, deleted or provided, but specific address information corrected, deleted, or provided which is independent of the mechanism to do this.

Except during the grace period provided (i.e., until September 1, 1982), mailers will be assessed the charges as outlined in the proposed rule.

945.355

One commenter suggested that an additional grace period of 30 days (total of 90) be allowed for mailers to incorporate changes in submitted mailings since production schedules often require preparation of mailings 5–6 weeks in advance of mailing.

The period allowed for incorporating these changes is increased to 75 days. This conforms with existing requirements for mailers to incoroprate carrier route information (provided in the Carrier Route Information System (CRIS) tapes) to qualify for the third-class carrier route rate.

945.356

One commenter made two specific suggestions to help mailers determine when to resubmit their address cards for sequencing to ensure a list meets the 90% criteria:

1. Supply route inspection dates twice annually, and
2. Supply quarterly reports with residential delivery counts by ZIP Code and route.

The first proposal would limit local management flexibility by requiring adherence to prescheduled route inspection dates. This would result in less efficient postal operations. Local postal managers must retain maximum flexibility in scheduling route inspections to meet their work flow schedules and operating needs. This proposal, therefore, is not adopted.

The second proposal would increase post office printing and operating costs to maintain mailing lists in order to provide this extra service.

In instances where this information may be helpful to mailers, such as in fast growth areas, the mailer can presently request residential delivery counts for a specific ZIP Code area from the appropriate MSC manager. The mailer must still be held responsible for determining when its mailing list must be submitted for sequencing to meet the 90% criterion to be eligible for the service provided for in 945.35. This suggestion is not adopted.

One commenter did not understand the meaning of this section and suggested some clarification. Section 945.356 has been rewritten to clarify what specific charges are assessed to the mailer.

945.37 (Renumbered as 945.36 in the Final Rule)

One commenter offered the following comments to support the contention that section 945.37 loses perspective of the "address correction" function and therefore is impractical and should be deleted:

1. Sequencing is not required by any regulation and mailers do not receive a special rate for sequenced mail.
2. The deletion of incorrect addresses or inclusion of missing addresses to submitted lists, which are auxiliary services of list sequencing, provide the Postal Service benefits independent of list sequencing by reducing costs for handling "nixies" or increasing revenues. This is a benefit realized even if the walk sequence integrity of a mailing is not maintained.
3. List owners cannot be held responsible for the mail preparation quality of the ultimate user, and therefore, should not be penalized for unsequenced mailings prepared by the mailer who has purchased and is using the sequenced list.
4. A mailing prepared from a sequenced list can be partially out of sequence at times because of inadvertent mistakes, such as dropping a tray or tipping over a hamper of mail. It would be virtually impossible to rearrange these mailing pieces in proper walk sequence without incurring additional costs.
5. If an out-of-sequence mailing were accepted on a one time basis only as proposed, the mailer would be under severe hardship to get a list resequenced before future mailings prepared from that list would be used in preparing other mailings during the time period required to have the sequencing accomplished.

The Postal Service appreciates the constraints on list owners which are raised by this commenter. Inadvertent mail room errors will at times cause a mailing to be prepared out-of-sequence. These errors, however, should be brought to the attention of the accepting bulk mail unit when the mail is presented to the post office.

The Postal Service also understands that list owners cannot totally control the use of their lists by their customers. However, the list owner is best able to monitor the use of its lists by its customers and is expected to take appropriate steps to identify users who prepare improper mailings from them and take action to correct the problems as a part of its business operations.

The post office cannot refuse to accept an out-of-sequence mailing if postage has been prepaid and all other regulations pertaining to the specific mailing are adhered to. The reference to accepting an out-of-sequence mailing "on a one-time only basis" therefore has been deleted in the final rule.

List sequencing is provided as a free service to customers only on the basis that the associated postal costs to provide this service will be recovered through reduced carrier handling when the mailings are prepared in proper sequence. The auxiliary services which are provided along with list sequencing do provide additional benefits to the mailer and Postal Service alike. The derived postal benefits from these auxiliary services, by themselves, would not justify providing list sequencing service. Therefore, the Postal Service must take certain minimum steps to ensure that mailings prepared from mailing lists which have been sequenced by the post office are submitted in proper sequence. When it is determined that a mailer is not taking appropriate steps to correct the problems which result in out-of-sequence mailings, the postmaster will be required to cease providing list sequencing service to that customer. The customer may reapply for sequencing service upon showing to the

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satisfaction of the postmaster that all appropriate steps have been taken to correct previously identified problems.

945.371 (Renumbered as 945.381 in the Final Rule)

One commenter asked that it be made clear to post offices that many mailers maintain both customer (name) lists which are not normally submitted for sequencing and resident/occupant lists which are. When unsequenced mailings prepared from name lists are submitted, the post office should not cease sequencing service for the mailers' resident/occupant lists. The commenter also asks what the reinstatement procedures are for a mailer who has had list sequencing service stopped by a local postmaster.

The Postal Service will differentiate between name and resident/occupant lists. Post offices will not cease sequencing service to a mailer when name lists (which have not been submitted for sequencing) are not entered as a sequenced mailing. Conforming operating instructions will be issued to all post offices after this rule becomes effective.

Mailer appeal and reinstatement procedures have been included as section 945.375. The appropriate MSC manager will be the final ruling postal official.

945.372 (Renumbered as 945.382 in the Final Rule)

One commenter suggested that mailers cannot be held responsible for the integrity of sequenced mailings when the post office supplies No. 1 mail sacks, because of an insufficient quantity of No. 3 or No. 2 sacks. Since the No. 1 sack is larger than the normally used No. 2 or No. 3 sacks, packages of mail do not fit as securely in the sack and result in packages becoming untied.

The mailer is responsible for properly securing individual packages of mail in order to maintain the integrity of those packages regardless of the mail container supplied by the post office or used by the mailer. The Postal Service, however, will make every attempt to provide mailers with the proper container. This suggestion is not adopted.

945.374 (Renumbered as 945.384 in the Final Rule)

One commenter suggested that there are no "enforcement guarantees in these rules to ensure the post office has properly sequenced the mailers' submitted lists".

The "Delivery Unit Summary" is intended to provide the necessary postal management controls and customer documentation to help ensure that a mailer's list has been properly sequenced. The "Summary" provides the mailer with the total number of changes (address additions and deletions) to each carrier route. It would not be prudent to check the accuracy of the actual sequencing done by each carrier. To do so would unnecessarily increase postal workhour costs for providing this service. It would require a second employee or postal supervisor to be versed in walk sequence scheme knowledge which is not pertinent to his primary functional responsibility and therefore, would place an additional training burden on post office personnel.

Two commenters suggested that a specific time limit (e.g. 90 days) be allowed for mailers to present a list for resequencing and incorporate changes in future mailings. In addition, one of the commenters suggested that the post office be allowed no more than three days to inform the mailer that its list is out of sequence.

The Postal Service realizes that mailers may already have several mailings which are generated from the same list in various stages of preparation. Therefore, the reference in the proposed rule to accepting an out-of-sequence mailing "on a one-time only basis" has been deleted in the final rule. However, mailers are expected to resubmit their out-of-sequence lists to the post office for resequencing as soon as possible. Changes should be reflected in all future mailings within 90 days after notification. This time reference is included in the final rule. However, it is intended as a guide only, with which mailers are expected to comply. If the Postal Service finds that there is noncompliance, action will be taken to establish a mandatory compliance period.

Post offices will make every attempt to notify mailers as soon as practical that their mailings are out of sequence. A specific mandatory time limit however is not established at this time. If mandatory time periods are established in the future for mailers to incorporate sequence changes in their mailings, consideration will be given to establishing specific time constraints on post offices for informing mailers that their lists are out of sequence.

Two commenters suggested that some margin of acceptable error be allowed for out-of-sequenced pieces in a mailing (e.g., 10%), since occasionally a label will become detached during the mailers' processing and these will be manually inserted in the mailing, not always in the proper walk sequence position.

The mailer must be held responsible for controlling its production lines to minimize this type of occurrence. At the same time, the Postal Service realizes that occasionally mailing pieces will be out of sequence in a mailing due to production-line problems. The mailer will not be penalized for such occurrences, so long as they do not result in significant rehandling of these pieces at the delivery unit. A specific allowed error rate is not established in the final rule, because doing so would require establishing specific verification procedures. This would increase the operating costs for providing the service without providing an equivalent operational savings. Generally, the Postal Service establishes specific mail preparation error rates and verification procedures only for mailings which must be prepared in a prescribed manner to qualify for a specific lower rate, such as carrier route third-class mail. A 10% allowed error rate, suggested by one of the commenters, is much too high and would significantly increase postal rehandling costs, and thus more than negate the operational benefits which sequenced mail is intended to provide. A more acceptable level of errors would be 1%–2%. No specific allowable error rate is included in the final rule.

945.382 (Renumbered as 945.392 in the Final Rule)

One commenter suggested that the procedures for providing scheme changes to mailers automatically should be revised to show the number of addresses per change. The commenter contends this would enable mailers to determine the extent of changes, so that if they were minimal, mailers could process corrections internally.

This information is not readily available. In addition, the mailer would still not know the walk sequence of the corrections and would still have to submit the list for resequencing. This change is not adopted.

945.382 and 945.384 (945.382 is Renumbered as 945.392 in the Final Rule. Section 945.384 is Deleted in the Final Rule)

One commenter suggested that these sections be clarified to avoid the possible conclusion by postal employees that scheme changes can only be provided to mailers meeting the requirements of 945.35. The commenter contends that these sections could be interpreted as being in conflict with section 352, "Freedom of Information Act", Administrative Support Manual (39 CFR 265).

Any mailer may request and receive carrier route scheme information or changes from individual post offices. This same information also is available to mailers through the Carrier Route Information System. (Requests should be sent to: CRIS; P.O. BOX 14950; MEMPHIS, TN 38114.) The provisions of 945.392 enable mailers, who meet the requirements of 945.352c, to obtain this information automatically and on a continuing basis. It does not preclude any other mailer from obtaining this information upon request. Section 945.392 does include clarifying language as suggested by the commenter.

945.383 (Renumbered as 945.393 in the Final Rule)

Two commenters suggested that the requirement for mailers to sort address cards to the proper carrier route before submitting a list for resequencing is virtually impossible to comply with and represents a "new and redundant" requirement on the mailer, which should be the responsibility of the post office.

The Postal Service included this requirement for two reasons, both of which were intended to meet mailers' operating needs: (1) to eliminate past problems in which the mailer was charged for address additions for one carrier route even though those address cards were included in the submitted list of cards for another carrier route. (In some instances, carriers removed these correct address cards for another route as undeliverable-as-addressed—not deliverable to any route), and (2) to help ensure sequenced cards were returned promptly to the mailer (i.e., within 15 working days).

When carriers are provided a list of address cards to sequence for their respective routes, the sequencing for the entire 5-digit ZIP Code delivery unit is not accomplished necessarily on the same day. The scheduling is dependent on available carrier time, which varies from carrier to carrier. When a carrier sequences a mailing list for his route, he pulls those addresses which are not included on his route and either tags them as undeliverable to any route, or deliverable to another route. Those deliverable to another route within the 5-digit ZIP Code delivery area are given to the appropriate carrier. This carrier, however, may have already completed his route sequencing and inserted correct addresses for those which were missing, although they may have been included in another carrier's list of address cards. In order to account properly for the charges assessed to the mailer for additions and deletions, the second carrier would have to duplicate his initial efforts after he was given address cards from other carriers. This practice results in charge accounting errors and delays in returning sequenced lists to the mailer. It also increases postal operating costs for providing the service.

Since mailers have indicated this requirement is "virtually impossible" to comply with, the final rule does not make it mandatory to provide cards by the proper carrier route. However, the Postal Service cannot provide assurances that it will meet its commitment to return sequenced address cards within 15 working days of receipt when those submitted cards are not separated by carrier routes.

General Comments

One commenter suggested that a one year grace period be allowed for mailers to make necessary adjustments to computer programs to provide the new carrier route header cards and Delivery Unit Summaries.

A one year grace period would delay implementation of the list sequencing control mechanism, which has been a primary concern of mailers. In meeting the service needs of mailers for implementing postal operational controls (i.e., Delivery Unit Summary), a grace period of six months is allowed. This provides sufficient time for mailers to prepare the required documentation forms using private printers if they cannot generate them through their reprogrammed computers.

One commenter stated that on occasion a mailer may reverse the carrier route walk sequence (i.e., the carrier's last stop would be the first piece in the mailing). The commenter suggests that in these cases the regulations should state that a facing slip should be placed on the carrier bundle noting this error in mail preparation.

The mailer must be responsible for properly preparing sequenced mailings with the pieces arranged in a manner to accommodate the carrier's actual walk sequence. The proposed rule includes no approved procedure for allowing mailers to present mailings otherwise. However, if a mailing is inadvertently prepared in reverse order, facing slips should be placed on individual carrier packages noting the error in mail preparation to enable the carrier to accommodate the errors without working the individual pieces if possible.

One commenter noted that the Postal Service cites reasons for ceasing to provide list sequence service to the mailer with no appeal procedures.

When a postmaster stops list sequencing service for any reason, the mailer can appeal that decision to the MSC manager responsible for the service area affected.

The MSC manager will be the final ruling authority. This appeal procedure is included as section 945.385 in the final rule. In addition, reinstatement procedures for mailers who have had list sequencing service withdrawn are also outlined in this section.

After full consideration of each of the issues raised by the three commenters, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

The changes adopted in the final rule reflect many of the commenters' suggestions outlined in the Supplementary Information. Because these changes constitute substantial revisions to the existing regulations, these changes and the supplementary postal operating instructions may require additional revision after mailers and post offices have gained operating experience in implementing these changes. Therefore, the Postal Service invites further comments on this final rule from interested mailers.

PART 945—MAIL LIST SERVICES

In part 945, revise 945.3 to read as follows:

945.3 Address Cards Arranged in Sequence of Carrier Delivery

.31 General. Upon request, the Postal Service will provide one of the three levels of address card sequencing service under the conditions set forth in 945.32–945.39.

.32 Presentation of Address Cards. When address cards are submitted to the Postal Service, they must be faced in the same direction. In addition, the following conditions must be met:

a. *Size.* All cards must be standard card stock, identical size, and within the following dimensions: Length 6⅝ inches to 8⅞ inches; Height 2¾ inches to 4¼ inches. It is recommended that all cards be the size of a standard 80 column computer card (i.e., 7⅜ inches in length by 3¼ inches in height). Standard 3x5 inch file cards are not acceptable.

b. *Color.* All address cards must be either white or buff colored.

c. *Blank Cards Submitted.* Customers must submit blank cards of a different color from the color used with their address cards so post offices can insert missing or new addresses as provided in 945.34–945.35. Each customer who submits address cards for correction under 945.34 and 945.35 must supply an adequate number of blank cards for the

total corrections to be made or blank cards to be added. In all cases the number of cards must be at least 10% of the number of address cards submitted.

d. *Number of Addresses.* Each address card must bear only one address. The mailer must not submit address cards in excess of 110% of the possible deliveries for a specific 5-digit delivery area.

e. *Address Format.* The customer's current address information must be computer generated, typed, or printed along the top of the card. It is recommended that the address be positioned within ½ of an inch from the top edge of the address card. However, it *must* be within one inch from the top edge. Each card must include a complete address, except that the identification of the correct carrier route and ZIP Code is optional. It is strongly recommended, however, that this information be included on individual cards. Street names should not be abbreviated. However, street designators may be abbreviated using the abbreviations listed in section 2 of Publication 65, *U.S. Postal Service National ZIP Code and Post Office Directory.* The address must be placed in approximately the same location on each card submitted. An example of the desired card format is shown in Exhibit 945.32e.

f. *Header Cards.* Carrier route header cards on standard 80 column computer card stock or other approved address card size (see 945.32a) must be prepared by typewriter or computer or printed by the customer. They must be submitted whenever address cards are submitted. A route header card must be placed in front of the cards for each route and be the same size as the address cards. Mailers may abbreviate column headings so all required information can be fit on the card. However, all columns must be provided on the header cards, regardless of the level of service requested. The route header card format must be as shown in Exhibit 945.32f.

g. *Delivery Unit Summary.* A Delivery Unit Summary must be prepared by typewriter or computer or printed by the customer. An original and one copy must be submitted for each 5-digit ZIP Code delivery area whenever address cards for that 5-digit ZIP Code delivery area are presented for sequencing. This form, which will be used by the Postal Service to provide summary information to the customer, is necessary for the calculation of total charges for the level of service provided. The original will be returned to the customer along with the cards, and the copy will be retained by the Postal Service. The required format for the Delivery Unit Summary form is shown in Exhibit 945.32g.

h. *Submission of Cards.* Customers must submit the containers of address cards to the manager of the Management Sectional Center (MSC) for carrier routes within the area served by the MSC. Address cards for each 5-digit ZIP Code area must be submitted in a separate container or containers. Each container must have an envelope affixed to it which includes appropriate packing lists and *Delivery Units Summary* sheets for that 5-digit ZIP Code area. Containers of address cards must be addressed as follows: MSC DIRECTOR OF CUSTOMER SERVICES; LIST SEQUENCING SERVICE; (Street Address); (City, State, ZIP Code). The mailer must identify the number of shipping containers which are submitted for each 5-digit ZIP Code delivery area on the *Delivery Unit Summary.* In addition, each of these containers must be sequentially numbered to show the total number of containers for that 5-digit ZIP Code area. For example, if three containers are submitted for a specific 5-digit ZIP Code area, the containers must be marked as follows: *1 of 3, 2 of 3,* and *3 of 3.* The MSC will distribute the cards to the appropriate post office(s) for sequencing and correction. *Exception:* Address cards that relate only to those addresses in the city in which the mailer is located may be submitted to the postmaster of that city for sequencing and correction.

.33 Sequencing of Address Cards. Postal employees will arrange unsequenced address cards in sequence of carrier route delivery without charge. Cards with incorrect or undeliverable addresses will be removed from the list, bundled separately, and returned to the customer. A charge of $0.10 is assessed for each card with an incorrect or undeliverable address which is removed from the mailer's list. The MSC will return the cards to the customer within 15 working days after receipt of a properly prepared request for address sequencing. *Exception:* The 15-working-day time limit will not apply to mailing lists received for sequencing between November 16 and January 1. Mailing lists received between these dates will be sequenced at the convenience of post offices, but as early as possible.

.34 Sequencing of Address Cards with Total Possible Deliveries Shown. Postal employees will arrange unsequenced address cards in sequence of carrier route delivery without charge. Cards with incorrect or undeliverable addresses will be removed from the list, bundled separately, and returned to the customer. A charge of $0.10 is assessed for each card with an incorrect or undeliverable address which is removed from the mailer's list. In addition, postal emloyees will insert a blank card for each existing address that is not included in the customer's address cards. If several addresses in a series are missing, a single blank card will be inserted for the series showing the number of missing addresses. No charge is assessed for inclusion of blank cards. The MSC will return all cards to the customer within 15 working days after receipt of a properly prepared request for address sequencing except for cards received between November 16 and January 1, as noted in 945.33.

.35 Sequencing, of Address Cards with Missing and New Addresses Added.

.351 General. This service involves:

a. The arrangement of unsequenced address cards in carrier route delivery sequence;

b. The inclusion of new or omitted addresses from the customer's list including rural address conversions to city delivery; and

c. The removal of non-existent addresses which are undeliverable by any carrier. These are bundled separately and returned to the customer.

.352 Additional Requirements. The Postal Service will perform this level of service on a customer's address cards if the customer meets the following additional requirements:

a. *Separate Groups.* Separate groups of address cards must be submitted for the addresses in each 5-digit ZIP Code delivery area.

b. *Mailing Statement.* The customer must submit a mailing statement for each 5-digit ZIP Code area showing:

(1) The types of addresses contained on the cards, (i.e., a residence-only grouping, a business-only grouping, or a combination grouping);

(2) The number of addresses contained on the cards; and

(3) The name, mailing address, and phone number of the address list owner or his designated agent.

c. *Mailing List Requirements.* The mailing list which the cards represent must contain:

(1) 90% of all residential addresses within the 5-digit ZIP Code area if the addressees are in a residence-only grouping, or

(2) 90% of all business addresses within the 5-digit ZIP Code area if the addresses are in a business-only grouping, or

(3) 90% of all addresses within the 5-digit ZIP Code area if the addresses are in a combination grouping.

.353 Apartments and Office Buildings. In calculating the total number of addresses within a 5-digit ZIP Code area, each apartment unit in an apartment building or each office in an office building which constitutes a deliverable address will be treated as a separate address. For each office building or apartment unit with a series of addresses, mailers should submit blank cards suitable for showing both the series of addresses and the total number of individual addresses involved. A suggested format is shown in Exhibit 945.353. *Exception:* MSC managers will authorize list-sequencing service provided under 945.35 through September 1, 1982, to mailers whose submitted list may not meet the 90% rule, if the mailer can provide sufficient evidence (such as a postal receipt) that the specific list which the mailer has submitted for sequencing met the 90% criteria and was sequenced by the post office within the preceding 12 months. This 12-month period is computed from the date the mailer submits the list for sequencing. After September 1, 1982, all delivery points within a 5-digit ZIP Code area, including apartment units or delivery offices within an office building, will be used to determine if a mailer complies with the 90% rule for obtaining the level of service provided under 945.35.

.354 Nonexistent or Undeliverable Addresses. For cards submitted pursuant to 945.352, postal employees will withdraw each card which contains a nonexistent or otherwise undeliverable address. A card showing the correct address will be inserted for each existing address not included in the owner's address cards. The MSC will return the cards to the customer within 15 working days after receipt, except for cards received between November 16 and January 1, as noted in 945.33.

.355 Incorporating Changes. Upon receipt of these returned cards, customers are expected to incorporate the changes in their mailings within 75 days.

.356 Resubmission of Address Cards. The customers must determine when address cards need to be submitted for resequencing to maintain the 90% eligibility level of address coverage. (See 945.352c.) The post office will not instruct or advise mailers how often they need to submit lists to remain qualified for the level of service provided under 945.35. The frequency will depend on unique community growth factors which the mailer is responsible for monitoring.

.36 Seasonal Addresses. Address cards which are subject to seasonal occupancy and are submitted for sequencing under all levels of service available (945.33–945.35), will be handled as follows: Correct address cards which are subject to seasonal occupancy, but which do not indicate seasonal treatment, will be marked with an "S" on the address card. If the address is included in a series card, such as those used specifically for apartment buildings, trailer parks, and seasonal delivery areas in general, the appropriate "seasonal" indicator box will be checked (see Exhibit 945.353). When correct address cards are submitted which are not subject to seasonal occupancy, but include seasonal treatment notations, the carrier will obliterate or mark through the seasonal indicator. These cards will be placed in their proper carrier route sequence order in the returned deck of cards. They will be specifically identified by: a. affixing a paper clip to the card, or b. wrapping a rubber band around the card. No charges are assessed for this service.

.37 Charges.

.371 Sequencing of Addressing Cards (945.33). A charge of $0.10 is assessed for each address card included in the mailer's submitted list which is *undeliverable-as-addressed* or *non-existent.* The cards will be removed from the deck of cards, bundled separately, and returned to the mailer.

.372 Sequencing of Address Cards with Total Possible Deliveries Shown (945.34). The same charges are assessed as noted in 945.371. No charge is assessed for the insertion of blank cards showing the range of missing addresses in a submitted list.

.373 Sequencing of Address Cards with Missing or New Addresses Added (945.35). In addition to the charges assessed in 945.371, a charge of $0.10 is assessed for each address (possible delivery), which is added to the mailer's list. For apartment or office buildings with a series of addresses for which the Postal Service provides a range of addresses, the charge is $0.10 for each address (possible delivery) in the range or series. *Exception:* Until September 1, 1982, mailers will not be charged $0.10 for each apartment delivery (within an apartment complex) or office delivery (within an office building) if the mailer includes a correct address card for each apartment complex and office building showing the range or number of deliveries at each apartment complex and each office building.

.374 Nonchargeable Items (All Levels of Service). The following services are provided free of charges for all levels of service (945.33–35):

a. *Rural Conversions to City Delivery.* If the mailer includes a rural address (box number) in a deck of cards submitted for sequencing, and a street address has been assigned to that box number so it can be served on a city delivery route, a correct address card will be included at no charge. Mailers using simplified addresses (see 122.4) will not receive rural conversions free of charge.

b. *Address Correction.* The post office will attempt, but not guarantee, to make simple corrections to addresses which can be identified as a specific delivery address and are not undeliverable-as-addressed or non-existent. Examples would be an obvious spelling error or missing street designator. Corrections will be noted on the submitted address cards. These cards will be placed in their proper carrier route sequence order in the returned deck of cards. They will be specifically identified by: a. affixing a paper clip to the card, or b. wrapping a rubber band around the card. Mailers are expected to incorporate these noted corrections in their mailing list.

c. *Seasonal Address Indicators.* The handling of addresses subject to sensonal occupancy is discussed in 945.36.

.38 Customer Compliance for Submission of Properly Sequenced Mailings.

.381 General. The customer must ensure that mailings are prepared in correct carrier route delivery sequence and resequence cards whenever necessary. The Postal Service will cease to provide list sequencing service to any customer whose mailings are not prepared in correct carrier route delivery sequence, if the customer is notified of this deficiency and fails to take corrective action.

.382 Verification. Local managers will verify that customers whose address cards have been arranged in sequence of carrier delivery are preparing mailing packages for each route with the individual pieces in delivery address sequence.

.383 Changes Affecting Delivery Sequence Only. If delivery changes occur which affect delivery sequence, but do not cause scheme changes, the MSC or local postmaster will notify customers, in writing, of the affected routes and request that they submit their address cards for resequencing. The customer must then submit either the entire list or the affected parts of the list for resequencing. Mailings should reflect delivery sequence changes within 90 days after the mailer is notified of these changes.

.384 Out-of-Sequence Mailings. If a carrier route sequenced mailing is received and it is out of sequence, the mailing will be accepted and the customer will be informed in writing of

the error. The customer will be notified that unless the situation is corrected, the Postal Service will cease to provide carrier route sequencing service. If the mailer does not take necessary action to correct the noted deficiencies in future mailings, the postmaster will provide notice in writing that the mailer will no longer be allowed to submit lists to that post office for sequencing.

.385 Mailer Appeal and Reinstatement Procedures.

a. *Appeal Procedures.* When a postmaster provides written notice to a customer that it is no longer eligible for list sequencing service because action has not been taken to correct past deficiencies (945.384), the mailer may appeal that decision in writing within 30 days to the postmaster. The postmaster will forward the appeal to the MSC Manager who has the final authority to reinstate service or uphold the postmaster's decision.

b. *Reinstatement.* A mailer who has had list sequencing service withdrawn cannot submit any list for sequencing at the post office (or MSC responsible for the affected post office) where that sequencing service has been terminated for a period of one year following the effective date of service withdrawal. After one year following termination of the service, the customer is again authorized to submit address lists for sequencing. Exception: At any time during the year following termination of service, the customer may renew the submission of lists, if it convinces the postmaster or MSC Manager that it has taken all necessary action to correct past deficiencies.

.39 Carrier Route Presort Mailings.

.391 General. Customers mailing matter at a carrier route presort rate can ensure that they are using the most recent carrier route scheme information by maintaining their address cards in accordance with the procedures in 945.392 and 945.393. Maintenance of address cards in accordance with these procedures will greatly facilitate compliance with carrier route presort preparation requirements, since these changes may not be reflected in the *Official Carrier Route Schemes* which are updated only twice each year.

.392 Request for Scheme Changes. Upon request, the Postal Service will provide, on a continuing basis, the latest carrier route scheme change information to any customer who meets the requirements of 945.35. (Mailers may also request carrier route scheme information from individual post offices or through the CRIS system. See 622.11e(2)(a).)

.393 Resubmission of Address Cards. Customers receiving scheme change information under 945.392 should promptly submit, for resequencing, all address cards which are affected by any carrier route scheme change. (If the post office is to meet the requirements of 945.33–945.35, cards presented for resequencing must be sorted to the carrier routes as shown in the latest scheme change received by the customer.) If the cards are not sequenced in this manner, the post office will not be accountable for meeting the service time requirements in 945.33–945.35. Mailers should only submit cards for those routes which are affected by scheme changes.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3 (39 U.S.C. 401(2), 404(a)(2).

Fred Eggleston,

Assistant General Counsel, Legislative Division.

BILLING CODE 7710-12-M

Exhibit 945.32e

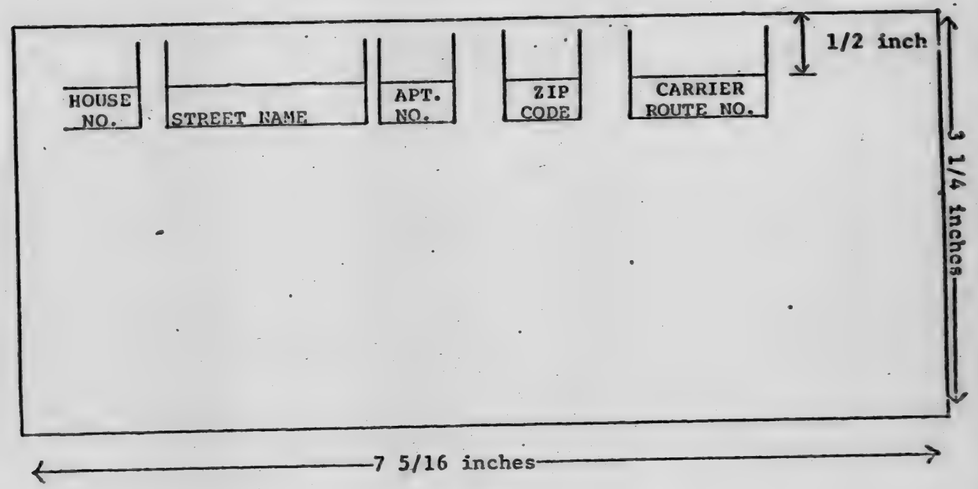


Exhibit 945.353

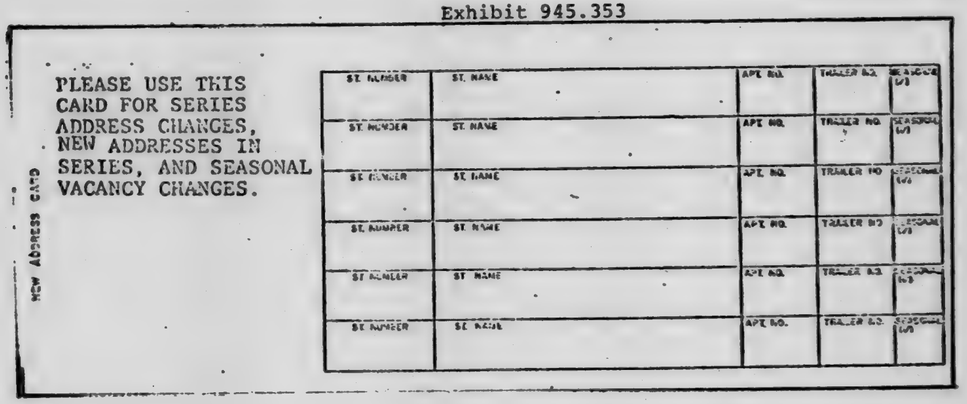


Exhibit 945.32f

CARRRIER ROUTE HEADER CARD

*Cards Are: ▱ Resident ▱ Business ▱ Combination of Resident and Business

*LEVEL OF SERVICE REQUESTED:
▱ Sequencing of Address Cards (945.33)
▱ Sequencing of Address Cards, with Total Possible Deliveries Shown (945.34)
▱ Sequencing of Address Cards with Missing or New Address Added 945.35

A	B	C	D	E	F	G	H	I
			NON CHARGEABLE SERVICES		CHARGEABLE SERVICES			
* CARRIER ROUTE NUMBER (All Services)	* COUNT (All Services)	CHANGES (All Services)	MISSING ADDRESSES (945.34 Services)	RURAL ADDRESSES CONVERTED (All Services)	NON-EXISTENT ADDRESSES REMOVED (All Services)	NEW ADDRESSES ADDED (945.35 Services)	TOTAL RETURNED (All Services)	TOTAL CURRENT POSSIBLE DELIVERIES (All Services)

COLUMN EXPLANATIONS ARE ON REVERSE SIDE

*To Be Completed By Customer

Exhibit 945.32f

(REVERSE SIDE)

COLUMN EXPLANATIONS

A. Carrier route number.

B. The number of addresses customer is submitting for the route.

C. The number (indicated with a minus (-) sign) of deliverable addresses which are not deliverable by the designated route carrier. (Carriers will give these cards to their supervisors.) The number (indicated with a (+) sign)of deliverable addresses from other routes which are brought to the designated route for sequencing.

D. The number of delivery addresses missing from the submitted list. The carrier will identify these by inserting one blank card per missing address or noting a serires of sequenced missing addresses on one blank card. These blank cards are inserted in proper sequence in the address cards submitted by the customer. Use of this column applies to 945.34 service only.

E. The number of rural addresses converted to city delivery.

F. The number of non-existent addresses. These are addresses which are undeliverable by any carrier. The carrier will remove these address cards, bundle and return to his supervisor.

G. The number of new addresses not contained in the customer's cards. One card may contain multiple possible deliveries to be counted as one chargeable addition per possible delivery.

H. Total addresses being returned to customer. For 945.33 service (Column B plus or minus column C minus column F). For 945.34 service (Columns B + D plus or minus column C minus column E). For 945.35 service (Columns B + F + G + H plus or minus column C minus column E).

I. The maximum possible delivery count for business and/or residential deliveries including individual apartment units from 1621, Carrier Route Report. (Should agree with column H for service provided under 945.34 and 945.35 only.)

Exhibit 945.32g (For required explanation on back side, see Exhibit 945.32f)

DELIVERY UNIT SUMMARY

*Customer's Name _____

*Mailing Address _____

*City/State/Zip _____

*Telephone No. _____

*Date submitted _____

*Cards are:
( ) Resident
( ) Business
( ) Combination of Resident and Business

Number of Boxes/Containers Submitted _____

*LEVELS OF SERVICE REQUESTED:
( ) Sequencing of Address Cards (945.33)
( ) Sequencing of Address Cards with Total Possible Deliveries Shown (945.34)
( ) Sequencing of Address Cards with Missing Possible Deliveries Added (945.35)
( ) Sequencing of Address Cards with Missing and New Addresses Added (945.35)

A	B	C	D	E	F	G	H	I
			NON-CHARGEABLE SERVICES		CHARGEABLE SERVICES			
* CARRIER ROUTE NUMBER (All Services)	* COUNT (All Services)	CHANGES (All Services	MISSING ADDRESSES (945.34 Services)	RURAL ADDRESSES CONVERTED (All Services)	NON-EXISTENT ADDRESSES REMOVED (All Services)	NEW ADDRESSES ADDED (945.35 Services)	TOTAL RETURNED (All Services)	TOTAL CURRENT POSSIBLE DELIVERIES (All Services)
TOTALS								
CHARGES	**********	**********	**********	**********	X $0.10	X $0.10	**********	**********

AMOUNT DUE FROM CUSTOMER (Column (F + G) X $0.10-Total ---------- [ ] + [ ] = $ [ ]

* to be completed by mailer

Date Cards Received _____ Date Cards Returned _____

Scheme Date Used _____ Supervisor's Signature and Date _____

[FR Doc. 81-19304 Filed 6-30-81; 8:45 am]
BILLING CODE 7710-12-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 162 and 180

[OPP 00144; PH-FRL-1873-5]

Pesticides and Insecticides; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This document contains technical amendments of 40 CFR Chapter I based on internal organizational changes.

DATE: Effective on July 1, 1981.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Staff (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-130, 401 M St., SW., Washington, D.C. 20460, (202-426-2690).

SUPPLEMENTARY INFORMATION: Based on internal organizational changes, submission of comments under 40 CFR Part 162 should be made to the Document Control Officer of the Office of Pesticides and Toxic Substances and the division referred to as the Pesticides Tolerance Division or the Pesticides Regulation Division in 40 CFR Part 180 should be the Registration Division. Therefore, Parts 162 and 180, Subchapter E, Chapter I of Title 40, Code of Federal Regulations, are amended as set forth below.

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

§ 162.22 [Amended]

1. 40 CFR 162.22 is amended by removing the words "Federal Register Section, Technical Services Division (WH-579), Office of Pesticide Programs," and inserting in their place, "Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances." Also, following that address, 40 CFR 162.22 is amended by removing the words "Office of the Federal Register Section, from 8:30 a.m. to 4 p.m., Monday through Friday" and inserting in their place, "Rm. E-107, at the address given above, from 8 a.m. to 4 p.m. Monday through Friday, excluding legal holidays."

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES [AMENDED]

2. In Part 180 all references to the "Pesticides Tolerance Division" or the "Pesticides Regulation Division" are changed to read the "Registration Division."

Since there are no substantive differences in the amended material no public comment and procedures are required.

Dated: June 25, 1981.
(Sec. 3, 92 Stat. 819, 7 U.S.C. 136)

Edwin H. Clark II,
Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-19316 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Ch. I

Water and Power Resources Service; Notification of Name Change

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notification of Name Change—Final Rule.

SUMMARY: By Secretarial Order No. 3064, dated May 18, 1981, the Secretary of the Interior changed the name of the Water and Power Resources Service to the Bureau of Reclamation, reversing an action taken on November 6, 1979. This action was taken in accordance with the Reorganization Plan Number 3 of 1950 (64 Stat. 1262). References in Chapter I must therefore be revised to reflect this change.

DATE: Effective May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Carl O. Rowe, Director, Office of Policy and Management, Commissioner's Office, Bureau of Reclamation, Washington, D.C. (202) 343-6833.

Dated: June 17, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

Accordingly, 43 CFR Chapter I is amended by replacing the phrase "Water and Power Resources Service" with "Bureau of Reclamation" wherever it appears.

[FR Doc. 81-19351 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-09-M

Proposed Rules

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 924

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oreg.; Notice of Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed regulation which would establish minimum grade and size requirements on shipments of fresh Washington-Oregon prunes on and after August 1, 1981.

These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Comments must be received not later than July 16, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The proposed regulation would be issued under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee. Under the terms of the proposed regulation the grade and size requirements would be effective on and after August 1, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendation for continuation, modification, suspension or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee and other available information and determine whether continuation, modification, suspension, or termination of regulation of shipments of prunes would tend to effectuate the declared policy of the act.

The recommendation of the committee reflects its appraisal of the crop and current and prospective market conditions. The committee expects fresh shipments of Washington-Oregon prunes in 1981 to total 19,000 tons, compared with 24,410 tons last season. The proposed regulation is designed to prevent the handling of prunes of a lower quality or smaller size than specified and to provide for the shipment of good quality fruit in the interest of producers and consumers.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Such proposal reads as follows:

§ 924.319 Prune Regulation 19.

(a) On and after August 1, 1981, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish in color, and such prunes measure not less than 1 1/4 inches in diameter as measured by a rigid ring: *Provided,* That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerance for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay, or

(2) Such prunes are handled in accordance with paragraph (b) of this section.

(b) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 350 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Grades of Fresh Plums and Prunes (7 CFR 2851.1520–2851.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (April 29, 1978), and in the Oregon State Department of Agriculture Standards for Italian Prunes (October 5, 1977); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: June 26, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–19373 Filed 6–30–81; 8:45 am]

BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements Docket 37444; PSDR-65C]

Statements of General Policy; International Cargo Rate Flexibility Policy

Dated: June 25, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Reopening of comment period.

SUMMARY: The CAB has proposed a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. The CAB now reopens the comment period in this rulemaking proceeding to allow public comments on a staff memorandum. This action responds to a petition filed by the Electronics Shippers.

DATE: Comments due: July 16, 1981.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: John H. Kiser, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5218.

SUPPLEMENTARY INFORMATION: The Board proposed in PSDR–65 (45FR 3594, January 18, 1980) to adopt a policy permitting U.S. and foreign air carriers greater flexibility in changing cargo rates in international air transportation. Under the proposed policy, the Board would establish a standard cargo rate level in each international market at the general commodity rate (GCR) level in effect on a base date. Rate reductions below this level, or increases up to five percent above it, would not ordinarily be reviewed by the Board for economic reasonableness. The standard level would be adjusted periodically for cost increases. Under this scheme, the range of upward flexibility for specific commodity rates (SCR's) would be greater than for GCR's, since most SCR's are substantially below the GCR level. PSDR–65 also invited comments on whether the five percent upward range would be adequate, with a view to higher ceilings depending on conditions in different markets.

The Board received written comments and reply comments on the proposal, and held oral argument on July 15, 1980. On August 14, 1980, the Board instructed its staff to prepared a final rule in this proceeding.

On April 22, 1981, a memorandum was sent to the Board by three senior staff members: the General Counsel and the Directors of the Bureau of International Aviation and the Office of Economic Analysis. The memorandum stated that the staff has prepared a draft final rule including, among others the following features: (1) upward GCR flexibility of five percent in Latin America, 10 percent in the Pacific, and 15 percent in the Atlantic; and (2) separate, lower ceilings for existing specific commodity rates in the Pacific and Latin America, to be phases up to the GCR ceilings. The memorandum then suggested that the draft had been overtaken by events, and recommended that broader GCR flexibility be established in the Atlantic and Pacific, such as 20 and 15 percent zones, respectively. The memorandum also stated that special treatment of SCR's no longer seemed desirable or economically warranted, and suggested that the Board may wish to revert to its original proposal on that point.

After portions of the staff memorandum appeared in the trade press, the Electronics Shippers petitioned the Board on May 11, 1981, to release the memorandum and allow interested persons an opportunity to comment on the arguments that it set forth. Congressman Norman Mineta has sent the Board a letter suggesting the same action. The Electronics Shippers summarized their argument as follows:

> [T]he facts set forth in *Airline Reports* clearly do not support the extraordinary relief requested in the joint memo. If there are no facts other than these in the memo, it would seem apparent that the staff members simply disagree with the Board's prior decision and have taken this opportunity to petition the Board to reconsider and reverse its previous decision. We question the propriety of this action. If, on the other hand, the joint memo contains facts and figures which are not reported in *Airline Reports*, we respectfully suggest that it would contribute toward a sound decision by the Board to make the joint memo public and permit all parties to comment on it. [petition, p.5]

The Electronics Shippers have misunderstood the role of Board staff in this type of proceeding, and the meaning of instructions to staff. When the Board instructs its staff to prepare a final rule in an informal rulemaking proceeding such as this, the Board is not making a final decision. It is not even making a "tentative decision" as that term is commonly used in orders to show cause or, occasionally, notices of proposed rulemaking. Legally, instructions to staff are not a decision at all. The Board merely directs its employees to prepare a document whose approval, if and when that approval is voted, will ultimately amount to a decision. For this reason alone, the argument that with the memorandum the staff was "petitioning" the Board to change a "decision" is pointless. Perhaps even more important, however, is the fact that the staff members are advisers to the Board in this rulemaking proceeding. They are not members of the general public, nor are they "parties," as some staff members are considered in formal proceedings. Thus, even if there were a final Board decision on cargo rate flexibility, the staff memorandum would merely amount to an internal policy recommendation rather than a "petition for reconsideration." Routine disclosure of such recommendations would be incompatible with the staff's role as internal adviser to the Board.

In order to develop a full record and eliminate any appearance of impropriety, however, we have decided in this case to grant the Electronics Shippers' petition. Copies of the memorandum are being placed in the docket and mailed along with this notice to all persons on the service list for this rulemaking, and we are reopening the comment period until July 16, 1981.

Commenters should note that we have as yet made no decision on the rule itself. We therefore retain the procedural flexibility to adopt a final rule as suggested in the memorandum, or any other rule that is within the scope of the notice of proposed rulemaking.

V. 46 / 126 / JL 1 81 UMI

Accordingly, the Civil Aeronautics Board reopens Docket 37444 for comments until July 16, 1981.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19340 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 6

[LR-10-81]

Mortgage Subsidy Bonds; Temporary Income Tax Regulations; Cross-Reference

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary income tax regulations that relate to mortgage subsidy bonds. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 31, 1981. The regulations are proposed to be effective for obligations issued after April 24, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-10-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Explanation

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 6a to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes to be based on those temporary regulations, would be added to Part 1 of Title 26 of the Code of Federal Regulations. Sections 6a.103A-1, 6a.103A-2 and 6a.103A-3 would become §§ 1.103A-1, 1.103A-2, and 1.103A-3, respectively. For the text of the temporary regulations, see FR Doc. (T.D. 7780) published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the addition to the regulations.

The regulations interpret the provisions of section 103A of the Internal Revenue Code of 1954 which provides that a mortgage subsidy bond shall be treated as an obligation not described in section 103(a)(1) or (2) the interest on which shall not be excludable from gross income. Section 103A allows exceptions to this general rule for qualified mortgage bonds and qualified veterans' mortgage bonds.

These regulations are proposed to be issued under the authority contained in section 7805 of the Internal Revenue Code (26 U.S.C. 7805; 68A Stat. 917).

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-19339 Filed 6-29-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731 and 732

Permanent Regulatory Programs for Non-Federal and Non-Indian Lands

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, seeks comments on proposed rules that would amend 30 CFR 730.5, 731.13 and 732.15 to give States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. Many State agencies have complained that the current regulations are not sufficiently flexible to respond to the particular needs of the individual States. The proposed rule would eliminate the so-called "State window" and replace it with a scheme that would allow States to adopt any provisions that are as effective as the Federal regulations.

DATES: Comments must be received by July 31, 1981, not later than 5:00 p.m., at the address below. A public hearing will be held on July 28, 1981 at 9 a.m. Representatives of OSM will be available to meet with interested persons upon request until [Insert: 30 days after publication].

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record, Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240.

A transcript of the public hearing, all written comments received, summaries of meetings with respresentatives of OSM and other documents constituting the administrative record on the proposed amendments will be made available for public review during regular business hours at the above address.

A public hearing will be held in the main auditorium, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. The hearing will continue until all persons wishing to speak have been heard. Testimony will be limited to 15 minutes per speaker. Persons wishing to testify should contact Mr. Carl Close at the address or phone number indicated below.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Room 130, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior has decided to review all regulations promulgated by the Department under the Surface Mining Control and Reclamation Act of 1977 (the Act). The Secretary believes that fundamental changes in these regulations are necessary. He intends to administer the Act in a manner that does not unnecessarily restrict coal development or improperly intrude on the role of the States. This approach will reflect the potentially competing mandates of the Act which require the Secretary (1) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining (Section 102(a)); (2) to recognize that the primary governmental responsibility for developing, authorizing, issuing and enforcing regulations for surface coal mining and reclamation operations should rest with the States (Section 101(f)); and (3) to assure that coal supplies are adequate to meet the Nation's requirements (Section 102(f)).

One area of the Secretary's concern is the process of approving State regulatory programs under Section 503 of the Act, 30 U.S.C. § 1253. Many State agencies have complained that the current regulations are not sufficiently flexible to respond to the particular needs of the individual States. In particular, they object that the interpretation previously given by the Department to section 503 of the Act limited the flexibility of the States in developing and submitting proposed State programs.

Section 503 permits a State to assume primacy for the regulation of coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things,

> A State law which provides for the regulation of surface coal mining and reclamation operations *in accordance with* the requirements of the Act * * * [and] rules and regulations *consistent with* regulations issued by the Secretary pursuant to this Act. (Emphasis added, 30 U.S.C. 1253(a)(1) and (7)).

By this provision, Congress intended to establish the specific requirements of the Act and the regulations promulgated thereunder as the minimum national standards for the regulation of surface mining reclamation operations. Acceptable State programs could exceed these minimum standards, but could not fail to meet them. (*See*, H.R. Rep. 95-493, 95th Cong., 1st Sess. 102 (1977), S. Rep. 95-128, 95th Cong., 1st Sess. 49, 52-54, 63 (1977)).

To implement the provisions of section 503 and to insure a balance among the competing mandates of the Act, the Secretary promulgated Parts 730-732 in the permanent regulatory program (44 FR 15323-15328, March 13, 1979). Under the current regulations a State must submit its proposed permanent program to OSM under procedures contained in 30 CFR Part 731 to assume primary jurisdiction under the Act for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders. OSM reviews the proposal and recommends approval or disapproval to the Secretary of the Interior of each State program according to procedures contained in 30 CFR Part 732.

State alternatives to the Federal regulations are acceptable if they meet the requirements of 30 CFR 731.13, are "*in accordance with*" the requirements of the Act, and are "*consistent with*" the Federal regulations (30 CFR 732.15(a)). The current regulation at 30 CFR 730.5 gives *consistent with* and *in accordance with* the same definition:

(a) With regard to the Act, the State laws and regulations are no less stringent than, meet the minimum requirements of and include all applicable provisions of the Act, and

(b) With regard to the Secretary's regulations, the State laws and regulations are no less stringent than and meet the applicable provisions of the regulations of 30 CFR Chapter VII.

The regulations at 30 CFR 731.13 provide standards and procedures for approving alternatives to provisions of the regulations of 30 CFR Chapter VII. These provisions have been informally labelled as the "State window." A State may request approval for alternatives by meeting the following conditions:

(a) Identify the provision in the regulation of this Chapter for which the alternative is requested;

(b) Describe the alternative proposed and provide statutory or regulatory language to be used to implement the alternative; and

(c) Explain how and submit data, analysis and information, including identification of sources, demonstrating—

(1) that the proposed alternative will be in accordance with the applicable provisions of the Act and consistent with the regulations of this Chapter, and

(2) that the proposed alternative is necessary because of local requirements or local environmental or agricultural conditions.

II. Proposed Changes

The proposed amendments to Parts 730-732 are designed to address the concerns of the States and their criticism that the State window unnecessarily restricts their ability to propose alternatives to the Federal regulations. The proposed amendments would make clear that States are not required to adopt the Secretary's regulations: they are free to develop and adopt regulations which meet their special needs. States would no longer have to demonstrate that each alternative is necessary because of local requirements or local environmental or agricultural conditions. In addition, States would not be required to parallel all applicable provisions of the Secretary's regulations. A State program, including its laws and regulations would, however, have to be as effective as the Secretary's regulations in meeting the requirements of the Act in order to be approved. This implements Congress' intent that the Secretary's regulations serve as the benchmark for evaluating State proposals.

Under these proposed regulations, as under the current rules, the Secretary would base his decision to approve a State program on the information contained in the State program submission and other relevant information in the Department's administrative record for that State program. To obtain approval of alternatives to the Federal regulations, however, the record need only contain sufficient information and data to support the conclusion that the State's proposals are as effective in meeting the requirements of the Act as the Federal regulations are.

The proposed amendments increase the flexibility of the States in the development of their State programs by eliminating the requirements of 30 CFR 731.13 that a State alternative must be justified by local needs and by introducing the concept of *"no less effective than"* as the operative definition of the term "consistent with" in Section 503(a)(7) of the Act. The increased flexibility which results from the elimination of § 731.13 is obvious. However, the meaning of the phrase "no less effective than" merits further elaboration.

To be "no less effective in meeting the requirements of the Act," the State program must provide assurance that

the State provisions will be as effective in meeting the requirements of the Act as the Federal regulations. The standards for judging the effectiveness of the State proposals are the appropriate Federal regulations; however, the State approach no longer need duplicate the approach in the Federal regulations.

Some examples of the changes that might result from the adoption of these proposed amendments may aid in understanding the effects of this proposal.

Example 1: One State program submitted to OSM last year had a different approach from the Secretary's rules to the question of assurance of adequate stocking of trees where the postmining land use of the mine site would be forest land. While the Federal regulations specify a minimum tree count per acre, the State's rule would have required only that the State Forester approve the proposed stocking plan. Under the existing rules this State approach was found inadequate by the Secretary, in spite of evidence that the State Forester would look to assuring that there would be stocking comparable to existing forestland in the State. Under the rule being proposed today, the State's approach might well have been approved. (See 45 FR 86466, New Mexico Conditional Approval.)

Example 2: Another State program submitted to OSM last year proposed fewer inspections of certain types of sediment pond dams than are required by the Secretary's regulations at 30 CFR 816.46(t). The State proposal would require inspections for these dams "as required by the Department" rather than the four times per year mandated by the Federal rule. The State proposal would have resulted in fewer than four inspections for certain ponds, due to small size and low hazard location. Under the current rules this State approach was found inadequate by the Secretary. The disapproval cited lack of evidence in the submission that conditions exist in Kentucky justifying less than four inspections per year for all sediment pond dams. Under the rule being proposed today, the State's approach might well have been approved. (See 45 FR 69946–69949, Kentucky Partial Approval.)

The Secretary solicits other examples of State program provisions that might be acceptable under these new proposed rules. Representative examples submitted will be addressed in the preamble to the final rule so as to afford the public further guidance as to the scope and meaning of these proposed rules.

This proposed rule is not intended to take the place of a detailed review of the individual requirements of the permanent program rules at 30 CFR Chapter VII. OSM has begun that review and will continue to propose additional rule changes. Rather, it is intended to ensure that the States can exercise the lead role contemplated for them under the Act.

Currently, sixteen (16) State programs have been approved by the Secretary. If the proposed amendment is ultimately adopted, States with approved programs may also develop regulations meeting their specific needs. Such regulations can be incorporated into the approved State program by amendment under procedures of 30 CFR 732.17. States without approved programs can also develop State-specific regulations for incorporation into future program submissions.

III. Public Comments on Draft Proposed Rule

A draft of the rule being proposed today was made available to State regulatory authorities and groups representing industry and citizens. In addition, a notice was published in the **Federal Register** (46 FR 22399–22400, April 17, 1981) announcing the availability of the draft proposed rule and inviting comments on its applicability. Forty-five comments were received during the comment period which closed on May 8, 1981. Twenty-five statements supported the proposed change as it was drafted and recommended that it be adopted. Seventeen additional comments were supportive of the draft rule, but recommended further clarification or changes. Three commenters recommended that the rule not be adopted. Each comment received is on file in the Administrative Record Room at the address listed above. One minor change was made between the earlier draft and the version being proposed today, for purposes of clarification.

The main points and rationale offered by the commenters are listed below. All comments received will be further reviewed and analyzed by OSM during consideration of the proposal as a final rule. Several commenters offered specific examples of alternative approaches they believe the Secretary should be able to find "as effective as" the Federal regulations. In some cases, the examples offered had been rejected by OSM during presubmission discussions of State programs being reviewed under the existing rule. In other cases, examples were rejected in State program disapproval actions by the Secretary. These examples along with those submitted in response to this announcement will be reviewed and representative examples will be addressed in the preamble to the final rule.

Further clarification or change recommended by supporters of the draft proposed rule included the following:

1. Three commenters recommended that further clarification be included to define what is meant by "effectiveness."

2. One commenter recommended that the last phrase of the draft version of 30 CFR 732.15(a) be revised to assure consistency with the proposed changes in 30 CFR 730.5 and 731.13. The commenter stated that the phrase could be construed to conflict with the other changes.

3. Three commenters suggested that the proposed change be revised to clarify that State regulations are not to be compared with Federal regulations and that they are only required to ensure compliance with the Federal (and State) Acts and not be contradictory to or preclude enforcement of the Federal regulations.

4. One commenter recommended that the States be afforded the same flexibility in drafting their laws and statutes as their regulations.

5. Three commenters recommended that 30 CFR 730.11(a) be revised not only to conform to the statutory language, but to be consistent with the intent of the draft rule change. The recommended change to 30 CFR 730.11(a) would replace the "no less stringent" standard with "no less effective" with regard to the Secretary's regulations.

6. One commenter suggested that far too much has been made of the phrases "in accordance with" and "consistent with," because the dictionary and the commenter's recollections and notes on numberous hearings, debates, and conversations support the conviction that Congress did not intend that State regulations be carbon copies of Federal regulations. The commenter also suggested that OSM abandon the use of the word "alternatives" to describe differences between Federal and State regulations because the word has a negative implication, i.e., a compromise or choice between two incompatible choices. The commenter also stated that OSM's regulations are to be minimum standards or guidelines, and if a proposed State regulation is just as acceptable when judged against the Act, then the State's proposal is no more an "alternative" than OSM's regulations. The commenter argued that the word "proposed" is a better choice to describe

regulations submitted by the States to OSM for approval.

7. One commenter noted that the draft proposed change fails to get at the problem of areas of OSM regulation i) not required by the Act or ii) otherwise not truly necessary to the program mandated by the Act itself for inclusion in State programs. While it certainly helps to have a State required to meet targets of effectiveness, there are instances where the States should not have been given a target at all by the former Secretary's regulations, the commenter argued. The commenter included the following as examples of the problem:

(a) Section 732.15(b)(14) requirement that States provide for the protection of State employees of the regulatory authority in accordance with the protection afforded Federal employees under section 704 of the Act, and

(b) Section 732.15(b)(15) requirement that States provide for administrative and judicial review of State program actions in accordance with sections 525 and 526 of the Act and Subchapter L of the Secretary's regulations.

8. Several commenters offered specific examples of alternative approaches they believe the Secretary should be able to find "as effective as" the Federal regulations. In some cases, the examples offered had been rejected by OSM during presubmission discussions. In other cases, examples were rejected in State program disapproval actions by the Secretary.

9. Two commenters expressed hope that under the proposed arrangement OSM would give States the benefit of the doubt concerning the efficacy of an alternative provision, but, if experience contradicts the Secretary's decision, the Secretary is free to reevaluate the program under 30 CFR Part 733.

10. Three commenters presented rationale as to why regulatory programs need not specify design criteria to achieve performance criteria. Two commenters recommended deleting design standards from the Secretary's regulations, stating that design standards were not mentioned in section 501 of the Act. The other commenter recommended that State programs not be required to include design standards, arguing that it makes no sense to foreclose coal operators from innovation and less expensive measures that will accomplish the standards of performance intended to be met by the law.

Conclusions of three commenters opposed to the proposed rulemaking:

1. The proposed change is nothing less than promulgation of the "Rockefeller Amendment" by regulation. The proposed change eliminates comparison of a State's regulations with the Secretary's regulations, as required by section 503(a)(7), and substitutes comparison of a State regulation with the requirements of the Act.

2. The proposed rules established a "double" standard for approval of State program submittals which is inconsistent with the Act. The commenter believes that the current definition of "consistent with" and "in accordance with" establish the same standard for approval whether the Secretary's regulations or the Act is involved and that the proposed change would create a different standard for approval where the Secretary's regulations are concerned and therefore violates the Act and the Congressional purpose embodied therein.

3. The proposed rule improperly deletes the requirement in the definition of "consistent with" that a State program "meet the applicable provisions of the Secretary's regulations."

4. The effect of the proposed "at least as effective" test is unclear and must be clarified.

IV. Determination of Effects

The Department of the Interior has determined that this document is not a major or significant rule and does not require cost benefit analysis under Executive Order No. 12291 or a regulatory analysis under 43 CFR Part 14, 45 FR 85376–84 *et seq.* (December 24, 1980). The Department has also determined that the proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, P.L. 96–354, 5 U.S.C. § 601 *et seq.*, and 43 CFR Part 14. In addition, the Department has determined that this rule does not constitute a major Federal action having a significant effect on the quality of the human environment under the National Environmental Policy Act.

Primary authors of this document are James Fulton and Arthur Abbs, State Programs Division, Office of Surface Mining.

Dated: June 15, 1981.

William P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

Text of Proposed Amendment:

1. 30 CFR 730.5(b) would be revised to read as set forth below:

§ 730.5 Definitions.

* * * * *

(b) With regard to the Secretary's regulations, the State laws and regulations are no less effective than the Secretary's regulations in meeting the requirements of the Act.

§ 731.13 [Removed]

2. Section 731.13 "Standards and procedures for approval of alternatives to provisions of the regulations of this Chapter", would be removed in its entirety.

3. § 732.15(a) is revised to read as follows:

§ 732.15 Criteria for approval or disapproval of State programs.

(a) The program provides for the State to carry out the provisions and meet the purposes of the Act and this Chapter within the State and that the State's laws and regulations are in accordance with the provisions of the Act and consistent with the requirements of this Chapter.

* * * * *

(Secs. 102, 201(c) et seq., Pub. L. 95–87)

[FR Doc. 81–19067 Filed 6–30–81; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8–R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, Defense.

ACTION: Proposed Amendment to Rule.

SUMMARY: DoD proposes to amend DoD Regulation 6010.8–R (32 CFR 199), which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment revises language in the Regulation to allow benefit consideration for the surgical treatment of morbid obesity when the primary purpose of the surgery is to treat a severe related illness or condition. The Regulation is amended due to recent findings that indicate the bypass surgeries warrant reevaluation. Benefits will include the surgical treatment of those individuals who meet the Program definition of morbid obesity, and will be limited to two procedures—that is, the gastric bypass (including gastric stapling) or the jejunoileal bypass.

DATES: Written public comments must be received on or before July 31, 1981. It is anticipated, if issued as a final rule, this proposed amendment would be effective retroactive to 1 October 1980.

ADDRESS: Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, telephone (202) 697–5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Department of Defense published DoD 6010.8–R, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as part 199 of this title. Section 199.10(b)(g)(28) excludes the surgical treatment of obesity as a Program benefit regardless of the circumstances. This was done deliberatley because at the time the current regulation was being developed Program experience had resulted in serious concern as to the safety and efficacy of surgical treatment of obesity, the high rate of complications, lax patient selection criteria and the inappropriate medical surroundings in which some of the procedures were performed. Program review of recent findings and studies indicate progress has been made and supports a reevaluation of at least some types of surgical treatment of morbid obesity.

Under this revised policy, benefits will be limited to only two surgical procedures, the gastric bypass (including gastric stapling) or the jejunoileal bypass. Benefits will be further limited to those individuals who meet the specified criteria. Program benefits will continue to be excluded for other surgical procedures and for all non-surgical services related to morbid obesity, obesity and/or weight reduction.

This amendment is being published for proposed rulemaking at the same time as it is being coordinated within the Department of Defense, with the Department of Health and Human Services, and with other interested agencies in order that consideration of both internal and external comments and publication of this final rulemaking can be expedited.

Accordingly, we propose to amend 32 CFR Part 199 as follows:

1. Section 199.8(b) by adding a new definition of "Morbid Obesity" as paragraph (115a) as follows:

§ 199.8 Definitions.

* * * * *

(b) *Specific Definitions.* * * *

(115a) *Morbid Obesity.* "Morbid Obesity" means (in the adult, between the ages of 18 through 50) the body weight is 200% or more of ideal weight for height and bone structure or the body weight is 100 pounds over ideal weight for height and bone structure, according to the most current Metropolitan Life Table, and such weight is in association with *severe medical conditions* known to have higher mortality rates in association with morbid obesity. These associated medical conditions are diabetes mellitus, hypertension, cholecystitis, narcolepsy, Pickwickian syndrome and other severe respiratory diseases, Hypothalmic disorders and severe arthritis of the weight bearing joints.

* * * * *

2. Section 199.10:

a. By adding a new paragraph (e)(15).

b. By revising paragraph (g)(28).

§ 199.10 Basic Program Benefits.

* * * * *

(e) *Special Benefit Information.* * * *

(15) *Morbid Obesity.* All services and supplies related to obesity or weight reduction have been specifically excluded under this part (refer to § 199.10(b)(28)). Although never the treatment of first choice, recently surgical treatment of morbid obesity has become more accepted when certain *severe medical complications* are present.

(i) *Definition.* Morbid obesity means (in the adult, between the ages of 18 through 50) the body weight is 200% or more of ideal weight for height and bone structure or the body weight is 100 pounds over ideal weight for height and bone structure, according to the most current Metropolitan Life Tables, and such weight is in association with one or more severe medical conditions known to have higher mortality rates in association with morbid obesity. These associated medical conditions are:

(*a*) Diabetes mellitus;

(*b*) Hypertension;

(*c*) Cholecystitis;

(*d*) Narcolepsy;

(*e*) Pickwickian syndrome and other severe respiratory diseases;

(*f*) Hypothalmic disorders; and

(*g*) Severe arthritis of the weight bearing joints.

(ii) *Contraindications to Surgical Treatment of Morbid Obesity.* If any one of the following conditions are present in the patient, surgical treatment of morbid obesity is contraindicated and the case would thus not qualify for benefits regardless of whether the extreme weight is associated with one of the severe medical conditions listed in the definition of "morbid obesity;"

(*a*) Renal failure;

(*b*) Inflammatory bowel disease;

(*c*) Pulmonary embolization;

(*d*) Chronic alcholism;

(*e*) Active hepatitis;

(*f*) Cirrhosis of the liver;

(*g*) Organic brain syndrome;

(*h*) Mental retardation;

(*i*) Profound psychotic disturbance; or

(*j*) History of anorexia nervosa;

(iii) *Medical/Surgical Environment.* Preoperative and postoperative care by the patient's primary care physician and surgeon should include the services of a psychiatrist, an internist, a nutritionist and other consultants appropriate to the medical condition(s) present. Therefore, surgical care should be provided in a medical center. If the surgical treatment of morbid obesity is performed in other than a medical center environment, it will be considered a *contraindication* for purposes of extending CHAMPUS benefits.

(iv) *Limits to morbid obesity benefit.* Benefits for surgical treatment of morbid obesity are limited to those individuals who meet the criteria established in the definition. Benefits are further limited to the gastric bypass (including gastric stapling) or jejunoileal bypass only.

(v) *Claims Documentation.* Any claim(s) related to surgical treatment of morbid obesity must include documentation which provides the patient's history and shows the patient meets the criteria for morbid obesity. When the surgical procedure is jejunoileal bypass, documentation must also be attached to support the decision to make this the procedure of choice. Each claim(s) related to surgical treatment of morbid obesity will be medically reviewed to assure compliance with the Program's criteria. Where necessary, additional clinical documentation will be obtained.

(vi) *General Exclusions.*

(*a*) CHAMPUS benefits may not be extended for nonsurgical treatment of morbid obesity, obesity and/or weight reduction.

(*b*) Surgical procedures other than gastric bypass (including gastric stapling) or jejunoileal bypass are excluded whether or not morbid obesity is determined to be present.

(*c*) CHAMPUS benefits may not be extended if the patient is under 18 or over 50 years of age regardless of whether the case otherwise meets the CHAMPUS criteria for morbid obesity.

(*d*) Benefits are not authorized for surgical treatment of those individuals who do not meet all the Program criteria for morbid obesity established in the definition and this statement of policy.

* * * * *

(g) *Exclusions and limitations.* * * *

(28) *Obesity: Weight Reduction.* Services and supplies related to obesity and/or weight reduction whether surgical or nonsurgical; wiring of the jaws or any procedure of similar purpose regardless of the circumstances under which performed; except that benefits may be provided for the gastric bypass (including gastric stapling) and jejunoileal bypass procedures in connection with "morbid obesity" as provided in paragraph (e)(15) of this part.

* * * * *

M. S. Healy,

Federal Register Liaison, Washington Headquarters Services, Department of Defense.

25 June 1981.

[FR Doc. 81–19233 Filed 6–30–81; 8:45 am]

BILLING CODE 3810–70–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

ATBCB Committee of the Whole of the Board; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of Special Meeting.

SUMMARY: Due to the potential air traffic controllers strike, on June 19 the ATBCB meetings of June 22 and June 23 were postponed. The Architectural and Transportation Barriers Compliance Board (ATBCB) has rescheduled its special meeting for 10:00 AM, on July 10, 1981, to consider proposed rulemaking activities on the ATBCB Minimum Guidelines and Requirements for Accessible Design, published in the **Federal Register** as a Final Rule on January 16, 1981. Suspension of work or proposed cancellation of a contract with the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) relating to the ATBCB Minimum Guidelines and Requirements is also on the agenda for action by the ATBCB.

DATE: July 10, 1981, 10:00 AM–5:00 PM.

ADDRESS: Room 1331, 330 C Street, S.W., Mary E. Switzer Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD)

SUPPLEMENTARY INFORMATION: The special meeting of the ATBCB will enable the Board to further consider developments, including modification, rescission, amendment, of its accessibility rule adopted January 6, 1981, 46 FR 4270.

ATBCB Committee of the Whole of the Board is scheduled for Thursday, July 9, 1981. This meeting will be from 10:00 AM–5:00 PM, Room 1331, 330 C Street, S.W., Washington, D.C. Contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

Mason H. Rose, V,

Chairperson.

[FR Doc 81–19238 Filed 6–30–81; 8:45 am]

BILLING CODE 4000–07–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PH–FRL–1872–6; PP 7E1914/P116]

Cross-Link Nylon-Type Encapsulating Polymer; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that a cross-linked nylon-type encapsulating polymer be exempted from the requirement of a tolerance for residues when used as an inert encapsulating material for formulations of the insecticide parathion applied to sorghum. The proposal was submitted by Pennwalt Corp. This amendment to the regulation would permit residues of the subject encapulating polymer on sorghum without the establishment of a minimum permissible level.

DATE: Written comments must be received on or before July 31, 1981.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PMN) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703–577–7024).

SUPPLEMENTARY INFORMATION: Pennwalt Corp., 900 First Ave., PO Box C, King Prussia, PA 19406, has submitted a pesticide petition (PP 7E1914) to the EPA. The petition requests that the Administrator propose that 40 CFR 180.1028 by amended by the establishment of an exemption from the requirement of a tolerance for residues of the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an encapsulating material for formulations of the insecticide parathion applied to sorghum.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included 90-day rat and dog feeding studies.

Based on the rat and dog 90-day feeding studies, the no-observed-effect level (NOEL) was 10,000 parts per million (ppm) each (the highest level fed). A 21-day radiotracer study in rats at the sensitivity level of 0.1 part per billion (ppb) showed no absorption across the gastrointestinal wall. No alteration in the gastrointestinal mucosa at 10,000 ppm in the diet or the presence of impaction sites was noted in the rat and dog feeding studies. The acceptable daily intake (ADI), theoretical maximum residue contribution (TMRC), and maximum permissible intake (MPI) are not considerations in this proposed exemption because of the non-toxic nature of the encapsulating material. Tolerances have previously been established (40 CFR 180.121) for residues of parathion on a variety of raw agricultural commodities including sorghum at 0.1 ppm. The encapsulating polymer data are sufficient to evaluate the hazard from the proposed uses. The nature of the encapsulating material is adequately understood. There is no reasonable expectation of residues in eggs, meat, milk, or poultry. There are no pending regulatory actions against registration of the encapsulating material, nor are there essential data lacking from the petition, nor are there other considerations involved in establishing this exemption.

The subject polymer is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1028 will protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein may request, within 30 days after publication of this proposal in the **Federal Register** that this proposal be referred to an advisory committee in accordance with section (408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 7E1914/P116]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Jay Ellenberger from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).)

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.

* * * * *

(b) The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of parathion applied to growing sorghum.

[FR Doc. 81-19309 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-33-M

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticides Programs.

Therefore, it is proposed that 40 CFR 180.1028 be amended by (1) designating the existing text as paragraph (a) and (2) by adding paragraph (b) to read as follows:

Notices

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

June 24, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39702, from Elan Air Corp., 248 Broadway, Chelsey, MA 02150 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before July 22, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19380 Filed 6-30-81; 8:45 am]
BILLING CODE 6320-01-M

Application of Columbia Air, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause, 81-6-155, docket 39719 and fitness investigation of Columbia Air, Inc., Docket 39737.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Columbia Air, Inc., for a certificate authorizing the air transportation of persons, property and mail between and among 30 Baltimore/Washington, D.C. markets. Certification is subject to a favorable determination of the applicant's fitness in the Columbia Air Fitness Investigation (Docket 39737), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by July 13, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Persons wishing to file petitions to intervene in the Columbia Air Fitness Investigation shall file their petitions in Docket 39737 by July 6, 1981 and serve such filings on all persons listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39719, application of Columbia Air, Inc., for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on: Columbia Air, Inc.; the Mayors of Albany, NY, Atlanta, GA, Baltimore, MD, Washington, DC, Boston, MA, Buffalo, NY, Charleston, WV, Charlotte, NC, Chicago, IL, cincinnati, OH, Cleveland, OH, Columbia, SC, Columbus, OH, Detroit, MI, Greensboro, NC, High Point, NC, Hartford, CT, Springfield, MA, Indianapolis, IN, Islip, NY, Louisville, KY, Miami, FL, Nashville, TN, New York, NY, Newark, NJ, Norfolk, VA, Orlando, FL, Pittsburgh, PA, Providence, RI, Raleigh-Durham, NC, Rochester, NY, St. Louis, MO, Savannah, GA, Syracuse, NY and Tampa, FL; the managers of these cities' airports; the State Departments of Transportation or Aeronautics Commissions of New York, Georgia, Maryland, Washington, D.C., Massachusetts, West Virginia, North Carolina, Illinois, Ohio, South Carolina, Michigan, Connecticut, Indiana, Kentucky, Florida, Tennessee, New Jersey, Virginia, Pennsylvania, Rhode Island and Missouri; and the Federal Aviation Administration. Service will also be required on any other person filing objections.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-155 is available from our Distribution Section, Room 516, 1825 Connecticut Ave., N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-155 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 22, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19344 Filed 6-30-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39737]

Columbia Air Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., June 24, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-19346 Filed 6-30-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39737]

Columbia Air Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 10, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

In the instituting order, Order 81-6-155, the Board saw no need for an evidence request in this proceeding and directed all interested persons to file requests for additional evidence and requests to intervene no later than July 6, 1981. Comments or replies to any such requests shall be filed on July 8, 1981. Any pleadings filed on July 6 or July 8 shall be delivered to the undersigned on the day of filing.

V 46 / 126 JUL 1 81 UMI

Dated at Washington, D.C., June 25, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-19345 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-165]

Fitness Determination of Coral Air Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-165, Order to Show Cause.

SUMMARY: The Board is proposing to find that Coral Air Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-165

FOR FURTHER INFORMATION CONTACT: Ms. Joyce A. Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-165 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-165 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19343 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-170]

Fitness Determination of Green Hills Aviation, Ltd.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-170, Order To Show Cause.

SUMMARY: The Board is proposing to find that Green Hills Aviation, Ltd. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Essential Air Services Division, Room 912, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-170.

FOR FURTHER INFORMATION CONTACT: Mr. Glen E. Robards, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825, Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5190.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-170 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-170 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19341 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-166]

Fitness Determination of Mississippi Valley Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-166, Order To Show Cause.

SUMMARY: The Board is proposing to find that Mississippi Valley Airlines, Inc., is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; that it is fit, willing, and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-166.

FOR FURTHER INFORMATION CONTACT: Mr. James Olavarria, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-166 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-166 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19342 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39731]

Mackey International, Inc. Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., June 24, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-19347 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-167; Docket 31973]

Proceeding To Revoke All-Cargo Certificate and Air Taxi Authority of Check-Air, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order 81-6-167, order to show cause, docket 31973.

SUMMARY: The Board is proposing to revoke the All-Cargo Air Service Certificate and air taxi authority of Check-Air, Inc. of Milwaukee, Wisconsin. This order is being proposed because the carrier surrendered its air carrier license to the FAA and has not attempted to reinstate its license.

DATES: Objections: All interested persons having objections to the Board issuing an order revoking the All-Cargo Air Service Certificate and air taxi authority of Check-Air, Inc. shall file no later than July 31, 1981, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 31973, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428 (202) 673-5918.

The complete text of Order 81-6-167 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-6-167 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19346 Filed 6-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Lamb Meat From New Zealand; Postponement of Preliminary Countervailing Duty Determination

June 25, 1981

AGENCY: United States Department of Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary determination on lamb meat from New Zealand is being postponed from July 17, 1981, to not later than September 19, 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (202-377-1279).

SUPPLEMENTARY INFORMATION: On May 18, 1981, we announced our initiation of a countervailing duty investigation to determine whether the Government of New Zealand is giving its producers and exporters of lamb meat certain benefits that are bounties or grants (46 F.R. 27151). The notice stated that we would issue a preliminary determination by July 17, 1981, if our investigation proceeded normally.

As detailed in the notice of initiation of countervailing duty investigation, the petition alleges numerous subsidy programs that the Government of New Zealand provides to producers and exporters of lamb meat. The alleged subsidy programs are complex, appear to involve may recipients, and pose some novel issues. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended, and we will issue a preliminary determination not later than September 19, 1981.

This notice is published pursuant to section 703(c)(2) of the Act (93 Stat. 153, 19 U.S.C. 1671b(c)(2)).

David L. Binder,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-19295 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce.

ACTION: Quarterly update of foreign government subsidies on articles of quota cheese

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, determined that the amounts of the subsidies listed in the Department's April 1, 1981, quarterly update to our annual list of foreign government subsidies on articles of quota cheese have changed.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202) 377-3693.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Argriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of each such subsidy determined to exist.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702 (h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which programs were identified in the April 1, 1981, quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate any additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

This determination and notice publication are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

June 26, 1981.

David L. Binder,

Acting Deputy Assistant Secretary for Import Administration.

Appendix

[Quota cheese subsidy programs]

Country	Program(s)	Gross subsidy (cts per lb) [1]	Net subsidy (cts per lb) [2]
Belgium	European Community (EC) restitution payments.	7.4	7.4
Canada	Export assistance on certain types of cheese.	16.7	16.7
	Indirect (milk) subsidy	13.6	13.6
		30.3	30.3
Denmark	EC restitution payments	11.4	11.4
Finland	Export subsidy	113.6	113.6
	Indirect subsidies	19.4	19.4
		133.2	133.2
France	EC restitution payments	9.7	9.7
Ireland	EC restitution payments	7.6	7.6
Italy	EC restitution payments	41.1	41.1
Luxembourg	EC restitution payments	7.4	7.4
Netherlands	EC restitution payments	6.4	6.4
Norway	Indirect (milk) subsidy	23.5	23.5
	Consumer subsidy	52.2	52.2
		75.7	75.7
Portugal	Indirect (milk) subsidy	31.3	31.3
	Direct subsidy on all sales of Gouda cheese.	22.1	22.1
		53.4	53.4
Switzerland	Deficiency payments	61.2	61.2
United Kingdom.	EC restitution payments	8.5	8.5
West Germany.	EC restitution payments	13.6	13.6

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 81-19356 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

The Ohio State University Research Foundation; Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00013. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Droplet Countercurrent Chromatograph, Model DCC-A. Manufacturer: Toyko Rikakikai, Japan. Intended use of article: See Notice on page 9686 in the Federal Register of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: the foreign article operates without solid support and provides for droplet and macromolecule operations. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting director Statutory Import Programs Staff

[FR Doc. 81-19360 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

The Rockefeller University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00014. Applicant: The Rockefeller University, 1230 York Avenue, New York, NY 10021. Article: Superconducting High Resolution Magnet and Cryostat. Manufacturer: Oxford Instruments, Ltd., United Kingdom. Intended use of article: See Notice on page 9686 in the Federal Register of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an 89 millimeters bore and a 7 tesla magnetic field. The Department of Health and Human Services advises in its memorandum dated May 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19356 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Sandia Laboratories; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00036. Applicant: Sandia Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Article: Laser, Model TEA-103-2. Manufacturer: Lumonics Research, Canada. Intended use of article: See Notice on page 16920 in the Federal Register of March 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 80-00115 which was denied without prejudice to resubmission on August 8, 1980 for informational deficiencies. The foreign article is a line turnable laser that produces greater than one joule per pulse in single mode operation. The National Bureau of Standards advises in its memorandum dated May 7, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19358 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Trustees of the University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00032. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street/16, Philadelphia, PA 19104. Article: Rotating Anode X-ray Generator. Manufacturer: Rigaku Corp., Japan. Intended use of article: See Notice on page 11695 in the Federal Register of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a 12 kilowatt high brilliance source. The National Bureau of Standards advises in its memorandum dated May 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19357 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

University of Arizona; Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00064. Applicant: University of Arizona, Bioscience West Bldg., Room 308, Tuscon, Arizona 85721. Article: Top entry Configuration for JEM 100CX Electron Microscope. Manufacturer: JEOL, Japan. Intended use of article: See Notice on page 18565 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application relates to a compatible accessory for an instrument that has been previously imported for the use of the applicant institution. The article is being manufactured by the manufacturer which produced the instrument with which it is intended to be used. We are advised by the Department of Health and Human Services in its memorandum dated May 6, 1981 that the accessory is pertinent to the applicant's intended uses and that is knows of no comparable domestic article.

The Department of Commerce knows of no similar accessory manufactured in the United States which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-19360 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On May 22, 1981, Notice was published in the **Federal Register** (45 FR 27987), that an application had been filed with the National Marine Fisheries Service by S. Jonathan Stern, 635 Wakerobin Lane, San Rafael, California 94903, for a permit to take minke whales (*Balaenoptera acutorostrata*) by inadvertent harassment for the purpose of scientific research.

Notice is hereby given that on June 23, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit to S. Jonathan Stern for the above taking subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-19375 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Modification of Permit

On May 20, 1981, Notice was published in the **Federal Register** (46 FR 27515) that a request to modify Permit No. 312 had been filed with the National Marine Fisheries Service by Randall Davis, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, California 92093.

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 312 issued to Randall Davis on December 2, 1980 (45 FR 81248) was modified as follows:

1. The title was modified to read:

"Permit to Take and Import Marine Mammals."

2. Section A–1 was modified to read:

"Seventy (70) Weddell seals *(Leptonychotes weddelli)* may be captured, instrumented with time-depth recorders and/or radio tags and released. Twenty (20) of these animals may also have multiple muscle, blood, and urine samples taken. Animals may be recaptured as necessary."

3. A new Section A–2 was added as follows:

"Specimen material taken from Weddell seals authorized in Section A–1 or from seals taken by the New Zealand research team may be imported."

This modification became effective on June 23, 1981.

The Permit, as modified, and documentation pertaining to the modification are available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: June 23, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–19376 Filed 6–30–81; 8:45 am]

BILLING CODE 3510–22–M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Alaska Department of Fish and Game (P66E).

b. Address: 1300 College Road, Fairbanks, Alaska 99701.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Ringed seal (*Phoca hispida*) 1,000.

Bearded seal (*Erignathus barbatus*), 400.

Ribbon seal (*Phoca fasciata*), 500.

Largha seal (*Phoca Largha), 1,000.*

Northern sea lion (*Eumetopias jubatus*), 100.

Harbor seal (*Phoca vitulina*), 50.

4. Type of Take: Of the total of 3,050 animals requested, 1,550 seals are to be taken by killing, the remainder are to be captured, marked and released with visual tags and radio tags.

5. Location of Activity: Various locations in Alaska and Bering Sea.

6. Period of Activity: 4 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before July 31, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 25, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–19377 Filed 6–30–81; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out the Council's responsibilities under the Act. The Council, its SSC and AP will conduct separate public meetings to discuss fishery management plans under development and to conduct other fishery management business.

DATES: The Council meeting will convene on Wednesday, July 29, 1981, at approximately 7 p.m., adjourn at approximately 9 p.m.; reconvene on Thursday, July 30, 1981, at approximately 9 a.m., adjourn approximately 4 p.m., and on Friday, July 31, 1981, reconvene at approximately 9 a.m., and adjourn at approximately noon. The SSC meeting will convene on Tuesday, July 28, 1981, at approximately 1:30 p.m., adjourn at approximately 5 p.m.; reconvene on Wednesday, July 29, 1981 approximately 9 a.m., and adjourn at approximately 3 p.m. The AP meeting will convene on Monday, July 27, 1981, at approximately 10 a.m., adjourn at approximately 3 p.m., reconvene on the same day from approximately 7 p.m., to 9 p.m., and on Tuesday, July 28, 1981, reconvene at approximately 8:30 a.m., and adjourn at approximately noon.

ADDRESS: The meetings will take place at the King Kamehameha Hotel, Kailua-Kona, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Dated: June 25, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–19374 Filed 6–30–81; 8:45 am]

BILLING CODE 3510–22–M

Caribbean Fishery Management Council, Its Education and Information Subcommittee, and Its Administrative Subcommittee; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Change in Meeting Dates, Location, and Addition of a New Council Subcommittee Meeting.

SUMMARY: The scheduled meeting of the Caribbean Fishery Management Council, its Education and Information Subcommittee and its Administrative Subcommittee, as published in the **Federal Register** (pages 30676–30679), June 10, 1981, has been changed as follows:

From

Council—convening on Wednesday, July 22, 1981, adjourning on Thursday, July 23, 1981.

Education and Information Subcommittee—convening and adjourning on Tuesday, July 21, 1981.

Administrative Subcommittee—also convening and adjourning on Tuesday, July 21, 1981.

To

Council—convening on Thursday, July 23, 1981, and adjourning on Friday, July 24, 1981. Time remains unchanged.

Education and Information Subcommittee—convening and adjourning on Wednesday, July 22, 1981. Time remains unchanged.

Administrative Subcommittee—also convening and adjourning on Wednesday, July 22, 1981. Time remains unchanged.

In addition, the Council's Statement of Organization, Practices and Procedures (SOPPs) Subcommittee, will also convene on Wednesday, July 22, 1981, at approximately 9 a.m., and will adjourn at approximately noon. The SOPPs Subcommittee will meet to consider proposed changes to the Council's operating procedures and practices as these procedures relate to established policy and guidelines.

The location for the above meetings has changed from San Juan, Puerto Rico, to the Hotel Pierre, 105 de Diego Avenue, Santurce, Puerto Rico. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, telephone: (809) 753–4926.

Dated: June 19, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–19333 Filed 6–30–81; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From Colombia, Effective on July 1, 1981

June 29, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products from Colombia during the twelve-month period beginning on July 1, 1981.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia, establishes specific ceilings for wool and man-made fiber textile products in Categories 444 and 641, among other categories, during the agreement year which begins on July 1, 1981 and extends through June 30, 1982. It also establishes consultation levels, among other categories, for cotton and wool textile products in Categories 310, 320 and 435 during that same agreement period. Accordingly, there is published below a letter from the Chairman of the Committee for the Implemenation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories be limited to the designated twelve-month levels of restraint.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

U.S. Department of Commerce,
International Trade Administration,
Washington, D.C. 20230.

June 29, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Textile Agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 1, 1981 and for the twelve-month period extending through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, exported from Colombia in the following categories, in excess of the indicated twelve-month levels of restraint:

Category	Twelve-month level of restraint
310	3,200,000 square yards.
320	7,000,000 square yards.
435	5,556 dozen.
444	4,345 dozen.
641	152,074 dozen.

In carrying out this directive, entries of cotton, wool, and man-made fiber textile products in the foregoing categories, except Category 310, produced or manufactured in Colombia, which have been exported to the United States on and after July 1, 1980 and extending through June 30, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Cotton textile products in Category 310, which have been exported prior to July 1, 1981 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of August 3, 1978, as amended, between the Governments of the United States and Colombia, which provide, in part, that: (1) within the applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) certain consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems

arising in the implementation of the agreement. Any appropriate adjustment under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to inclued entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool, and man-made fiber textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-19525 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER81-536-000]

Carolina Power & Light Company; Filing of Proposed Changes in Rates and Charges

June 23, 1981.

The filing Company submits the following:

Take notice that Carolina Power & Light Company (CP&L), on June 12, 1981, tendered for filing Revised Sheet Nos. 5-8 to its FPC Electric Tariff, first Revised Volume No. I, containing revised rates and charges applicable to CP&L's 24 municipal, two private distribution utilities, 18 rural electric cooperative, and one partial requirements sales-for-resale customers. The revised rates are contained in proposed Resale Service Schedules RS-15, RS-16, and RS-17 applicable to CP&L's electric cooperative customers, municipal and private distribution utility customers, and partial requirements customer, respectively. Accompanying Resale Fuel Adjustment Clause Rider No. 2C is applicable to all rate schedules. CP&L proposes to place the revised tariff sheets into effect as August 11, 1981. The revised rates and charges would increase revenues from jurisdictional sales by $34,588,714, based on the 12-month period ending December 31, 1981.

CP&L states that under the rates currently in effect subject to refund, it expects to realize a rate of return during Period II (calendar year 1981) from service to its municipal and private utility resale customers of 9.07%, from its electric cooperative resale customers of 8.90%, and from the partial requirements customer of 8.99%. These operating results would produce a return on common equity of 8.30% from municipal and private utility sales, 7.82% from cooperative sales, and 8.98% from the partial requirements customer during the calendar year 1981. The proposed rates and charges are designed to enable CP&L to improve the rate of return realized from resale servies which return is estimated to be 12.4% on rate base if the proposed rates and charges had been in effect for the 12-month period ending December 31, 1981.

A copy of the appropriate portions of the filing has been served upon CP&L's jurisdictional resale customers and the State Commissions of North Carolina and South Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1981. Protests wil be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19252 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4453-001]

City of Paris; Notice of Application for Preliminary Permit

June 24, 1981.

Take notice that the City of Paris (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4453 to be known as the Kentucky River Lock and Dam No. 9 located on Kentucky River in Jessamine and Madison Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located adjacent to the existing auxillary dam, containing two generating units rated at 9.8 MW each for a total installed capacity of 19.6 MW; (2) a proposed 138 kV transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. Applicant estimates the average annual energy output for the project would be 44.6 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be performed: (1) flow/energy calculation, (2) marketing, (3) project development, (4) power cost, (5) financing, and (6) environmental. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 9 Project Nos. 3644, 3678 and 3963 filed on November 3, 1980, November 5, 1980, and January 12, 1981, by Continental Hydro Corporation, Dam Nine Development, Ltd., and ENERGENICS SYSTEMS, INC., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicabile. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4453. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19289 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4605-000]

Devils Table Hydroelectric Project; Application for Preliminary Permit

June 26, 1981.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on April 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4605-000 known as the Devils Table Hydroelectric Project located on Rattlesnake Creek in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard Frye, Manager Sunnyside Valley Irrigation District, P.O. Box 239, Sunnyside, Washington 98944.

Project Description—The proposed project would consist of two power plants:

Power Plant No. 1 would consist of: (1) a 335-foot high and 2,050-foot long earth or rockfill; (2) a 2,000-foot long, 8-foot diameter penstock; and (3) a powerhouse containng a total installed capacity of 24MW

Power Plant No. 2 would consist of: (1) a 335-foot high and 1,150-foot long earth or rockfill dam creating an impoundment of 43,000 acre-feet; (2) a 1,800-foot long, 6-foot diameter penstock; and (3) a powerhouse containing a total installed capacity of 24 MW.

A 13 mile long 34.5-kV transmission line will carry the power generated by the two powerplants to an existing Pacific Power and Light transmission line. The Applicant estimates the total average annual energy output from power plant No. 1 would be 53.1 million kWh and that from power plant No. 2 would be 34.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, hydrogeological, economic and environmental studies, and prepare an FERC license application. The disturbance to land as a result of field investigations would be minimal. No new roads are expected to be required to conduct the studies. The cost of studies for the preliminary permit is estimated to be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 6, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comment within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19259 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-362-000]

Florida Gas Transmission Co.; Application

June 29, 1981.

Take notice that on June 8, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-362-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for the account of Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a transportation agreement dated April 29, 1981, Applicant has agreed to receive up to 2.5 billion Btu of gas per day for the account of Public Service at a new point of interconnection to be established on Applicant's facilities in the White Castle

Field Area, Iberville Parish, Louisiana, and to transport and deliver certain quantities of such gas to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection between the facilities of Applicant and Transco in Vermilion Parish, Louisiana.

Applicant proposes to charge Public Service 10.9 cents per million Btu delivered at the existing point of interconnection in Vermilion Parish, Louisiana. Applicant states that the transportation charges reflect a rate which is based 50 percent on mileage and 50 percent on fixed costs. Applicant further states that the charges are based upon Applicant's cost of service to Station No. 12 which is the last point on Applicant's pipeline system for the receipt of gas for redelivery in Florida.

Applicant states that it has installed pursuant to its budget-type authorization the facilities required to accomodate the receipt and measurement of gas on its facilities. Applicant further states that Public Service has agreed to reimburse Applicant for 50 percent of all the facilities installed and expenses associated with the installation of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining he appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19280 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-54-000]

Idaho Power Co.; Application

June 23, 1981.

Take notice that on June 16, 1981, Idaho Power Company (Applicant) a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to 500,000 shares of its Common Stock, $5 par value, pursuant to the Applicant's Customer Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said Application, should, on or before July 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19271 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-8-001]

J-W Operating Co.; Filing of Extension Report

June 29, 1981

Take notice that on May 26, 1981, J-W Operating Company (Applicant), 1900 LTV Tower, Dallas, Texas 75201, filed in Docket No. ST80-8-001 an extension report pursuant to Section 284.148(c) of the Commission's Regulations of Applicant's intention to continue the sale of natural gas to United Gas Pipe Line Company (United) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas purchase contract with United dated August 1, 1979, and now proposes to extend such sale for an additional two-year period ending August 1, 1983.

Applicant asserts that it would reduce the fee to 20.0 cents per million Btu for expenses incurred for gathering, treatment and delivery of the gas to United.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19201 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4665-000]

Craig W. Knight; Application for Preliminary Permit

June 26, 1981.

Take notice that Craig W. Knight (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4665 known as the Knight Hat Creek Power Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Craig W. Knight, P.O. Box 97, Adin, California 96006.

Project Description—The proposed project would consist of: (1) a 5-foot high and 60-foot long natural fill and concrete diversion dam; (2) a 4,600-foot long, 48-inch diameter penstock; (3) a powerhouse with total installed capacity of 7MW; and (4) a 600-foot long, 12-kV transmission line to connect with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 5.9 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, hydraulic, economic, and environmental studies; conduct property surveys; negotiate with the utility for sale of power; and prepare state water rights and FERC license application. No new roads are required to conduct these studies. The cost of these studies is estimated by the Applicant to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825, North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19257 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4587-000]

Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch; Application for Preliminary Permit

June 26, 1981.

Take notice that Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4587 known as the Ruth Creek Project located on Ruth Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dennis V. McGrew, P. E., 2623 Yew Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) 5-foot high concrete diversion weir; (2) an 8,450-foot long low-pressure conduit; (3) a surge tank; (4) a 2,000-foot long and 36-inch diameter penstock; (5) a powerhouse containing one generating unit rated at 3,100 kW; and (6) a 1.7-mile long transmission line.

The Applicant estimates that the average annual energy output would be 17.9 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering and geological studies, do preliminary designs, make an economic and feasibility analysis, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies, but test borings will be done at various sites.

The estimated cost of the work to be done under the preliminary permit is $190,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19258 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. RI81-4-000]

Michigan Wisconsin Pipe Line Co.; Petition for Declaratory Order

June 29, 1981.

Take notice that on May 27, 1981, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a petition for declaratory order pursuant to § 1.7 of the Commission's Rules of Practice and Procedure. Michigan Wisconsin seeks a Commission order stating that the Commission has primary jurisdiction over the issues set forth in its petition, and further, that Michigan Wisconsin has at all pertinent times paid Calpetco the maximum price allowable under Commission regulations and under Michigan Wisconsin's contracts with Calpetco for sales of gas made by Calpetco to Michigan Wisconsin during 1977 from the Elledge No. 7-72 Well, Ochiltree County, Texas and the Collard No. 7-76 Well, Hansford County, Texas.

Michigan Wisconsin states that on March 4, 1977, it entered into two conventional 20-year gas purchase contracts with Calpetco covering the sale of Calpetco's interest in the Elledge and Collard wells. Michigan Wisconsin further states that Calpetco commenced deliveries from the Elledge Well in March, 1977, and from the Collard Well in August, 1977.

According to Michigan Wisconsin, the price was stated in the contracts to be $2.25 per Mcf, but that the contracts further provided that the price was not to be in excess of Commission are and national ceiling rates unless permitted by the Commission. Michigan Wisconsin asserts that it has at all relevant times paid Calpetco in accordance with established Commission ceilings, and that Calpetco was not lawfully authorized to collect a price above those ceilings.

Michigan Wisconsin states that Calpetco has taken the position that the Emergency Natural Gas Act of 1977 and the Commission's emergency regulations in effect at that time provided Calpetco with the necessary authorization to charge $2.25 per Mcf for a period of 149 days in 1977 in the case of the Elledge Well and for a period of 60 days in 1977 in the case of the Collard Well. Michigan Wisconsin asserts that the prices allowed by the Act and the Commission's regulations apply only to emergency purchases and not to long-term purchases.

Any person desiring to be heard or to protest the petition for declaratory order should on or before July 20, 1981, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19282 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-359-000]

National Fuel Gas Supply Corp.; Application

June 25, 1981.

Take notice that on June 5, 1981, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP81-359-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reconditioning of two wells in Applicant's Nashville Storage Area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to recondition two wells (a) R-19 located in Dayton, Cattaraugus County, New York, and (b) R-22 located in Villenova, Chautauqua County, New York.

Applicant asserts that the reconditioning requires replacement of two 6 x 6 master valves, two 4 x 4 x 6 cross tees, two 4-inch plug valves, two 4-inch orifice meter and recorders, 5,600 feet of 4½-inch O.D. casing, and 1,500 feet of 4-inch steel pipe.

Applicant estimates that the total costs of these facilities would be $120,000. Applicant states that the facilities would be financed with internally generated funds and/or interim short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1981, file with the the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19272 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-364-000]

Natural Gas Pipeline Co. of America; Application

June 25, 1981.

Take notice that on June 10, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-364-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to a maximum of 18,000,000 Mcf of natural gas to Texas Eastern for use in its system supply. Applicant asserts that such sale would be made pursuant to a gas sales agreement with Texas Eastern dated May 29, 1981. Applicant states that the subject gas would be sold to Texas Eastern on an interruptible basis for a term of 363 days commencing on the date of the first deliveries to Texas Eastern. Applicant estimates that the maximum daily delivery volumes will not exceed 100 billion Btu per day.

Applicant states that it would charge Texas Eastern for each million Btu of gas sold a rate equal to the average of the rates effective under Applicant's currently effective Rate Schedules E-1 and G-1 each minus the GRI surcharge. Applicant further notice states that this rate is a composite rate which reflects effective rates in Applicant's tariff. Applicant asserts that the present composite rate is approximately $2.72 per million Btu and Applicant's average cost of gas is approximately $1.92 million Btu as of March 1, 1981. Applicant further asserts that the E-1 and G-1 rates are subject to adjustments under Applicant's Purchased Gas Adjustment Clause and the composite rate would at all times be higher than Applicant's average cost of gas. Applicant proposes, except for 1.0 cent per million Btu for the volumes sold, to credit the revenues from the proposed sale to Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant asserts its supply is sufficient to make this sale without impairing or reducing service to its present customers because of Applicant's high take obligations and a significant reduction in demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19273 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3342-001]

New Hampshire Hydro Associates; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 26, 1981.

Take notice that the New Hampshire Hydro Associates (Applicant) filed with the Federal Energy Regulatory Commission on April 14, 1981, an application, for exemption for its Penacook Lower Falls Project No. 3342 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 5 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed Penacook Lower Falls hydroelectric project (FERC Project No. 3342) would be located at the Towns of Concord and Boscawen on the Contoocook River, in Merrimack County, New Hampshire.

Correspondence with the Applicant should be directed to: Mr. Richard A. Norman, New Hampshire Hydro Associates, 3 Capitol Street, Concord, New Hampshire 03301, and Mr. David B. Ward, Case and Ward P.C., 1050 Seventeenth Street, NW., Washington, D.C. 20036.

Project Description—The proposed run-of-the-river project would consist of: (1) the existing Allied Leather Corporation Dam (New Hampshire Water Resources Board #26-97). The dam extends from the north bank to an island in the river, and the exiting dam would be reconstructed to provide a structure about 275 feet long and 17.5 feet high at the gated spillway structure; (2) a diversion structure, about 135 feet long and 15 feet high, extending from the island to the south river bank. This structure would replace the previously washed-away old Rolfe River Dam (New Hampshire Water Resources Board #51-08); (3) a reservoir of negligible storage capacity at surface elevation 272 feet m.s.l.; (4) a new powerhouse at the north bank of the river, with an installed capacity of 2,800 kW; (5) a new tailrace, about 450 feet long; (6) electrical facilities; and (7) other appurtenances. Applicant estimates the annual generation would average about 9,000,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file the competing application must submit to the Commission, on or before August 7, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 7, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Agency Comments—The U.S. Fish and Wildlife Service and the New Hampshire Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

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requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3342. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19283 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-235-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Amendment to Application

June 29, 1981

Take notice that on May 28, 1981,[1] Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-135-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect modifications in Applicant's February 23, 1981, gas sales agreement with Faustina Pipeline Company (Faustina), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on March 16, 1981, it filed an application in the instant docket requesting authorization to sell up to 100,000 Mcf of natural gas per day to Faustina pursuant to the terms of their gas sales agreement. It is further stated that in such application Applicant proposed to deliver gas volumes to Transcontinental Gas Pipe Line Corporation at a primary delivery point at the Starks Station, Calcasieu Parish, Louisiana, and a secondary delivery point in Ship Shoal Blocks 70 and 72, offshore Louisiana, for further delivery under the Natural Gas Policy Act of 1978.

It is submitted that on May 1, 1981, Applicant and Faustina amended their agreement so as to delete the aforementioned secondary point of delivery and establish a new proposed secondary point of delivery located in Section 89, Township 12 South, Range 16 East, St. James Parish, Louisiana. It is further submitted that the agreement was also amended so as to provide that Faustina would pay reimbursement for transportation charges of 33.0 cents per Mcf and 42.02 cents per Mcf for volumes delivered at the Calcasieu Parish and St. James Parish delivery points, respectively.

Applicant also proposes revised revenue treatment for its off-system sale which would provide for certain revenues to be included in Applicant's Sales Refund Obligation (SRO) of the Stipulation and Agreement in Docket No. RP80-88 and which would provide for certain revenues to be credited directly to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant states that its currently effective rates are the result of a settlement agreement in Docket No. RP80-88 which provide for an SRO in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is also stated that Section III of the Stipulation and Agreement in Docket No. RP80-88 requires that Applicant refund to its customers the fixed component of its commodity rate (the market area commodity rates include a fixed cost component or 51.15 cents per Mcf) for any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. Applicant asserts that the provisions of this SRO provide an effective refund mechanism for off-system sales revenues up to the level of such revenues generated by the actual off-system sales volumes at Applicant's Zone 1 commodity rate level but do not provide a refund mechanism for off-system sales revenues in excess of the Zone 1 commodity level.

Applicant states that under the revenue treatment proposed, it agrees to refund by direct credit to Account No. 191 all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate. Applicant submits that with this treatment for the revenues above the Zone 1 commodity rate the treatment for the remaining revenues derived from the Zone 1 commodity rate level would be consistent with that treatment agreement in Docket No. RP80-88.

Applicant asserts that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80-88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is further asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from these sales.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19284 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-11-001]

Oasis Pipe Line Co.; Filing of Extension Report

June 25, 1981.

Take notice that on May 29, 1981, Oasis Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST80-11-001 an extension report pursuant to Section 284.126(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with El Paso Natural Gas Company (El Paso) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a transportation agreement with El Paso and that service commenced September 1, 1979. Applicant now proposes to extend such agreement for a term of two years commencing September 1, 1981.

Applicant asserts that under the terms of its agreement with El Paso, Applicant would transport volumes of natural gas from a point located on its pipeline facilities in Ward County, Texas, to a point located at the interconnection of the pipeline facilities of Applicant and El Paso near the Mobil Waha Plant, Pecos County, Texas.

Applicant estimates that the total and maximum daily quantities of natural gas to be transported under such agreement would be approximately 2.290 billion Btu and approximately 2 billion Btu respectively.

Applicant states that the rate to be charged El Paso for such transportation service would be 4.0 cents per Mcf plus a 7.949 cents per Mcf treating charge.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19274 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-3491-000, *et al.*]

Phillips Petroleum Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

June 23, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1981, file with the Federal Energy Regulatory Commission, Washington D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[2]	Pressure base
G-3491-000, D, June 12, 1981	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	El Paso Natural Gas Company, C. D. Woolworth No. 18 Well, Lea County, New Mexico.	(3)	
G-12211-000, D, June 8, 1981	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	United Gas Pipe Line Company, Ridge Field, Lafayette Parish, Louisiana.	(4)	
G-16218-000, D, June 11, 1981	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	Transwestern Pipeline Company, Panhandle Area of Oklahoma, Various Counties, Oklahoma.	(5)	
C175-352-001, C, June 15, 1981	Tenneco Oil Corporation, Post Office Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Eugene Island Area Block 338, Offshore Louisiana.	(6)	15.025
C179-363-001, C, June 15, 1981	do.	Tennessee Gas Pipeline Company, Eugene Island Block 348, Offshore Louisiana.	(6)	15.025
C180-93-001, D, June 8, 1981	Gen. Oil and Gas Company of Houston (Succ. in Interest to Palmer Oil and Gas Company), P.O. Box 2511, Houston, Texas 77001.	Southwest Gas Corporation, Lot 6, S/2 SE/4 Section 1-T8S-R19SW, Garfield County, Colorado.	(7)	
C180-148-001, C, June 8, 1981	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Columbia Gas Transmission Corporation, Block 271 Ship Shoal Area, South Addition, Offshore Louisiana.	(7)	15.025
C181-16-001, C, June 5, 1981	Union Oil Company of California, P.O. Box 7600, Los Angeles, California 90051.	United Gas Pipe Line Company, Block A-442, South Addition, High Island Area, Offshore Texas.	(7)	14.65

[1] The application was initially tendered for filing on May 28, 1981; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 3, 1981; thus, filing was not completed until the latter date.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
C161-45-001, C, June 11, 1981	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Columbia Gas Transmission Corporation, Block 248 "D" and Block 247 "F", Ship Shoal Area, Offshore Louisiana.	(4)	15.025
C161-371-000, (G-11996), B, June 5, 1981.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Eastern Transmission Corporation, F. K. Lathrop Gas Unit, Willow Springs Field, Gregg County, Texas.	(10)	
C161-372-000, (C177-963), B, June 9, 1981.	Florida Exploration Company, Post Office Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Sweet Lake Land & Oil Company, No. 1 Well, Chalkley Field Area, Cameron Parish, Louisiana.	(11)	
C161-373-000, F, June 8, 1981 [21]	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Arkansas Louisiana Gas Company, West Hunter Field, Garfield County, Oklahoma.	(12)	14.65
C161-374-000 (C163-578), B, June 9, 1981.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, S. E. Carrick Field, Beaver and Texas Counties, Oklahoma.	(13)	
C161-375-000 (CI79-3), B, June 10, 1981.	Nepeco Inc., 122 South Michigan Avenue, Chicago, Illinois 60603.	Natural Gas Pipeline Company of America, Danbury S. W. Field, Brazoria County, Texas.	(14)	
C161-376-000 (CI77-64), B, June 10, 1981.	....do....	Natural Gas Pipeline Company of America, McCentennial (7650) Field, Goliad County, Texas.	(15)	
C161-377-000 (CI76-497), B, June 10, 1981.	....do....	Natural Gas Pipeline Company of America, Red Tank (Morrow) Field, Lea County, New Mexico.	(16)	
C161-378-000 A, June 11, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, George Shelton Lease, Queen Formation, Gomez Field, Pecos County, Texas.	(17)	14.73
C161-379-000 A, June 11, 1981	....do....	El Paso Natural Gas Company, San Juan 29-7 Unit (Dakota Formation), Rio Arriba County, New Mexico.	(18)	14.65
C161-380-000 A, June 12, 1981	Pan Eastern Exploration Company, P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Eugene Island Area (South Addition), Blocks 377 and 380, Offshore Louisiana.	(19)	15.025
C161-381-000 A, June 12, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	El Paso Natural Gas Company, Azalea Field, Midland County, Texas.	(20)	14.65

[1] Casinghead Well reclassified as gas well.
[2] Released acreage located outside the upper Discorbis SUA Unit and expired by terms of the lease.
[3] Leases have expired or terminated by their own terms.
[4] Applicant is filing under Gas Purchase and Sales Agreement dated August 16, 1974, amended by Amendment dated August 6, 1981.
[5] Applicant is filing under Gas Purchase and Sales Agreement dated February 5, 1979, amended by Amendment dated April 6, 1981.
[6] Geo. Oil and Gas Company of Houston, inadvertently double dedicated their interest in said acreage. Southwest Gas Corporation has agreed to release the acreage involved by Letter Agreement dated September 19, 1980.
[7] Applicant is filing under Gas Purchase and Sales Agreement dated December 6, 1979, amended by Amendatory Agreement dated May 1, 1981.
[8] Applicant is filing under Gas Purchase Contract dated September 9, 1960, amended by Amendatory Agreement dated June 1, 1981.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated October 6, 1980, amended by Amendatory Agreement dated May 1, 1981.
[10] Last well on the unit was plugged and abandoned. The unit dissolved in June 1975.
[11] Production from the dedicated horizon has ceased and deliveries to FGT have terminated.
[12] Applicant is filing under Gas Purchase Agreement dated November 10, 1975.
[13] The only remaining acreage covered by Rate Schedule No. 471 was farmed out to Search Drilling Company by Farmout Agreement dated May 15, 1980. The proposed well was cancelled, Search did not earn an assignment, and ARCO has released the nonproductive acreage unto the lessors.
[14] The J. R. Geissen #1 Well has been depleted and there are no remaining economically producible reserves. The well was converted to a salt water disposal well, therefore, no plugging report is available.
[15] The B. J. Luker No. 1 Well is depleted and was plugged and abandoned on February 4, 1980.
[16] The Cleary Federal No. 1-17 Well has been depleted and there are no remaining economically producible reserves. It was plugged and abandoned on December 18, 1979.
[17] Applicant is filing under Casinghead Gas Purchase Contract dated May 1, 1981.
[18] Applicant is filing under Gas Purchase Agreement dated January 1, 1981.
[19] Applicant is filing under Gas Purchase Contract dated May 13, 1981.
[20] Applicant is filing under Gas Purchase Contract dated April 13, 1981.
[21] On March 26, 1981, Petro-Western Energy Corporation assigned its interest in various wells located in West Hunter Field, Garfield County, Oklahoma to Phillips Petroleum Company. Service was previously rendered under small certificate issued to Petro-Western under Docket No. CS76-0379.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-19233 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-436-000]

South Carolina Electric & Gas Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued June 24, 1981.

On May 1, 1981, South Carolina Electric & Gas Company (SCE&G) tendered for filing revised rates for service to nine wholesale customers.[1] The proposed rates would result in an increase in jurisdictional revenues of approximately $4,241,924 (18.23%) for the twelve months ending December 31, 1981. SCE&G requests that the rates become effective on July 1, 1981.

[1] See Attachment A for rate schedule designations and customer identification.

Notice of the filing was issued on May 6, 1981, with responses due on or before May 26, 1981. On May 21, 1981, Central Electric Power Cooperative, Inc. (Central) filed a petition to intervene. Central requests that the rates be suspended for five months and that a hearing be held in this proceeding. In support of its request, Central states generally that the rates are excessive and unlawful, that the rate classifications and high voltage discounts are improper, and that the increase in rates will create a price squeeze. Central further alleges that SCE&G has refused to enter into a bulk power wheeling arrangement with it on the ground that the company has no wheeling tariff. Accordingly, Central request that SCE&G be required to propose and seek approval of a wheeling tariff as part of the instant filing.

On May 22, 1981, the City of Orangeburg, and the Towns of McCormick and Winnsboro, South Carolina (Municipalities) filed a joint petition to intervene, also requesting a maximum suspension and a hearing. The Municipalities express the same concerns as those noted by Central, except that they raise no issue concerning a wheeling tariff.

On June 3, 1981, SCE&G filed an answer to Central's petition to intervene. While not opposing Central's intervention, SCE&G requests that the rates be suspended, if at all, for no more than one day. The company denies Central's allegations and further states that Central's request to compel the company to file a wheeling tariff is irrevelant to the instant proceeding. Therefore, SCE&G moves that Central's request for such relief be denied.

Discussion

Initially, we find that participation by Central and the Municipalities is in the public interest, and we shall therefore grant their petitions to intervene.

Considering the contentions raised by Central and the Municipalities, our analysis of SCE&G's filing indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[2] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that the rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We note that the intervenors have raised several substantive issues, including price squeeze. However, according to our review, the proposed rates may not yield excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should provide adequate protection to SCE&G's affected customers pending the outcome of a hearing. Accordingly, the Commission will suspend the rates for one day to become effective, subject to refund thereafter, on July 2, 1981.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*,[3] we shall phase the price squeeze issue raised by the intervenors. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

We believe that the request that SCE&G be required to file a wheeling tariff is inappropriate in the instant docket.[4] This proceeding involves an increase in rates for existing wholesale firm service. We do not believe that the scope of the hearing should be expanded to encompass alternative services which the customers may desire to obtain in the future.

The Commission orders:

(A) SCE&G's revised rates are hereby accepted for filing and suspended for one day, to become effective, subject to refund, on July 2, 1981.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act any by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of SCE&G's rates.

(C) Central and the Municipalities are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and, *provided, further,* that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(D) The Commission staff shall serve top sheets in this proceeding on or before July 1, 1981.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price sqeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price sqeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase on this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[2] *E.g., Boston Edison Company,* Docket No. ER80-508 (August 29, 1981) (five-month suspension); *Alabama Power Co.,* Docket Nos. ER80-508, *et al.* August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.,* Docket No. ER80-218 (August 22, 1980) (one-day suspension).

[3] Docket No. ER79-339, order issued August 6, 1979.

[4] Of course, the parties to this proceeding are free to address this or any other issue as part of their settlement discussions. In addition, Central may pursue its request by appropriate application in a separate docket under the pertinent provisions of the Federal Power Act.

Attachment A

South Carolina Electric & Gas Company, Docket No. ER81-436-000, Rate Schedule Designations

South Carolina Electric & Gas Company

(1) Seventh Revised Sheet No. 5 Under FERC Electric Tariff Original Volume No. 1 (Supersedes Sixth Revised Sheet No. 5).

(2) Seventh Revised Sheet No. 6 Under FERC Electric Tariff Original Volume No. 1 (Supersedes Sixth Revised Sheet No. 6).

Affected Customers

McCormick, S.C.
Winnsboro, S.C.
Orangeburg, S.C.
Berkeley Electric Cooperative
Central Electric Cooperative
Little River Electric Cooperative
Palmetto Electric Cooperative
Broad River Electric Cooperative
South Carolina Public Service Authority

[FR Doc. 81-19275 Filed 6-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-540-000]

Southern California Edison Co.; Filing

June 23, 1981.

The filing Company submits the following:

Take notice that on June 12, 1981, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Anaheim Interruptible Transmission Service Agreement" which has been executed by Edison and the City of Anaheim, California (Anaheim).

The Agreement is proposed to become effective when executed by the Parties and accepted for filing by the FERC. Edison requests the Commission to accept the Agreement for filing, as an initial rate schedule, on minimum

statutory notice; i.e., 60 days after receipt for filing.

Under the terms and conditions of the agreement, Edison will make available to Anaheim interruptible transmission service from several points of receipt to the point of delivery at Anaheim.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Anaheim.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.0 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wising to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19278 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4313-000]

Forrest E. Speck, et al.; Application for Preliminary Permit

June 24, 1981.

Take notice that Forrest E. Speck, *et al.* (Applicant) filed on March 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4313–000 known as the Newport Hydroelectric Project located on the West Canada Creek in Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Forrest E. Speck; R.F.D. #1; South Hampton Road; Amesbury, Massachusetts 01913.

Project Description—The proposed project would consist of: (1) the existing Newport Dam, an 8-foot high concrete gravity dam with an approximate crest length of 250 feet; (2) the existing reservoir with a surface area of 25 acres at a mean surface elevation of 640.00 feet; (3) existing control gates; (4) an existing power canal; leading to (5) an existing powerhouse containing new generators with a rated capacity of 1,600 kW; (6) existing transmission lines and switchyard equipment; and (7) appurtenant facilities. The existing powerhouse site is owned by the Village of Newport. The Newport Dam is owned by the Mohawk Data Sciences Corporation. The Applicant estimates that the average annual energy output would be 8,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit will be $50,000.

Competing Applications—This application was filed as a competing application to the Long Lake Energy Corporation's Project No. 4247 filed on February 23, 1981, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than August 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19270 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-23-000]

State of New Mexico et al., Section 108 NGPA Determination El Paso Natural Gas Company Farmington Com #1 Well et al., JD–14802 et al.; Petition To Reopen Final Well Category Determinations and To Withdraw Applications

Issued June 23, 1981.

Take notice that on May 4, 1981, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen final well category determinations and to withdraw applications for section 108 well category determinations under the Natural Gas Policy Act of 1978 (NGPA) for the wells listed in the appendix to this notice. The determinations for the subject wells became final by operation of § 275.202 of the Commission's regulations before the date on which the petition for reopening and withdrawal was made.

El Paso states that subsequent to the jurisdictional agency approvals of the applications filed by El Paso as operator of the subject wells, it was discovered that lease use gas had not been included in the calculations of the wells' rate of production. As a result there exists a variance between the amount of production indicated in each application and the actual amount of gas produced from each well. El Paso states that it has recalculated the three month average daily rates of production for the periods upon which the applications were based and has determined that all of the subject wells exceeded the allowable stripper well production limits.

Any person desiring to be heard or to protest this proceeding should, on or before July 31, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Appendix

Commission Control Number: JD 80–14802
Commission Receipt Date: February 6, 1980
Jurisdictional Agency: New Mexico Oil Conservation Division
Jurisdictional Agency Approval Date: January 25, 1980
Well Name: Farmington Com #1
County: San Juan
State: New Mexico
Purchaser(s): El Paso Natural Gas Co.

Commission Control Number: JD 80–48581
Commission Receipt Date: July 22, 1980
Jurisdictional Agency: Railroad Commission of Texas
RRC Number: F–10–016670
Jurisdictional Agency Approval Date: June 30, 1980
Well Name: Laycock B #1
County: Wheeler
State: Texas
Purchaser(s): El Paso Natural Gas Co.

Commission Control Number: JD 80–54533
Commission Receipt Date: August 26, 1980
Jurisdictional Agency: Railroad Commission of Texas
RRC Number: F–10–018053
Jurisdictional Agency Approval Date: August 4, 1980
Well Name: Henderson #2
County: Collingsworth
State: Texas
Purchaser(s): El Paso Natural Gas Co.

Commission Control Number: JD 81–04215
Commission Receipt Date: October 31, 1980
Jurisdictional Agency: Railroad Commission of Texas
RRC Number: F–10–022717
Jurisdictional Agency Approval Date: October 14, 1980
Well Name: Neely #3
County: Collingsworth
State: Texas
Purchaser(s): El Paso Natural Gas Co.

Commission Control Number: JD 80–21828
Commission Receipt Date: March 25, 1980
Jurisdictional Agency: Oklahoma Corporation Commission
OCC Number: 03199
Jurisdictional Agency Approval Date: March 5, 1980
Well Name: McFann Webster #1
County: Beckham
State: Oklahoma
Purchaser(s): El Paso Natural Gas Co.

[FR Doc. 81-19277 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-23-009]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 29, 1981.

Take notice that on June 3, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75–23–009 a petition to amend the order issued March 7, 1977 [1], in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of nautral gas for the account of Tenneco Oil Company (TOC) under Order No. 27 to meet requirements of Air Products and Chemicals, Inc. (Air Products), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued March 7, 1977, in the instant docket it was authorized, subject to certain limitations, to transport natural gas on behalf of TOC to meet Air Products' process and feedstock requirements at its New Orleans chemical complex.

Petitioner proposes to transport gas under Order No. 27 from all authorized receipt points within previously authorized volumetric limits to meet Air Products' requirements for use in manufacturing steam which would, in turn, be used in ammonia production. It is submitted that such usage constitutes essential agricultural uses.

It is stated that the 1964 gas slaes contract between TOC and Creole Gas Pipeline Corporation (Creole) is being amended and assigned by Creole to Air Products so that the gas transported by Petitioner for TOC would be purchased directly by Air Products from TOC at the interconnection between Petitioner's line and Creole with Creole transporting the gas for Air Products to the plant gate. Petitioner feels that the transaction in question, therefore, falls within the purview of Order No. 27.

Petitioner states that the volumes which would be transported pursuant to the requested authorization under Order No. 27 are estimated to be 4,800 Mcf on a peak day, 4,200 Mcf on an average day and 1,530,000 Mcf anually. Petitioner asserts that no additional facilities would be required in order to provide the proposed service.

It is submitted that on March 12, 1981, Petitioner and TOC amended their transportation agreement so as to extend the term until July 1, 1990, in order to make such term run concurrently with TOC's contractual obligation with Air Products. Petitioner, therefore, proposes to amend its existing certificate so as to authorize an extension of such transportation service to expire July 1, 1990. Petitioner further requests waiver of the five-year term for authorization under Order No. 27.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19265 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred by the Commission.

[Docket No. ST80-2-001]

The Nueces Co.; Filing of Extension Report

June 29, 1981.

Take notice that on May 26, 1981, The Nueces Company (Applicant), 3000 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. ST80–2–001 an

extension report pursuant to § 284.148(c) of the Commission's Regulations giving notice of Applicant's intention to extend its sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into an agreement with Panhandle dated August 20, 1979, and now proposes to extend such agreement for a term of two years ending August 20, 1983.

Applicant asserts that under the terms of the agreement with Panhandle, Applicant would transport gas through Applicant's Baca System located in Baca County, Colorado. Applicant further states that it would transport the gas from the various wellheads to the following points of delivery (a) the point of interconnection of the pipeline facilities of Applicant and Panhandle in Baca County, Colorado; and (b) any other mutually agreeable point or points.

Applicant states that the rate to be charged Panhandle for the transportation service is 29.7 cents per million Btu.

Applicant estimates that the total and daily volumes of natural gas to be sold during the term of the sale would be 5.84 trillion Btu and 8 billion Btu, respectively.

Applicant explains that the methodology used to determine the weighted average acquisition cost of the natural gas sold to Panhandle is the same as reported in Applicant's initial report filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19286 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-571]

Toledo Edison Co., Filing

June 23, 1981

Take notice that on June 5, 1981, Toledo Edison Company (Edison) submitted for filing a compliance report in response to a Commission directive of April 21, 1981. According to Edison, the compliance report reflects (1) the Company's revenue entitlement under the rates allowed to become effective October 1, 1980, subject to refund, under the accepted and approved settlement agreement,[1] (2) the amounts actually paid by the customers, and (3) the disposition of any actual payment in excess of the settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before July 19, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19283 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4622-000]

Town of Jackson, Wyoming; Application for Preliminary Permit

June 26, 1981.

Take notice that the Town of Jackson, Wyoming (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4622 known as the Jackson Lake Project located on the Snake River in Teton County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Shervin, Mayor, P.O. Box 1687, Teton County Court House, Jackson, Wyoming 83001.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Jackson Lake Dam and Reservoir and would consist of: (1) penstocks utilizing existing outlet works; (2) a new powerhouse containing generating units having a total rated capacity of 6,000 kW or 9,000 kW, depending on studies; (3) a tailrace; (4) a new 69-kV transmission line, approximately 6 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 21,500,000 kWh or 25,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $55,000.

Competing Applications—This application was filed as a competing application to Pacific Northwest Generating Company's application for Project No. 3505 filed on September 26, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4622. Any comments, protests, or petitions to intervene must be filed by providing the original and

[1] The settlement agreement was accepted by letter order issued April 21, 1981.

those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19287 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-358-000]

Transcontinental Gas Pipe Line Corp.; Application

June 25, 1981

Take notice that on June 5, 1981, Transcontinental Gas Pipe Line Corporation (applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-358-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement with United dated November 25, 1980, it proposes to transport up to the dekatherm equivalent of 1,700 Mcf of natural gas per day for United. Applicant asserts that it would receive gas for United from First Energy Corporation at an existing point of interconnection in Jefferson Davis County, Mississippi, and redeliver thermally equivalent quantities to United by displacement at an existing point of interconnection near Holmesville, Pike County, Mississippi.

Applicant states that it would initially charge United 3.5 cents per dekatherm equivalent delivered to Holmesville such rate being Applicant's minimum onshore production area transportation charge. Applicant further states that the primary term of the agreement is ten years and from year to year thereafter.

Applicant asserts that the proposed transportation service would assist United in receiving quantities of gas to be purchased in the Holiday Creek Field, Jefferson Davis County, Mississippi.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19278 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-117]

Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

June 29, 1981.

Take notice that an informal settlement conference of all interested parties to this proceeding will be held on August 4 and 5, 1981, at 10:00 a.m. in Hearing Room C of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19288 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4316-000]

Trans Mountain Construction Co.; Application for Preliminary Permit

June 24, 1981.

Take notice that Trans Mountain Construction Company (Applicant) filed on March 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4316-000 known as the Blue Valley Ranch Hydro Power Project located on the Blue River in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 19000 West 58th Avenue, Golden, Colorado 80401.

Project Description—The proposed project would consist of: (1) a portion of the existing main irrigation ditch of the Blue Valley Ranch, owned by the Blue River Corporation; (2) a powerhouse containing a single generating unit with a rated capacity of 11 kW; (3) a spillway; (4) 1 mile of transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 95,650 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an

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acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19279 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4444-000]

Trans Mountain Construction Co.; Application for Preliminary Permit

June 24, 1981.

Take notice that Trans Mountain Construction Co. (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4444 known as the Blue Valley Ranch, Unit Number 2 Hydro Power Project located on The Blue River in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 19000 W 58th Avenue, Golden, Colorado 80401.

Project Description—The proposed project would consist of a small diversion structure owned by The Blue River Unit with a rated capacity of 84 kW, one mile of transmission line, a ten foot long penstock, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 658,687 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on resuts of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19280 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-305-000 and ER81-132-000]

Union Light, Heat and Power Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued June 24, 1981.

On March 3, 1981, as completed on April 27, 1981,[1] Union Light, Heat and Power Company (Union) tendered for filing revised rates for service to the City of Williamstown, Kentucky (Williamstown), Union's only wholesale customer.[2] The proposed rates would result in increased revenues of approximately $190,000 (19.0%) for the twelve-month test period ending June 30, 1980. By means of the instant submittal, Union seeks to pass through to Williamstown its allocable portion of an increase to Union filed by the Cincinnati Gas & Electric Company (CG&E) in Docket No. ER81-132-000. Union has requested an effective date of June 25, 1981, to coincide with its increased purchased power costs from CG&E.[3]

[1] By letter dated April 2, 1981, Union was advised that its original submittal was deficient.

[2] *See* Attachment A for rate schedule designation.

[3] Union owns no generation facilities and purchases its entire firm power requirements from

Continued

Notice of the filing was issued on March 11, 1981, with responses due on or before March 30, 1981. On March 30, 1981, Williamstown filed a protest, petition to intervene, motion for five-month suspension, and motion to consolidate with the proceedings in Docket No. ER81-132-000. Williamstown contends that suspension and consolidation with Docket No. ER81-132-000 are appropriate since the ultimate rates to be collected by Union will be contingent on the final rate level allowed for CG&E in Docket No. ER81-132-000. Williamstown also states that Union has failed to show that its proposed method of allocating the increased purchased power costs to Williamstown is just, reasonable, and not unduly discriminatory.

Discussion

Initially, the Commission finds that Williamstown's participation in this proceeding is in the public interest. Consequently, we shall grant the petition to intervene.[4]

Our analysis of the instant submittal indicates that Union's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the increased rates for filing and suspend them as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Since the Union rates simply reflect the pass-through of CG&E's rates, which already have been suspended for the maximum statutory period and are currently under investigation at hearing, it is unnecessary to impose another extended suspension. A one day suspension and the imposition of a refund obligation should protect the affected ratepayers pending the outcome of this proceeding while enabling Union to recover its increased purchased power costs on or about the date upon which Union begins to incur such additional costs. We shall therefore suspend Union's rates for one day from the requested effective date to become effective, subject to refund, on June 26, 1981.

Because common issues of law and fact are presented in this docket and in Docket No. ER81-132-000, we shall consolidate these proceedings for purposes of hearing and decision. Williamstown may pursue the allocation questions raised in its petition to intervene in the consolidated hearing.

The Commission orders:

(A) Union's revised rates are hereby accepted for filing and suspended for one day, to become effective on June 26, 1981, subject to refund pending hearing and decision.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of Union's rates for service to Williamstown.

(C) Williamstown's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided,* further, that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders by the Commission entered in this proceeding.

(D) Docket Nos. ER81-305-000 and ER81-132-000 are hereby consolidated for purposes of hearing and decision.

(E) The administrative law judge previously designated to preside in Docket No. ER81-132-000 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-305-000 with the existing proceeding. Such procedures shall include the submission of testimony and exhibits by Union to support its filing in Docket No. ER81-305-000.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Union Light, Heat and Power Company. Docket No. ER81-305-000

Rate Schedule Designation

Filed: April 27, 1981
Dated: Undated

Designation and Description

Seventh Revised Sheet No. 4 under FPC Electric Tariff Original Vol. No. 1 (Supersedes Sixth Revised Sheet No. 4). WS-S

[FR Doc. 81-19281 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4273-001]

Warren Rural Electric Cooperative Corp.; Notice of Application for Preliminary Permit

June 24, 1981.

Take notice that Warren Rural Electric Cooperative Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4273 known as the Green River Lock and Dam No. 6 located at the U.S. Army Corps of Engineers' Green River Lock and Dam No. 6 on the Green River in Brownsville, Edmonson County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Floyd Ellis, General Manager, Warren Rural Electric Cooperative Corporation, P.O. Box 1118, Bowling Green, Kentucky 42101.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir. Project No. 4273 would consist of: (1) a proposed powerhouse located below the existing structure with an estimated installed capacity of 3.0 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 17.8 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies

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its parent, CG&E. By Commission order issued on January 23, 1981, in Docket No. ER81-132-000, CG&E's proposed increased rates to its wholesale customers, including Union, were suspended for five months, to become effective on June 25, 1981, subject to refund.

[4] By order dated March 6, 1981, Williamstown's petition to intervene out of time in Docket No. ER81-132-000 was granted by the administrative law judge in that proceeding.

[5] *E.g., Boston Edison Co.,* Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.,* docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.,* Docket No. ER80-483 (August 22, 1980) (one-day suspension).

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would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $29,000.

Competing Applications—This application was filed as a competing application to the FERC Project No. 3837 filed December 5, 1980, by Mitchell Energy, Inc. under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4273. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19282 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 448]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: June 22, 1981.

JD NO	FILE MKT	AUTH	D SEC CAT	WELL NAME	FRGD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
-AMERICAN WELL MANAGEMENT COMPANY				RECEIVED: 05/22/81		JA: CH
8132506		3411925623	103	GLEN DELONG #1		
8132505		3411925488	103	MARTHA LIVESAY NO 1		
8132505		3411925488	107-TF	MARTHA LIVESAY NO 1		
8132507		3412724902	103	PARKER WOODS NO 3		
8132508		3412724907	103	SENTRY-ROYALTY #1		
-APPALACHIAN PETROLEUM CORP				RECEIVED: 05/22/81		JA: CH
8132509A		3412122364	103	JOHN JENKINS #5		
8132509B		3412122364	D 107-TF	JOHN JENKINS #5		
-ATLAS ENERGY GROUP INC				RECEIVED: 05/22/81		JA: CH
8132510		3415521164	102-2	SHOOK NO 1		
8132510		3415521164	107-NT	SHOOK NO 1		
-BARTLO OIL AND GAS COMPANY				RECEIVED: 05/22/81		JA: CH
8132519A		3415320761	103	ARCHWOOD LEASING #1		
8132519B		3415320761	D 107-TF	ARCHWOOD LEASING #1		
8132516		3405922510	108	H WELLS #1		
8132517		3405922511	108	H WELLS #2		
8132518		3405922539	108	H WELLS #3		
-BAUMAN OIL & GAS CO INC				RECEIVED: 05/22/81		JA: OH
8132521		2405922648	103	CLEMENS #2		
8132522		2405922652	103	KINNER #2		
-BEREA OIL AND GAS CORPORATION				RECEIVED: 05/22/81		JA: OH
8132524		3411925501	103	FRICK #3		
8132524		3411925501	107-TF	FRICK #3		
8132525		3411925502	103	GRANT #3		
8132525		3411925502	107-TF	GRANT #3		
8132523		3411925468	103	J CARPENTER #1		
8132523		3411925468	107-TF	J CARPENTER #1		
-BERMAN J SHAFER				RECEIVED: 05/22/81		JA: OH
8132673		3407522998	103	ALVIN BEACHY #1		
8132674		3410322542	103	F & P LARKEY #1		
-BERRESFORD ENTERPRISES INC				RECEIVED: 05/22/81		JA: CH
8132528		3416726066	103	DOLLIE MICHAEL #1		
8132526		3416726042	103	DONAL OCARROLL #1		
8132527		3416726063	103	VIRGIL DIXON #1		
-BUYC ENERGY MANAGEMENT CORP				RECEIVED: 05/22/81		JA: CH
8132512		3410521990	103	FEENEY KENNETT POST #120	16.0	3.5 COLUMBIA GAS TRAN
8132511		3410521995	103	FEENEY KENNETT POST #126	16.0	3.5 COLUMBIA GAS TRAN
8132514		3410522101	103	FEENEY KENNETT POST #128	16.0	11.0 COLUMBIA GAS TRAN
8132513		3410522009	103	FEENEY KENNETT POST #128	16.0	11.0 COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 05/22/81		JA: OH

JD NO	FILE MKT	AUTH	D SEC CAT	WELL NAME	FRGD	PURCHASER
8132506	NEWTON	3411925623	103	GLEN DELONG #1	16.0	3.5 COLUMBIA GAS TRAN
8132505	ADAMS	3411925488	103	MARTHA LIVESAY NO 1	16.0	3.5 COLUMBIA GAS TRAN
8132505	ADAMS	3411925488	107-TF	MARTHA LIVESAY NO 1	16.0	11.0 COLUMBIA GAS TRAN
8132507	HOPEWELL	3412724902	103	PARKER WOODS NO 3	16.0	11.0 COLUMBIA GAS TRAN
8132508	PIKE	3412724907	103	SENTRY-ROYALTY #1	16.0	30.0 LIBBEY-OWENS-FORD
8132509A	JACKSON	3412122364	103	JOHN JENKINS #5		30.0 LIBBEY-OWENS-FORD
8132509B	JACKSON	3412122364	D 107-TF	JOHN JENKINS #5		7.0 COLUMBIA GAS TRAN
8132510	FOWLER	3415521164	102-2	SHOOK NO 1		18.0 COLUMBIA GAS TRAN
8132510	FOWLER	3415521164	107-NT	SHOOK NO 1		12.0 COLUMBIA GAS TRAN
8132519A	COPLEY	3415320761	103	ARCHWOOD LEASING #1		20.0 COLUMBIA GAS TRAN
8132519B	COPLEY	3415320761	D 107-TF	ARCHWOOD LEASING #1		20.0 COLUMBIA GAS TRAN
8132516		3405922510	108	H WELLS #1		0.0 COLUMBIA GAS TRAN
8132517		3405922511	108	H WELLS #2		0.0 COLUMBIA GAS TRAN
8132518		3405922539	108	H WELLS #3		1.0 COLUMBIA GAS TRAN
8132521	WHEELING	2405922648	103	CLEMENS #2		1.0 COLUMBIA GAS TRAN
8132522	WHEELING	2405922652	103	KINNER #2		0.0 COLUMBIA GAS TRAN
8132524	RICH HILL	3411925501	103	FRICK #3		0.0 COLUMBIA GAS TRAN
8132524	RICH HILL	3411925501	107-TF	FRICK #3		5.0 COLUMBIA GAS TRAN
8132525	UNION	3411925502	103	GRANT #3		5.0 COLUMBIA GAS TRAN
8132525	UNION	3411925502	107-TF	GRANT #3		
8132523	RICH HILL	3411925468	103	J CARPENTER #1		
8132523	RICH HILL	3411925468	107-TF	J CARPENTER #1		
8132673	PAINT	3407522998	103	ALVIN BEACHY #1		
8132674	SPENCER	3410322542	103	F & P LARKEY #1		
8132528	WASHINGTON	3416726066	103	DOLLIE MICHAEL #1	0.0	
8132526	WATERFORD	3416726042	103	DONAL OCARROLL #1	0.0	
8132527	WATERFORD	3416726063	103	VIRGIL DIXON #1	0.0	
8132512	SALISBURY	3410521990	103	FEENEY KENNETT POST #120	4.0	COLUMBIA GAS TRAN
8132511	SALISBURY	3410521995	103	FEENEY KENNETT POST #126	3.0	COLUMBIA GAS TRAN
8132514	SALISBURY	3410522101	103	FEENEY KENNETT POST #128	3.0	COLUMBIA GAS TRAN
8132513	SALISBURY	3410522009	103	FEENEY KENNETT POST #128	3.0	COLUMBIA GAS TRAN

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JOB NO	JOB ENT	FIELD NAME	PROD	PURCHASER
			16.0	COLUMBIA GAS TRAN
-BUCKHORN OIL COMPANY INC	3407522342	MANOVER		
8132533	3407522798	MECHANIC	10.0	COLUMBIA GAS TRAN
8132533	3407522798	MECHANIC	10.0	COLUMBIA GAS TRAN
-C W RIGGS INC				
A132667	3416724423	RENO	7.3	COLUMBIA GAS TRAN
8132668	3416726161	RENO	7.3	COLUMBIA GAS TRAN
8132669	3416726210	RENO	9.1	COLUMBIA GAS TRAN
8132665	3411122054	WOODSFIELD	10.9	COLUMBIA GAS TRAN
8132666	3411122172	WOODSFIELD	12.7	COLUMBUS GAS TRAN
-CALLANDER & KIMBREL INC				
8132536	3411924953	UNION	6.0	COLUMBIA GAS TRAN
8132536	3411924953	UNION	6.0	COLUMBIA GAS TRAN
8132537	3411925095	HIGHLAND	20.0	COLUMBIA GAS TRAN
8132537	3411925095	HIGHLAND	20.0	COLUMBIA GAS TRAN
8132538	3411925247	HIGHLAND	25.0	COLUMBIA GAS TRAN
8132538	3411925247	HIGHLAND	25.0	COLUMBIA GAS TRAN
8132539	3411925249	UNION	12.0	COLUMBIA GAS TRAN
8132539	3411925249	UNION	12.0	COLUMBIA GAS TRAN
8132534	3411924175	HIGHLAND	16.0	COLUMBIA GAS TRAN
8132534	3411924175	HIGHLAND	16.0	COLUMBIA GAS TRAN
8132540	3411925346	MONROE	20.0	COLUMBIA GAS TRAN
8132540	3411925346	MONROE	20.0	COLUMBIA GAS TRAN
8132535	3411924182	UNION	10.0	EAST OHIO GAS CO
8132535	3411924182	UNION	10.0	EAST OHIO GAS CO
-CHANSE PETROLEUM CORPORATION	3400721440	NEW LYME	4.5	
8132541		RECEIVED: 05/22/81		
-CHARLES O LIGHTHIZER	3411924433	UNION	4.0	COLUMBIA GAS TRAN
8132629	3411924433	UNION	4.0	COLUMBIA GAS TRAN
8132629		RECEIVED: 05/22/81		
-CLINTON OIL CO	3411925565	MUSKINGUM	25.0	
8132561	3411925565	MUSKINGUM	25.0	
8132561	3411925578	BRUSH CREEK	15.0	
8132562	3411924874	MADISON	60.0	COLUMBIA GAS TRAN
8132562	3411924874	MADISON	60.0	COLUMBIA GAS TRAN
8132549	3411924882	BRUSH CREEK	85.0	
8132551	3411924882	BRUSH CREEK	85.0	
8132547	3411924794	CLAY	10.0	COLUMBIA GAS TRAN
8132547	3411924794	CLAY	10.0	COLUMBIA GAS TRAN
8132553	3411925157	WASHINGTON	75.0	
8132553	3411925330	BRUSH CREEK	100.0	
8132556	3411925334	BRUSH CREEK	100.0	
8132544	3411924650	CASS	60.0	COLUMBIA GAS TRAN
8132545	3411924650	CASS	60.0	COLUMBIA GAS TRAN
8132545	3411924651	CASS	65.0	COLUMBIA GAS TRAN
8132550	3411924651	CASS	65.0	COLUMBIA GAS TRAN
8132550	3411924801	NEWTON	65.0	NATIONAL GAS & OI
8132559	3411925376	NEWTON	65.0	NATIONAL GAS & OI
8132559	3411925376	WASHINGTON	40.0	
		WASHINGTON	40.0	

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JOB NO	JOB ENT	FIELD NAME	PROD	PURCHASER
		CASS	100.0	
		CASS	100.0	
		BRUSH CREEK	75.0	
		BRUSH CREEK	75.0	
		BRUSH CREEK	75.0	NATIONAL GAS & OI
		NEWTON	75.0	NATIONAL GAS & OI
		BRUSH CREEK	20.0	COLUMBIA GAS TRAN
		NEWTON	20.0	COLUMBIA GAS TRAN
		BRUSH CREEK	140.0	
		BRUSH CREEK	140.0	
		CLAY	55.0	COLUMBIA GAS TRAN
		CLAY	55.0	COLUMBIA GAS TRAN
		RAVENNA	75.0	TIMKEN CO
		RAVENNA	75.0	TIMKEN CO
		MUSKINGUM	50.0	GAS TRANSPORT INC
		MUSKINGUM	50.0	GAS TRANSPORT INC
		BRUSH CREEK	100.0	
		BRUSH CREEK	100.0	
		BRUSH CREEK	100.0	
		CLAY	70.0	NATIONAL GAS & OI
		CLAY	70.0	NATIONAL GAS & OI
		CASS	150.0	
		BRUSH CREEK	100.0	
		BRUSH CREEK	100.0	
		BATH	5.0	EAST OHIO GAS CO
		BATH	5.0	EAST OHIO GAS CO
		SPENCER	12.0	COLUMBIA GAS TRAN
		BERLIN	12.0	COLUMBIA GAS TRAN
		BERLIN	12.0	COLUMBIA GAS TRAN
		MOPEWELL	12.0	COLUMBIA GAS TRAN
		MOPEWELL	12.0	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		DEERFIELD	0.1	COLUMBIA GAS TRAN
		JACKSON	16.0	
		JACKSON	18.0	

JOB NO	JOB ENT	SEC CAT WELL NAME
-BUCKHORN OIL COMPANY INC	3407522342	103 STANLEY PARROTT #1
		RECEIVED: 05/22/81 JA: OH
8132533	3407522798	103 YODER #13-1
8132533	3407522798	107-TF YODER #13-1
-C W RIGGS INC		RECEIVED: 05/22/81 JA: OH
A132667	3416724423	107-OV CARL HENSLER #1
8132668	3416726161	107-OV S REESE UNIT #1
8132669	3416726210	107-OV HENRY GRAHAM #2
8132665	3411122054	107-OV VIRGIL TISNER #1
8132666	3411122172	107-OV VIRGIL TISNER #2
-CALLANDER & KIMBREL INC		RECEIVED: 05/22/81 JA: OH
8132536	3411924953	103 CLEMENSON UNIT #2
8132536	3411924953	107-TF CLEMENSON UNIT #2
8132537	3411925095	103 J & R MCCALL #1
8132537	3411925095	107-TF J & R MCCALL #1
8132538	3411925247	103 J & R MCCALL #2
8132538	3411925247	107-TF J & R MCCALL #2
8132539	3411925249	103 JAMES MCCALL #2
8132539	3411925249	107-TF JAMES MCCALL #2
8132534	3411924175	103 MARK & FRANCES NORTHRUP #1
8132534	3411924175	107-RT MARK & FRANCES NORTHRUP #1
8132540	3411925346	103 SOPHIA WILDER #2
8132540	3411925346	107-TF SOPHIA WILDER #2
8132535	3411924182	103 W & C SMITH #3
8132535	3411924182	107-RT W & C SMITH #3
-CHANSE PETROLEUM CORPORATION	3400721440	RECEIVED: 05/22/81 JA: OH
8132541		103 A C & P JEROME # 3
-CHARLES O LIGHTHIZER	3411924433	103 DOROTHY ANDERSON #1
8132629	3411924433	107-RT DOROTHY ANDERSON #1
8132629		RECEIVED: 05/22/81 JA: OH
-CLINTON OIL CO	3411925565	103 A FINELL #2-551
8132561	3411925565	107-TF A FINELL #2-551
8132561	3411925578	103 H MC CONNELL UNIT #2-657
8132562	3411924874	107-TF H MC CONNELL UNIT #2-657
8132562	3411924874	103 C BAKER #A-1
8132549	3411924882	107-TF C BAKER #A-1
8132551	3411924882	103 FREEMAN #2-541
8132551	3411926794	107-TF FREEMAN #2-541
8132547	3411926794	103 HAMERICK #1
8132547	3411924651	107-TF HAMERICK #1
8132553	3411925157	103 JOHN & DOROTHY BRIGGS #5-547
8132553	3411925157	107-TF JOHN & DOROTHY BRIGGS #5-547
8132556	3411925330	103 MATEJICH-GRANT #1-538
8132556	3411925334	107-TF MATEJICH-GRANT #1-538
8132544	3411924650	103 MERLE SCHWEITZER #1
8132545	3411924650	107-RT MERLE SCHWEITZER #1
8132545	3411924651	103 MERLE SCHWEITZER #2
8132550	3411924651	107-RT MERLE SCHWEITZER #2
8132550	3411924801	103 MURPHY UNIT #2
8132559	3411924801	107-TF MURPHY UNIT #2
8132559	3411925376	103 NORRIS-WHITE #1-540
	3411925376	107-TF NORRIS-WHITE #1-540

JOB NO	JOB ENT	SEC CAT WELL NAME
8132564	3411925598	103 OHIO POWER #1-602
8132564	3411925598	107-TF OHIO POWER #1-602
8132557	3411925360	103 PAUL MILLER #2-539
8132557	3411925360A	107-TF PAUL MILLER #2-539
8132548	3411924864	103 PLETCHER #1
8132548	3411924864	107-TF PLETCHER #1
8132555	3411925251	103 R HECKEL #1
8132555	3411925251	107-TF R HECKEL #1
8132554	3411925161	103 R WELCH #1-582
8132554	3411925161	107-TF R WELCH #1-582
8132543	3411924587	103 SHORT #1
8132543	3411924587	107-RT SHORT #1
8132565	3413321324	103 SIEGENTHALER #1
8132565	3413321324	107-TF SIEGENTHALER #1
8132542A	3411924473	103 SILEY #3
8132542A	3411924473 D	107-TF SILEY #3
8132552	3411925007	103 T O MCCOY #1-584
8132552	3411925007	107-TF T O MCCOY #1-584
8132563	3411925587	103 T O MCCOY #2-585
8132563	3411925587	107-TF T O MCCOY #2-585
8132546	3411924653	103 TOTH #2
8132546	3411924653	107-RT TOTH #2
8132558	3411925369	103 WILLIAM & DONALD MCERIDE #2-628
8132558	3411925369	107-TF WILLIAM & DONALD MCERIDE #2-628
8132560	3411925563	103 WILSON-GERMAN #1-540
8132560	3411925563	107-TF WILSON-GERMAN #1-540
-DAVID SHAFER OIL PRODUCERS INC	3415320929	RECEIVED: 05/22/81 JA: OH
8132675	3415320929	103 R C FIRESTONE #1-B
8132676	3415320926	103 R C FIRESTONE #3-B
-DERBY OIL & GAS CORP	3405922437	RECEIVED: 05/22/81 JA: OH
8132566		103 KENNETH CRAWFORD #1
-DORAN & ASSOCIATES INC	3407522992	RECEIVED: 05/22/81 JA: OH
8132567	3407523043	103 ABE G YODER #1
8132568	3411925622	103 ALBERT J YOCER #1
8132570	3411925621	103 FRANCES OGG #1
8132569		103 JAMES WIETZEL #1
-DUSTY DRILLING COMPANY INC	3411522350	RECEIVED: 05/22/81 JA: OH
8132580	3411522298	103 GEORGE POPE #1-A
8132573	3411522328	103 A SIDWELL #10
8132580	3411522329	103 A SIDWELL #11
8132581	3411522330	103 A SIDWELL #12
8132582	3411522299	103 A SIDWELL #13
8132574	3411522300	103 A SIDWELL #14
8132575	3411522301	103 A SIDWELL #15
8132576	3411522311	103 A SIDWELL #16
8132578	3411522312	103 A SIDWELL #17
8132577	3411522302	103 A SIDWELL #19
8132583	3411522331	103 A SIDWELL #20
8132571	3411522296	103 A SIDWELL #A
8132572	3411522297	103 A SIDWELL #9
-EDCO DRILLING & PRODUCING INC		RECEIVED: 05/22/81 JA: OH
8132905	3411925124	103 SM-1H ARNOLD
8132905	3411925124	107-TF SM-1H ARNOLD

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JD NO	JA DKT	API NO	S	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132586		3411925125		103		SM-2B ARNOLD	JACKSON	18.0	
8132586		3411925125		107-TF		SM-2B ARNOLD	JACKSON	18.0	
-ENERGY RECOVERY CO				RECEIVED: 05/22/81 JA: OH					
8132587		3404520661		103		MILLER #1	RUSHCREEK	23.4	
8132588		3411925397		103		THORNTON #2	HOPEWELL	21.6	NEWZANE GAS CO
-ENTERPRISE GAS & OIL INC				RECEIVED: 05/22/81 JA: OH					
8132590		3401921405		103		GLICK #1	ORANGE	36.5	
8132589		3401921394		103		SIMPSON #2	ORANGE	36.5	
-ESTATE OF BARTON A HOLL				RECEIVED: 05/22/81 JA: OH					
8132608		3407322410		103		RAYMOND MENGST #3	FALLS	37.0	COLUMBIA GAS
-EVERFLOW EASTERN INC				RECEIVED: 05/22/81 JA: OH					
8132591		3409928798		108		BECK #1	GOSHEN	4.8	AMERICAN ENERGY S
8132592		3409908680		108		DELMONT HENRY #1	ELLSWORTH	1.0	AMERICAN ENERGY S
-FORAKER PRODUCING COMPANY INC				RECEIVED: 05/22/81 JA: OH					
8132595		3411924985		103		L MOORE #1	NEWTON	7.8	
8132595		3411924985		107-TF		L MOORE #1	NEWTON	7.8	
8132596		3411925122		103		L MOORE #3	NEWTON	2.0	
8132596		3411925122		107-TF		L MOORE #3	NEWTON	2.0	
8132597		3411925176		103		NORMAN #2	NEWTON	8.0	
8132597		3411925178		107-TF		NORMAN #2	NEWTON	8.0	
-FOUTS DRILLING CO				RECEIVED: 05/22/81 JA: OH					
8132598		3408922187		103		HARVEY #1	HARVEY #1	1.8	
-FUTURE ENERGY CORPORATION				RECEIVED: 05/22/81 JA: OH					
8132599		3411521983		103		C KINCAID #1	WINDSOR	18.0	
-GEO ENERGY INC				RECEIVED: 05/22/81 JA: OH					
8132603		3411925309		103		GAYLORD CALDWELL #13-1	SALEM	12.0	COLUMBIA GAS TRAN
8132603		3411925309		107-TF		GAYLORD CALDWELL #13-1	SALEM	12.0	COLUMBIA GAS TRAN
8132601		3403520904		103		PAMLEY #1	OLMSTED	1.8	COLUMBIA GAS OF O
8132600		3403520872		103		SHAKER HOLZWORTH #1	OLMSTED	9.6	COLUMBIA GAS OF O
8132602		3411925290		103		SUNNYSIDE INC #1	LICKING	14.2	NATIONAL GAS & OI
8132602		3411925290		107-TF		SUNNYSIDE INC #1	LICKING	14.2	NATIONAL GAS & OI
-GIANT PETROLEUM CORPORATION				RECEIVED: 05/22/81 JA: OH					
8132604		3408721340		103		MOCAB-MILLER #1	ORWELL	28.0	EAST OHIO GAS CO
-H & SPILLER				RECEIVED: 05/22/81 JA: OH					
8132678		3415528524		107-RT		KARPOWICZ NO 1	CHAMPION	50.0	
8132679		3415528525		103		KARPOWICZ NO 2	CHAMPION	50.0	
8132679		3415528525		107-RT		KARPOWICZ NO 2	CHAMPION	50.0	
-HADDAD & BROOKS INC				RECEIVED: 05/22/81 JA: OH					
8132606		3416726132		107-DV		H O AND J M HELDMAN #2	INDEPENDENCE	30.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 05/22/81 JA: OH					
8132609		3411121943		103		EARL ANDERSON #1	SURPIT	10.0	COLUMBIA GAS TRAN
-IRVIN PRODUCING COMPANY				RECEIVED: 05/22/81 JA: OH					
8132611		3411925449		103		MILROY SNURR #1	WAYNE	15.0	COLUMBIA GAS TRAN
8132611		3411925449		107-TF		MILROY SNURR #1	WAYNE	15.0	COLUMBIA GAS TRAN
8132610		3411925448		103		MILROY SNURR #2	WAYNE	0.0	COLUMBIA GAS TRAN
8132610		3411925448		107-TF		MILROY SNURR #2	WAYNE	0.0	COLUMBIA GAS TRAN
8132612		3411925451		103		RAYMOND MIEBEL #1	SPRINGFIELD	15.0	NATIONAL GAS & OI
8132612		3411925451		107-TF		RAYMOND MIEBEL #1	SPRINGFIELD	15.0	NATIONAL GAS & OI
-JAYCO DRILLING CO				RECEIVED: 05/22/81 JA: OH					
8132613		3416725719		107-DV		LAWRENCE SMITH #5	LAWRENCE	40.0	
8132614		3416725720		107-DV		LAWRENCE SMITH #6	LAWRENCE	50.0	
-JOHN C MASON				RECEIVED: 05/22/81 JA: OH					
8132630		3403124270		103		RUSSELL MCGHADY #3	MONROE	3.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	S	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JOHN F & NELLIE R BARNETT				RECEIVED: 05/22/81 JA: OH					
8132515		3409920228		108		BARNETT J & NELLIE #1		2.8	EAST OHIO GAS CO
-K S T OIL & GAS CO INC				RECEIVED: 05/22/81 JA: OH					
8132615		3415320867		103		R C QUINE #2	YORK	120.0	
8132616		3415723560		103		ZURCHER #1	YORK	140.0	
-L & M EXPLORATION INC				RECEIVED: 05/22/81 JA: OH					
8132619		3412724745		108		COFFMAN #1		20.0	FORAKER GAS CO IN
8132618		3401921061		108		SNIDER #4		15.0	BONANZA GAS LINE
8132620		3415723155		108		STOCKER #3		3.6	EAST OHIO GAS CO
-L & M OPERATING INC				RECEIVED: 05/22/81 JA: OH					
8132623		3416724949		108		HOWARD ARNOLD #1		12.8	GAS TRANSPORT INC
8132621		3416724283		108		HOWARD OFFENBERGER #1		12.8	GAS TRANSPORT INC
8132622		3416724867		108		J A HEISS #2		12.8	GAS TRANSPORT INC
-L & M PETROLEUM INC				RECEIVED: 05/22/81 JA: OH					
8132625		3416724417		108		CECIL BAUERBACH #1		12.8	GAS TRANSPORT INC
8132624		3412724762		103		CLAYTON SAUNDERS #1	CLAYTON	7.0	FORAKER GAS CO IN
8132624		3412724762		107-TF		CLAYTON SAUNDERS #1	CLAYTON	7.0	FORAKER GAS CO IN
8132626		3416724647		108		GRAYDEN KEARNS #1		12.8	GAS TRANSPORT INC
8132627		3416724705		108		HAROLD TORNES #1		12.8	GAS TRANSPORT INC
8132628		3416724951		108		HAROLD TORNES #2		12.8	GAS TRANSPORT INC
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 05/22/81 JA: OH					
8132617		3408924025		103		COUNTY LINE DAIRY FARM #1	EDEN	0.0	
-MCKENZIE MANAGEMENT INC				RECEIVED: 05/22/81 JA: OH					
8132631		3403123749		103		RAMSEY-HAMPTON COMP #2	WASHINGTON	15.0	NATIONAL GAS & OI
-NEILL C FLEMISTER JR				RECEIVED: 05/22/81 JA: OH					
8132594		3405320519		108		DONALD THOMAS #3		6.0	COLUMBIA GAS TRAN
8132593		3405320495		108		MARJORIE THOMPSON #2		6.0	COLUMBIA GAS TRAN
-NORTHEASTERN ENERGY				RECEIVED: 05/22/81 JA: OH					
8132635		3410322097		103		LONG WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8132635		3410322097		107-RT		LONG WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8132634		3410322096		103		LONG WELL #3	WADSWORTH	21.0	EAST OHIO GAS CO
8132634		3410322096		107-TF		LONG WELL #3	WADSWORTH	21.0	EAST OHIO GAS CO
-OHIO PARTNERS OIL CO				RECEIVED: 05/22/81 JA: OH					
8132636		3411925142		103		E SCRG #1	HOPEWELL	15.0	NATIONAL GAS & OI
-ONEAL PETROLEUM INC				RECEIVED: 05/22/81 JA: OH					
8132638		3405322572		103		MOORE #1	VALLEY	50.0	COLUMBIA GAS TRAN
8132638		3405322572		107-RT		MOORE #1	VALLEY	50.0	COLUMBIA GAS TRAN
8132637		3405922524		103		W MILL #3	RICHLAND	26.0	COLUMBIA GAS TRAN
8132637		3405922524		107-TF		W MILL #3	RICHLAND	26.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 05/22/81 JA: OH					
8132642		3411522275		103		FRED BATESON #1	DEERFIELD	8.0	
8132639		3408322811		103		GEORGE LEPLEY #2	BUTLER	10.0	
8132643		3411925503		103		GERALD WAGNER #1	SALT CREEK	10.0	
8132643		3411925503		107-TF		GERALD WAGNER #1	SALT CREEK	10.0	
8132641		3408924059		103		PRESTON MOREHOUSE #2	HOPEWELL	10.0	
8132644		3411925641		103		ROBERT THOMPSON #1	SPRINGFIELD	10.0	
8132644		3411925641		107-TF		ROBERT THOMPSON #1	SPRINGFIELD	10.0	
8132640		3408924093		103		SHELLY-TURNER #1	HOPEWELL	10.0	
-PAGE P BLAKEMORE				RECEIVED: 05/22/81 JA: OH					
8132529		3416725765		103		CISLER-FOX #1-A	GRANDVIEW	10.9	
-PETER A BARTLO				RECEIVED: 05/22/81 JA: OH					
8132520		3415320664		107-RT		FALLS STAMPING #1	STOW	0.0	LIBBEY-O[illegible]S-FORD
-POI ENERGY INC				RECEIVED: 05/22/81 JA: OH					

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JO NO	JA DKT	API NO	*	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132655		3400721545		103		CROSBY #1	ORWELL	15.0	
8132654		3400721543		103		CROSBY #2	ORWELL	15.0	
8132656		3400721573		103		GAAG #2	COLEBROOK	12.0	
8132649		3400721472		103		GRON #1	ROME	15.0	
8132649		3400721472		107-TF		GRON #1	ROME	15.0	
8132658		3400721673		103		H PERRY #1	NEW LYME	47.0	EAST OHIO GAS CO
8132657		3400721551		103		KAMPF #6	NEW LYME	25.0	
8132653		3400721539		103		LIEDTKE #1	ORWELL	16.0	
8132653		3400721539		107-TF		LIEDTKE #1	ORWELL	18.0	
8132651		3400721450		103		LUKASIK #1	NEW LYME	18.0	
8132648		3400721468		103		NOVAK #1	COLEBROOK	25.0	
8132648		3400721468		107-TF		NOVAK #1	COLEBROOK	25.0	
8132652		3400721504		103		PECK #3	NEW LYME	25.0	
8132646		3400721435		103		PECK-STOKES #1	NEW LYME	25.0	
8132645		3400721429		103		RIGBY #1	ORWELL	12.0	
8132645		3400721429		107-TF		RIGBY #1	ORWELL	12.0	
8132647		3400721447		103		RIGBY #1	ORWELL	12.0	
8132650		3400721487		103		ZITEL-LEGAT #1	ORWELL	15.0	
8132650		3400721487		107-TF		ZITEL-LEGAT #1	ORWELL	15.0	
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 05/22/81 JA: CH					
8132530		3405320553		103		F PHILLIPS #2	ADDISON	1.0	COLUMBIA GAS TRAN
8132531		3410521985		103		R GENE BRASEL - CARSON #5	RUTLAND	1.0	COLUMBIA GAS TRAN
				RECEIVED: 05/22/81 JA: OH					
-RELIANCE ENERGY									
8132661		3407322382		103		DOUGLAS WICK #1	WARD	5.0	COLUMBIA GAS TRAN
8132659		3407322323		103		SUNDAY CREEK COAL CO 56R	WARD	5.0	COLUMBIA GAS TRAN
8132660		3407322324		103		SUNDAY CREEK COAL 55R	WARD	6.0	COLUMBIA GAS TRAN
				RECEIVED: 05/22/81 JA: OH					
-REPUBLIC MINERAL CORP									
8132662		3416723196		108		BOSNER WELL #1	SIMMONS GAS FIELD	2.8	COLUMBIA GAS TRAN
8132663		3416723301		108		F W EASTERDAY #1	SIMMONS GAS FIELD	2.2	COLUMBIA GAS TRAN
8132664		3416724751		108		HENNIGER WELL #2	SIMMONS GAS FIELD	184.0	COLUMBIA GAS TRAN
				RECEIVED: 05/22/81 JA: CH					
-RIVERVIEW FINANCE CO									
8132670		3412122464		103		LOTTIE & BERNARD CRUM #1	ELK	50.0	
				RECEIVED: 05/22/81 JA: OH					
-ROYAL PETROLEUM 80 - VI									
8132671		3405320560		103		TARA DEVELOPMENT WELL #6	ADDISON	5.0	COLUMBIA GAS TRAN
8132672		3405320561		103		TARA DEVELOPMENT WELL #7	ADDISON	5.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED: 05/22/81 JA: CH					
8132677		3416922727		103		ROBERT W EWING #1-A	CONGRESS	5.0	COLUMBIA GAS TRAN
-STARK OILFIELD SERVICES INC				RECEIVED: 05/22/81 JA: OH					
8132680		3413321766		103		SCHWAN #3	FREEDOM	0.0	EAST OHIO GAS CO
-STRATA EXPLORATION INC LTD				RECEIVED: 05/22/81 JA: OH					
8132681		3407522770		103		#1 R G & C A BURKEY	HARDY	985.0	COLUMBIA GAS TRAN
8132681		3407522770		107-TF		#1 R G & C A BURKEY	HARDY	985.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 05/22/81 JA: CH					
8132632		3412122465		103		ORANGE COAL #4	ELK	50.0	
8132633		3412122466		103		ROBERT ULLMAN WELL #3	ELK	50.0	
-THUNDERBIRD PETROLEUM CORP				RECEIVED: 05/22/81 JA: OH					
8132683		3411122178		103		HARRY ARMSTRONG #3	WASHINGTON	50.0	
8132682		3411122143		103		HARRY ARMSTRONG WELL #2	WASHINGTON	50.0	
8132684		3416725717		103		REX SAGER WELL #1	LUDLOW	50.0	
-TIGER OIL INC				RECEIVED: 05/22/81 JA: CH					
8132686		3412122378		103		CARL MILLER #1	ELK	0.0	COLUMBIA GAS TRAN
8132685		3412122377		103		URBAN BECKER #1	ELK	0.0	COLUMBIA GAS TRAN
-TIPKA-BARTLO OIL & GAS				RECEIVED: 05/22/81 JA: OH					

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JO NO	JA DKT	API NO	*	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132687		3405922736		107-TF		G DOUGHERTY #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
				RECEIVED: 05/22/81 JA: CH					
-TITAN ENERGY CORP									
8132688		3405922836		107-TF		CHARLES & MAE VESSELS #1	WESTLAND	20.0	
				RECEIVED: 05/22/81 JA: OH					
-TRI-CITY DRILLING CO INC									
8132689		3416724137		108		NINA J JONES #1		3.7	COLUMBIA GAS TRAN
				RECEIVED: 05/22/81 JA: OH					
-VESCORP INDUSTRIES INC									
8132690		3411924718		103		J BRIGGS #2-522	WASHINGTON	100.0	
8132690		3411924718		107-TF		J BRIGGS #2-522	WASHINGTON	100.0	
				RECEIVED: 05/22/81 JA: OH					
-W C ALLEN									
8132504		3403124160		103		#2-A SUSIL	PIKE	5.0	NATIONAL GAS & OI
				RECEIVED: 05/22/81 JA: OH					
-W H HAAS									
8132605		3416724002		103		WILLIAM BURKHART #1	MUSKINGUM	7.2	
				RECEIVED: 05/22/81 JA: OH					
-WAYNE HAMMOND									
8132607		3415723539		103		ACKERMAN NO 1	LAWRENCE	5.0	COLUMBIA GAS TRAN
				RECEIVED: 05/22/81 JA: OH					
-WILLISTON OIL CORP									
8132692A		3416721986		103		ALMA & TAYLOR #1	GRANDVIEW	15.0	COLUMBIA GAS TRAN
8132692B		3416721986	D	107-TF		ALMA & TAYLOR #1	GRANDVIEW	15.0	COLUMBIA GAS TRAN
8132691A		3411921972		103		BURKHART-ULRICH #1	SUMMIT	15.0	
8132691B		3411921972	C	107-TF		BURKHART-ULRICH #1	SUMMIT	15.0	
				RECEIVED: 05/22/81 JA: OH					
-ZENITH OIL & GAS INC									
8132693		3412724792		103		KLINGLER #2-A	REAGING	18.0	

OKLAHOMA CORPORATION COMMISSION

				RECEIVED: 05/21/81 JA: OK					
-AN-SON CORPORATION									
8132704	08799	3501520941		102-4		PHILLIPS #1-33	E EARLEY	201.0	
				RECEIVED: 05/21/81 JA: OK					
-ANDOVER OIL COMPANY									
8132735	08467	3501721712		102-2		HUNT #32-4		185.0	DELMI GAS PIPELIN
8132735	08467	3501721712		103		HUNT #32-4		185.0	DELMI GAS PIPELIN
				RECEIVED: 05/21/81 JA: OK					
-APOLLO PRODUCTION LTD									
8132729	8616	3507322595		103		GRUMMER 24-4	OKARCHE	25.0	PHILLIPS PETROLEU
8132732	8617	3507322597		103		TUTTY NO 25-5	OKARCHE	72.0	PHILLIPS PETROLEU
				RECEIVED: 05/21/81 JA: OK					
-CHAMPLIN EXPLORATION INC									
8132736	08683	3504722278		103		BOHN #1-32	SOONER TREND	75.0	WELLHEAD ENTERPRI
				RECEIVED: 05/21/81 JA: OK					
-CHAMPLIN PETROLEUM COMPANY									
8132710	8789	3509300000		103		A P OTTINGER NO 2	EAST CHANEY DELL	260.6	CHAMPLIN PETROLEU
8132711	08726	3504722024		103		MAYBERRY - BEASLEY NO 2	ENID	39.0	CHAMPLIN PETROLEU
				RECEIVED: 05/21/81 JA: OK					
-CIMARRON PETROLEUM CORPORATION									
8132712	08732	3505920927		103		CPC #95-3 HINTHER-ENRIGHT		547.5	MICHIGAN WISCONSI
				RECEIVED: 05/21/81 JA: OK					
-CONOCO INC									
8132733	07230	3501721563		103		LECK NO 11-1	CALUMET	490.9	DELMI GAS PIPELIN
				RECEIVED: 05/21/81 JA: OK					
-CURT BROWN DRILLING CO									
8132709	08733	3511720904		103		ZIMMERMAN #1	HALLETT	21.0	COLORADO GAS COMP
				RECEIVED: 05/21/81 JA: OK					
-DAVIS OIL COMPANY									
8132734	03952	3501721011		103		AIRPORT TRUST NO 2		230.0	PHILLIPS PETROLEU
8132723	03953	3501721132		103		AIRPORT TRUST NO 4		150.0	PHILLIPS PETROLEU
8132722	03929	3503920259		103		HOYD MILLER #4	SOUTH THOMAS	300.0	ONG WESTERN INC
8132724	03927	3503920226		103		HOYD MILLER NO 2	SOUTH THOMAS	150.0	ONG WESTERN INC
8132719	03925	3503920250		103		STEARNS #4	SOUTH THOMAS	700.0	TRANSOK PIPELINE
8132721	03926	3503920224		103		WINGARD NO 2	SOUTH THOMAS	530.0	PUBLIC SERVICE CO
				RECEIVED: 05/21/81 JA: OK					
-DAWN ENERGY CO									
8132716	08845	3504520844		103		SCOTT #1-30	MOCANE-LAVERNE	0.0	PANHANDLE EASTERN
				RECEIVED: 05/21/81 JA: OK					
-DOUBLE DIAMOND INC									

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JD NO	JURIS	FIELD NAME	FRCD	PURCHASER	E SEC CAT WELL NAME	
0132698	08806	MENG-RINGWOOD	3509321789	10.0 PIONEER GAS PRODU	103 WEDEL 1-31	
-EL PASO NATURAL GAS COMPANY			3514926165		RECEIVED: 05/21/81	JA: OK
0132725	11589	ELK CITY MORROW UPPER		3460.0 EL PASO NATURAL G	107-DP HAGGARD #3	
-F C D OIL CORP			3507322487		RECEIVED: 05/21/81	JA: OK
0132707	08651	EAST MENNESSEY		54.8 EASON OIL CO	103 SIEGMANN 2-36	
-FLYNN ENERGY CORPORATION			3505320559		RECEIVED: 05/21/81	JA: OK
0132697	04828	NICO VALLEY		70.0 CRA INC	103 MAYS 36-1	
0132706	08722	SOONER TREND	3501121456	24.8 ARKANSAS LOUISIAN	103 HEINRICH A 36-1	
-GETTY OIL COMPANY			3505120851		RECEIVED: 05/21/81	JA: CK
0132727	11615	WEST MINCO		350.0 MICHIGAN WISCONSI	107-DP ANTHONY NO 30-1	
-HOLDEN ENERGY CORP			3501900060		RECEIVED: 05/21/81	JA: OK
0132695	08753	SOUTH WILSON		756.0 AMINOIL USA INC	102-4 DUMAS NO 1	
0132694	08754	JOINER CITY	3501500000	75.0 AMINOIL USA INC	102-4 KATHY NO 1	
0132702	08751	JOINER CITY	3501902094	75.0 AMINOIL USA INC	102-4 REED 1-2	
0132699	08750	JOINER CITY	3501521942	86.0 AMINOIL USA INC	102-4 REED 34-2	
0132696	08755	JOINER CITY	3501900000	14.5 AMINOIL USA INC	102-4 REED 35-2	
0132731	08749	JCIALR CITY	3501900000	12.6 AMINOIL USA INC	102-4 REED 35-3	
0132701	08752	JOINER CITY	3501902119	156.0 AMINOIL USA INC	102-4 SARA NO 1	
-JET OIL COMPANY					RECEIVED: 05/21/81	JA: CK
0132730	08512		3511921170	7.0 EASON OIL CO	103 FREWER #1	
-LADD PETROLEUM CORPORATION			3505321005		RECEIVED: 05/21/81	JA: CK
0132717	08861	COYLE		355.8	102-4 RUCKER NO 1	
-LPCH CORPORATION			3512920463		RECEIVED: 05/21/81	JA: OK
0132726	08925	MINCO WEST		900.0	102-2 TRIPLE T #1	
-M M RESOURCES INC			3504722353		RECEIVED: 05/21/81	JA: OK
0132703	08268	CARPENTER		6.0 GRACE PETROLEUM C	103 EGGERS #A-1	
-MAGIC CIRCLE ENERGY CORP			3515121005		RECEIVED: 05/21/81	JA: CK
0132718	08873	W ALINE		156.6 OKLAHOMA NATURAL	103 ARCHIE UNIT #1	
-PCH CORP			3510320966		RECEIVED: 05/21/81	JA: CK
0132728	08926	EAST BILLING		256.0	103 BELLMON #1	
-POLARIS ENERGY CORP			3511122512		RECEIVED: 05/21/81	JA: OK
0132705	08793	BALD HILL		16.0 PHILLIPS PETROLEU	103 MUCKABEE #2	
-RED EAGLE OIL CO			3509321938		RECEIVED: 05/21/81	JA: CK
0132715	8772			73.0 OKLAHOMA NATURAL	103 CARL NO 1	
-RICK DUCK	8874		3504722262		RECEIVED: 05/21/81	JA: OK
0132700		E MINTON		30.0 WELLMEAD ENTERPRI	103 SUSAN ELIZABETH NO 1-27	
-RICKS EXPLORATION CO			3501721508		RECEIVED: 05/21/81	JA: CK
0132708	08507			422.8 TRANSOK PIPELINE	103 STEPHENS #1	
-SAMSON RESOURCES COMPANY			3507920400		RECEIVED: 05/21/81	JA: CK
0132713	08746	EAST CEDARS		181.5 ARKANSAS LOUISIAN	102-4 FRAZIER UNIT NO 1	
0132713	08746	EAST CEDARS	3507926400	181.5 ARKANSAS LOUISIAN	103 FRAZIER UNIT NO 1	
-TMC OIL-MC OIL CORP					RECEIVED: 05/21/81	JA: OK
0132720	08923		3510321065	36.0 AMINOIL USA INC	103 CARLENE CAPPELL #1	
-VULCAN ENERGY CORP					RECEIVED: 05/21/81	JA: OK
0132714	08771	SOONER TREND	3507322412	156.0 PHILLIPS PETROLEU	103 POWELL #1	

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New Well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–19255 Filed 6–30–81; 8:45 am]
BILLING CODE 6450–85–M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 22, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABTEX INC						RECEIVED: 05/28/81 JA: TX			
8132985	30259	4224900000			108	BANKERS MORTGAGE CO 14741 WELL #1	TOM GRAHAM (3600)	20.4	TENNESSEE GAS PIP
-AKERS AND FULTZ INC						RECEIVED: 05/28/81 JA: TX			
8132970	31835	4223733334			103	ROY CHERRYHOMES F #11 RRC #18694	MARINA MAG (CONGLOMERATE	91.0	CITIES SERVICE
-AMERICAN PETROFINA COMPANY OF TEXAS						RECEIVED: 05/28/81 JA: TX			
8132989	32038	4223900000			103	W W MCCRORY #4	HARMON	73.0	
-AMMEX PETROLEUM CORP						RECEIVED: 05/28/81 JA: TX			
8132765	22392	4214900000			102-2	RIT NO 1 RRC #86983	GIDDINGS	1013.0	CLAJON GAS CO
8132765	22392	4214900000			103	RIT NO 1 RRC #86983	GIDDINGS	1013.0	CLAJON GAS CO
-AMOCO PRODUCTION CO						RECEIVED: 05/28/81 JA: TX			
8132868	26749	4241330285			108	EDWIN S MAYER JR /N/81	SAWYER/CANYON/	17.6	LONE STAR GAS CO
8132855	25649	4243531111			108	EDWIN S MAYER JR/J/83	SAWYER/CANYON/	17.0	LONE STAR GAS CO
8132854	25632	4210530904			108	J F & M E SUDDERTH/C/82	WHITEHEAD/STRAWN/	12.0	LONE STAR GAS CO
8132852	25626	4243530611			108	MIERS /78/ #2	SAWYER/CANYON/	13.9	LONE STAR GAS CO
8132853	25631	4243531296			108	MINNIE M MAYER/E/81	WHITEHEAD/STRAWN/	16.0	LONE STAR GAS CO
8132956	31704	4244530846			103	PRENTICE NORTHEAST #148	PRENTICE/6700	4.4	AMOCO PRODUCTION
8132957	31708	4244530844			103	PRENTICE NORTHEAST UNIT #143	PRENTICE/6700	2.2	AMOCO PRODUCTION
8132867	26747	4243531151			108	RANDEE FAWCETT TRUST #6	SAWYER/CANYON/	9.6	LONE STAR GAS CO
8132820	24625	4248930606			102-4	WILLAMAR WEST/MIOCENE/UNIT #12-C	WILLAMAR WEST/MIOCENE 52	365.0	NATURAL GAS PIPEL
-ANDERSON PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8132880	27462	4210532625			107-TF	AUSTIN MILLSPAUGH B 1-71	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8132883	27478	4210532527			103	BILL CLEGG A #7-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132883	27470	4210532527			107-TF	BILL CLEGG A #7-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132884	27471	4210532639			103	BILL CLEGG A 9-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132884	27471	4210532639			107-TF	BILL CLEGG A 9-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132885	27472	4210532582			103	BILL CLEGG B 6-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132885	27472	4210532582			107-TF	BILL CLEGG B 6-55	CANYON SAND	0.0	ANDERSON PIPELINE
8132881	27464	4210532481			103	LAURA HOOVER ESTATE 5-42	CANYON SAND	85.0	ANDERSON PIPELINE
8132881	27464	4210532481			107-TF	LAURA HOOVER ESTATE 5-42	CANYON SAND	85.0	ANDERSON PIPELINE
8132886	27478	4210532234			107-TF	PAULINE FRIESS 2-101	SAWYER (CANYON)	65.0	SUTTON COUNTY PIP
8132882	27469	4210503220			103	W K WARREN FOUNDATION C 3-24	CANYON SAND	106.0	ANDERSON PIPELINE
8132882	27469	4210503220			107-TF	W K WARREN FOUNDATION C 3-24	CANYON SAND	106.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY						RECEIVED: 05/28/81 JA: TX			
8132787	23669	4208960905			108	EMMA MASTEDT WELL #4-L & 4-U	COLUMBUS	13.0	TENNESSEE GAS PIP
8132995	32233	4221531039			103	EVERETT BELL GAS UNIT II #4	TABASCO (X)	183.0	TENNESSEE GAS PIP
-B J BIERHART INC						RECEIVED: 05/28/81 JA: TX			
8132838	25017	4217531349			107-4	DON MJACOB NO 1	MAETZE S (3100)	200.0	DELMI GAS PIPELIN
8132773	22749	4205100000			102-2	MAREK NO 2 (13473)	GIDDINGS (AUSTIN CHALK)	126.0	FERGUSON CROSSING
-BAR M PETROLEUM CO INC						RECEIVED: 05/28/81 JA: TX			
8132740	12226	4247900000			103	DORIS ARNOLD 82095 #3	ADAMI (WILCOX 6600)	21.0	
-BILL J GRAHAM						RECEIVED: 05/28/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132942	31522	4237133178			103	BOREN B #2	PECOS VALLEY (LOW GRAVIT	8.8	EL PASO NATURAL G
-C L GAGE JR						RECEIVED: 05/28/81 JA: TX			
8132774	22846	4236700000			103	RIGGS NO 1	WILDCAT	431.3	NATURAL GAS PIPEL
-CAMBRIDGE & NAIL						RECEIVED: 05/28/81 JA: TX			
8132901	29104	4221131199			102-4	BRADSTREET NO 1 WELL ID NO 89928	BUFFALO WALLOW (CHEROKEE	0.0	ARKANSAS-LOUISIAN
-CAROLINA GROUP INC						RECEIVED: 05/28/81 JA: TX			
8132969	31815	4214300000			103	HAMMOND #2	LIBERTY OAK (BIG SALINE)	686.6	NORTHERN GAS PROD
8132968	31814	4214300000			103	TIPTON #4	MORGAN MILL (MARBLE FALL	41.1	NORTHERN GAS PROD
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 05/28/81 JA: TX			
8132906	30272	4236530989			107-TF	CARTHAGE GAS UNIT 30 NO 3	CARTHAGE	292.0	TENNESSEE GAS PIP
8132737	07035	4235531280			103	G P WARDNER NO 135 U	STRATTON	685.0	TENNESSEE GAS PIP
8132738	07036	4235531280			103	G P WARDNER NO 135-L	STRATTON	461.0	TENNESSEE GAS PIP
8132947	31573	4235500000			103	G P WARDNER NO 152	STRATTON	1022.0	TENNESSEE GAS PIP
8132651	25590	4235531325			103	G P WARDNER WELL NO 137	STRATTON	45.6	TENNESSEE GAS PIP
8132739	07037	4235531172			103	WARDNER G P 8133 74827	STRATTON (K-33)	685.0	TENNESSEE GAS PIP
-CHASE OIL & GAS INC						RECEIVED: 05/28/81 JA: TX			
8132756	21789	4234900000			102-4	SUMMERALL-BEAUCHAMP #1	O L HILL WOODBINE	300.0	LONE STAR GAS CO
8132756	21789	4234900000			103	SUMMERALL-BEAUCHAMP #1	O L HILL WOODBINE	300.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY						RECEIVED: 05/28/81 JA: TX			
8132833	24901	4270330070			102-2	MATAGORDA IS 526-L #A-1U (UPPER 20	CAVALLO (8200)	3.6	VALLEY PIPE LINES
8132834	24904	4270330191			102-2	MATAGORDA ISLAND BLK 526-L #3	CAVALLO (9100)	9.0	VALLEY PIPE LINES
-CLAYTON W WILLIAMS JR						RECEIVED: 05/28/81 JA: TX			
8132914	31237	4205130957			102-2	ANNIE DEAN #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132993	32193	4205100000			102-2	BIRCH CREEK RANCH #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132919	31243	4205100000			102-2	BUFFALO RANCH #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132907	30925	4205130955			102-2	CHMELAR-SABLATURA UNIT #1	GIDDINGS	29.2	VALERO TRANSMISSI
8132985	31970	4205131082			102-2	JOHN KACER #1	GIDDINGS	153.9	VALERO TRANSMISSI
8132911	31231	4205130986			102-2	JOHN KUBECKA #2	GIDDINGS	0.0	VALERO TRANSMISSI
8132918	31242	4205130979			102-2	KACER-POLANSKY UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132988	32008	4205130983			102-2	LEE SCHOPPE #2	GIDDINGS	0.0	VALERO TRANSMISSI
8132922	31250	4205130978			102-2	LEHDE-KNESEK UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132909	31087	4228730694			102-2	LOU ELLA CHEEKS UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132920	31245	4205100000			102-2	MARCELLA-POLANSKY #1	GIDDINGS	72.4	VALERO TRANSMISSI
8132908	30929	4205130771			102-2	MATCEK-MITCHELL UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132912	31233	4205130971			102-2	MCFARLAND HOYACK UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132917	31241	4205100000			102-2	PATSY BRYANT UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132916	31240	4205100000			102-2	POLANSKY-KACER UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132921	31247	4205131020			102-2	ROY HERMANN #4	GIDDINGS	0.0	VALERO TRANSMISSI
8132923	31252	4205130852			102-2	RUDOLPH LEBLANC #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132915	31239	4205100000			102-2	SCHUMACHER-KACER UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8132913	31236	4205100000			102-2	URBANOVSKY-BRYANT UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
-COASTAL OIL & GAS CORP						RECEIVED: 05/28/81 JA: TX			
8132927	31349	4237530746			103	BIVINS 5021RD	PANHANDLE (RED CAVE)	29.0	COLORADO INTERSTA
8132934	31456	4237530747			103	BIVINS 5035	PANHANDLE (RED CAVE)	46.0	COLORADO INTERSTA
8132928	31350	4237530713			103	BIVINS 5043 RD	PANHANDLE (RED CAVE)	41.0	COLORADO INTERSTA
8132983	31957	4237530716			103	BIVINS 8031RD	PANHANDLE (RED CAVE)	24.0	COLORADO INTERSTA
-COCKRELL CORPORATION						RECEIVED: 05/28/81 JA: TX			
8132762	22251	4212331004			102-4	MARGARET MALINA NO 1	WILDCAT	350.0	VALERO TRANSMISSI
-CONOCO INC						RECEIVED: 05/28/81 JA: TX			
8132971	31836	4211531394			103	LEROY HOLLADAY ET AL ID #63128	ACKERLY NORTH SPRAYBERRY	11.0	GETTY OIL CO
8132954	31691	4210931431			103	TXL-27-82 ID #26239	FOND WEST (8100)	11.3	EL PASO NATURAL G
-CPC EXPLORATION INC						RECEIVED: 05/28/81 JA: TX			
8132865	26485	4205130678			102-4	SCHUBERT #1 WELL RRC #12911	CALDWELL (AUSTIN CHALK)	150.0	FERGUSON CROSSING

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JD NO	JA CAT	API NO	D SEC CAT	WELL NAME
-D & G GAS & OIL CO			RECEIVED: 05/28/81 JA: TX	
8132870	26810	4212732021	103	STUMBERG NO 1
-DAD OIL SERVICE INC			RECEIVED: 05/28/81 JA: TX	
8132910	31150	4244131555	103	LOSS STORY # 2 (15962)
-DANE PRODUCTION CO			RECEIVED: 05/28/81 JA: TX	
8132764	22337	4243532303	103	MORRISS 81-1
-DAVIS OIL COMPANY			RECEIVED: 05/28/81 JA: TX	
8132825	24649	4207330368	102-4	LEWIS BYERS ET AL UNIT #1
-DAVIS-GOODMAN OIL CO			RECEIVED: 05/28/81 JA: TX	
8132811	24673	4236130340	102-4	ARCO FEE 99 UNIT #1
-DELTA DRILLING CO			RECEIVED: 05/28/81 JA: TX	
8132963	29950	4210500000	107-TF	HENDERSON 32 #3
8132948	31620	4240130942	102-3	IRBY SILVEY #1
8132948	31620	4240130942	103	IRBY SILVEY #1
8132878	27112	4241700000	103	WEST #4
8132878	27112	4241700000	107-TF	WEST #4
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 05/28/81 JA: TX	
8132792	23828	4229530766	103	ALICE VIVIAN AKERS NO 3
8132832	24897	4229530795	103	ARTHUR BECKER JR ET AL NO 3
8132960	31759	4229530891	103	CHRIST KELLN A NO 2
8132866	26592	4229530806	103	LYDIA BRADFORD A NO 2
8132847	25303	4239330777	102-2	WILEY REYNOLDS A NO 1-3D
8132847	25303	4239330777	103	WILEY REYNOLDS A NO 1-3C
-DILLEY PRODUCTION CO			RECEIVED: 05/28/81 JA: TX	
*8132935	31457	4216331848	103	HAWKINS-ASTRO #2
-E L SMITH III			RECEIVED: 05/28/81 JA: TX	
8132959	31746	4236731994	103	L S BYRD #2
-E R THOMAS			RECEIVED: 05/28/81 JA: TX	
8132837	24931	4248131897	102-3	PIERCE OIL & GAS INTEREST NO 1
-ECHO PRODUCTION INC			RECEIVED: 05/28/81 JA: TX	
8132898	28415	4236300000	108	A M BRACKEEN 21-B #1 RRC #17353
-EDWIN L COX JR			RECEIVED: 05/28/81 JA: TX	
8132742	17189	4212331002	102-4	MATEJEK-DEAN GAS UNIT #1
-EMRE CORP			RECEIVED: 05/28/81 JA: TX	
8132897	28366	4249731754	102-4	POTTER NO 2 (89023)
8132899	28465	4249731748	102-4	STRICKLAND NO 1-C (89267)
-ENSERCH EXPLORATION INC			RECEIVED: 05/28/81 JA: TX	
8132749	19986	4201330997	103	H A SCHUMANN A NO 2-L
8132976	31891	4220330776	103	M L KNOX NO 3
8132754	20972	4223700000	103	ORNEE STEWART NO 3
-ESENJAY PETROLEUM CORP			RECEIVED: 05/28/81 JA: TX	
8132810	24072	4205130561	102-4	ERNEST LEE OFCZARAZK AO 1
8132812	24103	4205130524	103	ERNEST LEE OFCZARAZK AO 1
8132809	24011	4205130561	102-4	WALTER PAHLMANN NO 1
-EXXON CORPORATION			RECEIVED: 05/28/81 JA: TX	
8132944	31525	4235730970	103	DUDE WILSON GAS UNIT #2-2
8132758	21925	4253930431	102-4	M N MOORE #57
8132931	31375	4210332373	103	J B TUBB A/C1 #235U
8132891	28004	4226130569	102-4	J G KENEDY JR C-15 (91174)
*8132794	23873	4227331308	102-4	K R ALAZAN 323 (80634)
*8132795	23875	4227331345	102-4	K R ALAZAN 331-F
*8132757	21918	4227331423	102-4	K R BORREGOS ME-26-F (89508)
*8132747	19588	4227331365	102-4	K R CHILTIPIN 65 (84458)

FIELD NAME	PROD	PURCHASER
CATARINA SW (OLMOS)	182.0	VALERO TRANSMISSI
TAYLOR COUNTY REGULAR	5.0	MATRIX LAND CO
SAWYER (CANYON)	8.0	INTRATEX GAS CO
REKLOW E (WOODBINE)	356.0	UNITED TEXAS TRAN
ADAMS RANCH W (NODOSARIA	189.5	UNITED TEXAS TRAN
OZONA (CANYON SAND)	186.6	NORTHERN NATURAL
OVERTON NE (PETTIT)	56.0	TEJAS GAS CORP
OVERTON NE (PETTIT)	56.0	TEJAS GAS CORP
ELDORADO (CANYON)	91.0	NORTHERN NATURAL
ELDORADO (CANYON)	91.0	NORTHERN NATURAL
LIPSCOMB	1341.0	
BRADFORD	51.0	
BRADFORD	0.0	SOUTHWESTERN PUBL
BRADFORD	56.0	SOUTHWESTERN PUBL
SHOENAIL	38.0	
SHOENAIL	38.0	
PEARSALL (AUSTIN CHALK)	11.0	TGP INC
BYRD (MARBLE FALLS)	275.0	NATURAL GAS PIPEL
L A K (7100)	182.5	UNITED TEXAS TRAN
BRAD SW (BIG SALINE CONG	1.2	LONE STAR GAS CO
CHRISTMAS (LULING)	200.0	TRUNKLINE GAS CO
MONTEATH (CONGL)	1400.0	TEXAS UTILITIES F
MONTEATH (CADDO)	500.0	TEXAS UTILITIES F
FASHING	617.0	NATURAL GAS PIPEL
WHELAN	1029.0	TEXAS EASTERN TRA
BROWNSVILLE	443.0	LONE STAR GAS CO
CALDWELL (AUSTIN CHALK)	60.0	FERGUSON CROSSING
CALDWELL (AUSTIN CHALK)	60.0	FERGUSON CROSSING
CALDWELL (AUSTIN CHALK)	75.0	FERGUSON CROSSING
ELLIS RANCH	126.0	TRANSWESTERN PIPE
CONROE SOUTH (WILCOX 1)	400.0	MORAN UTILITIES
SAND HILLS (JUDKINS)	5.0	EL PASO NATURAL G
MIFFLIN (1-85)	1022.0	NATURAL GAS PIPEL
MINOJOSA N	150.0	ARMCO STEEL CORP
MINOJOSA N	75.0	ARMCO STEEL CORP
ESCONDIDO CREEK (28-A)	13.0	ARMCO STEEL CORP
LOBO WEST (H-08)	365.0	ARMCO STEEL CORP

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JD NO	JA CAT	API NO	D SEC CAT	WELL NAME
*8132770	22690	4235531402	102-4	K R CHILTIPIN 68 (86735)
*8132769	22687	4235531439	102-4	K R CHILTIPIN 73 (86728)
*8132753	20598	4227331355	102-4	K R LAGUNA LARGA 23 (89391)
*8132748	19589	4227331353	102-4	KING RANCH ALAZAN 328-F (84908)
*8132752	20495	4226130494	102-4	KING RANCH BADENO 5 (84525)
*8132806	23892	4227331407	102-4	KING RANCH BORREGOS M-24-E
*8132803	23889	4227331388	102-4	KING RANCH CANELO 40-F (85992)
*8132804	23890	4227331317	102-4	KING RANCH LAGUNA LARGA 21
*8132776	22977	4227331348	102-4	KING RANCH SEELIGSON E-101-D
*8132796	23882	4227331375	102-4	KING RANCH SEELIGSON E-103 (86472)
*8132800	23886	4227331161	102-4	KING RANCH TIJERINA A-35 F
*8132798	23884	4227331161	102-4	KING RANCH TIJERINA A-35-D
*8132799	23885	4227331340	102-4	KING RANCH TIJERINA A-60-D
*8132801	23887	4227331354	102-4	KING RANCH TIJERINA A-61-D
8132973	31857	4248330610	107-DP	MILES GAS UNIT #1-L
*8132778	23069	4204730688	103	R J K JR TR BARROSA PAST 17-F
*8132802	23888	4226130516	102-4	R J K JR TR PATRICIO PASTURE 18
*8132797	23883	4204730737	102-4	R J K JR TR VIBORAS PAST 81-D
*8132793	23871	4204730710	102-4	R J K JR TR ZACAMUISTAL PASTURE 10
*8132805	23891	4204730580	102-4	R J K JR TR QUITERIA PAST 77
8132862	26264	4219500000	108	S P & K K JACKSON C #1
*8132990	32085	4240130860	103	SAM E TANNER GAS UNIT WELL 1
*8132990	32085	4240130860	107-TF	SAM E TANNER GAS UNIT WELL 1
8132958	31710	4226130599	103	SARITA FIELD OIL & GAS UNIT 156
8132768	22570	4220130921	102-4	WEST PRODUCTION CO A/C 3 #29
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED: 05/28/81 JA: TX	
8132994	32211	4243532427	103	HUNT #02
8132994	32211	4243532427	107-TF	HUNT #02
-FORT WORTH OIL & GAS CO INC			RECEIVED: 05/28/81 JA: TX	
8132930	31373	4243532401	103	JONES 119 NO 5 WELL #90630
-FRAC INC			RECEIVED: 05/28/81 JA: TX	
8132949	31638	4200332403	103	W T FORD NO 2 WELL #26091
-GENERAL AMERICAN OIL COMPANY OF TEX			RECEIVED: 05/28/81 JA: TX	
8132849	25473	4200332224	103	UNIVERSITY A 3-36
8132850	25474	4200332225	103	UNIVERSITY B 2-36
-GENERAL PRODUCTION CORP			RECEIVED: 05/28/81 JA: TX	
8132946	31563	4205131163	103	JAMES W HARGROVE NO 3
-GENESIS PETROLEUM CORP			RECEIVED: 05/28/81 JA: TX	
8132761	20553	4205730958	102-4	STATE TRACT 217 #2-U ID 85928
-GEODYNAMICS OIL & GAS INC			RECEIVED: 05/28/81 JA: TX	
8132841	25102	4205130510	102-2	MAIS UNIT #1
-GEORGE J MORGAN			RECEIVED: 05/28/81 JA: TX	
8132782	23585	4236300000	108	SEAGRAM & SONS #1 (89824)
-GETTY OIL COMPANY			RECEIVED: 05/28/81 JA: TX	
8132777	23023	4216130567	102-4	ELIZABETH WIEBOLDT NO 1
8132777	23023	4216130567	103	ELIZABETH WIEBOLDT NO 1
8132767	22495	4235531427	102-4	GUARANTY TITLE & TRUST CO NO 3
8132783	23625	4235300000	108	NORTH NENA LUCIA UNIT NO 52
8132785	23652	4235300000	108	NORTH NENA LUCIA UNIT NO 68
8132825	24695	4207931153	103	XIT UNIT WELL NO 175
8132951	31643	4223330929	103	YAKE B NO 4
-GMW CORP			RECEIVED: 05/28/81 JA: TX	
8132936	31460	4249531140	103	COMANCHE UNIT A WELL #3

FIELD NAME	PROD	PURCHASER
ARNOLD (L-73)	255.0	ARMCO STEEL CORP
ARNOLD DAVID (10400 L)	1800.0	ARMCO STEEL CORP
EL PAISANO (H-51)	117.0	ARMCO STEEL CORP
MINOJOSA (F-53)	700.0	ARMCO STEEL CORP
SAN JOSE SOUTH (G-35 I)	0.0	ARMCO STEEL CORP
ESCONDIDO CREEK	80.0	ARMCO STEEL CORP
CANELO (H-81)	500.0	ARMCO STEEL CORP
TCB	100.0	ARMCO STEEL CORP
T-C-B EAST (20-I-3 U)	58.0	ARMCO STEEL CORP
T-C-B E	600.0	ARMCO STEEL CORP
TCB L	20.0	ARMCO STEEL CORP
TCB E	16.0	ARMCO STEEL CORP
T-C-B E	40.0	ARMCO STEEL CORP
T-C-B E	25.0	ARMCO STEEL CORP
KELTON-HUNTON	1495.0	MICHIGAN WISCONSI
PITA N W	0.0	ARMCO STEEL CORP
EL PATRON (1-03)	550.0	ARMCO STEEL CORP
VIBORAS	240.0	ARMCO STEEL CORP
VIBORAS	1095.0	ARMCO STEEL CORP
VIBORAS	445.0	ARMCO STEEL CORP
VIBORAS	12.8	NORTHERN NATURAL
HANSFORD NORTH (MORROW)	750.0	ARMCO STEEL CORP
OAK HILL NW (COTTON VALL	750.0	ARMCO STEEL CORP
OAK HILL NW (COTTON VALL	750.0	ARMCO STEEL CORP
SARITA (3-B W)	140.0	NATURAL GAS PIPEL
WEBSTER (FRIO 6400)	32.2	HOUSTON PIPE LINE
PHYLLIS SONORA (CANYON T	730.0	INTRATEX GAS CO
PHYLLIS SONORA (CANYON T	730.0	INTRATEX GAS CO
SAWYER (CANYON)	111.7	NORTHERN NATURAL
FUHRMAN-MASCHO	0.0	PHILLIPS PETROLEU
EMMA N (YATES)	180.0	NORTHERN NATURAL
EMMA N (YATES)	180.0	
WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING
ESPIRITU SANTO BAY	292.0	DELHI GAS PIPELIN
CALDWELL (AUSTIN CHALK)	286.0	CLAJON GAS CO
STRAWN	17.1	LONE STAR GAS CO
NEAL (SMACKOVER)	0.0	LONE STAR GAS CO
NEAL (SMACKOVER)	0.0	LONE STAR GAS CO
WILDCAT	400.0	DELHI GAS PIPELIN
NENA LUCIA (STRAWN REEF)	0.4	WEST LAKE NATURAL
NENA LUCIA (STRAWN REEF)	0.1	WEST LAKE NATURAL
LEVELLAND - SAN ANDRES	3.3	CITIES SERVICE CO
PANHANDLE HUTCHINSON	3.0	PANHANDLE EASTERN
CHEYENNE (CAPITAN)	4.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8132938	31462	4249531199		103		COMANCHE UNIT WELL #4
8132937	31461	4249531205		103		TEN BEARS A WELL #1
				RECEIVED: 05/28/81 JA: TX		
-GRACE PETROLEUM CORPORATION						
8132894	28072	4228930368		102-4		HUNTER GAS UNIT NO 1
8132895	28073	4228930368		102-4		HUNTER GAS UNIT NO 1
				RECEIVED: 05/28/81 JA: TX		
-GULF OIL CORPORATION						
8132840	25088	4220330266		103		LE TOURNEAU NO 1 IC #73441
8132976	31936	4210332230		103		W W WADDELL ET AL TR A NO 1146
				RECEIVED: 05/28/81 JA: TX		
-GULFSTREAM PETROLEUM CORP						
8132746	19192	4229131230		102-4		AMOCO PRODUCTION COMPANY 1-T
				RECEIVED: 05/28/81 JA: TX		
-H W STRICKLAND						
8132791	25777	4223732851		102-4		CLAY NO 1
				RECEIVED: 05/28/81 JA: TX		
-HARKEN OIL & GAS INCORP						
8132741	16625	4236730935		102-4		HAMILTON UNIT #1-T 77230
				RECEIVED: 05/28/81 JA: TX		
-HENDERSON CLAY PRODUCTS INC						
8132744	18883	4240130617		102-3		ALFORD - A - NO 1 NO 84136
				RECEIVED: 05/28/81 JA: TX		
-HENRY PETROLEUM CORP						
8132779	23167	4249300000		102-2		PRUSKE #1
				RECEIVED: 05/28/81 JA: TX		
-HIGHLAND RESOURCES INC						
8132816	24164	4216130450		103		L V JONES WELL NO 1
				RECEIVED: 05/28/81 JA: TX		
-HUMBLE EXPLORATION CO INC						
8132848	25318	4214900000		102-2		ADDIE LEE BROWN
8132848	25318	4214900000		103		ADDIE LEE BROWN
8132789	23727	4247730364		102-2		ANNIS BOWEN #1 - 13108
8132789	23727	4247730364		103		ANNIS BOWEN #1 - 13108
8132781	23547	4214930462		102-2		BOSS #1 - BOSS #1 - 13041
8132781	23547	4214930462		103		BOSS #1 - BOSS #1 - 13041
8132826	24752	4214930475		102-2		JUDY JANECKA #1 - 13447
8132826	24752	4214930475		103		JUDY JANECKA #1 - 13447
8132818	24270	4228730707		102-2		JUNE D JENKINS #9 - 13167
8132818	24270	4228730707		103		JUNE D JENKINS #9 - 13167
8132780	23344	4214930377		103		MARGARET LAWSON #1 - 13028
8132829	24887	4247730373		102-2		MARGUERITE GUPTON #1 - 13285
8132829	24887	4247730373		103		MARGUERITE GUPTON #1 - 13285
8132790	23732	4214930393		103		MARY ANN SCHMITZ #1 - 13040
				RECEIVED: 05/28/81 JA: TX		
-HUNT OIL COMPANY						
8132986	31975	4221330299		103		FAIRWAY (JAMES LIME) UNIT #448-S
				RECEIVED: 05/28/81 JA: TX		
-HUNT PETROLEUM CORPORATION						
8132828	24883	4248330668		102-2		C T DAVIS #1
				RECEIVED: 05/28/81 JA: TX		
-INDEPENDENT EXPLORATION CO						
*8132902	29462	4250731239		102-2		I T PRYOR #A-3
				RECEIVED: 05/28/81 JA: TX		
-J H MCCAMMON						
8132962	31761	4243532406		103		FRANK REED NO 5 WELL #94054
				RECEIVED: 05/28/81 JA: TX		
-JAMES E SKIDMORE						
8132904	29957	4233731192		102-2		TOMPKINS #3
				RECEIVED: 05/28/81 JA: TX		
-JERRY E WYLIE						
8132981	31947	4209330678		103		B G THOMAS A #2 (86976)
8132980	31943	4213331264		103		WESLEY WARREN #1 (14888)
				RECEIVED: 05/28/81 JA: TX		
-JERRY E WYLIE OIL DRILLING COMPANY						
8132982	31951	4239931750		103		EUGENE HOPE #1-B (89938)
				RECEIVED: 05/28/81 JA: TX		
-JOHN L COX						
8132857	25685	4231732150		103		SCHARBAUER #1-X RRC #22719
8132856	25678	42383315PR		103		WOLTERS ESTATE #2 RRC #08333

FIELD NAME	PROD	PURCHASER
CHEYENNE (CAPITAN)	6.0	EL PASO NATURAL G
CHEYENNE (CAPITAN)	4.0	EL PASO NATURAL G
BEAR GRASS (TRAVIS PEAK)	375.0	DELHI GAS PIPELIN
BEAR GRASS (PETTIT)	270.0	DELHI GAS PIPELIN
SABINE (COTTON VALLEY)	300.0	HYDROCARBON TRANS
SAND HILLS (JUDKINS)	69.0	M & T GATHERING
HANKAMER N (CIB #10 - TE	365.0	SOUTHWEST. GAS GAT
BOGEN (MISSISSIPPI)	85.0	SOUTHWESTERN GAS
COYLE (MARBLE FALLS)	173.0	NATURAL GAS PIPEL
CYRIL (COTTON VALLEY)	360.0	UNITED GAS PIPE L
PRUSKE (BUDA)	0.0	
REED (HAYNESVILLE)	270.0	
GIDDINGS	0.0	PHILLIPS PETROLEU
GIDDINGS	0.0	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK	221.0	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK	221.0	PHILLIPS PETROLEU
GIDDINGS - AUSTIN CHALK	73.0	PHILLIPS PETROLEU
GIDDINGS - AUSTIN CHALK	73.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	6.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	6.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	284.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	284.0	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK	36.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	170.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	170.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
FAIRWAY (JAMES LIME) UNI	135.0	LONE STAR GAS CO
WILDCAT	1442.0	COLORADO INTERSTA
PRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
SAWYER (CANYON)	164.2	NORTHERN NATURAL
TAFFEY (CONGLOMERATE)	87.5	NATURAL GAS PIPEL
DUSTER NE (MARBLE FALLS	59.0	LONE STAR GAS CO
GORMAN (RANGER)	5.0	LONE STAR GAS CO
NORTON N (CAPPS)	1400.0	UNION TEXAS PETRO
SPRABERRY (TREND AREA)	10.0	ALPINE OIL CO
SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-K-B EXPLORATION CO						
8132760	22035	4248131925		102-4		ALLEN PEIKERT #2
				RECEIVED: 05/28/81 JA: TX		
-KEAMEY EXPLORATION INC						
8132975	31877	4217531404		103		HOLCHAK NO 1
				RECEIVED: 05/28/81 JA: TX		
-KELLY BELL						
8132887	27645	4246931507		103		EARP #1
				RECEIVED: 05/28/81 JA: TX		
-KNOX INDUSTRIES INC						
8132786	23660	4238331519		103		DIXON A #1
				RECEIVED: 05/28/81 JA: TX		
-LONDON & WAGGONER						
*8132966	31793	4249731850		103		HEATHER VOLLINTINE #2
				RECEIVED: 05/28/81 JA: TX		
-LOUISIANA LAND & EXPLORATION CO						
8132874	26915	4214330299		102-4		ADDISON NO 2
8132875	26916	4214330298		102-4		ADDISON NO 3
8132877	26961	4214330295		102-4		C SMETHERS WELL NO 1
8132871	26912	4214330365		102-4		JOHN W NUNN NO 1
8132872	26913	4214330315		102-4		M E TIPTON NO 2
8132873	26914	4214330297		102-4		TIPTON NO 1
8132876	26920	4214330327		102-4		W R MERRIN NO 1
				RECEIVED: 05/28/81 JA: TX		
-MARSHALL EXPLORATION INC						
8132807	23963	4236332327		102-4		ALLEN A #2
8132807	23963	4236332327		103		ALLEN A #2
8132808	23966	4236332215		103		J B DAVIS A #2
8132859	25830	4218330421		103		QUICA GREEN #1
8132860	25831	4236530987		103		WILLIAM B WEINER JR #1-UT
				RECEIVED: 05/28/81 JA: TX		
-MCCULLOCH OIL CORP OF TEXAS						
8132775	22887	4221131157		103		MATHERS RANCH NO 41
				RECEIVED: 05/28/81 JA: TX		
-MEADCO PROPERTIES						
8132839	25868	4223531401		102-2		#1 E SUGG 17 RRC#83641
8132839	24922	4223531439		102-2		#1 SHEEN 11 RRC#08291
8132836	24923	4223531485		102-2		#2 E SUGG 19 RRC#08337
				RECEIVED: 05/28/81 JA: TX		
-MEWBOURNE OIL COMPANY						
8132888	27851	4235731033		103		PEARSON 74 NO 1
				RECEIVED: 05/28/81 JA: TX		
-MITCHELL ENERGY CORPORATION						
8132892	28054	4236300000		108		C H PUTT #1 37024
8132784	23642	4249700000		108		G C BUSEY #1 28585
8132772	22696	4249700000		108		GEORGE M ELSOM #1 32956
8132846	25293	4249700000		108		N D CULWELL #1 28613
8132771	22695	4249700000		108		POTEET #2 58752
8132896	28191	4223700000		108		RICHARDS 505 #1 61904
8132893	28065	4223700000		108		WILLIE R RICHARDS #2 44954
				RECEIVED: 05/28/81 JA: TX		
-MOTE RESOURCES INC						
8132967	31802	4233731505		103		YATES #5
				RECEIVED: 05/28/81 JA: TX		
-NEUMIN PRODUCTION CO						
8132858	25706	4224531360		102-2		N H VICKERS UNIT #1 WELL #1
				RECEIVED: 05/28/81 JA: TX		
-ONEOK EXPLORATION INC						
8132961	31760	4229530772		103		WESLEY NO 2
				RECEIVED: 05/28/81 JA: TX		
-OTEX ENERGY INC						
8132952	31668	4235730984		103		BROWNLEE RANCH NO 1-128 ID #04555
8132932	31423	4235730947		103		BROWNLEE RANCH NO 1-49 ID #04555
8132933	31424	4235730954		103		BROWNLEE RANCH NO 1-50 ID #04555
				RECEIVED: 05/28/81 JA: TX		
-PAR PRODUCING CO						
8132761	22150	4249731569		103		KUTCH NO 1
				RECEIVED: 05/28/81 JA: TX		
-PARAFFINE OIL CORP						

FIELD NAME	PROD	PURCHASER
NEW DISCOVERY (NORTH SPA	365.0	
BOYCE (WILCOX A)	167.0	UNITED GAS PIPELI
S COLETTO CREEK	33.8	ESPERANZA TRANSMI
SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
BOONSVILLE (BCG)	220.0	NATURAL GAS PIPEL
MORGAN MILLS (MARBLE FAL	4.0	NORTHERN GAS PROD
MORGAN MILL (MARBLE FALL	4.0	NORTHERN GAS PROD
MORGAN MILLS (MARBLE FAL	55.0	NORTHERN GAS PROD
MORGAN MILLS (MARBLE FAL	5.0	NORTHERN GAS PROD
MORGAN MILLS (MARBLE FAL	22.0	NORTHERN GAS PROD
MORGAN MILLS (MARBLE FAL	26.0	NORTHERN GAS PROD
MORGAN MILLS (MARBLE FAL	37.0	NORTHERN GAS PROD
BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	365.0	SOUTHWESTERN GAS
WILDCAT	460.0	WESTERN GAS CORP
BELLE BOWER (TRAVIS PEAK	120.0	UNITED GAS PIPELI
HUMPHREYS-DOUGLAS	50.0	ARKANSAS LOUISIAN
ELA SUGG (WOLFCAMP)	96.0	NORTHERN NATURAL
ELA SUGG (CISCO)	32.0	NORTHERN NATURAL
ELA SUGG (CANYON)	1.5	NORTHERN NATURAL
CHUNN	60.0	
BRAZOS (STRAWN)	8.0	SOUTHWESTERN GAS
BOONESVILLE (BEN CONGL G	16.8	NATURAL GAS PIPEL
BOONESVILLE (BEND CONGL	6.0	NATURAL GAS PIPEL
BOONESVILLE (BEND CONGL	11.7	NATURAL GAS PIPEL
MORRIS (CONSOLIDATED CON	0.4	UPHAM OIL & GAS
JACKSBORO ATOKA CONGL	2.4	SOUTHWESTERN GAS
CARY-MAG SOUTH (CONGL)	10.0	SOUTHWESTERN GAS
SUNSET CONGLOMERATE	4.0	NATURAL GAS PIPEL
WINNIE N (10900)	360.0	ALUMINUM CO OF AM
DARREN (MORROW MIDDLE)	73.0	NORTHERN NATURAL
DUTCHER-CLEVELAND	13.4	PHILLIPS PETROLEU
DUTCHER-CLEVELAND	25.4	PHILLIPS PETROLEU
DUTCHER-CLEVELAND	72.4	PHILLIPS PETROLEU
BOONSVILLE (BEND CONGLOM	120.0	NATURAL GAS PIPEL

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JD #	JA DKT	API NO.	L SEC CAT WELL NAME
8132992	32175	4213134827	102-2 VILLARREAL NO 1
8132992	32175	4213134827	103 VILLARREAL NO 1
			RECEIVED: 05/28/81 JA: TX
-PARAGON RESOURCES INC			
8132861	25873	4216130537	102-4 ALDERMAN #1
8132861	25873	4216130537	103 ALDERMAN #1
			RECEIVED: 05/28/81 JA: TX
-PARKER & PARSLEY INC			
8132863	26275	4232930904	103 BEULAH PHILLIPS WELL NO 1
			RECEIVED: 05/28/81 JA: TX
-PDC GAS CO			
8132745	18918	4237100000	108 CARDINAL UNIVERSITY #1
			RECEIVED: 05/28/81 JA: TX
-PENNZOIL PRODUCING COMPANY			
8132755	21723	4236531057	102-4 TILLER A NO 10
			RECEIVED: 05/28/81 JA: TX
-PETRO-LEWIS CORPORATION			
8132974	31871	4217331079	103 W A HUTCHINSON 18-1 WELL
			RECEIVED: 05/28/81 JA: TX
-PETROLEUM TECHNICAL SERVICES			
8132939	31483	4205131049	103 RAYFIELD SLOVACEK NO 1
8132943	31523	4205130953	103 SKRIVANEK NO 1
			RECEIVED: 05/28/81 JA: TX
-PHILLIPS PETROLEUM COMPANY			
8132844	25238	4234130592	103 BARRE NO 2
8132955	31692	4213533354	103 GS ADOBE #17-10
8132824	24689	4217900000	108 PHIL-PAMPA UNIT #5B-2
8132831	24893	4217900000	108 PHIL-PAMPA UNIT 7-2
8132830	24892	4217900000	108 PHIL-PAMPA 3-10
8132979	31939	4210332347	103 TUBB D #5
			RECEIVED: 05/28/81 JA: TX
-PLEMONS ENTERPRISES			
8132987	31990	4206510000	103 SANFORD C #6
			RECEIVED: 05/28/81 JA: TX
-R L BURNS CORP			
8132977	31892	4223531570	102-4 BAKER 1160 NO 2
8132977	31892	4223531570	103 BAKER 1160 NO 2
			RECEIVED: 05/28/81 JA: TX
-S R I PRODUCTION			
8132972	31843	4204932452	103 ULA B STONE #1 90274
			RECEIVED: 05/28/81 JA: TX
-SANFORD P FAGADAU			
8132763	22253	4223732757	103 WHITAKER NO 1
			RECEIVED: 05/28/81 JA: TX
-SAXON OIL COMPANY			
8132817	24200	4231732132	103 GAY WADE NO 1
8132815	24124	4231732128	103 GAY WADE NO 2
8132814	24123	4231732129	103 GAY WADE NO 3
8132813	24121	4231732166	103 GAY WADE NO 5
8132845	25281	4238331483	103 PATTERSON A AC 2 WELL
8132900	28967	4238331637	103 PATTERSON B NO 4
8132890	27993	4238331667	103 STATE EIGHT NO 3
			RECEIVED: 05/28/81 JA: TX
-SHACKOVER SHELL LIMITED			
8132889	27911	4221330059	102-4 JOHNNIE MOSELEY UNIT 1 NO 1
			RECEIVED: 05/28/81 JA: TX
-SOHIO PETROLEUM CO			
8132984	31968	4217331050	103 W A BIGHY A NO 3 WELL
			RECEIVED: 05/28/81 JA: TX
-SOJOURNER DRILLING CORP			
8132864	26370	4226900000	102-4 CYNTHIA TAYLOR NO 1 (68382)
8132843	25231	4225331389	102-4 WM M MARSH #3 (15343)
			RECEIVED: 05/28/81 JA: TX
-SPINDLETOP OIL & GAS CO			
8132750	20481	4236730973	102-4 MCKEON #1 (76187)
8132926	31330	4236731530	102-4 WALKER 2C
8132926	31330	4236731530	103 WALKER 2C
8132925	31329	4236731530	102-4 WALKER 2T
8132925	31329	4236731530	103 WALKER 2T

FIELD NAME	PROD	PURCHASER
SEVITA WEST	160.0	UNITED GAS TRANSP
SEVITA WEST	160.0	UNITED GAS TRANSM
HOLLMAN (7777)	200.0	
HOLLMAN (7777)	200.0	
SPRAYBERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
CARLINAL (QUEEN W)	0.0	NORTHERN NATURAL
BETHANY/PALUXY-TILLER/	395.0	UNITED GAS PIPE L
SPRAYBERRY TREND	0.0	PECOS CO
GIDDINGS (AUSTIN CHALK)	73.0	FERGUSON CROSSING
CALDWELL NE (GEORGETOWN)	194.0	CLAJON GAS CO
PANHANDLE MOORE	0.0	EL PASO NATURAL G
GOLDSMITH 5600	15.7	EL PASO NATURAL G
PANHANDLE GRAY	5.4	GETTY OIL CO
PANHANDLE GRAY	1.0	GETTY OIL CO
PANHANDLE GRAY	2.2	GETTY OIL CO
SANDHILLS (TUBB)	62.9	
PANHANDLE	54.8	PHILLIPS PETROLEU
CAL (CANYON-GAS)	337.6	CRA INC
CAL (CANYON-GAS)	337.6	CRA INC
BROWN COUNTY REGULAR (MA	36.0	ODESSA NATURAL CO
BOONSVILLE (BEND CONGL G	0.0	LONE STAR GAS CO
BREEDLOVE EAST (SPRABERR	17.3	PHILLIPS PETROLEU
BREEDLOVE EAST (SPRABERR	14.6	PHILLIPS PETROLEU
BREEDLOVE EAST (SPRABERR	19.2	PHILLIPS PETROLEU
BREEDLOVE EAST (SPRABERR	41.4	PHILLIPS PETROLEU
SPRAYBERRY (TREND AREA)	11.3	PHILLIPS PETROLEU
SPRAYBERRY (TREND AREA)	24.5	PHILLIPS PETROLEU
SPRAYBERRY (TREND AREA)	27.0	PHILLIPS PETROLEU
EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
CALVIN (DEAN)	23.0	EL PASO NATURAL G
STESCOTT (ATOKA 6185) FI	400.0	PALO DURO PIPELIN
JAY (CANYON LIME)	79.0	PALO DURO PIPELIN
MALES (4300)	41.0	LONE STAR GAS CO
MALES (4300)	5.0	LONE STAR GAS CO
MALES (4300)	5.0	LONE STAR GAS CO
DOSS (4900)	12.0	LONE STAR GAS CO
DOSS (4900)	12.0	LONE STAR GAS CO

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JD NO	JA DKT	API NO	L SEC CAT WELL NAME
			RECEIVED: 05/28/81 JA: TX
-SUN OIL COMPANY (DELAWARE)			
8132788	23696	4223732648	103 DURHAM A-1 GAS UNIT NO 3
8132827	24757	4208100000	108 H M JAMESON NO 7
8132759	21936	4213100000	108 L WIEDERKEHR NO 137
			RECEIVED: 05/28/81 JA: TX
-TAHOE OIL & CATTLE CO			
8132924	31323	4237100000	103 PAPOOSE #1
			RECEIVED: 05/28/81 JA: TX
-TARTAN OIL COMPANY			
8132743	18216	4215700000	103 MELTON NO 2
			RECEIVED: 05/28/81 JA: TX
-TAURUS OIL CORP			
8132879	27305	4214300000	108 FOSS #3 -- RRC #84804
			RECEIVED: 05/28/81 JA: TX
-TENNECO OIL COMPANY			
8132991	32141	4250131846	103 PRENTICE CLEARFORK UNIT #1504
			RECEIVED: 05/28/81 JA: TX
-TEXACO INC			
8132869	26802	4203931474	102-4 A R RUCKS FEE #2
			RECEIVED: 05/28/81 JA: TX
-TEXAS OIL & GAS CORP			
8132941	31518	4240130613	103 KANGERGA A #1
8132821	24637	4240931412	102-4 ROOTS G U A #1 #88858
			RECEIVED: 05/28/81 JA: TX
-TEXAS PACIFIC OIL COMPANY INC			
8132766	22462	4213300000	102-4 N C GAILEY NO 5
			RECEIVED: 05/28/81 JA: TX
-TEXFEL PETROLEUM CORP			
8132822	24639	4244100000	103 WESSELS B #2
			RECEIVED: 05/28/81 JA: TX
-TEXLAND-RECTOR & SCHUMACHER			
8132929	31372	4236332074	103 C B LONG 1-54
8132964	31781	4221932851	103 D B BRYAN B #10
8132965	31782	4221932850	103 D B BRYAN B #9
8132963	31779	4221932993	103 D B BRYAN B NO 12
			RECEIVED: 05/28/81 JA: TX
-TOWNSEND CO			
8132842	25173	4209300000	102-4 MILTON FORREST NO 1 (88375)
			RECEIVED: 05/28/81 JA: TX
-U S OPERATING INC			
8132945	31529	4205130921	102-2 CANDY NO 1 RRC 1C
8132953	31685	4205130893	102-2 CARLA NO 1 RRC 1D
			RECEIVED: 05/28/81 JA: TX
-W W BOLDT			
8132819	24579	4208331763	103 B W POPNOE WELL NO 1 (85794)
			RECEIVED: 05/28/81 JA: TX
-WILSON ENERGY INC			
8132950	31639	4210500000	103 UNIVERSITY 13 B #2 08640
8132940	31498	4210500000	103 UNIVERSITY 2 B #4 08641

BILLING CODE 6450-85-C

FIELD NAME	PROD	PURCHASER
JUPITER (CONGLOMERATE 3R	85.0	LONE STAR GAS CO
JAMESON (STRAWN)	5.0	EL PASO NATURAL G
GOVERNMENT WELLS NORTH	17.0	TENNESSEE GAS PIP
USM (QUEEN)	3.5	NORTHERN NATURAL
HUNGERFORD EAST (FRIO 50	365.0	HOUSTON PIPELINE
MORGAN MILLS (MARBLE FAL	1.2	NORTHERN GAS PROD
PRENTICE	15.3	AMOCO PRODUCTION
DANBURY S W	1679.0	NATURAL GAS PIPEL
RUFUS (PETTIT LOWER)	111.0	DELHI GAS PIPELIN
BRANNON FIELD	0.0	DELHI GAS PIPELIN
GAILEY ALLEN/MARBLE FALL	182.5	SOUTHWESTERN GAS
AUDAS-GRAHAM (CAPPS LIME	6.9	UNION TEXAS PETRO
BEND CONGLOMERATE - BEAR	110.0	SOUTHWESTERN GAS
SLAUGHTER	5.0	AMOCO PRODUCTION
SLAUGHTER	2.0	AMOCO PRODUCTION
SLAUGHTER	7.0	AMOCO PRODUCTION
DELEON N (STRAWN)	113.0	SOUTHWESTERN GAS
GIDDINGS (AUSTIN CHALK A	150.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK A	100.0	PHILLIPS PETROLEU
CAMP COLORADO S (MARBLE	272.0	WEST CEN-TEX GAS
FARMER (SAN ANDRES)	73.0	BIG LAKE GASOLINE
FARMER (SAN ANDRES)	36.0	BIG LAKE GASOLINE

OTHER PURCHASERS

8132747	E I DUPONT DE NEMOURS & CO INC
8132748	E I DUPONT DE NEMOURS & CO INC
8132752	E I DUPONT DE NEMOURS & CO INC
8132753	E I DUPONT DE NEMOURS & CO INC
8132757	E I DUPONT DE NEMOURS & CO INC
8132769	E I DUPONT DE NEMOURS & CO INC
8132770	E I DUPONT DE NEMOURS & CO INC
8132776	E I DUPONT DE NEMOURS & CO INC
8132778	E I DUPONT DE NEMOURS & CO INC
8132793	E I DUPONT DE NEMOURS & CO INC
8132794	E I DUPONT DE NEMOURS & CO INC
8132795	E I DUPONT DE NEMOURS & CO INC
8132796	E I DUPONT DE NEMOURS & CO INC
8132797	E I DUPONT DE NEMOURS & CO INC
8132798	E I DUPONT DE NEMOURS & CO INC
8132799	E I DUPONT DE NEMOURS & CO INC
8132800	E I DUPONT DE NEMOURS & CO INC
8132801	E I DUPONT DE NEMOURS & CO INC
8132802	E I DUPONT DE NEMOURS & CO INC
8132803	E I DUPONT DE NEMOURS & CO INC
8132804	E I DUPONT DE NEMOURS & CO INC
8132805	E I DUPONT DE NEMOURS & CO INC
8132806	E I DUPONT DE NEMOURS & CO INC
8132901	PIONEER NATURAL GAS CO
8132902	VALERO TRANSMISSION COMPANY
8132935	TGP INC
8132966	NATURAL GAS PIPELINE OF AMERICA
8132990	E I DUPONT DE NEMOURS & CO INC

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MNCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enchanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19236 Filed 6-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 447]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 22, 1981.

JD PG	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION							
-TENNECO OIL COMPANY			RECEIVED: 05/21/81 JA: CA				
8132364	81-4-0043	0402959271	103	TENNECO-TEXACO LOUDEN 45X	YOWLUMNE	66.0	ARCO OIL & GAS CO
8132365	81-4-0044	0402958784	103	TENNECO-TEXACO LOUDEN 47X	YOWLUMNE	47.0	ARCO OIL & GAS CO
8132366	81-4-0045	0402959090	103	TENNECO-TEXACO MCMAHON 67X	YOWLUMNE	1.0	ARCO OIL & GAS CO
8132367	81-4-0046	0402959402	103	TENNECO-TEXACO NEWMARK 25X	YOWLUMNE	27.0	ARCO OIL & GAS CO
8132368	81-4-0047	0402958943	103	TENNECO-TEXACO NEWMARK 27X	YOWLUMNE	40.0	ARCO OIL & GAS CO
8132363	81-4-0042	0402959319	103	TENNECO-TEXACO YOWLUMNE 10X	YOWLUMNE	19.0	ARCO OIL & GAS CO
8132361	81-4-0040	0402958252	103	WESTLAND 87X	YOWLUMNE	63.0	ARCO OIL & GAS CO
8132359	81-4-0038	0402958567	103	WISMON 57X	YOWLUMNE	22.0	ARCO OIL & GAS CO
8132360	81-4-0039	0402955350	103	YOWLUMNE 54X-4	YOWLUMNE	343.0	ARCO OIL & GAS CO
8132362	81-4-0041	0402957821	103	YOWLUMNE 61-5	YOWLUMNE	164.0	ARCO OIL & GAS CO
MONTANA BOARD OF OIL & GAS CONSERVATION							
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 05/26/81 JA: MT				
8132456	12-80-251	2509121283	103	GOETZ FEE 34-10	WILDCAT	10.0	PHILLIPS PETROLEU
8132457	12-80-252	2509121297	103	PEDERSON FEE 31-15	COMERTOWN	7.0	PHILLIPS PETROLEU
-SHELL OIL CO			RECEIVED: 05/26/81 JA: MT				
8132455	12-80-250	2508321355	102-4	BEAGLE 11-27	MONDAK WEST	8.5	MONTANA DAKOTA UT
8132454	12-80-253	2508321390	102-4	STEINBEISSER 41-35	MONDAK WEST	185.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMERADA HESS CORPORATION			RECEIVED: 05/26/81 JA: NM				
8132461		3002526617	103	STATE L M-T #10	JALMAT	594.0	NORTHERN NATURAL
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/26/81 JA: NM				
8132482		3002524650	108	CURRAN JONES GAS UA WELL NO 10	JALMAT	7.7	EL PASO NATURAL G
-CONOCO INC			RECEIVED: 05/26/81 JA: NM				
8132484		3001503001	108	STATE S-19 NO 2	AID-CAVE-GRAYBURG JACKSO	4.3	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/26/81 JA: NM				
*8132458		3003982261	108	CANYON LARGO UNIT #138	OTERO-CHACRA	18.0	EL PASO NATURAL G
8132485		3004500000	108-ER	HUERFANITO UNIT 86-A	BLANCO - MESAVERDE	0.0	NORTHWEST P L COR
-ENERGY RESERVES GROUP INC			RECEIVED: 05/26/81 JA: NM				
8132465		3004120532	103	BLEDSOE #1	WILDCAT	24.8	TRANSWESTERN PIPE
8132464		3004120557	103	BLEDSOE #2	WILDCAT	36.0	TRANSWESTERN PIPE
-ENSERCH EXPLORATION INC			RECEIVED: 05/26/81 JA: NM				
8132487		3000560675	102-2	J G OBRIEN NO 1	WILDCAT	216.0	
-GETTY OIL COMPANY			RECEIVED: 05/26/81 JA: NM				
8132483		3002524909	108	A L CHRISTMAS WELL NO 2	JALMAT (GAS)	20.9	EL PASO NATURAL G
8132490		3002526731	102-4	GETTY 6 STATE COM WELL NO 1	NORTH BERRY-MORROW GAS P	273.0	EL PASO NATURAL G
8132467		3004524315	103	MAE GALE COM WELL NO 1E	BASIN DAKOTA	169.0	EL PASO NATURAL G

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JOB NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8132468		3004524312	103 MEXICO FEDERAL N WELL NO 1E	BASIN-DAKOTA	165.0	EL PASO NATURAL G
8132462		3002526058	103 MYERS LANGLIE MATTIX #147	LANGLIE MATTIX	176.2	EL PASO NATURAL G
8132479		3002526912	103 PYERS LANGLIE MATTIX #243	LANGLIE MATTIX	10.2	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION			RECEIVED: 05/26/81 JA: NM			
8132474		3002500000	108 PARKS NO 9	DRINKARD	13.3	EL PASO NATURAL G
-HARVEY E YATES COMPANY			RECEIVED: 05/26/81 JA: NM			
8132488		3002520902	107-TF HEYCO BETENBOUGH #1	WILDCAT	150.0	EL PASO NATURAL G
-HIXON DEVELOPMENT COMPANY			RECEIVED: 05/26/81 JA: NM			
8132486		3004500000	108-ER MANDANA STATE COMM #1	WAW - FRUITLAND - PC	0.0	EL PASO NATURAL G
-MESA PETROLEUM			RECEIVED: 05/26/81 JA: NM			
8132469		3004524660	103 STATE COM AE #27R	BLANCO PICTURED CLIFF	73.0	EL PASO NATURAL G
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 05/26/81 JA: NM			
8132460		3002500000	108 BRUNSON-ARGO AO 10	DRINKARD	14.4	NORTHERN NATURAL
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 05/26/81 JA: NM			
8132473		3004522165	108 SAN JUAN 32-7 UNIT COM #24	BLANCO MESAVERDE	24.4	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 05/26/81 JA: NM			
8132477		3002526225	103 E VAC GB/SA TR 2801 #2	VACUUM GB/SA	0.2	EL PASO NATURAL G
8132478		3002526775	103 E VAC GB/SA TR 2658 #001	VACUUM GB/SA	2.5	EL PASO NATURAL G
8132476		3002526779	103 E VAC GB/SA TR 2739 #007	VACUUM GB/SA	24.5	EL PASO NATURAL G
8132475		3002526573	103 E VAC GB/SA TR 2622 #2	VACUUM GB/SA	35.8	EL PASO NATURAL G
8132489		3001523287	103 MALAGA A #2	MALAGA-MORROW (GAS)	182.5	EL PASO NATURAL G
8132471		3002524543	108 PHILLIPS-E STATE NC 18	MALJAMAR GB/SA	0.0	EL PASO NATURAL G
-READ & STEVENS INC			RECEIVED: 05/26/81 JA: NM			
8132459		3001500000	108 BOGLE FARMS A NO 4	UND WEST MESA UPPER QUEE	2.3	PHILLIPS PETROLEU
-SHELL OIL CO			RECEIVED: 05/26/81 JA: NM			
8132472		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 431	HOBBS (G-SA)	11.1	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO			RECEIVED: 05/26/81 JA: NM			
8132480		3001523034	103 F M ROBINSON B TR 1 #1	GRAYBURG-JACKSON	5.0	PHILLIPS PETROLEU
8132481		3001523345	103 STATE A 32 #1		65.0	EL PASO NATURAL G
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 05/26/81 JA: NM			
8132466		3002526418	103 J A AKENS A OIL COM NO 2	OIL CENTER BLINEBRY	39.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY			RECEIVED: 05/26/81 JA: NM			
8132463		3004524508	103 TURNER B COM #2	BASIN DAKOTA	500.0	EL PASO NATURAL G
-W M GALLAWAY			RECEIVED: 05/26/81 JA: NM			
8132470		3003922475	103 TRIX #1	BLANCO MESAVERDE	100.0	NORTHWEST PIPELIN
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UTAH DIVISION OF OIL,GAS, & MINING						
**********						
-AMOCO PRODUCTION CO			RECEIVED: 05/29/81 JA: UT			
8132503	K-121-6	4304330135	102-2 CHAMPLIN 458 AMOCO F NO 1	ANSCHUTZ RANCH EAST	1658.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC			RECEIVED: 05/26/81 JA: UT			
8132452	K-129-4	4304730851	103 CIGE 540-35-9-21	NATURAL BUTTES	157.0	COLORADO INTERSTA
-J C THOMPSON			RECEIVED: 05/26/81 JA: UT			
8132453	K-133-1	4301930317	108 STATE M-15	WESTWATER	1.9	NORTHWEST PIPELIN
-THE ANSCHUTZ CORPORATION			RECEIVED: 05/26/81 JA: UT			
8132451	K-126-3	4304330123	102-2 ANSCHUTZ RANCH EAST U 8-20	ANSCHUTZ RANCH	2000.0	NATURAL GAS PIPEL
**********						
** U.S. GEOLOGICAL SURVEY - DENVER,CO						
**********						
-AMOCO PRODUCTION CO			RECEIVED: 05/28/81 JA: CO 1			
8132498	CD 0114-81-A	0506706361	103 SOUTHERN UTE TRIBAL A NC 1 (DAKOTA)	IGNACIO BLANCO - DAKOTA	59.0	NORTHWEST PIPELIN
8132497	CD 0114-81-B	0506706361	103 SOUTHERN UTE TRIBAL A NO 1 (MESAVE	IGNACIO BLANCO - MESAVER	30.0	NORTHWEST PIPELIN
8132496	CD 0125-81	0506706302	103 WIRT GAS UNIT D NO 3M (DAKOTA)	IGNACIO BLANCO (DAKOTA	181.0	WESTERN SLOPE GAS

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JOB NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-ANADARKO PRODUCTION COMPANY			RECEIVED: 05/28/81 JA: CO 1			
8132494	CD 0098-80	0508106398	103 COTTONWOOD GULCH FEDERAL C NO 1	NORTH CRAIG	274.0	MOUNTAIN FUEL SUP
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 05/28/81 JA: CO 1			
8132502	CD 0067-81	0504500000	108 DIVIDE CREEK UNIT NO 12	DIVIDE CREEK	11.0	MOUNTAIN FUEL RES
-TWIN ARROW INC			RECEIVED: 05/28/81 JA: CO 1			
8132501	CD 0118-81	0510307926	108 DEPCO 1-5	CATHEDRAL	11.7	IGC PRODUCTION CO
8132499	CD 0120-81	0510307855	108 EAST DOUGLAS 4-34	CATHEDRAL	19.1	IGC PRODUCTION CO
8132500	CD 0119-81	0510308190	108 SHENANDOAH 5-7	CATHEDRAL	0.8	NORTHWEST PIPELIN
-NP ENERGY CORPORATION			RECEIVED: 05/28/81 JA: UT 1			
8132495	UD 0116-81	4301930348	103 NP ENERGY FEDERAL #13-1	CISCO DOME	0.0	NORTHWEST PIPELIN
**********						
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM						
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-AMOCO PRODUCTION CO			RECEIVED: 05/21/81 JA: NM 4			
8132370	NM 1069-80	3004511739	108 GALLEGOS CANYON UNIT NO 240	BASIN-DAKOTA	21.0	EL PASO NATURAL G
8132425	NM-0364-81	3003906309	108 JICARILLA APACHE A 118 NO 5 (2ND)	GAVILAN	20.0	EL PASO NATURAL G
8132418	NM 0353-81	3003922145	103 JICARILLA CONTRACT 146 NO 28	SOUTH BLANCO PICTURED CL	59.0	EL PASO NATURAL G
8132387	NM-025A-81-A	3003922345	103 JICARILLA CONTRACT 155 NO 19E	OTERO CHACRA	29.0	EL PASO NATURAL G
8132388	NM-025A-81-B	3003922345	103 JICARILLA CONTRACT 155 NO 19E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8132426	NM-0366-81	3004506803	108 MADELINE N GALT F WELL NO 1	FULCHER KUTZ	19.0	SOUTHERN UNION GA
-COLEMAN OIL & GAS INC			RECEIVED: 05/21/81 JA: NM 4			
8132394	NM 0287-81	3004524784	103 NAVAJO WOOD #1	BISTI GALLUP	70.0	EL PASO NATURAL G
-COTTON PETROLEUM CORPORATION			RECEIVED: 05/21/81 JA: NM 4			
8132407	NM-0333-81	3003922221	103 APACHE #27	SOUTH BLANCO/P C & CHACR	150.0	NORTHWEST PIPELIN
8132408	NM-0333-81-B	3003922221	103 APACHE #27	SOUTH BLANCO/P C & CHACR	150.0	NORTHWEST PIPELIN
-DOME PETROLEUM CORP			RECEIVED: 05/21/81 JA: NM 4			
8132416	NM-0345-81	3004320481	102-2 DOME FEDERAL 18-22-6 #3	AUSTY CHACRA EXTENSION	152.6	SOUTHWEST GAS COR
8132410	NM-0337-81	3004320406	102-2 DOME FEDERAL 29-22-6 #2	RUSTY CHACRA	350.4	SOUTHWEST GAS COR
8132409	NM-0335-81	3004330407	102-2 DOME FEDERAL 30-22-6 #1	RUSTY CHACRA	151.5	SOUTHWEST GAS COR
8132417	NM-0346-81	3004320470	102-2 DOME NAVAJO 18-22-6 #2	RUSTY CHACRA EXTENSION	120.9	SOUTHWEST GAS COR
-DOYLE HARTMAN OIL OPERATOR			RECEIVED: 05/21/81 JA: NM 4			
8132391	NM-0278-81	3002527192	103 TERRA-CARLSON B FEDERAL NO 1	LANGLIE-MATTIX	62.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP			RECEIVED: 05/21/81 JA: NM 4			
8132424	NM-0362-81	3004524753	103 DAM DEAL #1	PICTURED CLIFFS	7.5	EL PASO NATURAL G
-EL PASO EXPLORATION CO			RECEIVED: 05/21/81 JA: NM 4			
8132380	NM-0130-81	3003906711	108 JICARILLA 119 N #9	TAPACITO - PICTURED CLIF	24.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/21/81 JA: NM 4			
8132371	NM-1211-80	3004511746	108 BLANCO #16	BLANCO SOUTH - PICTURED	24.0	EL PASO NATURAL G
8132445	NM-0384-81-A	3004521650	103 BOLIN A #2	UNDESIGNATED FRUITLAND	50.0	EL PASO NATURAL G
8132446	NM-0384-81-B	3004521650	103 BOLIN A #2	BLANCO PICTURED CLIFFS	75.0	EL PASO NATURAL G
8132376	NM-1800-80	3003920305	108 CANYON LARGO UNIT #199	OTERO-CHACRA	18.0	EL PASO NATURAL G
8132392	NM 0282-81	3003922202	103 CANYON LARGO UNIT #292	BASIN DAKOTA	36.0	EL PASO NATURAL G
8132443	NM-0383-81-A	3003922286	103 CARSON #3	BLANCO MESAVERDE	55.0	EL PASO NATURAL G
8132444	NM-0383-81-B	3003922286	103 CARSON #3	EAST BLANCO PICTURED CLI	35.0	EL PASO NATURAL G
8132429	NM 0371-81	3004523765	103 FROST #3R	FULCHER KUTZ PICTURED CL	35.0	EL PASO NATURAL G
8132400	NM-0324-81	3004523764	103 GORDON #1R	FULCHER KUTZ PICTURED CL	35.0	EL PASO NATURAL G
8132398	NM-0322-81	3004523718	103 HARGRAVE #2R	FULCHER KUTZ PICTURED CL	76.0	EL PASO NATURAL G
8132375	NM-1649-80	3004521627	108 HUBBELL #17	AZTEC - FRUITLAND	21.0	EL PASO NATURAL G
8132374	NM-1389-80	3004506206	108 HUERFANITO UNIT #96	BLANCO SOUTH PICTURED CL	24.0	EL PASO NATURAL G
8132399	NM-0323-81	3003922381	103 LINGRITH UNIT #100	SOUTH BLANCO PICTURED CL	35.0	EL PASO NATURAL G
8132428	NM 0370-81	3004524142	103 MORRIS A #11	AZTEC PICTURED CLIFFS	25.0	EL PASO NATURAL G
8132397	NM-0321-81	3004523281	103 MUDGE #50	BLANCO PICTURED CLIFFS	186.0	EL PASO NATURAL G
8132377	NM-1801-80	3004520469	108 PIERCE #6	BLANCO - PICTURED CLIFFS	19.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8132390	NM-0277-81	3003960893		108		RINCON UNIT #107 PC & PC
8132373	NM-1385-80	3004507053		108		RUSSELL #2
8132378	NM-0002-81-B	3003922369		103		SAN JUAN 27-4 UNIT #15A
8132441	NM-0382-81-A	3003922184		103		SAN JUAN 27-5 UNIT #52A
8132442	NM-0382-81-B	3003922184		103		SAN JUAN 27-5 UNIT #52A
8132439	NM-0381-81-A	3003922106		103		SAN JUAN 27-5 UNIT #68A
8132440	NM-0381-81-B	3003922106		103		SAN JUAN 27-5 UNIT #68A
8132447	NM-0385-81	3003922428		103		SAN JUAN 27-5 UNIT #78E
8132449	NM-0387-81	3003922205		103		SAN JUAN 28-5 UNIT #14A
8132433	NM-0378-81-A	3003922236		103		SAN JUAN 28-6 UNIT #10A
8132434	NM-0378-81-B	3003922236		103		SAN JUAN 28-6 UNIT #10A
8132427	NM 0368-81	3003922265		103		SAN JUAN 28-6 UNIT #123R
8132437	NM-0380-81-A	3003922189		103		SAN JUAN 28-6 UNIT #28A
8132438	NM-0380-81-B	3003922189		103		SAN JUAN 28-6 UNIT #28A
8132435	NM-0379-81-A	3003922206		103		SAN JUAN 28-6 UNIT #50A
8132436	NM-0379-81-B	3003922206		103		SAN JUAN 28-6 UNIT #50A
8132448	NM-0386-81	3004524068		103		SAN JUAN 32-9 UNIT #35A
8132372	NM-1214-80	3004505460		108		SHEETS C #2
-EXXON CORPORATION				RECEIVED: 05/21/81 JA: NM 4		
8132384	NM-0254-81	3000520719		103		STRANGE FEDERAL #3
8132385	NM-0255-81	3000520752		103		STRANGE FEDERAL #5
-GETTY OIL COMPANY				RECEIVED: 05/21/81 JA: NM 4		
8132393	NM-0283-81	3004505778		108		NAVAJO C WELL NO 1
-HNG OIL COMPANY				RECEIVED: 05/21/81 JA: NM 4		
8132396	NM-031761103	3002526729		103		BELL LAKE 11 FEDERAL #1
8132450	NM172980 103	3002526138		103		WILSON 21 FEDERAL #8
8132379	NM0018-81103	3002526252		103		WILSON 8 FEDERAL #6
-JACK A COLE				RECEIVED: 05/27/81 JA: NM 4		
8132493	NM-0303-81	3003921908	D	108		APACHE HILLS NO 4
-JOHN E SCHALK				RECEIVED: 05/27/81 JA: NM 4		
8132491	NM 0542-80	3003920085	D	108		CINCO DIABLOS #9
-KOCH INDUSTRIES INC				RECEIVED: 05/21/81 JA: NM 4		
8132432	NM-0377-81	3004521830		108		CAIN #2
8132430	NM-0372-81	3004521901		108		LAMBE #7
-MARKS & GARNER PRODUCTION CO				RECEIVED: 05/21/81 JA: NM 4		
8132415	NM-0342-81	3001500000		108		NORTH SHUGART QUEEN UNIT NO 10
8132413	NM-0341-81	3001500000		108		NORTH SHUGART QUEEN UNIT NO 3
8132414	NM-0341-81	3001500000		108		NORTH SHUGART QUEEN UNIT NO 6
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 05/21/81 JA: NM 4		
8132386	NM-0256-81	3003922555		103		LINDRITH B UNIT NO 15
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 05/21/81 JA: NM 4		
8132431	NM-0375-81	3003921781		103		SAN JUAN 29-5 UNIT 84
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 05/27/81 JA: NM 4		
*8132492	NM-0595-80	3003907812	D	108		SAN JUAN 30-5 #15
-PIONEER PRODUCTION CORPORATION				RECEIVED: 05/21/81 JA: NM 4		
8132369	NM-1066-80	3004507514		103		LUCERNE A #1-E
8132381	NM 0192-81	3004507375		103		OHIO #1-E
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 05/21/81 JA: NM 4		
8132382	NM-0229-81-B	3003922052		103		JICARILLA A #23
8132383	NM-0230-81-B	3003921929		103		JICARILLA B #11
8132395	NM 0295-81	3004524326		103		NEWSOM #23
-SOUTHLAND ROYALTY CO				RECEIVED: 05/21/81 JA: NM 4		
8132421	NM-0357-81	3004524028		103		FRONTIER C #2E

FIELD NAME	PROD	PURCHASER
BLANCO SOUTH-PICTURED CL	20.0	EL PASO NATURAL G
BLANCO-MESAVERDE GAS	21.0	EL PASO NATURAL G
TAPACITO PICTURED CLIFFS	20.0	EL PASO NATURAL G
BLANCO MESAVERDE	290.0	EL PASO NATURAL G
TAPACITO PICTURED CLIFFS	35.0	EL PASO NATURAL G
BLANCO MESAVERDE	145.0	EL PASO NATURAL G
SOUTH BLANCO PICTURED CL	35.0	EL PASO NATURAL G
BASIN DAKOTA	100.0	EL PASO NATURAL G
BLANCO MESAVERDE	110.0	EL PASO NATURAL G
BLANCO MESAVERDE	180.0	EL PASO NATURAL G
SOUTH BLANCO PICTURED CL	35.0	EL PASO NATURAL G
BASIN DAKOTA	60.0	EL PASO NATURAL G
BLANCO MESAVERDE	270.0	EL PASO NATURAL G
UNDESIGNATED PICTURED CL	55.0	EL PASO NATURAL G
BLANCO MESAVERDE	220.0	EL PASO NATURAL G
UNDESIGNATED PICTURED CL	75.0	EL PASO NATURAL G
BLANCO MESAVERDE	220.0	EL PASO NATURAL G
BALLARD - PICTURED CLIFF	21.0	EL PASO NATURAL G
TOMAHAWK SAN ANDRES	1.0	
TOMAHAWK SAN ANDRES	1.0	
UNDESIGNATED (GALLUP)	7.6	EL PASO NATURAL G
LA VOCA DRAW (MORROW)	511.0	INTRATEX GAS CC
COMANCHE STATELINE TANSI	41.7	EL PASO NATURAL G
SIOUX TANSILL YATES	19.6	EL PASO NATURAL G
BALLARD PICTURED CLIFFS	14.4	EL PASO NATURAL G
BALLARD PICTURED CLIFFS	0.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS	18.0	EL PASO NATURAL G
BLANCO PICTURED CLIFFS	18.0	EL PASO NATURAL G
SHUGART YATES-SEVEN RIVE	2.0	CONOCO INC
SHUGART YATES-SEVEN RIVE	2.0	CONOCO INC
SHUGART YATES-SEVEN RIVE	2.0	CONOCO INC
CHACON-DAKOTA ASSOCIATED	136.5	EL PASO NATURAL G
	3.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	22.5	EL PASO NATURAL G
BASIN DAKOTA	0.0	PIONEER NATURAL G
BASIN DAKOTA	0.0	PIONEER NATURAL G
TAPACITO	26.0	GAS CO OF NEW MEX
BLANCO	88.0	GAS CO OF NEW MEX
BALLARD	647.0	GAS CO OF NEW MEX
BASIN	79.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8132419	NM-0355-81-A	3004524489		103		GRENIER A #8M
8132420	NM-0355-81-B	3004524489		103		GRENIER A #8M
-SUPRON ENERGY CORPORATION				RECEIVED: 05/21/81 JA: NM 4		
8132389	NM-0273-81	3004524417		103		ALBRIGHT 6-E
8132406	NM-0332-81	3004524367		103		QUINN 5-A
-TENNECO OIL COMPANY				RECEIVED: 05/21/81 JA: NM 4		
8132402	NM-0326-81	3004524295		103		CALLOW #11E
8132412	NM-0339-81-B	3004524896		103		DAWSON A #1M (DAKOTA)
8132422	NM-0361-81-A	3004524418		103		EATON COM B #1
8132423	NM-0361-81-B	3004524418		103		EATON COM B #1
8132404	NM-0328-81	3004524501		103		FIELDS #3
8132403	NM-0327-81	3004524126		103		FLORANCE #124
8132401	NM-0325-81	3004524015		103		YEAGER COM #1
-YATES PETROLEUM CORPORATION				RECEIVED: 05/21/81 JA: NM 4		
8132411	NM-0336-81	3000560834		102-2		MCCLELLAN MB FEDERAL #2
8132405	NM-0329-81	3001523506		103		MURPHY NW FEDERAL #1

FIELD NAME	PROD	PURCHASER
BLANCO	300.0	SOUTHERN UNION GA
BASIN	250.0	SOUTHERN UNION GA
BASIN DAKOTA	171.0	EL PASO NATURAL G
BLANCO MESAVERDE	753.0	SOUTHERN UNION GA
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BLANCO MESAVERDE	140.0	EL PASO NATURAL G
BLANCO MESAVERDE/CHACRA	120.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
UNDESIGNATED	0.0	TRANSWESTERN PIPE
UNDESIGNATED	0.0	TRANSWESTERN PIPE

OTHER PURCHASERS VOLUME NO 3447

8132458 NORTHWEST PIPELINE CORPORATION
8132492 NORTHWEST PIPELINE CORPORATION

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservior on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary

[FR Doc. 81–19254 Filed 6–30–81; 8:45 am]

BILLING CODE 6450–85–M

Western Area Power Administration

Central Valley Project; Rate Order Confirming and Approving a Revised Passthrough Rate Methodology for Centralia and Other Northwest Sales to Pacific Gas and Electric Co.

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of a rate order for sales of Northwest capacity and energy to the Pacific Gas and Electric Company—Central Valley Project, California.

SUMMARY: Notice is given of Rate Order No. WAPA–8 of the Assistant Secretary for Conservation and Renewable Energy approving a revised passthrough rate methodology effective April 1, 1981, for sales of Centralia capacity and energy and Northwest energy to the Pacific Gas and Electric Company (PGandE). Western Area Power Administration (Western) estimates that based on a declared project dependable capacity (PDC) of 813 megawatts the Centralia passthrough rate will increase Central Valley Project (CVP) revenues by $2,884,000 over the current split rate method from April 1, 1981, to December 31, 1981, the end of Western's contract to purchase power from the Centralia powerplant which is located in the Northwest. However, if the PDC level remains at 554 megawatts, which is PGandE's position, there will not be a change in revenues to the CVP. The rate order discusses the principal factors leading to the decision and responds to the major comments, criticisms, and alternatives offered during the rate increase proceedings.

DATES: The rates will be effective from April 1, 1981, through December 31, 1981, for Centralia sales and from April 1, 1981, through March 31, 1986, for other Northwest sales.

ADDRESSES: For further information contact:

Mr. Dave Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, CA 95825 (916) 484–4251;

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401 (303) 231–1535;

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461 (202) 633–8338.

SUPPLEMENTARY INFORMATION:

Proceedings on the rates were initiated on February 27, 1981, with an announcement in the **Federal Register**, 46 FR 14434, stating a rate adjustment was being considered. A public information forum was held on March 17, 1981, with a public comment forum following on March 31, 1981. Written comments were received through April 16, 1981.

Pursuant to article 32 of Contract No. 14–06–200–2948A entitled "Contract with Pacific Gas and Electric Company for the Sale, Interchange, and Transmission of Electric Capacity and Energy" (PGandE contract) between PGandE and Western and as provided for by **Federal Register** notice entitled the "Central Valley Project Proposed Centralia and Northwest Power Rate Adjustment" (46 FR 14434, February 27, 1981), implementation of the rates approved by this rate order is dependent on PGandE's concurrence. PGandE does not concur with this rate order. Therefore, the approved rates will not become effective on an interim basis and the matter will be submitted to the Federal Energy Regulatory Commission for final determination as provided for by article 32 of the PGandE contract.

Issued in Washington, DC, June 19, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Department of Energy, Assistant Secretary for Conservation and Renewable Energy

In the Matter of: Western Area Power Administration—Central Valley Project Rates for Centralia and Other Northwest Sales to Pacific Gas & Electric Co.: Rate Order No. WAPA–8.

Order Conforming and Approving Revised Rate Methodology

June 19, 1981.

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*, the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), for the Bureau of Reclamation were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0244–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Public Notice and Comment

In accordance with the rate adjustment procedures in 45 FR 86976 (December 31, 1980), on February 27, 1981, the Western Area Power Administration (Western) announced a proposed power rate adjustment for sales to the Pacific Gas and Electric Company (PGandE) for Centralia and other Northwest power (46 FR 14434). Interested persons were invited to participate in public forums and to submit written comments relative to the rate adjustment. A public information forum was held in Sacramento, California, on March 17, 1981. A presentation of the proposed rates, basis for the rates, and the method to be used in computing Centralia "passthrough" rates was made along with a discussion of sales for other Northwest energy. An overview of Centralia history was discussed. A question and answer session followed, after which the meeting was concluded. A public comment forum was held in Sacramento, California, on March 31, 1981. No oral comments were made. Two written comments were received by April 16, 1981, the end of the comment period.

History of Existing Rates (Split Rate)

The power resources of the Central Valley Project (CVP) consist of 10 hydroelectric plants totaling 1,709 megawatts which are currently supplemented by the import of 400 megawatts of capacity and associated energy from the Northwest. Most of the power imported from the Northwest is obtained at the Centralia Powerplant located 85 miles south of Seattle, Washington.

Under Contract No. 14–06–200–2948A with PGandE (the PGandE contract), the output from CVP hydroelectric powerplants, plus the 400 megawatts of capacity and associated energy imported from the Northwest, are first used within the northern California area to serve CVP preference customer loads. The contract also provides for the sale of capacity and energy in excess of the quantities currently needed to meet the CVP's obligations to serve preference customer loads to PGandE for credit in a banking arrangement. These amounts can be repurchased as needed in future years to meet the CVP's load requirements.

Initially the PGandE contract provided for the sale of Northwest power at a rate consisting of a capacity charge of 75 cents per kilowatt per month and energy block charges of 4, 3, and 2 mills per kWh. This was the same rate that was then being charged CVP customers for power and energy from the CVP facilities.

Northwest imports began in 1968 with the purchase of power from the Bonneville Power Administration. Regular imports from the Centralia Powerplant began in 1972, and where delivered pursuant to the terms in the PGandE contract.

Article 32 of the PGandE contract provides in part that:

"Rates and charges under this contract shall be fair and equitable and shall . . . be jointly reviewed and adjusted as appropriate on April 1, 1971, and every 5 years thereafter. . . . Such review shall take into account substantial savings accruing to either party and applicable costs of construction and production, including changes therein and appropriate service charges, during the preceding 5 years. If the parties are unable to agree on a change of any rate or charge, the matter shall be submitted to the Federal Power Commission for final decision."

The first opportunity to review and adjust the Centralia rate was April 1, 1971. However, the rate was not adjusted at that time because the Centralia plant was not then in operation and the costs of Centralia capacity and energy were not known. When the first unit of the Centralia plant was placed in service in the fall of 1971, its costs were greater than those which were originally estimated. Principally because of the higher cost of Centralia power, the CVP began falling behind in its repayment obligation under Federal law.

In conjunction with the review of the proposed general rate increase for the CVP in 1974 and 1975, the possibility of adjusting the Centralia rates at the next opportunity, April 1, 1976, for that portion of the capacity and energy sold to PGandE was also considered. This resulted in the existing method for setting Centralia rates which is embodied in a December 14, 1976, Department of the Interior final position document entitled "Final Position on and Adjustment in Rates to the Pacific Gas and Electric Company for Northwest Capacity and Energy," also known as the Frizzell decision. Under the Frizzell decision, PGandE is charged the flowthrough or actual cost for energy received from the Northwest, and the flow-through capacity charge for that portion of the capacity associated with energy at a 60-percent capacity factor. The balance of the Northwest capacity delivered to PGandE is charged at the CVP rate for firm capacity. This resulted in a "split rate" for capacity charges to PGandE.

The costs of transmission service for the Pacific Northwest-Pacific Southwest Intertie from Malin, Oregon, to Tracy, California, were excluded as an element to be recovered by the rate formula established by the Frizzell decision.

1981 Rate Adjustment (Passthrough Rate)—

Again in 1978 and 1979 the possibility of adjusting the Centralia rates was considered in conjunction with the proposed general rate increase for the CVP. The Assistant Secretary for Resource Applications' rate order of October 2, 1979, WAPA–2 (44 FR 57962 dated October 9, 1979), which approved increased rates on the CVP on an interim basis, discussed the flowthrough of costs to PGandE. The position taken in the rate order was that the split rate would not be perpetuated beyond April 1, 1981, which, as provided in the PGandE contract, was the next opportunity to adjust the rates for Centralia power.

By letter agreement on January 27, 1981, between Western and PGandE, the date for review was extended to July 1, 1981. However, pursuant to that letter agreement, rates for Centralia capacity and energy would be retroactively effective from April 1, 1981, to December 31, 1981, the end of the Centralia contract.

The method for determing rates for the next 5 years beginning April 1, 1981, for other energy which may become available from the Northwest for sale to PGandE is also a part of this rate order. Except for the addition of a ceiling, the rate for other Northwest energy is the same as the rate under the Frizzell decision.

Discussion

Basis for Changing From Split Rate to the Passthrough Rate

The passthrough rate will recover all costs incurred by CVP in the purchase and sale of Centralia power to PGandE, including reserves and the intertie wheeling charge from Malin, Oregon, to Tracy, California. In computing costs to PGandE, the rate will apply to the portion of Centralia capacity and energy that is not used to supply preference customer loads. However, Western is not attempting to recover from PGandE past losses in the sale of Centralia power to PGandE.

The passthrough rate is consistent with the discussion on "'Flow Through' of Costs to PGandE" in the rate order WAPA–2 dated October 2, 1979, (44 FR 57462 dated October 9, 1979).

The rate more nearly reflects the cost to the CVP and is considered to be fair and equitable. Western estimates that, based upon a declared project dependable capacity (PDC) of 813 megawatts, the Centralia passthrough rate will increase CVP revenues by $2,884,000 over the current "split rate" method. However, if the PDC level remains at 554 megawatts, which is PGandE's position, the rate will not change the revenues to the CVP.

The estimated Centralia project rate to PGandE is $5.07 per kilowatt (kw) per month for capacity, and 16.758 mills per kilowatthour (kwh) for energy.

CVP preference customers have in the past supported the concept of a full cost passthrough rate to PGandE for sales from Centralia and other Northwest energy that cannot be used by the customers. PGandE feels that the passthrough rate is an unwarranted change from the split rate policy established in 1976 (decision document dated December 14, 1976) by the Department of the Interior.

CVP preference customers rightfully claim that under the current criteria they must repay any cost not recovered in sales to PGandE. Customers estimate that through April 1, 1981, $70 million was lost on sales to PGandE and that this loss will have to be recovered from CVP preference users. Western agrees with these points. The customers state that at one time it was suggested that the loss could be recovered through lower bank account rates, but that the rates for withdrawal from the bank accounts are not estimated to be above the costs of alternative power resources. Thus, it is possible there will be no savings to the customers.

PGandE contends that the split rate recovers Western's costs and that Western does not give any reason to depart from the split rate method. PGandE maintains that conditions have not changed since 1976 and that they get whatever Centralia power is left over.

PGandE agreed to the provisions in the PGandE contract regarding disposition of Centralia power to PGandE and this provision is only one part of the costs and benefits of the whole contract. The reason Western proposes the full passthrough rate to PGandE is to recover all of the costs associated with delivering the power to PGandE. The split rate does not recover all costs and thus requires CVP customers to repay those costs not recovered from PGandE. In addition, article 32 of the PGandE contract requires consideration of substantial savings accruing to either party during the

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preceding 5 years. Previous sales to PGandE have without question resulted in substantial savings to the company. Therefore, we believe it is entirely equitable and contractually valid within the intent of article 32 for the rates on Centralia sales to PGandE to be based on the passthrough of all costs.

PGandE claims that its customers would pay for Centralia capacity without sufficient energy to justify the rate. They state that PGandE consumers are required to pay for nearly all of the Centralia capacity even through they receive little or no energy. PGandE cites a Department of the Interior memorandum dated September 1, 1976, which supports the split rate decision because the alternative-costs concept requires that the rates set for PGandE accurately reflect the value to PGandE of Northwest energy and capacity it receives. The Department of the Interior 1976 decision document also showed that PGandE is expected to receive Northwest power at an annual load factor decreasing from about 35 percent in 1976 to 12 percent during 1980.

The PGandE contract covering the period from July 31, 1967, through 2004 is a complex contract designed to benefit both parties. It provides that power made available from the Northwest is delivered to CVP preference customers first with the remainder delivered to PGandE and PGandE agrees to accept and pay for the surplus Northwest energy and firm capacity. PGandE fails to give an overview of the benefits received by PGandE under the entire contract for the delivery of Centralia power. Nor does PGandE demonstrate that the value of service which Western provides is less than the cost of alternative sources available to PGandE.

The level of project dependable capacity for the CVP is currently an item of dispute between PGandE and Western. PGandE fails to mention that under their position on the determination of the level of PDC they would be receiving firm energy without paying a capacity charge. Under Western's position, PGandE would pay for 145 megawatts of the 382 megawatts imported from Centralia. Under either level of PDC, the cost of the full passthrough rate will be much less than the alternative cost available to PGandE of either purchasing power or constructing new facilities.

PGandE's arguments concerning the relatively low capacity factor for the Centralia power sold to PGandE are irrelevant, since firm capacity with variable amounts of energy is what PGandE contracted to take and pay for. The capacity factor which results from such sales has no bearing on Western's cost of providing service. Under the passthrough rates, Western will simply recover its costs of capacity and energy, irrespective of capacity factor. However, even assuming a less-than-average water year, PGandE would still receive Centralia power at approximately a 45-percent capacity factor from April 1, 1981, through December 31, 1981, instead of the 12 percent quoted in the 1976 memorandum. Thus, PGandE's argument that PGandE receives little or no energy with the firm capacity is not correct.

Burden on PGandE's Customers

PGandE contends that the passthrough of the full cost of Centralia capacity sold to PGandE would result in an inequitably high price for its consumers. PGandE states that while Western estimates its unit cost of Centralia power (capacity and energy) to be 25 mills per kWh, Western proposes to sell Centralia power to PGandE at a unit price of about 41 mills kWh while the unit price to CVP preference customers would be about 10 mills per kWh. PGandE believes this places an unfair burden on its customers and results in an unauthorized subsidy to CVP preference customers.

PGandE derived the unit price of Centralia power to PGandE by using a much lower capacity factor than they will actually receive from April 1 through December 31, 1981. Based on a realistic capacity factor of approximately 45 percent for that time period, the unit price of Centralia power to PGandE is about 33 mills per kWh under Western's proposed PDC level. Under PGandE's proposed PDC level, the Centralia rate to PGandE would be approximately 17 mills per kWh. Since the incremental cost for energy alone for PGandE is more than twice the 33 mills per kWh rate, Western does not feel that the Centralia rate results in an inequitable price to PGandE.

The average CVP rate to its preference customers, which includes power from both CVP hydro facilities and Centralia, is approximately 10 mills per kWh. If Centralia power was sold separately to CVP preference customers, the rate for such power would be much higher than the 10 mills per kWh quoted.

As pointed out earlier, Western, under the passthrough rate for capacity and energy separately, irrespective of capacity factor, will simply recover its costs of purchasing the capacity and energy. Western also does not believe that selling Centralia power to PGandE at the same cost incurred by Western in purchasing it involves a subsidy to the CVP preference customers. Recovering cost is a basic guideline in setting rates. PGandE relieves on this principle in its own rate filings.

Recovery of Pacific Northwest-Pacific Southwest Intertie Cost in Centralia Rate

PGandE notes that the split rate arrangement for Centralia power did not include a portion of transmission cost for the Pacific Northwest-Pacific Southwest Intertie (Intertie) and questions the rationale for Western including transmission costs in its current proposal. They state that there is no provision in the PGandE contracts for PGandE payment of any transmission charge associated with non-CVP power.

The split rate decision was an administrative decision based on other considerations in addition to costs incurred in the delivery of Centralia power. Western's proposal is to use a cost-based rate, the same principle that utilities use in setting rates. The Centralia power cannot be delivered without transmission costs.

It is true that the PGandE contract does not specifically provide for transmission costs to be charged in the rate. However, the contract does not specify any costs to be included in or excluded from the rate. The only limitation in the contract is that the rates should be "fair and equitable." Western believes that since transmission costs are incurred in rendering the service to PGandE, then those costs should appropriately be reflected in the rate.

Intertie Costs After Expiration of Centralia Contract

One customer disagreed with Western's proposal of not charging PGandE for use of the intertie for sales of surplus energy to PGandE after December 31, 1981. They cite that intertie costs are correctly included in the computation of Centralia rates and that a procedure should be developed to assign intertie costs between the preference customers and PGandE based upon surplus sales transmitted over the intertie.

Under Western's proposal for Centralia rates, the cost of the interties is already included and thus there is no basis for an extra charge for surplus energy during that time period. After December 31, 1981, the Centralia contract for firm energy expires and only surpluse energy will be transmitted. Western does not believe that the $3.35 per kW per year firm capacity charge should be included in nonfirm energy costs as this would require marketing capacity based on an equivalent energy charge. Western does not anticipate significant sales of nonfirm Northwest energy to PGandE under this rate. Further, Western is seeking a source of firm capacity and energy to input into the area utilizing the intertie, and is currently proposing to market surplus transmission capacity available in Western's share of the intertie. Separate rates would be negotiated for such power and transmission capacity.

Rate for Other Northwest Energy

One customer and PGandE recommended that the method of cost calculation be more clearly defined with regard to capacity as well as energy. PGandE further commended that Western's rate to PGandE is open-ended in that there is no ceiling on the cost of the energy and that there is no provision in the rate that the energy imported into the area must be capable of being beneficially used by PGandE.

Because Western currently does not have any specific sources for importation of energy from the Northwest, the cost associated with the purchase of any surplus energy from that area cannot be quantitatively described. Western also agrees to place a ceiling on the cost of Northwest energy sold to PGandE and proposes that the ceiling be based on PGandE's rate (based on alternative costs) from small power producers and cogenerators under the requirements of the Public Utility Regulatory Policies Act of 1978. This does not affect the rate methodology approved by this rate order, but rather places a variable ceiling on the rate. Interested parties may review the costs that are incurred by Western in purchasing energy from the Northwest.

Western agrees with PGandE's proposal that energy should be imported into the area only when it can be beneficially used. This issue is covered by the PGandE contract; and to the extent the PGandE contract does not cover the issue, Western believes that it should be a matter of contract negotiation between the parties and not made a part of a rate order.

Environmental Impact

Western has reviewed the possible environmental impacts of the power rate adjustment and has concluded that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the action is not a major Federal action for which an environmental impact statement is required.

Availability of Information

Information regarding this rate adjustment is available for public review in the Sacramento Area Office, Western Area Power Administrative, 2800 Cottage Way, Sacramento, California 95825, Office of the Administrator, Western Area Power Administration, 1536 Cole Boulevard, Golden, Colorado 80401, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, DC 20461.

Rates Not Being Placed in Effect on an Interim Basis

In view of PGandE's disagreement on the proposed rates and consistent with article 32 of the PGandE contract cited above, the rates are not being placed in effect on an interim basis, but are being submitted to FERC for final determination.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby approve Western's passthrough rate methodology for determining the rates for sales of Centralia capacity and energy and Northwest energy to the Pacific Gas and Electric Company. These rates will be effective April 1, 1981, through December 31, 1981, for Centralia power sales and April 1, 1981, through March 31, 1986, for other Northwest energy sales if this order is approved by the FERC.

Issued in Washington, D.C., on June 19, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Rate Schedule CV–NW1

Department of Energy Western Area Power Administration

Central Valley Project, Calif.

Schedule of Rates for Centralia and Northwest Sales to the Pacific Gas & Electric Co.

Effective: The rates for Centralia power will be effective from April 1, 1981, through December 31, 1981, and the rate for Northwest power will be effective from April 1, 1981, through March 31, 1986.

Available: In the area served by the Central Valley Project (CVP).

Applicable: To sales of capacity and/or energy to the Pacific Gas and Electric Company (PGandE) under the terms of Contract Number 14–06–200–2948A.

Character and Condtions of Service: Power will be deemd to be delivered at the Tracy Switchyard at a nominal voltage of 230,000 volts.

Monthly Rate: The rate for Centralia power will be determined as follows: The *capacity rate* will be the annual cost of Centralia capacity and will be calculated as the sum of:

1. One hundred percent of the annual fixed cost to CVP of the Centralia facilities.
2. Sixty-five percent of the annual operation and maintenance cost to CVP of the Centralia facilities.
3. Ten percent of the annual fuel cost to CVP of the Centralia facilities.
4. That part of the annual cost of wheeling and capacity reserve paid to the Bonneville Power Administration by CVP proportional to the capacity component of the total capacity and energy cost of Centralia.
5. The annual cost to CVP for the use of the Pacific Northwest-Pacific Southwest Intertie facilities, which includes a $3.35 charge per kilowatt/year plus an operation and maintenance cost.

The monthly capacity charge per kilowatt will be the total annual cost for Centralia capacity divided by 12, and then by 382,000 kilowatts, which is the Centralia capacity delivered to the CVP load center at Tracy.

The *energy rate* will be the annual cost of Centralia energy up to 7,050 kilowatt hours per kilowatt/year, and will be calculated as the sum of:

1. Thirty-five percent of the annual operation and maintenance cost to CVP of the Centralia facilities.
2. Ninety percent of the annual fuel cost to CVP of the Centralia facilities.
3. That part of the annual cost of wheeling and capacity reserve paid to the Bonneville Power Administration by CVP proportional to the energy component of the total capacity and energy cost of Centralia.
4. Estimated annual energy support for Centralia purchased by CVP.

The energy costs per kilowatt-hour will be the total energy cost to CVP of the Centralia energy divided by the Centralia energy delivered to the CVP load center at Tracy during the year.

The rate for Northwest energy in excess of 7,050 kilowatt-hours per kilowatt per year from Centralia through December 31, 1981, and all Northwest energy after December 31, 1981, will be determined by cost as purchased from the Northwest and adjusted upward for losses to the CVP load center at Tracy, provided that the rate for Northwest energy will not exceed PGandE's energy rate(s) which PGandE would offer to small power producers and cogenerators under the Public Utility Regulatory Policies Act of 1978.

Adjustments: The billing to PGandE for Centralia power purchased from April 1, 1981, through December 31, 1981, will be adjusted during January 1982, as necessary, based upon the best date available to the CVP, and as soon as possible thereafter will be readjusted as necessary based on the actual billed power costs to CVP.

[FR Doc. 81–19244 Filed 6–30–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2475/T313; PH-FRL-1873-4]

Albany International; Temporary Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance for residues of the artichoke plume moth pheromone, (*Z*)-11-hexadecenal when used as a pheromone on artichokes has been established.

DATE: This temporary exemption expires May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7028).

SUPPLEMENTARY INFORMATION: Albany International, 110 A St., Nedham Heights, MA 02194, has submitted a pesticide petition (PP 1G2475) to the EPA requesting that a temporary exemption from the requirement of a tolerance be establishd for residues of the artichoke plume moth pheromone, (*Z*)-11-hexadecenal when used as a pheromone on artichokes.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit 36638–EUP–4 which is being established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance is established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.
2. Albany International will immediately notify the EPA of any findings from the experimental use that

have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption expires May 1, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-19301 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C31048; PH-FRL-1872-5]

Aqua Brom/Tesco; Receipt of Applications To Register Pesticide Products Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces that Aqua Brom/Tesco has submitted applications to conditionally register pesticide products entailing a changed use pattern.

DATE: Written comments must be received by June 30, 1981.

ADDRESS: Written comments to: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo (703-557-7170).

SUPPLEMENTARY INFORMATION: Applications to conditionally register pesticide products entailing a changed use pattern have been received from Aqua Brom/Tesco, PO Box 6549, Marietta, GA 30065. These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of applications does not indicate a decision by the agency on the applications.

EPA Registration No. 1729-REE. Product name: SPA Brom mini-pak, containing 96 percent of the active ingredient bromochloro-5,5-dimethylhydantoin. The application proposes that the disinfectant be conditionally registered for general use in spas and hot tubs. The product is currently registered for use in swimming pools.

EPA Registration No. 1729-REG. Product name: SPA Brom feeder sticks, containing 96 percent of the active ingredient bromochloro-5,5-dimethylhydantoin. The application proposes that the desinfectant be conditionally registered for general use in spas and hot tubs. The product is currently registered for use in swimming pools.

Notice of approval or denial of these applications to conditionally register the pesticide products will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819, 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on these applications. Comments may be submitted and inquiries directed to the product manager. The comments must be received within 30 days from the date of publication of this notice in the **Federal Register** and should bear a notation indicating the document control number "[OPP-C31049]" and the file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19300 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

[AS-FRL-1872-1]

Conditional Extension of Prevention of Significant Deterioration Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of conditional extension of permit.

SUMMARY: EPA hereby gives notice that it conditionally extends the Prevention of Significant Deterioration permit issued to the Pittston Company on August 18, 1978.

DATE: Effective June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Jeffry Fowley, Office of Regional Counsel, U.S. EPA, JFK Federal Building, room 2203, Boston, MA 02203. Tel: (617) 223-5246.

SUPPLEMENTARY INFORMATION: The Pittston Company has requested a third extension of the PSD permit issued to it on August 18, 1978 for its proposed oil refinery in Eastport Maine. After reviewing public comments, EPA has determined that an extension is justified, as the Pittston Company has shown that it has been unable to commence construction by the otherwise required deadline due to circumstances beyond its control.

The Pittston Company has stipulated not to commence construction until a final order is entered in cases now pending before the United States Court of Appeals for the First Circuit in which the granting of the PSD permit and a prior extension of the permit are being challenged. EPA is extending the Pittston Company's permit until the sooner to occur of April 18, 1984 or eighteen months from a final, non-reviewable order in the cases in the First Circuit. [Nos. 78-1484, 78-1486, 78-1487 and 80-1819]. However, this extension will automatically terminate in the event that the Pittston Company decides not to proceed with the project which is the subject of the PSD permit. The extension is granted subject to the condition that there be an amendment to the applicable grandfather regulation in 40 CFR 52.21(i)(4) which extends the deadline contained in that provision for Pittston to commence construction. Also, any shorter extension which may be provided by any final amendment to the grandfathering regulations will take precedence over the present extension. An order of the First Circuit will be considered to be final when it concludes the cases and to be non-reviewable when all appeals from the order have been decided or the time for bringing such appeals has expired.

EPA has prepared a more detailed discussion of its decision entitled "Supplementary Discussion of Third Extension of Pittston Company PSD Permit." This document may be obtained by writing or telephoning Jeffry Fowley whose address and telephone number are listed above.

EPA hereby conditionally extends the Pittston Company's PSD permit. This conditional extension is a "locally or regionally applicable" "final action" within the meaning of section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1). As a result, it is reviewable only in the U.S. Court of Appeals for the First Circuit. Any petition for review must be filed on or before September 3, 1981.

Dated: June 19, 1981.

Robert C. Thompson,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region I.

[FR Doc. 81-19299 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-59054; TS-FRL-1872-3]

Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such a manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of applications for exemptions from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemptions.

DATES: The agency must either approve or deny these applications by:

TM-81-16—July 24, 1981
TM-81-17, 81-18, 81-19—July 28, 1981

Interested persons may submit written comments on the applications no later than July 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For TM No.	Notice manager	Telephone	Room No.
81-16, 81-19.	Robert Jones	202-426-2601	E-208
81-17	Rachel Diamond	202-426-8816	E-221
81-18	Carrie Berlin	202-426-8816	E-221

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 16, 1981, submit to the Document

Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59054]". Commnets received may be seen at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 25, 1981.

Edward A Klein,

Director, Chemical Control Division.

TM-81-16

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 24, 1981.

Manufacturer's Identity. Celanese Plastics and Specialties Co., 26 Main St., Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: carbocyclic sulfonic acid salt.

Use. Claimed confidential business information. Generic use information provided: industrial component.

Production Estimates. Claimed confidential business information.

Physical Properties

Percent Nonvolatile—37 (assumed).
Viscosity—A_5.
Color—3 Max.
Acid value—228-236.
Density—.894
Solubility of PMN product at 25°C—Soluble in water, butanol, isopropanol, and ethylene glycol monomethyl ether; insoluble in acetone, xylene, and butyl acetate.

Toxicity Data: No data were submitted.

Exposure. The manufacturer states that a total of 72 workers involved in the manufacture, processing, and use of the new substance could have skin exposure 4-8 hr/da, 60 days during the test period.

Environmental Related Disposal. The submitter claims that up to 1,000 kg may be released to a landfill. Disposal of waste will be by inceneration or landfill.

TM-81-17

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Sherwin Williams Chemicals Div., Chicago Technical Center, 10909. S. Cottage Grove Ave., Chicago, IL 60628.

Specific Chemical Identity. 2-Dodecyl-9-*H*-thioxanthen-9-one.

Use. Photoinitiator additive in UV light cured inks and coatings.

Production Estimates. The manufacturer states that a maximum of 500 pounds will be manufactured for test marketing purposes to be provided to about 20 customers. The test period will be for three months.

Physical/Chemical Properties

Boiling point, 12 mm. Hg—300°C.
Specific gravity (H_2O=1, at 240°C)—1.07.
Vapor density—13.19.
Percent Volatiles at 115°C—2.33.
Freezing point—< −25°C.
Vapor pressure at 20°C—0.790 mm. Hg.
Solubility in water, percent by weight at 24°C—3.7.
Evaporation rate (butyl acetate=1)—<.01.
Appearance and odor—Yellow-brown liquid slightly sweet odor.
Flash point—222°C (Closed up).

Toxicity Data. The submitter states that there are no known data on environmental or health effects of this substance and that relevant data from selected analogs (isopropylthioxanthone, methylthioxanthone, and chlorothioxanthone) have been shown to be of low order of toxicity.

Exposure. The manufacturer states that a maximum of 30 persons for a total of 80 hours, may have skin exposure to the new substance during the manufacture and test marketing period.

Environmental Release/Disposal. The manufacturer states that essentially none of the new chemical will be released into the environment during the test period.

TM-81-18

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Thiokol/Specialty Chemicals Div. P.O. Box 8296, Trenton, NJ 08650.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: urethane polyester prepolymer acrylate capped.

Use. Base for ultra-violet (UV) cured coatings.

Production Estimates. The manufacturer intends to produce 5,000 kg of the substance for test marketing purposes.

Physical/Chemical Properties

Specific gravity—1.21.
Color, APHA—50.
Viscosity at 126 poise @ 160°F—1.26 poise.
Unsaturates—0.057%.
NCO—0.150%.

Toxicity Data

Oral LD_{50} (rat)—5 gm/kg.
Skin irritation—Not a primary skin irritant.
Eye irritation—Not a primary eye irritant.

Exposure. The manufacturer states that a total of 8 workers may be exposed dermally 3 hours per day, for a maximum of 4 days while manufacturing and disposing the new substance. In a typical user's site (undetermined number of participating companies) approximately 4 workers per company may be dermally exposed.

Environmental Release/Disposal. The submitter claims that less than 10 kg may be released to land.

TM-81-19

The following summary is taken from data submitted by the manufacturer in the test marketing application.

Close of Review Period. July 26, 1981.

Manufacturer's Identity. Claimed confidential business information. - Organizational information provided: Manufacturing site—Middle Atlantic, U.S. Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymer dispersion of a diisocyanate and substituted alkanediols.

Use. Claimed confidential business information. Generic use provided: open use that will release more than 50 but less than 5,000 kg/yr into the environment with potential for skin and eye exposure to both chemical and nonchemical industry employees.

Production Estimates. The submitter estimates a production of 65 to 800 kilograms for test marketing purposes.

Physical/Chemical Properties

MEQ acid—0.096 mg KOH/gm.
MEQ base—0.087 ng KOH/gm.
*Percent total solids—30.3%.
*Viscosity (Gardner Holdt)—380 sec.
*Flash point—190°F.
*(Values determined on a solution of the new substance at percent total solid shown above.)

Toxicity Data. No data were submitted.

Exposure. The submitter states that a total of 30 workers involve in the manufacture, processing, and use of the new substance may have skin and eye exposure 4 to 16 hr/da for 15 days; that during use, exposure concentration at peak will range from 0-1 mg/m³.

Environmental Release/Disposal. The submitter states that more than 50 but less than 5,000 kg of the substance may be released to the environment.

[FR Doc. 81-19286 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51273; TSH-FRL-1872-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of seven PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-261, 81-264, 81-265, 81-266—August 1, 1981

PMN 81-267, 81-268, 81-272—August 3, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51273]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-261	Wendy Cleland-Hamnett.	202-426-0503	E-229
81-264	Mary Cushmac	202-426-0503	E-229
81-265, 81-268, 81-272.	Rachel Diamond	202-426-8816	E-221
81-266	Carrie Berlin	202-426-8816	E-221
81-267	George Bagley	202-426-2601	E-210

Mail address of notice managers: Chemical Control Division (TS-794). Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-261

Close of Review Period. August 31, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—$100,000,000 to $499,999,999. Manufacturing site—Middle Atlantic U.S. Standard Industrial Classification Code—2891; Adhesives and Sealants."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: amine derivative.

Use. The manufacturer states that the PMN substance will be used as a curing agent.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	10,000	15,000
3d year	15,000	20,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

	Reactant A	Reactant B
LD_{50} (rats)	>500 mg/kg	1,600 mg/kg (approx.).
Skin irritation	Moderate	Slight to moderate.
Skin sensitizer	Potent	N.A.
Mutagenicity	Negative	N.A.
Carcinogenicity	Negative	N.A.

Exposure. The submitter states that 20 to 40 manufacturing workers per year and at least 100 workers using the new chemical could have potential exposure to the PMN substance.

Environmental Release/Disposal. No data were submitted. The manufacturer states that waste distillate and cleanup solvents will be disposed in accordance with Resource Conservation and Recovery Act (RCRA) standards.

PMN 81-264

Close of Review Period. August 31, 1981.

Manufacturer's Identitiy. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: pyridine derivative..

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Environmental Test Data

BOD tests (standard APHA method):

Concentration		BOD g oxygen/g compound	
Parts per million	Percent	5 day	10 day
2.5	0.00025	0	0
5.0	0.0005	0	0.15
10.0	0.001	0	0.065

Toxicity Data

Acute oral LD_{50} (male rat)—707 mg/kg.

Acute oral LD_{50} (female rat)—535 mg/kg.

Acute dermal LD_{50} (rabbit)—2 g/kg and < 4 g/kg.

Primary skin irritation (rabbit)—Score is zero.

Primary eye irritation (rabbit)—Washed—zero (24 hours); Unwashed—zeor (24 hours).

Inhalation (rat)—In an initial screening test, a concentration of 14 mg/liter killed all animals in less than 2 hours. Further test will be done.

Exposure. The submitter states that 4 manufacturing and 8 processing workers will have inhalation exposure to the new chemical for a maximum of 1.5 hrs/yr and 4 hrs/yr, respectively.

Environmental Release/Disposal. The manufacturer states that at the manufacturing and processing sites, there will be incidental release of the new chemical into the environment.

PMN 81-265

Close of Review Period. August 31, 1981.

Manufacturer's Identitiy. Claimed confidential business information.

Specific Chemical Identity. Adipic acid, diethylenetriamine, tall oil fatty acid condensate, acetic acid salt.

Use. The manufacturer states that the PMN substance will be used in an industrial use as an additive to wet lay nonwoven web.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Appearance—Viscous brown liquid. Odor—Sharp acidic odor.

Boiling point—118—340°C with 10% residue.
Specific gravity—1.024
Solubility in water—Completely soluble.
pH (as is)—6.31
pH (1% solution)—4.36
Percent volatile (after 16 hr at 110°C)—25%.
Flash point—245°F (COC), 154°F Pensky-Martens closed cup.

Toxicity Data.

Acute oral LD_{50} (rats)—>5.0 g/kg.
Acute dermal LD_{50} (rabbits)—>2.0 g/kg.
Skin irritation (rabbits)—Primary irritation index, 5.75; an irritant to rabbit skin, but its effects appear reversible.
Eye irritation (rabbits)—Irritating to both washed and unwashed eyes.

Exposure. The submitter states that 22 workers manufacturing and using the new chemical could have incidental skin exposure for 77 to 250 da/yr during accidental spills, leaks, or transfer operations.

Environmental Release/Disposal. The manufacturer states that emissions will be passed through a scrubber before release into the air. Liquid wastes will be collected, neutralized, and sent to an on-site wastewater treatment system consisting of dissolved air floatation. At the sites of five industrial users, liquid wastes containing less than 0.01% of the new chemical will be sent to approved wastewater treatment systems.

PMN 81-286

Close of Review Period. August 31, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization description provided:
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification—Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymer of alkanedioic acid and epoxy ester.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as coatings.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	1,500	2,500
2d year	126,000	175,000
3d year	225,000	275,000

Physical/Chemical Properties

Molecular weight—800.
Acid number—0.5–2.
Hydroxyl number—135–155.
Weight/gallon—8.7 lbs.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that no workers will be exposed to the new chemical substance during manufacturing, processing, use, or disposal operations.

Environmental Release/Disposal. The manufacturer states that because the PMN substance will be manufactured in a closed system, there will be no release of the new chemical into the environment.

PMN 81-287

Close of Review Period. September 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: urethane polymer.

Use. Claimed confidential business information. Generic use information provided: contained use that will release more than 50 but less than 5,000 kg per year with potential skin exposure to both nonchemical industry and commercial employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	700	2,000
2d year	1,000	8,000
3d year	5,000	20,000

Physical/Chemical Properties.
Density—1.1—1.2 gm/cc.
Solubility in water at 20°C—<0.1%.
Viscosity at 20°C—200,000 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two manufacturing workers may have skin exposure to the new chemical for 3 hr/da, 20 da/yr, when the product is drained into containers. At a site not controlled by the submitter, 60 workers processing and using the substance may have skin exposure for 3 to 8 hr/da, 100 to 250 da/yr, during formulation and application operations. Commercial use may involve weekly skin exposure for 40 workers.

Environmental Release/Disposal. The manufacturer states that the new substance will be produced in a closed system and that, at a site controlled by others, up to 1,000 kg/yr will be released into the land as industrial and commercial loss to a landfill.

PMN 81-288

Close of Review Period. September 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of 1,4-cyclohexanedimethanol; 1,6-hexanedioic acid; 1,9-nonanedioic acid; 1,4-butanediol; and 4,4'-methylenebis (phenyl isocyanate).

Use. The manufacturer states that the PMN substance will be used as magnetic media binder.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
Starting Aug. 1981	100,000	700,000
Starting Aug. 1982	150,000	1,100,000
Starting Aug. 1983	200,000	1,800,000

Physical/Chemical Properties. The manufacturer states that the PMN substance is a high melting-point solid, containing less than 0.5% volatile material.

Toxicity Data

Eye irritation (rabbits)—Nonirritating.
Primary skin irritation (rabbits)—Nonirritating.
Acute oral LD_{50} (albino rats)—>5 g/kg.

Exposure. The submitter states that 28 manufacturing workers could have inhalation and skin exposure to the new chemical for 8 hr/da, 100 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³. At three sites not controlled by the submitter, 15 manufacturing, processing, and disposal workers could have inhalation and skin exposure for 1 to 8 hr/da, 10 to 100 da/yr, during handling, analyzing, loading, and unloading operations. Commercial use may expose 60 persons daily.

Environmental Release/Disposal. The manufacturer states that less than 20 kg/yr of the new substance will be released into th air and water and from 100 to 1,000 kg/yr into the land. Disposal will be in accordance with Federal, state, and local regulations. At three sites not controlled by the submitter, less than 20 kg/yr will be released into the water, less than 30 kg/yr will be released into the air, and up to 11,000 kg/yr into the land.

PMN 81-272

Close of Review Period. September 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polyester resin.

Use. The manufacturer states that the PMN substance will be used in the manufacture of reinforced plastics.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid number—5.0–10.0.
Viscosity at 25°C—5.0–G.0.
Gel time at 25°C:
Gel time, minutes—25–30.
Gel to cure, minutes—30–40.
Peak temperature—100.
SPI gel time:
Gel time, minutes—4–6½.
Cure time, minutes—8–11.
Peak temperature—155–170.

Toxicity Data

Oral toxicity, single dose (rats)—No deaths at 16.0 ml/kg.
Skin toxicity, single dose (rabbits)—No deaths at 12.0 g/kg.
Inhalation toxicity, single exposure (rats)—No deaths from static, substantially saturated vapor at 20°C.
Skin irritation, uncovered (rabbits)—Nonirritating.
Eye irration (rabbit)—Nonirritating.
Amea *Salmonella*/microsome assay—Nonmutagenic.

Exposure. The manufacturer states that six workers may have inhalation and skin exposure to the new chemical for 8 hr/da, 1 to 14 da/yr.

Environmental Release/Disposal. The manufaturer states that at a site not controlled by the submitter, there will be incidental disposal into the land.

Dated: June 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-19239 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-53026; TSH-FRL-1872-7]

Premanufacture Notices; Monthly Status Report for May 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for May 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA detemines that an extention is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA is publishing the May 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The commen's are to be identified with the document control number "[OPTS–53026]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: June 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, May 1981

PMN No.	Identity and generic name	FR citation	Expiration date
	I. Remanufacture Notices Received During the Month		
81-218	Adipic acid-dipropylene glycol-linseed oil fatty acid-trimethylol propane polymer	46 FR 29524 (6/2/81)	Aug. 3, 1981.
81-219	*N*-[2-(4-Aminophenyl)ethyl] methanesulfonamide	46 FR 30884 (6/11/81)	Aug. 3, 1981.
81-220	Generic name: Trisubstituted-benzisoquinoline	do	Aug. 3, 1981.
81-221	Generic name: Disubstituted-heteropolycyclic salt	do	Aug. 3, 1981.
81-222	Generic name: Oligomer of, alkanedioic acid, dimer fatty acids, substituted and unsubstituted alkanediols, and benzene dicarboxylic acids.	In preparation	Aug. 6, 1981.
81-223	Butanenitrile, 3-hydroxy-2-methylene	do	Aug. 6, 1981.
81-224	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates	do	Aug. 6, 1981.
81-225	Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylic, and vinylidene chloride.	do	Aug. 6, 1981.
81-226	Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethel acrylate, and vinylidene chloride	do	Aug. 6, 1981.
81-227	1,1,2,2-Tetrahydroperfluoro alkyl (C_5–C_{11}) ACRYLATE	do	Aug. 6, 1981.
81-228	Ethylthiocsulfuric acid, 2-[(1,1,2,2-tetrahydroperfluorooctyl)oxycarbonyl]amino-, sodium salt	do	Aug. 6, 1981.

Premanufacture Notices Monthly Status Report, May 1981—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-229	Generic name: Polymer of aliphatic polyols, carbomonocyclic anhydrides, and aromatic diacid	do.	Aug. 9, 1981.
81-230	Generic name: Polyester of aliphatic polyols and aliphatic and aromatic diacids	do.	Aug. 9, 1981.
81-231	Generic name: [(2-methylsubstituted) ethyl] substituted)heterocyclic]benzene	46 FR 30984 (6/11/81)	Aug. 10, 1981.
81-232	Generic name: Substituted alkanoic acid derivative	do.	Aug. 10, 1981.
81-233	Generic name: Substituted alkanoic acid	do.	Aug. 10, 1981.
81-234	Generic name: Disubstituted alkanamide	do.	Aug. 10, 1981.
81-235	Generic name: Disubstituted alkanamide	do.	Aug. 10, 1981.
81-236	Generic name: Organohalo modified silica	In preparation	Aug. 11, 1981.
81-237	Generic name: Silicon modified unsaturated oil based alkyd resin	do.	Aug. 11, 1981.
81-238	Generic name: Polyhalo alkanoic acid chloride	do.	Aug. 11, 1981.
81-239	Generic name: Carboxylated arylalkane alkadiene copolymer	do.	Aug. 11, 1981.
81-240	*N,N'*-Bis(2-ethylhexyloxycarbonylphenyl)formamidene	do.	Aug. 11, 1981.
81-241	Generic name: Polymer of phenol, formaldehyde, and substituted benzene	do.	Aug. 12, 1981.
81-242	Sodium 2,2,3,3-tetrafluoropropionate	do.	Aug. 18, 1981.
81-244	Generic name: Ester of diolic acid and substituted diole	do.	Aug. 18, 1981.
81-245	Generic name: Carbocyclic sulfonic acid salt	do.	Aug. 18, 1981.
81-246	Generic name: Hydroxyl terminated saturated polyester	do.	Aug. 18, 1981.
81-247	Generic name: Polyurethane acrylate blocked	do.	Aug. 17, 1981.
81-248	Generic name: Polymethyl vinyl ether/mono methyl maleate)	do.	Aug. 17, 1981.
81-249	Generic name: Pentasubstituted pentanamide	do.	Aug. 17, 1981.
81-250	Generic name: Disubstituted benzeneamine	do.	Aug. 17, 1981.
81-251	2-Chloro-4-trifluoromethyl-5-thiazolecarboxylic acid, phenylmethyl ester	do.	Aug. 20, 1981.
81-252	Generic name: Disubstituted thiazolecarboxylic acid ester	do.	Aug. 20, 1981.
81-253	*N*-[2-(4-hydroxinophenyl)ethyl]-methesulfonamide hydrochloride	do.	Aug. 20, 1981.
81-254	Generic name: Polymer product of a methacrylate ester and polyhydroxy compound	do.	Aug. 24, 1981.
81-255	Generic name: Di(2-propenyl)0,4,5,6-tetrabromo-1,2-benzene-dicarboxylate	do.	Aug. 25, 1981.
81-256	Generic name: Poly(2-hydroxypropyl) monoheterocyclicmamine	do.	Aug. 27, 1981.
81-257	Generic name: Silicone polyol	do.	Aug. 27, 1981.
81-258	Generic name: Linseed-isophthalic polyester/amide	do.	Aug. 27, 1981.
81-259	Generic name: Linseed isophthalic-hydroxy acid polyester	do.	Aug. 27, 1981.
81-260	Generic name: Trimethylolpropane neopentylglycol phthalic anhydride alkoxenes and silicones, di-me, methoxy ph, polymers with ph silesequioxanes, methoxy-terminated.	do.	Aug. 27, 1981.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

81-101	Generic name: Polyester-amide	46 FR 22645 (4/20/81)	June 1, 1981.
81-102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	June 1, 1981.
81-103	Generic name: Alkylamine methacrylic copolymer	46 FR 22645 (4/20/81)	June 3, 1981.
81-104	Generic name: Ammonium salts of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	June 3, 1981.
81-105	Generic name: Alkoxylated alkylphenol sub-substituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	June 3, 1981.
81-106	Generic name: Modified polymer of carbomonocyclic anhydride, glycerine oil, substituted alkanediol, and an alkenoic ester.	46 FR 20767 (4/7/81)	June 3, 1981.
81-107	Generic name: Modified water-borne, linseed fatty acid based alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-108	Generic name: Modified soya alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-109	Generic name: Modified alkyd from a substituted alkanediol, a substituted alkanoic acid, and a carbomonocyclic anhydride.	46 FR 20767 (4/7/81)	June 3, 1981.
81-110	Acetamide, N-[2-[(2-chloro-4,6-dinitrophenyl)-azo]-5-(diethylamino)-4-(2-methoxy) ethoxyphenyl	46 FR 22645 (4/20/81)	June 3, 1981.
81-111	4-[[4-Chloro-6-[[6-hydroxy-3,6-disulfo-7-[(2-sulfophenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]benzenesulfonic acid, tetrasodium salt.	46 FR 20765 (4/7/81)	June 3, 1981.
81-112	Butanamide, 2-[(4-(4-aminocarbenylphenyl)-aminocarbontyphenyl)azo]-N-[2,3-dihydro-2-oxo-1H-benzimidazole-5-yl]-3-oxo.	46 FR 22645 (4/20/81)	June 3, 1981.
81-113	Generic name: Polymer of: Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide.	46 FR 20765 (4/7/81)	June 3, 1981.
80-358 [1]	Benzoic acid, 2-[[2-amino-5-hydroxy-8-[[4'-[[1-hydroxy-3-[[(4-methylphenyl)sulonyl]amino-3,6-disulfo-2-napthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-napthalenyl]azo]-6-nitro-, trisodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
80-357 [1]	Benzoic acid, 2-[[-amino-8-[[4'-[[5-[2,5-disulfophenyl)-azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl-azo]-5-hydroxy-7-sulfo-1-naphthalenylazo-6-nitro-, tetrasodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
81-114	Generic name: Modified epoxy resin	46 FR 20765 (4/7/81)	June 4, 1981.
81-115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1-3-propanediol, 1,3-benzene dicarboxylic acid polymer.	46 FR 20765 (4/7/81)	June 4, 1981.
81-116	Generic name: Substituted hydroxy ether of an alkanoic acid ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-118	Generic name: Polyurethane polyisocyanate silane	46 FR 22260 (4/16/81)	June 7, 1981.
81-119	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	June 7, 1981.
81-120	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	June 7, 1981.
81-121	Generic name: Polyacrylocarbamoyl alkyl silane	46 FR 22646 (4/20/81)	June 7, 1981.
81-122	Generic name: Isocyanatodialkane substituted polyester	46 FR 22646 (4/20/81)	June 7, 1981.
81-123	Fatty acids, C_{18}-unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate	46 FR 22646	June 7, 1981.
81-124	Generic name: Substituted anleole	46 FR 22643 (4/20/81)	June 8, 1981.
81-125	Generic name: Benzophenol tetracarboxylic dienhydride polymide	46 FR 22646 (4/20/81)	June 8, 1981.
81-126	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22643 (4/20/81)	June 14, 1981.
81-127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22646 (4/20/81)	June 14, 1981.
81-128	Generic name: Unsaturated alicyclic ether	46 FR 22646 (4/20/81)	June 14, 1981.
81-129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, terbutyl perbenzoate, dimethyl ethanol amine.	46 FR 22648 (4/20/81)	June 14, 1981.
81-130	Generic name: Unsaturated silcylic alcohol	46 FR 22648 (4/20/81)	June 14, 1981.
81-131	Generic name: Allylglycidyl ether polyol resin	46 FR 23798 (4/20/81)	June 15, 1981.
81-132	Generic name: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acid.	46 FR 22648 (4/20/81)	June 15, 1981.
81-133	Generic name: Unsaturated carboxylic amide	46 FR 23796 (4/28/81)	June 15, 1981.
81-134	Generic name: Unsaturated carboxylic amide-carboxylic acid	46 FR 23796 (4/28/81)	June 15, 1981.
81-135	Generic name: Acrylic polymer	46 FR 23796 (4/28/81)	June 15, 1981.
81-136	Generic name: Water-borne, linseed acid based modified alkyd	46 FR 22648 (4/20/81)	June 16, 1981.
81-137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	46 FR 22648 (4/20/81)	June 16, 1981.
81-138	Generic name: Acrylate-nitrogen heterocyclic copolymer	46 FR 24683 (5/1/81)	June 21, 1981.
81-139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	46 FR 24683 (5/1/81)	June 21, 1981.
81-140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid	46 FR 24683 (5/1/81)	June 21, 1981.
81-141	4,*N*-Diethylamenobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.

Premanufacture Notices Monthly Status Report, May 1981—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-145	4-*N,N*-Dimethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C_{10} to C_{20}	46 FR 24683 (5/1/81)	June 23, 1981.
81-147	Poly(oxy-1,4-butanediyl)alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.	46 FR 24683 (5/1/81)	June 24, 1981.
81-148	Generic name: Carboxylic sulfonic acid salt	46 FR 24990 (5/4/81)	June 25, 1981.
81-149	Generic name: Styrene acrylic polymer	46 FR 24990 (5/4/81)	June 25, 1981.
81-150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked	46 FR 24681 (5/1/81)	June 28, 1981.
81-151	Copolymer of styrene and mixed alkyl acrylate	46 FR 24990 (5/4/81)	June 30, 1981.
81-152	Generic name: Poly(ester)-Co-poly(hydantoin polyether)	46 FR 24681 (5/1/81)	July 1, 1981.
81-153	Generic name: Substituted alkadeiene	46 FR 24681 (5/1/81)	July 1, 1981.
81-154	Generic name: Alkyl epoxide, reaction products with organic acid	46 FR 24681 (5/1/81)	July 1, 1981.
81-155	Generic name: Urethane oligomer	46 FR 24681 (5/1/81)	July 1, 1981.
81-156	Generic name: Neutralized polymer of styrene, an alkenoic acid, and an alkenoic ester	46 FR 24988 (5/4/81)	July 5, 1981.
81-157	Vegetable oil fatty acid ester	46 FR 24990 (5/4/81)	July 6, 1981.
81-158	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-159	Generic name: Ethylene interpolymer	46 FR 25693 (5/8/81)	July 6, 1981.
81-160	Generic name: Ethylene interpolymer	46 FR 24988 (5/4/81)	July 6, 1981.
81-161	Generic name: Polyacrylate	46 FR 24990 (5/4/81)	July 6, 1981.
81-162	Generic name: Hydroxy-alkoxy alkyl alkane	46 FR 25693 (5/8/81)	July 6, 1981.
81-163	Generic name: Acrylated alkoxylated aliphatic glycol	46 FR 25693 (5/8/81)	July 6, 1981.
81-164	Generic name: Allylglycidyl ether polyol resin	46 FR 24990 (5/4/81)	July 6, 1981.
81-165	Generic name: Siliconized alkyd resin	46 FR 24990 (5/4/81)	July 6, 1981.
81-166	2-Naphthalenesultonyl chloride, 2-acetamino	46 FR 24990 (5/4/81)	July 6, 1981.
81-167	Ethanol,2-(6-acetaminonaphth-2-yl sulfonyl)	46 FR 24990 (5/4/81)	July 7, 1981.
81-168	*p*-Chlorophenol-resorcinol-formaldehyde polymer and blocked with carbenil	46 FR 25693 (5/8/81)	July 8, 1981.
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25693 (5/8/81)	July 8, 1981.
81-170	Generic name: (Oxy-1,2-ethanediyl-alpha-acyl-omega-alkyl	46 FR 24988 (5/4/81)	July 8, 1981.
81-171	1,3-Isobenzofurandione, polymer with 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and tall oil acids.	46 FR 25693 (5/8/81)	July 8, 1981.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 24988 (5/4/81)	July 8, 1981.
81-173	Adipic acid, isophthalic acid trimethylolpropane, 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.	46 FR 24988 (5/4/81)	July 8, 1981.
81-174	Generic name: Disubstituted naphthalenol	46 FR 24988 (5/4/81)	July 8, 1981.
81-175	Generic name: Disubstituted naphthalenol	46 FR 28683 (5/15/81)	July 8, 1981.
81-176	Generic name: Disubstituted naphthalenol	46 FR 25693 (5/8/81)	July 12, 1981.
81-177	Generic name: Chloroalkyl alkoxysilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-178	Generic name: Chloroalkylchlorosilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-179	Generic name: Derivatized fatty alcohols	46 FR 27170 (5/18/81)	July 14, 1981.
81-180	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-181	Generic name: Polymer of alkene and diene	46 FR 27170 (5/18/81)	July 14, 1981.
81-182	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-183	Generic name: Isocyanate modified polyester/polyether	46 FR 27170 (5/18/81)	July 14, 1981.
81-184	Generic name: Silicone polyol	46 FR 27170 (5/18/81)	July 14, 1981.
81-185	Generic name: Polymer of alkanediol, carbomonocylic anhydride, and substituted alkanoic ester	46 FR 27170 (5/18/81)	July 14, 1981.
81-186	Generic name: Polyester polyurethane	46 FR 28004 (5/22/81)	July 14, 1981.
81-187	Generic name: Cycloaliphatic polyester modified with a polyether glycol	46 FR 28505 (5/27/81)	July 14, 1981.
81-188	Hexahydropyrimidine-1,3-diacetonitrile	46 FR 28004 (5/22/81)	July 21, 1981.
81-189	Generic name: Unsaturated polyester	46 FR 28505 (5/27/81)	July 21, 1981.
81-190	Generic name: Unsaturated polyester resin	46 FR 28004 (5/22/81)	July 16, 1981.
81-191	Acrylic acid, bisphenol A-epichlorohydrin resin, ethyl acrylate, methyl methacrylate, polyvinyl butyral resin, styrene polyer.		
81-192	Generic name: Trisubstituted alkylalkanoacetate	46 FR 28505 (5/27/81)	July 21, 1981.
81-193	Generic name: Poly(oxyalkyldisubstituted silane) aroyl, alkoxy terminated	46 FR 28505 (5/27/81)	July 21, 1981.
81-194	Oligomers from 1,8-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde	46 FR 28503 (5/27/81)	July 21, 1981.
81-195	2,4,6-Tributylphenol, ethoxylated, acetate	do.	July 21, 1981.
81-196	Polymer from propylene oxide and ethylene oxide acetylated	do.	July 21, 1981.
81-197	Monylphenol, ethoxylated, acetate	do.	July 21, 1981.
81-198	Polymer of: *N*-vinyl-*N*-methylacetamide and maleic acid, diisooctyl ester	do.	July 21, 1981.
81-199	Polymer of: Vinyl acetate, butyl acetate, neodecanoic acid, vinyl ester, and vinyl sulfonic acid, sodium salt.	do.	July 21, 1981.
81-200	Generic name: Trisubstituted benzene	46 FR 28004 (5/22/81)	July 23, 1981.
81-201	Generic name: Polymer of substituted acrylic acid derivative and substituted styrene	do.	July 28, 1981.
81-202	Generic name: Polyether alkenyl alkanyl esters	46 FR 29524 (6/2/81)	July 28, 1981.
81-203	Generic name: Substituted alkyl cyanoacrylate	do.	July 28, 1981.
81-204	Generic name: Aliphatic alcohol	do.	July 28, 1981.
81-205	Generic name: Aliphatic alcohol ester	do.	July 28, 1981.
81-206	Generic name: Substituted thiol salt	46 FR 29527 (6/2/81)	July 28, 1981.
81-207	Generic name: Halogenated alkylated titanium mixed aluminum magnesium oxides	46 FR 29524 (6/2/81)	July 28, 1981.
81-208	Generic name: Alkenyltri (substituted alkoxy) silane	do.	July 28, 1981.
81-209	Generic name: Polymer of: Adipic acid, isophthalic acid, trimethylol propane, neopentyl glycol, and silicone.	do.	July 28, 1981.
81-210	Generic name: Aromatic diazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-211	Generic name: Aromatic diazo dye	do.	July 28, 1981.
81-212	Generic name: Aromatic diazo dye	do.	July 28, 1981.
81-213	Generic name: Aromatic diazo dye	do.	July 28, 1981.
81-214	Generic name: Aromatic diazo dye	do.	July 28, 1981.
81-215	Generic name: Aromatic diazo dye	do.	July 28, 1981.
81-216	Generic name: Aromatic diazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-217	Generic name: Amide functional silane	46 FR 29524 (6/2/81)	July 28, 1981.

III. Premanufacture Notices in Which the Review Period Has Expired during the month

81-44	3,4,5,8-Tetrahydro-2(1H)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981.
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxypropylene/terephthalic acid, dimethyl ester).	46 FR 16125 (3/11/81)	May 3, 1981.
81-46	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-48	Generic name: Substituted polyamine	46 FR 15944 (3/10/81)	May 3, 1981.
81-49	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR 16319 (3/12/81)	May 5, 1981.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981.

Premanufacture Notices Monthly Status Report, May 1981—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981.
81-54	Generic name: Diazo dye	46 FR 16319 (3/12/81)	May 10, 1981.
81-55	Generic name: Acrylate urethane oligomer	46 FR 16933 (3/16/81)	May 10, 1981.
81-56	Generic name: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester.	46 FR 16933 (3/16/81)	May 10, 1981.
81-57	Acetamide, *N*-[4-(2-hydroxyethyl)sulfonyl-2-methoxy 5-methylphenyl]	46 FR 16931 (3/16/81)	May 10, 1981.
81-58	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-59	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	46 FR 16931 (3/16/81)	May 10, 1981.
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 16936 (3/16/81)	May 11, 1981.
81-63	Isocyanic acid, tetramethylene bis-(oxytrimethylene)ester	46 FR 16931 (3/16/81)	May 11, 1981.
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	46 FR 16933 (3/16/81)	May 11, 1981.
81-65	Generic name: Disubstitutednitrobenezene	46 FR 16933 (3/16/81)	May 11, 1981.
81-66	Generic name: Bis[(Substituted)-aminophenyl]-substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-67	Generic name: Bis[(Substituted)-nitro-phenyl]substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	46 FR 16931 (3/16/81)	May 12, 1981.
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	46 FR 19075 (3/27/81)	May 14, 1981.
81-70	Generic name: 2-Methyl-2-propenoic acid, polycyclohexyl ester	46 FR 16936 (3/16/81)	May 14, 1981.
81-71	Generic name: Alkenylpyrrolidinedione	46 FR 19075 (3/27/81)	May 14, 1981.
81-72	2-2-Chloro-6-cyano-4-nitrophenylazo]-5-[(di(*n*-pentyl)amino acetoanilide	46 FR 19305 (3/30/81)	May 14, 1981.
81-73	Generic name: *N*-(Tetrasubstituted-phenyl)acetamide	46 FR 19307 (3/30/81)	May 14, 1981.
81-74	Generic name: Tetrasubstituted-phenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid, and dibutyltin oxide.	46 FR 19305 (3/30/81)	May 19, 1981.
81-76	Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenyl, formaldehyde	46 FR 19305 (3/30/81)	May 19, 1981.
81-77	Generic name: Tetrasubstituted-phenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-78	Generic name: Tetrasubstituted-phenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	46 FR 19307 (3/30/81)	May 19, 1981.
81-80	Generic name: Trisubstitutedbenzenamine	46 FR 19307 (3/30/81)	May 14, 1981.
81-81	Generic name: Tetrasubstituted-phenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	46 FR 19312 (3/30/81)	May 19, 1981.
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	46 FR 19307 (3/30/81)	May 19, 1981.
81-84	Generic name: Tetrasubstituted-phenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-85	Generic name: Tetrasubstituted-phenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-86	Generic name: Disubstitutedbenzenamine hydrochloride	46 FR 19307 (3/30/81)	May 14, 1981.
81-87	Generic name: Polyether urethane-acrylate blocked	46 FR 19303 (3/30/81)	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	46 FR 19312 (3/30/81)	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	46 FR 20763 (4/7/81)	May 21, 1981.
81-90	Generic name: Oxime blocked polyurethane prepolymer, waterborne	46 FR 19314 (3/30/81)	May 21, 1981.
81-91	Generic name: Hydroxy aryl ether ester of alkenoic acid	46 FR 19314 (3/30/81)	May 21, 1981.
81-92	Lithium-lime-hydrogenated castor oil-tallow-naphthenic acid	46 FR 19314 (3/30/81)	May 19, 1981.
81-93	Acrylic alkanyl ester polymer	46 FR 19314 (3/30/81)	May 27, 1981.
81-94	Polymer of: *D*-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; *D*-mannose, 6-deoxy; *D*-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	May 27, 1981.
81-95	Polymer of: *D*-glucose; succinic acids; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 19314 (3/30/81)	May 27, 1981.
81-96	Oxidized soy isolate	46 FR 19303 (3/30/81)	May 27, 1981.
80-308 [1]	(Cuprate(3-), [3-[[5-hydroxy-4-[[1-hydroxy-6-(phenylamino)-4-sulfo-2-naphthalenyl]azo]-2-methylphenyl]azo]-1,5-naphthalenedisulfonato-(5)], tetrasodium.	46 FR 20770 (4/7/81)	May 27, 1981.
80-309 [2]	(Cuprate(6-),[u-[[3,3'-imino bis[[[1-hydroxy-3-sulfo-6,2-naphthalenediyl]azo](5-hydroxy-2-methyl-4,1-phenylene)azo]] bis[1,5-naphthalene-disulfonate]](10-1)]dihexasodium.	46 FR 20770 (4/7/81)	May 27, 1981.
81-97	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 19303 (3/30/81)	May 31, 1981.
81-98	Generic name: 4-Diazo-2,5-diethoxymorpholino phenyl sulfonate salt	46 FR 20763 (4/7/81)	May 31, 1981.
81-99	Generic name: Diazo dye	46 FR 20763 (4/7/81)	May 31, 1981.
81-100	Generic name: Hydroxymethyheteromonocycle	46 FR 20763 (4/7/81)	May 31, 1981.

[1] Received by EPA Dec. 10, 1980. 90-day review period started March 5, 1981.
[2] Received by EPA Oct. 10, 1980. 90-day review period started Feb. 28, 1981.

PMN No.	Submitter	Chemical identification	FR citation
	IV. Chemical Substances for Which EPA Has Received Notice of Commencement to Manufacture		
80-91	American Color & Chemical	1,3-Naphthalene disulfonic acid, 6,6'-[1,2-ethane-diylbis[(3-sulfo-4,1-phenylene)azo]]bis[4-amino-5-hydroxy,- compounded with bis (2 substituted ethyl) ammonium hydroxide (1:6).	45 FR 32428 (5/16/80).
80-194	Confidential Business Information (CBI)	Polymer of castor oil fatty acid, benzoic acid, epoxy resin, fumaric acid, styrene and *N*-*N*-dimethyl ethanol amine, cumene hydroperoxide.	45 FR 56429 (8/25/80).
80-220	CBI	Generic name: Poly basic acid ester of mixed short alkyl mono alcohol and polyol.	45 FR 62985 (9/22/80).
80-229	American Color & Chemical	Generic name: Dichloro dimethyl oxy diethyl amino oxo benzene sulfonic acid, sodium salt.	45 FR 62897 (9/22/80).
80-263	CBI	Generic name: Styrene methacrylate acrylate polymer	45 FR 74993 (11/13/80).
80-325	Milliken	Generic name: Chomophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80).
80-326	Milliken	Generic name: Chomophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80).
80-329	Monsanto	Generic name: Unsaturated melamine formaldehyde methanol resin.	45 FR 83019 (12/12/80).
80-345	Phillips	Generic name: Dialkyl trithiocarbonate	45 FR 5068 (1/19/81).

PMN No.	Submitter	Chemical identification	FR citation
81-353	CBI	Generic name: Polymer of an isocyanate and mixture of aliphatic polyols.	45 FR 6710 (1/27/81).
81-356	CBI	Generic name: Neutralized polymer substituted polypropylene oxide and an epoxy resin.	45 FR 6714 (1/27/81).
81-29	CBI	Generic name: Sodium salts of *N*-methylene phosphonic acids of complex substituted amine mixture (a forecut from fraction of a crude carbohet>erocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	45 FR 16118 (3/11/81).
81-35	CBI	*N*-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from fraction of a crude carbohe-terocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	45 FR 16118 (3/11/81).
80-36	CBI	Generic name: Alkyl acid phosphorus esters	45 FR 16118 (3/11/81).
80-59	CBI	Generic name: Phenole novalak resin	45 FR 16933 (3/11/81).

[FR Doc. 81-19302 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-31-M

[OPP-50485A; PH-FRL-1872-8]

Shell Chemical Co.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 201-EUP-59, issued to Shell Chemical Company, Washington, D.C. 20036 for use of 4,400 pounds of the insectide fenvalerate in or on apples, beans (snap and dried), bell peppers, broccoli, cabbage, cauliflower, corn (fresh and grain), cucumbers, grapes, head lettuce, peaches, peas, summer squash, and tomatoes to evaluate control of various insects.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 18, 1980 (45 FR 48245) announcing that Shell Chemical Company had been issued an experimental use permit for 4,400 pounds of insecticide fenvalerate. The raw agricultural commodities peaches and peas were inadvertently omitted, and corn squash was erroneously included. Shell Chemical Company has requested that the permit be amended to add 225 additional acres for cabbage and peaches in the States of California, Colorado, Florida, Georgia, Illinois, Kansas, Michigan, New Jersey, New York, Pennsylvania, South Carolina, Texas, Washington, and Wisconsin. All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: June 17, 1981

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19303 Filed 6-30-81; 8:45 am]
BILLING CODE 6560-32-M

[PF-234; PH-FRL-1873-2]

Certain Pesticide Chemicals; Filing of Food and Feed Additive and Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed food and feed additive and pesticide petitions for certain pesticides in or on certain food and feed items and raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-234]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The designated product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food and feed additive and pesticide petitions have been submitted to the EPA to establish food and feed additive regulations and tolerances for certain pesticides, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5305. EM Industries, Inc., Plant Protection Division, 5 Skyline Dr., Hawthorne, NY 10532, proposes that 21 CFR Part 193 be amended by establishing a food additive regulation permitting residues of the plant growth regulator chlorflurenol (methyl-2-chloro-9-hydroxyfluorene-9-carboxylate, methyl-9-hydroxyfluorene-9-carboxylate, methyl 1-2, 7 dichloro-9-hydroxyfluorene-9-carboxylate) in or on cottonseed oil at 0.1 part per million (ppm) and cottonseed meal at .05 ppm. (PM 25, Robert J. Taylor, 703-557-7066).

FAP 1H5306. Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611, proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation be established permitting residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolites 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on cottonseed meal at 5 ppm. (PM 25, Robert J. Taylor, 703-557-7066).

PP 1F2525. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.383 by establishing tolerances for the combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-trifluoromethyl)phenoxy]-2-nitrobenzoate) and its metabolites (the corresponding acid, methyl ester and amino analogs) in or on the raw agricultural commodities rice grain at 0.1 ppm and rice straw at 0.1 ppm. The proposed analytical method for determining residues is by column chromatography and electron capture gas detection. (PM 23, Richard F. Mountfort, 703-557-7070).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 17, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19304 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-233; PN-FRL-1873-3]

International Diatoms Industries LTD.; Filing of a Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that International Diatoms Industries Ltd., has filed a request with the EPA to amend 21 CFR Part 193 by establishing a food additive regulation permitting residues of the insecticide diatomaceous earth in spot and or crack and crevice treatments in food processing and food storage areas.

ADDRESS: Written comments to: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-233]" and the petition number 1H5305. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: George T. LaRocca, (703-557-7406).

SUPPLEMENTARY INFORMATION: EPA gives notice that International Diatoms Industries Ltd., 904 West 23rd St., Yankton, SD, has submitted a food additive petition (1H5305) to the EPA, proposing establishment of a food additive regulation permitting the residues of the insecticide diatomaceous earth in spot and or crack and crevice treatments in food processing and food storage areas in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins and piperonyl butoxide for control of insects in food processing and food storage areas: provided that the food is removed or covered prior to such use.

(b) To assure safe use of the additive, its label and labeling shall conform to that registered with the EPA, and it shall be used in accordance with such label and labeling.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19305 Filed 6-30-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL RESERVE SYSTEM

Bent Tree Bancshares, Inc.; Formation of Bank Holding Company

Bent Tree Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bent Tree National Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19325 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 24, 1981.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261: The Wachovia Corporation, Winston Salem, North Carolina (mortgage banking and insurance activities; Georgia) to engage through its subsidiary, Wachovia Mortgage Company, in providing mortgage banking services, including the origination and processing of residential, construction, development, and income property mortgage loans; the purchase, the sale or the placement of mortgage loans; the administration and servicing of mortgage loans; the management and the sale of properties acquired through foreclosure or transfer in lieu of foreclosure; and acting as agent for credit life and accident and health insurance related to extensions of credit. These activities will be conducted from an office in Atlanta, Georgia, serving the Atlanta SMSA.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Bankamerica Corporation, San Francisco, California (financing, servicing and insurance activities; Chattanooga metropolitan area): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Tennessee corporation, in the activities of making or acquiring for its own accounts, loans and other extensions of credit such as will be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life, credit-related accident and health and credit-related property insurance, except that property insurance will not be offered in the state of Georgia. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small business; making loans secured by real and personal property; and the offering of credit-related life, accident and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an existing office in Chattanooga, Tennessee, serving the entire states of Tennessee, Georgia and Alabama.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19331 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

City Bancshares, Inc.; Formation of Bank Holding Company

City Bancshares, Inc., Mineral Wells, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1843(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The City National Bank of Mineral Wells, Mineral Wells, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19328 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

Cullen/Frost Bankers, Inc., Acquisition of Bank

Cullen/Frost Bankers, Inc., San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of North Frost Bank, National Association, San Antonio, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19327 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

First Burlington Corp.; Formation of Bank Holding Company

First Burlington Corporation, La Grange, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less director's qualifying, shares, of the voting shares of the successor by merger to La Grange State Bank, La Grange, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19328 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

First Dodge City Bancshares, Inc.; Formation of Bank Holding Company

First Dodge City Bancshares, Inc., Dodge City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank and Trust Company in Dodge City, Dodge City, Kansas and thereby indirectly acquire control of First National Bank and Trust Co. in Dodge City, Dodge City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19329 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

Platteville Capital Corp.; Formation of Bank Holding Company

Platteville Capital Corporation, Platteville, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Platteville State Bank, Platteville,

V 46 / 126 JUL 1 81 UMI

Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19330 Filed 6-30-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

Correction

In FR Doc. 81-17900 appearing on page 31769 in the issue of Wednesday, June 17, 1981; on page 31770, first column, second line under *"Washington"*, delete the asterisk in front of "53076".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Nooksack Reservation, Washington; Resolution and Ordinance Regulating the Sale and Use of Intoxicating Beverages

June 23, 1981.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Nooksack Indian Reservation, Washington, were adopted on December 18, 1980, by the Nooksack Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Roy H. Sampsel,

Deputy Assistant Secretary, Indian Affairs.

Nooksack Indian Tribe

Resolution 341

Whereas, the Nooksack Tribal Council is the duly elected governing body of the Nooksack Indian Tribe of Washington under the Constitution and Bylaws of the Nooksack Indian Tribe; and

Whereas, the Nooksack Tribe is a signatory to the Treaty of Point Elliott and possesses a tribal right thereunder to exercise jurisdiction over all lands held in the name of the Nooksack Indian Tribe; and

Whereas, pursuant to its treaty right and its constitutional powers of government, the Nooksack Tribe now desires to enact a Liquor Ordinance to govern practices on the Nooksack Reservation and lands;

Now therefore be it resolved, that the Nooksack Tribal Council hereby enacts the Liquor Ordinance attached hereto.

Certification

The above resolution was adopted by the Nooksack Council at a regular meeting held December 18, 1980, by a vote of 5 FOR and 0 AGAINST at which time a quorum was present.

Helen Paul,

Council Chairman.

Rick MacWilliams,

Treasurer,

for J. K. Cline,

Council Secretary.

Title 50 Chapter 2

Nooksack Tribal Liquor Ordinance

Section 1. Findings and Purpose.

1.1 The introduction, possession, and sale of liquor on Indian reservations have, since Treaty time, been clearly recognized as matters of special concern of Indian tribes and the United States Federal Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

1.2 Beginning with the Treaty of Pt. Elliott, Art. X, to which the ancestors of the Nooksack Indian Tribe were parties, the Federal Government has respected the determinations of the Tribes of Western Washington regarding liquor related transactions and activities on the various reservations. The historical desire to exclude "ardent spirits" from Indian Country has been honored by Congress by the enactment of 18 U.S.C. Sec. 1154 and 18 U.S.C. Sec. 1161, which prohibit the introduction of liquor into any part of Indian Country except as shall be permitted by ordinance of the governing body of the Tribe having jurisdiction over such part or area. Present day circumstances have made it clear that a complete ban on liquor on Nooksack tribal lands is neither realistic nor effective. Therefore, in order to safeguard the peace and safety of members of the Nooksack Indian Tribe and to protect the public health and morals, the Nooksack Tribal Council has determined that it is now necessary to exert strict tribal control and regulation over all aspects of liquor sale, distribution, and use within the territorial jurisdiction of the Nooksack Indian Tribe.

This ordinance shall apply to all Nooksack tribal lands, which term shall include all territory within the exterior boundaries of the Nooksack Reservation and all lands owned by the Nooksack Tribe the legal title to which is held in trust for the Tribe by the United States government.

1.3 The enactment of the tribal ordinance governing liquor sales on Nooksack Tribal lands and providing for exclusive purchase and sale through a tribally owned and operated establishment will increase the ability of the Tribal Government to control liquor distribution and possession, and, at the same time, will provide an important source of revenue for the continued operation of essential tribal governmental services and the delivery of essential tribal social services.

1.4 Tribal regulation of the sale, posession, and consumption of liquor on Nooksack Tribal lands is necessary to protect the health, security and general welfare of the Nooksack Indian Tribe. In order to further these goals and to provide for an urgently needed additional source of governmental revenue, the Nooksack Tribal Council adopts this liquor ordinance to be known as the "Nooksack Liquor Ordinance". This ordinance shall be liberally construed to fulfill the purposes for which it has been adopted.

Section 2. Definitions. As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

2.1 "Alcohol" that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixures of this substance.

2.2 "Alcoholic Beverage" is synonymous with the term liquor as defined in Sec. 2.5 of this ordinance.

2.3 "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer".

2.4 "Board" means the Nooksack Indian Liquor Board as constituted under this ordinance.

2.5 "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semi-solid, solid, or other substances, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

2.6 "Malt Liquor" means beer, strong beer, ale, stout, and porter.

2.7 "Package" means any container or receptacle used for holding liquor.

2.8 "Public Place" includes streets and alleys of incorporated cities and towns; state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may not be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls, and dining rooms of hotels, restaurant, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds, and all other places of like or similar nature to which the general public has unrestricted right of access and which are generally used by the public.

2.9 "Sale" and "Sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or of wine by a person to any person.

2.10 "Spirits" means any beverage which contains alcohol obtained by distillation, including wines, exceeding seventeen percent of alcohol by weight.

2.11 "Tavern" means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of beer, as herein defined.

2.12 "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during, or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

Section 3. Nooksack Indian Liquor Board.

3.1 Liquor Board Established—Composition. There is hereby established a Nooksack Indian Liquor Board. The Board shall consist of three (3) members serving staggered terms of two (2) years, each, commencing on March *1st* of each year, and seleted by vote of the Nooksack Tribal Council as follows:

(1) one member shall be a member of the Nooksack Tribal Council,

(2) two members shall be members of the Nooksack Indian Tribe who reside in Whatcom County at the time of their selection; provided that no member who fails to be re-elected to the Nooksack Tribal Council shall be removed from the Board for that reason. No person shall serve on the Board who has ever been convicted of a felony or misdemeanor involving dishonesty.

3.2 Vacancies. All vacancies occurring on the Board shall be filled by a vote of the Nooksack Tribal Council.

3.3 Initial Board. The initial terms of office of the Board shall be as follows:

(1) one (1) member shall serve a one (1) year term; and

(2) two (2) members shall serve two (2) year terms.

The members serving respective terms shall be determined by lot after the members have been selected by the Nooksack Tribal Council.

3.4 Board Compensation. The members of the board shall serve without compensation unless otherwise directed by the Nooksack Tribal Council, but may receive reimbursement for necessary expenses and mileage actually incurred in the performance of their duties.

3.5 Removal. Members of the Board shall serve in good behavior and shall be subject to removal only by the Nooksack Tribal Council and only after a full hearing at which the member shall be afforded the right to notice of the specific charges against him, to present evidence in his own behalf, and to cross-examine witnesses against him. The member may be represented by counsel or a spokesman admitted to the Nooksack Tribal Court, but such representation shall not be paid for out of funds under the control of the Board. If the Board member who is the subject of the hearing is also a member of the Nooksack Tribal Council, he shall be disqualified from voting as a member of the Nooksack Tribal Council at the hearing. Removal shall be by simple majority of the eight (8) members of the Council. Grounds for removal shall include, but not be limited to,

(1) conviction of a felony or a crime involving dishonesty;

(2) misuse of Board funds;

(3) receiving improper gratuities or payments from liquor salesmen or wholesalers;

(4) gross neglect of duty;

(5) failure to comply with a proper directive of the Nooksack Tribal Council.

3.6 Board Reports to Nooksack Tribal Council. The Board shall prepare an annual written report on its activities to be submitted to the Nooksack Tribal Council at the March meeting of the Nooksack

Tribal Council. The report shall include an accounting of all receipts and expenditures and such other information as shall seem appropriate to the Board or as shall be directed by the Nooksack Tribal Council. The Board may submit such other further reports as it deems appropriate or as the Nooksack Tribal Council shall direct.

3.7 Board—Powers and Duties. The Board shall have the following powers and duties:

(1) to publish and enforce rules and regulations adopted by the Nooksack Tribal Council governing the sale, manufacture, and distribution of alcoholic beverages on Nooksack Tribal lands;

(2) to employ managers, warehousemen, accountants, security personnel, drivers, and such other persons as shall be reasonably necessary to allow the Board to perform its functions. Such employees shall be hired through the Nooksack Indian Tribal Personnel office, and although paid by and responsible to, the Board, shall be considered tribal employees for all other purposes;

(3) to lease or construct appropriate warehouse facilities;

(4) To bring suit in the appropriate court with the consent of the Nooksack Tribal Council. The Board shall not, without the specific consent of the Nooksack Tribal Council, waive the Board's or the Nooksack Indian Tribe's immunity from suit;

(5) to contract with liquor wholesalers and distributors for the purchase and delivery of alcoholic beverages;

(6) to make such reports as may be required by the Nooksack Tribal Council;

(7) to take orders, receive, and distribute shipments of alcoholic beverages, establish wholesale base prices, collect taxes and fees levied or set by the Nooksack Tribal Council, and to keep accurate records, books, and accounts;

(8) to exercise such other powers as are delegated by the Nooksack Tribal Council.

3.8 Board-Prohibited Actions. In the exercise of its powers and duties, neither the Board nor any of its members shall:

(1) accept any gratuity, compensation or other thing of value from any liquor wholesaler or distributor or from any licensee, applicant, or prospective applicant, except as he is duly established for licensing;

(2) waive the immunity of the Board or the Nooksack Indian Tribe from suit without the express consent of the Nooksack Tribal Council.

3.9 Warehouse. The Board shall purchase, lease, or construct an appropriate secure warehouse located on Nooksack Tribal lands, for the receipt, storage, and distributionof alcoholic beverages.

3.10 Inspection. The premises of the Board shall be open by its employees for inspection by the Board, or by any member of the Nooksack Tribal Council directed by the Nooksack Tribal Council to so inspect, at all reasonable times for the purposes of ascertaining whether the rules and regulations of the Board and the liquor laws of the Nooksack Indian Tribe are being complied with.

Section 4. Sales.

4.1 Only Tribal Sales Allowed. No sales of alcoholic beverages shall be made on Nooksack Tribal lands, except at a tribal liquor store.

4.2 All Sales Cash. All sales at tribal liquor stores shall be on a cash only basis and no credit shall be extended to any person, organization, or entity.

4.3 All Sales For Personal Use. All sales shall be for the personal use of the purchaser, and resale for profit of any alcoholic beverage purchased at a tribal liquor store is prohibited on Nooksack Tribal lands. Any person who purchases an alcoholic beverage at a tribal store and resells that beverage for profit, whether in the original container or not, shall be guilty of an offense and punished in accordance with Sec. 6.15 herein.

4.4 Tribal Property. The entire stock of liquor and alcoholic beverages referred to under this ordinance shall remain tribal property owned and possessed by the Nooksack Indian Tribe until sold.

Section 5. Taxation.

5.1 Tax Imposed. There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on Nooksack Tribal lands in the amount of 15% of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on Nooksack Tribal lands, and shall pre-empt any tax imposed on such liquor sales by the State of Washington. No municipality, city, town, county, nor the State of Washington shall have any power to impose an excise tax on liquor or alcoholic beverages as defined by this title, or to govern or license the sale or distribution thereof in any manner on Nooksack Tribal lands.

5.2 Distribution of Taxes. All taxes from the sale of alcoholic beverages on Nooksack Tribal lands by or through the Board shall be paid over to the General Treasury of the Nooksack Indian Tribe and be subject to the distribution by the Nooksack Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services; Provided, however, that the following tribal programs shall have priority in funding in the percentages set out in this section upon demonstration of need and past performances in the normal tribal budgetary appropriation process:

(1) to the Nooksack Tribal Alcoholism Program in an amount at least 15% of the total tax received;

(2) to the Nooksack Tribal Elders Program in an amount of at least 15% of the total tax received;

(3) to the Nooksack Tribal Law and Order Program in an amount of at least 15% of the total tax received;

(4) to other tribal needs as designated by the Nooksack Tribal Council

Section 6. Illegal Activities.

6.1 Liquor Stamp—Contraband. No Alcoholic beverages shall be sold on the Nooksack Tribal lands unless there shall be affixed to the package a stamp of the Board. Any sales made in violation of this provision shall be a violation of this ordinance and shall be punishable as set out in Sec. 6.15 herein. All alcoholic beverages not so stamped which are sold or held for sale on the Nooksack Tribal lands are hereby declared contraband and, in addition to any penalties imposed by the Court for violation of this section it shall be confiscated and forfeited in accordance with the procedures set out in Title 10 of the Nooksack Code of Laws.

6.2 Proof of Unlawful Sale—Intent. In any proceeding under this ordinance, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this ordinance.

6.3 Use of Seal. No person other than an employee of the Board shall keep or have in his possession any legal seal prescribed under this ordinance unless the same is attached to a package which has been purchased from a tribal liquor store, nor shall any person keep or have in his possession any design in imitation of any official seal prescribed under this ordinance or calculated to deceive by its resemblance to any official seal, or any paper upon which such design is stamped, engraved, lithographed, printed or otherwise marked. Any person who willfully violates any provision of this section shall be guilty of an offense.

6.4 Illegal Sale of Liquor by Drink or Bottle. Except as otherwise provided in this ordinance, any person who sells by the drink or bottle any liquor, shall be guilty of an offense.

6.5 Illegal Transportation, Still, or Sale Without Permit. Any person who shall sell or offer for sale or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have in his possession without a permit, any mash capable of being distilled into liquor, shall be guilty of an offense.

6.6 Illegal Purchase of Liquor. Any person on Nooksack Tribal lands who buys liquor from any person other than at a properly authorized tribal liquor store shall be guilty of an offense.

6.7 Illegal Possession of Liquor. Any person who keeps or possesses liquor upon his person or in any place or on premises conducted or maintained by him as a principal or agent with the intent to sell it contrary to the provisions of this ordinance, shall be guilty of an offense.

6.8 Sales to Pesons Apparently Intoxicated. Any person who sells liquor to a person apparently under the influence of liquor shall be guilty of an offense.

6.9 Drinking In a Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of an offense. Any person who shall drink any liquor in a public conveyance shall be guilty of an offense.

6.10 Furnishing Liquor to Minors. Except in the case of liquor given or permitted to be given to a person under the age of twenty one (21) years by his parent or guardian, for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person under the age of twenty one (21) years shall consume, acquire, or have in his possession any alcoholic beverages except when such beverage is being used in connection with religious services. No person shall permit any other person under the age of twenty one (21) to consume liquor on his premises or on any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of an offense.

6.11 Sales of Liquor to Minors. Any person who shall sell any liquor to any person under the age of twenty one (21) years shall be guilty of an offense.

6.12 Unlawful Transfer of Identification. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; Provided, that corroborative testimony of a witness other than the minor shall be a requirement of conviction.

6.13 Drinking at Tribal Center. Except as may be provided by order of the Nooksack Tribal Council, any person who shall drink any liquor within the buildings of the Nooksack Tribal Center, or within 100 feet thereof, shall be guilty of an offense.

6.14 Possession of False or Altered Identification. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of an offense.

6.15 General Penalties. Any Indian person guilty of a violation of this ordinance for which no penalty has been specifically provided shall be liable upon conviction for imprisonment for a period of not to exceed six (6) months, or a fine of not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment.

6.16 Identification—Proof of Minimum Age. Where they may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his signature and photograph:

(1) liquor control authority card of identification of any state;

(2) driver's license of any state or "Identi-Card" issued by an State Department of Motor Vehicles;

(3) United States Active Duty Military Identification;

(4) Passport;

(5) Nooksack Tribal Identification or Enrollment card.

6.17 Illegal Items Declared Contraband. Alcoholic beverages which are possessed contrary to the terms of this section are declared to be contraband. Any officer who shall make an arrest under this section shall seize all contraband which he shall have the authority to seize consistent with the Nooksack Constitution and the applicable provisions of 25 U.S.C. Sec. 1302.

6.18 Preservation and Forfeiture. Any officer seizing contraband shall preserve the contraband in accordance with the provisions established for the preservation of impounded property in Title 10 of this Code. Upon conviction, the guilty party shall forfeit all right, title and interest in the items seized and when the conviction shall become final, the items shall be disposed of as provided for in Title 10 of the Code; Provided, however, that the items so forfeited shall not be sold to any person not entitled to possess them under applicable law.

Section 7. Abatement.

7.1 Declaration of Nuisance. Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

7.2 Institution of Action. The Chairman of the Board shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this title. The plaintiff should not be required to give bond in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the penal sum of not less than One Thousand Dollars

($1000.00), payable to the Tribe and on the condition that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this ordinance or of any other applicable tribal law, and that he will pay all fines, costs, and damages assessed against him for any violation of this ordinance or other tribal liquor laws. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the tribe. Any action taken under this section shall be in addition to any criminal penalties provided in this ordinance.

7.3 Abatement. In all cases where any person has been convicted of a violation of this ordinance or tribal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought in Tribal Court to abate as a nuisance any real estate or other property involved in the commission of the offense, and in any such action a certified copy of the record of such conviction shall be admissable in evidence and prima facie evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Section 8. Profits.

8.1 Distribution of Profits. The gross proceeds collected by the Board for all sales of alcoholic beverages on the Nooksack Tribal lands shall be distributed as follows:

(1) For the cost of goods;

(2) for the payment of taxes provided in Sec. 5 of this ordinance;

(3) for payment of all necessary personnel, administrative costs, and legal fees for the Board and its activities;

(4) the remainder shall be turned over to the General Fund of the Nooksack Indian Tribe in quarterly payments and expended by the Nooksack Tribal Council.

8.2 Expenditure of Profits. All profits transferred to the tribal General Fund by the Board shall be expended by the Nooksack Tribal Council for the general governmental services of the Tribe.

Section 9. Severability and Effective Date.

9.1 If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this ordinance or to render such provisions inapplicable to other persons or circumstances.

9.2 Effective Date. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

9.3 Inconsistent Enactments Rescinded. Any and all prior enactments of the Nooksack Tribal Council which are inconsistent with the provisions of this ordinance are hereby rescinded.

9.4 Disclaimer. Nothing in this ordinance shall be construed to require or authorize the criminal trial and punishment by the Nooksack Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the United States Supreme Court.

9.5 Application of 18 U.S.C. Sec. 1161. All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with the laws of the State of Washington as that term is used in 18 U.S.C. Sec. 1161.

[FR Doc 81-18239 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-03-M

Coharie Intra-Tribal Council, Inc.; Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

June 17, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Coharie Intra-Tribal Council, Inc., c/o Romie G. Simmons, Route 3, Box 356–B, Maxton, North Carolina 28328, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The March 31 petition as amended was received by the Bureau of Indian Affairs on May 1. The petition was forwarded and signed by Mr. Romie G. Simmons.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined, by appointment, in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Roy H. Sampsel

Deputy Assistant Secretary—Indain Affairs.

[FR Doc. 81-19322 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-03-M

Bureau of Land Management

Burns District Advisory Council Meeting; Field Tour

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Burns District Advisory Council will be held on July 21, 1981.

The tour will start at the district office, Burns, Oregon at 8:00 a.m. and the John Day Resource Area will be of primary interest.

The tour agenda is as follows:

1. Silvies Valley Coop grazing program.
2. Timber thinning project on Calamity Butte.
3. Proposed land exchange.
4. North Silvies Valley timber sale.
5. Explanation of some grazing problems.
6. Fish Habitat work done on the South Fork of the John Day River.
7. The expections of the new District Manager.

The tour is open to the public and news media. Those individuals interested in participating in the tour need to provide their own transportation and lunches.

A report of the Council tour will be maintained at the District Office and be made available for public inspection and reprodution at the cost of duplication.

Joshua L. Warburton,

District Manager.

June 17, 1981

[FR Doc. 81-18165 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-84-M

[INT FEIS 81-24]

Sun Valley Grazing Final Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a final environmental impact statement (FEIS) on proposed livestock grazing management for the Sun Valley Planning Area of the Shoshone District in south-central Idaho. The proposal would adjust stocking rates, establish new grazing systems, and provide for additional range improvements on a portion of 97 allotments encompassing approximately 245,000 acres of public land.

FOR FURTHER INFORMATION CONTACT: Terry Costello, EIS Team Leader, at P.O. Box 2 B, Shoshone, Idaho 83352. Telephone (208) 886–2208 or FTS 554–6576.

SUPPLEMENTARY INFORMATION: Copies of the FEIS are being distributed to a mailing list of identified interested parties, including all parties who received the draft EIS. A limited number of additional copies of both the draft and final EIS are available at the above address.

Dated: June 26, 1981.

T. G. Bingham,

Acting State Director, Idaho.

[FR Doc. 81-19309 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With H&RW Irrigation District; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and Its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region, Bureau of Reclamation (Bureau), intends to begin negotiations with the H&RW Irrigation District for deferment of the 1981 construction charge and its subsequent repayment.

The district is located in southwestern Nebraska with its headquarters in Culbertson, Nebraska. The low storage conditions of Enders Reservoir in 1979 and again in 1980, and the subsequent delivery of only 6,520 acre-feet of water during the 1980 irrigation season, has imposed an undue burden on the irrigators of the H&RW Irrigation District. The district is, therefore, seeking a deferment of its $37,487 annual construction charge due in 1981 and proposing to repay the deferment in equal annual payments of about $1,210 over the remaining 31 years of the existing contract. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 584), Pub. L. 86–308.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations as gauged by the response to this notice or local publicity, the availability of the proposed contract for public review and comment will not be further publicized through the Federal Register or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, Project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382–3660. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: June 25, 1981.

Clifford I. Barrett,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-19307 Filed 6-30-81; 8:45 am]
BILLING CODE 4310-09-M

Office of the Secretary

Consolidation of the Heritage Conservation and Recreation Service Functions into the National Park Service

This notice is issued in accordance with the provisions of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and Secretarial Order No. 3060 dated February 19, 1981, as amended April 9, 1981, transferring and consolidating the major functions of the Heritage Conservation and Recreation Service (HCRS) into the National Park Service (NPS) as well as transferring those functions related to the Federal Land Acquisition budget planning portion of the Land and Water Conservation Fund to the Assistant Secretary for Fish and Wildlife and Parks. The consolidation became effective on May 31, 1981. The Order is published in its entirety below.

Any questions regarding the Order may be obtained from the Management Consulting Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240, telephone—(202) 523–5133.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

United States Department of the Interior

Office of the Secretary, Washington, D.C.

Order No. 3060

Subject: Consolidation of Heritage Conservation and Recreation Service Functions into the National Park Service

Section 1. *Purpose.* The purpose of this order is to achieve economies in the utilization of funds, personnel, and equipment and to improve program services by:

(a) Effecting the transfer and consolidation of the major functions of the Heritage Conservation and Recreation Service into the National Park Service;

(b) Terminating the residual functions of HCRS;

(c) Abolishing HCRS as a separate entity of the Department of the Interior.

Section 2. *Authority.* This order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Section 3. *transfer of Functions to the National Park Service.* Except as provided in Sections 4 and 5, all functions vested in the Director, Heritage Conservation and Recreation service, the Heritage Conservation and Recreation service, or any officer or employee of the Heritage Conservation and Recreation service are transferred to the Director, National Park Service.

Section 4. *Transfer of Functions to the Assistance Secretary—Policy, Budget and Administration.* The functions and responsibilities of the Heritage Conservation and Recreation Service for Federal land acquistion budget planning under the Land and Water Conservation Fund Act are transferred to the Assistant Secretary—Policy, Budget and Administration. These functions and responsibilities may be further assisgned to an appropriate official within Policy, Budget and Administration, as determined by the Assistant Secretary.

Section 5. *Termination of HCRS Functions.*

(a) In accordance with the need to reduce Governmental expenditures and terminate Federal Functions which are unnecessary or duplicative, repetitious or parallel of those being performed elsewhere within the Department, the following functions of the Heritage Conservation and Recreation Service are terminated:

(i) Federal Interagency Coordination.
(ii) Water Resources.
(iii) Policy, Planning and Evaluation For Cultural Programs.
(iv) Envoronmental and Compliance Review.

(b) The Heritage Conservation and Recreation Service and the position of Director of the Service are abolished.

Section 6. *Incidental Transfers.* The personnel, property, records and unexpended balances of appropriations, allocations and other funds employed, used, held, or available in connection with the functions transferred to the Director, National Park Service and the Assistant Secretary—Policy, Budget and Administratin are transferred to the National Park Service and the Office of the Secretary. No unexpended balances transferred shall be used for purposes other than those for which the appropriations were originally made.

Section 7. *Implementation.*

(a) The Assistant Secretary—Policy, Budget and Administration is responsible for implementing this order. The Assistant Secretary shall identify the personel, property, records and funds transferred in Sections 3, 4 and 6 and shall issue a determination order specifying his findings. The Assistant Secretary shall also take such steps as are necessary to provide for the orderly termination of the functions identified in Section 5. The Assistant Secretary may call upon such officails of the Department as he deems necessary to accomplish the implementation of this order.

(b) The Director, National Park Service, subject to the supervision of the Assistant Secretary—Fish and Wildlife and Parks, and after consultation with the Assistant Secretary— Policy, Budget and Administration in accordance with 101 DM 3, shall make such organizational arrangements for the performance of the transferred functions as he deems necessary. In making these arrangements, the Director shall seek to improve the economy and efficiency of organization and performance of the transferred functions.

Section 8. *Performance of Transferred Functions by the National Park Service.* After the transfer provided for in sections 3 and 6 take effect, the Director, National Park Service shall perform the functions transferred subject to the supervision of the Assistant Secretary—Fish and Wildlife and Parks, as provided in 109 DM 6 and 209 DM 6.

Section 9. *Effective Date.* This order is effective immediately. The transfers and terminations provided for in this order shall take effect on a date specified by the Assistant Secretary—Policy, Budget and Administration in the determination order issued under Section 7, but not later than May 31, 1981. The order will lapse upon its conversion to the Departmental Manual, but no later than June 30, 1981.

Dated: February 19, 1981.

James G. Watt,

Secretary of the Interior.

Order No. 3060, Amendment No. 1

Subject: Consolidation of Heritage Conservation and Recreation Service Functions into the National Park Service

This Order amends Secretary's Order No. 3060, dated February 19, 1981, as prescribed below:

a. Section 4 is amended to read as follows: "Section 4. *Transfer of Functions to the Assistant Secretary—Fish and Wildlife and Parks.* The Headquarters Office functions and responsibilities of the Heritage Conservation and Recreation Service for Federal land acquisition budget planning under the Land and Water Conservation Fund Act are transferred to the Assistant Secretary—Fish and Wildlife and Parks."

b. Section 5. Under paragraph (a), delete (iv) Environmental and Compliance Review.

c. Section 6 is amended to read as follows: "Section 6. *Incidental Transfers.* The personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, used, held, or available in connection with the functions transferred to the Director, National Park Service and the Assistant Secretary—Fish and Wildlife and Parks are transferred to the National Park Service and the Office of the Secretary. No unexpended balances transferred shall be used for purposes other than those for which the appropriations were originally made."

Dated: April 9, 1981.

James G. Watt,

Secretary of the Interior.

[FR Doc. 81-19567 Filed 6-30-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-52)]

Baltimore & Ohio Railroad Co.—Discontinuance of Operations and Abandonment Between Copperweld and Fairport Harbor, OH; Correction; [1] Findings

Notice is hereby given pursuant to 49 U.S.C 10903 that by a decision dated May 26, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment of discontinuance of operations by the Baltimore and Ohio Railroad Company of its line of railroad known as the Lake Branch, in Trumbull, Geauga and Lake Counties, OH. The segments of line proposed for abandonment lie between Copperweld, OH (milepost 94.38) and Painesville, OH (milepost 136.34), and between milepost 137.38 and milepost 139.01 at Fairport Habor, Oh. Discontinuance of operation is proposed between milpost 136.34 and milepost 137.38 at Fairport Harbor, OH. The abandonment and discontinuance of operations are subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979). The applicant shall keep intact all of the rights-of-way underlying the track, bridges and drainage culverts on the line for a period of 120 days from June 26, 1981 to permit any State or local government agency or other interested party to negotiate acquisition for public use of all or any portion of the line. A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect.

[1] This notice corrects the notice published in the **Federal Register**, Vol. 46, No. 102, Thursday, May 28, 1981 which inadvertently did not contain the public use condition.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 C.F.R. 1121.36.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19289 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures; Approval of Railroad Cost Index

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* The application of the index provides a maximum increase of 2.8% above the level prescribed in our decision served June 1, 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275-7656 or Raymond Hobbs (technical) (202) 275-7457.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981, [46 FR 22594, April 20, 1981], we outlined the procedures for calculation of the Interim Mid-Quarter Index of railroad costs and the methodology for computing the Rail Cost Adjustment Factor. We also decided to require the Association of American Railroads (AAR), no later than 20 days before the end of each quarter, to calculate and submit to the Commission the mid-quarter index.

We have received AAR's calculations of the mid-quarter index and have found that these calculations comply with the guidelines outlined in our decision served April 17, 1981.

The indices derived from these calculations are shown in the table below.

Interim Mid-Quarter Index

[1979=100]

Category	Oct. 1, 1980	1st quarter, 1981	2d quarter, 1981	3d quarter, 1981
Salaries, wages & supplements	112.6	119.6	119.6	124.7
Fuel	153.1	170.8	187.5	186.4
Other materials & supplies	119.1	121.9	123.6	125.0
Other expenses	117.3	121.7	124.0	127.2
Weighted average [1]	118.6	125.4	127.9	131.4

[1] Based on the following 1979 weights: Salaries, wages & supplements—49.9%; fuel—9.6%; Other materials & supplies—12.5%; other expenses—28.0%

The Rail Cost Adjustment Factors for first, second and third quarters, 1981, are computed in the following table.

Rail Cost Adjustment Factor

Item	Oct. 1, 1980	1st quarter, 1981	2d quarter, 1981	3d quarter, 1981
Weighted index	118.6	125.4	127.9	131.4
Rail Cost Adjustment Factor		1.057	1.078	1.108

In computing the Rail Cost Adjustment Factor, the October 1, 1980 index was used in the demoninator in lieu of the mid-quarter index for fourth quarter, 1980. We believe that this is appropriate, since the application of the adjustment factor commenced with rates at the October 1, 1980 level.

The factor of 1.028 applicable to present rates was computed by dividing the third quarter adjustment factor (1.108) by the second quarter adjustment factor (1.078).

We note the absence of an actual second quarter index. We require the ARR to submit this index by September 10, 1981.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Public Law 96-354, it is our opinion that it will not have a significant adverse impact on a substantial small entities.

Authority: 49 U.S.C. 10321, 10701a, 5 U.S.C. 553.

Dated: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19288 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-133

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 22311 (Sub-4-3TA), filed June 18, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Metals* between points in the commercial zones of Chicago, IL, Detroit, MI, Pittsburgh, Erie and Philadelphia, PA, Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH, St. Louis and Kansas City, MO, Milwaukee, Green Bay and Madison, WI, Des Moines, Davenport, Cedar Rapids and Keokuk, IA, Gary, Indianapolis and Evansville, IN, Charleston, Clarksburg and Huntington, WV and Louisville, KY and Putman County, IL. Supporting shipper: Nance Steel Sales, Inc., Box 388, South Field, MI 18307.

MC 133189 (Sub-4-14TA), filed June 19, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101. *General commodities,* between the facilities of American-Canadian

Distribution Centers, Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: American-Canadian Distribution Centers, Inc., 7801 East Bush Lake Rd., Minneapolis, MN 55435.

MC 139667 (Sub-4–5TA), filed June 17, 1981. Applicant: CHARLES SCHMIDT, JR., d.b.a. SCHMIDT TRUCKING CO, 101 West Sanger, Salem, IL 62881. Representative: Brenda Schmidt, 908 Meadow Lane, Salem, IL 62881. *Building materials,* between points in the states of LA, AL, TX, MI, AR, TN, MO, IL, IN, IA, and WI. Supporting shippers: There are 9 statements of support.

MC 145454 (Sub-4–9TA), filed June 22, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7338 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312/782–8880. *Bananas and agricultural commodities* from Galveston, TX and Gulfport, MS to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shippers: Castle & Cooke Foods, 2900 Veterans Boulevard, Metairie, Louisiana 70002, and Chiquita Brands, Inc., 15 Mercedes Drive, Montdale, New Jersey 07645.

MC 146121 (Sub-4–3TA), filed June 17, 1981 Applicant: BAY CARTAGE COMPANY, 1122 East Barney, Muskegon, MI 49444. Representative: William H. Heritage, Jr., Landman, Luyendyk, Latimer, Clink & Robb, 444 Union Bank Plaza, Grand Rapids, MI 49503. *Contract:* irregular; *Foundry supplies, materials, machinery and equipment used in foundry production* between points in the U.S. (except AK and HI) under continuing contract with Carpenter Brothers, Inc., Muskegon, MI. Supporting shipper: Carpenter Brothers, Inc., 793 W. Western Ave., Muskegon, MI 49440.

MC 156133 (Sub-4–2), filed June 19, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber and wood products,* from the facilities of or utilized by Weyerhaeuser Company located at Latonia, KY, Palmer, MA; Detroit, MI, St. Paul, MN; Chicago, IL and Kansas City, MO to points in IA, IL, IN, KY, MI, MO, NY, OH, PA, WI and WV. Supporting shipper: Weyerhaeuser Company, Chicago, Illinois 60606.

MC 156624 (Sub-4–1TA), filed June 18, 1981. Applicant: ANKER TRUCKING, INC., 19800 Rose Street, Lynwood, IL 60411. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Concrete Pipe and Concrete Structures,* between points in IL on the one hand, and, on the other, points in WI. Supporting shipper: Continental Concrete Pipe Corp., P.O. Box 174, Blue Island, IL 60406.

MC 156679 (Sub-4–1TA), filed June 22, 1981. Applicant: LEXCO, INC., 111 Poyott Rd., Lake In The Hills, IL 60102. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *General commodities* (except Classes A & B explosives, household goods and commodities in bulk) between points in the U.S. in and east of MT, WY, CO and NM under continuing contract(s) with Jensen-Souders Associates, Inc. Itasca, IL and CHC Tire and Auto Supply, Inc., 120 Fairbank St., Addison, IL 60101.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 88368 (Sub-5–12TA), filed June 22, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart, 11901 Cartwright Avenue, Grandview, MO 64030. *(1) Water Beds, (2) Rattan Furniture, and (3) Parts and Accessories for (1) and (2) above* from Anaheim, Brea, Costa Mesa, Los Angeles and Santa Ana, CA and Phoenix, AZ to Clinton, Des Moines and Waterloo, IA. Supporting shipper: McGowan's Inc., 3754 Airline Highway, West Waterloo, Iowa 50701.

MC 114274 (Sub-5–14TA), filed June 22, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Fresh Meat and Packing House products and articles distributed by meat packing houses.* From the facilities used by the Iowa Packing Co. at or near Des Moines, IA to AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, NE, ND, NH, NJ, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WI, WV. Supporting shipper: The Iowa Packing Co., 1801 Maury, Des Moines, IA 50317.

MC 117832 (Sub-5–1TA), filed June 22, 1981. Applicant: BILL BRUTON, d.b.a. TRI-WESTERN EXPRESS, #8 Westwood Lane, Little Rock, AR 72204. Representative: Bill Bruton (same as applicant). *Bananas in truck loads* between Gulfport, MS, Mobile, AL, Galveston and Houston, TX, to: Affiliated Food Stores, Inc. and Dillaha Fruit Co., in Little Rock, AR. Supporting shippers: Affiliated Food Stores, Inc., P.O. Box 3627, Little Rock, AR 72203 and Dillaha Fruit Company, P.O. Box 546, Little Rock, AR 72203.

MC 128273 (Sub-5–41TA), filed June 22, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities (except A & B Explosives, Household Goods, as defined by the Commission, and Commodities which, because of size or weight, require special equipment),* between the facilities of the Norton Company at or near Worcester, MA, and Watervliet, NY, on the one hand, and, on the other, points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities of the Norton Company. Supporting shipper: Norton Company, 1 New Bond Street, Worcester, MA 01606.

MC 142872 (Sub-5–27TA), filed June 22, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Plastic Games and Toys, and Materials, Equipment and Supplies*—used in the manufacture thereof—Between Canonsburg, PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Coleco Industries, Inc., 50 Part Street, Amsterdam, NY 12010.

MC 143768 (Sub-5–2TA), filed June 22, 1981. Applicant: F. R. ANDERSON, INC., 2744 S.E. Market Street, Des Moines, IA 50309. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *(1) Paper products* between Polk County, IA on the one hand, and, on the other, pts in IL. *(2) General commodities* between Omaha, NE, Des Moines, IA and Moline, IL on the one hand, and, on the other, pts in IA. Supporting shippers: K Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084, Eastman Kodak Co., 1901 W 22nd Street, Oak Brook, IL, Jacobsen Warehouse, 1400 Market Street, Des Moines, IA 50317.

MC 144117 (Sub-5–10TA), filed June 22, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. *Petroleum lubricating oil, in containers,* from Lemont, IL, and points in its commercial zone to points in the U.S., except AK, HI, and IL. Supporting shipper: Massey Ferguson, Inc., 2200 DeKoven Avenue, Racine, WI 53403.

MC 144511 (Sub-5–1TA), filed June 22, 1981. Applicant: ED O'GRADY, R.R. #2, Falls City, NE 68355. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Malt beverages (except in bulk),* from Peoria, IL and Milwaukee, WI, and pts in their respective commercial zones, to the facilities of Falls City Beverage Co., at or near Falls City, NE. Supporting shipper: Falls City Beverage Co., 7th & Berda Streets, Falls City, NE 68355.

MC 145804 (Sub-5–12TA), filed June 22, 1981. Applicant: SOUTH WEST LEASING, P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Meat, meat products, meat by-products and related products distributed by meat packinghouses,* from the facilities of National Beef Packers at Liberal and Kansas City, KS, to pts in NE, SD, MN, IA, MO, WI, IL, MI, IN, and OH. Supporting shipper: National Beef Packers, P.O. Box 978, Liberal, KS 67091.

MC 148107 (Sub-5–7TA), filed June 22, 1981. Applicant: JESSE J. MESA d.b.a. J. J. MESA TRUCKING CO., 1500 S. Zarzamora Street, San Antonio, TX 78207. Representative: Ronald Mercier (same as applicant). *(1) Tile, and (2) materials, equipment and supplies used in the manufacture, sale, or distribution of tile (except items in bulk,)* between TX on the one hand, and, FL, GA, AL, MS, TN, KY, IN, IL, MO, NE, KS, NV, AR and LA, on the other. Supporting shippers: (1) Aztec Ceramics, 4735 Emil Road, San Antonio, Texas 78219. (2) Materials Marketing Co., 123 Rhapsody Drive, San Antonio, Texas 78216.

MC 152942 (Sub-5–2TA), filed June 22, 1981. Applicant: TOGO TRUCKING CO., Route 3, St. Joseph, MO 64505, (816) 232–8321. Representative: James H. Counts, 320 Robidoux Center, St. Joseph, MO 64501, (816) 232–8411. Contract irregular *frozen meat and frozen meat products,* from: MN, IA, SD, NE, KS, MO. To: Laredo, TX, El Paso, TX. Supporting shipper: International Meat & Food Products, Inc., P.O. Box 10762, El Paso TX 79997.

MC 155595 (Sub-5–11TA), filed June 22, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, Texas 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., Suite 1600, 10 South LaSalle Street, Chicago, Illinois 60603. *Such commodities as are dealt in or utilized by manufacturers of (1) heating and air conditioning systems; (2) seed, feed and feed ingredients; (3) chemicals; (4) petroleum and petroleum products; (5) agricultural machinery; (6) lawn and garden implements; (7) animal pharmaceuticals; and (8) sporting goods,* between points in Davidson, Marshall, Williamson, Madison, Cheatham, Wilson, Rutherford, Robertson, Sumner, Montgomery, and Dickson Counties, TN on the one hand, and, on the other, points in AL, AR, DE, DC, FL, GA, CT, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, WV, and WI. Supporting shippers: (1) Tennessee Farmers Cooperative, 149 Old Murphreesboro Road, LaVergne, Tennessee. (2) Heil-Quaker Corporation, 635 Thompson Lane, Nashville, TN 37204.

MC 156256 (Sub-5–1TA), filed June 22, 1981. Applicant: MEMBAR INCORPORATED, 6070 Gateway East, Suite 404, El Paso, Texas 79905. Representative: Lloyd W. Harmon, 1340 N. Hampton Rd., Dallas, Texas 75208. Contract: irregular; *food and related products and restaurant supplies,* between points in the U.S. under continuing contract with Duff's Enterprises, Inc. Cincinnati, Ohio.

MC 156692 (Sub-5–1TA), filed June 22, 1981. Applicant: JACK GRIFFITH and M. H. JONES, d/b/a/ A&M DELIVERY, partnership, 9917A Carnegie, El Paso, TX 79925. Representative: Bruce J. Ponder, 521 Texas Avenue, El Paso, TX 79901. *General Commodities,* (except household goods, Class A and B explosives, those commodities which because of their size and weight require special equipment to haul, and hazardous wastes,) between pts. in TX and NM. Supporting shippers: Copy Machines, Inc., 2514 E. Yandell, EL Paso, TX 79903; Business Forms, Inc., 2514 E. Yandell, El Paso, TX 79903; Amway Corporation, 14700 E. 38th Avenue, Aurora, CO 80011.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-19290 Filed 6-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. III]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 26, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 21866 (Sub-196)X, filed June 18, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-No. 150 certificate to: (1) broaden the commodity description to "general commodities (except Classes A and B explosives)" from general commodities with exceptions; (2) authorize radial service in lieu of existing one-way authority between points in the United States and points in described portions of PA, those in NJ and New York, NY; and (3) eliminate the except AK and HI restrictions.

MC 37896 (Sub-47)X, filed June 16, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same as applicant). Applicant seeks to remove restrictions in its permits No. MC 144303 Sub–Nos. 8F, 12F, 15F, and 18F, to (1) broaden its commodity description from zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, metallic cadmium, lead sheets, to "chemicals and related products, and metal products", in Sub-No. 8F part (1); from paints and caulking compounds to "chemicals and related products" in Sub-No. 15F, part (1); from electrical distribution transformers and parts, to "machinery", in Sub-No. 12F, part (1); from plastic products, to "rubber and plastic products, and materials, equipment and supplies used in the manufacture or distribution thereof", in Sub-No. 18F; (2) broaden its

territorial authority to between points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the commodities in bulk exception, in Sub-No. 15F.

MC 41098 (Sub-62)X, filed June 22, 1981. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 36 certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods, and furniture and fixtures."

MC 73134 (Sub-4)X, filed June 16, 1981. Applicant: SUPREME EXPRESS & TRANSFER CO., 3311 Chouteau Ave., St. Louis, MO 63103. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead certificate No. MC–73134 and in its Permits No. MC–143452 (Sub-Nos. 1F and 2F) to (A) in its lead certificate, broaden the commodity description by removing all exceptions other than classes A and B explosives from its general commodities authority, (B) in its permit Sub-No. 1F, (1) broaden the commodity description from copper, copper products, and insulated tubing to "ores and minerals, chemicals and related products, metal products, and waste or scrap materials not identified by industry producing," (2) remove the bulk exception, and (3) broaden the territorial description to between points in the U.S., under contract(s) with a named shipper, and (C) in its permit Sub-No. 2F, (1) broaden the commodity descriptions from non-alcoholic beverages, in containers, to "food and related products," and from materials and supplies used in the production and distribution of non-alcoholic beverages to "materials and supplies used in the production and distribution of food and related products," and (2) broaden the territorial description under each commodity description to between points in the U.S., under contract(s) with a named shipper.

MC 109847 (Sub-37)X, filed June 9, 1981. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee Street, Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31 and MC–71459 Sub-No. 72 certificates to: (1) broaden its commodity descriptions (a) from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and MC–71459 Sub-No. 72 certificates; (b) cork rods in bulk to "lumber or wood products", in Sub-No. 9; (c) food and foodstuffs to "food and related products", in Sub-No. 11; (d) sulphur (except in bulk), empty sulphur containers, magnesia and whiting (except such commodities in bulk), empty magnesia and whiting containers, litharge (except in bulk), empty litharge containers to "chemicals and related products", in Sub-No. 16; (e) vegetable oil fibre, solid or liquid and lead oleate and leather dressings (except commodities in bulk), empty vegetable oil fibre, lead oleate and leather dressing containers to "food and related products and chemicals and related products", in Sub-No. 16; (f) wines and liquors (except in bulk) and empty containers therefor to "food and related products", in Sub-No. 16; (2) authorize service at all intermediate points in its regular routes and remove restrictions limiting such service to specified intermediate points in its lead and Sub-Nos. 3, 4, 5, 9, 16, 22, 24, 28 and MC–71459 Sub-No. 72; (3) change one way to radial authority in its lead and Sub-Nos. 4, 9, 11, 16, 21, 25, 31 and MC–71459 Sub-No. 72 (4) expand to countywide authority as follows: (a) in lead, sheet 7 change the off-route points from Angelica, Canisteo, Anmore, Tonawanda, and North Tonawanda, NY to Allegany, Stueben, Erie, and Niagara Counties, NY; in lead, sheet 9 change the off-route points from Parish, Fernwood, Lacona, Belleville, Ellisburg, Woodville, Smithville, Brownville, Odessa, and McGraw, NY and those in Dickinson and Fenton Townships, Broome County, NY to Oswego, Jefferson, Schuyler, Cortland and Broome Counties, NY; in lead, sheet 12 change the route from points within 5 miles of Buffalo, NY including Buffalo to Erie County; in Sub-No. 4, sheet 2 change off-route points from Shinglehouse, PA, Richburg, Obi and West Clarksville, NY to Potter County, PA and Allegany County, NY; in Sub-No. 4, sheet 3 change the off-route point from Duke Center, PA to McKean County, PA; in Sub-No. 4, sheet 3 change the off-route point from Duke Center, PA to McKean County, PA; in Sub-No. 4, sheet 3 change the off-route point of Naples, NY to Ontario County, NY; in Sub-No. 5, sheet 3 change off-route points of Clinton, Cahoes, Franklin Springs, Gloversville, Green Island, Johnstown, Manlius, March, Menands, New Hartford, New York Mills, Oneida, Oneonta, Solvay, Stittville, Troy, Warners, Washington Mills, Waterford, Watervliet, Willard, and Willowvale, NY, and Arlington, Barber, Bayway, Belleville, Bloomfield, Bogota, Butler, Carlton Hill, Carlstadt, Carteret, Clifton, Dunellen, East Orange, East Rutherford, Edgewater, Elizabethport, Englewood, Garfield, Garwood, Hackensack, Harrison, Hoboken, Irvington, Kearny, Lyndhurst, Maurer, New Market, North Bergen, Orange, Passaic, Paterson, Plainfield, Rahway, Ridgefield Park, Sewaren, Union City, Waverly, Weehawken, Westfield, West New York, and West Orange, NJ, Dolgeville, and Broadalbin, NY, and all off-route points within 25 miles of Newark, NY to Albany, Fulton, Herkimer, Madison, Oneida, Onondaga, Rennsselaer and Seneca Counties, NY and Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, NJ; in Sub-No. 5, sheet 3 change off-route points from Princeton, Beverly, and Camden, NJ to Mercer, Burlington and Camden Counties, NJ; in Sub-No. 5, sheet 4 change the irregular route points from Amsterdam, Broadalbin, Canajoharie, Gloversville, Johnstown, Dolgeville, Middleville, Mohawk, Newport, Northville, Fonda, Fort Plain, Frankfort, Fultonville, Cohoes, Schenectady, Herkimer, Ilion, Little Falls, Mayfield, and St. Johnsville, NY and points in NY within 15 miles of the points specified above, and, Wilmington, DE, to Montgomery, Fulton, Herkimer, Saratoga, Albany and Schenectady Counties, NY, and, New Castle County, DE; in Sub-No. 15 change the off-route points from Middleville and Newport, NY to Herkimer County, NY; in Sub-No. 16, sheet 2 change the off-route points from Yonkers, NY, Conshohocken, PA, and Bristol, Pawtucket, and Warren, RI to Westchester County, NY, Montgomery County, PA, and Bristol County, RI; in Sub-No. 16, sheet 2 change the off-route points from Yonkers, NY, Conshohocken, PA and Bristol, Pawtucket, and Warren, RI to Westchester County, NY, Montgomery County, PA, and Bristol County, RI; in Sub-No. 16, sheets 2 and 3 change the off-route points from Linden, Elizabeth, Newark, Jersey City, Perth Amboy, Bayonne, Carteret, North Bergen, Passaic, Paterson, and Hillside, NJ, East Port Chester, South Norwalk, New Canaan, West Haven, Danbury, Shelton, Hamden, Mr. Carmel, New Britain, Elmwood, and Ansonia, CT to Union, Middlesex, Essex, Hudson, Bergen, Passaic, and Camden Counties, NJ, Fairfield, New Haven, and Harford Counties, CT; in Sub-No. 16, sheet 3 change the off-route point of Amston, CT to Tolland County, CT; in Sub-No. 16, sheet 4 change Lansdowne, Allentown, and Bethleham, PA to Northampton, Lehigh, Bucks, Montgomery and Delaware Counties, PA; in Sub-No. 25, sheet 1 (irregular route) change Coraopolis, McKeesport, Neville Island and Pittsburgh, PA, and Auburn and Syracuse, NY, to Allegheny County, PA, Cayuga and Onondaga Counties, NY; in Sub-No. 25, sheet 2, change Pittsburgh, PA and points in PA within 15 miles of Pittsburgh, to points in Allegheny County, PA and points in PA within 15 miles of Pittsburgh, PA; in Sub-No. 25, sheet 2 change Chartiers Township, PA, to Allegheny County, PA, in Sub-No. 25, sheet 2 change Pittburgh, PA to Allegheny County, PA in Sub-No. 25, sheets 2 and 3 change Chartiers Township, PA, to Allegheny County, PA; change the off-route points from Canterbury, Wauregan, and Oneco, CT and Scituate and Thorton, RI to points in Windam County, CT, and Providence County, RI; in Sub-No. 31, sheet 2 change from Scranton, PA to Lackawanna County, PA; in MC–71459, Sub-No. 72, sheets 2 and 3 change the off-route points of North Chicago and Great Lakes to Lake County, IL; in MC–71459, Sub-No. 72, sheet 4 change the off-route points from Shirley, Townsend, Dunstable, and Sudbury, MA to Middlesex County, MA; in Sub-No. 29, sheet 2 change the off-route point of Amsterdam, NY to Montgomery County, NY; (5) remove (a) "(except commodities in bulk in tank vehicles) in vehicles equipped with mechanical refrigeration" in Sub-No. 11; (b) all "in bulk", and "tank vehicles" restrictions in Sub-No. 16; (c) "commodities in bulk" restrictions in Sub-No. 29; (6) remove specified service restrictions at named points and within defined areas; (a) remove limitation to traffic moving from or to Buffalo, NY and points beyond Buffalo, NY in Sub-No. 6; (b) remove "for joinder only" and limitation to traffic moving between New York, NY and points within 25 miles of Newark, NY on the one hand, and, on the other, Jamestown and Olean, NY, and points on carrier's authorized regular routes in Chautaugqua, Cattanauqua and Alleghany Counties, NY and Warren, McKean and Potter Counties, PA in Sub-No. 7; (c) remove "serving Binghamton, NY for purposes of joinder only" in Sub-No. 10; (d) remove restriction against service to or from Eastman Kodak facilities or its affiliates between Philadelphia, PA, on the one hand, and, on the other, points in that part of Camden County, NJ, on, north and west of U.S. Highway 130 in Sub-No. 16; (e) remove the restriction to traffic moving over Boss-Linco's routes to and from points in the Philadelphia, PA Commercial Zone in Sub-No. 19; (f) remove "for purposes of joinder only" from route descriptions 3 and 8 and remove the condition requiring the insertion of a restriction providing that the carrier shall not, pursuant to the irregular route authority contained in those certificates, serve any points authorized to be served by irregular route authority via regular route authority in Sub-No. 24; (g) remove "for purposes of joinder only" in the Sub-No. 28; (h) remove the restriction to transportation of shipments moving by joinder with carrier's otherwise authorized rights in Rt. 291 of MC–71459 (Sub-No. 72); (7) remove plant site restrictions: (a) remove the restriction to transportation of traffic originating at named origin points and destined to named destination points in Sub-No. 11; (b) remove the restriction to the facilities of Sears & Roebuck Co. in the Sub-No. 25.

Note:—Applicant's authority to tack will be governed by 49 CFR 1042. 10(b).

MC 118811 (Sub-19)X, filed May 4, 1981, previously noted in the Federal Register of May 22, 1981, republished as corrected this issue. Applicant: LAWRENCE MCKENZIE TRUCKING SERVICE, INC., Route 5, Box 111, Winchester, KY 40391. Representative: William L. Willis, Suite 708 McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 13F and 15F certificates to (1) broaden the commodity descriptions in the lead from lumber to "lumber and wood products"; in Sub-No. 3 from lumber to "lumber and wood products"; in Sub-No. 13F from scrap metal to "metal products"; and in Sub-No. 15F from lard cans, shower stalls, furnaces and stoves, and parts, accessories and supplies to "building materials and metal products"; (2) authorize radial service between specified points mainly in the eastern and central portions of the U.S.; (3) remove facilities limitations in Sub-No. 3, and 15F; (4) replace city-wide authority with county-wide authority as follows: Winchester with Clark County, KY in Sub-No. 3; Lexington with Fayette County, KY in Sub-No. 13F; and Louisville with Jefferson County, KY in Sub-No. 15F; and (5) delete the exception of (a) Erie, Jamestown, Lawrence Park, North East and Wesleyville, PA, (b) the following OH cities or points; Delaware, Hamilton, Lebanon, Lodi, Hansfield, Massillon, Middletown, Washington Court House, Wright-Patterson Field, and Xenia and (c) the prohibition against service to points in TN on U.S. Highway 27 and U.S. Highway 25-W from Jellico to Knoxville and U.S. Highway 11 from Knoxville to Chattanooga in Sub-No. 3. The purpose of this republication is to indicate that applicant seeks to delete the exceptions in 5(c).

MC 148036 (Sub-3)X, filed June 16, 1981. Applicant: RED WING TRANSPORTATION CORPORATION, 3154 North Service Drive, Red Wing, MN 55066. Representative: Robert L. Cope, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Applicant seeks to remove restrictions from its Sub-No. 2F certificate and its No. MC–129166 and Sub-Nos. 2F, 3F, and 4F permits to: (1) in its certificate broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; and (2) replace facilities limitations at specified cities with county-wide authority as follows: (a) Minneapolis, MN, with Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN; (b) Denver, CO, with Adams, Arapahoe, Denver, Douglas, and Jefferson Counties, CO; (c) Atlanta, GA, with Clayton, Cobb, DeKalb and Fulton Counties, GA. (d) Detroit, MI, with Macomb, Monroe, Oakland, Washtenaw and Wayne Counties, MI, (e) Dallas, TX, with Collin, Dallas, Denton, Ellis, Kaufman, Rockwall and Tarrant Counties, TX, and (f) Houston, TX, with Brazoria, Chambers, Fort Bend, Harris, Montgomery and Waller Counties, TX. In its Sub-No. 4F permit broaden the commodity description general commodities (except household goods as defined by the Commission and classes A and B explosives), to "general commodities (except classes A and B explosives)" and broaden the territorial description in its lead and Sub-Nos. 2F, to between points in the U.S. under continuing contract(s) with named shippers. In its Sub-No. 3F permit broaden the commodity description from (1) meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) foodstuffs; and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) and (2) alone, to "food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products".

MC 149406 (Sub-1)X, filed June 12, 1981. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801.

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Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions in its lead No. MC–129328 and Sub-Nos. 1, 2, 4, 5, 6, 7, 8, 10F, 11F, 12F, 14F, 16F and 17F permits to (1) broaden the commodity descriptions to "clay, concrete, glass or stone products, containers and related materials, equipment and supplies" from glassware (other than cut glassware), wooden containers, wooden pallets, and corrugated paper boxes, closures and materials equipment and supplies used in the manufacture, sale and distribution of glassware and closures, in the lead and Sub-Nos. 1, 2, 5, 7, 10F and 16F; to "pulp, paper and paper products and related materials, equipment and supplies" from paper, paper products and materials, equipment, and supplies used in the manufacture and distribution of paper and paper products, in Sub-Nos. 4, 6, 8, 12F and 17F, and to "food and related products and related materials, equipment and supplies" from fruit juice, foodstuffs, non-alchoholic beverages and materials, equipment and supplies used in the manufacture, sale, and distribution of foodstuffs and non-alcoholic beverages, in Sub-Nos. 11F and 14F, (2) remove the "in bulk" restrictions, in Sub-Nos. 6, 7, 8, 10F, 11F, 12F, 14F, 16F and 17F, (3) remove the "except frozen" restriction, in Sub-Nos. 11F and 14F and (4) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81–19362 Filed 6–30–81; 8:45 am]

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[Volume No. OPY–5–90]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 24, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct all telephone status inquiries to the Ombudsman Office on 202–275–7440.

MC 848 (Sub-1), filed June 8, 1981. Applicant: H. A. NEVLIN MOVING & TRANSFER CO., 1022 East Broadway, Alton, IL 62002. Representative: Harry A. Nevlin, Jr. (same address as applicant), (618) 462–0653. Transporting (1) *containers*, (2) *pulp, paper, and related products*, and (3) *household goods and furniture*, between points in IL, WI, MI, IN, OH, KY, TN, AR, OK, MO, and LA.

MC 2368 (Sub-105), filed June 9, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. Transporting *commodities in bulk*, between points in the U.S.

MC 2428 (Sub-39), filed June 8, 1981. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn (Perth Amboy), NJ 08861. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt in or used by manufacturers of copper products, between points in the U.S., under continuing contract(s) with Ullrich Copper, Incorporated, of Kenilworth, NJ.

MC 31879 (Sub-44), filed June 8, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5800. Transporting *Pulp, paper and related products*, between points in Madison County, IL, and Louisville, KY.

MC 52979 (Sub-27), filed June 8, 1981. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting (1)(a) *machinery* and (b) *such commodities* as are dealt in or used by manufacturers of buildings, between the facilities of Butler Manufacturing Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., and (2)(a) *metal products* and (b) *machinery*, between points in Pocahontas County, IA, on the one hand, and, on the other, points in the U.S.

MC 57778 (Sub-39), filed June 9, 1981. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Ave., Detroit, MI 48209. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684 (616) 941–5313. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of drugs, hospital supplies, health care products, beauty aid products and pet care products, between Detroit, MI, on the one hand, and, on the other, points in Lucas, Fulton, Ottawa and Wood Counties, OH, and MI.

MC 119099 (Sub-40), filed June 8, 1981. Applicant: BJORKLUND TRUCKING, INC., First Avenue N.E. and 8th Street, Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402, (612) 333–1341. Transporting *metal products*, between points in WI, IL, IN, OH, PA, NJ, MI, IA, TX, SC, TN, GA, ND, SD, MO, and NE, on the one hand, and, on the other, Minneapolis, MN.

MC 121489 (Sub-25), filed June 3, 1981. This application was published in the **Federal Register** initially on June 16, 1981. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612–227–7731. Transporting *food and related products*, between those points in the U.S. in and west of MI, IN, IL, MO, AR, and TX.

Note—This application is republished to show the correct territorial authority requested.

MC 124198 (Sub-2), filed May 4, 1981. Applicant: B & F TOWING & SALVAGE CO., INC., 449 Airport Rd., New Castle, DE 19270. Representative: Robert J. Corber, 1250 Connecticut Ave., NW., Washington, DC 20036, (202) 862–2038. Transporting *wrecked or disabled motor vehicles* and *replacement vehicles* for wrecked or disabled vehicles, by use of wrecker equipment only, between points in AL, CT, DE, FL, GA, IL, IN, KY, MA, ME, MD, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 127019 (Sub-17), filed June 8, 1981. Applicant: LA RUE LAMB TRUCKING, INC., P.O. Box 374, Myton, UT 94052. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *commodities in bulk* between points in the U.S., under continuing contract(s) with Halliburton Services, a Division of Halliburton Company, of Duncan, OK.

MC 133178 (Sub-5), filed June 9, 1981. Applicant: PAPER CARGO CORPORATION, P.O. Box 13, Grandville, MI 49418. Representative: Gregory G. Prasher, 700 Commerce Building, Grand Rapids, MI 49503, 616–459–9487. Transporting (1)(a) *pulp, paper and related products*, (b) *rubber and plastic products*, and (c) *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with James River Corporation, of Richmond, VA, and its subsidiaries (a) James River Paper Co., Papermaking Division, of Richmond, VA; (b) James River Paper Co., Converting Division, of Richmond, VA; (c) James River-Pepperell, Inc., of East Pepperell, MA; (d) James River-Fitchburg, Inc., and James River-Massachusetts, Inc., both of Fitchburg, MA; (e) Curtis Paper Division Newark, Delaware Mill, of Newark, DE; (f) Curtis Paper Division of Ypsilanti, Michigan Mill, of Ypsilanti, MI; (g) James River-Rochester, Inc., Rochester Division, of Rochester, MI; (h) James River-Rochester, Inc., Adams Division, of Adams, MA; (i) Riegel Products Corporation, of Milford, NJ; (j) James River-Otis, Inc., of Jay, ME; (k) James River Graphics, Inc., of South Hadley, MA; (l) James River Corporation, of Kalamazoo, MI; (m) James River Corporation Berlin-Gorham Group, of Berlin, NH; (n) James River Corporation Patapar Division, of Bristol (Edgely), PA; (o) Superior Match Co., Div., of James River Corporation, of Chicago, IL; and (p) James River-Gilco, Inc., of Perrysberg, OH; and (2) *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with Louis Padnos Iron & Metal Co., of Holland, MI and National Fibre Supply Company, of Chicago, IL.

MC 134838 (Sub-30), filed June 9, 1981. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, GA 30080. Representative: Walter S. Wallace (same address as applicant), (404) 794–2401. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of precast concrete products and electrical and telephonic relay equipment, between the facilities of Southeast Precast Concrete Products, Inc., at Tucker, GA, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 135068 (Sub-2), filed June 1, 1981. Applicant: PAULK'S MOVING & STORAGE, INC., 724 North Kraft Avenue, Panama City, FL 32401. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Washington, DC 20036, 202–785–0024. Transporting *household goods*, as defined by the Commission, (1) between points in FL and GA on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, MD, DE, NC, SC, GA, FL, AL, MS, LA, TX, AR, OK, TN, NM, KS, CO, and DC, and (2) between points in CT, NY, NJ, and PA, on the one hand, and, on the other, points in VA, NC, SC, TN, NM, KS, AL, MS, LA, AR, TX, OK, and TN.

MC 136899 (Sub-56), filed June 8, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *machinery*, between the facilities of Control Data Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139018 (Sub-2), filed June 11, 1981. Applicant: GUNTER BROTHERS, INC., 19060 Frager Road, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Cascade Asphalt Sealing Co., of Tacoma, WA.

MC 142368 (Sub-35), filed June 3, 1981. Applicant: DANNY HERMAN TRUCKING, INC., P.O. Box 3048, Pomona, CA 91766. Representative: John Ruggles (same address as applicant), (800) 251–7500. Transporting *such commodities* as are dealt in or used by (a) precious metal reclaiming or processing companies and (b) scrap film processing or salvaging companies, between point in the U.S.

MC 145468 (Sub-47), filed June 8, 1981. Applicant: KSS TRANSPORTATION CORP., Rt. 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *food and related products*, between points in IA, KS, NE, MO, SD, MN, WI, OH, and IL, on the one hand, and, on the other, points in the U.S.

MC 145559 (Sub-11), filed June 4, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of tires, between points in the U.S., under continuing contract(s) with The Firestone Tire and Rubber Co.

MC 146689 (Sub-10), filed June 10, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, 717–236–9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, Housewares & Audio Business Division, of Bridgeport, CT.

MC 147259 (Sub-16), filed June 8, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 Van Dam Road, South Holland, IL 60473, (312) 596–9200. Transporting *transportation equipment* between points in AL, AR, CA, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI, on the one hand, and, on the other, points in AL, AR, CA, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI.

MC 147528 (Sub-6), filed June 4, 1981. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701 (208) 343–5454. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (a) Idaho Timber Corporation, The Masonry Center, Inc., Terry Kirby d/b/s/ Craft Stoves, and Pressure Treated Timber Company, all of Boise, ID, (b) Aluma-Glass Industries, Inc., of Nampa, ID, and (c) Inland Glass Company, of Pasco, WA.

MC 150239 (Sub-6), filed June 10, 1981. Applicant: PACESETTER TRANSPORT DIVISION, EDGEMERE TERMINALS, INC., 8004 Stansbury Rd., Baltimore, Md 21222. Representative: Chester A Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005, 202–296–3555. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151049 (Sub-1), filed June 8, 1981. Applicant: ED WIERSMA TRUCKING, 239 Holborn Drive, Kitchener, Ontario, Canada, N2A 2W4. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167 (313) 349–3980. In foreign commerce only, transporting *lumber and wood products*, between ports of entry on the international boundary line between the United States and Canada in MI and NY, on the one hand, and, on the other, points in the U.S.

MC 151409 (Sub-1), filed June 4, 1981. Applicant: ROBERT BALO TRUCKING, Savageton Rt. S245, Gillette, WY 82716. Representative: Robert Balo (same address as applicant) (307) 686–3723. Transporting (1) *machinery*, between points in WY, MT, CO, SD, UT, ID, NE, and ND, (2)(a) *petroleum, natural gas and their products*, and (b) *chemicals and related products*, between Kansas City, KS, and points in WY, MT, CO, SD, NE, and UT, and (3) *compost*, between points in Eaton and Campbell Counties, WY, on the one hand, and, on the other, points in CO, WY, MT, and SD.

MC 153328 (Sub-7), filed June 11, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: G. H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701 (314) 335–6636. Transporting *transportation equipment*, between points in Stoddard County, MO, Fayette County, AL, Drew County, AR, and Bartholomew, Jennings, Johnson and Marion Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 156258, filed June 1, 1981. Applicant: TRAILS END TRUCKING, INC., Route 1, Box 9C, Orting, WA 98360. Representative: Jack R. Davis, 1100 IBM Bldg. Seattle, WA 98101, (206) 624–7373. Transporting (1) *such commodities* as are dealt in or used by manufacturers, distributors, and suppliers of clothing, between points in WA and UT, on the one hand, and, on the other, points in WA, OR, CA, UT, CO, MN, OH, IL, PA, NY, MA, NJ, RI, CT, and Teton County, WY, (2) *such commodities* as are dealt in or used by manufacturers, distributors, and suppliers of ceramic tile, between points in Spokane County, WA, on the one hand, and, on the other, Portland, OR, points in King County, WA, and points in CA, and (3) *food and related products*, between points in King and Pierce Counties, WA, on the one hand, and, on the other, Denver, CO Milwaukee, WI, and Los Angeles, CA.

MC 156408, filed June 8, 1981. Applicant: SOUTHWEST CANNERS, INC., P.O. Box 862, Portales, NM 88130. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4106. Transporting (1) *metal products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in NM and TX, (2) *clay, concrete, glass or stone products*, between points in Okmulgee County, OK, on the one hand, and, on the other, points in NM and TX, and (3) *such commodities* as are dealt in or used by manufacturers and distributors of soft drinks, (a) between points in TX, on the one hand, and, on the other, points in Laramie and Albany Counties, WY, and (b) points in Taylor County, TX, on the one hand, and, on the other, points in CO, NM, and OK.

MC 156478, filed June 8, 1981. Applicant: WILLIS J. OLSON, d.b.a., TRIPLE OH TRANSPORTATION, 8162 San Pablo Dr., Buena Park, CA 90620. Representative: Milton W. Flack, 8383 Wilshire Blvd., Beverly Hills, CA 90211, (213) 655–3573. Transporting (1) *rubber and plastic products*, (2) *transportation equipment*, (3) *water flotation devices*, and (4) *sporting and athletic goods*, between points in the U.S., under continuing contract(s) with Foam Molders & Specialties, of Cerritos, CA, and (5) *such commodities* as are dealt in by manufacturers and distributors of water flotation devices and plastic products, between points in the U.S., under continuing contract(s) with Environmental Plastics & Engineering Co., of Dana Point, CA.

[FR Doc. 81-19383 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-187]

Motor Carriers Permanent Authority Decisions; Decision-Notice

Decided: June 24, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the

service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Agatha L. Mergenovich,

Secretary.

MC 156541, filed June 8, 1981. Applicant: GERALD W. REN, d.b.a. G.W. TRUCKING, RD 1, Box 123, Pine Island, NY 10969. Representative: John P. Healy (same address as applicant), (914) 726–4120. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156801, filed June 10, 1981. Applicant: FORT PITT CONSOLIDATORS INC., 1601 Penn Ave., P.O. Box 86018, Pittsburgh, PA 15221. Representative: Maury S. Sheer (same address as applicant), (412) 731–7200. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-19361 Filed 6-30-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Any status inquiries should be directed to 202–275–7326.

Volume No. OPY–2–111.

Decided: June 23, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC–3252 (Sub-118), filed June 12, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, 617–749–6500. Transporting *commodities in bulk*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, KY, and PA.

MC 38403 (Sub-5), filed June 12, 1981. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Court Industrial Dr., Kirkwood, MO 63122. Representative: H. Barney Firestone, 10 S. LaSalle St., Chicago, IL 60603, (312) 263–1600. Transporting *food and related products*, between St. Louis, MO, and points in Washington, Marion, and Crawford Counties, IL, on the one hand, and, on the other, points in MO, IA, IN, WI, KS, and OH.

MC 120633 (Sub-6), filed June 12, 1981. Applicant: SPECIALIZED CARRIERS, INC., d.b.a. LE-BUR TRANSPORTATION CO., 16223 I–10 East, Houston, TX 77013. Representative: Joe G. Finder, 9601 Katy Freeway, Suite 320, Houston, TX 77024, 713–827–1407. Transporting (1) *Mercer commodities*, (2) *metal products*, and (3) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in TX. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration No. MC–120633 Sub 1.

MC 124212 (Sub-114), filed June 16, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O.

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Box 30248 Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 888–6500. Transporting *lumber and wood products*, between points in VA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, WV, and DC.

MC 144572 (Sub-55), filed June 16, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St. Ste. 2800, Denver, CO 80202, 303–892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Land O'Lakes, Inc., of Spencer, IA.

MC 145362 (Sub-3), filed June 12, 1981. Applicant: NORTHEAST PRODUCE TRANSPORT, INC., 135 Skyline Drive, Ringwood, NJ 07456. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, 914–835–4411. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT.

MC 147402 (Sub-7), filed June 16, 1981. Applicant: WACO DRIVERS SERVICE, INC., 136 Atando Ave., Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, 404–321–1765. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Piedmont Mop Company, of Charlotte, NC.

MC 148423 (Sub-15), filed June 12, 1981. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153273 (Sub-2F), filed June 11, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine St., Green Bay, WI 54305. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *food and related products*, between points in the U.S., under continuing contracts) with Gordon Food Services, Inc., of Grand Rapids, MI.

Volume No. OPY–4–216

Decided: June 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156497, filed June 12, 1981. Applicant: AAA GEORGIA MOTOR CLUB d.b.a. AAA WORLD WIDE TRAVEL AGENCY, 1100 Spring St., N.W., Atlanta, GA 30367. Representative: John L. Girard (same address as applicant), (404) 875–7171. As a broker, at Atlanta, GA, to arrange for the transportation by motor vehicles, *of passengers and their baggage*, in special or charter operations, beginning and ending at Atlanta, GA, and extending to points in the U.S. including AK and HI.

MC 156527, filed June 8, 1981. Applicant: A. B. TRANSFER, INC., 17031 Green Dr., City of Industry, CA 91745. Representative: Armando M. Bernal (same address as applicant), (213) 912–6921. Transporting *furniture and furniture parts*, between points in AZ, CA, NV, OR and WA.

MC 156537, filed June 11, 1981. Applicant: CARBEC, INC., 108 Montcalm, N., Candiac, Quebec, Canada. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives), between points in NY, VT, NJ, PA, MD, DE and CT.

Volume No. OPY–4–218

Decided: June 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 109887 (Sub-2), filed June 16, 1981. Applicant: WEST END MOVING & STORAGE, INC., 241 Pine St., Bridgeport, Ct 06605. Representative: James C. Hardman, 33 N. LaSalle, St., Chicago, IL 60602, (313) 236–5944. Transporting *Household goods* and *furniture and fixtures*, between points in the U.S.

MC 134637 (Sub-7), filed May 27, 1981, and previously noticed in the **Federal Register** issue of June 11, 1981, and republished this issue. Applicant: SILICA TRANSPORT, INC., West Market St., P.O. Box 232, Guion, AR 72540. Representative: Kay L. Matthews, 401 Kane Bldg., Little Rock, AR 72201, (501) 376–8363. Transporting *commodities in bulk and in bags*, (1) between points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, VA, and WY, and (2) between points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, VA, and, WY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the commodity description.

MC 142757 (Sub-9), filed June 11, 1981. Applicant: ROBERTSON TRUCKING, INC., Drawer 100, 305 Grant St., Elkhart, KS 67950. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *Chemicals and related products*, between points in KS, OK, TX, NM, CO, and NE.

MC 145747 (Sub-9), filed June 16, 1981. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Ave., Dearborn, MI 48120. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *commodities in bulk*, between points in Mason County, WV, on the one hand, and, on the other, points in IN, KY, MO, OH, and PA.

MC 147117 (Sub-3), filed June 16, 1981. Applicant: W. B. CUDDEBACK, 12024 Woodside Ave., Lakeside, CA 92040. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *general commodities*, (except Classes A and B explosives) between points in the U.S. under continuing contract(s) with U.S. Elevator Corp., of Spring Valley, CA.

MC 147607 (Sub-4), filed June 16, 1981. Applicant: OFFUTT TRUCKING CO., Box 128, Glyndon, MN 56547. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten So. Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ronald Offutt and Son, Inc., and Taggares Enterprises, Inc., d.b.a Chef Reddy Foods, MN, both of Park Rapids, MN.

MC 151107, filed June 16, 1981. Applicant: MICHAEL ARTON TRANSPORTERS, INC., 1113 Clay, Scott, LA 70583. Representative: Robert L. Boese, P.O. Drawer 2879, Lafayette, LA 70502, (318) 233–6200. Transporting *passengers and their baggage*, between points in LA, on the one hand, and, on the other, points in MS and TX.

MC 152007 filed June 9, 1981. Applicant: JEROME WEISS, d.b.a. WOLVERINE REFRIGERATED TRUCKING SERVICE, 1055 E. Flamingo, Suite 614, Las Vegas, NV 89109. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5649. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in NV.

MC 152427, filed June 16, 1981. Applicant: NASHVILLE & ASHLAND CITY TRUCK LINE, INC., 2400 Heiman St., Nashville, TN 37208. Representative: William Prentice Cooper, 18th Floor, Third National Bank Bldg., Nashville, TN 37219, (615) 244–140. Transporting *general commodities* (except classes A and B explosives), between Memphis, TN, on the one hand, and, on the other, those points in MS on and north of U.S. Hwy 80, those in MO on, south, and east of a line beginning at the IL–MO State line and extending along MO Hwy 72 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO–AR State line, and points in AR, KY, TN, AL, and GA.

MC 154667 (Sub-2), filed June 16, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228–2239. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with GKN Automotive Components, Inc., of Southfield, MI.

MC 154867 (Sub-3), filed June 16, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products*, between Waupun, WI, on the one hand, and, on the other, points in the U.S.

MC 155997 (Sub-1), filed June 11, 1981. Applicant: C & W FREIGHT SERVICES, INC., P.O. Box 311, Park Ridge, NJ 07656. Representative: Anthony T. Csaszar (same address as applicant), (201) 391–4588. Transporting (1) *food and related products*, (2) *rubber and plastic products*, (3) *metal products*, and (4) *machinery*, between points in ME, NH, VT, RI, MA, CT, NY, NJ, MD, DE, and VA.

MC 156347, filed June 16, 1981. Applicant: TOOTSIE ROLL EXPRESS, INC., 7401 South Cicero Ave., Chicago, IL 60629. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tootsie Roll Industries, Inc., of Chicago, IL.

MC 156487, filed June 8, 1981. Applicant: RAY RODRIGUES d.b.a. RAY'S TRUCKING, 4578 Mayfield Ct., Fremont, CA 94536. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting (1) *a salt and salt products*, (b) *salt-based mineral products*, (c) *electrical equipment*, and (d) *machinery*, between points in CA, WA, OR, NV, UT and AZ, and (2) *a forest products*, and (b) *lumber and wood products*, between points in WA, OR and CA.

MC 156517, filed June 11, 1981. Applicant: GILLIAM TRUCKING, INC., 20299 Valley Blvd., P.O. Box 1005, — Colton, CA 92324. Representative: William Gilliam (same address as applicant), (714) 877–5591. Transporting *such commodities* as are manufactured and distributed in the music industry, between points in CA, AZ, IN, IL, NJ, NY, OH, PA, MN, VA, GA, and TX.

MC 156557, filed June 16, 1981. Applicant: CHEROKEE WAREHOUSE, INC., d.b.a. CHEROKEE TRUCKING, 520 W. 31st St., Chattanooga, TN 37410. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756–3620 Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, KY, MS, NC, SC, TN and VA.

MC 156567, filed June 17, 1981. Applicant: WILLIAM M. DOI, d.b.a. INTERNATIONAL FREIGHT SERVICE CO., 1586 Trumbower St., Monterey Park, CA 91754. Representative: William M. Doi (same address as applicant), (213) 572–9113. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 156587, filed June 16, 1981. Applicant: JACK C. ANDERSON, 19415 94th St. East, Sumner, WA 98390. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *mobile and modular homes*, between points in WA, OR, and ID.

MC 156597, filed June 17, 1981. Applicant: LAKESIDE TRAVEL, INC., 113 Lake St., White Plains, NY 10604. Representative: Ronald Bianchi, 281 Halsted Ave., Harrison, NY 10528, (914) 835–1008. To engage in operations, in interstate or foreign commerce as a *broker*, at White Plains, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between New York, NY, and points in Westchester, Rockland and Nassau Counties, NY, Fairfield County, CT, and those in Bergen, Passaic, Morris, Essex, Hudson and Union Counties, NJ, on the one hand, and, on the other, points in the U.S., including AK and HI.

FR Doc. 81–19286 Filed 6–30–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

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issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Williams not participating.)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–219.

Decided: June 24, 1981.

MC 156577, filed June 16, 1981. Applicant: R.L.N. TRAFFIC UNLIMITED, INC., 1018 W. Polk St., Chicago, IL 60607. Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603, (312) 263–2397. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–217

Decided: June 24, 1981.

MC 156477, filed June 11, 1981. Applicant: TRANS-CONSOLIDATED, INC., 240 Chester St., St. Paul, MN 55107. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927–8855. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–19236 Filed 6–30–81; 8:45 am]
BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–87]

Certain Coin-Operated Audio-Visual Games and Components Thereof; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On June 25, 1981, the Commission issued an Action and Order and Opinion in the above-captioned investigation. The Commission ordered that certain coin-operated audio-visual games, kits and components thereof which infringe complainants copyright or common-law trademark or bear false designation of origin be excluded from entry into the United States.

SUPPLEMENTRY INFORMATION: The Commission instituted this investigation and published notice thereof in the **Federal Register** of June 25, 1981 (45 FR 124) to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation into the United States and the sale thereof of certain coin-operated audio-visual games, kits and components thereof.

On June 9, 1981, at a public meeting, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain coin-operated audio-visual games, kits and components thereof which infringe complainant's copyrights or common-law trademark, or bear false designation of origin. The Commission determined that the appropriate remedy is an order directing that the articles in question be excluded from entry into the United States.

Copies of the Commission's Action and Order, the Commission Opinion, and any other public documents on the record in this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0148.

Issued: June 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–19246 Filed 6–30–81; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 337–TA–105]

Certain Coin-Operated Audiovisual Games and Components Thereof (viz Rally-X and Pac Man); Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 17, 1981, supplemented by submissions filed on April 30, 1981, May 7, 1981, June 15, 1981, and June 17, 1981 under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Midway Mfg., Co., 10750 W. Grand Avenue, Franklin Park, Illinois 60131. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain coin-operated audiovisual games and components thereof into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademarks PAC MAN and RALLY-X, and (2) infringement of complainant's copyrights covering the audiovisual works for the PAC MAN and RALLY-X games. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, during the pendency of the investigation, the Commission issue both a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and a temporary cease and desist order; and, after a full investigation, issue both a permanent exclusion order and a permanent cease and desist order.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and § 210.12 of the Commission's Rules of Practice and Procedure.

Scope of the Investigation

Having considered the complaint, the U.S. International Trade Commission, on June 23, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain coin-operated audiovisual games and components thereof into the United States, or in their sale, by reason of the alleged (1) infringement of complainant's common law trademarks PAC MAN and RALLY-X and (2) infringement of complainant's copyrights covering the audiovisual works for the PAC MAN and RALLY-X games, the effect or tendency of which is to destroy or substantially injury an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Midway Mfg. Co., 10750 W.Grand Avenue, Franklin Park, Ill. 60131.

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

Kyugo Company, Ltd., 2–6–14 Higashiyama, Maguro-Ku, Tokyo, Japan
Ohtsu International, Inc., Tochi Bldg., 50–13, Higashi-Ikebukuro 2-Chome, Toshima-Ku, Tokyo 170, Japan
Nippon Semicon, Inc., Casa Nishi-Shinjuku Bldg., 15–4, 6-Chome Nishi-Shinjuku, Shinjuku-Ku, Tokyo, Japan
ATA Electronic, Ltd., 4th Floor, No. 14, 6th Bldg., West 3 Street N.E.P.Z., Kaohsiung, Taiwan
Friend Spring Industrial Co., Ltd., No 323, Son San Road, Taipei, Taiwan
Carlin Tiger Shokai, Ltd., Room 505, Mita Keio Busidence Bldg., 2–14–4, Mita, Minato-Ku, Tokyo, Japan
Karateco, 211, Villa Akasaka, 6-Chome, 10–45, Akasaka Minato-Ku, Tokyo 107, Japan
Seagull Industries Co., Ltd., Room 705, Kyuwa Mita, Disidence No. 2–1 Mita, 3-Chome, Minato-Ku, Tokyo, Japan
Formosa Products Industrial Corp., 58, Li Ming Road, San Ming Dist., Kaohsiung, Taiwan
Sp-World-Amusement Co., Ltd., Shimada Bldg., 26–1, Higashi, Nigiwai-cho, Minami-ku, Osaka, Japan
Eastern Distributing Co., P.O. Box 709, Clemmons, N.C. 27012
Shoei, Co., Ltd., 3–9 Tenjincho 4-Chome, Fuchu-Shi, Tokyo, Japan
Morrison Enterprises Corp., 143 Kung Kuan Road, Taichung, Taiwan 400
International Scientific Co., Ltd., 3–4–10 Koyasu-Cho, Hachioji City, Tokyo, Japan
Stan Rousso, Inc., 2277 W. Pico Boulevard, Los Angeles, Calif. 90006
Sepac Co., Ltd., Mauruyo No. 201, 3103 Sumiyoshico, Nakaku, Yokohama, Japan
Jay's Industries, 1201 Lakewood Road, Toms River, N.J. 08753
Sutra Import Corp., 485 Brown Court, Oceanside, N.Y. 11572
Mike Munves Corp., 30 Horton Avenue, New Rochelle, N.Y. 10801
Artic International, Inc., 550 Route 22, Bridgewater, N.J. 08807
Loson Electrical Co., No. 1 Alley, 21 Lane 24, Section 5, Yen-Ping North R., Taipei, Taiwan
Taito Hawaii Corp., Suite 501, 2155 Kalakaua, Honolulu, Hawaii 96815
Taito of Japan, 2–5–3 Hirakawa-cho, Chiyoda-Ku, Tokyo, Japan
David Kamen, d.b.a. K&K Games, 417 North Lincoln Street, Bloomington, Ind. 47401
Eiko Kogyo Co., Ltd., Tomoeya Bldg., No. 22 Kanda, Tomiyamo-cho, Chiyoda-Ku, Tokyo, Japan
Fernandez-Fun Factory, 91–246 Oihana, Ewa Beach, Hawaii 96706
K&K Industrial Services, 1314 S. King Street, Honolulu, Hawaii 96814
Jabras Trade Co., Ltd., P.O. Box 160, Shinjuku, Matsui Bldg., 32–10, 3-Chome, Shinjuku-Ku, Tokyo, Japan
Noma Enterprises, Room 902, 14–5 Mita 2-Chome, Minato-Ku, Tokyo, Japan
Omni Video Games, Inc., 66 Illinois Avenue, Warwick, R.I. 02888
Chens International, Inc., 39–R Thompson Street, Winchester, Mass. 01890
Ferncrest Distributors, Inc., 66 Illinois Avenue, Warwick, R.I. 02888
Bernard Shapiro, d.b.a. Bernie's Specialty, 1003 East Camelback, Phoenix, Az. 85014
Sutra West, 12437 East Putnam, Whittier, Calif. 90602
Penn Regal Vending Co., 304 Camer Drive, Cornwells Heights, Pa. 19020

(c) Samuel Bailey, Jr., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to § 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey, Jr., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1273.

Issued: June 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–19246 Filed 6–30–81; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 337–TA–82A]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof; Investigation, Scope and Procedures for Conduct of Investigation, Schedule for Filing Written Submissions on Relief, Bonding, and the Public Interest, and requesting a Public Hearing

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337; request for written submissions regarding relief, bonding, and the public interest.

SUMMARY: On March 23, 1981, the Commission determined by a 3-to-1 vote (Commissioner Stern dissenting) that there is a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain multi-ply headboxers and papermaking machine forming sections for the continuous production of paper and components thereof which infringe and contribute to or induce the infringement of claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269 and claims 4, 5, and 6 of U.S. Letters Patent 3,923,593, the tendency of which is to substantially injure a domestic industry efficiently and economically operated in the United States. Having also determined that the statutory public-interest considerations did not preclude relief and that an exclusion order was the appropriate remedy, the Commission subsequently issued an order barring the subject merchandise from entry into the United States for the remaining term of the patents, except under license, but permitting the excluded articles to enter under a 100 percent *ad valorem* bond until such time as the President approved or disapproved the Commission's action. (46 FR 22063; see

also USITC Publication 1138 (April 1981).)[1]

On June 8, 1981, the President disapproved the Commission's determination for policy reasons relating to the scope of the exclusion order and its potential adverse impact. Although the President disapproved the Commission's determination, he pointed out that such disapproval did not mean that the patent holder was not entitled to relief, and that an exclusion order directed only to the products of the respondents or a narrowly drawn cease and desist order would have been justifiable and appropriate in light of the facts and circumstances in this case. Lacking the authority to revise the Commission's remedy, the President urged the Commission to take such action expeditiously on its own initiative. (See 46 FR 32361.)

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.10(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.10(b)).

Scope of the Investigation

As a result of the President's disapproval of the Commission's determination in the matter of certain headboxes and papermaking machine forming sections for the continuous production of paper, and the components thereof, investigation No. 337–TA–82, and on the basis of the recommendation contained in the statement of disapproval, on June 23, 1981, the U.S. International Trade Commission ordered (Commissioner Stern dissenting) that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), an investigation be instituted to determine whether there is a violation of subsection (a) of this section in the unauthorized importation of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, into the United States, or in their sale, because (1) such headboxes and papermaking machine forming sections are allegedly covered by claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269, claims 4, 5, and 6 of U.S. Letters Patent No. 3,923,593, and (2) such components allegedly contribute to and induce infringement of the aforementioned claims of the patents, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Beloit Corporation, 1 St. Lawrence Avenue, Beloit, Wis. 53511.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the notice of investigation is to be served:

Aktiebolaget Karlstads, Mekaniska Werkstad, Fack S–651 01, Karlstad Sweden

KMW Johnson, Inc., 5821 Park Road, Charlotte, N.C. 28209

(c) Louis S. Mastriani, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 132, Washington, D.C. 20436, shall be the Commission Investigative Attorney, and a party to this investigation.

SUPPLEMENTARY INFORMATION: (1) The new investigation encompasses the same issues, parties, and subject matter as investigation No. 337–TA–82, except that—

(a) In the absence of new allegations of section 337 violations, or new evidence regarding the allegations which were the basis of investigation No. 337–TA–82, the new inquiry shall be limited to the issues of the appropriate remedy, the public interest, and the value of the bond, if any, which should be imposed during the 60-day period for review by the President,

(b) Scott Paper Co., a nominal participant and respondent in investigation No. 337–TA–82, has not been named as a party to the new investigation, and

(c) The only respondents are the KMW companies listed above.

(2) The evidence and information concerning the elements of a section 337 violation, (i.e., the unfair trade practices and unfair methods of competition alleged, the domestic industry affected, the efficiency and economy of its operations, and the effect or tendency of the unfair acts and methods to destroy or substantially injure the domestic industry) which are on the record developed during the course of investigation No. 337–TA–82, shall be incorporated into the record developed in this new proceeding by reference.

(3) No issue concerning the violation of section 337 which was previously addressed in connection with investigation No. 337–TA–82, shall be relitigated by the parties unless—

(a) Within twenty (20) days after the date on which the new investigation is instituted, a party files a petition which either alleges new violations of section 337 or presents new evidence concerning the previously alleged violation and shows good cause for relitigating the issues in question, and

(b) The Commission grants the petition.

Written Submissions on Remedy, Bonding and the Public Interest

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public-interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury.

In order to give greater focus to the Commission's deliberations in connection with this investigation, interested members of the public and other government agencies are invited to submit written comments and the parties to the investigation and the Commission ivestigative attorney are required to file briefs discussing (1) the appropriate remedy, if any, (2) the impact that such relief would have upon the public-interest considerations enumerated above, and (3) the amount of the bond, if any, which should be imposed during the 60-day period for the President to review the Commission's determination.

Request for Hearing

No public hearing is presently scheduled in this matter, however written requests for such a hearing will be considered by the Commission. Such requests must be received by the Office of the Secretary within 2 weeks after the date on which this notice is published. The requests must state in detail the reasons why a hearing is necessary and the reasons why the issues in question cannot be addressed adequately by means of written submissions. If the Commission grants such requests, the hearing will be held on or about Tuesday, August 18, 1981.

Additional Information

The original copy and 11 true copies of all written comments and briefs must be filed with the Office of the Secretary no later than August 11, 1981. Any person desiring to discuss confidential information at the hearing (if such proceedings are requested and the Commission grants the request), or to submit a document (or a portion thereof) to the Commission in confidence, must request *in camera* treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for *in camera* treatment will be treated accordingly. All nonconfidential written submissions filed pursuant to this notice, as well as all nonconfidential documents on the record of investigation No. 337–TA–82 in the matter of certain headboxes and papermaking machine forming sections for the continous production of paper, and components thereof will be available for public inspection at the Secretary's Office during official business hours (8:45 a.m. to 5:15 p.m.).

FOR FURTHER INFORMATION CONTACT: Louis S. Mastriani, Esq., U.S. International Trade Commission, telephone 202–523–0489.

Issued: June 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc 81–19240 Filed 6–30–81; 8:45 am]

BILLING CODE 7020–02–M

[1] Chairman Alberger dissented from the majority's remedy determination, stating that a cease and desist order directed solely to the respondents found to be in violation would be more appropriate. See the Views of Chairman Bill Alberger regarding Remedy and the Public Interest, USITC Publication 1138 (April 1981).

[332–128]

The Implications of Recent Technological Changes on Watch Production; Investigation

AGENCY: International Grade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332–128 for the purpose of gathering and presenting information on the implications of technological changes on watch production. The emergence of electronic watches is having an impact on the entire watch industry and on conditions of competition and trade patterns in these products. This study will highlight recent developments in the watch industry, such as the introduction of low-priced quartz analog watches and significant drop in U.S. production of all watches, and will show the effect of these developments on the watch assembly industry in the U.S. Insular Possessions.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Walter S. Trezevant or Mrs. Cynthia Wilson, General Manufactures Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202–724–1719 or 202–724–1731).

Written Submissions.

Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than November 15, 1981. All submissions should be addressed to the Secretary of the Commission's office in Washington, D.C.

Issued: June 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–19250 Filed 6–30–81; 8:45 am]

BILLING CODE 7020–02–M

[332–73]

Release for Public Comment of Provisionally Adopted Chapters of the Harmonized Commodity Description and Coding System

AGENCY: International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332–73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System (Harmonized System) as provisionally adopted by the Harmonized System Committee and the Nomemclature Committee of the Customs Cooperation Council.

Chapter 39: Plastics and articles thereof
Chapter 40: Rubber and articles thereof
Chapter 50: Silk
Chapter 51: Wool, fine or coarse animal hair; horsehair yarn and woven fabric
Chapter 52: Cotton
Chapter 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
Chapter 54: Man-made filaments
Chapter 55: Man-made staple fibres
Chapter 56: Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof
Chapter 57: Carpets and other textile floor coverings
Chapter 58: Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
Chapter 59: Impregnated, coated, covered or laminated textile fabrics; elastic textile fabrics; textile articles of a kind suitable for industrial use
Chapter 60: Knitted or crocheted fabrics
Chapter 61: Articles of apparel and clothing accessories, knitted or crocheted
Chapter 62: Articles of apparel and clothing accessories, not knitted or crocheted
Chapter 63: Other made up textile articles; Worn clothing and worn textile articles: rags
Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered).

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Chapter 87: Vehicles other than railway or tramway rolling-stock, and parts thereof
Chapter 88: Aircraft and parts thereof
Chapter 89: Ships, boats, and floating structures
Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof
Chapter 91: Clocks and watches and parts thereof
Chapter 92: Musical instruments; parts thereof
Chapter 96: Miscellaneous manufactured articles[1]
Chapter 97: Toys, games and sports requisites; parts thereof

Written Submissions

Parties wishing to submit written comments should do so by July 30, 1981.

Hearing

Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized System should contact the Secretary of the Commission by July 15, 1981, and show good cause for holding a hearing.

Copies of Documents

Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523–0370.

SUPPLEMENTARY INFORMATION: In its public notices of February 8, 1980 (45 FR 9828 of February 13, 1980), March 21, 1980 (45 FR 19696 of March 26, 1980), and August 15, 1980 (45 FR 55549 of August 20, 1980) the Commission identified 68 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature committees of the Customs Cooperation Council. The purpose of the above mentioned notices was to invite comments and views of interested parties with respect to the 68 chapters.

Since the release of the August 15, 1980 notice, provisionally adopted texts of 25 further chapters have been published by the Customs Cooperation Council. This notice hereby amends the previous notice by adding these 25 new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332–73, instituted on January 31, 1975 (40 FR 6329), under section 332 (g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices. . . .

The Harmonized System is being developed by the Customs Cooperation Council (CCC), a 91-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized System will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

The Technical Team, working under auspices of the CCC, prepared drafts of the various chapters of the Harmonized System for consideration by the Harmonized System Committee, which was established in order to develop the system. These drafts were forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee met three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters often extended to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), September 5, 1979 (44 FR 53112 of September 12, 1979), January 28, 1980 (45 FR 7648 of February 4, 1980), February 1, 1980 (45 FR 8168 of February 6, 1980), May 20, 1980 (45 FR 36231 of May 29, 1980), May 23, 1980 (45 FR 36230 of May 29, 1980), and August 20, 1980 (45 FR 57228 of August 27, 1980) the Commission identified those chapters which had been considered by the Harmonized System Committee, and the chapters for which a Technical Team draft had been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwarded recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for the Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both committees are then held in abeyance pending final revision sessions. The Harmonized System Committee begin final revision sessions in May 1981.

The draft chapters released for public comment today have been provisionally adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure and are on the Harmonized System Committee's agenda for the October 1981 revision session. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized System, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized System for consideration by the interagency committee in the determination of U.S. proposals with respect to the Harmonized System. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

[1] Former chapters 95, 96, and 98.

Issued: June 24, 1981.
By order of the Commission:
Kenneth R. Mason,
Secretary.

[FR Doc. 81–19348 Filed 6–30–81; 8:45 am]
BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Office of Legal Policy Order No. 1; Office Organization

By the authority vested in me as Assistant Attorney General, Office of Legal Policy, by Attorney General Order No. 945–81, it is hereby ordered:

Office of Information Law and Policy. There is established, in the Office of Legal Policy, the Office of Information Law and Policy to be headed by the Director of Information Law and Policy. Under the general supervision and direction of the Assistant Attorney General, Office of Legal Policy, the Director shall:

(a) Advise executive agencies and organizational units of the Department on questions relating to interpretation and application of the Freedom of Information Act and advise the Department on questions relating to interpretation and application of the Privacy Act.

(b) Coordinate the development and implementation of and compliance with Freedom of Information Act policy within the executive agencies and all organizational units of the Department.

(c) Undertake, arrange, or support training and informational programs concerning both acts for the executive agencies and the Department.

(d) Undertake such other responsibilities as may be assigned by the Assistant Attorney General.

In addition, the Freedom of Information Committee is established to encourage compliance with the Freedom of Information Act throughout the executive branch. The Committee consists of Justice Department attorneys who were members of the Committee on the effective date of this provision and attorneys designated by the Director, Office of Information Law and Policy. However, attorneys in other organizational units of the Department shall be so designated only with the consent of the head of the other organizational unit. The Committee, through the Office of Information Law and Policy, shall provide assistance and encouragement to Federal agencies in complying with the letter and spirit of the Freedom of Information Act through training of Federal personnel and consultation with agencies on particular matters arising under the Freedom of Information Act. In consulting with agencies proposing to issue final denials under the Act, the Committee through the Office of Information Law and Policy shall, in addition to advising the agency with respect to legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of fullest responsible disclosure. The Office of Information Law and Policy may also undertake studies and make recommendations to carry out the intent of this order.

All Federal agencies which intend to deny requests for records under the Freedom of Information Act should consult with the Freedom of Information Committee through the Director of the Office of Information Law and Policy, to the fullest extent practicable, before litigation begins. After litigation begins, contacts regarding the matter should be primarily with the Civil Division or other component of the Department of Justice responsible for conducting the defense of the suit.

This order is effective as of May 24, 1981.

Dated: May 24, 1981.

Jonathan C. Rose,
Assistant Attorney General Office of Legal Policy.

[FR Doc. 81–19308 Filed 6–30–81; 8:45 am]
BILLING CODE 4410–01–M

NATIONAL CAPITAL PLANNING COMMISSION

Action of Agency SES Performance Review Board

Consistent with the Civil Service Reform Act of 1978, as amended by H. R. 7542, FY–80 Supplemental Appropriation Act, and supplemented by OPM Guidance in their memorandum of July 21, 1980, to Heads of Departments and Agencies regarding SES Performance Review Boards, the National Capital Planning Commission has approved the payment of one SES bonus during FY–1981. The Commission's schedule for payment of this bonus will be July 10, 1981, and is awarded for the SES performance year ending June 15, 1981.

For further information regarding SES Performance Review Board contact: Malcolm L. Trevor, Assistant Executive Director for Administration, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

Edward H. Rickels,
Records Management Officer.

June 26, 1981.

[FR Doc. 81–19294 Filed 6–30–81; 8:45 am]
BILLING CODE 7520–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel (Dance/Film/Video); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Dance Panel (Dance/Film Video Section) to the National Council on the Arts will be held on July 21–22, 1981, from 9 a.m.–5:30 p.m., in the 12th floor screening room of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 23, 1981.

[FR Doc. 81–19323 Filed 6–30–81; 8:45 am]
BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room

located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before July 31, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, notice herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day June 25, 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R., Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Destination
		element	isotope		
SWUCO Inventory Storage Co., 06/22/81, 06/23/81, ISNM81013.	1.63% thru 2.39% enriched uranium.	5,610.000	120.823	Feed material for enrichment.	From W. Germany
Transnuclear, 06/09/81, 06/10/81, ISNM81011.	1.15% enriched uranium.	18,400.00	211.60	Feed material for domestic use.	From France

[FR Doc. 81-19333 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Availability of Final Environmental Statement for Susquehanna Steam Electric Station

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement, related to the proposed operation of the Susquehanna Steam Electric Station, Units 1 and 2, located in Luzerne County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania. The Final Environmental Statement is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, Intergovernmental Relations Division, P.O. Box 1323, Harrisburg 17120, and the Northeast Pennsylvania Clearinghouse, Luzerne County Planning Commission, Courthouse, Wilkes-Barre, PA 18711.

The notice of availability of the Draft Environmental Statement for the Susquehanna Steam Electric Station which requested comments from interested persons was published in the **Federal Register** on July 6, 1979 (44 F.R. 39648).

The comments received from Federal, State, and local agencies, and interested members of the public have been included as appendices in the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0564) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 26th day of June 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-19334 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment increases the reactor shutdown margin requirement for operational mode 5 (cold shutdown).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 16, 1981, and supplemental letter dated November 26, 1980, (2) Amendment No. 64 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-19335 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-328]

Tennessee Valley Authority; Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-79, to Tennessee Valley Authority (licensee) which authorizes operation of the Sequoyah Nuclear Plant, Unit 2 (the facility), at reactor core power levels not in excess of 170 megawatts thermal (5 percent power) in accordance with the provisions of the license and the Technical Specifications.

The Sequoyah Nuclear Plant, Unit 2, is a pressurized water nuclear reactor located at the licensee's site in Hamilton County, Tennessee, about 9.5 miles northeast of Chattanooga. The license is effective as of the date of issuance for a period of one year.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on March 25, 1974 (39 FR 11131).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. DPR-79, complete with Technical Specifications; (2) the reports of the Advisory Committee on Reactor Safeguards dated December 11, 1979, July 15, 1980, September 8, 1980, and January 31, 1981; (3) the Commission's Safety Evaluation Report (NUREG-0011) dated March 1979, Supplement No. 1 dated February 1980, Supplement No. 2 dated August, 1980, Supplement 3 dated September 1980, Supplement 4 dated January 1981, and Supplement 5 dated June 1981; (4) the Final Safety Analysis Report and amendments thereto; (5) the Final Environmental Statement prepared by Tennessee Valley Authority in July 1974; (6) the Commission's Environmental Impact Appraisal dated May 1979; (7) NRC Flood Plain Review of Sequoyah Nuclear Plant Site dated July 18, 1980; and (8) Discussion of the Environmental Effects of the Uranium Fuel Cycle dated September 3, 1980.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Facility Operating License No. DPR-79 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. A copy of item (3) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301-492-9530.

Dated at Bethesda, Maryland, this 25th day of June, 1981.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-19336 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-24, and Amendment No. 56 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments consist of a revised definition of operability and new specifications addressing limiting conditions for operation and inoperability of safety related systems due solely to loss of their normal or emergency power supplies. They also make various administrative changes to the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 19, 1980, (2) Amendment Nos. 50 and 56 to License Nos. DPR-24 and DPR-27, and (3) letter of April 10, 1980 from Darrel G. Eisenhut to all power reactor licensees. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch, No. 3, Division of Licensing.

[FR Doc. 81-19337 Filed 6-30-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11831]

June 25, 1981.

Massachusetts Financial High Income Trust, et al.; Notice of Filing of Application For an Exemption

Notice Is Hereby Given that Massachusetts Financial High Income Trust, Massachusetts Investors Trust, Massachusetts Investors Growth Stock Fund, Inc., Massachusetts Income Development Fund, Inc., Massachusetts Capital Development Fund, Inc., Massachusetts Financial Development Fund, Inc., Massachusetts Financial Bond Fund, Inc., Massachusetts Cash Management Trust, MFS Managed Municipal Bond Trust, MFS Tax-Exempt Money Market Trust (formerly Massachusetts Cash Management Trust II), Massachusetts Financial International Trust (formerly MFI Trust), Massachusetts Financial Services Company (collectively referred to as "Applicants") 200 Berkeley Street, Boston, Massachusetts 02116, each of which (with the exception of Massachusetts Financial Services Company) is registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on November 24, 1980, and amendments thereto on April 20, 1981, and June 12, 1981, pursuant to Section 6(c) of the Act for an Order of the

Commission declaring that Charles W. Schmidt shall not be deemed to be an "interested person", as that term is defined in section 2(a)(19) of the Act, of the Applicants, or their investment adviser or principal underwriter, Massachusetts Financial Services Company ("MFS"), by reason of his positions as director of The Boston Company, Inc. and of Boston Safe Deposit and Trust Company ("Boston Safe").

MFS serves as investment adviser to all Applicant investment companies and principal underwriter for all such Applicants except Massachusetts Cash Management Trust and MFS Tax-Exempt Money Market Trust. Mr. Schmidt is a director or trustee of each of the Applicants, with the exception of MFS.

Applicants state that it is anticipated that MFS or a successor organization will from time to time in the future organize and sponsor additional investment companies to be registered under the Act, and it is likely that Mr. Schmidt will be nominated to join the respective boards of directors or trustees of any such additional investment companies. It is anticipated that MFS or a successor organization will serve as investment adviser of, and/or principal underwriter for, any such additional investment companies. The Applicants, including any investment companies organized in the future by MFS or a successor to MFS, do not want to include Mr. Schmidt among the number of individuals serving as trustees or directors who are "interested persons" of Applicants under the Act.

Applicants state that Mr. Schmidt's principal occupation is President and Chief Executive Officer of S.D. Warren Company. He is also Senior Vice President of Scott Paper Company. He is a Director of the Boston Company, Inc., Boston Safe Deposit and Trust Company and Bird & Son, Inc.

Applicants state that in 1976 The Boston Company Financial Strategies, Inc. ("Strategies"), a wholly-owned subsidiary of The Boston Company, Inc. formed a subsidiary, TBCFS, Inc., which registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). TBCFS, Inc. commenced operations, subsequently changing its name to The Boston Company Investment Creation, Inc. ("Creation"). Applicants further state that in January, 1980, Strategies contributed its stock in Creation to The Boston Company Capital Group, Inc. ("Capital"), another wholly-owned subsidiary of The Boston Company, Inc. Capital was originally organized to effect venture capital and other specialized transactions. Capital was merged into The Boston Company, Inc., at the end of 1980, at which point Creation became a subsidiary of The Boston Company, Inc. Sections 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested person" of an investment company, an investment adviser, or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in the definition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person. Since Mr. Schmidt is a director of The Boston Company, Inc., which controls Creation, Mr. Schmidt could be deemed to be an "interested person" of Applicant investment companies, and their investment adviser and principal underwriter.

Applicants believe that the relationship of Mr. Schmidt with The Boston Company, Inc., Boston Safe, Strategies and Creation, the broker-dealer subsidiary, will not impair his independence in acting on behalf of Applicant investment companies and their shareholders. Applicants state that The Boston Company, Inc. is a holding company whose subsidiaries are engaged in providing resource management services. Applicants represent that Boston Safe is a long-established trust company engaged primarily in investment management and other trust company, fiduciary and related banking services. Boston Safe acts as Trustee for MFS' profit sharing and pension plans, but the Applicants assert that Boston Safe has no control over the investment of the assets of the plans. Applicants wish to point out that only MFS pays fees to Boston Safe. Further, MFS represents that the annual trustee fees which it pays to Boston Safe are *de minimis* when compared with Boston Safe's total annual revenues. Applicants state that Strategies currently provides financial planning and asset management services for wealthy individuals and families and is registered under the Investment Advisers Act of 1940. Creation's business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures. Because of the special nature of the type of investments which Creation is involved with, Applicants could not legally purchase or sell such investments from or through Creation because of investment restrictions, and Applicants do not intend to make any such investments. Moreover, Applicant investment companies have undertaken in their application not to transact any business with Creation.

Applicants represent that Mr. Schmidt is not a director or officer of Creation and therefore has no authority or responsibility for management of the operations of Creation. The Applicants assert that the operations of Creation do not create any conflicts of interest for Mr. Schmidt since even if he were actively involved with Creation, Applicant investment companies would not in the normal course and, as indicated in the application, have agreed not to in any event purchase or sell securities through Creation.

Applicants state that they believe that Mr. Schmidt is a person of recognized integrity, judgment, independence, and competence. Applicants are also of the opinion that Mr. Schmidt will be in fact an independent director or trustee and that it is in the best interests of Applicant investment companies that he be permitted to serve as such.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act conditionally or unconditionally if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Applicants understand that certain major shareholders of The Boston Company, Inc. have entered into an agreement in principle whereby, in pertinent part, a newly created subsidiary of Shearson Loeb Rhoades Inc. ("Shearson"), a registered broker-dealer under the Securities Exchange Act of 1934, would merge with The Boston Company, Inc. Applicants state that the consummation of this transaction is subject to a number of conditions, including approval of shareholders of The Boston Company, Inc. Notwithstanding any Order of the Commission issued pursuant to the instant application, in the event that the contemplated transaction, or one substantially similar to it, is consummated, the Applicants agree to treat Mr. Schmidt as an "interested person", as the term is defined in Section 2(a)(19) of the Act, of each Applicant until such time as the Commission may grant further appropriate exemptive relief, provided that (i) Mr. Schmidt remains a director of The Boston Company, Inc. and of Boston Safe and (ii) Shearson remains a registered broker-dealer under the Securities Exchange Act of 1934.

Notice is further given that any interested person may, not later than July 20, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-19310 Filed 6-30-81; 8:45 am]

BILLING CODE 8010-01-M

[812-4883; Rel. No. 11830]

INA Cash Fund, Inc.; Notice of Filing of Application for Order Exempting Applicant From the Provisions

June 25, 1981.

Notice is Hereby Given that INA Cash Fund, Inc. ("Applicant"), 3411 Silverside Rd., Wilmington, Delaware 19810, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on June 3, 1981, requesting an order of the Commission, puruant to Section 6 (c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio securities and instruments according to the amortized cost valuation method.

Applicant states that it is a "money market" fund designed as a no-load mutual fund which seeks to provide investors with preservation of capital, liquidity and, consistent with the foregoing objectives, the highest possible current income by investing in a broad range of money market instruments. Applicant represents that it invests in instruments consisting of securities issued or guaranteed by the United States Government or any of its agencies or instrumentalities, time accounts (largely certificates of deposit) in and bankers' acceptances of large domestic commerical and savings banks and savings and loan associations, short-term corporate debt including commerical paper and variable amount master demand notes, and repurchase agreements. In addition, Applicant asserts that it may invest in certificates of deposit of foreign branches of domestic commerical banks and engage in reverse repurchase agreements. Applicant states that, since it operations began in November 1979, its assets have been invested primarily in certificates of deposit of United States banks having total assets in excess of $1 billion, and in commerical paper, including variable amount master notes, rated "A–1" or "A–2" by Standard's & Poor's Corporation or "Prime–1" or "Prime–2" by Moody's Investor Service, Inc.

On July 29, 1980, the Commission issued an order (Investment Company Act Release No. 11279) pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share to the nearest one cent on a share value of one dollar. In its current application, Applicant states that it seeks to amend the prior order to permit it to value its securities according to the amortized cost valuation method.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portifolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant asserts that it has determined that many of its investors require a money market fund which (1) maintains a constant net asset value and (2) pays dividends that do not fluctuate on account of daily changes in the values of portfolio securities. Applicant states that it believes that its investors might be unfairly treated if Applicant were forced to price its portfolio in a manner which would produce artificial price and yield volatility for instruments which Applicant ordinarily expects to hold to maturity. Applicant represents that its Board of Directors believes that the extent of deviation from Applicant's $1.00 price per share can best be controlled without material dilution or other unfair results to investors if the Applicant values its portfolio using the amortized cost method rather than employing the current "penny-rounding" method.

Applicant states that, unless the relief here sought is granted, Applicant cannot achieve the dual objectives of its

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shareholders of maintaining a stable net asset value per share, and achieving a steady, more predictable yield. Applicant further states that, on the advice of its adviser and based on the adviser's experience, Applicant has determined that maintaining an average weighted portfolio maturity of 120 days or less will accomplish the aims of Applicant's investors by reducing the risk of significant volatility in the value of portfolio instruments and at the same time producing a yield commensurate with those available in the short-term money market. Applicant asserts that its Board of Directors has determined that in light of the characteristics of Applicant and subject to conditions set forth below, absent unusual or extraordinary circumstances, the amortized cost method of valuation is appropriate and preferable for the Applicant and will reflect the fair value of such securities.

Section 6(c) of the Act provides, in part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stablize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following duties and responsibilities:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes that the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize gains or losses, or to shorten the average maturity of the Applicant's portfolio; withholding or reducing dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will include in the minutes of Board of Directors' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 20, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–19311 Filed 6–30–81; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1995]

Ohio; Declaration of Disaster Loan

As a result of the President's major disaster declaration, I find that Morrow County and adjacent counties within the State of Ohio constitute a disaster area because of damage resulting from severe storms, tornadoes and flooding beginning on June 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 17, 1981, and for economic injury until close of business on March 16, 1982, at: Small Business Administration, District Office, Federal Building—U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 **Federal Register** 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated June 25, 1981

Donald R. Templeman.

[FR Doc. 81–19314 Filed 6–30–81; 8:45 am]

BILLING CODE 8025–01–M

[Delegation of Authority No. 10–A]

Associate Deputy Administrator; Delegation of Authority

Delegation of Authority No. 10–A reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Associate Deputy Administrator the following authority:

A. To serve as Acting Administrator in the event of absence, resignation or incapacity of the Administrator and Deputy Administrator with respect to the activities of the Small Business Administration, including any and all acts which I, as Administrator, am authorized to perform, including but not limited to issuing, modifying, or revoking delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

II. This delegation is not in derogation of any authority residing in the Deputy Administrator, the Associate Administrators or the Assistant Administrators of this Agency relating to the operations of their respective programs.

Effective Date: July 1, 1981.

Dated: June 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–19313 Filed —81; 8:45 am]

BILLING CODE 8025–01–M

[Delegation of Authority No. 1–A Revision 10]

Line of Succession to the Administrator; Delegation of Authority

Delegation of Authority No. 1–A (Revision 9) (46 FR 3104) is hereby revised to read as follows:

I. Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, authority is hereby delegated to the following officials in the following order:

1. Associate Deputy Administrator
2. Assistant Administrator for Policy, Planning and Budget
3. Associate Administrator for Financial Assistance to perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d) and 11 of the Small Business Act, as amended.

II. Anyone designated by the Administrator or Acting Administrator as acting due to a vacancy in one of the positions listed above remains in the line of succession; otherwise in the absence of one of the above, the authority moves to the next position.

III. This delegation is not in derogation of any authority residing in the above-listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not revoked or revised herein.

Effective date: July 1, 1981.

Dated: June 25, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–19317 Filed 6–30–81; 8:45 am]

BILLING CODE 8025–01–M

[License No. 09/12–0150]

Crocker Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Crocker Capital Corporation (CCC), 111 Sutter Street, San Francisco, California 94104, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.3(f) and Section 107.1004(b)(1) of the SBA Rules and Regulations, governing Small Business Investment Companies (13 FR 107.1004 (1981)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, CCC proposes to provide additional funds to Multisonic, Inc. (MI) a portfolio concern.

The proposed financing is brought within the purview of § 107.1004(b)(1) in that officers and directors of the licensee are also stockholders and Directors of MI and therefore considered associates of CCC as defined by § 107.3(f) of the Regulations.

Notice is hereby given that any interested person may, not later than July 13, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A similar notice will be published in the San Francisco area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 23, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment

[FR Doc. 81–19234 Filed 6–30–81; 8:45 am]

BILLING CODE 8025–01–M

[Proposed License No. 02/02–5248]

Croesus Securities, Ltd.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Croesus Securities, Limited (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
Donald M. Bachmann, 182-30 Aberdeen Rd., Jamaica Estate, N.Y. 11432.	Director and Chairman of Board of Directors.	10
George Wallace, 1600 S. Eades St., Arlington, Va. 22202.	President, Director and Chief Executive Officer.	80
Richard L. Schwartz, 35 Bethel Land, Commack, L.I., N.Y. 11725.	Director, Treasurer and Assistant Secretary.	10
William I. Abramson, 300 East 56th St., New York, N.Y. 10019.	Director and Secretary.	10
Nahum G. Shar, Two Grenfield Dr., Great Neck, N.Y. 11020.	Director, Executive Vice President.	10
Kenneth L. Larsen, 100 Beechwood Ave., Edison, N.J. 08837.	Director and Vice President.	10

The Applicant, a Delaware corporation, with its principal place of business at 1290 Avenue of Americas, New York, New York 10104, will begin operations with $1,507,000 of paid-in capital and paid-in surplus derived from the sale of 1,000 shares of common stock to the officers shown above.

The Applicant will conduct its activities principally in the State of New York. Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than July 16, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 23, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-19238 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5424]

Far East Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Far East Capital Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
Albert D. F. Chang, 3 Oakwood Dr., New Providence, N.J. 07974.	Director, President	50
Stephen S. Ko, 47 King Rd., Landing, N.J. 07850.	Director, Treasurer and Secretary.	50
Robert T. Chang, 36 Riceman Rd., Berkely Heights, N.J. 07922.	Director	

The Applicant, a New York corporation, with its principal place of business at 250 Broadway, New York, New York 10007, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stock to the officers above.

The Applicant will conduct its activities principally in the State of New York. Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than July 16, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 24, 1981.

Peter F. McNeish,

Acting Associate Administration for Investment.

[FR Doc. 81-19236 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposal No. 06/06-0248]

Western Venture Capital Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1980)), by Western Venture Capital Corporation, 4900 South Lewis, Tulsa, Oklahoma 74105 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, director, and stockholders are:

Name and address	Title and relationship	Percent of ownership
Gary L. Smith, 8315 South Quebec, Tulsa, Okla. 74136.	President and Director.	2.81
Thomas D. Gable, 5915 South Atlanta, Tulsa, Okla. 74136.	Secretary and Director.	
Larkin Bailey, 2110 East 30th St., Tulsa, Okla. 74114.	Director	10.67
John C. Bumgarner, Jr., 2145 East 27th St., Tulsa, Okla. 74114.	Director	2.81
G. Douglas Fox, 2411 East 24th St., Tulsa, Okla. 74114.	Director	
Leslie G. Goddard, 4040 East 77th St., Tulsa, Okla. 74136.	Director	2.81
Larry C. Houchin, 2415 East 28th St., Tulsa, Okla. 74114.	Director	
Virgil R. Reese, 1360 East 29th St., Tulsa, Okla. 74114.	Director	10.67
James W. Wallis, 2701 Trail Creed Rd., Edmond, Okla. 73034.	Director	5.62
Western National Bank, 4900 South Lewis, Tulsa, Okla. 74105.	Shareholder	10.67

The Applicant proposes to begin operations with a capitalization of $1,970,000 and will be a source of equity capital and long term loan funds for qualified small business concerns. The Applicant may render management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than July 16, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Tulsa, Oklahoma.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 23, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-19237 Filed 6-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-6/420]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on July 15, 1981, of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. to noon. The meeting will be held in the Lecture Room of the National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the results of the June 22-23 Meeting of the ICCP Experts Group and the government's program for publicizing the OECD Privacy Guidelines. There will also be further discussion of a U.S. position with respect to the international legal principles for transborder data flows tabled by the IBI Secretariat in May.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: June 26, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-19403 Filed 6-30-81; 8:45 am]

BILLING CODE 4710-07-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 126
Wednesday, July 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M–320, Amdt. 1, June 24, 1981]

Notice of addition and closure of item to the June 25, 1981 meeting agenda

TIME AND DATE: 9:30 a.m., June 25, 1981.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 17. Testimony on Sunset Legislation Before the Senate Subcommittee on Aviation (OGC).

STATUS: Open (Items 1–16), Closed (Item 17).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1013–81 Filed 6–29–81; 8:45 am]
BILLING CODE 6320–01–M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from June 30th open meeting

The following item has been deleted at the request of the Office of Commissioner Jones from the list of agenda items scheduled for consideration at the June 30, 1981 Open Meeting and previously listed in the Commission's Notice of June 23, 1981.

Agenda, Item No., and Subject

Common Carrier—4—*Title:* Bell System Procurement Practices (CC Docket No. 80–53); RM 3381 Bell Operating Company Procurement. *Summary:* The Commission will consider a proposal submitted by the Bell System companies in response to the Final Decision in Docket No. 19129. That decision, among other things, ordered the Bell System to submit changes in procurement practices that would ensure that Bell operating companies would not be biased toward Western Electric in equipment purchasing.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 26, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S–1018–81 Filed 6–29–81; 11:01 am]
BILLING CODE 6712–01–M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from June 30th open meeting

The following item has been deleted at the request of the Office of Commissioner Jones from the list of agenda items scheduled for consideration at the June 30, 1981, Open Meeting, and previously listed in the Commission's Notice of June 23, 1981.

Agenda, Item No., and Subject

Cable Television—1—*Title:* Petition for reconsideration of *Memorandum Opinion and Order in Docket 20640. Subject:* Fisher Broadcasting request for reconsideration of the Commission's decision declining to commence rulemaking looking toward rules that would require cable television systems to delete "pre-released" programming from foreign stations under the network nonduplication rules.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 26, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S–1016–81 Filed 6–29–81; 10:48 am]
BILLING CODE 6712–01–M

4

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from June 30, 1981 open meeting

The following item has been deleted at the request of the Chief, Broadcast Bureau from the list of agenda items scheduled for consideration at the June 30, 1981 Open Meeting, and previously listed in the Commission's Notice of June 23, 1981.

Agenda, Item No., and Subject

Broadcast—4—*Title:* Processing of noncommercial, educational FM station applications. *Summary:* The Commission will consider five alternatives in the processing of noncommercial, educational FM station applications pending the resolution of the FM-to-TV Channel 6 interference problem in Docket No. 20735.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 26, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S–1017–81 Filed 6–29–81; 10:48 am]
BILLING CODE 6712–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 22, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of an application of Bank of China, Beijing, The People's Republic of China, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 415 Madison Avenue, New York, New York.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–1015–81 Filed 6–29–81; 10:02 am]
BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 22, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding a request of First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania, for consent to change the submission dates of their Reports of Plans and Objectives and Interim Progress Reports.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–1014–81 Filed 6–29–81; 10:01 am]
BILLING CODE 6714–01–M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol No. 46, FR 32991, Thursday, June 25, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, June 30, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Tuesday, June 30, 1981.

Proposed Acquisition of Control of—Financial Federation Inc., Los Angeles, California by Great Western Financial Corporation, Beverly Hills, California and its wholly owned subsidiary, Great Western Savings and Loan Association, Beverly Hills, California-Merger of Eleven Insured Subsidiaries of Financial Federation Inc. into Great Western Savings and Loan Association.
No. 508, June 29, 1981.

[S–1020–81 Filed 6–29–81; 2:10 pm]
BILLING CODE 6720–01–M

8

FEDERAL RESERVE SYSTEM.

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR, 32550, Tuesday, June 23, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, June 29, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Request by the General Accounting Office for Board comment on a draft report concerning reporting requirements of the Bank Secrecy Act of 1970. (This matter was originally announced for a meeting on June 22, 1981).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

June 29, 1981.

James McAfee,
Assistant Secretary of the Board.

[S–1021–81 Filed 6–29–81; 2:43 pm]
BILLING CODE 6210–01–M

9

[1P0401]

PAROLE COMMISSION:

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

TIME AND DATE: 9:30 a.m., Wednesday, July 1, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSONS FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5926.

[S–1019–81 Filed 6–29–81; 11:22 am]
BILLING CODE 4410–01–M

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federal register

Wednesday
July 1, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

V 46 / 126 JL 1 81 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, NIH, under the November 1980 NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 77384).

EFFECTIVE DATE: July 1, 1981

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205 (301) 496–6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These proposed actions were published for comment in the **Federal Register** of March 20, 1981, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on April 23–24, 1981. In accordance with Section IV–E–1–b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Following this announcement, there appears in a separate section of the **Federal Register** the revised NIH Guidelines for Research Involving Recombinant DNA Molecules. These revised Guidelines differ from the version of the Guidelines promulgated on November 21, 1980 (45 FR 77384) by incorporating within them both the changes in the Guidelines which were recommended at the RAC meeting of January 8–9, 1981, and promulgated on March 12, 1981 (46 FR 16452), and the changes in the Guidelines which were recommended at the RAC meeting of April 23–24, 1981, and which are discussed in this announcement.

I. Revision of Guidelines for Recombinant DNA Experiments Involving Escherichia Coli K–12 and Saccharomyces Cervisiae Host-Vector Systems

Containment requirements and administrative procedures for the conduct of most recombinant DNA experiments involving EKl *Escherichia coli* strain k–12 and laboratory strain *Saccharomyces cerevisiae* host-vector systems have been specified in Section III–O of the Guidelines. The chairpersons of Institutional Biosafety Committees, at a meeting in Washington, D.C. on November 24–25, 1980, passed by a large majority a resolution that experiments currently covered by Section III–O should be made exempt from the Guidelines. The chairpersons felt that the risks associated with these experiments are negligible, and that exemption of experiments currently covered by Section III–O would reduce paperwork by approximately 90%.

This proposal was discussed by the RAC at its meeting on January 8–9, 1981. In "straw votes" at the meeting, an overwhelming majority of RAC members favored doing something to reduce materially or eliminate the paperwork and reporting functions for experiments covered by Section III–0; about half the RAC members felt serious consideration should be given to exempting entirely from the Guidelines experiments currently covered by Section III–0. The RAC requested that a series of options be developed and published for comment in the **Federal Register.** Accordingly, a series of options was published for comment in the **Federal Register** of March 20, 1981 (46 FR 17994), and considered at the April 23–24, 1981 meeting of the RAC.

Three major options were published for comment. Option A would have allowed review by an institutional official rather than requiring review by the IBC of experiments currently covered by Section III–0. Option B would have eliminated the registration and review requirements for experiments currently covered under Section III–0. Option C would have exempted from the Guidelines experiments currently covered by Section III–0. Under each of these three major options a series of suboptions was proposed for alternative ways of treating certain types of experiments which were already being treated differently from the majority of experiments under Section III–0. These are experiments involving the cloning in *E. coli* K–12 of DNA from Class 3 CDC agents, and experiments involving a deliberate attempt to have *E. coli* K–12 efficiently express a eukaryotic gene. Under Option C, additional suboptions were proposed regarding biological and physical containment, and large-scale experiments (i.e., greater than 10 liters of culture).

During the 30 day comment period, only one commentator responded referring to the proposed changes as "* * * an attempt to bring the Guidelines into a state of consistency with present evaluations of the potential for hazard in recombinant DNA experiments. As I see that evaluation, there is widespread agreement that experiments involving *E. coli* K–12 or *S. cerevisiae* host-vector systems will not generate harmful organisms. * * *" One commentator, who wrote after the comment period, was opposed to the proposed changes "until adequate risk assessment studies have been performed." The RAC discussed the proposed changes at its meeting on April 23. Dr. Edward Adelberg, Chairman, Yale University Institutional Biosafety Committee, summarized the concerns of the chairpersons of IBCs at their meeting in November 1980. He said that the chairpersons voted heavily in favor of an exemption for these experiments, but noted that any one of the three proposed options would greatly reduce what was considered unnecessary paperwork. The RAC then discussed in detail the various options and suboptions.

After a series of motions and amendments, the RAC by a vote of 13 in favor, 8 opposed, with no abstentions, passed Option C with Suboptions C–1–b, C–2–a, C–3–a, C–4–b as modified at the meeting, and C–5–b. Under the recommendation passed by the RAC, experiments currently covered by Section III–0 would be removed from Section III–0. These experiments would be exempted under Section I–E–5. The exemption would apply to all nonprohibited experiments which use either *E. coli* K–12 or laboratory strains of *Saccharomyces cerevisiae* as the host-vector system with the following provisos:

- The exemption would be qualified with the statement that "(a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or non-conjugative plasmids (49) shall be used as vectors." This qualification would then be qualified by the statement that experiments "involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information (35) with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a non-conjugative vector is used, the *E. coli* K–12 host may contain conjugation-proficient plasmids either autonomous or integrated, or generalized transducing phages."
- Language would be added to the Guidelines to explicitly make Prohibition I–D–6 concerning large-scale applicable to these experiments.
- The entry in Appendix C which would effect the exemption under Section I–E–5 would contain a statement that although exempt, for these experiments "Pl physical containment conditions are recommended."
- No prior review of experiments involving attempts at deliberate expression of a eukaryotic gene in *E. coli* K–12 would be required.
- Experiments involving the DNA of CDC Class 3 agents would not be exempted. Containment might be specified at P1, P2 or P3, and review by the IBC would be required. If there is any chance that the original Class 3 agent can be regenerated from the cloned DNA, the containment level shall be no lower than that appropriate for their agent itself.

I accept these recommendations. The last recommendation dealing with Class 3 agents is unclear as to the appropriate physical containment level, and as to how this level is to be established. To clarify this, the following language regarding DNA from CDC Class 3 agents in *E. coli* K–12 is being added to Appendix C:

"Experiments using DNA from Class 3 organisms [1] or from cells known to be infected with these agents will be conducted at P3 containment. Lower containment levels may be specified by NIH (See Section IV–E–1–b–(2)–(e)). Expermiments in this category require prior IBC review and approval."

These decisions regarding *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems are being promulgated under Exemption I–E–5, and appear in Appendix C of the revised Guidelines.

Although the movement of experiments currently under Section III–0 to the exempt category leaves no entries in Section III–0, I am retaining a Section III–0 in the Guidelines. In the future, experiments may be placed under Section III–0 by their listing in Appendix H to the Guidelines. These experiments may be performed at P1 physical containment, and IBC review prior to initiation of the experiment will not be required.

II. Containment Levels for Recombinant DNA Experiments Involving Bacillus Subtilis

Dr. Donald Dean of the Ohio State University requested that the status of recombinant DNA experiments involving *Bacillus subtilis* as host-vector systems be reevaluated. Currently, two asporogenic *B. subtilis* strains, RUB331 and BGSC 1S53 have been certified, with the plasmids pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124, as HV1 host-vector systems.

The asporogenic mutant derivative of *B. subtilis*, ASB298, has been certified with the above plasmids as HV2 host-vector systems.

Dr. Dean proposed that any *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, using vectors indigenous to *B. subtilis*, under the same conditions specified by the RAC for *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems.

Dr. Dean further proposed that the following items be added to Appendix E:

"*Bacillus subtilis* strains that do not carry an asporogenic mutation can be used with vectors indigenous to *B. subtilis* for the cloning of DNA from any CDC Class 1 organism under P2 conditions."

"*Bacillus subtilis* strains that do not carry an asporogenic mutation can be used with vectors indigenous to *B. subtilis* under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species."

In support of his proposal, Dr. Dean noted that *B. subtilis* is not a pathogen and that the organism is well characterized, and a great deal is known of its genetics.

An announcement of Dr. Dean's proposal appeared in the **Federal Register** on March 20, 1981 (46 FR 17996). During the thirty day comment period seven letters supporting the proposal were received. One of the letters cited data showing that (1) *Bacillus subtilis* spores either cannot germinate, or upon germination in the ileum or colin die very quickly, and (2) the viable count of *B. subtilis* in soil or water decreases much more rapidly than that of *E. coli*.

The RAC evaluated Dr. Dean's request at the April 23–24, 1981, meeting. Noting that the **Federal Register** language would permit use of "indigenous vectors," the RAC questioned the advisability of permitting use of all *Bacillus* vectors, and recommended excluding from use as vectors any that have as hosts the pathogens, *Bacillus cereus* or *Bacillus anthracis*.

By a vote of 12 in favor, 0 opposed, with 5 abstentions, the RAC voted to recommend that any *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source at the same containment conditions as used for *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

I accept this recommendation, and this decision is being promulgated under Exemption I–E–5, and appears in Appendix C of the revised Guidelines. Information about *Bacillus subtilis* HV1 and HV2 systems has been accordingly removed from Appendix D and placed in Appendix F.

By the same vote, the RAC recommended approval of Dr. Dean's additional two specific proposals concerning *Bacillus subtilis* host-vector systems, with the limitation that *Bacillus* plasmids or phages whose host range includes *Bacillus cereus* or *Bacillus anthracis* may not be used as vectors.

I accept these recommendations and these decisions are promulgated as new entries in Appendix E of the revised Guidelines.

III. Streptomyces HV1 Host-Vector Systems

Dr. Stanley Cohen of Stanford University requested that "*Streptomyces coelicolor* and the related organisms with which *S. coelicolor* naturally exchanges genetic information (e.g., *S. lividans, S. parvulus,* and *S. griseus*), using *Streptomyces* plasmids SPC2, SLP1.2, pIJ101, actinophage phiC31, and their derivatives as vectors, be approved as HV1 host-vector systems."

During the 30 day comment period, no comments were received on this proposal.

The RAC reviewed this request at the April 23–24, 1981, meeting, and noted that these organisms are not pathogenic. There has been extensive experience with large-scale culture of these organisms with no known hazards.

By a vote of 10 in favor, 0 opposed, with 8 abstentions, the RAC recommended approval of this proposal. I have reviewed this recommendation, and I am certifying the four specific *Streptomyces* species cited in the proposal as HV1 host-vector systems. These host-vector systems have been added to Appendix D of the Guidelines.

IV. Guidelines for Recombinant DNA Experiments with Genes Coding for Toxins

The RAC, at its September 25–26, 1980, meeting, requested that an *ad hoc* working group be formed to evaluate Section I–D–2 of the Guidelines. Section I–D–2 prohibits the "deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins potent for vertebrates (2A) (e.g., botulimum or diphtheria toxins; venoms

from insects, snakes etc.)." an *Ad hoc* Working Group on Toxins composed of Drs. Werner Maas and Alan Bernheimer of New York University, Dr. John Collier of Yale University, Dr. Michael Gill of Tufts University, Dr. Susan Gottesman of NIH, Dr. Myron Levine of the University of Maryland, and Dr. James Mason of the Utah State Department of Health, was convened to recommend containment conditions for recombinant DNA experiments with genes coding for toxins. The group conversed by telephone on November 4 and November 21, 1980, was convened at the National Institutes of Health on January 7, 1981, and participated in telephone conference calls on February 23 and March 2, 1981. The following proposal, developed by the *ad hoc* group, appeared in the **Federal Register** of March 20, 1981 (46 FR 17996):

"A. Section I–D–2 of Section I–D, Prohibitions, would be amended to read as follows:

"I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{so} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

B. A new Appendix G, would be added to the Guidelines as follows:

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. General Information

"Appendix G specifies the containment to be used for the cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{so} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{so} of 100 micrograms or more per kilogram of body weight. A list of toxins classified as to LD_{so} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* working group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i)).

2. Containment Conditions for Cloning of Toxin Genes in E. coli K–12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{so} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., diphtheria toxin, abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{so} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under Section III–O (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins, whose effects are confined to the stimulation of intestinal secretion and whose effects can be entirely reversed by administration of electrolyte solutions, shall be subject to Section III–O. These are cholera toxin, the heat labile toxins of *E. coli*, *Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. coli K–12

"Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j)).

C. Section V, Footnote 2A would be modified to delete the words: 'toxins potent for vertebrates (Section I–D–2).'

D. A new Section IV–E–1–b–(3)–(i) would be added as follows: 'IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates. (See Appendix G.)'

E. A new Section IV–E–1–b–(3)–(j) would be added as follows: 'IV–E–1–b(3)–(j). Approving the cloning of toxins genes in host-vector systems other than *E. coli* K–12. (See Appendix G.)'"

During the thirty day comment period, no comments were received. However, two letters were received after the thirty day comment period. One expressed concern about experiments involving genes which control bacterial toxins recommended "against relaxation of the Guidelines." The other urged the proposed changes not be made "until adequate risk assessment studies have been performed."

Several members of the *ad hoc* Working Group on Toxins, who were members of the RAC, presented the proposal to the RAC at the April 23–24, 1981, meeting. Working group members characterized the proposal as conservative.

Noting the RAC recommendation at this meeting concerning containment conditions for *E. coli* K–12 and *Saccharomyces cerevisiae* host-vector systems currently covered under Section III–O of the Guidelines, *ad hoc* Working Group members recommended that language in the proposed Appendix G be amended. They said the original intent of the *ad hoc* group with regard to cloning genes for toxins with an LD_{so} in the range of 1 to 100 micrograms, as well as for cloning enterotoxin genes, was to specify P1+EK1 containment. Thy felt it would be inappropriate to "exempt" from the Guidelines the cloning of toxin genes at this time. In response, the RAC recommended that Section 2–(b) and 2–(c) in proposed Appendix G be amended by substituting "P1+EK1" for "Section III–O."

RAC also discussed the appropriateness of the introductory language ". . . whose effects are confined to the stimulation of intestinal secretion and whose effects can be entirely reversed by administration of electrolyte solutions" in Section 2–(c) of proposed Appendix G, and recommended its deletion.

RAC also discussed the intention of the working group that Appendix G specifications override other specifications of the Guidelines (e.g., exemptions or return to host of origin experiments). RAC recommended this conservative approach at this time, and specified wording to be added at the end of Section I–D–2 indicating this.

Finally, RAC indicated a desire that the NIH be kept abreast of experiments dealing with the cloning of toxin genes, and amended the proposed language to require prior registration with ORDA of experiments involving the cloning of toxin genes.

After incorporating these changes, the RAC by a vote of 18 in favor, 0 opposed, with 1 abstention, recommended the following amended language:

A. Section I–D=2 of Section I–D, Prohibitions, would be amended to read as follows:

I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{so} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overrides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

B. A new Appendix G, would read as follows:

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. General Information

Appendix G specifies the containment to be used for the cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{so} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{so} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{so} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{so} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i)).

2. Containment Conditions for Cloning of Toxin Genes in E. coli K–12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{so} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., diphtheria toxin, adbrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{so} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1+EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas Aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins shall be subject to P1+EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli*, *Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. coli K–12

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j)).

C. Section V, Footnote 2A would be modified to delete the words: 'toxins potent for vertebrates' (Section I–D–2).

D. A new Section IV–E–1–b–(3)–(i) would be added as follows:

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates. (See Appendix G.)

E. A new Section IV–E–1–b–(3)–(j) would be added as follows:

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12. (See Appendix G.)

I accept these recommendations with additional modifications as stated below.

A further issue concerning cloning of toxin genes was raised by the *ad hoc* Working Group and discussed by RAC during the evaluation of a proposal from Dr. John Murphy of Harvard University, i.e., appropriate containment for cloning the diphtheria toxin gene in *E. coli* K–12 (See below, Part VI of this document). The new Section I–D–2 and Appendix G of the Guidelines uses a cutoff of LD_{so} of 100 nanograms per kilogram of body weight to separate those toxins the cloning of whose genes is prohibited under Section I–D–2 from those allowed to be cloned at P2+EK2 or P3+EK1.

Diphtheria toxin falls very close to this cut-off line. Pharmacological toxicity data for diphtheria toxin demonstrates that the LD_{so} for the most sensitive animal tested, the guinea pig, is 160 nanograms per kilogram body weight. The LD_{so} in humans is estimated to be equal to or less than 100 nanograms per kilogram body weight. This figure was extrapolated from an incident in Japan in which children were inadvertently injected with diphtheria toxin rather than diphtheria toxoid. After much discussion, RAC recommended that experiments by Dr. John Murphy involving the cloning of the gene for the biosynthesis of diphtheria toxin be conducted under P4 physical containment. The RAC realized that this recommendation results in an inconsistency between the recommendation in Appendix G concerning cloning of diphtheria toxin and the recommendation concerning Dr. Murphy's proposal. They noted that cloning the gene for diphtheria toxin could be moved to the prohibited category in general, and Dr. Murphy's proposal could be considered an exemption to the prohibition. Based upon the RAC recommendation and the data available concerning the pharmacological toxicity of diphtheria toxin, I am removing diphtheria toxin from category 2–(a) of Appendix G, "genes coding for toxins that have an LD_{so} in the range of 100 nanograms to 1000 nanograms per kilogram body weight," and placing it under section I–D–2.

Accordingly, revised Section I–D–2 will read as follows:

I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{so} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overrides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

Section 2–(a) of Appendix G will read as follows:

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{so} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

With these modifications, I accept the RAC recommendations concerning the cloning of genes for the biosynthesis of toxins for vertebrates.

Experiments currently underway in *E. coli* K–12 host-vector systems involving genes coding for toxins with an LD_{so} of 100 micrograms or less per kilogram of body weight should be registered with ORDA within 90 days.

It is recognized that the requirements of revised Section I–D–2 and new Appendix G may result in more stringent standards for the cloning of toxin genes than interpretations under the previous Guidelines. Appendix G allows the cloning of toxin genes in *E. coli* K–12 only, and overrides other parts of the Guidelines. Under interpretations of the previous Guidelines, for example, investigators may be conducting recombinant DNA experiments with toxins not listed in Appendix G, or conducting experiments at lower containment levels than now specified in Appendix G, or using host-vector systems other than *E. coli* K–12 as in "self cloning" experiments. Investigators currently conducting experiments that do not meet the requirements of new Appendix G and that have not already been acted upon individually by NIH must contact ORDA for a case-by-case review within 90 days. However, investigators currently conducting such experiments may continue with their ongoing projects until these projects have been evaluated by NIH.

V. Request for Permission To Clone the Vibrio Cholerae Enterotoxin Gene in E. Coli K-12

Dr. J. J. Mekalanos of Harvard Medical School requested permission to clone in *E. coli* K-12 the *Vibrio cholerae* enterotoxin gene. In support of his request, Dr. Mekalanos noted that *E. coli* elaborates a heat-labile enterotoxin (LT), which has been shown to share a high degree of structural, antigenic and DNA sequence homology with cholera toxin.

Dr. Mekalanos proposes to perform the investigation in three stages; i.e., (1) the cloning in *E. coli* K-12 of DNA restriction fragments of *V. cholerae* known to contain sequences homologous to the A subunit of the LT gene; (2) the cloning in *E. coli* K-12 of DNA restriction fragments of *V. cholerae* containing sequences homologous to the B subunit of the LT gene, and (3) the cloning in *E. coli* K-12 of restriction fragments of *V. cholerae* containing sequences homologous to both the LT A and B subunit genes.

Dr. Mekalanos' request appeared in the **Federal Register** of March 20, 1981 (46 FR 17997). During the thirty day comment period, no comments were received.

RAC discussed Dr. Mekalanos' request at the April 23–24, 1981 meeting. RAC reviewers indicated that P1+EK1 containment would be adequate for all three stages of the proposed experiments. By a vote of 15 in favor, 0 opposed, with 1 abstention, the RAC recommended approval of the proposal at P1+EK1 containment.

This recommendation is in agreement with part 2-a of Appendix G dicussed in the previous item of this decision document and is permitted under that part.

VI. Cloning and Expression of DNA Coding for Diphtheria Toxin

Dr. John Murphy of Harvard University, in a letter dated March 11, 1981, proposed to clone in *E. coli* K-12, the 3.9 kb Bam restriction fragment and/or the 8.6 kb Eco fragment of *Corynephage Beta* carrying the stuctural gene for diphtheria toxin.

Dr. Murphy advanced the following arguments in support of his proposal:

(1) Studies of diphtheria toxin-producing organisms would yield valuable data for risk assessment;

(2) The localization of diphtheria toxin in *E. coli* would be determined as well as whether the toxin might be secreted by *E. coli;*

(3) Mutagenesis of the tox gene would be used to elucidate (a) diphtheria toxin interaction with the eukaryotic cell toxin receptor, and (b) the mechanism of fragment A translocation into the eukaryotic cell cytosol.

Dr. Murphy proposed to perform the experiments under P4 conditions at the Frederick Cancer Research Center or at the NIH if the RAC recommended the P4 level of containment.

A **Federal Register** announcement of Dr. Murphy's requet appeared on March 20, 1981 (46 FR 17997). During the thirty day comment period, no comments were received.

The RAC discussed the proposal at the April 23–24, 1981 meeting. Members of the *ad hoc* Working Group on Toxins presented to the RAC the data gathered by the group on diphtheria toxin. The data showed that the LD_{50} in the most sensitive animal tested, the guinea pig, was 160 nanograms per kilogram body weight. The LD_{50} in humans is estimated to be equal to or less than 100 nanograms per kilogram body weight. This figure was estrapolated from an incident in Japan in which children were inadvertently injected with diphtheria toxin rather than diphtheria toxoid. By a vote of 15 in favor, 0 opposed, with 1 abstention, the RAC recommended approval of Dr. Murphy's proposal at P4 containment.

I accept this recommendation, and the following entry, number 30, is added to Appendix E:

> Permission is granted to clone in *E. coli* K-12 under P4 containment conditions, restriction fragments of *Corynephage Beta* carrying the structural gene for diphtheria toxin.

VII. Proposals Involving the Expression of Foot and Mouth Disease Viral Coat Proteins in Saccharomyces Cerevisiae, Bacillus Subtilis, and Tissue Culture Systems

The RAC at its April 23–24, 1981 meeting reviewed proposed experiments jointly submitted by Genentech, Inc., South San Francisco, California, and the United States Department of Agriculture, Plum Island Animal Disease Center, Greenport, New York, to study the expression of Foot and Mouth Disease Virus (FMDV) sequences in *Bacillus subtilis, Saccharomyces cerevisiae,* and mammalian tissue culture systems, with the goal of production of a viral subunit vaccine for Foot and Mouth Disease. This proposal was an extension of their prior NIH approved proposal for the study of the expression of the capsid protein of FMDV in *E. coli* K-12.

A summary of the request was published for comment in the **Federal Register** of March 20, 1981 (46 FR 17996). During the 30 day comment period, no comments were received on the proposals.

The RAC recommended that the work be permitted at P1 physical containment with both the *B. subtilis* and *S. cerevisiae* aproved host-vector systems if the subgenomic FMD segments were restricted to those sequences which map between 500 and 4100 of the FMD viral genome. Separate motions to approve these experiments at P1 physical containment under the conditions set forth above were passed by votes of 16 in favor, 0 opposed, with 2 abstentions.

I accept these recommendations with the added stipulation that HV1 hostvector systems be used, as specified in the Genentech request, and an appropriate entry has been made in Appendix E.

In the RAC discussion on the proposed experiments using a SV40 virus vector for cloning the FMD capsid segments in mammalian tissue culture, concern was raised about the potential for recombination between an adventitious picornavirus in the cell culture with the SV40 and FMD viral sequences. The RAC recommended by a vote of 17 in favor, 0 opposed, with 1 abstention, that cloning of FMD capsid protein sequences employing a SV40 deletion vector in a mammalian tissue culture system at the Plum Island laboratories by approved in principle under P3 physical containment. The approval is subject to review by the Working Group of individual experiments.

I accept this recommendation, and an appropriate entry has been made in Appendix E.

VIII. Containment Levels for Recombinant DNA Experiments Involving Neurospora Crassa

Dr. David Perkins of Stanford University proposed that entry 2 in Appendix E be amended to read as follows:

> Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agents other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* system are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. Crassa*. Care must be exercised to prevent aerial dispersal of macroconidia, in accordance with good laboratory practice.
>
> Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can be used in all experiments for which HV2 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used.

In the submission, Dr. Perkins argued that present containment levels cannot be justified by any demonstrated hazard, especially when only Class 1 agents are involved, and that present containment levels impose a serious and unnecessary handicap on genetic analysis of *Neurospora*.

Three letters were received strongly supporting this proposal. One commentator said that it was his experience that contamination by airborne *Neurospora* conidia is not a serious problem. Another commentator stated:

> . . . Since *Neurospora crassa* is not a pest or pathogen, there is no justification for imposing more stringent containment conditions for research with Neurospora than for investigations with yeast or animal viruses. The current Guidelines are seriously hindering the use and development of Neurospora as a subject for recombinant DNA research.

The RAC recommended approval of the proposal by a vote of 10 in favor, 0 opposed, with 5 abstentions.

I accept this recommendation, and entry 2 of Appendix E has been modified to reflect this decision.

IX. Request to Employ a Conjugative Plasmid To Transfer Neurospora Crassa DNA

Dr. Norman Giles of the University of Georgia in a letter dated March 18, 1981, requested permission to use a conjugative plasmid to transfer the *qa-2* gene of *Neurospora crassa* among *E. coli* K-12 strains. The *N. crassa qa-2* gene would be ligated into a derivative (pVK57) of the mobilized plasmid RSF2124.

In support of his proposal, Dr. Giles argued that (1) no *Neurospora* protein other than the *qa-2* protein (catabolic dehydroquinase) is produced in *E. coli* transformed with plasmid pVK57; no hybrid or non-functional proteins are produced, and (2) the catabolic dehydroquinase synthesized by *Neurospora* is identical to that synthesized by *E. coli,* based on heatstability, sedimentation, and amino acid composition. In addition, fragments close to the NH_2-terminal end have been sequenced and are identical in *E. coli* and *Neurospora crassa*.

A **Federal Register** announcement of Dr. Gilles' request appeared on March 20, 1981 (46 FR 17997). During the thirty day comment period, no comments were received.

The RAC discussed the request at its April 23–24, 1981 meeting. Noting that the *qa-2* fragment was relatively well-defined, RAC recommended approval of the proposal by a vote of 17 in favor, 0 opposed, with no absentions. P2 containment conditions were specified.

I accept this recommendation. A new entry, number 33, has been added to Appendix E as follows:

> A conjugative plasmid may be used to transfer among *E. coli* K-12 strains at P2 physical containment the qa-2 gene of *Neurospora crassa* ligated to a mobilizable plasmid.

X. Request To Use An E. Coli Strain Containing Mu Phage Insertions

Dr. Darold Holten of the University of California at Riverside, in a letter dated March 18, 1981, requested permission to utilize the *E. coli* strain DF214 (or derivatives thereof), and plasmid vectors (e.g., pBR322, pBR325) to clone rat cDNA. Strain DF214, a K-12 derivative,contains (1) a Mu phage insertion in the phosphoglucose isomerase gene, and (2) a Mu lysogen in an unknown location. Dr. Holten calculates the frequency of Mu lysis and transduction in DF214 to be of the order of 10^{-12} to 10^{-14}.

The **Federal Register** of March 20, 1981 (46 FR 17997) carried an announcement of Dr. Holten's proposal. No comments were received during the thirty day comment period.

The RAC discussed the proposal at the April 23–24, 1981 meeting and recommended by a vote of 17 in favor, 0 opposed, with no absentions, that the initial screening of the rat library be done at P2 containment; after the clone of interest has been purified, it may be worked with at P1 containment.

I accept this recommendation, and a new entry, item 34, will be added to Appendix E as follows:

> *E. coli* K-12 strain DF214 (or derivatives thereof) and plasmid vectors (e.g., pBR322, pBR325) may be used to clone rat cDNA under P2 conditions. After the clone of interest has been purified, it may be worked with under P1 containment.

Additional Announcements of The Director, NIH

Section IV-E-1-b-(3)-(d) of the Guidelines gives responsibility to the Director, NIH, for "authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences."

Accordingly, several requests for authorization to culture, on a large-scale, recombinant DNA host-vector systems have been received and reviewed by the NIH.

I. Professor Barry T. Nall

On June 16, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Professor Barry T. Nall, University of Texas Health Science Center at Houston, Houston, Texas 77025, for the large-scale culture of EK1 host-vector systems into which have been ligated recombinant DNA plasmids containing *E. coli* DNA and *Saccharomyces cerevisiae* genes for cytochrome *c*.

The principal investigator is Dr. Nall. The work is to be done at the P1–LS level.

III. Cetus Corporation

On June 16, 1981, the Director, NIH, on the recommendation of the RAC, approved requests from Cetus Corporation, 600 Bancroft Way, Berkeley, California 94710, for large-scale culture of Ek1 *E. coli* or NV1 *Bacillus subtilis* containing plasmids coding for human beta-1 fibroblast interferon.

The request was approved with the understanding that Cetus Corporation has agreed to permit an observer, designated by NIH, to visit the facilities if NIH should choose to inspect the site.

The principal investigators or Drs. Michael W. Conrad and Wolfgang H. Hanisch. The work is to be done at the P1–LS level.

III. Johns Hopkins University

On June 16, 1981, the Director, NIH, on the recommendation of the RAC, approved a request from Professor Hamilton O. Smith, Johns Hopkins University School of Medicine, Baltimore, Maryland 21205, for the large-scale culture of *E. coli* containing recombinant plasmids comprised of *E. coli* and *Haemophilus haemolyticus* DNA; the *Haemophilus* DNA consists of two of the genes that constitute the *Hha*II restriction/modification system.

Professor Smith is the principal investigator. The work is to be done at the P1–LS level.

Dated: June 22, 1981.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only vitually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has

been determined to be not cost effective or in the pubic interest to attemp to list these program. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

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Part III

Department of Health and Human Services

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules June 1981

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Guidelines for Research Involving Recombinant DNA Molecules June 1981

These NIH guidelines supersede those of November 1980, and will be in effect until further notice.

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I. Scope of the Guidelines

I–A. *Purpose.* The purpose of these Guidelines is to specify practices for construction and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

I–B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

I–C. *General Applicability.* See Section IV–B.

I–D. *Prohibitions.* The following experiments are not to be initiated at the present time:

I–D–1. Formation of recombinant DNAs derived from the pathogenic organisms classified (*1*) as Class 4 or 5 (*2*) or from cells known (*2A*) to be infected with such agents, regardless of the host-vector system used.

I–D–2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to verebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overrides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

I–D–3. [Deleted]

I–D–4. Deliberate release into the environment of any organism containing recombinant DNA.

I–D–5. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture. (*2A*)

I–D–6. Large-scale experiments (e.g., more than 10 liters of culture) with organisms containing recombinant DNAs, unless the recombinant DNAs are rigorously characterized and the absence of harmful sequences established (*3*). (See Section IV–E–1–b–(3)–(d).)

I–D (1–6). Experiments in Categories I–D–1 to I–D–6 may be excepted (*4*) from the prohibitions (and will at that time be assigned appropriate levels of physical and biological containment) provided that these experiments are expressly approved by the Director, National Institutes of Health (NIH), with advice of the Recombinant DNA Advisory Committee (RAC), after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(e).)

Experiments in Categories I–D–1, I–D–2, I–D–5, and experiments involving "wild type" host-vector systems are expected from the prohibitions, provided that these experiments are designed for risk-assessment purposes and are conducted within the NIH high-containment facilities located in Building 41–T on the Bethesda campus and in Building 550 located at the Frederick Cancer Research Center. The selection of laboratory practices and containment equipment for such experiments shall be approved by the Office of Recombinant DNA Activities (ORDA) following consultation with the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. ORDA shall inform RAC members of the proposed risk-assessment projects at the same time it seeks consultation from the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. If a major biohazard is detemined, the clones will be destroyed after the completion of the experiment rather than retaining them in high containment facility. Other clones that are non-hazardous or not of major hazard will be retained in the high containment.

I–E. *Exemptions.* It must be emphasized that the following exemptions (*4*) are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited. In addition, any recombinant DNA molecules involving DNA from Class 3 organisms (*1*) or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs oy natural genetic exchange, are not exempt unless specifically so designated by NIH under Section I–E–5. Also, Appendix G overrides the exemptions for specified experiments involving genes coding for toxins.

The following recombinant DNA molecules are exempt from these Guidelines, and no registration with NIH is necessary.

I–E–1. Those that are not in organisms or viruses. (*5*)

I–E–2. Those that consist entirely of DNA segments from a single nonchromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

I–E–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

I–E–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

I–E–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities; National Institutes of Health, Bethesda, Maryland, 20205.

I–F. *General Definitions.* See Section IV–C.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs. (*6–19*) The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) a set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varying degrees according to the estimated biohazard.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector*, or *vehicle*, (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these three means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by applying various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the Guidelines.

In constructing these Guidelines, it was necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions than indicated here without affecting risk. Indeed, we urge that individual investigators devise simple and more effective containment procedures and

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that investigators and institutional biosafety committees recommend changes in the Guidelines to permit their use.

II–A. *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices. (*6–15*) Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs must receive adequate instruction. (see Sections IV–D–1–g, IV–D–5–d and IV–D–8–b.). This shall, as a minimum, include instructions in aseptic techniques and in the biology of the organisms used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard shall have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator must ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. (See Sections IV–D–5–e and IV–D–3–d.) If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it shall be provided. (See Sections IV–D–1–h and IV–D–8–c.)

II–B *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment equipment. Special laboratory design provides a secondary means of protection against the accidental release of organisms outside the laboratory or to the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard," (*7*) prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels. (*8*)

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within the facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–E–1–b–(2)–(b).) Additional material on physical containment for plant host-vector systems is found in Sections III–C–3 and III–C–4.

II–B–1. *P1 Level.*

II–B–1–a. *Laboratory Practices.*

II–B–1–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–1–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–1–a–(3). All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

II–B–1–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–1–a–(5). Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–1–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–1–a–(7). Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

II–B–1–a–(8). Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–1–a–(9). An insect and rodent control program shall be instituted.

II–B–1–a–(10). The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

II–B–1–a–(11). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–1–a–(12). The laboratory shall be kept neat and clean.

II–B–1–b. *Containment Equipment.* Special containment equipment is not required at the P1 level.

II–B–1–c. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

II–B–2. *P2 Level.*

II–B–2–a. *Laboratory Practices.*

II–B–2–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–2–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–2–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

II–B–2–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–2–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–2–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–2–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–2–a–(8). Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–2–a–(9). Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

II–B–2–a–(10). The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–2–a–(11). An insect and rodent control program shall be instituted.

II–B–2–a–(12). The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

II–B–2–a–(13). Animals not related to the experiment shall not be permitted in the laboratory.

II–B–2–a–(14). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–2–a–(15). The laboratory shall be kept neat and clean.

II–B–2–a–(16). Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

II–B–2–b. *Containment Equipment.* Biological safety cabinets (*20*) shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

II–B–2–c. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be available in the same building in which organisms containing recombinant DNA molecules are used.

II–B–3. *P3 Level.*

II–B–3–a. *Laboratory Practices.*

II–B–3–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–3–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–3–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–3–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–3–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–3–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–3–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–3–a–(8). Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–3–a–(9). Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

II–B–3–a–(10). Persons under 16 years of age shall not enter the laboratory.

II–B–3–a–(11). The universal biohazard sign shall be posted on the controller access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–3–a–(12). An insect and rodent control program shall be instituted.

II–B–3–a–(13). Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or Wrap-around gowns, no-button or slipperover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

II–B–3–a–(14). Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

II–B–3–a–(15). Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

II–B–3–a–(16). Animals and plants not related to the experiment shall not be permitted in the laboratory.

II–B–3–a–(17). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–3–a–(18). Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–3–a–(19). The laboratory shall be kept neat and clean.

II–B–3–a–(20). If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with experiments requiring P3-level physical containment, they shall be conductedd in accordance with all P3-level laboratory practices.

II–B–3–b. *Containment Equipment.*

II–B–3–b–(1). Biological safety cabinets (*20*) shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

II–B–3–b–(2). Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units (*19A*), open cages placed in ventilated enclosures, solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and reflectors. (Note: Conventional caging systems may be used, provided that all personnel wear apropriate personal protective devices. These shall include, at a minumum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.)

II–B–3–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P2 level of

physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

Table I.—*Combinations of Containment Safeguards*

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			Biological containment
Physical containment	Biological [1] containment	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	
P3	HV3	P3	P3	P3	HV3.
P3	HV3	P3	P3	P4	HV2.
P3	HV2	P3	P3	P3	HV2.
P3	HV2	P3	P3	P2	HV3.
P3	HV2	P3	P3	P4	HV1
P3	HV1	P3	P3	P3	HV1.
P3	HV1	P3	P3	P2	HV2.

[1] See Section II–D for description of biological containment.

II–B–3–c. *Special Laboratory Design.*

II–B–3–c–(1). The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement that separates the laboratory from areas open to unrestricted traffic flow.

II–B–3–c–(2). The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilities space decontamination.

II–B–3–c–(3). A foot-, elbow-, or automatically-operated hand-washing facility shall be provided near each primary laboratory exit area.

II–B–3–c–(4). Windows in the laboratory shall be sealed.

II–B–3–c–(5). An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and perferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

II–B–3–c–(6). The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential (i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory areas shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

II–B–3–c–(7). The treated exhaust-air from Class I and Class II biological safety cabinets (*20*) may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

II–B–4. *P4 Level.*

II–B–4–a. *Laboratory Practices.*

II–B–4–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–4–a–(2). Work surfaces shall be decontaminated following the completion of the experiemental activity and immediately following spills of organisms containing recombinant DNA molecules.

II–B–4–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or dispoal.

II–B–4–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–4–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

II–B–4–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–4–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–4–a–(8). Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a pass-through disinfectant dunk tank or fumigation chamber.

II–B–4–a–(9). No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or stream shall be steam sterilzed in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a pass-through fumigation chamber.

II–B–4–a–(10). Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

II–B–4–a–(11). Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

II–B–4–a–(12). Persons under 18 years of age shall not enter the P4 facility.

II–B–4–a–(13). Personnel shall enter into and exit from P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

II–B–4–a–(14). Street clothing shall be removed in the outer side of the clothing-change areas and kept there.

Complete laboratory clothing, including undergarments, head covers, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discared it into collection hampers before entering the shower area.

II–B–4–a–(15). The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

II–B–4–a–(16). An insect and rodent control program shall be instituted.

II–B–4–a–(17). Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

II–B–4–a–(18). Vacuum outlet shall be protected by filter and liquid disinfectant traps.

II–B–4–a–(19). Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

II–B–4–a–(20). The laboratory shall be kept neat and clean.

II–B–4–a–(21). If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4-level containment, they shall be conducted in accordance with all P4-level laboratory practices specified in this section.

II–B–4–b. *Containment Equipment.*

II–B–4–b–(1). Experimental procedures involving organisms that require P4-level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure isolation suits.

II–B–4–b–(2). Laboratory animals involved in experiments requiring P4-level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units (*19A*), open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

II–B–4–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P4 facility using containment equipment requirements specified for the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

Table II.—*Combinations of Containment Safeguards*

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			Biological containment
Physical containment	Biological containment [1]	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	
P4	HV1	P4	P4	P4	HV1
P4	HV1	P4	P4 [2]	P3	HV2.

[1] See Section II–D for description of biological containment.
[2] In this case gloves shall be worn, in addition to the clothing requirements specified in II–B–4–a–(14).

II–B–4–c. *Special Laboratory Design.*

II–B–4–c–(1). The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

II–B–4–c–(2). Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate containment of a vapor-phase decontaminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

II–B–4–c–(3). A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

II–B–4–c–(4). Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replacement. Water supply, liquid and gaseous services provided to the P4 facility shall be protected by devices that prevent backflow.

II–B–4–c–(5). Drinking water fountains shall not be installed in laboratory or animal rooms of the P4 facility. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

II–B–4–c–(6). Laboratory doors shall be self-closing.

II–B–4–c–(7). A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

II–B–4–c–(8). A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

II–B–4–c–(9). All liquid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

II–B–4–c–(10). An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to ensure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

II–B–4–c–(11). Air within individual laboratories of the P4 facility may be recirculated if HEPA filtered.

II–B–4–c–(12). The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ*

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decontamination before removal and to facilitate certification testing after replacement.

II–B–4–c–(13). The treated exhaust-air from Class I and Class II biological safety cabinets (*20*) may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

II–B–4–c–(14). As noted in Section II–B–4–b–(1), the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight.

The exhaust-air from the suit area shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that in any adjacent area. An emergency lighting system, communication systems, and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provided to decontaminate the surfaces of the suit before removal.

II–C. *Shipment.* Recombinant DNA molecules contained in an organism or virus shall be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation (Section 72.25, Part 72, Title 42, and Sections 173.386–.388, Part 173, Title 49, U.S. Code of Federal Regulations (CFR)) as specified below:

II–C–1. Recombinant DNA molecules contained in an organism or virus requiring P1, P2, or P3 physical containment, when offered for transportation or transported, are subject to all requirements of Section 72.25(c) (1)–(5), Part 72, Title 42 CFR, and Sections 173.386–.388, Part 173, Title 49 CFR.

II–C–2. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, are subject to the requirements listed above under II–C–1 and are also subject to Section 72.25(c)(6), Part 72, Title 42 CFR.

II–C–3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research."

II–D. *Biological Containment.*

II–D–1. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or *Host-Vector, systems*) for prokaryotes will be established; specific criteria will depend on the organisms to be used. Eukaryotic host-vector systems are considered in Part III.

II–D–1–a. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

II–D–1–a–(1). *EK1.* The host is always *E. coli* K–12 or a derivative therof, and the vectors include nonconjugative plasmids (e.g., pSC101, Co1E1, or derivatives thereof) (*21–27*)) and variants of bacteriophage, such as lambda (*28–33*). The *E. coli* K–12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages, except as specified in Section III–0.

II–D–1–a–(2). *Other Prokaryotes.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K–12 with a non conjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HV1 systems are described below (Section II–D–2).

II–D–1–b. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

II–D–1–b–(1). For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^4 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequence of transmission of the cloned DNA fragment.

II–D–1–b–(2). For EK2 host-vestor systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment either (i) as a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation of (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

II–D–1–c. *HV3.* These are host-vector systems in which:

II–D–1–c–(1). All HV2 criteria are met.

II–D–1–c–(2). The vector is dependent on its propagation host or is highly defective in mobilizability. Reversion to host-independence must be less than $1/10^8$ per vector genome per generation.

II–D–1–c–(3). No markers conferring resistance to antibiotics commonly used clinically or in agriculture are carried by the vector, unless expression of such markers is dependent on the propagating host or on unique laboratory-controlled conditions or is blocked by the inserted DNA.

II–D–1–c–(4). The specified containment shown by laboratory tests has been independently confirmed by specified tests in animals, including primates, and in other relevant environments.

II–D–1–c–(5). The relevant genotypic and phenotypic traits have been indepently confirmed.

II–D–2. *Certification of Host-Vector Systems.*

II–D–2–a. *Responsibility.* HV1 systems other than *E. coli* K–12, and HV2 and HV3 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV–E–1–b–(1)–(c).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available information at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV–E–1–b–(3)–(f).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector system. (See Section IV–E–1–b–(3)–(i).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

II–D–2–b. *Data To Be Submitted for Certification.*

II–D–2–b–(1). *HV1 Systems Other than E. Coli K–12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration. (i) A description of the organism and vector; the strain's natural habitat and growth requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity. (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism less able to survive or transmit genetic information. (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

II–D–2–b–(2). *HV2 systems.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted (*33A, 33B*). In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits. (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment. (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions. (v) Data on all other properties of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals (e.g., rodents). Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K–12 are available from ORDA.

II–D–2–b–(3). *HV3 systems.* Putative HV3 systems must, as the first step in certification, be certified as HV2 systems. Systems which meet the criteria given above under II–D–1–(c)–1, II–D–1–(c)–2, and II–D–1–(c)–3 will then be recommended for HV3 testing. Tests to evaluate various HV2 host-vector systems for HV3 certification will be performed by contractors selected by NIH. These contractors will repeat tests performed by individuals proposing the HV2 system and, in addition, will conduct more extensive tests on conditions likely to be encountered in nature. The genotypic and phenotypic traits of HV2 systems will be evaluated. Tests on survival and transmissibility in and on animals, including primates, will be performed, as well as tests on survival in certain specified natural environments.

II–D–3. *Distribution of Certified Host-Vectors.* Certified HV2 and HV3 host-vector systems (plus appropriate control strains) must be obtained from the NIH or its designees, one of whom will be the investigator who developed the system. NIH shall announce the availability of the system by publication of notices in appropriate journals.

Plasmid vectors will be provided in a suitable host strain, and phage vectors will be distributed as small-volume lysates. If NIH propagates any of the host strains or phage, a sample will be sent to the investigator who developed the system or to an appropriate contractor, prior to distribution, for verification that the material is free from contamination and unchanged in phenotypic properties.

In distributing the certified HV2 and HV3 host-vector systems, NIH or its designee will (i) send out a complete description of the system; (ii) enumerate and describe the tests to be performed by the user in order to verify important phenotypic traits; (iii) remind the user that any modification of the system necessitates independent approval of the system by the NIH; and (iv) remind the user of responsibility for notifying ORDA of any discrepancies with the reported properties or any problems in the safe use of the system.

NIH may also distribute certified HV1 host-vector systems.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

Containment guidelines for permissible experiments are given in Part III. For these experiments no registration with the National Institutes of Health (NIH) is necessary. However, for these experiments, prior to their initiation, investigators must submit to their Institutional Biosafety Committee

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(IBC) a registration document that contains a description of (a) the source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene in the cloning vehicle and if so, what protein, and (e) the containment conditions specified by these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals: IBC review prior to initiation of the experiment is not required for experiments described in Section III–O. Prior IBC review is required for all other experiments described in the subsections of Part III, including III–0–1, III–0–2, etc.

Changes from the levels specified in Part III for specific experiments (or the assignment of levels to experiments not explicitly considered here) may not be instituted without the express approval of the Director, NIH. (See Sections IV–E–1–b–(1)–(a), IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

In the classification of containment criteria for different kinds of recombinant DNAs, the stated levels of physical and biological containment are minimal for the experiments designated. The use of higher levels of biological containment (HV3>HV2>HV1) is encouraged if they are available and equally appropriate for the purposes of the experiment.

When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose whichever of the two levels he wishes to use for the experiment.

III–O. *Classification of Experiments Using Certain Host-Vector Systems.* Experiments listed in Appendix H may be performed at P1 physical containment. For these experiments IBC review prior to initiation of the experiment is not required.

III–O–1. *Experiments Involving Class 3 organisms.* Experiments involving recombinant DNA from Class 3 Organisms (*1*) or from cells known to be infected with these agents may be conducted at P3 containment in *E. coli* K–12 EK1 hosts (see Appendix C). Containment levels for all other experiments with Class 3 organisms or with recombinant DNA which increases the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange will be determined by NIH. (See Section IV–E–1–b–2–(e)).

III–O–2. *Experiments Involving Prokaryotes Nonpathogenic for Man, Animals or Plants, and/or Lower Eukaryotes Nonpathogenic for Man, Animals or Plants.* Recombinant DNA experiments evolving prokaryotes nonpathogenic for man, animals or plants, and/or lower eukaryotes nonpathogenic for man, animals or plants, and only DNA from such sources, can be conducted under P3 containment (*2A*). Lower levels of physical containment may be assigned by ORDA on a case-by-case basis for specific donor-recipient combinations (see Section IV–E–1–b–(3)–(h)).

III–A. *Classification of Experiments Using Certain HV1 and HV2 Host-Vector Systems.* Certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of this Section III–A. Those so classified as of publication of these revised Guidelines are listed in Appendix D. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

III–A–1. *Shotgun Experiments.* These experiments involve the production of recombinant DNAs between the vector and portions of the specified cellular source, preferably a partially purified fraction. Care should be taken either to preclude or eliminate contaminating microorganisms before isolating the DNA.

III–A–1–a. *Eukaryotic DNA Recombinants.*

III–A–1–a–(1). *Primates.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III–A–1–a–(2). *Other Mammals.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III–A–1–a–(3). *Birds.* P2 physical containment + an HV2 host-vector, or P3 + HV1.

III–A–1–a–(4). *Cold-Blooded Vertebrates.* P2 physical containment + an HV1 host-vector or P1 + HV2. If the eukaryote is known to produce a potent polypeptide toxin, (*3A*) the containment shall be increased to P3 + HV2.

III–A–1–a–(5). *Other Cold-Blooded Animals and Lower Eukaryotes.* This large class of eukaryotes is divided into two groups:

III–A–1–a–(5)–(a). Species that are known to produce a potent polypeptide toxin (*3A*) that acts in vertebrates, or are known pathogens listed in Class 2,[1] or are known to carry such pathogens must use P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked eukaryote genes, containment may be reduced to P3+HV1 or P2+HV2. Species that produce potent toxins that affect invertebrates or plants but not vertebrates require P2+HV2 or P3+HV1. Any species that has a demonstrated capacity for carrying particular pathogenic microorganisms is included in this group, unless the organisms used as the source of DNA have been shown not to contain those agents, in which case they may be placed in the following group. (*2A*)

III–A–1–a–(5)–(b). The remainder of the species in this class including plant pathogenic or symbiotic fungi that do not produce potent toxins: P2+HV1 or P1+HV2. However, any insect in this group must be either (i) grown under laboratory conditions for at least 10 generations prior to its use as a source of DNA, or (ii) if caught in the wild, must be shown to be free of disease-causing microorganisms or must belong to a species that does not carry microorganisms causing disease in vertebrates or plants. (*2A*) If these conditions cannot be met, experiments must be done under P3+HV1 or P2+Hv2 containment.

III–A–1–a–(6). *Plants.* P2 physical containment + an HV1 host-vector, or P1+HV2. If the plant source makes a potent polypeptide toxin, (*3A*) the containment must be raised to P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked plant genes, containment may be reduced to P3+HV1 or P2+HV2. (*2A*)

III–A–1–b. *Prokaryotic DNA Recombinants.* P2+HV1 or P1+HV2 for experiments with phages, plasmids and DNA from nonpathogenic prokaryotes which do not produce polypeptide toxins. (*3A*) P3+HV2 for experiments with phages, plasmids and DNA from Class 2 agents. (*1*)

III–A–2–a. *Viruses of Eukaryotes* (summary given in Table III; see also exception given at asterisk at end of Appendix D).

III–A–2–a–(1). *DNA Viruses.*

III–A–2–a–(1)–(a). *Nontransforming viruses.*

III–A–2–a–(1)–(a)–(*1*). *Adeno-Associated Viruses, Minute Virus of Mice, Mouse Adenovirus (Strain FL), and Plant Viruses.* (*4B*) P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) subgenomic DNA segments, or (iii) purified cDNA copies of viral mRNA. (*3T*)

III–A–2–a–(1)–(a)–(*2*). *Hepatitis B.*

III–A–2–a–(1)–(a)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for purified subgenomic DNA segments. (*3B*)

III–A–2–a–(1)–(a)–(*2*)–(*b*). P2 physical containment + an HV2 host-vector, or P3+HV1, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote *3B*.

III–A–2–a–(1)–(a)–(*2*)–(*c*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants derived from purified cDNA copies of viral mRNA. (*3T*)

III–A–2–a–(1)–(a)–(*3*). *Other Nontransforming Members of Presently Classified Viral Families.* (*3B*)

III–A–2–a–(1)–(a)–(*3*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA (*3B*) segments or (ii) purified cDNA copies of viral mRNA. (*3T*)

III–A–2–a–(1)–(a)–(*3*)–(*b*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote *3B*.

III–A–2–a–(1)–(b). *Transforming Viruses.* (*3TA*)

III–A–2–a–(1)–(b)–(*1*). *Herpes Saimiri, Herpes Ateles, and Epstein Barr Virus.* (*3B*)

III–A–2–a–(1)–(b)–(*1*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (*3B*)

III–A–2–a–(1)–(b)–(*1*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA segments containing an entire transforming gene [3B] or (ii) purified cDNA copies of viral mRNA. (*3T*)

III–A–2–a–(1)–(b)–(*1*)–(*c*). P3 physical containment + an HV1 host-vector, or P2+HV2, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote *3B*.

III–A–2–a–(1)–(b)–(*2*). *Other Transforming Members of Presently Classified Viral Families.* (*3B*)

III–A–2–a–(1)–(b)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (*3B*)

III–A–2–a–(1)–(b)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with the whole viral genome, (ii) subgenomic DNA segments, (iii) purified cDNA copies of viral mRNA. (*3T*) or (iv) subgenomic segments that have not been purified to the extent required-in footnote *3B*.

III–A–2–a–(2). *DNA Transcripts of RNA Viruses.*

III–A–2–a–(2)–(a). *Retroviruses.*

III–A–2–a–(2)–(a)–(*1*). *Gibbon Ape, Woolly Monkey, Feline Leukemia and Feline Sarcoma Viruses.* (*3D*)

III–A–2–a–(2)–(a)–(*1*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (*3B*)

III–A–2–a–(2)–(a)–(*1*)–(*b*). P2 physical containment + an HVI host-vector shall be used for DNA recombinants produced with purified subgenomic DNA segments (*3B*) containing an entire transforming gene.

III–A–2–a–(2)–(a)–(*1*)–(*c*). P2 physical containment + an HV2 host-vector, or P3+HV1, shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) purified cDNA copies of viral mRNA. (*3T*) or (iii) subgenomic segments that have not been purified to the extent required in footnote *3B*.

III–A–2–a–(2)–(a)–(*2*). *Other Members of the Family Retroviridiae.* (*3B*)

III–A–2–a–(2)–(a)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments. (*3B*)

III–A–2–a–(2)–(a)–(*2*)–(*b*). P2 physical containment + HV1 host-vector shall be used for DNA recombinants produced with (i) subgenomic DNA segments containing an entire transforming gene, (ii) the whole viral genome, or (iii) purified cDNA copies of viral mRNA. (*3T*) or (iv) subgenomic segments that have not been purified to the extent required in footnote *3B*.

III–A–2–a–(2)–(b). *Negative Strand RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA. (*3T*)

III–A–2–a–(2)–(c). *Plus-Strand RNA Viruses.*

III–A–2–a–(2)–(c)–(*1*). *Types 1 and 2 Sabin Poliovirus Vaccine Strains and Strain 17D (Theiler) of Yellow Fever Virus.* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral mRNA. (*3T*)

III–A–2–a–(2)–(c)–(*2*). *Other Plus-Strand RNA Viruses Belonging to Presently Classified Viral Families.* (*3B*)

III–A–2–a–(2)–(c)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic cDNA segments. (*3B*)

Table III.—*Recommended Containment for Cloning of Viral DNA or cDNA in Certain HV1 and HV2 Systems Specified in Appendix D*

[See text for full details]

Virus class	Type of viral DNA segment to be cloned				
	Subgenomic (*3B*)		Genomic [1]		cDNA from viral mRNA [*3T*]
	Nontransforming segment	Segment containing an entire transforming gene	Nonsegmented genome	Segmented genome	
DNA					
Nontransforming viruses:					
AVV, MVM, Mouse Adeno (strain FL).	P1+HV1		P1+HV1		P1+HV1.
Plant Viruses	P1+HV1		P1+HV1		P1+HV1
Hepatitis B	P1+HV1 (*3B*)		P2+HV2 or P3+HV1.		P2+HV1
Other	P1+HV1 (*3B*)		P1+HV1		P1+HV1.
Transforming Viruses:					
Herpes, Saimiri, H. Ateles and EBV (*3B*).	P1+HV1 (*3B*)	P2+HV1	P2+HV2 or P3+HV1.		P2+HV1
Other	P1+HV1 (*3B*)	P2+HV1	P2+HV1		P2+HV1
RNA					
Retroviruses:					
Gibbon Ape, Woolly Monkey FeLV and FeSV (*3B*).	P1+HV1 (*3B*)	P2+HV1	P2+HV2 or P3+HV1.		P2+HV2 or P3+HV1.
Other	P1+HV1 (*3B*)	P2+HV1	P2+HV1		P2+HV1.
Negative-Strand RNA	P1+HV1		P1+HV1	P1+HV1	P1+HV1.
Plus-Strand RNA:					
Types 1 and 2 Sabin Polio, 17D Yellow Fever Vaccine Strains.	P1+HV1		P1+HV1		P1+HV1.
Other	P1+HV1 (*3B*)		P2+HV1		P2+HV1.

Table III.—*Recommended Containment for Cloning of Viral DNA or cDNA in Certain HV1 and HV2 Systems Specified in Appendix D*—Continued

[See text for full details]

Virus class	Type of viral DNA segment to be cloned				
	Subgenomic (3B)		Genomic [1]		cDNA from viral mRNA [37]
	Nontransforming segment	Segment containing an entire transforming gene	Nonsegmented genome	Segmented genome	
Double-Stranded RNA	P1+HV1			P1+HV1	P1+HV1.
Plant Viruses+Viroids	P1+HV1		P1+HV1	P1+HV1	P1+HV1
Intracellular Viral DNA	See text	See text	See text		

[1] See exception given at asterisk at end of Appendix D.

III–A–2–a–(2)–(c)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, or (ii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(2)–(d). *Double-Stranded Segmented RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) mixtures of subgenomic cDNA segments, (ii) a specific subgenomic cDNA segment, or (iii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(2)–(e). *RNA Plant Viruses and Plant Viroids.* (*48*) P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA. (*37*)

III–A–2–a–(3). *Intracellular Viral DNA.* Physical and biological containment specified for shotgun experiments with eukaryotic cellular DNA [see Section III–A–(1)–(a)] shall be used for DNA recombinants produced with integrated viral DNA or viral genomes present in infected cells.

III–A–2–a–b. *Eukaryotic Organelle DNAs.* P2 physical containment + an HV1 host-vector, or P1+HV2, for mitochondrial or chloroplast DNA from eukaryotes when the organelle DNA has been obtained from isolated organelles. Otherwise, the conditions given for shotgun experiments apply.

III–A–2–c. *Prokaryotic Plasmid and Phage DNAs.* The containment levels required for shotgun experiments with DNA from prokaryotes apply to their plasmids or phages (See Section III–A–1–b.)

III–A–3. *Lowering of Containment Levels for Characterized or Purified DNA Preparations and Clones.* Many of the risks which might conceivably arise from some types of recombinant DNA experiments, particularly shotgun experiments, would result from the inadvertent cloning of a harmful sequence. Therefore, in cases where the risk of inadvertently cloning the "wrong" DNA is reduced by prior enrichment for the desired piece, or in which a clone made from a random assortment of DNAs has been purified and the absence of harmful sequences established, the containment conditions for further work may be reduced. The following section outlines the mechanisms for such reductions.

III–A–3–a. *Purified DNA Other than Plasmids, Bacteriophages, and Other Viruses.* The formation of DNA recombinants from cellular DNAs that have been purified [41] and in which the absence of harmful sequences has been established [3] can be carried out under lower containment conditions than used for the corresponding shotgun experiment. (*42*) The containment may be decreased one step in physical containment (P4, P3; P3, P2; P2, P1) while maintaining the biological containment specified for the shotgun experiment, or one step in biological containment (HV3; HV2; HV2; HV1) while maintaining the specified physical containment. The Institutional Biosafety Committee (IBC) must review such a reduction and the approval of the IBC and of the NIH must be secured before such a reduction may be put into effect. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3 to levels below P1+HV1, which requires prior NIH approval. (See Section IV–E–1–b–(3)–(e).)

III–A–3–b. *Characterized Clones of DNA Recombinants.* When a cloned DNA recombinant has been rigorously characterized and the absence of harmful sequences has been established (*3*), experiments involving this recombinant DNA may be carried out under lower containment conditions. Institutional Biosafety Committees (IBCs) may give approval for a single-step reduction in physical or biological containment on receipt of evidence of characterization of a clone derived from a shotgun experiment and its probable freedom from harmful genes. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3–b to levels below P1+HV1, or reduction of containment levels by more than one step, which also requires prior NIH approval. (See Section IV–E–1–b–3–(e).)

III–B. *Experiments with Prokaryotic Host-Vectors Other Than E. coli K–12.*

III–B–1. *HV1 and HV2 Systems.* Certain certified HV1 and HV2 host-vector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, the classification of containment levels for experiments using them will be assigned by NIH.

III–B–2. *Return of DNA Segments to Prokaryotic Non-HV1 Host of Origin.* Certain experiments involving those prokaryotes that exchange genetic information with *E. coli* by known physiological processes will be exempt from these Guidelines if they appear on the "list of exchangers" set forth in Appendix A (see Section I–E–4). For a prokaryote which can exchange genetic information [35] with *E. coli* under laboratory conditions but which is not on the list (Host A), the following type of experiment may be carried out under P1 conditions without Host A having been approved as an HV1 host: DNA from Host A may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host A by mobilization, transformation, or transduction and may then be propagated in Host A in any desired vector under P1 conditions.

For a prokaryote which does not exchange genetic information with *E. coli* (Host B), the following type of experiment may be carried out without Host B having been approved as an HV1 host: DNA from Host B may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host B and propagated in Host B under P1 conditions. (*43*)

III–B–3. *Non-HV1 Systems.* Containment levels for other classes of experiments involving non-HV1 systems may be approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C. *Experiments with Eukaryotic Host-Vectors.*

III–C–1. *Vertebrate Host-Vector Systems.* (*44*) The subsections of Sections III–C–1 –a, –b, –c and –d involve the use of specific viral vectors, namely polyoma, SV40, human adenoviruses 2 and 5, and mouse adenovirus strain FL, respectively. The subsections of Section III–C–1–e involve the use of all viral vectors including the specific viral vectors considered in the subsections of Sections III–C–1 –a, –b, –c and –d, as well as any other viral vector. When the reader finds that the containment level given for a specific experiment in a subsection of Section III–C–1–e is different from the containment level given in a subsection of Section III–C–1 –a, –b, –c, or –d, he may choose which of the two containment levels he wishes to use for the experiment.

III–C–1–a. *Polyoma Virus.*

III–C–1–a–(1). *Productive Virus-Cell Interactions.*

III–C–1–a–(1)–(a). Defective or whole polyoma virus genomes, with appropriate helper, if necessary, can be used in P2 conditions to propagate DNA sequences:

III–C–1–a–(1)–(a)–(*1*). from bacteria of Class 1 or Class 2 (*1*) or their phages or plasmids, except for those that produce potent polypeptide toxins; (*34*)

III–C–1–a–(1)–(a)–(*2*). from mice;

III–C–1–a–(1)–(a)–(*3*). from eukaryotic organisms that do not produce potent polypeptide toxins, (*34*) provided that the DNA segment is >99% pure.

III–C–1–a–(1)–(b). Defective polyoma genomes, with appropriate helper, if necessary, can be used in P2 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins. (*34*)

III–C–1–a–(1)–(c). Whole virus genomes with appropriate helper, if necessary, can be used in P3 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins. (*34*)

III–C–1–a–(1)–(d). Experiments involving the use of defective polyoma virsu genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–a–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole polyoma virus genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genomes in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b. *Simian Virus 40.*

III–C–1–b–(1). *Productive Virus-Cell Interactions.*

III–C–1–b–(1)–(a). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–b–(1)–(a)–(*1*). Bacteria of Class 1 or Class 2, [1] or their phages or plasmids, except for those that produce potential polypeptide toxins; (*34*)

III–C–1–b–(1)–(a)–(*2*). Uninfected African green monkey kidney cell cultures.

III–C–1–b–(1)–(b). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with an appropriate helper, can be used in P3 conditions to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins (*34*) (shotgun experiments or purified DNA).

III–C–1–b–(1)–(c). Experiments involving the use of defective SV40 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole SV40 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c. *Human Adenoviruses 2 and 5.*

III–C–1–c–(1). *Productive Virus-Cell Interactions.*

III–C–1–c–(1)–(a). Human adenoviruses 2 and 5, rendered unconditionally defective by deletion of at least two essential genes, with appropriate helper, can be used in P3 conditions to propagate DNA sequences from:

III–C–1–c–(1)–(a)–(*1*). Bacteria of Class 1 or Class 2 (*1*) or their phages or plasmids except for those that produce potent polypeptide toxins; (*34*)

III–C–1–c–(1)–(a)–(*2*). Eukaryotic organisms that do not produce potent polypeptide toxins (*34*) (shotgun experiments or purified DNA).

III–C–1–c–(1)–(b) Experiments involving the use of unconditionally defective human adenovirus 2 and 5 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole human adenovirus 2 and 5 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d. *Murine Adenovirus Stram FL.*

III–C–1–d–(1). Productive Virus-Cell Interactions.

III–C–1–d–(1)–(a). Unconditionally defective murine adenovirus strain FL genomes, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–d–(1)–(a)–(*1*). bacteria of Class 1 or Class 2 (*1*) or their phages or plasmids except for those that produce potent polypeptide toxins; (*34*)

III–C–1–d–(1)–(a)–(*2*). eukaryotic organisms that do not produce potent polypeptide toxins (*34*) (shotgun experiments or purified DNA).

III–C–1–d–(1)–(b). Experiments involving the use of whole murine adenovirus strain FL genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(1)–(c). Experiments involving the use of unconditionally defective murine adenovirus strain FL genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole

murine adenovirus strain FL genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper), provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–e. *All Viral Vectors.*

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–e–(1)–(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus [all viruses from a single Family (*36*) being considered indentical (*50*)] may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

III–C–1–e–(1)–(b). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P2 containment if wild type strains of the virus are CDC Class 1 or 2 agents, or using P3 containment if wild type strains of the virus are CDC class 3 agents (*1*).

III–C–1–e–(2). Experiments involving the use of other whole or defective virus genomes to propagate DNA sequences from prekaryotic or eukaryotic organisms (and viruses), or as vectors to transform nonpermissive cells, will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

NIH will also reveiw on a case-by-case basis [45] all experiments involving the use of virus vectors in animals and will prescribe the physical and biological containment conditions appropriate for such studies. (See Section IV–E–1–b–(3)–(c).)

III–C–1–f. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and nonviral DNA from cells other than the host species require only P1 physical containment for cells in culture since vertebrate cells in tissue culture inherently exhibit a very high level of containment. Recombinants involving viral DNA or experiments which require the use of the whole animals will be evaluated by NIH on a case-by-case basis.(*45*)

III–C–2. *Invertebrate Host-Vector Systems.*

III–C–2–a. *Insect Viral Vectors.* As soon as information becomes available on the host range restrictions and on the infectivity, persistence, and integration of the viral DNA in vertebrate and invertebrate cells, experiments involving the use of insect viruses to propagate DNA sequences will be evaluated by NIH on a case-by-case (*45*) and will be conducted under the recommended physical containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–2–b. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P1 physical containment for invertebrate cells in culture since invertebrate cells in culture inherently exhibit a very high level of containment. Experiments which require the use of whole animals will be evaluated by NIH on a case-by-case basis. (*45*)

III–C–3. *Plant Viral Host-Vector Systems.* (*48*) The DNA plant viruses which could currently serve as vectors for cloning genes in plants and plant cell protoplasts are Cauliflower Mosaic Virus (CaMV) and its close relatives (*2A*) which have relaxed circular double-stranded DNA genomes with a molecular weight of 4.5×10^6, and Bean Golden Mosaic Virus (BGMV) and related viruses with small ($<10^6$ daltons) single-stranded DNA genomes. CaMV is spread in nature by aphids, in which it survives for a few hours. Spontaneous mutants of CaMV which lack a factor essential for aphid transmission arise frequently. BGMV is spread in nature by whiteflies, and certain other single-stranded DNA plant viruses are transmitted by leafhoppers.

The DNA plant viruses have narrow host ranges and are relatively difficult to transmit mechanically to plants. For this reason, they are most unlikely to be accidentally transmitted from spillage of purified virus preparations.

When these viruses are used as vectors in intact plants, or propagative plant parts, the plants shall be grown under P1 conditions—that is, in either a limited access greenhouse or plant growth cabinet which is insect-restrictive, preferably with positive air pressure, (*2A*) and in which an insect fumigation regime is maintained. Soil, plant pots, and unwanted infected materials shall be removed from the greenhouse or cabinet in sealed insect-proof containers and sterilized. It is not necessary to sterilize run-off water from the infected plants, as this is not a plausible route for secondary infection. When the viruses are used as vectors tissue cultures or in small plants in axenic cultures, no special containment is neccessary. Infected plant materials which have to be removed from the greenhouse or cabinet for futher research shall be maintained under insect-restrictive conditions. These measures provide an entirely adequate degree of containment.

They are similar to those required in many countries for licensed handling of "exotic" plant viruses.

The viruses or their DNA may also be useful as vectors to introduce genes into plant protoplasts. The fragility of plant protoplasts combined with the properties of the viruses provides adequate safety. Since no risk to the environment from the use of the DNA plant virus/protoplast system is envisaged, no special containment is necessary, except as described in the following paragraph.

Experiments involving the use of plant genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis (*45*) and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–4. *Plant Host-Vector Systems Other than Viruses. (48)* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (See Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P2 physical containment. The development of host-vector systems that exhibit a high level of biological containment, such as those using protoplasts or undifferentiated cells in culture, permit (*2A*) a decrease in the physical containment to P1.

Intact plants or propagative plant parts which cannot be grown in a

standard P2 laboratory because of their large size may be grown under the P1 conditions described above in Section III–C–3, except that (i) sterilization of run-off water is required where this is a plausible route for secondary infection and (ii) the standard P2 practices are adopted for microbiological work, and (iii) negative air pressure should be employed in the greenhouse or growth chamber when infectious agents are used which generate airborne propagules.

III–C–5. *Fungal or Similar Lower Eukaryotic Host-Vector Systems.*

Certain certified HV1 and HV2 host-vector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, they may be added to appendix D (and thus the containment levels for their use will be those of the subsections of Section III–A). Alternatively, at the time of their certification, another classification of containment levels for experiments using them may be assigned by NIH.

In addition to the experiments described above, the following experiments may be carried out without the eukaryotic host (Host C) having been approved as an HV1 host: DNA from Host C may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host C and propagated there under P1 conditions. (*43*) Containments levels for other classes of experiments involving non-HV1 systems may be expressly approved by the Director, NIH. (see Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C–6. *Return of DNA Segments to a Higher Eukaryotic Host of Origin.* DNA from a higher eukaryote (Host D) may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host D and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study. (*2A*)

III–C–7. *Transfer of Cloned DNA Segments to Eukaryotic Organisms.*

III–C–7–a. *Transfer to Non-human Vertebrates.* DNA from any nonprohibited source [Section I–D], except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* K–12, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (*2A*). Transfers to any other host will be considered by the RAC on a case-by-case basis (*45*).

III–C–7–b. *Transfer to Higher Plants.* DNA from any nonprohibited source [Section I–D] which has been cloned and propagated in *E. coli* K–12 or *S. cerevisiae*, may be transferred with the *E. coli* or *S. cerevisiae* vector used for cloning to any higher plant organisms (Angiosperms and Gymnosperms) and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (*2A*). Intact plants or propagative plant parts may be grown under P1 conditions described under Section III–C–3. Containment must be modified to ensure that the spread of pollen, seed or other propagules is prevented. This can be accompanied by conversion to negative pressure in the growth cabinet or greenhouse or by physical entrapment by "bagging" or reproductive structures. Transfers to any other plant organisms will be considered on a case-by-case basis (*45*).

III–D. *Complementary DNAs.* Specific containment levels are given in Section III–A–2–a (see also last column of Table III) for complementary DNA (cDNA) of viral mRNA. For the other Sections of the Guidelines, where applicable, cDNAs synthesized *in vitro* are included within each of the above classifications. For example, cDNAs formed from cellular RNAs that are not purified and characterized are included under III–A–1, shotgun experiments; cDNAs formed from purified and characterized RNAs are included under III–A–3; etc.

Due to the possibility of nucleic acid contamination of enzyme preparations used in the preparation of cDNAs, the investigator must employ purified enzyme preparations that are free of viral nucleic acid.

III–E. *Synthetic DNAs.* If the synthetic DNA segment is likely to (*2A*) yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent), the containment conditions must be as stringent as would be used for propagating the natural DNA counterpart.

If the synthetic DNA sequence codes for a a harmless product, (*2A*) it may be propagated at the same containment level as its purified natural DNA counterpart. For example, a synthetic DNA segment which corresponds to a nonharmful gene of birds, to be propagated in *saccharomyces cerevisiae*, would require P2 physical containment plus an HV1 host-vector, or P1+HV2.

If the synthetic DNA segment is not expressed *in vivo* as a polynucleotide or polypeptide product, the organisms containing the recombinant DNA molecule are exempt (*4*) from the Guidelines.

IV. Roles and Responsibilities

IV–A. *Policy.* Safety in activities involving recombinant DNA depends on the individual conducting them. The Guidelines cannot anticipate every possible situation. Motivation and good judgement are the key essentials to protection of health and the environment.

The Guidelines are intended to help the Institution, the Institutional Biosafety Committee (IBC), the Biological Safety Officer, and the Principal Investigator determine the safeguards that should be implemented. These Guidelines will never be complete or final, since all conceivable experiments involving recombinant DNA cannot be foreseen. Therefore, it is the responsibility of the Institution and those associated with it to adhere to the *purpose* of the Guidelines as well as to their specifics.

Each Institution (and the IBC acting on its behalf) is responsible for ensuring that recombinant DNA activities comply with the Guidelines. General recognition of institutional authority and responsibility properly establishes accountability for safe conduct of the research at the local level.

The following roles and responsibilities constitute an administrative framework in which safety is an essential and integral part of research involving recombinant DNA molecules. Further clarifications and interpretations of roles and responsibilities will be issued by NIH as necessary.

IV–B. *General Applicability.* The Guidelines are applicable to all recombinant DNA research within the United States or its territories which is conducted at or sponsored by an Institution that receives any support for recombinant DNA research from NIH. This includes research performed by NIH directly.

An individual receiving support for research involving recombinant DNA must be associated with or sponsored by an Institution that can and does assume the responsibilities assigned in these Guidelines.

The Guidelines are also applicable to projects done abroad if they are supported by NIH funds. If the host country, however, has established rules for the conduct of recombinant DNA projects, then a certificate of compliance

with those rules may be submitted to NIH in lieu of compliance with the NIH Guidelines. NIH reserves the right to withhold funding if the safety practices to be employed abroad are not reasonably consistent with the NIH Guidelines.

IV–C. *General Definitions.* The following terms, which are used throughout the Guidelines, are defined as follows:

IV–C–1. "DNA" means deoxyribonucleic acid.

IV–C–2. "Recombinant DNA" or "recombinant DNA molecules" means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above.

IV–C–3. [Deleted]

IV–C–4. "Institution" means any public or private entity (including Federal, State, and local government agencies).

IV–C–5. "Institutional Biosafety Committee" or "IBC" means a committee that (i) meets the requirements for membership specified in Section IV–D–2, and (ii) reviews, approves, and oversees projects in accordance with the responsibilities defined in Sections IV–D–2 and –3.

IV–C–6. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for (i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–E–3.

IV–C–7. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specific in Section IV–E–2.

IV–C–8. "Director, NIH" or "Director" means the Director of the National Institutes of Health and any other officer or employee of NIH to whom authority has been delegated.

IV–C–9. "Federal Interagency Advisory Committee on Recombinant DNA Research" means the committee established in October 1976 to advise the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH, on the coordination of those aspects of all Federal programs and activities which relate to recombinant DNA research.

IV–C–10. "Administrative Practices Supplement" or "APS" means a publication to accompany the NIH Guidelines specifying administrative procedures for use at NIH and at Institutions.

IV–C–11. "Laboratory Safety Monograph" or "LSM" means a publication to accompany the NIH Guidelines describing practices, equipment, and facilities in detail.

IV–D. *Responsibilities of the Institution.*

IV–D–1. Each Institution conducting or sponsoring recombinant DNA research covered by these Guidelines is responsible for ensuring that the research is carried out in full conformity with the provisions of the Guidelines. In order to fulfill this responsibility, the Institution shall:

IV–D–1–a. Establish and implement policies that provide for the safe conduct of recombinant DNA research and that ensure compliance with the Guidelines. The Institution, as part of its general responsibilities for implementing the Guidelines, may establish additional procedures, as deemed necessary, to govern the Institution and its components in the discharge of its responsibilities under the Guidelines. This may include (i) statements formulated by the Institution for general implementation of the Guidelines and (ii) whatever additional precautionary steps the Institution may deem appropriate.

IV–D–1–b. Establish an Institutional Biosafety Committee (IBC) that meets the requirements set forth in Section IV–D–2 and carries out the functions detailed in Section IV–D–3.

IV–D–1–c. [Deleted]

IV–D–1–d. [Deleted]

IV–D–1–e. If the Institution is engaged in recombinant DNA research at the P3 or P4 containment level, appoint a Biological Safety Officer (BSO), who shall be a member of the IBC and carry out the duties specified in Section IV–D–4.

IV–D–1–f. Require that investigators responsible for research covered by these Guidelines comply with the provisions of Section IV–D–5, and assist investigators to do so.

ID–D–1–g. Ensure appropriate training for the IBC chairperson and members, the BSO, Principal Investigators (PIs), and laboratory staff regarding the Guidelines, their implementation, and laboratory safety. Responsibility for training IBC members may be carried out through the IBC chairperson. Responsibility for training laboratory staff may be carried out through the PI. The Institution is responsible for seeing that the PI has sufficient training, but may delegate this responsibility to the IBC.

IV–D–1–h. Determine the necessity, in connection with each project, for health surveillance of recombinant DNA research personnel, and conduct, if found appropriate, a health surveillance program for the project. [The Laboratory Safety Monograph (LSM) discusses various possible components of such a program—for example, records of agents handled, active investigation of relevant illnesses, and the maintenance of serial serum samples for monitoring serologic changes that may result from the employees' work experience. Certain medical conditions may place a laboratory worker at increased risk in any endeavor where infectious agents are handled. Examples given in the LSM include gastrointestinal disorders and treatment with steroids, immunosuppressive drugs, or antibiotics. Workers with such disorders or treatment should be evaluated to determine whether they should be engaged in research with potentially hazardous organisms during their treatment or illness.]

IV–D–1–i. Report within 30 days to ORDA any significant problems with and violations of the Guidelines and significant research-related accidents and illnesses, unless the institution determines that the PI or IBC has done so.

IV–D–2. *Membership and Procedures of the IBC.* The Institution shall establish an Institutional Biosafety Committee (IBC) meeting the following requirements:

IV–D–2–a. The IBC shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and the capability to assess the safety of recombinant DNA research experiments and any potential risk to public health or the environment. At least two members (but not less than 20 percent of the membership of the committee) shall not be affiliated with the Institution (apart from their membership on the IBC) and shall represent the interest of the surrounding community with respect to health and protection of the environment. Members meet this requirement if, for example, they are officials of State or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community. The Biological Safety Officer (BSO), mandatory when research is being conducted at the P3 and P4 levels, shall be a member (see Section IV–D–4).

IV–D–2–b. In order to ensure the professional competence necessary to review recombinant DNA activities, it is recommended that (i) the IBC include persons from disciplines relevant to recombinant DNA technology, biological safety, and engineering; (ii) the IBC include, or have available as consultants, persons knowledgeable in institutional commitments and policies, applicable law, standards of professional conduct and practice, community attitudes, and the environment; and (iii) at least one member be a nondoctoral person from a laboratory technical staff.

IV–D–2–c. The Institution shall identify the committee members by name in a report to the NIH Office of Recombinant DNA Activities (ORDA) and shall include relevant background information on each member in such form and at such times as ORDA may require. (See the Administrative Practices Supplement for further guidance.)

IV–D–2–d. No member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which he or she has been, or expects to be, engaged or has a direct financial interest.

IV–D–2–e. The Institution may establish procedures that the IBC will follow in its initial and continuing review of applications, proposals, and activities. (IBC review procedures are specified in Section IV–D–3–a.)

IV–D–2–f. Central to implementation of the Guidelines is the review of experiments by the IBC. In carrying out this responsibility, the Institution shall comply with instructions and procedures specified in the Administrative Practices Supplement.

IV–D–2–g. Institutions are encouraged to open IBC meetings to the public whenever possible, consistent with protection of privacy and proprietary interests.

IV–D–2–h. Upon request, the Institution shall make available to the public all minutes of IBC meetings and any documents submitted to or received from funding agencies which the latter are required to make available to the public (e.g., reports of Guideline violations and significant research-related accidents, and agency directives to modify projects). If comments are made by members of the public on IBC actions, the Institution shall forward to NIH both the comments and the IBC's response.

IV–D–3. *Functions of the IBC.* On behalf of the Institution, the IBC is responsible for:

IV–D–3–a. Reviewing for compliance with the NIH Guidelines all recombinant DNA research conducted at or sponsored by the Institution, and approving those research projects that it finds are in conformity with the Guidelines. This review shall include:

IV–D–3–a–(1). An independent assessment of the containment levels required by these Guidelines for the proposed research, and

IV–D–3–a–(2). An assessment of the facilities, procedures, and practices, and of the training and expertise of recombinant DNA personnel.

Note.—See Laboratory Safety Monograph (pages 187–190) for suggested guidance in conducting this review.

IV–D–3–b. Notifying the Principal Investigator (PI) of the results of their review.

IV–D–3–c. Reviewing periodically recombinant DNA research being conducted at the Institution, to ensure that the requirements of the Guidelines are being fulfilled.

IV–D–3–d. Adopting emergency plans covering accidental spills and personnel contamination resulting from such research.

Note.—Basic elements in developing specific procedures for dealing with major spills of potentially hazardous materials in the laboratory are detailed in the Laboratory Safety Monograph. Included are information and references on decontamination and emergency plans. NIH and the Centers for Disease Control are available to provide consultation, and direct assistance if necessary, as posted in the LSM. The Institution shall cooperate with the State and local public health departments, reporting any significant research-related illness or accident that appears to be a hazard to the public health.

IV–D–3–e. Reporting within 30 days to the appropriate institutional official and to the NIH Office of Recombinant DNA Activities (ORDA) any significant problems with or violations of the Guidelines, and any significant research-related accidents or illnesses, unless the IBC determines that the PI has done so.

IV–D–3–f. The IBC may not authorize initiation of experiments not explicitly covered by the Guidelines until NIH, (with the advice of the RAC when required) establishes the containment requirement.

IV–D–3–g. Performing such other functions as may be delegated to the IBC under Section IV–D–1.

IV–D–4. *Biological Safety Officer.* The Institution shall appoint a BSO if it engages in recombinant DNA research at the P3 or P4 containment level. The officer shall be a member of the Institutional Biosafety Committee (IBC), and his or her duties shall include (but need not be limited to):

IV–D–4–a. Ensuring through periodic inspections that laboratory standards are rigorously followed;

IV–D–4–b. Reporting to the IBC and the Institution all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses of which the BSO becomes aware, unless the BSO determines that the Principal Investigator (PI) has done so.

IV–D–4–c. Developing emergency plans for dealing with accidental spills and personnel contamination, and investigating recombinant DNA research laboratory accidents;

IV–D–4–d. Providing advice on laboratory security;

IV–D–4–e. Providing technical advice to the PI and the IBC on research safety procedures.

Note.—See Laboratory Safety Monograph for additional information on the duties of the BSO.

IV–D–5. *Principal Investigator.* On behalf of the Institution, the PI is responsible for complying fully with the Guidelines in conducting any recombinant DNA research.

IV–D–5–a. *PI—General.* As part of this general responsibility, the PI shall:

IV–D–5–a–(1). Initiate or modify no recombinant DNA research subject to the Guidelines until that research, or the proposed modification thereof, has been approved by the Institutional Biosafety Committee (IBC) and has met all other requirements of the Guidelines and the Administrative Practices Supplement (APS).

Note.—No prior approval by the IBC is required for most experiments described in Section III–O. Modify containment and experimental protocol according to recommendations of the IBC.

IV–D–5–a–(2). Report within 30 days to the IBC and NIH (ORDA) all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses;

IV–D–5–a–(3). Report to the IBC and to NIH (ORDA) new information bearing on the Guidelines;

IV–D–5–a–(4). Be adequately trained in good microbiological techniques;

IV–D–5–a–(5). Adhere to IBC-approved emergency plans for dealing with accidental spills and personnel contamination; and

IV–D–5–a–(6). Comply with shipping requirements for recombinant DNA molecules. (See Section II–C for shipping requirements, Laboratory Safety Monograph for technical recommendations, and the APS for

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administrative instructions and procedures. The requesting laboratory must be in compliance with the NIH Guidelines and under appropriate review by its IBC, and the sending investigator must maintain a record of all shipments of recombinant DNA materials.)

IV–D–5–b. *Submissions by the PI to NIH.* The PI shall:

IV–D–5–b–(1). Submit information to NIH (ORDA) in order to have new host-vector systems certified;

IV–D–5–b–(2). Petition NIH, with notice to the IBC, for exemptions to these Guidelines (see Sections I–E–4 and I–E–5 and, for additional information on procedures, the APS); and

IV–D–5–b–(3). Petition, NIH, with concurrence of the IBC, for exceptions to the prohibitions under these Guidelines (see Section I–D and, for additional information on procedures, the APS).

IV–D–5–b–(4). Petition NIH for determination of containment for experiments requiring case-by-case review.

IV–D–5–b–(5). Petition NIH for determination of containment for experiments not covered by the Guidelines.

IV–D–5–c. *Submissions by the PI to the IBC.* The PI shall:

IV–D–5–c–(1). Make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines;

IV–D–5–c–(2). Select appropriate microbiological practices and laboratory techniques to be used in the research;

IV–D–5–c–(3). Submit the initial research protocol (and also subsequent changes—e.g., changes in the source of DNA or host-vector system) to the IBC for review and approval or disapproval, and

IV–D–5–c–(4). Remain in communication with the IBC throughout the conduct of the project.

IV–D–5–d. *PI Responsibilities After Approval but Prior to Initiating the Research.* The PI is responsible for:

IV–D–5–d–(1). Making available to the laboratory staff copies of the approved protocols that describe the potential biohazards and the precautions to be taken;

IV–D–5–d–(2). Instructing and training staff in the practices and techniques required to ensure safety and in the procedures for dealing with accidents; and

IV–D–5–d–(3). Informing the staff of the reasons and provisions for any precautionary medical practices advised or requested, such as vaccinations or serum collection.

IV–D–5–e. *PI Responsibilities During the Conduct of the Approved Research.* The PI is responsible for:

IV–D–5–e–(1). Supervising the safety performance of the staff to ensure that the required safety practices and tehniques are employed;

IV–D–5–e–(2). Investigating and reporting in writing to ORDA, the Biological Safety Officer (where applicable), and the IBC any significant problems pertaining to the operation and implementation of containment practices and procedures;

IV–D–5–e–(3). Correcting work errors and conditions that may result in the release of recombinant DNA materials;

IV–D–5–e–(4). Ensuring the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., purity, and genotypic and phenotypic characteristics); and

IV–D–5–e–(5). *Publications.* PIs are urged to include, in all publications reporting on recombinant DNA research, a description of the physical and biological containment procedures employed.

IV–E. *Responsibilities of NIH.*

IV–E–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines on recombinant DNA research, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has a number of responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–E–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–E–1–a–(1). promulgating requirements as necessary to implement the Guidelines;

IV–E–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–E–2. The RAC's membership is specified in its charter and in Section IV–E–2;

IV–E–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–E–3; and

IV–E–1–a–(4). Maintaining the Federal Interagency Advisory Committee on Recombinant DNA Research established by the Secretary, HEW, for advice on the coordination of all Federal programs and activities relating to recombinant DNA, including activities of the RAC.

IV–E–1–b. *Specific Responsibilities of the Director, NIH.* In carrying out the responsibilities set forth in this Section, the Director shall weigh each proposed action, through appropriate analysis and consultation, to determine that it complies with the Guidelines and presents no significant risk to health or the environment.

IV–E–1–b–(1). *The Director is responsible for the following major actions* (For these, the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the **Federal Register** at least 30 days before the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days of comment before final action is taken. The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC and IBC chairpersons will be notified of this decision):

IV–E–1–b–(1)–(a). Changing containment levels for types of experiments that are specified in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(c). Certifying new host-vector systems, with the exception of minor modifications of already certified systems. [The standards and procedures for certificatin are described in Section II–D–2–a. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment. See the Administrative Practices Supplement (APS) for further information];

IV–E–1–b–(1)–(d). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment (see Sections I–E –4 and –5 and the APS for further information);

IV–E–1–b–(1)–(e). Permitting exceptions to the prohibited experiments in the Guidelines, in order, for example, to allow risk-assessment studies; and

IV–E–1–b–(1)–(f). Adopting other changes in the Guidelines.

IV–E–1–b–(2). *The Director is also responsible for the following lesser actions* (For these, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the Recombinant DNA Technical Bulletin):

IV–E–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–E–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines (see Section III);

IV–E–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines (see Section III);

IV–E–1–b–(2)–(d). Designating certain class 2 agents as class 1 for the purpose of these Guidelines (see Footnote 1 and Appendix B);

IV–E–1–b–(2)–(e). Assigning containment levels for experiments with recombinant DNA from Class 3 organisms [1] and assigning containment levels for experiments which increase the host-range and virulence of plant pathogens beyond that which occurs by natural genetic exchange.

IV–E–1–b–(3). *The Director is also responsible for the following actions.* (The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(3)–(a). Interpreting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–E–1–b–(3)–(b). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–E–1–b–(2)–(c).

IV–E–1–b–(3)–(c). Determining appropriate containment conditions upon case-by-case analysis of experiments explicitly considered in the Guidelines but for which no containment levels have been set (see Footnote 45 in Part V; Sections III–C–1–a through –e; and Sections III–C–2 and –3);

IV–E–1–b–(3)–(d). Authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences (see Footnote 3 and Section I–D–6);

IV–E–1–b–(3)–(e). Lowering containment levels for characterized clones or purified DNA (see Sections III–A–3–a and –b, and Footnotes *3* and *41*);

IV–E–1–b–(3)–(f). Approving minor modifications of already certified host-vector systems. (The standards and procedures for such modifications are described in Section II–D–2); and

IV–E–1–b–(3)–(g). Decertifying already certified host-vector systems.

IV–E–1–b–(3)–(h). Assigning containment levels for experiments in which both donor and recipient are nonpathogenic prokaryotes and/or nonpathogenic lower eukaryotes (see Section III–O–2).

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates (see Appendix G).

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12 (see Appendix G).

IV–E–1–b–(4). The Director shall conduct, support, and assist training programs in laboratory safety for Institutional Biosafety Committee members, Biological Safety Officers, Principal Investigators, and laboratory staff.

IV–E–1–b–(5). The Director, at the end of 36 months from the time these Guidelines are promulgated, will report on the Guidelines, their administration, and the potential risks and benefits of this research. In doing so, the Director will consult with the RAC and the Federal Interagency Committee. Public comment will be solicited on the draft report and taken into account in transmitting the final report to the Assistant Secretary for Health and the Secretary, HHS.

IV–E–2. *Recombinant Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its chapter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively, expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md. 20205.

All meetings of the RAC will be announced in the **Federal Register**, including tentative agenda items, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–E–1–b–(1) may be added to an agenda after it appears in the **Federal Register.**

IV–E–2–a. *The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–E–1–b –(1) and –(2).*

IV–E–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Biological Safety Committees, Principal Investigators, Federal agencies, State and local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–E–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–E–3–a. Review and approval of Institutional Biosafety Committee (IBC) membership;

IV–E–3–b through IV–E–3–c–(3). [Deleted]

IV–E–3–c–(4). Publish in the **Federal Register:**

IV–E–3–c–(4)–(a). Announcements of Recombinant DNA Advisory Committee (RAC) meetings and agendas 30 days in advance, with publication of the Director's proposed decision for 30 days of public and Federal agency comment followed by a published response, on any action listed in Section IV–E–1–(b)–(1); and

IV–E–3–c–(4)–(b). Announcements of RAC meetings and agendas 30 days in advance on any action listed in Section IV–E–1–b–(2).

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–E–3–c–(5). Publish the *Recombinant DNA Technical Bulletin;* and

IV–E–3–c–(6). Serve as executive secretary to the RAC.

IV–E–4. *Other NIH Components.* Other NIH components shall be responsible for:

IV–E–4–a. [Deleted]

IV–E–4–b. Certifying P4 facilities, inspecting them periodically, and

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inspecting other recombinant DNA facilities as deemed necessary; and

IV–E–4–c. Announcing and distributing certified HV2 and HV3 host-vector systems (see SECTION II–E–3).

(See Administrative Practices Supplement for additional information on the administrative procedures of ORDA and other NIH components.)

IV–F [Deleted]

IV–G. *Compliance.* As a condition for NIH funding of recombinant DNA research, Institutions must ensure that such research conducted at or sponsored by the Institution, irrespective of the source of funding, shall comply with these Guidelines. The policies on noncompliance are as follows:

IV–G–1. All NIH–funded projects involving recombinant DNA techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of financial assistance for such projects and of NIH funds for other recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–2. All non–NIH funded projects involving recombinant DNA techniques conducted at or sponsored by an Institution that receives NIH funds for projects involving such techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of NIH funds for recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–3. Information concerning noncompliance with the Guidelines may be brought forward by any person. It should be delivered to both NIH (ORDA) and the relevant Institution. The Institution, generally through the IBC, shall take appropriate action. The Institution shall forward a complete report of the incident to ORDA, recommending any further action indicated.

IV–G–4. In cases where NIH proposes to suspend, limit, or terminate financial assistance because of noncompliance with the Guidelines, applicable DHEW and Public Health Service procedures shall govern.

IV–G–5. *Voluntary Compliance.* Any individual, corporation, or institution that is not otherwise covered by the Guidelines is encouraged to conduct recombinant DNA research activities in accordance with the Guidelines, through the procedures set forth in Part VI.

V. Footnotes and References

(*1*) The reference to organisms as Class 1, 2, 3, 4, or 5 refers to the classification in the publication *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974; U.S. Department of Health, Education, and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333. The list of organisms in each class, as given in this publication, is reprinted in Appendix B to these Guidelines.

The Director, NIH, with advice of the Recombinant DNA Advisory Committee, may designate certain of the agents which are listed as Class 2 in the *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974, as Class 1 agents for the Purposes of these Guidelines (see Section IV–E–1–b–(2)–(d)). An updated list of such agents may be obtained from the Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205.

The entire *Classification of Etiologic Agents on the Basis of Hazard* is in the process of revision.

(*2*) For experiments using Vesicular Stomatitis virus (VSV), contact the NIH Office of Recombinant DNA Activities.

(*2A*) In Parts I and III of the Guidelines, there are a number of places where judgments are to be made. These include: "cells known to be infected with such agents" (Section I–D–1); "known to acquire it naturally" (Section I–D–5); "known to produce a potent polypeptide toxin . . . or known to carry such pathogens . . . not likely to be a product of closely linked eukaryote genes . . . shown not to contain such agents" (Section III–A–1–a–(5)–(a)); "shown to be free of disease causing microorganisms" (Section III–A–1–a(5)–(b)); "close relatives" (Section III–C–3); and "produce a potent polypeptide toxin" (Footnote 34).

In all these cases the principal investigator is to make the initial judgment on these matters as part of his responsibility to "make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines" (Section IV–D–7–a). In all these cases, this judgment is to be reviewed and approved by the Institutional Biosafety Committee as part of its responsibility to make "an independent assessment of the containment levels required by these Guidelines for the proposed research" (Section IV–D–3–a–(1)). If the IBC wishes, any specific cases may be referred to the NIH Office of Recombinant DNA Activities as part of ORDA's functions to "Provide advice to all within and outside NIH" (Section IV–E–3), and ORDA may request advice from the Recombinant DNA Advisory Committee as part of the RAC's responsibility for "interpreting and determining containment levels upon request by ORDA" (Section IV–E–1–b–(2)–(a)).

(*3*) The following types of data should be considered in determining whether DNA recombinants are "characterized" and the absence of harmful sequences has been established: (a) the absence of potentially harmful genes (e.g., sequences contained in indigenous tumor viruses or sequences that code for toxins, invasins, virulence factors, etc., that might potentiate the pathogenicity or communicability of the vector and/or the host or be detrimental to humans, animals, or plants); (b) the type(s) of genetic information on the cloned segment and the nature of transcriptional and translation gene products specified; (c) the relationship between the recovered and desired segment (e.g., hybridization and restriction endonuclease fragmentation analysis where applicable); (d) the genetic stability of the cloned fragment; and (e) any alterations in the biological properties of the vector and host.

(*4*) In Section I–E, "exemptions" from the Guidelines are discussed. Such experiments are not covered by the Guidelines and need not be registered with NIH. In Section I–D on "prohibitions," the possibility of "exceptions" is discussed. An "exception" means that an experiment may be expressly released from a prohibition. At that time it will be assigned an appropriate level of physical and biological containment.

(*5*) Care should be taken to inactivate recombinant DNA before disposal. Procedures for inactivating DNA can be found in the "Laboratory Safety Monograph: A Supplement to the NIH Guidelines for Recombinant DNA Research."

(*6*) *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health Education and Welfare Publication No. CDC 75–8116.

(*7*) *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety, Altanta, Georgia 30333.

(*8*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

(*9*) *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health.

(*10*) *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

(*11*) *Handbook of Laboratory Safety* (1971). Second Edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

(*12*) *Bodily, J. L. (1970). General Administration of the Laboratory*, H. L. Bodily, E. L. Updyke, and J. O. Mason (eds.), Diagnostic Procedures for Bacterial, Mycotic and Parasitic Infections. American Public Health Association, New York, pp. 11–28.

(*13*) Darlow, H. M. (1969). *Safety in the Microbiological Laboratory.* In J. R. Norris and D. W. Robbins (ed.). Methods in Microbiology. Academic Press, Inc. New York. pp. 169–204.

(*14*) *The Prevention of Laboratory Acquired Infection* (1974). C. H. Collins, E. G. Hartley, and R. Pilsworth. Public Health Laboratory Service, Monograph Series No. 6.

(*15*) Chatigny, M. A. (1961). *Protection Against Infection in the Microbiological Laboratory: Devices and Procedures.* In W. W. Umbreit (ed.). Advances in Applied Microbiology. Academic Press, New York, N.Y. 3:131–192.

(*16*) *Design Criteria for Viral Oncology Research Facilities* (1975). U.S. Department of Health, Education and Welfare, Public Health Service, National Institutes of Health, DHEW Publication No. (NIH) 75–891.

(*17*) Kuehne, R. W. (1973). *Biological Containment Facility for Studying Infectious Disease.* Appl. Microbiol. 26–239–243.

(*18*) Runkle, R. S., and Phillips (1969). *Microbial Containment Control Facilities.* Van Nostrand Reinhold, New York.

(*19*) Chatigny, M. A., and D. L Clinger (1969). *Contamination Control in Aerobiology.* In R. L. Dimmick and A. B. Akers (eds.). An Introduction to Experimental Aerobiology. John Wiley & Sons, New York, pp. 194–263.

(*19A*) Horsfall, F. L., Jr., and J. H. Baner (1940). *Individual Isolation of Infected Animals in a Single Room.* J. Bact. *40*, 569–580.

(*20*) Biological safety cabinets referred to in this section are classified as *Class I, Class II,* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) with a full-width open front, (2) with an installed front closure panel (having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm-length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* Cabinet is a closed-front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before being discharged to the outside evironment.

(*21*) Hershfield, V., H. W. Boyer, C. Yanofsky, M. A. Lovett, and D. R. Helinski (1974). *Plasmid Col E1 as a Molecular Vehicle for Cloning and Amplification of DNA.* Proc. Nat. Acad. Sci. USA *71*, *3455–3459.*

(*22*) Wensink, P. C., D. J. Finnegan, J. E. Donelson, and D. S. Hogness (1974). *A System for Mapping DNA Sequences in the Chromosomes of Drosophila Melanogaster.* Cell *3*, 315–335.

(*23*) Tanaka, T., and B. Weisblum (1975). *Construction of a Colicin E1–R Factor Composite Plasmid In Vitro: Means for Amplification of Deoxyribounucleic Acid.* J. Bacteriol. *121*, 354–362.

(*24*) Armstrong, K. A., V. Hershfield, and D. R. Helinski (1977). *Gene Cloning and Containment Properties of Plasmid Col E1 and Its Derivatives.* Science *196*, 172–174.

(*25*) Bolivar, F., R. L. Rodriguez, M. C. Betlach, and H. W. Boyer (1977). *Construction and Characterization of New Cloning Vehicles: I. Ampicillin-Resistant Derivative of pMB9.* Gene *2*, 75–93.

(*26*) Cohen, S. N., A. C. W. Chang, H. Boyer, and R. Helling (1973). *Construction of Biologically Functional Bacterial Plasmids in Vitro.* Proc. Natl. Acad. Sci. USA *70*, 3240–3244.

(*27*) Bolivar, F., R. L. Rodriguez, R. J. Greene, M. C. Batlach, H. L. Reyneker, H. W. Boyer, J. H. Crosa, and S. Falkow (1977). *Construction and Characterization of New Cloning Vehicles: II. A Multi-Purpose Cloning System.* Gene *2*, 95–113.

(*28*) Thomas, M., J. R. Cameron, and R. W. Davis (1974). *Viable Molecular Hybirds of Bacteriophage Lambda and Eukaryotic DNA.* Proc. Nat. Acad. Sci. USA *71*, 4579–4583.

(*29*) Murray, N. E., and K. Murray (1974). *Manipulation of Restriction Targets in Phage Lambda to Form Receptor Chromosomes for DNA Fragments.*

(30) Rambach, A., and P. Tiollais (1974). *Bacteriophage Having EcoRI Endonuclease Sites Only in Non-Essential Region of the Genome.* Proc. Nat. Acad. Sci., USA *71*, 3927–3930.

(31) Blattner, F. R., B. G. Williams, A. E. Bleche, K. Denniston-Thompson, H. E. Faber, L. A. Furlong, D. J. Gunwald, D. O. Kiefer, D. D. Moore, J. W. Shumm, E. L. Sheldon, and O. Smithies (1977). *Charon Phages: Safer Derivatives of Bacteriophage Lambda for DNA Cloning.* Science *196*, 163–169.

(32) Donoghue, D. J., and P. A. Sharp (1977). *An Improved Lambda Vector: Construction of Model Recombinants Coding for Kanamycin Resistance*, Gene *1*, 209–227.

(33) Leder, P., D. Tiemeier and L. Enquist (1977). *EK2 Derivatives of Bacteriophage Lambda Useful in the Cloning of DNA from Higher Organisms: The gt WES System.* Science *196*. 175–177.

(33A) Skalka, A. (1978). *Current Status of Coliphage EK2 Vectors.* Gene *3*, 29–35.

(33B) Szybalski, W., A. Skalka, S. Gottesman, A. Campbell, and D. Botstein (1978). *Standardized Laboratory Tests for EK2 Certification.* Gene *3*, 36–38.

(34) We are specifically concerned with the remote possibility that potent toxins could be produced by acquiring a single gene or cluster of genes. See also footnote 2A.

(35) Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section I–E–4.

(*36*) As classified in the Third Report of the International Committee on Taxonomy of Viruses: Classification and Nomenclature of Viruses, R. E. F. Matthews, Ed. Intervirology 12 (129–296) 1979. (As noted in the Prohibition Section, the use of viruses classified [1] as Class 4 or 5 is prohibited.)

(*37*) The cDNA copy of the viral mRNA must be >90% pure; otherwise as for shotgun experiments with eukaryotic cellular DNA.

(*37A*) For the purpose of these Guidelines, viruses of the families *Papovaviridae, Adenoviridae,* and *Herpetoviridae* (36) should be considered as "transforming" viruses. While only certain of these viruses have been associated with cell transformation *in vivo* or *in vitro*, it seems prudent to consider all members to be potentially capable of transformation. In addition, those viruses of the family *Poxviridae* that produce proliferative responses—i.e., myxoma, rabbit and squirrel fibroma, and Yaba viruses–should be considered as "transforming."

(*38*) >99% pure (i.e., less than 1% of the DNA consists of intact viral genomes); otherwise as for whole genomes.

(*39*) The viruses have been classified by NCI as "moderate-risk oncogenic viruses." See "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research" for recommendations on handling the viruses themselves.

(*40*) [Deleted]

(*41*) The DNA preparation is defined as "purified" if the desired DNA represents at least 99% (w/w) of the total DNA in the preparation, provided that it was verified by more than one procedure.

(*42*) The lowering of the containment level when this degree of purification has been obtained is based on the fact that the total number of clones that must be examined to obtain the desired clone is markedly reduced. Thus, the probability of cloning a harmful gene could, for example, be reduced by more than 10^3-fold when a nonrepetitive gene from mammals was being sought. Furthermore, the level of purity specified here makes it easier to establish that the desired DNA does not contain harmful genes.

(*43*) This is not permitted, of course, if it falls under any of the Prohibitions of Section I–D. Of particular concern here is prohibition I–D–5, i.e., "Deliberate transfer of a drug resistance trait to micro-organisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture."

(*44*) Because this work will be done almost exclusively in tissue culture cells, which have no capacity for propagation outside the laboratory, the primary focus for containment is the vector. It should be pointed out that risk of laboratory-acquired infection as a consequence of tissue culture manipulation is very low. Given good microbiological practices, the most likely mode of escape of recombinant DNAs from a physically contained laboratory is carriage by an infected human. Thus the vector with an inserted DNA segment should have little or no ability to replicate or spread in humans.

For use as a vector in a vertebrate host cell system, an animal viral DNA molecule should display the following properties:

(i) It should not consist of the whole genome of any agent that is infectious for humans or that replicates to a significant extent in human cells in tissue culture. If the

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recombinant molecule is used to transform nonpermissive cells (i.e., cells which do not produce infectious virus particles), this is not a requirement.

(i) It should be derived from a virus whose epidemiological behavior and host range are well understood.

(iii) In permissive cells, it should be defective when carrying an inserted DNA segment (i.e., propagation of the recombinant DNA as a virus must be dependent upon the presence of a complementing helper genome). In almost all cases this condition would be achieved automatically by the manipulations used to construct and propagate the recombinants. In addition, the amount of DNA encapsulated in the particles of most animal viruses is defined within fairly close limits. The insertion of sizable foreign DNA sequences, therefore, generally demands a compensatory deletion of viral sequences. It may be possible to introduce very short insertions (50–100 base pairs) without rendering the viral vector defective. In such a situation, the requirement that the viral vector be defective is not necessary, except in those cases in which the inserted DNA encodes a biologically active polypeptide.

It is desired but not required that the functional anatomy of the vector be known—that is, there should be a clear idea of the location within the molecule of:

(i) the sites at which DNA synthesis originates and terminates,

(ii) the sites that are cleaved by restriction endonucleases, and

(iii) the template regions for the major gene product.

If possible the helper virus genome should:

(i) be integrated into the genome of a stable line of host cells (a situation that would effectively limit the growth of the vector recombinant to such cell lines) or

(ii) consist of a defective genome, or an appropriate conditional lethal mutant virus, making vector and helper dependent upon each other for propagation.

However, neither of these stipulations is a requirement.

(*45*) Review by NIH on a case-by-case basis means that NIH must review and set appropriate containment conditions before the work may be undertaken. NIH actions in such case-by-case reviews will be published in the *Recombinant DNA Technical Bulletin*.

(*46*) Provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated on a case-by-case basis.

(*47*) >99% pure; otherwise as for shotgun experiments.

(*48*) A USDA permit is required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

(*49*) A subset of non-conjugated plasmit vectors are also poorly mobilizable (e.g., pBR 322, pBR 313). where practical, these vectors should be employed.

(*50*) i.e., the total of all genomes within a Family shall not exceed two-thirds of the genome.

VI. Voluntary Compliance

VI–A. *Basic Policy.* Individuals, corporations, and institutions not otherwise covered by the Guidelines are encouraged to do so by following the standards and procedures set forth in Parts I–IV of the Guidelines. In order to simplify discussion, references hereafter to "institutions" are intended to encompass corporations, and individuals who have no organizational affiliation. For purposes of complying with the Guidelines, an individual intending to carry out research involving recombinant DNA is encouraged to affiliate with an institution that has an Institutional Biosafety Committee approved under the Guidelines.

Since commerical organizations have special concerns, such as protection of proprietary data, some modifications and explanations of the procedures in Parts I–IV are provided below, in order to address these concerns.

VI–B. *IBC Approval.* The NIH Office of Recombinant DNA Activities (ORDA) will review the membership of an institutional Biosafety Committee (IBC) and, where it finds the IBC meets the requirements set forth in Section IV–D–2, will give its approval to the IBC membership.

It should be emphasized that employment of an IBC member solely for purposes of membership on the IBC does not itself make the members an institutionally affiliated member for purposes of Section IV–D–2–a.

Except for the unaffiliated members, a member of an IBC for an institution not otherwise covered by the Guidelines may participate in the review and approval of a project in which the member has a direct financial interest, so long as the member has not been and does not expect to be engaged in the project. Section IV–D–2–d is modified to that extent for purposes of these institutions.

VI–C. [Deleted]

VI–D. *Certification of Host-Vector Systems.* A host-vector system may be proposed for certification by the Director, NIH, in accordance with the procedures set forth in Section II–D–2–a.

Institutions not otherwise covered by the Guidelines will not be subject to Section II–D–3 by complying with these procedures.

In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–E. *Requests for Exceptions, Exemptions, Approvals.* Requests for exceptions from prohibitions, exemptions, or other approvals required by the Guidelines should be requested by following the procedures set forth in the appropriate sections in Parts I–IV of the Guidelines.

In order to ensure protection for proprietary data, any public notice regarding a request for an exception, exemption, or other approval which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–F. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make their records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commerial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn makes it a crime for an officer or employee of the United States of any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to of filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, [or processes. . . of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including Special Government employees. Member of the Recombinant DNA Advisory Committee are "special Government employees."

VI–F–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitutes trade secrets or privileged or confidential commerical or financial information.

VI–F–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its reviews as to whether the information (or some portion) should be released.

VI–F–3. If the NIH decides to release this information (or some portion in response to a Freedom of Information request or otherwise, the institution will be advised and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgement of the Director, NIH, is necessary to protect against an imminent hazard to the public or the environment.

VI–F–4. Projects should be registered in accordance with procedures specified in the Administrative Practices Supplement. The following information will usually be considered publicly available information, consistent with the need to protect proprietary data:

a. The names of the institution and principal investigator.

b. The location where the experiments will be performed.

c. The host-vector system.

d. The source of the DNA.

e. The level of physical containment.

VI–F–5–a. Any institution not otherwise covered by the Guidelines, which is considering submission of data or information voluntarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–F–5–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HEW Freedom of Information Officer, the responsible official under HEW regulations (45 C.F.R. Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–F–5–c. ORDA will inform the institution of the HEW Freedom of Information Officer's determination and follow the institution's instructions as to whether some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HEW, NIH, or ORDA.

VI–F–5–d. The HEW Freedom of Information Officer's determination will represent that official's judgment, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request were received from them under the Act.

Appendix A.—Exemptions Under I–E–4

Section I–E–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment (see Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list in in Appendix A."

Under exemption I–E–4 of these revised Guidelines are recombinant DNA molecules that are (1) composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R. E. Buchanan and N. E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia*
2. Genus *Shigella*
3. Genus *Salmonella* (including *Arizona*)
4. Genus *Enterobacter*
5. Genus *Citrobacter* (including *Levinea*)
6. Genus *Klebsiella*
7. Genus *Erwinia*
8. *Pseudomonas aerugninosa, Pseudomonas putida* and *Pseudomonas fluorescens*
9. *Serratia marcescens*

Sublist B

1. *Bacillus subtilis*
2. *Bacillus licheniformis*
3. *Bacillus pumilus*
4. *Bacillus globigii*
5. *Bacillus niger*
6. *Bacillus nato*
7. *Bacillus amyloliquefaciens*
8. *Bacillus aterrimus*

Sublist C

1. *Streptomyces aureofaciens*
2. *Streptomyces rimosus*
3. *Streptomyces coelicolor*

Sublist D

1. *Streptomyces griseus*
2. *Streptomyces cyaneus*
3. *Streptomyces venezuelae*

Sublist E

One way transfer of *Streptococcus mutans* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*

Appendix B.—Classification of Microorganisms on the Basis of Hazard

Classification of Etiologic Agents on the Basis of Hazard (*1*)

A. Class 1 Agents

All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

B. Class 2 Agents

1. Bacterial Agents:

Actinobacillus—all species except *A. mallei*, which is in Class 3
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis. B. vincenti
Clostridium botulinum. Cl. chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani
Corynebacterium diptheriae. C. equi. C. haemolyticum, C. pseudotuberculosis C. pyogenes. C. renale
Diplococcus (Streptococcus) pneumoniae
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic serotypes
Maemophilus ducreyi. H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Haemophilus ducreyi. H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Leptospira interrogans—all serotypes
Listeria—all species
Mima polymorpha
Moraxella—all species
Mycobacteria—all species except those listed in Class3
Mycoplasma—all species except *Mycoplasma mycoides and Mycoplasma agalactiae*, which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureus
Streptobacillus moniliformis
Streptococcus pyogenes
Treponema carateum, T. pallidum. and T. pertenue
Vibrio fetus, V. comma. including biotype El Tor, and *V. parahemolyticus*

2. Fungal Agents:

***Actinomycetes* (including *Nocardia* species and *Actinomyces species and Arachnia propionica*)
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides brasiliensis

3. Parasitic Agents:

Endamoeba histolytica
Leishmania sp.
Naegleria gruberi
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

4. Viral, Rickettsial, and Chlamydial Agents:

Adenoviruses—human—all types
Cache Valley virus

Coxsackie A and B viruses
Cytomegaloviruses
Echoviruses—all types
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis-associated antigen material
Herpes viruses—except *Herpesvirus simiae* (Monkey B virus) which is in Class 4
Corona viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymphogranuloma venereum agent
Measles virus
Mumps virus
Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Poliioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox, Monkey pox, and Whitepox*, which depending on experiments, are in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus*, which should be classified in Class 3 when inoculated into carnivores
Reoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus) and Marburg virus*, which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vole rickettsia
Yellow fever virus, 17D vaccine strain

C. Class 3 Agents
1. Bacterial Agents:
*Actinobacillus mallei**
Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocida type B ("buffalo" and other foreign virulent strains*)
*Pseudomonas pseudomallei**
Yersenia pestis
2. Fungal Agents:
Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*
3. Parasitic Agents:
Schistosoma mansoni
4. Viral, Rickettsial, and Chlamydial Agents:
***Alastrim, Smallpox, Monkey pox, and Whitepox*, when used *in vitro*
Arboviruses—all strains except those in Class 2 and 4 (Arboviruses indigenous to the United States are in Class 3, except those listed is Class 2.
West Nile and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lymphocytic choriomeningitis virus (LCM)
Psittacosis-Ornithosis-Trachoma group of agents
Rabies street virus, when used in inoculations of carnivores (See Class 2)
Rickettsia—all species except *Vole rickettsia* when used for transmission or animal inoculations experiments
*Vesicular stomatitis virus**
Yellow fever virus—wild, when used *in vitro*

D. Class 4 Agents
1. Bacterial Agents: None
2. Fungal Agents: None
3. Parasitic Agents: None
4. Viral, Rickettsial, and Chlamydial Agents:
***Alastrim, Smallpox, Monkey pox, and Whitepox*, when used for transmission or animal inoculation experiments
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin*, and *Machupo* viruses, and other as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever*, and *Central European encephalitis viruses*
Venezuelan equine encephalitis virus, epidemic strains, when used for transmission or animal inoculation experiments
Yellow fever virus—wild, when used for transmission or animal inoculation experiments

II. Classification of Oncogenic Viruses on the Basis of Potential Hazard (*3*)

A. Low-Risk Oncogenic Viruses
Rous Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma
B. Moderate-Risk Oncogenic Viruses
Ad2–SV40
FeLV
HV Saimiri
EBV
SSV–1
GaLV
HV ateles
Yaba
FeSV

III. Animal Pathogens (*3*)

A. Animal disease organisms which are forbidden entry into the United States by Law (CDC Class 5 agents)
1. Foot and mouth disease virus
B. Animal disease organisms and vectors which are forbidden entry into the United States by USDA Policy (CDC Class 5 Agents)
African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus*
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Footnotes and References of Appendix B

*A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782.

**Since the publication of the classification in 1974 (1), the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

***All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

(*1*) *Classification of Etiologic Agents on the Basis of Hazard*. (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(*2*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790.

(*3*) U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C.—Exemptions Under I–E–5

Section I–E–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section I–E–5 of the Guidelines:

1. *Recombinant DNAs in Tissue Culture.*

Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms (1) or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Experiments involving the deliberate introduction of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

2. *Experiments Involving E. coli K–12 host-vector systems.*

Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or nonconjugative plasmids (49) shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information (35) with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugations-proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions

Experiments described in Section I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms (1) or from cells known to be infected with these agents may be conducted at P3 containment. Lower containment levels may be specified by NIH. (See Section IV–E–1–b–(2)–(e).) Experiments in this category require prior IBC review and approval.

Experiments which increase the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Prohibition I–D–6 concerning large-scale experiments (e.g., more than 10 liters of culture) applies to experiments with *E. coli* K–12 host-vector systems. The Director, NIH is responsible for authorizing, under procedures specified by the RAC, large-scale experiments using recombinant DNAs that are rigorously characterized and free of harmful sequences (3). (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

3. *Experiments Involving Saccharomyces cerevisiae host-vector systems.*

Experiments which use *Sacchafomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelines provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms (1) or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Prohibition I–D–6 concerning large-scale experiments (e.g., more than 10 liters of culture) applies to experiments with *S. cerevisiae* host-vector systems. The Director, NIH, is responsible for authorizing, under procedures specified by RAC, large-scale experiments using recombinant DNAs that are rigorously characterized and free of harmful sequences (3). (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

4. *Experiments Involving Bacillus subtilis host-vector systems.*

Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, with the exception of those experiments listed below. Indigenous *Bacillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis*, may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms (1) or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Prohibition I–D–6 concerning large-scale experiments (e.g., more than 10 liters of culture) applies to experiments with *B. subtilis* host-vector systems. The Director, NIH, is responsible for authorizing, under procedures specified by RAC, large-scale experiments using recombinant DNAs that are rigorously characterized and free of harmful sequences (3). (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

Appendix D.—HV1 and HV2 Host-Vector Systems Assigned Containment Levels as Specified in the Subsections of Section III–A

As noted above at the beginning of Section III–A, certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of Section III–A. Those so classified as of publication of these Revised Guidelines are listed below.

HV1*—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

(1) inl (inositolless) strains 37102, 37401, 46316, 64001 and 89601.

(2) csp-1 strain UCLA37 and csp/2 strains FS 590, UCLA101 (these are conidial separation mutants).

(3) eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus*, and *S. griseus*. The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

Appendix E.—Actions Taken Under the Guidelines

As noted in the subsections of Sections IV–E–1–b–(1) and IV–E–1–b–(2), the Director, NIH, may take certain actions with regard to the Guidelines after consideration by the RAC.

Some of the actions taken to date include the following:

1. The following experiment has been approved: The cloning in *B. subtilis*, under P2 conditions, of DNA dervied from *Saccharomyces cerevisiae* using EK2 plasmid vectors provided that an HV1 *B. subtilis* host is used.

2. Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agent other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. Care must be exercised to prevent aerial dispersal of macroconidia, in accordance with good laboratory practice. Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can be used in all experiments for which HV2 *N. crassa* are rigorously characterized and free of harmful sequences (3). (See Section IV–E–1–b–(3)–(d).)

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

*These follow the assigned containment levels as specified in the subsections of Section III–A with one exception. The exception is that experiments involving complete genomes of eukaryotic viruses will require P3 + HV1 or P2 + HV2 rather than the levels given in the subsections of Section III–A.

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systems are approved, provided that only DNA from Class 1 agents is used.

3. P2 physical containment shall be used for DNA recombinants produced between members of the *Actinomycetes* group except for the species which are known to be pathogenic for man, animals, or plants.

4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HV1 systems (i.e. one step higher physical containment than that specified in the subsections of Section III–A). However, DNA from plants and nonpathogenic prokaryotes may be cloned under P2 containment conditions; and the *Saccharomyces cerevisiae* alcohol dehydrogenase 1 gene and the gene coding for the maize (*Zea mays*) seed storage protein, zein, may be cloned under P1 conditions. Transfer into plant parts or cells in culture is permitted at the same containment level as is used for the cloning in *Agrobacterium tumefaciens*.

5. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used as hosts specifically for the cloning of DNA dervied from *E. coli* K–12 and *Streptomyces coelicolor, S. aureofaciens, S. rimosus, S. griseus, S. cyaneus,* and *S. venezuelae*, using NIH-approved *Staphylococcus aureus* plasmids as vectors under P2 conditions.

6. *Streptomyces coelicolor, S. aureofaciens, S. rimosus, S. griseus, S. cyaneus,* and *S. venezuelae* can be used as hosts for the cloning of DNA derived from *B. subtilis, E. coli* K–12, or from *S. aureus* vectors that have been approved for use in *B. subtilis* under P2 conditions, using as vectors any plasmid indigenous to *Streptomyces* species or able to replicate in these hosts by natural biological mechanisms.

7. Certain cloned segments of *Anabena* DNA may be transferred into *Klebsiella* under P2 physical containment.

8. Permission is granted to clone foot-and-mouth disease virus in the EK1CV host-vector system consisting of E. coli K–12 and the vector pBR322, all work to be done at the Plum Island Animal Disease Center.

9. Permission is granted to clone the Exotoxin A gene of *Pseudomonas aeruginosa* under P1 + EK1 conditions in *Escherichia coli* K–12 and under P1 conditions in *Pseudomonas aeruginosa*.

10. Permission is granted to return to the host of origin *Helminthosporanium maydis* (race O) DNA which has been cloned in yeast strain SHY2 using the hybrid *E. coli*—yeast plasmid Y1p5. The cloned DNA may be retured to, and propagated in, *Helminthosporanium maydis* at the P2 level of physical containment.

11. Permission is granted to return *Schizophyllum commune* DNA (or yeast DNA) cloned in *Saccharomyces cerevisiae* with YR or 2 mu circle vectors to *Schizophyllum commune*. The cloned DNA may be returned to, and propagated in, *Schizophyllum commune* at the P2 level of physical containment.

12. Permission is granted to return *Wangiella dermatitidis* DNA to *Wangiella dermatitidis* using an HV2 certified *Saccharomyces/E. coli* hybrid vector. The *Wangiella dermatitidis* may be propagated at the P3 level of physical containment.

13. Certain specified clones dervied from segments of the Foot-and-Mouth Diseas Virus may be transferred from Plum Island Animal Disease Center to the facilities of Genentech, Inc., of South San Francisco, California. Further development of the clones at Genentech has been approved under P1 + EK1 conditions.

14. *Saccharomycopsis lipolytica* may be used as a host for transformation with defined *Escherichia coli/Saccharomyces cerevisiae* hybrid plasmids and the hybrid plasmids may be used for cloning *S. lipolytica* DNA in *E. coli* and returning the cloned DNA to *S. lipolytica*.

15. Conjugative plasmids or transducing phages may be employed in recombinant DNA experiments when employing *E. coli* as host when a small defined segment of Adenovirus 2 DNA is employed as linker DNA.

16. Permission is granted to introduce DNA segments from aphid transmissible strains into non-aphid transmissible strains of Cauliflower mosaic virus in order to study the factors determining aphid transmissibility.

17. Permission is granted to return *Mucor racemosus* DNA which has been cloned in *Saccharomyces cerevisiae* host-vector systems to *Mucor racemosus*. In addition, permission is granted to transform *Mucor racemosus* with *S. cerevisiae* sequences. These manipulations may be performed under P2 conditions.

18. DNA from nonpathogenic prokaryotes and nonpathogenic low eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions.

19. The pyrogenic endotoxin type A (Tox A) gene of *Staphylococcus aureus* may be cloned in an HV2 *Bacillus subtilis* host-vector system under P3 containment conditions.

20. A hybrid plasmid composed of, (1) *E.* Coli plasmid pBR325, (2) the origin of replication and transfer genes of *Agrobacterium tumefaciens* plasmid Ti, (3) the thiamine gene of *E. coli*, and (4) *Arabidopsis* DNA, may be transformed into *Agrobacterium tumefaciens* under P1 conditions. The *Agrobacterium tumefaciens* may subsequently be used to introduce the composite plasmid carrying *Arabidopsis* DNA and the *E. coli* thiamine gene into *Arabidopsis* plants under P1 containment conditions.

21. *Chlamydomonas reinhardi* can be used as a host for cloning defined DNA segments derived form *E. coli* and *Saccharomyces cerevisiae* using *E. coli/S. cerevisiae* hybrid vectors under P2 physical containment.

22. *Candida albicans* can be used as a host for cloning *candida albicans* DNA following propagation of the DNA in *E. coli* K–12 or in *Saccharomyces cerevisiae* employing an *E. coli/S. cerevisiae* hybrid plasmid vector or the yeast 2 micron plasmid.

23. The Rd strain of *Hemophilus influenzae* can be used as a host for the propagation of the cloned Tn 10 tet R gene derived from *E. coli* K–12 employing the non-conjugative *Haemophilus* plasmid, pRSF0885, under P1 conditions.

24. *Zymomonas mobilis* may be used as a host under P2 conditions for transformation by recombinant DNA derived from *Pseudomonas* strains that are non-pathogenic for animals or plants, and that has been cloned in an *E. coli* K–12 host.

25. Protoplasts of *Streptosporangium brasiliense* may be transformed with a hybrid plasmid containing pBR322 plus a *Streptosporangium* plasmid into which have been incorporated specified DNA segments from *Streptomyces* species or an HV1 approved *Bacillus subtilis* cloning vector.

26. *Saccharomyces cerevisiae* DNA may be cloned in *Tetrahymena thermophila* using *E. coli/S. cerevisiae* hybrid plasmids under P1 containment conditions.

27. All members of the nonpathogenic *Actinomycetes genus Streptomyces* the the plasmids native to this genus are approved as host-vector systems for the cloning under P1 conditions of DNA derived from other nonpathogenic prokaryotic organisms such as *Streptomyces* and other nonpathogenic *Actinomycetes* species, *Escherichia coli* K–12, *Bacillus subtilis, Bacillus licheniformis, Bacillus circulans*, and other nonpathogenic *Bacillus* species, and for the cloning of DNA derived from nonpathogenic unicellular eukaryotic microorganisms such as *Saccharomyces cerevisiae* and *Neurospora crassa*.

28. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P2 conditions for the cloning of DNA from any CDC Class 1 organism, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

29. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

30. Permission is granted to clone in *E. coli* K–12, under P4 containment conditions, restriction fragments of *Corynephage Beta* carrying the structural gene for diptheria toxin.

31. Permission is granted to clone certain subgenomic segments of Foot and Mouth Disease Virus in HV1 *Bacillus subtilis* and *Saccharomyces cerevisiae* host-vector systems under P1 conditions at Genentech, Inc., South San Francisco, California.

32. Permission is granted in principle to propagate in mammalian cell culture recombinant DNA molecules consisting of segments of Foot and Mouth Disease Virus and SV40 deletion vectors under P3 conditions at the Plum Island Animal Disease Center. Approval is subject to review by a RAC Working Group of individual experiments.

33. A conjugative plasmid may be used to transfer among *E. coli* K–12 strains, under P2 physical containment, the qa-2 gene of *Neurospora crassa* ligated to a mobilizable plasmid.

34. *E. coli* K–12 strain DF214 (or derivatives thereof) and plasmid vectors (e.g., pBR322, pBR325) may be used to clone rat cDNA under P2 conditions. After the clone of interest has been purified, it may be worked with the under P1 containment.

Appendix F.—Certified Host-Vector Systems

While many experiments using *E. coli* K–12, *Saccharomyces cerevisiae* and *Bacillus subtilis* are currently exempt from the Guidelines under Exemption I–E–5, some derivatives of these host-vector systems were previously classified as HV1 or HV2. A listing of those systems follows.

HV1—The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RUB 331 and BGSC 1S53 have been certified as the host component of HV1 systems based on these plasmids.

HV2—The asporogenic mutant derivative of *Bacillus subtilis*, ASB 298, with the following plasmids as the vector component: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae*, all of which have the ste-VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: Yip1, YEp2, YEp4, Yip5, YEp6, YRp7, YEp20, YEp21, YEp24, Yip25, Yip26, YIp27, Yip28, Yip29, Yip30, Yip31, YIP32 and Yip33.

EK2 Plasmid Systems. The *E. coli* K–12 strain chi–1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi–1776 or in the sterile yeast strains, SHY1, SHY2, SHY3, and SHY4: YIp1, YEp2, YEp4, Yip5, YEp6, YRp7, YEp20, YEp21, YEp24, Yip25, Yip26, Yip27, Yip28, Yip29, Yip30, Yip31, Yip32, Yip33.

EK2 Bacteriophage Systems. The following are certified EK2 systems based on bacteriophage lambda:

Vector	*Host*
λgt*WES.* λB′	DP50*supF*
λgt*WES.* λB°	DP50*supF*
λgt*Jvir.* λB′	*E. coli* K–12
λgtAL0. λB	DP50*supF*
Charon 3A	DP50 or DP50*supF*
Charon 4A	DP50 or DP50*supF*
Charon 16A	DP50 or DP50*supF*
Charon 21A	DP50*supF*
Charon 23A	DP50 or DP50*supF*
Charon 24A	DP50 or DP50*supF*

Appendix G.—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. *General Information.* Appendix G specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i).)

2. *Containment Conditions for Cloning of Toxin Genes in E. coli K–12.*

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2+EK2 or P3+EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1+EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally then parenterally. The following enterotoxins shall be subject to P1+EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli, Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum mono specific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. *Containment Conditions for Cloning of Toxins Genes in Organisms Other than E. coli K–12.*

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(i).)

Appendix H.—Experiments Covered by Section III–O

No experiments currently fall under Section III–O of the Guidelines.

Dated: June 22, 1981.

Donald S. Fredrickson, M.D.,

Director, National Institutes of Health.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

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federal register

Wednesday
July 1, 1981

Part IV

Office of Management and Budget

Budget Recissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report 6 new proposals to rescind a total of $321.0 million in budget authority previously provided by the Congress. In addition, I am reporting 13 new deferrals totalling $220.1 million, and revisions to five previously reported deferrals increasing the amount deferred by $78.1 million.

The rescission proposals affect programs in the Departments of Agriculture, Education, Health and Human Services, and Housing and Urban Development as well as the Environmental Protection Agency. The deferrals affect programs in the Departments of Agriculture, Defense, Health and Human Services, Interior, and State as well as the National Foundation on the Arts and Humanities.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
June 19, 1981

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Agriculture	
	Forest Service	
R81-160	Construction and land acquisition	20,000
	Department of Education	
	Office of Postsecondary Education	
R81-161	Student financial assistance	14,800
	Department of Health and Human Services	
	Human Development Services	
R81-162	Grants to states for social and child welfare services	100,000
	Department of Housing and Urban Development	
	Community Planning and Development	
R81-163	Urban development action grants	130,000
R81-164	Community development grants	50,000
	Environmental Protection Agency	
R81-165	Salaries and expenses	6,200
	Subtotal, rescission proposals	321,000

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Foreign Assistance Programs	
D81-107	Expenses, Public Law 480, foreign assistance programs, Agriculture	28,000
	Soil Conservation Service	
D81-108	Watershed and flood prevention operations	11,000
	Forest Service	
D81-1A	Timber salvage sales	16,718
	Department of Defense -- Civil	
	Corps of Engineers -- Civil	
D81-81A	Construction, general	67,600
D81-109	Operation and maintenance, general	30,000
D81-110	Flood control, Mississippi River and tributaries	5,000

CONTENTS OF SPECIAL MESSAGE (continued)

Deferral #	Item	Budget Authority
	Department of Health and Human Services	
	Human Development Services	
D81-111	Grants to states for social and child welfare services	20,000
	Social Security Administration	
D81-112	Refugee assistance	35,000
	Department of the Interior	
	Bureau of Land Management	
D81-113	Acquisition, construction and maintenance	2,600
D81-71A	Oregon and California grant lands	1,920
	Bureau of Reclamation	
D81-114	Construction program	21,430
D81-115	General investigations	570
	National Park Service	
D81-116	Construction	14,720
	Geological Survey	
D81-117	Surveys, investigations and research	6,000
	Bureau of Mines	
D81-15A	Drainage of anthracite mines	991
	Department of State	
D81-37A	United States emergency refugee and migration assistance fund	35,000
	Other Independent Agencies	
	National Foundation on the Arts and Humanities	
D81-118	National endowment for the arts	
	Salaries and expenses	25,356
D81-119	National endowment for the humanities	
	Salaries and expenses	20,460
	Subtotal, deferrals	342,365
	Total, rescission proposals and deferrals	663,365

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Eleventh special message:		
New items	321,000	220,136
Change to amounts previously submitted	---	78,134
Effect of eleventh special message	321,000	298,270
Previous special message	14,867,937	8,607,977
Total amount proposed in special messages	15,188,937a/	8,906,247 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.
b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

Rescission Proposal No: R81-160

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture
Bureau: Forest Service
Appropriation title & symbol: 12X1103 Construction and Land Acquisition

New budget authority (P.L. 96-514): $444,044,429
Other budgetary resources: 70,429,643
Total budgetary resources: 514,474,072
Amount proposed for rescission: $20,000,000

OMB identification code: 12-1103-0-1-302
Grant program: ☐ Yes ☒ No

Legal authority (in addition to sec. 1012):
☒ Antideficiency Act
☐ Other

Type of account or fund:
☐ Annual
☐ Multiple-year ____ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other

JUSTIFICATION:

This account provides for construction of roads, trails, and recreation facilities in national forests, construction of administrative facilities for Forest Service programs, and for a limited amount of land acquisition for national forest purposes. Available budgetary resources are comprised of ten percent of national forest receipts in the previous year and appropriated funds plus minor amounts of reimbursements and transfers from other accounts.

Rescission of $20,000,000 of funds for construction of roads is proposed for FY 1981 because the planned timber sale program can be accomplished without the expenditure of these funds and it is important to control budget expenditures in FY 1981 and subsequent years. Three additional factors make this rescission advisable:

(1) The recently enacted Supplemental Appropriations Act provides funds for road construction and salvage of timber damaged by the Mt. St. Helens volcano. This frees up the funds which would have been reprogrammed for this purpose.

(2) The work done in FY 1981 on Mt. St. Helens and that which will not be completed until FY 1982 will contribute to meeting the FY 1981 and FY 1982 timber sale plans. This reduces the requirement for other road construction funds to accomplish these sale plans.

(3) Current efforts to find ways of reducing the cost of road construction in the National Forest System are expected to produce substantial savings in FY 1982.

Estimated Effects:

The timber sale program will be maintained at the level planned in the FY 1981 and FY 1982 Budgets.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimates Without Rescission	1981 Outlay Estimates With Rescission	Outlay Savings 1981	1982	1983	1984
417	402	15	5	--	--

R81-160

Department of Agriculture

Forest Service

Construction and Land Acquisition

Of the funds appropriated under this head for "Construction and Land Acquisition" for construction of forest roads and trails by the Forest Service in Public Law 95-514, $20,000,000 are rescinded.

Rescission Proposal No: R81-161

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Education
Bureau: Office of Postsecondary Education
Appropriation title & symbol: Student Financial Assistance 911/20200

New budget authority (P.L. 97-12): $3,801,550,000
Other budgetary resources: ____
Total budgetary resources: 3,801,550,000
Amount proposed for rescission: $14,800,000

OMB identification code: 91-0200-0-1-502
Grant program: ☐ Yes ☒ No

Legal authority (in addition to sec. 1012):
☒ Antideficiency Act
☐ Other

Type of account or fund:
☐ Annual
☒ Multiple-year September 30, 1982 (expiration date)
☐ No-year

Type of budget authority:
☐ Appropriation
☐ Contract authority
☐ Other

Justification:

Teacher Cancellations, Title IV, Part E of the Higher Education Act, provides funds to institutions of higher education in payment for the cancellation of loan obligations made under the Direct Loan program. The law provides for the cancellation of loans when a borrower engages in work in specific areas such as the teaching of the handicapped or teaching in schools with a high concentration of low-income students, or to work as a professional Head Start staff member, or serves in the military in "areas of hostilities." The full 100 percent of a loan is eventually reimbursed to the institution under the Direct Loan program. These funds can only be used to reimburse the revolving loan fund. Cancellations are provided to eligible borrowers over a five-year period. The loan is cancelled at a rate of 15 percent for the first two years, 20 percent for the second two years, and 30 percent the fifth year.

In order to help offset significant increases in FY 1981 expenditures, the President has directed Federal agencies to identify non-priority areas in which outlay reductions can be achieved. The cancellation of loan obligations is one such area.

Estimated Effects:

The effect of this proposal will be to reduce the total funds available to the institutional revolving funds under the Direct Loan program. Specifically, the rescission will reduce the amount currently available for Federal capital contributions by $14,800,000, or from $186,000,000 to $171,200,000. Although the loan fund will be reduced and the number of loans which, on average, total $700, will be reduced from 800,000 to 780,000 in 1981-82, all agreements for loan cancellations now in effect will be honored.

Outlay Effects: (in millions of dollars)

Without Rescission	With Rescission	Outlay Savings 1981	1982	1983	1984
$3,742	$3,742	*	14.0	1.0	---

* Less than one million.

R81-161

DEPARTMENT OF EDUCATION
Office of Postsecondary Education
Student Financial Assistance

Of the funds provided for "Student Financial Assistance" under Public Law 97-12 for fiscal year 1981, $14,800,000 of the amount appropriated for title IV, part E of the Higher Education Act is rescinded; Provided, that the amount remaining for title IV, part E, shall first be used to meet teacher cancellation payments under section 465 of the Higher Education Act and section 208 of the National Defense Education Act, notwithstanding any other provision of law.

Rescission Proposal No: R 81-162

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-12) $2,562,210,000
Bureau Human Development Services	Other budgetary resources 243,571,014
Appropriation title & symbol: Grants to States for Social and Child Welfare Services 75X1634	Total budgetary resources 2,805,781,014
	Amount proposed for rescission $100,000,000
OMB identification code: 75-1634-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Administration has proposed consolidation of the Title XX authority with other social service authorities into a single block grant authority, effective in FY 1982. The FY 1982 social services block grant estimate of $3.8 billion includes among other funding elements, 75% of the 1981 Title XX level (75% of $2,991 million). Due to the urgent need to reduce FY 1981 outlays and the desirability of effecting an easier transition to a lower social services funding level in FY 1982, a modest reduction is proposed for FY 1981.

Estimated Effects: This proposed rescission will reduce the total funding available in FY 1981 to States receiving Title XX entitlements by less than 4 percent. This proposed rescission will also necessitate issuing new allotments to the 50 States. The five States that have already received total allotments in excess of their revised allotments under the proposed rescission will have their grant awards readjusted.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
3,490.0	3,390.0	100.0	---	---	---

R81-162

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Human Development Services

Grants to States for Social and Child Welfare Services

Of the funds provided for "Grants to States for Social and Child Welfare Services" for fiscal year 1981 in Public Law 97-12, $100,000,000 are rescinded: Provided, that entitlement to payments for fiscal year 1981 for social services under title XX of the Social Security Act shall be correspondingly reduced by $100,000,000.

Rescission Proposal No: R81-163

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. 96-526) $675,000,000
Bureau Community Planning and Development	Other budgetary resources 224,115,912
Appropriation title & symbol: Urban Development Action Grants 869/10170 960/20170 861/30170	Total budgetary resources 899,115,912
	Amount proposed for rescission $130,000,000 1/
OMB identification code: 86-0170-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 September 30, 1982 September 30, 1983 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Urban Development Action Grant program provides discretionary competitive grants to localities for them to use in conjunction with private and other public funds in order to promote local economic development projects.

All recoveries of prior year obligations, estimated at $130 million, are being proposed for rescission in conjunction with the Administration's overall effort to hold down Federal outlays. Since the funds proposed for rescission are recoveries of prior year obligations, the reduction would not affect any grant assistance currently anticipated by localities.

Estimated Effects: The proposed rescission would prevent the use of recovered funds for new additional grants. Budgetary resources for this program for 1981 will remain at $769 million and not be increased to $899 million.

Outlay Effects (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984	1985
365	365	—	8	26	50	46

1/ Estimated recoveries of prior year obligations.

R81-163

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Community Planning and Development
Urban Development Action Grants

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1979 and 1980, Public Laws 95-392 and 96-103, respectively, any amounts recovered from obligations made prior to October 1, 1980 which are available, or become available, are rescinded.

R81-164

Rescission Proposal No: _____

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 96-526): $3,694,600,000
Bureau: Community Planning and Development	Other budgetary resources: 163,965,721
Appropriation title & symbol: Community Development Grants 869/10162 860/20162 861/30162	Total budgetary resources: 3,858,565,721
	Amount proposed for rescission: $50,000,000 1/
OMB identification code: 86-0162-0-1-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1981 September 30, 1982 September 30, 1983 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Community Development Block Grant program provides entitlement grants to large cities and urban counties and discretionary grants to smaller cities for selected community development projects designed to eliminate slums and blight and assist lower income people.

All recoveries of prior year obligations, estimated at $50 million, are being proposed for rescission in conjunction with the Administration's overall effort to hold down Federal outlays. Since the funds proposed for rescission are recoveries of prior year obligations, the reduction would not affect any grant assistance currently anticipated by localities.

Estimated Effects: The proposed rescission would prevent the use of recovered funds for new additional grants. Budgetary resources for this program for 1981 will remain at $3,809 million and not be increased to $3,859 million.

Outlay Effects (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984	1985
4,138	4,138	—	6	21	21	2

1/ Estimated recoveries of prior year obligations.

R81-164

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Community Planning and Development
Community Development Grants

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Acts, 1979 and 1980, Public Laws 95-392 and 96-103, respectively, any amounts recovered from obligations made prior to October 1, 1980 which are available, or become available, are rescinded.

Rescission Proposal No: R81-165

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Environmental Protection Agency	New budget authority (P.L. 95-526, 97-12): $553,723,000
Bureau:	Other budgetary resources: +37,970,900
Appropriation title & symbol: Salaries and Expenses 6810200	Total budgetary resources: 591,693,900
	Amount proposed for rescission: $6,200,000
OMB identification code: 68-0200-0-1-304	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

In order to offset a significant increase in FY 1981 expenditures, the President has directed Federal agencies to identify lower priority areas in which outlay reductions can be achieved. After a careful examination of the remaining unobligated funds in the Salaries and Expenses appropriation, $6.2 million in funds for travel, printing, equipment, supplies, and other expenses is being proposed for rescission.

Estimated Effects:

No significant disruptions in program activity are expected from this reduction because of its small size and wide distribution.

Outlay Effect (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
547	541	6	0	0	0

R81-165

ENVIRONMENTAL PROTECTION AGENCY

Salaries and Expenses

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981, $6,200,000 are rescinded.

Deferral No: D81-107

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 96-528) $ 1,228,930,00
Bureau Foreign Assistance Programs	Other budgetary resources
Appropriation title & symbol: Expenses, Public Law 480, Foreign Assistance Programs, Agriculture 12X2274	Total budgetary resources 1,228,930,00
	Amount to be deferred: Part of year $; Entire year 28,000,000
OMB identification code: 12-2274-0-1-151	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Agricultural Trade Development and Assistance Act of 1954, P.L. 83-480, as amended, authorizes the President in Titles I and III to negotiate with friendly countries to provide for the sale of agricultural commodities for dollars on credit terms or for foreign currencies, and in Title II to: furnish agricultural commodities on benalf of the people of the United States; meet famine or other urgent or extraordinary relief requirements, and for other purposes. Section 403 of the Act authorizes to be appropriated such sums as may be necessary to carry out this Act. Public Law 96-526, making appropriations for the Department of Agriculture Rural Development, and Related Agencies, 1981, made an appropriation of $1,228,930,000 for expenses during fiscal year 1981 under the Act.

This deferral of $28 million is proposed primarily because of lower commodity prices during the current year: current actual prices are in some cases below the estimated prices used in preparation of the fiscal year 1981 budget plan. The resulting savings are $5 million in the Titles I and III programs and $15 million in the Title II program. A deferral of these savings is expected to have no impact on the planned commodity levels of these programs. A further saving is possible in the Title I and III programs due to anticipated changes in some country allocations. As noted in each quarterly allocation submitted to Congress, all Title I and III allocations are subject to review and change as circumstances change during the year. Such changes in allocations this year enable a deferral of an additional $8 million for Titles I and III.

D81-107

Estimated Effects: This deferral action will have no programmatic effect because deferring the savings will have no impact on planned commodity levels.

Outlay Effects: This deferral action will shift $28 million in outlays into FY 1982 and later years.

D81-108

OUTLAY EFFECTS

Deferral of $11 million will reduce FY 1981 outlays by $5 million. These outlays will shift into FY 1982 and future years as follows: 1982 - $1 million; 1983 - $2 million; 1984 - $2 million.

D81-1A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 81-1 transmitted to the Congress on October 1, 1980.

The amount deferred for Timber Salvage Sales in the Forest Service, Department of Agriculture is $16,717,769, an increase of $236,769 over the amount previously deferred. This increase is attributable to an increase of $236,769 over the previous estimate of unobligated balances carried forward into FY 1981.

Deferral No: D81-1A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-515) $ 11,200,000
Bureau Forest Service	Other budgetary resources 16,717,769 *
Appropriation title & symbol: 12X5204 Timber Salvage Sales	Total budgetary resources 27,917,769 *
	Amount to be deferred: Part of year $; Entire year 16,717,769 *
OMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION:

The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other marked conditions occur so that immediate action can take place to harvest the dead and dying trees.

The Secretary is authorized to require purchasers of sales involving dead, damaged, insect infected, or downed timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditures of funds to cover costs associated with making additional sales on that National Forest.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

The amount being deferred is in excess of the planned program requirements as reflected in the FY 1981 Budget and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting current year's program requirements.

Outlay Effects:

There are no outlay effects for this deferral since the remaining funds are adequate for carrying out the planned program.

* Revised from previous report.

D81-81A

Deferral No: D81-81A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-81, transmitted to the Congress on March 10, 1981.

This revision to a deferral for general construction in the Corps of Engineers increases the amount reported as deferred from $10,000,000 to $67,600,000. The increase reflects the decision to postpone the award of additional construction contracts until FY 1982. This amount is now reserved as part of the Administration's plan to reduce Federal outlays.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense-Civil	New budget authority (P.L. 96-367; 97-12): $1,593,892,000*
Bureau: Corps of Engineers--Civil	Other budgetary resources: 289,479,708*
Appropriation title & symbol: Construction, general 96X3122	Total budgetary resources: 1,883,371,708*
	Amount to be deferred: Part of year: $; Entire year: 67,600,000*
OMB identification code: 96-3122-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification: This appropriation is devoted primarily to the construction of water resources development projects throughout the nation. As part of the Administration's effort to reduce Federal outlays, $67,600,000 in construction projects are deferred for the remainder of FY 1981 The funds deferred in Fiscal Year 1981 will be used in Fiscal Year 1982 to accomplish the deferred work.

*Estimated Effects: As a result of this deferral, considerable land acquisition scheduled for the remainder of Fiscal Year 1981 will be deferred until Fiscal Year 1982 and numerous construction contracts scheduled for award in the June-August 1981 timeframe will be deferred 1 to 3 months.

*Outlay Effects: This deferral action will shift an estimated $67.6 million in Fiscal Year 1981 outlays to Fiscal Year 1982.

* Revised from previous report.

Deferral No: D81-109

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense--Civil	New budget authority (P.L. 96-367; 97-12): $967,905,000
Bureau: Corps of Engineers--Civil	Other budgetary resources: 72,289,283
Appropriation title & symbol: Operation and maintenance, general 96X3123	Total budgetary resources: 1,040,194,283
	Amount to be deferred: Part of year: $; Entire year: 30,000,000
OMB identification code: 96-3123-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation is devoted primarily to the operation and maintenance of water resources development projects throughout the nation. As part of the Administration's effort to reduce Federal outlays, $30,000,000 in maintenance and operation projects are deferred for the remainder of FY 1981. The funds deferred in Fiscal Year 1981 will be used in Fiscal Year 1982 to accomplish the deferred work.

Estimated Effects: As a result of this deferral, numerous dredging and other maintenance contracts, scheduled for award in the June-August 1981 timeframe will be deferred 1 to 3 months.

Outlay Effects: This deferral action will shift an estimated $30 million in FY 1981 outlays to FY 1982.

Deferral No: D81-110

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense--Civil	New budget authority (P.L. 96-367; 97-12): $237,519,000
Bureau: Corps of Engineers--Civil	Other budgetary resources: 9,759,894
Appropriation title & symbol: Flood control, Mississippi River and Tributaries 96X3112	Total budgetary resources: 247,278,894
	Amount to be deferred: Part of year: $; Entire year: 5,000,000
OMB identification code: 96-3112-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation is devoted to the planning, construction, operation and maintenance of water resource developments in the Mississippi River Valley between Cape Girardeau, Missouri and the Gulf of Mexico. As part of the Administration's effort to reduce Federal outlays, $5,000,000 in construction and maintenance projects are deferred for the remainder of this fiscal year. These funds will be used in Fiscal Year 1982 to accomplish the deferred work.

Estimated Effects: As a result of this deferral, a portion of the land acquisition scheduled for the remainder of Fiscal Year 1981 will be deferred until Fiscal Year 1982, and a number of construction, dredging and other maintenance contracts scheduled for award in the June-August 1981 timeframe will be deferred 1 to 3 months.

Outlay Effects: This deferral will shift an estimated $5 million in Fiscal Year 1981 outlays into Fiscal Year 1982.

Deferral No: D81-111

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-12) $ 2,562,210,000
Bureau Human Development Services	Other budgetary resources 243,571,010
Appropriation title & symbol: Grants to States for Social and Child Welfare Services - 75X1634	Total budgetary resources 2,805,781,010
	Amount to be deferred: Part of year $ ___ Entire year 20,000,000
OMB identification code: 75-1634-0-1-506	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ___
Grant program [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ___ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ___

Justification:

This account finances payments to States for a variety of social and child welfare services, including day care and homemaker/chore services and training. The budget assumed that $146.9 million would be needed in FY 1981 for payment of prior year claims for grants to States for social services and state and local training under Title XX. "Prior year claims" are those submitted by the States for reimbursement for services actually provided in a preceding fiscal year. To date, HHS has obligated $81.9 million, leaving an unobligated balance of $65 million for prior year claims. It is now estimated that $45 million of this balance will be needed during the remainder of this fiscal year to meet programmatic requirements. The remaining $20 million is deferred until FY 1982. We anticipate States will submit claims for this $20 million early in FY 1982.

Estimated Effects:

The FY 1981 budget included funding for prior year claims provided in FY 1979 and FY 1980. These claims are submitted because of delays in billing to the federal government (allowable under current law) by counties and States. Because there are "prior year" claims, deferral of their payment necessarily would not affect services currently being delivered in FY 1981.

Outlay Effects:

An estimated $20 million in FY 1981 outlays will be shifted into FY 1982.

Deferral No: D81-112

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. ___) $ 648,552,000
Bureau Office of Refugee Resettlement	Other budgetary resources ---
Appropriation title & symbol: Refugee Assistance 751/20473	Total budgetary resources 648,552,000
	Amount to be deferred: Part of year $ 35,000,000 Entire year ___
OMB identification code: 75-0473-0-1-609	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ___
Grant program [X] Yes [ ] No	
Type of account or fund: [ ] Annual [X] Multiple-year September 30, 1982 (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ___

Justification: The Refugee Assistance Program reimburses States for cash and medical assistance and social services to refugees. The Department has deferred $35 million in social services funds until the completion of a review to determine whether the remaining cash and medical assistance appropriation is adequate to meet actual State needs for FY 1981. Deferral of the social service funds pending the outcome of this study will preserve the flexibility of the Administration and Congress if the results of the review indicate the remaining cash and medical assistance appropriation is inadequate to meet State needs.

Estimated Effects: Deferral of funds pending the outcome of this study should not cause a significant interruption in the provision of services to refugees in most States. A significant portion of these funds is used by States to contract for services to be provided a few months later. The deferral will merely shorten the period between when these services are contracted for and when they are provided.

Outlay Effect: This deferral will shift an estimated $5 million in outlays from FY 1981 to FY 1982.

Deferral No: D81-113

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 96-514) $14,768,000
Bureau Bureau of Land Management	Other budgetary resources 4,826,143
Appropriation title & symbol: Acquisition, Construction, and Maintenance 14X1110	TOTAL budgetary resources 19,594,143
	Amount to be deferred: Part of year --- Entire year 2,600,000
OMB identification code: 14-1110-0-1-302	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act [ ] Other ___
Grant program [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ___ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ___

Justification:

Funds in this appropriation are used to meet four major objectives.

- to construct buildings, recreation facilities, roads, trails, and bridges necessary for the management of public lands, for the protection of public lands from visitor abuse, and for providing physical access to these lands;
- to acquire those legal rights (easements for access or improvements, or fee title) on non-Federal land that are essential to planned BLM resource management programs and that are prerequisite to their implementation.
- to maintain buildings, roads, and recreation sites to protect the public investment and to insure the health and safety of visitors and BLM employees.
- to implement a dam safety program in accordance with Secretarial Order 3048.

As part of the Administration's effort to reduce fiscal year 1981 outlays, $2.6 million in funds for the Building construction program are deferred for the remainder of FY 1981.

D81-113

Estimated Effect

This deferral will delay two project awards in the building construction program; the Elko Office Complex in Nevada, and the Yuha Way Station in California.

Outlay Effect:

The deferral action will shift $2 million in FY 1981 outlays into FY1982.

D81-71A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 81-71 transmitted to the Congress on February 13, 1981.

This revision to a deferral for the Bureau of Land Management, Oregon and California Grant lands increases the amount previously reported as deferred from $1,848,562 to $1,919,757. This increase of $71,195 is attributable to increased receipts above the planned program level for FY 1981.

Deferral No: D81-71A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514): $ 57,500,000
Bureau: Bureau of Land Management	Other budgetary resources: 2,619,757*
Appropriation title & symbol: 14X5136 Oregon and California Grant Lands	Total budgetary resources: 60,119,757*
	Amount to be deferred: Part of year: $ ---
OMB identification code: 14-5136-0-2-302	Entire year: 1,919,757*
Grant Program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Appropriated Receipts

Justification: The Interior and Related Agencies Appropriation Act for 1981 includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on receipts collected in the same fiscal period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned to cushion fluctuating receipt levels. This deferral is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Receipts for FY 1981 are $195,214,247 with an unobligated balance of $2,548,666 (actual) to carry into FY 1981. The FY 1981 obligation program of $58,200,000 is in accordance with P.L. 96-514.

Estimated Effects: There will be no programmatic impact in FY 1981 since the receipts will continue to accrue but will remain unobligated until such time as the amount available can be used more effectively.

Outlay Effect: There is no outlay effect of this deferral.

*Revised from previous report.

Deferral No: D81-114

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-367): $ 570,641,000
Bureau: Bureau of Reclamation	Other budgetary resources: 29,061,194
Appropriation title & symbol: Construction Program 14X0684	Total budgetary resources: 599,702,194
	Amount to be deferred: Part of year: $ 21,430,000
OMB identification code: 14-0684-0-1-301	Entire year:
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation primarily provides for the construction of projects for the conservation and use of water and related land resources in the 17 Western States. In order to reduce the growth rate of federal outlays as called for in the President's Economic Recovery Program, the award of most new construction contracts whose total costs exceed $500,000 has been delayed until August 15, 1981. Land acquisition on certain projects has also been delayed. In selected cases where there will be net savings to the government, contracts may be awarded sooner provided the outlay savings on the new awards are equal to or greater than the related savings achieved by the deferral.

Estimated Effects: As a result of this deferral, remaining land acquisition and a number of new construction contracts scheduled for June-August 1981 will be deferred from 2 to 3 months in order to achieve target outlay savings.

Outlay Effects: The deferral will shift $21,430,000 in fiscal year 1981 outlays to fiscal year 1982.

Deferral No: D81-115

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-367): $ 38,929,000
Bureau: Bureau of Reclamation	Other budgetary resources: 1,539,863
Appropriation title & symbol: General Investigations 14X5060	Total budgetary resources: 40,468,863
	Amount to be deferred: Part of year: $ 570,000
OMB identification code: 14-5060-0-2-301	Entire year:
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation provides for the planning of potential developments for the conservation and use of water and related land resources throughout the 17 Western States, and for supporting general engineering and research studies. In order to reduce the growth rate in federal outlays as called for in the President's Economic Recovery Program, it is necessary to defer awards on remaining new General Investigations planning and research contracts until August 15, 1981.

Estimated Effects: The two-to-three-month delay in contract awards resulting from the deferral will slightly delay the completion of some project planning and research studies.

Outlay Effects: This deferral will shift $570,000 in fiscal year 1981 outlays to fiscal year 1982.

Deferral No: D81-116

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514): $ 43,367,000
Bureau: National Park Service	Other budgetary resources: 105,181,626
Appropriation title & symbol: Construction 14X1039	Total budgetary resources: 148,548,626
	Amount to be deferred: Part of year: $ 14,720,000
OMB identification code: 14-1039-0-1-303	Entire year:
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This account provides funding for park visitor facilities, roads, and other major construction projects for the National Park Service. As a part of the Administration's effort to reduce FY 1981 expenditures, $14.7 million in construction funds will be deferred until August 17, 1981. The contracts for projects affected have been selected from those that were scheduled to be awarded in June and July of 1981. Advertisement for project bids will continue during the deferral period; however, the affected contracts will not be awarded until after August 17, 1981.

Estimated Effects: This deferral action will have the effect of delaying the start of approximately 26 projects by approximately three months.

Outlay Effect: The deferral will have the effect of shifting $3,355,000 in outlays from FY 1981 to FY 1982.

Deferral No: D81-117

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 96-514, 97-12): $516,056,000
Bureau: U.S. Geological Survey	Other budgetary resources: 113,056,000
Appropriation title & symbol: Surveys, investigations and research 1410804	Total budgetary resources: 629,112,008
	Amount to be deferred: Part of year: $6,000,000
	Entire year:
OMB identification code: 14-0804-0-1-306	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: This appropriation finances surveys, investigations, and research in the geology, water resources, and mineral resources of the Nation; topographic, geologic, and other mapping; and conservation of the resources on Federal, Indian, and outer continental shelf lands. In order to help offset a significant increase in FY 1981 expenditures, the President has directed Federal Agencies to identify lower priority areas in which outlay reductions can be achieved. Examination of the appropriations for the Geological Survey showed that equipment procurements and contracts in the amount of $6 million can be postponed without significant adverse effects on the Survey's performance of its programmatic responsibilities.

Estimated Effects: This deferral will delay for a short period the completion of certain lower-priority programs of the Survey. The deferred funds will be made available for obligation on September 1, 1981, so there will be sufficient time to obligate all of them before the end of the fiscal year.

Outlay Effects: This deferral action will have the effect of shifting $3,000,000 in FY 1981 outlays into FY 1982.

D81-15A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-15, transmitted to the Congress on October 1, 1980.

This revision reports a net increase in the amount deferred from $764,980 to $990,703. This increase of $225,723 reflects an increase of $963,100 in the amount deferred and subsequent release of $737,377. The increase of $963,100 resulted from a higher level of unobligated balances brought forward into FY 1981 than originally anticipated.

Deferral No: D81-15A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L.): None
Bureau: Bureau of Mines	Other budgetary resources: 1,928,080*
Appropriation title & symbol: Drainage of anthracite mines 14X0956	Total budgetary resources: 1,928,080*
	Amount to be deferred: Part of year: $ 737,377*
	Entire year: 990,703*
OMB identification code: 14-0956-0-1-306	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other Matching grants provision of P.L. 84-219 (69 Stat 460)
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Funds in this account are used to match funds made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public health and safety projects. For the past several years program activity has been low and normally $200,000 has been apportioned annually in the account. The remaining unobligated balance has been deferred, with funds being made available when annual project activity exceeded $200,000.

On October 1, 1980 $764,980 was deferred in this account as reported to the Congress in Deferral No. D81-15. On January 6, 1981 the amount deferred was increased to $1,728,080. This increase in the amount deferred was not reported earlier due to administrative oversight. Recently, $737,377 was released and apportioned for the third quarter of the current fiscal year. These funds were made available to match state funds for a backfilling project to control subsidence in Wilkes Barre, Pennsylvania and for other health and safety projects. The remaining $990,703 is deferred for use in FY 1982.

Estimated Effects: This deferral action will have no impact on the program, because the state of Pennsylvania is not expected to make funds available this year to match the remaining $990 thousand.

Outlay Effects: This deferral action has no effect on 1981 outlays.

*Revised from previous report

D81-37A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-37 transmitted to the Congress on January 15, 1981.

The amount deferred for the United States Emergency Refugee and Migration Assistance Fund is $35,000,000, an increase of $20,000,000 over the amount previously reported as deferred. This increase results from additional budgetary resources made available by the Further Continuing Resolution of 1981 (P.L. 97-12).

Deferral No: D81-37A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of State	New budget authority (P.L. 97-12): $35,000,000
Bureau:	Other budgetary resources: 8,807,456
Appropriation title & symbol: United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Total budgetary resources: 43,807,456
	Amount to be deferred: Part of year: $35,000,000
	Entire year:
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

*Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976, (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

Funds totalling $35 million were made available pursuant to the Further Continuing Resolution of 1981 (P.L. 97-12). These funds have been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: No effect on outlays results from this deferral action.

1/ This account was the subject of a similar deferral during FY 1980. (D80-18A).

Deferral No: D81-118

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: National Endowment for the Arts	New budget authority (P.L. 96-514,97-12): $158,795,000
Bureau:	Other budgetary resources: 12,400
Appropriation title & symbol: Salaries & Expenses 5910100; Matching Grants 591/20100	Total budgetary resources: 158,807,400
	Amount to be deferred: Part of year * See below: $25,356,000
	Entire year:
OMB identification code: 59-0100-0-1-503	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act
Grant program: [X] Yes [ ] No	[ ] Other
Type of account or fund: [X] Annual [X] Multiple-year September 30, 1982 (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

	Salaries & Expenses (Expiring 9/30/81)	Matching Grants (Expiring 9/30/82)
New budget authority (P.L. 96-514,97-12)	126,095,000	32,700,000
Other budgetary resources	12,400	-0-
Total budgetary resources	126,107,400	32,700,000
Amount deferred:		
5/21/81-6/11/81	9,000,000	3,000,000
5/21/81-8/15/81	-0-	13,356,000

Justification: The National Endowment for the Arts awards discretionary grants to State and local arts agencies, cultural institutions, organizations and individuals. Grants are aimed at: 1) encouraging creative efforts by artists; 2) enhancing access to the arts; 3) supporting arts institutions; 4) providing leadership in the arts; and 5) maintaining the artistic heritage of diverse cultural and ethnic groups. The Arts Endowment supports 19 programs ranging from Dance and Music to Folk Arts and Literature, and within these programs, some 120 funding categories.

In order to help offset significant increases in FY expenditures, the President has directed Federal Agencies to identify non-priority areas in which outlay reductions can be achieved. After examination of the unobligated balances for the National Endowment for the Arts, $12 million in program funds and matching grants was deferred until June 11, 1981 and $13.4 million in matching grants will be deferred until August 15, 1981.

The delay in available funding will begin the transition to FY 1982 levels of support for arts activities which emphasize a greater role for private philanthropy and State and local support.

Estimated Effects:

The effect on grantees of the deferral of the recently released $12 million was to delay the award of grants and project start-ups originally planned for May and early June to late June and July. The effect on grantees of the $13.4 million deferral will be to delay start-ups planned for June and July until after August 15, 1981.

Outlay Effect:

This deferral action will have the effect of shifting $10 million in FY 1981 outlays into FY 1982.

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Deferral No: D81-119

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: National Endowment for the Humanities Bureau:	New budget authority (P.L. 96-514): $151,299,000 Other budgetary resources: 100,000 Total budgetary resources: 151,399,000
Appropriation title & symbol: Salaries and Expenses - 5910200 Matching Grants - 591/20200	Amount to be deferred: Part of year *See below: $20,460,000 Entire year:
OMB identification code: 59-0200-0-1-503	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

	Salaries and Expenses (Expiring 9/30/81)	Matching Grants (Expiring 9/30/82)
New budget authority (P.L. 96-514)	117,799,000	33,500,000
Other budgetary resources	100,000	—
Total budgetary resources	117,899,000	33,500,000
Amount deferred		
5/21/81-6/11/81	4,000,000	1,000,000
5/21/81-6/15/81	6,860,000	8,600,000

JUSTIFICATION: The National Endowment for the Humanities awards grants on a competitive basis to state and local humanities agencies, cultural institutions, historical organizations, and individuals. Awards are aimed at (1) strengthening the scholarly foundation for study in the humanities; (2) improving the quality of teaching in the humanities; (3) promoting public understanding of the value of the humanities; and (4) nurturing the future well being of these institutional and human resources critical to the humanities.

In order to help offset significant increases in FY 1981 expenditures, the President has directed Federal agencies to identify non-priority areas in which outlay reductions can be achieved. After examination of the unobligated balances for the National Endowment for the Humanities, $5 million in program funds and matching grants was deferred until June 11, 1981, and $15 million will be deferred until August 15, 1981.

The delay in available funding will begin the transition to FY 1982 levels of support for humanities activities, which emphasize a greater role for private philanthropy and State and local support.

Estimated Effect: The start-up dates of projects supported by grants originally planned for June and July will be delayed until after August 15 1981. The effect on grantees of the deferral of funds just released was to delay the award of grants originally planned for late May or June.

Outlay Effect: This deferral action will have the effect of shifting $12.5 million in FY 1981 outlays into FY 1982.

[FR Doc. 81-19815 Filed 6-30-81; 8:45 am]

BILLING CODE 3110-01-C

Deferral No: D81-108

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Department of Agriculture Bureau: Soil Conservation Service Appropriation title & symbol: 12X1072 Watershed and Flood Prevention Operations	New budget authority (P.L. 96-528): $92,524,00 Other budgetary resources: 48,928,38 Total budgetary resources: 241,452,38 Amount to be deferred: Part of year: $ Entire year: 11,000,00
OMB identification code: 12-1072-0-1-301	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

JUSTIFICATION

Small watershed operations activities authorized by P.L. 83-566, as amended, and watershed operations authorized by P.L. 78-534, as amended and supplemented, include technical and financial assistance to local organizations to install measures for watershed protection, flood prevention, agricultural water management, recreation and fish and wildlife enhancement. Watershed work plans are prepared by sponsoring local organizations with Departmental, State, or local assistance and are approved by USDA or Congress (for those P.L. 83-566 projects where the estimated Federal contribution will exceed $1 million). Technical assistance, such as land treatment, surveys and engineering cost estimates, and financial assistance, are furnished to accelerate planning and installation of the approved measures. Local sponsoring organizations must bear the total or a share of the costs necessary to install structural measures, and they must operate and maintain completed work.

In order to offset a significant increase in FY 1981 expenditures, the President has directed Federal agencies to identify lower priority areas in which outlay reductions can be achieved. This deferral action is taken as part of the overall effort to reduce outlays in the current fiscal year.

ESTIMATED EFFECTS

This deferral action assumes a fiscal year 1981 moratorium on the obligation of funds after May 31, 1981, for contracts for construction of new structures authorized under P.L. 83-566 and P.L. 78-534.

federal register

Wednesday
July 1, 1981

Part V

Department of Health and Human Services

Public Health Service

Health Maintenance Organizations;
Cumulative List

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations; Cumulative List

AGENCY: Public Health Service, HHS.

ACTION: Notice, Cumulative List of Qualified Health Maintenance Organizations.

SUMMARY: The entities listed in this notice include all health maintenance organizations (HMOs) qualified under Title XIII of the Public Health Service Act as of December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D. Acting Director, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, (301) 443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act (the Act) at 42 CFR section 110.605(b) require annual publication of a cumulative list of all qualified HMOs. The entities listed in this notice have been determined to be qualified HMOs under Section 1310(d) of the Act (42 U.S.C. 300e–9(d)). The list is current through December 31, 1980; however, the qualification of three HMOs has been revoked since that date and these have been omitted.

The information in this document is presented alphabetically in three formats: (A) Organizational model; (B) States in which the HMOs do business; and (C) Name, address, service area, and date of qualification.

Files containing additional information with respect to qualified HMOs are available for public inspection between the hours of 8:00 am and 4:30 pm on Tuesdays and Thursdays at the Office of Health Maintenance Organizations, Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

A. Listing by Organizational Model

STAFF/MEDICAL GROUP MODEL

Staff

Anchor Organization for Health Maintenance
California Medical Group Health Plan, Inc.
Capital Area Community Health Plan, Inc.
Community Group Health Plan, Inc./dba Prime Health
Community Health Care Center Plan, Inc.
Community Health Plan of Suffolk, Inc.
Connecticut Health Plan, Inc.
Contra Costa Health Plan
Family Health Plan Cooperative
Family Health Program, Inc.
Florida Health Care Plan, Inc.
Group Health Association, Inc.
Group Health Cooperative of So. Central Wisconsin
Group Health Plan of Southeast Michigan
Group Health Service of Michigan, Inc.
Harvard Community Health Plan
Health Care of Louisville, Inc.
Health Care Plan of New Jersey
The Health Care Plan, Inc.
Health Central
Health Central, Inc.
HIP of Greater New Jersey, Inc.
International Medical Centers, Inc.
Kaiser-Georgetown Community Health Plan (formerly Georgetown University Community Health Plan)
Matthew Thornton Health Plan, Inc.
Medical West Community Health Plan, Inc.
Metropolitan Baltimore Health Care, Inc.
Metropolitan Health Council of Indianapolis, Inc.
Michael Reese Health Plan, Inc.
North Central Connecticut Health Maintenance Organization, Inc.
Piedmont Health Care Corporation
Prepaid Health Care, Inc.
Rhode Island Group Health Association
Roosevelt Health Plan
Rutgers Community Health Plan
Southern Connecticut Community Health Plan
Westchester Community Health Plan

Medical Group

American Health Plan, Inc.
Arizona Health Plan, Inc.
Columbia Medical Plan, Inc.
Compcare Inc. (formerly Southwest Medical Plan)
Comprehensive Health Services of Detroit, Inc.
Cooperative Health Plan of Greater Spokane
Fallon Community Health Plan, Inc.
Genesee Valley Group Association
George Washington University Health Plan, Inc.
Group Health of El Paso, Inc.
Group Health Service Plan/dba Healthcare
Health Alliance Plan of Michigan
HealthCare, Inc.
Health Maintenance Organization of Baton Rouge, Inc.
Health Service Plan of Pennsylvania
INA Healthplan of Arizona, Inc. (formerly ABC–HMO)
Kaiser Community Health Foundation
Kaiser Foundation Health Plan, Inc. (Northern California), (Southern California), (Hawaii Region)
Kaiser Foundation Health Plan of Oregon
Kaiser Foundation Health Plan of Colorado
Kaiser/Prudential Health Plan
North Communities Health Plan, Inc./dba Northcare
Peak Health Plan, Ltd.
Penn Group Health Plan, Inc.
Philadelphia Health Plan
PimaCare, Inc.
Protective Health Providers
Prudential Health Care Plan, Inc.
SHARE Health Plan
Valley Health Plan, Inc.
West River Health Maintenance Organization

Individual Practice Association Model

AV–MED, Inc.
Bay Pacific Health Plan
Capitol Health Care, Inc.
Co-MED
COMPRECARE, Inc.
Comprecare, Inc. (formerly So. L.A. Community Health Plan)
Crossroads Health Plan
Eastern Pennsylvania HMO, Inc.
Family Health Services, Inc.
Foundation Health Plan, Inc.
Genesee Health Care, Inc.
Greater Bridgeport Medical Foundation/dba Physicians Health Care
Greater Delaware Valley Health Care, Inc.
Greater San Diego Health Plan
Healthlst (Metro Atlanta)
Health Maintenance Network of Southern California/dba Health Net
Health Maintenance of Oregon, Inc.
The Health Maintenance Organization of Pennsylvania
Health Plan of the Redwoods
Health Plan of the Upper Ohio Valley
Health Plus, Inc.
HMO Illinois, Inc.
Healthwise, Inc.
Idaho HMO, Inc.
INA Health Plan of Texas
Independence Health Plan of Southeastern Michigan, Inc.
Independent Health Association
Intergroup Prepaid Health Services, Inc.
Intergroup Prepaid Health Services of Indiana
Lane Group Health Services, Inc./dba SelectCare
Lifeguard, Inc.
Marion Health Foundation, Inc.
MAXI–CARE
MetroCare of Arlington, Texas
Michigan Health Maintenance Organization Plans, Inc.
New Mexico Health Care Corp.
Northern California Institute for Medical Service, Inc./dba Rockridge Health Care Plan
PacifiCare, Inc.
Physicians Association of Clackamas County
Portland Metro Health, Inc.
Rochester Area Health Maintenance Organization
Rocky Mountain Health Maintenance Organization, Inc.
Ross-Loos Health Plan of Southern California
San Luis Valley Health Maintenance Organization
South Florida
Southshore Health Plan, Inc.
TakeCare Corporation

B. Listing by States

ALABAMA
None
ALASKA
None
ARIZONA
Arizona Health Plan, Inc., Phoenix
INA Healthplan of Arizona, Phoenix (formerly ABC–HMO)
PimaCare, Inc., Tucson
ARKANSAS
None
CALIFORNIA
Bay Pacific Health Plan, San Mateo
California Medical Group Health Plan, Inc., Los Angeles
Comprecare, Inc., Los Angeles
Contra Costa Health Plan, San Diego
Family Health Program, Inc., Fountain Valley [1]
Family Health Services, Inc. (dba General Medical Centers Health Plan), Anaheim
Foundation Health Plan, Inc., Sacramento
Greater San Diego Health Plan, San Diego
Group Health Service Plan, dba Health Care, Sacramento
Health Maintenance Network of Southern California, Van Nuys
Health Plan of The Redwoods, Santa Rosa
Kaiser Foundation Health Plan, Inc. (Southern Cal. Region), Los Angeles [1] (Northern Cal. Region), Oakland [1]
Lifeguard, Inc., Campbell
MAXICARE, Hawthorne
Northern California Institute for Medical Service, Inc. (dba Rockridge Health Care Plan), Oakland
PacifiCare, Inc., Cypress
Protective Health Providers, San Diego
Ross-Loos Health Plan of Southern California, Los Angeles
TakeCare Corporation, Oakland
COLORADO
COMPRECARE, Inc., Denver
Kaiser Foundation Health Plan of Colorado, Inc., Denver
Peak Health Plan, Colorado Springs
Rocky Mountain Health Maintenance Organization, Inc., Grand Junction
San Luis Valley HMO, Inc., Alamosa
CONNECTICUT
Community Health Care Center Plan, Inc., New Haven
Connecticut Health Plan, Inc., Bridgeport
Greater Bridgeport Medical Foundation, Inc./dba Physicians Health Care, Trumbull
North Central Connecticut Health Maintenance Organization, Inc., East Hartford
Southern Connecticut Community Health Plan, Stamford
DISTRICT OF COLUMBIA
George Washington University Health Plan, Inc., Washington
Group Health Association, Inc., Washington
HealthPlus, Inc., Riverdale, MD [2]
Kaiser-Georgetown Community Health Plan, Inc., Washington
DELAWARE
None
FLORIDA
American Health Plan, Inc., Miami
AV–MED, Inc., Miami
Florida Health Care Plan, Inc., Daytona Beach
International Medical Centers, Inc., Hialeah
Prepaid Health Care, Inc., Clearwater
South Florida Group Health, Inc., Miami
GEORGIA
HealthCare, Inc., Atlanta
Healthlst, (Metro Atlanta) Atlanta
HAWAII
Kaiser Foundation Health Plan, Inc., Honolulu [1]
IDAHO
Idaho Health Maintenance Organization, Inc., Boise
ILLINOIS
Anchor Organization for Health Maintenance, Chicago
HMO Illinois, Inc., Chicago
Intergroup Prepaid Health Services, Chicago
Intergroup Prepaid Health Services of Indiana, Chicago
Michael Reese Health Plan, Chicago
North Communities Health Plan, Inc./dba Northcare, Glenview
Roosevelt Health Plan, Chicago
INDIANA
HealthCare of Louisville, Louisville, Kentucky [2]
HMO Illinois, Chicago, Illinois [1]
Intergroup Prepaid Health Services, Chicago, Illinois [2]
Intergroup Prepaid Health Services of Indiana, Chicago, Illinois [2]
Metropolitan Health Council of Indianapolis, Inc., Indianapolis
IOWA
None
KANSAS
Community Group Health Plan, Kansas City, Missouri [2]
KENTUCKY
HealthCare of Louisville, Louisville
LOUISIANA
Health Maintenance Organization of Baton Rouge, Inc., Baton Rouge
MAINE
None
MARYLAND
Columbia Medical Plan, Inc., Columbia
Group Health Association, Washington, D.C.[2]
HealthPlus, Inc., Riverdale
Kaiser-Georgetown Community Health Plan, Washington, D.C. [2]
Metroplitan Baltimore Health Care, Inc., Baltimore
MASSACHUSETTS
Capital Area Community Health Plan, Latham, N.Y. [2]
Fallon Community Health Plan, Worcester
Harvard Community Health Plan, Boston
Matthew Thornton Health Plan, Inc., Nashua, New Hampshire [2]
Medical West Community Health Plan, Inc., Chicopee
Rhode Island Group Health Association, Providence, Rhode Island [2]
Valley Health Plan, Inc., Amherst
MICHIGAN
Comprehensive Health Services of Detroit, Inc., Detroit
Genesee Health Care, Inc., Flint
Group Health Service of Michigan, Inc., Saginaw
Group Health Plan of Southeast Michigan, Inc., Troy
Michigan Health Maintenance Organization Plans, Inc., Detroit
MINNESOTA
SHARE Health Plan, Bloomington
MISSISSIPPI
None
MISSOURI
Community Group Health Plan, Kansas City
MONTANA
None
NEBRASKA
Health Central, Lincoln
NEVADA
None
NEW HAMPSHIRE
Matthew Thornton Health Plan, Inc., Nashua
NEW JERSEY
CO–MED, Inc. Cedar Knolls

[1] Regional component of HMO.

[2] Indicates a service area, but not the primary location for the HMO.

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Crossroads Health Plan, East Orange
Health Care Plan of New Jersey, Cherry Hill
Health Service Plan of Pennsylvania, Philadelphia, Penn.
HIP of Greater New Jersey, Inc., West New York
Rutgers Community Health Plan, New Brunswick
Southshore Health Plan, Inc., Northfield
NEW MEXICO
New Mexico Health Care Corp., dba. Mastercare, Albuquerque
NEW YORK
Capital Area Community Health Plan, Inc., Latham
Community Health Plan of Suffolk, Inc., Hauppauge
Genesee Valley Group Health Association, Rochester
The Health Care Plan, Inc., Buffalo
Independent Health Association, Buffalo
Rochester Area Health Maintenance Organization, Inc., Rochester
Westchester Community Health Plan, White Plains
NORTH CAROLINA
None
NORTH DAKOTA
West River Health Maintenance Organization, Hettinger
OHIO
Kaiser Community Health Foundation, Cleveland
Marion Health Foundation, Inc., Marion
OKLAHOMA
None
OREGON
Capital Health Care, Inc., Salem
Health Maintenance of Oregon, Inc., Portland
Kaiser Foundation Health Plan of Oregon, Portland
Lane Group Health Services, Inc., Eugene
Physicians Association of Clackamas County, Gladstone
Portland Metro Health, Inc., Portland
PENNSYLVANIA
Eastern Pennsylvania HMO, Inc., Allentown
Greater Delaware Valley Health Care, Inc., Newtown Square
The Health Maintenance Organization of Pennsylvania, Willow Grove
Health Service Plan of Pennsylvania, Philadelphia
Penn Group Health Plan, Inc., Pittsburgh
The Philadelphia Health Plan, Philadelphia
RHODE ISLAND
Rhode Island Group Health Association, Inc., Providence
SOUTH CAROLINA
Piedmont Health Care Corporation, Greenville
SOUTH DAKOTA
West River Health Maintenance Organization, Hettinger, N.D.[2]
TENNESSEE
None
TEXAS
CompCare, Inc., San Antonio
Group Health of El Paso, Inc., El Paso
INA Healthplan of Texas, Dallas
Kaiser/Prudential Health Plan, Dallas
MetroCare, Euless
Prudential Health Care Plan, Inc., Houston
UTAH
Family Health Program, Inc., Salt Lake City[1]
VERMONT
Capital Area Com. Health Plan, Latham, N.Y.[2]
None
VIRGINIA
Group Health Association, Washington, D.C.[2]
Kaiser-Georgetown Community Health Plan, Washington, D.C.[2]
WASHINGTON
Cooperative Health Plan of Greater Spokane, Spokane
Kaiser Foundation Health Plan of Oregon, Portland, Oregon[2]
Portland Metro Health, Inc., Portland, Oregon
WEST VIRGINIA
Health Plan of the Upper Ohio Valley, Wheeling
Healthwise, Inc., Beckley
WISCONSIN
Family Health Plan Cooperative, Milwaukee
Group Health Cooperative of South Central Wisconsin, Madison
WYOMING
None
GUAM
Family Health Program, Inc., Fountain Valley, California[1]
PUERTO RICO
None
VIRGIN ISLANDS
None

C. Listing by Name, Address, Service Area, and Date of Qualification

1. AV-MED, Inc., 9400 South Dadeland Boulevard, Miami, Fla. 33156. Service area: Dade County, Fla. Date of qualification: Operationally qualified—October 7, 1977. (Preoperationally qualified—September 9, 1977.)

2. American Health Plan, Inc., 560 N.W. 165th Street Road, Suite 105, Miami, Fla. 33169. Service area: Dade and Broward Counties in the State of Florida. Date of qualification: Operationally qualified—August 1, 1980. (Transitionally qualified July 29, 1977.)

3. Anchor Organization for Health Maintenance, 1725 West Harrison Street, Chicago, Ill. 60612. Service area: DuPage County and the following zip codes in the city of Chicago and suburban areas:

City of Chicago

60601–18, 60621–6, 60629–32, 60634–41, 60644–8, 60650–1, 60653–4, 60656–7, 60659–60, 60666, 60670–1, 60675, 60684–5, 60693.

Suburban Areas

60004–08, 60010, 60015–8, 60023, 60025–6, 60029, 60035, 60043, 60047, 60053, 60056, 60060, 60062, 60067–9, 60076, 60090–1, 60093, 60101, 60103–4, 60106, 60108, 60130–1, 60143, 60153, 60160, 60162–5, 60171–2, 60176, 60191, 60201–4, 60301–5, 60401–2, 60406, 60409, 60411, 60417, 60419, 60422–3, 60425–6, 60429–30, 60438, 60443, 60445, 60448–9, 60452, 60459, 60461–2, 60466, 60468–9, 60471–3, 60475–7, 60513, 60525, 60534, 60558.

Date of qualification: Transitionally qualified—December 20, 1977.

4. Arizona Health Plan, Inc., 4811 North Seventh Street, Phoenix, Ariz. 85014. Service area; Maricopa County and the unincorporated area of Pinal County known as Apache Junction. Date of qualification: Transitionally qualified—August 24, 1978.

5. Bay Pacific Health Plan, 3080 La Selva, San Mateo, California 94403. Service area: San Mateo County, California. Date of qualification: Operationally qualified—March 29, 1979. (Preoperationally qualified—March 28, 1979.)

6. California Medical Group Health Plan, Inc., 1880 Century Park East, Suite 1500, Los Angeles, Cal. 90067. Service area: the zip codes included in the area are as follows:

Los Angeles County, California

90001–26, 90028–9, 90031–49, 90054, 90056–9, 90061–9, 90071, 90201, 90210–2, 90220–2, 90230, 90240–2, 90245–50, 90254–5, 90260–2, 90265, 90270, 90272, 90274, 90277–8, 90280, 90290–1, 90301–5, 90401–5, 90501–6, 90601–6, 90631, 90638, 90640, 90650, 90660, 90701, 90706, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–9, 90801, 90804–8, 90810, 90812–5, 90840, 91001, 91006, 91010–11, 91016, 91020, 91024, 91030, 91040, 91042, 91046, 91101, 91103–8, 91201, 91209, 91301–4, 91306–7, 91310–11, 91316, 91321, 91324–6, 91331, 91335, 91340, 91342–5, 91350–2, 91355, 91364, 91401–3, 91405–6, 91411, 91423, 91436, 91501–2, 91504–6, 91601–2, 91604–8, 91702, 91706, 91711, 91722–4, 91731–3, 91738, 91740, 91746, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6, 91780, 91789–92, 91801–3, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563.

Orange County, California

90620–4, 90630–1, 90680, 90720, 90740, 90742–3, 92621, 92624–7, 92629–34, 92636–8, 92640–53, 92655, 92660–70, 92672, 92675–8, 92680, 92683, 92686–7, 92701–11, 92713–7, 92801–2, 92804–7.

Riverside County, California[3]

91720, 91752, 91760, 92330, 92370, 92388, 92501–9.

Santa Barbara County, California

93013, 93017, 93067, 93101, 93103, 93105, 93108–11, 93427, 93441, 93460, 93463.

San Bernardino County, California

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92316, 92318, 92324, 92335, 92346, 92354, 92369, 92373, 92376, 92401, 92404–5, 92407–11.

San Diego County, California

92001–2, 92007–8, 92010–1, 92014, 92017, 92020–1, 92024–5, 92027, 92032, 92035, 92037, 92040–1, 92045, 92050, 92064–5, 92067, 92069, 92071, 92073, 92075, 92077–8, 92101–11, 92113–29, 92131, 92133, 92135, 92137, 92139–40, 92145, 92154–5, 92162.

Ventura County, California

91320, 91360–2, 93010, 93016, 93021, 93040, 93042, 93063, 93065.

Date of qualification: Transitionally qualified—July 19, 1977.

7. Capital Area Community Health Plan, Inc., 1201 Troy-Schenectady Road, Latham, N.Y. 12110. Service area: Berkshire County, Mass; Bennington County, Vermont; Columbia, Greene, Rensselaer, and Washington Counties, New York, and cities and towns in the following counties:

Albany

Albany City, Berne Town, Bethlehem Town, Coeymans Town, Cohoes City, Colonie Town, Green Island Town, Guilderland Town, Knox Town, New Scotland Town, Rensselaerville Town, Watervliet City, Westerlo Town.

Saratoga

Ballston Town, Charlton Town, Clifton Park Town, Galway Town, Halfmoon Town, Malta Town, Mechanicville City, Milton town, Saratoga Town, Saratoga Springs, City, Stillwater Town, Waterford Town.

Schnectady

Duanesburg Town, Glenville Town, Niskayuna Town, Princeton Town, Rotterdam Town, Schenectady City.

[3]Only those portions of the listed zip codes within a 30 mile radius of the health center are included in the service area.

Date of qualification: Operationally qualified—January 1, 1977. (Preeoperationally qualified—December 6, 1976.)

8. Capitol Health Care, Inc., P.O. Box 12625, Salem, Oregon 97301. Service area: Counties of Benton, Linn, Marion and Polk, Oregon. Date of qualification: Operationally qualified—March 1, 1978.

9. Columbia Medical Plan, Inc., 5999 Harpers Farm Road, Columbia, Maryland 21044. Service area: Zip codes or portions of zip codes in the following counties:

Anne Arundel

20701, 20755, 20794, 20863, 21077, 21090, 21108, 21113, 21144, 21240.
21054 and 21061, west of State Route 3; 21122, north of State Route 177, east of State Route 173; and 21226, east of State Route 173.

Baltimore

21055, 21133, 21201, 21207, 21216, 21223, 21225, 21228–30, 21235.

Carroll

21080, 21735, 21784.

Howard

20759, 20777, 21029, 21036, 21043, 21044–6, 21076, 21083, 21104, 21150, 21163, 21227, 21734, 21737–8, 21794.

Montgomery

20702, 20730, 20860, 20868, 20904, 20906, 20910, 20729 and 20832, east of state Route 97; 20303, north of Interstate Route 495.

Prince Georges

20704–5, 20715–6, 20801, 20810–1, 20813, 21033.

Date of qualification: Transitionally qalified—December 3, 1980.

10. CoMed, Inc. Cedar Knolls Plaza, 14 Redgedale Avenue, Cedar Knolls, New Jersey 07927. Service area: Zip codes in the following counties:

Morris

07005, 07034, 07045–6, 07054, 07058, 07082, 07405, 07435, 07438, 07440, 07444, 07459, 07801, 07828, 07830, 07834, 07836, 07840, 07842, 07845, 07846, 07849–50, 07852–7, 07865–6, 07869–70, 07876, 07878, 07882, 07885, 07926–8, 07930, 07932–6, 07940, 07945–6, 07950, 07960–1, 07970, 07976, 07980–1.

Passaic

07403, 07405, 07420–1, 07435, 07438, 07442, 07456, 07465, 07470, 07480.

Sussex

07460, 07828, 07837, 07874.

Warren

07828, 07840, 07843, 07853.

Somerset

07920–1, 07924, 07931, 07938–9, 17977–9, 07060, 07946, 08502, 08504, 08528, 08540, 08553, 08558, 08805, 08807, 08821–3, 08835–6, 08853, 08869, 08873, 08876, 08880–1, 08890.

Date of qualification: Operationally qualified—October 27, 1978. (Preoperationally qualified—October 6, 1978.)

11. Community Group Health Plan, Inc., dba Prime Health, 6801 East 117th Street, Kansas City, Missouri 64134. Service area: Johnson and Wyandotte Counties, Kansas; Jackson and zip codes in the followihng counties in Missouri:

Cass

64012, 64078, 64080 64083, 64701, 64734, 67746.

Clay

64024, 64060, 64068, 64072–3, 64089–90, 64116–9, 46155–8, 641601–1, 64165–6.

Platte

64028, 64079, 64091–2, 64150–4, 64163–4, 64167, 64169.

Date of qualification: Operationally qualified—November 26, 1976.

12. Community Health Care Center Plan, Inc., 150 Sargent Drive, New Haven, Conn. 06511. Service area—Greater New Haven area, and includes the following cities and towns: Ansonia, Beacon Falls, Bethany, Branford, Chesire, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, Shelton, Wallingford, West Haven, and Woodbridge. Data of qualification: Operationally qualified—March 1, 1978. (Transitionally qualified—October 31, 1975.)

13. Community Health Plan of Suffolk, Inc., 3001 Express Drive North, Hauppauge, New York 11787. Service area: Towns of Babylon, Brookhaven, Huntington, Islip, and Smithtown, and the following zip codes in Eastern Nausau:

11701, 11714, 11724, 11758, 11735, 11762, 11791, 11797, 11803–4.

Date of qualification: Operationally qualified—October 4, 1798.

14. CompCare, Inc., 6061 Northwest Expressway, Suite 470, San Antonio, Texas 78201. Service area: Bexar County, Texas including the city of San Antonio. Date of qualification—Operationally qualified—December 31, 1978. (Preoperationally qualified—December 4, 1978.)

15. COMPRECARE, Inc., Box 22047, 2040 South Oneida Street, Denver, Colo. 80222. Service area—the following counties: Adams, Arapahoe, Boulder,

Denver, Douglas, and Jefferson, Colorado. Date of qualification: Operationally qualified—July 12, 1979. (Transitionally qualified—August 20, 1976.)

16. Comprecare, Inc., 3850 Wilshire Blvd., Los Angeles, Calif. 90010. Service area—the zip codes included in the area are as follows:

Los Angeles County

90001–8, 90010–29, 90031–49, 90056–9, 90061–9, 90071, 90201, 90210–12, 90220–2, 90230, 90240–2, 90245–50, 90255, 90260, 90262, 90266, 90270, 90272, 90280, 90291, 90301–5, 90401–5, 90640, 90660, 90706, 90723, 91030, 91180, 91201–8, 91316, 91335–6, 91401–6, 91411, 91423, 91436, 91501–6, 91522, 91601–9, 91731–4, 91754, 91770, 91775–6, 91780, 91801–3.

Date of qualification: Operationally qualified—February 10, 1978.

17. Comprehensive Health Services of Detroit, Inc., 6500 John C. Lodge, Detroit, Michigan 48202. Service area—zip codes in the following counties:

Oakland

48220, 48237.

Wayne

48201–16, 48219, 48221, 48223–8, 48230, 48234–6, 48238–40.

Date of qualification: Operationally qualified—October 23, 1979.

18. Connecticut Health Plan, Inc., 4000 Park Avenue, Bridgeport, Conn. 06606. Service area—State of Connecticut, the following counties: Fairfield County—Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull. New Haven County—Milford. Date of qualification: Operationally qualified—March 15, 1977.

19. Contra Costa Health Plan, 2500 Alhambra Avenue, Martinez, California 94553. Service area: Zip codes in Contra Costa County as follows: 94507, 94517–21, 94523, 94549, 94553, 94569, 94572, 94595–6, 94598. Date of qualification: Operationally qualified—June 17, 1980.

20. Cooperative Health Plan of Spokane, S. 501 Bernard, P.O. Box 204, Spokane, Wash. 99210. Service area: Spokane County. Date of qualification: Operationally qualified—August 30, 1977.

21. Crossroads Health Plan, 141 South Harrison Street, East Orange, N.J. 07018. Service area: City of Newark and Essex County, N.J. Date of qualification: Operationally qualified—April 1, 1978. (Preoperationally qualified—March 17, 1978.)

22. Eastern Pennsylvania HMO, Inc., Suite 1110, 1503 North Cedar Crest Blvd., Allentown, Pennsylvania 18104. Service area—Northampton and Lehigh Counties, Pennsylvania. Date of qualification: Operationally qualified—February 9, 1979. (Preoperationally qualified—February 9, 1979.)

23. Fallon Community Health Plan, Inc., 630 Plantation Street, Worcester, Massachusetts 01605. Service area: Municipalities of Worcester County, Massachusetts, Auburn, Berlin, Boylston, Clinton, Grafton, Holden, Leicester, Millbury, Northboro, Northbridge, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Spencer, Sterling, Sutton, Upton, Webster, West Boylston, Westboro, and Worcester. Date of qualification: Operationally qualified—November 21, 1978.

24. Family Health Plan Cooperative, 6901 West Edgerton Avenue, Milwaukee, Wisconsin 53220. Service area—That portion of Milwaukee County, bounded on the north by Wisconsin Avenue, on the east by Lake Michigan, on the west by 124th Street, and on the south by County Line Road in Wisconsin. Date of qualification: Operationally qualified—February 28, 1979. (Preoperationally qualified—February 22, 1979.)

25. Family Health Program, Inc., 9930 Talbert Ave., Fountain Valley, Calif. 92708. Service area as follows—Orange County, Calif., and that portion of Los Angeles County, California, South of Firestone Boulevard (Manchester Boulevard). Salt Lake County and Davis County, Utah, and those portions of Utah, within a thirty (30) mile radius of the FHP/Utah Medical Centers. The Island of Guam. Zip codes in the service area as are follows.

Los Angeles County, Calif.

90001–3, 90007–8, 90011–5, 90018, 90021–3, 90031–3, 90037, 90040, 90043–5, 90047, 90056, 90058–9, 90061–3, 90201, 90220–2, 90240–2, 90245–50, 90254–5, 90260–2, 90266, 90270, 90274, 90277–8, 90280, 90301–5, 90501–6, 90601–6, 90631, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–9, 90801–8, 90810, 90812–5, 90840, 91320, 91360, 91731–3, 91744–6, 91748, 91754, 91765, 91770, 91789, 91792, 91803.

Orange County, Calif.

90620–3, 90630–1, 90680, 90720, 90740, 90742–3, 92621, 92624–7, 92629, 92630–8, 92640–53, 92655, 92660–70, 92672, 92675–8, 92680, 92683, 92686, 92701–11, 92713–7, 92801–7.

Salt Lake City, Davis, Utah, Tooele, and Summit Counties, Utah [4]

84003, 84006, 84010, 84014, 84020, 84025, 84032, 84043–4, 84047, 84054, 84057, 84060, 84062, 84070, 84084, 84087, 84101–9, 84111–21.

Ogden, Utah

84015, 84037, 84041, 84050, 84067, 84302, 84310, 84315, 84317, 84340, 84401, 84403–4.

Date of qualification: Transitionally qualified—July 29, 1977.

26. Family Health Services, Inc., dba General Medical Centers Health Plan, 2121 Towne Centre Place, Anaheim, Calif. 92806. Service area—zip codes in the service area are as follows:

Los Angeles County

90022–3, 90031–3, 90040, 90058, 90063, 90201, 90221, 90240–2, 90255, 90262, 90270, 90280, 90601–6, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90712–3, 90715–6, 90723, 90803–8, 90814–5, 90840, 91001, 91006, 91010, 91016, 91024, 91030, 91101, 91104–8, 91702, 91706, 91711, 91722–4, 91731–3, 91740, 91744–6, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6, 91780, 91789–92, 91801, 91803.

San Bernardino County

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92335.

Riverside County

91720, 91752, 91760, 92370, 92501, 92503–6, 92509.

Orange County

90620–1, 90623, 90630–1, 90680, 90720, 90740, 90742–3, 92621, 92628–7, 92631–3, 92635, 92640–1, 92643–9, 92655, 92660, 92665–70, 92676, 92680, 92683, 92686, 92701, 92703–10, 92714–5, 92801–2, 92804–7.

San Diego County

92001–3, 92007–8, 92010–1, 92014, 92017, 92020–1, 92024–8, 92032, 92035, 92037, 92040–1, 92045, 92050, 92054–5, 92059, 92061, 92064–5, 92067–9, 92071, 92073, 92075, 92077–8, 92082–3, 92101–11, 92113–29, 92131, 92133, 92135, 92137, 92139–40, 92145, 92154–5, 92162.

Date of qualification: Operationally qualified—November 1, 1979. (Transitionally qualified—December 14, 1976.)

27. Florida Health Care Plan, Inc., 350 North Clyde Morris Boulevard, Daytona Beach, Fla. 32014. Service area: Volusia County, Fla. Date of qualification: Operationally qualified—August 20, 1976.

28. Foundation Health Plan, Inc., 5030 El Camino Avenue, Carmichael, Calif.

[4] Several zip code areas may straddle the 30 mile radius from Family Health Plan medical centers. Individuals in the areas immediately outside the limit may enroll but must use the Family Health Program physicians and the facilities of the medical centers.

95608. Service area—Counties: Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Tuolomne, and Yolo. Date of qualification: Operationally qualified—January 1, 1978. (Preoperationally qualified—December 22, 1977.)

29. Genesee Health Care, Inc., G–4488 West Bristol Road, Flint, Michigan 48507. Service area: Genesee, Shiawassee, and Lapeer Counties, Michigan. Date of qualification: Operationally qualified—October 15, 1979. (Preoperationally qualified—October 1, 1979.)

30. Genesee Valley Group Health Association, 41 Chestnut Street, Rochester, N.Y. 14647. Service area: City of Rochester and county of Monroe, N.Y. Date of qualification: Operationally qualified—May 8, 1979. (Transitionally qualified—January 30, 1976.)

31. George Washington University Health Plan, Inc., 1229 Twenty-fifth Street, N.W., Washington, D.C. 20037. Service area: District of Columbia; Arlington and Fairfax Counties, Falls Church, Fairfax, Alexandria, Manassas, and Manassas Park, and zip codes in the following counties, Virginia: Loudoun—22011, 22020–1, 22041, and 22170; Prince William—22110, and 22191.

Zip codes in the following counties of Maryland:

Montgomery

20012, 20014–6, 20034, 20729, 20760, 20766–8, 20795, 20810, 20832, 20850–5, 20880, 20901–4, 20906, 20910.

Prince Georges

20012, 20018, 20021–3, 20031, 20331, 20623, 20705, 20710, 20715, 20722, 20735, 20740, 20742, 20769–70, 20781–6, 20801, 20810, 20822, 20840, 20870.

Date of qualification: Transitionally qualified—July 18, 1979.

32. Greater Bridgeport Medical Foundation, Inc., dba Physicians Health Care, 43 Oakview Drive, Trumbull, Connecticut 06611. Service area: City of Bridgeport, and towns of Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull, Connecticut. Date of qualification: Operationally qualified—December 29, 1980.

33. Greater Delaware Valley Health Care, Inc., 24 S. Newtown Street Road, Newtown Square, Pennsylvania 19073. Service area—Delaware County and zip codes in the following counties:

Chester

19301, 19312, 19333, 19341–2, 19345, 19353, 19355, 19373.

Montgomery

19003–4, 19010, 19035, 19041, 19065–6, 19072, 19087, 19096.

Philadelphia

19104, 19113, 19131, 19139, 19142–3, 19151, 19153.

Date of qualification: Operationally qualified—October 30, 1978.

34. Greater San Diego Health Plan, 3702 Ruffin Road, San Diego, California 92123. Service area: 30 miles or 30 minutes travel time from El Cajon, Escondido, or Poway in San Diego County, California. Date of qualification: Operationally qualified—March 28, 1980. (Preoperationally qualified—March 11, 1980.)

35. Group Health Association, Inc., 2121 Pennsylvania Avenue, N.W., Washington, D.C. 20037. Service area: Washington, D.C.; certain zip codes within Charles County (20601, 20612–3, 20606–17, 20640, 20646, 20675, 20695), and the entirety of Howard, Montgomery, and Prince Georges Counties, Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties, and the independent cities of Alexandria, Falls Church, and Fairfax, Virginia. Date of qualification: Operationally qualified—July 18, 1980. (Transitionally qualified—July 18, 1977.)

36. Group Health Cooperative of South Central Wisconsin, 1 South Park Street, Madison, Wis. 53715. Service area: Dane County (includes Metropolitan Madison area); Rock County; Evansville Township; Sauk County, Sauk City and Prairie Du Sac Townships; and Columbia County, Lodi, Arlington, and Poynette Townships. Date of qualification: Operationally qualified—June 27, 1977.

37. Group Health of El Paso, Inc., Eastwood Medical Center, 10301 Gateway West, El Paso, Texas 79925. Service area: County of El Paso, Tex. Date of qualification: Operationally qualified—February 27, 1978.

38. Group Health Plan of Southeast Michigan, 2 Northfield Plaza, 5700 Crooks Road, Troy, Michigan 48099. Service area—The following zip codes in the city of Detroit, Mich.: 48201–3, 48205, 48207, 48211–15, 48224, 48226, and 48234; and the cities of Hamtramck, Highland Park, Harper Woods, Oak Park, Ferndale, Pleasant Ridge, Berkley, Huntington Woods, Royal Oak, Hazel Park, Center Line, Warren, East Detroit, Madison Heights, and Roseville. Date of qualification: Operationally qualified—September 20, 1977. (Preoperationally qualified—September 1, 1977.)

39. Group Health Service of Michigan, Inc., 3150 Enterprise Drive, Saginaw, Michigan 48603. Service area—zip codes in the following counties:

Saginaw

48415, 48417, 48601–7, 48623, 48637, 48722, 48724, 48734.

Tuscola

48435, 48701, 48723, 48726, 48729, 48733, 48735–6, 48741, 48746, 48757–8, 48760, 48767–8.

Isabella

48858, 48878, 48883, 48893, 48896, 49310.

Bay

48611, 48613, 48631, 48634, 48650, 48706, 48732, 48747.

Date of qualification: Transitionally qualified August 27, 1979.

40. Group Health Service Plan, dba Healthcare, 930 Alhambra Boulevard, Sacramento, California 93816. Service area: Sacramento County, California and zip codes in the following counties:

Placer

95603, 95617, 95648, 95650, 95658, 95663, 95677–8.

El Dorado

95613–4, 95623, 95651, 95664, 95672, 95682.

Yolo

95605, 95612, 95616, 95645, 95691, 95695.

Date of qualification: Operationally qualified—February 20, 1980.

41. Harvard Community Health Plan, One Fenway Plaza, Boston, Mass. 02215. Service area—The following cities and towns in Massachusetts: Acton, Arlington, Bedford, Belmont, Billerica, Boston, Braintree, Brookline, Burlington, Cambridge, Canton, Carlisle, Chelsea, Concord, Dedham, Dover, Everett, Framingham, Lexington, Lincoln, Lynn, Lynnfield, Malden, Maynard, Marblehead, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, North Reading, Norwood, Peabody, Quincy, Randolph, Reading, Revere, Salem, Saugus, Somerville, Stoneham, Sudbury, Swampscott, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop, Woburn. Date of qualification: Transitionally qualified—September 1, 1977.

42. Health Alliance Plan of Michigan, 2850 W. Grand Blvd., Detroit, Michigan 48202. Service area: Macomb, Oakland, and Wayne Counties, Michigan. Date of qualification: Operationally qualified—February 16, 1979.

43. HMO Illinois, Inc., 233 North Michigan Avenue, Suite 1625, Chicago, Ill. 60601. Service area—Cook, DuPage, Fulton, Grundy, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and

Woodford Counties, Illinois; Lake and Porter Counties, Indiana. Date of qualification: Operationally qualified—June 15, 1980. (Transitionally qualified—June 15, 1977.

44. HealthCare, Inc., 4484 N. Shallowford Road, Atlanta, Georgia 30338. Service area—Cobb, DeKalb, and Gwinnett Counties, Georgia and the following zip codes in Fulton County:

30075–6, 30201, 30303, 30305, 30308–15, 30318, 30320, 30322, 30324, 30326–8, 30330–2, 30336–7, 30342, 30344, 30349, 30354, 30361.

Date of qualification: Operationally qualified—January 1, 1980. (Preoperationally qualified—December 26, 1979).

45. HealthCare of Louisville, Inc., 4545 Bishop Lane, Louisville, Kentucky 40218. Service area—Jefferson County, Ky., and any portion of adjacent counties located in Kentucky and Indiana which lie within a radius of 25 air miles of the Family Health Center, 1809 Standard Avenue, Louisville, KY. Date of qualification: Operationally qualified—April 5, 1978. (Transitionally qualified—April 2, 1976.)

46. The Health Care Plan, Inc., 664 Ellicott Square Building, Buffalo, N.Y. 14203. Service area: Erie County, N.Y. Date of qualification: Operationally qualified—September 1, 1976. (Preoperationally qualified—August 31, 1976.)

47. Health Care Plan of New Jersey, 1101 Kings Highway North, Suite 405, Cherry Hill, New Jersey 08034. Service area:

Burlington County

08010–11, 08015–6, 08019, 08022, 08036, 08041–2, 08046, 08048, 08052–5, 08057, 08060, 08084–5, 08088, 08073, 08075, 08077, 08088, 08505, 08511, 08515, 08518, 08554, 08562, 08620.

Camden County

08002–4, 08007, 08009, 08012, 08021, 08026, 08029–31, 08033–5, 08043, 08045, 08049, 08059, 08078, 08081, 08083–4, 08089, 08091, 08095, 08001–10.

Gloucester County

08012, 08063, 08088, 08093, 08096–7.

Date of qualification: Operationally qualified—June 1, 1976. (Preoperationally qualified—May 27, 1976.)

48. Health Central, 17th & N Street, Lincoln, Nebraska 68508. Service area: Lancaster County, Nebraska. Date of qualification: Operationally qualified—February 1, 1979. (Preoperationally qualified—January 29, 1979.)

49. Health Central, Inc., 2316 South Cedar, Lansing, Mich. 48910. Service area—Townships in the following counties—Ionia County: Portland and Danby. Eaton County: Oneida, Delta, and Windsor. Clinton County: Westphalia, Eagle, Watertown, DeWitt, and Bath. Shiawassee County: Woodhull and Perry. Ingham County: Lansing, Meridan, Williamston, Locke, Delhi, Alaledon, Wheatfield, Leroy, Aurelius, Vevay, Ingham, and White Oak. Date of qualification: Operationally qualified—December 19, 1977. (Preoperationally qualified—December 6, 1977.)

50. HEALTH 1st, (Metro Atlanta Health Plan), 250 Piedmont Avenue, N.E., Suite 1226, Atlanta, Georgia 30308. Service area: Metropolitan Atlanta; and Clayton, Cobb, Dekalb, Fulton, Gwinnett, Henry, Douglas, and Rockdale Counties, Georgia. Date of qualification: Operationally qualified—February 20, 1980.

51. HealthPlus, Inc., 6611 Kenilworth Avenue, Suite 400, Riverdale, Maryland 20840. Service area—The following zip codes in Prince Georges and Montgomery Counties, Maryland, and the District of Columiba:

Prince Georges

20601, 20607, 20613, 20623, 20705, 20710, 20715–6, 20722, 20735, 20740, 20769–70, 20780–8, 20801, 20810–1, 20822, 20840, 20870.

Montgomery

20901–4, 20906–7, 20910.

District of Columbia

20011–2, 20017–23, 20027–8, 20031–3.

Date of qualification: Operationally qualified—January 1, 1979. (Preoperationally qualified—December 28, 1978.)

52. Health Maintenance Network of Southern California, d.b.a. Health Net, P.O. Box 9103, Van Nuys, California 91409. Service area—zip codes in the following counties:

Los Angeles

90001–4, 90008–8, 90010–29, 90031–7, 90039–49, 90058–9, 90061–9, 90071, 90201, 90210–1, 90220–2, 90230, 90240–2, 90245, 90247–8, 90250, 90254–5, 90260, 90262, 90265–6, 90270, 90272, 90274, 90277–8, 90280, 90290–1, 90301–5, 90401–5, 90501–6, 90801–6, 90638, 90640, 90650, 90660, 90670, 90701, 90705, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–7, 90802–8, 90810, 90813–5, 98040, 91001, 91006, 91010–1, 91016, 91020, 91024, 91030, 91040, 91042, 91046, 91101, 91103, 91105–8, 91201–8, 91214, 91302–4, 91306–7, 91310–1, 91316, 91321, 91324–6, 91331, 91335, 91340, 91342–5, 91350–2, 91356–6, 91364, 91367, 91401–8, 91405–6, 91411, 91423, 91436, 91501–2, 91504–6, 91601–2, 91604–8, 01702, 91706, 91711, 91722–4, 91731–3, 91740, 91744–6, 91748, 91750, 91754, 91765–6, 91770, 91773, 91775–6, 91780, 91789–93, 91801, 91803, 93510, 93532, 93534, 93550.

Orange

90620–1, 90623, 90630–1, 90680, 90720, 90740, 92621, 92625–7, 92630–3, 92635, 92640–1, 92643–8, 92651, 92653, 92655, 92660–2, 92665–70, 92676–7, 92680, 92683, 92686, 92701, 92703–10, 92714–5, 92801–2, 92804–7.

Riverside

91720, 91752, 91760, 92201, 92220, 92223, 92230, 92234, 92240, 92252–3, 92256, 92258, 92260, 92262, 92268, 92270, 92274, 92276–7, 92282, 92284, 92306, 92330, 92349, 92361, 92370, 92501, 92503–9.

San Bernardino

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92316, 92318, 92324, 92354, 92376, 92401, 92408, 92410–1.

San Diego

92001–2, 92007–8, 92010–1, 92014, 92020–1, 92024, 92032, 92035, 92037, 92040–1, 92045, 92050, 92064, 92071, 92073, 92075, 92077, 92101–11, 92113–35, 92137, 92139–40, 92145, 92154–5, 92162

Santa Barbara

93001, 93003, 93010, 93015, 93021–3, 93030, 03040–2, 93060, 93066, 93013, 93017, 93067, 93101, 93103, 93105, 93108–11, 93114, 93252, 93254, 93427, 93436, 93440, 93460, 93468.

Ventura

91301, 91320, 91360–1, 93063, 93065.

Date of qualification: Operationally qualified—February 1, 1979. (Preoperationally qualified—January 26, 1979.)

53. Health Maintenance of Oregon, Inc., Box 1071, Portland, Oreg. 97207. Service area: Clackamas, Marion, Multnomah, Polk, and Washington Counties, Oreg. Date of qualification: Operationally qualified—June 9, 1978.

54. Health Maintenance Organization of Baton Rouge, Inc., 8281 Goodwood Blvd., Baton Rouge, La. 70806. Service area: Parishes of Ascension, East Baton Rouge, Livingston, and West Baton Rouge, La. Date of qualification: Operationally qualified—April 3, 1978. (Preoperationally qualified—March 13, 1978.)

55. The Health Maintenance Organization of Pennsylvania, 2500 Maryland Road, Willow Grove, Pa. 19090. Service area: Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Date of qualification: Operationally qualified—June 17, 1977.

56. Health Plan of the Redwoods, 3033 Cleveland Avenue, Santa Rosa, California 95401. Service area: Sonoma County, California. Date of qualification: Operationally qualified—March 7, 1980. (Preoperationally qualified—February 7, 1980.)

57. The Health Plan of the Upper Ohio Valley, Inc., Suite 900 Riley Building, 14th and Chapline Streets, Wheeling, West Virginia 26003. Service area: Ohio and Marshall Counties, West Virginia; and Belmont County, Ohio. Date of qualification: Operationally qualified—July 9, 1980.

58. Health Service Plan of Pennsylvania, 1401 Arch Street, Philadelphia, Pa. 19102. Service area—zip codes in the States of:

New Jersey

08002–3, 08007–9, 08012, 08021, 08029–30, 08033–5, 08043, 08046, 08049, 08052, 08057, 08065–6, 08075, 08078, 08083–4, 08091, 08093, 08101–10.

Pennsylvania

18914, 18925, 18940, 18954, 18966, 18974, 18976, 19001–4, 19006–10, 19012–8, 19020, 19022–3, 19025–8, 19028–41, 19043–4, 19046–7, 19050, 19052, 19054–8, 19060–6, 19063–7, 19070, 19072–9, 19081–7, 19089–90, 19094–6, 19101–54, 19174, 19301, 19312, 19317, 19319, 19331, 19333, 19335, 19341–2, 19345, 19355, 19357, 19366, 19373, 19377, 19380, 19395, 19401, 19403, 19405–9, 19422, 19425–6, 19428, 19432, 19444, 19452, 19454, 19460, 19462, 19468, 19477, 19479, 19481, 19486.

Date of qualification: Operationally qualified—May 4, 1978. (Transitionally qualified—April 26, 1976.)

59. Healthwise, Inc., Suite 313, Raleigh County Bank Building, Beckley, West Virginia 25801. Service area: Boone, Fayette, Raleigh, Summers, and Wyoming Counties, West Virginia. Date of qualification: Operationally qualified—November 6, 1979.

60. HIP of Greater New Jersey, Inc., 5301–15 Broadway, West New York, New Jersey 07093. Service area: Hudson County, New Jersey and the following communities in Bergen County (Southern portion): Carlstadt, Cliffside Park, East Rutherford, Edgewater, Fairview, Fort Lee, Little Ferry, Lyndhurst, Moonachie, North Arlington, Palisade Park, Ridgefield and Teterboro. Date of qualification: Operationally qualified—January 28, 1980.

61. INA Healthplan of Texas, Inc., 5314 Beltline Rd., P.O. Box 401828, Dallas, Texas 75240. Service area: Dallas and Tarrant Counties, Texas and zip codes in the following counties:

Collin

75002, 75023–4, 75034, 75069, 75073–5, 75080–1, 75098.

Denton

75006–7, 75028, 75056, 75065, 75067, 76052, 76226–7, 76247, 76262.

Ellis

75125, 75141, 75165, 75172.

Kaufman

75126, 75142, 75160, 75182.

Rockwall

75087.

Date of qualification: Operationally qualified—July 1, 1980.

62. Idaho Health Maintenance Organization, Inc., 963 South Orchard, Suite B, Boise, Idaho 83705. Service area: Ada and Canyon Counties, Idaho. Date of qualification: Operationally qualified—May 1, 1979. (Preoperationally qualified—April 3, 1979.)

63. INA Healthplan of Arizona, Inc., 4747 North 22nd Street, Phoenix, Arizona 85016. Service area: Maricopa County and the unincorporated area of Pinal County known as Apache Junction. Date of qualification: Transitionally qualified—August 3, 1978.

64. Independence Health Plan of Southeastern Michigan, Inc., 600 Northland Towers East, 15565 Northland Drive, Southfield, Michigan 48705. Service area—zip codes in the following counties:

Macomb

48015, 48021, 48026, 48043–5, 48047–8, 48066, 48080–2, 48077–8, 48087, 48089, 48091–4.

Oakland

48008–11, 48017–8, 48024–5, 48030, 48034, 48067, 48069–76, 48220, 48237.

Wayne

48101, 48111, 48120, 48122, 48124–7, 48134–5, 48138, 48141, 48146, 48150, 48152, 48154, 48164, 48173–4, 48180, 48183–5, 48187–8, 48192, 48195, 48203, 48205, 48215, 48218–9, 48221, 48223–5, 48227–9, 48230, 48234–6, 48238–40.

Date of qualification: Operationally qualified—August 6, 1979.

65. Independent Health Association, Inc., 4511 Harlem Road, Buffalo, New York 14226. Service area: Erie and Niagara Counties, New York. Date of qualification: Operationally qualified—February 15, 1980. (Preoperationally qualifed—February 9, 1980.)

66. Intergroup Prepaid Health Services, Inc., CNA Plaza, Chicago, Ill. 60685. Service area—Illinois, counties of Champaign, Cook, DuPage, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and Woodford. Indiana, counties of: Lake, and Porter. Date of qualification: Transitionally qualified—April 18, 1977.

67. Intergroup Prepaid Health Services of Indiana, Inc., CNA Plaza, Chicago, Illinois 60685. Service area: Adams, Allen, Blackford, DeKalb, Delaware, Grant, Huntington, Jay, Lake, Madison, Miami, Noble, Porter, Randolph, Wabash, Wells, and Whitley, Indiana. Date of qualification: Operationally qualified—July 10, 1980.

68. International Medical Centers, Inc., 2900 Palm Avenue, Hialeah, Florida 33012. Service area: Dade County, Florida. Date of qualification: Operationally qualified—November 26, 1980.

69a. Kaiser Foundation Health Plan, Inc., (Northern California Region), 1924 Broadway, Oakland, Calif. 94612. Service area—A radius of 30 miles of any Kaiser Foundation Hospital or Northern California Permanente Medical Office including the entire counties of: Alameda, Contra Costa, Marin, Secramento, San Franciso, San Mateo, Santa Clara, Solano, and cities and towns in the following counties:

Amador

Carbondale, Forest Home, Ione, Nashville.

El Dorado

Brandon, Brela, Cameron Park, Clarksville, Cool, Cothrin, Dugan, El Dorado, El Dorado Hills, Lake Hills Estates, Latrobe, Lotus, Pilot Hill, Rescue, Shingle Springs.

Napa

Aetna Springs, Angwin, Calistoga, Deer Park, Franklin, Kellogg, Napa, Oakville, Pope Valley, Rutherford Sanitarium, St. Helena, Yountville.

Placer

Auburn, Bowman, Hidden Valley, Lincoln, Loomis, Newcastle, Ophir, Penryn, Rocklin, Roseville, Sheridan, Sunset Whitney Ranch, Thermolands.

Sonoma

Bloomfield, Boyes Hot Springs, Catati, El Verano, Eldridge, Freestone, Fulton, Glen Ellen, Kenwood, Penngrove, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Valley Ford, Vineburg.

Sutter

Chandler, East Nicolaus, Kirkville, Nicolaus, Pleasant Grove, Rio Oso, Robbins, Trowbridge, Verona.

V 46 / 126 / JL 1 81 UMI

Yolo

Broderick, Bryte, Capay, Clarksburg, Davis, Dixon, El Macero, Knights Landing, Madison, Tremont, West Sacramento, Winters, Woodland, Yolo, Zamora.

Yuba

Wheatland.

Date of qualification: Transitionally qualified—October 27, 1977.

69b. Kaiser Foundation Health Plan, Inc. (Southern California Region), 4747 Sunset Boulevard, Los Angeles, Calif. 90027. Service area—A radius of 30 miles of any Kaiser Foundation Hospital or Southern California Medical Office. Kern County and Mexico are excluded from the service area. The following zip codes located in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties are included:

90000–99, 90101–99, 90200–99, 90300–99, 90400–99, 90500–99, 90600–99, 90700–99,[5] 90800–99, 91000–99, 91100–99, 91200–99, 91300–99, 91300–99, 91400–99, 91500–99, 91600–99, 91700–99, 91800–99, 92100–99, 92400–99, 92500–99, 92600–99,[6] 92700–99, 92800–99, 92001–2, 92006–8, 92010–2, 92014, 92016–7, 92020–2, 92024–7, 92031–2, 92035–7, 92040–1, 92045, 92047–8, 92050, 92053–4, 92062–5, 92067, 92069–71, 92073, 92075, 92077–8, 92080, 92082–3, 92220, 92223, 92305, 92307, 92314–8, 92320–2, 92324–6, 92329–30, 92333, 92335, 92339–41, 92343, 92345–6, 92348, 92352–4, 92356, 92358–60, 92362, 92367, 92369–73, 92376, 92378, 92380–2, 92385–6, 92388, 92391–2, 92395–7, 92399, 93010, 93015, 93021, 93040, 93060, 93063–5, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563.

Date of qualification: Transitionally qualified—October 27, 1977.

69c. Kaiser Foundation Health Plan, Inc. (Hawaii Region), 677 Ala Moana Boulevard, Honolulu, Hawaii 96813. Service area—Islands of Oahu and Maui. Date of qualification: Transitionally qualified—October 27, 1977.

70. Kaiser Foundation Health Plan of Oregon, 1500 Southwest First Avenue, Portland, Oreg. 97201. Service area as follows:

State of Oregon (Cities, towns, and zip codes)

Portland area

Aloha—97006; Banks—97106; Buxton (Banks)—97109; Barlow—97003; Beavercreek—97004; Beaverton—97005, 97007; Boring—97009; Bridal Veil—97010; Brightwood—97001; Canby—97013; Clackamas—97015; Colton—97017; Columbia City—97018; Corbett—97019; Cornelius—97113; Dayton—97114; Deer Island—97054; Donald—97020; Dundee—97115; Eagle Creek—97002; Estacada—97023; Fairview—97024; Forest Grove—97116; Gales Creek—97117; Gaston—97119; Gladstone—97027; Gresham—97030; Hillsboro—97123; Hubbard—97032; Jennings Lodge—97267; Lafayette—97127; Lake Grove—97035; Lake Oswego—97034; Manning—97125; Marylhurst—97036; Milwaukie—97222; Molalla—97038; Mt. Angel—97362; Mulino—97042; Newburg—97132; North Plains—97133; Oak Grove—97266; Oregon City—97045; Portland—97201–21; 97225–7, 97228–33, 97236, 97240, 97242, 97266; St. Helens—97051; Sandy—97055; Scappoose—97056; Sherwood—97140; Tigard—97223; Troutdale—97060; Taulitan—97062; Warren—97053; Wemme—97067; West Linn—97068; Woodburn—97071–2.

(Communities where the 30 mile boundary splits a zip code are described below):

97008—Bonneville (Cascade Locks)—Bonneville to Big Bend Mountain and all areas west.

97111—Carlton—McMinnville Reservoir to Willamina Falls and all areas west.

97023—Estacada—Squaw Mountain, Fish Creek Mountain to Soosap Peak and all areas west, northwest.

97119—Gaston—East Tillamook National Forest boundary and all points east.

97120—Glenwood—Round Toe Mountain and Glenwood and all areas east.

97128—McMinnville—Willamina Falls to city of Grand Ronde and all areas east.

97038—Molla—Soosap Peak to Molalla River and all areas north, northwest.

97051—St. Helens—Meisner Peak and Baker Point and all areas southeast.

97142—Tillamook—Saddle Mountain and Wilson River Summit on eastern Tillamook National Forest boundary and all areas east.

97144—Timber—Round Toe Mountain and intersection of Highway 47 and McDonald Road and all areas east.

97064—Veronia—McDonald and Pebble Creek Roads and all areas east.

97067—Wemme—Squaw Mountain and city of Welches and all areas west.

97148—Yamhill—Yamhill Reservoir and McMinnville Reservoir and all areas east.

Salem area

Albany—97321; Amity—97101; Aumsville—97325; Brooks/Waconda—97305; Crabtree—97335; Dallas—97338; Falls City—97344; Independence—97351; Lyons—97358; Marion—97359; Monmouth—97361; Motor Vehicle Dept.—97314; No. of Corvallis—97353; Rickreal—97371; S.A.I.F.—97312; City of Salem—97101; 97301–9; Scio—97374; Scotts Mill—97375; Sheridan—97378; Silverton—97381; State Dept. of Emp.—97311; State offices—97310; Stayton—97383; Sublimity—97385; Turner—97392; Wilamina—97396.

(Communities where the 30 mile boundary splits a zip code are described below):

97330—Stalbusch Island and Bald Hill and areas north.

97347—Grand Ronde and Condenser Peak mountain area and areas east.

97354—Crabtree Guard Station and Snow Peak and areas northwest.

97355—Peterson Butte and Ridgeway Butte and areas north.

97360—Indian Prairie and Mill City and areas west.

97384—Mill City and Elkhorn and areas west.

97389—Towns of Weldwood, Tangent and Peterson Butt and areas north.

97393—Riley Peak and town of Seekay and areas east.

97395—Ridgeway Butte and Crabtree Guard Station and areas north.

State of Washington (Cities, towns, and zip codes)

Vancouver area

Amboy—98601; Ariel—98603; Aurora—97002; Battleground—98604; Camas—98606–7; Gervais—92026; Heisson—98622; Jefferson—97352; Kalama—98625; LaCenter—98629; Ridgefield—98642; St. Paul—97137; Skamania—98646; Vancouver—98660–5; Washougal—98671; Woodland—98674.

(Community where the 30 mile boundary splits a zip code is described below):

98675—Yacolt—Siouxan Park and all areas south.

Date of qualification: Transitionally qualified—October 27, 1977.

71. Kaiser Foundation Health Plan of Ohio, Bond Court Building, Suite 1100, 1300 East Ninth Street, Cleveland, Ohio 44114. Service area—Counties—Cuyahoga, Lake, Geauga, Medina, Lorain, and Summit, except the townships of Franklin and Green are excluded from Summit county. Townships in the following counties—Ashtabula: Trumbull, Hartsgrove, and Windsor. Trumbull: Mesopotamia and Farmington. Portage: Aurora, Brimfield, Charlestown, Franklin, Freedom, Hiram, Mantua, Nelson, Ravenna, Rootstown, Shalersville, Streetsboro, and Windham.

Date of qualification: Transitionally qualified—October 27, 1977.

72. Kaiser Foundation Health Plan of Colorado, 2005 Franklin Street, Denver, Colorado 80205. Service area—City and County of Denver; communities immediately surrounding Denver, including all major and minor urbanized areas immediately adjacent to Denver; and cities, towns, and communities in the following counties:

Adams

Adams City, Barr Lake, Bow Mar, Brighton, Commerce City, Derby, Dupont, Eastlake, Federal Heights, Hazeltine, Henderson, Highland Acres, Irondale, Lochbuie, Northglenn, Riverdale, Thornton, Watkins, Welby, Westminster.

Arapahoe

Aurora, Cherry Hills, Columbine Valley, Englewood, Greenwood Village, Littleton, Sheridan.

Boulder

Boulder, Broomfield, Crescent Village, Eldorado Springs, Erie, Goodview, Lafayette, Longmont, Louisville, Marshall, Niwot, Silver Spruce, Superior, Valmont.

Clear Creek

Beaver Brook, Brookvale, Hyland Hills.

Douglas

Blakeland, Gann, Louviers, Parker, Riverside, Sedalia.

Gilpin

Floyd Hill.

Jefferson

Arvada, Aspen Park, Bensen Park, Conifer, Critchell, Deermont, Edgewater, El Rancho, Evergreen, Fenders, Green Valley Acres, Golden, Hiwan Hills, Homewood Park, Idledale, Indian Hills, Kassler, Kittredge, Lakewood, Leyden, Marshalldale, Morrison, Mountain View, Plain View, Phillipsburg, Rosedale, Semper, Sprucedale, Tiny Town, Troutdale, Twin Forks, Wheat Ridge.

Date of qualification: Transitionally qualified—October 27, 1977.

73. Kaiser-Georgetown Community Health Plan, Inc., Suite 300, 4200 Wisconsin Avenue, N.W., Washington, D.C. 20016. Service area: Washington, D.C.; Arlington County, Fairfax County, Prince William County, Loudoun County, Falls Church, Fairfax, Alexandria, Manassas, and Manassas Park, Virginia; Montgomery and Prince Georges Counties, Maryland. Date of qualification: Operationally qualified—May 25, 1979. (Transitionally qualified—May 26, 1976.)

74. Kaiser/Prudential Health Plan, 7777 Forest Lane, Dallas, Texas 75230. Service area—Dallas and Rockwall Counties, Texas and zip codes in the following counties:

Collin

75002, 75018, 75023–4, 75031, 75034, 75064, 75066, 75069, 75073–5, 75077–9, 75089, 75098.

Denton

75028, 75056, 75065, 75067–8, 75201, 75226, 75247, 75259, 75262.

Kaufman

75032, 75087, 75114, 75126, 75146, 75160.

Tarrant

76010–8, 76021, 76034, 76039, 76053, 76063, 76080, 76103, 76112, 76117–8, 76125, 76148, 76248.

Date of qualification: Operationally qualified—June 1, 1979. (Preoperationally qualified—May 30, 1979.)

75. Lane Group Health Services, Inc., dba SelectCare, 1400 High Street, Suite C1, Eugene, Oregon 97401. Service area—zip codes as follows:

Lane County

97401–5, 97409, 97412–3, 97419, 97424, 97426–8, 97431–4, 97437–8, 97445, 97448, 97451–2, 97454, 97461, 97563, 97472, 97477, 97480, 97482, 97487–90.

Date of qualification: Operationally qualified—November 7, 1979. (Preoperationally qualified—October 29, 1979.)

76. Lifeguard, Incorporated, 1715 South Bascom Avenue, Bascom Financial Center, Campbell, California 95008. Service area: Santa Clara County, California. Date of qualification: Operationally qualified—February 14, 1979. (Preoperationally qualified—February 12, 1979.)

77. Marion Health Foundation, Inc., 125 Executive Drive, Box 1085, Marion, Ohio 43302. Service area—Marion County and the township of Claibourne in adjoining Union County. Date of qualification: Operationally qualified—November 30, 1976.

78. Matthew Thornton Health Plan, Inc., 591 West Hollis Street, Nashua, N.H. 03060. Service area: Communities of Amherst, Brookline, Hollos, Hudson, Litchfield, Londonderry, Lyndeboro, Mason, Merrimack, Milford, Mont Vernon, Nashua, Pelham, Wilton, and Windham, N.H., and Dunstable, Groton, Pepperell, Townsend, and Tyngaboro, Mass. Date of qualification: Operationally qualified—August 15, 1978.

79. MAXICARE, 4455 West 117th Street, Suite 502, Hawthorne, Calif. 90250. Service area—Los Angeles and Orange Counties California; and the following zip codes in Ventura County, California: 91320–1, 91360–3, and 93065.

Date of qualification: Operationally qualified—April 4, 1979. (Transitionally qualified—March 25, 1978.)

80. Medical West Community Health Plan, Inc., 444 Montgomery Street, Chicopee, Massachusetts 01020. Service area: Cities and towns in Massachusetts as follows: Agawam, Belchertown, Chicopee, Easthampton, East Longmeadow, Granby, Hampden, Holyoke, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southampton, South Hadley, Southwick, Springfield, Westfield, West Springfield, and Wilbraham. Date of qualification: Operationally qualified—September 12, 1980.

81. MetroCare, 1701 W. Euless Road, Suite 300, Euless, Texas 76039. Service area: City of Grand Prairie in Dallas County and Tarrant County, Texas. Date of qualification: Operationally qualified—February 14, 1979. (Preoperationally qualified—January 30, 1979.)

82. Metropolitan Baltimore Health Care, Inc., 1005 North Point Boulevard, Baltimore, Maryland 21224. Service area—zip codes as follows:

21201–2, 21204–21, 21227–31, 21234, 21236–7, 21239, 21061, 21090.

Date of qualification: Operationally qualified—April 3, 1978.

83. Metropolitan Health Council of Indianapolis, Inc., (Metro Health Care), Suite 100, 3000 Meadows Parkway, Indianapolis, Ind. 46205. Service area—Indianapolis/Marion County, Ind. Date of qualification: Operationally qualified—January 31, 1977.

84. Michael Reese Health Plan, Inc., 3055 South Cottage Grove Avenue, Chicago, Illinois 60616. Service area—City of Chicago and Cook and DuPage Counties, except the following zip codes in these counties:

60067, 60103, 60108, 60172, 60184–5, 60190, 60411, 60425, 60429, 60438, 60443, 60461, 60466, 60471, 60473, 60476, 60519, 60532, 60555.

Date of qualification: Transitionally qualified—April 17, 1978.

85. Michigan Health Maintenance Organization Plans, Inc., 2200 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226. Service area: Wayne County and zip codes in Oakland and Macomb Counties.

[5] Except 90704 (Avalon)

[6] Except 92672 (San Clemente).

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Oakland

48006–11, 48013, 48017, 48024–5, 48030, 48053, 48055, 48057–8, 48063, 48067, 48069–73, 48075–6, 48084, 48220, 48237.

Macomb

48015, 48021, 48026, 48066, 48080–2, 48089, 48091–3.

Date of qualification: Transitionally qualified—April 13, 1978.

86. New Mexico Health Care Corporation, dba Mastercare, 2350 Alamo, S.E., Albuquerque, New Mexico 87107. Service area: Bernalillo County, New Mexico and zip codes in the following counties:

Sandoval

87001, 87004, 87024, 87041, 87043, 87048, 87052, 87124.

Santa Fe

87015.

Torrance

87056–7, 87061.

Valencia

87002, 87031, 87042, 87060, 87068.

Date of qualification: Transitionally qualified—August 15, 1980.

87. North Central Connecticut Health Maintenance Organization, Inc., 99 Ash Street, East Hartford, Connecticut 06108. Service area: Towns of Suffolk, Enfield, East Grandby, Winsdor Locks, East Windsor, Bloomfield, Windsor, South Windsor, Vernon, Avon, West Hartford, Hartford, East Hartford, Manchester, Bolton, Farmington, Plainville, New Britain, Newington, Wethersfield, Glastonbury, Rocky Hill, and Marlborough. Date of qualification: Operationally qualified—June 27, 1979.

88. North Communities Health Plan, Inc., 2050 Pfingsten Road, Glenview, Ill., 60025. Service area—Arlington Heights, Bannockburn, Barrington, Buffalo Grove, Deerfield, Deer Park, Des Plaines, E. Rogers Park, Evanston, Glencoe, Glenview, Golf, Great Lakes, Green Oaks, Hawthorn Woods, Highland Park, Highwood, Indian Creek, Kenilworth, Kildeer, Lake Bluff, Lake Forest, Lake Zurich, Libertyville, Lincolnshire, Lincolnwood, Long Grove, Metttawa, Morton Grove, Mount Prospect, Mundelein, Niles, North Brook, North Chicago, North Field, Palatine, Park Ridge, Prospect Heights, Riverwoods, Rolling Meadows, Skokie, South Barrington, Vernon Hills, West Rogers Park, Wheeling, Wilmette, and Winnetka; and the following zip codes in the City of Chicago: 60610–1, 60614, 60622, 60630, 60634–5 60639, 60641, 60647, 60651, and 60656. Date of qualification: operationally qualified—November 11, 1975.

89. The Northern California Institute for Medical Service, Inc., dba Rockridge Health Care Plan, 420 40th Street, Oakland, Calif. 94609. Service area: Cities of Alameda, Albany, Berkeley, Canyon, Castro Valley, El Cerrito, El Sobrante, Emeryville, Kensington, Lafayette, Moraga, Oakland, Orinda, Piedmont, Pinole, Richmond, San Leandro, San Lorenzo, and San Pablo, Calif. Date of qualification: Operationally qualified—March 31, 1978.

90. Pacificare, Inc., 5400 Orange Avenue, Suite 220, Cypress, Calif. 90630. Service area—zip codes included in counties as follows:

Los Angeles

90001–29, 90031–49, 90056–9, 90061–9, 90071, 90201, 90210–12, 90220–2, 90230, 90240–2, 90245, 90247–50, 90254–5, 90260, 90262, 90265–6, 90270, 90272, 90274, 90277–8, 90280, 90290–1, 90301–5, 90401–5, 90501–6, 90601–6, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90710, 90712–3, 90715–7, 90723, 90731–2, 90744–7, 90802–2, 90810, 90813–5, 90840, 91001, 91006, 91010–11, 91016, 91020, 91024, 91030, 91040, 91042, 91046, 91101, 91103–8, 91201–8, 91214, 91302–3, 91306, 91310–11, 91316, 91321, 91324–6, 91331, 91335, 91340, 91342–5, 91350–2, 91355–6, 91361, 91364, 91367, 91401–3, 91405–6, 91411, 91423, 91436, 91501–2, 91504–6, 91601–2, 91604–8, 91702, 91706, 91711, 91722–4, 91731–3, 91740, 91744–6, 91748, 91750, 91754, 91765–8, 91770, 91773, 91775–6, 91780, 91789–92, 91801, 91803, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563.

San Diego

92002, 92007–8, 92010–12, 920014, 92020–1, 92024–5, 92027, 92032, 92035, 92037, 92040–1, 92045, 92050, 92054, 92064, 92067–9, 92071, 92073, 92075, 92077–8, 92083, 92101–11, 92113–29, 92131–7, 92139–40, 92145, 92154–5, 92162.

Riverside

91752, 92509.

San Bernardino

91701, 91710, 91730, 91739, 91743, 91761–4, 91786, 92335.

Ventura

91301, 91304, 91307, 91360–2, 93021, 93063, 93065.

Orange

90620–1, 90623, 90630–1, 90680, 90720, 90740, 90742–3, 92601, 92621, 92625–27, 92630–3, 92635, 92640–1, 92643–51, 92653, 92655, 92660–2, 92665–70, 92680, 92683, 92686, 92701, 92703–10, 92714–5, 92801–2, 92804–7.

Date of qualification: Operationally qualified—December 22, 1978.

91. Peak Health Plan, Ltd., 110 South Weber, Suite 101, Colorado Springs, Colorado 80903. Service area—El Paso County and the following zip code in Teller County, Colorado: 80863. Date of qualification: Operationally qualified—November 30, 1979.

92. Penn Group Health Plan, Inc., IBM Building, 5 Gateway Center, Pittsburgh, Pa. 15222. Service area—Allegheny and western Westmoreland Counties. Date of qualification: Operationally qualified—November 28, 1975.

93. Philadelphia Health Plan, 1015 Chestnut Street, Philadelphia, Pennsylvania 19107. Service area: Philadelphia County and portions of Delaware, Montgomery, and Bucks Counties, Pennsylvania. The eastern border of the Service Area is the Delaware River. The southern most point is where State Route 420 meets the river in Delaware County. The Service Area boundary proceeds northwest along State Route 420, and then northeast along State Route 320 into Montgomery County to the Schuylkill River. The boundary follows the Schuylkill River southeast to the northwestern city limits of Philadelphia and then follows the city limits to include the entire northwest part of the city. The boundary turns north along U.S. 611 to Willow Grove and continues on State Route 263 to Hatboro. The boundary turns northeast and then east as it follows State Route 332 from Hatboro to Newton. At Newton, the boundary proceeds in a southeast direction along State Route 413 back to the Delaware River. Date of qualification: Transitionally qualified—April 13, 1979.

94. Physicians Association of Clackamas County, 18600 S.E. McLoughlin Blvd., P.O. Box 286, Gladstone, Oregon 97027. Service area: Clackamas County, Oregon. Date of qualification: Transitionally qualified—March 29, 1979.

95. Piedmont Health Care Corp., 2320 East North, P.O. Box 17009, Greenville, S.C. 29606. Service area—Greenville, S.C., and any portion of adjacent counties, located in South Carolina, which lie within a radius of 30 miles of the Carolina Medical Center, 2320 East North Street, Greenville, S.C. Date of qualification: Operationally qualified—March 2, 1979. (Transitionally qualified—December 29, 1975.)

96. PimaCare, Inc., 2555 East Adams, Tucson, Arizona 85716. Service area: Zip codes in Pima County, Arizona as follows: 85230, 85238, 85246, 85614, 85619, 85629, 85641, 85701, 85704–8, 85710–8, 85718–9, 85721, and 85730. Date of qualification: Operationally qualified—September 24, 1980.

97. Portland Metro Health Inc., 8840 S.W. Canyon Road, Portland, Oreg. 97225. Service area—Multnomah, Clackamas, and Washington Counties, Oreg.; and Clark County, Wash. Date of qualification: Operationally qualified—January 1, 1976.

98. Prepaid Health Care, Inc., 1417 South Belcher Road, Clearwater, Fla. 33516. Service area: Pinellas County, Fla. Date of qualification: Operationally qualified—August 3, 1978. (Preoperationally qualified—August 3, 1978.)

99. Protective Health Providers, 150 West Washington Street, Suite 200, San Diego, Calif. 92103. Service area: San Diego County, Calif. Date of qualification: Operationally qualified—March 27, 1979. (Preoperationally qualified—December 28, 1978.)

100. Prudential Health Care Plan, Inc., P.O. Box 2884, Houston, Tex. 77001. Service area—Harris County and portions of Brazoria, Fort Bend, Galveston, Liberty, Montgomery, and Waller Counties in Greater Houston metropolitan area. The zip codes included in the area are as follows:

77001–99, 77201, 77205–9, 77211, 77301–2, 77336, 77338–9, 77355–7, 77362, 77365, 77367, 77372–3, 77375, 77379–80, 77401, 77410–11, 77413, 77421, 77429–30, 77433, 77441, 77447, 77450, 77459, 77469, 77471, 77477–8, 77481, 77484, 77501–7, 77511, 77517, 77520–1, 77530, 77532, 77536–7, 77545–7, 77562–3, 77565, 77571, 77573, 77578, 77581, 77583, 77586–7, 77598.

Date of qualification: Operationally qualified—June 2, 1976.

101. Rhode Island Group Health Association, Inc., 530 North Maine, Providence, R.I. 02904. Service area—Rhode Island and the following communities in Massachusetts:

Bristol County

Attleboro, Berkeley, Dighton, Mansfield, North Attleboro, Norton, Rehoboth, Seekonk, Swansea, and Taunton.

Norfolk County

Bellingham, Franklin, Plainville, and Wrentham.

Worcester County

Blackstone and Millville.

Date of qualification: Operationally qualified—September 30, 1978. (Transitionally qualified—October 30, 1975.)

102. Rochester Area Health Maintenance Organization, Inc., 220 Alexander Street, Suite 601, Rochester, New York 14607. Service area: Monroe County, including the City of Rochester, New York. Date of qualification: Operationally qualified—November 1, 1979. (Preoperationally qualified—October 18, 1979.)

103. Rocky Mountain Health Maintenance Organization, Inc., 2231 North 7th Street, Grand Junction, Colo. 81501. Service area: Mesa County, Colo. Date of qualification: Operationally qualified—March 2, 1979. (Transitionally qualified—December 29, 1975.)

104. Roosevelt Health Plan, 1200 N. La Salle Street, Chicago, Illinois 60610. Service area—zip codes as follows:

Cook County

60601–7, 60610–2, 60614, 60622, 60624, 60644, 60647, 60657.

Date of qualification: Operationally qualified—May 24, 1979.

105. Ross-Loos Health Plan of Southern California, 1711 West Temple Street, Los Angeles, Calif. 90026. Service area—the following zip codes in the following counties:

Los Angeles

90001–100, 90101, 90201, 90210–5, 90220–4, 90230, 90240–2, 90245, 90247–50, 90254–5, 90260–2, 90266, 90270, 90272, 90277–8, 90280, 90290–1, 90301–10, 90401–6, 90501–10, 90601–12, 90638, 90640, 90650, 90660, 90670, 90701, 90706, 90710, 90712–7, 90723, 90731–3, 90744–9, 90801–48, 91001, 91006, 91010–1, 91016, 91020, 91023–4, 91030, 91040, 91042, 91046, 91101–31, 91201–14, 91302–7, 91311, 91316, 91324–31, 91335, 91340–49, 91352, 91356, 91364–71, 91401–94, 91501–23, 91601–12, 91701–2, 91706, 91710–1, 91722–4, 91730–4, 91740, 91744–50, 91754, 91761–70, 91773, 91775–8, 91780, 91786, 91789–90.

Orange

90620–24, 90630–31, 90680, 90720, 910740, 910742–3, 91791–3, 91801–4, 91807, 92601, 92621, 92625–7, 92630–8, 92640–53, 92655, 92660–70, 92676, 92680, 92683, 92686, 92701–28, 92801–7.

Date of qualification: Transitionally qualified—June 27, 1979.

106. Rutgers Community Health Plan, 57 U.S. Highway 1, New Brunswick, N.J. 08901. Service area: Communities within a 15 mile radius of New Brunswick, which includes Middlesex County and parts of Somerset, Union, Mercer, Monmouth, and Morris Counties. Date of qualification: Operationally qualified—July 1, 1976.

107. San Luis Valley Health Maintenance Organization, Inc., 216 Victoria Avenue, Alamosa, Colorado 81101. Service area: San Luis Valley, Colorado and counties of Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache, Colorado. Date of qualification: Operationally qualified—December 26, 1978.

108 SHARE Health Plan, 7920 Cedar Avenue South, Bloomington, Minn. 55420. Service area: Hennepin, Ramsey, Anoka, Washington, and Dakota Counties, Minn. Date of qualification: Operationally qualified—July 18, 1979. (Transitionally qualified June 30, 1976.)

109. South Florida Group Health, Inc., 8001 N.W. 36th Street, Suite 103, Miami, Florida 33166. Service area: Dade County, Florida. Date of qualification: Operationally qualified–February 8, 1980. (Preoperationally qualified—February 7, 1980.)

110. Southern Connecticut Community Health Plan, 1010 Summer Street, Stamford, Connecticut 06905. Service area—the following cities and towns in Connecticut: Darien, Greenwich, New Canaan, Norwalk, Redding, Ridgefield, Stamford, Weston, Westport, and Wilton. Date of qualification: Operationally qualified—July 3, 1979.

111. Southshore Health Plan, Inc., 2327 New Road, Northfield, N.J. 08225. Service area—Counties in New Jersey as follows:

Atlantic

08037, 08201, 08203, 08213, 08215, 08217, 08220–2, 08225, 08231–2, 08225, 08231–2, 08240–1, 08244, 08310, 08317, 08319, 08326, 08330, 08340–1, 08346, 08350, 08401–4, 08406.

Cape May

08223, 08226, 08230, 08248, 08250, 08270.

Ocean and Burlington

08087, 08215, 08224.

Date of qualification: Transitionally qualified—December 29, 1978.

112. TakeCare Corporation, 1950 Franklin Street, Oakland, California 94659. Service area—zip codes in the following:

Marin County

94901–73.

San Mateo County

94002, 94005, 94010, 94014–21, 94025, 94030, 94037–8, 94044, 94060–6, 94070, 94074, 94080, 94401–49.

Santa Clara County

94022, 94035, 94040–3, 94086–8, 90301–6, 95002, 95008, 95014, 95020, 95030, 95035, 95037, 95046, 95050–4, 95070, 95088, 95101–54.

East Bay Area

94501, 94507, 94516, 94518–23, 94525–6, 94528, 94530, 94536–8, 94541–7, 94549–50, 94553, 94556, 94560, 94563–4, 94566,

94569–70, 94577–80, 94583, 94587, 94595–8, 94601–66, 94701–21, 94772, 94801–50.

Sacramento County

95813–42, 95605, 95606, 95610, 95612, 95615–6, 95620, 95624, 95626, 95628, 95630, 95632, 95645, 95650, 95652, 95655, 95660, 95662, 95666, 95670, 95673, 95677–8, 95683, 95691, 95693, 95695.

Sonoma County

94922–3, 94928, 94952, 94972, 95401–6, 95419, 95430–1, 95436, 95439, 95442, 95452, 95462, 95465, 95472, 95476, 95492.

Date of qualification: Transitionally qualified—June 27, 1979.

113. Valley Health Plan, 441 West Street, Amherst, Mass. 01002. Service area—incorporated areas as follows: Amherst, Belchertown, Conway, Deerfield, Easthampton, Granby, Hadley, Leverett, Montague, New Salem, Northampton, Pelham, Shutesbury, South Deerfield, South Hadley, Sunderland, Ware, Wendell, Whately, and Williamburg, Mass. Date of qualification: Operationally qualified–May 10, 1978.

114. Westchester Community Health Plan, 145 Westchester Avenue, White Plains, N.Y. 10601. Service area: Westchester County, N.Y. Date of qualification: Operationally qualified—September 30, 1976. (Achieved preoperational qualification on September 28, 1976.)

115. West River Health Maintenance Organization, Box 671, Hettinger, North Dakota 53639. Service area: North Dakota—Adams County and cities in the following counties: Bowman—Bowman, Gascoyne, Rhame, and Scranton; Grant—Carson, Elgin, Lark, Leith, New Leipzig, and Raleigh; Hettinger—Bentley, Burt, Mott, New England, and Regent; Slope—Amidon, and Marmarth.

South Dakota—Corson, Harding and Perkins Counties.

Date of qualification: Operationally qualified—March 19, 1979.

Dated: June 22, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-19321 Filed 6-30-81; 8:45 am]

BILLING CODE 4110-83-M

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federal register

Wednesday
July 1, 1981

Part VI

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates

V 46 / 126

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 541

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document amends a final rule relating to the Bureau of Prisons policy on Control Unit programs. The amendments cover various procedural aspects, including designating one region to conduct hearings on Control Unit placements, requiring a mental health and medical report prior to placement in the Control Unit, and clarifying programs and services offered. The revised rule is intended to clarify Bureau practices in regards to specified aspects of the Control Unit.

DATE: Effective date: July 1, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is amending its rule relating to "Control Unit Programs". This subject was published in the **Federal Register** June 29, 1979 (at 44 FR 38260 et seq.). The present amendments place no increased burden on either the inmate or the public and are intended to clarify the scope of the Bureau's present rule. For these reasons, the provision of the Administrative Procedure Act (5 USC 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date is inapplicable. Members of the public may submit comments concerning these amendments by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that these amendments do not constitute a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354) does not have a significant impact on a substantial number of small entities.

Summary of Changes

1. § 541.41 For clarity, former § 541.41(c)(2) and and (c)(3) are now incorporated into amended § 541.41(b)(6) and (b)(5), respectively. Based on this modification, the second sentence of former § 541.41(b)(6) has been deleted. For consistency with § 541.41(b)(1), § 541.41(b)(2) is revised to read "other persons", rather than "other inmates or staff members".

Section 541.41(c)(1) is amended to specify that evidence of significant mental disorder or major physical disability be "documented in a mental health evaluation or a physical examination". Based on the deletion of former § 541.41(c)(2) and (c)(3), former § 541.41(c)(4) becomes new § 541.41(c)(2).

2. § 541.42 The first paragraph of former § 541.42 (now § 541.42(a)) reflects procedural changes. As originally published, hearing administrators were designated out of each region. To ensure better uniformity, the amended rule specifies that the Bureau of Prisons North Central Regional Office will coordinate all hearings. The Regional Director in the region where the inmate is located is to review the referral material and upon concurrence with the recommendation, forward a written request to the Regional Director, North Central Region.

The last sentence of the first paragraph of former §541.42 becomes the first sentence of new final § 541.42(b). Former § 541.42(a)–(c) becomes new final § 541.42(b)(1)–(3).

3. § 541.43–§ 541.43(a) is amended to recognize that the hearing "ordinarily" occurs at the recommending or sending institution. Section 541.43(b)(3) identifies the Hearing Administrator as the person who determines what constitutes "a reasonable period."

4. § 541.46 Section 541.46 is amended in several areas. The amended rule requires that specified programs and services be provided unless compelling security or safety reasons exist. Such reasons must be documented and signed by the Warden. Section 541.46(d), (e)(1), and (n) are reworded, although their intent is unchanged. Amended § 541.46(e)(5) substitutes the broader phrase "may be deprived" for "will be deprived". Amended § 541.46(g) recognizes that counselor services includes counseling as recommended in the section on mental health services. The amended rule on "Mental Health Services" requires a "complete" psychological evaluation. A further amendment provides for individual evaluations every 30 days, as opposed to the previous rule's "no less than every three months". The amended rule clarifies the role of the psychologist, stating that the psychologist is to perform and/or supervise needed psychological services. The rule further specifies that inmates requiring prescribed psychotropic medication are not ordinarily housed within a Control Unit. These changes ensure that the Control Unit does not house inmates with mental problems, while providing Control Unit inmates with access to, and assessment by, mental health personnel. For purpose of clarity, amended § 541.46(j) recognizes that individual prayer and/or worship is allowed in the Control Unit. An amendment to § 541.46(l) provides that inmates within the Control Unit are provided correspondence privileges in accordance with the Bureau's national policy on correspondence (see 28 CFR, Part 540). Deleted is the requirement that Control Unit inmates be placed on a restricted correspondence list.

5. § 541.47 Final § 541.47(b) is deleted as the Control Unit no longer has closed front cells. Section 541.47(c)–(g) becomes new final § 541.47(b)–(f). Amended § 541.47(c) substitutes the word "guidelines" for the phrase "rules and regulations".

6. § 541.48 Section 541.48(a) is revised to identify the purpose of the 30-day review as an assessment of the inmate's progress within the unit and recognizes that the unit team may make a recommendation as to the inmate's readiness for release.

7. § 541.49 Final § 541.49(a)(1)–(5) is renumbered § 541.49(a)(4), (a)(5), (a)(1), (a)(2), and (a)(3) respectively. Section 541.49(a) is reworded, although the intent is unchanged. New § 541.49(a)(1) is amended to reflect that the inmate should be able to demonstrate an ability to function in a less restrictive environment without posing a threat to others or to the orderly operation of the institution. This language replaces "improvement in the type of disruptive behavior which was the basis for placement in the unit." The amendment recognizes that placement in a Control Unit is ordinarily the result of a series of actions, rather than a single act. Section 541.49(a)(2) deletes the word "satisfactory" as the inmate's involvement in various activities identifies the factors to consider. For clarity, § 541.49(a)(3) is amended to read "institution guidelines and Bureau of Prisons rules and policy".

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V, is amended as set forth below.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

In Subchapter C, Part 541, Subpart D is revised as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 541—INMATE DISCIPLINE AND SPECIAL HOUSING UNITS

Subpart D—Control Unit Programs

The authority citation for Part 541, Subpart D reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

1. By revising § 541.41(b)(2), (b)(5), (b)(6), (c)(1) and (c)(2) to read as follows:

§ 541.41 Institutional referral.

* * * * *

(b) The Warden shall consider the following factors in a recommendation for Control Unit placement.

* * * * *

(2) Any incident in which the inmate has expressed threats to the life or well-being of other persons.

* * * * *

(5) Escapes and escape attempts. For referral to a Control Unit in a Security Level 6 institution, an inmate may not be considered solely on the basis of escape attempts, or incidents involving possession of escape tools or plans; however, if injury or threat to life or use of deadly weapons occurs in an escape attempt, the inmate may be referred to the Control Unit.

(6) The nature of the offense for which committed. For referral to a Control Unit in a Security Level 6 institution, an inmate may not be considered solely on the nature of the crime which resulted in that inmate's incarceration; however, the nature of the crime may be considered in combination with other factor(s), as described in paragraph (b) of this section.

(c) The Warden may not refer an inmate for placement in the Control Unit:

(1) If the inmate shows evidence of significant mental disorder or major physical disabilities as documented in a mental health evaluation or a physical examination.

(2) On the basis that the inmate is a protection case, e.g., a homosexual, an informant, etc., unless the inmate meets other criteria as described in paragraph (b) of this section.

2. By revising § 541.42 to read as follows:

§ 541.42 Designation of Hearing Administrator.

(a) The Regional Director in the region where the inmate is located shall review the institution's recommendation for referral of an inmate for placement in the Control Unit. If the Regional Director concurs with the recommendation, the Regional Director shall submit a written request to the Regional Director, North Central Region. The Regional Director, North Central Region shall designate a person in the Regional Office to review the referral material and to conduct a hearing on the appropriateness of an inmate's placement in the Control Unit.

(b) The Hearing Administrator shall have the following qualifications:

(1) Correctional experience, including institutional work with inmates, processing of inmate disciplinary actions, significant institutional experience in observing and evaluating inmate adjustment and disruptive behavior, and knowledge of the options available in the Bureau of Prisons for dealing with such conduct;

(2) Lack of former personal involvement in an Institution Disciplinary Committee action involving the particular inmate referred; and

(3) Familiarity with Bureau of Prisons policies and operations, including the criteria for placement of inmates in different institutions and in the Control Unit.

3. By revising § 541.43 (a) and (b)(3) to read as follows:

§ 541.43 Hearing procedure.

(a) The Hearing Administrator shall provide a hearing to an inmate recommended for placement in the Control Unit. The hearing ordinarily shall take place at the recommending or sending institution.

(b) * * *

(3) The Hearing Administrator shall provide an inmate the service of a full time staff member to represent the inmate, if the inmate so desires. The Hearing Administrator shall document in the record of the hearing an inmate's request for, or refusal of staff representation. The inmate may select a staff representative from the local institution. If the selected staff member declines or is unavailable, the inmate has the option of selecting another representative or, in the case of an absent staff member, of waiting a reasonable period (determined by the Hearing Administrator) for the staff member's return, or of proceeding without a staff representative. When an inmate is illiterate, the Warden shall provide a staff representative. The staff representative shall be available to assist the inmate and, if the inmate desires, shall contact witnesses and present favorable evidence at the hearing. The Hearing Administrator shall afford the staff representative adequate time to speak with the inmate and to interview available witnesses.

* * * * *

4. By revising the introductory paragraph of § 541.46 and § 541.46 (d) (e)(1), (e)(5), (g), (i), (j), (l), and (n) to read as follows:

§ 541.46 Programs and services.

The Warden shall provide the following services to the Control Unit inmate. These services must be provided unless compelling security or safety reasons dictate otherwise. These reasons will be documented and signed by the Warden, indicating the Warden's review and approval.

* * * * *

(d) *Legal.* The Control Unit legal library is equipped with basic legal reference books, table and chair, typewriter, paper and carbon. The library is offered to each inmate, upon request and in rotation.

(e) * * *

(1) Each inmate shall have the opportunity to receive a minimum of seven hours weekly recreation and exercise out of the cell.

* * * * *

(5) Staff shall provide various games and exercise materials as consistent with custodial considerations. Inmates who alter or intentionally damage recreation equipment may be deprived of the use of that equipment in the future.

* * * * *

(g) *Counselor Services:* The unit counselor handles phone call requests, special concerns and requests of inmates, requests for administrative remedy forms, is available for consultation, and is available for counseling as recommended in the mental health evaluation (see subsection "i"—Mental Health Services).

* * * * *

(i) *Mental Health Services:* During the first 30-day period in the Control Unit, staff shall schedule the Control Unit inmate for a complete psychological evaluation conducted by a staff psychologist. Additional individual evaluations shall occur every 30-days. The psychologist shall perform and/or

supervise needed psychological services. Psychiatric services will be provided when necessary. Inmates requiring prescribed psychotropic medication are not ordinarily housed in the Control Unit.

(j) *Religion:* Staff shall issue religious materials upon request, limited by security consideration and housekeeping rules in the unit. This material may come from an inmate's personal property or from the chaplain's office. The institutional chaplains shall make weekly visits to the Control Unit, and additional visits as needed. While individual prayer and/or worship is allowed in the Control Unit, religious assemblies or group meetings are not allowed.

* * * * *

(l) *Correspondence:* Inmates confined in the Control Unit are provided correspondence privileges in accordance with the Bureau of Prisons' rule on Inmate Correspondence (see 28 CFR, Part 540).

* * * * *

(n) *Commissary:* Staff shall establish a commissary purchase schedule. the amount of money Control Unit inmates may spend per month is comparable to what inmates residing in the general population may spend for commissary and hobbycraft items. Staff may limit commissary items to ensure the safety and security of the unit.

5. By revising § 541.47 to read as follows:

§ 541.47 Admission to Control Unit.

Staff shall provide an inmate admitted to the Control Unit with:

(a) Notice of the expected duration of the inmate's confinement in the Control Unit;

(b) Notice of the type of personal property which is allowable in the unit (items made of glass or metal will not be permitted);

(c) A summary of the guidelines and disciplinary procedures applicable in the unit;

(d) An explanation of the activities of the Control Unit;

(e) The expectations of the inmate's involvement in Control Unit activities; and

(f) The criteria for release from the unit, and how those criteria specifically relate to this confinement period in the unit and any specific requirements in the inmate's individual case.

6. By revising § 541.48(a) to read as follows:

§ 541.48 Review of Control Unit placement.

(a) Unit staff shall evaluate informally and daily an inmate's adjustment within the Control Unit. Once every 30 days, the Control Unit team, comprised of the Control Unit Manager, and other members designated by the Warden (ordinarily to include the case manager and education staff member assigned to the unit) shall meet with an inmate in the Control Unit. The unit team shall make an assessment of the inmate's progress within the unit and may make a recommendation as to readiness for release after considering the inmate's:

(1) Unit status;

(2) Adjustment; and

(3) Readiness for release from the unit. (See § 541.49(a))

* * * * *

7. By revising § 541.49(a) to read as follows:

§ 541.49 Release from the Control Unit.

(a) Either the unit team with approval of the Warden, or the Executive Panel may release an inmate from the Control Unit. The following factors are considered in the evaluation of an inmate's readiness for release from the Control Unit:

(1) Relationship with other inmates and staff members, which demonstrates that the inmate is able to function in a less restrictive environment without posing a threat to others or to the orderly operation of the institution;

(2) Involvement in work and recreational activities and assignments;

(3) Adherence to institution guidelines and Bureau of Prisons rules and policy;

(4) Personal grooming and cleanliness; and

(5) Quarters sanitation.

* * * * *

[FR Doc. 81-19352 Filed 6-30-81; 8:45 am]

BILLING CODE 4410-05-M

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28 CFR Parts 527 and 545

Control, Custody, Care, Treatment and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final rules on (1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and (2) Transfer of Inmates to State Agents for Production on State Writs. The rule on Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures provides a method for an inmate to obtain a work assignment in Federal Prison Industries, Inc., and for determining initial rates of compensation. The rule on Transfer of Inmates to State Agents for Production on State Writs authorizes the Warden to approve a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. This document is intended to provide the public notice of the rules in these areas, not just changes from prior policy.

EFFECTIVE DATE: August 3, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is publishing its final rules on (1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and (2) Transfer of Inmates to State Agents for Production on State Writs. These subjects were published in the **Federal Register** as proposed rules May 1, 1981 (at 46 FR 24902–03). Interested persons were invited to submit comments concerning the proposed rules. No public comments were received on either rule. On the basis of internal staff review, some changes have been made in the rule on Transfer of Inmates to State Agents for Production on State Writs.

Members of the public may submit comments concerning the final rules by writing the previously cited address. These comments will be considered, but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (PL 96–354) do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments—Transfer of Inmates to State Agents for Production on State Writs

§ 527.31 Revised § 527.31(a) recognizes that the cited provisions apply to both state and federal inmates serving sentences in federal institutions. Revised § 527.31(c) includes two additional items of information (location where inmate will be confined during legal proceedings and, for civil cases, reason production on writ is necessary) to be provided by the state authority. Section 527.31(g) substitutes the phrase "the Warden or designee" for "Regional Counsel". Internal instructions to staff advise that, where necessary, the Regional Counsel or Regional Administrative Systems Manager will be available for consultation. The final rule requires that staff "will always" (as opposed to "may always" in the proposed rule) consider postponement of the production until after the inmate's release from custody, particularly if release is within six months. Section 527.31(h) is reworded to recognize that it is the role of the Regional or Central Office to review and/or to coordinate the release of inmates classified as Central Inmate Monitoring Cases.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V is amended as set forth below. The effective date of these rules is August 3, 1981.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter B is amended by adding Subpart D to Part 527 to read as follows:

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 527—TRANSFERS

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

Sec.
527.30 Purpose and scope.
527.31 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

§ 527.30 Purpose and scope.

The Bureau of Prisons will consider a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. The Warden at the institution in which the inmate is confined is authorized to approve this transfer in accordance with the provisions of this rule.

§ 527.31 Procedures.

(a) These procedures apply to state and federal inmates serving sentences in federal institutions, and shall be followed prior to an inmate's transfer to state or local agents other than through the Interstate Agreement on Detainers. The provisions of this rule may not be used to avoid the use, or to circumvent the intent, of the Interstate Agreement on Detainers.

(b) The Warden shall authorize transfer only when satisfied that the inmate's appearance is necessary, that state or local arrangements are satisfactory, that the safety or other interests of the inmate (such as an imminent parole hearing) are not seriously jeopardized, and that federal interests will not be interfered with, or harmed. Authorization may not be given where substantial concern exists over any of these considerations.

(c) The request for transfer of custody to state agents shall be made by the prosecutor or other authority who acts on behalf of the court and shall be directed to the Warden of the institution in which the inmate is confined. The request may be made by letter, or in urgent cases by wire or phone. The request shall indicate the need for appearance of the inmate, name of the court, nature of the action, date of the requested appearance, name and phone number of the state agency or other organization with responsibility for transporting the inmate, the name and location where the inmate will be confined during legal proceedings, and anticipated date of return. For civil cases, the request shall also indicate the reason that production on writ is necessary and some other alternative is not available. The applying authority shall provide either at the time of application or with the agent assuming custody, a statement signed by an authorized official that state or local officials with custody will provide for the safekeeping, custody, and care of the inmate, will assume full responsibility for that custody, and will return the inmate to Bureau of Prisons' custody promptly on conclusion of the inmate's appearance in the state or local proceedings for which the writ is issued.

(d) A certified copy of the writ (one with the Seal of the Court) must be received at the institution prior to release of the inmate. Institutional staff shall verify the authenticity of the writ.

(e) Institution staff shall maintain contact with the state or local law enforcement agency with responsibility for transfer of the inmate to determine the exact date and time for transfer of custody. If the inmate is awaiting federal trial or has federal civil proceedings pending, staff must clear the transfer through the U.S. Attorney.

(f) Institution staff shall determine from the state or local agency the names of the agents assuming custody. Staff must carefully examine the credentials of the agents assuming custody. In any doubtful case verification should be sought.

(g) Transfers in civil cases pursuant to a writ of habeas corpus *ad testificandum* must be cleared through the Warden or designee, who ordinarily shall recommend transfer only if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit. Postponement of the production until after the inmate's release from federal custody will always be considered, particularly if release is within six months.

(h) Release of inmates classified as Central Inmate Monitoring Cases requires review and/or coordination by appropriate authorities in either the Regional or Central Office, in accordance with the provisions of Part 524, Subpart F.

2. In Subchapter C, add Subpart F to Part 545 to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 545—WORK AND COMPENSATION

* * * * *

Subpart F—Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures

Sec.
545.50 Purpose and scope.
545.51 Procedures.
545.52 Transfers.
545.53 Factory closings.
545.54 Medical reasons.
545.55 Disciplinary reasons.
545.56 Evaluation report.

Authority: 5 USC 301; 18 USC 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 USC 509, 510; 28 CFR 0.95–0.99

Subpart F—Federal Prison Industries, Inc., (UNICOR)—Inmate Hiring Procedures

§ 545.50 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) provides inmates confined in Bureau of Prisons institutions an opportunity to obtain a work assignment within each institution's industrial location. This rule provides a procedure for an inmate to obtain a work assignment in Federal Prison Industries, Inc., and for determining initial rates of compensation.

§ 545.51 Procedures.

(a) Staff shall select an inmate for an industrial work assignment from the institution's Industries' waiting list.

(b) For purpose of determining compensation, the inmate shall be placed in available entry-level positions.

(c) The Warden or designee may make an exception to either paragraph

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(a) or (b) of this section when there exists a supported need for a specific skill. When this occurs, an inmate with that skill, regardless of position on the list, may be hired to fill the vacancy, at the position's existing grade level.

§ 545.52 Transfer.

(a) When an inmate employed in an industrial assigment in one institution transfers (for other than disciplinary reasons) to another institution which has an industrial operation requiring comparable job skills, staff shall make a reasonable effort to hire the inmate into a comparable work assigment with comparable compensation. Where no such position exists, the inmate shall be placed on the institution's Industries' waiting list, with consideration being given for accelerated promotion.

(b) An inmate employed in an industrial assignment in one institution who transfers to another institution where the inmate is again placed in an industrial operation retains all benefits accrued in the inmate's preceding industrial assignment.

§ 545.53 Factory closings.

(a) When an industrial factory closes in a location where there are two or more factories, an inmate who loses his/her job assignment as a result of the closing will be placed in the top portion of the institution's Industries' waiting list.

(b) When an entire industrial factory is moved from one location to another, and when an inmate assigned to that industrial factory agrees to a reassignment to the new institution for purpose of working in that industrial factory, that inmate is transferred at his/her current rate of compensation.

§ 545.54 Medical reasons.

When an inmate is removed from an industrial assignment because of medical reasons which are not work-related, staff, upon that inmate's return to work status, shall make a reasonable effort to reassign that inmate to an industrial assignment of comparable skill and grade. For work-related injuries, refer to 28 CFR, Part 301, Inmate Accident Compensation.

§ 545.55 Disciplinary reasons.

An inmate who is transferred for disciplinary reasons is evaluated on a case-by-case basis with regard to that inmate's eligibility for consideration under the provisions of this rule.

§ 545.56 Evaluation report.

When an inmate is transferred from an industrial assigment at one location to another institution where there is also an industrial operation, an evaluation form is to be completed by the appropriate Factory Manager, reviewed by the Superintendent of Industries of the sending institution, and forwarded to the Superintendent of Industries of the receiving institution. This process ordinarily is completed within 30 days of transfer.

[FR Doc 81-19353 Filed 6-30-81; 8:45 am]
BILLING CODE 4410-05-M

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28 CFR Part 570

Control, Custody, Care, Treatment and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document contains a final rule relating to the control, custody, care, treatment, and instruction of inmates. Included is the final rule on Furloughs. This rule discusses various components of the Bureau's furlough program, among these justification for furlough, eligibility requirements, and procedures. This document is intended to provide the public with notice of the rule in this area, not just changes from prior policy.

EFFECTIVE DATE: August 3, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rule on Furloughs. This subject was published in the **Federal Register** as a proposed rule January 12, 1979 (at 44 FR 2990 et seq.). Interested persons were invited to submit comments on the proposed rule and public comments were received from various sources. On the basis of these comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning this rule by writing the previously cited address. These comments will be considered but will receive no further response in the **Federal Register**.

The Bureau of Prisons has determined that this is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

. § 570.30 The final rule inserts the phrase "of the United States" in referring to the Attorney General.

2. § 570.31 The final rule revises the definition of overnight furlough to read "a furlough which falls outside or beyond the criteria of a day furlough". In § 570.31(b)(1) the term "statutory" is added to clarify what constitutes a mandatory release date. Subsection (b)(2) is reworded, although the intent is unchanged. A comment requested clarification of the term, "minimum expiration date". This language refers to the individual's date of release with "good-time" taken into consideration. In subsection (b)(5), a commenter objects to the Bureau's utilizing the top of the range of months to be served under Parole Commission guidelines, citing this as unduly harsh. Establishment of a parole date is not within the Bureau of Prisons' authority. For this reason, and pending establishment by the U.S. Parole Commission of an effective or presumptive parole date, the Bureau considers it realistic to use the maximum number of months under parole guidelines as an anticipated release date. The application of this subsection, however, should seldom be necessary as the inmate is provided a parole hearing shortly after arrival at the designated institution. This parole hearing establishes an effective or presumptive release date.

3. § 570.32 Section 570.32(a) is expanded to identify the Warden or Acting Warden as the only individuals authorized to approve furloughs in a Bureau of Prisons institution. The authority may not be redelegated. Section 570.32 (a)(3) and (a)(8) are reworded but the intent is unchanged. In subsection (b), psychiatric treatment is deleted as a recognized reason for inmate furlough. This type of treatment suggests that a furlough ordinarily is not appropriate. For a similar reason, we also believe it inappropriate to include, as suggested by one commenter, psychological treatment as justification for furlough. Where the specific situation warrants furlough consideration, a recommendation may be made in accordance with the provisions of § 570.32(c). A commenter suggests that the chief psychologist or director of rehabilitation be added in subsection (b) and (b)(2). While the contribution of such persons may be solicited, this determination is best made by the Warden and/or Chief

Medical Officer, based on the individual situation.

4. § 570.33 Section 570.33 (a) and (b) are reworded, although the intent is unchanged. Subsection (b) is expanded to include "surgical" as another example where the government may bear the expense of a furlough. The final rule recognizes that the word "institution" includes "community treatment centers". We do not agree with a comment that the government bear the cost of a furlough for psychological treatment. As stated, psychological treatment is not ordinarily considered justified rationale for furlough. Where such treatment is necessary, institution resources are expected to meet this need.

5. § 570.34 Final § 570.34(a) recognizes that, with one exception, an inmate must have community custody to receive a furlough. New § 570.34(b) identifies the exception. It allows an inmate with "out" custody to receive a furlough, but only when that furlough is for the purpose of transferring to another institution or camp. Proposed § 570.34(b)–(d) is reworded and becomes final § 570.34(c)–(e). The intent of the subsections is unchanged.

A commenter suggests that § 570.34(b) will enable the Warden to make a decision on an inmate's physical and mental capability "without appropriate professional advice". This interpretation is contrary to the intent of the rule. The Warden, as the official responsible for the operation of the institution, must be the deciding official. Prior to making a decision, it is expected that the Warden will have appropriate information on the inmate's physical and mental capability. Such information may come not only from a physician, as suggested by a commenter, but may also come from the unit team, psychologist, work supervisor, etc.

An inmate in one Bureau institution stated that his institution's furlough guidelines did not adhere to the Bureau's proposed rule. Publication of a proposed rule is not intended to supersede or, in all cases, to reflect existing practices. Rather, the proposed rule identifies contemplated policy and solicits public comment. Following an assessment of the available information, a final rule is prepared and published. Each Bureau institution is expected to adhere to the policy established by that final rule.

We do not agree with a comment which suggests that we expand § 570.34(d)(1) to include furloughs to court. Section 570.32 establishes the basis for this type of furlough. Section 570.34 provides the Warden with the appropriate discretion to assess such requests and, if warranted, to approve the inmate for furlough.

Other commenters raised concerns on the eligibility requirements. A commenter objected to what he considered the "discretionary options now left to the Warden". The commenter favored more specific guidelines. Comments also suggested that the rule was too narrow, that it seems to favor persons serving longer sentences, and that it excludes from program participation various other segments of the prison population. Favored was an expansion of the rule to allow greater community reintegration. A commenter suggested that the rule require the Warden to approve a furlough for an inmate with 18 months or less, with these furloughs on a monthly basis, weekends, etc. Another comment suggested that the basic criteria for a furlough be 18 months before an anticipated release date, good institutional adjustment, and a reasonable assurance that the inmate will complete the furlough without incident. The commenter favors development of a temporary release committee, comprised of institutional staff and "private citizens of good character". While these comments of interested persons are considered, we do not consider them feasible or good management of the furlough program. Establishment of the suggested committee is not practicable. Section 570.34 presents the eligibility requirements for furlough consideration. Section 570.34(e)(5) recognizes the Warden's discretion to approve a furlough outside the stated guidelines. We consider this discretion appropriate. As the Chief Executive Officer of the institution, it is necessary for the Warden to be able to assess a situation on its individual merits, and to act accordingly and within the general boundaries of the Bureau's rule on furloughs. We favor placement of the decision with the person who is responsible for it, the Warden, and not diffusion of this decision in a committee. An inmate who believes that he or she has been treated inappropriately may appeal the decision through the administrative remedy procedure. We would agree with a comment that furlough programs are generally considered to have a high percentage of successful completions, and add our belief that this result must give due recognition to the eligibility requirements. To comments that favor an expansion of the rule to allow greater community reintegration, we emphasize that a furlough program is not a separate entity, but is one segment of the total institution operation. Other segments include institutional training, employment, work/study release, pre-release counseling, etc. Preparation for return to the community mobilizes a variety of resources.

6. § 570.35 For purposes of clarification, final § 570.35(a) inserts the qualifying term "ordinarily" in describing conditions which impact on furlough eligibility. The final rule clarifies that any of the cited conditions, either singularly or together, may impact on furlough eligibility. Deleted is the overly broad phrase "unles the Warden determines that the value of the furlough is greater than the attendant risk". The last sentence of § 570.35(a) clearly recognizes that the Warden may grant such an inmate a furlough.

We disagree with comments which object to limitations on furloughs posed by § 570.35(a). Nor do we agree with a comment that this section is intended to protect the Bureau from public criticism and/or embarrassment. The Bureau of Prisons is charged with the responsibility for the care, custody, control, treatment and instruction of inmates, and for protection of the public. This mandate necessitates a distinction between certain types of offenses and conditions, based on the severity and notoriety of the offense. This differentiation is necessary to maintain public trust in the correctional process. The rule recognizes the Bureau's resonsibility to work closely with the community, and to promote public understanding and support of the furlough program and its relationship to the total correctional process. To a comment which suggests that the restriction towards persons who have committed a serious crime against the person can only serve to further "alianation (sic) and bitterness on the part of the imprisoned" we would point out that the nature of this type of crime requires that the individual be held to a higher standard of accountability. The inmate still has available a variety of other opportunities for self-improvement and community interaction (for example, inmate organizations, correspondence and visiting privileges, etc.). We would also note that where circumstances warrant, the rule does enable the Warden to approve an inmate for furlough whose application is considered under this subsection.

Section 570.35(b) substitutes the term "classified" for "designated" and "Subpart F" for "Subpart C". Section 570.35(c) is reworded. The proposed rule required such facilities to meet the requirements set forth in the furlough rule. Inasmuch as each contract facility

enters a written agreement with the Bureau of Prisons on operation of that facility, final § 570.35(c) states that contract facilities must adhere to the conditions of their contract in considering an application for furlough. The last sentence of proposed § 570.35(c) is deleted, as this information constitutes instructions to staff.

7. § 570.36–§ 570.36(d) is new and states that an inmate returning from furlough is subject to search as provided in the Bureau's rule on searches of inmates. This procedure is consistent with the institution's need to maintain security, good order, and discipline. Proposed § 570.36(d) becomes final § 570.36(e).

In response to a comment, we see no benefit for the rule to discuss the role of a U.S. Probation Officer (USPO), as this pertains to furloughs. In its internal instructions, the Bureau requires that staff, prior to the inmate's first furlough, contact the Chief USPO in the district of sentencing and, where different, the Chief USPO in the District to be visited. The responses of these as well as any other persons who may be consulted are considered in determining whether a furlough is appropriate. The decision, however, on whether a furlough is approved or disapproved is made by the Bureau of Prisons.

A commenter suggested that there be time deadlines for approval or denial of a furlough application. Another commenter suggested that the inmate receive a full written report detailing the criteria on which an adverse decision was based and be notified of the opportunity to appeal an adverse decision. A third comment suggested that staff be required to give "meaningful reasons for the denial of furloughs which are geared to specific criteria". The Bureau's rule requires that an inmate be advised of the reasons for denial of a furlough. If dissatisfied with this action, or the lack of a response to the furlough application, the inmate can appeal the decision, or the lack of a decision, through use of the Administrative Remedy Procedure. This procedure offers the inmate three levels of review (by the Warden, Regional Director, and General Counsel), with a written response provided by each.

We are unable to adopt a comment which suggests that final § 570.36(e) identify what is meant by "unusual". Such a determination is based on the individual situation, with consideration given to that which was scheduled to occur and that which actually did occur during the furlough.

8. § 570.37 Section 570.37(a) and (a)(2) are reworded, but their intent is unchanged. A commenter correctly assumed that any disciplinary action contemplated in § 570.37(a)(2) must comply with the procedures on inmate discipline.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below. The effective date of this rule is August 3, 1981.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

In Subchapter D, add a Subpart C to Part 570 to read as follows:

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

PART 570—COMMUNITY PROGRAMS

* * * * *

Subpart C—Furloughs

Sec.

570.30 Purpose and scope.
570.31 Definitions.
570.32 Justification for furlough.
570.33 Expenses of furlough.
570.34 Eligibility requirements.
570.35 Limitations on eligibility.
570.36 Procedures.
570.37 Violation of furlough.

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart C—Furloughs

§ 570.30 Purpose and scope.

The Attorney General of the United States has delegated the authority to grant furloughs under 18 U.S.C. 4082(c) to the Director, Bureau of Prisons (28 CFR 0.96(d)). The furlough program of the Bureau of Prisons is intended to help the inmate to attain correctional goals. A furlough is not a right, but a privilege granted an inmate under prescribed conditions. It is not a reward for good behavior, nor a means to shorten a criminal sentence.

§ 570.31 Definitions.

(a) A furlough is an authorized absence from an institution by an inmate who is not on a work/study release program nor under escort of a staff member or a U.S. Marshal. The two types of furloughs are:

(1) Day Furlough—A furlough within the geographic limits of the commuting area of the institution (approximately a 50-mile radius), which lasts 16 hours or less, and ends before midnight.

(2) Overnight Furlough—A furlough which falls outside or beyond the criteria of a day furlough.

(b) An anticipated release date, for purposes of this rule, refers to the first of the following dates which applies to an inmate requesting a furlough:

(1) The inmate's mandatory (statutory) release date;

(2) The inmate's minimum expiration date;

(3) The inmate's presumptive parole date;

(4) The inmate's effective parole date; or

(5) In the absence of a presumptive or effective parole date, the top of the range of months to be served for the inmate's specific offense and salient factor score, using the U.S. Parole Commission guidelines.

§ 570.32 Justification for furlough.

(a) The authority to approved furloughs in Bureau of Prisons institutions is delegated to the Warden or Acting Warden. This authority may not be further delegated. An inmate may be authorized a furlough:

(1) To be present during a crisis in the immediate family, or in other urgent situations;

(2) To participate in the development of release plans;

(3) To reestablish family and community ties;

(4) To participate in selected educational, social, civic, religious, and recreational activities which will facilitate release transition;

(5) To transfer directly to another institution or to a non-federal facility;

(6) To appear in court in connection with a civil action;

(7) To comply with an official request to appear before a grand jury, or to comply with a request from a legislative body or regulatory or licensing agency; or

(8) To appear in a criminal court proceeding, but only when the use of a furlough is requested or recommended by the applicable court or prosecuting attorney.

(b) The Warden may recommend a furlough for an inmate to obtain necessary medical, surgical, or dental treatment not otherwise available. In addition to the recommendation of the Warden, a furlough of this nature requires the recommendation of the Chief Medical Officer (Chief of Health Programs). Approval for a furlough of this type occurs in one of the following ways:

(1) Staff shall contact the Regional Office for approval when the cost of medical care is at the expense of the government. In case of medical emergency, staff may authorize a furlough for hospitalization and shall notify the Regional Office as soon after the emergency admission as possible.

(2) When medical care expenditures are borne by the inmate, or other non-governmental source, the furlough request requires the approval of the Medical Director and the Assistant Director, Correctional Programs Division.

(c) The Warden may refer a request for a furlough in other situations through the Regional Director to the Assistant Director, Correctional Programs Division for approval.

§ 570.33 Expenses of furlough.

(a) Except as provided in paragraph (b) of this section, the inmate or the inmate's family or other appropriate source approved by the Warden shall bear all expenses of a furlough, including transportation, food, lodging, and incidentals.

(b) The government may bear the expense of a furlough only when the purpose of the furlough is to obtain necessary medical, surgical, or dental treatment not otherwise available, or to transfer an inmate to another correctional institution (includes community treatment centers).

§ 570.34 Eligibility requirements.

(a) Except as provided in paragraph (b) of this section, the Warden may grant a furlough only to an inmate with community custody.

(b) The Warden may grant a furlough to an inmate with "out" custody only when the furlough is for the purpose of transferring directly to another institution or camp.

(c) The Warden may grant a furlough only to an inmate the Warden determines to be physically and mentally capable of completing the furlough.

(d) The Warden may grant a furlough only to an inmate who has demonstrated sufficient responsibility to provide reasonable assurance that furlough requirements will be met.

(e) The Warden shall determine the eligibility of an inmate for furlough in accord with the inmate's anticipated release date and the basis for the furlough request.

(1) The Warden may approve only emergency furloughs (family crisis or other urgent situation) for an inmate with more than two years remaining until the inmate's anticipated release date.

(2) The Warden may approve for day furlough an inmate with two years or less remaining until the inmate's anticipated release date.

(3) The Warden may approve for overnight furlough within the institution's commuting area an inmate with 18 months or less remaining until the inmate's anticipated release date.

(4) The Warden may approve for an overnight furlough outside the institution's commuting area an inmate with one year or less remaining until the inmate's anticipated release date. The Warden may ordinarily approve an overnight furlough not to exceed once each 90 days.

(5) If the Warden approves a furlough outside the above guidelines, the Warden shall document the reasons by memorandum for placement in the inmate's central file.

§ 570.35 Limitations on eligibility.

(a) The Warden ordinarily may not grant a furlough to an inmate convicted of a serious crime against the person and/or whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense. If the Warden approves a furlough for such an inmate, the Warden must place a statement of the reasons for this action in the inmate's central file.

(b) The Warden may approve a furlough for an inmate classified a central monitoring case upon compliance with the requirements of this rule and the requirements of Part 524, Subpart F.

(c) Staff at a contract facility may approve a furlough for a sentenced inmate housed in the contract facility as specified in that facility's written agreement with the Bureau of Prisons.

§ 570.36 Procedures.

(a) An inmate who meets the eligibility requirements of this rule may submit to staff an application for furlough.

(b) Before approving the application, staff shall verify that a furlough is indicated.

(c) Staff shall notify an inmate of the decision on the inmate's application for furlough. Where an application for furlough is denied, staff shall notify the inmate of the reasons for denial.

(d) An inmate returning from furlough shall be subject to search as provided in the Bureau's rule on searches of inmates.

(e) Upon completion of an inmate's furlough, staff shall record in the inmate's central file anything unusual which occurred during the furlough.

§ 570.37 Violation of furlough.

An inmate who absconds from furlough or fails to meet any of the conditions of the furlough is deemed to be an escapee under federal law, 18 U.S.C. 4082, 751.

(a) Staff shall process as an escapee an inmate who absconds from furlough.

(b) Staff may take disciplinary action against an inmate who fails to comply with any of the conditions of the furlough.

[FR Doc. 81-19354 Filed 6-30-81; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 540

Control, Custody, Care, Treatment and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons is proposing to amend a portion of its rule on inmate correspondence. The proposal deletes that rule language which now provides for each inmate to receive five free postage stamps, or the equivalent, each month. The remaining conditions cited in the existing rule for which free postage may be provided are unchanged. Inmates may purchase postage stamps from the inmate commissary. The proposed revision is expected to result in a potential savings of approximately $270,000 per year to the Bureau of Prisons. The revision is considered practicable, since institution sources of inmate compensation and the monthly spending limitation for inmates have increased since the initial publication of the rule on correspondence; it is anticipated that virtually all inmates will therefore have funds available to purchase postage themselves, rather than to receive this government subsidy.

DATE: Comments must be received on or before August 15, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** a proposed amendment to the rule on Inmate Correspondence. The Correspondence rule was initially published as an interim rule in the **Federal Register** June 19, 1979 (at 44 FR 35956 et seq.). A final rule on this subject was published June 30, 1980 (at 45 FR 44229 et seq.). Section 540.20(a) of the present rule on correspondence provides each inmate five free first-class postage stamps, or the equivalent, each month, to send out mail weighing one ounce or less. Since publication of this rule, the monthly spending limitation authorized each inmate has risen from $75 to $85 per month. Inmate compensation has also increased during this period. For example, in Fiscal Year 1979, over 2.96 million dollars was paid to inmates in non-industrial work assignments. It is anticipated that in Fiscal Year 1981, this amount will be approximately 3.5 million dollars. For inmates in industrial work assignments, compensation rates have risen over 18 percent since October 1979. These factors, together with a concern over levels of government spending, have led to a determination that the allocation of five free stamps per month per inmate is no longer practicable. Accordingly, it is proposed to delete § 540.20(a). Current § 540.20(a)(1) is reworded and becomes new § 540.20(a). The new rule requires that the Warden ensure that the inmate commissary has postage stamps available for inmate purchase. Existing § 540.20 (a)(2) and (a)(3) become new § 540.20 (b) and (c). Existing § 540.20 (b)–(g) become new § 540.20 (d)–(i). Based on the proposed revision, new § 540.20 (h) and (i) delete reference to allocation from the institution and signing for all stamps from general issue respectively.

The proposed revision is expected to result in a potential savings of approximately $270,000 per year. At the same time, the proposed revision does not deprive the inmate who is without funds or sufficient postage from obtaining postage for legal mail or for Administrative Remedy filings or for emergency situations. These provisions continue unchanged by the proposed amendment. Inmates who are in holdover status (en route to an institution) or who are in pre-trial status will also continue to receive a reasonable amount of postage at government expense.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rule involves agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (PL 96–354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st, Street, N.W., Washington, D.C. 20534. Comments received on or before August 15, 1981 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V as follows: in Subchapter C, revise Part 540, Supart B, § 540.20 to read as follows:

Subchapter C—Institutional Management

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

The authority citation for Part 540, Subpart B reads as follows:

Authority: 5 USC 301; 18 USC 4001, 4042, 4081, 4082, 5015, 5039; 28 USC 509, 510; 28 CFR 0.95–0.99.

* * * * *

By revising Part 540, Subpart B, § 540.20 to read as follows:

Subpart B—Correspondence

* * * * *

§ 540.20 Payment of postage.

(a) Except as provided in paragraphs (d), (e), and (g) of this section, postage charges are the responsibility of the inmate. The Warden shall ensure that the inmate commissary has postage stamps available for purchase by inmates.

(b) Writing paper and envelopes are provided at no cost to the inmate.

(c) Inmate organizations will purchase their own postage.

(d) An inmate who has neither funds nor sufficient postage and who wishes to mail legal mail (includes courts and attorneys) or Administrative Remedy forms will be provided the postage for such mailing. To prevent abuses of this provision, the Warden may impose restrictions on the free legal and Administrative remedy mailings.

(e) Mailing at government expense is also allowed for necessary correspondence in verified emergency situations for inmates with neither funds nor sufficient postage.

(f) Mail received with postage due may not be delivered to the inmate until he has authorized withdrawal of funds from his commissary account to pay the postage due.

(g) Holdovers and pre-trial

commitments will be provided a reasonable number of letters at government expense.

(h) Inmates may not be permitted to receive stamps or stamped envelopes from any source other than issuance from the institution or by purchase from commissary.

(i) Inmates must sign for all stamps issued (in emergency cases) to them by institution staff.

Dated: June 26, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-19366 Filed 6-30-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JULY 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
July 1	July 16	July 31	August 17	September 3	September 29
July 2	July 17	August 3	August 17	September 3	September 30
July 6	July 21	August 5	August 20	September 4	October 5
July 7	July 22	August 6	August 21	September 8	October 5
July 8	July 23	August 7	August 24	September 8	October 6
July 9	July 24	August 10	August 24	September 8	October 7
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July 24	August 10	August 24	September 8	September 22	October 22
July 27	August 11	August 26	September 10	September 25	October 26
July 28	August 12	August 27	September 11	September 28	October 26
July 29	August 13	August 28	September 14	September 28	October 27
July 30	August 14	August 31	September 14	September 28	October 28
July 31	August 17	August 31	September 14	September 29	October 29

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

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CFR ISSUANCES

Projected 1981 CFR Issuances
January, April and July Quarters

This list restates the publication plans for the January and April, 1981 quarters and projects the publication plans for the July, 1981 quarter. A projected schedule that will include the October, 1981 quarter will appear in the first **Federal Register** issue of October, 1981, immediately after the CFR checklist.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

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AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department
AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESS Economics and Statistics Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department
BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department
AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department
NCH National Council for the Handicapped

DOE Energy Department
APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department
ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department
CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department
BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department
ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department
BLS Bureau of Labor Statistics
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration

OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department
FSGB Foreign Service Grievance Board

DOT Transportation Department
CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department
ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

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REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 5 through July 11, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30075, 30077 6–5–81 / Fresh pears, plums, and peaches grown in Cal.; grade and size requirements; comments by 7–6–81

32871 6–25–81 / Grade and size requirements for fresh peaches grown in designated Washington; comments by 7–10–81

32872 6–25–81 / Raisins produced from grapes grown in California; change in weight dockage systems regulations; comments by 7–10–81

Animal and Plant Health Inspection Service—

26065 5–11–81 / Procedures for the approval of commercial bird quarantine facilities and recovery of costs of services; comments by 7–10–81

Federal Crop Insurance Corporation—

24954 5–4–81 / Insuring of both spring and fall-seeded barley in certain states; comments by 7–6–81

Food and Nutrition Service—

27960 5–22–81 / Amount of initial benefits; comments by 7–6–81

Rural Electrification Administration—

25096 5–5–81 / Proposed revision of REA Bulletin 181–1; Uniform System of Accounts Prescribed for Electric Borrowers; comments by 7–6–81

25096 5–5–81 / Public Information; Appendix A—REA Bulletins Specification for Aerial and Underground Telephone Cable, PE–22 Specification for Direct Burial Telephone Cable, PE–23 Specification for Filled Buried Wire, PE–54; comments by 7–6–81

CIVIL AERONAUTICS BOARD

25321 5–6–81 / Air carriers and foreign air carriers, Implementation of the Consumer Credit Protection Act; comments by 7–6–81

25637 5–8–81 / Fare summaries; revocation of requirement that certified air carriers provide at all ticketing locations; comments by 7–7–81

29285 6–1–81 / Standard Foreign Fare Level methodology; statements of general policy; comments by 7–10–81

CONSUMER PRODUCT SAFETY COMMISSION

25478 5–7–81 / Semiannual regulatory flexibility agenda; comments by 7–6–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

30833 6–11–81 / High-cost gas produced from tight formations; comments by 7–6–81

ENVIRONMENTAL PROTECTION AGENCY

25481 5–7–81 / Air quality; California State Implementation Plan revision; comments by 7–6–81

25483 5–7–81 / Air quality, California State Implementation Plan revision; San Joaquin Valley; comments by 7–6–81

25110 5–5–81 / Approval and promulgation of State Implementation Plan; Nonattainment area plans for Utah; comments by 7–6–81

30355 6–8–81 / California; Southeast Desert Air Basin nonattainment area plan, approval and promulgation of implementation plans; comments by 7–8–81

25655 5–8–81 / Hydrocarbons, National Ambient Air Quality Standards; proposed revocation of rule; comments by 7–7–81

30360 6–8–81 / Illinois; proposed approval of total suspended particulate State implementation plan for continental Grain Co.; comments by 7–8–81

30364 6–8–81 / Maine; Lead State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7–8–81

30361 6–8–81 / Maine; Revision to State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7–8–81

30365 6–8–81 / Massachusetts; Revision to State Implementation Plan; comments by 7–8–81

18561 3–25–81 / National emission standards for hazardous air pollutants; Benzene emission from benzene storage vessels; comments by 7–8–81

30662 6–10–81 / Polyvinyl Chloride (PVC) proposed exemption from the requirement of a tolerance; comments by 7–10–81

30506 6–9–81 / Proposed exemption for ammonium chloride from requirement of a tolerance; comments by 7–9–81

30654 6–10–81 / Proposed Revision of Maryland State implementation plan; comments by 7–10–81

28180 5–26–81 / Standards of performance for new stationary sources; asphalt processing and asphalt roofing manufacture; comments by 7–10–81

30368 6–8–81 / Texas; Approval of conditionally approved elements in the Texas plan for nonattainment areas; comments by 7–8–81

30368 6–8–81 / Vermont; Designation of areas for air quality planning purposes; attainment status redesignations; comments by 7–8–81

25323 5–6–81 / Wisconsin; Approval and promulgation of implementation plans; comments by 7–6–81

FEDERAL COMMUNICATIONS COMMISSION

32281 6–22–81 / Federal-State Joint Board; Order Inviting Comments and Suggested Information Requests Appendix B; comments by 7–6–81

27728 5–21–81 / FM broadcast station in Atoka, Okla.; proposed changes in table of assignments; comments by 7–10–81

29488 6–2–81 / FM broadcast station Kaila-Kona, Hawaii, proposed changes in table of assignments; comments by 7–10–81

27726 5–21–81 / FM broadcast station in Newport, Washington; proposed changes in table of assignments; comments by 7–10–81

27727 5–21–811 / FM broadcast station in Owensville, Missouri; proposed changes in table of assignments; comments by 7–10–81

63305 9–24–80 / Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; reply comments by 7–10–81

[Comment period extended at 46 FR 17813 3–20–81]

31292 6–15–81 / Memphis, Tenn.; added to the table of assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service; comments by 7–6–81

30516 6–9–81 / Overseas communications services; comment period extended to 7–10–81

[*See also* 45 FR 76498, 11–19–80]

28456 5–27–81 / Overseas communications services; reply comment period extended to 7–6–81

[*See also* 45 FR 76498, 11–19–80; 45 FR 82280; 12–15–80; 46 FR 9664, 1–29–81]

25661 5–8–81 / Telephone systems; license contract agreements and other intrasystem arrangements; comment period extended to 7–10–81

[*See also* 46 FR 12024, 2–12–81]

26507 5–13–81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; reply comments by 7–6–81

31290 6–15–81 / Use of the Subsidiary Communications Authorization of Utility Load Management; comments by 7–8–81

FEDERAL HOME LOAN BANK BOARD

30114 6–5–81 / Geographic restrictions on remote service unit operations; comments by 7–7–81

30113 6–5–81 / Ownership of NOW accounts; comments by 7–7–81

FEDERAL RESERVE SYSTEM

28560 5–27–81 / Proposed commentary which applies and interprets the requirements of Truth in Lending to open-end and closed-end consumer credit; comments by 7–10–81

FEDERAL TRADE COMMISSION

25476 5–7–81 / YKK (U.S.A.) Inc.; proposed consent agreement; comments by 7–6–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

25660 5–8–81 / Child support enforcement program; payment of incentives to States which collect child support on their own behalf; comments by 7–7–81

Food and Drug Administration—

21368 4–10–81 / Animal drugs, feeds, and related products; medicated feed applications procedures; definitions and considerations; comment period extended to 7–8–81

[*See also* 46 FR 2456, 1–9–81]

25651 5–8–81 / Antibiotics for human use; revocation of monographs for drugs that are no longer marketed; comments by 7–7–81

[*See also* 46 FR 30115, June 5, 1961]

30081 6–5–81 / Food additives permitted in feed and drinking water of animals; crambe meal, heat toasted; objections by 7–8–81

30080 6–5–81 / Polydextrose; Food additives permitted for direct addition to food for human consumption; objections by 7–8–81

25107 5–5–81 / Vaginal contraceptive drug products for over-the-counter use; establishment of a monograph; extension of time for comments; comments by 7–6–81

[Originally published at 45 FR 82014, 12–12–80]

INTERIOR DEPARTMENT

Geological Survey—

27968 5–22–81 / Oil and gas operating regulations; comments by 7–6–81

29955 6–4–81 / Outer continental shelf leasing; nondiscrimination against minority and women-owned businesses; comments by 7–6–81

National Park Service—

27969 5–22–81 / Big Cypress National Preserve; use of off-road vehicles; comments by 7–6–81

INTERSTATE COMMERCE COMMISSION

27732 5–21–81 / Classification, exceptions and rules tariff; investigation into motor carrier classification; comments by 7–8–81

30092 6–5–81 / Motor carrier rate bureaus; implementation; comments by 7–10–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

27358 5–19–81 / Occupational exposure to lead; quantitative fit testing provision; comments by 7–6–81

NATIONAL CREDIT UNION ADMINISTRATION

31651 6–17–81 / Deregulation of lending policies, amortization and payment of loans and lines of credit to members; comments by 7–10–81

31660 6–17–81 / Participation loans; purchase, sale, and pledge of eligible obligations; comments by 7–10–81

31654 6–17–81 / Real estate mortgage loans; fixed and adjustable rates; comments by 7–10–81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

27967 5–22–81 / Commission operations and relocation procedures; comments by 7–7–81

POSTAL SERVICE

30505 6–9–81 / International express mail rates for Republic of South Africa; comments by 7–8–81

TRANSPORTATION DEPARTMENT

Coast Guard—

27724 5–21–81 / IMCO code governing shipment of bulk solids; comments by 7–6–81

Federal Aviation Administration—

25466 5–7–81 / Petitions for rulemaking; summary of petitions received and dispositions and petitions denied; comments by 7–7–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

24962 5–4–81 / Ingredient disclosure on labels of wine, distilled spirits, and malt beverages; comments by 7–6–81

Fiscal Service—

27969 5–22–81 / Service charges for allotments for pay to savings accounts of Federal civilian employees; comments by 7–10–81

Deadlines for Comments on Proposed Rules for the Week of July 12 through July 18, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

25626 5–8–81 / Filberts grown in Oreg. and Wash., and filbert imports; grade requirements; comment period extended to 7–15–81

[*See also* 46 FR 21017, 4–8–81]

Food Safety and Quality Service—

26350 5–12–81 / Maximum inspection rates for young chickens and alternate method of post mortem inspection of young chickens known as "modified traditional inspection"; interim rule; comments by 7–13–81

COMMERCE DEPARTMENT

International Trade Administration—

26275 5–12–81 / Commodities excluded from certain special license procedures, advisory notes and the Commodity Control List; interim rule; comments by 7–13–81

Atmospheric Administration—

28883 5–29–81 / Fishery management program for billfish fisheries of the Western Pacific Region; comments by 7–13–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

31663 6–17–81 / Commonwealth of Massachusetts's petition for declaratory order clarifying method of calculation of avoided cost for all utility requirements; comments extended to 7–17–81

[*See also* 46 FR 26353, 5–12–81]

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32270 6–22–81 / High-Cost Gas Produced from Tight Formations; comments by 7–16–81

ENVIRONMENTAL PROTECTION AGENCY

26353 5–12–81 / Approval and promulgation of implementation plans; rule revisions for two Air Pollution Control Districts in California; comments by 7–13–81

31675 6–17–81 / Approval and promulgation of Implementation Plans; South Carolina; comments by 7–17–81

[*See also* 44 FR 40901, 7–13–79 and 45 FR 6572, 1–29–81]

31637 6–17–81 / Extension of feed additive regulation on experimental use of combined residues insecticide chlorpyrifos and its metabolite on dried citrus pulp; (final rule); comments by 7–17–81

31023 6–12–81 / Illinois; removal of State Implementation Plan approval condition; comments by 7–13–81

31027 6–12–81 / Indiana, Designation of areas for air quality planning purposes; comments by 7–13–81

31028 6–12–81 / Kansas; Application for interim authorization, Phase I, hazardous waste management program; comments by 7–13–81

31024 6–12–81 / Ohio; approval and promulgation of Implementation plans; comments extended to 7–13–81

[Originally published at 46 FR 7006, 1–26–81]

31024 6–12–81 / Oklahoma; Submission of volatile organic compound (VOC) regulations for Set II control technique guideline sources; comments by 7–13–81

31279 6–15–81 / 1,2-benzisothiazolin-3-one; proposed exemption from the requirement of a tolerance; comments by 7–15–81

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29990 6–4–81 / Medford District Advisory Council, Medford, Oreg. (open), 7–10–81

30201 6–5–81 / Southern Rio Grande Planning Area, Las Cruces, N. Mex. (open), 7–8–81 and Truth and Consequences, N. Mex. (open), 7–9–81

30705 6–10–81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), corrected from 6–9 to 7–9–81

[*See also* 46 FR 28953, 5–29–81]

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31121 6–12–81 / NASA Wage Committee, Washington, D.C. (closed), 6–26–81 changed to 7–8–81

[*See also* 46 FR 29012, 5–29–81]

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31951 6–18–81 / Reactor Safeguards Advisory Committee, Decay Heat Removal System Subcommittee, Washington, D.C. (open), 7–6–81

32355 6–22–81 / Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Idaho Falls, Idaho (open), rescheduled from 6–23 and 6–24–81 to 7–7–81

[*See also* 46 FR 30434, 6–8–81]

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31951 6-16-81 / Reactor Safeguards Advisory Committee, Reactor Fuel Subcommittee, Washington, D.C. (partially open), 7-7-81

30925 6-11-81 / Safety-related electrical equipment, qualification, requirements, Bethesda, Md. (open), 7-7 through 7-10-81

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30951 6-11-81 / Trade Negotiations Advisory Committee, Washington, D.C. (closed), 7-6-81

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32383 6-22-81 / Fifth Human Factors Workshop on Aviation: Biomedical and Behavioral Factors, Oklahoma City, Okla. (open), 7-7 through 7-9-81

31397 6-15-81 / Radio Technical Commission for Aeronautics, Special Committee 145, Digital Avionics Software, Seattle, Wash. (open), 7-7, 7-8, and 7-9-81

32363 6-22-81 / Sixth Human Factors Workshop on Aviation: Maintenance and the Interrelationships in Design, Operations, and Training, Oklahoma City, Okla. (open), 7-7 through 7-9-81

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30468 6-8-81 / USA-Sri Lanka Tax Treaty Issues, Washington, D.C. (open), 7-7-81

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26977 5-15-81 / Cooperative Studies Evaluation Committee, Washington, D.C. (partially open), 7-9 and 7-10-81

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29769 6-3-81 / Southern Rio Grande Environmental Impact Statement, Las Cruces, N. Mex., 7-6-81; Truth or Consequences, N. Mex., 7-9-81

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32608 6-24-81 / ED—Community Education Program; apply by 7-27-81

32848 6-24-81 / ED—National Institute of Handicapped Research; rehabilitation research and training centers, rehabilitation engineering, and knowledge dissemination and utilization programs; apply by 8-10-81

32972 6-25-81 / Justice/NIJ—Competitive research solicitation to evaluate a field test of the early representation by Defense-Counsel Program; submit draft proposals by 7-31-81

32972 6-25-81 / NFAH—Designation of state humanities councils eligible for FY 1982 funds; submit plans by 9-1-81

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33133 6-26-81 / Justice/JJDPO—Funding policy for balance of fiscal year 1981

33135 6-26-81 / Labor/ETA—Employment transfer and business competition determinations; applications

32713 6-24-81 / LSC—Grants and Contracts; Farmworker Litigation Support Fund, Inc.; solicitation of comments or recommendations

32713 6-24-81 / LSC—Grants and contracts; Nevada; solicitation of comments or recommendations

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Highlights

34595 **Nuclear Power Plant Safety** NRC proposes requirements for implementation of approved Quality Assurance Program and reporting of changes.

34627 **Petroleum Price Regulations** DOE/ERA issues Crude Oil Price Schedule No. 23.

34558 **Energy** DOE adopts rule on disputes clause in sales contracts.

34758 **Outer Continental Shelf** Interior/BLM gives notice to public of oil and gas lease Sale No. 56, Offshore the South Atlantic States. (Part II of this issue)

34600 **Postal Service** PS proposes regulations on preparation requirements for third-class 5-digit ZIP code presorted mail.

34564 **Highway Safety** DOT/FHWA responds to requests for interpretations of Manual on Uniform Traffic Control Devices.

34567 **Income Tax** Treasury/IRS provides final regulations on imputed interest rates.

34753 **Securities** Treasury/Sec'y announces interest rate on Treasury Bonds of 2001.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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34598 **Meat Imports** Treasury/Customs proposes to require certification by exporting officials that fresh, chilled, or frozen beef meets USDA's specifications for high quality beef.

34574 **Armed Forces** DOD/Sec'y revises policy for Discharge Review Boards to review certain former reservists in "inactive" status discharges for possible upgrading.

34616 **Trigger Prices—Steel Imports** Commerce/ITA publishes monitoring of specialty steel imports quarterly review.

34619 **Imports** CITA establishes new export visa requirement for cotton, wool and man-made fiber textiles and apparel exported from the Dominican Republic.

34613–34615 **Antidumping** Commerce/ITA initiates investigation to determine whether imports of certain steel wire nails from Japan, Korea, and Yugoslavia are imported at less than fair value. (3 documents)

34598 **Aircraft** DOT/FAA reopens comment period on Air Line Pilots Association petition on water survival.

34776 **Grant Programs—Patented Research** OMB/FPPO provides bulletin on inventions by small business firms, non-profit organizations and universities. (Part III of this issue)

34784 **Surface Coal Mining** Interior/SMREO proposes changes to effluent limitations and sedimentation pond design criteria. (Part IV of this issue)

34755 **Sunshine Act Meetings**

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34776 **Part III, OAMB/FPPO**
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Rules and Regulations

Federal Register
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Thursday, July 2, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 669, Amdt. 1; Valencia Orange Regulation 669]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 3–9, 1981, and increases the quantity of such oranges that may be so shipped during the period June 26–July 2, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: This regulation becomes effective July 3, 1981, and the amendment is effective for the period June 26–July 2, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 30, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good on all sizes and exceed supplies on large sizes.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 908.970 is added as follows:

§ 908.970 Valencia Orange Regulation 670.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 3, 1981, through July 9, 1981, are established as follows:

(1) District 1: 375,000 cartons;
(2) District 2: 375,000 cartons;
(3) District 3: unlimited cartons.

2. Section 908.969 Valencia Orange Regulation 669 (46 FR 32860), is hereby amended to read:

§ 908.969 Valencia Orange Regulation 669.

* * * * *

(1) District 1: 382,000 cartons;
(2) District 2: 368,000 cartons;
(3) District 3: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1981.

D. S. Kuryloski
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–19782 Filed 7–1–81; 11:57 am]
BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Regulation 311, Amdt. 1; Lemon Regulation 312]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 5–11, 1981, and increases the quantity of lemons that may be shipped during the period June 28–July 4, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 5, 1981, and the amendment is effective for the period June 28–July 4, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action

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is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 30, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.612 is added as follows:

§ 910.612 Lemon Regulation 312.

The quantity of lemons grown in California and Arizona which may be handled during the period July 5, 1981, through July 11, 1981, is established at 300,000 cartons.

2. Section 910.611 Lemon Regulation 311 (46 FR 33020) is revised to read as follows:

§ 910.611 Lemon Regulation 311.

The quantity of lemons grown in California and Arizona which may be handled during the period June 28, 1981, through July 4, 1981, is established at 350,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1981.

D. S. Kuryloski

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–19791 Filed 7–1–81; 11:57 am]

BILLING CODE 3410–02–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 205, 210, 211, 212, 214, and 220

[Docket No. ERA–R–81–03]

Price and Allocation Regulation Revocation; Correction

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule; correction.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is rescinding the crude oil price schedules which were inadvertently omitted from DOE's earlier recision of the crude oil price regulations.

DATE: Effective March 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Maurice Boehl, Economic Regulatory Administration, 2000 M St, N.W., Washington, D.C. 20461, (202) 653–4290

William Funk or James B. McRae, Department of Energy (Office of General Counsel), 1000 Independence Ave, S.W., Washington, D.C. 20585, (202) 252–6736 (Funk) or (202) 252–6739 (McRae)

SUPPLEMENTARY INFORMATION: On March 30, 1981, the ERA and the Secretary of Energy rescinded most of the Mandatory Petroleum Price and Allocation Regulations set forth in 10 CFR Parts 210, 211 and 212; see 46 FR 20506 (April 3, 1981). The action was taken in response to the President's Executive Order 12287, 46 FR 9909 (January 30, 1981), that exempted from those regulations crude oil and refined petroleum products.

Although the crude oil price regulations in section 212.77 were rescinded, the supporting crude oil price schedules set forth in an appendix to Subpart D of Part 212 were inadvertently omitted from the recision. Today's action to rescind those schedules corrects that omission. This action is effective on March 30, 1981, the same date as the earlier recision. All of the justifications for the earlier recision also apply to this action.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163 and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909.)

In consideration of the foregoing, FR Doc. 81–10159, appearing on page 20508 of the issue of April 3, 1981, is corrected as set forth below, effective March 30, 1981.

Issued in Washington, D.C., June 24, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

1. On page 20516, column 3, paragraph 7 is corrected by adding the following amendatory instructions:

Appendix A of Subpart D of Part 212 is removed.

* * * * *

Subpart D—[Amended]

APPENDIX A TO SUBPART D—[Removed]

[FR Doc. 81–19434 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

10 CFR Parts 620, 621, 622, 623 and 624

Sales Regulation; Contract Disputes Clause

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule will incorporate into Title 10 Code of Federal Regulations a Subchapter I to Chapter II which requires a Disputes clause in all DOE sales contracts of personal property, other than electric power marketing sales contracts, and which makes clear the applicability of the Contracts Disputes Act of 1978 and the jurisdiction of the Energy Board of Contract Appeals (EBCA) to DOE sales contracts.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Cavanagh, Policy and Procedures Division (PR–211), Procurement and Assistance Management, (202) 252–6188

Mr. Lester Schiefelbein, Office of the Assistant General Counsel for Procurement and Financial Incentives (GC–44), Office of the General Counsel, (202) 252–6902

SUPPLEMENTARY INFORMATION:

I. Contract Disputes Act of 1978
II. Continuation of Contract Performance
III. Certification of Accuracy
IV. Payment of Interest

I. Contract Disputes Act of 1978

DOE published a proposed rule (45 FR 41649, June 20, 1980), on a Disputes clause in DOE sales contracts. Having received no comments, DOE has determined to adopt the rules as proposed. The policy and contract clause would accomplish the following, with the below stated anticipated effects: Establishes the applicability of the Contract Disputes Act of 1978 to sales contracts and requires a Disputes clause in DOE contracts for the sale of personal property. The effect will be to avoid confusion and uncertainty as to the rights of both parties to the sales contract, diminishing the probability that either party would inadvertently jeopardize its rights and eliminating unnecessary litigation. Also, establishes the finality of contracting officer decisions absent appeal pursuant to the Contract Disputes Act of 1978.

II. Continuation of Contract Performance

Requires continuation of contract performance at the direction of the contracting officer. The effect will permit the Government to require continuing performance in the national interest despite the existence of a dispute, thus avoiding disruptions which could be detrimental to national energy supply distribution, and avoiding jeopardy to each party's rights which might otherwise be inferred from continuation of performance during a dispute. Disruption of crude oil distribution from Strategic Petroleum Reserves, which may result in severe regional shortages, and disruptions in acceptance of oil from Naval Petroleum Reserves which may require shutting in all field operations in the Reserve due to absence of storage facilities, thereby causing an oil supply shortage, are examples of adverse situations which may result from discontinued performance under sales contracts during a dispute.

III. Certification of Accuracy

Requires a certification of accuracy and good faith for claims in excess of $50,000. This requirement should discourage submission of unsubstantiated claims and is consistent with Contract Disputes Act of 1978.

IV. Payment of Interest

Provides for payment of interest upon unpaid claims by both parties. The effect will be to provide equitable payment of interest upon payments that should have been made, but were not made until resolution of the dispute.

This policy is not considered significant because it does not impact national policy objectives or regulatory programs, and does not impose reporting requirements or impact the environment nor is it expected to be controversial.

For the reasons set out in the Preamble, Parts 600–624 of Title 10 CFR of the Code of Federal Regulations are amended as set forth below.

For the Department of Energy.

Hilary J. Rauch,

Director, Procurement and Assistance Management.

10 CFR Chapter II is amended by adding Subchapter I consisting at this time of Parts 622 and 624. Parts 620, 621 and 623 are added and reserved.

SUBCHAPTER I—SALES REGULATION

Part
620 [Reserved]
621 [Reserved]
622 Contractual provisions.
623 [Reserved]
624 Contract clauses.

PARTS 620 AND 621 [RESERVED]

PART 622—CONTRACTUAL PROVISIONS

§ 622.103 Dispute provisions.

(a) Except as provided in paragraph (b) of this section, all DOE contracts for the sale of personal property to any organization outside the U.S. Government shall include a Disputes clause which provides for:

(1) Binding final decisions by the Contracting Officer, subject to appeal;

(2) Appeal rights pursuant to the Contract Disputes Act of 1978;

(3) Continuation of performance by the contractor at the direction of the contracting officer pending final resolution of the dispute.

(b) Exceptions:

(1) The provisions of this Part shall not apply to contracts for sale of electric power by the Power Marketing Administrations;

(2) The Secretary may exempt a contract or class of contracts from this requirement upon determination that it would not be in the public interest in an individual contract or class of contracts with a foreign government, or agency thereof, or international organization, or subsidiary body thereof, to include the Disputes clause, as permitted by Section 3 of the Contract Disputes Act of 1978.

(c) The Energy Board of Contract Appeals (EBCA) has cognizance over disputes relating to DOE Sales contracts.

(d) The Disputes clause in Part 624.102–4 shall be used in accordance with this Part 622.103.

(Sec. 644, Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254))

PART 623 [RESERVED]

PART 624—CONTRACT CLAUSES

§ 624.102–4 Disputes.

The following clause shall be used in accordance with the provisions of § 622.103:

Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.). If a dispute arises relating to the contract, the purchaser may submit a claim to the Contracting Officer who shall issue a written decision on the dispute.

(b) "Claim" means:

(1) A written request submitted to the Contracting Officer;

(2) For payment of money, adjustment of contract terms, or other relief;

(3) Which is in dispute or remains unresolved after a reasonable time for its review and disposition by the Government; and

(4) For which a Contracting Officer's decision is demanded.

(c) In the case of disputed requests or amendments to such requests for payment exceeding $50,000, or with any amendment causing the total request in dispute to exceed $50,000, the purchaser shall certify, at the time of submission of a claim, as follows:

I certify that the claim is made in good faith, that the supporting data is accurate and complete to the best of my knowledge and belief, and that the amount requested accurately reflects the contract adjustment for which the Purchaser believes the Government is liable.

(Purchaser's Name)_____

(Title)_____

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(d) The Government shall pay the Purchaser interest.

(1) On the amount found due to the purchaser and unpaid on claims submitted under this clause;

(2) At the rates fixed by the Secretary of the Treasury;

(3) From the date the amount is due until the Government makes payment.

(e) The purchaser shall pay the Government interest:

(1) On the amount found due to the Government and unpaid on claims submitted under this clause;

(2) At the rates fixed by the Department of Energy for the payment of interest on past due accounts;

(3) From the date the amount is due until the purchaser makes payment.

(f) The decision of the Contracting Officer shall be final and conclusive and not subject to review by any forum, tribunal, or Government agency unless an appeal or action is timely commenced within the times specified by the Contract Disputes Act of 1978.

(g) The purchaser shall comply with any decision of the Contracting Officer and at the direction of the Contracting Officer shall proceed diligently with performance of this contract pending final resolution of any request for relief, claim, appeal, or action related to this contract.

(Sec. 644, Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254))

[FR Doc. 81-19306 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Transition Area, Bainbridge, Ga.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Bainbridge, Georgia, Transition Area by lowering the base of controlled airspace in the vicinity of the Decatur County Industrial Air Park Airport from 1,200 to 700 feet AGL.

EFFECTIVE DATE: 0901 GMT, August 15, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Bainbridge, Georgia, Transition Area. This action adopts the proposal and thereby provides controlled airspace protection for aircraft executing the new standard instrument approach procedure, VOR-A, at the Decatur County Industrial Air Park Airport. The Mariana VORTAC will support the approach procedure (46 FR 22203). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received from this notice.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1,200 to 700 feet AGL around the Decatur County Industrial Air Park Airport. The operating status of the airport is hereby changed from VFR to IFR.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, August 15, 1981, by adding the following to the end of the text in the present description, as follows:

Bainbridge, Georgia

". . . within an 8.5-mile radius of Decatur County Industrial Air Park Airport (Lat. 30°58'14"N., Long. 84°37'53"W.) . . . ."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on June 17, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-19140 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes VOR Federal Airway V-7W between Terre Haute, Ind., and Pocket City, Ind. Since this airway is rarely utilized, the FAA has determined that it is unnecessary. This action reduces chart clutter and supports the objective of eliminating alternate airways from the National Airspace System (NAS).

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 4, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke V-7W between Terre Haute, Ind., and Pocket City, Ind. (46 FR 24957). V-7W is not utilized and this amendment revokes that airway segment. This action reduces chart clutter and supports our objective to eliminate all alternate airways. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) revokes V-7W between Terre Haute, Ind., and Pocket City, Ind., since the airway is rarely used. This action reduces chart clutter and supports our policy to eliminate alternate airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, October 1, 1981, by deleting, in V-7, the words "Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 217° radials;" and substituting for them the words "Terre Haute, Ind.;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(6)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 26, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-19307 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AAL-3]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Colored Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the floors of Green Airway G-8 and Green Airway G-10 in the vicinity of Elfee, Alaska, in order to be consistent with the 2,000-foot MSL floor in surrounding areas. This action aids flight planning and improves flight safety by designating a common airway floor in this area. Also, this amendment substitutes the name "Elfee NDB" where "Cold Bay, Alaska, NDB" appears.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 21, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the floor of G-8 and G-10 in the vicinity of Elfee, Alaska (46 FR 27719). This alteration would establish a common floor for all controlled airspace in the area by raising the floors of G-8 and G-10 to 2,000 feet MSL. The proposal also included an editorial change to substitute "Elfee NDB" where "Cold Bay NDB" appears. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.103 was republished on January 2, 1981 (46 FR 407).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a common floor in the area of Elfee, Alaska, by raising the floor of G-8 between Elfee, NDB and King Salmon, Alaska, NDB and G-10 between Elfee NDB and Port Heiden, Alaska, NDB. This action aids flight planning and increases flight safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 407 and 46 FR 12951) is further amended, effective 0901 GMT, October 1, 1981, as follows:

§ 71.103 [Amended]

1. Under G-8 by deleting the words "20 AGL INT Dutch Harbor NDB 041° and Cold Bay, Alaska, NDB 253° bearings; 20 AGL Cold Bay NDB; King Salmon, Alaska, NDB;" and substituting for them the words "20 AGL INT Dutch Harbor NDB 041° and Elfee, Alaska, NDB 253° bearings; 20 AGL Elfee NDB; 20 AGL King Salmon, Alaska, NDB;"

2. Under G-10 by deleting the words "From Elfee, Alaska, NDB, via INT Elfee NDB 041° and Port Heiden, Alaska, NDB 248° bearings; Port Heiden NDB;" and substituting for the words "From Elfee, Alaska, NDB, 20 AGL INT Elfee NDB 041° and Port Heiden, Alaska, NDB 248° bearings; 20 AGL Port Heiden NDB;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 26, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-19308 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Organization Regulations Amendment No. 112; Regulation OR-182]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends several of its delegations of authority to the Director, Bureau of International Aviation, and makes additional delegations. In general, these amendments are necessary to permit more efficient discharge of the Board's obligations under the Federal Aviation Act, to reduce unnecessary paperwork and to eliminate burdensome regulatory time lag.

DATES: Adopted: June 12, 1981. Effective: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Christina R. Pfirrman, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut

Ave., N.W., Washington, D.C. 20428; (202) 673–5203.

SUPPLEMENTARY INFORMATION: The Board is amending and expanding the authority delegated to the Director, Bureau of International Aviation. In general, these amendments are necessary to permit more efficient discharge of the Board's obligations under the Federal Aviation Act, to reduce unnecessary paperwork and to eliminate burdensome regulatory time lag. Since these amendments affect only rules of agency organization and procedure, the Board finds that notice and public procedure are unnecessary under the guidelines of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)) and that this rule should be effective immediately.

Section 385.26(b) currently allows the Director, Bureau of International Aviation, under section 416(b) of the Act, to exempt direct air carriers from sections 401 and 402 of the Act for operations that are primarily in foreign air transportation. The reference to section 402 was added as a result of the Airline Deregulation Act which amended section 416(b) to allow grant of exemptions to "any person," thereby permitting grant of exemptions to foreign as well as domestic air carriers. However, because of an oversight, the term "foreign air carrier" was not added. This resulted in an anomalous situation since the term "air carrier" is defined in section 102 of the Act as a U.S. citizen and such a carrier could not be granted an exemption from section 402. In addition, the amended section 416(b) does not contain a distinction between direct and indirect air carriers. Section 385.26(b) is therefore amended by deleting the phrase "direct air carriers" and inserting in lieu thereof the phrase "air carriers and foreign air carriers."

Section 385.26(c) delegates to the Director authority to grant or deny applications for exemption from section 403 of the Act in cases where the operations have been authorized by an exemption issued under authority delegated in § 385.26 (a)(1), (a)(2) or (b). The requirement of the concurrence of the Chief, Tariffs Division, and the prohibition against redelegation of the authority have been deleted. Organizational changes in the Bureau of International Aviation have made them unnecessary.

Section 385.26(g) currently delegates to the Director the authority to grant or deny applications of foreign air carriers for permission to do business in names other than those authorized by Board order or regulation. The delegation has been amended to allow the Director to grant or deny a foreign air carrier application under Part 215 for a change of name or for permission to use a trade name.

Section 385.26(l) delegates authority to issue Special Authorizations for periods not to exceed 30 days. The limitation to a 30-day period is burdensome to the Board, the carriers and the staff in that it necessitates Board action on applications for Special Authorizations for periods in excess of 30 days that do not raise substantive issues and it provides no countervailing benefits. The Board has in the past routinely approved all requests for Special Authorizations in excess of 30 days. Therefore, the phrase "for temporary periods not to exceed 30 days" is deleted.

Section 385.26(n) presently delegates authority to approve or disapprove certain wet lease arrangements between foreign air carriers. This delegation is too narrow since it does not allow action in other circumstances (such as wet leases between a U.S. and a foreign carrier) where the arrangement is clearly in the public interest and does not raise substantive policy issues. Therefore, the delegation is expanded to encompass all wet lease arrangements involving service predominantly in foreign air transportation.

The delegation of authority in § 385.26(q) to grant or deny applications of foreign air carriers for waivers of permit restrictions is too narrow since it does not allow the Director of BIA to approve or deny other authorizations provided for in permits. Therefore, we are expanding the delegation to encompass this authority.

Section 385.26(v) delegates authority to deal with applications filed under Part 297 of the Board's Regulations—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations. Section 385.26(v)(1) is amended to bring it into conformity with § 297.22 which allows disapproval of an application only at the conclusion of a proceeding under section 402 of the Act. In addition, the registration applications filed under Part 297 frequently include information on ownership and control that under Board precedent and policy would justify exemption from the requirement in section 297.20 that substantial ownership and effective control of a foreign air freight forwarder or cooperative shippers association reside in citizens of the country that the applicant claims as its country of citizenship. Therefore, § 385.26(v)(4) is added to make it clear that in approving registration applications under Part 297, the Director may exempt the registrant from the ownership and control requirement.

Section 385.26(x) is added to delegate to the Director, Bureau of International Aviation, the authority to process by show cause procedures unopposed applications for authority to engage in foreign air transportation. Similar delegated authority with respect to interstate and overseas air transportation is already held by the Director, Bureau of Domestic Aviation. This will allow more expeditious consideration of applications that do not raise substantial legal or policy issues.

A new delegation is made in § 385.26(y) to allow the Director, Bureau of International Aviation, to dismiss applications when the issue becomes moot or when the applicant requests dismissal at an early stage. The present requirement of referring such applications to the Bureau of Administrative Law Judges is inefficent.

Under the International Air Transportation Fair Competitive Practices Act of 1974, the Board may extend for consecutive 30-day periods (to a maximum of four such extensions) the time for considering a complaint regarding an unfair competitive practice filed under section 2 of that Act. This new section 385.26(z) delegates to the staff the authority to issue such extensions.

The International Air Transportation Competition Act of 1979 amended section 416(b) of the Federal Aviation Act to permit the Board, after consultation with the Secretary of Transportation, to grant exemptions to foreign air carriers to engage in interstate and overseas air transportation if it first makes four required findings. IATCA also allows the Board to renew such exemptions for successive 30-day periods. Section 385.26(aa) delegates to the staff the authority to grant or deny applications for renewal of such exemptions.

Since these amendments are administrative in nature, designed to relieve regulatory burdens, the Board finds that there is good cause for an immediate effective date.

Accordngly, the Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. The authority for Part 385 is revised to read:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85–726, 72 Stat. 740, 743, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386. Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. In § 385.26, paragraphs (b), (c), (g), (l), (n), (q) and (v)(1) are revised; paragraphs (v)(4), (x), (y), (z), and (aa) are added to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

* * * * *

(b)(1) Grant or deny applications of air carriers for exemptions from section 401 of the Act and from applicable regulations under this chapter, relating to operations that are predominantly in foreign air transportation, where the course of action is clear under current Board policies.

(2) Grant or deny applications of foreign air carriers for exemptions from section 402 of the Act and from applicable regulations under this chapter, relating to operations that are in foreign air transportation, where the course of action is clear under current Board policies.

(c) Grant or deny applications for exemption from section 403 of the Act to the extent necessary to permit performance of air carrier or foreign air carrier operations otherwise authorized by exemption granted under subsections (a)(1), (a)(2), (b)(1) and (b)(2) of this section.

* * * * *

(g) Grant or deny applications of foreign air carriers for a change of name or for permission to use a trade name pursuant to Part 215 of this chapter.

* * * * *

(l) Approve issuance of Special Authorizations provided for in section 216.4 of this chapter (Economic Regulations), when no person disclosing a substantial interest objects.

* * * * *

(n) Approve or disapprove wet leasing arrangements involving service predominantly in foreign air transportation.

* * * * *

(q) Grant or deny applications of foreign air carriers for authorizations provided for in foreign air carrier permits, or for waivers of limitations contained in foreign air carrier permits, where no person disclosing a substantial interest objects, or where the course of action is clear under current Board policies.

* * * * *

(v)(1) Approve applications for registration filed under Part 297 of this chapter, or require that a registrant under Part 297 submit additional information, or reject an application for registration for failure to comply with Part 297.

(2) * * *

(3) * * *

(4) Exempt the registrant from the requirement contained in § 297.20 of this chapter that substantial ownership and effective control reside in citizens of the country that the applicant claims as its country of citizenship, where the course of action is clear under current Board policies.

* * * * *

(x) with respect to applications filed under sections 401 and 402 of the Act for authority to engage in foreign air transportation:

(1) Issue an order to show cause proposing to grant such application in those cases where no objections to the application have been filed and where the applicant has already been found by the Board to be fit, willing and able to provide service of the same basic scope and character;

(2) Issue an order stating the Board's intention to process the application through show cause or other expedited procedures, where the course of action is clear under Board policy;

(3) Issue an order, subject to Presidential review under section 801(a) of the Act, finalizing an order to show cause issued under paragraph (1) of this subsection where no objections to the order to show cause have been filed; or

(y) With respect to an application filed under section 401 or 402 of the Act for authority to provide foreign air transportation and with respect to which an order instituting an oral evidentiary hearing has not been issued:

(1) Dismiss the application when dismissal is requested or consented to by the applicant.

(2) Dismiss the application when it has become moot.

(z) Extend for an additional period or periods of 30 days each (to a maximum of four such extensions) the time allowed for Board action on a complaint filed under section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(aa) Grant or deny applications of foreign air carriers for renewal of exemptions granted pursuant to section 416(b)(7) of the Act.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–19807 Filed 7–1–81; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9100]

Sunkist Growers, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that Sunkist Growers, Inc. ("Sunkist"), a Sherman Oaks, Calif., processor and marketer of citrus fruit timely divest, in accordance with the terms of the order, the assets and properties constituting the Arizona Products Division ("APD"), and offer the purchaser, annually for four years, a prescribed volume of citrus fruit for processing. Respondent is also barred from using a non-Sunkist plant to process citrus fruit packed in Yuma County, Ariz. until it has first offered the opportunity to the acquirer of APD. Additionally, the order requires respondent, for specified periods, to limit the number of its commercial packinghouse affiliations and refrain from acquiring, without prior Commission approval, any California or Arizona commercial citrus fruit processing plant or packinghouse.

DATES: Complaint issued May 31, 1977. Order issued May 5, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Tuesday, Feb. 24, 1981, there was published in the **Federal Register**, 46 FR 13730, a proposed consent agreement with analysis In the Matter of Sunkist Growers, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—

[1] Copies of the Complaint and the Decision and Order filed with the original document.

Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets, 13.5–20 FTC Act; § 13.6 Arrangements, connections, dealings, etc. Subpart—Ccorrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, § 13.533–51 Making supply of product(s) available to competitors.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 16)

Carol M. Thomas,

Secretary.

[FR Doc. 81-19002 Filed 7-1-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Parts 450 and 630

49 CFR Part 613

[FHWA Docket No. 80-24, Notice 4]

Urban Transportation Planning

Note.—This document originally appeared in the **Federal Register** for Tuesday, June 30, 1981. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Department of Transportation.

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice of further postponement of pending regulation.

SUMMARY: On February 4, 1981, pursuant to a January 29 memorandum from the President, the Department of Transportation (DOT) postponed the effective dates of all DOT regulations which had been published as final rules but had not yet taken effect. On March 25, 1981, the FHWA and UMTA further postponed the Urban Transportation Planning; Transportation Improvement Program regulation published at 46 FR 5702, January 19, 1981. This document postpones this action for an additional 30 days.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: FHWA: Stanley H. Abramson, Office of the Chief Counsel, (202) 426–0762; or UMTA: John Collins, Office of the Chief Counsel, (202) 426–1908, both located at 400 Seventh Street, SW, Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET and UMTA office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, a memorandum was issued by the President which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period. The Department of Transportation on February 4, 1981, pursuant to the President's memorandum, postponed the effective dates of all Department of Transportation regulations covered by the President's directive until March 31, 1981.

The purpose of this initial postponement was to afford the government the opportunity to review these recently issued, but not yet effective, regulations. As a result of their reviews, the FHWA and UMTA postponed the effective date of the Urban Transportation Planning; Transportation Improvement Program regulation (46 FR 5702, January 19, 1981) for 90 days (46 FR 19233, March 30, 1981). This document postpones regulatory action for an additional 30 days. By so postponing this regulation, the FHWA and UMTA continue in effect all current requirements and provisions of the Code of Federal Regulations this rule would have amended had it become effective.

Before the end of the additional 30-day review period, the FHWA and UMTA intend to issue an interim final rule which would allow those provisions of the postponed rule which would reduce red tape and provide for streamlining to go into effect. In addition, the rule would update the existing joint FHWA/UMTA regulations to include recent legislative changes. Further regulatory action will be deferred pending a comprehensive review of the urban transportation planning process.

The FHWA and UMTA have determined that the initial postponement has provided an inadequate amount of time to make a decision concerning appropriate revisions to the postponed rule. The agencies believe that good cause exists for further postponing the effective date of this regulation and that such postponement is in the public interest. The postponed rule has been the subject of extensive public comment. Further review of the postponed rule by FHWA and UMTA will include full consideration of the public comments received. For these reasons and because this regulation would otherwise go into effect without this action, additional notice and public participation on this change of effective date is impracticable, unnecessary, and contrary to the public interest and good cause exists for making this postponement effective immediately.

Neither the rule as issued nor its postponement are major actions within the meaning of Executive Order 12291.

Accordingly, the effective date of the following rule is postponed until July 31, 1981:

Urban Transportation Planning; Transportation Improvement Program (23 CFR Parts 450, 630; 49 CFR Part 613) published at 46 FR 5702, January 19, 1981.

(Executive Order 12291; 23 U.S.C. 101(e), 104(f)(3), 134, and 315; secs. 3, 5, and 6 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, and 1607); secs. 110, 172, 174, and 176 of the Clean Air Act; and 49 CFR 1.48(b) and 1.51)

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital Improvement Loans; and 20.507, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on June 26, 1981.

Richard B. Robertson,

Associate Administrator for Planning, Federal Highway Administration.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

[FR Doc. 81-19366 Filed 6-30-81; 8:45 am]

BILLING CODE 4910-22-M

23 CFR Parts 625 and 655, Subpart F

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of response to requests for interpretations of the Manual on Uniform Traffic Control Devices.

SUMMARY: The FHWA is providing notice of actions taken in response to requests for interpretations of various provisions of the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD contains the standards for traffic control devices which have been approved by the FHWA for use on all streets and highways open to public travel. It is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D, and may be purchased

from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($16.00).

FOR FURTHER INFORMATION CONTACT: Mr. James C. Partlow, Office of Traffic Operations, (202) 426–0411, or Mr. Stanley H. Abramson, Office of the Chief Counsel, (202) 426–0754, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET., Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA prepares and issues the national standards for traffic control devices used on all streets and highways open to public travel. These standards are published in the MUTCD which has been incorporated by reference into title 23, Code of Federal Regulations, Parts 625 and 655 (23 CFR 625 and 655). The FHWA, upon request, provides interpretations of specific provisions of the standards in the MUTCD. Interpretations are made under the authority of 23 U.S.C. 109(d), 315, and 402(a), and in accordance with the provisions of Section 1A–6 of the MUTCD. Each request for interpretation is considered in relation to previous requests, if any, regarding the specific provision, records of deliberations leading to adoption of the provision as a standard, the FHWA's experience in administering the standards, and other sources of information as appropriate. In addition to the issuance of interpretations, the FHWA's response to requests for interpretations may include the grant of exceptions or consideration of rulemaking in appropriate instances.

Notices of interpretations are published in the **Federal Register** periodically to inform the public, users of the standards and holders of the MUTCD. Although published interpretations are considered final, comments on these actions may be sent to the Federal Highway Administration, Office of Traffic Operations, HTO–21, 400 Seventh Street, SW., Washington, D.C. 20590.

Each request has been assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

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1. Signs (Part II)

(a) *Request II–30 (Intr.), Modification of Letter and Numeral Sizes for Substandard Freeways.* The New York State Department of Transportation (NYDOT) requested that the principles and intent of the MUTCD as applied to unusual conditions should be interpreted to permit the use of letters and numerals on parkway guide signs in New York State that are smaller than those specified in Table II–2, pages 2F–5, 2F–6 and 2F–7 of the MUTCD. The requested interpretation would also permit the use of smaller guide signs.

Certain highways within New York State are classified by the State as "parkways." Most were built many years ago and predate current design standards for freeways. They were intended for recreational use and for access to State parks. They were developed as linear parks with substantial landscaping, narrow travel lanes, and narrow or nonexistent shoulders creating an aesthetic but closed environment. However, since there is complete control of access along the parkways, they are classified as "freeways" for signing purposes under the terms of the MUTCD. Many of the parkway signs presently have lettering smaller than the sizes required by the MUTCD for freeways.

Table II–2 in Part F of the MUTCD specifies sizes of letters and numerals for freeway guide signs. These sizes have been developed through testing and research based on the principle that it is of the utmost importance that legibility, size and placement of highway signs permit the motorist an adequate period of time to understand and respond to the sign message.

Section 2F–3 of the MUTCD states that standards prescribed for sign letter sizes on freeways are the same for both urban and rural areas. Space is often at a premium on urban sections, but the typical traffic pattern is more complex for the driver to negotiate and large, easy-to-read copy is, therefore, just as necessary as on rural highways. The lower speed characteristic of urban operation may well support consideration of different highway geometrics in design, but do not justify different sign standards.

The MUTCD presently recognizes that for some situations, for example, overhead installations, concessions have to be made in the lettering and spacing standards to accommodate the sign within a limited space.

However, the NYDOT contends that smaller lettering and sign sizes are satisfactory for its urban parkways where most traffic consists of regular repeat drivers and where trucks are prohibited. The State also contends that the present sign panels cannot accommodate the larger standard size letters and numerals. Use of standard letters and numerals would require replacement of existing panels with larger panels which would disrupt the aesthetic qualities and developed environment of the parkways and impose an excessive and unjustifiable cost.

In reviewing this request, the FHWA found insufficient basis in the provisions of the MUTCD for allowing letters and numerals smaller than those specified in Table II–2 for general use on linear parkway guide signs in either urban or rural areas. However, the FHWA also determined that the intent of the NYDOT request was for an exception to the standards for use on specific highways rather than for an interpretation that would have general application nationwide. In consideration of the uniqueness of the situation and the exceptional circumstances involved, the FHWA has granted the NYDOT a waiver of the letter and numeral size requirements of Table II–2 for specific linear parkways on a section by section basis.

(b) *Request II–32 (Intr.), Use of School Advance Sign and School Speed Limit Sign at Specific Locations.* The School Speed Limit sign assembly is required where a reduced speed zone for a school area has been established or when a speed limit is specified for such areas by statute. The sign assembly consists of an 8-inch high rectangular top panel with the legend SCHOOL in black on a yellow background (sign S4–3), a Speed Limit sign, and a bottom panel

indicating the specific time periods that the speed limit applies.

The city of Baton Rouge, Louisiana, requested an interpretation which would permit the use of the School Advance sign (S1–1) as a substitute for the top panel. The School Advance sign is pentagonal in shape with the silhouette of two children in black on a yellow background. This sign has a minimum height of 30 inches.

The MUTCD states that the School Advance sign is intended for use where school buildings or grounds are adjacent to the highway and that it may be used in advance of school crossings not adjacent to school grounds. The only mandated use of the School Advance sign is in advance of the School Crossing sign (S2–1).

The FHWA has determined that the S4–3 SCHOOL panel is the proper panel to use with the School Speed Limit sign assembly, since the use of the Advance School sign would effect an excessive increase in the height of the assembly. This interpretation, however, does not preclude the permissive use of the S4–3 SCHOOL panel and the S1–1 School Advance sign in the same general area.

(c) *Request II–35 (Intr.), High Visibility Yellow Traffic Posts.* Southwest Pipes, Incorporated, requested an interpretation to determine if high visibility yellow or other colors are acceptable for the supports of delineators and small signs, and, if so, must the colors used comply with the pavement marking color code of the MUTCD.

The FHWA has determined that since the MUTCD does not specify the color for small sign supports, high visibility yellow and other colors are acceptable for these supports provided these colors are not reflectorized. The MUTCD is explicit on the use of reflectorization. The FHWA recommends against the color coding of small sign supports.

The MUTCD also does not specify the color for delineator supports. However, the effectiveness of delineators is subject to the distinct visibility of a small, color-coded, light reflecting device. The improper or indiscriminate use of color on delineator supports could severely impair the effectiveness of delineators, particularly where the area of a support facing oncoming traffic exceeds the reflecting area of the delineator. The predominant color of delineator reflective units is white or yellow. The mixing of these two predominant colors on a delineator assembly might create confusion to the motorist. Thus, the FHWA believes it is inappropriate to mix these two colors on a delineator assembly.

(d) *Request II–40 (Intr.), Use of Light Blue Auxiliary Panels on Appalachian Highways.* Section 2D–12 of the MUTCD requires that all route marker auxiliary panels shall match the color combination of the route marker that they supplement. The Appalachian Regional Commission requested an interpretation which would permit the use of the legend APPALACHIAN HIGHWAY in white on a light blue background auxiliary panel to supplement the standard black and white route markers for those highways forming the Appalachian Development Highway System. Route markers identifying this system are not covered in the MUTCD.

The FHWA has determined that this request concerns a unique situation which does not have general application, and will grant an exception to the provisions of Section 2D–12 which is applicable solely to the Appalachian Development Highway System.

The white on light blue auxiliary panels will not be permitted for use on junction assemblies on crossroad approaches to the Appalachian Development Highways.

(e) *Request II–47 (Intr.), Number of Mandatory Advance Guide Signs.* The 1971 edition of the MUTCD provided that for major interchanges on expressways and freeways, two advance guide signs should be used. The recommended distances for their placement were 1 and 2 miles in advance of the exit. The 1978 edition of the MUTCD provides that two and preferably three advance guide signs should be used placed one-half, 1 and 2 miles in advance of the exit. The Alabama Highway Department indicated that the 1978 MUTCD version might be interpreted to mandate the use of at least two advance guide signs and requested a clarification of this provision.

The FHWA has issued the following interpretation in response to this request:

Each major and intermediate interchange is required to have an exit direction sign and from one to four advance guide signs depending on interchange spacing, design, and traffic conditions. This does not include any duplicate signs placed on the left side of the roadway or interchange sequence series signs. Since gore signs are not classified as interchange guide signs, they are not included in minimum or maximum requirements.

2. Markings (Part III)

Request III–11 (Intr.), Dotted Line Extension at Entrance Ramps. The MUTCD Section 3B–7 covers pavement marking extensions through interchanges. This section, though it does not specifically address markings for roadway exit or entrance ramps, does make reference to Figure 3–11, Typical Exit Ramp Markings, which illustrates an optional dotted line extension of the right edgeline at exit ramps. Figure 3–12, Typical Entrance Ramp Markings, does not illustrate the dotted line extension at entrance ramps.

The Nebraska State Highway Department has asked if it is permissible to extend a dotted line through the entrance ramp area of interchanges. The merits of a dotted line extension of the right edgeline at these locations are readily apparent for through drivers tracking on the edgeline, especially at night or during inclement weather. However, the situation at entrance ramps is different from exit ramps. A motorist entering the freeway at the entrance ramp encounters a right side ramp edgeline which converges into a dotted line giving the appearance that the right lane tapers to an end. It is not common for drivers to encounter lines that converge within their driving lane.

The FHWA has determined that the use of dotted lines through entrance ramps is not inconsistent with the MUTCD. Based upon successful use in two States with a dotted extension of the right edgeline at entrance ramps, it is considered an acceptable practice.

3. Signals (Part IV)

(a) *Request IV–7 (Intr.), Conflict Between Steady Red Traffic Signal Indications and Flashing Red Railroad Signals.* The State of Washington Department of Transportation requested an interpretation on whether there is conflict between steady red traffic signal indications and flashing red railroad signals when the highway intersection and the railroad crossing are in proximity. In the specific example cited, both the flashing red railroad signals and the steady red traffic signals are mounted on the same cantilever mast arm support. The FHWA has determined that there is no conflict in the MUTCD in this regard. Although there may be a difference in the understanding of the meanings of these signals, the maximum prohibition of the steady red stop signal applies. Very few problems have been recorded as a result of these displays. However, the addition of gates, separate mounts for the highway intersection and railroad signals or the use of a flashing mode for the highway signals under preemption may clarify the difference between the displays.

(b) *Request IV–16 (Intr.), Signal Display for Permissive/Protected Left-Turn Phasing.* The Tennessee Department of Transportation (TNDOT) requested an interpretation of a previous official ruling (Sg-38) as to whether the simultaneous display of a CIRCULAR GREEN and a left-turn GREEN ARROW in the same signal head Over an exclusive left-turn lane is permissible at locations where permissive/protected left-turn phasing is used. The TNDOT states that the simultaneous display of these two signal indications would make the installation of additional, expensive equipment for separate signal indications unnecessary.

Official Ruling Sg–38 (Chng.), does not address the permissive/protective left-turn phasing situation described in the Tennessee request. The FHWA has determined that under the MUTCD, as presently written, it is acceptable for permissive/protected left-turn phasing, regardless of the lateral position of the signal faces, to display a CIRCULAR GREEN with a left-turn GREEN ARROW in the signal face that controls left-turn traffic. The sign LEFT TURN SIGNAL shall not be used with the signal display. In the opinion of the FHWA, the preferred practice for permissive/protected left-turn operation, is to locate the signal face that controls turning traffic: (1) Over the lane line between the exclusive left-turn lane(s) and the adjacent through lane, or (2) Over the through lane that is adjacent to the exclusive left-turn lane.

For permissive/protected left-turn operation, the circular lens display on each of the several signal heads, regardless of location, which control a specific approach, shall display the same color indication during each interval. Any specific information concerning protected turning movements shall be displayed by means of a green turn arrow incorporated into the signal face nearest the proper lane.

In the case of protected only left-turn phasing: a left-turn signal display for an exclusive turn lane shall not display permissive circular indications and the sign LEFT TURN SIGNAL shall be located adjacent to each left-turn signal face unless the face consists entirely of arrow indications (reference Section 4B–12(4) of the MUTCD).

4. Traffic Controls for Street and Highway Construction and Maintenance Operations (PART VI)

Request VI–19 (Intr.), Use of 30-Gallon Drums. The 1971 edition of the MUTCD provided that drums set on end and used for traffic warning or channelization in construction and maintenance work areas should usually be of 30-to 55-gallon capacity. A change in the MUTCD approved on November 22, 1977, eliminated the gallon capacity standard for drum sizes and substituted the requirements that drums shall be approximately 36 inches in height and 18 inches in diameter. A private individual requested a determination as to whether the present height requirement of "approximately" 36 inches permits the use of 30-gallon drums, which are about 27 inches in height.

The FHWA has reviewed the background material pertaining to the November 22, 1977, change in the standards and has determined that one specific intent of the change was to eliminate the use of 30-gallon drums as traffic control devices. Accordingly, the current standard would not permit the use of such drums.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program).

Issued on June 25, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–19380 Filed 7–1–81; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 7781]

Income Tax; Taxable Years Beginning After December 31, 1953; Imputed Interest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations under section 482 of the Internal Revenue Code of 1954 relating to interest rates applicable to loans and advances between two or more organizations, trades or businesses that are under common ownership or control. It also provides final regulations under section 483 relating to interest rates applicable to certain deferred payment transactions.

DATES: The regulations under section 482 are effective with respect to loans or advances made on or after July 1, 1981. Similarly, the regulations under section 483 are effective with respect to sales or exchanges occurring on or after July 1, 1981. The regulations, however, contain transitional rules applicable to certain loans or advances and certain sales or exchanges made after July 1, 1981.

FOR FURTHER INFORMATION CONTACT:

John G. Schmalz of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, Attention CC:LR:T, 202–566–3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 482 gives the Secretary of the Treasury the authority to allocate gross income and deductions between or among two or more commonly-controlled organizations, trades or businesses in order to clearly reflect income or to prevent the evasion of taxes. These regulations adjust the safe haven range of interest rates and the imputed interest rate applied to loans or advances between such entities, section 483(b) (2) and (c) (1) gives the Secretary of Treasury the authority to set the imputed interest rate and the test rate that is applied to certain deferred payment contracts. These regulations adjust these interest rates under sections 482 and 483 to levels that more closely reflect current market rates of interest in the United States economy.

On August 29, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations [26 CFR Part 1] under sections 482 and 483 of the Internal Revenue Code of 1954. The amendments were proposed to adjust the interest rates used under these two sections in order for those rates to more closely reflect interest rates prevalent in the United States economy. The proposed regulations contained an additional proposed amendment to the regulations under section 482, *i.e.* that the safe haven rule in paragraph (a)(2)(iii) of § 1.482–2 will not apply to interest paid or accrued on loans or advances the interest or principal of which is denominated in a currency other than United States dollars. Under this proposed rule, the other provisions § 1.482–2(a) would continue to apply to these foreign currency loans and advances. Public comments on the proposed regulations were received. A public hearing was held on January 8, 1981. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. The remainder of this preamble discusses the major comments from the public and the changes made to the proposed regulations. It also sets forth additional information required by paragraph 14 (c) of the Treasury Directive published in the **Federal Register** for November 8, 1978 (43 FR 52120).

Appropriateness of the Proposed Interest Rates

A number of commentators asserted that the interest rates proposed under section 483 are higher than the prevailing market interest rates used for deferred-payment sales of property in their part of the country. Accordingly, these commentators suggested that lower interest rates be established for these transactions. The legislative history under section 483 states that the Treasury Department should use the "going rate" of interest in setting the imputed interest rate under section 483. The Treasury Department feels that the interest rates in these regulations more closely reflect the market interest rates that are prevalent throughout the United States.

Effect of Higher Imputed Interest Rates on Purchasers of Property

Many commentators asserted that the proposed interest rates under section 438 would make it more difficult for purchasers of property by forcing up interest payments. These comments are based on the assumption that section 483 actually increases the amounts that the purchaser must pay the seller under deferred-payment sales contracts. In fact, section 483 does not affect the amount that a buyer must pay the seller under a deferred-payment sales contract. It affects only the characterization of the amounts paid as interest or principal for federal income tax purposes.

Difference in Interest Rates Used under Sections 482 and 483

A number of commentators expressed concern about the fact that the interest rates proposed under section 482 were higher than the interest rates proposed under section 483. Some of these commentators argued that deferred-payment sales between commonly-controlled organizations or trades or business (possibly including sales between family members under certain circumstances) should not be subject to higher imputed interest rates than deferred-payment sales between unrelated parties. The final regulations resolve this question by providing that, in the event the literal terms of both sections 482 and 483 apply to a transaction, the lower section 483 rates will be applicable to determine whether the stated interest is too low and, if so, how much additional interest should be imputed. However, the section 482 regulations will remain applicable to determine whether the stated interest is excessive.

Nonapplicability of Safe Haven to Foreign Currency Loans

Several commentators expressed concern about the rule that foreign currency loans are not covered by the safe haven rule in paragraph (a)(2)(iii) of § 1.482–2. The reason for excluding foreign currency loans from the safe haven rule is that each country has a different pattern of nominal market interest rates which depend on such factors as the rate of inflation and the stability of the local economy. Because of this difference in interest rates, a safe haven range that uses interest rates that are reasonable for loans and advances made in U.S. dollars could be very inappropriate for loans and advances made in currencies other than U.S. dollars. Having a particular safe haven for each currency, as some suggested, would be impractical since it would not be administratively feasible to keep each of these many safe havens current. As a result, foreign currency loans will be tested under the arm's length standard in § 1.482–2(a)(2)(i) or the foreign situs rule in § 1.482–2(a)(2)(ii) rather than the safe haven rule in § 1.482–2(a)(2)(iii). This provision of the regulations will be effective for loan or advances described in § 1.482–2(a)(2)(iii).

Self-Adjusting Mechanism

A number of comments related to a statement in the notice of proposed rulemaking to the effect that the Treasury Department was considering adopting a self-adjusting mehanism for setting the interest rates under sections 482 and 483. There are several administrative and technical problems inherent in adopting a self-adjusting formula. Questions arise as to what mechanism to use, and how frequently the interest rate should be adjusted under the mechanism. The Treasury Department is also concerned about the burden that would be placed both on the Service and on taxpayers in obtaining the interest rate under such a mechanism. For these reasons, the Treasury Department has decided not to pursue a self-adjusting mechanism at this time.

State Usury Laws

A number of commentators complained that the proposed interest rates conflict with state usury laws that limit the amount of interest that can be charged in certain transactions. Neither section 482 nor section 483 require taxpayers to use a particular rate of interest in a contract. Taxpayers can use any rate of interest, including a zero interest rate, in the contract. If the interest rate used fails to satisfy the safe harbor under section 482 or the test rate under section 483, then interest may be imputed on the transaction, but only for federal tax purposes. The interest payable under the contract is not affected.

Effective Dates

Several commentators asserted that the regulations should not be made effective as of the dates stated in notice of proposed rulemaking. The Treasury Department has decided to make the regulations effective, generally, on July 1, 1981.

Additional Information

These regulations prescribe interest rates under sections 482 and 483 of the Internal Revenue Code applicable to transactions within the scope of those sections. The Service has considered the direct and indirect effects of these amendments to the regulations and has determined that they will be insignificant because the regulations affect only the income tax consequences of a transaction, not the actual terms of the agreement between the parties. The amendments to the regulations create no new recordkeeping or reporting requirements.

The preceding parts of this preamble evidence Service consideration of the public comments and respond to the more significant issues raised by those comments. Evaluation of the effectiveness of the regulations after issuance will be based on comments received from offices within the Internal Revenue Service and the Treasury Department, other government agencies, state and local governments, and the public.

Drafting Information

The principal author of these regulations is John G. Schmalz of the Legislation and Regulations Division of the Office of Chief Counsel. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

Adoption of Amendments to the Regulations

After careful consideration, the amendments to the regulations set forth in the notice of proposed rulemaking are adopted with the following changes:

Paragraph 1. The following changes are made to the amendments to § 1.482–2:

1. Paragraph (a)(2)(iii) is changed by removing the words "such date" in paragraph (a)(2)(iii)(*1*), and by inserting in its place "July 1, 1981" and by removing "August 29, 1980" from paragraph (a)(2)(iii(*2*) and inserting in its place "July 1, 1981".

2. Paragraph (a)(5) is amended by removing the phrase "within the safe haven of paragraph (a)(2)(iv) of this section" in the second sentence, and by adding in its place the phrase "within the safe haven of paragraph (a)(2)(iii) of this section."

3. A new paragraph (a)(7) is added.

Par. 2. The following changes are made to the amendments to § 1.483–1:

1. Certain dates are changed from September 29, 1980, to July 1, 1981.

2. Other clerical changes are made.

The revised amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.482–2 is amended by making the following changes to paragraph (a) of § 1.482–2:

1. Paragraph (1)(2)(ii) of § 1.482–2 is revised to read as set forth below.

2. Paragraph (a)(2)(iii) of § 1.482–2 is revised to read as set forth below.

3. Paragraph (a)(2)(iv) of § 1.482–2 is deleted.

4. Paragraph (a)(5) is amended by removing the phrase "within the safe haven of paragraph (a)(2)(iv) of this section" in the second sentence, and by adding in its place the phrase "within the safe haven of paragraph (a)(2)(iii) of this section."

5. A new paragraph (a)(7) is added.

§ 1.482–2 Determination of taxable income in specific situations.

(a) *Loans or advances* * * *

(2) *Arm's length interest rate* * * *

(ii) *Funds obtained at situs of borrower.* Notwithstanding the other provisions of paragraph (a)(2) of this section, if the loan or advance represents the proceeds of a loan obtained by the lender at the situs of the borrower, the arm's length rate for any taxable year shall be equal to the rate actually paid by the lender increased by an amount which reflects the costs or deductions incurred by the lender in borrowing such amounts and making such loans, unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

(iii) *Safe haven rule for certain loans and advances.* (A) Paragraph (a)(2)(iii) of this section applies to interest paid or accrued—

(*1*) Pursuant to a loan or advance (other than a loan or advance entered into pursuant to a binding contract entered into prior to August 29, 1980), which was entered into on or after July 1, 1981, and

(*2*) On or after July 1, 1981, pursuant to a demand loan or advance.

(B) If a creditor was not regularly engaged in the business of making loans or advances of the same general type as the loan or advance in question to unrelated parties, the arm's length rate of interest to which paragraph (a)(2)(iii) of this section applies shall be for purposes of this paragraph—

(*1*) The rate of interest actually charged if at least 11, but not in excess of 13, percent per annum simple interest, or

(*2*) 12 percent per annum simple interest if no interest was charged or if the rate of interest charged was less than 11, or in excess of 13 percent per annum simple interest, unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section. For purposes of the preceding sentence, if the rate actually charged is greater than 13 percent per annum simple interest and less than the rate determined under the standards set forth in paragraph (a)(2)(i) of this section, or if the rate actually charged is less than 11 percent per annum simple interest and greater than the rate determined under the standards set forth in paragraph (a)(2)(i) of the section, then the rate actually charged shall be deemed to be a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

(C) In order to determine the safe haven interest rate for other loans or advances, see 26 CFR 1.482–2(a)(2) (revised as of April 1, 1980).

(D) Paragraph (a)(2)(iii) of this section does not apply to any loan or advance, the interest or principal amount of which is expressed in a currency other than U.S. dollars.

* * * * *

(5) *Relation to section 385.* If a taxpayer is subject both to section 482 and to section 385 with respect to a loan, then the sections will be applied in the following order.

(i) First, sections 385 and 1232 (and the regulations under such sections and under § 1.61–12(c)(2)) are applied to determine:

(A) Whether the loan is treated as stock or indebtedness;

(B) Whether a capital contribution or a distribution under section 301 is imputed; and

(C) Whether there is original issue discount or bond premium.

(ii) Second, section 482 is applied. The fact that a stated rate of interest on a loan falls within the safe haven of paragraph (a)(2)(iii) of this section does not preclude the application of section 385 to such loan. However, the interest rate actually charged (within the meaning of paragraph (a)(4) of this section) after application of sections 385 and 1232 will ordinarily be considered an arm's length interest rate for purposes of section 482. If a loan is classified as stock under section 385, then subparagraph (1) of this paragraph (a) is inapplicable.

* * * * *

(7) *Relation to section 483.* If a taxpayer is subject to section 482 and to section 483 with respect to the appropriateness of an interest rate used in a transaction, then section 482 and section 483 will be applied in the following order:

(i) First, section 483 is applied to determine whether there is unstated interest on the contract, and if so, to impute interest.

(ii) Second, section 482 is applied to determine whether the interest rate used in the contract exceeds the arm's length interest rate as defined in paragraph (a)(2) of this section, and if so, to make appropriate allocations to reflect an arm's length interest rate. Section 482 will not be used to impute interest if the interest rate used in the contract is less than this arm's length interest rate.

(iii) Third, paragraphs (b), (c), (d) or (e) of this section, if applicable, may be used to make other appropriate allocations to reflect an arm's length transaction based on the interest rate as adjusted in the situations described in paragraph (a) (7) (i) or (ii) of this section. For example, assume the case of a deferred-payment sale of tangible property at no interest between two organizations that are controlled by the same interests, and assume that section 483 is applied to treat some portion of the principal payments as interests, and therefore to reduce the sales price of the property. If, after this recharacterization of principal as interest, the recomputed sales price does not reflect an arm's length sales price under the principles of paragraph (e) of this section, the district director may make other appropriate allocations (other than an interest rate adjustment) under that paragraph (e) to reflect an arm's length sales price for such sale.

Par. 2 Section 1.483–1 is amended as follows:

1. Paragraph (c)(2)(ii) is revised to read as set forth below.

2. That part of paragraph (c)(3) that precedes example (1) is revised to read as set forth below.

3. Example (7) is added to paragraph (c)(3).

4. Paragraph (c)(4) is revised to read as set forth below.

5. A new paragraph (c)(5) is added to read as set forth below.

6. Paragraph (d)(1)(ii) is revised to read as set forth below.

7. That part of paragraph (d)(4) that precedes example (1) is revised to read as set forth below.

8. Example (7) is added to paragraph (d)(4).

9. That part of paragraph (e)(3) that precedes example (1) is revised to read as set forth below.

10. Example (8) is added to paragraph (e)(3).

11. That part of paragraph (f)(5) that precedes example (1) is revised to read as set forth below.

12. That part of paragraph (f)(6)(iv) that precedes example (1) is revised to read as set forth below.

13. Paragraph (g) (9), (10), and (11) is added to paragraph (g); paragraph (g)(6), (7)(i), and (8) is revised: that part of paragraph (g)(7)(ii) that precedes paragraph (g)(7)(ii)(*a*) is revised; and in paragraph (g)(2) the headings of tables IV through VI are revised and tables VII through IX are added to read as set forth below.

§ 1.483-1 Computation of interest on certain deferred payments.

* * * * *

(c) *Total unstated interest* * * *

(2) *Present value of payment*—(i) *In general.* * * *

(ii) *Prescribed interest rates.*

(A) For payments on account of a sale or exchange of property entered into before July 24, 1975, as well as a sale or exchange of property pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the interest rate prescribed by paragraph (c)(2)(ii)(A) shall be 5 percent per annum compounded semiannually. (See paragraph (c)(4) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before July 24, 1975.)

(B) For payments on account of a sale or exchange of property entered into on or after July 24, 1975, and before July 1, 1981, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before July 24, 1975, the interest rate prescribed by paragraph (c)(2)(ii)(B) of this section shall be 7 percent per annum compounded semiannually. For payments on account of a sale or exchange of property entered into on or after July 1, 1981, pursuant to a binding written contract (including an irrevocable written option) entered into after July 23, 1975, and before September 29, 1980, the interest rate prescribed by paragraph (c)(2)(ii)(B) of this section shall be 7 percent per annum compounded semiannually. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into after July 23, 1975 and before September 29, 1980.)

(C) For payments on account of a sale or exchange of property entered into on or after July 1, 1981, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before September 29, 1980, the interest rate described by paragraph (c)(2)(ii)(C) of this section shall be 10 percent per annum compounded semiannually. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before September 29, 1980.)

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples: (Note that examples (1) through (6) use Tables I through VI because such tables generally apply to transactions entered into before July 1, 1981, and that the principles illustrated by such examples would apply for transactions entered into on or after July 1, 1981, in which case Tables VII through IX would generally be applied.):

* * * * *

Example (7). On December 31, 1981, A sells property to B under a contract which provides that B is to make two payments of $1,000 each, payable August 1, 1982, and November 1, 1982, and a third payment of $2,000, payable March 1, 1983. No interest is provided for in the contract. For purposes of paragraph (a) of this section, the total unstated interest under the contract is $326.53 computed as follows:

Sum of payments to which sec. 483 applies		$4,000.00
Less:		
Present value of $1,000 due August 1, 1982 ($1,000 × .95238 (factor for 6 to 9 months, col. (b), Table VII))	$952.38	
Present value of $1,000 due November 1, 1982 ($1,000 × .90703 (factor for 9 to 15 months, col. (b), Table VII))	907.09	
Present value of $2,000 due March 1, 1983 ($2,000 × .90703 (factor for 9 to 15 months, col. (b), Table VII))	1,814.06	3,673.47
Total unstated interest		326.53

(4) *Special rules for binding contracts entered into before July 24, 1975.* (i) Payments made pursuant to a sale or exchange occurring before July 24, 1975, shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed test rate of paragraph (d)(1)(ii)(A) of this section even though there has been a change in the terms of the contract.

(ii) Where payments are made pursuant to the sale or exchange of property on or after July 24, 1975, and before July 1, 1981, but under the terms of a binding written contract (including an irrevocable written option) entered into before July 24, 1975, and there has been a substantial change (within the meaning of paragraph (b)(4) of this section) in terms of such contract, then if the change occurs on or after July 24, 1975, the 7 percent prescribed interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent prescribed test rate of paragraph (d)(1)(ii)(B) of this section shall be applied to payments made after the occurrence of such substantial change. If the change occurs before July 24, 1975, the payments shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed test rate of paragraph (d)(1)(ii)(A) of this section.

(iii) Where payments are made pursuant to a sale or exchange occurring on or after July 1, 1981, but under the terms of a binding written contract (including an irrevocable written option) entered into before July 24, 1975, and there has been a substantial change (within the meaning of paragraph (b)(4) of this section) in the terms of such contract on or after July 24, 1975, then the prescribed interest rate and the prescribed test rate applied to payments made after the occurrence of the substantial change shall be 7 percent and 6 percent, respectively, if the change is made before September 29, 1980, and 10 percent and 9 percent, respectively, if the change is made after September 29, 1980. If the change occurs before July 24, 1975, the payments shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed test rate of paragraph (d)(1)(ii)(A) of this section.

(5) *Special rule for binding contracts entered into on or after July 24, 1975, and before September 29, 1980.* Payments made pursuant to a sale or exchange occurring after July 23, 1975, and before July 1, 1981, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before July 24, 1975, shall continue to be subject to the 7 percent prescribed interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent prescribed test rate of paragraph (d)(1)(ii)(B) of this section even though there has been a change in the terms of the contract. However, where payments are made pursuant to a sale or exchange occurring on or after July 1, 1981, but under the terms of a binding written contract entered into after July 24, 1975 and before September 29, 1980, and there has been a substantial change (within the meaning of paragraph (b)(4) of this section) in the terms of such contract on or after September 29, 1980, then the 10 percent prescribed interest rate of paragraph (c)(2)(ii)(C) of this section and the 9 percent prescribed test rate of paragraph (d)(1)(ii)(C) of this section shall be applied to payments made after the occurrence of such substantial change. If the substantial change occurs before September 29, 1980, then the payments shall continue to be subject to the 7 percent interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent test rate of paragraph (d)(1)(ii)(B) of this section.

(d) *Test of whether there is total unstated interest under a contract*—(1) *In general.* * * *

(ii) *Prescribed test rates.* (A) For payments on account of a sale or exchange of property entered into before July 24, 1975, as well as a sale or exchange of property entered into pursuant to a binding written contract (including a irrevocable written option) intered into before such date, the test prescribed by paragraph (d)(1)(ii)(A) of this section shall be 4 percent per annum simple interest. (See paragraph (c)(4) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before July 24, 1975.)

(B) For payments on account of a sale or exchange of property entered into on or after July 24, 1975, and before July 1, 1981, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before July 24, 1975, the test rate prescribed by paragraph (d)(1)(ii)(B) of this section shall be 6 percent per annum simple interest. For payments on account of a sale or exchange of property entered into on or after July 1, 1981, pursuant to a binding written contract (including an irrevocable written option) entered into after July 23, 1975, and before September 29, 1980, the test rate prescribed by paragraph (d)(1)(ii)(B) of this section shall be 6 percent per annum simple interest. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a contract entered into after July 23, 1975 and before September 29, 1980.

(C) For payments on account of a sale or exchange of property entered into on or after July 1, 1981, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before September 29, 1980, the test rate prescribed by paragraph (d)(1)(ii)(C) of this section shall be 9 percent per annum simple interest. (See paragraph (c)(5) of this section for special rules where there has been a substantial change in the terms of a contract entered into before September 29, 1980).

* * * * *

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (6) use Tables I through VI, because such tables apply generally to transactions entered into before July 1, 1981, and that the principles illustrated by such examples would apply for transactions entered into on or after July 1, 1981, in which case Tables VII through IX would generally be applied.):

* * * * *

Example (7). On December 31, 1981, A sells property to B under a contract which provides that B is to make payments of $2,040 ($2,000 sales price plus $40 interest), $2,080 ($2,000 sales price plus $80 interest), and $2,120 ($2,000 sales price plus $120 interest), such payments being due, respectively, 1, 2, and 3 years from the date of sale. Because the contract was entered into after July 1, 1981, the determination of whether there is total unstated interest under the contract is made using Table VII in the following manner:

(i) Sum of payment to which sec. 483 applies		$6,000.00
(ii) Sum of:		
Present value of $2,040 due 1 yr. from date of sale ($2,040 × .91743 (factor for 9 to 15 months, col. (a), Table VII))	$1,871.56	
Present value of $2,080 due 2 yrs. from date of sale ($2,080 × .84746 (factor for 21 to 27 months, col. (a), Table VII))	1,762.72	
Present value of $2,120 due 3 yrs. from date of sale ($2,120 × .78740 (factor for 33 to 39 months, col. (a), Table VII))	1,669.29	5,303.57
Total unstated interest		696.43

Since the sum of the payments to which section 483 applies ($6,000) exceeds the sum of the present values of such payments and the present values of the stated interest payments ($5,303.57), there is total unstated interest under the contract, and the provisions of section 483 apply to the payments of sales price due under the contract. For the method of computing the amount of total unstated interest which is includible in or deductible from income, see paragraph (c) of this section.

(e) *Payments that are indefinite as to time, liability, or amount.* * * *

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (7) use Tables I through VI, because such tables apply generally to transactions entered into before July 1, 1981, and that the principles illustrated by such examples would apply for transactions entered into on or after July 1, 1981, in which case Tables VII and IX would generally be applied.):

* * * * *

Example (8). M Corporation and N Corporation each own one-half of the stock of O Corporation. On December 31, 1981, pursuant to a reorganization qualifying under section 368(a)(1)(b), M contracts to acquire the one half interest held by N for an initial distribution on such date of 30,000 shares of M voting stock, and a non-assignable right to receive up to 10,000 additional shares of M's voting stock during the next 3 years provided the net profits of O Corporation exceed certain amounts specified in the contract. No interest is provided for in the contract. No additional shares are received in 1982, or 1983, but in 1984, the annual earnings of O Corporation exceed the specified amount and on December 31, 1984, an additional 3,000 voting shares are transferred to N. The fair market value of such shares on the date of transfer is $60,000 ($20 per share). The total unstated interest applicable to the indefinite payment is computed as follows:

Indefinite payment to which sec. 483 applies		$60,000.00
Less:		
Present value of such payment ($60,000 × .74622 (factor for 33 to 39 months, col. (b), Table VII))		44,773.20
Total unstated interest		$15,226.80

See paragraph (a)(2) of § 1.483-2 for the effect on a reorganization defined in section 368(a)(1) of treating a portion of voting stock as interest under section 483.

(f) *Changes in terms of contract.* * * *

(5) *Examples.* The provisions of paragraph (f)(1) through (5) of this section may be illustrated by the following examples (Note that the examples use Tables I through III because the examples deal with transactions to which these tables apply. These tables generally apply to transactions entered into after July 30, 1963, and before July 24, 1975. The principles illustrated by the examples also apply to all other transactions to which section 483 applies. However, Tables IV through VI are used for transactions to which those tables apply, generally transactions entered into after July 23, 1975, and before July 1.

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1981. In addition, Tables VII through IX are used for transactions to which those tables apply, generally transactions entered into on or after July 1, 1981):

* * * * *

(6) *Transfer of obligation to make or contract right to receive deferred payments.* * * *

(iv) The provisions of paragraph (f)(6) of this section may be illustrated by the following examples (Note that the examples use Tables I through III because the examples deal with transactions to which these tables apply. These tables apply generally to transactions entered into after July 30, 1963, and before July 24, 1975. The principles illustrated by the examples also apply to all other transactions to which section 483 applies. However, Tables IV and VI are used for transactions to which these tables apply, generally transactions entered into after July 23, 1975, and before July 1, 1981. In addition, Tables VI through IX are used for transactions to which those tables apply, generally transactions entered into on or after July 1, 1981):

* * * * *

(g) *Present value tables.* * * *

(2) *Tables.* * * *

Table IV—Present Value of Deferred Payment. (Applicable to contracts entered into after July 23, 1975, and before July 1, 1981, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.)

* * * * *

Table V—Present Value of Annuity Certain: $1 Every 6 Months

(Applicable to contracts entered into after July 23, 1975, and before July 1, 1981, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.)

* * * * *

Table VI—Present Value of Annuity Certain: $1 Every 12 Months

(Applicable to contracts entered into after July 23, 1975, and before July 1, 1981, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.)

* * * * *

Table VII—Present Value of Deferred Payment

(Applicable to contracts entered into on or after July 1, 1981, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.)

[Col. (a) 9 percent simple interest; Col. (b) 10 percent, compounded semiannually.]

Number of months deferred		Col. (a) [1]	Col. (b) [2]
More than	But not more than		
0	6	1.00000	1.00000
6	9	.95694	.95238
9	15	.91743	.90703
15	21	.88106	.86384
21	27	.84746	.82270
27	33	.81633	.78353
33	39	.78740	.74622
39	45	.76046	.71068
45	51	.73529	.67684
51	57	.71174	.64461
57	63	.68966	.61391
63	69	.66890	.58468
69	75	.64935	.55684
75	81	.63091	.53032
81	87	.61350	.50507
87	93	.59701	.48102
93	99	.58140	.45811
99	105	.56657	.43630
105	111	.55249	.41552
111	117	.53908	.39573
117	123	.52632	.37689
123	129	.51414	.35894
129	135	.50251	.34185
135	141	.49140	.32557
141	147	.48077	.31007
147	153	.47059	.29530
153	159	.46083	.28124
159	165	.45147	.26785
165	171	.44248	.25509
171	177	.43384	.24295
177	183	.42553	.23138
183	189	.41754	.22036
189	195	.40984	.20987
195	201	.40241	.19987
201	207	.39526	.19036
207	213	.38835	.18129
213	219	.38168	.17266
219	225	.37523	.16444
225	231	.36900	.15661
231	237	.36298	.14915
237	243	.35714	.14205
243	249	.35149	.13528
249	255	.34602	.12884
255	261	.34072	.12270
261	267	.33557	.11686
267	273	.33058	.11130
273	279	.32573	.10600
279	285	.32103	.10095
285	291	.31646	.09614
291	297	.31201	.09156
297	303	.30769	.08720
303	309	.30349	.08305
309	315	.29940	.07910
315	321	.29542	.07533
321	327	.29155	.07174
327	333	.28777	.06833
333	339	.28409	.06507
339	345	.28050	.06197
345	351	.27701	.05902
351	357	.27360	.05621
357	363	.27027	.05354
363	369	.26702	.05099
369	375	.26385	.04856
375	381	.26076	.04625
381	387	.25773	.04404
387	393	.25478	.04195
393	399	.25189	.03995
399	405	.24907	.03805
405	411	.24631	.03623
411	417	.24361	.03451
417	423	.24098	.03287
423	429	.23838	.03130
429	435	.23585	.02981
435	441	.23337	.02839
441	447	.23095	.02704
447	453	.22857	.02575
453	459	.22624	.02453
459	465	.22396	.02336
465	471	.22173	.02225
471	477	.21954	.02119
477	483	.21739	.02018
483	489	.21529	.01922
489	495	.21322	.01830
495	501	.21119	.01743
501	507	.20921	.01660
507	513	.20725	.01581
513	519	.20534	.01508
519	525	.20346	.01434
525	531	.20161	.01366
531	537	.19980	.01301
537	543	.19802	.01239
543	549	.19627	.01180
549	555	.19455	.01124
555	561	.19286	.01070
561	567	.19120	.01019
567	573	.18957	.00971
573	579	.18797	.00924
579	585	.18639	.00880
585	591	.18484	.00838
591	597	.18332	.00798
597	603	.18182	.00760
603	609	.18034	.00724
609	615	.17889	.00690
615	621	.17746	.00657
621	627	.17606	.00626
627	633	.17467	.00596
633	639	.17331	.00567
639	645	.17197	.00540
645	651	.17065	.00515
651	657	.16935	.00490
657	663	.16807	.00467
663	669	.16681	.00445
669	675	.16556	.00423
675	681	.16434	.00403
681	687	.16313	.00384
687	693	.16194	.00366
693	699	.16077	.00348
699	705	.15962	.00332
705	711	.15848	.00316
711	717	.15736	.00301
717	723	.15625	.00287

[1] Present value of $1 at 9 percent simple interest.
[2] Present value of $1 at 10 percent compounded semiannually.

Table VIII.—*Present Value of Annuity Certain: $1 Every 6 Mo.*

[Applicable to contracts entered into on or after July 1, 1981, to which pars. (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.]

[Col. (a) 9 pct simple interest; Col. (b) 10 pct, compounded semiannually.]

Number of years final payment deferred	Col. (a) [1]	Col. (b) [2]
.5	.95694	.95238
1.0	1.87437	1.85941
1.5	2.75543	2.72325
2.0	3.60289	3.54595
2.5	4.41922	4.32948
3.0	5.20662	5.07569
3.5	5.96708	5.78637
4.0	6.70237	6.46321
4.5	7.41411	7.10782
5.0	8.10377	7.72173
5.5	8.77267	8.30641
6.0	9.42202	8.86325
6.5	10.05293	9.39357
7.0	10.66643	9.89864
7.5	11.26344	10.37966
8.0	11.84484	10.83777
8.5	12.41141	11.27407
9.0	12.96390	11.68959
9.5	13.50298	12.08532
10.0	14.02930	12.46221
10.5	14.54344	12.82115
11.0	15.04595	13.16300
11.5	15.53735	13.48857
12.0	16.01812	13.79864
12.5	16.48871	14.09394
13.0	16.94954	14.37519
13.5	17.40101	14.64303
14.0	17.84349	14.89813
14.5	18.27733	15.14107
15.0	18.70286	15.37245
15.5	19.12040	15.59281
16.0	19.53024	15.80268
16.5	19.93265	16.00255
17.0	20.32791	16.19290
17.5	20.71626	16.37419
18.0	21.09794	16.54685
18.5	21.47317	16.71129
19.0	21.84217	16.86789
19.5	22.20515	17.01704
20.0	22.56229	17.15909
20.5	22.91378	17.29437

Table VIII.—*Present Value of Annuity Certain: $1 Every 6 Mo.*—Continued

[Applicable to contracts entered into on or after July 1, 1981, to which pars. (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply]

[Col. (a) 9 pct simple interest; Col. (b) 10 pct, compounded semiannually]

Number of years final payment deferred	Col. (a) [1]	Col. (b) [2]
21.0	23.26960	17.42321
21.5	23.60052	17.54501
22.0	23.93609	17.66277
22.5	24.26667	17.77407
23.0	24.59240	17.88007
23.5	24.91343	17.98102
24.0	25.22989	18.07716
24.5	25.54190	18.16872
25.0	25.84959	18.25593
25.5	26.15308	18.33898
26.0	26.45246	18.41807
26.5	26.74780	18.49340
27.0	27.03945	18.56515
27.5	27.32722	18.63347
28.0	27.61131	18.69854
28.5	27.89181	18.76052
29.0	28.16882	18.81954
29.5	28.44242	18.87575
30.0	28.71269	18.92929
30.5	28.97971	18.98028
31.0	29.24356	19.02883
31.5	29.50432	19.07508
32.0	29.76205	19.11912
32.5	30.01683	19.16107
33.0	30.26872	19.20102
33.5	30.51779	19.23907
34.0	30.76410	19.27530
34.5	31.00771	19.30981
35.0	31.24867	19.34268
35.5	31.48705	19.37398
36.0	31.72290	19.40379
36.5	31.95627	19.43218
37.0	32.18722	19.45922
37.5	32.41579	19.48497
38.0	32.64203	19.50950
38.5	32.86599	19.53285
39.0	33.08772	19.55510
39.5	33.30726	19.57628
40.0	33.52465	19.59648
40.5	33.73994	19.61568
41.0	33.95316	19.63398
41.5	34.16435	19.65141
42.0	34.37356	19.66801
42.5	34.58081	19.68382
43.0	34.78615	19.69887
43.5	34.98961	19.71321
44.0	35.19122	19.72687
44.5	35.39102	19.73987
45.0	35.58904	19.75226
45.5	35.78531	19.76406
46.0	35.97986	19.77529
46.5	36.17272	19.78599
47.0	36.36392	19.79619
47.5	36.55349	19.80589
48.0	36.74146	19.81513
48.5	36.92786	19.82394
49.0	37.11272	19.83233
49.5	37.29601	19.84031
50.0	37.47783	19.84791
50.5	37.65817	19.85515
51.0	37.83708	19.86205
51.5	38.01452	19.86862
52.0	38.19058	19.87488
52.5	38.36525	19.88083
53.0	38.53856	19.88651
53.5	38.71053	19.89191
54.0	38.88116	19.89706
54.5	39.05053	19.90196
55.0	39.21860	19.90663
55.5	39.38541	19.91106
56.0	39.55097	19.91531
56.5	39.71531	19.91934
57.0	39.87844	19.92318
57.5	40.04036	19.92684
58.0	40.20115	19.93033
58.5	40.36077	19.93364
59.0	40.51925	19.93680
59.5	40.67661	19.93981
60.0	40.83286	19.94268

[1] Present value of $1 at 9 percent simple interest.
[2] Present value of $1 at 10 percent compounded semiannually.

Table IX.—*Present Value of Annuity Certain: $1 every 12 months*

[Applicable to contracts entered into on or after July 1, 1981, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply]

[Col. (a) 9 percent simple interest; Col. (b) 10 percent compounded semiannually]

Number of years final payment deferred	Col (a) [1]	Col. (b) [2]
1.0	0.91743	0.90703
2.0	1.76486	1.72973
3.0	2.55229	2.47586
4.0	3.28758	3.15279
5.0	3.97724	3.76570
6.0	4.62656	4.32364
7.0	5.24008	4.82861
8.0	5.82149	5.28672
9.0	6.37398	5.70224
10.0	6.90030	6.07913
11.0	7.40251	6.42096
12.0	7.88356	6.73104
13.0	8.34441	7.01229
14.0	8.78689	7.26736
15.0	9.21242	7.49876
16.0	9.62226	7.70862
17.0	10.01752	7.89898
18.0	10.39920	8.07163
19.0	10.76820	8.22824
20.0	11.12534	8.37029
21.0	11.47136	8.49913
22.0	11.80693	8.61599
23.0	12.13266	8.72198
24.0	12.44912	8.81813
25.0	12.75681	8.90533
26.0	13.05621	8.98449
27.0	13.34776	9.05617
28.0	13.63185	9.12124
29.0	13.90888	9.18026
30.0	14.17913	9.23380
31.0	14.44296	9.28236
32.0	14.70071	9.32640
33.0	14.95280	9.36635
34.0	15.19891	9.40258
35.0	15.43987	9.43545
36.0	15.67572	9.46526
37.0	15.90667	9.49230
38.0	16.13291	9.51683
39.0	16.35464	9.53907
40.0	16.57203	9.55925
41.0	16.78525	9.57755
42.0	16.99446	9.59415
43.0	17.19980	9.60921
44.0	17.40141	9.62286
45.0	17.59943	9.63525
46.0	17.79399	9.64648
47.0	17.98518	9.65668
48.0	18.17315	9.66592
49.0	18.35799	9.67430
50.0	18.53981	9.68191
51.0	18.71870	9.68880
52.0	18.89476	9.69508
53.0	19.06807	9.70074
54.0	19.23872	9.70588
55.0	19.40679	9.71055
56.0	19.57235	9.71479
57.0	19.73548	9.71863
58.0	19.89625	9.72211
59.0	20.05473	9.72527
60.0	20.21098	9.72814

[1] Present value of $1 at 9 percent simple interest.
[2] Present value of $1 at 10 percent compounded semiannually.

* * * * *

(6) *Instructions for Table IV.* In general, the instructions for Table I are applicable to Table IV, taking into account the change in the rate of imputed interest for contracts entered into after July 23, 1975, and before July 1, 1981, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(7) *Instructions for Table V.* (i) In general, the instructions for Table II are applicable to Table V, taking into account the change in the rate of imputed interest for contracts entered into after July 23, 1975, and before July 1, 1981, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(ii) Notwithstanding the preceding subdivision, where a contract entered into after July 23, 1975, and before July 1, 1981, is otherwise described in paragraph (g)(4)(iii) of this section, then the present value of a series of equal payments described in that subsection shall be computed under Table V as follows:

* * * * *

(8) *Instruction for Table VI.* In general, the instructions for Table III are applicable to Table VI, taking into account the change in the rate of imputed interest for contracts entered into after July 23, 1975, and before July 1, 1981, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(9) *Instructions for Table VII.* In general, the instructions for Table I are applicable to Table VII, taking into account the change in the rate of imputed interest for contracts entered into on or after July 1, 1981, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.

(10) *Instructions for Table VIII.* In general, the instructions for Table II are applicable to Table VIII, taking into account the change in the rate of imputed interest for contracts entered into on or after July 1, 1981, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.

(ii) Notwithstanding the preceding subdivision, where a contract entered into on or after July 1, 1981, is otherwise described in paragraph (g)(4)(iii) of this section, then the present value of a series of equal payments described in that subsection shall be computed under Table VIII as follows:

(*a*) Determine the factor contained in the applicable present rate column (that is, col. (a) or col. (b)) for the appropriate number of years the final payment under the contract is deferred;

(*b*) Adjust the factor determined under (*a*) of this subdivision by increasing such factor either by .04306 (1 minus the column (a) factor for deferral of payment for 0.5 years; in this case .95694) if the present value computation is made under column (a), or by .04762 (1 minus the column (b) factor for deferral of payment for 0.5 years; in this case .95238) if the present value computation is made under column (b); and

(*c*) Multiply the amount of a single payment under the contract by the adjusted factor determined under paragraph (g)(10)(ii) of this section.

For example, the present value, using a rate of 9 percent per annum simple interest, of a series of eight $1,000

payments, the first payment being due exactly 6 months from the date of sale and the remaining seven payments being due, respectively, every 6 months thereafter (so that under the rule of paragraph (g)(10)(i) of this section the final payment is deferred 4 years), is $6,745.43 ($1,000×(6.70237 plus .04306)).

(11) *Instructions for Table IX.* In general, the instructions for Table III are applicable to Table IX, taking into account the change in the rate of imputed interest for contracts entered into on or after July 1, 1981, to which paragraphs (c)(2)(ii)(C) and (d)(1)(ii)(C) of this section apply.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved:

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 81-19859 Filed 7-1-81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 70

[DOD Directive 1332.28]

Program for Certain Former Reservists in "Inactive" Status To Have Discharges Reviewed for Possible Upgrading

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment of final rule.

SUMMARY: This rule revises DOD policy for the Discharge Review Boards of the Military Departments. Under the revised policy, certain former members of the inactive reserve components of the armed forces may be entitled to upgrade of their discharges. Discharge review applicants affected by this rule will be issued an honorable discharge unless the proper grounds exist for the issuance of a general or an other than honorable (formerly undesirable) discharge.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Eric J. Barnett, U.S. Navy, Office of the Deputy Assistant Judge Advocate General (Litigation), Hoffman II Building, Room 9S17, 200 Stovall Street, Alexandria, Virginia, 22332, (703) 325-9870.

SUPPLEMENTARY INFORMATION: The DOD policy for the Discharge Review Boards of the Military Departments is set forth in 32 CFR Part 70, March 31, 1978 (43 FR 13564). An amendment to this rule was published December 27, 1979 (44 FR 76486). This will be the second change. The revised policy is a result of implementation by DOD of orders issued by Judge Barrington Parker in the case of *Wood* v. *Secretary of Defense*, Civil Action No. 77-0684 (D.D.C.).

Former members of the inactive reserve components of the armed forces affected by the revised policy include former members of the Naval or Marine Corps Reserve who were in a non-drilling status and former members of the Air Force Reserve who were in a nonparticipating category. Any individual who believes he or she may be affected by the revised policy may receive additional information by contacting the appropriate Discharge Review Board at the following addresses:

For former members of the Navy or Marine Corps: Naval Council of Personnel Boards, 801 N. Randolph Street, Arlington, Virginia 22203

For former members of the Air Force: Air Force Discharge Review Board, 920 Commonwealth Building, Rosslyn, Virginia 22209

For former members of the Army: Army Council of Review Boards, Office of the Secretary of the Army, Washington, D.C. 20310

Publication of this rule as a proposed rule for the purpose of public comment is considered unnecessary, impractical, and contrary to public interest in view of the Court Order requiring timely publication of the revised policy this rule sets forth.

Accordingly, Section 70.6 of this Part is revised by numbering the text following paragraph (b) as paragraph (1), renumbering paragraphs (1) and (2) as paragraphs (i) and (ii), and adding paragraph (2) as follows:

§ 70.6 Discharge review standards.

* * * * *

(b) Propriety.

(1) A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:

(i) There exists an error of fact, law, procedures, or discretion associated with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby. Such error shall constitute prejudicial error, if there is substantial doubt that the discharge would have remained the same if the error had not been made; or

(ii) That a change in policy by the Military Service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

(2) The following applies to applicants who received less than fully honorable administrative discharges because of their civilian misconduct while in an inactive reserve component and who were discharged or had their discharge reviewed on or after April 20, 1971: the DRB shall either recharacterize the discharge to honorable without any additional proceedings or complete a review to determine whether proper grounds exist for the issuance of a less than honorable discharge, taking into account that:

(i) An other than honorable (formerly undesirable) discharge can only be based upon civilian misconduct found to have affected directly the performance of military duties;

(ii) A general discharge can only be based upon civilian misconduct found to have had an adverse impact on the overall effectiveness of the military, including military morale and efficiency.

* * * * *

Dated: June 29, 1981.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense

[FR Doc. 81-19858 Filed 7-1-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13-81-04]

1981 Columbia Cup Unlimited Hydroplane Race; Regatta, Columbia River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice publishes a final rule establishing a zone of controlled navigation on the Columbia River for the four day period from 23 through 26 July 1981. The zone extends from the western end of Hydro Island to the U.S. Route 12 Highway Bridge (Blue Bridge) at Kennewick, Washington. This action is required to insure the safe conduct of an approved marine event.

EFFECTIVE DATES: This rule will be effective on 23 July through 26 July 1981 from 0900 to 1900 Pacific Daylight Time (PDT).

FOR FURTHER INFORMATION CONTACT: LCDR R. B. Millson, Boating Safety Officer, (206) 442-7355.

SUPPLEMENTARY INFORMATION: 1. This regulation is published as a final rule. The rule is effective in less than 30 days after publication because there is insufficient time to publish a proposed rule before the date of the event.

2. The rule is necessary to protect life and property during the event.

3. This rule is not a major rule under the terms of Executive Order 12291. It will involve minimal costs and will have an insignificant impact on recreational and commercial vessels and other marine interests in the restricted zone established by the rule. This conclusion follows from the fact that the rule will only be effective for a ten-hour period on each of four consecutive days. Furthermore, the rule will only control and coordinate navigation to the extent necessary to insure the safety of everyone in the area during the hydroplane regatta.

4. For the reasons stated in paragraph 3, the Commander, Thirteenth Coast Guard District, has determined that the rule will not have a significant impact on a substantial number of small entities.

5. Assessed against the standards of DOT Order 2100.5, the economic impact from this rule will be minimal for the reasons stated in paragraph 3. Consequently, a formal written economic evaluation is not required and one has not been prepared.

Drafting Information

The principal persons involved in drafting this notice are LCDR R. B. Millson, USCG, Project Officer, CCGD13 Boating Safety Officer, and LT Pecos Bill Field, USGC, Project Attorney, CCGD13 Legal Office.

Discussion of Final Rule

6. Annually, the Tri-Cities Water Follies Association sponsors an unlimited hydroplane regatta on the Columbia River near Kennewick, Washington. The event draws a large number of spectators to the beaches and waters surrouding the race course. A sizable portion of the spectators watch the event from a significant number of pleasure craft anchored near the race course. To ensure the safety of both the spectators and the participants, a special navigational regulation providing the Coast Guard personnel with the authority to control and coordinate general navigation in the waters surrounding the race course during the event is required.

7. By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 100, U.S. Code of Federal Regulations, a Special Local Regulation controlling navigation on the described waters is promulgated. By the same authority, the described waters will be patrolled by vessels of the U.S. Coast Guard and the U.S. Coast Guard Auxiliary. The Regulation will be enforced by Coast Guard Officers and/or Petty Officers aboard these vessels.

Final Regulation

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, U.S. Code of Federal Regulations, by adding the following new section:

Section 100.35-1301

1981 Columbia Cup Unlimited Hydroplane Race

A. This regulation will be in effect from 23 July through 26 July from 0900 to 1900 PDT.

B. General navigation and anchorage is restricted during the hours this regulation is in effect on the waters of the Columbia River from the western end of Hydro Island to the U.S. Route 12 Highway Bridge (Blue Bridge) at Kennewick, Washington.

C. The Coast Guard patrol of the area described in paragraph B. will be under the direction of the Coast Guard Patrol Commander. He is empowered to control the movement of vessels in the area described in paragraph B.

D. Vessels underway in the area described in paragraph B. shall proceed only at speeds which create a minimal wake. Under no circumstances shall vessels proceed at a speed greater than seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Coast Guard Patrol Commander.

E. A succession of sharp, short signals by whistle or horn from vessels patrolling the area described in paragraph B. shall serve as a signal to stop. Vessels signaled shall immediately stop and comply with the orders issued by the Coast Guard personnel aboard the patrol vessel.

Authorities: Sec. 1, 35 Stat. 69, as amended, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b)/

Dated: June 19, 1981.

C. E. Larkin,
Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 81-19571 Filed 7-1-81; 8:45 am]
BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 81-003]

Drawbridge Operation Regulations; Atlantic Intracosstal Waterway, Charleston County, S.C.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the South Carolina Department of Highways and Public Transportation, the Coast Guard is amending the regulations governing the operations of the Ben M. Sawyer Bridge, mile 462.2, and the Wappoo Creek Bridge, mile 470.8, across the Atlantic Intracostal Waterway (AIWW). This will eliminate morning and evening closed periods on weekends and legal holidays. Afternoon restrictions will be added on these days that will only require the draws to open on the hour and half hour to allow accumulated vessels to pass. This will accommodate heavy afternoon and evening vehicular traffic. In addition, the morning closed period on the Wappoo Creek Bridge will be extended to accommodate an altered traffic pattern. On both bridges, commercial vessels, except tugs with tows, will no longer be allowed to pass during closed or restricted periods. This action will relieve vehicular traffic during the morning rush hour on the Wappoo Creek Bridge and will provide relief for the heavy weekend vehicular traffic on both bridges, and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350-4108.

SUPPLEMENTARY INFORMATION: On 19 January 1981, the Coast Guard published a proposed rule (46 FR 4953) concerning this amendment. The Commander, Seventh Coast Guard District also published this proposal as public notices dated 23 January 1981 and 24 April 1981. Interested persons were given until 20 February 1981, 23 February 1981, and 26 May 1981 respectively to submit comments.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant (Junior Grade) Jane L. Hamilton, Bridge Administration Officer, Office of Aids to Navigation Bridge Section and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of Comments

A total of twenty-seven comments were received to the 23 January 1981 public notice; nineteen supported the proposal, two stated no objection, and seven were in opposition. Those opposed addressed five areas of concern: the regulations on the Wappoo

Creek Bridge would require slow moving pleasure craft to leave safe harbor during hours of darkness or arrive in safe harbor during hours of darkness; the regulations should be more restrictive; changes in the exemption clause of the regulations will place undue hardships on commercial vessel traffic in general and specifically tugs without tows; radiotelephones should be installed; and the weekend restrictions should be on a seasonal basis only.

In regards to the proposed change in the regulation at the Wappoo Creek Bridge, while it is not necessarily desirable to travel the Atlantic Intracoastal Waterway during hours of darkness, it is not hazardous to the prudent mariner. The reduction in available passage time is thirty minutes, a negligible amount when considering other variables such as tide, current, weather, and operating speeds. In comparison, the effect on vehicular traffic by opening the Wappoo Creek Bridge during that thirty minute time frame is serious and far reaching. As a result of this minimal restriction on waterway traffic, the additional thirty minute time frame from 6:30 a.m. to 7 a.m. on the Wappoo Creek Bridge is not considered to be unduly restrictive or hazardous to navigation and is considered to be in the best public interest.

There is insufficient statistical justification to establish regulations that are more restrictive than these rules. The intent of these regulations is to aid in the flow of morning and evening rush hour vehicular traffic. To extend restrictions through the entire day is not justified and does not meet the reasonable needs of navigation on the waterway.

Changes are being made in the vessel exemption clause of these regulations in an effort to standardize them with other drawbridge regulations on the waterway. This action will provide some relief for vehicular traffic during rush hour periods. A review of the bridgetenders logs over a sixteen month period showed that the Wappoo Creek Bridge was opened during regulated hours for exempted vessels only once every 9.4 days. The Ben Sawyer Bridge was opened once every 8.2 days between 7 a.m. and 9 a.m. and once every 5.8 days between 4 p.m. and 6 p.m. for exempted vessels. In light of these minimal openings, it is felt that although the original intent of the Atlantic Intracoastal Waterway was to promote commercial vessel traffic, this change in the exempted vessels will not unreasonably impact the commercial users of the waterway.

A review of the files on the Wappoo Creek and Ben Sawyer Bridges showed that VHF-FM Radiotelephones were voluntarily installed in 1976 by South Carolina Department of Highways and Public Transportation. Based on this action it is not necessary to include the installation of such equipment in this rule making.

The recommendation of seasonal restrictions on weekends was not adopted. The Ben Sawyer and Wappoo Creek Bridges have been operating on year-round restrictions. The changes in the regulations are being made to more adequately accommodate an altered vehicular and vessel traffic pattern. The volume of traffic crossing the structures is sufficient to justify year-round regulation.

As a result of objections received from commercial users of the waterway, a second public notice was issued on 24 April 1981 soliciting comments as to the economic impact of these regulations on small businesses using the waterway, the bridge, and operating in the surrounding areas. This public notice was issued to all known interested parties including all individuals who commented on the original public notice. The notice was targeted at commercial interests in the area. In addition, the public notice was published in the Local Notice to Mariners 17-81 and received extensive local media coverage. No objections were received as a result of this public notice. All comments indicated that no adverse economic impacts would accrue from implementation of these regulations. Most comments indicated that any economic impacts would be of a positive nature as a result of reduction in vehicular fuel consumption during draw openings and reduction in lost work time resulting from bridge related traffic problems.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, this Final Rule is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

A review of the situation in Charleston County has revealed several factors which indicate that it is in the best public interest for this regulation to be effective as soon as possible. The islands served by these bridges are unincorporated residential areas of the City of Charleston. The rush hour traffic problems connected with bridge openings cut these areas off from all emergency services until traffic clears and resumes its normal flow. It is not unusual for the traffic to require over an hour to resume its normal flow. The problem is intensified during the summer months when these islands attract thousands of additional people to their resorts and beaches. With these reasons in mind, it has been determined that this regulation will become effective immediately upon publication in the **Federal Register.**

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended as set forth below:

1. By revising § 117.365 to read as follows:

§ 117.365 Sullivan's Island Narrows, AIWW, mile 462.2, Ben M. Sawyer bridge, State Road 703 between Sullivan's Island and Mount Pleasant, SC.

(a) The owner of or agency controlling the bridge need not open the draw from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday. On Saturdays, Sundays, and federal legal holidays from 2 p.m. to 6 p.m. the draw need open only on the hour and half-hour to pass accumulated vessels. The draw shall open promptly upon signal for the passage of tugs with tows, vessels owned and operated by the United States, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(b) The owner of or agency controlling the bridge shall post on both sides of the bridge, signs that state the essential features of the regulations in this section. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

2. By revising § 117.370 to read as follows:

§ 117.370 Wappoo Creek, AIWW, mile 470.8, Wappoo Creek Bridge, State Road 171/700, Charleston, SC.

(a) The owner of or agency controlling the bridge need not open the draw from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday. On Saturdays, Sundays, and federal legal holidays from 2 p.m. to 6 p.m. the draw need open only on the hour and half-hour to pass accumulated vessels. The draw shall open promptly upon signal at any time for the passage of tugs with tows, vessels owned and operated by

the United States, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(b) The owner of or agency controlling the bridge shall post on both sides of the bridge, signs that state the essential features of the regulations in this section. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 5, 1981.

B. L. Stabile,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 81-19572 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 80-151]

Drawbridge Operation Regulations; Caloosahatchee River—Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Lee County Board of County Commissioners, the Coast Guard is amending the regulations governing the operation of the Edison Memorial Bridge, U.S. Highway 41, across the Caloosahatchee River, Okeechobee Waterway, mile 134.5, to provide a morning closed period during peak vehicular traffic. The hours of the existing evening closed period are being altered as well. This action will relieve vehicular traffic during the morning and evening rush hours, and will provide for the reasonable needs of navigation at this time.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350-4108.

SUPPLEMENTARY INFORMATION: On 8 December 1980, the Coast Guard published a proposed rule (45 FR 80839) concerning this amendment. The Commander, Seventh Coast Guard District also published this proposal as a public notice dated 1 December 1980. Interested persons were given until 5 January 1981 and 2 January 1981 respectively to submit comments.

Drafting Information

The principal persons involved in drafting this proposal are: Ensign Jane L. Hamilton, Bridge Administration Officer, Office of Aids to Navigation and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of Comments

A total of sixteen comments were received; eleven supported the proposal, two stated no objection, and three were in opposition. Those opposed, addressed three areas of concern: the regulations were unduly restrictive and the bridge should open at 8:00 a.m. and 5:30 p.m. to allow accumulated vessels to pass; the regulations should only be instituted on a seasonal basis; Saturdays should be eliminated from the regulation. These objections have some validity; however, it is felt that vessel operators can adjust their schedules to avoid conflicts and significant delays during the closed periods. Traffic studies show that there is a significant increase in vehicular traffic during peak hours. An evaluation of the waterway showed that there are no additional regulated bridges in the area. Adequate holding areas and mooring facilities are available in the vicinity for all vessels required to wait for a draw opening. In light of the foregoing, it is felt that the regulation is not unduly restrictive and openings at 8:00 a.m. and 5:30 p.m. should not be included. The alternative of seasonal restrictions is not being considered. The bridge is currently operating under year-round restrictions. The traffic involved is the rush hour traffic composed primarily of local, year-round residents. The seasonal influx does add to the number of vehicles involved; however, it is not the primary problem. Saturdays were eliminated from these regulations because data justifying the inclusion of Saturdays was not found. No objections to the regulation were received from the commercial users of the waterway and the known commercial interests adjacent to the bridge.

The Notice of Proposed Rule Making for this regulation was issued prior to 1 January 1981; therefore, the Regulatory Flexibility Act does not apply. However, in accordance with Section 7(f) of Executive Order 12291, this final regulation has been sent to Director, Office of Management and Budget for a 30 day review. In addition, these final regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.462 to read as follows:

§ 117.462 Caloosahatchee River, Okeechobee Waterway, mile 134.5, Edison Memorial Bridge, U.S. Highway 41, Fort Myers, Lee County, Florida.

(a) From 7:30 a.m. to 8:30 a.m. and 5 p.m. to 6 p.m., Monday through Friday, excluding Federal holidays except as provided for in paragraph (b) of this section, the draw need not open for passage of vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 5, 1981.

B. L. Stabile,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 81-19567 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 81-046]

Drawbridge Operation Regulations; Puyallup River, Tacoma, Wash.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule—Revocation.

SUMMARY: This amendment revokes the regulations for the East 11th Street highway bridge across the Puyallup River, Tacoma, Washington, because the drawbridge has been converted to a fixed bridge by amendment to the Bridge Permit P(128-77) approved on September 2, 1977.

EFFECTIVE DATE: This amendment is effective on August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Alfred T. Meschter, Assistant Chief, Bridge Administration Division (G-NBR/14), Room 1414, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

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SUPPLEMENTARY INFORMATION: *Drafting information:* The principal persons involved in drafting this revocation of regulations are: Alfred T. Meschter, Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–2–80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by removing § 117.785(f)(2).

§ 117.785 [Amended]

(f) * * *

(2) [Removed]

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5))

Dated: June 4, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81–19870 Filed 7–1–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 80–123]

Drawbridge Operation Regulations; Sheepscot River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: At the request of the Maine Department of Transportation and the Maine Central Railroad Company, the Coast Guard is changing the regulations governing the U.S. Route #1 Highway Bridge, mile 14.0 and the Maine Central Railroad Company bridge, mile 15.0, between Wiscasset and Edgecomb, to provide that the draws need not open. The change was proposed because of the small number of requests for the opening of either bridge during the last five years. This action will relieve the bridge owners of the burden of maintaining the machinery and of having to open the draws while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 3, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617–223–0645).

SUPPLEMENTARY INFORMATION: On 6 October 1980, the Coast Guard published a proposed rule (45 FR 66178) concerning this amendment. The Commander, First Coast Guard District, also published these proposals as a Public Notice dated 8 October 1980. Interested persons were given until 10 November 1980 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of Comments

The **Federal Register** notification and the Public Notice issued by the First Coast Guard District generated three responses. Two letters expressed objections to the proposal. The U.S. Fish and Wildlife Service had no objection to the proposed change. Blake's Marine, a boat sale enterprise in Wiscasset, indicated concern about the effect of the proposal on its customers and its business. The Coast Guard feels that boat sales are not dependent on access to the upper portion of the Sheepscot River. While access to the upper river may influence the sale of small boats, the safer waters of the lower river and its adjoining waterways are more conducive to the operation of larger craft. A resident of Alna has mentioned a possible revival of commercial navigation on the waterway, citing as evidence a single request for an opening of the highway bridge, in connection with a delivery of firewood to Sheepscot Village. Even if this transit occurred, it does not signal a revival of commerce along the Sheepscot River. Bridge logs indicate that neither draw has opened since 1975. The possibility of such a revival is very remote and does not warrant further consideration at this time.

It was concluded that approval of the requests of the Maine Department of Transportation and the Maine Central Railroad Company will not have a significant effect on navigation. The vertical clearances of ten feet under the highway bridge and eight feet under the railroad bridge are adequate for most recreational craft that use this reach of the Sheepscot River. The scarcity of requests for an opening of either bridge during the previous five years indicates that larger craft are seldon operated on the unmarked upper portion of the river.

The U.S. Route #1 bridge will be removed when its replacement, a fixed bridge providing a vertical clearance of 25 feet above mean high water, is constructed. The new bridge is expected to be completed in 1982.

Paragraph (b) of the proposal would have required that either bridge be returned to an operable condition upon notification by the Commandant. Owing to the anticipated replacement of the highway drawbridge with a fixed bridge in 1982 this paragraph has been revised in this final rule so that this provision applies only to the railroad bridge.

These regulations have been reviewed under the provisions of Executive Order 12291, and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. Because the notice of proposed rulemaking was issued before January 1, 1981, these regulations are exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act have been taken into consideration, and these regulations are not expected to have a significant impact on small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.5a to read as follows:

§ 117.5a Sheepscot River, Maine.

Maine Department of Transportation bridge, mile 14.0 amd Maine Central Railroad bridge, mile 15.0.

(a) The draws of these bridges need not be opened for the passage of vessels.

(b) The drawspan of the Maine Central Railroad bridge shall be returned to operable condition within six months after notification from the Commandant to take such action.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: June 5, 1981.

R. H. Wood,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 81–19568 Filed 7–1–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 80–092]

Drawbridge Operation Regulations; Umpqua River, Oreg.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Southern Pacific Transportation Company, the Coast Guard is changing the regulations governing the Southern Pacific swingspan, railroad, drawbridge across the Umpqua River, mile 11.5 at Reedsport, Oregon, by permitting the draw to remain open at all times except when required to be closed for the actual passage of trains or other railroad equipment. This change is being made because the modernization of operating machinery has made it possible to operate the bridge from a remote control point on the fixed portion of the bridge and to maintain the bridge in the open position for long periods of time. This action will accommodate the needs of rail traffic while maximizing provisions for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 3, 1981.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, District Bridge Administrator, Aids to Navigation Branch, Room 3564, Federal Building, 915 Second Avenue, Seattle, Washington 98174, (206) 442–5864.

SUPPLEMENTARY INFORMATION: On 4 August 1980, The Coast Guard published a proposed rule (45 FR 51618) concerning this amendment. The Commander, Thirteenth Coast Guard District also published this proposal as a Public Notice dated 11 August 1980. Interested persons were given until 4 September 1980 to submit comments.

Drafting Information

The principal persons involved in drafting this proposal are: John E. Mikesell, District Bridge Administrator and Lt. B. W. Edwards of the District Legal Officer's staff.

Discussion of Comments

Two comments were received objecting to the proposal. The objections concerned the proposed siren fog signal which would be sounded in foggy weather when the bridge was in the closed position. One objected to the noise level and the other to the type of signal. After the objectors and applicant discussed the problem a resolution was reached, which is an acceptable alternative to all concerned. The siren fog signal that was proposed has been replaced in this final rule by a fog horn. Four other commentors offered no objection to the proposal.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that the rules will not have a significant economic impact on a substantial number of small entities. In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.725 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.725 Umpqua River, Oregon.

Southern Pacific Transportation Company bridge at Reedsport. (a) The drawspan of the bridge shall be kept open at all times except when actually required for the passage of trains or other railroad equipment or when maintenance to the drawspan is being performed. (b) During foggy weather, when the draw is closed and the channel is not clear for the passage of vessels, there shall be sounded a fog horn with an audible range of one half mile from the drawspan. The fog horn shall emit two clear signals of approximately six seconds duration each, repeated at intervals of sixty seconds from completion of the second signal to commencement of the next signal. The fog horn shall be sounded repeatedly from commencement of closure to full opening of the drawspan. When the drawspan is again in the open position the fog horn shall be stopped, indicating that the channel is clear for the passage of vessels.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: May 7, 1981.

Richard F. Malm,

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 81–19569 Filed 7–1–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 161

[CGD 80–010]

Prince William Sound Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the regulations governing the Prince William Sound Vessel Traffic Service in order to improve and update the existing regulations. The amendments consist of procedural and editorial changes plus corrections of some minor errors found in the Notice of Proposed Rulemaking and the Code of Federal Regulations.

EFFECTIVE DATE: This regulation is effective: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Edward LaRue, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard, 2100 Second St. SW., Washington, D.C. 20593, (202) 426–4956.

SUPPLEMENTARY INFORMATION: On December 29, 1980, the Coast Guard published a Notice of Proposed Rulemaking concerning these regulations (45 FR 85471). Interested persons were requested to submit comments and one comment from ARCO Marine was received.

Drafting Information

The principal persons involved in the drafting of these regulations are Mr. Edward LaRue, Office of Marine Environment and Systems, and Lt. Michael Tagg, office of the Chief Counsel.

Discussion of Comments

ARCO Marine concurred in general with the proposed regulations and offered specific comments on the reporting system. ARCO Marine felt that due to the unreliable communications in the area it is better to rely on the terminal information than on communications from the vessels. The Coast Guard believes that requiring radio information from the vessels as well as terminal data provides a more reliable picture of vessel traffic than the use of either alternative alone.

Discussion of Changes

The Prince William Sound VTS regulations have been kept largely intact but a number of changes have been made. While these changes were described in the NPRM, a brief summary of the changes will assist the user of the new regulations in determining what the changes were. Throughout the regulations all measurements have been converted from feet to meters to comply with the Metric Conversion Act of 1975.

Two new definitions have been added to Section 161.303: "tank vessel" and "laden tank vessel." These were added since tug assistance and one-way traffic regulations vary upon the status of the vessel.

All references to COLREGS demarcation lines have been deleted, as have references to the Navigation Rules for Harbors, Rivers and Inland Waters, and the Pilot Rules for Inland Waters. The COLREGS navigation rules now control throughout the VTS Area.

Section 161.306(b) has been amended to require that only the master of the vessel maintain a copy of the current Prince William Sound VTS Operating Manual when in the VTS Area.

The order in which arrival information is given to the VTC has been reversed by amending §§ 161.334 and 161.336. Detailed information as to the vessel type, ETA, speed, etc. will be transmitted three hours before arrival, while the short report will now be sent sixty minues prior to arrival at Hinchinbrook Entrance.

The description of the reporting point at Hinchinbrook Entrance has been clarified in § 161.340(a). Section 161.356 was amended to re-establish rights of way for vessels in the traffic lanes. Speed limits which were previously set by Captain of the Port Order are now governed by § 161.376. From the same need to make a temporary Captain of the Port Order permanent § 161.378 has been amended to make the tug assistance rules permanent, while existing § 161.378(c), the tug requirement when docking, has been deleted as redundant.

Several geographic changes have been made. The VTS Area has been expanded to include an existing anchorage area (§ 161.380). Sections 161.383 and 161.385 were amended to make the southern end of the TSS coincide with the VTS Area boundary at Hinchinbrook Entrance. The Valdez Narrows One-Way Traffic Area has been shortened and the new description of the boundaries is contained in § 161.387. For the convenience of the users of the Prince William Sound VTS Operating Manual and to assist in the production of a new Operating Manual, the Coast Guard is publishing the entirety of the Prince William Sound VTS regulations.

Regulatory Analysis

These final amendments have been determined to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The basis for this determination has been published in the Notice of Proposed Rulemaking found at 45 FR 85471, December 29, 1980. A full evaluation under Executive Order 12291 has not been conducted due to the minimal impact of the regulations. The regulations will impose no new costs or regulatory burdens on the users of the VTS System and by clarifying the VTS procedures will contribute to safety in the VTS area. These regulations involve the least net cost to the users of the VTS System.

Under the criteria established in Section 1 of the Order, these final amendments have been determined to be non-major.

The Notice of Proposed Rulemaking was published prior to the effective date of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164), hence the provisions of the Act do not apply. However, the interests of small businesses, governments and other small entities were taken into consideration during the development of these regulations.

Accordingly, Part 161, Title 33, Code of Federal Regulations, is amended by revising §§ 161.301 through 161.387 to read as follows:

* * * * *

PRINCE WILLIAM SOUND VESSEL TRAFFIC SERVICE

General Rules

Sec.
161.301 Purpose and Applicability.
161.303 Definitions.
161.304 Vessel operation in the VTS Area.
161.305 Laws and regulations not affected.
161.306 VTS Operating Manual.
161.307 VTC directions.
161.309 Authorization to deviate from these rules.
161.311 Emergencies.

Communication Rules

161.320 Radio listening watch.
161.322 Radiotelephone equipment.
161.324 English language.
161.326 Time.
161.328 Radio failure.
161.330 Report of emergency or radio failure.
161.332 Report of impairment to the operation of the vessel.

Vessel Movement Reporting Rules

161.334 Initial report.
161.336 Follow-up report.
161.338 Movement reports.
161.340 Reporting points.
161.342 Final report.

Traffic Separation Scheme Rules

161.348 Vessels required to use the TSS.
161.350 Vessel operation in the TSS.
161.352 Direction of traffic.
161.354 Anchoring in the TSS.
161.356 Joining, leaving, and crossing a traffic lane.

Valdez Narrows Rules

161.370 One-way traffic in Valdez Narrows.
161.372 Entering Valdez Narrows.
161.374 Communications in Valdez Narrows.

Special Requirements for Tank Vessels

161.378 Tank vessels in the VTS Area.
161.378 Tug assistance for tank vessels.

Description and Geographic Coordinates

161.380 VTS Area.
161.383 Separation zone.
161.385 Traffic lanes.
161.387 Valdez Narrows One-Way Traffic Area.

* * * * *

Authority: 60 Stat. 238 (5 U.S.C. 552); 63 Stat. 545 (14 U.S.C. 633); 80 Stat. 937 (49 U.S.C. 1655(b); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4)

General Rules

§ 161.301 Purpose and Applicability.

(a) Sections 161.301 through 161.387 prescribe rules for vessel operation in the Prince William Sound Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.301 through 161.311 excepting § 161.306 and the Traffic Separation Scheme (TSS) Rules in §§ 161.350 through 161.354 and 161.356 (b) and (c) apply to the operation of all vessels.

(c) General Rule § 161.306, the Communications Rules in §§161.320 through 161.332, the Vessel Movement Reporting Rules in §§ 161.334 through 161.342, the TSS Rules in §§ 161.348 and 161.356(a), and the Valdez Narrows Rules in § 161.372 and 161.374 apply only to the operation of:

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 8 meters or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge and floating plant.

§ 161.303 Definitions.

As used in §§ 161.301 through 161.387:

"ETA" means estimated time of arrival.
"Person" includes an individual, firm, corporation, association, partnership, and governmental entity.
"Separation zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.
"Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.
"Traffic separation scheme" (TSS) means the network of traffic lanes and separation zones in the VTS Area.
"Vessel Traffic Center" (VTC) means the shore based facility that operates the Prince William Sound Vessel Traffic Service.
"Vessel Traffic Service Area" (VTS Area) means the area described in § 161.380.
"Tank Vessel" means any vessel specially constructed or converted to carry oil or other hazardous substances in bulk in the cargo spaces.
"Laden Tank Vessel" means a tank vessel having cargo on board in excess of normal clingage or residual.

§ 161.304 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.301 through 161.387.

§ 161.305 Laws and regulations not affected.

Nothing in §§ 161.301 through 161.387 is intended to relieve any person from complying with:

(a) International Regulations for Preventing Collisions at Sea, 1972;

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(d) any other law or regulation.

§ 161.306 VTS Operating Manual.

The master of a vessel listed in § 161.301(c) shall insure that a copy of the current edition of the Prince William Sound Vessel Traffic Service Operating Manual is available on board the vessel when it is in the VTS Area.

Note.—The Prince William Sound VTS Operating Manual includes VTS regulations, navigation information, and guidelines for the efficient operation of the VTS system. The manual may be obtained in person or by writing: Prince William Sound Vessel Traffic Service, c/o USCG Marine Safety Office, P.O. Box 486, Valdez, Alaska 99686; or Commander, Seventeenth Coast Guard District, Federal Building, P.O. Box 3-5000, Juneau, Alaska 99802. Temporary changes to the operating manual are promulgated by the Commander, Seventeenth Coast Guard District, in local notices to mariners.

§ 161.307 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS area.

(b) The master of a vessel in the VTS area shall comply with each direction issued to the vessel under this section.

§ 161.309 Authorization to deviate from these rules.

(a) The Commander, Seventeenth Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 if he finds that the proposed operation under the authorization can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

§ 161.311 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.301 through 161.387 to the extent necessary to avoid endangering persons, property, or the environment.

Communications Rules

§ 161.320 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the current edition of the Prince William Sound VTS Operating Manual for the sector of the VTS Area in which the vessel is operating, except when transmitting on that frequency.

§ 161.322 Radiotelephone equipment.

Each report required by the Prince William Sound VTS rules to be made by radiotelephone must be made using a radiotelephone that is capable of operating on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

§ 161.324 English language.

Each report required by the Prince William Sound VTS rules must be made in the English language.

§ 161.326 Time.

Each report required by the Prince William Sound VTS rules must specify time using:

(a) The zone time in effect in the VTS Area; and

(b) The 24-hour clock system.

§ 161.328 Radio failure.

Whenever a vessel's radiotelephone equipment fails:

(a) Before entering or while underway in the VTS Area—

(1) Compliance with §§ 161.320 and 161.338 is not required; and

(2) Compliance with §§ 161.334, 161.336, and 161.342 is not required unless the reports can be made by other means;

(b) Before getting underway in the VTS Area permission to get underway must be obtained from the VTC;

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

§ 161.330 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any rule in §§ 161.301 to 161.387 because of an emergency or radio failure, he shall report the deviation to the VTC as soon as possible.

§ 161.332 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible:

(a) Any condition on the vessel that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery; and

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty.

Vessel Movement Reporting Rules

§ 161.334 Initial report.

Three hours before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook entrance or at least 30 minutes before a vessel enters or begins to navigate in the VTS Area from other points, the master of the vessel shall report to the VTC:

(a) Name, type, and draft of the vessel;

(b) Position of the vessel;

(c) Estimated time and place of entering or beginning to navigate in the VTS Area;

(d) Estimated vessel speed to transit the VTS Area;

(e) ETA to the destination in the VTS Area and name of the destination;

(f) If the vessel is a towing vessel, the overall length of the tow, including the towing vessel;

(g) Whether or not any dangerous cargo listed in § 161.3 of this chapter is on board the vessel or its tow;

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(h) Any impairment to the operation of the vessel as described in § 161.332;
(i) Alternate communications, if any;
(j) Any other information requested by the VTC.

§ 161.336 Follow-up report.

At least 60 minutes before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook entrance the master of the vessel shall report the following information to the VTC:
(a) Name of the vessel;
(b) Position of the vessel;
(c) Course and speed of the vessel;
(d) ETA at Hinchinbrook Entrance;
(e) ETA of the vessel at its destination if changed from the preliminary report.

§ 161.338 Movement reports.

(a) While navigating in the VTS Area the master of a vessel shall report the following information to the VTC by radiotelephone:
(1) Any increase or decrease of speed of more than 1 knot;
(2) The intent to cross through the TSS at least 10 minutes (for vessels with a tow at least 30 minutes) before beginning to cross the TSS;
(3) When the vessel clears the TSS after crossing;
(b) When the vessel passes a reporting point listed in § 161.340, the master of a vessel shall report the following information to the VTC by radiotelephone:
(1) The name of the vessel;
(2) The reporting point.

§ 161.340 Reporting points.

The reporting points are:
(a) When entering or departing the VTS Area at Hinchinbrook Entrance; and
(b) When abeam of Naked Island.

§ 161.342 Final report.

Whenever a vessel anchors, moors in, or departs from the VTS Area, the master shall report the place and time of anchoring, mooring, or departing to the VTC, except:
(a) When mooring or anchoring in Port Valdez, unless requested to do so by the VTC; or
(b) When departing the VTS Area at Hinchinbrook Entrance and the movement report for the reporting point in § 161.340(a) is made.

Traffic Separation Scheme Rules

§ 161.348 Vessels required to use the TSS.

All vessels described in § 161.301(c) must sue the TSS when en route to or from Valdez via Hinchinbrook Entrance or navigating any portion of that route.

§ 161.350 Vessel operation in the TSS.

(a) The master of a vessel shall operate the vessel in accordance with the TSS rules prescribed in §§ 161.352, 161.354 and 161.356(b) and (c).
(b) The master of a vessel described in § 161.301(c) shall, in addition to paragraph (a), operate the vessel in accordance with § 161.356(a).

§ 161.352 Direction of traffic.

A vessel proceeding in a traffic lane must keep the separation zone to port.

§ 161.354 Anchoring in the TSS.

No vessel may anchor in the TSS.

§ 161.356 Joining, leaving, and crossing a traffic lane.

(a) A vessel described in § 161.301(c) may join, cross, or leave a traffic lane only after the VTC has been notified of the point at which the vessel will join, cross, or leave the raffic lane.
(b) A vessel crossing a traffic lane shall, to the extent possible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.
(c) A vessel joining or leaving a traffic lane shall steer a course to converge or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.
(d) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.
(e) A vessel of less than 20 meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

Valdez Narrows Rule

§ 161.370 One-way traffic in Valdez Narrows.

(a) The area described in § 161.387 is designated as the Valdez Narrows One-way Traffic Area and is restricted to one-way traffic whenever a tank vessel of 20,000 dead weight tons (DWT) or more is navigating therein.
(b) A tank vessel of 20,000 DWT or more may not enter Valdez Narrows One-way Traffic Area unless:
(1) It complies with § 161.372; and
(2) It complies with § 161.376(a)(1), (3), and (4).

§ 161.372 Entering Valdez Narrows.

A vessel described in § 161.301(c) may not enter the Valdez Narrows One-Way Traffic Area unless:
(a) Permission to enter is obtained from the VTC;
(b) Any directions from the VTC to remain separated from another vessel are complied with;
(c) The radio equipment on the vessel that is used to transmit the reports required by the Prince William Sound VTS rules is in operation;
(d) The radar on a vessel equipped with radar is in operation and manned; and
(e) The vessel is free of any condition that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery.

§ 161.374 Communications in Valdez Narrows.

Before a vessel meets, overtakes, or crosses ahead of any vessel in Valdez Narrows One-Way Traffic Area, the master or person designated by the master to pilot or direct the movement of the vessel shall transmit the intentions of his vessel to the master or the person designated by the master to pilot or direct the movement of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

Special Requirements for Tank Vessels

§ 161.376 Tank vessels in the VTS Area.

(a) Each tank vessel of 20,000 DWT or more operating in the VTS Area must:
(1) Have two separate marine radar systems for surface navigation, one of which is operating and the other either operating or capable of immediate operation;
(2) Have an operating LORAN–C receiver;
(3) Have an operating rate of turn indicator; and
(4) Have at least two radiotelephones capable of operating on the designated VTS frequency, one of which is capable of battery operation.
(b) No laden tank vessel of 20,000 DWT or more may transit that portion of Valdez Narrows between Middle Rock and Potato Point at a speed in excess of 6 knots.
(c) No tank vessel of 20,000 DWT or more may transit the Valdez Narrows One-Way Traffic Area in excess of 12 knots.
(d) While in the VTS Area, if a tank vessel of 20,000 DWT or more is unable to comply with paragraph (a) the master shall immediately notify the VTC.

§ 161.378 Tug assistance for tank vessels.

(a) For the purposes of this section, tug assistance means the use of a sufficient number of tugs properly manned and positioned, with enough power and maneuverability to enable the vessel to accomplish the intended maneuvers safely. Factors to be considered in dermining the amount of tug assistance needed are:

(1) Existing and expected conditions of wind, tide and current; and
(2) Size, displacement, and maneuvering capability of the vessel.
(b) No laden tank vessel of 20,000 DWT or more may transit the Valdez Narrows One-Way Traffic Area unless:
(1) A sufficient number of tugs, as determined by the VTC, are standing by the northern entrance to Valdez Narrows: and
(2) Tug assistance is utilized when directed by the VTC.
(c) The master of any tank vessel required to use tug assistance shall insure that there are sufficient persons positioned on the vessel to handle lines to tugs as needed.

Descriptions and Geographic Coordinates

§ 161.380 VTS area.

The VTS Area consists of the navigable waters of the United States north of a line drawn from Cape Hinchinbrook Light to Schooner Rock Light, comprising that portion of Prince William Sound between longitudes 146°30′ W. and 147°20′ W. and includes Valdez Arm, Valdez Narrows, and Port Valdez.

§ 161.383 Separation zone.

The separation zone is 1,830 meters wide from Hinchinbrook Entrance to Valdez Arm west to Bligh Reef and decreases in width from 1,830 meters to 915 meters from the entrance to Valdez Arm to where it terminates and is bounded by lines connecting the following latitudes and longitudes:
(a) 60°58′43″ N., 146°47′50″ W.
(b) 60°49′47″ N., 147°02′06″ W.
(c) 60°34′43″ N., 147°05′16″ W.
(d) 60°17′05″ N., 146°49′18″ W.
(e) 60°16′20″ N., 146°46′26″ W.
(f) 60°34′53″ N., 147°03′14″ W.
(g) 60°49′23″ N., 147°00′08″ W.
(h) 60°58′26″ N., 146°47′02″ W.

§ 161.385 Traffic lanes.

The traffic lanes are 1,375 meters wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef, and decrease in width from 1,375 meters to 915 meters from the entrance to Valdez Arm to where they terminate. The traffic lanes are as follows:
(a) The inward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:
(1) 60°58′09″ N., 146°46′16″ W.
(2) 60°49′07″ N., 146°58′42″ W.
(3) 60°35′00″ N., 147°01′42″ W.
(4) 60°15′45″ N., 146°44′20″ W.
(b) The outward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:
(1) 60°59′01″ N., 146°48′37″ W.
(2) 60°50′04″ N., 147°03′35″ W.
(3) 60°34′36″ N., 147°06′48″ W.
(4) 60°17′38″ N., 146°51′20″ W.

§ 161.387 Valdez Narrows one-way traffic area.

Valdez Narrows One-Way Traffic Area consists of the navigable waters of the United States in Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing 307° true from Tongue Point at 61°02′06″ N., 146°40′00″ W., and southwest of a line bearing 307° true from Entrance Island Light at 61°05′06″ N., 146°36′42″ W.

(60 Stat. 238 (5 U.S.C. 552); 63 Stat. 545 (14 U.S.C. 633); 80 Stat. 937 (49 U.S.C. 1655(b); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Dated: June 3, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-19506 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorages, Gulf of Mexico

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The Corps of Engineers proposes to eliminate the Mermentau Pass Safety Fairway by revoking 33 CFR 209.135(d)(17). The area no longer serves its intended purpose and removal of this restriction will allow for further oil and gas exploration in the area.

DATE: Comments must be received by August 3, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Decker, (504) 838–2255, Chief, Regulatory Functions Branch, Prytania Street, New Orleans, Louisiana 70160 or
Mr. Ralph T. Eppard, (202), 272–0200, Regulatory Functions Branch, Office of the Chief of Engineers, Attn: DAEN–CWO–N, Washington, D.C. 20314

SUPPLEMENTARY INFORMATION: Shipping safety fairways and anchorage areas were established by the Department of the Army to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the coast. The regulations which establish these fairways in 33 CFR 209.135 were approved by the Secretary of the Army on 18 December 1968 and last amended on 10 February 1981. The Corps of Engineers now proposes to amend the fairway regulations by deleting paragraph (d)(17) to disestablish the Mermentau Pass Safety Fairway. Shoaling in the area of the Mermentau Pass Safety Fairway has reduced the water depth and as a result, deep draft vessels no longer travel in the area. Vessel traffic now gains access to the Gulf of Mexico via a channel dredged and maintained from Lower Mud Lake by the Corps of Engineers. In addition, elimination of this fairway would allow for further oil and gas exploration. This matter has been coordinated with the U.S. Coast Guard. Accordingly, the U.S. Army Corps of Engineers proposes to amend 33 CFR 209.135 by removing and reserving paragraph (d)(17) as set forth below.

Note.—The Chief of Engineers has determined that this document does not contain a major rule requiring a regulatory impact analysis under Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more and it will not result in a major increase in costs or prices. The Chief of Engineers has also determined that this proposed rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

§ 209.135 Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico.

* * * * *

(d) The Areas.

* * * * *

(17) [Reserved]

* * * * *

(33 U.S.C. 403 and 43 U.S.C. 1333(e))

Dated: June 26, 1981.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-19383 Filed 7-1-81; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-1]

State and Federal Administrative Orders Revising Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: On December 5, 1980 (45 FR 80556), the U.S. Environmental Protection Agency (USEPA) proposed approval of and solicited public comment on a revision to the Michigan State Implementation Plan (SIP). The revision, in the form of a Final Order (APC No. 16–1979), was issued by the Michigan Air Pollution Control Commission (Commission) to the Northern Michigan Electric Cooperative Advance Steam Plant. The Order allows the source to continue burning 2.0% sulfur coal (maximum daily average) with regular reductions in the weekly average, until January 1, 1985, when the Company must meet the sulfur dioxide (SO_2) emissions limitation in Michigan Rule 336.1401. No comments were received during the public comment period, which ended on January 5, 1981. This notice announces USEPA's final rulemaking action approving this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on August 3, 1981.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking (45 FR 80556), and USEPA's evaluation and response to comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC 20408

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (313) 886–6030.

SUPPLEMENTARY INFORMATION: On January 10, 1980 the State of Michigan submitted to USEPA, as a revision to its SIP, a Final Order (APC No. 16–1979) issued to the Northern Michigan Electric Cooperative Advance Steam Plant located on the southern shore of Lake Charlevoix near Boyne City, Michigan. Prior to January 1, 1980, the Northern Michigan Electric Cooperative (Company) was operating under Consent Order No. 05–1977 which permitted the source to burn 2.0% sulfur coal. The Order of January 10, 1980, allows the Company to continue burning 2.0% sulfur coal (maximum daily average) until January 1, 1985. The Company agrees to make regular reductions in the weekly average of sulfur dioxide emissions from the source as follows:

Date and in Stack SO_2 Concentration (ppm)

January 1, 1980—1180
January 1, 1981—1122
January 1, 1982—1064
January 1, 1983—1006
January 1, 1984—948

After January 1, 1985 sulfur dioxide emission from the boilers must comply with the existing SIP limitations in Rule 336.49 (recodified as 336.1401).

The schedule for compliance and USEPA's proposed approval were published in the December 5, 1980 (45 FR 80556) **Federal Register.** No comments were received. Copies of USEPA's evaluation of the SIP revision are available at the addresses listed at the beginning of this notice.

USEPA has reviewed the Order and concluded that the operation of the Advance Steam Plant under existing fuel conditions (2.0% sulfur coal) will not threaten or prevent the attainment and maintenance of the SO_2 NAAQS and PSD increments in the vicinity of the Advance Steam Plant. Therefore, USEPA approves the Order as a revision to the Michigan SIP. The State has indicated that it is relying on continuous emissions monitoring and fuel analysis to determine the Company's compliance with the Order. This is acceptable to USEPA.

"Air-quality modeling in accordance with EPA's Modeling Guideline shows that this emission limit would not cause or contribute to a violation of the NAAQS for sulfur dioxide, would not cause a violation of PSD increments anywhere within the effective limits of air quality modeling, and therefore would not have any impermissible impact in any State. This emission limit therefore meets the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of this publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291 (46 FR 13193), EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it does not impose any more stringent regulations on the company and allows the Company to continue burning 2.0% sulfur coal (maximum daily average) with regular scheduled reductions in the weekly average of sulfur dioxide emissions.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. In addition, this action only applies to one facility.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the **Federal Register** on July 1, 1980.

This Notice of Final Rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 7410), as amended.

Dated: June 7, 1981.

Anne M. Gorsuch,

Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by adding subparagraph (36) as follows:

Subpart X—Michigan

§ 52.1170 Identification of Plan

* * * * *

(c) * * *

(36) On January 10, 1980, the State of Michigan submitted to USEPA a Final Order (APC No. 16–1979) issued by the Michigan Air Pollution Control Commission to the Northern Michigan Electric Cooperative Advance Steam Plant. The Order allows the source to continue burning 2.0% sulfur coal (maximum daily average) until January 1, 1985 when the Company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401.

§ 52.1175 [Amended]

2. Section 52.1175(e) is amended by adding a new line to the table as follows:

(e) * * *

Michigan

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
*	*	*	*	
Charlevoix County				
Northern Michigan Electric Cooperative Advance Steam Plant.	Boyne City	336.1401 (336.49)	Jan. 10, 1980	Jan. 1, 1985.

[FR Doc. 81–19463 Filed 7–1–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 180

[PP 9F2221/R325; PH–FRL–1873–8]

Chlorpyrifos; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agriculutral Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities pumpkins, cucumbers, and seed and pod vegetables at 0.1 part per million (ppm) and bean and pea forage and hay at 1.0 ppm. The regulation was requested by Dow Chemical Co. This regulation will establish the maximum permissible level for the combined residues of chlorpyrifos on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on July 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 30, 1978 (44 FR 44615) that Dow Chemical USA, P.O. Box 1706, Midland, MI 48640, had submitted a pesticide petition proposing to amend 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorphyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol phosphorothioate in or on the raw agricultural commodities cucumbers, pumpkins, seed and pod vegetables at 0.05 ppm, apples at 1.0 ppm, and bean and pea forage at 1.0 ppm.

The petitioner subsequently amended the petition to delete apples and increase the tolerance on cucumbers, pumpkins, and seed and pod vegetables to 0.1 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances included a 2-year rat feeding/oncogenicity study and a dog feeding study with a no-observable-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw) per day; a mouse oncogenicity study which was negative at 15 pm (highest dose); and a mouse teratology study which was negative at 25 mg/kg. Studies on delayed neurotoxicity and reproduction showed negative potential. Based on the 2-year chronic rat feeding study with a NOEL of 0.1 mg/kg of bw/day, and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.01 mg/kg of bw/day.

The theoretical maximum residue contribution (TMRC) in the human diet from the tolerances and previously established tolerances for residues of chlorphyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 1.5 does not exceed the ADI.

The metabolism of chlorphrifos is adequately understood for this use, and adequate analytical methods (gas chromatography) are available for enforcement purposes. No regulatory actions are currently pending against the continued registration of chlorpyrifos, nor are there any other relevant considerations involved in established these tolerances.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before August 3, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346(d)(2)))

Dated: June 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the following raw agricultural commodities in the table under § 180.342 to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Bean forage	1.0

V 46 / 127 J L 2 8 1 UMI

Commodities	Parts per million
Cucumbers	0.1
Pea forage	1.0
Pod vegetables	0.1
Pumpkins	0.1
Seed vegetables	0.1

[FR Doc. 81-19462 Filed 7-1-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-300046A; PH-FRL-1874-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Titanium Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for titanium dioxide when used as an inert (or occasionally active) ingredient in plastic bags used to wrap bananas (preharvest). This regulation was requested by Dow Chemical Company.

EFFECTIVE DATE: July 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Rm. M-3708 (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 22, 1981 (46 FR 22907) that Dow Chemical Company, P.O. Box 1706, Midland, MI 48640, had requested that the Administrator amend 40 CFR 180.1001(d) to exempt titanium dioxide from the requirement of a tolerance when used as an inert ingredient in plastic bags used to wrap bananas (preharvest).

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Based on the information submitted, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the amendment to 40 CFR Part 180 will protect the public health, and is established as set forth below.

Any person adversely affected by this regulation may, on or before August 3, 1981 file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 2, 1981.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: June 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is amended by adding the inert ingredient "titanium dioxide" to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
Titanium dioxide		Pigment/coloring agent in plastic bags used to wrap growing bananas (preharvest).

[FR Doc. 81-19464 Filed 7-1-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[OPP-300039B; PH-FRL-1874-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Isophorone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(d) by broadening the present exemption from the requirement of a tolerance for isophorone on rice, wheat, and beets to include barley, oats, and rye. This regulation was requested by Rohm and Haas Co.

EFFECTIVE DATE: July 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of February 10, 1981 (46 FR 11680) that Rohm and Haas Co., Philadelphia, PA 19105 had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act broaden the exemption from the requirement of a tolerance for isophorone to include barley, oats, and rye.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001(d) will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may on or before August 3, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 2, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: June 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by amending § 180.1001(d) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredient	Limits	Use
Isophorone		Solvent and cosolvent for formulations used before crop emerges from soil, for post-emergence herbicide use on rice, wheat, barley, oats, and rye before crop begins to head, and for post-emergence use on beets (sugarbeets and table beets) and spinach.

[FR Doc. 81-19465 Filed 7-1-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 261

[SWH-FRL-1874-2]

Hazardous Waste Management System; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document makes one change to a correction notice on the hazardous waste management regulations which appeared in the **Federal Register** of Wednesday, May 20, 1981, (45 FR 27473-27480). This action is necessary to correct a typographical error which appeared in one of the sections of the regulations.

FOR FURTHER INFORMATION CONTACT: Matthew Straus, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460 (202) 755-9187.

Dated: June 26, 1981.

James N. Smith,

Acting Assistant Administrator, Water and Water Management.

40 CFR Part 261 is amended as follows:

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6921(a), 6912 and 6922).

2. In FR Doc. 81-15045, appearing at page 27476 in the issue of May 20, 1981 (amendatory item number 6), 40 CFR 261.5 is corrected by redesignating paragraph (c) as (e).

[FR Doc. 81-19466 Filed 7-1-81; 8:45 am]
BILLING CODE 6560-30-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-328; RM-3546]

FM Broadcast Station in Bemidji, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 279 to Bemidji, Minnesota, in response to a request by Bemidji Radio, Inc. The assignment could provide Bemidji with a second FM assignment, as well as render significant first and second FM and nighttime aural services to surrounding areas and populations.

DATE: Effective August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(B) *Table of Assignments*, FM Broadcast Stations (Bemidji, Minnesota), BC Docket No. 80-328, RM-3546.

Report and Order—Proceeding Terminated

Adopted: June 16, 1981.

Released: June 25, 1981.

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 45 FR 46457, published July 10, 1980, proposing the assignment of Class C FM Channel 275 to Bemidji, Minnesota, as that community's second FM assignment, in response to a request filed by Bemidji Radio, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Comments were also filed by Midwest Radio-Television, Inc. ("Midwest"), licensee of Station WCCO-FM (Channel 275), in Minneapolis, Minnesota, to which the petitioner responded.

2. Bemidji (population 11,490),[1] seat of Beltrami County (population 26,373), is located approximately 225 kilometers (140 miles), northwest of Duluth, Minnesota. It is currently served by two full-time AM Stations (KBUN and KKBJ), FM Station KBHP (Channel 266), and noncommercial educational Station KBSB (Channel 209A).

3. In its comments, Midwest asserts that the proposed assignment of Channel 275 to Bemidji barely meets the Commission's minimum distance separation requirements to its own station in Minneapolis and, suggests that either Channels 227, 279 or 282 be assigned instead. Based upon an engineering study, submitted with its comments, Midwest further states that the assignment of one of these channels would also achieve a more efficient and effective use of the spectrum. Thus, it adds, the need of Bemidji for an additional Class C FM facility coud be achieved without creating the close co-channel spacing between Bemidji and Minneapolis which the Channel 275 proposal would cause.

4. In its reply comments, petitioner, after considering the alternative channels proposed by Midwest, stated its willingness to accept Channel 279 as a substitute for previously requested Channel 275, thus dispelling Midwest's concern as to interference to its existing operation. Petitioner further stated that neither alternative Channels 227 nor 282, suggested by Midwest, is acceptable to it.

5. Our engineering study reveals that Channel 227, located at the proposed Bemidji site, is short-spaced to Station CKSB, Kenora, Ontario, Canada, by approximately 14.4 kilometers (9 miles). And, Channel 282 at that site is mutually-exclusive with RM-3593 (to substitute Channel 281 for Channel 232A in International Falls, Minnesota). However, Channel 279, which is the

[1] All population figures are taken from the 1970 U.S. Census.

petitioner's preference, is available at the proposed Bemidji site.

6. Petitioner states that the proposed assignment of Channel 279 would provide a first FM and nighttime aural service to 7,165 persons in a 4,315 square kilometer (1,666 square miles) area, a second FM service to 29,670 persons in a 4,501 square kilometer (1,738 square miles) area, and a second nighttime aural service to 15,169 persons in a 4,274 square meter (1,650 square miles) area.[2]

7. In support of its proposal, petitioner submitted information with respect to Bemidji which is persuasive as to its need for a second FM channel assignment which would serve the local interests with a diverse FM broadcast voice.

8. In view of the above, we believe that the public interest would be served by the assignment of Class C FM Channel 279 to Bemidji, Minnesota. A site restriction of 3.2 kilometers (2.0 miles) northeast of the community is required for this assignment to comply with the minimum distance separation requirements of § 73.207 of the Commission's Rules. (Petitioner has indicated that its proposed transmitter site will be located 10 miles northeast of Bemidji.) Canadian concurrence in the assignment has been obtained.

9. Accordingly, it is ordered, that effective August 25, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel Nos.
Bemidji, Minn.	266, 279

10. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commissions's rules.

11. It is further ordered, that this proceeding is terminated.

12. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-19541 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

[2] Petitioner indicates that these figures differ from those provided in its original petition due to a change in the proposed transmitter site.

47 CFR Part 73

[BC Docket No. 80-561; RM-3612]

FM Broadcast Station in Denison, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Denison, Texas, and substitutes Channel 272A for 285A at Madill, Oklahoma, in response to a petition filed by Grayson Collegiate Communications. The assignment could provide the community with a second FM station.

DATE: Effective August 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations, (Denison, Texas), BC Docket No. 80-561, RM-3612.

Report and Order—Proceeding Terminated

Adopted: June 23, 1981.

Released: June 25, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 64994, published October 1, 1980, proposing the assignment of FM Channel 285A to Denison, Texas, as its second FM assignment, at the request of Grayson Collegiate Communications ("petitioner"). In order to make the assignment, we also proposed the substitution of Channel 272A for Channel 285A at Madill, Oklahoma. Channel 285A at Madill is currently unoccupied and unapplied for. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Denison (population 24,923),[1] is located in Grayson County (population 83,225), approximately 104 kilometers (65 miles) north of Dallas, Texas. It is served by AM Station KDSX and FM Station KDSQ (Channel 269A), both licensed to Denison-Sherman, Texas.

3. Petitioner has submitted information with respect to Denison which is persuasive as to its need of a second local FM assignment.

4. In addition, petitioner provided a list of alternate available channels to the two precluded communities over 2,500 population and without local aural service, Antlers and Tishomingo, Oklahoma.

5. We believe the public interest would be served by the assignment of Channel 285A to Denison, Texas. An interest has been shown for its use, and such an assignment would provide the community with a second FM station.

6. Accordingly, it is ordered, that effective August 10, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Madill, Okla.	272A
Denison, Tex.	269A, 285A

7. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-19542 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-448; RM-3575]

FM Broadcast Station in Pasco, Washington; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 252A to Pasco, Washington, in response to a petition filed by Tri-City Christian Center. The assignment could provide Pasco with a first commercial FM station.

DATE: Effective August 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations, (Pasco, Washington), BC Docket No. 80-448, RM-3575.

Report and Order—Proceeding Terminated

Adopted: June 18, 1981.

Released: June 25, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 55241, published August 19, 1980, in response to a petition filed by Tri-City Christian Center ("petitioner"), proposing the assignment of Channel 252A to Pasco, Washington, as that community's first commercial FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Pasco (population 13,920),[1] in Franklin County (population 25,816), is located approximately 290 kilometers (180 miles) southeast of Seattle, Washington. This community and the neighboring areas of Kennewick and Richland are known locally as the "Tri-Cities." Pasco currently is served locally by daytime-only AM Station KORD, full-time AM Station KONA, and noncommercial educational FM Station KOLU (Channel 211C). Channel 252A could be assigned to Pasco in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In support of its proposal, petitioner submitted information with respect to Pasco, which is persuasive as to its need for a first commercial FM channel assignment.

4. As stated in the *Notice*, the assignment of Channel 252A to Pasco will cause new preclusion only on Channel 251 and co-Channel 252A. However, petitioner notes that alternate channels are available in some of the precluded areas.

5. In view of the expressed interest in the proposed channel allocation to Pasco, Washington, and the demonstration of need for the additional service, we believe that the public interest would be served by grant of the requested assignment.

6. Canadian concurrence in the assignment has been obtained.

7. Accordingly, it is ordered, that effective August 25, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Pasco, Washington	252A

8. Authority for the adoption of the amendment herein appears in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-19543 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-539; RM-3607]

FM Broadcast Station in Walker, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Walker, Minnesota, in response to a petition filed by Stagg Broadcasting. The assignment could provide Walker with a first FM and full-time local aural broadcast service.

DATE: Effective August 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Walker, Minnesota), BC Docket No. 80-539, RM-3607.

Report and Order—Proceeding Terminated

Adopted: June 18, 1981.

Released: June 25, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making* herein, 45 FR 59361, published September 9, 1980, in response to a petition filed by Stagg Broadcasting ("Petitioner"), proposing the assignment of FM Channel 257A to Walker, Minnesota, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Walker (population 1,073), in Cass County (population 71,323)[1] is located approximately 321 kilometers (200 miles) north of Minneapolis-St. Paul. It is presently served locally by daytime-only AM Station KLLR, licensed to petitioner. Channel 257A could be assigned to Walker in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In support of its proposal, petitioner submitted information with respect to Walker which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 257A to Walker, Minnesota. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first full-time local aural broadcast service.

5. Canadian concurrence in the assignment has been obtained.

6. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. Accordingly, it is ordered, that effective August 25, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following commmunity:

City	Channel No.
Walker, Minnesota	257A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-19544 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 80-337; RM-3574]

FM Broadcast Station in Jacksonville, Illinois, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 288A to Jacksonville, Illinois, in response to a petition filed by Big Country of Missouri, Inc. The assignment could provide Jacksonville with a second FM service.

DATE: Effective August 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Jacksonville, Illinois), BC Docket No. 80-337, RM-3574.

Report and Order—Proceeding Terminated

Adopted: June 18, 1981.

Released: June 25, 1981.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 45 FR 46452, published July 10, 1980, proposing the assignment of Channel 288A to Jacksonville, Illinois, as that community's second FM assignment, in response to a petition filed by Big Country of Missouri, Inc. ("petitioner"). Petitioner filed comments in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Jacksonville (population 20,553),[1] the seat of Morgan County (population 36,174), is located approximately 320 kilometers (200 miles) southwest of Chicago, Illinois. Jacksonville is currently served locally by one FM station and 2 daytime-only AM stations.

3. Petitioner has submitted information with respect to Jacksonville which is persuasive as to its need for a second FM channel assignment. As indicated in our *Notice*, the assignment herein will create intermixture of a Class A with a Class C facility. However, as noted above, petitioner has reaffirmed its willingness to apply for the Channel 288A assignment, in spite of the possible competitive advantage which may accrue to the Class C operation. In any event, grant of the instant proposal could provide Jacksonville with a fourth broadcast voice. Therefore, we believe it would be in the public interest to assign FM Channel 288A to that community.

4. Accordingly, it is ordered, that effective August 25, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Jacksonville, Illinois	263, 288A

5. Authority for action taken herein is contained in Sections 4(i), 5(d)(1) 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-19540 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-526; RM-3599]

FM Broadcast Station in Rifle, Colorado; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 287 to Rifle, Colorado, in response to a petition filed by Garfield County Broadcasters. The assignment would provide Rifle with a first local FM service, as well as provide first and second FM and nighttime aural service to surrounding areas and populations.

DATE: Effective August 25, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Rifle, Colorado), BC Docket No. 80-526, RM-3599.

Report And Order—Proceeding Terminated

Adopted: June 18, 1981.

Released: June 25, 1981.

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 45 FR 58615, published September 4, 1980, which proposed the assignment of Class C FM Channel 287 to Rifle, Colorado, as that community's first FM assignment, in response to a petition filed by Garfield County Broadcasters ("petitioner"). Petitioner filed comments in which it reiterates its intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Rifle (population 2,150),[1] in Garfield County (population 14,821), is located approximately 241 kilometers (150 miles) west of Denver, Colorado. It is served locally by one daytime-only AM station. Channel 287 can be assigned to Rifle in conformity with the minimum distance separation requirements of § 73.207 of the Commission's rules.

3. In support of its proposal, petitioner submitted information with respect to Rifle which is persuasive as to its need for a first FM channel allocation. Although the usual practice is to assign a Class A channel to a community the size of Rifle, petitioner claims that a higher-powered Class C channel will provide a first FM service to 696 persons residing in an area of 478 square kilometers (187 square miles), and a second FM service to 10,991 persons within an area of 5,312 square kilometers (2,075 square miles).

4. Additionally, as requested in the *Notice*, petitioner submitted data concerning alternate channels which are available to certain counties that would be precluded by the proposed assignment. Specifically, it states that Channels 295, 296A and 300 can be assigned to those areas.

5. In view of the above, we believe that the public interest would be served by the assignment of Channel 287 to Rifle, Colorado. An interest has been shown for its use and such assignment could provide the community with a first local FM broadcast service, as well as render substantial first and second FM and nighttime aural service to surrounding areas and populations.

6. Accordingly, it is ordered, That effective August 25, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Rifle, Colorado	287

7. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-19539 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Nineteenth Rev. S.O. No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Nineteenth Revised Service Order No. 1473.

SUMMARY: Nineteenth Revised Service Order No. 1473 authorizes various railroads to use tracks and/or facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

EFFECTIVE DATE: 11:59 p.m., July 1, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clements, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: June 26, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby admonishes any carriers which haven't negotiated such compensation to attempt to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

Appendix A, to the previous order, is revised by adding at Item 8., D., the authority to the Cadillac and Lake City Railway Company in Item 14, at Colorado Springs, Colorado; between Limon and Stratton, Colorado, with over-head rights between Stratton, Colorado, and Colby, Kansas; RI Trackage rights between Limon and Denver, Colorado, and joint use of facilities with the Denver and Rio Grande Western Railroad Company at Denver and Colorado Springs, Colorado. Also, authority is granted to the Keota Washington Transportation Company (Item 17) at Vinton, Iowa, and between Vinton Junction and Iowa Falls, Iowa. Appendix A, to the previous order, is also revised by deleting the following authorities.

Item 3C. Union Pacific Railroad Company at Limon, Colorado.

5. Fort Worth and Denver Railway Company.

8D. Davenport, Rock Island and North Western Railway Company from East Moline to Sivis, Illinois.

9. Illinois Central Gulf Railroad Company at Ruston, Louisiana.

14. The Denver and Rio Grande Western Railroad Company.

22. Fordyce and Princeton Railroad Company.

All items beyond 4 are renumbered accordingly.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A.—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (C&NW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. from Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. from Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 156.2).

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 98.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. from Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

T. Omaha, Nebraska (between milepost 502 to milepost 504).

U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. from Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. from Davenport to Iowa City, Iowa.

E. at Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. from Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. from Rock Island Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. from Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. at North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company:* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company:* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

11. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 480.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

12. *Norfolk and Western Railway Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

13. *Southern Railway Company:*

A. At Memphis, Tennessee.

14. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

B.[1] From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

C.[1] From Limon, Colorado (milepost 532) to Stratton, Colorado (milepost 473), with overhead rights between Stratton, Colorado and Colby, Kansas, in order to affect interchange with the Union Pacific.

D.[1] Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

E.[1] Rock Island joint use facilities agreement at Colorado Springs and Denver, Colorado, with DRGW.

15. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

16. *Cedar Rapids and Iowa City Railway Company (CIC):*

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

17. *Keota Washington Transportation Company:*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B.[1] At Vinton, Iowa (milepost 120.0 to 123.0).

C.[1] From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

18. *The La Salle and Bureau County Railroad Company:*

A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

19. *The Atchison, Topeka and Santa Fe Railway Company:*

A. At Alva, Oklahoma.

[FR Doc. 81-19573 Filed 7-1-81; 8:45 am]

BILLING CODE 7035-01-M

[1]Added.

49 CFR Part 1033

[Amdt. No. 4 to Service Order 1493]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 4 to Service Order No. 1493.

SUMMARY: Amendment No. 4 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE DATES: 11:59 p.m., June 30, 1981, and continuing in effect until 11:59 p.m., July 31, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided: June 26, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822 and 25311), and good cause appearing therefor:

It is ordered, § 1033.1493 *Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific, Railroad Company Debtor, (Richard B. Ogilvie, Trustee).*

Service Order No. 1493 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Company to complete compensation negotiations, and shall expire at 11:59 p.m., July 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service

and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19461 Filed 7-1-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1051 and 1104

[Ex Parte No. MC-98; Ex Parte No. MC-98 (Sub-No. 2)]

New Procedures in Motor Carrier Restructuring Proceedings; Released Rates in Conjunction With a Small Shipments Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Reinstatement of final rules.

SUMMARY: By decision served March 20, 1978 (43 FR 14670, April 7, 1978) the Commission amended its regulations at 49 CFR 1051.1 (a) and (b), and 1104.10 to determine the types of regulatory action which would assist in providing better price and service alternatives for small shipments. By decision served August 11, 1980 (45 FR 58129, September 2, 1980) the Commission repealed the existing rules as amended at 43 FR 14670 due to passage of the Motor Carrier Act of 1980 which contains increased incentives for, or specific authorization for the actions contained in the rules. However, the text of the former rules was inadvertently removed. The rules are reinstated.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: This notice corrects an inadvertent error. 49 CFR 1051 (a) and (b), and 1104.10 were erroneously removed. These rules are hereby reinstated. The rules are as follows:

§ 1104.10 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon request therefor. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination. Since Appendix A data are to be submitted on a combined carrier basis, any underlying individual carrier data used to complete Appendix A should be furnished to the Commission for its use as well as for the use of parties opposing the sought increases.

§ 1051.1 Information to be shown.

(a) Every common carrier by motor vehicle subject to the jurisdiction of this Commission shall, on and after the first day of January, 1937, cause to be shown on the face of each and every receipt or bill of lading issued for the transportation of property by such carrier in interstate or foreign commerce, information which shall include the names of the consignor and consignee; the points of origin and destination; the number of packages, description of the articles, and weight, volume or measurement (if the lawfully applicable rates or charges are published to apply per unit of weight volume or measurement) of the property received; and a record of this information shall be kept by the carrier by the preservation of a copy of such receipt or bill of lading.

(b) Every common carrier by motor vehicle subject to the jurisdiction of this Commission shall, on and after the first day of January, 1937, when collecting transportation charges, issue a freight or expense bill covering each shipment, and the original of such freight or expense bill shall be receipted on payment of the transportation charges and furnished to the shipper or the receiver, whichever may pay the charges; and shall cause to be shown on the face thereof the names of the consignor and consignee (except that as to reconsigned shipments the freight or expense bill shall not show the name of the original consignor); the date of shipment; the points of origin and destination (except that as to reconsigned shipments the freight or expense bill shall not show the original shipping point unless the final consignee pays transportation charges from such original shipping point); the number of packages, description of the articles, and weight, volume or measurement of the property transported (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement); the exact rate or rates assessed; the total charges to be collected including a statement of the nature and amount of any charges for special service and the points at which such special service was rendered, the route of movement indicating each carrier participating in the transportation service, and the transfer point or points through which the shipment moved; either the address where remittance must be made or the address of the principal place of business of the issuer of the freight or expense bill, or both, at the issuer's option; and a record of this information shall be kept by the preservation of a copy of such freight or expense bill.

(Secs. 12, 20, 24 Stat. 383, as amended, 386, as amended, 49 Stat. 546, as amended, 563, as amended; 49 U.S.C. 12, 20, 301, 302, 304, 316, 317, 318, 319, 320; 5 U.S.C. 552, 553, and 559)

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321, 10730, 10922, and 5 U.S.C. 553)

Dated: June 19, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19910 Filed 7-1-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 127
Thursday, July 2, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Reporting of Changes to the Quality Assurance Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to require holders of nuclear power plant construction permits and holders of operating licenses to implement the approved quality assurance program and to inform the Commission in writing of certain quality assurance program changes which affect the description of the quality assurance program included in their Safety Analysis Report and accepted by the Commission, within 30 days of making any such change. The amendments will provide greater assurance that quality assurance programs approved by the Commission do not have their effectiveness reduced by subsequent changes.

DATES: Comments should be submitted on or before September 8, 1981.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESS: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Steven D. Richardson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5942.

SUPPLEMENTARY INFORMATION: The quality assurance (QA) requirements of 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," are one of the cornerstones of the Commission's "defense-in-depth" concept for ensuring safe operation of nuclear power plants.

Because of the importance of the QA program as a management tool to attain objectives important to nuclear safety, the NRC staff conducts extensive reviews during the licensing process to ensure that the applicant's QA program description satisfies 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." Following acceptance by the NRC staff, the QA program description is then used as a principal inspection and enforcement tool in ensuring that the permit holder or licensee is in compliance with all NRC quality assurance requirements for protecting the public health and safety.

As indicated in paragraph (a)(7) of 10 CFR § 50.34, "Contents of applications, technical information," the Preliminary Safety Analysis Report (PSAR) must include "a description of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility." Similarly, § 50.34(b)(6)(ii) requires that the Final Safety Analysis Report (FSAR) describe "managerial and administrative controls to be used to assure safe operation" and that it "include a discussion of how the applicable requirements of Appendix B [Quality Assurance Criteria] will be satisfied." The QA programs described in the safety analysis reports are intended to represent the QA programs actually being applied in practice.

Because existing regulations do not specifically include a requirement that changes to the accepted QA program be reported to the Commission, some licensees have been changing the QA program without informing the Commission. The primary concern is that changes to the QA program might diminish the effectiveness of the program permitting significant deficiencies to arise in the design, fabrication, construction or operation of the facility. This could result in increased risk to the public health and safety.

The proposed amendments would require that construction permit holders and licensees implement the approved quality assurance program, provide a current description of the program, evaluate all changes to the approved program and, for certain changes that meet the criteria in the rule submit the evaluation to the NRC for review.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. Section 50.54 of 10 CFR Part 50 is revised by adding a new paragraph (a) to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(a)(1) Each licensee shall implement the quality assurance program described or referenced in the Safety Analysis Report and modified by changes thereto.

(2) Each licensee shall submit to the appropriate NRC Regional Office within 90 days of the effective date of this regulation the current description of the quality assurance program unless the description previously approved has not been changed.

(3) After the effective date of this rule, the licensee may make changes to a previously submitted quality assurance program description, provided the change does not decrease the effectiveness of the program such that the revised program no longer meets the criteria of Appendix B of 10 CFR Part 50. Prior to making any change to a previously submitted QA program description, the licensee shall prepare a written evaluation identifying the change, the reason for the change, and

the basis for concluding that the change satisfies the criteria of Appendix B of 10 CFR Part 50. A copy of this evaluation shall be maintained at the facility for three years.

(4) For changes made to the quality assurance program affecting the program description included in the Safety Analysis Report which (i) change or affect the authority, independence, or management reporting levels previously established for organizations or persons performing quality assurance functions; or (ii) change or affect the controls previously established over activities affecting the quality of the nuclear power plant structures, systems, and components, the evaluation described in paragraph (a)(3) of this section shall be submitted within 30 days of making any such change to the appropriate NRC Regional office shown in Appendix D of Part 20 of this chapter, with one copy sent to the Resident Inspector and one copy sent to the Chief of the Document Management Branch, TIDC, ADM, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

2. Section 50.55 of 10 CFR Part 50 is revised by adding a new paragraph (f) to read as follows:

§ 50.55 Conditions of construction permits.

* * * * *

(f)(1) Each construction permit holder shall implement the quality assurance program described or referenced in the Safety Analysis Report and modified by changes thereto.

(2) Each permit holder shall submit to the appropriate NRC Regional office within 90 days of the effective date of this regulation the current description of the quality assurance program unless the description previously approved has not been changed.

(3) After the effective date of this rule, the permit holder may make changes to a previously submitted quality assurance program description, provided the change does not decrease the effectiveness of the program such that the revised program no longer meets the criteria of Appendix B of 10 CFR Part 50. Prior to making any change to a previously submitted QA program description, the permit holder shall prepare a written evaluation identifying the change, the reason for the change, and the basis for concluding that the change satisfies the criteria of Appendix B of 10 CFR Part 50. A copy of this evaluation shall be maintained at the facility for three years.

(4) For changes made to the quality assurance program affecting the program description included in the Safety Analysis Report which (i) change or affect the authority, independence, or management reporting levels previously established for organizations or persons performing quality assurance functions; or (ii) change or affect the controls previously established over activities affecting the quality of the nuclear power plant structures, systems, and components, the evaluation described in paragraph (a)(3) of this section shall be submitted within 30 days of making any such change to the appropriate NRC Regional office shown in Appendix D of Part 20 of this chapter, with one copy sent to the Resident Inspector and one copy sent to the Chief of the Document Management Branch, TIDC, ADM, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

(Secs. 103, 104, 161o., Pub. L. 83-703, 68 Stat. 936, 937, 948; Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 2133, 2134, 2201(o), 5841))

Dated at Washington, D.C. the 29th day of June 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-19984 Filed 7-1-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 78-CE-1-AD]

Airworthiness Directives; Cessna Model 337/T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: This notice withdraws Docket No. 78-CE-1-AD, an Advance Notice of Proposed Rulemaking (ANPRM), published in the **Federal Register** on February 16, 1978, which deals with the subject of the pilot's inability to immediately detect and respond to a rear engine power loss in Cessna Model 337/T337 series airplanes during any phase of the takeoff and the initial climb. After consideration of the comments received, further review of the effect of earlier directed safety actions and upon comparison of the overall safety of the Cessna Model 337/T337 airplanes with small multi-engine airplanes of similar weight and complexity, the FAA has determined that the engine failure recognition cues provided by the Cessna Model 337/T337 airplanes are adequate and that no undue safety hazard related to a lack of rear engine failure warning is present. The FAA, therefore, concludes that additional rulemaking action based on the Advance Notice is not warranted at this time.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Charles J. Maple, Flight Test Section, Aircraft Certification Program, FAA, Central Region, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4283.

SUPPLEMENTARY INFORMATION: On February 16, 1978, the FAA issued Notice 78-CE-1-AD, an Advance Notice of Proposed Rulemaking (ANPRM), in which the FAA invited public participation in the identification and selection of a course of action with respect to possible rulemaking dealing with the subject of the pilot's inability to detect immediately and to respond to a rear engine power loss during any phase of the takeoff and the initial climb in Cessna Model 337 and T337 airplanes.

The FAA received 144 public comments in response to Notice 78-CE-1-AD, primarily from owners and operators of Cessna Model 337 and T337 series airplanes. It was the general view of the commenters that no safety problem exists with respect to the pilot's inability to detect immediately and to respond to a rear engine power loss. Seventy-two of the 144 commenters stated that they had experienced partial or full power loss on an engine. These 72 commenters reported a total of 95 power loss events in all phases of flight. Seventy-seven of these power loss events occurred outside the takeoff and initial climb phases of flight, many in such low-power operations as letdown, approach, landing and taxi; or as a result of a tank having been run dry in flight. The remaining 18 events were reported for the takeoff and initial climb phases, which were the central concern of the ANPRM. In 15 of these 18 events, power loss was detected immediately, and in 2 events it was not. One of the 18 commenters did not specify the detection interval. In these cases, the primary cues to power loss detection were degraded performance (10 cases) and fuel flowmeter indications (five cases). Other cues mentioned were noise, vibration and surge, oil temperature and pressure, and "instrument readings" in general.

Most of the 144 commenters stated that they placed primary reliance for power loss detection on normal engine instrumentation, with secondary reliance on such peripheral cues as acceleration and noise levels. The principal instrument references mentioned were the fuel flowmeters, the manifold pressure indicators, the exhaust gas temperature indicators, and the tachometers, in descending order of frequency. No differences were apparent in the monitoring methods used by these pilots who reported power loss experience and those who did not.

The commenters provided estimates of time delay in power loss recognition which varied from zero to more than thirty seconds. The average of delay time estimates provided by the commenters who reported experience with power loss during takeoff and initial climb was 3.7 seconds, with a standard deviation of 1.9 seconds. This is generally consistent with the recognition/reaction time delays used during type certification.

Most commenters stated that the Model 337 and T337 airplanes were satisfactory as they are now configured, and that there is no safety problem associated with pilot inability to detect and respond to a power loss during takeoff and initial climb. These commenters included the two pilots who reported delayed recognition following engine failure on takeoff. Given the condition that safety action is found necessary, the commenters were generally supportive of improved training and training materials and of added emphasis on the Biennial Review program. Lack of well-qualified 337/T337 pilots for the conduct of Biennial Reviews was a specific concern.

In choosing the more effective of the suggested safety improvement options (1) engine failure warning means or (2) specific type rating, only one of the 144 commenters stated active support for the mandatory installation of an engine failure warning means. The remaining 143 commenters variously withheld selection of an option, stated emphatic opposition to both options, or otherwise expressed opposition to the choice.

Historically, two directed safety actions have been taken with respect to engine failures in the Cessna Model 337/T337 airplanes. Airworthiness Directive (AD) 71-17-08 was issued to require that the rear engine idle speed be increased and to require that pilots apply power to the rear engine first during taxi and takeoff operations. AD 77-08-05 was issued to require the installation of a cockpit placard prohibiting intentional single-engine takeoffs. After consideration of the favorable safety trend which has followed the safety actions which have been taken, of the public comments received in response to the Notice and comparison of the overall safety of the Cessna Model 337/T337 airplanes with other small multi-engine airplanes of similar weight and complexity, the FAA has determined that the engine failure recognition cues provided by the Cessna Model 337/T337 airplanes are adequate and that no undue safety hazard related to a lack of rear engine failure warning is present. The FAA has, therefore, concluded that additional rulemaking action based on the Advance Notice is not warranted at this time.

The withdrawal of the Notice does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

The Withdrawal

For the reasons stated above, Advance Notice of Proposed Rulemaking, Docket No. 78-CE-1-AD published in the **Federal Register** on February 16, 1978 (43 FR 6805), is hereby withdrawn.

(Sec. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.65))

Note.—The FAA has determined that this Notice of Withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 19, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-19147 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-38]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Transition Area, Springfield, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Springfield, Tennessee, Transition Area. A standard instrument approach procedure has been developed for the Springfield Municipal Airport. Controlled airspace is required to protect Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATES: Comments must be received on or before: August 15, 1981.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320

The official public docket will be available for examination in the office of the regional counsel, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before August 15, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Springfield, Tennessee, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB RWY 21 standard instrument approach procedure at the Springfield Municipal Airport. The Needmore NBD (nonfederal, nondirectional radio beacon), which will support the approach procedure, is proposed for establishment in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following description:

Springfield, Tennessee

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Springfield Municipal Airport (Lat. 36°32'20"N., Long. 86°55'10"W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on June 19, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-19146 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Ch. 1

[Docket No. 21222, Petition Notice No. PR 81-6A]

Petition for Rulemaking of Air Line Pilots Association (ALPA); Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of reopening of comment period.

SUMMARY: This notice reopens the period for submission of public comments on the Air Line Pilots Association (ALPA) petition relating to water survival until July 30, 1981. This action is in response to a petition indicating that the Aerospace Industries Association members, who are affected by the proposed regulations, need additional time in which to prepare and submit their comments.

DATES: Comments on the ALPA petition contained in Notice 81-6 must be received on or before July 30, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21222; 800 Independence Avenue, SW., Washington, DC 20591; or be delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

Comments delivered must be marked: Docket No. 21222. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION: In Petition Notice 81-6, published in the **Federal Register** on March 30, 1981 (46 FR 19245) the FAA published a summary of the ALPA petition to amend portions of Parts 1, 25, 121 and 129 of the Federal Aviation Regulations (FAR) on water survival. The original comment period closed on May 29, 1981.

On June 1, 1981, the Aerospace Industries Association of America (AIA) petitioned for reopening of the time for comments on the ALPA portion of Petition Notice 81-6. The petition states that the notice did not allow enough time to review the extensive material provided by ALPA in support of their position of the May 29, 1981, closing date for comments on the ALPHA petition. To provide adequate time for review, the petitioner requested that the comment period be extended for 30 days.

The FAA has reviewed this request and has determined that a limited extension of the comment period would afford the public an additional opportunity to furnish comments that should be considered in the development of the disposition of the ALPA petition. In view of this, and consistent with the FAA's desire to ensure full public participation in its regulatory actions, it is concluded that it is in the public interest to extend the comment period to July 30, 1981.

Accordingly, the comment period for the ALPA portion of Petition Notice 81-6 is extended to July 30, 1981.

(Secs. 305, 308, 307, 313(a), 601, and 1110, Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1347, 1348, 1354(a), 1421 and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 1145 and 1165))

Issued in Washington, DC, on June 26, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations & Enforcement Division.

[FR Doc. 81-19389 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Customs Regulations Amendments Relating to the Importation of Certain Fresh, Chilled, or Frozen Beef

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: The Trade Agreements Act of 1979 made numerous changes to various provisions of law presently administered in whole or in part by the Customs Service. One of those changes relates to the importation of certain fresh, chilled, or frozen beef. This document proposes to add a new section to the Customs Regulations to require a certification, by an official of the exporting country, stating that certain fresh, chilled, or frozen beef meets U.S. Department of Agriculture specifications for high-quality beef.

DATE: Comments must be received on or before: August 3, 1981.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW, Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Duty Assessment Division, Office of Trade Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8651).

SUPPLEMENTARY INFORMATION:

Background

The Trade Agreements Act of 1979, Pub. L. 96-39, 93 Stat. 144 (the "Act") made numerous changes to various provisions of law administered in whole or in part by the Customs Service.

Title V of the Act provides for the implementation of certain tariff concessions negotiated in the Multilateral Trade Negotiations ("MTN"). Section 506 of Title V amended Schedule 1, part 2, subpart B, Tariff Schedules of the United States ("TSUS"), by deleting item 107.60 and inserting items 107.61, 107.62, and 107.63, relating to certain fresh, chilled, or frozen beef.

Prior to the Act, fresh, chilled, or frozen beef and veal (except for sausage) valued over 30 cents per pound were classified under TSUS item 107.60. The rate of duty was 10 percent ad valorem. Before the Act, portion control cuts from Canada were entered under TSUS item 107.60, which was not covered by the Meat Import Act (Pub. L. 88-482, 19 U.S.C. 1202). Section 506 of the Act created a separate tariff classification for portion control cuts meeting high-quality U.S. specifications. Section 704 of the Act includes this new tariff classification in the coverage of the Meat Import Act.

In bilateral negotiations with Canada, the United States agreed to reduce the duty on high-quality portion control cuts of beef from 10 percent to 4 percent ad valorem on condition that (1) the concession apply only to portion control cuts which meet high-quality specifications (7 CFR 2853.106(a) and (b)) and (2) meat entering under the concession would be counted against the exporter's allocation under the U.S. Meat Import Program.

Under the provisions of new TSUS item 107.61, a certification is required from an official of the exporting country prior to exportation stating that the fresh, chilled, or frozen beef meets the specifications for high quality beef contained in regulations issued by the U.S. Department of Agriculture (7 CFR 2853.106 (a) and (b)). The certification is to be in a form required by regulations issued by the Secretary of the Treasury after consultation with the Secretary of Agriculture. This proposal was developed as a result of meetings between personnel of Customs and the Department of Agriculture.

This document proposes to amend Part 12, Customs Regulations (19 CFR Part 12), by adding a new section 12.9a to require a certification, prior to exportation, by an official of the exporting country, stating that the beef meets U.S. Department of Agriculture specifications for high-quality beef (7 CFR 2853.106 (a) and (b)). The requirements of the proposed section would be in addition to those requirements contained in U.S. Department of Agriculture regulations in 9 CFR 327.4 relating to meat inspection certifications.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C 66); section 624, 46 Stat. 759 (19 U.S.C. 1624); Pub. L. 96-39, 93 Stat. 252.

Comments

Before adopting this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.6(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations and Information Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Drafting Information

The principal author of this document was John E. Elkins, regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Executive Order 12291

The proposed regulation is not a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Any economic impact flows directly from the Trade Agreements Act of 1979 and not the proposed implementing regulations. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from entities through comments, either formal or informal.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Amendments

It is proposed to amend Part 12, Customs Regulations (19 CFR Part 12), in the following manner:

PART 12—SPECIAL CLASSES OF MERCHANDISE

It is proposed to amend Part 12 by adding a new section 12.9a and heading to read as follows:

Certain Fresh, Chilled, or Frozen Beef

§ 12.9a Certification.

The foreign official's meat-inspection certificate required by U.S. Department of Agriculture regulations (9 CFR 327.4) shall be modified to include the following certification when fresh, chilled, or frozen beef is to be entered under the provisions of item 107.61, Tariff Schedules of the United States (TSUS). The certification shall be made, prior to exportation of the beef, by an official of the government of the exporting country. The requirements of this section shall be in addition to those requirements contained in 9 CFR 327.4. Appropriate officials of the exporting country should consult with the U.S. Department of Agriculture as to the beef grades or standards within their country that satisfy the certification requirement. Exporters or importers of

beef to be entered under the provisions of item 107.61, TSUS, should consult with the U.S. Department of Agriculture prior to exportation in order to insure that the beef will satisfy the certification requirements. This certification is relevant only to U.S. Customs tariff classification and is not applicable to marketing of beef under U.S. Department of Agriculture grading standards, a matter within U.S. Department of Agriculture's jurisdiction.

Certification

I hereby certify to the best of my knowledge and belief that the herein described fresh, chilled, or frozen beef, meets the specifications for high-quality beef prescribed in regulations issued by the U.S. Department of Agriculture (7 CFR 2853.106 (a) and (b)).

William T. Archey,

Acting Commissioner of Customs.

Approved: June 25, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-19986 Filed 7-1-81; 8:45 am]

BILLING CODE 4190-22-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-032]

Drawbridge Operation Regulations; Newark Bay, Passaic and Hackensack Rivers, NJ

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is withdrawing an advance notice of proposed rulemaking concerning changes to the operation regulations for the Union Avenue, Clay Street, Bridge Street and Jackson Street drawbridges across the Passaic River, New Jersey. The Coast Guard is terminating this action because of substantial opposition from navigation interests.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/14), Room 1414, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: The Coast Guard published an advance notice of proposed rulemaking in the Federal Register of April 14, 1980 (45 FR 25082), concerning changes to the regulations for the following drawbridges across the Passaic River: Union Avenue, mile 13.2; Clay Street, mile 6.0; Bridge Street, mile 5.6; and Jackson Street, mile 4.6. Owing to substantial opposition from navigation interests, the Coast Guard is terminating rulemaking action for the Clay Street, Bridge Street, and Jackson Street bridges. Further rulemaking will be considered to restrict the operating hours of the Union Avenue bridge. There is only one commercial facility above this bridge presently known to be serviced by navigation, reducing the need for vessels to pass through at all hours of the day. A statement in the final rules for Hackensack and Passaic River drawbridges published on November 6, 1980 (45 FR 73653) implying that rulemaking was being terminated for all four bridges should be disregarded. A rulemaking concerning the Union Street bridge will be published separately in the future.

In consideration of the foregoing, the advance notice of proposed rulemaking docketed as (CGD 80-032) published on April 14, 1980 (45 FR 25082) is withdrawn.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: May 11, 1981.

Peter J. Rots,

Captain, Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 81-19985 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Preparation Requirements for Third-Class 5-Digit ZIP Code Presorted Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: In order to relieve a significant increase in sack workload at the Bulk Mail Centers (BMCs), the Postal Service proposes to amend regulations in the Domestic Mail Manual governing the preparation of third-class bulk mail sent at the 5-digit ZIP Code presort level rate. In general, the proposal would raise the minimum quantities and change preparation requirements for eligibility for the bulk third-class 5-digit presort rate as follows:

(1) For destinations other than unique 3-digit ZIP Code cities, the minimum sack quantity would be raised from the current 10 pieces to 50 pieces or 15 pounds to a single 5-digit ZIP Code destination, in a 5-digit ZIP Code sack;

(2) For unique 3-digit ZIP Code city destinations (codes not shared with other offices), separate packages of at least 10 pieces of mail to the same 5-digit ZIP Code within that 3-digit city may be combined with other such packages for other 5-digit codes within the same city to meet the 50 piece or 15 pound minimum, in a unique 3-digit multi-code city sack. However, quantities in excess of 50 pieces or 15 pounds for a single 5-digit ZIP Code within the 3-digit unique coded city must be separately prepared in a five-digit sack.

DATE: Comments must be received on or before August 1, 1981.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8228, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Don Mumma of the Office of Mail Classification, 202/245-4353.

SUPPLEMENTARY INFORMATION:

I. Background

Historically, preparation requirements for second- and third-class mail were stated in terms of pieces per bundle (or package) and percentage (recently one-third) of a full sack. Mailers were required to prepare sacks at a specified level of presort whenever they mailed at least the minimum specified volume. These requirements were developed prior to the introduction of different price levels for different levels of presort within second- and third-class mail.

The May 19, 1978 Decision of the Governors of the Postal Service revised the rate structure for second-class mail to include separate rates for carrier route presort, city presort, and all other second-class categories. Following these changes, mailers raised significant issues regarding our traditional mail preparation requirements based upon sacks ⅓ full. In 1979, a joint Postal Service/mailer Alternate Delivery Task Force recommended that the Postal Service abandon the ⅓ of a sack requirement to allow mailers to take advantage of the presort rate incentives for smaller amounts of mail.

After extensive deliberations and the consideration of comments received upon publication of proposals in the Federal Register (44 FR 44895, July 31, 1979), the Postal Service issued parallel revised sacking instructions for second-class and third-class mail in October of 1979 (44 FR 60727, October 22, 1979). These instructions replaced the previous ⅓ of a sack criterion with a criterion based on the number of packages per sack, and granted mailers the latitude to presort to finer levels than were required where it was to their economic advantage.

At the time these regulations were put into effect the Postal Service did not anticipate that significant problems in operations would result from changes in mailer practice in response to the reforms. While the Postal Service expected an increase in small amounts of mail in sacks among second-class carrier route mailers, it did not expect this impact to be burdensome. At the time, particularly since there were no significant third-class rate incentives other than for the carrier route level, no significant impact was expected for third-class.

Subsequently, studies were prepared of the impact experienced in second-class mail. These studies showed a limited cost effect, at most, as a result of changes in mail preparation practices in response to the new rate structure and revised sacking provisions.

The March 10, 1981 Decision of the Governors established three-tier rates for third-class mail. Separate rates were established for carrier route presorted mail, five-digit presorted mail, and all other bulk third-class mail. Implementing instructions for these rates continued the latitude established in 1979 for mailers to receive the rate discount for 5-digit presort-rate mail prepared in quantities of as little as 10 pieces per sack for the same ZIP Code.

II. Resulting Problems

At the time the regulations were issued for preparation of third-class mail to obtain the five-digit presort rate, some mailers raised questions regarding the Postal Service's ability to provide the necessary sacks and process the resulting volumes. Based upon the experience with second-class, the Postal Service did not anticipate a significant shift in mailer practice once mailers had gone through a shake-down period to determine, from their standpoint, the economics of preparing third-class mail for finer levels of presort than the required minimum. As a result of the mailer inquiries and questions, however, the Postal Service has been monitoring both mailer sack usage and the Postal Service sack-sorting workload in the Bulk Mail Centers (BMCs). For contingencies, third-class mail preparation waiver procedures were established for use in the event that the Postal Service did experience severe sack shortages and proved unable to accommodate the requirements of mailers for the sacks needed to prepare their mailings.

After an initial period of experience with the new regulations, it became apparent to the Postal Service that the workload within the Bulk Mail Centers had changed significantly since the implementation of the new third-class rate structure. BMCs were experiencing an increase in sack sorting volume at a time when normally those facilities would be experiencing a seasonal decline. Problems of severe sack shortages and inability to supply sacks to mailers were not as severe as some mailers had feared. While sack supplies remain tight, for the most part the Postal Service has been successful in providing sacks to mailers on their required schedule.

The Postal Service has concluded that the most severe of the problems is the significant increase in sack workload at the BMCs. In fact, this spring a number of BMCs were operating above their usual facility capacity at a time when volume would normally be dropping off. In addition to potential service impacts, this was also resulting in use of less efficient manual handling procedures for excess volume. Considering the normal seasonal growth between that time period and the fall of the year (which is a heavy third-class mailing season), the Postal Service has been concerned as to the ability of the BMCs to process the anticipated seasonal peak-period volumes efficiently.

As a result of this concern, the Postal Service undertook a number of informal observations at BMCs to identify the factors which were contributing to the significant increase in the sack workload. This review indicated that "skin" third-class five-digit sacks (those less than ⅓ full) represented a significant proportion of the total sack-sorter workload and over one-third of the third-class volume presented to the sack-sorters for sorting. The growth in "skin sacks" seems attributable to the recent changes in the third-class rate structure, since there previously was no economic reason for a third-class mailer to prepare mail in this fashion.

Based on these observations and management concern that without some action BMCs would not be able to process anticipated mail volumes satisfactorily in the fall of this year, Postal Service managers met with a number of third-class mailers to determine if their assessment of the situation matched ours. We also sought to ascertain whether what we were experiencing reflected a shake-down period within the mailing industry so that we could anticipate a change in the mailer reaction to economics of the third-class rate situation over the coming months in a manner which would alleviate the problems currently being experienced. The mailing industry representatives generally indicated they did not feel a further economic shake-down period would significantly modify the experience we were now having due to the basic market forces within their industry.

III. Alternative Solutions

Given this continuing problem and indications from the mailing industry that no relief was in sight as a result of changes in their basic practice, the Postal Service has concluded that it is now necessary to take action to remedy the situation through modifications to the preparation requirements for this mail. This action was necessitated by the significant increase in "skin sacks," the potential adverse affect on overall processing cost in the Postal Service, and the potential for the problem to interfere with the Postal Service's ability to provide reasonable and effective service for this mail.

Looking toward solutions of the workload problem, the Postal Service conducted additional reviews to determine more about the characteristics of the "skin sacks" being processed. Observations were made at several BMCs to identify and evaluate the contents of "skin sacks" of third-class mail presorted to 5-digit ZIP Code. These reviews revealed that approximately 60 percent of those sacks contained one 5-digit code package of mail (minimum of 10 pieces); and 95 percent of the skin sack volume was accounted for by sacks containing 6 or less packages.

From these estimates, it was apparent that a significant portion of the "skin sack" problem could be alleviated if changes were made to eliminate the preparation of "skin sacks" containing extremely small package quantities since these accounted for so much of the "skin sack" distribution.

The Postal Service looked at a number of alternatives which could contribute significantly to alleviating the "skin sack" problem. Two general approaches were identified. First, consideration was given to altering the preparation requirements to qualify for the five-digit rate incentives without altering the basic 10-piece minimum eligibility requirement. Second, alternatives were considered which required the Postal Service to raise the minimum eligibility from 10 pieces to some higher level. In considering these alternatives, the

Postal Service sought to find an alternative which would contribute significantly to alleviating the Postal Service's current and potential cost and operating problems resulting from the "skin sacks," while preserving as much latitude for mailers to qualify for the 5-digit rate as possible.

Changes to Preparation Requirements

The Postal Service considered a number of possible changes to the requirements for preparation of mail in connection with the 5-digit presort rate.

Consideration was given to allowing the 5-digit presort rate for 5-digit packages in 3-digit sacks. The Postal Service concluded that this alternative could not be offered to mailers because it would result in the incurrence of package-handling costs at sectional center facilities which were not planned for in the structure of the basic rate and are not within the intent of the basic classification.

As part of its review, the Postal Service also looked at that part of the 3-digit sack preparation which related to the unique 3-digit ZIP Code cities. In this consideration, the feasibility of allowing the 5-digit rate on mail prepared in unique 3-digit sacks for these cities was considered. Review of field operations indicated that within these cities sorting of the mail to the carrier is normally performed at the main post office. Generally, this means that 5-digit prepared sacks and 3-digit prepared sacks are opened within the same operation and packages are distributed to the incoming secondary sorting operation to carriers from the same point. Where this is occurring, there is very limited additional benefit to the Postal Service in 5-digit sack preparation. Occasionally, 5-digit sacks may provide some advantage over the unique 3-digit city sacks, since incoming secondary sorting could be decentralized to stations and branches for workload leveling. However, sacking latitude for unique 3-digit ZIP Code city sacks would be consistent with similar latitude permitted for second-class mail as part of the initial classification for that mail. Taking all of these factors into consideration, the Postal Service felt that it was feasible to allow a modification in the preparation requirements for mail destined to the unique 3-digit cities.

Consideration was also given to allowing mail for smaller, non-unique 3-digit multicoded cities to be combined in a sack and obtain the 5-digit rate. This alternative was not considered to be economically practical. There are administrative difficulties in verifying the make-up of mail in these multi ZIP Code cities which are not unique 3-digit cities. The number and combination of 5-digit ZIP Codes varies for multi ZIP Code cities. New 5-digit ZIP Codes are added depending on local growth factors and post office operational changes. Changes in the list of these multi ZIP Code cities, including changes in the range of codes assigned to particular cities, tend to occur frequently. In checking such mail for proper make-up, postal acceptance clerks would be required to have special knowledge of the 5-digit ZIP Code for each of these cities or refer to special charts. This would substantially increase postal acceptance and verification time and resources. In addition, mailers, many of whom use computer programs to sort their mailings by ZIP Codes, would have to use special programming, with continuous revisions, to sort to these cities. Since the unique 3-digit cities remain largely constant with infrequent additions, the same type of programming problems do not exist for them. Moreover, in many of the smaller offices, particularly where there are more than 2 ZIP Codes, there is an operating benefit being achieved as a result of the separate sacking.

As a result of these considerations, the Postal Service feels that some latitude can be granted in preparation of 5-digit mail for unique 3-digit cities. Comments from the mailing industry indicate that although this change by itself would contribute somewhat to a reduction in the "skin sack" problem, the reduction would not be of sufficient magnitude to alleviate the problem.

Increases to Minimum 5-Digit Volume

Since isolated changes to preparation requirements did not appear to provide an adequate solution to the problem, the Postal Service felt it necessary to look at increasing the minimum volume a mailer must have to qualify for the discount from the 10-piece level to some higher level.

Initial consideration was given to establishing this minimum in terms of a number of packages since the basic sacking requirements are stated in terms of a number of packages. However, after initial consideration it was determined that establishing a minimum in terms of a number of packages could lead to irrational mail preparation behavior on the part of mailers in order to take advantage of the 5-digit rate. For example, a normal package, as prepared by a mailer, might contain 30 pieces. If a minimum package requirement was set at 3 packages to participate in the 5-digit rate, it would be possible that mailers with as few as 30 pieces would prepare 3 10-piece packages instead of preparing the one 30-piece package. This would lead to additional unnecessary handling for the Postal Service and inefficient preparation practices for the mailer. As a result of this illogical condition, the Postal Service determined that any minimum would have to be established in terms of some mail unit type of measurement such as pieces or weight rather than in terms of packages.

In order to evaluate such policies, the Postal Service conducted additional limited sampling to determine the preparation practices of mailers who were preparing 1-, 2-, and 3-package sacks. The purpose of this review was to develop the information necessary to judge the effectiveness of various piece minimums in terms of impact on various package level sacks. These observations indicated that piece limits below the 50-piece level would reduce the amount of 1-package sacks but have relatively little impact on 2- and 3-package sacks. For example, the estimated overall reduction in the "skin sack" problem at the 30 piece level was only about 50 percent. Since they did not provide sufficient relief, piece limits below the 50 piece level were eliminated as alternatives. At the 50-piece level, the estimates indicated an approximately 90-percent elimination of 1-package sacks, and an overall 70-percent reduction in the "skin sack" problem. A 100-piece minimum policy was also considered. At the 100-piece level, the reduction in 1-package sacks was approximately 95 percent and the overall impact was approximately 80 percent elimination of "skin sacks."

In considering these various piece minimums, the Postal Service was aware that any increase in the piece minimum would have an impact on the flexibility of mailers and their ability to take advantage of 5-digit rates without a change to their basic mailing practices. Consistent with its intent not to alter mailer flexibility any more than was necessary to alleviate the problems, the Postal Service concluded that the additional benefit of a 100-piece policy compared to a 50-piece policy did not warrant the additional level of constraint that would result for mailers. Therefore, the Postal Service concluded that the sacking minimum should be proposed at the 50-piece minimum level.

The Postal Service then considered the impact of a 50-piece minimum on various types of mailers. While a 50-piece minimum for a mailer of letter-type material would be reasonable, for a mailer of heavier weight third-class material this minimum could effectively rule out participation in the 5-digit rate. This seemed unreasonable since, due to the mass of his mail piece, 50 pieces might well be substantially more than the quantity necessary to provide for efficient sack handling in the Postal Service. As a result of this concern, the Postal Service elected to propose a weight alternative to the piece minimum. After considering a number of factors, the Postal Service determined to propose this weight alternative at the 15-pound level. The 15-pound level roughly corresponds to the weight of 50 pieces at the breakpoint in the rate schedule between per-piece and weight rates. If the weight limit were established below 15 pounds, an artificial incentive would be created for mailers to enlarge the mailing piece at no additional postage in the per-piece rate in order to take advantage of the 5-digit rates to areas with less dense mailings.

IV. Recommended Changes

After considering these alternatives, the Postal Service determined it was appropriate to propose changes in the requirements for preparation of third-class mail for the 5-digit presort rate as outlined in the summary section of this proposed rule.

The Postal Service concluded that these changes would provide sufficient relief to permit the Postal Service to resume efficient processing of third-class sacks within the Bulk Mail Centers and to accommodate within a reasonable risk the seasonal growth expected in the fall. The Postal Service concluded that while there would be some impact on mailers as a result of this change every effort had been to minimize this impact consistent with the goals of controlling cost and service for this mail.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

PART 620—CLASSIFICATION

In 622.1, revise .12 to read as follows:

622.1 Eligibility.

* * * * *

.12 Five-Digit Presort Level

a. Minimum Quantity. Each mailing must consist of at least 200 pieces or 50 pounds of mail presorted to 5-digit destinations. Each piece must be part of a package of 10 or more pieces to the same 5-digit ZIP Code and the package must be sacked to the same 5-digit ZIP Code. Each sack must contain a minimum of 50 pieces or 15 pounds of mail to the same 5-digit ZIP Code in order to be eligible for the 5-digit presort level rate. Exception: mailers may commingle different 5-digit packages of 10–50 pieces in sacks for unique 3-digit multi-ZIP Code cities listed in Exhibit 122.634 providing:

(1) Each sack contains at least 50 pieces or 15 pounds of mail, and

(2) No 3-digit city packages are included in the sack, and

(3) 50 pieces or 15 pounds of mail for a single 5-digit ZIP Code (within the unique 3-digit city) must be sacked separately.

* * * * *

PART 660—PREPARATION REQUIREMENTS

In 667.4, revise .42 to read as follows:

667.4 Preparation Requirements for Five-Digit Presort Level Rate.

* * * * *

.42 Sacking. All qualifying packages of 10 or more pieces must be placed in a sack. Each sack must contain at least 50 pieces or 15 pounds of mail. Sacks may be prepared in one of two ways, as follows:

(1) If there are 50 pieces or 15 pounds of mail to a single 5-digit ZIP Code destination, they must be placed in a 5-digit sack. Five-digit sacks containing less than 50 pieces or 15 pounds may not be made. The sack must be labeled in the following manner:

Line 1: City, State and 5-Digit ZIP Code Destination.
Line 2: Contents.
Line 3: Office of Mailing.

Sample:
ARLINGTON, VA 22202
3C LTRS
BOSTON, MA 021

(2) If a mailer has less than 50 pieces or 15 pounds to the same 5-digit ZIP Code, and if that 5-digit ZIP Code is included in a unique 3-digit multi-coded city listed in Exhibit 122.634, packages of that mail may be included in a sack containing other 5-digit packages within the unique 3-digit ZIP Code city. Each sack must contain at least 50 pieces or 15 pounds of 5-digit presorted mail. No 3-digit city packages may be included in the sack. The sack must be labeled in the following manner:

Line 1: City, State and unique 3-digit city ZIP Code.
Line 2: Contents—5-Digit Pkgs.
Line 3: Office of mailing.

Sample:
SPOKANE, WA 992
3C LTRS—5-Digit Pkgs
Boston, MA 021

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 403, 404)

Fred Eggleston,
Assistant General Counsel, Legislative Division.

[FR Doc. 81-19635 Filed 7-1-81; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1872/P180; PH-FRL-1860-1]

Pyrethrins and Synergist Piperonyl Butoxide; Proposed Tolerances

Correction

In FR Doc. 81-18537, appearing on page 32457, on Tuesday, June 23, 1981, make the following corrections:

(1) In the second column, in the sixth line of the "SUMMARY" statement "Interregional Project" should be corrected to read "Interregional Research Project".

(2) Also in the second column, in the sixth line of "SUPPLEMENTARY INFORMATION" "6F1872" should be corrected to read "6E1872".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-405; RM-3775]

FM Broadcast Station in St. Johns, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 239 to St. Johns, Arizona, in response to a petition filed by Plateau Communications, Inc. The assignment would provide St. Johns with a first local aural service.

DATES: Comments must be filed on or before August 25, 1981, and reply comments must be filed on or before September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (St. Johns, Arizona), BC Docket No. 81–405, RM–3775.

Adopted: June 18, 1981.

Released: June 26, 1981.

1. A petition for rule making [1] was filed by Plateau Communications, Inc. ("petitioner"), proposing the assignment of Class C FM Channel 239 to St. Johns, Arizona, as that community's first FM allocation. The assignment can be made in compliance with the minimum distance separation requirements, and petitioner states that it will apply for the channel, if assigned.

2. St. Johns (population 1,320), the seat of Apache County (population 32,298),[2] is located approximately 27 kilometers (170 miles) northeast of Phoenix, Arizona. The petitioner states that over 25% of the Indian population of Arizona resides in Apache County, representing over two-thirds of its population, in addition to approximately 3,500 Hispanics that reside there.

3. Petitioner states that it has no local service at the present time, and that the nearest radio stations are 40–50 miles from its communities. It adds that the proposed assignment would also provide city-grade service to Apache County communities of Springerville and Eagar, which are approximately 40 kilometers (25 miles) south of St. Johns.

4. Petitioner has set forth the requisite showings to demonstrate the need for its proposed service to St. Johns.

5. *Preclusion Considerations.* The assignment of Class C FM Channel 239 to St. Johns will cause preclusion on Channel 236 within 65 miles; Channel 237A within 65 miles; Channel 238 within 150 miles; Channel 239 within 180 miles; Channel 240A within 105 miles; Channel 241 within 65 miles; and on Channel 242 within 65 miles. However, petitioner stated that alternate channels are available to the precluded communities which contain a population in excess of 1,000.

6. *Other Considerations:* Generally, when a community of St. Johns' size requests a Class C channel assignment, a *Roanoke Rapids/Anamosa* showing is required. But, since it appears that a Class C assignment will provide a substantial first and/or second service, based on St. Johns' insolated location, we will waive that requirement in this instance.

7. As the proposed assignment is within 304 kilometers (190 miles) of the U.S.-Mexico border, Mexican concurrence must be obtained.

8. In light of the fact that the proposed FM channel assignment would provide a first local aural broadcast service to St. Johns and service to surrounding areas, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follow:

City	Channel No.	
	Present	Proposed
St. Johns, Arizona		239

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before August 25, 1981, and reply comments on or before September 14, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contract Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments of officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–405; RM–3775]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later then that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other document shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–19532 Filed 7–1–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Public Notice of the petition was given on November 3, 1980, Report No. 1254.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 81–406; RM–3793]

FM Broadcast Station in Leone, American Samoa; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C Channel 266 to Leone, American Samoa, in response to a petition filed by Radio Samoa, Ltd. The assignment would provide Leone with a first local FM service.

DATES: Comments must be filed on or before August 25, 1981, and reply comments must be filed on or before September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Leone, American Samoa), BC Docket No. 81–406, RM–3793.

Adopted: June 18, 1981.

Released: June 25, 1981.

1. A petition for rule making [1] was filed by Radio Samoa, Ltd. ("petitioner"), proposing the assignment of Class C Channel 266 to Leone, American Samoa, as that community's first FM allocation. Petitioner states that it will apply for the channel, if assigned to Leone. No responses to the petition have been filed. The channel can be assigned in compliance with the minimum distance separation requirements and applicable regulations.

2. Leone (population 1,657),[2] is located in Lealataua County (population 24,548). It is served locally by one full-time AM station, which is licensed to the petitioner.

3. Petitioner's Engineering Statement indicates that at present, there are no FM broadcast stations operating in either American or Western Samoa, and that the closest operational one is located approximately 700 miles distant at Suva in the Fiji Islands.

4. Petitioner's Engineering Statement also reveals that Channel 266 (101.1 MHz) is proposed for use in American Samoa since it is one of the Class C channels without second-harmonic conflicts with the television channels utilized there.

5. In view of the fact that the proposed FM channel assignment would provide Leone, American Samoa, with a first FM and second nighttime aural broadcast service, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Leone, American Samoa		266

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 25, 1981, and reply comments on or before September 14, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–406; RM–3793]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

[1] *Public Notice* of the petition was given November 25, 1980, Report No. 1258.

[2] Population figures are taken from the 1970 U.S. Census.

Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19533 Filed 7-1-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-400; RM-3787]

FM Broadcast Station in Petal, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 292A to Petal, Mississippi, in response to a petition filed by Jerrine Wilson. The assignment would provide Petal with a first local aural service.

DATES: Comments must be filed on or before August 25, 1981 and reply comments on or before September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Petal, Mississippi), BC Docket No. 81-400, RM-3787.

Adopted: June 18, 1981.

Released: June 26, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Jerrine Wilson ("petitioner"), proposing the assignment of FM Channel 292A to Petal, Mississippi, as that community's first local aural broadcast service.

(b) The channel can be assigned to Petal, with a site restriction to conform with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

(c) Petitioner states that she will apply for the channel, if assigned.

2. *Community Data.*—(a) *Location.* Petal, located in Forest County, is approximately 144 Kilometers (90 miles) southeast of Jackson Mississippi.

(b) *Population.* Petal—6,986; Forest County—57,849. [2]

(c) *Local Aural Broadcast Service.* None.

3. *Economic Considerations.* Petitioner states that Petal has experienced a tremendous growth in population, and is expected to continue this trend. The community has its own local government unit and municipal services. In addition to several major manufacturers of various products operating in the area, Petal has its own educational institutions, churches, hostelries, recreational facilities, libraries, civic clubs and cultural attractions. According to petitioner, Petal is surrounded by rich agricultural farm lands, forests, and has an abundance of natural resources. Petitioner has submitted sufficient demographic and economic data to demonstrate the need for a first FM assignement to Petal.

4. *Technical Data.* The transmitter site must be located 7.2 kilometers (4.5 miles) east-northeast of Petal to avoid short-spacing to Station WJOJ (Channel 292A), Picayune, Mississippi.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Petal, Mississippi		292A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 25, 1981, and reply comments on or before September 14, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-400; RM-3787]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19534 Filed 7-1-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-404; RM-3784]

FM Broadcast Station in Sidney, New York; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 265A to Sidney, New York, in response to a petition filed by Mark D. Humphrey. The assignment would provide Sidney with a first local FM service.

DATES: Comments must be filed on or before August 25, 1981, and reply comments on or before September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Sidney, New York), BC Docket No. 81-404, RM-3784.

Adopted: June 18, 1981.

Released: June 26, 1981.

1. A petition for rule making [1] was filed by Mark D. Humphrey ("petitioner"), requesting the assignment of Channel 265A to Sidney, New York, as that community's first FM assignment. Petitioner states that he will apply for the channel if it is assigned to Sidney. No responses to the petition have been filed. The channel can be assigned to Sidney in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules, provided the transmitter site is located approximately 2 kilometers (1.2 miles) southeast of that community.

2. Sidney (population 4,789), [2] in Delaware County (population 44,718), is located approximately 208 kilometers (130 miles) northwest of New York, New York. It currently has no local aural service.

3. Petitioner states that Sidney has a central business district, which includes banks and a variety of stores. Several diversified industries are located there, one of which, according to petitioner, employs approximately 3,000 workers. Further, he states that Sidney's excellent transportation facilities contribute to its economic stability. Petitioner has submitted sufficient data to demonstrate the need for a first FM assignment to Sidney, New York.

4. The transmitter site must be located at least 1.9 kilometers (1.2 miles) southeast of Sidney to avoid short-spacing to Station WEZG (Channel 265A), in North Syracuse, New York. Additionally, since the proposed assignment is within 400 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be provided.

5. In view of the fact that the proposed FM channel would provide a first local aural broadcast service to Sidney, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to Sidney, New York, as follows:

City	Channel No.	
	Present	Proposed
Sidney, New York		265A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 25, 1981, and reply comments on or before September 14, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-404; RM-3784]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (4), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

[1] *Public Notice* of the petition was given on November 10, 1980, Report No. 1256.

[2] Population figures are taken from the 1970 U.S. Census.

[1] Public Notice of the petition was given November 10, 1980, Report No. 1256.

[2] Population figures are taken from the 1970 U.S. Census.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-19535 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-403; RM-3751]

FM Broadcast Station in DeRidder, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 221A to DeRidder, Louisiana, in response to a petition filed by KATY Associates. The assignment could provide DeRidder with a second FM station.

DATES: Comments must be filed on or before August 25, 1981, and reply comments on or before September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (DeRidder, Louisiana), BC Docket No. 81-403, RM-3751.

Adopted: June 18, 1981.

Released: June 26, 1981.

1. A petition for rule making[1] was filed by KATY Associates ("petitioner"), proposing the assignment of FM Channel 221A to DeRidder, Louisiana, as that community's second allocation. No responses to the petition were received. The channel can be assigned in accordance with the minimum mileage distance separation requirements of § 73.207 of the Commission's rules. However, petitioner has failed to state in its proposal that it will apply for the channel, if assigned, and it is required that it make a commitment to that effect in its comments.

2. DeRidder (population 8,030),[2] the seat of Beauregard Parish (population 22,888), is located approximately 320 kilometers (200 miles) west-northwest of New Orleans. It is presently served locally by daytime-only AM Station KDLA and by FM Station KEAZ (Channel 269A).

3. Petitioner states that DeRidder's population shows a growth trend. It has its own government unit, schools, civic and social clubs, and recreational facilities. In addition, it lists six major manufacturers which are located in the community. Other than the two stations licensed to the community, communications services are provided by two weekly newspapers, one local cable system, and television service from Lake Charles. Rail, bus and motor carriers serve the transportation needs of the area.

4. *Preclusion Considerations:* The assignment of Channel 221A to DeRidder will cause preclusion (affecting commercial channels) only on Channel 221A within 65 miles. Petitioner states that alternate channels are available to the precluded communities.

5. *Additional Considerations:* Petitioner states that the assignment of Channel 221A to DeRidder would provide a first FM and fulltime aural service to 399 persons residing in an area of 153 square kilometers (60 square miles), and a second FM and fulltime aural service to 10,512 persons in an area of 758 square kilometers (296 square miles).

6. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
DeRidder, Louisiana	269A	221A, 269A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 25, 1981, and reply comments on or before September 14, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Aply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Burea, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commisson proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-403; RM-3751]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commisison's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commisson's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19536 Filed 7-1-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-408; RM-3816]

FM Broadcast Station in Canton, Illinois Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 265A to Canton, Illinois, as a second FM assignment to the community, in response to a petiton for rulemaking filed by Canton Communications.

DATES: Comments must be filed on or before August 25, 1981, and reply comments on or before September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Canton, Illinois), BC Docket No. 81-408, RM-3816.

Adopted: June 18, 1981.

Released: June 25, 1981.

1. Before the Commission is a petition for rulemaking[1] filed by Canton Communications ("petitioner"), proposing the assignment of FM Channel 265A to Canton, Illinois, as a second FM assignment to that community. The proposed channel can be assigned to Canton in compliance with the minimum distance separation requirements.

2. Canton (population 14,217),[2] the seat of Fulton County (population 41,890), is located approximately 248 kilometers (155 miles) southwest of Chicago, Illinois. It is presently served by Class A FM Station WBYS, and by daytime-only AM Station WBYS.

3. According to the petitioner Canton is "the commercial and trading center for 53,000 people." Its major industries are manufacturing, coal mining, and farming.

4. Petitioner claims that there is a need for an additional FM assignment. Canton's only broadcast facilities are commonly owned by Radio Stations WBYS (AM) and WBYS-FM. An additional FM station would provide for a diversity of viewpoints and an additional local service which would benefit the community, according to petitioner.

5. Petitioner notes that the assignment of Channel 265A to Canton, Illinois, will cause preclusion only on the co-channel. Four communities with populations greater than 1,000 would sustain preclusion on this channel. Alternate channels should be listed for these communities.

6. Accordingly, since an interest has been expressed and a need shown for the proposed assignment to Canton, we are proposing to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as to the following community:

City	Channel No.	
	Present	Proposed
Canton, Illinois	252A	252A, 265A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 25, 1981, and reply comments on or before September 14, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not

[1] Public Notice of the petition was given September 10, 1980, Report No. 1248.

[2] Population figures are taken from the 1970 U.S. Census.

[1] Public Notice was given on January 9, 1981, Report No. 1266.

[2] Population figures are taken from the 1970 U.S. Census.

V. 46 / 127 JL 2 81 UMI

apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1062 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–408; RM–3816]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–19537 Filed 7–1–81; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 46, No. 127
Thursday, July 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Agency Organization and Personnel; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 10:15 a.m., Wednesday, July 15, 1981, in the library of the Administrative Conference, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider Professor Victor Rosenblum's report outlining a system for the evaluation of administrative law judges and to engage in an exploratory discussion of other issues relating to the selection, retention, and promotion of administrative law judges. (No specific proposed recommendation is before the Committee.) Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. Members of the public may be permitted to present oral statements, if deemed appropriate by the Committee Chairman. Members of the public may also file a written statement with the Committee before, during, or after the meeting.

For further information concerning this meeting, contact Richard K. Berg (202–254–7020). Minutes of the meeting will be available upon request.

Richard K. Berg,

Executive Secretary.

June 25, 1981.

[FR Doc. 81–19468 Filed 7–1–81; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Hells Canyon National Recreation Area; Availability

Legal Description and Maps for the Hells Canyon National Recreation Area, Hells Canyon Wilderness, and Designated Wilderness Study Areas.

Public Law 94–199, enacted December 31, 1975, 16 U.S.C. 460gg, designated the Hells Canyon National Recreation Area, the Hells Canyon Wilderness, and three Wilderness Study Areas. Section 1(b) of the Act provides that a detailed boundary description and maps showing the boundaries of these units be on file and available for public inspection in the office of the Chief, Forest Service, U.S. Department of Agriculture, and published in the **Federal Register.**

The legal description for the involved units consists of 61 pages and 31 map sheets. Costs to publish this material in the **Federal Register** are estimated to be $18,000. In the interests of economy, this notice of availability is published to provide public awareness that the legal description and maps are on file for public inspection and may be reviewed by interested parties in the following offices:

Chief, Forest Service, USDA, South Agriculture Building, Rm. 4238, 12th & Independence Ave., SW., Washington, DC 20013;

Regional Forester, Forest Service, USDA, 319 SW. Pine Street, Portland, OR 97208;

Regional Forester, Forest Service, USDA, Federal Building, Missoula, MT 59807;

Regional Forester, Forest Service, USDA, 324 25th Street, Ogden, UT 84401;

Forest Supervisor, Forest Service, USDA, Wallowa-Whitman National Forest, Baker, OR 97814;

Forest Supervisor, Forest Service, USDA, Nezperce National Forest, 319 E. Main Street, Grangeville, ID 83530;

Forest Supervisor, Forest Service, USDA, Payette National Forest, Forest Service Building, McCall, ID 83638.

In compliance with the Wilderness Act of 1964 (Public Law 88–577), the legal description and maps will be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives. This action will be taken concurrently with the publication of this notice of availability

Further information is available from Charles R. Joy, Recreation Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013; telephone (202) 447–2422.

R. Max Peterson,

Chief.

June 26, 1981.

[FR Doc. 81–19476 Filed 7–1–81; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Docket 39634]

U.S.-London Case (1982); Assignment of Proceeding

This proceeding is hereby assigned to Adminstrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., June 29, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81–19531 Filed 7–1–81; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil rights, that a meeting of the Alaska Advisory Committee to the Commission will convene at 3:00p and will end at 5:00p, on July 20, 1981, at the Federal Building, Room C–122, 701 C Street, Anchorage, Alaska 99501. The purpose of this meeting is to review draft report of the Alaska-Washington study of seafood processing.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Richard J. Stitt, One Sealaska Plaza, Suite 400, Juneau AK 99801, (907) 789–0010; or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle WA 98174 (216) 399–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19575 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

Maine Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on July 23, 1981, at the Maine Teachers Association, Community Drive, Augusta, Maine. The purpose of this meeting is to plan interview schedule for forum on domestic violence law; and plan project on women in nontraditional jobs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Madeleine D. Giguere, 35 Orange Extension, Lewiston, Maine 04240, (207) 784-9948; or the New England Regional Office, 55 Summer Street, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19576 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a consultation of the Massachusetts Advisory Committee to the Commission will convene at 1:00p and will end at 5:00p, on August 20, 1981, at the John F. Kennedy Federal Building, Room 505, Government Center, Boston, MA 02203. The purpose of this consultation is to invite experts in public school employment practices to address the problem of how to retain recent increases in minority group representation in the faculties and administration of school systems forces to lay off employees because of declining pupil enrollments and Proposition 2½.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, E. Falmouth, MA 02536, (617) 540-0276; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19577 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on July 16, 1981, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101. The purpose of this meeting is to plan programs for fiscal year 1981.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Sylvia E. Chaplain, 7 Wendover Way, Bedford, New Hampshire 03102, (603) 625-5335; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19578 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

New York Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00 p.m. and will end 6:30 p.m., on August 12, 1981, at the Phelps Stokes Fund, 10 East 87 Street, New York, New York. The purpose of this meeting is to discuss the coming projects for the year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Franklin H. Williams, Phelps Stokes Fund, 10 East 87 Street, New York, NY 10028, (212) 724-8116; or the Eastern Regional Office, 26 Federal Plaza, New York, NY 10007, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19579 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

Texas Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U. S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m. on July 24, 1981, at the Executive Inn, 3232 W. Mockingbird, Dallas TX 75235. The purpose of this meeting is a planning session for the Northern Subcommittee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, 1421 Pine Street, Texarkana, Texas 75501, (214) 794-8222; or the Southwestern Regional Office, Heritage Plaza, 416 South Main, San Antonio, TX 78204, (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19580 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

Washington Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington advisory Committee to the Commission will convene at 5:00 p.m. and will end at 7:00 p.m., on July 29, 1981, at the Federal Building, Room 2854, 915 Second Avenue, Seattle, Washington 98174. The purpose of this meeting is to review draft report of Alaska-Washington Study of Seafood Processing (Subcommittee).

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Katharine M. Bullitt, 1125 Harvard Avenue East, Seattle, WA 98102, (206) 325-6353; or the Northwestern Regional Office, 915 Second Avenue, Seattle, WA 98174, (216) 399-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19581 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 6:00p and will end at 9:00p, on July 21, 1981, at the Wisconsin Center—Lowell Hall, Room 426, 610 Langdon, Madison, Wisconsin 53706. The purpose of this meeting is to review the results of the factfinding bilingual meetings; discuss new project; and assess vocational education project progress and plan last interviews.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herbert M. Hill, 2127 Van Hise Avenue, Madison, Wisconsin 53705, (608) 238-6647; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago IL 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 29, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19582 Filed 7-1-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 7-81]

Foreign-Trade Zone No. 55, Burlington, Vermont; Application for Special-Purpose Subzone

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Burlington Industrial Corporation (GBIC), grantee of Foreign-Trade Zone No. 55, requesting authority to establish a special-purpose subzone for a garment manufacturing plant in St. Albans, Vermont, within the St. Albans Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zone Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 25, 1981.

The Board authorized GBIC to establish a general-purpose zone on February 14, 1980 to serve the Greater Burlington area. It became operational in mid-1980. GBIC was created in 1954 as a nonprofit development corporation to encourage and coordinate regional public and private industrial development efforts. It is authorized to make this proposal under Section 4122, Chapter 111, Title 9 of the Vermont State Acts, effective March 3, 1976.

The applicant proposes to establish a subzone for the St. Albans plant of Pedigree USA, Inc., located at a 3.4-acre facility on St. Albans Town Highway at Highway Road. Pedigree is currently using a 17,400 square foot building on the site to store, repack, inspect and distribute ski wear produced in the Far East. Zone status would prompt the company to use the plant for ornamenting, finishing and other manufacturing operations now performed abroad by foreign contractors, and for international distribution currently handled by a Canadian plant. Plans call for a 40,000 square foot plant expansion to accommodate the additional operations.

Zone procedures will allow Pedigree to defer duty on inventory which it must hold for seasonal sales, while encouraging the company to process and store the garments domestically. Pedigree indicates that the duty savings are critical to its decision to shift manufacturing and distribution operations to the U.S. from abroad. The move could increase employment at the St. Albans plant by as much as 79 percent (65 persons) over the next four years, while increasing U.S. exports and reducing the value of imports.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis M. Puccinelli (Chairman), International Trade Specialist, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel C. Ernest Edgar III, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02154.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before July 31, 1981.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Room 610-B, Federal Office Building, 450 Main Street, Hartford, Connecticut 06103

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Room 2006, Washington, D.C. 20230

Dated: June 29, 1981.
John J. Da Ponte, Jr.,
Executive Secretary, Foreign-Trade Zones Board.
[FR Doc. 81-19391 Filed 7-1-81; 8:45 am]
BILLING CODE 3510-25-M

International Trade Administration

Certain Steel Wire Nails From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of information developed by the U.S. Department of Commerce under the "Trigger Price Mechanism" for steel mill products, we are initiating an antidumping investigation to determine whether imports of certain steel wire nails from Japan are being imported at less than fair value. We are notifying the U.S. International Trade Commission of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377-1785.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1977, the President approved implementation by the Treasury Department of a "Trigger Price Mechanism" ("TPM") applicable to imports of certain steel mill products. As stated in the Federal Register of December 30, 1977, (42 Fed Reg. 65214), the TPM consisted of four major parts: (1) the establishment of trigger prices for steel mill products imported into the United States; (2) the use of a Special

Summary Steel Invoice ("SSSI") applicable to imports of all steel mill products; (3) the continuous collection and analysis of data concerning (a) the cost of production and prices of steel mill products exported to the United States, and (b) the condition of the domestic steel industry; and, (4) where appropriate, the expedited initiation and disposition of proceedings under the antidumping law with respect to imports below the trigger prices.

Responsibility for administration of the antidumping law and the TPM was transferred to the Department of Commerce on January 2, 1980, as part of the Reorganization Plan No. 3 of 1979.

The TPM was designed as a substitute for major antidumping petitions by the domestic industry. On March 21, 1980, dumping petitions involving basic steel mill products from seven European countries were filed with the Department of Commerce. As a result of these petitions, the Department suspended the TPM. On October 8, 1980, following withdrawal of the anitdumping complaints against the European steel producers, the Department of Commerce announced its intention to reinstate the TPM in modified form (45 FR 66833). The present TPM, however, still incorporates the four principles described above.

Trigger Price Mechanism

The TPM is a monitoring device used by the Department of Commerce to determine those basic steel mill products most likely to be sold at less than fair value in the United States. Actual C.I.F. prices of merchandise entering the United States are compared to applicable trigger prices established by the Department of Commerce.

Since trigger prices reflect the estimated cost of production and shipping costs of the world's most efficient producers of steel, any imports entering the United States at prices significantly below the applicable trigger prices represent potential sales at less than fair value.

Initiation of Antidumping Investigation

The Department has examined SSSI documents submitted by importers of steel wire nails from Japan. Our analysis of information contained in these documents indicates that, during the period October 21, 1980, through March 31, 1981, forty-four percent of this merchandise entered the United States below the applicable trigger prices. The weighted average margin of sales below trigger price was approximately 35 percent.[1]

[1] See appendix.

There is also evidence indicating at this time that these sales may be having an injurious effect upon the U.S. steel industry. Commerce has compiled information which indicates declining import prices of this merchandise from Japan during recent years. There is evidence that these imports may be causing depressed conditions in the U.S. industry such as suppressed prices and profits, and declining sales.

Based on this information, I hereby determine in accordance with section 732(a) of the Act (19 U.S.C. 1673a(a)) that an antidumping investigation should be initiated to determine whether imports of steel wire nails from Japan are being, or are likely to be, sold at less than fair value and whether a U.S. industry is being materially injured or is threatened with material injury by reason of imports of such merchandise.

Scope of the Investigation

For purposes of this notice, the term "steel wire nails" refers to nails as currently described and provided for in item numbers 646.25 and 646.26 of the Tariff Schedules of the United States (TSUS).

Notification of ITC

As required by section 732(d) of the Act (19 U.S.C. 1673a(d)), the Department of Commerce has notified the ITC of this determination and has provided to the ITC the information upon which this determination is based. The Department allows ITC access to all privileged and confidential information in its files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

Under section 733(a) of the Act (19 U.S.C. 1673b(a)), the ITC must determine no later than 45 days from the date of notification whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain steel wire nails from Japan. If that determination is negative, this investigation will be terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion. Unless this investigation is terminated or extended, we will announce our preliminary determination no later than 160 days of publication of this notice.

(Sec. 732 of the Act (19 U.S.C. 1673a) and § 353.37 of the Commerce Regulations (19 CFR 353.37))

B. Waring Partridge,

Acting Deputy Assistant Secretary for Import Administration.

June 26, 1981.

Appendix

The Department adjusted its trigger prices for carbon steel wire nails downward about 9 percent beginning with second-quarter 1981 trigger prices (applicable on merchandise exported on or after April 1 and before July 1, 1981). This adjustment reflected a refinement in the Department's method of estimating Japanese steel wire nail production costs. Had this adjustment in methodology been made for the October 21, 1980 through March 31, 1981 trigger prices, the weighted average margin of sales below trigger price would have been approximately 24 percent.

[FR Doc. 81-19370 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Wire Nails From Yugoslavia

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of information developed by the U.S. Department of Commerce under the "Trigger Price Mechanism" for steel mill products, we are initiating an antidumping investigation to determine whether imports of certain steel wire nails from Yugoslavia are being imported at less than fair value. We are notifying the U.S. International Trade Commission of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Altier, Office of Investigations, Import Administration, International Trade Administrtion, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377–1785.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1977, the President approved implementation by the Treasury Department of a "Trigger Price Mechanism" ("TPM") applicable to imports of certain steel mill products. As stated in the **Federal Register** of December 30, 1977, (42 FR 65214), the

TPM consisted of four major parts: (1) the establishment of trigger prices for steel mill products imported into the United States; (2) the use of a Special Summary Steel Invoice ("SSSI") applicable to imports of all steel mill products; (3) the continuous collection and analysis of data concerning (a) the cost of production and prices of steel mill products exported to the United States, and (b) the condition of the domestic steel industry; and, (4) where appropriate, the expedited initiation and disposition of proceedings under the antidumping law with respect to imports below the trigger prices.

Responsibility for administration of the antidumping law and the TPM was transferred to the Department of Commerce on January 2, 1980, as part of Reorganization Plan No. 3 of 1979.

The TPM was designed as a substitute for major antidumping petitions by the domestic industry. On March 21, 1980, dumping petitions involving basic steel mill products from seven European countries were filed with the Department of Commerce. As a result of these petitions, the Department suspended the TPM. On October 8, 1980, following withdrawal of the antidumping complaints against the European steel producers, the Department of Commerce announced its intention to reinstate the TPM in modified form (45 FR 66833). The present TPM, however, still incorporates the four principles described above.

Trigger Price Mechanism

The TPM is a monitoring device used by the Department of Commerce to determine those basic steel mill products most likely to be sold at less than fair value in the United States. Actual C.I.F. prices of merchandise entering the United States are compared to applicable trigger prices established by the Department of Commerce.

Since trigger prices reflect the estimated cost of production and shipping costs of the world's most efficient producers of steel, any imports entering the United States at prices significantly below the applicable trigger prices represent potential sales at less than fair value.

Initiation of Antidumping Investigation

The Department has examined SSSI documents submitted by importers of steel wire nails from Yugoslavia. Our analysis of information contained in these documents indicates that, during the period October 21, 1980, through March 31, 1981, all of this merchandise entered the United States below the applicable trigger prices. The weighted average margin of sales below trigger price was approximately 59 percent.[1]

There is also evidence indicating at this time that these sales may be having an injurious effect upon the U.S. steel industry. There is evidence that these imports may be causing depressed conditions in the U.S. industry such as suppressed prices and profits, and declining sales.

Based on this information, I hereby determine in accordance with section 732(a) of the (Act 19 U.S.C. 1673a(a)) that an antidumping investigation should be initiated to determine whether imports of steel wire nails from Yugoslavia are being, or are likely to be, sold at less than fair value and whether a U.S. industry is being materially injured or is threatened with material injury by reason of imports of such merchandise.

Scope of the Investigation

For purposes of this notice, the term "steel wire nails" refers to nails as currently described and provided for in item numbers 646.25 and 646.26 of the Tariff Schedules of the United States (TSUS).

Notification of ITC

As required by section 732(d) of the Act (19 U.S.C. 1673a(d)), the Department of Commerce has notified the ITC of this determination and has provided to the ITC the information upon which this determination is based. The Department allows ITC access to all privileged and confidential information in its files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

Under section 733(a) of the Act (19 U.S.C. 1673b(a)), the ITC must determine no later than 45 days from the date of notification whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain steel wire nails from Yugoslavia. If that determination is negative, this investigation will be terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion. Unless this investigation is terminated or extended, we will announce our preliminary determination no later than 160 days of publication of this notice.

[1] See appendix.

(Sec. 732 of the Act (19 U.S.C. 1673a) and § 353.37 of the Commerce Regulations (19 CFR 353.37))

B. Waring Partridge,

Acting Deputy Assistant Secretary for Import Administration.

June 26, 1981.

Appendix

The Department adjusted its trigger prices for carbon steel wire nails downward about 9 percent beginning with second-quarter 1981 trigger prices (applicable on merchandise exported on or after April 1 and before July 1, 1981). This adjustment reflected a refinement in the Department's method of estimating Japanese steel wire nail production costs. Had this adjustment in methodology been made for the October 21, 1980 through March 31, 1981 trigger prices, the weighted average margin of sales below trigger price would have been approximately 45 percent.

[FR Doc. 81-19372 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Wire Nails From the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of information developed by the U.S. Department of Commerce under the "Trigger Price Mechanism" for steel mill products, we are initiating an antidumping investigation to determine whether imports of certain steel wire nails from Korea are being imported at less than fair value. We are notifying the U.S. International Trade Commission of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Altier, office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377–1785.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1977, the President approved implementation by the Treasury Department of a "Trigger Price Mechanism" ("TPM") applicable to imports of certain steel mill products. As stated in the **Federal Register** of December 30, 1977, (42 FR 65214), the

TPM consisted of four major parts: (1) the establishment of trigger prices for steel mill products imported into the United States; (2) the use of a Special Summary Steel Invoice ("SSSI") applicable to imports of all steel mill products; (3) the continuous collection and analysis of data concerning (a) the cost of production and prices of steel mill products exported to the United States, and (b) the condition of the domestic steel industry; and, (4) where appropriate, the expedited initiation and disposition of proceedings under the antidumping law with respect to imports below the trigger prices.

Responsibility for administration of the antidumping law and the TPM was transferred to the Department of Commerce on January 2, 1980, as part of Reorganization Plan No. 3 of 1979.

The TPM was designed as a substitute for major antidumping petitions by the domestic industry. On March 21, 1979, dumping petitions involving basic steel mill products from seven European countries were filed with the Department of Commerce. As a result of these petitions, the Department suspended the TPM. On October 8, 1980, following withdrawal of the antidumping complaints against the European steel producers, the Department of Commerce announced its intention to reinstate the TPM in modified form (45 FR 66833). The present TPM, however, still incorporates the four principles described above.

Trigger Price Mechanism

The TPM is a monitoring device used by the Department of Commerce to determine those basic steel-mill products most likely to be sold at less than fair value in the United States. Actual C.I.F. prices of merchandise entering the United States are compared to applicable trigger prices established by the Department of Commerce.

Since trigger prices reflect the estimated cost of production and shipping costs of the world's most efficient producers of steel, any imports entering the United States at prices significantly below the applicable trigger prices represent potential sales at less than fair value.

Initiation of Antidumping Investigation

The Department has examined SSSI documents submitted by importers of steel wire nails from Korea. Our analysis of information contained in these documents indicates that, during the period October 21, 1980, through March 31, 1981, ninety-nine percent of this merchandise entered the United States below the applicable trigger prices. The weighted average margin of sales below trigger price was approximately 35 percent.[1]

Commerce had determined in an earlier antidumping investigation that certain steel wire nails from Korea were being sold to the United States at less than fair value (45 FR 34941). However, on August 13, 1980, the United States International Trade Commission (ITC) published a determination that sales of this merchandise at less than fair value were not injuring, nor were likely to injure, a U.S. industry (45 FR 53924).

There is evidence indicating, at this time, that these sales may be having an injurious effect upon the U.S. steel industry. Commerce has compiled information which indicates growing import penetration and declining import prices of this merchandise from Korea during recent years. There is evidence that these imports may be causing depressed conditions in the U.S. industry such as suppressed prices and profits, and declining sales. These new market conditions provide a sufficient basis for reexamination of the injury question by the ITC.

Based on this information, I hereby determine in accordance with section 732(a) of the Act (19 U.S.C. 1673a(a)) that an antidumping investigation should be initiated to determine whether imports of steel were nails from Korea are being, or are likely to be, sold at less than fair value and whether a U.S. industry is being materially injured or is threatened with material injury by reason of imports of such merchandise.

Scope of the Investigation

For purposes of this notice, the term "steel wire nails" refers to nails as currently described and provided for in item numbers 646.25 and 646.26 of the Tarrif Schedules of the United States (TSUS).

Notification of ITC

As required by section 732(d) of the Act (19 U.S.C. 1673a(d)), the Department of Commerce has notified the ITC of this determination and has provided to the ITC the information upon which this determination is based. The Department allows ITC access to all privileged and confidential information in its files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Detemination by ITC

Under section 733(a) of the Act (19 U.S.C. 1673b(a)), the ITC must determine no later than 45 days from the date of notification whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain steel wire nails from the Republic of Korea. If that determination is negative, this investigation will be terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion. Unless this investigation is terminated or extended, we will announce our preliminary determination no later than 160 days of publication of this notice.

(Sec. 732 of the Act (19 U.S.C. 1673a) and § 353.37 of the Commerce Regulations (19 CFR 353.37))

B. Waring Partridge,
Acting Deputy Assistant Secretary for Import Administration.

June 26, 1981.

Appendix

The Department adjusted its trigger prices for carbon steel wire nails downward about 9 percent beginning with second-quarter 1981 trigger prices (applicable on merchandise exported on or after April 1 and before July 1, 1981). This adjustment reflected a refinement in the Department's method of estimating Japanese steel wire nail production costs. Had this adjustment in methodology been made for the October 21, 1980 through March 31, 1981 trigger prices, the weighted average margin of sales below trigger price would have been approximately 21 percent.

[FR Doc. 81-19371 Filed 6-30-81; 8:45 am]

BILLING CODE 3510-25-M

[1] See Appendix.

Imported Steel Mill Products Trigger Price Mechanism: Monitoring of Specialty Steel Imports

AGENCY: International Trade Administration, Commerce.

SUMMARY: In monitoring specialty steel imports, on a product line basis, for surges possibly caused by dumping or subsidization, the Department of Commerce has determined that surge conditions exist in one of the six product lines monitored, alloy tool steel. Surge conditions do not presently exist in stainless steel plate, rod, bar, sheet and strip, and pipe and tube.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Import Administration, U.S. Department of Commerce, Room 1001, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION: On January 8, 1981 the Department of Commerce announced the Administration's decision to monitor imports of specialty steel products for surges apparently caused by unfair trade practices. This is the second of a series of quarterly reviews which the Department will issue, based upon its assessment of the specialty steel import situation. The first review was published on April 7, 1981 (45 FR 20717). These reviews include a detailed listing of the specific TSUSA categories included in the Department's monitoring procedures and discussed import trends in six major specialty steel product lines.

By monitoring specialty steel imports for surges possibly caused by dumping or subsidization, the Department will be in a position to enforce promptly the trade laws of the United States, in a manner consistent with our international obligations, in cases where the imports could be causing material injury to our industry.

If the Department of Commerce finds that a surge in specialty steel imports appears to be the result of unfair competition, an antidumping or countervailing duty investigation could be initiated. No action will be taken where the surge appears to be the result of fair competition. The monitoring system is designed to ensure enforcement of the trade laws, not to set or imply import quantity of price levels.

The major product lines monitored by the Department are stainless steel sheet and strip, plate, bar, rod, pipe and tubing, and alloy tool steel. A surge exists when, on a product line basis (1) imports as a percent of domestic consumption rise above the average levels for the past ten years and (2) the import penetration trend is clearly toward the levels at which the U.S. International Trade Commission (USITC) found injury in the 1976 escape clause case.

An outline of the major factors noted in the Department's second quarterly review follows. This review is based primarily upon quarterly data for the first calendar quarter of 1981. It also references first quarter levels for previous years and 1971 through 1980 ten year weighted averages. More detailed data are presented in the Appendix to this notice, including a listing of the specific TSUSA import categories covered in the monitoring procedures.

For the category of stainless steel sheet and strip, surge conditions do not exist, as evidenced by the fact that the first calendar quarter 1981 level of import penetration (the share of U.S. apparent consumption accounted for by imports) was 5.2 percent, which is below the 1971 through 1980 ten year weighted average of 9.5 percent and is the lowest first quarter level since 1974.

Surge conditions do not exist for the category of stainless steel plate. Import penetration during the first quarter of 1981 was 2.8 percent, which is below the ten year weighted average of 11.6 percent as well as being the lowest first quarter level for the 1971 through 1981 period.

Surge conditions do not exist for the category of stainless steel rod. Import penetration during the first quarter of 1981 was 36.4 percent which is below the 1971 through 1980 ten year weighted annual average of 44.3 percent. The 36.4 percent level of import penetration was the highest first quarter level since 1977, but is considerably below the first quarter 1975 and 1976 levels of 71.0 percent and 57.8 percent, respectively.

For the category of stainless steel bar, surge conditions do not exist for the first quarter of 1981. Although the Department of Commerce is still completing its review of 1980 trade in stainless steel bar from South Korea, West Germany and France which began as a result of previously existing surge conditions, to date the Department has not found indications of unfair trade practices. Import penetration for the first quarter of 1981 was 16.1 percent which is below the 1971 through 1980 ten year weighted average of 17.1 percent. Import penetration did reach 23.7 percent during April 1981, and monthly data for the balance of the second quarter will be carefully reviewed.

While surge conditions do not currently exist for the category of stainless steel pipe and tube, import penetration is at a point which warrants particular attention during the coming months. Import penetration during the first quarter of 1981 was 42.2 percent, slightly above the 1971 through 1980 ten year weighted average of 41.5 percent, equalling the 42.2 percent level for the first quarter of 1980. These are significantly below the 1976, 1977, and 1978 first quarter levels of 68.6 percent, 50.3 percent and 62.2 percent, respectively.

Surge conditions exist for the category of alloy tool steel. Import penetration for the first calendar quarter of 1981 was 28.6 percent which is well above the 1971 through 1980 ten year average of 22.0 percent. It is approximately the same as the first quarter of 1980's high level of 28.8 percent. The 1980 and 1981 first quarter levels are the two highest first quarter levels for the 1971 through 1981 period. The previous high for a first calendar quarter was 26.4 percent. This level was reached in the first quarter of 1975, during the period reviewed by the USITC in its determination that these products were being imported into the United States in such increased quantitities as to be a substantial cause of serious injury or threat thereof to the domestic industry.

During the first quarter of 1981, imports of alloy tool steel from West Germany accounted for 6.6 percent of U.S. apparent consumption, up from 2.1 percent during the first quarter of 1980 and 3.9 percent for the first quarter of 1979. The quantities of imports of alloy tool steel from West Germany were 1,542 net tons during the first quarter of 1981, which is above both the first quarter of 1980 level of 662 net tons and the first quarter 1979 level of 1,327 net tons. The Department of Commerce is beginning to examine trade in alloy tool steel from West Germany to determine whether sales in the U.S. market have involved dumping or subsidization.

During the first quarter of 1981, imports of alloy tool steel from Austria accounted for 3.3 percent of U.S. apparent consumption, up from 1.4 percent during the first quarter of 1980 and 1.3 percent for the first quarter of 1979. The quantities of imports of alloy tool steel from Austria were 779 net tons during the first quarter of 1981, which is above both the first quarter of 1980 level of 445 net tons and the first quarter 1979 level of 451 net tons. The Department of Commerce is extending its examination of trade in alloy tool steel from Austria to determine whether sales in the U.S. market have involved subsidization. Although the Department is still completing its review of 1980 trade in alloy tool steel from Japan, to date the Department has not found indications of unfair trade practices. However, the situation does warrant particular attention during the coming months.

Lawrence J. Brady,
Assistant Secretary for Trade Administration.

Specialty Steel Product Lines: TSUSA Categories

(1980 U.S. Tariff Schedules)

(1) Stainless Steel Sheet and Strip:
607.7610; 607.9010; 607.9020; 608.2600; 608.2900; 608.4300; 608.5700

(2) Stainless Steel Plate:
607.7605; 607.9005

(3) Stainless Steel Bar:
606.9005; 606.9010

(4) Stainless Steel Rod:
607.2600; 607.4300

(5) Alloy Tool Steel:
606.9300; 606.9400; 606.9505; 606.9510; 606.9520; 606.9525; 606.9535; 606.9540;

607.2800; 607.3405; 607.3420; 607.4600; 607.5404; 607.5420; 607.7205; 607.7220; 607.8805; 607.8820; 608.3405; 608.3420; 608.4905; 608.4920; 608.6405; 608.6420; 609.4520; 609.4550

(6) Stainless Steel Pipe and Tubing: 610.3705; 610.3715; 610.3745; 610.3765; 610.5130; 610.5235; 610.5210; 610.5215

Table I.—*Import Market Shares by Product Category*

[Percent of U.S. Apparent Consumption [1] Supplied by Imports]

Year	S.S. sheet and strip	S.S. plate	S.S. bar	S.S. rod	Alloy tool steel	S.S. pipe and tubing
1971	19.7	17.9	13.7	57.7	14.4	44.5
1972	10.2	24.0	14.5	50.9	14.7	33.9
1973	6.1	13.3	12.5	42.3	19.0	20.8
1974	7.5	9.3	15.2	48.8	19.4	26.5
1975	13.9	16.8	24.6	66.4	28.0	41.5
1976	10.7	20.0	18.2	51.3	25.6	61.2
1977	9.0	8.4	17.4	41.2	21.8	46.3
1978	9.8	9.6	17.5	39.1	24.5	52.0
1979	7.0	5.0	16.4	31.5	27.3	36.4
1980	5.9	2.7	21.6	37.9	[2] 27.7	46.6
10-year weighted average	9.5	11.6	17.1	44.3	22.0	41.5

[1] Apparent Consumption=Net Domestic Shipments plus Imports minus Exports.

[2] The figure of 27.7 percent which appears here has been revised downward since the publication of the first review due to revisions in U.S. Census Data. This revision does not alter the existence of surges previously announced for this product category.

Sources

Imports: U.S. Department of Commerce, Bureau of the Census, IM146.

Exports: U.S. Department of Commerce, Bureau of the Census, EM546.

Shipments: American Iron and Steel Institute, AIS10-S and AIS10, Data Reflect net shipments, excluding shipments to reporting companies.

[FR Doc. 81-19309 Filed 7-1-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Die Presses From Italy; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On May 14, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on die presses from Italy. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were given an opportunity to submit written or oral comments. We received no comments. Therefore, we have determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 10, 1974, a final countervailing duty determination on die presses from Italy, T.D. 74-165, was published in the **Federal Register** (39 FR 20369).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date.

On May 14, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on die presses from Italy (46 FR 26671). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are die presses imported directly or indirectly from Italy. These imports are currently classifiable under item number 678.5085 of the Tariff Schedules of the United States Annotated.

The review covered the period January 1, 1980 through December 31, 1980, and was limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the final determination.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. The stated purpose of Italian Law 639 is to rebate customs duties and certain indirect taxes on the export of products containing iron and steel. No evidence was presented in this case to demonstrate the requisite linkage between the incidence of customs duties and certain indirect taxes on various inputs of this merchandise and the amount of the rebate.

Therefore, we determine that the full value of the rebate for this product, which is 20 lire per kilogram, is the rate of net subsidy conferred upon producers exporting to the United States for the period January 1, 1980 through December 31, 1980.

The U.S. Customs Service shall assess countervailing duties of 20 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980.

The provisions of T.D. 74-165 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties of 15.74 lire per kilogram, the amount set forth in T.D. 74-165, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980.

In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties of 20 lire per kilogram on all unliquidated entries of die presses entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980. Liquidation shall continue to be suspended on entries made on or after April 3, 1980, until the Department is notified of a determination by the ITC.

Further, as required by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties of 20 lire per kilogram on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of July, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary, for Imported Administration.

June 29, 1981.

[FR Doc. 81-19334 Filed 7-1-81; 8:45 am]

BILLING CODE 3510-25-M

National Telecommunications and Information Administration

Electromagnetic Radiation Management Advisory Council: Meeting Change

A notice of the Electromagnetic Radiation Management Advisory Council appeared in the **Federal Register**, Volume 46, No. 123, Page 33068, dated June 26, 1981. The dates of this meeting have been changed to July 15-16. Meeting place changes to the Joseph Henry Building, 21st Street and Pennsylvania Avenue, NW., Washington, D.C. Extensive questions or comments should be submitted in writing before July 13, 1981.

The principal agenda items will include a review of the Environmental Protection Agency's program, as well as the status accomplishments, and plans for the U.S.-U.S.S.R. collaborative program. Future plans affecting ERMAC objectives will also be discussed.

All other arrangements remain as announced June 26, 1981.

Dated: June 29, 1981.

Cloyd C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 81-19519 Filed 7-1-81; 8:45 am]

BILLING CODE 3510-60-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Export Visa Requirement for Cotton, Wool and Man-Made Fiber Textile and Apparel Products From the Dominican Republic

June 29, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a new export visa requirement for cotton, wool and man-made fiber textiles and apparel exported from the Dominican Republic.

SUMMARY: The Governments of the United States and the Dominican Republic have exchanged letters establishing an export visa requirement for cotton, wool and man-made fiber textiles and apparel in Categories 300-369, 400-469 and 600-669, produced or manufactured in the Dominican Republic, which are subject to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the two governments.

EFFECTIVE DATE: Effective on August 14, 1981, entry into the United States for consumption, withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile and apparel products, produced or manufactured in the Dominican Republic and exported on and after August 14, 1981 for which the Government of the Dominican Republic has not issued an appropriate export visa will be prohibited. Textile and apparel products exported from the Dominican Republic before August 14, 1981 will not be denied entry for lack of a visa.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: The export visa will be an original circular stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form it used) and will be signed by an official of the Government of the Dominican Republic. In addition, each visa will include its number, the date and shall state the correct categories and quantities in the shipment in the applicable category units. If the quantity indicated on the export visa is more than the acutal quantity of the shipment, entry will be permitted. A facsimile of the export visa is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Merchandise in Categories 300-369, 400-469 and 600-669 imported for the personal use of the importer, not for resale, does not require a visa, regardless of value.

The officials authorized by the Government of the Dominican Republic to issue export visas are the following:

Susana Cabrera
Jose Ceron
Luis M. Kalaff
Alvaro Messina
Silvestre Pena

Interested parties are advised to take all necessary steps to insure that cotton, wool and man-made fiber textile and apparel products, produced or manufactured in the Dominican Republic, which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishes the new visa mechanism.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce.
International Trade Administration
Washington, D.C., June 29, 1981.

Committee for the Implementation of Textile Agreements. Commissioner of Customs. Department of the Treasury.
Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on August 14, 1981 and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile and apparel products in Categories 300-369, 400-469 and 600-669, produced or manufactured in the Dominican Republic and exported on and after August 14, 1981 for which the Government of the Dominican Republic has not issued an appropriate export visa, fuly described below. Merchandise exported before the effective date of this directive shall be permitted entry without a visa.

The export visa will be an original circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when that form is used) and will be signed by an official of the Government of the Dominican Republic. It will also include its number, the date and show the correct categories and quantities in the shipment in the applicable category units; otherwise, entry will be denied. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted.

Merchandise for the personal use of the importer and not for resale does not require a visa, regardless of value.

You are further directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and/or man-made fiber textile and apparel products, produced or manufactured in the Dominican Republic, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton, wool and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Enclosure.

VISA FOR COTTON, WOOL AND MAN-MADE FIBER TEXTILES AND APPAREL EXPORTED FROM THE DOMINICAN REPUBLIC TO THE UNITED STATES



[FR Doc. 81-19380 Filed 7-1-81; 8:45 am]

BILLING CODE 3510-25-C

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981 Addition; Janitorial Services

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: July 2, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 23281) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1981:

SIC 7349

Janitorial Service, USDA Forest Service, Sequoia National Forest, Smith Building (New Wing Only), 900 W. Grand Avenue, Porterville, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81-19469 Filed 7-1-81; 8:45 am]

BILLING CODE 6820-23-M

Procurement List 1981 Proposed Addition; Pallets

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1981 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 5, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1981, November 12, 1980 (45 FR 74836):

CLASS 3990

Pallet, Wood Block Construction, 4-way entry, 24" x 20" 3990-00-NSH-0005 (Requirements for New Cumberland, PA Army Depot Only).

C. W. Fletcher,

Executive Director.

[FR Doc. 81-19470 Filed 7-1-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Proposed Deletions; Floor Wax, etc.

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletions from procurement list.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 a commodities produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 5, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodities from Procurement List 1981, November 12, 1980 (45 FR 74836):

CLASS 7930

Wax, Floor
7930-00-205-2870
7930-00-141-5888
7930-00-205-2871

CLASS 8465

Club, Policeman's
8465-00-641-8551

C. W. Fletcher,

Executive Director.

[FR Doc. 81-19471 Filed 7-1-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent

To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Acme Fill Corporation Sanitary Landfill Expansion, Regulatory Permit Application No. 13881E59, Contra Costa County, California.

Agency: San Francisco District, U.S. Army Corps of Engineers, Department of Defense.

Action: Notice of Intent to Prepare a Draft Environmental Impact Statement.

Summary: 1. *Proposed Action:* The Acme Fill Corporation, Martinez, California has applied for a Department of the Army permit under Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act, as amended (33 U.S.C. 1344), to authorize the construction of two levees and the filling of approximately 200 acres of land with compacted solid wastes. The project site is adjacent to Pacheco Creek and the Walnut Creek Flood Control Channel near the City of Martinez, Contra Costa County, California. The proposed expansion of Acme Fill Corporation's sanitary landfill would provide a disposal area for domestic, commercial, and industrial solid wastes from central Contra Costa County for approximately twenty years. Acme Fill Corporation's current application is a revision of a previous application which was announced in San Francisco District Public Notice No. 12517-10 dated 29 December 1978. The San Francisco District, U.S. Army Corps of Engineers and the Contra Costa County Planning Department will prepare a joint federal/state environmental impact document for the proposed project.

2. *Alternatives:* The alternatives being considered at this time are:

a. No action (permit denial).

i. Alternative landfill location.

ii. Alternative means of disposal.

b. Project as proposed by applicant.

c. Project as proposed by applicant with off-site mitigation of adverse impacts on fish and wildlife resources.

d. Reduced landfill area with on-site mitigation of adverse impacts on fish and wildlife resources.

Additional alternatives identified during the scoping process will also be considered.

3. *Scoping Process:*

a. A scoping meeting will be held on 22 July 1981 in the Chambers of the Contra Costa County Board of Supervisors, County Administration Building, Pine and Escobar Streets, Martinez, California at 7:00 PM.

Government agencies, public and private interest groups, and the public are invited to participate in the scoping process by attending the meeting or by submitting written comments. The purpose of the scoping meeting will be to identify significant issues and alternatives to be considered in depth in the DEIS.

b. The significant issues which have been identified to date and which will be analyzed in the DEIS include: (1) The destruction of wetland habitat for a non-water-dependent purpose, (2) Adverse noise, odor, traffic, and aesthetic impacts upon adjacent land uses, (3) The destruction of recyclable or combustible solid wastes, and (4) Adverse impacts on public health and safety. Additional significant issues identified during the scoping process will also be analyzed.

c. Environmental review and consultation as required by Sections 401 and 404 of the Clean Water Act, as amended (33 U.S.C. 1341 and 1344), Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*), the National Historic Preservation Act of 1966 (16 U.S.C. 470), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), Executive Order 11988, "Floodplain Management," 24 May 1977, Executive Order 11990, "Protection of Wetlands," 24 May 1977, and other statutes or regulations will be conducted concurrently with the NEPA process.

4. It is estimated that the DEIS will be made available to the public on or about 15 December 1981.

5. Questions regarding the scoping process or preparation of the DEIS may be referred to Scott Miner, Environmental Branch, San Francisco District, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California, 94105 (415-556-0325). General questions concerning the processing of the permit application may be referred to Bernard Lewis, Regulatory Functions Branch (415-556-6980) at the same address.

Dated: June 26, 1981.

Paul Bazilwich, Jr.,

Colonel, CE, Commanding.

[FR Doc. 81-19480 Filed 7-1-81; 8:45 am]

BILLING CODE 3710-FS-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Long Range Planning Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on July 20 and 21, 1981, from 8:30 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of matters involving threat asessments and probable technologies related to the future missions of the Navy, extending into the twenty-first century. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Commander Andris Dambekaln, Program Planner, CNO Long Range Planning Group, 2000 North Beauregard Street, Room 568, Alexandria, Virginia 22311. Telephone number (202) 694-8422.

Dated: July 1, 1981.

P.B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-19719 Filed 7-1-81; 9:42 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-002]

Energy Conservation Program for Consumer Products; Granting of Waiver of Furnace Test Procedures Upon Petition of Hydrotherm Incorporated

AGENCY: Department of Energy.

ACTION: Decision and Order.

SUMMARY: Today's Decision and Order grants Hydrotherm Incorporated a waiver from the existing DOE test procedures for furnances. Specifically, today's order permits the use by Hydrotherm of alternate procedures to allow accurate measuring of the efficiency of a pluse combustion/condensing furnace manfacturered by the company

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Room GH–065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9127, Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B–128, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252–9510.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94–163, as amended by the National Energy Conservation Policy Act, Pub. L. 95–619, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy, on September 18, 1980 (45 FR 64108, Sept. 26, 1980), amended the prescribed test procedure regulations to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures or the precribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative date.

On November 21, 1980, Hydrotherm Incorporated file a "Petition for Waiver" in accordance with section 430.27 of 10 CFR, Part 430. DOE published in the **Federal Register** on December 31, 1980 the Hydrotherm petition and solicited comments, data, and information respecting the content of the petition (45 FR 86526). By letters dated January 6, 1981, Hydrotherm notified all known manufacturers of domestically marketed furnaces of a similar design. Comments were received from Slant/Fin Corporation and Lennox Industries, manufacturers of furnaces. The comments were sent to the petitioner on Fegbruary 9, 1981, and Hydrotherm responded to them by letter to DOE on February 13, 1981. DOE consulted with the Federal Trade Commission on April 24, 1981 concerning the petition from Hydrotherm.

The Hydrotherm petition contends that even though the DOE test procedures for furnaces were amended to allow testing of pulse combustion/condensing boilers (45 FR 53714, Aug. 12, 1980), the use of the amended procedures will provide materially inaccurate comparative data when applied to the pulse combustion/condensing ("Hydro-Pulse") boiler manufactured by the company. Specifically, Hydrotherm asserts that the DOE test procedures do not accurately measure the significant increment of efficiency improvement which is achieved by a Hydro-Pulse boiler in the extraction of latent heat by condensing the water vapor contained in the flue gas. The existing test procedures for condensing furnaces predict the incremental efficiency improvement due to condensation by measuring flue gas temperatures. When these procedures are applied to the Hydro-Pulse boiler, little or no condensation is predicted due to high flue gas temperatures. Hydrotherm states in its petition that "the DOE test procedure as applied to a Hydro-Pulse boiler either understates the amount of condensate or indicates that there is no condensate when, in fact, a significant amount of condensate has been collected [during the test]." Hydrotherm argues that the collected condensate is more representative of the amount of condensing that will occur in an actual installation than the amount of condensing predicted in the test procedures using flue gas temperatures.

In its petition, Hydrotherm requests that DOE allow testing of the Hydro-Pulse boiler by a direct condensate measurement method which was suggested by the American Gas Association (AGA) to the National Bureau of Standards, (NBS). These procedures allow determinations of the efficiency improvement due condensing furnaces by actually measuring the amount of condensate collected during a number of test cycles.

Lennox Industries stated it agrees with the claims found in the Hydrotherm "Petition for Waiver" and supports the granting of a waiver. Slant/Fin Corporation, however, commented that the waiver should be denied because the present test procedures are fair and adequate. Slant/Fin contends the test method that Hydrotherm desires would allow the use of 35°F return water temperature, which is unrealistic, and would result in higher flue gas condensation than would otherwise occur under typical use. Thus, according to Slant/Fin, the reported efficiency would be improperly inflated. Since Hydrotherm's "Petition for Waiver" proposes to follow the existing DOE test procedures with regard to the use of return water temperature at 120°F, this contention is rejected.

Upon the request of DOE, the National Bureau of Standards has evaluated the existing DOE test procedures as applied to the Hydro-Pulse boiler and found that the efficiency improvement attributable to the condensing mode of operation could be understated, as claimed by Hydrotherm. DOE considers that the incremental efficiency improvement due to condensation is material in this case because it represents an improvement at the high end of the efficiency scale and will provide an efficiency over 90% for the first time in the furnace industry. It is expected that this decision will encourage other manufacturers to develop and market units of equal or better efficiencies. Consequently, today's Decision and Order allows Hydrotherm to use the existing test procedures with modifications which will allow Hydrotherm to determine the efficiency improvement attributable to the condensing mode by a direct measurement method. However, NBS has advised that today's modifications may conceivably result in differing laboratory measurements of the amount of condensate collected. NBS, at this time, has not completed the research necessary to recommend test set-up and test procedure provisions that would avoid all potential inaccuracies. Therefore, to forestall this possibility, today's decision limits the use of this alternative procedure, i.e., condensate collection, to a testing laboratory, independent of control or ownership by the petitioner.

Today's Decision and Order is granted to provide temporary relief for a particular test procedure related problem. A rulemaking will follow which will allow all interested parties to analyze further the incremental efficiency improvement due to condensation.

In consideration of the foregoing, it is therefore ordered that: (1) The "Petition for Waiver" filed by Hydrotherm Incorporated on November 21, 1980, is hereby granted as set forth in Paragraph (2) below, subject to the provisions of paragraphs (3), (4), (5), (6), (7), (8) and (9).

(2) Notwithstanding any contrary provisions of 10 CFR, Part 430, Hydrotherm Incorporated shall be permitted to test its Hydro-Pulse boiler at a testing laboratory, independent of control or ownership by the petitioner, on the basis of the test procedures specified in 10 CFR, Part 430, Appendix N, with the modifications set forth in paragraphs (3), (4) and (5) below.

(3) Notwithstanding any contrary provisions of 10 CFR, Part 430, a testing laboratory, independent of control or ownership by the petitioner, shall be test a Hydro-Pulse boiler under the following conditions:

(a) The test unit shall be installed according to the requirements given in section 2 of the existing test procedures.

(b) Control devices shall be installed to allow cyclical operation of the unit and return water as described in section 3.3 of the existing test procedures.

(c) The test unit shall be leveled prior to test.

(d) Operation times and beginning and end of condensate collection shall be determined by a clock or timer with a minimum resolution to one second.

(e) Control of on or off operation actions shall be within ±6 seconds of the scheduled time.

(f) Condensate drain lines shall be attached to the unit as specified in the manufacturer's installation instructions.

(g) The flue pipe installation must not allow condensate formed in the flue pipe to flow back into the unit. An initial downward slope from the unit's exit, an offset with a drip leg, annular collection rings, or drain holes must be included in the flue pipe installation without distrubing normal flue gas flow (as given in section 2.2), and temperature measurement instrumentation (as given in section 2.6). Flue gases shall not flow out of the drain with the condensate.

(h) Collection-containers must be glass or polished stainless steel, so removal of interior deposits can be easily made.

(i) The collection-container shall have a vent opening to the atmosphere.

(j) The scale for measuring the containers and condensate sample mass shall be calibrated with an error no larger than ±0.5 percent over the range of interest.

(4) Notwithstanding any contrary provisions of 10 CFR, Part 430, a testing laboratory, independent of control or ownership by the petitioner, shall use the following method to test a Hydro-Pulse boiler:

(a) The condensing furnace or boiler is to have steady-state, cool-down, and heat-up tests conducted in accordance with the procedures for non-condensing units given in section 3 of the existing test procedures, using the flue gas, air or water flow, and room ambient conditions given.

(b) The condensate collection containers shall be dried prior to each use and be at room ambient temperature prior to a sample collection.

(c) Tare weight of the collection-container must be measured and recorded prior to each sample collection.

(d) Operating times for on and off cycles at 22.5% on time schedule shall be: 9 minutes 41 seconds on and 33 minutes 16 seconds off.

(e) The unit should be operated in a cyclical manner until flue gas temperatures at the end of each on-cycle are within 5°F (2.8°C) of each other for two consecutive cycles.

(f) Begin the three test cycles.

(g) Return water temperature for boilers or return air temperature for furnaces shall be equal to those required for steady-state test periods, and shall remain within the limits given in the existing test procedure.

(h) Begin condensate collection at one minute before start up of the first test on-period.

(i) Three cycles later, the container shall be removed at the end of the cool down cycle one minute prior to the beginning of what would be the fourth cycle period.

(j) Condensate mass shall be measured immediately at the end of the collection period to prevent evaporation loss from the sample.

(k) Fuel input shall be recorded during the entire test period starting at the beginning of the on-time of the first cycle to the beginning of the on-time of the second cycle, etc., for each of the three test cycles. Fuel Higher Heating Value (HHV), temperature and pressures necessary for determining fuel energy input, Q_c, will be observed and recorded. The fuel quantity and HHV shall be measured with errors no greater than one percent.

(5) Notwithstanding any contrary provisions of 10 CFR, Part 430, a testing laboratory, independent of control or ownership by the petitioner, shall be permitted in testing a Hydro-Pulse boiler to calculate the condensing Annual Fuel Utilization Efficiency (AFUE) by use of the following steps:

(a) Determine the mass of condensate for three cycles, m_c, by subtracting the tare container weight from the total container and condensate weight at end of the three cycles of operation.

(b) Calculate the fuel energy input during the three cycles, Q_c, in Btu/(3 cycles).

(c) Calculate the heat gain due to condensation, L_c, in percent by the following equation:

$$L_c = \frac{m_c(1\text{bm}/(3\text{ cycle})) \times 1053.3\ (\text{Btu}/1\text{bm}) \times 100}{Q_c\ (\text{Btu}/(3\text{ cycles}))}$$

(d) Calculate the loss, L_c, due to hot condensate going down the drain, correcting for the fact that this condensate did not go up the flue as heated vapor.

$$L_c = \frac{-L_c[1.0\ (T_{f,m} - 70) - .45\ (T_{f,m} - 42)]}{1053.3}$$

(e) Calculate the condensing AFUE by adding the percent heat gain due to condensing, L_c, to the previously calculated non-condensing AFUE and by subtraction L_c.

$$AFUE_c = AFUE_{nc} + L_c - L_c$$

(6) With the exception of the modifications set forth in Paragraph (3), (4) and (5) above, Hydrotherm shall comply in all respects with the test procedures specified in 10 CFR, part 430, Appendix N.

(7) The waiver shall remain in effect only until the Department of Energy issues test procedures appropriate to the type of condensing boiler manufactured by Hydrotherm and shall in any event expire (one year from issuance).

(8) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant and commerce. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., June 26, 1981.

Joseph J. Tribble,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 81–19387 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation; Cancellation of Meeting

This notice is given to advise of the cancellation of the sixth meeting of the Hazardous Waste Task Group announced in the June 16, 1981, issue of the **Federal Register** (46 FR 31470).

Issued at Washington, D.C. on June 25, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

June 25, 1981

[FR Doc. 81–19388 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Air Quality Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Air Quality Task Group of the Committee on Environmental Conservation will meet in July 1981. The National Petroleum Council was established to provide

advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Air Quality Task Group meeting follows:

The Air Quality Task Group will hold its fifth meeting on Wednesday, July 1, 1981, starting at 10:00 a.m., in the Executive Chamber II, The Madison Hotel, Fifteenth and M Streets NW., Washington, D.C.

The tentative agenda for the meeting follows:

1. Discuss Task Group assignments.
2. Review preliminary draft sections of the Task Group report.
3. Discuss any other matters pertinent to the overall assignment of the Air Quality Task Group.

The meeting is open to the public. The Chairman of the Air Quality Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Air Quality Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on June 25, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

June 25, 1981.

[FR Doc. 81–19517 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources will meet in July 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Environmental Protection Task Group meeting follows:

The fifth meeting of the Environmental Protection Task Group will be held on Tuesday, July 28, 1981, starting at 10:00 a.m., and Wednesday, July 29, 1981, starting at 9:00 a.m., in the Quadrant Room of the Captain Cook Hotel, Fifth and K Streets, Anchorage, Alaska.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review and discussion of the draft Task Group report.
3. Discussion of the timetable for completion of the Task Group's study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Environmental Protecton Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitnte the orderly conduct of business. Any member of the public who wishes to file a written statement with the Environmental Protection Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on June 25, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

June 25, 1981.

[FR Doc. 81–19516 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders, Week of June 1 Through June 5, 1981

During the week of June 1 through June 5, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Alabama River Pulp Company, June 1, 1981, BEA–0629

Alabama River Pulp Company (Alabama) filed an Appeal of a February 9, 1981 Decision and Order issued by the Economic Regulatory Administration. That Decision and Order denied an Application for Entitlements Benefits that Alabama had submitted pursuant to 10 CFR 211.67(a)(5)(i)(F) for its production and consumption of wood waste and black liquor solids. In considering the Appeal, the DOE determined that Alabama had not demonstrated that its consumption of such solid waste substituted for consumption of petroleum or petroleum products and, therefore, Alabama did not meet one of the criteria for the granting of such applications. In addition, the DOE noted that the use of such waste was a widespread, historical practice in the paper, pulp and lumber industry and, therefore, the artificially low price of petroleum and petroleum products, created by the price control of oil and the Entitlements Program, did not create a disincentive to such use. The DOE found that since a regulatory disincentive did not exist, the grant of the firms's application would be contrary to the purpose of granting entitlements benefits for petroleum substitutes and the purposes of the EPAA. Accordingly, the DOE determined that the Appeal be denied.

Getty Refining and Marketing Company, June 5, 1981, BEA–0507

Getty Refining and Marketing Co., (GRMC) filed an Appeal of a September 5, 1960 Final Decision and Order in which the OHA approved an increased base period allocation of motor gasoline for Consumers Service Stations of 4,867,114 gallons for the period September 1980 through September 1981, and directed GRMC to supply 5% of the total additional volume. The OHA found that the Getty Appeal was not the proper procedural avenue for contesting the terms of the September 5 Order. OHA stated that Appeals of final decisions issued by OHA pursuant to the provisions of Subpart D should be filed with the Federal Energy Regulatory Commission (in cases where an exception application was denied) or with a District Court (if an exception application was granted). OHA determined that because GRMC was not notified promptly of the deficiency in its Appeal, its submission should not be dismissed, but rather treated as a Motion for Reconsideration. The OHA further concluded that the GRMC Motion for Reconsideration should be denied, stating that there was no merit to Getty's claims that the September 5 Order violated both the DOE procedural regulations and procedural due process requirements.

Miller & Chevalier, June 3, 1981, BFA–0667

Miller & Chevalier filed an Appeal from a determination issued by the Disclosure Officer of the Office of Special Counsel for Compliance which found that DOE had no documents responsive to the firm's Freedom of Information Act (FOIA) Request. With its Appeal, the firm submitted copies of certain documents that allegedly should have been located and identified as responsive to its request. In considering the Appeal, the DOE reviewed the scope of the search for responsive documents conducted by the Disclosure Officer and concluded that it was adequate. The DOE noted that while it may be true that the DOE or its predecessor agencies may at one time have had responsive documents, there is no evidence that the DOE is currently in possession of such documents. The DOE also found that, contrary to Miller & Chevalier's contention, nothing in the FOIA or the DOE regulations implementing it requires the agency to specify the scope of the search performed when no documents are located. Accordingly, the Appeal was denied.

Mobil Oil Corporation, June 4, 1981, BEA–0237

Mobil Oil Corporation filed an Appeal from an Order issued to it by the Region III Office of the Economic Regulatory Administration in which Mobil was directed to supply H. L. Mills Petroleum Products with 650,000 gallons of motor gasoline during 1979 in order to implement exception relief that had been extended to Mills. In considering the Appeal, the DOE found that Mobil had been given adequate notice of the exception request filed by Mills and that the Region III Order provided adequate reasons for selecting Mobil as a supplier for Mills.

Squire, Sanders & Dempsey, June 3, 1981, BFA–0661

The law firm of Squire, Sanders & Dempsey filed a Freedom of Information Act (FOIA) Appeal from a partial denial of its FOIA request issued by the Assistant Administrator for Enforcement of the Economic Regulatory Administration (Assistant Administrator). The Office of Hearings and Appeals granted in part the firm's appeal, holding that the Assistant Administrator (i) conducted an inadequate search for responsive documents which was evidenced by his failure to identify four responsive documents which were discovered by the Office of Hearings and Appeals in its *de novo* review; (ii) inadequately justified his application of Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4), to one document and; (iii) failed to cite an exemption pursuant to which another document was withheld and failed to justify in any manner his withholding of that document. Accordingly, the case was remanded to the Assistant Administrator for a new determination.

Remedial Orders

Jerry Hattar d.b.a. Jerry's Chevron Station, June 5, 1981, BRO–1147

Jerry's Chevron Station objected to a Proposed Remedial Order which the Western District Office of Enforcement of the Economic Regulatory Administration issued to the firm on March 18, 1980. In the PRO, the ERA found that Jerry's had charged prices in excess of those permitted by § 212.93(a)(2) during the audit period of August 1, 1979 through November 30, 1979, and as a result overcharged its customers $82,592.02. The DOE therefore concluded that the PRO should be issued as a final Order, and that the provisions in the PRO requiring Jerry's to implement a price roll-back in order to refund to its retail customers the amounts by which they had been overcharged should be modified, in light of Executive Order 12287, to require Jerry's to make restitution directly to the U.S. Treasury.

Sharon Heights Shell, June 5, 1981, BRO–1311

On December 9, 1980, Bob Oyster d.b.a. Sharon Heights Shell filed a Statement of Objections to a Proposed Remedial Order that the DOE Office of Enforcement had issued to the firm on August 14, 1980. In the Proposed Remedial Order, the Office of Enforcement found that the firm had charged prices for gasoline higher than those permitted by 10 CFR 212.93(a)(2) and had refused to make records available for inspection upon the request of the DOE in violation of 10 CFR 210.92(b). In its Statement of Objections, the firm stated that it had charged a cents-per-gallon fee for services associated with the sale of gasoline, despite the fact that such fees were prohibited by 10 CFR 210.62(d)(1). After considering the firm's objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Remedial Order. The issues discussed in the decision include the authority of the DOE to fashion equitable remedies for violations of the agency's regulations.

Requests for Modification and/or Rescission

Ashland Oil, Inc., June 1, 1981, BER–0124

In a Decision and Order issued to Ashland Oil, Inc. (Ashland) on February 7, 1981, the DOE denied Ashland's request for discovery in connection with the objection phase of an exception proceeding in which Ashland was granted an allocation of crude oil to replace the supplies lost when former President Carter banned the importation of crude oil from Iran. On May 1, 1981, Ashland filed a Motion for Modification of that Decision requesting that the DOE either permit Ashland to proceed with limited discovery or make a formal finding that the suppliers suffered no harm as a result of the supply obligation imposed upon them by the proposed exception decision. The DOE determined that both of these requests should be denied.

Hawthorne Oil & Gas Company, Inc., June 2, 1981, BRR–0108

Hawthorne Oil & Gas Company, Inc. (Hawthorne) filed a Motion for Reconsideration of a Decision and Order which was issued to it on February 27, 1981. In the February 27 Decision and Order, the DOE had denied the Motion for Discovery and Motion for Evidentiary Hearing which Hawthorne had submitted in connection with its Statement of Objections to a Proposed Remedial order issued to the firm on May 30, 1978. In considering the request for reconsideration, the DOE stated that it generally would decline to exercise its discretionary authority to reconsider its interlocutory determinations regarding evidentiary hearings and discovery unless the applicant presented evidence of significantly changed circumstances or other compelling reasons which indicated that reconsideration was necessary in order to ensure that the underlying objections proceeding was conducted in an appropriate manner. The DOE found that Hawthorne had failed to make such a showing. Accordingly, the Motion for Reconsideration was denied.

Requests for Exception

Cedar Springs Marina, Inc., June 3, 1981, BEE–1419

Cedar Springs Marina, Inc. *et al.* filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firms sought to be permitted retroactively to charge prices for motor gasoline in excess of maximum allowable prices. In considering the request, the DOE found that the firms had failed to demonstrate either extremely compelling circumstances or the likelihood of severe and irreparable injury in the absence of retroactive relief. Accordingly, exception relief was denied.

Despot Production, June 4, 1981, DEE–2231

Despot Production filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought retroactive exception relief to allow it to realize an adequate rate of return on its investments in the Doornbos No. 2 Well. Exception relief, if granted, would have taken the form of retroactive billing for crude oil sold when the DOE price controls were still in effect. In considering Despot's request, the DOE distinguished two classes of investment expenditures: capital expenses incurred before Despot filed its Application for Exception, and capital expenses incurred while the Application was pending. With respect to the first class of expenditures, the DOE concluded that any financial hardship Despot may have experienced as a result of expenditures incurred before it filed its Application stemmed from the firm's discretionary business decisions. With respect to the expenses incurred after the Application was filed, the DOE found that the firm would realize and adequate rate of return (approximately 23 percent) without

exception relief. Accordingly, the exception request was denied.

Southwestern Refining Company, Inc., June 2, 1981, BEE-1567

Southwestern Refining Company, Inc., filed an Application for Exception in which it sought an extension of the entitlement exception previously granted to the firm under the *Delta* standards. In considering the firm's request, the DOE determined that the firm should be granted an extension only for the remaining month in which the Entitlements Program would still be in effect, *i.e.*, January 1981. However, the DOE also determined that it would be appropriate to adjust the level of relief previously approved for December 1980 to account for the declining DOSR. The additional relief granted in the present Order is contingent upon Southwestern fulfilling its outstanding entitlement purchase obligations for the period November 1979 through June 1980.

Motion for Discovery

The Somerset Refinery, Inc., June 2, 1981, BED-1500

The Somerset Refinery, Inc., (Somerset) filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Decision and Order issued to the firm on March 6, 1981. In its discovery request, Somerset sought all DOE predecisional documents pertaining to the agency's position with regard to the nature and extent of the entitlement exception relief to be granted to refiners with crude oil cost disadvantages. In considering the request, the DOE concluded that Somerset had failed to demonstrate that the Proposed Decision and Order does not provide a reasoned basis for the determination reached and therefore determined that no justification existed for probing the minds of agency decisionmakers. Accordingly, Somerset's Motion for Discovery was denied.

Interlocutory Order

Mobil Oil Corporation, June 4, 1981, BEZ-0096

Mobil Oil Corporation appealed the issuance of the December 1980 Entitlements Notice (Case No. BEA-0630). Based upon its initial consideration of the Mobil appeal, the DOE determined that it required additional factual information before it could reach a final determination on the merits of Mobil's appeal. The DOE therefore issued an Interlocutory Order in which it proposed to collect the required information through a survey of all refiners in the Entitlements Program.

Supplemental Orders

Kirkpatrick Oil and Gas Company, June 4, 1981, BRX-0216

In a Remedial Order issued on April 29, 1981, to Kirkpatrick Oil and Gas Company, the Department of Energy determined that the firm could seek administrative review of the Order from the Federal Energy Regulatory Commission. This Supplemental Order rescinded that determination and substituted in its place a paragraph providing for judicial review of the Remedial Order.

Warrior Asphalt Company of Alabama, Inc., June 4, 1981, BEX-0078

On June 4, 1981, the DOE issued a Decision and Order to Warrior Asphalt Company of Alabama, Inc. that reviewed the firm's 1980 fiscal year exception relief from purchasing entitlements as required by 10 CFR § 211.67. The Decision and Order determined that Warrior received excessive relief during its 1980 fiscal year and accordingly required the firm to purchase entitlements to refund the excess amount.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name and Case No.

Little America Refining Company, Inc. Mobil Oil Corporation, BEJ-0201

Dismissals

The following submissions were dismissed without prejudice:

Company Name and Case No.

Amerada Hess Corporation, BRO-0985; BRD-0985; BRH-0985; BRD-0066
Atlantic Richfield Company, DEA-0283
Midland Energy Corporation, DEE-3188
Pester Refining Company, BEA-0016
Tosco Corporation, BEA-0286
Total Petroleum, Inc., DED-3186

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 24, 1981.

[FR Doc. 81-19516 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

Technical Assistance and Energy Conservation Measures: Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Department of Energy.

ACTION: Change in allocation of funds and dates for grant program Cycle III.

SUMMARY: The allocation of funds among States for grant program Cycle III, published in the **Federal Register** on April 9, 1981, is hereby changed. The allocation table appearing in that (46 FR 21229) is replaced with a new allocation table set forth in this notice. The total funds available for schools and hospitals is now higher as a result of Congressional action to rescind $31.25 million from the fiscal year 1981 appropriation, rather than the $99.95 million as had been earlier proposed. Approximately $17.7 million for schools and hospitals and $7.75 million for local government and public care institutions unexpended from previous fiscal years have also been added to this allocation. As mentioned in the publication of April 9, 1981, up to fifteen percent of the funds allocated to each State for Schools and Hospitals may be used for technical assistance analyses.

Considerable effort is required to review additional applications. Accordingly, the closing date for grant program Cycle III is extended to September 25, 1981. The due dates for submittal of grant applications by the States to DOE Regional Offices is retained at July 10, 1981 because most States have received and ranked sufficient applications to meet this deadline without undue difficulty. However, in the event this deadline works a hardship in a State, Regional offices are authorized to grant a time extension as they deem necessary. However, the allowance of such additional time will not relieve the Regional Office of the responsibility of completing its review by the closing date of September 25.

DATES: March 30, 1981: beginning of grant program cycle; July 10, 1981: State recommended applications to Regional Offices; and September 25, 1981: end of grant program cycle.

FOR FURTHER INFORMATION CONTACT:
Ronald Milner or Harry Lane, Office of Institutional Conservation Programs, Office of Conservation and Renewable Energy, Mail Stop 2H-027, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2330

Interested institutions should contact their State Energy Office for applications, instructions and state specific information.

SUPPLEMENTARY INFORMATION: The Grant Program for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions is established under Title III of the National Energy Conservation Policy Act, 42 U.S.C. 6371-6372i (1978). Regulations for the program are published in 10 CFR Subpart E, Part 450 and 10 CFR Part 455.

Issued in Washington, D.C., June 25, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

DOE region, State	Schools and hospitals	Local government Public care
Region I:		
Connecticut	2,677,866	128,910
Maine	1,432,230	68,951
Massachusetts	4,587,221	220,841
New Hampshire	1,184,798	57,039
Rhode Island	1,128,870	54,347
Vermont	917,553	44,173
Region II:		
New Jersey	5,415,603	260,721
New York	12,996,302	625,676
Puerto Rico	2,054,619	98,915
Virgin Islands	584,749	28,151
Region III:		
Delaware	859,300	41,360
District of Columbia	959,000	46,169
Maryland	3,022,348	145,504
Pennsylvania	8,556,981	411,907
Virginia	3,351,835	161,366
West Virginia	1,642,058	79,053
Region IV:		
Alabama	2,348,178	113,047
Florida	4,138,284	199,226
Georgia	2,911,313	140,156
Kentucky	2,581,427	124,277
Mississippi	1,686,672	81,297
North Carolina	3,322,419	159,950
South Carolina	1,912,985	92,096
Tennessee	2,867,596	138,054
Region V:		
Illinois	8,725,610	420,074
Indiana	4,183,505	201,405
Michigan	7,474,470	359,841
Minnesota	4,303,787	207,196
Ohio	7,846,064	377,730
Wisconsin	4,379,000	210,817
Region VI:		
Arkansas	1,559,771	75,091
Louisiana	2,176,825	104,798
New Mexico	1,133,736	54,581
Oklahoma	2,028,563	97,661
Texas	6,559,235	315,779
Region VII:		
Iowa	2,819,667	135,746
Kansas	2,060,707	99,208
Missouri	3,683,067	177,313
Nebraska	1,712,918	82,464
Region VIII:		
Colorado	2,451,611	118,027
Montana	1,138,337	54,803
North Dakota	1,132,582	54,525
South Dakota	1,074,934	51,750
Utah	1,392,921	67,059
Wyoming	801,238	38,574
Region IX:		
Arizona	1,677,906	80,779
California	8,166,061	393,137
Hawaii	835,215	40,209
Nevada	882,502	42,486
American Samoa	522,989	25,178
Guam	559,867	26,953
Region X:		
Alaska	947,569	45,618
Idaho	1,104,849	53,190
Oregon	1,795,585	86,444
Washington	2,707,863	130,364
Total	160,979,999	7,749,999

[FR Doc. 81-19481 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Adjustments to Lower and Upper Tier Crude Oil Price Ceilings to Reflect Impact of Inflation

AGENCY: Economic Regulatory Administration. DOE.

ACTION: Notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues Crude Oil Price Schedule No. 23 which sets forth the amounts by which producers would have been permitted to increase their selling price for old and new crude oil in the months of June, July and August 1981 in the absence of the Executive Order that exempted all domestic crude oil from price controls.

FOR FURTHER INFORMATION CONTACT:
Charles P Little (Crude Oil Pricing Branch), Economic Regulatory Administration, 2000 M Street, N.W., Room 6128-P, Washington, D.C. 20461 202-653-3459
Ben McRae (Office of General Counsel), Department of Engery, 1000 Independence Avenue, SW., Room 6A 127, Washington, D.C. 20585 202-252-6739

SUPPLEMENTARY INFORMATION:

A. *Introduction*
B. *Crude Oil Price Schedule No. 23*

A. Introduction

On January 28, 1981, the President signed Executive Order No. 12287 (46 FR 9909, January 30, 1981) that exempted all crude oil from the price regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA", Pub. L. 93-159). As a result of this Order, producers have been free since January 28, 1981 to sell all crude oil at the market price regardless of whether the crude oil is old or new crude oil under the price regulations. Even though price controls have been removed, the ceiling prices for old and new crude oil in the months after January 1981 may be relevant to the Front-End Tertiary Oil provisions of the Crude Oil Windfall Profit Tax Act of 1980. We will continue to calculate these amounts for future months until there is a resolution of the issue of whether the Front-End Tertiary Oil provisions of the Crude Oil Windfall Profit Tax apply to crude oil sold after January 27, 1981. Accordingly, we are issuing Crude Oil Price Schedule No. 23 that sets forth the amounts by which ceiling prices for old and new crude oil would have increased in the months of June, July and August 1981.

B. Crude Oil Price Schedule No. 23

We have utilized the same methodology in determining the amounts of the price increases set forth in Crude Oil Price Schedule No. 23 as we did in Crude Oil Price Schedule No. 22 (46 FR 15257 March 5, 1981) and prior price schedules. Specifically, the determinations are based on the estimated average ceiling price for old or new crude oil in May 1981 and on the first revision of the GNP deflator published on May 19, 1981, which reflects an annual rate of inflation of 10.0 percent.[1]

On the basis of these determinations, we are issuing Schedule 23 of Monthly Price Adjustments.[2]

[1] Adjustments to ceiling prices for old crude oil in June, July and August 1981 were determined as follows:
A. ERA determined that the estimated average ceiling price for old crude oil in May 1981 was $8.95.
B. ERA computed a monthly adjustment factor of .00797 which when applied over a twelve-month period yields an effective annual rate of adjustment of 10.0 percent.
C. June 1981 adjustment
=($8.95) (.00797) per barrel
=$.055 per barrel rounded to $.06 per barrel
D. July 1981 adjustment
=($8.95+.06) (.00797) per barrel
=$.055 per barrel rounded to $.06 per barrel
E. August 1981 adjustment
=($8.95+.06+.06) (.00797) per barrel
=$.056 per barrel rounded to .06 per barrel
Adjustments to ceiling prices for new crude oil in June, July and August 1981 were determined as follows:
A. ERA determined that the estimated average ceiling price for new crude oil in May 1981 was $15.52.
B. Adjustment factor (explained above) = .00797
C. June 1981 adjustment
=($15.52) (.00797) per barrel
=$.123 per barrel rounded to $.12 per barrel
D. July 1981 adjustment
=($15.52+.12) (.00797) per barrel
=$.124 per barrel rounded to $.12 per barrel
E. August 1981 adjustment
=($15.52+.12+.12) (.00797) per barrel
=$.125 per barrel rounded to .13 per barrel

[2] Previously, we had codified these schedules in Appendix A to subpart D of Part 212. However, in accordance with E.O. 12287, Appendix A has been removed. See document published in the Rules section of this issue.

Schedule No. 23 of Monthly Price Adjustments

[Effective June 1, 1981]

Month	Lower tier: May 15, 1979 posted price[1] (plus)	Upper tier: Sept. 30, 1975 posted price[2] (plus)
1976:		
February	1.35	-1.32
March	1.38	-1.25
April	1.41	-1.18
May	1.45	-1.11
June	1.48	-1.05
July	1.48	-1.05
August	1.48	-1.05
September	1.48	-1.05
October	1.48	-1.05
November	1.48	-1.05
December	1.48	-1.05

Schedule No. 23 of Monthly Price Adjustments—Continued

[Effective June 1, 1981]

Month	Lower tier: May 15, 1973 posted price[1] (plus)	Upper tier: Sept. 30, 1975 posted price[2] (plus)
1977:		
January	1.48	−1.25
February	1.48	−1.25
March	1.48	−1.70
April	1.48	−1.70
May	1.48	−1.70
June	1.48	−1.70
July	1.48	−1.70
August	1.48	−1.70
September	1.51	−1.44
October	1.54	−1.18
November	1.57	−.92
December	1.59	−.87
1978:		
January	1.61	−.82
February	1.63	−.77
March	1.66	−.71
April	1.69	−.65
May	1.72	−.59
June	1.75	−.52
July	1.78	−.45
August	1.81	−.38
September	1.86	−.28
October	1.91	−.17
November	1.96	−.06
December	1.99	.01
1979:		
January	2.02	.08
February	2.05	.15
March	2.09	.23
April	2.13	.31
May	2.17	.39
June	2.21	.48
July	2.25	.57
August	2.29	.66
September	2.33	.76
October	2.37	.86
November	2.41	.96
December	2.45	1.05
1980:		
January	2.49	1.14
February	2.53	1.23
March	2.57	1.33
April	2.61	1.43
May	2.66	1.53
June	2.71	1.64
July	2.76	1.75
August	2.81	1.86
September	2.87	1.98
October	2.93	2.10
November	2.99	2.23
December	3.04	2.35
1981:		
January	3.09	2.47
February	3.14	2.59
March	3.20	2.72
April	3.26	2.85
May	3.32	2.98
June	3.38	3.10
July	3.44	3.22
August	3.50	3.36

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4), as those provisions existed on January 27, 1981.

[2] The price referred to in 10 CFR 212.74(b)(1), as that provision existed on January 27, 1981.

Issued in Washington, D.C., June 10, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-17881 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4225-000]

Ainsworth Irrigation District; Application for Preliminary Permit

June 26, 1981.

Take notice that Ainsworth Irrigation District (Applicant) filed on February 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4225 to be known as the Merritt Dam Project located on the Snake River in Cherry County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harlin D. Welch, Manager, Ainsworth Irrigation District, 564 North Walnut, Ainsworth, Nebraska 69210.

Project Description—The proposed project would utilize the existing U.S. Bureau of Reclamation's dam and would consist of: (1) a proposed powerhouse with an installed generating capacity of 1,480 kW; (2) a proposed five-mile long 12.5-kV feeder line; and (3) appurtenant facilities. The proposed project would be located on Federal lands.

The Applicant estimates that the average annual energy output would be 7.51 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, the Applicant intends to submit a license application. The Applicant's estimated the total cost for performing these studies is $34,410.

Competing Applications—This application was filed as a competing application to the Merritt Dam Project No. 3738 filed on November 12, 1980, by Mitchell Energy Company under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydro-power Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19435 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-75-001]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Change in General Terms and Conditions

June 26, 1981.

Take notice that on June 4, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 2nd Revised Sheet No. 186 to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X-26, to become effective July 1, 1981.

Arkla states that the purpose of 2nd Revised Sheet No. 186 is to reflect that the rate of interest charged on past due bills will be the applicable rate of interest provided for in Section 154.67(d)(2)(iii) of the Commission's regulations.

Arkla also states that a copy of this filing is being mailed to Cities Service Gas Company, the only customer served under Arkla's Rate Schedule No. X-26.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19400 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-61-000]

Beacon Oil Co.; Filing of Petition for Review

June 26, 1981.

Take notice that Beacon Oil Company on June 19, 1981, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 13, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 13, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE. Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19401 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4656-000]

Boise-Kuna Irrigation District, et al.; Application for Preliminary Permit

June 29, 1981.

Take notice that Boise-Kuna Irrigation District, New York Irrigation District, Nampa & Meridian Irrigation District, Wilder Irrigation District, and Big Bend Irrigation District, collectively known as the Boise Project Board of Control (Applicant) filed on May 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4656 to be known as the Arrowrock Dam Hydroelectric Project located on the Boise River in Elmore County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control 214 Broadway, Boise, Idaho 83702.

Project Description—The proposed project, to be located at the base of the U.S. Bureau of Reclamation's existing Arrowrock Dam, would consist of: (1) a powerhouse to contain two turbine-generating units with a total rated capacity of 60 MW; (2) a switchyard; and (3) a 10-mile long, 138-kV transmission line to interconnect with an existing Idaho Power Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Arrowrock Dam Project No. 3692 filed on November 7, 1980, by Mitchell Energy Company, Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4656. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19436 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2487-000]

Central Vermont Public Service Corp. and Hydro-Power, Inc.; Application for Transfer of Minor License

June 29, 1981.

Public notice is hereby given that an application was filed on December 4, 1979, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r), by the Central

Vermont Public Service Corporation (Licensee) and Hydro-Power, Inc. (Transferee) for transfer of the minor license for the Hoosick Falls Project No. 2487, located on the Hoosick River in Rensselaer County, New York. Correspondence with the Licensee should be directed to Mr. Stephen J. Allenby, Assistant Corporate Counsel, 77 Grove Street, Rutland, Vermont 05701.

The project, when licensed on June 3, 1966, consisted of a 30-foot high concrete dam, a 16.3-acre reservoir, a 900-foot long intake canal, and a powerhouse containing three units with a total installed capacity of 1,050 kilowatts. The project ceased operation in 1972.

Hydro-Power, Inc. is a private corporation, organized under the laws of the State of New Jersey, and domesticated in that state.

The Transferee proposes to rehabilitate the Hoosick Falls Project for the production of electricity which would electrolyze water to produce hydrogen gas for use in fuel cells.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 10, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19437 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-78-000]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

June 25, 1981.

Take notice that on June 23, 1981, Cities Service Gas Company (Cities Service) tendered for filing Eleventh Revised Sheet No. 6 to Original Volume No. 1 and Second Revised Sheet No. 91 to Original Volume No. 2 of its FERC Gas Tariff to be effective on July 23, 1981.

Cities Services states that the filing proposes an increase above its presently effective rates which reflects an increase in revenues from jurisdictional sales of $82,624,013, based on the test period (the twelve months ended February 28, 1981, adjusted for known changes through November 30, 1981).

Cities Service states that the increased rates are required to reflect an overall rate of return of 14.0 percent; increases in the cost of materials, supplies, wages and services, including the gathering and transmission of gas by others; increases in prepayments for gas; increases in plant and related cost of service items; increases to reflect the Company's actual investment in storage inventory and the amortization of a portion thereof; and reduced sales volumes.

Cities Service further states that this filing reflects the *Atlantic Seaboard* method of cost classification, cost allocation and rate design. Cities Service also states that the filing reflects a Btu-based allocation of gathering costs and certain reduced zone differentials soley to comply with the requirements of the Stipulation and Agreement (June 20, 1980) in Docket No. RP79-76.

Cities Service states that this filing was served on each of its customers and affected state commissions pursuant to Section 154.16(b) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19402 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2955-001]

City of Watervliet, New York; Application for Short-Form License (Minor)

June 25, 1981.

Take notice that the City of Watervliet, New York (Applicant) filed on April 23, 1981, and amended on June 2, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C., 791(a)-825(r)] for redevelopment and operation of a water power project to be known as the Normanskill Project No. 2955. The Project would be located on the Normans Kill, a tributary to the Hudson River, in the Town of Guilderland, Albany County, New York. Correspondence with the Applicant should be directed to: J. Leo O'Brien, Mayor, City Hall, Watervliet, New York 12189.

Project Description—The proposed run-of-river project would consist of: (1) the existing City-owned reinforced concrete Amburgen-type dam about 380 feet long and about 40 feet high with an overflow section approximately 306 feet long having crest elevation 259.0 U.S.G.S. datum and surmounted by 3-foot flashboards; (2) a reservoir having a surface area of 430 acres and a useable storage capacity of 1,290 acre-feet at normal maximum pool elevation 262.0; (3) a new intake structure and a sluiceway; (4) a new 900-foot-long, 7-foot-diameter concrete-encased steel penstock buried in the river bed; (5) a new reinforced-concrete underground powerhouse containing a tube-type generating unit having a rated capacity of 850 kW at a net head of 61 feet and at a flow of 200 cfs; (6) a new underground control building located on the left (north) bank and connected to the powerhouse by a tunnel; (7) a new 600-foot-long 2.4-kV transmission line; (8) a new 2.4/13.2-kV transformer bank; and (9) appurtenant facilities.

Purpose of Project—Applicant would continue to operate the facility primarily to provide a municipal water supply. Water surplus to the municipal supply would be used to generate energy for Applicant's use. Surplus energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates the annual generation would average about 4,000,000 kWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, and other applicable statutes. No other formal request for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, August 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c). (*as amended* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition to intervene must be filed on or before August 5, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19438 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP78-52, RP79-22 & RP80-61]

Consolidated Gas Supply Corp.; Informal Settlement Conference

June 26, 1981.

Take notice that on July 9, 1981, at 10:00 a.m., an informal conference of all interested parties will be convened concerning the above-captioned matters. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend the informal conference, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make committments with respect to any or all of the issues and make offers of settlement of stipulations discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19400 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-428-000 and Docket No. EL81-12-000; 15 FERC ¶61,302]

Middle South Services Inc.; Electric Rates: Suspension; Intervention; Complaint; Consolidation

In the matter of Middle South Services, Inc., State of Arkansas v. Middle South Utilities, Inc. Order accepting for filing and suspending amendment to interconnection agreement, setting complaint for hearing, denying requests for dismissal, consolidating dockets, granting intervention, and establishing procedures

Issued June 26, 1981.

On November 12, 1980, the operating companies of the Middle South system [1] entered into a memorandum of understanding (memorandum) which prescribes their intended treatment of cogeneration capacity under the Middle South System Agreement (system agreement). On April 1, 1981, the State of Arkansas (Arkansas) filed a complaint [2] against Middle South Utilities (MSU), the parent corporation of the operating companies, stating that the interests of the citizens of Arkansas are impaired by the memorandum and seeking to have the memorandum declared void. Subsequently, on April 27, 1981, Middle South Services (MSS), the service company for the Middle South system, tendered the memorandum for filing as an amendment to the system agreement pursuant to Part 35 of the Commission's regulations under the Federal Power Act.[3]

Notice of the complaint was issued in Docket No. EL81-12-000 on April 21, 1981, with comments, protests, or petitions to intervene due on or before May 15, 1981. MSS filed a petition to intervene and protest on May 15, 1981. Arkansas filed an untimely response to MSS's petition on June 5, 1981. Notice of the MSS filing was issued in Docket No. ER81-428-000 on May 6, 1981, with responses due on or before May 25, 1981. Arkansas filed an untimely petition to intervene on June 5, 1981.

Proposed Amendment to the System Agreement

MSS has requested that the proposed amendment become effective on July 1, 1981. Accordingly to MSS, the memorandum was entered into as a result of section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) which requires electric utilities to purchase electric power from and to sell electric power to qualifying cogenerators and small power producers. The memorandum provides that purchases of cogenerated capacity will neither increase a member company's installed capability nor reduce its load responsibility for system purposes and that the avoided costs of cogenerated purchases will include marginal energy costs alone—*i.e.*, will not reflect capacity-related costs.[4] MSS asserts that the amendment is necessary since cogenerated power will not alter or influence the MSS capital expansion plan. Furthermore, according to MSS, the amendment will in no way prevent any company from participating in or with a cogenerator. MSS also asserts

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[1] Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service, Inc. Arkansas-Missouri Power, which also signed the memorandum, has since merged with Arkansas Power & Light Company.

[2] Although Arkansas purported to file its pleading as a "petition for relief" pursuant to § 1.7 of the Commission's Rules of Practice and Procedure, 18 CFR 1.7, it is in substance a complaint, which is controlled by § 1.6 of the rules.

[3] See Attachment A for rate schedule designations.

[4] Part 292 of the Commission's regulations implementing section 210 of PURPA provides that an electric utility must purchase any energy and capacity made available from a qualifying cogeneration or small power production facility at rates not to exceed the purchaser's avoided costs. Avoided costs are defined in section 292.101 as the incremental costs to an electric utility of energy or capacity or both which, but for the purchase from a qualifying facility, the electric utility would generate itself or purchase from another source. In addressing section 292.304, Order No. 69, mimeo at 65, specifies that if a qualifying cogenerating facility offers energy of sufficient reliability and with sufficient legally enforceable guarantees of deliverability as to permit the purchasing electric utility to avoid the need to construct a generating unit or build a smaller, less expensive plant, the rates for such purchase should be based on avoided capacity as well as energy cost.

that there is no affected cogeneration account presently connected to the system or anticipated in the near future.[5]

Arkansas requests that the filing in Docket No. ER81-428-000 be rejected for the reasons set forth in its complaint. In the alternative, it requests that acting on the filing be deferred until a final order has been issued in the complaint docket.[6]

Complaint

In its complaint, Arkansas objects to the memorandum on the grounds that it: (1) provides for an unreasonable differentiation between cogenerated capacity and all other sources of firm power in determining company accredited capability and load responsibility in violation of section 206(a) of the Federal Power Act; (2) permits an objectionable exclusion of cogenerated capability from system planning; (3) fails to produce accurate capability costs and equalization charges; (4) dampens the economic incentive to invest in cogenerated capacity by assuring that cogenerators will be reimbursed for power sold at rates which do not reflect avoided capacity costs; and (5) contravenes the Commission's rules on cogeneration and small power production. Arkansas requests that the Commission (1) void the proposed amendment as being in violation of the Federal Power Act and the Commission's rules on cogeneration, (2) direct the Middle South operating companies to refrain from discriminating against cogenerators, and (3) set these matters for hearing on an expedited basis.

Discussion

MSS seeks dismissal of the complaint on two grounds. First, it argues that the compliant is premature because no party to the system agreement has been or is now purchasing power produced by a cogenerator. As Arkansas asserts in its response, the memorandum could have the immediate effect of discouraging cogeneration if potential investors will be precluded from recovering capacity costs. Moreover, the matters raised in the compliant cannot be considered premature because MSS itself has placed the memorandum at issue by submitting it for filing with the Commission.

Second, MSS urges that a complaint may not, under the terms of section 1.6 of the Rules of Practice and Procedure, be directed against a holding company such as Middle South Utilities.[7] Although Arkansas named Middle South Utilities as the defendent, it is clear from the language and substance of the complaint that Arkansas is seeking relief from the coordinated actions of the operating companies, which are "public utilities" within the meaning of section 1.6. To dismiss the complaint on this ground would elevate form over substance, particularly considering the facts that the operating companies are subsidiaries of MSU and that MSS has filed the challenged amendment on behalf of each of the operating companies. Accordingly, MSS's request for dismissal will be denied. Moreover, in light of MSS's response to the substance of the complaint on behalf of its affiliates, the Commission will treat MSS as their representative in these proceedings.

MSS also raises several substantive objections to the complaint. It asserts that the system's capital construction program is being undertaken primarily for fuel conversion and diversification purposes and that the replacement of oil and gas-fired generation with lower energy cost coal and nuclear generation is the primary consideration governing current system planning. MSS states that, because the system's fuel diversification program presently calls for the addition of only base load coal and nuclear capacity, the members seek to eliminate cogenerated capacity from consideration in the generation addition plan. Accordingly, MSS argues that cogeneration purchases will result in no avoided capacity costs, should not be treated as member company installed capability, and should be priced on the basis of marginal energy costs alone. Additionally, MSS states that, until the projected fuel conversion program is complete, the marginal energy costs on the MSS system will be higher than the combined avoided capacity and energy costs of planned generating additions and that qualified cogenerators would therefore receive a greater benefit under the proposed amendment than in the absence of such an amendment.

The compliant and the memorandum raise troubling questions. Section 210 of PURPA was intended by Congress to encourage cogeneration.[8] However, Arkansas claims that the amendment, in fact, would have the contrary effect of discouraging potential cogeneration. Moreover, the memorandum reflects the intention of the operating companies to disregard the availability of cogeneration, regardless of its reliability, in adding new capacity. The Commission has recognized that a utility cannot be expected to substitute sporadic or unrealiable deliveries of cogenerated power for needed capacity additions.[9] However, it is conceivable that dependable cogeneration capacity which could permit the system to defer or avoid adding new generating capacity will become available before construction of all proposed new generating plant has been completed.

Within the Middle South system, member companies who have insufficient capacity to meet their designated capability responsibility must purchase capacity and incur capability equalization payments. From the facts and arguments presented thus far, we are unable to conclude that an absolute exclusion of firm cogenerated power from member company capability and the pricing of cogenerated purchases on avoided incremental energy costs alone will result in installed capability costs, allocations of reserves, or capability equalization payments which are just and reasonable. These questions are the appropriate subject matter of an evidentiary hearing.

Our analysis indicates that MSS's proposed amendment has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept that submittal for filing and suspend it as directed below.

In a number of suspension orders,[10] the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Although the filing by MSS does not request a direct rate modification, the amendment may affect reserve levels maintained by member companies and related capacity equalization charges within the system. We also note that, in the event cogeneration purchases take place and the memorandum is subsequently declared void or modified, an attempt to reconstruct appropriate intrasystem charges could prove extremely complicated. Accordingly, the Commission will suspend the proposed amendment to the system agreement for five months from sixty days after the filing to become effective, subject to refund, on November 27, 1981.

Because the complaint in Docket No. EL81-12-000 and the submittal in Docket No. ER81-428-000 present common questions of law and fact, we shall consolidate these dockets for purposes of hearing and decision. We shall leave the ultimate scheduling of this case to the discretion of the presiding administrative law judge. However, in light of the potential difficulty that may be encountered if it becomes necessary to adjust equalization payments within the entire system, the Commission urges the judge to establish a procedural schedule which will allow for expeditious consideration of the matters at issue.

We find that participation in this consolidated proceeding by the State of Arkansas is in the public interest and that good cause exists to grant its untimely petition to intervene in Docket No. ER81-428-000. Accordingly, we shall grant the petition to intervene. It is unnecessary to grant intervention to MSS in Docket No. EL81-12-000 because, as noted above, MSS represents and has responded on behalf of the Middle South operating companies against whom the substance of the complaint was directed.

The Commission Orders

(A) Arkansas' request that the MSS filing in Docket No. ER81-428-000 be dismissed and MSS's request that Arkansas' complaint in Docket No. EL81-12-000 be dismissed are hereby denied.

(B) MSS's proposed amendment to the Middle South Service System Agreement is hereby accepted for filing and suspended for five months to become effective, subject to refund, on November 27, 1981.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, and 306 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning (1) the justness and reasonableness of MSS's proposed amendment and (2) the allegations and prayer for relief contained in Arkansas' complaint.

(D) Arkansas is hereby permitted to intervene in Docket No. ER81-428-000, subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenor shall be limited to matters set forth in the petition to intervene; and, *provided further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(E) Docket Nos. ER81-428-000 and EL81-12-000 are hereby consolidated for purposes of hearing and decision.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Middle South Services

Docket No.: ER81-428-000
Filed: April 27, 1981

Description: Memorandum of Understanding Instrument Dated: November 12, 1980

Description	Company
(1) Supplemental No. 16 to Rate Schedule FPC No. 69	Arkansas Power and Light Company.
(2) Supplemental No. 15 to Rate Schedule FPC No. 48.	Louisiana Power and Light Company
(3) Supplemental No. 16 to Rate Schedule FPC No. 228	Mississippi Power and Light Company
(4) Supplemental No. 16 to Rate Schedule FPC No. 5	New Orleans Public Service Company

[FR Doc. 81-19404 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[GP81-35-000]

Conoco, Inc., Request for Withdrawal

Issued June 26, 1981.

Take notice that on March 5, 1981, Conoco Inc. High Island 110 Well A-8, High Island Block III, Offshore Texas, filed with the Federal Energy Regulatory Commission (Commission) a request to withdraw its application for a section 102 well category determination under the Natural Gas Policy Act of 1978 (NGPA) for the above-captioned well. The determination for the subject well became final by operation of § 275.202 of the Commission's regulations before the date on which the request for withdrawal was made.

Conoco stated that when the well production exceeded what was initially determined to be producible gas reserves from the LP(A-8) reservoir, a study was conducted of that reservoir. Conoco further states that it determined that the LP(A-8) reservoir was actually depleted in September 1978 and that the wellbore communication between the LP(A-8) and the LN(A-2) reservoir had allowed gas from the LN(A-2) reservoir to migrate and be produced through the A-8 well. Gas produced from the LN(A-2) reservoir, continues Conoco, does not qualify as a new offshore reservoir.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, (44 FR 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before July 17, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19417 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[5] MSS does not explain why the memorandum applies only to cogenerators and not to small power producers.

[6] It should be noted that absent any Commission action prior to the proposed effective date, the amendment proposed by MSS would become effective as filed.

[7] Section 1.6(a) provides in pertinent part:

(a) *General.* Any person, including any State or local commission, complaining of anything done or omitted to be done by any licensee, public utility or natural-gas company in contravention of an act, rule, regulation, or order administered or issued by this Commission, may file a complaint with the Commission.

[8] Joint Explanatory Statement of the Committee of Conference, printed in Federal Energy Guidelines, Statutes and Regulations ¶5151, v. I at 5108.

[9] Order No. 69, Small Production and Cogeneration Facilities—Rates and Exemptions, *mimeo* at 63 (Febuary 19, 1980). Section 292.304(e) requires that the reliability of a qualifying cogeneration facility be take into account in determining avoided costs. The preamble to the rule indicates that rates for "sporadic purchases" do not include avoided capacity costs. (Order No. 69, mimeo at 63).

[10] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[Docket No. ER81-555-000]

Delmarva Power & Light Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva) on June 16, 1981, tendered for filing Amendment No. 1 to a Service Agreement dated May 27, 1980 with the City of Seaford, Delaware. The Service Agreement provides for generation by Seaford of part of its electric service requirements. The Amendment No. 1 would change the hours during which and certain other conditions under which Seaford will operate its generation facilities.

The Amendment was entered into at the request of Seaford to give the town greater flexibility in its "peak-shaving" efforts. The proposed effective date of the Amendment is May 29, 1981 and waiver of the Commission's notice requirements is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19418 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4646-000]

Frankfort Electric and Water Plant Board; Application for Preliminary Permit

June 29, 1981.

Take notice that the Frankfort Electric and Water Plant Board (Applicant) filed on May 11, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)) for Project NO. 4646 to be known as the Kentucky River Lock and Dam No. 3 located on the Kentucky River in Henry and Owen Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Rodney R. Ratliff, Board Chairman, Frankfort Electric and Water Plant Board, P.O. Box 308, Frankfort, Kentucky 40602.

Project Description—The proposed project would utilize the United States Army Corps of Engineers' Kentucky River Lock and Dam No. 3. The proposed Project No. 4646 would consist of: (1) a proposed powerhouse containing generating units having an installed capacity of 6 MW and an estimated average annual energy production of 36 GWh; (2) proposed transmission lines to be interconnected to a 138-kV transmission line owned by Kentucky Utilities Company and approximately 10,600 feet from the project site; and (3) appurtenant facilities. The proposed Kentucky River Lock and Dam No. 3 Hydro project is located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit; if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The applicant estimates that the cost of the studies would be $100,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 3 Project No. 3674 filed on November 5, 1980, by Dam Three Development Ltd. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing application of notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4646. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19430 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP78-391 and Docket Nos. CP75-278 and CP77-556]

Great Plains Gasification Associates, et al.; Petition To Amend Opinion and Order Approving Rate Settlement

Issued June 25, 1981.

In the matter of Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Company; Columbia Gas Transmission Corporation; Michigan Wisconsin Pipe Line Company; Natural Gas Pipeline Company of America; Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Transcontinental Gas Pipe Line Corporation.

Take notice that on June 23, 1981, Great Plains Gasification Associates (Great Plains), Michigan Wisconsin Pipe Line Company (Mich Wis), Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and Transcontinental Gas Pipe Line Corporation (Transco), filed a petition to amend Commission Opinion No. 119, "Opinion and Order Approving Rate Settlement with Modifications," issued on April 30, 1981, to authorize a minor adjustment in the volumes of synthetic gas to be purchased from Great Plains by Natural and Tennessee.

Petitioners state that the Officer of Settlement which was approved by the Commission in Opinion No. 119 contemplated that each of the pipelines—Mich Wis, Natural, Tennessee, and Transco—would purchase 25% of the synthetic gas to be produced by the Great Plains Coal Gasification Project under certain Gas Purchase Agreements. As a result of a recent adjustment in the equity participation of the pipelines' affiliates in the Great Plains Project, it is now proposed that Tennessee and Natural would execute Gas Purchase Agreements for 30% and 20% of Great Plains' supply, respectively. As previously proposed in the Offer of Settlement, Mich Wis and Transco would each purchase 25% of Great Plains' supply under their Gas Purchase Agreements. Petitioners request the Commission to amend Opinion No. 119 to authorize the proposed changes in the purchases of synthetic gas by Tennessee and Natural under the Gas Purchase Agreements by finding that the action of Natural and Tennessee in executing the Gas Purchase Agreements as so modified is prudent and by authorizing Natural and Tennessee to recover the charges under such Gas Purchase Agreements from their jurisdictional customers through the PGA provisions of their respective tariffs, all as previously authorized by the Commission in Opinion No. 119.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19440 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2845-000]

Idaho Power Co.; Intent To Prepare Environmental Impact Statement and Notice of Scoping Meeting

June 29, 1981.

An application for license has been filed with the Federal Energy Regulatory Commission by Idaho Power Company of Boise, Idaho for the construction, operation and maintenance of the proposed A. J. Wiley Hydroelectric Project, FERC No. 2845, to be located on the Snake River in Twin Falls and Gooding Counties, Idaho.

Public notice of the filing of the application was given on May 7, 1981. The application has been mailed out for agency review and comment. The Commission's staff has determined that issuance of a license for the proposed hydroelectric project would constitute a major federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act. Possible alternatives to the proposed action will be addressed.

Interested persons and agencies are invited to participate in a scoping meeting to discuss the environmental impacts expected from the proposed A. J. Wiley Hydroelectric Project. The scoping meeting will be convened by the Commission's staff at 1:00 p.m. on July 28, 1981 in the multi-purpose room of the Library Building, City Hall, 308 Fifth Avenue West, Gooding, Idaho (83330). Interested persons are encouraged to attend the session commencing at 1:00 p.m. so that they will have the opportunity to hear the comments of participating governmental agencies in addition to expressing their own views. For those persons unable to attend the scoping meeting during business hours, an additional session will be convened at the same location at 7:30 p.m. and interested persons will have an opportunity to express their views regarding significant environmental issues. Both sessions will be recorded by a stenographer.

The primary goal of this meeting is to encourage interested parties to assist the staff in determining the scope of significant issues to be analyzed in depth in the environmental impact statement; and identifying and eliminating from detailed study issues that are not significant or that have been covered by prior environmental review. It should be noted that the scoping meeting is not intended as a forum to consider the ultimate question of whether or not the Commission should approve Idaho Power Company's application for authority to construct, operate and maintain the proposed project, but rather as a vehicle to assist in the compilation and analysis of significant environmental issues to be considered by the Commission at a later stage in this proceeding.

If you are unable to send a representative to this meeting or if there is insufficient time during the scoping meeting for you to offer your comments verbally, you are encouraged to mail to the Commission's staff written comments detailing significant issues that should be addressed in the environmental impact statement. If we do not receive your comments by September 1, 1981, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning the proposed action and the environmental impact statement should be directed to: Mr. Thomas Russo, Division of Environmental Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 at (202) 376-9061.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19441 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-554-000]

Illinois Power Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that Illinois Power Company (Illinois) on June 15, 1981, tendered for filing a new Short Term Energy Transmission Rate applicable to the City of Princeton, the City of Waterloo, the City of Peru, the City of Mascoutah, the Village of Freeburg, the Cities of Preese and Carlyle and the City of Highland, Illinois.

Illinois states that this Agreement provides for the transmission by Illinois of electric energy between the Municipal Utilities and with any other utility interconnected with Illinois on a short term basis under the terms and conditions as set forth in the Agreement.

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Illinois proposes an effective date of June 15, 1981.

Copies of this filing were served upon Illinois' electric partial requirements customers and the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Caitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19419 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4662-000]

J. Mark Nielsen; Application for Preliminary Permit

June 29, 1981.

Take notice that J. Mark Nielsen (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. section 791(a)–825(r)] for Project No. 4662 known as the Little Bucks Project located on Grizzly Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. Mark Nielsen, 474 Main Street, Placerville, California 95667.

Project Description—The proposed project would consist of: (1) a diversion structure located on Grizzly Creek just below the outlet portal of Pacific Gas and Electric Company's (PG&E) tunnel from Lower Bucks Lake; (2) a 10-foot diameter, 11,000–foot long tunnel; (3) a powerhouse with a capacity of up to 17 MW located in the vicinity of PG&E's Grizzly Forebay; and (4) associated electrical and transmission equipment. Applicant estimates that the project would have an average annual output of up to 50,000 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the proposed project. Applicant estimates that the proposed studies, including preparation of a license application would cost $150,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981 either the competing application itself [See 18 CFR § 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19444 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4704-000]

Joseph A. McKinley; Application for Preliminary Permit

June 29, 1981.

Take notice that Joseph A. McKinley (Applicant) filed on May 20, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. section 791(a)–825(r)] for Project No. 4704 known as the Chambers Creek Water Project located on Chambers Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to : Mr. Joseph A. Mckinley, 50 Alvarado Road, Berkley, California 94705.

Project Description—The proposed project would consist of: (1) a diversion ditch to divert water from Jackass Creek; (2) a diversion ditch to divert water from Chambers Creek; (3) a 11,500-foot long, 22-inch diameter penstock; (4) a powerhouse with total installed capacity of 4.75 MW; and (5) an interconnection with an existing Pacific Gas and Electric Company Transmission line. The Applicant estimates that average annual energy production would be 13 million kWh.

Proposed Scope of Studies Under Permit—A Preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which it would conduct engineering, hydrological, economic, and environmental studies and prepare state permits and an FERC license. No new roads are required for conducting these studies. The cost of these studies is estimated by the Applicant to be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR Section 1.8 or Section 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19443 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-557-000]

Lake Superior District Power Co.; Filing

June 26, 1981.

The filing company submits the following:

Take notice that Lake Superior District Power Company (LSDP) on June 17, 1981, tendered for filing proposed changes in its contracts for electric service to the City of Medford, Wisconsin, the City of Wakefield, Michigan and North Central Power Company, Inc.

The proposed changes would increase revenues from jurisdictional electric sales by $400,988, based on calendar year 1980. LSDP requests an effective date for the proposed increase of August 16, 1981.

Copies of the filing were served upon the affected jurisdictional customers, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19420 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-560-000]

Lockhart Power Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that Lockhart Power Company (Lockhart) on June 18, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff Rate Schedule Resale. The interim change would increase revenues from jurisdictional sales and service by $430,298 based on the 12-month period ending December 31, 1980. The proposed change would increase revenues from jurisdictional sales and service by $627,436 based on the 12-month period ending December 31, 1980.

Lockhart states that the reason for the proposed increase is primarily the Company's increased cost of purchased power pursuant to a Duke Power Company increase in wholesale rates filed on June 16, 1981. With the increased cost of purchased power and certain other cost increases, the Company would not be able to earn a reasonable return on its investment without adjusting its own resale rates to reflect these increased costs. Lockhart proposes an effective date of August 15, 1981.

Copies of the filing have been served upon the City of Union, South Carolina, Lockhart's sole jurisdictional customer. A copy of the filing has also been mailed to the South Carolina Public Service Commission.

Any person desiring to be heard or to protest filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19444 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4698-000]

Montana Department of Natural Resources and Conservation Application for Preliminary Permit

June 29, 1981.

Take notice that Montana Department of Natural Resources and Conservation (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 4698 known as the Nevada Creek Project located on Nevada Creek and Nevada Lake in Powell County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—The proposed project would consist of: (1) the existing 105-foot high earthfill Nevada Creek Dam with a concrete spillway and a 392-foot long outlet conduit; (2) a reservoir with a usable storage capacity of 12,400 acre-feet; (3) a bifurcation; (4) a powerhouse, to be located at the toe of the dam, and containing one generating unit rated at 1,480 kW; and (5) a transmission line. The average annual

energy generation is estimated to be 2.8 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19445 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-542-000]

Montana Power Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on June 12, 1981, tendered for filing in accordance with Section 35 of the Commission's Regulations, Letter Agreements with the City of Glendale (Glendale). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Glendale.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $346,500.00 based upon energy delivered from December 3, 1980 through January 31, 1981. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of December 3, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule in this docket, and all of its supplements. Montana states that the Agreements have expired of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19422 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-541-000]

Montana Power Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on June 12, 1981, tendered for filing in accordance with Section 35 of the Commission's Regulations, Letter Agreements with the Los Angeles Department of Water & Power (Los Angeles). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Los Angeles.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $4,140,000.00, based upon energy delivered from November 17, 1980 through February 14, 1981. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of November 17, 1980, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule in this docket, and all its supplements. Montana states the Agreements have expired of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19421 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-546-000]

Montana Power Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company on June 12, 1981, tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement with the Washington Water Power Company (Washington). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Washington.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $3,960,000.00, based upon energy delivered from October 31, 1980 through January 31, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of October 16, 1980, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule in this docket, and all its supplements. Montana states that the Agreement has expired of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19423 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-543-000]

Montana Power Co.; Filing

June 26, 1981.

The filing company submits the following:

Take notice that on June 12, 1981 the Montana Power Company (Montana) tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreement with the City of Pasadena (Pasadena). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Pasadena.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $207,659.88, based upon energy delivered from December 3, 1980 through January 31, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of December 3, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule in this docket, and all of its supplements. Montana states that the Agreement has expired of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19424 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-544-000]

Montana Power Co.; Filing

June 26, 1981.

Take notice that the Montana Power Company (Montana) on June 12, 1981, tendered for filing in accordance with section 35 of the Commission's Regulations, a Letter Agreement with Southern California Edison Company (Edison). Montana states that this Letter Agreement provides for the sales of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $11,204,110.53, based upon energy delivered from October 17, 1980, through February 1, 1981. Montana states that the rate for firm energy under these proposed Letter Agreements was negotiated.

An effective date of October 17, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule in this docket, and all its supplements. Montana states that the Agreement has expired of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19425 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-545-000]

Montana Power Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on June 12, 1981, tendered for filing in accordance with Section 35 of the Commission's Regulations, a Letter Agreements with the City of Burbank (Burbank). Montana states that this Letter Agreement provide for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $346,500.00, based upon energy delivered from December 3, 1980 through January 31, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of December 3, 1980, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule in this docket, and all its

supplements. Montana states that the Agreement have expired of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19428 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-539-000]

Montaup Electric Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on June 12, 1981, tendered for filing a supplemental unit sales agreement and an associated supplement to a transmission service agreement between Montaup and the Taunton Municipal Lighting Plant ("Tauntron").

The supplemental unit sales agreement dated April 14, 1981, provides for additional purchases of capacity and energy from Somerset Unit No. 6 and Canal Unit No. 2 for the period beginning April 13, 1981, the date that Taunton's Clearly Unit No. 9 went out of service for emergency repairs, and ending on November 1, 1981 or when Cleary No. 9 goes back on line whichever comes first. Attached to the supplemental unit sales agreement is a revision dated May 11, 1981 that decreases Taunton's purchase of power from Somerset Unit No. 6 effective May 10, 1981.

The associated supplement to the transmission service agreement specifies that Montaup will transmit for Taunton the additional power purchased by Taunton from Somerset Unit No. 6 under the supplemental unit sales agreement. The transmission of additional Canal Unit No. 2 power under the supplemental unit sales agreement is provided for by the New England Power Pool Agreement.

Montaup requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of April 13, 1981 for the supplemental unit sales and transmission service agreements and May 10, 1981 for the revision to the supplemental unit sales agreement.

Copies of this filing have been served on Taunton and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19405 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-551-000]

Montaup Electric Co.; Filing

June 26, 1981

The Filing Company submits the following:

Take notice that on June 16, 1981, Montaup Electric Company ("Montaup") tendered for filing an amended Exhibit A to Supplement No. 8 to Montaup's Rate Schedule FPC No. 36 for service to the Middleborough Municipal Gas and Electric Department ("Middleborough"). The Amendment results in an annual decrease of $132 in the charge paid by Middleborough for its use for purposes of non-firm power of the 115kV radial line connecting the electric systems of Montaup and Middleborough. It is requested that the amendment be granted a retroactive effective date of January 1, 1981.

The requested January 1, 1981 effective date is consistent with Supplement No. 8, which is a contract between Montaup and Middleborough. Article XI of Supplement No. 8 contains a formula for development of the radial line charge which is to be recalculated each year based on costs experienced in the prior year. The Commission accepted Supplement No. 8 by letter order of April 11, 1977 (Docket No. ER77-192) but stated therein that annual recalculations of the radial transmission charge would require filing with the Commission. The new Exhibit A is based on 1980 costs and is the basis on which charges would be made throughout 1981. Each year's update is dependent upon the prior year's actual figures, which are not available for some months after the beginning of the year. Accordingly, Montaup requests waiver of the notice requirements so that the new rate may become effective as of January 1, 1981.

Montaup does not provide a similar 115kV radial line service to any other customer. No facilities are to be installed or modified to provide the service affected by this filing. Posting of this filing has been accomplished as required by the Commission's regulations and copies have been served on Middleborough and the Massachusetts Department of Public Utilities. This filing is in accordance with the contract between Montaup and Middleborough and does not require Middleborough's consent.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-19446 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-564-000]

Niagara Mohawk Power Corp.; Filing

June 26, 1981.

The filing company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on June 19, 1981, tendered for filing as a rate schedule, an agreement between Niagara and the Consolidated Edison Company of New York, Inc. (Con Edison) dated April 1, 1979.

The agreement provides for the delivery of diversity power and energy from the Power Authority of the State of New York (PASNY) and Con Edison. The diversity power and energy is in turn exchanged by PASNY with Hydro Quebec. Niagara is requesting an effective date of April 1, 1979.The agreement requires revision of the transmission rates on April 1, of each year. Concurrently with this submittal, Niagara is submitting a supplement to the agreement dated April 1, 1980 which revises the transmission rates. Niagara has charged Con Edison based on the previous year end data and cost of capital as determined by the New York Public Service Commission in Niagara's most recent electric rate proceeding.

Copies of the filing were served upon the following:

Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, N.Y. 10003

Public Service Commission, State of New York, Rockefeller Plaza, Albany, N.Y. 12223.

Any person desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions shall be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19447 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4486-000]

Niagara Mohawk Power Corp.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 25, 1981.

Take notice that the Niagara Mohawk Power Corporation filed with the Federal Energy Regulatory Commission on April 6, 1981, an application for exemption for its Theresa Project No. 4486 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implemening in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Indian River in Jefferson County, New York. Correspondence with the Applicant should be directed to: John H. Terry, Esq., Niagara Mohawk Power Corporation; 300 Erie Blvd., West; Syracuse, New York 13202.

Project Description—The proposed project would consist of: (1) an existing concrete and masonry gravity dam, 34.5 feet high and 121 feet long which includes a concrete spillway section 48.4 feet long; (2) an existing reservoir with a surface area of 75.0 acres at a mean surface elevation of 374.5 feet (USGS datum); (3) two existing floodgates, 20 feet wide; (4) an existing intake section 20 feet wide; (5) an existing 7-foot diameter steel penstock, 175 feet long, leading to (6) an existing powerhouse, a concrete structure 47 feet by 38 feet, containing two existing generators with a total installed capacity of 1,615 kW; (7) an existing 23 kV transmission line; and (8) appurtenant facilities.

Applicant proposed to: (1) replace runners and rebuild both turbines; (2) rewind generators (as required); (3) replace and repair various electrical equipment; (4) replace a section of the penstock; and (5) replace the existing floodgates.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the FERC Project No. 4028 filed on January 1, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing application of notices of intent to file competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to a notice of application for exemption from licensing for Project No. 4486. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19406 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*. Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[Docket No. id-1984-000]

Norman Barker, Jr.; Filing

June 26, 1981.

The filing individual submits the following:

Take notice that on June 18, 1981, Norman Barker, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co.
Director, Lear Siegler, Inc.

In the alternative, Mr. Barker seeks an order of the Commission dismissing this application for want of jurisdiction.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19427 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4626-000]

Northern Colorado Water Conservancy District; Application for Preliminary Permit

June 25, 1981.

Take notice that the Northern Colorado Water Conservancy District (Applicant) filed on May 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4626 known as the Carter Lake Project located on the Big Thompson River near the City of Loveland in Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Earl F. Phipps, Northern Colorado Water Conservancy District, P. O. Box 679, Loveland, Colorado 80537.

Project Description—The proposed project would utilize the existing U. S. Water and Power Resources Service's Carter Lake Dam No. 1 and would consist of: (1) a new 48-inch diameter, 400-foot long penstock installed in and through the existing outlet tunnel; (2) a powerhouse containing two generating units having a total rated capacity of two megawatts at a flow or 200 cfs and a head of 140 feet; (3) a switchyard; (4) a one, four, or 5-mile long transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,000,000 kWh. Project energy would be sold to Public Service Company of Colorado, Tri-State Generation and Transmission Association, or Western Area Power Administration.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18-months during which time it would conduct a feasibility study to indicate the specific engineering requirements, the economic viability, marketability, transmission needs, and the environmental impacts of the proposal, and would prepare an application for an FERC license. Applicant estimates the cost of the study under the permit would be $40,000.

Competing Applications—This application was filed as a competing application to the Carter Lake Hydroelectric Project No. 3746 filed on November 17, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "PROTEST" or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19448 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-20-001, et al.]

ONG Western, Inc., et al.; Extension Reports

June 25, 1981.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1979 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. The letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 8, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not service to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST79-20-001	ONG Western, Inc., 624 South Boston Ave., Tulsa, OK 74119.	Natural Gas Pipeline Co. of America	[1] 04/09/81	D	08/29/81
ST79-21-001	...do...	Transwestern Pipeline Co	[1] 03/17/81	D	07/29/81
ST79-24-001	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301.	Texas Gas Transmission Corp	05/12/81	D	08/12/81
ST79-37-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	El Paso Natural Gas Co	05/11/81	C	08/14/81
ST79-39-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	...do...	05/11/81	C	08/14/81
ST79-41-001	Delhi Gas Pipeline Corp., Fidelity Union Tower Building, Dallas, TX 75201.	United Gas Pipe Line Co	[1] 02/23/81	C	07/16/81
ST79-42-001	Lone Star Gas Co., 301 South Harwood Street, Dallas, TX 75201.	El Paso Natural Gas Co	04/22/81	D	07/05/81
ST79-74-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	Northern Natural Gas Co	04/23/81	C	07/25/81
ST79-75-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 7701.	...do...	[1] 04/23/81	C	07/25/81
ST79-82-001	Texas Gas Transmission Corp., P.O. Box 1160, Owensboro, KY 42301.	Louisiana Intrastate Gas Corp	05/13/81	B	08/13/81
ST79-108-001	Intrastate Gathering Corp., P.O. Box 32999, San Antonio, TX 78216.	Tennessee Gas Pipeline Co	[1] 04/06/81	C	07/06/81
ST79-109-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292.	El Paso Natural Gas Co	04/24/81	C	07/25/81
ST80-2-001	The Nueces Co., 3000 Fidelity Union Tower, Dallas, TX 75201.	Panhandle Eastern Pipe Line Co	05/26/81	D	09/26/81
ST80-5-001	ONG Western, Inc., 624 South Boston Ave., Tulsa, OK 74119.	United Gas Pipe Line Co	[1] 03/17/81	D	11/23/81
ST80-8-001	J-W Operating Co., 1900 LTV Tower, Dallas, TX 75201.	...do...	05/26/81	D	09/31/81
ST80-61-001	ONG Western, Inc., 624 South Boston Ave., Tulsa, OK 74119.	Arkansas Louisiana Gas Co.	[1] 04/09/81	D	11/26/81
ST80-110-001	Michigan Gas Storage Co., 212 West Michigan Ave., Jackson, MI 49201.	Southeastern Michigan Gas Co	04/17/81	B	07/17/81

[1] Notice of this extension Report has been previously published.

[FR Doc. 81-19429 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-556-000]

Pacific Power & Light Co.; Filing

June 26, 1981

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on June 17, 1981, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, the Contract for Economy Energy Brokerage Transaction and Transmission Service between Western Area Power Administration (Western) and Pacific executed on April 21, 1981. The Contract provides for Western and Pacific in conjunction with their association in the Western System Coordinating Council to implement procedures for split savings energy brokering system.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective April 21, 1981, which it claims is the effective date of the Contract.

Copies of the filing were supplied to the Loveland-Fort Collins Area Office, the Salt Lake City Area Office and the Boulder City Area Office of the Western Area Power Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-19428 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-558-000]

Pennsylvania Electric Co.; Filing

June 26, 1981.

The filing Company submits the following:

Take notice that on June 18, 1981, Pennsylvania Electric Company (Penelec) tendered for filing revisions to its wholesale electric tariff and its contract for supplemental service to Allegheny Electric Cooperative, Inc., Penelec requests an effective date of August 20, 1981, and states that the only change effected by its filing is a change in its fuel cost adjustment clause to replace its lagging fuel clause with one that recovers for actual fuel costs on a current basis.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19429 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-167-000]

Public Service Co. of New Mexico; Filing

June 26, 1981.

The filing company submits the following:

Take notice that Public Service Company of New Mexico (PNM) on May 28, 1981, tendered for filing in accordance with the Commission's order of April 29, 1981 a revise Statement M for Period II of PNM's filing in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19408 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-62-000]

Road Oil Sales Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

June 26, 1981.

Take notice that Road Oil Sales Inc. on June 22, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 13, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 13, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A Notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19409 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4604-000]

Stephen J. Gaber; Application for Preliminary Permit

June 25, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on April 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4604 to be known as the Swamp Creek Hydroelectric Project located on Swamp Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2251 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) three rock and earth fill diversion dams, each 10-foot high and 65-foot long, (2) three 16-inch diameter collection headers feeding a 3,700-foot long, 36-inch diameter penstock; (3) a powerhouse with total installed capacity of 3,200 kW; and (4) a 7-mile long 55-kV transmission line to connect with an existing Puget Sound & Light Company transmission line. The Applicant estimates that the average annual energy output would be 13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time he would conduct engineering, hydrological, economic and environmental studies and prepare an FERC license application. No new roads are required for conducting the studies. The Applicant estimates that the cost of conducting these studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 26, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) 1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 26, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19410 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4600-000]

Stephen J. Gaber; Application for Preliminary Permit

June 25, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on April 29, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. section 791(a)-825(r)] for Project No. 4600 known as the Anderson Creek Hydroelectric Project located on Anderson Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2251 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) two rock and earth fill diversion dams, each 10-foot high and 40-foot long; (2) Two 16-inch diameter collection headers feeding a 3,000-foot long, 24-inch diameter penstock; (3) a powerhouse with total a installed capacity of 3,000 kW; and (4) a 6-mile long 55-kV transmission line to connect with an existing Puget Sound & Light Company transmission line. The Applicant estimates that average annual energy output would be 12 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time he would conduct engineering, hydrological, economic, and environmental studies and prepare an FERC license application. No new roads are required for conducting these studies. The applicant estimates that the cost of conducting these studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 26, 1981, either the competing application itself [See 18 CFR section 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR section 4.33(b) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 26, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19411 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4603-000]

Stephen J. Gaber; Application for Preliminary Permit

June 25, 1981.

Taken notice that Stephen J. Gaber (Applicant) filed on April 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4603 to be known as the Deerhorn Creek Hydroelectric Project located on Deerhorn, Coal and Maple Creeks in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2251 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) ten rock and earth fill diversion dams, each 10-foot high and 35-foot long; (2) ten 8-inch diameter collection headers feeding a 4,500-foot long, 14-inch diameter penstock; (3) a powerhouse with total installed capacity of 1,500 kW; and (4) a 0.25-mile long 55-kV transmission line to connect with an existing Puget Sound & Light Company transmission line. The Applicant estimates that the average annual energy output would be 6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time he would conduct engineering, hydrological, economic and environmental studies and prepare an FERC license application. No new roads are required for conducting the studies. The Applicant estimates that the cost of conducting these studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 26, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 26, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19412 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4599-000]

Stephen J. Gaber; Application for Preliminary Permit

June 25, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on April 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4600 to be known as the Lookout Creek Hydroelectric Project located on Lookout Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2251 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) four rock and earth fill diversion dams, each 10 feet high and 35 feet long; (2) four 10-inch diameter collection headers feeding a 3,500-foot long, 18-inch diameter penstock; (3) a powerhouse with a total installed capacity of 1,500 kW; and (4) a 0.25-mile long 55-kV transmission line to connect with an existing Puget Sound & Light Company transmission line. The Applicant estimates that the average annual energy output would be 6 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time he would conduct engineering, hydrological, economic, and environmental studies and prepare an FERC license application. No new roads are required for conducting the studies. The Applicant estimates that the cost of conducting these studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 26, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 26, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 26, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19449 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-9-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Tariff Filing

June 26, 1981.

Take notice that on June 12, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to become effective on May 1, 1981 and June 1, 1981, respectively:

Ninth Revised Volume No. 1

Thirty-Second Revised Sheet Nos. 12A and 12B

Original Volume No. 1

Substitute Original Sheet No. 20 and 22

Tennessee states that the sole purpose of these tariff sheets is to provide for the elimination of the Current First Use Tax Rate Adjustment, determined pursuant to Section 2 of Article XXVIII of the General Terms and Conditions of Volume No. 1 of Tennessee's FERC Gas Tariff, contingent upon the Supreme Court's decision in Maryland v. Louisiana, Original No. 83, becoming final and nonappealable and collection of the First Use Tax permanently enjoined.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19413 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-94-013]

Texas Gas Transmission Corp.; Filing of Report

June 26, 1981.

Take notice that on June 16, 1981, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a report in accordance with the sales refund obligation contained in Section XIII of the Stipulation and Agreement and "Order Approving Settlement Agreement" issued on October 11, 1979 in Docket No. RP78-94.

The report consists of data showing that Texas Gas has no refund obligation for the partial period April 1, 1980 through October 31, 1980, the end of the period during which rates were in effect in Docket No. RP78-94.

Texas Gas states that copies of the report were mailed to each of its jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19414 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-563-000]

Washington Water Power Co.; Filing

June 26, 1981.

The filing company submits the following:

Take notice that on June 19, 1981, the Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and San Diego Gas & Electric Company, which applies to the sale of energy from Washington's portion of the Centralia coal-fired steam generating plant. The Agreement shall remain in effect until terminated by either party.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to January 1, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19430 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 455]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 26, 1981.

JD NO	JA DKT	API NO	T	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO		RECEIVED: 06/04/81 JA: CO							
8134223	81-190	0512307304		108		ANDERSON FAMILY TRUST WELL NO 1 (2*	WATTENBERG	18.3	PANHANDLE EASTERN
8134218	80-506	0500107584		103		CHAMPLIN 287 AMOCO C NO 6	ZENITH	15.0	COLORADO INTERSTA
8134219	80-507	0500100758		103		CHAMPLIN 287 AMOCC C NO 7	ZENITH	25.0	COLORADO INTERSTA
8134229	80-517	0500107586		103		CHAMPLIN 287 AMOCO C NO F	ZENITH	14.0	COLORADO INTERSTA
8134230	80-508	0500107587		103		CHAMPLIN 287 AMOCO C NO 9	ZENITH	12.0	COLORADO INTERSTA
8134228	80-516	0500107582		103		CHAMPLIN 287 AMOCC NO 2	ZENITH	7.0	COLORADO INTERSTA
8134222	81-180	0512309751		108		CHAMPLIN 366 AMOCO E NO 1	WATTENBERG	7.3	PANHANDLE EASTERN
8134226	80-515	0503906334		103		CHAMPLIN 416 C NO 1	DOUBLETREE	130.0	
8134232	81-28	0500107054		108		CHAMPLIN 75 AMOCO E WELL #1	WATTENBERG	17.0	PANHANDLE EASTERN
8134234	81-193	0512309769		108		DELBERT W SHABLE UNIT WELL NO 1	HAMBERT	9.5	PANHANDLE EASTERN
8134231	81-292	0512307303		108		FIECHTNER POOLING UNIT WELL NO 1 (*	WATTENBERG	19.7	PANHANDLE EASTERN
8134233	81-192	0512308059		108		HAROLD NELSON UNIT B WELL NO 1 (2*	WATTENBERG	18.9	PANHANDLE EASTERN
8134225	80-505	0500107342		103		HAROLD W HOSMER NO 2	JAMBOREE	290.0	PANHANDLE EASTERN
8134227	81-191	0500107074		108		L W MOORE GAS UNIT NO 1 (2ND FILIN*	WATTENBERG	12.4	PANHANDLE EASTERN
8134221	80-521	0506700629		103		PAN AM FEE GAS UNIT A NO 1A	IGNACIO	127.0	WESTERN SLOPE GAS
8134224	80-519	0500107531		103		R NORTH NO 2		140.0	PANHANDLE EASTERN
8134217	81-262	0512307849		108		ROY E OLIN NO 1 (2ND FILING)	WATTENBERG	7.2	PANHANDLE EASTERN
8134220	80-520	0500107316		103		UPRR 48 PAN AM F NO 2	WARLOCK	30.0	PANHANDLE EASTERN
-BASIC EARTH SCIENCE SYSTEMS INC		RECEIVED: 06/04/81 JA: CO							
8134202	81-92	0500506425		102-4		CHURCH 7-A #31-2	GAZELLE T5S R63W SEC 2	55.0	SUN GAS CO
8134201	81-91	0500506427		102-4		CHURCH 7-A #41-2	GAZELLE	127.0	SUN GAS CO
8134203	81-90	0500506411		102-4		UPRR #1	GAZELLE	110.0	SUN GAS CO
-BYRON OIL INDUSTRIES INC		RECEIVED: 06/04/81 JA: CO							
8134235	80-484	0500107528		103		BYRON - STATE OF COLORADO #3	SPINDLE FIELD WATTENBERG	9.0	NORTHERN NATURAL
8134236	80-483	0500107589		103		BYRON - WYMAN #1	SPINDLE FIELD WATTENBERG	10.4	NORTHERN NATURAL
8134237	80-482	0500106612		103		BYRON-CORCILIUS #1	SPINDLE FIELD WATTENBERG	26.0	NORTHERN NATURAL
8134238	80-481	0500107569		103		BYRON-EDSTROM ET AL #3	SPINDLE FIELD WATTENBERG	33.6	NORTHERN NATURAL
-ENERGY MINERALS CORPORATION		RECEIVED: 06/04/81 JA: CO							
8134242	81-266	0512309316		108		#6 DECHANT STATE	SPINDLE	14.0	PANHANDLE EASTERN
8134243	81-138	0512309659		108		STATE #3-12	WAITE LAKE	4.8	CRYSTAL GAS RESOU
-ESTATE OF ROY L COOK		RECEIVED: 06/04/81 JA: CO							
8134241	81-276	0506700000		108		SUTTON NO 1	IGNACIO BLANCO	14.5	EL PASO NATURAL G
-GARY SANDLIN		RECEIVED: 06/04/81 JA: CO							
8134239	80-477	0500906259		103		STATE-COGBURN	GREENWOOD EXTENSION	8.0	COLORADO INTERSTA
-J-W OPERATING COMPANY		RECEIVED: 06/04/81 JA: CO							
8134204	80-479	0512500000		102-2		T BROPHY #2E	ROCK CREEK	73.0	KANSAS NEBRASKA N
-KOCH INDUSTRIES INC		RECEIVED: 06/04/81 JA: CO							
8134244	81-200	0500100000		108		ANDERSON STATE #1	DOHERTY	5.0	COLORADO INTERSTA
8134246	81-199	0500106556		108		BOX ELDER D #1	WATTENBERG	17.8	COLORADO INTERSTA
8134245	81-198	0500106869		108		IKE #1	WATTENBERG	13.0	COLORADO INTERSTA

JD NO	JA DKT	API NO	T	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARSHALL R YOUNG OIL CO		RECEIVED: 06/04/81 JA: CO							
8134215	81-46	0500107690		102-2		NOONEN #4	ARROYO	0.0	COLORADO INTERSTA
8134213	81-48	0500107532		102-2		NOONEN RANCH #1	ARROYO	0.0	COLORADO INTERSTA
8134216	80-480	0500107632		102-2		NOONEN RANCH #2	ARROYO	0.0	COLORADO INTERSTA
8134214	81-47	0500107661		102-2		NOONEN RANCH #3	ARROYO	0.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP		RECEIVED: 06/04/81 JA: CO							
8134205	80-478	0507708268		102-2		FEDERAL #6-2	SHIRE GULCH	58.0	NORTHWEST PIPELIN
-MGF OIL CORP		RECEIVED: 06/04/81 JA: CO							
8134247	81-152	0512307665		108		JOHNSTON #14-24	WATTENBERG	17.0	PANHANDLE EASTERN
-REGAL PETROLEUM LTD		RECEIVED: 06/04/81 JA: CO							
8134206	80-510	0508707546		102-2		REGAL PET STATE 1X		50.0	KANSAS-NEBRASKA
-ROMAC EXPLORATION CO INC		RECEIVED: 06/04/81 JA: CO							
8134207	80-493	0507508782		102-2		ROEHRS STATE 24-1		180.0	KANSAS NEBRASKA N
-SOHIO PETROLEUM CO		RECEIVED: 06/04/81 JA: CO							
8134240	80-487	0503900000		103		WHITEHEAD 12-1	COMMANCHE CREEK	31.5	
-TEXAS GAS EXPLORATION CORP		RECEIVED: 06/04/81 JA: CO							
8134208	80-511	0502109415		102-4		DRUM 14-19	PACK	300.0	
8134209	80-512	0502109415		102-4		DRUM 14-19D	PACK	30.0	KANSAS NEBRASKA N
-TEXAS OIL & GAS CORP		RECEIVED: 06/04/81 JA: CO							
8134212	81-85	0500906291		103		ROBBINS RANCH D #1	WALSH	91.3	NUECES CO
8134210	80-475	0501106100		102-2		ROWE A #1	MCCLAVE	183.0	NUECES CO
8134211	80-476	0501106105		102-2		WOLLERT B #1	MCCLAVE	183.0	NUECES CO
NEBRASKA OIL & GAS CONSERVATION COMMISSION									
-BEREN CORPORATION		RECEIVED: 06/02/81 JA: NB							
8134277		2603322023		103		CORK NO 3	SW SIDNEY	110.0	KANSAS-NEBRASKA N
8134278		2603321974		103		KURZ NO 1	EGGLESTON	35.0	KANSAS-NEBRASKA N
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMERADA HESS CORPORATION		RECEIVED: 06/03/81 JA: NM							
8134267		3002510272		108		E W WALDEN #4	DRINKARD	15.5	NORTHERN NATURAL
-AMOCO PRODUCTION CO		RECEIVED: 05/29/81 JA: NM							
8134254		3002526785		103		STATE GR #1	UND WOLFCAMP	186.0	UNITED GAS PIPE L
-AMOCO PRODUCTION CO		RECEIVED: 06/03/81 JA: NM							
8134273		3004524537		103		HEATH GAS COM K NO 1E	BASIN DAKOTA	36.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY		RECEIVED: 05/29/81 JA: NM							
8134260		3002511321		108		JALMAT STATE GAS COM #1	JALMAT (YATES 7 RG)	14.6	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY		RECEIVED: 06/03/81 JA: NM							
8134270		3002503449		108		EUDORA DE STATE NO 1	EUMONT (YATES - 7 RIV QU	9.0	PHILLIPS PETROLEU
8134268		3002509050		108		MCDONALD WN STATE NO 9	JALMAT (YATES-SEVEN RIVE	17.5	EL PASO NATURAL G
8134269		3002508913		108		MCDONALD WN STATE WELL NO 11	JALMAT (YATES 7 RIVERS)	6.6	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY		RECEIVED: 06/04/81 JA: NM							
8134371	NM-0495-81	3002527191		103		DUTHIE ANDREWS WN WELL NO 5	LANGLIE MATTIX (7R QN	50.0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC		RECEIVED: 06/01/81 JA: NM							
8134262		3004524197		103		JAQUEZ #2	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
-COQUINA OIL CORPORATION		RECEIVED: 05/29/81 JA: NM							
8134252		3001523520		102-3		MARROUN COM #1	UNDESIGNATED (DUBLIN RAN	947.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY		RECEIVED: 06/03/81 JA: NM							
8134265		3003920613		108		SAN JUAN 27-5 UNIT #156	TAPACITO - PICTURED CLIF	26.0	EL PASO NATURAL G
8134263		3004505853		108		THREE STATES A COM #1	BALLARD - PICTURED CLIFF	18.0	EL PASO NATURAL G
-FLAG-REDFERN OIL CO		RECEIVED: 05/29/81 JA: NM							

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JD NO	DA INT	API NO	F	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134258		3001523428		103		STATE JL 36 #1	TURKEY TRACK (MORROW)	365.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY				RECEIVED: 05/29/81 JA: NM					
8134257		3002526057		103		MYERS LANGLIE MATTIX UNIT NO 52	LANGLIE MATTIX	44.5	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED: 05/29/81 JA: NM					
8134256		3002527036		103		S J CARR WELL NO 10	LANGLIE MATTIX	0.0	EL PASO NATURAL G
-H C W EXPLORATION INC				RECEIVED: 06/03/81 JA: NM					
8134266		3002500000		108		R W COWDEN C #4	JALMAT-TANSILL-YATES-SEV	16.5	EL PASO NATURAL G
-HOLLY ENERGY INC				RECEIVED: 06/03/81 JA: NM					
8134275		3001500000		102-4		STATE B 14 COMM NO 1	EMPIRE MORROW SOUTH (GAS	708.0	NORTHERN NATURAL
8134276		3001500000		102-4		STATE B 14 COMM NO 1	TRAVIS UPPER PENN FIELD	110.0	
-MESA PETROLEUM				RECEIVED: 05/29/81 JA: NM					
8134249		3004523743		103		STATE COM AF #28E	BLANCO MESAVERDE	348.0	EL PASO NATURAL G
8134250		3004523743		103		STATE COM AF #28E	BASIN DAKOTA	175.0	EL PASO NATURAL G
8134248		3004524033		103		STATE COM AG #29E	BLANCO MESAVERDE	72.0	EL PASO NATURAL G
8134251		3004524033		103		STATE COM AG #29E	BASIN DAKOTA	98.0	EL PASO NATURAL G
-MORRIS R ANTWEIL				RECEIVED: 05/29/81 JA: NM					
8134259		3002527164		103		ROBERTS #1	UNDESIGNATED BLINEBRY	0.0	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/03/81 JA: NM					
8134274		3002526526		103		E VACUUM GB/SA UNIT TR 2648 #002			
8134264		3002502937		108		E VACUUM GB/SA UNIT TR 2963 #002	VACUUM GB/SA	3.9	EL PASO NATURAL G
-PHOENIX RESOURCES COMPANY				RECEIVED: 06/04/81 JA: NM					
8134279		3001500000		102-2		GARDNER DRAW UNIT NO 1	GARDNER DRAW	0.0	NORTHERN NATURAL
8134280		3001500000		102-2		GARDNER DRAW UNIT NO 2	GARDNER DRAW	0.0	NORTHERN NATURAL
-SHERMAN F WAGENSELLER				RECEIVED: 06/04/81 JA: NM					
8134330	NM-0408-81	3003922200		103		MOBIL APACHE #15	SOUTH BLANCO PC	21.3	EL PASO GAS CO
-SOL WEST III				RECEIVED: 05/29/81 JA: NM					
8134261		3001522968		102-4		TURKEY TRACK COM WELL NO 1	UNDESIGNATED N TURKEY TR	900.0	EL PASO NATURAL G
-STEVENS OIL COMPANY				RECEIVED: 05/29/81 JA: NM					
8134253		3000560823		103		OBRIEN J #8	TWIN LAKES-SAN ANDRES AS	13.0	TRANSWESTERN PIPE
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 06/03/81 JA: NM					
8134271		3002526741		103		J A AKENS NO 11	OIL CENTER BLINEBRY	20.0	PHILLIPS PETROLEU
-Y-F PETROLEUM INC				RECEIVED: 06/03/81 JA: NM					
8134272		3002526494		103		COX #1	KNOWLES S DEVONIAN	10.4	PHILLIPS PETROLEU
-YATES PETROLEUM CORPORATION				RECEIVED: 05/29/81 JA: NM					
8134255		3001500000		103		PLATT PA #3	ATOKA	0.0	TRANSWESTERN PIPE
**********									
** U.S. GEOLOGICAL SUPVEY - ALBUQUERQUE,NM									
**********									
-GULF OIL CORPORATION				RECEIVED: 06/04/81 JA: AR 4					
8134376	AR74-81	0313110151		103		FT CHAFFEE FEDERAL #2-26	HOLLIS LAKE	286.0	ARKANSAS LOUISIAN
-WEISER-BROWN OIL COMPANY				RECEIVED: 06/04/81 JA: AR 4					
8134378	AR 77-81	0304710179		102-2		ES 11609 #1-4 CASING	ROCK CREEK	34.0	ARKANSAS WESTERN
8134377	AR 76-81	0304710179		102-2		ES 11609 #1-4 TUBING	ROCK CREEK	66.0	ARKANSAS WESTERN
-AMOCO PRODUCTION CO				RECEIVED: 06/04/81 JA: NM 4					
8134322	NM-0399-81	3002525958		103		FEDERAL M #1	WILDCAT WOLFCAMP	52.6	TUCO INC
8134336	NM-0414-81	3004523941		103		HEATH GAS COM P NO 1	BASIN DAKOTA	55.0	EL PASO NATURAL G
8134375	NM 0510-81	3003922499		103		JICARILLA APACHE 102 NO 13E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8134341	NM-0420-81-A	3003922480		103		JICARILLA CONTRACT 146 NO 29 (CHAC	OTERO CHACRA	117.0	EL PASO NATURAL G
8134342	NM-0420-81-B	3003922480		103		JICARILLA CONTRACT 146 NO 29 (PC)	SO BLANCO PICTURED CLIFF	112.0	EL PASO NATURAL G
8134344	NM-0422-81	3003922524		103		JICARILLA CONTRACT 148 NO 24	OTERO CHACRA	30.0	EL PASO NATURAL G
8134343	NM-0421-81-F	3003922347		103		JICARILLA CONTRACT 155 NO 13E (DAK	BASIN DAKOTA	37.0	NORTHWEST PIPELIN
8134303	NM 0352-81	3003922306		103		JICARILLA TRIBAL 396 NO 1 (GALLUP)	OTERO GALLUP	30.0	EL PASO NATURAL G
8134334	NM-0412-81	3004524381		103		W D HEATH B NO 3E	BASIN DAKOTA	37.0	EL PASO NATURAL G

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JD NO	DA INT	API NO	F	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CONOCO INC				RECEIVED: 06/04/81 JA: NM 4					
8134288	NM 1602-80	3003922289		103		AXI APACHE A NO 12A	AXI APACHE AREA	652.0	GAS CO OF NEW MEX
8134289	NM 1603-80	3003922287		103		AXI APACHE A NO 14A	AXI APACHE AREA	652.0	GAS CO OF NEW MEX
8134370	NM-0494-81	3003922259		103		JICARILLA 20 NO 7	WEST LINDRITH	55.0	EL PASO NATURAL G
8134369	NM-0493-81	3003922025		103		JICARILLA 22 NO 10	WEST LINDRITH	31.0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC				RECEIVED: 06/04/81 JA: NM 4					
8134327	NM-0404-81	3004524321		102-2		CAIN 1-E	GALLUP	0.0	SOUTHERN UNION GA
8134347	NM 0426-81	3004524388		103		NEUPAN 1-E	BASIN-DAKOTA	0.0	SOUTHERN UNION GA
8134328	NM-0406-81-A	3003922509		103		NORTHWEST FEDERAL 3-E	BASIN-DAKOTA	0.0	NORTHWEST PIPELIN
8134329	NM-0406-81-B	3003922509		103		NORTHWEST FEDERAL 3-E	GALLUP	0.0	NORTHWEST PIPELIN
8134325	NM-0403-81	3004524349		102-2		PAYNE 1-E	GALLUP	0.0	SOUTHERN UNION GA
8134326	NM-0403-81-A	3004524349		103		PAYNE 1-E	BASIN-DAKOTA	0.0	SOUTHERN UNION GA
8134324	NM-0402-81	3004524387		103		SOUTHERN UNION 2-E	BASIN-DAKOTA	0.0	SOUTHERN UNION GA
-COTTON PETROLEUM CORPORATION				RECEIVED: 06/04/81 JA: NM 4					
8134335	NM-0415-81	3003922222		103		APACHE NO 28	S BLANCO	180.0	NORTHWEST PIPELIN
-DAVID FASKEN				RECEIVED: 06/04/81 JA: NM 4					
8134323	NM-0400-81	3001521342		108		CEMETERY FEDERAL COM #1	CEMETERY (MORROW)	18.0	NATURAL GAS PIPEL
-DOME PETROLEUM CORP				RECEIVED: 06/04/81 JA: NM 4					
8134360	NM-0452-81	3004520483		102-2		DOME FEDERAL 29-22-6 #3	RUSTY CHACRA EXTENSION	461.7	SOUTHWEST GAS COR
8134359	NM-0449-81	3004520491		102-2		DOME FEDERAL 34-22-7 #1	RUSTY CHACRA EXTENSION	9.5	SOUTHWEST GAS COR
-DUGAN PRODUCTION CORP				RECEIVED: 06/04/81 JA: NM 4					
8134281	NM-4067-79-1	3004523011		103		COUNTY SEAT #1R	NIPP - PICTURED CLIFF	20.0	EL PASO NATURAL G
8134307	NM 0373-81	3004524421		103		MERRY MAY #1	BASIN DAKOTA	350.0	EL PASO NATURAL G
8134282	NM-4524-79	3004523415		103		MIKE #1A WELL	WAW FIELD	0.0	EL PASO NATURAL G
8134304	NM-0354-81	3004507237		108		PET INC #1	OJO GALLUP	10.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED: 06/04/81 JA: NM 4					
8134311	NM-0389-81	3004524141		103		BRUINGTON #1R	AZTEC PICTURED CLIFFS	95.0	EL PASO NATURAL G
8134306	NM 0369-81	3003922386		103		CANYON LARGO UNIT #297	BASIN DAKOTA	140.0	EL PASO NATURAL G
8134353	NM-0437-81	3004506791		108		FILAN #2	SOUTH BLANCO - PICTURED	19.0	EL PASO NATURAL G
8134356	NM-0443-81	3004521545		108		HUBBELL #16	AZTEC - FRUITLAND	20.0	EL PASO NATURAL G
8134315	NM 0392-81	3004523912		103		HUERFANITO UNIT #63R	BALLARD PICTURED CLIFFS	75.0	EL PASO NATURAL G
8134351	NM-0433-81	3004520632		108		HUERFANO UNIT #204	BASIN - DAKOTA	21.0	EL PASO NATURAL G
8134355	NM-0439-81	3003921158		108		JICARILLA C #13	BLANCO SOUTH - PICTURED	19.0	EL PASO NATURAL G
8134285	NM-1368-80	3004507220		108		LACKEY B #4 MV & CH	BLANCO-MESAVERDE AND MAR	22.0	EL PASO NATURAL G
8134293	NM-1798-80	3004505694		108		MCMANUS #11	BALLARD - PICTURED CLIFF	10.0	EL PASO NATURAL G
8134295	NM-0269-81	3004500000		108		MUDGE #21	BASIN - DAKOTA	18.0	EL PASO NATURAL G
8134354	NM-0438-81	3004520677		108		MURPHY #2	AZTEC PICTURED CLIFFS GA	9.0	EL PASO NATURAL G
8134286	NM-1416-80	3003920699		108		RINCON UNIT #142	BLANCO SOUTH - PICTURED	22.0	EL PASO NATURAL G
8134301	NM-0348-81	3003922223		103		RINCON UNIT #232	OTERO CHACRA	56.0	EL PASO NATURAL G
8134312	NM-0390-81-A	3004524375		103		RUSSELL #12	UNDES CHACRA	90.0	EL PASO NATURAL G
8134313	NM-0390-81-B	3004524375		103		RUSSELL #12	UNDES PICTURED CLIFFS	75.0	EL PASO NATURAL G
8134318	NM 0395-81	3003922187		103		SAN JUAN 28-5 UNIT #11A	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
8134320	NM 0397-81	3003922198		103		SAN JUAN 28-5 UNIT #15A	BLANCO MESAVERDE	110.0	EL PASO NATURAL G
8134321	NM 0398-81	3003922230		103		SAN JUAN 28-5 UNIT #34A	BLANCO MESAVERDE	165.0	EL PASO NATURAL G
8134352	NM-0435-81	3003920106		108		SAN JUAN 28-5 UNIT #77	BASIN-DAKOTA	18.0	EL PASO NATURAL G
8134350	NM-0432-81	3003907809		108		SAN JUAN 30-4 UNIT #14	EAST BLANCO - PICTURED C	22.0	EL PASO NATURAL G
8134294	NM-0075-81	3003907728		108		SAN JUAN 30-4 UNIT #28	BLANCO - MESAVERDE	22.0	EL PASO NATURAL G
8134316	NM 0393-81	3003922210		103		SAN JUAN,30-4 UNIT #35	BASIN DAKOTA	65.0	EL PASO NATURAL G
8134287	NM-1550-80	3003920519		108		SAN JUAN 30-6 UNIT #102R	BLANCO MESAVERDE	22.0	EL PASO NATURAL G
8134284	NM-1040-80	3003907860		108		SAN JUAN 30-6 UNIT #43	BLANCO - MESAVERDE	18.0	EL PASO NATURAL G
8134314	NM 0391-81	3004524067		103		SAN JUAN 32-9 UNIT #12A	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
8134310	NM-0388-81	3004524251		103		SAN JUAN 32-9 UNIT #14E	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
8134319	NM 0396-81	3004523832		103		SUNRAY F #1A	BLANCO MESAVERDE	255.0	EL PASO NATURAL G

VOLUME NO.	FIELD NAME	PURCHASER	JD	SEC CAT	WELL NAME
	BLANCO MESAVERDE	220.0 EL PASO NATURAL G			
	ANTELOPE RIDGE (STRAWN G	365.0 GAS CO OF NEW MEX			
	ANTELOPE RIDGE (MORROW)	365.0 GAS CO OF NEW MEX			
	TOMAHAWK SAN ANDRES	12.0			
	TOMAHAWK SAN ANDRES	16.0			
	TOMAHAWK SAN ANDRES	10.0			
	WILDCAT UND	0.0 TRANSWESTERN PIPE			
	BALLARD PICTURED CLIFFS	7.3 EL PASO NATURAL G			
	SIOUX TANSILL YATES	7.0 EL PASO NATURAL G			
	SIOUX TANSILL YATES	7.0 EL PASO NATURAL G			
	COMANCHE STATELINE TANSI	41.7 EL PASO NATURAL G			
	SIOUX YATES	23.4 EL PASO NATURAL G			
	DEVILS FORK GALLUP	35.0 EL PASO NATURAL G			
	ARTESIA	0.0			
	BASIN DAKOTA	6.0 NORTHWEST PIPELIN			
	BASIN DAKOTA	406.2 EL PASO NATURAL G			
	BASIN DAKOTA	181.8 SOUTHERN UNION GA			
	LYBROOK GALLUP EXT	50.0 GAS CO OF NEW MEX			
	CHACRA-DAKOTA ASSOCIATED	56.4 EL PASO NATURAL G			
	BASIN DAKOTA	59.0 NORTHWEST PIPELIN			
		350.0 EL PASO NATURAL G			
	SOUTH BLANCO PC	21.5 EL PASO GAS CO			
	BASIN	89.0 SOUTHERN UNION GA			
	BASIN	180.0 SOUTHERN UNION GA			
	BLANCO	200.0 SOUTHERN UNION GA			
	LA RICA MORROW	125.0 NORTHWEST PIPELIN			
	BLOOMFIELD CHACRA EXTENS	307.0			
	BASIN DAKOTA	281.0 SOUTHERN UNION GA			
	BLANCO PICTURED CLIFFS	500.0 EL PASO NATURAL G			
	BASIN DAKOTA	18.0 EL PASO NATURAL G			
	BASIN DAKOTA	500.0 GAS CO OF NEW MEX			
	BASIN DAKOTA	500.0 NORTHWEST PIPELIN			
	BASIN DAKOTA	500.0 NORTHWEST PIPELIN			
	BASIN DAKOTA	500.0 NORTHWEST PIPELIN			
	BASIN DAKOTA	500.0 SOUTHERN UNION GA			
	BASIN DAKOTA	500.0 SOUTHERN UNION GA			
	BASIN DAKOTA	35.0 EL PASO NATURAL G			
	WILDCAT	0.0			

VOLUME NO.	OPR	LEASE NAME	API WELL NUMBER	SEC CAT	WELL NAME
R134317	NM 0590-A1	3004524063	103		SUNRAY M #1A
-ESTORIL PRODUCING CORP					RECEIVED: 06/04/81 JA: NM
R134296	NM-0272-B1	3002562798	103		CURRY FEDERAL #1
R134372	NM-0696-B1	3002562798	103		CURRY FEDERAL #1
-EXXON CORPORATION					RECEIVED: 06/04/81 JA: NM
R134338	NM-0417-B1	3000520717	103		STRANGE FEDERAL #1
R134335	NM-0418-B1	3000520718	103		STRANGE FEDERAL #2
R134340	NM-0419-B1	3000520720	103		STRANGE FEDERAL #4
-FRED POOL DRILLING CO					RECEIVED: 06/04/81 JA: NM
R134290	NM-1611-A0	3000560702	102-2		GRYNBERG COM FEDERAL #1
-GETTY OIL COMPANY					RECEIVED: 06/04/81 JA: NM
R134283	NM-0928-A0	3003505704	108		JICARILLA B WELL NO 15
-HNG OIL COMPANY					RECEIVED: 06/04/81 JA: NM
R134365	NM04R1R1102	3002526R14	102-2		WILSON 17 FEDERAL #1 NP 1864
R134366	NM04R1R1103	3002526R14	103		WILSON 17 FEDERAL #1 NP 1864
R134291	NM-1729-A0-1	3002526138	102-2		WILSON 21 FEDERAL #2
R134292	NM 1730-A0-1	3002526246	103		WILSON A FEDERAL #2
-J GREGORY MERRION&ROBERT L BAYLESS					RECEIVED: 06/04/81 JA: NM
R134302	NM-0349-A1	3003922440	103		CANYON LARGO UNIT #300
-KENAI OIL AND GAS INC					RECEIVED: 06/04/81 JA: NM
R134300	NM-0344-A1	3001523187	103		CORE-FEDERAL #1 NP-13587
-KOCH INDUSTRIES INC					RECEIVED: 06/04/81 JA: NM
R134309	NM-0376-B1	3004524450	108		HOWELL #1
-LADD PETROLEUM CORPORATION					RECEIVED: 06/04/81 JA: NM
R134356	NM 0448-A1	3004524400	103		ARGC #1-E
R134357	NM 0447-B1	3004524440	103		KNAUFF #1-E
-MESA PETROLEUM					RECEIVED: 06/04/81 JA: NM
R134368	NM-0491-A1	3003922589	103		SOUTH BLANCO 6 #3
-MOBIL PROG TEXAS & NEW MEXICO INC					RECEIVED: 06/04/81 JA: NM
R134337	NM-0416-A1	3003922550	103		LINDRITH B UNIT NC 12
-NORTHWEST PIPELINE CORPORATION					RECEIVED: 06/04/81 JA: NM
R134308	NM 0374-B1	3003922462	108		SAN JUAN 30-5 UNIT #70
-READ & STEVENS INC					RECEIVED: 06/04/81 JA: NM
R134373	NM-0498-A1	3000560782	103		TOLES FEDERAL NO 1
-SHERMAN F WAGENSELLER					RECEIVED: 06/04/81 JA: NM
R134331	NM-0409-B1	3003922201	103		MOBIL APACHE #16
-SOUTHLAND ROYALTY CO					RECEIVED: 06/04/81 JA: NM
R134298	NM 0307-A1	3004524404	103		AZTEC #7E
R134348	NM 0427-B1A	3004523671	103		COZZENS C #1E
R134349	NM 0427-B1F	3004523671	103		COZZENS C #1E
R134299	NM 0304-A1	3003922547	103		CREEK #2
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 06/04/81 JA: NM
R134367	NM0AR2P1103	3002527013	103		PENNZOIL FEDERAL COM NO 1
-SUPRON ENERGY CORP					RECEIVED: 06/04/81 JA: NM
R134297	NM 0301-A1	3004524534	103		ZACHRY 22
-TENNECO OIL COMPANY					RECEIVED: 06/04/81 JA: NM
R134345	NM-0423-B1	3004524603	103		CASE A 2E
R134333	NM-0411-B1	3004523421	108		HAMNER #9
R134305	NM-0360-A1	3003922294	103		JICARILLA B #1-E
R134362	NM0477-B1	3003922301	103		JICARILLA B #3E
R134363	NM0478-B1	3003922295	103		JICARILLA B #6E
R134364	NM-0479-A1	3003922298	103		JICARILLA C #4E
R134346	NM-0424-A1	3004524000	103		OMLER A #3E
R134361	NM0476-B1	3004524264	103		OMLER A #6E
R134332	NM-0410-B1	3004520154	108		SCHWERDTFEGLP COM #1
-SUPERIOR OIL CO					RECEIVED: 06/04/81 JA: UT
R134374	UA-0500-B1	4303716547	103		SENTINEL PEAK-NO 27-32

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OSC lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19432 Filed 7-1-81; 8:45 am]

BILLING CODE 6450-85-M

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMOCO PRODUCTION CO						RECEIVED: 06/01/81 JA: KS			
8134481	K 81-0303	1518720280			103	DOTTER GAS UNIT NO 2	PANOMA/COUNCIL GROVE	90.0	CITIES SERVICE GA
8134528	K 81-0286	1508120176			103	HARRIET HOFFMANN NO 2 (PARMATON)	LEMON NW	115.0	NORTHERN NATURAL
-ANADARKO PRODUCTION COMPANY						RECEIVED: 06/01/81 JA: KS			
8134520	K 81-0309	1512920494			103	LINSCOTT B NO 6	INTERSTATE	68.0	PANHANDLE EASTERN
8134526	K 81-0289	1512900000			108	SWITZER A NO 1	GREENWOOD	16.0	PANHANDLE EASTERN
-BENSON MINERAL GROUP						RECEIVED: 06/01/81 JA: KS			
8134504	K-81-0316A	1512523477			103	ANDREWS #1-24	JEFFERSON-SYCAMORE	657.0	UNION GAS SYSTEMS
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 06/01/81 JA: KS			
8134530	K 81-0350	1505520342			103	SHARER D1-15	PANOMA COUNCIL GROVE	350.0	KANSAS NEBRASKA N
-CITIES SERVICE COMPANY						RECEIVED: 06/01/81 JA: KS			
8134531	K 81-0348	1509320681			103	BELL G-1	PANOMA	36.0	COLORADO INTERSTA
8134484	K 81-0300	1512920486			102-3	COLLINGWOOD C #1	WINTER MIDDLE MORROW OIL	16.0	
8134496	K 80-1045	1508120197			103	FLETCHER G #1	PANOMA	36.0	COLORADO INTERSTA
8134522	K 81-0294	1508120967			103	STERNBERGER E NO 1	AETNA SE	179.0	CITIES SERVICE GA
8134493	K 81-0325	1512920493			102-3	WEATHERFORD C #3	WINTER MIDDLE MORROW OIL	12.0	COLORADO INTERSTA
8134483	K 81-0301	1512920489			102-3	WEATHERFORD C-1	WINTER MIDDLE MORROW OIL	12.0	
-COASTAL OIL & GAS CO						RECEIVED: 06/01/81 JA: KS			
8134539	K 81-0354	1512900000			108	DREYER 1-33	GREENWOOD	14.0	COLORADO INTERSTA
-F & M OIL CO INC						RECEIVED: 06/01/81 JA: KS			
8134503	K 81-0317	1515120815			103	#1 JARBOE		26.9	CENTRAL STATES GA
-F G MOLL						RECEIVED: 06/01/81 JA: KS			
8134489	K 81-0155	1514520680			102-4	PENKA NO 1-35	CARPENTER EXT	90.0	NORTHERN NATURAL
-GEAR PETROLEUM CO INC						RECEIVED: 06/01/81 JA: KS			
8134534	K 81-0345	1509520868			103	CALKIN #1	DALE	7.3	PEOPLES NATURAL G
8134511	K 81-0344	1509520891			103	SCHOMACKER #2	DALE	45.6	PEOPLES NATURAL G
8134533	K 81-0346	1509520863			103	SOFT #1	DALE	34.0	PEOPLES NATURAL G
8134532	K 81-0347	1509520774			103	TROSTLE #1	DALE	25.2	PEOPLES NATURAL G
-GOULD OIL INC						RECEIVED: 06/01/81 JA: KS			
8134487	K 81-0312	1514520138			108	GALLIART #1	SHADY	45.0	KANSAS-NEBRASKA N
8134479	K 81-0305	1509720521			10R	GROVE-RILEY UNIT #2	GREENSBURG	9.0	PANHANDLE EASTERN
8134507	K 81-0299	1509720239			10R	LEISS #1	GREENSBURG	9.0	KANSAS POWER & LI
8134518	K-81-0311	1514520629			10R	MUNZ #1	HEARA	13.0	KANSAS-NEBRASKA N
-GRAHAM-MICHAELIS CORP						RECEIVED: 06/01/81 JA: KS			
8134542	K 81-0336	1505500000			108	BEACH #1	HUGOTON	15.0	COLORADO INTERSTA
8134486	K 81-0313	1518700000			108	EDIGER 1-3	HUGOTON	10.0	COLORADO INTERSTA
8134485	K 81-314	1508700000			10R	FARLEY #3	AETNA	15.0	CITIES SERVICE GA
8134506	K 81-0315	1502500000			10R	JENNIE THEIS #1	MCKINNEY	15.0	NORTHERN NATURAL
-GRAHAM-MICHAELIS CORP						RECEIVED: 06/04/81 JA: KS			
*8134549	K 80-0294	1512915129			108-ER	FOWKER UNIT #2	HUGOTON	19.0	PANHANDLE EASTERN
-GRAVES DRILLING CO INC						RECEIVED: 06/01/81 JA: KS			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134517	K 81-0337	1500721022			103	HOSPITAL NO 1	MEDICINE-LODGE-BOGGS	36.0	KANSAS POWER & LI
8134492	K 81-0326	1500721054			103	RIDER UNIT NO 1	BLOOM NORTH	16.0	KANSAS POWER & LI
8134480	K 81-0304	1500720909			103	SKINNER NO 1	BLOOM NORTH	16.0	KANSAS POWER & LI
-GULF OIL CORPORATION						RECEIVED: 06/01/81 JA: KS			
8134505	K 81-0316	1500721028			103	SCHOOL TRUST #14-4	HARDTNER	32.0	CITIES SERVICE GA
-JOHN JAY DARRAH JR						RECEIVED: 06/01/81 JA: KS			
8134529	K 81-0351	1504720416			108	PINTAIL PET ALVA PARKER #1	WOKATY - EXTENSION	6.1	PANHANDLE EASTERN
-KANSAS PETROLEUM INC						RECEIVED: 06/01/81 JA: KS			
8134541	K 81-0336A	1508120192			103	KOEPN #1	HUGOTON	200.0	CITIES SERVICE GA
-KNB OIL PROPERTY MANAGEMENT INC						RECEIVED: 06/01/81 JA: KS			
8134482	K 81-0302	1500700000			108	V L COOK A NO 1	DRIFTWOOD	2.8	CITIES SERVICE CO
-MESA PETROLEUM						RECEIVED: 06/01/81 JA: KS			
8134491	K 81-0328	1502520357			103	GILES #1-13	LEXINGTON	40.0	KANSAS POWER & LI
-MOBIL OIL CORP						RECEIVED: 06/01/81 JA: KS			
8134521	K 81-0308	1518920514			102-4	COBB NO 1 UNIT NO 3	NORTH WALKMEYER	250.0	NORTHERN NATURAL
-MOLZ OIL CO						RECEIVED: 06/01/81 JA: KS			
8134508	K 81-0298	1500720830			103	ETTA NO 1-B	STRANATHAN	182.8	PANHANDLE EASTERN
8134509	K 81-0297	1500720829			103	SUZIE NO 2	STRANATHAN	182.0	PANHANDLE EASTERN
-NIELSON ENTERPRISES INC						RECEIVED: 06/01/81 JA: KS			
8134501	K 81-0321	1502320150			103	HEATON NO 1	SO ST FRANCIS GAS AREA	10.0	PEOPLES NATURAL G
-NORTHERN NATURAL GAS PRODUCING CO						RECEIVED: 06/01/81 JA: KS			
8134519	K 81-0310	1518920522			103	WAYLAND NO 1 UNIT NO 2	WALKMEYER	76.0	NORTHERN NATURAL
-OIL PROPERTIES CO INC						RECEIVED: 06/01/81 JA: KS			
8134537	K 81-0357	1504720745			103	NO 2 PARKER A	WIL	9.1	PANHANDLE EASTERN
8134538	K 81-0355	1504720747			103	NO 3 CUDNEY A	WIL	2.6	PANHANDLE EASTERN
8134536	K 81-0358	1504720776			103	NO 3 PARKER A	WIL	18.3	PANHANDLE EASTERN
8134510	K 81-0295	1509700000			108	THOMPSON NO 1	GREENSBURG	16.4	PANHANDLE EASTERN
-PAN EASTERN EXPLORATION COMPANY						RECEIVED: 06/01/81 JA: KS			
8134523	K 81-0293	1512900000			108	KENNEDY 1-8	GREENWOOD	15.0	PANHANDLE EASTERN
-PETRO-LEWIS CORPORATION						RECEIVED: 06/01/81 JA: KS			
8134512	K 81-0343	1517520502			103	PRATER NO 1-26	FEDDER	9.5	
-ROBERT F WHITE						RECEIVED: 06/01/81 JA: KS			
8134490	K 81-0330	1511520613			103	BENEKE #1	EAST ANTELOPE	35.0	CITIES SERVICE GA
8134543	K 81-0335	1511520579			103	CARLSON B	ANTELOPE	50.0	CLOVER PIPELINE C
8134547	K 81-0331	1511520676			103	COTT #1	EAST ANTELOPE	35.0	CITIES SERVICE GA
8134546	K 81-0332	1511520614			103	KAISER #1	EAST ANTELOPE	45.0	CITIES SERVICE GA
8134545	K 81-0333	1511520660			103	KAISER #2	ANTELOPE	27.0	CITIES SERVICE GA
8134544	K 81-0334	1511520667			103	REIMAN-RING #1	EAST ANTELOPE	35.0	CITIES SERVICE GA
-SOUTHLAND ROYALTY CO						RECEIVED: 06/01/81 JA: KS			
8134525	K 81-0290	1517520455			103	TUCKER #1-25	WILDCAT	118.0	NORTHERN NATURAL
-STALCUP OIL CO						RECEIVED: 06/01/81 JA: KS			
8134500	K 81-0323	1514520767			103	GILES #1	GARFIELD EXTENSION	150.0	CENTRAL STATES GA
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 06/01/81 JA: KS			
8134498	K 81-0274	1500700000			108	J STONE NO 1	RHODES	7.0	CITIES SERVICE GA
8134497	K 81-0275	1509500000			108	M JACOBS NO 1	SPIVEY GRABS	12.0	KANSAS POWER & LI
8134499	K 81-0273	1504700000			108	SCHMACK-PYLE NO 1	EMBRY	18.0	NORTHERN NATURAL
-TEXAS OIL & GAS CORP						RECEIVED: 06/01/81 JA: KS			
8134495	K 81-0140	1509720662			103	KENDALL A #3	WELLSFORD	73.0	PANHANDLE EASTERN
8134540	K 81-0352	1505720191			103	MANN B #2	PLEASANT VALLEY	255.5	DELHI GAS PIPELIN
8134527	K 81-0288	1509720742			102-2	ROSS F #2	WELLSFORD	84.8	PANHANDLE EASTERN
-TGT PETROLEUM CORPORATION						RECEIVED: 06/01/81 JA: KS			
8134524	K 81-0291	1509720648			103	BECKER-RICE #2	JOHANSEN	225.0	PANHANDLE EASTERN
8134516	K 81-0338	1509720647			103	RICE D #2	EINSEL	18.0	PANHANDLE EASTERN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-THE MAURICE L BROWN COMPANY						RECEIVED: 06/01/81 JA: KS
8134488	K 81-0284	1503320365		103		HERRINGTON #1
-W B OSBORN JR (OPERATOR)						RECEIVED: 06/01/81 JA: KS
8134514	K 81-0340	1509320554		108		BEYMER #1-A
8134515	K 81-0339	1509300000		108		WIATT-SWANK #1
-WALTER KUHN DRILLING COMPANY						RECEIVED: 06/01/81 JA: KS
8134513	K 81-0341	1518700000		108		PLUMMER WELL NO 1
-WAYNE L BROWN						RECEIVED: 06/01/81 JA: KS
8134494	K 81-0324	1504700000		108		FATZER NO 1
-WELLS ENERGY CORP						RECEIVED: 06/04/81 JA: KS
8134548	K 81-0281	1509720683		103		EINSEL B #1
-ZENITH DRILLING CORPORATION INC						RECEIVED: 06/01/81 JA: KS
8134535	K 81-0360	1504720746		103		JOHNSON B-4
8134502	K 81-0328	1515520729		103		YUST #1
**********						
OKLAHOMA CORPORATION COMMISSION						
**********						
-AMAREX INC						RECEIVED: 06/01/81 JA: OK
8134442	09062	3501721735		102-2		KIMBALL #1-31
-AMERICAN QUASAR PETROLEUM CO						RECEIVED: 06/01/81 JA: OK
8134458	9890	3514920116		107-DP		KATIE #1-11
-ANCHORAGE OIL & GAS INC						RECEIVED: 06/01/81 JA: OK
8134476	09058	3511700000		103		BUTCHER 17-4
-ANDOVER OIL COMPANY						RECEIVED: 06/01/81 JA: OK
8134447	08943	3501721565		103		ANDOVER #28-2
8134408	08944	3501721513		103		PARKLAND HEIGHTS #29-1
-APOLLO PRODUCTION LTD						RECEIVED: 06/01/81 JA: OK
8134440	08989	3507322596		103		LEMKE 24-16
-ARCO OIL AND GAS COMPANY						RECEIVED: 06/01/81 JA: OK
8134467	09010	3504721636		103		OSCAR MEYER #1
-B & M EXPLORATION CO						RECEIVED: 06/01/81 JA: OK
8134386	09045	3510521366		103		MANUEL #2
8134380	09047	3510521381		103		MANUEL #5
8134383	09048	3510523134		103		MATHES #7
8134387	09046	3513121541		103		STATE-VAN PELT #12
-B R POLK INC						RECEIVED: 06/01/81 JA: OK
8134463	09113	3508300000		103		MAXINE #1
-BARBOUR ENERGY CORP						RECEIVED: 06/01/81 JA: OK
8134410	08835	3501922009		102-3		FEAGIN WELL NO 1
-BEREN CORPORATION						RECEIVED: 06/01/81 JA: OK
8134390	09017	3512120737		102-2		ROARD #1-35
8134389	09016	3512120746		102-2		BOGGS #1-3
8134391	9018	3512120712		102-2		DAVIS #2-2
8134388	09019	3512120754		102-2		WARD #1-36
-C F BRAUN & CO						RECEIVED: 06/01/81 JA: OK
8134438	09154	3512920419		103		BROADBENT #1
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 06/01/81 JA: OK
8134415	09073	3509300000		108		C LEIERER A-1
8134414	09074	3500300000		108		J F SIMS NO 1
8134416	09072	3509300000		108		JOSEPH WILSON NO 1
8134413	09077	3509300000		108		KOEHN SMITH UNIT #1
8134384	09079	3504700000		108		MAYBERRY-BEASLEY AC 1
8134418	09075	3509300000		108		SMITH-DENNING NO 1

FIELD NAME	PROD	PURCHASER
ALFORD EXTENSION	12.0	KANSAS GAS SUPPLY
PANOMA	9.5	COLORADO INTERSTA
HUGOTON	18.0	NORTHERN NATURAL
HUGOTON	0.0	CITIES SERVICE GA
FELLSBURG	10.8	NORTHERN NATURAL
EINSEL GAS POOL	73.0	KANSAS-NEBRASKA N
WIL	73.0	NORTHERN NATURAL
ZENITH PEACE CREEK MISSI	99.0	PEOPLES NATURAL G
WEST NILES PROSPECT (WAT	250.0	
SEC 11 T11N R15W	0.0	MICHIGAN WISCONSI
W YALE	31.3	COLORADO GAS CORP
	185.0	DELHI GAS PIPELIN
	185.0	DELHI GAS PIPELIN
N E OKARCHE	60.0	SID RICHARDSON CA
SOUTH DOUGLAS	73.0	
	9.0	A G SYSTEMS INC
	1.0	A G SYSTEMS INC
	22.0	A G SYSTEMS INC
WEST TALALA	4.0	DIAMOND S GAS SYS
LOVELL	50.0	EASON OIL CO
SHO-VEL-TUM	178.0	AMINOIL USA INC
NORTHEAST SAVANNA	146.0	
NORTHEAST SAVANNA	73.0	
NORTHEAST SAVANNA	0.0	
NORTHEAST SAVANNA	146.0	
EAST ROLL	50.0	DELHI GAS PIPELIN
E CHANEY DELL	6.0	CHAMPLIN PETROLEU
E CHANEY DELL	9.0	CHAMPLIN PETROLEU
E CHANEY DELL	8.0	CHAMPLIN PETROLEU
E CHANEY DELL	6.0	CHAMPLIN PETROLEU
ENID	10.0	CHAMPLIN PETROLEU
EAST CHANEY DELL	10.0	CHAMPLIN PETROLEU

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8134398	09068	3509300000		108		T D GOODWIN NO 1
8134417	09070	3500300000		108		V O GOODWIN #1
-CLIFFORD RESOURCES INC						RECEIVED: 06/01/81 JA: OK
*8134444	09013	3509300000		103		JOHNSON-UNRUH #1-36
-CURT BROWN DRILLING CO						RECEIVED: 06/01/81 JA: OK
8134423	09175	3511720520		103		SCHOOL LAND #3
8134427	09176	3511720913		103		SCHOOL LAND #4
-D & M OIL INC						RECEIVED: 06/01/81 JA: OK
8134437	08941	3510521035		103		FEKEN #3
-EL PASO NATURAL GAS COMPANY						RECEIVED: 06/01/81 JA: OK
8134405	86156	3500906894		108-ER		OREN #1
-ENERGY SERVICES INC						RECEIVED: 06/01/81 JA: OK
8134395	08596	3501721297		102-2		SYMES #1-2
-F M BUXTON						RECEIVED: 06/01/81 JA: OK
8134443	09008	3508321466		103		HALL NO 1
-FRED HARRIS						RECEIVED: 06/01/81 JA: OK
8134456	08884	3511720865		103		HEWITT #4
-GEODYNE RESOURCES INC						RECEIVED: 06/01/81 JA: OK
8134475	09105	3504721890		103		BLASER NO 17-1
8134403	08840	3509321797		103		BODE 13-1
-GULFSTREAM PETROLEUM CORP						RECEIVED: 06/01/81 JA: OK
8134394	09003	3504722346		103		GEORGE A SHULTS WELL NO 1-28
8134393	09002	3501121473		103		MEIER WELL NO 1-30
8134407	9004	3504722347		103		RICHARD W LUCKERT WELL NO 1-26
8134388	09005	3509321898		103		SCOTT WELL NO 1-33
-HADSON OHIO OIL COMPANY						RECEIVED: 06/01/81 JA: OK
8134451	07928	3506120356		103		BALLARD 1-6
-HAP DRILLING CO						RECEIVED: 06/01/81 JA: OK
8134464	09112	3508300000		108		GRIFFIN A NO 1
-HARPER OIL COMPANY						RECEIVED: 06/01/81 JA: OK
8134419	09051	3500320784		103		WHEELER #2
-HELMERICH & PAYNE INC						RECEIVED: 06/01/81 JA: OK
8134392	08948	3509321892		103		UNWIN C NO 1
-HILLIARD OIL & GAS INC						RECEIVED: 06/01/81 JA: OK
8134430	08892	3504321055		102-4		BERRY #1
-HOOVER & BRACKEN ENERGIES						RECEIVED: 06/01/81 JA: OK
8134429	08942	3501121525		103		POPE #1-17
-INEXCO OIL COMPANY						RECEIVED: 06/01/81 JA: OK
8134425	A131	3507322349		103		SCHUETTIG NO 1-31
-J L THOMAS ENGINEERING INC						RECEIVED: 06/01/81 JA: OK
8134434	08444	3504722223		103		KOKOJAN #A-1
-JET OIL COMPANY						RECEIVED: 06/01/81 JA: OK
8134420	08992	3507322646		103		STANBROUGH #1
-JI CO EXPLORATION INC						RECEIVED: 06/01/81 JA: OK
8134412	08999	3507322633		103		JICO - MEWHERTER #1
-JIMMY GRAY OIL CO						RECEIVED: 06/01/81 JA: OK
8134477	09057	3504921439		103		DIXIE NO 1
-JIMMY W GRAY						RECEIVED: 06/01/81 JA: OK
A134450	08953	3504921464		103		LITTLE BIT NO 2
8134449	08954	3504921445		103		LITTLE BIT NO 3
-KETAL OIL PRODUCING CO						RECEIVED: 06/01/81 JA: OK
8134401	08880	3504722309		103		MALLIE NO 3
-LADD PETROLEUM CORPORATION						RECEIVED: 06/01/81 JA: OK

FIELD NAME	PROD	PURCHASER
E CHANEY DELL	9.0	CHAMPLIN PETROLEU
E CHANEY DELL	8.0	CHAMPLIN PETROLEU
MENO	50.0	OKLA NATURAL GAS
NE HALLETT	20.0	PHILLIPS PETROLEU
NE HALLETT	20.0	PHILLIPS PETROLEU
EAST POLO	65.0	ARCO OIL & GAS CO
ERICK SOUTH BROWN DOLOMI	20.4	EL PASO NATURAL G
NORTH YUKON	136.4	DELHI GAS PIPELIN
SOONER TREND	66.0	CONOCO INC
LAUDERDALE	63.8	MID-AMERICA GAS L
SOONER TREND	35.0	ARCO OIL & GAS CO
SOONER TREND	75.0	CITIES SERVICE GA
SOUTH CARRIER	0.0	
SOUTH OKEENE	0.0	PHILLIPS PETROLEU
WEST ENID	0.0	
WEST DRUMMOND	0.0	PIONEER GAS PRODU
KINTA	167.0	ARKANSAS LOUISIAN
SOONER TREND	0.0	CONOCO INC
S ALINE	110.0	DELHI GAS PIPELIN
WEST TRIVOLI	45.0	MICHIGAN WISCONSI
PUTNAM POOL	90.0	MOBIL OIL CORP
SW CANTON	365.0	
OKARCHE	15.0	PHILLIPS PETROLEU
SOUTH WAUKOMIS	150.0	PANHANDLE EASTERN
N W CASHION	36.0	DALCO PETROLEUM U
SOONER TREND	41.0	PHILLIPS PETROLEU
FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
N E ELKHORN	1.0	AMINOIL USA INC

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	
8134433	09148	3514721613		103		HADLEY NO 1	
8134428	9149	3504722221		103		WILSON A NO 2	
-LANCER ENERGY CORP				RECEIVED: 06/01/81			JA: OK
8134400	09054	3508300000		103		MARTIN NO 1	
-MACKELLAR INC				RECEIVED: 06/01/81			JA: OK
8134473	09133	3507322707		103		ELSIE #1	
8134471	09132	3510320876		103		EMLEN #1	
8134472	09134	3507322750		103		POWELL #1	
-MAGIC CIRCLE ENERGY CORP				RECEIVED: 06/01/81			JA: OK
8134435	09153	3504520816		103		GILLISPIE NO 1	
-MAGUIRE OIL COMPANY				RECEIVED: 06/01/81			JA: OK
8134379	09009	3500300000		103		KERNS #2	
8134411	09007	3500320755		103		RYEL #2	
-MAPCO PRODUCTION COMPANY				RECEIVED: 06/01/81			JA: OK
8134396	8324	3513921382		103		CAIN NO 2	
-MORAN EXPLORATION INC				RECEIVED: 06/01/81			JA: OK
8134466	09029	3501721576		103		MCCONNELL #1	
-MUSTANG PRODUCTION CO.				RECEIVED: 06/01/81			JA: OK
8134451	08885	3501121504		103		COMPTON #2-P	
-NOR-AM EXPLORATION CORP				RECEIVED: 06/01/81			JA: OK
8134397	08460	3500721054		108		DAVIDSON 2-30	
-PCX CORP				RECEIVED: 06/01/81			JA: OK
8134478	09025	3507322109		103		COLLIER #1	
-PETRO-WESTERN ENERGY CORP				RECEIVED: 06/01/81			JA: OK
8134422	09135	3504721616		103		SWART NO 1	
8134421	09136	3504721517		103		TROJAN A NO 1	
8134424	09137	3504721532		103		TROJAN B NO 1	
-PHILLIPS OIL OPERATING CO				RECEIVED: 06/01/81			JA: OK
8134461	09102	3508121134		103		GREEN 2-A	
-ROYAL OIL & GAS CORPORATION				RECEIVED: 06/01/81			JA: OK
8134445	08966	3507121620		103		HENRY ROHRS #3	
8134446	08967	3507121769		103		HENRY ROHRS #4	
8134432	09156	3510321072		103		JAMES C ATHERTON A #1	
8134448	08961	3507120951		103		MERL CLIFT #3	
-SCHICK OIL & GAS INC				RECEIVED: 06/01/81			JA: OK
8134441	09061	3509321934		103		RUTH 13-1	
-SHELL OIL CO				RECEIVED: 06/01/81			JA: OK
8134406	09157	3500721751		103		LONKER B 2-35	
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED: 06/01/81			JA: OK
8134459	08842	3510300000	D	103		MERRILL #1	
-SULLIVAN AND CO				RECEIVED: 06/01/81			JA: OK
8134404	08836	3508121720		103		BALES #2	
-THOMAS N BERRY & CO				RECEIVED: 06/01/81			JA: OK
8134426	09177	3510302184		103		NELSON A #2	
-TRANSIERRA EXPLORATION CORP				RECEIVED: 06/01/81			JA: OK
8134402	08877	3510321018		103		GUS WOLLARD ET AL 1	
8134474	09128	3510321015		103		HAROLD ELLIS NO 1	
-UNIT OPERATIONS				RECEIVED: 06/01/81			JA: OK
8134439	09064	3508321411		103		J BULLING NO 1-5	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 06/01/81			JA: OK
8134462	08851	3501721568		103		LUCAS 1-12	
8134455	08853	3507322649		103		ORA 1-31	
8134468	09014	3509321218		103		VICKERY 1-7	

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FIELD NAME	PROD	PURCHASER
WAYSIDE NORTHEAST	116.0	CITIES SERVICE GA
ENID NE	0.0	CITIES SERVICE GA
SOUTH MULHALL	36.0	EASON OIL CO
SOONER TREND	0.0	CITIES SERVICE GA
EAST GREEN VALLEY	0.0	
SOONER TREND	0.0	CITIES SERVICE GA
S HARPON FIELD	185.0	
CHANEY DELL	0.1	PANHANDLE EASTERN
CHANEY DELL	0.1	PANHANDLE EASTERN
HUGOTON	0.0	NORTHERN NATURAL
EAST YUKON	0.0	PHILLIPS PETROLEU
WATONGA TREND	200.0	DELHI GAS PIPELIN
MOCANE-MORROW	24.7	PANHANDLE PIPE LI
SOONER TREND	70.0	PHILLIPS PETROLEU
SOONER TREND	53.0	PHILLIPS PETROLEU
SOONER TREND	5.0	PHILLIPS PETROLEU
SOONER TREND	3.0	PHILLIPS PETROLEU
SOUTHWEST PRAIRIE GEM	119.0	SUN OIL CO
NORTH BLACKWELL	12.0	CITIES SERVICE GA
NORTH BLACKWELL	12.0	CITIES SERVICE GA
WEST RED ROCK	5.0	ARCO OIL & GAS CO
NORTH BLACKWELL	7.0	CITIES SERVICE GA
RINGWOOD	5.0	OKLA NATURAL GAS
MOCANE LAVERNE	416.0	NORTHERN NATURAL
POLO	0.0	ARCO OIL & GAS CO
SOUTHWEST PRAIRIE GEM	2.0	SUN OIL CO
NORTH ORLANDO	10.0	AMINOIL USA INC
TRANSIERRA-CINNAMON FIEL	15.0	AMINOIL USA INC
TRANSIERRA-CINNAMON FIEL	17.0	AMINOIL USA INC
SOUTH LUCIEN	56.6	EASON OIL CO
WEST PIEDMONT	273.8	PHILLIPS PETROLEU
SOONER TREND	36.5	PHILLIPS PETROLEU
CAMPBELL WEST	292.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	
-URBAN ENERGY CO				RECEIVED: 06/01/81			JA: OK
8134453	08887	3510522672		103		YIRSA NO 1	
8134452	08886	3520522757		103		YIRSA NO 3	
-W B OSBORN JR (OPERATOR)				RECEIVED: 06/01/81			JA: OK
8134381	09107	3515120420		108		EASTERLY #2	
8134382	09106	3509321425		108		JAQUITH #2	
-W C PAYNE				RECEIVED: 06/01/81			JA: OK
8134469	09039	350292017A		102-2		DAVIS #4	
8134465	09037	3502920217		102-2		WARREN JONES #1-31	
8134478	09044	3502920237		102-2		WARREN JONES A #1-32	
-WALKER & WITHROW INC				RECEIVED: 06/01/81			JA: OK
8134460	09110	3501721738		103		MILDRED NADEN #22-1	
8134409	08946	3501721338		103		WALTER MILLS #27-1	
-WARREN DRILLING CO INC				RECEIVED: 06/01/81			JA: OK
8134454	08912	3509321885		103		MCFADDEN #2	
-WESTERN OIL RESOURCES LTD				RECEIVED: 06/01/81			JA: OK
8134457	07987	3511720617		103		MOORE GT78-B	
-WOHNLICH OIL CO				RECEIVED: 06/01/81			JA: OK
8134436	9151	3504722157		103		LEE NO 9-1	
-WOODS PETROLEUM CORPORATION				RECEIVED: 06/01/81			JA: OK
8134399	09059	3504921120		103		SEARCY #32-1	

OTHER PURCHASERS VOLUME NO 3456

8134441 PIONEER GAS PRODUCTS CO
8134444 PIONEER GAS PRODUCTS CO
8134449 CITIES SERVICE GAS CO

BILLING CODE 6450-85-C

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FIELD NAME	PROD	PURCHASER
WOODY	36.5	BOOMER PIPELINE I
WOODY	25.0	BOOMER PIPELINE I
N W AVARD	78.0	PANHANDLE EASTERN
EAST CAMPBELL	171.0	DELHI GAS PIPE LI
EAST OCONEE	35.0	ARKANSAS LOUISIAN
EAST OCONEE	73.0	ARKANSAS LOUISIAN
EAST OCONEE	730.0	ARKANSAS LOUISIAN
YUKON	321.0	CONOCO INC
YUKON	277.0	CONOCO INC
RINGWOOD	50.0	PIONEER GAS PRODU
HALLETT SECTION 12-20N-7	5.0	MID-AMERICA GAS L
SOONER TREND	0.0	PHILLIPS PETROLEU
S W ELMORE	39.0	WARREN PETROLEUM

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA sections are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OSC lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19432 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

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Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 29, 1981.

JD NO	JA DKT	FIELD NAME	L SEC CAT WELL NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES					
-ALSID OIL & GAS DEVELOPMENT CO			RECEIVED: 06/01/81 JA: OH		
0134558		3412724853	103 ALLEN UNIT #1	15.0	
0134553		3412724853	107-TF ALLEN UNIT #1	15.0	
0134554		3412724854	103 ALLEN UNIT #2	15.0	
0134554		3412724854	107-TF ALLEN UNIT #2	15.0	
0134557		3412725070	103 BLAGG #1A	15.0	
0134557		3412725070	107-TF BLAGG #1A	15.0	
0134555		3412724891	103 BLAGG #2	15.0	
0134555		3412724891	107-TF BLAGG #2	15.0	
0134556		3412724892	103 BLAGG #3	15.0	
0134556		3412724892	107-TF BLAGG #3	15.0	
0134558		3415521563	103 BRISTOL-DUCK #1	15.0	
0134558		3415521563	107-TF BRISTOL-DUCK #1	15.0	
0134552A		3407522350	103 COOL #1	15.0	
0134552P		3407522350	D 107-TF COOL #1	15.0	
0134551		3403922796	103 SLIFKO #1	15.0	
0134551		3403922796	107-TF SLIFKO #1	15.0	
0134550		3405922794	103 VALENTINE #1	15.0	
0134550		3405922794	107-TF VALENTINE #1	15.0	
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 06/01/81 JA: CH		
0134559		3412725061	103 FRANCIS LOVE NO 1	18.0	
0134559		3412725061	107-TF FRANCIS LOVE NO 1	18.0	
-AMTEX OIL AND GAS INC			RECEIVED: 06/01/81 JA: OH		
0134560		3407522492	103 M M POULTRY WELL NO 1	0.0	
0134561		3407522453	103 M M POULTRY WELL NO 2	0.0	
0134562		3416922133	103 SHETLER WELL NO 1	300.0	
0134562		3416922133	107-TF SHETLER WELL NO 1	300.0	
-APPALACHIAN PETROLEUM CORP			RECEIVED: 06/01/81 JA: OH		
0134563		3412122279	103 D & D CLOTHES #4	3.5	COLUMBIA GAS TRAN
0134564		3412122286	103 D & D CLOTHES #5	3.5	COLUMBIA GAS TRAN
0134560		3412122422	103 DEXTER REALTY #2	3.5	COLUMBIA GAS TRAN
0134565		3412122379	103 HAROLD REED #2	3.5	COLUMBIA GAS TRAN
0134566		3412122380	103 HAROLD REED #3	3.5	COLUMBIA GAS TRAN
0134567		3412122382	103 HAROLD REED #5	3.5	COLUMBIA GAS TRAN
-BANOS COMPANY INC			RECEIVED: 06/01/81 JA: OH		
0134570		3407522849	103 R & W GROSSENBACH #1	3.0	COLUMBIA GAS
0134570		3407522849	107-TF R & W GROSSENBACH #1	3.0	COLUMBIA GAS
0134569A		3407522848	103 WILMA GROSSENBACH #1	2.5	COLUMBIA GAS
0134569A		3407522848	D 107-TF WILMA GROSSENBACH #1	2.5	COLUMBIA GAS
0134571		3411121987	103 WORKMAN #1	5.0	COLUMBIA GAS
0134571		3411121987	107-TF WORKMAN #1	5.0	COLUMBIA GAS

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JOB NO	DATE	API NO	S	SEC	CAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
-BARTLO OIL AND GAS COMPANY						RECEIVED: 06/01/81 JA: CH			
8134572		34059225l0		103		H WELLS #1	WILLS	20.0	COLUMBIA GAS TRAN
8134572		34059225l0		107	RT	H WELLS #1	WILLS	20.0	COLUMBIA GAS TRAN
8134573		34059225ll		103		H WELLS #2	WILLS	20.0	COLUMBIA GAS TRAN
8134573		34059225ll		107	RT	H WELLS #2	WILLS	20.0	COLUMBIA GAS TRAN
-BECK OIL & GAS CO						RECEIVED: 06/01/81 JA: CH			
8134590		34133223l5		103		CLEO WILMINGTON UNIT 1	RAVENNA	0.0	COLUMBIA GAS OF O
8134590		3413322335		107	TF	CLEO WILMINGTON UNIT 1	RAVENNA	0.0	COLUMBIA GAS OF O
8134588		34133221l8		103		CRIMFIELD WELL NO 1	RAVENNA	0.0	COLUMBIA GAS OF O
8134588		3413322158		107	TF	CRIMFIELD WELL NO 1	RAVENNA	0.0	COLUMBIA GAS OF O
8134587		34133221ll		103		DUDAK WELL NO 1	SHALERSVILLE	0.0	COLUMBIA GAS OF O
8134587		3413322101		107	TF	DUDAK WELL NO 1	SHALERSVILLE	0.0	COLUMBIA GAS OF O
8134586		34133220l2		103		GRIMES WELL NO 1	SHALERSVILLE	0.0	COLUMBIA GAS OF O
8134586		3413322092		107	TF	GRIMES WELL NO 1	SHALERSVILLE	0.0	COLUMBIA GAS OF O
8134585		34133220l4		103		WILLIAM YURGEN NO 1	RAVENNA	144.0	COLUMBIA GAS OF O
8134585		3413322054		107	TF	WILLIAM YURGEN NO 1	RAVENNA	144.0	COLUMBIA GAS OF O
8134589		34133221l7		103		WILLIAM YURGEN NO 2	RAVENNA	15.0	COLUMBIA GAS OF O
8134589		34133221l7		107	TF	WILLIAM YURGEN NO 2	RAVENNA	15.0	COLUMBIA GAS OF O
-BEREA OIL AND GAS CORPORATION						RECEIVED: 06/01/81 JA: CH			
8134591		3405922910		103		LINKHORN #1	WESTLAND	0.0	COLUMBIA GAS TRAN
8134591		3405922910		107	TF	LINKHORN #1	WESTLAND	0.0	COLUMBIA GAS TRAN
-BILL BLAIR INCORPORATED						RECEIVED: 06/01/81 JA: OH			
8134594		34079201l3		103		EVANS #2	JACKSON	16.0	COLUMBIA GAS TRAN
8134594		34079201l3		107	TF	EVANS #2	JACKSON	16.0	COLUMBIA GAS TRAN
8134592		34079201l0		103		HARLEY #1	JACKSON	34.0	COLUMBIA GAS TRAN
8134592		34079201l0		107	TF	HARLEY #1	JACKSON	34.0	COLUMBIA GAS TRAN
8134593		34079201l1		103		JONES #1	JACKSON	14.0	COLUMBIA GAS TRAN
8134593		34079201l1		107	TF	JONES #1	JACKSON	14.0	COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC						RECEIVED: 06/01/81 JA: CH			
8134598		34105219l9		103		DENNIS PARKER #1	ORANGE	5.9	COLUMBIA GAS TRAN
8134595		3400922099		103		FRANKLIN WASHBURN #1	CARTHAGE	5.7	COLUMBIA GAS TRAN
8134597		3400922150		103		H C PARRISH #1	CARTHAGE	5.9	COLUMBIA GAS TRAN
8134596		3400922149		103		HARLEY G SWAN #1	CARTHAGE	6.4	COLUMBIA GAS TRAN
8134599		34105220l6		103		HOWARD E PARKER #1	CHESTER	6.8	COLUMBIA GAS TRAN
8134601		3410522068		103		OKEY CONNOLLY #1	ORANGE	6.2	COLUMBIA GAS TRAN
8134600		34105220l7		103		RALPH KNIGHT #1	CHESTER	6.7	COLUMBIA GAS TRAN
8134602		3410522075		103		WAYNE RITCHIE #1	ORANGE	6.1	COLUMBIA GAS TRAN
-BUCKEYE-FRANKLIN CO						RECEIVED: 06/01/81 JA: OH			
8134606		34169224l6		103		JOHN & KATIE STUTZMAN NO 1	SUGAR CREEK	5.0	COLUMBIA GAS TRAN
8134606		34169224l6		107	TF	JOHN & KATIE STUTZMAN NO 1	SUGAR CREEK	5.0	COLUMBIA GAS TRAN
8134605		34169224l5		103		MALINDA MILLER NO 1	SUGAR CREEK	5.0	COLUMBIA GAS TRAN
8134605		34169224l5		107	TF	MALINDA MILLER NO 1	SUGAR CREEK	5.0	COLUMBIA GAS TRAN
8134604		34169224l4		103		PAUL J HILTY #1	SUGAR CREEK	5.0	COLUMBIA GAS TRAN
8134604		34169224l4		107	TF	PAUL J HILTY #1	SUGAR CREEK	5.0	COLUMBIA GAS TRAN
-C W RIGGS INC						RECEIVED: 06/01/81 JA: CH			
8134723		34167258l1		107	DV	EFFIE EDGAR #4	RENO	6.1	COLUMBIA GAS TRAN
8134719		34167256l2		107	DV	GENEVA MANLON #1	RENO	10.5	COLUMBIA GAS TRAN
8134720		34167258l1		107	DV	GERALD HILL #2	RENO	6.7	COLUMBIA GAS TRAN
8134721		34167258l2		107	DV	HILL-PLECHATY #1	RENO	4.2	COLUMBIA GAS TRAN
8134722		34167258l7		107	DV	HOWARD WEST #2	RENO	4.8	COLUMBIA GAS TRAN
8134724		34167255El		107	DV	OLIVE SCHNAUFER #2	RENO	10.9	COLUMBIA GAS TRAN
8134718		34167255l5		107	DV	USA HAMMOND #1	RENO	7.7	COLUMBIA GAS TRAN
8134725		34167260l4		107	DV	USA RUSSELL #1	RENO	5.4	COLUMBIA GAS TRAN

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JOB NO	DATE	API NO	S	SEC	CAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
8134717		34167255l9		107	DV	WILMER MILLER #1	RENO	7.9	COLUMBIA GAS TRAN
-CARBONIT EXPLORATION INC						RECEIVED: 06/01/81 JA: OH			
8134608		341111222l7		107	DV	COSS #1	WASHINGTON	0.0	COLUMBIA GAS
8134607		34111222ll8		107	DV	GALLATIN #1	BETHEL	0.0	COLUMBIA GAS
-CLINTON OIL CO						RECEIVED: 06/01/81 JA: CH			
8134612		34133224l2		103		FARMETTE UNIT #1-552	ROOTSTOWN	80.0	
8134612		3413322442		107	TF	FARMETTE UNIT #1-552	ROOTSTOWN	80.0	
8134613		34133224l4		103		FARMETTE UNIT #3-554	ROOTSTOWN	100.0	
8134613		3413322444		107	TF	FARMETTE UNIT #3-554	ROOTSTOWN	100.0	
8134609		34127242l0		103		J WILSON #1	CLAYTON	70.0	NATIONAL GAS & OI
8134609		34127242l0		107	RT	J WILSON #1	CLAYTON	70.0	NATIONAL GAS & OI
8134615A		34167247l4		103		L LANG #2	WATERTOWN	70.0	GAS TRANSPORT INC
8134615C		34167247l4	D	107	TF	L LANG #2	WATERTOWN	70.0	GAS TRANSPORT INC
8134611A		34127242l3		103		SHIPLETT #7	CLAYTON	75.0	NATIONAL GAS & OI
8134611B		34127242l3	D	107	RT	SHIPLETT #7	CLAYTON	75.0	NATIONAL GAS & OI
8134610A		34127242l1		103		SHIPLETT #8	CLAYTON	65.0	NATIONAL GAS & OI
8134610B		34127242l1	D	107	RT	SHIPLETT #8	CLAYTON	65.0	NATIONAL GAS & OI
8134614		34157237l7		103		SMITH-GINGERICH #1-618	WAYNE	100.0	
8134614		34157237l7		107	TF	SMITH-GINGERICH #1-618	WAYNE	100.0	
-CLOVER OIL CO						RECEIVED: 06/01/81 JA: CH			
8134616A		34103225l5		103		BROWN UNIT #1	SPENCER	100.0	
8134616B		34103225l5	D	107	TF	BROWN UNIT #1	SPENCER	100.0	
-COLLINS-MCGREGOR OPERATING COMPANY						RECEIVED: 06/01/81 JA: CH			
8134618		34167261l2		107	DV	ARMSTRONG #1	LUDLOW	7.3	COLUMBIA GAS TRAN
8134617		34167260l1		107	DV	ERIC HANLON #1	NEWPORT	20.0	COLUMBIA GAS TRAN
-CONSOLIDATED RESOURCES OF AMERICA						RECEIVED: 06/01/81 JA: OH			
8134619		34059226l3		103		HOWARD B ARMSTRONG WELL #1	OLD WASHINGTON	10.0	CINCINNATI GAS &
8134619		34059226l3		107	TF	HOWARD B ARMSTRONG WELL #1	OLD WASHINGTON	10.0	CINCINNATI GAS &
-CRYSTAL ENERGY						RECEIVED: 06/01/81 JA: OH			
8134620		34169227l8		103		HARVEY HERSHBERGER #1	WOOSTER	50.0	
8134620		34169227l8		107	TF	HARVEY HERSHBERGER #1	WOOSTER	50.0	
-DORAN & ASSOCIATES INC						RECEIVED: 06/01/81 JA: CH			
8134621		34075230l3		103		ELI P YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8134622		34119256l5		103		EUGENE GRUBBS #1	HOPEWELL	12.0	
-DORFMAN PRODUCTION CO						RECEIVED: 06/01/81 JA: OH			
8134623		34099213l0		103		MYERS C UNIT NO 3	DAMASCUS	10.0	
8134623		34099213l0		107	TF	MYERS C UNIT NO 3	DAMASCUS	10.0	
8134624		34099213l7		103		RURITAN UNIT NO 2	DAMASCUS	27.0	
8134624		34099213l7		107	TF	RURITAN UNIT NO 2	DAMASCUS	27.0	
-DUSTY DRILLING COMPANY INC						RECEIVED: 06/01/81 JA: CH			
8134625		34115222l5		103		ALTILR #1-A	DEERFIELD	0.2	COLUMBIA GAS TRAN
8134625		34115222l5		107	TF	ALTILR #1-A	DEERFIELD	0.2	COLUMBIA GAS TRAN
8134626		34115222l6		103		MELRAGON #1-A	DEERFIELD	0.2	COLUMBIA GAS TRAN
8134626		34115222l6		107	TF	MELRAGON #1-A	DEERFIELD	0.2	COLUMBIA GAS TRAN
8134627		34115223l0		103		PEABODY #1-C	DEERFIELD	0.2	COLUMBIA GAS TRAN
8134627		34115223l0		107	TF	PEABODY #1-C	DEERFIELD	0.2	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC						RECEIVED: 06/01/81 JA: OH			
8134628		34083228l2		103		HL-BA CASEBOLT	BUTLER	18.0	
-ENERGEX OIL & GAS CORP						RECEIVED: 06/01/81 JA: CH			
8134634		34163204l0		103		ENGLE CONSTR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134634		34163204l0		107	TF	ENGLE CONSTR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134633		34163204l9		103		ENGLE CONSTR NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134633		34163204l9		107	TF	ENGLE CONSTR NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN

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JOB NO	JOB EXT	PRT NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134630		3416320411		103		J MARTIN NO 1	SWAN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8134630		3416320411		107	TF	J MARTIN NO 1	SWAN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8134632		3416320417		103		K DAVIS NO 1.	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134632		3416320417		107	TF	K DAVIS NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134631		3416320415		103		K HUGGINS NO 2	SWAN TOWNSHIP	15.0	COLUMBIA GAS TRAN
8134631		3416320415		107	TF	K HUGGINS NO 2	SWAN TOWNSHIP	15.0	COLUMBIA GAS TRAN
8134629		3416320410		103		R DAVIS NO 1	SWAN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8134629		3416320410		107	TF	R DAVIS NO 1	SWAN TOWNSHIP	40.0	COLUMBIA GAS TRAN
-ENNEY OILFIELD RENTAL CO		RECEIVED: 06/01/81 JA: OH							
8134639		3411922325		108		DAVIS #1		1.1	COLUMBIA GAS TRAN
8134640		3411922347		108		DAVIS #3		0.9	COLUMBIA GAS TRAN
8134641		3411922459		108		DAVIS #4		3.2	COLUMBIA GAS TRAN
8134642		3411922500		108		HAYES #1		4.7	COLUMBIA GAS TRAN
8134643		3411922501		108		HAYES #2		3.4	COLUMBIA GAS TRAN
8134635		3405920925		108		KEATON #1		4.8	COLUMBIA GAS TRAN
8134637		3405920952		108		KOCRALKO #1		4.0	COLUMBIA GAS TRAN
8134638		3405921195		108		KRUPA #1		0.6	COLUMBIA GAS TRAN
8134644		3411922574		108		MELL #1		1.7	COLUMBIA GAS TRAN
8134636		3405920945		108		P GRESS SECREST		0.2	COLUMBIA GAS TRAN
-ENSERCH EXPLORATION INC		RECEIVED: 06/01/81 JA: OH							
8134645		3400720941		108		A & E MORRISON NO 1	LENOX	6.0	JONES & LAUGHLIN
8134653		3400720973		108		F & M PLONA UN 1 #2	LENOX	3.0	JONES & LAUGHLIN
8134652		3400720957		108		E M PLONA UN 1 #1	LENOX	4.0	JONES & LAUGHLIN
8134649		3400720949		108		G & J BURGESS UN 1 #1	LENOX	4.0	JONES & LAUGHLIN
8134650		3400720950		108		H R SPIETH NO 2	LENOX	3.0	JONES & LAUGHLIN
8134655		3400720992		108		J & O TKACZ UN 1 #1	LENOX	2.0	JONES & LAUGHLIN
8134647		3400720945		108		K & D LEONARD UN 1 NO 2	LENOX	4.0	JONES & LAUGHLIN
8134646		3400720942		108		R & A GERMINARO UN 1 #1	LENOX	6.0	JONES & LAUGHLIN
8134648		3400720948		108		R & E BENICH UN 1 #1	LENOX	4.0	JONES & LAUGHLIN
8134654		3400720981		108		R A DOUGLAS NO 1	LENOX	1.0	JONES & LAUGHLIN
8134651		3400720956		108		R W PARTCH UN 1 #1	LENOX	7.0	JONES & LAUGHLIN
-ENTERPRISE GAS & OIL INC		RECEIVED: 06/01/81 JA: OH							
8134656		3405922862		103		KRULOCK #2	CENTER	36.5	
8134656		3405922862		107	TF	KRULOCK #2	CENTER	36.5	
8134657		3405922914		103		L LARRICK #6	CENTER	36.5	
8134657		3405922914		107	TF	L LARRICK #6	CENTER	36.5	
-EVERFLOW EASTERN INC		RECEIVED: 06/01/81 JA: OH							
8134658		3409920910		103		WISLER #1A	GOSHEN	0.0	AMERICAN ENERGY S
8134658		3409920910		107	TF	WISLER #1A	GOSHEN	0.0	AMERICAN ENERGY S
-FORAKER PRODUCING COMPANY INC		RECEIVED: 06/01/81 JA: OH							
8134660		3412724874		103		F TAYLOR #3	CLAYTON	6.0	
8134660		3412724874		107	TF	F TAYLOR #3	CLAYTON	6.0	
8134661		3412725003		103		MARLOW #7	HARRISON	9.0	
8134661		3412725003		107	TF	MARLOW #7	HARRISON	9.0	
8134662		3412725021		103		MCNULTY #4	CLAYTON	9.0	
8134662		3412725021		107	TF	MCNULTY #4	CLAYTON	9.0	
8134659		3412724407		103		PEABODY-LEWIS #3	HARRISON	6.0	
8134659		3412724407		107	TF	PEABODY-LEWIS #3	HARRISON	6.0	
-GASEARCH INC		RECEIVED: 06/01/81 JA: OH							
8134663		3413322492		103		CRUISE #2	FRANKLIN	20.0	EAST OHIO GAS CO
8134663		3413322492		107	TF	CRUISE #2	FRANKLIN	20.0	EAST OHIO GAS CO
8134664		3413322499		103		PETERSON-BECKNER UNIT #1	WINDHAM	20.0	EAST OHIO GAS CO
8134664		3413322499		107	TF	PETERSON-BECKNER UNIT #1	WINDHAM	20.0	EAST OHIO GAS CO

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JOB NO	JOB EXT	PRT NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-J H BEAL ASSOCIATES INC		RECEIVED: 06/01/81 JA: OH							
8134576		3416320416		103		A HOY NO 1	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134576		3416320416		107	TF	A HOY NO 1	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134574		3416370412		103		C BENTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134574		3416370412		107	TF	C BENTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134578		3416320438		103		D SHELOR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134579		3416320438		107	TF	D SHELOR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134580		3416320444		103		E MONTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134580		3416320444		107	TF	E MONTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134581		3416320445		103		F BRAY NO 1	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134581		3416320445		107	TF	F BRAY NO 1	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134582		3416320446		103		F BRAY NO 2	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134582		3416320446		107	TF	F BRAY NO 2	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134584		3416320465		103		F BRAY NO 6	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134584		3416320465		107	TF	F BRAY NO 6	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134575		3416320413		103		L ADDINGTON NO 1	SWAN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8134575		3416320413		107	TF	L ADDINGTON NO 1	SWAN TOWNSHIP	40.0	COLUMBIA GAS TRAN
8134577		3416320419		103		T JOHNSTON NO 1	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134577		3416320419		107	TF	T JOHNSTON NO 1	SWAN TOWNSHIP	30.0	COLUMBIA GAS TRAN
8134578		3416320426		103		T JOHNSTON NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134578		3416320426		107	TF	T JOHNSTON NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134583		3416320447		103		T JOHNSTON NO 3	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8134583		3416320447		107	TF	T JOHNSTON NO 3	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
-JEFFERSON OIL & GAS CO		RECEIVED: 06/01/81 JA: OH							
8134671		3403124154		103		HUMPUS #1	TIVERTON CENTER POOL #50	25.0	COLUMBIA GAS TRAN
-JERRY MOORE INC		RECEIVED: 06/01/81 JA: OH							
8134684		3415123043		103		JONAS J HERSHBERGER NO 2	BREWSTER	6.0	COLUMBIA GAS TRAN
8134684		3415123043		107	TF	JONAS J HERSHBERGER NO 2	BREWSTER	6.0	COLUMBIA GAS TRAN
-JOE L SCHRIMSHER		RECEIVED: 06/01/81 JA: CH							
8134735		3416922348		103		MEYL #1	PLAIN	20.0	COLUMBIA GAS TRAN
8134735		3416922348		107	TF	MEYL #1	PLAIN	20.0	COLUMBIA GAS TRAN
8134736		3416922351		103		MEGGYESY #1	PLAIN	20.0	COLUMBIA GAS TRAN
8134736		3416922351		107	TF	MEGGYESY #1	PLAIN	20.0	COLUMBIA GAS TRAN
8134734		3416922232		103		MIKE & EVA GOLOJA #1	PLAIN	30.0	COLUMBIA GAS TRAN
8134734		3416922232		107	TF	MIKE & EVA GOLOJA #1	PLAIN	30.0	COLUMBIA GAS TRAN
8134732		3415122934		103		VERE REAM #1	WASHINGTON	20.0	COLUMBIA GAS TRAN
8134732		3415122934		107	TF	VERE REAM #1	WASHINGTON	20.0	COLUMBIA GAS TRAN
8134733		3415123104		103		VERE REAM #2	WASHINGTON	20.0	COLUMBIA GAS TRAN
8134733		3415123104		107	TF	VERE REAM #2	WASHINGTON	20.0	COLUMBIA GAS TRAN
-JOHN C MASON		RECEIVED: 06/01/81 JA: CH							
8134679		3407522591		107	TF	CHARLES HART #1	HARDY	10.0	CINCINNATI GAS &
8134678		3407522192		107	TF	CHARLES THOMPSON #1	HARDY	10.0	CINCINNATI GAS &
-KIMBELL PRODUCTION CO		RECEIVED: 06/01/81 JA: OH							
8134672		3407522537		103		PATTERSON-GRAY #1	MECHANIC	28.0	
8134672		3407522537		107	TF	PATTERSON-GRAY #1	MECHANIC	28.0	
8134673		3407522710		103		STRAITS #1	MECHANIC	28.0	
8134673		3407522710		107	TF	STRAITS #1	MECHANIC	28.0	
-L & M OPERATING INC		RECEIVED: 06/01/81 JA: CH							
8134677		3412724663		103		CLAYCRAFT #6	SALT LICK	9.0	COLUMBIA GAS TRAN
8134677		3412724663		107	TF	CLAYCRAFT #6	SALT LICK	9.0	COLUMBIA GAS TRAN
8134676		3416724374		107	DV	HOBERT BARTH #1	NEWPORT	12.8	COLUMBIA GAS TRAN
-LBJ DRILLING DBA JEFF MORAN		RECEIVED: 06/01/81 JA: CH							
8134675		3408924101		103		CARL & BARBARA BAKER #2	ELBA	0.0	

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JC NO	JA INT	API NO	I SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134674		3408924027	103	JAMES & SUSAN PEROZEK #1A SOUTH	EDEN	6.0	
-MITCHELL ENERGY CORPORATION		RECEIVED: 06/01/81 JA: CH					
8134681		3405320599	103	BALLMAN #1-32	UNNAMED FIELD - CLINTON	22.0	
8134681		3405320599	107-TF	BALLMAN #1-32	UNNAMED FIELD - CLINTON	22.0	
8134683		3406720382	103	BIRNEY FARMS #1-41	UNNAMED - CLINTON SAND	30.0	
8134683		3406720382	107-TF	BIRNEY FARMS #1-41	UNNAMED - CLINTON SAND	30.0	
8134682		3406720376	103	ECKLEY #1-40	UNNAMED CLINTON SAND	25.0	
8134682		3406720376	107-TF	ECKLEY #1-40	UNNAMED CLINTON SAND	25.0	
8134680		3405320595	103	GARBER #1-30	UNNAMED FIELD - CLINTON	0.0	
8134680		3405320595	107-TF	GARBER #1-30	UNNAMED FIELD - CLINTON	0.0	
8134822		3406720377	103	HENARY B #1-39	UNNAMED CLINTON SAND	25.0	
8134822		3406720377	107-TF	HENARY B #1-39	UNNAMED CLINTON SAND	25.0	
-NEIMART EXPLORATION & DEVELOPMENT C		RECEIVED: 06/01/81 JA: CH					
8134690		3412122468	103	ROBERT ULLMAN #6	ELK	50.0	
-NEW FRONTIER EXPLORATION INC		RECEIVED: 06/01/81 JA: OH					
8134691		3406720415	103	KENNETH PETERS #1	MONROE	18.0	
8134691		3406720415	107-TF	KENNETH PETERS #1	MONROE	18.0	
8134692		3406720416	103	KENNETH PETERS #2	MONROE	18.0	
8134692		3406720416	107-TF	KENNETH PETERS #2	MONROE	18.0	
8134693		3406720417	103	KENNETH PETERS #3	MONROE	18.0	
8134693		3406720417	107-TF	KENNETH PETERS #3	MONROE	18.0	
8134694		3412724925	103	MARIE REICHLEY #1	READING	12.0	
8134695		3412724926	103	MARIE REICHLEY #2	READING	12.0	
8134698		3415123440	103	MOHN UNIT #1	NIMISHILLEN	18.0	
8134698		3415123440	107-TF	MOHN UNIT #1	NIMISHILLEN	18.0	
8134696		3412725050	103	V MARKUS #1	SALT LICK	14.0	
8134696		3412725050	107-TF	V MARKUS #1	SALT LICK	14.0	
8134697		3412725051	103	V MARKUS #2	SALT LICK	14.0	
8134697		3412725051	107-TF	V MARKUS #2	SALT LICK	14.0	
-OHIO NATURAL FUEL CO		RECEIVED: 06/01/81 JA: OH					
8134699		3416922542	103	M & C GRINDSTAFF #1	PLAIN	9.0	COLUMBIA GAS TRAN
8134699		3416922542	107-TF	M & C GRINDSTAFF #1	PLAIN	9.0	COLUMBIA GAS TRAN
8134700		3407522769	103	ROMAN & AMANDA MILLER #1	SALT CREEK	5.0	COLUMBIA GAS TRAN
8134700		3407522769	107-TF	ROMAN & AMANDA MILLER #1	SALT CREEK	5.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC		RECEIVED: 06/01/81 JA: CH					
8134701		3411522251	107-TF	G SHRIVER #4	MALTA	0.0	COLUMBIA GAS TRAN
8134702		3411522252	107-TF	GRAHAM #1	MORGAN	90.0	COLUMBIA GAS TRAN
8134703		3411522253	107-TF	MERCER #1	MORGAN	90.0	COLUMBIA GAS TRAN
-OXFORD OIL CO		RECEIVED: 06/01/81 JA: CH					
8134705		3411522347	103	MAXWELL MINNOR #1	DEERFIELD	10.0	
8134705		3411522347	107-TF	MAXWELL MINNOR #1	DEERFIELD	10.0	
8134704		3407522254	103	RICHARD STEELE #1	HARDY	10.0	
8134704		3407522254	107-TF	RICHARD STEELE #1	HARDY	10.0	
8134706		3415723236	108	WILLIAM LILE #1		4.0	EAST OHIO GAS CO
-PENN-OHIO ENERGY CORP		RECEIVED: 06/01/81 JA: CH					
8134713		3407529640	103	ABE SCHLABACH B-2-1A	HOLMES CO	195.0	COLUMBIA GAS TRAN
8134713		3407529640	107-TF	ABE SCHLABACH B-2-1A	HOLMES CO	195.0	COLUMBIA GAS TRAN
8134711		3407522697	103	JOHN H MILLER #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8134711		3407522697	107-TF	JOHN H MILLER #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8134710		3407522655	103	LEVI E & EMMA L KABER #1	CLARK	75.0	COLUMBIA GAS TRAN
8134710		3407522655	107-TF	LEVI E & EMMA L KABER #1	CLARK	75.0	COLUMBIA GAS TRAN
8134707		3407522458	103	ROY O & LIZZIE R KEIM #1	MECHANIC	85.0	COLUMBIA GAS TRAN
8134707		3407522458	107-TF	ROY O & LIZZIE R KEIM #1	MECHANIC	85.0	COLUMBIA GAS TRAN

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JC NO	JA INT	API NO	I SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134708		3407522523	103	ROY O & LIZZIE R KEIM #2	MILLERSBURG	60.0	COLUMBIA GAS TRAN
8134708		3407522523	107-TF	ROY O & LIZZIE R KEIM #2	MILLERSBURG	60.0	COLUMBIA GAS TRAN
8134709		3407522530	103	ROY O KEIM #3	MECHANIC	64.0	COLUMBIA GAS TRAN
8134709		3407522530	107-TF	ROY O KEIM #3	MECHANIC	64.0	COLUMBIA GAS TRAN
8134712		3407522951	103	STUTZMAN #1	MECHANIC	70.0	COLUMBIA GAS TRAN
8134712		3407522951	107-TF	STUTZMAN #1	MECHANIC	70.0	COLUMBIA GAS TRAN
-PETRO EVALUATION SERVICES INC		RECEIVED: 06/01/81 JA: CH					
8134714		3416922569	103	WILLIAMS #2	CANAAN	20.0	COLUMBIA GAS TRAN
8134714		3416922569	107-TF	WILLIAMS #2	CANAAN	20.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP		RECEIVED: 06/01/81 JA: OH					
8134715		3416320451	103	O FUNK #1	SWAN	40.2	COLUMBIA GAS TRAN
8134715		3416320451	107-TF	O FUNK #1	SWAN	40.2	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL & BRASEL		RECEIVED: 06/01/81 JA: OH					
8134603		3405320546	103	H AKROWOOD #1	ADDISON	0.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY		RECEIVED: 06/01/81 JA: OH					
8134716		3408924100	107-DV	EDWARD HOSKINSON #1	NEWTON	4.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC		RECEIVED: 06/01/81 JA: OH					
8134728		3416922356	103	GLADYS GILMORE #1	PLAIN	12.0	COLUMBIA GAS
8134728		3416922356	107-TF	GLADYS GILMORE #1	PLAIN	12.0	COLUMBIA GAS
8134729		3416922370	103	ROBERT COCHRELL #1	CANAAN	12.0	COLUMBIA GAS
8134729		3416922370	107-TF	ROBERT COCHRELL #1	CANAAN	12.0	COLUMBIA GAS
8134727		3416922354	103	ROBERT COCHRELL #2	CANAAN	12.0	COLUMBIA GAS
8134727		3416922354	107-TF	ROBERT COCHRELL #2	CANAAN	12.0	COLUMBIA GAS
8134726		3416921826	103	THOMAS MYKRANTZ #1	PLAIN	12.0	COLUMBIA GAS
8134726		3416921826	107-TF	THOMAS MYKRANTZ #1	PLAIN	12.0	COLUMBIA GAS
-ROWLEY & BROWN PETROLEUM CORP		RECEIVED: 06/01/81 JA: OH					
8134730A		3407522418	103	BRUMME #5	KILLBUCK	51.0	COLUMBIA GAS TRAN
8134730B		3407522418 D	107-TF	BRUMME #5	KILLBUCK	51.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)		RECEIVED: 06/01/81 JA: CH					
8134731		3416726125	107-DV	THURMAN ENOCHS #1	LUDLOW	13.0	
-SCHRIMSHER OIL & GAS EXPLORATION		RECEIVED: 06/01/81 JA: CH					
8134738		3410322384	103	HICKLING UNIT #1	GUILFORD	20.0	COLUMBIA GAS TRAN
8134738		3410322384	107-TF	HICKLING UNIT #1	GUILFORD	20.0	COLUMBIA GAS TRAN
8134740		3410322447	103	MUFF 1-A	GUILFORD	0.0	COLUMBIA GAS TRAN
8134740		3410322447	107-TF	MUFF 1-A	GUILFORD	0.0	COLUMBIA GAS TRAN
8134737		3410322383	103	LICAUSE UNIT #1	GUILFORD	20.0	COLUMBIA GAS TRAN
8134737		3410322383	107-TF	LICAUSE UNIT #1	GUILFORD	20.0	COLUMBIA GAS TRAN
8134739		3410322441	103	VALASEK UNIT #1	GRANGER	0.0	COLUMBIA GAS TRAN
8134739		3410322441	107-TF	VALASEK UNIT #1	GRANGER	0.0	COLUMBIA GAS TRAN
-SENECA ENERGY CORP		RECEIVED: 06/01/81 JA: OH					
8134741		3403123537	103	LOWE #5		0.0	COLUMBIA GAS TRAN
8134741		3403123537	107-RT	LOWE #5		0.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY		RECEIVED: 06/01/81 JA: OH					
8134685		3411122191	103	C O BAKER M-1	FRANKLIN	20.0	COLUMBIA GAS TRAN
8134686		3411122191	107-DV	C O BAKER M-1	FRANKLIN	20.0	COLUMBIA GAS TRAN
8134687		3411122193	107-DV	MCCONNELL 1-M	FRANKLIN	25.0	COLUMBIA GAS TRAN
8134689		3412122539	103	ORANGE COAL #5	ELK	56.0	
8134688		3412122469	103	NORFRT ULLMAN #4	ELK	48.0	
-TIGER OIL INC		RECEIVED: 06/01/81 JA: OH					
8134742		3412122543	107-DV	CLEMENS BECKER B-1	ELK	6.0	COLUMBIA GAS TRAN
8134743		3412122550	107-DV	CLEMENS BECKER B-2	ELK	6.0	COLUMBIA GAS TRAN
8134744		3412122551	107-DV	CLEMENS BECKER B-3	ELK	6.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO		RECEIVED: 06/01/81 JA: CH					

JOB NO	JOB TKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134747		3405922878		103		BLACK #1	GUERNSEY	0.0	
8134747		3405922878		107	TF	BLACK #1	GUERNSEY	0.0	
8134749		3405922892		103		BLACKWOOD #1	GUERNSEY	0.0	
8134749		3405922892		107	TF	BLACKWOOD #1	GUERNSEY	0.0	
8134748		3405922891		103		GALLION #1	GUERNSEY	0.0	
8134748		3405922891		107	TF	GALLION #1	GUERNSEY	0.0	
8134750		3405922894		103		REESE #1	GUERNSEY	0.0	
8134750		3405922894		107	TF	REESE #1	GUERNSEY	0.0	
8134751		3405922895		103		SNEDDON #1	GUERNSEY	0.0	
8134751		3405922895		107	TF	SNEDDON #1	GUERNSEY	0.0	
-V F HYDROCARBON				RECEIVED: 06/01/81 JAS OH					
8134670		3415521372		107	DP	J E ZELENAK #1	NEWTON	1.5	COLUMBIA GAS CORP
-VESCORP INDUSTRIES INC				RECEIVED: 06/01/81 JAS OH					
8134752		3407522128		103		E MILLER #1-529	MECHANIC	100.0	
8134752		3407522128		107	TF	E MILLER #1-529	MECHANIC	100.0	
8134755		3413321753		103		GUYETTE #1	MANTUA	40.0	TIMKEN CO
8134755		3413321753		107	RT	GUYETTE #1	MANTUA	40.0	TIMKEN CO
8134757		3415723281		103		P GINGERICH #2	WAYNE	50.0	COLUMBIA GAS TRAN
8134757		3415723281		107	RT	P GINGERICH #2	WAYNE	50.0	COLUMBIA GAS TRAN
8134754		3413321261		103		ROPPEL #1	ROOTSTOWN	40.0	TIMKEN CO
8134754		3413321261		107	RT	ROPPEL #1	ROOTSTOWN	40.0	TIMKEN CO
8134756		3415122938		103		SCOTT #1	WASHINGTON	50.0	COLUMBIA GAS TRAN
8134756		3415122938		107	RT	SCOTT #1	WASHINGTON	50.0	COLUMBIA GAS TRAN
8134753		3407522129		103		SOMMERS #1-528	MECHANIC	100.0	
8134753		3407522129		107	TF	SOMMERS #1-528	MECHANIC	100.0	
-VIKING RESOURCES CORP				RECEIVED: 06/01/81 JAS OH					
8134765		3415123145		103		BAIER #1	PARIS	30.0	COLUMBIA GAS TRAN
8134765		3415123145		107	TF	BAIER #1	PARIS	30.0	COLUMBIA GAS TRAN
8134770		3415123175		103		BALL #1	PARIS	30.0	COLUMBIA GAS TRAN
8134770		3415123175		107	TF	BALL #1	PARIS	30.0	COLUMBIA GAS TRAN
8134769		3415123159		103		BALL #2	PARIS	30.0	COLUMBIA GAS TRAN
8134769		3415123159		107	TF	BALL #2	PARIS	30.0	COLUMBIA GAS TRAN
8134759		3415122971		103		BALL #3	PARIS	30.0	COLUMBIA GAS TRAN
8134759		3415122971		107	TF	BALL #3	PARIS	30.0	COLUMBIA GAS TRAN
8134805		3415123326		103		BECK UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134805		3415123326		107	TF	BECK UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134811		3415123344		103		BECK UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134811		3415123344		107	TF	BECK UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134796		3415123269		103		BRYAN #2	PARIS	30.0	COLUMBIA GAS TRAN
8134796		3415123269		107	TF	BRYAN #2	PARIS	30.0	COLUMBIA GAS TRAN
8134758		3415122899		103		CALHOUN-CUNNINGHAM UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134758		3415122899		107	TF	CALHOUN-CUNNINGHAM UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134795		3415123268		103		D SLAGLE #1	PARIS	30.0	COLUMBIA GAS TRAN
8134795		3415123268		107	TF	D SLAGLE #1	PARIS	30.0	COLUMBIA GAS TRAN
8134813		3415123366		103		D SMITH UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134813		3415123366		107	TF	D SMITH UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134799		3415123303		103		DISIMONE #1	PARIS	30.0	COLUMBIA GAS TRAN
8134799		3415123303		107	TF	DISIMONE #1	PARIS	30.0	COLUMBIA GAS TRAN
8134787		3415123224		103		FARNSWORTH UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134787		3415123224		107	TF	FARNSWORTH UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134788		3415123225		103		FARNSWORTH UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134788		3415123225		107	TF	FARNSWORTH UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134789		3415123226		103		FARNSWORTH UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134789		3415123226		107	TF	FARNSWORTH UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN

JOB NO	JOB TKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134785		3415123218		103		FIMPLE #1	PARIS	30.0	COLUMBIA GAS TRAN
8134785		3415123218		107	TF	FIMPLE #1	PARIS	30.0	COLUMBIA GAS TRAN
8134786		3415123218		103		FIMPLE #2	PARIS	30.0	COLUMBIA GAS TRAN
8134786		3415123218		107	TF	FIMPLE #2	PARIS	30.0	COLUMBIA GAS TRAN
8134802		3415123309		103		FOLTZ UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134802		3415123309		107	TF	FOLTZ UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134806		3415123327		103		FOSNAUGHT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134806		3415123327		107	TF	FOSNAUGHT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134807		3415123328		103		FOSNAUGHT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134807		3415123328		107	TF	FOSNAUGHT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134764		3415123144		103		FOSTER-BAIER UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134764		3415123144		107	TF	FOSTER-BAIER UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134774		3415123204		103		GARAUX #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134774		3415123204		107	TF	GARAUX #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134814		3415123367		103		KIKO #2	PARIS	30.0	COLUMBIA GAS TRAN
8134814		3415123367		107	TF	KIKO #2	PARIS	30.0	COLUMBIA GAS TRAN
8134768		3415123153		103		LAWVER #1	PARIS	30.0	COLUMBIA GAS TRAN
8134768		3415123153		107	TF	LAWVER #1	PARIS	30.0	COLUMBIA GAS TRAN
8134775A		3415123206		103		LEACH UNIT #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134775B		3415123206	D	107	TF	LEACH UNIT #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134776A		3415123207		103		LEACH UNIT #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8134776B		3415123207	D	107	TF	LEACH UNIT #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8134798		3415123299		103		LYONS #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134798		3415123299		107	TF	LYONS #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134766		3415123146		103		M & G COAL CO #1	PARIS	30.0	COLUMBIA GAS TRAN
8134766		3415123146		107	TF	M & G COAL CO #1	PARIS	30.0	COLUMBIA GAS TRAN
8134767		3415123147		103		M & G COAL CO #2	PARIS	30.0	COLUMBIA GAS TRAN
8134767		3415123147		107	TF	M & G COAL CO #2	PARIS	30.0	COLUMBIA GAS TRAN
8134761		3415123132		103		MONHEMIUS-SNYDER UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134761		3415123132		107	TF	MONHEMIUS-SNYDER UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134762		3415123133		103		MONHEMIUS-SNYDER UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134762		3415123133		107	TF	MONHEMIUS-SNYDER UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134760		3415123129		103		MONHEMIUS-SNYDER UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134760		3415123129		107	TF	MONHEMIUS-SNYDER UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134771		3415123197		103		NAU #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134771		3415123197		107	TF	NAU #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134809		3415123339		103		OBERLIN UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134809		3415123339		107	TF	OBERLIN UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134810		3415123340		103		OBERLIN UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134810		3415123340		107	TF	OBERLIN UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134808		3415123333		103		OWENS/ICKES UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134808		3415123333		107	TF	OWENS/ICKES UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134800		3415123307		103		P SLAGLE UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134800		3415123307		107	TF	P SLAGLE UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134801		3415123308		103		P SLAGLE UNIT #4	PARIS	30.0	COLUMBIA GAS TRAN
8134801		3415123308		107	TF	P SLAGLE UNIT #4	PARIS	30.0	COLUMBIA GAS TRAN
8134791		3415123253		103		RINDCHEN #1	PARIS	30.0	COLUMBIA GAS TRAN
8134791		3415123253		107	TF	RINDCHEN #1	PARIS	30.0	COLUMBIA GAS TRAN
8134794		3415123256		103		RITTENHOUSE UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134794		3415123256		107	TF	RITTENHOUSE UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134793		3415123255		103		RITTENHOUSE UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134793		3415123255		107	TF	RITTENHOUSE UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134792		3415123254		103		RITTENHOUSE UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134792		3415123254		107	TF	RITTENHOUSE UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN

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JOB #	JOB SPT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134772		3415123200		103		RITTERBECK-HAUBERT UNIT #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134772		3415123200		107	TF	RITTERBECK-HAUBERT UNIT #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134773		3412323201		103		RITTERBECK-HAUBERT UNIT #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8134773		3412323201		107	TF	RITTERBECK-HAUBERT UNIT #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8134803		3415123314		103		SAEGER/DEPALMO UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134803		3415123314		107	TF	SAEGER/DEPALMO UNIT #3	PARIS	30.0	COLUMBIA GAS TRAN
8134797		3415123278		103		SLAGLE #2	PARIS	30.0	COLUMBIA GAS TRAN
8134797		3415123270		107	TF	SLAGLE #2	PARIS	30.0	COLUMBIA GAS TRAN
8134777		3415123208		103		STEFANICK UNIT #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134777		3415123208		107	TF	STEFANICK UNIT #1	OSNABURG	30.0	COLUMBIA GAS TRAN
8134778		3415123209		103		STEFANICK UNIT #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8134778		3415123209		107	TF	STEFANICK UNIT #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8134779		3415123210		103		STEFANICK UNIT #3	OSNABURG	30.0	COLUMBIA GAS TRAN
8134779		3415123210		107	TF	STEFANICK UNIT #3	OSNABURG	30.0	COLUMBIA GAS TRAN
8134784		3415123216		103		STEFANICK UNIT #4	OSNABURG	30.0	COLUMBIA GAS TRAN
8134784		3415123216		107	TF	STEFANICK UNIT #4	OSNABURG	30.0	COLUMBIA GAS TRAN
8134780A		3415123211		103		STEFANICK UNIT #5	OSNABURG	30.0	COLUMBIA GAS TRAN
8134780E		3415123211	D	107	TF	STEFANICK UNIT #5	OSNABURG	30.0	COLUMBIA GAS TRAN
8134781A		3415123212		103		STEFANICK UNIT #6	OSNABURG	30.0	COLUMBIA GAS TRAN
8134781F		3415123212	D	107	TF	STEFANICK UNIT #6	OSNABURG	30.0	COLUMBIA GAS TRAN
8134782A		3415123213		103		STEFANICK UNIT #7	OSNABURG	30.0	COLUMBIA GAS TRAN
8134782G		3415123213	D	107	TF	STEFANICK UNIT #7	OSNABURG	30.0	COLUMBIA GAS TRAN
8134783A		3415123214		103		STEFANICK UNIT #8	OSNABURG	30.0	COLUMBIA GAS TRAN
8134783F		3415123214	D	107	TF	STEFANICK UNIT #8	OSNABURG	30.0	COLUMBIA GAS TRAN
8134790A		3415123252		103		STEFANICK UNIT #9	OSNABURG	30.0	COLUMBIA GAS TRAN
8134790F		3415123252	D	107	TF	STEFANICK UNIT #9	OSNABURG	30.0	COLUMBIA GAS TRAN
8134804		3415123320		103		TEDRICK UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134804		3415123320		107	TF	TEDRICK UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134815		3415123376		103		WALTZ #1	PARIS	30.0	COLUMBIA GAS TRAN
8134815		3415123376		107	TF	WALTZ #1	PARIS	30.0	COLUMBIA GAS TRAN
8134812		3415123362		103		WAYNE FARMS UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134812		3415123362		107	TF	WAYNE FARMS UNIT #2	PARIS	30.0	COLUMBIA GAS TRAN
8134763		3415123138		103		WINBERRY UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
8134763		3415123138		107	TF	WINBERRY UNIT #1	PARIS	30.0	COLUMBIA GAS TRAN
-WENNER PETROLEUM CORPORATION		RECEIVED: 06/01/81 JA: OH							
8134816		3416922243		103		CAROL SIX #1	PLAIN-WAYNE POOL	12.0	COLUMBIA GAS TRAN
8134816		3416922243		107	TF	CAROL SIX #1	PLAIN-WAYNE POOL	12.0	COLUMBIA GAS TRAN
8134817		3416922360		103		P LEAMAN UNIT #1	CANAAN-WAYNE POOL	13.6	COLUMBIA GAS TRAN
8134817		3416922360		107	TF	P LEAMAN UNIT #1	CANAAN-WAYNE POOL	13.6	COLUMBIA GAS TRAN
8134818		3416922361		103		W SCHEMRICH UNIT #1	CANAAN-WAYNE POOL	1.5	COLUMBIA GAS TRAN
8134818		3416922361		107	TF	W SCHEMRICH UNIT #1	CANAAN-WAYNE POOL	1.5	COLUMBIA GAS TRAN
-UNITACRE OIL CO		RECEIVED: 06/01/81 JA: OH							
8134819		3411122147		107	DV	C PARIS #1	WASHINGTON	20.0	COLUMBIA GAS TRAN
-WILLIAM F HILL		RECEIVED: 06/01/81 JA: OH							
8134666A		3407522553		103		BOYD #5 (FORMERLY BERT SHAFFER)	KILLBUCK	7.0	COLUMBIA GAS TRAN
8134666H		3407522553	D	107	TF	BOYD #5 (FORMERLY BERT SHAFFER)	KILLBUCK	7.0	COLUMBIA GAS TRAN
8134667A		3407522554		103		BOYE #6 (FORMERLY BERT SHAFFER)	KILLBUCK	9.0	COLUMBIA GAS TRAN
8134667G		3407522554	D	107	TF	BOYD #6 (FORMERLY BERT SHAFFER)	KILLBUCK	9.0	COLUMBIA GAS TRAN
8134668A		3407522619		103		JOHN STARNER #2	KILLBUCK	7.0	COLUMBIA GAS TRAN
8134668H		3407522619	D	107	TF	JOHN STARNER #2	KILLBUCK	7.0	COLUMBIA GAS TRAN
8134669A		3407522620		103		JOHN STARNER #3	KILLBUCK	6.0	COLUMBIA GAS TRAN
8134669F		3407522620	D	107	TF	JOHN STARNER #3	KILLBUCK	6.0	COLUMBIA GAS TRAN
8134665A		3407522380		103		ROGER J DENNERLL #2	KILLBUCK	8.0	COLUMBIA GAS TRAN

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JOB #	JOB SPT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134665B		3407522380	D	107	TF	ROGER J DENNERLL #2	KILLBUCK	8.0	COLUMBIA GAS TRAN
-WILLIAM N TIPKA		RECEIVED: 06/01/81 JA: OH							
8134745		3405922859		103		ALICE HART #1	WHEELING	30.0	COLUMBIA GAS TRAN
8134745		3405922859		107	TF	ALICE HART #1	WHEELING	30.0	COLUMBIA GAS TRAN
8134746		3410322525		103		CARL MYERS #1	SHARON	20.0	EAST OHIO GAS COM
8134746		3410322525		107	TF	CARL MYERS #1	SHARON	20.0	EAST OHIO GAS COM
-WRAY PETROLEUM CORP OF OHIO		RECEIVED: 06/01/81 JA: OH							
8134820		3413322038		103		FERRY #1	NELSON	16.0	EAST OHIO GAS CO
8134820		3413322038		107	TF	FERRY #1	NELSON	16.0	EAST OHIO GAS CO
8134821		3413322202		103		NELSON LEDGES QUARRY PARK INC #2	NELSON	16.0	EAST OHIO GAS CO
8134821		3413322202		107	TF	NELSON LEDGES QUARRY PARK INC #2	NELSON	16.0	EAST OHIO GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19433 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–356–000]

Columbia Gas Transmission Corp.; Application

June 30, 1981.

Take notice that on June 4, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81–356–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 78 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 11 taps for residential service, 1 tap for commercial service—Estimated annual usage of 2,175 Mcf.

(2) Columbia Gas of Ohio, Inc., 24 taps for residential service, 2 taps for commercial service, 6 taps for industrial service—Estimated annual usage of 71,807 Mcf.

(3) Columbia Gas of Pennsylvania, Inc., 7 taps for residential service, 1 tap for commercial service—Estimated annual usage of 1,450 Mcf.

(4) Columbia Gas of West Virginia, Inc., 21 taps for residential service, 2 taps for commercial service—Estimated annual usage of 3,565 Mcf.

(5) The Dayton Power and Light Company, 1 tap for residential service, 1 tap for industrial service—Estimated annual usage of 1,120 Mcf.

(6) The West Ohio Gas Company, 1 tap for industrial service—Estimated annual usage of 1,000 Mcf.

Applicant estimates that the average cost of an interconnecting tap facility necessary for a point of delivery would be $300. Applicant states that only facilities at the average cost would be required by 76 of the points of delivery requested. Applicant explains that the cost of a tap to provide service to the Hershey Equipment Company would be $10,400 and the cost of a tap to provide service to John Tonkovich and Sons Incorporated would be $17,000.

Applicant estimates the total cost of the interconnections to be $50,348 which cost would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19434 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. A81–44–000]

Copolymer Rubber and Chemical Corp.; Application for Adjustment and for Interim Relief

June 29, 1981.

Take notice that on May 29, 1981, Copolymer Rubber and Chemical Corporation, 5955 Scenic Highway, Baton Rouge, Louisiana 70821 (Copolymer) filed with the Federal Energy Regulatory Commission (Commission) an adjustment application seeking interim and final relief from the provisions of 18 CFR 282.204(d)(7), which provisions govern the effective date of an exemption by affidavit from incremental pricing. This proceeding is governed by section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 and by 18 CFR 1.41.

Section 282.204(d)(7) of the Commission's regulations provides that if the owner or operator of an industrial boiler fuel facility files an exemption affidavit with the Commission, and sends a copy to the facility's natural gas supplier, the facility shall be exempt from incremental pricing as of the first full month following the date the affidavit is filed. Copolymer filed an affidavit on May 29, 1981 for a cogeneration exemption governing 2.17 percent of its gas use. This portion of its use would thus be exempt from incremental pricing as of June 1, 1981, under the above-described regulation. Copolymer requests that an adjustment be granted to permit the affidavit to become effective as of May 1, 1981.

Copolymer asserts that, for administrative and other reasons set forth in detail in its application, the affidavit governing this 2.17 percent of its gas use was not filed until May 29, 1981. Copolymer also asserts that denial of the adjustment and of interim relief would result in a special hardship, inequity and unfair distribution of burdens.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with section 1.41(e). All petitions to intervene must be filed on or before July 17, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19502 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. EC81–15–000]

CP National Corp., Sierra Pacific Power Co.; Filing

June 29, 1981.

The filing companies submit the following:

Take notice that on June 18, 1981, CP National Corporation (CPN) and Sierra Pacific Power Company (Sierra Pacific) filed a joint application pursuant to Section 203 of the Federal Power Act for authorization for CPN to sell, and Sierra Pacific to buy, CPN's electric properties in Elko County and Humboldt County, Nevada.

CPN proposes to sell to Sierra Pacific its electric system and operating rights in the City of Winnemucca and adjacent portions of Humboldt and Pershing Counties, Nevada, and in the City of Elko and adjacent portions of Elko County, Nevada. The purchase price is designed to cause CPN neither an appreciable gain nor loss on the transaction. Under the Agreement of Purchase and Sale, Sierra Pacific agrees to assume and perform all contracts and other agreements relating to the electric systems to which CPN is a party as of the closing date. Sierra Pacific is to serve all of CPN's existing customers in Elko, Humboldt, and Pershing Counties after the closing date.

Applicants request a waiver of the requirement of Section 33.3, Exhibit D, that the application include copies of "all mortgages, trusts, deeds, or indentures." Both applicants state that filing copies of their indentures as Exhibits would be highly impractical because the indentures, as supplemented, total several thousand pages.

Applicants also request a partial waiver of the requirements of Section 33.3, Exhibit K, for filing copies of their joint application to the Nevada Public Service Commission, which totals more than 300 pages. Three copies of the application were filed by letter with the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19501 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–2–33–002]

El Paso Natural Gas Co.; Revised Purchased Gas Cost Adjustment Filing

June 29, 1981.

Take notice that on June 15, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act and in compliance with ordering paragraph (C) of the Commission's "Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Conditions" issued March 31, 1981, as clarified by order issued June 1, 1981, at Docket No. TA81–2–33–000, the following revised tariff sheets to become effective April 1, 1981:

Original Volume No. 1

Fourth Substitute Twenty-seventh Revised Sheet No. 3–B.

Third Revised Volume No. 2

Fourth Substitute Eighteenth Revised Sheet No. 1–D.

Original Volume No. 2A

Fourth Substitute Nineteenth Revised Sheet No. 1–C.

These tariff sheets reflect a net decrease of 4.13¢ per Mcf in the rates for jurisdictional gas service [1] which El Paso proposed in its revised PGAC filing of May 1, 1981.[2]

El Paso states that the Commission's order issued March 31, 1981 conditionally accepted, effective April 1, 1981, subject to refund, certain tariff sheets to El Paso's FERC Gas Tariff which were tendered as a part of El Paso's February 27, 1981 PGAC filing. El Paso states that this rate reduction has been made pursuant to ordering paragraph (C) of the Commission's order issued March 31, 1981, as clarified by order issued June 1, 1981, in which El Paso was ordered to file revised tariff sheets to be effective April 1, 1981, reflecting the removal of all unpaid accruals—other than those attributable to the normal billings-and-payment lag—from Account 191, Unrecovered Purchased Gas Cost. Accordingly, El Paso states that the tendered revised tariff sheets serve to eliminate jurisdictional unpaid accruals from Account 191 resulting in an overall revised net adjustment of 11.46¢ per Mcf above El Paso's currently effective rates, as compared with an increase of 15.59¢ per Mcf as proposed in El Paso's revised PGAC filing of May 1, 1981.

Inasmuch as El Paso has billed its customers for the months of April and May, 1981, at the higher rates set forth in El Paso's revised PGAC filing of May 1, 1981 El Paso and the Commission's Staff have agreed that El Paso will adjust for April and May, 1981, its customers billings for the net decrease of 4.13¢ per Mcf in the invoices for June, 1981 business, given timely approval of El Paso's filing.

El Paso requests that the revised tariff sheets reflecting the adjusted rates in compliance with said ordering paragraph (C) be substituted for their respective counterparts tendered on May 1, 1981 at Docket No. TA81–2–33–000. El Paso further requests that the revised tariff sheets be permitted to become effective as of April 1, 1981

[1] Such service is rendered under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGAC"), and Section 22, Louisiana First-Use Tax Tracking Provision, contained in the General Terms and Conditions applicable to El Paso's FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.

[2] On May 1, 1981, El Paso filed a revised PGAC filing pursuant to ordering paragraph (B) of the Commission's order issued March 31, 1981 at Docket No. TA81–2–33–000 to remove the cost and volumes related to current exchange transactions.

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which is the effective date provided by the Commission in ordering paragraph (C) of said order issued March 31, 1981.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket No. TA81–2–33–000, and, otherwise, upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19495 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–552–000]

Empire District Electric Co; Filing

June 29,1981.

The filing Company submits the following:

Take notice that on June 15, 1981, The Empire District Electric Company (Empire) tendered for filing FERC Electric Tariff Original Volume No. 1, Section 6, 4th Revised Sheet No. 22, Index of Purchasers, replacing Section 6, 3rd Revised Sheet No. 22 and an executed service agreement with the City of Chetopa, Kansas. Empire states that this filing is being made to update the Index of Purchasers and forward the executed service agreement.

Empire states that this filing does not involve a rate change and merely updates the tariff, and thus Empire requests waiver of the Commission's notice and publication requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19503 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA–81–48–000]

Henry Petrolem Corp.; Filing of Petition for Review

June 29, 1981.

Take notice that Henry Petroleum Corporation on April 29, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 14, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a file a petition to intervene on or before July 14, 1981, in accordance with the Commission's Rules and Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy , Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol Street N.E., Washington D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19504 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER76–716]

Indiana and Michigan Electric Co.; Refund Report

June 29, 1961.

Take notice that Indiana and Michigan Electric Company filed a refund report on June 11, 1981, in the above-captioned docket. Such rfund report resulted from the Commission's acceptance for filing of the Company's compliance filing which was submitted pursuant to Opinion Nos. 79 and 79–A, issued March 18, 1980, and May 16, 1980 respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a paarty must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19505 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–562–000]

Iowa Power and Light Co.; Filing

June 29, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa) on June 19, 1981, tendered for filing a Participation Power Agreement with Associated Electric Cooperative, Inc., (Associated Electric).

Relating to Associated Electric's purchase of 50 MW from January 1, 1981 through May 31, of participation power according to Schedule VI Participation Power Transaction No. 3 dated December 29, 1980 Agreement establishes demand, energy, and transmission charges for such service.

Iowa requests waiver of the Commission's notice requirements and proposes a retroactive effective date of January 1, 1981.

Iowa states the purpose of the proposed rates is to recover reflected costs of the facilities to be provided as the scheduling path and for demand and energy power provided.

Iowa states that copies of the filing have been mailed to Associated Electric and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19500 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–561–000]

Iowa Power and Light Co.; Filing

June 29, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on June 19, 1981, tendered for filing a Transmission Service Agreement between Iowa Power and Iowa Electric Light and Power Company (Iowa Electric) dated May 29, 1981.

The Agreement relates to transmission charges, utilization of transmission capacity in the Montezuma to Hills line, facilitates transmission of Iowa Electric's share of Ottumwa Generating Station Unit (OGS) #1 participation power purchased from Iowa Southern Utilities to be generated at OGS unit #1.

Iowa Power requests that the Commission waive its notice requirements and accept this Agreement for filing with an effective date of April 1, 1981.

Copies of this filing were served upon each affected party and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19507 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER78–417]

Kentucky Utilities Co.; Notice of Filing

June 29, 1981.

Take notice that on June 16, 1981, the Kentucky Utilities Company submitted for filing a revised cost of service study and an amended rate schedule pursuant to Commission Opinion No. 116 and 116A, in the above-captioned proceeding.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 17, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19508 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER77–533]

Louisiana Power & Light Co.; Filing

June 29, 1981.

Please take notice that on February 26, 1981, the Louisiana Power & Light Company (LP&L) notified the Commission that it wished to pursue recovery of the normalized portion of taxes contained in the rates proposed in this proceeding. The Commission's Opinion No. 110 required the Company to within 30 days indicate whether it wished to pursue recovery of the normalized portion of taxes contained in the proposed rates.

In addition, please take notice that on April 13, 1981, LP&L submitted for filing a revised cost of service study and an amended rate schedule pursuant to Commission Opinion No. 110, issued January 28, 1981, in the above-referenced proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 17, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19509 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. RP80–23–009, et al.]

Midwestern Gas Transmission Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

June 29, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 13, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
June 5, 1981	Midwestern Gas Transmission Co	RP80–23–009	Report.
June 10, 1981	Eastern Shore Natural Gas Co	RP80–84–003	Report.
June 11, 1981	Eastern Shore Natural Gas Co	RP77–109	Report.
June 12, 1981	East Tennessee Natural Gas Co	RP76–12–012	Report.

Appendix—Continued

Filing date	Company	Docket No.	Type filing
June 12, 1981	Tennessee Gas Pipeline Co	RP77-52-014	Report.
June 16, 1981	Algonquin Gas Transmission Co	CP77-337-011	Report.
June 16, 1981	Consolidated Gas Supply Corp	RP72-157-044	Report.

[FR Doc. 81-19510 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-373-000]

MIGC, Inc.; Application

June 30, 1981.

Take notice that on June 11, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP81-373-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate compression facilities for the purchase of natural gas from Montana-Dakota Utilities Co. (MDU). Applicant states that MDU is seeking authority to make sales of excess gas to MIGC pursuant to a gas sales and transportation contract dated April 20, 1981, and that MDU would deliver the gas to MIGC at the Recluse delivery point located in Campbell County, Wyoming. Applicant asserts that in order for MIGC to take delivery from MDU of the subject gas at the Recluse delivery point it would be necessary for MIGC to construct and operate gas purchase facilities consisting of one 1,000 BHP compression unit.

Applicant indicates that the total volumes involved are expected to average 10,000 Mcf per day. It is stated that from the Recluse delivery point the gas would be taken directly into MIGC's existing pipeline system.

Applicant submits that the compression unit proposed would cost $800,000 which would be financed from funds on hand and/or borrowings from its parent company, MCO Holdings, Inc.

Applicant states that pursuant to the sales and transportation contract MIGC would pay MDU the weighted average price that MDU pays for the gas at the sources of supply. Applicant further states that it would pay a transportation charge for volumes redelivered to it at the Recluse delivery point at the proposed rate of 22.083 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19485 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-565-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

June 29, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on June 19, 1981, tendered for filing as a rate schedule, an agreement between Niagara and Consolidated Edison Company of New York, Inc. (Consolidated) dated April 1, 1980.

Concurrently with this submittal, Niagara is submitting for filing an original agreement with Consolidated dated April 1, 1979. The original agreement is to provide transmission service for the delivery of diversity power and energy from the Power Authority of the State of New York (PASNY) and Consolidated. The diversity power and energy is in turn exchanged by PASNY with Hydro Quebec.

The April 1, 1980 agreement, which is a supplement to the original agreement, revises the transmission rates. Niagara requests a waiver of the Commission's prior notice requirements in order to allow the April 1, 1980 agreement to become effective April 1, 1980.

Copies of this filing were served upon Consolidated Edison Company of New York, Inc. and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19511 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-363-000]

South Georgia Natural Gas Co.; Application

June 30, 1981.

Take notice that on June 9, 1981, South Georgia Natural Gas Company (Applicant), P.O. Box 1279, Thomasville, Georgia 31792, filed in Docket No. CP81-363-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compression and other appurtenant facilities at its Albany Compressor Station in Albany, Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 1,100 horsepower reciprocating compressor at its Albany Compressor Station.

Applicant states that the compression facilities would be installed in order to replace existing facilities which have been in operation since 1962 and currently operate at approximately 95 percent load factor. Applicant states that the existing 1,100 horsepower centrifugal compressor would be replaced with an 1,100 horsepower reciprocating compressor which in addition to increasing the reliability of the station would result in a savings in fuel gas of approximately 46,000 Mcf per year. Applicant proposes to retain the present turbine generator on a stand-by basis to increase further its system reliability.

Applicant estimates the cost to acquire and install the new compressor to be $962,273. Applicant states that such cost would be paid out of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19497 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1965-000]

Richard W. Mallary; Application

June 29, 1981.

The filing individual submits the following:

Take notice that on June 22, 1981, Richard W. Mallary filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President, Central Vermont Public Service Corporation
Executive Vice President, Connecticut Valley Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19512 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-559-000]

Texas-New Mexico Power Co.; Filing

June 29, 1981.

The filing Company submits the following:

Take notice that on June 16, 1981, the Texas-New Mexico Power Company (TNM) tendered for filing a Notice of Succession in Ownership or Operation whereby TNM adopts as its own, all applicable rate schedules and supplements filed with FERC by Community Public Service Company. TNM proposes an effective date of May 14, 1981.

TNM states that this notice is being filed because the corporation has changed its name by amendment to the Company's Articles of Incorporation. TNM further states that it is not the result of a merger, consolidation or change in control of the corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 19513 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

V 46 / 127 7 JL 2 81 UMI

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP		RECEIVED: 06/04/81 JA: WV							
8134985		4703501508		107	-DV	ROBERT L PARSONS #1	WASHINGTON DISTRICT	10.0	COLUMBIA GAS TRAN
8134986		4703501509		107	-DV	ROBERT L PARSONS #2	WASHINGTON DISTRICT	10.0	COLUMBIA GAS TRAN
8134983		4703501503		107	-DV	WENDELL O CASTO #2	WASHINGTON DISTRICT	5.0	COLUMBIA GAS TRAN
8134984		4703501504		107	-DV	WENDELL O CASTO #3	WASHINGTON DISTRICT	5.0	COLUMBIA GAS TRAN
8134982		4703501501		107	-DV	WENDELL O CASTO #4	WASHINGTON DISTRICT	5.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 06/01/81 JA: WV							
8134888		4709702116		103		A-847	UNION DISTRICT	0.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC		RECEIVED: 06/02/81 JA: WV							
8134893		4701900112		108		POCAHONTAS LAND #1 - 155760	LOUP CREEK	4.0	UNION CARBIDE COR
8134894		4701900117		108		POCAHONTAS LAND #5 - 165961	LOUP CREEK	2.0	UNION CARBIDE COR
-ASHLAND EXPLORATION INC		RECEIVED: 06/04/81 JA: WV							
8134965		4703900744		108		A S PETERS #1 - 008748	NEW FIELD	15.0	COLUMBIA GAS TRAN
8134969		4703500445		108		EMMA GREEN #1 - 011220	NEW	4.0	COLUMBIA GAS TRAN
8134966		4703900743		108		LILLIE SIGMAN #1 - 008720	NEW FIELD	7.0	COLUMBIA GAS TRAN
8134952		4701900130		108		POCAHONTAS LAND #12 - 165991	LOUP CREEK	14.0	UNION CARBIDE COR
8134953		4701900131		108		POCAHONTAS LAND #13 - 166001	LOUP CREEK	20.0	UNION CARBIDE COR
8134954		4701900132		108		POCAHONTAS LAND #14 - 166011	LOUP CREEK	6.0	UNION CARBIDE COR
8134955		4701900138		108		POCAHONTAS LAND #15 - 166021	LOUP CREEK	15.0	UNION CARBIDE COR
8134956		4701900148		108		POCAHONTAS LAND #17 - 166041	LOUP CREEK	9.0	UNION CARBIDE COR
8134975		4701900157		108		POCAHONTAS LAND #21 - 166081	LOUP CREEK	5.0	UNION CARBIDE COR
8134974		4701900164		108		POCAHONTAS LAND #22 - 166091	LOUP CREEK	2.0	UNION CARBIDE COR
8134973		4701900166		108		POCAHONTAS LAND #23 - 166101	LOUP CREEK	2.0	UNION CARBIDE COR
8134972		4701900170		108		POCAHONTAS LAND #24 - 166111	LOUP CREEK	14.0	UNION CARBIDE COR
8134971		4701900171		108		POCAHONTAS LAND #25 - 166121	LOUP CREEK	13.0	UNION CARBIDE COR
8134970		4701900177		108		POCAHONTAS LAND #27 - 166131	LOUP CREEK	11.0	UNION CARBIDE COR
8134951		4701900124		108		POCAHONTAS LAND #9 - 165971	LOUP CREEK	3.0	UNION CARBIDE COR
8134950		4701900119		108		RIVERSIDE PARK #1 - 155810	LOUP CREEK	6.0	UNION CARBIDE COR
8134967		4703900315		108		WISEMAN #11 - 008680	MCCORKLE	7.0	INDUSTRIAL GAS CO
8134944		4700500301		108		WISEMAN #5 - 008560	MCCORKLE	7.0	INDUSTRIAL GAS CO
8134968		4703900218		108		WISEMAN #9 - 008580	MCCORKLE	6.0	INDUSTRIAL GAS CO
-BEREA OIL AND GAS CORPORATION		RECEIVED: 06/04/81 JA: WV							
*8134976		4700121250		102	-0	A J GRIFFITH #1	VALLEY	25.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP		RECEIVED: 06/01/81 JA: WV							
8134884		4704102491		108		HORNER NO 1	VANDALIA	50.0	CONSOLIDATED GAS
8134885		4704102843		108		NO 1 MC QUAIN	VANDALIA	0.5	CONSOLIDATED GAS
8134824		4708701426		108		NO 1 WINE	HEATERS	15.0	CONSOLIDATED GAS
8134825		4708701435		108		NO 3 CLYDE BOSLEY	CHAPEL-GERMAN	5.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP		RECEIVED: 06/02/81 JA: WV							
8134937		4708701834		103		NO 3 FEENEY WELL	HEATERS	25.0	CONSOLIDATED GAS
-CARSON PETROLEUM CORP		RECEIVED: 06/01/81 JA: WV							

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134873		4708701358		108		RUSH NO 1	ROAD RUN	0.0	EQUITABLE GAS CO
-CECIL PRUITT JR		RECEIVED: 06/01/81 JA: WV							
8134872		4704101015		108		HARRISON #1 047-041-1015	HARRISON #1	22.8	EQUITABLE GAS CO
-CHASE PETROLEUM		RECEIVED: 06/01/81 JA: WV							
8134839		4708504834		102	-3	MCCULLOUGH #1	CLAY DISTRICT	67.5	
8134832		4708504835		102	-3	MCCULLOUGH #2	CLAY DISTRICT	73.8	
-CHASE PETROLEUM		RECEIVED: 06/04/81 JA: WV							
8134992		4701702610		102	-3	MILEMAN #1	SOUTHWEST DISTRICT	103.5	
-CHESTERFIELD CORP		RECEIVED: 06/01/81 JA: WV							
8134889		4700101419		103		RICOTTILLI #1 - 47-001-1419		0.0	PARTNERSHIP PROPE
-CHESTERFIELD CORP		RECEIVED: 06/04/81 JA: WV							
8134941		4709702065		103		FISHER #2 - 47-097-2065	UNION	0.0	COLUMBIA GAS OF W
8134940		4709702132		103		FISHER WELL #3 - 47-097-2132	UNION	0.0	COLUMBIA GAS OF W
-COFFMAN OIL & GAS CO		RECEIVED: 06/01/81 JA: WV							
8134829		4708502437		108		CREED KUHN #2	TURTLE RUN	0.0	CARNEGIE NATURAL
8134827		4708502303		108		GUY IRELAND #1	WHITE OAK	0.0	CARNEGIE NATURAL
8134828		4708502412		108		W P IRELAND #1	WHITE OAK	0.0	CARNEGIE NATURAL
-COLLINS-MCGREGOR OPERATING COMPANY		RECEIVED: 06/01/81 JA: WV							
8134836		4707300809		107	-DV	STEELE #1		9.0	CONSOLIDATED NATU
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 06/02/81 JA: WV							
8134907		4705900929		107	-DV	COTIGA DEVELOPMENT CO 820442	WEST VIRGINIA FIELD AREA	16.4	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 06/01/81 JA: WV							
8134834		4701900308		102	-4	JEFFREY MFG CO 12208	W VA OTHER A85772	29.0	GENERAL SYSTEM PU
-D C MALCOLM INC		RECEIVED: 06/02/81 JA: WV							
8134923		4707900930		107	-DV	VAN GILDER #1	SCOTT DISTRICT	25.0	COLUMBIA GAS TRAN
-DONALD CONNER		RECEIVED: 06/01/81 JA: WV							
8134823		4701302326		108		L S PENINGER #1		0.0	CABOT CORP
8134831		4701302308		108		LEWIS HARRIS #1	LEWIS HARRIS FARM	1.5	CABOT CORP
8134830		4701300310		108		ROBERT MINNEY #1-104	ROBERT MINNEY FARM	5.5	CABOT CORP
-DORAN & ASSOCIATES INC		RECEIVED: 06/04/81 JA: WV							
8134980		4704920637		108		M MOREHEAD K-L-238	LINCOLN	20.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED: 06/01/81 JA: WV							
8134837		4702103650		107	-DV	S A HAYS #6	GLENVILLE	52.0	EQUITABLE GAS CO
8134838		4702103689		107	-DV	T R FRASHURE #3	GLENVILLE	45.0	COLUMBIA GAS TRAN
-EASTERN KY EXPLORATION CO		RECEIVED: 06/02/81 JA: WV							
8134904		4705900959		108		LEWIS DEMPSEY WELL #1	TUG FORK OF BIG SANDY KE	10.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP		RECEIVED: 06/02/81 JA: WV							
8134938		4704700802		103		E D C #12	BIG SANDY	0.0	CONSOLIDATED GAS
-FIVE STAR GAS CO		RECEIVED: 06/04/81 JA: WV							
8134962		4708703354		103		NEAL FERRELL WELL #3	LOONEYVILLE GAS FIELD	14.6	COLUMBIA GAS TRAN
-FLETCHER & CO		RECEIVED: 06/04/81 JA: WV							
8134957		4708500183		108		PAYTON TINGLER #7	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
-H D WELLS OIL & GAS		RECEIVED: 06/04/81 JA: WV							
8134939		4700501064		108		JULIA WASHBURN #1	SHERMAN DISTRICT	4.8	CABOT CORP
8134961		4700501068		108		JULIA WASHBURN #2	SHERMAN DISTRICT	4.8	CABOT CORP
8134960		4700501080		108		T J FOSTER HEIRS #1	SHERMAN DISTRICT	3.9	CABOT CORP
8134959		4700501085		108		T J FOSTER HEIRS #2	SHERMAN DISTRICT	3.9	CABOT CORP
8134958		4700501086		108		T J FOSTER HEIRS #4	SHERMAN DISTRICT	3.9	CABOT CORP
-HUNTER GAS CO		RECEIVED: 06/04/81 JA: WV							
8134981		4707921500		108		HUNTER GAS CO NO 1 J A JOHNSON FARM	TEAY VALLEY	2.3	PENNZOIL CO
-J & J ENTERPRISES INC		RECEIVED: 06/01/81 JA: WV							
8134887		4703302271		103		R-231	UNION	200.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC		RECEIVED: 06/02/81 JA: WV							

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WC NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134905		4701702575		107-DV	J-78		CENTRAL	200.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED: 06/04/81 JA: WV					
8134949		4701722804		103	J-220		SOUTHWEST	200.0	EQUITABLE NATURAL
8134948		4701702542		107-DV	J-68 (K-305-813)		NEW MILTON	200.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED: 06/01/81 JA: WV					
8134826		4704102555		108	GEORGE L PICKENS S-267		MACKERS CREEK DISTRICT	15.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED: 06/02/81 JA: WV					
8134936		4700101450		103	GEORGE MOUSER S-314		PLEASANT	60.0	CONSOLIDATED GAS
-KEITH CRIMFIELD				RECEIVED: 06/01/81 JA: WV					
8134835		4710500628		108	P L DEPUE #1		CRESTON	12.0	CONSOLIDATED GAS
-LAUDERMAN OIL & GAS DRILLING				RECEIVED: 06/02/81 JA: WV					
8134913		4707300843		103	DELNO TRUEX #1 WELL		WASHINGTON	36.5	COLUMBIA GAS TRAN
8134911		4707300842		103	DELNO TRUEX #2 WELL		WASHINGTON	36.5	COLUMBIA GAS TRAN
8134902		4707300841		103	DELNO TRUEX #3 WELL		WASHINGTON	55.0	COLUMBIA GAS TRAN
8134912		4707300837		103	GALE SISTERS #1 WELL		WASHINGTON	36.5	COLUMBIA GAS TRAN
-NEW TROJAN GAS CO				RECEIVED: 06/01/81 JA: WV					
8134874		4704501078		108	ED GARRETT #2		CHAPMANVILLE	3.8	PENNZOIL CO
-NRM PETROLEUM CORPORATION				RECEIVED: 06/04/81 JA: WV					
8134978		4702102932		108	CAMPBELL #2		GLENVILLE	16.3	CONSOLIDATED GAS
8134979		4702102963		108	CAMPBELL #6		GLENVILLE	9.7	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED: 06/01/81 JA: WV					
8134843		4704300443		108	A E SMITH #3		DUVAL	0.0	CONSOLIDATED GAS
8134844		4704300446		108	A E SMITH #4		DUVAL	0.0	CONSOLIDATED GAS
8134861		4704302149		108	C O WAGONER #1		DUVAL	0.0	CONSOLIDATED GAS
8134856		4710300951		108	D H COX #8		GRANT	0.0	CONSOLIDATED GAS
8134852		4710300114		108	D H COX #9		GRANT	0.0	CONSOLIDATED GAS
8134848		4704301608		108	J A PAULEY #1		DUVAL	0.0	CONSOLIDATED GAS
8134860		4704302147		108	J W LIPSCOMB #1		DUVAL	0.0	CONSOLIDATED GAS
8134841		4704300396		108	JONAS ALFORD #3		DUVAL	0.0	CONSOLIDATED GAS
8134846		4704300474		108	JONAS ALFORD #5		DUVAL	0.0	CONSOLIDATED GAS
8134847		4704300476		108	JONAS ALFORD #6		DUVAL	0.0	CONSOLIDATED GAS
8134849		4704301691		108	JONAS V ALFORD #1		DUVAL	0.0	CONSOLIDATED GAS
8134881		4704300231		108	JONAS V ALFORD #2		DUVAL	0.0	CONSOLIDATED GAS
8134842		4704300397		108	JONAS V ALFORD #4		DUVAL	0.0	CONSOLIDATED GAS
8134862		4704302152		108	JOSEPH MOORE #2		DUVAL	0.0	CONSOLIDATED GAS
8134863		4704302153		108	JOSEPH MOORE #3		DUVAL	0.0	CONSOLIDATED GAS
8134859		4704302146		108	M C LAWSON #1		DUVAL	0.0	CONSOLIDATED GAS
8134857		4710300981		108	M GORBY #3		GRANT	0.0	CONSOLIDATED GAS
8134858		4710301139		108	MARY WILLEY #2		GRANT	0.0	CONSOLIDATED GAS
8134850		4704302040		108	OLIVER MILL #2		DUVAL	0.0	CONSOLIDATED GAS
8134883		4704300233		108	S O DUNLAP #1		DUVAL	0.0	CONSOLIDATED GAS
8134882		4704300232		108	STEPHENSON ET AL #2		DUVAL	0.0	CONSOLIDATED GAS
8134840		4704300355		108	STEPHENSON ET AL #5		DUVAL	0.0	CONSOLIDATED GAS
8134851		4708703006		108	W R T SMITH #15		SMITHFIELD	0.0	CONSOLIDATED GAS
8134845		4704300451		108	Z A RANSON #1		DUVAL	0.0	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED: 06/02/81 JA: WV					
8134900		4710300924		108	BARR TRACT #12		GRANT	0.0	CONSOLIDATED GAS
8134914		4710300295		108	BARR TRACT #18		GRANT	0.0	CONSOLIDATED GAS
8134916		4710300302		108	BARR TRACT #19		GRANT	0.0	CONSOLIDATED GAS
8134919		4704302252		108	H E RIDENOUR #3		DUVAL	0.0	CONSOLIDATED GAS
8134899		4710300920		108	J M ANDERSON #3		GRANT	0.0	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED: 06/04/81 JA: WV					
8134964		4704301482		108	A A WOODRUM #4		DUVAL	1.0	CONSOLICATED GAS

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WC NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134963		4704302321		108		A E SMITH #6	DUVAL	0.0	CONSOLIDATED GAS
8135004		4703903252		108		ANNA C SKINNER #22	ELK	0.0	CONSOLIDATED GAS
8134942		4710300926		108		BARR TRACT #17	GRANT	0.0	CONSOLIDATED GAS
8134994		4703903225		108		F G WOODY #11	ELK	0.0	CONSOLIDATED GAS
8134995		4703903226		108		F G WOODY #12	ELK	0.0	CONSOLIDATED GAS
8134993		4703903221		108		F G WOODY #6	ELK	0.0	CONSOLIDATED GAS
8134987		4701501439		108		J B CASTO #1526	HENRY	5.0	CONSOLIDATED GAS
8134988		4701501440		108		J B CASTO #1562	HENRY	5.0	CONSOLIDATED GAS
8134989		4701501448		108		J B CASTO #3780	HENRY	5.0	CONSOLIDATED GAS
8134991		4701501646		108		J B CASTO #3807	HENRY	5.0	CONSOLIDATED GAS
8134990		4701501645		108		J B CASTO #3811	HENRY	5.0	CONSOLIDATED GAS
8134943		4701501447		108		J B CAXTO #3773	HENRY	5.0	CONSOLIDATED GAS
8135005		4703903254		108		J V & A C SKINNER #2	ELK	0.0	CONSOLIDATED GAS
8135006		4703903256		108		J V & A C SKINNER #4	ELK	0.0	CONSOLIDATED GAS
8135007		4703903257		108		JV & AC SKINNER #5	ELK	0.0	CONSOLIDATED GAS
8134997		4703903228		108		LOUISA WOODY #3	ELK	0.0	CONSOLIDATED GAS
8134998		4703903229		108		LOUISA WOODY #4	ELK	0.0	CONSOLIDATED GAS
8134999		4703903230		108		LOUISA WOODY #5	ELK	0.0	CONSOLIDATED GAS
8134996		4703903227		108		LOUSIE WOODY #1	ELK	0.0	CONSOLIDATED GAS
8135003		4703903240		108		W A MCCORKLE #12	ELK	0.0	CONSOLIDATED GAS
8135000		4703903236		108		W A MCCORKLE #4	ELK	0.0	CONSOLIDATED GAS
8135001		4703903237		108		W A MCCORKLE #5	ELK	0.0	CONSOLIDATED GAS
8135002		4703903239		108		W A MCCORKLE #8	ELK	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/02/81 JA: WV					
8134910		4706100318		108		ALLEGHENY A NO 1	S BURNS CHAPEL	6.1	CONSOLIDATED GAS
8134924		4706100317		108		GREER-A NO 1	S BURNS CHAPEL	10.6	CONSOLIDATED GAS
8134925		4706100311		108		HARWORTH-A NO 1	S BURNS CHAPEL	17.8	CONSOLIDATED GAS
8134909		4707700102		108		HOLMES B #1	GLADESVILLE	20.0	CONSOLIDATED GAS
-RAY RESOURCES CORP				RECEIVED: 06/02/81 JA: WV					
8134906		4710500867		102-2		CLEVENGER #864	TUCKER DIST	25.0	COLUMBIA GAS TRAN
-ROUZER OIL CO				RECEIVED: 06/01/81 JA: WV					
8134875		4701501037		108		BETTIE G BELL #6	BOMONT	2.0	COLUMBIA GAS TRAN
8134879		4701501038		108		FRANK COX #48	BOMONT	2.0	COLUMBIA GAS TRAN
8134880		4701501039		108		FRANK COX #49	BOMONT	2.0	COLUMBIA GAS TRAN
-ROYAL OIL & GAS CORPORATION				RECEIVED: 06/01/81 JA: WV					
8134876		4700701513		103		KENNETH GERWIG #2	OTTER DISTRICT	18.0	COLUMBIA GAS TRAN
-RUSSELL V JOHNSON JR				RECEIVED: 06/01/81 JA: WV					
8134877		4708503700		108		V M BARTLETT #1	DOG RUN	8.1	CONSOLIDATED GAS
8134878		4708503701		108		V M BARTLETT #2	DOG RUN	9.8	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED: 06/04/81 JA: WV					
8134977		4708320325		102-4		J M HUBER #62	MIDDLE FORK	0.0	EQUITABLE GAS CO
-SOUTHEASTERN GAS COMPANY				RECEIVED: 06/01/81 JA: WV					
8134853		4701303239		108		IDA MCCOY #624	LEE	0.8	CABOT CORP
8134864		4701300017		108		J M SHANKS #662	CENTER	0.6	CABOT CORP
8134854		4701303240		108		JOHN SLIDER #623	LEE	0.4	CABOT CORP
8134871		4701300006		108		JOHN SLIDER #622	LEE	0.5	CABOT CORP
8134855		4701303241		108		L A STURM #620	LEE	0.3	CABOT CORP
8134870		4701303238		108		MARY V MARSHALL #633	CENTER	1.6	CABOT CORP
8134866		4701303234		108		R A FERRELL #658	SHERIDAN	0.4	CABOT CORP
8134867		4701303235		108		R E HAYES #657	CENTER	1.0	CABOT CORP
8134868		4701303236		108		THOMAS JOHNSON #668	SHERMAN	0.3	CABOT CORP
8134869		4701303237		108		THOMAS JOHNSON #669	SHERMAN	0.3	CABOT CORP
8134865		4701303233		108		WARD H BETTS #640	CENTER	0.8	CABOT CORP

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FILD NAME	PROD	PURCHASER
CABIN CREEK	2.1	CABOT CORP
CABIN CREEK	0.7	CABOT CORP
LEE	0.9	CABOT CORP
LEE	1.3	CABOT CORP
LEE	0.8	CABOT CORP
LEE	0.3	CABOT CORP
LEE	1.9	CABOT CORP
LEE	0.3	CABOT CORP
LEE	0.8	CABOT CORP
JEFFERSON	1.0	CABOT CORP
JEFFERSON	0.3	CABOT CORP
CABIN CREEK	0.6	CABOT CORP
CABIN CREEK	2.5	CABOT CORP
SHERMAN	1.5	CABOT CORP
LEE	0.5	CABOT CORP
LEE	0.6	CABOT CORP
LEE	0.5	CABOT CORP
SHERIDAN	0.8	CABOT CORP
SHERIDAN	1.7	CABOT CORP
GRANT DISTRICT (HAWKS NE	45.0	EQUITABLE GAS
TWENTY MILE CREEK	37.0	CABOT CORP
MARSH FORK	162.0	COLUMBIA GAS TRAN
PETERS CREEK	27.0	EQUITABLE GAS
TWENTY MILE CREEK	15.0	CABOT CORP
TWENTY MILE CREEK	7.0	CABOT CORP
MARSH FORK	46.0	COLUMBIA GAS TRAN
ELLSWORTH DISTRICT	15.0	
GLENVILLE NORTH	40.0	COLUMBIA GAS TRAN
BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
TYGART RIVER VALLEY	0.0	CONSOLIDATED GAS
GARFIELD	6.0	CABOT CORP

JOB NO	DA CAT	API NO	D SEC CAT	WELL NAME
-SOUTHEASTERN GAS COMPANY				RECEIVED: 06/02/81 JA: WV
8134922		4703903704	108	B G WATSON #R-1
8134898		4703903701	108	ELAIZA A BRANNON #P-7
8134931		4701320273	108	G W HARDMAN #767
8134933		4701320322	108	G W HARDMAN #770
8134926		4701320028	108	IDA MCCOY #625
8134929		4701320170	108	JOHN SLIDER #761
8134930		4701320229	108	JOHN SLIDER #765
8134917		4701303242	108	L A STURM #621
8134928		4701320025	108	L A STURM #683
8134934		4706720038	108	S M CRAIG #1 #SDN-1
8134935		4706720045	108	S M CRAIG #3 SDN-3
8134921		4703903702	108	SMITHERS HEIRS #M-5
8134920		4703903703	108	SOUTHEASTERN GAS #C-17
8134895		4701303245	108	SPENCER WHITE #670
8134932		4701320255	108	W G LITTLE #769
8134918		4701303243	108	W M TRIPLETT #631
8134927		4701303244	108	W M TRIPLETT #632
8134896		4701303246	108	WOLVERTON HEIRS #634
8134897		4701303247	108	WOLVERTON HEIRS #635
-TALLWOOD CORP				RECEIVED: 06/01/81 JA: WV
8134833		4706700550	102-4	GEO A RAGLAND #3
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 06/02/81 JA: WV
8134903		4706700537	103	BETHLEHEM MINES CORP #46
8134901		4708100371	103	ROWLAND LAND COMPANY #B-1
8134900		4706700548	102-2	VIRGINIA TETRICK #1
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 06/04/81 JA: WV
8134946		4701501802	103	BETHLEHEM MINES CORP #20
8134947		4701501805	103	BETHLEHEM MINES CORP #61
8134945		4700501324	103	WESTERN POCAHONTAS 07
-THE CARTER JONES LUMBER CO				RECEIVED: 06/02/81 JA: WV
8134915		4709500799	103	C LANCASTER #1
-TRIO PETROLEUM CORP				RECEIVED: 06/01/81 JA: WV
8134886		4702103582	103	THOMPSON NO 1
-UNION DRILLING, INC				RECEIVED: 06/02/81 JA: WV
8134892		4709702122	103	ROCKY CANFIELD #1 1602
-UNITED OPERATING CO				RECEIVED: 06/01/81 JA: WV
8134891		4708101326	103	DARL HEATHERLY 1-A
-UNITED PETRO LTD				RECEIVED: 06/01/81 JA: WV
8134890		4710500865	103	LEWIS H FULL #1-A

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidental under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 17, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS Lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19498 Filed 7–1–81; 8:45 am]

BILLING CODE 6450–85–M

UMI 118 2FU 7216V

[Volume 459]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 29, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-ACE DRILLING SERVICES INC		RECEIVED: 06/04/81 JA: LA							
8135115	81-1208	1711121761		107	TF	GIBSON ESTATE #1	MONROE	12.0	WEST MONROE GAS G
8135023	81-1044	1711122698		108		GIBSON ESTATE #10	MONROE	12.0	WEST MONROE GAS G
8135123	81-1200	1711121762		107	TF	GIBSON ESTATE #2	MONROE	12.0	WEST MONROE GAS G
8135122	81-1201	1711121763		107	TF	GIBSON ESTATE #3	MONROE	12.0	WEST MONROE GAS G
8135121	81-1202	1711121764		107	TF	GIBSON ESTATE #4	MONROE	12.0	WEST MONROE GAS G
8135120	81-1203	1711121765		107	TF	GIBSON ESTATE #5	MONROE	12.0	WEST MONROE GAS G
8135119	81-1204	1711121766		107	TF	GIBSON ESTATE #6	MONROE	12.0	WEST MONROE GAS G
8135126	81-1197	1711121767		107	TF	GIBSON ESTATE #7	MONROE	12.0	WEST MONROE GAS G
8135118	81-1205	1711121758		107	TF	GIBSON ESTATE #8	MONROE	12.0	WEST MONROE GAS G
8135117	81-1206	1711121768		107	TF	GIBSON ESTATE #9	MONROE	12.0	WEST MONROE GAS G
8135125	81-1198	1711121337		107	TF	HOPKINS ESTATE #1	MONROE	5.0	WEST MONROE GAS G
8135124	81-1199	1711121338		107	TF	HOPKINS ESTATE #2	MONROE	5.0	WEST MONROE GAS G
8135011	81-1046	1711121339		108		HOPKINS ESTATE #3	MONROE	8.0	WEST MONROE GAS G
8135021	81-1045	1711122700		108		PEARSON ESTATE #1	MONROE	4.0	WEST MONROE GAS G
8135116	81-1207	1711121802		107	TF	WELLS #1	MONROE	6.0	WEST MONROE GAS G
8135022	81-1043	1711122728		108		WINES #1	MONROE	11.0	WEST MONROE GAS G
-AMOCO PRODUCTION CO		RECEIVED: 06/04/81 JA: LA							
8135109	81-1164	1711920002		108		A A HUDSON #3 RUSHING LIME SUB	MINDEN	17.1	TEXAS GAS TRANSMI
8135107	81-1166	1703100685		108		WURTSBAUGH #5 CRANE SU 30	BETHANY LONGSTREET	13.0	TEXAS EASTERN TRA
-CABOT CORPORATION		RECEIVED: 06/04/81 JA: LA							
8135174	81-1062	1704720569		102	-4	BAIST COOPERAGE & LUMBER COMPANY	WHITE CASTLE	1460.0	ENERGY DEVELOPMEN
-CRYSTAL OIL COMPANY		RECEIVED: 06/04/81 JA: LA							
8135037	81-1074	1701521413		102	-4	INTERNATIONAL PAPER CO A-1 HAY RA	ARKANA	13.1	ARKANSAS LOUISIAN
8135032	81-1075	1701521545		102	-4	MORESI #1 HAY RA SU U	ARKANA	46.5	ARKANSAS LOUISIAN
-CUSTER K PRIMOS		RECEIVED: 06/04/81 JA: LA							
8135036	81-1055	1711100497		108		G W LOVE #1	MONROE	47.0	EASON OIL CO
-DEKASCO INC		RECEIVED: 06/04/81 JA: LA							
8135009	81-1072	1708502911		108		OLIN B 1	CONVERSE	3.8	J-W OPERATING CO
8135010	81-1073	1708520080		108		OLIN B 7	CONVERSE	5.0	J-W OPERATING CO
-ELGIE CO INC		RECEIVED: 06/04/81 JA: LA							
*8135137	81-1037	1701723730		103		BROWN #1-D PXY SU A	GREENWOOD-WASKOM	140.0	TEXAS EASTERN TRA
-ERGON INC		RECEIVED: 06/04/81 JA: LA							
8135098	81-1175	1711122148		107	TF	ALTON G ANDREWS AC 1	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8135106	81-1167	1711122141		107	TF	BOBBY ANDREWS NO 1	MONROE (6824)	10.9	TEXAS GAS TRANSMI
8135065	81-1221	1711122216		107	TF	C W WHEELER NO 1	MONROE (6824)	7.8	TEXAS GAS TRANSMI
8135094	81-1179	1711122279		107	TF	EMMETT JOHNSON NO 1	MONROE (6824)	8.7	TEXAS GAS TRANSMI
8135067	81-1219	1711121932		107	TF	ESTHER MILLER NO 1	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8135111	81-1212	1711122306		107	TF	ETHEL ALLEN NO 1 VUA	MONROE (6824)	15.5	TEXAS GAS TRANSMI
8135103	81-1171	1711121939		107	TF	EXXON C NO 3	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8135101	81-1172	1711121973		107	TF	EXXON D NO 3	MONROE (6824)	16.2	TEXAS GAS TRANSMI

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135100	81-1173	1711121977		107	TF	EXXON D NO 4	MONROE (6824)	12.4	TEXAS GAS TRANSMI
8135099	81-1174	1711121974		107	TF	EXXON E NO 3	MONROE (6824)	11.5	TEXAS GAS TRANSMI
8135104	81-1169	1711121976		107	TF	EXXON E NO 4	MONROE (6824)	11.8	TEXAS GAS TRANSMI
8135102	81-1170	1711122211		107	TF	FOWLER ESTATE NO 1	MONROE (6824)	16.4	TEXAS GAS TRANSMI
8135113	81-1210	1711122495		107	TF	G A DUGAS NO 2 VUP	MONROE (6824)	7.8	TEXAS GAS TRANSMI
8135097	81-1176	1711122177		107	TF	H L EVANS ET AL NO 2	MONROE (6824)	10.9	TEXAS GAS TRANSMI
8135068	81-1218	1711122304		107	TF	JOE C MILLER NO 4	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8135095	81-1178	1711122142		107	TF	JOHN GREENE NO 3	MONROE (6824)	4.7	TEXAS GAS TRANSMI
8135096	81-1177	1711122241		107	TF	KENNETH GRAY ESTATE NO 1	MONROE (6824)	12.7	TEXAS GAS TRANSMI
8135114	81-1209	1711122289		107	TF	L D KING NO 1	MONROE (6824)	8.7	TEXAS GAS TRANSMI
8135066	81-1220	1711121809		107	TF	MATTHEW W TAYLOR ET AL NO 1	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8135142	81-1217	1711121933		107	TF	MATTHEW W TAYLOR ET AL NO 2	MONROE (6824)	7.8	TEXAS GAS TRANSMI
8135143	81-1216	1711122026		107	TF	MATTHEW W TAYLOR ET AL NO 3	MONROE (6824)	10.2	TEXAS GAS TRANSMI
8135144	81-1215	1711122025		107	TF	MATTHEW W TAYLOR ET AL NO 4	MONROE (6824)	10.9	TEXAS GAS TRANSMI
8135145	81-1214	1711122185		107	TF	P N EDWARDS NO 2	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8135105	81-1168	1711121991		107	TF	T W GREEN NO 1	MONROE (6824)	7.8	TEXAS GAS TRANSMI
8135064	81-1222	1711122290		107	TF	TIM GREEN NO 3	MONROE (6824)	12.4	TEXAS GAS TRANSMI
8135146	81-1213	1711122512		107	TF	W C ADCOCK ESTATE NO 1	MONROE (6824)	8.1	TEXAS GAS TRANSMI
8135112	81-1211	1711122184		107	TF	W L ALLEN NO 2	MONROE (6824)	14.0	TEXAS GAS TRANSMI
-GAS DEVELOPMENT CORP		RECEIVED: 06/04/81 JA: LA							
8135082	81-1155	1707320892		108		GONZALES #1	MONROE GAS	14.0	IMC EXPLORATION C
8135081	81-1154	1707320896		108		GONZALES #2	MONROE GAS	14.0	IMC EXPLORATION C
8135084	81-1162	1707320890		108		JINKS #1	MONROE GAS	7.0	IMC EXPLORATION C
8135083	81-1153	1711121227		108		JORDAN #1	MONROE GAS	19.0	IMC EXPLORATION C
8135080	81-1156	1711121228		108		JORDAN #2	MONROE GAS	25.0	IMC EXPLORATION C
8135085	81-1161	1707321020		108		MCREE #1	MONROE GAS	17.0	IMC EXPLORATION C
8135078	81-1158	1707320924		108		MCREE #4	MONROE GAS	17.0	IMC EXPLORATION C
8135079	81-1157	1707321023		108		MCREE #5	MONROE GAS	17.0	IMC EXPLORATION C
8135086	81-1160	1707321024		108		MCREE #6	MONROE GAS	17.0	IMC EXPLORATION C
8135087	81-1159	1707321025		108		MCREE #7	MONROE GAS	17.0	IMC EXPLORATION C
-GLENDA PETROLEUM CORP		RECEIVED: 06/04/81 JA: LA							
8135191	81-1147	1711122644		108		RABUN 22 #10 S/N 169961	MONROE	15.0	MID LOUISIANA GAS
8135190	81-1148	1711122637		108		RABUN 22 #3 S/N 169954	MONROE	14.4	MID LOUISIANA GAS
8135189	81-1149	1711122638		108		RABUN 22 #4 S/N 169955	MONROE	14.4	MID LOUISIANA GAS
8135192	81-1146	1711122639		108		RABUN 22 #5 S/N 169956	MONROE	15.5	MID LOUISIANA GAS
8135188	81-1150	1711122640		108		RABUN 22 #6 S/N 169957	MONROE	15.5	MID LOUISIANA GAS
8135069	81-1152	1711122642		108		RABUN 22 #8 S/N 169959	MONROE	14.4	MID LOUISIANA GAS
8135070	81-1151	1711122643		108		RABUN 22 #9 S/N 169960	MONROE	14.4	MID LOUISIANA GAS
-GOLDKING PRODUCTION COMPANY		RECEIVED: 06/04/81 JA: LA							
8135038	81-1038	17023214#5		102	-4	REINA NO 2	KINGS BAYOU	1695.0	LOUISIANA INTRAST
-HIBBARD-FROST-SMITH		RECEIVED: 06/04/81 JA: LA							
8135034	81-1053	1707321531		108		MOBIL OIL E & P SE INC #10	MONROE GAS	4.0	MID-LOUISIANA GAS
8135020	81-1054	1707321532		108		MOBIL OIL E & P SE INC #11	MONROE GAS	6.0	MID-LOUISIANA GAS
8135026	81-1052	1707321527		108		MOBIL OIL E & P SE INC #9	MONROE GAS	6.0	MID LOUISIANA GAS
-HOOTKINS-SMITH LA LTD		RECEIVED: 06/04/81 JA: LA							
8135058	81-1122	1711121709		108		REAL #1	MONROE GAS FIELD	23.0	WEST MONROE GAS G
8135127	81-1196	1711121256		107	TF	V C EDWARDS #1	MONROE	7.0	TEXAS GAS TRANSMI
-IMC EXPLORATION COMPANY		RECEIVED: 06/04/81 JA: LA							
8135027	81-1051	1707321567		108		ABE ARENT ET AL #3	MONROE	13.0	IMC PIPELINE CO I
8135028	81-1050	1707321568		108		ABE ARENT ET AL #4	MONROE	13.0	IMC PIPELINE CO I
8135029	81-1049	1707321500		108		ABE ARENT ET AL #6	MONROE	6.0	IMC PIPELINE CO I
8135060	81-1121	1707321718		103		COLE T #31	MONROE	11.0	IMC PIPELINE CO I
8135059	81-1120	1707321721		103		COLE T #32	MONROE	11.0	IMC PIPELINE CO I

JOB NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135175	81-1059	1711123106		103		EXXON 31 NO 9	MONROE	32.0	INC PIPELINE CO I
-JIM V HADDOX				RECEIVED: 06/04/81 JA: LA					
8135035	81-1041	1707320218		108		D&W INABNET #1	MONROE GAS ROCK	6.6	MID LOUISIANA GAS
8135024	81-1042	1707320219		108		D&W INABNET #2	MONROE GAS ROCK	6.6	MID LOUISIANA GAS
8135025	81-1040	1711120484		108		PEEK ESTATE #1	MONROE GAS ROCK	3.9	MID LOUISIANA GAS
8135012	81-1039	1711120147		108		PLAZA PEEK #1	MONROE GAS ROCK	8.2	MID LOUISIANA GAS
-LUFFEY GAS CORP				RECEIVED: 06/04/81 JA: LA					
8135091	81-1182	1711120945		108		EXXON 19-1	MONROE GAS FIELD	4.5	LOUISIANA POWER &
8135135	81-1188	1711120798		108		EXXON 30-A-1	MONROE GAS FIELD	2.1	LOUISIANA POWER &
8135092	81-1181	1711120799		108		EXXON 30-A-2	MONROE GAS FIELD	2.9	LOUISIANA POWER &
8135093	81-1180	1711120800		108		EXXON 30-A-3	MONROE GAS FIELD	2.9	LOUISIANA POWER &
8135134	81-1189	1711120801		108		EXXON 30-A-4	MONROE GAS FIELD	2.1	LOUISIANA POWER &
8135089	81-1184	1711120772		108		EXXON 30-1	MONROE GAS FIELD	6.2	LOUISIANA POWER &
8135088	81-1185	1711120773		108		EXXON 30-2	MONROE GAS FIELD	2.9	LOUISIANA POWER &
8135138	81-1186	1711120774		108		EXXON 30-3	MONROE GAS FIELD	6.2	LOUISIANA POWER &
8135136	81-1187	1711120775		108		EXXON 30-4	MONROE GAS FIELD	2.9	LOUISIANA POWER &
8135090	81-1183	1711120956		108		EXXON 32-1	MONROE GAS FIELD	7.9	INC PIPELINE CO I
-MARATHON OIL COMPANY				RECEIVED: 06/04/81 JA: LA					
8135194	81-1139	1711900801		108-ER		MAGNOLIA J T MARSHALL #7 CVSU	COTTON VALLEY	3.0	UNITED GAS PIPE L
8135110	81-1163	1711900829		108		NEBG #1 CVSU CVOC NEBG	COTTON VALLEY	8.5	UNITED GAS PIPE L
-MARSHALL EXPLORATION INC				RECEIVED: 06/04/81 JA: LA					
8135193	81-1145	1703121204		103		AVERETT #5 MOSS SUY	LOGANSPORT	550.0	SOUTHERN NATURAL
8135170	81-1080	1703120967		108		BARNES #1 FBG RA SU 96	LOGANSPORT	2.0	TENNESSEE GAS PIP
8135171	81-1081	1703120980		108		BLUE #2 FBG RA SU 125	LOGANSPORT	9.0	TENNESSEE GAS PIP
8135169	81-1079	1703121128		108		ELLIOTT #1 FBG RA SU 127	LOGANSPORT	14.0	TENNESSEE GAS PIP
8135178	81-1056	1703100419		108		LEVI-BURKETT #1 MOSS SU Z	LOGANSPORT	19.0	SOUTHERN NATURAL
8135054	81-1141	1703120874		108		LUM #1 FBG RA SU 120	LOGANSPORT	6.0	TENNESSEE GAS PIP
8135045	81-1140	1703120875		108		LUM #2 FBG RA SU 121	LOGANSPORT	5.0	TENNESSEE GAS PIP
-MID LOUISIANA GAS COMPANY				RECEIVED: 06/04/81 JA: LA					
8135187	81-1142	1711123026		103		MLGC FEE GAS #1009	MONROE GAS FIELD	18.6	MID LOUISIANA GAS
8135186	81-1143	1711123056		103		MLGC FEE GAS #1010	MONROE GAS FIELD	15.3	MID LOUISIANA GAS
8135031	81-1047	1711123057		103		MLGC FEE GAS #1011	MONROE GAS FIELD	48.2	MID LOUISIANA GAS
8135030	81-1048	1711123058		103		MLGC FEE GAS #1012	MONROE GAS FIELD	19.3	MID LOUISIANA GAS
-MITCHELL ENERGY CORPORATION				RECEIVED: 06/04/81 JA: LA					
8135055	81-1125	1704920133		103		T J GREEN #1	KELLEYS	250.0	
-NAUMAN S SCOTT III				RECEIVED: 06/04/81 JA: LA					
8135149	81-1101	1711122353		108		PETRO-LEWIS PENNZOIL FEE 127 #4	MONROE	15.0	PETRO-LEWIS FUNDS
-NELSON OIL & GAS INC				RECEIVED: 06/04/81 JA: LA					
8135141	81-1034	1711920246		103		J D BATES A #1 C SU B	ADA	100.0	ARKANSAS LOUISIAN
8135140	81-1035	1711920246		103		J D BATES A #1-D MILL SU G	ADA	100.0	ARKANSAS LOUISIAN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/04/81 JA: LA					
8135058	81-1126	1711920257		103		DAVIS O NO 3	ADA	1460.0	SOUTHWESTERN ELEC
-PRIMOS PRODUCTION CO				RECEIVED: 06/04/81 JA: LA					
8135042	81-1114	1711122439		108		E NICHOLS #2 PETRO LEWIS	MONROE GAS	7.5	PETRO-LEWIS FUNDS
8135168	81-1078	1711122911		103		FROST LUMBER #28 PETRO-LEWIS	MONROE	28.5	PETRO-LEWIS FUNDS
8135167	81-1077	1711122978		103		FROST LUMBER #46 PETRO-LEWIS	MONROE	28.5	PETRO-LEWIS FUNDS
8135044	81-1113	1711122503		108		H H REARDON #1 PETRC LEWIS	MONROE GAS	3.4	PETRO-LEWIS FUNDS
8135047	81-1112	1711122504		108		H H REARDON #2 PETRO LEWIS	MONROE GAS	3.4	PETRO-LEWIS FUNDS
8135016	81-1105	1707321376		108		HATCHER EVANS #6 PETRO-LEWIS	MONROE GAS	9.2	PETRO-LEWIS FUNDS
8135013	81-1108	1711122615		108		J B ROBERSON #1 PETRO LEWIS	MONROE GAS	7.7	PETRO-LEWIS FUNDS
8135014	81-1107	1711122616		108		J B ROBERSON #2 PETRO LEWIS	MONROE GAS	7.7	PETRO-LEWIS FUNDS
8135165	81-1092	1711122485		108		J S MANDY #1 PETRO-LEWIS	MONROE	10.4	PETRO-LEWIS FUNDS
8135152	81-1093	1711122486		108		J S MANDY #2 PETRO-LEWIS	MONROE	3.9	PETRO-LEWIS FUNDS

JOB NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135018	81-1103	1711122444		108		PENNZOIL FEE 107 #1 PETRO-LEWIS	MONROE	9.2	PETRO-LEWIS FUNDS
8135052	81-1110	1711122406		108		PENNZOIL FEE 119 #5 PETRO-LEWIS	MONROE GAS	12.4	PETRO-LEWIS FUNDS
8135053	81-1109	1711122407		108		PENNZOIL FEE 119 #6 PETRO-LEWIS	MONROE GAS	12.4	PETRO-LEWIS FUNDS
8135051	81-1111	1711122372		108		PENNZOIL FEE 65 #2 PETRO LEWIS	MONROE GAS	13.9	PETRO LEWIS FUNDS
8135017	81-1104	1711122369		108		PENNZOIL FEE 65 #6 PETRO-LEWIS	MONROE	12.8	PETRO-LEWIS FUNDS
8135153	81-1094	1707321341		108		PETRO-LEWIS BEENSTEEN #1	MONROE	3.8	PETRO-LEWIS FUNDS
8135157	81-1098	1711122591		108		PETRO-LEWIS FROST LUMBER #28	MONROE	5.0	PETRO-LEWIS FUNDS
8135164	81-1091	1711122497		108		PETRO-LEWIS HOLLIS ET AL #1	MONROE	4.0	PETRO-LEWIS FUNDS
8135033	81-1076	1711122459		103		PETRO-LEWIS HOLLIS ET AL #3	MONROE	10.3	PETRO-LEWIS FUNDS
8135172	81-1082	1711122386		108		PETRO-LEWIS PENNZOIL FEE 119 #1	MONROE	6.3	PETRO-LEWIS FUNDS
8135154	81-1095	1711122387		108		PETRO-LEWIS PENNZOIL FEE 119 #2	MONROE	6.3	PETRO-LEWIS FUNDS
8135155	81-1096	1711122388		108		PETRO-LEWIS PENNZOIL FEE 119 #3	MONROE	6.3	PETRO-LEWIS FUNDS
8135156	81-1097	1711122389		108		PETRO-LEWIS PENNZOIL FEE 119 #4	MONROE	6.3	PETRO-LEWIS FUNDS
8135166	81-1084	1711122350		108		PETRO-LEWIS PENNZOIL FEE 127 #1	MONROE	15.0	PETRO-LEWIS FUNDS
8135158	81-1085	1711122351		108		PETRO-LEWIS PENNZOIL FEE 127 #2	MONROE	15.0	PETRO-LEWIS FUNDS
8135159	81-1086	1711122352		108		PETRO-LEWIS PENNZOIL FEE 127 #3	MONROE	15.0	PETRO-LEWIS FUNDS
8135173	81-1083	1711122405		108		PETRO-LEWIS PENNZOIL FEE 65 #8	MONROE	10.2	PETRO-LEWIS FUNDS
8135160	81-1087	1707321457		108		PETRO-LEWIS SPADES #1	MONROE	5.5	PETRO-LEWIS FUNDS
8135161	81-1088	1707321466		108		PETRO-LEWIS SPADES #2	MONROE	5.5	PETRO-LEWIS FUNDS
8135147	81-1099	1711122522		108		PETRO-LEWIS UNION PROD FEE 113 #4	MONROE	3.0	PETRO-LEWIS FUNDS
8135148	81-1100	1711122523		108		PETRO-LEWIS UNION PROD FEE 113 #5	MONROE	3.0	PETRO-LEWIS FUNDS
8135162	81-1089	1711122524		108		PETRO-LEWIS UNION PROD FEE 113 #6	MONROE	8.1	PETRO-LEWIS FUNDS
8135163	81-1090	1711122525		108		PETRO-LEWIS UNION PROD FEE 113 #7	MONROE	8.1	PETRO-LEWIS FUNDS
8135015	81-1106	1707321339		108		PETRO-LEWIS WELL #1	MONROE GAS	9.9	PETRO-LEWIS FUNDS
8135019	81-1102	1711122464		108		UNION POWER #1 PETRO-LEWIS	MONROE	2.4	PETRO-LEWIS FUNDS
8135041	81-1117	1711122573		108		W B MCKINNIE #2 PETRO LEWIS	MONROE GAS	7.1	PETRO-LEWIS FUNDS
8135043	81-1115	1711122554		108		W B MCKINNIE #4 PETRO LEWIS	MONROE GAS	9.3	PETRO-LEWIS FUNDS
8135040	81-1116	1711122593		108		W B MCKINNIE #5 PETRO LEWIS	MONROE GAS	9.3	PETRO-LEWIS FUNDS
-PRIMOS-PENNZOIL JV				RECEIVED: 06/04/81 JA: LA					
8135073	81-1228	1711122704		108		FEE 101 #1	MONROE	10.0	UNITED GAS PIPELI
8135074	81-1227	1711122188		108		FEE 105 #4	MONROE	13.8	UNITED GAS PIPELI
8135071	81-1230	1711122105		108		FEE 65 #1	MONROE	15.3	UNITED GAS PIPELI
8135072	81-1229	1711121808		108		FEE 99 #1	MONROE	11.0	UNITED GAS PIPELI
8135075	81-1226	1711121804		108		PACE #1	MONROE	4.7	UNITED GAS PIPELI
8135076	81-1225	1711121878		108		PACE #2	MONROE	9.6	UNITED GAS PIPE L
8135063	81-1223	1711121812		108		STEELE #1	MONROE	13.4	UNITED GAS PIPELI
8135077	81-1224	1711121813		108		STEELE #2	MONROE	13.4	UNITED GAS PIPE L
-RELIANCE CLEMENT & HOOTKINS				RECEIVED: 06/04/81 JA: LA					
8135128	81-1195	1711121803		107-TF		H D GREEN #1	MONROE	16.0	TEXAS GAS TRANSMI
-RELIANCE TRUSTS				RECEIVED: 06/04/81 JA: LA					
8135129	81-1194	1711121369		107-TF		OLINKRAFT #10	MONROE	3.0	TEXAS GAS TRANSMI
8135133	81-1190	1711121670		107-TF		OLINKRAFT #28	MONROE	19.0	TEXAS GAS TRANSMI
8135046	81-1138	1711122108		107-TF		OLINKRAFT #35	MONROE	16.0	TEXAS GAS TRANSMI
8135048	81-1137	1711122109		107-TF		OLINKRAFT #36	MONROE	11.0	TEXAS GAS TRANSMI
8135130	81-1193	1711121312		107-TF		OLINKRAFT #7	MONROE	17.0	TEXAS GAS TRANSMI
8135131	81-1192	1711121367		107-TF		OLINKRAFT #8	MONROE	12.0	TEXAS GAS TRANSMI
8135132	81-1191	1711121706		107-TF		SHACKLEFORD #1	MONROE	19.0	TEXAS GAS TRANSMI
-REMUDA OIL & GAS CO				RECEIVED: 06/04/81 JA: LA					
8135108	81-1165	1703120723		108		OLINKRAFT INC NO 1	SPICER (PALUXY)	9.3	LOUISIANA INTRAST
-SPIRIT PETROLEUM				RECEIVED: 06/04/81 JA: LA					
8135039	81-1135	1702120719		102-4		COMPTON NO 1 2000 RA SUC (171139)	BANKS SPRINGS	80.0	LOUISIANA INTRAST
8135049	81-1136	1702120584		102-4		OLINKRAFT D-6 2000 RA SUC	BANKS SPRINGS	0.0	LOUISIANA INTRAST
8135056	81-1124	1702120418		102-4		OLINKRAFT L NO 1 OLIN A6 SUA	BANKS SPRINGS	60.0	LOUISIANA INTRAST

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JD NO	JA JKT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 06/04/81 JA: LA			
8135062	01-1118	1705700006	107-TF	BOWIE 1-A CRIST A SUA	CHEGBY	194.0	SUGAR BOWL GAS CO
8135139	01-1036	1705701217	108	DIBERT STARK & BROWN NO 20	CHACAHOUTA	10.0	LOUISIANA INTRAST
-TEXACO INC				RECEIVED: 06/04/81 JA: LA			
*8135183	01-1064	1709720463	103	BOTANY BAY LBR CO MIN FEE TR-1 162	PORT BARRE	65.0	CONSOLIDATED ALUP
*8135179	01-1068	1709720509	103	BOTANY BAY LBR CO MIN FEE TR-1 174	PORT BARRE	10.0	CONSOLIDATED ALUP
*8135184	01-1063	1709720447	103	BOTANY BAY LBR CO MIN FEE TR-2 8166	PORT BARRE	7.0	CONSOLIDATED ALUP
*8135181	01-1066	1709720511	103	BOTANY BAY LBR CO MIN FEE TR-2 8171	PORT BARRE	185.0	CONSOLIDATED ALUP
*8135182	01-1065	1709720423	103	BOTANY BAY LBR CO MIN FEE TR-2 160	PORT BARRE	10.0	CONSOLIDATED ALUP
*8135008	01-1071	1709720446	103	BOTANY BAY LBR CO MIN FEE TR-2 164	PORT BARRE	10.0	CONSOLIDATED ALUP
*8135151	01-1070	1709720483	103	BOTANY BAY LBR CO MIN FEE TR-2 170	PORT BARRE	140.0	CONSOLIDATED ALUP
*8135180	01-1067	1709720495	103	BOTANY BAY LBR CO MIN FEE TR-2 172	PORT BARRE	5.0	CONSOLIDATED ALUP
*8135150	01-1069	1709720432	103	BOTANY BAY LBR CO MIN FEE TR-2159	PORT BARRE	225.0	CONSOLIDATED ALUP
*8135061	01-1119	1705721640	102-A	LATERRE NO 271 10560 RM SUA	GOLDEN MEADOW	85.0	KAISER ALUMINUM &
-TRANSCO EXPLORATION COMPANY				RECEIVED: 06/06/81 JA: LA			
8135185	01-1144	1703121319	102-A	MCCOY ET AL NO 1 HOSS RA SUE	SPIDER	438.0	TRANSCONTINENTAL
-VIKING RESOURCES (LA)				RECEIVED: 06/06/81 JA: LA			
8135176	01-1058	1711122857	108	FROST D #5	MONROE	5.0	PETRO-LEWIS FUNDS
8135177	01-1057	1711122858	108	FROST D NO 6	MONROE	5.0	PETRO-LEWIS FUNDS
-VISTA INVESTMENTS				RECEIVED: 06/08/81 JA: LA			
8135057	01-1123	1707520110	108	WADDILL NO 1	MONROE	0.0	INC PIPELINE CO I

BILLING CODE 6450-85-M

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 17, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19469 Filed 7-1-81; 8:45 am]
BILLING CODE 6450-85-M

V46/127 JUL 2 1981 UMI

JD NO	JA CAT	AFI NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS							
-ABLE OIL & GAS PROGRAMS INC			RECEIVED: 06/08/81 JA: KY				
*8135336	502143	1610700000	102-4	PEARL ASHBY ET AL NC 1-G	ANTON	50.0	ORBIT GAS CO
-ALERT OIL & GAS COMPANY INC			RECEIVED: 06/08/81 JA: KY				
8135342	502149	1619500000	108	GROVER SANDERS WELL	PIKEVILLE	6.0	COLUMBIA GAS TRAN
-ANTARES OIL CORPORATION			RECEIVED: 06/08/81 JA: KY				
8135402	502209	1610700000	103	ASTER MCELVAIN #2 40535	HANSON EAST	180.0	ORBIT GAS CO
8135401	502208	1610700000	103	ASTER MCELVAIN #3 40669	HANSON EAST	0.0	ORBIT GAS CO
-BOB HURT DRILLING CO			RECEIVED: 06/08/81 JA: KY				
8135255	502061	1619535031	107-DV	COWPEN LAND CO WELL #2 (G)	EASTERN KENTUCKY	0.0	COLUMBIA GAS TRAN
-CITIES SERVICE COMPANY			RECEIVED: 06/08/81 JA: KY				
8135398	502205	1619500000	108	CHESAPEAKE MINERAL B-17	CANADA 50	3.0	COLUMBIA GAS TRAN
8135397	502204	1619500000	108	CHESAPEAKE MINERAL B-23	CANADA	18.7	COLUMBIA GAS TRAN
8135396	502203	1619500000	108	COLEMAN A-1	CANADA	17.7	COLUMBIA GAS TRAN
8135395	502202	1619500000	108	DAUGHERTY A-1	PETERS 53	16.0	COLUMBIA GAS TRAN
8135399	502206	1619500000	108	TIERNEY LAND CO A-41	CANADA 50	1.2	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 06/08/81 JA: KY				
8135403	502210	1619500000	107-DV	B E BEVINS 808278	KENTUCKY AREA C	29.0	COLUMBIA GAS TRAN
8135245	501835	1612732359	102-2	DEWEY KITCHEN ETAL 820507	KENTUCKY AREA A	42.0	COLUMBIA GAS TRAN
8135240	501830	1612732358	102-2	ERIE WRIGHT 820508	KENTUCKY AREA A	42.0	COLUMBIA GAS TRAN
8135241	501831	1612734778	102-3	ESTHER HAYES ETAL 820298	KENTUCKY AREA A	80.0	COLUMBIA GAS TRAN
*8135298	502104	1615933158	107-DV	FED GAS OIL & COAL CO 820461	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8135242	501832	1612732258	102-2	GEORGE D JOBE 820503	KENTUCKY AREA A	21.0	COLUMBIA GAS TRAN
8135238	501828	1612732360	102-2	HERMAN & NELL WEBB NO 1 820509	KENTUCKY AREA A	21.0	COLUMBIA GAS TRAN
8135264	502070	1607125264	107-DV	JOE T HARRIS ET UX 809608	KENTUCKY AREA B	11.0	COLUMBIA GAS TRAN
8135244	501834	1612732361	102-2	JOHN P PRINCE 820506	KENTUCKY AREA A	42.0	COLUMBIA GAS TRAN
8135309	502115	1619534409	107-DV	KENTLAND COMPANY 820549	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8135243	501833	1612732257	102-2	M D SIMPSON NO 3 820504	KENTUCKY AREA A	42.0	COLUMBIA GAS TRAN
8135246	501836	1612732259	102-2	M SIMPSON 820502	KENTUCKY AREA A	42.0	COLUMBIA GAS TRAN
8135239	502094	1612932260	102-2	MARGARET SIMPSON NO 4 820505	KENTUCKY AREA A	42.0	COLUMBIA GAS TRAN
8135323	502129	1615900000	103	POCAHONTAS KENTUCKY CORP 820337	KENTUCKY FIELD AREA C	6.0	COLUMBIA GAS TRAN
8135262	502068	1615933602	107-DV	POCAHONTAS KENTUCKY 820371	KENTUCKY AREA C	38.0	COLUMBIA GAS TRAN
8135404	502211	1615900000	107-DV	POCAHONTAS KENTUCKY 820463	KENTUCKY AREA C	47.0	COLUMBIA GAS TRAN
8135247	501837	1615932655	102-4	POCAHONTAS KENTUCKY 820536	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8135312	502118	1615933603	107-DV	POCAHONTAS KY CORP 820372	KENTUCKY FIELD AREA C	25.0	COLUMBIA GAS TRAN
8135263	502069	1615932581	107-DV	POCAHONTAS LAND CO 820460	KENTUCKY AREA C	24.0	COLUMBIA GAS TRAN
8135311	502117	1615932635	107-DV	POCAHONTAS LAND CORP 820456	KENTUCKY FIELD AREA C	30.0	COLUMBIA GAS TRAN
8135261	502067	1615931155	107-DV	POCOHONTAS LAND AO 102 820337	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8135260	502066	1615931020	107-DV	TCO MINERAL TRACT 820336	KENTUCKY AREA C	16.2	COLUMBIA GAS TRAN
8135259	502065	1619536866	107-DV	THE KENTLAND COMPANY 820689	KENTUCKY AREA C	80.0	COLUMBIA GAS TRAN
8135310	502116	1619534779	107-DV	W M FULLER ET AL 820688	KENTUCKY AREA C	146.0	COLUMBIA GAS TRAN
-COMPASS PETROLEUM INDUSTRIES INC			RECEIVED: 06/08/81 JA: KY				

JD NO	JA CAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135346	502153	1608500000	108	DINWIDDIE HEIRS #1	SHREWSBURY	7.1	EQUITABLE LIFE AS
8135394	502201	1608500000	107-DV	DINWIDDIE HEIRS WELL #6	SHREWSBURY	3.6	EQUITABLE LIFE AS
8135386	502193	1608500000	103	ETTA BLAND WELL #1	SHREWSBURY	3.6	EQUITABLE LIFE AS
8135400	502207	1608500000	107-DV	M G WOOSLEY #1	SHREWSBURY	28.8	EQUITABLE LIFE AS
8135358	502157	1608500000	107-DV	M G WOOSLEY #3 PERMIT 835077	SHREWSBURY	18.0	EQUITABLE LIFE AS
8135345	502152	1608500000	108	SENNINGER #1	SHREWSBURY	10.8	EQUITABLE LIFE AS
-DELTA GAS CORP			RECEIVED: 06/08/81 JA: KY				
8135332	502138	1612700000	107-DV	ROBERTSON COAL COMPANY NO 6	NATS CREEK-EVANS FORK	54.8	COLUMBIA GAS TRAN
8135333	502139	1612700000	107-DV	ROBERTSON COAL COMPANY NO 7	NATS CREEK-EVANS FORK	54.8	COLUMBIA GAS TRAN
-EQUITABLE LIFE ASSURANCE SOCIETY			RECEIVED: 06/08/81 JA: KY				
8135296	502102	1606100000	107-DV	DARROW LIKINS #1 37991	SHREWSBERRY GAS FIELD	0.0	MIDWESTERN PIPELI
8135294	502100	1608500000	107-DV	DUEL SEATON #1 37825	SHREWSBERRY GAS FIELD	0.0	MIDWESTERN PIPELI
8135287	502093	1608539869	107-DV	EQUITABLE-DUEL SEATON #3	SHREWSBERRY GAS FIELD	0.0	MIDWESTERN PIPELI
*8135290	502096	1608540445	107-DV	EQUITABLE-ESTIL SEATON #2	SHREWSBERRY GAS FIELD	9.0	MIDWESTERN GAS TR
8135291	502097	1608540199	107-DV	EQUITABLE-GARRY SEATON #1	SHREWSBERRY GAS FIELD	5.5	MIDWESTERN GAS TR
8135339	502146	1608500000	107-DV	EQUITABLE-HERMAN NASH #1	SHREWSBERRY GAS FIELD	4.8	MIDWESTERN GAS TR
*8135288	502094	1608539871	107-DV	EQUITABLE-MCBART LASHLEY #1	SHREWSBERRY GAS FIELD	13.0	MIDWESTERN GAS TR
8135286	502092	1608539868	107-DV	EQUITABLE-LONNIE JOHNSON #2	SHREWSBERRY GAS FIELD	8.0	MIDWESTERN PIPELI
8135283	502089	1608539488	107-DV	EQUITABLE-LOUIE LOGSDON #1	SHREWSBERRY GAS FIELD	1.5	MIDWESTERN PIPELI
8135285	502091	1608539487	107-DV	EQUITABLE-NOVAL SEATON #1	SHREWSBERRY GAS FIELD	12.0	MIDWESTERN PIPELI
*8135289	502095	1608540444	107-DV	EQUITABLE-NOVAL SEATON #3	SHREWSBERRY GAS FIELD	6.0	MIDWESTERN GAS TR
8135284	502090	1608539870	107-DV	EQUITABLE-OLIVE STEWART #1	SHREWSBERRY GAS FIELD	6.0	MIDWESTERN PIPELI
8135338	502145	1608500000	107-DV	EQUITABLE-SHIRLEY DECKER #1	SHREWSBERRY GAS FIELD	3.0	MIDWESTERN GAS TR
*8135337	502144	1608540778	107-DV	EQUITABLE-TRAVIS KERR #1	SHREWSBERRY GAS FIELD	11.0	MIDWESTERN GAS TR
8135281	502087	1608539076	107-DV	EQUITABLE/DUEL SEATON #2	SHREWSBERRY GAS FIELD	9.0	MIDWESTERN PIPELI
8135282	502088	1608539133	107-DV	EQUITABLE/ESTIL SEATON #1	SHREWSBERRY GAS FIELD	22.0	MIDWESTERN PIPELI
8135340	502147	1608500000	107-DV	EQUITABLE/MORRISON-SADLER #1	SHREWSBERRY GAS FIELD	8.0	MIDWESTERN GAS TR
8135280	502086	1608539265	107-DV	EQUITABLE/OTIS MOON #1	SHREWSBERRY GAS FIELD	13.0	MIDWESTERN PIPELI
8135279	502085	1608539134	107-DV	EQUITABLE/ROY WILLIS #1	SHREWSBERRY GAS FIELD	3.0	MIDWESTERN PIPELI
8135292	502098	1608500000	107-DV	H CLAGETT #1 37831	SHREWSBERRY GAS FIELD	0.0	MIDWESTERN PIPELI
8135293	502099	1608500000	107-DV	JOHNSON #1 37838	SHREWSBERRY GAS FIELD	0.0	MIDWESTERN PIPELI
-HOLLY CREEK PRODUCTION CORP			RECEIVED: 06/08/81 JA: KY				
*8135252	502029	1623700000	108	G T HURST #1	HOLLY CREEK FIELD	1.0	CAPITAL GAS & OIL
8135253	502030	1623700000	108	REED WILLIAMS #2	HOLLY CREEK FIELD	2.2	CAPITAL GAS & OIL
8135254	502031	1623700000	108	TOM & FLOSSIE ROSE #1	HOLLY CREEK FIELD	2.7	CAPITAL GAS & OIL
-IRVIN PORTER ROGERS			RECEIVED: 06/08/81 JA: KY				
8135329	502135	1605900000	102-2	KIRKPATRICK #1	RED MILL POOL	0.0	ORBIT GAS CO
-J SCOTT TALBOTT			RECEIVED: 06/08/81 JA: KY				
8135315	502121	1613100000	103	T-18 WELLS DAY PENNINGTON VERNON	DNA	0.0	KENTUCKY WEST VIR
8135316	502122	1613100000	103	T-19 RICE BROTHERS MINERAL CORP	LEATHERWOOD	0.0	KENTUCKY WEST VIR
8135343	502150	1613100000	103	T-20 ROSS BAKER COMPUNITY	CUTSHIN	30.0	KENTUCKY WEST VIR
8135327	502138	1613100000	103	T-22 U S FORESTRY SERVICE	HYDEN WEST	66.0	TEXAS EASTERN GAS
8135344	502151	1613100000	107-DV	T-31 FLOYD WELLS COAL & LAND #3	FLOYD	20.0	KENTUCKY WEST VIR
-J W KINZER			RECEIVED: 06/08/81 JA: KY				
8135369	502176	1611900000	107-DV	BECHAM COMBS WELL #1	BALL CREEK FIELD	2.1	INLAND GAS CO INC
8135382	502189	1619500000	107-DV	FANNIE J RUNYON #1	POND CREEK FIELD	3.5	COLUMBIA GAS TRAN
8135384	502191	1619500000	107-DV	FORD MOTOR #53 A	POND CREEK	9.3	KINNAG DEVELOPMEN
8135381	502188	1619500000	107-DV	FORD MOTOR WELL #48	POND CREEK	0.8	COLUMBIA GAS TRAN
8135380	502187	1619500000	107-DV	HOPKINS WELL #1	POND CREEK FIELD	3.3	COLUMBIA GAS TRAN
8135375	502182	1619300000	107-DV	MONTGOMERY COAL BLOCK 10 WELL 1	MONTGOMERY COAL FIELD	19.8	COLUMBIA GAS TRAN
8135373	502180	1619300000	107-DV	MONTGOMERY COAL BLOCK 12 WELL 2	MONTGOMERY COAL FIELD	19.8	COLUMBIA GAS TRAN
8135371	502178	1619300000	107-DV	MONTGOMERY COAL BLOCK 6 WELL 1	MONTGOMERY COAL FIELD	19.8	COLUMBIA GAS TRAN
8135374	502181	1619500000	107-DV	MONTGOMERY COAL BLOCK 6 WELL 2	MONTGOMERY COAL FIELD	19.8	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135372	502179	1619300000		107	DV	MONTGOMERY COAL BLOCK 7 WELL #1	MONTGOMERY COAL FIELD	19.8	COLUMBIA GAS TRAN
8135370	502177	1619300000		107	DV	MONTGOMERY COAL BLOCK 9 WELL #2	MONTGOMERY COAL FIELD	19.8	COLUMBIA GAS TRAN
8135377	502184	1619500000		107	DV	NANCY JANE VARNEY	POND CREEK FIELD	9.6	COLUMBIA GAS TRAN
8135379	502186	1619500000		107	DV	TIERNEY #1	POND CREEK FIELD	2.3	COLUMBIA GAS TRAN
8135383	502190	1619500000		107	DV	VARNEY HEIRS #3 WELL	POND CREEK FIELD	9.6	COLUMBIA GAS TRAN
8135378	502185	1619500000		107	DV	VARNEY HEIRS #2 WELL	POND CREEK FIELD	9.6	COLUMBIA GAS TRAN
8135376	502183	1619500000		107	DV	VARNEY HEIRS WELL #1	POND CREEK FIELD	9.6	COLUMBIA GAS TRAN
8135313	502119	1619300000		107	DV	WASH COMBS #1	BULL CREEK	0.0	KENTUCKY WEST VIR
8135314	502120	1619300000		107	DV	WASH COMBS #2	BULL CREEK	0.0	KENTUCKY WEST VIR
-JIMMY HAMILTON GAS & OIL				RECEIVED: 06/08/81 JA: KY					
8135325	502131	1613100000		103		ELI BAKER ETAL 155	CUTSHIN	0.0	KENTUCKY WEST VIR
8135349	502156	1615900000		107	DV	W J PARKS WELL #122	WOLF CREEK	18.3	COLUMBIA GAS TRAN
8135352	502159	1615900000		107	DV	W J PARKS WELL NO 126	WOLF CREEK	0.0	COLUMBIA GAS TRAN
8135326	502132	1615900000		103		W J PARKS 123	KERMIT	12.0	COLUMBIA GAS TRAN
8135351	502158	1615900000		107	DV	W J PARKS 123		12.0	COLUMBIA GAS TRAN
-KENTUCKY WEST VA GAS COMPANY				RECEIVED: 06/08/81 JA: KY					
8135317	502123	1611900000		103		DORA DOBSON - NO 1704	KENTUCKY EAST	13.7	KENTUCKY WEST VIR
8135320	502126	1613300000		103		ELKHORN COAL COMPANY - NO 1716	KY EAST	46.8	KENTUCKY WEST VIR
8135319	502125	1613300000		103		ELKHORN COAL COMPANY-NO 1715	KENTUCKY EAST	14.9	KENTUCKY WEST VIR
8135256	502062	1619300000		107	DV	FLOYD M COMBS - WELL NO 1238	KENTUCKY EAST	23.0	KENTUCKY WEST VA
8135357	502164	1611900000		108		GRACE CARTER - NO 1648	KENTUCKY EAST	7.3	
8135358	502165	1611900000		108		GRACE CARTER - NO 1650	KENTUCKY EAST	10.9	
8135368	502175	1619500000		108		M G CHARLES - NO 7258	KENTUCKY EAST	14.2	
8135321	502127	1613100000		103		JASPER SHEPHER - NO 7298	KENTUCKY EAST	30.2	KENTUCKY WEST VIR
8135366	502173	1619500000		108		JOHN EP RATLIFF - NO 7251	KENTUCKY EAST	13.9	
8135362	502169	1619300000		108		KENTUCKY UNION CO - NO 7256	KENTUCKY EAST	9.5	
8135360	502167	1611900000		108		KENTUCKY UNION COMPANY - NO 7257	KENTUCKY EAST	6.9	
8135335	502142	1607100000		103		M A DAVIDSON ET AL - 1746	KENTUCKY EAST	0.0	KENTUCKY WEST VIR
8135258	502064	1613300000		107	DV	MOSES ISON - WELL NO 7215	KENTUCKY EAST	18.5	KENTUCKY WEST VA
8135359	502166	1611900000		108		NANCY ASHLEY & W R SMITH - NO 1673	KENTUCKY EAST	15.4	
8135361	502168	1619300000		108		NO 1645 - DENVER MINIARD	KENTUCKY EAST	13.9	
8135367	502174	1619500000		108		NONA C BOWLES - NO 7253	KENTUCKY EAST	16.8	KENTUCKY WEST VIR
8135331	502137	1619500000		103		NORMA CORNETT NO 1729	KENTUCKY EAST	71.8	KENTUCKY WEST VIR
8135318	502124	1613300000		103		ROBERT COLLINS JR ET UX - NO 1709	KENTUCKY EAST	25.1	KENTUCKY WEST VIR
8135365	502172	1619500000		108		ROBERT WILLIAMS - NO 1682	KENTUCKY EAST	5.1	
8135324	502130	1611900000		103		THE ARIO CORPORATION - NO 1695	KENTUCKY EAST	8.8	KENTUCKY WEST VA
8135257	502063	1619300000		107	DV	WADE BRASHEAR - WELL NO 1296	KENTUCKY EAST	33.0	KENTUCKY WEST VA
8135364	502171	1619300000		108		WILLIAM BREWER - NO 7265	KENTUCKY EAST	19.3	
8135363	502170	1619300000		108		7261 - THOMAS LOGAN	KENTUCKY EAST	6.9	
-L & M OIL & GAS CO INC				RECEIVED: 06/08/81 JA: KY					
8135295	502101	1608500000		107	DV	L COY #1	SHREWSBERRY GAS FIELD	0.8	MIDWESTERN PIPELI
-MIDDLAND GAS CORP				RECEIVED: 06/08/81 JA: KY					
8135355	502162	1607100000		108		#2326 - THOMAS REFFITT #1	KENTUCKY EAST	0.0	KY WEST VIRGINIA
8135356	502163	1607100000		108		#2745 - THOMAS REFFITT #2	KENTUCKY EAST	0.0	KY WEST VIRGINIA
-OLIVER M ROBERTS				RECEIVED: 06/08/81 JA: KY					
8135322	502128	1619539258		103		U G HAYNES #1	BROADBOTTOM	0.0	COLUMBIA GAS TRAN
8135297	502103	1619536330		107	DV	WALTER STONE #1	BROADBOTTOM	0.0	COLUMBIA GAS TRAN
-PETROLEUM TECHNOLOGY CORP				RECEIVED: 06/08/81 JA: KY					
8135341	502148	1619500000		107	DV	PTC 685-2		0.0	COLUMBIA GAS TRAN
8135347	502154	1619500000		103		PTC 685-3	WILLIAMSON	20.0	COLUMBIA GAS TRAN
8135348	502155	1619500000		107	DV	PTC 685-3		20.0	COLUMBIA GAS TRAN
-PLATEAU RESOURCE DEVELOPMENT CORP				RECEIVED: 06/08/81 JA: KY					
8135251	501983	1615900000		107	DV	DON & KATHERINE CLINE WELL NO PR-5	EASTERN KENTUCKY	3.6	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135265	502071	1615900000		107	DV	FOCH BLACKBURN WELL #PR-6	EASTERN KENTUCKY	0.8	
8135328	502134	1615900000		103		FOCH BLACKBURN WELL NO PR-6	EASTERN KENTUCKY	0.0	
-PRATHER DRILLING & PRODUCING CO				RECEIVED: 06/08/81 JA: KY					
8135405	502212	1619500000		108		STRATTON CONNOLLY #1	STONE COAL	6.7	COLUMBIA GAS TRAN
-ROBERTS & HOLCOMB				RECEIVED: 06/08/81 JA: KY					
8135354	502161	1607100000		108		RH-1	BRUSHY CREEK	16.8	COLUMBIA GAS TRAN
8135353	502160	1607100000		108		RH-5	BRUSHY CREEK	9.0	COLUMBIA GAS TRAN
8135391	502198	1619500000		108		ROBERTS & HOLCOMB WELL #110	EAST KENTUCKY FIELD - JO	18.5	KENTUCKY WEST VIR
8135390	502197	1619500000		107	DV	ROBERTS & HOLCOMB WELL #2	PIKEVILLE AREA	15.9	CITY OF PIKEVILLE
8135388	502195	1619500000		107	DV	ROBERTS & HOLCOMB WELL 6	PIKEVILLE AREA	19.2	CITY OF PIKEVILLE
8135389	502196	1619500000		107	DV	ROBERTS & HOLCOMB WELL 7	PIKEVILLE AREA	31.2	CITY OF PIKEVILLE
8135387	502194	1619500000		107	DV	ROBERTS & HOLCOMB WELL 8	PIKEVILLE AREA	3.7	CITY OF PIKEVILLE
-VICTOR HALE				RECEIVED: 06/08/81 JA: KY					
8135393	502200	1607100000		108		MARKINS & REFFETT WELL #1	MIDDLE CREEK	5.1	KENTUCKY WEST VIR
8135392	502199	1607100000		108		MARKINS AND REFFETT HEIRS WELL #2	MIDDLE CREEK	5.1	KENTUCKY WEST VIR
-W E ELLIOTT TRUSTEE				RECEIVED: 06/08/81 JA: KY					
8135385	502192	1619500000		107	DV	J D HUNT ET AL WELL 1	BROADBOTTOM	7.0	COLUMBIA GAS TRAN
-W E ELLIOTT TRUSTEE ACCT 507				RECEIVED: 06/08/81 JA: KY					
*8135330	502136	1619500000		107	DV	JAMES HATCHER ACCT 501 WELL 3	BROADBOTTOM	15.0	COLUMBIA GAS TRAN
-W W LINDSEY				RECEIVED: 06/08/81 JA: KY					
8135266	502072	1619300000		107	DV	FLOYD PRATT & MALISSA JOBE	LEATHERWOOD	4.0	COLUMBIA GAS TRAN
8135248	501955	1619500000		108		J M CALL ETAL #1	MILLARD	6.0	COLUMBIA GAS TRAN
8135270	502076	1619300000		107	DV	MELISSA JOBE WELL #1	LEATHERWOOD	8.0	COLUMBIA GAS TRAN
8135269	502075	1619300000		107	DV	MELISSA JOBE WELL #2	LEATHERWOOD	8.0	COLUMBIA GAS TRAN
8135249	501956	1619500000		108		OLLIE CALL #1 (CALL-SOWARDS #1)	MILLARD	6.0	COLUMBIA GAS TRAN
8135250	501957	1619500000		108		OLLIE CALL #1 (CALL-SOWARDS #2)	MILLARD	6.0	COLUMBIA GAS TRAN
8135275	502081	1619500000		107	DV	WOODALL DAMRON #1	LEATHERWOOD	46.0	COLUMBIA GAS TRAN
-W W LINDSEY & W E ELLIOTT				RECEIVED: 06/08/81 JA: KY					
*8135305	502111	1619500000		107	DV	ADAM CHILDERS WELL 1		8.0	CITY OF PIKEVILLE
*8135302	502108	1619500000		107	DV	AUXIER-RATLIFFS CREEK WELL #4	PIKEVILLE NE	1.0	CITY OF PIKEVILLE
*8135303	502109	1619500000		107	DV	CALL-FORSYTHE WELL #1	PIKEVILLE	4.0	CITY OF PIKEVILLE
*8135304	502110	1619500000		107	DV	CLARK-FERRELL WELL 1	HAROLD	20.0	CITY OF PIKEVILLE
*8135299	502105	1619500000		107	DV	COX-RATLIFFS CREEK WELL 1	HAROLD SE	9.0	CITY OF PIKEVILLE
*8135300	502106	1619500000		107	DV	DYE RATLIFFS CREEK WELL #2	HAROLD SE	35.0	CITY OF PIKEVILLE
*8135301	502107	1619500000		107	DV	EDMONDS RATLIFFS CREEK WELL #3	HAROLD SE	70.0	CITY OF PIKEVILLE
8135268	502074	1619300000		107	DV	ERNEST PRATT WELL	LEATHERWOOD	7.0	COLUMBIA GAS TRAN
8135276	502082	1619500000		107	DV	G F JOHNSON #1	LEATHERWOOD	2.0	COLUMBIA GAS TRAN
8135272	502078	1619500000		107	DV	J M ROBINSON #1 (WCLFPIT)	LEATHERWOOD	3.0	COLUMBIA GAS TRAN
8135273	502079	1619500000		107	DV	JOHN J STUART #1 (STUART & ROWE)	LEATHERWOOD	2.0	COLUMBIA GAS TRAN
8135271	502077	1619300000		107	DV	KENTUCKY RIVER COAL CORP #1	LEATHERWOOD	4.0	COLUMBIA GAS TRAN
8135267	502073	1619300000		107	DV	KENTUCKY RIVER COAL CORP WELL #2	LEATHERWOOD	12.0	COLUMBIA GAS TRAN
8135274	502080	1619500000		107	DV	MELVIN HALL #1	LEATHERWOOD	3.0	COLUMBIA GAS TRAN
8135278	502084	1613300000		107	DV	OAKLAND HALCOMB #1	LEATHERWOOD	1.0	COLUMBIA GAS TRAN
*8135306	502112	1619500000		107	DV	SAM BLACKBURN WELL 1	MILLARD	9.0	CITY OF PIKEVILLE
8135308	502114	1619500000		107	DV	T N HUFFMAN WELL #1	REGINA	9.0	CITY OF PIKEVILLE
*8135307	502113	1619500000		107	DV	T N HUFFMAN WELL 2	PIKEVILLE	9.0	CITY OF PIKEVILLE
8135277	502083	1613300000		107	DV	WAYNE BROWN	LEATHERWOOD	3.0	COLUMBIA GAS TRAN
-WEAVER OIL AND GAS CORPORATION				RECEIVED: 06/08/81 JA: KY					
*8135334	502141	1601300000		102	2	WEAVER O & G CORP AMER ASSOC 34-22*	CANADA MOUNTAIN	8.0	LAUREL VALLEY PIP

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NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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-ARAPAHO VENTURES OF NEW YORK INC RECEIVED: 06/03/81 JA: NY

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135230	1054	3112113662		102-2		LESTER WILKIE #1	WILDCAT	20.0	COLUMBIA GAS
-ENVIROGAS INC				RECEIVED: 06/03/81 JA: RY					
8135228	988	3101315269		103		#1 A STRINE	LAKESHORE	18.0	NATIONAL FUEL GAS
8135229	996	3101315024		103		#1 E BERG	LAKESHORE	18.0	NATIONAL FUEL GAS
8135227	973	3101315236		103		#1 F BLACK	LAKESHORE	18.0	NATIONAL FUEL GAS
8135236	1252	3101315453		102-2		#1 H GIBBS	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8135234	1254	3101315397		102-2		#1 J ALDAY	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8135231	1097	3101315371		102-2		#1 W TREJCHEL	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8135226	974	3101314291		103		#2 D DARLING	LAKESHORE	18.0	NATIONAL FUEL GAS
8135235	1255	3101315454		102-2		#2 P GIBBS	CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8135232	1098	3101315343		102-2		#2 R WILCOX	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8135237	975	3101315300		103		#5 M KEOPKA	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8135233	1256	3101315585		102-2		#6-A L NICKERSON	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN

OKLAHOMA CORPORATION COMMISSION

-AN-SON CORPORATION				RECEIVED: 06/04/81 JA: OK					
8135204	09032	3505120726		103		WEAVER #1	LAVERTY	36.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED: 06/04/81 JA: OK					
*8135214	09092	3509321775		103		DANIEL E GORANFLO #2	N E CEDARDALE	73.0	MICHIGAN WISCONSI
8135213	09093	3509321772		103		WARD VICKERY #2	N E CEDARDALE	73.0	MICHIGAN WISCONSI
-BARBOUR ENERGY CORP				RECEIVED: 06/04/81 JA: OK					
8135201	09080	3510321858		103		WAGGONER UNIT WELL NO 1-7	NORTH HAPPY STAR	54.0	SUN GAS CO
-BERRY PETROLEUM CORP				RECEIVED: 06/04/81 JA: OK					
8135207	08894	3508321468		103		MAGUIRE #7-1	SOONER TREND	150.0	EASON OIL CO
-CANADIAN EXPLORATION CORP				RECEIVED: 06/04/81 JA: OK					
8135225	09088	3501721640		103		PETREE NO 8-1	MUSTANG	30.0	MOBIL OIL CORP
-CHASE EXPLORATION CORP				RECEIVED: 06/04/81 JA: OK					
*8135222	09204	3507121671		103		CARPENTER 1-9		4.6	CITIES SERVICE GA
*8135223	09203	3507121558		103		ELLIOTT 1-17		8.6	CITIES SERVICE GA
*8135224	09202	3507121832		103		SCHIEBER 1-35		1.6	CITIES SERVICE GA
-DALCO PETROLEUM INC				RECEIVED: 06/04/81 JA: OK					
8135218	09169	3507322375		103		KRAMER #1	SOONER TREND	91.3	CITIES SERVICE GA
-DAVIS OIL COMPANY				RECEIVED: 06/04/81 JA: OK					
8135212	08969	3504321106		103		BARTENBACH NO 1	CESTOS	100.0	MICHIGAN WISCONSI
8135208	08970	3501721699		103		LEPAK NO 2	NORTH FORK	100.0	DELHI GAS PIPELIN
8135206	08968	3504321108		103		SALISBURY NO 1	CESTOS	300.0	MICHIGAN WISCONSI
-GREG L COOK				RECEIVED: 06/04/81 JA: OK					
8135196	08810	3507322426		102-B		FLEENOR #1	WEST EDMOND	365.0	PHILLIPS PETROLEU
-GULFSTREAM PETROLEUM CORP				RECEIVED: 06/04/81 JA: OK					
8135210	08994	3509321805		103		LAURENCE WELL NO 1-13	NORTHWEST AMES	0.0	OKLAHOMA NATURAL
-JET OIL COMPANY				RECEIVED: 06/04/81 JA: OK					
8135209	08972	3504722256		103		HAKEN C #1	N ELKHORN	12.0	EASON OIL CO
-L & N EXPLORATION INC				RECEIVED: 06/04/81 JA: OK					
8135202	08984	3508321450		103		GALLOWAY #2	N E CRESCENT	73.0	EASON OIL CO
-NORTEX GAS & OIL CO				RECEIVED: 06/04/81 JA: OK					
8135211	09089	3505920932		103		STATE 19 81-A	LOVEDALE	115.0	INTERNORTH INC
-NORTH AMERICAN ROYALTIES INC				RECEIVED: 06/04/81 JA: OK					
8135199	08882	3501721294		103		SHECECK #2 (8017 - 6378D	YUKON	365.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/04/81 JA: OK					
8135197	08465	3513921373	D	103		CATO #2	GUYMON HUGOTON GAS AREA	125.0	PANHANDLE EASTERN
-POST PETROLEUM COMPANY INC				RECEIVED: 06/04/81 JA: OK					
8135215	09126	3507322712		103		SIMMONS #2	SOUTH REEDING	16.0	CONOCO INC

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED: 06/04/81 JA: OK					
*8135205	09090	3512120755		103		BROWNE 03-36	FEATHERSTON	182.0	SOUTHEAST TRANSMI
-SERVICE DRILLING CO				RECEIVED: 06/04/81 JA: OK					
8135216	09230	3511921188		103		SCHNEIDER #1-20	NE RUSSELL	11.0	CITIES SERVICE GA
*8135217	09231	3511921186		103		THOMASON #1-20	NE RUSSELL	11.0	CITIES SERVICE GA
-TENNECO OIL COMPANY				RECEIVED: 06/04/81 JA: OK					
*8135219	09170	3501922128		103		S GRAHAM DEESE SAND UNIT 12-3A	SHO-VEL-TUM	7.0	MOBIL OIL CORP
8135195	08847	3508121099		103		SAC FOX PRUE SAND UNIT 125	STROUD	9.0	
-TEXAS OIL & GAS CORP				RECEIVED: 06/04/81 JA: OK					
8135200	09087	3512920294		108		CAKINS C #1	SOUTH BISHOP	12.0	CITIES SERVICE
-UNIT OPERATIONS				RECEIVED: 06/04/81 JA: OK					
8135220	09178	3507300000		103		DUFFY NO 23-1	SOUTH LOYAL	82.1	CITIES SERVICE GA
-W B & VENERA C ALEXANDER				RECEIVED: 06/04/81 JA: OK					
8135203	08998	3507322166		103		ROZETTA JINDRA #1	WEST CASHION	0.0	CONOCO INC
-W B OSBORN JR (OPERATOR)				RECEIVED: 06/04/81 JA: OK					
8135198	09108	3515120905		108		BOUMA #1	SOUTH MAYNOKA	125.0	PANHANDLE EASTERN
-WOODS PETROLEUM CORPORATION				RECEIVED: 06/04/81 JA: OK					
8135221	09020	3504921318		103		SHIRLEY #29-1	SW ELMORE	47.0	WARREN PETROLEUM

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108 : Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–Pb: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–19660 Filed 7–1–81; 8:45 am]
BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59055; TSH–FRL–1874–6]

Heterocyclic Quaternary Salt; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by August 1, 1981. Persons should submit written comments on the application no later than July 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2288) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** on May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 17, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59055]". Comments received may be seen in Rm. E–401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 26, 1981.

Edward A. Klein,
Director, Chemical Control Division.

TM–81–20

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of review period. August 1, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: heterocyclic quaternary salt.

Use. Claimed confidential business information. Generic use information provided: site-limited chemical intermediate.

Production Estimates. The submitter states that less than 30 kg of the new substance will be manufactured for test marketing purposes.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that no more than four workers will be exposed for a period not exceeding eight hours during the test period.

Environmental Release/Disposal. The manufacturer states that there will be no environmental release of the new substance and that disposal, if necessary, will be by incineration.

[FR Doc. 81–19659 Filed 7–1–81; 8:45 am]
BILLING CODE 6560–31–M

[OPP–C31051; PH–FRL–1874–4]

Sandoz, Inc.; Receipt of Application to Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally register the pesticide product Safrotin—4 Emulsifiable Concentrate Insecticide containing the active ingredient, propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino) methoxyphosphinothioyl]oxy]-2-butenoate] entailing a changed use pattern.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7040).

SUPPLEMENTARY INFORMATION: This notice announces that Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, San Diego, CA 92108, has submitted an application to conditionally register a pesticide product entailing a changed use pattern. The application proposes that Safrotin—4 Emulsifiable Concentrate Insecticide containing 50 percent of the active ingredient, propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino) methoxyphosphinothioyl]oxy]-2-butenoate] be registered for restricted use for control of cockroaches and other listed insects in and on buildings. The product has been assigned EPA Registration Number 11273–22.

This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) amended (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of an application does not indicate a decision by the agency on the application.

Notice of approval or denial of this application to conditionally register the pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before August 3, 1981 and should bear a notation indicating the document control number "[OPP–C31051]" and the registration number. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: June 24, 1981.

Robert V. Brown,
Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–19658 Filed 7–1–81; 8:45 am]
BILLING CODE 6560–32–M

[ER–FRL–1875–1]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A–104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 22, 1981 to June 26, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS' listed in this notice is calculated from July 3, 1981 and will end on August 17, 1981. The 30-day review period for final EISS' as calculated from July 3, 1981 will end on August 3, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (202) 245–3006.

Dated: June 29, 1981.

William N. Hedeman, Jr.,
Director, Office of Federal Activities (A–104).

Department of Agriculture

FS: Draft—Intermoutain Region Plan, Idaho, Utah, Nevada, Wyoming, California and Colorado; the review period for this EIS has been extended until September 24, 1981 (EIS Order No 810502)

FS: Draft—Southern-Southeastern Region Land and Resource Management Plan, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Puerto Rico

and the Virgin Islands; the review period for this EIS has been extended until October 13, 1981 (EIS Order No. 810504)

Army Corps of Engineers

Draft—Kaulana Bay Navigation Improvements, South Point, Hawaii County, Hawaii (EIS Order No. 810501)
Report—Manitowoc Harbor Small Boat Improvement, Manitowoc County, Wisconsin (EIS Order No. 810503)
Retraction: Final—Cabin Creek Demonstration Reclamation Project, Kanawha County, West Virginia, published FR June 19, 1981; has been officially retracted due to noncompletion of distribution (EIS Order No. 810454).

Department of Commerce

Extension: NOAA: Draft—St. Thomas National Marine Sanctuary, Designation, U.S. Virgin Islands—published FR May 1, 1981—the review period for this EIS has been extended until August 30, 1981 (EIS Order No. 810306).

Department of Housing and Urban Development

Draft—Columbia Farms PUD, Mortgage Insurance, Monroe County, Illinois (EIS Order No. 810493)
Draft—Solano County Residential Development 1980–1985, Mortgage Insurance, Solano County, California; the review period for this EIS has been extended until August 24, 1981 (EIS Order No. 810513)
Draft—Austin Sector Growth Area, Mortgage Insurance, Travis and Williamson Counties, Texas (EIS Order No. 810514)
104H: Final—New York City Unsafe Building Program, CDBG, New York (EIS Order No. 810499)

Department of the Interior

BLM: Final—Camp Swift Lignite Leasing, Bastrop County, Texas (EIS Order No. 810498)
BLM: Final—Sun Valley Grazing Management Plan, Blaine, Butte, Camas and Elmore Counties, Idaho; the review period for this EIS has been extended until August 31, 1981 (EIS Order No. 810509)
Extension: BLM: Draft—1982 OCS Oil and Gas Lease Sale, Pacific Ocean, California—published FR June 12, 1981—the review period for this EIS has been extended until August 14, 1981 (EIS Order No. 810433).

Department of Transportation

FAA: Draft—Brainard Airport Directional Aid approach Facility, Hartford County, Connecticut (EIS Order No. 810494)
FHWA: Draft—U.S. 281 Bypass Construction, City of Alice, Jim Wells County, Texas (EIS Order No. 810492)
FHWA: Draft—Cohocs-Waterford Arterial Construction, Albany County, New York (EIS Order No. 810512)
FHWA: Final—I–95 Construction, Petersburg to I–64, Henrico, Prince George and Chesterfield Counties, Virginia (EIS Order No. 810496)
FHWA: Final—Corridor C Rail-Highway Crossings Demonstration Project, Lincoln, Lancaster County, Nebraska (EIS Order No. 810497)
FHWA: Final—I–291, Windsor to Manchester, Hartford County, Connecticut (EIS Order No. 810500)
FHWA: Final—Richardson Highway/AK–4 Construction, Copper Center Village, Alaska; the review period for this EIS has been extended until October 13, 1981 (EIS Order No. 810505)
FHWA: Final—Torras Causeway Improvement, St. Simons Island, Glynn County, Georgia (EIS Order No. 810508)

Environmental Protection Agency

EPA2: Draft Supplement—Manasquan River WWT Facilities Plan, Monmouth County, New Jersey; the review period for this EIS has been extended until September 9, 1981 (EIS Order No. 810507)
EPA2: Final—Atlantic Highlands—Highlands Wastewater Facilities Plan, Monmouth County, New Jersey (EIS Order No. 810510)
EPA10: Final Supplement—Chambers Creek Interceptor, Grant, Pierce County, Washington (EIS Order No. 810495)

Department of the Navy

Final Supplement—Navy Coso Geothermal Development Program, Inyo County, California (EIS Order No. 810508)

Nuclear Regulatory Commission

Final—Susquehanna Steam Electric Station Units 1 and 2, Luzerne County, Pennsylvania (EIS Order No. 810511)

[FR Doc. 81–19583 Filed 7–1–81; 8:45 am]

BILLING CODE 6560–37–M

[OPP—00142; PH–FRL–1848.7]

Information-Gathering Hearings on Predator Control Toxicants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearings.

SUMMARY: The National Woolgrowers Association and the National Cattlemen's Association have requested EPA to concur in a predator loss emergency and to permit the emergency use of cancelled pesticide products containing compound 1080. To collect new information which might assist me in ruling on this request, EPA will hold three days of public hearings pursuant to Section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

DATES: The hearings are scheduled as follows:

1. July 28 and 29, 1981, 9:00 a.m. to 5:00 p.m., Denver, Colorado
2. July 31, 1981, 9:00 a.m. to 5:00 p.m., Washington, D.C.

Persons desiring to present testimony should register with the EPA Region III office in Denver by July 21, 1981. Written comments must be received by the Agency on or before July 31, 1981.

ADDRESSES: The hearings will be held at the following locations:

1. July 28 and 29, 1981—Main Post Office Bldg. (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, Colo. 80202.
2. July 31, 1981—Marriott Motor Hotel, Crystal City, Arlington, Virginia 22202

Persons desiring to testify should contact by either mail or telephone the Hearing Officer, Mr. James Thompson, Regional Counsel, EPA Region VIII, 1860 Lincoln Street, Denver, Colorado 80295 (303–837–3828).

Written comments should be submitted to Mr. Louis Johnson, Pesticide Branch Chief, EPA Region VIII office, within the specified time frame.

FOR FURTHER INFORMATION CONTACT: James Thompson (Regional Counsel, EPA Region VIII) 303–837–3828.

SUPPLEMENTARY INFORMATION:

Regulatory Framework and Background for Hearing

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA has the responsibility for ensuring that pesticides marketed in the United States do not cause unreasonable adverse effects to man or the environment. This responsibility is carried out by decisions on whether to register (license) pesticide products. The "reasonableness" of the risk is determined by weighing the potential risks a pesticide may pose to humans, other non-target life, and the environment against its economic and social benefits. Toxicants intended to control predators are pesticides under FIFRA, and therefore are subject to EPA registration.

In 1972, EPA cancelled the registrations of all pesticides registered for predator control, including all products containing sodium monofluoroacetate (compound 1080), sodium cyanide, and strychnine. In addition, EPA cancelled the registrations of products containing thallium sulfate, a rodenticide widely misused as a predator control agent. These actions were based on a finding that the products as then used posed unreasonable risks to humans and nontarget wildlife. The cancellations were uncontested, and therefore no administrative hearings were held to review the decisions.

Since the cancellation order was implemented, sheep and cattle ranchers have contended that they are suffering undue losses from predation. The Agency took action in 1975 to reconsider the cancellation of sodium cyanide, and after adjudicatory hearings, found that the risks of sodium cyanide could be reduced to a reasonable level through a new delivery mechanism. Since 1975, research programs on new delivery methods for 1080 (in a toxic collar worn by sheep) have also been conducted under EPA-approved experimental use permits. These programs are designed to assess the safety, selectivity, and effectiveness of the 1080 toxic collar.

Livestock producers claim, however, that despite the recent efforts there have been increasing losses to predation due to the unavailability of certain predator control tools. Accordingly, livestock producers are now urging the Agency to reconsider its position on predator toxicants, specifically compound 1080. In particular, the National Woolgrowers Association and the National Cattlemen's Association have recently requested that EPA concur in a finding of predator control emergency and allow emergency use of pesticide products containing compound 1080 to control coyotes and feral dogs which prey on sheep and cattle.

Subpart D of EPA's Rules of Practice (40 CFR Part 164, Subpart D), states that EPA will treat such a request as a request to modify an existing cancellation order and sets forth procedures and standards to be used in acting on the request. The cancellation order can be modified only on the basis of evidence presented at a formal adjudicatory hearing. But before such a hearing may be held, the Administrator must first find there exists "substantial new evidence which may materially affect the prior cancellation order . . . and which was not available to the Administrator" at the time of the original cancellation order.

Preliminary Informal Hearings Under FIFRA Section 21(b)

In order to assist me in deciding whether there is substantial, material new evidence which would warrant holding a formal adjudicatory hearing, I have decided to first hold two informal field hearings [under FIFRA § 21(b)] to supplement the information in the requests for emergency exemptions and to inform the Agency more fully about the current situation concerning predator losses and compound 1080. At the end of these hearings, I will decide whether there is substantial new evidence which would justify holding adjudicatory hearings under Subpart D of 40 CFR Part 164 to reconsider the use of 1080, either on a short-term emergency basis or under a full or conditional registration.

In an effort to provide some guidance, without ruling on the relevancy of any testimony in advance, EPA sets forth below examples of the type of issues about which the Agency is interested in obtaining information which has become available since 1972:

1. Losses to livestock from predation, from the time of the original cancellation to September 1975 when sodium cyanide was reregistered, and from the reregistration of sodium cyanide to the present.
2. The adequacy or inadequacy of present lethal and non-lethal animal damage control tools, including sodium cyanide.
3. The efficacy of compound 1080 (specifically, information on whether reintroduction of 1080 would be an effective means to protect livestock from predation).
4. New delivery mechanisms for 1080 (especially the 1080 toxic collar) which could reduce risks associated with pre-1972 use.
5. New studies on the scope of potential environmental hazards, particularly primary and secondary poisoning of non-target species.
6. Human safety in handling compound 1080.

EPA solicits testimony from all interested parties who can contribute to the collection of a full and fair range of information bearing on the issues outlined in this Notice.

Testimony may be presented orally, in writing, or both. The Agency would appreciate an advance copy of written testimony if possible. In an effort to assure that everyone is heard, the Agency anticipates allowing 15–20 minutes per person for oral presentations. Any party who desires substantially more time should contact the Hearing Officer in advance of the hearing to make such arrangements. The time limit may be adjusted at the hearing as appropriate depending on how many witnesses request to make presentations. There will be no limit to the length of written materials.

Post-Hearing Schedule

After examining the record developed during these information-gathering hearings and the information submitted in support of the requests for emergency exemptions allowing the use of 1080, I will decide whether there is substantial new evidence concerning the risks and benefits of using 1080 which would warrant initiating adjudicatory hearings under EPA's Rules of Practice, Subpart D, to reconsider the previous cancellation order.

Dated: June 26, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–19536 Filed 7–1–81; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81–409 File No. 21601–CD–P–4–80 and CC Docket No. 81–410, File No. 21335–CD–P–4–80]

Gencom Inc. and RAM Broadcasting of Ariz.; Applications for Hearings on Stated Issues

Adopted: June 22, 1981.

Released: June 25, 1981.

By the Common Carrier Bureau:

In re applications of Gencom Incorporated for a construction permit for additional frequencies in the Domestic Public Land Mobile Radio Service Station KOA611 to operate on frequencies 454.100, 454.275, 454.300 and 454.325 MHz at Tucson, Arizona; RAM Broadcasting of Arizona, Inc. for a construction permit for a new station to operate on frequencies 454.100, 454.275, 454.300 and 454.325 MHz in the Domestic Public Land Mobile Radio Service at Tucson, Arizona.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Gencom Incorporated (Gencom) and RAM Broadcasting of Arizona, Inc. (RAM). These applications are mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. Both applicants desire to offer two-way mobile telephone service and one-way paging service. Gencom has filed a Petition to Deny the RAM application and RAM has filed an informal objection to the Gencom application. Responsive pleadings have been filed.

2. Issues have been raised concerning whether either application has demonstrated a need for the frequencies it requests.[1]

3. *Need—Gencom.* Gencom is presently authorized for eight UHF channels and seven VHF channels in Tucson. It submitted traffic load studies for all of these channels. However, Gencom does not state that it has any held orders for additional subscriber units. Our review of the Gencom need showing indicates that Gencom has not demonstrated adequate channel usage to justify the grant of any additional channels. In fact, the traffic load studies show that the two four-channel UHF systems have blocking rates less than 50 percent. Moreover, while six of Gencom's VHF channels have more than 50 percent blocking, Gencom has not shown that subscribers on these

[1] We have reviewed other issues raised by Gencom and find them to be without merit.

channels would be moved to the proposed UHF channels. In view of the expense of converting from VHF to UHF operation and the fact that four of the UHF channels are manual, it appears unlikely that any present VHF subscribers would be switched to the proposed UHF channels. For these reasons, we will designate for hearing an issue as to whether Gencom has demonstrated adequate need for additional channels.

4. *Need—RAM.* Ram received 57 responses to a newspaper advertisement from Tucson residents desiring mobile telephone service. Thus, it appears that RAM has demonstrated sufficient need for at least one of the frequencies it requests. However, it is unclear whether RAM has justified need for any additional frequencies. RAM's need showing does not clearly indicate how many respondents were interested in receiving one-way paging service and how many were interested in receiving two-way mobile telephone service. RAM indicates in its need showing that in response to a telephone survey, it obtained 131 "favorable responses indicating an interest in mobile telephone service and paging." It is unclear from this statement what number of the 131 persons surveyed desired mobile telephone service, paging or both. This mobile telephone/paging breakdown is necessary in determining the number of frequencies for which RAM has demonstrated need.

5. We are also unable to determine from RAM's need showing what number of respondents in each category of potential subscriber—e.g. doctors, attorneys, and others—desired service. Finally, while RAM stated that respondents were sent maps showing coverage areas, costs and details of the proposed service, the respondents did not have this information prior to expressing interest in the service. Therefore, RAM has not demonstrated that those persons who expressed interest in RAM's service were sufficiently informed about that service. For these reasons, we will designate for hearing an issue as to whether RAM has demonstrated adequate need for the four frequencies it requests.

6. We have examined other allegations raised by both applicants and find them to be without merit.[2]

Accordingly, it is ordered, That the applications of Gencom, Incorporated, File No. 21601–CD–P–4–80 and RAM Broadcasting of Arizona, Inc., File No. 21335 CD–P–4–80, are designated for hearing in a consolidated proceeding, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether Gencom, Incorporated has demonstrated a need for any additional frequencies; [3]

(b) To determine whether RAM Broadcasting of Arizona, Inc. has demonstrated a need for the four frequencies it requests;

(c) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(d) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 39 dbu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[4] and to determine and compare the need for the proposed services in said areas; and

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

7. It is further ordered, That with respect to issue (a) the burden of proof and the burden of proceeding with the introduction of evidence is placed upon Gencom, Incorporated, that with respect to issue (b) those burdens are placed on RAM Broadcasting of Arizona, Inc. and that with respect to issues (c)–(e) the ultimate burden of proof is placed on each of the applicants as the issue affects them.

8. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

9. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

10. It is further ordered, That any authorization granted to RAM Broadcasting of Arizona, Inc. as a result of the comparative hearing designated herein shall be without prejudice to and conditioned upon whatever action, if any, the Commission may take as a result of allegations raised in petitions against RAM Broadcasting Corporation and/or its Michigan subsidiary.

11. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a writtem notice stating an intention to appear on the date for hearing and present evidence on the issues specified in this *Memorandum Opinion and Order.*

12. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. guttmann,

Chief, Mobile Services Division, Common Carrier bureau.

[FR Doc. 81–19480 Filed 7–1–81; 8:45 am]

BILLING CODE 6712–01–M

[2]The Commission received Gencom's application on April 30, 1980. At that time, Gencom's recently authorized UHF channels were not operational. On February 20, 1981, the Commission requested that Gencom submit traffic load studies for all of its UHF channels. Gencom complied with this request. RAM maintains that the Commission should have dismissed Gencom's application as defective under Section 22.510 because Gencom failed to provide traffic load studies for these new channels when it filed its application. Gencom's newly authorized UHF channels were not operational within 60 days of the date that public notice was given of RAM's application. Since Gencom was unable to conduct traffic load studies at that time, its application was not defective at the time of filing.

[3]If Gencom does not demonstrate need for any additional frequencies, it will not be necessary to decide comparative issues (c) and (d).

[4]Section 22.504(a) of the Commission's Rules describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

Meeting of Interested Parties to CC Docket No. 81–343, Policy for Overseas Common Carrier Facilities, Pacific Region, 1981–1995

June 22, 1981.

Members of the Common Carrier Bureau staff will convene a meeting of all interested parties to the Pacific Planning Process (CC Docket No. 81–343) in Room A–110, FCC, 1229 20th Street NW., Washington, D.C., at 1 p.m. on July 13, 1981.

The agenda of the meeting will include: (1) discussion of the submissions (draft) with respect to Current Facilities Usage, Technological Alternatives, and Demand Forecasts; and (2) discussion of the preparatory work on the topics of Quality of Service (diversity, redundancy, restoration, etc.) and Cost Analyses.

For additional information, contact J. Michael Cummins (202)·632–4047.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–19479 Filed 7–1–81; 8:45 am]

BILLING CODE 6712–01–M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meeting is as follows:

Special Committee No. 78
Notice of 6th Meeting
Wednesday, July 15, 1981—9:30 a.m.
Conference Room 8334/36, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, D.C.

Agenda

1. Call to order and administrative matters.
2. Review of Federal Radio Navigation Plan.

John C. Fuechsel, Chairman, SC–78, National Ocean Industries Assoc., 1100 17th Street, N.W., Washington, D.C.; Phone: (202) 785–5116

Exective Committee Meeting
Notice of July Meeting
Thursday, July 16, 1981—9:30 a.m.
Conference Room A–110, 1229 20th Street, NW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Special Committee Reports.
3. Consideration of International Associates as a participant in RTCM.
4. Consideration of Terms of Reference for new Special Committees:
   a. Universal Marine Telephone Compatibility.
   b. Radio Direction Finder Technology and Use.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–19478 Filed 7–1–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 25, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: The Chase Manhattan Corporation, New York, New York (financing, servicing, and insurance activities, retail sale of travelers checks; Florida): to engage, through it's indirect subsidiary, Chase Manhattan Financial Services, Inc., in making or acquiring, for its own account and for the account of others, loans and other extensions of credit, both secured and unsecured, including but not limited to concumer and business lines of credit, installment loans for personal, household and business purposes and mortgage loans secured by real property; servicing loans and other extensions of credit; selling travelers checks at retail; acting as insurance agent or broker for credit life insurance and credit accident and health insurance directly related to such lending and servicing activities. These activities will be conducterd from an office in Coral Gables, Florida, serving the entire State of Florida.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Connecticut): to continue to engage, through its indirect subsidiary, Finance-America Mortgage Services Inc., a New Hampshire corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance. Neither credit-related accident and health nor credit-related property insurance will be offered in either New York or Connecticut. The activities to be engaged in will include but not be limited to, purchasing installment sales finance contracts, making loans and other extensions of credit to small business, making loans secured by real property, and offering credit-related life insurance directly related to extensions of credit made or acquired by Finance-America Mortgage Services Inc.

These activities would be conducted from an office in Cheshire, Connecticut, and the geographic scope of such activities will expand to include the States of Connecticut and New York. This application is for the relocation of an office presently located in Hamden, Connecticut. Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Pennsylvania): to continue to engage, through its indirect subsidiary, Finance-America Consumer Discount Company, a Pennsylvania corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life, credit-related accident and health and credit-related property insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts, making loans and other extensions of credit to small business; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Consumer Discount Company.

These activities will be conducted from an existing office located in Allentown, Pennsylvania, and the

geographic scope of these activities will be expanded to include the entire State of Pennsylvania.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19548 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 24, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (factoring; California): to engage through a *de novo* office of Manufacturers Hanover Commercial Corporation (Delaware) in the activities of making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a factoring company, and arranging or servicing such loans and other extensions of credit for any person. These activities would be conducted from a *de novo* office to be located in San Francisco, California and serving the San Francisco area.

Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activities and insurance activities; Ohio): to continue to hold the shares of Investors Loan Corporation of Ohio ("Investors") and Investors Mortgage Company of Ohio, Inc. ("Investors Mortgage") after Investors and Investors Mortgage establish a *de novo* office from which Investors Mortgage would engage in the activities of arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, and from which Investors would engage in the activities of purchasing installment sales finance contracts, and acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. Tempco Life Insurance Company would reinsure such credit life and accident and health insurance. These activities would be conducted from a *de novo* office located in Columbus, Ohio, and serving the following counties: Franklin, Marion, Morrow, Knox, Union, Delaware, Licking, Madison, Fayette, Pickaway, Fairfield, Perry, Hocking, eastern Logan, Champaign, Clark, eastern Green, north-central Ross, northwestern Vinton, and western Muskingum.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Security Pacific Corporation, Los Angeles, California (financing, leasing and servicing activities: Iowa, Nebraska, South Dakota): to engage through its subsidiary, Security Pacific Leasing Corporation, in financing, leasing and servicing activities with respect to personal property and equipment and real property. These activities would be conducted from an office of Security Pacific Leasing Corporation in Omaha Nebraska, serving the States of Iowa, Nebraska, and South Dakota.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19547 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Belle Plaine Service Corp.; Formation of Bank Holding Company

Belle Plaine Service Corp., Des Moines, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.9 per cent of more of the voting shares of Citizens State Bank, Belle Plaine, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19549 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Burchard Bankshares, Inc.; Formation of Bank Holding Company

Burchard Bankshares, Inc., Tecumseh, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 99.1 percent of the voting shares of State Bank of Burchard, Burchard, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the aplication should submit views in writing to the Reserve Bank, to be

received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19549 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Emerson First National Co.; Formation of Bank Holding Company

Emerson First National Company, Schuyler, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 95 per cent or more of the voting shares of The First National Bank, Emerson, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19550 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

First American Bank Corp.; Acquisition of Bank

First American Bank Corporation, Kalamazoo, Michigan, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5) to merge with Northern States BanCorporation, Detroit, Michigan. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

First American Bank Corporation, Kalamazoo, Michigan, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Kelly Mortgage and Investment Company, Detroit, Michigan.

Applicant states that the proposed subsidiary would (perform) (engage in) the activities of servicing loans and other extensions of credit. These activities would be performed from offices of Applicant's subsidiary in Detroit and Flint, Michigan, and the geographic area to be served is the State of Michigan. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 24, 1981.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-19551 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

First Pulaski National Corp.; Formation of Bank Holding Company

First Pulaski National Corporation, Pulaski, Tennessee, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First National Bank of Pulaski, Pulaski, Tennessee. The factos that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19552 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Mesa Bancorp; Formation of Bank Holding Company

Mesa Bancorp, San Diego, California, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to California Heritage Bank, San Diego, California. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19553 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Mustang Community Ban Corp.; Formation of Bank Holding Company

Mustang Community Ban Corp.; Mustang, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Mustang Community Bank, Mustang, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the reserve Bank, to be received not later than July 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19364 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Northwest International Bank; Establishment of U.S. Branch of a Corporation

Northwest International Bank, Minneapolis, Minnesota, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under section 211.4(c)(1) of the Board's Regulation K (12 C.F.R. § 211.4(c)(1)), to establish a branch in New York, New York. Northwest International Bank operates as a subsidiary of Northwestern National Bank of Minneapolis, Minneapolis, Minnesota.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 C.F.R. § 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19365 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Port Neches Bancshares, Inc.; Formation of Bank Holding Company

Port Neches Bancshares, Inc., Port Neches, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Port Neches, Port Neches, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19630 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

Thomas County Bankshares of Colby, Kansas; Inc., Formation of Bank Holding Company

Thomas County Bankshares of Colby, Kansas, Inc., Colby, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Thomas County Bankshares, Inc., Colby, Kansas, and thereby acquiring indirect control of Thomas County National Bank, Colby, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19667 Filed 7-1-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Parties Filing Qualifications Documents With Outer Continental Shelf Offices

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The regulations of the Bureau of Land Management (BLM) in 43 CFR 3102.2–1(c) have been the cause of concern from lessees and permittees on the Outer Continental Shelf (OCS). These regulations pertain only to mineral leasing and right-of-way permitting on the onshore or upland part of the United States. Apparently, under these regulations, if you wish for a designation of an agent to be considered for serialization and then used in futue BLM transactions relating to onshore or upland matters as evidence of the authority of the agent, the termination date of the authorization must be less than two years.

The OCS regulations pertaining to this matter, 43 CFR 3316.4(e)(1) and (2) and 43 CFR 3316.5, make no such requirement that the duration of the authorization be less than two years.

While we do not wish to deprive you of the opportunity to use a designation of an agent filed in connection with OCS transactions as a reference in upland leasing matters, our administration of OCS leases is facilitated where there is no such limitation in time for the duration of authorizations.

Therefore, you need not include a time limit on the authority of agents if such agency is restricted to OCS matters.

However, if you wish to use the OCS Miscellaneous Number as evidence of authority in onshore or upland matters, we request that any time limitations on such authorization be restricted solely to transactions under 43 CFR 3102.2–1(c) and specifically mention that the limitation does not apply to transactions on the OCS under 43 CFR 3300.

FOR FURTHER INFORMATION CONTACT: Frederick C. Gray, New York OCS, (212) 264–2401; Phyllis Casey, Alaska OCS, (907) 276–2955; Ann Copsey, Pacific OCS, (213) 688–7107.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 81-19385 Filed 7-1-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action—Noncompetitive Sale Public Lands In Cochise County, Ariz.

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713): Township 14 South, Range 31 East, Gila and Salt River Meridian Section 9: E½E½E½SW¼NW¼, NE¼NE¼NE¼NW¼SW¼ N½N½ N½NE¼SW¼

The above-described land, comprising 10.625 acres, is being offered as a direct, non-competitive sale to Cosecha Ranch, owner of the adjoining lands.

In 1975, Mr. Larry Parker purchased private land, which he mistakenly believed included the above-described land, with improvements. The public land was farmed in conjunction with the private land. It was later determined that the farmed land included the public land. On January 7, 1976, Mr. Parker filed a Public Sale Application under Revised Statute 2455 (43 U.S.C. 1171). The land was classified as suitable for public land on June 17, 1976. The Public Sale was not completed before the passage of the Federal Land Policy and Management Act of October 21, 1976, which repealed R.S. 2455. From 1976 to 1980 Mr. Parker used this land under authority of yearly Temporary Use Permits. In 1980, Mr. Parker sold the adjoining private land to Cosecha Ranch.

Disposal by direct sale, rather than public auction, will legalize the use of the land, protect equity investment in the improvements on the land, and eliminate an undue hardship if Cosecha Ranch were compelled to remove or otherwise dispose of improvements.

The sale will resolve a complicated trespass situation on an isolated tract of public land. The land has not been used and is not required for any federal purpose. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system. The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights granted by oil and gas lease A–16655, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of the lease, A–16655, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

Detailed information concerning the sale is available for review at the Safford District Office, 425 East 4th Street, Safford, Arizona 85546.

For a period of 45 days, interested parties may submit comments to the District Manager, Safford District Office, 425 East 4th Street, Safford, Arizona 85546.

Any adverse comments will be evaluated by the District Manager, who may vacate or modify the realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: June 24, 1981.

Kurt J. Kotter,

Acting District Manager.

[FR Doc. 81-19366 Filed 7-1-81; 8:45 am]

BILLING CODE 4310-84-M

Utah Lease Sale Schedule for Federal Coal in the Uinta-Southwestern Utah Federal Coal Production Region

Correction

In FR Doc. 81–18938, appearing on page 33109, on Friday, June 26, 1981, in the third column, under the heading "Legal Description of Federal Coal in the Cottonwood Tract", in the seventh line "Sec. 31, Lot E½;" should be corrected to read "Sec. 31, Lot 1, E½;".

BILLING CODE 1505-01-M

California Desert District: Comments on Deleting "Ohay" Grazing Environmental Impact Statement From Schedule

AGENCY: Department of the Interior, Bureau of Land Management, California Desert District.

ACTION: Intent to petition for removal of the 115,000 acre "Ohay" grazing environmental impact statement from the court-approved schedule, NRDC v. Morton.

SUMMARY: Due to recent completion of the California Desert Plan and reorganized BLM district boundaries, the California Desert District is analyzing the livestock grazing program in Western San Diego, Riverside and Los Angeles counties. When the 115, 000 acre "Ohay" area was included in the settlement of the NRDC v. Morton suit, continued management by BLM was assumed. Now, however, BLM is considering transferring jurisdiction of non-desert lands to other agencies and to private ownership via exchange in order to consolidate management in the California Desert Conservation Area.

The public lands involved are mostly scattered parcels situated between the Los Angeles, San Bernardino and Cleveland National Forests and the coastal zone. Due to steep slopes, heavy brush and non-grazing use of adjacent private lands, the grazing program is limited.

To date the analysis indicates that: (1) There are about 54,000 acres presently leased for grazing 26 operators; the remainder having little or no potential, (2) most operators obtain only part of their livelihood from grazing, (3) public scoping meetings and previous planning efforts have not identified grazing as a significant adverse impact or issue, and (4) there are viable alternatives to continued BLM management for these lands.

Four public meetings were held in April 1981 to assist BLM in determining issues associated with future

management of public lands in western San Diego, Riverside, and Los Angeles counties.

The need for a grazing Environmental Impact Statement was specifically addressed. Analysis of the input conclusively shows that the Bureau's grazing program on these lands is not perceived as a significant public issue warranting a grazing EIS. Copies of the analysis of public attitudes are available from the contact named below.

COMMENTS: This notice represents the final call for comments on the need for a grazing EIS. To be fully considered, comments should be received no later than August 3, 1981. Submit comments to the address given below.

FOR FURTHER INFORMATION CONTACT: Tom W. Rodda, Escondido Project Lead, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507. Telephone (714) 787–1677 or (FTS) 798–1677.

Ranford G. Russell,

Acting District Manager.

[FR Doc. 81–19485 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–84–M

Off-Road Vehicle Designations

ACTION: Notice of off-road vehicle designation order WY–030–8001.

EFFECTIVE DATE: August 3, 1981.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehcile use.

The 1,120,068 acre area affected by the designations is known as the Green Mountain Environmental Impact Statement area which includes portions of the Sweetwater and Moneta Planning units located in Fremont, Sweetwater, Carbon, and Natrona Counties, Wyoming. These designations are a result of land use decisions made in the 1979 Sweetwater and Moneta Management Framework Plans. Comments received from two open house workshops, individual and group contacts, information letters sent to over 300 people on the Green Mountain EIS mailing list, and written responses have influenced these designation decisions. This designation order sets precedence for off-road vehicle designations in Wyoming BLM.

The Bureau recognizes the difference between off-road vehicles and oversnow vehicles (in terms of use and impact). Therefore, travel by oversnow vehicles will be permitted off existing routes, as specifically provided, only if they are operated in a responsible manner without damaging the vegetation or harming wildlife.

Designations

1. *Open Designation:* No areas were identified for open designation.

2. *Limited Designation:* a. Use in limited to existing roads and vehicle routes on 1,013,738 acres. Use in limited to those roads and vehicles routes in existance as of the date of this publication. Temporary excursions leaviing existing vehicular routes are permitted only to accomplish *necessary tasks* and only if such travel does not result in *resource damage.* Necessary tasks involve work requiring the use of a motor vehicle. Examples include picking up big game kills, reparing range improvements, managing livestock, and locatable mineral operations which are covered under the casual or the notice levels outline in the 43 CFR 3809 regulations, etc. Resource damage is defined as leaving long-term signs of vehicle use (ruts), causing erosion or water pollution, or creating undue degradation of other vegetative or wildlife resources.

Random or unnecessary travel from existing vehicle routes is not allowed. Creation of new routes or extenstion and/or widening of existing routes is not allowed without prior written agency approval.

This designation is determined to be appropriate for a majority of the public lands by accomodating access needs while providing resource protection.

b. Use is limited to designated roads and vehicle routes on 95,980 acres. Vehicle travel is permitted only on roads and vehicle routes designated as open by the BLM. Until final publication of maps and brochures and sign installation is accomplished, vehicular travel is limited to existing roads and vehicle routes as designated unde 2a, above. Are as where vehicle use is permitted only on roads and vehicle routes designated by the Bureau and identified with signs and on maps are as follows:

1. The Wind River Range slopes (40,090 acres) west of Lander, Wyoming.

2. Green Mountain (55,890 acres) 15 miles southeast of Jeffrey City, Wyoming.

c. Use limited by the number or type of vehicles.

1. There are several vehicle routes identified by signs and maps as suitable for four-wheel drive vehicles.

2. The 14,630 acres located in the Red Canyon elk winter range are closed to oversnow vehicles.

d. Use is limited to time or season.

Several roads and vehicle routes are closed seasonally in order to protect the roadbed and surrounding watershed values (aproximate dates of closure are indicated on signs and maps). Where specialized restrictions are necessary to meet other resource management objectives, other limitations may also be developed.

e. The 10,330-acre area south of Hudson and east of Lander, Wyoming, is scheduled for further planning.

Due to local public concern and the area's close proximity to population centers, further inventories are needed to determine appropriate designation. These plans will be prepared in cooperation with other governmental agencies and public interest groups to provide for vehicle use. Until plans are completed, vehicle use is permitted only on existing vehicle routes.

3. *Closed Designation:* No areas were identified for closed designation.

Access

ORV designations apply to all off-road vehicles regardless of their purpose. However, emergency vehicles in emergency situations are excluded from these designations.

The use of closed roads or areas will be by permit only. Mineral prospectors and explorers under the Mining Law of 1872 must obtain authorization from BLM pursuant to the 43 CFR 3809 regulations to operate a motor vehicle on a closed road or in a closed area.

Any person(s) having special access needs may apply to the authorized officer for a permit to enter the area. Any constructed access will require a right-of-way under 43 CFR 2800.

Protests

Any person(s) who has disagreement with this decision and has information which may influence this decision may file a protest with: District Manager, Rawlins District Office, P.O. Box 670, 1300 Third Street, Rawlins, Wyoming 82301.

Protests must be filed with the Rawlins District Manager by 4:30 p.m., on or before August 3, 1981.

No specific form need be used in filing a protest. However, protests must be specifically identified as follows: Protest to ORB Designation Order WY–030–8001.

Should any protests be filed, the Rawlins District Manager will consider such protests and issue a decision which will be subject to appeal to the Department of Interior, Board of Land Appeals (IBLA). If the decision on the protest remains consistent with this decision, only the protestant may appeal to the IBLA. If the decision on the protest reflects changes from this decision based on information submitted by the protestant, any adversely affected person(s) may appeal to the IBLA.

This decision will become effective as of 4:30 p.m. on the 30th day from the date of this publication August 3, 1981 (close of protest period) in the **Federal Register** for all ORV designations on which no protest is filed and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of those designations is available for inspection at the offices listed below.

Address:

For further information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Rawlins Distict Office, P.O. Box 670, 1300 Third Street, Rawlins, Wyoming 82301 (307) 324–7171

Area Manager, Lander Resource Area Headquarters, P.O. Box 589, Jett Bldg., Hwy. 287 S., Lander, Wyoming 82520 (307) 332–4220.

David J. Walter,

District Manager.

[FR Doc. 81–19489 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–84–M

[W–74769]

Wyoming; Invitation for Coal Exploration License Antelope Coal Company

June 22, 1981.

Antelope Coal Company, a wholly owned subsidiary of NERCO, Inc., hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following described land in Converse County, Wyoming:

T. 40 N., R. 71 W., 6th P.M.,
Sec. 2, W½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼.
T. 41 N., R. 71 W.,
Sec. 34, S½NE¼;
Sec. 35, NW¼SW¼.
Containing 360.00 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin known recoverable coal resource area. The purpose of the exploration program is to define outcropping of coal seams within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–74769): Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001, and U.S. Forest Service, Thunder Basin National Grasslands, 809 South 9th Street, Douglas, Wyoming 82633.

This notice of invitation will be published in this newpaper once each week for two consecutive weeks beginning the week of July 6, 1981, and in the **Federal Register.** Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Antelope Coal Company, no later than (30) days after publication of this invitation in the **Federal Register.** The written notice should be sent to the following addresses: Antelope Coal Company, c/o NERCO, Inc., 111 S. W. Columbia, Portland, Oregon 97201 and the Bureau of Land Management, Wyoming State Office, Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 Code of Federal Regulations, Section 3410.2–1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–19488 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–84–M

[W–74866]

Wyoming; Application

June 24, 1981.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Columbia Gulf Transmission Company filed an application for a right-of-way to construct a 22" diameter natural gas transmission line, a compressor station and gas measurement site for the purpose of transporting natural gas from the Chevron plant near Carter Creek to a natural gas pipeline company of America compressor station near Whitney Canyon across the following described public lands in Uinta County:

Sixth Principal Meridian, Wyoming

T. 17 N., R. 119 W.,
Sec. 4, Lot 5, SE¼NE¼, and E½SE¼,
T. 18 N., R. 119 W.,
Sec. 6, S½SE¼,
Sec. 8, E½NE¼;
Sec. 16, W½NE¼, NE¼NW¼, and W½SE¼;
Sec. 28, W½E½.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the Rock Springs District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–19487 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado: Realty Action; Noncompetitive Lease of Public Lands in Rio Blanco County, Colorado

June 26, 1981.

The following described land has been examined and identified as suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762; 43 U.S.C. 1732) at no less than the appraised fair market rental:

Sixth Principal Meridian

T. 3 N., R. 101 W.,
Sec. 22, Portions within E½W¼ and E½;
Sec. 23, Portions within W½NE¼, SE¼NE¼, NW¼ and S½;
Sec. 26, Portions within N½NE¼ and NW¼;
Sec. 27, Portions within NE¼, E½W½ and N½SE¼.

The areas within the above described lands that will actually be used aggregate approximately 513 acres in Rio Blanco County. They are shown on a map entitled "Refuse Disposal Area", Figure 2–13, at page 60 of the draft Environmental Impact Statement for the Moon Lake Power Plant Project, Units 1 and 2, filed with the Environmental Protection Agency January 8, 1981.

Lease of the above described lands has been porposed by Western Fuels Association, Inc., of Lakewood, Colorado, The land is proposed to be used to provide areas for storage of topsoil, sediment ponds and areas for refuse disposal in conjunction with operation of the Deserado Coal Mine which is planned to be operated by Western Fuels Association, Inc., on adjacent land under coal leases Denver 047201, Colorado 023703 and 028875.

Information concerning the proposed use is in the final Environmental Impact Statement for the Moon Lake Power Plant Project, Units 1 and 2, filed with

the Environmental Protection Agency May 1, 1981. The proposed use is consistent with Bureau of Land Management land use planning. The Rio Blanco County Commissioners have not objected to lease of the land for the proposed uses. The lease of these lands will serve important public objectives which cannot be achieved on lands other than public lands. These objectives outweigh the values derived from livestock grazing which is the present and projected use of the lands.

The Bureau of Land Management is considering a long-term (approximately 30 years) direct, non-competitive lease to Western Fuels Association, Inc., dependent upon the company filing an application for lease and including information required by Title 43 Code of Federal Regulations, Part 2920.5–2. (These regulations appear as final rulemaking in the **Federal Register** of January 19, 1981, Volume 46, No. 12, at pages 5772 through 5782.) The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7. Special stipulations that would be included in a lease, as well as other information about the proposal can be reviewed in the Bureau of Land Managment White River Resource Area Office, P.O. Box 928, Meeker, Colorado 81641, telephone (303) 878–5084.

On or before August 17, 1981, interested parties may submit comments to the State Director, Bureau of Land Management, Colorado State Office, 2000 Arapahoe Street, Denver, Colorado 80205. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

H. Roy McBride,

Acting State Director.

[FR Doc. 81–19482 Filed 7–2–81; 8:45 am]

BILLING CODE 4310–84–M

[NM 45409]

New Mexico; Application

June 24, 1981.

Notice is hereby given, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for forty-four buried, 240-volt, electrical cables to supply cathodic protection to its existing wells across the following lands:

New Mexico Principal Meridian, New Mexico

T. 29 N., R. 5 W.,
Sec. 4, N½SW¼;
Sec. 9, E½NE¼;
Sec. 23, SE¼SE¼;
Sec. 26, NW¼NE¼;
Sec. 33, SE¼NE¼;
Sec. 35, W½NE¼, SE¼NW¼ and E½SW¼.
Containing 6,201.32 feet

T. 30 N., R. 5 W.,
Sec. 5, lots 5, 6, SW¼NE¼ and S½NW¼;
Sec. 6, SE¼NE¼;
Sec. 7, SW¼NE¼ and NW¼SE¼;
Sec. 21, NW¼NE¼ and NW¼SW¼;
Sec. 31, SW¼SE¼.
Containing 10,732.07 feet

T. 31 N., R. 6 W.,
Sec. 32, E½NE¼, SW¼NE¼, N½SW¼ and NW¼SE¼.
Containing 4,660.30 feet

T. 31 N., R. 7 W.,
Sec. 4, SE¼SW¼ and W½SE¼.
Containing 3,094.83 feet

T. 31 N., R. 8 W.,
Sec. 3, lot 1, S½NE¼, N½SW¼, SW¼SW¼ and SE¼;
Sec. 4, lot 1, SE¼NE¼ and NE¼SE¼;
Sec. 8, E½SE¼;
Sec. 9, E½NE¼ and W½SW¼;
Sec. 10, NW¼NE¼, and SW¼NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NW¼ and SE¼SW¼;
Sec. 15, N½NE¼ and SW¼SW¼;
Sec. 23, NE¼NW¼;
Sec. 26, W½SE¼;
Sec. 35, SW¼NE¼, SE¼NW¼, E½SW¼ and NW¼SE¼.
Containing 31,821.04 feet

T. 32 N., R. 7 W.,
Sec. 9, lots 5, 6 and 9;
Sec. 17, lots 5, 9, 13, 15 and 16;
Sec. 20, SW¼SW¼;
Sec. 29, SE¼SW¼ and SE¼;
Sec. 33, lots 2, 3, 4 and W½SE¼;
Sec. 34, SW¼ and SW¼SE¼;
Sec. 35, NW¼NW¼ and NE¼SE¼.
Containing 20,917.25 feet

T. 32 N., R. 8 W.,
Sec. 23, SE¼NW¼, NE¼SW¼ and N½SE¼;
Sec. 24, W½SW¼;
Sec. 25, W½NE¼, N½NW¼ and SE¼NW¼;
Sec. 34, SW¼NW¼ and N½SW¼.
Containing 12,497.30 feet

T. 32 N., R. 11 W.,
Sec. 10, lot 3.
Containing 718.60 feet

These electrical cables will conduct electric energy across 17.167 miles of public lands in San Juan and Rio Arriba Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Stella V. Gonzales,

Chief, Lands Section.

[FR Doc. 81–19515 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–84–M

Vale District Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92–579 that a meeting of the Vale District Advisory Council will be held July 21 at Jordan Valley, Oregon. The meeting will begin at 7:30 a.m. and last until 5:00 p.m.

The meeting will consist of a field examination by the Council of range improvements in the Vale District's Southern Resource Area. The Council will also examine public access to the Owyhee River. The purpose of the field tour is to inform the Council of multiple use issues to be considerd in the planning effort currently underway in the District's Southern Malheur EIS area. This is intended to be an informative tour and no action items are expected to be addressed.

The public is invited to attend the field tour but must provide personal transportation. Anyone wishing to attend should notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by July 17, 1981.

Summary minutes of the Council will be maintained in the District Office and be available during regular business hours for public inspection, for cost of duplication, on or before August 3, 1981. A copy will be furnished each Council member.

Fearl M. Parker,

District Manager.

[FR Doc. 81–19491 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U. S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing activities it proposes to conduct on Lease OCS–G 3546, Block 58, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties become effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 25, 1981.

Lowell G. Hammons,

Gulf of Mexico OCS Region.

[FR Doc. 81–19384 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, July 23, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrain tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater.

The purpose of the meeting will be an orientation tour of the park for members. Members of the public may attend, but no transportation during the tour will be available for the public. Because of this arrangement, the Commission will not conduct any business during the July meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyaghoa Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: June 24, 1981.

James L. Ryan,

Acting Regional Director, Midwest Region.

[FR Doc. 81–19545 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–70–M

Hampton National Historic Site; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting to present development and management proposals for Hampton National Historic Site.

DATE: July 23, 1981, 2:00 P.M. and 7:00 P.M.

ADDRESS: Towson Senior High School, Aigburth Rd. & Cedar Ave., Towson, MD 21204.

FOR FURTHER INFORMATION CONTACT: Courtney B. Wilson, Site Manager, Hampton National Historic Site, Towson, MD 21204.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to present alternative proposals under consideration for the future development and management of the site. The meeting will be open to the public and comments on the proposals are invited.

A document, "Environmental Assessment, Draft General Management Plan, Hampton National Historic Site" has been prepared and is available to the public for review and comment. Copies are available for inspection at the following locations:

Mid-Atlantic Region, National Park Service, 143 S. Third Street, Philadelphia, PA 19106
Hampton National Historic Site, Hampton Lane, Towson, Maryland 21204
Ft. McHenry National Monument and Historic Shrine, Baltimore, MD 21230

Copies will also be available for inspection in libraries in the project vicinity.

A 30 day review period following the public meeting is provided for the submission of comments on the proposals. Written comments may be submitted to the Regional Director, Mid-Atlantic Region by August 22, 1981.

Dated: June 26, 1981.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 81–19580 Filed 7–1–81; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Any status inquiries should be directed to 202–275–7326.

Volume No. OPY–2–112

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Decided: June 25, 1981.

MC 156523, filed June 11, 1981. Applicant: W.C. TREITLINE TRUCKING, Box 112, St. Hilaire, MN 56754. Representative: William C. Treitline (same address as applicant), 218–465–4347. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156593, filed June 16, 1981. Applicant: FREDERICK RICHARDS, INC., 321 East Bay St., Charleston, SC 29401. Representative: Robert A. Richards, 642 Wando Lea Drive, Mt. Pleasant, SC 29464, 803–884–8651. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–101

Decided: June 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156464, filed June 11, 1981. Applicant: C & R TRUCKING, 802 Modoc Lane, Oxon Hill, MD 20021. Representative: Rudolph H. Broadnax, Sr. (same address as applicant), (301) 839–3703. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156485, filed June 11, 1981. Applicant: JOSEPH E. KLECKO, JR., 806 Kimberly Lane, Westtown, PA 19395. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156485, filed June 12, 1981. Applicant: HENRY FOLKNER, 9720 Album, El Paso, TX 79925. Representative: Henry Folkner (same address as applicant), (915)591–6587. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–223

Decided: June 26, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 147766 (Sub-6), filed June 8, 1981. Applicant: COLORADO–DENVER/WAREHOUSE–DELIVERY, INC., 4902 Smith Rd., Denver, CO 80216. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156586, filed June 17, 1981. Applicant: BOB'S TAXI CO., INC., d.b.a. METROPOLITAN COURIER, 9 Vernon St., Norwood, MA 02062. Representative: George C. O'Brien, 12 Vernon St., Norwood, MA 02062. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–19415 Filed 7–1–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquires to the Ombudsman's Office, (202) 275–7326.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Member Williams not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPY–3–103

Decided: June 23, 1981.

MC 26825 (Sub-64), filed June 11, 1981. Applicant: ANDREW VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina, in the U.S. on the one hand, and, on the other, points in the U.S.

MC 113855 (Sub-534), filed June 11, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Seaport Cooperative, Inc., of Portland, OR.

MC 120875 (Sub-15), filed June 11, 1981. Applicant: ACME TRUCK LINE, INC., 2855 Lapalco Boulevard, Harvey, LA 70059. Representative: Paul D. Angenend, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting *Mercer commodities*, between points in CO, ID, MT, ND, NE, SD, UT, and WY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, NM, OK, TN and TX.

MC 121385 (Sub-3), filed June 9, 1981. Applicant: LITTLE DIXIE XPRESS, LTD., 927 S.W. Sixth, P.O. Box 95252, Oklahoma City, OK 73109. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *buildings*, between the facilities of Star Manufacturing Co., located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 124154 (Sub-113), filed June 12, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302, (904) 576–1221. Transporting *general commodities* (except classes A and B explosives), between the facilities of Wonalancet Company, American Can Company, and The Lincoln Electric Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141215 (Sub-4), filed June 5, 1981. Applicant: HICKS CORNERS TRUCKING, INC., Rural Route 1, Shullsburg, WI 53586. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting (1) *Such commodities* as are dealt in by manufacturers of sewage treatment equipment, between points in the U.S., under continuing contract(s) with Water Pollution Control Corp., of Milwaukee, WI; and (2) *agricultural products and agricultural supplies*, between points in the U.S., under continuing contract(s) with Hicks Corner's Grain Elevator, Inc.

MC 149114 (Sub-8), filed June 9, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, 1101 Connecticut Ave., N.W., Suite 1000, Washington, DC 20036 (202) 857–0141. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Automatic Data Processing, Inc., of Clifton, NJ.

MC 150875 (Sub-3), filed June 9, 1981. Applicant: CENTRAL INTERMODAL CORP., 2801 Spring Grove Ave., Cincinnati, OH 45225. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Boone, Campbell and Kenton Counties, KY, Dearborn County, IN, and those in OH, on the one hand, and, on the other, points in the U.S.

MC 152874 (Sub-5), filed June 9, 1981. Applicant: MIDWEST EXPRESS, INC., P.O. Box 550, Miami, OK 74354. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Transporting *such commodities* as are dealt in or used by manufacturers of ceramics, between points in CA, NV, and OR, on the one hand, and, on the other, points in the U.S.

MC 155944, filed June 9, 1981. Applicant: CORNETT TRANSPORTATION CO., INC., 618 Old Philadelphia Rd., Aberdeen, MD 21001. Representative: Thomas P. Kimmett, Jr., 2000 First Maryland Bldg., 25 South Charles St., Baltimore, MD 21201, (301) 752–0987. Transporting (1) *food and related products;* and (2) *containers*, between points in MD, DE, VA, NC, SC, NJ, PA and WV.

MC 156434, filed June 10, 1981. Applicant: HAYS TRAVEL, INC., 1305 Main St., Hays, KS 67601. Representative: Kenneth C. Havner, 111 W. 10th St., Box 976, Hays, KS 67601, (913) 628–1145. As a *broker* at Hays, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

Volume No. OPY–4–213

Decided: June 24, 1981.

MC 20916 (Sub-35), filed June 16, 1981. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601, (703) 662–0927. Transporting (1) *forest products*, (2) *ores and minerals*, (3) *lumber and wood products*, and (4) *clay, concrete, glass or stone products*, between those points in the U.S. in and east of MI, IL, MO, OK, and TX.

MC 64016 (Sub-1), filed June 16, 1981. Applicant: T. E. ANDRESEN, INC., 36–38 Jefferson Ave., Salem, MA 01970. Representative: Thomas E. Andresen, Jr. (same address as applicant), (617) 745–0100. Transporting *household goods*, between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, VA, WV, OH, NC, SC, GA, AL, FL, and DC.

MC 87986 (Sub-22), filed June 16, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Ave., Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680, (312) 681–8378. Transporting *textile mill products* between points in Dekalb and Fulton

Counties, GA, on the one hand, and, on the other, points in Cook, Dupage, Kane, Kendall and Will Counties, IL.

MC 118026 (Sub-9), filed June 16, 1981. Applicant: PALMER GREGORY & SONS, INC., Route #4, Springfield, TN 37172. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219, (615) 244–1440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Tobacco Company, of Greenwich, CT, and its subsidiaries.

Volume No. OPY–4–214

Decided: June 24, 1981.

W1336, filed May 22, 1981. Applicant: ST. PHILIP TOWING & TRANSPORTATION COMPANY, 1305 Shoreline Drive, P.O. Box 5797, Tampa, FL 33675. Representative: Michael Joseph, 1776 F St., N.W., Washington, DC 20006, (202) 467–5900. Transporting, by water, *general commodities*, by non-self propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, (a) between ports and points along the Atlantic Coast and tributary waterways, and (b) between ports and points along the Gulf of Mexico River and tributary waterways (excluding the Mississippi River above Baton Rouge, LA and the Alabama River above Mobile, AL), and (c) between ports and points named in (a) above, on the one hand, and, on the other, ports and points named in (b) above.

MC 42146 (Sub-32), filed June 16, 1981. Applicant: A. G. BOONE COMPANY, P.O. Box 668126, 1812 W. Morehead St., Charlotte, NC 28266. Representative: Floyd C. Hartsell (same address as applicant), (704) 376–7533. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Keystone Foods Corporation and its subsidiaries of Bryn Mawr, PA.

MC 111196 (Sub-32), filed June 16, 1981. Applicant: R. KUNTZMAN, INC., 1805 W. State St., Alliance, OH 44601. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *furniture and fixtures*, between points in OH.

MC 154756 (Sub-1), filed June 11, 1981. Applicant: THE GATEWAY DELIVERY, INC. 1 Saratoga Court, Nanuet, NY 10954. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *such commodities* as are dealt in by a manufacturer of chemicals and plastics, between points in the U.S., under a continuing contract(s) with Ciba-Geigy Corporation, of Ardsley NY.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 (A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

MC 156478, filed June 10, 1981. Applicant: AL E. LITTLE AND STEPHEN K. GINGER, d.b.a. G & L PRODUCE, 102 S. Third, P.O. Box 229, Metropolis, IL 62960. Representative: Charles H. Wickman, 2 North Riverside Plaza, Suite 1435, Chicago, IL 60606, (312) 454–0220. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156486, Filed June 8, 1981. Applicant: ARDIS TRAVEL AGENCY, INC., 256 Park Ave., East Rutherford, NJ 07073. Representative: Robert A. Ferraro, 50 Park Place, Rm. 1038, Newark, NJ 07102, (201) 622–6858. To engage in operations, in interstate or foreign commerce as a *broker*, at East Rutherford, NJ, in arranging for the transportation, by motor vehicle, of *passengers*, between points in the U.S.

MC 156498, filed June 11, 1981. Applicant: GERALD ESSARY, d.b.a. ESSARY TRANSPORTS Route 7, Box 138, Corinth, MS 38834. Representative: John Davidson, Box 1456, 111 Hwy. 72 West, Corinth, MS 38834, (601) 287–5452. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Area Petroleum Company, Inc., of Corinth, MS.

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Decided: June 24, 1981.

MC 110686 (Sub-68), filed June 12, 1981. Applicant: McCORMICK DRAY LINE, INC., Rt. #150, Box 476, Avis, PA 17721. Representative: David A. Sutherlund, 1150 Connecticut Ave., N.W., Suite 400, Washington, DC 20036, (202) 542–6800. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 111936 (Sub-26), filed June 11, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th St., N.W., Washington, DC 20001, (202) 628–9243. Transporting *pulp, paper and related products*, between points in Berrien County, MI, on the one hand, and, on the other, points in NC.

MC 117466 (Sub-1), filed June 12, 1981. Applicant: HAST, INC., d.b.a. ROYAL MESSENGER SERVICE, 9 Indian Neck Ave., Branford, CT 06405. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI, on the one hand, and, on the other, Philadelphia, PA, points in York, Cumberland, Androscoggin, Oxford, Kennebec, Sagadahoc, Lincoln, Waldo, Knox, and Hancock Counties, ME, and points in NY, NJ, CT, MA, RI, NH, and VT.

MC 1140276 (Sub-5), filed June 11, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, P.O. Box 202, Redwood Falls, MN 56283. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 South 5th St., Minneapolis, MN 55402, (612) 340–0808. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Continental Custom Bridge Company, of Alexandria, MN.

MC 117746 (Sub-2), filed June 11, 1981, previously noticed in the Federal Register issued of March 9, 1981, and republished this issue. Applicant: VINCENT J. CICALESE, 12 Dorchester Ave., Cranford, NJ 07016. Representative: Vincent J. Cicalese (same address as applicant), (201) 272–4973. Transporting *food and related products*, between Newark, NJ, Baltimore, MD, Wilmington, DE, Charleston, SC, and Tampa, FL, on the one hand, and, on the other, points in MA, CT, NY, NJ, PA, VA, WV, OH, NC, TN, KY, and GA.

Note.—The purpose of this republication is to correct the territorial description.

Volume No. OPY–4–220

Decided: June 26, 1981.

MC 135556 (Sub-12), filed June 16, 1981. Applicant: CARPENTER BROTHERS TRUCKING INC., S.R. 98, Bucyrus, OH 44820. Representative: Raymond R. Carpenter (same address as applicant), (419) 562–7341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rail-Van of Bellevue, Inc., of Bellevue, OH.

MC 140506 (Sub-1), filed June 16, 1981. Applicant: SURRATT FREIGHT LINES, 603 West Third, Beardstown, IL 62618. Representative: Robert L. Fishel (same address as applicant), (217) 323–2925.

Transporting *general commodities*, (except classes A and B explosives), between points in Peoria, Tazwell, Mason, Menard, Sangamon, Montgomery, Macoupin, Jersey, Calhoun, Pike, Scott, Morgan, Adams, Brown, Cass, Schuyler, Fulton, McDonough, and Hancock Counties, IL.

MC 141326 (Sub-10), filed June 11, 1981. Applicant: C. C. SALTER, d.b.a. SALTER TRUCKING COMPANY, P.O. Box 67, Eufaula, AL 36027. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3680. Transporting *forest products*, and *lumber and wood products*, between points in AL, on the one hand, and, on the other, points in AL, GA, FL, NC, SC, MS, LA, TX, AR, KS, MO, TN, KY, OH, IN, IL, MI, WI, and IA.

MC 153196 (Sub-3), filed June 16, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *such commodities* as are dealt in by manufacturers and distributors of household products, and personal care products, between points in the U.S., under continuing contract(s) with Northern Laboratories, Inc., of Manitowoc, WI.

MC 154726, filed June 16, 1981. Applicant: WALTER M. KOFOD, d.b.a. THOR KOFOD TRUCKING, P.O. Box 757, Rio Vista, CA 94571. Representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Carson Valley Oil Co., of Carson City, NV.

MC 156576 filed June 16, 1981. Applicant: ARKHOMA TRANSPORTS, INC., P.O. Box 733, Perryton, TX 79070. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *salt water and oil field drilling and completion fluids*, between points in Sherman, Hansford, Ochiltree, Lipscomb, Hemphill, Wheeler, Roberts, Gray and Hutchinson Counties; TX, Cimarron, Texas, Beaver, Harper, Ellis, and Roger Mills Counties, OK; and Finney, Haskell, Seward, Morton, Meade, Clark, Stevens, Stanton, Grant, Hamilton, and Kearney Counties, KS.

W 16 (Sub-12), filed May 19, 1981, and previously noticed in the Federal Register issue of June 8, 1981. Applicant: S. C. LOVELAND CO., INC., 520 So. Front St., Philadelphia, PA 19147. Representative: Donald Macleay, Commonwealth Bldg., 1625 K St., N.W., Washington, D.C. 20006, (202) 393–3390. Transporting by water, by self-propelled vessels and non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, generally and by towing vessels in the performance of general towage, (1) between ports and points along the Gulf of Mexico Coast and all tributary waterways, (2) between ports and points along the Pacific Coast and all tributary waterways, (3) between ports and points in (1) above, and ports and points in (2) above, and (4) between ports and points in (1) and (2) above, and ports and points along the Atlantic Coast and all tributary waterways except the Hudson River above the Port of New York.

Note.—The purpose of this republication is to correctly reflect the commodity description, and correct sub number.

Volume No. OPY–4–221

Decided: June 26, 1981.

MC 26396 (Sub-401), filed June 10, 1981. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant), (406) 248–1919. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 118776 (Sub-74), filed June 12, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: L.F. Blackstun (same address as applicant), (217) 224–2685. Transporting *transportation equipment*, between points in IL, MI, MO, AND TN.

MC 120646 (Sub-31), filed June 10 1981. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, NC 28803. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in VA, NC, SC, GA, AL, MS, AR, LA, KY, TN, and FL, on the one hand, and, on the other, points in the U.S.

MC 128436 (Sub-3), filed June 12, 1981. Applicant: THOMAS L. QUINN, P.O. Box 244, Brockway, PA 15824. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *coal*, between points in Jefferson, Elk, Clarion, Armstrong, Cameron, Clinton, Cambria, Clearfield, Indiana and Centre Counties, PA on the one hand, and, on the other, points in OH, NY, MD, WV, DE, NJ, VA, MA, CT, RI, and DC.

MC 129226 (Sub-11), filed June 16, 1981. Applicant: TO-JON TRUCKING, INC., 480 Brown Court, Oceanside, NY 11572. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Tractor Supply Company, Nashville, TN.

Volume No. OPY–4–222

Decided: June 26, 1981.

MC 134276 (Sub-2), filed June 9, 1981. Applicant: GUARDIAN STORAGE, INC., 4023 Navy Blvd., Pensacola, FL 32507. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *household goods*, between points in AL, AR, FL, GA, KY, LA, MD, MO, MS, NC, OK, SC, TN, TX, VA, WV, and DC.

MC 151566 (Sub-3), filed June 16, 1981. Applicant: PERRY TRANSPORT, INC., 14375 172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sealed Power Corporation, of Muskegon, MI.

MC 154266 (Sub-1), filed June 16, 1981. Applicant: MICHAEL G. HANUS, d.b.a. A TRUCKING COMPANY, P.O. Box 721, Valley, NE 68064. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Campbell Soup Company, of Omaha, NE.

MC 156586, filed June 16, 1981. Applicant: GERALD A. HOOVER, d.b.a. PHILLIPSBURG TRUCK LINE, Rt. 1, Box 96, Phillipsburg, KS 67661. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Holloway Wholesale Grocers, Inc., of Beloit, KS, Gilpin-Gorton, Inc., of Russell, KS, Van Diest Wholesale Grocers, Inc., of Prairie View, KS, and F & A Sales Company, of Concordia, KS.

MC 154646 (Sub-6), filed June 11, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between the facilities of Plymouth

Manufacturing, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154646 (Sub-7), filed June 12, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

[FR Doc. 81-19110 Filed 7-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-96F)]

Burlington Northern Inc.—Discontinuance of Trackage Rights—Over Chicago, Rock Island & Pacific Railroad Co. in Des Moines County, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided June 29, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment of trackage rights by the Burlington Northern Inc. over a line of railroad known as the Burlington to Mediapolis, IA, line extending from railroad milepost 2.05 near Burlington, IA, to railroad milepost 15.51, at the end of the line, near Mediapolis, IA, a distance of 13.46 miles in Des Moines County, IA. This line segment is owned by the Chicago, Rock Island & Pacific Railroad Company and BN operated over the line by a trackage rights agreement with the Rock Island. A certificate of public convenience and necessity permitting discontinuance of service was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on applicant with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19562 Filed 7-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29587]

Consolidated Rail Corporation—Abandonment—Of 51 Out-Of-Service Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The Consolidated Rail Corporation (Conrail) seeks an exemption under 49 U.S.C. 10505 from the requirement of prior approval under 49 U.S.C. 10903 for the abandonment of 51 line segments that assertedly have not been used to handle traffic for at least one year. These segments are located in Michigan, Ohio, Illinois, Indiana, New York, New Jersey, Pennsylvania, and Connecticut and are described below. Because of the relatively broad scope of the request, we are soliciting public comment before considering the merits of the proposed exemption.

DATES: Comments must be received with 30 days after this publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative: Charles E. Mecham, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

Comments should refer to Finance Docket No. 29587.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, 202–275–7245.

SUPPLEMENTARY INFORMATION: Included in the abandonment proposal are 51 separate line segments listed on Conrail's 1979 System Diagram Map as category 1 lines.[1] Conrail states that no traffic has been handled on any of the lines for at least one year. Conrail knows of no demand for service during that period and does not believe there is any prospect for generating traffic on any of the lines in the future. Petitioner states that abandonment will have no effect on its operations or on its ability to provide service on other lines. On the other hand, Conrail believes that it would obtain substantial benefits from abandonment. A grant of the exemption would permit it to salvage rail and other materials for use elsewhere in its system and to sell or otherwise dispose of its underlying rights-of-way.

Although Conrail believes that there would be no public harm if it abandoned the lines, it is nevertheless willing to comply with the requirements of 49 U.S.C. 10905(d)–(f) (continuation of operations under a subsidy agreement). It believes that the preparation and processing of separate abandonment applications would involve an unreasonable administrative burden, serve no useful purpose, and would be unnecessary to carry out the rail transportation policy of 49 U.S.C. 10101a or to protect shippers from the abuse of market power.

These are the Conrail line segments embraced in the proposal:

—System Diagram Map line #1. A portion of the Kankakee Branch, from Moronts (milepost 186.0) to Howe (milepost 188.3), in Bureau County, IL.

—System Diagram Map line #9. A portion of the New Albany Running Branch, from milepost 0.0 at Clarksville, in Clark County, IN to milepost 4.6, at New Albany, in Floyd County, IN.

—System Diagram Map line #10. The Applegate Branch, from milepost 105.7 at Jefferson to milepost 107.2 at the tract terminus, in Clark County, IN.

—System Diagram Map line #11. A portion of the Cincinnati-Indianapolis Mainline, from milepost 23.0 at Sunman, in Ripley County, IN, to milepost 39.7 at Thatcher Glass, in Dearborn County, IN.

—System Diagram Map line #13. A portion of the GR&I Branch from milepost 172.9 at Vicksburg to milepost 178.4 at Austin Lake, in Kalamazoo County, MI.

—System Diagram Map line #17. A portion of the Lytle Running Track from milepost 0.7 to milepost 3.5 in the City of Dayton, OH.

—System Diagram Map line #18. A portion of the former Erie-Lackawanna main line from milepost 51.0 at Lima to milepost 43.0 at West Harrod, in Allen County, OH.

—System Diagram Map line #19. A portion of the Carey Secondary Track, from milepost 41.7 at Berwick, in Seneca County, OH to milepost 48.5 at Carey, in Wyandot County, OH.

—System Diagram Map line #23. A portion of the Sharon Branch, from milepost 1.3 at Hubbard to milepost 4.9 at Bentley, in Trumbull County, OH.

—System Diagram Map line #24. A portion of the Castle Secondary track, from milepost 51.3 at Castle, in Lawrence County, PA to milepost 66.0 at Wheatland, in Mercer County, PA.

—System Diagram Map line #25. A portion of the Ferrona Secondary Track, from milepost 1.4 near Sharon to milepost 5.1 near Wheatland and from milepost 0.3 at Sharon to milepost 0.9 near Sharon, in Mercer County, PA.

—System Diagram Map line #26. A portion of the Hill Industrial Track, from milepost 0.0 near Sharon, to milepost 1.3 at Sharpsville, in Mercer County, PA.

—System Diagram Map line #27. A portion of the Wheatland Secondary Track, from milepost 79.0 at Sharpsville to milepost 81.4 at Transfer, in Mercer County, PA.

—System Diagram Map line #28. A portion of the Wheatland Secondary Track, from milepost 84.0 at Greenville to milepost 89.6 at Jamestown, in Mercer County, PA.

—System Diagram Map line #31. A portion of the Reno Industrial Track, from milepost 79.9 near Franklin to milepost 81.9, at Reno, in Venango County, PA.

—System Diagram Map line #33. A portion of the Bedford Secondary Track, from milepost 46.5 at Bedford to milepost 51.0 at Napier, in Bedford County, PA.

—System Diagram Map line #34. A portion of the Catawissa Branch, from milepost 173.6 near White Deer, in Union County, PA to milepost 182.2 at Montgomery, in Lycoming County, PA.

—System Diagram Map line #35. A portion of the Shamokin, Sunbury and Lewisburg Branch, from milepost 156.3 at Sunbury, in Snyder County, PA to milepost 161.4 at Winfield, in Union County, PA.

—System Diagram Map line #36. A portion of the Watsontown Secondary Track from milepost 14.2 at Derry to milepost 38.5 at Berwick, in Columbia County, PA.

—System Diagram Map line #37. A portion of the Scranton Branch, from milepost 2.6 to milepost 3.7 in the City of Scranton, PA.

—System Diagram Map line #40. A portion of the Laurel Branch, from milepost 0.0 at Wilkes-Barre to milepost 12.4 at Pittston, in Luzerne County, PA.

—System Diagram Map line #41. The Cresco and Mountain Home Branch, from milepost 0.0 at Cresco to milepost 1.0 at Mountain Home, in Monroe County, PA.

—System Diagram Map line #42. A portion of the Nazareth Industrial Track, from milepost 96.6 at Bellfast Junction to milepost 103.2, at Penn Argyl Junction, in Northampton County, PA.

—System Diagram Map line #43. A portion of the Nazareth Industrial Track, from milepost 104.7 at Carlon to milepost 106.5, at Nazareth, in Northampton County, PA.

—System Diagram Map line #44. A portion of the Catasauqua & Fogelsville Bridge Branch, from milepost 0.1 at Catasauqua to milepost 2.5 at Seiple, in Lehigh County, PA.

—System Diagram Map line #45. A portion of the Traylor Industrial Track, from milepost 0.0 at Burn to milepost 1.5 at the Traylor Engineering facility, in Lehigh County, PA.

—System Diagram Map line #46. A portion of the Allentown Industrial track, from milepost 20.8 to milepost 22.5, in Allentown, in Lehigh County, PA.

—System Diagram Map line #47. A portion of the Pottstown Secondary Track, from milepost 43.3 at Stowe, in Montgomery County, PA to milepost 48.0 at Birdsboro, in Berks County, PA.

—System Diagram Map line #48. The New Holland Secondary Track from its terminus in Chester Ccounty, PA at milepost 17.6 to milepost 20.2 near Honeybrook, in Lancaster County, PA.

—System Diagram Map line #49. A portion of the Phoenixville Branch, from milepost 33.0 at Pennhurst, in Montgomery County, PA to milepost 36.0 at Parkerford, in Chester County, PA.

—System Diagram Map line #50. A portion of the Chester Creek Secondary Track, from milepost 0.0 at Lamokin to milepost 0.5 at Upland, in Delaware County, PA.

—System Diagram Map line #51. A portion of the 60th Street Branch, from milepost 0.0 at Brills to milepost 1.2 at Passayunk Avenue, in Philadelphia County, PA.

—System Diagram Map line #52. A portion of the Cardington Branch, from milepost 6.5 at Newton Square Branch Junction, in Chester County, PA to milepost 8.8, at Millbourne Mills, in Montgomery County, PA.

—System Diagram Map line #53. A portion of the Franford Insustrial Track, from milepost 0.0 at Whitaker Avenue to milepost 10.7 in the City of Philadelphia, PA.

—System Diagram Map line #54. A portion of the former Erie-Lackawanna Bearlake Line, from milepost 47.3 at Niobe, in Chautauqua County, NY to milepost 56.3 at Columbus, in Warren County, PA.

—System Diagram Map line #55. The Wurlitzer Running Track, from milepost 0.0 at North Tonawanda to milepost 1.0, near North Tonawanda, in Niagara County, NY.

—System Diagram Map line #56. A portion of the Lockport Branch from milepost 448.5 at North Tonawanda Junction to milepost 442.6 at Williamsville, in Erie County, NY.

—System Diagram Map line #57. A portion of the Lowerton Branch, from milepost 0.0 at North Tonawanda to milepost 24.5, near Lockport, in Niagara County, NY.

—System Diagram Map line #60. A portion of the Horseheads Branch, from milepost 0.0 at Elmira to milepost 5.1 near Horseheads, in Chemung County, NY.

—System Diagram Map line #61. A portion of the Syracuse Branch, from milepost 202.8 at Chenango Forks to milepost 211.5 at Whitney Point, in Broome County, NY.

—System Diagram Map line #62. A portion of the Wallkill Valley Branch, from milepost 0.0 at Kingston to milepost 14.9 at New Paltz, in Ulster County, NY.

—System Diagram Map line #63. A portion of the Putnam Industrial Track, from milepost 15.0 at Chauncy to milepost 20.7 at Eastview, in Westchester County, NY.

—System Diagram Map line #64. A portion of the Hudson Branch from milepost 21.0 at Warwick, in Orange County, NY to milepost 34.6 at Franklin, in Sussex County, NJ.

—System Diagram Map line #65. A portion of the Mt. Hope Mineral RR, from milepost 0.5 at Wharton to milepost 3.2 at Mt. Hope, in Morris County, NJ.

—System Diagram Map line #66. A portion of the Old Road Branch, from milepost 79.3 at Delaware, in Warren County, NJ to milepost 80.5 at State Line, in Northampton County, PA.

—System Diagram Map line #67. A portion of the Ingersol Branch, from milepost 0.0 at Rand to milepost 0.7 at Phillipsburg, in Warren County, NJ.

—System Diagram Map line #68. A portion of the West Newark Branch, from milepost 0.0 at Hunter to milepost 1.7 at West Newark, in Essex County, NJ.

[1] A 52nd line embraced in Conrail's original petition, the "Orange Avenue Branch" in Cleveland, OH (System Diagram Map No. 22) was considered separately at Conrail's request in Finance Docket No. 29587 (Sub-1). See notice served June 17, 1981 in that proceeding.

—System Diagram Map line #69. A portion of the Newark & New York Industrial Track from milepost 4.7 at the Passaic River to milepost 5.0 at Newark Transfer, in Hudson County, NJ.

—System Diagram Map line #73. A portion of the Southern Branch, from milepost 79.0 at Woodmansie, in Burlington County, NJ to milepost 104.2 at Winslow Junction, in Camden County, NJ.

—System Diagram Map line #74. A portion of the Canal Secondary Track, from milepost 0.0 to milepost 1.1, in the City of New Haven, CT.

Comments Received

At the time the petition was received, the Energy and Environment Branch determined that there was insufficient information upon which to make any determination as to energy and environmental impacts. Nevertheless, agencies in affected States were notified of the substance of the petition and invited to respond.

Comments have been received from the City of Lima, OH; the City of Kenton, OH; Ohio Rail Transportation Authority; State of Ohio Public Utilities Commission; New York Department of Transportation; New York Department of Environmental Conservation; Cortland County, NY; New Jersey Department of Transportation; New Jersey Department of Environmental Protection; Board of Chosen Freeholders of Burlington County, NJ; Lehigh, Erie & Wallkill System; Morris County, NJ; Railway Labor Executives' Association; United Transportation Union; U.S. Representative Benjamin A. Gilman, and U.S. Representative Jim Courter. These comments will be considered along with any comments received pursuant to this notice.

In light of the findings of the Environment and Energy Branch that insufficient information has been presented to assess energy and environmental impacts of the proposal, Conrail is requested to provide sufficient information on these matters. (Conrail may contact the Commission's Energy and Environment Branch at 202–275–7916 if you should have any questions about this matter.) Also, in view of the broad scope of Conrail's petition for exemption, we here request the participation and comments of affected industries, individuals, and public agencies. Comments are due within 30 days of the date of publication of this notice in the **Federal Register**. After receipt and consideration of the views of all interested persons, we will act upon Conrail's petition.

(49 U.S.C. 10505 and 5 U.S.C. 553, 559.)

Dated: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81-19460 Filed 7-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

All status inquiries should be directed to 202–275–7326.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–186

Decided: June 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 35320 (Sub-661), filed June 16, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant) (806) 745–7263. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Port of Seattle, of Seattle, WA.

MC 87451 (Sub-7), filed June 8, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 628–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Acorn Structures, Inc., of Acton, MA.

MC 111611 (Sub-57), filed June 12, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: Ronald C. Chauvel, 100 Pine St., Ste 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *general commodities* (except classes A and B explosives), between the facilities of Alumacraft Boat Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 117820 (Sub-42), filed March 18, 1981. Applicant: W. H. FROH, INC., 57760 Main Blvd., New Haven, MI 48048. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135170 (Sub-60), filed June 16, 1981. Applicant: TRI–STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *such commodities* as are dealt in or used by manufacturers of containers, between points in the U.S., under continuing contract(s) with Universal Packaging, Inc. of Concord, NH.

MC 135691 (Sub-66), filed June 16, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75228. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. Transporting *chemicals and related products*, between Palmerton, PA, points in NJ and Ashtabula County, OH, on the one hand, and, on the other, points in the U.S.

MC 136220 (Sub-91), filed June 11, 1981. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX, (214) 339–4108. Transporting *machinery and transportation equipment*, between points in Kay County, OK, on the one hand, and, on the other, points in AR, CA, CO, KS, LA, MS, NE, NM, MT, ND, ID, UT, TX, and WY.

MC 140201 (Sub-8), filed June 16, 1981. Applicant: SONELL, INC., P.O. Box 9054, Lester, PA 19113. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 628–7900. Transporting *food and related products*, between the facilities used by Hershey Foods Corporation at those points in the U.S. in and east of MN, IA, MO, AR, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 143061 (Sub-17), filed June 16, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Carrier Service of Anaheim, CA.

MC 145010 (Sub-2), filed June 16, 1981. Applicant: WAYNE EXPRESS, INC., 200 Circle Ave., Clifton, NJ 07011. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *food and related products*, between Rochester and New York, NY, Boston, MA, Pittsburgh and Philadelphia, PA, Cincinnati, OH, and Virginia Beach, VA, on the one hand, and, on the other, points in CT, DE, IL, IN, MD, MA, NJ, NY, OH, PA, RI, VA, and DC.

MC 146281 (Sub-11), filed June 11, 1981. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347–8862. Transporting *such commodities* as are dealt in by manufacturers and distributors of paints, chemicals, and related products, between Dayton, OH, on the one hand, and, on the other, points in AL, GA, KY, LA, MS, NC, and TN.

MC 147140 (Sub-1), filed June 10, 1981. Applicant: MT. HOOD TIMBER PRODUCTS, LTD., P.O. Box 17370, Portland, OR 97217. Representative: Lex F. Page, One Southwest Columbia, Suite 600, Portland, OR 97258, (503) 222–4422. Transporting (1) *lumber and wood products*, (2) *machinery*, (3) *building materials*, and (4) *commodities which because of size or weight require the use of special equipment*, between points in CA, ID, NV, OR, UT, and WA.

MC 148230 (Sub-2), filed June 11, 1981. Applicant: J & H GRAIN, INC., P.O. Box 98, Thayer, KS 66776. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with W-G Fertilizer, Inc., of Thayer, KS.

MC 149591 (Sub-4), filed June 11, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Missouri Valley Foods, Inc. of Omaha, NE.

MC 152430 (Sub-2), filed June 11, 1981. Applicant: A. J. THOMAS & SON, INC., 840 S. Front, Coos Bay, OR 97420. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products*, between points in OR, WA, and CA.

MC 154281, filed February 9, 1981, and previously noticed in **Federal Register** issue of March 12, 1981. Applicant: SAMMONS BEST WAY PARCEL SERVICE, INC., 1051 Judson St., Bensenville, IL 60106. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–6937. Transporting *pulp, paper and related products, printed matter, and containers*, between points in IL, MI, WI, MN, OH, KY, IN, and IA.

Note.—This republication includes containers in the commodity description.

MC 155111 (Sub-1), filed June 11, 1981. Applicant: RESOURCE TECHNOLOGY SERVICES, INC., 6 Berkeley Rd., Devon, PA 19333. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *waste and scrap materials, and hazardous waste*, between points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous waste, it will expire 5 years from the date of issuance.

MC 155941 (Sub-1), filed June 16, 1981. Applicant: DROKE BROTHERS TRUCKING, INC., Route No. 1, Hornersville, MO 63885. Representative: E. Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118, (501) 851–3208. Transporting *food and related products*, between Galveston, TX, on the one hand, and, on the other, points in TX, OK, KS, NE, SD, ND, CO, MN, IA, MO, AR, TN, KY, IL, IN, WI, and OH.

MC 156540, filed June 16, 1981. Applicant: DAVID F. HARRIS and RICHARD J. DIKEMAN, d.b.a. J AND R TRANSPORTATION, 1354 Via Verde, San Dimas, CA 91733 (P.O. Box 404, LaVerne, CA 91750). Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverely Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Carrier Service, of Anaheim, CA.

MC 156550, filed June 16, 1981. Applicant: JERRY NICHOLAS, d.b.a. QUICK TRANSFER COMPANY, P.O. Box 11362, Wichita, KS 67211. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives), betwen points in McPherson, Harvey and Sedgwick Counties, KS.

Volume No. OPY–2–110

Decided: June 22, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 61502 (Sub-13), filed June 8, 1981. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway No. 1, Elizabeth, NJ 07201. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212–239–4610. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, New York, NY, Boston, MA, Philadelphia, PA, and Portsmouth, VA, on the one hand, and, on the other, points in WV, VT, ME, NH, and KY.

MC 119552 (Sub-16), filed June 9, 1981. Applicant: J. T. L., INC., 200 Whitehall St., Providence, RI 02909. Representative: Robert L. Cope, 1730 M St. NW., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with McQuay-Norris, Inc., of St. Louis, MO, and SKF Industries, Inc., of King of Prussia, PA.

MC 121592 (Sub-3), filed May 13, 1981. Applicant: TULLAHOMA FREIGHT CO., INC., P.O. Box 717, Tullahoma, TN 37388. Representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, TN 37219. (1) Transporting *such commodities* as are dealt in or used in the distilling, packaging, and distribution of alcoholic beverages, between points in Moore and Coffee Counties, TN, on the one hand, and, on the other, points in the U.S., (2) over regular routes, transporting *general commodities* (except classes A and B explosives), between Nashville, Tullahoma and Lynchburg, TN: from Nashville over U.S. Hwy 70 south to junction TN Hwy 53, then over TN Hwy 53 to junction TN Hwy 55, then over TN Hwy 55 to Tullahoma, TN, then over TN Hwy 55 to Lynchburg, TN, and return over the same route. (a) From Nashville over U.S. Hwy 41–A to Tullahoma, TN, and return over the same route, (b) from Nashville, TN, over Interstate Hwy 24 to junction TN Hwy 55 at or near Manchester, TN, and return over the same route, (c) from Nashville, TN, over Interstate Hwy 24 to junction U.S. Hwy 231 at or near Murfreesboro, TN, and then over U.S. Hwy 231 to Shelbyville, TN, and then over U.S. Hwy 41–A to Tullahoma, and return over the same route. Parts (a), (b), and (c) to be used as alternate routes. Condition: Issuance of this certificate is subject to prior or coincidental cancellation at applicant's request, of applicant's certificate of Registration in MC–121592, issued November 18, 1971.

MC 130523, filed June 8, 1981. Applicant: LEE GROVES, d.b.a. LEE'S MOTOR TOURS, Route 98 and County 32, P.O. Box 560, Point Clear, AL 36564. Representative: Lee Groves (same address as applicant), (205) 928–1600. To operate as a *broker*, at Point Clear, AL, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 136512 (Sub-21), filed June 1, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102, (612) 227–7731. Transporting *pulp, paper and related products*, between Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 150573 (Sub-5), filed May 27, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., Weston Road, P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902, (404) 323–2416. Transporting (1) *chemicals and related products*, between points in Taylor, Hamilton, Jackson, Santa Rosa, Polk, Hillsborough and Levy Counties, FL, on the one hand, and, on the other, points in GA and AL; (2) *food and related products*, between points in Edgecombe, Wake and Cumberland Counties, NC, and Kershaw, Darlington, Calhoun and Hampton Counties, SC, on the one hand, and, on the other, points in FL, GA and AL, and (3) *clay, concrete, glass or stone products*, between points in Jefferson County, AL, on the one hand, and, on the other, points in GA.

MC 152962 filed June 8, 1981. Applicant: MILMOE-MAXEY ENTERPRISES, INC., d.b.a. MAXI TRANSPORTATION CO., 9245 Reseda Blvd., Northridge, CA 91324. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, 213–655–3573. Transporting *petroleum, natural gas and their products*, between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 153662, filed June 8, 1981. Applicant: MIDWEST EQUINE EXPRESS, INC., 978 11th Ave., NW., New Brighton, MN 55112. Representative: James Stepaniak (same as applicant), (612) 636–4872. Transporting *livestock, other than ordinary, including race and show horses, ponies and mules*, and *such commodities* as are used in the care and showing of such animals, between points in the U.S.

MC 158432, filed June 9, 1981 Applicant: SELWAY CORPORATION, Stevensville, MT 59870. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting (1) *lumber and wood products*, between points in WA, OR, ID, and MT, on the one hand, and, on the other, points in WY, UT, CO, ND, and MT, and (2) *metal products* (a between points in WA, OR, MT, ID, and WY, and (b) between points in WA, OR, MT, ID, and WY, on the one hand, and, on the other, points in CA, NV, UT, CO, ND, and SD.

Volume No. OPY–2–113

Decided: June 25, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF 353 (Sub-3), filed June 9, 1981. Applicant: AFI WORLDWIDE FORWARDERS, 5725 Paradise Drive, Corte Madera, CA 94925. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, 202–833–8884. *As a freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S., on the one hand, and, on the other, points in AK.

MC 134592 (Sub-27), filed June 11, 1981. Applicant: H & H TRUCKING CO., 5205 NW 242nd Avenue, Hillsboro, OR 97123. Representative: Herb Moore (same address as applicant), (503) 285–5218. Transporting *pulp, paper and related products* between points in King and Snohomish Counties, WA and Multnomah Counties, OR, on the one hand, and, on the other, points in CA, NV and AZ.

MC 139923 (Sub-85), filed June 12, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th Street, Stroud, OK 74079. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 698–2235. Transporting: (1) *general commodities*, (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX, (2) *food and related products* between points in Washoe County, NV, on the one hand, and, on the other, points in AZ, CA, OR, and WA, and (3) *such commodities* as are dealt in or used by bakery supply companies between Kansas City, KS, and points in Cook County, IL, on the one hand, and, on the other, points in the U.S.

MC 140633 (Sub-5), filed June 16, 1981. Applicant: CAPITAL DELIVERY SYSTEMS, INC., P.O. Box 161115, Sacramento, CA 95816. Representative: John F. Parks III (same address as applicant), 916–929–9458. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cleaning compounds and household products, between points in the U.S., under continuing contract(s) with Amway Corporation, of Santa Ana, CA.

MC 144643 (Sub-16), filed June 17, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Ave., Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852, 401–884–7292. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with National Beef Packing Company, of Liberal, KS.

MC 145793 (Sub-2), filed June 17, 1981. Applicant: EMBERS EXPRESS TRUCKING COMPANY, P.O. Box 937, Lake City, SC 29560. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, 301–986–1410. Transporting *metal products* and *food and related products*, between points in Florence County, SC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MS, MO, NH, NJ, NY, NC, OH, PA, RI, TN, TX, VT, VA, WV, and DC.

MC 146402 (Sub-36), filed June 12, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant), (901) 423–2408. Transporting (1) *lumber and wood products, chemicals and related products, and petroleum, natural gas and their products*, between points in Vinton County, OH, and Nicholas County, WV, on the one hand, and, on the other, points in the U.S., (2) *food and related products* between points in St. Landry and St. Martin Parishes, LA, on the one hand, and, on the other, points in the U.S.

MC 151193 (Sub-8), filed June 12, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *such commodities* as are dealt in or used in the printing and publishing industry, between points in the U.S., under continuing contract(s) with Commerce Clearing House, Inc., of Clark, NJ.

MC 151193 (Sub-11), filed June 17, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Intercon Company, of Carteret, NJ.

MC 152153 (Sub-2), filed June 11, 1981. Applicant: MOREAUX BROTHERS TRUCKING, INC., P.O. Box 362, China, TX 77613. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001, 202–628–9243. Transporting *chemicals and related products* and *rubber and plastic products*, between points in Orange County, TX, on the one hand, and, on the other, points in Harris and Galveston Counties, TX, and Calcasieu Parish, LA.

MC 155223 (Sub-1), filed June 17, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 West Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, 213–945–3002. Transporting *machinery, pulp, paper and related products, textile mill products*, and *metal products*, between points in the U.S., under continuing contract(s) with Badger Meter, Inc., of Milwaukee, WI.

MC 156583, filed June 16, 1981. Applicant: ALLISON LEASING, INC., P.O. Box 166, Cleveland, GA 30528. Representative: Jeffrey W. Kohlman, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd. NE., Atlanta, GA 30326, 404–262–7855. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Dak Foods, Inc., of East Brunswick, N.J.

Volume No. OPY–2–114

Decided: June 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Members Chandler and Fortier not participating.)

MC 77972 (Sub-50), filed May 8, 1981, published in the **Federal Register**, issue of June 8, 1981, and republished, as corrected, this issue. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *general commodities* (except classes A and B explosives), between points in Lauderdale and Scott Counties, MS, on the one hand, and, on the other, points in AK, AZ, CA, CO, CT, DE, HI, ID, IA, KS, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, UT, VT, VA, WA, WV, WI, WY, and DC.

Note.—Applicant indicates intention to tack this authority with its regular route authority in its Base Certificate and Sub Nos. 4, 12, 13, 15, 17, 22, 28, 29 and 30. The purpose of this republication is to cite the correct Subnumbers being tacked with its regular route authority.

Volume No. OPY–3–102

Decided: June 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 7205 (Sub-7), filed June 16, 1981. Applicant: POZZI BROTHERS TRANSPORTATION, INC., 21441 76th St., South, Kent, WA 98031. Representative: Michael A. Jonson, 300 Central Bldg., Seattle, WA 98104, (206) 624–2521. Transporting *general commodities* (except classes A and B explosives), between points in WA.

MC 15875 (Sub-50), filed June 16, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant), (217) 324–2141. Transporting *transportation equipment* between Detroit, MI, on the one hand, and, on the other, points in Boone County, IL and New Castle County, DE.

MC 43685 (Sub-28), filed June 16, 1981. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Dwight D. Dively (same address as applicant), (509) 535–3597. Transporting *metal products*, (1) between points in UT, on the one hand, and, on the other, points in MT, OR, WA, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID, and (2) between points in CA, on the one hand, and, on the other, points in OR, WA, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID.

MC 76065 (Sub-35), filed June 16, 1981. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505 West 37 St., New York, NY 10018. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *such commodities* as are dealt in by department stores, between points in NY, NJ, DE, PA, MD, VA, WV, NC, FL, SC, GA, AL and DC.

MC 106074 (Sub-180), filed June 16, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *food and related products*, between points in CA, OR, and ID, on the one hand, and, on the other, points in NC and SC.

MC 112435 (Sub-6), filed June 16, 1981. Applicant: L. D. SMOCK AND E. G.

SMOCK, d.b.a. D. & L. E. TRANSIT CO., 1502 Augusta St., Zanesville, OH 43701. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Muskingum County, OH, on the one hand, and, on the other, points in the U.S.

MC 117574 (Sub-355), filed June 12, 1981. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: William A. Chesnutt, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036, (202) 659–5157. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 124774 (Sub-143), filed June 12, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *such commodities as are dealt in by drug and discount stores*, between points in Bergen County, NJ, on the one hand, and, on the other, Chicago, IL.

MC 127955 (Sub-8), filed June 8, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. & Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *petroleum, natural gas and their products*, between points in Philadelphia County, PA and New Castle County, DE, on the one hand, and, on the other, points in Cape May, Cumberland, Atlantic, Burlington, Salem, and Gloucester Counties, NJ.

MC 129484 (Sub-9), filed June 9, 1981. Applicant: RAMDO TRANSPORT, INC., d.b.a. MELVIN WANG TRUCKING, a corporation, 80 29th Ave. No., Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *asphalt, road oil and residual fuels*, between points in ND, on the one hand, and, on the other, points in SD, MN, and NE.

MC 134105 (Sub-104), filed June 12, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Rd., Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant), (615) 756–4066. Transporting *meat, meat products and meat byproducts*, between points in Ford County, KS, on the one hand, and, on the other, points in the U.S.

MC 134105 (Sub-105), filed June 12, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Rd., Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant), (615) 756–4066. Transporting *household appliances*, between points in AL, IL, and TN, on the one hand, and, on the other, points in the U.S.

MC 138104 (Sub-107), filed June 11, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *foundry materials, equipment, and supplies*, between points in AR, LA, and TX, on the one hand, and, on the other, points in the U.S.

MC 145664 (Sub-31), filed May 22, 1981. Applicant: STALBERGER, INC., 223 S. 50th Ave., West, Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807, (218) 624–3641. Transporting *food and related products*, between the facilities of Stewart & Associates, at or near Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 146965 (Sub-1), filed June 10, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O. Box 3306, Redding, CA 96049. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *lumber and wood products*, between points in the U.S., under contract(s) with Nikkel Moulding of Anderson, CA.

MC 148414 (Sub-6), filed June 17, 1981. Applicant: UNIDYNE CORPORATION, 3835 East Princess Ave., Norfolk, VA 23502. Representative: David P. L. Berry, 300 East Main St., 820 First & Merchants Bank Bldg., Norfolk, VA 23510, (804) 625–6528. Transporting *insulation materials*, between points in the U.S., under continuing contract(s) with WACO, Inc., of Newport News, VA.

MC 149075 (Sub-9), filed June 17, 1981. Applicant: OVER LAND, INC., P.O. Drawer 608, Lyman, SC 29365. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 49226, (313) 962–6492. Transporting *clay, concrete, glass or stone products*, between points in Union County, TN, on the one hand, and, on the other, points in U.S.

MC 149474 (Sub-3), filed June 11, 1981. Applicant: CONTRACTORS CARGO COMPANY, a corporation, 11100 S. Garfield, South Gate, CA 90280. Representative: Richard C. Celio, 2300 Camin Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting *general commodities* (except classes A and B explosives), between points in CA, OR, WA, ID, MT, WY, UT, CO, NV, AZ, NM, TX, OK, KS, and LA.

MC 151605 (Sub-2), filed June 11, 1981. Applicant: DONALD E. RODMAN, d.b.a. RODMAN TRUCK SERVICE, 1923 S.W. 15th Street, Oklahoma City, OK 73148. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (415) 528–3884. Transporting (1) *construction materials*, and (2) *clay brick, concrete brick & block*, between points in the U.S., under continuing contract(s) with Certain Teed Corporation of Valley Forge, PA and Oklahoma Brick & Block Corp., of Union City, OK.

MC 152294, filed June 8, 1981. Applicant: WOLF-TANK LINES, INC., d.b.a. WOLF TRUCKING COMPANY, a corporation, 2100 Curry St., Long Beach, CA 90805. Representative: William Wolf (same address as applicant), (213) 422–0906. Transporting *carbon black*, between points in the U.S., under continuing contract(s) with Ashland Chemical Co., of Columbus, OH.

MC 154545 (Sub-2), filed June 10, 1981. Applicant: L & M EXPRESS, INC., 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *refrigeration and cooling equipment*, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 154545 (Sub-3), filed June 16, 1981. Applicant: L & M EXPRESS, INC., 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *waste and refuse equipment*, between points in Pulaski County, IN, Tishomingo County, MS, Dickinson County, MI, and Washington County, VA, on the one hand, and, on the other, points in VA, MD, DE, and PA.

MC 154934, filed June 16, 1981. Applicant: T. B. SMITH, 1514 North Byers, Mangum, OK 73554. Representative: (Same as applicant), (405) 782–3120. Transporting *fertilizer*, between points in Greer, Harmon, Jackson and Beckham Counties, OK, on the one hand, and, on the other, points in KS, NM, and TX.

MC 155025, filed June 11, 1981. Applicant: ARNOLD BERG, JR., d.b.a. BERG GRAIN & PRODUCE, Box 746, Moorhead, MN 56530. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 258–6550. Transporting *motor vehicle parts*, between points in the U.S., on the one hand, and, on the other, points in ND, SD, and MN.

MC 155325, filed June 16, 1981. Applicant: NEW JERSEY CHARCOAL CO., a corporation, 18 Commerce Rd., Fairfield, NJ 07006. Representative: Barry D. Kleban, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Kingsford Company, of Louisville, KY.

MC 155675, filed June 16, 1981. Applicant: PORTER WARNER INDUSTRIES, INC., 3819 Dorris St., Chattanooga, TN 37409. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756–3620. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Ashland Chemical Company, of Columbus, OH.

MC 156175 (Sub-1), filed June 17, 1981. Applicant: WILLIAM MILLER, d.b.a. MILLER TRUCKING, 20 N. Main St., Manchester, MD 21102. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, New York, NY, Philadelphia, PA, and Norfolk, VA.

MC 156475, filed June 11, 1981. Applicant: CHUCK S. BARRAZA, d.b.a. BARRAZA TRUCKING, 10942 Birdwood Circle, Corpus Christi, TX 78410. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512)–476–6391. Transporting (1) *metal products;* and (2) *machinery*, between points in TX, NM and CO.

MC 156484, filed June 11, 1981. Applicant: C. S. TRANSPORT, INC., 4001 Overdale Rd., Winston Salem, NC 27107. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with CPC International, Inc., of Englewood Cliffs, NJ. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 3, Room 2158.

MC 156495, filed June 12, 1981. Applicant: ADVENTURES IN TRAVEL OF WESTPORT, INC., Carriage Hill, 1200 Post Road East, Westport, CT 06880. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–3525. As a *broker* at Westport, CT, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 156555, filed June 16, 1981. Applicant: BILESCO, INC., 2650 Sheffield Ave., Hammond, IN 46320. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614)–228–8575. Transporting (1) *metal products;* and (2) *machinery*, between points in IN, IL, MO, KY, TN, IA, KS, OK, TX, NE, MI, OH, PA, NY, MN and WI.

MC 156565, filed June 17, 1981. Applicant: WILLIAM K. BLOUNT, d.b.a. SWEETWILLIAM TRUCKING, 4942 El Monte Ave., Temple City, CA 91780. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213)–482–4700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Burke Co., of San Mateo, CA; (2) Riekes Container Co., of Phoenix, AZ; (3) Sonoco Products Company, of Hartsville, SC; (4) Southwest Pet Products, Inc., of Phoenix, AZ; and (5) Superior Concrete Accessories, of Phoenix, AZ.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-19563 Filed 7-1-81; 8:45 am]
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[Volume No. 112]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: June 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 941 (Sub-9)X, filed March 17, 1981, previously noticed in **Federal Register** of April 7, 1981, republished as follows: Applicant: McCRACKEN MOTOR FREIGHT, INC., P.O. Box 10304, Portland, OR 97210. Representative: Robert R. Hollis, 400 Pacific Building, Portland, OR 97204. Applicant seeks off-route county-wide authority which was previously denied because it was determined to be an unreasonable broadening of territory. Because of a recent Commission decision declaring this type of broadening to be reasonable, the Restriction Removal Board has decided to renotice this application with respect to the proposed expansion of off-route points. Notice is hereby given that application seeks to expand its off-route points of (a) Junction City and Eugene, OR, to Linn, Benton and Lane Counties, OR, in the lead MC–941; (b) Crescent Lake, Odell Lumber Company, Cascade Summit and Lowell, OR, to Lane and Klamath Counties, OR, in the lead MC–134357; and (c) Tonge Point, Warrenton, Fort Stevens and Cannon Beach, Tolovan Park, Hammond, Cochran, Camp McGregor and Clatskanie, OR to Multnomah, Washington, Columbia and Clatsop Counties, OR, and Cowlitz, Wahkiakum and Pacific Counties, WA, in the lead MC–39395.

MC 43685 (Sub-29)X, filed June 23, 1981. Applicant: MERCER TRUCKING COMPANY, INC., 1414 North Fancher, P.O. Box 11585, Spokane, WA 99211. Representative: Dwight D. Dively (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 24F certificate to broaden the commodity description, in part 2, from iron and steel articles to "metal and metal products".

MC 62110 (Sub-20)X, filed June 11, 1981. Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry Street, North Wilkesboro, NC 28659. Representative: Terrell C. Clark, P.O.

Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11, 15 and 18F certificates to (1) broaden the commodity descriptions to "chemicals and related products", from chemicals and paint, in the lead; "food and related products", from canned goods, sugar, bakery products, butter, fruit, dried meats and shelled walnuts, in the lead; "clay, concrete, glass or stone products", from glass jars, in the lead; and from glass and mirrors in Sub-No. 11: "building materials", from roofing in the lead: "general commodities, except classes A and B explosives", from general commodities with exceptions in the lead and Sub-No. 18F; "furniture and fixtures", from new furniture, rejected shipments of new furniture, new furniture, crated furniture, and returned shipments of new furniture, in the lead, Sub-Nos. 11 and 15F; "furniture and fixtures and furniture parts", from new furniture and furniture parts, in the lead; "machinery", from stoves and ranges, in the lead; "farm products", from poultry and eggs and agricultural commodities, in the lead; "textile mill products", from cotton yarn and dry goods, in the lead; "petroleum, natural gas and their products", from motor oil in the lead; and "metal products", from sheet metal roofing, in Sub-No. 11; (2) substitute the following cities for counties in the lead and Sub-No. 11 certificates, Laurens to Laurens County, SC; Bridgeton to Cumberland County, NJ; York to York County, PA; Newport and Franklin to Cocke and Williamson Counties, TN; North Wilkesboro, Ronda, Elkin, Conover, Hickory, Lenoir, Lincolnton, Newton, Boone, West Jefferson, and Sparta to Wilkes, Surry, Catawba, Caldwell, Lincoln, Watauga, Ashe, and Alleghany Counties, NC; Poughkeepsie to Dutchess County, NY; Akron, Canton, and Mansfield to Summit, Stark, and Richland Counties, OH: Bluefield, Williamson, Owens, and Parkersburg, WV to Mercer, Mingo, Kanawha, and Wood Counties, WV; Butler and Ford City, PA to Butler and Armstrong Counties, PA; (3)(a) substitute the following counties for "points and places within 70 miles of North Wilkesboro": Cherokee and York Counties, SC, Carter, Greene, Unicoi, Sullivan and Washington, Counties, TN, Floyd, Carroll, Grayson, Henry, Patrick, Pulaski, Smyth, Washington, and Wythe Counties, VA and Alexander, Avery, Ashe, Alleghany, Burke, Buncombe, Cabarrus, Caldwell, Catawba, Cleveland, Davie, Davidson, Forsyth, Gaston, Guilford, Iredell, Lincoln, McDowell, Mecklenburg, Mitchell, Randolph, Rockingham, Rowan, Rutherford, Stanley, Stokes, Surry, Watauga, Wilkes, Yancey and Yadkin Counties, NC; (b) substitute the following counties for "North Wilkesboro, NC, and points within 75 miles thereof": Cherokee and York Counties, SC, Carter, Greene, Hawkins, Unicoi, Sullivan and Washington Counties, TN, Floyd, Franklin, Carroll, Grayson, Henry, Patrick, Pulaski, Smyth, Washington, and Wythe Counties, VA and Alexander, Avery, Ashe, Alleghany, Burke, Buncombe, Cabarrus, Caldwell, Catawba, Cleveland, Davie, Davidson, Forsyth, Gaston, Guilford, Iredell, Lincoln, McDowell, Madison, Mecklenburg, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanley, Stokes, Surry, Watauga, Wilkes, Yancey and Yadkin Counties, NC; (c) substitute the following counties for North Wilkesboro, NC, and "points and places in North Carolina within 150 miles of North Wilkesboro": Alamance, Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Guilford, Hartnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Orange, Person, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanley, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wilkes, Yadkin, and Yancey Counties, NC; (4) change one way authority to radial authorities between points in the eastern part of the U.S. in each certificate.

MC 113784 (Sub-95)X, filed June 16, 1981. Applicant: LAIDLAW TRANSPORT, LIMITED, 110 King Street West, Suite 490, Hamilton, Ontario, Canada. Representative: Mel P. Booker, Jr., P.O. Box 1281 Old Town Station, Alexandria, VA 22313. Applicant seeks to remove restrictions from its Sub-Nos. 7, 29, 33, 34, 35, 37, 42, 43, 46, 47, 50, 52, 53, 55F, 57, 58, 59, 72F, 73F, 77F, 78F, 82F, 84F, 86F and 94F certificates to (1) broaden the commodity description to (a) "chemicals and related products, clay, concrete, glass, or stone products, metal products, and waste or scrap materials" from urea and ammonium nitrate, dry in bulk, cullet, grinding balls, pig-iron, and scrap metal in Sub-No. 7 part 1; (b) "waste or scrap materials" from scrap metal in Sub-Nos. 78F and 7 parts 2 and 7; (c) "metal products" from pig iron in Sub-No. 7 part 3, grinding balls in Sub-No. 7 part 4, iron and steel articles in Sub-No. 35, and fly ash in Sub-No. 59 part 6; (d) "petroleum and coal products, ores and minerals chemicals and related products, clay, concrete, glass or stone products, and food and related products" from coal-tar pitch, fluorspar, ferro phosphorous, clay, lime, sand, and soybean meal in Sub-No. 7 part 5; (e) "commodities in bulk" from commodities in bulk (with exceptions) in Sub-No. 7 part 6, and dry commodities in bulk in Sub-Nos. 55 and 59 part 7; (f) "chemicals and related products" from dry carbon paste in Sub-No. 33, hydrochloric acid and regenerator oxide in Sub-Nos. 37 and 42, and soda ash in Sub-No. 59 part 5; (g) "chemicals and related products, food and related products and farm products" from fertilizer, and feed and feed ingredients in Sub-No. 29; (h) "metal and metal products" from iron and steel and iron and steel articles in Sub-No. 34; (i) "food and related products" from dry animal and poultry feed and feed ingredients in Sub-No. 43; (j) "clay, concrete, glass, or stone products" from cement in Sub-Nos. 46 and 77F; (k) "clay, concrete, glass, or stone products, and building materials" from gypsum products and roofing materials in Sub-Nos. 72F and 94F; (l) "ores and minerals" from lime and limestone in Sub-No. 47, and lime, sand, silica sand, and foundary sand in Sub-No. 59 parts 1, 2, and 3; (m) "machinery" from tractors and tractor parts and accessories in Sub-Nos. 50 and 57, and road construction machinery in Sub-No. 53; (n) "chemicals and related products" from agricultural fertilizer ingredients and animal and poultry feed ingredients in Sub-No. 59 part 4; (o) "rubber and plastic products" from plastic corrugated drainage pipe in Sub-No. 73F; and (p) "general commodities except classes A and B explosives" from general commodities with exception in Sub-No. 52; (2) remove plantsite restrictions or named facility restrictions at named points in Sub-No. 34 parts 1 and 2, Sub-Nos. 35, 50, 53, 57, and 86F; (3) replace city with county-wide authority as follows: (a) in Sub-No. 7 part 5 Cannelton, Leetsdale and New Galilee with Beaver and Allegheny Counties, PA; (b) in Sub-No. 29 part 1 Austinburgh with Ashtabula County, OH; (c) in Sub-No. 29 part 2 Fostoria and Lima with Allen County, OH, Terre Haute with Vigo County, IN, and Olean with Cattaraugus County, NY; (d) in Sub-No. 33 Ashtabula with Ashtabula County, OH; (e) in Sub-No. 37 Toledo with Lucas County, OH; (f) in Sub-No. 42 Kane with McKean County, PA; (g) in Sub-Nos. 50 and 57 Romeo with Macomb County, MI; (h) in Sub-No. 52 Tonawanda, Buffalo, and Niagara Falls

with Erie and Niagara Counties, NY; (i) in Sub-No. 59 part 1 Woodville with Sandusky County, OH; (j) in Sub-No. 59 part 4 Riga, Augusta, and Battle Creek with Lenawee, Kalamazoo, and Calhoun Counties, MI; (k) in Sub-No. 86F Niles with Trumbull County, OH; (4) authorize two-way service in place of one-way service in Sub-Nos. 7 parts 1–5, 29 parts 1 and 2, Sub-Nos. 3, 37, 42, 43 parts 1 and 2, Sub-Nos. 46, 47, 53, 59, parts 1–6, Sub-No. 72F part 1, Sub-Nos. 73F and 94F between various combinations of points generally in the north and northeast; (5) eleminate the except commodities in bulk restriction in Sub-No. 53; (6) remove vehicle restrictions in Sub-No. 7 parts 6 and 7, Sub-Nos. 33, 37, 42, 46, 78F and 84F; (7) remove in bulk and in bags limitations in Sub-No. 7 parts 1–5, Sub-No. 59 parts 1 and 2, Sub-Nos. 37, 42, 46, 47, 59 parts 1, 3–6, Sub-Nos. 77F and 84F; (8) remove restrictions to foreign commerce only and limitations to traffic originating at or destined to points in Canada in Sub-Nos. 43, 53, 55F, 58, 59 and 94F; (9) replace the named ports of entry in named States with all ports of entry in named States in Sub-No. 7 parts 4, 6, and 7, Sub-No. 29 part 1, Sub-Nos. 33, 34 parts 1 and 2, Sub-Nos. 35, 37, 42, 43 parts 1 and 2, Sub-Nos. 46, 47, 50, 53, 57 and 59 parts 1–6, Sub-Nos. 73F, 77F, 78F, 82F and 86F; (10) remove restrictions excluding service to point(s) smaller than a county as follows: (a) in Sub-No. 7 part 7 "except Ironton and Strasburg, OH"; and (b) in Sub-No. 84F "except Sault St. Marie"; and (11) remove the commodity exclusions in Sub-No. 7 part (1).

MC 117730 (Sub-89)X, filed June 8, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 28F and 76F certificates to (A) broaden the commodity description in each to "food and related products" from frozen foods and foodstuffs (except in bulk), (B) remove restrictions in each certificate limiting service from and to a named shipper's facilities (C) change one-way authority to radial authority, and (D) replace the named facilities with authority to serve city-wide: Sub-Nos. 28 and 76, Chicago, IL (facilities at Chicago, IL); and Sub-No. 28, Cook County, IL (facilities at Lyons, IL).

MC 118292 (Sub-44)X, filed June 5, 1981, previously noticed in the **Federal Register** of June 19, 1981, published as corrected this issue. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street, NW, Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 7, 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 28, 30, 31, 34, 35, 37, 38, 40 and 41 certificates to (1) broaden the commodity descriptions from (a) frozen vegetables and frozen berries, in the lead, frozen vegetables and vegetable products, cooked and uncooked, in Sub-No. 2, canned goods in mixed loads with frozen foods and agricultural commodities, in Sub-No. 5, frozen foods in Sub-No. 7, baby foods and baby supplies, in Sub-No. 9, canned goods and preserves, canned goods and supplies and materials used in the manufacture of canned goods and preserves, canned goods, canned vegetables and canned vegetable products and cans, in Sub-No. 11, frozen foods and canned goods, in Sub-No. 13, baby foods and baby supplies in Sub-No. 14, frozen poultry products and poultry in Sub-No. 15, frozen poultry products and poultry in Sub-No. 17, baby foods and baby supplies in Sub-No. 18, poultry and poultry products in Sub-No. 19, baby foods and baby supplies in Sub-No. 20, poultry products in Sub-No. 21, frozen foods in Sub-No. 22, cooked and prepared poultry and poultry products and fresh and frozen poultry and poultry products in Sub-No. 23, foodstuffs in Sub-No. 26, foodstuffs, not frozen, in containers, in Sub-No. 28, non-frozen foodstuffs in the Sub-No. 30, canned goods in Sub-No. 31, canned foods and canned dog food in Sub-No. 34, prepared foodstuffs, in containers, in the Sub-No. 35, frozen foods, in Sub-No. 37, frozen foods in Sub-No. 38, frozen foods in Sub-No. 40 to "food and related products"; and (b) folding cartons in Sub-No. 41 to "pulp, paper and related products"; (2) change one-way to radial authorities between a combination of points throughout the U.S. in the above certificates; (3) eliminate plantsite restrictions in Sub-Nos. 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 28, 30, 34, and 35; (4) eliminate the restriction to the transportation of shipments originating at or destined to Little Rock, AR in Sub-No. 38; (5) remove the "commodities in bulk" restrictions in Sub-Nos. 11, 26 and 30, and the "except AK and HI" restrictions in Sub-Nos. 11, 26, 30 and 41; (6) replace city-wide with county-wide authority as follows: Ft. Smith, AR with Sebastian County, in the lead and Sub-Nos. 2, 7, 9, 14, 15, 17, 18, 20, 23, 35, and 41; Monroe and Shreveport, LA with Ouachita and Caddo Counties, Kansas City, KS with Wyandotte County, Detroit, MI with Wayne County, Omaha, NE with Douglas County, Hattiesburg, MS with Forrest County, Memphis, TN with Shelby County, Tampa and Jacksonville, FL with Hillsborough and Duval Counties, Mobile, Birmingham and Montgomery, AL with Mobile, Jefferson and Montgomery Counties, in the lead and Sub-No. 2; Kansas City, MO with Clay and Jackson Counties, Houston, TX with Harris and Ft. Bend Counties, and Dallas, TX with Dallas County, in the lead and Sub-Nos. 2 and 11; Little Rock, AR with Pulaski County, in the lead and Sub-Nos. 2, 7, 37 and 38; Alma and Van Buren, AR with Crawford County, in Sub-Nos. 11 and 34; San Jose and Thornton, CA with Santa Clara and San Joaquin Counties, Denver, CO with Denver County, Atlanta, GA with DeKalb and Fulton Counties, Hoopeston, Maywood, Belleville, Kansas, and Peoria, IL with Vermilion, Cook, St. Clair, Edgar, and Peoria Counties, Elgin, IA with Fayette County, Lowell, MI with Kent County, Athens, Ft. Worth, Pasadena, Freeport, Mineola, Grand Saline, McAllen, and San Antonio, TX with Henderson, Tarrant, Johnson, Harris, Brazoria, Wood, Van Zandt, Hidalgo and Bexar Counties, Storm Lake, IA with Buena Vista County, Chicago and Streator, IL with Cook, Livingstone and La Salle Counties, Hollister and Antioch, CA with San Benito, and Contra Costa Counties, MT, Vernon, MO with Lawrence County, Sanford and Immokalee, FL with Seminole and Collier Counties, Fosston and Mankato with Polk and Blue Earth Counties, and Milwaukee, WI with Milwaukee County, in Sub-No. 11; St. James and Madelia, MN with Watonwan County, in Sub-Nos. 13 and 26; Alton, Cairo, Carbondale, East St. Louis, Eldorado, Granite City, Marion, MT. Vernon, Murphysboro, Staunton, Litchfield, Quincy and Scott Air Force Base, IL with Madison, Alexander, Jackson, St. Clair, Saline, Williamson, Jefferson, Macoupin, Montgomery, and Adams Counties, in Sub-Nos. 14 and 35; Centralia, IL with Marion and Clinton Counties, in Sub-No. 14; Heavener, OK with Le Flore County, in Sub-Nos. 19 and 23; Clarksville and Bloomer, AR with Johnson and Sebastian Counties, and Muskogee, OK with Muskogee County, in Sub-No. 21; Russellville, AR with Pope County, in Sub-No. 22; Butterfield, MN with Watonwan County and Estherville, IA with Emmet County, in Sub-No. 26; Fullerton, Hayward, Davies, and Oakdale, CA with Orange, Alameda, Yolo, and Stanislaus Counties, in Sub-No. 28; Ortonville and Arlington, MN with Lac qui Parle, Big Stone, and Sibley Counties in Sub-No. 30; Proctor and Kansas, OK with Cherokee and Delaware Counties in Sub-No. 34; and Minneapolis, MN with Hennepin

County, in Sub-No. 40; (7) remove the "for-hire motor carrier and private motor carrier transportation of property" restriction in Sub-Nos. 9, 18, 31 and 34. The purpose of this publication is to correct several omissions in part (3) and (6) and to provide notice of the removal of the restriction as set forth in part (7).

MC 123476 (Sub-66)X, filed June 8, 1981. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Industrial Court, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Applicant holds authority in its Sub-No. 62F certificate to transport certain commodities, between points in the U.S. Located in and east of MT, WY, CO, and NM, restricted to traffic originating at and destined to the facilities of Dow Chemical, Eastern and Central Divisions. It wants to remove the words "Eastern and Central Divisions," to have service restricted to traffic originating at or destined to the facilities of Dow Chemical Company in the same territory as presently authorized.

MC 129625 (Sub-17)X, filed June 12, 1981. Applicant: ROBERT COLE TRUCKING COMPANY, P.O. Box M, Falls Creek, PA 15840. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-No. 2, 3, 6, 7, 11F, 14F and 16 certificates to (1) expand commodity descriptions to (a) "clay, concrete, glass or stone products" from sand, gravel, aggregates and limestone in the lead and Sub-No. 11F; and from sand, slag, gravel, aggregates and limestone in the lead; (b) "coal and coal products" from coal in the lead and Sub-Nos. 2, 3, 6 and 11F; (c) "chemicals and related products, and clay, concrete, glass or stone products" from deicing materials, defrosting materials and anti-skid materials in Sub-No. 7; (d) "chemicals and related products" from salt, calcium chloride, and rock salt in the Sub-Nos. 7, 14 and 16, (2) remove a restriction requiring transportation in bulk in dump vehicles in the lead and Sub-Nos. 2, 3, 6, 7, 11F, and 14F; (3) remove a restriction requiring prior movement by rail in the lead and Sub-Nos. 7 and 16, (4) replace one-way authority with radial authority, in the lead and Sub-Nos. 2, 3, 6, 7, 11F and 14F, (5) remove the originating at and/or destined to restrictions, in Sub-Nos. 2, 3, 6 and 7, (6) remove restriction prohibiting transportation as both a private and for-hire carrier in the same vehicle and at the same time, in the lead, (7) remove restriction prohibiting transportation of traffic originating at points in Canada, in Sub-No. 7, (8) remove "in bags" restriction, in Sub-No. 7, (9) remove the facilities restriction, in Sub-No. 7 and (10) broaden the territorial description by substituting county-wide authority for city-wide and/or township authority as follows: Clearfield County, PA (for Houston Township, PA), in Sub-No. 3; Clearfield County, PA (for Sandy Township, PA), Jefferson County, PA (for Bell Township, PA) and Onondaga County, NY (for Solvay, NY), in Sub-No. 7; and Erie County, PA (for Erie, PA), in Sub-No. 14F.

MC 133255 (Sub-1)X, filed June 16, 1981. Applicant: ACE TRANSPORT, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to broaden the territorial description to between points in the U.S., under contract(s).

MC 136295 (Sub-3)X, filed June 16, 1981. Applicant: EXPRESSWAY MESSENGER SERVICE, INC., 310 W. 27th St., Baltimore, MD 21211. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from graphic art proofs and processed art work and commercial printing to "printed matter, pulp, paper and related products" (2) remove restriction to newspaper, magazines or sales and advertising pamphlets and (3) remove restriction against the handling of shipments weighing more than 200 pounds a shipment from one consignor at one location to one consignee at one location on any one day.

MC 138882 (Sub-381)X, filed June 11, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., Post Office Box 707, Troy, AL 36081. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-Nos. 1, 7, 10, 11, 14, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 35, 37, 38, 39, 43, 46F, 47F, 48F, 49F, 50F, 51F, 52F, 53F, 54F, 63F, 64F, 66F, 73F, 78F, 79F, 80F, 81F, 82F, 83F, 84F, 85F, 86F, 87F, 88F, 89F, 90F, 91F, 92F, 94F, 95F, 97F, 98F, 99F, 100F, 101F, 102F, 103F, 104F, 106F, 107F, 117F, 118F, 124F, 125F, 126F, 127F, 128F, 129F, 130F, 131F, 132F, 133F, 134F, 136F, 137F, 138F, 139F, 144F, 145F, 146F, 147F, 148F, 151F, 152F, 153F, 154F, 156F, 157F, 158F, 159F, 160F, 161F, 162F, 163F, 164F, 165F, 166F, 167F, 168F, 172F, 173F, 174F, 175F, 176F, 177F, 178F, 179F, 180F, 181F, 182F, 183F, 186F, 187F, 188F, 189F, 190F, 191F, 192F, 193F, 194F, 195F, 196F, 197F, 198F, 199F, 200F, 201F, 202F, 203F, 204F, 205F, 206F, 207F, 212F, 216F, 219F, 220F, 221F, 222F, 223F, 224F, 225F, 227F, 228F, 229F, 230F, 231F, 234F, 237F, 238F, 239F, 248F, 249F, 250F, 251F, 252F, 253F, 254F, 255F, 257F, 258F, 259F, 267F, 268F, 270F, 271F, 272F, 274F, 275F, 276F, 278F, 279F, 280F, 281F, 284F, 285F, 286F, 287F, 288F, 289F, 290F, 291F, 292F, 293F, 295F, 299F, 300F, 301F, 302F, 303F, 304F, 305F, 306F, 307F, 308F, 309F, 310F, 312F, 313F, 314F, 315F, 316F, 317F, 318F, 319F, 320F, 327F, 332F, 333F, 334F, 335F, 339F, 340F, 341F, 342F, 343F, 346F, 347F, 348F, 353F, 354F, 355F, 356F, 357F, 358F, 359F, 360F, 361F, 362F, 363F, 364F, 365F, 367F, 368F, 369F, 370F, 371F, 372F, 373F, 374F, 375F, 376F, and 377F certificates to (1) broaden the commodity descriptions as follows: to "metal products" from, for example, wheel weights, steel wire, aluminum articles, steel articles, and parts and accessories for pipe, in Sub-Nos. 14, 27, 52F, 63F, 91F, 137F, 138F, 139F, 147F, 176F, 181F, 189F, 204F, 219F, 254F; 286F, 288F, 304F, 306F, 312F, 316F, 334F, 353F, 364F, and 373F; to "construction materials" from, for example, roofing, pipe, mill work, plastic pipe, fittings and valves, and steel tanks, concrete tanks, and materials and supplies used in the construction of sewage treatment plants (except in bulk), in Sub-Nos. 21, 22, 23, 27, 29, 30, 31, 37, 38, 39, 43, 47F, 54F, 97F, 103F, 124F, 128F, 129F, 132F, 134F, 145F, 147F, 157F, 160F, 162F, 165F, 168F, 188F, 191F, 192F, 193F, 202F, 225F, 229F, 239F, 250F, 255F, 257F, 290F, 292, 314F, 316F, 319F, 339F, 359F, 360F, 364, and 367F; to "food and related products" from, for example, foodstuffs, dry dog food, malt beverages, canned goods, and spices and sauces, in Sub-Nos. 25, 49F, 51F, 53F, 64F, 68F, 73F, 87F, 104F, 132F, 144F, 146F, 151F, 158F, 159F, 164F, 172F, 173F, 174F, 203F, 206F, 207F, 212F, 230F, 237F, 259F, 288F, 274F, 284F, 285F, 291F, 295F, 299F, 305F, 307F, 333F, 342F, 346F, 356F, 357F, 362F, 371F, 373F, 374, and 375; to "machinery" from, for example, batteries, pollution control equipment, and materials, equipment, and supplies used in the manufacture, sale, and distribution of a variety of commodities authorized in applicant's certificates as currently issued, in Subs 11, 14, 22, 30, 31, 38, 43, 85F, 98F, 99F, 101F, 102F, 103F, 104F, 124F, 128F, 131F, 132F, 136F, 144F, 167F, 179F, 181F, 187F, 190F, 192F, 193F, 195F, 196F, 197F, 201F, 203F, 205F, 218F, 221F, 224F, 225F, 229F, 248F, 252F, 254F, 255F, 258F, 270F, 274F, 275F, 289F, 290F, 292, 299F, 308F, 314F, 316F, 318F, 319F, 320, 332F, 335, 339F, 342F, 348F, 354F, 355F, 358F, 360F, 363F, 364, 365F, 367F, 369F, 370, 371F, 373F, 374, 375, and 377; to "lumber and wood products" from, for example, pallets, lumber and lumber mill products, veneer and plywood, particleboard, wax impregnated fireplace logs, and materials and supplies used in the manufacture of construction materials, in Subs 1, 7, 10, 20, 22, 23, 27, 29, 32, 35, 54F, 85F, 86F, 92F, 98F, 99F, 100F, 101F, 102F, 104F, 106F, 107F, 117F, 126F, 127F, 133F, 152F, 153F, 161F, 180F, 183F, 188F, 205F, 220F, 223F, 228F, 231F, 248F, 249F, 253, 271F, 272F, 276F, 278F, 279, 280F, 281F, 289F, 310, 317F, 353F, and 368F; to "waste of scrap materials not identified by industry producing" from, for example, scrap batteries, scrap and waste paper, scrap aluminum, and equipment, materials and supplies used in the processing of lead scrap, in Subs 1, 50F, 139F, 148F, 166F, 181F, 222F, 293F, 309F, 334F, 348F, and 369F; to "transportation equipment" from jacks, oil filters, oil seals, motor mounts, and containers and container chassis, in Subs 14, 252F, 288F, and 315F; to "clay, concrete, glass or stone products" from, for example, gypsum and gypsum products, asbestos fibre cement, vermiculite, brick, perlite board, clay and clay products, and roofing granules, in Subs 22, 23, 97F, 98F, 99F, 101F, 102F, 104F, 118F, 154F, 186F, 194F, 202F, 205F, 248F, 287F, 302F, 312F, 365F, and 377; to "chemicals and related products" from, for example, insulation materials, urethane and urethane products, charcoal, chemicals, de-icers, resins, dyes, paints and oxides, and cleaning, washing, scouring, weed killing and softening compounds, in Subs 22, 23, 98F, 99F, 101F, 102F, 104F, 125F, 156F, 190F, 195F, 196F, 197F, 199F, 205F, 248F, 252F, 289F, 318F, 327F, and 341F; to "containers" from egg cartons, bottles, fiberboard containers and pulpboard containers, glass containers and plastic containers, and accessories therefor, in Subs 48F, 130F, 136F, 148F, 163F, and 179F; to "printed matter" from beer-related advertising material in Sub 49F; broaden to "pulp, paper and related products" from wrapping paper, paper and paper products, and moulded pulp, in Subs 50F, 131F, 148F, 187F, 195F, 196F, 197F, 201F, 218F, 221F, 222F, 224F, 258F, 293F, 300F, and 332F; to "petroleum and petroleum products" from charcoal lighter fluid in Subs 98F, 99F, 101F, 102F, 104F, 205F, and 248F; to "rubber and plastic products" from, for example, plastic articles, plastic and plastic products, rubber products, plastic film, and plastic preforms, in Subs 130F, 175F, 195F, 196F, 197F, 267F, 288F, 358F, and 370; to "furniture and fixtures" from office furniture, bathroom vanities and accessories therefor, furniture, furniture parts, and store furnishings and fixtures, in Subs 167F, 319F, 320F, and 354F; to "such commodities as are dealt in by supermarkets" from supermarket continuity promotional materials in Sub 372F; to "medical supplies and drugs" from intravenous solutions, drugs, rubber gloves, and administration sets for intravenous solutions and drugs in Sub 251F; by eliminating all exceptions to general comodities authority other than the exception of Classes A and B explosives in Sub 376F; to "oil filed commodities as described in *Mercer Extension*" from oil field equipment in Sub 227F; to "ordnance and or accessories" from ammunition in Sub-No. 219F; broaden to "coal and coal products" from coke in Sub 204F; to "such commodities as are dealt in or used by a smelter" from smelting compounds in Sub 200F; to "instruments, photographic goods or optical goods, watches or clocks" from photographic equipment, reproduction equipment and parts and accessories thereof, in Subs 195F, 196F, and 197F; (2) eliminate restriction to transportation of goods in containers in Subs 177F and 313F; and elimate the exception of commodities in bulk wherever such exceptions appear; (3) change one-way to radial authority wherever possible, and (4) remove all facilities limitations, and broaden to the following named cities or counties from the points indicated: Alabama: Barbour County (Clayton—92F), Butler County (Chapman—223F), Clarke County (Fulton—107F), Cleburne County (Heflin—300F), Coffee County (Elba—7), Cullman County (Cullman—219F), Dallas County (Selma—133F), Escambia County (Brewton—133F), Franklin County (Red Bay—159F and 356F, and Russellville—272F), Hale County (Moundville—125F and 341F), Houston County (Dothan—98F and 248F), Jefferson County (Birmingham—23, 47F, 50F, 118F, 128F, 145F, 204F, 222F, 292, 293F, and 340, and Bessemer—27), Lee County (Opelika—85F), Limestone County (Athens—203F), Mobile County (Mobile—118F, 133F, and 157F), Monroe County (Monroeville—117F), Montgomery County (Montgomery—35, 47F, 118F, and 133F), Pike County (Troy—1, 10, 29, 95F, 166F, 309F, 315F, and 343F, and Brundidge—25, 51F, 95F, and 146F), St. Clair County (Ragland—97F), Shelby County (Pelham—145F), Talladega County (Lincoln—124F), Tuscaloosa County (Tuscaloosa—21, 200F, 204F, 257F, 290F, and 339F, and Holt—30), and Wilcox County (Pine Hill—85F); Arizona: Maricopa (Phoenix—305F, 319F, and 340); Arkansas: Baxter County (Cotter—104F), Pulaski County (North Little Rock—287F, and Little Rock—317F), and Quachita County (Camden—31); California: Alameda, Merced, San Joaquin, San Mateo, Santa Clara, Santa Cruz and Stanislaus Counties (San Jose—295F), Alameda County (Hayward—340), El Dorado County (Diamond Springs—183F), Los Angeles County (Monrovia—125F, and City of Industry—187F and 348F), Merced County (Merced—212F), Orange County (La Habra—305F), Riverside County (Alberhill—202F, and Corona—305F), San Bernardino County (Redlands—319F), and San Diego County (San Diego—285F and 305F); Delaware: Sussex County (Millsboro—87F); Florida: Calhoun County (Blountstown—54F and 33F), Escambia County (Pensacola—118F), Jackson County (Alford—309F), Lake County (Eustis—340), Leon County (Tallahassee—53F), and Pasco County (Dade City—255F); Georgia: Coffee County (Douglas—274F), Dougherty County (Albany—299F), Greene County (Greensboro—91F, and Union Point—319F), Houston County (Pabst—49F, 132F, and 144F), Polk County (Cedartown—254F), Thomas County (Thomasville—37, 38, 130F, and 225F, and Meigs—186F), Tift County (Tifton—218F), Walton County (Monroe—319F), and Worth County (Sylvester—362F); Illinois: Adams County (Quincy—276F), Coles County (Charleston—301F), Cook County (Lemont—285F), Crawford County (Robinson—359F), Kankakee County (Kankakee—284F), Knox County (Abingdon—359F), Lake County (North Chicago—251F), Peoria County (Princeville—68F and 346F), Randolph County (Chester—172F), Tazewell County (Pekin—285F), Vermilion County (Hoopeston—68F and 346F), and Will County (Joliet—198F, Plainfield—285F and 342F, and Wilmington—79F); Indiana: Dearborn County (Lawrenceburg—285F), Dubois County (Jasper—368F), Jasper County (Renssalaer—319F), Lake County (Griffith—201F), Montgomery County (Crawfordsville—319F), Posey County (Mt. Vernon—284F), Spencer County (Rockport—191F), Wabash County (Lagro—88F), and Washington County (Salem—368F); Iowa: Clinton County (Clinton—139F), Dubuque County (Dubuque—80F), Humboldt County (Dakota City—317F), Muscatine County (Muscatine—158F), Wapello County (Ottumwa—319F), Webster County (Fort Dodge—271F and 317F), and Winneshiek County (Calmar—317F), Kansas: Anderson County (Garnett—317F), Johnson County (Lenexa—340), Reno County (Hutchinson—317F), and Saline County (Salina—348F); Kentucky: Bullitt County (Clermont—285F), Daviess County (Owensboro—207F 212F, and 285F), Franklin County (Frankfort—285F), Hardin County (Elizabethtown—83F and 154F),

Henderson County (Henderson—136F, 207F, 212F, and 250F), Marshall County (Calvert City—197F), Nelson County (Bardstown—285F and 342F), Pulaski County (Burnside—127F), and Warren County (Bowling Green—14); Louisiana: Avoyelles Parish (Belledeau—173F and 346F), Jackson Parish (Chatham—133F), St. Charles Parish (Luling—199F), St. Martin Parish (Cade—174F), Webster Parish (Heflin—348F), and West Feliciana Parish (St. Francisville—173F and 346F); Maine: Penobscot County (Passadumkeag—228F), and York County (Biddleford—305F); Maryland: Prince George County (Laural—255F); Massachusett: Bristol County (New Bedford—340), Middlesex County (Woburn—305F), and Worcester County (Leominster—319F); Michigan: Baraga County (L'Anse—278F), Lapeer County (Imlay City—64F and 87F), Ottawa County (Holland—125F), Saginaw County (Bridgeport—64F and 87F), and St. Clair County (Memphis—64F and 87F); Mississippi: Adams County (Natchez—154F), Clarke County (Pachuta—205F and 231F), Covington County (Collins—133F), George County (Lucedale—133F), Harrison County (Gulfport—125F), Hinds County (Jackson—125F, 138F, and 145F), Lee County (Tupelo—159F and 356F), Lauderdale County (Meridian—231F and 314F), Noxubee County (Macon and Shuqulak—118F), Washington County (Greenville—64F), and Winston County (Louisville—253F); Missouri: Boone County (Columbia—229F), Dent County (Boss—189F), Iron County (Buick—189F, and Annapolis—194F), Jasper and Newton Counties (Joplin—317F), Maries County (Belle—101F), and Taney County (Branson—205F); Montana: Roosevelt County (Culbertson—156F), and Yellowstone County (Billings—156F); Nebraska: Lancaster County (Lincoln—317F); New Jersey: Middlesex County (South Plainfield—187F and Edison—313F), Somerset County (Bound Brook—194F), and Warren County (Phillipsburg—168F); New York: Broome County (Johnson City—196F, and Deposit—270F), Chautauqua County (Dunkirk—177F), Erie County (Buffalo—252F), Monroe County (Rochester—212F, and Hamlin—307F), Orange County (Vails Gate—192F), Orleans County (Holley—307F), Schenectady County (Scotia—205F), Wayne County (Williamson—307F), and Westchester County

(Ossining—167F); North Carolina: Beaufort County (Washington—355F), Cherokee County (Murphy—133F), Chowan County (Edenton—362F), Edgecombe and Nash Counties (Rocky Mount—251F), Pitt County (Farmville—355F), Rockingham County (Eden—53F), Sampson County (Turkey—173F, and Clinton—355F), Surry County (State Road—188F), Wayne County (Goldsboro—368F), and Wilson County (Wilson—174F); North Dakota: Stark County (Dickinson—205F), and Ward County (Minot—317F); Ohio: Columbiana County (Summitville—47F, and Salem—319F), Coshocton County (Coshocton—125F and 162F), Cuyahoga County (Maple Heights—1139F), Greene County (Alpha—136F), Guernsey County (Byesville—355F), Hamilton County (Lockland—89F), Lorain County (Lorain—145F and Elyria—195F), Ottawa County (Port Clinton—175F and 303F), Richland County (Shelby—129F, and Butler City—306F), Sandusky County (Fremont—73F), and Stark County (Minerva—47F); Oklahoma: Love County (Marietta—305F), and Pottawatomie County (Shawnee—230F); Oregon: Jackson County (White City—205F), and Lane County (Springfield—100F, and junction City—220F); Pennsylvania: Berks County (Reading—348F), Blair County (Tyrone—362F), Bucks County (Fairless—145F, and Fairless Hills—249F), Franklin County (Charmian—194F), Lancaster County (Lancaster—125F), Lawrence County (New Castle—319F), Luzerne County (Pittston—281F), Northumberland County (Sunbury—82F, and Watsontown—368F), and Washington County (Allenport—286F); South Carolina: Bamberg County (Olar—133F), Charleston, City of (Charleston Heights—103F), Darlington County (Hartsville—163F), Dorchester County (Summerville—327F), Greenville County (Simpsonville—125F, and Greenville—259F), and (Spartanburg County Spartanburg—316F); South Dakota: Minnehaha County (Sioux Falls—156F); Tennessee: Chester County (Henderson—136F), Cumberland County (Crossville—126F), Fayette County (Rossville—204F), Henry County (Paris—280F), Madison County Jackson—133F, and 253F), McMinn County (Calhoun—131F), Moore County (Lynchburg—285F), Roane County (Harriman—304F), and Sumner County (Gallatin—52F); Texas: Brown County (Brownwood—316F), Cherokee County (Jacksonville—99F), Dallas County (Garland—199F), Kaufman County (Terrell—354F), Lubbock County (Lubbock—268F), Medina County (Hondo—319F), Navarro County (Corsicana—319F), and Webb County (Laredo—151F, 237F, and 333F); Utah: Utah County (Provo—317); Vermont: Windsor County (Windsor—125 F); Virginia: Franklin County (Rocky Mount—302F), and Nottoway County (Burkeville—133F); Washington: King County (Seattle—305F), and Tukwila—340); West Virginia: Jackson County (Ravenswood—63F), Kanawha County (South Charleston—199F), Mineral County (Ridgeley—249F), and Upshur County (Buckhannon—165F); Wisconsin: Dodge County (Mayville—68F), Marinette County (Pembine—194), Sheboygan County (Kohler—316F), Waukesha County (Waukesha—139F), and Winnebago County (Oshkosh—255F); and Wyoming: Big Horn County (Greybull—287F); (5) remove restriction to shipments orginating at the named origin and destined to the named destinations, in Sub-Nos. 10, 14, 20, 27, 30, 68F, 73F, 78F, 81F, 83F, 85F, 103F, 107F, 117F, 131F, 146F, 166F, 167F, 172F, 176F, 181F, 183F, 186F, 190F, 192F, 193F, 194F, 195F, 196F, 197F, 198F, 201F, 204F, 205F, 206F, 218F, 223F, 252F, 258F, 259F, and 319F; (6) remove restrictions against transportation to or from AK and HI in Sub-Nos. 14, 30, 31, 38, 39, 43, 68F, 95F, 104F, 136F, 137F, 163F, 166F, 167F, 182F, 187F, 190F, 193F, 195F, 196F, 197F, 200F, 201F, 202F, 206F, 218F, 219F, 221F, 234F, 249F, 254F, 255F, 256F, 268F, 270F, 271F, 272F, 274F, 275F, 276F, 278F, 279, 280F, 281F, 288F, 289F, 292, 301F, 308F, 315F, 316F, 319F, 320, 332F, 341F, 342F, 343F, 348F, 354F, 355F, 358F, 360F, 362F, 363F, 364, 365F, 367F, 369F, 370, 372F, 373F, 374F, 376F, and 377F, (7) remove the exception of AL from authority to serve between an AL point and points in the US in Sub 95F, and remove the exception of Memphis from authority to serve points in TN in Sub 146F, and (8) remove restrictions in Sub-Nos. 46 and 198F, to transportation in vehicles equipped with mechanical refrigeration; in Sub-No. 204F to transportation in dump vehicles; and in Sub-No. 238F—limiting transportation of traffic having an immediately prior or subsequent movement by rail or water.

MC 146375 (Sub-2)X, filed June 19, 1981. Applicant: MERCER INTERNATIONAL TRANSPORTATION MANAGEMENT & CONSULTING SERVICES INC., 500 Alta Drive, Fort Worth, TX 76107. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from line pipe, machinery, equipment, pipe line materials and supplies incidental to . . . natural gas, petroleum, petroleum products, coal slurry pipelines, and energy related pipelines (except plastic and cement asbestos pipe), to "Mercer commodities; such commodities as are incidental to, used in, or in connection with coal slurry pipelines; rubber and plastic products; clay, concrete, glass or stone products; and metal products"; and (2) eliminate: the HI exception; the restriction limiting transportation to traffic having a prior or subsequent movement by rail or water; and the restriction to traffic moving to or from pipeline rights-of-way.

MC 146892 (Sub-15)X, filed June 17, 1981. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 7F, and 14F certificates to (1) delete "except foodstuffs and commodities in bulk", in Sub-No. 2F, "except commodities in bulk" in Sub-No. 7F, and "except household goods as defined by the Commission," in Sub-No. 14F; (2) replace Rome, GA with Floyd County, GA and eliminate "except AK and HI" restriction in Sub-No. 7F; and (3) change its one-way to radial authority between points in KY and OH, and, WV, PA, OH, and NY, in Sub-No. 2F, and between points in GA and OH, and, the U.S. in Sub-No. 7F.

MC 147311 (Sub-7)X, filed June 19, 1981. Applicant: T & S TRANSPORTATION, INC., 7420 Ranco Road, P.O. Box 9729, Richmond, VA 23228. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to broaden the territorial description from city-wide authority to county-wide authority: Granger, Herrold and Camp Dodge, IA, to Dallas and Polk Counties, IA.

[FR Doc. 81-19581 Filed 7-1-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.124]

Delegation of Contracting Officer Authority to Phillip Casteel

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to Phillip Casteel the authority to sign contracts, grants, cooperative agreements and other contractual documents related thereto in support of the Southern Italy Earthquake Reconstruction Program (Project No. 145-001 (81)). Advance payments to non-profit organizations are authorized.

The authority delegated herein is to be exercised in accordance with A.I.D. regulations, procedures, and policies in effect at the time the authority is exercises and is not in derogation of the authority of the Director, Office of Contract Management, to exercise any of the functions herein redelegated.

This redelegation of authority shall be effective on the date of signature.

Dated: June 22, 1981.

Hugh L. Dwelley,

Director Office of Contract Management.

[FR Doc. 81-19583 Filed 7-1-81; 8:45 am]
BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Competitive Impact Statement and Final Consent Judgement; Association of Ship Brokers and Agents (U.S.A.), Inc., and Worldscale Association (NYC), Inc.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) (as set forth below) have been filed with the United States District Court for the Southern District of New York in *United States* v. *Association of Ship Brokers and Agents (U.S.A.), Inc. and Worldscale Association (NYC), Inc.*, 80 Civ. 5520 (LWP). The Complaint in this case alleged that the Association of Ship Brokers and Agents (ASBA) and Worldscale Association (NYC), Inc. (Worldscale Association) engaged in a combination and conspiracy to fix the brokerage fees charged by brokers of oil tankers, in violation of section 1 of the Sherman Act. 15 U.S.C. 1. The proposed Consent Judgment enjoins both defendents from entering into, adhering to, maintaining, or furthering any contract, agreement, understanding, plan or program to fix, maintain, or stablize the fees charged by oil tanker brokers for rendering oil tanker brokerage services. The proposed Judgment enjoins defendant ASBA from adopting, maintaining, publishing or distributing any code of ethics or other document defining standards of conduct for its members or for oil tanker brokers that makes any recommendation, proposal or suggestion with respect to the fees charged or to be charged oil tanker brokers or by its oil tanker broker members. ASBA is required to amend its code of ethics to comply with the proposed Judgment. The proposed Judgment enjoins defendant Worldscale Association from issuing, creating, maintaining, publishing, or perpetuating any scale or system of calculations of values or costs of tanker voyages that includes a fee for the services of oil tanker brokers.

The proposed Judgment also places affirmative burdens on defendants to provide notice to certain enumerated persons in the industry of this decree in order to avoid a repetition of the combination and conspiracy, to eradicate its effects, and to allow the market to operate freely. Thus, a copy of the Judgment must be furnished to officers and members of ASBA, as well as to purchasers and users of Worldscale Association publications. Worldscale Association must also send a letter to its purchasers and users notifying them that commissions for oil tanker brokerage are freely negotiable. Finally, under the proposed Judgment, the Justice Department will have access, upon reasonable notice, to the records and personnel of ASBA and Worldscale Association in order to determine their compliance with the judgment.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530, (Telephone: 724-6349).

Joseph H. Widman,

Director of Operations Antitrust Division.

United States District Court Southern District of New York

United States of America, Plaintiff, v. Association of Ship Brokers and Agents (U.S.A.), Inc., and Worldscale Association (NYC), Inc., Defendants: 80 Civ. 5520 (LWP): Filed: June 22, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be

without prejudice to any party in this or any other proceeding.

Dated:

For the plaintiff: William F. Baxter, *Assistant Attorney General,* Mark Leddy, Charles F. B. McAleer, Elliott M. Seiden, James R. Weiss, *Attorneys, United States Department of Justice.*

For the defendants: CLEARY, GOTTLIEB, STEEN & HAMILTON: Craig W. Conrath, Richard A. Feinstein, Douglas C. Ross *Attorneys, United States Department of Justice, Antitrust Division, Washington, D.C. 20530.*

Curtis, Mallet-Prevost, Colt & Mosle:

By: James Lamberton,

Counsel to Association of Ship Brokers and Agents (U.S.A.), Inc.

By: T. Barry Kingham,

Counsel to Worldscale Association (NYC), Inc.

United States District Court Southern District of New York

United States of America, plaintiff, v. Association of Ship Brokers and Agents (U.S.A.), Inc., and Worldscale Association (NYC), Inc., Defendants; 80 Civ. 5520 (IWP); filed: June 22, 1981.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on September 30, 1980, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Person" means any individual, partnership, firm, association, corporation or other entity.

(B) "Tanker" means an oceangoing ship designed and used for the carriage of liquids, including petroleum and petroleum products.

(C) "Tanker owner" means any person who owns or otherwise controls a tanker.

(D) "Charterer" means a person who enters into an agreement for the use of a tanker for a specified voyage or a specified period of time.

(E) "Fixture" means an agreement between a tanker owner and a prospective charterer for the chartering of a tanker for a specified period of time, or for a specified voyage. Fixtures for specified voyages are said to be "spot market" fixtures.

(F) "Oil tanker broker" or "broker" means a person regularly engaged in arranging and negotiating fixtures on behalf of tanker owners or prospective charterers.

(G) "Oil tanker broker services" means the provision of services by oil tanker brokers to tanker owners or potential tanker charterers in the negotiations concerning spot market fixtures, and associated services.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise. For purposes of this Section III, a member of defendant Association of Ship Brokers and Agents (U.S.A.), Inc. shall not be deemed to be in active concert or participation solely by virtue of his, her, or its membership.

IV

Defendant Worldscale Association (NYC), Inc. (herdinafter Worldscale Association) shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in creating, maintaining, and distributing the Worldwide Tanker Nominal Freight Scale (WORLDSCALE), that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

V

Defendants, whether acting unilaterally or in concert or agreement with any other person, are enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, or furthering any contract, agreement, understanding, plan, or program to fix, maintain, or stabilize the fees or commissions charged by oil tanker brokers for rendering oil tanker broker services.

VI

Defendant Association of Ship Brokers and Agents (U.S.A.), Inc. (hereinafter ASBA) is enjoined and restrained from adopting, maintaining, publishing or distributing any code of ethics or other document defining standards of conduct for its members or for oil tanker brokers that makes any recommendation, proposal, or suggestion with respect to the fees charged or to be charged by oil tanker brokers or by its oil tanker broker members.

VII

Defendant ASBA is ordered and directed, within sixty (60) days of the entry of this Final Judgment, to amend its Code of Ethics by deleting Canon 7, which states "Unless otherwise agreed in advance, a member's compensation shall not exceed that which is customary for the services rendered."

VIII

Defendant Worldscale Association is enjoined and restrained from issuing, creating, maintaining, publishing, or perpetuating any scale or system of calculation of values or costs of tanker voyages (including, but not limited to, the Worldwide Tanker Nominal Freight Scale, or WORLDSCALE) that includes as a component a fee or commission for oil tanker broker services.

IX

Defendant Worldscale Association is ordered and directed, begining with the publication of its January 1, 1982 edition, to amend its method of calculation of the Worldwide Tanker Nomial Freight Scale, or WORLDSCALE, in a manner necessary to comply with Paragraph VIII of this Final Judgment and to eliminate any component or element of the calculation that is contrary to or inconsistent with any provision of this Final Judgment.

X

Defendant ASBA is ordered and directed to:

(A) Furnish, within thirty (30) days from the date of entry of this Final Judgment, a copy of this Final Judgment to each of its officers and members; and

(B) Furnish a copy of this Final Judgment to each person who becomes a member of defendant ASBA.

XI

Defendant Worldscale Association is ordered and directed to:

(A) Furnish, within thirty days of the entry of this Final Judgment, a copy of this Final Judgment and a letter identical in text to that contained in Appendix A, to all persons in the United States who, for the years 1979, 1980, or 1981, have subscribed to the Worldwide Tanker Nominal Freight Scale (WORLDSCALE); and

(B) Circulate a letter, identical in text to that contained in Appendix A, with each edition of WORLDSCALE that is sent to a person in the United States, for a period of three years beginning with the January 1, 1982 edition.

XII

For the purpose of determining or securing compliance with this Final Judgement, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section XII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XIII

This Final Judgment will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XIV

Jurisdication is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XV

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Appendix A

Dear Subscriber:

On September 30, 1980, the United States Department of Justice filed a lawsuit against Worldscale Association (NYC) Inc. and the Association of Ship Brokers and Agents (U.S.A.), Inc. (ASBA). That lawsuit challenged the inclusion of a brokerage fee element in the calculation of the Worldwide Tanker Nominal Freight Scale ("WORLDSCALE") as a violation of the antitrust laws of the United States.

That lawsuit has now been settled by a consent decree among the Government, Worldscale Association (NYC) Inc., and ASBA. That decree does not in any way constitute an admission or finding of violation of law by Worldscale Association (NYC) Inc.

As part of that settlement, Worldscale Association (NYC) Inc. agreed to send this notification to its subscribers for the years 1979 through 1981 and to all persons who purchase a publication of Worldscale Association (NYC) Inc. through January 1, 1985.

This notification is to inform you of the following:

1. Commissions or fees for oil tanker brokerage are freely negotiable between or among the parties to a transaction.

2. Worldscale Association (NYC) Inc. takes no position as to what constitutes an appropriate brokerage commission.

3. Worldscale Association (NYC) Inc. takes no position with respect to whether brokerage commissions should be paid on differentials, demurrage, or other portions of the freight charges in any transaction.

Sincerely yours,

United States District Court Southern District of New York

United States of America, Plaintiff, v. Association of Ship Brokers and Agents (U.S.A.), Inc. and Worldscale Association (NYC), Inc., defendants; 80 Civ. 5520 (LWP).

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States hereby files this Competitive Impact Statement, relating to the proposed Final Judgment submitted for entry in this case. The defendants have stipulated their accordance of the proposed Judgment.

I

The Nature and Purpose of the Proceeding

On September 30, 1980, the Department of Justice (Department) filed a civl antitrust suit alleging that the Association of Ship Brokers and Agents (U.S.A.), Inc., (ASBA) and Worldscale Association (NYC), Inc., (Worldscale Association) engaged in a combination and conspiracy to fix the brokerage fees charged by brokers of oil tankers, in violation of section 1 of the Sherman Act, 15 U.S.C. § 1. The Department's Complaint charges that defendants adopted, published, circulated, promoted, and used, as part of a nominal scale of values for oil tanker voyages, a fixed brokerage commission figure for arranging charter voyages of oil tankers on the spot market.

The Complaint seeks a judgment by the court declaring that the defendants have engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It seeks an order by the court that will enjoin and restrain defendants from engaging in such activities, or in other activities having a similar purpose or effect, in the future. The Complaint also asks the court to order defendants ASBA and Worldscale Association to take actions to eradicate the effects of the past activities.

II

Description of the Practices Giving Rise to The Alleged Violations of the Antitrust Laws

Oil tankers transport petroleum and petroleum products from oil producing regions of the world to the United States. When a firm that wishes to transport petroleum does not own a suitable and available tanker, or have one on long-term charter, it must charter a tanker on the spot market. The spot market for tanker charters consists of charterers seeking tankers for single voyages, and owners with tankers available for such voyages. An agreement between a tanker owner and a charterer is called a "fixture."

Oil tanker brokers are firms that are in the business of arranging spot market fixtures of oil tankers. A charterer will generally contact several brokers to give them the requirements for the voyage, such as the date of loading, the destination, and the size of tanker needed. The brokers, in competition with one another, seek to locate an appropriate available tanker, generally by contacting other brokers who represent tanker owners. The charterer and the owner, or owners, then negotiate, through the brokers, until an agreement is reached as to the price, terms, and conditions of the charter. Ordinarily, there are two brokers involved in a spot market transaction, one that deals primarily with the owner and one that deals primarily with the charterer. A broker usually handles the documentation for the transaction, and payment for the charter is often made through the broker.

In the past, the brokers involved in such a transaction have usually been compensated by a commission that is a percentage of the total freight charges due. The brokerage commission in the vast majority of such transactions is 1¼ percent per broker, or 2½ percent on typical fixtures, where two brokers are involved.

Defendant ASBA is a trade association of oil tanker brokers and others in maritime brokering or agency representation businesses. ASBA has a Tanker Committee which includes several brokers as members. The brokers that are members of ASBA are competitors, and most brokers in the United States are members of ASBA.

Defendant Worldscale Association was created by ASBA, and staffed with former ASBA employees, for the purpose of sponsoring and maintaining the Worldwide Tanker Nominal Freight Scale (WORLDSCALE) in the United States.

WORLDSCALE is a nominal value scale that is widely used in quoting prices for tanker charters. WORLDSCALE sets forth nominal per-ton rates for tens of thousands of possible port-to-port voyages. Price quotations for charters are generally made in terms of the WORLDSCALE nominal rate, which is called WORLDSCALE 100. Thus, a charterer might offer a rate equal to 150 percent of the WORLDSCALE nominal rate. This would be quoted as WORLDSCALE 150. Prices quoted and charged in the market are both above and below WORLDSCALE 100, depending on the size and characteristics of the vessel, the voyage, and supply and demand.

The WORLDSCALE nominal rates are calculated on the basis of fuel costs, transit time, port charges, and so on, for a 19,500 ton tanker. The characteristics of this standard tanker, which is much smaller than most tankers in use today, remain constant in the

calculation of every edition of WORLDSCALE. Port charges and fuel prices, however, are updated frequently. Consequently, WORLDSCALE is useful in two ways. First WORLDSCALE provides a basis by which rates for different voyages may readily be compared. Second, use of WORLDSCALE allows fixtures conveniently to be agreed upon on the basis of a range of ports. For example, a price may be quoted "from a Persian Gulf port to a United States Gulf port,"without specifying different prices for each possible port pair to reflect the different port charges or distances that would be involved.

WORLDSCALE was first published in 1969. It was published jointly by ASBA and a group of British brokers. WORLDSCALE replaced the two previous nominal rate scales which had been maintained separately by ASBA and the British brokers. WORLDSCALE therefore represented a merger of the two previous nominal rate scales, one of which contained a brokerage element and one of which did not. When ASBA and the British brokers' group merged their rate scales, they decided to publish a 2½ percent brokerage commission element in the new WORLDSCALE.

Since 1969, WORLDSCALE has been regularly republished, first on a yearly basis and then; after 1976, at six-month intervals. ASBA "spun off" a group to publish and sponsor WORLDSCALE in the United States. This group, which was first called the Association of Ship Brokers and Agents (Worldscale), Inc., is defendant Worldscale Association.

Each edition of WORLDSCALE lists the elements that go into its calculation, and this list includes an element that states, "Brokerage: 2.5 percent." WORLDSCALE thus includes a regular publication of the price for brokerage services.

Finally, the brokerage commission rate set forth in WORLDSCALE is reinforced by the ASBA Code of Ethics. The Code, which applicants for ASBA membership agree in writing to follow, contains the provision that "unless otherwise agreed in advance, a member's compensation shall not exceed that which is customary for the services rendered."

The Complaint alleges the combination and conspiracy had the following effects, among others:

(1) the commission charged for oil tanker brokerage services involved in the arrangement of oil tanker fixtures has been fixed, stabilized and maintained at artificial and noncompetitive levels;

(2) price competition in the provision of oil tanker brokerage services has been restrained; and

(3) purchasers of oil tanker brokerage services have been deprived of the benefit of free and open competition in the market for such services.

III

Explanation of the proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form filed with the court, may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment provides that the entry of the Final Judgment does not constitute any evidence against, or admission by, any party with respect to any issue of law or fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the court finding that its entry will be in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, defendants are enjoined from repeating the behavior that characterized the combination and conspiracy. Second, the proposed Final Judgment places affirmative burdens on defendants to provide certain affected persons in the industry with notice of this action and decree in order to avoid a repetition of the combination and conspiracy, to eradicate its effects, and to allow the market to operate freely.

A. *prohibited Conduct.*

Section V of the Proposed Final Judgment prohibits defendants, whether acting unilaterally or with any other person, from entering into, adhering to, maintaining, or furthering any contract, agreement, understanding, plan, or program to fix, maintain, or stabilize the fees charged by oil tanker brokers for rendering oil tanker broker services.

Section VI enjoins and restrains defendant ASBA from adopting, maintaining, publishing and distributing any code of ethics or other document defining standards of conduct for its members or for oil tanker brokers that makes any recommendation, proposal, or suggestion with respect to the fees charged or to be charged by oil tanker brokers or by its oil tanker broker member.

Section VIII enjoins and restrains defendant Worldscale Association from issuing, creating, maintaining, publishing, or perpetuating any scale or system of calculation of values or costs of tanker voyages that includes a fee for the services of oil tanker brokers.

B. *Affirmative Obligations of the Defendants.*

Section VII of the proposed Final Judgment orders and directs defendant ASBA, within sixty (60) days of the entry of the Final Judgment, to amend its code of ethics by deleting the provision in its code of ethics that states "Unless otherwise agreed in advance, a member's compensation shall not exceed that which is customary for the services rendered."

Section IX orders and directs Worldscale Association to amend its method of calculation of WORLDSCALE in a manner necessary to comply with Section VIII and to eliminate any component or element of the calculation that is inconsistent with any provision of the Final Judgment, beginning with its January 1, 1982 edition. This section will require Worldscale Association to remove the brokerage element from its method of calculation of WORLDSCALE.

Section X orders and directs defendant ASBA to furnish, within thirty (30) days from the date of entry of the Final Judgment, a copy of the Final Judgment to each of its officers and members and to furnish a copy of this Final Judgment to each person who becomes a member of defendant ASBA.

Section XI orders and directs defendant Worldscale Association to furnish, within thirty (30) days of the entry of the Final Judgment, a copy of the Final Judgment to all persons in the United States who have, within the last three years, subscribed to WORLDSCALE. Under section XI, Worldscale Association is also directed to send a letter to such persons notifying them that commissions for oil tanker brokerage are freely negotiable, and that Worldscale Association takes no position on what level brokerage commissions should be or how they should be computed. This letter will also be sent to all United States subscribers to WORLDSCALE with each new edition of WORLDSCALE for three years.

Finally, under Section XII of the proposed Final Judgment, the Justice Department will have access, upon reasonable notice, to the records and personnel of defendant ASBA and defendant Worldscale Association in order to determine their compliance with the Judgment.

C. *Scope of Proposed Judgment.*

(1) *Persons Bound by the Decree.* The proposed Final Judgment expressly provides in Section III that its provisions apply to the defendants, and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of the Final Judgment. Section III also provides that, for purposes of Section III, a member of ASBA shall not be deemed to be in active concert or participation solely by virtue of his, or its membership. Section IV of the Judgment prohibits defendant Worldscale Association from selling or transferring all or substantially all of its assets used by it in creating, maintaining, and distributing WORLDSCALE, unless the acquiring party files with the court its consent to be bound by the provisions of the Judgment.

(2) *Duration of the Decree.* Section XIII provides that the proposed Final Judgment will expire on the tenth anniversary of its date of entry.

D. *Effect of the Proposed Judgment on Competition.*

WORLDSCALE is a joint activity among oil tanker brokers and is in large part useful as it permits the market for oil tankers to operate efficiently. WORLDSCALE contains one element, however, that is unnecessary to operation of WORLDSCALE or to the smooth working of the oil tanker market. This is the agreement among brokers to publish a price for brokerage services as a part of WORLDSCALE. The proposed Final Judgment, by eliminating this element, will eradicate the anticompetitive effects of publishing an agreed price for brokerage services, yet it will leave untouched the useful functions of WORLDSCALE.

Thus, the terms of Sections V, VI, VII, VIII, and IX of the proposed Judgment are designed to ensure that oil tanker brokers will act independently in determining the fees for their services, and that neither ASBA nor Worldscale Association will in any way suggest, maintain, or recommend adherence to a fixed fee for such services. The affirmative obligations of section X are designed to ensure that officers and members of ASBA are aware of this proposed Final Judgment. The provisions of Section XI are designed to ensure that persons in the United States who have subscribed to WORLDSCALE within the last three years are aware of this proposed Final Judgment and of the fact that fees are freely negotiable. Compliance with the proposed Judgment will prevent collective action by brokers on fees to be charged for the provision of oil tanker broker services. Compliance will not impinge on the useful functions that WORLDSCALE serves.

IV

Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which he may have had if the proposed Judgment had not been entered. The proposed Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended. 15 U.S.C. § 16(a).

V

Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and defendants ASBA and Worldscale Association which provides that the Government may withdraw its consent to the proposed Judgment any time before entry of the proposed Judgment. By its terms, the proposed Judgment also provides for the court's retention of jurisdiction of this action in order to permit any of the parties to apply to the court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, any person wishing to comment upon the proposed Judgment may submit, within the statutory sixty-day period, written comments to the United States Department of Justice, Attention: Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530. Such comments, and the Government's response to them, will be filed with the court and published in the **Federal Register**. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VI

Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial of the issues on the merits and on relief. The Antitrust Division considers the substantive language of the proposed Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the Judgment provides appropriate relief against the violations alleged in the complaint. The proposed judgment contains substantially all the relief that was requested in the Complaint.

VII

Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act. 15 U.S.C. § 16(b).

Craig W. Conrath, Richard A. Feinstein, Douglas C. Ross, *Attorneys, United States Department of Justice, Antitrust Division, Washington, D.C. 20044, Telephone (202) 724–6655.*

[FR Doc. 81–19382 Filed 7–1–81; 8:45 am]

BILLING CODE 4410–01–M

Pollution Control; Consent Decree; and of the Kansas State Implementation Plan

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on June 8, 1981, a proposed consent decree in *United States of America* v. *Kansas City, Kansas Board of Public Utilities*, Civil Action No. 80–4088 (D. Kan.), was lodged with the United States District Court for the District of Kansas. The proposed consent decree requires the Kansas City, Kansas Board of Public Utilities ("BPU") to install continuous monitoring systems for measuring opacity on its Quindaro Station Units Q–3–1 and Q–3–2, and to conduct and complete compliance tests on these units by August 31, 1981. No later than October 15, 1981, BPU must determine the permanent load level of operation for continuous compliance on coal fuel and submit written reports of the compliance tests.

As BPU's Quindaro Station Unit Q–21 is not operating, and its Quindaro Station Unit Q–22 is operated on gas, BPU has agreed neither to reactivate Unit Q–21, nor to operate Unit Q–22 on coal, without written notification to, and approval from, Region VII of the Environmental Protection Agency (EPA). In addition, under the terms of the proposed consent decree BPU agrees to pay a $50,000.00 (fifty thousand dollars) civil penalty by or before October 15, 1981, and to pay stipulated penalties of $500.00 (five hundred dollars) for each day BPU fails to comply with specific terms of the decree unless BPU demonstrates that such failure to comply is unforseeable and beyond BPU's control.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Building, 444 Quincy Street, Topeka, Kansas 66683; at the Region VII Office of the Environmental Protection Agency, Enforcement Division, 1735 Baltimore Street, Kansas City, Missouri 64108; or at the Environmental Enforcement Section, Land and Natual Resources Division, United States Department of Justice, Tenth Street and Pennsylvania Avenue, N.W., Room 1254, Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natual Resources Division, of the United States Department of Justice.

The United States Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, United States Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Kansas City, Kansas Board of Public Utilities*, Civil No. 80–4088 (D. Kan.), DJ Ref. No. 90–5–2–1–287.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–19381 Filed 7–1–81; 8:45 am]

BILLING CODE 4410–01–M

Pollution Control; Consent Decree: To Require Compliance by the Hammermill Paper Company With General Pretreatment Requirements

In accordance with Departmental policy, 28 CFR § 50.7, 38 19029, notice is hereby given that on June 17, 1981, a proposed consent decree between the United States and Hammermill Paper Company, in *United States* v. *The Erie Sewer Authority, the City of Erie, The Commonwealth of Pennsylvania, and Hammermill Paper Company* (W.D. Pa., No. 76–136) was lodged with the United States District Court for the Western District of Pennsylvania. The proposed consent decree settles a lawsuit filed by the United States on behalf of the Environmental Protection Agency ("EPA") against the Hammermill Paper Company. The lawsuit alleged violations by Hammermill of the Clean Water Act and the general pretreatment regulations applicable to industrial dischargers as a result of Hammermill's discharges to the Erie wastewater treatment plant. A separate consent decree between the United States, City of Erie, Erie Sewer Authority and the Commonwealth of Pennsylvania settling violations of the NPDES permit at the Erie wastewater treatment plant was lodged with the District Court on May 15, 1981 and

noticed in the **Federal Register** on June, 1981. 46 FR 30002.

Under the terms of the proposed consent decree with Hammermill Paper Company, the Company agrees to reduce its flow and loadings of basic oxygen demand ("BOD_5") and total suspended solids ("TSS") to the plant so that by January 1, 1984 flow will be 15.3 million gallons per day, BOD_5 will be 66,000 lbs/day monthly average and TSS will be 33,000 lbs/day monthly average. Hammermill is the single largest industrial discharger to the plant. In order to accomplish these reductions. Hammermill has agreed to a construction schedule for the installation of varous treatment processes at its paper plant, including a brown stock washer addition, improvements to the causticizing system, expansion of the evaporation plant and construction of a new pulp mill clarifier. Hammermill also agrees to pay the amount of $25,000 to the United States Treasury in settlement of the Complaint and to be liable for stipulated penalties of up to $10,000 per day for violations of construction schedules and reporting requirements in the decree. Further, Hammermill agrees to complete a modification of an agreement with the City of Erie and the Erie Sewer Authority which sets limits on the amount of flow and leadings of BOD_5 and TSS which it can discharge to the plant. The parties reserve the right to petition the Court for modification of the decree if the Commonwealth of Pennsylvania issues an NPDES permit for the treatment plant which differs from a draft attached to the decree.

This decree was negotiated separately from the decree with the City of Erie, Erie Sewer Authority and Commonwealth of Pennsylvania but the provisions of both decrees are consistent and compatible.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Western District of Pennsylvania, United States Courthouse, Sixth and State Streets, Erie, Pennsylvania 16501 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land Natural Resources Division of the Department of Justice. There is a copying charge of $3.10 reflecting a rate of $.10 per page for the 31-page decree and attachment. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. The Erie Sewer Authority, et al.*, D.J. Ref. 90-5-1-1-609.

Carol E. Dinkins,

Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 81-19049 Filed 7-1-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General's Task Force on Violent Crime; Meeting

The Attorney General's Task Force on Violent Crime will meet from 9:00 am until 5:00 pm on July 21 and 22, 1981 in the Biscayne Ballroom of the Sonesta Beach Hotel, 350 Ocean Drive, Key Biscayne, Florida.

The morning of the first day will be devoted to a discussion by the Task Force members of ways in which the federal government could do more to combat violent crime, with consideration of possible changes in federal statutes and resource allocations to make the federal role more effective.

On the afternoon of the first day and on the second day the Task Force will take public testimony on a wide range of criminal justice issues, with special emphasis on narcotics and corrections problems.

The meeting will be open to the public. Approximately 200 seats will be available for the public and media representatives on a first-come first-served basis. Persons interested in testifying or with inquiries should contact the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Room 4418, Washington, DC 20530 (telephone 202/633-1617).

Jeffrey Harris,

Executive Director.

[FR Doc. 81-19050 Filed 7-1-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on April 27, 1981, McNeilab, Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug	Schedule
Raw Opium (9600)	II.
Concentrate of Poppy Straw (9670).	II.

Any other such applicant, and any person who is presently registered with DEA to bulk manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

McNeil has submitted background information which indicates the April 27, 1981, application is essentially identical to its previous application, dated June 28, 1978, except for plant location, plant construction, proposed security plans, and compliance with applicable state and local laws. The Administrator approved McNeil's June 28, 1978, application contingent upon the firm's completion of all actions necessary for compliance with the pertinent rules and regulations. This decision was published in the **Federal Register** on April 15, 1981 (46 FR 22089). McNeil's representatives indicated the firm would withdraw its June 28, 1978 application for registration as a bulk manufacturer if approval of the April 27, 1981 application for registration as a bulk manufacturer is granted.

Any such comment, objection or request for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 6, 1981.

Dated: June 26, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-19520 Filed 7-1-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 18, 1980, Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Methamphetamine (1105)	II
2,5-Dimethoxyamphetamine (7398).	I.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 6, 1981.

Dated: June 26, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-19521 Filed 7-1-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 27, 1981, McNeilab, Inc., 803 East Fourth Street, Wilmington, Delaware 19801 (McNeil), made application to the Drug Enforcement Administration (DEA) for Registration as a bulk manufacturer of the following Schedule II substances:

Drug	Schedule
Codeine (9050)	II.
Oxycodone (9143)	II.
Morphine (9300)	II.
Thebaine (9333)	II.
Opium Extract (9610)	II.
Opium Fluid Extract (9620)	II.
Opium Tincture (9630)	II.
Opium Powdered (9639)	II.
Opium Granulated (9640)	II.
Concentrate of Poppy Straw (9670).	II.

Any other such applicant, and any person who is presently registered with DEA to bulk manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

McNeil has submitted background information which indicates the April 27, 1981 application is essentially identical to its previous application, dated June 28, 1978, except for plant location, plant construction, proposed security plans, and compliance with applicable state and local laws. The Administrator approved McNeil's June 28, 1978 application contingent upon the firm's completion of all actions necessary for compliance with the pertinent rules and regulations. This decision was published in the **Federal Register** on April 15, 1981 (46 FR 22089). McNeil's representatives indicated the firm would withdraw its June 28, 1981 application for registration as a bulk manufacturer if approval of its April 27, 1981 application for registration as a bulk manufacturer is granted.

Any such comment, objection or request for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 6, 1981.

Dated: June 26, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-19522 Filed 7-1-81; 8:45 am]

BILLING CODE 4410-09-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit "The Golden Age of Naples: Art and Civilization Under the Bourbons, 1734-1805" (included in the list [1] filed as a part of this determination), imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Founders Society Detroit Institute of Arts and the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Detroit Institute of Arts, Detroit, Michigan, beginning on or about August 10, 1981, to on or about November 1, 1981, and at the Art Institute of Chicago, Chicago, Illinois, beginning on or about December 21, 1981, to on or about March 8, 1982, in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: June 30, 1981.

Gilbert A. Robinson,

Acting Director.

[FR Doc. 81-19608 Filed 7-1-81; 8:45 am]

BILLING CODE 8230-01-M

NATIONAL ENDOWMENT FOR THE HUMANITIES

Presidential Task Force on the Arts and Humanities; Meetings

June 29, 1981.

Notice is hereby given of the following meeting of the Presidential Task Force on the Arts and Humanities. The purpose of this meeting is to consider ways that private sector support for the arts and humanities can help offset budget cuts at the National Endowment for the Humanities and the National Endowment for the Arts. The agenda for the Task Force will also be considered.

The Eastern Regional meeting will convene at 2:30 p.m. on Monday July 13, 1981 at the Lawyers Lounge of the Supreme Court, United States Supreme Court Building, 1 First Street, N.E., Washington, DC.

This meeting will be open to the public, however, because seating is limited to 25 persons, members of the public who wish to attend should call Jeanne Rhinelander of the Presidential Task Force on the Arts and Humanities at (202) 395-6830 to reserve a seat no

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

sooner than July 2, and no later than July 7, 1981.

Because the Presidential Task Force on the Arts and Humanities was established by Executive Order 12306 of June 5, 1981 with a mandate to terminate on September 30, 1981, it was not possible to schedule these meetings in time to give 15 days notice in the Federal Register.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-19494 Filed 7-1-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-27]

Reports, Recommendations, Responses; Availability

Pipeline Accident Report

Union Light, Heat and Power Company, Natural Gas Explosion and Fire, Simon Kenton High School, Independence, Kentucky, October 9, 1980 (NTSB-PAR-81-1).—As a result of its investigation, the Board issued on May 13 the following recommendations to—

Union Light, Heat and Power Company: Improve company procedures for identifying all service lines connected to natural gas distribution systems to be uprated, and include in areas where there are more than one gas main the procedure of testing pipelines by pressure differential, which will locate those customers who cannot be located by routine procedures. (P-81-1)

Include procedures for rapid and complete shutdown in an emergency in written company uprating plans. (P-81-2)

Incorporate a specific requirement for curb box inspections in the company's annual gas meter/regulator inspections, in accordance with the Kentucky Energy Regulator Commission regulations. (Class II, Priority Action) (P-81-3)

Revise installation procedures for gas meter set assemblies installed inside of a building to require that the shutoff valve is located on the outside of the building. This requirement should be carried out for new installations and routine replacements, and where possible, for priority retrofitting of installations serving schools, churches, hospitals, and other places of public assembly. (P-81-4)

Provide adequate training for gas company employees who are in charge of public building inspections so that all company facilities are properly inspected. (P-81-5)

Conduct a system-wide inspection of unrestrained compression couplings on gas meter set assemblies for conformance with the manufacturer's installation recommendations and all pertinent regulations. (P-81-6)

Institute quality controls to increase the accuracy of company records, including verification of field reports and of written records and maps transferred to computerized records. (P-81-7)

Research and Special Programs Administration of the U.S. Department of Transportation: Expedite final rulemaking on Docket No. PS-61 regarding the maintenance of maps and records, and include a provision for the retention of maps and records. (P-81-8)

Initiate rulemaking to require the installation of excess flow valves on all newly installed or renewed high-pressure gas distribution system service lines with priority given to service lines supplying schools, churches, and other places of public assembly. (P-81-9)

During routine annual inspection activities, verify gas company compliance with 49 CFR 192.615(a)(6) and enforce this regulation where it is needed. (P-81-10)

American Gas Association: Advise its member companies of the circumstances of this accident, and urge them to include in their training programs information for their own personnel and local firefighting personnel regarding the hazards of secondary explosions or fire which may exist if the gas supply is not shut down. (P-81-11)

Advise its member companies to check unrestrained compression couplings on gas meter set assemblies in buildings for conformance with the manufacturer's installation recommendations and industry standards. (P-81-12)

Safety Effectiveness Evaluation

The Improvement of Nighttime Conspicuity of Railroad Trains (NTSB-SEE-81-3).—As a result of its evaluation, the Board on April 13 recommended that the Federal Railroad Administration:

Develop and issue an advance notice of proposed rulemaking within 6 months inviting comments on the improvement of nighttime train car and locomotive visibility at grade crossings to aid in preventing accidents in which motor vehicles run into the sides of trains at night. Comments regarding the potential benefits of applying reflective devises or materials to the sides of train cars and locomotives should be particularly solicited. (R-81-39)

In cooperation with the Federal Highway Administration, the National Committee on Uniform Traffic Control Devises, and the Association of American Railroads, plan and institute a research program to establish criteria for reflectorization devises and materials for installation on the sides of train cars and locomotives. Such criteria should be designed for use in either voluntary or mandatory programs. Such research should include size, colors, placement, symbol or message, brightness, expected life, maintenance, and relationship to other reflectorized materials used on trains for commercial purposes. (R-81-40)

Each of the above-listed recommendations is designated "Class II, Priority Action."

Recommendations Issued

R-81-74, R-81-75.—"Class I, Urgent Action" issued by the Board on June 19, 1981, to—

Research and Special Programs Administration, U.S. Department of Transportation: Immediately ascertain, in conjunction with the Federal Railroad Administration, the adequacy of industry-adopted interim safety precautions for transportation of anhydrous methylaimines in Specification 112A tank cars and institute any additional interim safety precautions which may be necessary to adequately control the risks to the public pending installation of tank head puncture resistance and thermal protection systems. In the identification of possible interim safety precautions consideration should be given to measures such as application of distinctive markings to the unretrofitted tank cars to make their status conspicuous to railroad employees and emergency response personnel, restrictions on the speeds of trains containing unretrofitted tank cars to minimize crash forces in the vent of a derailment, and other precautions which may be appropriate. (R-81-74)

Federal Railroad Administration: Immediately ascertain, in conjunction with the Research and Special programs Administration, the adequacy of industry-adopted interim safety precautions for transportation of anhydrous methylamines in Specification 112A tank cars and institute any additional interim safety precautions which may be necessary to adequately control the risks to the public pending installation of tank head puncture resistance and thermal protection systems. In the identification of possible interim safety precautions consideration should be given to measures such as application of distinctive markings to the unretrofitted tank cars to make their status conspicuous to railroad employees and emergency response personnel, restrictions on the speeds of trains containing unretrofitted tank cars to minimize crash forces in the event of a derailment, and other precautions which may be appropriate. (R-81-75)

Recommendation Response

A-79-98 through -105, from the Federal Aviation Administration (June 10), re DC-10 accident near Chicago-O'Hare International Airport, May 25, 1979 (Ref. 45 FR 26187, Apr. 17, 1980)—

A-79-98: FAA cites recent amendment to 14 CFR 25.571 and maintenance manual requirement under 25.529, together with mandatory participation of maintenance specialists in type certification process, existing guidance material, and service difficulty review; FAA plans no additional action.

A-79-99: FAA policy is to specify performance standards rather than step-by-step compliance requirements to achieve a safety objective. A blanket requirement for redundancy could burden manufacturers and operators without compensating safety benefits. FAA finds its regulations on aircraft design are appropriate.

A-79-101: FAA provides no new comments.

A-79-102: FAA does not agree that manufacturer's maintenance procedural recommendations necessarily provide the best base for judging air carrier deviations or that current industry/FAA procedures are inadequate; that established procedures were not followed was more significant a factor than the procedure itself in this accident. FAA Order 1800.12D, program guidelines for FAA inspectors, now provides added emphasis for air carrier maintenance surveillance.

A-79-103: A new advisory circular will incorporate the substance of the recommended revision of 14 CFR 121.707 to more clearly define "major" and "minor" repair categories to insure inclusion in reporting requirements of any repair of damage to a component identified as "structurally significant."

A-79-105: FAA regions will review performance characteristics of transport category aircraft to determine recommending maintaining an airspeed above V_2, but not greater than the all-engine climb speed, if a loss of thrust is encountered after V_2; the information may be included in FAA-approved Airplane Flight Manuals as a recommended flight procedure. FAA provides conclusions reached in May 1980 at a general policy meeting of the FAA Flight Standardization Board after discussion of training, check procedures, and operating manual aspects of A-79-105.

A-79-100 and -104: FAA will provide information as action is completed. The recommendations are now classified "Open—Acceptable Action."

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 22161. (49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 26, 1981.

[FR Doc. 81-19455 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Development of a Safety Goal; Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Workshop on a Proposed Safety Goal.

SUMMARY: The United States Nuclear Regulatory Commission is holding a workshop July 23-24 in Harper's Ferry, West Virginia to discuss a draft safety-goal statement for the agency. The meeting will be at: Cliffside Inn, Route 340, Harper's Ferry, West Virginia 25425. The meeting times (subject to change) are 8:30 a.m. to 5:30 p.m. on July 23 and 8:30 a.m. to 2:30 p.m. on July 24. The meeting will be open to members of the public for attendance as observers. (Participation in the workshop discussions will be by individual invitation only.)

The Commission has contracted with Brookhaven National Laboratory to make arrangements for accommodations and meeting facilities. For further information on these matters contact: Mr. Anthony Romano, Brookhaven National Laboratory, Upton, New York 11973; Telephone: (516) 282-4024.

Members of the public wishing to attend are urged to register in advance with Mr. Romano, since only a limited number of observers can be accommodated.

For further information on the project for development of a safety goal contact: Mr. George Sege, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (202) 634-3295.

Background Discussion: In October 1980 the United States Nuclear Regulatory Commission instituted a project to define more clearly the level of protection of the public health and safety that it believes is adequate. The Commission issued a Plan for Developing a Safety Goal (45 FR 71023, October 27, 1980). Subsequently, in accordance with the Plan, the Commission issued a preliminary statement of policy considerations which may enter into an articulation of the ageny's safety goal. A report reflecting those considerations, including the Commission's statement, was issued as NUREG-0764, entitled "Toward a Safety Goal: Discussion of Preliminary Policy Considerations." (March 1981.) It was discussed at a workshop in Palo Alto, California, on April 1-3.

The workshop on April 1-3 was designed to illuminate the important issues of safety goal formulation, including both quantitative and qualitative elements and economic, ethical, social, and political issues as well as technical considerations.

The July 23-24 workshop will have a more specific focus. It will address a reference safety-goal statement and significant alternatives. Like the first workshop, it will be a discussion workshop, involving invited knowledgeable persons representing a broad range of viewpoints, drawn from technical and social disciplines, from industry, public interest groups, universities, and elsewhere.

The reference safety-goal statement to be discussed at the workshop is expected to be available about July 13. Single copies may be obtained upon written request to Mr. Romano. (See address above.)

The results of the two workshops will be available to the Commission and will be used by the Office of Policy Evaluation, along with other information, in preparation of a policy paper, to be submitted for the Commission's consideration in the early fall of 1981.

Dated at Washington, District of Columbia, this 29th day of June, 1981.

Dennis K. Rathbun,

Acting Director, Office of Policy Evaluation.

[FR Doc. 81-19526 Filed 7-1-81; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0799]

Draft Criteria for Preparation of Emergency Operating Procedures

The Nuclear Regulatory Commission's Office of Nuclear Reactor Regulations is requesting public comment on NUREG-0799, "Draft Criteria for the Preparation of Emergency Operating Procedures". The NRC staff intends to use this document in evaluating whether an applicant/licensee meets the requirements of 10 CFR 50.34(b)(6)(v). NUREG-0799 will attempt to identify the elements necessary to prepare and implement a program of Emergency Operating Procedures that will mitigate the consequences of a broad range of initiating events and multiple equipment failures.

This document was developed to support items I.C.1, I.C.8, and I.C.9 of NUREGs-0660, -0694, and -0737. In developing this document, the NRC staff has drawn upon a wide range of expertise and literature, including contractor reports and staff experience with the pilot monitoring of Emergency Operating Procedures for near term operating license (NTOL) applicants. The contractor reports were recently published and contain information related to the development of Emergency Operating Procedures. These reports include NUREG/CR-1999, "Human Engineering Guidelines for Use in Preparing Emergency Operating Procedures for Nuclear Power Plants"; NUREG/CR-1977, "Guidelines for Preparing Emergency Procedures for

Nuclear Power Plants"; NUREG/CR–1875, "Evaluations of Emergency Operating Procedures for Nuclear Power Plants"; NUREG/CR–2005, "Checklist for Evaluating Emergency Procedures Used in Nuclear Power Plants"; and NUREG/CR–1970, "Development of a Checklist for Evaluating Emergency Procedures Used in Nuclear Power Plants". The availability of these repors is being highlighted to ensure that all applicable information is considered. However, comments should be limited to the criteria included in NUREG–0799. References to or comments on the contractor documents should be limited to their impact on the criteria in NUREG–0799.

Two additional reports, NUREG–1580, "Draft Report on Human Engineering Guide to Control Room Evaluation," and NUREG–0659, "Staff Supplement to the Draft Report on Human Engineering Guide to Control Room Evaluation," have been published for public comment. The Commission requests comments on the desirability of combining the control room design review guidelines (NUREG–0659) with the criteria for the Preparation of Emergency Operating Procedures (NUREG–0799) to produce a single document to be included in comments on NUREG–0799. It is further requested that all comments and suggestions submitted be accompanied by supporting documentation in the form of references, experimental data, or field experience, if possible.

The Commission requests that all interested licensees and individuals who desire to submit written comments or suggestions for consideration specifically in connection with NUREG–0799, should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. A period of 45 days will be allowed for receipt of public comments on this notice. This comment period expires on August 17, 1981. Comments received after August 17, 1981, will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date. NUREG–0799 is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in all other Commission Local Public Document Rooms.

NUREG–0799 is not a substitute for the regulations, and compliance is not a requirement. However, the use of criteria different from those that will be set forth in the document incorporating the resolution of public comments on NUREG–0799 will be accepted only if the substitute criteria provide a basis for determining that the requirements of 10 CFR 50.34(b)(6)(v) have been met.

For further information, contact Don Beckham, Division of Human Factor Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone (301) 492–4958.

Dated at Bethesda, Maryland, this 26th day of June, 1981.

Dennis L. Ziemann,

Chief, Procedures and Test Review Branch, Division of Human Factors Safety.

[FR Doc. 81–19527 Filed 7–1–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322]

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1); Director's Decision

In filings dated December 31, 1980, and January 23, 1981, the Shoreham Opponents Coalition (SOC) requested pursuant to section 189 of the Atomic Energy Act of 1954, as amended, and 10 CFR 2.206 of the NRC's Rules of Practice that the Director of Nuclear Reactor Regulation institute a proceeding to determine whether good cause exists to extend the construction permit for the Shoreham Nuclear Power Station, Unit 1. SOC also requested "that, to protect public health and safety, the Shoreham construction permit be suspended pending the outcome of the hearing [on the construction permit extension]." Petition at 1 (Jan. 23, 1981). The Long Island Lighting Company (LILCO) had requested on November 28, 1980, an extension of Construction Permit No. CPPR–95 to March 31, 1983.[1] By separate memorandum, the NRC staff has made recommendations to the Commission with respect to SOC's request for a hearing on the extension of the construction permit.[2] The remainder of this decision is concerned with SOC's request that I suspend construction of the Shoreham facility pending the outcome of the proceeding on extension of the construction permit.

SOC claims that suspension of the permit should be ordered "to protect public health and safety". At no point in the petition does SOC give reasons why public health and safety would be threatened imminently if permit suspension were not ordered. To be sure, SOC lists a number of matters which it believes should be considered in connection with the application for permit extension.[3] These matters concern, however, primarily issues that go to the question of whether LILCO should be granted an operating license for the Shoreham plant. Whether or not these matters are litigable in a proceeding on permit extension, they do not reveal any threat to public health and safety that stems from the facility's construction. Rather, SOC has alleged only that *operation* of the facility would be unsafe or environmentally unsound, because of the facility's siting, the risk of severe accidents, and the need for additional safety systems and analyses. Thus, the petition does not raise allegations that might provide a basis for suspension, perhaps even immediate suspension, of construction: *e.g.*, construction of the facility has been improper under existing requirements or implementation of the quality assurance program has been inadequate.[4]

The only nexus between any of the matters raised by SOC and its request for immediate suspension of the permit is SOC's request that suspension of the permit be ordered pending a determination of the feasibility of evacuation after a severe accident during operation of the facility.[5] SOC's citation to a recent Appeal Board decision is inapposite as a basis for SOC's request. *Northern Indiana Public Service Co.* (Bailly Generating Station, Nuclear 1), ALAB–619, 12 NRC 558, 569–70 (1980). The *Bailly* decision suggests only that it may be appropriate to consider site suitability contentions in a proceeding on construction permit extension, not that suspension of construction pending resolution of such issues in the permit extension proceeding is appropriate. The feasibility of evacuation, as it relates to emergency planning, is relevant to the assessment of whether the plant should operate. Although that issue must be resolved before operation of the facility, evacuation considerations pose no imminent threat to public health and safety that would warrant immediate suspension of construction.

Suspension of construction is not mandated, therefore, by law or Commission policy. As noted above, a construction permit or any other Commission license generally remains effective under a timely application for renewal until the Commission has finally determined the application.[6] The permittee pursues construction work under a construction permit at its own risk pending approval of permit extension or of the application to operate the plant.[7] Even where unresolved safety questions are raised after issuance of the construction permit, institution of proceedings to suspend the permit is not required, because "permitting continued construction of the plant despite unresolved safety questions does not of itself pose any danger to the public health and safety".[8]

Before LILCO may receive an operating license, it will be required to do anything necessary to ensure safe operation of the plant. The cost or difficulty associated with implementing needed actions to ensure safety are not relevant consideration to this agency. The safety standards which an applicant must meet to obtain an operating license are unconditional.[9] To the extent that SOC has raised matters which require resolution before an extension of the construction permit is granted or before an operating license is issued, these matters will be given appropriate consideration in those proceedings. I do not find further consideration of these matters appropriate at this time under 10 CFR 2.206.[10]

A SOC's petition does not provide an adequate basis for immediate suspension of construction. SOC's petition to suspend is *denied*. The remaining matters in the petition concerning SOC's request under section 189 of the Atomic Energy Act for a hearing on permit extension are before the Commission for action. A copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). In accordance with 10 CFR 2.206(c), this decision will constitute the final action of the Commission 25 days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated in Bethesda, Maryland this 26th day of June, 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81–19528 Filed 7–1–81; 8:45 am]

BILLING CODE 7590–01–M

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[1] *See* Attachment A to Petition (Jan. 23, 1981). The construction permit would have expired on December 31, 1980. Under 10 CFR 2.109, which derives from section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), the permit remains in effect until the application for its renewal has been finally determined.

[2] A copy of this memorandum has been served with this decision on SOC and LILCO. SOC's petition lists a number of items which SOC believes should be litigated in a hearing on the construction permit extension or should be imposed as conditions on any permit extension. Because SOC has requested that these matters be litigated in the permit extension proceeding, the Staff will respond to these matters in the proceeding on permit extension, not under 10 CFR 2.206. *See Pacific Gas & Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI–81–5 (May 6, 1981).

[3] In part, the petition styles these matters as arguments for "revocation" of the construction permit. Petition at 4–20 (Jan. 23, 1981). However, SOC wants these matters litigated in the construction permit proceeding. If these matters are litigable in that proceeding and if SOC's views prevail, extension would be denied and thereby the permit would be terminated.

[4] *See Proposed General Statement of Policy and Procedure for Enforcement Actions*, § IV.C., 45 FR 66,754, 66,757 (Oct. 7, 1980).

[5] Petition at 20 (Jan. 23, 1981).

[6] 10 CFR 2.109; 5 U.S.C. 558(c).

[7] *See Power Reactor Development Co. v. International Union of Electrical, Radio & Machine Workers*, 367 U.S. 396 (1961).

[8] *Porter County Chapter of the Izaak Walton League, Inc. v. NRC*, 606 F.2d 1363 (D.C. Cir. 1979).

[9] *Public Service Co. of New Hampshire* (Seabrook Station, Units 1 and 2), ALAB–623, 12 NNRC 670, 677–78 (1980).

[10] *See Pacific Gas & Electric Co.*, (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI–81–6 (May 8, 1981), *affirming* DD–81–3, Pt. I (March 26, 1981); *Commonwealth Edison Co.* (Byron Station, Units 1 and 2), DD–81–5, Slip Op. at 2–4 (May 7, 1981).

[Docket No. 50–320]

Metropolitan Edison Co., Jersey Central Power and Light Co., and Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–73, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which changed Appendix B Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 2 (the Facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment implements the criteria in Appendix R of the Final Programmatic Environmental Impact Statement related to decontamination and disposal of radioactive wastes resulting from the March 28, 1979 accident at TMI–2. These criteria require that the dose to offsite personnel be limited to the design objectives of Appendix I to 10 CFR Part 50 during the cleanup of TMI–2. The criteria also require submittal to NRC of quarterly reports specifying radiological releases and estimated cumulative population dose. This amendment imposes a more restrictive limit on permissible doses than the limit presently established in the facility's Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 10, 1981, (2) Amendment No. 16 to License No. DPR–73, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, TMI Program Office.

Dated at Bethesda, Md., this 26th day of June 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81–19529 Filed 7–1–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR–54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California.

The amendment was authorized by telephone on June 5, 1981, and was confirmed by letter dated June 5, 1981. The amendment changes the TS effluent monitoring methods during the period June 6, 1981, through June 30, 1981, permitting water discharge from the plant with an inoperable radiation monitor in the effluent line. This amendment was issued on an expedited basis to permit plant startup from the recent refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10

CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative delcaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated June 5, 1981, (2) the Commission's letter to the licensee dated June 5, 1981, (3) Amendment No. 34 to License No: DPRR–54, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–19830 Filed 7–1–81; 8:45 am]

BILLING CODE 7590–01–M

Privacy Act of 1974

Minor Amendments to Systems of Records

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Minor amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to the NRC Systems of Records, NRC–18. The amendments clarify and update the information contained in the Systems of Records in the paragraph covering "Systems exempted from certain provisions of the act." In the course of investigations, inspections, and audits, the Office of Inspector and Auditor frequently incorporates data from other systems which are exempt under (k)(6) of the Privacy Act. This creates the need to add the (k)(6) exemption to the list available for NRC–18. The amendments also revoke NRC–35. The data collected for the IE Household Move Survey was used for a one-time compilation. All the records were subsequently destroyed.

EFFECTIVE DATE: The amendments to the NRC Notices of Systems of Records become effective on August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–8133.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed minor amendments to the NRC Notices of Systems of Records in the **Federal Register** on April 27, 1981 (46 FR 23576). The notice invited public comment on the proposed minor amendments by May 27, 1981. No comments were received on the proposed amendments.

The proposed amendments clarify and update the information contained in the Systems of Records, NRC–18, in the paragraph entitled "Systems exempted from certain provisions of the act." The amendments also revoke NRC–35.

Notice is hereby given that the Commission has adopted the proposed amendments of the NRC Systems of Records. The text of the amendments is identical with the text of the amendments which were published on April 27, 1981 for public comment.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records, NRC–18 and NRC–35, are published as a document subject to publication in the annual compilation of Privacy Act Documents.

Dated at Bethesda, Maryland, this 23d day of June 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

1. The first paragraph of NRC–18, which begins with the words "Pursuant to U.S.C. 552a(k)(1) . . . ," should be inserted after the paragraph entitled "Record source categories" and revised to read as follows:

NRC–18

System name:

Office of Inspector and Auditor Index File and Associated Records–NRC.

* * * * *

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(5) and (k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in Section 9.95 of the NRC regulation (10 CFR 9.95).

NRC–35

2. NRC–35 is revoked.

[FR Doc. 81–19379 Filed 7–1–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 29, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interest in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food Safety and Quality Service
Request for label reconsideration
FSQS 8822–4
On occasion
Businesses or other institutions
Meat and poultry establishments
SIC: 201 265
Small businesses or organizations
Consumer and occupational health and safety: 1,000 responses; 250 hours; $7,080 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The label reconsideration form provides MPSLD with a structured approach to reviewing lable decisions & provides plant representatives with a better understanding of why a decision was made and how to proceed if they disagree with the decision. This system will start July 1, 1981.

• Agricultural Cooperatives Service
Cooperatives' farm machinery operations
Nonrecurring
Businesses or other instutitions
Local cooperatives handling farm machinery
SIC: 508
Small businesses or organizations
Agricultural research and services: 105 responses; 53 hours; $33,000 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Provides information on growth and potential of the farm machinery operations of cooperatives. Examines the pitfalls and problems limiting operating efficiency, and tells how cooperative machinery dealers can follow the guidelines of successful dealers to benefit farmer members.

• Farmers Home Administration
Applicants' environmental impact evaluation
FMHA 449–10
On occasion
State or local governments/farms/businesses or other institutions, bus. & industry, loc. gov. & housing develop. in rural areas
SIC: multiple
Small businesses or organizations area and regional development: 42,500 responses; 106,250 hours; $73,080 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The National Environmental Policy Act of 1969, as amended, requires the sponsoring Federal agency to consider the potential environmental impacts of each major Federal action proposed for funding. Data collected will be used to analyze environmental impact.

Revisions

• Agricultural Stabilization and Conservation Service
Regulations—Part 1421
On occasion
Farms
Individual agricultural producers
SIC: 011 013
Farm income stabilization: 302,200 responses; 58,689 hours; $330,000 Federal cost; 15 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

These regs. provide for making prices support available to producers of burley, corn, oats, rye, rice, sorghums, soybeans, farm stored peanuts, tung oil, farm stored tabacco and wheat (P.L. 806).

• Farmers Home Administration
Rural congregate housing demonstration evaluation
Nonrecurring
Individuals or households
Demonstration congregate housing development tenants & appl.
Area and regional development: 470 responses; 353 hours; $250,000 federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Study will assist FMHA and the administration on aging (DHHS) in determining strengths and weaknesses of interagency demonstration effort and in identifying how FMHA congregate housing might be most effectively implemented in the future.

• Animal and Plant Health Inspection Service
7 CFR 319, 321, 352—foreign quarantine notices
PPQ 587, 546 & 368
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Importers of plants, plant products or other articles
SIC: multiple
Small businesses or organizations
Agricultural research and services: 6,290 responses; 1,069 hours; $28,619 Federal cost; 3 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Regulations implementing the Plant Quarantine Act relative to the importation into the United States of nursery stock, plants, fruits, vegetables, roots bulbs, etc. The regulations identify articles which are restricted and

delineate procedures for obtaining permit to import plants, plant products, or other articles.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Loan application form under the college housing program
Ed 866
Annually
Businesses or other institutions
• COLLEGES AND UNIVERSITIES
SIC: 821 822
Higher Education: 300 Responses; 9,600 hours; $490,000 Federal cost; 1 Form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This application form will be used to process and award college housing loans under the college housing program.

• Office of Vocational and Adult Education
Review of a Sample of LEA Programs Funded Under the Career Education Incentive Act (P.L. 95–207)
ED 829–1 Thur 13
Nonrecurring
State or local governments
Local educational agencies receiving P.L. 95–207 funds
SIC: 941
Elementary, secondary, and vocational education: 70 responses; 280 hours; $138,268 Federal cost; 13 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The division of career education proposes to collect data from LEA's between November 1, 1981 and April 30, 1982, in regard to implementation of career education activities under P.L. 95–207. This information will provide the basis for a report to Congress due on September 30, 1982, further, it will be useful to Federal and State program managers who are concerned with improving the P.L. 95–207 program in 1982–83.

• Office of Postsecondary Education
State Student Incentive Grant Performance Report
1288–1
Annually
State or local governments
State education agencies
SIC: 941 822
Higher education: 57 responses; 171 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

An annual report which fulfills the statutory requirement of section 415C(B)(8), HEA. The collected data is used to determine the nature of program accomplishments and provide official information about use of allotments. The analyzed data is used for program evaluation, various budget policy decisions, and to assist States in program development.

• Office of Postsecondary Education
Request for Institutional Eligibility (For Programs Under the Higher Education Act of 1965, as Amended)
ED 1059
On occasion
State or local governments/businesses or other institutions
Postsecondary educational institutions
SIC: 822 824 829
Small businesses of organizations
Higher Education: 1,000 responses; 1,000 hours; $205,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The Secretary of Education must determine whether postsecondary educational institutions meet the statutory and regulatory requirements for eligibility to apply for funding for programs authorized by the Higher Education Act of 1965, as amended Secretary used this form to determine the eligibility of these institutions.

• Office of Elementary and Secondary Education
Preapplication for Federal Assistance (Construction)
Public Law 81–815 application for Federal assistance
ED 355 ED 355–1
On occasion
State or local governments
Local educational agencies
SIC: 821
Elementary, secondary, and vocational education: 200 responses; 3,200 hours; $10,000 Federal cost: 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data is used to determine eligibility of school districts for Federal assistance to construct needed school facilities.

• Office of Educational Research and Improvement
Survey of Correspondence Education
ED 2390
Other—See SF83
Businesses or other institutions
Correspondence and vocational schools, colleges and univ.
SIC: 824
Research and general education aids: 376 responses; 180 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Comprehensive data on home study, an important segment of American education has not been collected since 1976. These data are needed to implement the mandate of sec. 406(B), 20 U.S.C. 1221–E–L to report on the condition of education. Data on enrollment and curricula will be collected from correspondence schools.

• Office of Elementary and Secondary Education
ED–4038—Report of Contract Awarded
ED–4038–1 State
Education agency report of minimum requirements for school
ED 4038 ED 4038–1
Annually
State or local governments
Local education agencies and State education agencies
SIC: 821
Elementary, Secondary, and Vocational education: 350 responses; 350 hours; $2,500 Federal cost; 2 forms; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

Data is used to assist the secretary in determining the State Average Per Pupil Cost of Constructing Minimum School Facilities. The per pupil cost, along with other factors, is used to arrive at a cost of constructing minimum school facilities in a school district which has submitted an application for assistance under P.L. 81–815.

Revisions

• Office of Postsecondary Education
Fiscal-Operations Report/Application to Participate in
NDSL, SEOG and CWS programs
ED 646
Annually
Businesses or other institutions
Institutions of higher education
Higher education: 4,5000 responses; 121,500 hours; 1 form; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

The application data will be used to compute the amount of funds needed by each institution during the 1982–1983 award period. The fiscal operation's report data will be used to assess program effectiveness and accountability of funds expended during the award period 1980–1981.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464

Extensions (No Change)

• Energy Information Administration
International Energy Agency Supply Report
EIA–142
Monthly
Businesses or other Institutions
Importers of crude oil, Nat. Gas Liq., Feedstocks and petrol.
SIC: 517
Energy information, policy and regulations: 696 responses; 1,490 hours; $1,675 Federal cost; 1 form; not applicable under 3504(H)
Jefferson B. Hill, 202–395–7340

The form will be used to collect information on imports and stocks at sea of crude petroleum, natural gas liquids, feedstocks, and petroleum products for meeting reporting requirements to the International Energy Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

• Health Care Financing Administration
Medicare/Medicaid Fire Safety Survey Report
HCFA–2786A 2786B 2786T
Annually
Businesses or other institutions
Hospitals care facilities certified for medicare/medicaid
SIC: 806 805
Small businesses or organizations
Health: 30,400 responses; 90,012 hours; $1,162,800 Federal cost; 3 forms; not applicable under 3504(H)
Richard Eisinger, 202–395–6880

Sections 1861(E) and 1902(A)(28) of the SSA requires that providers of Medicare and Medicaid services meet such requirements to ensure health and safety of individuals who are furnished services. The information is used by DHHS, R.O. personnel to make decisions concerning certification of Health Care Facilities for reimbursement by the Medicaid and Medicare programs.

• Food and Drug Administration,
Application for Option From Preemption for Medical Device Requirements
On occasion
State or local governments
State and local governments
SIC: 943
Consumer and Occupational Health and Safety: 5 responses; 500 hours; $8,750 Federal cost; 1 form; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

A State or local government must apply for exemption from preemption if it wishes to enforce any medical devise requirements that are different from or in addition to a Federal requirement. The information in the application will be used to determine whether the requirement meets the criteria for exemption.

Revisions

• Health Care Financing Administration
Post-Certification Revisit Report and Continuation Sheet
SSA–2567B
Annually
Businesses or other institutions
Medicare and Medicaid providers and suppliers of services
Small businesses or organizations
Health: 17,500 responses; 1,120 hours; 1 form; not applicable under 3504(H)
Richard Eisinger, 202–395–6880

Provides a uniform format depicting corrective action accomplished and used as a follow-up to detected deficiencies reported on form HCFA–2567. Information from this form is used to make decisions concerning certification of health care facilities participating in Medicare/Medicaid programs.

• Health Care Financing Administration
Statement of Deficiencies and Plan of Correction and Continuation Sheet
SSA–2567, SSA–2567A
Annually
Businesses or other institutions
Medicare and Medicaid providers and suppliers of services
Small businesses or organizations
Health: 28,000 responses; 28,000 hours; 2 forms; not applicable under 3504(H)
Richard Eisinger, 202–395–6880

Provides information regarding deficiencies noted during periodic facility certification surveys. Information from this form is used to make decisions concerning certification of health care facilities participating in Medicare/Medicaid programs.

• Alcohol, Drug Abuse, and Mental Health Administration
Revision of the NIMH ECA Program Community Surveys
Other—SEE SF83
Individuals or households
Persons in households in Baltimore and St. Louis
Health: 14,755 responses; 11,957 hours; $5,082,208 Federal cost; 1 form; not applicable under 3504(H)
Gwendolyn Pla, 202–395–6880

This project will provide basic psychiatric epidemiologic data on incidence and prevalence of mental disorders, and will assess the relationship between psychiatric disorders in the community and the use of psychiatric and general health facilities.

• Health Care Financing Administration
Quarterly Showing
HCFA–41
Quarterly
State or local governments
Medicaid State agencies
SIC: 919
Health: 200 responses; 9,000 hours; $8,208 Federal cost; 1 form; not applicable under 3504(H)
Richard Eisinger, 202–395–6880

This form provides a listing of all medical facilities participating in the medicaid program during the 12-month period, and provides necessary data to determine the effectiveness of the State utilization control program. Failure to meet requirements can result in denial or reduction of Federal fiscal participation.

Reinstatements

• Health Care Financing Administration
Hospital Institutional Planning Questionnaire
SSA–3213 HCFA–3213
Annually
Businesses or other institutions
Medicare and Medicaid providers and suppliers of services
Small businesses or organizations
Health: 7,100 responses; 568 hours; $44,588 Federal cost; 1 form; not applicable under 3504(H)
Richard Eisinger, 202–395–6880

Used when deficiencies noted during routine surve remain uncorrected. Information from this form is used to make decisions concerning certification of health care facilities participating in Medicare/Medicaid programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (No Change)

• Housing Programs
Application for Assignment of Portion of Set-Aside to Specific Project
HUD–52516
On occasion
State or local governments
Approved State housing finance agencies
SIC: 953
Public assistance and other income supplements: 400 responses; 200 hours; $10,560 Federal cost; 1 form; not applicable under 3504(H)
Richard Sheppard, 202–395–6880

V 46 / 127 JL 2 81 UMI

Authority for this report is section 8 of the Housing and Community Development Act (PL 93-383) Stat 664. Submitted by State housing agencies to request assignment of a portion of the set-aside to a specific project. This informs HUD field offices of projects selected by State agencies to develop.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

- Employment Standards Administration

Black Lung Medical Reports
20 CFR Part 718
CM-907, CM-933, CM-933B, CM966, CM-1159
On occasion
Businesses or other institutions
- Medical providers

Small businesses or organizations
General retirement and disability insurance: 202,000 responses; 34,400 hours; $31,800 Federal cost; 3 forms; not applicable under 3504(H)
Arnold Strasser, 202-395-6880

20 CFR Part 718 specifies that certain information relative to the medical condition of a claimant who is alleging the presence of pneumoconiosis be obtained as a routine function of the claims adjudication process. The medical specifications in the regulations have been formated in a variety of forms to promote efficiency and accuracy in gathering the required data.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

- Coast Guard

Request for Designation and Exemption of Oceanographic Research Vessels
Biennially
Businesses or other institutions
Oceanographic vessel operators
SIC: 442
Water transportation: 50 responses; 25 hours; $4,800 Federal cost; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202-395-7340

46 USC 445 authorizes the Secretary of Transportation to exempt any oceanographic research vessel, by regulation, from provisions of title or 53 of the revised statutes that he specifies which govern the shipment, discharge, payment and personal outfitting of merchant seaman.

- Urban Mass Transportation Administration

Financial Management Records
Nonrecurring
State or local governments
State and local public transportation agencies
SIC: 411
Other transportation: 1,000 responses; 10,000 hours; 1 form; not applicable under 3504(H)
Corrinne Hayward, 202-395-7340

Grantees are required to maintain internal financial management records to provide effective control over and accountability of all Federal funds in accordance with attachment G to OMB circular No. A-102 and to satisfy financial reporting requirements set forth in attachment G to OMB circular No. A-102 and if under a letter of credit, Treasury circular No. 1075.

Extensions (Burden Change)

- Federal Aviation Administration

Rotocraft External-Load Operator Certificate Application
FAR 133
FAA 8710-4
On occasion
Individuals or households/businesses or other institutions
Air agencies
SIC: 451
Small businesses or organizations
Air transportation: 900 responses; 1,262 hours; $6,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958, section 607 (49 USC 1427) authorizes issuance of operating certificates to air agencies that are in the interest of the public. 14 CFR 133 prescribes certification requirements for rotorcraft external-load operations. Information is collected to determine compliance and applicant eligibility.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

- Bureau of Alcohol, Tobacco and Firearms

Recoms Claims Special Inspection Evaluation—1981
ATF F 5000.22
Nonrecurring
Businesses or other institutions claim. Who file for refund credit or allowance of taxes
SIC: 208 211 212
Small businesses or organizations
Federal law enforcement activities: 219 responses; 219 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is needed to gather statistical data for the regulatory enforcement compliance measurement system. Recoms will use the data to develop dynamic models which will be used to statistically allocate resources and to measure voluntary compliance levels of the regulated industries.

Extensions (Burden Change)

- Internal Revenue Service

Authorization and Declaration
2848-D
On occasion
Businesses or other institutions/individuals or households/farms
Any taxpayer who want another person to act for him IRS.
Small businesses or organizations
Central fiscal operations: 205,000 responses; 161,023 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 2848 is used to authorize someone to act for respondent in tax matters. It grants all powers that the taxpayer has except signing the return and cashing refund checks. Form 2848-D allows a person to inspect or receive confidential tax information. Data used to identify representatives/appointees and to ensure that confidential information is not divulged to unauthorized persons.

- Internal Revenue Service

Earned Income Credit Advance Payment Certificate
W-5
Annually
Individuals or households
Individuals with incomes under 10,000 and children living home
Central fiscal operations: 411,000 responses; 39,000 hours; $167,868 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Qualified employees can prepare and file this form with employers to elect to receive advance earned income credit (EIC) payments with their wages. This information used to determine the amount of the advance EIC payments to be made.

Extensions (No Change)

- Comptroller of the Currency

Defalcation Report
None
On occasion
Businesses or other institutions
National banks which are victims of criminal activity
Small businesses or organizations
Other advancement and regulation of commerce: 5,000 responses; 2,500 hours; $240 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202-395-6880

An immediate written report must be made of any unexplained shortage of bank funds or other assets of $1,000 or more; any defalcation involving bank personnel or bank funds in any amount; any state of facts of the affairs of the bank known or suspected to involve criminal violations.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202-254-9735

New

- Rules Relating to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants

413, 421, 422, 423, 431, 432, 433
On occasion, monthly, quarterly, annually
Businesses or other institutions
Commodity pool operators, trading advisors commission mer.
SIC: 622
Other advancement and regulation of commerce: 798,677 responses; 738,828 hours; $463,375 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

The information requirement in these rules is intended to protect the public by assuring that commodity pool operators and commodity trading advisors are adequately disclosing needed information and by assuring that the Commission has needed information on compliance with this set of rules.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

- Standards of Performance for New Stationary Sources

Volatile organic liquid storage vessels
Annually
Businesses or other institutions
New Storage tanks storing volatile organic liquids
SIC: 286
Pollution control and abatement: 728 responses; 1,456 hours; $48,000 Federal cost; 4 forms; NPRM under 3504(h)
Edward H. Clarke, 202-395-7340

The proposed standards would limit volatile organic compound (VOC) emissions from new, modified, and reconstructed storage vessel used to store volatile organic liquids (VOLs). The proposed standards would require specific equipment for each affected VOL storage vessel.

Extensions (No Change)

- Contractor's Cumulative Claims and Reconciliation

EPA-1900-10
Other—see SF83
Businesses or other institutions R. & D. type contractors
Small businesses or organizations
Pollution control and abatement: 300 responses; 150 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Cumulative claim and reconciliation by the contractor reflecting total costs claimed under a contract. Used by contracting officer in requesting final audit of a contract, and by the auditor in auditing costs claimed against costs incurred. The data are not available from another source.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202-634-6983

New

- Establishment Information

EEOC 447
On occasion
State or local governments/farms/businesses or other institutions
Business firms subject to EPA and ADEA
SIC: multiple
Small businesses or organizations
Federal Law enforcement activities: 350 responses; 87 hours; $8,298 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

This form will be used to advise the respondent that his establishment has been scheduled for an investigation under either the EPA and/or the ADEA. The establishment information form will be sent out in those instances where it is necessary to determine coverage under the acts.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

Revisions

- Application for Registration of Equipment To Be Connected to the Telephone Network

FCC form 730
On occasion
Businesses or other institutions
Telephone equipment manufacturers
SIC: 481, 489
Small businesses or organizations
Other advancement and regulation of commerce: 900 responses; 21,600 hours; $200,000 Federal cost; 1 form not applicable under 3504(h)
William T. Adams, 202-395-4814

Submission is required of equipment manufacturers to provide data and to obtain registration of telephone equipment pursuant to FCC rules. Tests are conducted and the data submitted is used to determine that such equipment will not cause harm to the telephone network.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-3512

Revisions

- Monthly Report on Foreign Branch Assets and Liabilities

FR 2502
Monthly
Businesses or other institutions
Fgn. br. of mbr banks, of Edge Act corp., and of nonmbr, etc.
SIC: 602, 605
General government: 3,840 responses; 9,946 hours; $164,047 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Report collects balance sheet information from selected large branches of U.S. commercial banks, of edge corporations and of U.S. nonmember banking institutions majority-owned by foreign banks. These data are essential for monitoring developments in the Eurodollar market and other foreign financial markets. In addition, these data provide background for, and are used in the analysis of, certain issues related to monetary policy and banking.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

New

- Simulator Training Letter

Annually
Businesses or other institutions
Utilities licensed to operate nuclear power plants and appl.
SIC: 493
Energy information, policy, and regulation: 65 responses; 1,300 hours; $41,600 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Letter requesting data on simulator training schedule. NRC announced this requirement in NUREG 0537 transmitted to licensees October 31, 1980.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Betty Osborne—202-653-7738

New

- Statements Required by Laws or Executive Orders

SBA 1261

Nonrecurring
Individuals or households/farms/businesses or other institutions
Small Business and industry requesting SBA disaster loan.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 101,620 responses; 5,810 hours; $500,000 Federal cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

This form contains a brief summary of the various laws and executive orders that affect SBA's business and disaster loan programs and gives applicants and borrowers the notices required by law or otherwise. The signature section contains the required applicant/borrower certifications.

Revisions

• Form 4 Application for Loan and Form 4I Lender's Application for Guarantee or Participation
SBA form 4, SBA form 4–I
Nonrecurring
Farms/businesses or other institutions
Small business concerns and priv. lenders requesting SBA loan
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 35,000 responses; 111,930 hours; $1,000,000 Federal cost; 2 forms; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

The application for loan provides the credit and statistical data SBA needs for its loan programs. The lenders application provides its analysis of the credit and terms of the loan it wants guaranteed.

Extensions (No Change)

• Disaster Loan Application: Business
SBA 5, 739A
Norecurring
Businesses or other institutions
Small businesses, churches, private schools
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 5,000 responses; 7,500 hours; $84,375 Federal cost; 3 forms; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Small Business Act sec. 7(b)(1) authorizes SBA to make loans to repair, replace, rehabilitate real and personal property damaged or destroyed by disasters such as flood, tornado, hurricane, etc. This set provides the data needed by SBA to determine what property was damaged or destroyed, the size of the loan and whether a loan would comply with the Small Business Act and our regulations 13 CFR 123.

• Disaster Loan Application: Home
SBA 143, 5C 739
Nonrecurring
Individuals or households
Real and personal property owners (individuals)
Other advancement and regulation of commerce: 23,000 responses; 27,600 hours; $310,500 Federal cost; 3 forms; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Small Business Act sec. 7(b)(1) authorizes SBA to make loans to repair, replace or rehabilitate real and personal property damaged or destroyed by disasters such as floods, tornados, hurricanes, etc. This set provides the data needed by SBA to determine what property was damaged or destroyed, the size of the loan and whether a loan would comply with the Small Business Act and our regulations, 13 CFR 123. Due to the unpred. nature of disas., we can not accurately forecast a FY figure.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2598

New

• 1981 and 1982 Interim Residential Surveys: Customers of Local Electric Utilities Distributing TVA Power
Nonrecurring
Individuals or households
Electrical customers served on residential rates
Energy supply: 2,366 responses; 592 hours; $455,711 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Essential data for the preparation of TVA load forecasts will be provided by the 1981 and 1982 interim residential surveys to be completed in February 1982 and February 1983 respectively.

Reinstatements

• Home Insulation Program Participant Survey
TVA–6254J
On occasion
Individuals or households
Households served by the distributors of TVA electricity
Multiple functions: 33,120 responses; 3,875 hours; $58,330 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Data collection on the participant characteristics of TV Presidential conversation programs is necessary. In-house analysis will aid promotional strategies, long-range planning, and program evaluation externally, title VI (28 CFR 42.406) regulations for information on race/ethnics, sex, age, and physical/mental handicaps of applicants for benefits will be adhered to.

VETERAN'S ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• From Insurance Records
7
On occasion
Individuals or households
Insured veterans
Income security for veterans: 15,000 responses; 1,250 hours; $260 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The form is used by insureds to grant the authorization for release of information from insurance records to the person or organization named on the form (5 U.S.C. 552A).

• Certification of Lessons Completed
22–6553B
Quarterly
Individuals or households/State or local governments/businesses or other ins
Veterans and schools
SIC: 941
Veterans education, training, and rehabilitation: 800,000 responses; 133,333 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by students and schools to report on a quarterly basis the number of correspondence lessons completed and serviced under chapters 32, 34, or 35, title 38 U.S.C.

• Quarterly Certification of Attendance for Courses not leading to a Standard College Degree and Farm Cooperative Course
22–6553A
Quarterly
Individuals or households/State or local governments/businesses or other ins
Students and schools
SIC: 941
Veterans education, training, and rehabilitation: 800,000 responses; 133,333 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by trainees to certify attendance for courses not leading to a standard college degree and farm cooperative courses under chapters 34 and 35, title 38, U.S.C.

• Cardiac Pacemaker Follow-Up Letter
10–474
On occasion
Individuals or households
VA pacemaker recipients no longer under direct VA care
Hospital and medical care for veterans: 2,000 responses; 200 hours; $2,422.50 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form will be used to obtain health care information from cardiac pacemaker recipients who are no longer under direct VA care. The information obtained from patient response will indicate the need for patient recall and further treatment in a VA medical care facility, or referral to a non-VA resource.

Extensions (Burden Change)

• Obtaining Original Information From Hospital
29–551
On occasion
Businesses or other institutions
Hospital official
SIC: 806
Income security for veterans: 28,000 responses; 9,333 hours; $115,670 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The form is used to solicit additional medical information needed to process a claim for disability insurance benefits.

• 836
10–2408
Nonrecurring
Individuals or households/businesses or other institutions
Appl. who desire to be prov. in VA resi. home care program
Hospital and medical care for veterans: 3,400 responses; 1,700 hours; $39,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Provides an outline of information required to be completed by a social worker upon application by an individual to participate as a provider in the VA residential care home program. Assessment provides basis for decision whether to approve for participation in programs.

• Request to Employer for Employment Information in Connection With Claim for Disability Benefits (Industrial Information)
FL29–459
On occasion
Businesses or other institutions
Employer
SIC: all
Small businesses or organizations
Income security for veterans: 6,500 responses; 1,083 hours; $26,875 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The completed form is required by law, 38 U.S.C. 712, 715, 742(c) and 748. The information collected is used to solicit employment information which is required to process a claim for disability insurance benefits. Extension (No Change)

• Obtaining Supplemental Information From Doctor or Hospital
FL29–551B
On occasion
Individuals or households/businesses or other institutions
Doctor or hospital official
SIC: 801, 806
Income security for veterans: 250 responses; 125 hours; $1,063 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The form is used to solicit additional medical information needed to determine whether the veteran's waiver of insurance premiums should continue.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–19574 Filed 7–1–81; 8:45 am]
BILLING CODE 3110–81–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments; Regarding Certain Coin-Operated Audio-Visual Games and Components Thereof

On June 25, 1981, the United States International Trade Commission (the Commission) issued an order excluding from entry into the U.S. imports of certain coin-operated audio-visual games and components thereof specified in the order. The various excluded coin-operated audio-visual games had been found to be infringing the complainant's common law copyright in the attract mode and the first few moments of the play mode of their game, as well as infringing complainant's common law trademark and bearing false designations of origin. These trade practices were found to be causing substantial injury to an efficiently and economically operated domestic industry. The Commission issued the exclusion order following its investigation No. 337–TA–87, under section 337 of the Tariff Act of 1930 (the Tariff Act) (19 U.S.C. 1337).

Section 337(g) of the Tariff Act provides that, within 60 days following receipt of the Commission's determination, the President may disapprove the determination for domestic or foreign policy reasons, terminating the exclusion order on the day the Commission receives notice of his disapproval. The President also may approve the determination expressly, making the order final on the date the Commission receives notice, or he may take no action, allowing the order to become final following the 60 day period provided for review.

Interested parties are invited to submit comments concerning domestic or foreign policy issues which should be considered in the review of the Commission determination and order. The original and 19 copies of the submission should be delivered to the Secretary, Trade Policy Staff Committee, 600 17th Street, N.W., Room 413, Washington, D.C. 20506. To be considered, comments must be received no later than the close of business, Friday, July 24, 1981. For further information, call Michael Hathaway, (202) 395–3432.

Alice T. Zalik,
Chairman, Section 337 Committee.

[FR Doc. 81–19482 Filed 7–1–81; 8:45 am]
BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22106; 70–6604]

Arkansas Power & Light Co.; Proposal to Create a New Subsidiary to Finance Construction of Coal-Handling Facilities

Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203 ("Arkansas"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(2) promulgated thereunder.

Arkansas proposes to establish ISES Corporation ("ISES") as a wholly-owned non-utility subsidiary of Arkansas to finance the construction of coal-handling facilities at the Independence Steam Electric Station, currently under construction in Independence County, Arkansas. The facilities will be constructed in a number of separate phases, each of which may be completed and operated independently of the others. ISES will be organized under the laws of the State of Arkansas, with $300 stated capital to be provided by Arkansas through the purchase of all of its shares of common stock, no par

value. ISES is to engage solely in the business of owning and financing the coal-handling equipment and selling or leasing it back to Arkansas or to a party identified by Arkansas. Upon formation of ISES, Arkansas will sell and assign to the new subsidiary all of Arkansas's existing right, title and interest in and to those portions of the coal-handling equipment which have been acquired and constructed prior thereto, and ISES will finance construction of the coal-handling equipment. ISES will pay Arkansas all costs paid or incurred by the utility for the coal-handling to the date of the sale, including interest during construction. ISES will pay subsequent construction costs directly or reimburse Arkansas for any additional costs paid by it. Arkansas will remain responsible for the design and construction of the coal-handling equipment on behalf of ISES. Upon notice by Arkansas or the occurence of specified events, Arkansas will be obligated to purchase the coal-handling equipment or enter into a lease for such with ISES.

ISES will finance acquisition of the existing coal-handling equipment from Arkansas and subsequent construction of the equipment through interim loans under a credit agreement with Hibernia National Bank in New Orleans ("Hibernia"). The loans will be made from time to time during a 42 month period up to an aggregate amount of $75,000,000. Interim Loans will bear interest as follows:

(1) During the first twelve months from the date of the credit agreement at the prime commercial lending rate of Citibank, N.A.;

(2) During the second twelve months at 101% of the Citibank prime rate;

(3) During the third twelve months at 102% of the Citibank prime rate; and

(4) During the remaining term at 104% of the Citibank prime rate.

ISES may borrow from Hibernia at any time during the forty-two month period in minimum amounts of $500,000 up to the maximum loan amount of $75,000,000. Fixed amounts of the Interim Loans will be due and payable on three staggered maturity dates as set forth in the Credit Agreement, although such dates may, under certain circumstances, be extended for one year. ISES may prepay the Interim Loans in whole or in part at any time. No amount paid by ISES, whether in a required payment or in an optional prepayment, may be reborrowed.

ISES will be required to keep 1% of the commitment, as it may be reduced by any required payments or optional prepayments, in the form of a depositary relationship with Hibernia. ISES will pay Hibernia quarterly a commitment fee of ⅜% per annum of the daily average unused portion of the commitment projected by ISES to be drawn down each quarter and ¼% per annum of the daily averge unused portion of the commitment not included in the anticipated usage. ISES may reduce the commitment upon notice to Hibernia. The effective cost of money for the first twelve months will be 21.08%, based on a prime rate of 20%, per annum and an anticipated average daily outstanding balance of $52,513,000 for the first twelve months.

Upon completion of the coal-handling facilities or any phase thereof ISES will either lease the facilities to Arkansas for a term of ten years or arrange a leveraged lease to Arkansas with a non-affiliated lessor. If ISES is the lessor it will have the option under the credit agreement of converting interim loans into ten-year term loans bearing interest at 110% of the Citibank prime rate. The rent payable by Arkansas under any such lease will be sufficient for ISES to repay the term loans. The interim loans and any term loans as well as the commitment fee will be secured by a security interest granted to Hibernia by ISES in its property, rights in the facilities and rights under various agreements.

In a related application currently on file with this Commission (File No. 70–6614) Arkansas proposes to sell a 25% interest in the Independence plant to its associate electric utility, Mississippi Power & Light Company ("Mississippi"). If the instant transaction has been consummated by the time of Arkansas' sale to Mississippi, Arkansas will also sell a 50% interest in ISES to Mississippi. If ISES has not been formed by the time of Arkansas' transfer of part of its interest in the plant to Mississippi, Mississippi will acquire its 50% interest in ISES at the time of its formation.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 20, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notifed of any hearing if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–19473 Filed 7–1–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22107; 70–6307]

Columbia Gas System, Inc.; Proposed Extension of Time to Issue and Sell Common Stock Pursuant to Dividend Reinvestment Plan

The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807 ("Columbia"), a registered holding company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

By order dated July 7, 1979 (HCAR No. 21087), the Commission authorized Columbia to issue and sell up to 1,000,000 shares of its common stock to stockholders pursuant to its dividend reinvestment plan from time to time through August 15, 1981. As of May 15, 1981, approximately 478,200 of the 1,000,000 shares were issued. It is now proposed that the period for issuing such common stock be extended to August 15, 1983. In all other respects the transaction will remain unchanged.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 27, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing if ordered, and will receive a copy of the notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to Delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–19474 Filed 7–1–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22105; 70–6618]

Monongahela, Power Co.; Proposed Sublease of Coal Cars

In the Matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554. The Potomac Edison Company. Downsville Pike, Hagerstown, Maryland 21740. West Penn Power Company 800. Cabin Hill Drive, Greensburg, Pennsylvania 15601.

Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac Edison"), and West Penn Power Company ("West Penn"), public-utility subsidiaries of Allegheny Power System, Inc. ("APS"), a registered holding company, have filed an application with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

The proposed transactions involve the sublease by Monongahela, Potomac Edison, and West Penn ("APS Companies") of certain railroad coal cars which had been acquired in 1975 by the APS Companies under a long-term lease (File No. 70–5657). The coal cars were originally obtained to transport low-sulfur coal to the Harrison generating station at Shinnston, West Virginia, which station is jointly owned by the APS Companies. It was believed that large amounts of low sulfur coal would have to be delivered to the Harrison station from sources outside of West Virginia in order to permit blending of coal to meet then applicable sulfur emission standards. It is stated that the applicable sulfur emission standards for the Harrison station are in a state of transition, and it now appears that the cars to be subleased will not be required and indeed may not be able to be used on an economic basis for movements of low sulfur coal to the Harrison station.

Each of the APS Companies proposes to lease its undivided interest (West Penn—50%, Monongahela and Potomac Edison—25% each) in 103 hopper-type railroad cars to North American Car Corporation ("NAC") a non-associate company, for a term commencing as soon as practicable and terminating on or about June 17, 1983. NAC will have the option to renew the lease for two additional years at the same rate and for an additional year at a rate to be determined by the APS Companies. Either party has the right, however, to terminate the sublease upon six months prior written notice to the other at any time after 24 months from acceptance of the coal cars by NAC. NAC will pay a lease rental of $8.60 per day for each car for each day of the sublease. In addition, NAC will make all repairs, perform all maintenance, and do any and all other things required to be done by the APS Companies under its lease.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 27, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–19472 Filed 7–1–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22106; 70–6620]

Yankee Atomic Electric Co.; Proposed Issuance and Sale of Promissory Notes to Banks

Yankee Atomic Electric Company, 1671 Worcester Road, Framingham, Massachusetts 10701: ("Yankee Atomic"), an electric utility subsidiary of New England Electric System and Northeast Utilities, registered holding companies, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

In accordance with a credit agreement with the Bank of Nova Scotia ("BNS") and the Bank of Nova Scotia International (Curacao) N.V. ("BNS International"), Yankee Atomic proposes to issue and sell to said banks a note or notes maturing on June 30, 1990, not in excess of an aggregate of $10 million prior to January 1, 1982. Thereafter, the maximum line of credit will increase to an aggregate of $15 million, and Yankee Atomic proposes to issue and sell up to an additional $5 million of notes also maturing on June 30, 1990. With respect to notes to BNS, prior to June 30, 1984, the interest rate per annum will be 3/4 of 1 percent above BNS's base rate and, thereafter, will equal 1⅛ percent above BNS' base rate. With respect to the BNS International notes, until June 30, 1984, the interest rate per annum will be 1 percent above the rate at which United States dollars are offered to BNS International for the requested interest period in the London interbank deposit market ("LIBO Rate"). After June 30, 1984, this interest rate will be 1⅜ percent above the LIBO Rate.

Yankee Atomic projects that its cash needs in connection with the acquisition of nuclear fuel and the installation in its Rowe plant of capital improvements and additions including those necessary to meet requirements of the Nuclear Regulatory Commission will amount to $19 million in 1981 and $30 million in 1982. The proceeds from this proposed financing will be applied by Yankee Atomic to the payment of short-term borrowings incurred for, or to the cost of, or to the reimbursement of the treasury for, capitalizable additions and improvements to the plant and property of Yankee Atomic, and any other capitalizable expenditure of Yankee Atomic.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 27, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

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For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-19473 Filed 7-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17890; File No. SR-SCCP-81-3]

Stock Clearing Corporation of Philadelphia; Self-Regulatory Organizations

Comments requested on or before July 23, 1981

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 20, 1981, Stock Clearing Corporation of Philadelphia (SCCP) filed with the Securities and Exchange Commission the proposed rule change, described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. On June 12, 1981, SCCP filed an amendment to Exhibit A of the filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP), acting for itself and as billing agent for Philadelphia Depository Trust Company (PHILADEP), proposes to amend Rule 23 (SCCP and PHILADEP rate schedule) to make the fees for clearing and depository services more cost related. The overall effect will be a net reduction of revenue to SCCP and PHILADEP.

The clearing rate changes are: (1) a reduction in the trade recording charge for round-lot trades currently billed at $1.00 to $0.80, with a further volume discount; (2) an increase in the value charge for Continuous Net Settlement (CNS) accounts from 2¢/$1,000 to 5¢/$1,000 of contract amount; and (3) a reduction in the New York Office transaction charge (receipts, deliveries, and accommodation transfers) from $5.00 to $4.00.

The PHILADEP depository rate changes are: (1) an increase in the deposit fee from 25¢ to 50¢; (2) a reduction in the fee for Miscellaneous Delivery Orders (MDO's) to the accounts of DTC participants from $2.60 (valued) and $1.00 (free) to 75¢ for all MDO's; (3) a new fee of 15¢ for automated movements between SCCP CNS accounts and PHILADEP accounts; and (4) a new certificate fee, consisting of a pass-through of transfer agents' fees where applicable, when such fees are incurred by PHILADEP for the transfer of deposits into its nominee.

A final change to the PHILADEP rate schedule is the elimination of the separate fees for bank participants.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The principal rate reduction is in the trade recording charge, in which economies of scale have been realized; while cost related increases have been made in the more labor-intensive clearing and depository services.

Those participants which primarily use SCCP's trade recording service will generally experience a reduction in charges; while those participants using the CNS/Depository clearance system of SCCP and PHILADEP will generally experience an increase in charges. As a separate category of participants, banks will experience an increase in charges as a result of the elimination of the separate PHILADEP bank fee schedule.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act) in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants in accordance with Section 17A(b)(3)(D) thereunder.

B. *Self-Regulatory Organization's Statement on Burden on Competition*

SCCP and PHILADEP do not foresee that these cost-related changes in the rate schedule will prove to be a significant burden on competition, negative or positive.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Comments were solicited per SCCP Member Bulletin No. 81-5, attached as Exhibit 2 to the filing. However, no written comments have been received as of this date.

III. Date of Effectiveness to the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written Submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 23, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 23, 1981

George A. Fitzsimmons,

Secretary,

[FR Doc. 81-19468 Filed 7-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17889; File No. SR-OCC-81-3]

Options Clearing Corporation; Self-Regulatory Organizations; Relating to a $2 Fee To Be Charged to Custodian Banks for Each Escrow Receipt Form Provided by the Options Clearing Corporation

Comments requested on or before July 23, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78s(b)(1), notice is hereby given that on June 2, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change will impose upon Custodian Banks a $2 charge for each escrow receipt form provided to the banks by OCC.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Purpose of, and Statutory Basis for, the Proposed Rule Change*

The processing of escrow receipts imposes costs on OCC which OCC believes should be borne by those who use or benefit from the service: the Custodian Banks that issue escrow receipts and the call writers for whom escrow receipts are issued. Because the banks charge their customers for this service, OCC presumes that some or all of the $2 fee will ultimately be passed on to those customers. No section of the Securities Exchange Act of 1934 sets standards directly applicable to charges made by a registered clearing agency to nonparticipants. However, Section 17A(b)(3)(D) requires that the rules of a registered clearing agency shall "provide for the equitable allocation of reasonable dues, fees, and other charges among its participants." OCC believes that it is equitable to allocate the cost of processing escrow receipts to the parties that benefit from them.

(B) *Burden on Competition*

OCC does not believe that the proposed rule change will have any material impact on competition. The charge per escrow receipt will be the same to all Custodian Banks.

(C) *Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 23, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-19467 Filed 7-1-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17895; File No. SR-NASD-81-17]

National Association of Securities Dealers, Inc.; Proposed Rule Change; Self-Regulatory Organizations

Comments requested on or before July 23, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Schedule D of the Association's By-Laws to provide temporary authorization of inclusion of new issues exempt from registration under Section 3(a) of the Securities Act of 1933. This authorization would automatically expire 120 days after the effective date of the offering, at which time the issue would be required to be registered under Section 12(g) of the Securities Exchange Act of 1934 to remain included in NASDAQ.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This temporary authorization will, in the Association's view, facilitate the distribution and initial aftermarket of these securities without unduly exposing the investing public to the risks usually associated with trading in unregistered securities. Specifically, the 120 day expiration provision will force, as a practical matter, filing of a Form 10 registration application within 60 days of the offering. Thus, within sixty days of the effectiveness of the approved offering materials, a Form 10 would be filed. Sixty days thereafter, barring action to the contrary, the registration under Section 12(g) would become effective and the issuer would be subject to the full reporting requirements of any issuer included in NASDAQ. This proposed rule change is made pursuant to Section 15A(b)(11) of the Exchange Act which requires that the Association's By-Laws govern the form and content of quotations of over-the-counter securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

Since the proposed rule change will enable certain securities subject to exemptions from registration under the Securities Act of 1933 to be included in NASDAQ, the Association can foresee only a beneficial impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change were neither solicited no received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before August 6, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 23, 1981.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 81-19514 Filed 7-1-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5144]

Continental Investors, Inc.; Application for Transfer of Control

Notice is hereby given that an Application has been filed with the Small Business Administration pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1980)) for the transfer of control of Continental Investors, Inc. (Continental), 2020 K Street, NW., Suite 350, Washington, D.C. 20006, a Federal license under the Small Business Investment Act of 1958 (Act) as amended (15 U.S.C. 661 et seq.).

Section 107.701 of the regulations provides in general that any transfer of 10 or more percent of the licensee's stock is considered a transfer of control and requires prior approval from the SBA.

At the present time there are two shareholders, Phuong Thantrong, Vice President-Secretary and Director proposes to purchase 25 percent or 250 shares of the issued and outstanding stock from Thuy Lien Thantrong. Upon consummation and approval, Phuong Thantrong will have increased his ownership position from 30 to 55 percent of the issued and outstanding stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner, and the probability of a successful operation under his control in accordance with the Act and Regulations promulgated thereunder.

Notice is hereby given that any interested person may, not later than July 13, 1981, submit written comments on this Application to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in the Washington, D.C. Area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-19523 Filed 7-1-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Environmental Impact Statement: William B. Hartsfield Atlanta International Airport, Atlanta, Georgia

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of Intent.

SUMMARY: The FAA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed change to the easterly aircraft departure route from Runway 91, at the William B. Hartsfield Atlanta International Airport, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Ralph C. Thompson, Federal Aviation Administration, Atlanta Airports District Office, 1500 Willingham Drive, Suite C, College Park, Georgia 30337, Telephone: (404) 763-7631.

SUPPLEMENTARY INFORMATION: An environmental impact statement will be prepared for a proposed change in the route used by aircraft departing to the east from Runway 9L at the William B. Hartfield Atlanta International Airport, Atlanta, Georgia. The established departure procedure for Runway 9L directs aircraft to turn to a track of 105 degrees when abeam the middle marker for Runway 27L and proceed on this track until reaching an altitude of 5000 feet AMRL or 5 miles from the airport prior to making any other turns. Weather permitting, the proposed procedure would have aircraft departing Runway 9L to continue on a track of 090 degrees until reaching an altitude of 5000 feet AMSL or 5 miles from the airport prior to making any turns.

ALTERNATIVES UNDER CONSIDERATION INCLUDE:

1. Take no action (remain on established departure procedure of 105 degrees).

2. Depart to the east off of Runway 9L on a track of 150 degrees.

Issued in East Point, Georgia on June 29, 1981.

Stephen A. Brill,

Acting Chief, Airports Division, Federal Aviation Administration, Southern Region.

[FR Doc. 81-19707 Filed 7-1-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-17]

Petitions for Exemption; Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 22, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 22, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21732	Mr. Charles Webber	14 CFR § 65.194(a)(2)	To permit petitioner to become eligible for a repairman certificate (experimental aircraft builder) without meeting the full requirement of the FAR.
21774	Finnair	14 CFR Parts 21 & 91	To permit petitioner to operate a U.S.-registered DC-10-30 using an FAA-approved master minimum equipment list and to maintain the aircraft under a continuous airworthiness maintenance program.
21717	Dade Helicopter Service, Inc.	14 CFR §§ 145.47(a) & 145.49(a)	To permit petitioner to qualify for a repair station certificate without meeting the equipment and material requirements of the FAR.
21788	Airmark Corporation	14 CFR § 135.261(a)(2)	To permit petitioner to assign flight crewmembers and permit a flight crew consisting of two pilots to accept an assignment for duty during flight time when the total flight time of that flight exceeds 10 hours during any 24 consecutive hours.
21786	Airmark Corporation	14 CFR § 135.89(b)(3)	To permit petitioner to operate at altitudes up to and including flight level (FL) 410 without at least one pilot at the controls wearing a secured and sealed oxygen mask that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude exceeds 12,000 feet.
21709	Cessna Aircraft	14 CFR § 25.1305(d)(3)	To permit type certification of the Cessna Model 650 Twin Turbofan Airplane without meeting the Rotor System Unbalance Indicator requirement.
21677	Rotor-Aids, Inc.	14 CFR § 135.261(b)	To permit petitioner to operate a helicopter in emergency situations without meeting the rest period requirement.
16955	Helicopter Association International	14 CFR §§ 135.99, .159, .173, .181, & .223	To extend Exemption No. 2695 which permits petitioner's member operators to operate without performing certain aircraft modifications, hiring additional required pilots, and without complying with certain performance, operational and maintenance requirements.
21780	Civil Air Patrol	14 CFR § 61.118	To permit petitioner's member pilots to be reimbursed for fuel, oil, and maintenance while serving on official CAP missions.
21804	ERA Helicopters, Inc.	14 CFR § 43.3(h)	To permit petitioner's appropriately certificated and trained pilots to remove, check, and reinstall the magnetic chip detector plugs on the Bell Model 412, 212, 206, 205 and Aerospatiale Model 350 helicopters.
21815	Air Logistics	14 CFR §§ 43.3 and 43.7	To permit persons certificated by a foreign country to perform maintenance and approve for return to service following maintenance, U.S.-registered aircraft, when operated in that foreign country.
20090	Sierra Academy of Aeronautics	14 CFR §§ 61.63(d)(2) and (3) and 61.57(d)(1).	Amendment to Exemption No. 2963A to include students enrolled in the B-707, B-747, DC-8, DC-9, DC-10, Lockheed L1011, Lockheed Hercules, and BAC 1-11 training courses in addition to the B-727 and B-737 courses presently included in the exemption. The present exemption allows its trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator as set forth in Appendix A of Part 61 although SAA does not have an operating certificate issued under Part 21.

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Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought: disposition
21269	National Soaring Foundation & Hobbs Soaring Society	14 CFR §§ 61.3 and 91.27	To allow foreign glider pilots and foreign-built gliders to participate in the 12th National Standard Class Soaring Championships without complying with the airmen and airworthiness certification requirements. *Granted 6/15/81.*
21797	Provincetown-Boston Airlines, Inc.	14 CFR §61.31	To allow petitioner's pilots to operate Bandairsute EMB 110P1/P2 aircraft which meet SFAR 41 requirements without possessing the appropriate type rating for that aircraft. *Granted 6/15/81.*
21609	Ransome Airlines	14 CFR § 21.197	To permit the aircraft operated by petitioner under Part 135 to be maintained under an approved continuous airworthiness maintenance program. *Granted 6/15/81.*
21420	Merle Norman Cosmestics Aviation, Inc.	14 CFR § 135.261	To allow petitioner's pilots to operate in the Gulfstream II aircraft on Trans-Pacific flights when the specified flight and duty time limits may be exceeded. *Denied 6/12/81.*
21267	Navajo Aviation	14 CFR §§ 141.35(b)(4), 141.35(c)(5)(i) and 141.35(d)(4)(ii).	To allow Mr. Torrance to be designated the assistant chief flight instructor for private, commercial, instrument, multi-engine, and airline transport pilot courses of training conducted in airplanes without meeting the specified requirements. *Denied 6/11/81.*
21686	Pinehurst Airlines, Inc.	14 CFR § 121.291	To allow petitioner to introduce Nihon YS 11 aircraft into initial passenger service without first conducting the emergency evacuation demonstration with 56 passengers. *Granted 6/12/81.*
19926	Lone Star Helicopters, Inc.	14 CFR § 135.261(b)	To permit petitioner and its pilots to provide emergency helicopter operative service without complying with the 10-hour pilot crew-rest requirements but subject to certain conditions. *Granted 6/11/81.*
21635	Airborne Express	14 CFR § 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later then January 1, 1985—4—DC-9-32; 3—SE-210-6R. *Granted 5/7/81.*
21245	New York Air	14 CFR § 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later then January 1, 1985—5—DC-9-31; 5—DC-9-32. *Granted 5/7/81.*
21350	The Coastal Corporation	14 CFR § 61.58(c)	To allow accomplishment of the entire 24-month pilot-in-command proficiency check in an FAA-approved simulator. *Granted 6/10/81.*
21364	Southwest Flight Crew Association	14 CFR § 61.39(b)	To exempt petitioner's members from the continuous employment provisions of Section 61.39(b). *Withdrawn 6/15/81.*
21345	Fairchild Swearingen Corporation	14 CFR SFAR 41 § 5(c)(a)	To allow the SA226/SA227 series of airplanes to use a 1.3VS gliding approach for the determination of landing distance requirements. *Granted 6/17/81.*
21670	Sierra Academy of Aeronautics	14 CFR §§ 141.33(a)(3) & (b), 141.35(a)(1)(ii), and 141.79(a) & (d).	To allow petitioner to use instructors in its transport category aircraft training courses who do not hold flight instructor certificates provided they are currently employed as simulator or flight instructors with a Part 121 air carrier or, in the case of simulator instructors not so employed, meet certain minimum experience standards. *Withdrawn 6/16/81.*

[FR Doc. 81-19121 Filed 7-1-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on July 17, 1981 in RTCA Conference Room 267, 1717 H Street, NW, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on May 8, 1981; (2) Special Committee Activities Report for May-June, 1981; (3) Chairman's Report on RTCA Administration and Management; (4) Consideration of Establishing New Special Committees; (5) Approval of Special Committee 139 Report on Minimum Operational Performance Standards for Microwave Landing System (MLS) Airborne Equipment; (6) Discussion on Planning for Future Annual Assembly Meetings; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW, Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on June 17, 1981.

Karl F. Bierach,
Designated Officer.

[FR Doc. 81-19122 Filed 7-1-81; 8:45 am]
BILLING CODE 4910-13-M

Office of the Secretary

[Notice No. 81-5]

Regulatory Flexibility Act; Review of Regulations; Federal Railroad Administration

Note.—This document originally appeared in the **Federal Register** for Tuesday, June 30, 1981. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Department of Transportation.

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice of Regulatory Flexibility Act Review Plans.

SUMMARY: An important provision of the recently enacted Regulatory Flexibility Act (Pub. L. 96-354) requires each agency to publish in the **Federal Register**, by June 30, 1981, a 10-year plan for the review of the agency's rules that have or will have a significant economic impact on a substantial number of small entities (small businesses, organizations and governments). In yesterday's edition of the **Federal Register**, the Department published Notice 81-3 containing the Regulatory Flexibility Act (RFA) Review Plans for each of the Department's operating administrations except the Federal Railroad Administration. This notice publishes the required review plans for the Federal Railroad Administration. Notice 81-3 should also be reviewed for further information on this subject.

FOR FURTHER INFORMATION CONTACT: Samuel Podberesky, Office of Regulation and Enforcement C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Telephone (202) 426-4723.

(49 U.S.C. 1951 *et seq.*, 5 U.S.C. § 610)

Issued in Washington, D.C. on June 29, 1981.

Rosalind A. Knapp,
Deputy General Counsel.

Federal Railroad Administration

The Federal Railroad Administration (FRA) regulations are codified in Parts 200 through 268 of Title 49 of the Code of Federal Regulations. The following is a plan for the FRA Review of those regulations:

1981

As the first step in this review process, a Notice of Proposed Rulemaking (NPRM) will be published in the **Federal Register** to establish the criteria for review as authorized in the Regulatory Flexibility Act. The NPRM will be published during 1981 and will contain the following proposed criteria: "significant economic impact" means a cost to a single entity of in excess of $10,000 in any one year or $20,000 in any two years.—"substantial number" means that in excess of 15 entities would be affected, and—"small entity" means:

(1) a local governmental organization with a jurisdictional population of less than 50,000 people, and

(2) a small business that is independently owned and operated; is not dominant in its field of operation; and has gross revenues that do not exceed $1,500,000 annually.

The NPRM would provide for a 60 day comment period. Following review of any public comments, FRA would issue a final rule in October. The adopted criteria would then be used as benchmarks in a subsequent general public inquiry and for assisting in analyzing the small business impact of future FRA rules. That inquiry would be initiated in November 1981 to obtain data on identifiable impacts on small entities of the existing FRA regulations.

1982

Once the data is available, FRA would either initiate a single proceeding or several proceedings to make the necessary regulatory revisions. FRA anticipates being able to complete the review and revision process in 1982. If necessary, this schedule would be extended without infringing on the 10 year statutory deadline established by the Act.

ADDRESS INQUIRIES OR COMMENTS TO: Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

[FR Doc. 81-19087 Filed 6-29-81; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Fair Housing Lending Enforcement; Public Meeting

AGENCY: Comptroller of the Currency/ Treasury.

ACTION: Notice of public meeting.

SUMMARY: Settlement of National Urban League, et al., v. Office of the Comptroller of the Currency, et al., (Civil Action No. 76-0718) provides that a semi-annual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Members of the public are invited to attend this meeting.

DATE: July 14, 1981, 2:00 p.m.

ADDRESS: 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Individuals who plan to attend this meeting should be present at the 3rd Floor Conference Room "B" prior to 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Michelle C. White, Special Assistant for Civil Rights, Office of the Comptroller of the Currency, Washington, D.C. 20219, phone 202/287-4283.

SUPPLEMENTARY INFORMATION: Settlement of National Urban League, et al., v. Office of the Comptroller of the Currency, et al., (Civil Action No. 76-0718) provides that a semi-annual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Representatives of the Comptroller of the Currency will discuss their fair housing program and any changes made or proposed therein and will receive and consider suggestions from the National Urban League.

Members of the public are invited to attend this meeting and will be given an opportunity to make comments and suggestions with respect to the enforcement program of the Comptroller of the Currency.

Dated: June 26, 1981.

Jo Ann S. Barefoot,
Deputy Comptroller for Customer and Community Programs.

[FR Doc. 81-19077 Filed 7-1-81; 8:45 am]
BILLING CODE 4810-33-M

Office of the Secretary

Debt Management Advisory Committee; Renewal Notice

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 5 U.S.C. App. I, Supp. III), the Secretary of the Treasury has approved continuation of the following industry committee as an advisory committee:

Title: (1) U.S. Government and Federal Agencies Securities Committee of the Public Securities Association.

Purpose: The committee is utilized by the Secretary of the Treasury and his staff for advice in carrying out Federal financing and public debt management policies. It considers commercial and financial conditions, advises the Secretary of the Treasury and his staff and makes reports and recommendations.

Statement of the Public Interest: The membership of this committee represents a cross section of the financial community. The members are familiar with commercial and financial conditions and day-to-day market factors relevant to Treasury debt management operations. It is in the public interest to insure that the Secretary of the Treasury and his staff have this supplemental information in order to effectively carry out debt management operations and thereby minimize the cost of Federal financing.

Authority for this committee will expire two years from the date new charters are signed by the designated Treasury official and filed with the appropriate Committees of the Senate and the House of Representatives.

Dated: June 26, 1981.

Roger W. Mehle,
Assistant Secretary (Domestic Finance).

[FR Doc. 81-19143 Filed 7-1-81; 8:45 am]
BILLING CODE 4810-25-M

[Supplement to Department Circular, Public Debt Series—No. 19-81]

Bonds of 2001; Interest Rate

June 26, 1981.

The Secretary announced on June 25, 1981, that the interest rate on the bonds

designated Bonds of 2001, described in Department Circular—Public Debt Series—No. 19–81, dated June 18, 1981, will be 13⅝ percent. Interest on the bonds will be payable at the rate of 13⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Treasury Bonds—Treasury Announces Interest Rate on Bonds of 2001

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81–19389 Filed 7–1–81; 8:45 am]

BILLING CODE 4810–40–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 127
Thursday, July 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 2 p.m., July 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 33283, *Pan American—Acquisition of Control of and Merger with National Airlines, Petition of Robert Wallace* for an order directing Pan Am to arbitrate his eligibility for certain benefits under the labor protective provisions. (Memo 385–C, OGC, BCCP)
3. Docket 38810—*In the matter of Discrimination and Interference with Routes and Services by Broome County Airport.* Motion for review of the Director, BCCP's dismissal of third-party complaint. (OGC)
4. Docket 33712, *Tiger International-Seaboard World Airlines, Inc., Acquisition Case, Petition of Lloyd S. Gastwirth* for order directing arbitration of LPP dispute. (Memo 627, OGC)
5. Docket 33712, *Tiger International-Seaboard World Airlines, Inc., Acquisition Case, Petition of William Barniea, et al.* for order directing arbitration of LPP disputes. (Memo 619, OGC)
6. Dockets 26368, *et al., Eastern Air Lines, Inc., Enforcement Proceeding,* Eastern motion to relieve it of affirmative Part 252 duties imposed by Order 79–11–4. (Memo 620, OGC)
7. Draft NPRM to allow carriers to charge the sum of the fares for segments on a route between two points instead of the through fare, when the sum of the segments is less. (Memo 629, OGC, BIA, BDA)
8. Docket EAS–763, Appeal of the determination of eligibility of Sedalia, Missouri, for inclusion in the essential air service program under section 419(b) of the Act. (Memo 628, OGC, OCCR, BDA)
9. Docket EAS–645 and 37703, Essential Air Service Determination for Aguadilla, Puerto Rico and Carrier Selection for Aguadilla. (BDA, OCCR, OGC)
10. Docket 38153, Sun International's petition for immediate payment of subsidy for losses incurred in providing essential air service at Aguadilla, Puerto Rico. (BDA, OGC, OCCR, BCAA)
11. Commuter carrier fitness determination of Crown Airways, Inc. (BDA)
12. Commuter carrier fitness determination of Rocky Mountain Airways, Inc. (BDA)
13. Dockets 37109 and 39270, Excess baggage allowance tariffs in U.S.-Caribbean markets—Petition for Reconsideration of Order 81–4–23 by original complainant Donald L. Pevsner (Memo 413–A, BDA)
14. Docket 37392, *Priority and Nonpriority Domestic Service Mail Rates Investigation.* (BDA)
15. Docket 39587, Application of WestAir Jet Inc. for issuance of an initial certificate of public convenience and necessity. (Memo 567–B, BDA)
16. Dockets 38795 and 39480, Air Florida, Inc.—Petition for Reconsideration of Order 81–4–158 to the extent that it denied Air Florida's request for an exemption from section 419. (BDA)
17. Dockets 37784, 37779, 37780, 37881, 37702 and 37799—Petitions for reconsideration of Order 81–3–21 filed by Air France, Lufthansa, JAL, KLM, SABENA, and SAS. (BIA, OGC)
18. Docket 38285—Application of Aeroservicios Ecuatorianos, C.A. (AECA) for an initial foreign air carrier permit to engage in: (1) non-scheduled air service of property only between Guayaquil and/or Quito, Ecuador and the coterminal points Miami and Houston; and (2) charter air service of property. (Memo 625, BIA, OGC, BALJ)
19. Docket 39325—Application of World Airways for scheduled combination authority to Manila, Republic of the Philippines. (Memo 626, BIA, OGC, BALJ)
20. Docket 32660, IATA agreements proposing major revisions in the IATA fare construction rules for international passenger services. (Memo 559, BIA, BDA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–1028–81 Filed 6–30–81; 3:11 pm]

BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD.

Notice of Addition and Closure of Item to the June 25, 1981 Meeting Agenda.

TIME AND DATE: 9:30 a.m., June 25, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 18. Expiration of Jugoslovenski Aerotransport's exemption authority to operate two Yugoslavia-Chicago scheduled round-trip flights per week. (BIA)

STATUS: Open (items 1–16); Closed (items 17, 18).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1029–81 Filed 6–30–81; 3:12 pm]

BILLING CODE 6320–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., Thursday, July 2, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1024–81 Filed 6–29–81; 4:32 pm]

BILLING CODE 6351–01–M

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, July 10, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1023–81 Filed 6–29–81; 4:32 pm]

BILLING CODE 6351–01–M

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 2 p.m. (eastern time), Tuesday, June 30, 1981.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Closed to the public.

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MATTERS TO BE CONSIDERED: "OFCCP's Notice of Proposed Rule Making on its Affirmative Action Regulations"

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this meeting and that no earlier announcement was possible.

In favor of meeting:

J. Clay Smith, Jr., Acting Chairman.
Daniel E. Leach, Vice Chairman.
Armando M. Rodriguez, Commissioner.

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice issued: June 29, 1981.

[S–1022–81 Filed 6–29–81: 4:16 pm]

BILLING CODE 6570–06–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 29, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the application of Banco Safra S.A., Sao Paulo, Brazil, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 1114 Avenue of the Americas, New York, New York.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Bank of Lake Helen, Lake Helen, Florida.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter added to the agenda in a meeting open to public observation; and that the matter added to the agenda could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)).

Dated: June 29, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1026–81 Filed 6–30–81: 11:09 am]

BILLING CODE 6714–01–M

7

FEDERAL ENERGY REGULATORY COMMISSION.

June 29, 1981.

TIME AND DATE: 9 a.m. to 12 noon, July 7 and 8, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Pipeline and Electric Rulemaking Seminar.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

[S–1025–81 Filed 6–30–81: 10:04 am]

BILLING CODE 6540–85–M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

June 24, 1981.

TIME AND DATE: 10 a.m., Wednesday, July 1, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor on behalf of Michael Dunmire, and James Estle v. Northern Coal Co., Docket Nos. WEST 80–313–D and WEST 80–367–D. (Petitions for Discretionary Review.)
2. Consideration of possible amendments to Commission Rule 44, 29 CFR § 2700.44.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–1027–81 Filed 6–30–81: 1:11 pm]

BILLING CODE 6820–12–M

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federal register

Thursday,
July 2, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Oil and Gas Lease Sale No. 56, Offshore the South Atlantic States

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Notice of Sale
Outer Continental Shelf (OCS)
Oil and Gas Lease Sale No. 56, Offshore the South Atlantic States

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., August 3, 1981, or by personal delivery to the Louisiana Superdome, Gate "C," Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras Street, New Orleans, Louisiana, between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., August 4, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., August 4, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., August 4, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. The proposed notice of sale for sale 56 included tracts to be offered under net profit share bidding with a fixed cash bonus. Meanwhile the Supreme Court granted certiorari to review the decision in the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633. On June 12, 1981, the Court of Appeals ruled that experimentation with the net profit share bid system is not required prior to a decision by the Supreme Court. As a result no tracts will be offered under net profit share bidding with a fixed cash bonus for sale 56. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 56-131 through 56-161 and on tracts 56-175 through 56-188 are to be submitted on a cash bonus basis with a fixed net profit share rate of 45 percent and a 0.50 capital recovery factor. The net profit share payment shall be calculated according to Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980). Bids on tracts 56-80 through 56-130 are to be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a 1.50 capital recovery factor. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts 56-40 through 56-45 and 56-189 through 56-286 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof.

(c) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., August 4, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See section 14, below, "Information to Lessees."

6. Bid Opening. Bids will be opened on August 4, 1981, beginning at 10:00 a.m., c.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, August 4, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

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Outer Continental Shelf Official Protraction Diagrams:

NJ 18-11 Currituck Sound
NI 18-2 Manteo
NI 18-5
NI 18-4 Beaufort
NI 18-7 Cape Fear
NI 17-12 James Island
NH 17-6
NH 17-2 Brunswick
NH 17-5 Jacksonville

These sell for $2 each.

12. Tract Descriptions. The tracts offered for bid are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice.

Tract List

OCS Sale No. 56

OCS OFFICIAL PROTRACTION DIAGRAM, CURRITUCK SOUND NJ 18-11
(Approved October 31, 1974; Revised December 6, 1976; Revised June 22, 1977; Revised April 25, 1978)

Tract	Block	Description	Hectares
56-1	777	All	2304
56-2	821	All	2304
56-3	865	All	2304
56-4	909	All	2304
56-5	953	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, MANTEO NI 18-2
(Approved October 31, 1974)

Tract	Block	Description	Hectares
56-6	246	All	2304
56-7	247	All	2304
56-8	290	All	2304
56-9	291	All	2304
56-10	334	All	2304
56-11	335	All	2304
56-12	378	All	2304
56-13	379	All	2304
56-14	422	All	2304
56-15	423	All	2304
56-16	466	All	2304
56-17	467	All	2304
56-18	510	All	2304
56-19	511	All	2304
56-20	553	All	2304
56-21	554	All	2304
56-22	555	All	2304
56-23	597	All	2304
56-24	598	All	2304
56-25	640	All	2304
56-26	641	All	2304
56-27	642	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NI 18-5
(Approved August 1, 1975)

Tract	Block	Description	Hectares
56-28	709	All	2304
56-29	710	All	2304
56-30	751	All	2304
56-31	752	All	2304
56-32	753	All	2304
56-33	754	All	2304
56-34	794	All	2304
56-35	795	All	2304
56-36	796	All	2304
56-37	837	All	2304
56-38	838	All	2304
56-39	839	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, BEAUFORT NI 18-4
(Approved August 1, 1975)

Tract	Block	Description	Hectares
56-40	566	All	2304
56-41	567	All	2304
56-42	610	All	2304
56-43	611	All	2304
56-44	654	All	2304
56-45	655	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, CAPE FEAR NI 18-7
(Approved June 11, 1975; Revised January 27, 1976; Revised June 3, 1976)

Tract	Block	Description	Hectares
56-46	175	All	2304
56-47	176	All	2304
56-48	219	All	2304
56-49	220	All	2304

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
56-50	262	All	2304
56-51	263	All	2304
56-52	264	All	2304
56-53	306	All	2304
56-54	307	All	2304
56-55	308	All	2304
56-56	350	All	2304
56-57	351	All	2304
56-58	352	All	2304
56-59	393	All	2304
56-60	394	All	2304
56-61	395	All	2304
56-62	396	All	2304
56-63	437	All	2304
56-64	438	All	2304
56-65	439	All	2304
56-66	440	All	2304
56-67	481	All	2304
56-68	482	All	2304
56-69	483	All	2304
56-70	484	All	2304
56-71	524	All	2304
56-72	525	All	2304
56-73	526	All	2304
56-74	527	All	2304
56-75	528	All	2304
56-76	568	All	2304
56-77	569	All	2304
56-78	570	All	2304
56-79	571	All	2304
56-80	611	All	2304
56-81	612	All	2304
56-82	613	All	2304
56-83	614	All	2304
56-84	615	All	2304
56-85	654	All	2304
56-86	655	All	2304
56-87	656	All	2304
56-88	657	All	2304
56-89	658	All	2304
56-90	698	All	2304
56-91	699	All	2304
56-92	700	All	2304
56-93	701	All	2304
56-94	702	All	2304
56-95	741	All	2304
56-96	742	All	2304
56-97	743	All	2304
56-98	744	All	2304

CAPE FEAR NI 18-7 (continued)

Tract	Block	Description	Hectares
56-99	745	All	2304
56-100	746	All	2304
56-101	747	All	2304
56-102	785	All	2304
56-103	786	All	2304
56-104	787	All	2304
56-105	788	All	2304
56-106	789	All	2304
56-107	790	All	2304
56-108	791	All	2304
56-109	828	All	2304
56-110	829	All	2304
56-111	830	All	2304
56-112	831	All	2304
56-113	832	All	2304
56-114	834	All	2304
56-115	872	All	2304
56-116	873	All	2304
56-117	874	All	2304
56-118	875	All	2304
56-119	876	All	2304
56-120	916	All	2304
56-121	917	All	2304
56-122	918	All	2304
56-123	919	All	2304
56-124	960	All	2304
56-125	961	All	2304
56-126	962	All	2304
56-127	963	All	2304
56-128	1004	All	2304
56-129	1005	All	2304
56-130	1006	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, JAMES ISLAND NI 17-12
(Approved June 11, 1975)

Tract	Block	Description	Hectares
56-131	242	All	2304
56-132	243	All	2304
56-133	244	All	2304
56-134	245	All	2304
56-135	246	All	2304
56-136	247	All	2304
56-137	285	All	2304
56-138	286	All	2304
56-139	287	All	2304

JAMES ISLAND NI 17-12 (Continued)

Tract	Block	Description	Hectares
56-140	288	All	2304
56-141	289	All	2304
56-142	290	All	2304
56-143	291	All	2304
56-144	329	All	2304
56-145	330	All	2304
56-146	331	All	2304
56-147	334	All	2304
56-148	335	All	2304
56-149	373	All	2304
56-150	374	All	2304
56-151	800	All	2304
56-152	841	All	2304
56-153	842	All	2304
56-154	843	All	2304
56-155	844	All	2304
56-156	885	All	2304
56-157	886	All	2304
56-158	887	All	2304
56-159	888	All	2304
56-160	929	All	2304
56-161	930	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NH 17-6
(Approved June 11, 1975)

Tract	Block	Description	Hectares
56-162	181	All	2304
56-163	182	All	2304
56-164	224	All	2304
56-165	225	All	2304
56-166	226	All	2304
56-167	268	All	2304
56-168	269	All	2304
56-169	312	All	2304
56-170	313	All	2304
56-171	355	All	2304
56-172	356	All	2304
56-173	357	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, BRUNSWICK NH 17-2
(Approved April 29, 1975; Revised September 1, 1978)

Tract	Block	Description	Hectares
56-175	256	All	2304
56-176	257	All	2304
56-177	298	All	2304
56-178	299	All	2304
56-179	300	All	2304
56-180	301	All	2304
56-181	341	All	2304
56-182	342	All	2304
56-183	343	All	2304
56-184	344	All	2304
56-185	345	All	2304
56-186	386	All	2304
56-187	387	All	2304
56-188	388	All	2304
56-189	695	All	2304
56-190	696	All	2304
56-191	697	All	2304
56-192	738	All	2304
56-193	739	All	2304
56-194	740	All	2304
56-195	741	All	2304
56-196	781	All	2304
56-197	782	All	2304
56-198	783	All	2304
56-199	825	All	2304
56-200	826	All	2304
56-201	827	All	2304
56-202	910	All	2304
56-203	911	All	2304
56-204	914	All	2304
56-205	916	All	2304
56-206	917	All	2304
56-207	952	All	2304
56-208	953	All	2304
56-209	954	All	2304
56-210	955	All	2304
56-211	960	All	2304
56-212	961	All	2304
56-213	962	All	2304

BRUNSWICK NH 17-2 (continued)

Tract	Block	Description	Hectares
56-214	993	All	2304
56-215	994	All	2304
56-216	995	All	2304
56-217	996	All	2304
56-218	997	All	2304
56-219	998	All	2304
56-220	999	All	2304
56-221	1000	All	2304
56-222	1002	All	2304
56-223	1006	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, JACKSONVILLE NH 17-5
(Approved April 29, 1975)

Tract	Block	Description	Hectares
56-224	24	All	2304
56-225	27	All	2304
56-226	28	All	2304
56-227	29	All	2304
56-228	30	All	2304
56-229	31	All	2304
56-230	32	All	2304
56-231	33	All	2304
56-232	37	All	2304
56-233	69	All	2304
56-234	70	All	2304
56-235	71	All	2304
56-236	72	All	2304
56-237	73	All	2304
56-238	74	All	2304
56-239	79	All	2304
56-240	80	All	2304
56-241	113	All	2304
56-242	114	All	2304
56-243	115	All	2304
56-244	116	All	2304
56-245	117	All	2304
56-246	124	All	2304
56-247	158	All	2304
56-248	159	All	2304
56-249	160	All	2304
56-250	161	All	2304
56-251	162	All	2304

JACKSONVILLE NH 17-5 (continued)

Tract	Block	Description	Hectares
56-252	203	All	2304
56-253	204	All	2304
56-254	205	All	2304
56-255	206	All	2304
56-256	207	All	2304
56-257	247	All	2304
56-258	248	All	2304
56-259	249	All	2304
56-260	250	All	2304
56-261	251	All	2304
56-262	253	All	2304
56-263	292	All	2304
56-264	293	All	2304
56-265	294	All	2304
56-266	295	All	2304
56-267	296	All	2304
56-268	340	All	2304
56-269	382	All	2304
56-270	426	All	2304
56-271	431	All	2304
56-272	432	All	2304
56-273	465	All	2304
56-274	470	All	2304
56-275	475	All	2304
56-276	476	All	2304
56-277	509	All	2304
56-278	513	All	2304
56-279	514	All	2304
56-280	515	All	2304
56-281	516	All	2304
56-282	561	All	2304
56-283	601	All	2304
56-284	602	All	2304
56-285	645	All	2304
56-286	646	All	2304

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 56-1 through 56-39, 56-46 through 56-130, and 56-162 through 56-173, will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due".

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of _____ percent with a _____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Eastern Region, U. S. Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM has reason to believe that a site, structure or object of historical or archaeological significance (hereinafter referred to as "cultural resource"), may exist in the lease area and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement (hereinafter in this stipulation referred to as "operation") the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

Prior to any drilling activity or the construction or placement of any structure for exploration or development on a lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM as part of his exploration and/or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of the proposed exploration or production activity site.

For the purpose of this stipulation, live bottom areas are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas;
(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) The transportation of drilling fluids and cuttings to approved disposal sites; and
(d) The monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

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Stipulation No. 3

(To be included only in leases resulting from this sale for tracts 56-1 through 56-19, 56-21 and 56-22).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Fleet Area Control & Surveillance Facility, Virginia Beach, VA.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander, Fleet Area Control & Surveillance Facility, Virginia Beach, VA., to the degree necessary to prevent damage to or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commander, Fleet Area Control and Surveillance Facility, Virginia Beach, VA., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 4

(To be included only in leases resulting from this sale for tracts 56-28 through 56-130).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Marine Corps Air Station, Cherry Point, N.C.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commanding General, Marine Corps Air Station, Cherry Point, N.C., to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commanding General, Marine Corps Air Station, Cherry Point, N.C., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 5

(To be included only in leases resulting from this sale for tracts 56-131 through 56-161).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Charleston Operating Area Coordinator, Charleston, S.C.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Charleston Operating Area Coordinator, Charleston, S.C., to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Charleston Operating Area Coordinator, Charleston, S.C., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 6

(To be included only in leases resulting from this sale for tracts 56-162 through 56-286).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Fleet Area Control and Surveillance Facility, Jacksonville, FL.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander, Fleet Area Control and Surveillance Facility, Jacksonville, FL., to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the Commander, Fleet Area Control and Surveillance Facility, Jacksonville, FL., on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 7

(To be included only in leases resulting from this sale for tracts 56-1 through 56-7, 56-14 through 56-16, 56-18, 56-23, 56-24, 56-27, 56-117 through 56-119, 56-122 and 56-123).

Portions of this lease may be subject to mass movement of sediments related to unstable slopes with associated shallow faulting. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block until the lessee has demonstrated to the DOM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellhead and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DOM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 8

(To be included in any lease resulting from this sale for tracts 56-167, 56-169, 56-171, and 56-172).

The lessee shall conduct remote sensing and/or other surveys as specified by the DOM to determine the existence of any unexploded ordnance. The lessee's report to the DOM should document all indications of magnetic or side scan sonar anomalies on the sea floor.

Stipulation No. 9

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an intergovernmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of federal, state, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DOM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a).

Stipulation No. 10

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees. The Department of the Interior will seek the advice of the States of North Carolina, South Carolina, Georgia, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Deputy Conservation Manager for Field Operation, USGS, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM, the States, EPA, and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the OCS Lands Act, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Bidders are advised that the West Indian manatee (sea cow) is a marine mammal which is officially listed as an Endangered Species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (87 Stat. 884, 16 U.S.C. 1531-1543), and the Marine Mammal Protection Act of 1972, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979, (44 FR 60963) Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, the Florida Manatee Sanctuary Act of 1978 declares the entire State of Florida a "refuge and sanctuary for the manatees." A cooperative agreement between Interior and Florida on endangered species became effective on June 23, 1976. A similar cooperative agreement with the State of Georgia became effective on October 6, 1977.

For those tracts listed in paragraph 13 above providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan or a general statement of exploration intentions prior to the end of the tenth lease year.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Atlantic Area Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Ed Hastey
Director, Bureau of Land Management
Associate

Date: 6/29/81

Approved:

Donald Paul Hodel

Donald Paul Hodel
Under Secretary of the Interior

JUN 29 1981

[FR Doc. 81-19453 Filed 7-1-81; 8:45 am]
BILLING CODE 4310-84-C

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf Offshore the South Atlantic States

Notice of Leasing Systems, Sale No. 56

Sec. 8 (a)(2) of the 43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. 56, tracts will be offered under the following three bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 96 tracts, (2) bonus bidding with a fixed 16-2/3 percent royalty on 104 tracts, and (3) bonus bidding with a fixed 12-1/2 percent royalty on 85 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980(45 Fed. Reg. 36784 (May 30, 1980)). OCS Sales A62, 55, and 62 included an offering of a total of 150 tracts under this system. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production, because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For 45 shallow water tracts, firms will be permitted an additional recovery factor of 0.50 over their actual allowable costs before any profit share payments are due. 51 deep water tracts will have an additional recovery factor of 1.50. The profit share rate for the shallow water tracts is 45 percent and for the deep water tracts it is 30 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, Government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide a data base with which to compare the performance of the alternative systems.

(3) Bonus Bidding with a 12-1/2 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This system has been chosen for certain deep water tracts proposed for Sale 56 because these tracts are expected

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to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water tracts. DOI analyses indicate that the minimum economically developable discovery on a tract in such deep water areas under a fixed 12-1/2 percent royalty system would be less than for the same tracts under a fixed 16-2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary restraints to competition.

B. Designation of Tracts. The selection of tracts to be offered under the three systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 56-131, 56-132, 56-133, 56-134, 56-135, 56-136, 56-137, 56-138, 56-139, 56-140, 56-141, 56-142, 56-143, 56-144, 56-145, 56-146, 56-147, 56-148, 56-149, 56-150, 56-151, 56-152, 56-153, 56-154, 56-155, 56-156, 56-157, 56-158, 56-159, 56-160, 56-161, 56-175, 56-176, 56-177, 56-178, 56-179, 56-180, 56-181, 56-182, 56-183, 56-184, 56-185, 56-186, 56-187, and 56-188 must be submitted on a cash bonus basis with a fixed net profit share rate of 45 percent and a capital recovery factor equal to 0.50. Bids on tracts 56-80, 56-81, 56-82, 56-83, 56-84, 56-85, 56-86, 56-87, 56-88, 56-89, 56-90, 56-91, 56-92, 56-93, 56-94, 56-95, 56-96, 56-97, 56-98, 56-99, 56-100, 56-101, 56-102, 56-103, 56-104, 56-105, 56-106, 56-107, 56-108, 56-109, 56-110, 56-111, 56-112, 56-113, 56-114, 56-115, 56-116, 56-117, 56-118, 56-119, 56-120, 56-121, 56-122, 56-123, 56-124, 56-125, 56-126, 56-127, 56-128, 56-129, and 56-130 must be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a capital recovery factor equal to 1.50.

(c) Bonus Bidding with 16-2/3 Percent Royalty: Bids on tracts 56-40, 56-41, 56-42, 56-43, 56-44, 56-45, 56-189, 56-190, 56-191, 56-192, 56-193, 56-194, 56-195, 56-196, 56-197, 56-198, 56-199, 56-200, 56-201, 56-202, 56-203, 56-204, 56-205, 56-206, 56-207, 56-208, 56-209, 56-210, 56-211, 56-212, 56-213, 56-214, 56-215, 56-216, 56-217, 56-218, 56-219, 56-220, 56-221, 56-222, 56-223, 56-224, 56-225, 56-226, 56-227, 56-228, 56-229, 56-230, 56-231, 56-232, 56-233, 56-234, 56-235, 56-236, 56-237, 56-238, 56-239, 56-240, 56-241, 56-242, 56-243, 56-244, 56-245, 56-246, 56-247, 56-248, 56-249, 56-250, 56-251, 56-252, 56-253, 56-254, 56-255, 56-256, 56-257, 56-258, 56-259, 56-260, 56-261, 56-262, 56-263, 56-264, 56-265, 56-266, 56-267, 56-268, 56-269, 56-270, 56-271, 56-272, 56-273, 56-274, 56-275, 56-276, 56-277, 56-278, 56-279, 56-280, 56-281, 56-282, 56-283, 56-284, 56-285, and 56-286 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

(d) Bonus Bidding with a Fixed 12-1/2 Percent Royalty—All remaining tracts.

Ed Hastey
Director, Bureau of Land Management
Associate

Approved:

Donald Paul Hodel

Donald Paul Hodel
Under Secretary of the Interior

JUN 29 1981

[FR Doc. 81-19454 Filed 7-1-81; 8:45 am]
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Thursday
July 2, 1981

Part III

Office of Management and Budget

Patents; Small Firms and Non-Profit Organizations

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[Bulletin 81-22]

Patents; Small Firms and Non-Profit Organizations

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: OMB Bulletin on patents affecting small business firms and non-profit organizations is being published as interim final policy coverage effective July 1, 1981, and for public comment. A final OMB Circular will be issued on or before December 31, 1981.

SUMMARY: This Bulletin, issued pursuant to the authority contained in Pub. L. 96-517, sets forth policies procedures and a standard clause for Executive Branch agency use with regard to inventions made by small business firms and non-profit organizations and universities under funding agreements (contracts, grants and cooperative agreements) with Federal agencies where a purpose is to perform experimental, developmental and research work.

On December 12, 1980, Congress passed Public Law 96-517 governing the distribution of rights in inventions made by small business firms and non-profit organizations under funding agreements with Federal agencies.

Congress provided that this Act takes precedence over any other Acts which would require a disposition of rights in subject inventions of small business firms or non-profit organizations in a manner inconsistent with the new Act. Additionally, the new Act will take precedence over any future Act unless the future Act cites the new Act and provides that it will take precedence. This Bulletin takes effect on July 1, 1981, and will be applicable to all funding agreements with small business firms and non-profit organizations executed on or after that date. The provisions of this Bulletin may also be made applicable by mutual agreement to any subject inventions which are "made" on or after July 1, 1981, in the performance of funding agreements which were awarded prior to July 1, 1981, to small business firms or non-profit organizations, unless prohibited by law.

Commenters' views are encouraged. Attention to those commenting on the regulations is specifically invited to issues related to Secton B (vi) of the regulations. As now written, this provision allows agencies to insert a provision to reporting requirements that would require prenotification to the agency of potentially patentable findings before taking certain actions, including submission of a manuscript for publication. Agencies favoring this requirement indicate it is necessary to assure protection of foreign patent rights, particularly when national security interests are involved. Others indicate that a prenotification requirement would be a disincentive to the filing of patents intended by the Act and to timely reporting of reseach results. Comments are encouraged on these and other considerations raised by this provision. Where possible, revised language suggesting improvements and the rationale for proposed changes is invited. Comments are due by September 1, 1981.

ADDRESSES: Send comments to Mr. Fred H. Dietrich, Associate Administrator, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: (Contracts) Mr. Fred H. Dietrich, (202) 395-6810. (Grants and Cooperative Agreements) Mr. Gerald A. Fill, (202) 395-3070.

Donald E. Sowle,
Administrator.

Bulletin No. 81-22

June 30, 1981.

To the heads of executive departments and establishments.

Subject: Patents—Small Business Firms and Non-Profit Organizations

1. *Purpose.* This Bulletin provides interim policies, procedures and guidelines with respect to inventions made by small business firms, non-profit organizations and universities under funding agreements (contracts, grants or cooperative agreements) with Federal agencies where a purpose is to perform experimental, developmental, or research work.

2. *Authority.* This Bulletin is issued pursuant to authority contained in Pub. L. 96-517, "The Patent and Trademark Amendments of 1980."

3. *Background.* After many years of public debate on means to enhance the utilization of the results of Government funded research, the last Congress enacted Pub. L. 96-517, "The Patent and Trademark Amendments of 1980." Sections 202-204 of the Act give universities, non-profit organizations and small business a first right of refusal to title in inventions they have made in performance of Government grants and contracts subject to some limited exceptions. In creating this right to ownership, the Act abolishes approximately 26 conflicting statutory and administrative policies.

Some understanding of the relative importance of the Act can be determined from the amount of research and development funding impacted. Based on fiscal year 1980's rate of Government R&D funding of small business, universities, and non-profit organizations, the Act covers the disposition of the invention results from approximately 1.2 billion dollars of grant and contract awards to small business and approximately 5 billion dollars to universities and non-profit organizations. The 5 billion dollars utilized by universities and non-profits covers approximately 65% of the total cost of all the basic research conducted in the U.S. This large investment, coupled for the first time with the incentive of invention ownership in small businesses, non-profits and universities across all Government research and development programs, could initiate a significant increase in the commercialization of inventions resulting from these programs.

Under the Act, The Office of Federal Procurement Policy (OFPP) is responsible for issuance of the regulations implementing sections 202-204 after consultation with the Office of Science and Technology Policy (OSTP). In order to expedite the drafting of these regulations and obtain the advice of agency personnel familiar with patent matters, OFPP relied on an interagency committee for a preliminary draft of the implementing regulations for sections 202-204. This committee was formed through an invitation to all departments and agencies affected by the Act to participate in the drafting of regulations for both the Government patent policy and licensing provisions of the Act.

Regulations implementing the licensing provisions under the Act are available from the Office of Acquisition Policy, General Services Administration, Washington, D.C. 20405. This Bulletin and the funding agreement clauses of Part 5c represent a reflection of many of the views expressed by the Council on Government Regulations (COGR) and other interested groups.

4. *Policy.* This Bulletin takes effect on July 1, 1981, and will be applicable to all funding agreements with small business firms and non-profit organizations executed on or after that date which are to be performed within the United States. This Bulletin may also be made applicable by mutual agreement to any subject inventions which are "made" on or after July 1, 1981, in the performance of funding agreements which were awarded prior to July 1, 1981, to small business firms or non-profit organizations, unless prohibited by law.

5. Implementation of Policy.

a. Definitions. As used in this Bulletin—

(1) The term "funding agreement" means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement, as herein defined.

(2) The term "contractor" means any small business firm or non-profit organization that is a party to a funding agreement.

(3) The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under title 35 of the United States Code (USC).

(4) The term "subject invention" means any invention of the contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

(5) The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(6) The term "made" when used in relation to any invention means the conception of first actual reduction to practice of such invention.

(7) The term "small business firm" means a small business concern, as defined as section 2 of Public Law 85-536 (15 USC 632) and implementating regulations of the Administrator of the Small Business Administration. For the purpose of this Bulletin, the size standard for small business concerns involved in Government procurement, contained in 13 CFR 121.3-8, and in subcontracting, contained in 13 CFR 121.3-12, will be used.

(8) The term "non-profit organization" means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 USC 501a) or any non-profit scientific or educational organization qualified under a state non/profit organization statute.

b. Procedures.

(1) Use of the Patent Rights (Small Business Firm or Non-profit Organization) (July 1981) Clause.

(i) Each funding agreement awarded to a small business firm or non-profit organization which is to be performed in the United States, its possessions, or Puerto Rico and has as a purpose the performance of experimental, developmental or research work, shall contain the Patent Rights (Small Business Firm or Non-profit Organization), (July 1981) clause set forth in part 5(c), except that the funding agreement may provide otherwise.

(A) when the funding agreement is for the operation of a Federally Funded Research and Development Center or a Government-owned production facility.

(B) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of chapter 38 of title 35 of the USC, or

(C) when it is determined by a Government authority which is authorized by statute or executive order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities.

(ii) Any determination under subparagraph (b)(1)(i)(B) of this section will be in writing and accompanied by a written statement of facts justifying the determination. The statements of facts will contain such information as the funding Federal agencies deems relevant and, at minimum, will (1) identify the small business firm or non-profit organization involved, (2) describe the extent to which agency action restricted or eliminated the right to retain title to a subject invention, (3) state the facts and rationale supporting the agency action, (4) provide supporting documentation for those facts and rationale, and (5) indicate the nature of any objections to the agency action and provide any documentation in which those objections appear. A copy of each such determination and written statement of facts will be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In cases of determinations applicable to funding agreements with small business firms, copies will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

(iii) to assist the Comptroller General to accomplish his responsibilities under 35 USC 202, each Federal agency shall accumulate and, at the request of the Comptroller General, provide the Comptroller General or his duly authorized representative the total number of funding agreements entered into it with small businesses or non-profit organizations that contain the Patent Rights clause of section 5c of this Bulletin during each period of July 1 through June 30, beginning July 1, 1982.

(iv) To qualify for the Patent Rights in Inventions (Small Business Firm or Non-Profit Organization) (1981) clause, the small business firm or non-profit organization may be rquired by an agency to certify that it qualifies as a small business firm or non-profit organization as defined in subparagraphs (a)(7) and (a)(8). If the contracting officer has reason to question the status of the small business firm or non-profit organization under the definitions in subparagraph (a)(7) and (a)(8), he may file a request in accordance with 13 CFR 121.3-5 in regard to the status of the small business firm or he may require the non-profit organization to furnish evidence to establish that it satisfies the requirements of the definition in subparagraph (a)(8).

(v) Right to sublicense foreign governments and international organizations. When the agency head or duly authorized designee determines at the time of contracting with a small business firm or non-profit organization that it would be in the national interest to acquire the right to sublicense foreign governments or international organizations pursuant to any existing or future treaty or agreement, a sentence will be added at the end of paragraph (b) of the Patent Rights clause in part 5c as follows:

This license will include the right of the Government to sublicense foreign governments and international organizations pursuant to any existing or future treaty or agreement with such foreign governments or international organizations.

However, this language may be modified by agencies to be limited to specific treaties or agreements or otherwise specify a time when the Government's right to sublicense ends.

(vi) Where agencies determine that, due to the need to support their programs to protect Government-owned inventions in foreign countries, additional procedural safeguards are necessary to prevent the defeat of foreign rights due to statutory bars, the following language may be added to paragraph (c)(1)(ii) of the clause of Part 5c:

but in any event, at least three months (unless shortened by the contracting officer) before (a) a public use or on sale of the invention occurs, (b) a manuscript describing

the invention is submitted for publication without assurances of confidentiality, or (c) the invention is otherwise made available to the public.

When the above addition has been made to the clause of Part 5c, paragraph (c)(2) should be deleted.

(2) Minimum rights to contractor.

(i) Paragraph (e) of the Patent Rights clause of Part 5c specifies the minimum rights retained by the contractor in subject inventions. When the Federal Government acquires title to a reported subject invention, the contractor will retain a revocable, nonexclusive, royalty-free license throughout the world in the subject invention. The contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the contractor is a party and includes the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of the funding Federal agency except when transferred to the successor of that party of the contractor's business to which the invention pertains.

(ii) The contractor's domestic license may be revoked or modified by the funding Federal agencies to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with *(cite application portion of the new licensing regulations)*. This license will not be revoked in that field or use or the geographical areas in which the contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the funding Federal agency to the extent the contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(iii) Before revocation or modification of the license, the funding Federal agency will furnish the contractor a written notice of its intention to revoke or modify the license, and the contractor will be allowed thirty days (or such other time as may be authorized by the funding Federal agency for good cause shown by the contractor) after the notice to show cause why the license should not be revoked or modified. The contractor has the right to appeal, in accordance with *(cite applicable portion of the new licensing regulations)*, any decision concerning the revocation or modification of its license.

(3) Subcontracts.

(i) Paragraph (g) of the Patent Rights clause of Part 5c of this Bulletin requires that the Patent Rights clause, suitably modified to identify the parties, be included in all subcontracts with small business firms and non-profit organizations for experimental, developmental, or research work to be performed in the United States. For subcontracts, regardless of tier, with other than a small business firm or non-profit organization, paragraph (g) provides a blank space to be completed by agencies with their own or applicable Government-wide regulations such as the FPR or DAR identifying the appropriate clause for such subcontracts.

(ii) Contractors will not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts.

(4) Publication or release of invention disclosures.

(i) The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. Where the contractor intends to file patent applications, the agency will use reasonable efforts to comply with any written request to restrict its publication of information disclosing the invention for a reasonable period of time, in order to protect the patent rights in the invention. The contractor must specify the reports and documents to be restricted and the period within which the patent application will be filed.

(ii) As provided in 35 USC 205, Federal agencies are authorized to withhold from disclosure to the public information disclosing any subject invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for patent application to be filed. Furthermore, Federal agencies are not required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

(5) Reporting on Utilization of Subject Inventions. Paragraph h of the Patent Rights clause Part 5c of this Bulletin provides that agencies have the right to receive periodic reports from the contractor on utilization of inventions. Agencies shall obtain such information from their contractors. However, to ensure uniformity in the nature of the periodic reporting required by the various agencies, agencies shall work with the lead agency to establish standard utilization reporting requirements. To the extent such data or information supplied by the contractor is considered by the contractor, or its license or assignee, to be privileged and confidential and is so marked, agencies should not, to the extent permitted by 35 USC 202(c)(5), disclose such information to persons outside the Government.

(6) Additional Administrative Requirements. To the extent not required by other provisions of the funding agreement, agencies may add additional subparagraphs to paragraph (f) of the Patent Rights clause in Part 5c to require the contractor to do one or more of the following:

(i) Provide periodic (but no more frequently than annually) listings of all subject inventions required to be disclosed during the period covered by the report;

(ii) Provide a report prior to the close-out of a funding agreement listing all subject inventions;

(iii) Provide notification of all subcontracts for experimental, developmental or research work; and

(iv) Provide, upon request, the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any subject invention in any county in which the contract has applied for patents.

c. Clause for Funding Agreements (Small Business Firms and Non-Profit Organizations)

(1) Patent Rights (Small Business Firms or Non-profit Organizations), (July 1981). The following clause with such modifications and tailoring as are authorized elsewhere in this Bulletin will be used in all funding agreements with small business firms and non-profit organizations unless the funding agreement falls within one of the exceptions described in part 5b(1)(ii).

Patent Rights

(Small Business Firms or Non-profit Organizations) (July 1981)

a. *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code (USC).

(2) "Subject Invention" means any invention of the *contractor* conceived or first actually reduced to practice in the performance of work under this *contract*.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Public Law 85–536 (15 USC 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standard for small business concerns involved in Government procurement, contained in 13 CFR 121.3–8, and in subcontracting, contained in 13 CFR 121.3–12, will be used.

(6) "Non-profit Organization" means universities and other institutions of higher education of an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 USC 501a) or any non-profit scientific or educational organization qualified under a state non-profit organization statute.

b. *Allocation of Principal Rights.*

The contractor may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause. With respect to any subject invention in which the contractor retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world for which the contractor has elected to retain title.

c. *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.*

(1) After a subject invention has been disclosed in writing by the inventor(s) to *contractor* personnel responsible for the administration of patent matters, the *contractor* will:

(i) Disclose such invention to the *Federal agency* within six months;

(ii) Elect whether or not to retain title to any such invention by notifying the *Federal agency* within twelve months of disclosure to the contractor;

(iii) File its initial patent application on an elected invention within two years after election; and

(iv) File patent applications in additional countries within either ten months of the corresponding initial patent application, or six months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign patent applications when such filing was prohibited for security reasons.

(2) Notwithstanding the requirements of subparagraph c(1) above:

(i) Disclosure to the *agency* shall be made immediately after *contractor* personnel responsible for the administration of patent matters become aware of any manuscript describing the invention accepted for publication, or any publication, on sale or public use of such invention; and

(ii) In any case where publication, or sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title and filing of a United States patent application may be shortened by the *agency* to a date that is no more than 45 days prior to the end of the statutory period.

(3) Requests for extention of the time for disclosure to the *agency*, election and filing, where reasonable, will normally be granted.

(4) The disclosure to the *agency* shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological or electrical characteristics of the invention. The report shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and accepted at the time of disclosure.

d. Forfeiture of Title.

(1) The *contractor* will convey to the Federal agency, upon written request, title to any subject invention:

(i) If the contractor fails to disclose or elect the subject invention within the times specified in c above, or elects not to retain title.

(ii) In those countries in which the *contractor* fails to file patent applications within the times specified in c above; provided, however, that if the contractor has filed a patent application in a country after the times specified in c above but prior to its receipt of the written request of the Federal agency, the contractor shall continue to retain title in that country; or

(iii) In any country in which the *contractor* decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in a reexamination or opposition proceeding on, a patent on a subject invention.

e. Minimum Rights to Contractor.

The *contractor* will retain a non-exclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the *contractor* fails to disclose the subject invention within the times specified in c above. This license extends to and is revocable and transferable, as specified in Part 5b(2) of this Bulletin.

f. Contractor Action to Protect Government's Interest.

(1) The *contractor* agrees to execute or to have executed and promptly deliver to the *Federal agency* all instruments necessary to:

(i) Establish or confirm the rights the Government has throughout the world in those subject inventions for which the contractor retains title, and

(ii) Convey title to the *Federal agency* when requested under (d) above and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The *contractor* agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the *contractor* each subject invention made under this *contract* in order that the *contractor* can comply with the disclosure provisions of c above and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. The disclosure format should require, as a minimum, the information requested by subparagraph c(4) above. The *contractor* shall instruct such employees through the employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The contractor will notify the *Federal agency* of any decision not to continue prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the the relevant patent office.

(4) The *contractor* agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the *contract*)

awarded by the *Federal agency*. The Government has certain rights in this invention."

g. Subcontracts.

(1) The *contractor* will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed in the United States by a small business firm or a non-profit organization. The subcontractor will retain all rights provided for the *contractor* in this clause, and the *contractor* will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The *contractor* will include in all other subcontracts, regardless of tier, for experimental, developmental or research work the patent rights clause required by (*cite section of agency implementing regulations, FPR, or DAR*).

h. Reporting on Utilization of Subject Inventions.

The *contractor* agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the *contractor* or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the *contractor*, and such other data and information as the *agency* may reasonably specify. The *contractor* also agrees to provide additional reports as may be requested by the *agency* in connection with any march-in proceeding undertaken by the *agency* in accordance with paragraph j of this clause. To the extent data or information supplied under this section is considered by the contractor, its licensee or assignee to be privileged and confidential and is so marked, the *agency* agrees that, to the extent permitted by 35 USC 202(c)(5), it will not disclose such information to persons outside the Government.

i. Preference for United States Industry.

Notwithstanding any other provision of this clause, the *contractor* agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the *Federal agency* upon a showing by the contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses or similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

j. March-in rights.

The *contractor* agrees that with respect to any subject invention in which it has acquired title, the *Federal agency* has the right in accordance with the procedures in OMB Bulletin 81–22 (and agency regulations at ———) to require the *contractor*, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the *contractor* assignee, or exclusive licensee refuses such a request, the *Federal agency* has the right to grant such a license itself if the *Federal agency* determines that:

(1) Such action is necessary because the *contractor* or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the *contractor*, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the *contractor*, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph i of this clause has not been obtained or waived or because a licensee or the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

k. Special Provisions for Contracts with Non-profit Organizations.

If the *contractor* is a non-profit organization, it agrees that:

(1) rights to a subject invention in the United States may not be assigned without the approval of the *Federal agency*, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee will be subject to the same provisions as the *contractor*);

(2) the *contractor* may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of:

(i) five years from first commercial sale or use of the invention; or

(ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention.

(3) The *contractor* will share any royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the *contractor* with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

End of Clause

(2) Tailoring the clause. When using this clause, agencies should replace the italicized *(underlined)* words and phrases with those appropriate to the particular funding agreement. For example, *contract* should be replaced by "grant" or "cooperative agreement" when those forms of funding agreements are used. In grant, *contractor* would become "grantee" and *contracting officer* might become "grants officer." Depending on its use, the *Federal agency* can be replaced either by the identification of the agency which is party to the funding agreement or by the specification of a particular office or official within that agency. Where the clause requires the contractor to communicate with the agency (as in section (h)), the agency should specify to whom the communication should be made and cite any regulations establishing a preferred form for that communication.

d. Retention of rights by inventor.

In contracts with small business firms or non-profit organizations, if the contractor does not elect to retain title to a subject invention, the funding Federal agency may consider and, after consultation with the contractor, may grant requests for retention of rights by the inventor subject to the provisions of 35 U.S.C. 202–204.

e. Government Assignment to Contractor of Rights in Invention of Government Employee.

In any case when a Federal employee is a coinventor of any invention made under the funding agreement with small business firm or non-profit organization, the Federal agency employing such coinventor may transfer or reassign whatever right it may acquire in the subject invention from its employee to the contractor subject to the conditions of this Bulletin.

f. Exercise of March-in Rights.

The following procedures shall govern the exercise of the march-in rights of the agencies set forth in 35 USC 203 and the clause at Part 5c of this Bulletin:

(1) A march-in proceeding shall be initiated by the issuance of a written notice by the agency to the contractor and its assignee or exclusive licensee, as applicable, stating that the agency is considering the exercise of march-in rights. The notice shall state the reasons for the proposed march-in in terms sufficient to put the contractor in notice of the facts upon which the action is based and shall specify the field or fields of use in which the agency is considering requiring licensing. The notice shall advise the contractor (assignee or exclusive licensee) of its rights, as set forth in this Bulletin and in any supplemental agency regulations. The determination to exercise march-in rights shall be made by the head of the agency or his delegee.

(2) Within 30 days after receipt of the written notice of march-in, the contractor (assignee or exclusive licensee) may submit, in person, in writing, or through a representative, information and argument in opposition of the proposed march-in, including any additional specific information which raises a genuine dispute over the material facts upon which the march-in is based. If the information presented raises a genuine dispute over the material facts, the head of the agency or his delegee shall refer the matter to another official of the agency for fact-finding.

(3) Fact-finding shall be conducted in accordance with the procedures established by the agency. Such procedures shall be as informal as practicable and be consistent with principles of fundamental fairness. The procedures shall afford the contractor the opportunity to appear with counsel, submit documentary evidence, present witnesses and confront such persons as the agency may present. A transcribed record shall be made and shall be available at cost to the contractor upon request. The requirement for a transcribed record may be waived by mutual agreement of the contractor and the agency.

(4) The agency official conducting fact-finding shall prepare written findings of fact and transmit them to the head of the agency or his delegee promptly after the conclusion of the fact-finding proceeding. A copy of the findings of fact shall be sent to the contractor (assignee or exclusive licensee) by registered or certified mail.

(5) In cases in which fact-finding has been conducted, the head of the agency or his delegee shall base his determination on the facts found, together with any other information and argument submitted by the contractor (assignee or exclusive licensee) and any other information in the administrative record. In cases referred for fact-finding, the head of the agency or his delegee may reject only those facts that have been found that are clearly erroneous. Prompt written notice of the determination whether march-in rights will be exercised shall be made by the head of the agency or his delegee and sent to the contractor (assignee or exclusive licensee) by certified or registered mail.

(6) Agencies are authorized to issue additional supplemental procedures, not inconsistent herewith, for the conduct of march-in proceedings.

g. Appeals.

In accordance with procedures prescribed by the funding Federal agency, any party to the funding agreement, licensee, or assignee may appeal to the agency or designee any decision or determination concerning the denial, interpretation, modification, or termination of a right to a subject invention under paragraphs (i), (k)(1), or (k)(2) of the clause in Part 5c. In addition, the contractor may appeal any decision of an agency head's delegee that there is no genuine dispute over a material fact provided for in section f(2).

h. Licensing of Background Patent Rights to Third Parties.

(1) A funding agreement with a small business firm or non-profit organization will not contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the agency head and a written justification has been signed by the agency head. Any such provision will clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The agency head may not delegate the authority to approve such provisions or to sign justifications required for such provisions.

(2) A Federal agency will not require the licensing of third parties under any such provision unless the agency head determines that the use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the funding agreement and that such action is necessary to achieve the practical application of the subject invention or work object. Any such determination will be on the record after an opportunity for an agency hearing. Any action commenced for judicial review of such determination will be brought within sixty days after notification to the contractor of such determination.

i. Administration of Patent Rights Clause.

(1) It is important that the Government and the contractor know and exercise their rights in subject inventions in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties, and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts Patent Rights clauses should be so administered that:

(i) Inventions are identified, disclosed, and an election is made as required by the contract clause;

(ii) The rights of the Government in such inventions are established;

(iii) When appropriate, patent applications are timely filed and prosecuted by contractors or by the Government;

(iv) The filing of patent applications is documented by formal instruments such as licenses or assignments; and

(v) Expeditious commercial utilization of such inventions is achieved.

(2) With respect to the conveyance of licenses or assignments to which the Government may be entitled under the Patent Rights clause in section 5 of this Bulletin, agencies should follow the guidance provided in 41 CFR 1–9.109–5 or 32 CFR 9–109.5.

j. Modification of Existing Agency Regulations.

(1) Agency existing patent regulations or other published policies concerning inventions made under funding agreements shall be modified as necessary by December 31, 1981, to make them consistent with this Bulletin and 35 U.S.C. 200–206.

(2) After July 1, 1981, this Bulletin and 35 USC 200–206 shall take precedence over any conflicting agency regulations or policies.

6. *Proposed Lead Agency Designation.* As an option for assurance of coordinated and consistent implementation of 35 USC 200–206 and this Bulletin, consideration is being given to establishing a lead agency to carry out collaboration of the following functions with all affected agencies:

a. Coordinate, exchange and report information;

b. Evaluate the effectiveness of the Act and this OMB Bulletin and whether legislative or regulatory improvements need to be made;

c. Review implementation of the Act and advise when and where Government economies and efficiencies may be realized;

d. Aid in the development and coordination of a national policy on innovation;

e. Convene, as necessary, conferences/workshops to assist agencies, universities and small business in implementing 35 USC 200–206; and

f. Perform such other duties and responsibilities to carry out the goals and objectives of 35 USC 200–206.

Agency comments are encouraged regarding the lead agency concept.

7. *Action Requirements.* Each Executive Branch agency shall revise its regulations concerning patents in compliance with the policy and procedure set forth in this Bulletin. Such revisions shall not be more restrictive or burdensome than the provisions of this Bulletin.

8. *Agency Comments.* Comments from each Executive agency affected by the policy and procedure contained in this Bulletin will be accepted until September 1, 1981. *Send comments to Mr. Fred H. Dietrich, 726 Jackson Place, N.W., Washington, D.C. 20503.*

9. *Information Contact:* (Contracts) Mr. Fred H. Dietrich, (202) 395–6810. (Grants and Cooperative Agreements) Mr. Gerald A. Fill, (202) 395–3070.

10. *Sunset Date.* This Bulletin will expire on December 31, 1981, unless replaced by an OMB Circular on an earlier date.

Donald E. Sowle,
Administrator.
David A. Stockman,
Director.

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Thursday
July 2, 1981

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Effluent Limitations and Sedimentation Pond Design Criteria

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR 715, 717, 816, and 817

Permanent and Interim Regulatory Programs; Effluent Limitations and Sedimentation Pond Design Criteria

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing that effluent limitations for all coal mining operations shall be in compliance with all applicable Federal and State water quality standards including the effluent limitations guidelines promulgated by the U.S. Environmental Protection Agency (EPA). EPA has recently proposed revised effluent limitations for coal mining operations (46 FR 3136–3159 (Jan. 13, 1981), as amended 46 FR 28873–28881 (May 29, 1981)). These effluent limitations differ from those currently in effect primarily in that, under certain circumstances, they allow compliance with a settleable solids (SS) standard instead of a total suspended solids (TSS) standard during rainfall events and the reclamation phase of mining. In addition, no discharge of waste water pollutants are allowed from new source coal preparation plants.

OSM is also proposing new sedimentation pond design criteria. These new criteria differ from previous criteria in that most design requirements are not specified. Instead, except for safety requirements, the regulatory authorities, operators and the registered professional engineers who design the ponds or a treatment facility must ensure compliance with the effluent limitations. OSM is soliciting comments on each of these proposals.

DATES: The comment period on the proposed rules will extend until 5:00 p.m. September 3, 1981. Comments received after that hour will neither be considered nor included in the administrative record.

PUBLIC MEETINGS: Representatives of OSM will be available to meet between July 2, 1981 and September 3, 1981 at the request of members of the public, state representatives, industry officials, labor representatives, and environmental organizations to receive advice and recommendations concerning the content of the proposed regulations. Public Hearings will be held on July 14, July 16, July 21, July 23, July 28 and July 30, 1981. See Supplementary Information for locations and times of the Hearings.

ADDRESS: Written comments must be mailed or hand delivered to Office of Surface Mining, U.S. Department of the Interior, Room 153, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

Persons wishing to meet with representatives of OSM should contact the person listed below under "For Further Information Contact." OSM representatives will be available for such meeting from 9:00 a.m. to noon and 1:00 p.m. to 4:00 p.m., local time, Monday through Friday, excluding holidays, at the Washington, D.C. office. Summaries of each meeting will be prepared and made available for public review in Room 153 of the South Interior Building.

FOR FURTHER INFORMATION CONTACT: Jose R. del Rio, P.E., Civil Engineer, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone (202) 343–4022.

SUPPLEMENTARY INFORMATION: Individual testimony at the hearings will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the court reporter. Submission of written statements to the person identified under "For Further Information Contact" in advance of the hearing date will assist the OSM officials attending the hearings by giving them an opportunity to consider appropriate questions which could be asked to clarify the statements or elicit more specific information from the persons testifying.

Persons wishing to testify at the regional hearings should contact the appropriate regional office directly. Those wishing to testify at the Washington, D.C. hearing should contact Mr. Jose R. del Rio, at (202) 343–4022.

Person in the audience who have not been scheduled to speak and wish to do so should register at the hearing and will be heard after the scheduled speakers. Persons not scheduled to testify assume the risk of having the hearing adjourned if they are not present when all scheduled speakers conclude.

In Washington, D.C., the hearing will be held from 9:00 a.m. to 12:00 noon and will reconvene at 1:00 p.m., if necessary.

In Indianapolis, IN, the hearing will be held form 9:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 4:30 p.m.

In Charleston, WV, Lexington, KY, Kansas City, MO, and Denver, CO, the hearings will be held from 4:00 p.m. to 7:00 p.m. and from 8:00 p.m. to 10:30 p.m.

The public hearings will be held at the following locations and dates:

(1) July 14, 1981, War Memorial Building, Main Auditorium, 431 N. Meridian Street, Indianapolis, IN 46204, Telephone No.: 317–269–2656
(2) July 16, 1981, Hilton Inn, Keeneland Hall, I–75 and Newtown Pike, Lexington, KY 40505, Regional Office Telephone No.: 615–637–8060
(3) July 21, 1981, Charleston Civic Center, West Virginia Room Charleston, WV 25302, Telephone No.: 304–343–8125
(4) July 23, 1981, Department of the Interior, Main Auditorium, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone No.: 202–343–4022
(5) July 28, 1981, Scarritt Building, 3rd Floor Conference Room 818 Grant Avenue, Kansas City, MO 64106, Telephone No.: 816–374–5109
(6) July 30, 1981, Brooks Tower, 2nd Floor Conference Room, 1020 15th Street, Denver, CO 80202, Telephone No.: 303–837–4072

On December 13, 1977, OSM published interim program regulations which contained both effluent limitations, 30 CFR 715.17(a) and 717.17(a), and sedimentation pond design criteria, 30 CFR 715.17(e) and 717.17(e). 42 F.R. 62639. Revised interim program sedimentation pond design criteria were promulgated February 27, 1978. 43 F.R. 8090. In the case challenging the interim program regulations, the U.S. District Court for the District of Columbia upheld the effluent limitations, but enjoined application of the sedimentation pond design criteria to allow further public comment and judicial review. *In re Surface Mining Regulation Litigation*, 452 F. Supp. 327; 456 F. Supp. 1301 (D. D.C. 1978).

On March 13, 1979, OSM published permanent program regulations, which contained effluent limitations identical to those in the interim program, 30 CFR 816.42 and 817.42, but which contained revised sedimentation pond design criteria, 30 CFR 816.46 and 817.46. 44 F.R. 15312. These same design criteria were proposed for inclusion in the interim program on May 25, 1979. 44 F.R. 30610.

On December 31, 1979, OSM suspended the precipitation event exemption from the effluent limitations and suspended the sedimentation pond design criteria concerning sediment storage volume, detention time, dewatering devices, and sediment removal frequency in both the interim and permanent programs. 44 F.R. 77447. As announced in that notice, OSM has been granting relief from the effluent limitations based on EPA's precipitation event exemption for the coal mining point source category. 40 CFR 434.22(c), 434.25(c), 434.32(b), 434.35(b), 434.42(b), and 434.45(b). See also 44 F.R. 76788 (Dec. 28, 1979) and 45 F.R. 6913 (Jan. 30, 1980). Also on December 31, 1979, OSM issued a notice of intent to commence rulemaking to establish revised effluent limitations and sedimentation pond design criteria. 44 F.R. 77456.

Two significant court decisions have been issued since. First, on May 2, 1980, the U.S. Court of Appeals for the District of Columbia reversed the ruling in *In re Surface Mining Regulation Litigation*, 456 F. Supp. 1301, 1314 (D. D.C. 1978), that OSM could omit from its effluent limitations certain variances and exemptions contained in EPA's regulations. *In re Surface Mining Regulation Litigation*, 627 F. 2d 1346 (D.C. Cir. 1980). Second, on May 16, 1980, the U.S. District Court for the District of Columbia ruled that OSM did not have a sufficient record upon which to base its application of the same effluent limitations to actively mined areas and areas under reclamation. *In re Permanent Surface Mining Regulation Litigation*, No. 79–1144.

The regulations proposed today address issues raised in the December 31, 1979, notice of intent to commence rulemaking, in comments received in response to that notice and in the intervening court decisions. Together with revised effluent limitations guidelines and new source performance standards for the coal mining point source category proposed by EPA (46 F.R. 3136 (Jan. 13, 1981), as amended 46 F.R. 28873–28881 (May 29, 1981)), these regulations are the product of a joint OSM/EPA effort. OSM and EPA have reviewed and relied upon the same technical data, including empirical studies of the performance of numerous sedimentation ponds, in arriving at these proposed rules. The technical data supporting these proposals is described in detail in the preamble to the proposed EPA rules.

Discussion of Proposed Changes

Overview

The proposed revised effluent limitations do not contain the specific numerical standards that must be met by surface coal mining operations; instead, applicable effluent limitations, in particular those promulgated by EPA applicable to surface coal mining operations, shall be complied with. Briefly, the proposed EPA effluent limitations retain the 35/70 mg/1, TSS standard for base flow conditions. During precipitation events and during the reclamation phase of mining, discharges from drainage facilities sized to a 10-year, 24-hour precipitation event standard are subject to effluent limits of 0.5 ml/1 SS and a pH from 6 to 9. Only the pH standard applies during events larger than a 10-year, 24-hour precipitation event. New source preparation plants will not be allowed to discharge pollutants. OSM is also proposing to allow the use of alternate sediment control measures in lieu of sedimentation ponds if those facilities can meet the applicable state and Federal water quality and effluent standards, disturbances to the hydrologic balance are minimized, and use of such a facility is the best technology currently available.

OSM has deleted the requirement that all ponds be designed to contain the runoff from a 10-year, 24-hour precipitation event. Such critical factors as sediment storage volume, detention time and dewatering are left to the best judgment of the regulatory authorities, operators, and the registered professional engineers designing the ponds. Sedimentation ponds must, though, enable compliance with the effluent limitations, water quality standards, and the safety requirements of the state and Federal governments. The safety criteria have been retained.

These changes are being proposed for both the permanent and interim programs. Discussion of the specific proposals follows:

Section 715.17(a)

(1) Section 715.17(a) has been revised to make the interim program rules more understandable and identical with the proposed permanent program rules.

(2) Section (a)(1) requires that all drainage from disturbed areas be passed through a sedimentation pond or a treatment facility. OSM has added treatment facilities as an alternative means of controlling sediment. In some cases, chemical treatment may be the most practical means of meeting the effluent limitations although in other cases it will be more expensive than using sedimentation ponds alone.

Section (a)(1) incorporates a provision requiring that point source discharges from underground mines that do not meet effluent limitations be passed through a sedimentation pond or other treatment facility. This provision was added because discharges from underground mines may deteriorate the quality of surface waters. Use of sedimentation ponds or treatment facilities will prevent such degradation. This provision allows OSM to combine surface and underground coal mining activities in one section.

Flexibility has been given to the regulatory authority to approve the use of alternate sediment control measures, such as barriers, dams, or excavated depressions that slow water runoff and allow sediment to settle out. Such measures may be used only where they will not cause or contribute to a violation of the local water quality standards for the receiving stream, will minimize disturbance to the hydrologic balance, and will represent the best technology current by available.

(3) Section (a)(2) requires that the sediment control facilities be maintained at least until the land has been stabilized and revegetated, as required by Section 515(b)(10)(C) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is proposing to delete, however, the requirement that sediment control measures be retained until the untreated drainage from the disturbed area meets the water quality standards for the receiving stream.

The first year after commencement of reclamation yields the largest amounts of sediment. "Sediment Yield from Strip Mined Watershed in Eastern Kentucky," by Willie R. Curtis, Oct. 23–24, 1974, p. 88 states that ". . . sediment accumulation in debris basins below surfaced-mined lands in Eastern Kentucky shows highest sediment yield during the first 6 months after mining. The erosion rate diminishes to fairly low levels within 3 years. . . ." A graph on page 90 of this document shows that by 24 months after mining the sediment yield is very low. OSM believes that in most cases sedimentation will have decreased to relatively low levels by two growing seasons after the last augmented seeding of an area draining into a sedimentation pond, and that it may be most efficient for an operator to remove the sedimentation pond. The operator will continue to be responsible for preventing additional contribution of suspended solids to the receiving stream (see SMCRA Section 515(b)(10)(B)(i)) and ensuring compliance with all applicable State and Federal water quality standards. *See* proposed Section 715.17(a)(3). The operator may, though, substitute appropriate effective alternate sediment control measures for a sedimentation pond after stabilization and revegetation and no sooner than two years after the last augmented seeding.

(4) Section (a)(3) requires that discharges of water from all mining activities be made in compliance with all applicable State and Federal water

quality standards, including the effluent limitations guidelines for coal mining promulgated by EPA.

Section 715.17(e)

(1) No sedimentation pond design criteria have been in effect for the interim program since their enforcement was enjoined in *In re Surface Mining Regulation Litigation*, 452 F. Supp. 327, 343 (D.D.C 1978). The proposed revised sedimentation pond design criteria are identical for both the interim and permanent programs. The proposed revised criteria are discussed below with respect to the current permanent program criteria.

(2) The sedimentation pond design criteria have been rearranged and revised. The numerical specificity of the sedimentation pond design criteria, except for the safety standards, has been reduced. OSM believes that regulatory authorities and registered professional engineers are knowledgeable enough to design and approve sedimentation ponds that utilize the best technology economically achievable and currently available and that meet all applicable performance standards. OSM Intends in the future to publish technical memoranda on design of sedimentation ponds that will provide more detailed design criteria.

(3) The general requirements under section (1) are identical to those currently in the permanent program. They require that sedimentation ponds be built before any disturbance to the area to be drained into the pond, be located as near as possible to the disturbed area, and be located out of perennial streams unless the regulatory authority approves such location. The preamble to the existing rules fully explains this. See 44 FR 15159.

(4) Section (1)(iii) sets the minimum design criteria that the structure must meet.

(a) Proposed Section (A) requires that a sediment storage volume be provided that is adequate to contain the sediment that will accumulate in the pond between scheduled removals of sediment. The sediment storage volume must allow the sedimentation pond to comply with the effluent limitations imposed by EPA under 40 CFR 434. The storage volume also should be sufficient to avoid excessively frequent and costly sediment removal.

The sediment storage volume must also be distinct from the volume provided for the design event. Within these constraints, the determination of actual sediment storage volume is left to regulatory authority and registered professional engineers.

(b) Section (B) requires that the sedimentation pond be designed to provide sufficient detention time of the inflow from the design event to allow the structure to meet the applicable effluent limitations, including those imposed under 40 CFR 434. Detention time is critical to the functioning of the sedimentation ponds for it allows sediment particles to settle out. If the appropriate detention time is not given, the sedimentation pond will not meet the EPA's effluent requirements because the detention time determines the amount of TSS particles that will settle out.

OSM believes that allowing credits for permanent pool storage in calculating detention time is a sound engineering practice. One possible method for giving credit for permanent pool storage in calculating theoretical detention time is the equation developed by Ward *et al.* in *Sizing Surface Mine Sediment Control Reservoirs for Theoretical Detention Time* (1979d) p. 77. OSM specifically solicits comments on this subject, including comments on the Ward equation and proposals for alternate methods of calculating detention time while giving credit for permanent pool storage volume. OSM is also considering, and solicits comments on, allowing detention time credits for onsite sediment control practices such as terracing, gabions, straw bales, etc., used as supplements to sedimentation ponds.

(c) Proposed Section (C) requires that sedimentation ponds be designed to contain or treat a design precipitation event that is based on site specific conditions. No specific event, such as the 10-year, 24-hour event, is specified in this rule. This is consistent with EPA's proposed rule which provides for variances from its 10-year, 24-hour requirement on a case by case basis (46 FR 3148–3149, Sections XII and XIII). OSM's provision should benefit operations in steep slope areas where construction of sedimentation pond designed to contain a 10-year, 24-hour precipitation event is not feasible due to limited availability of suitable sites. OSM expects, however, that in such areas sedimentation ponds will be no smaller than land constraints require.

Regardless of size, all sedimentation ponds must enable compliance with applicable water quality criteria and EPA's proposed effluent limitations.

(d) Section (D) requires that a non-clogging dewatering device be provided that is able to achieve the design detention time and thereby allow the sedimentation pond to meet the effluent limitations. A non-clogging dewatering device is needed to avoid unnecessary use of the emergency spillway or overtopping of the embankment, either of which can create hazardous conditions downstream by allowing the flooding of the receiving stream or by structually weakening, eroding or breaching the embankment of the sedimentation pond.

(e) Section (E) requires that the sedimentation pond be designed and constructed to avoid short-circuiting. This requirement is continued from the current permanent program regulations. 30 CFR 816/817.46(e). The preamble to these sections fully explains the rationale.

(f) Section (F) requires that sediment be removed on a periodic basis. One of the main reasons sedimentation ponds overtop, breach or fail to meet the effluent requirements is lack of maintenance. Furthermore, the "timely removal and disposal of accumulated sediment, cleaning of clogged outflow pipes, repair of emergency spillways and embankment repair *are extremely important for the proper functioning of the whole sedimentation pond system, but are usually overlooked.*" Effectiveness of Surface Mine Sedimentation Ponds, by Kathuria, Nawrocki and Becker, EPA–600/2–76–117, August 1976. Requiring periodic sediment removal ensures that the structures will be maintained in a safe manner and that the effluent limitations will be met.

(g) Section (G) requires that sedimentation ponds be designed and constructed with the following safety factors:

(1) A combination of principal and emergency spillways that will safely pass a 25-year, 24-hour precipitation event. This provision is retained from Sections 816/817.46(i) of the permanent program regulations. The preambles to Sections 816/817.46(i) fully explains the rationale.

(2) Provision of an adequate freeboard at all times. The purpose of the freeboard is to protect the embankment against overtopping being caused by wave action. The freeboard requirement is retained from Sections 816/817.46(j) of the permanent program regulations, although the proposed regulations specify no particular freeboard height. The preambles to those sections fully explain the rationale.

The following publications may be used as guidelines in designing the sedimentation pond safety features:

(1) Design Guidelines for Coal Refuse Piles and Water, Sediment or Slurry Impoundments and Impounding Structures, U.S. Department of Labor, MSHA, Informational Report IR1109, 1979;

(2) Earth Dams and Reservoirs, Technical Release No. 60, U.S. Department of Agriculture Soil Conservation Service, June 1976;

(3) Pond (No.), U.S. Department of Agriculture Soil Conservation Service, October 1977. Pond 378, pages 1 through 8; and

(4) Design of Small Dams, U.S. Department of the Interior, Bureau of Reclamation, 1977.

(h) Section (H) requires that all embankments and surrounding disturbed areas be stabilized and revegetated, as required by Sections 816/817.46(s) of the permanent program regulations. The covering of exposed surfaces is done to avoid further erosion and contribution of suspended solids to the stream by wind or wave action. Technical support for this requirement can be found in *SCS Pond (No.)* at 378–7 (1977), *Soil and Water Conservation Engineering*, by Schwab, Frevert, Edminister and Barnes, second edition, 1966 at 314–315, and in *Erosion and Sediment Control*, Vol. 2 at 71 (1976). These references conclude that protective vegetative cover should be established on all exposed surfaces if climatic conditions allow it. Otherwise, non-vegetative cover such as mulches and gravel may be used.

(5) Section (2) requires adherence to normal design and construction procedures, such as ensuring against excessive settlement, clearing foundations of organic material, providing proper embankment static safety factors, and providing proper compaction. This section includes requirements from existing Sections 816/817.46(k), (n), (o), (p) and (q)(2) of the permanent program regulations. However, the requirement that the entire embankment foundation be scarified and the requirements of Sections 816/817.46(p) have been deleted because they are normal construction practices.

(6) Section (3) requires that a registered professional engineer design and certify the construction of the sedimentation pond or treatment facility. It also requires that the structure be inspected during construction by the registered professional engineer or someone under his direct supervision. The registered professional engineer is responsible for ensuring that the structure or treatment facility is designed according to the applicable requirements, is built in accordance with the design plans and specifications and for approving any change orders (change orders are any deviations from the plans and specifications). This section complies with SMCRA Section 515(b)(10)(B)(ii).

(7) Section (4) requires that sedimentation ponds having an impoundment capacity of 20 acre-feet or more or having an embankment 20 feet high or more shall comply with MSHA criteria published at 30 CFR 77.216 and shall have emergency spillways designed to safely pass a 100-year, 24-hour precipitation event. These requirements are retained from Sections 816/817.46(q)(1) of the permanent program regulations. The preambles to these sections fully explain the rationale. See 44 FR 15166.

(8) Section (5) is a rewording of Sections 816/817.46(t) of the permanent program regulations. The requirement of four inspections per year has been deleted because 30 CFR 77.216 only requires that structures be inspected once each year. 30 CFR 77.216 requires that structures be examined by a qualified person at intervals not exceeding seven days for appearances of structural weaknesses or hazardous conditions. OSM believes that this is sufficient. The regulatory authority has the flexibility, though, to require more inspections.

Sections 717.17(a) and 717.17(e)

The existing interim program effluent limitations and sedimentation pond design criteria are almost identical for surface mining (30 CFR 715.17(a) and 715.17(e)) and underground mining (30 CFR 717.17(a) and 717.17(e)). Because the proposed requirements are identical for both surface and underground mining, OSM is proposing to reduce sections 717.17(a) and 717.17(e) to require that the appropriate surface mining requirements be followed by underground operations. OSM especially solicits comments on the issue of whether or not separate and distinct requirements should be promulgated for underground mining.

Sections 816.42, 816.46, 817.42 and 817.46

As proposed, these provisions are identical to Sections 715.17(a), 715.17(e), 717.17(a) and 717.17(e), respectively. Their bases are explained in the preambles to the latter sections.

Response to Comments

In its December 31, 1979, notice of intent to commence rulemaking to establish revised effluent limitations and sedimentation pond design criteria (44 FR 77456), OSM solicited public comments on the alternatives outlined in the notice. Numerous comments were received in response to that notice. All comments received have been reviewed and considered in the development of the rules proposed in this notice. Specific responses to each comment, including comments that have already been received, will be published at the time OSM promulgates final revised effluent limitations and sedimentation pond design criteria.

Alternatives

OSM is considering the following alternatives in addition to the rules proposed in this notice.

1. Adopt a modified rainfall exemption under Sections 715.17(a), 717.17(a), 816.42, and 817.42, that either lowers or increases the rainfall frequency level required for award of an exemption. Readopt Sections 816.46 and 817.46 as they existed before the December 31, 1979, suspension and promulgate sections 715.17(e) and 717.17(e) as proposed on May 25, 1979. 44 FR 30610. This alternative presents the problem of determining what rainfall frequency should be adopted to meet both the effluent limitations and the minimum design criteria for sedimentation ponds. *Evaluation of Performance Capability of Surface Mine Sediment Basins*, EPA Contract No. 68–03–2677 by Skelly and Loy, August 3, 1979, at p. 4 and *Letter Report, Task 8, Evaluation of Sedimentation Pond Design Relative to Capacity of Effluent Discharges*, OSM Project No. 78–334–1) by D'Appolonia, August 2, 1979 at 9 showed that sedimentation ponds designed according to OSM criteria may not meet the effluent standards during *any* rainfall event. If this alternative were selected, an exemption from the effluent limitations might have to be given for all precipitation events.

2. Adopt a modified rainfall exemption that reflects the conclusions reached by Skelly and Loy at page 4. Modify the sedimentation pond size and trapping efficiency criteria consistent with the Skelly and Loy conclusions. This alternative is similar to alternative 2, but differs in its modification of the design criteria.

3. Modify the effluent limitations to exempt any discharge from meeting the TSS effluent limitations during certain precipitation events if the facilities is designed, constructed, and maintained according to OSM criteria. The pond size design criteria would be modified only for steep-slope mining.

The design criteria for steep-slope mining would be revised to take into account situations where a suitable site is not available or where construction of a sedimentation pond would pose a safety hazard.

4. Reinstate the effluent limitations as they existed before the December 31,

1979 suspension but delete the pond size and efficiency design criteria.

Commenters may address these alternatives as well as others that they may wish to propose. The following factors, at a minimum, will be considered by OSM with respect to sedimentation pond or a treatment facility design criteria:

1. Detention time calculations.
2. Sediment yield, especially during rainfall, and associated environmental harm.
3. Pond design criteria to avoid short circuiting.
4. Type and design of dewatering devices.
5. Advantages and disadvantages of a wet versus a dry pond.
6. Regional and/or topographic constraints and differences.
7. Deletion of safety criteria from the regulations.

After considering comments submitted and review of other pertinent data, OSM intends to publish final revised effluent limitations and sedimentation pond design criteria in the **Federal Register** about October 15, 1981.

Environmental Impact

The proposed permanent program rules would be more lenient than the permanent program regulations promulgated on March 13, 1979. The interim program rules are exempt from the NEPA process and are not discussed here. 30 U.S.C. 1251(a). This revision is proposed first, because *Letter Report, Task 8, Evaluation of Sedimentation Pond Design Relative to Capacity and Effluent Discharge*, OSM Project No. 78-334-D by D'Appolonia, August 2, 1979, and *Evaluation of Performance Capability of Surface Mine Sediment Basins*, EPA Contract No. 68-03-2677, Skelly and Loy August 3, 1979, demonstrated that sedimentation ponds designed and constructed according to OSM criteria might not be able to comply with the effluent limitations. Second, court decisions have required OSM regulations to conform with those of EPA and have required OSM to justify better its imposition of effluent limitations on the reclamation phase of mining.

OSM published in January 1979 a *Final Environmental Statement* (OSM-EIS-1) on the permanent program rules. This document discusses in detail the beneficial and the adverse effects of the regulations. One of the subjects addresed in OSM-EIS-1 is Water Quality and Sedimentation Control.

The document finds that "sediment is a major obstacle to aquatic species colonization of the streams, lakes and reservoirs regardless of location." Sediment harms aquatic species primarily because sediment suspended in water decreases light penetration, and clogs fish gills causing suffocation. Heavy sedimentation caused by precipitation may destroy fish spawn and micro-invertebrates and damage fish productivity and supplies of fish food.

The document also analyzes the contribution of sediment to streams by surface mining activities. It summarizes that, although in certain areas the amount of land disturbed by surface mining of coal is small, sediment contributed to a headwater stream by a mining operation can be as high as 90% of the total sediment load in the stream. Construction of sedimentation ponds may temporarily increase the amount of land disturbed, and thereby increase sedimentation to the stream. Sedimentation ponds also help detain flood water runoff and provide a source of water for wildlife, unless the water is contaminated by toxic substances.

The proposed rules are less stringent than the existing rules. OSM believes, however, that the proposed rules are within the scope of the analysis of OSM-EIS-1 and feels that OSM-EIS-1 is applicable to the proposed rules. OSM believes, therefore, that a new EIS is not needed. A Draft Environmental Assessment has been prepared and can be examined at Room 153, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240 and at any of the five OSM regional offices. For further information please refer to the following sections of OSM-EIS-1.

(1) Part A:
(a) Section III, pp. 1-4, 6-7, and 10-11.
(b) Section IV, pp. 1-2.
(c) Section V, p. 1.
(2) Part B:
(a) Section I, pp. 4-5.
(b) Section III, pp. 16, 21, 27, 29-30, 31, 40, 48, 51-53, 76 and 81.

Regulatory Analysis

OSM published on March 13, 1979, a document entitled "Permanent Regulatory Program of Surface Mining Control and Reclamation Act of 1977, Final Regulatory Analysis, OSM-RA-1." This document complies with Executive Order 12044. It summarizes the economic impact of OSM's regulations on the coal mining industry. It does not attempt to analyze the economic consequences of the entire regulatory program. Pages 82-87 of this document analyze the economic consequences of the alternatives considered for sedimentation pond criteria.

OSM-RA-1 also gives a production weighted average national cost of coal in terms of additional cents per ton of coal produced. Since the proposed regulations differ somewhat from those previously promulgated, OSM has performed a *Sedimentation Pond Economic Analysis* that analyzes the impact of the proposed rules. This document shows that the cost per ton of coal produced is substantially less than that shown in OSM-RA-1. The new analysis is available for inspection at the regional offices of OSM and at the Administrative Record, Room 153, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone (202) 343-4587.

Determinations Under Executive Order 12291, The Regulatory Flexibility Act and The National Environmental Policy Act

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules because they will impose only minor costs on the coal industry and coal consumers and because these costs will be as little as one half of the costs associated with the current and suspended regulations. In addition, the proposed regulations emphasize the use of the performance standards instead of design criteria, which will allow operators to utilize the most cost-effective means of achieving the performance standards.

OSM has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The proposed regulations will allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

As stated above, OSM has prepared a draft environmental assessment that indicates that promulgation of these rules will not constitute a major Federal action having a significant impact on the quality of the human environment. Accordingly, OSM does not intend to prepare a detailed statement on these rules pursuant to Section 102 (2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C).

Availability of Copies

Copies of the proposed regulations and of 30 CFR Chapter VII, Subchapter K, are available for inspection and may be obtained at the following offices:

OSM Headquarters, Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343-4728.
OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Blvd., East, Charleston, West Virginia 25301; (303) 342-8125.
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OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204 (317) 269-2609
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OSM Region V, Brooks Tower, 1020 15th Street, Denver, Colorado 80202; (303) 837-5511

Copies of materials in the administrative record (except comments submitted to EPA) are available at OSM's Headquarters office. Comments submitted to EPA are available at EPA's office at 401 M Street, SW, Washington, D.C. 20460; (202) 426-2726.

Dated: June 12, 1981.

William P. Pendley,

Deputy Assistant Secretary, Energy and Materials.

1. Section 715.17 is amended by revising paragraphs (a) and (e) to read as follows:

§ 715.17 Protection of hydrologic system.

* * * * *

(a) Hydrologic balance: Water quality standards and effluent limitations.

(1) All surface drainage from the disturbed area shall be passed through a sedimentation pond, a series of sedimentation ponds, or a treatment facility before leaving the permit area. Any point source discharge of water from undergound workings to surface waters which does not meet the effluent limitations of this section shall be passed through a sedimentation pond, a series of sedimentation ponds, or a water treatment facility before leaving the permit area. Alternate sediment control measures may be utilized if:

(i) the alternate sediment control measures will not cause or contribute to a violation of the applicable Federal and state water quality standards;

(ii) disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas will be minimized; and

(iii) the measures represent the use of the best technology currently available.

(2) Sedimentation ponds, other treatment facilities or alternate control measures shall be maintained until the disturbed area has been stabilized and revegetated successfully and no sooner than two years after the last augmented seeding. In all instances, additional contributions of suspended solids to streamflow by runoff from the disturbed area shall be prevented to the extent possible using the best technology currently available.

(3) Discharges of water from areas disturbed by mining activities shall be made in compliance with all applicable Federal and state water quality standards including the effluent limitations guidelines for coal mining promulgated by the U.S. Environmental Protection Agency, 40 CFR 434.

* * * * *

(e) Hydrologic balance: Sedimentation ponds. (1) Sedimentation ponds shall be used individually or in series and shall—

(i) Be constructed before beginning any surface mining activities;

(ii) Be located as near as possible to the disturbed area and out of perennial streams unless approved by the regulatory authority; and

(iii) Be approved by the regulatory authority and designed, constructed and maintained to:

(A) Provide adequate sediment storage volume to account for accumulated sediment;

(B) Provide adequate detention time to allow the effluent from the ponds to meet the applicable state and Federal water quality standards and effluent limitations;

(C) Contain or treat a precipitation event ("design event") to be based on regional diversity, terrain, climate, and other site specific conditions;

(D) Provide non-clogging dewatering devices adequate to maintain the detention time provided under paragraph (B) of this section;

(E) Avoid short circuiting;

(F) Provide periodic sediment removal sufficient to maintain adequate volume for the design event;

(G) Provide the following minimum safety factors:

(*1*) A combination of principal and emergency spillways that will safely discharge a 25-year, 24-hour precipitation event; and

(*2*) Adequate freeboard; and

(H) Provide proper stabilization and revegetation of the embankment and surrounding areas.

(2) The sedimentation pond shall be designed and constructed to ensure against excessive settlement; to avoid organic matter in the embankment foundation; to be free of sod, large roots, frozen soil and acid or toxic forming coal processing waste; to be compacted properly; and to have an acceptable static safety factor.

(3) Each pond shall be designed by, inspected during construction by or under the supervision of, and certified after construction by a registered professional engineer as meeting all applicable performance standards.

(4) A sediment pond with an embankment that is more than 20 feet in height or having a storage volume of 20 acre-feet or more shall also meet the criteria of the MSHA as published in 30 CFR 77.216 and have principal and emergency spillways that in combination will safely pass a 100-year, 24-hour precipitation event.

(5) All ponds, including those not meeting the size or other criteria of 30 CFR 77.216, shall be inspected on a schedule approved by the regulatory authority or in accordance with 30 CFR 77.216-3 for structural weakness, erosion and other hazardous conditions.

* * * * *

2. Section 717.17 is amended by revising paragraphs (a) and (e) to read as follows:

§ 717.17 Protection of the hydrologic system.

* * * * *

(a) Protection of hydrologic system: Water quality standards and effluent limitations

* * * * *

(a) Underground workings shall comply with the requirements of Section 715.17(a) of this chapter.

* * * * *

(e) Protection of hydrologic system: Sedimentation Ponds. Sedimentation ponds associated with underground workings shall comply with all the requirements of Section 715.17(e).

* * * * *

3. Section 816.42 revised to read as follows:

§ 816.42 Hydrologic balance: Water quality standards and effluent limitations.

(a)(1) All surface drainage from the disturbed area shall be pased through a sedimentation pond, a series of sedimentation ponds or a treatment facility before leaving the permit area. Any point source discharge of water from underground workings to surface waters which does not meet the effluent limitations of this section shall be passed through a sedimentation pond, a series of sedimentation ponds, or a water treatment facility before leaving the permit area. Alternate sediment control measures may be utilized if:

(i) the alternate sediment control measures will not cause or contribute to a violation of the applicable Federal and state water quality standards;

(ii) disturbances to the prevailing hydrologic balance at the mine site and

in associated offsite areas will be minimized; and

(iii) the measures represent the use of the best technology currently available.

(2) Sedimentation ponds, other treatment facilities, or alternate control measures shall be maintained until the disturbed area has been stabilized and revegetated successfully and no sooner than two years after the last augmented seeding. In all instances, additional contributions of suspended solids to streamflow by runoff from the disturbed area shall be prevented to the extent possible using the best technology current available.

(3) Discharges of water from areas disturbed by mining activities shall be made in compliance with all applicable Federal and state water quality standards including the effluent limitation guidelines for coal mining promulgated by the U.S. Environmental Protection Agency, 40 CFR Part 434.

4. Section 816.46 is revised in its entirety to read as follows:

§ 816.46 Hydrologic balance: Sedimentation ponds.

(a) Sedimentation ponds shall be used individually or in series and shall—

(1) Be constructed before beginning any surface mining activities;

(2) Be located as near as possible to the disturbed area and out of perennial streams unless approved by the regulatory authority; and

(3) Be approved by the regulatory authority and constructed and maintained to:

(i) Provide adequate sediment storage volume to account for accumulated sediment;

(ii) Provide adequate detention time to allow the effluent from the ponds to meet the applicable state and Federal water quality standards;

(iii) Contain or treat a precipitation event ("design event") to be based on regional diversity, terrain, climate, and other site specific conditions and effluent limitations;

(iv) Provide non-clogging dewatering devices adequate to maintain the detention time provided under paragraph (ii) of this section;

(v) Avoid short circuiting;

(vi) Provide periodic sediment removal sufficient to maintain adequate volume for the design event;

(vii) Provide the following minimum safety factors:

(A) A combination of principal and emergency spillways that will safely discharge a 25-year, 24-hour precipitation event;

(B) Adequate freeboard.

(viii) Provide proper stabilization and revegetation of the embankment and surrounding areas.

(b) The sedimentation pond shall be designed and constructed to ensure against excessive settlement; to avoid organic matter in the embankment foundation; to be free of sod, large roots, frozen soil and acid or toxic forming coal-processing waste; to be compacted properly; to have an acceptable static safety factor.

(c) Each pond shall be designed by, inspected during construction by or under the supervision of, and certified after construction by a registered professional engineer as meeting all applicable performance standards.

(d) A sediment pond with an embankment that is more than 20 feet in height or has a storage volume of 20 acre-feet or more shall also meet the criteria of MSHA as published in 30 CFR 77.216 and have principal and emergency spillways that in combination will safely pass a 100-year, 24-hour precipitation event.

(e) All ponds, including those not meeting the size or other criteria of 30 CFR 77.216, shall be inspected on a schedule approved by the regulatory authority or in accordance with 30 CFR 77.216–3 for structural weakness, erosion, and other hazardous conditions.

5. Section 817.42 is revised including the caption to read as follows:

§ 817.42 Protection of hydrologic system: Water quality standards and effluent limitations.

Underground workings shall comply with the requirements of Section 816.42(a).

6. Section 817.46 is revised to read as follows:

§ 817.46 Protection of hydrologic system: Sedimentation ponds.

Sedimentation ponds associated with underground workings shall comply with all the requirements of Section 816.46.

(Secs. 102, 210(c), 501(b), 503 (a) and (b), 515(b)(10), 515(b)(2) and 516)

[FR Doc. 81-19790 Filed 7-1-81; 11:47 am]
BILLING CODE 4310-05-M

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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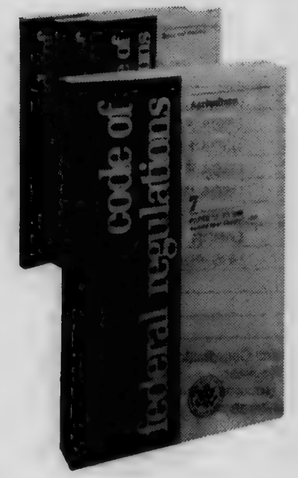
List of Public Laws

Last Listing June 26, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 288 / Pub. L. 97–17 To correct Public Law 97–12 due to an error in the enrollment of H.R. 3512 (June 29, 1981; 95 Stat. 101) Price $1.50.

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34842 **Housing** HUD/FHC announces availability of FY 1981 contract and budget authority for demonstration program under Section 8 new construction and substantial rehabilitation programs for minority business enterprises.

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34793 **Tobacco** USDA/ASCS issues average market price for 1980–81 marketing year and penalty rate for excess tobacco for the 1981–82 marketing year.

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Vol. 46, No. 128
Monday, July 6, 1981

Presidential Documents

Title 3—

The President

Proclamation 4850 of June 30, 1981

Captive Nations Week, 1981

By the President of the United States of America

A Proclamation

Twenty-two years ago, by a joint resolution approved July 17, 1959 (73 Stat. 212), the Congress authorized and requested the President to proclaim the third week in July as Captive Nations Week.

Last January 20 saw again a change in Administration under our Constitution, the oldest written document of its type in continuous force in the world. The peaceful and orderly transfer of power in response to the sovereign will of our people is sometimes taken for granted by Americans. Yet events in some other areas of the world should remind us all of the vital, revolutionary ideal of our Founding Fathers: that governments derive their legitimacy from the consent of the peoples they govern.

During Captive Nations Week, Americans should realize our devotion to the ideal of government by consent, a devotion that is shared by millions who live in nations dominated today by a foreign military power and an alien Marxist-Leninist ideology.

This week, Americans should recall the series of historical tragedies—beginning with the broken promises of the Yalta Conference—that led to the denial of the most elementary forms of personal freedom and human dignity to millions in Eastern Europe and Asia.

In recent years, we have seen successful attempts to extend this oppression to Africa, Latin America and Asia—most recently in the brutal suppression of national sovereignty in Afghanistan and attempts to intimidate Poland.

During Captive Nations Week, we Americans must reaffirm our own tradition of self-rule and extend to the peoples of the Captive Nations a message of hope—hope founded in our belief that free men and women will ultimately prevail over those who deny individual rights and preach the supremacy of the state; hope in our conviction that the human spirit will ultimately triumph over the cult of the state.

While we can be justly proud of a government that is responsive to our people, we cannot be complacent. Captive Nations Week provides us with an opportunity to reaffirm publicly our commitment to the ideals of freedom and by so doing maintain a beacon of hope for oppressed peoples everywhere.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning on July 19, 1981, as Captive Nations Week.

I invite the people of the United States to observe this week with appropriate ceremonies and activities and to reaffirm their dedication to the ideals which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of June, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-19836
Filed 7-1-81; 2:30 p.m.]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 128
Monday, July 6, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 725

[Amendment 1]

Flue-Cured Tobacco; 1980-81 Average Market Price and 1981-82 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule contains the average market price received by producers for the 1980-81 marketing year and the penalty rate for excess tobacco for the 1981-82 marketing year. Marketing quota penalties are assessed at the rate of 75 percent of the previous year's market average, as required by Section 314 of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Agricultural Program Specialist, Production Adjustment Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013 (202) 447-7935. The Final Impact Statement covering this final rule will be available on request from Thomas R. Burgess.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures required by Executive Order 12291, and has been classified as "not major."

This final rule has been classified as "not major" since it will not have an annual effect on the economy of $100 million or more. This action will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

Marketing quota penalties are required by Section 314 of the Agricultural Adjustment Act of 1938, as amended, to be assessed whenever tobacco is marketed in excess of the marketing quota on the farm on which the tobacco is produced. The rate of penalty is also prescribed by Section 314 of the 1938 Act as seventy-five percent of the previous year's average market price.

Grant Buntrock, Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, has determined that an emergency exists which warrants publication of this rule without opportunity for public comment because producers, warehousemen, and dealers need to know immediately the 1981-82 marketing year penalty rate for the marketing of excess tobacco (tobacco produced in excess of 110 percent of the farm marketing quota), so that production and marketing decisions can be timely made. Since the 1980-81 average market price producers received for flue-cured tobacco and the rate of penalty reflect mathematical computations set forth by statute rather than substantive changes, it is found upon good cause that notice and other public rulemaking requirements as provided for by Secretary's Memorandum 1955 and 5 U.S.C. 553 are impracticable and contrary to the public interest. Accordingly this final rule shall become effective upon publication in the **Federal Register.**

Accordingly, the regulations at 7 CFR Part 725 are amended by revising § 725.92(b) to read as follows:

§ 725.92 Rate of penalty.

* * * * *

(b)(1) *Average market price.* The average market prices as determined by the Crop Reporting Board for the marketing years specified were:

Average Market Price

Marketing year	Cents per pound
1974-75	105.0
1975-76	99.8
1976-77	110.4
1977-78	117.6
1978-79	135.0
1979-80	140.0
1980-81	144.5

(2) *Rate of penalty per pound.* The penalty per pound for marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

Rate of Penalty

Marketing year	Cents per pound
1975-76	79
1976-77	75
1977-78	83
1978-79	86
1979-80	101
1980-81	105
1981-82	108

(Secs. 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 468, as amended, 79 Stat. 66, 52 Stat. 62, as amended, 65-66, as amended, 72 Stat. 995; sec. 401, 63 Stat. 1505, as amended, secs. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606 (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1613, 1624, 1836) (16 U.S.C. 590p(e)))

Signed at Washington, D.C., on June 25, 1981.

Everett Rank,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-19457 Filed 7-2-81; 8:45 am]
BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule published in the **Federal Register** on March 6, 1981, which provides a method for the release of breeding mares from Federal quarantine when they are determined to be free of contagious equine metritis (CEM). This document is necessary to announce that, having received no comments relative to the amendment of 9 CFR Part 75, the Department has decided the final rule, as published, shall not be amended.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Sheep, Goat, Equine and

Ectoparasites Staff, Room 735, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8433.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A document published in the **Federal Register** on March 6, 1981 (46 FR 15494–15496), provides a method for the release of breeding mares that are under Federal quarantine as exposed to or affected with CEM. Specifically, the regulation requires the surgical removal of the clitoral sinuses (clitoral sinusectomy) and the collection of specimens by an accredited veterinarian and the testing of such specimens by a State or Federal animal disease diagnostic laboratory.

Since the breeding season for Thoroughbred horses started on February 15, this amendment was made effective immediately in order to permit affected persons to move breeding mares within the United States or elsewhere without undue restrictions when determined to be free of CEM.

Comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment. It has been determined that the final rule adding 9 CFR 75.10 should remain effective as published in the **Federal Register** on March 6, 1981.

Done at Washington, D.C., this 29th day of June 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81–19947 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulation on the authority of the Secretary to rule on procedural matters to permit the Secretary to refer pleadings improperly directed to the Commission's attention to the appropriate adjudicatory board.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mark E. Chopko, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 202–634–3224.

SUPPLEMENTARY INFORMATION: In the past several years, parties to proceedings before an Atomic Safety and Licensing Board have filed appeals or other pleadings on various subjects directly with the Commission rather than the cognizant Atomic Safety and Licensing Appeal Board. These pleadings have been referred to the Appeal Board by the Commission. *See, e.g., Pennsylvania Power and Light Co.* (Susquehanna Steam Electric Station, Units 1 and 2), CLI–80–17, 11 NRC 678 (1980). Presently, the Commission's Rules of Practice do not authorize the Secretary to direct referral of such misfiled pleadings under 10 CFR 2.772. Therefore, unless the pleadings are simultaneously filed with the Appeal Board, formal action by the Commission is required. Similarly, parties may file pleadings and motions with the Commission instead of the appropriate Licensing Board in cases (such as some enforcement actions) where the Commission must empanel a board to hear the case.

Scheduling such matters for Commission meetings frequently causes delay in taking formal action. To expedite this process and to conserve the Commission time that is now devoted to review and approval of these matters, the Commission has decided to amend 10 CFR 2.772, concerning the Secretary's authority to rule on procedural matters, to provide that such pleadings may be referred directly by order of the Secretary. The Secretary will act upon the advice of the Office of the General Counsel and after consultation with the Commissioners' offices. The Commission expects that this review of the pleadings will identify matters of extraordinary importance or beyond a Board's authority that the Commission must address directly.

Because the rule change concerns solely a matter of internal agency procedure and does not change any substantive practice, notice of proposed rulemaking and public procedure thereon are not required and, for the same reason, the final rule is effective July 6, 1981. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2, is published as a document subject to codification: Section 2.772 is amended by adding paragraph (h) to the end thereof:

§ 2.772 Authority of the Secretary to rule on procedural matters.

* * * * *

(h) Direct pleadings improperly filed before the Commission to the appropriate adjudicatory board for action.

(Sec. 161p., Pub. L. No. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. No. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, DC, this 30th day of June, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–19886 Filed 7–3–81; 8:45 am]

BILLING CODE 7590–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Loan Interest Rates

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule authorizes Federal credit unions to charge interest rates of up to 21 percent per year on loans granted after September 2, 1981 and before June 3, 1982. The 21 percent interest rate ceiling was scheduled to expire after September 2, 1981. NCUA is extending it for an additional nine months (so that it will be in effect for a total of 18 months, as authorized by Congress) because high market interest rates continue to threaten the safety and soundness of individual credit unions.

DATES: Effective date: June 29, 1981. Expiration date: After June 2, 1982 or as otherwise ordered by the NCUA Board.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Randall Miller, Acting Director, Office of Policy Analysis or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, at the above address.

Telephone numbers: (202) 357–1090 (Mr. Miller), (202) 357–1030 (Mr. Culhane).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96–221 raised the interest rate ceiling for Federal credit unions from 1 percent per month (12 percent per year) to 15 percent per year. It also authorized the NCUA Board to set a higher limit (or limits), after consultation with Congress and other Federal financial agencies if the Board should determine that (i) money market interest rates have risen over the preceding six months and that (ii) prevailing interest rate levels threaten the safety and soundness of individual credit unions as evidenced by adverse trends in liquidity, capital, earnings, and growth.

On December 3, 1980, the NCUA Board, having consulted with the appropriate Congressional committees, the Department of the Treasury, and the other Federal financial regulatory agencies, determined that these conditions had been met. The Board therefore temporarily authorized higher interest rates. 45 FR 81032 (1980). In raising the interest rate ceiling to 21 percent for a nine month period out of the maximum permitted period of 18 months, the Board reserved the right to shorten or lengthen the duration of the new interest rate ceiling as warranted by economic conditions. 45 FR 81032, 81036 (1980) (to be codified in 12 CFR 701.21–1A(c)).

Economic Conditions

The conditions which led the Board to determine that an increase in the loan rate ceiling was justified in December, 1980, have remained basically unchanged through the first quarter of 1981.

At yearend 1980, money market rates had been following an upward trend for more than six months and were fluctuating in the 13% to 15% range. This pattern continued through the first half of 1981. For example, with the exception of three weeks in March, the six-month Treasury bill rate was greater than 13%. In May, the six-month Treasury bill rate peaked at 15.7% and since that time has declined slightly. The rate as of June 16, 1981 was 13.4%.

Federal credit union liquidity remains high due to a continuing slack loan growth. At yearend 1980, the loan to share ratio, an inverse measure of liquidity, was 70%. As of June, 1981, it remained unchanged. Therefore, the potential liquidity problems cited previously still exist. A revival of loan growth could quickly reverse the present abundance of liquid assets. In addition, if money market rates continue at their current levels, Federal credit unions whose poor earnings will not permit them to pay high dividend rates will experience outflows of shares and a resulting decline in liquidity.

Below normal earnings during 1979 and 1980 prevented Federal credit unions from building their capital. The ratio of capital—regular reserves, plus other reserves, plus the allowance for loan losses, plus retained earnings—to total assets declined from 6.2% to 6.0% from yearend 1979 to yearend 1980. It is anticipated that earnings improved somewhat during the first half of 1981 as a result of the additional flexibility provided to Federal credit unions on loan rates and as a result of a modest increase in loans outstanding. However, the rebuilding of Federal credit union capital as a result of this improvement will be modest.

The currently historically high interest rates continue to have an adverse effect on credit union earnings. From yearend 1979 to yearend 1980, the rate of return on assets before reserve transfers for Federal credit unions declined from .69% to .37%. The rate of return after reserve transfers evidenced a similar decline. As noted above, earnings may have improved slightly during the first half of 1981. However, this improvement is, in part, the consequence of the greater flexibility Federal credit unions had with respect to loan rates since December, 1980.

Growth in Federal credit union assets, loans, and savings has been modest during the first half of 1981. As of April, 1981, (the most recent data) assets and savings at Federal credit unions were growing at about a 3% annual rate. Loans were growing at an annual rate of less than 1%. It is anticipated that Federal credit union growth will improve during the remainder of 1981. However, this will require that Federal credit unions continue to pay high money market rates to attract funds during 1981, as they did in 1980. During 1980, the proportion of total Federal credit union savings accounted for by high cost share certificates increased from 13 to 25 percent. Insufficient flexibility in loan rates would prevent Federal credit unions from paying such money market rates on share certificates and would stifle any improvement in growth.

Extension of Interest Rate Ceiling

The NCUA Board is therefore extending the 21 percent interest rate ceiling for the duration of the authorized 18 month period. Federal credit unions will continue to be able to charge interest rates of up to 21 percent per year on the unpaid balance inclusive of all finance charges. The ceiling will expire after June 2, 1982, unless otherwise ordered by the NCUA Board.

The 21 percent ceiling had been scheduled to expire after September 2, 1981 but it is being extended at this time in order to facilitate planning by credit union officials. Because of the time lag encountered in making changes to data processing systems and because of the time necessary to revise forms, without this change credit unions would now have to begin planning for the expiration of the interest rate ceiling. A delay in extending the ceiling could therefore result in additional costs being incurred by Federal credit unions.

Again, the NCUA Board does not expect that all Federal credit unions will raise their loan rates nor does it expect that those credit unions that do increase their loan rates will do so on all categories of loans. Neither does the Board expect that those Federal credit unions that have already raised their rates will necessarily maintain them at their current levels. Available evidence suggests that most Federal credit unions are presently charging 15 percent or less on most types of loans. Some Federal credit unions are, however, charging as high as 18 percent on unsecured lines of credit. Very few credit unions are charging 21 percent. The ceiling is being extended so that the board of directors of each credit union will continue to have the flexibility to react to economic conditions in the manner that is in the best interests of their members.

Regulatory Procedures

The NCUA Board has determined that notice and public comment on this rule are impracticable and not in the public interest. 5 U.S.C. 553(b)(B). Because both the serious operating constraints and the threat to the safety and soundness of individual credit unions imposed by high money market rates continue, and because additional costs will be imposed should there be any further delay, an immediate extension of the 21 percent interest rate ceiling is necessary. For these reasons and because the rule relieves a restriction, the Board has determined not to provide a delayed effective date. 5 U.S.C. 553(d).

For the same reasons and because the change will increase the management flexibility and competitive positions of small credit unions, a regulatory flexibility analysis is not required. 5 U.S.C. 603(a), 604(a). Nonetheless, if the Regulatory Flexibility Act did apply the Board would be willing to certify that this rule will not have a significant economic impact on a substantial number of small Federal credit unions.

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This rule is necessary because of fluctuations in the cost of funds. These fluctuations affect all Federal credit unions regardless of size.

Since the rule would relieve burdens and delay would cause unnecessary harm, the NCUA Board also finds that full and separate consideration of all the requirements of the Regulatory Simplification Act is impracticable. However, the NCUA Board has considered a number of these policies, as set forth in the preamble above.

Accordingly, NCUA amends § 701.21–1A of its rules and regulations as set forth below.

Beatrix D. Fields,

Acting Secretary, NCUA Board.

June 29, 1981.

Authority: 12 U.S.C. 1757(5)(A)(vi)(I), 1757(5)(A)(ix), 1766.

§ 701.21–1A [Amended]

1. Section 701.21–1A(c) is amended by replacing the date "September 2, 1981" with the date "June 2, 1982" each time it appears and by replacing the date "September 3, 1981" with the date "June 3, 1982" each time it appears.

[FR Doc. 81–19948 Filed 7–2–81; 8:45 am]
BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–GL–4–AD; Amdt. 39–4159]

Airworthiness Directives; North American AT–6D (SNJ–5), AT–6F (SNJ–6), SNJ–7 and T–6G

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This notice adopts an airworthiness directive (AD) that requires the inspection of the horizontal stabilizer rear spar connection for cracked fittings and the installation of shims as required on the following aircraft: North American AT–6D (SNJ–5), AT–6F (SNJ–6), SNJ–7 and T–6G. This AD is needed since there have been recent reports of cracks in the horizontal stabilizer rear spar on SNJ–6 and T–6G aircraft.

DATES: Effective July 13, 1981.

Comments related to this amendment must be received on or before September 13, 1981. Depending on the comments received, the requirements of this amendment may be modified.

Compliance is required at the next annual inspection.

ADDRESSES: Send comments on the AD in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (AGL–7), Docket No. 81–GL–4–AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL–212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7135.

SUPPLEMENTARY INFORMATION: The FAA has recently received reports of cracks in the horizontal stabilizer rear spar splice bracket, necessitating an AD for inspection of this area. The FAA has determined that the following aircraft should be included in this AD: North American AT–6D (SNJ–5), AT–6F (SNJ–6), SNJ–7 and T–6G. Since failure of this spar splice bracket, which is primary structure, can result in the catastrophic destruction of the airplane, a situation exists that requires immediate adoption of this regulation, and it is found that notice and public procedure are impractical and good cause exists for making this amendment effective as an immediate adopted rule.

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and thus was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.14) is amended by adding the following Airworthiness Directive:

North American. Applies to all AT–6D (SNJ–5), AT–6F (SNJ–6), SNJ–7 and T–6G aircraft equipped with single piece design horizontal stabilizer rear spar connector fittings (P/N 77–21021, 4 fittings per spar). This AD does not apply to those aircraft equipped with two piece design connector fittings (P/Ns 77–21021–3 and 77–21021–4, 8 fittings per spar).

Accomplish the following:

(a) Within 20 flight hours after the effective date of this AD and every 20 flight hours thereafter until (b) is accomplished:

1. Remove the fuselage to vertical stabilizer fairing assembly and the rear fairing assemblies at the horizontal stabilizer.

2. Visually check the spar connector fittings for cracks. If cracks are found, fitting must be replaced with an airworthy part before further flight.

(b) At next annual inspection:

1. Remove the fuselage to vertical stabilizer fairing assembly and the rear fairing assemblies at the horizontal stabilizer.

2. Remove the ¼-inch bolt which attach the upper and lower spar connection fittings (P/N 77–21021) of the rear spar assembly.

3. Remove the 4 connection fittings from the spar, remove paint from the connection fittings, and check for cracks using standard dye penetrant inspection methods. Replace any cracked fittings with serviceable ones and repaint all others. (See note)

4. Inspect for fit between the connection fittings and the spar with a feeler gage prior to installation of the bolts. If gaps greater than 0.010 in. exist, shims are necessary.

5. Fabricate aluminum shims 3⅛ inches x $^{1}5/_{16}$ inch and of necessary thickness, and place on either side of spar flanges, maintaining a parallel overall dimension to fit inside the connection fitting with a maximum clearance of 0.010 inches.

6. Drill holes through the shims to match those in the fitting. Remove all chips and reinstall the various parts, including fairings.

Note.—One source of replacement fittings is Banaire Enterprises, 962 E. Lincoln St., Banning, California 92220 (Tel. (714) 849–8323).

This amendment becomes effective July 13, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 134(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the Agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in Aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on June 23, 1981.

Frederick Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81–19562 Filed 7–3–81; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–SO–37; Amdt. No. 39–4155]

Airworthiness Directives; Piper Model PA–31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection, and if cracks are found, reinforcement of the horizontal stabilizer rear spar and replacement of the existing elevator outboard hinges on certain Piper Aircraft Corporation Models PA–31 series airplanes. This AD is needed to prevent binding of the elevator which could result in possible loss of control of the airplane.

DATES: Effective July 15, 1981.

Compliance Schedule—As prescribed in body of AD.

ADDRESSES: The applicable Piper Service Bulletin No. 687, dated March 20, 1981, may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745.

A copy of the Service Bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Charles L. Perry, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763–7407.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the horizontal stabilizer rear spar at the elevator outboard hinge attachment point on certain Piper PA–31 series airplanes. This condition, if not corrected, could cause binding of the elevator which may result in possible loss of control of the airplane. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection, and if cracks are found, reinforcement of the horizontal stabilizer rear spar, and replacement of the existing elevator outboard hinges on certain Piper PA–31 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to certain PA–31 series airplanes certificated in all categories:

Models Affected and Serial Numbers Affected

PA–31, PA–31–300, PA–31–325—31–2 through 31–8012081

PA–31–350—31–5001 through 31–8052180

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the horizontal stabilizer rear spar at the elevator outboard hinge attachment point, accomplish the following within 50 hours time in service after the effective date of this AD or before the accumulation of 500 hours time in service, whichever occurs later.

(a) Fully deflect the elevator up and down to gain access to the outboard hinges at their point of attachment to the stabilizer rear spar.

(b) With a 10x magnifier, inspect the spar at the hinge attachment area and the spar radius forward of the hinge attachment for cracks.

(c) *If no cracks are found:*

(1) One at a time, remove and measure all outboard hinge mounting screws. If any screw length exceeds .71 inch, replace with new screw, Piper Part No. 70353–02.

(2) Thereafter, at intervals not to exceed 100 hours time in service from the previous inspection, inspect the rear spar at the outboard hinge attachment area in accordance with paragraphs (a) and (b) above, and comply with paragraph (d) when cracks are found.

(3) When Piper Part No. 764 054, Stabilizer/Elevator Outboard Hinge Replacement Kit has been installed on both sides, the repetitive inspections required by paragraph (c)(2) may be discontinued.

(d) *If cracks are found,* before further flight:

(1) Install Stabilizer Rear Spar Modification and Outboard Hinge Replacement Kit, Piper Part No. 764 055.

(2) If only one side is cracked, install Modification and Replacement Kit, Piper Part No. 764 055 on cracked side and Piper Replacement Kit Part No. 764 054 on the uncracked side. In lieu of installing replacement kit on the uncracked side, inspect for cracks at intervals not to exceed 100 hours time in service from the previous inspection in accordance with paragraphs (a) and (b) above.

(e) The installation of either Kit No. 764 054 or 764 055 will relieve the repetitive inspection requirements of this AD.

(f) Make appropriate maintenance record entry.

Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the inspection intervals. An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective July 15, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on July 24, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81–19581 Filed 7–3–81; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–ASO–17]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters a low altitude airway. The change will eliminate the segment of V–7 from Cross City, Fla., via Greenville, Fla., to Wire Grass, Ala., and redefine it via Tallahassee, Fla., to Wire Grass. This

alteration is responsive to current traffic flow requests and will provide an economical advantage to both VFR and IFR flights.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 7, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of V-7 from Wire Grass, Ala., to Cross City, Fla. (46 FR 25467). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) will eliminate the segment of V-7 from Cross City, Fla., via Greenville, Fla., to Wire Grass, Ala., and redefine it via Tallahassee, Fla., to Wire Grass. This alteration is responsive to current traffic flow requests and will provide an economical advantage to both VFR and IFR flights.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, October 1, 1981, by deleting from the description of V-7 the words "Greenville, Fla." and substituting for them the words "Tallahassee, Fla."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 29, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-19608 Filed 7-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 80-CE-25]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Elkhart, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to designate a 700-foot transition area at Elkhart, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Elkhart-Morton County Airport, Elkhart, Kansas, utilizing the Elkhart Non-Directional Radio Beacon (NDB) as a navigational aid.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Bumstead, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage a new instrument approach procedure to the Elkhart-Morton County Airport, Elkhart, Kansas, is being established utilizing the Elkhart NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Elkhart, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 22202 and 22203 of the Federal Register dated April 16, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Elkhart, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT October 1, 1981, by adding the following new transition area:

Elkhart, Kansas

That airspace extending upwards from 700 feet above the surface within a 5.5 mile radius of the Elkhart-Morton County Airport (Latitude 37°00'00" N, Longitude 101°53'00" W) and within 3 miles each side of the Elkhart NDB (Latitude 37°00'04.7" N, Longitude 101°53'02" W) 164° bearing, extending from the 5.5 miles radius area to 8.5 miles southeast of the Elkhart NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 22, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-19607 Filed 7-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AGL-3]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters Jet Route No. 60 between Joliet, Ill., and Dryer, Ohio, by realigning the route over Goshen, Ind. This action increases aviation safety by utilizing an additional navigation aid which enables aircraft to maintain the centerline of J-60.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 7, 1981, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter Jet Route J-60 between Joliet, Ill., and Dryer, Ohio, by realigning the route over Goshen, Ind. (46 FR 25468). Aircraft have been experiencing some difficulty remaining on the route centerline, thereby causing some air traffic control problems for departures from the Chicago, Ill., area. This action increases aviation safety by adding an additional navigational aid. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 75.100 was republished on January 2, 1981 (46 FR 834).

The Rule

This amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) changes the description of J-60 by altering the centerline between Joliet, Ill., and Dryer, Ohio, via Goshen, Ind. This action permits pilots to remain on the centerline in this area, thereby increasing aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished and amended (46 FR 834 and 24170), is further amended, effective 0901 GMT, October 1, 1981, as follows:

§ 75.100 [Amended]

By amending Jet Route No. 60 by deleting the words "Joliet, Ill.; Dryer, Ohio;" and substituting for them the words "Joliet, Ill.; Goshen, Ind.; Dryer, Ohio;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 29, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-19569 Filed 7-2-81; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 4

Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Deferral of Effective Date

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules; deferral of effective date.

SUMMARY: On May 8, 1981, the Commodity Futures Trading Commission ("Commission") adopted revisions to Part 4 of its regulations (17 CFR Part 4), which relates to the activities of commodity pool operators and commodity trading advisors (the "Part 4 rules"). 46 FR 26004. On that date, the Commission also revised § 1.33 of its regulations (17 CFR 1.33). 46 FR 26000. Those revisions were originally scheduled to become effective on July 1, 1981. The Commission has now decided to defer the effective date of certain of the Part 4 rules and of § 1.33 until August 24, 1981. The Commission is taking this action to allow the Office of Management and Budget to complete its review under the Paperwork Reduction Act of 1980. 44 U.S.C. 3507.

DATE: The sections specified in the Supplementary Information below will become effective on August 24, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel, Front Office Audit Unit, or David S. Mitchell, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: For the reasons stated above, the Commission has deferred until August 24, 1981 the effective date of revisions of certain of the Part 4 rules and of § 1.33. With respect to Part 4, the Commission has deferred the effective date of §§ 4.1, 4.2, 4.13(b), 4.13(c), 4.21, 4.22, 4.23, 4.31 and 4.32. Several of those rules, however, revise already-existing Commission regulations—specifically, §§ 1.33, 4.21, 4.22, 4.23, 4.31 and 4.32 (17 CFR 1.33, 4.21, 4.22, 4.23, 4.31 and 4.32 (1980)). Those existing regulations will, therefore, remain in effect until superseded by the revised regulations on August 24, 1981.

In view of this extension of the effective date, the Commission wishes to reiterate its position with respect to compliance with the revised Part 4 rules. As the Commission stated when it adopted those revisions,[1] the Commission will not take enforcement action against any person solely on the basis of that person's compliance with the revised Part 4 rules prior to their effective date in lieu of compliance with the existing rules. This position, however, requires a total, and not selective, compliance with the revised rules. In addition, the Commission will not take enforcement action against a registrant who prepares its Disclosure Document in accordance with the existing Part 4 rules prior to the August 24, 1981 effective date of the revised rules and who uses such Document following that date. A Document prepared under the existing rules can only be used, however, for six months after the August 24, 1981 effective date. *See* § 4.21(e) for commodity pool operators [2] and § 4.31(e) for commodity trading advisors.[3]

(Secs. 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4o, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6o, 12a and 23)

[1] 46 FR 26004, 26005 (May 8, 1981).

[2] *Id.* at 26018.

[3] *Id.* at 26022.

Issued in Washington, D.C. on July 1, 1981 by the Commission.

Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 81-19940 Filed 7-3-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 653

Fiscal Year 1981 Veterans Indicators of Compliance

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: These regulations are published to establish the FY 1981 levels for veterans preference indicators of compliance used by the Department of Labor to monitor State employment service agencies to ensure that veteran applicants receive priority service.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Sam Hirabayashi, Director, Office of Program Review, United States Employment Service, Room 8306, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213, Telephone: 202-376-6914.

SUPPLEMENTARY INFORMATION: The Department of Labor published proposed regulations for the FY 1981 compliance levels on January 21, 1981, at 46 FR 6017. Interested persons were advised to submit comments on the proposed levels until February 20, 1981. The Department received fourteen comments from components of the public employment system.

Comments dealt largely with changes in the proposed placement floor level indicators for individual States. The comments were based on alternative economic assumptions from those used by the Department in establishing the proposed rule. The Department has reviewed these comments and determined that no additional changes will be made to the FY 1981 Veterans Preference Indicators of Compliance. The Department wishes to point out in this regard that economic conditions substantially different from those on which the indicator levels were based may be considered good cause under 20 CFR 653.230(k)(2) for not meeting the Indicators of Compliance.

While the amendment is effective on August 5, 1981, these Indicators of Compliance will be used to judge performance for all of FY 1981.

The amendments in this document are not major pursuant to the terms of Executive Order No. 12291. They impose no new regulatory requirements, and ease the previous Indicators of Compliance for the affected State agencies. Pursuant to 5 U.S.C. 604(b), I hereby certify that the amendments in this document do not have a significant economic impact on a substantial number of small entities. The Indicators of Compliance apply to the performance of State agencies, which are not small entities as defined at 5 U.S.C. 601 (5) and (6).

These regulations arise under the program described in Catalog of Federal Domestic Assistance No. 17.202, "Employment Service."

Accordingly, § 653.230 of Part 653 of Chapter V of Title 20, Code of Federal Regulations, is amended as follows:

1. The section heading is revised to read as follows:

§ 653.230 Veterans preference indicators of compliance for fiscal year 1981.

* * * * *

2. The table in paragraph (c)(1)(iii) is amended by revising the listings for the States of West Virginia, Indiana, Michigan, and Ohio to read as follows:

§ 653.230 Veterans preference indicators of compliance for fiscal year 1981.

* * * * *

(c) * * *

(1) * * *

(iii) * * *

	(iii) Placed (percent)
* * * * *	
Region III (Philadelphia):	
* * * * *	
West Virginia	19
* * * * *	
Region V (Chicago):	
* * * * *	
Indiana	16
Michigan	14
* * * * *	
Ohio	16
* * * * *	

Signed at Washington, D.C. this 29th day of June 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-19708 Filed 7-3-81; 8:45 am]

BILLING CODE 4510-30-M

VETERANS ADMINISTRATION

38 CFR Part 3

Effective Date of Forfeiture for Treason

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its regulations governing the effective date of forfeiture for treason. The need for this action results from our determination that the former effective date regulations were not in agreement with the statute they implement.

EFFECTIVE DATE: This change has unlimited retroactive effect.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr., 202-389-3005.

SUPPLEMENTARY INFORMATION: On pages 19503-04 of the **Federal Register** of March 31, 1981 the Veterans Administration published proposed amendments to 38 CFR 3.500 and 3.669. Interested persons were given until April 30, 1981, to submit comments, suggestions or objections to the proposal. None were received. The amendments to §§ 3.500 and 3.669 are adopted as proposed.

The agency has determined that these regulation changes are nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local Governments.

Approved: June 10, 1981.

D. Custis,

Acting Administrator.

PART 3—ADJUDICATION

§ 3.500 [Amended]

1. Section 3.500 is amended as follows:

(a) By removing the words "his or her" and inserting the words "the payee's" in paragraph (b)(1); by removing the words "widow or widower" and "widow's or widower's" and inserting the words "surviving spouse" and "surviving spouse's" in paragraph (e); and by removing the words "widow or widower" and inserting the words "surviving spouse" in paragraph (n)(4).

(b) By revising paragraph (s) as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in the paragraphs of this section unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

* * * * *

(s) *Treasonable acts or subversive activities* (38 U.S.C. 3504 and 3505; §§ 3.902, 3.903). (1) *Treasonable acts.* Date of the forfeiture decision or date of last payment, whichever is earlier.

(2) *Subversive activities.* Beginning date of award or day preceding date of commission of subversive activities for which convinced, whichever is later.

* * * * *

§ 3.669 [Amended]

2. Section 3.669 is amended as follows:

(a) By removing the words "Chief Attorney" and inserting the words "District Counsel" in paragraph (a).

(b) By revising paragraph (b) as follows:

§ 3.669 Forfeiture.

* * * * *

(b) *Fraud or treasonable act*—(1) *Fraud.* If forfeiture of rights is not declared, payments shall be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits shall be discontinued effective the commencing date of the award or the day preceding the commission of the act resulting in the forfeiture, whichever is later.

(2) *Treasonable acts.* If forfeiture of rights is not declared, payments shall be resumed from date of last payment, if otherwise in order. If it is determined that rights have been forfeited, benefits shall be discontinued the date of the forfeiture decision or date of last payment, whichever is earlier.

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 81-19650 Filed 7-3-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[A-1-FRL 1837-8]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Connecticut Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking correction.

SUMMARY: This document corrects final regulations published December 23, 1980 (45 FR 84769), which approve, in part, revisions to the Connecticut State Implementation Plan (SIP). This document makes four changes.

- *First,* it corrects a Code of Federal Regulations citation contained in the December 23, 1980 rules.
- *Second,* it changes the reference to Connecticut's submittals from "attainment plans" to "State Implementation Plan revisions." This more accurately describes these submittals.
- *Third,* it amends the identification of these plan revisions. In the December 23, 1980 rules, EPA identified these revisions by the dates on which it received them. To make identification easier, EPA is adding the dates on which Connecticut submitted the revisions, which are often several days earlier.
- *Fourth,* this document adds reference to a plan revision submitted and received on June 5, 1980, which EPA had inadvertently left out of the transmittal package for the December 23, 1980 rulemaking. This addition automatically incorporates by reference the June 5 plan revision into the Code of Federal Regulations. This eliminates any need to publish the revision in the **Federal Register.** All Connecticut plan revisions are on file in: (1) the Air Compliance Unit of the State of Connecticut, (2) the Regional Office, (3) PIRU (the EPA Headquarters Library), and (4) the Office of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, EPA Region I, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-39786 appearing at page 84769 in the **Federal Register** of December 23, 1980 the following change should be made: On page 84787, Section 52.390 should be corrected to read: Section 52.380.

The June 5, 1980 submittal included a generic public participation plan which the Connecticut agency intends to use for all SIP revision-related activities. The revision was inadvertently left out of the official revision package submitted to the **Federal Register** with the December 23, 1980 Final Rulemaking Notice (45 FR 84769), but the information in the submittal was discussed in the Notice.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 48 Fed. Reg. 8709 (January 27, 1981). The attached rule constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the procedural requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions and imposes new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 410(a) and 7601(a))

Dated: June 26, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF THE IMPLEMENTATION PLAN

Subpart H—Connecticut

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§52.390 [Correctly designated as §52.380]

1. Section 52.390 should be corrected to read "Section 52.380".

§52.370 [Corrected]

2. Section 52.370, paragraph (c)(11) is amended by striking the introductory phrase "Attainment plans . . . received on June 27 and December 28, 1979 and February 1, May 1, September 6 and November 12, 1980." and inserting in place thereof the phrase "State Implementation Plan revisions . . . submitted on June 22, 1979 and received

on June 27, 1979; submitted on December 18, 1979 and received on December 28, 1979; submitted on January 28, 1980 and received on February 1, 1980; submitted and received on May 1, 1980; submitted and received on June 5, 1980; submitted on September 2, 1980 and received on September 8, 1980; and submitted and received on November 12, 1980.

[FR Doc. 81-19037 Filed 7-2-81; 8:45 am]
BILLING CODE 6560-38-M

[SW-7-FRL 1868-6]

Iowa; Approval of State Solid Waste Management Plan

40 CFR Part 256

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: As provided by the Resource Conservation and Recovery Act (RCRA) the State of Iowa has received Federal financial assistance for development of a State Solid Waste Management Plan. On December 11, 1980, the State of Iowa submitted to the U.S. Enviromental Protection Agency (EPA) its adopted State Solid Waste Management Plan. Today, EPA is announcing its approval of the Iowa Solid Waste Management Plan. Approval of the Iowa plan indicates that the plan meets the requirements set forth in the RCRA, which provides for the identification of State, local and regional responsibilities for solid waste management; the encouragement of resource conservation recovery; and the development and application of state controls to provide for environmentally sound solid waste disposal practices.

The purpose of this notice is to inform the public that the Agency has approved the Iowa Solid Waste Management Plan. This approval should be of special interest because of two provisions of the RCRA. First, RCRA requires that effective with the date of approval, plans prohibit the establishment of open dumps in the State. Second, only States with approved plans can establish compliance schedules, for purposes of RCRA, for entities engaged in open dumping. Compliance schedules for purposes of RCRA, can be issued by the State where such schedules lead to the upgrade of facilities classified as open dumps by September 13, 1984. Open dumping is prohibited by RCRA except where the practice is on a compliance schedule established under an approved State plan.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert L. Morby, Chief, Hazardous Materials Branch, U.S. Environmental Protection Agency, 324 East Eleventh Street, Kansas City, Missouri 64106, telephone 816-374-3307.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1979 (44 FR 45066) EPA published "Guidelines for the Development of State Solid Waste Management Plans". These guidelines were required by Section 4002 (b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA).

The guidelines reflected the statutory requirements for State plans and recommended methods and procedures to meet these requirements. Under Section 4007 of RCRA, the Administrator approves State plans which meet the requirements of paragraphs (1), (2), (3), and (5) of Section 4003 of RCRA and which contain provisions for revisions. Briefly, these requirements are:

1. The plan shall identify the responsibilities of State, local and regional authorities in the implementation of the State plan; the distribution of Federal funds to the authorities responsible for development and implementation of the State plan, and the means for coordinating regional planning and implementation under the State plan.

2. The Plan shall prohibit the establishment of the new open dumps within the State and contain requirements that all solid waste shall be utilized for resource recovery or disposed of in sanitary landfills, as defined by Section 4004(a), or otherwise disposed of in an environmentally sound manner. The State prohibition must be effective as of the date on which EPA approves the plan.

3. The plan shall provide for the closing or upgrading of all existing open dumps within the State.

4. The plan shall provide that no local government within the State shall be prohibited under state or local law from entering into long-term contracts for supply of solid waste to resource recovery facilities.

5. The plan must contain specific provisions for revision. On December 15, 1980, the Department of Environmental Quality submitted the final, officially adopted Solid Waste Management Plan for the State of Iowa. On January 8, 1981, EPA sent a formal response to the Department of Environmental Quality outlining its concerns regarding the Iowa Solid Waste Management Plan. Among EPA concerns regarding the Iowa program was the exemption for facilities which generate and dispose solid wastes on the same private property, which is owned or leased by the facility.

The State has assured EPA that these facilities must still comply with all statutes and regulations, thereby achieving the same level of environmental protection as would be achieved if the facilities were permitted. Another EPA concern was coverage of mining wastes as required by RCRA. Mining wastes are regulated in the State of Iowa by the Soil Conservation Commission, the Department of Environmental Quality and possibly other State agencies. The State has assured EPA that mining wastes subject to RCRA Subtitle D criteria will be regulated by the State in a manner equivalent to that criteria by whichever authority is appropriate to the task.

In a letter dated February 6, 1981, the Department of Environmental Quality stated that it was in the process of clarifying its rules which apply to such sites and that upon completion of this action no conflict will exist regarding this issue.

The Federal regulations define "open dump" and prohibit the practice of open dumping. The State Solid Waste Plan must similarly prohibit the establishment of new open dumps within the State and provide for the closure or upgrade of existing open dumps. The State Solid Waste Plan must also provide the use of compliance schedules for entities engaged in open dumping where those entities can demonstrate that they are unable to utilize other public or private solid waste management alternatives to comply with the open dumping prohibition.

Finding

Section 4007 of RCRA contains the statutory policy for approval of State Plans. The authority to approve State Plans under Section 4007 of RCRA has been delegated to the Regional Administrator. I have reviewed for approval the Iowa solid waste management plan submitted on December 15, 1980, as clarified by subsequent correspondence from the State. Consistent with the provisions of Section 4007 of RCRA I hereby approve the document *Solid Waste Management in the State of Iowa* as clarified.

The State of Iowa has provided assurance that the State Program prohibits the establishment of open dumps. Also, pursuant to the plan, the State program provides compliance schedules for entities engaged in open dumping. As of this date entities engaged in open dumping may, pursuant to the plan, approach the State for further information on compliance schedules and necessary demonstrations. The RCRA prohibition of open dumping does not extend to open dumping under such compliance schedules.

Compliance With Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, subject to the requirement for a Regulatory Impact Analysis. Approval of the Iowa solid waste management plan is not a "Major" rule because it only constitutes Federal endorsement of a State program and State activities already duly adopted and operative regardless of Federal approval. EPA approval of the plan does not result in an annual effect on the economy of $100 million or more; does not result in major increases in costs or prices; and passes no significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to complete with foreign-based enterprises in domestic or export markets.

Any costs which the State or the regulated community must incur to satisfy the State Plan arise not from this approval (which is prescribed by section 4007(a) or RCRA) but because the Plan complies with earlier regulatory requirements issued by EPA ("Guidelines for Development and Implementation of State Solid Waste Management Plans," 40 CFR Part 256, and the "Criteria for Classification of Solid Waste Disposal Facilities and Practices," 40 CFR Part 257). Today's action neither alters these earlier regulatory requirements nor imposes new or additional costs.

The notice of approval was submitted to the Office of Management and Budget for review under Executive Order 12291.

Authority: This notice is issued under authority of Section 4007(a) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6947(a).

Dated: June 19, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-19051 Filed 7-3-81; 8:45 am]
BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 53, Supp. 1]

Contracting for Motion Picture and Videotape Productions; Temporary Regulations

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement revises the procedures for acquiring motion picture and videotape productions. The action is based on the January 26, 1981 memorandum by the Audio Visual Executive Agent designated by the Office of Federal Procurement Policy. The intended effect is to comply with Comptroller General Decision B-198368 of December 9, 1980, that procurements involving audio-visual productions be synopsized in the Commerce Business Daily.

DATES: Effective date: January 26, 1981. Expiration date: January 26, 1983.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate (VR), Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: This supplement extends the expiration date of FPR Temporary Regulation 53 to January 26, 1983.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

In 41 CFR Chapter 1, the following supplement is listed in the appendix at the end of the chapter.

June 25, 1981.

Contracting for Motion Picture and Videotape Productions

[Federal Procurement Regs., Temporary Reg. 53, Supplement 1]

1. *Purpose.* This supplement revises FPR Temporary Regulation 53.

2. *Effective date.* This supplement is effective January 26, 1981.

3. *Expiration date.* This supplement and the related FPR Temporary Regulation 53 will continue in effect until January 26, 1983, unless canceled earlier.

4. *Background.*

a. The Office of Federal Procurement Policy (OFPP) Policy Letter No. 79-4, dated November 28, 1979 (44 FR 70015, December 5, 1979), established a system for acquiring audiovisual productions. This system was implemented by FPR Temporary Regulation 53 (45 FR 23688, April 8, 1980).

b. Comptroller General Decision B-198360 of December 9, 1980, indicated that the synopsizing of procurements involving audiovisual productions in the Commerce Business Daily is required. The Executive Agent designated by OFPP issued a January 26, 1981 memorandum which revised the previously prescribed procedures. Further changes may be forthcoming.

5. *Explanation of changes.* This supplement implements the Executive Agent's January 26, 1981, memorandum. The memorandum is set forth in attachment A to this supplement.

6. *Effective on other directives.* Paragraph 3 of FPR Temporary Regulation 53 is revised to extend the expiration date to January 26, 1983.

Gerald P. Carmen,

Administrator of General Services.

Attachment A

[FPR Temp. Reg. 53, Supp. 1]

January 26, 1981.

Memorandum For Federal Audiovisual Committee Members, OFPP Agency Contact Points, QFPL/QVPL Points of Contact

Subject: Acquisition of Motion Picture and Videotape Productions.

A recent decision by the Comptroller General of the United States may cause revisions in the federal system for acquiring audiovisual productions, as directed in Office of Federal Procurement Policy (OFPP) Policy Letter No. 79-4 dated November 28, 1979. OFPP and this office are currently reviewing this decision and determining appropriate courses of action.

In the interim, all motion picture and videotape production requirements, within statutory dollar thresholds, must be synopsized in *Commerce Business Daily*. Copies of the Request for Proposal (RFP) will be provided only to requesting firms or individuals who are included on the Qualified Film Producers List (QFPL) or Qualified Videotape Producers List (QVPL), subject to conditions established by the procuring agency such as time limits or small business set-asides. During this interim period, motion picture and videotape production requirements will continue to be indentified to the Executive Agent by memorandum with the proposed RFP attached. The Executive Agency will assign a transaction number and provide ten or more producers from the appropriate random list who must be sent RFPs for that procurement. Requests for more than ten random producers, in increments of five, is left to the descretion of the requesting agency; however, since procurements are open to all qualified producers, the requesting agency need no longer specify producers of choice.

Procedures for reporting procurement information to the Executive Agent remain the same. Proposed *Commerce Business Daily* synopsis formats for film and videotape productions are attached.

Revised procedures, if any, will be forwarded as soon as they are developed

Questions may be directed to Major Zigler (202) 694-4914.

Vernon L. Peterson,

Col., USAF, Director for Audiovisual Management Policy.

Film Synopsis Format

T—Qualified Film Producers List (QFPL) Transaction Number ———.

The (name of agency) is soliciting proposals for the (production) (preparation of a treatment and production estimate) for a (estimated length) film production tentatively entitled ————.

Research/production locations are ————.

Estimated production completion date is ————.

The following firms from the QFPL have been sent RFPs: ———, ———, ———. All producers included on the QFPL may request and respond to this RFP. All proposals are due by ————. Request RFP in writing from (name, address, RFP number if appropriate).

Note.—Small business set-asides should also be addressed if appropriate.

Videotape Synopsis Format

T—Qualified Videotape Producers List (QVPL) Transaction Number ———.

The (name of agency) is soliciting proposals for the (production) (preparation of a treatment and production estimate) for a (estimated length) videotape production tentatively entitled ————.

Research/production locations are ————.

Estimated production completion date is ————.

The following firms from the QVPL have been sent RFPs: ———, ———, ———. All producers included on the QVPL may request and respond to this RFP.

All proposals are due by ————. Request RFP in writing from (name, address, RFP number if appropriate).

Note.—Small business set-asides should also be addressed if appropriate.

[FR Doc. 81-19043 Filed 7-2-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, and 60-741

Government Contractors; Affirmative Action Requirements; Further Deferral of Effective Date of Regulations

Correction

In FR Doc. 81-19114, appearing on page 33033, on Friday, June 26, 1981, in the second column, in the first complete paragraph, the second sentence should be omitted; the omitted lines read as follows:

"In addition, the time period mandated for consultation under Executive Order 12291."

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1310

[Ex Parte No. 370]

Tariff Improvement

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: In September 1980, the Commission published rules designed to improve, simplify and modernize tariffs. On October 17, 1980, the Commission stayed the effective date of two aspects of rules, but upon reconsideration, is now vacating that order and revising one set of those rules. In these final rules, the standard point location code rules are revised to allow carriers maximum flexibility in selecting tariff codes used to identify places.

DATES: The revised rules become effective July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Martin E. Foley (202) 275-7348.

SUPPLEMENTARY INFORMATION: In our decision of August 14, 1980, served September 8, 1980, and published in the **Federal Register** of September 12, 1980, (45 FR 60438) we adopted rules designed to improve, simplify and modernize tariffs (clarified and corrected at 45 FR 75667, November 17, 1980). As pertinent here, one set of rules established a standard code (FIPS PUB 55) as the only permissible tariff place code to be used in stand-alone fashion. The effective date of such rules was originally set for June 30, 1981. Subsequently, by our order of October 17, 1980, the effectiveness of certain rules was stayed pending judicial review. We are now vacating that stay order.

We received 19 petitions for reopening and reconsideration of certain aspects of the rules adopted by our decision of August 14, 1980. We have considered these petitions and are persuaded that our adoption of FIPS PUB 55 was inappropriate because it did not give adequate consideration to the prohibitive costs involved in converting to the FIPS system from other existing code systems. Therefore, we are adopting more liberal rules which do not prescribe a uniform tariff code for identification of places in stand-alone fashion; rather, we will permit any code to serve this purpose so long as the tariff user is supplied with an explanation of the chosen code.

We have also considered the petitions requesting reconsideration of other aspects of our decision of August 14, 1980. We are not persuaded to revise our earlier decision in those matters. The petitions are denied except with regard to the FIPS code.

Complete copies of the decision in this proceeding can be obtained from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Chapter X of Title 49 of the Code of Federal Regulations is amended by revising §§ 1300.33, 1303.38, 1304.44, 1306.19, 1307.17, 1308.14, 1308.111, and 1310.35 to read as follows:

§ —.— Codes for identification of places.

(a) *Definition.* As used in this part, the term "code for identification of places" means any numeric or alphabetic system used to represent, or identify, places, points, facilities, or locations.

(b) *Use.* Codes for identification of places may be used instead of, or in addition to, the naming of places, points, facilities, or locations; provided that an explanation of the code (showing the code together with the name of the place, point, facility, or location represented by the code) is contained in the same tariff utilizing the code, or in a separate tariff specifically named as a governing publication.

(c) *Listing.* When codes for identification of places are used in lieu of named places, and if the regulations in this part require the place names to be published in alphabetical order, the codes for identification of places shall be published in numerical order (if a numeric code) or in alphabetical order (if an alphabetic code).

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10762, 5 U.S.C. 553)

Dated: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19860 Filed 7-2-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 46, No. 128

Monday, July 6, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1125 and 1133

Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas; Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Postponement of public hearing on proposed rules.

SUMMARY: This notice postpones indefinitely a public hearing to consider a proposal to merge the Puget Sound and Inland Empire marketing areas under one Federal milk marketing order. The hearing was initially scheduled to begin on July 7, 1981, in Seattle, Washington, with a session also scheduled on July 13 in Spokane, Washington. A cooperative association requested that the proceeding be postponed until after it completes next month a series of membership meetings on the possible merger of certain cooperative associations. Accordingly, the hearing is postponed until a date to be announced at a later time.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing: Issued June 11, 1981; published June 16, 1981 (46 FR 31424).

A notice was issued on June 11, 1981 (46 FR 31424) giving notice of a public hearing to be held beginning July 7, 1981, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Puget Sound, Washington and Inland Empire marketing areas.

Notice is hereby given, pursuant to the rules of practice applicable to these proceedings (7 CFR Part 900) that the said hearing is postponed until a date to be announced at a later time.

Signed at Washington, D.C., on June 30, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-19706 Filed 7-2-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulation relating to the payment of indemnity for breeding swine destroyed because of brucellosis. This action is needed to provide more equitable compensation to owners of such swine and to encourage them to eradicate brucellosis from their herds more expeditiously. The intended effect of this action would be the prompt elimination of infected breeding swine herds and thus a reduced probability that brucellosis will spread.

DATE: Comments on or before September 4, 1981.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 870, 6506 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. G. H. Frye, USDA, APHIS, VS, Federal Building, Room 804, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule" because this regulation would result in an annual effect on the economy of less than $100 million; would result in no major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic of export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because no more than 225 small entities own breeding swine herds which are found to be infected with brucellosis each year. This compares with 135,000 small entities which own breeding swine herds. Therefore, this proposed rule, if promulgated, should annually affect less than .2 percent of the small entities which own breeding swine herds, and there would not be a substantial number of small entities affected by this action.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; Secs. 1 and 2, 32 Stat. 791-792, as amended; Sec. 3, 33 Stat. 1265, as amended; Sec. 3, 76 Stat. 130 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 37 FR 28464; 28477; 38 FR 19141) the Animal and Plant Health Inspection Service is considering amending Part 51, Title 9, Code of Federal Regulations.

Brucellosis is a contagious, infectious, and communicable disease which affects animals and man and is caused by bacteria of the genus Brucella. A Cooperative State-Federal Brucellosis Eradication Program to eliminate brucellosis from cattle and swine of the United States is being carried out in each of the various states. Among the tools being used to eradicate brucellosis in the various states is the testing of cattle and swine herds for brucellosis with identification and destruction of reactor animals.

The Secretary of Agriculture has authority (21 U.S.C. 114a) to idemnify owners of animals for losses caused by the destruction of brucellosis affected or exposed animals. Presently, an indemnity payment of $25 per head for registered, inbred, and hybrid breeding swine or $10 per head for all other breeding swine is the maximum that can be paid under the applicable regulation (9 CFR Part 51.3(b) (1), (2) and (3)).

It appears that these rates are not adequate under current economic

conditions and do not provide sufficient incentive to producers to cooperate in carrying out the program procedures necessary to eliminate brucellosis from a herd or area. This proposal is intended to correct the apparent inequities in compensation and improve owner participation by amending § 51.3(b) (1), (2) and (3) to permit indemnity payments of up to $50 per head for registered, inbred, or hybrid breeding swine and up to $25 per head for all other breeding swine.

These other alternatives were considered: (1) Make no revision. The Department did not select this alternative because it was not responsive to the problem. (2) Pay an indemnity equal to the difference between the market value of the swine destroyed and salvage value of the swine destroyed. The Department did not select this alternative because it would be too costly. (3) Prohibit salvage of swine and require destruction by burning or burial and pay an indemnity equal to full market value of the swine destroyed. The Department did not select this alternative because it would be too costly and could cause environmental problems. This would also preclude the use of the meat for human consumption.

On June 27, 1980, § 51.3(a) regarding the payment of indemnity for cattle was amended by adding a footnote 4 to set forth the criteria which the Deputy Administrator uses to determine whether to authorize federal indemnity payments at maximum rates. These same criteria are used by the Deputy Administrator to determine whether to pay maximum rates of indemnity for breeding swine destroyed because of brucellosis. Therefore, this proposal would amend the first sentences in § 51.3(b) (1), (2) and (3) to make footnote 4 applicable to the payment of indemnity for swine destroyed because of brucellosis. Further, this proposal would amend footnote 4 to add § 51.3(b) (1), (2) and (3) to the list of sections under which the Deputy Administrator shall authorize applicable maximum or percentage rates.

Prior to payment of indemnity for cattle destroyed because of brucellosis under § 51.3(a) and breeding swine destroyed because of brucellosis under § 51.3(b), proof of destruction must be furnished to the Veterinarian in Charge. The June 27, 1980, amendment to § 51.3(a) added a footnote 5 which sets forth a list of documents any of which shall be accepted as proof of destruction by the Veterinarian in Charge. These same documents are acceptable as reasonably reliable evidence that swine have been destroyed. Therefore, this proposal would amend the last sentences in § 51.3(b) (1), (2) and (3) to make footnote 5 applicable to the proof of destruction which must be furnished to the Veterinarian in Charge for swine destroyed because of brucellosis.

Accordingly, Part 51, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. The authority citation for Part 51 reads as follows:

Authority: Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130 (21 U.S.C. 111–113, 114, 114a–1, 120, 121, 125, 134b; 37 FR 28464, 28477; 38 FR 19141.

§ 51.3 [Amended]

2. In § 51.3(b), the first sentences in paragraphs (1), (2) and (3) would be amended to add a reference to footnote 4 after the word "authorize".

3. In § 51.3(b) the second sentences in paragraphs (1), (2) and (3) would be amended to read: The indemnity shall not exceed $50 per head for registered, inbred, and hybrid swine, and shall not exceed $25 per head for all other breeding swine.

4. In § 51.3(b), the last sentences in paragraphs (1), (2) and (3) would be amended to add a reference to footnote 5 after the word "destruction".

5. In Part 51, the introductory text of footnote 4 up to the colon would be amended to read:

"The Deputy Administrator shall authorize payment of federal indemnity by the Department at the applicable maximum percentage and per head rate in § 51.3(a) and the applicable maximum per head rate in § 51.3(b)

* * * * *

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8:00 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 29th day of June 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-19046 Filed 7-2-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-36-AD]

Airworthiness Directives: McDonnell Douglas Model DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978, and December 31, 1980, that are installed on Douglas Model DC-9 series airplanes. Due to the existence of unstable anti-ice electrical coatings in these windshields, this AD is needed to assure that proper heat generation is available for bird impact protection and anti-ice functions.

DATE: Comments must be received no later than August 28, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANW–130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2833.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposd Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81–NW–36–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

It has been determined that windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978, and December 31, 1980, may have unstable anti-ice electrical coatings that increase in resistance after installation. This increase in resistance may prevent sufficient heat generation to provide for bird impact protection and anti-ice functions. Investigation has shown that new windshield anti-ice coatings were within specifications as measured during acceptance inspections, but that the coatings electrical resistance may increase after power application. Service reports indicate this resistance change can be measured only after 20 to 100 hours of flight operation. The rate of resistance rise is significantly reduced by 200 flight hours. This proposed AD is necessary to assure that aircraft operation is properly predicated upon the availability or nonavailability of windshield heating.

There are approximately 66 United States and foreign registered DC–9 aircraft delivered since November 1978 affected by this proposed AD. In addition, any DC–9 aircraft with a windshield replaced after November 1978 is affected. The labor costs associated with the inspection, based upon an assumption of 1.2 manhours per aircraft at $35 per manhour and an estimate of 850 windshield replacements per year for the fleet, is estimated to be $47,250. Windshield replacement costs have not been included in this estimate since the potential extent of such is unknown and the proposed AD provides for alternate operation of the affected aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–10, –20, –30, –40, –50, and –80 series airplanes, including C–9A, C–9B, and VC–9C airplanes, certificated in all categories. Compliance required within six months from the effective date of this AD unless already accomplished. To assure that proper windshield heat generation is available for bird impact protection and anti-ice functions, on aircraft fuselage number 894 through 1021 and on aircraft that have had left, center, or right windshield panels replaced since November 1978, accomplish the following:

A. Inspect windshield panels to determine manufacturer and year of manufacture. Windshield panels may be identified by the manufacturer's logo "PPG" or "LOF" in large capital letters with part number, specification, and serial number adjacent to logo. These are located at the top of the panel on the left and right-hand windshield panels, and at the bottom or top of the center windshield panel.

1. Panels manufactured by Libbey Owens Ford (LOF), no further action is required.

2. Panels manufactured by PPG Industries:

a. Determine the year of manufacture, which is contained in the serial number. Serial number samples are shown below:

8–H–10–20–220–315 (first digit indicates year of manufacture, 1978; third digit indicates month, October)

9–H–5–21–315–373 (first digit indicates year of manufacture, 1979; third digit indicates month, May)

0–H–4–6–219–215 (first digit indicates year of manufacture, 1980; third digit indicates month, April)

1–H–3–6–317–212 (first digit indicates year of manufacture, 1981; third digit indicates month, March)

b. Windshield panels with an October 1978 or prior manufacturing date coded or January 1981 or subsequent manufacturing date coded, no further action is required.

c. Aircraft with less than 200 flight hours since new or on aircraft with less than 200 flight hours on replacement panel(s), accomplish the following heating element resistance check PPG November 1, 1978, through December 31, 1980, date coded windshield panels:

(1) Open anti-ice circuit breaker on lower electrical panel center for windshield to be checked.

(2) Disconnect electrical connector from windshield panel to be checked.

(3) Using an ohmmeter, check resistance between Pins L and P at receptacle on left (right) windshield panel. Resistance reading should measure 61.2–82.8 ohms.

(4) Using an ohmmeter, check resistance between Pins E and G at receptacle on center windshield panel. Resistance should measure 67.5–92.5 ohms.

(5) If windshield resistance is:

(a) Within tolerance on all three panels, aircraft may be continued in service and panels must be repetitively inspected at 50-hour intervals until the accumulation of 200 flight hours.

(b) Within tolerance after the accumulation of 200 flight hours, no further action is required.

(6) If resistance is out of tolerance on one or more of the three windshield panels:

(a) Center panel out of tolerance, install the following placard in full viewof the pilot: "Do Not Exceed 280 kts IAS Below 10,000 Feet Altitude."

(b) Only side panel(s) out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 285 kts IAS Below 10,000 Feet Altitude."

(c) If windshield resistance of any panel, left, right, or center is greater than 130 ohms, install the following placard in full view of the pilot: "Flight into known icing conditions is prohibited". If left (right) windshield panel(s) resistance is 82.9 to 130 ohms, and/or center windshield panel resistance is 82.6 to 130 ohms, the panel(s) must be repetitively inspected at 50-hour intervals, until the accumulation of 200 flight hours, to ascertain that the resistance remains at or below 130 ohms. After the accumulation of 200 flight hours, the repetitive inspection interval can be extended to 1500 flight hours.

(d) The above restrictions can be removed when the out-of-tolerance panel(s) is/are replaced with panel(s) manufactured by LOF or any PPG manufactured panel(s) with a date code other than November 1, 1978, through December 31, 1980, meeting the resistance tolerances of c(3) or c(4).

(7) Reconnect electrical connector to windshield panel and close circut breakers.

d. For November 1, 1978, through December 31, 1980, date coded windshield panels which have over 200 flight hours, accomplish the following:

(1) Perform heating element resistance check, as outlined in paragraph c(1) through (4). If windshield resistance is within tolerance on panel(s), reconnect electrical connector to panel(s). No further action is required.

(2) If resistance is out of tolerance on any of the three panels, accomplish the instructions as outlined under paragraph c(6).

B. Alternative inspections, repairs, or other action to be accomplished on or after the effective date of this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85))

The FAA has determined that his document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on the substantial number of small entities.

Issued in Seattle, Washington, on June 25, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-19802 Filed 7-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-25]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Control Zone: Lubbock, Tex. (Lubbock International Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the control zone at Lubbock, Texas. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lubbock International Airport. This action is necessary to provide protection to aircraft executing a new instrument approach procedure using the proposed instrument landing system (ILS) to Runway 26.

DATE: Comments must be received on or before August 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone at Lubbock, Texas, will necessitate an amendment to this subpart. This amendment will be required at Lubbock, Texas, since there is a proposed change in IFR procedures to the Lubbock International Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by deleting the Lubbock, Texas (Lubbock Regional Airport), and substituting, the following:

Lubbock, Texas (Lubbock International Airport)

That airspace within a 5-mile radius of Lubbock International Airport (Latitude 33°39'33"N., Longitude 101°49'41"W.); within 2 miles each side of the Lubbock 123° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the Lubbock VORTAC 120° radial, extending from the Lubbock 5-mile radius zone to 12 miles southeast of the VORTAC; within 2.5 miles each side of the Lubbock ILS localizer east course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Lubbock ILS localizer north course, extending form the 5-mile radius zonè to the OM.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

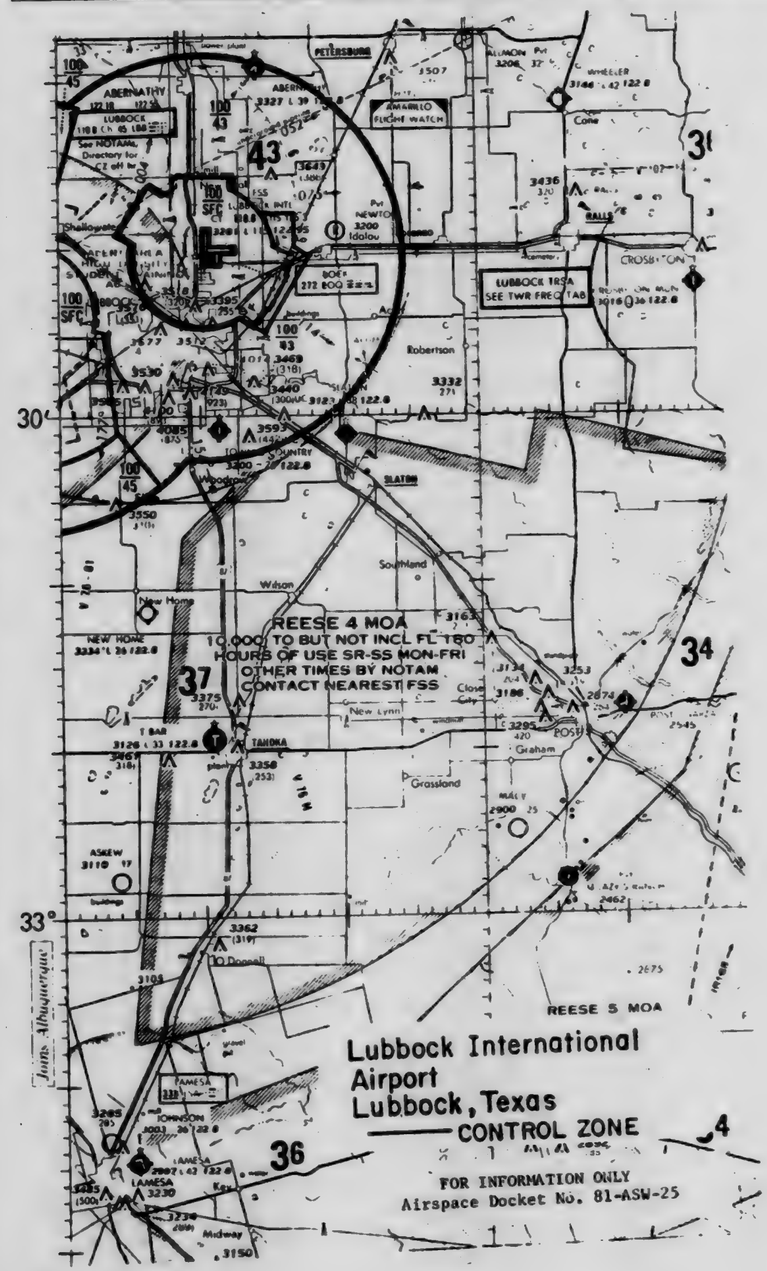
Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant perparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on June 24, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

BILLING CODE 4910-13-M



[FR Doc. 81-19801 Filed 7-2-81; 8:45 am]

BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 81-GL-28]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Drummond Island, Michigan, to accommodate a Nondirectional Radio Beacon (NDB) instrument approach procedure into the Drummond Island Airport, Drummond, Michigan, which was established on the basis of a request from the Drummond Island Airport officials to provide that airport with an instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before August 9, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-28, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately 8.5 miles beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-28, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 9, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Drummond Island, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Drummond Island, Michigan

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Drummond Island Airport (latitude 46°00'40"N, longitude 83°44'45"W) and 2.75 miles either side of the 065° bearing from the Drummond Island NDB from 5 miles to 8.5 miles and that airspace extending upward from 1200 feet above the surface bounded by longitude 83°57'W on the west, longitude 83°26'W on the east, latitude 46°05'N on the north, and 45°45'N on the south excluding that portion in Canada.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 15, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-19600 Filed 7-3-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 81-AWA-7]

Revocation of Area High Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke all area high routes within the conterminous United States. Little or no use is being made of the present area navigation high altitude fixed route structure, since most area navigation equipped aircraft are using area navigation in the high altitude en route system on a random route basis. Revocation of these routes and its associated chart series would allow funds allocated for area navigation charts to be shifted into other charting areas to the benefit of system users.

DATE: Comments must be received on or before October 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Office of the Chief Counsel, Attention: Rules Docket, AGC-204, Docket No. 81-AWA-7, 800 Independence Avenue, SW., Washington, D.C. 20591.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.400 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to revoke all the area high navigation routes within the conterminous United States.

In 1978 approximately 95 of the then existing 165 high altitude area navigation routes were revoke on the basis that most equipped aircraft were using area navigation in the route system on a random route basis as direct between two points with radar monitoring whenever traffic conditions permitted such clearances by ATC.

Traffic surveys and counts have consistently indicated minimum use of the present area navigation fixed route structure. Recently, user organizations were solicited for their views on the elimination of all fixed high altitude area navigation routes. Such revocations would allow funds allocated for area navigation charts to be shifted into other charting areas. We believe that system users will benefit by continued use of area navigation on a random use basis. Additionally, development of arrival/departure fixes on en route charts, publication of these fixes in the Airport Facility Directory, and publication of these suggested routes are possible areas for reallocation to better serve the airspace users with area navigation capability. Major airspace user organizations tend to support this view.

Accordingly, except for Alaskan routes, we propose to revoke the remaining high altitude area navigation route system and to elimiate its associated 10 chart series. Since a great deal of agency resources have been spent designating the many waypoints associated with route definitions, we propose, at least for the present, to retain all waypoint designations in FAA's National Flight Data Center data base for possible future needs. If there is a limited need for some area navigation routes, we would anticipate depicting them on current jet route charts. The description of these area high routes under Part 75 was republished on January 2, 1981 (46 FR 848).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, Convention of International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.400 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 848) and amended (45 FR 85441 and 46 FR 24170) by revoking the following area high routes:

1. J600R New York, N.Y., to Los Angeles, Calif.
2. J601R Los Angeles, Calif., to New York, N.Y.
3. J602R New York, N.Y., to Oakland, Calif.
4. J603R Mina, Nev., to Sparta, N.J.
5. J605R Gateway Hemlock, Oreg., to Woodstock, Ill.
6. J606R Robbinsville, N.J., to Gateway Hemlock, Oreg.
7. J610R South Bend, Ind., to New York, N.Y.
8. J611R Chicago, Ill., to Miami, Fla.
9. J612R Miami, Fla., to Chicago, Ill.

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10. J915R Washington, D.C., to Atlanta, Ga.
11. J919R Boston, Mass., to Chicago, Ill.
12. J920R Chicago, Ill., to Boston Mass.
13. J936R Chicago, Ill., to Cincinnati, Ohio
14. J942R Dallas-Fort Worth, Tex., to New York, N.Y.
15. J943R New York, N.Y., to Dallas-Fort Worth, Tex.
16. J951R San Francisco, Calif., to Los Angeles, Calif.
17. J953R Los Angeles, Calif., to Phoenix, Ariz.
18. J955R Dallas, Tex., to San Francisco, Calif.
19. J961R El Paso, Tex., to Los Angeles, Calif.
20. J962R Jacksonville, Fla., to Pittsburgh, Pa.
21. J963R New York, N.Y., to Atlanta, Ga.
22. J964R Chicago, Ill., to Washington, D.C.
23. J965R Washington, D.C., to Chicago, Ill.
24. J975R Atlanta, Ga., to Memphis, Tenn.
25. J980R Jacksonville, Fla., to Cleveland, Ohio
26. J983R Gopher, Minn., to New York, N.Y.
27. J984R New York, N.Y., to Gopher, Minn.
28. J986R Chicago, Ill., to REDOO
29. J987R REDOO to Chicago, Ill.
30. J996R Chicago, Ill., to Philadelphia, Pa.
31. J900R San Francisco, Calif., to Seattle, Wash.
32. J903R Los Angeles, Calif., to Tucson, Ariz.
33. J906R Los Angeles, Calif., to Ogden, Utah
34. J907R Hobby, Tex., to Los Angeles, Calif.
35. J912R Dallas-Fort Worth, Tex., to Chicago, Ill.
36. J914R Dallas-Fort Worth, Tex., to New Orleans, La.
37. J917R San Francisco, Calif., to Phoenix, Ariz.
38. J918R Hobby, Tex., to New Orleans, La.
39. J919R El Paso Tex., to New Orleans, La.
40. J920R Great Falls, Mont., to Salt Lake City, Utah
41. J924R Los Angeles, Calif., to Seattle, Wash.
42. J929R Atlanta, Ga., to Hobby, Tex.
43. J932R New Orleans, La., to Memphis, Tenn.
44. J933R Dallas, Tex., to Los Angeles, Calif.
45. J934R Dallas-Fort Worth, Tex., to Atlanta, Ga.
46. J937R ALCOA to Chicago, Ill.
47. J938R Chicago, Ill., to BEBOP
48. J939R Chicago, Ill., to Seattle, Wash.
49. J940R Seattle, Wash., to Chicago, Ill.
50. J941R Dallas-Fort Worth, Tex., to Las Vegas, Nev.
51. J945R CAMEL to DINTY
52. J948R New Orleans, La., to Oklahoma City, Okla.
53. J949R Oklahoma City, Okla., to Houston, Tex.
54. J952R New York, N.Y., to Hobby, Tex.
55. J953R New Orleans, La., to New York, N.Y.
56. J957R Jacksonville, Fla., to Washington, D.C.
57. J958R Washington, D.C., to Jacksonville Fla.
58. J959R Miami, Fla., to Detroit, Mich.
59. J961 DINTY to PARIAR
60. J964R Coaldale, Nev., to BEBOP
61. J966R ALCOA to Mina, Nev.
62. J967R CLUKK to Mina, Nev.
63. J974R Washington, D.C., to Los Angeles, Calif.
64. J976R Seattle, Wash., to Gopher, Minn.
65. J981R Los Angeles, Calif., to Washington, D.C.
66. J983R Miami, Fla., to New Orleans, La.
67. J984R Hobby, Tex., to Miami, Fla.
68. J985R San Antonio, Tex., to Phoenix, Ariz.
69. J990R Phoenix, Ariz., to Bridgeport, Tex.
70. J993R John F. Kennedy Airport, N.Y., to Miami, Fla.
71. J994R John F. Kennedy Airport, N.Y., to Orlando, Fla.
72. J995R Dulles International Airport, Va., to Miami, Fla.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that his proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 29, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-19708 Filed 7-3-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Survey of Foreign Direct Investment in U.S. Fish and Seafood Processing Industries

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Proposed rule.

SUMMARY: This document proposes rules for the conduct of a statistical survey of foreign direct investment in U.S. business enterprises engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

DATE: Written comments must be received by BEA no later than July 15, 1981.

ADDRESS: Written comments should be addressed to the U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230. All comments in response to this notice will be available for public inspection from 8:00 to 4:00 p.m. in room 608, 1401 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523-0857.

SUPPLEMENTARY INFORMATION: The Bureau of Economic Analysis (BEA), in conjunction with the Office of International Investment, of the U.S. Department of Commerce, is planning to conduct a survey of foreign-owned U.S. business enterprises engaged in the processing, packaging, or wholesale distribution of fish or seafoods. The survey will be conducted under the authority of the International Investment Survey Act of 1976, 22 U.S.C. 3101-3108. The purpose of the planned survey (Forms BE-21P, BE-21A and BE-21B) is to secure information on foreign direct investment in U.S. fish and seafood processing firms in order to analyze the market shares and impact of their operations on the domestic fish and seafood processing and wholesaling industries, and, ultimately, the U.S. fishing industry.

There has been a continuing Congressional interest in foreign involvement in the U.S. fishing industry and the Magnuson Fishery Conservation and Management Act (Public Law 94-265) requires a phaseout of foreign involvement within our territorial seas as U.S. capacity develops. Barriers in the processing and marketing area may impede development of U.S. fishing capacity.

The planned survey utilizing Forms BE-21P, BE-21A and BE-21B will cover all U.S. business enterprises engaged in processing, packaging, or wholesale distribution of fish or seafoods in which one foreign person owns or controls, directly or indirectly, 10 per centum or more of the voting securities if an incorporated U.S. business enterprise or an equivalent interest if an unincorporated U.S. business enterprise, including a branch.

The planned survey will consist of three forms:

(1) Form BE-21P, "Identification Questionnaire," that is to be completed in advance of the other two forms and will be used to prepare a mailing list for the two statistical reports, Forms BE-21A and BE-21B.

(2) Form BE-21A, "Report for a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person," that is to be completed by the U.S. affiliate, i.e., the U.S. business enterprise that is owned to the extent of 10 percent or more, directly or indirectly, by one foreign person, and that is engaged in the processing, packaging, or wholesale distribution of fish or seafoods. The form is to cover the fully consolidated U.S. business enterprise, including all subsidiaries that are more than 50 percent owned.

(3) Form BE-21B, "Report for each Establishment of a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person," that is to be completed for each establishment, of the U.S. affiliate, that engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

Form BE-21P is reproduced as part of this notice. Forms BE-21 A and B will not be prepared for comment until after the information reported on the BE-21P has been processed. However, rough drafts of Forms BE-21 A and B were included as part of the submission to OMB requesting approval of Form BE-21P so that they would have an indication of what the statistical part of the survey is intended to cover.

OMB publishes a notice in the **Federal Register** of report forms received for clearance and that notice contains information on securing copies of the submission and to whom comments on the forms should be submitted. Comments received by BEA as a result of this notice will also be made available to OMB.

If OMB approves Form BE-21P, BEA will issue a final notice amending Part 806 to provide for the BE-21 survey. When Forms BE-21 A and B have been prepared, they will be submitted to OMB for approval and the public may comment on them during OMB's regular clearance process. BEA itself will not issue any further notices as concerns Forms BE-21 A and B.

These forms will not become effective until they have been approved by OMB under 44 U.S.C., Chapter 35, as amended.

All legal authorities, provisions, definitions, and requirements contained in 15 CFR 806.1 through 806.13 and 806.15 (a), (b), (c), (e), and (f) are also applicable to this survey.

Note.—The Bureau of Economic Analysis has determined that this rule is not "major" under Executive Order 12291; nor does it have a significant economic impact on a substantial number of small business entities and is in accordance with 5 U.S.C. 601 *et seq.* (The Regulatory Flexibility Act). The public use burden will be undertaken within the Bureau of Economic Analysis allocated fiscal year 1981 Information Collection Budget ceiling.

It is therefore proposed to modify Part 806 as set forth below.

Allan H. Young,

Acting Director, BEA.

The following subparagraph (j)(5) is added to § 806.15(j):

§ 806.15 Foreign direct investment in the United States.

* * * * *

(j) Other report forms

* * * * *

(5) BE-21—Survey of Foreign Direct Investment in U.S. Business Enterprises Engaged in the Processing, Packaging, or Wholesale Distribution of Fish or Seafoods. Reporting consists of:

(i) Form BE-21P—Identification Questionnaire. A completed report is required from each U.S. business enterprise that is a U.S. affiliate of a foreign person and that is engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

(ii) Form BE-21A—Report for a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person. A completed report is required from each U.S. business enterprise that is a U.S. affiliate of a foreign person and that is engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

(iii) Form BE-21B—Report for each Establishment of a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person. A completed report is required for each establishment, of the U.S. affiliate, that is engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

Survey of Foreign Direct Investment in U.S. Business Enterprises Engaging in the Processing, Packaging, or Wholesale Distribution of Fish or Seafoods

Form BE-21P—Identification Questionnaire

Mandatory—Confidential

Under the authority of the International Investment Survey Act of 1976 (Public Law 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108) hereinafter, the Act, the Bureau of Economic Analysis (BEA), in conjunction with the Office of International Investment, of the U.S. Department of Commerce, is planning to conduct a survey of foreign-owned U.S. business enterprises engaged in the processing, packaging, or wholesale distribution of fish or seafoods. The purpose of the planned survey (Forms BE-21A and B) is to secure data on foreign direct investment in U.S. fish and seafood processing firms in order to analyze the market shares and impact of their operations on the domestic fish and seafood processing and wholesaling industries.

In order to prepare a mailing list for the planned survey, BEA has prepared this identification questionnaire, Form BE-21P.

The planned survey utilizing Forms BE-21A and B will cover all U.S. business enterprises engaged in processing, packaging, or wholesale distribution of fish or seafoods in which one foreign person owns or controls, directly or indirectly, 10 per centum or more of the voting securities if an incorporated U.S. business enterprise or an equivalent interest if an unincorporated U.S. business enterprise, including a branch.

The planned survey will consist of:

(1) Form BE-21A, "Report for a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person," that is to be completed by the U.S. affiliate, i.e., the U.S. business enterprise that is owned to the extent of 10 percent or more, directly or indirectly, by one foreign person, and that is engaged in the processing, packaging, or wholesale distribution of fish or seafoods. The form is to cover the fully consolidated U.S. business enterprise, including all subsidiaries that are more than 50 percent owned.

(2) Form BE-21B, "Report for each Establishment of a U.S. Business Enterprise that is a U.S. Affiliate of a Foreign Person," that is to be completed for each establishment of the U.S. affiliate, that engaged in the processing, packaging, or wholesale distribution of fish or seafoods.

The publication in the **Federal Register** of the notice implementing Form BE-21P Identification Questionnaire is considered legal notice to U.S. business enterprises that will have to report in the planned survey of their obligation to secure, complete, and return this questionnaire (Form BE-21P). Therefore, a completed Form BE-21P is required from U.S. business enterprises subject to the reporting requirements of the planned survey whether or not they are contacted by BEA. However, BEA is canvassing U.S. business enterprises known to be engaged in the processing, packaging, or wholesale distribution of fish or seafoods. A business enterprise to whom BEA sends a questionnaire must respond by completing and returning the questionnaire even if it will not be covered by the planned survey (see Section 806.4 of 15 CFR, Chapter VIII). A business enterprise not sent a questionnaire and who is not foreign owned or who does not engage in the processing, packaging, or wholesale distribution of fish or seafoods, is not required to file.

A reply to this questionnaire, as outlined above, is mandatory pursuant to Section 5(b)(2), Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3104. Whoever fails to report may be subject to a civil penalty not exceeding $10,000 and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both. Pursuant to Section 5(c) of the Act (22 U.S.C. 3104), replies are confidential.

Due date: A completed Form BE-21P is due no later than (The due date, to be inserted later, will be not less than 30 days after the date of insertion of a final notice in the **Federal Register**.)

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Assistance: Telephone (202) 523–0547.

Coverage: Form BE–21P Identification Questionnaire, should be completed from the viewpoint of business activities carried out in calendar year 1980 or ownership relationships as of December 31, 1980.

Definitions

1. *Foreign direct investment in the United States* means the ownership or control, directly or indirectly, by one foreign person of 10 per centum or more of the voting securities if an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.

2. *Business enterprise* means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate. (Broadly speaking, an enterprise is a business unit consisting of all establishments under common direct or indirect ownership.)

3. *Affiliate* means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting securities for an incorporated business enterprise or an equivalent interest for an unincorporated business enterprise, including a branch.

4. *U.S. affiliate* means an affiliate located in the United States in which a foreign person has a direct investment.

5. *United States*, when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

6. *Establishment* means an economic unit, generally at a single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, plant, store, sales office, warehouse, or central administration office.)

7. *Subsidiary* means a corporation that is more than 50 percent owned by another corporation, including all subsidiaries of a subsidiary which are more than 50 percent owned. (The 50 percent rule is applied at each level of subsidiaries.)

8. *Processing, packaging, or wholesale distribution of fish or seafoods* means engaging in cooking and canning fish, shrimp, oysters, clams, crabs, and other seafoods, including soups, and smoking, salting, drying, or otherwise curing fish for the trade; engaging in preparing fresh and raw or cooked frozen packaged fish and other seafoods, including soups, and the shucking and packing of fresh oysters in nonsealed containers; and engaging in the wholesale distribution of fresh, cured, or frozen fish and seafoods, except canned or packaged frozen fish and seafoods. (These are activities classified in industry numbers 2091, 2092, and 5146 of the Standard Industrial Classification (SIC) system.)

Part I: Determination of U.S. business enterprise that is not more than 50 percent owned by another U.S. business enterprise.

1. Name and address (If a name and address label is affixed, note any corrections; if a label is not affixed, enter name and address.)

2. The entity named in item 1 is (mark one):

- ☐ a. A U.S. business enterprise that is not owned more than 50 percent by another U.S. business enterprise.
- ☐ b. A subsidiary of another U.S. business enterprise.
- ☐ c. An establishment, branch, division, etc., of a U.S. business enterprise.

If item 2.a. was marked, omit item 3 and complete Part II.

If item 2.b. was marked, complete item 3 and then complete Part II.

If item 2.c. was marked, complete item 3; do not complete Part II. Items 4–12; complete the certification and return the questionnaire to BEA.

3. Name and head office address of the business enterprise of which you are a part or a subsidiary. Continue listing, to the best of your knowledge, the names and head office addresses of all business enterprises in the chain of ownership up to the business enterprise that is not a part of, or is not owned to the extent of more than 50 percent of its voting rights by, another U.S. business enterprise.

*Name and address**

i. _____

ii. _____

Name and address*	Percent ownership	Date acquired
i.		MO DAY YR
ii.		MO DAY YR

*If more than two, use a continuation sheet and reference the item number.

Part II: Determination of whether the business enterprise engages in the processing, packaging, or wholesale distribution of fish or seafoods and whether it has foreign ownership.

This Part is to be completed only by a U.S. business enterprise that marked item 2.a. or item 2.b. The questions should be answered from the viewpoint of the U.S. business enterprise named in item 1.

As to the U.S. business enterprise named in item 1:

4. Does the business enterprise itself, one of its subsidiaries, or a joint venture, partnership, etc., of which it is a member, engage in the processing, packaging, or wholesale distribution of fish or seafoods?

☐ YES ☐ NO **If the answer is "NO," complete the Certification and return this form to BEA; do not complete items 5–12 as the business enterprise would not be subject to the reporting requirements of the planned survey.**

5. Does one foreign person directly or indirectly own or control 10 percent or more of the U.S. business enterprise's voting securities if an incorporated enterprise, or an equivalent interest if an unincorporated enterprise?

☐ YES ☐ NO **If "YES," give name and address, including country, percent of ownership of each foreign owner, and date 10 percent or more foreign ownership was acquired.**

6. Does the business enterprise have any U.S. subsidiaries that it consolidates into its financial reports in which one foreign person directly owns or controls 10 percent or more of the voting securities?

☐ YES ☐ NO **If "YES," give name(s) and address(es)**

*Name and address**

i. _____

ii. _____

7. Does the U.S. business enterprise have any subsidiaries which are not normally consolidated into its financial report?

☐ YES ☐ NO **If "YES," give name(s) and address(es)**

*Name and address**

i. _____

ii. _____

8. Is the U.S. business enterprise engaged in any joint ventures, partnerships, etc., with a foreign person in which the foreign person has a 10 percent or more equity interest?

☐ YES ☐ NO **If "YES," give name(s) and address(es)**

*Names and address**

i. _____

*If more than two, use a continuation sheet and reference the item number.

ii. _____

If the answer to item 5 is yes, complete items 9 through 12:

9. Enter the number of establishments at which the fully consolidated U.S. business enterprise conducts operations. (See definition of establishment.). _____

10. Total sales by the fully consolidated U.S. business enterprise in calendar year 1980 or its most recent fiscal year. _____ (thousands of dollars)

11. For the same period as in item 10, enter the value of sales by manufacturing establishment engaged in cooking and canning fish, shrimp, oysters, clams, crabs, and other seafoods, including soups, and smoking, salting drying, or otherwise curing fish for the trade; or engaged in preparing fresh and raw or cooked frozen packaged fish and other seafoods, including soups, and the shucking and packing of fresh oysters in nonsealed container (SIC's 2091 and 2092), whether the sales were to outside customers or to other establishment of the fully consolidated U.S. business enterprise. _____ (thousands of dollars)

12. For the same period as in item 10, enter the value of sales by establishments engaged in the wholesale distribution of fresh, cured, or frozen fish and seafoods, except canned or packaged frozen fish and seafoods, (SIC 5146), whether the sales were to outside customers or to other establishments of the fully consolidated U.S. business enterprise (do not duplicate sales reported in item 11). _____ (thousands of dollars)

Complete the Certification below and return the questionnaire to: U.S. Department of Commerce, Bureau of Economic Analysis (BE–50/IN), Washington, D.C. 20230.

Person to consult concerning questions about this questionnaire	Print name and address	Telephone number: Area code	Number	Extension

CERTIFICATION: The undersigned official certifies that the information contained in this questionnaire is correct and complete to the best of his/her knowledge.

Authorized official's signature	Type name and title	Date

[FR Doc. 81–19648 Filed 7–3–81 8:45 am]

BILLING CODE 3510–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–1867–8]

Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and availability.

SUMMARY: This notice announces receipt and availability for public review of materials, submitted by the State of Michigan to EPA on March 6, March 19, and April 21, 1981. The March 6, 1981, submittal consist of regulations for the control of fugitive dust from industrial sources other than iron and steel sources. The March 19, 1981, submittal contains a technical justification for the 250,000 gallon per year throughput exemption in Rule 336.1606 for gasoline dispensing facilities. The April 21, 1980, submittal consists of a particulate study conducted for the Detroit area. These documents were provided to satisfy the approval conditions specified in the September 4, 1980, **Federal Register** (45 FR 58527) for the total suspended particulate and ozone portions of the Michigan State Implementation Plan (SIP).

DATES: See Supplementary Information.

ADDRESSES: The submittals may be examined during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Building Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

WRITTEN COMMENTS SHOULD BE SENT TO:

Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

It is requested that you submit three copies along with the original of any comment.

FOR FURTHER INFORMATION CONTACT:

Richard J. Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6029.

SUPPLEMENTARY INFORMATION: In the May 6, 1980, **Federal Register** (45 FR 29790) EPA conditionally approved the total suspended particulate and ozone portions of the Michigan State Implementation Plan (SIP). In that **Federal Register** EPA stated, that for full approval, the State needed to correct certain portions of the SIP. The State agreed to correct these portions on a schedule developed by it and approved by EPA in the September 4, 1980, **Federal Register** (45 FR 58527). The purpose of today's notice is to announce receipt and availability for public review of the following materials: (1) Regulations, submitted on March 6, 1981, for the control of fugitive dust from industrial sources other than iron and steel sources, (2) a technical justification, submitted March 19, 1981, for the 250,000 gallon per year throughput exemption for gasoline dispensing facilities regulated by Rule 336.1606, and (3) a particulate study, submitted April 21, 1981, for the Detroit area.

EPA is currently reviewing these submittals. At the completion of its review EPA will publish a notice of proposed rulemaking in the **Federal Register**. In that notice EPA will propose either to approve or to disapprove these submittals as adequately correcting the deficiencies in the Michigan SIP that were specified in the May 6, 1980, **Federal Register**.

All interested persons are advised that these submittals are available for review at the locations listed above. The proposed rulemaking notice referred to above will announce the last day for public comments. This public comment period will extend for 30 days from the date of publication in the **Federal Register** of that notice of proposed rulemaking.

Under Executive order 12291 (Order), EPA must judge whether an action is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action is not a major rule since it merely announces receipt and availability of the documents submitted by the State of Michigan. Any rulemaking action on these documents will be detailed in a separate **Federal Register** notice.

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Dated: June 15, 1981.

Valdas V. Adamkus,

Acting Regional Administrator

[FR Doc. 81-19942 Filed 7-3-81; 8:45 am]

BILLING CODE 6560-38-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1610 and 1611

Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Proposed Interpretation, Clarifications, and Exemptions

AGENCY: Consumer Product Safety Commission.

ACTION: Postponement of opportunity for oral presentation of views on proposed rule.

SUMMARY: The Commission announces the postponement from July 7, 1981, of the opportunity for interested members of the public to give oral comments on proposed amendments to the standards for the flammability of clothing textiles (16 CFR Part 1610) and vinyl plastic film (16 CFR Part 1611). These amendments were proposed May 28, 1981 (46 FR 28665) and would explain how test results should be interpreted and how the standards should be applied to multilayer fabrics, especially fabrics with an exposed layer of film or coated fabric. The opportunity for oral comments is postponed in order to provide time for Commission consideration, before the oral presentation, of preliminary comments received on the proposal.

The Commission will promptly issue a **Federal Register** notice explaining its views on the preliminary comments that have been received and rescheduling the oral presentation to a date expected to be within the next 4 weeks. That notice will also extend the date by which written comment should be submitted, which is presently July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission (202) 634–7770.

Dated: July 1, 1981.

Sheldon D. Butts,

Acting Secretary Consumer Product Safety Commission.

[FR Doc. 81-19907 Filed 7-3-81; 9:56 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 374; Ref; Notice No. 372]

Ingredient Labeling of Wine, Distilled Spirits, and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice No. 372, an additional 30 days. Notice No. 372, was published in the **Federal Register** on May 4, 1981, (46 FR 24962), to rescind the ingredient labeling regulations for alcoholic beverages.

DATE: The comment period is extended until August 5, 1981. All comments must be received on or before August 5, 1981.

ADDRESS: Comments must be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. (Notice No. 372).

FOR FURTHER INFORMATION CONTACT: Roger Bowling (202) 566–7626.

SUPPLEMENTARY INFORMATION: On may 4, 1981, the Bureau of Alcohol, Tobacco and Firearms (ATF) published a notice of proposed rulemaking to obtain input on the proposal to rescind the ingredient labeling regulations which will become mandatory on January 1, 1983. Due to the impact on the industry and the consumer and a request by The Center For Science In The Public Interest to extend the comment period, ATF has decided to extend the comment period from July 6, 1981 to August 5, 1981.

Disclosure of Comments

Written comments or suggestions may be inspected by any person at the ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC, during normal business hours.

After consideration of all comments and suggestions, ATF may issue a final rule. The proposals discussed in the notice may be modified due to the comments and suggestions received.

Drafting Information

The principal authors of this document are Norman Blake and Roger Bowling, Specialists, Research and Regulations Branch. However, other personnel of the Bureau have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205.

Signed: July 1, 1981.

G. R. Dickerson,

Director.

Approved: July 2, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-19901 Filed 7-3-81; 9:40 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1868-5]

Approval and Promulgation of Implementation Plans; Alabama: Alternative Control Strategy for 3M Company, Guin, Alabama

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On February 11, 1981 the Alabama Air Pollution Control Commission submitted to EPA a proposal to utilize the bubble concept at the 3M Company in Guin, Alabama. The proposal indicates no increase in total suspended particulates (TSP) emissions. The emission points which 3M proposes to "bubble" include three boilers and a glass furnace line, which includes frit handling and raw materials mixing equipment. 3M Company proposes to limit the boiler fuel to only natural gas, reducing the allowable boiler emissions to compensate for the excess emissions from the glass furnace process. EPA today proposes to approve this alternative control strategy. The public is invited to comment on this proposal.

DATE: For comments to be considered, they must be received by EPA Region IV on or before August 5, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following offices:

Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

Comments should be addressed to Mr. Jerry Preston at the EPA Region IV address above or telephone 404–881–3286 (FTS 257–3286).

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Preston at 404–881–3286 (FTS 257–3286).

SUPPLEMENTARY INFORMATION: On February 11, 1981, the Alabama Air Pollution Control Commission (AAPCC) submitted to the Region IV EPA office an alternative control strategy for TSP for the 3M Company in Guin, Alabama. The Special Enterprises Department of 3M proposes to implement the bubble concept with regard to emissions from three boilers and a glass furnace line. Currently, AAPCC regulations limit particulate emissions from the three boilers to 24.3 ponds per hour and 2.85 pounds per hour from the glass furnace linel, for a total of 27.15 pounds per hour from the described sources.

The three boilers were installed in the mid 1950's to the early 1960's. They include a 350 hp Spencer boiler with a British Thermal Unit (BTU) input of 14.625 MBTU, a 200 hp Cleaver Brooks boiler with an input of 8.4 MBTU, and a 250 hp Power Master boiler with an input of 10.5 MBTU. All three boilers are combination gas-fuel oil fired. The boilers are fired on #2 fuel oil only when natural gas is unavailable. From 1979 to the present no fuel oil has been required. The particulate emissions generated are typical of any boiler operation and are approximately 50% of the allowable limit when natural gas is used.

The glass furnace line was installed in 1978 and includes raw materials mixing and frit handling equipment. This manufacturing line is considered one emission source in determining allowable emissions.

The following table shows the present allowable emission limits and the proposed emission limits to accomplish the bubble concept.

	Allowable emissions (No., per hour)	Proposed emissions (No.per hour)
Boilers:		
Spencer	9.4	4.7
Cleaver Brooks	6.7	3.4
Power Master	8.2	4.1
Glass furnace line:		
Furnace Zone 1	[1] 2.85	9.0
Furnace Zone 2		1.2
Frit Handling Equipment		2.0
Raw Materials Mixing Equipment		2.8
Total	27.15	27.2

[1] Total for operation.

Modeling was done by the State which showed that no primary or secondary ambient air quality standards were violated. The AAPCC staff utilized a multiple source model (PTMTP) to examine the combined impact of the sources. The plant, located in an attainment area for TSP, will not change its actual emissions and, therefore, will not consume any PSD Increment. This action meets the criteria of EPA's bubble policy as published on December 11, 1979 (44 FR 71780).

Action

EPA is today proposing to approve the alternative control strategy for the 3M Company in Guin, Alabama.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clear Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval within the terms of the January 27 certification. This action only approves state actions. In addition, this action only applies to one facility. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 110 Clean Air Act (42 U.S.C. 7410))

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-19940 Filed 7-2-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1862-6]

Approval of Illinois State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental rulemaking notice proposes action on a variance submitted by the Illinois Environmental Protection Agency (IEPA) as a revision to the Illinois State Implementation Plan (SIP). The U.S. Environmental Protection Agency (EPA) is proposing to approve, as a SIP revision, the variance issued by the Illinois Pollution Control Board (IPCB) to PPG Industries, Inc. for their Mt. Zion, Illinois plant. The purpose of this notice is to solicit public comment on EPA's proposed approval of this revision to the Illinois SIP.

DATE: Written comments must be received on or before August 5, 1981.

ADDRESSES: Copies of the SIP revision and EPA's evaluation are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition, copies of the revision are available for public inspection at the following addresses:

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

Comments on the proposed rulemaking should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886–6038.

SUPPLEMENTARY INFORMATION: On April 3, 1979, the IEPA submitted certain consent orders and variances issued by the Illinois Pollution Control Board as revisions to the Illinois SIP. Among these submittals was a variance issued to PPG Industries, Inc. EPA reviewed the variance as a revision to the Illinois SIP and found that IEPA did not include an air quality modeling analysis demonstrating attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Without such an analysis EPA was unable to determine whether or not this variance met the SIP revision requirements found in Section 110(a)(2) of the Clean Air Act, as amended. EPA, therefore on January 22, 1980 (45 FR 4365) proposed to disapprove the request of the IEPA to include this variance as a revision to the Illinois SIP. Public comments were solicited.

During the public comment period the IEPA submitted additional air quality data for PPG Industries, Inc. This supplemental notice of proposed rulemaking will discuss the technical adequacy of the additional data

received on behalf of PPG Industries, Inc.

The variance issued to PPG Industries by the Illinois Pollution Control Board allows the facility five years from start up of its float glass plant to comply with the total suspended particulate regulations contained in Illinois Air Pollution Rule 203(a). To show that the NAAQS would be protected during the period of the variance, a detailed modeling analysis was performed using CRSTER, an EPA reference air quality model. The analysis indicated that the variance will not cause a violation of the NAAQS and the Prevention of Significant Deterioration increment in the vicinity of PPG's Mt. Zion Plant. EPA is therefore proposing to approve this variance as a revision to the Illinois SIP.

All interested persons are invited to comment on EPA's proposed approval of this revision to the Illinois SIP. Comments should be submitted to the address listed at the beginning of this notice. Public comments received on or before 30 days from today's date will be considered in EPA's final rulemaking. All comments received will be available for inspection at the Region V Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified that EPA's action on the attached rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only applies to one entity. In addition, it imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. EPA's proposed action on the State requested SIP revision is not major because the approval of the PPG Industries variance approves a variance already in effect at the State level. The variance and SIP revision were requested by PPG Industries.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: June 16, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-19941 Filed 7-2-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL-1868-2]

Approval and Promulgation of Implementation Plans; Georgia: Revised Permit for Union Camp Corporation's Power Boilers 11 and 12 in Savannah

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing approval of a State implementation plan (SIP) revision submitted by the Georgia Environmental Protection Division pursuant to section 110 of the Clean Air Act. The revision consists of a modified permit which imposes special reporting and opacity limitations on Union Camp Corporation's Power Boilers 11 and 12 in Savannah, Georgia. The public is invited to submit written comments on this proposal.

DATE: Comments must be received by August 5, 1981.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV addresse below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street, S.W., Atlanta, Georgia 30334

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Following notice and public hearing in conformity with 40 CFR 51.4, the Georgia Environmental Protection Division on February 20, 1981, issued and submitted to EPA a modified permit which imposes special reporting and opacity limitations on Union Camp Corporation's Power Boilers 11 and 12 in Savannah, Georgia.

The permit (2631-025-7379-0) states in part, "When the Numbers 11 and 12 Power Boilers are operating simultaneously * * * the visible emissions from the common stack shall not exceed 46 percent opacity. The visible emissions shall be measured by an approved continuous opacity monitoring system installed on the common stack serving these boilers. The eight-hour average opacity shall be based upon 80 consecutive six-minute averages * * *. Three percent of the total contiguous six-minute averaging periods in a quarter may exceed 60 percent except that in any one day the visible emissions cannot exceed 60 percent opacity for more than 100 six-minute averaging periods (10 hours) (excluding periods of startup, shutdown, excused malfunction, and periods when the boilers are not operating)."

The February 20, 1981 letter transmitting the permit to Union Camp states that "* * * any adjustment in allowable mass emission rates for either of these boilers will only be made within the limitations of currently adopted regulations included in the Georgia Air Quality Control Rules. Any adjustment in the allowed visible emission levels, other than the normal 40 percent allowance of the Rules, must be approved by EPA before they can be part of the Federally approved State Plan. Also, the various opacity limitations specified in this Permit are all effective during all periods of time. Therefore, the eight hour limitation of 46 percent opacity must always be met even during times when opacity may go to 60 percent or higher under the conditions specified and allowed in this Permit. Further, it should be understood by all parties that the monitored opacities can and will be used as evidence of a violation of the Permit conditions, if not due to a startup, shutdown or malfunction situation which is excusable under the Air Quality Control Rules or this Permit." EPA construes this letter as a clarification of the permit and upon final approval, will enforce the permit provisions accordingly.

The mass emission limits contained in the present federally approved SIP remain unchanged. The permit provides that the State will conduct a periodic review of the correlated opacity limit and make adjustments to the opacity-mass correlation if necessary. Since the presently proposed correlated limit (46 percent opacity-eight hour average) is based upon limited test data, it is expected that through its periodic review the State will confirm the validity of the proposed limit once additional test data is obtained and make adjustments to the limit if necessary.

Action: EPA is today proposing to approve the SIP revision and is soliciting public comment on the revision.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because of the facts mentioned in the preceding paragraph.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: June 5, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-19936 Filed 7-3-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-6-FRL 1868-3]

State of Texas: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Texas Air Control Board (TACB) has requested that EPA change the existing nonattainment designation for particulate matter (TSP) for an area in the City of Dallas (Dallas 3) to attainment.

EPA has reviewed the requested redesignation which is based upon two years of ambient data. This notice proposes approval of the request to revise the air quality attainment designation for the Dallas 3 area and solicits public comment on this proposed action.

DATE: Comments must be received on or before August 5, 1981.

ADDRESSES: Submit comments to: Air Program Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d) of the Clean Air Act, and amended in 1977 directed each State to submit to the Administrator a list identifying areas within the State and their status with regard to attainment of the National Ambient Air Quality Standard (NAAQS). On March 3, 1978, at 43 FR 9037, the Administrator promulgated non-attainment designations for the State of Texas for TSP and other pollutants. These designations were effective immediately and public comment was solicited. On September 11, 1978, at 43 FR 40412, in response to comments received, the Administrator revised and amended certain of the original designations.

Section 107(d)(5) of the Act allows a State to revise and resubmit, as appropriate, an amended list to the Administrator. The State of Texas proposed to amend its list by redesignating the Dallas 3 area to attainment status for TSP and on March 28, 1980 in TACB Resolution R80-5, and submitted the redesignation to EPA.

Redesignation of the Dallas 3 Area

In Air Quality Control Region (AQCR) 215, the Dallas 3 area is designated as nonattainment for primary TSP standards in the Code of Federal Regulations (40 CFR 81.333). The Dallas 3 area is under consideration for revision from nonattainment to attainment. A review of the information supporting redesignation was based on the most recent ambient air monitoring data available. There were three exceedances of the particulate secondary standard in 1977, two of which occurred on dust storm days. One exceedance of 150 $\mu g/m^3$ each year can occur without violating the federal secondary particulate standard.

The TSP data in the National Aerometric Data Bank (NADB) for this site are summarized below. The units are $\mu g/m^3$.

Dallas 3 (TSP) Data

Year	Max. Obs	2nd Max.	# Obs >150	AGM
1977	663	216	[1] 3	71
1978	134	133		72

NOTE.—1979-80 No data are available.
[1] Two of which are dust storm days.

Based upon the above data showing eight consecutive quarters with no violations, EPA proposes to redesignate the Dallas 3 area from nonattainment to attainment.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely proposing a State action. It will impose no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Sec. 107(d) of the Clean Air act, 42 U.S.C. 7407(d))

Dated: May 26, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-19938 Filed 7-3-81; 8:45 am]

BILLING CODE 6560-38-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1307

[Ex Parte No. MC-96 (Sub-No. 1)]

Investigation of Motor Carrier Classification System

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for request for comments on interim policy statement.

SUMMARY: A request for comments on the proposed changes to the motor carrier classification system made in a decision served May 13, 1981, and reported at 364 ICC 906, was published in the **Federal Register** on May 21, 1981 (46 FR 27732). The Commission is seeking comments regarding tentative findings in its exploration of changing the way commodities are classified and how the Commission evaluates the reasonableness of those classifications. The original due date for these comments was July 6, 1981. On June 23, 1981, the Commission, by Marcus Alexis, Acting Chairman, denied numerous petitions requesting a 120-day extension of this due date. The National Classification Committee filed an appeal of that decision. The appeal has been granted and a 120-day extension of the

due date for comments will be authorized.

DATE: Comments are now due November 3, 1981.

ADDRESS: An original and 15 copies of comments should be submitted to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Jane F. Mackall (202) 275-7656.

[49 U.S.C. 10321]

Dated: June 29, 1981.

By the Commission, Chairman Taylor, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissented. Vice Chairman Alexis did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-19045 Filed 7-3-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 128
Monday, July 6, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Schedules of Review for ACTION Activities and Contracts Subject to OMB Circular A-76

AGENCY: Office of Administration and Finance, ACTION.

ACTION: Notice of schedules of review for ACTION activities and contracts subject to OMB Circular A-76.

SUMMARY: This notice sets forth the schedules for review of all ACTION contracts and commercial/industrial activities that are subject to the Office of Management and Budget Circular A-76 on "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government." This notice is published for the information of contractors. The review dates listed in the schedules indicate the day on which a decision will be made to contract out the commercial/industrial activity or perform it in-house.

Schedule of Review for ACTION Commercial/Industrial Activities

Activity	Activity cost, Capital cost	Review date
Mail room operations	$108,368 None	Aug. 15, 1981.
Library services	$104,000 $7,000	Do.

Schedule of Review for ACTION Contracts

Service/contract contractor	Contract period, option expiration	Amount, Review date
Mailing; ADW Inc.	Fiscal Year 1979-80; Sept. 30, 1981	$207,000; July 30, 1981
Computer terminals; SYCOR	Fiscal Year 1979; Sept. 30, 1984	$162,000; July 30, 1984
Group hospital ins.; GHI	Fiscal 1980-81; Dec. 31, 1981	$1,044,000; Oct. 31, 1981.
Advertising for VISTA and Peace Corps; Advertising Council.	Fiscal Year 1981; None	$153,799; July 30, 1981.
Computer time; Boeing Computer	June 30, 1980 to June 30, 1981; June 30, 1985	$1,000,000; Apr. 30, 1985.
Publication of the Synergist Journal; Redtree Assoc. Inc..	August, 1980 to Sept. 30, 1981; Sept. 9, 1983	$129,949; July 30, 1983.
Technical assist. to National Center for Service Learning; Center for Human Ecology Studies.	Nov. 14, 1980-Sept. 30, 1981; September 1983	$261,302; July 30, 1983.
Fisheries training for Peace Corps; University of Oklahoma.	January 1980 expires Dec. 30, 1980; Dec. 12, 1982	$400,963; Oct. 30, 1982.
In-Country Training (ICT):		
Guatemala ICT; CHP International	Fiscal Year 1980; Sept. 30, 1982	$346,943; July 30, 1982.
Costa Rica ICT; CHP International	January 1980 to December 1980; December 1982	$554,840; Oct. 30, 1982.
Ecuador ICT; ASDELA	February 1980 to February 1981; December 1983	$228,623; Oct. 30, 1983.
Zaire ICT; Institute Superieur Pedagogique (ISP).	Calendar year 1981; None	$529,919; Oct. 30, 1981.
Swaziland ICT; SEBENT	Calendar year 1981; Dec. 31, 1982	$274,656; Oct. 30, 1982.
Honduras ICT; No. Illinois Univ.	Expires Nov. 30, 1981; Nov. 30, 1983	$416,022; Sept. 30, 1983.
Paraguay ICT; CHP International	Expires Nov. 30, 1981; Nov. 30, 1983	$244,068; Sept. 30, 1983.

FOR FURTHER INFORMATION CONTACT: Lowell B. Genebach, Jr., Director of Management and Organization Division, Administration and Finance, ACTION, (202) 254-8336.

Issued in Washington, D.C., June 24, 1981.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 81-19024 Filed 7-3-81; 8:45 am]
BILLING CODE 6050-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with Section 800.6(d)(3) of the regulations of the Advisory Council on Historic Preservation, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that a panel of members of the Council will meet on July 20 and 21, 1981, to consider the proposed construction of an entrance channel and marina at Murrells Inlet, Georgetown County, South Carolina. It has been determined that this undertaking, for which the Corps of Engineers has been requested to provide a permit, will adversely affect the Murrells Inlet Historic District, a property included in the National Register of Historic Places.

Pursuant to § 800.6(d)(2) of the Council's regulations, the Chairman of the Council decided on June 19, 1981, that a panel should consider this project in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended).

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretary of the Interior, the Architect of the Capitol, the Secretary of Agriculture, and the heads of four other Federal agencies appointed by the President, one Governor and one mayor appointed by the President, the President of the National Conference of State Historic Preservation Officers, the Chairman of the National Trust for Historic Preservation, and seven private citizens appointed by the President.

The Council's regulations require that the panel be composed of five members three from the private sector (with one chairing) and two Federal members. This panel will be chaired by Mr. Alexander Aldrich of Saratoga Springs, New York. The panel will meet at Murrells Inlet. Place and time have yet to be set and may be obtained from the Executive Director.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Executive Director of the Council by July 13, 1981. Persons wishing to make oral statements should notify the Executive Director by July 15, 1981. Additional information concerning the meeting or the submission of statements is available from the Executive Director, Advisory Council on Historic Preservation, Suite 530, 1522 K Street NW., Washington, D.C. 20005 (202–254–3967).

Dated: June 29, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81–19594 Filed 7–3–81; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Cooperative Forestry Research Advisory Board

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Cooperative State Research Service announces the following meeting:

Name: Cooperative Forestry Research Advisory Board.

Time: July 21, 1981, 8:30 a.m.–5:00 p.m.; July 22, 1981, 8:30 a.m.–5:00 p.m.

Place: Old Tavern, Grafton, Vermont, Meeting Room.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: Written statements may be filed with the Board before or after the meeting with the contact person listed below. Also, names of Board members may be obtained from the contact person.

Purpose: The Advisory Board will consider recommendations on the allocation of research funds, review program information, evaluate program activities, and identify research priorities. The Board will review progress in regional-national planning and develop recommendations. Research of the host institution and the Northeastern region will be described and discussed with the Board.

Contact Person for Agenda and More Information: John D. Sullivan (202) 447–3555, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: June 29, 1981.

W. I. Thomas,

Administrator, Cooperative State Research Service.

[FR Doc. 81–19604 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–03–M

Rural Electrification Administration

Farmers Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact with respect to proposed financing assistance to Farmers Electric Cooperative, Inc., (FEC) Clovis, New Mexico, for the construction of new transmission facilities in New Mexico. A proposed 69 kV transmission line will extend 16 km (10 mi) from the proposed Tucumcari Substation in Quay County to the existing FEC Lesbia Substation. A proposed 115 kV line will extend 95.2 km (59.5 mi) from the proposed Tucumcari Substation to the existing FEC Santa Rosa Substation in Guadalupe County.

REA reviewed a Borrower's Environmental Report (BER) prepared by FEC and determines that it represents an accurate assessment of the environmental impact of the project. Based upon the BER and information from other sources, REA prepared an Environmental Assessment concerning the proposed project and its impacts. REA concluded that proposed financing assistance would not represent a major Federal action significantly affecting the quality of the human environment.

REA has determined that the proposed project will not adversely affect floodplains, wetlands, federally listed threatened or endangered species, important farmlands or known cultural resources. Alternatives examined included no action, underground construction and use of existing facilities. After reviewing these alternatives, REA determined that the proposed project is the best alternative because it meets FEC's needs with the minimum of adverse impact.

REA's Finding of No Significant Impact and Environmental Assessment and FEC's BER may be reviewed in or requested from the Office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 447–4413, or at the office of Farmers Electric Cooperative, Inc., (Mr. Melvin Walker, Manager), P.O. Box 550, Clovis, New Mexico 88101, telephone: (505) 762–4466.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 26th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–19621 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–15–M

Moreau-Grand Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact in connection with the proposed financing assistance to Moreau-Grand Electric Cooperative, Inc., (MGEC) of Timber Lake, South Dakota.

The proposed project is to construct a 69 kV transmission line from Eagle Butte to La Plant in Dewey County, South Dakota, to rebuild an existing 69 kV line beginning in Timber Lake, Dewey County, and traversing to Little Eagle, Corson County, and to build a 69 kV line from the vicinity of McLaughlan to Wakpala, in Corson County, South Dakota.

MGEC prepared a Borrower's Environmental Report (BER) on the proposed project and REA prepared an Environmental Assessment (EA) on the proposed project.

After an independent evaluation of the BER, the EA, and information from other sources, REA has concluded the proposed project will not have a significant impact on the quality of the human environment and prepared a "Finding of No Significant Impact." The "Finding of No Significant Impact," REA's EA, and MGEC's BER may be reviewed in the office of the Director, Distribution Systems Division, Rural Electrification Administration, Room 3306, South Agriculture Building, Washington, D.C. 20250, telephone (202) 447–4413 or at the office of the cooperative, Moreau-Grand Electric Cooperative, Inc., Timber Lake, South Dakota 57656, telephone (605) 865–3511.

This Program is listed in the catalog of the Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 26th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–19622 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–15–M

Vermont Electric Cooperative Inc., Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administratin (REA) has prepared a Finding of No Significant Impact (FONSI) in connection with possible financing assistance to Vermont Electric Cooperative, Inc., (VEC) of Johnson, Vermont, for the proposed construction of a 4.0 MW hydroelectric generating plant and associated facilities, located at the existing North Hartland Dam on the Ottauquechee River in Windsor County, Vermont. The FONSI concludes that there is no need for REA to prepare an environmental impact statement in connection with its possible action of providing financing assistance for the proposed North Hartland facilities.

VEC has applied to the Federal Energy Regulatory Commission (FERC) for a license to undertake construction and operation of the proposed North Hartland Dam Project (FERC Project No. 2816). REA independently reviewed information in the license application pertaining to the environmental aspects of the project along with other information obtained from VEC. This information was considered adequate by REA for a project of this type.

REA has prepared an Environmental Assessment (EA) incorporating information provided by VEC to FERC and to REA. VEC's information and REA's EA consider the potential impacts of the proposed North Hartland Dam Project on threatened and endangered species, important farmlands, archaeological and historic sites, floodplains and wetlands, and other areas of concern. Alternatives to the proposed project considered by VEC and REA included no action, obtaining peak power needs from conventional sources (gas combustion turbines), conservation and load management, alternative hydroelectric sites, and alternative arrangements utilizing North Hartland Dam.

Based on its independent evaluation, REA has concluded that the proposed project is the best alternative for VEC to pursue at this time as part of VEC's overall plan to meet the power and energy requirements of its member-consumers. REA has further concluded that providing financing assistance to VEC for this project would not represent a major Federal action significantly affecting the quality of the human environment. REA has, therefore, made a Finding of No Significant Impact in accordance with Section IV.B and D of REA Bulletin 20–21:320–21, Part I.

Copies of REA's FONSI, REA's EA, and VEC's license application and other information used by REA in reaching its conclusions may be reviewed in the office of the Director, Energy Management and Utilization Division, Rural Electrification Administration, Room 5908, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 447–6065 and at the main office of Vermont Electric Cooperative, Inc., School Street, Johnson, Vermont 05656, telephone: (802) 635–2331. Copies of REA's, FONSI and EA are available by mail upon request to the Director, Energy Management and Utilization Division at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–19623 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Haviland's Cove Park RC&D Measure, New York

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315–423–5076.

NOTICE: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Haviland's Cove Park RC&D Measure, Warren County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the improvement and expansion of Haviland's Cove Park in the city of Glens Falls, New York. The planned project includes expanding the present beach and bathhouse, adding 30 picnic tables, a picnic shelter, softball field, basketball court, tennis court, and playground equipment along with necessary sanitary facilities, roads, parking, etc.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental

V 46 / 128 JUL 6 1981 UMI

assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 5, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 25, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–19010 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–16–M

Johnson Creek Watershed, Washington

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Authorization of Federal Assistance in the Installation of Works of Improvement.

FOR FURTHER INFORMATION CONTACT:
Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, telephone 509–456–3711.

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Johnson Creek Watershed, Washington.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: June 25, 1981.

David G. Unger,

Associate Chief Soil Conservation Service.

[FR Doc. 81–19014 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–16–M

Menominee County Memorial Park RC&D Measure, Michigan

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Menominee County Memorial Park RC&D Measure, Menominee County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of facilities for public water-based recreation. The planned works of improvement include the following items: a concrete walk and steps to the beach level, benches, a flag pole, electric service, critical area planting on 2 acres and planting 20 shade trees. Total construction cost is estimated to be $38,000; $19,000 RC&D funds, and $19,000 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 5, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: June 25, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–19017 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–16–M

Providence Church Road and Seed Tick Road Critical Area Treatment R.C. & D. Measure, Indiana

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no signficant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317–269–6515.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Providence Church Road and Seed Tick Road Critical Area Treatment R.C. & D. Measure, Gibson County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The meaure concerns a plan for critical area treatment. The planned works of improvements include 1½ acres of critical area shaping, 1½ acres of critical area seeding, and four grade stabilization structures.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basis data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent to various Fedeal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 5, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

Dated: June 25, 1981.

[FR Doc. 81–19020 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–16–M

Winters Road Critical Area Treatment R.C. & D. Measure, New Jersey

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone 201–246–1205.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Winters Road Critical Area Treatment R.C. & D. Measure, Warren County, New Jersey.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Plater T. Campbell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns the installation of a water and sediment control basin at the head of a gullied area in Pohatcong Township. Water from an intensive upslope agricultural area will be intercepted eliminating sediment and debris deposits on downstream properties and Winters Road.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Plater T. Campbell. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Impelementation of the proposal will not be initiated until August 5, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 25, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–19019 Filed 7–3–81; 8:45 am]

BILLING CODE 3410–16–M

Office of the Secretary

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956,15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the third calendar quarter of 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–447–6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the third calendar quarter of 1981 has been calculated to be 16.60 cents per pound. This results in a fee of 0.00 cents per pound for item 956.15, since the sum of the 16.60 cents average spot price + 0.625 cents duty + .90 cents attributed costs is greater than 15.0 cents. Accordingly, the fee for items 956.05 and 957.15 for the third calendar quarter of 1981 is 0.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the third calendar quarter of 1981 shall be as follows:

Item	Fee
956.05	0.52 cents per lb.
956.15	0.00 cents per lb.
957.15	0.52 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on June 30, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81-19710 Filed 7-3-81; 8:45 am]
BILLING CODE 3410-10-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under subpart Q of the Board's procedural regulations. (See, 14 CFR 302.1701 et seq.) Week Ended June 26, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
June 23, 1981	39739	Northwest Airlines, Inc., Minneapolis/St. Paul Int'l. Airport, St. Paul, Minnesota 55111. Conforming Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its Certificates of Public Convenience and Necessity for Route 3–F or for a new certificate or certificates so as to authorize it to perform scheduled foreign air transportation (of mail, passengers, and property). Route 3–F "Between a point or points in the United States and a point or points in Chile." Northwest further requests that the Board add a condition permitting it to integrate its new authority with other Caribbean service presently authorized in its Certificates to the extent permitted by applicable Agreements and Treaties. Answers may be filed by July 8, 1981.
June 26, 1981	39750	Northwest Airlines, Inc., Minneapolis/St. Paul Int'l Airport, St. Paul, Minnesota 55111. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificates of public convenience and necessity for Routes 179, 213, and 279 so as to realign its transatlantic authorities and integrate them in a single certificate. Conforming Applications, motions to modify scope, and Answers may be filed by July 24, 1981.
June 26, 1981	39752	Midway Airlines, Inc., 5700 S. Cicero Avenue, Chicago, Illinois 60638. Application of Midway Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that the Board amend its certificate of public convenience and necessity for Route 187 so as to add Tampa and Orlando, Florida as additional intermediate points at which it is authorized to engage in the scheduled interstate air transportation of persons, property and mail. Conforming Applications, motions to modify scope, and Answers may be filed by July 24, 1981.
June 26, 1981	39756	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its Certificate of Public Convenience and Necessity for Route 57 so as to authorize it to perform scheduled foreign air transportation (of mail, passengers and property) between a point or points in the United States and a point or points in Greece and Egypt. United requests that the authority applied for herein be included on the same segment as the routes beign considered for United in Dockets 39474 and 39475. The foreign air transportation service for which United herein applies is consistent with the public convenience and necessity as concluded in the Transpacific Low-Fare Route Proceeding, Order 81–1–30 (December 24, 1980). Conforming Applications, motions to modify scope, and Answers may be filed by July 24, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-19076 Filed 7-3-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 31290/Order 81–6–190]

Establishment of the Interim Standard Industry Fare Level

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of June 1981.

The Airline Deregulation Act of 1978 (ADA) requires that the Board compute a "standard industry fare level" (SIFL) based upon the fare level in effect on July 1, 1977, and, not less than semiannually, update the SIFL by increasing or decreasing it by the percentage change in actual operating costs per available seat-mile (ASM) for interstate and overseas transportation combined. Once computed, the SIFL becomes the benchmark for measuring the statutory zone of reasonableness.

Applying our methodology to the year ended March 1981 financial data and May 1981 fuel costs [1] and projecting fuel and nonfuel costs to October 1, 1981, the midpoint of the July–December period, results in a cost escalation factor of 1.7819 over July 1, 1977 or an increase over the last SIFL adjustment of about 1.2 percent. (See Appendix.) We have decided to return to a six-month projection period since fuel prices have leveled off and the world's fuel producers have indicated that prices will probably remain unchanged through the end of this year.

Our usual methodology projects the average change in price over the last four months to the chosen future date, then adds the projected change to the current fuel price. However, in this case, due to the leveling of fuel prices, in order to give greater emphasis to May's prices, we have based our current fuel projection on the mean of the four month average and the May increase. Weekly fuel prices reported to us indicate that fuel prices have leveled off over the past two months, and that an adjustment to our usual methodology is required to achieve realistic results. Consequently, in this case, we projected an average increase of 1.39 cents per month for four and one-half months (to October 1, 1981), then added this 6.26 cents to the May price—projecting a cost of 111.19 cents per gallon as of October 1, 1981.

[1] See the following table:

Trunk and Local Service Carrier Scheduled Service Fuel Price Calculation

Month	Price/gallon (cents)	Change from prior month (cents)
February	99.57	5.43
March	103.67	4.10
April	104.86	1.19
May	104.93	.07

In our recent mail rate order (Order 81–6–134, June 19, 1981) we used a somewhat different method to project fuel costs. However, applying this method to passenger fares results in relatively insignificant differences in the SIFL adjustment factor from the method used herein and used previously in connection with passenger fare adjustments. Thus, it was decided to continue without fuel adjustment methodology for passenger fare level changes as modified.

Revisions to the SIFL adjustment factor also control the upward flexibility in connection with the zone of limited suspension for domestic passenger fares. The calculation is described in 14 CFR 399, *Statement of General Policy*. Section 399.32(d)(1) currently provides flexibility above the SIFL plus $16 of 30 percent. These regulations also provide that each time the Board adjusts the SIFL for cost increases, it will adjust the $16 figure by the same percentage rounded to the nearest whole dollar. However, the current SIFL adjustment of 1.2 percent does not result in any change in the current $16 amount.

It should be noted, however that we intend to monitor closely fuel prices over the ensuing months and, if necessary, we shall revise the SIFL should the actual fuel prices fluctuate significantly, either up or down, from our projection.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 1002,

1. We set the cost adjustment factor for the Standard Industry Fare Level effective July 1, 1981, to be 1.7819;

2. We set the Standard Industry Fare Level formula effective July 1, 1981, as follows: Terminal charge, $28.80; plus, 0.1575/mile (0–500 miles); 0.1201/mile (501–1,500 miles); 0.1155/mile (over 1,500 miles).

This order shall be served on the Air Transport Association of America, all certificated carriers, and shall be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

Appendix A.—*Methodology for Determining Change in Operating Expense per Available Seat-Mile*

	Trunks	Local	Trunks plus locals	Total pegr/cargo [10]
Year ended March 1981				
Total Oper. Expense [1] (mils.)	$21,361	$3,665	$25,028	$25,498
Less: All-Cargo Exp. [2]	316	—	316	316
Belly Offset [3]	1,131	167	1,298	1,357
Non-Scheduled [4]	125	37	162	186
Trans-Related [5]	449	41	490	498
Plus: Capitalized Lease Adj. [10]				
Passenger Operating Expense	19,340	3,420	22,760	23,132
Passenger Fuel Cost [11]			7,342	N.A.
Passenger Non-Fuel Cost			15,418	N.A.
Scheduled Service ASM's (mils.)			324,558	328,549
Passenger Non-fuel Oper. Exp. Per ASM (dollar)			.04750	N.A.
Passenger Fuel Exp. per ASM (dollar)			.02262	N.A.
Total Pegr. Exp. per ASM (dollar)			.07012	.07041
Year ended March 1980				
Total Oper. Expense [1] (mils.)	18,717	2,914	21,631	22,080
Less: All-Cargo Exp. [2]	220	—	220	220
Belly Offset [3]	1,098	156	1,254	1,310
Non-Scheduled [4]	130	37	167	190
Trans. Related [5]	401	36	437	445
Plus: Capitalized Lease Adj. [10]				
Passenger Operating Expense	16,868	2,685	19,553	19,925
Passenger Fuel Cost [11]			5,770	N.A.
Passenger Non-Fuel Cost			13,783	N.A.
Scheduled Service ASM's (mils.)			323,784	327,706
Passenger Non-fuel Oper. Exp. Per ASM (dollar)			.04257	N.A.
Passenger Fuel Exp. per ASM (dollar)			.01782	N.A.
Total Exp. per ASM (dollar)			.06039	.06060
Percent Change in Non-fuel Oper. Exp. per ASM (percent)			11.58	N.A.
Projected Change in Non-fuel Exp. from Oct. 1, 1980 to Oct. 1, 1981 [6]			11.58	N.A.
Estimated change in Fuel Cost, Year ended March, 1981 Average to Oct. 1, 1981 [12]			22.58	N.A.
Non-Fuel Operating Exp. per ASM at Oct. 1, 1981 [7] (dollar)			.05300	N.A.
Fuel Expense per ASM at Oct. 1, 1981 [7] (dollar)			.02773	N.A.
Total Expense per ASM at Oct. 1, 1981 [7] (dollar)			.08073	[13].08108
Year ended March 1977				
Total Oper. Exp. [1] (mils.)	$11,726	$1,580	$13,316	$13,601
Less: All-Cargo Exp. [2]	238	—	238	238
Belly Offset [3]	729	96	825	865
Non-scheduled [4]	220	35	255	266
Trans. Related [5]	427	111	538	554
Passenger Oper. Expense	10,112	1,346	11,460	11,678
Capitalized Lease Adj. [10]				(112)
Revised Pass. Operating Expense			363,021	265,837
Scheduled Service ASM's (mils.)				.04351
Operating Expense per ASM (dollar)				.04548
Projected Expense per ASM (dollar) as at July 1, 1977 [13]				.08108
Projected Operating Expense per ASM as at Oct. 1, 1981 (page 1) (dollar)				78.19
Cost Adjustment Factor [8]				+ 1.22
Change from Prior SIFL				

D.P.F.I. Formula Effective July 15, 1977 [12]

Terminal Charge $16.16; Plus .0884/mile (0–500 miles); .0674/mile (501–1,500 miles); .0648/mile (over 1,500 miles)

SIFL Formula Through December 31, 1981 [9]

Terminal Charge $28.80; Plus .1575/mile (0–500 miles); .1201/mile (501–1,500 miles); .1155/mile (over 1,500 miles)

[1] Total operating expense for all operations and service (in millions).
[2] Scheduled all-cargo operations expense.
[3] Total scheduled-service cargo revenue, less scheduled all-cargo operations revenue, carried as a by-product in aircraft belly compartments. Includes freight, express, priority and non-priority U.S. mail, and excess baggage.
[4] Total non-scheduled revenues times .95, assuming charter operations would only be conducted at a profit.
[5] Total transport-related expense, less any excess of expense over total transport-related revenues.
[6] We here project costs from Oct. 1, 1980 (the midpoint of the data year ended March 1981), to Oct. 1, 1981 the resultant increase factor effective through Dec. 31, 1981
[7] Operating expense per ASM for year-ended March 1981 times projected change.
[8] Projected operating expense per ASM on Oct. 1, 1981 divided by the operating expense as at July 1, 1977
[9] Adjustment results in a 1.2 percent increase.
[10] Now that all appropriate leases have been capitalized, we have discontinued our adjustment of current data by restating the base period.
[11] Total fuel cost, scheduled service, times complement of rate of All-Cargo expense to total Operating Expense.
[12] Order 77–7–26.

[13] Year ended March 1977 cost per ASM, times cost escalation factor of *1.04543* (to July 5, 1977). See *DPFI* workpapers, Y.E. March, 1977

[14] Estimated average cost per gallon for the trunk plus local service carriers at Oct. 1, 1981 divided by the average for the year ended March 1981 (90.70¢).

[15] Change in Trunks plus Locals cost per ASM at Oct. 1, 1981 to year ended March 1981 times Total Pax/Cargo cost for the year ended March 1981.

[16] Includes Alaskan, Hawaiian and other regional carriers.

[FR Doc. 81-19873 Filed 7-3-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-181]

Fitness Determination of Air Illinois, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-181, Order to Show Cause.

SUMMARY: The Board is proposing to find that Air Illinois, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 17, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 920, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-181.

FOR FURTHER INFORMATION CONTACT: Larry Intravia, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6068.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-181 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-181 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 26, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19871 Filed 7-3-81; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Sunbird Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-180, Order To Show Cause.

SUMMARY: The Board is proposing to find that Sunbird Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 17, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-180.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-180 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-180 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 26, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19872 Filed 7-3-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 31619]

Ruth C. A. Keene and Trans International Airlines, Inc. (Part 252 Enforcement Proceeding); Reassignment of Proceeding

This proceeding is hereby reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., June 29, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-19874 Filed 7-3-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39634]

U.S.-London Case (1982); Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 8, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room "D", Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C. 20428, before the undersigned administrative law judge.

Dated at Washington, D.C., June 29, 1981.

Elias C. Rodrigues,

Administrative Law Judge.

[FR Doc. 81-19875 Filed 7-3-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00050. Applicant: Regents of the University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 16920 in the **Federal Register** of March 16, 1981. Article ordered: July 31, 1980.

Docket No. 81-00055. Applicant: Children's Hospital Medical Center, Department of Pathology, Elland & Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 18564 in the **Federal Register** of March 25, 1981. Article ordered: October 16, 1979.

Docket No. 81-00060. Applicant: University of Alabama in Birmingham, University Station, Birmingham, AL 35294. Article: Electron Microscope, Model JEM 100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18565 in the **Federal Register** of March 25, 1981. Article ordered: September 22, 1980.

Docket No. 81-00063. Applicant: William S. Middleton Memorial Veterans Hospital, 2500 Overlook Terrace, Madison, WI 53705. Article: Electron Microscope, Hitachi Model H-300. Manufacturer: Nissie Sangyo American, Japan. Intended use of article: See Notice on page 18565 in the **Federal Register** of March 25, 1981. Article ordered: September 25, 1980.

Docket No. 81-00067. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18565 in the **Federal Register** of March 25, 1981. Article ordered: September 22, 1980.

Docket No. 81-00078. Applicant: State of Rhode Island Department of Mental Health, Retardation and Hospitals, P.O. Box 8269, Cranston, R.I. 02920. Article: Electron Microscope, Model EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 18569 in the **Federal Register** of March 25, 1981. Article ordered: August 21, 1981.

Docket No. 81-00083. Applicant: Pennsylvania College of Optometry, 1200 West Godfrey, Philadelphia, PA 19141. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 18570 in the **Federal Register** of March 25, 1981. Article ordered: April 16, 1980.

Docket No. 81-00084. Applicant: University of Maryland School of Medicine, Department of Pathology, 660 W. Redwood Street, Baltimore, MD 21201. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18570 in the **Federal Register** of March 25, 1981. Article ordered: June 18, 1980.

Docket No. 81-00092. Applicant: Johns Hopkins University, Charles and 34th Street, Baltimore, Maryland 21218. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 18570 in the **Federal Register** of March 25, 1981. Article ordered: November 14, 1980.

Docket No. 81-00094. Applicant: Franklin Research Center, 20th & Race Streets, Philadelphia, PA 19103. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18571 in the **Federal Register** of March 25, 1981. Article ordered: November 21, 1980.

Docket No. 81-00096. Applicant: Uniformed Services, University of the Health Sciences, School of Medicine, 4301 Jones Bridge Road, Bethesda, MD 20014. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18571 in the **Federal Register** of March 25, 1981. Article ordered: November 20, 1980.

Docket No. 81-00098. Applicant: University of Illinois Medical Center, Research Resources Center (933 Bldg.), P.O. Box 6998, Chicago, Illinois 60660. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18572 in the **Federal Register** of March 25, 1981. Application received by Commissioner of Customs: January 6, 1981.

Comments: No comments have been received with respect to any of the foregoing application. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article established the fact that a comparable CTEM is pertient to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time for receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19834 Filed 7-3-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From West Germany; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from West Germany. The review covers the three known exporters of this merchandise for various periods through June 30, 1980. This review indicates no shipments for those exporters and time periods.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 24, 1971, a dumping finding with respect to pig iron from West Germany was published in the **Federal Register** as Treasury Decision 71-192 (36 FR 13780). A "Tentative Determination to Modify or Revoke Dumping Finding" with respect to the merchandise was published by the Department of the Treasury in the **Federal Register** on October 2, 1978 (34 FR 18560). Reasons for the tentative revocation were given in the notice and interested parties were given an opportunity to present written or oral views. Treasury took no final action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on pig iron from West Germany. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three West German exporters of pig iron to the United States. The review covers various periods through June 30, 1980, during which shipments of pig iron may have been made to the United States. The firms and review periods are listed below.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that there were no shipments for the three firms in the following periods:

Metallhuttanwerke G.m.b.H.—9/1/75–6/30/80
Rheinstahl, A.G.—1/1/73–6/30/80
Duisburger Kupferhutte—8/1/78–6/30/80

Since the firms have failed to provide the written agreement required by § 353.54(e) of the Commerce Regulations, the Department will take no further action on revocation at this time. Interested parties may submit written comments on these preliminary results on or before August 5, 1981 may request disclosure and/or a hearing on or before July 21, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin for each firm usually would be required on all shipments of pig iron from West Germany entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. The most recent margin calculated for each of the firms was zero, and therefore the Department shall not require cash deposits on shipments of West German pig iron. This waiver of deposit shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: June 30, 1981.

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-19088 Filed 7-2-81; 8:45 am]
BILLING CODE 3510-25-M

Truck Trailer Axle-and-Brake Assemblies From the Hungarian People's Republic; Postponement of Preliminary Decision

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Antidumping Determination.

SUMMARY: This notice informs the public that the Department of Commerce has determined that this antidumping case is "extraordinarily complicated," and that the Department will postpone its preliminary determination as to whether sales of truck trailer axle-and-brake assemblies from the Hungarian People's Republic have occurred at less than fair value until not later than September 10, 1981.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, D.C. 20230 (202–377–3464).

SUPPLEMENTARY INFORMATION: On March 11, 1981, the Department of Commerce published notice in the **Federal Register** (46 FR 16109) that it was initiating, under section 732(b) of the Tariff Act of 1930 (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether truck trailer axle-and-brake assemblies from the Hungarian People's Republic are being or are likely to be sold at less than fair value. The notice stated that, unless the investigation were extended, the Department would issue a preliminary determination not later than July 22, 1981. Section 733(c) of the act provides that the Department of Commerce may postpone its preliminary determination concerning sales at less than fair value if it concludes that the parties involved are cooperating in the investigation, the case is extraordinarily complicated, and additional time is needed to make the preliminary determination.

Pursuant to section 733(c) of the Act, the Department concludes that the parties concerned are cooperating and that this case is extraordinarily complicated because it presents a novel issue. This is one of the first dumping cases brought against a country which traditionally has been considered to be state controlled, but which may have certain sectors which operate like a free-market economy. In order to determine the appropriate measure of fair value, the Import Administration has had to analyze the nature of the Hungarian economy in general and the industrial sector in detail. Therefore, the Department will need additional time to collect and analyze data necessary for a preliminary determination.

Accordingly, the Department will issue a preliminary determination in this case not later than September 10, 1981.

This notice is published pursuant to section 733(c)(2) of the Act (19 U.S.C. 1673b(c)(2)).

Dated: June 26, 1981.

David L. Binder,
Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-19089 Filed 7-2-81; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

New Systems of Records

AGENCY: Department of the Air Force.

ACTION: Notice of a new system of records.

SUMMARY: The Air Force proposes to establish two new systems of records subject to the Privacy Act of 1974. The systems notices for these new systems of records are published below.

DATES: These systems shall be effective as proposed without further notice on August 5, 1981 unless comments are received which would result in a contrary determination.

ADDRESS: Any comments including written data, views or arguments concerning the proposed systems should be addressed to the system manager identified in each notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD (s), Room 4A–1088, The Pentagon Washington, D.C. 20330, Telephone: (202) 694–3431.

SUPPLEMENTARY INFORMATION: The Air Force system of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 522a) Pub. L. 93–579 have been published to date in the **Federal Register** at:

FR Doc 79–37052 (44 FR 74145) December 17, 1979
FR Doc 81–697 (46 FR 6443) January 21, 1981
FR Doc 81–7598 (46 FR 16110) March 11, 1981

The Department of the Air Force has submitted new system reports for these two systems as required by the provisions of 5 U.S.C. 552a(o) as follows:

System No.	Date of report
F05002 SAC A	June 1, 1981.
F05002 SAC C	May 20, 1981.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington, Headquarters Services Department of Defense.

June 29, 1981.

F09003 SAC A

SYSTEM NAME:

Unaccompanied Personnel Quarters Assignment/Termination.

SYSTEM LOCATION:

All Strategic Air Command bases. Located in the Base Billeting Operations office and in the respective Squadron Orderly Room. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Unaccompanied military personnel who: (1) apply for or who are entitled to occupy unaccompanied quarters, (2) accept or decline unaccompanied on-base quarters, (3) reside off-base at their own expense, (4) accept inadequate quarters, and/or (5) are identified as authorized to reside off-base with prescribed quarters allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to application, assignment, acceptance, declination, or termination of unaccompanied quarters; authorization for unaccompanied personnel to reside off-base at their own expense; voluntary acceptance of inadequate quarters; and/or authorization to reside off-base with prescribed quarters allowance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: power and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To effectively manage unaccompanied personnel quarters; establish and maintain a record of application for unaccompanied personnel quarters assignment; terminate assignment to unaccompanied quarters; and grant authorization to reside off-base with or without specified quarters allowance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms and drawers.

RETENTION AND DISPOSAL:

Records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping when superseded or when individual is reassigned.

SYSTEM MANAGER(S) AND ADDRESS:

Base Billeting Manager and Commanders of Strategic Air Command Squadron on SAC bases.

NOTIFICATION PROCEDURE:

Individuals may contact the Base Billeting Manager or Commanders of Strategic Command Squadrons on SAC bases. Requests to determine existence of record should include full name and grade and approximate dates individual was assigned to or serviced by the Billeting Operation function on Strategic Air Command bases, subsequent to 1 July 1981.

RECORD ACCESS PROCEDURES:

Access is controlled by Base Billeting Manager at base level or by Squadron Commanders at squadron level.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F05002 SAC C

SYSTEM NAME:

ADP Training Management System.

SYSTEM LOCATION:

Headquarters Strategic Air Command, Deputy Chief of Staff, Data Systems (HQ SAC/AD), Offutt AFB, NE 68113.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to HQ SAC/AD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training Summary Files: Records are maintained for each student listing training courses completed and scheduled. Computer Based Training (CBT) Management: For students enrolled in Computer Assisted Instructions (CAI) courses, maintains record of student progress and responses to lesson material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to validate prerequisites for projected training, track student progress in CAI courses, monitor enrollment processing actions, and generate statistical information on training trends within HQ SAC/AD.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Course material bearing personal information will be stored on a magnetic tape/disc and hard copy course material will be stored in an office that is locked when vacant.

RETRIEVABILITY:

By name, course, date, or organization.

SAFEGUARDS:

Records are accessed by personnel responsible for servicing the record system in performance of official duties. Students have access only to their own file by grant of specific "permissions." Hard copies of records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained until reassigned from HQ SAC/AD, then computer files are erased or overwritten and hard copies are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Data Systems, Headquarters Strategic Air Command, Offutt AFB NE 68113.

NOTIFICATION PROCEDURE:

Deputy Chief of Staff, Data Systems (HQ SAC/ADXRT), Offutt AFB NE 68113. Requests to determine existence of record should include full name, grade and whether currently assigned to HQ SAC/AD.

RECORD ACCESS PROCEDURES:

Access to all records is controlled by HQ SAC/ADXRT, Offutt AFB, NE 68113.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial determination by the individuals concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual and graduation certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19882 Filed 7-3-81; 8:45 am]
BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Contract Award; National Academy of Public Administration

AGENCY: Department of Energy.

ACTION: Notice of Contract Award.

SUMMARY: In accordance with the Department of Energy Procurement Regulations, the Department of Energy gives public notice that a contract is being awarded, after taking into account the existence of potential organizational conflicts of interest, because this procurement action is determined to be in the best interest of the United States.

FOR FURTHER INFORMATION CONTACT: Edward F. Mastal, U.S. Department of Energy, Nuclear Waste Management and Fuel Cycle Programs, Office of Nuclear Energy, NE-310, Room A-276, 301/353-3723.

Determination and Findings

Upon the basis of the following determinations and findings, the contract described below is being awarded to the National Academy of Public Administration (NAPA). Based on an evaluation of the facts contained in the disclosure statement, it has been determined that no organizational conflict of interest exists with NAPA itself. However, an organizational conflict of interest may potentially exist with one or more of the panel members to be assembled by NAPA to complete this work. Administrative and other mechanisms will be employed to mitigate this potential organizational conflict of interest. This procurement action is determined to be in the best interest of the United States pursuant to the authority of Department of Energy Procurement Regulation 41 CFR 9-1.5409(a)(3).

The Department of Energy has responsibility for implementing National policy and for all nonregulatory activities associated with radioactive waste management. As lead agency, the Department is responsible for the preparation and implementation of appropriate plans, programs, and mechanisms to improve coordination and communication of activities and decisions on radioactive waste management.

In addition to the technical aspects of radioactive waste management, mechanisms need to be identified to resolve institutional issues. These include mechanisms to improve interagency coordination and planning and Federal/State interactions.

Resolution of institutional issues is of equal importance as resolution of technical issues. New approaches for improving present methods need to be developed and reviewed which address the coordination of various activities of the Federal agencies, as well as the forging of new "partnerships" or means for interacting with States, Indian Tribes, and local governments in managing and disposing of radioactive wastes. The need for improving specific implementing mechanisms to coordinate and integrate federal actions is a dominant theme from commenters critiquing Federal waste management programs.

To discharge this responsibility, it is necessary for the Office of Nuclear Waste Management and Fuel Cycle Programs to explore new approaches and obtain neutral, expert assistance to effectively resolve these institutional issues. NAPA is an organization of active and distinguished practitioners and scholars of public administration who have a special concern with program performance in Federal, State, and local government, public sector organization, and public administration. The special strength of the Academy lies in its ability to asemble a panel of individuals who possess a breadth of experience and a depth of knowledge in the institutional, organizational, and administrative areas under investigation. When these several perspectives are brought together in a panel forum, there is a unique opportunity to probe past experience to identify what works or does not work, to forecast potential problem areas and to point out the most promising solutions to such problems. NAPA's members possess expertise in policy formation, program implementation, and management in all levels of government. They can concentrate a broad range of experts upon development of specific methods to coordinate planning activities of the various government groups. They provide neutral expertise in researching and evaluating management techniques, both in place and proposed, and would recommend approaches to resolve intergovernmental issues.

In accordance with 41 CFR 9-1.5405, NAPA has provided disclosure information concerning its interests related to the contract work to be performed for the Department of Energy. The disclosure information bears upon the potential for organizational conflict of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage. Based on evaluation of the facts contained in the disclosure statement, it has been determined that no organizational conflict of interest exists with NAPA itself. However, organizational conflict of interest may potentially exist with one or more of the panel members to be assembled by NAPA to complete this work. Since the NAPA members have prior experience in public administration, held Federal positions, and are knowledgeable in radioactive waste matters, it is almost impossible not to have formed an opinion or a bias towards a particular process to resolve institutional issues. However, it is this very experience and expert opinion which is necessary for an application to this work. By providing a panel of experts for discussion of issues and alternative solutions, any such bias is mitigated or eliminated resulting in a neutral and unbiased set of recommendations.

Mitigation

Selection of panel members will be by NAPA. The Special Organizational Conflicts of Interest clause contained in 9-1.5406(2) will be included in the contract with NAPA. Upon completion of work, the recommendations and associated rationale will be reviewed by the Department of Energy and incorporated, as appropriate, in the decisionmaking process of the Department of Energy to improve mechanisms for interagency and intergovernmental options.

Determination

Based upon the above Findings and Mitigation, and in accordance with 41 CFR 9-1.5409(a)(3), I hereby find that the approval of this contract award is in the best interest of the United States.

Dated: June 24, 1981.

John W. Crawford, Jr.,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 81-19886 Filed 7-3-81; 8:45 am]
BILLING CODE 6450-01-M

Dose Assessment Advisory Group; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting.

Name: Dose Assessment Advisory Group
Date and time: Wednesday, July 22, 1981—8:30 a.m. to approximately 5 p.m.; Thursday, July 23, 1981—8:30 a.m. to approximately 4 p.m.
Place: Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada
Contact: Marshall Page, Jr., Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, Department of Energy, Box 14100, Las Vegas, Nevada 89114, Telephone: 702-734-3194

Purpose of group

To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project. This project concerns the evaluation and assessment of the amount of radiation received by members of the offsite population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative Agenda

July 22, 1981

- Introduction and Briefing
- Reports by Pathway Analysis, Internal Dose, Data Analysis and External Dose Task Groups on model development. Presentations will include model validation, parameters used in models and calculations used to produce individual organ dose estimates for selected individuals
- Synopsis of external and internal dose estimates for selected individuals
- Dose Assessment Advisory Group discussion
- Public Comment (5 minute rule)

July 23, 1981

- Announcements and instructions
- Presentation by Environmental Measurements Laboratory on results of recent environmental sampling of fallout areas
- Progress reports by Fallout Verification Task Groups and the Coordination and Information Center
- Discussion and recommendations by Dose Assessment Advisory Group
- Public Comment (5 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page at the address or telephone number listed above.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Executive Summary

Available approximately 30 days following the meeting from the Advisory Committee Management Branch, telephone 202-252-5187.

Issued in Washington, D.C. on June 30, 1981.

Harry L. Peebles,

Deputy Assistant Secretary, Management and Administration.

[FR Doc. 81-19870 Filed 7-2-81; 8:45 am]
BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer from Norway to the Federal Republic of Germany of 83.842 kilograms of uranium, containing 3.1155 kilograms of U^{-235} (3.7% average enrichment) for chemical purification and conversion into UO_2 powder. After conversion, it is intended to return the material to Norway for production of fuel elements for the JEEP II and HBWR reactors.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(NO)-33 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 21, 1981.

For the Department of Energy.

Dated: June 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19884 Filed 7-3-81; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the export of 248,000 kilograms of natural uranium as uranium hexafluoride to Switzerland, for subsequent enrichment at the Eurodif facility, Tricastin, France. After enrichment, it is planned to store the enriched uranium in Switzerland, for subsequent shipment to the United States for fabrication of fuel elements for the Kaiseraugst power reactor in Switzerland.

This subsequent arrangement is to be carried out under the above mentioned agreements in accordance with Section

402(a) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2153a).

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 21, 1981.

For the Department of Energy.

Dated: June 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19666 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement, European Atomic Energy Community (EURATOM)

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) on the Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves the signature of a Project and Supply Agreement amendment and related documents concerning the proposed transfer from the United States to Malaysia through the IAEA of 5.48 kilograms of uranium, enriched to approximately 19.9% in U-235, for use as research reactor fuel.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 21, 1981.

For the Department of Energy.

Dated: June 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19666 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements; Republic of Korea

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve supply of the following materials:

Contract Number S-KO-10, 2 milligrams of thorium-230 to be used in isotope dilution analysis on rock specimens.

Contract Number S-KO-11, 20 milligrams of uranium-235 to be used in isotope dilution analysis on rock specimens.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than July 21, 1981.

For the Department of Energy.

Dated: June 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19667 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[OFC Case Nos. 51685-2516-01-82; 51685-2516-02-82; 51685-2516-03-82; 51685-2516-04-82]

Long Island Lighting Company; Termination of Prohibition Order Proceedings Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Intent not to proceed with Prohibition Order Proceedings Pursuant to Sections 301 and 701 of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On January 2, 1980, pursuant to sections 301 and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) published in the **Federal Register** (45 FR 66) a notice of issuance of proposed prohibition orders to the Long Island Lighting Company of Mineola, New York. The orders would, if finalized, prohibit the use of petroleum or natural gas as a primary energy source in powerplants 1, 2, 3 and 4 at the Northport facility of Long Island Lighting Company (Utility), located at Huntington, Long Island, New York.

ERA hereby gives notice, pursuant to rules implementing FUA, that it does not intend to proceed with the prohibition order proceedings instituted against the Utility.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128, Washington, D.C. 20461, (202) 653-4184

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B-178, Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 501.51(b)(3), publication of the notice and issuance of the proposed orders to powerplants 1, 2, 3 and 4 at the Northport Generating Station began a three month comment period, during which period the Utility was given an opportunity to challenge the ERA's initial findings of technical capability. During this period, the Utility was required to furnish ERA with such additional evidence as was necessary to enable ERA to make the other statutory findings which are required to be made by ERA prior to issuance of final prohibition orders. The comment period ended on April 2, 1980. On April 2, 1980, the Utility submitted its initial comments in response to the proposed prohibition orders. The Utility claimed:

(1) The powerplants do not now have, nor have they ever had, the technical capability to burn coal; (2) the rebuilding of the powerplants to enable them to burn coal would require (a) substantial modification, (b) substantial reduction in the rated capacity of the units; and (3) it is not financially feasible for the Utility to rebuild the units to burn coal. Further, possible temporary and permanent exemptions were identified by the Utility for which the powerplants may be eligible.

Though ERA's preliminary findings showed that the powerplants were designed to burn coal, the Utility has provided information which relate substantive technical and financial problems involved in the proposed conversion which have led ERA to conclude that it is infeasible to convert the powerplants at this time or in the foreseeable future.

ERA finds that the continuance of this prohibition order process would serve no useful purpose at this time and would, in fact, likely cause additional oil consumption by the Utility by preventing the formation of needed capital to accomplish other oil reduction construction activities. 10 CFR 501.51(b)(9) provides that ERA may terminate a prohibition order proceeding at any time prior to the date upon which a final order shall become effective. In view of these facts, ERA has decided to terminate, and hereby gives notice that it has terminated, the prohibition order proceedings against the Utility's Northport powerplants 1, 2, 3 and 4.

The public file containing a copy of this notice and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, N.W., Washington, D.C., Monday through Friday, 8:00 a.m.—4:30 p.m.

Issued in Washington, D.C. on June 26, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-19681 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

Planet Engineers Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has executed a Consent Order and provides an opportunity for potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order. Comments by: August 5, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On June 16, 1981, the Office of Enforcement of the ERA executed a Consent Order with Planet Engineers Incorporated ("Planet"). Under 10 CFR 205.199J(b), a Consent Order which involves a sum less than $500,000, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Planet, with its home office located in Denver, Colorado, is engaged in the processing and sale of natural gas liquids (NGL) and NGL products, and is subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Planet the ERA Office of Enforcement and Planet entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Planet's books and records and reviewed all pertinent matters relating to Planet's compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through January 28, 1981. All civil matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Planet in sales of NGL and NGL products during the period September 1, 1973 through January 28, 1981 are resolved by this Consent Order.

2. Planet will refund the aggregate amount of $55,000, which includes interest.

3. Execution of the Consent Order constitutes neither an admission by Planet nor a finding by DOE that Planet has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Planet agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I.1. above during the settlement period, the sum of $55,000 on or before July 16, 1981. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refund overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Domestic Crude Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Notices of Claim

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

You should sent your written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Economic Regulatory Administration, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling (816) 374-5932.

You should identify your written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Notice of Claim to Planet Engineers Incorporated Consent Order." We will consider all comments we receive by 4:30 p.m., local time on August 6, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

V 46 / 128 JL 6 81 UMI

Issued in Kansas City, Missouri on the 24th day of June, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

[FR Doc. 81-19000 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-008]

Public Service Electric Gas Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On June 5, 1981, Public Service Electric and Gas Company (Public Service), 80 Park Place, Newark, New Jersey 07101, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for recertification of an eligible use of up to 7.3 billion cubic feet of natural gas per year to displace approximately 1,102,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 30,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year at eight of its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton. The eligible seller of the natural gas is National Gas and Oil Corporation (National), 1500 Granville Road, Newark, Ohio 43055. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001. Notice of that application was published in the **Federal Register** (46 FR 32307, June 22, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. On June 9, 1981, Public Service requested that, if necessary, it be issued the recertification prior to the close of the 10-day public comment period to prevent disruption of this gas being supplied, transported, and used to displace fuel oil under the original certification.

On June 25, 1980, Public Service received a one-year recertification (ERA Docket No. 80-CERT-020) of an eligible use of natural gas purchased from National and the Equitable Gas Company (Equitable) for a period of one year expiring on June 24, 1981, for use in its electric generating stations in New Jersey. Public Service has not requested recertification of Equitable as an eligible seller.

The ERA has carefully reviewed Public Service's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Public Service's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

This recertification is being issued prior to the expiration of the 10-day public comment period and being made effective on June 25, 1981, to provide continuity with the current certificate's June 24, 1981, expiration date. The recertification involves the displacement of large volumes almost entirely of imported fuel oil and it is in the public interest to maximize the displacement of imported fuel. The application also indicates that the gas volumes are presently flowing and disruption of the gas would cause a loss of oil displacement. It is therefore not in the public interest to disrupt unnecessarily the displacement of this imported fuel oil, especially since this same purchase and use of gas at these facilities has qualified as an "eligible use" for the past two years and continually displaced significant volumes of imported fuel oil. Public comments will still be accepted by ERA for ten (10) calendar days from the date of publication of the Notice of Application in the **Federal Register** in view of the ability of the Administrator to terminate a recertification for good cause (10 CFR 595.08).

Issued in Washington, D.C. on June 25, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-19002 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-009]

Public Service Electric & Gas Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On June 8, 1981, Public Service Electric and Gas Company (Public Service), 80 Park Place, Newark, New Jersey 07101, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for recertification of an eligible use of up to 10.7 billion cubic feet of natural gas per year to displace approximately 1,616,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 42,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosense (0.1 percent sulfur) per year at eight of its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton. The eligible seller of the natural gas is East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston,, Texas 77001; and Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001. Notice of that application was published in the **Federal Register** (46 Fr 32308, June 22, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. On June 9, 1981, Public Service requested that, if necessary, it be issued the recertification prior to the close of the 10-day public comment period to prevent possible delay of this gas being supplied, transported, and used to displace fuel oil.

On June 25, 1980, Public Service received a one-year recertification (ERA Docket No. 80-CERT-017) of an eligible use of natural gas purchased from East Tennessee for a period of one year expiring on June 24, 1981, for use in its electric generating stations in New Jersey.

The ERA has carefully reviewed Public Service's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Public Service's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regualtory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG 13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

This recertification is being issued prior to the expiration of the 10-day public comment period and being made effective on June 25, 1981, to provide continuity with the current certificate's June 24, 1981, expiration date. The recertification involves the displacement of large volumes almost entirely of imported fuel oil and it is in the public interest to maximize the displacement of imported fuel. It is therefore not in the public interest to delay or disrupt unnecessarily the displacement of this imported fuel oil, especially since this same purchase and use of gas at these facilities has qualified as an "eligible use" for the past year. Public comments will still be accepted by ERA for ten (10) calendar days from the date of publication of the Notice of Application in the **Federal Register** in view of the ability of the Administrator to terminate a recertification for good cause (10 CFR 595.08).

Issued in Washington, D.C. on June 29, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-19863 Filed 7-2-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed, Week of May 29 through June 5, 1981

During the week of May 29 through June 5, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

June 26, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of May 29 through June 5, 1981]

Date	Name and Location of applicant	Case No.	Type of submission
June 1, 1981	Atlantic Richfield Company, Washington, D.C.	BRD-0123	Motion for Discovery. If granted: Atlantic Richfield Company will be granted deposition discovery in connection with its Statement of Objections to a Proposed Remedial Order (Case No. DRO-0193) issued to the firm on May 1, 1979.
June 1, 1981	Commonwealth Oil Refining Company, Washington, D.C.	BEA-0685	Appeal of the Entitlements Notice. If granted: The February 20, 1981 Entitlements Notice would be modified with respect to Commonwealth Oil Refining Company's entitlements purchase obligations.
June 1, 1981	OE/Adams Resources & Energy, Inc., Washington D.C.	BEF-0055	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with October 10, 1981, Consent Order issued to Adams Resources & Energy, Inc.
June 1, 1981	OE/Ozona Gas Processing Corp., Washington, D.C.	BEF-0056	Implementation of Special Refund Procedures. If granted: The office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the November 11, 1981, Consent Order issued to Ozona Gas Processing Corporation.
June 1, 1981	San Jose/Santa Clara Water Pollution Control Plant, San Jose, California.	BEE-1663	Exception from the Entitlements Program. If granted: San Jose/Santa Clara Water Pollution Control Plant would receive exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
June 2, 1981	Ideal B G Associates, New York, New York	BEE-1664	Price Exception. If granted: Ideal B G Associates would be permitted to sell the crude oil produced from the Starritt A-1 well located in Pontotoc County, Oklahoma at upper tier ceiling prices.
June 2, 1981	Joseph L. Menzel, Los Alamos, New Mexico	BAA-0687	Appeal of Decision after a Study to contract for Services. If granted: The study, pursuant to OMB Circular A-76 released by DOE's Los Alamos National Laboratory on January 9, 1981, would be reviewed.
June 2, 1981	Los Alamos Protective Force Operation, Los Alamos, New Mexico.	BAA-0868	Appeal of Decision after a Study to Contract for Services. If granted: The study, pursuant to OMB Circular A-76 released by DOE's Los Alamos National Laboratory on January 9, 1981, would be reviewed.
June 3, 1981	Farmers Union Central Exchange/Cities Service Co., Tulsa, Oklahoma.	BEJ-0202	Motion for Protective Order. If granted: Farmers Union Central Exchange would enter into a Protective Order with Cities Service Company regarding the release of propretary information to Cities Service Company in connection with Farmers Union Central Exchange's Application for Exception (Case No. BEE-1340).
June 3, 1981	Kirkpatrick Oil & Gas Company, Oklahoma City, Oklahoma.	BRX-0216	Supplemental Order. If granted: The April 29, 1981 Decision and Order (Case No. DRO-0211) issued to Kirkpatrick Oil & Gas Company would be modified.
June 3, 1981	Mobil Oil Corporation, Washington, D.C.	BEZ-0096	Request for Interlocutory Order. If granted: The Office of Hearings and Appeals would issue an order proposing to collect additional factual information to supplement the administrative record in Case No. BEA-0630.
June 3, 1981	OE/Mohegan Company & James B. Kite Operating Co., LTD, Oklahoma City, Oklahoma.	BEF-0057	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the April 1, 1980 Consent Order issued to Mohegan Company & James B. Kite Operating Company, LTD.
June 4, 1981	Bracewell and Patterson, Washington, D.C.	BFA-0688	Appeal of an Information Request Denial. If granted: The April 29, 1981 Information Request Denial issued by the Division of FOI and Privacy Acts Activities would be rescinded, and Bracewell and Patterson would receive access to cetain DOE information.

V 46 / 128 J L 6 8 1 UMI

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of May 29 through June 5, 1981]

Date	Name and Location of applicant	Case No.	Type of submission
June 4, 1981	Lunday Thegard Oil Company, Washington, D.C.	BYR-0142 and BES-0164	Request for Modification and Request for Stay. If granted: The August 27, 1980 Decision and Order (Case No. DXE-3717) issued to Lunday Thegard Oil Co. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations. Lunday Thegard Oil Company would receive a stay of the May 20, 1981 Decision and Order (Case No. BYX-0201) issued to the firm by the Office of Hearings and Appeals pending a determination on its request for modification/recession.
June 4, 1981	Mobil Oil Corporation, Washington, D.C.	BES-0165	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the May 26, 1981 Supplemental Order (Case No. BEX-0212) issued to Mobil Oil Corporation by the Office of Hearings and Appeals pending a final determination on its Appeal.
June 4, 1981	Oklahoma Refining Company, Washington, D.C.	BED-0926	Motion for Discovery. If granted: Discovery would be granted to Oklahoma Refining Company in connection with the Statement of Objections submitted in response to the April 22, 1981 Proposed Decision and Order (Case No. BEE-0926) issued to the firm.
June 4, 1981	Richard's Standard Service (Pavia), Chicago, Illinois	BRW-0087	Remedial Order finalization. If granted: The Office of Enforcement has requested that the Proposed Remedial Order issued to Richard's Standard Service on October 27, 1980 be issued as a final Remedial Order.
June 4, 1981	The First National Bank of Dallas, Dallas, Texas	BEX-0217	Supplemental Order. If granted: The Office of Hearings and Appeals would ratify the trust document that the First National Bank of Dallas has executed with the Citronelle Unit.
June 5, 1981	OE/D. R. Cummings, Oklahoma City, Oklahoma	BEF-0058	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the April 16, 1980 Consent Order issued to D. R. Cummings.
June 5, 1981	OE/N. C. Ginther, Dallas, Texas	BEF-0059	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the November 14, 1979 Consent Order issued to N. C. Ginther.

Notices of Objection Received

[Week of May 29 to June 5, 1981]

Date	Name and location of applicant	Case No.
June 5, 1981	Johnny's Petroleum Products, Inc., New Berlin, Wisconsin	BEE-1609.

[FR Doc. 81-19628 Filed 7-3-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 5 Through June 12, 1981

During the week of June 5 through June 12, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 26, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of June 5 through June 12, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 5, 1981	Meeker and Company, Washington, DC	BED-0124	Motion for Discovery. If granted: Discovery would be granted to Meeker and Company in connection with the Statement of Objections submitted in response to the March 27, 1981 Proposed Decision and Order (Case No. DEE-1669) issued to the firm by the Office of Hearings and Appeals.
June 8, 1981	DOE Office of Personnel, Washington, DC	BEG-0057 and BES-0166	Request for Special Redress and Request for Stay. If granted: The Office of Hearings and Appeals would review the DOE Office of Personnel's petition for Special Redress regarding the release of personal and confidential information. The DOE Office of Personnel would receive a stay of the March 31, 1981 Decision and Orders (Case Nos. BER-0075 and BER-0076).
June 8, 1981	Glaser Gas, Inc., Denver, Colorado	BRS-1316	Request for Stay. If granted: Glaser Gas, Inc. would receive a stay of the provisions of 10 CFR Part 205.120 *et seq.* pending a determination on the firm's Consent Order.
June 8, 1981	OE/Kirkpatrick Oil & Gas, Washington, DC	BEF-0061	Request for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the April 14, 1980 Consent Order issued to Kirkpatrick Oil & Gas.
June 8, 1981	OE/Quintana Petroleum, Washington, DC	BEF-0060	Request for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205 in connection with the August 31, 1979 Consent Order issued to Quintana Petroleum Corporation.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of June 5 through June 12, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 8, 1981	OE/William Gruenerwald & Assoc., Inc.	BEF-0062	Request for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the July 30, 1979 Consent Order issued to William Gruenerwald and Assoc., Inc.
June 8, 1981	Power Management, Inc., Fort Worth, Texas	BEE-1665	Price Exception. If granted: Power Management, Inc., would be retroactively relieved of its obligations to refund overcharges for crude oil produced and sold from leases it operated from September 1973 to January 31, 1976.
June 8, 1981	Power Test Petroleum Distributors, Inc., Washington, DC	BEG-0058	Request for Special Redress. If granted: The Office of Hearings and Appeals would review Power Test Petroleum Distributors, Inc.'s petition for Special Redress regarding the December 30, 1980 Notice of Probable Violation issued to the firm.
June 8, 1981	Skokie and Main Shell (Rash), Skokie, Illinois	BRR-0143	Request for Modification/Rescission. If granted: The Proposed Remedial Order issued to Skokie and Main Shell (Rash) would be modified.
June 8, 1981	Skokie and Main Shell (Rash), Skokie, Illinois	BRW-0098	Remedial Order Finalization. If granted: The Office of Enforcement has requested that a Proposed Remedial Order issued to Skokie and Main Shell on July 7, 1980 be issued as a final Remedial Order.
June 9, 1981	Collier, Shannon, Rill & Scott (Austrian), Washington, DC	BFA-0689	Appeal of an Information Request Denial. If granted: The May 8, 1981 Information Request Denial issued by the Office of Enforcement would be rescinded, and Collier, Shannon, Rill & Scott would receive access to certain DOE information.
June 9, 1981	Intermorth, Inc., Omaha, Nebraska	BRD-1380	Motion for Discovery. If granted: Discovery would be granted to Intermorth, Inc. in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1380) issued to the firm.
June 9, 1981	Little America Refining Co./Texaco, Inc., Washington, DC	BEJ-0203	Motion for Protective Order. If granted: Texaco, Inc. would enter into a Protective Order with Little America Refining Company regarding the release of proprietary information to Texaco, Inc. in connection with Little America Refining Co.'s Application for Exception (Case No. BEE-1664).
June 10, 1981	OE/Michaelson Producing Company, Midland, Texas	BEF-0063	Request for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the October 24, 1979 Consent Order issued to Michaelson Producing Company.
June 11, 1981	OE/Northeast Petroleum Industries, Inc., Chelsea, Massachusetts.	BEF-0065	Request for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the June 19, 1979 Consent Order issued to Northeast Petroleum Industries, Inc.
June 11, 1981	OE/Rollert-Waddell Company, Luling, Texas	BEF-0064	Request for Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the September 12, 1979 Consent Order issued to Rollert-Waddell Company.

[FR Doc. 81-19627 Filed 7-3-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

Bancorp of Pennsylvania, et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 25, 1981.

Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105 Bancorp of Pennsylvania, Reading, Pennsylvania (insurance underwriting activities; Pennsylvania): to engage through a subsidiary, Callowhill Life Insurance Company, Phoenix, Arizona, in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank, Bank of Pennsylvania. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is southeastern Pennsylvania.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Barclays Bank Limited and Barclays Bank International Limited, each of London, England (finance activities; California): to engage through their subsidiary, Barclays American/Business Credit, Inc., in commercial finance activities. These activities would be conducted from an office in Oakland, California, serving the Oakland/San Francisco metropolitan area.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19712 Filed 7-3-81; 8:45 am]

BILLING CODE 6210-01-M

Citicorp and Manufacturers Hanover Corp.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 28, 1981.

Federal Reserve Bank of New York (A Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: CITICORP, New York New York (real estate lending activities; California, Arizona, Nevada): to expand the service area of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., located in Orange, California, previously comprised of the state of California, to also include the entire states of Nevada and Arizona. The previously approved activities of this office include the making, acquiring and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate.

Manufacturers Hanover Corporation, New York, New York (relocation of office and expansion of service area; Colorado): to continue to hold the shares of Termplan Inc. of Colorado ("Termplan") after Termplan relocates its office located at 9975 E. Colfax Avenue, Aurora, Colorado to 7200 E. Hampden Avenue, Denver, Colorado, and expands the service area of the office. The application does not involve the commencement of any new activities at the new location. The activities which have previously been approved for this office and which will be offered in the expanded service area are: consumer finance, sales finance, and the sale as agent or broker of credit life and credit accident and health insurance directly related to extensions of credit by Termplan. The new office will serve customers in Denver, Gilpin, Boulder, Jefferson and Douglas Counties, and southwestern and west-central Adams, northwestern and west-central Arapahoe, southeastern Larimer, southwestern Weld, eastern Grand, northeastern Park, northern Teller, northwestern El Paso, and northwestern Elbert Counties.

Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activites and insurance activities; Virginia): to continue to hold the shares of Finance One Mortgage of Virginia, Inc. after Finance One Mortgage establishes a *de novo* office at Rouse Tower, 6060 Jeffrson Avenue, Suite 3003, Newport News, Virginia 23605 from which it would engage in the activities of arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, purchasing installment sales finance contracts, and acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. Ritter Life Insuance Company would reinsure such credit related insurance. The *de novo* office would serve the following counties: Mathews, Gloucester, New Kent, Charles City, James City, Prince George, York, Surry, Southampton, Isle of Wight, Middlesex, southern King and Queen, southern King William, southern Northampton, southern Lancaster, and northestern Sussex, and including the independent cities of Chesapeake, Virginia Beach, Suffolk, Norfolk, Newport News, Hampton, Portsmouth, Nansemond, and Princess Anne.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19711 Filed 7-3-81; 8:45 am]

BILLING CODE 6210-01-M

First Fairfield Bankshares, Inc.; Formation of Bank Holding Company

First Fairfield Bankshares, Inc., Fairfield, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank, Fairfield, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board

[FR Doc. 81-19715 Filed 7-3-81; 8:45 am]

BILLING CODE 6210-01-M

International Bank-Holding Co. of Florida, N.V. International Bank of Florida, Inc.; Formation of Bank Holding Company

The International Bank-Holding Company of Florida, N.V., and The International Bank of Florida, Inc., both of South Miami, Florida, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become Bank holding companies by acquiring control of 80 per cent or more of the voting shares of The International Bank of Miami, N.A., South Miami, Florida. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19714 Filed 7-3-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Florida Banks, Inc.; Acquisition of Bank

Southwest Florida Banks, Inc., Fort Myers, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Peoples Bank of Hillsborough County, Tampa, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-19713 Filed 7-3-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-9]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Tennessee Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Tennessee Public Service Commission involving the application of the South Central Bell Telephone Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 27, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-19830 Filed 7-3-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group To Revise Manual on Isolation Techniques for Use in Hospitals; Open Meeting

On August 7, 1981, the Centers for Disease Control will convene an open meeting of a work group to plan the revision of the manual, Isolation Techniques for Use in Hospitals. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 8:30 a.m., in Room SSB 19, Building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Byran P. Simmons, M.D., Hospital Infections Branch, Center for Infectious Disease, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia; Telephones: FTS: 236-3408, Commercial: 404/329-3408.

Dated: June 29, 1981.

James D. Bloom,

Acting Director, Centers for Disease Control.

[FR Doc. 81-19831 Filed 7-3-81; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1076]

President's Commission on Housing; Meeting

The President's Commission on Housing, as the Commission and as Committees thereof, will meet during the week of July 13 through July 17, 1981 at the offices of the Commission, 730 Jackson Place, N.W., Washington, D.C. In view of the relatively short time period in which the Commission has to complete its interim report, and the fact that the Commission has yet to hold its initial, organizational meeting, an exact schedule of the meetings is not available at this time. Following the initial meeting of the Commission on July 7 and 8, 1981, a more specific agenda and schedule of meetings will be published in the Federal Register. As a general rule, all meetings of the Commission and its Committees are open to the public. Advance notice of closed meetings will be publicized in the Federal Register whenever possible.

Further information may be obtained from the President's Housing Commission, 730 Jackson Place, N.W., Washington, D.C. 20503, (202) 395-5832. (Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C., July 2, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-19839 Filed 7-3-81; 12:14 pm]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-81-1074]

Section 8 Minority Business Enterprise Demonstration; Announcement of Fund Availability—Fiscal Year 1981

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, (HUD).

ACTION: Notice.

SUMMARY: HUD is announcing the availability of Fiscal Year 1981 contract and budget authority for a demonstration program under the Section 8 new construction and substantial rehabilitation programs for Minority Business Enterprises. These funds will assist minority developers to develop the capacity to enter the mainstream of the housing industry and is a continuation of efforts undertaken in Fiscal Year 1980 which resulted in approval of over 500 units of Section 8 housing involving minority business enterprises.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office with jurisdiction in your area.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development will be accepting Preliminary Proposal applications in accordance with 24 CFR §§ 880.305 and 881.305 for Section 8 new construction and substantial rehabilitation projects to be funded from the Headquarters Reserve pursuant to 24 CFR Section 891.403(b). Approximately, 1,500 units will be available nationwide. Although units designed for occupancy by the elderly will be permitted, applicants are advised that a maximum of 465 elderly units may be approved under this program.

Proposals will be received and reviewed by HUD field offices as described below. Selections will be made by the Assistant Secretary for Housing and the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) considering overall project feasibility, household type, previous experience, geographic dispersal, and field office evaluations of proposals. Proposals submitted under this demonstration may not exceed 100 assisted units.

Schedule for Submission of Applications

Developer's Packets, which contain all necessary information and requirements for submission of a proposal, will be available from HUD field offices. Proposals must be filed with appropriate HUD field office and must contain all exhibits and information as required by the Developer's Packet. Field offices will accept proposals immediately, but no proposal will be accepted after the regular closing time of the appropriate field office on July 31, 1981 unless this final date for submission of proposals is extended by the Assistant Secretary for Housing and the Assistant Secretary for FHEO by publication of an extension notice in the **Federal Register**. Section 8 Preliminary Proposals already in processing pursuant to previously published Notification of Fund Availability may be considered under this program upon written request of the owner.

Additional Information

(1) Proposals must meet all Section 8 program requirements, including cost containment, Housing Assistance Plan consistency, relocation, and site and neighborhood standards. Proposals will be rated in accordance with the factors specified in 24 CFR Sections 880.307(b) and 881.307(b) and Appendix 14 of Section 8 Handbooks 7420.1–REV and 7420.2–REV as modified by this notice. Details of this system are available from HUD field offices as part of the Developer's Packet.

(2) Proposals must have a bona fide minority owner. For this purpose, a minority owner is an individual, a group of individuals, a partnership, a corporation, or other entity, where more than 50 percent of the financial interest is held by persons in one or more of the racial and ethnic categories identified below. A minority general contractor or management agent does not constitute sufficient minority participation for the purpose of this demonstration.

The basic racial and ethnic categories for minorities in this program are defined as follows:

(a) American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(b) Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

(c) Black. A person having origins in any of the black racial groups of Africa.

(d) Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race.

(3) Applicants are cautioned that proposals submitted in response to this Notice are subject to Section 203(a) of the Housing and Community Development Act of 1980. This section greatly limits the amount of Section 8 contract authority that may be used to approve units with rents (including utilities) above 110 percent of the Fair Market Rents (FMRs). All requests to exceed 110 percent of FMRs must be recommended by the field office and approved by HUD Headquarters. Field offices must carefully monitor the use of this authority in terms of all other Section 8 units in their jurisdiction over 110 percent of FMR due to restrictions on this very limited resource.

(4) Additional information regarding the Section 8 program may be found in 24 CFR Parts 880 and 881 and HUD Handbooks 7420.1–REV and 7420.2–REV.

Issued at Washington, D.C. on June 24, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 81-19035 Filed 7-2-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Environmental Quality

[Docket No. NI-57]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under a HUD program as described in the appendix of the Notice: E. J. Christman Business and Industrial Redevelopment Area and the Center City Redevelopment Area and approximately 1,700 acres proposed for addition to these areas. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person and address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on the project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. June 26, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

An EIS on the E. J. Christman Business and Industrial Redevelopment Area, the Center City Redevelopment Area, and approximately 1,700 acres to be added to these areas to be carried out under the HUD Community Development Block Grant Program, in the City of National City, California

Description: The E. J. Christman Business and Industrial Redevelopment Area and the Center City Redevelopment Area are program areas under the HUD Community Development Block Grant Program. The former area is composed of about 175 acres with a land use plan calling for freeway business and light industrial uses. The Center City Redevelopment Area is composed of about 100 acres with a land use plan calling for housing, historic preservation, and public improvements.

The City is proposing to add approximately 1,700 acres to these areas including the 8th Street and National City Boulevard areas for the main purpose of carrying out an extensive housing rehabilitation program and commercial redevelopment.

Need: The City has determined that an EIS is necessary due to the scope of its program and area to be added, and due to environmental regulations and probable impact on city services.

Alternatives Perceived: At this time City alternatives are: carry out the program including the commercial redevelopment and housing rehabilitation as currently envisaged, or modify this program.

Scoping: This notice is part of the process used for scoping the final EIS, and responses will be used to help determine significant environmental issues; identify data which the EIS should address; and identify cooperating agencies.

Comments: Comments and questions regarding this proposal should be forwarded on or before July 27, 1981, to: Arnold A. Peterson, Executive Director, Community Development Commission of the City of National City, 1243 National City Boulevard, National City, California 92050. Mr. Peterson may be called at (714) 477–2380 during business hours.

[FR Doc. 81-19056 Filed 7-2-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: National Museum of Natural History, Department of Vertebrate Zoology, Smithsonian Institution, Washington, D.C.

The applicant requests an amendment to his permit which authorizes import of salvaged specimens of 13 crocodilian species. The amendment request would allow the import of salvaged parts of the saltwater crocodile (*Crocodylus porosus*) for scientific purposes.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7024. Interested persons may comment on this application on or before August 5, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 29, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 81-19055 Filed 7-2-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; of Receipt of Applications

The applicants listed below wish to conduct activities with certain Endangered Species:

Applicant: St. Louis Zoological Park, St. Louis, Missouri PRT 2–7364.

The applicant requests a permit to import one captive-bred banteng (*Bos banteng* [=*B. javanicus*]) from the Rotterdam Zoo, Netherlands, for enhancement of propagation.

Applicant: Mrs. Patricia Demko, Pittsburgh, Pennsylvania—PRT 2–8082.

The applicant requests a permit to purchase in interstate commerce captive-bred red siskins (*Carduelis cucullatus*) from various U.S. sources for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before August 5, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: June 26, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 81-19056 Filed 7-2-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: San Diego Zoological Garden, San Diego, California.

The applicant requests a permit to import one female captive-bred komodo dragon (*Varanus komodoensis*) from the Basel Zoo, Switzerland, for the enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8132. Interested persons may comment on this application on or before August 5, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 25, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 81-19057 Filed 7-2-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Upper Lake Rancheria, California; Restoration of Federal Trust Status

June 22, 1981.

Pursuant to the Partial Summary Judgment issued in *Upper Lake Pomo Association, et al.,* v. *Cecil Andrus, et al.,* Civil No. C–75 0181–SW, by the United States District Court for the Northern District of California, that all distributees of the assets of the Upper Lake Rancheria, and all dependent members of their immediate families, retain their status as Indians and are not and have not been ineligible for services and benefits provided by the United States to Indians because of their status as Indians; that all laws of the United States which affect Indians because of their status as Indians shall be applicable of the Indians of the Upper Lake Rancheria; and that, pursuant to and in accordance with the judgment of the United States District Court, Northern District of California, in *Upper Lake Pomo Association, et al.,* v. *Cecil Andrus, et al.,* No. C–75–0181–SW, the conveyances issued by the Secretary of the Interior or his subordinates under the Act of August 18, 1958, Pub. L. 95–671, 72 Stat. 619, as amended, are or may be voidable.

Roy H. Sampsel,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81–19032 Filed 7–3–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Richfield District Multiple Use Advisory Council Meeting

June 25, 1981.

Notice is hereby given that a meeting of the Richfield District Advisory Council will be held September 17 and 18, 1981.

The first day will consist of a field trip of portions of the Henry Mountain Planning Area. The council will depart for the trip from the Bureau of Land Management (BLM) Office at Hanksville at 8:00 a.m. on September 17, 1981.

The council will re-convene at 8:00 a.m. on September 18 in the conference room at the Hanksville BLM Office. The agenda for the meeting includes:

(1) Discussion and comment on preliminary land use planning recommendations for the Henry Mountain Planning Area;

(2) Discussion and comment on wilderness suitability studies for ten wilderness study areas in the Henry Mountain Resource Area;

(3) Status update on State of Utah proposed land exchanges and proposed boundary modifications;

(4) Discussion of 1982–1984 advisory council membership;

(5) Public statements;

(6) Scheduling for next meeting and agenda topics.

The meeting is open to the public. Interested persons may present oral statements to the council on September 18, 1981, or file a written statement for the council's consideration. Persons wishing to make oral statements must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah, (801) 896–8221, by September 15, 1981.

Summary minutes of the council meeting will be maintained in the District Office and will be available for public inspection and reproduction during the regular business hours within 30 days following the meeting.

Larry R. Oldroyd,

Assistant District Manager.

[FR Doc. 81–19033 Filed 7–3–81; 8:45 am]

BILLING CODE 4310–84–M

Utah; Uintah Basin Synfuels Projects EIS

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that in accordance with the National Environmental Policy Act of 1969, the Bureau of Land Management's Utah State Office has been assigned the lead role in preparing an environmental impact statement covering proposed issuance of rights-of-ways for project facilities on public lands in Eastern Utah. The EIS will also include the effects of extracting, processing, and transporting synthetic fuels.

The BLM Office of Special Projects, Denver, Colorado, will assist the Utah State Office in preparation of the EIS. The statement will include a regional cumulative analysis and five site-specific analyses. The site-specific projects to be analyzed include shale oil production by Tosco Development Corporation, Syntana-Utah, Paraho Development Corporation, and Magic Circle Energy Corporation and tar sands processing by Enercor-Mono Power Company. The cumulative analysis will consider these five projects plus shale oil production by Geokinetics Inc. and tar sands processing by Sohio Shale Oil Company.

Under consideration are rights-of-ways and design alternatives for individual site-specific projects and various levels of synfuels production for the regional analysis.

Three public meetings will be held to assist in determining the scope of the environmental impact statement. They will be held on August 4, 1981, at 7:00 p.m. in the Golden Age Center, 135 S. First West, Vernal, Utah; August 5, 1981, at 7:00 p.m. in the Northwest Colorado Community College, Yaeger Building, Room Y 102, Rangely, Colorado; and August 6, 1981, at 7:00 p.m. in the Salt Palace, Suite E, 100 SW Temple, Salt Lake City, Utah.

The purpose of the public scoping meetings is threefold: (1) to inform the public of the nature of the proposed projects and other aspects to be analyzed in the statement, including the tentative alternatives based on existing data and knowledge of the area; (2) to gather resource information from the public; and (3) to consider concerns, problems, and/or issues important to the public for possible inclusion in the statement. A summary of the proposed projects to be included in the site-specific and regional analyses and the scoping meeting agenda can be obtained from: Jack Edwards, EIS Project Leader, Bureau of Land Management, Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228; telephone: (303)–234–6737 (commercial), 234–6737 (FTS).

Dated: June 25, 1981

Dean Stepanek,

Acting State Director.

[FR Doc. 81–19060 Filed 7–3–81; 8:45 am]

BILLING CODE UT–910–4310–84–M

Bureau of Reclamation

Contract Negotiations With the Gila River Farms, Arizona; Intent To Begin Contract Negotiations for Repayment of a Small Reclamation Projects Act Loan

The Department of the Interior, through the Bureau of Reclamation, intends to enter into repayment contract negotiations with the Gila River Farms (Farms) for the repayment of a proposed loan, covering cost escalation, to be made to the Farms pursuant to the Small Reclamation Projects Act of August 6, 1956, (Public Law 84–984), as amended. The Farms, headquartered at Sacaton, Arizona, irrigates land within the San Carlos Indian Irrigation Project with the acreage irrigated dependent upon a widely fluctuating water supply.

The Farms entered into a contract with the United States on June 3, 1977, for the repayment of a loan to rehabilitate approximately 19 miles of the South Side Canal, including canal structures and turnouts. The project also included the construction of a desilting basin, rehabiliation of the lateral distribution system (60 miles), construction of pump back systems, construction of a headquarters building, and purchase of equipment to improve farm efficiency. Completion of the project would insure a dependable water supply adquate to irrigate approximately 4,469 acres. The total project cost was originally estimated at $10 million with the United States loaning $9,950,000 to the Farms and the Farms contributing $50,000.

The total project cost has increased by $4,108,000 to $14,108,000 because of unanticipated cost escalation. The Farms plans on contributing an additional $20,000, as well as seeking an additional Federal loan of $4,088,000, in order to complete the project. The proposed amendatory contract would call for the repayment of the original and escalated loan amount ($14,036,000) over a 29-year period. Negotiations must be completed before loan funds can be expended.

The public may observe any meeting scheduled by the Bureau of Reclamation with the Farms for the purpose of discussing terms and conditions of the proposed contract. Advance notice of such meetings will be furnished only to those parties making a written request to the office identified below at least 1 week prior to any meetings. All written correspondence concerning the proposed repayment contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract no later than 30 days after the completed draft contract is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations, as gauged by the response to this notice and local news releases or announcements, the availability of the proposed form of contract for public review and comment will not be formally publicized through the **Federal Register** or other media.

Written comments and requests for information concerning these contract negotiations should be directed to Ms. Pam Kohnken, Chief, Contracts and Repayment Branch, Arizona Projects Office, Bureau of Reclamation, Valley Center, Suite 2200, Phoenix, Arizona 85073, telephone (602) 261–3735.

Dated: June 29, 1981.

Clifford I. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 81–19053 Filed 7–3–81; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: June 30, 1981.

In our recent decision, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.3 percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5 percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.8-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday, 12:01 a.m., July 3, 1981.

By the Commission, Chairman Taylor, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Vice Chairman Alexis did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.3	3.1	6.8	[3] 2.9
Percent surcharge allowed	18.5	3.1	6.8	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

Base date and price per gallon (including tax)	
Jan. 1, 1979	63.5¢
Date of current price measurement and price per gallon (including tax)	
June 29, 1981	132.1¢

[FR Doc. 81–19091 Filed 7–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisified before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

(Direct status calls to 202-275-7326)

Volume No. OP1-188

Decided: June 26, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 730 (Sub-526), filed June 19, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant), (415) 944-7374. Transporting *classes A, B, and C explosives*, between points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 44801 (Sub-22), filed June 18, 1981. Applicant: DICK HARRIS AND SON TRUCKING CO., INC., 4000 Harris Lane, P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 140150 (Sub-4), filed June 16, 1981. Applicant: UNITED OIL OF MAGIC VALLEY, INC., P.O. Box 405, Twin Falls, ID 83301. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *petroleum, natural gas and their products*, between points in ID, UT, OR, WA, WY, and NV. Condition: To the extent that the certificate to be issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall be limited to a period expiring 5 years from the date of issuance.

MC 147751 (Sub-2), filed June 16, 1981. Applicant: NIGHT HAWK MOTOR TRANSPORT, INC., 738 Ohio Pike, Cincinnati, OH 45245. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting (1) *hazardous waste materials*, between points in the U.S., and (2) *general commodities* (except classes A and B explosives), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous waste materials, it will expire 5 years from the date of issuance.

MC 148760 (Sub-1), filed June 22, 1981. Applicant: SCHIBER TRUCK COMPANY, INC., Rand & Olive Sts., Hartford, IL 62048. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *liquid sulphur*, between points in AL, AR, FL, IA, IL, IN, KS, KY, MD, MI, MO, OH, OK, TN, and WI.

MC 152981, filed June 22, 1981. Applicant: ERIC LOMEN, d.b.a. LOMEN AUTO TRANSPORT, R.R. 1, Zumbrota, MN 55992. Representative: John B. Van de North, jr., 2200 First National Bank Bldg., St. Paul, MN 55101 (612) 291-1215. Transporting *motor vehicles*, between points in IA, IL, IN, KY, MI, MN, MO, ND, NE, SD, and WI.

MC 154210, filed June 18, 1981. Applicant: A & R TRANSPORTATION CO., INC., 21 Ridgecrest Drive, Hudson, NH 03051. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 729-7479. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Edgcomb Steel of New England, Inc., of Nashua, NH.

MC 155040 (Sub-1), filed June 19, 1981. Applicant: FRANK A. KAISER, III and LENA D. KAISER, d.b.a. L & D TRANSPORT, 10383 Avenue 408, Dinuba, CA 93618. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765-9611. Transporting *general commodities* (except classes A and B explosives), between points in OH, NY, and MA, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI).

MC 156511, filed June 18, 1981. Applicant: ANTHONY J. ULGIATI, d.b.a. A. J. TRANSPORTATION, 24 Lincoln Ave., Rochester, NY 14611. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580, (716) 265-9510. Transporting *machinery and metal articles*, between points in NY, on the one hand, and, on the other, points in DE, FL, GA, MD, NJ, NY, NC, PA, SC, VA, and DC.

MC 156530, filed June 2, 1981. Applicant: WILLIAMS SERVICE CENTER, INC., 4103 Hwy 78 East, Jasper, AL 35501. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254-3880. Transporting *forest products, coal and coal products, lumber and wood products, pulp, paper and related products, petroleum products, metal products, and building materials*, between points in AL, TN, GA, MS, FL, and LA.

MC 156620, filed June 17, 1981. Applicant: MELVIN W. RANGE, INC., 5505 E. Bavarian Pass, Fridley, MN 55432. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Innovative Steel, Inc., of New Hope, MN, Vincent Brass and Aluminum Co., of Minneapolis, MN, and Cleantron Division of Chemtoll, Inc., of Loretto, MN.

MC 156680, filed June 19, 1981. Applicant: HANKINS LUMBER SALES, INC., P.O. Box 1051, Grenada, MS 38901. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355-3543. Transporting *building materials and metal products*, between points in AL, AR, IL, IN, IA, KY, MI, MO, MS, OH, PA, TN, and WI.

MC 156691, filed June 22, 1981. Applicant: AUBREY EATON AND CYRIL ZEMBRODT, d.b.a. A. C. LEASING COMPANY, 3023 E. Kemper Rd., Cincinnati, OH 45241. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *such commodities* as are dealt in or used by manufacturers of containers, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Volume No. OPY-2-115

Decided: June 26, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2202 (Sub-673), filed June 17, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lextar, of Wilmington, DE.

MC 12383 (Sub-1), filed June 11, 1981. Applicant: NORTHROP DISPATCH & BROKERAGE, INC., Union Stockyards, West Fargo, ND 58078. Representative: Earl T. Northrop (same as applicant), (701) 282-3731. Transporting *sand, gravel and crushed rock* between points in WI and MN, on the one hand, and, on the other, points in ND.

MC 73533 (Sub-18F), filed June 16, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham Street, Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant), (301) 327-5800. Transporting (1) *such commodities* as are dealt in or used by retail and chain drug stores, between points in the U.S., under continuing contract(s) with Dart Drug Corporation, of Landover, MD.

MC 107043 (Sub-1442), filed June 17, 1981. Applicant: BEND STORAGE & TRANSFER, INC., 1307 N.E. 1st. Bend, OR 97701 Representative: David C. White, 2400 S.W. 4th Ave., Portland, OR 97201 503-226-6491 Transporting *household goods*, between points in CA, ID, OR, and WA.

MC 118282 (Sub-43), filed June 12, 1981. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006, (202) 298-8600. Transporting *Food and related products*, between points in FL on the one hand, and, on the other, points in TX, LA, MS, AL, GA, SC, NC, TN, AR, OK, KS, MO, IA, IL, IN, OH, KY, WV, MD and PA.

MC 121812 (Sub-2), filed June 12, 1981. Applicant: EASTERN DELIVERY SERVICE, INC., P.O. Box 1643, Wilmington, NC 28402. Representative: Herbert Alan Dubin, 618 Connecticut Avenue, NW., Washington, DC 20006, 202-331-1174. Transporting (1) *textile mill products, machinery, metal products, and chemicals and related products*, between points in NC, on the one hand, and, on the other, and points in CT, DE, FL, GA, MD, NJ, NY, PA, SC, TN, VA and DC, (2) *general commodities*, between Wilminton, NC, on the one hand, and, on the other, points in New Hanover, Pender, Onslow, Duplin, Sampson, Bladen, Columbus, and Brunswick Counties, NC, and (3) *machinery, metal products, and textile mill products*, between points in New Hanover and Brunswick Counties, NC, on the one hand, and, on the other, points in NC. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance. Condition: Issuance of a certificate here is subject to prior or coincidental cancellation at applicant's written request of certificates of Registration Nos. MC-121812, issued July 31, 1978 and MC-121812 Sub No. 1, issued April 3, 1981.

MC 129712 (Sub-47), filed June 12, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC. P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326, (404) 237-6472. Transporting *clay, concrete, glass or stone products, building materials, pulp, paper and related products, chemicals and related products, and rubber and plastic products* between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 134453 (Sub-23), filed June 11, 1981. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55395. Representative: Robert P. Sack P.O. Box 6010, West St. Paul, MN 5118, 612-457-6889. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Littfin Lumber Company, of Winsted, MN.

MC 136512 (Sub-22), filed June 9, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Rd., St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612-227-7731. Transporting *general commodities* (except classes A and B explosives), between the facilities of Lever Brothers Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142743 (Sub-26F), filed June 16, 1981. Applicant: FAST FREIGHT SYSTEM, INC., P.O. Box 132 C, Route 1, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *metal products*, between points in Cook County, IL, Wayne County, MI, St. Louis County, MO, Trumbull County, OH, and points in TN, on the one hand, and on the other, points in MS, KS, NE, TN, MO, and AR.

MC 147093 (Sub-3), filed June 17, 1981. Applicant: B & L TRUCK LINE, INC., Hwy. 125 South, P.O. Drawer 9, Middleton, TN 38052. Representative: A Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave. Memphis, TN 38137, 901-767-5600. Transporting (1) *clay, concrete, glass or stone products*, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of cleaning compounds and automotive supplies, between points in Hardeman County, TN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, ND, NE, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, and DC.

MC 147712 (Sub-29), filed June 12, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921-7474. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, points in Alameda, San Francisco, Fresno, Ventura, Los Angeles, San Bernardino, San Diego, Riverside, and Orange Counties, CA Maricopa County, AZ, Multnomah, Deschutes, Yamhill, Marion, Clatsop, and Klamath Counties, OR, King, Pierce, Kitsap, Grays Harbor, Chelan, Yakima, Franklin, Spokane, Thurston, and Whatcom Counties, WA, Hartford, New Haven, Fairfield Counties, CT, Erie, Onondaga, New York, Broome, Oneida, Schenectady, Rensselaer, Monroe, and Albany Counties, NY, Passaic, Essex, Hudson, Union, and Mercer Counties, NJ, Lakawanna, Luzerne, Lehigh, Northampton, Berks, Philadelphia, Lancaster, Dauphin, Lawrence, Allegheny, Cambria, and Blair Counties, PA, Lucas, Hancock, Allen, Clark, Franklin, Richland, Erie, Stark, Summit, Cuyahoga, Montgomery, and Hamilton Counties, OH, St. Joseph, Lake, Allen, Elkhart, Tippicanoe, Madison, Delaware, Wayne, Bartholemew, Vigo, Monroe, Vanderburgh, Porter, Lake, Marion, and Dearborn Counties, IN, Cook, Lake, Rock Island, Peoria, McLean, Macon, Sangamon, Vermillion, and St. Clair Counties, IL, Anderson, Shelby, Spencer, Jefferson, Fayette, and Henderson Counties, KY, Buchanan, Clay, Boone, Cole, Jasper, and Greene Counties, MO, Shelby, Davidson, Hamilton, Montgomery, Knox, and Madison Counties, TN, Lauderdale, Madison, Jefferson, Tuscaloosa, Montgomery, and Mobile Counties, AL, Lowndes, Warren, Hinds, Jones, Forrest, and Harrison Counties, MS, and Potter, Lubbock, Taylor, El Paso, Tom Green, Wichita, Tarrant, Dallas, Bexar, Harris,

V 46 / 128 JL 6 81 UMI

Galveston, Webb, Cameron, and McLennan Counties, TX.

MC 151173 (Sub-4F), filed June 11, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey Jr. (same address as applicant) (404–478–4115). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, and its affiliates, of Boston, MA.

MC 152333F, filed June 8, 1981. Applicant: A & R LUMBER SALES, INC., POB 47, Junction City, OR 97448. Representative: Robert B. Taylor (same address as applicant) (503–998–3700). Transporting *building materials*, between points in the U.S., under continuing contract(s) with Domtar Gypsum America, Inc., of Oakland, CA.

MC 153922 (Sub-1F), filed June 12, 1981. Applicant: M. A. TRANSPORTATION, INC., P.O. Box 2322, Peachtree City, GA 30269. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *extruded plastic film used in food, chemical, and industrial packaging*, between points in the U.S., under continuing contract(s) with Flex-On, Inc., of Senoia, GA.

MC 156522, filed June 12, 1981. Applicant: COUNTRY ROADS TRUCKING, INC., Rural Route 5, Box 176, Sullivan, IN 47882. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *general commodities*, between points in the U.S., under continuing contracts(s) with E. I. DuPont De Nemours & Company, Inc., of Wilmington, DE. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

Volume No. OPY–3–105

Decided: June 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. (Member Williams not participating.)

MC 2805 (Sub-21), filed June 18, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 East Adams Ave. Philadelphia, PA 19124. Representative: Sander M. Bieber, 1737 H St., NW., Fourth Floor, Washington, DC 20006 (202) 861–0870. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NJ, NY, OH, PA, VA, WV, and DC.

MC 12645 (Sub-1), filed June 16, 1981. Applicant: PARAGON TRAVEL AGENCY, INC., 660 Purchase St., New Bedford, MA 02741. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005 (202) 783–3525. As a *broker* at points in CT, ME, MA, NH, RI, and VT, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 96855 (Sub-8), filed May 12, 1981, previously noticed in the **Federal Register** on May 29, 1981. Applicant: REFRIGERATED DELIVERY SERVICE, INC., P.O. Box 50247, Tulsa, OK 74150. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *food and related products* between points in Benton, Crawford, Sebastian, and Washington Counties, AR, Grayson County, TX, and points in OK.

Note—This republication corrects the territorial description to include Grayson, TX, and to show non-radial authority.

MC 120514 (Sub-2), filed June 17, 1981. Applicant: WICKER SERVICES, INC., P.O. Box 1398, Burlington, NC 27215. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919) 828–0731. Transporting *general commodities* (except classes A and B explosives), between points in NC and SC.

MC 124735 (Sub-24), filed June 16, 1981. Applicant: R. C. KERCHEVAL, Jr., 2214 4th Ave. S., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Onan Consolidation, Inc., Wesco Distributors, Inc., R.A. Barnes, Inc., Motor Wheel & Parts, Inc., Futura Energy Products/Trailer Equipment Distributors, Inc., of Seattle, WA. Star Trailer of Sunnyside WA, Canadian Wheel Industries Ltd., Edmonton, Alberta, Canada, Henderson Wheel & Warehouse Supply, Salt Lake City, UT, and Wholesale Truck Parts, Inc., Ellensburg, WA.

MC 127185 (Sub-9), filed June 16, 1981. Applicant: GATEWAY TRANSFER CO., INC., 1319 Santa Rita Ave., Laredo, TX 78040. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701 (512) 467–8066. Transporting *transportation equipment*, between ports of entry on the international boundary line between the U.S. and Mexico, located at points in TX, on the one hand, and, on the other, points in AZ, CA, GA, IL, NM, NV, OH, MI, MO, PA, TX, and WI.

MC 128685 (Sub-39), filed June 16, 1981. Applicant: DIXON BROS., INC., P.O. D. 8 Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101 (406) 248–2611. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 135895 (Sub-130), filed June 17, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *clay, concrete, glass or stone products*, between the facilities of Fabair, Inc., at or near Reedsville, WV, on the one hand, and, on the other, points in the U.S.

MC 136545 (Sub-38), filed June 16, 1981. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705 (608) 238–3119. Transporting (1) *machinery*, and (2) *transportation equipment*, between Milwaukee, WI, on the one hand, and, on the other, Detroit, MI, and Indianapolis, IN.

MC 141335 (Sub-1), filed June 17, 1981. Applicant: BARR TRANSPORTATION CORP., P.O. Box 487 5950 Fisher Rd., East Syracuse, NY 13057. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006 (201) 575–7700. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Auburn Steel Company, Inc., of Auburn, NY.

MC 142114 (Sub-13), filed June 16, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Rd., Chelmsford, MA 01824. Representative: Frank M. Cushman 36 South Main St. Sharon, MA 02067 (617) 784–6041. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S., under continuing contract(s) with King's Department Stores, Inc., of Newton, MA.

MC 142835 (Sub-18), filed June 17, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products*, between points in Hamilton County, OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, PA, WV, and WI.

MC 145505 (Sub-4), filed June 9, 1981. Applicant: IRISH TRANSPORTATION, INC., 8007 South Meridian St., Indianapolis, IN 46227. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204 (317) 639–4511. Transporting *transportation equipment*, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.

MC 145904 (Sub-40), filed June 16, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424 (612) 927–6855. Transporting *food and related products*, (1) between Denver, CO, and points in Morgan and Logan Counties, CO, on the one hand, and, on the other, points in IL, IN, IA, MN, MI, OH, and WI, and (2) between points in Tama County, IA, on the one hand, and, on the other, points in IN, OH, and MI.

MC 146965 (Sub-2), filed June 10, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O. Box 3306, Redding, CA 96049. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *agricultural products*, between points in CA, on the one hand, and, on the other, points in OR and WA; (2) *salt, mineral products and salt products*, between points in UT, and IL, on the one hand, and, on the other, points in CA, OR, WA, and NV; (3) *talc, tailings, rock granules, asphalt emulsions and coatings, binders, and glues*, between points in CA, on the one hand, and, on the other, points in OR; and (4) *malt beverages*, between points in AZ, CA, CO, ID, NV, OR, UT, NM, and WA.

MC 146985 (Sub-12), filed June 16, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802 (219) 423–3595. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Atlantic Container Lines, of New York, NY.

MC 147294 (Sub-3), filed June 17, 1981. Applicant: STAM–WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5630. Transporting *rubber and plastic products, metal products, machinery, transportation equipment* and *building materials*, between points in the U.S.

MC 147844 (Sub-9), filed June 12, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Lane, Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 288–8361. Transporting (1) *chemicals and related products*, between Louisville, KY, on the one hand, and, on the other, points in Alameda County, CA, and Fort Bent, Brazoria, Galveston, Austin, Harris, Montgomery, Liberty and Chambers Counties, TX; and (2) *metal products*, between Louisville, KY, on the one hand, and, on the other, points in CA, CO, OK, TX, and UT.

MC 149185, filed June 16, 1981. Applicant: TRANSPORT E. J. BOURQUE, LIMITEE, P.O. Box 488, 1230 Industrial Blvd., Mont Joli, Quebec, Canada G5H 3L3. Representative: William H. Shawn, 1730 M St., N.W., Suite 501, Washington, DC 20036 (202) 296–2900. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Cavenish Farms Ltd., of Summerside, Prince Edward Island, Canada.

MC 149094 (Sub-3), filed June 16, 1981. Applicant: JAMES PRINCL d.b.a. JAMES PRINCL TRUCKING, 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4507 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *petroleum, natural gas and their products*, between points in Dubuque County, IA, on the one hand, and, on the other, points in WI.

MC 149235 (Sub-5), filed June 16, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Dr., Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *aluminum granules*, between points in the U.S., under continuing contract(s) with Aluminum Metallurgical Granules, of Shawnee Mission, KS.

MC 151405 (Sub-1), filed June 2, 1981. Applicant: CRUM AG HAULERS, INC., 2130 SE 5th St. Ocala, FL 32670. Representative: Felix A. Johnston, Jr., 1030 E. Lafayette St., Suite 112, Tallahassee, FL 32301, (904) 877–7191. Transporting *citrus pulp and citrus pellets*, between points in FL, on the one hand, and, on the other, points in FL.

MC 151585 (Sub-2), filed June 17, 1981. Applicant: BEST TRUCKING CO., Inc., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contracts with Joslyn Manufacturing Co., of Franklin Park, IL, and Hendricks Tile Manufacturing Co., Inc., of Richmond, VA.

MC 152135, filed June 3, 1981, previously notice in the **Federal Register** on June 19, 1981. Applicant: THE TRIDENT CORPORATION d.b.a. TRIDENT TOURS, 3531 Halfmoon Circle, Falls Church, VA 22044. Representative: Robert J. Brooks, 1818 L St., N.W., Suite 1115, Washington, DC 20036, (202) 466–38902. Transporting *passengers and their baggage*, in special and charter operations, limited to transportation of not more than 14 passengers (excluding the driver), in one vehicle at one time, between points in VA, MD, WV, PA, DE, and DC.

Note.—This republication corrects the commodity description to include limited to transportation of not more than 14 passengers (excluding the driver), in one vehicle at one time.

MC 153874, filed June 17, 1981. Applicant: A H R TRUCKING & STORAGE, INC., 2200 8th Ave., Ft. Worth, TX 76109. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Springmeier Shipping Company, of St. Louis, MO; (2) National Piggy Back Services, Inc., of Dallas, TX, and (3) Montgomery Ward & Company, Inc., of Chicago, IL.

MC 153904, filed June 16, 1981. Applicant: WESTSIDE CHARTER SERVICE, INC., 120 W. McWilliams, Las Vegas, NV 89106. Representative: Art Chapman, 3505 W. Washington Ave., Las Vegas, NV 89107, (702) 870–6763. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at Clark County, NV, and extending to points in CA, AZ, and UT.

MC 156424, filed June 16, 1981. Applicant: T. M. B. TRUCKING COMPANY, 525 Park Ridge Drive, Eau Claire, WI 54701. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (608) 256–7444. Transporting (1) *food and related products* (a) between Chicago, IL, Detroit, MI, St. Paul, MN, St. Louis, MO, and Memphis, TN, on the one hand, and, on the other, points in Eau Claire County, WI, and (b) between St. Paul, MN and La Crosse, WI on the one hand, and, on the other, points in St. Charles County, MO; (2) *metal products*, between points in Eau Claire County, WI, on the one hand, and, on the other, points in MO.

MC 156594, filed June 18, 1981. Applicant: HOMER WAREHOUSE, INC., 30 Phelps St., P.O. Box 2019,

Binghamton, NY 13902. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MI, IL, TN, MS, and TX.

MC 156595, filed June 17, 1981. Applicant: GEO MOTOR EXPRESS, P.O. Box 352, Wiscasset, ME 04578. Representative: Edwin E. Thayer, Willow Lane, Wiscasset, ME 04578, (207) 882–7565. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 156614, filed June 17, 1981. Applicant: INTERCAL ENTERPRISES, INC., d.b.a. HARDIN TRUCKING, 8866½ Vincent Ave., Rancho Cucamonga, CA 91730. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213)863–8883. Transporting *general commodities* (except classes A and B explosives), between points in Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties, CA.

Volume No. OPY–5–92

Decided: June 25, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 44288 (Sub-4), filed June 5, 1981. Applicant: LaGROU MOTOR SERVICE, INC., 4400 S. Kolmar Ave., Chicago, IL 60632. Representative: William H. Shawn, 1730 M St., NW, Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosvies), between points in IL, IN, IA, MI, OH, and WI.

MC 59488 (Sub-51), filed June 11, 1981. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 1766 El Camino Real, Burlingame, CA 94010. Representative: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266, (214) 376–4423; John McDonald Smith, Southern Pacific Bldg., Room 813, One Market Plaza, San Francisco, CA 94105, (415) 362–1212 (Ext. 21354). Over regular routes, transporting *general commodities*, (1) between Shreveport, LA, and Myrtle Beach, SC, from Shreveport over Interstate Hwy 20 to Florence, SC, then over U.S. Hwy 76 to junction U.S. Hwy 501, then over U.S. Hwy 501 to Myrtle Beach, and return over the same routes, (2) between Memphis, TN, and Greensboro, NC, over U.S. Hwy 40, (3) between Altanta, GA and Norfolk, VA, from Atlanta over Interstate Hwy 85 and Interstate Hwy 95 to Richmond, then over Interstate Hwy 64 to Norfolk, and return over the same route, (4) between Nashville, TN, and Savannah, GA, from Nashville over Interstate Hwy 24 and Interstate Hwy 75 to junction Interstate Hwy 16, then over Interstate Hwy 16 to Savannah and return over the same routes, (5) between Richmond, VA, and Savannah, GA, over Interstate Hwy 95, (6) between Nashville TN, and Birmingham, AL, then over U.S. Hwy 65, (7) between junction Interstate Hwy 26 and Interstate Hwy 40 and Charleston, SC, from junction Interstate Hwy 26 and Interstate Highway 40 over Interstate Hwy 26 to Charleston, and return over the same route, (8) between Durham, NC and Smithfield, NC, from Durham over Interstate Hwy 40 to Raleigh, then over U.S. Hwy 70 to Smithfield, and return over the same routes, (9) between Knoxville, TN, and Birmingham, AL, over U.S. Hwy 11, (10) between Charlotte, NC, and Wilmington, NC, over U.S. Hwy 74, (11) between Memphis, TN, and Lafayette, LA serving only the intermediate point of Jackson, MS, and serving Lafayette for interchange only, from Memphis over Interstate Hwy 55 to junction Interstate Highway 12, then over Interstate Hwy 12 to Baton Rouge, then over Interstate Hwy 10 to Lafayette, and return, and (12) serve all intermediate points on routes (1) through (10) above. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certficate. "In MC–F 14647, authority has been sought for the merger of Southwestern Transportation Company and Southern Pacific Transport Company of Texas and Louisiana into Pacific Motor Trucking Company. In the event that the merger is consummated prior to the issuance of a certificate in this proceeding, Pacific Motor Trucking Company shall seek substitution into this proceeding in lieu of Southwestern Transportation Company."

MC 105269 (Sub-104), filed June 16, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives) (1) between the facilities used by Diamond International Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S., and (2) between the facilities used by Howard Paper Mills Inc., at points in Montgomery and Champaign Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 118038 (Sub-17), filed June 11, 1981. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 10, Yakima, WA 98907. Representative: Flower & Andreotti, P.S., 303 East D St., Suite 2, Yakima, WA 98901, 509–248–9084. Transporting *pulp, paper and related products*, between Portland, OR, and Seattle, WA.

MC 118848 (Sub-27), filed June 11, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Rd., Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, 212–838–0800. Transporting *passengers and their baggage*, between New York, NY, and Atlantic City, NJ, under continuing contract(s) with GNAC, Inc., of Atlantic City, NJ.

MC 134798 (Sub-9), filed June 11, 1981. Applicant: BLAIR CARTAGE, INC., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215, 1–614–224–2477. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with the Van Dorn Company, of Cleveland, OH.

MC 140389 (Sub-97), filed June 11, 1981. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027, (404) 363–6584. Transporting *general commodities* (except classes A and B explosives) (1) between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX, and (2) between points in the territory described in (1) above, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 143059 (Sub-180), filed June 16, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 548–2301. Transporting *general commodities* (except classes A and B explosives), between Louisville, KY, on the one hand, and, on the other, points in the U.S.

MC 149088 (Sub-5), filed June 11, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 382, Ottawa, KS 66067. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 1101, Topeka, KS 66612, (913) 233–9629. Transporting *ores and minerals*, between points in Weston and Crook Counties, WY, on the one hand, and, on the other, points in KS and OK.

MC 151158 (Sub-4), filed June 16, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *transportation equipment*, between points in East Baton Rouge Parish, LA, on the one hand, and, on the other, points in Shelby County, TN.

MC 152509 (Sub-3), filed June 12, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566–2677. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Distribution Services of America, of Boston, MA.

MC 154488, filed June 16, 1981. Applicant: LASLEY TRUCKING COMPANY, INC., Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr., (same address as applicant), (501) 327–4477. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (a) American Transportation Corporation, and Virco Mfg. Corporation, both of Conway, AR, and (b) Vincent Brass and aluminum Company, of Little Rock, AR.

MC 156479, filed June 11, 1981. Applicant: AUSTIN WHITE LIME TRANSPORT, INC., P.O. Box 9570, Austin, TX 78766. Representative: Dan Felts, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting *lime and limestone products*, between points in Travis County, TX, on the one hand, and, on the other, points in AR, AZ, CO, LA, MS, NM, OK, and TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–19894 Filed 7–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applicatons may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a name shipper "under contract".

Volume No. OP1–109

Decided: June 26, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 156591, filed June 16, 1981. Applicant: IDEAL MANAGEMENT CO., d.b.a. IMC, 2530 Westerly Hills, Charlotte, NC 28208. Representative: Joe B. Strange (same address as applicant), (704) 393–5320. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 156681, filed June 19, 1981. Applicant: ELWOOD D. LOSEY, 402 23rd S.W., Mason City, IA 50401. Representative: Elwood D. Losey (same address as applicant) (515) 423–3271. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156730, filed June 22, 1981. Applicant: JAMES SEAMAN, d.b.a. JAMES SEAMAN TRUCKING, 3318 So. 109 St., Omaha, NE 68114. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–107

Decided: June 26, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156525, filed June 9, 1981. Applicant: D & M TRANSPORTATION, INC., 857 Matzinger Rd., Toledo, OH 43612. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156684, filed June 16, 1981. Applicant: T J TRANSPORT, INC., P.O.

Box 2959, Eugene, OR 97402. Representative: F. L. Sigloh, P.O. Box 2959, Eugene, OR 97402. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–01

Decided: June 25, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 9268 (Sub-20), filed June 12, 1981. Applicant: PACE MOTOR LINES, INC., P.O. Box 87, Bridgeport, CT 06601. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154039 (Sub-1), filed April 20, 1981. Applicant: R. A. BURNS, d.b.a. RED BIRD HOT SHOT SERVICE, P.O. Box 1339, Route 9, Gottfried St., Victoria, TX 77901. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731, 512–346–4800. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds one hundred pounds, between points in the U.S.

MC 156519, filed June 12, 1981. Applicant: ED'S SEATTLE FREIGHT SERVICE, INC., 3844 51st St., S.W., Seattle, WA 98116. Representative: George R. LaBissoniere, 15 S. Grady Way, Renton, WA 98055, 206–228–3607. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hanjin Container Lines Ltd., of Seattle, WA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–19003 Filed 7–2–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intevene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intevenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 47203 (Sub-3) (Republication), filed June 6, 1980, published in the Federal Register of August 28, 1980, and republished this issue: Applicant: PETROLEUM CARRIERS, INC., 86 Westboro Road, North Grafton, MA 01536. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. A decision of the Commission, *Review Board 3*, decided April 17, 1981, and served May 6, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *alcohol, and petroleum and petroleum products*, in bulk, between points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, New York, New Jersey, and Pennsylvania; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 52673 (Sub-31) (Republication), filed April 8, 1980, published in the Federal Register issue of June 12, 1980, and republished this issue: Applicant: FRED OLSEN MOTOR SERVICE CO., a Corporation, 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. A decision of the Commission, *Division 1*, decided June 8, 1981, and served June 9, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *cement*, between points in Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties, WI, on the one hand, and, on the other, points in Illinois and Indiana; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 32882 (Sub-80) (Republication), filed August 26, 1977, and published in the Federal Register issue of October 6, 1977, and republished, this issue. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David Lister (same address as above). By Initial Decision, of the Administrative Law Judge, decided March 31, 1978, served April 20, 1978 as modified by *Review Board No. 3*, served June 9, 1978, the decision of the Commission finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular route, transporting *cellulose insulation, and materials supplies and equipment* used in the manufacture and distribution of cellulose insulation, (1) from the plant sites and storage facilities of Mega Corporation at Denver, CO., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Washington; (2) from the plant site and storage facilities of Cel-Cor Industries, Inc., at Salt Lake City, UT, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia and Wyoming; (3) from the plant site and storage facilities of Cel-Cor Industries, Inc., at Portland, OR, to Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming, and (4) from the plant sites and storage facilities of C.F.R. Chemical Company at Hurst and Gonzales, TX, to points in Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maine, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, North Dakota, North Carolina, Washington, West Virginia, Wisconsin and Wyoming; the authorities in (1) through (4) above are restricted against the transportation of commodities in bulk, in tank vehicles; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to delete from the parts (1) through (4) the following language: "and of returned shipments of the commodities specified above in the reverse direction".

MC 108649 (Sub-5), filed February 24, 1972, published previously in the Federal Register, and republished this issue. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, IL 61614. Representative Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. An order of the Commission, Oral Hearings, decided May 14, 1981, and served May 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over regular routes, in the transportation of *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and household goods as defined by the Commission, between junction U.S. Highway 34 and U.S. Highway 65 near Lucas, Iowa, and Des Moines, Iowa, serving no intermediate points: From junction U.S. Highway 34 and U.S. Highway 65 over U.S. Highway 65 to Des Moines, and return over the same route, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is that the restriction set out on sheet 2 of such certificate (dated February 20, 1973) is hereby deleted.

MC 138322 (Sub-21) (Republication), filed February 5, 1980, published in the Federal Register issue of May 27, 1980, and republished this issue. Applicant: BHY TRUCKING, INC., 9231 Whitmore Street, El Monte, CA 91733. Representative: Robert Fuller, 13215 East Penn Street, Suite 310, Whittier, CA 90602. A Decision of the Commission, *Division 1*, Acting as an Appellate Division, Commissioners Clapp, Alexis, and Gilliam, decided February 12, 1981 and served February 18, 1981 orders that the proceeding be reopened for further processing, that applicant seeks authority to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, automobiles, liquors, cigarettes, cotton, lumber, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring refrigeration or tank truck equipment, and commodities dealt in by grocery and department stores), between Los Angeles and El Monte, CA, on the one hand, and, on the other, points in Arizona, California and Texas. NOTE: The sole purpose of this application is to substitute single-line for joint-line operations. Inasmuch as persons not a party to this proceeding may have relied upon the notice of the application as published and may have an interest in the proceeding to be reconsidered on the basis of the new Act, the notice of the application is being republished to indicate that a decision is to be made in accordance with the provisions of the Motor Carrier Act of 1980. Within 30 days after the date of publication, applicant shall file additional evidence in support of this application. Within 45 days of the date set for the filing by applicant of additional evidence, protestants and any other interested parties shall file evidence or arguments in opposition. Within 15 days of the date set for filing evidence or arguments in opposition, applicant may file rebuttal. Each statement filed with the Commission shall be certified to show that a copy has been served on all parties of record.

MC 144513 (Sub-16) (Republication), filed May 27, 1980, published in the Federal Register of July 1, 1980, and republished this issue. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. A Decision of the Commission, *Review Board 1*, decided February 27, 1981, and served March 13, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *rubber, rubber articles, rubber materials, plastics, plastic articles, plastic resins, and plastic materials* (except commodities in bulk), and *carbon black*, (1) between points in North Dakota, South Dakota, Oklahoma, Texas, Louisiana, Arkansas, Missouri (except Kansas City and St. Louis, and points in their commercial zones), Minnesota (except Minneapolis and points in its commercial zone), and Illinois (except Chicago and points in its commercial zone), and (2) between those points in the United States in and east of Mississippi, Tennessee, Kentucky, Indiana, and Michigan, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 150903 (Sub-1) (Republication), filed June 12, 1980, published in the Federal Register of September 17, 1980, and republished this issue. Applicant: H–N TRUCKING CO., INC., 886 Cranston Street, Cranston, RI 02920. Representative: Richard M. Pierce, 10 Dorrance Street, Providence, RI 02903. A Decision of the Commission, *Review Board 2*, decided April 30, 1981, and served May 14, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *alcoholic beverages and wine*, (2) *beverages, carbonated and non-carbonated*, (3) *juices and syrups*, and (4) *dry mixers for beverages*, between points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority.

or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 138882 (Sub-4) M1 (notice of filing of petition to modify certificate), filed December 6, 1979. Petitioner: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Wash. Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier,* Certificate in No. MC 138882 Sub 4, issued November 10, 1975, authorizing transportation, over irregular routes of, *non-ferrous metal scrap,* between the plant site of Southeast Red Metals Company, Inc., located at or near Troy, AL, on the one hand, and, on the other, points in that part of the United States east of Montana, Wyoming, Colorado, and New Mexico; *scrap batteries,* from points in that part of the United States east of Montana, Wyoming, Colorado, and New Mexico (except Florida, Georgia, South Carolina), and North Carolina, to the plant site of Sanders Lead Company, Inc., at or near Troy, AL; *pallets,* from the plant site of Troy Box and Pallet, Inc., at or near Troy, AL, to points in Mississippi, and Louisiana; *material and supplies* used and consumed in the processing of lead scrap, from points in that part of the United States east of Montana, Wyoming, Colorado, and New Mexico, to the plant site of Sanders Lead Company, Inc., at or near Troy, AL and *processed lead scrap, lead, and lead alloys* in pigs, hogs, and ingots, from the plant site of Sanders Lead Company, Inc., at or near Troy, AL, to points in that part of the United States east of Montana, Wyoming, Colorado, and New Mexico. By the instant petition, petitioner seeks to modify the authority as follows: Delete (1) *scrap batteries,* (2) *material and supplies,* etc., and (3) *processed lead scrap, lead, and lead alloys,* etc., and their territorial description, and substitute in lieu thereof, "*such commodities* as are dealt in or used by lead processors, between the facilities of Sanders Lead Company, Inc., at or near Troy, AL, on the one hand, and, on the other, those points in the United States east of Montana, Wyoming, Colorado, and New Mexico."

MC 138882 (Sub-9) M1 (notice of filing of petition to modify certificate), filed December 6, 1979. Petitioner: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Wash. Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier,* Certificate in No. MC 138882 Sub 9, issued September 10, 1976, authorizing transportation, over irregular routes of *materials and supplies* used and consumed in the processing at lead scrap, from those points in that part of the United States in and west of Montana, Wyoming, Colorado, and New Mexico, to the plant site of Sanders Lead Company, Inc., located at or near Troy, AL, and *processed lead scrap, lead and lead alloys,* from the plant site of Sanders Lead Company, Inc., located at or near Troy, AL, to those points in that part of the United States in and west of Montana, Wyoming, Colorado and New Mexico. By the instant petition, petitioner seeks to delete all of the above authority and substitute, in lieu thereof, the following: "such commodities as are dealt in or used by lead processors, between the facilities of Sanders Lead Company, Inc., at or near Troy, AL, on the one hand, and, on the other, those points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico."

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 760), Greyhound Lines, Inc., Greyhound Tower, Phoenix, AZ 85077, filed April 29, 1981. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage* and *express* and *newspapers,* in the same vehicles with passengers, over a deviation route as follows: From Youngstown, OH over OH Hwy 193 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction PA Hwy 115, then over PA Hwy 115 to Wilkes-Barre, PA, and return over th same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Youngstown, OH over OH Hwy 7 to junction OH Turnpike, then over OH Turnpike to junction PA Turnpike, then over PA Turnpike to junction US Hwy 11, then over US Hwy 11 to Harrisburg, PA, then over US Hwy 22 to Clarks Ferry, PA, then over PA Hwy 147 to Northumberland, PA, then over US Hwy 11 to Kingston, PA, then over PA Hwy 309 to Wilkes-Barre, PA and return over the same route.

Motor Carrier Instrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-190, filed February 5, 1981. Applicant: MICHAEL R. BELL, d.b.a. NICHOLS MOTOR EXPRESS, Mason Road, Cape Vincent, NY 13618. Certificate of Public Convenience and Necessity sought to operate a freight servce, as follows: Transportation of: General commodities—Between all points in Jefferson County. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1391, filed June 8, 1981. Applicant: V.D.M. VAN & STORAGE INC., 198 Cottage Street, Poughkeepsie, NY 12601. Certificate of Public Convenence and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between the Counties of Dutchess, Ulster, Orange, Putnam, Columbia and all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-3975, filed February 25, 1981. Applicant: GRANTS MOTOR EXPRESS CO., INC., 151 Old Ithaca Road, Horseheads, NY 14845. Certificate of Public Convenience and Necessity sought to operate a freight service, as follow: Transportation of: General Commodities—Between all points in the Counties of Steuben and Chemung. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-4179, filed February 3, 1981. Applicant: FINGER LAKES TRUCKING, INC., 151 Old Ithaca Road, Horseheads, NY 14845. Certificate of Public Convenience and Necessity sought to operate a freight service, as follow: Transportation of: General Commodities—Between all points in the Counties of Chemung, Schuyler, Seneca and Yates, and the Towns of Bradford and Wayne in Steuben County. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 80-338-T, filed November 18, 1980. Applicant: BEST TRANSFER AND STORAGE, INC., 711 Scott Street, Charleston, SC 29405. Certificate of Public Convenience and Necessity sought to operate a freight service, as follow: Transportation of: Baggage and Household Goods: Between points and places within a 50-miles radius of Charleston, South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to State of South Carolina, The Public Service Commission, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002690A7A, filed May 13, 1981. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Sequin Road, San Antonio, TX 78297. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of:

General Commodities

(1) Between the site of Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) and Mexia, TX, as follows:

From the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) over Texas Farm or Ranch Road 39 to Mexia, TX, and return over the same route, serving the termini but serving no intermediate points.

(2) Between the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) and Centerville, TX, as follows:

From the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) over Texas Farm or Ranch Road 39 to its junction with Texas Hwy. 7 at or near Robbins, TX, and then over Texas Hwy. 7 to Centerville, TX, and return over the same route, serving the termini but serving no intermediate points.

(3) Between the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) and Groesbeck, TX, as follows:

From the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) over Texas Farm or Ranch Road 39 to its junction with Texas Hwy. 164 at or near Personville, TX, and then over Texas Hwy. 164 to Groesbeck, TX, and return over the same route, serving the termini but serving no intermediate points.

(4) Between the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) and Teague, TX, as follows:

From the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) over Texas Farm or Ranch Road 39 to Teague, TX, and return over the same route, serving the termini but serving no intermediate points.

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(5) Between the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) and Dew, TX, as follows:

From the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) over Texas Farm or Ranch Road 80 to its junction with Texas Hwy. 179 at or near Teague, TX, and then over Texas Hwy. 179 to Dew, TX, and return over the same route, serving the termini but serving no intermediate points.

(6) Between the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) and Buffalo, TX, as follows:

From the site of the Houston Lighting & Power Limestone Electric Generating Station located at or near the junction of Texas Farm or Ranch Road 80 and Texas Farm or Ranch Road 39 (near Jewett, TX) over Texas Farm or Ranch Road 80 to its junction with Texas Hwy. 164 at or near Donnie, TX, and then over Texas Hwy. 164 to Buffalo, TX, and return over the same route, serving the termini but serving no intermediate points.

Note.—This is an application filed pursuant to 49 U.S.C. 10931 wherein authority for movements in interstate and foreign commerce is sought corresponding to Texas intrastate authority sought in an application filed with the Railroad Commission of Texas. The application will be assigned for hearing before the Railroad Commission of Texas approximately 30 days after publication in the **Federal Register**. Any inquiries concerning hearing date, place and time should be sent to Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, TX 78711. Applicant proposes to tack and coordinate service performed over the above routes with all other services authorized and performed over routes presently embraced in Docket No. MC–2226 and subs thereunder.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–19692 Filed 7–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Member Williams not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–108

Decided: June 29, 1981.

MC 98334 (Sub-5), filed June 18, 1981. Applicant: INDUSTRIAL TRANSIT SERVICE, INC., 3203 Pluto, Dallas, TX 75212. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting (1) *commodities which because of size of weight require the use of special equipment;* and (2) *self propelled articles, each weighing 15,000 pounds or more,* between (a) points in AR, CO, KS, LA, MS, NE, NM, OK and TX; and (b) points in AR, CO, KS, LA, MS, NE, NM, OK and TX, on the one hand, and, on the other, points in AL, AZ, FL, GA, ID, IL, IN, IA, KY, MI, MN, MO, MT, NV, ND, OH, OR, SD, TN, WA, WI and WY.

MC 111274 (Sub-75), filed June 22, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall, (same address as applicant), (309) 266–9773. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with sprenger Midwest Inc., of Minneapolis, MN.

MC 130614 (Sub-1), filed June 16, 1981. Applicant: GOLD LINE, INC., 5500 Tuxedo Rd., Tuxedo, MD 20781. Representative: L.C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. As a *broker* at Washington, DC, Tuxedo, MD and Baltimore, MD, of *passengers and their baggage,* between points in the U.S. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicants written request, of License No. MC–130614.

MC 135364 (Sub-49), filed June 19, 1981. Applicant: MORWALL TRUCKING, INC., Box 76C, R.D. 3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products, and printers, between points in the U.S., under continuing contract(s) with Specialty Printers of America, Inc., of Scranton, PA.

MC 138875 (Sub-303), filed June 16, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Amalgamated Sugar Company, and its affiliates, of Ogden, UT.

MC 140484 (Sub-98), filed June 16, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting (1) *metal products;* and (2) *machinery,* between points in Cuyahoga and Lake counties, OH, on the one hand, and, on the other, points in CT, DE, KY, LA, ME, MD, MA, NH, NJ, NY, NC, RI, SC, VT, VA, WV and DC.

MC 147155 (Sub-1), filed June 18, 1981. Applicant: FRANK B. TAGGART, d.b.a. TAGGART SYSTEMS, 1221 Alger, Cody, WY 83414. Representative: E. Paul Wood, 426 South Fifth East, Salt Lake City, UT 84102, (801) 531–0435. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with MJB Company, of Union City, CA.

MC 150084 (Sub-2), filed June 8, 1981. Applicant: PRIDE TRANSPORT, 1005 Jewel Ave., Salt Lake City, UT 84104. Representative: D. Jeffrey England (same address as applicant), (801) 972–8890. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, of Salt Lake City, UT.

MC 151364, filed June 16, 1981. Applicant: SOUTHERN EXPRESS, INC., P.O. Box 1088, Cape Girardeau, MO 63701. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–8472. Transporting *transportation equipment,* between points in the U.S., under continuing contract(s) with Disney Tire Company, of Louisville, KY.

MC 152215, filed June 16, 1981. Applicant: HILL'S SCRAP & SALVAGE, INC., d.b.a. BILL HILL'S TRANSPORTATION, Route 1, Box 483, McMinnville, TN 37110. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *such commodities as are dealt in or used by manufacturers of ladle gate valves, firebrick shapes and refractory products,* between the facilities used by Flo-Con System, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153164 (Sub-3), filed June 17, 1981. Applicant: CONCARCO, INC., 698 Fairmount Ave., Baltimore, MD 21204. Representative: Robert C. Schuhman (same address as applicant), (301) 574–5903. Transporting *copper wire and related products,* between points in the U.S., under continuing contract(s) with United Technologies Corporation, Essex Group, of Fort Wayne, IN.

MC 153794, filed June 16, 1981. Applicant: HENRY J. ROBELLO d.b.a. ROBELLO AND SONS TRANSPORTATION, P.O. Box 123, Wallace, CA 95254. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, (209) 957–6128. Transporting *food and related products,* between points in Alameda County, CA, on the one hand, and, on the other, points in Mason, Thurston, Pierce and King Counties, WA.

MC 155884, filed June 19, 1981. Applicant: BIG WHEEL, INC., 700 Markley St., Norristown, PA 19401. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Lee Tire and Rubber Company, of Conshohocken, PA, (2) Hoffman Tire Company, Inc., of Montgomeryville, PA, (3) International Tire Warehouse, Inc., of Norristown, PA, and (4) Laramie Tire Distributors, Inc., of Norristown, PA.

MC 156614, filed June 12, 1981. Applicant: JUAREZ TRUCKING CO., 14633 Sherman St., Posen, IL 60469. Representative: Juanita Juarez Goodwin (same address as applicant), (312) 371–2863. Transporting *metal products,* between points in Lake, Cook, Will and DuPage Counties, IL, Lake, Porter, and LaPorte Counties, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MS, MO, OK, TN, TX, and VA.

Volume No. OPY–3–099

Decided: June 24, 1981.

W–1335, filed May 27, 1981. Applicant: TRUST COMPANY FOR USL, INC., 1211 W. 22nd St., Oak Brook, IL 60521. Representative: Stanley Hoffman, 270 Park Ave., New York, NY 10017, (212) 551–5836. Exemption under 49 U.S.C. 10544(e) (formerly Section 302 (e) of the Interstate Commerce Act) in the furnishing, by a water contract carrier, of a non-self-propelled vessel with the use of a separate towing vessel to Union Carbide Corporation, a non-carrier, for the transportation of its own property in interstate or foreign commerce. Note: The application was filed by Union Carbide Corporation on behalf of applicant.

[FR Doc. 81–19810 Filed 7–3–81; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 80 Under S.O. No. 1344]

St. Louis Southwestern Railway Co. et al.; Rerouting or Diversion of Traffic

To: St. Louis Southwestern Railway Company; Little Rock & Western Railway Corporation; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company, and Keots Washington Transportation Company.

In the opinion of Joel E. Burns, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport promptly traffic offered for movement via its lines, because of an embargo of its lines.

Rerouting authority was granted in Reroute Order No. 63, and should be extended for those carriers which have indicated that tariff modifications cannot be completed by the expiration of Reroute Order No. 63 (June 30, 1981). This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore requires this action by the Commission.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company (RI), being unable to transport promptly traffic offered for movement via its lines because of an embargo of its lines, that lines interim operators named below are authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

St. Louis Southwestern Railway Company
Little Rock & Western Railway Corporation
Cadillac & Lake City Railway Company
Oklahoma, Kansas and Texas Railroad Company
Keots Washington Transportation Company

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall

receive the concurrence of other railroads to which such traffic is to be rerouted, before rerouting.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted and shall furnish to such shipper the new routing provided for under this order, except when the disability requiring the rerouting occurs after the movement has begun.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 24, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-19615 Filed 7-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388]

State Intrastate Rail Rate Authority—Pub. L. 96-448

AGENCY: Interstate Commerce Commission.

ACTION: Extension of filing date to notice of decision.

SUMMARY: At 46 FR 23335, April 24, 1981, the Commission published a decision to give notice that it had decided to certify provisionally 40 states to exercise jurisdiction over intrastate railroad rates under Section 214 of the Staggers Rail Act of 1980. Certifications were to expire on June 29, 1981 unless the states filed standards and procedures which confirm their intent to exercise their jurisdiction in conformance with Federal standards.

A petition was filed by the National Association of Regulatory Utility commissioners (NARUC) requesting a 90-day extension for states to file standards and procedures as required by the Staggers Rail Act. In light of state commission workloads combined with the complexities of the Staggers Act, NARUC's petition shall be granted. A 90-day extension should provide the states sufficient time to file considered and adequate standards and procedures.

DATES: States must file their standards and procedures on or before September 28, 1981. Railroads and other interested persons may file comments on or before October 19, 1981.

Decided: June 29, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19644 Filed 7-2-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 40.10 (Revised)]

Asia Mission Directors, et al.; Redelegation of Authority Regarding Waivers of Source, Origin, and Nationality for Procurement

Correction

In FR DOC. 81-16936 appearing on page 30593 in the issue of Tuesday, June 9, 1981, the date above the signature, "July 23, 1981" should be changed to read, "July 23, 1980".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Revocation of Registration; Henry Weitz, M.D.

On December 8, 1980, the Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause to Henry Weitz, M.D., at his registered location in Spokane, Washington. The Order to Show Cause was personally served on Dr. Weitz on May 15, 1981. The Order to Show Cause sought to revoke Dr. Weitz's DEA Certificate of Registration AW0986680 by October 10, 1980. Dr. Weitz has not surrendered his DEA Certificate of Registration AW0986680. The statutory predicate for issuing the Order under 21 U.S.C. 824(a)(3) is the Stipulation and Inactive Status Agreement entered into by Dr. Weitz and the Washington Medical Disciplinary Board on August 21, 1980. The terms of the Stipulation and Agreement were that Dr. Weitz would retire from the practice of medicine; that he agree to the nonrenewal of his license to practice medicine and the placement of the license on a permanent inactive status, not subject to renewal; and the surrender of DEA Certificate of Registration. Thirty days have elapsed since the issuance of the Order to Show Cause and Dr. Weitz has failed to respond. Pursuant to 21 CFR 1031.54(d) and 1301.54(e), the Administrator finds that Dr. Weitz has waived his right to a hearing, and enters this Final Order on the record as it appears.

Having examined the record, the Administrator finds that Dr. Weitz entered into an agreement with the Washington Medical Disciplinary Board that terminates his authority to prescribe, dispense, administer or otherwise handle controlled substances in the State of Washington. The action of the Medical Disciplinary Board is identical to a suspension, revocation or denial of Dr. Weitz's authority to handle controlled substances. This Administration has consistently held that termination of a registrant's State authority to handle controlled substances, whatever procedural form that termination may take, requires DEA to revoke the registrant's DEA Certificate of Registration. See Kenneth E. Wilson, D.D.S., 46 FR 25018 (1981); James Waymon Mitchell, M.D., Docket No. 79-16, 44 FR 71466 (1979); David Sachs, M.D., Docket No. 77-2, 42 FR 29112 (1977).

It is the decision of the Administrator to revoke Dr. Weitz's DEA registration. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator revokes DEA Certificate of Registration AW0986680 issued to Henry Weitz, M.D., for reason that on August 21, 1980, Dr. Weitz and the Washington Medical Disciplinary Board entered into a Stipulation and Inactive Status Agreement terminating Dr. Weitz's authority to prescribe, dispense, administer or otherwise handle controlled substances in the State of Washington. This revocation is effective July 6, 1981.

Dated: June 26, 1981.

Marion W. Hambrick,

Acting Administrator.

[FR Doc. 81-19612 Filed 7-2-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-37]

Revocation of Registration and Denial of Application; In the Matter of Herbert Webster Voorhies, M.D.

On October 20, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued to Herbert Webster Voorhies, M.D. (Respondent) an Order to Show Cause proposing under the Controlled Substances Act, 21 U.S.C. 824(a)(2), to revoke Respondent's DEA Certification of Registration AV8917241 issued to him under 21 U.S.C. 823(f), and to deny Respondent's application executed May 6, 1980, for a DEA Certificate of Registration under 21 U.S.C. 823(f) at a new address. The statutory predicate for the Order to Show Cause was Respondent's conviction on February 4, 1980, in the United States District Court for the Middle District of Tennessee of forty-nine (49) counts of violation of 21 U.S.C. 841(a)(1). Each violation is a controlled substance-related felony. Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. Following preliminary procedures, a hearing was held before the Honorable Francis L. Young, Administrative Law Judge, on February 2, 1981, in Los Angeles, California.

On June 1, 1981, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, the record of the proceedings in this matter, together with his recommended findings of fact, conclusions of law and a recommended decision. Pursuant to 21 CFR 1316.67, the Administrator hereby publishes his Final Order in this proceeding, based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that Respondent was guilty in a jury trial on December 21, 1979, of forty-nine (49) counts of unlawfully, knowingly and intentionally distributing controlled substances while not acting in the usual course of his professional practice. Respondent was convicted of each count presented to the jury. The Honorable Thomas A. Wiseman, Jr. sentenced Respondent to a term of five (5) years incarceration on Count One of the indictment, six (6) months of which to be served in a jail-like institution, the execution of the remainder of the sentence suspended. Judge Wiseman further required Respondent to perform public service work, and imposed a three (3) year special parole term.

The Senior Compliance Investigator for the Nashville, Tennessee, Resident Office of DEA testified for the United States at the trial and at the hearing. He testified that DEA compliance investigators conducted an inventory audit of Respondent's Nashville office beginning May 2, 1977, covering the period May 2, 1975 through May 2, 1977. At this audit, Dr. Voorhies indicated to the Investigator that some 80 percent of his practice were weight reduction patients. Judge Young found the audit revealed recordkeeping and accountability violations in Respondent's practice. Respondent's records for Obetrol 20 shows a shortage of 18,958 dosage units (d.u.); for Dextroamphetamine Sulphate 15 mg. a shortage of 7,795 d.u.; for Dexamyl 5 mg. a shortage of 4,389 d.u. and for Dexedrine Spansule 15 mg., a shortage of 6,071 d.u. These are amphetamines or amphetamine-like controlled substances.

Judge Young found that as a result of this audit, DEA compliance investigators interviewed approximately fifty (50) of Respondent's patients. Thirty-three (33) of them testified at trial. Judge Young found that Respondent almost invariably dispensed controlled substances to these patients when they visited Respondent's office. The patients would sometimes ask for Didrex or another controlled substance, by name or by nickname, at the first visit. A number of patients wanted "diet pills" or "energy pills", and told Respondent so. Judge Young found that Dr. Voorhies would take the patients' blood pressure, height, weight, and a urine sample at the first visit. Usually, each patient returned at 30 or 60 day intervals, and obtained 30 to 60 amphetamine or amphetamine-like pills or capsules from Respondent, ostensibly for weight control.

Judge Young further found that starting in 1977 Respondent required his patients to purchase a protein supplement, or he would not dispense the amphetamine to them. Respondent charged extra for the supplement. Respondent told one patient he required purchase of the supplement to avoid "getting into trouble" like another Nashville physician convicted of unlawful distribution of controlled substances in January 1977.

Judge Young further found that Respondent dispensed amphetamines to patients with a history of blackouts; a history of emotional problems; a history of stomach ulcers; and a history of diabetes. Dispensing of amphetamines to persons with these medical problems is clearly contraindicated. Respondent also dispensed Valium, Librium, phenobarbital and pentobarbital to patients who had trouble sleeping or were "jittery from the diet pills." Several of Respondent's patients testified they wanted amphetamines to stay awake to meet deadlines or to stay ahead of a younger man on the job.

A pharmacologist who teaches at Vanderbilt University Medical School and who has published over sixty (60) books and articles on pharmacology testified for the United States at the trial. He testified that Respondent's customary manner of dispensing amphetamines to his patients was not in the usual course of professional practice, and that prescribing Didrex to a particular patient for treatment of fatigue was not legitimate medical practice. The expert witness arrived at the same conclusion concerning Respondent's dispensing amphetamines to most of the 33 patients who testified. Judge Young found that Respondent's patients lost little or no weight while under his care, and in some cases gained weight. Respondent seldom, if ever, ceased dispensing amphetamines to patients when they ceased to lose weight.

After reading the trail transcript, including the expert testimony put on by the United States and by Respondent, Judge Young found that there is no reason to disagree with the jury's finding of guilty nor for mitigating its effect. The Administrator fully concurs. At a time when other physicians were heeding the warnings concerning overuse of amphetamines and turning away from them, Respondent continued to jeopardize the health of large numbers of the people of Tennessee by dispensing amphetamines ostensibly for weight control or treatment of fatigue.

The Administrative Law Judge further found, based on Respondent's case in mitigation, that Respondent currently practices family medicine in Atladena, California. Four of Respondent's current patients testified on his half at the hearing. They testified that Respondent spends a generous amount of time conducting their physical examinations medical histories, and discussions concerning their personal and medical problems. Three of these patients are

black, as is Respondent. They testified that they felt more comfortable with Respondent because he is black. Ninety-five (95) percent of Respondent's patients are black. The administrative Law Judge considers this fact to be of doubtful relevance, since all members of the public need protection from those who would prey upon their trust.

The Administrator adopts the Administrative Law Judge's findings of fact, conclusions of law, recommended rulings and decision. In determining whether Respondent can be trusted with DEA registration in California, the Administrative Law Judge and the Administrator have examined the record of Respondent's conduct as a practitioner in Tennessee. The record is devoid of any indication that Respondent can be trusted with a DEA Certificated of Registration. The facts clearly show that Dr. Voorhies dispensed large amounts of amphetamines long after their use as a long-term anorectic had been abandoned by the medical profession. Respondent dispensed amphetamines for years to patients who lost no weight, or even gained weight. He dispensed other controlled substances to control the sleeplessness brought on by the amphetamines. He dispensed amphetamines to persons whose medical histories contraindicated dispensing of amphetamines had he taken a thorough medical history. Further, Respondent dispensed amphetamines for purposes that are not recognized as proper by the medical community for energy, or to overcome fatigue or depression. Such dispensing merely masks the underlying causes of the fatigue, and does nothing to ameliorate that underlying condition. The Administrator concurs with the Administrative Law Judge that Respondent's requirement of a perfunctory physical examination of new patients was merely to maintain a color of professional legitimacy. The Administrator has considered Respondent's case in mitigation. However, he concludes, based on the preponderance of the evidence, that the registration of Respondent would be contrary to the public interest.

Having concluded that there is a lawful basis for the revocation of Respondent's DEA Certificate of Registration, and for the denial of his application, and having further concluded that under the facts and circumstances presented in this case, the registration should be revoked and the application denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders the revocation of DEA Certificate of Registration AV8917241 issued to Herbert Webster Voorhies, M.D., and denies the application executed on May 6, 1980, by Respondent Voorhies, effective on or before August 5, 1981.

Dated: June 26, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-19613 Filed 7-3-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Notice of Ending of Extended Benefit Period in the State of Maine

This notice announces the ending of the Extended Benefit Period in the State of Maine effective on June 27, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Maine on March 16, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Maine has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 6, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 27, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Maine should contact the nearest State Employment Office of the Maine Bureau of Employment Security in their locality.

Signed at Washington, D.C., on June 26, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-19677 Filed 7-3-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-124-C]

Sewell Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sewell Coal Company, Route 3, Box 125, Nettie, West Virginia 26681 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 1 Mine located in Nicholas County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The mine has a rectifier that is ventilated directly by intake air; only a small portion of the air passing through the entries where the rectifier is located would reach any working area.

2. As an alternate method, petitioner proposes to house the rectifier in a fireproof structure equipped with automatic heat sensors which will activate a twenty-pound dry-type chemical fire suppression device.

3. In addition, the following safeguards will be employed:

a. The motor will be provided with overload and short-circuit protection as required by 30 CFR 75.518;

b. A metal door will be provided for the enclosure that will close automatically in the event of a fire;

c. A switch will be provided which will de-energize the power circuit when the metal door is closed; and

d. Fire fighting equipment will be provided as required by 30 CFR 75.1100-2(e).

4. Petitioner states that the alternate method and safeguards outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 5, 1981. Copies of the petition are available for inspection at that address.

Dated: June 26, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-19679 Filed 7-3-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-84-C]

South East Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

South East Coal Company, Route 2, Box 175, Whitesburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.800 (high-voltage circuits; circuit breakers) to its Polly No. 4 Mine located in Letcher County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The MSHA policy application on grounded phase protection requires that high-voltage circuits extending to both surface and underground loads be provided with grounded phase protection if connected to the same transformer.

2. Electricity at petitioner's mine is provided by ungrounded 7200 volt service from the power company substation which serves no other load. The underground circuits are equipped with resistance grounded neutral, an automatic circuit breaker, and a fail-safe ground monitoring system. The surface loads are not provided with grounded phase relaying. Any grounded phase condition would cause the automatic breakers that protect the underground circuits to open and cause corrective action. During this time, there would be no hazard to underground personnel because the installation is designed so that there would be no voltage rise.

3. In order to provide grounded phase protection, an automatic circuit breaker would need to be added to disconnect the entire load from the power company. This would stop the fans, creating a hazardous condition.

4. For these reasons, petitioner seeks a modification.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 5, 1981. Copies of the petition are available for inspection at that address.

Dated: June 26, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-19680 Filed 7-2-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-27-M]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 55.16-2 (bins, hoppers, silos, tanks and surge piles; requirements for storage and handling) to its Minntac Mine located in Iron County, Minnesota. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner' statements follows:

1. The Minntac Mine is a large facility that mines and processes taconite; rock is crushed in both fine and coarse crushers.

2. As an alternate method, petitioner proposes that maintenance and inspection of bins will be done in compliance with job procedures outlined below:

a. Empty bin;

b. lockout and test start equipment;

c. Fill bin to desired height;

d. Lock out and test start equipment or belt;

e. Close radiation gauges;

f. Clean discharge chute;

g. Open hatch covers;

h. Lower miners into bin using safety cage through hatch.

3. Petitioner states that since safe job procedures require the bins to be completely emptied and then refilled, the material will not develop voids.

4. Petitioner further states that the miners will have a safe working surface, making use of belts and lifelines unnecessary.

5. Petitioner states that the alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 5, 1981. Copies of the petition are available for inspection at that address.

Dated: June 26, 1981.

Frank A. White

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-19678 Filed 7-2-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Application No. D-2604]

Proposed Exemption for Certain Transactions Involving American Medical International, Inc. Pension Plan Located in Beverly Hills, Calif.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of

the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale to American Medical International, Inc. (AMI) by the American Medical International, Inc. Pension Plan (the Plan), of its interest in the DIC Trust, a trust created by AMI to hold the stock of Denver Insurance Company, Inc. (DIC), a wholly-owned subsidiary of AMI, which is the Plan sponsor. The proposed exemption, if granted, would affect the trustees, participants and beneficiaries of the Plan, the Employer and DIC.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 17, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D-2604. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by AMI, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a defined benefit plan with 8,815 participants. The members of the Plan Investment Committee, who are responsible for the investment of Plan assets, are Royce Diener, chairman of the board and chief executive officer of AMI, John M. Dutton, executive vice president of AMI, and Bentley Morris, director of AMI. Bank of America National Trust and Savings Association serves as the Plan trustee and also as the trustee (Trustee) of the DIC Trust.

2. AMI, directly and through its affiliates, is engaged in a wide variety of health care activities throughout the world. Currently, AMI owns and operates 50 acute care hospitals, which are located in 9 states, Australia, England and Switzerland. In addition, AMI and its affiliates provide full management services to a number of hospitals located in the United States and abroad, and they provide health care services such as medical technical support services, health care development services and health maintenance organizations.

3. In the early 1970's, the frequency and magnitude of malpractice judgments awarded against hospitals increased substantially and, as a result, it became increasingly difficult and expensive for hospitals to obtain malpractice insurance. By 1975, few insurance companies were willing to write such insurance. Thus, in order to satisfy its needs for hospital malpractice insurance at a reasonable cost, AMI formed DIC in April 1975, as a wholly-owned subsidiary of AMI. DIC was formed under Colorado law as a "captive" insurance company to underwrite insurance only for AMI and its affiliates. Pursuant to Colorado law, AMI was required to provide DIC with a minimum of $750,000 of actual capital and accumulated surplus. AMI decided to provide DIC with $250,000 of surplus in addition to the minimum amount required under Colorado law for a total of $1 million. DIC has issued only one insurance policy since its inception, and that policy provides malpractice and general liability insurance for hospitals owned by AMI and its affiliates.

4. As a result of its ownership of DIC, AMI was required to reflect substantial malpractice reserves in its consolidated balance sheet. Consequently, in 1976, AMI decided to dispose of its DIC stock, but without relinquishing ultimate control of DIC. AMI concluded that if it disposed of the DIC stock it might be allowed, under the relevant accounting rules, to remove those reserves from its consolidated balance sheet. Various alternatives were considered (e.g., donating the stock to a charitable organization), but it was ultimately decided to transfer the beneficial ownership of the stock to the Plan. One major reason for the decision to make the transfer to the Plan rather than to some other entity was that AMI recognized that DIC potentially had value, and it preferred to have any such value inure to the benefit of its employees rather than third parties.

5. In November 1976, AMI transferred all of the outstanding stock of DIC to the DIC Trust. AMI has never claimed a Federal income tax deduction as a result of its transfer of the DIC stock to the DIC Trust. Moreover, the value of the Plan's interest in the DIC Trust has always been treated as zero in determining the value of the Plan's assets. Thus, the Plan's interest in the DIC Trust has never affected the amount that AMI is required to contribute to the Plan.

6. The Trust agreement provides that any income earned by DIC shall be distributed by the Trustee to AMI until AMI has received $1 million (its initial investment in DIC) plus 8% interest compounded annually from December 1, 1976. AMI has never received any distributions from the DIC Trust. With respect to the 8% per annum, if AMI had not included the interest payments as part of its interest in the DIC Trust, it would have been required, under relevant accounting rules, to write off a portion of the $1 million it invested in DIC for purposes of its financial statements.

7. AMI now desires to reacquire the stock of DIC, primarily because DIC may be required, due to changes in the relevant law, to offer insurance to third parties, substantially increasing its risk exposure. AMI's two choices are that it can acquire the stock of DIC or it can cease doing business with DIC, which, as a practical matter, would eventually lead to the liquidation of DIC.

8. The members of the Plan's Investment Committee believe it is preferable for the Plan for AMI to acquire the DIC stock rather than to await liquidation. Toward that end, on December 27, 1979, AMI and the Plan entered into an agreement whereby AMI agreed to purchase the Plan's beneficial interest in the DIC Trust. An independent appraiser, Valuation Counselors, Inc. (VCI), determined that the fair market value of the DIC stock was $786,000 as of December 29, 1979. Because this amount was less than $1 million, it was feared that the Plan would receive nothing for its interest in the DIC Trust. Therefore, AMI and the Plan have agreed that the purchase price will be the greater of: (a) the value of DIC on the date of sale as determined by an independent appraiser, less $1 million plus 8% interest compounded annually from December 1, 1976; or (b) $100,000. No one will receive a commission as a result of the above-described transaction.

9. VCI, which has prepared appraisals for insurance agencies and insurance companies, many of which were closely held companies, has reviewed the agreement between AMI and the Plan for the sale of AMI of the Plan's interest in the DIC Trust. Based on that review of the agreement between the Plan and AMI, VCI has represented that in its opinión it would be in the best interests of the Plan and its participants and beneficiaries to sell its interest in the DIC Trust to AMI.

10. In summary, the applicants represent that the proposed transaction satisfies the statutory criteria of section 408(a) due to the following:

a. an independent party, VCI, has stated that in its opinion the proposed sale of the Plan's interest in the DIC Trust to AMI would be in the best interests of the Plan and its participants and beneficiaries;

b. The Plan will receive, in effect, a gift of a minimum of $100,000;

c. The amount paid to the Plan will be based on an independent appraisal of the DIC stock; and

d. Because of changes in the law, DIC would have to offer insurance to third parties, substantially increasing the risk of loss, which would adversely affect the Plan's interest in the DIC Trust.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons on or before July 16, 1981. The notice will contain a copy of the proposed exemption and will inform each recipient of his or her right to comment on or request a hearing with regard to the proposed exemption. Notice will be given to all Plan participants and beneficiaries currently employed by AMI and its affiliates by posting it in locations where employer notices are customarily posted. The notice will be mailed to all Plan participants and beneficiaries not currently employed by AMI or any of its affiliates.

General Information

The attention of interested persons is directed to the following:

(1) the fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) the proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) the proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the above address, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) throught (E) of the Code, shall not apply to the sale by the Plan of its interest in the DIC Trust for a cash amount equal to the greater of: (1) the value of the Plan's interest in the DIC Trust on the date of sale, as determined by an independent appraiser, less the sum of $1 million plus 8% interest on that amount compounded annually from December 1, 1976; or (2) $100,000, provided that the purchase price is no less than the fair market value of the Plan's interest in the DIC Trust on the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 26th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-19886 Filed 7-2-81; 9:45 am]

BILLING CODE 4510-29-M

[Application No. D-2374]

Proposed Exemption for Certain Transactions Involving the Paul J. Ashkenaz and Richard A. Gilbert, Endodontics, Ltd. Profit Sharing Plan Located in Chicago, Ill.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a $35,000 loan of funds from Paul J. Ashkenaz and Richard A. Gilbert Endodontics, Ltd. Profit Sharing Plan (the Plan) to Paul J. Ashkenaz and Richard A. Gilbert Endodontics, Ltd., (the Employer). The funds would be utilized by the Employer to refinance the purchase of equipment in the Employer's office. The proposed exemption, if

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granted would affect the Plan, its participants and beneficiaries, and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 24, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2374. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department, telephone (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had as of January 6, 1981, ten participants. As of December 5, 1980, the value of the assets in the Plan was $226,809. The Employer is a professional service corporation engaged in the practice of endodontics in the Chicago metropolitan area.

2. The Employer is requesting an exemption to borrow $35,500 from the Plan (the Loan) in order to refinance the purchase of equipment in the Employer's offices. The Loan will be repaid in equal monthly installments of principal and interest over a seven-year period. the interest charged to the Employer will be a rate set at 2% above the prime rate fluctuating monthly as determined by the First National Bank of Chicago. As collateral for the Loan, the Employer has deposited with the Plan a financing statement covering office equipment and accounts receivable. Upon issuance of the exemption, the original signed documents will be filed in accordance with the Uniform Commercial Code. An appraisal submitted by Mr. John J. DiPietro, the President of Frink Dental Supply Co. represents that the equipment in treatment room #3 of the Employer's office has a present market value of approximately $15,000. An appraisal submitted by Mr. Harlan Sanders, of Maple Hall, Inc., represents the resale value of the furniture and furnishings in Dr. Ashkenaz's office to be $23,955. Mr. Donald Grauer, a certified public accountant represents that as of March 31, 1981, the accounts receivable of the Employer were $118,871. Of that amount, $50,000 will serve as collateral. Thus, collateral for the Loan will initially be $88,955, an amount in excess of 200% of the amount of the Loan. The applicant represents there are no prior liens on the collateral. The applicant further represents that both appraisers and the accountant are independent of the Employer and its principals and are qualified to make their respective judgements. The applicant has contacted a local lending institution to obtain terms for a comparable loan and the terms of the proposed Loan are slightly more favorable to the Plan than the terms a third party lender would have required for a similar loan.

3. Additionally, Drs. Paul Ashkenaz, Richard Gilbert, David Crane, and Robert Greenberg, (collectively the Guarantors) by affixing their signature to the promissory note personally guarantee the payment of any amounts due on the note. Each of the Guarantors represent that their personal net worth is in excess of the amount of the note. It is also represented that the aggregate net worth of the four doctors is at least equal to or in excess of the net worth of the Employer which as of March 31, 1981 was $227,088.

4. Mr. Burton S. Gilberg has been appointed as an independent fiduciary to approve and monitor the transaction, and enforce the rights of the Plan and its participants and beneficiaries. Mr. Gilberg represents that he is a duly licensed attorney, practicing law in Illinois, and is familiar with the obligations and responsibilities of a fiduciary imposed by law. He further represents that he is independent of the Employer and has not performed any services for the Plan or the Employer for the past five years. Mr. Gilberg is empower to exercise any discretionary authority he deems necessary for the administration of the transaction, and represents that among his responsibilities as a fiduciary, he will monitor the repayment of the principal balance and interest on the amounts outstanding; and take whatever steps he, in his sole discretion, deems necessary to protect such assets including the enforcement of collection. Mr. Gilberg represents the transaction is a prudent and advisable investment for the Plan, because the investment is superior to other investments available to the Plan. He further represents that the collateral being tendered to secure the debt is adequate, and that at all times, he will insure that the collateral to loan ratio will be at least 150%. Additionally, Mr. Gilberg has reviewed the net worth of each of the Guarantors and determined they are adequate.

5. In summary, the applicant represents that the proposed loaning of funds by the Plan to the Employer satisfies the criteria of section 408(a) of the Act because: (a) the percentage of Plan assets involved in the transaction is less than 18%; (b) the equipment and accounts receivable to be used as collateral will initially be more than 200% of the amount of the Loan, and will at no time be less than 150% of the outstanding balance of the Loan; (c) the terms of the Loan are more advantageous to the Plan than the terms offered by a third party lender for a similar loan; (d) each of the Guarantors represent that their personal net worth is in excess of the amount of the Loan, and it is represented that the aggregate net worth of the Guarantors is at least equal to the net worth of the Employer; (e) the Loan represents a first lien against the collateral; and (f) an independent fiduciary has been appointed to monitor and enforce the terms of the transaction, and such fiduciary represents that the transaction is a prudent and advisable investment for the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(404), 404 and 415.

Notice to Interested Persons

On or before July 16, 1981, notice will be provided to all Plan participants by personal delivery. The notice will contain a copy of the notice of pendency of the exemption and will inform the participant of his or her right to make comments and/or request a hearing on the subject exemption proposal.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fuduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code shall not apply to the Loan of $35,000 from the Plan to Employer, provided that the terms of the Loan are at least as favorable to the Plan as those available in an arm's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 29th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-19701 Filed 7-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2535]

Proposed Exemption for Certain Transactions Involving the Fazio, Dawson & Thompson, P.A. Money Purchase Pension Plan and Trust, Located in Fort Lauderdale, Fla.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale by Fazio, Dawson & Thompson, P.A. Money Purchase Pension Plan (the Plan) of two parcels of property to D. Fredrico Fazio, (the Trustee), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Trustee, the Plan and its participants and beneficiaries.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 20, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2535. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Program, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) though (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor.

Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase pension plan with fifteen participants. The Plan sponsor is Fazio, Dawson, Steinberg & DiSalvo, P.A., (the Employer) a firm engaged in the practice of law in Ft. Lauderdale, Florida. D. Fredrico Fazio is sole trustee of the Plan as well as one of the principals of the Employer.

2. The Plan presently owns two parcels of unencumbered real estate (the Properties). The first parcel (Parcel A) located on the Southwest corner of S.E. 8th Street and S.E. 2nd Avenue, in Ft. Lauderdale was purchased from an unrelated third party in August, 1977 for a price of $70,000. The second parcel (Parcel B) located on the Northeast corner of S.E. 9th Street and S.E. 2nd Avenue, in Ft. Lauderdale was purchased from another unrelated third party in January, 1978 for a price of $45,000. Although the Properties are located near one another, they are not adjacent. The Properties were purchased by the Trustee as an economic investment for the Plan. They have not increased in value as expected. Parcel A has improvements on it in the form of a house and 2 cottages, whereas Parcel B is unimproved.

3. The Plan is in the process of being terminated and the assets of the Plan are to be transferred to five successor plans, which offer more favorable benefits to all participants. The sale of the Properties is required to effectuate the transfer of the Plan assets to the successor plans inasmuch as the cash proceeds of the sales can be easily transferred to each particular successor plan. If the Properties are not sold, the alternative method of distributing Plan assets will be to deed each successor plan an interest in the Properties.

4. It is proposed that the Trustee purchase the Properties for their market value. He would then build a small office building on Parcel A and possibly convert Parcel B to allow for parking space. The sale would be a one time transaction with the entire purchase price to be paid in cash or certified check at closing. No sales commission will be charged and the Trustee will pay all expenses incidental to the sale.

5. The properties have been appraised by Robert T. Hinton, M.A.I., S.R.E.A., president of Hinton & Associates, Inc. He represents that he is independent of all the parties involved. The appraisals, dated February 19, 1981 represent that the fair market value of Parcel A is $90.000 and the fair market value of Parcel B is $64,400.

6. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because (a) the sale of the Properties is required to effectuate the transfer of Plan assets to five successor plans which offer more favorable benefits to the participants; (b) the sale would be a one time transaction with the purchase price to be paid at closing; (c) all expenses incidental to the sale will be borne by the Trustee; (d) no sales commission is to be charged to the Plan; (e) the Properties will be sold at their current fair market value as determined by a qualified independent appraiser; and (f) the Trustee has determined that the proposed transaction is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

On or before July 16, 1981, all participants of the Plan will receive by personal delivery a copy of the notice of pendency and a statement that any interested person may comment and/or request that a hearing be held. The same notice will be mailed to those interested persons who are no longer employed by the Employer.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale by the Plan of two parcels of property, one located on the Southwest corner of S.E. 8th Street and S.E. 2nd Avenue, in Ft. Lauderdale, Florida and the other located on the Northeast corner of S.E. 9th Street and S.E. 2nd Avenue, in Ft. Lauderdale, Florida, to the Trustee of the Plan for $90,000 and $64,000 respectively, provided that these amounts are at least the fair market value of the Properties on the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 29th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–19937 Filed 7–2–81; 8:45 am]

BILLING CODE 4510–29–M

[Application Nos. L–2470 and L–2524]

Proposed Exemption for Certain Transactions Involving the Hudson Valley District Council of Carpenters Annuity Fund and the Hudson Valley District Council of Carpenters Training Fund Located in Oneonta, N.Y.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the transfer of assets by the Hudson Valley District Council of Carpenters Annuity Fund (Annuity Fund) to the Hudson Valley District Council of Carpenters Training Fund (Training Fund, collectively, the Funds). The proposed exemption, if granted, would affect the funds and their participants, beneficiaries and trustees (Trustees).

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 21, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application Nos. L–2470 and L–2524. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (this is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of two applications for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in two applications filed on behalf of the Funds, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. The Annuity Fund and the Training Fund are collectively bargained multiemployer plans established in accordance with section 302(c)(5) of the Labor-Management Relations Act of 1947, as amended. Employer contributions to the Annuity Fund, which was a money purchse pension plan ceased on July 22, 1976, on which date the Annuity Fund had 2,279 participants. All former participants of the terminated Annuity Fund are eligible to participate in the Training Fund, which is a welfare plan established for the purpose of training and educating journeymen and apprentice carpenters. The same six individuals serve as Trustees of both Funds.

2. Upon the termination of the Annuity Fund, the Trustees sent checks representing each participant's vested interest to the participant's last known address. The Trustees were unable to locate a number of participants by mail. With regard to such participants, the Trustees have made repeated inquiries as to their whereabouts at the offices of the Hudson Valley District Council of Carpenters (the Union) and at Union meetings. Despite their efforts, the Trustees have been unable to locate any Annuity Fund participants since early 1979. As of March 4, 1981, a total of 171 Annuity Fund participants had not been located.

3. The Trustees therefore propose to transfer the remaining assets of the Annuity Fund, which totaled $36,144 as of November 21, 1979, to the Training Fund. The Trustees state that this transfer of assets would eliminate the administrative costs associated with the continued maintenance of the Annuity Fund and would permit the Training Fund to utilize the transferred funds for training and educational programs that all former Annuity Fund participants are eligible for.

4. The Trustees have agreed that the Training Fund will indemnify the Annuity Fund against any benefit claims made by any of the 171 Annuity Fund participants who have not yet been located. The Training Fund had net assets of $58,552.94 as of December 31, 1979.

5. The Trustees represent that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act due to the following:

a. It is a one-time transfer of assets by the terminated Annuity Fund to the Training Fund, which would eliminate the administrative costs of maintaining the Annuity Fund;

b. The Trustees have made numerous attempts to locate all Annuity Fund participants with vested benefits but have not located any such participants since early 1979;

c. The Training Fund would use the transferred funds for training and educational programs that all former Annuity Fund participants are eligible for; and

d. The Training Fund would indemnify the Annuity Fund against any benefits claims made by any of the 171 Annuity Fund participants who have not been located.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons including the participants and beneficiaries of the Funds, by mailing the notice to beneficiaries and by posting the notice at Union meeting places for participants. The notice will be provided on or before July 21, 1981, and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), 406 (b)(1) and (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer of the remaining assets of the Annuity Fund to the Training Fund as described above.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 29th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-19686 Filed 7-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2347]

Proposed Exemption for Certain Transactions Involving the Marr, Knapp & Crawfis Associates, Inc., Profit Sharing Trust Located in New Philadelphia, Ohio

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale by the Marr, Knapp & Crawfis Associates, Inc., Profit Sharing Trust (the Plan) of a parcel of unimproved real property to a partnership (the Partnership) which is comprised of individuals who are members of the Marr, Knapp & Crawfis Associates, Inc. (the Employer), the professional corporation which sponsors the Plan. The proposed exemption, if granted, would affect the Partnership, and the participants and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 24, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–2347. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Levitas of the Department; telephone (202) 523–8864. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan had 32 participants as of December 8, 1980. Total Plan assets were valued at $768,466 on December 31, 1979. The trustee of record for the Plan is Richard C. Rea (the Trustee). The Trustee is not an officer or director of the Employer or any related party, nor does he have an interest in the Partnership. The Trustee's accounting firm has for some time done the accounting work, both for the Employer and the Plan. The Employer is a professional corporation organized under the Professional Corporation Act of Ohio engaged in the business of providing architectural services through its licensed architect employees.

2. On September 17, 1977, the Plan purchased a 1.048 acre tract of unimproved real property from an unrelated third party for a purchase price of $35,000. At the time the property was purchased, it was the intent of the Trustee to erect a building project on the site for lease to the Employer. However, no firm decision had been made that the Plan would erect, own, and lease the entire facility. The Trustee also considered the possibility of the Plan entering into a land lease whereby it would receive regular income from the property or enter into a joint venture agreement with either the Employer or another building entity. Subsequently, the Trustee was advised as to the various problems of a transaction between the Plan and a party in interest, as well as the effect of certain rulings concerning acquisition, debt and unrelated business income taxes. The Trustee was also sensitive to the fact that the construction of an office building with assets of the Plan, without additional participation involved in the construction financing, would result in the Plan not being diversified by having a high percentage of its assets committed to an illiquid investment.

Therefore, the Trustee has decided to sell the property to the Partnership for a price which is equal to the highest of: its current fair market value as determined by an independent appraisal; the amount of any legitimate offer received from an unrelated third party prior to the consummation of the transaction; or the then current market value of the parcel at the time the transaction is consummated. Since the Plan purchased the property, it has spent an additional $3,364.38 for the installation of a sewer line and real estate taxes. At the time of closing the Plan received a credit of $176.65 for a tax proration and transfer fee. Thus, the net amount invested by the Plan is $38,187.73. The proposed transaction would allow the Plan to divest itself of a non-income producing investment at a small profit and avoid the prohibited transaction difficulties which it would incur if it involved itself in any form of participation in the construction of the office complex.

3. The proposed sale will be a cash transaction with all expenses or commissions incidental to the sale to be paid by the Partnership. The purchase price is to be paid in full at the time of the closing.

4. Some inquires have been received from third parties concerning the sale of this property, but no offer has been received.

5. An appraisal of the property was made by Charles G. Snyder G.R.I. of Snyder Realty, New Philadelphia, Ohio. The appraisal, dated November 10, 1980, set the fair market value of the property at $40,000. Mr. Snyder is independent of and unrelated to the Plan, the Partnership, or the Employer.

6. In summary, the applicant represents that the proposed sale of the parcel of property by the Plan to the Partnership satisfies the criteria of section 408(a) of the Act because: (a) the sale is a one time transaction for cash; (b) no sales commission will be paid; (c) the purchase price will be the current fair market value as determined by a qualified independent real estate appraiser, the amount of any legitimate offer received by an unrelated third party, or the current market value of the parcel at the time the transaction is consummated, whichever is highest; and (d) the Trustee believes the proposed transaction is appropriate for the Plan and is in the best interest of the Plan and its participants and beneficiaries.

Notice to Interested Persons

On or before July 21, 1981, the Plan Trustee will mail or deliver personally to each participant a copy of the notice of pendency and a statement that any interested person may comment and/or request that a hearing be held.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the geneal fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale by the Plan to the Partnership of a 1.048 acre tract of property located on Wabash Avenue, in New Philadelphia, Ohio provided the price paid is no less than the fair market value of the property at the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 26th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-19689 Filed 7-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2207]

Proposed Exemption for Certain Transactions Involving the William S. McAfee, M.D., Inc., Revised Profit Sharing Plan and Trust Located in Monterey, Calif.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of

the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of an interest in a parcel of unimproved real property by the William S. McAfee, M.D., Inc. Revised Profit Sharing Plan and Trust (the Plan) to William S. McAfee, M.D. (Dr. McAfee), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and Dr. McAfee.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 17, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2207. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 3 participants and total assets as of June 30, 1980 of $154,423. Dr. McAfee is the sole shareholder, a member of the Board of Directors, and the president of William S. McAfee, M.D., Inc., the employer of all employees who are participants in the Plan. Security Pacific National Bank of Monterey, California is the Plan trustee.

2. In June and August 1974, the Plan acquired a 67.14% interest in one-half a parcel of unimproved real property (the Property) located on Cass Street in Monterey, California for $23,500. The Plan acquired its interest from Dr. McAfee. The entire parcel of real property was appraised on January 12, 1981 by Austin E. Mullin of H. Seyferth Associates Real Estate Appraisers, an independent appraiser, as having a fair market value of $316,500. Mr. Mullin appraised the Plan's partial interest in the Property at $106,249.

3. The Plan proposes to sell its interest in the Property to Dr. McAfee for $106,249 in cash, its appraised value. The Plan will pay no sales commission or other fees or expenses with respect to the sale of its interest in the Property.

4. The parcel in which the Plan shares ownership cannot be developed without the use of an adjoining parcel which is not owned by the Plan. For this reason, the applicant represents that the Property could remain unproductive and non-income producing for a significant period of time if the Plan is not able to take advantage of this opportunity. The contemplated sale will allow the Plan to sell its interest in the Property for its best possible use (i.e. development of medical center per appraisal), without paying a commission. The Plan's liquidity will be enhanced since the Plan's interest in the Property represents approximately 60 percent of the Plan's assets.

5. The Plan's trustee, an independent fiduciary who was appointed on April 21, 1981, has reviewed the proposed transaction and found that $106,249 is a fair, prudent and reasonable sales price for the Plan's interest in the Property. Further, the trustee represents that additional diversification of the Plan's investments would be prudent and desirable and that conversion of the Plan's interest in the Property into liquid capital would be in the Plan's best interest.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because (1) it is a one time transaction for cash, (2) the Plan will be able to divest itself of a non-income producing asset, without paying a commission, (3) the amount to be paid for the Property is the fair market value as determined by an independent appraiser, (4) the Plan's liquidity will be enhanced and (5) the Plan's trustee has determined that the transaction is appropriate for the Plan and is in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice will be hand delivered to all Plan participants on or before July 16, 1981. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform Plan participants of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale for $106,249, by the Plan to Dr. McAfee, of a 67.14% interest in one-half of a parcel of unimproved real property located at 966 Cass Street, Monterey, California, provided that this amount is not less than the fair market value at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 26th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–19704 Filed 7–2–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–216]

Proposed Exemption for Certain Transactions Involving the McDermott Food Brokers, Inc., Profit Sharing Plan Located in Albany, New York

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exempted would exempt the proposed loan of approximately $130,000 from the McDermott Food Brokers, Inc. Profit Sharing Plan (the Plan) to McDermott Food Brokers, Inc. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, and other persons involved in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 31, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Roon C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2161. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department, telephone (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b) (1) and (b) (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975 (c) (2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit-sharing plan with approximately 45 participants. As of September 19, 1980, the Plan had assets of approximately $500,000. The trustee of the Plan is Union National Bank (the Trustee), a subsidiary of Irving Trust Company.

2. The Employer is a corporation organized under the laws of the State of New York engaged in the food servicing industry. In that industry it is customary for companies to own the buildings from which their business activities are conducted. The Employer proposes to borrow (the Loan) the lesser of $130,000 or 25 percent of the Plan's assets in order to expand its facilities. More specifically, the proceeds of the Loan are to be used to purchase and office building in Syracuse, New York and to finance the expansion of another branch office located in West Seneca, New York. The Loan would be secured by first mortgage liens on the following property: (a) Albany-Shaker Road, Town of Colonic, Albany County, New York (the Albany Property); (b) 639 Delmar Place, Salina, New York (the Salina Property); and (c) 3557 Seneca Street, West Seneca, New York (the Seneca Property). Recent appraisals have been completed on the above properties by qualified appraisers represented to be independent of the Employer. The appraisers were Mr. N. Edward Tamer for the Albany Property, Howley E. Van Swall, A.S.A., for the Salina Property, and Daniel P. Castle for the Seneca Property. Collectively, the fair market value for the three properties has been appraised at $322,000.

3. The Employer recently purchased the Salina Property. To enable the acquistion of that property, the Employer borrowed $50,000 from the Trustee and on October 30, 1980, executed a mortgage to secure that loan. If the Loan is made by the Plan to the Employer, the Employer will use a portion of the proceeds to repay the loan made by the Trustee and to clear the Trustee's lien on that property, so that

the Plan's lien against the Salina property will not be subject to any existing encumbrances.

4. The Trustee was willing to lend the Employer up to $185,000 at 1 percent over the prime rate with a minimum interest rate of 9 percent and a maximum rate of 18 percent. This loan would have been set up on a fifteen year amortization schedule, with the balance due at the end of five years. The Loan between the Plan and the Employer will have an interest rate 1¼ percent above the prime rate adjusted monthly, with a minimum rate of 9% per annum. It will be for a period of five years amortized over a fifteen year period. Payments of principal and interest will be made monthly, and the outstanding balance will be paid in the last month of the five year term. As mentioned earlier, the collateral for the loan will be the three parcels of property, whose fair market value has been appraised at $32,000, which is over 240 percent of the amount of the Logan.

5. Richard E. Rowlands, and attorney in Albany, New York, has examined the proposed transanction and believes that it is in the interests of the Plan and of its participants and beneficiaries to engage in the transaction. Mr. Rowlands is represented to be experienced in real estate transactions, security arrangements and the servicing of pension plans. Mr. Rowlands has stated that he has had no prior connection with the Employer or any of its principals. Mr. Rowlands will monitor the Loan transaction on behalf of the Plan and will take any appropriate action, including foreclosure against the property securing the Loan, to protest the interests of the Plan. If Mr. Rowlands should be unable to serve as fiduciary for any reason, Mr. Dayton B. Haines, a certified public accountant with the firm of Urbach, Kahn & Werlin, P.C., in Albany, New York, will serve as successor fiduciary. Mr. Haines has also represented that he has had no prior connection with the Employer or its principals.

6. The applicant represents that if the Internal Revenue Service determines that any excess interest paid over fair market interest constitutes an employer contribution, the contribution will not cause the Plan to violate the limitation on annual additions to a defined contribution plan set forth in section 415 of the Code.

7. The applicant further represents that the proposed loan satisfies the criteria of section 408(a) of the Act because: (1) The terms offered the Plan are more favorable than the terms required by a third party lender; (2) no more than 25 percent of the Plan's assets will be involved in the Loan; (3) the Loan will be secured by three parcels of real estate which are geographically dispersed and which have a current aggregate value which is more than 240 percent of the amount of the Loan; and (4) the transaction has been found to be in the best interests of the Plan by a fiduciary who is independent of the Employer or any of its principals and who will monitor the transaction and take any action necessary to protect the interests of the Plan and its participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a), 404 and 415.

Notice to Interested Persons

On or before July 21, 1981 notice of the pendency of this exemption will be provided to all participants and/or beneficiaries of the Plan by means of an insert in the pay envelopes of those persons who are current employees of the Employer and by means of first class mail to those who are not current employees. The notice will include a copy of this notice of pendency and a statement that interested persons have a right to comment upon the proposed exemption and/or request a hearing regarding it within the time frames specified in the notice.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loan from the Plan to the Employer of the lesser of $130,000 or 25 percent of Plan assets at the time the Loan is consummated, provided that the terms of the Loan are at least as favorable to the Plan as those obtainable in an arms's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 29th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–18700 Filed 7–3–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–1962]

Proposed Exemption for Certain Transactions Involving the Schwarz Foundry Company Profit Sharing Plan and Trust, Located in Detroit, Michigan

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would, for a period of five years, exempt the proposed loan (the Loan) of money by the Plan to the Schwarz Foundry Company (the Employer), the sponsor of the Plan. The proposed exemption, if granted would affect the Plan, the Employer, the participants and beneficiaries of the Plan, and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department, on or before August 18, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1962. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Campagna of the Department, telephone (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with five participants and total assets, as of December 31, 1975, of $498,472.95. The Plan trustees are Frank W. Schwarz and Carl Rigg, both employees of the Employer. The Employer is in the business of manufacturing specialty steel and metal products and replacement parts for equipment and machinery.

2. The Employer is requesting an exemption to permit the Loan of $150,000 by the Plan to the Employer. The proceeds of the Loan will be used to expand the productive capacity of the Employer, through the purchase of a vertical boring mill and radial drill press (the Equipment), with approximate purchase prices of $80,000 and $20,000, respectively. The useful life of the Equipment is estimated by the Employer to be ten years. Additionally, approximately $50,000 of the Loan will be used for renovations to be made to the Employer's manufacturing facility (the Facility), which consists of a building and surrounding land.

3. The Loan will be for a five year term, payable in sixty equal monthly installments of principal and interest. The Loan will have a floating interest rate of 1 percent above the prime interest rate charged by the Commercial and Savings Bank of St. Clair County, Michigan (the Bank), but in no event will the interest rate be less than 12% per annum. The Loan will be secured by a perfected purchase money first security interest in the Equipment and by a first mortgage on the Facility. The Employer will file the necessary financing statements to perfect the Plan's security interest in the Equipment and will record the mortgage on the Facility. An independent appraiser, the American Appraisal Company of Milwaukee, Wisconsin (American) valued the Facility, as of August 27, 1980, at $271,615. The Employer will maintain insurance on the Facility and the Equipment throughout the term of the Loan with the Plan named as beneficiary. The Employer represents that the facility is presently unencumbered.

4. The Bank, which is independent of the parties to the transaction, has concluded that the Loan would be in the best interests of the Plan. The Bank will monitor the terms of the Loan and will enforce collection on the Loan in the event of a default. The Bank will monitor the value of the Equipment and the facility so that at no time during the term of the Loan will the combined value of the Equipment and the Facility fall below 200 percent of the balance of the Loan. The Employer, upon request of the Bank, will offer additional property as collateral for the Loan to maintain this ratio. The Employer represents that it has unencumbered machinery and equipment used in its business with a value of $236,254 as determined, as of August 27, 1980, by American. The Bank represents that it would be willing to loan to the Employer $150,000 for the renovation of the Facility and the purchase of the Equipment at an interest rate that would float with the prime interest rate it charges, for a term of ten to fifteen years, secured by the Equipment purchased and a first mortgage on the Facility.

5. In summary, the applicant represents that the proposed Loan satisfies the statutory criteria of section 408(a) of the Act because: (1) the Bank, an independent party, represents that the Loan would be in the best interests of the Plan; (2) the Bank will monitor the terms of the Loan; (3) the Loan will have a high interest rate with a floor of 12 percent per annum and will at all times be secured by the Equipment and the Facility with a value monitored by the Bank of at least 200 percent of the balance of the Loan; (4) the Plan will have a first security interest in the

Facility and Equipment; (5) the Loan will be for a relatively short term; (6) the Bank, and independent party, has stated that it would be willing to make a loan to the Employer for the same principal amount, secured by the same collateral, but at a lesser rate of interest and for a longer term than the loan.

Notice to Interested Persons

Notice of the proposed exemption will be furnished to all participants and beneficiaries of the Plan. Such notice will contain a copy of the notice of pendency as published in the **Federal Register** as well as a statement informing all such interested persons of their right to comment or request a hearing in regard to the proposed exemption. The notice will be provided within 10 days of publication of the notice of pendency to all interested persons by first class mail or hand delivery.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404 (a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interest of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loan of $150,000 by the Plan to the Employer for a term of five years provided that the terms of the Loan are at least as favorable to the Plan as the Plan could obtain in a transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 29th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–19702 Filed 7–3–81; 8:45 am]
BILLING CODE 4510–29–M

[Application Nos. D–2331 and D–2332]

Proposed Exemption for Certain Transactions Involving Sherwood Industries, Inc. Profit Sharing Plan and Trust and the Sherwood Industries, Inc. Pension Plan and Trust Located in Trenton, N.J.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt (1) for a period of five years the proposed loans of money by the Sherwood Industries, Inc. Profit Sharing Plan and Trust (Profit Sharing Plan) and the Sherwood Industries, Inc. Pension Plan and Trust (the Pension Plan) collectively, (the Plans) to the Sherwood Leasing Company (Sherwood Leasing), a party in interest with respect to the Plans, and (2) the guarantee of the obligation of Sherwood Leasing in such loans by Sherwood Industries Inc. (Sherwood Industries), Henry Dubin (Dubin) and Sidney Sussman (Sussman), parties in interest with respect to the Plans. The proposed exemption if granted would affect Sherwood Leasing, Sherwood Industries, Dubin, Sussman, the participants and beneficiaries of the Plans and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 10, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2331 and D–2332. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Sussman and Dubin (the Trustees), the Trustees of the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Temporary Nature of the Exemption

The proposed exemption is temporary and, if granted, will expire five years after the date of grant with respect to the making of any loan. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for an exemption.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. As of June 30, 1979, the Pension Plan had 61 participants and assets of $863,728. As of June 30, 1979, the Profit Sharing Plan had 77 participants and assets of $1,542,817. The sponsor of the Plans is Sherwood Industries. One hundred per cent of the outstanding stock of Sherwood Industries is owned by its employees, officers and directors. The Trustees are majority shareholders of Sherwood Industries.

2. Sherwood Leasing, a division of Sherwood Industries, is engaged in the business of leasing automobiles and other equipment. Sherwood leasing currently finances (the GMAC Loans) such leases through the General Motors Acceptance Corporation. The GMAC Loans are secured by the vehicles so leased and call for a floating interest rate of 1% over the prime interest rate as determined by GMAC. The interest rate on the GMAC Loans is adjusted monthly.

3. The Trustees are requesting an exemption that would permit the Plans to loan money (Plan Loans) for a period of five years to Sherwood Leasing the proceeds of which could be used to finance the inventory of Sherwood Leasing. The five year period would begin on the date an exemption for the proposed transactions appears in the **Federal Register**. Each of the Plan Loans will be for a length of from 24 to 48 months and will pay interest at the rate of 1% over the prime rate as determined by the rate on loans offered by GMAC. In addition Sherwood Leasing will guarantee a minimum annual interest rate to the Plan of 10% on any Plan Loan. Each Plan Loan will be secured by the new vehicle (the Vehicle) which is purchases with the funds from such Plan Loan. Each Plan Loan will also be secured by the lease to which the Vehicle purchased is subject in which at all times the lease payments due will be in excess of the outstanding balance due on such Plan Loan. No more than 10% of such leases will be placed with any one customer. The Plan Loans will also be secured by the full faith and credit of Sherwood Industries and the obligation of Sherwood Leasing will be personally guaranteed by Dubin and Sussman. As of December 31, 1980, the applicants represent that Sussman has a net worth in excess of six million dollars and Dubin had a net worth in excess of four million dollars. In addition, neither Plan may enter into a Plan Loan if at the time of making such Plan Loan the loan amount of the Plan Loan added together with the outstanding balances due on existing Plan Loans would exceed 25% of the asset value of the Plan involved. Sherwood Leasing, throughout the term of a Plan Loan, will maintain comprehensive insurance on the Vehicle.

4. Prior to the Plans entering into any of the Plan Loans, an independent party, Mr. Victor Walcoff (Walcoff) will certify that such transactions are in the best interests of the Plan and that the terms of the Plan Loans are at least equal to what the Plans would receive in a similar transaction with an unrelated party. Walcoff will also monitor the transactions and have the responsibility for enforcing the rights of the Plans. Walcoff is an attorney and Certified Public Accountant practicing with the firm of Katzenbach, Gildez & Rudner in Trenton, New Jersey.

5. The applicants represent that the proposed transactions will satisfy the criteria of section 408(a) of the Act as follows: (1) the Trustees represent that the proposed transactions are in the best interests of the Plans; (2) an independent party will approve the transactions prior to the Plans entering into them and will monitor them during their lifetime; (3) the exemption will be a temporary exemption; and (4) the Trustees represent that the Plans will receive a high rate of return on a secured investment.

Notice to Interested Persons

On or before July 16, 1981 a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plans of their right to comment or request a hearing will be personally delivered or mailed to all participants and beneficiaries of the Plans.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants.

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Request

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply for a period of five years to (1) the Plan Loans by the Plans to Sherwood Leasing provided that the terms of the Plan Loans are equal to or better than those which the Plans could receive in a similar transaction with an unrelated party; and (2) the guarantee of the obligation of Sherwood Leasing in such transactions by Sherwood Industries and Dubin and Sussman.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 29th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–19703 Filed 7–3–81; 8:45 am]

BILLING CODE 4510–29–M

Office of the Secretary

[TA–W–11,641]

Elder Manufacturing Co., Dexter, Mo.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 10, 1980, in response to a worker petition received on November 3, 1980, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of the workers at Elder Manufacturing Company, Dexter, Missouri.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA–W–11,632). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 26th day of June 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–19682 Filed 7–3–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–11,488]

Vicky Sportswear, McAdoo, Pa.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 27, 1980, in response to a worker petition received on October 22, 1980, which was filed on behalf of the workers of Vicky Sportswear, McAdoo, Pennsylvania.

The petitioners have requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 26th day of June 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–19682 Filed 7–3–81; 8:45 am]

BILLING CODE 4510–28–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Comanche Peak Units 1 and 2; Meeting

The ACRS Subcommittee on Comanche Peak Units 1 and 2 will hold a meeting on July 22, 1981, Room 1046, 1717 H Street, NW, Washington, DC to continue the review of the application of the Texas Utilities Generating Company for a license to operate the Comanche Peak Units 1 and 2. The Subcommittee will discuss certain items such as Organization, Training program, Quality Assurance program, etc. related to Comanche Peak Units 1 and 2. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, July 22, 1981, 8:45 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Texas Utilities Generating Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 29 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–19666 Filed 7–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 38 and 60 to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendment for Brunswick Unit No. 1 revises the Technical Specifications to (1) establish new vessel level setpoints that are consistent with a common instrument zero level, (2) incorporate the Low Level #1 instrument into the Automatic Depressurization System (ADS) instrumentation tables, and (3) reflect instrument number designation changes resulting from the replacement of certain digital instrumentation with analog loops. The Amendment for Brunswick Unit No. 2 revises the Technical Specifications to (1) incorporate the Low Level #1 instrument into the ADS instrumentation tables, (2) include a level instrument inadvertently omitted from a previous amendment, and (3) standardize instrumentation table terminology.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and the pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated June 11, 1981, (2) Amendment Nos. 38 and 60 to License Nos. DPR–71 and DPR–62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County, Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 25th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–19686 Filed 7–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–440 and 50–441]

Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 and 2); Availability of Applicants' Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, The Cleveland Electric Illuminating Company, on behalf of itself and as agent for Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company, has filed an Environmental Report in support of its application to operate the Perry Nuclear Power Plant, Units 1 and 2, to be located near Lake Erie in Lake County, Ohio. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is available for public inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the report are also being made available at the Ohio State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215.

After the environmental report has been analyzed by the Office of Nuclear Reactor Regulation staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the **Federal Register**.

Dated at Bethesda, Maryland, this 30th day of June 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81–19687 Filed 7–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–295 and 50–304

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR–39, and Amendment No. 62 to Facility Operating License No. DPR–48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to incorporate the requirements for decay heat removal capability and to further define the term "operable" for systems and components.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 23, September 24, October 22, November 7, 1980 and May 1, May 29, 1981. (2) Amendment Nos. 65 and 62 to License Nos. DPR–39 and DPR–48, and (3) the Commission's letter dated June 22, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2)

and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22 day of June 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-19688 Filed 7-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 69 and 61 to Facility Operating License Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company for operation of the Turkey Point Plant Unit Nos. 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments approve the steam generator repair program for the Turkey Point Plant Unit Nos. 3 and 4 and provide license conditions related to the repair operation.

The amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in Connection with this action was published in the **Federal Register** on December 13, 1977 (42 FR 62569). On August 3, 1979, Mr. Mark P. Oncavage was granted status as an intervenor.

On May 28, 1981, the Atomic Safety and Licensing Board (ASLB) issued a Memorandum and Order granting summary disposition on all contentions and cancelling the evidentiary hearing. On June 19, 1981 the ASLB issued its Final Order which authorized the Director of Nuclear Reactor Regulation to issue appropriate license amendments to permit the proposed steam generator repair.

The Commission has issued a Final Environmental Statement on March 30, 1981, which was noticed in the **Federal Register** on April 3, 1981 (46 FR 20340), and has concluded that the action will not significantly affect the quality of the human environment.

For further details with respect to this action see (1) the Report dated September 20, 1977, as supplemented on December 20, March 7, April 25, June 20, and August 4, 1978, January 26, 1979, and March 28, 1980; (2) Amendment Nos. 69 and 61 to License Nos. DPR-31 and DPR-41; (3) the Commission's related Safety Evaluation (NUREG-0756) dated December 1980; and (4) the Commission's related Final Environmental Statement (NUREG-0743) dated March 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 24th day of June 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-19689 Filed 7-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment changes the Technical Specifications to allow deletion of the reactor trip on turbine trip below 50-percent power level.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letters dated May 13 and 14, 1981, (2) Amendment No. 7 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 7 may be obtained upon request addressed ot the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 26th day of June, 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-19690 Filed 7-3-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for futher improvements to this notice, please send them to: Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Forest Service

Special use application and report
FS 2700-3
On occasion
Individuals or households / state or local governments / farms / businesses or other institutions
Non-Federal entities such as individuals and partnerships
Sic: All
Small businesses or organizations
Conservation and land management, 2,000 responses, 8,000 hours: $250,180 Federal cost, 1 form. Not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This non-recurring report is required to apply for a national forest special use permit.

- Forest Service

Request for termination of and application for special use permit
FS 2700-3A
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Non-Federal entities such as individuals and partnerships
Sic: All
Small businesses or organizations
Conservation and land management, 1,000 responses, 250 hours; $12,590 Federal cost, 1 form. Not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This form is required to request termination of a special use permit and to make application for a permit by the purchase of the improvements.

Revisions

- Animal and Plant Health Inspection Service

Animal welfare reports
VS 18-3, 8, 11, and 23
On occasion annually
Businesses or other institutions
Animal dealers and exhibitors, research facilities
Sic: 599 799 027
Small businesses or organizations
Agricultural research and services, 15,050 responses, 17,513 hours; $261,482 Federal cost, 4 forms. Not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Report submitted by registered research facilities indicating that facility has followed professonally acceptable standards governing the care, treatment, and use of animals. Report required by Sec. 136(A) of the Animal Welfare Act. USDA-APHIS provides report to Congress per Sec. 25 of the act.

Extensions (Burden Change)

- Animal and Plant Health Inspection Service

Application for permit to import controlled material/import or transport organisms or vectors
VS 16-3
On occasion
Businesses or other institutions
Research labs, universities, businesses producing vaccines and biologics
Sic: 739 822 283
Small businesses or organizations
Agricultural research and services, 1,500 responses, 750 hours; $35,711 Federal cost, 1 form. Not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Applicaton for permit to import organisms or vectors or various categories of animal products, byproducts, and controlled material.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

- Economic Development Administration

Evaluation of EDA's job targetting efforts
ED 456QP and 464QP
Nonrecurring
Individuals or households/businesses or other institutions/small industrial enterprises, employees
Sic: Multiple
Area and regional development, 5,370 responses, 1,761 hours; $175,000 Federal cost, 1 form. Not applicable under 3504(h)

William T. Adams, 202–395–4814

The survey will be used to evaluate the employment effects on disadvantaged populations achieved through EDA's business development loan program. These data will be used to identify the types or jobs that are created, the characteristics of people who are employed, and to assess how firm viability is affected by EDA loans.

Extensions (Burden Change)

• Bureau of the Census
Margarine (manufacturer's packaging operations)
M20R
Monthly
Businesses or other institutions
Margarine manufacturers
Sic: 207
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses, 150 hours; $3,315,000 Federal cost, 1 form. Not applicable under 3504(h)
Office of Federal Statistical Policy and Standard 202–673–7974

These data are used extensively by both government and industry analysts to monitor the market conditions in the margarine industry. Monthly data on production of margarine are required by law and the additional detail, funded by the margarine association, provides the information needed to analyze the margarine market.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Departmental Management
Evaluation of the medicare mental health demonstration
OS–7–81
Quarterly, semiannually
Businesses or other institutions
30 Comm. mental health centers and partial hosp. facilities
Sic: 806
Small businesses or organizations
Public assistance and other income supplements, 210 responses, 730 hours; $755,879 Federal cost, 3 forms. Not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This evaluation is designed to assess the costs of medicare-financed ambulatory mental health care. Forty-five nationally selected mental health settings will receive medicare waivers that eliminate or modify a number of medicare reimbursement limitations. Thirty additional sites will be used for comparison and a national survey of all ambulatory settings will be conducted on a one-time basis to project national costs. (The national survey is not included in this request.)

• Alcohol, Drug Abuse, and Mental Health Administration
Obligated service for mental health traineeships
Annually
Individuals or households
Individuals receiving mental health traineeships
Health, 1,400 responses, 233 hours; $4,168 Federal cost, 3 forms. Not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Pub. L. 96–398 requires payback from each individual who receives a clinical traineeship in psychology, psychiatry, nursing, or social work. These regulations and forms are necessary to establish an agreement for this payback and to monitor the fulfillment of the agreement.

Revisions

• Social Security Administraton
Tenth wave survey of Southeast Asian refugees: (A) short form, (B) long form
OS–8–81
Other—See SF83
Individuals or households
Refugee households, as based on a nationwide random sample
Public assistance and other income supplements, 1,500 responses, 417 hours; $93,000 Federal cost, 1 form. Not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Tenth wave survey of Southeast Asian refugees. Collection of general statistical data on refugees resettled in the United States since May, 1975. This is the tenth in a series of surveys to gather the data required of or for the annual report to Congress.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Aviation Administration
General operating and flight rules—FAR 91
On occasion
Individuals or households/state or local governments/businesses or other ins aircraft owners and operators
Sic: 929 939 all
Small businesses or organizations
Air transportation, 1,732,183 responses, 311,879 hours; $880,000 Federal cost, 1 form. Not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1956, section 307 (49 U.S.C. 1348), authorizes issuance of regulations governing the use of navigable airspace. 14 CFR 91 prescribes regulations governing the general operation and flight of aircraft. Information is collected to determine compliance.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (No Change)

• Comptroller of the Currency
Special report for national banks required to file the large bank supplements
FDIC, 8040/52
Quarterly
Businesses or other institutions
Nat'l banks in certain size categories
Other advancement and regulation of commerce, 22,756 responses, 41,572 hours; form. Not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

These data, not collected as part of the interagency call report, are used in OCC's NBSS system, the forerunner of the interagency surveillance system being developed. When similar data are collected on an interagency basis, need for these OCC supplements will end.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747.

New

• Standards of performance for new stationary sources
Stationary internal combustion engines
Quarterly
Businesses or other institutions
New stationary diesel and dual-fuel internal combustion engines
Sic: 461 491 492 138 362
Small businesses or organizations
Pollution control and abatement, 320 responses, 1,280 hours; 5 forms. Not applicable under 3504(h)
Edward H. Clarke, 202–395–7340.

See preamble summary and reports impact analysis.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–8515

Reinstatements

• Project application for Federal assistance
FEMA 90–4
On occasion
State or local governments
Local governments in disaster areas
Disaster relief and insurance, 12,500 responses, 25,000 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

To obtain Federal disaster assistance for publicly-owned facilities. The authorized agent of the State or local government concerned submits a project application and the documentation. Prior to approval, FEMA performs an engineering analysis of each project application and the accompanying damage survey reports to ensure that the restoration work and associated costs meet FEMA eligibility criteria.

• Notice of interest in applying for Federal disaster assistance
FEMA 90–49
On occasion
State or local governments
Local governments in disaster areas
Disaster relief and insurance, 5,000 responses, 1,250 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

Auth. Pub. L. 93–288. In order to determine kinds of damage and location by political entities, and determine the number and expertise of Fed inspectors, as described above, it is necessary for each local gov't applicant to list the types of damage to property and facilities. The inspectors can then be approximately scheduled and assigned for the formal survey.

• Building survey
FEMA 90–51
On occasion
State or local governments
Federal and State government inspectors
Disaster relief and insurance 1,000 responses, 1,000 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

The basic requirement for this form stems from the Disaster Relief Act of 74, Pub. L. 93–288, and Federal disaster assistance regulations, Title 44, Part 205. this form is used in conjunction with the damage survey report prepared for each damaged facility. Certain DSR's require supplemental data which may be conveniently recorded on this special form.

• Flood insurance survey
FEMA 90–54
On occasion
State or local governments
Federal and State government inspectors
Disaster relief and insurance 1,250 responses, 2,500 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

The basic requirement of this form stems from the Disaster relief Act of 1974. Pub. L. 93–288, and Federal disaster assistance regulations, Title 44, Part 205. Prior to approval, FEMA performs an engineering analysis of each project application and the accompanying damage survey reports to ensure that restoration work and associated costs meet FEMA eligibility requirements. Appropriate flood insurance is required under Pub. L. 93–234 of public buildings and mobile homes as prerequisite to project application approval for permanent work.

• Inspector's environmental assessment
FEMA 90–50
On occasion
State or local governments
Federal and State government inspectors
Disaster relief and insurance, 1,000 responses, 2,000 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

When the Federal inspector inspects and prepares cost estimates for damaged or destroyed facilities, he also reports his preliminary findings on the action the applicant proposes or that the damaged facility is causing on environmental impact. Required under National Environmental Policy Act and Pub. L. 91–110.

• Bridge survey
FEMA 90–53
On occasion
State or local governments
Federal and State government inspectors
Disaster relief and insurance, 5,000 responses, 2,500 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form serves as a supplement to the damage survey report where it is necessary to provide more detailed information specifically on bridge damage sustained during a disaster. The damage survey report while generally providing sufficient detail on most damages was found to be lacking in support of claims for restoration or replacement of bridges. It would not be practical to combine the data into a single form.

• Damage survey report
FEMA 90–52
On occasion
State or local governments
Federal and State government inspectors
Disaster relief and insurance, 25,000 responses, 50,000 hours; 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

Document disaster damage and eligible restorative work under Pub. L. 93–288 and 44 CFR 205. Use of form required under FEMA handbook, DRR–2.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7787

New

• Emergency Coordinators/directors training needs profile
WPE–125
Nonrecurring
State or local governments
State and local emerg. mgt. professional personnel
Sic: 919
Central personnel management, 280 responses, 210 hours; $5,050 Federal cost, 1 form. Not applicable under 3504(h)
Robert Veeder, 202–395–4814

This survey will be used to determine the training needs of State and local emergency management professional personnel. It also will analyze the present Federal Emergency Management Agency's training programs adequacy in meeting the needs of emergency management personnel.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2586.

Extensions (Burden Change)

• Energy conservation audits
TVA 6253 through TVA 6253G
Weekly
Businesses or other institutions
Commercial and industrial establishments in the TVA service area
Sic: All
Energy supply, 5,000 responses 22,500 hours; $7,900,000 Federal cost, 8 forms. Not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Free energy audits are offered to commercial and industrial power customers for a large-scale energy conservation program.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Dental record, authorization and invoice for outpatient services
VA 10–2570D
On occasion
Businesses or other institutions
Private dentists who service outpatient VA dental care patients
Sic: 802
Small businesses or organizations
Hospital and medical care for veterans, 71,550 responses, 23,850 hours; $515,877 Federal cost, 1 form. Not applicable under 3504(h)

Robert Neal, 202–395–6880

To authorize veteran to seek private dentist for dental examination and treatment plan. Form is returned to VA for review and treatment authorization. On completion of treatment, original and copy are returned to VA where they serve as a record of treatment and invoice for payment, respectively.

Revisions

- Application for servicemen's group life insurance

29–8713
On occasion
Individuals or households
Retired reservists
Income security for veterans, 5,000 responses, 1,250 hours; $55 Federal cost, 1 form. Not applicable under 3504(h)
Robert Neal, 202–395–6880

The completed application is required by law, 38 CFR 9.3. The information collected is used to determine the eligibility of the applicant for the insurance.

C. Louis Kincannon,

Assistant Administator for Reports Management.

[FR Doc. 81–19882 Filed 7–3–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22109; 70–6347]

Middle South Utilities, Inc.; Notice of Proposed Changes in the Amount and Nature of Guarantees Made by a Holding Company on Behalf Of a Subsidiary

June 29, 1981.

Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed post-effective amendments to a declaration previously filed with this Commission pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

By an order dated October 12, 1979 (HCAR No. 21250) Middle South was authorized to guarantee the obligations of one of its wholly-owned subsidiaries, Middle South Energy, Inc. ("MSEI"), with respect to a lease of nuclear fuel dated October 17, 1979 between MSEI and Port Gibson Energy, Inc. ("Port Gibson"). In a related application before this Commission (File No. 70–6612) MSEI and Port Gibson propose to make payments to acquire nuclear fuel to be leased by MSEI from $79,000,000 to $109,000,000. In addition, Port Gibson's borrowing capacity under a credit agreement dated October 17, 1979 with a group of banks pursuant to which Port Gibson finances the nuclear fuel it leases to MSEI would be increased from $80,000,000 to $110,000,000 and three banks would be added to the lending group. As it did in connection with the original credit agreement, Middle South proposes to consent to the terms of the amended agreement as it relates to Middle South's guaranty of MSEI's obligations under the fuel lease with Port Gibson and Port Gibson's assignment to an agent for the banks of its rights under the guaranty. In addition, Middle South proposes to consent to Port Gibson's assignment of its rights under the guaranty to a representative of the holders of Port Gibson's commercial paper.

The declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 23, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–19828 Filed 7–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22110; 70–6601]

New England Electric System, New England Energy, Inc.; Notice of Proposal to Finance Construction of a Collier Through Short-Term Borrowings

June 29, 1981.

New England Electric System ("NEES"), 25 Research Drive Westborough, Massachusetts 01581, a registered holding company and New England Energy, Inc. ("NEEI"), a fuel procurement subsidiary of NEES, have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6(a), 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(2) and 50(a)(5) promulgated thereunder.

By an interim order dated February 13, 1981 (HCAR No. 21919) NEES and NEEI were authorized to enter into a series of transactions relating to the formation of a joint venture whose purpose is construction of a collier for the transfer of coal from parts in the mid-Atlantic states to the NEES system's power plants on the New England coast. NEEI is the owner of a 51% interest in the joint venture, the remaining 49% being owned by Keystone Shipping Company ("Keystone"), a subsidiary of Charles Kurz & Co., Inc. ("Kruz"). The joint venture will construct the collier and contemplates operating it under a 24½ year charter for New England Power Company ("NEPCO"), the generation and transmission subsidiary of the NEES system. The order of February 13, 1981 reserved jurisdiction over the charter between NEPCO and the joint venture. On February 17, 1981 the joint venture entered into a construction contract with the Quincy Shipbuilding Division of General Dynamics Corporation for construction of the collier. The contract price of the ship is approximately $60,000,000, with additional equipment and other costs bringing the total estimated cost of the vessel to approximately $69,000,000. That order also authorized NEES to advance funds to NEEI for NEEI's share of the initial needs of the joint venture.

In order to provide construction financing and to enable NEEI to repay the advances made by NEES it is now proposed that the joint venture enter into a credit agreement with Bank of America under which the joint venture may obtain up to $20,000,000 for construction of the collier. The joint venture may issue commercial paper of up to 270 day maturities, backed by the bank's letter of credit, or borrow directly from the bank under a revolving credit arrangement. The total borrowings under both methods may not exceed $20,000,000 at any one time outstanding.

If the joint venture chooses to issue commercial paper the bank will receive a fee of ⅛% per annum on the amount of commercial paper outstanding. A subsidiary of the bank will receive a fee of $8 per note for acting as issuing and paying agent, and a division of the bank will receive a fee of ⅛% per annum on the average amount of commercial paper sold for its services as exclusive dealer of the commercial paper. Assuming the current nominal rate on 30-day commercial paper of 17.25%, the effective cost of borrowing for a $100,000 30-day note would be 18.64%.

Under the revolving credit arrangement the joint venture has four options:

(1) it may borrow domestic dollars at the bank's prevailing prime rate;

(2) it may borrow Eurodollars at maturities of from one to twelve months at the then appliable LIBOR rate for such maturities plus ⅝% per annum;

(3) it may borrow at fixed rates for terms of up to 18 months at an interest rate based on the bank's effective cost of money at the time of borrowing. At present, the joint venture would pay 50 basis points over cost for borrowings of one to three months, 75 basis points over cost on borrowings of three to six months and 100 basis points over cost on borrowings in excess of six months; and

(4) it may borrow at fixed rates for over 18 months at rates offered by the bank at the time of borrowing.

For borrowing in Eurodollars under option 2), assuming the current 30-day LIBOR rate of 17⅜%, the effective cost for 30-day borrowings would be 18%. Options 3) and 4) would only be used if on the date of borrowing the effective cost was lower than the effective cost of commercial paper or revolving credit borrowings under options 1) and 2). The joint venture will pay a commitment fee of ⅛% per annum on the unutilized portion of the $20,000,000 commitment. All borrowings will mature on the delivery of the collier but in no event later than September 30, 1983. Repayment will be made from the proceeds of permanent financing for the vessel or, if it is not completed by September 30, 1983, through a term loan having mutually agreeable terms. The joint venture's obligations under the credit agreement will be secured by an assignment to the bank of the joint venture's rights under the construction contract. The obligations of the joint venture will be jointly and severally guaranteed by NEES and KURZ.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 23, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–19829 Filed 7–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11837; 812–4847]

Thrift Institution Short-Term Liquidity Fund, Inc., et al.; Filing of Application

June 30, 1981.

Notice is hereby given that Thrift Institution Short-Term Liquidity Fund, Inc. ("Fund"), Thrift Fund Advisory, Inc. ("Adviser"), and A. G. Becker Incorporated, 55 Water Street, New York, NY 10041 ("Becker") (together, "Applicants") filed an application on March 20, 1981, and an amendment thereto on June 9, 1981, for an order of the Commission pursuant to Sections 17(b) and 6(c) of the Investment Company Act of 1940 ("Act"), granting an exemption to permit Becker to engage in certain principal transactions with the Fund in those markets in which Becker is a primary or leading dealer, including but not limited to, the markets for bankers' acceptances and United States Treasury or federal agency obligations, in the manner and subject to the conditions set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund is a no-load, open-end, non-diversified investment company organized as a Maryland corporation on March 4, 1981. Applicants represent that the Fund is a "money market fund," designed as an investment vehicle for federally-insured savings and loan associations and other financial institutions which are members, or eligible for membership in the Federal Home Loan Bank System, desiring to place a portion of their assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicants assert that the Fund entered into an investment management agreement on March 10, 1981, pursuant to which the Adviser, subject to the general supervision of the directors of the Fund, provides investment management services to the Fund.

According to the application, Adviser is a Delaware corporation incorporated on March 4, 1981, and registered under the Investment Advisers Act of 1940. Applicants represent that the Adviser is an affiliate of Becker and is 85 percent owned by AGB–WPB Incorporated, an intermediate parent of Becker. The other 15 percent of the Adviser's capital stock is owned by a wholly-owned subsidiary of the National Savings and Loan League. According to the application, Becker is one of two principal operating subsidiaries controlled by A. G. Becker-Warburg Paribas Becker Inc., a privately owned holding company. Applicants affirm that Becker is an affiliate of the Adviser and that, pursuant to an agreement dated March 10, 1981, Becker and Warburg Paribas Becker Incorporated, an affiliate of Becker, will act as distributors and principal underwriters of the Fund's shares. Applicants state that Becker acts as both a primary dealer and distributor of United States Government and government agency issues and makes a market in both government and government agency issues and most other types of money market securities, including certificates of deposit, bankers' acceptances and commercial paper. Applicants represent that dealings in these areas are conducted virtually exclusively on a principal basis.

Applicants state that the portfolio securities in which the Fund may invest are limited to a narrowly prescribed group of money market securities. Applicants further state that practically all trading in money market securities takes place in over-the-counter markets consisting of groups of dealer firms who are primarily major securities firms or large banks. The largest group of these dealers consists of approximately 34 government securities dealers (including Becker) who report their daily positions and trading to the Federal Reserve Bank of New York. Money market securities are generally traded in round lots of $1,000,000 on a net basis and do not normally involve either brokerage commissions or transfer taxes. Applicants submit that it is expected that the cost of portfolio securities transactions of the Fund will consist primarily of dealer or underwriter spreads which generally do not exceed 25 basis points and decline on larger amounts. Applicants indicate that a typical spread for a transaction

involving the Fund portfolio can be expected to be 12.5 or less basis points and that, generally, there is not a great deal of variation in the spreads charged by the various dealers.

Applicant assets that because of the variety of types of money market securities, the money market tends to be somewhat segmented. The markets for the various types of securities will vary in terms of price, volatility, liquidity, and availability. There are significant fluctuations in yield among the various types depending upon the maturity date and quality of the issuer. According to the application, because dealers tend to specialize in certain types of money market securities, the particularized needs of a potential buyer or seller in terms of type of security, maturity, or quality may severely limit the number of dealers who can give best price and execution. Applicants assert that, as a consequence, with respect to any given type of security, there may be only a few dealers who can be expected to have such a security in inventory and be in a position to quote a favorable price. Applicants assert further that access to the market is absolutely dependent upon the ability to obtain quotations from the dealers and to obtain these quotations, one must be a customer of the dealer.

The application states that Becker believes it is one of the three largest competitive retail dealers in the money market. Being competitive means that the dealer has the security in inventory (or is willing to go short on the security) and is in a position to quote prices within the prevailing market range. A retail dealer is one who sells securities to institutional customers such as the Fund and does not act solely as a wholesaler or dealer for its own account. Becker estimates that its share of the trading in United States Government securities maturing within one year amounts to approximately 4.6% of the market, and that its share of trading in other money market instruments, exclusive of commercial paper, is comparable and may range up to 14% in certain areas.

The application states that, subject to the general supervision of the Fund's board of directors, and in conformity with Fund policies, the Adviser is responsible for portfolio decisions and the placing of Fund portfolio transactions. Applicants assert that the Fund has no obligation to deal with any dealer or group of dealers in the execution of its portfolio transactions; rather, in placing orders, it is the policy of the Fund to obtain the best net results taking into account such factors as price (including the applicable dealer spread), the size, type and difficulty of the transaction involved, the firm's general execution and operational facilities, and the firm's risk in positioning the securities involved. Applicants acknowledge that while the Adviser generally seeks reasonably competitive spreads or commission, the Fund will not necessarily be paying the lowest spread or commission available. Applicants indicate that the Fund's policy of investing in securities with short maturities, combined with portfolio management techniques employed by the Adviser, will result in high portfolio activity. Professional money management techniques, including varying the composition of the Fund's investments and the average maturity based upon an assessment of relative values of various money market securities and future interest rate patterns, and the Fund's policy to be as fully invested as reasonably practicable require rapid acquisition and disposition of portfolio securities.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security, or other property. Section 17(b) of the Act provides, in part, that the Commission, upon application, may exempt a transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 6(c) provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Because Becker acts as distributor of the Fund's shares and because of the above-described affiliation of Becker with the Adviser, Applicants conclude that Becker is prohibited from making purchases from or sales to the Fund of securities in transactions in which Becker acts as principal. The application states that the directors of the Fund have determined that it is in the best interests of the Fund to have access to Becker to engage in the principal transactions which would otherwise be prohibited by Section 17(a). Applicants submit that four reasons support the issuance of the requested exemptive order:

1. The Fund's special requirements result in high portfolio activity and a need to make rapid purchases and sales of securities in the money market.

2. Becker is such a major factor in the money market that being unable to deal directly with Becker may, upon occasion, deprive the Fund of the opportunity to obtain the best price and execution, especially in the disposition of portfolio securities in weak markets.

3. The money market is highly competitive and removing a competitive factor as important as Becker from the market may deprive the Fund of best price and execution even when dealing with other dealers.

4. The dealers function as information sources in the money market and being deprived of dealing with Becker removes the Fund from one major information source.

Applicants assert that the granting of the application, subject to the conditions of the plan described below remaining in effect, will work to the benefit of shareholders of the Fund. They believe that the procedures to be followed with respect to transactions with Becker are structured in such a way as to assure that the transactions will be in all instances reasonable and fair and will not involve overreaching on the part of any person concerned and that the exemption request is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The board of directors of the Fund will request its non-interested directors to review and approve a plan containing the following provisions and consents to having the requested order conditioned upon compliance with these provisions:

(1) The exemption will apply only to short-term United States Government agency securities and bank money instruments (i.e., certificates of deposit and bankers' acceptances). The bank money instruments subject to the proposed order must be issued by United States commercial banks having at least $1 billion in assets. For purposes of the order, short-term securities are defined to be securities having a maturity of no more than one year.

(2) Before any transaction will be executed with Becker, the Fund or the Adviser will obtain such information as is deemed necessary to determine the most favorable price (as defined in Condition (3) below) available with respect to the transaction. Before any transaction will be executed with Becker, the Fund or the Adviser must check at least three other dealers to obtain a competitive quotation. With respect to prospective purchases of securities, these dealers must be those who have money market securities of the categories and the type desired in inventory and who are in a position to quote favorable prices with respect thereto. With respect to the prospective disposition of securities, these dealers must be those who in the experience of the Fund and the Adviser are in a position to quote favorable prices.

(3) A determination will be required in each instance, based upon the information available to the Fund and the Adviser, that the price available from Becker is "better than" that available from other sources. To be considered "better than" that available from other sources, the Becker quotation must be at least one basis point better than that available from other sources if the quotation is made in terms of yield basis and it must be at least 1/64 of a dollar better than any quotation from other sources if the quotation is made in terms of a dollar price.

(4) All transactions will originate with the Fund or the Adviser and not with Becker. [1] No solicitations will be made of the Fund or the Adviser by Becker. In discussions with respect to proposed transactions between the Fund and Becker, Becker personnel will confine their activities to responding to inquiries from the Fund or the Adviser concerning available inventory, ideas as to advantageous trades and other money market information.

(5) Becker's dealer spread in regard to any transaction with the Fund will be no greater than its customary dealer spread, which in turn will be consistent with the average or standard spread charged by dealers in money market securities for the type of security and the size of transaction involved.

(6) The exemption will be made subject to any regulations promulgated by the Securities and Exchange Commission under Section 11(a)(2)(B) of the Securities Exchange Act of 1934 which would otherwise prohibit or restrict in any way the ability of the Fund and/or the Adviser to conduct principal transactions with Becker.

(7) The Fund and the Adviser will maintain records with respect to their transactions with Becker including documentation of having obtained quotations from at least three other dealers with respect to each transaction. A schedule of all transactions with Becker will be filed with the periodic reports filed by the Fund with the Commission pursuant to Sections 30(a) and 30(b)(1) of the Investment Company Act.

(8) Becker's legal department will prepare guidelines for Becker personnel in an effort to assure that the Fund receives rates as favorable as other institutional purchasers buying in the same quantities, that transactions with Becker originate with officers or employees of the Fund or the Adviser, that the no-solicitation policy is followed and that the parties maintain arm's-length relationships. Becker's audit and compliance department will periodically monitor the activities of Becker in this regard.

(9) The audit committee of the board of directors of the Fund, consisting of the non-interested directors, will prepare guidelines for the Fund and the Adviser to make certain that the Fund is obtaining best price and execution with respect to any transactions with Becker and that the above procedures are followed in all respects. The audit committee will periodically monitor the activities of the Fund and the Adviser in this regard to assure that these matters are being accomplished.

Notice is further given that any interested person may, not later than July 23, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19716 Filed 7-3-81; 8:45 am]

BILLING CODE 8010-01-M

[1] In initiating such transactions on behalf of the Fund, officers and employees of the Fund or the Adviser who are officers or employees of Becker will act in their capacities as officers or employees of the Fund and/or the Adviser and not of Becker.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airport Traffic Control Tower at Tallahassee, Florida; Reduction of Hours

Notice is hereby given that on or about August 6, 1981, the Tallahassee, Florida, Airport Traffic Control Tower will be closed each day from 12 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 26, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-19595 Filed 7-3-81; 8:45 am]

BILLING CODE 4910-13-M

Intent To Prepare an Environmental Impact Statement

Notice of Intent to Prepare an Environmental Impact Statement on Proposed Improvements to the Holman Field Airport, St. Paul, Ramsey County, Minnesota.

The Federal Aviation Administration, Great Lakes Region, intends to prepare an Environmental Impact Statement for the construction of a new primary runway; construction of associated taxiways, lighting and navigational aids; and construction of approximately 85 acres of building area to accommodate aircraft storage and maintenance and apron areas. All proposed construction would take place within the present airport boundaries.

Possible alternatives considered are expansion of another existing airport into an intermediate facility, development of a new airport on a new site, construction of a new runway and a new building area at Holman Field with flood protection by diking or elevated fill (the airport lies within the Mississippi River Floodplain), and a

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decision not to institute any changes at Holman Field.

The FAA intends to consult and coordinate with Federal agencies with jurisdiction by law or having special expertise respecting any environmental impact involved. Within 90 days of publication of this Notice the FAA (in Minneapolis, Minnesota) will contact the following agencies to determine the significance of impacts that could reasonably be associated with the project: (a) Environmental Protection Agency, (b) Department of the Interior, (c) Department of Housing and Urban Development, and (d) Army Corps of Engineers.

No scoping meeting is presently planned.

Additional information regarding the proposed project may be obtained by contacting: Francis Krueger, Airport Planner, Federal Aviation Administration, 6301 34th Avenue, So., Minneapolis, Minnesota, 55450, Telephone (612) 725-3416; Richard L. Theisen, Environmental Coordinator, Aeronautics Division, Minnesota Department of Transportation, St. Paul, Minnesota, 55155, Telephone (612) 296-2552; Robert N. Rosas, Preliminary Design Engineer, Operations Division, Minnesota Department of Transportation, District Nine, 3485 Hadley Avenue, N., North St. Paul, Minnesota, 55109, Telephone (612) 770-2311.

Dated this 24 day of June, 1981.

Peter Serini,

Acting Chief, Airports Division, Federal Aviation Administration, Great Lakes Region.

[FR Doc. 81-19564 Filed 7-3-81; 8:45 am]

BILLING CODE 4910-13-M

WATER RESOURCES COUNCIL

Caguas Municipal Solid Waste Gasification, Caguas, Puerto Rico; Water Assessment

AGENCY: Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the water assessment report prepared by the Water Resources Council under the provisions of Section 13(c) of the Federal Nonnuclear Energy Research and Development Act of 1974. The Caguas municipal project will process solid waste to produce low BTU gas and steam for electric generation.

DATE: Comments on this report are due on or before October 5, 1981.

ADDRESS: Send comments to: Gerald D. Seinwill, Acting Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Frank S. Davenport, Program Leader, or Ronald L. Scullin, Staff Specialist, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037, phone: 202/254-6352.

Dated: June 26, 1981.

Gerald D. Seinwill,

Acting Director.

The U.S. Department of Energy (DOE) requested the Water Resources Concil to perform this assessment on December 19, 1980. Publication of this report in the **Federal Register** is mandated under provisions of Section 13 to enable public review and comment during a 90-day period. After the 90-day review period, WRC staff will analyze the comments received and will forward the comments, the WRC analysis, and the water assessment report to the Secretary of the Department of Energy.

A. *Project Features.* The City of Caguas plans to install at an existing landfill either a botton-fed, air-blown, low BTU gasifier subsystem or a refuse-derived fuel preparation sub-system connected to a boiler/electric generation subsystem with appurtenances. Either subsystem will handle 113 tons per day of processible solid waste. This project will help reduce landfill volume and generate electricity (approximately 150 barrels of oil equivalent per day).

B. *Project Site.* The proposed project is located within the city of Caguas, but southwest of the urbanized portion of the municipality (Figure 1). The three acre project site is adjacent to the existing landfill.

C. *Water Requirement.* The proposed project will use 100 gallons per minute of water for boiler makeup and cooling. About 2 percent of the water use will be consumed.

The source of water supply will be the La Plata River. An alternative source of future water supply is the city of Caguas, which gets its water from the Loiza Reservior.

D. *Water Discharge.* Project discharge will consist of sanitary wastes, and boilier and cooling tower blowdown. Sanitary wastewater will be discharged to an existing sanitary sewer system. The boiler and cooling tower blowdown will be recycled and used for the gasifier ash quench.

As part of the project construction, diversion of runoff from the landfill will be upgraded to comply with current environment regulations

E. *Water Supply Availability.* The La Plata River has an average flow of 313 cubic feet per second (cfs) at the gage station below Toa Alta. The river currently supplies as much as 124 cfs to the San Juan Metropolitan Area (SJMA) and supplies water to other municipalities within the basin. Project water requirements of 0.22 cfs (100 gallons per minute) would not be significant with respect to average river flow.

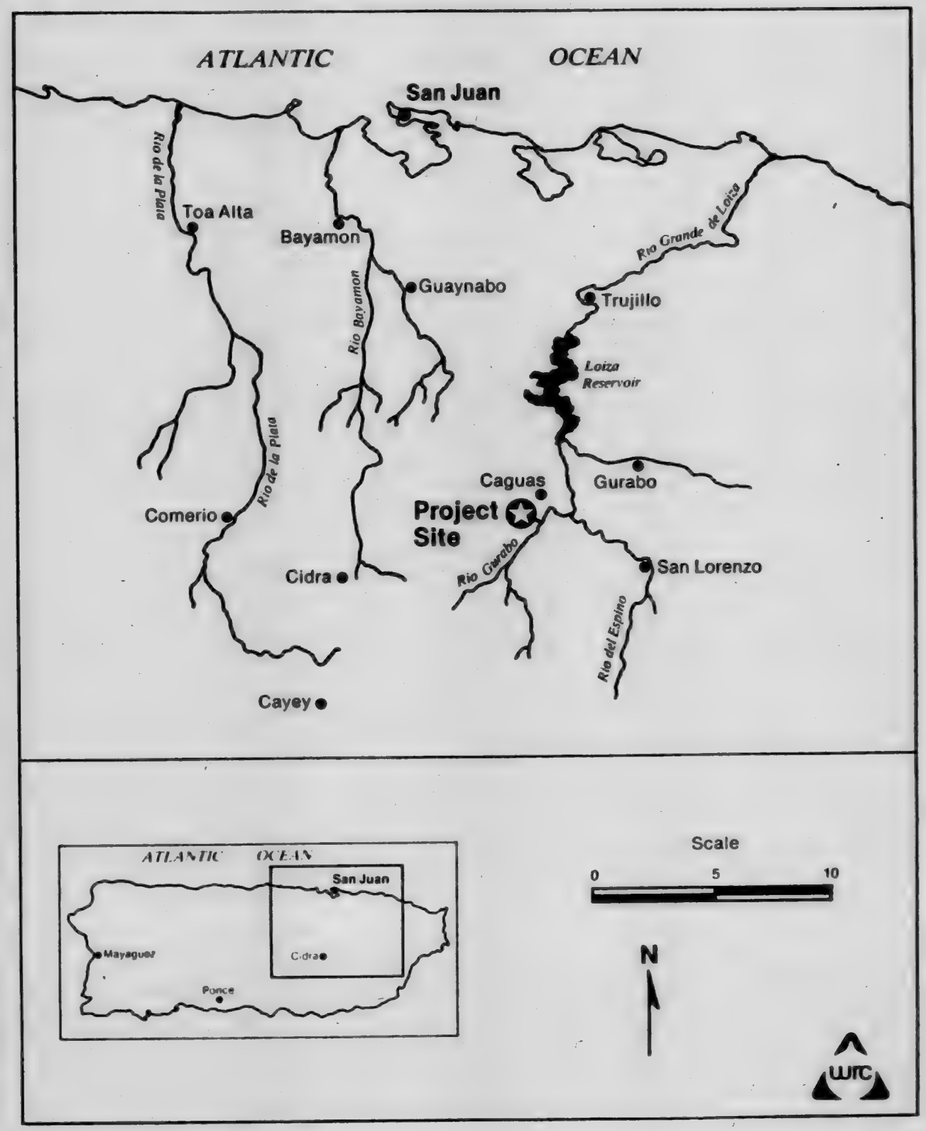
The Loiza Reservoir has an average inflow of 313 cfs. Excessive sediment has reduced the storage capacity from 21,000 acre-feet to 12,000 acre-feet. The reservoir supplies 118 cfs to the San Juan region and 17 cfs to Caguas. The project's water requirements will be less than 1.3 percent of the Caguas municipal water use.

Although groundwater is present in the region, it is currently not being considered as a water supply for the project.

F. *Findings.* Adequate water resources are available for providing water to the proposed Caguas solid waste/electric generating project. This water use should not be significant with respect to the region's water resources.

BILLING CODE 3410-01-M

Figure 1: Location of Project



[FR Doc. 81-19566 Filed 7-3-81; 8:45 am]

BILLING CODE 3410-01-C

Sunshine Act Meetings

Federal Register
Vol. 46, No. 128
Monday, July 6, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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FEDERAL ENERGY REGULATORY COMMISSION.

July 1, 1981.

TIME AND DATE: 10 a.m., July 9, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:
Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—405th Meeting, July 9, 1981, Regular Meeting (10 a.m.)

CAP-1. Docket No. EL78-36, United States Department of the Interior; Project No. 553, City of Seattle, Wash.
CAP-2. Project No. 3672, Columbia Irrigation District
CAP-3. Project Nos. 4161, 4162, 4163, and 4164, Sierra Pacific Power Co.
CAP-4. Docket No. EL80-14, Kodiak Electric Association, Inc.
CAP-5. Docket No. ER81-461-000, Missouri Edison Co.
CAP-6. Docket No. ER81-465-000, Illinois Power Co.
CAP-7. Docket No. ER81-95-000, Alabama Power Co.
CAP-8. Docket No. ER80-797, New England Power Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM80-69, annual report of gas supply for certain natural gas pipelines: Form No. 15

Consent Gas Agenda

CAG-1. Docket Nos. RP80-91 and RP8-93, Arkansas Louisiana Gas Co.
CAG-2. Docket No. RP81-76, Tarpon Transmission Co.
CAG-3. Docket Nos. RP80-102-004 and RP78-36-010, Southern Natural Gas Co.
CAG-4. Docket No. RP81-8-000, Michigan Consolidated Gas Co. (Interstate Storage Division)
CAG-5. Docket Nos. RP77-107, RP77-138, RP78-68 and RP80-121, United Gas Pipe Line Co.
CAG-6. Docket Nos. ST79-8, ST79-9, ST79-10, ST79-11, ST79-12, ST80-6, ST80-102, ST80-150, and ST80-193, Producer's Gas Co.
CAG-7. Docket No. ST80-64-001, Phillips Petroleum Co.
CAG-8. Docket No. G-20555, (FERC Gas Rate Schedule No. 2), J. P. Owen (Operator), et al.; Docket No. CI68-308, (FERC Gas Rate Schedule No. 17), J. P. Owen (Operator), et al.
CAG-9. Docket No. CI77-657, American Natural Gas Production Co., et al.
CAG-10. Docket Nos. CP76-462, CP77-77, CP77-220, CP77-565 and G-18545, Southern Union Gas Co., v. Cities Service Gas Co., et al.
CAG-11. Docket No. CP81-179-000, Consolidated Gas Supply Corp.
CAG-12. Docket No. CP80-192, Florida Gas Transmission Co.
CAG-13. Docket No. CP81-262-000 United Gas Pipe Line Co.
CAG-14. Docket No. CP81-95-000, Panhandle Eastern Pipe Line Co.
CAG-15. Docket No. CP80-456, Northwest Pipeline Corp.
CAG-16. Docket No. CP81-182-000, Great Lakes Gas Transmission Co.
CAG-17. Docket No. CP80-292, Consolidated Gas Supply Corp.; Docket No. CP80-327, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket Nos. CP70-185 and CP80-275, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-18. Docket No. CP81-139-000, Southern Energy Co., Southern Natural Gas Co. and Boston Gas Co.
CAG-19. Docket No. CP81-125-000, Tennessee Gas Pipeline Co. and Columbia Gulf Transmission Co.

Regular Power Agenda

I. Licensed Project Matters

P-1. Project Nos. 4307-000 and 4305-000, City of Hibbing, Minn.; Project Nos. 4321-000 and 4322, Northeastern Minnesota Municipal Power Agency
P-2. Project No. 4064, Baker Valley Irrigation District; Project No. 3459, Cascade Waterpower Development Corp.

II. Electric Rate Matters

ER-1. Docket Nos. ER81-462-000 and ER81-463-000, Ohio Power Co.
ER-2. Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.

Regular Miscellaneous Agenda

M-1. Docket No. QF81-13-000, EG&G, Inc.
M-2. Reserved
M-3. Reserved
M-4. Docket No. RM81- , regulations regarding public information and Freedom of Information Act requests
M-5. Docket No. RM81-27, incremental pricing: Adoption of single-tier alternative fuel price ceiling
M-6. Docket No. RM79-76 (Colorado—10), high-cost gas produced from tight formations

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP72-122 (PGA78-3), Colorado Interstate Gas Co.
RP-2. Docket No. RP78-62 (reserved issues), Panhandle Eastern Pipe Line Co.

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket Nos. CP80-135, et al., Northern Natural Gas Co.
CP-2. Docket No. CP75-104, High Island Offshore System; Docket No. CP76-118, U-T Offshore System

Kenneth F. Plumb,
Secretary.

[S-1038-81 Filed 7-1-81; 2:40 pm]
BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 124, FR 33417, Monday, June 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, July 2, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, July 2, 1981:

Application for Reconsideration and Request for Stay of Resolution No. 81-275, Approving the Application of San Diego Federal for Change of Corporate Title

No. 510, July 1, 1981

[S-1035-81 Filed 7-1-81; 10:01 am]
BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, July 9, 1981.

PLACE: G Street N.W., board room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the open portion of the Bank Board meeting scheduled for Thursday, July 9, 1981.

Application for Authority to Acquire Control of—North Kansas Savings Association Beloit, Kansas *and* Application to Incur Debt—McHuff Investments, Inc.
Service Corporation Activity Operation of a Trust Company Chartered as a National Bank—Fidelity Federal Savings and Loan Association (Fidelity-Mutual) Glendale, California
Service Corporation Application/Reinsurance Company—Equitable Federal Savings and Loan Association, Fremont, Nebraska, Home Federal Savings and Loan Association, Lexington, Nebraska, Midwest Federal Savings and Loan Association, Nebraska City, Nebraska, Security Federal Savings and Loan Association, Schuyler, Nebraska, Omaha Federal Savings and Loan Association, Omaha, Nebraska
Change of Corporate Title—First Federal Savings and Loan Association of Charlotte County, Punta Gorda, Florida
FHL Bank Budget Amendment Delegated Authority

No. 509, July 1, 1981.

[S-1036-81 Filed 7-1-81; 10:02 am]
BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., July 8, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of the Managing Director of Actions taken Pursuant to Delegated Authority.
2. Application by the Commonwealth of the Northern Mariana Islands for Section 35 Relief from Certain Tariff Filing Requirements—Petition for Issuance of Rulemaking.
3. Petition of the Puerto Rican Section of the Med-Gulf Conference for an exemption from the independent policing authority requirement of General Order 7, Revised.
4. Docket No. 80-79—Tupperware Company v. Compania Sud-Americana de Vapores (Chilean Line)—Review of Order of Discontinuance.

Portion closed to the public:

1. Docket No. 80-21—Independent Ocean Freight Forwarder License No. 1778; Crescent Navigation, Inc.—Discussion of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-1033-81 Filed 7-1-81; 8:59 am]
BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM.
(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, July 8, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposals to extend and revise the Bank Merger Application form (FR 0070) and the Federal Reserve Membership Application form (FR 0083-0083E).
2. Proposed expenditure by the Federal Reserve Bank of Kansas City for a new security and energy management system.

Discussion Agenda:

3. Proposed Report of Changes in Foreign Investments (FR 2064).
4. Further consideration of the regulatory review of the margin credit regulations.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be availabe for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Wasington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 30, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-1030-81 Filed 6-30-81; 4:11 pm]
BILLING CODE 6210-01-M

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 3 p.m., Monday, July 6, 1981.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Russell Stover Candies, Docket No. 9140.

Portions closed to the Public:

(2) Executive Session to follow Oral Argument in Russell Stover Candies, Docket No. 9140.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-1032-81 Filed 6-30-81; 4:14 pm]
BILLING CODE 6750-01-M

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday and Wednesday, July 7 and 8, 1981.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Oral Presentations to the Commission on the Rulemaking Proceeding on Funeral Industry Practices.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-1031-81 Filed 6-30-81; 4:14 pm]
BILLING CODE 6750-01-M

8

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

MEETING: Community Information and Referral Services Task Force.

DATE AND TIME: Monday, July 27, 1981, 9 a.m.-5 p.m.
Tuesday, July 28, 1981, 9 a.m.-5 p.m.

PLACE: The Raintree Inn, 314 West Bijou, Colorado Springs, Colrado.

STATUS: Open.

MATTERS TO BE DISCUSSED: Write the Final Report.

June 29, 1981.

Douglas S. Price,
Deputy Director, National Commission on Libraries and Information Science.

[S-1034-81 Filed 7-1-81; 9:52 am]
BILLING CODE 7527-01-M

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9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 6, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, July 7, 1981, at 10:00 a.m. and on Thursday, July 9, 1981, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July, 7, 1981, at 10:00 a.m., will be:

Administrative proceeding of an enforcement nature
Formal orders of investigation.
Litigation matter.
Institution of injunctive action.
Institution and settlement of administrative proceedings of an enforcement nature.
Setttlement of administrative proceeding of an enforcement nature.
Consideration of *amicus* participation.

The subject matter of the closed meeting scheduled for Thursday, July 9, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive action.
Institution of administrative proceeding of an enforcement nature and injunctive action.
Settlement of administrative proceeding of an enforcement nature.
Settlement of injunctive action and report of investigation.

The subject matter of the open meeting scheduled for Thursday, July 9, 1981, at 10:a.m., will be:

1. Consideration of whether to affirm action, taken by the Duty Officer, granting a waiver of disqualification imputed to the law firm of Debevoise, Plimpton, Lyons & Gates. For further information, please contact Myrna Siegel at (202) 272–2430.

2. Consideration of whether to affirm action, taken by the Duty Officer, granting access to non-public documents to Bevis Longstreth in connection with his nomination for the position of Commissioner. For further information, please contact Myrna Siegel at (202) 272–2430.

3. Consideration of proposed amendments to the Commission's uniform net capital rule, Rule 15c3–1, to reflect recent amendments of the Commodity Futures Trading Commission's net capital rule in connection with commodity transactions. For further information, please contact Steven L. Molinari at (202) 272–2382.

4. Consideration of whether to issue a notice on an application filed jointly by Mathers Fund, Inc., an open-end, diversified management investment company registered under the Investment Company Act of 1940 and its investment adviser, Mathers and Company, Inc. (the "Adviser"), in connection with a proposed transaction in which control of the Adviser will be transferred from a shareholder owning 97% of the Adviser's common stock to the remaining shareholders. For further information, please contact Carl B. Wilkerson at (202) 272–3014.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added deleted or posponed, please contact: Arthur C. Delibert at (202) 272–2467.

June 30, 1981.

[S–1037–81 Filed 7–1–81; 11:13 am]

BILLING CODE 8010–01–M

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federal register

Monday
July 6, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally-Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decision

Pennsylvania: PA81–3041

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska: AK81–5110	April 10, 1981.
Arizona: AZ81–5124	June 26, 1981.
Florida: FL81–1246	June 12, 1981.
Georgia:	
GA81–1192	Mar. 6, 1981.
GA81–1193	Mar. 6, 1981.
Hawaii: HI81–5106	Mar. 6, 1981.
Iowa:	
IA80–4045	Aug. 8, 1980.
IA80–4047	Aug. 22, 1980.
IA80–4048	Aug. 29, 1980.
IA80–4050	Aug. 8, 1980.
IA81–4010	Feb. 6, 1981.
Idaho: ID81–5125	June 5, 1981.
Louisiana:	
LA81–4024	May 1, 1981.
LA81–4027	May 1, 1981.
Michigan:	
MI81–2001	Feb. 13, 1981.
MI81–2002	Mar. 6, 1981.
Montana:	
MT81–5114	May 8, 1981.
MT81–5115	May 8, 1981.
MT81–5116	May 8, 1981.
New York: NY81–3016	Mar. 6, 1981.
Nevada:	
NV81–5102	Feb. 6, 1981.
NV81–5103	Feb. 6, 1981.
NV81–5104	Feb. 20, 1981.
NV81–5111	May 1, 1981.
South Dakota: SD81–5122	May 22, 1981.
Virginia: VA81–3015	Mar. 6, 1981.
Utah: UT81–5117	May 8, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

California:	
CA81–5113 (CA81–5128)	May 1, 1981.
CA81–5120 (CA81–5129)	May 15, 1981.
Florida: FL80–1072 (FL81–1260)	May 15, 1981.
Iowa: IA80–4046 (IA81–4049)	Aug. 8, 1980.
Kansas: KS80–4056 (KS81–4047)	July 18, 1980.
Louisiana: LA81–4002 (LA81–4046)	Jan. 6, 1981.
Michigan:	
MI80–2082 (MI81–2033)	Aug. 15, 1980.
MI80–2083 (MI81–2034)	Aug. 15, 1980.

MI80–2085 (MI81–2036)	Aug. 15, 1980.
MI80–2086 (MI81–2035)	Aug. 22, 1980.
MI80–2088 (MI81–2032)	Aug. 22, 1980.
Mississippi: MI81–1158 (MI81–1262)	Jan. 6, 1981.
North Carolina:	
NC81–1152 (NC81–1258)	Dec. 30, 1980.
NC81–1209 (NC81–1257)	Apr. 24, 1981.
North Dakota:	
ND80–5102 (ND81–5130)	Feb. 1, 1980.
ND80–5132(ND81–5131)	Oct. 10, 1980.
Ohio:	
OH79–2066 (OH81–2041)	July 27, 1979.
OH80–2024 (OH81–2040)	July 11, 1980.
OH80–2048 (OH81–2039)	July 11, 1980.
Oregon: OR80–5145 (OR81–5127)	Nov. 21, 1980.
Tennessee:	
TN79–1053 (TN81–1263)	Mar. 23, 1979.
TN79–1078 (TN81–1261)	Apr. 27, 1979.
TN79–1078 (YN81–1259)	Apr. 27, 1979.
Washington: WA81–5107 (WA81–5126)	Apr. 3, 1981.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 26th day of June 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510–27–M

NEW DECISION

STATE: Pennsylvania COUNTIES: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland

DECISION NO.: PA81-3041 DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction, excluding Sewage and Water Treatment Plant Projects

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE I	12.68	8%	7%	10%	
ZONE II	12.48	8%	7%	10%	
CARPENTER - WELDER					
ZONE I	13.08	8%	7%	10%	
ZONE II	12.88	8%	7%	10%	
CARPENTER - BURNER					
ZONE I	12.88	8%	7%	10%	
ZONE II	12.68	8%	7%	10%	

AREA COVERED BY CARPENTERS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland

ZONE II - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerset, Venango and Warren

CEMENT MASONS	12.89	7%	16%		
PILEDRIVERMEN	14.09	6%	10%		
PILEDRIVERMEN - WELDER	14.34	8%	10%		
IRONWORKERS:					
Reinforcing					
Zone 1	10.51	1.605	.785		.01
Zone 2					
Structural, Ornamental & Reinforcing	14.265	1.49	1.46		.045

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter Counties

ZONE 2 - Franklin, Huntingdon and Mifflin Counties

DECISION NO. PA81-3041

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I					
ZONE I	10.26	10%	10%		
ZONE II	10.15	10%	10%		
CLASS II					
ZONE I	10.42	10%	10%		
ZONE II	10.33	10%	10%		
CLASS III					
ZONE I	10.85	10%	10%		
ZONE II	10.85	10%	10%		
CLASS IV					
ZONE I	11.80	10%	10%		
ZONE II	11.80	10%	10%		

AREA COVERED BY LABORERS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Clearfield, Elk, Erie, Fayette, Greene, Indiana, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE II - Bedford, Cameron, Centre, Clinton, Crawford, Forest, Franklin, Fulton, Huntingdon, Jefferson, Mifflin, potter

LABORERS CLASSIFICATION DEFINITIONS

CLASS I - Heavy & Highway Construction Laborers (Including Craft Tenders, handling Salamanders L. P. Gas Heaters or similar, etc.); Asphalt Curb Sealer; Asphalt Tamper; Batchman (weigh); Blaster's Helper; Boatman; Brakeman; Change House Attendant; Coffer Dam; Concrete Curing Pitman; Puddler; Drill Runner's Helper, (Including Drill Mounted on Truck, Track, or similar and Davey Drill - Spots-clean-up & Helps to maintain); Electric Brush and or Grinder; Fence Construction (including Fence Machine Operator); Form Stripper and Mover; Gabion (Erectors and Placers); Hydro Jet Claster Nozzlemen; Manually moved Emulsion Sprayer; Radio Actuated Traffic Control Operator; Rip Rap Work, Scaffolds and Runways; Sheeters and Shorers; Structural Concrete Top Surfacer; Walk Behind Street Sweeper; Welder's Helper (pipeline); Wood Chipper

DECISION NO. PA81-3041

LABORERS (CONT'D)

CLASS II - Air Tool Operator (all types); Asphalt, Batch & Concrete Plant Operator (manually operated) asphalt Rakers; Burner; Caisson Men (open air); Carryable Pumps; Chain Saw Operator (Including attachments); Cribbing (Concrete or steel); Curb Machine Operator (asphalt or concrete - walk behind); Diamond Head Core Driller; Drill Runner's Helper (Tunnel); Fork Lift (walk behind); Form Setter (Road Forms Line Man); Highway Slab Reinforcement Placers (Including Joint and Basket Betters); Hydraulic Pipe Pusher; Liner Plates (Tile or Vitrified Clay); Mechanical Compacting Equipment Operators; Mechanical Joint Sealer, Dope Pot and Tar Kettle; Mortar Mixer (hand or machine); Muckers, Brakemen & All Other Labor (Includes installation of Utility Lines); Pipe Layers (Regardless of material); Portable Single Unit Conveyor; Post Hole Auger (2 or 4 cycle-hand operated); Power Wheelbarrows and Buggies; Rail Porter or Similar; Sand Blaster; Vibrator Operator, All Rail Road Track Work to Include The Following: Adzing Machine, Ballast Router; Bolting Machine; Power Jacks; Rail Drill; Railroad Brakeman; Rail Saw; Spike Drivers (Manually or handheld tool); Spike Pullers; Tamping Machine; Thermitweld

CLASS III - Blacksmith, blaster, bricj stone and block pavers and block cutters (wood, belgian and asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elavated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man), manhole or catch basin (brick, block, concrete or any prefabrication), Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing and cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

CLASS IV - Welder (pipeline); High Burner (any burning not done from deck)

DECISION NO. PA81-3041

LANDSCAPING:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job					
ZONE 1	7.79	12%	10%		
ZONE 2	7.70	12%	10%		
Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work					
ZONE 1	8.21	12%	10%		
ZONE 2	8.12	12%	10%		

AREA COVERED BY LANDSCAPE LABORERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland

ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, ELk, Erie, Forest, Franklin, Fulton, Huntingdon, McKean, Mifflin, Potter, Somerset, Warren

UMI 18 657 821/64V

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DECISION NO. PA81-3041	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	15.65	.60	3%		3/8%
Winch Truck Op.	10.91	.60	3%		3/8%
Truck Driver	10.12	.60	3%		3/8%
Groundman	9.33	.60	3%		3/8%
ZONE 2					
Lineman	14.23	.60	3%		3/8%
Winch Truck Op.	9.96	.60	3%		3/8%
Truck Driver	9.25	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
ZONE 3					
Lineman, Dynamite Man, Heavy Equipment Operator	13.37	.55	3%		3/8%
Winch Truck Op.	9.38	.55	3%		3/8%
Truck Driver	9.19	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Counties

ZONE 2 - Franklin & Mifflin Counties

ZONE 3 - Butler, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lawrence, McKean, Mercer, Venango, Warren & Potter Counties

PLUMBERS (Bridge - drain Pipe) Allegheny, Washington, Greene, Armstrong Counties	15.05	1.05	1.80		.07

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DECISION NO. PA81-3041	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS I					
ZONE I	13.94	7.5%	8.25%		1%
ZONE II	13.68	7.5%	8.25%		1%
CLASS II					
ZONE I	13.71	7.5%	8.25%		1%
ZONE II	13.45	7.5%	8.25%		1%
CLASS III					
ZONE I	11.31	7.5%	8.25%		1%
ZONE II	11.06	7.5%	8.25%		1%
CLASS IV					
ZONE I	10.92	7.5%	8.25%		1%
ZONE II	10.64	7.5%	8.25%		1%
CLASS, V					
ZONE I	10.71	7.5%	8.25%		1%
ZONE II	10.46	7.5%	8.25%		1%

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE I - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Centre, Clearfield, Crawford, Erie, Elk, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington & Westmoreland Counties

ZONE II - Bedford, Cameron, Clinton, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

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DECISION NO. PA81-3041

POWER EQUIPMENT OPERATORS CLASSIFICATION DEDINITIONS

CLASS I - Autograder (C.M.I. & similar); Backfiller; Backhoe - 360° swing; Cableway; Caisson Drill (similar to Hugh Williams); Central Mix Plant; Cooling Plant; Concrete Paving Mixer; Concrete Pump (self-propelled); Cranes; Cranes (Boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + $.25; Boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50; Boom or mast over 200 ft. inclusive of jib + $.75; Tower-Stationary-Climbing Tower Crane); Derrick; Derrick Boat; Dozer (D-6 & over); Dragline; Dredge; Dredge Hydraulic; Elevating Grader; Franki Pile Machine; Gradall (Remote control or otherwise); Grader (Power-Fine Grade); Helicopter; Hilift (4 cy. and over); Hoist 2 Drums or more (in one unit); Hydraulic Boom Truck (with pivotal cab) (single motor-Pitman or similar); Kocal; Locomotive (std. Gauge); Metro-chip Harvester or similar; Milling Machine (Roto Mill or Similar); Mix Mobile; Mucking Machine (Tunnel); Pile Driver Machine; Pipe Extrusion Machine; Prespliter Drill (Self contained); Refrigeration Plant (Soil Stabilization) Rough Terrain Crane; Scrapers; Shovel-Power; Slip Form Paver (C.M.I. and similar); Trenching Machine; Tunnel Machine (Mark XXI Jarva or similar) 1 Whirley

CLASS II - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing) (180 swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C.M.I. and similar), concrete finishing machine and spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Pen drill), dozer (under D-6), force feed loader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hi-lift (under 4 cy.) hydraulic boom truck (Non-Pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow guage), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), overhead crane, roller - power-asphalt, ross carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

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CLASSIFICATION DEFINITIONS
FOR ALL ZONES CONT'D

CLASS III - Broom Finisher (C.M.I. or similar); Compactors/Rollers (Static or Vibratory (Self-propelled); Curb Builder; Minor Equipment Operator (two to three units); Multi-head Tie Tamper, Pavement Breaker (Self-Propelled or ridden); Soil Stabilizer Machine; Tire Repairman; Tractor (Snaking and hauling); Well Driller and Horizontal; Winch or "A" Frame Truck (when hoisting and lowering)

CLASS IV - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Groute Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator Light Plant, Mulching Machine, Spray Cure Machine (powered Driven), Subgrader, Tie Puller, Tugger and welding Machine (Gas or Diesel)

CLASS V - Deck Hand, Farm Tractor; Fireman on Boiler; Mechanic's Helper; Oiler, Power Broom, Side Delivery Shoulder Spreader

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS I					
ZONE 1	11.02	8.5%	9.5%		
ZONE 2	10.79	8.5%	9.5%		
CLASS 2					
ZONE 1	11.15	8.5%	9.5%		
ZONE 2	10.97	8.5%	9.5%		
CLASS 3					
ZONE 1	11.23	8.5%	9.5%		
ZONE 2	11.07	8.5%	9.5%		
CLASS 4					
ZONE 1	11.23	8.5%	9.5%		
ZONE 2	10.07	8.5%	9.5%		
CLASS 5					
ZONE 1	11.32	8.5%	9.5%		
ZONE 2	11.15	8.5%	9.5%		
CLASS 6					
ZONE 1	11.32	8.5%	9.5%		
ZONE 2	11.15	8.5%	9.5%		
CLASS 7					
ZONE 1	11.31	8.5%	9.5%		
ZONE 2	11.12	8.5%	9.5%		
CLASS 8					
ZONE 1	11.06	8.5%	9.5%		
ZONE 2	10.81	8.5%	9.5%		
CLASS 9					
ZONE 1	11.15	8.5%	9.5%		
ZONE 2	10.92	8.5%	9.5%		
CLASS 10					
ZONE 1	11.23	8.5%	9.5%		
ZONE 2	11.07	8.5%	9.5%		
CLASS 11					
ZONE 1	11.15	8.5%	9.5%		
ZONE 2	10.97	8.5%	9.5%		
CLASS 12					
ZONE 1	11.11	8.5%	9.5%		
ZONE 2	10.92	8.5%	9.5%		

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TRUCK DRIVER CLASSIFICATION DEFINITIONS

CLASS 1 - Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman)

CLASS 2 - Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat, bottom, scissors and combination fuel and fuel and grease)

CLASS 3 - Tri-axle Trucks

CLASS 4 - Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet, width (such as euclids, Athey Wagon, Payloader, Tournawagons and similar equipment when not self-loaded rated under forty-five tons

CLASS 5 - Heavy off-the-road equipment (rated at forty-five tons or over)

CLASS 6 - Bottom or Belly-dump Trucks

CLASS 7 - Heavy Duty Trailer, such as Low Boy, Hi-Boy, Dump Trailer, Pole Trailer A-Frames (when used for transporting materials), Dumpseters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Truck, Bucket Selfloading Trucks, Farm Tractor (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributint Trucks, Tar and Asphalt Trailer Trucks

CLASS 8 - Single-axle Ready Mixed Concrete Trucks (such as agitators barrel, redimix concrete trucks, etc.

CLASS 9 - Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.

CLASS 10 - Tri-Axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.

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TRUCK DRIVEM CLASSIFICATION DEFINITIONS CONT'D

CLASS 11 - Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)

CLASS 12 - Trucks with Dolly or Trailer

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

Welders - Rate for craft

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

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DECISION NUMBER AK81-5110 Mod. #6
(46 FR 21526 - April 10, 1981)

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 1					
Zone 1 and 3					
Brush; Roller; Paper; Vinyl	$21.91	1.35	2.00		.21
Utilidor; Swing; Sign; Bosun	22.19	1.35	2.00		.21
Structural Steel; Pot Tender; Sandblaster	22.47	1.35	2.00		.21
Epoxy; Tar; Finish Metal Spray	23.03	1.35	2.00		.21
Spray Painter	22.91	1.35	2.00		.21
Tapers, Hand	22.22	1.35	2.00		.21
Tapers, Machine	23.34	1.35	2.00		.21
Buffer Operator	22.51	1.35	2.00		.21
Hardwood Finishers	22.75	1.35	2.00		.21
Zone 2					
Brush; Roller; Paper; Vinyl	22.87	1.35	2.00		.21
Utilidor; Swing; Sign; Bosun	23.15	1.35	2.00		.21
Structural Steel; Pot Tender; Sandblaster	23.43	1.35	2.00		.21
Epoxy; Tar; Finish Metal Spray	23.94	1.35	2.00		.21
Spray Painter	23.87	1.35	2.00		.21
Tapers, Hand	23.17	1.35	2.00		.21
Tapers, Machine	24.29	1.35	2.00		.21
Buffer Operator	23.46	1.35	2.00		.21
Hardwood Finishers	23.70	1.35	2.00		.21
Painters:					
Area 2 and 3					
Brush; Roller; Sign Paper and Vinyl; Swing Stage; Taper/Drywall; Structural Steel	22.20	1.10	2.00		.25
Spray; Sandblast; Pot Tender	22.60	1.10	2.00		.25
Epoxy and Tar Applicator	22.80	1.10	2.00		.25
Steeplejack and Tower	23.20	1.10	2.00		.25
Residential Painters	24.00	1.10	2.00		.25
Plumbers: Area 1	13.56	1.10	2.00		.25
Sheet Metal Workers:	22.52	1.45	3.40		.35
Area 1	23.16	.88	2.50		.19
Areas 2 & 3	23.08	1.01	2.47		.22

Modification Page 2

DECISION NUMBER AZ81-5124 Mod. # 3
(46 FR 29160 - June 29, 1981)

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers					
Southern Area					
Zone A					
Bricklayers; Stonemasons	$13.68	1.00	.95		.06
Manhole Builders	13.93	1.00	.95		.06
Zone B					
Bricklayers; Stonemasons	14.05	1.00	.95		.06
Manhole Builders	14.30	1.00	.95		.06
Zone C					
Bricklayers; Stonemasons	14.43	1.00	.95		.06
Manhole Builders	14.68	1.00	.95		.06
Zone D					
Bricklayers; Stonemasons	15.18	1.00	.95		.06
Manhole Builders	15.43	1.00	.95		.06
Drywall Tapers					
Zone A	13.30	.60	.50		.10
Zone B	14.30	.60	.50		.10
Zone C	15.80	.60	.50		.10
Electricians					
Area 4	17.15	.96	3%+.93		.10
Glaziers					
Statewide, excluding Bullhead City	14.71	.95	.60		.08
Plasterers Tenders	11.55	1.12	1.30		.10
Sheet Metal Workers					
Area 1					
Zone 1	16.39	1.10	1.92		.13
Zone 2	17.64	1.10	1.92		.13
Zone 3	20.39	1.10	1.92		.13
Area 2					
Zone A	15.65	1.20	1.92		.07
Zone B	16.86	1.20	1.92		.07
Zone C	19.53	1.20	1.92		.07
Soft Floor Layers	12.46	.60	.12		.21

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DECISION NO. FL81-1246 -
MOD. #1
(46 FR 31187 - June 12, 1981
Duval County, Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DELETE:					
Cranes	12.18	.55	.50		.06
Oilers	8.80	.55	.50		.06
ADD:					
POWER EQUIPMENT OPERATORS					
Group A	12.18	.55	.50		.06
Group B	11.00	.55	.50		.06
Group C	8.80	.55	.50		.06

P.E.O. Classification Definitions

Group A - Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including auger & boring machine operator for drilling in piling, backhoe operator, hydra crane operator, grade all operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 H.P. or more), Multi-bowl operator (similar to R.G. Latourneau model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing, & traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator(10' or higher)

Group B - Bulldozer operator, bridge crane operator (20 tons & under), Highlift or forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile & used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut & over 24" in width, concrete paver operator, scraper operator, front end loader operator, fireman, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator

Group C - Trenching machine operator (ladder & wheel type) maximum cut 6' & maximum width 24", self propelled roller operators, wellpoint pump & supervise installation (one operator for 3 pumps, not including standby units), asphalt distributor operator, water truck operator, motor boat operator, oiler, mechanics helper, pumpman (other than wellpoint) up to & including 6 pumps, conveyor operator (motor operated), welding machine operator (4 or more combustion type), pulver mixer operator, compressor operator (from 1 up to & including 3 compressors), combination pump, compressor & combustion type welding machine operator (any group of 3 units), concrete mixer operator, concrete pump operator, tractor operator, sweeping machine operator & utility operator

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DECISION #GA81-1192 - Mod. #3
(46 FR 15647 - March 6, 1981)
Richmond County, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers, Stone masons, Marble masons, Tile setters, Terrazzo workers, & Plasterers	$11.05				
Cement masons	10.65				

DECISION #GA81-1193 - Mod. #3
(46 FR 15643 - March 6, 1981)
Chatham County, Georgia

CHANGE:					
Carpenters & Soft floor layers	$11.50	.55			.05
Electricians	12.35	.70	3% + 1.00		3/10of1%
Laborers:					
General laborers, track spotters;	6.57	.15	.13		.10
Operators of jack hammer, temp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller, plasterer & carpenter tenders;	6.72	.15	.13		.10
Mortar mixers (hand or machine), pipe layers (harner, potman, etc.), flagman (crane, derrick, etc.);	6.82	.15	.13		.10
Burner (torch) on demolition work, track or wagon drills					
used in blasting;	7.07	.15	.13		.10
Powdermen or blasters	7.57	.15	.13		.10
Millwrights	12.10	.55			.05
Piledrivermen	11.75	.55			.05
Sheet metal workers	12.03	.50			.07

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DECISION NUMBER HI81-5106 Mod. # 4
(46 FR 15650 - March 6, 1981)

STATEWIDE, HAWAII	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters	$13.05	$ .84	$3.00	$.75	.10
Brush	13.30	.84	3.00	.75	.10
Tapers	13.55	.84	3.00	.75	.10
Spray; Sandblaster	12.90	1.24	1.70	.65	.15
Roofers					

DECISION NO.IA80-4045-Mod.#3
45 Fr 53046-August 8, 1980
Dubuque County, Iowa
Building Construction

CHANGE:					
BRICKLAYERS & STONEMASONS	$12.09		1.15		.02
IRONWORKERS:					
Southern portion	16.60	.75	1.125		.30
Remainder of County	14.11	.90	1.00		.06
LABORER:					
GROUP 1	10.55	.50	.53		.05
GROUP 2	10.65	.50	.53		.05
GROUP 3	10.80	.50	.53		.05
PLUMBERS & STEAMFITTERS	14.42	.85	1.05		.08
ROOFERS	12.16		.50		
SPRINKLER FITTERS	15.10	.95	1.40		.08

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DECISION #IA80-4047-Mod. #3 45FR56273-August 22, 1980 Linn County, Iowa Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
CARPENTERS:					
Carpenters	$13.43	.75	.75		.10
Millwrights	15.65	.75	1.45		.25
Piledrivermen	13.93	.75	.75		.10
CEMENT MASONS	12.85	.65			
IRONWORKERS	14.11	.90	1.00		.06
PLASTERERS	15.07				
SPRINKLER FITTERS	15.10	.95	1.40		.08

DECISION #IA80-4048-Mod. #3 45FR57917-August 29, 1980 Polk County, Iowa Building Construction					
CHANGE:					
ASBESTOS WORKERS	15.45	1.04	1.275		.10
IRONWORKERS	13.02	.92	1.26		.06
ROOFERS	11.30	1.20	.55		
SPRINKLER FITTERS	15.10	.95	1.40		.08

DECISION #IA80-4050-Mod. #3 45FR53049-August 8, 1980 Scott County, Iowa Building Construction					
CHANGE:					
IRONWORKERS	16.50	.75	1.275		.30
PAINTERS:					
Brush, Roller	13.77	.70	1.50		.22
Spray, Sandblasting, tapers, structural steel	14.27	.70	1.50		.22
PLUMBERS & STEAMFITTERS	13.55	.71	1.14		.15
POWER EQUIPMENT OPERATORS:					
GROUP I	14.80	1.00	.90		.08
GROUP II	13.40	1.00	.90		.08
GROUP III	12.35	1.00	.90		.08
ROOFERS	14.30	.70	.80		
SPRINKLER FITTERS	15.10	.95	1.40		.08

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DECISION NO. IA81-4010 - Mod. #1
46 FR 11476 - February 6, 1981
Pottawattamie County, Iowa
Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
BRICKLAYERS & STONEMASONS	$14.24	.85	.70		.05
GLAZIERS	14.70	.90	.50		.01
IRONWORKERS	13.10	.85	1.00	1.00	.05
LABORERS:					
Common Laborers	11.01	.80	.70		.05
Mason Tenders; Mortar Mixers	11.185	.80	.70		.05
Pipelayers	11.35	.80	.70		.05
Plasterers tenders	11.395	.80	.70		.05
PAINTERS:					
Brush; Paperhangers	10.60		.25		
Highwork; Spray; Stage; Structural steel	11.15		.25		
SHEET METAL WORKERS	15.59	.75			.09
SPRINKLER FITTERS	15.10	.95	1.40		.08

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DECISION NO. ID81-5125 - Mod. #2
(46 FR 30250-June 5, 1981)
Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Area 5	$14.65	.90	.60		
Area 6	13.85	.90	.75		
Electricians:					
Area 1:					
Electricians	18.85	.95	3%+.40		.02
Cable Splicers	19.25	.95	3%+.40		.02
Glaziers:					
Area 1	12.89	.69	1.00		
Ironworkers:					
Ornamental; Reinforcing					
Structural:					
Area 1	17.04	1.00	2.15		.15
Area 2	17.10	.93	1.90		.10
Marble Setters:					
Area 5	14.65	.90	.60		
Area 6	12.15	.90	.75		
Painters:					
Area 4:					
Work within 28 ft. of the surface:					
Painters and Tapers	11.39	.84	.70		1%
Spray	12.15	.84	.70		1%
Sand Blasting; Steel	12.10	.84	.70		1%
Work over 28 ft. in height, or downhole more than 28 ft.:					
Painters and Tapers	12.39	.84	.70		1%
Spray	13.15	.84	.70		1%
Sand Blasting; Steel	13.10	.84	.70		1%
Roofers:					
Area 3	12.95	.95	.60		
Soft Floor Layers:					
Area 2	13.49	.69	.60		
Terrazzo Workers and Tile Setters:					
Area 2	14.50	.80	2.00		
Area 5	14.65	.90	.60		
Area 6	12.15	.90	.75		

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DECISION NO. LA81-4024 - MOD. #4
(46 FR 24820 - May 1, 1981)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Asbestos workers - Zone 2	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Bricklayers & stonemasons					
Zone 4	13.25	.95	.535		.10
Zone 7	11.90		.30		
Zone 8	13.00		.70		
Carpenters:					
Zone 10:					
Carpenters & soft floor layers	11.65	.80	.70		.10
Millwright	12.55	.80	.70		.10
Piledrivermen	12.15	.80	.70		.10
Cement masons:					
Zone 8	11.50		.70		
Zone 9	10.40		.30		
Line construction:					
Zone 5:					
Linemen, equipment ops.	14.26		3%		1/2%
Cable splicers	14.51		3%		1/2%
Groundmen	40%JR		3%		1/2%
Marble, tile & terrazzo workers & finishers:					
Zone 1:					
Marble setters	13.25	.95	.535		.10
Zone 4:					
Marble, tile & terrazzo workers	11.70		.70		
Painters:					
Zone 1 - Group 1	14.145		.30		
Group 2	14.345		.30		
Group 3	14.49		.30		
Group 4	15.935		.30		
Plasterers - Zone 2	11.75				.01
Zone 8	13.00		.70		
Zone 9	10.40		.30		
Roofers:					
Zone 5 - Roofers	12.37		.20		.04
Kettlemen	8.56		.20		.04
Sheet metal workers:					
Zone 1	14.75	3%+.70	.84		.20
Zone 4	13.04	3%+.80	.60		.22

Modification Page 10

DECISION NO. LA81-4027 - MOD. #3 (46 FR 24834 - May 1, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers:					
Bossier & Caddo Parishes	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Painters:					
Calcasieu Parish:					
Group 1	14.145		.30		
Group 2	14.345		.30		
Group 3	14.49		.30		
Roofers:					
Bossier & Caddo Parishes					
Roofers	12.37		.20		.04
Kettlemen	8.56		.20		.04
Sheet metal workers:					
Bossier & Caddo Parishes	13.04	3%+.80	.60		.22
Calcasieu Parish	14.75	3%+.70	.84		.20

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DECISION #MI81-2001 Mod #1 (46 FR 12409 February 13,1981) Marquette County, Michigan	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$13.51	1.05	.50	1.00	.10
BRICKLAYERS & STONEMASONS	13.61	.80	1.05		.02
CEMENT MASONS	13.41	.80	1.05		.02
ELECTRICIANS	9.63	.75	3%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	13.06	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Probationary Helpers	50%JR	1.195	.82	a+b	.035
IRONWORKERS	13.05	1.30	1.25	2.25	.06
MILLWRIGHTS	14.79	.85	1.00		.02
PILEDRIVERMEN	13.34	.85	1.00		.02
PLASTERERS	13.61	.80	1.05		.02
PLUMBERS & STEAMFITTERS:					
Plumbers	15.23	.92	1.15		.10
Single Family Homes Only	10.78	.92	1.15		.10
SHEET METAL WORKERS	14.68	.92	1.32		.25
SPRINKLER FITTERS	15.31	.95	1.40		.08
TILE-MARBLE & TERRAZZO WORKERS	13.61	.80	1.05		.02
TRUCK DRIVERS:					
Regular	10.94	b34.00	b30.00		
Heavy Duty, Double Axle & Single Axle	11.07	b34.00	b30.00		
Euclid Type Equipment	11.30	b34.00	b30.00		
POWER EQUIPMENT OPERATORS:					
Regular Equipment Operator Crane, Dozer, Front End Loader, Job Mechanic	11.82	1.15	*2.10	13%	.05
Air Tack Drill, Boom Truck, Concrete Mixers, Fork Truck, Material Hoist & Tugger, Pump, 6" Andover, Pumpcrete, Belt Crete, Sqeese Crete, Sweeping Machine, Trencher, Winches, Well Points & Freeze Systems	10.76	1.15	*2.10	13%	.05

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DECISION #MI81-2002 Mod #1 (46 FR 15655 March 6, 1981) Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, and Shiawassee Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS:					
St. Clair County	$15.44	1.575	1.775	.40	.07
Remainder of Counties	14.09	1.20	1.89		
BRICKLAYERS:					
Genesee, Lapeer and Shiawassee Counties	15.05	.90	1.65		
Saginaw & Huron Counties	14.02	1.05	1.15		
CARPENTERS:					
Saginaw Co. & Remaining Cos. and West 5 mi. of Sanilac	10.41	.85	1.00		.05
CEMENT MASONS:					
Genesee & Shiawassee Cos.	12.80	.90	1.25		.02
Lapeer County	13.70	.90	1.65		
Saginaw & Huron Counties	13.32	1.05	1.15		
ELECTRICIANS:					
Genesee, Lapeer and Shiawassee Counties	10.00	.75	3%+.75		
GLAZIERS:					
Genesee, Lapeer and Shiawassee Counties	9.00	1.04	1.05		.02
St. Clair County	9.00	.85	1.45		
IRONWORKERS:					
Structural & Ornamental	14.98	11%	18%	18%	.09
Reinforcing	13.08	1.48+.50	19%	19%	.64%
LABORERS:					
Saginaw & Huron Cos.					
Laborers, Mortar Mixers (Hand)	11.24	.75	.65		.04
Plaster Mixer & Tender	11.44	.75	.65		.04
Genesee, Lapeer & Shiawassee					
Laborers	11.56	.75	.95		.04
Air, Gas & Electric Tool	11.71	.75	.95		.04
Mortar Mixer	11.81	.75	.95		.04
Crock or Pipelayer	11.91	.75	.95		.04

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DECISION #MI81-2002 Mod #1 (Continued)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr
LABORERS (Cont.):					
St. Clair & Sanilac Cos.					
Laborers, Mason Tenders	13.40	.75	.65		.04
Mortar Mixers	13.52	.75	.65		.04
Air, Gas & Electric Tool	13.65	.75	.65		.04
Crock & Pipelayer	13.57	.75	.65		.04
LATHERS:					
Saginaw, Genesee & Huron	13.91	1.06	1.00		.01
MARBLE, TILE & TERRAZZO WORKERS:					
Genesee, Lapeer and Shiawassee Cos.	12.75	.90	1.65		
PAINTERS:					
Genesee & Eastern ¼ of Counties; West of Hy. #53 in Lapeer & Huron Cos.	12.20	1.00	.95		20.00p/m
St. Clair Co., Sanilac, E. of #53 in Lapeer & Huron	15.71	.75	1.00		.02
PLASTERERS:					
Lapeer County	13.95	.90	1.65		
PLUMBERS:					
Genesee, Lapeer & Shiawassee	15.04	1.17	1.70		.03
Saginaw County	14.12	1.09	1.75	1.25	.10
St. Clair, Sanilac & E. ½ of Huron Cos.	14.15	1.65	1.80	1.69	.08
W. ½ of Huron County	14.12	1.30	1.00		.10
POWER EQUIPMENT OPERATORS:					
St. Clair County					
Regular Engineer	14.71	1.15	*2.10	12%	.10
Regular Crane Operator	15.08	1.15	*2.10	12%	.10
Remainder of Counties					
Regular Equipment Operator Scraper, Dozer, Grader, Front End Loader	15.45	1.15	*2.10		.10
Bob Cat & Similar Type Equipment	13.85	1.15	*2.10		.10
Air Compressor, Generator	12.15	1.15	*2.10		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MI81-2002 Mod #1 (Cont.)					
SHEET METAL WORKERS:					
Genesee, Lapeer & Shiawassee Counties	$14.63	.89	1.40	1.00	.04
Saginaw & Huron Cos.	15.53	1.00	1.20		.06
SOFT FLOOR LAYERS:					
St. Clair & Rem. of Sanilac	13.83	1.25	8%	10%	
Remainder mf Counties & West ½ of Sanilac Co.	11.82	.75	.90		.01
SPRINKLER FITTERS	15.65	.95	1.40		.08
TRUCK DRIVERS:					
Saginaw County					
Truck Drivers	9.40	b34.00	b37.00	.50	
8 Cubic Yards & over	9.50	b34.00	b37.00	.50	
Euclid Type Equipment	9.70	b34.00	b37.00	.50	

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DECISION NUMBER MT81-5114 Mod. #3
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Ironworkers Area 2	$ 17.11	.93	1.90		.10

DECISION NUMBER MT81-5115 Mod. #3
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA					
CHANGE:					
Ironworkers Area 2	$17.11	.93	1.90		.10
Cement Masons Area 2	11.95	.85	.40		
Bricklayers Area 8	14.45	.90	.55		
Terrazzo Workers and Tile Setters Area 3	14.45	.90	.55		

DECISION NUMBER MT81-5116 Mod. # 2
(46 FR 25953 - May 8, 1981)

Cascade, Deer Lodge, Hill, Gallatin, Glacier, Missoula, Silver Bow and Valley Cos., Montana					
CHANGE:					
Ironworkers: Structural ; Ornamental and Reinforcing: Area 1	$17.11	.93	1.90		.10
Bricklayers; Marble Masons Area 3	14.45	.90	.55		
Terrazzo and Tile Setters Area 1	14.45	.90	.55		

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DECISION NO. NY81-3016 - Mod. #2
(46 FR 15657, March 6, 1981)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
CARPENTERS					
Wappinger Falls, New Hackensack, Pawling and Beacon Building, Heavy & Highway	13.70	1.19	1.03		.03
Reaminder of County Building Heavy & Highway	13.63	1.35	1.15		.15
PLUMBERS & STEAMFITTERS	14.10	2.15	1.00	1.30	.10
SHEET METAL WORKERS	15.73	2.27	2.38		.13
SPRINKLER FITTERS	15.55	.95	1.40		.08
POWER EQUIPMENT OPERATORS, Building Construction Poughkeepsie & South Thereof					
GROUP I-A	16.8525	6%+1.20	10%	a	2%
GROUP I-B	15.535	6%+1.20	10%	a	2%
GROUP II	15.94	6%+1.20	10%	a	2%
GROUP III-A	15.7975	6%+1.20	10%	a	2%
GROUP III-B	14.4775	6%+1.20	10%	a	2%
GROUP IV-A	15.515	6%+1.20	10%	a	2%
GROUP IV-B	14.335	6%+1.20	10%	a	2%
GROUP V-A	14.5125	6%+1.20	10%	a	2%
GROUP V-B	13.1925	6%+1.20	10%	a	2%
GROUP VI-A-1	18.22	6%+1.20	10%	a	2%
GROUP VI-A-2	17.3675	6%+1.20	10%	a	2%
GROUP VI-A-3	16.3675	6%+1.20	10%	a	2%
GROUP VI-A-4	17.0825	6%+1.20	10%	a	2%
GROUP VI-A-5	21.0825	6%+1.20	10%	a	2%
GROUP VI-A-6	14.5125	6%+1.20	10%	a	2%
GROUP VI-A-7	20.7975	6%+1.20	10%	a	2%
GROUP VI-B-1	12.2125	6%+1.20	10%	a	2%
GROUP VI-B-2	13.1925	6%+1.20	10%	a	2%
GROUP VI-B-3	12.2275	6%+1.20	10%	a	2%
GROUP VI-B-4	15.41	6%+1.20	10%	a	2%
GROUP VII	16.855	6%+1.20	10%	a	2%

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DECISION NO. NY81-3016 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
POWER EQUIPMENT OPERATORS, Heavy & Highway Poughkeepsie & South Thereof					
Group I-A	14.25	6% + a	9½%	b	2%
Group I-B	13.275	6% + a	9½%	b	2%
Group II-A	13.45	6% + a	9½%	b	2%
Group III-A	13.325	6% + a	9½%	b	2%
Group III-B	12.35	6% + a	9½%	b	2%
Group IV-A	13.20	6% + a	9½%	b	2%
Group IV-B	12.225	6% + a	9½%	b	2%
Group V-A	12.20	6% + a	9½%	b	2%
Group V-B	11.225	6% + a	9½%	b	2%
Group VI-A					
Class I	15.45	6% + a	9½%	b	2%
Class II	14.70	6% + a	9½%	b	2%
Class III	17.70	6% + a	9½%	b	2%
Class IV	14.45	6% + a	9½%	b	2%
Class V	17.95	6% + a	9½%	b	2%
Class VI	12.20	6% + a	9½%	b	2%
Class VII	13.2875	6% + a	9½%	b	2%
Group VI-B					
Miscellaneous					
Class I	11.225	6% + a	9½%	b	2%
Class II	10.40	6% + a	9½%	b	2%
POWER EQUIPMENT OPERATORS Heavy & Highway Remainder of County					
GROUP I	13.09	1.25	1.45	a	.15
GROUP II	12.65	1.25	1.45	a	.15
GROUP III	11.41	1.25	1.45	a	.15
GROUP IV	10.31	1.25	1.45	a	.15

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DECISION NO. NV81-5102 - Mod. #3
(46 FR 11482 - February 6, 1981)
Clark County (does not include the Nevada Test Site), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Cement Masons	$14.50	$1.50	$1.50		.13
Cement Floor Finishing Machine; Color Work	14.85	1.50	1.50		.13
Painters:					
Brush; Roller	17.34	.80	.70		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	17.69	.80	.70		.06
Plasterers	15.12	1.50	1.50		.13
Plumbers; Steamfitters	19.35	1.25	2.50		.08
Power Equipment Operators:					
Group 1	15.25	1.25	2.80	1.17	.14
Group 2	15.53	1.25	2.80	1.17	.14
Group 3	15.82	1.25	2.80	1.17	.14
Group 4	15.96	1.25	2.80	1.17	.14
Group 5	16.18	1.25	2.80	1.17	.14
Group 6	16.29	1.25	2.80	1.17	.14
Group 7	16.41	1.25	2.80	1.17	.14
Group 8	16.58	1.25	2.80	1.17	.14
Group 9	16.71	1.25	2.80	1.17	.14
Sheet Metal Workers	20.22	1.20	1.92		.19
Soft Floor Layers	17.16	1.11			.25

DECISION #NV81-5103-Mod. #3
(46 FR 11486-February 6, 1981)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada

Change:					
Plumbers; Steamfitters	19.35	1.25	2.50		.08

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DECISION NO. NV81-5104 - Mod. #4
(46 FR 13482 - February 20, 1981)
Washoe County, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Brick Hod Carriers	$13.11	$1.10	$1.30		.10
Bricklayers; Stone-Masons	15.88	1.10	.75		.04
Carpenters	14.30	1.35	1.81	1.20	.11
Laborers:					
Group 1	11.71	1.10	1.30		.10
Group 2	11.81	1.10	1.30		.10
Group 3	11.96	1.10	1.30		.10
Group 4	12.21	1.10	1.30		.10
Group 5	12.51	1.10	1.30		.10
Group 6-A	12.51	1.10	1.30		.10
Group 6-B	12.21	1.10	1.30		.10
Group 6-C	11.86	1.10	1.30		.10
Lathers	18.07				.01
Marble Masons	15.10	1.10	.75		.01
Marble, Terrazzo, Tile Finishers	8.89	1.10	.75		.01
Terrazzo Workers; Tile Setters	15.10	1.10	.75		.01
Truck Drivers:					
Group 1	12.72	1.10	1.12	1.01	.05
Group 2	12.77	1.10	1.12	1.01	.05
Group 3	12.88	1.10	1.12	1.01	.05
Group 4	12.94	1.10	1.12	1.01	.05
Group 5	12.99	1.10	1.12	1.01	.05
Group 6	13.04	1.10	1.12	1.01	.05
Group 7	13.15	1.10	1.12	1.01	.05
Group 8	13.21	1.10	1.12	1.01	.05
Group 9	13.26	1.10	1.12	1.01	.05
Group 10	13.32	1.10	1.12	1.01	.05
Group 11	13.43	1.10	1.12	1.01	.05
Group 12	13.48	1.10	1.12	1.01	.05
Group 13	13.74	1.10	1.12	1.01	.05
Group 14	13.76	1.10	1.12	1.01	.05
Group 15	13.92	1.10	1.12	1.01	.05
Group 16	14.09	1.10	1.12	1.01	.05

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DECISION NO. NV81-5111 - Mod. #4
(46 FR 24837-May 1, 1981)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Brick Hod Carriers:					
Area 1	$13.11	$1.10	$1.30		.10
Bricklayers:					
Area 2	15.88	1.10	.75		.04
Carpenters:					
Area 2:					
Carpenters	14.30	1.25	1.81	1.20	.11
Drywall Installer	14.55	1.25	1.81	1.20	.11
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	14.45	1.25	1.81	1.20	.11
Millwrights	14.90	1.25	1.81	1.20	.11
Piledrivermen	14.55	1.25	1.81	1.20	.11
Cement Masons:					
Area 1:					
Cement Masons	14.50	1.50	1.50		.13
Cement Floor Finishing Machine and Color Work	14.85	1.50	1.50		.13
Laborers:					
Remaining Counties:					
Group 1	11.71	1.10	1.30		.10
Group 2	11.81	1.10	1.30		.10
Group 3	11.96	1.10	1.30		.10
Group 4	12.21	1.10	1.30		.10
Group 5	12.51	1.10	1.30		.10
Group 6-A	12.51	1.10	1.30		.10
Group 6-B	12.21	1.10	1.30		.10
Group 6-C	11.86	1.10	1.30		.10
Lathers:					
Area 1	18.07				.01
Marble Setters:					
Area 2	15.10	1.10	.75		.01
Marble, Terrazzo and Tile Finishers:					
Area 2	8.89	1.10	.75		.01
Painters:					
Area 1:					
Brush; Roller	17.34	.80	.70		.06

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DECISION NO. NV81-5111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Taper	$17.69	.80	.70		.06
Buffing Steel; Sandblaster, Structural Steel	18.04	.80	.70		.06
Steeplejack	19.09	.80	.70		.06
Plasterers:					
Area 1	15.12	1.50	1.50		.13
Plumbers; Steamfitters:					
Area 1	19.35	1.25	2.50		.08
Power Equipment Operators:					
Clark, Esmeralda, Lincoln, and Nye Cos.:					
Group 1	15.25	1.25	2.80	1.17	.14
Group 2	15.53	1.25	2.80	1.17	.14
Group 3	15.82	1.25	2.80	1.17	.14
Group 4	15.96	1.25	2.80	1.17	.14
Group 5	16.18	1.25	2.80	1.17	.14
Group 6	16.29	1.25	2.80	1.17	.14
Group 7	16.41	1.25	2.80	1.17	.14
Group 8	16.58	1.25	2.80	1.17	.14
Group 9	16.71	1.25	2.80	1.17	.14
Sheet Metal Workers:					
Area 1	20.22	1.20	1.92		.19
Soft Floor Layers:					
Area 1	17.16	1.11			.25
Terrazzo Workers; Tile Setters:					
Area 2	15.10	1.10	.75		.01
Truck Drivers:					
Remaining Counties:					
Group 1	12.72	1.10	1.12	1.01	.05
Group 2	12.77	1.10	1.12	1.01	.05
Group 3	12.88	1.10	1.12	1.01	.05
Group 4	12.94	1.10	1.12	1.01	.05
Group 5	12.99	1.10	1.12	1.01	.05
Group 6	13.04	1.10	1.12	1.01	.05
Group 7	13.15	1.10	1.12	1.01	.05
Group 8	13.21	1.10	1.12	1.01	.05

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DECISION NO. NV81-5111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 9	$13.26	$1.10	$1.12	$1.01	.05
Group 10	13.32	1.10	1.12	1.01	.05
Group 11	13.43	1.10	1.12	1.01	.05
Group 12	13.48	1.10	1.12	1.01	.05
Group 13	13.74	1.10	1.12	1.01	.05
Group 14	13.76	1.10	1.12	1.01	.05
Group 15	13.92	1.10	1.12	1.01	.05
Group 16	14.09	1.10	1.12	1.01	.05

DECISION NO. SD81-5122 - Mod. #1
(46 FR 28131 - May 22, 1981)
Meade and Pennington Counties, South Dakota

Change:
Laborers:

Laborers; Power Tool Operator (all mechanical, air, gas or electric tools, including self-propelled buggies, wagon and air track drills); Pipelayer (non-metallic); Sandblasting	$6.62	.50	.15		
Mortar Mixer, Mason Tender, Plaster Tender	6.77	.50	.15		
Gunite Nozzleman, Powderman, Miner, Timberman	7.12	.50	.15		

DECISION NO. VA81-3015-Mod. #4
(46 FR 15666-March 6,1981)
Radford Army Ammunition Plant, Virginia

CHANGE:
PAINTERS:

BRUSH	$9.60	.50	.45		
Spray	10.00	.50	.45		

DECISION NO. UT81-5117 - Mod. #1
(46 FR 25986-May 8, 1981)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Carpenters:					
Building Construction:					
Carpenters	$12.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	13.15	.65	.65	.25	.03
Millwrights	13.75	.65	.65	.25	.03
Piledrivermen	14.58	.65	.65	.25	.03
Cement Masons:					
Building Construction:					
Cement Masons	12.54	.65	.65	.25	.10
Machine Operator; Mastic Floor Material	12.79	.65	.65	.25	.10
Heavy and Highway Construction:					
Zone 1:					
Cement Masons	12.54	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	12.79	.65	.65	.25	.10
Zone 2:					
Cement Masons	13.54	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	13.79	.65	.65	.25	.10
Zone 3:					
Cement Masons	14.54	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	14.79	.65	.65	.25	.10
Drywall Installers:					
Taping, finishing and texturing (hand or machine)	13.64	.51	.40		.03
Electricians:					
Area 1:					
Zone 1:					
Electricians; Technicians	15.00	.75	3%+1.00		8/10%
Cable Splicers	15.25	.75	3%+1.00		8/10%
Zone 2:					
Electricians; Technicians	15.75	.75	3%+1.00		8/10%
Cable Splicers	16.50	.75	3%+1.00		8/10%

DECISION NO. UT81-5117 -(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Zone 3:					
Electricians; Technicians	$16.50	.75	3%+1.00		8/10%
Cable Splicers	16.75	.75	3%+1.00		8/10%
Zone 3A:					
Electricians; Technicians	16.00	.75	3%+1.00		8/10%
Cable Splicers	16.25	.75	3%+1.00		8/10%
Zone 4:					
Electricians; Technicians	18.25	.75	3%+1.00		8/10%
Cable Splicers	18.50	.75	3%+1.00		8/10%
Area 2:					
Zone 1:					
Zone 1A:					
Electricians; Technicians	14.75	1.00	3%+1.00		8/10%
Cable Splicers	15.25	1.00	3%+1.00		8/10%
Zone 1B:					
Electricians; Technicians	15.50	1.00	3%+1.00		8/10%
Cable Splicers	16.00	1.00	3%+1.00		8/10%
Zone 1C:					
Electricians; Technicians	16.25	1.00	3%+1.00		8/10%
Cable Splicers	16.95	1.00	3%+1.00		8/10%
Zone 2:					
Electricians; Technicians	18.75	.75	3%+.75		8/10%
Cable Splicers	17.75	.75	3%+.75		8/10%
Ironworkers:					
Fence Erectors; Ornamental; Reinforcing; Structural	14.55	.90	1.45		.10
Plasterers' Tenders	12.10	.50	.35		
Plasterers	13.44	.55	.65		.10
Plumbers; Pipefitters	14.31	1.00	1.10		.06

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura

DECISION NUMBER: CA81-5128 DATE: Date of Publication
Supersedes Decision No. CA81-5113 dated May 1, 1981, in 46 FR 24803

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$17.74	$1.30	$1.45	$1.00	.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	16.09	1.13	1.34		.12
Area 2	15.74	1.15	2.21		.10
Area 3	15.45	1.15	1.65		.07
Area 4	15.25	1.15	2.20		.05
Area 5	15.89	1.50	2.35		.10
Area 6	15.47	1.45	2.00		.06
BRICK TENDERS	12.53	1.37	3.28	1.45	.12
CARPENTERS:*					
Area 1:					
Carpenters	15.81	1.63	2.21	1.00	.10
Saw Filers	15.89	1.63	2.21	1.00	.10
Table Power Saw Operators	15.91	1.63	2.21	1.00	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	15.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	16.01	1.63	2.21	1.00	.10
Penumatic Nailers	16.06	1.63	2.21	1.00	.10
Millwrights	16.31	1.63	2.21	1.00	.10
Area 2:					
Carpenters	13.81	1.63	2.21	1.00	.10
Saw Filers	13.89	1.63	2.21	1.00	.10
Table Power Saw Operators	13.91	1.63	2.21	1.00	.10
Shinglers; Piledrivermen, Bridge or Dock Carpenters	13.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	14.01	1.63	2.21	1.00	.10
Pneumatic Nailers	14.06	1.63	2.21	1.00	.10
Millwrights	14.31	1.63	2.21	1.00	.10
CEMENT MASONS:*					
Area 1:					
Cement Masons	15.54	1.30	1.85	1.25	.10
Cement Floating and Troweling Machine Operators	15.79	1.30	1.85	1.25	.10

*See AREA DESCRIPTIONS - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$13.89	$1.30	$1.85	$1.25	.10
Cement Floating and Troweling Machine Operators	14.14	1.30	1.85	1.25	.10
DRYWALL INSTALLERS:*					
Area 1	16.63	1.63	2.21	1.00	.09
Area 2	14.63	1.63	2.21	1.00	.09
DIVERS:*					
Diver, wet	32.88	1.63	2.21	1.00	.10
Diver, stand-by	16.44	1.63	2.21	1.00	.10
Diver, tender	15.44	1.63	2.21	1.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians	15.98	.75	3%+1.71		.09
Cable Splicers	16.28	.75	3%+1.71		.09
Area 2:					
Electricians; Technicians	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Area 3:					
Electricians; Technicians	15.67	1.15	3%+2.70		.12
Cable Splicers	15.97	1.15	3%+2.70		.12
Area 4:					
Electricians	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 5:					
Electricians	16.41	.85	3%+2.60		.04
Cable Splicers	16.91	.85	3%+2.60		.04
Area 6:					
Electricians	14.90	1.21	3%+2.90		.04
Cable Splicers	15.40	1.21	3%+2.90		.04
Area 7:					
Electricians	18.18	1.23	3%+1.50		
Cable Splicers	20.00	1.23	3%+1.50		
Area 8:					
Electricians	18.05	1.30	3%+1.50		.03
Cable Splicers	19.55	1.30	3%+1.50		.03
Area 9:					
Electricians	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02

*See AREA Descriptions - Page 3

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Los Angeles and Orange Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Santa Barbara and San Luis Obispo Counties
Area 6: Ventura County

CARPENTERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

CEMENT MASONS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DRYWALL INSTALLERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DIVERS:*
Shall receive a minimum of 8 hours pay for any day or part thereof.

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Los Angeles County
Area 4: Orange County
Area 5: Riverside County
Area 6: Inyo, Mono, and San Bernardino Counties
Area 7: San Luis Obispo County
Area 8: Santa Barbara (Remainder of County)
Area 9: Ventura County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 10:					
Electricians	$20.80	$1.30	3%+1.50		.03
Cable Splicers	22.30	1.30	3%+1.50		.03
Area 11:					
Electricians	22.05	1.10	3%+2.15		.15
Cable Splicers	24.26	1.10	3%+2.15		.15
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	15.41	1.045	.82	a	.035
Helpers	70%JR	1.045	.82	a	.035
Probationary Helpers	50%JR				
Area 2:					
Elevator Constructors	16.37	.895	.82	a	.035
Helpers	70%JR	.895	.82	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	14.18	1.10	3.00		.07
IRONWORKERS:*					
Fence Erectors	13.46	1.39	3.11	2.15	.07
Structural, Ornamental, Reinforcing	14.35	1.39	3.11	2.15	.07
IRRIGATION and LAWN SPRINKLERS	11.12	10%	16%	13%	1%
LATHERS:*					
Area 1	12.58	1.15	1.85	.90	.05
Area 2	14.00	1.26	1.99		.03
Area 3	15.63	1.63	2.21	1.00	.10
Area 4	13.60	.95	1.70	1.00	.03
Area 5	14.11	.90	1.41	1.03	.01
LINE CONSTRUCTION:*					
Area 1:					
Groundman	12.40	.75	3%+1.60		
Lineman	16.13	.75	3%+1.60		
Cable Splicers	16.41	.75	3%+1.60		
Area 2:					
Groundman	13.73	1.10	3%+2.15		.15
Lineman	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15

*See AREA Descriptins - Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:* (Cont'd)					
Area 3:					
Groundman	$14.73	.81	3%+1.45		.02
Lineman; Equipment Operators	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 4:					
Groundman	9.86	1.25	3%+1.95		
Lineman	13.14	1.25	3%+1.95		
Cable Splicers	13.44	1.25	3%+1.95		
Area 5:					
Groundman	9.41	1.11	3%+2.00		.04
Lineman	12.71	1.11	3%+2.00		.04
Cable Splicers	13.44	1.11	3%+2.00		.04
Area 6:					
Groundman	12.32	.85	3%+2.60		.04
Lineman; Equipment Operator	16.43	.85	3%+2.60		.04
Cable Splicers	16.93	.85	3%+2.60		.04
Area 7:					
Groundman	13.64	1.23	3%+1.50		.03
Lineman; Equipment Operators	18.18	1.23	3%+1.50		.03
Cable Splicers	20.00	1.23	3%+1.50		.03
Area 8:					
Groundman	17.69	1.20	3%+2.25		.02
Lineman; Equipment Operators	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02
Area 9:					
Groundman	17.23	1.30	3%+1.50		.03
Lineman; Equipment Operators	22.05	1.30	3%+1.50		.03
Cable Splicers	23.55	1.30	3%+1.50		.03
Area 10:					
Groundman	16.54	1.10	3%+2.15		.15
Lineman	22.05	1.10	3%+2.15		.15
Cable Splicer	24.26	1.10	3%+2.15		.15
Area 11:					
Groundman	14.48	1.30	3%+1.50		.03
Lineman; Equipment Operators	19.30	1.30	3%+1.50		.03
Cable Splicers	20.80	1.30	3%+1.50		.03

*See AREA Descriptions - Page 6

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AREA DESCRIPTIONS: (Cont'd)

ELECTRICIANS: (Cont'd)
Area 10: Point Arguello and Vandenberg Air Force Base
Area 11: China Lake Naval Ordnance Test Station and Edwards Air Force Base

ELEVATOR CONSTRUCTORS:
Area 1: Imperial and Inyo Counties; Kern County (south of Tehachapi Range); Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

IRONWORKERS:
Where the project is located 35 miles or more from the City Halls indicated below, the following amount shall be added to the Base Pay:
35 miles to 50 miles - $9.00 per day
50 miles to 60 miles - $14.00 per day
60 miles to 100 miles - $17.00 per day
100 miles and over - $23.00 per day

City Hall of San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Bakersfield, Eureka, Redding, Napa, Los Angeles, San Diego, San Bernardino, Ventura, and El Centro

LATHERS:
Area 1: Inyo, Kern, and Mono Counties
Area 2: Los Angeles County (except City of Lancaster)
Area 3: Ventura County
Area 4: Orange County
Area 5: Riverside County

LINE CONSTRUCTION:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Orange County
Area 4: Los Angeles County
Area 5: Inyo, Mono, and San Bernardino Counties
Area 6: Riverside County
Area 7: San Luis Obispo County
Area 8: Ventura County
Area 9: Point Arguello and Vandenberg Air Force Base
Area 10: China Lake Naval Ordnance Test Station and Edwards Air Force Base
Area 11: Santa Barbara (Remainder of County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:*					
Area 1	$12.42	$1.50	$1.62	$1.18	
Area 2	13.54	.81	1.17		.08
MARBLE FINISHERS:*					
Area 1	9.44	.81	1.17		.08
PAINTERS:*					
Area 1:					
Brush; Painter Burners	15.06	1.23	1.53	.75	.07
Paperhangers	15.56	1.23	1.53	.75	.07
Sandblaster; Iron, steel and Bridge (Swing Stage)	16.06	1.23	1.53	.75	.07
Sheet Rock Tapers	16.06	1.23	1.53	.75	.07
Brush (Swing Stage); Spray	15.30	1.23	1.53	.75	.07
Steeplejack	16.71	1.23	1.53	.75	.07
Area 2:					
Brush	14.31	1.29	1.33	.75	.10
Brush Painter, Structural Steel, Paint Burner	14.43	1.29	1.33	.75	.10
Swing Stage, under 13 stories; Sandblaster; Pressure Roller Operator; Paperhanger	14.56	1.29	1.33	.75	.10
Swing Stage, over 13 stories	14.68	1.29	1.33	.75	.10
Paste Machine Operator	14.81	1.29	1.33	.75	.10
Spray Painter; Steeplejack	15.56	1.29	1.33	.75	.10
Area 3:					
Brush	11.53	.80	1.00		.03
Brush or Roller (swing stage); Paperhangers; Tapers (sheet rock)	11.78	.80	1.00	1.10	.03
Spray; Sandblaster	12.28	.80	1.00	1.10	.03
Steeplejack	13.03	.80	1.00	1.10	.03
Area 4:					
Brush, Pot Tender	14.98	1.25	1.83		.03
Paperhangers, Paste Machine Operators; Iron and Steel	15.23	1.25	1.83		.03
Spray, Taper; Sandblaster	15.48	1.25	1.83		.03
Steeplejack	15.98	1.25	1.83		.03

*See AREA Descriptions - Page 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Striper	$10.83	.90	.55	b	
Traffic Delineating Device Applicator	11.22	.90	.55	b	
Wheel Stop Installer, Traffic Surface Sandblaster	10.83	.90	.55	b	
Slurry Seal Operation:					
Mixer Operator	10.83	.90	.55	b	
Squeegee Man	9.64	.90	.55	b	
Applicator Operator	9.64	.90	.55	b	
Shuttleman	9.64	.90	.55	b	
Top Man	8.10	.90	.55	b	
PLASTERERS:*					
Area 1	16.495	1.08	1.85		.12
Area 2	19.70				
Area 3	18.28				
Area 4	16.15	1.25	2.00		
Area 5	16.73	1.30	3.00		
Area 6	16.955	1.00	1.30		.02
Area 7	12.77	1.15	1.65	1.00	.06
PLASTERERS' TENDERS:*					
Area 1	15.02	1.37	3.28	1.65	
Area 2	11.25	1.25	2.90	1.20	
Area 3	14.875	1.37	3.28	1.60	
Area 4	12.48	1.25	2.90	1.20	
Area 5	13.83	1.25	2.90	1.20	
Area 6	17.59	1.37	2.90	1.45	
Area 7	14.25	1.25	2.90	1.20	
PLUMBERS; Steamfitters:*					
Area 1	15.25	10%	16%	13%	3/4%
Area 2	15.88	1.05	2.25	1.45	.17
Area 3	20.88	1.05	2.25	1.45	.17
Area 4	16.75	10%	16%	13%	3/4%
REFRIGERATION and AIR CONDITIONING:*					
Area 1	10.70	.96	.85	1.00	.05
Area 2	13.82	2.00	2.00	1.52	.30

*See AREA Descriptions - Page 9

AREA DESCRIPTIONS:

MARBLE SETTERS:
Area 1: Inyo and Mono Counties
Area 2: Imperial County

MARBLE FINISHERS:
Area 1: Imperial County
Area 2: Kern, Inyo, and Mono Counties

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Pomona Area); San Bernardino County (excluding western portion)
Area 2: Inyo County; Los Angeles County (except Pomona Area); Mono County; San Bernardino County (west of a line north of Trona including China Lake Area, Johannesburg, Boron, south including the Wrightwood Area); Kern County east of the Los Angeles Aqueduct)
Area 3: Kern County (except the portion lying east of the Los Angeles Aqueduct)
Area 4: San Luis Obispo, Santa Barbara and Ventura Counties

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: San Luis Obispo County
Area 4: Santa Barbara County
Area 5: Ventura County
Area 6: Point Arguello and Vandenberg Air Force Base
Area 7: Kern, Inyo, and Mono Counties

PLASTERERS' TENDERS:
Area 1: Imperial, Inyo, Mono, Riverside, and San Bernardino Counties
Area 2: Kern County
Area 3: Los Angeles and Orange Counties
Area 4: San Luis Obispo County
Area 5: Santa Barbara County
Area 6: Ventura County
Area 7: China Lake Naval Ordnance Test Station and Edwards Air Force Base

PLUMBERS; Steamfitters:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Inyo, Kern, and Mono Counties
Area 3: Edwards Air Force Base, Naval Weapons Center and China Lake Naval Ordnance Test Center
Area 4: Point Arguello and Vandenberg Air Force Base

REFRIGERATION and AIR CONTITIONING:
Area 1: Riverside and San Bernardino Counties
Area 2: Los Angeles and Orange Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:*					
Area 1	$12.79	.80	$1.05	$1.00	
Area 2	12.55	.90	.60		.05
Area 3	14.65	.80	1.25	1.50	
Area 4	13.68	1.17	1.20	1.50	.065
Area 5	13.68	1.17	1.20	1.50	.065
Area 6	16.12	.645	1.49		
SHEET METAL WORKERS:*					
Area 1	16.34	1.20	2.64		.04
Area 2	16.73	1.20	2.13		.04
Area 3	16.70	1.20	2.62		.10
Area 4	14.16	1.14	2.64		.09
Area 5	15.30	1.14	1.91		.16
Area 6	16.37	1.20	2.52		.06
Area 7	16.975	1.00	1.30		.03
SOFT FLOOR LAYERS:*					
Area 1	13.47	.91	1.70	1.30	.15
Area 2	14.72	.86	1.30	.88	.08
Area 3	14.09	.95	.95	1.25	.09
SPRINKLER FITTERS:*					
Area 1	20.03	.95	1.40		.08
Area 2	18.00	.93	2.70		.11
TERRAZZO WORKERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	14.87	1.10	1.80		.09
TILE SETTERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	13.81	1.06	1.40		.10
Area 3	15.89	1.50	2.35		.10
Area 4	14.60	1.15	2.20		
Area 5	14.15	.65	.65		
TILE FINISHERS:*					
Area 1	11.90	1.39	1.30		.13

*See AREA Descriptions - Page 11

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund, over 10 years $.54 per hour to Vacation Fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

ROOFERS:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Los Angeles, Orange, and Ventura Counties
Area 5: San Luis Obispo and Santa Barbara Counties
Area 6: Point Arguello and Vandenberg Air Force Base

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County and all of Inyo and Mono Counties; Los Angeles County (that portion north of a strieght line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties
Area 7: Point Arguello and Vandenberg Air Force Base

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern, Inyo, and Mono Counties

SPRINKLER FITTERS:
Area 1: Imperial, Inyo, Kern, and Mono Counties; Orange County (except Santa Ana); Riverside County; San Bernardino County (except Ontario); San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Los Angeles City and area within 25 miles and Pomona Area; Orange County (Santa Ana); San Bernardino County (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)

TERRAZZO WORKERS:
Area 1: Imperial County
Area 2: Remaining Counties

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo, and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Inyo, Kern, and Mono Counties

TILE FINISHERS:
Area 1: Los Angelos, Orange, and Ventura Counties

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
LABORERS:			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$11.88	$13.88	$1.37	$3.28	$1.45	.12
Group 2	12.03	14.03	1.37	3.28	1.45	.12
Group 3	12.23	14.23	1.37	3.28	1.45	.12
Group 4	12.53	14.53	1.37	3.28	1.45	.12
Group 5	12.73	14.73	1.37	3.28	1.45	.12
GUNNITE:						
Group 1	14.12	—	1.37	3.28	1.45	
Group 2	13.32	—	1.37	3.28	1.45	
Group 3	12.16	—	1.37	3.28	1.45	
TUNNEL:						
Group 1	13.79	15.79	1.37	3.28	1.45	
Group 2	13.91	15.91	1.37	3.28	1.45	
Group 3	14.07	16.07	1.37	3.28	1.45	
Group 4	14.35	16.35	1.37	3.28	1.45	

AREA DESCRITPIONS:

Area 1: Remainder of Counties

Area 2: Point Arguello, Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Center, Vandemberg Air Force Base

LABORERS

Group 1: Cleaning and handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of Shee-bolt Holes; Fire Watcher, Limber, Brush Loaders, Pilers and Debris Handlers; Flagman; Gas, oil and/or water Pipeline Laborer; Laborer, general or construction; Laborer, general cleanup; Laborer, landscaping; Laborer, jetting, temporary water and air lines; Material Hoseman (walls, slabs, floors and decks); Rigging and Signaling; Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Delineating Device Applicator; Window Cleaner; Wire Mesh, pulling all concrete pouring operations

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer, Chucktender; Chute Man, pouring concrete, the handling of the Chute from Ready Mix Trucks, such as walls, slabs, decks, floors, foundations, footings, curb, gutters, and sidewalks; Concrete Curer, Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water Pipeline Wrapper; Pot Tender and Form Man; Guinea Chaser; Headerboard Man, asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblaster (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scouring old or new concrete; Driller, Jackhammer, 2½ feet drill steel or longer; Dri Pak-it Machine; Gas, oil and/or water Pipeline Wrapper, 6" pipe and over, by any method, inside and out; Hydro Seeder and similar type; Impact Wrench Multi-plate; Kettlemen, Potmen and Men applying asphalt, Lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of pneumatic, gas, electric tools; Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker, and similar type; Trenching Machine, hand propelled

LABORERS (Cont'd)

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, Hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Over-size Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blaster Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller; All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

GUNNITE

Group 1: Nozzlemen and Rodmen

Group 2: Gunmen

Group 3: Reboundmen

TUNNEL

Group 1: Batch Plant Laborers; Bull Gang Mucker, Trackman; Concrete Crew, including Rodders and Spreaders; Changehouseman; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man

Group 2: Cable Tender; Chuck Tender; Nipper; Steel Form Raiser and Setter's Helper; Vibratorman, Jackhammer, pneumatic tools (except Driller); Loading and unloading Agitator Cars; Pot Tender, using mastic or other materials

Group 3: Blaster, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper and other pneumatic concrete Placer Operator; Miner, tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser and Setter; Timberman; Retimber (wood or steel); Tunnel Concrete Finisher; Nozzleman; Operating Troweling and/or Grouting Machine; Sandblaster

Group 4: Shaft, Raise Miner; Diamond Driller

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING (Hydraulic Suction Dredges)					
Leverman	$15.45	$1.10	$2.80	.92	.04
Watch Engineer; Welder	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Winchman (Stern Winch or Dredge)	14.32	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler; Leveehand	13.78	1.10	2.80	.92	.04
(Clamshell Dredges)					
Leverman	15.45	1.10	2.80	.92	.04
Watch Engineer	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Barge Mate	14.39	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler	13.87	1.10	2.80	.92	.04
POWER EQUIPMENT OPERATORS:					
Group 1	15.35*	1.15	2.80	1.17	.14
Group 2	15.63*	1.15	2.80	1.17	.14
Group 3	15.92*	1.15	2.80	1.17	.14
Group 4	16.06*	1.15	2.80	1.17	.14
Group 5	16.28*	1.15	2.80	1.17	.14
Group 6	16.39*	1.15	2.80	1.17	.14
Group 7	16.51*	1.15	2.80	1.17	.14
Group 8	16.68*	1.15	2.80	1.17	.14
Group 9	16.81*	1.15	2.80	1.17	.14
When the home of any employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $22.00 per scheduled work day shall be added to the base pay.					

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (apshalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man (Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunnel Locomotive (over 10 tons up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1½ yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6½ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; High-line Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$12.91*	$1.25	$1.33	$1.35	.15
Group 2	12.99*	1.25	1.33	1.35	.15
Group 3	13.05*	1.25	1.33	1.35	.15
Group 4	13.14*	1.25	1.33	1.35	.15
Group 5	13.17*	1.25	1.33	1.35	.15
Group 6	13.19*	1.25	1.33	1.35	.15
Group 7	13.23*	1.25	1.33	1.35	.15
Group 8	13.24*	1.25	1.33	1.35	.15
Group 9	13.29*	1.25	1.33	1.35	.15
Group 10	13.32*	1.25	1.33	1.35	.15
Group 11	13.37*	1.25	1.33	1.35	.15
Group 12	13.39*	1.25	1.33	1.35	.15
Group 13	13.44*	1.25	1.33	1.35	.15
Group 14	13.69*	1.25	1.33	1.35	.15
Group 15	13.94*	1.25	1.33	1.35	.15
Group 16	14.04*	1.25	1.33	1.35	.15
Group 17	14.14*	1.25	1.33	1.35	.15
Group 18	14.44*	1.25	1.33	1.35	.15
Group 19	14.94*	1.25	1.33	1.35	.15

*When the home of an employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the Base Pay.

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

TRUCK DRIVERS (Cont'd)

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 11: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: California COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA81-5129 DATE: Date of Publication

Supersedes Decision No. CA81-5120 dated May 15, 1981, in 46 FR 27033

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$17.74	$1.30	$1.45	$1.00	.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS: Stonemasons:*					
Area 1	16.09	1.13	1.34		.12
Area 2	15.45	1.15	1.65		.07
Area 3	15.25	1.15	2.20		.05
Area 4	16.39	1.50	2.60		.10
Area 5	15.47	1.45	2.00		.06
BRICK TENDERS	12.53	1.37	3.28	1.45	.12
CARPENTERS:					
Carpenters	13.81	1.63	2.21	1.00	.10
Saw Filers	13.89	1.63	2.21	1.00	.10
Table Power Saw Operators	13.91	1.63	2.21	1.00	.10
Shinglers; Piledrivermen, bridge or dock Carpenters; Derrick Bargemen; Rock Slinger	13.94	1.63	2.21	1.00	.10
Hardwood Floor Layers	14.01	1.63	2.21	1.00	.10
Pneumatic Nailer	14.06	1.63	2.21	1.00	.10
Millwrights	14.31	1.63	2.21	1.00	.10
CEMENT MASONS:					
Cement Masons	13.61	1.30	1.85	1.25	.08
Cement Floating and Troweling Machine	13.86	1.30	1.85	1.25	.08
DRYWALL INSTALLERS	14.63	1.63	2.21	1.00	.09
ELECTRICIANS:*					
Area 1:					
Electricians	15.98	.75	3%+1.71		.09
Cable Splicers	16.28	.75	3%+1.71		.09
Area 2:					
Electricians; Technicians	22.05	1.10	3%+2.15		.15
Cable Splicers	24.26	1.10	3%+2.15		.15
Area 3:					
Electricians; Technicians	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Area 4:					
Electricians	15.67	1.15	3%+2.70		.12
Cable Splicers	15.97	1.15	3%+2.70		.12

*See AREA Descriptions - Page 4

DECISION NO. CA81-5129 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 5:					
Electricians	$18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 6:					
Electricians	16.41	.85	3%+2.60		.04
Cable Splicers	16.91	.85	3%+2.60		.04
Area 7:					
Electricians	14.90	1.21	3%+2.90		.04
Cable Splicers	15.40	1.21	3%+2.90		.04
Area 8:					
Electrcians	18.18	1.23	3%+1.50		.03
Cable Splicers	20.00	1.23	3%+1.50		.03
Area 9:					
Electricians	20.80	1.30	3%+1.50		.03
Cable Splicers	22.30	1.30	3%+1.50		.03
Area 10:					
Electricians	18.05	1.30	3%+1.50		.03
Cable Splicers	19.55	1.30	3%+1.50		.03
Area 11:					
Electricians	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator constructors	15.41	1.045	.82	a	.035
Helpers	70%JR	1.045	.82	a	.035
Probationary Helpers	50%JR				
Area 2:					
Elevator Constructors	16.37	.895	.82	a	.035
Helpers	70%JR	.895	.82	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	14.18	1.10	3.00	.07	
IRONWORKERS:					
Fence Erectors Ornamental; Reinforcing; Structural	13.46	1.39	3.26	2.15	.07
	14.35	1.39	3.26	2.15	.07
IRRIGATION and LAWN SPRINKLERS:*					
Area 1	11.12	10%	16%	13%	1½

*See AREA Descriptions - Page 4

DECISION NO. CA81-5129 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:*					
Area 1	$12.58	$1.15	$1.85	.90	.05
Area 2	14.00	1.26	1.99		.03
Area 3	15.63	1.63	2.21	1.00	.10
Area 4	13.60	.95	1.70	1.00	.03
Area 5	14.11	.90	1.41	1.03	.01
PAINTERS:*					
Area 1:					
Brush; Paint Burners Iron, steel and bridge (swing stage); Sheet Rock Taper	15.06	1.23	1.53	.75	.07
Brush (swing Stage); Spray	16.06	1.23	1.53	.75	.07
Steeplejack	15.30	1.23	1.53	.75	.07
Area 2:	16.71	1.23	1.53	.75	.07
Brush	14.31	1.29	1.33	.75	.10
Structural steel; Painter Burner	14.43	1.29	1.33	.75	.10
Tapers	14.91	1.29	1.33	.75	.10
Brush swing stage (13 stories or less); Paperhangers; Sandblasters	14.56	1.29	1.33	.75	.10
Area 3:					
Brush	11.53	.80	1.00	1.10	.03
Brush or Roller, swing stage; Paperhangers; Taping Joint Sheet Rock	11.78	.80	1.00	1.10	.03
Spray; Sandblasters	12.28	.80	1.00	1.10	.03
Area 4:					
Brush; Pot Tender Paperhangers; Paste Machine Operators; Iron and steel	14.98	1.25	1.83		.03
Spray; Taper; Sandblasters	15.23	1.25	1.85		.03
Steeplejack	15.48	1.25	1.83		.03
	15.98	1.25	1.83		.03

*See AREA Descriptions - Page 4

DECISION NO. CA81-5129 Page 4

AREA DESCRIPITONS

BRICKLAYERS; Stonemasons:
Area 1: Imperial County
Area 2: Los Angeles and Orange Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Santa Barbara and San Luis Obispo Counties
Area 5: Ventura County

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (China Lake Naval Ordnance Test Station, Edwards Air Force Base)
Area 3: Kern County (Remainder of County)
Area 4: Los Angeles County
Area 5: Orange County
Area 6: Riverside County
Area 7: San Bernardino County
Area 8: San Luis Obispo County
Area 9: Santa Barbara County (Vandenberg Air Force Base)
Area 10: Santa Barbara (Remainder of County)
Area 11: Ventura County

ELEVATOR CONSTRUCTORS:
Area 1: Imperial County; Kern County (south of Tehachapi Range); Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

IRRIGATION and LAWN SPRINKLERS:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Brabara, and Ventura Counties

LATHERS:
Area 1: Kern County
Area 2: Los Angeles County (exmept City of Lancaster)
Area 3: Ventura County
Area 4: Orange County
Area 5: Riverside County

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Pomona Area); San Bernardino County (excluding western portion)
Area 2: Kern County (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards Air Force Base); Los Angeles County (except Pomona Area); San Bernardino (west of a line north of Trono including China Lake Area, Johannesburg, Boron, south including the Wrightwood area)
Area 3: Kern County (Remainder of County)
Area 4: San Luis Obispo, Santa Barbara, and Ventura Counties

DECISION NO. CA81-5129 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLASTERERS:*	$16.495	$1.08	$1.85		.12
Area 1	19.70				
Area 2	16.73	1.30	3.00		.02
Area 3	16.15	1.25	2.00		
Area 4	18.28				
Area 5					
PLASTERERS' TENDERS:*	15.02	1.37	3.28	1.65	
Area 1	14.25	1.25	2.90	1.20	
Area 2	11.25	1.25	2.90	1.20	
Area 3	14.875	1.37	3.28	1.60	
Area 4	12.48	1.25	2.90	1.40	
Area 5	13.83	1.25	2.90	1.20	
Area 6	15.73	1.25	2.60	1.20	
Area 7					
PLUMBERS:*	15.25	10%	16%	13%	3/4%
Area 1	15.88	1.05	2.25	1.45	.17
Area 2					
REFRIGERATION and AIR CONDITIONING:*	10.70	.96	.85	1.00	.05
Area 1	13.82	2.00	2.00	1.52	.30
Area 2					
ROOFERS:*	12.79	.80	1.05	1.00	
Area 1	12.55	.90	.60		.05
Area 2	13.68	1.17	2.60		.065
Area 3	13.68	1.17	1.20		.065
Area 4	14.65	.80	1.25	1.50	
Area 5					
SHEET METAL WORKERS:*	16.34	1.20	2.64		.04
Area 1	16.73	1.20	2.13		.04
Area 2	16.70	1.20	2.62		.10
Area 3	14.16	1.14	2.64		.09
Area 4	15.30	1.14	1.91		.16
Area 5	16.37	1.20	2.52		.06
Area 6					
SOFT FLOOR LAYERS:*	13.47	.91	1.70	1.30	.10
Area 1	14.72	.86	1.30	.88	.08
Area 2	14.09	.95	.95	1.25	.09
Area 3					
SPRINKLER FITTERS:*	20.03	.95	1.40		.08
Area 1	16.83	.83	1.05		.09
Area 2					

*See AREA DESCRIPTIONS Page 6

AREA DESCRIPTIONS

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: Ventura County
Area 4: Santa Barbara County
Area 5: San Luis Obispo County

PLASTERERS' TENDERS:
Area 1: Imperial, Riverside, and San Bernardino Counties
Area 2: Kern County (China Lake Naval Ordnance Test Station, Edwards Air Force Base)
Area 3: Kern County (Remainder of County)
Area 4: Los Angeles and Orange Counties
Area 5: San Luis Obispo County
Area 6: Santa Barbara County
Area 7: Ventura County

PLUMBERS; Steamfitters:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County

REFRIGERATION and AIR CONDITIONING:
Area 1: Riverside and San Bernardino Counties
Area 2: Los Angeles and Orange Counties

ROOFERS:
Area 1: Imperial County
Area 2: Kern County
Area 3: Los Angeles, Orange, and Ventura Counties
Area 4: San Luis Obispo and Santa Barbara Counties
Area 5: Riverside and San Bernardino Counties

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County); and Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (Remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern County

SPRINKLER FITTERS:
Area 1: Imperial and Kern Counties; Orange County (except Santa Ana); Riverside County; San Bernardino County (except Ontario); San Luis Obispo, Santa Barbara, and Ventura Counties (except Santa Paula, Point Mugu and Port Hueneme)
Area 2: Los Angeles County (Los Angeles City and area within 25 miles, and Pomona); Orange County (Santa Ana); San Bernardino (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:*					
Area 1	$12.69	.81	$1.17		.08
Area 2	13.81	1.06	1.40		.10
Area 3	15.89	1.50	2.35		.10
Area 4	14.60	1.15	2.20		
Area 5	14.15	.65	.65		
TILE FINISHERS:*					
Area 1	9.96	1.39	1.30		.13

*See AREA Descriptions - below

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.

AREA DESCRIPTIONS

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Kern County

TILE FINISHERS:
Area 1: Los Angeles, Orange, and Ventura counties

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
General Clean-up Laborers	$10.88	$1.37	$3.28	$1.45	
Group 1	11.88	1.37	3.28	1.45	.12
Group 2	12.03	1.37	3.28	1.45	.12
Group 3	12.23	1.37	3.28	1.45	.12
Group 4	12.53	1.37	3.28	1.45	.12
Group 5	12.73	1.37	3.28	1.45	.12
GUNNITE LABORERS:					
Nozzlemen and Rodmen	14.12	1.37	3.88	1.45	
Gunmen	13.32	1.37	3.88	1.45	
Reboundmen	12.16	1.37	3.88	1.45	
Vandenberg Air Force Base, Point Arguello, Camp Roberts, Naval Ordnance Test Station, Edwards Air Force Base:					
General Clean-up Laborer	12.88	1.37	3.28	1.45	
Group 1	13.88	1.37	3.28	1.45	.12
Group 2	14.03	1.37	3.28	1.45	.12
Group 3	14.23	1.37	3.28	1.45	.12
Group 4	14.53	1.37	3.28	1.45	.12
Group 5	14.73	1.37	3.28	1.45	.12

Group 1: Boring Machine Tender (outside); Cleaning and handling of panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging or Shee-bolt Holes; Fire Watcher, Limbers, Brush Loaders, Pilers and Debris Handlers; Flagman, gas, oil and/or water Pipe Line Laborer; Laborer, general or construction; Laborer, Landscaping; Laborer, Jetting; Laborer, temporary water and air lines; Material Houseman (walls, slabs, floors and decks); Rigging and Signaling Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper asphalt, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Delineating Device Applicator; Window Cleaner; Wire Mesh Pulling, all concrete pouring operations

LABORERS (Cont'd)

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer; Chuck-tender; Chute Man, pouring concrete, the handling of the Chute from Readymix Trucks, such as walls, slabs, decks, floors, foundations, footings, curbs, gutters and sidewalks; Concrete Curer-Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water pipeline Wrapper - Pot Tender and Form Man; Guinea Chaser; Headerboard Man - asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblasters (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Feller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scoring old or new concrete; Driller; Jackhammer, 2½ ft. drill steel or longer; Dri-Pak-it Machine; Gas, oil and/or Water Pipe-line Wrapper, 6" pipe and over by any method, inside and out; Hydro Seeder and similar type; Impact Wrench, multi-plate; Kettle-men, Potmen, and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of pneumatic, gas electric tools, Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, Pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker and similar type; Trenching Machine, hand propelled

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Over-size Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborer's work

Group 5: Blasters Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller: All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.35	$1.15	$2.80	$1.17	.14
Group 2	15.63	1.15	2.80	1.17	.14
Group 3	15.92	1.15	2.80	1.17	.14
Group 4	16.06	1.15	2.80	1.17	.14
Group 5	16.28	1.15	2.80	1.17	.14
Group 6	16.39	1.15	2.80	1.17	.14
Group 7	16.51	1.15	2.80	1.17	.14
Group 8	16.68	1.15	2.80	1.17	.14
Group 9	16.81	1.15	2.80	1.17	.14

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man(Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunnel Locomotive (over 10 tons up to and including 30 tons); Welder-general

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity)(Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1½ yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6½ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Hole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.91	$1.25	$1.33	$1.35	.15
Group 2	12.99	1.25	1.33	1.35	.15
Group 3	13.05	1.25	1.33	1.35	.15
Group 4	13.14	1.25	1.33	1.35	.15
Group 5	13.17	1.25	1.33	1.35	.15
Group 6	13.19	1.25	1.33	1.35	.15
Group 7	13.23	1.25	1.33	1.35	.15
Group 8	13.24	1.25	1.33	1.35	.15
Group 9	13.29	1.25	1.33	1.35	.15
Group 10	13.32	1.25	1.33	1.35	.15
Group 11	13.37	1.25	1.33	1.35	.15
Group 12	13.39	1.25	1.33	1.35	.15
Group 13	13.44	1.25	1.33	1.35	.15
Group 14	13.69	1.25	1.33	1.35	.15
Group 15	13.94	1.25	1.33	1.35	.15
Group 16	14.04	1.25	1.33	1.35	.15
Group 17	14.14	1.25	1.33	1.35	.15
Group 18	14.44	1.25	1.33	1.35	.15
Group 19	14.94	1.25	1.33	1.35	.15

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

Group 7: Transit-mix, under 3 yards, Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

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TRUCK DRIVERS (Cont'd)

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 11: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See below
DECISION NUMBER- FL81-1260 DATE: Date of Publication
Supersedes Decision No. FL80-1072 dated May 16, 1981 in 45 FR 32535-32[illegible].
DESCRIPTION OF WORK: Building Construction Projects (does not included single family homes or apartments of four stories or less); Heavy Construction & Highway Construction

Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Sites in Brevard & Volusia Counties, Florida	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.25	.65	.65		.06
Boilermakers	12.90	1.375	1.20		.04
Bricklayers, Blocklayers, Plasterers, Terrazzo Workers, Tile Setters & Cement Masons	10.95	.50	.40		.10
Carpenters					
Carpenters	9.75	.55	.80		.12
Piledrivermen	9.75	.55	.80		.12
Electricians					
Wiremen	12.47	.50	3%+.98		.05
Cable Splicers	12.72	.50	3%+.98		.05
Elevator Constructors					
Mechanic	10.36	1.195	.95	a + b	.035
Helper	7.25	1.195	.95	a + b	.035
Laborers:					
Air Tool Operators, concrete laborers, hod carriers, mason tenders, mortar mixers, kettlemen (excluding roofing & waterproofing), pipelayers, powdermen, form setters (paving curbing & gutter), well point	7.15	.60	.30		.01
Gunnite laborer	7.42	.60	.30		.01
Gunnite Nozzlemen	7.82	.60	.30		.01
Unskilled laborer	7.00	.60	.30		.01

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FL81-1260 cont.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Linemen & Class A Operators (hole boring machines, cranes, tracked equipment, fifth wheel tractors, tension & wire pulling machines, mobile cranes & backhoes)	11.72	.50	3%		3/4of1%
Cable Splicers	11.87	.50	3%		3/4of1%
Class B Operators (flat bed material trucks, line trucks when either are mounted with winch and/or 'A' frame, trucks mounted with digging units, power wagons, driving of mobile cranes & bucket trucks)	8.19	.50	3%		3/4of1%
Groundmen	6.03	.50	3%		3/4of1%
Millwrights	12.67	.70	.70		.10
Painters					
Brush	9.65	.50	.50		.06
Spray, Paperhanging & Sandblasting	10.15	.50	.50		.06
Plumbers, Pipefitters & Steamfitters					
Commercial	11.45	.60	.60		.10
Industrial	14.40	.88	.89		.05
Roofers					
Roofers	9.50	.35	.25		
Kettlemen	8.05	.35	.25		
Sheet Metal Workers	12.55	.70	.72		.04
Sprinkler Fitters	14.15	.85	1.20		.13
Welders - Rate for craft					

Footnotes:
a. Six Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day
b. Employer contributes 6% of regular hourly rate to Vacation Pay credit for employee who has worked in business more than five years; 4% for employee who has worked in business less than five years

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FL81-1260 cont.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Group I	10.30	.55	.40		.05
Group II	9.70	.55	.40		.05
Group III	9.20	.55	.40		.05
Group IV	8.80	.55	.40		.05
Group V	8.10	.55	.40		.05

Group I - Cranes, Hydraulic or derrick on structural or reinforcing iron, cranes or derrick, clam shell, dragline, piledriver operator (including auger & boring machine operator for drilling in piling). backhoe (including hydraulic), hydraulic crane, gradall, shovel, motor patrol, mechanic (heavy equipment), side boom cat & multi-drum hoist
Group II - Bulldozer & Trenching machine, bridge crane, highlift, straddle buggy, hoist, earth hauling scraper (regardless how powered), pump crete & front end loader
Group III - Winch truck, concrete/asphalt paver, fork lift engineer, boring machine, well drilling machine & mobile cleaning plant
Group IV - Tractor, well point pump & installation man, lubrication engineer, equipment greaser, air compressor & fireman
Group V - Motor boat, oiler, mechanic helper, pumpman (other than wellpoint), roller (steel & rubber tires), self propelled, conveyor, welding machine, three or more combustion engines & Pulver Mixer

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract causes (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Johnson
DECISION NO. IA81-4049 DATE: Date Of Publication
Supersedes Decision No.: IA80-4046, dated August 8, 1980 in 45 FR 53047
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories).

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.66	.60	1.10		.20
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS & STONEMASONS	13.81		.55		.02
CARPENTERS:					
Carpenters; Soft floor layers	13.43	.75	.75		.10
Piledrivermen	13.93	.75	.75		.10
Millwrights	15.65	.75	1.45		.25
CEMENT MASONS	12.85	.65			
ELECTRICIANS	14.07	.65	3%+1.00	a	3/4%
ELEVATOR CONSTRUCTORS	13.10	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95		.035
GLAZIERS	12.86	.75	1.00		.02
IRONWORKERS	14.11	.90	1.00		.06
LABORERS:					
GROUP 1 - Common laborers	11.40	.50	.80		.05
GROUP 2 - Mason mortar mixers	11.75	.40	.80		.05
GROUP 3 - All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rick drills; Tampers; Vibrators; Well point work	11.75	.40	.80		.05
LATHERS	12.57				
LINE CONSTRUCTION					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	b	1/2%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other than assembled "H" fixtures)	10.61	.45	7%	b	1/2%

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BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
Group III - Groundman	$ 8.62	.45	7%	b	1/2%
Group IV - groundman-truck driver	8.75	.45	7%	b	1/2%
Group V - pole treating truck driver	8.49	.45	7%	b	1/2%
Group VI - pole treating specialist	10.21	.45	7%	b	1/2%
PAINTERS:					
Brush & rollers	12.82				.03
Paperhangers	13.07				.03
Sandblasting; Spray painting	13.82				.03
PLASTERERS	15.07				
PLUMBERS & STEAMFITTERS	14.35	.60	.70		.13
ROOFERS	11.95				
SHEET METAL WORKERS	13.65		.88		.06
SPRINKLER FITTERS	15.10	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
TILE SETTER	12.98		.55		

FOOTNOTES
a - Employer contributed 8% of the basic hourly rate for over 5 years' service and 6% of the basic hourly rate for 6 months to 5 years' of service as Vacation Pay Credit. Seven Paid Holidays A thru G
b - Seven Paid Holidays A thru G

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PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$12.32	.90	.90		.10
GROUP 2	12.085	.90	.90		.10
GROUP 3	10.78	.90	.90		.10
GROUP 4	10.015	.90	.90		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)
GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting and grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ tons); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal)
GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 cfm or more); pumps 3" or over; welding machine 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); ditching machine under 8"
GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO. KS81-4047 DATE: Date of Publication
Supersedes Decision No. KS80-4056, dated July 18, 1980, in 45 FR 49413
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.88	1.05	1.00		.05
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS: STONEMASONS	12.65	.70	.50		.03
CARPENTERS:					
Carpenters	10.45	.60		.35	.05
Millwrights, piledrivermen	10.75	.60		.35	.05
CEMENT MASONS:					
Cement masons	11.10				
Troweling machine operator	11.35				
ELECTRICIANS	14.25	.75	.75	6%	1%
Cable splicer	14.50	.75	.75	6%	1%
ELEVATOR CONSTRUCTORS	12.21	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS HELPERS	8.55	1.345	.95	a	.035
FOOTNOTE: a-employer contributes 8% of basic hourly rate for over 5 years service , and 6% of basic hourly rate for under 5 years as vacation Pay Credit. Also 7 paid holidays.					
GLAZIERS	10.99	.90	.80	1.53	.06
IRONWORKERS	11.18		1.00	.53	.02
LABORERS (BUILDING CONSTRUCTION):					
Group 1 common laborers	8.25	.70	.50	.25	.05
Group 2 - Power tool operators, compactors, concrete breaker chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, mason tenders plaster tenders, mortar mixers for plasterers, mason and cement finishers, all stocking scaffold, clean up for masons (building & wrecking), Sand and concrete gun nozzleman, powderman	8.45	.70	.50	.25	.05
LABORERS (SITE PREPARATION & GRADING)					
GROUP 1	5.75	.70	.50	.25	.05
GROUP 2	5.90	.70	.50	.25	.05
GROUP 3	6.00	.70	.50	.25	.05
GROUP 4	6.15	.70	.50	.25	.05

CLASSIFICATION DEFINITIONS

LABORERS:
GROUP 1 - Board mat weavers & cable tiers, georgia buggy (manually operated) Mixerman-no skip, lift, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, & all other general laborers.
GROUP 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper & scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper-dry batch, vibrator operator, wagon and churn drill operator.
GROUP 3 - Asphalt raker, barco tamper, concrete saw, creosote material--handling & applying, nozzle burner (cutting torch and burning bar).
GROUP 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sandblasting & gunnite nozzleman, sanitary sewer layer, steel plate structure erectors, water and gas distribution lines.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.90		.15		.01
LINE CONSTRUCTION:					
Linemen	14.52	.45	3%		4%
Cable splicers	15.26	.45	3%		4%
Groundman	9.03	.45	3%		4%
Powderman	12.03	.45	3%		4%
Line truck & equipment operator	12.03	.45	3%		4%
PAINTERS:					
GROUP 1 - Brush, sheetrock taping & finishing	12.14	.10	.60		
GROUP 2 - Stage chair and window jack work to and including five stories high	12.49	.10	.60		
GROUP 3 - Stage chair and window jack work over five stories high elevated tanks, towers, & stack over 75 ft. high; sandblasting & water blasting, work done from picks; stage chairs or platforms over 24 ft. in height	12.84	.10	.60		
GROUP 4 - Structural steel not done from scaffolding	12.89	.10	.60		
PLASTERERS	11.00	.10	.60		
PIPEFITTERS, PLUMBERS	14.23	.80	1.00		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
Master Mechanic	$14.05	.85	1.00	1.05	
Cranes with lifting ring	13.05	.85	1.00	1.05	
Cranes and shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yard capacity, three (3) drum hoist	12.30	.85	1.00	1.05	
Cranes and shovels-boom 200 ft. and over four (4) drum hoist, Frankie - type pile driving machines, and tower cranes and derricks	12.55	.85	1.00	1.05	
GROUP I	12.05	.85	1.00	1.05	
GROUP II	11.65	.85	1.00	1.05	
GROUP III					
CLASS A	10.00	.85	1.00	1.05	
CLASS B	10.25	.85	1.00	1.05	
GROUP IV					
CLASS A	9.45	.85	1.00	1.05	
CLASS B	9.70	.85	1.00	1.05	

WAGE CLASSIFICATIONS

GROUP I
Boiler (2), boom cat, boring machine, ditching machine, concrete ready mix plant, crane, truck crane, clamshell dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over one yard), hoist two drum, mechanic or welder, mixermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive.

GROUP II
A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler (1), ditching machine - small, elevator operator, fireman, forklift, hoist, one active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment.

GROUP III
CLASS A - Farm tractor (without attachments).
CLASS B - Farm tractor (with attachments).

GROUP IV
CLASS A - Oiler
CLASS B - Motor crane oiler.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Site Preparation and Grading					
GROUP 1	$10.50	.85	1.00	1.05	.15
GROUP 2	10.25	.85	1.00	1.05	.15
GROUP 3	10.00	.85	1.00	1.05	.15
GROUP 4	9.65	.85	1.00	1.05	.15
GROUP 5	9.75	.85	1.00	1.05	.15
GROUP 6	10.75	.85	1.00	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):
Group 1 - Asphalt paver and spreader; backhoe, boring machine; blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist - 2 active drums; loader; all types; mechanic or welder; mixer-mobile; multi-unit scrapper; pile driver operator; power shovel operator scoop operator, all types; side boom- cherry picker; skimmer scoop operator; pushcat operator; quad track.
Group 2 - Asphalt plant operator; elevating grader operator.
Group 3 - A-frame truck, asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber-greene loader; boiler other than asphalt bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operater - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist-1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening & wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operator; vibrating machine operator, not hand.
Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc, seeder; oiler; tractor operator, 50 h.p. or less without attachments.
Group 5 - Oiler, motor crane
Group 6 - Master mechanic.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:	$11.60	.48			.02
Roofers, Kettlemen	12.35	.48			.02
Pitch	12.56	3%+1.18	.66		.14
SHEET METAL WORKERS	15.10	.95	1.40		.08
SPRINKLER FITTERS					
TILE, MARBLE, AND TERRAZZO MECHANICS	11.30				
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
GROUP 1 - pickups, station wagons, flat beds 12,000 and under GVW lincense capacity	8.90	.50	.35		
GROUP 2 - Flat beds-16,000# GVW lincense capacity	8.975	.50	.35		
GROUP 3 - Flat beds-20,000# over GVW lincense capacity, dump, batch & water truck, single axle	9.05	.50	.35		
GROUP 4 - Lowboys, semi-trailers dumpstors, A-frame tandems winch truck when used as such & transit mix	9.15	.50	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (SITE PREPARATION AND GRADING):					
Group 1	$8.20	.45	.50		
Group 2	8.30	.45	.50		
Group 3	8.45	.45	.50		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; athey; dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles

DECISION NO.: LA81-4046 DATE: Date of Publication

Supersedes Decision No.: LA81-4002, dated January 6, 1981, in 46 FR 1520.

DESCRIPTION OF WORK: Projects (does not include building structures in rest area projects & airports in Bossier, Caddo, Calcasieu, Jefferson & Orleans Parishes)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS & STONEMASONS					
ZONE 1 - Allen, Beauregard Calcasieu, Cameron & Jefferson Davis Parishes	$14.55	.68	1.00		.05
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	13.25	.95	.535		.10
ZONE 3 - Bossier & Caddo Parishes	11.80	.70	.65		
CARPENTERS & PILEDRIVERMEN					
ZONE 1 - Bossier & Caddo Parishes	11.07	.55	.50		.04
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	12.65	.80	.80		.06
ZONE 3 - Calcasieu Parish	12.43	.85	.38		.07
ZONE 4 - Cameron & Jefferson Davis Parishes	9.90	.85	.38		.07
ZONE 5 - Allen & Beauregard Parishes	9.40	.85	.38		.07
CEMENT MASONS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	11.82	.79	.60		.09
ZONE 2 - Bossier & Caddo Parishes	11.05	.45			
ZONE 3 - Calcasieu Parish	12.65				
ZONE 4 - Cameron & Jefferson Davis Parishes	11.20				
ZONE 5 - Allen & Beauregard Parishes	10.70				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE 1 - Allen, Beauregard Calcasieu, Cameron, & Jefferson Davis Parishes:					
Electricians	$14.75	.55	3%+.40		1/10%
Cable splicers	15.00	.55	3%+.40		1/10%
ZONE 2 - Jefferson, Orleans Plaquemines, St. Bernard & St. Charles Parishes:					
Electricians	14.40	.60	3%+.50		.05
Cable Splicers	14.40	.60	3%+.50		.05
ZONE 3 - Bossier & Caddo Parishes:					
Electricians	13.25	1.75	3%		1%
Cable Splicers	13.75	1.75	3%		1%
IRONWORKERS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	12.81	.93	.65		.08
ZONE 2 - Calcasieu Parish	12.75	.60	.65		.05
ZONE 3 - Bossier & Caddo Parishes	10.65	.60	1.45		.06
ZONE 4 - Cameron & Jefferson Davis Parishes	9.90	.60	.65		.05
ZONE 4 - Allen & Beauregard Parishes	9.40	.60	.65		.05
LABORERS					
ZONE 1 - Jefferson, Orleans Plaquemines, St. Bernard & St. Charles Parishes:					
GROUP 1	8.68	.30	.27		.05
GROUP 2	8.78	.30	.27		.05
GROUP 3	9.23	.30	.27		.05
GROUP 4	9.48	.30	.27		.05
ZONE 2 - Bossier & Caddo Parishes					
GROUP 1	7.18	.25	.27		.05
GROUP 2	7.28	.25	.27		.05
GROUP 3	7.73	.25	.27		.05
GROUP 4	7.98	.25	.27		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - Calcasieu Parish:					
GROUP 1	$ 8.73	.25	.27		.05
GROUP 2	8.83	.25	.27		.05
GROUP 3	9.28	.25	.27		.05
GROUP 4	9.53	.25	.27		.05
ZONE 4 - Cameron & Jefferson Davis Parishes:					
GROUP 1	7.08	.25	.27		.05
GROUP 2	7.18	.25	.27		.05
GROUP 3	7.63	.25	.27		.05
GROUP 4	7.83	.25	.27		.05
ZONE 5 - Allen & Beauregard Parishes:					
GROUP 1	6.88	.25	.27		.05
GROUP 2	6.98	.25	.27		.05
GROUP 3	7.43	.25	.27		.05
GROUP 4	7.63	.25	.27		.05

LABORERS CLASSIFICATIONS DEFINITIONS

GROUP 1 - Laborers, including but not limited to foundation driller & demolishing & dismantling man
GROUP 2 - Raker, concrete spreader, carpenter tenders, distributor man, finisher tenders, formsetter tenders, jackhammer operator, jetting laborer, painter tenders, pit man, pipelayer or tile layer, power monkey tender, tamper, tree pruner, stonemason tenders, stoker, asphalt raker, concrete shovelers, power tool operator & motorized buggy operator
GROUP 3 - Formsetter, head or master-high type pavement
GROUP 4 - Powderman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
ZONE 1 - Jefferson, Orleans Plaquemines, St. Bernard & St. Charles Parishes					
GROUP 1 - Lineman	$14.40	.60	3%+.50		.05
GROUP 2 - Operator hole digging equipment; operator tractor with winch & derrick operator; operator line truck with winch & derrick working hot lines	75%JR	.60	3%+.50		.05
GROUP 3 - Operator using hole truck & trailer or pole hauling & setting truck (not in energized lines)	65%JR	.60	3%+.50		.05
GROUP 4 - Operator using truck without winch	45%JR	.60	3%+.50		.05
GROUP 5 - Groundmen	50%JR	.60	3%+.50		.05
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes:					
GROUP 1 - Linemen, equipment operators	14.75	.55	3%+.40		1/10%
GROUP 2 - Cable splicers	15.00	.55	3%+.40		1/10%
GROUP 3 - Groundmen	12.75	.55	3%+.40		1/10%
ZONE 3 - Bossier & Caddo Parishes:					
GROUP 1 - Linemen; operators	13.25	1.75	3%		1%
GROUP 2 - Cable splicers	13.75	1.75	3%		1%
GROUP 3 - Groundmen	11.25	1.75	3%		1%
PAINTERS					
ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, & Jefferson Davis Parishes:					
GROUP 1 - Brush	14.145		.30		
GROUP 2 - Spray, sandblasting, hydroblasting, spider operator, rubberizing & pyroflexing, steam jennies	14.49		.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
GROUP 3 - Bridge work	$15.935		.30		
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard, & St. Charles Parishes:					
GROUP 1- Painters	10.875	.875	.70		.10
GROUP 2 - Spray, Swing stage	11.25	.875	.70		.10
GROUP 3 - Industrial	12.475	.875	.70		.10
ZONE 3 - Allen (northeastern most corner, north of Rt. 10) Parish					
GROUP 1 Painters	10.35				
GROUP 2 Spray, stage, steeple work	10.85				
GROUP 3 - All Industrial work including sandblasting or power tools of any kind	11.35				
ZONE 4 - Bossier & Caddo Parishes	10.95	.40	.30		.05
PLUMBERS & PIPEFITTERS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	13.70	.75	1.00		.10
ZONE 2 - Bossier & Caddo Parishes	12.69	.80	1.10	1.00	.09
ZONE 3 - Allen, Beauregard Calcasieu, Cameron & Jefferson Davis Parishes	15.48	.92	1.00		.08
POWER EQUIPMENT OPERATORS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes					
GROUP 1	12.71	.65	1.10		.10
GROUP 2	12.96	.65	1.10		.10
GROUP 3	12.46	.65	1.10		.10
GROUP 4	10.97	.65	1.10		.10
GROUP 5	10.54	.65	1.10		.10
GROUP 6	9.31	.65	1.10		.10
GROUP 7	8.16	.65	1.10		.10
GROUP 8	10.59	.65	1.10		.10
GROUP 9	10.84	.65	1.10		.10
GROUP 10	8.41	.65	1.10		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
ZONE 2 - Bossier & Caddo Parishes					
GROUP 1	$11.03	.65	1.10		.10
GROUP 2	11.28	.65	1.10		.10
GROUP 3	10.78	.65	1.10		.10
GROUP 4	9.61	.65	1.10		.10
GROUP 5	8.98	.65	1.10		.10
GROUP 6	7.83	.65	1.10		.10
GROUP 7	7.23	.65	1.10		.10
GROUP 8	9.27	.65	1.10		.10
GROUP 9	9.52	.65	1.10		.10
GROUP 10	7.48	.65	1.10		.10
ZONE 3 - Calcasieu Parish					
GROUP 1	12.36	.65	1.10		.10
GROUP 2	12.61	.65	1.10		.10
GROUP 3	12.11	.65	1.10		.10
GROUP 4	10.65	.65	1.10		.10
GROUP 5	9.96	.65	1.10		.10
GROUP 6	8.73	.65	1.10		.10
GROUP 7	7.55	.65	1.10		.10
GROUP 8	10.27	.65	1.10		.10
GROUP 9	10.52	.65	1.10		.10
GROUP 10	7.80	.65	1.10		.10
ZONE 4 - Cameron & Jefferson Davis Parishes					
GROUP 1	9.45	.65	1.10		.10
GROUP 2	9.70	.65	1.10		.10
GROUP 3	9.20	.65	1.10		.10
GROUP 4	8.08	.65	1.10		.10
GROUP 5	7.52	.65	1.10		.10
GROUP 6	6.42	.65	1.10		.10
GROUP 7	5.99	.65	1.10		.10
GROUP 8	7.79	.65	1.10		.10
GROUP 9	8.04	.65	1.10		.10
GROUP 10	6.24	.65	1.10		.10
ZONE 5 - Allen & Beauregard Parishes					
GROUP 1	8.95	.65	1.10		.10
GROUP 2	9.20	.65	1.10		.10
GROUP 3	8.70	.65	1.10		.10
GROUP 4	7.58	.65	1.10		.10
GROUP 5	7.02	.65	1.10		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (ZONE 5 CONT'D)					
GROUP 6	$ 5.92	.65	1.10		.10
GROUP 7	5.49	.65	1.10		.10
GROUP 8	7.29	.65	1.10		.10
GROUP 9	7.54	.65	1.10		.10
GROUP 10	5.74	.65	1.10		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; crane with 125 ft. boom
GROUP 2 - Crane with 175 ft. boom
GROUP 3 - Crane all types derricks; deck winches (2); hi-ho & similar type equipment; 3 drums (or more) stabilizers; pulls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; well point system; hoist, 2 drums or more; hoist, 1 drum, 40 vertical ft. or more; scrapers, bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, 1 cu. yd. or over; shovels & backhoes, all types, & equivalent equipment; piledrivers; sideboom cats; a-frame trucks when handling steel or pipe; work boats requiring license ops.; tugboats; fork lifts over 10 ton capacity; foundation drilling machines
GROUP 4 - 2 drums stabilizers; front end loaders under 1 cu. yd. A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; two tractor (crawler type); 1 drum hoist under 40 vertical ft.; firemen; concrete spreader; pugmill; bituminous distributor on surface treatment & equivalent equipment; bullfloats & equivalent equipment; job grease man; unit op.; work boats not requiring licensed ops.; inboard motored crew boats
GROUP 5 - Single drum stabilizers; concrete mixer under 1 yd.; spray curing machines; rollers on subgrade; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher screed man; pump over 4"; scale op.; crusher ops.; concrete jointing machines; concrete saw; tack machines & equivalent equipment; pump crete; electric elevator (inside); oiler-driver; farm-type rubber tired tractor, with attachments, except backhoes; kolum buff & similar equipment, fork lifts, 10 ton capacity & under; outboard crew boats
GROUP 6 - Batch plant operator
GROUP 7 - Oiler
GROUP 8 - Firemen
GROUP 9 - Fireman operating steam valve
GROUP 10 - Oiler on crane using air to drive piles

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1 - Calcasieu Parish	$14.75	3%+.70	.84		.20
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	12.75	3%+.75	1.11		.16
ZONE 3 - Allen, Beauregard, Cameron & Jefferson Davis Parishes	14.12	.55	.80		.16
ZONE 4 - Bossier & Caddo Parishes	13.04	3%+.80	.60		.22
TRUCK DRIVERS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes:					
GROUP 1	8.78	.70			
GROUP 2	8.91	.70			
GROUP 3	8.97	.70			
GROUP 4	9.05	.70			
GROUP 5	9.24	.70			
ZONE 2 - Bossier & Caddo Parishes:					
GROUP 1	8.36				
GROUP 2	8.46				
GROUP 3	8.69				
GROUP 4	8.90				
GROUP 5	9.32				
ZONE 3 - Calcasieu Parish:					
GROUP 1	8.94	.70			
GROUP 2	9.07	.70			
GROUP 3	9.13	.70			
GROUP 4	9.20	.70			
GROUP 5	9.39	.70			
ZONE 4 - Allen & Beauregard Parish:					
GROUP 1	6.87	.70			
GROUP 2	7.00	.70			
GROUP 3	7.06	.70			
GROUP 4	7.13	.70			
GROUP 5	7.33	.70			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
ZONE 5 - Cameron & Jefferson Davis Parishes:					
GROUP 1	$ 6.97	.70			
GROUP 2	7.10	.70			
GROUP 3	7.16	.70			
GROUP 4	7.23	.70			
GROUP 5	7.42	.70			

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 1 ton & under; warehouseman, material checker, receiving clerk, spotter & dumper
GROUP 2 - 1½ tons to & including 2 tons (exclusive of dump trucks)
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, 4 axle trailers & truck mechanic
GROUP 5 - Special equipment, euclids & 5 axle moving equipment

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: See below
DECISION No. MI81-2033 DATE: Date of Publication
Supersedes Decision No. MI80-2062 dated August 15, 1980 in 45 FR 54615
DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories) and Heavy (excluding Bridge Airport and Sewer) Construction Projects.

COUNTIES: Alcona, Alpena, Charlevois, Emmet, Grand Traverse, Leelanau, Mason, Muskegon, Oceana, Oscoda and Presque Isle.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$14.09	1.20	1.89		
BOILERMAKERS	14.67	1.38	1.45	2.00	.05
BRICKLAYERS:					
Mason County:					
Bricklayers; Stonemasons; Marble-Tile Workers, Cement Masons & Plasterers	8.70	.65	.35		
Muskegon & Oceana Counties					
Bricklayers & Stonemasons	13.395	.90	.75		
Marble Masons	10.15	.80	.50		
Terrazzo & Tile Workers	9.85	.80	.50		
Plasterers	12.22	.80	1.00		.03
Remaining Counties					
Bricklayers; Stonemasons; Plasterers-Marble Workers	11.85	.85	.25		.03
Terrazzo & Tile Workers	11.29	.85	.25		.03
CARPENTERS:					
Mason, Muskegon & Oceana Counties					
Carpenters	13.79	.85	1.00		.10
Millwrights	13.30	.60	.80		.05
Piledrivers	14.54	.85	1.00		.10
Remaining counties					
Carpenters & Soft Floor Layers	12.01	.85	1.00		.03
Millwrights	13.01	.85	1.00		.03
Piledrivers	12.46	.85	1.00		.03
CEMENT MASONS:					
Muskegon & Oceana Counties	9.30	.70	.75		.02
Remaining Counties	11.40	.85	.25		.03
ELECTRICIANS:					
Charlevoix, Grand Traverse Leelanau & Emmet (except Wawatan Township) Counties and (Grant, Freesoil, and Meade Townships) in Mason County	12.85	.75	.65		.1 of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS (CONT'D)					
Muskegon, Oceana and the Remainder of Mason Counties	$14.46	.75	9%		.03
Remining Counties & (Wawatan Township) in Emmet County:					
Electrical Contractors $35,000 and below	11.35	.75	3%+.30		.1 of 1%
Electrical Contracts in excess of $35,000	13.30	.75	3%+.30		.1 of 1%
ELEVATOR CONSTRUCTORS:					
Alcona, Alpena, Oscoda and Presque Isle:					
Elevator Constructor	14.02	1.195	.95	a	.035
Helpers	70%JR	1.195	.95	a	.035
Probationary Helpers	50%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS:					
Remainder of Counties:					
Elevator Constructors	13.99	1.345	1.085	a	.035
Helpers	70%JR	1.345	1.085	a	.035
Probationary Helpers	50%JR	1.345	1.085	a	.035
GLAZIERS:					
Emmet & Muskegon Counties Charlecoix, Grand Traverse, Leelanau, Mason, & Oceana Counties	10.40	.70	.35	3%	
IRONWORKERS:					
Alcona, Alpena, Oscoda and Preque Isle Counties:					
Structural and Ornamental	14.98	11%	18%	18%	.09
Reinforcing	13.08	1.98	19%	19%	.64%
Fence Erectors	12.80	9%	17%	18%	.09
Remaining Counties	14.97	1.06	1.40		.20
LATHERS:		.64	.10	.50	.01
Grand Traverse County	12.54	1.06	1.00		.01
Muskegon County	13.03	1.06	1.00		.01
PAINTERS:					
Alcona and Oscoda Counties					
Brush	12.55	.65	1.00		.02
Spray	13.40	.65	1.00		.02

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DECISION No. MI81-2033

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Grand Traverse and Leelanau Counties and that portion of Charlevoix County lying South of and Straight line drawn from Charlevoix (city) to Elmira					
Brush	11.30	.60	.25		.02
Spray	11.95	.60	.25		.02
Tapers	11.90	.60	.25		.03
Mason County	11.75				
Muskegon & Oceana Counties					
Brush, Tapers	8.00				
Paper Hangers	8.25				
Spray & Sandblast	8.50				
Remainder of Charlevoix County and Remaining Counties					
Brush & Drywall	12.05				
Spray - Commercial	12.80				
PLUMBERS & STEAMFITTERS:					
Alcona and Oscoda Counties	14.18	1.30	1.00		.10
Alpena, Presque Isle Counties	15.76	.60	.90		
Mason, Muskegon & Oceana Counties	13.36	1.25	1.87		
Remaining Counties	15.65	.75	.50		.03
ROOFERS:					
Mason, Muskegon & Oceana Counties	12.12	.67		1.10	.04
Remainder of Counties: Composition, Damp & Waterproofers	12.00				
SHEET METAL WORKERS: Charlevoix, Emmet, Grand Traverse and Leelanau Counties	13.99	.75	.53		.06
Mason, Muskegon & Oceana Counties	14.10	.92	1.20	1.00	.04
Remaining Counties	15.53	1.00	1.20		.06
SPRINKLER FITTERS	15.31	.95	1.40		.08

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS:					
Alcona, Alpena, Oscoda & Presque Isle Counties Regular Truck Driver	$ 9.40	b34.00	b37.00	.50	
8 cu. yds. and over	9.50	b34.00	b37.00	.50	
Euclid Type Bottom & End Dump	9.70	b34.00	b37.00	.50	
Charlevoix, Emmet, Grand Traverse and Leelanau Counties Regular Truck Driver	8.55	b28.00	b20.00	c	
8 cu. yds, and over	8.65	b28.00	b20.00	c	
Semi-Driver	8.75	b28.00	b20.00	c	
Muskegon & Oceana Counties	7.06	b21.00			

Welder receive rate prescribed for craft to which welding is incidental.

FOOTNOTES:

A. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 6% contribution for more than 5 years-plus 7 paid Holidays-New Years Day, Memorial Day, Independence Day, Thanksgiving Day, Day after Thanksgiving & Christmas Day.

b. Per week; Per Employee & Dental & Optical

c. Paid vacation computed at a 40 hour week at straight time as follows: one year or more - one week; three years or more - two weeks; eight years or more - three weeks; and 7 Paid Holidays provided employee has been in service of employer 20 days or more and worked the full scheduled day prior to and after the holiday - New Years Day, Memorial Day, Independance Day, Labor Day, Thanksgiving Day, and the Friday after Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Mason County					
Group 1	$ 7.80	.75	.65		.04
Group 2	7.95	.75	.65		.04
Group 3	8.25	.75	.65		.04
Group 4	8.20	.75	.65		.04
Muskegon and Oceana Counties					
Group 1	9.31	.75	.65	.55	.04
Group 2	9.46	.75	.65	.55	.04
Group 3	9.56	.75	.65	.55	.04
Group 4	9.81	.75	.65	.55	.04
Remaining Counties					
Group 1	7.35	.65	.35	.55	.04
Group 2	7.50	.65	.35	.55	.04
Group 3	7.95	.65	.35	.55	.04

LABORERS:

Mason County
Group 1 - Building And Heavy Construction Laborers
Group 2 - Plaster and Mason Tenders; Mortar Mixers; Material Mixers; All power Tools; Vibrator; Chain saw; Nozzleman; Green Cut Concrete
Group 3 - Jackhammer; Acetylene Torch; Windlass and Tugger Operators; swing Scaffold Chimneys; Tower, Crane Scaffold; Rock Crusher
Group 4 - Pipelayers or Crock Layers in Buildings

Muskegon and Oceana Counties
Group 1 - All Construction Laborers on Building or Heavy Construction Pumps and well Wheels
Group 2 - Plasterer tender; Material Mixers; Operators of Portable Mixers; Air, Electric or Gasoline Tools; Mortar Driver Buggies; Swing Scaffold
Group 3 - Jackhammer Operator, Crocklayers & Caisson workers in Buildings
Group 4 - Top men on Chimney or Towers over 30' in Height

Remaining Counties:
Group 1 - Building and Heavy Construction Laborers
Group 2 - Mortar Mixer; Material Mixers; (hand or machine); Vibrator Operators; Operators of Concrete Mixers; Chipping Hammer; Concrete Breakers (90 lb. hammer or less); Tamping Machine (air, gas or electric); Sandblasters; Operator or Motor Driven Buggies; Plaster Mixer; Plasterers Tenders
Group 3 - Cement Gun Nozzleman

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION:					
Linemen; Technician	$ 13.72	.45	3%+4%	a+5%	.5%
Cable Splicer	14.28	.45	3%+4%	a+5%	.5%
Combination Digger Operator; Tractor Operator Groundman	10.72	.45	3%+4%	a+5%	.5%
Light Equipment Operator Groundman; Distribution Line					
Truck Driver Operator-Groundman	9.42	.45	3%+4%	a+5%	.5%
Combination Winch Truck Driver Groundman	8.99	.45	3%+4%	a+5%	.5%
Combination Truck Driver Groundman	7.62	.45	3%+4%	a+5%	.5%

FOOTNOTES:

7 paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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DECISION No. MI81-2033

MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	$16.20	1.15	*2.10		.10
CLASS B	15.95	1.15	*2.10		.10
CLASS C	15.45	1.15	*2.10		.10
CLASS D	13.85	1.15	*2.10		.10
CLASS E	13.55	1.15	*2.10		.10
CLASS F	12.15	1.15	*2.10		.10
CLASS G	11.30	1.15	*2.10		

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower crane, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Oprs., Sweeping Machine, winch Truck, Bob Cat & Similar equipment, Fork Truck (over 20' lift)

CLASS E - Pump 6" or over, Well Points, Freese systems, Boom truck (non Swingin) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Firemen & Heater Operator

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MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION ALCONA, ALPENA, OSCODA & PREQUE ISLE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	$17.24	1.15	*2.10	13%	.10
CLASS B	17.00	1.15	*2.10	13%	.10
CLASS C	16.04	1.15	*2.10	13%	.10
CLASS D	15.82	1.15	*2.10	13%	.10
CLASS E	12.85	1.15	*2.10	13%	.10
CLASS F	11.69	1.15	*2.10	13%	.10

CLASS A - Engineer when operation combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work stations is 501 or more above first sub level
CLASS C - Crane operator job mechanic
CLASS D Hoisting operator
CLASS E Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	$16.55	1.15	*2.10		.10
CLASS B	16.30	1.15	*2.10		.10
CLASS C	15.80	1.15	*2.10		.10
CLASS D	14.20	1.15	*2.10		.10
CLASS E	12.85	1.15	*2.10		.10
CLASS F	11.50	1.15	*2.10		.10

CLASS A- Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes, gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane, dozer, loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (single drum); material hoist, pump 6" or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

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DECISION No. MI81-2033

MICH-9-PEO-U-2-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS I	$11.35	1.05	*1.80	12%	.10
CLASS II	10.96	1.05	*1.80	12%	.10
CLASS III	10.51	1.05	*1.80	12%	.10
CLASS IV	10.26	1.05	*1.80	12%	.10

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (selfpropelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity or smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crushmr
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressurs 600 cu. ft. per min. or larger),pumpcrete machine (and similar equipment), mechanic helper, mmintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator 2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps),concrete paver (1 drum 1/2 cu. yd. or larger wagon drill (multiple),elevator (other than passenger), concrete breaker (self-propelled or truck mounted - include compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (self-propelled), concrete saw (40 H.P. or over)

SUPERSEDEAS DECISION

STATE: Michigan — COUNTIES: See Below
DECISION No. MI81-2034 — DATE: Date of Publication
Supersedes Decision No. MI80-2063, dated August 15, 1980 in 45 FR 54
DESCRIPTION OF WORK: Building (Does not include single family homes and apartments up to and including four stories) and Heavy (excluding Bridge, Airport and Sewer) Construction Projects.

COUNTIES: Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac Marquette & Ontonagon	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Chippewa & Mackinac Counties	$14.09	1.20	1.89		
Gogebic & Ontonagon Counties	13.85	.50	.75		
Remainder of Counties	13.51	1.05	.50	1.00	.10
BOILERMAKERS	14.67	1.38	1.45	2.00	.05
BRICKLAYERS:					
Alger & Marquette Counties: Bricklayers, Stonemasons, Plasterers, & Marble-Tile-Terrazo Workers	13.61	.80	1.05		.02
Chipeewa & Mackinac Counties Bricklayers, Stonemasons, Platerers, Tile & Terrazo Workers	13.61	.80	1.05		.02
Remainder of Counties: Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers	13.61	.80	1.05		.02
CARPENTERS:					
Carpenters & Soft Floor Layers	13.14	.85	1.00		.02
Millwrights	14.79	.85	1.00		.02
Piledrivermen	13.34	.85	1.00		.02
CEMENT MASONS:					
Alger & Marquette Counties	13.41	.80	.75		.02
Chippewa & Mackinac Counties	13.41	.80	.75		.02
Remainder of Counties	13.41	.80	.75		.02
ELECTRICIANS:					
Dickinson County: Contracts $50.000 or more & all Industrial Work	14.03	.75	3%+1.00		1%
Contracts less than $50,000	12.66	.75	3%+1.00		1%
Alger & Marquette Counties: Contracts over $50,000	13.70	.75	3%+1.00		½ of 1%
Contracts over $50,000 or less	11.91	.75	3%+1.00		½ of 1%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Chippewa & Mackinac Counties	12.20	.75	3%+1.00		15.00p/m
Gogebic County	13.56	5%	7%	11%	2%
Remainder of Counties:					
Contracts $45,000 & over	13.79	.75	3%+1.00		½ of 1%
Contracts up to $45,000	11.00	.75	3%+1.00		½ of 1%
ELEVATOR CONSTRUCTORS:					
Contructors	13.06	1.195	.82	a	.035
Helpers	70%JR	1.195	.82	a	.035
IRONWORKERS	13.05	1.30	1.25	2.25	.06
PAINTERS:					
Dickinson County:					
Commercial & Industrial	8.95		.75		
Alger & Marquette Counties					
Brush	11.00	.60			.05
Glaziers	11.00	.60			.05
Bridges, Water Tanks, Radio & TV	13.25	.60			.05
Chippewa & Mackinac Counties:					
Commercial-Industrial &					
Sign Painter	9.55			1.50	
Taper-Hand	10.05			1.50	
Steel	12.05			1.50	
Glaziers	8.35			1.50	
Baraga, Houghton, Keweenaw & the northern portion of Ontonagon County:					
Brush, Paperhangers, Tapers and Glaziers	10.35				
Spray & Sandblasting	11.35				
Gogebic County & the Remainder of Otonagon County:					
Brush, Paerhangers	6.00				
Spray	6.50				

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
PLUMBERS & STEAM FITTERS	15.23	.92	1.15		.10
ROOFERS	11.05	.70	.50		
SHEET METAL WORKERS	14.68	.92	1.32		.25
SPRINKLERS FITTERS	15.31	.95	1.40		.08
TRUCK DRIVERS:					
Truck Driver-Regular	10.94	b34.00	b30.00		
Heavy Duty, Double Axle & Semi	11.07	b34.00	b30.00		
Euclid	11.30	b34.00	b30.00		

FOOTNOTES:

a. 7 paid Holidays-New Year's Day-Memorial Day- Independence Day-Labor Day Thanksgiving Day-Day after Thanksgiving & Christmas Day plus employer contributes 8% of Regular Hourly Rate to vacation pay credit for employee who has worked in business more than 5 years & 6% for employers in business less than 5 years

b. Per Week; Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

DECISION No. MI81-2034 Page 4

Welders receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee whm has worked in business less than 5 years; 4% contribution for mose than 5 years.

b. Per Week; Per Employee

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Class A	$ 9.70	.75	.50		.04
Class B	9.80	.75	.50		.04
Class C	10.10	.75	.50		.04
Class D	10.25	.75	.50		.04

LABORERS

CLASS A: General Construction Laborers

CLASS B: Chipping Hammer; Concrete Mixers; Green Cutting (air, electric or gas); Material Mixers (hand or machine; Motor driven buggies; Mortar Mixers; Sand Blasters; Tamping Machines; Vibrator operator; Laborers with concrete mixer to pour, including pour from trucks

CLASS C: Blasters; Buster Operators; Cement Gun Nozzleman; Drillers; Layers of all non-metallic pipe; Mixers

CLASS D: Underground Work, Tunnels amd Shafts - muckers, caisson workers, miners, drillers, blasters.

DECISION No. MI81-2034 Page 5

LC ZONE 11

LINE CONSTRUCTION: ZONE 11	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Linemen; Technician	$13.72	.45	3%+4%	a+5%	.5%
Cable Splicer	14.28	.45	3%+4%	a+5%	.5%
Combination Digger Operator Tractor Operator Groundman	10.72	.45	3%+4%	a+5%	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator Groundman	9.42	.45	3%+4%	a+5%	.5%
Combination Winch Truck Driver Groundman:	8.99	.45	3%+4%	a+5%	.5%
Combination Truck Driver Groundman	7.61	.45	3%+4%	a+5%	.5%

FOOTNOTE:

a. 7 paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgivng Day; Day after Thanksgiving Day; and Independence Day.

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DECISION No. MI81-2034

MICH-7-PEO-1-2-SE-U

POWER EQUIPMENT OPERATORS: BUILDING HEAVY & UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.82	1.15	*2.10	13%	.05
CLASS B	10.76	1.15	*2.10	13%	.05
CLASS C	10.25	1.15	*2.10	13%	.05
CLASS D	9.50	1.15	*2.10	13%	

CLASS A - Regular equipment operator, crane, dozer, front end loader, job mechanic
CLASS B - Air Track Drill, boom truck concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumpcrete, belt crete, squeeze crete, sweeping machine trencher, winches, well points and freeze systems
CLASS C - Air compressor, conveyor, concrete saw, farm tractor (without attachments) generator, guard post driver, mulching pumps under 6" welders
CLASS D - Oiler, fireman heater operator

POWER EQUIPMENT OPERATORS: STEEL ERECTION					
CLASS 1 - Operator	$12.04	1.15	*2.10	13%	.05
CLASS 2 - Compressor & Welder	10.72	1.15	*2.10	13%	.05
CLASS 3 - Oiler & Fireman	9.61	1.15	*2.10	13%	

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: See Below
DECISION No. MI81-2036
DATE: Date of Publication
Supersedes Decision No. MI80-2065, dated August 15, 1980, in 45 FR 54623.
DESCRIPTION OF WORK: Building (Does not include single family homes and apartments up to and including four stories) and Heavy (excluding, Bridge, Airport and Sewer,) Construction Projects

COUNTIES: Allegan, Berrien Calhoun, Clinton, Eaton Ingham, Jackson & Kalamazoo	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Berrien County	$15.71	.97	1.35		
Remaining Counties	14.09	1.20	1.89		
BOILERMAKERS	14.67	1.38	1.45	2.00	.05
BRICKLAYERS & STONEMASONS:					
Allegan County (Casco,Clyde Ganges and Lee Townships) and Berrien County	12.35	.95	1.05		
Allegan County (Allegan, Cheshire, Gun Plain, Martin, Otsego, Trowbridge, Valley, and Watson Townships) and Kalamazoo County	12.41	1.15	.70		.09
Allegan County (Remainder)	13.40	.75	.35		.04
Calhoun County and Bellevue, Carmel, Kalamo, and Walton Townships in Eaton County	13.30	.85	.75		
Clinton and Ingham (except Onondaga, Leslie, Bunker Hill and Stockbridge Townships) Counties and the remainder of Eaton County	15.35		1.10		.01
Jackson County and remainder of Ingham County	15.70	1.10	.80		
CARPENTERS:					
Berrien County (Chickaming, New Buffalo and Three Oaks Townships)	14.90	1.05	1.00		.15
Clinton, Eaton (except Bellevue, Walton, Kalamo and Vermontville Townships), Ingham & Jackson Counties	14.62	.85	1.00		.05
Remaining Counties and the remainder of Berrien and Eaton Counties	13.79	.85	1.00		10

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CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Kalamazoo County: Calhoun Co; Allegan Co., (Twps of Allegan, Cheshire, Gunn Plain, Martin, Otsego, Trowbridge, Valley & Watson)	$11.59	1.15	.70		.09
Allegan County (Casco,Ganges & Lee Townships)& Barrien County	11.50	.95	1.05		
Remainder of Allegan County	13.73	.75	.25		
Remainder of Counties	11.77	.80	1.00		.02
ELECTRICIANS:					
Allegan County (Laketon, Fillmore, Leighton Townships)	12.85	.75	3%+.35		.01
Allegan County (Remainder) and Kalamazoo County	13.58	.75	9½%		.01
Berrien County	13.79	4.8%	7%		.5%
Calhoun County and Sunfeild, Vermontville, Kalamo, Bellevue Eaton and Brookfield townships in Eaton County	13.70	.75	9%		.01
Clinton and Ingham (except Onondaga, Leslie, Stockbridge & Bunker Hill Townships) Counties and remainder of Eaton County	13.87	.75	3% + 1.55		.5%
Jackson County	13.07	4% + 1.00	3% + .70	10%	.26
Remainder of Ingham County	13.07	4% + 1.00	3% + .70	10%	.26
ELEVATOR CONSTRUCTORS:					
Allegan, Kalamazoo, and Calhoun Counties:					
Constructor	13.83	1.20	.95	a	.035
Helper	70%JR	1.20	.95	a	.035
Berrien County:					
Constructor	13.26	1.195	.82	a	.035
Helper	70%JR	1.195	.82	a	.035
Probationary helper	50%JR				

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ELEVATOR CONSTRUCTORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Eaton, Ingham & Jackson Counties:					
Constructor	$15.14	1.195	.95	a	.035
Helper	70%JR	1.195	.95	a	.035
GLAZIERS:					
Kalamazoo, Calhoun & So. Part of Allegan Cos.	11.75		.15		
Clinton, Eaton, Ingham, Jackson Counties	9.00	1.14	1.14		
IRONWORKERS:					
Berrien County	13.00	1.00	2.13		.03
Clinton, Ingham & Jackson Cos. Structural & Ornamental	14.98	11%	18%	18%	.09
Fence Erectors	12.80	9%	17%	18%	.09
Reinforcing	13.08	1.98	19%	19%	.6½%
Remaining Counties	14.97	1.06	1.40		.20
LATHERS:					
Ingham & Jackson Counties	13.91	1.06	1.00		.01
Calhoun County	13.03	1.06	1.00		.01
MARBLE TILE & TERRAZO WORKERS					
Allegan Co. (Gun Plain Otsego, Trowbridge Valley, Allegan, Cheshire, Martin & Watson Townships) and Kalamazoo County	10.75	.90			.05
Remainder of Allegan Co.	12.51	.75	.35		
Clinton, Ingham (except Onondaga, Leslie, Bunker Hill, and Stockbridge Townships) and Eaton (ex. Kalamo, Carmel, Bellevue, and Walton Townships) Counties	14.03		1.10		
Calhoun Co. & Bellevue, Carmel, Kalamo & Walton Twps. in Eaton County					
Marble Setters	13.30	.85	.75		
Tile & Terrazzo Workers	10.52	.85	.35		
Jackson County and the Remainder of Ingham County					
Tile & Terrazzo Workers	14.14	1.10	.80		
Marble Setters	15.70	1.10	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS:					
Allegan Co. (Northern Port)					
Brush	$11.25	.65	.40		.02
Spray	12.00	.65	.40		.02
Allegan County (S,E.¼) and Kalamazoo County					
Brush- Drywall Taping; Pan Roller	13.60	.70	.40		
Swing Stage: Structural Steel	14.25	.70	.40		
Spray	14.80	.70	.40		
Berrien County:					
Brush	12.80				
Structural Steel 12% of scale					
Calhoun County:					
Brush; Roller	12.90		.70		
Clinton, Eaton & Ingham Counties					
Brush and Roller & Tapers	14.30	.65	.40		.0025
Structural Steel	14.70	.65	.40		.0025
Spray & Sandblasting	15.05	.65	.40		.0025
Jackson County:					
Brush & Roller	13.25	1.25	1.50	1.25	
Spray	13.875	1.25	1.50	1.25	
Drywall Taper	12.35	1.25	1.50	1.25	
PLASTERERS:					
Allegan County (Casco, Clyde Ganges and Lee Townships) and Berrien County	11.75	.95	1.05		
Remainder of Allegan County and Remaining Counties	12.22	.80	1.00		.03
PLUMBERS:					
Allegan County (Northern Tier Townships)	14.89	.85	1.30		.02
Allegan County (Remainder) and Kalamazoo County	16.04	.80	1.85		

PLUMBERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Berrien County (except of Niles and vicinity)	15.82	1.82	.90		.02
City of Niles and Vicinity in Berrien County	14.78	.75	.95		.10
Calhoun County and Bellevue, Olivet, Hastings and Charlotte in Eaton County	15.07	1.56	1.50		
Clinton and Ingham Counties and Sunfeild, Roxamd, Oneida, Delata and Windson Townships in Eaton County	15.43	1.30	2.00		.10
Jackson County	15.55	1.65	1.72		.05
ROOFERS:					
Jackson County					
Composition	13.57	1.20	.75	1.25	.10
Slate & Tile	14.88	1.20	.75	1.25	.10
Allegan County					
Built-Up	8.65	.90	.35	1.20	
Slate, Tile & Asbestos	8.90	.90	.35	1.20	
Calhoun and Kalamazoo Cos:					
Composition	12.20			.35	
Slate, Tile & Asbestos	12.45			.35	
Clinton, Eaton and Ingham Cos.	10.20		.70	.70	
Berrien County					
Comp., Damp & Waterproof	12.75	.60	.50		.03
Slate, Tile & Asbestos	13.27	.60	.50		.03
SOFT FLOOR LAYERS:					
Allegan, Berrien (except Chickming, New Buffalo and Three Oaks Townships), Calhoun, Kalamazoo Cos. and Bellevue, Vermontville, Kalamo & Walton Townships in Eaton County	11.69	.85	1.00		.01
Clinton and Hingham Cos. and remainder of Eaton County	11.82	.75	.90		.01
Jackson county	14.62	.85	1.00		.05
Chickaming, 3 Oaks & New Buffalo Twps. in Berrien Cos.	14.90	1.05	1.00		.15
SHEET METAL WORKERS:					
Berrien County	12.88	.75	.615		.07
Remaining Counties	15.47	1.25	1.89		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
SPRINKLER FITTERS	$15.65	.95	1.40		.08
TRUCK DRIERS:					
Allegan, Berrien and Kalamazoo Counties:					
8 cu yds. & under	8.84	b24.00	b22.00		
8 cu yds. & over	9.00	b24.00	b22.00		
Low Boys Semis	9.11	b24.00	b22.00		
Calhoun County	7.95	b21.00	b12.00	.20	
Less than 8 cu. yds. 8 cu. yds. and over; Semi Tandem	7.95	b21.00	b12.00	.20	
	8.05	b21.00	b12.00	.20	
Clinton, Eaton and Ingham Cos. 8 cu yds. & under	8.61	b34.00	b37.00	c	
Truck Drivers on dump trucks 8 cu. yds. Capacity and over pole trailers	8.71	b34.00	b37.00	c	
Low boys drivers; Double bottom drivers	8.81	b34.00	b37.00	c	
Jackson County	5.95	b24.00	b22.00		

Welders receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

PAID HOLIDAYS (WHERE APPLICABLE)

A-new Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years, 6% contribution for more than 5 years, plus 7 paid holidays - A through G

b. Per week, Per employee

c. One year's service, one week vacation; 3 years service, two weeks vacation

LABORERS: Allegan, Berrien, Calhoun and Kalamazoo Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP 1	$ 9.95	.75	.65	.55	.04
GROUP 2	10.10	.75	.65	.55	.04
GROUP 3	10.20	.75	.65	.55	.04
GROUP 4	10.45	.75	.65	.55	.04
Clinton, Eaton and Ingham Counties					
GROUP 1	11.35	.75	.65	a	.04
GROUP 2	11.43	.75	.65	a	.04
GROUP 3	11.49	.75	.65	a	.04
GROUP 4	11.64	.75	.65	a	.04
GROUP 5	11.59	.75	.65	a	.04
GRPUP 6	11.71	.75	.65	a	.04
GROUP 7	11.965	.75	.65	a	.04
Jackson County					
GROUP 1	11.33	.75	.65		.04
GROUP 2	11.95	.75	.65		.04

LABORERS:

Allegan, Berrien, Calhoun and Kalamazzo Counties
Group 1 - All construction laborers on buildings and Heavy Construction Pumps and Well Wheels
Group 2 - Plasterer Tenders, Material Mixers, Operators of Portable Mixers; Air, Electric or Gasoline Tools; Motor Driven Buggies; Swing Scaffolds
Group 3 - Jackhammer Oprs., Crocklayers & Caisson Workers in Building
Group 4 - Top men on Chimney or Towers over 30' in height
Clinton, Eaton and Igham Counties
Group 1 - Building Laborers
Group 2 - Mortar Mixers, hand or machine
Group 3 - Plasterer Tenders; Portable concrete mixer Opr., (14 and under); Air, Electric or Gasoline Tools; Tar Kettle tenders; Gasoline vibrators; Concrete gas buggies; concrete saw; Signal men and top men
Group 4 - Tunnel men; concrete shovelers; Car pushers, etc.
Group 5 - Windlass Operator (on caisson work)
Group 6 - Crock Layers (or pipe layers); Caisson workers; Tunnel muckers
Group 7 - Tunnel Miners
Jackson County
Group 1- General Laborer
Group 2- Jackhammer and Acetylene Torch

FOOTNOTE:
a. - 5.00 per day

LC ZONE I

LINE CONSTRUCTION WILLIAMSTON, LOCKE, LEROY, WHEATFIELD & WHITE OAK TOWNSHIPS IN INGHAM COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
Linemen - Technician	$17.58	1.50	11%		4%
Cable Splicer	18.32	1.50	11%		4%
Combination Equipment Oprs. & Groundman	14.14	1.50	11%		4%
Combination Driver & Groundmen	13.32	1.50	11%		4%
Groundman	12.29	1.50	11%		4%

LC ZONE II

LINE CONSTRUCTION: ZONE II REMAINING COS: & THE REMAINDER OF INGHAM COS.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
Lineman; - Technician	13.72	.45	3%+4%	a+5%	.5%
Cable Splicer	14.28	.45	3%+4%	a+5%	.5%
Combination Digger Oprs., Tractor Oprs., Groundman	10.72	.45	3%+4%	a+5%	.5%
Light Equipment Opr., Groundman; Distribution Line					
Truck Driver Operator - Groundman	9.42	.45	3%+4%	a+5%	.5%
Combination Winch Truck Driver Groundman:	8.99	.45	3%+4%	a+5%	.5%
Combination Truck Driver Groundman	7.62	.45	3%+4%	a+5%	.5%

FOOTNOTE:

a. 7 paid Holiday; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	$16.20	1.15	*2.10		.10
CLASS B	14.55	1.15	*2.10		.10
CLASS C	15.45	1.15	*2.10		.10
CLASS D	13.85	1.15	*2.10		.10
CLASS E	13.55	1.15	*2.10		.10
CLASS F	12.15	1.15	*2.10		.10
CLASS G	11.30	1.15	*2.10		.10

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D- Air Tugger (single drum), Material Hoist, Boiler Oprs., Sweeping Machine, Winch Truck, Bob Cat & Similar type equipment, Fork Truck (over 30' lift)

CLASS E - Pump 6" or over, Well Points, Freeze systems, Boom truck (non Swinging) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Firemen & Heater operator

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION CLINTON, INGHAM & JACKSON COS.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	$17.24	1.15	*2.10	13%	.10
CLASS B	17.00	1.15	*2.10	13%	.10
CLASS C	16.04	1.15	*2.10	13%	.10
CLASS D	15.82	1.15	*2.10	13%	.10
CLASS E	12.85	1.15	*2.10	13%	.10
CLASS F	11.69	1.15	*2.10	13%	.10

CLASS A - Engineer when operation combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140" or longer Tower crane & derrick operator (where operators work stations is 501 or more above first sub level)
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A	$16.55	1.15	*2.10		.10
CLASS B	16.30	1.15	*2.10		.10
CLASS C	15.80	1.15	*2.10		.10
CLASS D	14.20	1.15	*2.10		.10
CLASS E	12.85	1.15	*2.10		.10
CLASS F	11.50	1.15	*2.10		.10

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes, gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane, dozer, loader; hoist, straddle wagon, Jab mechanic
CLASS D - Air tugger (single drum); material hoist, pump 6" or or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

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MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION CALHOUN, CLINTON, EATON INGHAM & JACKSON COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.88	1.05	*1.80	12%	.10
CLASS II	12.63	1.05	*1.80	12%	.10
CLASS III	11.97	1.05	*1.80	12%	.10
CLASS IV	11.46	1.05	*1.80	12%	.10

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe, calmshell, trencher (over 8" digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom), tractor(pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ cu. yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete),roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

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MICH-9-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS I	$11.35	1.05	*1.80	12%	.10
CLASS II	10.96	1.05	*1.80	12%	.10
CLASS III	10.51	1.05	*1.80	12%	.10
CLASS IV	10.26	1.05	*1.80	12%	.10

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8" digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade or over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom) tractor (neu-tired, other than backhoe or front endloader, crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min, or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ cu. yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - including compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4"discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: See Below
DECISION No. MI81-2035 DATE: Date of Publication
Supersedes Decision No. MI80-2066, dated August 22, 1980 in 45 FR 56290
DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction Projects.

COUNTIES: Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac Shiawassee & Tuscola	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
St. Clair County	$15.44	1.575	1.775	.40	.07
Remainder of Counties	14.04	1.20	1.89		.05
BOILERMAKERS	14.67	1.38	1.45	2.00	
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee Cos.					
Bricklayers & Stonemasons	15.05	.90	1.65		
Marble-Tile-Terrazzo Workers	13.50	.90	1.65		
St. Clair & Sanilac Counties					
Bricklayers & Stonemasons	15.68	1.40	1.30		
Marble Setters	14.61	1.00	1.75		
Terrazzo Workers	12.42	1.00	1.40		
Tile Setters	14.13	1.00	1.75		
Remainder of Counties					
Bricklayers & Stonemasons	14.02	1.05	1.15		
Marble-Tile-Terrazzo Workers	13.69		.40		
CARPENTERS:					
Sanilac (Except the West 5 Miles & St. Clair Counties:					
Carpenters & Piledrivermen	12.78	1.00	11%	11%	.04
Soft Floor layers	13.83	1.25	8%	10%	
Remainder of Counties & the West 5 Miles of Sanilac County:					
Carpenters & Piledrivermen	13.15	.75	.90		.02
Soft Floor Layers	11.82	.75	.90		.01
CEMENT MASONS:					
St. Clair & Sanilac Counties	14.80	1.60	1.40		
Lapeer County	13.70	.90	1.65		
Genesee & Shiawassee Counties	12.80	.90	1.25		.02
Remainder of Counties					
Cement Masonry on sidewalks, curbs & gutters not related to highway, road and street construction	13.32	1.05	1.15		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS:					
Iosco County; Northern ½ of Co., Contracts over $35,000	$13.30	.75	3%+.30		1/10of1%
Contracts under $35,000	11.35	.75	3%+.30		1/10of1%
Bay Co., & Southern ½ of Iosco co.,	14.51	.75	3%+.81		½ of 1%
Genesee, Lapeer & Shiawassee Cos.,	15.81	.75	3%+11%		.01
Saginaw & Tuscola Co.,	15.05	1.05	3%+1.50		½ of 1%
Remainder of Counties	16.20	1.65	3%+1.20		.06
ELEVATOR CONSTRUCTORS:					
St. Clair County:					
Constructors	15.29	1.20	.82	a	.035
Helpers	70%JR	1.20	.82	a	.035
Remainder of Counties:					
Constructors	14.02	.745	.56	a	.025
Helpers	70%JR	.745	.56	a	.025
GLAZIERS:					
Genesee, Lapeer & Shiawassee Cos.,	9.00	1.14	1.14		
St. Clair County	14.69	.85	1.45		
Bay, Huron, Isoco, Tuscola & Saginaw Cos.,	9.15		.50	.25	.01
IRONWORKERS:					
Structural & Ornamental	14.98	11%	18%	18%	.09
Reinforcing	13.08	1.98	19%	19%	.64%
Fence Erectors	12.80	9%	17%	18%	.09
LABORERS:					
Iosco County; Unskilled Mortar & Plaster Mixers, Sewer & Caisson Workers,	7.35	.65	.35	.55	.04
Plasterer Tenders,	7.50	.65	.35	.55	.04
Cement Gun Nozzlemen	7.95	.65	.35	.55	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Saginaw & Genesee Counties	$13.91	1.06	1.00		.01
PAINTERS:					
Bay, Iosco Cos., Huron (West of M-53) Cos., & the Townships of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta, & Wisner in Tuscola County:					
Commercial - Old	11.95	.65	.90		
Commercial - New	12.55	.65	.90		
Industrial	13.35	.65	.90		
Spray & Sandblasting	13.40	.65	.90		
Saginaw Cos., & the Remainder of Tuscola County:					
Brush	11.20		1.05		.02
Spray	11.95		1.05		.02
Genesee, Lapeer, & Shiawassee Cos.,	12.20	1.00	.95		20.00p/mo.
Western ½ of Shiawassee Cos Huron (East of Hwy 53)	14.30	.65	.40		.0025
St. Clair & Sanilac Cos., Commercial & Industrial					
Brush	15.71	.75	1.00		.02
Sandblast & Spray	16.71	.75	1.00		.02
PLASTERERS:					
Lapeer County	13.95	.90	1.65		
Bay, Huron, Iosco, Saginaw & Tuscola Counties	13.13	.88	.20		
Genesee & Shiawassee Cos.	12.22	.80	1.00		.03
St. Clair & Sanilac Cos.,	15.08	1.60	1.40		
PLUMBERS AND STEAMFITTERS:					
Bay, Iosco., N. ½ of Tuscola & the NW ¼ of Huron (running from the Port Autin south to Sanilac County line)	14.12	1.30	1.00		.01
Genesee, Lapeer & Shiawassee Cos.,	15.04	1.17	1.70		.03
Saginaw & S. ½ of Tuscola (including Carco, Washjamerga and South of the Lapeer County line Cos.,	14.12	1.09	1.75	1.25	.10
Remainder of Huron Cos., St. Clair & Sanilac Cos.,	14.15	1.65	1.80	1.69	.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Bay, Iosco, Saginaw & Tuscola Cos.,	$11.95	1.05	.60		
Genesee, Lapeer & Shiawassee Cos., Composition	13.68	.80	1.00		.02
Slate & Tile	14.03	.80	1.00		.02
St. Clair, Sanilac & Huron Cos.,	10.20				
SHEET METAL WORKERS:					
Bay, Iosco, Huron, Saginaw & Tuscola Counties	15.53	1.00	1.20		.06
Genesee, Lapeer & Shiawassee Cos.,	14.63	.89	1.40	1.00	.04
St. Clair & Sanilac Cos.	13.205	2.33	2.49	1.45	.12
SPRINKLER FITTERS	15.65	.95	1.40		.08
TRUCK DRIVERS:					
Bay, Iosco, Saginaw & Tuscola					
Under 8 cubic yards	9.40	b34.00	b37.00	.50	
8 cu. yds. & over	9.50	b34.00	b37.00	.50	
Euclid Type Equipment	9.70	b34.00	b37.00	.50	
Genessee, Lapeer & Shiawassee	9.60	b32.50	b37.00		
Huron, St. Clair & Sanilac					
Pole Trailers, Low Boys Stradddle Carriers, Double Bottoms & Special Load Permit Drivers	11.30	b32.50	b37.00		
Semi Drivers	11.20	b32.50	b37.00		
All Other Truck Drivers	11.05	b32.50	b37.00		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:

a. 7 paid Holiday; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day. plus employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 6% for employees in business less than 5 years.

b. Per week; Per Employee, (plus $3.00 per week - optical & dental H&W T/D in Bay, Iosco, Saginaw & Tuscola Cos. - only)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bay, Huron, Saginaw & Tuscola Counties					
CLASS A	$ 11.24	.75	.65		.04
CLASS B	11.36	.75	.65		.04
CLASS C	11.44	.75	.65		.04
CLASS D	12.01	.75	.65		.04
Genesee, Lapeer & Shiawassee Cos.,					
CLASS A	11.56	.75	.95		.04
CLASS B	11.71	.75	.95		.04
CLASS C	11.81	.75	.95		.04
CLASS D	11.91	.75	.95		.04
CLASS E	12.16	.75	.95		.04
St. Clair & Sanilac Counties:					
CLASS 1	13.40	.75	.65		.04
CLASS 2	13.52	.75	.65		.04
CLASS 3	13.65	.75	.65		.04
CLASS 4	13.57	.75	.65		.04
CLASS 5	13.75	.75	.65		.04

LABORERS:

Bay, Huron, Saginaw & Tuscola Counties

CLASS A - All Construction Laborers on Building & Heavy Construction not specified in classes. B, C, & D, below; Also includes pumps with a 3" or less discharge and not hooked up in a battery; Mechanized Buggy Operator & Mortar Mixer when done by hand.

CLASS B - Mechanized Mortar Mixers; Air, electric and gas driven tools; vibrators

CLASS C - Air or Electric driven pavement Breakers; Plasterers Tenders; Plaster Mixers; Crock and/or Pipelayers; Signal Men & Top Man; Windlass and Tugger Operator; Caisson Worker

CLASS D - Drillers & Plasters; Burners

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LABORERS (CONT'D)

Genesee, Lapeer & Shiawassee Counties

CLASS A - Construction Laborers not specified in Classes B & E below

CLASS B - Mortar Mixer (includes concrete mixer ½ cu. yds. or smaller); Signal Men & Top men (on caisson work; Air, Gasoline or Electric Tool Operators.

CLASS C - Jackhammer & Air Spade; Tunnel Men Windlass Operators (on caisson work); Burner

CLASS D - Crock or Pipe Layers; Conduit and any Vertified Tile except 4" drain tile around Building; Caisson Workers & Tunnel Muckers

CLASS E - Tunnel Miners

St. Clair & Sanilac Counties

GROUP 1 - General Laborers; Mason Tenders; all Demolition Laborers

GROUP 2 - Mortar Mixers (Hand or Machine)

GROUP 3 - Air, Electric, Gas, Tool, Pump Operators

GROUP 4 - Concrete Gas Buggies; Concrete Saw Operators, Plasterers Tenders

GROUP 5 - Crock or Pipelayers - caisson workers in buildings

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LC-ZONE-I

LINE CONSTRUCTION HURON, LAPEER, ST. CLAIR, SANILAC & TUSCOLA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$17.58	1.50	11%		½%
Cable Splicer	18.32	1.50	11%		½%
Combination equipment Operator & Groundman	14.14	1.50	11%		½%
Combination Driver-Groundman	13.32	1.50	11%		½%
Groundman	12.29	1.50	11%		½%

LC-ZONE-II

LINE CONSTRUCTION: ZONE II BAY, IOSCO, GENESEE, SAGINAW & SHIAWASSEE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technician	$13.72	.45	3%+4%	a+5%	.5%
Cable Splicer	14.28	.45	3%+4%	a+5%	.5%
Combination Digger Operator Tractor Operator Groudman	10.72	.45	3%+4%	a+5%	.5%
Light Equipment Operator Groundman: Distribution Line Truck Driver Operator Groundman	9.42	.45	3%+4%	a+5%	.5%
Combination Winch Truck	8.99	.45	3%+4%	a+5%	.5%
Combination Truck Driver Groundman	7.62	.45	3%+4%	a+5%	.5%

FOOTNOTE:

a. 7 paid Holiday; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION ST. CLAIR COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$16.34	1.15	*2.10	12%	.10
CLASS B	16.12	1.15	*2.10	12%	.10
CLASS C	15.56	1.15	*2.10	12%	.10
CLASS D	15.08	1.15	*2.10	12%	.10
CLASS E	14.71	1.15	*2.10	12%	.10
CLASS F	12.46	1.15	*2.10	12%	.10
CLASS G	11.64	1.15	*2.10	12%	

CLASS A - Crane with boom & jib or leads 220' or longer
CLASS B - Crane with boom and jib or leads 140' or longer
CLASS C - Crane with boom and jib 120' or longer
CLASS D - Crane Operator
CLASS E - Regular Engineer
CLASS F - Engineer when operting compressor or welding machine
CLASS G - Fireman or Oiler

ICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	17.24	1.15	*2.10	13%	.10
CLASS B	17.00	1.15	*2.10	13%	.10
CLASS C	16.04	1.15	*2.10	13%	.10
CLASS D	15.82	1.15	*2.10	13%	.10
CLASS E	12.85	1.15	*2.10	13%	.10
CLASS F	11.69	1.15	*2.10	13%	

CLASS A - Engineer when operating combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom jib 140' or longer Tower crane & derrick operator (where operators work stations is 50' or more above first sub level
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$16.20	1.15	*2.10		.10
CLASS B	15.95	1.15	*2.10		.10
CLASS C	15.45	1.15	*2.10		.10
CLASS D	13.85	1.15	*2.10		.10
CLASS E	13.55	1.15	*2.10		.10
CLASS F	12.15	1.15	*2.10		.10
CLASS G	11.30	1.15	*2.10		.10

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Oprs., Sweeping Machine, winch Truck, Bob Cat & Similar type equipment, Fork Truck (over 20' lift

CLASS E - Pump 6" or over, Well Points, Freese systems, Boom truck (non Swinging Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Firemen & Heater Operator

MICH-9-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION IOSCO COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 11.35	1.05	*1.80	12%	.10
CLASS II	10.96	1.05	*1.80	12%	.10
CLASS III	10.51	1.05	*1.80	12%	.10
CLASS IV	10.26	1.05	*1.80	12%	.10

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8" digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade or over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1¼ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom) tractor (neu-tired, other than backhoe or front endloader, crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min, or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ¼ cu. yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - including compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4"discharge if used 1 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

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MICH-8-PEO-11

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.88	1.05	*1.80	12%	.10
CLASS II	12.63	1.05	*1.80	12%	.10
CLASS III	11.97	1.05	*1.80	12%	.10
CLASS IV	11.46	1.05	*1.80	12%	.10

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8" digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade or over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1¼ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom) tractor (neu-tired, other than backhoe or front endloader, crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min, or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum 4 cu. yd. or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - including compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4"discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: *See Below
DECISION No. MI81-2032
DATE: Date of Publication
Supersedes Decision No.: MI80-2068 dated August 22, 1980 in 45 FR 56[illegible]
DESCRIPTION OF WORK: Building Construction (including Residential) and Heavy (Excluding Bridge, Airport and Sewer) Construction Projects.

*Counties: Macomb, Monroe, Oakland, Washtenaw & Wayne

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr
ASBESTOS WORKERS:					
Monroe County	$16.95	.60	1.70		.03
Twps. of Bridgewater, Dexter, Freedom, Lima, Lydon, Manchester, Sharon & Sylvan in Washtenaw County	14.09	1.20	1.89		
Remainder of Counties & the Remainder of Washtenaw County	15.44	1.575	1.775	.40	.07
BOILERMAKERS:					
Monroe County	17.90	1.275	1.50		.28
Remainder of Counties	14.67	1.38	1.45	2.00	.05
BRICKLAYERS & STONEMASONS:					
West of Hwy #23 in Monroe Cos.	14.88	1.16	.55		.05
Washtenaw County	17.07		1.50		.03
Remainder of Counties & East of Hwy. #23 in Monroe County	17.40	.50	1.45		.06
CARPENTERS & PILEDRIVERMEN					
Washtenaw County	14.14	.75	.90		.05
Remainder of Counties	12.78	1.00	11%	11%	.04
CEMENT MASONS:					
South of Hwy. #151 in Monroe County	14.50	.70	1.40		.02
Washtenaw County	17.07		1.50		.02
Remainder of Counties & North of Hwy. #151 in Monroe County	13.74	1.50	2.02	1.72	.02
ELECTRICIANS:					
Washtenaw County	13.07	1.00+4%	3%+.70	10%	.26
Monroe County:					
Building	15.30	.85	3%+.95		.3%
Residential	9.14	.85	3%+.95		.3%
Remainder of Counties:					
Building	16.20	1.65	3%+1.20		.06
Residential	16.20	1.65	3%+1.20		.06

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Monroe County:					
Constructors	$15.23	1.195	.95	a	.035
Helpers	70%JR	1.195	.95	a	.035
Washtenaw County					
Constructors	15.14	1.195	.95	a	.035
Helpers	70%JR	1.195	.95	a	.035
Remainder of Counties					
Constructors	15.29	1.20	.82	a	.035
Helpers	70%JR	1.20	.82	a	.035
GLAZIERS	14.69	.80	1.45		
IRONWORKERS:					
Monroe County	16.58	1.06	1.82		.09
Remainder of Counties:					
Structural & Ornamental	14.98	11%	18%	18%	.09
Reinforcing	13.08	1.98	19%	19%	.64%
Fence Erectors	12.80	9%	17%	18%	.09
Riggers & Machinery Erectors	12.20	2.14	3.65	18%	.10
LABORERS: (BUILDING, RESIDENTIAL & HEAVY)					
Monroe County:					
Construction Laborer & Capenter Tender	14.28	.75	.50		.04
Mortar Mixer, Mason & Plaster Tender,	14.48	.75	.50		.04
LATHERS:					
Monroe County; excluding s/w corner-eastern portion of Washtenaw County & Remainder of Counties	12.08	1.62	1.07		.04
MILLWRIGHTS:					
Washtenaw County	14.14	.75	.90		.05
Remainder of Counties	15.19	1.216	14.5%	22.5%	.11

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
MARBLE MASONS:					
Washtenaw County	$17.07		1.50		.02
Remainder of Counties:					
Marble Mason	14.61	1.00	1.75		
Marble Mason Finishers	12.40	1.30	1.30		
PAINTERS:					
Brush - Roller	13.25	1.25	1.50	1.25	
Spray	13.87%	1.25	1.50	1.25	
Drywall Tapers	12.35	1.01	1.35	1.15	
PLASTERERS:					
South of Hwy. #151 in Monroe Cos.	18.02	.70			.01
Washtenaw County	17.07		1.50		.02
Remainder of Counties & Remainder of Monroe Cos.	15.60	1.00	1.00		
PLUMBER & STEAMFITTERS:					
Monroe County	16.89	1.16	1.92		.17
Washtenaw County	13.53	1.25	.85		.05
Remainder of Counties:					
Plumbers	14.15	1.65	1.80	1.69	.08
Pipefitters	15.00	2.10	1.91	2.00	.05
ROOFERS:					
Monroe County	15.95	1.06	2.00		.03
Washtenaw County:					
Composition	13.57	1.20	.75	1.25	.10
Slate	14.88	1.20	.75	1.25	.10
Remainder of Counties:					
Composition	15.53	1.15	1.30	1.50	
Slate	16.53	1.15	1.30	1.50	
SHEET METAL WORKERS:					
Monroe County	16.145	1.06	2.18		.075
Remainder of Counties	13.205	2.33	2.49	1.45	.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Washtenaw County	14.14	.75	.90		.05
Remainder of Counties	13.83	1.25	8%	10%	
SOUND & COMMUNICATION WORKERS:					
Wayne, Oakland & Macomb Cos:					
Electrical Technician	8.28	b1.60	b6.00		
Electrical Technician Jr.	6.86	b1.60	b6.00		
SPRINKLER FITTERS:					
Monroe County	15.65	.95	1.40		.08
Remainder of Counties	16.765	1.45	1.20		.10
TILE & TERRAZZO WORKERS:					
Washtenaw County	17.07		1.50		.02
Remainder of Counties:					
Terrazzo Workers	12.42	1.00	1.40		
Terrazzo Workers' Finisher	14.43	1.00	1.00		
Tile Setters	14.13	1.00	1.75		
Tile Setters' Finishers	12.40	1.30	1.50		
TRUCK DRIVERS: Building, Heavy & Residential Construction Pole Trailer; Low Boys; Stradle Carrier; Double Bottoms & special Load Permits	11.30	b32.50	b37.00		
Semi Drivers	11.20	b32.50	b37.00		
All Other Truck Drivers	11.05	b32.50	b37.00		
TRUCK DRIVERS: Underground Construction					
Truck Drivers (Except dump trucks of 8 cu. yd. capacity or over, pole trailers, semis, low boys, Euclid, double bottom & Fuel trucks	10.31	b36.50	b37.00		
Truck Drivers on dump trucks 8 cu, yds. capacity or over, Pole trailers, semis & fuel trucks	10.44	b36.50	b37.00		
Low boys, Euclid & double bottom driver	10.64	b36.50	b37.00		

FOOTNOTES: a. 7 Paid Holidays-New Years Day-Memorial Day-Independence Day-Labor Day Thanksgiving Day-Day after Thanksgiving-Christmas Day plus Employer contributes 8% or Regular Hourly Rate to Vacation Pay Credit for employee who has worked in Business more than 5 years & 6% for employees in business less than 5 years.
b. Per Week; Per Employee

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS BUILDING, RESIDENTIAL & HEAVY					
Washtenaw County:					
GROUP 1	$10.89	.75	.50	1.25	.04
GROUP 2	11.09	.75	.50	1.25	.04
GROUP 3	11.21	.75	.50	1.25	.04
Wayne, Oakland & Macomb Cos:					
GROUP 1	11.84	1.20	1.35	1.60	.04
GROUP 2	11.92	1.20	1.35	1.60	.04
GROUP 3	12.09	1.20	1.35	1.60	.04
GROUP 4	12.07	1.20	1.35	1.60	.04
GROUP 5	12.34	1.20	1.35	1.60	.04
GROUP 6	12.17	1.20	1.35	1.60	.04
GROUP 7	12.22	1.20	1.35	1.60	.04
GROUP 8	12.59	1.20	1.35	1.60	.04

LABORERS: BUILDING, RESIDENTIAL & HEAVY
Washtenaw Co.:

GROUP 1 - All Construction Laborers not specified below
GROUP 2 - Mortar mixers; Material Mixers (hand or machine) Air, Gas, Electric Tool Oprs., Power Buggie Oprs., Scaffold Building or Dismantler; Windlass Oprs., Tar and Kettle Oprs.,
GROUP 3 - Crock or Pipe Layers; Caisson Workers

Wayne, Oakland & Macomb Counties:

GROUP 1 - All Construction Laborers not specified below
GROUP 2 - Mortar Mixers, Scaffold Builders
GROUP 3 - Signal men, Air gas or electric tool oprs., Windlass and Tugger Opr., Jackhammer & Vibrator Opr.,
GROUP 4 - Crock grade man
GROUP 5 - Furnace Battery Heater Helper
GROUP 6 - Crock and Pipe Layers
GROUP 7 - Caisson Workers
GROUP 8 - Lansing Burners, Blasters, Powderman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: OPEN CUT CONSTRUCTION WASHTENAW COUNTY					
CLASS 1	$10.01	.75	.50	.65	.04
CLASS 2	10.09	.75	.50	.65	.04
CLASS 3	10.14	.75	.50	.65	.04
CLASS 4	10.19	.75	.50	.65	.04
CLASS 5	10.24	.75	.50	.65	.04
WAYNE, OAKLAND, & MACOMB COS:					
CLASS 1	10.06	1.10	1.15	1.15	.04
CLASS 2	10.14	1.10	1.15	1.15	.04
CLASS 3	10.19	1.10	1.15	1.15	.04
CLASS 4	10.24	1.10	1.15	1.15	.04
CLASS 5	10.29	1.10	1.15	1.15	.04
MONROE COUNTY					
CLASS 1	10.02	.75	.50	.65	.04
CLASS 2	10.12	.75	.50	.65	.04
CLASS 3	10.22	.75	.50	.65	.04
CLASS 4	10.27	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04

CLASS 1 - Construction Laborer
CLASS 2 - Mortar, & Material Mixers, Concrete Form Man, Signal Man, Wheel Pmint Man, Manhole, Headwall & Catch Basin Building, Guard Rail Builders & Fence Erectors.
CLASS 3 - Air, gasoline, Electric Tool Oprs., Vibrator Oprs., Drillers, Pumpman Tar kettle Oprs., bracers, rodder, Reinforced Steel or Mesh (under 40 H.P.) Windlass & Tugger Man
CLASS 4 - Trench Excavating Grade Man
CLASS 5 - Pipelayer

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION WASHTENAW & MONROE COUNTIES					
CLASS 1	$10.76	.75	.50	.65	.04
CLASS 2	10.84	.75	.50	.65	.04
CLASS 3	10.89	.75	.50	.65	.04
CLASS 4	11.04	.75	.50	.65	.04
CLASS 5	11.24	.75	.50	.65	.04
CLASS 6	11.49	.75	.50	.65	.04
Wayne, Oakland & Macomb Cos:					
CLASS 1	10.12	1.10	1.15	1.15	.04
CLASS 2	10.20	1.10	1.15	1.15	.04
CLASS 3	10.25	1.10	1.15	1.15	.04
CLASS 4	10.40	1.10	1.15	1.15	.04
CLASS 5	10.60	1.10	1.15	1.15	.04
CLASS 6	10.85	1.10	1.15	1.15	.04

CLASS 1 - Tunnel, Shaft & Caisson laborer, dump man Shanty man, Hog house tender, Testing Man (on gas)
CLASS 2 - Manhole, Headwall catch basin builder, Bricklayers Tender, Mortar man, Material mixer, fence Erector & Guard rail Builder
CLASS 3 - Air Tool oprs., (Jackhammer man, Bruch Hammer man & Grinding Man) First Bottom man, Second bottom man, Cage Tender, Car pusher, carrier man, Concrete man, concrete form man, Concrete repair man, Cement invert laborer, Cement finisher, concrete shoveler, conveyor man, Floor man, Gasoline & Electric Tool Oprs., Gunnite man, grout Opr., Heading dinky man, inside lock tender, pea gravel opr., pump man, outside lock tender, Vibrator man, top signal man switch man, track man, Tugger man, Utility man, Vibrator man, top signal man, switch man, track man, Tugger man, Utility man, Vibrator man, Winch Opr., concrete saw opr., (under 40 H.P.)
CLASS 4 - Tunnel, shaft & Caisson mucker, Bracer man, Under Plate man, Long Haul Dinky driver & well point man
CLASS 5 - Tunnel, shaft, & Cassion Miner, Driller Runner, Key board Opr., Power Knife Opr., reinfornced steel or mesh man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)
CLASS 6 - Dynamite man & Powerman

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LANDSCAPE LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS "A" Landscape Specialist, including air, gas, diesel, electric tool and/or equipment	$ 8.35				
CLASS "B" Landscape Laborers, Truck Drivers, Material Haulers & Small Power Equipment	6.36				

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LINE CONSTRUCTION Wayne, Macomb & Remainder of Washtenaw, Monroe & Oakland Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$ 17.58	1.50	11%		½%
Cable splicers	18.32	1.50	11%		½%
Combination Equipment Oprs. & Groundman	14.14	1.50	11%		½%
Combination Driver-Groundman	13.32	1.50	11%		½%
Groundman	12.29	1.50	11%		½%
LINE CONSTRUCTION: Twys. of Lyndon, Manchester Sharon & Sylvan in Washtenaw Cos., Twps. of Bedford, Erie LaSalle & Whiteford in Monroe County-Twp. of Holly in Oakland Cos., Lineman; Technician	13.72	.45	3%+4%	a+5%	.5%
Cable Splicers	14.28	.45	3%+4%	a+5%	.5%
Combination Digger Operator: Tractor Operator Groundman:	10.72	.45	3%+4%	a+5%	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Opr., Groundman	9.42	.45	3%+4%	a+5%	.5%
Combination Winch Truck Driver Groundman:	8.99	.45	3%+4%	a+5%	.5%
Combination Truck Driver Groundman	7.62	.45	3%+4%	a+5%	.5%

FOOTNOTE:

a. 7 paid Holiday; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$16.34	1.15	*2.10	12%	.10
CLASS B	16.12	1.15	*2.10	12%	.10
CLASS C	15.56	1.15	*2.10	12%	.10
CLASS D	15.08	1.15	*2.10	12%	.10
CLASS E	14.71	1.15	*2.10	12%	.10
CLASS F	12.46	1.15	*2.10	12%	.10
CLASS G	11.64	1.15	*2.10	12%	

CLASS A - Crane with boom & jib or leads 220' or longer
CLASS B - Crane with boom & jib or leads 140' or longer
CLASS C - Crane with boom & jib 120' or longer
CLASS D - Regular Crane Operator
CLASS E - Regular Engineer
CLASS F - Engineer when operating compressor or welding machine
CLASS G - Firemen or oiler

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$17.24	1.15	*2.10	12%	.10
CLASS B	18.12	1.15	*2.10	12%	.10
CLASS C	17.00	1.15	*2.10	12%	.10
CLASS D	17.88	1.15	*2.10	12%	.10
CLASS E	16.35	1.15	*2.10	12%	
CLASS F	17.24	1.15	*2.10	12%	

CLASS A - Engineer when operation combination of boom jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib or longer tower crane & derrick operator (where operators work stations is 501 or more above first sub level)
CLASS C - Crane operator job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

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POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.88	1.05	*1.80	12%	.10
CLASS II	12.63	1.05	*1.80	12%	.10
CLASS III	11.97	1.05	*1.80	12%	.10
CLASS IV	11.46	1.05	*1.80	12%	.10

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip from paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ yd or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. P. or over)

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Claiborne, Copiah, Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren, & Yazoo

DECISION NUMBER: MS81-1262 DATE: Date of Publication

Supersedes Decision No.: MS81-1158, January 6, 1981 in 46 FR 1527

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.46				
BRICKLAYERS	7.64				
CARPENTERS	6.00				
DRYWALL FINISHERS	7.07				
DRYWALL HANGERS	6.59				
CEMENT MASONS	6.34				
ELECTRICIANS	7.28				
FORMSETTERS	5.30				
INSULATORS	4.69				
LABORERS:					
Mortar mixers	5.00				
Unskilled	4.15				
PAINTERS:					
Brush	5.80				
Spray	9.25				
PLASTERERS	8.95				
PLUMBERS & PIPEFITTERS	7.90				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.10				
Bulldozer	6.15				
Front End Loader	7.27				
Concrete Pump	6.25				
Motor Grader	5.94				
Roller	5.79				
Tractor	4.49				
Trenching Machine	7.55				
ROOFERS	5.12				
SHEET METAL WORKERS	5.86				
SOFT FLOOR LAYERS	5.73				
TILE SETTERS	5.50				
TRUCK DRIVERS	4.15				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: Chatham, Cumberland, Harnett, Hoke, Lee, Moore, & Sampson

DECISION NUMBER: NC81-1257 DATE: Date of Publication

Supersedes Decision No. NC81-1209 dated April 24, 1981 in 46 FR 23386

DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$5.25				
BRICKLAYERS	6.69				
CARPENTERS	4.95				
CARPET LAYERS	5.50				
CEMENT MASONS	5.85				
DRYWALL FINISHER	5.00				
DRYWALL HANGER	6.30				
ELECTRICIANS	6.00				
INSULATION INSTALLER	4.34				
LABORERS:					
Unskilled	3.58				
Mason Tenders	4.25				
PAINTERS	4.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.79				
Bulldozer	4.19				
Crane	4.50				
Grader	5.00				
Loader	4.41				
Pan-Scraper	4.26				
Paver	4.85				
Roller	4.13				
Tractor	4.50				
PLUMBERS	5.51				
ROOFERS	6.64				
SHEET METAL WORKERS	6.00				
SOFT FLOOR LAYERS	5.50				
TILE SETTERS	5.51				
TRUCK DRIVERS	3.58				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA

COUNTIES: BEAUFORT, BERTIE, CHOWAN, DARE, EDGECOMBE, FRANKLIN, HALIFAX, HERTFORD, HYDE, MARTIN, NASH, NORTHAMPTON, PITT, TYRRELL, VANCE, WARREN, WASHINGTON, & WILSON.

DECISION NUMBER: NC81-1258 DATE: DATE OF PUBLICATION

Supersedes Decision Number NC81-1152, dated December 30, 1980, in 45 FR 86202.

DESCRIPTION OF WORK:

RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.87				
BRICKLAYERS	6.47				
CARPENTERS	5.00				
CEMENT MASONS	5.77				
DRYWALL FINISHERS	6.80				
DRYWALL HANGERS	6.64				
ELECTRICIANS	5.50				
INSULATION INSTALLERS	4.23				
IRONWORKERS	5.20				
LABORERS:					
Unskilled	3.76				
Pipe layers	4.55				
Asphalt rakers	4.63				
PAINTERS	5.00				
PLUMBERS & PIPEFITTERS	5.75				
ROOFERS	4.00				
SHEET METAL WORKERS	5.02				
SOFT FLOOR & CARPET LAYERS	6.00				
TILE SETTERS	7.50				
TRUCK DRIVERS	4.20				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.23				
Bulldozer	5.49				
Front end loader	5.17				
Mechanic	5.75				
Motor grader	6.00				
Pan - scraper	5.00				
Paver - screed	4.93				
Roller	4.50				

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: North Dakota COUNTIES: Statewide

DECISION NUMBER: ND81-5130 DATE: Date of Publication

Supersedes Decision No. ND80-5102 dated February 1, 1980, in 45 FR 7463

DESCRIPTION OF WORK: Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS	$ 6.50				
ELECTRICIANS:					
Cass and Grand Forks Counties	11.55	.50	3%+.50	6%	1%
Burleigh and Ward Counties	12.15	.60	3%+1.00	6%	1%
LABORERS:					
Group 1	4.00				
Group 2	4.15				
Group 3	4.30				
Group 4	4.45				

LABORERS

Group 1: General Construction Laborer; Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Tender; Carpenter Tender; Salamander Heater and Blower Tender; Flagperson

Group 2: Semi Skilled Laborer; Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, electric or pneumatic tool operator; Chipping Hammer, Grinders and Paving Brakers (tamper-dirt); Concrete Vibrator Operator; Chain Saw Operator; Concrete Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Worker; Bottom Man (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water and gas lines); Drill Runner (includes Wagon Churn or Air Track); Powderman, gunite and sandblast, Nozzleman

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.26	.45	4%		1/2%
Group 2	13.23	.45	4%		1/2%
Group 3	10.61	.45	4%		1/2%
Group 4	8.84	.45	4%		1/2%
Group 5	8.12	.45	4%		1/2%

Group 1: Journeyman Cable Splicers; Journeyman Lineman

Group 2: Tractor Dozer Operator, D-4 and larger; All rigs erecting Steel Tower and "H" fixtures, also tension pulling machines

Group 3: Groundman - operating special equipment; Hole digging Machines; Aerial Baskets on energized circuits; Tractors, D-4 and larger, Transmission Line Pole hauling; All fifth wheel trucks and other setting and assembly equipment excluding Steel Tower and "H" fixtures erection

Group 4: Groundman - Truck or Tractor Driver with Winch; Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller, including wheel Tractors and crawler tractors

Group 5: Groundman - Truck or Tractor Driver without Winch; Operators of trucks up to and including 2½ tons, and Tractors, D-4 and smaller, including Wheel Tractors and Crawler Tractors

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.22	.75	.60		
Group 2	11.05	.75	.60		
Group 3	10.88	.75	.60		
Group 4	10.82	.75	.60		
Group 5	10.53	.75	.60		
Group 6	10.26	.75	.60		
Group 7	9.18	.75	.60		
Group 8	9.00	.75	.60		
Group 9	8.88	.75	.60		
Group 10	8.48	.75	.60		

Group 1: Cableway Operator; Crane Operator with boom over 135' all types; Derrick, Guy and Stiff Leg, power, skids and stationary; Front End Loader, over 10 cu. yds.; Gantry Crane Operator; Helicopter Operator; Hole Operator including power supply to Tunnel Mucking Machine; Power Shovel or other equipment with Shovel type controls, 3¼ cu. yds. and over

Group 2: Concrete Mixer Stationary Plant Operator, over 34E; Dredge Operator or Engineer; Dredge Operator (power) and Engineer; Elevator Grader Operator; Hydro Crane Operator, 15 tons and over; Locomotive Crane Operator; Master Mechanic (if employed, shall perform manual work); Mixer, paving; Concrete Paving Operator, road; Power Shovels and other equipment with shovel type controls up to 3¼ cu. yds.; Scraper Tandem; Tandem Pusher, Quad 9 or similar; Tractor Operator (pipeline); Side Boom; Truck Crane Operator

Group 3: Dope Machine Operator (pipeline); Drill Rigs, heavy duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline Wrapping, Cleaning and Bending Machine Operator; Power actuated Horizontal Boring Machine, over 6" (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator, power driven, paving; Tandem Scraper twin engine, 50 cu. yds. struck and over

POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing, crushing and screening plant operator); Front End Loader Operator, 2 cu. yds. up to 6 cu. yds.; Grader or Motor Patrol, finishing earth work and bituminous; Mechanic or Welder (heavy duty); Rubber Tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper Operator; Tractor type or rubber tired Dozer, D-6 and over; Trenching Machine Operator, sewer and water (except Ditch Witch or similar, use Oiler rate); Turnapull Operator or similar type; Rotomill Operator

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine, Longitudinal Float Operator, Pt. Machine Operator and Spray Operator; Concrete Mixer Operator, on job site 16S or over; Paving Breaker or Tamping Machine Operator or including Machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over (when an Engineer is in charge of Crushing or Blacktop Plants with the operation of these plants no Power Plant Engineer shall be required); Push Tractor; Self-propelled Traveling Soil Stabilizer; Slip Form, Curb and Gutter Stabilizer; Truck Mechanic

Group 6: Bituminous Spreader and Bituminous Finishing Machine Operator (tender)(power); Concrete Saw Operator (multiple blade)(power operated); Distributor Operator; Fine Grade Operator; Roller, steel and self-propelled rubber, on hot mix asphalt paving; Sheepsfoot Packer with Dozer attachment; Tractor type or rubber tired Dozer under D-6 H.P.

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand) Electronic; Concrete Mixer Operator on job site, under 16S; Crane Truck Oiler; Fireman or Tank Car Heater Operator; Grader Operator (motor patrol)(haul road) Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunite Operator, Gunall; Hoist Engineer (power); Hydro Crane Operator, under 15 ton; Launchman (Tankerman or Pilot license); Oick-up Sweeper, 1 cu. and over Hopper capacity; Sheepsfoot Roller or Compactor (self-propelled); Shouldering Machine Operator (power) (Apsco or similar type) including Self-propelled Sand Chip Spreader Flaherty or similar

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Boom Truck Operator; Crawler type and/or Steiger or similar tractor pulling compaction or areating equipment; Farm type rubber tired tractor with backhoe attachment; Roller, steel and self-propelled rubber, on other than hot mix asphalt paving; Self-propelled Vibrating Packer Operator, pad type (35 HP and over); Off-road self-propelled watering equipment

Group 9: Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator, up to 1 cu. yd.; Hyster Carrier or Forklift; Leverman; Mechanic's Tender or Greader Tender; Oiler (power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, rubber tired for compacting and areating; Front End Loader Operator (farm type rubber tired tractor); Paint Machine Striping Operator; Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Single Axle	$ 7.36	.65	.35		
Tandem	7.46	.65	.35		
Agitator Dumpcrete; Lowboy; Off road heavy duty end dumps, 20 yards and under; Tandem, Semi	7.73	.65	.35		
Euclid, over 20 yards	8.41	.65	.35		

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward

DECISION NUMBER: ND81-5131

DATE: Date of Publication

Supersedes Decision No. ND80-5132 dated October 10, 1980, in 45 FR 67525

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.40	.60	.76		.01
BOILERMAKERS	13.87	1.375	1.15		.05
BRICKLAYERS; Stonemasons:*					
Area 1	11.95		.30		
Area 2	13.15		.30		
Area 3	12.70	.60	.40		
Area 4	12.20		.30		
CARPENTERS:*					
Area 1:					
Carpenters	11.87	.65			.02
Piledrivermen	12.23	.65			.02
Area 2:					
Carpenters	11.18		.50		.02
Piledrivermen	11.44		.50		.02
Area 3:					
Carpenters	11.34	.18	.50		.03
Area 4:					
Carpenters	9.83		.20		.02
Piledrivermen	10.08		.20		.02
CEMENT MASONS:*					
Area 1	11.00				
Area 2	10.10		.30		
Area 3	11.05				
Area 4	9.50				
DRYWALL TAPERS:*					
Area 1	11.20	.25	.50		
ELECTRICIANS:*					
Area 1:					
Zone A:					
Electricians	11.55	.50	3%+.80	6%	1%
Cable Splicers	12.13	.50	3%+.80	6%	1%
Zone B:					
Electricians	12.17	.50	3%+.80	6%	1%
Cable Splicers	12.75	.50	3%+.80	6%	1%
Zone C:					
Electricians	13.05	.50	3%+.80	6%	1%
Cable Splicers	13.63	.50	3%+.80	6%	1%

*See AREA and ZONE Descriptions - Page 4

DECISION NO. ND81-5131 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 2:					
Electricians	$12.15	.60	3%+1.00	6%	1%
Cable Splicers	12.55	.60	3%+1.00	6%	1%
ELEVATOR CONSTRUCTORS:	13.16	1.195	.82	a	.035
Helpers	70%JR	1.195	.82	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	8.65	.30			
IRONWORKERS:					
Ornamental; Structural; Reinforcing	12.95	.71	.88		.10
MILLWRIGHTS	11.91	.80	.60	.60	.02
PAINTERS:*					
Area 1:					
Brush; Roller; Paperhangers	10.30	.25	.50		.02
Sandblasting; Structural Steel Spray	11.05	.25	.50		.02
Area 2:					
Brush; Roller; Paper and Vinyl Hanging	10.75				
Spray Painting	11.50				
Sandblast, Swing Stage, or Chair work, Structural Steel and Bridges, Stacks, Water Towers, Storage Tanks	10.75				
Area 3:					
Brush	9.75				
Spray	10.10				
PLASTERERS:*					
Area 1	11.00				
Area 2	10.84		.30		
Area 3	9.50				
Area 4	12.00				
PLUMBERS:*					
Area 1	13.86	1.04	1.04		.03
Area 2	14.55	.75	.65		.02
Area 3	14.66	.75	.65		.04
ROOFERS	11.05				

*See AREA Descriptions - Page 5

DECISION NO. ND81-5131 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:*					
Area 1	$13.15		.36	.72	.07
Area 2	13.08	.60	.57		.035
SOFT FLOOR LAYERS:*					
Area 1	8.80				
Area 2	9.90	.25	.50		
SPRINKLER FITTERS	14.81	.95	1.40		.08
TRUCK DRIVERS:					
Site Preparation Excavation and Incidental Paving:					
Single Axle	7.36	.65	.35		
Tandem	7.46	.65	.35		
Agitator Dumpcrete; Off Road Heavy End Dumps, 20 yds. and under; Tandem Semi, Lowboy	7.73	.65	.35		
Euclid, over 20 yards	8.41	.65	.35		

*See AREA Descriptions - Page 5

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AREA and ZONE DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Burleigh and Morton Counties
Area 2: Grand Forks, Steele, and Walsh Counties
Area 3: Cass, Richland, and Traill Counties
Area 4: Ward County

CARPENTERS:
Area 1: Burleigh and Morton Counties
Area 2: Grand Forks County; Northern parts of Steele and Traill Counties; and Walsh County
Area 3: Cass and Richland Counties; Southern parts of Steele and Traill Counties
Area 4: Ward County

CEMENT MASONS:
Area 1: Burleigh and Morton Counties
Area 2: Grand Forks, Steele, Traill, and Walsh Counties
Area 3: Cass and Richland Counties
Area 4: Ward county

DRYWALL TAPERS:
Area 1: Cass, Grand Forks, Richland, Steele, Traill, and Walsh Counties

ELECTRICIANS:
Area 1: Cass, Grand Forks, Richland, Steele, Traill, and Walsh Counties:

Zone mileage from Main Post Office in the Cities of Grand Forks, Valley City, Fargo, and West Fargo
Zone A: Within 0-15 miles from each Main Post Office
Zone B: 15-30 miles from each Main Post Office
Zone C: Over 30 miles from each Main Post Office

AREA DESCRIPTIONS (Cont'd)

ELECTRICIANS: (Cont'd)
Area 2: Burleigh, Morton, and Ward Counties

GLAZIERS:
Area 1: Burleigh County

PAINTERS:
Area 1: Cass, Grand Forks, Richland, Steele, and Traill Counties
Area 2: Burleigh and Morton Counties
Area 3: Ward County

PLASTERERS:
Area 1: Burleigh and Morton Counties
Area 2: Grand Forks, Steele, Traill, and Walsh Counties
Area 3: Ward County
Area 4: Cass and Richland Counties

PLUMBERS:
Area 1: Cass, Grand Forks, Richland, Steele, Traill, and Walsh Counties
Area 2: Burleigh and Morton Counties
Area 3: Ward County

SHEET METAL WORKERS:
Area 1: Burleigh, Grand Forks, Morton, Steele, Traill, and Ward Counties
Area 2: Cass and Richland Counties

SOFT FLOOR LAYERS:
Area 1: Burleigh County
Area 2: Cass, Grand Forks, Richland, Steele, Traill, and Walsh Counties

FOOTNOTE:
a. Employer credits 6% basic hourly rate for employee with 6 months' to 5 years' service; 8% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Grand Forks, Steele, and Traill Counties:					
Group 1	$8.22	.50	.15		
Group 2	8.37	.50	.15		
Group 3	8.57	.50	.15		
Burleigh and Morton Counties:					
Group 1	7.85	.50	.15		
Group 2	7.95	.50	.15		
Group 3	8.05	.50	.15		
Cass and Richland Counties:					
Group 1	7.89	.50	.15		
Group 2	7.99	.50	.15		
Group 3	8.04	.50	.15		
Ward County:					
Group 1	7.89	.50	.15		
Group 2	7.99	.50	.15		
Group 3	8.14	.50	.15		
Site Preparation Excavation and Incidental Paving:					
Group 1	4.00				
Group 2	4.15				
Group 3	4.30				
Group 4	4.45				

LABORERS
Building Construction

Grand Forks and Steele Counties

Group 1: Laborers; Concrete Bucket Dumpman

Group 2: All power tools (air, gas, and electric); Operators of tools that come under the Laborers' jurisdiction; Brick, Plaster and Finisher Tender; Sandblaster and Gunnite Pot Tender; Hose Tender where under the Laborers' jurisdiction

Group 3: Hod Carriers; Non-metallic Pipelayers; Gas Line Wrapping or Taping; Sand Blaster and Gunnite Nozzleman where under Laborers' jurisdiction; Cutting Torch for demolition

Burleigh and Morton Counties

Group 1: Laborers, Concrete Bucket Man

Group 2: All power tool Operators of tools that come under the Laborers' jurisdiction; Mortar Mixer; Brick and Plasterer Tenders

Group 3: Hod Carriers, Non-metallic Pipelayers; Gas Line Wrapping or Taping; Cutting Torch for demolition

Cass and Richland Counties

Group 1: Laborers; Concrete Bucket Dumpman

Group 2: All power tool Operators of tools that come under the Laborers' jurisdiction; Brick and Plasterer Tender; Mortar Mixer

Group 3: Hod Carriers; Non-metallic Pipe Layer; Gas Line Wrapping and Taping (distribution ONLY); Cutting Torch for demolition

LABORERS (Cont'd)
Building Construction (Cont'd)

Ward County

Group 1: Laborers; Concrete Bucket Dumpman

Group 2: All power tool Operators of all tools that come under the Laborers' jurisdiction; Mortar Mixer; Plasterer Tender

Group 3: Non-metallic Pipe Layer; Gas Line Wrapping or Taping (distribution ONLY); Cutting Torch for demolition

Site Preparation Excavation and Incidental Paving

Group 1: General Construction Laborer (Chip Spreader Leverman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (prewater) Tunnel Worker; Sign Erector); Reinforce Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Salamander Heater and Blower Tender

Group 2: Semi-skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer (telephone or electrical); Form Setter (pavement); Gas, electric or pneumatic tool Operator (Chipping Hammer, Grinder and Paving Breakers, Tamper (dirt); Concrete Vibrator Operator; Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper, Raker and Floater); Kettlemen (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multi-plate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man (sanitary sewer, storm sewer, water and gas line); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm water and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblaster, Nozzleman

POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.17	.75	.60		
Group 2	11.06	.75	.60		
Group 3	10.35	.75	.60		
Group 4	9.18	.75	.60		
Site Preparation Excavation and Incidental Paving					
Group 1	11.22	.75	.60		
Group 2	11.05	.75	.60		
Group 3	10.88	.75	.60		
Group 4	10.82	.75	.60		
Group 5	10.53	.75	.60		
Group 6	10.26	.75	.60		
Group 7	9.18	.75	.60		
Group 8	9.00	.75	.60		
Group 9	8.88	.75	.60		
Group 10	8.48	.75	.60		

Building Construction

Group 1: Helicopter Operator, hoisting material; Truck and Crawler Cranes over 150 ft. boom, excluding jib; Traveling Tower Cranes

Group 2: Derrick, Guy or Stiff Leg; Tower Cranes; Overhead Cranes; Hoist Operator - 2 drums or more; All-Terrain Vehicle Cranes (Cherry Picker, etc.); Tractors with boom attachments; Drill Rigs - Rotary or Churn; Locomotive Operators; Hydraulic and Cable-type Backhoes 3/4 yards and over; Truck and Crawler Cranes 150 ft. boom and under, excluding jibs

Group 3: Mechanic Welder; Hoist Operator 1 drum; Boom Truck Operators; Tractor over 75 HP; Straddle Carrier or Forklift, 3,000 lbs. or over; Concrete Batch Plant Operator; Concrete Batch Mixer or Concrete Pump Operator; Boiler Operator; R/T Tractor Backhoe, 3/8 or 3/4 yards; Front End Loader Operator over 1½ yards; Any air compressor operation over 300; Well Points; Power Plant Engineer, Oiler

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction (Cont'd)

Group 4: Greaser; Forklift under 3,000 lbs., Self-propelled Scissor Jax; Front End Loader 1½ yards and under; Self-propelled Compactors; Tractor 75 HP and under; Pickup Sweeper; Pump Operator over 3"; Gunite Operator; Brakeman; Air Compressor 300 and under

Site Preparation Excavation and Incidental Paving

Group 1: Cableway Operator; Crane Operator with over 135' boom, all types; Derrick (Guy and Stiff Leg)(power)(skids and stationary); Front End Loader, over 10 cu. yds.; Gantry Crane Operator; Helicopter Operator; Hole Operator, including power supply or Tunnel Mucking Machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

Group 2: Concrete Mixer Stationary Plant Operator over 34E; Dredge Operator or Engineer; Dredge Operator (power and engineer); Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (paving); Concrete Paving Operator, road; Power Shovel and/or other equipment with Shovels, and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper Tandem; Tandem Pusher, Quad 9 or similar; Tractor Operator (pipeline); Side Boom; Truck Crane Hydrocrane Operator, 15 ton and over

Group 3: Dope Machine Operator (pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline wrapping, cleaning, and bending Machine Operator; Power actuated Horizontal Boring Machine, over 6" Operator (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven)(paving); Tandem Scraper - twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator, Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing, crushing and screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, finishing earth work and bituminous; Mechanic or Welder (heavy duty); Rubber-tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper Operator; Tractor type or rubber tired Dozer, D-6 and over; Trenching Machine Operator, sewer and water (except Ditch Witch or similar, use Oiler rates); Turnapull Operator (or similar type)

POWER EQUIPMENT OPERATORS (Cont'd)
Site Preparation Excavation and Incidental Paving (Cont'd)

Group 5: Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator, Concrete Mixer Operator on job site 16S or over, Paving Breaker or Tamping Machine Operation including Machine with power shovel attachment (power driven), power actuated Jack Operator, Power Plant Engineer 10 K.W.H. and over (when an Engineer is in charge of crushing or blacktop plant with the operation of these plants no power plant engineer shall be required); Push Tractor, self-propelled Traveling Soil Cement Stabilizer, Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade)(power operated); Distributor Operator; Fine Grade Machine; Roller, steel and self-propelled rubber, on hot mix asphalt paving; Sheepsfoot Raker with Dozer attachment tractor type or rubber tired Dozer under D-6 HP

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand); Electronic; Concrete Mixer Operator on job site under 16S; Crane Truck Oiler; Grader Operator (Motor Patrol)(hauling road); Gravel Screening Plant Operator (portable unit, crushing or washing); Greaser (truck or tractor); Gunnite Operator, gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot license); Pick-up Sweeper, 1 yd. and over Hopper capacity; Shouldering Sand Chip Spreader; Flaherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

Group 8: Boom Truck Operator, Crawler type and/or Steiger or similar tractor pulling compaction or areating equipment, farm type rubber tired tractor with Backhoe attachment, off-road self-propelled rubber, on other than hot mix asphalt paving, self-propelled Vibrating Packer Operator, pad type 35 HP and over)

Group 9: Concrete Batch Operator (cement, rock and sand)(manual); Form Trench Digger (power); Front end Loader Operator, up to 1 cu. yd.; Hyster Carrier or Forklift, Leverman; Oiler (power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck, hand; Farm Tractors, rubber-tired for compacting and areating; Front End Loader (Farm type rubber tired tractor); Paint Machine Striping Operator; Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: OHIO COUNTY: CLARK
DECISION NO. OH81-2041 DATE: Date of Publication
Supersedes Decision No. OH79-2066 dated July 27, 1979 in 44 FR 44416
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS; & Blocklayers	$8.36				
CARPENTERS	6.87				
CEMENT MASONS	7.16				
DRYWALL FINISHERS/TAPERS	8.00				
DRYWALL HANGERS	8.00				
ELECTRICIANS	8.00				
IRONWORKERS	5.32				
LABORERS	5.00				
PAINTERS, Brush	6.67				
PLUMBERS; & Pipefitters	8.48				
ROOFERS	6.80				
SHEET METAL WORKERS	6.45				
SOFT FLOOR LAYERS/CARPET LAYERS	7.35				
TILE SETTERS	7.80				
TRUCK DRIVERS	6.55				
POWER EQUIPMENT OPERATORS:					
Backhoes	6.41				
Bulldozers	6.93				
Front End Loaders	6.77				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: MAHONING & TRUMBULL
DECISION NO. OH81-2040 DATE: Date of Publication
Supersedes Decision No. OH80-2024, dated July 11, 1980 in 45 FR 47047
DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.74	.55	1.75		.02
BOILERMAKERS	15.755	1.275	1.50		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Mahoning Co. & City of Youngstown	14.695	1.00	1.25		.02
Trumbull (Rem. of Co.) Co.	14.94	1.00	1.00		.02
CARPENTERS; Lathers:					
Commercial Building	13.87	1.34	1.50		.05
Residential	12.48	1.34	1.50		.05
CEMENT MASONS:					
Mahoning & Trumbull (Twps. of Hubbard & Liberty) Cos.	14.80	.80	1.00		.05
Trumbull (Rem. of Co.) Co.	15.55	1.00			.05+a
ELECTRICIANS:					
Mahoning (Milton Twp.) & Trumbull (Excluding Hubbard & Liberty Twps.) Cos.	15.54	.75	7%		.7%
Mahoning (Excluding Milton & Smith Twps.) & Trumbull (Hubbard & Liberty Twps.) Cos.	14.52	.75	11%		.5%
Mahoning (Smith Twp.) Co.:					
Commercial Building	15.81	.89	3%+1.00		.3%
Residential (4 Units only)	10.55	.79	3%+.80		.3%
ELEVATOR CONSTRUCTORS:					
Mechanics	14.61	1.345	.95	b&c	.035
Helpers	70%JR	1.345	.95	b&c	.035
Helpers (Prob.)	50%JR				
GLAZIERS, except S. of Rt. #224 in Mahoning Co.	14.36	1.00	1.50		
INSULATORS:					
Residential	8.09	1.34	1.50		.05
IRONWORKERS	15.26	1.00	1.30		.09

DECISION NO. OH81-2040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Asphalt Paving; Building & Construction Laborers; Carpenter Tenders & Railroad Construction Laborers	10.78	.70	.90		.10
All Machine Driven Tools, Electric, Gas or Air & Operation of all Pumps under 4"; All Men Working in Concrete such as Pouring, Puddling, Raking & Conveying; All Scaffold Help; Jackhammer Operator; Mason Tender; Mortar Mixer (Hand or Machine); Scrap Iron Burning & Spikers	10.90	.70	.90		.10
All Work done by Laborers 7 ft. or more in Depth	10.97	.70	.90		.10
Laborers (except Jackhammer) Working on Repair of Blast furnaces or Coke Plant & Auxiliary Facilities	11.08	.70	.90		.10
Jackhammer Operator in Trench or Shaft 7 ft. or more; Jackhammer on Blast Furnace or Coke Plant; Laser Beam Operator; Muckers; Pipelayers; Powder and Dymamite; & Tunnel and Caisson	11.10	.70	.90		.10
Ram Tight	11.15	.70	.90		.10
Gunniting & Sandblasting; Miner Air Tool; Pump Crete Operations; & Wrench Man	11.18	.70	.90		.10
Lancing	11.28	.70	.90		.10
Bellman; Hook Up Man	11.38	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Mahoning (excluding Smith Twp.) & Trumbull Cos.:					
Linemen; Cable Splicer; Operator - Pole Digging Equipment	$16.21	.70	3%		½%
Groundmen	12.97	.70	3%		½%
Mahoning Co. (Smith Twp.):					
Linemen	15.81	.89	3%+1.00		.3%
Cable Splicer	14.70	.89	3%+1.00		.3%
Line Equipment Operators	13.55	.89	3%+1.00		.3%
Groundman; Truck Driver	9.95	.89	3%+1.00		.3%
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:					
Mahoning Co.	15.255				
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
Mahoning (excluding Smith Twp.) & Trumbull Cos.	14.405				
MILLWRIGHTS; Piledrivermen	14.66	1.34	1.50		.05
PAINTERS:					
Brush; Dipping; Hydro Jet Cleaning; Paperhangers; Roller; Steamcleaning; Wall Washing; & Waterproofing	14.45	1.00	1.25		
Spray; Epoxy-mastic (Brush & Roller)	14.95	1.00	1.25		
Drywall Taping	14.60	1.00	1.25		
Open Structural Steel	14.66	1.00	1.25		
PLASTERERS:					
Mahoning & Trumbull (Liberty & Hubbard Twps.) Cos.:					
Commercial	15.61	.80			.03
Residential	13.27	.80			.03
Trumbull Co. (Rem. of Co.):					
Commercial	15.24	.80			.03
Residential	12.95	.80			.03
PLUMBERS; Steamfitters; & Pipefitters:					
Mahoning & Trumbull (Hubbard & Liberty Twps.) Cos.	15.79	1.17	.80		.05
Trumbull Co. (Exclu. Hubbard & Liberty Twps.)	15.45	1.57	1.15		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$14.70	1.00	1.00		.02
SHEET METAL WORKERS:					
Commercial	15.41	.75	.83		.06
Residential	15.14	.75	.83		.06
SOFT FLOOR LAYERS:					
Commercial	13.33	1.34	1.50		.05
Residential	12.00	1.34	1.50		.05
SPRINKLER FITTERS	16.11	.95	1.40		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. $25.00 Per Employee Per Year
b. 7 Paid Holidays: A through F, & Day after Thanksgiving
c. Employer contributes 8% of Regular Hourly Rate to Vacation Pay Credit for Employee whm has Worked in Business more than 5 Years, and 6% for Employee in Business less than 5 Years

DECISION NO. OH81-2040

POWER EQUIPMENT OPERATORS COMMERCIAL BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$15.46	1.05	1.15		.16
CLASS II	14.77	1.05	1.15		.16
CLASS III	14.13	1.05	1.15		.16
CLASS IV	13.72	1.05	1.15		.16
CLASS V	13.62	1.05	1.15		.16
CLASS VI	15.73	1.05	1.15		.16
RESIDENTIAL					
CLASS I	14.46	1.05	1.15		.16
CLASS II	13.77	1.05	1.15		.16
CLASS III	13.13	1.05	1.15		.16
CLASS IV	12.72	1.05	1.15		.16
CLASS V	12.62	1.05	1.15		.16
CLASS VI	14.73	1.05	1.15		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Backfiller W/Drag Attachments; Boat Derrick; Boat Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall-Scraper or Scoop; Chicago Boom; Compactor w/Blade Attached; Concrete Spreader Finisher Comb., Crane; Crane-Stationary or Climbing; Crane-Electric Overhead; Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-boom; Derrick-Car; Diggers-Wheel (not Trencher or Road Widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal or Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester w/Boom; Mucking Mach.; Paver-Asphalt Finishing Mach.; Paver-Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs-Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor W/ Attachments; Truck-Boom; Truck-Tire-Assigned to Job; Trench Mach.; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O Boom; Cleaning Mach.- Pipeline Type; Coating Mach-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Firemen; Power Broom; Refrigeration Plant; Sasgen Derricks; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or roller; Hoist-Single Drum; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or over); Curb Builder (Self-propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Machine; Pin Puller; Pulverizer; Pump; Road Finishing Machine (Pulltype); Roller; Saw-Concrete-Self-propelled; Spray Cure Machine - Motor Powered; Spreader (Side driver shoulder attachment); Tractor; Trencher-form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 ft. or under other than servicing Bricklayers; Deck Hand; Drill Wagon; Generator Sets; Heaters-Portable Power (2 to 5); Mechanic; Jacks Hydraulic (Railroad); Ladavator; Roller (Walk behind 1 ton or over); Steam Jenny; Syphons; Tenders; Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTY: LUCAS

DECISION NO. OH81-2039 DATE: Date of Publication

Supersedes Decision No. OH80-2048, dated July 11, 1980 in 45 FR 47045

DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.95	.60	1.70		.03
BOILERMAKERS	16.10	1.275	1.50		.28
BRICKLAYERS; Marble Setters; & Stonemasons	16.135	1.06	1.90		.03
CARPENTERS; Millwrights; & Piledrivermen	15.90	1.06	1.25		.10
CEMENT MASONS	14.50	.70	1.40		.02
ELECTRICIANS:					
Commercial:					
Electricians	16.80	.80	3%+.95		.3%
Cable Splicers	19.32	.80	3%+.95		.3%
Residential	9.14	.85	3%+.95		.3%
ELEVATOR CONSTRUCTORS:					
Mechanics	15.23	1.195	.95	a&b	.033
Helpers	70%JR	1.195	.95	a&b	.033
Helpers (Prob.)	50%JR				
GLAZIERS	15.94	.80	1.10		.02
IRONWORKERS	16.58	1.06	1.82		.09
LATHERS	15.51	1.06	1.25		.10
LINE CONSTRUCTION:					
Linemen	16.08	.70	3%	c	4%
Cable Splicers	16.33	.70	3%	c	4%
Groundmen	9.68	.70	3%	c	4%
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers	14.42	1.06			
PAINTERS:					
Commercial:					
Brush; Drywall Tapers; & Paperhangers	13.44	1.06	1.80		
Bridge; Railings; Powerhouse; Refinery Tanks	13.69	1.06	1.80		
Sandblasting; Spray; Pressure Cleaning	13.99	1.06	1.80		
Residential Work	12.30	1.06	1.80		
PLASTERERS	18.02	.70			.01
PLUMBERS; Steamfitters; & Pipefitters	16.90	1.50	1.20		.12
ROOFERS	15.95	1.06	2.00		.03

DECISION NO. OH81-2039

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$16.145	1.06	2.18		.075
SOFT FLOOR LAYERS:					
Commercial	13.14	1.06	1.25		.05
Residential	13.00	1.06	1.25		.05
SPRINKLER FITTERS	16.11	.95	1.40		.08
TERRAZZO WORKERS; & Tile Setters	17.00	1.06	.30		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. Seven Paid Holidays: A through F, & Day after Thanksgiving
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Ten Paid Holidays: A through F, Good Friday, Day after Thanksgiving Day, Christmas Eve, & New Year's Eve

LABORERS:					
Unskilled	14.28	.75	1.30		.11
Mason Tenders	14.43	.75	1.30		.11
Gunnite Pot Men	14.48	.75	1.30		.11
Mortar Mixers	14.50	.75	1.30		.11
Concrete Pump Nozzle Men; All Power Driven Tools; & Power Buggies	14.435	.75	1.30		.11
Pipe Layers; Bellmen; Bottom Men for Fire Brick Work Only	14.535	.75	1.30		.11
Nozzle Operators for Gunnite Work	15.19	.75	1.30		.11
Plasterers' Tenders	14.30	.75	1.30		.11

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$ 15.89	1.26	1.50		.11
GROUP B	15.73	1.26	1.50		.11
GROUP C	15.38	1.26	1.50		.11
GROUP D	14.57	1.26	1.50		.11
GROUP E	14.24	1.26	1.50		.11
GROUP F	12.03	1.26	1.50		.11

GROUP A - A-Frame; Rotary Drills Used on Caisson Work for Foundations and Sub-Structure Work; Boiler or Compressor Operator Mounted on Crane (Piggyback Operation); Boom Truck (All Types); Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes (ALL Types); Derricks (ALL Types); Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Operator and Helicopter Winch Operator when Hoisting Builders Materials; Hoes (All Types); Hoisting Engines (Two or More Drums); Lift Slab or Panel Jack Operator; Locomotives (All Types); Maintenance Engineer (Mechanic or Welder); Mixers Paving (Multiple Drum); Mobile Concrete Pumps with Boom; Panelboard (All Types on Site); Pile Driver; Power Shovels; Side Booms; Slip Form Pavers; Straddle Carriers (Building Construction on Site); Hammerhead Tower Cranes; Trench Machines (over 24" Wide); Tug Boat

GROUP B - Asphalt Paver; Bulldozer; C.M.I. Type Equipment; Endloaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat

GROUP C - Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (One Drum); House Elevators; Man Lift; Power Boilers (Over 15 lbs. Pressure); Pump Operators Installing Well Points or Other Type of Dewatering System; Pumps (4" and over discharge); Submersible Pumps (4" and over discharge); Trenchers 24" and under

Decision No. OR81-2039

POWER EQUIPMENT OPERATORS Cont.

GROUP D - Compressors on Building Construction; Conveyors (Building Material) Generators; Gunnite Machines; Mixers (Capacity more than one Bag); Mixers (One Bag Capacity, Side Loader); Post Driver; Post Hole Diggers; Pavement Breaker (Hydraulic or Cable); Road Widening Trencher; Rollers; Welder Operator

GROUP E - Backfillers & Tampers; Batch Plant; Bar and Joint Installing Machines; Bullfloats; Burlap and Curing Machines; Clefplanes; Concrete Spreading Machines; Crushers; Deck Hands; Drum Firemen (Asphalt); Farm Type Tractors Pulling Attachments; Finishing Machines; Form Trenchers; High Pressure Pumps Over 4" Discharge; Hydro Seeders; Self-Propelled Power Spreader; Self-Propelled Sub-grader; Tire Repairmen; Tractors Pulling Sheeps Foot Roller or Grader; Vibratory Compactors (With Integral Power)

GROUP F - Oiler; Tenders; Inboard & Outboard Motor Boat Launch; Light Plant Operator; Power Driven Heaters (Oil Fired); Power Boilers (less than 15 lbs. Pressure); Pumps Under 4" Discharge; Submersible Pumps Under 4" Discharge

POWER EQUIPMENT OPERATORS: Well & Pump Work (Incl. Drilling & Repair of All Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Well Driller & Pump Installer	$8.10	.34	.27	a & b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day

b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Statewide
DECISION NUMBER: OR81-5127 DATE: Date of Publication
Supersedes Decision No. OR80-5145 dated November 21, 1980, in 45 FR 77321
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$18.49	.82	$ 1.45		.18
BOILERMAKERS	16.01	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	17.11	1.10	1.50		.25
Area 2	16.05	.95	1.00		.12
CARPENTERS:					
Acoustical and Drywall Applicator; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	15.12	1.00	1.30	.65	.10
Floor Layers and Finishers; Stationary Power Saw Operators	15.27	1.00	1.30	.65	.10
Millwrights and Machine Erectors	15.37	1.00	1.30	.65	.10
Certified Welders, Instrument Men	15.52	1.00	1.30	.65	.10
Piledrivermen; Bridge, dock and whardf builders	15.22	1.00	1.30	.65	.10
Boom Men	15.32	1.00	1.30	.65	.10
CEMENT MASONS:					
Cement Masons	14.42	1.10	1.45	1.00	.20
Composition Workers; Power Machinery Operator	14.68	1.10	1.45	1.00	.20
ELECTRICIANS:*					
Area 1:					
Electricians	13.90	.75	3%+1.00		1%
Cable Splicers	15.29	.75	3%+1.00		1%
Area 2:					
Electricians	17.45	.95	3%+1.30		.05
Lead Cable Splicers	18.20	.95	3%+1.30		.05
Area 3:					
Electricians	19.05	.90	3%+2.50		.04
Cable Splicers	20.95	.90	3%+2.50		.04
Area 4:					
Electricians	20.55	.90	3%+1.00		.07
Lead Cable Splicers	22.61	.90	3%+1.00		.07
*See AREA Descriptions - Page 3					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 5:					
Electricians	$19.55	.90	3%+2.00		.10
Cable Spoicers	20.30	.90	3%+2.00		.10
Area 6:					
Electricians	17.82	.90	3%+2.00		.17
Cable Splicers	19.60	.90	3%+2.00		.17
ELEVATOR CONSTRUCTORS	18.06	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	50%JR				
GLAZIERS	14.34	.81	1.00		.03
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	17.04	1.00	2.15		.15
LATHERS:*					
Area 1	14.42	1.05	1.75		.06
MARBLE SETTERS:*					
Area 1	17.11	1.10	1.50		.25
MASON TENDERS: (including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)	12.60	1.20	1.40		.10
PAINTERS:*					
Area 1:					
Painters and Tapers	11.37	.63	.50		.07
Area 2:					
Brush	13.10	.90	1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (spray)	14.55	.90	1.15	.50	.09
Drywall Tapers	14.23	.80	.80		.06
*See AREA Descriptions - Page 3					

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River; Malheur County (north half); Marion, Morrow, Multnomah, Polk, Sherman, and Tillamook Counties; Umatilla, Union, Wallowa, and Wasco Counties (nmrth of the City of Maupin); Washington and Yamhill Counties
Area 2: Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, and Linn Counties; Malheur County (south half); Wasco County (including the City of Maupin and south thereof); Wheeler County

ELECTRICIANS:
Area 1: Malheur County
Area 2: Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, and Wheeler Counties
Area 3: Coos, Curry, and Lincoln Counties; Douglas and Lane Counties (those portions lying west of a line north and south from the NW corner of Coos County to the SE corner of Lincoln County)
Area 4: Benton, Crook, Deschutes, and Jefferson Counties; Lane County (eastern portion); Linn, Marion, and Polk Counties; Yamhill County (south half)
Area 5: Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, and Washington Counties; Yamhill County (north half)
Area 6: Harney, Jackson, Josephine, Klamath, and Lake Counties; Douglas County (that portion lying east of a line running north and south from the NE corner of Coos County to the SE corner of Lincoln County)

LATHERS:
Area 1: Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, and Yamhill Counties

MARBLE SETTERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River Counties; Malheur County (north half); Multnomah, Morrow, Sherman, and Tillamook Counties; Union, Umatilla, and Wallowa Counties; Wasco County (north of the City of Maupin); Washington County; Yamhill County (north half)

PAINTERS:
Area 1: Malheur County:
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:*					
Area 1	$15.04	$1.00	$ 1.00		.01
Area 2	14.72	.75	1.00		.01
PLUMBERS:*					
Area 1	13.62	1.09	2.10		.10
Area 2	18.18	1.37	1.95	2.50	.16
Area 3	16.96	1.25	1.90	1.75	.12
Area 4	20.08	1.55	1.85		.20
Area 5	18.24	1.00	1.85		.10
Area 6	19.58	1.54	2.40		.21
Area 7	19.25	.90	1.55		.10
Area 8	16.51	1.00	1.80	1.20	.05
ROOFERS:*					
Area 1	12.44	.45	.15		
Area 2:					
Roofers	15.60	.80	1.40		.10
Handling of irritating material (coal, tar or epoxy)	15.85	.80	1.40		.10
Handling of irritating material (coal, tar or epoxy) in confined area	16.10	.80	1.40		.10
Area 3:					
Roofers	14.75	.96	.50		
Spray and/or application of irritating materials in a confined area	15.75	.96	.50		
Area 4	13.00	.85	.30		
Area 5	13.06	.85	1.45		.10
SHEET METAL WORKERS:*					
Area 1	15.89	3%+1.03	1.81	1.00	.10
Area 2	14.00	.68	.72		.21
Area 3	16.74	3%+.73	1.50		.20
Area 4	15.705	.73	1.28		.10
SOFT FLOOR LAYERS:*					
Area 1	12.795	.80	1.05	b	.13
Area 2	8.26	.49	.10		.10
SPRINKLER FITTERS	16.44	.95	1.40		.08

*See AREA Descriptions - Page 5

AREA DESCRIPTIONS

PLASTERERS:
Area 1: Benton, Coos, Crook, Curry, Douglas, Deschutes, Harney, and Jefferson Counties; Klamath County (northern one-third); Lane County; Lincoln, Linn, Wasco, and Wheeler Counties (south half)
Area 2: Remaining Counties

PLUMBERS:
Area 1: Baker County; Harney (except NW portion); Malheur County
Area 2: Grant County (except SW corner); Morrow, Umatilla, Wallowa, and Union Counties
Area 3: Benton, Lincoln, and Linn Counties (north half); Marion and Polk Counties; Tillamook and Yamhill Counties (south half)
Area 4: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, and Washington Counties; Tillamook and Yamhill Counties (north half)
Area 5: Coos and Curry Counties; Douglas County (West Coast portion); Lann County (including the City of Florence)
Area 6: Benton County (south half); Crook and Deschutes Counties; Douglas County (except Coast portion); Grant County (SW corner); Harney County (NW portion); Jefferson County (south half); Klamath and Lake Counties (northern portion); Lane County (except the City of Florence); Lincoln and Linn Counties (south half)
Area 7: Remainder of Klamath and Lake Counties
Area 8: Jackson and Josephine Counties

ROOFERS:
Area 1: Benton, Lincoln, Linn, Marion, Polk, and Yamhill Counties
Area 2: Baker, Clackamas, Clatsop, Columbia, Grant, Gilliam, Hood River, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wasco, Washington and Wheeler Counties
Area 3: Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, and Lane Counties
Area 4: Malheur County
Area 5: Wallowa County

SHEET METAL WORKERS:
Area 1: Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, and Yamhill Counties
Area 2: Baker and Malheur Counties
Area 3: Morrow, Umatilla, Union, and Wallowa Counties
Area 4: Coos, Curry, Douglas, Klamath, Lake, Lane, Jackson, and Josephine Counties

SOFT FLOOR LAYERS:
Area 1: All Counties except Malheur County
Area 2: Malheur County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:*					
Area 1	$16.38	$1.00	$ 1.45		.35
Area 2	14.60	.95	.95		.10
TILE and TERRAZZO HELPERS:*					
Area 1	14.80	1.00	.55		

*See AREA Descriptions - below

WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding and rigging

FOOTNOTES:
a. Employer credits 8% of basic hourly rate for employees with more than 5 years' service; 6% basic hourly rate for 6 months' to 5 years' service to Vacation Plan. Six Paid Holidays: A through F
b. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to the credit of employees with more than one year of service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AREA DESCRIPTIONS

TILE SETTERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River Counties, Malheur County (north half); Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, and Wallow Counties; Wasco County (north of Maupin); Washington County; Yamhill County (north half)
Area 2: Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, and Linn Counties; Malheur County (south half); Wasco County (Maupin and south thereof); Wheeler County(south half)

TILE and TERRAZZO HELPERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam , and Hood River Counties; Malheur County (north half); Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, and Wallow Counties; Wasco County (north of Maupin); Washington County; Yamhill County (north half)

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LINE CONSTRUCTION
(All Counties Except Malheur)

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$17.71	$19.46	$20.21	$20.96	$22.21
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	16.00	17.75	18.50	19.25	20.50
Group 3: Tree Trimmer	14.44	--	--	--	--
Group 4: Line Equipment Man	13.78	15.53	16.28	17.03	18.28
Group 5: Head Groundman Powderman, Jackhammer Man	12.05	13.80	14.55	15.30	16.55
Group 6: Head Groundman (Chipper)	12.05	--	--	--	--
Group 7: Groundman	11.32	13.07	13.82	14.57	15.82

FRINGE BENEFITS PAYMENTS:	Groups 1 to 3	Groups 4 to 7
Health and Welfare	$.45	$.45
Pension	3%+1.70	3%+1.10
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

ZONE DESCRIPTIONS:
*BASE ZONE 0 to 3 miles radius from the geographical center of the Cities listed below
ZONE 1 3 to 20 miles radius
ZONE 2 20 to 35 miles radius
ZONE 3 35 to 50 miles radius
ZONE 4 Over 50 miles radius

Spokane	Ellensburg	Astoria	Medford
Tacoma	Ephrata	Baker	Portland
Walla Walla	Everett	Burns	Pendleton
Wenatchee	Kennewick	Bend	Salem
Yakima	Longview	Eugene	Roseburg
Wilbur	Olympia	Seattle	Lakeview
Klamath Falls	Bellingham	Umatilla	Sand Point
Corvallis	Coeur d'Alene	Kellog	Lewiston
Orofino	The Dallas		

*BASE ZONE Rate is paid when working our of employer's permanent Shop.

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LINE CONSTRUCTION: (Cont'd) Malheur County:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.83	.45	3%+.35		1/2%
Journeyman Lineman	10.72	.45	3%+.35		1/2%
Line Equipment Mechanic (right of way)	10.14	.45	3%+.35		1/2%
Line Equipment Mechanic (base shop)	9.47	.45	3%+.35		1/2%
Line Equipment Serviceman	9.47	.45	3%+.35		1/2%
Line Equipment Operator	9.63	.45	3%+.35		1/2%
Groundman	7.89	.45	3%+.35		1/2%
DREDGING:					
Leverman:					
Dipper	14.66	1.25	1.47	.50	.05
Hydraulic	15.41	1.25	1.47	.50	.05
Assistant Engineer (including Watch Engineer, Welder, Mechanic and Machinist); Mate	14.25	1.25	1.47	.50	.05
Tenderman (Boatman, attending Dredge Plant); Fireman	13.98	1.25	1.47	.50	.05
Assistant Mate (Deckhand); Oiler	13.68	1.25	1.47	.50	.05
TIMBER SALES ROADS:					
Operating Engineer	11.71	1.30	1.47	.50	.10
Operating Engineer Assistant (Oiler)	10.65	1.30	1.47	.50	.10
Teamster	11.49	1.18	1.26		.08
Laborer	9.90	1.40	1.50	1.00	.10
Power Saw, Driller, Powderman	10.67	1.40	1.50	1.00	.10

DECISION NO. OR81-5127 Page 9

LABORERS*

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$11.97	$12.57	$13.02	$13.52	$14.47	$15.22
2	12.32	12.92	13.37	13.87	14.82	15.57
3	12.62	13.22	13.67	14.17	15.12	15.87
4	12.87	13.47	13.92	14.42	15.37	16.12

FRINGE BENEFITS:	
Health and Welfare	$ 1.40
Pension	1.50
Vacation	1.00
Apprenticeship Tr.	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

DECISION NO. OR81-5127 Page 10

LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert hand labor; Curing, concrete; Demolition, wrecking, and moving Laborers; Driller Tenders; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Right-of-way Marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and Loading Spotters and similar types); Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including Steel Forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bullgang (above ground); Weightman, Crusher (aggregate when used)

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman, Green Cutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and wrecking Charred materials; Grade Checker; Granite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine; Jackhammer; Chipping Guns; Paving Breakers; Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Sand Blasting (wet); Stake-setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying)(applicable when employee assigned to move, set up, align Laser Beam); Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzlemen; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers, and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4 Laser Beam (tunnel) - applicable when employee assigned to move, set up, align Laser Beam; Tunnel Miners; Tunnel Powderman

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POWER EQUIPMENT OPERATORS*

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$14.15	$14.75	$15.20	$15.70	$16.65	$17.40
2	14.32	14.92	15.37	15.87	16.82	17.57
3	14.46	15.06	15.51	16.01	16.96	17.71
4	14.65	15.25	15.70	16.20	17.15	17.90
5	14.68	15.28	15.73	16.23	17.18	17.93
6	14.78	15.38	15.83	16.33	17.28	18.03
7	14.85	15.45	15.90	16.40	17.35	18.10
8	14.97	15.57	16.02	16.52	17.47	18.22
9	15.05	15.65	16.10	16.60	17.55	18.30
10	15.13	15.73	16.18	16.68	17.63	18.38
11	15.15	15.75	16.20	16.70	17.65	18.40
12	15.23	15.83	16.28	16.78	17.73	18.48
13	15.33	15.93	16.38	16.88	17.83	18.58
14	15.52	16.12	16.57	17.07	18.02	18.77
15	15.72	16.32	16.77	17.27	18.22	18.97
16	15.95	16.55	17.00	17.50	18.45	19.20
17	16.13	16.73	17.18	17.68	18.63	19.38
18	16.35	16.95	17.40	17.90	18.85	19.60
19	16.52	17.12	17.57	18.07	19.02	19.77

FRINGE BENEFITS:

Health and Welfare	$1.30
Pension	1.47
Vacation	1.00
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications.

DECISION NO. OR81-5127 Page 12

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room); Rear Chainman

Group 2: Blade Operator, pulled type; Truck Crane Oiler - Driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Staker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Welder's Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled; Head Chainman

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deer, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (Bit Grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tred over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Aspahlt Plant Operator; Instrument Man

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic - Welder, with dispatcher and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hme, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu .yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by Tractor Operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead; Party Chief

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

TRUCK DRIVERS*

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$13.80	$14.40	$14.85	$15.35	$16.30	$17.05
2	13.85	14.45	14.90	15.40	16.35	17.10
3	13.90	14.50	14.95	15.45	16.40	17.15
4	13.95	14.55	15.00	15.50	16.45	17.20
5	14.00	14.60	15.05	15.55	16.50	17.25
6	14.10	14.70	15.15	15.65	16.60	17.35
7	14.20	14.80	15.25	15.75	16.70	17.45
8	14.30	14.90	15.35	15.85	16.80	17.55
9	14.40	15.00	15.45	15.95	16.90	17.65
10	14.57	15.17	15.62	16.12	17.07	17.82
11	14.67	15.27	15.72	16.22	17.17	17.92
12	14.77	15.37	15.82	16.32	17.27	18.02
13	14.87	15.47	15.92	16.42	17.37	18.12
14	14.97	15.57	16.02	16.52	17.47	18.22

FRINGE BENEFITS:

Health and Welfare	$1.18
Pension	1.26
Vacation	1.00
Apprenticeship Training	0.08

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under; Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) -5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

TRUCK DRIVERS (Con.t'd)

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: Over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trians or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Tenders (handling Sacked cement - add $0.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses 29 CFR, 5.5 (a)(1)(ii))

ZONE DESCRIPTIONS
for
LABORERS
POWER EQUIPMENT OPERATORS
and
TRUCK DRIVERS

CITIES:

Albany	Hood River	Newport
Astoria	Klamath Falls	Ontario
Baker	La Grande	Pendleton
Bend	Lakeview	Port Orford
Brookings	Longview	Reedsport
Burns	Madras	Roseburg
Coos Bay	Medford	The Dalles
Corvallis	McMinnville	Tillamook
Goldendale	Vancouver	
Grants Pass		

ZONE 1 - All jobs or projects located within 10 miles of the respective City Hall

ZONE 2 - More than 10 miles but less than 25 miles form the respective City Hall

ZONE 3 - More than 25 miles but less than 35 miles from the respective City Hall

ZONE 4 - More than 35 miles but less than 45 miles from the respective City Hall

ZONE 5 - More than 45 miles but less than 75 miles from the respective City Hall

ZONE 6 - More than 75 miles from the respective City Hall

Portland, Eugene and Salem ONLY

ZONE 1 - All jobs or projects located within 20 miles of the respective City Hall

ZONE 2 - More than 20 miles but less than 25 miles from the respective City Hall

ZONE 3 - More than 25 miles but less than 35 miles from the respective City Hall

ZONE 4 - More than 35 miles but less than 45 miles from the respective City Hall

ZONE 5 - More than 45 miles but less than 75 miles from the respective City Hall

ZONE 6 - More than 75 miles from the respective City Hall

SUPERSEDEAS DECISION

STATE: TENNESSEE
COUNTIES: CAMPBELL, CLAIBORNE, CUMBERLAND, FENTRESS, HANCOCK, MORGAN, PICKETT, SCOTT, & UNION.
DECISION NUMBER: TN81-1263 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN79-1053, dated March 23, 1979, in 44 FR 17883.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including four (4) stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 4.46				
BRICKLAYERS	10.28				
CARPENTERS & DRYWALL HANGERS	6.00				
ELECTRICIANS	6.34				
GLAZIERS	5.00				
LABORERS - GENERAL	4.00				
PAINTERS	4.78				
PLUMBERS & PIPEFITTERS	6.00				
ROOFERS	5.00				
SHEET METAL WORKERS	4.72				
TERRAZZO WORKERS	7.25				
TILE SETTERS	6.50				
TRUCK DRIVERS	4.10				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.50				
Bulldozer	5.25				
Hi-lift	5.25				
Motor grader	5.25				
Scraper - pan	5.25				
Tractor	4.83				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTY: LOUDON
DECISION NUMBER: TN81-1261 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN79-1078, dated April 27, 1979, in 44 FR 25115.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including four (4) stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.38				
BRICKLAYERS	7.75				
CARPENTERS	5.53				
CEMENT MASONS	6.00				
DRYWALL FINISHERS	5.84				
DRYWALL HANGERS	6.17				
ELECTRICIANS	5.70				
INSULATION INSTALLERS	4.13				
LABORERS:					
Unskilled	3.50				
Mason tenders	4.00				
Mortar mixers	4.00				
PAINTERS	5.27				
PLUMBERS & PIPEFITTERS	6.22				
ROOFERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.90				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.70				
Bob-cat	5.70				
Bulldozer	5.70				
Curb machine	3.75				
Front end loader	5.70				
Hi-lift	3.75				
Motor grader	5.70				
Roller	3.75				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: McMINN, MEIGS, MONROE, POLK, & RHEA
DECISION NUMBER: TN81-1259 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN79-1078, dated April 27, 1979, in 44 FR 25115.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including four (4) stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 7.13				
BRICKLAYERS	5.00				
CARPENTERS	6.01				
CEMENT MASONS	6.00				
DRYWALL FINISHERS	6.00				
DRYWALL HANGERS	6.00				
ELECTRICIANS	6.53				
INSULATION INSTALLERS	4.13				
LABORERS - GENERAL	4.00				
PAINTERS	5.00				
PLUMBERS & PIPEFITTERS	7.08				
ROOFERS	5.00				
SHEET METAL WORKERS	6.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	4.60				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.70				
Bob-cat	5.70				
Bulldozer	5.91				
Front end loader	5.70				
Motor grader	5.70				
Scraper - pan	6.04				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA81-5126 DATE: Date of Publication
Supersedes Decision No. WA81-5107 dated April 3, 1981, in 46 FR 20452
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$18.99	.85	$1.45		.08
Area 2	18.49	.82	1.45		.18
Area 3	16.84	.78	1.45		.04
BOILERMAKERS	16.01	1.30	1.25	1.00	.04
BRICKLAYERS; MARBLE SETTERS:*					
Area 1	16.68	1.05	2.00		.05
Area 2	15.08	.80	.40		
Area 3	15.75	1.05	1.00		.07
Area 4	15.47	.80	1.55		.16
Area 5	16.31	1.05	1.40		.22
Area 6	15.25	.90	.80		
Area 7	15.23	.75	1.50		.07
Area 8	16.81	1.05	1.80		.23
Area 9	17.43	1.05	1.65		.11
CARPENTERS:*					
Area 1:					
Carpenters	14.04	.96	1.20		.10
Piledriver; Saw Filer; Stationary Power Woodworking Tool Operator	14.19	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	14.29	.96	1.20		.10
Piledriver (creosoted material)	14.44	.96	1.20		.10
Millwrights and Machine Erectors	14.54	.96	1.20		.10
Area 2:					
Carpenters and Drywall Applicators	14.93	.75	.95		.06
Carpenters on creosoted material	15.03	.75	.95		.06

*See AREA DESCRIPTIONS Page - 3

CARPENTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 2: (Cont'd)					
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shinglers; Floor Sander and other stationary power woodwurking tools	$15.06	.75	.95		.06
Millwrights and Machine Erectors	15.43	.75	.95		.06
Piledrivers; Bridge, Dock and Wharf Builders	15.08	.75	.95		.04
Acoustical Workers	15.09	.75	.95		.04
Boomsen	15.13	.75	.95		.04
Area 3:					
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	15.12	1.00	1.30	.65	.10
Floor Layers and Finishers, Stationary Power Saw Operator	15.27	1.00	1.30	.65	.10
Millwrights and Machine Erectors	15.37	1.00	1.30	.65	.10
Instrument Men	15.52	1.00	1.30	.65	.10
Piledrivermen; Bridge, Dock and Wharf Builders	15.22	1.00	1.30	.65	.10
Boomsen	15.32	1.00	1.30	.65	.10
Area 4:					
Carpenters	14.08	.96	1.20		.10
Piledriver; Sawfiler, Stationary power Woodworking tools Operator	14.32	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	14.23	.96	1.20		.10
Piledriver; Creosoted material	14.44	.96	1.20		.10
Millwrights and Machine Erectors	14.58	.96	1.20		.10

*See AREA DESCRIPTIONS Page - 3

AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, Kitsap, and Snohomish Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete)
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and the portion of Adams County including the City of Othello
Area 7: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)
Area 8: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); and Whatcom County

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties
Area 2: All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties

CEMENT MASONS (AREA 1)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	$14.55	$15.70	$16.15	$16.85	$17.50
Group 2	15.05	16.20	16.65	17.35	18.00
Group 3	15.55	16.70	17.15	17.85	18.50

FRINGE BENEFITS:
Health and Welfare $ 1.00
Pension 1.75
Apprenticeship Training .15

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Brushing or Chipping of toxic materials or high density concrete; Operating power tools on a Scaffold

*See AREA DESCRIPTIONS - Page - 7

CEMENT MASONS:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Area 2:					
Cement Masons Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool, Gunnite Nozzleman	$16.70	.95	$1.50		.10
Area 3:	16.95	.95	1.50		.10
Cement Masons Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	14.63	.85	1.25		.10
Area 4:	14.88	.85	1.25		.10
Cement Masons	14.42	1.10	1.45	1.00	.20
Composition Materials and power machinery	14.68	1.10	1.45	1.00	.20
Area 5:					
Group 1	13.23	.95	1.50		.15
Group 2	13.73	.95	1.50		.15
Group 3	14.23	.95	1.50		.15

GROUP DESCRIPTIONS for AREA 5 ONLY

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing; Setting of Screeds, Screed Forms, curb and gutter and sidewalk forms; Preparation of all concrete for caulking of the joints and the caulking of expansion joints; Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of machine base; Removal of snap ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Bushing Hammer, Chipping Gun; Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats; Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Bushing or chipping of toxic materials or high density concrete, operating power tools on a Scaffold

*See AREA Descriptions - Page - 7

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Area 1:					
Electricians	$18.85	.95	3%+1.00		.02
Cable Splicers	19.25	.95	3%+1.00		.02
Area 2:					
Electricians	17.45	.95	3%+1.30		.05
Cable Splicers	18.20	.95	3%+1.30		.05
Area 3:					
Electricians	17.45	.95	3%+1.30		.05
Cable Splicers	19.20	.95	3%+1.30		.05
Area 4:					
Electricians	19.62	.98	3%+1.80		.10
Cable Splicers	21.58	.98	3%+1.80		.10
Area 5:					
Electricians	19.55	.90	3%+2.00		.10
Cable Splicers	20.30	.90	3%+2.00		.10
Area 6:					
Electricians	18.50	.90	3%+2.00	5%	.02
Cable Splicers	20.35	.90	3%+2.00	5%	.02
Area 7:					
Electricians	17.98	1.00	3%+1.05	8%	.13
Cable Splicers	19.78	1.00	3%+1.05	8%	.13
Area 8:					
Electricians	19.55	.90	3%+.45		.04
Cable Splicers	21.51	.90	3%+.45		.04
ELECTRONIC TECHNICIANS:*					
Area 1:					
Journeyman Installer	10.08	.69	3%		
ELEVATOR CONSTRUCTORS:*					
Area 1	16.835	1.195	.95	a	.035
Area 2	19.52	1.345	1.085	a	.035
Area 3	16.07	1.195	.82	a	.035
Elevator Helpers - Areas 1, 2, and 3 - 70% of Journeyman Rate plus the above Fringe Benefits					
Probationary Helpers - Areas 1, 2, and 3 - 60% of Journeyman Rate excluding Fringe Benefits					
*See AREA Descriptions - page - 7					

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AREA DESCRIPTIONS

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except for western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties:

ZONES 1, 2, 3, and 4
Travel Zone Centers: Moses Lake, Wenatchee, Pasco, Yakima, *Coeur D'Alene, *Walla Walla, Spokane and Lewiston

Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom county
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

ELECTRONIC TECHNICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman)

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:*					
Area 1	$12.44	.49	.70	b	
Area 2	13.05	.53	.55	.80	
Area 3	10.91	.69	1.10	.72	
Area 4	12.89	.69	1.00	b	
Area 5	13.27	.40	1.05	b	
Area 6	11.98	.48	.80		
Area 7	14.34	.81	1.00		.03
INSULATION APPLICATORS:*					
Area 1	9.55	.60	.80		.02
IRONWORKERS	17.04	1.00	2.15		.15
LATHERS:*					
Area 1	11.00	.90	1.25		
Area 2	15.31	.85	1.00		.10
Area 3	14.42	1.05	.75		.06
MASON TENDERS:*					
Area 1:					
Mason Tenders (including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, and Terrazzo Workers; Topping for Cement Finishers and Mortar Mixers)	14.23	1.10	1.40		.10
PAINTERS:*					
Area 1:					
Drywall Tapers	13.58	.69	1.10		.02
Brush	13.43	.69	1.10		.02
Steel; Spray; Steam Cleaning; Roller, over 9" or 10' handle	13.93	.69	1.10		.02
Swing Stage work or high rate (over 30')	14.13	.69	1.10		.02
Bituмastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	14.23	.69	1.10		.02
TV, Radio, and Electrical Transmission Towers	14.93	.69	1.10		.02
*See AREA DESCRIPTIONS Page - 10					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2:					
Brush	$13.10	.90	$1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (spray)	14.55	.90	1.15	.50	.09
Drywall Finishers	14.23	.80	.80		.06
Area 3:					
General Painters	15.37	.99	.70		.04
Drywall Tapers	15.77	.99	.70		.04
Industrial Painter	15.77	.99	.70		.04
Area 4:					
Striper	14.99	.84	.25		
Area 5:					
Journeyman Painters	13.53	.69	1.10		.02
Taper Finishers	13.78	.69	1.10		.02
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	14.03	.69	1.10		.02
Swing Stage Work or high work over 30 ft.	14.23	.69	1.10		.02
Bituмastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	14.33	.69	1.10		.02
TV, Radio, and Electrical Transmission Towers	15.03	.69	1.10		.02
PLASTERERS:*					
Area 1	12.61	.95	1.50		
Area 2	16.23	1.00	2.00		.06
Area 3	12.97	.75	1.00		.06
PLASTERERS' TENDERS:*					
Area 1	12.35	.97	1.10		.10
PLUMBERS:*					
Area 1	18.01	.99	2.18	2.25	.14
Area 2	18.18	1.37	1.95	2.25	.16
Area 3	18.81	1.02	1.75	2.00	.12
Area 4	20.08	1.55	1.85		.20
ROOFERS:*					
Area 1	14.51	.95	1.65		.10
Area 2	15.66	.95	.90		.08
*See AREA DESCRIPTIONS - Pages 10 and 11					

AREA DESCRIPTIONS

GLAZIERS:
Area 1: Adams County (northeastern portion); Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

INSULATION APPLICATORS:
Area 1: King County

LATHERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Kilititat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except Wahkiakum, Cowlitz, and Skamania Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties

AREA DESCRIPTIONS (Cont'd)

PLASTERERS: Cont'd)
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan, Clallam, and King Counties; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.), Jeffgrson and Okanogan Counties (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat., North Lines)
Area 2: Adams County (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from a line from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin and Cowlitz Counties; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS* (Cont'd)					
Area 3:					
Roofers; Waterproofers	$15.08	.85	$1.00		.03
Slate and Tile Roofers	15.33	.85	1.00		.03
Area 4:					
Roofers; Waterproofers	15.13	.95	1.37		.10
Slate and Tile Roofers	15.38	.95	1.37		.10
Area 5:					
Roofers; Waterproofers	13.53	.85	.50		.01
Slate and Tile Roofers	14.03	.85	.50		.01
Area 6:					
Roofers	13.55	.80	1.10		.10
Handling of irritating material (coal, tar or epoxy)	13.80	.80	1.10		.10
Handling of irritating material (coal, tar or epoxy) in confined area	14.05	.80	1.10		.10
SHEET METAL WORKERS:*					
Area 1	17.41	3%+.83	1.70		.20
Area 2	20.12	3%+.79	.94		.14
Area 3	15.04	1.10	1.81	1.00	.10
Area 4	14.25	3%+.68	1.06		.04
Area 5	19.29	3%+.88	1.68		.14
Area 6	18.80	3%+.88	1.68		.14
SOFT FLOOR LAYERS:*					
Area 1	12.39	.53	.60		
Area 2	10.66	.40	.90	1.21	
Area 3	11.00	.40	.90	.60	
Area 4	10.41	.47	1.00		
Area 5	14.63	.83	1.50		.15
Area 6	12.795	.80	1.05	c	.13
Area 7	13.26	.83	1.50		.13
Area 8	13.15	.69	.50		
Area 9	11.72	.63	1.25		1%
SPRINKLER FITTERS:*					
Area 1	19.16	.95	3.40		.11
Area 2	16.44	.95	1.40		.08

*See AREA DESCRIPTIONS Page - 13

AREA DESCRIPTIONS

ROOFERS: (Cont'd)
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, and Snohomish Counties
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County
Area 9: Whatcom County

SPRINKLER FITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	$13.50	.80	$2.00		
Area 2	14.41	.80	.40		
Area 3	15.75	1.05	1.00		.07
Area 4	15.77	.80	1.55		.16
Area 5	16.38	1.00	1.45		.35
Area 6	15.25	.90	.80		
Area 7	15.28	1.05	1.80		.16
Area 8	13.84	.80	1.25		.06
TILE, MARBLE and TERRAZZO FINISHERS:*					
Area 1	13.48	.80	.75		
Area 2	14.00	1.00	.55		
*See AREA Descriptions - Page 15					
IRRIGATION and LANDSCAPE CONSTRUCTION (STATEWIDE)					
Laborers	7.90	.95	1.30		
Plumbers	9.75	.90	.30	.37	.11
Power Equipment Operators	10.00	.95	1.50		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

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"Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.
b. Two weeks' vacation with pay after 1 year employment. Also seven(7) Paid Holidays: A thru F plus Washington's Brithday
c. 4% of all gross wages to be placed to the credit of the employee with less than one(1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one(1) year of service.

AREA DESCRIPTIONS

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan County (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, and Kitsap Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete); Snohomish County
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and that portion of Adams County including the City of Othello
Area 7: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties
Area 8: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); Whatcom County

TILE, MARBLE and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 2: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile stirp bordering the Columbia River in Klickitat County

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LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$17.71	$19.46	$20.21	$20.96	$22.21
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	16.00	17.75	18.50	19.25	20.50
Group 3: Tree Trimmer	14.44	--	--	--	--
Group 4: Line Equipment Man	13.78	15.53	16.28	17.03	18.28
Group 5: Head Groundman, Powderman, Jackhammer Man	12.05	13.80	14.55	15.30	16.55
Group 6: Head Groundman (Chipper)	12.05	--	--	--	--
Group 7: Groundman	11.32	13.07	13.82	14.57	15.82

FRINGE BENEFITS PAYEMENTS:	GROUPS 1 to 3	GROUPS 4 to 7
Health and Welfare	.45	.45
Pension	3%+1.70	3%+1.10
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

ZONE DESCRIPTIONS

BASE ZONE* 0 to 3 miles radius from the geographical center of the Cities listed below
ZONE 1: 3 to 20 miles radius
ZONE 2: 20 to 35 miles radius
ZONE 3: 35 to 50 miles radius
ZONE 4: Over 50 miles radius

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D'Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Seattle	Lakeview	The Dalles
Klamath Falls	Bellingham	Umatilla	Sand Point	

*BASE ZONE rate is paid when working out of employer's permanent shop.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS (AREA 1) BUILDING CONSTRUCTION					
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties):					
Group 1	$13.07	$1.12	$1.30		.10
Group 2	13.32	1.12	1.30		.10
Group 3	13.57	1.12	1.30		.10
Group 4	13.82	1.12	1.30		.10

LABORERS (AREA 1)*
All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford site in Benton and Franklin Counties)

HEAVY and HIGHWAY CONSTRUCTION

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.07	$14.22	$14.67	$15.37	$16.02
2	13.32	14.47	14.92	15.62	16.27
3	13.57	14.72	15.17	15.87	16.52
5	13.82	14.97	15.42	16.12	16.77

FRINGE BENEFITS:	
Helath and Welfare	$ 1.12
Pension	1.30
Apprenticeship Training	.10

*Underground Work - 10% additional

**See ZONE DESCRIPTIONS for AREA 1 (Heavy and Highway) - following TRUCK DRIVERS' Classifications

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeeze-crete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

LABORERS (Area 2) All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4 and the Northern portion of Pacific County:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1-A	$9.27	$1.10	$1.40		.08
Group 1-B	14.30	1.10	1.40		.08
Group 2	14.64	1.10	1.40		.08
Group 3	14.78	1.10	1.40		.08
Group 4	14.88	1.10	1.40		.08

Group 1-A: Window Washers

Group 1-B: Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean up Laborer; Concrete Form Stripper; Concrete and Clean up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition, wrecking and moving; Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller and Bucker, hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter

Group 2: Air, gas or electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chippers; Chocker Splicer; Chuck Tender; Clary power Spreader and similar types; Concrete Saw; Gabian Basket Builder; Grinders; Groutman, pressure, including Post Tension Beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper; Powderman Tender; Power Jacks; Power Wheelbarrow or Buggy; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper, over 20 ft.; Stake Hopper; Swinging Scaffold or Boatswain Chain over water or 25 ft. in height; Tamper, multiple and self-propelled; Tamper and similar electric and air operator tools; Topman-Tailman; Track Liners; Wagon Driller and Air Trac Tender Well Point Laborer; Epoxy Technician

Group 3: Bit Grinder and Drill Doctor; Cement Dumper, paving; Cement Finisher Tender; Faller and Bucker Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipelayer and Caulker; Powderman; Raker, asphalt; Spreader (carries grade with rodder); Timberman, sewer; Tugger Operator; Vibrator (all); Wagon and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Powderman; Re-timberman; Pipe Reliner (not insert type)

LABORERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties,
and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$12.72	$13.32	$13.77	$14.27	$15.22	$15.97
2	13.07	13.67	14.12	14.62	15.57	16.32
3	13.37	13.97	14.42	14.92	15.87	16.62
4	13.62	14.22	14.67	15.17	16.12	16.87

FRINGE BENEFITS	
Health and Welfare	$ .95
Pension	1.40
Vacation	.65
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties;
and the Southern portion of Pacific County

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreaders and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4) Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1-A	$9.27	.95	$1.30		.08
Group 1-B	14.30	.95	1.30		.08
Group 2	14.64	.95	1.30		.08
Group 3	14.78	.95	1.30		.08
Group 4	14.88	.95	1.30		.08

Group 1-A: Window Washers

Group 1-B: Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean up Laborer; Concrete Form stripper; Concrete and Clean up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition, wrecking and moving; Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller and Bucker, hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter

Group 2: Air, gas or electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chippers; Chocker Splicer; Chuck Tender; Clary power Spreader and similar types; Concrete Saw; Gabian Basket Builder; Grinders; Groutman, pressure, including Post Tension Beams; Jackhammer; Multiple Tampers; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper; Powderman Tender; Power Jacks; Power Wheelbarrow or Buggy; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper, over 20 ft.; Stake Hopper; Swinging Scaffold or Boatswain Chain over water or 25 ft. in height; Tamper, multiple and self-propelled; Tamper and similar electric and air operated tools; Topman-Tailman; Wagon driller and Air Trac Tender Well Point Laborer; Epoxy Technician

Group 3: Bit Grinder and Drill Doctor; Cement Dumper, paving; Cement Finisher Tender; Faller and Bucker Chain saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipelayer and Caulker; Powderman; Raker, asphalt; Spreader (carries grade with Rodder); Timberman, sewer, Tugger Operator; Vibrator (all); Wagon and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Powderman; Re-timberman; Pipe Reliner (not insert type)

LABORERS (Area 5) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.80	.97	$1.10		.10
Group 2	12.05	.97	1.10		.10
Group 3	12.30	.97	1.10		.10
Group 4	12.55	.97	1.10		.10
Group 5	12.80	.97	1.10		.10

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and reference Post, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

LABORERS (Area 5) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culverts; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power dirven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

Group 5: Powderman

POWER EQUIPMENT OPERATORS (Area 1)*
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.10	$14.25	$14.70	$15.40	$16.05
2	13.40	14.55	15.00	15.70	16.35
3	13.95	15.10	15.55	16.25	16.90
4	14.10	15.25	15.70	16.40	17.05
5	14.25	15.40	15.85	16.55	17.20
6	14.50	15.65	16.10	16.80	17.45
7	14.75	15.90	16.35	17.05	17.70
8	15.75	16.90	17.35	18.05	18.70

FRINGE BENEFITS:	
Health and Welfare	$ 1.30
Pension	2.00
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Bit Grinders; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydralift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yards R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 feet depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

POWER EQUIPMENT OPERATORS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$18.12	$1.20	$1.75		.16
Group 2	17.62	1.20	1.75		.16
Group 3	17.18	1.20	1.75		.16
Group 4	16.82	1.20	1.75		.16
Group 5	16.52	1.20	1.75		.16
Group 6	14.72	1.20	1.75		.16

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yards and over; Shovels and attachments, 6 yards and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yards up to 8 yds.; Shovels, Backhoes, over 3 yards to 6 yards; Slipform Pavers; Scrapers, self-propelled, 45 yards and over; Quad 9, HD 41, D-10

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yards; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes, 3 yards and under; Subgrader, Trimmer; Tractors, Backhoe, over 60 HP; Scrapers, Self-propelled, under 45 yards

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

POWER EQUIPMENT OPERATORS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Groups	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$13.12	$13.62	$14.02	$14.52	$15.42	$16.12
2	13.28	13.78	14.18	14.68	15.58	16.28
3	13.40	13.90	14.30	14.80	15.70	16.40
4	13.58	14.08	14.48	14.98	15.88	16.58
5	13.60	14.10	14.50	15.00	15.90	16.60
6	13.69	14.19	14.59	15.09	15.99	16.69
7	13.76	14.26	14.66	15.16	16.06	16.76
8	13.87	14.37	14.77	15.27	16.17	16.87
9	13.94	14.44	14.84	15.34	16.24	16.94
10	14.01	14.51	14.91	15.41	16.31	17.01
11	14.03	14.53	14.93	15.43	16.33	17.03
12	14.10	14.60	15.00	15.50	16.40	17.10
13	14.19	14.69	15.09	15.59	16.49	17.19
14	14.37	14.87	15.27	15.77	16.67	17.37
15	14.55	15.05	15.45	15.95	16.85	17.55
16	14.76	15.26	15.66	16.16	17.06	17.76
17	14.92	15.42	15.82	16.32	17.22	17.92
18	15.12	15.62	16.02	16.52	17.42	18.12
19	15.28	15.78	16.18	16.68	17.58	18.28

FRINGE BENEFITS:	
Health and Welfare	$1.25
Pension	1.47
Vacation	0.50
Apprenticeship Training	0.05

*See ZONE DESCRIPTION - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 80 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2¼ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2¼ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2¼ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Banding and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 80 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Wound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and inlcuding 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote contolled earth moving equipment; Underwater equipment, remote or otherwise

POWER EQUPMENT OPERATORS (DREDGING - AREA 1)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
All Counties and portions of Counties East of the 120th Meridian:					
Group 1	$15.12	$1.20	$1.55		.08
Group 2	15.22	1.20	1.55		.08
Group 3	15.56	1.20	1.55		.08
Group 4	15.61	1.20	1.55		.08
Group 5	15.66	1.20	1.55		.08
Group 6	15.98	1.20	1.55		.08
Group 7:					
(a)	16.37	1.20	1.55		.08
(b)	16.92	1.20	1.55		.08
(DREDGING - AREA 2)					
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern portion of Pacific County:					
Group 1	15.02	.95	1.50		.16
Group 2	15.12	.95	1.50		.16
Group 3	15.46	.95	1.50		.16
Group 4	15.51	.95	1.50		.16
Group 5	15.56	.95	1.50		.16
Group 6	15.88	.95	1.50		.16
Group 7:					
(a)	16.27	.95	1.50		.16
(b)	16.82	.95	1.50		.16
(DREDGING - AREA 3)					
Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties:					
Group 1	14.66	1.25	1.47	.50	.05
Group 1A	15.41	1.25	1.47	.50	.05
Group 2	14.25	1.25	1.47	.50	.05
Group 3	13.98	1.25	1.47	.50	.05
Group 4	13.68	1.25	1.47	.50	.05

POWER EQUIPMENT OPERATORS
DREDGING - AREAS 1 and 2

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pump); Mates and Boatman

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator Operator for Primary Pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS
DREDGING - AREA 3

Group 1: Leverman, Dipper

Group 1A: Leverman, Hydraulic

Group 2: Assistant Engineer (including Watch Engineer, Mehcanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

POWER EQUIPMENT OPERATORS (AREA 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$12.30	$1.20	$1.55		.08
Group 2	12.60	1.20	1.55		.08
Group 3	13.15	1.20	1.55		.08
Group 4	13.30	1.20	1.55		.08
Group 5	13.45	1.20	1.55		.08
Group 6	13.70	1.20	1.55		.08
Group 7	13.95	1.20	1.55		.08
Group 8	14.95	1.20	1.55		.08
Group 9	16.70	1.20	1.55		.08

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable brake; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Operator (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxcavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

Group 5: Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stifflegs (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Rollerman (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Bluetop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (side); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yards and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, and all climbing, rails and tower); Clamshell Operator (3 yards and over); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards); Helicopter Pilot; Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

TRUCK DRIVERS (AREA 1)*
All Counties and portion of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$14.52	$15.67	$16.12	$16.82	$17.47
2	14.56	15.71	16.16	16.87	17.51
3	14.62	15.77	16.22	16.92	17.57
4	14.71	15.86	16.31	17.01	17.66
5	14.92	16.07	16.52	17.22	17.87
6	14.96	16.11	16.56	17.26	17.91
7	15.02	16.17	16.62	17.32	17.97
8	15.06	16.21	16.66	17.36	18.01
9	15.17	16.32	16.77	17.47	18.12
10	15.21	16.36	16.81	17.51	18.16
11	15.52	16.67	17.12	17.77	18.47
12	15.66	16.81	17.26	17.96	18.61
13	15.82	16.97	17.42	18.12	18.77
14	15.96	17.11	17.56	18.26	18.91

FRINGE BENEFITS:
Health and Welfare $ 1.34
Pension 1.47
Apprenticeship Training .09

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling mateiral; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D. W.'s and similar, with 2 to 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end, and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end, and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.18	$1.06	$1.33		.14
Group 2	15.23	1.06	1.33		.14
Group 3	15.28	1.06	1.33		.14
Group 4	15.39	1.06	1.33		.14
Group 5	15.45	1.06	1.33		.14
Group 6	15.49	1.06	1.33		.14
Group 7	15.50	1.06	1.33		.14
Group 8	15.56	1.06	1.33		.14
Group 9	15.61	1.06	1.33		.14
Group 10	15.63	1.06	1.33		.14
Group 11	15.66	1.06	1.33		.14
Group 12	15.76	1.06	1.33		.14
Group 13	15.78	1.06	1.33		.14
Group 14	15.82	1.06	1.33		.14
Group 15	15.94	1.06	1.33		.14
Group 16	15.98	1.06	1.33		.14
Group 17	16.10	1.06	1.33		.14
Group 18	16.15	1.06	1.33		.14
Group 19	16.31	1.06	1.33		.14
Group 20	16.47	1.06	1.33		.14
Group 21	16.63	1.06	1.33		.14

TRUCK DRIVERS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Trucks, Escort or Pilot Car; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material; Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4¼ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

TRUCK DRIVERS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$12.53	$13.03	$13.43	$13.93	$14.83	$15.53
2	12.58	13.08	13.48	13.98	14.88	15.58
3	12.63	13.13	13.53	14.03	14.93	15.63
4	12.68	13.18	13.58	14.08	14.98	15.68
5	12.73	13.23	13.63	14.13	15.03	15.73
6	12.83	13.33	13.73	14.23	15.13	15.83
7	12.93	13.43	13.83	14.33	15.23	15.93
8	13.03	13.53	13.93	14.43	15.33	16.03
9	13.13	13.63	14.03	14.53	15.43	16.13
10	13.30	13.80	14.20	14.70	15.60	16.30
11	13.40	13.90	14.30	14.80	15.70	16.40
12	13.50	14.00	14.40	14.90	15.80	16.50
13	13.60	14.10	14.50	15.00	15.90	16.60
14	13.70	14.20	14.60	15.10	16.00	16.70

FRINGE BENEFITS:

Health and Welfare	$0.93
Pension	1.19
Vacation	1.00
Apprenticeship Training	0.08

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Bolo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties and the Southern portion of Pacific County

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Staddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

TRUCK DRIVERS: (Area 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$13.14	$1.24	$1.33		.09
Group 2	13.18	1.24	1.33		.09
Group 3	13.24	1.24	1.33		.09
Group 4	13.33	1.24	1.33		.09
Group 5	13.54	1.24	1.33		.09
Group 6	13.58	1.24	1.33		.09
Group 7	13.64	1.24	1.33		.09
Group 8	13.68	1.24	1.33		.09
Group 9	13.79	1.24	1.33		.09
Group 10	13.83	1.24	1.33		.09
Group 11	14.14	1.24	1.33		.09
Group 12	14.28	1.24	1.33		.09
Group 13	14.44	1.24	1.33		.09
Group 14	14.58	1.24	1.33		.09

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

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TRUCK DRIVERS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,00 gallons; Tractor with Steer Trailer; truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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ZONE DESCRIPTIONS (AREA 1)

LABORERS
(Heavy and Highway)
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla
*15 mile free Zone

ZONE 1 - within a 15 mile radius from the center of the above named Cities
ZONE 2 - 15-30 miles radius from the center of the above named Cities
ZONE 3 - 30-45 miles radius from the center of the above named Cities
ZONE 4 - 45-90 miles radius from the center of the above named Cities
ZONE 5 - over 90 miles radius from the center of the above named Cities

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, The Dalles and Vancouver

ZONE 1 - all jobs or projects located within 10 miles of the respective City Hall
ZONE 2 - more than 10 miles but less than 25 miles from the respective City Hall
ZONE 3 - more than 25 miles but less than 35 miles from the respective City Hall
ZONE 4 - more than 35 miles but less than 45 miles from the respective City Hall
ZONE 5 - more than 45 miles but less than 75 miles from the respective City Hall
ZONE 6 - more than 75 miles from the respective City Hall

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BILLING CODE 4510-27-C

federal register

Monday
July 6, 1981

Part III

Water Resources Council

Synthetic Fuels Development for the Upper Colorado Region Water Assessment

WATER RESOURCES COUNCIL

Synthetic Fuels Development for the Upper Colorado Region Water Assessment

AGENCY: Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the water assessment report prepared by the Water Resources Council under the provisions of Section 13(a) of the Federal Nonnuclear Energy Research and Development Act of 1974.

DATE: Comments on this report are due on or before October 5, 1981. A 90-day comment period is provided by law; however, because the water Resources Council will be terminated September 30, 1981, the staff may not have time to respond to and formally incorporate comments into the official WRC analysis submitted to the Secretary of Energy. Interested person are, therefore, urged to submit comments before September 1, 1981.

Reference for comments

This summary report only highlights important aspects of the full technical report. Therefore, reviewers should use the full technical report for comment. For copies of the technical report contact: Joyce Doherty, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037. Phone: 202/254–6352.

ADDRESS: Send comments to: Gerald D. Seinwill, Acting Director, U.S. Water Resources Council 2120 L Street, NW., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Frank S. Davenport, Program Leader, or Joyce Doherty, Staff Specialist, U.S. Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037, phone: 202/254–6352.

Dated: June 29, 1981.

Gerald D. Seinwill,

Acting Director.

I. Preface

The U.S. Water Resources Council (WRC) staff has prepared this report under the provisions of paragraph (a) of Section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. The report is the result of an assessment of water requirements, water supply availability, and other water implications of synthetic fuels development in the Upper Colorado River Region. Under a memorandum of agreement with WRC, the Colorado Department of Natural Resources managed the regional assessment and published a regional report entitled *The Availability of Water for Oil Shale and Coal Gasification Development in the Upper Colorado River Basin.* That report serves as the principal basis for this report and supporting technical reports, which are available on request from the U.S. Water Resources Council.

Publication of the report in the **Federal Register** is mandated under the provisions of Section 13 to enable public review and comment during a 90-day period. Comments on the report are to be submitted to: Gerald D. Seinwill, Acting Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

After the 90-day review period, the WRC staff will analyze the comments received and will revise the report as appropriate. WRC will forward the comments, the WRC analysis, and the final water assessment report to the Secretary of the U.S. Department of Energy.

A. Purpose of Report

The purpose of the report is to describe the availability of water to support the production of synfuels through coal and oil shale conversion technologies and to identify major effects that synfuels development could have on the water resources of the Region.

The report is intended to support national and regional energy supply planning and decisionmaking. It is also designed to serve water resources managers and decisionmakers in the conception, implementation, and operation of water management measures and programs needed to support energy development.

The report was not prepared nor was the assessment designed to address site-specific questions. Therefore, users of the report are cautioned not to interpret information as applicable to specific sites.

B. Authorization

The Federal Nonnuclear Energy Research and Development Act of 1974, as amended, authorizes an extensive and accelerated program for research and development of nonnuclear energy technologies that will lead to full-scale commercialization by socially and environmentally acceptable means. Within the Act, Congress expressed a strong concern about the possible water resources implications of new energy technologies. The governing principles of the Act state: "Any program for the development of a technology which may require significant consumptive use of water after the technology has reached the stage of commercial application shall include thorough consideration of the impacts of such technology and use on water resources pursuant to the provisions of Section 13." Subsection (a) of Section 13, the authorization for this report, provides that the U.S. Water Resources Council shall conduct water assessments for such nonnuclear energy technologies.

C. Objectives of Assessment

The assessment objectives were:

(1) To assess water supply availability for production of synfuels through coal and oil shale technology development.

(2) To assess the water and related land resources implications of such development, including determinations of (a) water requirements, (b) effects on water quality, (c) costs of water supplies, (d) costs of wastewater disposal, and (e) environmental, economic, and social impacts of water use.

(3) To provide DOE and other energy interests with information useful for the development of nonnuclear energy research, demonstration, and development (commercialization) programs.

II. Summary of Major Findings

A. Water Requirements

Synfuels development will increase the annual consumptive water use in the Upper Colorado Region by about 150,000 acre-feet per year for each million barrels (oil equivalent) per day of production.

B. Water Supply Availability

The Region's total water resources will be able to support nearly 3 million barrels of oil equivalent synfuels production per day.

Synthetic fuels development in some development areas will be limited unless additional water supply measures (i.e., reservoirs, water imports, groundwater) are developed. The White River area in Colorado and Utah with large oil shale reserves is of particular concern.

Provisions of the Compact among the Upper Basin States, which allocates water supplies among the States, may ultimately constrain synfuels development. Specifically, conversion of coal mined from the Four Corners area in New Mexico and both coal and oil shale conversion in Colorado, may ultimately be limited by these constraints.

C. Water Quality Effects

Wastewaters from synthetic fuels development will be minimal. These will be disposed of through evaporation with no impact on surface waters.

Depletions of surface water by consumptive use of synthetic fuels may actually lower the concentrations of dissolved solids in surface waters in the Upper Basin since they will be removed during diversion and retained in evaporation ponds. However, the Lower Basin salinity problems will be somewhat increased by the combined Upper and Lower Basin depletions.

D. Environmental Effects

One important environmental concern associated with synfuels water use is the potential adverse effects on habitats of two endangered fish species, the Colorado Squawfish and the Humpback Chub.

Other environmental effects appear limited to local or site-specific situations involving reservoir development and diversion facilities, which would require site-specific analyses.

E. Economic and Social Effects

A synthetic fuels production of nearly 3 million barrels per day would reduce hydroelectric power revenues by $6 to $7 million annually.

Increased salinity concentration in the Lower Basin would adversely effect agricultural production by $4.3 million annually.

F. Water Supply Costs

The investment costs in water supply development facilities for 3 million barrels per day of synfuels production is estimated between $0.9 and $1.6 billion or approximately 2 percent of the capital investment in synfuels facilities. Most would occur in the White River area.

G. Need for Continuing Improvement in Water Management

The Colorado River system is a complex water management system involving interests inside and outside both the Upper and Lower Basin, including municipal water supply in Los Angeles, San Diego, Denver, and Phoenix. The complexity is illustrated by: interstate compacts; an International Treaty; Supreme Court decrees; growing regional economic activity; energy, agricultural and environmental resources of national and worldwide importance; immense Federal investments in water development; and continuing evolution of new water management problems, challenges, and resolutions.

A synthetic fuels industry within the Region that would annually deplete several hundred thousand acre-feet of water would add to the complexity of Basin management.

The following measures are needed to improve water management in the Basin:

(1) Greater coordination between Federal and State programs and water, energy, and land use agencies.

(2) Subbasin water management plans responsive to synfuels development needs but multipurpose in scope and formulated on an intrastate basis, except where interstate considerations are necessary.

(3) Timely water management decisions that balance competing environment and development interests.

(4) Improve communication among analysts, the public, the energy industry, and water resource decisionmakers.

(5) Expansion of data collection, particularly for groundwater in energy resource areas.

These measures should be achieved under or evolve from the responsibilities of existing water institutions.

III. Background

A. Management of Assessment

Operational managment of the regional assessment was provided by the Colorado Department of Natural Resources under an agreement with WRC. An Advisory Committee composed of the Upper Basin States and Federal agencies provided the overview. Major portions of the full assessment were provided by each State and by the U.S. Fish and Wildlife Service, U.S. Geological Survey, the U.S. Bureau of Reclamation, and the U.S. Department of Energy. The Bureau analyzed for WRC what effects the synfuels development in the Upper Basin would have on water uses in the Lower Basin. Consultants under contract to Colorado performed various components of the assessment.

The public had input to the assessment through review of and comment on the draft regional assessment report prepared by Colorado and through public workshops held in Grand Junction and Denver, Colorado. An interagency Federal briefing on the draft report also provided opportunity for informal and formal comment.

WRC prepared this report and the supporting technical report from results of the above efforts.

B. General methodology

Much of the assessment data was obtained from previously published reports of Federal and State agencies. Estimated hydrologic impacts in the main stem of the Colorado River were derived through the Colorado River System Simulation (CRSS) model of the U.S. Bureau of Reclamation.

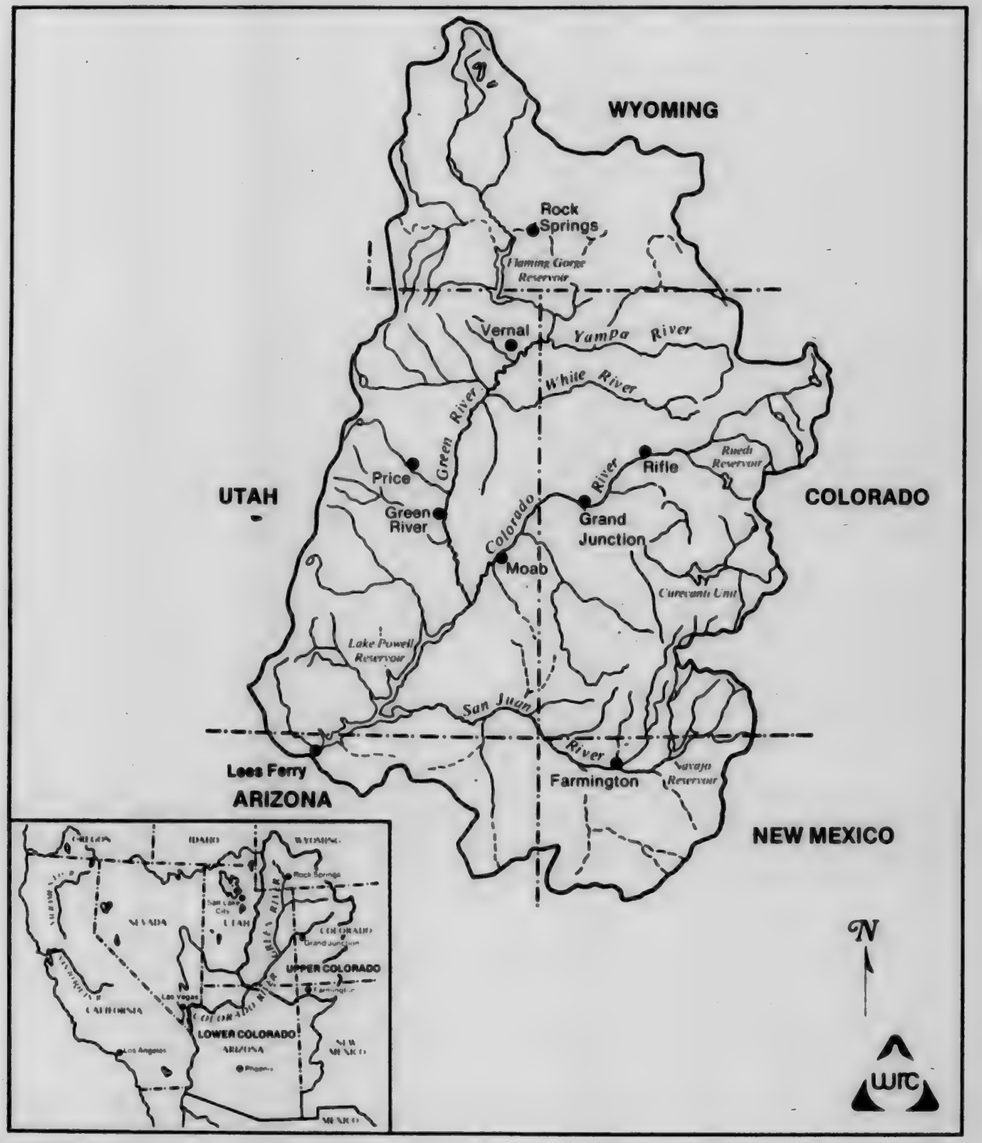
For this assessment, water requirements (assumed to be consumptive use) for synfuels development include water for conversion processes, wet cooling, related facility operations, and a variety of secondary requirements. Examples of the latter include water supplies to support associated population growth and expanded industrial activity, revegetation of areas either surface mined or covered with mine spoil, and electric power requirements.

C. Overview of Upper Colorado Region

The Upper Colorado River Region includes the Upper Colorado River Basin and the Great Divide Basin, a total area of approximately 113,470 square miles, comprising about 45 percent of the entire Colorado River Basin (figure 1).

BILLING CODE 6410-01-M

Fig. 1 — Upper Colorado River Basin



BILLING CODE 8410-01-C

One-third forested, the Region is characterized by mountains, plateaus, and valley basins. Mountains form a perimeter on the east, west, and north. The dry climate exhibits wide variations in temperature due to seasonal changes and elevation differences.

Agriculture is the dominant land and water use, with mineral extraction the leading activity in dollars of output. The Region contains outstanding fish and wildlife habitats. Sport fishing, hunting, and year-around tourism and recreation also contribute to the Region's economy.

The Fedrral Government controls about 60 percent of the land in the Region, most of which is managed by the Bureau of Land Management. The remaining 40 percent is in private, tribal, and State ownership, in descending order. The area is sparsely settled. The 1975 population was about 438,000 people.

The Region's water resources serve an area much greater than that of the Upper Basin alone. Through transbasin diversions, the Upper Basin resources supply municipal and agricultural needs to the east, including the City of Denver, to the south (Upper Rio Grande Basin), and to the west (Central Utah Project). Outflows from the Upper Basin, under provisions of the Colorado River Compact, are the principal supply source for users in the Lower Basin and for transbasin diversions to users in Southern California and Nevada.

1. *Oil Shale Resources.* The Green River Formation (figure 2), the major oil shale source in the United States, was formed in ancient lakes of great depth. The thermal and chemical characteristics of the lakes allowed the deposition of thin-bedded oil shales and a number of relatively rare carbonate minerals. The formation is estimated to contain more than 3 trillion barrels of oil. Estimates for deposits thicker than 15 feet, yielding more than 15 gallons per ton, place Colorado's resources at 400 billion barrels, Utah's at 120 billion barrels, and Wyoming's at 12 billion barrels.

2. *Coal Resources.* The coals of the Upper Colorado Region constitute a major portion of total western coal reserves (Figure 3), with discoveries every year adding to the Region's potential. These generally good quality bituminous and subbituminous coals and an anthracite deposit in Gunnison County, Colorado, have desirable characteristics including low sulfur and ash contents and medium- to high-Btu values.

BILLING CODE 8410-01-M

Fig. 2 — Green River Oil Shale Formation

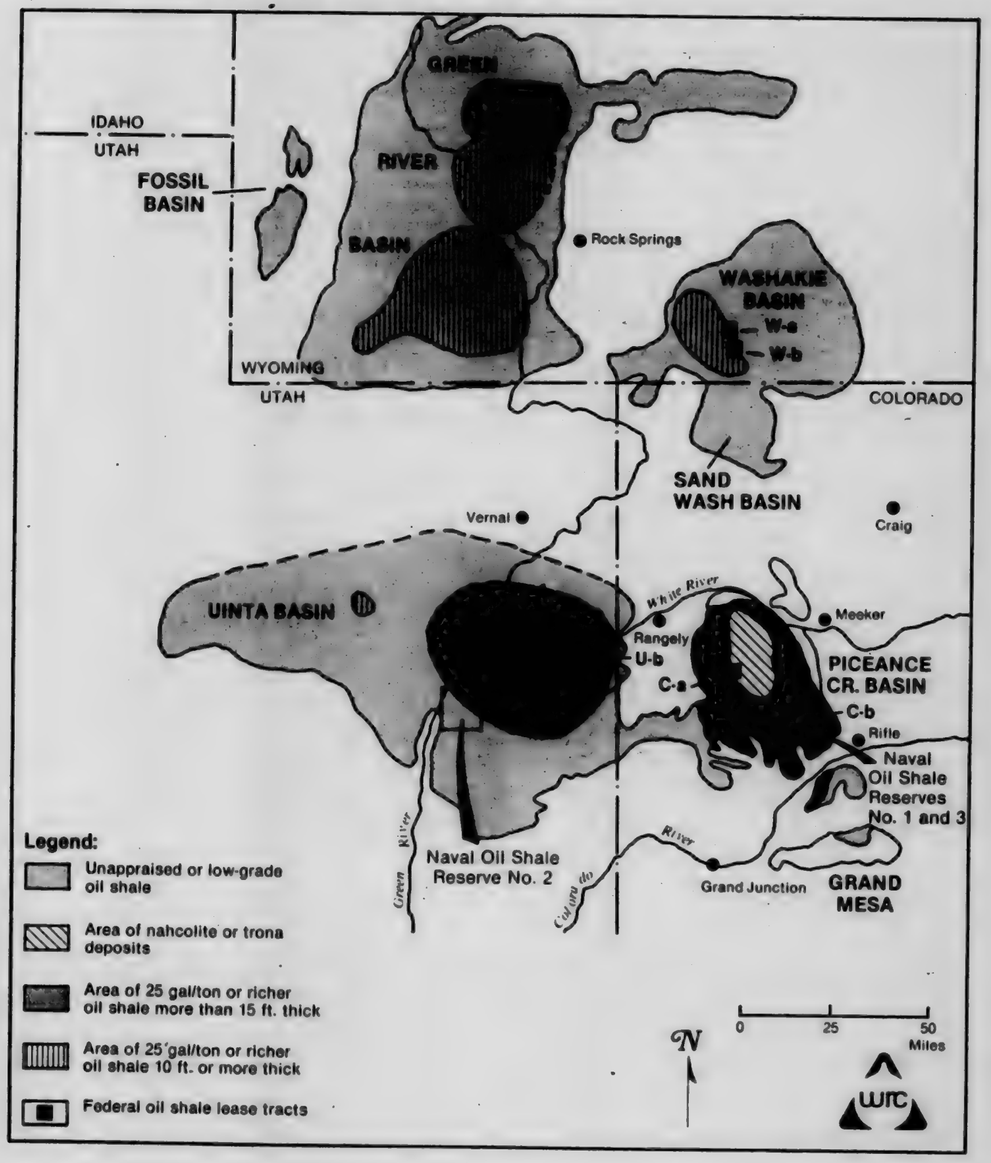
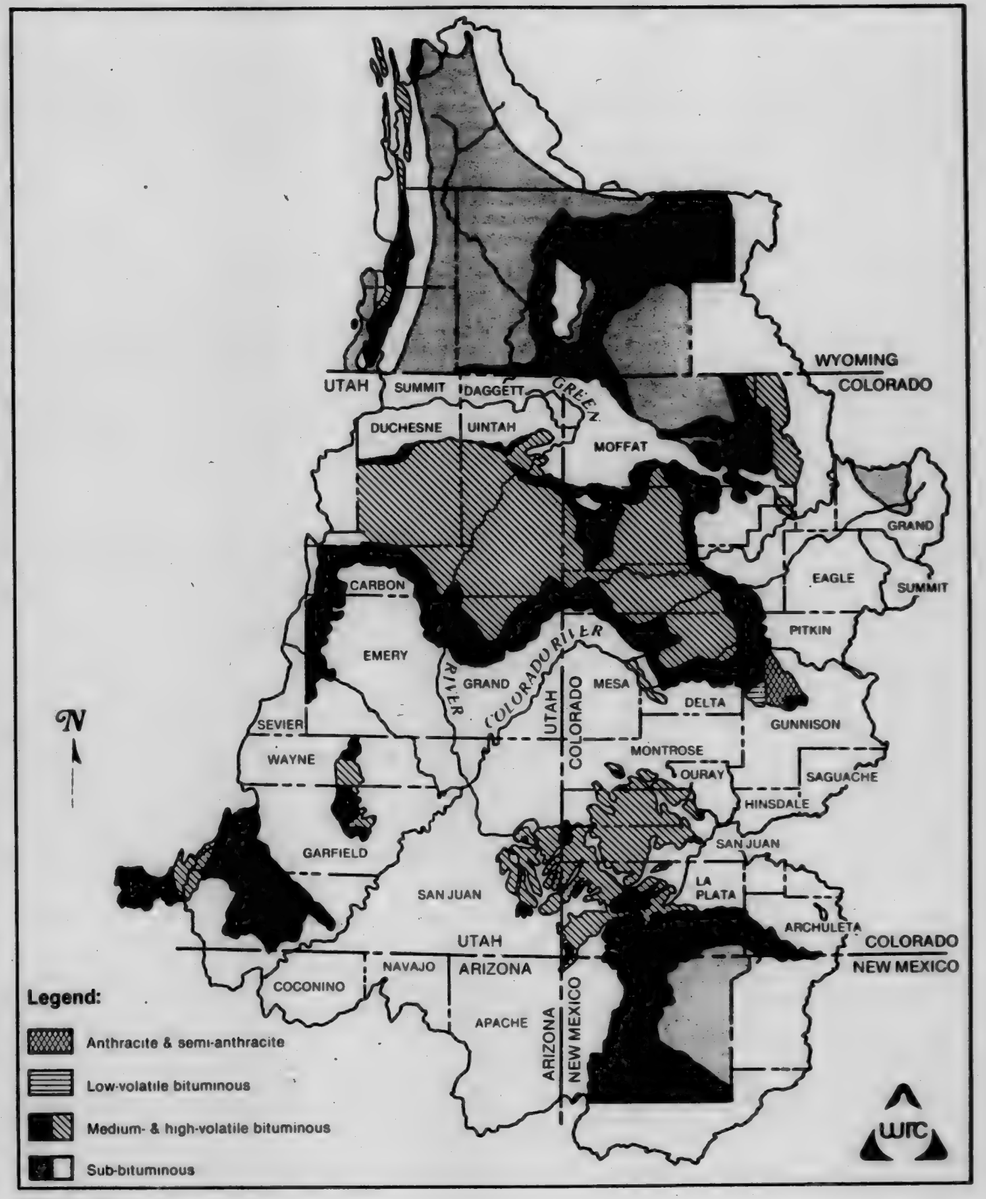


Fig. 3 — Upper Basin Coal Deposits



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Colorado's most significant coal deposits and mining are found in the northwestern part of the State. The high quality of Colorado coal places it in demand for steam electric generation and metallurgical appliations. Utah's coal is located primarily in the southcerntral portion of the State. Mining is mostly underground with current production about 10 million tons per year. Most of New Mexico's coal is in the San Juan River basin in the northwest corner of the State. Surface mines predominate in this area, producing coal for two nearby powerplants. Wyoming has extensive coal deposits; rapid growth in mining is occurring in the Rock Spring area. Arizona does not have significant coal deposits.

3. *Synfuels Development Areas.* During the assessment, six subareas were delineated as the basis for the conclusions presented in this report. The delineation was based on hydrographic and water management considerations and the location of base energy resources and their synfuels development potential. The synfuels development areas shown on figure 4 are:

Upper Green River
Yampa River
White River
Upper Colorado River Main Stem
Lower Green River
San Juan River

IV. Water Resources Conditions

A. Surface Water Resources (Present Conditions)

The principal water supply source in the Region is suface water. The natural surface water regime of the Region has been substantially altered by the construction of over 30 major reservoirs having a total active storage of 34.5 million acre-feet (maf). Main stem reservoirs account for 29.7 maf of this total, with Lake Powell alone accounting for 25 maf.

Navajo, Flaming Gorge, Fountenelle, the Curecanti Unit (Blue Mesa, Morrow Point, and Crystal), and Lake Powell reservoirs make up the Colorado River Storage Project (CRSP). These are shown on Figure 1. A major function of these main stem reservoirs is to regulate flows so that the Upper Basin States (Arizona, Colorado, New Mexico, Utah, and Wyoming) may consume their compact entitlements, yet meet their compact obligations to deliver specified amounts of water to the Lower Basin at Lee Ferry. Under present steady state conditions, the average volume of water available in storage in the CRSP system would be about 85 percent of the total active storage.

Depletions of surface water by consumptive uses within the Region and exports from the Region average about 3.12 maf annually under present (1975–1976) conditions of development. Agriculture accounts for nearly 70 percent of these depletions and exports about 25 percent. The remaining 5 percent is divided among thermal power generation, support of fish and wildlife habitat, recreation facilities, mineral extraction, and municipal and industrial uses. Evaporation from CRSP reservoirs is estimated to average 715,000 acre-feet annually.

Salt concentration and loadings are the most prevalent water quality problems in the Region. Due to the concentrating effects of water withdrawals for consumptive use or export and reservoir evaporation, the problem becomes more severe as the water flows downstream. Of the salt loads in the Colorado River at Hoover Dam (Lake Mead), 60 percent comes from natural sources and the balance from man's activities (primarily irrigation). Average annual salt concentrations below Lake Mead averaged 723 milligrams per liter (mg/l) in 1972.

B. Groundwater Resources

Because of limited exploration and use, the extent and quality of groundwater resources in the Basin are difficult to quantify. Nonetheless, groundwater could be a significant water supply source for some synfuels development. Primary interest to date has focused on the Piceance Creek structural basin, which lies in the midst of western Colorado's richest oil shale reserves. Two artesian aquifers have been evaluated in this area, with estimates of total volume ranging from 2.5 to 25 maf and annual recharge from 23,000 to 29,000 acre-feet. Yields from existing wells vary from 100 to 1,000 gallons per minute, and concentrations of dissolved solids range from 200 mg/l in the upper aquifer to 30,000 mg/l in the lower.

The San Juan development area in New Mexico also has groundwater for synfuels development.

C. Future Depletions for Conventional Uses

Regional water availability for synfuels production was assessed against a baseline of projected depletions in the Region.

Three levels of depletion by conventional water uses and exports were examined for the year 2000—a low level (4.1 million acre-feet per year), a medium level (4.5 maf/year), and a high level (4.8 maf/year). For the purposes of this report, the availability of water for synfuels development is discussed in relationship to the medium level. Projections for this level (Table 1) represent the States' current estimates of the most probable level of depletions by conventional uses and exports. Evaporation from CRSP reservoirs would be expected to decrease about 4 percent from the present estimated 715,000 acre-feet annually. The drop in storage levels due to the greater depletions will lessen the reservoir surface evaporation.

Future depletions show three major water use trends. First, irrigated agriculture is projected to continue to expand, accounting for just over 60 percent of total depletions in the year 2000. Second, exports from the Region are expected to increase, most notably for municipal and industrial use in the front range urban corridor in Colorado, the Rio Grande Basin in New Mexico, and the Bonneville Basin in Utah. Third, a 350 to 500 percent increase in water use for thermal electric generation is expected. Even with these increases, however, thermal electric facilities would still account for only 7 percent of the year 2000 depletions.

Table 1.—*Present and Projected Depletions*

(Without synfuels development)

Area	Agricultural uses	Thermal electric	Other uses	Exports	Total
	Present depletions (1,000 acre-feet/year)				
Upper Colorado River Basin	2,145	74	133	764	3,116
CRSP Reservoir Evaporation					715
Total Depletions					3,831
	Future depletions				
Snyfuels Development Area:					
Upper Green River	307	83	92	0	482
Yampa River	107	59	15	0	181
White River:					
Colorado	37	10	11	0	58
Utah	22	0	0	0	22

Table 1.—*Present and Projected Depletions*—Continued

[Without synfuels development]

Area	Agricultural uses	Thermal electric	Other uses	Exports	Total
Upper Colorado River:[1]					
Main Stem	432	1	34	753	1,220
Lower Green River	534	64	28	265	891
San Juan River:					
Colorado	201	5	9	3	218
New Mexico	346	56	37	108	547
Other Upper Basin Areas	750	33	60	20	863
Subtotals	2,736	311	286	1,149	4,482
CRSP Reservoir Evaporation					685
Total Depletions					5,167

[1] Excludes the Gunnison River.

Table 2 contains estimated present and future surface water outflows from the selected synfuels development areas and from the Basin. Estimates of the outflows were derived from the depletions presented in Table 1 and from basinwide reservoir operation studies that used the Colorado River Simulation System of the U.S. Bureau of Reclamation. The period of hydrologic record was 1906–1974. It should be noted that the natural surface water supply for shorter periods within this overall period was less than the long-term average. For example, the estimated natural outflow from the Upper Basin for the period 1906–74 was 15.2 maf, whereas for the period 1937–74, it was 13.8 maf per year.

Table 2.—*Annual Present and Future Surface Water Outflows*

[1,000 acre-feet/year]

Area	Present outflows[1] Average	Present outflows[1] 90 percent exceedence	Future average[2] annual outflows
Snyfuels Development Area:			
Upper Green River	1,545	925	1,380
Yampa River	1,580	1,030	1,513
White River	520	371	487
Upper Colorado River Main Stem	4,580	2,980	4,322
San Juan River	1,754	782	1,371
Upper Colorado River Basin	11,193	8,230	10,030

[1] Based on period 1906–1974.
[2] Does not include effects of synfuels development.

D. Institutional Factors

The availability of water for synfuels development is affected by a series of complex institutional factors. For purposes of discussion, these may be grouped into four categories: the "Law of the River," State water rights laws, Federal and Indian reserved rights, and environmental regulatory laws and programs. The "Law of the River" includes an international treaty, interstate compacts, a U.S. Supreme Court decree, and several acts of Congress.

1. *Law of the River.* The Colorado River Compact is considered the cornerstone for water allocation in the Colorado River Basin. Negotiated by the seven basin States in 1922, the compact provisions include (1) separation of the Upper Basin from the Lower at Lee Ferry, Arizona, and (2) apportionment of 7.5 maf per year of the natural flow of the Colorado River at Lee Ferry to the Upper Basin for beneficial consumptive use and a like quantity to the Lower Basin.

The Mexican Water Treaty of 1944 guarantees Mexico 1.5 maf of Colorado River water subject to certain contingencies not pertinent to this assessment.

The Upper Colorado River Basin Compact, negotiated in 1948, apportions 50,000 acre-feet per year of Upper Basin water to Arizona and of the remainder 51.75 percent to Colorado, 11.25 percent to New Mexico, 23 percent to Utah, and 14 percent to Wyoming. The compact also provides that evaporation losses from reservoir storage used to meet the Upper Basin delivery obligations to the Lower Basin are charged against the Upper Basin apportionment.

Construction, authorization, and operational direction for major reservoirs in the Colorado River Basin are provided in four Congressional Acts. One of these Acts, the Boulder Canyon Project Act of 1928, apportioned Lower Basin waters among the States of California, Arizona, and Nevada. It also authorized construction of Hoover Dam and associated facilities. A 1963 U.S. Supreme Court decision upheld the apportionments in the case of Arizona vs. California.

Further interpretation of the Congressional Acts may ultimately affect water allocations from the Colorado River System. Only the statutory provisions of the Colorado River Basin Projects Act of 1968, however, have current relevance to the assessment. These provisions required the Secretary of the Interior to propose criteria for the Coordinated, long-range operation of major reservoirs in the System, including priorities for the storage and release of water. Such criteria have been developed and implemented, and are incorporated in the Basin hydrologic analysis used to reach conclusions on water supply availability.

2. *State Water Rights Law.* Surface water rights in Upper Basin States are based on the doctrine of prior appropriation. Under this doctrine, those who first take steps to divert and apply water to a beneficial use have a right that is senior to those who subsequently initiate action. Two basic types of water laws are involved. In Colorado, the right to make an appropriation is limited only by senior water rights. Thus, neither the

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judicial nor the executive branch of State government has discretionary authority over the type, place, or quantity of use. The remaining Upper Basin States, however, use a permit system in which the State Engineer must approve the right to appropriate water. Here, the State Engineer may deny an application if it is determined to be contrary to the "public interest."

All Upper Basin States (1) allow water rights to be claimed as of the date the application was received, even though actual use is deferred for a period of years; (2) allow for the transfer of a water right from one use to another, one owner to another, or one location to another; and (3) disallow instream flow use as a basis for granting a private water right. Only Colorado law includes instream flow uses and provides for State acquisition of a water right in an amount necessary "to preserve the natural environment to a reasonable degree."

State laws governing the appropriation of groundwater have similarities. Colorado's procedures are probably the most stringent. Groundwater in Colorado is classified as either tributary or nontributary. Because tributary groundwater is hydraulically connected to a surface stream, it is included in the statutory definition of a natural stream and administered under the surface priority system. Nontributary groundwater, which is found in confined formations often under artesian pressure, is administered by the State Engineer through a permit system that limits the amount of annual withdrawal to 1 percent of the water in storage below the applicant's property.

3. *Federal and Indian Reserved Rights.* Title to various quantities of water is currently held by the Federal Government and a number of Indian tribes under the legal principles of Federal reserved water rights. Because these reserved rights are generally not being used, current water availability is little affected. Future reserved right claims and awards could, however, affect the availability of water for other purposes.

4. *Environmental Regulatory Laws and Programs.* A number of Federal laws and programs, although not directly involved with water allocation and use, indirectly affect potential development and/or its associated water implications. Those most pertinent to synfuels development in the Region are:

(1) Fish and Wildlife Coordination Act (P.L. 85-264)

(2) National Wild and Scenic Rivers Act (P.L. 90-542)

(3) Endangered Species Act (P.L. 93-205)

(4) Wilderness Act (P.L. 88-577)

(5) Clean Water Act (P.L. 92-500, as amended by P.L. 95-217).

In addition to the foregoing, the seven States of the Colorado River Basin have adopted a joint objective of maintaining salinity in the lower main stem of the Colorado River at or below the average value found during 1972, while continuing to develop their compact-apportioned waters. Numeric salinity criteria have been approved by each of the States and the U.S. Environmental Protection Agency at three downstream locations. Although subject to change, the criteria pose constraints on water use and development in the Upper Basin. The average normal salinity levels not to be exceeded are 723 mg/l below Hoover Dam, 747 mg/l below Parker Dam, and 879 mg/l below Imperial Dam, all in the Lower Colorado Basin.

V. Water Requirements for Synfuels Development

Estimated demands on Regional energy resources were developed by DOE through disaggregation of the national energy demand forecasts for the years 1985 and 2000. Two levels of synthetic fuels development in the Region were forecast—a baseline and an accelerated development level. The baseline case was based on the principal assumption that synfuels development would proceed according to a "business as usual" pace. The accelerated case was based on the assumptions that: synfuels development would substitute for a greater portion of domestic gas and oil and reduce foreign imports; would have Federal financial support; would have an optimistic degree of success in early market penetration; and production costs would make the product competitive.

A. Patterns of Synfuels Development

Hypothetical siting patterns were then developed for the projected levels of development according to location of oil shale and coal deposits and water availability. Table 3 shows the projected siting for the year 2000 for the baseline and accelerated case projections. Information for 1985 has been excluded because of the small scale of projected development and its relative unimportance to the overall questions of water supply adequacy and water-related impacts.

Table 3.—*Synthetic Fuels Development Patterns—2000*

Synfuels development area	Baseline case			Accelerated Case		
	Coal gasification (million scf/day)		Oil shale (bbl/day)	Coal gasification (million scf/day)		Oil shale (bbl/day)
	Low Btu	High Btu		Low Btu	High Btu	
Upper Green River	0	250	25,000	0	250	140,150
Yampa River	0	0	0	0	250	0
White River:						
Colorado	0	0	625,000	0	0	1,200,000
Utah	0	0	450,000	0	0	800,000
Upper Colorado River Main Stem	0	0	200,000	250	0	500,000
Lower Green River	0	0	0	0	250	0
San Juan River:						
Colorado	0	[1]375	0	0	[1]340	0
New Mexico		1,410	0	0	1,410	0
Totals	0	2,035	1,300,000	250	2,500	2,440,150

[1] Inconsistency due to rounding and similar factors in the national synfuels analysis.

B. Water Requirements for Unit-Sized Facilities

Water requirements estimates for unit-sized facilities were determined for each of the energy conversion processes under consideration. These estimates were based on available data from small-scale experimental facilities, theoretical calculations, and similar information. The estimates are general due to the wide range in water requirements among individual process technologies, varying efficiencies of cooling equipment, differences in air and water pollution control measures, and facility design options. Table 4 presents the range in water requirements for unit-sized synfuels facilities and the values selected for use in the assessment which assume zero return flows.

Table 4.—*Water Requirements for Unit-Sized Synfuels Facilities*

Technology	Facility	Water requirements (1,000 acre-feet/year)	
		Potential range	Adopted assessment value
Oil Shale Conversion	50,000 bbl./day	2-8	5.7
High-Btu Coal Gasification	250 million std. cu. ft./day	5-7.5	7.5
Low-Btu Coal Gasification	250 million std. cu. ft./day	3-14.5	13.5

Information presented in Tables 3 and 4 was then integrated to estimate annual water consumption for synfuels development in each development area. Estimates of water requirements for associated growth were added to include provision for water supplies for municipal industrial, and other purposes that may accompany synfuels development (Table 5).

Table 5.—*Annual Water Requirements—2000*

[1,000 acre-feet/year]

Synfuel development area	Baseline case			Accelerated case		
	Synfuels development	Associated growth	Total	Synfuels development	Associated growth	Total
Upper Green River	10.4	4	14.4	23.2	7	30.2
Yampa River	0	0	0	7.5	3	10.5
White River:						
Colorado	71.3	19	90.3	136.8	35	171.8
Utah	51.3	0	51.3	98.4	0	98.4
Upper Colorado River Main Stem	22.8	6	28.8	70	14	84
Lower Green River	0	4	4	7.5	7	14.5
San Juan River:						
Colorado	11.2	2	13.2	10.2	2	12.2
New Mexico	50	0	50	50	0	50
Totals	217	35	252	373.6	68	441.6

C. Wastewater Management for Synfuels Technologies

The wastewaters produced by synfuel facilities will come from water used for processing, cooling and sanitary purposes, and from surface runoff and mine drainage or dewatering. Under the assumption that wastewater effluent guidelines will be continued in their current form, disposal of the wastewaters will probably be through evaporation, ash disposal, shale compaction, and similar means, rather than by discharge to a surface stream.

1. *Coal Gasification.* Coal gasification facilities generate two separate wastewater streams—a blowdown stream of highly saline water from boiler makeup and cooling tower waters, and a process condensate stream containing various concentrations of ammonia, carbon dioxide, phenols, and other organics. If the process condensate stream is added to the cooling towers feedwater, the blowdown stream will contain both saline and organic contaminants.

These wastewater streams can be used for dust control if leachable salts, ammonia, and phenols are sufficiently reduced. Alternatively, the waste streams can be used to wet down the coal ash if the ash site is designed to prevent groundwater contamination. The estimated costs of disposing such wastewaters through appropriate use in evaporative cooling towers, dust control, and ash compaction are about 2.1 cents per million Btu of product output.

2. *Oil Shale Mining and Retorting.* Oil shale mining may require management of large quantities of brackish mine drainage water. The retorting will produce saline blowdown from boilers and cooling towers and process condensate water containing organics, i.e., waste streams similar to, though not identical with, those from coal gasification plants. The brackish mine water might be used, in whole or in part, as a supply source for plant cooling and process water. Excess mine water would have to be either reinjected underground or treated before discharge to a surface stream.

Depending on the process used to dispose of spent shale, significant quantities of wastewater could be used to moisten the shale after processing. One alternative for spent shale disposal would involve raising its in-place moisture content to convert the spent shale to a compacted, relatively impermeable and inert fill material, which would probably not contaminate surface streams or groundwater. This could consume all wastewater produced by the blowdown and process condensate streams.

The second alternative involves lining a valley with a thin, impermeable layer of compacted spent shale that is wetted down. The remainder of the spent shale would be deposited into the lined basin and compacted but not wetted down except for dust control. Since less than 1 percent of the spent shale would be wetted down, this alternative would use much less wastewater than the first alternative.

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The cost estimates for treating wastewaters from shale oil processing facilities are similar to those for coal gasification plants.

VI. Water Supplies for Synfuels Development

Projected consumptive use requirements for synfuels and associated growth in 2000 under the accelerated case are about 440,000 acre-feet annually for the Region. This is about 10 percent of the year 2000 depletions by conventional water uses.

To assess water availability for synfuels development in the Region, the physical characteristics of water resources, possible alternative sources, and institutional factors affecting supply were examined. To determine water supply adequacy, average and monthly natural flows were adjusted for projected depletions by conventional uses at the outflow points of each development area. Natural flow estimates for the period 1906–1974 were used to define steady-state hydrologic conditions. During this period, the natural flow at Lees Ferry averaged 15.7 maf per year, with a low of less than 7 maf and a high of nearly 24 maf.

A. Alternative Means for Water Supply

Five alternative means of water supply for synfuels development were appraised. They are: (1) additional development of surface water resources, (2) the transfer of water supplies currently used for irrigated agriculture, (3) the development of groundwater resources, (4) weather modification to increase precipitation, and (5) the more efficient use of water supplies either exported from the Region for municipal use or used in the Region for irrigation.

1. *Development of Surface Water Supplies.* Much of the water required for synfuels development is likely to come from the additional development of surface water supplies. Additional development of surface supplies would entail the construction of new reservoirs, pipelines or canals, and pumping facilities. Where energy facilities are located along major rivers, they may be able to directly divert part of the river flow during higher flow periods. Reservoir storage would still be required to guarantee supplies during low-flow periods.

The estimated capital requirements to develop surface water resources for synfuels are shown in Table 6. The estimates are based on the assumption that all requirements would be surface supplied.

Table 6.—*Capital Requirements for Surface Water Development—2000*

[In millions of 1978 dollars]

Synfuels development area	Baseline case	Accelerated case
Upper Green River	50	100
Yampa River	0	15
White River	500	900
Upper Colorado Main Stem	150	350
Lower Green River		
San Juan River	200	200
Total	900	1,565

2. *Water Transfers from Irrigated Agriculture.* Substantial quantities of water could be obtained by acquisition of irrigation water rights. This would reduce the amount of water currently available for irrigation, the land area used in irrigated agriculture, and the amount of agricultural production. The number of farm units would also be reduced, as would be number of families deriving a living from agriculture. Such changes would be minor, however, compared to the other economic and demographic changes expected to shape social conditions in the Region even without synfuels development.

While legally possible in all five Upper Basin States, water transfers from irrigated agriculture will probably not occur except in the White River and Upper Colorado River main stem areas in Colorado. Synfuel companies have already purchased some water rights from agriculture at these locations. Estimated purchase costs for the water rights range from $500 to $2,000 per acre-foot. Additional costs will be incurred for pipeline and pumping from the diversion point to the synfuel facility. Transfers of irrigation water in the White River basin, however, could suppy less than half of the requirement for synfuels development in the accelerated case.

3. *Groundwater Development.* The vast majority of water used in the Region comes from surface sources. Because of costs, water quality problems, and other considerations, groundwater has not been used as a major supply source. In certain areas projected for synfuels development, however, groundwater could be a significant supply source for energy projects.

Although groundwater is found in many places, it has attracted interest as a supply source in only three locations where concentrated synfuels development coincides with potentially significant groundwater resources and insufficient surface supplies. These areas are the Piceance Creek structural basin, which underlies a portion of the White River and Upper Colorado main stem development areas in Colorado, the Uinta basin in northeastern Utah, and the San Juan development area in northwestern New Mexico. Of these, the Piceance Creek structural basin, which is projected for two-thirds of the oil shale development, has received greatest interest.

The year 2000 projections for this area indicate 94,000 acre-feet under the baseline case and 194,000 acre-feet of consumptive use under the accelerated case, exclusive of associated growth.

To supply the above water requirements from groundwater would require a capitalized cost of approximately $25 million for the baseline case and $60 million for the accelerated case. Since these costs are only 5 to 10 percent of the estimated costs to develop surface water supplies from the White River and Upper Colorado River main stem areas, the oil shale industry may find considerable advantage in using groundwater.

Under Colorado law, the rights of senior surface water appropriators must be protected from disruption of a groundwater system that discharges to a natural surface stream. For the Piceance Creek structural basin, the use of either the upper or the lower aquifer would be contingent upon the implementation of steps either to sustain the historic flow of the natural springs that discharge to Piceance and Yellow Creeks or to replace any water removed from the surface stream system.

Projected well field development and operation would not significantly affect regional income and population. Major groundwater pumping could deplete an essentially nonrenewable resource. At the moment, however, no other uses are foreseen for these groundwater supplies.

4. *Weather Modification.* Weather modification could be used to increase precipitation and the amount of surface runoff. Weather modification considerations were limited to winter orographic cloud seeding. Several experimental programs in the Region over the last two decades have increased precipitation 5 to 20 percent. However, the extent to which increased precipitation affects runoff and ownership of the increased supplies remains uncertain. In any event, increased runoff would at least improve the junior water rights.

Estimated costs per acre-foot of water generated through orographic cloud seeding range between $1 and $10. While this cost is very attractive, capturing and delivering water to synfuel facilities would cost about the same as those described for surface supplies.

Enhanced snowfall from weather modification would be advantageous to skiers, snow mobilers, and supporting businesses. However, increased snowfall raises costs for snow removal and avalanche control, increases the snow damage to orchards, reduces grazing potential for livestock and wildlife in high pastures, and raises costs for mining and timber operations. Because of these and other institutional factors, major weather modification is not likely in the near future.

5. *More Efficient Water Use.* The demand for the export of Regional water outside the Upper Colorado River Basin could be decreased thorugh improved municipal water use efficiency. Exports for municipal use (15 percent of projected depletions by conventional uses) are of greater interest for the year 2000 than in-basin municipal and industrial use (2 percent of projected depletions).

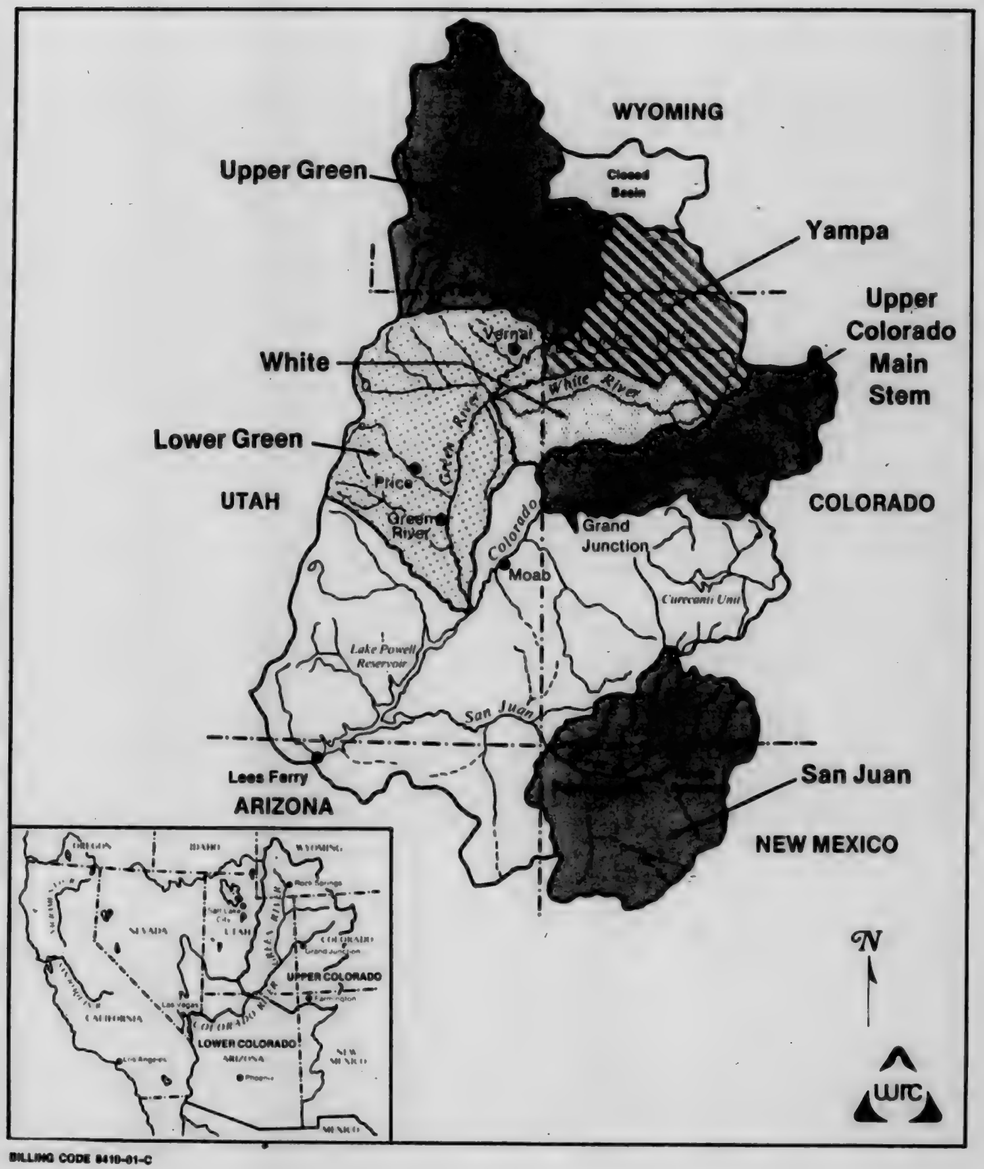
Techniques to reduce per capita use of municipal water include voluntary water conservation, education programs, regulations, metering, differential pricing, and wastewater recycling. According to recent studies, reductions of 30 to 40 percent may be possible without recycling. Conservation by one-half this amount (15 to 20 percent) could reduce the need for exports from the Basin by 100,000 to 135,000 acre-feet annually. At this time, however, successful implementation of conservation measures cannot be depended on as a means to increase water supply availability. Further, such measures would not affect supplies in the White River development area, which has the greatest water requirements for synfuels.

B. Water Availability in the Region

Determinations of water availability for synthetic fuels development in the year 2000 are summarized below for each synfuels development area and for the overall Region (Figure 4). Hydrologic aspects and possible institutional considerations of water availability are discussed for each area.

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Fig. 4 — Synfuels Development Areas



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1. *Upper Green River.* The estimated average annual natural flow at the outflow point of this area is about 2 maf. Average annual depletions are estimated at 317,000 acre-feet under present conditions and 482,000 acre-feet for future conventional uses. In 2000, synfuels production would deplete another 14,400 acre-feet under the baseline case and 30,200 acre-feet under the accelerated case. Since projected synfuels development under either case would require less than 2 percent of the average annual outflow from this area and since the area has already developed substantial water supplies (Fontenelle and Flaming Gorge reservoirs), only transport facilities are necessary to support water utilization. The level of future total depletions is well within Wyoming's compact entitlements.

2. *Yampa River.* The estimated average annual natural flow at the outflow point of this area is over 1.7 maf. Average annual depletions are estimated at 114,000 acre-feet under present conditions and 181,000 acre-feet for future conventional uses. Synfuel production would deplete another estimated 10,500 acre-feet under the accelerated case and none for the baseline case. Projected synfuels development would reduce average outflow from the area by less than 1 percent.

Facility siting will probably be in the Craig-Hayden area of Colorado. In this area during low-flow conditions, diversions may be precluded by downstream senior water rights. Therefore, a small amount of reservoir storage, not to exceed 5,000 acre-feet of active storage, would be needed. The level of future total depletions is within compact entitlements for the Yampa River.

3. *White River, Colorado and Utah.* The estimated average annual natural flow at the outflow point of this area is 568,000 acre-feet. Average annual depletions are estimated at 47,000 acre-feet under present conditions and 80,000 acre-feet for future conventional uses. In 2000, synfuel production would deplete another 141,000 acre-feet under the baseline case and 240,200 acre-feet under the accelerated case. There presently is no compact between Colorado and Utah allocating the surface waters of the White River.

The area has a sufficient overall water supply to support the projected levels of a synfuel development. However, analysis of seasonal low flows and dry years indicates that both levels of synfuels development will require substantial amounts of reservoir storage.

4. *Upper Colorado Main Stem.* The estimated average annual natural flow at the outflow point of this area is 5.7 maf. Average annual depletions excluding the Gunnison River drainage are estimated at 991,000 acre-feet under present conditions and 1.22 maf for future conventional uses. In 2000, synfuel production would deplete another 28,800 acre-feet under the baseline case and 84,000 acre-feet under the accelerated case.

Direct diversions from the Colorado River in the Grand Valley-DeBeque area could supply the projected synfuel development throughout most of the year, but the supply would be subject to downstream senior agricultural rights, which would occasionally curtail diversion. An estimated 15,000 to 35,000 acre-feet of active reservoir storage (depending on the synfuel development level) would be needed to ensure an adequate supply during these periods. Water could also be purchased from Federal reservoirs such as the Ruedi. Synfuels development below Grand Junction could utilize direct flow diversions. There are no specific interstate compact provisions for this area.

5. *Lower Green River.* The estimated average annual natural flow of this area as measured at Green River, Utah, is about 5.5 maf annually and includes the outflow of the Yampa and White Rivers and Upper Green River area. Average annual depletions within the area are estimated at 613,000 acre-feet under present conditions and 891,000 acre-feet for future conventional uses. In 2000, synfuels production would deplete another 4,000 acre-feet under the baseline case and 14,500 acre-feet under the accelerated case.

Flows in the Lower Green River are also reduced by depletions in upstream areas, the Upper Green River and the White and Yampa Rivers. Depletions in these upstream areas by conventional uses are projected to increase from 478,000 acre-feet annually under present conditions to 743,000 acre-feet annually in 2000. Depletions by synfuels development in these upstream areas are estimated at 156,000 acre-feet annually for the baseline case and 280,900 acre-feet annually for the accelerated case. The total 2000 depletions as measured at the outflow of the Lower Green River development area under the accelerated case would be less than 2 million acre-feet annually or about 35 percent of the natural flow.

Assumed coal gasification facilities in the development area could be located close to the Green River. Since the lowest monthly flows exceed 30,000 acre-feet, an adequate water supply should be available without supplemental reservoir storage.

6. *San Juan River Colorado and New Mexico.* The estimated average annual natural flow at the outflow point of this area is about 2.1 maf. Average annual depletions are estimated at 382,000 acre-feet under present conditions and 765,000 acre-feet for future conventional uses. In 2000, synfuel production would deplete 63,200 acre-feet under the baseline case and 62,200 acre-feet under the accelerated case.

Navajo Reservoir has over 48,000 acre-feet of water for sale. An additional 35,000 acre-feet has already been contracted for a proposed coal gasification facility. Developments sited in New Mexico would probably purchase water supplies from the Navajo Reservoir. The 12,000 acre-feet needed in Colorado could be obtained from the Piedra, Los Pinos, Florida, Animas, or La Plata Rivers, with some storage necessary on all but the Animas.

The total depletions in New Mexico under the accelerated case (conventional uses, synfuels development, and New Mexico's share of CRSP reservoir evaporation) will approximate the amount of water available to New Mexico under provisions of the Upper Basin Compact and with conservative hydrologic interpretation of waters available to the Upper Basin under provisions of the Colorado River Compact.

7. *Upper Basin Supplies.* Operation studies using the Colorado River System Simulation Model indicate that with Upper Basin depletions for conventional uses and CRSP evaporation of 5.17 million acre-feet annually in 2000, and with the annual 441,000 acre-feet consumptive use requirements of the accelerated case, the expected outflow from the Basin at Lees Ferry, Arizona, would exceed 9.6 million acre-feet. Moreover, the studies found that there was at least a 50 percent probability that the outflow in 2000 would exceed 8.23 million acre-feet. These findings indicate that synfuels development in the Upper Basin would not be constrained by the Colorado River Compact, at least up to the levels of development projected in the accelerated case. The operation studies assumed current U.S. Department of the Interior criteria for operation of CRSP reservoirs and other elements of the "Law of the River."

Water allocations of the Upper Basin Compact may constrain synfuels development in individual Upper Basin States. The situation in the San Juan River development area with respect to New Mexico has been mentioned.

Moreover, the aggregated depletions for Colorado in the Yampa River, White River, Upper Colorado Main Stem, and San Juan River development areas approximate Colorado's entitlement under conservative hydrologic assumptions.

C. Other Institutional Considerations

The institutional factors expected most to constrain water availability for synfuels development in the Region are the Endangered Species Act and the Wild and Scenic Rivers Act. Habitat of the Colorado River Squawfish and the Humpback Chub, two endangered species, occur in the Lower Yampa River, the White River, the Green River from its confluence with the Yampa to the Colorado Rivers, and the main stem of the Colorado River from its confluence with Plateau Creek to Lake Powell. Studies under the Wild and Scenic Rivers Act have been taken in headwater areas of the Piedra and Los Pinos Rivers in the San Juan River development area, the Ruby Canyon reach of the Upper Colorado main stem near the Colorado-Utah State line, and on the Yampa River within Dinosaur National Monument. The specific effects of any of these considerations on water supply availability or development cannot be appraised at this time.

The "first in time, first in right" principles and procedures will probably put synfuels development in a "junior" status for water supplies. However, this can be overcome if sufficient reservoir storage is constructed to regulate flows.

VII. Water Resource Impacts

A. Upper Colorado River Basin

1. *Water Quantity.* The impacts of synfuels development (accelerated case) on surface water quantity in the Upper Basin are presented on Table 7. The impacts were measured as a percent depletion of average annual outflows under natural and projected surface water conditions. Much higher percentages may be anticipated during the seasonal and dry-year low flows, although reservoir storage could be managed to maintain minimum instream flows. The greatest impact would be on the White River development area.

Table 7.—*Impacts of Synfuels Development on Surface Outflows*

[Accelerated Case—2000]

Synfuels development area	Percent of synfuels depletions	
	Natural outflow	Projected outflow [1]
Upper Colorado River Main Stem	1.5	2.0
Lower Green River [2]	5.9	7.6
San Juan	2.9	5.6
Upper Colorado River Basin	[3] 3.2	4.4

[1] Based on Table 2.
[2] Includes all synfuels depletions within upstream development areas.
[3] Based on period 1937–1974.

Table 7.—*Impacts of Synfuels Development on Surface Outflows*—Continued

[Accelerated Case—2000]

Synfuels development area	Percent of synfuels depletions	
	Natural outflow	Projected outflow [1]
Upper Green River	1.5	2.3
Yampa River	0.6	0.7
White River	42.5	49.5

2. *Water Quality.* The potential magnitude of increased sediment loadings was examined by constructing annual suspended sediment budgets. In the examination, it was assumed that 3.6 acres of land would be disturbed per 1 million barrels of oil extracted from shale each year, 25 acres per 1 million tons of surface-mined coal, and 5 acres per 1 million tons of coal from underground mines. Table 8 presents the results of the suspended sediment analysis. The largest impacts are projected for the White River at Ouray, with an increase of more than 10 percent for the accelerated case.

Table 8.—*Suspended Sediment Loads—2000*

[Tons per year]

Location	Mean annual sediment load (1975)	Incremental sediment loading		
		Without synfuels	Baseline case	Accelerated case
Upper Green River at Green River, Wyoming	140,000	58,000	86,000	81,000
Yampa River near Maybell	420,000	31,000	31,000	35,000
White River near Ouray	1,170,000	4,000	84,000	146,000
Colorado River near Colorado-Utah Stateline	5,900,000	43,000	81,000	135,000
Lower Green River at Green River, Utah	8,300,000	5,000	85,000	155,000
San Juan River at Shiprock	6,620,000	28,000	42,000	42,000

Projected changes in dissolved solids concentrations from synfuels development were investigated through a mass-balance approach based on 1975 data. Zero return flows from synfuel facilities were assumed in line with the findings on wastewater management. Table 9 presents the results of this analysis. Total loadings show decreases, equalling almost 30 percent for the accelerated case on the White River near Ouray, as synfuels water use increases. The projections reflect depletions with and without synfuels development.

Table 9.—*Dissolved Solids Concentrations and Loadings—2000*

Location	Without synfuels		Baseline case		Accelerated case	
	(mg/l)	(1,000 tons/yr)	(mg/l)	(1,000 tons/yr)	(mg/l)	(1,000 tons/yr)
Upper Green River at Green River, Wyoming	415	681	414	673	412	665
Yampa River near Maybell	200	319			201	317
White River near Ouray	450	331	429	258	405	207
Colorado River near Colorado-Utah Stateline	566	3,628	560	3,615	560	3,562
Lower Green River at Green River, Utah	556	3,640	556	3,567	556	3,507
San Juan River at Shiprock	483	933	469	863	469	862

Projected downstream profiles of carbonaceous biochemical oxygen demand (CBOD) for the baseline and accelerated cases in the year 2000 were compared to CBOD profiles without synfuels development for 1975 and 2000. The comparisons were based on 7-day, low-flow values with a 10-year recurrence interval. Since the analysis did not include the effects of new upstream reservoirs, it reflects worst case conditions.

Potential increases in CBOD loading from municipal wastewater treatment plants are most apparent in the White River Basin. The concentration of CBOD in the White River near Meeker, Colorado, reflects an increase of approximately 20 percent for the baseline case and about 60 percent for the accelerated case by the year 2000. Even larger increases—100 and 300 percent, respectively—were estimated for the White River near Rangely, Colorado, where large population increases would likely occur. Small CBOD changes were projected for the Colorado River main stem and the Yampa River development areas.

B. Lower Colorado River Basin Impacts

1. *Water Quantity.* The impacts of synfuel development under the accelerated case on flows in the Colorado River in the Lower Basin are shown on Table 10. As a result of synfuels development, water supplies would be reduced on all points of the river. However, no downstream user would receive less than his actual legal entitlement. The Central Arizona Project would have the greatest reduction in supply because it holds significant but junior rights. The annual reduction is estimated at 88,000 acre-feet.

Table 10.—*Colorado River Average Annual Flows—2000* [1]

[1,000's acre-feet]

Case	Lees Ferry	Hoover Dam	Parker Dam	Imperial Dam	Mexico
Without synfuels	10,030	9,630	7,100	5,980	1,906
Accelerated Case	9,620	9,410	7,020	5,890	1,840

[1] With existing operating criteria for CRSP reservoirs.

2. *Water Quality.* Reduced flows to the Lower Basin would reduce the dilution effect and salinity concentrations would increase. Analysis of water quality impacts for the Lower Basin was limited to projected changes in salinity at Imperial Dam. For this determination, it was assumed that: (1) the first and second stages of the Las Vegas Wash Salinity Control Project would be in operation, removing 124,000 tons of salt annually; (2) the Grand Valley Project would be in operation with salt removal increasing from 34,000 tons in 1982 to 410,000 tons by 1990; and (3) the Paradox Project would be completed with salt removal of 180,000 tons annually. Increased salinity of 14.9 milligrams per liter would occur at Imperial Dam under the accelerated case.

VIII. Other Potential Impacts From Synfuels Development

A. Social And Economic Impacts

Population without synfuels in the Upper Colorado Region is projected to grow from 438,000 in 1975 to 1.1 million in 2000. Under the accelerated case, population would increase to about 3 million people. Most of the growth would be concentrated in 12 communities within six counties. Growth of this magnitude would have numerous impacts, including need for expanded municipal water supply and wastewater management systems, both with high capital investment requirements.

Depletions by synfuels development would decrease the water available for hydroelectric power generation at reservoirs in both the Upper and Lower Basins. For the accelerated case, reduced annual generation of 435 gigawatt hours can be anticipated. This reduction would mean a $13 million loss in annual revenues. These losses would be about evenly distributed between the Upper and Lower Basin.

The burden of reduced deliveries to the Central Arizona Project (88,000 acre-feet annually under the accelerated case) will probably fall on agricultural water users. However, agricultural production could be maintained through increased groundwater pumping, but with a net income loss of $1.1 million annually due to pumping costs. The total income loss is estimated at $2.5 million annually.

Economic impacts from increased salinity in the Lower Basin were assumed to be proportional to changes in salinity levels. An estimate $4.3 million (1976 dollars) of annual damages to agricultural, municipal, and industrial users were linked to the salinity increases.

B. Environmental Impacts

Projected effects on Upper Basin fish habitats from synfuels water depletions would be minimal except where impoundments convert stream fisheries to lake habitat, and for potentially serious adverse impacts on the Colorado Squawfish in the Utah reaches of the White River.

Recreational effects from synfuels surface water depletions in the Upper Basin were analyzed for the summer months only. The recreational qualities of most stream reaches would be unaffected by projected changes in flow. However, recreational opportunities in the Colorado River from Rifle, Colorado, to the Gunnison River; and the White River from Meeker, Colorado, to Ouray, Utah, would be reduced, but not eliminated.

No environmental impacts were identified in the Lower Basin as a result of projected changes in streamflows or salinity levels. Increased groundwater pumping in the service area of the Central Arizona Project would cause minor additional drawdown of the groundwater aquifer.

Conclusion

The production of synthetic fuels in the Upper Colorado River Basin by the extraction and processing of oil shale and/or coal, will require significant quantities of water. A synfuels production level of 3 million barrels per day (oil equivalent) would consume about 450,000 acre-feet of water annually (150,000 acre-feet per year per million barrels of daily capacity).

The overall supply of ground and surface water resources in the Region is sufficient to accommodate a synfuels production level of nearly 3 million barrels oil equivalent per day. This conclusion is reached after consideration of present and projected levels of conventional water uses (e.g., irrigation, water exports) and the several institutional arrangements that govern use and management of the Region's water supplies.

While the gross water supplies in the Region are sufficient for the accelerated synfuel development case, water supply problems are apparent in some synfuels development areas. Of particular concern is the White River development area in Colorado and Utah. This area contains the richest oil shale reserves in the Region. But because of lack of reservoir storage, surface water supplies in this area are subject to seasonal low flows and periodic droughts. In order to provide dependable water supplies in this area, the development of major reservoirs and other water supply facilities will be required.

Additionally, water uses by synfuels development in Colorado and New Mexico, in combination with projected conventional uses, will raise the annual depletions in these States to amounts close to their compact entitlements.

Because each State is well aware of this situation, the States can be expected to manage water use as needed and in cooperation with the Upper Basin Compact Commission.

Conflict with other water uses is possible. Instream uses, including water quality management, recreational boating, and fishery habitats, could be adversely affected by surface water depletions for synfuels development. Conflict over water rights and the respective priorities for use during dry periods is also possible. However, through continuing planning for water management and the timely implementation of planning recommendations, many of these conflicts can be avoided.

Since the analysis of impacts presumed that water supplies would be taken for synfuels production after projected conventional offstream uses in the Upper Basin were accommodated, no significant adverse impacts on these uses were found. However, depletions by synfuels will (1) reduce hydroelectric power production, (2) reduce deliveries to the Central Arizona Project, and (3) increase salinity in the main stem of the Colorado River in the Lower Basin. The economic value of these impacts are estimated at about $20 million annually.

While the assessment provides very positive findings on water supply availability and minimal adverse impacts, several factors must be viewed with caution. The Colorado River is presently utilized fully. Depletions in the Upper Basin are already over 27 percent

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of the natural water supply. With projected conventional uses, water depletions will increase to 37 percent of the supply. A 3-million barrel per day synfuels industry would deplete about 3 percent of the supply; with this added to conventional uses, the total depletions would be over 40 percent of the Upper Basin supply. As depletions increase, the intensity of water management must also increase since the implication is that every drop of water must be used close to its full potential. This particularly true during the annual dry season and periodic droughts, which may last several years.

Institutionally, the Colorado River system is complex. Synfuels development will pose new challenges to the existing water management structure at all levels—international, State/Federal, interstate, intrastate, and local. Increased coordination among the various governing bodies will be needed to ensure that the necessary water management will be achieved. This coordination should also extend to land management agencies, particularly where use of public lands for energy development is involved. Individual States can and should serve as a focal point to strengthen planning, coordination, and implementation of water and land use management. Interstate cooperation can be achieved through existing institutions. Individual States can and should also maintain liaison with the development plans of the synfuels industry as well as provide for public awareness and discussion of water management options.

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Part IV

Department of Education

Office of Elementary and Secondary Education

Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program and College Assistance Migrant Program

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 206

Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program and College Assistance Migrant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues these regulations to govern grants under the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP). These programs provide grants to institutions of higher education (IHEs) and other public or nonprofit private agencies—in cooperation with IHEs—for projects of academic and supporting services and financial assistance designed to assist students who are engaged, or whose families are engaged, in migrant and other seasonal farmwork. These services are provided to assist migrant and seasonal farmworker students in obtaining the equivalent of a secondary school diploma, in gaining employment, or being placed in an IHE or other postsecondary education or training, and in successfully adjusting to enrollment at an IHE.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mr. John Ridgway, Education Program Specialist, Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202, Telephone (202) 245–2222.

SUPPLEMENTARY INFORMATION:

Background

HEP and CAMP were previously authorized under Title III, Section 303(c)(2) of the Comprehensive Employment and Training Act (CETA) (Pub. L. 93–203, as amended by Pub. L. 95–524), and were administered by the Department of Labor (DOL). However, the Department of Education Reorganization Act (Pub. L. 96–88) transferred the administration of HEP and CAMP to the Department of Education (ED)—but did not remove the authorization for the programs from CETA.

On October 3, 1980, the Education Amendments of 1980 (Pub. L. 96–374) became law. These amendments provided a new Title IV, HEA (Pub. L. 89–329, as amended), entitled "Student Assistance." Title IV, HEA, now includes a new Part A, Subpart 5, Section 418A, entitled "Special Programs For Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork," which newly authorizes HEP and CAMP. However, since the HEA authority for HEP and CAMP was not enacted until October 3, 1980, the funds for Fiscal Year 1981 were appropriated under the previous statutory authorization under Section 303(c)(2) of CETA.

In response to the transfer of HEP and CAMP to ED, the Secretary proposed new regulations for the programs in an NPRM published in the **Federal Register** on December 30, 1980 (at 45 FR 86333). In summary, those proposed regulations—

(a) Described the types of projects that may be funded under HEP and CAMP;

(b) Described the types of services that may be provided by a project;

(c) Described the evaluation process for grant proposals and the selection criteria that the Secretary uses in that evaluation process;

(d) Described conditions and requirements that must be met by a grantee; and

(e) Defined the eligibility requirements for students to participate in a project.

These final regulations contain the same types of provisions, but also reflect changes made in response to written comments received on the NPRM and contain some minor changes of an editorial nature.

How To Use These Regulations

These Regulations (34 CFR Part 206) contain only those requirements that apply solely to HEP and CAMP. These regulations do not contain certain types of general requirements that are contained in the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75–77). EDGAR contains general administrative requirements that apply to all ED programs, including by incorporation, the Grants Administration Regulations (34 CFR Part 74) which also apply to all ED programs.

Public Participation

The Secretary has taken a variety of steps to maximize public participation in the development of these regulations. An NPRM was published in the **Federal Register** on December 30, 1980. In connection with the proposed rules, the Secretary established a 60-day period, extending through March 2, 1981, for the submission of written comments.

The Secretary received comments from 11 agencies and persons. In total, 36 comments were received. Those comments, recommendations, and questions and the responses of the Secretary are summarized in the section of this preamble entitled "Summary of Comments and Responses."

Also, the program office in ED has had a number of opportunities, both formal and informal, to consult with current and prospective project grantees and other interested organizations and persons concerning these regulations.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burden found in these regulations.

Summary of Comments and Responses

The following is a summary of the comments received on the NPRM for HEP and CAMP. Each comment is followed by a response that indicates any change that has been made or why no change is considered necessary. Specific comments are arranged in order of the sections of these final regulations to which they pertain.

§206.1 What are the special educational programs for students whose families are engaged in migrant and other seasonal farmwork?

Comment. One commenter recommended that the statement of purpose for HEP should be expanded from the phrase "to subsequently gain employment or be placed in an institution of higher education" to also include "military, job corp (sic), occupational training, vocational schools and apprenticeship training."

Response. A change has been made. The statement of purpose for HEP—in §206.1 of the regulations—has been expanded to include placement in an IHE or "other postsecondary education or training" as an appropriate project outcome for participation in HEP project. Placement in "other postsecondary education or training" covers the "occupational training, vocational schools and apprenticeship training" mentioned by the commenter. Entry into the "military [or] job corp (sic)" mentioned by the commenter is already covered as an appropriate project outcome by the statement of purpose for HEP since these are considered to be types of "employment."

§206.2 Who is eligible to participate as a grantee?

Comment. One commenter recommended that an agency or organization other than an IHE should be permitted to be a project grantee—if that agency or organization plans the proposed project in cooperation with an IHE.

Response. A change has been made. Historically, HEP and CAMP developed under DOL as programs that are operated with the resources and facilities of IHEs—although not necessarily operated by IHEs themselves. Because HEP and CAMP projects have been operated in the past by grantees other than IHEs—cooperating with and using the resources and facilities of IHEs—the Secretary believes that it is consistant with the instruction in the authorizing statute (to "maintain and expand" HEP and CAMP) to continue to permit these agencies to be project grantees. Therefore, the regulations—in §206.2—now permit either an IHE or another public or nonprofit private agency to apply for a HEP or a CAMP grant. However, §206.2 further requires that if a public or nonprofit private agency other than an IHE applies for a HEP or a CAMP grant, "that agency must plan its project in cooperation with an IHE and must propose to operate the project with the facilities of that IHE." The Secretary considers cooperation with an IHE in the planning of a HEP or a CAMP project and the operation of the project with the facilities of an IHE to be integral to the quality and success of a project.

§206.3 Who is eligible to participate in a project?

Comment. One commenter recommended that a person who is eligible to participate in CAMP project services should be defined in the regulations as a student "admitted" to the participating IHE, rather than "enrolled" at the IHE. This commenter stated that a CAMP project participant is necessarily selected prior to first-year enrollment at the IHE, and that a participant is also involved in crucial "enrichment" services prior to the actual first-year enrollment.

Response. A change has been made. The regulations now state—in §206.3—that an eligible CAMP project participant must "be enrolled or be admitted for enrollment" at the participating IHE. The Secretary agrees that it is important to continue the "model" of CAMP service delivery that provides for the selection of an admitted student prior to actual first-year enrollment at the IHE for the provision of necessary preparatory services.

§206.5 What definitions apply to these programs?

Comment. Four commenters recommended that the definitions of "agricultural activity," "farmwork," "migrant farmworker," and "seasonal farmworker" should be more closely matched with the definitions of "agricultural activity," "migratory agricultural worker," "currently migratory child," and "formerly migratory child" in the regulations for the Migrant Education Basic State Formula Grant Program under Title I, ESEA. Some of these commenters suggested that the eligible project participants under HEP and CAMP should be defined so that they are the same persons who were formerly eligible for participation in the Title I, ESEA, Migrant Education Program.

Response. No change has been made. HEP and CAMP are authorized under Title IV, HEA, Section 418A, to provide services to students who are engaged, or whose families are engaged, in migrant and seasonal farmwork. The Migrant Education Basic State Formula Grant Program is authorized under Title I, ESEA, Section 141, to provide services to migratory children of migratory agricultural workers or migratory fishers. The statutes for these programs authorize different types and levels of services to slightly different populations. However, to the extent permitted by the authorizing statutes for the programs, the definitions of "agricultural activity" in the two sets of regulations have been coordinated.

Comment. Two commenters recommended that the definition of "seasonal farmworker" should be changed to decrease from 100 days the number of days that a person must have been employed in farmwork during the past 24 months. These commenters recommended a decrease to 25 days as previously required under the DOL regulations for HEP and CAMP.

Response. A change has been made. The definition of "seasonal farmworker" in § 206.5 of the regulations now requires that a person must have been employed in farmwork for at least 75 days during the past 24 months. This change has been made in the interest of maintaining, as eligible for HEP or CAMP services, as much of the eligible population under the previous DOL guidelines as is reasonable. However, the Secretary does not believe that it is reasonable to qualify persons who have been engaged in farmwork for only 25 days during the past 24 months. A 24-month period would normally include at least 520 possible workdays (based on 104 five-day work weeks). By requiring that a person must have been employed in farmwork for a longer period of time (i.e., 75 days), it better assures the qualification of only those persons most substantially involved in seasonal farmwork as a sole or primary occupation. The Secretary has reached this decision in consideration of the limited financial resources of HEP and CAMP. Because of the limited number of participants that HEP and CAMP are able to serve under the current budgetary constraints, it is important to serve only those persons whose families are most integrally involved in migrant and seasonal farmwork as an occupational lifestyle. It is likely that students from these families are those students most in need of HEP and CAMP project services.

Comment. One commenter recommended adding a definition of "seasonal farmworker in transition" to authorized project services to a person who has been employed, or is a dependent of a person who has been employed, in migrant or seasonal farmwork, but who is currently seeking or is currently employed in non-farmwork employment.

Response. No change has been made. The definitions—in § 206.5 of the regulations—of "migrant farmworker" and "seasonal farmworker" do not require that the person is currently employed in qualifying farmwork—only that the person was employed in qualifying farmwork for at least 75 days during the past 24 months.

§ 206.10 What types of services may be provided?

Comment. One commenter recommended that the types of services that may be provided by a HEP project should be revised to emphasize that services should be designed to provide equal opportunity for transition into either college, a professional career, or a vocational career. This commenter noted that the majority of migrant and seasonal farmworker students currently are prepared for vocational careers although many of them have the "potential" for college and professional careers.

Response. A change has been made. The statement of purpose for HEP in § 206.1 has been expanded to include placement into employment or

placement in an IHE or other postsecondary education or training (which includes professional or vocational careers or any other type of legitimate employment) as appropriate project outcomes. However, the Secretary does not believe that these regulations should emphasize one type of placement as more appropriate than another. The Secretary does agree, however, that a HEP project should respect the education, training, and career preparation preferences of HEP project participants and provide an equal opportunity for all types of career preparation.

Comment. One commenter recommended that the types of services that may be provided by a HEP or a CAMP project should be expanded to include the "follow-up" and "placement" of a project participant after his or her graduation from the project and, if applicable, from the participating IHE.

Response. No change has been made. The Secretary does not have the authority to require any project services to be conducted subsequent to the grant period for a project. Therefore, HEP or CAMP project "follow-up" or "placement" services that occur subsequent to the grant period for a project could not be required. However, "placement" services for a project participant that occur during the grant period for a project could be approved by the Secretary as an appropriate and "essential supporting [service] * * * as needed to assure the success of the participants in meeting the project's objectives * * *," as authorized in § 206.10 of the regulations.

Comment. One commenter recommended that the listings of the types of services that may be provided under HEP and CAMP should include "stipend and training allowances."

Response. No change has been made. the listing of the types of services that may be provided under HEP and CAMP are taken from the exact language of the authorizing statute for the programs. The listings in § 206.10 of the regulations include "appropriate career-oriented, work-study activities" and "other essential supporting services that have been approved by the Secretary as needed to assure the success of the participants in meeting the project's objectives. . . ." Therefore, financial assistance may be made to participants through work-study arrangements, and the provision of stipends or training allowances may also be approved by the Secretary as an essential supporting service.

§ 206.31 What selection criteria does the Secretary use to evaluate an application?

Comment. One commenter recommended that the selection criteria in the regulations for evaluating project proposals should include an awarding of points based on an applicant's prior experience and performance in providing HEP or CAMP project services.

Response. No change has been made. The Secretary does not believe that it would be equitable to award points based merely on an applicant's prior experience in providing HEP or CAMP project services. Furthermore, the Secretary believes that any special capability that a prior project grantee may have gained through the administration of a HEP or CAMP project may be adequately documented in a project application for assessment and an awarding of points under a number of other selection criteria that involve project design, objectives, activities, and evaluation.

Comment. One commenter recommended that the project selection criterion "evaluation plan" should include a reference to the ED requirement for an assessment of the project's effect on "traditionally underrepresented beneficiaries." The commenter suggested that this could be accomplished by having this selection criterion cross-reference § 75.590 [Evaluation by the grantee] of EDGAR. Section 75.590 of EDGAR requires a project grantee to evaluate the effect of the project on "traditionally underrepresented beneficiaries."

Response. A change has been made. The project selection criterion "evaluation plan" in § 206.31 of the regulations now includes a cross-reference to § 75.590 of EDGAR to reinforce the requirement that a project grantee must evaluate the effect of the project on "traditionally underrepresented beneficiaries." This cross-reference indicates that the evaluation plan proposed in a project grant application should address this matter.

Comment. One commenter recommended that a number of ED's standard selection criteria and their descriptions (those selection criteria implemented through EDGAR) should be revised.

Response. No change has been made. The standard selection criteria and their descriptions found in EDGAR (plan of operation, quality of key personnel, budget and cost-effectiveness, evaluation plan, and adequacy of resources) are uniformly-applicable to all ED programs and were published as final regulations in the **Federal Register** on April 3, 1980. Unless these standard criteria are found to be inappropriate under a particular program, they are repeated verbatim in each program regulation. Furthermore, the EDGAR selection criteria were included as part of an NPRM published on May 14, 1979, and were open to public comment at that time.

Comment. Two commenters recommended revising the distribution of points among the selection criteria for evaluating project proposals. One of these commenters recommended an increase in the proportion of the total available points awarded for "adequacy of resources." This commenter stated that participating IHEs should be optimally encouraged to devote adequate resources and facilities to the project. Another commenter recommended an increase in the proportion of the total available points awarded for "recruitment." This commenter stated that an effective recruitment strategy is critical to the success of a project in enrolling eligible students most in need of the provided services.

Response. A change has been made. The distribution of points among the selection criteria—in § 206.31 of the regulations—for evaluating HEP and CAMP project proposals has been revised. Also, several additional program-specific selection criteria have been added. The Secretary believes that the selection criteria now listed and described in the regulations and the proportion of the total points that can be awarded under each individual selection criterion should adequately assure the selection and funding of the highest quality and most promising project proposals.

§ 206.40 What restrictions are there on expenditures?

Comment. One commenter recommended that the expenditure of project funds for the remodeling of facilities should not be prohibited.

Response. A change has been made. These regulations now authorize—in § 206.40—the expenditure of HEP or CAMP funds for "minor, construction-related activities such as the repair or minor remodeling or alteration of facilities." However, this type of expenditure of HEP or CAMP funds must be approved by the Secretary as essential to the conduct of the involved HEP or CAMP project.

Comment. One commenter recommended that the expenditure of project funds for membership in a national HEP/CAMP association and for the support of related activities should be specifically authorized.

Response. No change has been made. It is not necessary for these regulations to include a provision that specifically authorizes the expenditure of HEP or CAMP funds for membership in a national HEP/CAMP association or for the support of related activities. The ED Grants Administration Regulations (34 CFR Part 74) permit the expenditure of grant funds for "costs of the institution's membership in civic, business, technical, and professional organizations" and for "meetings and conferences, when the primary purpose is the dissemination of technical information." Therefore, the expenditure of HEP or CAMP funds for membership in a national HEP/CAMP association and for the support of related activities is allowable with the Secretary's approval.

§ 206.41 What is the requirement for maintaining participant records?

This section of the proposed regulations has been deleted to avoid undue recordkeeping requirements on grantees. The general recordkeeping requirements in EDGAR (34 CFR 75.730–75.732) will be adequate for program administration.

General

Comment. Two commenters stated that the proposed regulations did not provide sufficient guidance to applicants with respect to the preparation of a quality proposal and the planning of an effective project design. The commenters recommended that the regulations should be more prescriptive with respect to the required components of a project.

Response. A change has been made. A number of additional selection criteria for the evaluation of HEP or CAMP project proposals have been added to § 206.31 of the regulations. These additional selection criteria, which include "Objectives and activities" and "Interagency consultation and coordination," should better assure the development and selection of quality project proposals that most promise success. However, in the interest of not regulating extensively beyond the statute for the programs—with respect to the types of services that may be provided or that are required to be provided—the Secretary has chosen not to be more prescriptive than the proposed rules with respect to the required contents of a project application and appropriate types of project services. Also, the commenters are reminded that ED's general requirements for the administration of grants (including the prescription of standard application forms, application planning and development requirements, application contents, reporting requirements, and other general program requirements are included in EDGAR (34 CFR Parts 75–77) and ED's Grants Administration Regulations (34 CFR Part 74), and are, therefore, not included in the HEP/CAMP regulations.

Note.—A number of other commenters queried concerning these types of project requirements that were not found in the NPRM.

Comment. One commenter recommended that project grantees should be more evenly distributed—geographically—around the nation. This commenter noted that two States—Texas and California—include a large number of the currently-funded project grantees. Another commenter recommended that the selection of project grantees should reflect special recognition of those areas of the nation that have especially significant concentrations of eligible students.

Response. No change has been made. The statute for HEP and CAMP does not authorize the Secretary to make this type of discrimination in awarding HEP or CAMP project grants. However, § 206.20 of the regulations requires a successful applicant to "develop and implement a plan for identifying, informing, and recruiting eligible participants who are most in need of the academic and supporting services and financial assistance provided by the project." Therefore, the Secretary believes that there exists adequate assurance that HEP and CAMP projects will serve the most appropriate eligible students from diverse areas of the nation.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority on the line following each substantive provision of these regulations. References to "sec." in these citations refer to sections of the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

Dated: June 29, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.141, Migrant Education High School Equivalency Program; and No. 84.149, Migrant Education College Assistance Migrant Program)

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 206 to read as follows:

PART 206—SPECIAL EDUCATIONAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND OTHER SEASONAL FARMWORK—HIGH SCHOOL EQUIVALENCY PROGRAM AND COLLEGE ASSISTANCE MIGRANT PROGRAM

Subpart A—General

Sec.

206.1 What are the special educational programs for students whose families are engaged in migrant and other seasonal farmwork?
206.2 Who is eligible to participate as a grantee?
206.3 Who is eligible to participate in a project?
206.4 What regulations apply to these programs?
206.5 What definitions apply to these programs?

Subpart B—What Kinds of Activities Does the Secretary Assist Under These Programs?

206.10 What types of services may be provided?

Subpart C—How Does One Apply for a Grant?

206.20 What must be included in an application?

Subpart D—How Does the Secretary Make a Grant to an Applicant?

206.30 How does the Secretary evaluate an application?
206.31 What selection criteria does the Secretary use to evaluate an application?

Subpart E—What Conditions Must Be Met by a Grantee?

206.40 What restrictions are there on expenditures?

Authority: Part A, Subpart 5, Section 418A of Title IV of the Higher Education Act of 1965 (Pub. L. 89–329), as amended by the Education Amendments of 1980 (Pub. L. 96–374)(20 U.S.C. 1070d–2).

Subpart A—General

§ 206.1 What are the special educational programs for students whose families are engaged in migrant and other seasonal farmwork?

(a) *High School Equivalency Program.* The High School Equivalency Program (HEP) is designed to assist students—who are engaged, or whose families are engaged, in migrant and other seasonal farmwork—to obtain the equivalent of a secondary school diploma and subsequently to gain employment or be placed in an institution of higher education (IHE) or other postsecondary education or training.

(b) *College Assistance Migrant Program.* The College Assistance Migrant Program (CAMP) is designed to assist students—who are engaged, or

whose families are engaged, in migrant and other seasonal farmwork—who are enrolled or are admitted for enrollment on a full-time basis in the first academic year at an IHE.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

§ 206.2 Who is eligible to participate as a grantee?

(a) *Eligibility.* An IHE or another public or nonprofit private agency may apply for a grant to operate a HEP or a CAMP project.

(b) *Cooperative planning.* If a public or nonprofit private agency other than an IHE applies for a HEP or a CAMP grant, that agency must plan its project in cooperation with an IHE and must propose to operate the project with the facilities of that IHE.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

§ 206.3 Who is eligible to participate in a project?

(a) *General.* To be eligible to participate in a HEP or a CAMP project, a person must be a migrant farmworker or other seasonal farmworker or a dependent of a migrant farmworker or other seasonal farmworker, as defined in § 206.5(c).

(b) *Special HEP qualifications.* To be eligible to participate in a HEP project, a migrant or other seasonally-employed farmworker or dependent must—

(1) Not have earned a secondary school diploma or its equivalent;

(2) Not be currently enrolled in an elementary or secondary school;

(3) Be above the age of compulsory school attendance in the State where the project is located; and

(4) Be determined by the grantee to need the academic and supporting services and financial assistance provided by the project in order to attain the equivalent of a secondary school diploma and to gain employment or be placed in an IHE or other postsecondary education or training.

(c) *Special CAMP qualifications.* To be eligible to participate in a CAMP project, a migrant or other seasonally-employed farmworker or dependent must—

(1) Be enrolled or be admitted for enrollment as a full-time student at the participating IHE;

(2) Not be beyond the first academic year of a program of study at the IHE, as determined under the standards of the IHE; and

(3) Be determined by the grantee to need the academic and supporting services and financial assistance provided by the project in order to complete an academic program of study at the IHE.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

§ 206.4 What regulations apply to these programs?

The following regulations apply to HEP and CAMP:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 206.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

§ 206.5 What definitions apply to these programs?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1(c) (EDGAR, Definitions):

Applicant
Application
Elementary school
EDGAR
Facilities
Minor remodeling
Nonprofit
Private
Project
Public
Secondary school
Secretary
State

(b) *Definitions in the Grants Administration Regulations.* The following terms used in this part are defined in 34 CFR Part 74 (Administration of Grants):

Budget
Equipment
Grant
Grantee
Supplies

(c) *Program definitions.* The following additional definitions apply specifically to HEP and CAMP:

(1) "Act" means the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

(2) "Agricultural activity" means—

(i) Any activity directly related to the production of crops, dairy products, poultry, or livestock;

(ii) Any activity directly related to the cultivation or harvesting of trees; or

(iii) Any activity directly related to fish farms.

(3) "Farmwork" means any agricultural activity, performed for either wages or personal subsistence, on a farm, ranch, or similar establishment.

(4) "Full-time," with respect to an individual, means a student who is carrying a full-time academic workload, as defined in 34 CFR Part 690 (regulations for the Pell Grant Program).

(5) "Institution of higher education" means an educational institution that—

(i) Is in a State;

(ii) Is authorized by that State to provide a program of education beyond secondary school;

(iii) Is a public or nonprofit institution;

(iv) Admits as a regular student only a person who—

(A) Has a secondary school diploma;

(B) Has the recognized equivalent of a secondary school diploma; or

(C) Is beyond the age of compulsory school attendance in that State and has the ability to benefit from the training offered by the institution;

(v) Provides—

(A) An educational program for which it awards a bachelor's degree; or

(B) At least a two-year program that is acceptable for full credit toward a bachelor's degree;

(vi)(A) Is accredited by a nationally recognized accrediting agency or association;

(B) Has satisfactorily assured the Secretary that it will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable time considering the resources available to the institution, the period of time, if any, it has operated, and its effort to meet accreditation standards; or

(c) Has its credits accepted on transfer by at least three accredited institutions on the same basis as those institutions accept transfer credits from fully accredited institutions.

(6) "Migrant farmworker" means a seasonal farmworker—as defined in paragraph (c)(7) of this section—whose employment required travel that precluded the farmworker from returning to his or her domicile (permanent place of residence) within the same day.

(7) "Seasonal farmworker" means a person who, within the past 24 months, was employed for at least 75 days in farmwork, and whose primary employment was in farmwork on a temporary or seasonal basis (that is, not a constant year-round activity).

(Sec. 418A(a); 20 U.S.C. 1070d–2)

Subpart B—What Kinds of Activities Does the Secretary Assist Under These Programs?

§ 206.10 What types of services may be provided?

(a) *General.* A grantee may use funds under HEP or CAMP to support approved projects designed to provide academic and supporting services and financial assistance to eligible participants as described in § 206.3.

(b) *Types of services.*

(1) *HEP projects.* A HEP project may provide the following types of services to assist participants in obtaining the equivalent of a secondary school diploma, and as needed, to assure the success of the participants in meeting the project's objectives and in succeeding at the secondary school level and beyond:

(i) Recruitment services for enrolling project participants.

(ii) Instructional services in academic subject areas such as reading, writing, other communication skills, and mathematics, and in related areas such as study skills.

(iii) Special academic, career, and personal guidance, counseling, and testing services.

(iv) Housing support or on-campus residential programs during the operation of the project.

(v) Services designed to acquaint participants with the range of career options available to them including appropriate career-oriented, work-study activities.

(vi) Services designed to expose participants to academic institutions and programs, cultural events, and other activities not usually available to the participants and supportive of their intellectual, cultural, social, and personal development.

(vii) Appropriate in-service training activities for project staff members.

(viii) Other essential supporting services that have been approved by the Secretary as needed to assure the success of the participants in meeting the project's objectives and in succeeding at the secondary school level and beyond.

(2) *CAMP projects.* A CAMP project may provide the following types of services to assist the participants in meeting the project's objectives and in succeeding in an academic program of study at the IHE:

(i) The services described in paragraph (b)(1)(i) and paragraphs (b)(1)(iii) through (vii) of this section.

(ii) Tutoring and supplementary instructional services in the following areas:

(A) Basic skills.

(B) Subject areas in which the participants are enrolled.

(C) Related areas such as study skills.

(iii) Other essential supporting services that have been approved by the Secretary as needed to assure the success of the participants in meeting the project's objectives and in succeeding in an academic program of study at the IHE.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

Subpart C—How Does One Apply for a Grant?

§ 206.20 What must be included in an application?

In applying for a grant, an applicant shall—

(a) Follow the procedures and meet the requirements stated in Subpart C of 34 CFR part 75 (EDGAR–Direct Grant Programs); and

(b) Provide the following assurances:

(1) The grantee will develop and implement a plan for identifying, informing, and recruiting eligible participants who are most in need of the academic and supporting services and financial assistance provided by the project.

(2) The grantee will develop and implement a plan for identifying and using the resources of the participating IHE and the community to supplement and enhance the services provided by the project.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

Subpart D—How Does the Secretary Make a Grant to an Applicant?

§ 206.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under HEP or CAMP on the basis of the selection criteria listed in § 206.31.

(b) The Secretary awards up to 100 possible points for meeting these criteria.

(c) The maximum number of points possible for meeting each individual criterion is indicated in parentheses after the heading for that criterion.

(Sec. 418A(a); 20 U.S.C. 1070d–2; 20 U.S.C. 1221e–3(a)(1))

§ 206.31 What selection criteria does the Secretary use to evaluate an application?

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows the following:

(i) High quality in the design of the project.

(ii) An effective plan of management that assures proper and efficient administration of the project.

(iii) A clear description of how the objectives of the project relate to the purpose of the program.

(iv) A clear description of the way that the applicant plans to use its resources and personnel to achieve each objective of the project.

(v) A clear description of how the applicant will provide equal access and treatment for eligible participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Objectives and activities.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the design of objectives and activities for the students participating in the project.

(2) The Secretary looks for information that shows that—

(i) The objectives and activities of the project are designed to respond to the academic, supporting, and financial needs of the participating students; and

(ii) The size, scope, and quality of the activities will contribute successfully to meeting the project's objectives.

(c) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference.—See 34 CFR § 75.590 of EDGAR (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows adequate qualifications for the key personnel the applicant plans to use in the project.

(2) The Secretary looks for information that shows the following:

(i) The qualifications of the project director (if one is to be used).

(ii) The qualifications of each of the other key personnel to be used in the project.

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project.

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training—in fields related to the objectives of the project—as well as other information that the applicant provides.

(e) *Budget and cost-effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows the following:

(i) The budget for the project is adequate to support the project activities.

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Interagency consultation and coordination.* (10 points)

(1) The Secretary reviews each application for information that shows adequate consultation and coordination with other agencies—in the State of the project—that provide services to migrant and other seasonally-employed farmworkers and their dependents.

(2) The Secretary looks for information that shows that the applicant—

(i) Has consulted and coordinated adequately with other appropriate agencies in planning and developing its project; and

(2) Will consult and coordinate adequately with other appropriate agencies in implementing and evaluating the project.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows the following:

(i) The facilities that the applicant plans to use are adequate.

(ii) The equipment and supplies that the applicant plans to use are adequate.

(h) *Recruitment.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the recruitment plan for the project.

(2) The Secretary looks for information that shows that the applicant has adequate plans for identifying, informing, and recruiting eligible participants who are most in need of the academic and supporting services and financial assistance provided by the project.

(Sec. 418A(a); 20 U.S.C. 1070d–2; 20 U.S.C. 1221e–3(a)(1))

Subpart E—What Conditions Must be Met by a Grantee?

§ 206.40 What restrictions are there on expenditures?

Funds provided under HEP or CAMP may not be used for construction activities, other than minor construction-related activities such as the repair or minor remodeling or alteration of facilities.

(Sec. 418A(a); 20 U.S.C. 1070d–2)

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing July 2, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3991 / Pub. L. 97–18 To amend the Food Stamp Act of 1977 to increase the authorization for appropriations for fiscal year 1981, and to amend Public Law 93–233 to continue, through August 1, 1981, the cash-out of food stamp program benefits of certain recipients of Supplemental Security Income (June 30, 1981; 95 Stat. 102) Price: $1.50.

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35082 **Banks, Banking—Farm Credit** FCA issues rules on disposition of obsolete records.

35117 FCA proposes rules on deposits of funds, distribution of earnings, and bankers acceptances.

35109 FCA proposes rules on loan policies and operations.

35123 **Veterans—Mobile Home Loans** VA proposes rule changes on resale and repair of repossessed mobile home units.

35227 **Prisons** Justice/LEAA extends application deadline to 9–30–81 for the Prison Industries Enhancement Certification Program.

35241 **Boycotts** Treasury publishes current list of countries requiring cooperation with an international boycott.

35094 **Broadcasting—Equal Opportunity** FCC makes interim changes to equal employment opportunity rules.

35092 **Maritime Carriers** FMC prohibits the filing of temporary amendments to tariffs published by carriers and conferences of carriers in the foreign ocean commerce of the United States.

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Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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35080 **Federal Employees** OPM provides standards for determining whether a child is a dependent for the Civil Service Retirement and Federal Employees Health Benefits Programs.

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35105 **Commodity Futures—Cotton** USDA/AMS designates five spot cotton markets for contract settlement purposes

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Rules and Regulations

Federal Register
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Tuesday, July 7, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Listing of Appointing Authorities

AGENCY: Office of Personnel Management.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Personnel Management (OPM) is issuing a technical amendment to correct a numbering error in its regulations on the Excepted Service. This correction redesignates the numbering of sections only and does not affect the content of the regulations.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: At 46 FR 20146 dated April 3, 1981, OPM published final regulations revising the Excepted Service provisions of 5 CFR Part 213. An error made in the numbering of the sections of those regulations has required OPM to issue a technical amendment redesignating certain paragraphs. Specifically § 213.3303, published as "Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of a creation of a new department or agency" is redesignated as § 213.3302. § 213.3302, published as "Revocation of exceptions" is redesignated as § 213.3301b.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

§ 213.3302 [Redesignated as § 213.3301b]

§ 213.3303 [Redesignated as § 213.3302]

Accordingly, OPM revises 5 CFR Part 213 by redesignating § 213.3303 as § 213.3302 and § 213.3302 as § 213.3301b.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 81–19654 Filed 7–6–81; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 315

Career and Career-Conditional Employment

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: In accordance with the Foreign Service Act of 1980, the Office of Personnel Management (OPM) is revising its regulations for noncompetitive appointment of present and former Peace Corps personnel who have completed at least 36 months of satisfactory service under a Foreign Service appointment to (1) remove the time limitation on agencies' use of the noncompetitive appointing authority; and (2) restate eligibility requirements for individuals.

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing and College Relations Branch, Staffing Services, (202) 632–6000.

SUPPLEMENTARY: The regulations for noncompetitive appointment of present and former Peace Corps personnel carry out the provisions of section 2506(a)(4) of title 22, United States Code, which was established by the International Cooperation Act of 1979. That act provided that present or former Peace Corps staff, other than volunteers, who had at least 36 months of substantially continuous satisfactory service under Foreign Service Reserve or staff appointment, or assignment governed by section 7(a) of the Peace Corps Act, would be eligible for noncompetitive appointment until October 1, 1982 or 3 years after separation from qualifying Peace Corps service, whichever is later. The act further provided that agencies could make appointments under this authority until enactment of Foreign Service personnel reform legislation amending or superseding section 7(a)(4) of the Peace Corps Act (22 U.S.C. 2506(a)(4)).

The Foreign Service Act of 1980 (Pub. L. 96–465) was such legislation. It amended 22 U.S.C. 2506(a)(4) to: (1) Continue without time limit agencies' authority to make noncompetitive appointments of Peace Corps staff; (2) require the 36 months of qualifying service to be without any break of 3 days or more; and (3) restate the period of eligibility as extending not later than September 30, 1982 or 3 years after separation from qualifying Peace Corps service.

The revised regulations reflect these changes in the law and make no other changes to the regulations issued effective June 27, 1980.

Pursuant to sections 553(b)(B) and 553(d)(3) of title 5, United States Code, the Director finds that good cause exists to waive the general notice of proposed rulemaking and to make this amendment effective in less than 30 days. The regulation is being made effective as of February 15, 1981, to correspond with the effective date of the statutory provisions which it implements.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, 5 CFR 315.607 is amended by revising (a)(1) and (b) (1) and (2) as follows:

§ 315.607 Noncompetitive appointment of present and former Peace Corps personnel.

(a) An agency in the executive branch may appoint noncompetitively, for other

than temporary appointment, an individual:

(1) Who has completed no less than 36 months of continuous service without a break in service of 3 days or more under section 7(a) of the Peace Corps Act (22 U.S.C. 2506) which pertains to the appointment of Peace Corps staff (not volunteers);

* * * * *

(b) *Time limitations.* (1) An individual's eligibility under this section extends through September 30, 1982, or until 3 years after separation from qualifying service with the Peace Corps, whichever is later.

(2) An agency may not extend this period.

* * * * *

(22 U.S.C. 2506, 94 Stat. 2158)

[FR Doc. 81-19934 Filed 7-6-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 733

Political Participation by United States Government Employees in Local Elections in the City of New Carrollton, Maryland

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: In response to a request from the City Administrator of the City of New Carrollton, OPM is designating that municipality as one where Government employees may participate in local elections subject to the limitations established by OPM, pursuant to the Hatch Act.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas F. Moyer or Gloria V. Clark, Office of the General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, (202) 632-7600 or 632-4600 respectively.

SUPPLEMENTARY INFORMATION: On October 3, 1980, OPM published (45 FR 65603) a proposed rule to grant Federal Government employees residing in the City of New Carrollton, partial exemption from the political activity restrictions of the Hatch Act, 5 U.S.C. 7324 *et seq.* The exemption permits Federal employees to participate in local elections as or on behalf of independent candidates. OPM has not received any comments on the proposed rule.

5 U.S.C. 553(d)(1) provides: "The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except a substantive rule which grants or recognizes an exemption or relieves a restriction." The Director of OPM has determined that the Hatch Act exemption does not require a notice period before its effective date and that no public interest is served by delaying the effective date. Therefore, the Hatch Act exemption for the City of New Carrollton will become effective immediately.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

§ 733.124 [Amended]

Accordingly, OPM hereby revises 5 CFR 733.124(b) by adding the City of New Carrollton to the designated Maryland localities with Hatch Act exemptions, to be listed after Mount Rainier and before North Beach.

(5 U.S.C. 7327)

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-19932 Filed 7-6-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Parts 831 and 890

Civil Service Retirement Program and Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: Effective January 2, 1980, Pub. L. 96-179 amended the Civil Service Retirement (CSR) law and the Federal Employees Health Benefits (FEHB) law to remove the "lived with" requirement for natural children and to substitute a dependency requirement for all children. These regulations provide standards for determining whether a child is a dependent.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mary Angel, (202) 632-4684.

SUPPLEMENTARY INFORMATION:

Background

From October 1, 1956 through January 1, 1980, the definition of a child eligible for survivor annuity benefits under the CSR law included a natural child "* * * who lived with the Member or employee in a regular parent-child relationship." Though, in practice, this requirement of law was modified by recent court decisions, the actual wording of the law remained unchanged through January 1, 1980.

Also, from the inception of the FEHB Program in July 1960 through January 1, 1980, the definition of a child eligible for coverage as a family member under the FEHB law included a natural child who lived "* * * with the employee or annuitant in a regular parent-child relationship."

Effective January 2, 1980, Pub. L. 96-179 amended the CSR law and the FEHB law to remove the "lived with" requirement for natural children and to substitute a dependency requirement for all children. On November 18, 1980, the Office of Personnel Management (OPM) published interim regulations (45 FR 76087) to give standards for determining whether a child was or is a dependent child.

Background for the interim regulations included a short summary of the court decisions which liberalized the definition of a child who is eligible for survivor annuity benefits. Since the publication of those interim regulations, however, the Government has terminated its appeal in *Jenkins v. C.S.C.* Therefore, the summary of court decisions is now amended to show that survivor annuity benefits are payable to a recognized natural child whose employee/annuitant parent died on or after February 24, 1972. (Those survivor annuity benefits commence on the day after the parent's death.)

Discussion of Comments

During the 60-day comment period, OPM received written comments from two agencies and from two plans that participate in the FEHB Program. Two of the respondents felt that the interim regulations were acceptable as printed and two of the respondents proposed amendments to the interim regulations. Those proposals are discussed in the following paragraphs.

One respondent stated that the regulations did not indicate whether grandchildren who live with and are raised by an enrollee are eligible for FEHB coverage. Therefore, OPM has amended § 890.102(a) to include a definition of a foster child who is eligible for coverage as a family member under the FEHB Program. A definition of a foster child who is eligible for health benefits coverage is also contained in Federal Personnel Manual Supplement 890-1, Subchapter S11(2)(e).

The same respondent also stated that proof of support should have been shown as a subpart of § 890.302(b)(v), so that it would be apparent that proof of support was necessary only under the conditions given in that section. (That section states that a natural child is considered to be dependent on an enrollee, if he or she is a recognized natural child to whose support the enrolled employee or annuitant made regular and substantial contributions.) As proof of support is a separate criteria which can be used to prove dependency, OPM feels that it can be shown, with equal validity, as a separate part, (c), of § 890.302. However, OPM is amending § 890.302(c) to make it clear that proof of support is required only in the case of a natural child who does not live with the enrollee in a regular parent-child relationship and for whom a judicial determination of support has not been obtained. OPM is making a similar amendment to § 831.1005(b).

The second respondent stated that the interim regulations should be amended to make it clear that OPM is responsible for making determinations of an individual's eligibility for coverage as a family member under the FEHB Program. Currently, however, agencies and health benefits carriers are responsible for making initial determinations of an individual's eligibility for FEHB coverage and OPM becomes involved in this type of determination *only if* there is a disagreement about whether or not an individual is a covered family member. If OPM were to amend its regulations to state that OPM is responsible for determining an individual's family member status, the agencies and carriers would be absolved of responsibility in this area and OPM would be unduly burdened with work for which the agencies and carriers now have primary responsibility. For these reasons, OPM does not believe that it would be appropriate to amend the regulations to specify that OPM is responsible for making such determinations.

The same respondent also asked that OPM contact health benefits officers to remind them that an otherwise-eligible family member may effectively be denied health benefits coverage, if the enrollee is in a comprehensive plan serving a limited geographic area and if the family member does not live in that area. OPM is now preparing a Federal Personnel Manual Letter to provide that and other information about comprehensive plans.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM amends Parts 831 and 890 of Title 5, Code of Federal Regulations, as follows:

(1) The table of sections for Subpart J, Part 831, is revised to read as follows:

PART 831—RETIREMENT

* * * * *

Subpart J—Death Benefits

Sec.

831.1001 Time for filing applications.
831.1002 Effective dates of survivor annuities.
831.1003 Designation of beneficiary.
831.1004 Designation of agent.
831.1005 Proof of dependency.
831.1006 Exceptions.

Authority: 5 U.S.C. 8341.

* * * * *

(2) Sections 831.1005 and 831.1006 are added to read as follows:

§ 831.1005 Proof of dependency.

(a) A child is considered to have been dependent on the deceased employee or Member if he or she is:

(1) A legitimate child;

(2) An adopted child;

(3) A child for whom a petition of adoption was filed by the employee or Member;

(4) A stepchild or recognized natural child who lived with the employee or Member in a regular parent-child relationship;

(5) A recognized natural child for whom a judicial determination of support was obtained; or

(6) A recognized natural child to whose support the employee or Member made regular and substantial contributions.

(b) To be eligible for survivor annuity benefits, a child must have been dependent on the employee or Member at the time of the employee's or Member's death.

(c) The following are examples of proof of regular and substantial support. More than one of the following proofs may be required to show support of a natural child who did not live with the employee or Member in a regular parent-child relationship and for whom a judicial determination of support was not obtained.

(1) Evidence of eligibility as a dependent child for benefits under other State or Federal programs;

(2) Proof of inclusion of the child as a dependent on the decedent's income tax returns for the years immediately before the employee's or Member's death;

(3) Cancelled checks, money orders, or receipts for periodic payments received from the employee or Member for or on behalf of the child;

(4) Evidence of goods or services which show regular contributions of considerable value;

(5) Proof of coverage of the child as a family member under the employee's or Member's health benefits enrollment;

(6) Any other proof which OPM shall find to be sufficient proof of support or of paternity or maternity.

§ 831.1006 Exceptions.

Survivor benefits may be denied to a child:

(a) If evidence shows that the deceased employee or Member did not recognize the child as his or her own despite a willingness to support the child, or

(b) If evidence calls the child's paternity or maternity into doubt, despite the deceased employee's or Member's recognition and support of the child.

(Pub. L. 96–179)

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

(3) Section 890.101(a) is amended by inserting the definition of a foster child as § 890.101(a)(6) and by renumbering the current subparagraphs (6) through (10) as (7) through (11).

§ 890.101 Definitions; time computations.

(a) * * *

(6) "Foster child" means a child who:

(i) Lives with the employee or annuitant in a regular parent-child relationship and

(ii) Is expected to be raised to adulthood by the employee or annuitant.

* * * * *

(4) Section 890.302 (b), (c), (d), and (e) are redesignated as paragraphs (d), (e), (f), and (g) respectively and paragraphs (b) and (c) are added to read as follows:

§ 890.302 Coverage of family members.

* * * * *

(b) *Proof of dependency.* (1) A child is considered to be dependent on an enrolled employee or annuitant if he or she is:

(i) A legitimate child;

(ii) An adopted child;

(iii) A stepchild, foster child, or recognized natural child who lives with the enrolled employee or annuitant in a regular parent-child relationship.

(iv) A recognized natural child for whom a judicial determination of support has been obtained; or

(v) A recognized natural child to whose support the enrolled employee or annuitant makes regular and substantial contributions.

(2) The following are examples of proof of regular and substantial support. More than one of the following proofs may be required to show support of a natural child who does not live with the employee or annuitant in a regular parent-child relationship and for whom a judicial determination of support has not been obtained.

(i) Evidence of eligibility as a dependent child for benefits under other State or Federal programs;

(ii) Proof of inclusion of the child as a dependent on the enrolled employee's or annuitant's income tax returns;

(iii) Cancelled checks, money orders, or receipts for periodic payments from the enrolled employee or annuitant for or on behalf of the child;

(iv) Evidence of goods or services which show regular and substantial contributions of considerable value;

(v) Any other evidence which OPM shall find to be sufficient proof of support or of paternity or maternity.

(c) *Exceptions.* Coverage as a family member may be denied:

(1) If evidence shows that the employee or annuitant did not recognize the child as his or her own, despite a willingness to support the child, or

(2) If evidence calls the child's paternity or maternity into doubt, despite the employee's or annuitant's recognition and support of the child.

(Pub. L. 96–179)

[FR Doc. 81–19935 Filed 7–3–81; 8:45 am]

BILLING CODE 6325–01–M

FARM CREDIT ADMINISTRATION

12 CFR Part 618

Disposition of Obsolete Records; General Provisions

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA), by its Federal Farm Credit Board, publishes an amendment to its regulations concerning the disposition of obsolete records. The amendment provides for microfilming of records; disposition of records upon the expiration of the statute of limitation, except for capital stock transfer records; and retention of capital stock transfer records for 5 years or until the expiration of the statute of limitation, whichever is longer. The amendment was promulgated since the U.S. Government no longer has capital in the Farm Credit banks and associations. The banks had requested the amendment or deletion of the present regulation's requirement that capital stock records be maintained indefinitely.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, Washington, DC 20578, (202–755–2161).

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on page 17022 of the **Federal Register** of March 17, 1981, and invited comments for 60 days ending May 18, 1981. Comments were received from two sources who concurred with the proposed changes.

PART 618—GENERAL PROVISIONS

12 CFR Part 618 is amended by revising § 618.8360 (a) to (c) to read as follows:

§ 618.8360 Authorization.

(a) Banks and associations are authorized to dispose of obsolete records not required for research, legal, or audit purposes in accordance with written procedures, except the following:

(1) Original corporate records, including articles of incorporation, bylaws, and minutes of meetings of stockholders, directors, and committees.

(2) Payroll records, including gross salary and deductions for retirement, social security, and income tax withholdings.

(3) Basic personnel records, including personnel folders, service records, cards, and earnings records for all active and former employees covered under the Civil Service Retirement Act.

(4) Records required by Federal or state laws.

(5) Federal records.

(6) Financial reports of the banks and associations as of June 30 and December 31 each year.

(7) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off where the borrower has a significant, enforceable, and residual liability.

(8) Listing of obsolete records destroyed.

(b) If management desires, records may be retained in a form other than the original provided that the records are acceptable for legal evidence of a transaction in the jurisdiction in which the institution is located.

(c) Capital stock transfer records may be disposed of after 5 years following the date on which the stock was retired and the proceeds paid to the owner, or as required by the statute of limitation, whichever is longer. Management will determine if a longer retention period is desirable.

* * * * *

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81–19936 Filed 7–6–81; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 274

[Order No. 163; Docket No. RM79–3]

Order Issuing Alternative Filing Requirements

Issued: July 2, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule. Order issuing alternative filing requirements.

SUMMARY: Pursuant to § 274.207 of the Commission's regulations, the Oklahoma Corporation Commission (Oklahoma) filed an application for approval of alternative filing requirements for well determination applications filed under section 103 of the Natural Gas Policy Act of 1978. The Commission hereby approves Oklahoma's proposed alternative filing requirements and amends § 274.208 to reflect this change.

DATE: This order is effective July 2, 1981.

FOR FURTHER INFORMATION CONTACT: William Bushey, (202) 357–8590, or Leslie Lawner, (202) 357–8307.

SUPPLEMENTARY INFORMATION:

Issued: July 2, 1981.

In the matter of Natural Gas Policy Act of 1978, Oklahoma Corporation Commission Application for Alternative Filing Requirements; order issuing alternative filing requirements, Docket No. RM79–3, Order No. 163.

I. Background

On February 25, 1981, the Oklahoma Corporation Commission (Oklahoma) filed an application with the Commission for approval of alternative filing requirements pursuant to § 274.207 of the Commission's regulations. Notice of the application was issued on April 2, 1981. One comment was received in response to the notice of the application from Home Petroleum Corporation, and the commenter supported the proposed alternative filing requirements.

II. Discussion

The alternative filing requirements proposed by Oklahoma would replace the requirements for wells drilled in Oklahoma that are currently found in § 274.204(f) of the Commission's regulations. Section 274.204(f) requires an applicant seeking a well eligibility determination under section 103 of the Natural Gas Policy Act of 1978 (NGPA) to submit geological evidence and engineering data regarding the subject well to demonstrate that the well, if it is an additional well in an existing proration unit, is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be effectively and efficiently drained by any existing well within the proration unit.

Oklahoma proposes to eliminate the need to submit geological evidence and engineering data for wells subject to an application to determine eligibility under NGPA section 103 if the well was drilled within a drilling unit established under Oklahoma statute, and Oklahoma has issued an increased density order for the unit, and the increased density order contains the finding that the additional well is necessary for effective and efficient drainage (the "finding of necessity").

In Oklahoma, where an increased density order containing a finding of necessity has been issued, it means that a hearing has already been held at which geological evidence and engineering data of the same nature as required in § 274.204(f) has been presented. Oklahoma asserts that in lieu of the technical evidence required in § 274.204(f), it would be sufficient for the applicant seeking the section 103 well eligibility determination to include a copy of the increased density order containing the finding of necessity. If the Commission or any interested party desires to review the record supporting the finding of necessity for any particular applicant, the tape of the testimony and the transcript, together with any demonstrative evidence that had been submitted, would be available from Oklahoma.

The alternative filing requirements proposed by Oklahoma would relieve operators of the burden of having to make repetitive detailed showings of geological and engineering data. It would also relieve Oklahoma of the task of having to request this information from each applicant and the applicant would not have to prepare additional papers for filing, which would effectively speed up the process by which an applicant would receive its well eligibility determination.

Finally, Oklahoma requests that the alternative filing requirements be made effective immediately for all section 103 well determinations which have not yet become final under Part 275 of the Commission's regulations as of the day before the issuance of the Commission's order approving the alternative filing requirements.

The Commission believes that the filing of the increased density order, where such order issued by Oklahoma contains a finding of necessity, is an appropriate alternative to the filing requirement contained in § 274.204(f). Section 271.305 of the Commission's regulations requires that the jurisdictional agency for purposes of NGPA section 103 must make an explicit finding with respect to any additional well in a proration unit, that such a well is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be so drained by any exisitng well in the proration unit. The finding must be based on appropriate geological and engineering data and § 271.305 provides that such data be included in the notice of determination submitted to the Commission. The Commission finds that Oklahoma's alternative filing requirements would satisfy the concern expressed by § 271.305 that additional wells drilled in existing proration units be found to be necessary wells prior to qualifying as new, onshore production wells under NGPA section 103. Additionally, the Commission finds that the alternative requirements eliminate unnecessary filings, thereby lessening the regulatory burden on the operators and Oklahoma.

III. Public Procedures and Effective Date

Notice of Oklahoma's proposal was issued on April 2, 1981. No party requested a hearing on the proposed alternative filing requirements and no hearing was held. In view of the comment filed which supported the proposal, and the preceding discussion, the Commission approves Oklahoma's alternative filing requirements, described above.

The Commission finds that since the alternative filing requirements remove significant administrative burdens from applicants seeking well determinations from Oklahoma under section 103 of the NGPA, good cause exists to waive § 274.207(d) of the Commission's regulations in order to make the alternative filing requirements effective immediately for all section 103 determinations which have not yet become final under § 275.202(d) of the Commission's regulations as of the day before the date of this issuance of this order.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 274 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective July 2, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Part 274 is amended in § 274.208 by adding a new paragraph (e) to read as follows:

§ 274.208 Alternative filing and notice requirements accepted by the Commission.

* * * * *

(e) Applications for well determinations under section 103, Subpart C of Part 271, filed with the Oklahoma Corporation Commission.

V. 46 / 129 / JUL 7 1981 UMI

(1) A person seeking a determination for purposes of Subpart C of Part 271 that an additional well on an existing statutorily-established proration unit in Oklahoma, for which an increased density order containing a finding of necessity has been issued, is a new, onshore production well, shall file with the Oklahoma jurisdictional agency an application which contains in lieu of the information specified in § 274.204, the following items:

(i) FERC Form No. 121;

(ii) The well completion report;

(iii) A location plat which locates and identifies the State law proration unit (as defined in § 271.305(a)(2)) and the well for which a determination is sought and all other wells within the State law proration unit in which the well for which a determination is sought is located;

(iv) A statement by the applicant, under oath;

(A) That the surface drilling of the well for which he seeks a determination was begun on or after February 19, 1977;

(B) that the well satisfies any applicable Federal or State well spacing requirements;

(C) that the applicant has concluded that to the best of his information, knowledge and belief, the natural gas for which he seeks a determination is produced from a new, onshore production well; and

(D) that the applicant has no knowledge of any other information not described in the application which is inconsistent with his conclusion;

(v) If the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files; and

(vi) A copy of the increased density order issued by the Oklahoma Corporation Commission which contains the finding of necessity for additional wells in the proration unit in which the well for which the determination is being sought is located.

(2) With respect to wells to which this paragraph applies, receipt by the Commission of a notice of determination pursuant to § 274.104 shall be deemed to satisfy:

(i) The requirement of notice to the Commission under § 271.305(c), and

(ii) The requirement of § 271.305(b)(1) that appropriate geological and engineering data be included in the notice of determination.

[FR Doc. 81-19796 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 103, 152, 175

[T.D. 81-168]

Customs Regulations Relating To Availability of Information; Correction

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects the text of a final rule on the Customs Regulations relating to the availability of information that was published as T.D. 81-168 in the **Federal Register** on June 24, 1981 (46 FR 32564).

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Disclosure Law Branch (202-566-8681).

The following corrections are made in the final rule document:

1. On page 32566, center column, the address of public reading room in Region V-New Orleans, is corrected to read "Room 302, 423 Canal Street, New Orleans, Louisiana 70130."

§ 103.5 [Corrected]

2. On page 32567, right-hand column, § 103.5(b)(1), the name "Freedom of Information and Privacy Branch" is corrected to read "Disclosure Law Branch."

§ 103.8 [Corrected]

3. On page 32570, left-hand column, section 103.8(a)(3) is corrected to read "The need for consultation, * * *, or within offices of the United States Customs Service * * *"

Dated: June 30, 1981.

B. J. Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 81-19808 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Change of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; change of effective date.

SUMMARY: The Food and Drug Administration (FDA) is changing the effective date for §§ 50.1 and 50.3(b) (21 CFR 50.1 and 50.3(b)) which was inadvertently deferred in a notice published in the **Federal Register** of March 27, 1981 (46 FR 18951).

DATE: Sections 50.1 and 50.3(b) will become effective July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 27, 1981 (46 FR 18951), FDA issued a notice to delay the scheduled effective date of the final rule establishing certain provisions of 21 CFR Part 50. (See 45 FR 36386; May 30, 1980.)

The March 27, 1981 **Federal Register** notice was inadvertently drafted too broadly. It was intended to defer only the effective date of the provisions of the May 30, 1980 final rule concerning research on prisoners. The May 30 rule, however, included two introductory sections to FDA's general regulations on protection of human subjects (21 CFR Part 50). The effective date of these two sections, § 50.1 (establishing the scope of Part 50) and § 50.3(b) (defining "application for research or marketing permit"), was unintentionally deferred in the March 27, 1981 notice. By this notice, FDA advises that §§ 50.1 and 50.3(b) will go into effect on July 27, 1981, with the remainder of FDA's general regulations on protection of human subjects (see 46 FR 8942; January 27, 1981).

Elsewhere in this issue of the **Federal Register**, FDA is staying until further notice, the effective date of the remaining provisions of the May 30, 1980 final rule.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 507, 510, 513-516, 518-520, 701(a), 706, and 801, 52 Stat. 1049-1053 as amended, 1055, 1058 as amended, 59 Stat. 463 as amended, 72 Stat. 1785-1788 as amended, 74 Stat. 399-407 as amended, 76 Stat. 794-795 as amended, 90 Stat. 540-560, 562-574 (21 U.S.C. 346, 348, 352, 353, 355, 357, 360, 360c-360f, 360h-360j, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354-360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173-1186 as amended (42 U.S.C. 216, 262, 263b-263n)) and the Administrative Procedure Act (sec. 4, 60 Stat. 238 (5 U.S.C. 553)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the effective date of §§ 50.1 and 50.3(b) published in the **Federal Register** of May 30, 1980 (45 FR 36386) is changed to July 27, 1981.

Effective date. July 27, 1981.

Dated: June 29, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-19905 Filed 6-30-81; 11:56 am]

BILLING CODE 4110-03-M

21 CFR Part 50

[Docket No. 78N-0049]

Protection of Human Subjects; Prisoners Used as Subjects in Research; Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective date of its regulations establishing conditions under which biomedical research on prisoners will be accepted in satisfaction of FDA's regulatory requirements. All provisions of Subpart C of Part 50 of the final regulations are stayed pending reproposal of the subpart, including § 50.44 (21 CFR 50.44). The stay will remain in effect until final action taken on the reproposal is effective.

DATE: The stay will become effective on August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 30, 1980 (45 FR 36386), FDA adopted final regulations to provide protection for prisoners used as the subjects of biomedical research within the agency's jurisdiction. At that time, the agency announced that the regulations would become effective on June 1, 1981. On July 29, 1980, a lawsuit was filed in the United States District Court for the Eastern District of Michigan to have these regulations declared invalid. See *Fante and the Upjohn Co.* v. *Department of Health and Human Services, et al.*, Civil Action No. 80-72778. Because sponsors of research affected by the regulations might incur substantial compliance costs that would be wasted if the District Court declared the rule invalid, the agency published in the **Federal Register** of March 27, 1981 (46 FR 18951) a delay of the June 1, 1981 effective date and announced that the rule would become effective 5 months from the date of the District Court's final judgment on the merits of the lawsuit. The regulations are currently not enforceable and have no effect.

The agency has considered questions that have been raised concerning the need, utility, and costs of the current rule and has determined that it is appropriate to reconsider the regulations. FDA will in the near future repropose the regulations at which time it will provide for public comment on the reproposal. In the meantime, FDA is staying indefinitely the effective date of Subpart C of Part 50 to permit the agency to reach a final decision as to the content of the reproposed regulations. This action is taken under § 10.35(a) of FDA's administrative practices and procedures regulations (21 CFR 10.35(a)), which authorizes the agency to stay at any time the effective date of an action pending or following a decision on any matter.

The agency has determined that under the circumstances it would be impracticable, unnecessary, and contrary to the public interest to subject this action to public comment under the Administrative Procedure Act (5 U.S.C. 553(b)). The regulations affect the interests of a small number of persons because research on prisoners is now carried on at a very small number of prisons. Moreover, the stay itself will not prejudice the interests of any affected groups or individuals, because as a result of the March 27, 1981 notice, the regulations are not currently enforceable or in effect. The agency expects to publish a reproposal that will give the public an opportunity to comment before the earliest date on which the delayed rule could have become effective. Finally, if a stay pending reproposal is not imposed immediately, the government will be obliged to continue to defend the existing rule in the lawsuit that is now pending. In view of the decision to reconsider the regulations that are at issue in the lawsuit, continuing to defend the litigation would be a costly and needless use of public resources. Accordingly, the agency concludes that it has good cause to stay the effective date of Subpart C of 21 CFR Part 50 without providing for public comment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 507, 510, 513-516, 518-520, 701(a), 706, and 801, 52 Stat. 1049-1053 as amended, 1055, 1058 as amended, 59 Stat. 463 as amended, 72 Stat. 1785-1788 as amended, 74 Stat. 399-407 as amended, 76 Stat. 794-795 as amended, 90 Stat. 540-560, 562-574 (21 U.S.C. 346, 348, 352, 353, 355, 357, 360, 360c-360f, 360h-360j, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354-360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173-1186 as amended (42 U.S.C. 216, 262, 263b-263n)) and the Administrative Procedure Act (sec. 4, 60 Stat. 238 (5 U.S.C. 553)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the effective date of Subpart C of 21 CFR Part 50 published in the **Federal Register** of May 30, 1980 (45 FR 36386) is stayed until further notice. This notice supersedes the notice of March 27, 1981.

Effective date. The stay will become become effective August 6, 1981.

Dated: June 29, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-19906 Filed 6-30-81; 11:56 am]

BILLING CODE 4110-03-M

21 CFR Parts 74, 81, and 82

[Docket No. 76C-0044]

D&C Orange No. 10 and D&C Orange No. 11; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of April 28, 1981, of the regulations that permanently list D&C Orange No. 10 and D&C Orange No. 11 as color additives for use in externally applied drugs and cosmetics. (46 FR 18951, March 27, 1981)

DATE: Effective date confirmed: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A final rule published in the **Federal Register** of March 27, 1981 (46 FR 18951) added D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics under §§ 74.1260 and 74.1261 (21 CFR 74.1260 and 74.1261) to Subpart B—Drugs and under §§ 74.2260 and 74.2261 (21 CFR 74.2260 and 74.2261) to Subpart C—Cosmetics of Part 74 (21 CFR Part 74). The final rule also amended Part 81 in § 81.1(b) (21 CFR 81.1(b)) by deleting D&C Orange No. 10 and D&C Orange No. 11 from the provisional lists of color additives; amended § 81.10(m) by terminating the provisional listing of D&C Orange No. 10 and D&C Orange No. 11 for use in ingested drugs and cosmetics; and amended § 81.30(n)(1) by cancelling the certificates for the color additives, their lakes and all mixtures containing these color additives as pertains to use of the additives in ingested drugs and

cosmetics. The final rule published on March 27, 1981 also amended in Part 82 the identity nomenclature and specifications for the certification of lakes of D&C Orange No. 10 and D&C Orange No. 11 under §§ 82.1260 and 82.1261 (21 CFR 82.1260 and 82.1261) to reference §§ 74.1260(a)(1) and (b) and 74.1261(a)(1) and (b), respectively, and the lakes of the color additives were restricted to use in externally applied drugs and cosmetics.

No objection or requests for a hearing have been received in response to the rule published on March 27, 1981, which permanently listed D&C Orange No. 10 and D&C Orange No. 11 for use in externally applied drugs and cosmetics. Likewise, no objections were received concerning the amendments to Part 82 identity and specifications for the use of these color additives under their provisional listings for use in lakes.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) (formerly 21 CFR 5.1, see 46 FR 26052; May 11, 1981), notice is given that no objections or requests for hearing were filed in response to the final rule of March 27, 1981. Accordingly, the amendments promulgated thereby became effective on April 26, 1981.

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19480 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 155

[Docket No. 75P-0322]

Canned Peas; Standard of Identity; Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective date of the June 27, 1980 amendment of the standard of identity for canned peas pertaining to the deletion of magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients. (21 CFR 155.170(a)(2)). This stay is in response to a petition for reconsideration of the deletion.

EFFECTIVE DATE: The stay is effective June 30, 1981.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 7, 1977 (42 FR 29014), FDA published a proposal to amend the U.S. standards of identity, quality, and fill of container for canned peas (21 CFR 155.170) and canned dry peas (21 CFR 155.172), to adopt, insofar as practicable, both the Recommended International Standards for Canned Green Peas (Codex standard) and a proposal by the Corn Refiners Association. Comments were to be received by August 8, 1977.

FDA proposed to delete the use of special process chemicals, including certain magnesium compounds used in a special process of peas known as the Blair process, to aid in retaining color. This action was based on available information to the agency that these chemicals were no longer used in the United States.

FDA subsequently issued a final regulation in the **Federal Register** of June 27, 1980 (45 FR 43394). The confirmation of the effective date for compliance with all provisions of the amended U.S. standards was published in the **Federal Register** of April 10, 1981 (46 FR 21359).

FDA received a petition dated June 12, 1981, from the law firm Weil, Gotshal & Manges, requesting that the agency reconsider its decision to delete certain magnesium compounds including magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients, under 21 CFR 10.33; and to stay the effective date of the final regulation with regard to these compounds, under 21 CFR 10.35. A copy of the petition is on file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, for good cause, FDA is staying the effective date of the amendment of the standard of identity to delete these chemicals as optional ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that the effective date of the June 27, 1980 amendment revising § 155.170(a)(2) pertaining to the deletion of magnesium hydroxide, magnesium oxide, and magnesium carbonate is stayed until further notice.

Effective date. This stay is effective June 30, 1981.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341(e)))

Dated: June 30, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19924 Filed 7-3-81; 11:30 am]

BILLING CODE 4110-03-M

21 CFR Part 176

[Docket No. 80F-0267]

Indirect Food Additives: Paper and Paperboard Components; Sodium Zinc Potassium Polyphosphate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of sodium zinc potassium polyphosphate as a component of paper and paperboard. This action is based on a petition filled by the Calgon Corp.

DATES: Effective July 7, 1981; objections by August 6, 1981.

ADDRESS: Written objections may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA announced in a notice published in the **Federal Register** of August 29, 1980 (45 FR 57775) that a food additive petition (FAP 9B3465) had been filed by Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230, proposing to amend § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of sodium zinc potassium polyphosphate as a pigment dispersant in the manufacture of paper and paperboard intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that § 176.170 should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's findings of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 176 is amended in § 176.170(a)(5) by inserting alphabetically a new item in the list of substances to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * *	* * *
Sodium zinc potassium polyphosphate (CAS Reg. No. 65997-17-3).	For use only as a pigment dispersant in coatings at a level not to exceed 1 percent by weight of pigment.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 6, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 7, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19481 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79F-0392]

21 CFR Part 178

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers; Tetrakis[Methylene(3,5-Di-Tert-Butyl-4-Hydroxyhydrocinnamate)]Methane

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant and/or stabilizer in poly-1-butene resins and butene/ethylene copolymers used in articles intended for food-contact use. This action responds to a food additive petition filed by Ciba-Geigy Corp.

DATES: Effective July 7, 1981; objections by August 6, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Food (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of November 30, 1979 (44 FR 69010), announced that a food additive petition (FAP 6B3228), had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing to amend § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant and thermal stabilizer in poly-1-butene resins and butene/ethylene copolymers used in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and concludes that tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane is safe under the prescribed conditions of use, and that § 178.2010 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.2010(b) by adding another use in the list of limitations, to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane (CAS Reg. No. 6683-19-8).	For use only: * * * 6. At levels not to exceed 0.25 percent by weight of poly-1-butene resins and butene/ethylene copolymers complying with § 177.1570 of this chapter, except that when used in contact with foods described as types III, IV-A, V, VII-A, and IX in table 1 of § 178.170(c) of this chapter, the finished polymers may be used only under conditions of use C through H described in table 2 of § 176.170(c) of this chapter.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 6, 1981, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in

support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective July 7, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19251 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

LIBRARY OF CONGRESS

36 CFR Part 701

Acquisition of Library Materials by Non-Purchase Means and Disposition of Surplus Library Materials

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: The Library of Congress is amending its regulations by adding new text to Title 36, Part 701, *Procedures and Service.* This revision is necessary to inform members of the public and other interested parties concerning the Library's programs related to (1) the acquisition of materials for the collections of the Library by non-purchase means and (2) the disposition of surplus library material. The new text is intended to provide information of continuing interest to the public or other parties in dealing with the Library of Congress.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Blancheri, Executive Officer, Office of the Associate Librarian for Management (287–5560).

SUPPLEMENTARY INFORMATION: The Exchange and Gift Division acquires materials for the collections of the Library through exchange arrangements, by gift, deposit, transfer, or under special provisions of law. It implements exchange arrangements under provisions of the Brussels Convention of 1886, Executive Agreements, and other bilateral and multilateral treaties and agreements for the exchange of official publications and government documents between the governments of the United States and other countries. It has responsibility for the custody and the disposal of all surplus library materials.

Accordingly, pursuant to 2 U.S.C. 136, Title 36, Part 701 is amended by adding § 701.31 to read as follows:

§ 701.31 Acquisition of library materials by non-purchase means and disposition of surplus library materials.

(a) *Acquisition of non-purchase materials.* The Exchange and Gift Division has responsibility for the Library's acquisition of materials by non-purchase means, including exchange, gift and transfer, and other government sources.

(1) *Exchanges.* Official exchanges, numbering about one hundred agreements, are maintained between the Library and official agencies or institutions designated in other countries to send and receive official documents. Agreements for official exchanges stem from multilateral treaties, Executive Agreements, and informal agreements. Sets of U.S. official publications are supplied under these agreements. In addition to official exchanges, general (or non-official) exchanges negotiated on an informal basis are conducted with government agencies at all levels, universities, colleges, museums, libraries, learned organizations and international organizations. (Currently about 15,000 non-official exchanges are in effect throughout the world). The Library sends to these exchange partners selections from its duplicates or current U.S. Government publications. By law (44 U.S.C. 1718 and 1719) the Library is authorized to requisition for use on international exchange up to 125 copies of each U.S. Government publication issued by the Government Printing Office.

(2) *Gift.* The Library solicits gifts from individuals, businesses, foundations, and other organizations throughout the world, including unions, political parties, chambers of commerce, religious groups, etc., that do not enter into exchanges or offer their publications for regular sale. The Library also actively solicits material for its special collections which it would not usually be in a position to purchase, including personal papers, music manuscripts, sound recordings, rare books, fine prints and photographs, etc.

(3) *Government Source.* In addition to the documents provided by the Superintendent of Documents for international exchange, the Library is entitled under 44 U.S.C. 1718 to requisition up to 25 copies of each publication issued by the Government Printing Office for use in its own collections. Other laws provide the Library with books for the blind and with publications deposited for copyright. Under a variety of arrangements the Exchange and Gift Division also acquires the official publications of the states, territories, and possessions of the United States for listing in its accessions list, the *Monthly Checklist of State Publications,* and for inclusion in its collections.

(4) *Transfer.* Libraries in other agencies of the Federal Government are encouraged to send to the Library for disposition library materials that are surplus to their needs. Such transferred materials are needed to fill gaps in the Library's holdings, to use for exchanges, to transfer to other Federal agencies, and to make available through the Surplus Books Program to qualified recipients.

(b) *Disposition of surplus books.* The exchange and Gift Division has available at all times surplus books not needed by the Library for its own uses. These materials are made available for selection on exchange by eligible institutions, organizations, book dealers, and collectors, and by donation to education institutions (tax-supported or non-profit schools, school systems, colleges, universities, museums, and public libraries) and public bodies (agencies of local, state, or national governments) in the United States. A public library is defined as "a library that serves free all residents of a community, district, state, or region, and receives its financial support in whole or in part from public funds."

(c) Inquiries concerning the programs relating to the acquisition of materials for the collections of the Library by non-purchase methods and the disposition of surplus materials should be addressed to: Chief, Exchange and Gift Division, Library of Congress, Washington, D.C. 20540.

Effective date: This amendment is effective July 1, 1981.

Issued in Washington, D.C., May 11, 1981.

Howard A. Blancheri,

Executive Officer, Office of The Associate Librarian for Management, Library of Congress.

[FR Doc. 81-19999 Filed 7-6-81; 8:45 am]

BILLING CODE 1410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1858-8]

Approval and Promulgation of State Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: Part D of the Clean Air Act (Sections 171–178) requires that states amend their State Implementation Plans (SIPs) to provide for attainment, by specified dates, of the National Ambient Air Quality Standards for various air pollutants in areas in which the standards are being violated. On April 3, 1981, EPA conditionally approved the Kansas revisions to its Part D State Implementation Plan (SIP) (46 FR 20164). Kansas has taken action to correct two of the conditions, and EPA is today approving the State's actions and removing the applicable conditions. Until all conditions are met, conditional approval of the SIP will continue.

DATE: This approval is effective July 7, 1980.

ADDRESSES: Copies of the State regulations are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106

Public Information Reference Unit Library, 401 M Street, S.W., Room 2922, PM 213, Washington, D.C. 20460

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620

A copy of the State regulations is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374–3791, FTS 758–3791.

SUPPLEMENTARY INFORMATION:

I. Background

On April 3, 1981, EPA conditionally approved the Kansas revisions to its Part D SIP (46 FR 20164). The parts of the SIP revision that were conditionally approved by EPA were expained in the April Rulemaking. The State has submitted additional information to correct two of the SIP deficiencies. One of the conditions concerns the adoption of permanent regulations for the control of major sources of volatile organic compounds (VOC). Temporary regulations were previously in effect in Kansas, but the permanent VOC regulations went into effect as of May 1, 1981. The other condition concerns the adoption of a permanent regulation providing for new source review permits. A temporary regulation was previously in effect, but a permanent new source review permit regulation went into effect on May 1, 1981 also. The temporary regulations became permanent by the operation of a state statute which provides that temporary regulations to which no objection is made by the legislature may become permanent if the proper procedural steps are followed.

II. EPA Actions

The adoption of the temporary regulations described above as permanent regulations meets the requirements of two of the existing conditions of EPA's approval of the Kansas Part D SIP. Additional conditions still remain in effect, and they will not be removed by EPA until the State takes the appropriate actions. Description of the additional conditions can be found in the April 3, 1981 rulemaking (46 FR 20164).

In today's action, EPA is removing two of the conditions from the Kansas Part D SIP since the state has taken the appropriate actions to meef the two conditions. Also in today's actions, EPA is incorporating into the SIP the appropriate permanent Kansas regulations, which contain the same provisions as the previous temporary regulations.

EPA finds that further notice and comment on this issue are unnecessary and EPA finds good cause for making this rulemaking immediately effective. The state regulations approved today are basically the same as those conditionally approved by EPA in the April 3, 1981 rulemaking. Affected persons were therefore put on notice in April of EPA's action concerning the state regulations.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions, and imposes no additional substantive requirements.

Under Executive Order 12291, EPA must judge whether a rule is a "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence, it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of Kansas was approved by the Director of the Federal Register on July 1, 1980.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. § 7410 and 7601(a)))

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

Title 40, Part 52, Subpart R—Kansas, of the Code of Federal Regulations is amended by revising as follows:

(1) Section 52.873 is amended by revising the last two sentences to read:

§ 52.873 Approval status.

* * * Continued satisfaction of the requirements of Part-D for the ozone and TSP portions of the Kansas SIP depends on the adoption of a regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system, the adoption and submission of additional reasonably available control technology (RACT) requirements for any source covered by Control Technology Guidelines issued by EPA in the future, the revision of the new source review permit regulation to comply with Section 173(3) of the CAA, and the submission of the results from additional study of the state's determination that all major sources are controlled to a degree representing RACT and of a compliance schedule for recommended actions to bring these sources to RACT, as needed. No action was taken on the non-Part D requirements of the Act.

(2) Section 52.875(a)(1) is revised to read:

§ 52.875 General requirements.

(a) Conditional approval. * * * (1) To satisfy the requirements to Section 172(b)(10), Enforceability of the Regulations, the state must adopt and submit a permanent regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system by May 1, 1982.

* * * * *

[FR Doc. 81-19942 Filed 7-6-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 122

[EN-FRL 1852-7]

Consolidated Permit Regulations; NPDES Application Requirements for Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills, and Steam Electric Power Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule.

SUMMARY: This action suspends for the Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills and Converted Paper Products, and Steam Electric Power Plant point source categories a portion of the requirement in EPA's consolidated permit regulations that certain effluent testing data for organic toxic pollutants be submitted as part of the application for a National Pollutant Discharge Elimination System (NPDES) permit. This action is in response to public comments and a preliminary evaluation of newly presented data. During the suspension, EPA will reconsider the appropriateness of this requirement for this group of industrial facilities, based upon the newly presented data.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Gail Goldberg, Office of Water Enforcement and Permits (EN-336), Washington, D.C. 20460, (202) 426-7035.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued final consolidated permit regulations and the consolidated permit application forms, including NPDES permit application forms under the Clean Water Act (45 FR 33290). Those regulations and NPDES permit application Form 2c require that applicants with processes in primary industries provide data obtained through sampling and analysis to characterize their process wastestreams for those toxic organic pollutants designated for that industry category in Appendix D to 40 CFR Part 122. Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills, and Steam Electric Power Plants are listed as primary industries in the Consent Decree issued in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976) modified March 9, 1979, 12 ERC 1833, 1841.

The consolidated permit regulations, at 40 CFR 122.53(d)(7)(ii)(A), contain the following testing requirement:

(ii) Each applicant with processes in one or more primary industry category (see Appendix A to Part 122) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

(A) The organic toxic pollutants in the fractions designated in Table I of Appendix D for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph(d)(6) of this section * * *

Table I of Appendix D requires that applicants in the Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, and Pulp and Paperboard industrial categories test and report quantitative data on all four organic pollutant fractions, and that applicants in the Stream Electric Power industrial category test and report quantitative data for three of the four organic fractions. Table II of Appendix D lists the organic toxic pollutants in each fraction.

The Agency has received numerous comments on the appropriateness of the requirement to test for organic toxic pollutants under § 122.53(d)(7)(ii)(A). In response to these comments, EPA has reiterated its willingness, as stated at 45 FR 33528, to "continue to investigate existing data and add or delete requirements to ensure that wastestreams be analyzed only for pollutants which may be discharged." Therefore, the Agency is currently evaluating a recent collection of available data for several primary industrial categories.

EPA made a preliminary review of the data obtained for the specific industry categories listed above using the same criteria for requiring GC/MS (Gas Chromatography/Mass Spectrometry) fractions we used in the consolidated permit regulations (45 FR 33529). Although EPA is still basing the testing requirement upon a single detection above 10 parts per billion in each GC/MS fraction, in many cases we now have separate data on intake water as well as effluent. Moreover, data on a subcategory basis are now available for many of these industries, making it possible to determine whether or not toxic organic pollutants were found in specific subcategories and, in the case of Steam Electric Power Plants, on a wastestream basis. Therefore, EPA has determined that sufficient information exists on the occurrence of toxic organic pollutants to justify suspending the relevant portions of § 122.53(d)(7)(ii)(A) as detailed in the amended 40 CFR 122.53 below. EPA also is suspending the parallel requirement that applicants in these industries complete the corresponding portions of Item V-C of the NPDES application Form 2c, 45 FR 33567.

EPA is reevaluating organic testing requirements for other primary industries as additional data become available and expects to propose a revision of the organic testing requirements for industries examined, as appropriate. Meanwhile, we are today suspending portions of the testing requirements for Gum and Wood, Leather Tanning and Finishing, Paint and Ink Formulation, Petroleum Refining, Photographic Supplies, Pulp and Paperboard Mills and Steam Electric Power industries to relieve these industries from the cost of sampling and analysis that may prove unnecessary. When our analysis of the data is completed, we will change the requirement if appropriate, or reinstate it, if not. During the suspension, however, applicants in these categories will still be required under § 122.53(d)(7)(iii)(A) to sample and analyze their wastestreams for those organic toxic pollutants which they know or have reason to believe exist in their discharge. In addition, those plants sampled during EPA's survey of industrial dischargers must report existing organic testing data generated by EPA. As applicants in the primary industries (listed in the NRDC Consent Decree), plants must still report quantitative results for the 13 metals on the toxics pollutant list; cyanide; total phenols and any fractions not suspended. Items V-A, B and D must still be completed, according to the instructions in the NPDES application Form 2c and in accordance with § 122.53(d)(7) (i), (ii)(B), (iii), (iv), and (v).

Compliance with Executive Order 12291. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it suspends portions of a regulatory requirement and reduces the economic burden on affected industries, rather than imposing additional costs. Neither does this action satisfy any of the other criteria for a major rule.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the U.S. Environmental Protection Agency, Rm. 3219-C, 401 M Street, SW. Washington, D.C. 20460.

(This suspension is issued under authority of the Clean Water Act, 33 U.S.C. 1251 *et seq.*)

Dated: June 30, 1981.

John W. Hernandez,
Acting Administrator.

§ 122.53 [Amended]

40 CFR 122.53(d)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c are suspended until further notice as they apply to:

1. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (Subpart D) and Rosin-Based Derivatives Subcategory (Subpart F) of the Gum and Wood Chemicals industry (40 CFR Part 454), and testing and reporting for the pesticide and base/neutral fractions in all other subcategories of this industrial category.

2. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.

3. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.

4. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (Subparts J and U) of the Pulp and Paper industry (40 CFR Part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (Subpart Q), Dissolving Kraft (Subpart F), and Paperboard from Waste Paper (Subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (Subpart H), Semi-Chemical (Subparts B and C), and Nonintegrated-Fine Papers (Subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (Subpart I), Dissolving Sulfite Pulp (Subpart K), Groundwood-Fine Papers (Subpart O), Market Bleached Kraft (Subpart G), Tissue from Wastepaper (Subpart T), and Nonintegrated-Tissue Papers (Subpart S).

5. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

[FR Doc. 81-19943 Filed 7-6-81; 8:45 am]
BILLING CODE 6560-33-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 531 and 536

[General Order 38, Amdt. No. 3; General Order 13, Amdt. No. 9; Docket No. 80-37]

Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce; Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Filing of tariff material covering the movement of used military household goods and personal effects by non-vessel operating common carriers in the domestic and foreign commerce of the United States is exempted from the requirements of the Commission's tariff filing regulations. Such filings no longer serve any regulatory purpose. The exemptions will lessen the regulatory burden on non-vessel operating common carriers.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTAL INFORMATION: The Commission instituted a rulemaking proceeding in Docket No. 80-37, on June 17, 1980 (45 FR 41024) for the purpose of considering: (1) the exemption of movements of used household goods and personal effects by non-vessel operating common carriers (NVOCCs) in both the domestic offshore and foreign commerce of the United States from the Commission's tariff filing requirements; and (2) to require that rates for used household goods and personal effects established by vessel operating common carriers be stated on a weight or per container basis only and that the weight of such shipments be substantiated by a public weigher's certificate furnished by the shipper.

NVOCCs undertaking ocean transportation are subject to Federal Maritime Commission regulation in both foreign and domestic commerce.[1] Several NVOCCs also operate as motor carriers under the Interstate Commerce Act (ICA) and as inland freight forwarders exempt from regulation under other provisions of the ICA. These carriers frequently specialize in the carriage of used household goods and personal effects and maintain FMC tariffs providing for the port-to-port segments of through ocean/inland transportation services. These tariffs reflect only part of the total transportation costs incurred by the shipper.[2]

Since July 6, 1976, all NVOCCs providing ocean transportation for used *military* household goods and personal effects for which there was also an inland movement in the United States have been granted continuing special permission to file tariff supplements and/or revised pages for such transportation on less than the statutory 30-day notice requirement.[3] A waiver of the general tariff format requirements stipulated in 46 CFR Parts 531 and 536 has also been granted. This action was intended to facilitate the intermodal movement of used household goods and personal effects for the Department of Defense (DOD).

The Commission has now determined to exempt *all* filing requirements for such movements, as they relate to used military household goods and personal effects. In promulgating this exemption, the Commission considered, *inter alia*, the comments of DOD which had requested the modification of existing regulations to permit it to require NVOCCs to submit their through intermodal rate quotations to DOD's Military Traffic Management Command (MTMC) and to require that these quotations be approved by MTMC before they were to be filed with the Commission, but not later than their proposed effective date. The Household Goods Forwarders Association of America, Inc., objected to DOD's petition and stated that such a proposed modification in the Commission's regulations was unwarranted.

The Commission has examined the impact of existing tariff filing regulations applicable to NVOCCs naming through

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[1] See *Common Carriers by Water—Status of Express Companies, Truck Lines and Other Non-Vessel Carriers*, 6 F.M.B. 245 (1961) and *Bernard Ulmann Co. v. Porto Rican Express Co.* 3 F.M.B. 771 (1952) construing the applicable provisions of the Shipping Act, 1916 (46 U.S.C. 801 et seq).

[2] This transportation originates or terminates at interior United States points and moves in intermodal services under through bills of lading.

[3] Report and Order in Docket No. 73-4, 19 F.M.C. 203 (1976). See 46 CFR 536.1(c)(2), previously 536.1(b)(2).

intermodal rates on used military household goods and personal effects and believes these procedures are no longer serving any regulatory purpose. Since the present rules took effect in 1976, only one NVOCC conference has filed tariffs under the waiver provisions granted in Docket No. 73-4. Although this tariff contains rates covering the entire through movement, this information does not provide the Commission with any greater ability to judge the lawfulness of the port-to-port segment than it would have if the information were obtained after the cargo had actually moved.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 834) authorizes the Commission to exempt operations of water carriers or other persons or activities from statutory requirements, where it finds that such exemption would not substantially impair effective regulation, be unjustly discriminatory or be detrimental to commerce. The Commission is satisfied that the transportation of used military household goods and personal effects by NVOCCs fall within the category of operations which can be exempted from tariff filing requirements without detrimental effects on any affected interest, particularly because MTMC, the involved shipper, has its own competitive bidding regulations.

While the instant proceeding originally considered the proposed exemption of all used household goods and personal effects, opposition to the exemption of used *non-military* household goods and personal effects, has prompted the Commission to exempt only used *military* household goods and personal effects at the present time.

The issue of revising the tariff filing regulations on used *non-military* household goods and personal effects will be deferred for possible consideration in a future proceeding. In addition, the Commission has decided not to require at this time that rates for used household goods and personal effects established by vessel operating common carriers be stated on a weight or per container basis or that the weight of each shipment be substantiated by a public weigher's certificate furnished by the shipper.

Therefore, pursuant to 5 U.S.C. 533, section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) and sections 18 (a) and (b), 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(a), 817(b), 833(a) and 841(a)), it is ordered, that effective upon publication in the Federal Register, Title 46 Code of Federal Regulations §531.1 and 536.1 are amended as follows:

1. Add a new §531.1(f) which reads as follows:

§ 531.1 Exemptions.

The following services are exempt from the tariff filing requirements of the Act and the rules of this Part:

* * * * *

(f) Transportation of used military household goods and personal effects by non-vessel operating common carriers.

§ 536.1 [Amended]

2. Section 536.1(c)(2) is removed.

3. Add a new §536.1(b)(7) which reads as follows:

§ 536.1 Exemptions and exclusions.

The following services are exempt from the tariff filing requirements of the Act and the rules of this Part:

* * * * *

(b) * * *

(7) Transportation of used military household goods and personal effects by non-vessel operating common carriers.

By the Commission.

Joseph C. Polking,

Acting Secretary, Federal Maritime Commission.

[FR Doc. 81-19819 Filed 7-6-81; 8:45 am]

BILLING CODE 6730-01-M

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46 CFR Part 536

[General Order 13, Amdt. No. 10; Docket No. 80-56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The practice of filing temporary amendments to tariffs published by carriers and conferences of carriers in the foreign ocean commerce of the United States is hereby prohibited. The convenience of such filings is outweighed by the benefits accruing from their discontinuance which will eliminate an unreasonable paperwork burden for the Commission and simplify the use of foreign commerce tariffs by shippers, carriers, and other interested persons.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission's present regulations provide that changes, additions and deletions to existing tariffs shall be known as "amendments" and shall be made in permanent form, 46 CFR 536.10(a)(1). However, the current regulations also allow carriers the privilege of facilitating rate changes in their tariffs through the use of temporary tariff filing methods such as telegrams, cables, or mail (in the form of letters and rate circulars) under certain conditions, 46 CFR 536.10(c).[1]

The current proceeding was initiated in response to petitions seeking modifications to the Commission's regulations which would have further broadened the circumstances under which temporary filings could be made. On September 5, 1980, the Commission denied these petitions and commenced a separate inquiry into whether the practice of amending foreign commerce tariffs by using a temporary filing method should be continued at all, and, if so, whether the present regulations governing this practice should be tightened.[2] Upon consideration of the comments submitted, and for the reasons set forth herein, the Commission has decided to eliminate the privilege of amending tariffs by any means other than a permanent filing.

Comments were sought on two specific proposals: (1) elimination of temporary tariff filings, or (2) restriction of the privilege of filing temporary amendments. The elimination of the temporary filing would prohibit this form of amendment except pursuant to special permission authority as provided in 46 CFR 536.15. The second option would have forbidden temporary filings intended: (a) to amend tariffs of controlled carriers as defined in section 18(c) of the Shipping Act, 1916; (b) to increase the rates in any tariff; (c) to change tariff commodity descriptions or add new commodity descriptions; (d) to change the basis of assessing freight charges; or (e) to publish temporary amendments with an expiration date. Additionally, the second alternative clarified that portion of the existing rule which prohibits one temporary amendment from amending another temporary filing.

Comments were submitted by several ocean carriers and conferences, all of which opposed the proposed rule. The National Industrial Traffic League (League), an organization of shippers and trade associations, stated that only temporary reductions should be permitted to be filed.[3] The League did not support total discontinuance of temporary amendments.

Commentators on the proposed rule addressed the following issues.

Mail Service—Without the means of telegraphing amendments to the Commission, tariff filers would have to rely upon the U.S. Postal Service or commercial courier services. It was contended by several conferences [4] that the U.S. mail service is unreliable and that first class service is too slow. They claimed that the cost of express mail or courier service was disproportionately greater than the average cost of a Telex, stating that these added costs will ultimately be passed on to shippers in the form of increased freight rates whenever competitive conditions permit. They further contended that the delay and related problems associated with filing permanent tariff pages create inconvenience and economic harm.

Special Permission Requests—The proposed rulemaking mentions that special permission relief for waiver from the tariff filing rules is available to facilitate an amendment which is critical to the operations of either carriers or shippers.

Commenting conferences [5] asserted that the alternative of continually requesting special permission to file by Telex is cumbersome and uncertain. They claimed that there is no rational apparent basis for distinguishing between amendments in rate levels, which are permitted to be filed by Telex and amendments relating to charges, surcharges, and rules, which are not.

Emergency, Special and Project Rates—Commentators also asserted that the discontinuance of the temporary filing procedure, as it relates to special, emergency and project rates, would place added burdens on carriers as well as shippers. Carriers would lose the opportunity to receive and carry cargo on short notice, such as emergency supplies moving to developing countries. The carriers state [6] that special, emergency and project rates necessitate a Telex filing with an expiration date. They claimed that prohibiting the filing of expiration dates in connection with special rates, which are temporary responses to immediate market problems, would penalize shippers who have urgent needs for such rate reductions.

Financial Impact—Certain commentators [7] contended that the proposed changes would place substantial financial burdens upon them. These carriers alleged that the temporary filing restrictions would force them to hire and pay local tariff agencies on a continuing basis to prepare and file tariff amendments. They argued that, even with correct technology, the process of preparation, reproduction, dissemination and filing of permanent tariff pages still requires a minimum of fifteen to twenty days. The proposed rule would therefore reimpose delays and paperwork burdens which the Commission had successfully eliminated some fifteen years ago.

Increases and Surcharges—Commentators to the rulemaking [8] questioned the Commission's rationale in proposing to allow rate reductions to be filed by Telex but not increases or surcharges. They alleged that the fifteen to twenty days' delay required between the date of the decision to amend a tariff and the day the amendment is finally filed with the Commission unnecessarily delays the effective date of surcharges and rate increases. It is also contended that surcharges are subject to frequent and abrupt changes and are directly related to the cost of providing freight service. Unless carriers are able to react to these cost changes quickly, by appropriately adjusting a surcharge, either the carrier or its shippers will experience financial losses, they claimed.

Discussion and Conclusions

Prior to 1961, common carriers were only required to file their export rates with the Federal Maritime Board within a period of thirty days after they had become effective. The enactment of section 18(b) of the Shipping Act, 1916, required ocean common carriers [9] to file both import and export rates, adhere to the level of rates lawfully on file, give notice of changes to the filed rates and charge rates only in effect.

The temporary method of amending tariffs involves the double examination of each amendment. The filings are received as Telex's letters, rate advices and circulars. Upon receipt, the temporary amendment is date stamped, hole punched and sorted. Since a single temporary amendment may involve many pages or several tariffs, it commonly must be reproduced. The temporary amendment is next examined for conformity to the statute and is then compared to the superseded or amended material. If accepted, the temporary amendment is placed in a tariff binder until it is replaced by a permanent tariff filing (twenty or thirty days, depending upon whether the temporary amendment came from an overseas source). Upon receipt of the permanent filing to replace the temporary amendment, the examiner must typically sort through many seemingly identical messages to locate the referenced temporary filing. The content of the permanent page is then compared with the temporary amendment to ensure that the two comport (*i.e.*, same effective date, rate level, etc.). If the permanent page is accepted, the temporary amendment is removed and destroyed. In cases where the permanent page is deficient, the

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[1] These regulations were promulgated pursuant to a rulemaking proceeding in Docket No. 964, *General Order No. 13*, 30 FR 7136 (1965). Minor modifications to these rules were implemented on January 1, 1979 (see Report and Order in Docket No. 72-19, *General Order No. 13, Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States*, 42 FR 59285).

[2] During the past several years, the Commission has observed that temporary tariff filings were being used to amend many publishing carriers' rules and regulations, rather than their rates. A Foreign Tariff Advisory Notice was mailed to all carriers and conferences with tariffs on file which reminded them of the filing requirements of section 536.10(c), stating that the commission would strictly enforce this rule. The petitions for amendment of the temporary tariff filing rules were the result of these enforcement activities.

The rulemaking petitions generally maintained that the existing rules are harsh, burdensome, and not sufficiently streamlined to permit immediate implementation of certain tariff material. The use of the permanent method of amending tariffs was claimed to be unresponsive. The Petitioners, therefore, requested an expansion of the use of temporary tariff filings. The Commission did not accept this position because the rationale, purpose and justification for temporary tariff filings did not support the filing of temporary tariff amendments except to reduce the level of a specific commodity rate or the level of a class rate when filed under section 18(b) of the Shipping Act, 1916 (46 U.S.C. 817(b)).

[3] The League's position was that any means of amending a tariff which would result in a reduction should be encouraged, including temporaries amending temporaries and new commodity descriptions filed by temporary amendments.

[4] Trans-Pacific Freight Conference of Japan/Korea; Japan/Korea-Atlantic and Gulf Freight Conference; Associated Latin American Conference, et al.; Far East Conference; Atlantic and Gulf-Indonesia Conference, et al.; Pacific Coast European Conference; North Europe/U.S. Pacific Coast Freight Conference; Latin America/Pacific Coast Conference; and Pacific Coast/River Plate Brazil Conference.

[5] Trans-Pacific Freight Conference of Japan/Korea and Japan/Korea-Atlantic and Gulf Freight Conference.

[6] Waterman Steamship Corp.; Pacific Coast European Conference; North Europe/U.S. Pacific Freight Conference; Latin America/Pacific Coast Conference; Pacific Coast/River Plate Brazil Conference; and Pacific Westbound Conference.

[7] Trans-Pacific Freight Conference of Japan/Korea; Japan/Korea-Atlantic and Gulf Freight Conference; Associated Latin American Conference; Australia-Eastern U.S.A. Conference, et al.; Pacific Coast European Conference; North Europe/U.S. Pacific Freight Conference; Pacific Coast/River Plate Brazil Conference; and Pacific Westbound Conference.

[8] Far East Conference; Australia-Eastern U.S.A. Shipping Conference; Trans-Pacific Freight Conference of Japan/Korea; and Japan/Korea Atlantic and Gulf Freight Conference.

[9] Surface land carriers and air carriers had long before been required to publish and adhere to filed rates by the Interstate Commerce Act and Civil Aeronautics Act.

temporary filing remains in the binder until it is properly replaced.

The Commission did not have a Telex terminal for temporary tariff filing purposes until the late 1960's. The installation of a Telex terminal for tariff filings was, in part, premised on the arguments that: (1) temporary filings constituted a very small portion of all tariff filings; (2) temporary filings were almost always reductions and therefore, in the shipper's benefit; (3) temporary filings would not impose unmanageable burdens on the Commission's staff; and (4) the carrier industry was very desirous of the opportunity to fully utilize this method of amending tariffs.

The carrier industry initially utilized temporary filings via Telex in the same manner they had used the more expensive telegrams/cables, *i.e.*, for extraordinary conditions dictating immediate rate relief in the form of a reduction. Soon, however, the industry realized that the temporary Telex tariff amendment could also be used to provide thirty or ninety days' statutory notice for an increase in rates, as well as the immediate notice of a reduction.

When the Commission permitted temporary tariff filings in the initial tariff filing rules, the volume of tariff amendments was small compared to their current extensive magnitude. In a four-month period in 1965, for instance, there were but thirty-two hand-delivered messages. Today the Commission averages 115 messages per day, affecting 244 individual tariff pages. Well in excess of 100,000 temporary rate changes are now filed annually. Single Telex messages over ten feet in length are not rare. Moreover, whereas the staff examined a total of 83,776 tariff pages in 1965, 384,992 pages were filed with the Commission in 1979. A five to sixfold increase in workload has been experienced.

Tariff examination is a labor intensive operation. The burden imposed upon Commission staff by temporary methods of amending tariffs is magnified when these temporary filings are characterized by inferior quality. During the period September, 1980, through January, 1981, twenty-eight percent of all tariff rejections involved a temporary amendment while these filings represented less than ten percent of the total number of tariff amendments.

The elimination of temporary filings via Telex may prove inconvenient to some overseas domiciled carriers pending further development of electronic data processing technology which enables carriers to make their permanent filings expeditiously and cost-effectively. However, it is anticipated that the basic needs of these carriers can be satisfied by vendors of tariff filing services, data processing services, sufficient prior planning involving lead times in tariff production, courier services or express Mail Service. Such methods may be more costly than Telex, but it is more reasonable that carriers wishing to accomplish rapid tariff amendments bear this cost directly. Moreover, in cases where good cause can be shown, the Commission is empowered to waive its tariff rules, including the specific prohibition against temporary tariff filings adopted herein (see 46 CFR 536.15 and 46 U.S.C. 817(b)(3)).

Accordingly, Part 536 of the Rules will be amended to eliminate the acceptance of any type of temporary tariff filing. Thus, all amendments to tariffs filed by carriers and conferences of such carriers in the foreign commerce of the United States must, unless special permission is otherwise granted, be made in accordance with the remaining provisions of the Commission's General Order No. 13, 46 CFR Part 536.

§ 536.10 [Amended]

Therefore, it is ordered, that pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 841(a)), effective September 8, 1981, Title 46 Code of Federal Regulations § 536.10(c) is removed.

By the Commission.*

Joseph C. Polking,
Acting Secretary.

Commissioner Peter N. Teige Dissenting

The law requires ocean carriers to file their tariffs with the Commission before they can be effective. The Government, having placed this obligation on the ocean carriers, has a duty to make this procedure as speedy and efficient as possible. In today's fast-moving commerical world, rate changes or new commodity rates must be filed and put into effect quickly. The Commission has been accommodating this need for many years by permitting telex filings, followed by the receipt by mail or the actual tariff pages. This process has become burdensome for the Commission, particularly as available personnel shrinks due to budget cuts.

Nevertheless, I would keep this function in place until we have explored all other in-house alternatives to its abandonment, including efforts to improve productivity in the Bureau of Tariffs through re-allocation of personnel, firmer supervision and job reorganization of a time and motion nature.

I recognize that the whole tariff system is in need of simplification and technological improvement. But these changes will take time. With proper leadership the changes will come without punishing the industry by terminating the present telex filing system.

The Commission's action is a step backwards that will materially inconvenience carriers and the shipping public, particularly where foreign-based conferences are involved.

[FR Doc. 81-19796 Filed 7-6-81; 8:45 am]
BILLING CODE 6730-01-M

* Commissioner Peter N. Teige's Dissenting opinion follows.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21474; RM-1968; RM-2810; RM-2978; FCC 81-277]

Radio Broadcast Services; Amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395

AGENCY: Federal Communications Commission.

ACTION: Interim rule.

SUMMARY: On June 4, 1980, the FCC adopted a Second Further Notice of Proposed Rule Making in Docket No. 21474. That document set forth for comment a proposed major revision of the FCC's broadcast model equal employment opportunity ("EEO") program, as well as a number of changes in EEO filing requirements. In the interim action announced herein, the Commission is making a number of minor revisions to the EEO program which will be applicable to FCC Forms 301, 309, 314, 315, and 340. The FCC is also deleting the requirement that updated EEO programs be filed by major facilities change applicants, transferors and assignors. These changes will remain in effect until the FCC takes further action in Docket No. 21474. The changes are being made to eliminate filing requirements the Commission found unnecessary for the enforcement of its EEO rules.

DATES: The deletion of the requirement that updated EEO programs be filed by major change applicants, transferors, and assignors, and conforming changes in Section 73.2080(c) of the Commission's Rules, will be effective August 11, 1981. The changes in FCC forms adopted in this Report and Order will be effective after approval of the forms change by the Office of Management and Budget.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Third Report and Order

Adopted: June 16, 1981.

Released: June 26, 1981.

In the matter of amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395.

By the Commission:

1. On June 4, 1980, the Commission adopted a *Second Further Notice of Proposed Rule Making* in this proceeding, FCC 80-328, 45 FR 42729, published June 25, 1980. In that document, the Commission proposed a major revision of its broadcast model equal employment opportunity ("EEO") program, as well a number of modifications in the EEO filing requirements of applicants for construction permits, major facilities changes, transfers and assignments.

2. Analysis of the voluminous comments and reply comments received in response to the *Second Further Notice* in this docket has not as yet been completed. We will not, therefore, take any action at present modifying the EEO sections of Form 301 as to any of the major proposals made or issues raised by or in response to the *Second Further Notice*. However, in a separate document adopted this date,[1] the Commission has made a number of revisions to FCC Form 301, the "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station." The Commission does, therefore, find it appropriate at this time to adopt several EEO-related changes to Form 301 which will complement the other revisions being made in that form. We will also make similar changes in Form 340, the construction permit application for noncommercial stations, and in form 309, the international broadcast station construction permit application. Additionally, we will make related changes in Form 314, the application for assignment of a broadcast construction permit or license, and Form 315, the application for transfer of control of entities holding a permit or license. The limited changes being adopted will, we believe, expedite the Commission's processes and facilitate development of the required EEO program by construction permit applicants, transferees and assignees.

I. Elimination of EEO Filing Requirement for Applicants for Major Changes in Facilities, Assignors and Transferors

3. In the *Second Further Notice*, the Commission proposed that applicants for major facilities changes using Forms 301, 309 and 340 no longer be required to submit updated EEO programs with such applications. Under present practice, an updated EEO program must be filed as part of a major change application if the applicant has not otherwise filed an EEO program with the Commission during the preceding 12 months. In proposing elimination of this update requirement, the Commission noted that the EEO program of a station filing a major change application has already been reviewed by the staff in connection with the station's initial construction permit application or its most recent license renewal application. Stations whose EEO profiles are found questionable when considered at renewal are subject to appropriate remedial action at that time. Therefore, conducting an additional EEO review at the time of a major change application appears to be a superfluous requirement serving no particular public interest purpose.

4. The Commission also proposed in the *Second Further Notice* that the requirement that updated EEO programs be filed by broadcast station assignors and transferors using FCC Forms 314 and 315 be eliminated. We noted that EEO programs would continue to be filed by the assignees or transferees—that is, by the proposed new licensees of the stations. The present requirement is similar to that for major change applicants. The update must be filed if no EEO program has otherwise been submitted to the Commission by the assignor or transferor during the preceding 12 months. As with the major change applicant, the EEO program of the transferor or assignor will have gone through staff review at the time of submission of the station's initial construction permit application or at license renewal. We find that additional review of the assignor's or transferor's update serves no public interest purpose.

5. Comments supporting these changes were submitted by the National Association of Broadcasters ("NAB"), the National Association of Educational Broadcasters ("NAEB"), the law firm of Smith & Pepper, American Broadcasting Companies, Inc. ("ABC"), the ABC Television Affiliates Association, and several groups of licensees represented by the law firms of Kirkland & Ellis, Schwartz, Woods & Miller, and Dow, Lohnes & Albertson. No specific opposition to the changes appears to have been filed. Having fully considered this matter, the Commission is of the view that its proposal to delete the requirement that updated EEO programs be filed by major change applicants, assignors and transferors should be adopted. Conforming changes will be made in the Forms 301, 309, 314, 315 and 340 instructions.[2]

II. Deletion of Inapplicable Sections of the Model EEO Program

6. In Docket No. 20550, the Commission adopted the present ten-point model EEO program for use by broadcast applicants, licensees and permittees. *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees*, 60 FCC 2d 226 (1976). The ten-point program is used as part of virtually all of the Commission's major broadcast application forms, and, as such, includes a number of elements which are inapplicable to those seeking a permit to construct a new facility and to transferees and assignees. Therefore, the present guidelines and instructions for preparation of the EEO program by a construction permit applicant, transferee or assignee state that such applicant need only include in its EEO program information responsive to the first five elements of the model program: adoption of an EEO policy, locus of responsibility for policy implementation, plan of policy dissemination, employee recruitment practices, and employee training programs. See *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees—Revision of Section VI of FCC Forms 301, 309, 311, 314, 315, 340 and 342*, 62 FCC 2d 708 (1976).[3]

7. Elements VI through X of the model EEO program, covering labor availability, current station employment, job hires, promotions, and effectiveness of the station's affirmative action program, although inapplicable to those seeking construction permits, transferees and assignees, could not previously be deleted from the forms in question due to their dual use by major

[1] *Revision of Application for Construction Permit for Commercial Broadcast Station (FCC Form 301)*, FCC 81- , adopted June 17, 1981, released

[2] No change in the Commission's rules is necessary to effectuate this action as to Forms 301, 309 and 340 since Section 73.2080(c), which sets forth EEO filing requirements, does not specifically refer to major change applications. The present requirement is found in the instructions to Section VI of Forms 301, 309, and 340, adopted in Docket No. 20550, 62 FCC 2d 708 (1976). We shall revise Section 73.2080(c) as to transferors and assignors, as shown in Appendix B.

[3] Training programs are not mandatory.

change applicants or transferors and assignors, to which these sections applied. This dual use also necessitated utilizing phrasing in the model program which did not clearly recognize the prospective manner in which the program necessarily must be prepared by a construction permit applicant, transferee or assignee. As we are, in this *Third Report and Order*, eliminating the update filing requirement, there is no longer any reason to include inapplicable sections of the model EEO program in the various forms. Sections VI through X of the present model EEO program will, therefore, be deleted from the forms, with conforming changes made in the relevant EEO guidelines and instructions as well as the Section 73.2080(c) filing requirements. The changes are set forth in the Appendices to this document.[4]

8. The revised guidelines and instructions state that a program regarding the employment of minorities need not be submitted unless members of minority groups constitute, in the aggregate, five percent or more of the relevant area labor force. The use of a five percent base figure clarifies ambiguous language previously utilized, which said that programs for minority group members need not be filed if minorities are represented in the labor force "in such insignificant numbers that a program would not be meaningful." The change to the five percent figure merely makes present Commission practice explicit, and neither adds to nor deletes from the obligation of applicants. As is also the case regarding EEO programs for women, no program for minorities need be filed if the applicant proposes to employ less than five full-time employees.[5]

9. Accordingly, it is ordered, That the revisions to the model EEO program in Forms 301, 309, 314, 315 and 340, and the related changes described herein, are adopted.

10. It is further ordered, That the changes to the various forms, guidelines and instructions will be effective upon approval of the forms changes by the Office of Management and Budget. Public Notice of that date will be released by the Broadcast Bureau.

[4] In taking the actions herein, the Commission does not in any manner reach the merits of any other proposals or comments regarding the *Second Further Notice*. Except as is otherwise explicitly stated herein, the action being taken in this *Third Report and Order* is an interim modification of the present EEO elements of the forms in question, pending further action in this docket.

[5] A conforming change in Section 73.2080(c) is being made. We are also taking this opportunity to revise the rule to eliminate ambiguity in the language regarding the filing obligation of renewal applicants.

11. It is further ordered, That the deletion of the EEO program update requirement for major change applicants, transferors and assignors, and conforming changes in Section 73.2080(c) of the Commission's Rules, as adopted herein, are effective August 11, 1981.

12. This action is taken pursuant to authority found in Sections 4(i), 303(g), 303(r), 307(b), 309(a) and 310(d) of the Communications Act of 1934, as amended.

13. For further information regarding this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 307, 48 Stat., as amended. 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Appendix A will not appear in the CFR.

Appendix A

The instructions, guidelines, and model EEO program for FCC Forms 301, 309, 314, 315 and 340 are hereby amended to read as follows:

I. Section VI of Form 301, and Question 1 of the Section VI Instructions of Forms 309, 314, 315, and 340:

Equal Employment Opportunity Program

1. Does the applicant propose to employ five or more full-time employees? —Yes —No. If the answer is "yes," the applicant should submit as Exhibit No. — a description of the EEO program it proposes to follow during the coming license term. (See the Model Program set out in Attachment "B" to the Instructions.)

II. Forms 301, 309, 314, 315 and 340

Section VI Instructions

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic orgin, Asians or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members need not be filed. In such case, a statement so indicating must be submitted with this application. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed, but a statement of explanation must be submitted.

Guidelines for developing an Equal Employment Opportunity program are set forth as Attachment A. The model EEO program is set forth as Attachment B.

Note.—This five-point model EEO program is to be utilized only by applicants for new construction permits, assignees and transferees.

Attachment A

Guidelines to the Model EEO Program

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

I. *General Policy.* The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national orgin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of minorities and women in the relevant available labor force.

II. *Responsibility for Implementation.* This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

III. *Policy Dissemination.* The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. *Recruitment.* The applicant should specify the recruitment sources and other techniques it proposes to use to attract minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

V. *Training.* Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist it in its effort to increase the pool of available minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

Attachment B

Model Equal Employment Opportunity Program

I. *General Policy.* It will be our policy to provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

II. *Responsibility for Implementation.* (Name/Title) _____ will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. *Policy Dissemination.* To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

( ) The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.

( ) Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.

( ) We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.

( ) Other (specify)

_____

_____

_____

IV. *Recruitment.* To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration in filling job vacancies, we propose to utilize the following recruitment procedures:

( ) We will attempt to maintain systematic communication, both orally and in writing, with a variety of minority and women's organizations to encourage the referral of qualified minority and female applicants. Examples of organizations we intend to contact are:

_____

_____

_____

( ) In addition to the organizations noted above, which specialize in minority and female candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

_____

_____

_____

( ) When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with significant minority and female enrollments. Educational institutions to be contacted for recruitment purposes are:

_____

_____

_____

( ) When utilizing media for recruitment purposes, help-wanted advertisements will always include a notice that we are an Equal Opportunity Employer and will contain no indication, either explicit or implied, of a preference for one sex over another.

( ) When we place employment advertisements in printed media some of such advertisements will be placed in media which have significant circulation or are of particular interest to minorities and women. Examples of publications to be utilized are:

_____

_____

_____

( ) We will encourage employees, particularly minority and female employees, to refer minority and female candidates for existing and future job openings.

V. *Training.*

( ) Station resources and/or needs will be such that we will be unable or do not choose to institute specific programs for upgrading the skills of employees.

( ) We will provide on-the-job training to upgrade the skills of employees.

( ) We will provide assistance to students, schools or colleges in programs designed to enable minorities and woman to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary

_____

_____

_____

( ) Other (Specify)

Proposed Form of Assistance

Appendix B

In 47 CFR Part 73, § 73.2080, paragraph (c), is revised to read as follows:

§ 73.2080 Equal Employment Opportunities.

* * * * *

(c) Applicants for a construction permit for a new facility, for authority to obtain assignment of the construction permit or license of such a station, for authority to acquire control of an entity holding such construction permit or license (other than pro forma or involuntary assignments and transfers), and for renewal of license, shall file with the FCC programs designed to provide equal employment opportunities for American Indians and Alaskan Natives; Asians and Pacific Islanders; Blacks, not of Hispanic Origin; Hispanics; and women, or amendments to such programs. Guidelines for the preparation of such programs are set forth in the relevant Commission application forms. A program need not be filed by any applicant who employs or proposes to employ less than five full-time employees. Additionally, a program for minority group members need not be filed if minorities constitute less than five percent, in the aggregate, of the labor force in the applicant's labor recruitment area. Applicants exempt from the filing requirement should submit a statement of explanation with their applications.

* * * * *

[FR Doc. 81-19663 Filed 7-6-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 320 (Sub-No.2)]

Market Dominance Determinations and Consideration of Product Competition

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: Before the Commission may examine the reasonableness of a railroad freight rate, it must make a determination that the carrier proposing the rate holds a position of market dominance in supplying the transportation to which the rates applies. This requirement originated in the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) and was continued with some modification in the Staggers Rail Act of 1980. Regulations to implement the 4R Act provided that rebuttable presumptions of market dominance would arise in specified circumstances. After notice (45 FR 83342, December 18, 1980) and comment the Commission has determined to discontinue its market dominance presumptions and replace them with evidentiary guidelines. Evidence of geographic and product competition has been found relevant to the determination of market dominance. Elsewhere in the **Federal Register** today, we are removing the existing market dominance rules at 49 CFR 1109.1.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard Felder, (202) 275-7656
or
Frank Gianfrancesco, (202) 275-7383.

SUPPLEMENTARY INFORMATION:

Before the Commission may examine the reasonableness of a railroad freight rate, it must make a determination that the carrier proposing the rate holds a position of market dominance in supplying the transportation to which the rates applies. This requirement originated in the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) [1] and was continued with some modification in the Staggers Rail Act of 1980.[2]

Regulations to implement the 4R Act provided that rebuttable presumptions of market dominance would arise in specified circumstances.[3] We have now undertaken a reexamination of this use of presumptions in the determination of market dominance. Our notice instituting the present proceeding (45 FR 83342) announced our intent to eliminate the rebuttable presumptions of market dominance based on cost, market share and substantial investment.[4] We also indicated our intention to eliminate a corollary of the substantial investment presumption which is based on the existence of long term supply contracts. Finally, we announced that we would retain the more limited rate bureau presumption and consider the issue under the new rules restricting rate bureau involvement in ratemaking. We proposed to replace these presumptions or tests with broader and more flexible guidelines. Such an approach would allow for more accurate market dominance determinations on a case-by-case basis.

The Staggers Act now precludes our jurisdiction over the maximum reasonable level of rates unless the rate exceeds a given price/cost ratio and the carrier has market dominance over the transportation. The proponent carrier has the burden of proving the rate below the jurisdictional threshold. If a rate is determined to be above that threshold, the qualitative [5] issues of market dominance must still be resolved and the burden is on the shipper to do so.

We have decided to discontinue the use of rebuttable presumptions as a tool to develop this qualitative evidence and to replace them with general guidelines. These guidelines are set forth below. Before the guidelines are presented, we will clarify our reasons for eliminating the existing presumptions. Further, we have decided to continue to include geographic and product competition as evidentiary tools in market dominance determinations. A separate section is devoted to discussion of this issue.

Our decisions are framed in light of the comments received in response to the December 11, 1980 notice. All comments have been read and studied, even though not all of them are discussed here.

Procedural Issues

A number of the parties have filed motions.

The Allied Chemical Company filed a motion to terminate and rescind this proceeding. Other parties, such as the National Council of Farmers Co-operatives and Kimberly Clark Corporation have included similar motions in their statements. Basically, their arguments are that Section 205 of the Staggers Act precludes the use of product competition as a criterion for judging market dominance and that the removal of the presumptions will leave the parties without the guidelines they are entitled to by Section 202(b) of the 4R Act. Allied also argues that no information received in Ex Parte 320 (Sub-No. 1) may be used in the current proceeding and that the possibility of contract rates is insufficient reason for discontinuing the substantial investment rebuttable presumption.

The parties' reasoning is unpersuasive. As we note in our decision, that Congress directed the Commission, when determining market dominance, not to consider Section 205 of the Staggers Rail Act, does not prevent the Commission from modifying its interpretation. Our decision replaces the rebuttable presumptions with evidentiary criteria; therefore, the parties are not left without guidelines. Further, we have not based this decision on information from 320 (Sub-No. 1). Our determinations have been based on the record in this proceeding. Finally, as we state in our decision, we believe shippers should be able to protect their long term investments and supply contracts with contracts for rail transportation.

Consumer Owned Power Interests assert that we must issue an energy impact statement before we can revise our rules for market dominance. They are incorrect. Nothing in our revised rules will inhibit the transportation of coal. A market dominance finding is only an initial step in determining whether a rate is reasonable. Given this country's need for competitive sources of energy, rules for taking that initial step will not affect the movement of coal. Moreover, the rules we are promulgating allow truly captive shippers every opportunity to demonstrate their status. Railroads will not be able to abuse a monopoly position. We see no need, therefore, for an energy impact statement.

Elimination of Rebuttable Presumptions

Time has shown that the use of rebuttable presumptions has not enhanced the accuracy of market dominance determinations. While they did serve a useful purpose while we gained experience, the factors determining the degree of competition faced by a rail carrier are too numerous and too varied to be gauged, with any reasonable degree of accuracy, by so few measure.

Further, the measures themselves are often only approximations of the underlying conditions they are intended to reflect. For these reasons, the use of rebuttable presumptions in market dominance determinations often placed too much emphasis on quantitative evidence which did not fully reflect the circumstances of any given movement. This quantitative evidence was frequently offered at the expense of other evidence which, though less subject to quantification, is more reflective of the degree of market power possessed by a rail carrier over certain traffic.

The comments of some of the participants, especially the railroads, in this proceeding indicate a basic agreement with these concerns. The Department of Transportation argued that the presumptions are "excessively restrictive" and that guidelines for submitting evidence would be more appropriate. Inland Steel agreed that the presumptions should be eliminated because they "are not universally suitable" and that cases should be treated individually. A much larger number of participants, however, opposed our proposal to discontinue the use of presumptions.

The Department of Energy and the Chemical Manufacturers Association, for example, argued that presumptions are necessary to expedite the review of cases and that this need is even more pronounced given the short time period (90 days) allotted for such purposes. We agree that it is of benefit to all parties, including the Commission, that rate cases be reviewed as quickly and economically as possible. With appropriate guidelines as to what may be considered relevant evidence of market dominance, more accurate determinations can be made within the 90 day time period. Other participants, such as the Chlorine Institute, argued that rebuttable presumptions are useful in that they allow shippers to determine easily whether it is worthwhile to file a complaint. While this may be true to the extent the presumptions are inaccurate indicators of the presence or absence of market dominance, they may encourage rate complaints that should not be brought before the Commission and may discourage others that should. Finally, flexibility is necessary because of substantial differences among cases that preclude simple universally applicable rules. The use of presumptions has not facilitated proof of market dominance, to any great extent. Rather presumptions have served, as a practical matter, to focus the issues. Once the rail carrier offered evidence tending to challenge the presumption, more case-specific shipper evidence was required to obtain a market dominance finding.

1.The Cost Test

A rebuttable presumption of market dominance will arise where the rate in issue exceeds the variable cost of providing the service by 60 percent or more.

As explained in the notice, the existing cost presumption is at odds with the rate threshold created by new section 10701a of the Staggers Act. The statutory threshold begins at 160 percent in 1980 and increases in increments at 180 percent after September 30, 1984. Rates below the threshold are now conclusively removed from our jurisdiction. For rates above the threshold, there is an open question as to market dominance. Under the cost presumption, there was an open question as to market dominance for rates below 160 percent of variable cost while rates above that level were presumed to reflect market dominance unless rebutted by more accurate cost evidence or other evidence to show effective competition. This old standard is, thus, clearly at odds with the Staggers Act.

The National Industrial Traffic League argued that, while the 160 percent cost test is inappropriate, it can be replaced with a higher revenue to variable cost ratio that is consonant with the jurisdictional thresholds established by the Staggers Act. While possible, it would be consistent with our other reasons for eliminating this presumption.

Rail Form A shares common problems with any standard methodology for estimating the variable costs of a rail movement. Such costs depend on numerous factors that vary considerably from one movement to another. Since the simplicity of the cost test requires that a standard costing methodology be used, there is no way of avoiding the distorting inaccuracies of such a test. Many rates falling above a designated revenue to variable cost ratio would, on the basis of more accurate cost estimates, in fact be below it. Since more accurate cost information can, and very likely will, be presented as evidence, we think a price/cost presumption based on imperfect, though standard, cost estimates offers very little help.

Price cost ratios do provide a convenience benchmark for deciding whether to look for market dominance—and this is the role they are assigned by the jurisdictional provisions of the Staggers Act. But we question whether, even if calculated on the basis of accurate cost information, they reliably indicate the presence or absence of market dominance. Ratios do not, for instance, tell us about the degree of market power possessed by the railroad, since they do not tell us whether a proposed rate will actually move traffic over an extended period of time. If the rate is high, shippers may find alternatives more attractive, forcing the rate back down again. Some may accept the high rate because of a preference for the carrier or because of a premium service associated with it. There are any number of reasons why a high price/

[1] Pub. L. 94-210, 90 Stat. 31.

[2] Pub. L. 96-448, 94 Stat. 1895.

[3] 49 CFR 1109.1.

[4] In an earlier notice, Ex Parte No. 320 (Sub-No. 1), Rail Market Dominance and Related Considerations, 45 FR 83302, December 18, 1980, we had also proposed removal of the existing presumptions but for the cost test. Passage of the Staggers Rail Act of 1980 required modification of that proposal.

[5] By qualitative investigation we mean one based on a variety of qualitative and quantitative evidence separate from the price/cost jurisdictional threshold test, and not dependent on predetermined statistical measures.

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cost ratio may not be indicative of true market power on the part of the railroad.

Reliance on such ratios will, therefore, not only be misleading, but will preclude more relevant information from being introduced. The guidelines established here will encourage submission of more accurate costing information which may include price/cost ratios and lead to more appropriate market dominance determinations.

2. Market Share Test

A rebuttable presumption of market dominance will arise where the proponent carrier has handled 70 percent or more of the involved traffic or movement during the preceding year; the market share of the proponent will be deemed to include the share of any affiliates, and of any carriers with whom the proponent carrier has discussed, considered, or approved the rate in issue.

As we discussed in the notice, there are formidable difficulties associated with both the accurate calculation of a market share percentage and the interpretation of such a percentage in relation to market dominance. Such problems make impractical the use of market share information in the form of a rebuttable presumption. Many of the participants in this proceeding have protested the elimination of the market share presumption. However, most of these did so by relying on the unconvincing argument that it has been used in the past. Some participants, such as Du Pont and the Chemical Manufacturers Association, have contested our position that the calculation of the market share percentage is too complex.

To calculate accurately a market share percentage for the proponent carrier in a rate case, one must first determine the appropriate scope of the market. Since the purpose of a market dominance proceeding is to determine the degree of competition that the proponent carrier faces in regard to the movement in question, the appropriate scope of a market must be compatible with all movements of traffic that directly or indirectly exert competitive pressures on the challenged rate. The factors that determine the appropriate scope of a market vary widely from one case to another. This problem precludes any formula for market share determination which is both practicable and serviceable.

Another drawback of the market share presumption is that the competitive implications of any given market share percentage, even if accurately calculated, also vary widely from case to case. For example, the market share percentage does not measure the substitutability of one carrier or mode for another. Substitutability, which is what market share is primarily intended to measure, can be more accurately determined with a combination of evidence, both quantitative and qualitative. In short, observed market share percentages are more indicative of what transportation alternatives have been selected in the past as opposed to what alternatives are currently available.

We, therefore, conclude that use of market share information in the form of a rebuttable presumption detracts from the accuracy of market dominance determinations and, as a consequence, we have decided to eliminate the market share test. Evidence of current market shares and market trends may, of course, be submitted in addition to or in conjunction with evidence suggested in the guidelines.

3. Substantial Investment/Long Term Supply Contracts

a. The Substantial Investment Test

A rebuttable presumption of market dominance will arise where affected shippers or consignees have made a substantial investment in rail related equipment which prevents or makes impractical the use of another carrier or mode.

As indicated in the notice, this presumption was designed to protect shippers who make themselves captive to a particular carrier as a result of making substantial rail-related investment. We presented two reasons for our proposal to eliminate this presumption. First, it is very difficult to isolate pertinent elements of a shipper's investment in plant and equipment and to determine whether that investment makes the use of another carrier or mode impossible or impractical. Second, liberalizing the Commission's policy regarding contracts between shippers and carriers has reduced the importance of substantial investment in market dominance proceedings. This liberalization was achieved by the Commission on its own initiative through the issuance of three notices in Ex Parte No. 358, *Railroad Contract Rates*, in 1978, 1979, and 1980. More importantly, the policy enunciated in these proceedings was codified and clarified in section 208 of the Staggers Act (49 U.S.C. § 10713). For these reasons, we proposed to remove substantial investment as a presumption and to consider it as an evidentiary tool only for investments made prior to February 21, 1980, the date of the last Ex Parte No. 358 notice.

Few of the participants in this proceeding supported the elimination of the substantial investment presumption. One of these, the Department of Transportation, underscored the limited usefulness of this presumption by pointing out that it has not been used very much in the past (only 3 out of 117 cases in 1979).

The overwhelming majority of participants, however, opposed removal of this presumption. We believe, however, that the amount of rail-related investment is, by itself, a poor index of captivity. The type of investment and a variety of other factors can be of major or even overriding importance in many situations. For example, coal cars purchased by the shipper may represent new and substantial rail-related investment, yet not tie the shipper to a particular railroad. This problem precludes any method, that is both serviceable and practicable, for quantifying substantial investment and, as a consequence, makes impractical the use of such evidence in a rebuttable presumption. The main thrust of the objections concerned the soundness of the argument that contracts afford adequate protection to shippers with substantial rail-related investment. Some of the participants (e.g. the Chemical Manufacturers Association, Western Coal Traffic League, and the National Industrial Traffic League) argued that contracts do not afford protection to shippers who have already made substantial rail-related investments. In other words, such shippers would have little or no leverage in negotiating a favorable contract. This argument may be correct, but is inapposite to the reason for the substantial investment presumption in the first place. The presumption was designed to protect shippers that have transportation alternatives but lose these alternatives once a rail-related investment is made. Essentially, the presumption protected shippers from potential adverse consequences of their own business decisions, in an era when shippers could not negotiate contracts with the railroad simultaneously with their investment in rail-related facilities. Now that contracts are available for this purpose, the presumption is superfluous where sufficient transportation competition exists and the shipper can protect itself by negotiating with the various carriers and then obtaining a contract reflecting the agreed upon terms. It is our belief that when sufficient competition exists, carriers will have the incentive to offer to shippers contracts containing reasonable terms. We understand that contracts would afford little protection to shippers who would be captive irrespective of substantial investment in rail-related facilities. For these shippers, however, the existence of such investment and, therefore, our argument regarding contracts would be irrelevant considerations in a market dominance determination. These shippers would be able to prove market dominance on the basis of other evidence regarding transportation alternatives.

The second argument advanced by participants questioning the protection afforded by contracts is that such contracts encompass too short a period of time to cover the life of most rail-related investments. For example, the Chemical Manufacturers Association indicated that, because of many uncertainties, railroads are generally reluctant to engage in long term contracts and that few of these contracts exceed 5 years. We do not deny that the protection afforded by a contract becomes less effective to the extent that the life of that contract is less than the life of the rail-related investment. However, we also emphasize that such problems are not beyond the control of the shipper. A long-term contract that protects the shipper for the life of the investment should be available from a railroad who is encouraging that investment to be made, given the business that it means for the railroad. Furthermore, the historical failure of shippers to negotiate long term contracts may, in part, have been due to the protection provided by the substantial investment presumption.

Many of the participants protested the February 21, 1980 cut-off date for investments that would continue to be given consideration in market dominance proceedings. In our notice, we said:

> With regard to investment made subsequent to our February 21, 1980 policy statement, we do not think that a shipper should be able to invoke our jurisdiction merely because it has made a bad business decision—that is, an investment decision by which it in effect binds itself to rail service without taking advantage of the contractual protection it could have secured.

While we retain these views, we now believe that the February 21, 1980 date is inappropriate, and that the appropriate cut-off date is the effective date of the Staggers Act. We recognize that, notwithstanding our several policy statements, considerable uncertainty remained in the minds of shippers and carriers about the validity of contracts entered into between them. Once the matter became the subject of Congressional debate, the uncertainty heightened. Only with enactment of the Staggers Act could contracts be entered into without any doubt as to their legality and method of enforcement. Therefore, we have decided to replace the February 21, 1980 date with October 1, 1980.

b. Long Term Supply Contracts

The notice also addressed long term supply contracts. Some utilities have argued that long term coal supply contracts legally or economically preclude them from using coal from alternative sources and, as a consequence, they are captive to a particular railroad. In the notice, we emphasized that we will not make findings that a shipper is captive solely because it has entered into a long term supply contract. While we indicated that we would consider the existence of such contracts in market dominance proceedings, we also noted that we would place considerably less weight on such evidence for coal supply contracts executed after October 1, 1980, for the same reasons discussed immediately above. While we recognize that they are not easy to negotiate, transportation contracts can now, in our view, protect shippers who wish to secure long-term supplies of coal. Coal supply contracts made after the above date should be made contingent upon a satisfactory transportation contract.

Some of the participants in the proceeding argued that coal supply and transportation contracts cannot be made simultaneously in many instances. They contend that when the construction of a new public utility is involved supply contracts are made years in advance of the actual shipment of coal. Railroads, they argue, are reluctant to engage in transportation contracts for traffic that will not begin to move until the future. While this argument may have some merit in some circumstances, we nevertheless do not find it credible that a shipper who is planning to ship many thousands of tons of coal over many years, and can get that coal from several sources, will not find railroads ready and willing to compete for their transportation contracts. Supplier-carrier combinations could be played off against one another until the most acceptable contractual terms were reached with both. Indeed, the shipper's negotiations with the railroad may well strengthen its hand in bargaining with the supplier. As with substantial rail-related investment, this argument does not apply to shippers who would be captive irrespective of long-term supply contracts. Such shippers should be able to prove market dominance on the basis of other evidence.

In sum, we do not find compelling reasons to alter our position regarding long-term supply contracts.

4. Rate Bureau Test

In any proceeding involving a determination as to market dominance where the evidence adduced establishes that the rate at issue has been discussed, considered, or approved under a rate bureau agreement filed with the Commission, pursuant to section 5a or 5b of the Interstate Commerce Act, a rebuttable presumption will arise that a carrier participating in the rate or, in such discussion or consideration, does not provide effective competition to the proponent rail carrier for the involved traffic or movement.

As indicated in the notice, this test was never intended to be a presumption of market dominance but rather an evidentiary tool. We expressed our intention to continue considering such evidence in market dominance proceedings as long as rate bureau involvement in ratemaking continues. We also noted that section 219 of the Staggers Act gives the Commission authority (after April 1, 1982) to curtail rate bureau activity. Our intention would be to change even this limited rate bureau presumption to reflect any changes made in regulations governing rate bureau operations.

This proposal was not contested by the participants in this proceeding.

Geographic and Product Competition

The December 11, 1980 notice also responded to the question posed in section 205 of the Staggers Act, as to whether we should consider product competition in determining whether rates are unreasonably high. Section 205 of the Act defines product competition such that it encompasses geographic competition as well. We did the same in the notice, and in the notice voiced the tentative conclusions not to consider product and geographic competition in rate reasonableness proceedings, but to consider both of them, for purposes of gauging effective competition, in market dominance determinations.

On May 18, 1981, we issued a decision concluding that product and geographic competition would not be considered as a reasonableness issue. Thus, we must now decide whether to continue to include geographic and product competition as evidentiary tools in market dominance proceedings. We find that we should.

Geographic and product competition serve as effective constraints on the abuse of market power by a rail carrier. Therefore, they are relevant factors to be considered in determining whether a carrier is market dominant vis a vis certain traffic. Not to consider such factors may, in many instances, result in

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inaccurate determinations of market dominance.

Most of the participants in this proceeding objected to the inclusion of geographic and product competition as evidence. Their comments were almost entirely based on the Commission's own reasons for not considering geographic and product competition in the original rules developed in Ex Parte No. 320, *Special Proc. for Findings of Market Dominance*, 353 I.C.C. 874 (1976). While the Commission indicated in 359 I.C.C. 736, fn. 7 (1979) its intention to include geographic and product competition as evidence in a market dominance determination, it never explained this in reference to its 1976 position. Because we would like to make this decision as complete as possible, we think it appropriate to examine the reasons for our earlier position on this issue.

In Ex Parte No. 320, the Commission dismissed geographic and product competition for use in calculating the market share presumption or its rebuttal. Geographic competition is a restraint on rail pricing stemming from a shipper's or receiver's ability to get the product to which the rate applies from another source, or ship it to another destination. Because the shippers and receivers can do this, the railroad must compete with the railroad serving the alternate source or destination. Product competition occurs when a receiver or shipper can use a substitute(s) for the product covered by the rail rate. In that case, the railroad must compete with the railroad or other mode who carries that other product, and again, must keep its rate competitive if it wants the traffic.

In its original market dominance proceeding, the Commission found first that the law itself excludes consideration of geographic or product competition. To support this view the Commission cited section 202(c)(i) of the 4–R Act:

> Market dominance refers to an absence of effective competition, from other carriers or modes of transportation, for the traffic or movement to which a rate applies.

The Commission's interpretation of this passage was that the only sources of competition to be considered in market dominance proceedings are other carriers transporting the same commodity between the origin and destination to which the challenged rate applies.

We believe that this interpretation was unnecessarily restrictive. There is no evidence in the 4–R Act that Congress, intended that we consider only "direct" competition from other carriers or modes. Since "the traffic to which rate applies" faces competition from other sources or destinations of the same product or from substitute products, the carriers transporting that traffic face "indirect" competition from other carriers. To demonstrate this point, consider the following example. Assume that a shipper at point A can buy a desired product from two alternative sources, B and C. These sources are served by different carriers. Carrier X transports the product from B to A and carrier Y transports the product from C to A. How much the shipper will buy from each source depends, in part, on the cost of transportation from each source. Now assume that carrier Y raises the rate it charges the shipper. Since source C is now relatively less attractive to the shipper than source B, carrier Y will lose traffic and carrier X will gain traffic as a consequence of Y's action. The fact that carrier X indirectly competes for carrier Y's traffic, and vice versa, serves as a constraint on the ability of either carrier to raise rates. "[E]ffective competition from other carriers or modes of transportation, for the traffic to which a rate applies" means that, if a carrier raises the rate for such traffic, then some or all of that traffic will be lost to other carriers or modes. We strongly believe that the example of geographic competition given above is appropriately encompassed by Congress' language.

Congress did not explicitly include or exclude geographic and product competition from its definition of market dominance. The definition, as contained in section 202(c)(i) of the 4–R Act, was left unchanged by the Staggers Act. This definition, however, has a range of possible interpretations which Congress left to the Commission to fix exactly. Although the Commission's earlier interpretation of the definition of market dominance was restrictive, we believe that Congress, in the Staggers Act, intended a much more flexible interpretation. We base this view, in part, on language in the Conference Committee Report on section 201:

> In maintaining the term market dominance, in addition to statutory changes designed to provide more rate freedom to rail carriers, the Conferees intend that whenever there is effective competition which will restrain rate increases by the railroads, such competition should continue to function as the regulator of the rate rather than the Commission.

Effective competition for a firm providing a good or service means that there must be pressures on that firm to perform up to standards and at reasonable prices, or lose desirable business. Depending on the nature of the good or service, sources of competitive pressure may be of several different forms. For example, effective competition for "the traffic or movement to which a rate applies" can arise from: (1) carriers or modes of transportation serving the same origin/destination pair as that for the disputed rate, (2) carriers or modes of transportation delivering the same product from the same origin to alternative destinations, (3) carriers or modes of transportation delivering the same product to the same destination from alternative origins, and (4) carriers or modes of transportation delivering substitute products to the same distination, irrespective of origin.

We do not contend that all these sources of competition are equally effective in every circumstance. The effectiveness of each depends on the specific circumstances involved and this cannot be determined until each case is investigated. We believe that to exclude from consideration *a priori* any potential source of competition would be contrary to the intent of Congress as expressed in the Staggers Act, and would be bound to lead to inaccurate findings of market dominance.

A related contention of many of the participants in this proceeding is that subsection 205 3(B) of the Staggers Act precludes the Commission from considering geographic and product competition in market dominance determinations. As indicated above, section 205 concerns the use of product (and geographic) competition to determine the reasonableness of rail rates. Subsection 205 3(B) reads as follows:

> Nothing in this subsection shall be construed as altering the meaning, use, or interpretation by the Commission, the courts or any party of the term "market dominance," as defined in section 10709(a) of title 49, United States Code. The enactment of this subsection shall not be considered by the Commission in any proceeding or by any court on an appeal from that or any other proceeding, to determine the proper scope of the term "market dominance over the transportation to which any particular rate applies".

This statement precludes the Commission from construing any part of section 205 of the Staggers Act as a directive for altering its interpretation of the definition of market dominance. It in no way precludes the Commission, on its own initiative, from altering its interpretation. The legislative history on section 205 makes this quite clear.

A second argument offered in the original market dominance proceeding was that it is not possible to make accurate findings of the absence or presence of product or geographic competition in the time allotted. We no longer believe that it is appropriate to assume, prior to any investigation, that this problem would exist in every case. With appropriate guidelines for submitting evidence, determining the presence of effective geographic or product competition should be manageable in most cases. The guidelines provided below indicate what types of evidence the Commission believes that it needs to ascertain, within the time limits, the presence or absence of effective geographic or product competition.

In general, geographic or product competition will be deemed to be present if it is established that alternative supplies of the same or a close substitute product exist and that carriers transporting these same or close substitute commodities from the various sources to the various destinations compete with one another for the traffic in question. Whether such competition is judged to be effective will depend on evidence concerning the substitutability of one supply source or destination for another or one product for another. If, in a particular case, the Commission finds that the evidence submitted is inconclusive, then such evidence will be given minimal weight in our determination of market dominance. We believe that this is an improvement over our 1976 position that evidence of geographic and product competition be always and automatically excluded from every proceeding.

The third reason put forward by the Commission for excluding evidence of product or geographic competition was that only immediate loss of traffic would constitute evidence of truly effective competition, and that geographic or product competition would not provide such immediate constraints. Geographic and product competition can and do limit rates to reasonable levels despite the inability of shippers to switch to alternative sources or products immediately. Though less effective than an immediate loss of traffic, a future loss of traffic is nonetheless harmful to a rail carrier. If the loss in future revenues exceeds the gains from exercising market power in the short term, then a rail carrier will be deterred from charging excessive rates.

In sum, we believe that geographic and product competition are encompassed by the definition of market dominance as presented in section 202 of the 4–R Act. Further, a more flexible interpretation of this definition is consistent with the intent of Congress as expressed in relevant sections of the Staggers Act. Finally, problems associated with evaluating evidence pertaining to geographic and product competition should be mitigated by the guidelines established for submitting such evidence.

Guidelines for Submitting Evidence

In this section, we establish guidelines to assist shippers and carriers in compiling evidence pertaining to the presence or absence of effective competition for the traffic to which a challenged rate applies. We emphasize that it need not be demonstrated that transportation alternatives, other than the one in question, have actually been used in the past. Since there is a tendency to use the best alternative for a particular time and place and under given circumstances, such information is of little use for purposes of gauging the presence or absence of competitive pressures. In general, evidence should reflect the number of available alternatives and the feasibility of using each. The guidelines address the four major forms of competition that affect rail transportation: (1) intramodal competition; (2) intermodal competition; (3) geographic competition; and (4) product competition. Other forms of competition may also be of importance depending on individual circumstances. Since we cannot anticipate every possible form of competition, we must forego general guidelines for evidence pertaining to forms of competition that are more case-specific. However, we are nonetheless open to such evidence and will give it due consideration.

Prior to setting out the substantive guidelines, it is appropriate to review the respective obligations of carriers and protestants/complainants in submitting the relevant evidence. The carrier has two new obligations. First, if it wishes to avoid jurisdiction based on the applicable revenue/variable cost ratio, it has the burden of proof and therefore, of coming forward with convincing evidence. The protestants/complainant may respond to this evidence and the carrier may reply. If the carrier fails to raise this issue, we will proceed to an analysis of the qualitative factors. Second, if the railroad seeks a finding of no market dominance based on product or geographic competition it must identify where it believes such competition exists. Once the railroad has made this identification, the shipper has the burden of proving that the product or geographic competition identified by the railroad is not effective. Obviously, if these allegations are made in the context of a proposed rate, the quality of the evidence will be less than in a complaint proceeding in which more time is available. However, motions to dismiss an I&S or investigation proceeding based on newly-developed evidence may be filed.

Aside from the new obligation to respond to (rebut) railroad claims in these two areas, protestants/complainants basically have the same burdens as before—that is, the burden of proving a lack of effective competition. Sections (1)–(4) below indicate the type of evidence we consider important. Protestants/complainants should also use these guidelines for preparation of rebuttal evidence.

1. Intramodal Competition

Intramodal competition refers to competition between two or more railroads transporting the same commodity between the same origin and destination. A shipper has rail alternatives when, for a given purpose, it can be served by more than one railroad or combination of different railroads. The degree to which these alternatives compete with one another depends on such factors as:

(1) the number of rail alternatives;

(2) the feasibility of each alternative as evidenced by:

(a) physical characteristics of the route associated with each alternative that are indicative of the feasibility of using that alternative for the traffic in question (e.g. circuity, track conditions, etc.); and

(b) the direct access of both the shipper and the receiver to each of the rail alternatives as evidenced by individual rail sidings, neutral terminal companies or reciprocal switching; or, if direct access is not available, then the feasibility of using local trucking to transport the commodity to or from terminals;

(3) the transportation costs associated with each alternative (to determine if actual use of alternatives is due to excessive rates charged by the rail carrier in question);

(4) collective ratemaking among the railroads in question as evidenced by rate bureau involvement; and

(5) evidence of substantial rail-related investment or long-term supply contracts (more weight will be given these contracts if made prior to October 1, 1980).

These factors should be considered in connection with the preparation and submission of evidence pertaining to the presence or absence of effective intramodal competition. This list is neither exhaustive nor mandatory but provides a general indication of the type of evidence that would be appropriate.

2. Intermodal Competition

Intermodal competition refers to competition between rail carriers and other modes for the transportation of a particular product between the same origin and destination. Motor and water carriage are the main sources of intermodal competition for railroads.

a. Water Carriage

Water carriage is restricted to certain geographic areas and is generally used for commodities moving in bulk. The evidence required to demonstrate effective competition between rail and water alternatives is in many respects similar to that required for intramodal competition among rail carriers. Parties in a rate case should provide evidence along the following lines:

(1) the number of alternatives involving different carriers;

(2) the feasibility of each alternative as evidenced by:

(a) pertinent physical characteristics, for the product in question, of the transportation or routing associated with each alternative;

(b) the access of both the shipper and receiver to each alternative; and

(4) the transportation costs of each alternative. Again, these factors are not exhaustive.

b. Motor Carriage

Unlike rail or water alternatives, the availability of many motor carrier alternatives for transportation services between two points can, in most instances, be taken for granted. Therefore, the feasibility of using motor carriage as an alternative to rail may be viewed as depending exclusively on the nature of the product and the needs of the shipper or receiver. Effective competition from motor carriage may be deduced from the following types of evidence:

(1) the amount of the product in question that is: transported by motor carrier where rail alternatives are available;

(2) the amount of the product that is transported by motor carrier under transportation circumstances (e.g. shipment size and distance) similar to rail;

(3) the amount of the product that is transported using motor carrier by shippers with similar needs (distributional, inventory, etc.) as the shipper protesting the rate;

(4) physical characteristics of the product in question that may preclude transportation by motor carrier; and

(5) the transportation costs of the rail and motor carrier alternatives.

Other types of evidence on the feasibility or nonfeasibility of motor carriage as an alternative to rail will also be considered.

3. Geographic Competition

Geographic competition was described and defined above. Geographic competition among rail carriers is nontrivial for commodities in which transportation costs account for a substantial portion of the delivered price. To establish the potential for geographic competition, evidence should be submitted concerning the following:

(1) the number of alternative geographical sources of supply or alternative destinations available to the shipper or receiver for the product in question;

(2) the number of these alternative sources or destinations served by different carriers; and

(3) that the product available from each source or required by each destination is the same.

Such evidence is sufficient only to indicate whether effective geographic competition is possible. To determine whether effective geographic competition actually exists, evidence showing the feasibility of each source or destination and the likelihood of competition should be presented. This evidence may be as follows:

(4) the distance associated with each alternative source or destination;

(5) relevant physical characteristics of the route associated with each alternative;

(6) the access of the shipper or receiver to each transportation alternative;

(7) the capacity of each source to supply the product in question or the capacity of each destination to absorb the product in question;

(8) the transportation costs associated with each alternative;

(9) collective ratemaking among the railroads in question as evidenced by rate bureaus; and

(10) evidence of substantial rail-related investment or long term supply contracts (more weight will be given these contracts if made prior to October 1, 1980).

We again emphasize that these guidelines are not intended to encompass all pertinent evidence.

4. Product Competition

Product competition was also described and defined earlier. Evidence as to its existence should reflect the availability to the shipper or receiver of feasible substitutes and show that these substitutes can be obtained through the use of other carriers or modes without substantially greater cost, transportation or otherwise. To demonstrate whether a feasible substitute exists, the following types of evidence, among others, may be submitted:

(1) use of a substitute product(s) by the receiver or shipper in question or by others with similar needs and under similar conditions;

(2) the prices of the substitute product(s) relative to the product in question;

(3) the efficiency of the substitute product(s) relative to the product in question; and

(4) the explicit and implicit transportation costs of the substitute product(s) and the product in question.

Again, these factors are not exhaustive.

These lists of factors concerning submission of evidence replace rebuttable presumptions in market dominance proceedings. We anticipate more accurate market dominance determinations because of the greater flexibility afforded by this approach. The substitution of these guidelines for presumptions should not significantly increase the burden of these proceedings on shippers, carriers or the Commission.

Conclusions

We have established guidelines for the submission of evidence in market dominance proceedings. Evidence of product and geographic competition will be considered in these deliberations. At the same time, by separate notice, we have eliminated the rebuttable presumptions and related procedures for making findings of market dominance as promulgated in Ex Parte No. 320, Special Procedures for Findings of Market Dominance, 353 I.C.C. 874 (1976) and 353 I.C.C. 12 (1976).

This decision will not significantly affect either the quality of the human environment, the conservation of energy resources, or small business.

Authority: 49 U.S.C. 10709, 10321, Section 205, P.L. No. 96-448, 5 U.S.C. 553.

Dated: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19984 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1109

[Ex Parte No. 320]

Rail Market Dominance; Removal of Existing Rule

AGENCY: Interstate Commerce Commission.

ACTION: Removal of existing rules.

SUMMARY: The Commission removed its existing market dominance regulations at 49 CFR 1109.1 by notice published in the **Federal Register** on December 18, 1980 (45 FR 83237). By decision served January 21, 1981 (46 FR 10162, February 2, 1981) the Commission stayed the removal of these regulations except 49 CFR 1109.1(g)(2). By this notice the Commission is removing its regulations at 49 CFR 1109.1 and vacating its stay.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: By separate notice published on this date in the **Federal Register**, the Commission, after appropriate notice (45 FR 83342) and comment, has issued evidentiary guidelines (including evidence of geographic and product competition) for the determination of market dominance. Ex Parte No. 320 (Sub-No. 2), *Market Dominance Determinations and Consideration of Product Competition.* These guidelines replace the regulations at 49 CFR 1109.1. Those regulations are, therefore, withdrawn. Copies of the decision are also available from the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Our stay, issued January 21, 1981 (46 FR 10162, February 2, 1981) was granted to forestall unnecessary litigation pending issuance of final rules in Ex Parte No. 320 (Sub-No. 2). Those rules have been issued. The stay is, therefore, vacated.

This decision will not significantly affect the quality of the human environment or conservation of energy resources nor will it have a significant adverse effect on a substantial number of small entities.

§ 1109.1 [Removed]

Accordingly, 49 CFR 1109.1 is removed.

Authority: 49 U.S.C. 10709, 10321, 5 U.S.C. 553.

Decided: June 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19983 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 27

Cotton Classification Under Cotton Futures Legislation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rulemaking.

SUMMARY: The New Orleans Commodity Exchange has been designated by the Commodity Futures Trading Commission as a contract market for the trading of futures contracts in short staple cotton. As required by the U.S. Cotton Futures Act (90 Stat. 1841-46; 7 U.S.C. 15b), this rulemaking designates five spot cotton markets which may be used by the New Orleans Commodity Exchange to establish settlement differences for cotton delivered under futures contracts on the Exchange whenever the grade delivered differs from the base quality established in the contract.

DATES:

Effective date: July 7, 1981.

Comment date: USDA will accept public comments on this amendment until September 8, 1981.

FOR FURTHER INFORMATION CONTACT:

Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2147.

SUPPLEMENTARY INFORMATION: The U.S. Cotton Futures Act (90 Stat. 1841-46; 7 U.S.C. 15b) requires the Secretary of Agriculture to designate spot cotton markets which may be used to establish settlement differences for cotton delivered under futures contracts whenever the grade delivered differs from the base grade set out in the contract. There are nine such bona fide spot cotton markets designated by the Secretary at the present time (7 CFR 27.93).

The Cotton Futures Act further requires that the settlement differences for each "basis grade" futures contract shall be determined by the actual commercial differences established by the sale of spot cotton in the spot markets of not less than five places designated by the Secretary (from among the forementioned list of bona fide spot markets (7 U.S.C. 15b(f)).

On June 30, 1981, the New Orleans Commodity Exchange (NOCE) was designated by the Commodity Futures Trading Commission (CFTC) as a contract market for the trading of futures contracts in short staple cotton. However, because the NOCE contract is a "basis grade" contract, trading in the contract cannot begin until the Secretary designates five spot cotton markets for settlement differences as required by the Cotton Futures Act.

There already exists a "basis grade" short staple cotton futures contract similar to the NOCE contract. That contract is the New York Cotton Exchange No. 1 contract.

As required by the Cotton Futures Act, the Secretary has already promulgated a regulation (7 CFR 2794(a)) designating five spot cotton markets for contract settlement purposes under the New York No. 1 cotton contract. The current regulation was originally published in 1968 (33 FR 9285) but was thoroughly reviewed and amended January 3, 1980 (45 FR 761).

The effect of this rulemaking is merely to amend the current regulation designating five spot cotton markets for the New York No. 1 contract to provide that the same designated spot cotton markets be used for contract settlement purposes under the NOCE cotton contract.

As noted in the amendment published in January 1980, the Department reviewed the facts concerning the five spot cotton markets used to establish settlement differences for the New York Cotton Exchange No. 1 contract. At that time the Department amended § 27.94(a) to remove Houston, Texas from the list of five spot markets and replace it with Greenville, South Carolina. USDA has determined that cotton marketing patterns within the United States have not changed since its 1980 determination.

Finally, the NOCE cotton contract has already been subjected to a thorough review and approval process by the CFTC, including a determination that the contract meets the Commission's "economic purpose test" and that

trading therein will not be contrary to the public interest.

This action has been reviewed under the Presidential Executive Order 12291 of February 17, 1981, and does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities as (i) no alteration in the related services or the fee for such services to the public will result; (ii) requirements for the public to obtain services have not changed; and (iii) the Agency's costs for providing such services will not be increased by this action. This action is entirely consistent with the objectives of Executive Order 12291, promulgated to reduce the burden of federal regulations. The immediate effectiveness of this regulation is essential to eliminate a burden arising under the requirements of the Cotton Futures Act. Under that Act, NOCE will be prohibited from opening trading in cotton futures, and cotton growers and traders will be unable to utilize the NOCE cotton contract, unless and until this regulation becomes effective. This regulation is being published under emergency procedures prior to OMB review under Presidential Executive Order 12291. Failure to publish on this date would significantly disrupt the activities of the New Orleans Commodity Exchange.

Accordingly, William T. Manley, Deputy Administrator for Marketing Program Operations, AMS, has determined that a situation exists which warrants this amendment be made effective at the earliest possible date in order that trading in the NOCE cotton contract may commence.

For all of the foregoing reasons it is hereby found, pursuant to the administrative procedure provisions of 5 U.S.C. 553, that, for good cause, notice and public procedure on this amendment are impracticable, unnecessary and contrary to the public interest, and good cause exists for making the amendment effective on July 7, 1981. The Department will, however, accept public comments concerning this amendment until September 8, 1981, and will consider revising this amendment should such comments demonstrate a need therefor.

Accordingly, § 27.94(a) of the regulations (7 CFR 27.94) governing cotton classification under cotton futures legislation shall be revised to read as follows:

§ 27.94 Spot markets for contract settlement purposes.

* * * * *

(a) For cotton delivered in settlement of any No. 1 contract of the New York Cotton Exchange or any contract of the New Orleans Commodity Exchange:

Dallas, TX	Montgomery, AL
Lubbock, TX	Greenville, SC
	Memphis, TN

* * * * *

Dated: July 6, 1981.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-20060 Filed 7-6-81: 10:12 a.m.]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Transfer of Financial Assets to Federal Reserve Bank of New York

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are: (1) to direct banks and other persons holding Iranian financial assets to transfer them to the Federal Reserve Bank of New York by 11 a.m., E.D.T., July 10, 1981; (2) to revoke the policy of not seeking to impose civil or criminal sanctions on holders of certain Iranian nonfinancial property who do not comply with the transfer requirements of the Iranian Assets Control Regulations; and (3) to provide that, in calculating interest to be paid on certain Iranian financial assets, no penalty shall be imposed by banks for early withdrawal of deposits held as time deposits.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0236.

SUPPLEMENTARY INFORMATION: The Supreme Court, in the case of *Dames & Moore* v. *Regan*, has upheld the President's authority to order assets of Iran transferred pursuant to the Iran-U.S. Agreements of January 19, 1981. The Supreme Court's decision clearly affirms the authority which the President exercised in nullifying attachments and other judicial orders with respect to these assets and permits them to be transferred without regard to the mullified judicial orders.

These amendments provide that Iranian financial assets shall be transferred to the Federal Reserve Bank of New York no later than 11 a.m., E.D.T., July 10, 1981, in order to facilitate the subsequent transfer as provided in the agreements. The transferred assets will be held by the Federal Reserve Bank of New York, as fiscal agent of the United States, for subsequent transfer as directed by the Secretary of the Treasury. (Nonfiancial assets of Iran are to be transferred at the direction of the Government of Iran as provided by 31 CFR 535.215.) The Department of the Treasury will seek prompt enforcement of these regulations through civil or criminal proceedings, as may be required.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable. Similarly, because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

31 CFR Part 535 is amended as follows:

1. Section 535.213 is amended by the revocation and removal of paragraph (e) and the revision of paragraph (b) as follows:

§ 535.213 [Amended]

* * * * *

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of section 535.221 of this part, and such funds, securities or deposits, plus interest at commercially reasonable rates from November 14, 1979, to the transfer date, shall be received by the Federal Reserve Bank of New York by 11 a.m., E.D.T., July 10, 1981. For periods for which rates are to be determined in the future, whether by agreement between Iran and the bank or otherwise (see § 535.440), interest for such periods shall be transferred to the Federal Reserve Bank of New York promptly upon such determination.

* * * * *

(e) [Removed].

2. Section 535.214 is amended by the revocation and removal of paragraph (e) and the revision of paragraph (b) as follows:

§ 535.214 [Amended]

* * * * *

(b) Transfers of funds and securities under paragraph (a) of this section shall be in accordance with the provisions of section 535.221 of this part, and such funds and securities shall be received by the Federal Reserve Bank of New York by 11 a.m., E.D.T., July 10, 1981.

* * * * *

(e) [Removed].

3. Section 535.215 is amended by the revocation and removal of paragraph (c).

§ 535.215 [Amended]

* * * * *

(c) [Removed].

4. Section 535.440 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 535.440 [Amended]

* * * * *

(b) For deposits held as time deposits, no penalty shall be imposed for early withdrawal. (In this connection the Board of Governors of the Federal Reserve System has determined that application of the penalty for early withdrawal of time deposits transferred before maturity, pursuant to section 535.213, is not required.)

(Sec. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: July 6, 1981.

Dennis M. O'Connell,

Director.

[FR Doc. 81-20051 Filed 7-6-81: 10:41 am]

BILLING CODE 4810-25-M

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Proposed Rules

Federal Register
Vol. 46, No. 129
Tuesday, July 7, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 316

Temporary and Term Employment

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This amendment would permit agencies to give temporary or term appointments without regard to the existence of registers to former employees of the legislative or judicial branch who are eligible for noncompetitive career appointments. This will equalize benefits for these individuals and for individuals eligible for noncompetitive appointment under other authorities.

DATE: Comment date: Written comments will be considered if received by September 8, 1981.

ADDRESS: Noncompetitive Staff and College Relations Branch, Staffing Services, Office of Personnel Management, Room 6A12, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: Section 3304(c) of title 5, United States Code, incorporates provisions of the Ramspeck Act which permit individuals who have 3 years of total service in positions paid by the Secretary of the Senate or Clerk of the House of Representatives, or 4 years of total service as a secretary or law clerk to a justice or judge of the United States, to receive noncompetitive appointments to career positions in the executive branch within 1 year after involuntary separation without personal cause from a qualifying position in the legislative or judicial branch. Because the law speaks of eligible employees' acquiring a competitive status, which is conferred only with permanent appointment, and because the intent of the law was to afford entry into the career service, the regulations have not extended eligibility for noncompetitive temporary and term appointments to persons eligible for career appointment under 5 U.S.C. 3304(c).

By limiting noncompetitive appointment eligibility to career appointments the regulations have sought to ensure that agencies will not use a temporary appointment as a probationary period, contrary to the intent of the law; that eligible employees will not have to bargain with agencies for permanent versus temporary employment, and that individuals will not use up their limited period of noncompetitive appointment eligibility with a temporary appointment.

However, while less beneficial to employees than permanent employment, temporary employment does provide gainful, qualifying experience which may improve an individual's chances for permanent appointment either noncompetitively or through the competitive examining process. In recent years, the regulations covering temporary and term employment have been amended to permit noncompetitive time-limited appointments of persons eligible under various special appointing authorities, all of which were created to provide permanent employment. These time-limited appointments are made under the regulations, rather than under the special appointing authorities, and do not confer competitive status or eligibility for conversion to competitive status. Neither do these appointments extend eligibility for permanent appointment under the special authority.

This proposed amendment of the regulations will provide similar treatment for Ramspeck eligibles who are available for time-limited appointments.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM proposes to add 5 CFR 316.302(c)(6) and 5 CFR 316.402(b)(6), to read as follows:

§ 316.302 Selection of term employees.

* * * * *

(c) An agency may give a term appointment without regard to the existence of an appropriate register to:

* * * * *

(6) A person eligible for acquisition of competitive status for career appointment under section 3304(c) of title 5, United States Code. However a term employee does not acquire a competitive status on the basis of this term appointment.

* * * * *

§ 316.402 Authorities for temporary appointments.

* * * * *

(b) *Noncompetitive temporary limited appointments.* An agency may give a temporary limited appointment without regard to the existence of an appropriate register to:

* * * * *

(6) A person eligible for acquisition of competitive status for career appointment under section 3304(c) of title 5, United States Code. However, a temporary employee does not acquire a competitive status on the basis of this temporary appointment.

(5 U.S.C. 3301, 3302, 3304(c))

[FR Doc. 81–19933 Filed 7–6–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Remanufactured Distribution Transformers; Withdrawal of Proposed Rule

AGENCY: Rural Electrification Administration, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Rural Electrification Administration is withdrawing its proposal of January 23, 1981, that would have provided specifications for remanufactured distribution transformers. The agency has determined that used, repaired and remanufactured transformers are not appropriate subjects for REA specifications.

FOR FURTHER INFORMATION CONTACT: Mr. Archie W. Cain, Director Engineering Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone no. (202) 447–3813.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 23, 1981, (46 FR 7387), REA proposed a specification for remanufactured distribution transformers. This action was taken to update a previous specification. It has been determined that since REA has neither the intention nor ability to enforce the specification, and since REA does not intend to give general advance approval for the use of remanufactured transformers, the material should not be issued as an REA specification. The material will be issued as a "Guide Specification."

Dated: June 30, 1981.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 81–19794 Filed 7–6–81; 8:45 am]

BILLING CODE 3410–15–M

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

Plan for Periodic Review of Regulations Under the Regulatory Flexibility Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Plan for Periodic Review of Regulations under the Regulatory Flexibility Act of 1980 (5 U.S.C. 610).

SUMMARY: The Regulatory Improvement Project has been given the responsibility of assuring that the goals of the Regulation Simplification Act and the Regulatory Flexibility Act are met. There are 26 Federal Reserve Regulations, all of which are being subjected to a comprehensive zero-base review to simplify and eliminate those not needed and to substantially reduce the regulatory burden wherever possible. A detailed description of the regulations currently under review was published in the semi-annual agenda of April 1, 1981 (46 FR 19824), and identifies those regulatory actions that are expected to have a significant economic impact on small entities. It is expected that the first review of all Federal Reserve regulations will be completed within the next 3 years. The plan for subsequent reviews of the Board's regulations will be affected by any legislative changes and will be enhanced by ongoing economic analysis, as well as public comment on the impact of the initial zero-based reviews.

FOR FURTHER INFORMATION CONTACT: This plan is prepared by the Regulatory Improvement Project in the Office of the Secretary. Questions about or suggestions for the plan should be directed to Barbara R. Lowrey, Assistant Secretary (202) 452–3742.

SUPPLEMENTARY INFORMATION: Since the Regulatory Improvement Project began in 1978, it has played a major role in reviewing over half of the Board's regulations. Initial reviews led to the rescission of Regulation E (Warrants), Regulation M (Foreign Activities of National Banks), and Regulation 5 (Bank Service Arrangements). Regulation S was replaced with a new regulations on reimbursement to financial institutions.

As a result of new consumer legislation, Regulation E was replaced with a new regulation on electronic fund transfers, and as a result of statutory simplification, Regulation Z (Truth in Lending), was completely redrafted for clarity and simplicity, and reorganized to incorporate relevant interpretations in the regulation. Model forms have been provided to ease compliance by small entities. For both Regulations E and Z, Official Commentaries have been published in the **Federal Register.**

Revised versions of Regulation O (Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks) and Regulation V (Loan Guarantees for Defense Production) were issued and reviews were completed on Regulation C (Home Mortgage Disclosure), Regulation K (International Banking Operations), andd Regulation L (Management Official Interlocks).

Regulation J (Collection of Checks and Other Items and Transfers of Funds) underwent a complete reorganization and simplification of language to make it easier to understand, as did Regulations E, K, and L, among others.

In addition, two monetary policy regulations (Regulation A on extensions of credit by Reserve Banks, and Regulation D on reserve requirements) were substantively revised and redrafted in conjunction with the Depository Institutions Deregulation and Monetary Control Act of 1980. In an effort to minimize the reporting burden on small institutions, the Board approved quarterly rather than weekly reporting for institutions with less than $15 million in assets.

In the coming year, it is expected that the analysis and simplification of the following major regulations will be completed: Regulation Y (bank holding companies), Regulations G, T, U, and X (margin credit requirements for banks, brokers, dealers, and borrowers), and Regulation Q (Interest on Deposits).

In the review of Regulation Y, it is expected that certain procedures regarding bank holding company applications will be greatly simplified and that the regulation will be redrafted in simpler language and reorganized to incorporate a sizable number of Board and staff rulings. The proposed changes and reasons for them and the revised regulations will, of course, be published in the **Federal Register** and there will be ample provision made for public comment on all issues.

The review of the margin credit regulations, which encompasses a major and intensive analysis of the securities markets, similarly will entail a comprehensive revision and redrafting of all four regulations, with all proposed changes to be issued for public comment and governed by the Board's rulemaking procedures. The first phase of the simplication process was published for comment in the **Federal Register** on June 24, 1981 (46 FR 32592).

Board of Governors of the Federal Reserve System, July 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–19881 Filed 7–6–81; 8:45 am]

BILLING CODE 6210–01–M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal

Farm Credit Board, publishes for comment proposed new and amended regulations which would implement two of the major authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592), and a proposed amendment to its regulation concerning interest rates. The major authorities under the Farm Credit Act Amendments of 1980 proposed to be implemented by these regulations relate to: (1) the financing of international transactions by banks for cooperatives; and (2) the discounting of agricultural paper with Federal intermediate credit banks by other financial institutions, including commercial banks.

In addition, § 614.4080 is being amended to provide district Farm Credit boards with greater flexibility in setting interest rates and in approving individual interest rate changes by Farm Credit banks either on a case-by-case basis or pursuant to an interest rate plan within which bank management may establish rates. The recent volatility of debt interest rates has required that Farm Credit banks be more responsive in adjusting loan rates to maintain earnings and capital levels and to avoid shifts in loan volume, and the current practice of adjusting rates monthly does not provide the necessary responsiveness.

DATES: Written comments must be received on or before August 31, 1981.

ADDRESSES: Submit any comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202-755-2181)

For the convenience of the reader, a redesignation table showing the old sections of Part 614 and the new is shown below.

Part 614—Loan Policies and Operations

Section	Previous section
Subpart A—General	
614.4000 Basic responsibilities	Same.
614.4010 Supervision by the Farm Credit Administration.	Same.
614.4020 Delegation	Same.
614.4030 Intent of delegation	Same.
614.4031 Policies for delegation of authority.	Same.
614.4040 Bank guideline responsibilities.	Same.
614.4050 Bank supervision of associations.	Same.
614.4051 Federal land bank and Federal intermediate credit bank reviews.	Same.
614.4060 Association responsibilities	Same.
Subpart B—Chartered Territories	
614.4070 Loans outside the established territory—Federal land bank associations, and production credit associations.	Same.
614.4080 Loans outside of bank's territory—banks for cooperatives.	Same.
Subpart C—Lending Authorities	
614.4090 Federal land banks	Same.
614.4100 Federal intermediate credit banks.	Same.
614.4110 Production credit associations.	Same.
614.4120 Banks for cooperatives	Same.
614.4130 Approval	Same.
Subpart D—General Loan Policies for Banks and Associations	
614.4140 Sound loan	Same.
614.4150 Credit factors	Same.
614.4160 Lending objective	Same.
614.4165 Special credit needs	Same.
614.4170 Borrower liability	Same.
Subpart E—Loan Terms and Conditions	
614.4180 Federal land banks	Same.
614.4190 Federal intermediate credit banks.	Same.
614.4200 Production credit associations.	Same.
614.4210 Banks for cooperatives	Same.
Subpart F—Security Requirements	
614.4220 General	Same.
614.4230 Federal land banks	Same.
614.4240 Federal intermediate credit banks.	Same.
614.4250 Production credit associations.	Same.
614.4260 Banks for cooperatives	Same.
614.4261 Security and appraisal standards—banks for cooperatives.	Same.
Subpart G—Interest Rates and Charges	
614.4270 Policy	Same.
614.4280 Interest rates	Same.
614.4281 Discounts and related fees—banks for cooperatives.	New.
614.4290 Interest on past due loans	Same.
614.4300 Other charges and fees	Same.
614.4310 Interest rate limitations for Federal intermediate credit banks.	Same.
614.4320 Production credit associations.	Same.
614.4321 Interest rate program	Same.
Subpart H—Loan Participations	
614.4330 General	Same.
614.4331 Federal land banks	Same.
614.4332 Federal intermediate credit banks.	Same.
614.4333 Production credit associations.	Same.
614.4334 Banks for cooperatives	Same.
Subpart I—Loss-Sharing Agreements	
614.4340 General	Same.
614.4345 Guaranty agreements	Same.
Subpart J—Lending Limits	
614.4350 General	Same.
614.4351 Federal land banks	Same.
614.4352 Federal intermediate credit banks.	Same.
614.4353 Production credit associations.	Same.
614.4354 Banks for cooperatives	Same.
614.4360 Computation of obligation for lending limit determination.	Same.
Subpart L—Notice of Action and Appeals	
614.4440 Notice of action on loan application.	Same.
614.4441 Applicant's right to appeal	Same.
614.4442 Records	Same.
Subpart M—Loan Approval Requirements	
614.4450 General requirements	Same.
614.4460 Loan approval responsibility.	Same.
614.4470 Loans subject to bank prior approval.	Same.
Subpart N—Loan Servicing Requirements	
614.4510 General	Same.
614.4511 Federal land bank association compensation.	Same.
614.4512 Compromise of indebtedness.	Same.
Subpart O—Special Lending Programs	
614.4520 General	Same.
614.4530 Special loans, production credit associations.	Same.
Subpart P—Federal Intermediate Credit Bank Financing of Other Financial Institutions	
614.4540 General	614.4540 and 614.4550.
614.4550 Eligibility	614.4560 and 614.4570.
614.4555 Appeal rights	New.
614.4560 Requirements for establishing and maintaining the discount privilege.	614.4560.
614.4565 Lending limit	New.
614.4570 General collateral	614.4600.
614.4580 Use of funds	New.
614.4590 General financing agreement.	614.4660.
614.4600 Methods of financing	614.4590, 614.4630, 614.4631, and 614.4632.
614.4610 Loans eligible for discount	New.
614.4620 Multiple applicants	New.
614.4630 Insolvency of other financing institutions.	614.4640.
614.4640 Rates and fees	New.
614.4650 Loss of discount privileges	614.4620.
Subpart Q—Banks for Cooperatives Financing International Trade	
614.4700 Financing foreign trade receivables.	New.
614.4710 Bankers acceptance financing.	New.
614.4720 Letters of credit	New.
614.4800 Guarantees—banks for cooperatives.	New.
614.4810 Standby letters of credit	New.
614.4900 Foreign exchange—banks for cooperatives.	New.

Therefore, it is proposed to amend 12 CFR, Chapter VI, by revising and recodifying the table of contents as follows:

PART 614—LOAN POLICIES AND OPERATIONS

Subpart A—General

Sec.
614.4000 Basic responsibilities.
614.4010 Supervision by the Farm Credit Administration.
614.4020 Delegation.
614.4030 Intent of delegation.
614.4031 Policies for delegation of authority.
614.4040 Bank guideline responsibilities.
614.4050 Bank supervision of associations.
614.4051 Federal land bank and Federal intermediate credit bank credit reviews.
614.4060 Association responsibilities.

Subpart B—Chartered Territories

614.4070 Loans outside the established territory—Federal land bank associations, and production credit associations.
614.4080 Loans outside of bank's territory—banks for cooperatives.

Subpart C—Lending Authorities

614.4090 Federal land banks.
614.4100 Federal intermediate credit banks.
614.4110 Production credit associations.
614.4120 Banks for cooperatives.
614.4130 Approval.

Subpart D—General Loan Policies for Banks and Associations

614.4140 Sound loan.
614.4150 Credit factors.
614.4160 Lending objective.
614.4165 Special credit needs.
614.4170 Borrower liability.

Subpart E—Loan Terms and Conditions

614.4180 Federal land banks.
614.4190 Federal intermediate credit banks.
614.4200 Products credit associations.
614.4210 Banks for cooperatives.

Subpart F—Security Requirements

614.4220 General.
614.4230 Federal land banks.
614.4240 Federal intermediate credit banks.
614.4250 Production credit associations.
614.4260 Banks for cooperatives.
614.4261 Security and appraisal standards—banks for cooperatives.

Subpart G—Interest Rates and Changes

614.4270 Policy.
614.4280 Interest rates.
614.4281 Discounts and related fees—banks for cooperatives.
614.4290 Interest on past due loans.
614.4300 Other charges and fees.
614.4310 Interest rate limitations for Federal intermediate credit banks.
614.4320 Production credit associations.
614.4321 Interest rate program.

Subpart H—Loan Participations

614.4330 General.
614.4331 Federal land banks.
Sec.
614.4332 Federal intermediate credit banks.
614.4333 Production credit associations.
614.4334 Banks for cooperatives.

Subpart I—Loss-Sharing Agreements

614.4340 General.
614.4345 Guaranty agreements.

Subpart I—Loss-Sharing Agreements

614.4340 General.
614.4345 Guaranty agreements.

Subpart J—Lending Limits

614.4350 General.
614.4351 Federal land banks.
614.4352 Federal intermediate credit banks.
614.4353 Production credit associations.
614.4354 Banks for cooperatives.
614.4360 Computation of obligation for lending limit determination.

Subpart L—Notice of Action and Appeals

614.4440 Notice of action on loan application.
614.4441 Applicant's right to appeal.
614.4442 Records.

Subpart M—Loan Approval Requirements

614.4450 General requirements.
614.4460 Loan approval responsibility.
614.4470 Loans subject to bank prior approval.

Subpart N—Loan Servicing Requirements

614.4510 General.
614.4511 Federal land bank association compensation.
614.4512 Compromise of indebtedness.

Subpart O—Special Lending Programs

614.4520 General.
614.4530 Special loans, production credit associations.

Subpart P—Federal Intermediate Credit Bank Financing of Other Financial Institutions

614.4540 General.
614.4550 Eligibility.
614.4555 Appeal rights.
614.4560 Requirements for establishing and maintaining the discount privilege.
614.4565 Lending limit.
614.4570 General collateral.
614.4580 Use of funds.
614.4590 General financing agreement.
614.4600 Methods of financing.
614.4610 Loans eligible for discount.
614.4620 Multiple applicants.
614.4630 Insolvency of other financing institutions.
614.4640 Rates and fees.
614.4650 Loss of discount privileges.

Subpart Q—Banks for Cooperative Financing International Trade

614.4700 Financing foreign trade receivables.
614.4710 Bankers acceptance financing.
614.4720 Letters of credit.
614.4800 Guarantees—banks for cooperatives.
614.4810 Standby letters of credit.
614.4900 Foreign exchange—banks for cooperatives.

1. Section 614.4080 is amended by adding paragraph (d) to read as follows:

Subpart B—Chartered Territories

§ 614.4080 Loans outside of bank's territory—banks for cooperatives.

* * * * *

(d) A bank is authorized to provide a full range of credit services to eligible cooperatives enabling them to engage in international trade. This includes making technical and financial assistance available to a domestic or foreign party to facilitate the import or export of agricultural commodities, farm supplies, or aquatic products, and to make or participate in loans and commitments for the same, provided an eligible cooperative benefits substantially as a result of such transactions.

Subpart C—Lending Authorities

2. Section 614.4120 is revised to read as follows:

§ 614.4120 Banks for cooperatives.

The banks are authorized to make loans and commitments to eligible cooperatives and to extend to them other financial assistance, including, but not limited to, discounting notes and other obligations, guarantees, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives. The banks are authorized to make or participate in loans, commitments, and extend other technical and financial assistance to a domestic or foreign party with respect to its transactions with an eligible cooperative for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales, or exchanges. The domestic or foreign party must be one in which an eligible cooperative has at least a minimum ownership interest and the eligible cooperative must substantially benefit as a result of such a loan, commitment, or assistance for the purpose of facilitating the eligible cooperative's export or import operations. This type of activity shall be made under policies determined by the board of directors and approved by Farm Credit Administration.

Subpart G—Interest Rates and Changes

3. Section 614.4280 is revised to read as follows:

§ 614.4280 Interest rates.

(a) Loans made by each bank shall bear interest at a rate or rates as may be determined by the district board with the approval of the Farm Credit Administration. A district board shall

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set interest rates or approve individual interest rate changes either on a case-by-case basis or pursuant to an interest rate plan within which management may establish rates. Any interest rate plan shall set loan-pricing policies and objectives, provide guidance regarding the circumstances under which management may adjust rates, and provide the upper and lower limits on management authority. A district board may not delegate its ultimate responsibilities for setting interest rates, and any interest rate plan adopted shall be reviewed on a continuing basis by the district board, as well as in conjunction with its review and approval of the bank's annual fiscal plan and long-range financial plan.

(b) Interest rate policies require the approval of the Farm Credit Administration.

4. Section 614.4281 is added to read as follows:

§ 614.4281 Discounts and related fees—banks for cooperatives.

Banks for cooperatives may discount notes, drafts, acceptances, and other negotiable paper at such rates as may be determined by bank management under policies of the bank board as approved by the Farm Credit Administration. Requests to the Farm Credit Administration for approval of such board policies shall include justification for the policy or change in the policy.

5. The entire Subpart P is revised to read as follows:

Subpart P—Federal Intermediate Credit Bank Financing of Other Financing Institutions

§ 614.4540 General.

The Federal intermediate credit banks have a responsibility to extend financial assistance to any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products, provided the institution meets the criteria set forth in these regulations. The financial assistance may be provided through a direct loan to the institution or by purchasing or discounting individual loans made by the institution. An institution desiring to avail itself of the financial assistance will be expected to demonstrate:

(a) That it is duly organized and qualified to make loans under the laws of each jurisdiction in which it operates;

(b) That it has a significant involvement in agricultural or aquatic lending;

(c) That it has a continuing need for supplementary sources of funds for such purposes;

(d) That it has limited access to national or regional capital markets; and

(e) That it would continue to use the same proportion of its resources (other than that derived from the financial assistance provided by the Federal intermediate credit bank) for agricultural or aquatic lending. An institution meeting these criteria shall have its application evaluated on the basis of its ability to make and service a stable loan portfolio and its managerial and financial strength. The presence of other lending institutions serving the same territory or the failure of the institution to enter into loan participation with production credit associations shall not be considered in evaluating the application.

§ 614.4550 Eligibility.

A financing institution which requests access to a Federal intermediate credit bank as a source of funds shall meet all of the eligibility criteria set forth below:

(a) The financing institution must be significantly involved in lending for agricultural or aquatic purposes. The institution, and each affiliate organization, if any, shall have at least 15 percent of its loan volume at the seasonal peak in agricultural and/or aquatic loans. The Federal intermediate credit bank shall consider requests with a lesser percent if the institution demonstrates that it is making a special and sustained effort to serve agricultural or aquatic producers and the 15 percent will be attained in a reasonably short period. Only agricultural and aquatic loans eligible for the financing institution to discount shall be considered in determining that this requirement has been met.

(b) Where the financing institution is a commercial bank, or is affiliated with a commercial bank, the commercial bank must demonstrate a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers. The institution's gross loan-to-deposit ratio shall be not less than 60 percent at the seasonal peak for the last 3 consecutive years. Where failure to meet this criteria in one of the last 3 consecutive years is the result of a general decrease in borrowings caused by an economic decline, the Federal intermediate credit bank shall consider the application as an exception to the criteria when the applicant has otherwise maintained ratios equivalent to banks of comparable size. For purposes of this paragraph, gross loans shall include all direct credit extended by the institution in its trade area. Such items as loans purchased from or participated in with other financial institutions shall be excluded.

(c) The financing institution must have limited access directly, or indirectly through affiliates, to national or regional money markets as an alternate source of funds and must fully utilize locally generated funds to finance local needs. Institutions with access to the national money markets are those whose bankers acceptances, commercial paper, negotiable certificates of deposit, and other similar instruments are sold or traded nationally. Institutions with access to regional money markets are those whose instruments are sold on a regional basis. Evidence of access shall be determined by the extent to which the applicant institution, or institutions of similar size and circumstances, have the ability to utilize, on a regular basis, bankers acceptances, commercial paper, or negotiable certificates of deposit, or other similar instruments as a source of funds. Affiliates of an institution having access to national or regional money markets shall not be considered eligible for access to the Federal intermediate credit bank discount privilege unless they demonstrate that all resources available to the consolidated entity are being utilized to alleviate the shortage of funds for agriculture.

(d) When the financing institution is a credit corporation which is not affiliated with a commercial bank, approval shall be further conditioned on the following requirements. The institution shall be a corporate entity primarily engaged in the business of extending short- and intermediate-term credit, to farmers, ranchers, and/or producers or harvesters of aquatic products. An institution engaged in other business activities is not eligible to obtain credit from a Federal intermediate credit bank merely because it has the power to make loans to farmers and ranchers and/or producers or harvesters of aquatic products. The fact that a corporation has powers not related to such credit or receives income from other sources shall not of itself render it ineligible. A credit institution whose primary function is to finance the sale of products by the institution, or any affiliates, shall not be eligible for access to the discount privilege.

(e) In dealing with any financing institution which is affiliated with a cooperative (through stock ownership, management, interlocking directorates, or otherwise) the Federal intermediate credit ban shall consider the possible effects of such relationship on the operations and credit policies of the applicant institution. An otherwise eligible affiliate may discount or borrow on the security of notes of farmers, ranchers, or producers or harvesters of aquatic products (as distinguished from notes of cooperatives), evidencing loans to finance the cost of supplies, equipment, or services, obtained from such affiliated cooperative, if the bank board finds that an additional source of credit is needed to facilitate financing of such transactions and the primary benefits of such credit will insure to the borrowing farmers, ranchers, or producers or harvesters of aquatic products.

(f) Any institution eligible under previous regulations which cannot meet the eligibility requirements of these regulations and is discounting with a Federal intermediate credit bank on the effective date of these revisions shall not become ineligible provided it does not make material changes in operations or ownership.

§ 614.4555 Appeal rights.

A Federal intermediate credit bank which rejects an application for discount privileges shall promptly notify the institution in writing of the reasons for the reject and the applicant's right to appeal. An institution receiving a rejection shall, upon request, be entitled to an informal hearing before the bank board of directors on the issue of eligibility. An adverse bank board of directors' determination may be appealed to the Farm Credit Administration.

§ 614.4560 Requirements for establishing and maintaining the discount privilege.

Any financial institution seeking financial assistance from a Federal intermediate credit bank shall demonstrated that it is able to establish and maintain a sound lending program.

(a) Each Federal intermediate credit bank shall develop standards to evaluate an applicant institution relative to:

(1) A capital structure adequate to support an economically feasible lending operation;

(2) The amount of collateral required to be deposited with or invested in the bank to support the extension of credit to the institution; and

(3) The ability of the institution to extend and administer the anticipated loan portfolio on a sound basis.

(b) These criteria shall be subject to the following limitations:

(1) The amount required to capitalize the OFI shall be determined by an analysis of the economic feasibility of the proposal presented in the request, the credit risk involved, and the servicing cost to the Federal intermediate credit bank. Any uniform minimum capital requirement based on the Federal intermediate credit bank's administrative costs shall be supported by documented costs which clearly demonstrate the need for the minimum requirement.

(2) The initial capital required to be invested in the Federal intermediate credit bank shall be no greater than the average investment required of production credit associations in the district. Institutions with established relationships may be assessed for additional capital if the contract is renegotiated to permit a larger volume of loans or when a general capital equalization or assessment is made. Capital invested in the bank by an other financing institution shall be retired in accordance with bank policy.

(3) No paper shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to any entity if the amount of such paper added to the aggregate liabilities of such entity, whether direct or contingent (other than bona fide deposit liabilities), exceeds ten times the paid-in and unimpaired capital and surplus of such entity or the amount of such liabilities permitted under the laws of the jurisdiction creating such institution, whichever is the lesser. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitation herein contained. A debt-to-capital ratio less than that permitted by statute may be imposed to assure that the institution maintains its eligibility to borrow and provides adequate capital from a credit standpoint. Any lesser ratio imposed initially shall not be less than one ratio point below the district average for production credit associations. Once the institution has established and maintained a satisfactory discount relationship, the debt-to-capital standard shall be the same as that used in evaluating production credit associations.

(4) General collateral securing the entire discount line may be required in accordance with § 614.4570 of these regulations. The amount to be required shall be based on the credit risk presented by the institution and shall not be proportionally greater than is required of a production credit association under similar circumstances.

(5) Discount lines shall be established according to projections of loan volume provided by the institution and accepted by the Federal intermediate credit bank. A credit line shall be established for at least a 3-year term in support of the institution's continuing need for the discount privilege. Failure to maintain an annual average daily balance of loans discounted equal to at least 70 percent of the projected average daily balance shall subject the institution to payment of an annual loan commitment fee. The fee shall be equal to 1 percent of the difference between the projected and approved average daily balance and the actual average daily balance of loans outstanding or discounted. Exceptions can be made when failure to comply with this requirement is caused by the normal business cycle of the discounting institution. Repeated failure to utilize the line of credit at an acceptable level may result in loss of discount privileges. Institutions with inactive discount relationships on the effective date of these regulations shall be notified and given a reasonable opportunity to activate or cancel the relationship. No fee shall be assessed if the relationship is terminated by the Federal intermediate credit bank.

(c) Failure of an other financing institution to comply with State or Federal laws applicable to it will be cause for revocation of the borrowing and discounting rights if the violations relate to the soundness of the institution or the integrity of its management. Special attention shall be given to the institution's articles of incorporation and bylaws, capital stock, and other securities transactions. In the case of corporations doing business in more than one jurisdiction, evidence will be required that it has complied with the laws of each jurisdiction in which it operates.

§ 614.4565 Lending limit.

A financing institution discounting with a bank shall not accept liability on any loan or similar extension of credit, or obtain any endorsement or guarantee from a borrower where the aggregate of such liabilities or indebtedness to the discounting institution would exceed 50 percent of the institution's capital and surplus or such lesser amount as may be established by other State or Federal statute. Institutions which have loans in excess of this limitation shall have 2

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years from the effective date of these regulations to reduce individual risk exposure to within this limitation.

§ 614.4570 General collateral.

As a condition precedent to borrowing from or discounting with a Federal intermediate credit bank, other financing institutions (except commercial banks) shall pledge as collateral for any and all obligations to the bank, cash, or readily marketable securities of high rating, in an amount to be determined by the Federal intermediate credit bank. At the discretion of the bank, commercial banking institutions may be required (unless prohibited by law or by supervisory authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral, including all income derived, shall be available to secure any and all obligations to the Federal intermediate credit bank, whether direct or contingent, present or future.

§ 614.4580 Use of funds.

Funds obtained by discounting with or borrowing from the Federal intermediate credit bank may not be used to expand the financial institution's lending activity to loans which would be ineligible for discount.

§ 614.4590 General financing agreement.

Any institution desiring to discount loans with or receive loans from the Federal intermediate credit bank will execute a general financing agreement. This agreement shall state the general terms and conditions under which loans will be discounted or made and shall provide for the institution to periodically furnish the bank acceptable financial reports and any data necessary to assure that the institution remains in compliance with these regulations. The scope of annual review as required by the bank's policy for credit review (§ 614.4051) shall be expanded to include any additional test, audit, or fiscal analysis necessary. The agreement shall further provide that the institution shall agree to examination by the Farm Credit Administration if requested by the Governor.

§ 614.4600 Methods of financing.

A Federal intermediate credit bank may provide funds to other financing institutions by discounting or purchasing individual loans or by direct loan to the institution, all subject to the following:

(a) Direct discount or purchase is normally made at full face value of the individual loan of acceptable quality. At the option of the Federal intermediate credit bank, a loan of less than acceptable quality may be discounted or purchased at less than the full amount of such loans. In such transactions the institution shall be required to apply all repayments toward repayment of the amount of the less than acceptable loan purchased or discounted by the bank.

(b) A Federal intermediate credit bank is authorized to make loans and advances to financing institutions, provided that such loan or advance shall be secured by notes or other such obligations of eligible borrowers defined in these regulations, unless such loan or advance is made to enable the financing institution to make or carry loans to such bona fide farmers and ranchers or to producers or harvesters of aquatic products.

(1) Classes of obligations approved as collateral. The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions subject to approval of the bank to which such securities are to be pledged:

(i) Obligations of eligible borrowers defined in the regulations arising from direct credit extension by the financing institution.

(ii) Loan participations purchased will be eligible for discount. The Federal intermediate credit bank is authorized to take corrective measures if this authority is being used to circumvent the intent of these regulations.

(iii) Obligations set forth in § 615.5140(a) which have been approved by the Farm Credit Administration for investment by institutions of the System.

§ 614.4610 Loans eligible for discount.

Any loan which would be eligible for a production credit association in the district to make directly to a borrower shall be eligible for discount by a financing institution. These eligibility standards are set forth in Part 613 of these regulations. The Federal intermediate credit banks shall be responsible for providing financing institutions with any additional lending and eligibility guidelines which may be provided to production credit associations.

§ 614.4620 Multiple applicants.

Two or more entities may combine resources to form a subsidiary corporation to apply for discount privileges with the Federal intermediate credit bank. In this event, the individual entities, any affiliates, and the combined entity must each meet the criteria set forth in these regulations for establishing and maintaining the discount privilege.

§ 614.4630 Insolvency of other financing institutions.

(a) If a financing institution having a discount or financing agreement with the bank becomes insolvent or is in process of liquidation, or if it fails to service its loans properly and where supervision or orderly liquidation will be facilitated by direct handling of the obligations of the note makers, the Federal intermediate credit bank may, with the consent of the Farm Credit Administration, take over such paper for orderly liquidation. Notes or other obligations pledged with the bank by a financing institution, either as collateral for a direct loan or as additional security for any and all indebtedness of the institution to the bank, also may be taken over and handled directly with the makers after a title has been acquired in accordance with the provisions of applicable laws and the terms of the pledge agreements executed by the institution involved. The bank's authority to handle paper directly includes the authority to make additional advances, to grant renewals and extensions and to take such other actions as may be necessary to collect the loans. Direct liquidation of paper carried for a financing institution should be resorted to only in cases where other measures have failed, and it is apparent that direct liquidation is the only practicable means available to the bank for protection of its interest.

(b) Paper handled for an insolvent financing institution as provided in this section shall not be assigned as collateral for bonds without the approval of the Farm Credit Administration.

(c) On paper which a bank has taken over from a defaulting financing institution for liquidation, interest shall be collected according to the terms of the loans. Renewals of such notes, when directly payable to the bank, shall bear interest at a rate not to exceed the maximum rate that may be charged by financing institutions on paper eligible for discount by the banks at the time of renewal.

§ 614.4640 Rates and fees.

Interest on loans to financing institutions shall be charged and collected at the same rate and on the same basis as production credit associations. No paper offered for discount by a financing institution shall be accepted if the rate charged the borrower exceeds by more than 4 percent the FICB rate in effect on the date the loan was made or, with respect to variable rate loans, the FICB rate in effect from time to time throughout the loan.

§ 614.4650 Loss of discount privileges.

The Federal intermediate credit bank may revoke or suspend the discount or loan privileges for cause. The following will cause revocation.

(a) Failure to comply with these regulations or the terms of the contract between the Federal intermediate credit bank and the institutions.

(b) Repeated violations of State or Federal statutes or failure to correct violations brought to the attention of the institution where the nature of the violation brings into question the safety of the loan or discount relationship or the integrity of the institution's management.

(c) Failure to maintain management or credit practices satisfactory to the bank.

(d) Failure to use the established credit line to the extent contemplated in § 614.4555 of these regulations.

(e) Changes in the operation of the institution which render it ineligible under § 614.4550 of these regulations.

During any period of suspension no new paper shall be purchased from or discounted for the institution and no further advances shall be made to it pending correction, except to the extent necessary to cover commitments on paper held by the bank or to preserve the security and protect the interest of the bank in obligations held by it. Before making additional advances to any institution whose right to borrow or discount has been suspended because the ratio of its total liabilities to unimpaired capital and surplus equals or exceeds the maximum permitted under law, the bank shall satisfy itself that the corporation will not violate any applicable law by assuming liability for such additional advances.

6. Subpart Q is revised to read as follows:

Subpart Q—Banks for Cooperatives Financing International Trade

§ 614.4700 Financing foreign trade receivables—banks for cooperatives.

(a) The banks for cooperatives, under policies determined by their boards of directors and approved by the Farm Credit Administration, are authorized to finance foreign trade receivables on behalf of eligible cooperatives to include the following:

(1) Advances against collections
(2) Trade acceptances
(3) Factoring
(4) Open account

(b) To reduce credit, political, and other risks associated with foreign trade receivable financing, the banks for cooperatives shall avail themselves of such guarantee and insurance plans as are available in the United States and other countries. Exceptions may be made for borrowers with longstanding successful business relationships with the banks for cooperatives customers and who are well established with a high credit rating.

(c) When financing a draft drawn on a foreign importer, the banks should retain recourse to the exporter unless its credit evaluation of and experience with the importer indicate recourse is not necessary or unless appropriate guarantees or insurance plans are used.

(d) The financing of foreign trade receivables shall be limited by the policies of each bank's board of directors. The policies shall provide a method of determining the maximum amount in dollars, by country, to be financed and establishing a maximum percentage of the amount of a draft drawn on a foreign party against which the bank may advance funds. The banks shall take into consideration the following factors:

(1) The reputation and financial strength of the foreign importer.

(2) The reputation and payment record of the class of importers in the same country as the subject importer in regard to prompt payment of drafts drawn upon them.

(3) The quality of the supporting documents offered with the draft.

(4) The degree of ease with which necessary foreign exchange conversion can be made, or the extent to which foreign currency exposure may be hedged by forward or future contracts.

(5) Credit strength and reputation of the exporter.

(e) The banks may establish foreign trade receivable financing programs by which eligible parties pledge collections to the bank, and then may borrow from the bank up to a stated maximum percentage of the total amount of receivables pledged at any one time.

(f) When financing foreign trade receivables, the banks shall take such precautions and obtain such credit information as necessary to ascertain that all parties to the transaction(s) being financed are reputable and capable of performing their responsibilities under the contract of sale.

(g) When financing foreign trade receivables, the banks shall determine that all shipments are covered by maritime insurance while on the high seas.

(h) Countries where credit is to be extended will be analyzed periodically and systematically on a centralized basis. The resulting country studies will be disseminated to all banks for cooperatives to be used as inputs in credit-grading decisions.

§ 614.4710 Bankers acceptance financing.

The Fiscal Agency is authorized to accept drafts or bills of exchange drawn upon banks for cooperatives. With the exception of acceptances eligible for purchase by the Federal Open Market Committee and rediscounted, acceptances shall be subject to the provisions of §§ 614.4350, 614.4354, and 614.4360 of the Regulations for Banks and Associations of the Farm Credit System, and must be combined with any other loans to the account party by the banks for cooperatives for the purpose of applying the lending limits of § 614.4354.

(a) *District Banks for Cooperatives.* (1) The Fiscal Agency's authority to accept drafts or bills of exchange includes the authority to accept drafts or bills of exchange drawn upon a district bank for cooperatives having not more than 6 months sight to run, exclusive of days of grace, that are derived from transactions involving the importation or exportation of goods from the United States; or are derived from transactions involving the domestic shipment of goods that were produced from agriculture or that have an agriculturally related purpose; or are secured at the time of acceptance by title covering readily marketable staples.

(i) The dollar amount of such acceptances outstanding at any one time to any one borrower, exclusive of participations sold to others, shall be limited to 10 percent of the net worth of a district bank for cooperatives as of the preceding June 30 or December 31, whichever is more recent, or an interim date determined by the Farm Credit Administration as a result of material changes in a bank's net worth. However, if such acceptances are secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance, the 10-percent limit shall not apply.

(ii) The sum of all acceptance liabilities outstanding described in paragraph (a)(1) of this section, exclusive of participations sold to others, issued to all borrowers shall not exceed 100 percent of the bank for cooperatives' net worth but the aggregate of acceptances growing out of domestic transactions shall not exceed 50 percent of net worth calculated on

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the date indicated in paragraph (a)(1)(ii) of this section.

(2) The limit specified in paragraph (a)(1)(ii) of this section is separate from and in addition to the lending limits of § 614.4354 of the Regulations if the acceptances are rediscounted.

(3) During any period within which a bank for cooperatives holds its own acceptance, having given value therefor, the amount thereof shall be included against the § 614.4354 lending limits of the customer for whom the acceptance was made.

(4) The terms and requirements for the offering and purchase of participations in acceptance financing shall be the same as those for loans issued under § 614.4334 of the Regulations.

(5) Acceptance financing should be self-securing and self-liquidating, with greater latitude exercised only when the credit worthiness of the party is unquestioned and the transaction financed is in the ordinary course of its business.

(6) Except under exceptional circumstances with well-established customers, disbursements should not be made prior to the physical receipt of all pertinent documents.

(7) When acceptances denominated in foreign currencies are not funded in the same currency, the bank for cooperatives will take corresponding action to minimize foreign exchange risk.

(b) *Central Bank for Cooperatives.* (1) Drafts and bills of exchange discounted directly by the Central Bank for Cooperatives at any one time, exclusive of participations sold to others, shall not exceed the acceptance limit percentage prescribed in paragraph (a)(1)(i) of this section for district banks for cooperatives.

(c) *Total system.* Liabilities for drafts accepted at any one time from all the district banks for cooperatives and the Central Bank for Cooperatives shall not exceed 100 percent of the combined net worth of the banks for cooperatives. However, the aggregate of acceptances growing out of domestic transactions shall not exceed 50 percent of net worth. Discounted acceptances outstanding at any one time to any one borrower from one or more district banks for cooperatives and the Central Bank for Cooperatives, exclusive of participations sold to institutions other than banks for cooperatives, shall not exceed the percentage specified in paragraph (a)(1) of this section applied to the combined net worth of the banks for cooperatives. Acceptances created or discounted within previously established limits that have become excessive because of changes in accepting and/or discounting limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Administration.

(d) *Purchase of participations in bankers acceptances.* (1) A district bank for cooperatives shall determine limits on purchasing participations in discounted acceptances of another bank for cooperatives on the same basis as prescribed in § 614.4354 of the Regulations for purchasing participations in loans of another bank for cooperatives.

(2) Participations in discounted acceptances shall be offered in accordance with § 614.4334 of the Regulations.

(e) *Fiscal Agency.* All acceptances created by the 13 banks for cooperatives shall be physically accepted by the Fiscal Agency when intended for rediscount.

§ 614.4720 Letters of credit.

The banks for cooperatives, under policies determined by the board of directors and approved by Farm Credit Administration, may issue, advise, or confirm import or export letters of credit in accordance with the Uniform Commercial Code, or the Uniform Customs and Practice for Documentary Credits, to or on behalf of its customers. Until such individual district bank board policies are approved by the Farm Credit Administration, the Central Bank for Cooperatives will issue, advise, or confirm import or export letters of credit on behalf of the district banks for cooperatives. In addition, as a matter of sound banking practice, letters of credit shall be issued in conformity with the following:

(a) Each letter of credit shall conspicuously state that it is a letter of credit, or be conspicuously entitled as such.

(b) The letter of credit shall contain a specified expiration date or be for a definite term.

(c) The letter of credit shall contain a sum certain.

(d) The bank's obligation to pay should arise only upon fulfilling the terms and conditions as specified in the letter of credit. The bank must not be called upon to determine questions of fact or law at issue between the account party and the beneficiary.

(e) The bank's customer should have an unqualified obligation to reimburse the bank for payments made under the letter of credit.

(f) All letters of credit shall be irrevocable.

(g) The bank shall charge a fee for either issuing or confirming a letter of credit.

§ 614.4800 Guarantees and sureties—banks for cooperatives.

A bank for cooperatives, under a policy approved by the bank's board of directors and the Farm Credit Administration, may lend its credit, be itself a surety to indemnify another, or otherwise become a guarantor if an eligible cooperative substantially benefits from the performance of the transaction involved. A bank for cooperatives may guarantee the debt of eligible cooperatives and foreign parties or otherwise agree to make payments on the occurrence of readily ascertainable events if the guarantee or agreement specifies a maximum monetary liability. Guarantees may be secured or unsecured, and can include, but are not limited to, such events as nonpayment of taxes, rentals, customs duties, costs of transport, and loss or nonconformance of shipping documents. The bank's customer shall have an unqualified obligation to reimburse the bank for payments made under a guarantee.

§ 614.4810 Standby letters of credit—banks for cooperatives.

(a) The banks for cooperatives are authorized to issue on behalf of parties eligible for financing under Regulations § 614.4120 standby letters of credit that represent an obligation to the beneficiary on the part of the issuer:

(1) To repay money borrowed by, advanced to, or for the account of the account party, or

(2) To make payment on account of any indebtedness undertaken by the account party, or

(3) To make payment on account of any default by the account party in the performance of an obligation.

(b) As a matter of sound banking practice, banks for cooperatives shall evaluate applications for standby letters of credit on the basis of credit factors listed in § 614.4150 of the Regulations.

§ 614.4900 Foreign exchange.

(a) Before a bank for cooperatives may engage in any financial transaction which transports monetary instruments:

(1) From any place within the United States to or through any place outside the United States, or

(2) To any place within the United States from or through any place outside the United States, the Farm Credit Administration must have already approved that bank's policies governing such transactions and determined that the bank has established procedures necessary to safeguard the interests of the stockholders of the bank in regard to such transactions.

(b) Under policies approved by the Farm Credit Administration, a bank for cooperatives may engage in currency exchange activities necessary to service individual transactions that may be financed under the regulations authorizing export, import, and other internationally related credit and financial services. These currency exchange activities shall not include any loans or commitments intended to finance speculative futures transactions by eligible borrowers in foreign currencies. The bank may engage on behalf of its eligible borrowers or on its own behalf in bona fide hedging transactions and positions, where such transactions or positions normally reduce risks in the conduct and management of international financial activities. The bank's policies should include established guidelines for:

(1) Net overnight positions, by currency.

(2) Maturity distribution, by currency, of foreign currency assets, liabilities, and foreign exchange contracts.

(3) Outstanding contracts with individual customers and banks.

(4) Credit approval procedures safeguarding against delivery or settlement risk.

(5) Total value of outstanding contracts, spot, forward, and future.

(c) A bank for cooperatives is responsible for its compliance with the laws of the United States in regard to reporting requirements of the Department of the Treasury pertaining to currency exchange activities and international transfers of monetary instruments.

(d) A bank for cooperatives engaged in foreign exchange trading shall have written policies describing the scope of trading activity authorized, delegation of authority, types of services offered, trading limits, reporting requirements, and internal accounting controls.

(e) The bank's trading guideline policies should provide for reporting procedures adequate to properly inform management of trading activities and to facilitate detection of lack of compliance with policy directives.

(f) The bank's policies shall establish foreign exchange delivery limits for eligible customers with relationship to the customer's financial capability to bear the financial risks assumed. The bank will be expected to maintain documentary evidence that a customer's delivery exposure is reasonable, and that responsible bank officers routinely review outstanding delivery exposure of individual customers.

(g) The bank's personnel policies shall include written standards of conduct for those involved with foreign exchange activities, including the following which should be prohibited:

(1) Trading with entities affiliated with the bank or with members of the board of directors.

(2) Foreign exchange and deposit transactions with other bank employees.

(3) Personal business relationships with foreign exchange and money brokers with whom the bank deals.

(h) The bank's policies should provide detailed instructions regarding the need for bank officers to disclose the limits of responsibility and liability of the bank when it holds positions or executes contracts for the account of eligible parties. The bank's policies regarding the respective procedures should provide reasonable assurance that reports on trading activities are current and complete, and that the opportunity for concealment of unauthorized transactions is kept at the absolute minimum.

(i) The 13 banks for cooperatives shall use the Fiscal Agency for purposes of trading foreign exchange. All foreign exchange transactions shall be made by the Fiscal Agency on behalf of the banks consistent with instructions received from the respective bank.

(j) Paragraphs (b) through (i) of this section will not apply if a bank purchases or sells foreign exchange through a commercial bank.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,
Acting Governor.

[FR Doc. 81–19897 Filed 7–6–81; 8:45 am]
BILLING CODE 6705–01–M

12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment proposed amendments to its regulations concerning deposits of funds and distribution of earnings and adds a new section to its regulations concerning bankers acceptances. The present regulation for deposit of funds is being revised to allow the banks for cooperatives to utilize non-Federal Reserve member State banks insured by FDIC and any other financial organization, domestic or foreign, as authorized and approved. The distribution of earnings regulation is being revised to add authority for the banks for cooperatives to treat earnings that result from loans to eligible noncooperative borrowers, to whom the Farm Credit Act Amendments of 1980 allow loans to be made, differently than earnings from cooperative borrowers.

Bankers acceptances created, discounted, or rediscounted by the banks for cooperatives can be resold in financial markets subject to regulations prescribed by the Farm Credit Administration. Therefore, Section 615.5550 under a new Subpart Q, Bankers Acceptances, is added to govern the rediscounting (sale) of bankers acceptances in the financial markets.

DATES: Written comments must be received on or before August 31, 1981.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION:

For the reasons set out in the summary, Part 615 of Chapter VI, Title 12, of the *Code of Federal Regulations* is amended as shown.

Subpart G—Deposit of Funds

1. Section 615.5190 is revised to read as follows:

§ 615.5190 General.

(a) Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations, and banks for cooperatives may deposit securities and current funds with and receive interest from any member bank of the Federal Reserve System or any insured State nonmember bank as defined in Section 2 of the Federal Deposit Insurance Act. Federal land bank associations and production credit associations also may deposit funds with their supervisory bank.

(b) The banks for cooperatives also may deposit securities and current funds with and receive interest from any foreign or domestic financial organization as may be authorized under policies adopted by the banks'

board of directors and approved by the Farm Credit Administration to the extent necessary to facilitate transactions described under § 614.4080(d) of these regulations, except that such deposits may not be made for purposes of making investments in foreign funds as specified in § 615.5140 of these regulations. The sum of deposits placed by a bank for cooperatives with financial organizations as authorized under the foregoing shall not exceed 10 percent of the aggregate bank for cooperatives total net worth for a period of more than 30 calendar days, and shall be made only by the Central Bank for Cooperatives on behalf of the district bank for cooperatives.

Subpart L—Distribution of Earnings

2. Section 615.5370 is amended by adding paragraph (d) to read as follows:

§ 615.5370 Banks for cooperatives earnings.

* * * * *

(d) Banks for cooperatives may allocate earnings from leveraged lease transactions and transactions involving letters of credit, bankers acceptance financing, and finance trade receivables with foreign borrowers in either of the two following ways: (1) As patronage dividends in cash and equity allocations resulting from transactions which have been initially capitalized by the borrowers by the purchase of equity or (2) allocation to unallocated surplus from those transactions which have not been initially capitalized and have been priced to reflect the use of the bank's capital. The allocation of earnings shall be the same for substantially identical transactions.

3. Section 615.5550 is added under a new subpart to read as follows:

Subpart Q—Bankers Acceptances

§ 615.5550 Bankers acceptances.

The banks for cooperatives may, at the discretion of bank management when delegated by the bank board under policies approved by Farm Credit Administration, rediscount with other purchasers the acceptances they have created.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

C. T. Fredrickson,

Acting Governor.

[FR Doc. 81-19898 Filed 7-6-81; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Ch. I

Regulatory Flexibility Act; Plan for the Periodic Review of Rules

AGENCY: Federal Trade Commission.

ACTION: Publication of a Plan for the Periodic Review of Commission Rules.

SUMMARY: The Federal Trade Commission (FTC), in accordance with the Regulatory Flexibility Act, is publishing a plan for the periodic review of rules which have or will have a significant economic impact on a substantial number of small entities. Under the plan, a year of review will be scheduled for each rule affecting small entities. The first of the scheduled reviews will commence in FY 1982.

FOR FURTHER INFORMATION CONTACT: William S. Sanger, Assistant Director for Compliance Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, Phone: 202-254-6122.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 et seq., (RFA), requires each agency to consider the effect on small entities of the substantive rules it promulgates. In this regard, Section 610 of the RFA, 5 U.S.C. 610, provides in pertinent part:

> Within one hundred and eighty days after the effective date of the chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule.

Accordingly, the FTC has prepared a plan for review of those of its rules which may have significant economic impact on small entities.

The Rules of the FTC are set forth in a number of Parts which constitute Chapter 1 of Title 16 of the Code of Federal Regulations. These Parts are set forth in separate Subchapters, each generally concerning a particular category of regulatory areas. For example, the rules set forth in Subchapters C, E, and G deal with requirements imposed under specific acts of Congress, e.g., Wool Products Labeling Act, Hobby Protection Act and the Magnuson-Moss Warranty Act. Those set forth in Subchapter D deal with specified business practices under Trade Regulations Rules (TRR) promulgated by the FTC, e.g., Mail Order Merchandise Rule, Negative Option Plans Rule and the Holder-in-Due-Course Rule (preservation of consumers' claims and defenses). Thus, it appears appropriate that the FTC conduct its review of substantive rules in accordance with their existing organization, and that generally all Parts primarily relating to one of the major categories be reviewed together. In devising its plan for review of the rules, the Commission has taken into consideration that several of the rules apply to the same general class of businesses and attempts have been made to avoid duplicative review procedures by conducting such reviews in the same year. Thus the Textile, Fur, and Wool Labeling acts regulations are all scheduled for FY 83 in an effort to provide businesses covered by all three of the rules with an opportunity to address similar problems at one time.

The RFA requires that the review of all rules existing on January 1, 1981, be completed by January 1, 1991, and further that:

> Each year, each agency shall publish a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule. 5 U.S.C. 610(c).

The FTC believes that it may effectively implement this requirement by completing its annual review for the preceding year, and commencing review of those rules scheduled for the next twelve months, at the time it publishes its regulatory flexibility agenda in October of each year. In this way, it will be able at the same time to publish in the agenda any contemplated rule revisions resulting from the previous year's review of existing rules. Therefore, the FTC proposes to commence its annual reviews by November 1 of each year, in accordance with the following schedule:

Subject	FTC rule	Review period (fiscal year)
TRR concerning cooling-off period for door-to-door sales	Part 429, Subchapter D	1982
TRR concerning mail order merchandise	Part 435, Subchapter D	1982
Rules, regulations, statements, interpretations under the Magnuson-Moss Warranty Act (presale availability).	Part 702, Subchapter G	1982
TRR concerning retail food store advertising and marketing practices	Part 424, Subchapter D	1982
Rules under the Wool Products Labeling Act of 1939	Part 300, Subchapter C	1983
Rules under Fur Products Labeling Act	Part 301, Subchapter C	1983
Rules under the Textile Fiber Products Identification Act	Part 303, Subchapter C	1983
TRR concerning disclosure requirements and prohibitions concerning franchising and business opportunity ventures.	Part 436, Subchapter D	1984
TRR concerning labeling and advertising of home insulation	Part 460, Subchapter D	1984
Rules for using energy costs and consumption information used in labeling and advertising for consumer appliances under the Energy Policy and Conservation Act.	Part 305, Subchapter C	1984
Rules, regulations, statements, interpretations under the Magnuson-Moss Warranty Act.	Part 700, Subchapter G	1985
TRR concerning preservation of consumers' claims and defenses	Part 433, Subchapter D	1985
Octane posting and certification rules	Part 306, Subchapter C	1985
TRR concerning care labeling of textile wearing apparel	Part 423, Subchapter D	1986
TRR concerning advertising of ophthalmic goods and services	Part 456, Subchapter D	1986
TRR concerning use of negative option plans by sellers in commerce	Part 425, Subchapter D	1986
Rules, regulations, statements interpretations under the Fair Packaging and Labeling Act.	Part 500, Subchapter E	1987
Rules under the Hobby Protection Act	Part 304, Subchapter C	1987
Discriminatory practices in men's and boy's tailored clothing industry TRR	Part 412, Subchapter D	1988
TRR concerning games of chance in the food retailing and gasoline industries	Part 419, Subchapter D	1988
TRR concerning power output claims for amplifiers utilized in home entertainment products.	Part 432, Subchapter D	1989
TRR concerning failure to disclose the lethal effects of inhaling quick-freeze aerosol spray products used for frosting cocktail glasses.	Part 417, Subchapter D	1989

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-20021 Filed 7-6-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Pennsylvania—1)]

Pennsylvania, High Cost Gas Produced from Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey that the Medina Group be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 29, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 15, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or John Roy Johnson, (202) 357-8731.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking by Director, OPPR

Issued June 29, 1981.

I. Background

On June 8, 1981, the Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey (Pennsylvania) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Medina Group located in northwestern Pennsylvania be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Pennsylvania's recommendation that the Medina Group be designated as a tight formation should be adopted. Pennsylvania's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Pennsylvania recommends that the Medina Group encountered in Erie, Crawford, Mercer, Venango, and Warren Counties, Pennsylvania be designated as a tight formation. The recommendation includes only those portions of the Medina Group which Pennsylvania designated as meeting tight formation guidelines. The Grimsby Sandstone, Cabot Head Shale, Manitoulin Dolomite where present, and the Whirlpool Sandstone comprise the Medina Group, a sequence of interbedded sandstones, siltstones, and shales of the Lower Silurian System in northwestern Pennsylvania. Regionally, the Medina Group dips to the southeast approximately 50 feet per mile. Net sandstone thickness (50% Gamma-Ray cutoff) is a maximum of 80 to 100 feet. The Medina Group extends southeastward to where the Whirlpool Sandstone is truncated in Warren, Forest, Clarion, Armstrong, Butler and Beaver Counties by an apparent unconformity.

III. Discussion of Recommendation

Pennsylvania's recommendation contains information, submitted by the Pennsylvania Oil and Gas Association—Gas Advocacy Committee in its application for designation of the Medina Group as a tight formation, which indicates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Pennsylvania states that, "* * * while the Pennsylvania Clean Streams Law prohibits pollution of all Pennsylvania waters, inadequate enforcement capabilities and the absence of specific

oil and gas drilling and operation regulations prevent us from providing assurance that fresh water aquifers will not be adversely affected by development of tight formations."

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Pennsylvania that portions of the Medina Group, as described and delineated in Pennsylvania's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting writting data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 29, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Pennsylvania-1), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 15, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Pennsylvania's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (57) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(45) through (56) [RESERVED]

(57) *Medina Group in Pennsylvania.* RM79-76 (Pennsylvania-1).

(i) *Delineation of formation.* The Medina Group is found in Erie, Crawford, Mercer, Venango and Warren Counties, Pennsylvania.

(ii) *Depth.* The Medina Group is defined as that formation occurring within the Lower Silurian System between the Reynales Dolomite and the Queenston shale found at an approximate depth of 3,000 feet in the updip area, dipping to the southeast at approximately 50 feet per mile.

[FR Doc. 81-19787 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 81N-0004]

Policy for Irradiated Foods; Advance Notice of Proposed Procedures for the Regulation of Irradiated Foods for Human Consumption; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on a report prepared by the agency's Bureau of Foods' Irradiated Food Committee. Availability of this report was announced in the **Federal Register** of March 27, 1981 (46 FR 18992).

DATE: Comments, information, and data by July 27, 1981.

ADDRESS: Written comments and material to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 27, 1981 (46 FR 18992), FDA made available to the public for comment the report of an internal agency task force, the Bureau of Foods' Irradiated Food Committee. Interested persons were encouraged to submit pertinent data and to express their views to aid in FDA's decisions on the subject of irradiated foods by June 25, 1981.

FDA has received comments from an individual who also suggested extending the comment period for an additional 90 days because the commenter believed some other interested parties would require additional time for comment. FDA also received a request on behalf of the Ad Hoc Enzyme Technical Committee for an additional 30 days for comment to July 27, 1981.

The agency has evaluated the requests and concludes at this time that the comment period should be extended 30 days to July 27, 1981. This conclusion is based on the fact that additional requests for a longer comment period did not materialize.

Interested persons may, on or before July 27, 1981, submit to the Dockets Management Branch (address above), written comments regarding this advance notice of proposed rulemaking. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19804 Filed 6-30-81; 11:30 am]

BILLING CODE 4110-03-M

21 CFR Part 610

[Docket No. 81N-0116]

Hepatitis Requirements; Amendment of Restrictions on Use as Injectable Biological Products

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend restrictions on the collection and use of blood, plasma, or serum that has been shown to be reactive for hepatitis B surface antigen. Current regulations state that any such reactive blood, plasma, or serum shall not be used in the manufacture of injectable biological products. Recent data submitted to the agency suggest that blood, plasma, or serum that is reactive for hepatitis B surface antigen can effectively be used to produce an inactivated vaccine against hepatitis B. Accordingly, the agency proposes to amend the regulations to permit the collection and use of blood, plasma, or serum reactive for hepatitis B surface antigen for further manufacture into licensed hepatitis B vaccine.

DATES: Comments by September 8, 1981. FDA proposes to make the final regulation effective immediately upon licensure of the first hepatitis B vaccine.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Hepatitis B is one of three types of viral hepatitis (hepatitis A, hepatitis B, and hepatitis non-A, non-B) that causes illness with principal damage to the liver. Hepatitis B occurs mainly in adults and can be spread by blood transfusion, use of contaminated needles or syringes, exposure to aerosolized infected blood, or close physical contact with an infected individual. Patients on kidney dialysis, blood bank laboratory workers, and health care professionals are particularly at risk to hepatitis B infections.

Since 1975, clinical trials both in France and the United States have been conducted with vaccines that are designed to be protective against hepatitis B. Early results of these clinical trials suggest that vaccinated individuals respond to the vaccine by producing antibodies specific to the hepatitis B surface antigen. These and other studies have led to large-scale efficacy trials for hepatitis B vaccine that are currently ongoing and will ultimately involve thousands of people. If the results of the efficacy trials are satisfactory and the vaccine is licensed for marketing in interstate commerce, a reliable source for hepatitis B surface antigen will be needed.

An international workshop on hepatitis B vaccines, sponsored by FDA's Bureau of Biologics and the National Institute of Allergy and Infectious Diseases of the National Institutes of Health, was held in Bethesda, MD, on January 18 and 19, 1979. At this workshop it was affirmed that hepatitis B surface antigen (HBsAg) found in plasma of selected, chronically infected persons is, at present, the major source material for manufacture of hepatitis B vaccines because hepatitis B virus has not been grown successfully in culture media. Other more practical sources for large volumes of the antigen are potentially available from units of blood found to be reactive for HBsAg during routine screening of donors and by plasmapheresis of individuals with high titers of the antigen. But the existing biologics regulations prohibit use of these sources for injectable products.

Section 610.40(d) (21 CFR 610.40(d)) of the biologics regulations prohibits the use of any blood, plasma, or serum reactive for hepatitis B surface antigen for manufacturing injectable biological products. In addition, § 610.41 (21 CFR 610.41) requires that any person whose blood, plasma, or serum is reactive or known to have been reactive for hepatitis B surface antigen may not serve as a donor of human blood, plasma, or serum which is to be used in preparing any injectable biological product.

To provide a practical source of large volumes of HBsAg, the agency proposes to amend §§ 610.40 and 610.41 to permit the collection and use of blood, plasma, and serum reactive for hepatitis B surface antigen for further manufacture into hepatitis B vaccine. Because no licenses for marketing hepatitis B vaccine have been approved to date, any final regulation issued as a result of this proposal would not become effective until after FDA grants the first license for hepatitis B vaccine.

Incomplete data currently available to FDA suggest that hepatitis B vaccine may be a potential life-saving drug. There are no similar products currently available. To ensure that there are no undue delays in the availability of a potential life-saving vaccine, FDA proposes to make the final regulation effective immediately upon licensure of the first hepatitis B vaccine. Based on current estimates, complete data concerning the effectiveness of hepatitis B vaccine may be available in 6 months.

Although this proposal would permit a unit of blood, plasma, or serum found reactive for hepatitis B surface antigen to be used for further manufacture, the current regulations concerning donor suitability prescribed in §§ 640.3 (b)(5) and (c) and 640.63(c) (9), (11), (12), and (13) prohibit acceptance of a donor known to have had exposure to hepatitis. Accordingly, the agency proposes to amend § 610.41 to permit acceptance of a donor known to have had exposure to hepatitis for the purpose of collecting blood, plasma, or serum, provided that a license application amendment is approved under § 640.75.

The agency has carefully considered the potential environmental impact of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (under 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 610 be amended:

1. By revising § 610.40(d), to read as follows:

§ 610.40 Test for hepatitis B surface antigen.

* * * * *

(d) *Restrictions on use.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen shall not be used in manufacturing biological products except as provided in paragraph (d) (1) and (2) of this section.

(1) *Injectable biological products and licensed in vitro diagnostic biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing licensed hepatitis B vaccine and licensed in vitro diagnostic biological products if all of the following conditions are met:

(i) The final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product.

(ii) The label of the source blood, plasma, or serum conspicuously states that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis.

(iii) The package label of the licensed in vitro diagnostic biological product prepared from such blood, plasma, or serum states conspicuously that the product was prepared from material that was reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis.

(iv) The package label of the licensed injectable biological product prepared from such blood, plasma, or serum for the production of hepatitis B vaccine states that the product has been attenuated or inactivated.

(v) The Director, Bureau of Biologics, Food and Drug Administration, is notified in writing at the time of shipment, or in the case of repetitive shipments, on April 1 and October 1 of each year, of each shipment of source blood, plasma, or serum for production into in vitro diagnostic biological products or hepatitis B vaccine. Each notification shall identify the kind and amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which the source material was labeled.

(2) *Unlicensed in vitro diagnostic biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B surface antigen may be used in manufacturing unlicensed in vitro diagnostic biological products including clinical chemistry control reagents if all of the following conditions are met:

(i) The final product cannot be prepared from blood, plasma, or serum that is nonreactive when tested for hepatitis B surface antigen, due either to the nature or to the scarcity of the final product.

(ii) The label of the source blood, plasma, or serum states conspicuously that it is reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis.

(iii) The manufacturer of the source blood, plasma, or serum obtains written assurance from the manufacturer(s) of the final unlicensed product that package labels of all unlicensed products will conspicuously state that the product was prepared from blood, plasma, or serum that was reactive when tested for hepatitis B surface antigen and may transmit viral hepatitis, as required by § 809.10(a)(4) of this chapter.

(iv) At the time of shipment, the Director, Bureau of Biologics, Food and Drug Administration, is notified in writing of each shipment of source blood, plasma, or serum signifying the kind and the amount of source material shipped, the name and address of the consignee, the date of shipment, and the manner in which such source material was labeled.

* * * * *

2. By revising § 610.41, to read as follows:

§ 610.41 History of hepatitis B surface antigen.

A person testing positive or known to have previously tested positive for hepatitis B surface antigen may not serve as a donor of human blood, plasma, or serum, except that under § 640.75 of this chapter, such a donor may serve as a source of hepatitis B surface antigen for the production of licensed hepatitis B vaccine and the preparation of diagnostic products for laboratory tests, or a person known to have previously tested positive for hepatitis B surface antigen may serve as a source of antibody to hepatitis B surface antigen for the preparation of diagnostic products for laboratory tests.

Interested persons may, on or before September 8, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The economic impact of this proposed rule has been assessed in accordance with Executive Order 12291 (46 FR 13193; February 19, 1981). This proposal is not a major rule as defined by that order. It is expected that the proposed regulation will not result in any increase in the cost of biological products being regulated, and may serve to decrease the production cost of hepatitis B vaccine by increasing the availability of source material for its manufacture. The assessment for making that determination is on file with the Dockets Management Branch, Food and Drug Administration.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354), a regulatory flexibility analysis has been prepared for this document, and it has been determined that the proposed rulemaking does not have a significant economic impact on a substantial number of small business entities. A copy of the regulatory flexibility analysis supporting this determination is on file with the Dockets Management Branch, Food and Drug Administration.

Dated: June 11, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–19452 Filed 7–6–81 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 660

[Docket No. 81N–0119]

Amendment of Additional Standards for Blood Grouping Serum To Permit Use of Chemically Modified Antisera

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the biologics regulations by revising potency requirements for Blood Grouping Sera to permit marketing of chemically modified Blood Grouping Sera. Current potency requirements are unsuitable for chemically modified Blood Grouping Sera. The proposed regulation would permit, where appropriate, the use of alternative manufacturing methods, procedures, or potency tests for such products as chemically modified Blood Grouping Sera.

DATE: Comments by September 8, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: Blood Grouping Serum consists of a sterile preparation of serum containing one or more blood grouping antibodies and is used to detect ABO, Rh, and other antigens of red blood cells. The additional standards for the processing and testing of Blood Grouping Serum, §§ 660.20–660.29 (21 CFR 660.20–660.29) were published in the **Federal Register** of October 7, 1977 (42 FR 54534). Since publication of the additional standards, manufacturers have developed a new class of products, chemically modified Blood Grouping Sera, which are fundamentally different from previously manufactured Blood Grouping Sera. The chemically modified Blood Grouping Sera differ from traditional Blood Grouping Sera in that the chemically modified reagents do not contain increased amounts of protein or high molecular weight additives which can cause false-positive results. Through chemical modification, Immunoglobulin G (IgG) antibody molecules become capable of agglutinating red blood cells directly and therefore eliminate the need for enzyme treatment or an antiglobulin test phase. The advantages of the chemically modified Blood Grouping Sera include avoiding most false-positive test results when using immunoglobulin-coated red blood cells and facilitating faster blood group testing.

The current potency requirements for Blood Grouping Sera in § 660.25(a)(5) are unsuitable for testing the potency of chemically modified Blood Grouping Sera. This unsuitability results from the current requirement that agglutination assays be conducted at specified dilutions. Although all Blood Grouping Sera are used in an undiluted state for detecting the presence of antigens on the surface of red blood cells, potency tests on diluted Blood Grouping Sera are required to ensure that the Blood Grouping Sera have sufficient potency to provide a margin of safety throughout the shelf life of the product. To meet the potency requirements, the product must have specified potency titer values. The current potency test requirements are inappropriate for the chemically modified Blood Grouping Sera because these products do not react serologically like traditional Blood Grouping Sera. Serial dilutions of the chemically modified Blood Grouping Sera do not provide satisfactory titer values in direct agglutination assays as prescribed in § 660.25(a)(5). Manufacturers, however, have developed other test methods to ensure the effectiveness of chemically modified Blood Grouping Sera.

The agency proposes to amend § 660.25 to allow alternative manufacturing procedures or test methods to substitute for current manufacturing procedures or test methods for these chemically modified Blood Grouping Sera. This exception would apply whenever a manufacturer presents evidence demonstrating that the alternative manufacturing procedures or test methods will provide assurances of the specificity, potency, and effectiveness of the modified Blood Grouping Serum that equals or exceeds the assurances provided by the manufacturing procedures or test methods currently prescribed by the additional standards.

Currently there are no Reference Blood Grouping Sera available for chemically modified Blood Grouping Sera. Potency reference standards for these new products may be developed at some future date, but the present limited experience with chemically modified Blood Grouping Sera precludes standard development at this time.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has examined the regulatory impact and regulatory flexibility implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The agency believes that the proposed rule will produce no adverse effect on manufacturers or users of Blood Grouping Sera because it simply relieves a current restriction on the manufacturers of these products. The decision whether or when to substitute the chemically modified version for traditional Blood Grouping Sera remains with the manufacturers and users of the products, who presumably will select the chemically modified version only when its advantages outweigh any cost increments.

Therefore, the agency concludes that the proposed rule does not warrant designation as a major rule under any of the criteria specified under section 1(b) of Executive Order 12291. The agency similarly concludes that the proposed rule would not adversely impact on small entities, including small businesses, by reason of the free choice among product alternatives offered by the proposed regulation.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 660 be amended in § 660.25 by adding new paragraph (d) to read as follows:

§ 660.25 Potency test without reference preparations.

* * * * *

(d) *Equivalent methods.* Modification of any particular manufacturing method or procedure, including modification of required potency test procedures, shall be permitted whenever a manufacturer presents evidence demonstrating that the alternative methods, procedures, or tests will provide assurances of the specificity, potency, and effectiveness of the modified Blood Grouping Serum that are equal to or greater than the assurances provided by the methods, procedures, or tests currently prescribed by such standards, and the Director, Bureau of Biologics, so finds and makes such finding a matter of official record.

Interested persons may, on or before September 8, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–19786 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorages, Gulf of Mexico

Correction

FR Doc. 81–19393 was published in the Rules and Regulations Section on page 34583 in the issue of Thursday, July 2, 1981. It should have appeared in the Proposed Rules Section.

BILLING CODE 1505–01–M

VETERANS ADMINISTRATION

38 CFR Part 36

Post-Liquidation Agreements for Indemnification of Mobile Home Loan Holders; Clarification of Regulations Governing Foreclosure or Repossession of Mobile Home Loans

AGENCY: Veterans Administration (VA).

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) is proposing to amend

its regulations to specify the conditions under which the Administrator will agree to indemnify the holder of a mobile home loan who liquidates the security and finances a resale of the property. Adoption of this amendment should facilitate the resale of repossessed mobile home units.

The VA is also proposing to amend its mobile home loan regulations to assure uniform application of the rule that VA prior approval should be obtained before making repairs exceeding $400 to the mobile home unit or other security upon termination of a mobile home loan. This change is necessary because present regulations do not address the prior approval requirement in cases involving repossession, rather than some other method of termination. Certain other post-termination rules would also be given uniform application. The revised regulation will provide clear guidance on the procedure to follow and will assure advance authorization of major repairs.

It is also proposed to strike an erroneous reference and to make minor editorial changes to reflect agency policy of using precise terms in lieu of gender-specific pronouns.

DATES: Comments must be received on or before August 6, 1981. It is proposed to make these amendments effective on the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above until August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Department of Veterans Benefits, Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202–389–3668.

SUPPLEMENTARY INFORMATION: When a VA guaranteed mobile home loan goes into default and the holder of the loan repossesses the security, § 36.4283 requires the holder to resell the security at a minimum price established by VA as the reasonable value of the property. The amount of the sale price must be credited to the veteran's indebtedness. The holder may then file a claim under the guaranty for the balance of the eligible debt plus allowable costs. Holders are reluctant to assume the risks of reselling the repossessed mobile home on other than an all-cash basis. The proposed amendment to § 36.4283(f) would provide that, in return for the holder's continued risk in making a low downpayment loan to finance the resale of a repossessed mobile home, the VA would agree to indemnify the holder against additional monetary loss up to the difference between the amount of VA's maximum liability (calculated under present § 36.4284(a)), and the amount of any partial claim paid to the holder upon termination of the veteran's loan. This procedure would facilitate the resale of a repossessed unit on a retail basis by the holder, normally yield a higher selling price on the security than on an all-cash sale, and reduce the dollar amount of VA claims. Holders would be allowed to finance the resale with continued VA contingent liability within the loan maturity and interest rate limits of §§ 36.4204(c) and 36.4212. The VA's liability under the indemnification agreement would decrease or increase (subject to the maximum liability) pro rata with any decrease or increase in the amount of the unpaid portion of the new loan.

The present regulatory requirement that a lender notify VA at least 10 days in advance concerning the terms of any proposed resale of a repossessed mobile home would be deleted. Circumstances in the industry make it unreasonable to expect 10 days' advance notice. Further, VA's policy has been to give holders advice of minimum sales prices in advance based on the reasonable value of the property. The proposed regulatory amendment recognizes this need for simplification of the resale procedure.

The present regulatory provision regarding indemnification agreements would also be deleted. The establishment of the current reasonable value as the basis of the accounting between the holder and the Administrator makes this provision unnecessary. The proposed change would allow holders to request that VA review the established minimum sales price to assure that values are not established arbitrarily.

Concerning the amendment of § 36.4283(h), the holder of the loan must frequently incur expenses necessary to preserve the security upon termination of a mobile home loan following default by the borrower. These expenses will be reimbursed by the VA provided that they are reasonable in amount and necessary for the preservation or refurbishment of the property. Section 36.4283(h)(3) currently requires prior approval of the VA if the cost exceeds $400, but the section applies only to mobile home loans which are terminated via judicial or statutory sale, power of sale, deed in lieu of sale, or to loans secured by real property. Section 36.4283(h) does not address loans terminated by repossession. The proposed amendment would bring loans terminated by repossession within the coverage of the section.

The method by which a mobile home loan is terminated has no bearing on the reasonableness of expenses undertaken to preserve or refurbish the security. The proposed amendment would provide a uniform standard for prior approval of these expenses that would be applied to all mobile home loans, without regard to the method of termination. Prior approval would be required in all cases where the expenditure exceeds $400. This provides VA with an earlier opportunity to evaluate cases where major expenses are contemplated, and to determine whether the expenses are reasonable. VA advance approval of the expenditure should reduce the likelihood that a major claim will later be disallowed as unnecessary or unreasonable.

The proposed amendment to § 36.4283(h) would also provide for uniform application of certain other post-termination rules. First, the holder must report the occupancy status of the property and must obtain the prior approval of the Administrator before altering occupancy status. Second, the holder is responsible for certain losses from the date of acquisition until the date of liquidation. Third, income and insurance proceeds collected from the property must be included as credits in the accounting filed with the Administrator. These requirements are considered necessary and appropriate for the sound operation of the mobile home loan program and should be applied uniformly, without regard to the method by which the loan was terminated.

Section 36.4283(j) provides that "The provisions of this section shall not be in derogation of any rights which the Administrator may have under § 36.4284." This is an erroneous reference; the reference should have been to the Administrator's rights under § 36.4286.

Section 36.4284 is technical in nature, and provides only for the calculation and computation of the cutoff dates, credits and setoffs, amount of claim and amount of indebtedness. There are no discretionary functions contemplated under this section. Section 36.4286, on the other hand, authorizes the Administrator to disallow a claim in cases involving forgery or adjust a claim involving fraud, misrepresentation, failure to retain a lien of the required dignity, or violation of certain other requirements. Reference to § 36.4284 at the time of original publication of § 36.4283(j) was an error, and this proposed amendment would make the necessary correction.

These amendments have been reviewed pursuant to Executive Order 12291, entitled Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164). The proposed amendments have been found to be nonmajor with respect to the Executive Order and nonsignificant with respect to the Regulatory Flexibility Act.

Concerning Executive Order 12291, a major rule (regulation) is defined as having an annual effect on the economy of 100 million or more dollars; cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies; or significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets. These proposed regulations will not impact on the public or private sectors as a major rule as defined by the Executive Order. Concerning the Regulatory Flexibility Act, each agency must analyze the effects of regulatory requirements on small business, government jurisdictions and organizations, (collectively referred to as small entities). The proposed amendments should have no impact upon small government jurisdictions or organizations, and the regulations will impose little compliance costs and no reporting burdens upon small businesses participating in the Loan Guaranty program. We have concluded, therefore, that the proposed regulations have a nonsignificant economic impact upon small entities.

The amendments are proposed under authority granted to the Administrator by sections 210(c) and 1819(g) of title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until August 17, 1981. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: June 17, 1981.

D. Custis,

Acting Administrator.

§ 36.4282 [Amended]

1. Section 36.4282 is amended as follows:

(a) By removing the word "his" and inserting the words "the Administrator's" in paragraph (c), the last sentence of paragraph (d) and in paragraph (e);

(b) By removing the words "may at his option" and "his" and inserting the words "shall have the option to" and "the Administrator's" in the first sentence of paragraph (f) and deleting the word "him" (twice) and "he" and inserting "the Administrator" in the second sentence.

2. Section 36.4283 is amended as follows:

(a) By removing the word "he" and inserting the words "the Administrator" in the introductory portion of paragraph (a) preceding subparagraph (l).

(b) By removing "§ 36.4284" and inserting "§ 36.4286" in the first sentence of paragraph (j).

(c) By revising paragraph (f) and the introductory portion of paragraph (h) and (h)(1) as follows:

§ 36.4283 Foreclosure or repossession.

* * * * *

(f) When the security for a guaranteed loan is acquired by the holder through foreclosure or otherwise, the holder shall resell the property within a reasonable time and may thereafter submit its claim under the guaranty. The Administrator, upon receipt of a notice of acquisition, shall determine the current reasonable value of the property and advise the holder of the minimum selling price that will be acceptable in any accounting with the Administrator upon liquidation of the security.

(1) If the holder resells the property for an amount at least equal to the minimum selling price, it shall credit the indebtedness with the proceeds of the sale.

(2) If the holder is unable to resell the property for an amount at least equal to the minimum selling price after exposure to the market for a reasonable period of time, the holder may submit to the Administrator a written advice setting forth the price, terms, conditions and expenses of any offer received. The Administrator shall thereupon:

(i) Assent to the resale of the property upon the terms of such offer, in which event the holder will credit the indebtedness with the proceeds of the sale, or

(ii) Review the minimum selling price previously established and, if appropriate, provide the holder with a reduced minimum selling price at which the property shall be further exposed to the market.

(3) If the holder resells the property and finances the sale under the terms of a new security agreement and note, the Administrator may, pursuant to paragraph (f)(3)(iv) of this section, agree to indemnify the holder against loss on the new loan.

(i) The Administrator's maximum liability under the indemnity agreement shall be the percentage of the loan originally guaranteed applied to the indebtedness as of the date for claim computation as set forth in § 36.4284(a), or the amount originally guaranteed, or the amount of the Administrator's liability under a preexisting indemnity agreement, whichever is less.

(ii) In the event the proceeds of sale are less than the total indebtedness, the Administrator may pay a partial claim for the difference between the indebtedness and the proceeds of sale and thereafter agree to indemnify the holder for the amount of the maximum liability as of the date of claim computation, less the amount of claim paid.

(iii) Subject to the limitation that the total amount payable under an indemnity agreement shall in no event exceed the Administrator's maximum liability, the remaining liability will be continued as a percentage of the new loan amount increasing or decreasing pro rata with any increase or decrease in the balance of the loan obligation.

(iv) The Administrator shall execute an indemnity agreement evidencing the amount and terms of the indemnity liability, provided:

(A) The Administrator has determined that resale of the security under an indemnity agreement is in the best interest of the Government, and the holder has obtained the prior approval of the Administrator;

(B) The terms of repayment of the proposed loan bear a proper relationship to the borrower's present and anticipated income and expenses, and the borrower is a satisfactory credit risk;

(C) The borrower executes an agreement establishing liability to the Administrator for the amount of any claim paid under the indemnity agreement;

(D) The term of the proposed loan does not exceed the maximum term allowable under § 36.4204(c)(4);

(E) The interest rate charged the borrower does not exceed the maximum rate allowable under § 36.4212;

(F) The holder agrees to comply with VA mobile home regulations as if the original loan had not been terminated. (38 U.S.C. 1819(g))

* * * * *

(h) If the property securing the guaranteed loan is acquired by a holder pursuant to paragraph (a), (b) or (c) of this section, or § 36.4282(g), the following provisions shall apply:

(l) The holder's notice to the Administrator after acquisition shall state the amount of the successful bid at public sale, or in the event of a repossession or a voluntary conveyance, the date of acquisition.

* * * * *

(38 U.S.C. 210(c), 1819(g))

[FR Doc. 81-19993 Filed 7-6-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1675-6]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen (NO_x) Emission Standards; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing to consider applications for waivers.

SUMMARY: Under Section 202(b)(6)(B) of the Clean Air Act (Act), EPA may waive the 1981–1984 model year NO_x standard applicable to diesel-powered light-duty vehicles after notice and an opportunity for hearing. This notice announces receipt of waiver applications from Ford Motor Company (Ford), Automobiles Peugeot (Peugeot), and Volvo of America (Volvo), and provides an opportunity for a public hearing to consider these, and any other timely NO_x waiver applications.

DATES: This notice announces that EPA has tentatively scheduled a consolidated public hearing beginning at 9:00 a.m. on July 23, 1981, if any party notifies EPA by July 16, 1981, that it wishes to present oral testimony on Ford's, Volvo's and Peugeot's waiver applications, and on any other NO_x waiver application that EPA receives by July 13, 1981. Interested parties should submit any relevant written comments by July 30, 1981, to ensure that the Administrator can consider these comments in deciding on the waiver applications. If no party submits a timely notice to EPA that it wishes to testify, EPA will consider the waiver request based on written submissions to the record.

ADDRESSES: Manufacturers submitting NO_x waiver applications, and parties interested in submitting proposed testimony or relevant written comments should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. EPA has tentatively scheduled a public hearing at the EPA Conference Room 2128, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Information submitted by applicants and other relevant information will be available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-120), Gallery I, Waterside Mall, 401 M Street, S.W., Washington D.C. (Docket Number EN-81-7).

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B)(1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981–1984 model year NO_x standard of 1.0 grams per mile (g/mi). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model-year period beginning in model year 1981, up to a maximum level of 1.5 g/mi, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the **Federal Register** at 43 FR 30341 (July 14, 1978), in order to apprise manufacturers of the information deemed necessary to demonstrate that a waiver should be granted. EPA also published a notice in the **Federal Register** at 46 FR 20705 (April 7, 1981), announcing procedures for submitting NO_x waiver applications covering model years 1981–1984.

EPA has already received waiver applications from Peugeot, Ford, and Volvo for waiver of the 1.0 g/mi NO_x standard in model years 1983 and 1984. This notice announces a tentatively scheduled public hearing to consider these applications, and any others that are submitted before July 13, 1981.

If no party notifies EPA by July 16, 1981, that it wishes to testify, EPA will consider the applications based on written submissions of the parties and information otherwise included in the record.

II. Hearing Procedures

If the tentatively scheduled hearing takes place, it will provide an opportunity for interested persons to state their views or arguments or to provide pertinent information concerning the waiver requests at issue. Any party desiring to make an oral statement at the hearing should file a notice of such intention with the Director of EPA's Manufacturers Operations Division at the address listed above no later than July 16, 1981. The procedures for the hearing will be the same as those which EPA has employed in previous NO_x waiver hearings. [1]

Presentations by the participants at the hearing, if any, and interested parties who make written submissions or file applications should address the considerations listed in previous NO_x waiver hearing notices [2] and in the **Federal Register** notice that announced consolidated proceedings to consider NO_x waiver applications for the 1981–1984 model years. [3]

Whether or not EPA holds a hearing, the record will remain open until July 30, 1981, for the submission of written information for consideration by the Administrator in formulating this waiver decision. If EPA does hold the hearing, the Agency will make a verbatim record of the proceeding. Interested parties may obtain a copy of the transcript at their own expense by so arranging with the reporter during the hearing. The

[1] *See*, 45 FR 27788, 27789 (April 24, 1980).
[2] *See*, 45 FR 73790, 73792 (November 6, 1980).
[3] 46 FR 20705, 20706 (April 7 1981).

Administrator will base determinations with regard to the manufacturers' waiver requests on the record of the public hearing, if any, and on any other relevant written materials submitted to, or otherwise included in the record. This information will be available for public inspection at the EPA Central Docket Section in Docket Number EN-81-7. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: June 30, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-19841 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6074]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Boston, Suffolk County, Massachusetts, previously published at 46 FR 30121 on June 5, 1981.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Boston, Suffolk County, Massachusetts, previously published at 46 FR 30121 on June 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Due to a clerical error, a location under the Source of Flooding of Neponset River was listed as "upstream MBTA Bridge (1st upstream crossing)"; it should be amended to read "upstream MBTA Bridge (2nd upstream crossing)". The corresponding elevation was correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19812 Filed 7-6-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6005]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Franklin, Norfolk County, Massachusetts, previously published at 46 FR 15290 on March 5, 1981, and in the *Milford Daily News* on March 11, 1981 and March 18, 1981.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Franklin, Norfolk County, Massachusetts, previously published at 46 FR 15290 on March 5, 1981, and in the *Milford Daily News* on March 11, 1981, and March 18, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

In order for the following location under the Source of Flooding of Mine Brook to be correctly identified with the Flood Insurance Study (profiles) and Rate Maps, the description listed as "Upstream of I-495 (1st crossing)", should be amended to read "Downstream of I-495 (1st crossing)."

Also, due to a clerical error, the address to which comments are to be sent and at which the maps are available for inspection, was published incorrectly. The correct address for comments is Franklin Municipal Building, 150 Emmons Street, Franklin, Massachusetts 02038. Maps may be reviewed at the Office of the Building Inspector, Franklin Municipal Building.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19811 Filed 7-6-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-402; RM-3764]

FM Broadcast Stations in Yuma, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 285A to Yuma, Arizona, in response to a petition filed by People Broadcasting Company. The assignment would provide Yuma with a thrid FM service.

DATE: Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Yuma, Arizona), BC Docket No. 81-402, RM-3764.

Adopted: June 16, 1981.

Released: June 29, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner. Proposal. Comments:* (a) A petition for rule making [1] was filed by People Broadcasting Company ("petitioner"), proposing the assignment of FM Channel 265A to Yuma, Arizona, as that community's third assignment.

(b) The channel can be assigned to Yuma, with a site restriction in order to conform with the applicable minimum distance separation requirements of § 73.207 of the Commission's rules.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic data*—(a) *Location.* Yuma, the seat of Yuma County, is located approximately 248 kilometers (155 miles) southwest of Phoenix, Arizona.

(b) *Population:* Yuma (population 29,007);[2] Yuma County (population 60,827).

(c) *Local Aural Broadcast Service.* Yuma is served locally by two fulltime AM stations, one daytime-only AM, and two FM stations.

3. *Economic Considerations.* Petitioner states that its economic base is derived from the fact that Yuma is the main trade area for more than 270,000 persons in the United States, and 600,000 in nearby Mexico. It adds that Yuma is supported by, and is the center of, agriculture, manufacturing, retail trade and government activities, as well as tourism and recreation. Petitioner has submitted the required data with respect to Yuma to support its need for the requested assignment.

4. *Technical Data.*—(a) *Preclusion.* Petitioner did not submit a preclusion study to indicate what communities having populations over 1,000 persons and currently without any FM assignments, would be affected by this proposal. Since the request seeks a third assignment to a community of less than 50,000, preclusion data is important to justify an exception to our population criteria which places a limit of two channels to such communities. Petitioner should list alternate channels which could be assigned to any precluded communities. This data must be submitted by the date set forth herein for filing comments, before this proposal can be effectuated.

(b) *Intermixture.* The assignment of Channel 265A to Yuma would result in intermixing a Class A channel with Class C Channels 228 and 236. Petitioner has indicated that an effort was made to find a Class B or C channel for assignment to that community, but that Channel 265A was the best channel available. The Commission has a policy of permitting such intermixture where no other Class C channels are available for assignment and, where, as here, the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation. See, *Yakima, Washington,* 42 F.C.C. 2d 548, 550 (1973); *Key West, Florida,* 45 F.C.C. 2d 142, 145 (1974). Petitioner is requested to indicate whether it found any Class C channels assignable to Yuma.

(c) *Site Restriction.* The transmitter site must be located approximately 9.9 kilometers (6.2 miles) east-southeast of Yuma, to avoid short-spacing to Channel 265A in Calipatri, California. Petitioner indicates in its engineering statement that the transmitter location is proposed to be approximately 12.1 kilometers (7.5 miles) in that specified direction from Yuma, to conform with the mileage separation requirements.

5. Since Yuma is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence in this proposal by the Mexican Government must be obtained.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Yuma, Arizona	226, 236	226, 236, 265A.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 28, 1981, and reply comments on or before September 17, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–402 RM–3764]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[1] Public Notice of the petition was given October 17, 1980, Report No. 1253.

[2] Population figures are taken from the 1970 U.S. Census.

[FR Doc. 81–19880 Filed 7–6–81; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–373; RM–3790]

FM Broadcast Station in Eureka Springs, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 265A to Eureka Springs, Arkansas, in response to a petition filed by Beverly Ann and Tom S. Butler. The assignment would provide Eureka Springs with a first local commercial FM assignment.

DATES: Comments must be filed on or before August 7, 1981, and reply comments on or before August 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Eureka Springs, Arkansas), BC Docket No. 81–373, RM–3790.

Adopted: June 2, 1981.

Released: June 10, 1981.

By the Chief, Policy and Rules Division.

1. Beverley Ann and Tom S. Butler ("petitioners") have filed a petition for rule making [1] seeking assignment of Channel 265A to Eureka Springs, Arkansas, as that community's first commercial FM assignment. The assignment could be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules, and petitioners state they will apply for the channel, if assigned.

2. Eureka Springs (population 1,670),[2] one of the seats of Carroll County (population 12,301), is located in the northwest corner of Arkansas, approximately 232 kilometers (145 miles) northwest of Little Rock. It presently has no local commercial service, but is served by noncommercial educational FM Station KESP (Channel 215A).

3. The proponent indicates that Eureka Springs has no local aural service and indicates that there is a need for an FM station. However, petitioner should supply demographic data to demonstrate that the community needs the assignment by the date set forth herein for filing supporting comments.

4. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Eureka Springs, Arkansas		265A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before August 7, 1981 and reply comments on or before August 27, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–373 RM–3790]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Comunications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if

[1] *Public Notice* of the petition was given on November 10, 1980, Report No. 1256.

[2] Population figures are taken from the 1970 U.S. Census.

advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.40 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19957 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-374; RM-3741]

FM Broadcast Station in Emporia, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 269A to Emporia, Kansas, in response to a petition filed by G and S Enterprises. The assignment would provide Emporia with a second FM assignment.

DATES: Comments must be filed on or before August 7, 1981, and reply comments on or before August 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Emporia, Kansas), BC Docket No. 81-374, RM-3741.

Adopted: June 2, 1981.

Released: June 10, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making[1] was filed by G and S Enterprises, proposing the assignment of Channel 269A to Emporia, Kansas, as that community's second FM allocation. No responses to the petition have been filed.

(b) The channel can be assigned to Emporia, with a site restriction to conform with the minimum distance separation requirements.

(c) Petitioner has failed to state in its proposal that it will apply for the channel, if assigned, and it is requested that it make a commitment to that effect in its comments.

2. *Community Data*—(a) *Location.* Emporia, the seat of Lyon County, is located approximately 80 kilometers (50 miles) southwest of Topeka, Kansas, the State capital.

(b) *Population.* Emporia—23,327; Lyon County—32,071.[2]

(c) *Local Aural Broadcast Service.* Emporia is served locally by commonly-owned full-time Stations KVOE (AM) and KLRF (FM).

3. *Economic Considerations.* Petitioner states that Emporia has its own local government unit, stores, and educational institutions. Among its various industries, the major employer is a beef processing plant, which it states is one of the nation's largest. Petitioner has submitted sufficient demographic and economic data to demonstrate the need for a second FM assignment.

4. *Preclusion Considerations.* The assignment of Channel 269A to Emporia will cause preclusion only on the co-channel 269A, within 65 miles. In the precluded area are two communities (Madison and Burlington, Kansas) with populations exceeding 1,000 and without local service, according to petitioner. We are further told that Madison could be served by Channel 252A, but that no channel is available at Burlington.

[1] *Public Notice* of the petition was given September 19, 1980, Report No. 1246

[2] Population figures are taken from the 1970 U.S. Census.

5. *Technical Data.* The transmitter site must be located 6.6 kilometers (4.1 miles) southeast of Emporia to avoid short-spacing to existing Station KMKF (Channel 269A), in Manhattan, Kansas.

6. In view of the apparent need for a second FM assignment, which could provide a first competitive FM outlet for Emporia and a third local aural service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Emporia, Kansas	285A	269A, 285A.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 7, 1981, and reply comments on or before August 27, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-374 RM-3741]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.40 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19955 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-386; RM-3794]

FM Broadcast Station in North Muskegon, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 252A to North Muskegon, Michigan, in response to a petition filed by LDM Broadcasting, Inc. The assignment would provide North Muskegon with a first local FM service..

DATE: Comments must be filed on or before August 18, 1981, and reply comments on or before September 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (North Muskegon, Michigan), BC Docket No. 81-386, RM-3794.

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by LDM Broadcasting, Inc. ("petitioner"), proposing the assignment of Channel 252A to North Muskegon, Michigan, as that community's first FM assignment.

(b) Channel 252A can be assigned to North Muskegon in compliance with the minimum distance separation requirements.[2]

(c) Petitioner states that it will apply for the channel, if assigned.

[1] Public Notice of the petition was given November 25, 1980, Report No. 1258.

[2] A site restriction of 2.4 miles northwest of the community is presently required to avoid short spacing to Station WGRD (Channel 250), Grand Rapids, Michigan. However, that station is proposing to move its transmitter, and once effectuated, the minimum distance mileage separation requirement would be met, thereby eliminating the imposition of a site restriction.

2. *Demographic Data*—(a) *Location.* North Muskegon is located in Muskegon County, approximately 272 kilometers (170 miles) northwest of Detroit, Michigan.

(b) *Population.* North Muskegon—4,243; Muskegon County—157,426.[3]

(c) *Local Aural Broadcast Service.* None.

3. *Economic Considerations.* Petitioner has submitted a comprehensive community profile to demonstrate its need for the proposed assignment. Among other things, it states that it is an incorporated city with numerous appointed offices, and has municipal services, a church, schools, retail establishments, financial institutions, health services, and many recreational facilities.

4. Since North Muskegon is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 252A to that community requires coordination with the Canadian Government.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
North Muskegon, Michigan		252A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 18, 1981, and reply comments on or before September 8, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules.* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, cointact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

[3] Population figures are taken from the 1970 U.S. Census.

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-388 RM-3794]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filings of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19858 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-407; RM-3813]

FM Broadcast Station, Lowville, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of FM Channel 257A to Lowville, New York, in response to a petition filed by DeHart Broadcasting Corporation. This assignment would provide Lowville with its first local aural service.

DATE: Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Lowville, New York), BC Docket No. 81-407, RM-3813.

Adopted: June 18, 1981.

Released: June 29, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making,[1] filed by DeHart Broadcasting Corporation ("petitioner"), proposing the assignment of FM Channel 257A to Lowville, New York, providing that community with its first local aural service. No comments opposing the assignment have been filed. The proposed channel can be assigned to Lowville, with a site restriction of approximately 3 kilometers (2 miles) south, in compliance with the minimum distance separation requirements.

2. Lowville (population 3,671)[2] is the seat of Lewis County (population 23,644). It is located approximately 184 kilometers (115 miles) northwest of Albany, New York. Lowville presently has no local aural service.

3. Lowville's principal industries are manufacturing and dairy farming. Other principal employers include the schools, local hospitals and county jobs associated with the county seat offices.

4. The petitioner claims that Lowville is a progressive town which is growing. The community has no local radio service and is deserving of an FM channel, according to petitioner.

5. Canadian concurrence in the proposed assignment must be obtained.

6. Accordingly, in view of the need for a first local station, we are proposing to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to the following community:

City	Channel No.	
	Present	Proposed
Lowville, N.Y.		257A

7. The Commission's authority to institute rule making proceedings, showings, required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

[1] Public Notice was given on December 31, 1980; Report No. 1264.

[2] Population data are taken from the 1970 U.S. Census.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; (47 U.S.C. 154,303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-407 RM-3813]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19859 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-401; RM-3733]

FM Broadcast Station in Midland, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 294 to Midland, Texas, in response to a petition filed by Stephen A. Wood and D. Lloyd Henderson. The assignment would provide Midland with a fourth FM allocation.

DATES: Comments must be filed on or before August 28, 1981, and reply comments on or before September 17, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Midland, Texas), BC Docket No. 81-401, RM-3733.

Adopted: June 18, 1981.

Released: June 29, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Stephen L. Wood and D. Lloyd Henderson ("petitioners"), proposing the assignment of Channel 297 to Midland, Texas, as that community's fourth FM assignment. The petitioners state that they will apply for the channel, if assigned.

2. Midland (population 59,463),[2] the seat of Midland County (population 65,433), is located approximately 490 kilometers (310 miles) west-southwest of Dallas, Texas. It is currently served by four AM stations (one fulltime and 3 daytime-only), and three FM stations. According to petitioners, Midland's population is experiencing a tremendous growth, which it expects will continue for the foreseeable future. It indicates that the community is the commercial and trade center for Midland County and the surrounding area. Additionally, it indicates that Midland is a regional exploration and administrative center of the petroleum industry. Further, it states that the community is also a transportation, educational, cultural, and recreational center for the area.

3. The assignment of Channel 297 to Midland will cause preclusion on Channels 294, within 65 miles, 295, within 65 miles, 296A, within 105 miles, 297, within 180 miles, 298, within 150 miles, and 299, within 65 miles. Petitioners state that alternate channels are available in the precluded areas.

4. Petitioners state that no new first or second service areas are anticipated by the proposal. The assignment of Channel 297 would require a transmitter site restriction of approximately 62.4 kilometers (39 miles) east of the community, due to Channel 296A in Jal, New Mexico. Before this assignment

[1] Public Notice of the petition was given September 2, 1980, Report No. 1246.

[2] Population figures are taken from the 1970 U.S. Census.

could be made, petitioners would have to provide data to show that a transmitter located at this distance could provide a 70 dBu signal over Midland.

5. Instead, we have undertaken an engineering study and have determined that three alternate channels could be assigned to Midland with site restrictions closer to the community than the proposed Channel 297. Of the three we have selected Channel 294,[2] which requires a site restriction of 11.2 kilometers (7 miles) southeast of the community, as being the most efficient and effective usage of the frequency spectrum. Since the proposed assignment is within 320 kilometers (199 miles) of the USA–Mexico border, Mexican concurrence must be obtained.

6. In view of the fact that the proposed FM channel assignment would provide Midland with a fourth FM and local nighttime aural service which could provide an additional diverse broadcast voice to the community, and since the population guidelines present no obstacle to this assignment, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows for the community listed below:

City	Channel No.	
	Present	Proposed
Midland, Tex	222, 227, 277	222, 227, 277, 294

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 28, 1981, and reply comments on or before September 17, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–401 RM–3733]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date of filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-19658 Filed 7-6-81; 8:45 am]

BILLING CODE 6712-01-M

[2] The other two channels which could be assigned are 282, with a site restriction of 24.8 kilometers (15.5 miles) south of the community, or 290, with a site restriction of 45.3 kilometers (28.3 miles) southeast of Midland.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1005, 1008, and 1051

[Ex Parte No. 263 (Sub-No. 3); Ex Parte No. 406]

Electronic Transmission of Loss and Damage Claims and Freight Bills

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to modify its rules to allow for the electronic transmission of (1) freight bills and (2) loss and damage claims. This proposal is intended to allow greater flexibility in processing this data.

DATE: Comments are due August 6, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: In order to increase efficiency and improve the transportation industry's use of new technology, we propose to permit the electronic transmission of loss and damage claims and freight bills. In our view, electronic processing of claims and billings to shippers having the necessary technology and agreeable to it would not constitute an unlawful concession or preference—a concern of the carriers—provided the option is available to all shippers who can and wish to exercise it. To the extent that some of our rules may presently be an obstacle to the electronic transmission of data, we propose to revise them. We will consider the contemplated changes to our rules governing (1) loss and damage claims and (2) freight billing individually, in conjunction with the specific petitions giving rise to them.

A. Loss and Damage Claims

In Ex Parte No. 263, 340 I.C.C. 515, the Commission modified the recordkeeping provisions of 49 CFR 1005.3, which govern "loss and damage" claims, to permit the use of computers and modern recordkeeping techniques. See 37 FR 23908 (1972).

General Motors Corp., Southern Railway Co., and Comlete Auto Transit Co., Inc. (a motor contract carrier) filed a petition seeking further relief from 49 CFR 1005 in order to process claims in writing or electronically *without supporting documentation*, as currently required, except upon request. We find considerable merit in their proposal and contemplate not only according them this relief but also amending our rules to make it generally available.

To do this a rulemaking is necessary because our rules governing loss and damage claims at 49 CFR 1005.2(b) presently require, *inter alia*, a communication *in writing* asserting liability for loss and damage, filed with the proper carrier. Moreover, § 1005.4(b) also provides: "[w]hen a necessary part of an investigation, each claim shall be supported "by (a) a bill of lading, (b) evidence of freight charges, or (c) certificate of value.

We propose amending these rules to permit electronic claims because of the resulting benefits to all concerned. Petitioners point out these benefits in the context of the automotive industry. They note that many carriers serving the industry electronically record on magnetic tape exceptions noted upon inspection of vehicles. This information is eventually transferred into a computer memory. These exception reports can be compared electronically with claims and repair rates to determine liability and, when deemed appropriate, used to pay the claims without paper documentation. While paper documents will still be available, petitioners do not believe them to be necessary in the majority of instances.

In our view, handling claims in this manner is consistent with § 1005.4(b), which requires supporting documents only "[w]hen a necessary part of an investigation." Under the circumstances, modification of 49 CFR 1005.2 and 1005.4(b) to authorize the handling of claims as proposed appears appropriate.

However, in keeping with the original purpose of 49 CFR 1005—namely: (1) to prevent duplicate or otherwise unlawful claims payments and (2) to ensure all pertinent records are available for examination and are in fact examined in processing the claim, we also propose to make our modification of the claims' processing requirements subject to two conditions. First, the shipper must accord the carrier ready access to supporting documents upon request. Second, the carrier paying a claim must retain the underlying documentation for possible Commission inspection.

In considering these changes we have also been mindful of any potential impact they might have on owner operators and are satisfied that they are not troublesome in this regard. The leasing regulations at § 1057.12(k)(3) do not presently require that the lessor be provided with a copy of the freight bill before deductions may be made for cargo or property damage. All that is required is a written explanation and itemization of the deductions to be delivered to the lessor before any deductions are made. However, we caution carriers to preserve their electronically transmitted loss and damage claims in such fashion as to render them accessible should they need to be consulted prior to assessing deductions against lessors. This would be for the carrier's own benefit as well as the protection of an owner-operator's revenues against unjustified deductions by the carrier.

B. Freight Bills

In a separate decision, simultaneously being published elsewhere in the **Federal Register** in docket No. 37488, *American Trucking Association—Petition for Declaratory Order—Electronic Transmission of Freight Bills By Motor Carriers*, we concluded that the substitution of electronic freight bill data for the standard paper document, when shipper and carrier agree, has much to offer in terms of reducing costs and improving efficiencies but, nonetheless, would conflict with present motor carrier freight bill requirements contained in 49 CFR 1008.4 (b) and (c) as well as 49 CFR 1051.1(b). Our reasons for instituting this proceeding explained in that notice are incorporated here.

In view of these considerations, we propose to modify 49 CFR 1008.4 (b) and (c) as well as 49 CFR 1051.1(b) to allow the substitution of electronic freight bill data for the standard paper document, provided the shipper agrees. Thus, when agreed to by shippers receiving electronically transmitted data, claims for overcharges and duplicate payments would not have to be accompanied by the original freight bill. Further, under such conditions the carrier would no longer be required to receipt the original freight bill on payment of the transportation charges. Of course, shippers and carriers could still take advantage of the indemnification exception in 49 CFR 1008.4(e).

Further, we believe electronic billing should be available to railroads and freight forwarders in addition to motor carriers because the reasons supporting according the relief to motor carriers—including cost savings and increased efficiency—apply equally to other transportation modes. We are presently unaware of any regulatory obstacles for railroads, since 49 CFR 1008 and 1051.1 apply only to motor carriers and freight forwarders. If the parties believe otherwise, they should apprise us of any problems.

In No. 37488, *supra*, a number of parties supporting electronic billing for motor carriers did so conditionally. However, we find their concerns and suggested conditions unjustified or unwarranted. The issues which they raise will be briefly addressed.

As in the case of loss and damage claims, the absence of a receipted original paper freight bill theoretically could present problems with overcharge or duplicate payment claims. However, as a practical matter, we deem this unlikely because shippers simply need not enter into arrangements with carriers lacking adequate claims procedures. We also believe that the actual details of the electronic transmittal should be left to the initiative of the involved carrier and the shipper. Thus, we are not proposing to require, for example, inclusion of the shipper's reference number, as urged by General Motors. Nor are we proposing to order the motor carrier industry and the shipping industry to develop standards for the data to be furnished by payor and payee—also suggested by General Motors. In view of the obvious benefits to all concerned in this suggestion, a Commission order would appear unnecessary.

In addition to the specific rule changes discussed above we will interpret other rules so that the terms "freight bill" and "presentation," when

not specifically designated as being as a paper document, are deemed to include electronically transmitted data. This broad interpretative approach makes extensive modification of other rules, such as those governing credit, unnecessary.

However, we stress that approval of electronic transmission of freight or expense bills shall not in any way obviate a carrier's responsibility of providing a written copy of the rated freight bill before or at the time of settlement to those lessors whose revenue is based on a percentage of the gross revenue, as set forth in the lease agreement and as required by 49 CFR 1057.12(h).

We seek comments on our specific proposed rule modifications, the proposed interpretative approach, and the inclusion of railroads and freight forwarders. Comments should also address possible alternatives to these amendments and identify any other rules which may hinder or prohibit achieving the benefits sought. Parties who already made their views known in Docket No. 37488, *supra*, insofar as motor carriers were involved or on the general benefits of our facilitating the use of electronic capabilities need not refile them.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. Nor does it adversely affect small business within meaning of the Regulatory Flexibility Act, 94 Stat. 1164, September 19, 1980. However, we shall nonetheless transmit a copy of our proposal to the Chief Counsel for Advocacy of the Small Business Administration.

We propose to adopt the rules set forth below:

PART 1005—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

(1) 49 CFR 1005.2(b) would be revised as follows:

§ 1005.2 Filing of claims.

* * * * *

(b) *Minimum filing requirements.* A written or electronic communication from a claimant, filed with a proper carrier within the time limits specified in the bill of lading or contract of carriage or transportation and: (1) Containing facts sufficient to identify the baggage or shipment (or shipments) of property involved, (2) asserting liability for alleged loss, damage, injury, or delay, and (3) making claim for the payment of a specified or determinable amount of money, shall be considered as sufficient compliance with the provisions for filing claims embraced in the bill of lading or other contract of carriage; provided, however, that where claims are electronically handled, procedures are established to ensure reasonable carrier access to supporting documents.

* * * * *

(2) 49 CFR 1005.4(b) would be revised as follows:

§ 1005.4 Investigation of claims.

* * * * *

(b) *Supporting documents.* When a necessary part of an investigation, each claim shall be supported by the original bill of lading, evidence of the freight charges, if any, and either the original invoice, a photographic copy of the original invoice, or an exact copy thereof or any extract made therefrom, certified by the claimant to be true and correct with respect to the property and value involved in the claim; or certification of prices or values, with trade or other discounts, allowance, or deductions, of any nature whatsoever and the terms thereof, or depreciation reflected thereon; Provided, however, That where the property involved in a claim has not been invoiced to the consignee shown on the bill of lading or where an invoice does not show price or value, or where the property has been transferred at bookkeeping values only, the carrier shall, before voluntarily paying a claim, require the claimant to establish the destination value in the quantity, shipped, transported, or involved and to certify the correctness thereof in writing; Provided, further, That when supporting documents are determined to be a necessary part of an investigation, the supporting documents are retained by the carriers for possible Commission inspection.

* * * * *

PART 1008—PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

§ 1008.4 [Amended]

3. A phrase would be inserted at the beginning of the first sentence of the introductory text of 49 CFR 1008.4(b), *Documentation of claims.* As revised, the first sentence would read as follows:

"* * * Except when the original freight bill is not a paper document but is electronically transmitted, claims for over-charges shall be accompanied by the original freight bill."

4. A parenthetical phrase would be added to 49 CFR 1008.4(c), *Documentation of claims,* and as revised, (c) would read as follows:

* * * * *

(c) Claims for duplicate payment and overcollection shall be accompanied by the original freight bill(s) for which charges were paid (except when the original freight bill is not a paper document but is electronically transmitted) and by freight bill payment information.

* * * * *

PART 1051—INFORMATION REQUIRED ON RECEIPTS AND BILLS

5. 49 CFR 1051.1(b) would be revised to read as follows:

§ 1051.1 Information to be shown.

* * * * *

(b) Every common carrier by motor vehicle subject to the jurisdiction of this Commission shall, when collecting transportation charges, issue a freight or expense bill covering each shipment. Except when the original is not a paper document but is electronically transmitted, the original of such freight or expense bill shall be receipted on payment of the transportation charges. The original (or a copy if electronically transmitted) of the freight or expense bill shall be furnished to the shipper or receiver, whichever may pay the charges; and shall cause to be shown on the face thereof the names of the consignor and consignee (except that as to reconsigned shipments the freight or expense bill shall not show the name of the original consignor); the date of shipment; the points of origin and destination (except that as to reconsigned shipments the freight or expense bill shall not show the original shipping point unless the final consignee pays charges from such original point); the number of packages, description of articles, and weight, volume or measurement of the property transported (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement); the exact rate or rates assessed; the total charges to be collected including a statement of the nature and amount of any charges for special service and the points to which such service was rendered; the route of movement indicating each carrier participating in the transportation service, and the transfer point or points through which the shipment moved; either the address where remittance must be made or the address of the principal place of business of the issuer of the freight or expense bill, or both, at the issuer's option; and a record of this information shall be kept by the preservation of a copy of such freight or expense bill.

This notice is issued under the authority of 49 U.S.C. 10101, 10321, 10324(b), 10521, and 5 U.S.C. 553 and 559.

Dated: June 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19086 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1127

[Ex Parte No. 293 (Sub-No. 8)]

Standards for Determining Commuter Rail Services Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Notice of extension of time for filing comments.

SUMMARY: On May 29, 1981 the Rail Services Planning Office (RSPO) issued an Advanced Notice of Proposed Rulemaking, 46 FR 30156, June 5, 1981. RSPO requested that interested parties submit comments on ways to amend the Standards for Determining Commuter Rail Service Continuation Subsidies to comply with a recent Court of appeals ruling invalidating the irrebuttable presumption that the owner of a rail property is the dominant user. RSPO asked the parties to submit comments on or before July 3, 1981. On June 29, 1981 the Federal Railroad Administration of the Department of Transportation requested an extension of the due date for filing comments. RSPO believes that an extension is warranted and we are postponing the due date for filing comments to July 17, 1981.

DATE: Comments on the Advance Notice of Proposed Rulemaking are now due July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275-0838.

This Extension is published under the authority of 49 U.S.C. 10362. Issued: June 30, 1981 by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19087 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

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Notices

Federal Register
Vol. 46, No. 129
Tuesday, July 7, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Small Business Timber Sale Set-Aside Program Review

A review of the Timber Sale Set-Aside Program for small business firms was initiated by the Secretary of Agriculture and the Administrator of the Small Business Administration. The review is planned to identify areas where the program may need strengthening and to develop procedural changes if necessary to make it more effective and responsive. The data base developed for the review includes timber sale information from 1973 through 1980 concerning the size of timber sale purchasers, timber sale characteristics, and other aspects of the Timber Sale Set-Aside Program.

The Timber Sale Set-Aside Program Review data base will be available for public inspection from July 15 to August 14, 1981. Each National Forest Supervisor's office will have their data available. Forest Service and the Small Business Administration will welcome any information which will improve the accuracy of this data base. Any such information must be received by the Forest Supervisor by the close of business on August 14, 1981.

Douglas R. Leisz,
Associate Chief.
July 1, 1981.
[FR Doc. 81-19694 Filed 7-6-81; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Sugar Land Telephone Co., Sugar Land, Texas; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $19,369,000 to Sugar Land Telephone Company, Sugar Land, Texas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Robert C. Brown III, President, Sugar Land Telephone Company, P.O. Box 650, Sugar Land, Texas 77478.

To assure consideration, proposals must be submitted on or before August 6, 1981 to Mr. Robert C. Brown III. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Sugar Land Telephone Company and REA deem appropriate. Prosective lenders are advised that it is anticipated that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C. this 30th day of June 1981.

Joe S. Zoller,
Acting Administrator, Rural Electrification Administration.
[FR Doc. 81-19790 Filed 7-6-81; 8:45 am]
BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Order 81-6-194]

Fitness Determination of Air New Orleans, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-194, Order to Show Cause.

SUMMARY: The Board is proposing to find that Air New Orleans, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 17, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-194.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-194 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-194 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 30, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-19882 Filed 7-6-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39731]

Mackey International, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 29, 1981, at 10 a.m. (local time), in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned administrative law judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and two copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; and (4) proposed procedural dates. The Bureau of Domestic Aviation will circulate its material on or before July 16, 1981, and the other parties on or before July 24, 1981. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C. on June 30, 1981.

John M. Vittone,
Administrative Law Judge.
[FR Doc. 81-19883 Filed 7-6-81; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory committee to the Commission will convene at 9:00 a.m. and will end at 1:00 p.m., on July 24, 1981, at the Imperial Motel, 125 Main Street, the Pioneer Room, Rapid City, South Dakota 57701. The purpose of this meeting is to plan future committee activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Mary E. McEldowney, 327 Kansas City Street, Rapid City, South Dakota 57701, (605) 787-5446; or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 1, 1981.

John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-19823 Filed 7-6-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: August 19, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., N.W., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of procedural or orgahizational matters relating to the Technical Advisory Committee.
(4) Discuss methods of gathering data at the Hannover Machine Tool Show (EURO-4).
(5) New Business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: June 30, 1981.

Saul Padwo,
Director of Licensing, Office of Export Administration.
[FR Doc. 81-19837 Filed 7-6-81; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service and Fish and Wildlife Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Pub. L. 96-118).

DATES: The meeting will convene on Monday, July 27, 1981 at 10:00 a.m. and will adjourn at approximately 5:00 p.m.

The meeting is open to the public, however space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634–7454.

Dated: June 24, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–19718 Filed 7–6–81; 8:45 am]

BILLING CODE 3510–22–M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
   a. Name: Parque Zoologico (P269).
   b. Address: Parque de la Ciudadela S.A., Barcelona 3, Spain.
2. Type of Permit: Public Display.
3. Name and Number of Animals:
Atlantic Bottlenose dolphins (*Tursiops truncatus*), 3
California sea lions (*Zalophus californianus*), 4
4. Type of Take: Capture for public display.
5. Location of Activity: Rockport, Texas (dolphins), sea lions to be taken from rehabilitated beached/stranded stocks.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before August 6, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and
Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–19717 Filed 7–6–81; 8:45 am]

BILLING CODE 3510–22–M

COMMODITY FUTURES TRADING COMMISSION

Proposed Application by the National Futures Association for Registration as a Registered Futures Association; Extension of the Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On April 23, 1981, the Commission published in the **Federal Register** the proposed application of the National Futures Association ("NFA"), which has applied for registration as a registered futures association under the Commodity Exchange Act. The comment period on the application expired on June 22, 1981. The Commission has received three requests for extension of the comment period concerning the NFA applica tion. Because it wishes to ensure that all interested persons have an adequate opportunity to submit informed comments, the Commission has determined to reopen the comment period on the NFA's proposal.

DATE: The comment period has been extended through July 2, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the application of the National Futures Association.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Esq., Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; Telephone: (202) 254–8955.

Issued in Washington, D.C. on June 30, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–19836 Filed 7–6–81; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Rickenbacker ANGB Joint Use; Notice of Intent

The United States Air Force will prepare an environmental impact statement on the proposed joint use of Rickenbacker ANGB, Ohio. The installation is currently used by the Ohio Air National Guard and the Air Force Reserves. The Air Force has declared certain facilities and real estate excess to its needs. The facilities and real estate are available for uses compatible with the remaining Air Force operations.

The environmental analysis will consider the environmental impacts of the no action alternative and potential uses of the real estate and facilities declared excess.

There has been extensive contact between the Air Force and various local, regional, state, and federal agencies concerning this proposal. The scope of issues to be discussed in the environmental impact statement will be reverified with these agencies, but a public scoping meeting will not be held.

Information on this proposal and the environmental impact statement may be obtained from Lt. Col. Russell R. Rudolph, Headquarters United States Air Force/LEEV, Washington, DC 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81–19830 Filed 7–6–81; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board (NDRB) commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographic area.

The following Naval Discharge Review Board itinerary for July through December 1981 has been approved, but remains subject to modification if required:

July 12 through July 24, 1981—San Diego, CA;
August 24 through September 4, 1981—Chicago, IL;
September 13 through September 25, 1981—San Francisco, CA and Portland, OR;
September 28 through October 9, 1981—New York City, NY;
October 19 through October 30, 1981—San Diego, CA;
October 26 through November 6, 1981—Chicago, IL and Minneapolis, MN;
November 30 through December 11, 1981—Dallas, TX and Albuquerque, NM.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval Discharge Review Board, using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicant and their representatives will be notified by mail of the date and place of hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain James C. Price, U.S. Naval Reserve, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone No. (202) 696–4881.

Dated: June 26, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 81–19721 Filed 7–6–81; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF ENERGY

Comstock Inc.; Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Comstock Inc. of Oak Ridge, Tennessee, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 3,803,481, entitled "Leak Detector." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will have a duration of the remaining term of the patent, which is less than ten years, and will contain other terms and conditions to be negotiated by the parties in accordance with 42 U.S.C. 5908(h) and 10 CFR Part 781. DOE intends to grant the license unless within 60 days of this Notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States in accordance with Title 10 CFR Part 781, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical or commercial application within a reasonable period and (ii) that the granting of the license would be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Third parties who participate as outlined above are further advised of their right to appeal any decision of the Assistant General Counsel for Patents concerning the grant of the proposed exclusive license or the denial of its application for a nonexclusive license under the subject patent. Such appeal shall be in accordance with the appeal procedures of 10 CFR 781.65, including the right to request an oral hearing.

Signed at Washington, D.C., this 30th day of June 1981.

United States Department of Energy.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81–19676 Filed 7–6–81; 8:45 am]

BILLING CODE 6450–01–M

Industry Advisory Board to the International Energy Agency; Meeting

Notice is hereby provided of the following meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA), which will be held on July 9 and 10, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:30 a.m. on July 9. The purpose of this meeting is to permit representatives of members of the IAB to consult with representatives of IEA Participating Country Governments and representatives of the IEA Secretariat concerning IEA preparedness for supply disruptions. Participation of IAB members at this meeting has been requested by the Chairman of the IEA Governing Board and the Executive Director of the IEA, and by the Departments of State and Energy.

The Agenda for the meeting is under the control of the IEA and IEA Participating Country Governments. It is expected that the following subjects will be discussed:

1. Monitoring for Periods of Market Tensions.
2. Information Systems.
3. Stand-by Measures for a Sub-Crisis.
4. Flexible Stock Policies.
5. Crude Oil Pricing under Tight Market Conditions or During Emergency Allocation.
6. Government/Industry Relations.

The brief notice period for this meeting is necessitated by the very recent request of the IEA Governing Board Chairman and Executive Director for participation of the IAB in these discussions, and the IAB's July 1 decision to convene the requested meeting. This meeting will not be open to the public.

V 46 / 129 JL 7 81 UMI

Issued in Washington, D.C., July 2, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-20029 Filed 7-6-81; 9:00 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-007; OFC Case No. 55001-9201-01-12]

Abitibi-Price Southern Corp.; Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 24, 1981, Abitibi-Price Southern Corporation (APSC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for one new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

APSC requested a permanent fuels mixture exemption in order to burn petroleum or natual gas in a mixtue with wood waste in one 401 million Btu's per hour boiler to be installed at APSC's Augusta, Georgia, facility.

Pursuant to section 212(d) of the Act, and 10 CFR 503.38, and subject to specified terms and conditions stated therein, ERA hereby issues this order granting a permanent fuels mixture exemption to APSC to permit the use of petroleum (No. 6 oil) or natural gas in a mixture with bark and wood waste. As specified in the terms and conditions, the amount of petroleum used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the unit.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, (202) 653-4477.

L. Dow Davis, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Forrestal Building, Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

The public file containg a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: APSC's petition for a permanent fuels mixture exemption for the 401 million Btu per hour field-erected boiler certified that the unit would not burn more than 25 percent petroleum in mixture with wood waste (alternate fuel).

In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted APSC's petition and published notice of its acceptance in the **Federal Register** on May 8, 1981 (46 FR 25661). The Notice of Acceptance provided a 45-day public comment period during which interested persons could submit comments on the petitions for exemption and could request that a public hearing be convened. This period expired on june 22, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis the availability of which was noticed in the **Federal Register** concurrent with the Notice of Acceptance. This analysis recommended that an order be issued to grant a permanent fuels mixture exemption to APSC's boiler permitting the use of petroleum or natural gas and wood waste, with the proviso that the amount of petroleum or natural gas used in the unit will not exceed 25 percent of the total annual Btu heat heat input on the primary energy source in the unit. The period during which interested persons could submit written comments on the Tentative Staff Analysis or request a public hearing also expired June 22, 1981. No comments were received nor was a public hearing requested on either the notice of acceptance or the Tentative Staff Analysis.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of APSC's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from either of these agencies.

ERA has determined that APSC has satisfied the requirements of 10 CFR 503.38(c). Accordingly, pursuant to section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby granta APSC one permanent fuels mixture exemption to permit, in a mixture with wood waste, the use of No. 6 fuel oil or natural gas in the new boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that the conclusions reached in the Tentative Staff Analysis are consistent with the provisions of ERA's regulations and is granted subject to the following terms and conditions:

1. The amount of petroleum or natural gas to be used in a mixture with an alternate fuel(s) in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

2. The quality of any petroleum to be burned in the boiler will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

3. Prior to operating boiler No. 1, APSC will secure all applicable permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resources Conservation and Recovery Act.

Reporting Requirements

In addition to the above standard terms and conditions, APSC will, pursuant to 10 CFR 503.38(g), report to ERA the date boiler No. 1 is first operated under the provisions of this order, and will annually thereafter, at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of petroleum or natural gas used in the boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of APSC. Cite OFC Case No. 55001-9201-01-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55001-9201-01-12, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

The exemption granted by this order shall become effective September 5, 1981.

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time within 60 days after

publication petition for judical review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on June 25, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-19877 Filed 7-6-81; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-13; OFC Case No. 55118-1648-20-12]

General Electric Co.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On April 16, 1980, the General Electric Company (GE) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). The Act prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. GE seeks a permanent exemption based on a lack of alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum.

The MFBI for which the petition was filed is a new package boiler (identified as Unit No. 20) to be installed at GE's Central Powerhouse Building No. 31 located at Pittsfield, Massachusetts. The unit has a design heat imput rate of 183 million Btu's per hour and will be capable of burning either No. 6 fuel oil, natural gas, or vapor phase oil providing 150,000 pounds of steam per hour at 200 psig. ERA accepted GE's petition for filing on May 9, 1980 and notified GE accordingly. On August 19, 1980, ERA published in the **Federal Register** (45 FR 55258) a notice of acceptance, together with a statement of the reason set forth in the petition for requesting the exemption. Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons were also afforded an opportunity to request a public hearing. The comment period expired on October 3, 1980. No comments were submitted, nor was a hearing requested.

Based upon the ERA Staff's review and analysis of the information presently contained in the record of this proceeding, a Tenative Staff Analysis has been completed recommending that ERA issue an order granting the requested exemption. Pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued. Interested persons are invited to submit written comments regarding this matter, and/or a written request that ERA convene a public hearing.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials relating to this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday-Friday, 8:00 a.m.-4:30 p.m.

ERA will issue a final order granting or denying GE's petition for a permanent exemption within six months after the public comment period provided for in this notice has expired unless extended by ERA. Notice of, and a statement of reasons for, any extension will be published in the **Federal Register.**

DATES: Written comments and requests for a public hearing on the Tentative Staff Analysis are due on or before July 21, 1981.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing on the Tentative Staff Analysis shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20416.

Docket Number ERA-FC-80-13 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128-K, Washington, D.C. 20461, Phone (202) 653-4237.

Douglas Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The new MFBI for which the permanent cost exemption is requested is a package boiler with a design heat input rate of 183 million Btu's per hour and a steam generating capacity of 150,000 pounds per hour. It is capable of burning No. 6 fuel oil, natural gas, or vapor phase oil, which is a waste product from the transformer manufacturing process at the plant. GE stated that the new unit will replace three existing, less efficient, older, oil-fired units, and will be used to provide steam for normal plant needs.

Eligibility and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum authorized under section 212(a) of FUA, are set forth at 10 CFR 503.32.

Under the provisions of 10 CFR 503.32, a cost calculation methodology must be used in connection with determining whether the cost of using an alternate fuel as a primary energy source substantially exceeds the cost of using imported petroleum.

ERA published a final rule pertaining to the cost calculation methodology in the **Federal Register** on December 24, 1980 (45 FR 84967). Codified at 10 CFR 503.6 (new powerplants and installations) the final rule became effective on January 23, 1981.

To qualify for the requested exemption under 10 CFR 503.32, the petitioner must demonstrate to the satisfaction of ERA that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit; and

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 of the final rule (45 FR 42199).

In addition to these specific requirements the petitioner must also satisfy a general requirement pertaining to the use of a fuels mixture in accordance with 10 CFR 503.9. In particular, the petitioner must demonstrate that the use of a mixture is not technically or economically feasible, or that, if a mixture were required, the petitioner would be eligible for a general use exemption.

In addressing the eligibility requirements for this exemption, GE analyzed each of the alternate fuels suggested by ERA during discussions prior to submission of the petition. The fuel alternatives GE considered were stoker and pulverized coal, wood, electricity, low Btu gas generated through on-site gasification of coal, stoker fired coal with an oil or gas overfire mixture, stoker fired wood with an oil or gas overfire mixture, and a coal-oil slurry.

To evaluate the costs associated with the use of these alternate fuels, GE

obtained fuel and equipment cost quotations from three or more suppliers of each alternate fuel. Although GE considered wood used alone as one of the possible alternate fuels, ERA found that an adequate and reliable supply of wood was not available. Therefore, wood used alone as an alternate fuel was not considered further in ERA's cost analysis. ERA was thus able to verify that GE had identified an adequate and reliable supply of each alternate fuel, with the exception of wood, and is satisfied thereby that GE has demonstrated the required good faith effort to conduct an adequate and reasonable fuels search.

Using the cost calculation methodology contained in 10 CFR 503.6, the ERA staff concluded that the cost of using each of the alternate fuels considered by GE would substantially exceed the cost of using imported petroleum.

GE also examined three possible fuels mixtures in accordance wtih 10 CFR 503.9 and in each instance, demonstrated to the ERA staff's satisfaction that it was not economically feasible to use such mixtures.

Based upon its review and analysis of the information contained in the record of this proceeding to date, the ERA staff has made a Tentative Staff Analysis which recommends that an order be issued to GE granting the requested permanent exemption for Unit No. 20, subject to the terms and conditions recommended below.

Recommended Terms and Conditions

ERA's staff has tentatively determined and recommends that any order granting the requested exemption to GE should, pursuant to Section 214 of the Act, be subject to the following terms and conditions:

1. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

2. GE must comply with any environmental requirements which may be imposed pursuant to 10 CFR 503.15(b).

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall be made, in accordance with 10 CFR 503.68, on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C., on June 29, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-19878 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

R. W. Anderson; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Adna Day, Program Manager for Product Reseller, Office of Enforcement, 2000 M Street NW., Room 5204, Washington, D.C. 20461, (202) 653-3511.

SUPPLEMENTARY INFORMATION: On June 13, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with R. W. Anderson (Anderson) of Delhi, Louisiana on May 31, 1979, 44 FR 33925 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Anderson pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Anderson refunded the sum of $160,000 by certified check made payable to the United States Department of Energy on May 30, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $160,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on June 25, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 26th day of June 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-19875 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

Texas Oil & Gas Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: June 24, 1981.

COMMENTS BY: August 5, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (Phone) (214) 767-7745.

SUPPLEMENTARY INFORMATION: June 24, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Texas Oil & Gas Corp., of Dallas, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Texas Oil & Gas Corp. is a firm engaged in the processing of natural gas and sale of natural gas liquids and natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids and natural gas liquid products, the Office of Enforcement, ERA, and Texas Oil & Gas Corp., entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was April 1, 1976 through January 27, 1981 and it included all sales of natural gas liquids and natural gas liquid products which were made during that period.

2. Texas Oil & Gas Corp. did not apply in a manner acceptable to the DOE the provisions of 10 CFR Part 212, Subpart K, when determining the prices to be charged for its natural gas liquid products; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Texas Oil & Gas Corp. have agreed to a settlement in the amount of $3,440,000. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Texas Oil & Gas Corp.

4. This Consent Order constitutes neither an admission by Texas Oil & Gas Corp. that ERA regulations have been violated nor a finding by the ERA that Texas Oil & Gas Corp. has violated ERA regulations.

5. When this Consent order becomes final and effective, Texas Oil & Gas Corp. further agrees to take whatever action is necessary to immediately dismiss with prejudice to refiling the litigation pending in the United States District Court for the District of Delaware, styled *Texas Oil & Gas Corp. and Tonkawa Gas Processing Company* v. *Department of Energy and Charles W. Duncan* cause number 80-322.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Texas Oil & Gas Corp. agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $3,440,000 on or before 30 days following the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199J(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claims within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Texas Oil & Gas Corp. Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on August 5, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 26th day of June 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-19874 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2628-005]

Alabama Power Co.; Application for Approval of Land Use Plan

July 2, 1981.

Take notice that on April 20, 1981, Alabama Power Company (licensee) filed a proposed land use plan for the R. L. Harris Dam Project, FERC No. 2628, in compliance with the requirements of Article 19 of the license issued on December 27, 1973. The R. L. Harris Project is currently under construction on the Tallapoosa River in Randolph County, Alabama.

The basis of the Licensee's land use management is a classification scheme relying upon existing and projected uses of its land adjoining the project. Seven separate classifications have been developed: (1) public access corridor; (2) general public use area; (3) natural, undeveloped area; (4) quasi-public recreation area; (5) residential area; (6) prohibited shoreline development; and (7) shoreline development by permit. Three land use classification maps have been developed to show the properties of the project and to identify the seven separate classifications. Also, the classification maps reflect the previously submitted data contained in Exhibit R (Recreation Plan), Exhibit K (Project Area Maps), and the Clearing Plan.

Comments, Protest, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before August 14, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19775 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-503-002 and CP80-503-003]

Arkansas Louisiana Gas Co.; Amendment To Petition To Amend

July 6, 1981.

Take notice that on June 5, 1981, Arkansas Louisiana Gas Company (Petitioner), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP80-503-002 and on June 16, 1981, it filed in Docket No. CP80-503-003 amendments to its pending petition to amend the order issued April 27, 1981, in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to include ten additional customers to the list of customers contained in the pending petition, all as more fully set forth in the amendments which are on file with the Commission and open to public inspection.

Petitioner states that the April 27, 1981, order authorized the construction and operation of 80 taps on Petitioner's system in order to serve 80 specified customers. It is further stated that on May 4, 1981, petitioner filed a petition to amend such order so as to request authorization to construct and operate 24 additional taps and related delivery facilities on its pipeline system to provide service to residential and small commercial customers.

Petitioner states that the additional customers to which it proposes to provide service are as follows:

Arkansas

J. A. Childress, Route 1, Rose Bud, Arkansas (White County).
Arnold Crossland, Route 4, Box 98A, Boonville, Arkansas (Logan County).
Alice Gillenwater, 367 Pearl Street, Marianna, Arkansas (Lee County).
Tillman Hunter, 540 West North Street, Magnolia, Arkansas (Columbia County).
Gary McAdams, Route 1, Box 13-A, Fouke, Arkansas 71937, (Miller County).
Lloyd Owensby, Route 10, Box 612-C, Texarkana, Arkansas (Miller County).
Donald Tate, Star Route, Amagon, Arkansas (Jackson County).

Oklahoma

Dorothy Beasley, RR No. 3, Chickasha, Oklahoma (Brady County).
John C. Davis, 210 North 8th Street, Fairview, Oklahoma, 73737 (Major County).
Mrs. Johnny Fazekas, Route 1, Box 76-E, Wilburton, Oklahoma, 74573 (Latimer County).

Petitioner asserts that all of the above-mentioned customers would receive residential or small commercial service of less than 300 Mcf per day. It is submitted that for a residential tap peak day sales are estimated at 1 Mcf and average day sales are estimated at 0.3 Mcf. For a commercial tap, it is submitted, peak day sales are estimated at 3 Mcf and average day sales at 1.1 Mcf. Petitioner further asserts that the above 10 customers would be classified in priorities 1.1 and 1.2 for curtailment purposes where no curtailment is forecast for at least the next three years.

Petitioner states that the gas supply for these customers would be provided from Petitioner's general system.

Petitioner estimates the cost of a typical tap to be approximately $720.00 which would be financed out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendments should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19734 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4719-000]

Dr. Arnold Polonsky; Application for Preliminary Permit

July 2, 1981.

Take notice that Dr. Arnold Polonsky (Applicant) filed on May 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4719 known as the Bethlehem Dam Project located on the Ammonoosuc River in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. Arnold Polonsky, P.O. Box 348, Littleton, New Hampshire 03561.

Project Description—The proposed project would consist of: (1) the existing Bethlehem Dam, having a height of 21 feet and a length of 140 feet. The dam is owned by the Applicant; (2) an existing 5.5-acre reservoir; (3) a proposed penstock having a length of between 200 and 2,200 feet; (4) a powerhouse having an installed capacity of between 550 and 740 kW. The Applicant is considering whether to rehabilitate the existing powerhouse at the site or to construct a new powerhouse downstream; and (5) appurtenant works.

The project would have an average annual generation of 3,300,000 kWh. Project energy would be sold to the Public Service Company of New Hampshire or would be used on site by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate the hydraulic, power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for an FERC license. Applicant estimates the cost of studies under the permit would be between $5,000 and $27,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19776 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4436-000]

Banyan Resource Recovery, Inc.; Application for Preliminary Permit

July 1, 1981.

Take notice that Banyan Resource Recovery, Inc. (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4436 known as the Poorman Creek Project located on Poorman Creek in Nevada County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert D. R. McCheseny, President, Banyan Resource Recovery, Inc., 6100 Rose Court, Roseville, California 95678.

Project Description—The proposed project would consist of two power plants described below. *Powerhouse A* would consist of: (1) a diversion (No. 1) on Poorman Creek; (2) a 12,600-foot long, 42-inch diameter pipe; (3) a second diversion (No. 2) on south fork of Poorman Creek; (4) a 4,800-foot long, 30-inch diameter pipe; (5) a 700-foot long, 42-inch diameter penstock; (6) a powerhouse (No. A); and (7) a 0.625-mile long transmission line. *Powerhouse B* would be consist of: (1) a diversion (No. 3) from Poorman Creek; (2) a 10,500-foot long, 48-inch diameter pipe; (3) a 450-foot long, 42-inch diameter penstock; (4) a diversion (No. 4) on Devils Canyon; (5) a 6,800-foot long conduit; (6) a diversion (No. 5) on Deadman Creek; (7) a 650-foot long, 30-inch diameter penstock; (8) a powerhouse (No. B); and (9) a 0.875-mile long transmission line. The total installed capacity from powerhouses A & B together is 2 MW. The Applicant estimates that average annual energy output would be 20 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, hydrological, economic and environmental studies; conduct negotiations with the utility; and prepare FERC license application. No new roads are required to conduct the studies. The cost of studies to be completed for preliminary permit is estimated to be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 3, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this Notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19780 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-219-000, and ER81-443-000]

Boston Edison Co.; Order Accepting for Filing and Suspending Proposed Rates, Waiving Notice Requirements, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued June 30, 1981.

On January 14, 1981, in Docket No. ER81-219-000, Boston Edison Company (Boston Edison) filed a partial amendment to rate schedules concerning a contract for the exchange of capacity and related engergy between Boston Edison and the Hartford Electric Light Company (Hartford), Connecticut Light and Power Company (Connecticut) and Western Massachusetts Electric Company (Western). The latter three companies are subsidiaries of Northeast Utilities and are collectively referred to herein as "Northeast Utilities." On May 1, 1981, Boston Edison submitted a second filing to complete its modification to the underlying rate

schedule.[1] This filing was assigned Docket No. ER81-443-000.[2]

The January 14, 1981 filing proposed a two-step increase in the capacity charges for sales made pursuant to the exchange agreement by Boston Edison to Northeast Utilities.[3] Boston Edison requests waivers of the notice requirements to allow the proposed rates to go into effect as of May 31, 1980.

The May 1, 1981 filing proposes to further amend the exchange agreement to allow Northeast Utilities to exhange capacity from its Northfield Mountain Project (Northfield). The filing also proposes certain revisions in the rules governing exchanges and specifies a method for determining Boston Edison's Northfield entitlement and Northeast Utilities' entitlement in Pilgrim 1, a nuclear plant owned by Boston Edison. In addition, the filing revises the charge for the energy Northeast Utilities receives from Pilgrim 1. Finally, the filing restates the two-step capacity charge increase proposed in Docket No. ER81-219-000 and adds a new third step.[4]

Notice of the filing in Docket No. ER81-219-000 was issued on January 28, 1981, with responses due by February 10, 1981. On March 20, 1981, the Towns of Concord, Norwood, and Wellesley, Massachusetts (Towns) filed a late petition to intervene indicating that they had only recently become aware of Boston Edison's filing and requesting that the Commission initiate an investigation into the proposed rates and services. In support of their intervention, the Towns state that they are full requirements customers of Boston Edison and that the rate increase may adversely affect them. The Towns assert: (1) that granting the request for an effective date of May 30, 1980, will change the data on which Boston Edison based the general rate increase it has proposed in Docket No. ER80-508; [5] (2) that Boston Edison has improperly allocated its rate increase entirely to capacity charges, so that revenues received by Boston Edison will not flow through the fuel adjustment clause to the benefit of its customers; and of section 205(b) of the Federal Power Act.

On April 6, 1981, Northeast Utilities and Boston Edison filed separate answers to the Town's late petition to intervene. These responses argue that the Commission should deny the Towns' request to intervene as well as the relief sought. According to Northeast Utilities and Boston Edison, even assuming the validity fo the Towns' assertions, those claims would be addressed more appropriately in the pending rate proceeding in Docket No. ER80-508.

Notice of the filing in Docket No. ER81-443-000 was issued on May 12, 1981, with responses due on or before June 1, 1981. No responses were received in that docket.

Discussion

Initially, we find that the participation of the Towns is in the public interest and that good cause exists to permit them to intervene out of time. Consequently, we shall grant the late petition to intervene.

The Commission finds that the proposed amendments have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Our findings stem, in part, from the allegations raised by the Towns that the proposed terms and rates for the exchange arrangement, including their impact on fuel adjustment clause calculations, may adversely affect Boston Edison's wholesale customers. We note that both Northeast Utilities and Boston Edison are members of NEPOOL [6] and that their generation is dispatched by NEPEX [7] according to economic criteria. Because of the complexities of the NEPOOL agreement and the associated billing arrangements, the Commission is unable to determine whether the proposed changes in the exchange arrangement between Northeast Utilities and Boston Edison will, as alleged, adversely affect Boston Edison's wholesale customers. Accordingly, we shall accept the amendments for filing and suspend them as ordered below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings generally should be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that a variety of substantive contentions have been raised by the Towns concerning potential impacts of the exchange agreement on Boston Edison's rates. However, our preliminary analysis indicates that the proposed demand and energy charges proposed in the instant dockets may not yield excessive revenues. We therefore believe that a five month suspension is not warranted. However, in order to ensure refund protection for the affected customers pending further review, we shall exercise our discretion to suspend the amendment to the exchange arrangement for only one day.

As noted above, in order to implement their contractual agreement, Boston and Northeast Utilities have requested an effective date of May 31, 1980. The Towns, however, object to this request asserting that this earlier effective date will change the data on which Boston Edison based its general rate increase request in Docket No. ER80-508. Despite this objection, we find that good cause exists to waive the notice requirements as negotiated by the parties. To the extent that the instant filing necessitates revisions to the cost data underlying the rates filed in Docket No. ER80-508, the appropriate forum for addressing this issue is the forthcoming hearing in that docket. Because the hearing has yet to commence in the earlier proceeding, the Towns will not be foreclosed from pursuing their objections and their interests should be adequately protected without unduly delaying the hearing. Accordingly, we shall grant the request for waiver of notice and suspend the proposed amendments for one day from May 31, 1980, to become effective, subject to refund, as of June 1, 1980.

Because Docket Nos. ER81-219-000 and ER81-443-000 present common questions of law and fact, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) Boston Edison's request for waiver of the notice requirements is hereby granted.

(B) The proposed amendments tendered for filing on January 14, 1981, and May 1, 1981, are hereby accepted for filing and suspended for one day from the requested May 31, 1980 effective date to become effective on June 1, 1980, subject to refund pending hearing and decision.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the proposed rates.

(D) The proceedings in Docket Nos. ER81-219-000 and ER81-443-000 are hereby consolidated for purposes of hearing and decision.

(E) The Towns' petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days from the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing a procedural schedule, including the submittal of testimony and exhibits by Boston Edison and Northeast Utilities, and resolving such other matters as may arise. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Attachment A.—Boston Edison Company, Rate Schedule Designations Docket Nos.: (1) ER81-219-000 and (2) ER81-443-000

Designation and Description

Boston Edison Company

(1) Supplement No. 2 to Rate Schedule FERC No. 123—Partial rate portion of Weekly Exchange Agreement (Sales to NU)
(2) Supplement No. 3 to Rate Schedule FERC No. 123—Revised Terms and Conditions including a final rate portion to the Exchange Agreement.
Concurrences:

Hartford electric Light Company

(1) Supplement No. 2 to Rate Schedule FERC No. 189
(2) Supplement No. 3 to Rate Schedule FERC No. 189

The Connecticut Light and Power Company

(1) Supplement No. 2 to Rate Schedule FERC No. 191
(2) Supplement No. 3 to Rate Schedule FERC No. 191

Western Massachusetts electric Company

(1) Supplement No. 2 to Rate Schedule FERC No. 165
(2) Supplement No. 3 to Rate Schedule FERC No. 165

[FR Doc. 81-19777 Filed 7-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-436-000]

Boston Edison Co.; Order Accepting for Filing Proposed Service Agreement, Initiating Proceeding Under Section 206, Granting Intervention, and Establishing Procedures

Issued June 30, 1981.

On May 1, 1981, Boston Edison Company (BE) tendered for filing an unexecuted agreement[1] which provides for non-firm transmission service to Cambridge Electric Company (Cambridge) under the terms of BE's FERC Electric Tariff No. III. BE requests that the service agreement become effective on July 1, 1981.

The filing has been submitted in order to provide for the transmission of Cambridge's 2.0% entitlement in the output of Yankee Atomic Electric Company's nuclear plant at Rowe, Massachusetts and to replace a prior 20-year agreement between the parties which expires on June 30, 1981. Under the present transmission arrangement, Cambridge has been required to pay BE expenses and fixed charges on only the investment in additional facilities needed to effectuate the transmission of this power on Cambridge's behalf.[2] BE has not, since the present arrangement became effective in June 1961, been required to construct additional facilities for such transmission; accordingly, BE has not received any revenues for the service. Under the instant filing, Cambridge would be charged $14.64/KW/year for non-firm transmission, less a credit of $3.19/KW/year in recognition of 50% of the charge imposed upon Cambridge by New England Power Company, which also transmits power produced at the Rowe plant on Cambridge's behalf.

Notice of the filing was issued on May 12, 1981, with responses due on or before June 1, 1981. A timely petition to intervene was filed by Cambridge. Cambridge objects to certain terms and conditions of BE's tariff, but states that it does not object at this time to the rate provisions of the tariff. Specifically, Cambridge challenges provisions in BE's tariff which limit service to 115 KV delivery and receipt, and which require six months notice before service commences as well as specification of the capacity to be transmitted during each of the 36 months following the commencement of service. Accordingly, Cambridge requests that the Commission suspend the effectiveness of these provisions for five months and institute a hearing concerning their justness and reasonableness.

On June 16, 1981, BE filed an answer to Cambridge's petition to intervene. While not opposing Cambridge's request to intervene in this docket, BE does oppose the request for suspension. In support of its position, BE contends that: the notice provision is reasonable; the concerns raised by Cambridge are premature and speculative; and the Commission may not legally suspend the provisions disputed by Cambridge under section 205 of the Federal Power Act.

Discussion

Initially, we find that Cambridge's participation is in the public interest and

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[1] The rate schedules proposed to be amended are Rate Schedule FERC No. 189 (for Hartford), Rate Schedule FERC No. 191 (for Connecticut), Rate Schedule FERC No. 165 (for Western), and Rate Schedule FERC No. 123 (for Boston Edison). *See* Attachment A for the new rate schedule designations.

[2] In both Docket Nos. ER81-443-000 and ER81-219-000, certificates of concurrence were filed by Northeast Utilities.

[3] The current capacity charge is 13.5 mills/kWh for service to Northeast Utilities. The January 14, 1981 filing proposes to increase that charge to 17.5 mills/kWh during the period May 31, 1980, through September 18, 1980, and to 18.5 mill/kWh thereafter.

[4] The amendment provides for an increase in capacity charges proposed by Boston Edison to 17.5 mills/kWh for the period May 31, 1980 through September 18, 1980, 18.5 mills/kWh for the period September 19, 1980, through February 1, 1981, and 23.5 mills/kWh thereafter.

[5] A hearing in that earlier docket is currently scheduled to commence on July 22, 1981. The Towns are also intervenors in that proceeding.

[6] New England Power Pool.

[7] New England Power Exchange.

[8] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-806, *et al.* (August 29, 1980 (one day suspension); *Cleviand Electric Illuminating Co.*, Docket No. ER80-486 (August 22, 1980) (one day suspension).

[1] *See* Attachment A for rate schedule designation.

[2] The 1959 agreement between ten New England utilities who purchase entitlements in the facility at Rowe was designed so that the total cost of power would not be increased or decreased by reason of a purchaser's relative proximity to the plant. As a result, the purchasers agreed to share expenses and fixed charges related only to additional facilities needed for the transmission of these entitlements.

we shall therefore grant its petition to intervene.

By means of the instant submittal, BE seeks to place Cambridge under its generally applicable non-firm transmission tariff. That tariff, including the challenged terms and conditions, has previously been accepted for filing by the Commission as appropriate for the subject service,[3] although the service agreement applicable to Cambridge has been filed as a changed rate schedule for that customer. While it is clear that the Commission could suspend the operation of the service agreement based on the questions raised by Cambridge, we shall exercise our discreation not to do so. Of paramount significance in this determination is the fact that Cambridge does not oppose the rates for transmission service under the tariff, but rather objects to various terms of service already filed by BE and accepted for filing without suspension. Moreover, based upon our own analysis, we have no reason to question the reasonableness of the applicable transmission rate. Under these circumstances, the Commission is not confronted with a question of affording refund protection and, considering the further fact that BE is receiving no remuneration from Cambridge under the existing transmission agreement, it would be our inclination to suspend the currently proposed service agreement, if at all, for a nominal period.

Assuming a one day suspension, the proposed terms and conditions would become effective on July 2, 1981, subject to possible "modification" following a hearing. However, in view of the nature of the challenged tariff terms which involve such matters as delivery voltage and prior notice, it would be impracticable, if not impossible, to retreat in time following a hearing in order to retroactively amend the non-price-related terms upon which service has already been rendered. Thus, we believe that suspension of the service schedule would be a meaningless gesture, providing no ostensible protection to Cambridge and subsequently engendering unnecessary confusion. We shall therefore accept BE's submittal for filing to become effective on July 1, 1981, without suspension.

We do, however, recognize that Cambridge may have valid concerns regarding the proposed terms of service and we intend to imply no judgment as to the merits of those claims. Accordingly, we shall initiate a hearing pursuant to section 206 of the Federal Power Act to consider the justness and reasonableness of the terms and conditions with any relief to be applied prospectively following a final Commission order in this docket. Such proceedings shall be limited to the specific issues raised by Cambridge in its petition to intervene. Further, in order to assure that any relief which may be found appropriate is made available to Cambridge in a timely manner, we encourage the presiding administrative law judge to establish a procedural schedule which will allow for expeditious resolution of this case.

The Commission Orders

(A) BE's submittal is hereby accepted for filing to become effective on July 1, 1981, without suspension.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of BE's terms and conditions for non-firm transmission service.

(C) Cambridge is hereby permitted to intervene in this proceeding, subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and, *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference to be held in this proceeding within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Boston Edison Company

Filed: May 1, 1981
Effective: July 1, 1981
Other Party: Cambridge Electric Light Company

Designation

(1) Service Agreement under FERC Electric Tariff, Original Volume No. III
(2) Supplement to (1) above (Exhibit A)

[FR Doc. 81-19778 Filed 7-6-81; 8:45 am]
BILLING CODE 6450-85-M

[3] *Boston Edison Company*, Docket No. ER79-157, letter order issued March 27, 1979.

[Project No. 4721-000]

Carjen Co.; Application for Preliminary Permit

July 1, 1981.

Take notice that Carjen Company (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4721 known as the North Fork Bear Creek Water Power Project located on North Fork Bear Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John M. Tietjen, Carjen Company, P.O. Box 31414, Seattle, Washington 98103.

Project Description—The proposed project would consist of: (1) an existing 18-foot high by 140-foot long dam (to be rehabilitated); (2) a new 375-foot long, 3-foot diameter steel penstock; (3) an existing abandoned powerhouse, to be rehabilitated, and to contain one turbine-generating unit with a rated capacity of 240 kW; and (4) approximately two miles of transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] of a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19751 Filed 7-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2488-001]

Central Vermont Public Service, Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 2, 1981

Take notice that the Central Vermont Public Service Corporation (Applicant) filed with the Federal Energy Regulatory Commission on April 2, 1981, an application for exemption for its licensed Bradford Project No. 2488 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 5 subpart K (1980) implementing in part section 406 of the Energy Security Act of 1980.[1] The proposed project would be located on the Waits River in Orange County, Vermont. Correspondence with the Applicant should be directed to: Mr. Richard W. Mallory, Executive Vice President, 77 Grove Street, Rutland, Vermont 05701.

Project Description—The proposed redevelopment of the run-of-river project would consist of: (1) an existing dam 50 feet high and approximately 200 feet long with a reinforced concrete face on its downstream side; (2) a reservoir covering nine acres and containing 53.52 acre-feet of gross storage; (3) new intake works in the southeast end of the dam; (4) a new 6-foot in diameter and 185-foot long steel penstock; (5) a renovated powerhouse measuring 67 by 27 feet and containing one new 930-kW turbine/generator unit capable of producing 5.8 million kWh annually; (6) a new, 12.47-kV transmission line 1,300 feet long; and (7) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 15, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to particiapte in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 2488. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower, Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19761 Filed 7-6-81; 8:45 am]
BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

V 46 / 129 JL 7 81 UMI

[Project No. 4372-000]

City of Auburn, New York; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 30, 1981.

Take notice that the City of Auburn, New York (Applicant) filed with the Federal Energy Regulatory Commission on March 19, 1981, an application for exemption for the Mill Street Dam Hydroelectric Project No. 4372 from all or Part I of the Federal Power Act pursuant to 18 CFR Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Owasco River in the City of Auburn, Cayuga County, New York.

Correspondence with the Applicant should be directed to: Mr. Bruce L. Clifford, City Manager, Memorial City Hall, 24 South Street, Auburn, New York 13021.

Project Description—The proposed run-of-the-river project would consist of project works including: (1) an existing masonry and concrete gravity dam, 21 feet high and 280 feet long; (2) a small impoundment with a surface area of 5 acres and negligible storage capacity at an elevation of 698 m.s.l. (City); (3) an existing steel penstock 10 feet in diameter and 150 feet long; (4) an existing 18 by 26-foot powerhouse containing a new 590-hp vertical turbine connected to a new 410-kW horizontal generator; (5) a new 50-foot long, 4.16-kV transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 2.2 million kWh.

Purpose of Project.—All project power would be sold to New York State Electric & Gas Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service and the New York Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4372. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19735 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[Project No. 4676-000]

City of Gunnison, Colorado; Application for Preliminary Permit

July 2, 1981.

Take notice that the City of Gunnison, Colorado (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(4)] for Project No. 4676 known as the Taylor Park Hydro Project located on the Taylor River in Gunnison County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dale Howard, City Manager, City of Gunnison, P.O. Box 239, 201 West Virginia Avenue, Gunnison, Colorado 81230.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Taylor Park Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 2,100 kW; (3) a tailrace; (4) a new 69-V transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,000,000 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $52,000.

Competing Applications—This application was filed as a competing application to Gregory Wilcox's application for Project No. 3634 filed November 3, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 31, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4676. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19702 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3233]

City of Mena, Arkansas; Surrender of Preliminary Permit

July 6, 1981.

Take notice that the City of Mena, Arkansas (Mena), Permittee for the proposed Iron Fork Creek Project No. 3233, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on October 10, 1980, and would have expired on October 1, 1981. The project would have been located on Iron Fork Creek in Polk County, Arkansas. Mena cites that "the City has made a preliminary investigation of the site and believes that it would be very difficult for the City to secure satisfactory financing for studying the feasibility as well as constructing the project".

Mena filed its request on March 16, 1981, and the surrender of its permit for Project No. 3233 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19725 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4454-001]

City of Paris, Kentucky; Application for Preliminary Permit

July 2, 1981.

Take notice that the City of Paris (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4454 known as the Kentucky River Lock and Dam No. 10 located on the Kentucky River in Madison and Clark Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the east or west end of the existing dam, containing two generating units rated at 9.6 MW each for a total installed capacity of 19.2 MW; (2) a proposed 69-kV or 138 kV-line; and (3) appurtenant facilities.

Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands.

Applicant estimates that the average annual energy output for the project would be 43.7 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project, and prepare an application for FERC license. Also, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project.

Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 10 Projects Nos. 3840, 3879, and 3959 filed on November 3, 1980, November 5, 1980, and January 12, 1981, respectively, by Continental Hydro Corporation, Dam Ten Development Ltd., and ENERGENICS SYSTEMS, INC., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19779 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

V 46 / 129 JUL 7 81 UMI

[Project No. 4670-000]

City of Winona, Minnesota; Application for Preliminary Permit

June 30, 1981.

Take notice that the City of Winona, Minnesota (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4670 known as the Mississippi River Lock and Dam No. 2 located on the Mississippi River in Dakota County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David R. Sollenberger, City Manager, City Hall, 4th and Lafayette Streets, Winona, Minnesota 55987.

Project Description—The proposed project would consist of: (1) a proposed powerhouse which would replace the riverward lock and Boule Dam. The powerhouse would contain seven generating units rated at 1.5 MW each for a total installed capacity of 10.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates that the average annual energy output would be 40,600,000 kWh. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months to study the hydraulic analysis and determine the cost estimates for equipment, construction cost, power market, and the environmental impact. Federal, State, and local government agencies would be consulted during the feasibility study to address their interest concerning the environmental impact of the project. Applicant estimates the cost of the studies would be $25,000.

Competing Applications—This application was filed as a competing application to the Mississippi River Lock & Dam No. 2 Project No. 3650 filed on November 3, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4670. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19737 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-194]

Cleveland Electric Illuminating Co.; Filing

June 30, 1981.

Take notice that on June 22, 1981, the Cleveland Electric Illuminating Company submitted for filing a revised cost of service study pursuant to Commission Opinion No. 84, in the above-captioned proceeding.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before July 17, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19763 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-374-000]

Colorado Interstate Gas Co.; Application

July 1, 1981.

Take notice that on June 12, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-374-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in the applicability of service under Rate Schedules EX-1 and PS-1 of Applicant's FERC Gas Tariff, Original Volume No. 1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to amend its Rate Schedule EX-1 to expand the applicability of service under which Applicant may deliver gas from the current period of April 1 through September 30 of each year to year-round availability. Applicant also proposes to amend its Rate Schedule PS-1 to allow for Rate Schedule EX-1 deliverirs prior to deliveries under Rate Schedule EX-1 interruptible service is available only during the period, April 1 through September 30, of each year and that service under Rate Schedule PS-1 is available during the period , November 1 of any year through March 30 of the following year. It is stated that Rate Schedule PS-1 is available to any full requirement customer for the purpose of natural gas peaking service if the customer is purchasing gas from Applicant under Rate Schedule G-1 or P-1. It is further asserted that if deliveries under Rate Schedule EX-1 were available year-round deliveries under Rate Schedule EX-1 currently could not be taken prior to any deliveries under Rate Schedule PS-1. Applicant proposes herein to expand the applicability of service under Rate Schedule EX-1 and concurrently Rate Schedule PS-1 is proposed to be altered to allow for Rate Schedule EX-1 deliveries prior to Rate Schedule PS-1 deliveries.

Applicant further asserts that it is seeking new long-term supplies of natural gas to meet the future requirements of present customers and that this gas supply acquisition effort often results in temporary excess supplies. Applicant submits that expanding the applicability of service under Rate Schedules EX-1 and PS-1 would make interruptible gas, if available, accessible to its existing customers during the winter months and would add a level of flexibility to gas supply management operations. Applicant further states that service under these rate schedules is available only to Applicant's applicable jurisdictional customers and not to off-system customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19736 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-381-000]

Columbia Gas Transmission Corp.; Application

July 1, 1981.

Take notice that on June 17, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-381-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Pennsylvania & Southern Gas Company (Penn-Southern) pursuant to a sale agreement dated June 1, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes an off-system sale of up to 1,200 dekatherms equivalent of natural gas per day on a best-efforts basis to Penn-Southern. Applicant requests authorization for a term ending either on May 31, 1982, or at such later date as either of the parties may give 30 days' written notice to terminate. Applicant asserts that its obligation to deliver and sell gas to Penn-Southern under the sales agreement is conditioned upon the availability of surplus gas supply and Applicant's obligations to existing customers as determined in Applicant's sole discretion. Furthermore, Applicant avers that its obligation to Penn-Southern is subservient to the precedent rights of its existing customers to purchase such available surplus gas and to precedent agreements under which Applicant has agreed to make off-system sales of surplus gas to other than Penn-Southern.

Applicant states that for all gas delivered by Applicant Penn-Southern would pay Applicant its Zone 6 SR rate or the maximum lawful price of Section 102 gas under the Natural Gas Policy Act of 1978 whichever is higher.

Applicant states that the natural gas covered by the proposed sale would become a part of Penn-Southern's pipeline supply to be used in meeting its market requirements. Furthermore, Applicant states that it would deliver the gas sold to Penn-Southern by a backoff of receipts at an existing point of delivery from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. to Applicant located in Daugherty Township, Beaver County, Pennsylvania. Applicant also states that no additonal facilities would be constructed to deliver the gas covered by the proposed sale.

Applicant asserts that the volumes of gas which it proposes to sell to Penn-Southern are in excess of Applicant's current market requirements brought on by an increase in supply, the nationwide economic recession and conservation by existing customers. Applicant further asserts that any revenues in excess of its base commodity purchased gas costs would be credited to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this applicaton if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19738 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-385-000]

Consolidated Gas Supply Corp.; Application

July 6, 1981.

Take notice that on June 18, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-385-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of its Line No. TL-283, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to continue the operation of its 16-inch Line No. TL-283 which extends from Applicant's Hastings Complex in Wetzel County, West Virginia, to Clarksburg, Harrison County, West Virginia. Applicant asserts that Line No. TL-283 is operated as a jurisdictional transmission facility but only a portion of the pipeline has ever been certificated; Applicant proposes to continue operation of the remaining segment of Line No. TL-283 for which abandonment authorization was not previously requested in Docket No. CP81-179-000. Applicant avers that the pipeline was originally constructed by Applicant's predecessor, Hope Natural Gas Company (Hope), as an intrastate facility used for the local distribution of gas in Clarksburg, West Virginia. Applicant submits that by Commission order dated January 9, 1951, at Docket No. G-1493 Hope obtained authority to establish interconnections between Line No. TL-283 and Applicant's Line No. H-42 and between Line No. TL-283 and facilities of The Manufacturers Light and Heat Company. It is asserted that at that time Line No. TL-283 was not considered a jurisdictional facility.

Applicant contends that since the Commission's January 9, 1951, order its operations have changed and the law has also changed. Applicant asserts that Line No. TL-283 now operates at pressures of 250-350 psig and is still used to serve Applicant's local markets in West Virginia. Applicant states that although much of the local market in the subject area is served with supplies produced and purchased locally by Applicant or withdrawn from Applicant's nearby Bridgeport Storage Pool Line No. TL-283 is still used to transport gas from Hastings to Clarksburg and connects the Hastings Complex with Bridgeport Storage Pool. Applicant therefore concludes that it operates and maintains the facility as part of its intergrated jurisdictional transmission system.

Applicant asserts that Line No. TL-283 enables it to meet the requirements of its existing customers and is an essential part of its transmission system. Applicant submits that any non-compliance with the rules regarding certification of jurisdictional facilities was completely inadvertent. Moreover, Applicant asserts that it has been diligent in investigating and rectifying the situation once it became known. Furthermore, Applicant states that since Line No. TL-283 was paid for by Carbide and Carbon Chemicals Corporation (a predecessor of Union Carbide Corporation) as a contribution in aid of construction Applicant's customers have the benefit of the investment without the need to bear return, taxes and depreciation costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19726 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4738-000]

Dennis V. McGrew and Associates; Application for Preliminary Permit

July 1, 1981.

Take notice that Dennis V. McGrew and Associates (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4738 known as the Glacier Creek Project located on Glacier Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis V. McGrew, P.E., 2623 Yew Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion weir; (2) an 11,500-foot long reinforced concrete pipeline; (3) a surge tank; (4) a 1,400-foot long, 42-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 4,600 kW; and (6) a one-mile long transmission line. The average annual energy generation is estimated to be 28.8 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibility and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19764 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-88-001]

Dow Pipeline Co., Houston Pipe Line Co.; Filing of Extension Report

July 1, 1981.

Take notice that on May 29, 1981, Dow Pipeline Company (Applicant), P.O. Box 4286, Houston, Texas 77210, filed in Docket No. ST80-88-001 an extension report pursuant to § 284.126 (c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with Houston Pipe Line Company (HPL) for an additional two year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with HPL and now proposes to extend such agreement for a term of two years terminating April 15, 1983.

Applicant asserts that under the terms of its agreement with HPL Applicant would perform a portion of the transportation service which HPL has contracted to provide to Natural Gas Pipeline Company of America (Natural).

Applicant states that as an intrastate pipeline engaged in transportation service on behalf of another intrastate pipeline. Applicant believes that it has no obligation to file the reports prescribed by Part 284 of the regulations. Applicant, therefore, explains that the submission herein is conditional in nature and requests guidance from the Commission as to its true filing responsibilities.

Applicant asserts that it would provide transportation service from its existing interconnection with Tenngasco, Inc at Juliff, Brazoria County, Texas, and its interconnection with A-S pipeline Brazoria County, Texas, to its existing interconnection with Oasis Pipe Line Company in the Katy Field, Waller County, Texas.

Applicant states that the rate to be charged for the transportation would be $.006 per million Btu.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19739 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-569-000]

Duke Power Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 22, 1981 a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 144.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 3 from 1,600 KW to 2,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to Laurens Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19752 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-570-000]

Duke Power Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 22, 1981 a supplement to the Company's Electric Power Contract with the City of Morganton. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 261.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 1 from 20,000 kW to 26,000 kW and Delivery Point No. 3 from 6,000 kW to 13,000 kW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to the City of Morganton and the North Carolina Utilities Commission.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19753 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-571-000]

Duke Power Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 22, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 7 from 11,600 KW to 16,000 KW and Delivery Point No. 10 from 3,700 KW to 4,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19754 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-370-000]

El Paso Natural Gas Co.; Application

July 6, 1981.

Take notice that on June 12, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-370-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and delivery of natural gas for direct sale to Salt River Project Agricultural Improvement and Power District (Salt River), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Salt River's Santan Plant facility located in Maricopa County, Arizona, currently utilizes four 75 megawatt combined-cycle turbine units to generate electricity in the Maricopa County area. Applicant further submits that Salt River would soon begin retrofitting such combined-cycle turbine units so as to permit dual burn capability utilizing both natural gas and No. 2 distillate fuel oil. It is asserted that Salt River has requested Applicant to provide natural gas service to the Santan Plant turbines upon completion of such retrofitting.

Consequently Applicant states, it has entered into a gas sales agreement with Salt River dated May 28, 1981, pursuant to which agreement Applicant would provide all of the natural gas requested by Salt River for use in the Santan Plant supplying a maximum quantity of 75,000 Mcf of natural gas per day. It is further asserted that Salt River would purchase a minimum of 4,100,000 Mcf of natural gas during the first 5 years of the agreement. Applicant states it would deliver gas to Salt River at the outlet of a measuring station to be constructed and operated by Applicant on the premises of the Santan Plant. The term of the sales agreement, it is stated, extends from the date of initial deliveries through December 31, 1989, and from year to year thereafter. Applicant asserts that the direct sale to Salt River is consistent with the provisions of the Stipulation and Agreement approved in Docket No. RP72-6, *et al.*

In order to effectuate the subject direct sale and delivery of natural gas to Salt River, Applicant specifically proposes to construct and operate the following facilities:

(1) Approximately 9.9 miles of 12¾-inch O.D. pipeline with appurtenances commencing at a point of interconnection with Applicant's existing 16-inch O.D. Maricopa County Line to Ocotillo Power Plant pipeline in the SW/4 of Section 7, Range 5 East, and terminating at Salt River's Santan Plant, Maricopa County, Arizona, and

(2) Two 12¾-inch O.D. standard orifice meter runs, one 6⅝-inch O.D. turbine meter and telemeter equipment with appurtenances at Salt River's Santan Plant.

Applicant estimates the total cost of the above-described facilities to be $2,739,338 which would be financed through the use of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19727 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-3-000]

Florida Public Utilities Co.; Petition for Declaratory Order

July 6, 1981.

Take notice that a petition for a declaratory order was filed on November 18, 1980 by Florida Public Utilities Company (Petitioner). Correspondence with Petitioner should be addressed to: Mr. Gordon O. Jerauld, Senior Vice President, Florida Public Utilities Company, P.O. Drawer C, West Palm Beach, Florida 33402 and Peter C. Lesch, Esquire; Gallagher, Boland, Meiburger and Brosnan, 821 Fifteenth Street, N.W., Washington, D.C. 20005.

Petitioner seeks a declaratory order determining that Petitioner's Blue Springs hydroelectric project is not subject to the Commission's licensing jurisdiction under Part I of the Federal Power Act. The Blue Springs project is located on Spring Creek, a tributary of the Chipola River, in Jackson County, Florida. The Chipola River is a tributary of the Apalachicola Bay in the Gulf of Mexico.

The project consists of a reservoir sometimes referred to as Merritt's Mill Pond, a concrete dam creating a head of about 10 feet, and a powerhouse containing a single generating unit rated at about 150 kW. The power produced at the plant is utilized in Petitioner's electric utility system.

The site was developed for power production in 1934. The generating unit has deteriorated in the intervening years, and is currently restored to its original rated capacity.

Anyone desiring to be heard or to make any protest about this petition should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed before September 10, 1981. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

This petition for declaratory order is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19728 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4714-000]

Forward Power & Energy Co., Inc.; Application From Exemption From Small Hydroelectric Power Project Under 5 MW Capacity

July 2, 1981.

Take notice that the Forward Power & Energy Company, Inc. (Applicant) filed with the Federal Energy Regulatory Commission on May 21, 1981, an applicant, for exemption for its Digger Creek Small Hydroelectric Project No. 4714-000 from all or part of Part 1 of the Federal Power Act pursuant to 18 C.F.R. Part 5 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the South Digger Creek in Tehema County, California. Correspondence with the Applicant should be directed to: Mr. Mark Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977.

Project Description—The proposed project would consist of: (1) an existing 20-foot long, 4-foot high diversion structure renovated by installation of a concrete and steel headgate increasing the height by one-foot without impounding water; (2) a fish ladder; (3) an 8,700-foot long ditch; (4) a 15-foot long, 7-foot wide penstock headbox; (5) a 2,050-foot long, 24-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 750 kW; and (7) a 160-foot long; 7.2-kV transmission line to connect with PG&E transmission line.

The Applicant estimates that the average annual energy output would be 5.3 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 14, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 14, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (d) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 14, 1981.

Filing and service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4714. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19780 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-379-000]

Gas Gathering Corp.; Application

July 1, 1981.

Take notice that on June 17, 1981, Gas Gathering Corporation (Applicant), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP81-379-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It is stated that it would comply with Section 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19740 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-375-000, CP71-222]

Great Lakes Gas Transmission Co.; Application

July 6, 1981.

Take notice that on June 11, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP81-375-000 and CP71-222 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to two of its existing customers, Natural Gas Pipeline Company of America (Natural) and Michigan Wisconsin Pipe Line Company (Mich Wis), and the construction and operation of those facilities required for such sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that by order issued June 1, 1971, in Docket No. CP71-223 Applicant was authorized to import for fuel and other company use up to 17,000,000 Mcf of natural gas annually pursuant to a gas purchase contract between Applicant and TransCanada PipeLines Limited (TransCanada) dated June 11, 1971. Applicant asserts that it has never required all of the gas available under such contract and as of October 31, 1980, has purchased and imported a total of 105,844,654 Mcf (deficiency volumes) less than was authorized under such contract.

It is stated that on April 30, 1981, Applicant and TransCanada amended their gas sales contract so as to allow Applicant to purchase a portion of the deficiency volumes for resale to Natural and Mich Wis at a rate of 12,500 Mcf per day each.

Applicant further submits that Natural and Mich Wis have by letter dated January 28, 1981, agreed to increase by 12,500 Mcf per day each the volumes of gas which each purchases from Applicant. Applicant asserts that such volumes would be sold pursuant to Applicant's then-effective Rate Schedules CQ-2 and AOS-2.

Applicant states that it would transport the gas to an existing interconnection of its facilities with those of Mich Wis near Fortune Lake Michigan, where Mich Wis would take delivery for its own and Natural's accounts.

In order to provide the proposed service, Applicant proposes to construct and operate 12.7 miles of 36-inch pipeline loop in Minnesota which would be added parallel to Applicant's existing pipeline system used to render natural gas service to its interstate and foreign customers. Applicant states that such pipeline would be constructed from mile post 213.7 to mile post 226.4 between applicant's existing compressor station Nos. 4 and 5 at Deer River and Cloquet, Minnesota, respectively.

Applicant estimates the total cost of the proposed loop to be $9,640,000 which would be financed from internally generated funds together with short-term borrowings from banks if required.

Any person desiring to be heard or to make protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19729 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4705-000]

John J. Hockberger, Sr.; Application for Preliminary Permit

July 1, 1981.

Take notice that John J. Hockberger, Sr. (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4705 known as the Deer Flat Low Line Project located in Boise River in Canyon County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John J. Hockberger, Sr., Hockberger Orchards & Vinyard, Route No. 10, Box 2379, Caldwell, Idaho 83605.

Project Description—The proposed project would utilize the existing Deer Flat Lower Dam owned by the United States Bureau of Reclamation (USBR) and would consist of a powerhouse with a total installed capacity of 1,250 kW and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3737 filed November 12, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 28, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4705. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19705 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-568-000]

Iowa Power & Light Co.; Filing

June 30, 1981.

The filing company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on June 22, 1981, tendered for filing an Amendment to Transmission Service Agreement (Amendment), between Iowa Power and Iowa-Illinois Gas and Electric Company, (Iowa-Illinois) dated May 11, 1981.

The Amendment relates to transmission charges, increased output generating accreditation level of Council Bluffs Unit 3 and increased scheduling capacity for the Sycamore-Hills transmission line.

Iowa Power requests that the Commission waive its prior notice requirements and accept this Agreement for filing with an effective date of April 1, 1980.

Copies of this filing were served upon each affected party and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

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the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19755 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-567-000]

Iowa Power & Light Co.; Filing

June 30, 1981.

The filling Company submits the following:

Take notice that Iowa Power and Light Company, (Iowa Power) on June 22, 1981, tendered for filing a Transmission Service Agreement with Iowa-Illinois Gas and Electric Company (Iowa-Illinois) dated January 30, 1981.

Relating to the proposed utilization by Iowa-Illinois of 120 mW of capacity in Iowa Power's existing 345 kV transmission system from the Montezuma Substation located in Poweshiek County, Iowa, to the Hills Substation near Hills, Johnson County, Iowa, the Agreement facilitates transmission of Iowa-Illinois' share of Ottumwa Generating Station Unit No. 1 capacity. The Agreement is to become effective on the first of the month next following synchronization of the Unit, which occurred on March 1, 1981. Therefore, the proposed retroactive effective date of this agreement is April 1, 1981.

Iowa Power states the purpose of the proposed rates and changes is to recover reflected costs of the facilities to be provided as the scheduling path, for associated operation and maintenance, and for transmission losses for which compensation in kind is provided.

Iowa Power requests that the Commission waive its prior notice requirements and accept the proposed rate filing with a retroactive effective date of April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19756 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4669-000]

John L. Symons; Application for Preliminary Permit

July 2, 1981.

Take notice that John L. Symons (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4669 known as the Rancho Riata Water Power Project located on Bishop Creek in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Symons, Jr., 26 Thorndale Place, Moraga, California 94556.

Project Description—The proposed project would consist of: (1) and existing regulating dam; (2) an intake structure; (3) a 8,700-foot long, 42-inch diameter penstock; (4) a powerhouse with total installed capacity of 600 kW; and (5) an interconnection with an existing 12.5-kV SCE transmission line located within 0.125 mile of the powerhouse. The Applicant estimates that the average annual energy output would be 40 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, hydrological, economic and environmental studies; negotiate with the City of Los Angeles for additional rights-of-way; and prepare State water rights and an FERC license application. No new roads are required for these studies. The cost of these studies is estimated by the Applicant to be $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In detemining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19760 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4647-000]

Lincoln Hydroelectric, Inc.; Application for Preliminary Permit

July 2, 1981.

Take notice that the Lincoln Hydroelectric, Inc. (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4647 to be known as the Lincoln Hydro Project located on East Branch of the Pemigewasset River in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard A. Hallisey; P.O. Box 283; Southboro, Massachusetts 01772.

Project Description—The proposed unconstructed project would consist of: (1) a 34-foot high concrete gravity dam having a crest length of 340 feet; (2) a reservoir with a surface area of 6 acres at a mean surface elevation of 968.0 feet; (3) a Taintor gate, 80 feet long; (4) an intake structure; (5) 900 feet of new penstock; (6) a concrete powerhouse, 36 feet wide and 62 feet long, containing generators with a rated capacity of 750 kW; (7) a tailrace; (8) 200 feet of transmission line; and (9) appurtenant works. The Applicant estimates that the average annual energy output would be 3,225,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $48,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19761 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-366-000]

Llano, Inc.; Application for Approval of Rates and Extension of Term

July 1, 1981.

Take notice that on June 10, 1981, Llano, Inc. (Applicant), P.O. Box 1320, Hobbs, New Mexico 88240, filed in Docket No. CP81-366-000 an application pursuant to Sections 284.123(b)(2) and 284.127 of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of United Gas Pipe line Company (United) and for authorization for the transportation of natural gas for United for a term of up to 10 years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it entered into a transportation agreement with United under which Applicant would transport gas which United purchases in Southeastern New Mexico. It is further submitted that such agreement provides for a term of two years but that United has the option, by separate agreement, to extend the term of the transportation agreement for up to four consecutive terms of two years each. Applicant anticipates that United would exercise its option and, therefore, proposes that such transportation agreement be extended for eight years beyond the initial two year term.

Applicant states that pursuant to such agreement United would deliver gas to Applicant at various points near such facilities and Applicant would construct and own such facilities as are necessary to receive the gas. Applicant asserts that it would also construct a short mainline extension to redeliver gas to United (the Rattlesnake line) which would be located in Lea County, New Mexico, at the interconnection of Applicant's and United's facilities. Applicant estimates the first-year cost of such additional facilities to be $5,800,000 which would be financed through additional debt acquired on the strength of the transportation agreement. Applicant asserts that up to 50 billion Btu of gas per day would be transported for United.

Applicant states that the rate charged United for such service would be computed monthly and would be the sum of the following:

A. A charge for use of Applicant's existing facilities. That charge would be 13.8 cents per million Btu or such higher charge as is paid to Applicant by Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) under an agreement dated October 11, 1971. The 13.8 cents was computed using the same formula by which the rate to Northern is computed using the equity return currently utilized in Applicant's new contracts and rate calculations. That computation is strictly on a cost-of-service basis. The Northern rate is recomputed on an annual basis so the charge to United would not change more often than once a year. The charge per million Btu would be applied to the greater of (1) 70 percent of the maximum daily quantities for the month or (2) the actual number of million Btu tendered to Applicant.

B. An amount for the Rattlesnake line computed strictly on a cost-of-service basis.

C. An amount for any necessary compression and dehydration based on actual costs.

D. An amount for additional facilities required for Applicant to receive gas from United computed strictly on a cost-of-service bases and including only the portion thereof allocated for use on behalf of United.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Regulatory Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19741 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-566-000]

Long Island Lighting Co; Proposed Tariff Change

June 30, 1981.

The filing Company submits the following:

Take notice that Long Island Lighting Company (Long Island) on June 22, 1981, tendered for filing proposed changes in its Rate Schedule, pursuant to which Long Island transmits power and energy from the Power Authority of the State of New York to the three municipal electric utilities on Long Island: the Villages of Greenport, Rockville Centre and Freeport. The proposed changes would increase revenues from such service by $127,990 based on the 12–month period ending May 31, 1981.

Long Island proposes to increase the rates in order to recover the increase in the cost of service. Long Island proposes an effective date of June 1, 1981.

Copies of this filing were served upon the Power Authority of the State of New York, the Municipal Electric Utilities Association, the Villages of Greenport, Rockville Centre and Freeport and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19737 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4639-000]

Long Lake Energy Corp.; Application for Preliminary Permit

July 2, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 4639 known as the Christine Falls Project located on Sacandaga River in Hamilton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston; 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The Applicant proposes two alternatives. Both alternatives would consist of: (1) an existing concrete gravity dam, 12 feet high and 140 feet long; (2) an existing reservoir with a surface area of 5 acres at a mean surface elevation of 1,700 feet (USGS datum); and (3) an existing intake structure with a new control gate.

Additionally, Alternative I would consist of: (1) 600 feet of new penstock; leading to (2) an existing powerhouse containing new generators with a rated capacity of 560 kW; (3) an existing tailrace; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant works.

Additionally, Alternative II would consist of: (1) 3,000 feet of new penstock; leading to (2) a new powerhouse containing new generators with a rated capacity of 1,130 kW; (3) a new tailrace; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant works.

The owner of all existing project facilities is the International Paper Company. The Applicant estimates that the average annual energy output for Alternative I would be 2,500,000 kWh and for Alternative II 5,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the technical, economic, financial, and environmental aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19742 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-24-001]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

July 1, 1981.

Take notice that on May 15, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST79–24–001 an application pursuant to Part 284 of the Regulations for approval of rates charged for the transportation of natural gas for the account of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas sales agreement with United which it has extended for an additional two-year term beginning May 19, 1981.

Applicant further states that the rate to be charged for the treating, processing, transporting and delivering of natural gas sold to United would be 20.0 cents per million Btu which rate was previously approved by the Commission in Docket No. ST79–24.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petiton to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19736 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4739-000]

Mac Hydro-Power Co., Inc; Application for Preliminary Permit

June 30, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4739 known as the East Fork of Stuart Fork Creek Power Project located on the East Fork of Stuart Fork Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. H. L. Childers and Gary A. McKnight, President and Vice president, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 5-foot high natural rock and concrete diversion dam across the East Fork of Stuart Creek, diverting water into; (2) an intake structure within the east bank of the Creek; (3) a 2,200-foot long low pressure conduit and/or open channel; (4) a 36-inch diameter, 2,200-foot long penstock; (5) a powerhouse containing generating units with a total rated capacity of 2,400 kW; and (6) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $40,000 and $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b)a and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19742 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. 81-573-000]

Mississippi Power & Light Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that on June 24, 1981, Mississippi Power & Light Company (MP&L) tendered for filing an executed Technical Modification No. 1 To Service Schedules Providing For Bulk Power Transmission Service (Technical Modification) between MP&L and Clarksdale, Greenwood and Yazoo City, Mississippi (Three Cities).

The proposed Technical Modification would supplement the current effective Service Schedule E to MP&L Rate Schedule No. 239 for service to Greenwood, No. 243 for service to Clarksdale and No. 254 for service to Yazoo City, and facilitates the rearrangement of previously scheduled quantities of power for transmmission by MP&L pursuant to the long-term firm

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bulk power transmission provisions of each city's Service Schedule E. Specifically, the Technical Modification allows MP&L to receive a total payment from Three Cities for each billing month calculated as though they were to receive the service through a single point of interconnection with MP&L under one Service Schedule E. MP&L states that for this purpose, it waives the demand ratchet that would otherwise be applicable to the Three Cities on a consolidated basis.

MP&L requests that the Commission waive its notice requirements and permit the proposed Technical Modification to become effective on December 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19787 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4700-000]

Montana Department of Natural Resources and Conservation; Application for Preliminary Permit

July 2, 1981.

Take notice that the Montana Department of Natural Resources and Conservation (Applicant) filed on May 19, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4700 known as the Rock Creek Hydroelectric Project located on the Red Lodge Creek in Carbon County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601

Project Description—The proposed project would consist of: (1) an existing 97–foot high and 2,260–foot long earth fill dam; (2) an existing reservoir with an 800 acre surface area, a 24,200 acre-foot storage capacity at a crest elevation of 4,260 m.s.l., and a 200 square mile drainage area; (3) a proposed powerhouse with an installed 1.2 MW capacity and an estimated 2.7 GWh average annual output of energy; (4) proposed transmission lines; and (5) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accorance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this ntoice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19788 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4699-000]

Montana Department of Natural Resources and Conservation; Application for Preliminary Permit

July 1, 1981.

Take notice that the Montana Department of Natural Resources and Conservation (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4699 known as the Middle Creek Hydroelectric Project located on the Middle (Hyalite) Creek in Gallatin County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Fritz, Administrator, Water Resources Division, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—The proposed project would consist of: (1) an existing 1,300-foot long and 106-foot high earth filled dam; (2) an existing reservoir with a 6,699 normal maximum surface elevation, a 200 acre surface, a 7,780 acre-foot storage capacity, and a 28 square mile drainage area; (3) an existing 60-inch diameter, steel-lined, concrete conduit extending approximately 600 feet through the dam; (4) a proposed powerhouse containing generating units having an installed 1.15 MW capacity and an average 2.7 GWh energy output; (5) a proposed 15-mile

transmission line to be interconnected to a 161 kV line owned by Montana Power Company; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19789 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-386-000]

Natural Gas Pipeline Co. of America; Application

July 6, 1981.

Take notice that on June 19, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-386-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited term sale of natural gas on an interruptible basis to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 37,000,000 Mcf of gas on a best-efforts basis to El Paso pursuant to a gas sales agreement dated June 8, 1981. Applicant states that under the gas sales agreement it would sell gas to El Paso for a limited term of 363 days commencing on the date of first deliveries. Applicant asserts that it is concurrently filing the agreement as its initial Rate Schedule X-122 as a part of its FERC Gas Tariff, Second Revised Volume No. 2.

Applicant asserts that it would deliver gas to El Paso at existing delivery points in Pecos County, Texas, and Lea County, New Mexico, and at any other point agreed to in writing. Applicant also states that the maximum daily delivery volumes would not exceed 100 billion Btu.

It is asserted that Applicant would charge El Paso for each million Btu of gas sold a rate equal to the average of the rates effective under Applicant's Rate Schedules E-1 and G-1 minus the GRI surcharge. Applicant contends that this rate is a composite rate which is presently approximately $2.72 per million Btu.

Applicant asserts that the proposed sale would be limited to the volumes which are not required by its existing customers. It is asserted that the proposed sale is part of Applicant's ongoing effort to deal with its current excess deliverability situation. Applicant asserts that gas deliverable from its source of supply is in excess of its current requirements due to high take obligations, the price incentives of the Natural Gas Policy Act of 1978 which encouraged gas development along with reduction in demand caused by economic conditions, warmer heating seasons and continuing conservation by end-users. It is stated that Applicant's lack of a minimum commodity charge has also reduced purchases.

It is asserted that El Paso would use the gas from the proposed sale for general system supply.

Except for 1.0 cent per million Btu for the volume sold, Applicant proposes to credit the revenues from the proposed sale to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

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believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19730 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-552-001]

Northern Natural Gas Co. Division of InterNorth, Inc.; Petition To Amend

July 1, 1981.

Take notice that on June 11, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-552-001 a petition to amend the order issued December 24, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to delete the authorization to construct and operate 2.28 miles of 4-inch loop branch pipeline, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the order issued December 24, 1980, authorized it to construct and operate approximately 8 miles of 6-inch branch line and 4-inch loop line and an additional delivery point to its utility customer Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), for ultimate delivery to the Hibbing Taconite Company in Hibbing, Minnesota. Petitioner proposes that the December 24, 1980, order be amended by deleting the authority to construct and operate 2.28 miles of 4-inch branch pipeline. Petitioner asserts that Peoples has informed Petitioner that the continued use of the existing 4-inch branch line would be sufficient to meet current operating requirements for Chisholm and the Hibbing Taconite Plant currently at 387.5 Mcf per hour. In addition, Petitioner asserts that peak requirements of 512.5 Mcf per hour are ot expected to be fully attained until after a period of three years. At such time, Petitioner states, it would determine if additional construction is necessary.

Any person desirig to be heard or to make any protest with reference to said petition to amend should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petiton to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19743 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4722-000]

North State Hydro, Inc.; Application for Preliminary Permit

July 1, 1981.

Take notice that North State Hydro, Inc. (Applicant) filed on May 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4722 known as the Shackleford Creek Hydroelectric Project located on Shackleford Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of:

(1) a four-foot high concrete diversion wall;
(2) a 20,000-foot long, 42-inch diameter low pressure pipe;
(3) a 6,800-foot long, 30-inch diameter penstock;
(4) a powerhouse with total installed capacity of 3,800 kW; and
(5) a 0.5-mile long 12.5-kV transmission line feeding power into an existing Pacific Power and Light Company transmission line.

The Applicant estimates that the average annual energy output would be 18.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, and environmental studies; conduct property surveys; prepare State water rights permit application; negotiate with the utility; and prepare the FERC license application. No new roads are expected to be required to conduct the studies. The cost of studies to be conducted is estimated by the Applicant to the $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19770 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4724-000]

North Valley Hydro, Inc.; Application for Preliminary Permit

July 1, 1981.

Take notice that North Valley Hydro, Inc. (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 4724 known as the McCarthy Point Hydroelectric Project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of:

(1) a four-foot high concrete diversion wall;
(2) an 11,000-foot long, combination ditch and 42-inch diameter low pressure pipe;
(3) an 800-foot long, 60-inch diameter penstock;
(4) a powerhouse with total installed capacity of 3,600 kW; and
(5) a thirteen-mile long 12.5-kV transmission line feeding into an existing Pacific Power and Light Company transmission line.

The Applicant estimates that the average annual energy output would be 21.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, and environmental studies; conduct property surveys; prepare State water rights permit application; negotiate with the utility; and prepare the FERC license application. No new roads are expected to be required to conduct the studies. The cost of studies to be conducted is estimated by the Applicant to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] of a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10771 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-382-000]

Northwest Pipeline Corp.; Application

July 1, 1981.

Take notice that on June 18, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81-382-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reallocation of natural gas service for Washington Natural Gas Company (Washington Natural) and for permission and approval to abandon two meter stations and associated service, all as more fully set forth in the application whch is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon the Grotto sales meter station including a positive displacement meter with appurtenances located near the upstream terminus of Applicant's 6⅝-inch O.D. Grotto lateral in Snohomish County, Washington. It is asserted that Washington Natural by letter dated April 18, 1980, informed Applicant that the Monroe meter station adjacent to the Grotto meter station has the capacity to measure the total volumes of natural gas flowing through the Grotto lateral. It is stated that Washington Natural and Applicant agreed that a more efficient flow condition would result from the abandonment of the Grotto meter station and the subsequent rerouting of natural gas through the Monroe meter station. It is asserted that Washington Natural believes that the improved flow condition on the Grotto lateral would increase the operating efficiency and improve the performance of the Monroe meter station.

Applicant also proposes to abandon its Clearview-Maltby meter station which includes a positive displacement meter with appurtenences located on Applicant's 16-inch O.D. North Seattle Lateral in Snohomish County, Washington. Applicant asserts that Washington Natural no longer desires the use of the Clearview-Maltby meter station as the volumes of natural gas currently being sold and delivered on the North Seattle lateral are measured at the existing North Seattle meter station bypassing the Clearview-Maltby meter station completely.

Applicant proposes to remove, salvage and place the abandoned facilities in stock to the extent possible.

Applicant also proposes to reallocate the maximum daily delivery obligation for Washington Natural, its existing customer, as follows:

ODL-1 SERVICE AGREEMENT

[therms]

Delivery points	Presently effective	Proposed
Grotto, Washington, and Environs	500	...
Snohomish, Washington, and Environs	10,000	10,500
Clearview, Maltby, Washington, and Environs	1,000	...

ODL-1 SERVICE AGREEMENT—Continued

[therms]

Delivery points	Presently effective	Proposed
North Seattle, Everett, Washington, and Environs	1,080,000	1,081,000
Total	1,091,500	1,091,500

Applicant asserts that Washington Natural, by letter dated April 27, 1981, requested the reallocation of the natural gas service currently being sold under Applicant's Rate Schedule ODL-1. Applicant contends that the proposed transfer of maximum daily delivery obligations as indicated herein would maintain Washington Natural's presently authorized total maximum daily delivery obligation after the proposed abandonment of facilities at Clearview-Maltby and at Grotto.

Applicant proposes no increase in the daily contract quantity of natural gas which Applicant is authorized to sell and deliver to Washington Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdication conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19744 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4030-000]

Oroville—Wyandotte Irrigation District; Application for Preliminary Permit

June 30, 1981.

Take notice that Oroville—Wyandotte Irrigation District (Applicant) filed on January 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4030 known as the South Fork Additions Power Project located on Slate Creek and the South Fork Feather River in Plumas, Yuba, and Sierra Counties, California. The application is on file with the Commission and is available for public inspection. Correspondance with the Applicant should be directed to: Mr. Milton Emerson, General Manager—Chief Engineer, Oroville—Wyandotte Irrigation District, P.O. Box 229, Oroville, California 95965.

Project Description—The proposed project would consist of five developments as follows:

(1) Little Grass Valley Diversion and Power Plant—(a) a 21,400-foot long, 10-foot diameter tunnel diverting flows from the existing Little Grass Valley Reservoir; (b) a 2,500-foot long steel penstock; and (c) a 13,000-kW capacity powerhouse located on Slate Creek.

(2) Slate Creek Development—(a) a 300-foot high earthfill dam located on Slate Creek forming; (b) a reservoir with a capacity of 55,000 acre-feet and a surface area of 400 acres; (c) a 3,800-foot long, 15-foot diameter tunnel diverting flows from the reservoir; (d) a 400-foot long penstock; and (e) 20,000-kW capacity powerhouse.

(3) Ponderosa No. 1—a 7,700-kW capacity powerhouse located at the existing outlet works of the Ponderosa Dam.

(4) Ponderosa No. 2—a 450-kW capacity powerhouse located at the existing outlet of the Ponderosa Tunnel.

(5) Kelly Ridge II—a 2,000-kW capacity powerhouse located adjacent to the existing powerhouse at the Thermalito Diversion Pool on the Feather River.

Each development would include associated electrical and transmission equipment.

As an alternative to the first and second development, Applicant would study locating a 2,500-kW powerhouse at Little Grass Valley Dam using the existing outlet tunnel.

Applicant estimates that the proposed project would have a total average annual output of 126,400 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant proposes to conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the project. Applicant's project study plan states that test borings will be done at the site of the proposed Grass Valley Tunnel, Slate Creek Dam, and Slate Creek Tunnel and Penstock. No new access roads are needed for the investigation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 16, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19745 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-372-000]

Panhandle Eastern Pipe Line Co.; Application

July 1, 1981.

Take notice that on June 12, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-372-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 10 miles of 6-inch pipeline, 16.3 miles of 10-inch pipeline and appurtenant facilities in Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant explains that it has entered into a gas purchase and sales agreement with Davis Oil Company, a natural gas producer, covering certain acreage in Sweetwater County, Wyoming. Applicant submits that the proposed facilities would allow Applicant to connect five new nonassociated gas wells which would result in 26,900,000 Mcf of initial recoverable reserves. Applicant asserts the new gas supply would aid Applicant in providing adequate service to its market area.

Furthermore, Applicant alleges that it has previously entered into transportation agreements with Mountain Fuel Supply Company and Colorado Interstate Gas Company which would deliver gas from the subject wells to Applicant.

Applicant estimates the cost of the construction to be $3,946,000 which would be financed from funds available to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 of 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19746 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2101-008]

Sacramento Municipal Utility District; Application for Amendment of License

July 2, 1981.

Take notice that Sacramento Municipal Utility District (Applicant) Licensee for the Upper American River Project, FERC No. 2101, filed on May 4, 1981, an application for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Jones Fork Development, to be located at the existing Ice House Reservoir, created by the impoundment of South Fork Silver Creek in El Dorado County, California. Correspondence with the Applicant should be directed to: Mr. William C. Walbridge, General Manager, Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, California 95813.

Project Description—The proposed project would consist of: (1) an intake structure at the Ice House Reservoir; (2) a 1,650-foot long, 9-foot diameter horseshoe tunnel; (3) an 8,400-foot long, 6-foot diameter steel penstock; (4) a powerhouse to be located on the shore of the existing Union Valley Reservoir, created by impoundment of Jones Fork Silver Creek, and to contain one Francis-type, turbine-generating unit with a rated capacity of 10 MW; (5) a 3.65-mile long 69-kV transmission line to connect to an existing Applicant transmission line; and (6) two access roads with a total length of 5,500 feet.

Purpose of Project—The power generated by the proposed addition to the existing Upper American River Project would be integrated into the transmission system owned and operated by the Applicant.

Due to the extensive recreational facilities existing in and around the project area, Applicant proposes no additional facilities.

Applicant estimates the total cost of the project to be about $28.3 million.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for amendment of license for Project No. 2101. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19783 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4296-000]

Seneca Hydroelectric Co., Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 30, 1981.

Take notice that the Seneca Hydroelectric Company, Inc., filed with the Federal Energy Regulatory Commission on March 5, 1981, an application for exemption for its Seneca Hydroelectric I Project No. 4296 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Seneca River in Onondaga County, New York. Correspondence with the Applicant should be directed to: Seneca Hydroelectric Company, Inc., 8½ Syracuse Street, Baldwinsville, New York 13027.

Project Description—The proposed run-of-river project would utilize the existing New York State Dam at Baldwinsville, New York. The dam is a concrete masonry gravity structure about 380 feet long and 8 feet high, and the impoundment extends upstream for a distance of about 35 miles at surface elevation 374 feet m.s.l. The existing small hydroelectric project works would consist of: (1) a hydraulic canal about 10 feet deep with a surface area of 600 square yards; (2) an intake structure with trash racks; (3) a powerhouse, containing six turbines with a total combined hydraulic capacity of 1,380 cfs, in which will be installed two new generators, one rated at 560 kW and one 400 KW; (4) a 4.8 kV transmission line 295 feet long; (5) a short tailrace; and other appurtenances. The Applicant estimates that the average annual energy output would be 6,600,000 kWh.

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained by agencies directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 8, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19747 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-572-000]

Tampa Electric Co.; Filing

June 30, 1981.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa Electric), on June 24, 1981, tendered for filing Service Schedules A and B providing for interchange service between Tampa Electric and Fort Pierce Utilities Authority (Fort Pierce). Correspondence concerning this matter should be addressed to: Mr. G. Pierce Wood, Senior Vice President, Tampa Electric Company, P.O. Box 111, Tampa, Florida 33601; and Peter C. Lesch, Esq., Gallagher, Boland, Meiburger and Brosnan, 821 Fifteenth Street, N.W., Washington, D.C. 20005.

Schedules A and B provide for the emergency and scheduled short-term interchange of capacity and energy between Tampa Electric and Fort Pierce. Tampa Electric asks that the Schedules be made effective as of June 1, 1981, and therefore seeks waiver of the Commission's notice requirements pursuant to § 35.11 of the Commission's Regulations, 18 CFR 35.11.

A certificate of concurrence by Fort Pierce was filed with the Schedules. Copies of the filing have been served on Fort Pierce and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). All such petitions or protests should be filed on or before July 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19750 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-384-000]

Transcontinental Gas Pipe Line Corp.; Application

July 6, 1981.

Take notice that on June 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-384-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import for a limited term volumes of natural gas into the United States from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to import for a limited term commencing November 1, 1982, and ending October 31, 1983, up to 75,000 Mcf of natural gas per day and up to 22,000,000 Mcf per year from Canada into the United States.

It is submitted that Applicant has entered into an agreement with Sulpetro Limited of Calgary, Alberta, Canada (Sulpetro), dated December 10, 1980, pursuant to which Applicant would purchase gas from Sulpetro for a one-year period subject to terms and conditions set forth in the gas sale contract between Applicant and Sulpetro dated January 10, 1979, with the exception that the point of delivery would be one mutually agreed upon by Applicant and Sulpetro.

Applicant asserts that pursuant to the December 10, 1980, agreement Sulpetro would deliver on a firm basis up to 53,000 Mcf of natural gas per day year round and up to a maximum of 75,000 Mcf per day on a best-efforts basis during the winter. It is further asserted that on an annual basis Applicant would be obligated to take or pay for 90 percent of quantities tendered up to 20,000,000 Mcf. Applicant submits that any amounts paid by Applicant for gas not taken during the term of the agreement would be refunded in full by Sulpetro.

It is stated that the gas to be imported pursuant to such agreement would be produced from fields in the Province of Alberta; a portion of such gas coming from Sulpetro's own working interests in these fields, with the remainder acquired by Sulpetro from other working interest owners.

Applicant further states that the gas would be transported by NOVA, an Alberta corporation, to TransCanada PipeLines, Ltd. for delivery for Applicant's account at an existing pipeline interconnection at the international boundary.

Applicant submits that the price of such gas would be the international border price as set by the National Energy Board of Canada which price is currently $4.94 (U.S.) per million Btu.

It is stated that because of regulatory delays, deliveries under the gas sale contract dated January 10, 1979, did not begin until August 1980 making delivery of the total volume of 66,000,000,000 Mcf within the stated term of the contract impossible. Applicant, therefore, seeks authorization herein to receive such additional quantities.

Applicant further states that the cost of the gas purchased from Sulpetro would continue to be reflected in its purchased gas adjustment filings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19731 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-33-009]

Transcontinental Gas Line Corp.; Petition to Amend

July 6, 1981.

Take notice that on June 9, 1981, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-33-009 a petition to amend the order issued February 26, 1975,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect its intention to increase the level of Rate Schedule WSS storage service to three of its customers and to decrease the level of such storage service to one of its customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued February 26, 1975, in the instant docket Petitioner was authorized to acquire the Washington Field, St. Landry Parish, Louisiana, for use as a storage field, to construct and operate facilities, and to render storage service to subscribing customers. Petitioner further states that such order authorized the development of the field to an initial level of 30,000,000 dekatherms (dt) equivalent of top storage in three stages reaching the full 30,000,000 dt equivalent withdrawal capability by the 1978-1979 winter season.

It is submitted that the February 26, 1975, order has been amended from time to time so as to increase the top storage capacity of the Washington Storage Field.

Petitioner specifically proposes herein to increase its authorized storage service capacity for The Brooklyn Union Gas Company (Brooklyn Union), Consolidated Edison Company of New York, Inc. (Con Ed), and Piedmont Natural Gas Company, Inc. (Piedmont), by 10,421,681 dt equivalent and to reduce the authorized storage service capacity of North Carolina Gas Corporation (NCNG) by 500,000 dt equivalent.

Petitioner states that the proposed increases/decrease and revised storage capacities would be as follows:

Customer	Storage capacity (dt)	Increase (decrease)	Proposed storage capacity (dt)
Brooklyn Union	12,932,000	2,000,000	14,932,000
Con Ed	5,000,000	6,921,681	11,921,681

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Customer	Storage capacity (dt)	Increase (decrease)	Proposed storage capacity (dt)
Piedmont	4,424,550	1,500,000	5,924,550
NCNG	3,141,720	(500,000)	2,641,720
Others	39,580,049		39,580,049
Total allocated	85,078,319	9,921,681	75,000,000
Total certificated top storage capacity	75,000,000		75,000,000

Petitioner asserts that the amended WSS service agreements for Brooklyn Union, Con Ed, Piedmont and NCNG would extend for a term ending March 31, 1998.

It is further asserted that the rates and fuel retention to be charged for such storage service would be the same as those charged under the currently effective WSS tariff provisions.

Petitioner asserts that because the existing quantity of injected base gas (29,122,500 dt equivalent) is sufficient to support the proposed 75,000,000 dt equivalent top gas capacity the current tariff provision for designed ratio of injected base gas requirements to top storage capacity of .4406 to 1 is being revised to be .3883 to 1.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19732 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-136-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Filing of Extension Report

July 1, 1981.

Take notice that on June 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. ST80-136-000 pursuant to Order No. 30 notice of its intention to extend its transportation service for Air Products and Chemicals, Inc. (Air Products) so as to end on the 90th day following the effective date in the final rule in Docket No. RM81-19, all as more fully set forth in the extension which is on file with the Commission and open to public inspection.

It is submitted that by letter filed March 7, 1980, Applicant gave notice of its intention to transport natural gas to Air Products. Applicant further submits that such service was extended, pursuant to Order No. 30, until May 31, 1981.

Applicant now proposes to extend further such service to Air Products so as to end on or before the 90th day following the effective date in the final rule in Docket No. RM81-19.

Applicant states that the gas to be transported would be purchased from Tenneco Oil Company (TOC) by Air Products in order to enable Air Products to displace fuel oil.

Applicant submits that it would also transport natural gas from the Aqua Dulce Field, Nueces County, Texas, receiving the gas from TOC at a point of receipt at TGP-400-E-102 on the Elmer McCoy, *et al.* 160 Ac. Tract in the North end of Share 3 of Share 2 of the Palo Alto Partition of the W.B. Chapman Lands, in the Matias Garcia Grant, Abstract 116, Nueces County, Texas, and transporting such gas to the delivery point set forth in the above-mentioned letter of March 7, 1980.

Applicant asserts that the rate charged for such service would be 24.63 cents based on a mileage charge of 4.826122 cents per Mcf per 100 miles plus a non-mileage charge of 0.87 cent per Mcf in Docket No. RP80-97 (Revised).

Applicant further asserts that the price paid by Air Products to TOC effective June 1, 1981, would be 91.932 cents per Mcf escalating each month thereafter pursuant to the terms of an amended gas purchase and sales agreement.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19748 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP1-378-000]

Texas Eastern Transmission Corp.; Application

July 1, 1981.

Take notice that on June 15, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-378-000 an application pursuant to Section 7(c) of the Nautral Gas Act for a certificate of publiic convenience and necessity authorizing the transportation of natural gas in interstate commerce for Public Service Electric and Gas Company (Public Service) for a period through May 31, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport for Public Service up to 20,000 dekatherms (dt) equivalent of natural gas per day less quantities retained for shrinkage and fuel use, pursuant to a gas transportation agreement entered into by Applicant. Public Service and National Gas and Oil Corporation (National) on May 31, 1981. Applicant further requests that this authorization be limited to a term terminating on and including May 31, 1982. Applicant asserts that Public Service has purchased a supply of natural gas from National which Applicant proposes to receive from National for Public Service at the existing point of interconnection between Applicant and National located at Applicant's meter station 062 in Perry County, Ohio, or at other mutually agreeable existing points of delivery in Applicant's Zone C and to transport and redeliver equal quantities, less quantities retained for fuel and shrinkage, to Public Service at the existing point of interconnection between Applicant and Public Service located at meter station 128 in Union County, New Jersey, or at other mutually agreeable existing points of delivery in Applicant's Zone D.

Applicant asserts that Public Service would pay Applicant under Applicant's basic Rate Schedule TS-1 a rate of 13.96 cents per dt equivalent. In addition, Applicant asserts that Public Service would pay Applicant under Applicant's excess Rate Schedule TS-1 16.02 cents per dt equivalent delivered for quantities which when added up to quantities delivered by Applicant to Public Service undere its Rate Schedules TS-1 and SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under Applicant's firm sales rate schedules. Applicant states that it would retain 3 percent of the quantities transported for its shrinkage and fuel for the period from April 16 through November 15 of each year and 6 percent for the period from November 16 through April 15 of each year.

Applicant states that the proposed service would not adversely affect or displace capacity for services or sales to high priority users.

Applicant proposes to retain all revenues resulting from the transportation of gas for Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All portests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in acordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given

Under the porcedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19749 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4674-000]

Town of Silverthorne, Application for Preliminary Permit

July 2, 1981.

Take notice that the Town of Silverthorne (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4674 known as the Dillon Project located on the Blue River, Dillon Reservoir in Summit County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary Sears, Town Administrator, Silverthorne, Colorado 80498.

Project Description—The proposed project would utilize flows which are normally discharged into the Blue River from the existing Dillon Dam and Reservoir owned by the City and County of Denver. The project would consist of: (1) the existing 310-foot high, 5,900-foot long Dillon earth fill dam; (2) the 3,233 acre Dillon reservoir; (3) existing outlet works; (4) a 1 MW turbine generator located in the outlet works gate chamber; (5) a 1,500- to 3,000-foot long transmission line; and (6) appurtenant facilities. The proposed project would generate up to 4,800,000 kWh annually.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would unclude economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $70,000.

Competing Applications—This application was filed as a competing application to Hydroelectric Constructors, Inc., Project No. 3785 filed on November 24, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be recieved on or before July 31, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all captital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4674. Any comments, protests, or petitions to intervene must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19772 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4672-000]

United American Hydropower Group; Application for Preliminary Permit

July 1, 1981.

Take notice that United American Hydropower Group (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

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825(r)] for Project No. 4672 known as the Pymatuning Dam Project located on the Shenango River in Crawford and Mercer Counties, Pennsylvania and Ashtabula County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Goodman, United American Hydropower Group, 1775 Broadway, Suite 2404, New York, New York 10019.

Project Description—The proposed project would consist of: (1) the existing Pymatuning Reservoir Dam, a 50-foot high, 2,400-foot long earthfill dam; (2) a reservoir having a surface area of approximately 14,528 acres and a storage capacity of 188,000 acre-feet at normal pool elevation of 1,008 feet m.s.l.; (3) a proposed powerhouse with an installed capacity of between 600 and 2,000 kW; and (4) appurtenant works.

The Pymatuning Dam is located in Pymatuning State Park and is owned and operated by the Pennsylvania Department of Environmental Resources. The estimated average annual generation at the project would be between 3,000,000 and 4,000,000 kWh. Project energy would be sold to a local public utility.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19773 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-450-000]

Union Electric Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Summary Disposition in Part, Granting Intervention, and Establishing Price Squeeze and Hearing Procedures

Issued July 2, 1981.

On May 8, 1981, Union Electric Company (Union) tendered for filing revised rates under its Electric Service Tariff Nos. W-3, 88, and 49 for service to 15 wholesale customers and to Missouri Power and Light Company (MP&L) and Missouri Utilities Company (MU).[1] The proposed rates would result in an increase to the wholesale customers of approximately $19.0 million (14.4%) based on the 12-month test period ending June 30, 1982. Union requests an effective date of July 7, 1981.

Notice of the filing was issued on May 14, 1981, with comments, protests, or interventions due on or before June 4, 1981. On June 2, 1981, MP&L, MU, and Missouri Edison Company filed petitions to intervene, requesting a five month suspension and a hearing. The Missouri Public Service Commission filed a notice of intervention on June 4, 1981.

On June 4, the W-3 Defense Group (WDG)[2] also filed a petition to intervene. WDG requests a five month suspension, alleges price squeeze, and requests summary disposition of the following issues: (1) Union's allocation of its Ashley plant and the related non-fuel expense between steam and electric operations; (2) the inclusion of prepayments and minimum cash bank balances in the working capital allowance; (3) Union's attempt to change depreciation rates on certain plant additions without filing the requisite studies, reports, or analyses; and (4) the failure to synchronize interest expense during the test year.[3]

Discussion

We find that participation in this proceeding by the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene. The timely notice for intervention is sufficient to initiate the Missouri Commission's participation in the proceeding.

Upon review of Union's submittal, the Commission finds that summary disposition is appropriate with respect to several issues. Because the magnitude of the associated adjustments is significant, we shall require Union to refile its costs of service and rates to reflect these determinations. The remaining matters raised by the intervenors may be addressed at the hearing ordered below.

Union has failed to properly synchronize interest expense during the test year for tax purposes, contrary to Opinion No. 94,[4] which involved Union's prior rates and which rejected the same method of computing the tax allowance as that utilized by Union in the instant submittal. Consistent with Opinion No. 94, we shall order Union to file revised rates which reflect the computation of the long-term debt cost component of the interest deducition tax purposes as the product of allocated rate base and the weighted cost of long-term debt.

In addition, we note that Union has claimed tax normalization for certain construction-related items (AFUDC and capitalized taxes and pensions) without making corresponding rate base reductions. Order No. 144, issued May 6, 1981, held that the rate base of an applicant using tax normalization must be reduced by the amount of accumulated deferred income taxes related to the items for which tax normalization is claimed. The provisions of Order No. 144 have not yet become finally effective. However, the rationale expressed in that order with regard to rate base reductions in the case of normalization restates existing Commission practice and applies to the case at hand. Moreover, we note that Union properly treated this cost of service item in the earlier filing underlying Opinion No. 94, and we can conceive of no circumstances which would support the company's current rate base inclusion of accumulated deferred income taxes. Thus, absent current Commission action, a motion for summary disposition to the Commission or the presiding judge would be appropriate at a later date. On the basis of Order No. 144 and prior precedent, and in order to avoid the unnecessary expenditure of resources that would be associated with a subsequent motion for summary disposition, we shall reject the company's treatment in this order. Union will be required to file revised rates reducing rate base by the amount of accumulated deferred income taxes associated with the claimed tax normalization of AFUDC and capitalized taxes and pensions.

Finally, Union has annualized a post-test period wage increase in its cost of service. Such escalation of test period costs to post-test year expense levels is in violation of the Period II test year requirement of section 35.13 of the Commission's regulations.[5] Accordingly, we shall summarily reject the company's post-test year wage increase adjustment.

Our analysis indicates that Union's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we shall accept the proposed rates for filing, as modified by summary disposition, and suspend them as directed below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Although the intervenors have raised a number of substantive issues, including price squeeze, our review indicates that Union's rates, as modified to reflect our summary dispositions, may not produce substantially excessive revenues. Under these circumstances, a maximum suspension is not warranted. A nominal suspension and a refund obligation should adequately protect the affected customers pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for one day from sixty days after filing permitting the rates to take effect, subject to refund thereafter, on July 9, 1981.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by intervenors. As noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of staff or the intervenors, a price squeeze persists, a second phase of the proceeding may follow.

The Commission Orders

(A) Summary disposition is hereby granted in part and denied in part as set forth in the body of this order. Within thirty (30) days of the issuance of this order, Union shall refile its cost of service and rates to reflect summary disposition of the following issues: (1) interest synchronization for tax purposes; (2) rate base reduction of accumulated deferred income taxes associated with normalization of AFUDC and capitalized taxes and pensions; and (3) exclusion of post-test year wage increases from the Period II cost of service.

(B) Union's revised rates, as modified by summary disposition, are hereby accepted for filing and suspended for one day from 60 days after filing to become effective, subject to refund, on July 9, 1981.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 C.F.R. Chapter I, (1980)], a public hearing shall be held concerning the justness and reasonableness of Union's rates and charges.

(D) The petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) The Commission staff shall serve top sheets in this proceeding on or before thirty (30) days after Union completes its compliance filing relative to the summary dispositions.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding by phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they

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[1] *See* Attachment A for rate schedule designations and affected customers. MP&L and MU are subsidiaries of Union.

[2] WDG consists of the Cities of Kirkwood, Farmington, Fredericktown, Hannibal, Rolla and Saint James, Missouri; West Point, Iowa; and Citizens Electric Corporation of Missouri.

[3] Union filed a response to WDG's pleading on June 19, 1981.

[4] Opinion No. 94, Docket No. ER77-614, issued September 2, 1980.

[5] *See Southern California Edison Company,* Docket No. ER81-177-000, order issued February 13, 1981, which rejected analogous post-test year adjustments.

[6] *E.g., Boston Edison Co.,* Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.,* Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.,* Docket No. ER80-488 (August 22, 1980) (one-day suspension).

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may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Union Electric Company, Rate Schedule Designations (Docket No. ER81-450-000)

Filed: May 8, 1981.

Designation and Other Party

(1) Second Revised Sheet Nos. 4, 5, and 6 under FPC Electric Tariff Volume No. 2 (Supersede first Revised Sheet Nos. 4, 5, and 6)—W-3 Customers
(2) Supplement No. 9 to Supplement No. 20 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 8 to Supplement No. 20)—Missouri Power and Light Company
(3) Supplement No. 7 to Rate Schedule FPC No. 88 (Supersedes Supplement No. 6)—Missouri Utilities Company

[FR Doc. 81-19733 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-368-000]

United Gas Pipe Line Co.: Application

July 1, 1981.

Take notice that on June 11, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-368-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of its Aransas Pass Meter Station and for permission and approval to abandon by sale to Entex, Inc. (Entex) 2.97 miles of the White Point-Aransas Pass 4-inch line lying between the present and proposed sites of the Aransas Meter Station, the existing meter house and the fence surrounding the Aransas Pass Meter Station's present site, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to relocate its Aransas Pass Meter Station from its present site at Station No. 1082 + 50 on Applicant's existing 4-inch White Point-Aransas Pass Line to a new site approximately 2.97 miles downstream from its present site at Station No. 925 + 70 on the same 4-inch line, San Patricio County, Texas. It is asserted that by letter dated April 21, 1981, Applicant and Entex have agreed that the Aransas Pass Meter Station is currently located in a heavily congested area which exposes the meter station to a greater degree of risk and minimizes accessibility to the station. It is also asserted that Applicant and Entex entered into a service agreement on December 13, 1979, which authorized Applicant to make available to Entex for resale a maximum daily quantity of up to 5,384 Mcf of natural gas for the Aransas Pass billing area. Applicant contends that the proposed relocation would not require any increases in Entex's maximum daily quantity.

Applicant estimates the cost of the relocation to be $41,605 which would be financed from funds on hand.

Pursuant to the aforesaid April 21, 1981, letter agreement between Applicant and Entex, Applicant also proposes to abandon by sale to Entex the 2.97 miles of the White Point-Aransas Pass 4-inch line between the present and the proposed sites of the Aransas Pass Meter Station, the fee property of a 40' x 60' lot on which the Aransas Pass Meter Station is presently located, the 10' x 20' meter house, the 200 foot fence surrounding the present site of the meter station and the rights-of-way and/or easements attached to the above property all of which are located in San Patricio County, Texas.

Applicant asserts that its proposals would be implemented without detriment to its existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19750 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-380-000]

United Gas Pipe Line Co.; Application

July 6, 1981.

Take notice that on June 17, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-380-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing service to the Utilities Board of the City of Bay Minette (Bay Minette), Alabama, pursuant to Rate Schedule G-N in lieu of Rate Schedule DG-N, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that under a service agreement with Bay Minette dated July 26, 1979, it provides gas service to Bay Minette, in Baldwin County, Alabama, under Rate Schedule DG-N. Applicant proposes to serve Bay Minette under its Rate Schedule G-N pursuant to a superseding service agreement entered into by the two parties on March 20, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19734 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-347]

Wisconsin Power and Light Co.; Order Granting Motion To Amend Originally Filed Rates

Issued July 2, 1981.

On April 22, 1981, Wisconsin Power and Light Company (Wisconsin) filed in this docket a motion requesting leave to amend its W-3 rate schedule in effect from December 1, 1977, through September 30, 1980.[1] Because this amendment provides for lower rates, its effectuation would require Wisconsin to refund immediately to these customers revenues already collected which exceed those authorized under the amended schedule.

Wisconsin states that it desires to effect this refund of revenues in order to give customers the benefit of the resulting lower rate, to reduce both its potential refund obligation and cost of short-term borrowing, and to give greater rate stability in light of the settlement agreement currently before the Commission in Docket No. ER80-297. Implementation of this amended rate would be without prejudice to the pending settlement, to the final decision now pending before the Commission in the above-captioned docket,[2] or to any additional refunds that might be required pursuant to that decision. Customers will retain all refunds arising from the amended rate even if the Commission subsequently finds Wisconsin deserving of higher rates in its final decision. It requests expeditious action on this motion and waiver of the notice requirement as provided under section 35.11 of the Commission's regulations.

As determined by Wisconsin, the amended rates would yeild some $4.75 million in refunds. With interest of $1.6 million as of June 1, 1981, the total sum due customers would amount to an estimated $6.35 million. These refunds are based on a number of issues no longer in dispute, and on the originally sought rate of return on equity of 14 percent.

The Municipal Wholesale Power Group (MWPG), consisting of 26 intervenors in this proceeding, filed a response generally in support of Wisconsin's motion.[3] The Commission staff also filed comments in support of the motion.

We find that good cause exists to expedite consideration of this motion, to waive the notice requirement of section 35.3 of the Commission's regulations, and to grant Wisconsin's motion to amend its original rate schedule. This order shall be without prejudice to any determination on the merits of the pending final decision. This order does not relieve Wisconsin from any obligation to make further refunds as may be necessary should this Commission approve rates lower than those provided in the amended schedule.

The Commission Orders

(A) Pursuant to section 35.1(e) of the Commission's regulations, the motion of Wisconsin Power and Light Company to amend its original W-3 rate schedule is hereby granted.

(B) Waiver of section 35.3 is hereby granted.

(C) The granting of this motion shall be without prejudice to any determination of the final decision in this proceeding or to any further refund obligation which may result from such decision.

(D) Within 30 days of the issuance date of this order, Wisconsin shall refund to customers, with interest pursuant to section 39.19a of the Commission's regulations, the difference in revenues already collected under the originally filed rates and the amounts authorized under the amended rates, and shall file a refund report with the Commission 30 days thereafter. A copy of the refund report shall also be sent to the affected state commissions.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19774 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-85-M

[1] The original schedule providing for increased rates to its municipal and investor-owned wholesale customers was filed on May 2, 1977, but was suspended by the Commission and allowed to become effective December 1, 1977. These rates were later superseded by a subsequent rate filing in Docket No. ER80-297, which was permitted to become effective October 1, 1980. The period embraced by the original and amended rate schedules is therefore "locked in."

[2] The initial decision in this proceeding, issued September 30, 1980, is pending before the Commission on exceptions.

[3] MWPG indicated that its members decided by a margin of 11 votes to 10 to accept Wisconsin's offer of a partial refund at this time. It expressed criticism, however, of Wisconsin's opposition to MWPG's previous motion filed October 1979 which had sought partial refunds based on undisputed issues. MWPG contends that Wisconsin's instant motion is prompted chiefly by a desire to avoid payment of additional interest charges which have since escalated to 19.98 percent per annum from an earlier 9 percent by reason of being keyed to the prime rate. See Order No. 47, *Rate of Interest on Amounts Held Subject to Refund*, Docket No. RM77-22, issued September 10, 1979; Order No. 47-A, issued November 8, 1979; Order No. 47-B, issued December 28, 1979; 18 CFR § 35.19a(a)(2)(iii).

Office of Assistant Secretary for International Affairs

Civil Uses of Atomic Energy; Proposed Subsequent Arrangements Between United States and Governments of Spain and Sweden

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Spain and Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Civil Peaceful Uses of Atomic Energy, as amended, and as authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned agreements and authority involve contractual arrangements under which DOE will consent, if requested, to the assignment of various uranium enrichment services contracts held by various U.S. and foreign utilities to the Taiwanese reactors listed below:

Reactor	Separative work units	Fiscal year
Second Northern Nuclear—1	110,000	1987
Second Northern Nuclear—2	110,000	1987
Taipower—5	110,000	1987
Taipower—6	110,000	1987

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these enrichment services complies with the provisions of Pub. L. 96-280 permitting the supply of additional low enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than July 22, 1981.

Dated: July 1, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19879 Filed 7-6-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL-1875-3]

Fuels and Fuel Additives; Waiver Application; Ethyl Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: On May 26, 1981, Ethyl Corporation (Ethyl) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for the additive methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of up to 1/64 of a gram per gallon of unleaded gasoline. The Administrator of EPA has until November 23, 1981 (since 180 days from the date of receipt of the application is a Sunday) to grant or deny a waiver.

ADDRESS: Copies of the information relative to this application are available for inspection in public docket EN-81-15 at the Central Docket Section (A-130) of the EPA, Gallery I West Tower, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0245, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket with a copy forwarded to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), U.S. Environmental Portection Agency, 401 M Street, S.W., Washington, D.C. 20460. Comments should be submitted by August 6, 1981. As provided in 40 CFR Part 2, a reasonable fee may be assessed for copying services.

FOR FURTHER INFORMATION CONTACT: Robert Gelman, Environmental Scientist, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 472-9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer of a fuel or fuel additive to first introduce into commerce or to increase the concentration in use of any fuel or fuel additive for use in light duty motor venicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975 or subsequent model year vehicle or engine under section 206 of the Act. Section 211(f)(3) of the Act provides that any manufacturer of any fuel or fuel additive which prior to March 31, 1977, and after January 1, 1974, first introduced or increased the concentration in use of a fuel or fuel additive that would otherwise have been prohibited under section 211(f)(1) if introduced on or after March 31, 1977, shall, not later than September 15, 1978, cease to distribute such fuel or fuel additive in commerce. Section 211(f)(4) of the Act provides that the Administrator of the EPA may waive the prohibitions of section 211(f) upon application af any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel of fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified under section 206 of the Act. If the Administrator fails to act to grant or deny a waiver within 180 days of receipt of the application, the waiver shall be treated as granted.

The curent submission by Ethyl Corporation (Ethyl) is an application, under section 211(f)(4) of the Act, for a waiver for the fuel additive methylcyclopentadienyl manganese tricarbonyl (MMT) for concentrations of up to 1/64 of a gram per gallon in unleaded gasoline. This is Ethyl's second application for a waiver for MMT. Ethyl's first application was submitted on March 17, 1978 for concentrations of 1/16 and 1/32 of a gram per gallon of unleaded gasoline. The Administrator denied the request for a waiver. The decision and justification thereof may be found in the September 18, 1978 **Federal Register**, 43 FR 41424.

Dated: June 26, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-19828 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-33-M

[OPTS-59051A; TSH-FRL-1876-1]

Organohalo-Modified Silica; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On May 13, 1981, EPA received an application for a test marketing exemption (TM-81-12) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). Notice of receipt of the application was published in the **Federal Register** of June 2, 1981 (46 FR 29530). The manufacturer claimed all information except production volumes and test data as confidential business information.

EPA has determined that the manufacturer's test marketing of the substance identified generically as organohalo-modified silica will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted this manaufacturer an exemption from the TSCA premanufacture reporting rquirements for test marketing of the substance in the manner described in the application and subject to the restrictions specified in this notice.

EFFECTIVE DATE: This exemption is effective June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, 401 M St. SW., Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemcial substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk or injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 13, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. A **Federal Register** notice published on June 2, 1981 (46 FR 29530) announced receipt of this application (TM-81-12) and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application. The manufacturer claimed all information except production volumes and test data as confidential business information, pursuant to section 14 of TSCA.

The substance is described generically as an organohalo-modified silica with a generic use as an elastomer additive for industrial use. In the application, the submitter stated its intention to test market for a six-month period no more than 470 kilograms of this substance. The application also states that the substance produced under the exemption application would be used only by the submitter to manufacture the elastomer in which the additive will be thoroughly encapsulated. The submitter expects that its own manufacturing process and appropriate handling of the material will minimize any opportunity for worker exposure; average exposures due to inhalation or skin contact would be about 1.1 mg/m^3 with peak concentrations of 1.65 mg/m^3. Exhaust fans, safety showers, and eye washes are used in the production area and all personnel involved use protective gear. Storage containers will be identified by an appropriate label. The Agency has determined that potential human exposure during the production and use of this substance for test marketing will be minimal when the procedures described in the application are used.

Toxicological data submitted by the manufacturer with the application suggests that the substance has a low degree of acute toxicity. Based on an analogous substance the PMN substance has an LD_{50} greater than 5 gm/kg. The Agency does not anticipate any ecological hazards since no significant environmental release is likely.

Because of the low level of concern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption from the premanufacture reporting requirements for purposes of test marketing the organohalo-modified silica in the manner described in the exemption application.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of production and quantities produced in each batch and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 470 kilograms described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of six months commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified. Worker protection measures specified in the application (uniforms, safety glasses, respirators, ventilation equipment, etc.) must be observed.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

[FR Doc. 81-19827 Filed 7-6-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 81-391 etc.; File Nos. BRED-790711UA etc.; FCC 81-2733]

Cleveland Board of Education et al.; Memorandum Opinion and Order

Adopted: June 16, 1981.

Released: June 23, 1981.

By the Commission:

In re applications of Cleveland Board of Education, Has: 90.3 MHz, Channel 212, 50 KW, 500 feet, BC Docket No. 81-391, file No. BRED-790711UA for Renewal of License of Station WBOE-FM, Cleveland, Ohio; Cleveland Board of Education (Assignor) and Cleveland Public Library (Assignee), BC Docket No. 81-392, file NO. BALED-790801FT, for assignment of license of Station WBOE-FM, Cleveland Public Radio, Cleveland, Ohio, Req: 90.3 MHz, Channel 212, 50 KW, 500 feet, BC Docket No. 81-393, file No. BPED-791017AD, for a construction permit for a new noncommercial FM station.

1. The Commission has before it for consideration: the late-filed license renewal application of the Cleveland Board of Education (Board) accepted by the Commission on July 19, 1979, for noncommercial Station WBOE-FM, Cleveland, Ohio; [1] an assignment application accepted August 17, 1979, in which the Board seeks to assign its license for Station WBOE-FM to the Cleveland Public Library (Library); a construction permit application to build a new noncommercial FM station on

[1] On July 18, 1977, the licensee was granted subcarrier authority on a frequency of 67 kHz until October 1, 1979, to present a radio reading service for the visually handicapped. Although the Board ceased broadcast operations on its main channel in October of 1978 due to financial problems, it has continued to provide the subcarrier service pursuant to Commission grants of 90-day special temporary authority (STA). While we have continued to grant the licensee's requests for STAs, we note it has failed to file a renewal application for its regular subcarrier authorization. If the Board desires this authorization to be renewed with the station's license, such an application is required.

WBOE–FM's frequency, timely filed by Cleveland Public Radio (Public Radio) on October 17, 1979; a "Petition for Extraordinary Relief" filed on December 26, 1979, by the Library; an Opposition to this petition filed February 7, 1980, by Public Radio; and various related pleadings.[2]

2. *Procedural Matters.* Before considering the substance of these applications, a number of procedural matters must be resolved. Normally, when the Commission receives an application for a new broadcast facility whose proposal would interfere with the operation of an existing station for which a renewal application is on file, an evidentiary hearing must be held. Section 309(d)(1) of the Communications Act of 1934, as amended [47 U.S.C. § 309(d)(1)]; *Ashbacker Radio Co.* v. *FCC*, 326 U.S. 327 (1945). At this hearing, the applicants must be compared in order to determine which one would better serve the public interest as a broadcast licensee. *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393 (1965). Thus, since Public Radio seeks to construct a new station in the same community and on the same frequency as Station WBOE–FM, a hearing would ordinarily be held comparing it with the station's current licensee, the Cleveland Board of Education.

3. However, we also have before us an application by the Board to assign its license for Station WBOE–FM to the Cleveland Public Library. Thus, the question arises as to which proposals are to be compared in this proceeding. The Commission has been presented with analogous tripartite situations before. See *1400 Corp.*, 4 FCC 2d 715 (1966) and *Northwest Broadcasters, Inc.*, 3 FCC 2d 571 (1966). In those cases we determined that "the public interest would better be served by comparing the qualifications of the two parties intending to operate the station; namely, the prospective assignee and the construction permit applicant. . . ." *1400 Corp.*, 4 FCC 2d at 716. In the present case, those parties are the Library and Public Radio respectively. In *Northwest, supra*, the station had been silent for almost a year because of financial difficulties and the licensee had no intention of resuming regular operations. Thus, we explicitly found in that case that "an assignment application properly filed under one section of the [Communications] Act is not automatically nullified, because a construction permit application for the same facilities is subsequently filed under another section of the Act." 3 FCC 2d at 573.

4. We believe the rationale of these decisions applies to the present case. Station WBOE–FM has been silent for some time, due to the financial problems of the licensee. It is unrealistic to compare Public Radio's construction permit proposal with the Board's application for renewal, since the Board has no intention of resuming regularly scheduled broadcast service. Moreover, the Board and Library submitted the assignment application prior to Public Radio's construction permit application. Consequently, we find that the most appropriate comparison under the current circumstances would be between the Library, as the proposed assignee of the license, and the applicant for a construction permit, Public Radio. If Public Radio prevails in the hearing, it will be awarded a construction permit and the renewal application will be denied. If the Library prevails, the renewal and assignment applications will be granted.

5. As mentioned earlier, Station WBOE–FM has been off the air since October 1978, when the current licensee found itself unable to provide financial support for the station's continued operation. In May 1979, the licensee held a public auction in which the personal property of the station was sold to the highest bidder. This bidder was also to receive the right to seek the assignment of the station's license. Both the Library and Public Radio submitted bids, with the former selected to receive both the property and the assignment rights. Thereafter, the parties filed their respective applications. Additionally, the Library filed a "Petition for Extraordinary Relief" to which Public Radio responded with an opposition. The Library argues that Public Radio's application suffers from "numerous fatal deficiencies" and fails to meet threshold qualifications for acceptance. Specifically, it asserts that Public Radio provides no engineering data of its own but relies on the prior submissions of the current licensee. Further, the Library argues that Public Radio's financial proposals contain serious flaws and inaccuracies. In this regard, it points out that Public Radio proposes to buy the equipment of the current licensee, despite the fact this equipment has already been purchased by the Library at public auction. Furthermore, it contends that Public Radio's estimate of $11,000 in attorneys fees is inadequate, in view of the costs of a comparative hearing. Also, the Library questions whether the applicant has sufficient money to engage in such a hearing, since Public Radio's one documented source of funding, the George Gund Foundation, has placed a condition on the finances it will provide, limiting their use to "capital and operating purposes." Moreover, the Library points out that Public Radio has failed to provide a balance sheet indicating that this foundation has sufficient assets to meet its pledge. Further, since the Gund Foundation is an educational institution, the Library questions whether it will actually provide the funding to Public Radio, since some of the applicant's proposed programming is classified as "entertainment." Further , the Library disputes the adequacy of Public Radio's ascertainment of local problems and needs, particularly with regard to Cleveland's suburban communities. Consequently, the Library requests us: "to order [Public Radio] to amend its application . . ., to determine if [Public Radio] is a serious applicant, or a strike applicant; and to determine if [Public Radio] can make a showing of even minimal basic licensee qualifications to warrant the time and cost in Commission attorneys, ALJ's and staff necessary for a full-dress hearing."

6. In opposition, Public Radio filed an application amendment which adds $20,000 to its estimate of hearing costs. It also argues that, since it is proposing the same engineering specifications used by the existing station, including its antenna site, its application can adopt by reference the engineering data submitted by the current licensee. Further, Public Radio submitted as an amendment the balance sheet of the Gund Foundation and contends that it reflects sufficient assets to provide the proposed funding. Moreover, it asserts that the foundation approved its proposed programming, even those segments classified as entertainment, before the funding support was granted. Public Radio also argues that its ascertainment of local problems and needs meets all guidelines and standards of the Commission for noncommercial radio stations. Furthermore, Public Radio charges that the licensee improperly violated its own auction procedures, when selling the station's assets, in order to find the Library the highest bidder. Finally, Public Radio contends that the licensee and the Library have engaged in conduct which violates the Communications Act and Commission Rules. It argues that by publicly auctioning the assets of the station and agreeing to a price far exceeding the value of property actually purchased, the parties have in fact exchanged money for a sale of the WBOE–FM license itself. Consequently, Public Radio argues that the conduct constitutes illegal "trafficking" of a broadcast license.

7. First, in light of the fact that Public Radio has specified the facilities of the current license, we find that applicant's reliance on the licensee's engineering data is permissible. We note that the station's current antenna site will be available if Public Radio prevails at the comparative hearing with the Library. In *United Broadcasting Co.*, 58 FCC 2d 1346, 1356–57 (Rev. Bd. 1976), the Review Board faced an analogous situation and allowed the use of the licensee's technical data. There an applicant for a construction permit attempted to adopt by reference the engineering filings of a licensee with a mutually exclusive renewal application. The Board recognized that the Commission's Broadcast Bureau had a policy allowing such incorporation, when the proposed antenna site is the same as the existing station's and where the technical data is on file as a matter of public record. As a practical matter, requiring Public Radio to submit separate engineering data would only result in the filing of material already on file with the Commission from the licensee and which is a matter of public record available to anyone to anlayze and copy. For these reasons, we find that Public Radio's reliance on the engineering submission already provided by the Board as the licensee of Station WBOE–FM does not reflect on the substantial completeness of its application or warrant specification of a hearing issue.

8. We come to a similar conclusion concerning the Library's allegations about Public Radio's ascertainment of local problems and needs. In this regard, we require applicants for noncommercial radio stations to ascertain using any methods reasonably designed to provide them with an understanding of the problems, needs and interests of their service area. *Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants*, 58 FCC 2d 526, 537 (1976). Public Radio's ascertainment methods have met this standard. The applicant conducted a random public opinion survey of almost 700 people in the Cleveland metropolitan area, including several suburban communities. Moreover, it interviewed over 100 community leaders representing a wide range of Cleveland organizations, concerning what they consider the most significant local problems and needs. In light of these facts, we cannot conclude that Public Radio has failed to utilize reasonable ascertainment methods as required. Consequently, this allegation fails either to raise a question of the sufficiency of Public Radio's application or to require a hearing issue.

9. Regarding Public Radio's financial proposal, our review of the application reveals deficiencies requiring the designation of a financial issue, as set forth *infra*. However, we have often stated that what is required is not total completeness, but substantial completeness, *Miami STV, Inc.*, FCC 80–204, May 2, 1980 (47 RR 2d 856); and that a substantially complete application may be acceptable for filing purposes but yet not demonstrate the requisite qualifications for grant. *Peoria Community Broadcasters, Inc.*, 79 FCC 2d 311 (1980). Accordingly, the Library's allegations on these matters fail to raise a question of the substantial completeness of the application. Specifically, we find that the Library's allegation regarding legal costs is speculative and that Public Radio's estimate of $11,000 for legal fees, even without the amendment specifying an additional $20,000, is not unreasonable. Moreover, any question as to the financial ability of the Gund Foundation has been removed by the submission of its balance sheet as an amendment. Further, even if the Library's assertion is true that Public Radio cannot purchase the licensee's old equipment as proposed, similar equipment can be acquired elsewhere. Also, since Public Radio states that the Gund Foundation reviewed its programming schedule before pledging financial support, there is no basis to conclude that the presentation of material classified as "entertainment" will jeopardize the grant. Thus, while a financial issue is specified *infra*, Public Radio's financial proposal is not so deficient to render the application substantially incomplete.

10. Additionally, the Library asks us to determine whether Public Radio is serious in its proposals to construct a new station or whether its filings can be considered a strike application. In this regard, we point out that neither the discrepancies alleged by the Library nor our own review of Public Radio's submissions raise a question of the substantial completeness of the construction permit application. Consequently, we have no basis to question Public Radio's good faith in pursuing its application. Moreover, there is no evidence to indicate that Public Radio's filing was motivated principally or incidentally by an intent to obstruct the other applications. Thus, we have no reason to conclude that its proposal amounts to the submission of a strike application. *Grenco, Inc.*, 28 FCC 2d 166, 197 (Rev. Bd. 1971).

11. One final matter which we must consider is Public Radio's assertion that the Board's proposed assignment of Station WBOE–FM's license to the Library constitutes a violation of the Communications Act, *i.e.*, by agreeing to an amount allegedly exceeding the value of the station's personal property, the parties actually exchanged money for the license itself. Regarding this allegation, we cannot find that the actions of the Board and the Library constitute trafficking as Public Radio alleges. We have said in the past that a sale to the highest bidder of the right to seek the assignment of a broadcast license does not constitute trafficking where, as here, there is no evidence that the assignor acquired the station for the purpose of reselling it at a profit, rather than for the purpose of rendering a public service. *NTA Television Broadcasting Corp.*, 44 FCC 2563, 2577 (1961). Moreover, we believe that any question relating to the procedures by which the auction was accomplished is a private matter subject to local law, inappropriate for Commission review. *E.g., Carnegie Broadcasting Co.*, 5 FCC 2d 882 (1966).

12. *Public Radio.* Public Radio estimates that $218,055 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$85,252
Other	31,000
Operating costs (3 mo)	101,803
Total	218,055

Public Radio has not provided documentation that equipment can be purchased at the above-specified cost. Accordingly, an appropriate financial issue will be specified.

13. Public Radio estimates it has $427,747 to meet costs. However it has provided documentation for only $200,535 of this amount: a $200,000 grant from the George Gund Foundation and $535 in cash. In addition, it has not responded to the Library's contention that whatever funds are available from the Gund Foundation are to be used only for "capital and operating purposes." The remainder Public Radio proposes to raise from other foundations, civic groups, corporations, individual donations and Corporation for Public Broadcasting preoperational

[2] These pleadings include motions by Public Radio filed January 10 and 24, 1980, requesting extensions of time in which to respond to the Library's petition. Also, on March 6, 1981, the Library filed a Second Petition for Extraordinary Relief requesting designation of the applications of the Library and Public Radio on or before April 6, 1981. In light of our action taken herein, this petition will be dismissed as moot.

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grants. However, Pubic Radio fails to provide any documentation from these funding sources. Thus, an appropriate issue will be designated for hearing.

14. Applicants for new broadcast stations are required by Section 73.3580(f) of the Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. Public Radio's certification of local notice does not contain (1) the names of its corporate officers and trustees, (2) the class of station proposed, and (3) antenna height. To remedy these deficiencies, Public Radio will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

15. By letter dated November 28, 1979, Public Radio suggested to the Library that a compromise between the parties might be possible regarding the use of the WBOE–FM facilities. By letter dated December 4, 1979, the Library rejected this offer. In any event, an issue will be specified to determine whether a share-time arrangement between the applicants would be the most effective use of the frequency and thus better serve the public interest, and, if so, the nature of such an arrangement. It should be noted that our action specifying a "share-time issue" is not intended to preclude the applicants, either before the commencement of the hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement between themselves.

16. Except as indicated by the issues specified below the applicants are legally, financially and technically qualified. However, since the applications are mutually exclusive, they must be designated for a hearing in a consolidated proceeding on the issues set out below.

17. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

A. To determine with respect to Public Radio:

(1) applicant's equipment costs;

(2) the source and availability of additional funds over and above the $200,535 indicated; and

(3) whether, in light of the evidence adduced pursuant to issues (1) and (2) above, the applicant is financially qualified to construct and operate as proposed.

B. To determine whether a share-time arrangement between the applicants would result in the most effective use of the channel and thus better serve the public interest, convenience and necessity; and, if so, the terms and conditions thereof.

C. To determine:

(1) the extent to which the proposed operation of the Library and the proposed operation of Public Radio will be integrated into the overall cultural and educational objectives of the respective applicants;

(2) the manner in which the proposed operation of the Library and the proposed operation of Public Radio meet the needs of the community to be served;

(3) whether other factors in the record demonstrate that one applicant will provide a superior noncommercial radio broadcast service.

D. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

18. It is further ordered, That the Petition for Extraordinary Relief is Denied and the Second Petition for Extraordinary Relief is dismissed.

19. It is further ordered, That Public Radio shall republish local notice of the filing or its application as required by Section 73.3580 of the Commission's Rules and shall file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register.**

20. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

21. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

22. It is further ordered, That the Secretary of the Commission shall send, by Certified Mail—Return Receipt Requested—a copy of the Memorandum Opinion and Order to each of the parties to this proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–19691 Filed 7–6–81; 8:45 am]

BILLING CODE 6712–01–M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 75, "MPS—Automatic Coordinate Conversion Systems", Notice of 12th Meeting, Tuesday, July 28, 1981—9 a.m., Conference Room 8236, Nassif (DOT) Building, 400 Seventh Street SW. at D Street, Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Approval of Final Report.

Mortimer Rogoff, Chairman, SC–75, 4201 Cathedral Avenue NW., Apartment 914W, Washington, D.C. 20016, Phone: (202) 362–5462.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–19692 Filed 7–6–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 81–42]

Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services—FMC Independent Ocean Freight Forwarder License No. 1464; Order of Investigation and Hearing

Ramon Arguelles and Ramon E. Arguelles d/b/a Miami Cargo Services (hereafter referred to as MCS) operate as an independent ocean freight forwarder pursuant to FMC License No. 1464, originally issued on March 26, 1973.

The Commission has information indicating that MCS may have violated section 44(a) of the Shipping Act, 1916 and section 510.3 of Commission General Order 4, during the period from December 2, 1978, through April 11, 1979, by carrying on the business of forwarding, in connection with 584 ocean shipments, without an independent ocean freight forwarder license.[1]

In addition, MCS may have engaged in certain billing practices which may be violative of Commission General Order 4, 46 CFR Part 510 *et seq.* An investigation by the Commission's Bureau of Investigation and Enforcement determined that during the months of October and November 1978, and April 1979, MCS may have done the following:

a. Invoiced its shipper clients for insurance charges in an amount totalling $3,912.77 more than the actual cost of the insurance on at least 55 ocean shipments;

b. Invoiced its shipper clients for cartage and insurance totalling at least $3,397.50 on at least 108 ocean shipments, although such services were not performed. MCS may have used these revenues to cover commissions it paid to persons who referred the shipper to MCS; and

c. Invoviced its shipper clients for insurance and placement charges in an amount totalling $23,840.21 on at least 159 shipments, although MCS may not have actually obtained insurance coverage for such shipments.

MCS may have violated 46 CFR 510.23 (d), (e), and (j). Section 510.23(d) provides, in part, that a licensee shall not knowingly impart to a principal false information relative to any forwarding transaction. Section 510.23(e) provides that a licensee shall not withhold information relative to a forwarding transaction from its principal. Section 510.23(j) requires a licensee to use invoices which state separately the ocean freight charges, the insured value, insurance rate and premium cost of insurance, the charge for each accessorial service including terminal charges, and the charge or fee for arranging for insurance and/or accessorial services.

Finally, there are indications that MCS may have violated 46 CFR 510.23(f) by failing to account to its principals for overpayments, reductions in rates, insurance refunds and other sums due its principals on several occasions during April and May 1979. In four instances, MCS may have participated in arrangements resulting in refunds of freight corrections, totalling $6,659.60, to persons other than the principals entitled to them. In another instance, MCS may not have disclosed to a shipper principal that it received a $2,128.60 insurance discount from an ocean carrier.

If the above cited activities took place, MCS may not be fit to carry on the business of forwarding. Accordingly, this investigation shall determine whether these activities took place, whether they violated section 44 of the Shipping Act, 1916 or General Order 4, or both; whether MCS continued such practices after the Bureau concluded its investigations, whether such conduct renders MCS unfit to be licensed as a freight forwarder, and whether civil penalties should be assessed against MCS for such conduct.

Now, therefore it is ordered, That pursuant to sections 22, 32, and 44 [46 U.S.C. 821, 831 and 841(b)) of the Shipping Act, 1916, a proceeding is hereby instituted to determine:

1. Whether Ramon Arguelles and Ramon E. Arguelles, d/b/a Miami Cargo Services, violated section 44(a) of the Shipping Act, 1916, and section 510.3 of the Commission's General Order 4 (46 CFR 510.3), by carrying on the business of forwarding without a license;

2. Whether Ramon Arguelles and Ramon E. Arguelles, d/b/a Miami Cargo Services, violated §§ 510.23(d), 510.23(e) and 510.23(j) of General Order 4 by incorrectly invoicing shippers for the cost of cargo insurance and accessorial services during the months of October and November, 1978 and April, 1979;

3. Whether Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services violated section 510.23(f) of General Order 4 by failing to account to its principals for overpayments, reductions in rates, insurance refunds and other sums in April and May, 1979;

4. Whether civil penalties should be assessed against Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services, pursuant to section 32(e) of the Shipping Act, 1916, for violations of section 44 of the Shipping Act, 1916, or sections 510.23(d), 510.23(e), 510.23(f), and 510.23(j) of the Commission's General Order 4 and, if so, the amount of such penalty; and

5. Whether the independent ocean freight forwarded license of Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services should be suspended or revoked, pursuant to section 44(d) of the Shipping Act, 1916, for:

a. willful violations of section 44 of the Shipping Act, 1916, or willful violations of the Commission's General Order 4 as listed in subparagraph 4 above; or

b. such conduct as the Commission shall find renders Ramon Arguelles and Ramon E. Arguelles d.b.a. Miami Cargo Services unfit to carry on the business for forwarding in accordance with section 510.8(e) of General Order 4.

It is further ordered, That Ramon Arguelles and Ramon E. Arguelles be made Respondents in this proceeding.

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That, in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register** and a copy be served upon all parties of record.

It is further ordered, That any person, other than parties of record, having an interest and desiring to participate in this proceeding shall file a petition for leave to invervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure [46 CFR 502.118], as well as being mailed directly to all parties of record.

[1] MCS's license was revoked, effective December 1, 1978, for failure to file the required surety bond. The Commission reissued License No. 1464 to MCS on April 12, 1979.

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By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-19722 Filed 7-6-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commended *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice inlieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evience that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 29, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045: First National State Bancorporation, Newark, New Jersey (financing and leasing activities; New Jersey); to engage, through its subsidiary, FNSB Capital Corporation, in consumer and commercial financing activities, including the extension of direct loans, lines of credit, letters of credit and other like indebtedness; and to engage in lease financing transactions, personal and real property leasing transactions, and to own, acquire, and sell or otherwise dispose of leases and lease finance documents and the underlying leased property in accordance with the Board's Regulation Y. These activities would be conducted forom an office at 550 Broad Street, Newark, New Jersey, serving the State or New Jersey.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261: Southern Bancorporation, Inc., Greenville, South Carolina (consumer financing activities; Oklahoma): to engage, through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender. These activities would be conducted from an office in Sallisaw, Oklahoma, serving the city of Sallisaw, Oklahoma and certain other portions of Sequoyah County, Oklahoma.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19940 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly of indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased completion, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and rquests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 28, 1981.

Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106: Citicorp, New York, New York (consumer lending-related activities, Maryland): to provide through a *de novo* office of its subsidiary, Citicorp Financial, Inc., consumer lending-related services, including application acceptance functions, the execution of loan documents and disbursal of funds, the acceptance of payments, and account adjustments in connection with Citicorp Financial, Inc., credit card and direct lending activities. The services would be provided from an office at White Marsh Mall, located at 8200 Perry Hall Boulevard, Baltimore, Maryland, serving the State of Maryland.

Federal Beserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303: Barnett Banks of Florida, Inc., Jacksonville, Florida (check verification activities; South Carolina): to engage, through a subsidiary known as Verifications, Inc., in the personal check verification business. Verifications will authorize subscribing merchants to accept certain personal checks tendered by customers in payment of goods and services. If a properly authorized check is subsequently dishonored, Verifications will be obligated to purchase the check from the merchant at face value. In return for this service, subscribing merchants will pay a monthly fee to Verifications.

Such activities will be conducted from an office in Columbia, South Carolina, and will serve the entire state. Comments on this application must be received not later than July 20, 1981.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198: Western Bancshares, Inc., Stockton, Kansas (financing activities; Kansas): to engage in consumer and commercial finance activities, including direct loans to consumers, agricultural credit and other types of lending. These activities would be conducted from an office in Stockton, Kansas, serving an area within a 15-mile radius of Stockton.

Other Federal Reserve Banks: None

Boarad of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19845 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bement Bancshares, Inc.; Formation of Bank Holding Co.

Bement Bancshares, Inc., Bement, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of State Bank of Bement, Bement, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19850 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Chugwater Corp.; Formation of Bank Holding Co.

The Chugwater Corporation, Chugwater, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of First National Bank of Chugwater, Chugwater, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19847 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Dacotah Bank Holding Co.; Acquisition of Bank

Dacotah Bank Holding Co., Aberdeen, South Dakota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Bank of Cresbrad, Cresbard, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19853 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Mountain Valley Bankshares, Inc.; Formation of Bank Holding Co.

Mountain Valley Bankshares, Inc., Conifer, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Mountain Valley Bank, Conifer, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19852 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Pershing National Bancshares, Inc.; Formation of Bank Holding Co.

Pershing National Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.69 per cent or more of the voting shares of Civic Plaza National Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19851 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Fort Worth Bancshares,

Inc., Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19040 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

Suburban Bancorporation, Inc.; Formation of Bank Holding Co.

Suburban Bancorporation, Inc., Eden Prairie, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.1 per cent of the voting shares of Suburban National Bank, Eden Prairie, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19040 Filed 7-6-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-10]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the New Jersey Department of Energy, Board of Public Utilities involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Jersey Department of Energy, Board of Public Utilities involving the application of the New Jersey Bell Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 29, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-19039 Filed 7-6-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N-0493; DESI 5960]

Bio-Flav Capsules; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 81-17405, published on page 31065, on Friday, June 12, 1981, in the first column, in the heading "DESI 5969" should be corrected to read as set forth above.

BILLING CODE 1505-01-M

[Docket No. 81F-0189]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for ethylene vinyl acetate copolymers intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (U.S.C. 348(b)(5))), notice is given that a petition (FAP OB3493) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for ethylene vinyl acetate copolymers as defined in section 177.1350 (21 CFR 177.1350).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 24, 1981

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-19304 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Henry P. Roberts, District Director, Minneapolis District Office, Minneapolis, MN.

DATE: The meeting will be held from 9:30 a.m. to 11 a.m., Wednesday, July 22, 1981.

ADDRESS: The meeting will be held at the Merriam Park Community Center, 2000 St. Anthony Ave., St. Paul, MN 55104.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-725-2121.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Minneapolis District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19242 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by George R. White, District Director, Atlanta District Office, Atlanta, GA.

DATE: The meeting will be held at 10 a.m., Tuesday, August 4, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 2d Floor Conference Rm., 1182 W. Peachtree St. NW., Atlanta, GA 30309.

FOR FURTHER INFORMATION CONTACT: Ana M. Rivera, Consumer Affairs Officer, Food and Drug Administration, 1182 W. Peachtree St. NW., Atlanta, GA 30309, 404-881-7355.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Atlanta District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 26, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19503 Filed 7-6-81; 8:45 am]

BILLING CODE 4110-01-M

[Docket No. 78N-0279]

Oxytocin Citrate Buccal Tablets; Rescission of Proposal To Withdraw Approval of New Drug Application; Requirement for Labeling Directed to the Physician

Correction

In FR Doc 81-17403, published on page 31072, on Friday, June 12, 1981, in the first column, in the heading "Octocin" should be corrected to read "Oxytocin".

BILLING CODE 1505-01-M

[Docket No. 75N-0187; DESI 10837]

Pro-Banthine With Dartal Tablets; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 81-17406, published on page 31072, on Friday, June 12, 1981, in the third column, in the fourth line from the bottom "301-433-" should be corrected to read "301-443-".

BILLING CODE 1505-01-M

[Docket No. 80P-0510]

Sandare Chemical Co., Inc.; Urinary Homocystine (Nonquantitative) Test System; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel that the urinary homocystine (nonquantitative) test system be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review by the Section of a reclassification petition filed by Sandare Chemical Co., Inc., Dallas, TX 75208. After reviewing the Section recommendation and any public comments received, the agency will approve or deny the reclassification petition by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the **Federal Register**.

DATE: Comments by August 6, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene W. Rice, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On October 9, 1980, Sandare Chemical Co., Inc., Dallas, TX 75208, submitted to FDA under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)) a reclassification petition for a device the manufacturer calls "Sandare Silver-Nitroprusside Test Procedure." The manufacturer did not submit a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), on the ground that it was unware of the existence of any substantially equivalent commerical product. Because there is no such commerial product, the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) can be marketed, it must either be reclassified under section 513(f)(2) or have an approval of an application for premarket approval under section 515 of the act (21 U.S.C. 360e), unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate advisory panel and to receive a recommendation on whether to approve or deny a petition. On January 16, 1981, the Clinical Chemistry Devices Section of the Clinical Chemistry and Hematology Device Panel (the Section) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. For the purpose of classification, the Section assigned to this generic type of device the name urinary homocystine (nonquanitative) test system and identified this type of device as a qualitative screening procedure used to distinguish those patients with

homocystinuria (homocystine in urine) from those with cystinuria (cystine in urine) by a method such as silver-nitroprusside. The urinary homocystine (nonquantitative) test system is intended to supplement the cystine test system, which measure the combined cystine and homocystine in urine. Homocystinuria is a heritable metabolic disorder characterized by excertion of homocystine in urine, mental retardation, and other conditions such as convulsive tendency, failure to thrive, and fatty changes of the liver.

Summary of the Reasons for the Recommendation

The Section gave the following reasons in support of its recommendation on reclassification:

1. The device is not an implant, is neither life sustaining nor life supporting, and does not present a potential unreasonable risk of illness or injury.

2. Although general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance by prescribing for the device acceptable ranges of accuracy, precision, sensitivity, and specificity.

Summary of Data on Which the Recommendation is Based

The Section based its recommendation on the performance characteristics of the device.

The effectiveness and reliability of the "Sandare Silver-Nitroprusside Test Procedure", a modification of the method described by Spaeth and Barber (Ref. 1), was demonstrated in recovery and comparison studies carried out by Sandare Chemical Co., Inc., as well as in evaluations of the device by independent investigators. Random urine samples from 100 children were initially determined to be normal for certain urinary components. These samples were subsequently tested by the "Sandare Silver-Nitroprusside Test Procedure". No false-positive results were obtained. Urine samples from 10 patients confirmed as having homocystinuria by methods including the Spaeth method and amino acid analysis were tested using the device. No false-negative results were obtained. Of urine specimens from 118 patients with possible metabolic disturbances, 3 patients' specimens were found to be positive for homocystine by the "Sandare Silver-Nitroprusside Test Procedure". These positive findings were subsequently confirmed by the Spaeth method and amino acid analysis.

The specificity of the device was investigated in studies conducted to determine the effect on the assay of potentially interfering factors. A study was conducted on urine samples from 20 diabetic patients. The samples were confirmed to contain glucose and ketones. The presence of glucose (up to 2,000 milligrams per deciliter (mg/dL)) and ketones (up to and greater than 50 mg/dL) did not lead to any false-positive results in these specimens, and did not cause any false-negative results when the specimens were spiked with homocystine.

Tests conducted on pooled normal urine showed that the assay was not affected by interference from creatinine (up to 5 grams per liter (g/L)) or uric acid (up to 2 g/L). The sensitivity of the assay was inhibited by ascorbic acid (vitamin C) in urine samples from individuals taking more than 60 mg of vitamin C daily.

Studies were conducted on interferences from common drug products by spiking urine samples with known concentrations of drugs, as well as by testing urine samples from individuals who were given high concentrations of these drugs. Acetylsalicylic acid, acetaminophen, and phenobarbital were tested in each way and showed no effect on the test results obtained using the "Sandare Silver-Nitroprusside Test Procedure".

The stability of reagent components under expected storage conditions was extrapolated using accelerated aging data from heat stress studies and estimated to be 18 months at 25° C.

Risk to Health

The Section noted that the risk of inaccurate results from failure of the device to perform satisfactorily may lead to error in the diagnosis of homocystinuria. Inappropriate therapy based on inaccurate diagnostic data may place the patient at risk. Inaccurate results may occur because of the device's lack of specificity.

Additional Findings

The Section recommended that the development of a performance standard for the device be a low priority. The Section also recommended that labeling for the device emphasizes that potentially interfering substances may cause false-negative and false-positive test results, and that further testing be done to confirm a diagnosis of homocystinuria.

Reference

The petition, the transcript of the Section meeting, and the following material are on public file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Spaeth, G. L. and G. W. Barber, "Prevalence of Homocystinuria among the Mentally Retarded: Evaluation of a Specific Screening Test," *Pediatrics*, 40:586–589, 1967

Interested persons may, on or before August 6, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on the recommendation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be submitted with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this notice and has determined that, if promulgated, the regulation reclassifying the device will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this notice has been carefully analyzed, and it has been determined that this notice does not constitute a major rule as defined in section 1(b) of the Executive Order. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (§ 860.134(b)(5)) (21 CFR 860.134(b)(5)) FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Dated: June 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–19241 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80P–0511]

Sandare Chemical Co., Inc.; Urinary Methylmalonic Acid (Nonquantitative) Test System; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel that the urinary methylmalonic acid (nonquantitative) test system be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review by the Section of a reclassification petition filed by Sandare Chemical Co., Inc., Dallas, TX 75208. After reviewing the Section recommendation and any public comments received, the agency will approve or deny the reclassification petition by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the **Federal Register.**

DATE: Comments by August 6, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene W. Rice, Bureau of Medical Devices (HKF–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

SUPPLEMENTARY INFORMATION: On October 9, 1980, Sandare Chemical Co., Inc., Dallas, TX 75208, submitted to FDA under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)) a reclassification petition for a device the manufacturer calls "Sandare Methylmalonic Aciduria Test Procedure." The manufacturer did not submit a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), on the ground that it was unaware of the existence of any substantially equivalent commercial product. Because there is no such commercial product, the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) can be marketed, it must either be reclassified under section 513(f)(2) or have an approval of an application for premarket approval under section 515 of the act (21 U.S.C. 360e), unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate advisory panel and to receive a recommendation on whether to approve or deny a petition. On January 16, 1981, the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel (the Section) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. For the purpose of classification, the Section assigned to this generic type of device the name urinary methylmalonic acid (nonquantitative) test system and identified this type of device as a qualitative screening procedure used to detect methylmalonic aciduria (methylmalonic acid in urine) by a method such as *para*-nitronaniline. Methylmalonic aciduria is a heritable metabolic disorder characterized by excretion of methylmalonic acid in urine, mental retardation, and failure to thrive. Some individuals with this disorder respond well to dietary restriction or vitamin B_{12} administration.

Summary of the Reasons for the Recommendation

The Section gave the following reasons in support of its recommendation on reclassification:

1. The device is not an implant, is neither life sustaining nor life supporting, and does not present a potential unreasonable risk of illness or injury.

2. Although general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance by prescribing for the device acceptable ranges of accuracy, precision, sensitivity, and specificity.

Summary of Data on Which the Recommendation is Based

The Section based its recommendation on the performance characteristics of the device.

The effectiveness and reliability of the "Sandare Methylmalonic Aciduria Test Procedure," a modification of the method described by Giorgio (Ref. 1), was demonstrated in recovery and comparison studies carried out by Sandare Chemical Co., Inc., as well as in evaluations of the device by independent investigators. Random urine samples from 100 children were initially determined to be normal for certain urinary components. These samples were subsequently tested by the "Sandare Methylmalonic Aciduria Test Procedure". No false-positive results were obtained. Urine samples from 11 patients confirmed as having methylmalonic aciduria by methods including the Giorgio method, amino acid analysis, paper chromatography, and gas chromatography were tested using the device. No false-negative results were obtained. In another group of 15 urine samples, 4 of which were confirmed to contain methylmalonic acid by chromatographic separation, the test system properly identified the 4 positive samples.

The specificity of the device was investigated in studies conducted to determine the effect on the assay of potentially interfering factors. A study was conducted on urine samples from 20 diabetic patients. The samples were confirmed to contain glucose and ketones. The presence of glucose (up to 2,000 milligrams per deciliter (mg/dL)) did not lead to any false-positive results in these specimens, and did not cause any false-negative results when the specimens were spiked with methylmalonic acid. However, the presence of ketones (acetone and acetoacetate) greater than trace amounts (approximately 10 mg/dL) caused some false-negatives owing to decreased sensitivity.

High levels of creatinine (above 5 grams per liter (g/L)) or uric acid (above 1.5 g/L) also decreased the sensitivity of the "Sandare Methylmalonic Aciduria Test Procedure". Ascorbic acid (vitamin C) also reduced the sensitivity of the test, but only when administered in quantities greater than one gram per day.

Studies were conducted on interferences from common drug products by spiking urine samples with known concentrations of drugs, as well as by testing urine samples from individuals who were given high concentrations of these drugs. Acetylsalicylic acid, acetaminophen, and phenobarbital were tested in each way and showed no effect on the test results obtained using the "Sandare Methylmalonic Aciduria Test Procedure".

The stability of reagent components under expected storage conditions was extrapolated using accelerated aging data from heat stress studies and estimated to be 18 months at 25° C.

V 46 / 129 JL 7 81 UMI

Risk to Health

The Section noted that the risk of inaccurate results from failure of the device to perform satisfactorily may lead to error in the diagnosis of methylmalonic aciduria. Inappropriate therapy based on inaccurate diagnostic data may place the patient at risk. Inaccurate results may occur because of the device's lack of specificity.

Additional Findings

The Section recommended that the development of a performance standard for the device be a low priority. The Section also recommended that labeling for the device emphasize that potentially interfering substances may cause false-negative and false-positive test results, and that further testing be done to confirm a diagnosis of methylmalonic aciduria.

Reference

The petition, the transcript of the Section meeting, and the following material are on public file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Giorgio, A. J. and A. L. Luhby, "A Rapid Screening Test for the Detection of Congenital Methylmalonic Aciduria in Infancy," *The American Journal of Clinical Pathology*, 52:374–379, 1969

Interested persons may, on or before August 6, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on the recommendation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be submitted with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this notice and has determined that, if promulgated, the regulation reclassifying the device will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this notice has been carefully analyzed, and it has been determined that this notice does not constitute a major rule as defined in section 1(b) of the Executive Order. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (§ 860.134(b)(5) (21 CFR 860.134(b)(5)) FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 6(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Dated: June 25, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–19340 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0188]

Toyobo Co., Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Toyobo Co., Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyester elastomers produced by the condensation of dimethyl terephthalate, 1,4-butanediol, and α-Hydro-*omega*-hydroxypoly (oxytetramethylene), for repeated use articles in contact with food containing less than 8 percent alcohol.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B 3417) has been filed by SL Testing Institute, Enfield, CT 06082, on behalf of Toyobo Co., Ltd., Japan, proposing that the food additive regulations be amended to provide for the safe use of polyester elastomers produced by the condensation of dimethyl terephthalate, 1,4-butanediol, and α-Hydro-*omega*-hydroxypoly (oxytetramethylene), for repeated use articles in contact with food containing less than 8 percent alcohol.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 24, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–19396 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–03–M

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1981:

Name: National Advisory Council on Health Professions Education
Date and time: August 3–5, 1981, 8:30 a.m.–5:30 p.m.
Place: Conference Room 10, 6th Floor, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20205
Closed August 3, 1981
Open August 4 and 5, 1981
Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.
Agenda: The open portion of the meeting will cover: report of the Acting Administrator; welcome and opening remarks; budget update; legislative update; report on Health Promotion and Disease Prevention; and a discussion of the following reports: The Secnd Report to Congress on Public Health: Personnel for Disease Prevention and Health Promotion; A Report to the President and Congress on the Status of Health Professions Personnel in the United States; and Supply and Distribution of and Requirements for Nurses. Also to be discussed are criteria for selection of ad hoc reviewers, use of national board scores, and future agenda items. The meeting will be closed to the public on August 3, 1981, from 8:30 a.m. to 5:30 p.m., for the review of grant applications for the Financial Distress Program. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact MR. CLYDE COUCHMAN, Bureau of Health Professions, Health Resources Administration, Room 4–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6564.

Agenda items are subject to change as priorities dictate.

Dated: July 1, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 81–19625 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–83–M

National Institutes of Health

Renewal of NIH Public Advisory Committees

Correction

In FR Doc. 81–19038 appearing on page 33371 in the issue of Monday, June 29, 1981, first column, second line of the last paragraph, "* * * May 31, 1981" should read "* * * May 31, 1983 * * *".

BILLING CODE 1505–01–M

Social Security Administration

Agreement on Social Security between the United States and Switzerland; Availability of Text of Agreement

The Commissioner of Social Security gives notice that the text of an agreement coordinating the social security systems of the United States and the Swiss Confederation is available to interested parties. This agreement, authorized under section 233 of the Social Security Act, became effective on November 1, 1980. It provides that where a person has completed at least six quarters of U.S. coverage, but does not have sufficient coverage to be entitled to a U.S. benefit, the periods of coverage earned in both the U.S. and Switzerland may be combined (totalized) for the purpose of determining entitlement to and the amount of a U.S. benefit. The U.S. benefit will be proportional to the amount of coverage completed under U.S. law. With respect to benefits payable under Swiss Laws, the agreement provides, among other things, that U.S. nationals may qualify for ordinary old-age, survivors and disability pensions with only one year of Swiss coverage.

The agreement also eliminates dual coverage and dual taxation of the same work. For example, a U.S. citizen, who is sent to work temporarily in Switzerland for a U.S. employer, will be covered by and pay contributions to the U.S. system and will be excluded from coverage and taxation under the Swiss system.

The agreement has been published in booklet form as part of the *Treaties and Other International Acts Series* (TIAS No. 9830). This publication contains (1) the principal agreement signed on July 18, 1979; (2) the Final Protocol to the 1979 agreement, also signed on July 18, 1979; and (3) the Administrative Agreement for the Implementation of the 1979 Agreement, signed on December 20, 1979. Copies may be purchased for $3.50 from the "Superintendent of Documents", U.S. Government Printing Office, Washington, D.C. 20402. Persons who have questions about the agreement or want more information about its provisions may write to the Social Security Administration, Office of International Policy, IPPS, 6401 Security Boulevard, Baltimore, Maryland 21235.

Dated: June 26, 1981.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 81–19654 Filed 7–6–81; 8:45 am]

BILLING CODE 4110–07–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 27250, Survey Group 115]

Minnesota; Filing of Plat of Survey

1. On February 9, 1981, the plat representing the survey of four islands in Vermilion Lake, T. 62 N., R. 17 W., Fourth Principal Meridian, Minnesota, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on (45 days from date of publication).

Fourth Principal Meridian, Minnesota

T. 62 N., R. 17 W.,
Tract Nos. 37, 38, 39, and 40.

2. The character of Tract Nos. 37, 38, 39, and 40 is similar in all respects to that of the adjacent surveyed lands.

Elevations on the island Tract No. 37 range up to approximately 6 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, fir and birch. Borings of pine trees showed several to be up to 112 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer or organic matter on a base of glacial till.

Elevations on the island Tract No. 38 range up to approximately 8 feet above the ordinary high water mark. Timber consists of pine, cedar, and birch. Borings of pine trees showed several to be up to 85 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 39 range up to approximately 5 feet above the ordinary high water mark. Timber consists of pine, cedar, and fir. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 40 range up to approximately 2 feet above the ordinary high water mark. Timber consists of cedar, aspen, and birch. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Tract Nos. 37, 38, 39, and 40 were found to be over 50 percent upland in character within purview of the Swamplands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

All inquiries relating to these lands should be sent to the Chief, Division of Lands and Minerals, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before August 21, 1981.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81–19635 Filed 7–6–81; 8:45 am]

BILLING CODE 4310–84–M

Availability of Draft Environmental Impact Statement on Rocky Mountain Pipeline Project and Establishment of Public Review Period and Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Publication of Draft Environmental Impact Statement on Rocky Mountain Pipeline Project Proposal; Establishment of a 45-day Public Review and Comment Period and Location Sites and Dates for Public Hearings on the Document.

SUMMARY: A draft environmental impact statement (DEIS) prepared jointly by the Department of the Interior's Bureau of Land Management and the Federal Energy Regulatory Commission covering a proposal by the Rocky Mountain Pipeline Company to construct and operate a 610-mile long, 36-inch diameter, natural gas pipeline from Lincoln County, Wyoming into San Bernardino County, California. The proposed system would cross approximately 343 miles of Federal land.

In addition to the proposed action, six alternative routes and five route variations have been assessed and analyzed in the document.

A 45-day public review and comment period has been established. Four public hearings will be conducted at the following locations, time and dates, by the Bureau of Land Management, to

receive oral and written public input and comment on the DEIS.

DATES: Public hearings will be held at the following locations, dates and times: Showboat Hotel, Las Vegas, Nevada, Monday, August 3, 1981, 7:00 p.m.; Old Administration Building, University of Southern Utah, Cedar City, Utah, Tuesday, August 4, 1981, 7:00 p.m.; 51 South University Street, Provo, Utah, Wednesday, August 5, 1981, 2:00 p.m.; North Summit Middle School Auditorium, Coalville, Utah, Thursday, August 6, 1981, 7:00 p.m. Comments will be accepted until August 24, 1981.

Written comments on the DEIS should be received no later than August 24, 1981, by the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Limited copies of DEIS's are available upon request from: Rocky Mountain Pipeline Project Leader, Bureau of Land Management, Special Projects Staff, Third Floor East, 555 Zang Street, Denver, Colorado 82006 and the Federal Energy Regulatory Commission, Division of Public Information, at the above listed address. Copies of the DEIS are available for review at public libraries and at the following BLM locations.

Office of Public Affairs, Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240
Federal Building, Room 398, 550 West Fort Street, Box 042, Boise, Idaho 83724
Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825
Federal Building, Room 3006, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520
University Club Building, 136 East South Temple, Salt Lake City, Utah 84119
2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Ed Hastey,
Director.

[FR Doc. 81–19872 Filed 7–6–81; 8:45 am]
BILLING CODE 4310–84–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 26, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 22, 1981.

Carol Shull,
Chief, Registration Branch.

CALIFORNIA

San Bernardino County

Red Mountain vicinity, *Squaw Spring Archeological District*

COLORADO

Larimer County

Berthoud, *Bimson Blacksmith Shop*, 224 Mountain St.

Mesa County

Whitewater vicinity, *Bloomfield Site (5ME396)*

Prowers County

Lamar, *Prowers County Building*, 301 S. Main St.

Weld County

Erie, *Lincoln School*, 645 Holbrook St.
Greeley, *Greeley High School and Grade School*, 1015 8th St.

DELAWARE

New Castle County

Willington, *Bradywine Park Kentmere Parkway*, Roughly bounded by Kentmere Pkwy., Augustine Cutoff, Lovering Ave., 18th and Market Sts. (boundary increase)

INDIANA

Marshall County

Plymouth, *East LaPorte Street Footbridge*, Spans Yellow River

Morgan County

Martinsville, *Martinsville High School Gymnasium*, 759 S. Main St.

MARYLAND

Allegany County

North Branch and vicinity, *Western Maryland Railway Right-of-Way, Milepost 126 to Milepost 160* (also in Washington, County, MD and Morgan County, WV.

NEW YORK

New York County

New York, *New York Public Library, Hamilton Grange Branch*, 503 and 505 W. 145th St.

WASHINGTON

King County

Seattle, *Yesler Terrace Low-Income Housing Project*, E. Yesler Way

Thurston County

Olympia, *Thruston County Courthouse*, Capitol Way

Walla Walla County

Dixie, *Dixie High School*, Off U.S. 410

WISCONSIN

Sheboygan County

Sheboygan vicinity *Kletzien Mound Group (47–Sb–61) (Black River Group No. 2)* S. 9th St.

[FR Doc. 81–19811 Filed 7–6–81; 8:45 am]
BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the Special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper

divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certrain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 30, 1981

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14639, filed May 29, 1981. Applicant: GROSS & HECHT TRUCKING, INC. (G & H) 35 Brunswick Avenue, Edison, NJ 08817—Purchase—NEWPORT TRUCKING CORP. (Newport) (4600 Fifth St., Long Island City, NY 11101). Applicant: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, New Jersey 07006. G & H seeks to purchase the contract carrier operating rights and property of Newport, involving permits issued in No. MC–111309 and (Sub-Nos. 9, 11, 12, 14, 15 and 16). Transco Group, Inc. and Arthur M. Goldberg seek authority to maintain control of said rights and property through the transaction. The authority sought to be purchased generally authorizes syrup, sugar, beverages, containers, and related commodities, from and to named points throughout the United States under contract with Pepsi-Cola Metropolitan Bottling Company, Inc. and Pepsi Cola Company. (Hearing site: New York, NY.)

MC–F–14646, filed June 3, 1981 (as supplemented). LEICHT INDUSTRIES, INC. (Leicht) (P.O. Box 2385, 1401 State Street, Green Bay, WI 54306)—Control—Leicht Transfer & Storage Co. (Transfer) (P.O. Box 2385, 1401–55 State Street, Green Bay, WI 54306) and GEORGE CLARK TRANSIT CO. (Clark) (P.O. Box 2385, 1401–55 State Street, Green Bay, WI 54306) and—Continuance in Control—TRI-L TRANSPORT, INC. (Tri-L) (P.O. Box 558, Richmond, VA 23204). Representative: John R. Sims, Jr., Esq., 910 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Leicht, a noncarrier, seeks authority to acquire control of Transfer, a motor common carrier. In turn, Clark (Transfer's wholly owned subsidiary), a motor common carrier, and seeks to continue in control of Tri-L (Leicht's whollyowned subsidiary), a noncarrier, upon approval of its current application for certificated authority and institution of operations thereunder. E.W. Leicht, Theordore M. Leicht, Raymond M. Leicht, and Russell G. Leicht (officers and directors of Leicht) currently control Leicht. Leicht has not issued any stock but has subscriptions for stock from E. W. Leicht Trust, Raymond M. Leicht, Leicht Family Voting Trust (which controls stock held by Theodore M. Leicht, Thomas R. Leicht, Eugene W. Leicht and Russell G. Leicht), Ann Maloney, and Susan Leicht Moore (Shareholders). Shareholders would control Leicht (after receiving Leicht stock) prior to the proposed transaction. In addition, these shareholders currently control Transfer. Concurrently with the stock exchange between Leicht and Transfer, the shareholders will continue in the same relationship with respect to Transfer and Clark as exists now. Also they would have an identical relationship with respect to Tri-L upon its receipt of authority in No. MC–155938 and institution of operations. Transfer operates pursuant to Certificate No. MC–56270 and subnumbers thereunder generally transporting general and specified commodities throughout the United States. Clark operates pursuant to Permit No. MC–143317 and subnumbers thereunder generally transporting sand, in bulk, in Wisconsin, Minnesota, Michigan, Illinois, Indiana, Ohio, Iowa, North Dakota, and South Dakota. Tri-L has an application pending for a certificate in No. MC–155938 to transport U.S. Government traffic between points in the United States. The operating authorities indicated above have not been described in their entirety. A more complete description is on file with the application at the Commission's office in Washington, DC and its Regional Office in Chicago, IL. *Condition:* The evidence indicates that while Leicht technically is not a regulated carrier, its investments and functions are related primarily to interstate transportation. Upon consummation of this transaction, therefore, Leicht will be considered a motor carrier within the meaning of 49 U.S.C. 11348 and will be subject to applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of Chapter III which relates to reporting and accounting, and of 4a U.S.C. 11302 which relates to the issuance of securities. *Impediment:* Approval and authorization of this transaction is conditioned upon applicants (a) setting forth all pending duplications between the authority of Transfer and Clark and the authority currently sought by Tri-L (if granted), and (b) submitting a plan for elimination of such duplications. See 49 CFR 1134.51.

Note.—If the application of Tri-L, Inc. in No. MC–155938 is granted, it may not commence operations until the Commission approves common control.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–19815 Filed 7–6–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special

rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 30, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14644, filed June 1, 1981. KYSOR INDUSTRIAL CORPORATION (Kysor) (One Madison Avenue, Cadillac, MI 49601)—CONTROL—ARLEDGE TRANSFER, INC. (Arledge) (P.O. Box 157, Burlington, IA 52601). Representatives: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603, and H. Edward Dean, One Madison Avenue, Cadillac, MI 49601. Kysor, a non-carrier, seeks authority to acquire control of Arledge through the exchange of certain Kysor stock for all of the outstanding shares of Arledge stock and the merger of Kysor Transportation, Inc., (Transportation), a wholly owned non-carrier subsidiary of Kysor, into Arledge. The operating rights to be controlled by Kysor are those issued to Arledge in Certificate No. MC–101186 and subnumbers thereunder which authorize the transportation of general commodities, with the usual exceptions, over a network of regular routes in IA, MO, WI, IL, and TN, and specified commodities over irregular routes in IA, IL, IN, MN, MO, NE, ND, SD, and WI. Kysor presently controls Blue Arrow, Inc., of Grand Rapids, MI, a motor common carrier authorized to conduct operations pursuant to Certificate No. MC–2990 and subnumbers thereunder which authorize the transportation of general commodities, with the usual exceptions, primarily over regular routes in MI, IL, and IN.

MC–F–14647, filed June 4, 1981. Pacific Motor Trucking Company (PMT) (1766 El Camino Real, Burlingame, CA)—MERGER—Southern Pacific Transport Company of Texas and Louisiana (SPTT&L) (1766 El Camino Real, Burlingame, CA) and Southwestern Transportation Company (SWT) (1766 El Camino Real, Burlingame, CA). Applicants seek authority under 49 U.S.C. 11343 to merge the properties and operating rights of PMT, SPTT&L and SWT. PMT will be the surviving corporation. All three corporations are presently under common control of Southern Pacific Transportation Company, a rail common carrier. Common control of the three motor carriers by Southern Pacific was approved by the Commission in *Southern Pacific Company—Control St. Louis Southwestern Railway,* 180 I.C.C. 175 (1932). PMT is a motor common carrier in interstate and foreign commerce, pursuant to Certificate No. MC–78786 and subnumbers and Permit No. 78787 and subnumbers. PMT transports general commodities over regular routes which generally parallel the lines of the Southern Pacific in the States of Oregon, Nevada, California, Arizona, and New Mexico. In another proceeding, PMT has applied for authority to control Louis Heller, Incorporated, which has a contract carrier application pending before the Commission in Docket No. MC–152491. SPTT&L is a motor common carrier in interstate and foreign commerce, pursuant to Certificate No. MC–30319 and subnumbers. SPTT&L transports general commodities over regular routes which generally parallel the rail line of Southern Pacific in between El Paso, New Orleans, Dallas-Fort Worth, and various other Texas and Louisiana points. SWT is authorized to transport general commodities in interstate and foreign commerce pursuant to Certificate No. MC–59488 and subnumbers. SWT routes generally parallel the routes of St. Louis Southwestern Railway Company, a rail common carrier subsidiary of Southern Pacific. SWT's present operations extend from Chicago, IL; Kansas City, KS; St. Louis, MO; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA on the north, to Memphis, TN; Louisville, KY; and Shreveport, LA on the east, and Dallas-Fort Worth and Waco, TX on the west.

Note.—No application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19817 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–133

The following applications were filed in region I. Send Protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 156468 (Sub-1–1TA), filed June 19, 1981. Applicant: P.E.T.S. LEASING, INC., 266 Front Street, Winchendon, MA 01475. Representative: Ernest J. Coderre (same as applicant). *New furniture and furniture parts,* from Winchendon, MA to the following states: AL, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. Supporting Shipper: Sprague Carlton, Box 696, Devon Street, Keene, NH 03431.

MC 156510 (Sub-1–2TA), filed June 17, 1981. Applicant: J. LINE, INC., Gibson Hill Road, Green, RI 02827. Representative: Howard L. Feldman, 506 Industrial Bank Bldg., Providence, RI 02903. *Contract carrier:* irregular routes: *Machines, machine parts and related equipment,* from Pawtucket, RI to points in the US (except AK and HI) under continuing contract(s) with Cumberland Engineering of Pawtucket, RI. Supporting shipper: Cumberland Engineering, P.O. Box 6065, Providence, RI 02940.

MC 153167 (Sub-1–2TA), filed June 18, 1981. Applicant: ANGELICA ENTERPRISES, INC., Park Circle, Angelica, NY 14709. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Dairy products, and machinery, equipment, materials, and supplies used in the processing, production, packaging, and distribution of dairy products,* between points in Allegany County, NY, on the one hand, and, on the other, points in IL, MI, MN, OH, and WI, under continuing contract(s) with Friendship Dairies, Inc. of Friendship, NY. Supporting Shipper: Friendship Dairies, Inc., County Route 20, Friendship, NY 14739.

MC 156574 (Sub-1–1TA), filed June 17, 1981. Applicant: LAOBAN LINES, INC., 571 West Lake Avenue, Bay Head, NJ 08743. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Boats, boat parts, supplies, equipment and materials used in the manufacturing, transportation or distribution of boats and boat parts, except in bulk* between points in the U.S. except HI. Supporting shipper(s): Marine Trading International, Foot of West Lake Ave., Bay Head, NJ 08742 and Miller Yacht Sales, Inc., P.O. Box 1232, Pt. Pleasant Beach, NJ 08752.

MC 144906 (Sub-1–2TA), filed June 17, 1981. Applicant: NORTH OPERATING COMPANY, 39 Little Brook Road, Springfield, NJ 07081. Representative: Roy A. Jacobs, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier:* irregular routes: *Paper (other than newsprint),* between Cohoes, NY, on the one hand, and on the other, points in NJ and NY under a continuing contract(s) with Mohawk Paper Mills, Inc., of Cohoes, NY. Supporting shipper: Mohawk Paper Mills, Inc., Route 32, Cohoes, NY.

MC 151583 (Sub-1–2TA), filed June 19, 1981. Applicant: UTF CARRIERS, INC., Benson Road, Middlebury, CT 06749. Representative: William O. Keenan, 7 Corporate Park Drive, White Plains, NY 10604. *Contract carrier:* irregular routes: *Tires* between points in the U.S. under continuing contract(s) with Delta Tire Corp., Houston, TX. Supporting shipper: Delta Tire Corp., 2222 Polymer Drive, Chattanooga, TN 37421.

MC 156384 (Sub-1–1TA), filed June 8, 1981. Applicant: TRANSPO, INC., 49 Miry Brook Rd., Danbury CT 06810. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022. *Passengers in special operations,* beginning and ending in Danbury, CT and extending to office and plant facilities in White Plains and the Towns of Rye & Harrison, NY. Supporting shipper(s): There are 15 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 145302 (Sub-1–1TA), filed June 22, 1981. Applicant: GULF STATES CORPORATION, P.O. Box 7598, Trenton, NJ 08628. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Soda ash* from Solvay (Syracuse area), NY to Millville, NJ. Supporting shipper: Kerr Glass Manufacturing Corporation, P.O. Box 97, Sandy Springs, OK 74063.

MC 147915 (Sub-1–2TA), filed June 23, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street N.W., Suite 501, Washington, DC 20036. *Household cleaning products, cleaning agents, and materials, equipment and supplies used in the manufacture and distribution of these commodities, except commodities in bulk,* between Paterson, Hackensack, and South Kearny, NJ, on the one hand, and, on the other, points in AL, AR, CA, CT, FL, GA, MA, IL, IA, NY, RI, TX, IN, KS, KY, LA, ME, MD, MN, MS, NH, NE, NC, OH, OK, PA, SC, TN, VT, VA, WV and WI. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 148408 (Sub-1–2TA), filed June 22, 1981. Applicant: SPEED MOTOR EXPRESS OF WESTERN NEW YORK, INC., 11 Botsford Place, Buffalo, NY 14216. Representative: William J. Hirsch P. C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Newsprint* from ports of entry on the International Boundary line between the US and CD, located on the Niagara River, to Olean, NY. Supporting shipper: Olean Times Herald, 639 Norton Drive, Olean, NY 14760.

MC 145460 (Sub-1–1TA), filed June 22, 1981. Applicant: WALSH TRUCKING CO., INC., 2820 16th Street, North Bergen, NJ 07047. Representative: Richard Rueda, Esq., 135 North 4th Street, Philadelphia, PA 19106. *Such commodities as are dealt in or used by retail department stores* between stores and facilities of Abraham & Straus in NY and NJ, on the one hand, and, on the other, points in the State of PA, under continuing contract(s) with Abraham & Straus, New York, NY. Supporting shipper: Abraham & Straus, Fulton Street at Hoyt, Brooklyn, NY 11201.

MC 146463 (Sub-1–1TA), filed June 19, 1981. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, CD NOA 1AO. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Lumber and wood products;* between all points in IA, IL, KY, MO, NC, SC, and WV. Supporting shipper(s): Marks Lumber Limited, P.O. Box 1341, Brantford, Ontario, CD N3T 5T6: Kawartha Wood Products Ltd., 4630 Dufferin Street, Suite 311, Downsview, Ontario, CD.

Republication

MC 156014 (Sub-1–1TA), filed May 18, 1981. Applicant: HOPE EXPRESS CO., INC., 20 Spring Hill Drive, Johnston, RI 02919. Representative: Joseph F. Penza, Jr., 1000 Smith Street, Providence, RI 02908. *Merchandise dealt in by department stores* between RI, on the one hand, and, on the other, points in

CT, MA, MD, NJ, NY, and PA. Supporting shipper: Ann & Hope, One Mill Street, Cumberland, RI 02864.

MC 147738 (Sub-1–2–TA), filed June 19 1981. Applicant: FALCON EXPRESS FORWARDERS, INC., 8 Lawrence Street, Belleville, NJ 07109. Representative: Thomas F. X. Foley, Esq., P.O. Box F, Colts Neck NJ 07722. *Contract carrier:* irregular routes: *Copper, brass, bronze and aluminum articles and materials and supplies used in the manufacture thereof,* between Port Huron, MI, Fulton, MS and Little Falls, NJ, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, TN, VA, VT, WI, and WV under continuing contract(s) with Mueller Brass Co. of Port Huron, MI. Supporting shipper: Mueller Brass Company, 1925 LaPeer Avenue, Port Huron, MI 48060.

MC 143044 (Sub-1–2–TA), filed June 22, 1981. Applicant: EQUIPMENT EXPRESS LIMITED, 8105 Woodbine Avenue, Markham, Ontario, CD L3R 2P1. Representative: H. M. McNamara (same as applicant). *Architectural Prescast Concrete panels* from the CD/US boundaries at Lewiston, Niagara Falls and Buffalo, NY to Springfield, MA. Supporting shipper: Artex Precast Limited, 523 Bowes Road, Concord, Ontario, CD.

MC 30680 (Sub-1–2TA), filed June 23, 1981. Applicant: BORNSTEIN & FISHER, INC., d.b.a. BORNSTEIN & FISHER, 1 East Street, East, Cambridge, MA 02141. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *New furniture* between points in MA, NH and CT. Supporting shipper: Bornstein & Fisher, Inc., East Street, Cambridge, MA 02141.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 138297 (Sub-II–2TA), filed June 17, 1981. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Passengers and their baggage in the same vehicles with passengers,* between Lima, OH, Lexington, KY, Hazleton, PA and Fredericksburg, VA, on the one hand, and, on the other, Sanford and Cocoa Beach, FL, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There is no supporting shipper's statement attached to this application. Applicant submitted a verified statement.

MC 156689 (Sub-II–1TA), filed June 22, 1981. Applicant: EH, INC., 1064 Kauffman Ave., Fairborn, OH 45324. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Liquid PCB's, contaminated materials and articles and PCB contaminated waste,* between Emelle and Theodore, AL; El Dorado, AR; Williamsburg, OH; and Deer Park, TX, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Power Testing, Inc., 1064 Kauffman Ave., Fairborn, OH 45324.

MC 140889 (Sub-II–17TA), filed June 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Types of service: *Contract, irregular: chemical and related products and rubber and plastic products* between the facilities of B. F. Goodrich Co. located in Lorain and Summit Counties, OH; Jefferson County, KY; Jefferson County, TX; Los Angeles County, CA; and St. James and Iberville Parishes, LA, on the one hand, and, on the other, to points in CA, OR, AZ and TX under a continuing contract(s) with B. F. Goodrich Co. of Cleveland, OH. An underlying ETA seeks 120 days authority. Shipper: B. F. Goodrich Co., 6100 Oaktree Blvd., Cleveland, OH 44131.

MC 64281 (Sub-II–16TA), filed June 16, 1981. Applicant: KLOSE BROTHERS, INC., 5240 Comly Street, Philadelphia, PA 19135. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Contract;* irregular: *Furniture and furnishings, and equipment, materials and supplies used in the production and distribution thereof* between Pennsauken, NJ on the one hand, and, on the other, points in CT, DE, DC, MD, NJ, NY, PA and VA, under continuing contract(s) with Honorbilt Products, Inc. of Pennsauken, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Honorbilt Products, Inc., 400 Griffith-Morgan Lane, Pennsauken, NJ 08110.

MC 115703 (Sub-II–12TA), filed June 17, 1981. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 6331, Wyomissing, PA 19610. Representative: Bernard L. Quaglia (same as applicant). *Machinery, Material Handling Equipment, Office Equipment and Beryllium-Copper Products* between the facilities of Cabot Corporation at or near Elkhart County, IN, on the one hand, and, on the other, points in IL, IN, MI and PA for 270 days. An underlying ETA seeks 180 days authority. Supporting shipper(s): Cabot Berylco, Div. of Cabot Corp., P.O. Box 1296, Reading, PA 19603.

MC 133015 (Sub-II–1TA), filed June 19, 1981. Applicant: LYNCH BUS LEASING SERVICE, INC., d.b.a. LYNCH BUS SERVICE, R. D. 1, Box 82A, Carbondale, PA 18407. Representative: Paul J. Kenworthy, P.O. Box 25, Clarks Summit, PA 18411. *Passengers and their baggage, in the same vehicle with passengers, in charter and special operations,* beginning and ending at points in Lackawanna and Susquehanna Counties, PA, and extending to points in the U.S. (including AK and excluding HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): There are ten supporting shippers' statements attached to this application which may be examined at the Phila. Regional office.

MC 156690 (Sub-II–1TA), filed June 22, 1981. Applicant: PIEDMONT, INC., 2706 Bartol Ave., Baltimore, MD 21209. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Baby furniture, materials, supplies, and equipment used in the manufacture thereof,* between Hallam, PA, on the one hand, and, on the other, points in and East of WI, IL, KY, TN, and MS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Port-A-Crib, Inc., 5 Broad St., Hallam, PA 17406.

MC 150339 (Sub-2–40TA), filed June 22, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Plastic articles,* from Reading, PA, and Indianapolis, IN, to points in AL, AR, CT, FL, GA, IL, IN, KY, MA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI, under continuing contract(s) with W. R. Grace & Company, Reading, PA for 270 days. Supporting shipper(s): W. R. Grace & Company, P.O. Box 295, Reading, PA 19603.

MC 150339 (Sub-2–41TA), filed June 22, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Food and related products,* from Allegheny County, PA, to points in the U.S. under continuing contract(s) with Mallet & Co., Inc., Carnegie, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Mallet & Co., Inc., Box 474, Carnegie, PA 15106.

MC 141898 (Sub-II–2TA), filed June 22, 1981. Applicant: ROBERTS EXPRESS, INC., P.O. Box 7162, Akron, OH 44306. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212.

General commodities, (except class A and B explosives), moving in express service, between points in OH, and MI, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, OK, PA, SC, TN, VA, WV and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 16 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC127100 (Sub-II–3TA) filed June 25, 1981. Applicant: B & B MOTOR LINES, INC., 911 Summit St., Toledo, OH 43604. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Contract, irregular: *Malt (beer and ale) beverages in containers,* from Memphis, TN to Defiance, OH, under a continuing contract with Defiance Beverage Co., Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Defiance Beverage Co., 911 Summit St., Toledo, OH 43604.

MC 146148 (Sub-II–4TA), filed June 23, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Metal products,* between the facilities used by Pacesetter Steel Service, Inc. at Fairfield, AL; Marietta, GA; E. Chicago, IN; Ashland, KY and Martins Ferry and Middletown, OH, on the one hand, and, on the other, points in the U.S., under continuing contracts with Pacesetter Steel Service, Inc. of Marietta, GA, for 270 days. Supporting shipper: Pacesetter Steel Service, Inc., Post Office Box 6865, Marietta, GA 30065.

MC 138438 (Sub-II–34TA), filed June 23, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Metal products* between Chambersburg, PA and Trenton, TN and their respective commercial zones, on the one hand, and, on the other, points in the United States, for 270 days. Supporting shipper: T. B. Woods Sons Company, 440 N. 5th Ave., Chambersburg, PA 17201.

MC 149230 (Sub-II–7TA), filed June 25, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. Contract, irregular: *(1) Meat, meat products, meat by-products, and articles distributed by meat packing houses, and groceries; (2) paper and paper articles, bakery goods, building materials and supplies and foodstuffs,* between Richmond, VA, and pts. in Henrico & Chesterfield Counties, VA, on the one hand, and, on the other, pts. in CO, CT, DE, FL, IL, IN, IA, KY, KS, MA, MD, MI, MO, MS, ME, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX & DC, for 270 days. Under continuing contracts with Richfoods, Inc., Mechanicsville, VA and Old Dominion Warehouse & Distribution, Inc., Richmond, VA. Restricted to traffic originating at or destined to the fac. of shippers. An underlying ETA seeks 120 days authority. Supporting shippers: Richfoods, Inc., Mechanicsville, VA; Old Dominion Warehouse & Dist. Inc., Richmond, VA.

MC 151439 (Sub-II–2TA), filed June 25, 1981. Applicant: DONALD E. BUSSERT, Route No. 2, Amanda, OH 43102. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. (1) *Malt beverages,* from Memphis, TN and Winston-Salem, NC to Athens and Ross Counties, OH. (2) *Glass and metal containers, pallets and packaging materials,* on return for 270 days. An underlying ETA seeks — days authority. Supporting shipper(s): Kerr Wholesale Co., Kerr Beverage Co., Kerr Distributing Co., Inc., Athens, OH 45701.

MC 150183 (Sub-II–4TA), filed June 23, 1981. Applicant: CASSCO REFRIGERATED TRANSPORT, Div. of Cassco Corp., P.O. Box 548, Harrisonburg, VA 22801. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Foodstuffs, and materials and supplies used in the manufacture and distribution of foodstuffs (except in bulk),* from the facilities of Golden West Foods, Inc. at or near Bedford, VA to pts. in AR, FL, GA, IL, IN, KY, KS, MI, MN, NC, OH, TX and WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Golden West Foods, Inc., McCormick & Co., P.O. Box 334, Bedford, VA 24523.

MC 61445 (Sub-II–4TA), filed June 23, 1981. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Contractors' equipment, materials, and supplies and iron and steel articles* between pts in the U.S. in an east of TX, OK, MO, IA, and MN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Interstate Steel Supply Co., 1800 Byberry Rd., Phila., PA 19116.

MC 155637 (Sub-II–2TA), filed June 22, 1981. Applicant: DAVID STEIN, d.b.a. DISTRIBUTION SERVICES, INC., Armstrong Terminal, 1st St. and 7th Ave., Huntington, WV 25704. Representative: David Stein, 2002 Weberwood Rd., Charleston, WV 25314. Contract, irregular: *Cleaning compounds, prepared foods, food supplements, sales aides, literature and personal care products,* between Pittsburgh, PA and pts. in WV, on the one hand, and, on the other, pts. in OH and KY, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline at Huntington, WV. Under continuing contract with Shaklee Corp., Oakland, CA. Supporting shipper: Shaklee Corp., 456 22nd St., Oakland, CA 94612.

MC 154513 (Sub-II–2TA), filed June 23, 1981. Applicant: EAGLE LINES, INC., 1523 Maryland Ave., Bluefield, WV 24701. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Malt beverages* from Fostoria, OH, Winston-Salem, NC and Newport, KY, to Beckley, Bluefield, and Welch, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mercer Wholesale Co., Inc., P.O. Box 2371, Bluefield, WV 24701.

MC 151807 (Sub-II–4TA), filed June 23, 1981. Applicant: FWC, INCORPORATED, Route 2, Box 123, Rustburg, VA 24588. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517. *Furniture and fixtures* between Pulaski County, VA on the one hand, and, on the other, points in NC, SC, GA, AL, TN and MS for 270 days. Supporting shipper: Coleman Furniture Corp., P.O. Box 906 Pulaski, VA 24301.

MC 140159 (Sub-II–8TA), filed June 25, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles,* from Derry, PA to Martinsburg, WV. Supporting shipper: D & F Coal Co., 8 North Plaza, Indiana, PA 15701.

MC 113666 (Sub-II–17TA), filed June 25, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same as applicant). *Ammonium nitrate, in bulk,* from pts. in PA to pts. in PA, OH, MD, WV, VA, KY and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hercules Inc., 814 Commerce Dr., Oak Brook, IL 60521.

MC 150039 (Sub-II–21TA), filed June 23, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract: irregular:*

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Corrugated storage boxes and corrugated furniture and equipment, materials and supplies used in the manufacture and distribution thereof between facilities of Corrugated Concepts Ltd., Inc. at or near Trenton, NJ, on the one hand, and, on the other, points in the US, under continuing contract(s) with Corrugated Concepts Ltd., Inc., Trenton, NJ for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Corrugated Concepts Ltd., Inc., 657 Clinton Ave., Trenton, NJ 08611.

MC 140649 (Sub-II–1TA), filed June 23, 1981. Applicant: GREENLAWN TRANSIT LINES, INC., 1400 E. Fifth Ave., Columbus, OH 43219. Representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, OH 43215. *Passengers and their baggage, in the same vehicle, in special and charter operations,* beginning and ending at pts. in OH and extending to pts. in IN, MI, TN and OK, for 180 days. Supporting shipper: There are 6 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 143210 (Sub-II–4TA), filed June 23, 1981. Applicant: W. C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Building materials and supplies, lumber, treated lumber, pallets, skids, boxes, crating, chips, shavings, saw dust, furniture and chair parts and related forest products,* between pts. in Va on the one hand, and, on the other, pts. in CT, DE, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Potomac Supply Corp., Kinsale, VA; Wood Preservers, Inc., Warsaw, VA; Forest Products Sales, Inc., Ashland, VA; F & K Lumber Corp., Callao, VA.

MC 143210 (Sub-II–5TA), filed June 25, 1981. Applicant: W. C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Canned goods, canned and frozen vegetable and fruit juices, canned and processed seafood and seafood products, and materials, supplies and equipment used in the manufacture, sale and distribution of the products named herein,* between pts. in Glouchester, Lancaster, Middlesex, Northumberland, Richmond and Westmoreland Counties, VA, on the one hand, and, on the other, pts. in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, SC, TN, VT, WV, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): H.H. Perry Canning Co., Inc., Montross, VA 22520; Lake Packing Co., Inc., Lottsburg, VA 22511.

MC 73533 (Sub-II–8TA), filed June 23, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same as applicant). Contract, irregular: *Alcoholic beverages (except commodities in bulk),* from pts. in Louisville, KY to the facility of Frederick P. Winter, Ltd., Baltimore (Woodlawn), MD, under continuing contract with Frederick P. Winner, Ltd., Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Frederick P. Winner, Ltd., 1807 Whitehead Rd., Balt., MD 21207.

MC 147908 (Sub-II–8TA), filed June 23, 1981. Applicant: KOHN TRANSPORT, INC., 4640 Southway, SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Alcoholic beverages and alcoholic beverage containers (except commodities in bulk)* between Memphis, TN, including pts in its Commercial Zone, on the one hand, and, on the other, pts in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Taylor Beverage Co., 2510 Allen SE., Canton, OH 44707; Superior Beverage Co., 785 W. Rayen Ave., Youngstown, OH 44501; The Bissman Co., 175 N. Main St., Mansfield, OH 44901; The Bellas Co., 2670 Commercial Ave., Mingo Junction, OH.

MC 156748 (Sub-II–1TA), filed June 23, 1981. Applicant: L & D LEASING, 1500 Edison St. NE., Hartville, OH 44632. Representative: Darlene F. Young (same as applicant). *Contract; irregular: Flour and grain products* from Kent, OH to Edison and Franklin Lakes, NJ; Pittsburgh, Allison Park, Rimersburg, Cheswick, and Conneauville, PA; Silver Creek, and Buffalo, NY; Indianapolis, IN; Chicago, IL; Richmond, and Norfolk, VA; for 270 days under continuing contract(s) with The Williams Bros. Co. Supporting shipper(s): The Williams Bros. Co., 162 N Water St., Kent, OH 44240.

MC 136343 (Sub-II–22TA), filed June 23, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Chemicals and related products* from Williamsport, PA, to pts. in the US in and east of MN, IL, MO, AR, and LA for 270 days. Supporting shipper: Glyco, Inc., Box 700, Greenwich, CT 06830.

MC 150339 (Sub-II–42TA), filed June 23, 1981. Applicant: POINEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and Classes A & B explosives,* between Northbrook, IL, Woburn, MA, Atlanta, GA, and Columbia, SC, on the one hand, and on the other, points in the United States, under continuing contract(s) with Superior Plastics, Inc., 1660 Old Deerfield Road, Highland Park, IL 60035 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Superior Plastics, Inc., 1660 Old Deerfield Road, Highland Park, IL 60035.

MC 156648 (Sub-II–1TA), filed June 23, 1981. Applicant: ED ROACH TRUCKING COMPANY, INC., Star Route, Ironton, OH 45638. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. Contract-irregular: *Gasoline,* (1) from Ironton and Sciotoville, OH to points in KY and WV, and (2) from Catlettsburg, KY, to points in OH and WV, under a continuing contract with Rich Terminal Co., for 270 days. Supporting shipper: Rich Terminal Company, P.O. Box 105, 620 So. Front Street, Ironton, OH 45638.

MC 147549 (Sub-II–1TA), filed June 23, 1981. Applicant: ROADAIR LEASING, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036. *Contract; irregular: (1) products used in the production of aluminum and steel, and (2) related materials, equipment, and supplies,* between points in the U.S. under continuing contract(s) with Consolidated Ceramic Products, Inc., and its subsidiaries, of Blanchester, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated Ceramic Products, Inc., 838 Cherry St., Blanchester, OH 45107.

MC 2202 (Sub-II–27TA), filed June 25, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Contract, irregular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).* Between Lake Charles, LA, Bayport and Houston, TX and points in their commercial zones, on the one hand, and, on the other, Pennsauken, NJ and points in its commercial zone, under contract or contracts with Hercules Inc., Wilmington, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hercules, Inc., 910 Market St., Wilmington, DE 19899.

MC 2202 (Sub-II–28TA), filed June 25, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Contract, irregular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between Deer Park and Houston, TX and points in their commercial zones on the one hand, and, on the other, Pennsauken, NJ and points in its commercial zone, under contract or contracts with Lextar, Wilmington, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lextar, 910 Market Street, Wilmington, DE 19899.

MC 15666 (Sub-II–1TA), filed June 23, 1981. Applicant: DANNY SMITH TRUCKING, INC., Rt. 1, Box 67, Ironton, OH 45638. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. Contract-irregular: *Gasoline,* (1) from Ironton and Sciotoville, OH to points in KY and WV, and (2) from Catlettsburg, KY, to points in OH and WV, under a continuing contract with Rich Terminal Co., for 270 days. Supporting shipper: Rich Terminal Company, P.O. Box 105, 620 So. Front Street, Ironton, OH 45638.

MC 156771 (Sub-II–1TA), filed June 25, 1981. Applicant: TRI-STATE MOTOR TRANSPORT, INC., 830 Oakcreek Dr., Dayton, OH 45429. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *General commodities, except classes A & B explosives,* between pts. in Hamilton, Champaign, Darke, Montgomery, Clermont, Warren, Clinton, Bulter & Greene Counties, OH; Largo, FL; and Chicago, IL, on the one hand, and, on the other, pts. in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 7 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 136511 (Sub-II–9TA), filed June 25, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *General Commodities (except Classes A and B explosives)* between points in the U.S. restricted to the transportation of traffic originating at or destined to the facilities of Brunswick Corp., Skokie, IL, for 270 days. Supporting shipper: Brunswick Corp., One Brunswick Plaza, Skokie, Ill. 60077.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 155916 (Sub-3–3TA), filed June 22, 1981. Applicant: ARDMORE FARMS, INC., Post Office Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Food and related products (except in bulk),* between points in the U.S. Restricted to the transportation of traffic originating at or destined to the facilities of Beaver Street Fisheries, Inc., or its suppliers. Supporting shipper: Beaver Street Fisheries, Inc., Post office Box 41430, Jacksonville, FL 32203.

MC 156496 (Sub-3–1TA), filed June 22, 1981. Applicant: GERALD ESSARY, d.b.a. ESSARY TRANSPORTS, Route 7, Box 138, Corinth, MS 38834. Representative: John Davidson, Box 1456, 111 Highway 72 West, Corinth, MS 38834. *Contract* Irregular: *Gasoline, Diesel Fuel and Petroleum Products* between MS, TN, AR, and MO restricted to the account of Area Petroleum Company, Inc. Supporting shipper: Area Petroleum Company, Inc., Highway 45 South, Box 327, Corinth, MS 38834.

MC 155337 (Sub-3–4TA), filed June 22, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Aquariums, Aquarium Accessories, Juvenile Furniture and Play Ground Equipment* between the facilities of O'Dell Manufacturing Inc. Cherokee County, GA and points in the U.S. (except AK and HI). Supporting shipper: O'Dell Manufacturing Inc., P.O. Box 1169, Univeter Rd., Canton, GA 30114.

MC 143061 (Sub-3–7TA), filed June 22, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as applicant). *Contract carrier;* irregular routes: *General Commodities (except classes A and B explosives)* between points in the U.S. (except AK and HI). Supporting shipper: Acme Fast Freight, Inc., 2110 Alhambra Avenue, Los Angeles, CA 90031.

MC 106902 (Sub-3–1TA), filed June 24, 1981. Applicant: LYNN MOVING & STORAGE, INC., 497 Dillehay Street, Danville, KY 40422. Representative: Mark C. Ellison, Suite 329, 300 Interstate N. Parkway, Atlanta, GA 30339. *Household Goods* between points in AL, DC, FL, GA, IL, IN, KY, LA, MD, MI, MO, MS, NC, NY, OH, PA, SC, TN, VA, WV, WI. Supporting shippers: EADS Brokerage, 350 West Fifth Street, San Pedro, CA 90731 and National Carloading Corp. 300 Interstate North Pkwy., Atlanta, GA 30339.

MC 155337 (Sub-3–6TA), filed June 24, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Food and Kindred Products including Bread and Bakery Products* between the facilities of Brocks Country Home Bakerys, Atlanta, GA on the one hand, and, on the other, all points in the Continental U.S. (except AK and HI). Supporting shipper: Brocks Country Home Bakers, 720 Stewart Ave., Atlanta, GA 30316.

MC 2900 (Sub-3–31TA), filed June 24, 1981. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Contract Carrier:* Irregular: *General Commodities* between IL and IN on the one hand, and, on the other, Denver, CO, and points east of CO, MT, NM, and WY, under continuing contract(s) with Lever Brothers Company. Supporting shipper: Lever Brothers Company, 390 Park Avenue, New York, NY 10022.

MC 141143 (Sub-3–1TA), filed June 26, 1981. Applicant: WATKINS TRANSFER, INC., 116 Druid Street, P.O. Box 6219, Jacksonville, FL 32205. Representative: George W. Watkins, Jr. (same address as applicant). *Paper products and materials, equipment and supplies used in manufacturing and sale of paper products.* Between Jacksonville, FL and points in GA. Supporting shipper: Sonoco Products Company, P.O. Box 160, Hartsville, SC 29550.

MC 145956 (Sub-3–3TA), filed June 26, 1981. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Road, Belleair, FL 33516. Representative: Paul Meilleur, 1340 Indian Rocks Road, Belleair, FL 33516. *Blood, Derivatives of Blood, Plasma, Medical and Dental Products, and materials, equipment and supplies used in connection therewith,* between points in the United States (except AK and HI) restricted to shipments originating at or destined to the facilities of Automated Medical Laboratories, Inc. Supporting shipper: Automated Medical Laboratories, Inc., 8405 NW 53rd St., Miami, FL 33166.

MC 146601 (Sub-3–1TA), filed June 24, 1981. Applicant: POTEAT MOTOR

LINES, INC., P.O. Box 2030, Hickory, NC 28601. Representative: Robert D. Hoagland, Esq., 1204 Cameron Brown Building, 301 S. McDowell Street, Charlotte, NC 28204. *Textiles and textile products and equipment, materials, and supplies used in the manufacture and distribution of textiles* between points in the states of AL, CT, DE, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI SC, TN, VA, WV, and the town of Manchester, NH. There are ten (10) supporting shippers' statements attached to this Application, which may be examined at the ICC Regional Office in Atlanta, Georgia.

MC 151880 (Sub-3–1TA), filed June 24, 1981. Applicant: K&K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Common:* Regular: *General Commodities (except classes A&B Explosives)* between Carthage, TN and Gainesboro, TN, (a) from Carthage over TN Hwy 85 to Gainesboro and return, (b) from Carthage over U.S. Hwy 70N to Junction TN Hwy 53 at Chestnut Mound, thence over TN Hwy 53 to Gainesboro, between Carthage and Dixon Springs, from Carthage over TN Hwy 25 to Dixon Springs and return. Serving all intermediate points. Supporting shipper(s): C. C. Williams & Son of difficult, TN, Route 1, Difficult, TN 37030 and Jones Variety of Gainesboro, TN, Public Square, P.O. Box 237, Gainesboro, TN 38562.

Note.—Applicant intends to tack with its present regular route authority in MC 151880. Restricted to traffic having a prior or subsequent movement in interstate or foreign commerce.

MC 151453 (Sub-3–2TA), filed June 24, 1981. Applicant: Herman O. Albritton, Route 2, Box 219, Butler, Georgia 31006. Representative: Herman O. Albritton (same address as applicant). *Contract Carrier:* Irregular Routes: *Flourescent or H.I.D. lighting fixtures and/or parts,* from Americus, Georgia, and Eufaula, AL to AL, AZ, AR, CA, CO, CT, DE, FL, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WV, and WY. Supporting shipper: Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709.

MC 155337 (Sub-3–5TA), filed June 24, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Alcoholic beverages* between the facilities of National Distributing Company, Atlanta, GA and points in the U.S. (exept AK and HI). Supporting shipper: National Distributing Company, 1 National Drive, NW, Atlanta, GA 30336.

MC 148423 (Sub-3–10TA), filed June 24, 1981. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, GA 31032. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Water and sewer pipe, electrical conduit, hydrants and valves.* (2) *parts and accessories used in the construction, operation, repair, servicing, maintenance and dismantling of water and sewer pipe and electrical conduit,* and (3) *materials, equipment and supplies except commodities in bulk, used in the manufacture of commodities in (1) and (2) above,* between points in Bibb County, GA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR and TX. Supporting shipper: DYKA–U.S.A., Inc., P.O. Box 10246, Macon, GA 31297.

MC 134105 (Sub-3–23TA), filed June 24, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *General Commodities (except Class A and B explosives, commodities in bulk, in tank vehicles),* between the facilities of W. R. Grace & Co., Dewey and Almy Division, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper, W. R. Grace & Co., 5225 Phillip Lee Drive, Atlanta, GA 30336.

MC 156780 (Sub-3–1TA), filed June 26, 1981. Applicant: FLORIDA WELL SERVICE, INC., Highway 29 North, Felda, FL 33930. Representative: Frank J. Hathaway, 7615 Biscayne Boulevard, Miami, FL 33138. *Machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum,* between points in FL, LA, MS and TX. Supporting shipper: Sun Production Company, P.O. Box 368, Ft. Myers, FL 33902.

MC 134105 (Sub-3–24TA), filed June 25, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Articles dealt in and sold by food distribution centers, grocery store chains, fast food outlets and discount stores* between the commercial zone of Kansas City, MO on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Commercial Distribution Center Inc., P.O. Box 477, Independence, MO 64051.

The following applications were filed in region 4. Send protests to: INTERSTATE COMMERCE COMMISSION, Compliant and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 29886 (Sub-4–11TA), filed June 19, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314—39th Ave., Kenosha, WI 53142. Representative: Carl G. Van Dyke (same address as applicant). *Machinery and materials, equipment and supplies used in the manufacture of machinery* between Chicago, IL, on the one hand, and on the other points in TX, OK and LA. Supporting shipper: American SMT-Pullmax, Inc., 1550 Carmen Drive, Elk Grove, IL 60007.

MC 128235 (Sub-4–2TA), filed June 23, 1981. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE, Minneapolis, Minnesota 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, Minnesota 55413. *Malt Beverages* from Schlitz Brewing Co. brewery in Memphis, TN to Minneapolis and St. Cloud, MN. Support shipper: Mark VII Sales, Inc., Minnepolis, Minn.; Rubald Beverages Co., St. Cloud MN. 56301.

MC 147879 (Sub-4–1TA), filed June 23, 1981. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract* irregular *Water softener salt* from Chicago, IL to Monore, WI, under continuing contract(s) with Rain Barrel Water Conditioning, Inc., Monroe, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Rain Barrel Water Conditioning, Inc., 906 17th Avenue, Monroe, WI 53566.

MC 147879 (Sub-4–1TA), filed June 23, 1981. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract irregular Feed ingredients, agricultural chemicals and related products and fertilizer* from points in IA and IL to Monroe, WI, under continuing contract(s) with Ken's Agri-Service, Inc., Monroe, WI, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Ken's Agri-Service, Inc., 1311 13th Avenue, Monroe, WI 53566.

MC 150281 (Sub-4–7TA), filed June 18, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West

Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, Wheeler & Wheeler, 1729 H Street, NW., Washington, D.C. 20006. *Contract;* irregular: *Seating, seating components and parts thereof, equipment and material used in the manufacture, transportation, or distribution of seating, and seating components and parts thereof,* between points in the U.S. (excluding HI) under a continuing contract(s), with Goshen Cushion, Inc. ETA seeking 120 day authority has been filed. Supporting shipper Goshen Cushion, Inc., 1010 Eisenhower Dr., Goshen, IN 46528.

MC 153829 (Sub-4–25TA), filed June 23, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Flour,* from the facilities of Conagra, Inc. located at or near Oakland, CA, Great Falls, MT, Fergus Falls and Minneapolis, MN, Fremont and Omaha, NE, Chester, IL, Decatur, AL, Macon, GA, Tampa, FL, Sherman, TX, Martins Creek, Treichlers, Red Lion and York, PA and San Juan, PR, to points in the U.S. Supporting shipper: Conagra, Inc., 200 Kiewit Plaza, Omaha, NE 68131.

MC 156088 (Sub-4–2TA), filed June 18, 1981. Applicant: R & S TRUCK LEASING INC., 1651 Walker Rd., Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., P.O. Box 294, Jenison, MI 49428. *Contract,* irregular: *General commodities (except household goods as defined by the Commission, hazardous or secret materials and sensitive weapons and munitions)* for the U.S. Government between points in the U.S. under continuing contract for Cadillac Products. Supporting shipper: Cadillac Products, 4000 U.S. 23 South, Rogers City, MI 49779.

MC 156088 (Sub-4–3TA), filed June 18, 1981. Applicant: R & S TRUCK LEASING INC., 1651 Walker Rd., Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., P.O. Box 294, Jenison, MI 49428. *Contract,* irregular: *Petroleum, Natural Gas and Their Products* between points in U.S., under continuing contract with American Grease Stick. Supporting shipper: American Grease Stick, 2851 Hoyt, Muskegon, MI 49443.

MC 156502 (Sub-4–1TA), filed June 22, 1981. Applicant: McGREGOR CARTAGE CO., INC., 6845 Dix, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *General commodities (except Classes A and B explosives)* between Wayne County, MI, on the one hand, and, on the other, points in MI East and South of Hillsdale, Calhoun, Eaton, Clinton, Gratiot, Isabella, Gladwin, and Arenac Counties, MI. Supporting shippers: Tootsie Roll Industries, Inc., 7401 S. Cicero Ave., Chicago, IL 60629; Standard Brands, Inc., 7001 S. Harlem Ave., Chicago, IL 60638; Wm. Wrigley Jr. Co., 410 N. Michigan Ave., Chicago, IL 60611.

MC 156678 (Sub-4–1TA), filed June 22, 1981. Applicant: NORTH CENTRAL TRUCKING CORP., Baronett, WI 54813. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Metal products,* between points in Barron County, WI, on the one hand, and, on the other, points in MT, ND, SD, MN, IA, IL, and IN. Supporting shipper: Baker Welding, Box 625, Cumberland, WI 54829.

MC 156685 (Sub-4–1TA), filed June 22, 1981. Applicant: BRUNK CORP., d.b.a G & R TRANSPORT, 803 Logan St., Goshen, IN 46526. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Petroleum products,* from Niles, MI to points in IN on and North of U.S. Hwy 52. An underlying ETA seeks 120 days authority. Supporting shipper: M.D.K. Corporation, d.b.a. Abshire Oil Co., 415 New Street, Goshen, IN 46526.

MC 156707 (Sub-4–1TA), filed June 22, 1981. Applicant: MWK TRANSPORT CO., INC., 5401 West Donges Bay Rd., Mequon, WI 53092. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular: *Such commodities as are distributed by, dealt in, or used by wholesale or retail sporting goods and toy, craft, and hobby stores, and materials, equipment and supplies used or useful in the sale or distribution of such commodities,* between points in the U.S. (except AK and HI), under a continuing contract(s) with M. W. Kasch Company, Milwaukee, WI for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: M. W. Kasch Company, P.O. Box 2040, Milwaukee, WI 53201.

MC 156728 (Sub-4–1TA), filed June 23, 1981. Applicant: JOHN J. HERBST, d.b.a. J & R TRANSPORT, Box 195, 125 North 3rd St., Dickeyville, WI 53808. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 786, Dubuque, IA 52001. *Fertilizer,* from points in Jo Daviess County, IL, Cedar, Clinton and Dubuque Counties, IA, to points in WI. Supporting shipper: Hinderman Bros., Inc., Box 327, Dickeyville, WI 53808.

MC 15975 (Sub-4–23TA), filed June 24, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave. Litchfield, IL 62056. Representative: Howard H. Buske (Same address as applicant). *Alcoholic Beverages,* between Bardstown, KY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Heaven Hill Distilleries, Inc., P.O. Box 280, Bardstown KY 40004.

MC 65781 (Sub-4–2TA), filed June 25, 1981. Applicant: BARRETT MOVING & STORAGE, INC., 7100 Washington Ave. South, Eden Prairie, MN 55344. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. *Plastic containers and pumps and caps for plastic containers,* from Los Angeles, CA to Chaska, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Minnetonka, Inc., Johnathon Industrial Park, Chaska, MN 55318.

MC 69901 (Sub-4TA), filed June 24, 1981. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *General commodities* (except classes A and B explosives), serving all points in IN, as intermediate or off-route points in connection with applicant's existing regular-route authority. The application is supported by 21 shippers.

MC 76993 (Sub-4–4TA), filed June 25, 1981. Applicant: EXPRESS FREIGHT LINES, INC., 4924 South 13th Street Milwaukee WI 53221. Representative: Thomas H. Kritner (same address as applicant.) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). Between all points in the states of IL, IN, MI, MN, OH and WI. An underlying ETA was filed on May 29, 1981 with the Commission. Supporting Shippers: (1) Wheelhorse Products, Inc., 515 West Ireland Rd, South Bend, IN 46614. (2) Missouri Pacific Railroad Company, 210 North 13th St., St. Louis, MO 63103

MC 87966 (Sub-4–6TA), filed June 24, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Court, Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403 Chicago, IL 60680. *Restaruant furniture, fixtures and equipment* from Columbus, OH to points in and East of OH, KY, TN and MS. Supporting shipper: N. Wasserstrom & Sons, Inc., 2300 Lockbourne Rd., Columbus, OH 43207.

MC 123751 (Sub-4–9TA), filed June 26, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia St., Waupaca, WI 54981. Representative: James A. Speigel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Common;* irregular; *fertilizer and*

fertilizer ingredients, in bulk, in tank vehicles, from Winona, MN, to points in in Portage, Wood, Waushara, and Waupaca Counties, WI. Supporting shipper: Pavelski Enterprises, Inc., Box 56, Amherst Junction, WI 54407.

MC 116805 (Sub-4-1), filed June 18, 1981. Applicant: REFINERS TRANSPORT, INC., 7921 Castleway Dr., P.O. Box 50854, Indianapolis, IN 46250. Representative: Warren C. Moberly, Harrison & Moberly, 777 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. *Gasoline and liquid fuel oils,* between Lawrenceville, IL, on the one hand, and on the other, to points in IN. Supporting shipper: Standard Oil Company, division of Amoco Oil Company, 200 East Randolph Drive—Mail Code 1404, Chicago, IL 60601.

MC 118838 (Sub-4-11TA), filed June 24, 1981. Applicant: GABOR TRUCKING, INC., Rural Route #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. (1) *Salt and salt products,* (2) *dehydrated molasses,* (3) *Wallstonite* and (4) *materials, equipment and supplies used in the manufacturing and the distribution of the commodities in (1), (2) and (3) above;* between points in the U.S. under a continuing contract(s) with Processed Minerals, Inc., of Hutchinson, KS. Supporting shipper: Processed Minerals, Inc., First National Center, Hutchinson, KS 67501.

MC 126276 (Sub-4-13TA), filed June 23, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *Contract,* irregular: *General commodities,* (except Classes A and B explosives), between points in IN, on the one hand, and points in IL, IN, KY, AL, MS, TX and LA, on the other, for the account of Belden Corporation. Supporting shipper: Belden Corporation, 2000 South Batavia Ave., Geneva, IL 60134.

MC 126853 (Sub-4-1TA), filed June 25, 1981. Applicant: PRINCL TRANSFER LINES, INC., Mishicot, WI 54228. Representative: Frank M. Coyne, 25 West Main St., Madison, WI 53703. *Refined Motor Oil,* in bulk, from Whiting, IN to Rhinelander, WI. Supporting shipper: Kriesel Oil Company, Inc., Rhinelander, WI 54501.

MC 135185 (Sub-4-8TA), filed June 24, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O.B. 66, South Bend, IN 46624. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Contract,* Irregular: *Malt beverages and materials, equipment and supplies used in the manufacture and distribution thereof,* between the facilities of Pabst Brewing Company, Premier Malt Products and Industrial Products Division, Inc., at or near Milwaukee, WI; Pabst, GA; Newark, NJ; and Peoria, IL, on the one hand, and, on the other, points in and east of TX, OK, KS, NE, IA and MN, under continuing contracts with Pabst Brewing Company, Premier Malt Products and Industrial Products Division, Inc., for 270 days. An underlying ETA was granted for 120 days. Supporting shipper: Pabst Brewing Company, Premier Malt Products and Industrial Products Division, Inc., 917 West Juneau Avenue, Milwaukee, WI 53201.

MC 135530 (Sub-4-1TA), filed June 24, 1981. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 5676 Industrial Park Rd., Winona, MN 55987. Representative: John G. Grote (same address as applicant). *Contract*—irregular *Metal products* between Brookfield, WI on the one hand, and on the other, points in the U.S. Restricted to traffic moving under continuing contract with Pegg Metals, Inc. Supporting shipper: Pegg Metals, Inc., 20625 Enterprise Ave., Brookfield, WI 53005.

MC 139994 (Sub-4-2TA), filed June 22, 1981. Applicant: JIM & BOB STENCEL d.b.a. STENCEL TRUCKING, Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Such commodities as are dealt in by printers and binders of printed matter,* between the facilities of World Color Press, on the one hand, and, on the other, points in the U.S. Supporting shipper: World Color Press, Box 1246, Effingham, IL 62401.

MC 141459 (Sub-4-5TA), filed June 25, 1981. Applicant: A G S ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056 Representative: Michael R. Solomon (same address as applicant). *General commodities (except Classes A & B explosives and commodities in bulk)* between points in the U.S. under contract(s) with United Freight, Inc. of Morrow, Georgia. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 142888 (Sub-4-6TA), filed June 25, 1981. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Soft drinks,* (1) from Warrenton, MO to Bloomington, IL and (2) from Decatur, IL to points in IA. Restricted to traffic moving under continuing contract with (1) Irvin Bros. Inc. and (2) Decatur Bottling Company. Supporting shippers: (1) Irvin Bros. Inc., P.O. Box 1030, 1036 Greenwood Ave., Bloomington, IL 61701 and (2) Decatur Bottling Company, P.O. Box 910, 2112 N. Brush College Rd., Decatur, IL 62525.

MC 143126 (Sub-4-1TA), filed June 24, 1981. Applicant: J. J. ZAYTI TRUCKING, INC., 47500 W. Eight Mile Road, Northville, MI 48167. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Contract;* irregular; *Scrap materials and molten metal* between the facilities of Fritz Enterprises, Inc. in MI, on the one hand, and points in OH, IN and IL on the other. Supporting shipper: Fritz Enterprises, Inc., 23580 Pennsylvania, Taylor, MI 48180.

MC 145601 (Sub-4-1TA), filed June 23, 1981. Applicant: MORGAN COUNTY TRUCKING, INC., 1059 S. Grant St., Martinsville, IN 46151. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract;* Irregular; General Commodities (except Class A & B Explosives), between points in the U.S., under continuing contracts with Zayre Corp., Worth, IL. Supporting shipper: Zayre Corp., 11535 S. Central Ave., Worth, IL 60482.

MC 146636 (Sub-4-3TA), filed June 24, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Food and related products and pulp, paper or allied products,* between points in WI on the one hand, and, on the other, points in the U.S. Supporting shipper: Tobiason Central, 680 East Fond du Lac, P.O. Box 67, Ripon, WI 54971.

MC 146681 (Sub-4-2TA), filed June 25, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, *Common;* irregular: (1) *Fabricated structural steel* from LaCrosse, WI to points in IL, IA, MI, MN, MT, NE, ND, SD, and WY; and (2) *iron and steel and iron and steel articles* from IL, OH and PA to LaCrosse, WI, for 270 days. Supporting shipper: Ted Mannstedt & Son, Inc., 1722 Miller St., LaCrosse, WI 54601.

MC 147879 (Sub-4-3TA), filed June 24, 1981. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular; Rough iron and steel

castings from Browntown, WI to points in AR, CO, KS, NC and TX under continuing contract(s) with Iroquois Foundry Company, Browntown, WI, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Iroquois Foundry Company, P.O. Box 98, Browntown, WI 53522.

MC 150746 (Sub-4-18TA), filed June 23, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. *Cat Litter and Oil Absorbents* between Mounds, IL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Absorbent Clay Products, Inc., 200 North Main, Anna, IL 62906.

MC 151482 (Sub-4-7TA), filed June 24, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Dr., Rockford, IL 61109. Representative: DAVID M. O'BOYLE, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract, irregular:* (1) *Water purifying equipment and related accessories, and equipment, materials and supplies used in the manufacture and distribution thereof,* between Freeport, IL, on the one hand, and, on the other, points in U.S. (except AL and HI), under continuing contract(s) with Mechanical International, Inc. of Freeport, IL; (2) *Welding materials and equipment and supplies used in the sale and distribution of welds,* between points in GA, IL, NJ, OH, and PA on the one hand, and, on the other, points in the U.S. (except AL and HI), under continuing contract(s) with Orgotherm, Inc. of Chicago, IL for 270 days. Supporting shipper: Mechanical International, Inc., Rt. 20 East, Freeport, IL; Orogtherm, Inc., c/o Chemetron-Railway Products, Inc., 111 E. Wacker Dr., Chicago, IL.

MC 152141 (Sub-4-3TA), filed June 24, 1981. Applicant: YOUNG TRANSPORTATION, INC., 2526 North Western Ave., Plymouth, IN 46563. Representative: Frederick W. Smart, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract;* irregular: *Malt or non-intoxicating Cereal Beverages, Empty Beverage Containers (returned) and related advertising mailer* from Twin Cities, MN, Milwaukee, WI, Peoria, IL, Newport, KY, Columbus, OH, and Detroit, MI, to points and places in the State of IN under continuing contract(s) with Tri County Beverage, Plymouth, IN. Supporting shipper: Tri-County Beverage, 720 W. Jefferson St., Plymouth IN 46563.

MC 152441 (Sub-4-6TA), filed June 26, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, 2014 14th St. Northwest, Rochester, MN 55901. Representative: Grant J. Merritt, Esq., 4444 IDS Center, Minneapolis, MN 55402. *Concrete products* from, to or between Dakota County, MN, on the one hand, and, on the other, portage County, WI, for 270 days. Supporting shipper: North Star Group, 6055 150th St. West, County Road 42, Apple Valley, MN 55124.

MC 153756 (Sub-4-3TA), filed June 23, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, Highway 34 and Reed St., Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Hazardous waste, in containers,* from points in IN and MI to points in Cook County, IL. Supporting shipper: Western Electric, 3800 Golf Road, Rolling Meadows, IL 60008.

MC 155448 (Sub-4-2TA), filed June 25, 1981. Applicant: R. M. TRANSPORT, INC., 619 East Sumner St., Hartford, WI 53027. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular; *Liquid asphalt, in bulk,* from Dubuque, IA, and Whiting, IN, to points in WI. Supporting shipper: B. R. Amon & Sons, Inc., Route 3, P.O. Box 37, Elkhorn, WI 53121.

MC 156069 (Sub-4-3TA), filed June 24, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Contract: *General commodities (except Classes A & B explosives),* between points in the U.S. under continuing contracts with American Container Express, Inc. of Chicago, IL. Supporting shipper: American Container Express, Inc., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606.

MC 156133 (Sub-4-3), filed June 26, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 W, Michigan City, IN 46360. Representative: Law Office, James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber, particleboard and plywood,* from Gaylord, MI to points in IL, IN, KY, NJ, NY, OH, PA and WI. Supporting shipper: Champion International Corporation, Hamilton, OH 45020.

MC 156645 (Sub-4-1TA), filed June 19, 1981. Applicant: FLEET CARRIERS, INC., 880 Lee Street, Des Plaines, IL 60016. Representative: William D. Brejcha, Ten South LaSalle St. No. 1600, Chicago, IL 60603. *contract;* Irregular; *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size and weight require special equipment or handling) between points in the U.S. under continuing contracts with Teletype Corporation of Skokie, IL and Pallet Devices, Inc. of Des Plaines, IL. Supporting shippers: Teletype Corporation, 5555 W. Touhy Ave., Skokie, IL 60077 & Pallet Devices, Inc., 1192 Oakwood, Des Plaines, IL 60018.

MC 156705 (Sub-4-1TA), filed June 22, 1981. Applicant: ROYALE AMERICAN MOTOR LINE, INC., 5580 W. 96th St., Indianapolis, IN 46268. Representative: Betty J. Lawson, Pres. (same address as above). *Contract,* irregular: *Paper Bags, NOI and all materials and supplies used in the manufacture of paper bags* between all points in the U.S. (except AK and HI). Supporting shipper: Samson-Midamerica, Inc., 8111 Zionsville Rd., Indianapolis, IN 46268.

MC 156706 (Sub-4-1TA), filed June 22, 1981. Applicant: BRUCE A. BEETER, Rural Route 1, Box 20A, Norwich, ND 58768. Representative: Kent L. Johnson, Box 638, 212 South Broadway, Minot, ND 58701. *Contract* irregular: *Concrete, concrete products and steel products* from Duluth and Minneapolis, MN to points in ND. Supporting shipper: North Dakota Concrete Products, Inc., Box 815, Bismark, ND 58502.

MC 156763 (Sub-4-1TA), filed June 23, 1981. Applicant: FOX RIVER TRUCKING, INC., 4942 Elm Island Circle, Waterford, WI 53185. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. *Contract* irregular: *Paper, paper products, and printed matter* Between Fredonia and Milwaukee, WI, on the one hand, and, on the other, points in the states of IL, IN, MN, MI, IA and OH. An underlying ETA seeks 120 days authority. Supporting shipper: Moebius Printing Co., Inc., 300 North Jefferson St., Milwaukee, WI 53202.

MC 156769 (Sub-4-1), filed June 22, 1981. Applicant: HARE CARTAGE, INC., 7400 E. McNichols, Detroit, MI 48234. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011. *Automobile parts, and zinc articles* from Saline, MI to Detroit, MI. Supporting shipper: Norris Industries, Inc. Automotive Trim Division, Ypsilanti, MI 48107.

MC 156777 (Sub-4-1TA), filed June 26, 1981. Applicant: DAVID A. MACHAU, d.b.a. MINNESOTA VALLEY TRANSPORT, P.O. Box 148, Courtland, MN 56021. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Contract;* irregular: *general*

commodities between points in the U.S. for the account of Minnesota Valley Forest Products, Courtland, MN. Supporting shipper: Minnesota Valley Forest Products, Inc., Box 35, Courtland, MN 56021.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 22509 (Sub-5–10TA), filed June 23, 1981. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. *Such commodities as are dealt in or used by manufacturers of plastic bathroom fixtures and accessories* from points in Madison and Morgan Counties, AL to points in CO, KS, NE and WY. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

MC 61440 (Sub-5–13TA), filed June 23, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. *General Commodities (except Classes A & B explosives)* between all points in the US (except AK and HI) under continuing contract(s) with Texaco U.S.A., a Division of Texaco, Inc., Houston, TX.

MC 98992 (Sub-5–7TA), filed June 23, 1981. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Liquefied petroleum gas* from points in Mont Belvieu, TX to Ardmore, OK and from Delhi, LA to El Dorado, AR. Supporting shipper: United LP Gas Marketers, Dallas, TX.

MC 107064 (Sub-5–6TA), filed June 23, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 555 Griffin Square, Ste. 650, Dallas, TX 75202. *Petroleum products*, in bulk, from La Junta, CO to points in NM. Supporting shipper: Kolb Oil Co., P.O. Box 1071, Raton, NM 87740.

MC 112822 (Sub-5–7TA), filed June 24, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, OK 74023. Representative: Brian Fitzgerald (same address as applicant). *Metal Products*, between Enid, OK and points in the U.S. Supporting shipper: Chesterfield Cylinder Company, U.S. 64 & Raleigh St., Enid, OK 73701.

MC 114274 (Sub-5–15TA), filed June 23, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St. Suite 3520, Chicago, Illinois 60601. *Dairy products* from Fremont, WI to Augusta, ME. Supporting shipper: Swift Independent Packing Co., 115 West Jackson Boulevard, Chicago, IL 60604.

MC 129808 (Sub-5–2TA), filed June 23, 1981. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Lumber and wood products*, between the facilities utilized by AIFP Trading Group, on the one hand, and, on the other, pts in the U.S. Supporting shipper: AIFP Trading Group, 10490 S.W. Eastridge Street, Portland, OR 97225.

MC 133805 (Sub-5–41TA), filed June 23, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, Texas 76476. Representative: Gerald Ragle, 12301 West Freeway, Fort Worth, Texas 76116. *(1) Building materials (2) chemicals and related products* between points in the United States (except AK and HI). Supporting shipper's: Tri-Angle Chemicals, Inc., P.O. Box 666, Bridge City, Texas 77611; Big Train Carpets, 2005 Ave. I, Bay City, Texas 77414; Roux/Deluxol, 6831 Stuart Ave., Jacksonville, Florida 32205.

MC 135891 (Sub-5–23TA), filed June 24, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Sweetener, dry and liquid, except in bulk*, from facilities of Finn-Cal Sweetner Co. at or near Savanna, IL, to points in the US. Supporting shipper: Finn-Cal Sweetener Co., P.O. Box 488, Thompson, IL 62185.

MC 136246 (Sub-5–1TA), filed June 23, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Farm buildings and related products* from Alma, NE to pts in MO, IA, IL, IN, SD, KS, CO, OK, TX, MN and WI. Supporting shipper: Nebkan, Inc., P.O. Box "R", Alma, NE 68920.

MC 146078 (Sub-5–26TA), filed June 23, 1981. Applicant: CAL-ARK, INC., P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753 *Electric equipment and materials, equipment, and supplies utilized in the manufacture of electronic equipment* between all points and places in AL, AR, CA, CO, GA, IL, IN, KS, KY, LA, MS, ME, MO, OK, TN, TX, WA, WI, MI, and PA. Supporting shipper: Zenith Radio Corporation, 1900 N. Austin Avenue, Chicago, IL 60639.

MC 150088 (Sub-5–14TA), filed June 23, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, Texas 75051. Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, Texas 75234. *Malt beverages, and empty cortons and containers* between points in Tarrant County, TX on the one hand and points in AR on the other hand. Supporting shipper: Eastern Distributing Co., Inc., P.O. Box 26, Newport, Arkansas 72112.

MC 151819 (Sub-5–14TA), filed June 23, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Charcoal briquets and materials and supplies used in the production and manufacturer of charcoal briquets;* between Cotter and Calico Rock, AR on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Cotter Charcoal Corporation, P.O. Box 100, Cotter, AR 72626.

MC 152807 (Sub-5–2TA), filed June 23, 1981. Applicant: L. R. CONNELL, INC., Route 4, Box 152, Arkadelphia, AR 71923. Representative: Sarah Lea Connell (same as above). Contract Irregular, *General Commodities* between Pulaski and Clark County, AR, on the one hand, and, on the other, points in AR, TX, LA, OK, MO, TN, MS, KS, and IA under continuing contract with Member Supplies, Inc., Little Rock, AR and SiPlast, Inc., Arkadelphia, AR.

MC 155833 (Sub-5–1TA), filed June 24, 1981. Applicant: RICHARD E. GRISWOLD, d.b.a. B & G Trucking, P.O. Box 123 Avoca, IA 51521. Representative: Richarad D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Meat and meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from Oakland, IA, and Sioux Falls, SD, to Potsdam, NY. Supporting shipper: Pahler Packing Corporation, Canton Potsdam Road, Box 126, Potsdam, NY 13676.

MC 156469 (Sub-5–1TA), filed June 23, 1981. Applicant: J & N TRUCKING, Route 1, Box 12X1, Diboll, TX 79541. Representative: Robert J. Birnbaum, Hightower, Alexander, Cook & Birnbaum, P.C., 3636 Executive Center Drive, Suite 151, Austin, Texas 78731. *Glues, adheseives and chemicals in bulk in tank vehicles* between Angelina County, TX on the one hand, and, on the other, points in OK, LA, AR, NM, MS, and AL. Supporting shipper: Borden Chemical Division, Borden Chemical, Inc., Dibou, TX; Temple-Eastex, Inc., Temple Division, Diboll, TX.

MC 156628 (Sub-5–1TA), filed June 24, 1981. Applicant: MATERIAL DISTRIBUTION, INC., 14th Floor, Bassett Tower, El Paso, TX 79901. Representative: Henry G. Kreiner (same address as applicant). Contract; Irregular. *Building Materials and Accessories*, Between points in the U.S.-Mexican Boundary Line and point in the U.S., except AK and HI, under a continuing contract with Mexican International Trading Corp., Inc., 303 Texas Ave., El Paso, TX 79901.

MC 156718 (Sub-5–1TA), filed June 23, 1981. Applicant: JOHN SNYDER TRUCKING, INC., R.R. No. 2, Walker, IA 52352. Representative: John G. Snyder, (same address as above). *Full beer bottles, cans and kegs* from Milwaukee, WI and Peoria, IL to Ft. Dodge, IA and (2) *empty beer bottles, cans, and kegs* from Ft. Dodge, IA to Peoria, IL and Milwaukee, WI. Supporting shipper: Blue Ribbon Distributing Co., 605 S. 22nd St., Ft. Dodge, IA.

MC 156720 (Sub-5–1TA), filed June 24, 1981. Applicant: McNEILL TRUCKING CO., INC., P.O. Box 456, Calico Rock, AR 72519. Representative: David E. McNeill (same address as applicant) *Lumber and wood products, and steel banding*, between Baxter, Cleburne, Independence, Izard, and Stone Counties, AR, and Boone, Douglas, and Howell Counties, MO, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MO, MS, MI, NE, NM, OH, TN, TX, and WI. Supporting shipper: Sentinel Wood Treating, Inc., P.O. Box 376, Calico Rock, AR 72519.

MC 31879 (Sub-5–4TA), filed June 26, 1981. Applicant: EXHIBITORS FILM & DELIVERY SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Handbags, hosiery, paperbags, footwear and related accessories and materials, equipment and supplies used in the sale and distribution thereof*, between Danville, KY and points in IA, MO, KS, NE, Points in Boone and Carroll Counties, AR: Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers and Baca Counties, CO; Laramie and Goshen Counties, WY; points in IL within the St. Louis, MO-East St. Louis, IL commercial zone as defined by the Commission and those in Cook, Kane, DuPage, Rock Island and Will Counties, IL, those points in that part of IL bounded on the west by the Mississippi River, and, on the east, north and south by a line beginning at Chester, IL and extending along IL Hwy 150 to junction IL Hwy 154, then along IL Hwy 154 to junction US Hwy 51, then along US Hwy 51 to junction IL Hwy 15, then west along IL Hwy 15 to the junction IL Hwy 127, then north along IL Hwy 127 to junction US Hwy 50, then east along US Hwy 50 to junction US Hwy 51, then north along US Hwy 51 to Decatur, IL, then west along US Hwy 36 to Springfield, IL then along combined US Hwys 36 and 54 to junction US Hwy 36, and then along US Hwy 36 to the Mississippi River, including points on the indicated portions of the highways specified, and those points in that part of NM on and north of a line commencing at the intersection of US Hwy 60 and the NM-TX state line near Texico, NM then west over US Hwy 60 to its intersection with Interstate Hwy 25, thence north over Interstate Hwy 25 to its intersection with NM State Hwy 6, thence northeasterly over NM State Hwy 6 to its intersection with Interstate Hwy 40 and US Hwy 66, thence over Interstate Hwy 40 and US Hwy 66 to the NM-AZ state line. Applicant intends to interline this freight at Danville, KY. Support shipper: Thom McAn Shoe Co., A Division of Melville Corp., 67 Millbrook St., Worcester, MA 01606.

MC 614440 (Sub-5–14TA), filed June 26, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 731157. *Contract Irregular. General Commodities (except Classes A & B explosives)* between all points in the U.S. (except AK and HI) under continuing contract(s) with Balador Electric Company, Ft. Smith, AR.

MC 62601 (Sub-5–1TA), filed June 26, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, RONALD J. RING d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby & Assoicates; 7363 Pacific Street, Suite 2108, Omaha, NE 68114. *Food and related products*, between Omaha, NE, on the one hand, and, on the other, points in MN, IA, WI, IL, MI, and IN. Supporting shipper: Cornhusker Packing Co., 4436 Dahlman Ave., Omaha, NE 68107; John Roth & Son, Inc., 5502 So. 43rd, Omaha, NE 68516; and Booth Fisheries Corp., 12980 Renfro Cir., Omaha, NE 68137.

MC 68368 (Sub-5–13TA), filed June 25, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart, 11901 Cartwright Avenue, Grandview, MO 64030. *Industrial Paper Toweling*, from Green Bay, WI to Jamestown, NY and Kansas City, MO. Supporting shipper: American Textile Mills, Inc., 1821 Guinotte, Kansas City, MO 64120.

MC 121517 (Sub-5–10TA) filed June 26, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2121 North 161st St. East Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Sand* from Tulsa, OK to Dallas County, TX. Supporting shipper: Industrial Sands Co., Sand Springs OK.

MC 121517 (Sub-5–11TA), filed June 26, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 North 161st East Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Sand* from Johnson, Garfield, Woodward, Pittsburg, Canadian and Garvin Counties, OK and Ochiltree County, TX to points in KS, OK, and TX. Supporting shipper: The Western Company, P.O. Box 186, Ft. Worth, TX.

MC 121625 (Sub-5–1TA), filed June 26, 1981. Applicant: ARK CITY EXPRESS, INC., Box 837, Arkansas City, KS 67005. Representative: Charles J. Kimball, 1600 Sherman, #665, Denver, CO 80203. Common, Regular: *General commodities, except Classes A and B explosives and hazardous waste:* (1) Between Wichita, KS and Ashland, KS, serving all intermediate points and off-route points within two miles of the following described routes: from Wichita, KS over U.S. Hwy 81 to Wellington, KS, then over U.S. Hwy 160 to Ashland, KS, and return over the same route; (2) Between Anthony, KS, and the intersection of Kansas Hwys 2 and 14 and U.S. Hwy 160 south of Harper, KS, and return over the same route; (3) Between Arkansas City, KS and Anthony, KS, serving all intermediate points: from Arkansas City, KS over U.S. Hwy 166 to its junction with Kansas Hwy 49, then over Kansas Hwy 49 to its junction with Kansas Hwy 44, then over Kansas Hwy 44 to Anthony, KS and return over the same route. Applicant intends to tack and interline. Supporting shippers: Boyter Tires, Inc., Medecine Lodge, KS; Carr Radio & Electric, Harper KS; Bonham

International, Anthony, KS; Winters Truck Line, Wichita, KS.

MC 135762 (Sub-5-9TA), filed June 26, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. *Contract;* Irregular: *General commodities (except Classes A and B explosives, and household goods as defined by the Commission),* between points in the U.S. (except AK and HI). Under the continuing contract(s) with S. K. Products Corporation, 5355 Bucknell Drive, SW., Atlanta, GA 30378.

MC 138469 (Sub-5-43TA). Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Mr. Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Automotive parts, associated components, equipment, materials and supplies, used in the distribution or manufacturing of automotive parts,* between points in MI on the one hand, and points in TN on the other. Restricted to shipments originating at or destined to the facilities of Chrysler Corporation. Supporting shipper: Chrysler Corporation, 26311 Lawrence Ave., Centerline, MI 48015.

MC 140665 (Sub-5-70TA), filed June 25, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *General commodities, (except Classes A and B explosives and hazardous materials),* between the facilities of Gateway Shippers Association, Inc., and/or its members in Ft. Bend, Brazoria, Colorado, Fayette, Calhoun, Austin, Lavaca, Caldwell, Gonzales, Guadalupe, Wilson, Medina, Kendall, Hayes, Bexar, Bastrop and Comal Counties, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Gateway Shippers Association Inc., Suite 109, 8546 Broadway, San Antonio, TX 78217.

MC 141021 (Sub-5-1TA), filed June 26, 1981. Applicant: PETROLEUM TRANSPORT CO., INC., P.O. Drawer 1559, Kenner, LA 70063. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *Cement in bags and in bulk, oil field drilling mud in bags and in bulk* from points in LA to points in MS. Supporting shippers: Lone Star Industries, Inc., 14900 Intracostal Drive, New Orleans, LA. B. J. Hughes, P.O. Box 767, Port Allen, LA, A. W. Arnold & Associates, 2161 N. Highway 1, Port Allen, LA.

MC 142956 (Sub-5-1TA), filed June 26, 1981. Applicant: M & S TRUCKING CO., INC., Rural Route I, Meadville, MO 64659. Representative: Donald J. Quinn, Attorney at Law, Commerce Bank Building, Suite 232, 8901 State Line, Kansas City, MO 64114. Contract, irregular *beef carcasses* between points in the United States under continuing contracts with Dubuque Packing Company of Makato, KS.

MC 147362 (Sub-5-2TA), filed June 26, 1981. Applicant: BISHOP MOTOR FREIGHT, INC., Rural Route No. 1, Laclede, MO 64651. Representative: Doyle Bishop, Rural Route No. 1, Laclede, MO 64651. Contract, irregular; *glass-fish acquariums, and materials used in the manufacturing thereof,* between Gardner, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Chris Clear, Inc., Gardner, KS.

MC 147969 (Sub-5-6TA), filed June 26, 1981. Applicant: JOE S. BOWEN, INC., P.O. Box 262, Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. *Meat and meat by-products* (1) from points in TX to points in MT, UT, MO, NE, MD, PA, CO, MS, and LA, and (2) from points in CO to points in MS and TX. Supporting shipper: Sam Kane Beef Processors, Inc., 9001 Leopard St., Corpus Christi, TX 78409.

MC 148186 (Sub-5-1TA), filed June 26, 1981. Applicant: K. K. & T., INC., 2464 South Scenic, Springfield, MO 65807. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Automative filters (except in bulk),* between the facilities of Champion Laboratories, at or near Santa Ana, CA; Albion and West Salem, IL; and York, SC, on the one hand, and, on the other, points in the U.S. Supporting shipper: Champion Laboratories, P.O. Box 307, West Salem, IL 62476.

MC 149172 (Sub-5-2TA), filed June 26, 1981. Applicant: GARY HOFFMAN, an individual, d.b.a. HOFFMAN, TRUCKING, 2807 Desirae Street, Chickasha, OK 73018. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Contract; Irregular. *Iron, steel, iron and steel articles, and oilfield pumping units,* between Oklahoma City, OK, on the one hand, and, on the other, points in TX, LA, and NM, under continuing contract(s) with CMI Corporation of Oklahoma City, OK.

MC 152921 (Sub-5-2TA), filed June 26, 1981. Applicant: HOU-TEX TRANSPORTATION, INC., P.O. Box 38591, Houston, TX 77088. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, and petroleum and their products and by-products,* between points in TX, on the one hand, and, on the other points in LA, OK and NM. There are 22 supporting shippers.

MC 154883 (Sub-5-2TA), filed June 25, 1981. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same address as applicant). *Contract,* Irregular; *Frozen meat products* between Tyler, TX on the one hand, and, on the other, points on the West Coast served by Loggins Meat Company, including San Diego, Los Angeles, Almeda, CA and Seattle, WA. Supporting shipper: Loggins Meat Company, 1908 East Erwin, Tyler, TX 75710.

Note.—Applicant intends to tack existing authority.

MC 156606 (Sub-5-1TA), filed June 26, 1981. Applicant: ROBERT L. LAVER and WILMA J. LAVER, d.b.a. LAVER TRUCKING, Route 1, LaHarpe, KS 66751. Representative: Eugene W. Hiatt, Hiatt, Hiatt & Carpenter, Chartered, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603, Phone (913) 232-7263. *Steel, steel products, pipe and plastic pipe and supplies needed in the manufacture and distribution thereof,* between KS, MO, OK, TX, CO, NE, AR and WY. Supporting shipper: Trident Steel Corporation, 10097 Manchester Road, St. Louis, MO 63122; and L.J.J. Fabricators, Inc., P.O. Box 186, Humboldt, KS 66748.

MC 156619 (Sub-5-1TA), filed June 26, 1981. Applicant: JOE MONSON, d.b.a. QUALITY LUMBER CO., P.O. Box 190, Ulysses, KS 67880. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract,* Irregular; *drilling mud and chemicals,* between Missoula, MT; Upton, WY and Belle Fourche, SD on the one hand and Ft. Smith, AR; Red Oak, Clinton, Woodward and Oklahoma City, OK; Great Bend, Hays, Liberal and Medicine Lodge, KS on the other hand. Supporting shipper: Davis Mud & Chemical, Inc., Great Bend, KS 67530.

MC 156770 (Sub-5-1TA), filed June 25, 1981. Applicant: L & M TRUCK & TRAILER COMPANY, INC., 3198 Moss Street, Lafayette, LA 70507. Representative: Paul J. Guilliot, P.O. Box 3029, Lafayette, LA 70502. *Contract,* irregular; *cooking oil,* between Opelousas, LA and points throughout the U.S. Supporting shipper: Louana Foods, 731 N. Railroad, P.O. Box 591, Opelousas, LA 70570.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 155753 (Sub-6-1TA), filed June 19, 1981. Applicant: FRANCISCO CASTRUTTA and JESUS CORTEZ, a partnership, d.b.a. C & C FREIGHT FORWARDING, 635 Oxford St., Suite D, Chula Vista, CA 92011. Representative: Lawrence Morrow, 3678 Fourth Ave., San Diego, CA 92103. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between New York City, NY, Philadelphia, PA, Camden, NJ, Chicago, IL, Detroit, MI and their commercial zones; Charlotte, NC; Los Angeles, CA, and San Diego, CA, to Ports of Entry at or near San Ysidro, CA, for IMEX de Baja California and Dorian's, for 270 days. Supporting shippers: (1) IMEX de Baja California, c/o Angel Garcia, Avenida Constitucion, 746, Tijuana, B.C., Mexico; (2) Dorian's, c/o Elvira soliz, Mutualismo, 130, Tijuana, B.C., Mexico.

MC 156300 (Sub-6-1TA), filed June 18, 1981. Applicant: CASPER HOT SHOT SERVICE, INCORPORATED, P.O.B. 9695, 30 Foster Road, Warehouse #2, Unit #3, Casper, WY 82609. Representative: Ronald R. Ullrich (same address as applicant). (1) *Machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts; (2) *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, restricted against the transportation of complete oil drilling rigs; (3) *Mine and mill machinery, equipment and supplies,* between points in WY, CO, UT, MT, ND, and SD for 270 days. Supporting shippers: Brown Oil Tool, P.O. Box 354, 136 Nichols, Casper, WY 82602; Trans-Equipment and Supply, 8901 West Yellowstone, P.O. Box 3480, Casper, WY 82602.

MC 156648 (Sub-6-1TA), filed June 19, 1981. Applicant: RICHARD COOK, d.b.a. COOK'S BUS SERVICE, Box 648, El Verano, CA 95433. Representative: Richard Cook (same as applicant). *Passengers and their baggage in the same vehicle,* in special operations, in vehicles equipped as campers; between San Francisco, CA on the one hand and New York City, NY and Boston, MA on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 36 supporting shippers. Their statements may be examined at the office listed.

MC 156310 (Sub-6-1TA), filed June 18, 1981. Applicant: CECIL R. HAWKINS, d.b.a. HAWKINS TRUCKING, P.O.B. 542, Pagosa Springs, CO 81147. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. *Coal in bulk, in dump trucks,* from Hesperus, CO, to Crescent Junction, UT, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: National King Coal Mine, 1015½ Main St., Durango, CO 81301.

MC 156649 (Sub-6-1TA), filed June 19, 1981. Applicant: RALPH McGOWAN, 13720 Las Vecinas Dr., La Puente, CA 91746. Representative: Donald R. Hedrick, P.O.B. 88, Norwalk, CA 90650. *Contract Carrier,* Irregular routes: (1) *New camper vans,* Secondary movement, in truckaway service, from Los Angeles, CA and its commercial zone, to points in OR, WA, UT, ID, MT, NV, AZ, NM and TX, for the account of Contempo Campers; and, (2) *Lumber and wood products,* from points in OR, WA, MT and ID to points in AZ, NV and CA, for the account of Roy Forest Products, for 270 days. Supporting shippers: Contempo Campers, Inc., 11611 Cantara St., North Hollywood, CA 91605; Roy Forest Products, 575 Birch Court, Colton, CA 92324.

MC 150026 (Sub-6-2TA), filed June 18, 1981. Applicant: McKINLEY TRUCKING, INC., 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant). *Wood fiber products, rough and surfaced, except furniture* between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, for 270 days. Supporting shipper: Forest Products Sales, 249 W. Second Ave., Salt Lake City, UT 84107.

MC 127587 (Sub-6-1TA), filed June 18, 1981. Applicant: MEXICANA REEFER SERVICES, LTD., 2830 Grandview Hwy., Suite 204, Vancouver, B.C., Canada V5M 2C9. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Contract Carrier,* Irregular routes: *General Commodities (except classes A and B explosives),* between ports of entry located on the International Boundary Line between the U.S. and Canada located in WA and ID, on the one hand, and, on the other, points in WA, ID and OR, for the account of Overseas Container Forwarding, Inc., for 270 days. Supporting shipper: Overseas Container Forwarding, Inc., Ste. 211-1600 W. Sixth Ave., Vancouver, B.C., Canada V6J 1R3.

MC 146557 (Sub-6-2TA), filed June 18, 1981. Applicant: ROBERT GRAVERT, d.b.a. S & R RENTALS, 6801 McComber St., Sacramento, CA 95828. Representative: Ronald C. Chauvel, 100 Pine St., Ste. #2550, San Francisco, CA 94111. *Contract Carrier,* Irregular routes: *Metal products, machinery and equipment,* between CA, OR, WA, ID, NV, UT, CO, AZ, NM and TX, under continuing contract(s) with Pittsburgh Des Moines Corporation, for 270 days. Supporting shipper: Pittsburgh Des Moines Corporation, P.O.B. 15467, Sacramento, CA 95813.

MC 138875 (Sub-6-55TA), filed June 19, 1981. Applicant: SHOEMAKER TRUCKING COMPANY; 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *General commodities* (except hazardous wastes, and except classes A and B explosives) between points in the U.S. under continuing contract with Delaware Valley Shippers Association, Inc., and their member facilities and affiliates, for 270 days. Supporting shipper: Delaware Valley Shippers Association, Inc., 2209 E. Farragut Ave., Bristol, PA 19007.

MC 145862 (Sub-6-1TA), filed June 18, 1981. Applicant: DON LEE SMITH and GILBERT ERNEST SOMERA, d.b.a. SOMERA-SMITH TRANSPORTATION, 1250 S. Wilson Way, Stockton, GA 95205. Representative: Sidney J. Cohen, 1939 Harrison St., Suite 555, Oakland, CA 94612. *General Commodities* (except household goods and classes A and B explosives) between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, and WA, for 270 days. Supporting shippers: Kaiser Aluminum & Chemical Corp., 300 Lakeside Dr., Oakland, CA 94643; Crown Zellerbach Corp., 1500 S.W. First Ave., Portland, OR 97201.

MC 113271 (Sub-6-7TA), filed June 19, 1981. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O.B. 2567, Great Falls, MT 59403. *Salt,* from points in UT to points in Missoula County, MT for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Borden Chemical, 3670 Grant Creek Road, Missoula, MT 59801.

MC 113271 (Sub-6-8TA), filed June 19, 1981. Applicant: TRANSYSTEMS INC., P.O.B. 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O.B. 2567, Great Falls, MT 59403. *Lumber and lumber products and commodities used in the manufacture of lumber and lumber products* from points in ID to points in CO, MT, UT and ports of entry on the international boundary between the U.S. and CN in WA, ID, MT, ND and MN for 270 days. Supporting shipper:

Potlatch Corporation, P.O.B. 5414, Spokane, WA 99205.

MC 156700 (Sub-6-1TA), filed June 22, 1981. Applicant: CHEM SECURITY, LTD., Suite 803, 1550 Alberni St., Vancouver, B.C., Canada V6G 185. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier:* irregular routes: *Hazardous waste material consisting of calcium arsenate* from ports of entry on the U.S.-Canada international boundary line in WA and ID, to Arlington, OR, under continuing contracts with Chem Security Ltd., for 270 days. Supporting shipper: Chem Security Ltd., Suite 803, 1550 Alberni St., Vancouver, B.C., Canada V6G 185.

MC 156697 (Sub-6-1TA), filed June 18, 1981. Applicant: DESERT ROUSTABOUT AND CONSTRUCTION, INC., d.b.a. DRC HOTSHOT SERVICE, P.O.B. 24, Wamsutter, WY 82336. Representative: Danny Cooper, Sr. (same as applicant). *Mercer Commodities, except complete drilling rigs,* between points in WY, MT, ND, SD, ID, CO, TX, NM, OK, LA, NV, UT, CA, AZ, OR and WA, for 270 days. Supporting shippers: There are ten shippers. Their statements may be examined at the Regional Office listed.

MC 156698 (Sub-6-1TA), filed June 19, 1981. Applicant: HAROLD & VIOLA MYERS, d.b.a. HAROLD MYERS TRUCKING, 28011 228th Ave. S.E., Maple Valley, WA 98038. Representative: Harold Myers (same as applicant). *Contract Carrier,* Irregular Route, *Hollow Concrete Poles or Standards,* from the facilities of Centrecon, Inc., in Snohomish County, WA, to points in the U.S., except AK and HI, for 270 days. Supporting shipper: Centrecon, Inc., 1130 Norton Ave., Everett, WA 98201.

MC 156696 (Sub-6-1TA), filed June 22, 1981. Applicant: NUFREIGHT SYSTEMS, 15805 Heron Ave., La Mirada, CA 90638. Representative: Kenneth E. Coor (same address as applicant). *Contract Carrier,* Irregular routes: *Coal, anthracite silt refuse,* from: Carborn, Columbia, Dauphin, Lackawanna, Lebanon, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne Counties, PA to points in NJ and PA, for export for the account of Palmco Corporation, for 270 days. Supporting shipper: Palmco Corporation, 131 Greenvale Road, Cherry Hill, NJ 08034.

MC 156699 (Sub-6-1TA), filed June 19, 1981. Applicant: GENE OWENS, d.b.a. O&B TRANSPORTATION CO., 12311 Chapman St., Suite 106, Garden Grove, CA 92640. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. (1) *Lumber and wood products,* from points in OR, WA and ID to points in CA; (2) *Food and related products,* from Orange County, CA to points in AZ, NV, WA and OR; and, (3) *New furniture,* in cartons, from Orange County, CA to points in AZ, NV, WA and OR, for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional office listed.

MC 156683 (Sub-6-1TA), filed June 19, 1981. Applicant: ONE-WAY TRANSPORTATION, INC., Route 1, Box 140, Concrete, WA 98237. Representative: Teresa Chambers (same as applicant). *Contract Carrier,* Irregular Route, *Hollow Concrete Poles or Standards and Related Fixtures,* from the facilities of Centrecon, Inc., in Snohomish County, Washington, to points in the U.S., except AK and HI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Centrecon, Inc., 1130 Norton Ave., Everett, WA 98201.

MC 156487 (Sub-6-1TA), filed June 19, 1981. Applicant: RAYMOND G. RODRIGUES, d.b.a. RAY'S TRUCKING, 4578 Mayfield Court, Fremont, CA 94536. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924. *Electrical panel boards, electrical switch boards, electrical circuit breakers, motor control centers, and electrical machinery, components, and parts* from CA to WA, OR, NV, UT, and AZ; *forest products, lumber, and wood products* from WA and OR to CA for 270 days. Supporting shippers: Industrial Electrical Manufacturing, Inc., 682 WA. Blvd., Fremont, CA. 94538. American Forest Products Co., 2801 West Lane, Stockton, CA 95208.

MC 112989 (Sub-6-18TA), filed June 22, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So. Eugene, OR 97405. Representative: John T. Morgans (same address as applicant). *Major appliances, television sets, video tape recorders, stereo equipment,* from Salt Lake City, UT, to points in ID, NV and WY, for 270 days. Supporting shipper: Western Supply Co., 1901 So. 300 W., Salt Lake City, UT 84125.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19819 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-108]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Member Williams not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 2304 (Sub-51), filed June 22, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 66024 (Sub-7), filed June 22, 1981. Applicant: H. B. RUSSELL TRUCK SERVICE, INC., 104 Orange St., Red Bud, IL 62278. Representative: Floyd Stellhorn (same address as applicant), (618) 282-3206. Transporting *malt beverages,* between points in GA, IN, MI, MO, NJ, OH, OR, PA, TN, and WI, on the one hand, and, on the other, points in Jackson, Macoupin, Madison, Monroe, Randolph, St. Clair and Whiteside Counties, IL.

MC 79085 (Sub-4), filed June 23, 1981. Applicant: FAIRBANKS EXPRESS, INC., North Hoosick Rd., Hoosick Falls, NY 12090. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, NY, and VT.

MC 99074 (Sub-7), filed June 19, 1981. Applicant: GREENWOOD MOTOR LINES, INC., P.O. Box 336, Greenwood, SC 29646. Representative: Donald E. Cross, 918—16th St., N.W., Washington, DC 20006, (202) 785-3700. Transporting *textile mill products,* between the facilities of Greenwood Mills, Inc., at points in SC, on the one hand, and, on the other, points in the U.S.

MC 114045 (Sub-583), filed June 22, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with NL Industries, Inc., of New York, NY.

MC 125535 (Sub-30), filed June 18, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569-1161. Transporting *aluminum and aluminum products,* between points in the U.S., under continuing contract(s) with Flour City Architectural Metals, Inc., of Glen Cove, NY.

MC 126045 (Sub-39), filed June 22, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Box 3122, Davenport, IA 53808. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *metal products,* between St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 126894 (Sub-4), filed June 22, 1981. Applicant: BILLINGS MOVING & STORAGE CO., INC., 2010 Polymer Drive, West, Chattanooga, TN 37421. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., N.W., Atlanta, GA 30303, (404) 522-2322. Transporting *household goods,* as defined by the Commission, between those points in the U.S. in and east of WI, IA, MO, OK, and TX.

MC 128095 (Sub-47), filed June 19, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *furniture and fixtures,* between points in Benton County, AR, Monroe County, MI, Newton County, MS, Newton County, MO, Florence County, SC, and, Rhea County, TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 128694 (Sub-1), filed June 18, 1981. Applicant: LEO C. TAYLOR AND LEO J. TAYLOR, d.b.a. L HANGIN' T ENTERPRISES, P.O. Box 665, Darby, MT 59829. Representative: Leo J. Taylor, Star Route, Darby, MT 59829, (406) 821-3353. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Deer Mountain Wood Products, of Darby, MT.

MC 135924 (Sub-28), filed June 19, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *clay, concrete, glass or stone products,* between points in Rowan County, NC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 136104 (Sub-108), filed June 22, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting (1) *metal products;* and (2) *machinery,* between points in the U.S.

MC 138215 (Sub-2), filed June 22, 1981. Applicant: SERVICE AIR CARGO, 6003 Telegraph Rd., Commerce, CA 90040. Representative: Mark A. Berman (same address as applicant), (213) 722-7215. Transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 139994 (Sub-4), filed June 22, 1981. Applicant: JIM AND BOB STENCEL d.b.a. STENCEL TRUCKING, P.O. Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340-0808. Transporting *such commodities* as are dealt in by printers and binders of printed matter, between the facilities of World Color Press, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144345 (Sub-24), filed June 19, 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: Irene Warr, 311 S. State St. Ste 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and related products,* between points in Canyon County, ID, Grant and Adams Counties, WA and Davis County, UT, on the one hand, and, on the other, points in CA, OR, NV, CO, AZ, MT, UT and ID.

MC 145475 (Sub-3), filed June 22, 1981. Applicant: FRONTIER LEASING, INC., Route 7, Box 173, Joplin, MO 64801. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883-7311. Transporting (1) *metal products,* and (2) *machinery,* between points in the U.S., under continuing contract(s) with Norris Industries, Incorporated, of Fayetteville, AR.

MC 146814 (Sub-13), filed June 22, 1981. Applicant: VAN WYK, INC., "C" St., Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting (1) *food and related products;* and (2) *chemicals and related products,* between points in Cherokee, Souix, Buena Vista and Woodbury Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 147494 (Sub-4), filed June 22, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Drawer 5690, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355-3543. Transporting *chemicals and related products*, between points in AL, IL, LA, MS, NC, PA and TN, on the one hand, and, on the other, points in AZ, CA, NM, OR and WA.

MC 149244 (Sub-5), filed June 19, 1981. Applicant: PEAKE, INC., 2022 Ave. "A", Kearney, NE 68847. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245-2730. Transporting (1) *alcohol;* and (2) *petroleum, natural gas and their products*, between points in IA, KS, MO, NE and SD.

MC 149535 (Sub-1), filed June 22, 1981. Applicant: ALL FREIGHT, INC., 238 Sheldon Rd., Berea, OH 44017. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *such commodities* as are dealt in or used by manufacturers of explosives, between the facilities used by Austin Powder Company and its divisions and subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

MC 150644 (Sub-3), filed June 16, 1981. Applicant: GARY L. SODERBERG AND LEROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703, (608) 256-0606. Transporting *fertilizer and fertilizer ingredients*, and *agricultural chemicals*, between those points in MN and IA, and those points in IL on and north of U.S. Hwy 24, on the one hand, and, on the other, points in WI.

MC 151094 (Sub-1), filed June 16, 1981. Applicant: I-GO VAN & STORAGE, INC., 3747 Gilmore Ave., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *general commodities* (except classes A and B explosives), between points in Fresno, Kern, Kings and Tulare Counties, CA, on the one hand, and, on the other, points in CA.

MC 151505, filed June 22, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 1287, Mesquite, TX 75419. Representative: Bob Bunch (same address as applicant) (214) 475-1407. Transporting *general commodities* (except classes A and B explosives), between the facilities of Acme Fast Freight, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 152144 (Sub-1), filed June 22, 1981. Applicant: COMBINED TRANSPORT, INC., P.O. Box 3667, Central Point, OR 97502. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201 (503) 226-6491. Transporting (1) *lumber and wood products*, and (2) *building and construction materials*, between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 152444 (Sub-4), filed June 16, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy No. 36 and 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221-1464. Transporting *fertilizer*, between points in Douglas County, KS, on the one hand, and, on the other, points in AR, IA, MO and NE.

MC 153714 (Sub-1), filed June 19, 1981. Applicant: FREDDY'S TRUCKING, 2200 S.E. 45th No. 48, Hillsboro, OR 97123. Representative: William A. Murray (same address as applicant) (503) 640-8303. Transporting (1) *malt beverages and wine*, between points in Los Angeles, Napa, Madera, San Francisco, Stanilaus, Santa Clara, Sanoma, Sacramento, and Solano Counties, CA, on the one hand, and, on the other, points in Marion, Clatsop, Yamhill, and Multnomah Counties, OR, and (2) *aluminum siding and roofing materials*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in Multnomah County, OR, and Skagit County, WA.

MC 154214, filed June 18, 1981. Applicant: VO CONCRETE PIPE AND PRODUCTS, INC., d.b.a. VO-CON, 2018 Stefko Boulevard, Bethlehem, PA 18017. Representative: Gary M. Miller, 1414 Millard Street, Bethlehem, PA 18018. Transporting *hazardous materials*, between those points in the U.S. in and east of MN, IA, MO, AR and LA.

Note.—The authority granted herein is limited in point of time to a period expiring 5 years from its date of issuance.

MC 154635, filed June 22, 1981. Applicant: D. A. YOUNG, d.b.a. TRICITY TRUCKING, 5904 Walden Drive, Knoxville, TN 37919. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *metal products*, between points in Blount County, TN, on the one hand, and, on the other, points in Spencer County, IN.

MC 154745, filed June 22, 1981. Applicant: HAROLD E. JOHNSON and RITA M. JOHNSON, d.b.a. TRANSPORT SERVICE, 5423 So. 93rd St., Omaha, NE 68127. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *transportation equipment*, between points in NE and those in Pottawatamie Counties, IA, on the one hand, and, on the other, points in MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, WI, IA, IL, MO, AR, LA, MS, AL, GA, KY, TN, IN, MI, and OH.

MC 154965, filed June 19, 1981. Applicant: P&H TRANSPORTATION, INC., 4802 Clinton Drive, Houston, TX 77020. Representative: Paul S. Broussard, 501 Crawford St., Suite 401, Houston, TX 77002 (713) 227-9735. Transporting *general commodities* (except classes A and B explosives), between points in Harris and Galveston Counties, TX, on the one hand, and, on the other, points in Brazoria, Hardin, Jefferson and Orange Counties, TX and Calcasieu Parish, LA.

MC 155065, filed June 22, 1981. Applicant: B & H INDUSTRIES, INC., Rt. 1, West Unity, OH 43570. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in William County, OH, on the one hand, and, on the other, points in the U.S.

MC 156254 (Sub.-3), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Scott Paper Company, of Philadelphia, PA, and Armstrong World Industries, Inc., of Lancaster, PA.

MC 156254 (Sub-4), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in Harris and Galveston Counties, TX, on the one hand, and, on the other, points in Brazoria, Hardin, Jefferson and Orange Counties, TX and Calcasieu Parish, LA.

MC 155065, filed June 22, 1981. Applicant: B & H INDUSTRIES, INC., Rt. 1, West Unity, OH 43570. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in William County, OH, on the one hand, and, on the other, points in the U.S.

MC 156254 (Sub.-3), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Scott Paper Company, of Philadelphia, PA, and Armstrong World Industries, Inc., of Lancaster, PA.

MC 156254 (Sub-4), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Air Products and Chemicals, Inc., of Allentown, PA, and E. F. Houghton & Company, of Valley Forge, PA.

MC 156254 (Sub-5), filed June 22, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Ivaco Ltd., of Marieville, Quebec, Canada, and its affiliated companies.

MC 156254 (Sub-6), filed June 22, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with E. I. du Pont de Nemours & Company, Incorporated, of Wilmington, DE, and Sunmark Industries, Division of Sun Oil Company of Pennsylvania, of Philadelphia, PA.

MC 156355, filed June 5, 1981. Applicant: BLUE & WHITE QUIK DELIVERY, INC., 1813 Stringtown Rd., P.O. Box 5106, Evansville, IN 47715. Representative: Timothy J. Hubert, 220 N.W. Fourth St., P.O. Box 3261, Evansville, IN 47731 (812) 423-4433. Transporting *general commodities* (except classes A and B explosives), between points in IN and KY, on the one hand, and, on the other, points in the U.S.

MC 156474, filed June 12, 1981. Applicant: JOSEPH T. UVA, d.b.a. J & J DELIVERY SERVICE, North Raymond Rd., P.O. Box 23, Gray, ME 04039. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E. Atlanta, GA 30326, (404) 237-6472. Transporting *such commodities as are dealt or used by manufacturers and distributors of cosmetics*, between points in the U.S. under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 156554, filed June 16, 1981. Applicant: MIDWEST MOTOR FREIGHT, INC., 1221 McReynolds, N.W., Grand Rapids, MI 49504. Representative: Louis John Educato (same address as applicant) (616)-459-9267. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (1) Colorado Meat Company, of Grand Rapids, MI; (2) Dubuque Packing Company, of Dubuque, IA; (3) Kent Provision Company, of Grand Rapids, MI; and (4) Utica Packing Company, of Utica, MI.

MC 156675, filed June 19, 1981. Applicant: THE BI-MART COMPANY, 145 N. Cleveland St., Eugene, OR 97401. Representative: R. W. Moore (same address as applicant) (503) 689-0681. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Washington Oregon Shippers Cooperative Association, of Seattle, WA, and Troutman Investment Co., d.b.a. Emporium, Inc., of Eugene, OR.

MC 156685, filed June 22, 1981. Applicant: BRUNK CORP., d.b.a. G & R TRANSPORT, 803 Logan St., Goshen, IN 46526. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204 (317) 638-1301. Transporting *petroleum products*, (1) between points in Berrien County, MI, on the one hand, and, on the other, points in IN on and North of U.S. Hwy 52, and (2) between points in IN on and North of U.S. Hwy 52 on the one hand, and, on the other, points in Cass and St. Joseph Counties, MI.

MC 156715, filed June 18, 1981. Applicant: BESTER BROS. TRANSFER & STORAGE CO., INC., 818 North Concord St., South St. Paul, MN 55075. Representative: Douglas B. Bester (same address as applicant) (612) 451-1018. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, CA, ID, MT, WY, UT, CO, NE, SD, ND, MN, IA, KS, WI, MO, IN, KY and IL.

MC 156724, filed June 17, 1981. Applicant: H. TABENKEN & CO., INC., 33 School St., Veazie, ME 04401. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036 (202) 887-5868. Transporting *alcoholic beverages*, between points in ME, on the one hand, and, on the other, points in DE, CT, MD, MA, NJ, NH, NY, PA, and VA.

MC 156725, filed June 23, 1981. Applicant: AMBASSADOR TRAVEL, INC., 114 N.W. Seventh St., Evansville, IN 47708. Representative: Barbara Babcock (same address as applicant) (812) 423-4292. As a *broker*, at Evansville, IN, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in IN, IL, and KY, on the one hand, and, on the other, points in the U.S.

MC 156734, filed June 22, 1981. Applicant: IGNAZIO BOGGIATTO, d.b.a. JOE's HAVERHILL EXPRESS, 21 South Mill St., Bradford, MA 01830. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235-5571. Transporting *footwear*, between points in Essex, Middlesex, Norfolk, and Suffolk Counties, MA, on the one hand, and, on the other, points in Cheshire, Hillsborough, Merrimack, Rockingham, and Strafford Counties, NH.

[FR Doc. 81-19810 Filed 7-6-81; 8:45 am]

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[Volume No. OP1-190]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier duel operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 8771 (Sub-77), filed June 18, 1981. Applicant: SM TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004 (202) 737–1030. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobiles.

MC 52460 (Sub-333), filed June 16, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 446–4434. Transporting *food and related products*, between points in Riverside County, CA, on the one hand, and, on the other, points in AL, AZ, AR, CO, FL, GA, IA, IL, IN, KS, MO, MS, NC, NE, OK, SC, TN, and TX.

MC 56270 (Sub-57), filed June 19, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, P.O. Box 2385, Green Bay, WI 54306. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 65491 (Sub-19), filed June 22, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd St., Bronx, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001, (212) 279–3050. Transporting *food and related products*, between Detroit, MI, on the one hand, and, on the other, points in Lycoming County, PA.

MC 87451 (Sub-8), filed June 8, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Rd., Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant) (617) 628–1600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with A. J. Cunningham Packing Corp., of Quincy, MA.

MC 124070 (Sub-36), filed June 18, 1981. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Ave., Hammond, IN 46323. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Union Carbide Corporation of New York, NY, and Dow Chemical U.S.A. of Strongsville, OH.

MC 135381 (Sub-10), filed June 19, 1981. Applicant: DRUM TRANSPORTATION COMPANY, a corporation, R.D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *metal products* and *machinery*, between points in Boyd County, KY, Mahoning County, OH, and those points in PA on and west of U.S. Hwy 219 on the one hand, and, on the other, points in the U.S.

MC 136511 (Sub-109), filed June 16, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517, (804) 369–566. Transporting (1) *chemicals and related products*, (2) *petroleum, natural gas and their products*, and (3) *rubber and plastic products*, between Little Rock, AR, Buffalo, NY and points in Orange County, CA, Montgomery County, TX, on the one hand, and, on the other, points in the U.S. Condition: The certificate to be used here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 138861 (Sub-34), filed June 16, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, D.C. 20036, (201) 298–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Globe Manufacturing Company, of Fall River, MA.

MC 140460 (Sub-15), filed June 12, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, D.C. 20006, (202) 331–1174. Transporting *clay, concrete, glass or stone products and machinery*, between points in Marion County, SC, on the one hand, and, on the other, points in the U.S.

MC 142120 (Sub-4), filed June 16, 1981. Applicant: LENZNER COACH LINES, INC. d.b.a. NORTH BOROUGHS CAB, Mt. Nebo Rd., R.D. #2, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting **Federal Register** *passengers and their baggage*, in the same vehicle with passengers, between points in the U.S., under continuing contract(s) with Ice Capades, Inc., of Hollywood, CA.

MC 148231 (Sub-7), filed June 11, 1981. Applicant: SILORA & WILSON, INC., d.b.a. EAST-WEST EXPRESS, 7900 N. Frontage Rd., Hinsdale, IL 60521. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758–4153. Transporting (1) *rubber and plastic products*, and (2) *chemicals and related products*, between points in IL, on the one hand, and, on the other, points in the U.S.

MC 148620 (Sub-13), filed June 18, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., NW., Atlanta, GA 30303, (404) 658–8045. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Roosevelt Paper Company of Philadelphia, PA.

MC 149061 (Sub-3), filed June 12, 1981. Applicant: STEMPEL MANUFACTURING CO., Airport Rd., Coleman, TX 76834. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234, (214) 247–0994. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Lasting Products, Inc., of Dallas, TX.

MC 152380, filed June 22, 1981. Applicant: CECIL T. MCLAIN d.b.a. C.T.M. REFRIGERATED SERVICE, Route 10, Box 381, Shelton, WA 98584. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Superior Packing Company of Ellensburg, WA, and Reser's Fine Foods, Inc., of Beaverton, OR.

MC 153601 (Sub-2), filed June 22, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Rd. C, St. Paul, MN 55113, (612) 633–2861. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Contech, Inc., of Edina, MN.

MC 154700, filed June 11, 1981. Applicant: ALVIN L. COURTNEY d.b.a. COURTNEY TRUCKING, 4325 S. E. 3rd, Renton, WA 98056. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Richardson & Holland, Division of Mallinckrodt Corp., of Seattle, WA, and Presto Food Products, of Seattle, WA.

MC 154780 (Sub-5), filed June 17, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in MS, on the one hand, and, on the other, points in the U.S.

MC 154981, filed June 16, 1981. Applicant: SNAPS ENTERPRISES, LTD., 105 Amfesco Dr., Plainview, NY 11803. Representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Shore Plastics, Inc., of Freeport, NY, (2) Plexchem International, Inc., of Dix Hills, NY, (3) Plainview Tire Wholesalers, Inc., of Plainview, NY, and (4) Cosmetique, Inc., of Chicago, IL.

MC 156561, filed June 16, 1981. Applicant: PACE INDUSTRIES, INC., P.O. Box 1198, Harrison, AR 72601. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ITT Outdoor Lighting, Fixtures Division, of Southaven, MS.

[FR Doc. 81-19995 Filed 7-6-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Williams not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Any status inquiries should be directed to (202–275–7326).

Volume No. OPY–4–224

MC 138386 (Sub-3), filed June 17, 1981. Applicant: KEPHART TRUCKING COMPANY, a corporation, P.O. Box 386, Bigler, PA 16825. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting (1) *coal and coal products*, between points in PA, on the one hand, and, on the other, points in OH, WV, PA, MD, DE, NJ, NY, CT, RI, MA, VT, NH, and ME, and (2) *general commodities* (except classes A and B explosives), between points in Frederick County, MD on the one hand, and, on the other, points in PA.

MC 144946 (Sub-7), filed June 23, 1981. Applicant: TRANS-MUTUAL TRUCK LINES, LTD., 4427A–72nd Ave., Southeast, Calgary, Alberta, Canada T2C. 2C1. Representative Grant J. Merritt, 4444 IDS Center Minneapolis, MN 55402, (612) 339–4546 In foreign commerce only, transporting *chemicals and related products*, between points on the international boundary line between the U.S. and Canada located in MN, ND, MT, ID, and WA, on the one hand, and on the other, points in the U.S.

MC 147196 (Sub-16), filed June 12, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 641–7630. Transporting (1) *paper and related products*, and (2) *plastic products*, between points in the U.S., under continuing contract(s) with Stone Container Corporation, of Chicago, IL.

MC 156726, filed June 22, 1981. Applicant: SANDHILLS STEAMSHIP & NAVIGATION CO., d.b.a. WESTERN STAGE LINES, P.O. Box 808, North Platte, NE 69101. Representative: Richard A Peterson, P.O. Box 81849, Lincoln, NE 68501, (404) 476–1144. Transporting *passengers and their baggage*, in special or charter operations, between points in Lincoln, Frontier and Red Willow Counties, NE, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–225

MC 1936 (Sub-51), filed June 17, 1981. Applicant: B & P MOTOR EXPRESS COMPANY, 825 W. Federal St, Youngstown, OH 44501.Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Erie County, NY, and PA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 30136 (Sub-1), filed June 19, 1981. Applicant: PITT-OHIO EXPRESS, INC., 315 East 2d St., East Liverpool, OH 43920. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *general commodities* (except classes A and B explosives), between points in PA, KY, NJ, MA, CT, RI, DE, MD, VA, KY, NC, WV, OH, IN, IL, MO, MI, WI, and DC.

MC 60066 (Sub-31), filed June 19, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products*, between the facilities of Confectionery Division of Borden Foods, Inc., at Chicago, IL, on the one hand, and, on the other, Minneapolis, MN.

MC 99396 (Sub-3), filed June 19, 1981. Applicant: L. J. CERKUEIRA, d.b.a. C-WAY EXPRESS, P.O. Box 6114, Oakland, CA 94614. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108, (415) 986–8696. Transporting *general commodities* (except classes A and B explosives), between points in Alameda, Contra Costa, Fresno, Kings, Madera, Marin, Merced, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, and Yolo Counties, CA.

Volume No. OPY–4–226

MC 103926 (Sub-107), filed June 16, 1981. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Kim G. Meyer, Suite 1200, Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *metal products*, between Charleston, SC, on the one hand, and, on the other, points in the U.S.

MC 119186 (Sub-1), filed June 18, 1981. Applicant: ASBURY-NEPTUNE TRUCKING CO., INC., P.O. Box 35, Long Branch, NJ 07740. Representative: Ken Wilson, 167 Sylvan Rd., Bloomfield, NJ 07003, (201) 338–5753. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in PA, DE, NY, CT, MA, RI, OH, MD, and NJ.

MC 126706 (Sub-10), filed June 12, 1981. Applicant: KLEYSEN TRANSPORT, LTD., 1495 Pembina Hwy., Winnipeg, Manitoba, Canada R3T 2C6. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339–4546. In foreign commerce only, transporting *machinery*, between points on the international boundary line between the U.S. and Canada, in MI, MN, ND, MT, ID, and WA, on the one hand, and, on the other, points in the U.S.

MC 127756 (Sub-3), filed June 16, 1981. Applicant: SERVICE TRANSPORT LINES, INC., 618 Galveston, P.O. Box 1232, West Sacramento, CA 95691. Representative: Don Chase (same address as applicant), (916) 371–5030. Transporting (1) *metal products*, and (2) *food and related products*, between points in CA, AZ, NV, OR, and WA.

MC 128966 (Sub-9), filed June 17, 1981. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West 9th St., Kansas City, MO 64101. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *food and related products*, between points in KS and MO, on the one hand, and, on the other, points in AL, FL, GA, KS, KY, LA, MO, NC, SC, TX, VA, and DC.

MC 136176 (Sub-5), filed June 16, 1981. Applicant: INDEPENDENT TRANSPORTATION, INC., P.O. Box 36, Kanopolis, KS 67454. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Independent Salt Company, of Kanoplis, KS, Morton Salt Division of Morton Norwich Products, Inc., of Chicago, IL, and Cargill Salt, a Division of Cargill, Inc., of Hutchinson, KS.

[FR Doc. 81–19666 Filed 7–6–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 113]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1485 (Sub-15)X, filed June 22, 1981. Applicant: SCHROLL TRANSPORTATION, INC., 360 Governor Street, East Hartford, CT 06108. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 9, 10, 11, 13, and 14F certificates to (1) broaden the commodity descriptions from (a) meats, packinghouse products, and commodities used by packinghouses, fish, frozen foods, sea foods, smoked meats, groceries, fruits and vegetables, frozen fruits, frozen berries, frozen vegetables, dairy products, to "food and related products" in the lead and Sub-Nos. 4, 5, 7, 9, 10, 13, and 14; (b) general commodities (with exceptions) to "general commodities" (except classes A and B explosives) in Sub-No. 11; (c) empty food containers, and empty drums and carboys to "containers, carriers, and devices" in the lead; (d) automobile parts and accessories to "transportation equipment, parts and accessories" in the lead; (e) babbit and tin to "metal products" in the lead; (f) acids to "chemicals and related products" in the lead; (2) delete commodity restrictions such as "in bulk, in tank vehicles, vehicles equipped with mechanical refrigeration" in the lead and Sub-Nos. 5, 7, and 9; (3) broaden cities to counties; (a) in the lead, Hartford, East Hartford, West Hartford, Elmwood, Windsor, Manchester, Newington, Wethersfield, Glastonbury, New Britain, Canton, Bristol, Addison, Broad Brook, and Warehouse Point, CT, to Hartford County, CT; Meriden and Waterbury, CT, to New Haven County, CT; Middletown and Portland, CT, to Middlesex County, CT; Rockville and Stafford Springs, CT, to Tolland County, CT; Torrington, CT, to Litchfield County, CT; Springfield, Chicopee, and Holyoke, MA, to Hampden County, MA; Pittsfield, MA, to Berkshire County, MA; Northampton, MA, to Hampshire County, MA; Greenfield, MA, to Franklin County, MA; Worcester, MA, to Worcester County, MA; and Fall River, MA, to Bristol County, MA; Providence RI, to Provicence County, RI; and Westerly, RI to Washington County, RI; (b) in Sub-No. 4, North Abington, MA, to Plymouth County, MA; Hartford, CT, to Hartford County, CT; (c) in Sub-No. 5, New Haven, Meriden, and Waterbury, CT, to New Haven County, CT; New Britain, CT, to Hartford County, CT; Springfield, MA, to Hampden County, MA; Worcester, MA, to Worcester County, MA; (d) in Sub-Nos. 7 and 10, Southboro, MA, to Worcester County, MA; (e) in Sub-No. 11, Hartford, East Hartford, and West Hartford, CT, to Hartford County, CT; (f) in Sub-No. 13, Manchester and Bedford, NH, to Hillsborough County, NJ; and in Sub-No. 14, Hartford and Newington, CT, to Hartford County, CT; New Haven, CT, to New Haven County, CT; Stamford, CT, to Fairfield County, CT; and Waterford and Albany, NY, to Albany County, NY; (4) authorize radial service in lieu of existing one-way authority between the counties named above and points in several New England States in the lead and Sub-Nos. 5, 7, 9, 10, 13, and 14; and (5) delete plantsite restriction in Sub-No. 13.

MC 16903 (Sub-89)X, filed June 5, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its certificates to broaden the commodity description from elevators and escalators, parts, materials, equipment and supplies to "machinery and materials, equipment, and supplies used in the manufacture and distribution of machinery" in connection with its radial operations between points in Monroe County, IN, Cuyahoga and Madison Counties, OH, Wayne County, MI, Cook County, IL and Allegheny County, PA, and, points in the U.S.

MC 124979 (Sub-9)X, filed June 18, 1981. Applicant: CONRAD BERG d.b.a. C. BERG COMPANY, Route 1, Box 185A, Saginaw, MN 55759. Representative: Val M. Higgins, 1600 TCF Tower 121 South 18th St., Minneapolis, MN 55402. Appliant seeks to remove restrictions in its Sub-Nos. 3, 5, 6F, and 8F certificates to (1) broaden its commodity descriptions: in Sub-Nos. 3 and 5, from salt and salt in bulk, to "chemicals and related products, food and related products, and ores and minerals"; in Sub-No. 6F, from fertilizer and fertilizer ingredients, dry , in bulk, to "chemicals and related products ores and minerals, and petroleum, natural gas and their products"; and in Sub-No. 8F, from scrap metal, to "metal products"; (2) replace cities with county-wide authority: in Sub-No. 3, Pine Bend, MN, with Dakota County, MN; in Sub-Nos. 5 and 8F, Duluth, MN, with St. Louis and Carlton Counties, MN, and Douglas County, WI; and in Sub-No. 6F, Grand Forks, ND, with Grand Forks County, ND, and Polk County, MN; and (3) change one-way radial authority between points in the above-named counties, and points in several specified mid-eastern States.

MC 126045 (Sub-36)X, filed May 26, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 S. Farragut St., Box 3122, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 8, 12, 15, 16, 18, 19, 20, 22F, 24F, 25F, 26F, 28F and 30F certificates (1) in the lead (a) to broaden the commodity description from animal and poultry feed ingredients except liquid animal fats and liquid vegetable oils, to "food and related products and chemicals and related products"; and (b) to replace facilities near Montpelier, IA with county wide (Muscatine County) authority; (2) in Sub-No. 4 same commodity change as in lead; (b) replace facilities at or near Montpelier, IA with county wide (Muscatine County) authority; (3) in Sub-No. 5 to (a) change the commodity description from salt, in bulk, to "ores, minerals and food and related products"; (4) in Sub-No. 7 (a) to broaden the commodity description from dry fertilizer and fertilizer materials, in bulk or in package, to "chemicals and related products" and (b) to replace facilities near Muscatine, IA with county wide (Muscatine County) authority; (5) in Sub-No. 8 (a) to broaden the commodity description from diammonium phosphate, in bulk; to "chemicals and related products" (b) to remove the restriction limiting transportation to traffic originating at and destined to named facilities; and (c) to replace city wide (Depue, Colfax and Riverdale, IL) with county wide (Bureau, McLean and Cook Counties) authority; (6) in Sub-No. 12 to broaden the commodity description from pig iron to "metal products"; (7) in Sub-No. 15 (a) to broaden the commodity descriptions, silica sand and molding sand, bonded, in bulk, in tank vehicles and in bags, to "ores and minerals"; and from salt to "chemicals and related products and food and related products" (b) to replace city wide (Clayton, IA) with county wide (Clayton, County) authority; (c) to replace facilities in Scott County, IA with county wide (Scott County) authority; (8) in Sub-No. 16, (a) to broaden the commodity description from anhydrous amonia and fertilizer materials, in bulk, in tank vehicles, (except such liquid fertilizer and fertilizer materials as may be derived from petroleum to "chemicals and related products"; (b) to replace facilities at or near Fort Madison, IA with county wide (Lee County) authority; and (c) to remove the restriction limiting transportation to traffic originating at or destined to named facilities; (9) in Sub-No. 18 (a) to broaden the commodity description from dry superphosphate and dry potash, in bulk, to "chemicals and related products"; (b) to replace facilities at Des Moines, IA with city wide (Des Moines) authority; (c) to remove the restriction limiting transportation to traffic originating at and destined to named points; (10) in Sub-No. 19 (a) to broaden the commodity description from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products"; (b) to replace facilities at or near Wilton, IA with county wide (Muscatine County) authority and (c) to remove the restrictions: limiting transportation to traffic originating at and destined to the named points; against the transportation of scrap metal, commodities in bulk, in tank vehicles and against the transportation of refractories from points in Audrain, Calloway and Montgomery Counties, MO; (11) in Sub-No. 20 (a) to broaden the commodity description from coal to "ores and minerals"; and (b) replace facilities at or near Buffalo, Davenport, Burlington and Council Bluffs, IA, St. Paul, MN, and LaCrosse, WI with city and county wide (Scott County, Davenport, Des Moines County and Council Bluffs, IA; St Paul, MN and LaCrosse County, WI)

authority; (12) in Sub-No. 22F (a) to broaden the commodity descriptions from tractors (except truck tractors), agricultural machinery and implements, grain bins and commodities parts, attachments and accessories for the named commodities and materials, equipment and supplies used in the manufacture, sale and distribution of the commodities named to "machinery"; (b) to replace facilities at or near Davenport, IA with city wide (Davenport) authority; and (c) to remove the restriction limiting transportation to traffic originating at and destined to named facilties; (13) in Sub-No. 24F (a) to broaden the commodity description from iron and steel articles to "metal products"; (b) replace facilities at or near Des Moines, IA with city wide (Des Moines) authority; and (c) to replace city wide (Sterling, IL) with county wide (Whiteside County) authority; (14) in Sub-No. 25F (a) to broaden the commodity descripiton from iron and steel articles to "metal products"; (b) to replace facilities at or near St. Paul, MN with city wide (St. Paul) authority; (c) to remove the AK and HI exception; (15) in Sub-No. 26F (a) to broaden the commodity description in part (1) from iron and steel articles, (except commodities in bulk, in tank vehicles) to "metal products"; (b) replace facilities at Sterling, IL with county wide (Whiteside County) authority; (16) in Sub-No. 28F (a) to broaden the commodity description from tractors (except truck tractors), agricultural machinery and implements, and attachments, parts and accessories for the above commodities to "machinery"; (b) to remove the restriction limiting transportation to traffic originating at named facilities and (c) to replace facilities at or near Davenport, IA with city wide (Davenport) authority; (17) in Sub-No. 30F (a) to broaden the commodity descripition from rims, wheels and spindles, and iron and steel articles to "machinery, metal products and transportation equipment"; (b) to replace the facilities at or near Davenport and Walcott, IA with city wide and county wide (Davenport and Scott County) authority; and (18) in all the authorities except Sub-No. 26F, replace one way radial authority.

MC 127351 (Sub-5)X, filed June 18, 1981. Applicant: CHANCE FREIGHT LINES, INC., 202 West Main, Gardner, IL 60424. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 3 certificates to (1) broaden the commodity descriptions to "farm supplies" from anhydrous ammonia and liquid nitrogen fertilizer solutions and ammonium nitrate fertilizer, in Sub-No. 1 and from anhydrous ammonia, in Sub-No. 3, (2) remove the in bulk and equipment limitations, (3) replace one-way authority with radial authority (4) broaden the territorial description by substituting county-wide authority for facilities: LaSalle County, IL (for facilities at Marseilles, IL and Seneca, IL) and (5) remove the originating at and destined to restriction in Sub-No. 1.

MC 136605 (Sub-167)X, filed June 19, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: F. Kimball Joyner, Jr., 1600 Lincoln Center, Denver, CO 80264. Applicant seeks to remove restrictions and broaden its authority in Sub-Nos. 6, 7, 9, 10, 11, 13, 14, 17, 19, 20, 22, 24, 26, 27, 30, 31, 35, 36, 38, 39, 41, 44F, 47F, 49F, 53F, 59F, 61F, 63F, 66F, 70F, 72F, 88F, 91F, 93F, 98F, 99F, 117F, 118F, 119F, 122F, 125F, 126F, 132F, 133F, 137F, 143F, 144F, 146F, 147F, 148F, 149F, 150F, 151F, 152F,153F, 154F, 155F, 156F, 157F, 159F and 161 certificates to (1) broaden its commodity descriptions to (a) "ores and minerals" in Sub-Nos. 13, 53F, 125F, 151F, and 156F from bentonite, bentonite clay and mud treating compounds, salt and salt products, (b) "food and related products" in Sub-Nos. 7, 31, 38, 126F, 151F, and 156F from animal and poultry feeds and supplements, flour glue extender, soy bean meal, salt and salt products, (c) "lumber or wood products" in Sub-Nos. 6, 7, 9, 14, 17, 19, 24, 26, 39, 41, 44, 47, 66F, 88F, 93F, 99F, 117F, 119F, 132F, 133F, 137F, 144F, and 150F from lumber and particle board, lumber products, wood products, precut log buildings, knocked-down prefabricated homes, lumber mill products, windows, doors, shingles, millwork, overhead garage doors, garage door hardward, garage service doors, treated poles and piling, roofing materials, asphalt composition roofing, shingles, rolled roofing, asphalt impregnated sheating board, charcoal and charcoal briquettes, railway materials and supplies and railroad ties, (d) "pulp, paper or allied products" in Sub-Nos. 49F, 61F, (part 4), 119F and 133F from gypsum board, insulation board, roofing materials and material, equipment and supplies used in the manufacture and distribution of railways, (e) "chemicals and related products" in Sub-Nos. 13, 22, 27, 30, 31, 36, 38, 53F, 125F, 133F, 151F and 156F from bentonite, bentonite clay and mud treating compounds, chemicals, janitorial supplies, dry cleaning supplies, soil conditioner, trace mineral fertilizer, aluminum sulfate, flour glue extender, soda ash, railway materials, equipment and supplies, salt and salt products, (f) "petroleum or coal products" in Sub-Nos. 39, 66F, 119F, 132F and 133F from materials and supplies used in the construction, installation and packaging of precut log homes, asphalt composition roofing, shingles, rolled roofing, asphalt impregnated sheating board, roofing materials, charcoal, charcoal briquettes, material, equipment, supplies used in the manufacture and distribution of railways, (g) "rubber and plastic products" in Sub-Nos. 59F, 61F (parts 1 and 2), 63F, 70f, 118F, 119F, 133F and 159F from plastic pipe, plastic pipe fittings and accessories, insulation board, drainage systems, roofing materials, material, equipment and supplies used in the manufacture of railways and polyurethane insulation board, (h) "clay, concrete, glass or stone products" in Sub-Nos. 11, 20, 35, 39, 61F, 63F, 70F, 91F, 118F, 122F, 133F and 149F from stone, refractories, brick, tile, masonry supplies, clay products, windows, cement pipe, drainage systems, precast concrete products, cement, and materials, equipment and supplies used in the manufacture of railways, (i) "metal products," in Sub-Nos. 10, 24, 39, 44F, 63F, 88F, 98F, 119F, 133F, 146F, 147F, 152F, 154F, 155F, 157F and 161F from truck boxes, dump bodies, truck platforms, prefabricated homes, materials and supplies used in the construction, installation and packaging of precut log building, windows, doors, agricultural and industrial equipment, irrigation equipment, stump cutters, log splitters, log chippers, tree spades, garage door hardware, aluminum ingots, roofing materials, material, equipment and supplies used in the manufacture of railways, iron and steel articles, steel buildings, wrought steel pipe, aluminum and aluminum products, steel pipe and seamless oil well casing, (j) "machinery", in Sub-Nos. 10, 39, 72 and 133F, from hydraulic truck hoists, materials and supplies used in the construction, installation and packaging of precut log buildings, exterior heating and cooling units, materials, equipment and supplies used in the manufacture of railways, (k) "transportation equipment" in Sub-Nos. 10, 63F, and 133F, and from truck boxes, dump bodies, truck platforms, agricultural and industrial equipment, and materials, equipment and supplies used in the manufacture of railways, (l) "building materials" in Sub-Nos. 6, 7, 9, 11, 14, 17, 19, 26, 39, 41, 47F, 49F, 59F, 61F, 66F, 70F, 88F, 93F, 99F, 117F, 118F, 119F, 122F, 137F, 144F, 149F, 150F and 159F, from lumber, particle board, lumber products, wood products, stone, refractories, brick, tile, lime,

concrete building products, stone, sand, materials and supplies used in construction of precut log buildings, lumber mill products, windows, doors, millwork, gypsum board, plastic pipe and fittings, cement pipe, insulation board, asphalt composition, roofing, rolled roofing asphalt impregnated sheating board, garage doors, service doors and hardware, treated poles and pilings, roofing materials, cement and cement products, brick and masonry supplies, polyurethane insulation board and railroad ties, (m) "Mercer commodities" in Sub-No. 157F from seamless oil well casing, and (2) remove one-way authority and replace with radial authority between the counties below and points throughout the U.S., in all Subs except Nos. 6, 132F, 133F, 143F, 151F and 161F, (3) remove plantsite or facility restriction in Sub-Nos. 13, 14, 20, 26, 27, 38, 39, 41, 53, 59, 61, 63, 70, 72, 88, 99, 118, 119, 125, 122, 144, 147, 148, 151, 152, 154, 155, 159; (4) remove restriction designating specific ports of entry points to authorize service at ports of entry located in MT, WA, or WY, in Sub-Nos. 9, 19, 30, 35, and 150F, (5) remove restriction requiring movement in foreign commerce in Sub-Nos. 6 and 9, (6) remove "originating at" or "destined to" restriction in Sub-Nos. 6, 7, 9, 10, 19, 22, 26, 30, 35, 36, 39, 53F, 61F, 63F, 66F, and 144F; (7) remove named point authority and replace with county-wide authority: in Sub-Nos. 7, 14, 22 and 39 from Missoula, MT to Missoula County, MT; Sub-Nos. 7 and 98 from Columbia Falls, MT to Flathead County, MT; Sub-Nos. 7 and 22 from Helena, MT to Lewis and Clark County, MT; Sub-No. 7 from Darby, Kalispell, Bonner, Pablo, Trout Creek, Seeley Lake, Fortine, Phillipsburg, and Silver City, MT to Ravalli, Flathead, Missoula, Lake, Sanders, Lincoln and Granite Counties, MT; Sub-Nos. 10 and 20 from Billings, MT to Yellowstone County, MT; Sub-Nos. 10, 22 and 31 from Great Falls, MT to Cascade County, MT; Sub-No. 10 from West Quincy, MO, to Marion County, MO, Sioux City, IA to Woodbury County, IA and Galion, OH to Crawford County, OH, Lake Crystal, MN, to Blue Earth County, MN; Sub-Nos. 13 and 53 from Lovell and Greybull, WY to Big Horn County, WY; Sub-No. 22 from Ludington, Midland, Westacres and Wyandotte, MI to Mason, Midland, Oakland and Wayne Counties, MI; Barberton and Painesville, OH to Summit and Lake Counties, OH; Rapid City and Sioux Falls, SD to Pennington and Minnehaha Counties, SD, Peoria and Ringwood, IL to Peoria and McHenry Counties, IL; Janesville, Monticello and Madison, WI to Rock, Green and Dane Counties, WI and Warm Springs, MT to Deer Lodge County, MT; Sub-Nos. 24 and 44F from Chehalis, WA to Lewis County, WA; Sub-No. 26 from Laurel, MT to Yellowstone County, MT; Sub-No. 27 from Wellsville, CO, to Fremont County, CO; Sub-No. 38 from Ogden, UT to Weber County, UT; Sub-No. 39 from Reno, NV to Washoe County, NV, and Mena, AR to Polk County, AR; Sub-No. 41 from Couer d'Alene, Jaype, Kamiah, Lewiston, Post Falls, Potlatch, Santa, St. Maries and Spaulding, ID to Kootenai, Clearwater, Lewis, Nez Perce, Latah and Benewah Counties, ID; Sub-No. 49F from Albuquerque, NM to Bernalillo County, NM; Sub-No. 53F from Malta, MT to Phillips County, MT; Sub-Nos. 61F and 118F from Wilton, IA to Muscatine County, IA and Rockdale, IL to Will County, IL; Sub-No. 63F from Pella, IA to Marion County, IA; Sub-No. 70F from McNary, OR to Umatilla County, OR and Stockton, CA to San Joaquin County, CA; Sub-No. 88F from Shawano, WI to Shawano County, WI; Sub-No. 91F from Oshkosh, WI to Winnebago County, WI, in Sub-No. 98, Terre Haute, IN to Vigo County, IN, Sub-No. 99F from Albany, Bend and Millersburg, OR to Linn, Deschutes and Benton Counties, OR, Sub-No. 118, Waukegan, IL, to Waukegan County, IL, Sub-No. 119, from Pittsburg, CA to Contra Costa County, CA; Sub-No. 137F from New Castle, WY to Weston County, WY, Sub-No. 148 from Turlock, CA to Stanislaus County, CA, Sub-No. 150F from Townsend, MT to Broadwater County, MT, Sub-No. 151F from Saltair, UT to Utah County, UT and in Sub-No. 159F from Salt Lake City, UT to Salt Lake County, UT, (8) remove restriction against transportation of commodities in bulk, and/or in tank vehicles in Sub-Nos. 11, 19, 22, 26, 27, 30, 31, 36, 38, 59F, 122, 133F, 151 (9) remove commodity exceptions in Sub-Nos. 7, 11, 59F and (10) delete the exceptions of service to AK and HI in Sub-Nos. 39, 63, 72, 91, 132, 133, 144, and 153 and the origin state in Sub-No. 39 and 63.

MC 136614 (Sub-5)X, filed June 19, 1981. Applicant: MATLOCK TRANSPORTATION, INC., 565 E. Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 4 permits to (1) broaden the commodity description from (a) magazines, magazine paper, scrap or waste paper for recycling, materials and supplies used in the operating and production of printing and publishing plants (except in bulk), and magazines, publications and printed matter to "pulp, paper and related products, printed matter, materials and supplies used in the operating and production of printing and publishing plants, and scrap or waste paper for recycling," in Sub-No. 2 and (b) commodities manufactured, used and dealt in by the printing industry (except in bulk) to "commodities manufactured, used and dealt in by the printing industry, printed matter, and pulp, paper and related products", in Sub-No. 4; and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers, in both permits.

MC 143389 (Sub-15)X, filed June 12, 1981. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, Monroe, LA 71207. Representative: James K. Adams (same address). Applicant seeks to remove restrictions in its permits Sub-Nos. 3F, 6F, 7F, 9F, 10F, 12F, and 13F, to (1) broaden territorial authority to between points in the United States under contract with named shippers, and (2) eliminate "except commodities in bulk" restriction, in Sub-Nos. 7, 9, and 10.

MC 147186 (Sub-3)X, filed June 16, 1981. Applicant: TEUFEL BROTHERS, INC., Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Permit MC-147186 Sub-No. 1 to (1) broaden the commodity description from asphalt emulsion, to "petroleum or coal products"; (2) broaden the territorial description to all points in the United States under contract(s) with a named shipper and (3) eliminate the restriction "in bulk, in tank vehicles."

MC 148705 (Sub-5)X, filed June 22, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to broaden the commodity description in its Sub-No. 3 certificate from alcoholic beverages to "food and related products".

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[Volume No. 114]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 42261 (Sub-155)X, filed June 23, 1981. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove the "except in bulk" and "except AK and HI" restrictions in its Sub-No. 144F certificate.

MC 43963(Sub-33)X, filed June 12, 1981. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its lead certificate by (1) removing the restrictions from general commodities, classes A and B explosives; (2) allowing service to all intermediate points between Sorento, IL and St. Louis, MO; (3) changing heavy machinery to "machinery"; (4) changing specific iron and steel items to "metal products", (5) change one-way authority to two-way authority between specified IL and IN points; and (6) change Joliet, IL and Burns Harbor, IN to Will County, IL and Porter County, IN.

MC 53965 (Sub-196)X, filed June 16, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave.—26th Floor, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 22, 27, 30, 62, 147F, 172F, and 188 certificates to (1) broaden the commodity description from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate, and (b) lubricating oil and grease in containers to "petroleum, natural gas, and their products" in Sub-No. 30 (page 5); (2) authorize service to all intermediate points on regular route authority in each certificate; (3) expand city to county-wide authority on the irregular route authority from: Salina to Saline County, KS, in Sub-No. 22; 50 miles of Ness City, KS, to Sheridan, Gove, Scott, Finney, Gray, Ford, Edwards, Lane, Rooks, Pawnee, Barton, Ellis, Russell, Trego, Ness, Hodgeman, and Rush Counties, KS, in Sub-No. 27; and Beatrice, Omaha, and Lincoln to Gage, Douglas and Lancaster Counties, NE, in Sub-No. 30; (4) eliminate the missile site, supply point, and construction site limitations in Sub-No. 22; and (5) remove the restriction against traffic moving solely between Norfolk and Columbus, NE, in Sub-No. 30; and against joinder only in Sub-Nos. 30 and 147F.

MC65626 (Sub-43)X, filed June 24, 1981. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666—11th Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 34, 35F, and 39F, certificates to (1) delete plantsite restrictions in Sub-Nos. 34 and 35; (2) remove originating at or destined to restriction in Sub-No. 34; (3) broaden Dunkirk, NY, to Chautauqua County, NY, in Sub-Nos. 34 and 35; and (4) remove an in bulk restriction in Sub-No. 39.

MC 78947 (Sub-25)X, filed June 8, 1981. Applicant: ELLIOT BROS. TRUCK LINE, INC., Dysart, IA 52224. Representative: Kenneth Jr. Dudley, P.O. Box 279, Ottumwa, IA 52501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 7, 9, 11, 16, 17, 19, and 20 certificates to (1) broaden the commodity description from iron and steel articles in Sub-Nos. 6 and 16F, iron and steel articles and materials, equipment and supplies used in the manufacture and processing thereof in Sub-No. 7, and steel and steel products in Sub-No. 9, to "metal products"; from prepared roofing and insulating materials to "building materials"; from catalogues to "printed matter" from prepared animal feed to "food and related products", from barium, barium carbonate and fertilizer to "chemicals and related products", from binder twine to "textile mill products" in Sub-No. 9; from wooden pallets, skids, boxes, repair board, crating and blocking and lumber in Sub-No. 11 to "lumber and wood products"; from metal boxes, medical cabinets, benches and shelves in part (1) of Sub-No. 19F, to "metal products and furniture and fixtures"; from (a) agricultural implements and equipment (except tractors), (b) parts and accessories for the commodities in (a), and tractors, in parts (a) and (b) of Sub-No. 20F, to lumber and wood products, metal products, and machinery"; from metal boxes, medical cabinets, benches and shelves in Sub-No. 19F, to "metal products and furniture and fixtures"; from agricultural implements and harness to "machinery and leather and leather products"; from chicken brooders to "machinery" and from feed to "food and related products" in its lead; (2) serve all intermediate points in the regular route portion of its lead; (3) remove facilities limitations at and/or replace (a) portions of Bremer, Butler, Tama, and Grundy Counties, IA, with all of those counties, in its lead, (b) Burns Harbor, IN, with Porter County, IN, and Waterloo and Waverly, IA, with Blackhawk and Bremer Counties, IA, in Sub-No. 7, (c) Joliet, Waukegan, Chicago Heights, Wilmington, and Marseilles, IL, with Cook, Lake, Will and LaSalle Counties, IL, Hampton, IA, with Franklin County, IA, and points in IA within 40 miles of Hampton, IA with Blackhawk, Bremer, Butler, Cerro Gordo, Chickasaw, Floyd, Grundy, Hamilton, Hancock, Hardin, Humboldt, Marshall, Mitchell, Story, Tama, Webster, Winnebago, Worth, and Wright Counties, IA in Sub-No. 9, (d) Jessup, IA, with Blackhawk County, IA, in Sub-No. 11, (e) Hudson, IA, with Blackhawk County, IA, in Sub-No. 17, (f) Waterloo, IA, with Blackhawk County, IA, Sedalia, MO, with Pettis County, MO, Jonesboro and Pocahontas, AR, with Craighead and Randolph Counties, AR in Sub-No. 19F, and (g) Cedar Falls, IA, with Blackhawk County, IA, Morton, IL, with Tazewell County, IL, and Binghamton, NY, with Broome County, NY, in Sub-No. 20F, (4) remove originating at or destined to restrictions in Sub-Nos. 7, 17, and 19F; (5) remove a restriction against commodities in bulk in Sub-Nos. 7, 17 and 19 and (6) remove the AK and HI exception in Sub-No. 20F.

Previously noticed in Federal Register issue of June 16, 1981, and republished as corrected this issue.

MC 80443 (Sub-49)X, filed May 27, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restriction in its lead certificate and authority acquired in No. MC–F–13602 to (1) broaden the commodity descriptions (a) from bakery products, yeast, baker's malt, dry malt, cakes and pies to "food products"; from empty containers to "containers"; and from newspapers to "printed matter" in its lead; and (b) remove exceptions to general commodities (except classes A and B explosives) in its lead and MC–F–13602 authority; (2) remove facilities limitations and replace Abbotsford, Prentice, Neillsville, and Eau Claire, WI, with Clark, Marathon, Pierce, and Eau Claire Counties, WI, and Chemolite, Northfield, Kenyon, and Hutchinson, MN, with Dakota, Rice, Goodhue, and Mc Leod Counties, MN, in the irregular route portion of its lead, Wahpeton, ND, with Richland and Wilkin County, MN in MC–F–13602, and Chemolite, MN, with Dakota, County, MN, in the regular route portion of its lead and MC–F–13602; (3) replace one-way with two-way authority (regular route) or radial authority (irregular route) in its lead.

Note.—This republication adds Marathon County, WI, to the substituted counties.

MC 112263 (Sub-11)X, filed June 25, 1981. Applicant: IMPERIAL VAN LINES, INC., WEST, 3565 Torrance Blvd., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Suite 301, Washington, DC 20006. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) household goods, as defined by the Commission, to "household goods, and furniture and fixtures"; (b) general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) broaden cities to counties: Portland, OR, and points within 3 miles thereof to Multnomah County, OR.

MC 112893 (Sub-65)X, filed June 11, 1981. Applicant: BULK TRANSPORT COMPANY, 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1, 8, 20, 22, 24, 25, 27, 29, 34, 36, 41, 43, 45, 49, 52F 53F, 54F, 55F, 59F, 60, 61F, 63 and 64 certificates to (A) broaden the commodity description in each to "commodities in bulk" from varied products in bulk, in tank vehicles, such as petroleum, petroleum products, asphalt products, liquid gas, lubricating and industrial oils, residual fuel oil, crude extract, fertilizers, ammonia, waxes, jet fuel, and greases; and remove commodity restrictions excluding petrochemicals and paint in Sub-No. 34, asphalt in Sub-No. 45, and petroleum in Sub-No. 59; (B) remove the restriction limiting service to traffic originating at and destined to the named plantsite and points in Sub-No. 41; (C) replace one-way authority with radial authority; (D) remove exceptions to service at Lemont, Lockport, and South Beloit, IL in Sub-Nos. 34 and 43; and (E) substitute city-wide and county-wide authority in place of the plantsites and named points, as follows: Sub-No. 1, Lake County, IN and Cook County, IL (East Chicago, IN and points within 2 miles thereof), and Cook, Du Page, Kane, Kendall, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL); Sub-No. 8, Kankakee County, IL (Bradley, IL); Sub-No. 20, Winnebago County, IL (pipeline terminal near Rockford IL); Sub-No. 22, Whiteside and Lee Counties, IL (Rock Falls, IL); Sub-No. 24, Portage County, WI (terminal pipeline near Junction City, WI); Sub-No. 25, Dubuque County, IA (Dubuque, IA); Sub-No. 27, Milwaukee, WI (plantsite at Milwaukee, WI), and Marquette County, MI (Palmer, MI); Sub-No. 29, Christian County, IL (Pana, IL); Sub-No. 36, Lafayette and Columbia Counties, WI (Calamine and Fall River, WI); Sub-No. 41, Will County, IL (plantsite near Joliet, IL); Sub-No. 43, Sheboygan County, WI (Sheboygan, WI); Sub-No. 45, Dubuque County, IA (facilities at Dubuque, IA); Sub-No. 49, Brown and Manitowoc Counties, WI (Green Bay and Two Rivers, WI), and Scott County, IA (Walcott, IA); Sub-No. 52, Waukesha County, WI (Pewaukee, WI); Sub-No. 53, Scott County, IA (Linwood, IA, near Davenport, IA); Sub-No. 54, Lake County, IN (Whiting, IN); Sub-No. 59, Cook County, IL (facilities near Cicero, IL); Sub-No. 60, Brown County, WI (Green Bay, WI); Sub-No. 61, Rock County, WI (Janesville, WI); Sub-No. 64, Waukesha County, WI (facilities at Waukesha, WI), Hudson, Essex, Union and Middlesex Counties, NJ (Sewaren and Bayonne, NJ), and Cook, Du Page, Kane, Kendall, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN (Chicago, IL), Madison County, IL (Wood River, IL), and Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, TX (Houston and Baytown, TX), and Contra Costa and Solano Counties, CA (Martinez, CA).

MC 113974 (Sub-80)X, filed June 24, 1981. Applicant: PITTSBURG & NEW ENGLAND TRUCKING CO., 211 Washingtion Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 72 certificate to (1) broaden the commodity description from non-ferrous scrap to "metal products", in part (2) of Sub-No. 72 and (2) remove the AK and HI exceptions.

MC 117991 (Sub-5)X, filed June 19, 1981. Applicant: ZAVITZ BROTHERS, LTD., R.R. #1, Wainfleet, Ontario, CD LOS IVO. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2 and 4 certificates to: (1) broaden commodity descriptions to "food and related products" from (a) bananas, frozen vegatables, frozen fruits and frozen berries; in the lead, (b) bananas, in Sub-No. 2, and (c) bananas and agriculture commodities, the transportation of which would otherwise be exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, in mixed loads with bananas; (2) remove the foreign commerce restriction., in the lead and Sub-No. 4; (3) expand specific ports of entry on the International Boundary line between the U.S. and Canada to authorize service to all ports of entry on the U.S.-Canada boundary line located in (a) NY and MI, in the lead, and, (b) NY, in Sub-No. 4; (4) broaden the territorial description by authorizing countywide authority for city-wide authority: (a) Essex and Hudson Counties, NJ, for Newark and Weehauken, NJ; Niagara and Erie Counties, NY, for Buffalo, NY, in the lead; (b) New Castle County, DE, for Wilmington, DE; in Sub-No. 2, and (c) Albany County, NY, for Albany, NY; in Sub-No. 4; and (5) authorize radial authority to replace existing city-wide service between points in 7 northeastern States.

MC 121082 (Sub-24)X, filed June 19, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its Subs-No. 3, 12, 15, 17, and 19 certificates, to (1) remove all restrictions in its general commodities authority except classes A and B explosives in its Sub-Nos. 3, 12, 15, and 19; (2) broaden the commodity description from restaurant and store fixtures to "furniture and fixtures," from printing supplies to "pulp, paper, and related products and printed matter" in the Sub-No. 17; (3) authorize radial authority for one-way authority between Detriot, MI, and, portions of the lower peninsula of MI, in Sub-No. 3; (4) remove

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limitations on service of certain named commodities to Lansing, MI in Sub-No. 3; (5) eliminate the freight forwarder bills of lading restriction from the Sub-No. 19 certificate; (6) eliminate the specified freight forwarder plantsite or facilities requirements from the Sub-Nos. 12 and 15 certificates; and (7) eliminate the per package and per shipment weight limitations in Sub-No. 3, 12, 15 and 19.

MC 123371 (Sub-6)X, filed June 22, 1981. Applicant: EDLIN BROS., INC., Route 2, New Haven, KY 40051. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-No. 4F permit to (1) broaden the commodity description from alcoholic beverages and materials used in the distribution of alcoholic beverage products to "food and related products"; (2) remove the except commodities in bulk in tank vehicles restriction; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 124170 (Sub-174)X, filed June 23, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 59F, 60F and 73F certificates to (1) broaden the commodity descriptions to "chemicals and related products" from laboratory reagents and culture media; and to "food and related products" from poultry and poultry products, in Sub-Nos. 59F and 60F, (2) remove mechanically refrigerated vehicle restrictions, in Sub-No. 60F, (3) eliminate tacking restrictions, in all Sub-Nos., (4) replace one-way authorities with radial authorities and (5) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Baltimore County, MD (for Cockeysville, MD) and Northumberland County, PA (for Paxinos, PA) and Lancaster County, PA (for Bird in Hand, PA).

Note.—Applicant's ability to tack authorities will be governed by 49 CFR 1042.10(b).

MC 127577 (Sub-9)X, filed June 22, 1981. Applicant: D. DONNELLY, INC., 855 Montee de Liesse, St. Laurent, Quebec H4 T lp 5, Canada. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 8 certificates to (1) remove the "in dump vehicles" restriction wherever it appears in Sub-Nos. 2 and 8; (2) broaden the commodity descriptions from (a) pig iron in Sub-No. 8 (part 2) to "meal products"; and (b) rock salt in Sub-No. 2, ferroalloys in Sub-No. 8 (part 3), wallastonite in Sub-No. 8 (part 4), magnetite and ilmenite ore in Sub-No. 8 (part 5a), chrome ore and magnesite in Sub-No. 8 (part 5b), soda ash and calcium in Sub-No. 8 (part 6), roofing slag in Sub-No. 8 (part 7), bauxite ore in Sub-No. 8 (parts 8 and 10), ilmenite ore in Sub-No. 8 (part 9), and dolomite in Sub-No. 8 (part 11) (all in bulk) to "commodities in bulk"; (4) remove the restrictions against service from ports of entry on the United States-Canada boundary line located on the Niagara River in Sub-No. 8 (parts 1 and 2); (5) remove the restriction limiting service to the transportation of traffic having an immediate prior movement by water in Sub-No. 8 (part 5b); (6) replace cities with county-wide authority as follows: East Liverpool, OH, with Columbiana County, OH, and Midland, PA, with Beaver County, PA, in Sub-No. 8 (part 3); Willsboro, NY, with Essex County, NY, in Sub-No. 8 (part 4); Tahawus, NY, with Essex County, NY, in Sub-No. 8 (part 5a); Solvay and Syracuse, NY, with Onondaga County, NY, in Sub-No. 8 (part 6); Bow, NH, with Merrimack County, NH, in Sub-No. 8 (part 7); Cleveland, OH, with Cuyahoga County, OH, in Sub-No. 8 (part 8); Windham, OH, with Portage County, OH, in Sub-No. 8 (part 11); (7) expand specified ports of entry (at Alexandria Bay, Champlain and Trout River, NY, and Highgate Springs, VT) on the United States-Canada boundary line to authorize service at all ports of entry in NY and VT in Sub-No. 8 (parts 3, 4, 5a, 5b, 6, 7, 8, 10, and 11); (8) expand one-way to radial authority between ports of entry on the United States-Canada boundary line in ME, NH, NY, and VT, and points in CT, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and VT. Applicant also seeks to broaden the commodity description from refractory products in its MC -135106 Sub-No. 2 permit to "refractories and refractory products", and to expand the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 128302 (Sub-23)X, filed, June 16, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its MC 112184 Sub-Nos. 2, 4, 5, 8, 11, 12, 15, 18, 19, 20, 27, 28, 29, 31, 32, 35, 38, 39; 40, 44, 46, 47, 48, 50, 51, 52, 56, 57, 58, 59F, 61F, 65F, 67F, 68F, 69F, 71F, 73, and 74 permits to (1) broaden the commodity descriptions from (a) varnish, lacquer, paint reducing and thinning compounds used in their manufacture; compressed gases; boron trifloride gas; paint oils and mineral spirits; hydrofluoric acid; alkyd resins, paint oils; paints, stains, and varnishes; oil and gasoline additives; paints and resins; paint products; automotive rust-proofing paint automotive rust-proofing paint products; paint ingredients; and chemical products and materials and supplies used in their manufacture, to "chemicals and related products and materials, equipment and supplies used in their manufacture" in Sub-Nos. 2, 4, 5, 8, 11, 12, 15, 18, 19, 20, 27, 28, 29, 31, 32, 35, 38, 39, 44, 46, 51, 52, 56, 57, 58, 65F, and 67F; (b) shippers' tank vehicles and empty shipper-owned tank vehicles, to "transportation equipment" in Sub-Nos. 5 and 8; (c) oil additives, gasoline additives, petroleum products and materials and supplies used in their manufacture to "petroleum, natural gas and their product and materials, equipment, and supplies used in their manufacture" in Sub-Nos. 19, 51, 58, and 65F; (d) batteries, battery chargers, electric cord sets, lamps, lamp ballasts, lamp fixtures, lamp outfits, lighting fixtures to "machinery, clay, concrete, glass or stone products, metal products, pulp, paper and related products and rubber and plastic products" in part (1) of Sub-No. 61F; and (e) vegetable oils; corn products, except corn oil in bulk; corn products and blends containing corn products (except corn oil feed products and blends containing corn oil or feed products); corn products and blends containing products derived from corn; soy bean oil; tomato paste, in bulk; flour, corn starch; liquid sugars and blends of liquid sugars; and corn products to "food and related products" in Sub-Nos. 15, 38, 40, 47, 48, 50, 59F, 68F, 69F, 71F, 73, and 74; (2) broaden the territorial descriptions to between points in the United States, under continuing contract(s) with named shippers in each of the above sub-numbers; (3) remove the "in bulk, in tank vehicle and in shipper-owned tank vehicles or trailers" restrictions wherever they appear in the above sub numbers and to eliminate the "except in bulk" restrictionin Sub-No. 71F; and (4) remove a "prior movement by water" restriction in Sub-No. 58.

MC 136275 (Sub-31)X, filed, June 22, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewery (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 24 certificate in order to delete a plantsite restriction and authorize county-wide authority in El Paso County, TX.

MC 138304 (Sub-28)X, filed June 24, 1981. Applicant: NATIONAL PACKERS EXPRESS, INC., 90 Fish Street, Jersey City, NJ 07305. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 6, 8, 9, 13, 14F, 15F, 16F, 18F, 19F, 20F, 24F, 25F, 26F and 27F certificates to (l) broaden commodity descriptions to (a) "food and related products and machinery" from imported malt beverages (except in bulk) and malt beverage dispensing equipment in Sub-No. 1, malt beverages and malt and malt beverage dispensing equipment (except commodities in bulk) in Sub-Nos. 9 and 26F, (b) "food and related products" from malt beverages (except commodities in bulk) in Sub-No. 2, wine (except in bulk) in Sub-No. 6, breadcrumbs and syrups (except in bulk) in Sub-No. 13, non-edible grain flour, edible grain flour, dry beverage preparations, breadcrumbs, non-medicated syrup and bread cubes, and materials used in the manufacture of these commodities in Sub-No. 15F, malt beverages, wine and carbonated water in Sub-No. 24F, foodstuffs in Sub-No. 25F and grain flour, dry beverage preparations, breadcrumbs, non-medicated syrup and bread cubes and materials used in the manufacture of these commodities in Sub-No. 27F; (c) "metal products" from steel nuts, bolts, screws and metal fasteners in Sub-Nos. 8 and 18F; (d) "chemicals and related products, ores and minerals, and food and related products" from salt and salt products (except commodities in bulk) in Sub-No. 14F; (e) "chemicals and related products, ores and minerals, food and related products and metal products from salt and salt products, soy flour, corn gluten meal and corn starch, soda ash and foil wrapper, and dry bouillon" in Sub-No. 16F; (f) "lumber and wood products, pulp, paper and related products, chemicals and related products, rubber and plastic products and metal products" from packaging supplies and products used in the manufacture thereof, and packaging supplies and products used in the manufacture thereof, tapes, reinforced paper, polyethylene bags, tubings, sheets, adhesives, reinforced mailers and ink in Sub-No. 19F; (g) "clay, concrete, glass or stone products, and lumber and wood products" from glass, glass articles, flat glass and glazing units and wood products in Sub-No. 20F; and (h) "machinery" from phonograph records and cassette recording tapes in Sub-No. 22F; (2) broaden the territorial scope to county-wide from city authority as follows: St. Clair County, MI, (from St. Clair, MI) and Summit County, OH, (from Akron, OH) in Sub-No. 14F; Summit County, OH, (from Akron, OH), St. Clair County, MI, (from St. Clair, MI), Macon County, IL, (from Decatur, IL), and Cook County, IL, (from La Grange, IL) in Sub-No. 16F; New Haven and Fairfield Counties, CT, (from New Haven and Bridgeport, CT) in Sub-No. 18F; Westmoreland County, PA, (from Jeanette, PA) in Sub-No. 20F; Vigo and Wayne Counties, IN, (from Terre Haute and Richmond, IN) in Sub-No. 22F; and Douglas County, WI, (from Superior, WI) in Sub-No. 24F; (3) to eliminate the restriction "except AK and HI" in Sub-Nos. 19F, 25F and 27F; (4) remove the traffic originating at and destined to and the facilities restrictions in Sub-Nos. 6, 15F, 18F, 19F, 24F, 25F and 27F; (5) remove the restriction "against the transportation of shipments originating at Newark, NJ and destined to Ft. Wayne, IN" in Sub-No. 1; (6) eliminate the restriction "against transportation of commodities in bulk" in Sub-Nos. 15F and 27F; (7) eliminate the restriction "except AK and HI", in Sub-Nos. 19F, 25F and 27F; and (8) change one-way authorities to radial authorities in Sub-Nos. 1, 2, 6, 8, 9, 13, 14F, 15F, 16F, 18F, 19F, 20F, 22F, 24F (part 1), 25F, 26F and 27F.

MC 140997 (Sub-1)X, filed June 25, 1981. Applicant: BAKER TRUCKING COMPANY, P.O. Box 982, Sioux Falls, SD 57101. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from pulpboard, fiberboard, and pulpboard and fiberboard products, and materials, equipment, and supplies used in the manufacture and processing thereof, to "pulp, paper, and related products and material, equipment, and supplies used in the manufacture and processing thereof"; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 142730 (Sub-7)X, filed June 18, 1981. Applicant: T. McGINNIS TRUCKING CO., INC., Rte. 3, Box 329, Catlettsburg, KY 41129. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, and 6F permits to (1) broaden the commodity description in Sub-No. 2, from face brick, clay and shale, concrete blocks, concrete lintels, and concrete parking curbs to "clay, concrete, glass and stone products"; from limestone, sand, and gravel, in bulk, to "commodities in bulk"; in Sub-No. 4 from metallurgical stone and limestone, in bulk to "commodities in bulk"; in Sub-No. 6 calcitic fluxing stone, in bulk to "commodities in bulk"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 143512 (Sub-6)X, filed May 18, 1981, previously noticed in the Federal Register of May 29, 1981, republished as corrected this issue. Applicant: ALL CORPS, 838 Hutchison St., Vista, CA 92083. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in it Sub-Nos. 3F and 5F to (1) broaden its commodity descriptions: in Sub-Nos. 3F and 5F part (1), from bakery goods and frozen bread, to "food and related products"; and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper, in both permits. The purpose of this republication is to change Sub-No. 4F to Sub-No. 5F.

MC 144121 (Sub-12)X, filed June 22, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Applicant seeks to remove restrictions in its MC-128860 Sub-No. 13 permit to (1) broaden the commodity description from malt beverages, and related advertising materials, premiums, and malt beverage dispensing equipment, in mixed loads with malt beverages, to "food and related products and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities"; and (2) broaden the territorial descriptions to between points in the United States, under continuing contract(s) with a named skipper.

MC 145435 (Sub-13)X, filed June 22, 1981. Applicant: WESTERN AG INDUSTRIES, INC., 2750 North Parkway, Fresno, CA 93771. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove the restriction in its Sub-Nos. 6F, 7F, and 8F permits to (1) broaden its territorial descriptions to between points in the U.S., under continuing contract(s) with a named shipper; (2) broaden its commodities description in Sub-No. 6F from foodstuffs to "food and related products"; in Sub-No. 7F from steel and aluminum wheels, without tires, automotive accessories and parts to "metal products, automotive parts, accessories and related products"; and

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in Sub-No. 8F from floor coverings to "floor coverings and related products"; and (3) remove the except in bulk restriction in Sub-No. 6F.

MC 145513 (Sub-17)X, filed June 22, 1981. Applicant: SERVICE TRANSPORTATION, INC., P.O. Box 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 5F, 7F, 11F, 14F, 15F, and 16F permits to (1) broaden the commodity descriptions from (a) dairy products, materials, equipment, and supplies, apple juice, apple cider, vinegar, apple vinegar, malt beverages and wine and advertising materials, to "such commodities as are dealt in by grocery and food business houses, and beverages, materials, equipment and supplies used in the manufacture and distribution thereof" in Sub-Nos. 3, 5, 7, and 14; (b) anhydrous ethenol to "chemicals and related products and petroleum, natural gas, and their products" in Sub-No. 11; and (c) from molasses byproducts to "chemicals and related products" in Sub-No. 15; (2) authorize service between points in the U.S., under continuing contract(s) with named shippers, in all of the above permits; and (3) delete an "in bulk" and "in containers" commodity restrictions in Sub-Nos. 15 and 16.

MC 146071 (Sub-35)X, filed June 23, 1981. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, 316 Oak St., Strum, WI 54770. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203. Applicant seeks to remove restrictions in its certificates No. MC 83217 (Sub-Nos. 36, 52, and 63) and No. MC–135874 (Sub-Nos. 65, 100F, 104, 121F, 122F, 135F, 136F, and 138F), acquired in MC–F–14232F, to (1) broaden the commodity descriptions to "food and related products" from (a) meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in Sub-Nos. 36 and 52, (b) confectionery, chocolate, and chocolate products in Sub-No. 63, (c) foodstuffs in Sub-Nos. 100F, 104, 121F, 135F, and 136F, and (d) frozen foods in Sub-No. 138F, (2) broaden the territorial descriptions from (a) Huron, SD, to Beadle County, SD, and facilities at Austin, MN, to Mower County, MN, in Sub-No. 36, (b) facilities at Fargo, ND, to Cass County, ND, in Sub-No. 52, (c) facilities in Dauphin County, PA, to Dauphin County, PA, in Sub-No. 63, (d) Brookings, SD, to Brookings County, SD, in Sub-No. 65, (e) facilities at New Ulm, MN, to Brown County, MN, in sub-No. 100F, (f) facilities at La Porte, IN, to La Porte County, IN, in Sub-No. 104, (g) facilities at Milton, PA, to Northumberland County, PA, and La Porte, IN, to La Porte County, IN, in Sub-No. 121F, (h) St. Paul, MN, to Anoka, Hennepin, Dakota, Ramsey, Washington, Scott, and Carver Counties, MN, in Sub-No. 122F, (i) Garden City Park, NY, to Nassau County, NY, in Sub-No. 135F, (j) facilities at Plover, WI, to Portage County, WI, in Sub-No. 136F, and (k) facilities at Deerfield, IL and New Hampton, IA, to Lake County, IL, and Chicasaw County, IA, in Sub-No. 138F, (3) expand its one-way authority to radial authority in all Sub-Nos., (4) eliminate various commodity exclusions, namely (a) commodities in bulk and hides in Sub-Nos. 36 and 52, (b) commodities in bulk, foodstuffs, and flat glass in Sub-No. 65, and (c) commodities in bulk in Sub-Nos. 100F, 104, 121F, 122F, 135F, 136F, and 138F, (5) eliminate the originating at and destined to restrictions in all Sub-Nos., and (6) eliminate vehicle restrictions in Sub-Nos. 100F, 122F, 135F, and 136F.

MC 146803 (Sub-3)X, filed June 22, 1981. Applicant: WILLIAMS PAPER COMPANY, INC., 934 North First Street, St. Louis, MO 63102. Representative: Richard N. Williams (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from candy to "food and related products"; (2) authorize service between points in the U.S., under continuing contract(s) with a named shipper; (3) delete an in bulk restriction; and (4) remove the restriction requiring that vehicles be equipped with mechanical refrigeration.

MC 147409 (Sub-5)X, filed June 23, 1981. Applicant: THE SPRINGFIELD TRANSPORTATION COMPANY, 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, and 3F to: (1) broaden the commodity descriptions from (a) such commodities as are dealt in or used by manufacturers of steel pipe, and such commodities as are dealt in or used by manufacturers of finished steel products to "such commodities as are dealt in or used by manufacturers of metal products" in Sub-No. 1F, (b)(i) such commodities as are dealt in or used by manufacturers of tractor cabs to "such commodities as are dealt in or used by manufacturers of transportation equipment," and (ii) such commodities as are dealt in or used by manufacturers of hand tools to "such commodities as are dealt in or used by manufacturers of metal articles and plastic articles" in Sub-No. 2F, and (c) such commodities as are dealt in or used by manufacturers of hot rolled iron and steel products to "such commodities as are dealt in or used by manufacturers of metal products" in Sub-No. 3F, (2) broaden the territorial descriptions from (a)(i) facilities at Youngstown, OH, to Youngstown, OH, and (ii) facilities at Niles, OH, to Trumbull County, OH, in Sub-No. 1F, (b)(i) the port of entry on the international boundary line between the United States and Canada at or near Rooseveltown, NY, to Lawrence County, NY, (ii) facilities at Rutland, MA, to Worcester County, MA, (iii) facilities at Payne, OH, to Paulding County, OH, (iv) facilities at Rock Falls, IL, to Whiteside County, IL, (v) Columbiana, OH, to Columbiana County, OH, (vi) Warren, OH, to Trumbull County, OH, and (vii) Fayetteville, AR, to Washington County, AR, in Sub-No. 2F, and (c) facilities at Franklin, PA, to Venango County, PA, in Sub-No. 3F, (3) broaden the territorial descriptions in Sub-Nos. 2F and 3F by removing the AK and HI exceptions, (4) eliminate the bulk exceptions in all Subs, and (5) eliminate the originating at and destined to restrictions in Sub-Nos. 1F and 2F.

MC 147894 (Sub-5)X, filed June 12, 1981. Applicant: HEK, INCORPORATED, d.b.a. ELLIOTT BAY SERVICE TRANSFER, P.O. Box 88994, Seattle, WA 98188. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to remove restrictions in its Sub-No. 4 certificate which authorize transportation of General commodities (except classes A & B explosives), between points in Oregon and Washington, by removing the restriction which limits service to traffic having a prior or subsequent movement by water.

MC 147397 (Sub-3)X, filed June 22, 1981. Applicant: 5 STAR TRUCKING, INC., 7829 S. Lawndale Avenue, Chicago, IL 60652. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and (2) remove restriction limiting traffic to that having a prior or subsequent movement by rail or water.

MC 148721 (Sub-3)X, filed June 22, 1981. Applicant: H & D TRANSPORTATION, INC., 9850 Adella Ave., South Gate, CA 90280. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) change one-way to radial authority in part (b), between Los Angeles, CA, on the one hand, and, on the other, points in AZ, GA, ID, MT, NV, OR, and WA; and (3) eliminate the restriction limiting service to the transportation of traffic moving on bills of lading of freight forwarders.

MC 148831 (Sub-6)X, filed June 22, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.D. No. 1, Tiro, OH 44887. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from meats, meat products, meat by products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 208 and 766 (except hides and commodities in bulk) to "food and related products", (2) replace one-way authority with radial authority, (3) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Rock Island County, IL (for facilities at Joslin, IL), and (4) remove originating at and/or destined to restrictions.

MC 149561 (Sub-2)X, filed June 18, 1981. Applicant: LUJO TRUCKING CO., INC., 121 Bralcy Road, East Freetown, MA 02717. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-No. 1 certificate and its No. MC-147141 and Sub-No. 2 permits to: (1) broaden the commodity descriptions from electrical wiring devices and loose-leaf binder mechanisms to "metal products and machinery;" (2) broaden the commodity descriptions in its lead permit from wearing apparel and materials, equipment, and supplies used in the manufacture and distribution of wearing apparel to "textile mill products and materials, equipment and supplies used in the manufacture and distribution of textile mill products"; (3) broaden the commodity descriptions in its (Sub-No. 2F) permit from plastic articles, cushioned envelopes, packaging machinery, and equipment, materials and supplies used in the manufacture and distribution of plastic articles, cushioned envelopes, and packaging machinery, to "rubber and plastic products, pulp, paper and related products, and machinery and materials, equipment and supplies used in their manufacture and distribution"; (4) remove the "in bulk" restriction in its Sub-No. 2F permit; and (5) broaden the territorial authority in both its lead permit and Sub-No. 2, to between points in the U.S. under continuing contracts with named shippers.

MC 150398 (Sub-6)X, filed June 12, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead, and Sub-No. 1F certificates to (1) remove commodity restrictions excluding the transportation of machinery and size and weight commodities from "such commodities as are used in the farming and agricultural industries" in the lead certificate; (2) replace one-way authority with radial authority; (3) remove exceptions to service being performed in AK and HI; and (4) substitute county-wide authority in place of the named origin facilities, in the lead certificate, Sioux County, IA (facilities near Hull, IA), and Lincoln and Minnehaha Counties, SD (Lennox and Sioux Falls, SD).

MC 150460 (Sub-2)X, filed June 9, 1981. Applicant: GRAVES TRUCKING, 6121 Old Seward Highway, Anchorage, AK 99502. Representative: Richard C. Graves, P.O. Box 8–C, Anchorage, AK 99508. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to replace Anchorage, and Cordova, AK with the Third Judical District State of Alaska.

MC 150578 (Sub-20)X, filed June 22, 1981. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, and 3F: certificates to (1) broaden the commodity description to "food and related products from alcoholic beverages and wines in packages, in Sub-No. 1F; frozen bakery goods, in Sub-No. 2F, and lard, shortening, vegetable oil, cooking or salad oil, margarine and edible tallow in, Sub-No. 3F; (2) change cities to counties as follows: Fairless Hills, PA to Bucks County, PA, Allen Park, MI to Wayne County, MI, Lawrenceburg, IN to Dearborn County, IN, Lynchburg, TN to Moore County, TN, Tullahoma, TN to Coffee County, TN, Weston, MO to Platte County, MO, Lansdowne, MD to Baltimore County, MD, Little Rock, AR to Pulaski County, AR, Lafayette, LA to Lafayette Parish, LA, and Tucson, AZ to Pima County, AZ, in Sub-No. 1F; and Des Moines, IA to Polk County, IA, Greenville, SC to Greenville County, SC, Millard, NE to Douglas County, NE, Springfield, IL to Sangamon County, IL, Hickory, NC to Catawba County NC, and San Antonio, TX to Bexar County, TX, in Sub-No. 2F; and (3) change its one way to two-way radial authority between points in various states.

MC 151193 (Sub-9)X, filed June 12, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 1 certificate, to remove the restriction limiting service to traffic having a prior or subsequent movement by rail.

MC 151877 (Sub-1)X, filed June 24, 1981. Applicant: SUPREME HAULERS, INC., 10736 Beaconsfield, Detroit, MI 48224. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products" between points in the lower peninsula of MI and points in the U.S. in and east of MN, IA, MO, AR and TX.

[FR Doc. 81–19808 Filed 7–6–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting

evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-191

Decided: June 29, 1981.

By the Commission, Review Board No. 1 Members Parker, Chandler, and Fortier.

MC 121741 (Sub-3), filed June 16, 1981. Applicant: WESTERN TEX-PACK, INC., 3200 W. Bolt St., Ft.Worth, TX 76110. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768 (512) 476-6083. Transporting *shipment weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S.

MC 156701 filed June 18, 1981. Applicant: L & L TRUCKING, a Corporation, 215 Velma, South Roxana, IL 62087. Representative: H. J. Galligos (same address as applicant) (618) 254-1849. (1) Transporting *Shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, beteen points in the U.S., (2) As a *broker of general commodities* (except household goods), between points in the U.S., and (3) Transporting, for or on behalf of the United States Government, *General commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3-104

Decided: June 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 134925 Sub 6, filed June 12, 1981. Applicant: CUMMINGS TRUCKING COMPANY, INC., P.O. Box 10492, Birmingham, AL 35202. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203 (205) 251-2881. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156524, filed June 11, 1981. Applicant: UPTON TRANSPORTATION CO., INC., 580 Flatbush Ave., Brooklyn, NY 11225. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225 (212) 941-9291. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-3-109

Decided: June 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156624, filed June 18, 1981. Applicant: BORDER TRUCK BROKERAGE, INC., P.O. Box 631, Champlain, NY 12919. Representative: W. Norman Charles, P.O. Box 724, Glen Falls, NY 12801 (518) 792-0957. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156625, filed June 18, 1981. Applicant: WACO TRUCKING COMPANY, Route 8, Richmond, KY 40475. Representative: Raymond Overbay (same address as applicant) (606) 624-0051. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156674, filed June 19, 1981. Applicant: PAUL W. HEGARTY, d.b.a. HEGARTY TRANSPORTATION BROKERAGE, 11820 N. 60 St., Scottsdale, AZ 85254. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012 (602) 274-5146. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156735, filed June 18, 1981. Applicant: EDWARD E. WIEDERHOLD, d.b.a. NATIONWIDE BROKER, 5224 Whalen St., P.O. Box 33, Elkton, MI 48731. Representative: (same as applicant) (517) 375-9708. (1) As *a broker* of *general commodities* (except household goods), and (2) transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (b) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, and (c) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19814 Filed 7-6-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Prison Industries Enhancement Certification Program: Extension of Application Submission Deadline

AGENCY: Law Enforcement Assistance Administration (LEAA).

ACTION: Notice of extension of deadline for receipt of program applications to September 30, 1981.

SUPPLEMENTARY INFORMATION: Final Guidelines were issued for the Prison Industries Enhancement Certification Program, and published in the **Federal Register** on May 1, 1981. The original application deadline contained therein was July 1, 1981. Unanticipated actions taken since the issuance of the Guidelines by a number of state legislatures, correctional administrators, and private industries have expanded the number of potential program applicants. To assure these states the opportunity to participate in this program, The final date for receipt of applications is hereby extended to September 30, 1981.

For further information, please contact: Henry T. Tubbs, Corrections Program Manager, Law Enforcement Assistance Administration—633 Indiana Ave. N.W., Washington, D.C. 20531. 202/724-7681.

Sincerely,

George H. Bohlinger, III,

Acting Administrator, Law Enforcement Assistance Administration.

[FR Doc. 81-19824 Filed 7-6-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Tennessee

This notice announces the ending of the Extended Benefit Period in the State of Tennessee, effective on July 4, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extneded Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Tennessee on June 29, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Tennessee has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 13, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 4, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Beneftis. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Tennessee should contact the nearest local office of the Tennessee Department of Employment Security in their locality.

Signed at Washington, D.C., on June 29, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-19865 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Minnesota State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator), under delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On June 8, 1973, notice was published in the **Federal Register** (38 FR 15076) of the approval of the Minnesota plan and the adoption of Subpart N of Part 1952 containing the decision.

The Minnesota plan provides for the adoption of Federal standards as State standards by reference after an opportunity for public comment and/or requests for public hearings. Such notice is published in the Minnesota State Register pursuant to section 182.655 of the Minnesota statutes.

By a notice published May 28, 1979 (3 S.R. 2090), and incorporated as part of the Plan, Minnesota adopted a standard for occupational exposure to acrylonitrile as published in the **Federal Register**, Volume 43, No. 192, pages 45762 to 45819, Tuesday, October 3, 1978, and cited as § 1910.1045. This standard became effective on May 28, 1979.

By a notice published May 19, 1980 (4 S.R. 1530), and incorporated as part of the Plan, Minnesota adopted a standard for Servicing Multi-Piece Rim Wheels as published in the **Federal Register**, Volume 45, No. 20, pages 6706 to 6716, Tuesday, January 29, 1980, and cited as 29 CFR 1910.177. The standard became effective on May 19, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Minnesota, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; and the Office of State Programs, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Minnesota State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 7, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 6th day of April 1981.

James W. Lake,

Acting Regional Administrator.

[FR Doc. 81-19889 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-26-M

[V-81-5]

Republic Steel Corp.; Work Practice Controls; Variance From Coke Emissions Standards

AGENCY: Occupational Safety and Health Administration, Labor.

ACTIONS: (1) Notice of application for variance.

SUMMARY: This notice announces the application of Republic Steel Corporation for a variance from the standard prescribed in 29 CFR 1910.1029(f)(3)(iii) (*a*) concerning the implementation of work practice controls of the coke oven emissions standard.

DATES: The last date for interested persons to submit comments is August 6, 1981. The last date for affected employers and employees to request a hearing on the application is August 6, 1981.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N-3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone: (202) 523-7144;

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604;

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 847, 1240 East Ninth Street, Cleveland, Ohio 44199.

Notice of Application

Notice is hereby given that Republic Steel Corporation, P.O. Box 6778, Cleveland, Ohio 44101, has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1598; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.1029(f)(3)(iii)(*a*) which states that coke and coal spillage be quenched as soon as practicable and not shoveled into a heated oven.

The address of the place of employment that will be affected by the application is as follows: Republic Steel Corporation, Plant No. 1 (Batteries 1-4), 3100 East 45th Street, Cleveland, Ohio 44129.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1910.1029(f)(3)(iii)(*a*) which requires that coke and coal spillage from pushing operations be quenched as soon as practicable and not shoveled into a heated oven.

In lieu of complying with the standard, the applicant disposes of the coke dragback and spillage by returning them to the heated coke oven.

The applicant contends that quenching the hot material may expose employees to flash steam, resulting in obstruction of visibility and steam burns, and will be a source of ice in the colder months, constituting an additional safety hazard.

According to the applicant, the only practical way of complying with the standard is to dispose of coke and coal spillage into hoppers attached to door machines. However, this work practice was implemented by another company and was strongly objected to by the employees because it imposed physical strain on them. Moreover, modification of the existing equipment to install the hoppers is limited and may be impossible. Further, the quantity of coke spillage on the coke side is to great that the abrasive effect of the coke would constitute substantial interference with the operation of rail equipment.

Another approach would be to hang the hoppers over the bench quardrail, but there would be insufficient clearance, and the heat from the hot coke would make this operation unbearable.

The applicant also considered disposing of the spillage by shoveling it off the coke side bench onto a pusher pad or quench car track. But this procedure would require additional cleanup and would substantially interfere with the pusher machine and quench car operation.

Thus, for the above reasons, the applicant contends that its present work practice of returning the spillage to the heated oven is more appropriate than quenching of the hot material as required by the standard.

The applicant further contends that continuous use of its present work-practice, including furnishing all affected employees with appropriate respiratory protection, provides a workplace as safe and healthful as that provided by the standard from which the variance is sought.

In addition, the applicant conducted a study to determine if returning dragback or spillage to the heated oven gave higher, lower, or the same exposure to coke oven emissions as compared to that of quenching and throwing the material from the coke battery bench.

The applicant contends that it was unable to obtain samples large enough for analysis using OSHA'a sampling method for coke oven emission (a personal sampling pump operating at 2 liters per minute (lpm) during short duration monitoring). Instead, the applicant used a portable, high volume, battery-operated pump, which maintained approximately 15 lpm

According to the applicant, by using a higher flow rate, enough weighable samples were obtained and more particulate matter was collected.

The applicant states that both benches, pusher, side and coke side, as well as the topside were sampled to determine the extent of employee exposure during the handling of spillage. For comparison purposes, half of all pushers studied had the dragback or spillage returned to the oven while the balance of the study undertaken complied with the standard. Procedure for acquiring sample data was established, and monotoring was conducted at 4 ovens per day, 2 days per week for 10 weeks (January 31 to May 2, 1980). The average spillage handling time on the coke side for quenching was 3 minutes 8 seconds and for returning to the heated oven 1 minute 37 seconds. For the pusher side the average spillage handling time for quenching was 2 minutes 47 seconds and for returning 2 minutes 2 seconds. Eighty-four (84) samples were taken per position. All sample analyses were performed in accordance with standard benzene soluble fraction of total particulate matter procedures. The applicant contends that, by using this sampling procedure an adequate amount of data was accumulated during a period when both extremes of climate conditions existed.

With regard to the actual employee exposure, the applicant alleges that coke door dside cleaners had a median of 41 μg using the quenching method of disposal and 89 μg for the returning of spillage to the oven. On the other hand, the pusher side demonstrated a median of 20 μg while returning spillage to the oven resulted in a mean of 13 μg.

For the artificial topside position, there was a difference between the quenching and the returning of spillage. Quenching resulted in a median exposure of 51 μg while returning spillage resulted in an exposure of 46 μg.

Therefore, based on the median value calculation and the regression analysis of various data, the applicant has concluded that the method of handling spillage (quenching or returning) does not contribute to changing employee exposure levels either on the bench or top side levels. According to the applicant the study showed that the quenching procedure for spillage or dragback does not demonstrate a "clear cut" advantage over the previous method; therefore, returning material to a heated oven is no different than the quenching method.

A copy of the application for variance will be made available for inspection and copying upon request at the locations listed above. All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the application no later than August 6, 1981. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later then August 6, 1981, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C. this 30th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19888 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-26-M

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of Federal standards as State standards after public hearing. Sections 1952.120-124 of Subpart F sets forth the State's schedule for the adoption of Federal standards. By letter dated November 19, 1980 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.177, Servicing Multi-Piece Rim Wheels.

The Federal standard was published in the **Federal Register** (45 FR 6713) on January 29, 1980. The Washington Multi-Piece Rim Wheel standard, which is contained in Chapter 296-24-217 WAC, was promulgated pursuant to 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 on November 13, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the comparable Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Technical Data Center, Room N2349R, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 7, 1981.

(Sec. 18, Pub. L. 91-496, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this first day of May 1981.

Richard L. Beeston,

Acting Regional Administrator.

[FR Doc. 81-19890 Filed 7-6-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents

summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 22–26, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9687; Wyckoff Steel Div., Ampco-Pittsburgh Corp., Plymouth, MI
TA–W–9578; Perfect Manufacturing Inc., Troy, MI
TA–W–9326; Bundy Corp., Bundy Tubing Div., Mt. Clemens, MI
TA–W–9985; Thompson Steel, Inc., Roseville, MI
TA–W–9274; Bronco Sportswear, New York, NY
TA–W–9018, 9018 A, B and C; Miss Capri Sportswear, Inc., New York, NY, Hemlock Plant, Minersville, PA, Gem PLant, Tower City, PA, and Pridia Plant, Tower City, PA
TA–W–11,162; Wheeling-Pittsburgh Steel Corp., Beechbottom, WV
TA–W–11,019; A.D. Lugin, Inc., New York, NY
TA–W–10,960; MRM Industries, Meriden, CT
TA–W–10,724; Bright Star Industries, Clifton, NJ
TA–W–10,619; Ohio Carbon Company, Cleveland, OH
TA–W–10,614; Dresser Industries, Inc., Harbison-Walker Refractories Div., Ludington, MI
TA–W–10,581; T.R. Moen Corporation, Fenton, MI
TA–W–10,543; Proper Mold and Engineering, Inc., Roseville, MI
TA–W–10,452; Bliss & Laughlin, Seattle, WA
TA–W–11,483; Menstogs, Inc., Hialeah, FL
TA–W–11,014; J.H. Woods, Inc., Lebam, WA
TA–W–11,233; Cumberland Blouse Co., Inc., Cumberland, MD
TA–W–10,479; Glass Laboratories, Inc., Brooklyn, NY
TA–W–10,430; Morenci Rubber Products, Inc., Morenci, MI
TA–W–10,341; White Farm Equipment Co., Charles City, IA
TA–W–10,333; Acco Industries, Inc., Helicoid Division, Wilson Instrument Division/Measurements Systems Division, Bridgeport, CT
TA–W–12,223; Maria Fashions, Inc., Hoboken, NJ
TA–W–12,229 and 12,229A; Gloria Gay Coats, Inc., New York, NY and Brooklyn, NY
TA–W–10,692; Firestone Steel Products Company, Spartanburg, SC
TA–W–10,585; Carmet Co., Materials Div., Madison Heights, MI
TA–W–10,447; Richard Brothers Punch Co., Philadelphia, PA
TA–W–10,445; Gates Rubber Co., Denver, CO
TA–W–10,423; Champioin Bait Co., St. Clair, MI
TA–W–10,384 and 10,385; Norris Industries, Winamac Div., Kewanna and Winamac, IN
TA–W–9221; Gates-Mills, Inc., Johnstown, NY
TA–W–9636; Male Sportswear, Inc., Division of Genesco, Inc., Atlanta, GA
TA–W–9739; Pratt and Letchworth, Div. of Dayton Malleable, Inc., Buffalo, NY
TA–W–10,359; The Timken Company, Gaffney, SC
TA–W–10,340; Wellington Manufacturers, Inc., Richmond, MI

TA–W–10,596; Lexington Sportswear Company, Lexington, SC

Investigation revealed that criterion (3) has not been met. The production of men's outer coats at Lexington Sportswear remained constant from 1979 to 1980.

TA–W–10,943, 10,968, and 10,977; Marquette Iron Mining Partnership, Republic, MI, Tilden Mining Co., National, MI, and Empire Mining Co., Palmer, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, none of the workers engaged in the production of basic steel at any domestic plants of the parent steel companies are currently certified as eligible to apply for adjustment assistance benefits.

TA–W–11,981; M.G. Knitting Mills, Hialeah, FL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase.

TA–W–12,176; Providence Watch Case Div., Bulova Watch Co., Inc., Providence, RI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of watchcases did not increase as required for certification.

TA–W–9350; Fram Corporation, Greenville, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of oil filters are negligible.

TA–W–10,540; Fablock Mills, Inc., Best Dyeing & Finishing, Inc., Murray Hill, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of wide elastic fabric are negligible and that aggregate U.S. imprints of industrial fabric did not increase.

TA–W–10,549; Jones and Vining Corporation of Salem, Salem, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of shoe lasts are negligible.

TA–W–9978 and 10,182; Elgin, Joliet and Eastern Railway Co., Joliet, IL

Investigation revealed that subject firm does not produce an article within the meaning of Section 223 of the Act.

TA–W–10,278; K.J. Quinn & Co., Inc., Malden, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finishing agents for leather are negligible.

TA–W–11,596; U.S. Steel Corporation, Taylor Steel Service Center, Taylor, MI

Investigation revealed that criterion (3) has not been met. Recent Department of Labor investigations have determined that the preponderance of steel products manufactured at U.S. Steel facilities which supply the Taylor Steel Service Center have not been adversely affected by imports.

TA–W–12,095; Faigle Tool and Die Corporation, Dearborn, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of jigs and fixtures are negligible.

TA–W–10,704; Triad Engineering, Inc., Berkley, MI

Investigation revealed that criterion (3) has not been met. With respect to the drilling of automotive printed circuit boards, the workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974. With respect to automotive prototypes, U.S. imports are negligible.

TA–W–11,424; Life Savers, Inc., Canajoharie, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of chewing gum are negligible.

TA–W–12,030; Cutler Metal Products Co., Camden, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fuel tanks are negligible.

TA–W–9738; Millington Screw Products, Inc., Millington, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive seat belt parts are negligible.

TA–W–10,514; Dart Industries, Inc., Aztec Chemical Div., Elyria, OH

Investigation revealed that criterion (3) has not been met. A survey of customers for heterogeneous catalyst indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of organic peroxides are negligible.

TA–W–11,257; Extractors, Inc., #1 Deep Mine, Itmann, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coke did not increase as required for certification and that imports of bituminous coal are negligible.

TA–W–11,893; Pittsburgh and Conneaut Dock Co., Conneaut, OH

Investigation revealed that criterion (3) has not been met. The workers do not produce an article within the same meaning of Section 223 of the Act.

TA–W–11,979; Cornerstone Knitting Corporation, New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of apparel trimming are negligible.

TA–W–12,066; U.S. Steel Corporation, Michigan Limestone Operations, Calcite Plant, Rodgers City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of limestone are negligible. U.S. imports of lime did not increase as required for certification. Further, none of the workers at affiliated U.S. Steel plants have been currently certified eligible to apply for adjustment assistance.

TA–W–12,551; White Motor Corporation, Autocar Trucks Div., Exton, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of heavy-duty class 8 trucks did not increase as required for certification.

TA–W–12,698; Barter and Marr Logging, Inc., Bellingham, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood logs are negligible.

Affirmative Determinations

TA–W–10,964; Copa Coats Co., Inc., Lindenhurst, NY

A certification was issued covering all workers of the firm separated on or after September 29, 1980.

TA–W–9273; Timex Corporation, Middleburg, CT

A certification was issued covering all workers engaged in the production of the M160 watch separated on or after April 6, 1980 and before July 31, 1980.

With respect to workers engaged in the production of watch parts, investigation revealed that criterion (3) has not been met. Declines in part production at Middleburg are attributable in part to an increase in company production of watch models which are fewer parts per movement such as digital and electronic watches. Timex does not import watch parts, and has not moved its part production to any offshore facility.

With respect to workers at the Corporate headquarters the investigation revealed that criterion (3) has not been met. Managerial employees provide the same support functions to Timex foreign facilities that they provide to domestic plants; thus any increase in Timex's reliance on its overseas operations would not adversely affect employment at the Middleburg headquarters.

TA–W–12,106; Wispese, Inc., Perkasie, PA

A certification was issued covering all workers engaged in the production of brassieres, girdles, and panty girdles separated on or after June 1, 1980 and before March 1, 1981.

With respect to workers engaged in cutting, brassiere cup molding, and design departments, the investigation revealed that criterion (1) has not been met.

TA–W–8648; Morton Industries, Inc., Bloomfield, NJ

A certification was issued covering all workers of the firm separated on or after February 28, 1979.

I hereby certify that the aforementioned determinations were issued during the period June 22–26, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 30, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–19888 Filed 7–6–81; 8:45 am]
BILLING CODE 4510–28–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2; Meeting

The ACRS Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2 will hold a meeting on July 23, 1981, Room 1046, 1717 H Street, NW., Washington, DC to discuss the Pennsylvania Power and Light Company's request for an Operating License. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, July 23, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Pennsylvania Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Garry Young (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: July 1, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81–19080 Filed 7–6–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–10, 50–237, 50–249, 50–254 and 50–265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR–2, Amendment No. 62 to Provisional Operating License No. DPR–19, and Amendment No. 53 to Facility Operating License No. DPR–25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 1, 2 and 3, located in Grundy County, Illinois. The Commission has also issued Amendment No. 72 to Facility Operating License No. DPR–29, and Amendment No. 65 to Facility Operating License No. DPR–30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments provide further clarification of the term operable, employed in the Technical Specifications, as it applies to the single failure criterion for safety systems.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated May 30, 1980, (2) Amendment No. 34 to License No. DPR–2, Amendment No. 62 to License No. DPR–19, Amendment No. 53 to License No. DPR–25, Amendment No. 72 to License No. DPR–29, and Amendment No. 65 to License No. DPR–30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 1, 2, and 3 and at the Moline Public Library, 504–17th Street, Moline, Illinois, for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–19870 Filed 7–6–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–389–A]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Florida Power & Light Company* (St. Lucie Plant, Unit No. 2), Docket No. 50–389–A, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Peter B. Bloch. Mr. Ivan W. Smith, who was Chairman of this Board will continue to serve on this Board as an alternate member.

As reconstituted, the Board is comprised of the following Administrative Judges:

Peter B. Bloch, Chairman
Robert M. Lazo
Michael A. Duggan
Ivan W. Smith, Alternate Member

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Peter B. Bloch, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 30th day of June 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–19871 Filed 7–6–81; 8:45 am]

BILLING CODE 7590–01–M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The Inerenational Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed.The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member counties in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice of safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the draft of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–010, "Core Management and Fuel Handling for Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. F. L. Langford from the U.S.A. (Westinghouse Electric Corp.); Mr. A. Recalde from Argentina; and Mr. D. B. Upendra from India, developed this guide from an IAEA collation. The working group draft was modified by the IAEA Technical Review Committee, and we are now soliciting public comment on this draft (Rev. 3, 4/3/81). Comments received by September 1, 1981, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions of its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 26th day of June 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director Office of Nuclear Regulatory Research.

[FR Doc. 81–19873 Filed 7–6–81; 8:45 am]

BILLING CODE 7590–01–M

Privacy Act of 1974; Systems of Records; Proposed Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission is proposing minor amendments to the NRC Systems of Records, NRC–15, 21, 24, 25, and 28. The proposed minor amendments would clarify and update the information contained in the NRC System of Records, NRC–21, 24, 25, and 28. In NRC–15, the amendments are necessitated by the merging of the Office of Standards Development into the Office of Nuclear Regulatory Research.

COMMENT DATE: Comments are due on or before August 6, 1981. Comments received after August 6, 1981 will be considered if it is practical to do so; but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESS: All interested persons who desire to submit written comments for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docket and Service Branch by August 6, 1981.

Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Phone: (301) 492–8133.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of the Privacy Act documents.

Pursuant to the Atomic Energy Act of 1954 as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 522a of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to the NRC Systems of Records is contemplated.

1. The paragraphs of NRC–15 entitled "System location" and "System manager(s) and address" are revised to read as follows:

NRC–15

* * * * *

SYSTEM LOCATION:

Primary system—Office of Nuclear Regulatory Research, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist in whole or in part, at the National Institutes of Health Computer Facility, c/o the Office of Management and Program Analysis located in the Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

2. The paragraphs of NRC–21 entitled "System location" and "Routine uses of records maintained in the system, including categories of users and purposes of such uses" are revised to read as follows:

NRC–21

* * * * *

SYSTEM LOCATION:

Primary system—Office of the Controller, NRC, Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: INFORMATION IN THESE RECORDS MAY BE USED:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Services and appropriate State and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W–2 statements to taxing authorities and the individual;

h. For transmittal to the Office of Management and Budget for review of budget requests;

i. For withholding and reporting of retirement, reemployed annuitants and life insurance information to the Office of Personnel Management;

j. For transmittal of information to State agencies for unemployment purposes; and

k. For any of the routine uses specified in the Prefatory Statement.

* * * * *

3. The paragraph of NRC–24 entitled "Notification procedure" is revised to read as follows:

NRC–24

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

4. The paragraph of NRC–25 entitled "Notification procedure" is to be inserted after the paragraph entitled "System manager(s) and address" to read as follows:

NRC–25

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

5. Paragraph of NRC–28 entitled "Categories of records in the system" is revised to read as follows:

NRC–28

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain general application information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement tests, honors, awards or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC (SF–171, resumes, and similar documents).

* * * * *

Dated at Bethesda, Maryland this 26th day of June 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–19884 Filed 7–6–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Policy Staff Committee; Additional Articles Being Considered for Possible Duty Modification

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This Publication Gives Notice of Additional Articles Which May Be Considered in International Trade Negotiations.

I. Articles Which May Be Considered in Trade Negotiations

In conformity with section 131(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2151(a)), notice is hereby given of additional articles which may, during the course of international trade negotiations, be considered for reduction under the authority contained in section 124 of the Trade Act (19 U.S.C. 2134 and 2119). This notice supplements the notices which appeared in the **Federal Register** of August 8 and October 15, 1980.

A. List of Articles Which May Be Considered in Trade Negotiations

The articles included in the following items of the Tariff Schedules for the United States (TSUS) will be considered for reduction to the extent permitted by section 124 of the Trade Act:

TSUS item	Brief description
147.64	Fresh grapes (except hothouse) entered July 1 to February 14, inclusive.
642.30	Fourdrinier wires for papermaking machines.
653.01 (pt.)	Only tents and similar structures having an aluminum frame and a vinyl laminated polyester fabric shell or cover.
685.7010	Indicator panels incorporating semiconducting luminescent devices, (LED's).
685.80 (pt.)	Only fixed or variable electrical vacuum capacitors.
687.3010	Light emitting diodes.

The TSUS Annotated (1981) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 and is also available for inspection at any field office of the U.S. Customs Service or the Department of Commerce.

Articles included in this notice may be reserved from negotiations or may be subject to smaller tariff reductions than those authorized by section 124 of the Trade Act.

II. Supplemental Notices

From time to time as may be appropriate, other notices may be published for the purpose of informing the public of proposed actions under the Trade Act not announced in this notice.

III. Public Hearings

Section 133 of the Trade Act (19 U.S.C. 2153) requires that the President afford an opportunity for any interested person to present his or her views concerning any article included in this notice, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to proposed trade agreements. The time and place of these hearings to be held by the Office of the United States Trade Representative through the Trade Policy Staff Committee, in accordance with section 133 of the Trade Act, will be announced in the near future.

IV. Advice of the International Trade Commission

On behalf of the President and in accordance with section 131(a) of the Trade Act the International Trade Commission is being furnished with the list of articles published in this notice for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles and on consumers, with respect to the articles listed in paragraph I:A above, of the reduction of United States duties by the maximum amount permissible under section 124 of the Trade Act.

Fredrick L. Montgomery,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 81–19723 Filed 7–6–81; 8:45 am]

BILLING CODE 3195–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22115; 70–6612]

Middle South Energy, Inc.; Proposal To Lease Nuclear Fuel From a Non-Affiliate Which Will Finance Acquisition Through Bank Loans and the Sale of Commercial Paper

June 30, 1981.

Middle South Energy, Inc. ("MSE"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Sections 9(a) and 10 of the public Utility Holding Company Act of 1935 ("Act").

On October 17, 1979, MSE entered into a lease ("Lease") with Port Gibson Energy, Inc. ("Port Gibson"), a subsidiary of Lehman Leasing, Inc. an affiliate of Lehman Brothers Kuhn Loeb, Inc., an investment banking firm, pursuant to which MSE leases from Port Gibson the nuclear fuel, including facilities incident to its use, to be used to satisfy the fuel requirements of Unit No. 1 at MSE's Grand Gulf Nuclear Generating Station ("Grand Gulf 1").

Under the terms of the Lease, Port Gibson makes payments to suppliers, processors and manufacturers, necessary to carry out the terms of MSE's contracts for nuclear fuel for Grand Gulf 1 or MSE makes such payments and is reimbursed by Port Gibson. Port Gibson may also make payments to future suppliers of nuclear fuel for Grand Gulf 1 or MSE will make such payments, subject to reimbursement by Grand Gulf. The

current maximum obligation of Port Gibson to make payments for Nuclear Fuel is $79,000,000 at any one time outstanding. Port Gibson has financed these obligations under a Credit Agreement, dated as of October 17, 1979 ("Credit Agreement"), between Port Gibson and a group of five banks ("Original Banks") with United Bank of Switzerland ("UBS") acting as Agency for such banks.

MSE has determined that the maximum commitment of Port Gibson under the Lease is insufficient to provide for the total cost of nuclear fuel for Grand Gulf 1. Port Gibson is willing to enter into a First Amendment to Credit Agreement, Assignment Agreement and Security Agreement ("First Amendment") with parties to the Credit Agreement and three additional banks ("New Banks"). The First Amendment will provide, among other things, for an increase of the Banks' commitment under the Credit Agreement from $80,000,000 to $110,000,000 and thereby increase Port Gibson's maximum obligation to make payments for Nuclear Fuel to $109,000,000 at any one time outstanding. As required by the Lease, MSE would consent to the amendment to the Credit Agreement.

Under the Lease, MSE is responsible for operating, maintaining, repairing, replacing, and insuring the Nuclear Fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. Currently, the term of the Lease is through October 15, 2029; however, if either party gives written notice of termination by October 15, 1981, or any subsequent October 15, the Lease will terminate on October 15 of the second following year.

Lease payments, which are payable quarterly, include (A) a quarterly lease charge, which represents an administrative charge of ⅛ of 1% per annum of the stipulated loss value, as defined in the Lease, payable by Port Gibson to Lehman Leasing and other allocated operational costs of Port Gibson and (B) a burn-up charge equal to the cost of the nuclear fuel consumed while the nuclear fuel is in the reactor and reducing heat. When the nuclear fuel is in the reactor and producing heat, MSE may elect to capitalize quarterly lease charges or daily portions thereof so long as the amount of credit still available to Port Gibson under the Credit Agreement exceeds the sum of the stipulated loss value of the nuclear fuel, the amount of such charges and $1,000,000. MSE may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when the nuclear fuel is in the reactor and producing heat in the production of electric energy. MSE may terminate the Lease at any time. Port Gibson may terminate the Lease under certain circumstances. MSE will charge the rent under the Lease to fuel expense and will continue to account for the transaction as a lease rather than as a purchase.

Under the terms of the Lease the amount of the quarterly lease payments by MSE are measured by, among other things, the amount of costs incurred by Port Gibson, in connection with its acquisition, ownership and processing of the Nuclear Fuel, under the Credit Agreement, as proposed to be amended by the First Amendment.

Under the Credit Agreement, Port Gibson issues and sells its commercial paper, supported by an irrevocable letter of credit ("Letter of Credit") issued by UBS. Port Gibson proposes to continue to use Lehman Commercial Paper Incorporated as dealer in connection with the sale of the commercial paper, which sale will be at a rate expected to be equal to the best rate available (which rate will include a ⅛ of 1% per annum dealer discount) consistent with prudent marketing considerations. Manufacturers Hanover Trust Company ("Depositary"), under a Depositary Agreement, dated as of October 17, 1979, acts as issuing agent for Port Gibson's commercial paper. Under the Credit Agreement, Port Gibson can also obtain revolving credit loans from the Banks ("Revolving Credit Loans") to be evidenced by Port Gibson's promissory notes. The term of the Credit Agreement will be through October 15, 2029; however, if any party gives written notice of termination by October 15, 1981, or any subsequent October 15, the Credit Agreement shall terminate on October 15 of the second following year.

Other than the imposition of an annual administration fee of $5,000 to be paid to the Agent by Port Gibson, the fees and interest rates under the Credit Agreement are unchanged by the First Amendment. In consideration for the issuance of the Letter of Credit, Port Gibson pays to the Agent on a quarterly basis a fee of ⅛ of 1% per annum on the average aggregate face amount of commercial paper outstanding during each calendar quarter. In addition, Port Gibson pays to the Agent, on a quarterly basis, for the account of the Banks, for each day that the Bank's Commitment shall be in effect, a commitment fee of ⅛ of 1% per annum of the daily excess of the Banks' commitment over the sum of (X) the aggregate principal amount of Revolving Credit Loans outstanding plus (Y) the aggregate face amount of commercial paper outstanding plus (Z) the aggregate amount of all payments made under the Letter of Credit for which UBS has not been reimbursed by Port Gibson. Port Gibson also pays to the Agent on a quarterly basis a fee for acting as agent under the Credit Agreement of ⅛ of 1% per annum on the sum of (i) the average aggregate face amount of commercial paper outstanding during each calendar quarter (determined on a daily basis) plus (ii) the average aggregate principal amount of all payments made under the Letter of Credit for which UBS has not been reimbursed by Port Gibson and all Revolving Credit Loans outstanding during each calendar quarter (determined on a daily basis).

MSE has been advised that, based upon a commercial paper rate for the highest rated commercial paper of 17.75% per annum, the effective interest cost to Port Gibson of its proposed borrowings would be 18.68% per annum, assuming all borrowings were made through the issuance of commercial paper and total borrowings were $93.2 million (the average outstanding borrowings expected from July 31, 1981 through December 31, 1982).

It there is a drawing under the Letter of Credit, Port Gibson shall reimburse UBS therefore on or before the third business day following such drawing and shall pay interest on the amount of such drawing at a rate per annum until the third business day equal to 110% of the Base Rate and thereafter at 125% of the Base Rate. (Base Rate is defined to mean the higher of (a) the prime commercial loan rate of the Agent as announced from time to time for short-term loans in New York to large businesses or (b) the sum of (i) .20% plus (ii) the average interest rate payable on newly issued 90-day negotiable certificates of deposit of $100,000 or more issued by major New York banks as published by the Federal Reserve Bank of New York on the Friday of the immediately preceding week.

Each Revolving Credit Loan will, at the option of Port Gibson, either: (i) bear interest on the outstanding principal amount thereof until due and payable (whether by acceleration or otherwise) at a rate per annum equal to ⅝ of 1% in excess of the London Inter-Bank Offering Rate ("LIBOR"), rounded upward to the nearest ⅛ of 1%, as of two business days prior to the borrowing date for such Revolving Credit Loan in an amount approximating the average principal amount of all Revolving Credit Loans made at the LIBOR-based rate, outstanding on such

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borrowing date and having a term equal to the term of such Revolving Credit Loan; or (ii) bear interest on the outstanding principal amount thereof until due and payable (whether by acceleration or otherwise) at a rate per annum equal to 110% of the Base Rate, such rate to change as and when the Base Rate changes.

MSE has been advised that (1) if all borrowings were made by means of Revolving Credit Loans the interest on which were based on the London interbank market, such interest rate were 18.75% per annum and total borrowings were $93.2 million, the net effective interest cost to Port Gibson would be 19.55% per annum and (2) if all borrowings were made by means of Revolving Credit Loans the interest on which was based on the Base Rate, such rate were 20.5% per annum and total borrowings were $93.2 million, the net effective interest cost to Port Gibson would be 22.73% per annum.

Port Gibson will make all borrowings under the Credit Agreement in a manner that will minimize the effective cost of borrowing over the term of the Credit Agreement. The aggregate amount of Port Gibson's Revolving Credit Loans, plus commercial paper at any time outstanding plus the amount of payments made under UBS's Letter of Credit for which UBS has not been reimbursed may not exceed the commitment.

All assignments of rights and security interests granted the Original Banks will be extended to the New Banks.

Port Gibson has advised MSE that it proposes to enter into a Commercial Paper Security Agreement with a representative of the holders of commercial paper, which shall be a commercial bank, UBS, as Agent, and the Banks, whereby it will grant to the representative of the holders of the commercial paper, a security interest in the Nuclear Fuel and in any and all funds and bank accounts of Port Gibson with respect to which the Banks may exercise any right of set-off. The representative of the holders of the commercial paper will also receive an assignment of the rights assigned to the Agent and to the Banks for their own benefit in the Assignment Agreement. The representative will exercise (1) the security interest in the Nuclear Fuel and its interest in Port Gibson's rights under the Lease, granted to the representative for the benefit of the holders of the commercial paper and (2) such interests granted to UBS, as Agent and to the Banks, for their own benefit, for the equal and ratable benefit of UBS, as Agent, and the Banks and of the commercial paper holders. MSE will acknowledge notice, and agree to the terms of the assignments.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 23, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19829 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11838; 811-830]

Municipal Tax Free Income Fund; Filing of Application

June 30, 1981.

Notice is hereby given that Municipal Tax Free Income Fund, Inc. ("Applicant"), c/o Arthur J. Kania, Esq., Two Bala Cynwyd Plaza, 333 City Line Avenue, Bala Cynwyd, PA 19004, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 22, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On August 14, 1958, Applicant filed a Notification of Registration pursuant to Section 8(a) of the Act. No registration statement was subsequently filed by Applicant. The application states that Applicant never issued any stock certificates and offered no shares to the public. The application further states that the Applicant's corporate existence was terminated because of its inactive status and it failure to file going business returns with the state of incorporation. Finally, it is asserted that Applicant never engaged in any kind of business activity.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19833 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7936]

National Convenience Stores Inc.; Application To Withdraw From Listing and Registration

June 30, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of National Convenience Stores Incorporated (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which become effective on April 14, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 22, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19829 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 30, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

U.S. Air, Incorporated, Common Stock, $1 Par Value (File No. 7-5959)

Commodore International, Limited, Capital Shares, $1 Par Value (File No. 7-5960)

Advanced Micro Devices, Inc., Common Stock, $.01 Par Value (File No. 7-5961)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 22, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19830 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 30, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Waste Management, Inc., Common Stock, $1 Par Value (File No. 7-5954)

Hardwick Companies, Inc., Common Stock, $1 Par Value (File No. 7-5958)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 22, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19832 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-1845]

Quincy Mining Co.; Application To Withdraw From Listing and Registration

June 30, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The capital stock of Quincy Mining Company (the "Company") is listed and registered on the BSE. Transactions in the Company's stock on the BSE are small and infrequent and as of March 16, 1981, there were approximately 76 record holders of the Company's stock. Therefore, the Company has determined that the costs and expenses do not justify maintaining the listing of the capital stock on the BSE. The BSE has posed no objection to this matter.

Any interested person may, on or before July 22, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determined to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19831 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11839; 812-4762]

University Patents Inc.; Application

June 30, 1981.

Notice is hereby given that University Patents, Inc. ("Applicant"), 537 Newtown Avenue, Norwalk, Connecticut 06852, a Delaware corporation, filed an application on November 4, 1980, and an amendment thereto on April 7, 1981, pursuant to Section 6(c) of the Inivestment Company Act of 1940 ("Act"), for an order temporarily exempting Applicant from all provisions of the Act other than Sections 9, 17 (a)–(e) subject to certain specific exceptions, 36(a) and 37. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it is a publicly held corporation with its shares traded over-the-counter. Applicant states that, since its inception in 1964, it has been engaged in the business of licensing and administering patents and patent applications for new technology. According to the application, its patent service activities include locating and identifying specific technology concepts, evaluating their economic and technical feasibility, prosecuting patent applications and licensing and administering patents. Applicant states that under its patent servicing agreements it shares in the revenues derived from the licensing of technologies or inventions. In addition, Applicant states that prior to March 28, 1980, it also engaged in the business of manufacturing and selling rugs through a wholly-owned subsidiary, Regal Rugs, Inc. Applicant represents that on that date it sold Regal Rugs, Inc., in part because that business was unrelated to its principal business. According to the application, Applicant had $9,710,819 of marketable United States Government securities and total assets of $10,848,913 as of July 31, 1980. Applicant represents that most of the securities it owns were purchased with the proceeds obtained in selling Regal Rugs, Inc. Applicant states that these securities are used to fund the costs of its patent service business, future expansion or entry into related businesses and as a reserve against future financial exigencies.

According to the application, Applicant intends to adopt deferred compensation plans ("plans") for the benefit of its key executives which would involve Applicant's ownership of significant amounts of preferred stock issued by public utilities. The application indicates that the plans would provide each key executive with a life insurance policy which would be owned solely by the executive, who would have all rights incident thereto. Applicant states that it filed the application because it deems it important to provide such a program for its key employees without inadvertently subjecting itself to the Act and the regulations thereunder.

According to the application, Applicant will borrow preferred stock of utility companies ("Stock") on a non-recourse basis from an insurance company for the period remaining before the employee's retirement. Applicant states that the Stock will be held by the insurance company as collateral for payment of the loan and that Applicant will have no liability for such loan, other than payment of current interest, in excess of the value of the Stock. Applicant states that it will take the dividends received on the Stock, deduct the corporate income taxes attributable thereto, and invest the remainder in additional preferred stock of one or more utility companies, which will be retained as collateral in a non-purpose margin account at a national brokerage firm. Annually, Applicant will borrow from the brokerage firm the amount of the annual premium on a life insurance policy purchased for the key employee, and the borrowing will be collateralized by the additional stock. Applicant states that the interest payable on the amount borrowed will be variable based on the current broker's call money rate and will be added to the principal of the loan. Applicant represents that the income earned by the securities funding the plans will not be utilized for distribution to Applicant's shareholders. Applicant maintains that the plans could be set up to utilize the 85% federal income tax deduction for dividends received from domestic corporations, thereby reducing the cost of the plans, and that this feature combined with other tax benefits anticipated under the plan will provide greater benefits to the participating employees with no after-tax cost to Applicant.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis". Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

Applicant represents that it holds itself out and is known as a company servicing and licensing patents and other commercial property. Applicant believes that its stock has been and is continually valued by the market on the basis of the potential of its operating business and not on the basis of its asset composition or any income expectation therefrom. Applicant maintains that its assets composition is not an indication of the nature of its business because it is a service business which requires minimum tangible capital. Applicant contends that its Government securities are held for the uses of its operating business and the securities to be held under the deferred compensation plan are solely for the benefit of its executives who are a crucial factor in its business. Applicant states that although the capitalized value of its present and potential income from licensing and servicing patents and other intangible properties is not treated as an asset in an accounting sense, those potential values are currently valued by the market in appraising Applicant's stock in excess of the value of the securities Applicant owns. The application states that no officer, director or employee spends any significant time on investment matters and that Applicant does not employ an investment adviser or manager.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides, in pertinent part, that if, in connection with any order under Section 6 exempting any investment company from Section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act

pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Applicant states that it initially filed the application in order to establish a deferred compensation program for its executive employees and to eliminate any uncertainty regarding its status under the Act. Applicant therefore requests that an order be issued pursuant to Section 6(c) of the Act exempting Applicant for a period of two years from all provisions of the Act except Sections 9, 17 (a) through (e), 36(a), 37, all sections necessary to implement and enforce the provisions to which Applicant remains subject and all administrative, procedural and jurisdictional sections of the Act, with the following additional exceptions:

1. The recordkeeping provision of the Act (Section 31) and rules thereunder will apply only in respect to transactions which remain subject to Section 17 (a) through (e) after the exclusions set forth under (2) below.

2. Sections 17 (a) through (e), which prohibit certain affiliated person transactions, will not apply to prohibit:

(a) transactions in securities issued by any of Applicant's majority-owned subsidiaries or by partnerships or joint ventures of which Applicant or any of its majority-owned subsidiaries is a general partner or co-venturer;

(b) transactions in property other than securities;

(c) transactions in which the participation in or receipt of benefits related thereto, by any director, officer or employee of Applicant or of any of its majority-owned subsidiaries is incidental to the administration or execution of any retirement, welfare, stock option, stock purchase or bonus, or deferred compensation plan or agreement for the benefit of any such individual;

(d) loans to entities whose securites are owned by Applicant or to partnerships or joint ventures of which Applicant or any of its majority-owned subsidiaries is a general partner or co-venturer, except such entities that, to the knowledge of Applicant also directly or indirectly own, control or hold with power to vote 5 percent or more of Applicant's outstanding voting securities;

(e) loans by Applicant or any of its majority-owned subsidiaries to employees, officers or directors thereof to facilitate the receipt by such employees, officers or directors of benefits pursuant to any stock option, stock purchase or stock bonus plan of Applicant or of any of its majority-owned subsidiaries, which loans are created by the payment of withholding taxes on behalf of such employees, officers or directors required in connection with their receipt of such benefits under any such plan;

(f) payment for legal services rendered in respect to litigation in which Applicant or any of its majority-owned subsidiaries is a plantiff on the basis of a share of the recovery obtained by settlement or judgment; and

(g) participation in a partnership or joint venture of which Applicant or any of its majority-owned subsidiaries is a partner or co-venturer formed for the purpose of engaging in the business of licensing or obtaining commerical applications of ideas, inventions, patents or other intangible business properties so long as such partnership or joint venture is primarily and substantially engaged in such business.

Applicant states that the exceptions to the provisions of Sections 17 (a) through (e) which have been requested are required by the nature of Applicant's business because an important element of its business is the ability to transfer intangible properties, including licensing and royalty rights, and to utilize numerous types of joint ventures. Applicant submits that it is important that transactions involving the securities in and other properties of these entities not be prohibited and that the entities' securities, properties and cash be available for transfer and retransfer to accomplish Applicant's business purposes. As part of these types of arrangements, Applicant states that it must be free to provide capital in the form of loans and equity so that the financial structures of such ventures are not frozen into a particular form. Applicant submits that if it were unable to extend downstream loans, its ability to facilitate such ventures would be reduced.

Applicant states that its deferred compensation program was proposed to enhance Applicant's ability to engage and retain skilled executive personnel who are vital to the operation of Applicant's business. The exclusion of such plans is therefore alleged to be of significant value to Applicant's business. With respect to stock plans, Applicant believes it may be necessary to advance withholding taxes on behalf of plan participants to enable them to exercise rights under the plans and to obtain income tax deductions by the employer corporation.

Applicant maintains that because of the unique abilities of its personnel, it would be adverse to the operation of its business to prohibit Applicant from using the creative ideas and inventive properties of Applicant's directors or stockholders. In this connection, Applicant states that it presently has a joint venture with one of its directors for the commercialization of certain entertainment properties of potentially significant value. According to the application, the rights to the property were contributed by the director and Applicant has contributed capital and will use its expertise in developing the properties' commercial value. Applicant submits that prohibiting joint ventures of this type would be adverse to its business.

Finally, the exclusion relating to payment for legal services involving litigation in which Applicant or any of its majority-owned subsidiaries is a plaintiff is asserted to be a question of business judgement. The Applicant indicates that such an exclusion would allow it to continue to employ in patent litigation legal counsel with which a director may be associated and to pay a share of the recovery for such services. The Applicant claims that the other members of its board of directors have determined that this method of payment in certain types of litigation is advantageous to the Applicant.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

(1) Records required to be maintained by Applicant will be subject to such reasonable examination by the Commission or its representatives as the Commission may prescribe.

(2) Applicant will not knowingly enter or knowingly cause any of its majority-owned subsidiaries to enter any of the transactions excepted from the provisions of Sections 17 (a) through (e) unless such transaction is approved by a majority of the directors of Applicant then in office who have no financial interest in such transaction other than through ownership of securities issued by Applicant or any of its majority-owned subsidiaries, or if there be no such directors, then by the stockholders of Applicant, on the basis that:

(a) the terms thereof, including the consideration to be paid or received, are reasonable and fair to Applicant or its majority-owned subsidiary, as the case may be, and do not involve overreaching of Applicant or its subsidiary on the part of any persons concerned;

(b) the proposed transaction is consistent with the interests of the stockholders and the business purpose of Applicant; and

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(c) in the case of a transaction excepted by paragraph 2(a) or 2(g) of the exclusions listed above, any officer or director of Applicant who is a participant shall have furnished or agreed to furnish cash, services or property, tangible or intangible, justifying such participation.

Applicant further agrees that the minutes of the meetings of the board of directors or stockholders will record a description of each such transaction so approved, the findings of the board of directors or stockholders related thereto and the information and materials on which such findings are based.

(3) Applicant's directors will adopt, and periodically review and update as appropriate, procedures reasonably designed to ensure that reasonable inquiry is made, prior to the consummation of any transaction in which Applicant or any of its majority-owned subsidiaries proposes to participate, with respect to the possible involvement in the transaction of any affiliated person, as defined in Section 2(a)(3) of the Act.

On the basis of the foregoing, Applicant contends that the granting of a temporary exemptive order to the extent requested pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 24, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-19834 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1996]

Oklahoma; Declaration of Disaster Loan Area

Custer County and adjacent counties within the State of Oklahoma constitute a disaster area as a result of damage caused by tornadoes which occurred on May 22, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 27, 1981 and for economic injury until close of business on March 26, 1982 at Small Business Administration, District Office, 200 NW. 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102, or other locally announced locations.

For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 26, 1981

Donald R. Templeman,

Administrator.

[FR Doc. 81-19720 Filed 7-6-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice No. 761]

International Pipeline Permit: Application for Steam Pipeline Between Edmunston, N.B., and Madawaska, Maine: Project Modifications

Corrections

In FR Doc. 81-18640 appearing on page 32722 in the issue of Wednesday, June 24, 1981, third column, the Public Notice Number in the heading was inadvertently omitted and should have appeared as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-86]

Fish—Tariff-Rate Quota for the Calendar Year 1981; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

SUMMARY: This document corrects a notice as T.D. 81–86 published in the **FEDERAL REGISTER** on April 15, 1981 (46 FR 22096).

FOR FURTHER INFORMATION CONTACT: Daniel D. Sullivan, Acting Head, Quota Section, U.S. Customs Service, Washington, D.C. 20229 (202–566–8592).

On page 22097, the first full paragraph of the center column, in the last line, "1980" should read "1981".

Dated: June 30, 1981.

William D. Slyne,

Chief, Special Operations Branch.

[FR Doc. 81-19822 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92–463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on July 28 and 29, 1981, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on July 28 and the preparation of a written report to the Secretary of the Treasury on July 29, 1981.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by this Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: June 30, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-19785 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-25-M

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

John E. Chapoton,

Assistant Secretary for Tax Policy.

June 30, 1981.

[FR Doc. 81-19784 Filed 7-6-81; 8:45 am]

BILLING CODE 4820-25-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92–463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on August 19, 1981, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389–5411).

Dated: June 26, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-19821 Filed 7-6-81; 8:45 am]

BILLING CODE 8320-01-M

V 46 / 129 JL 7 81 UMI

Sunshine Act Meetings

Federal Register
Vol. 46, No. 129
Tuesday, July 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the July 6, 1981, Board meeting [M-321, Amdt. 1; 7/1/81].

TIME AND DATE: 2:00 p.m., July 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 12a. Commuter Carrier Fitness Determination of Scheduled Skyways, Inc. (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1048-81 Filed 7-3-81; 3:44 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, July 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance briefing.

TIME AND DATE: 4:15 p.m., Monday, July 6, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1047-81 Filed 7-3-81; 3:40 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1022-81.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time), Tuesday, June 30, 1981.

CHANGE IN TIME OF MEETING: 3:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 30, 1981.

[S-1040-81 Filed 7-3-81; 11:07 am]

BILLING CODE 6570-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, July 7, 1981.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Freedom of Information Act Appeal No. 81-4-FOIA-107, concerning a request for Sections III and IV of the Systemic Training Manual.
2. Freedom of Information Act Appeal No. 81-4-FOIA-125, concerning a request for copies of case summaries and ultimate dispositions in certain federal EEO complaints.
3. Freedom of Information Act Appeal Nos. 81-05-FOIA-028-MK and 81-05-FOIA-029-MK, concerning requests for access to certain enumerated documents under the fifth exemption to the FOIA.
4. Proposed Contract for Expert Services Needed in Connection With a Court Case.
5. Annual Report on Age Discrimination in Employment Report.
6. Proposed Revision of Policy Regarding Federal Agency Equal Employment Case Files Sent to EEOC.
7. A Report on Commission Operations by the Executive Director.

Closed to the Public

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 30, 1981.

[S-1041-81 Filed 7-3-81; 11:00 am]

BILLING CODE 6570-06-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 34756, July 2, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 7 and 8, 1981, 9:00 a.m. to 12 noon.

CHANGE IN THE MEETING: The above meeting has been cancelled.

Kenneth F. Plumb,
Secretary.

[S-1045-81 Filed 7-1-81; 2:31 pm]

BILLING CODE 6450-85-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Issue No. 124, Vol. No. 46, Page No. 33417, date published Monday, June 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Thursday, July 2, 1981.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Thursday, July 2, 1981: Merchandise Mart, Cleveland, Ohio.

No. 511, July 2, 1981.

[S-1039-81 Filed 7-2-81; 10:34 am]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10: a.m., Thursday, July 9, 1981.

PLACE: 1700 G. St., N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the closed portion of the bank board meeting scheduled for Thursday, July 9, 1981: Request for Authority to Exercise, and Removal/Prohibition Order.

No. 512, July 2, 1981.

[S-1046-81 Filed 7-1-81; 3:06 pm]

BILLING CODE 6720-01-M

8

[USITC SE-81-19]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, July 14, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 751-TA-4 (Synthetic L-Methionine from Japan)—briefing and vote.
6. Investigation 337-TA-88 (Certain Spring Assemblies)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1044-81 Filed 7-1-81; 2:10 pm]

BILLING CODE 7020-02-M

9

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, July 9, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Central Liquidity Facility FY 1981 Third Quarter Dividend.
3. Proposed amendment to Part 720 of the NCUA Rules and Regulations regarding description of offices, disclosure of official records, availability of information, promulgation of regulations.
4. Reports of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, July 9, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Requests for mergers with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemption (2).
5. Personnel actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1042-81 Filed 7-2-81; 12:19 pm]

BILLING CODE 7535-01-M

10

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting.

TIME AND DATE: 11:30 a.m., Monday June 29, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Closed.

MATTERS CONSIDERED:

1. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Request for purchase and assumption with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

The Board unanimously voted that agency business required a meeting be held with less than seven days advance notice.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1100.

[S-1043-81 Filed 7-2-81; 8:45 am]

BILLING CODE 7535-01-M

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federal register

Tuesday
July 7, 1981

Part II

Environmental Protection Agency

Hazardous Waste Management System: General Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities and EPA Administered Permit Programs

V 4 6 / 1 2 9 J L 7 8 1 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 264, 265 and 122

[SWH-FRL 1874-6]

Hazardous Waste Management System: General Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities and EPA Administered Permit Programs

AGENCY: Environmental Protection Agency.

ACTION: Revision to interim final and final rules.

SUMMARY: The Environmental Protection Agency (EPA) is today making several technical amendments to its hazardous waste management regulations. First, EPA is revising those provisions which incorporate certain materials by reference to comply with the **Federal Register's** rules on incorporation by reference. Second, EPA is removing the advisory "comments" which appear in those provisions. The comments now either appear in a numbered paragraph as part of the regulations or have been deleted entirely. This action is also necessary to conform with **Federal Register** format. Third, EPA is updating the number of one of the ASTM test methods used to determine whether a waste is ignitable. This action is necessary because the method number now cited in EPA's regulations is no longer available from ASTM. Fourth, EPA is updating the publication date of "Flammable and Combustible Liquids Code" because a more recent edition is available.

Finally, EPA is revising the language of the Toxicity Test Procedure and Chemical Analysis Test Methods to make it clear that the procedures are mandatory. This change is necessary in order to incorporate the cited EPA manual by reference. All changes made today to the regulations only affect the format and do not change any substantive requirements.

EFFECTIVE DATE: This amendment is effective on July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Alfred W. Lindsey, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202) 755-9185.

SUPPLEMENTARY INFORMATION: Parts 261, 264, 265 and 122 of EPA's hazardous waste management regulations incorporate certain publications—including testing and analytical methods—by reference. The Office of the Federal Register has advised EPA that the regulations containing these references (May 19, 1980 (45 FR 33063–33588), October 30, 1980 (45 FR 72024–72041), January 12, 1981 (46 FR 2802–2897) and January 23, 1981 (46 FR 7666–7690)), must be amended to fully comply with the Office's detailed rules for incorporating published materials in regulations by reference (1 CFR Part 51). Among other things, those rules require that each statement of incorporation by reference contain certain information and meet specific drafting standards (1 CFR 51.6–51.8). One purpose of this notice is to revise those provisions of Parts 261, 264, 265 and 122 that incorporate materials by reference to assure that they meet all applicable Part 51 requirements. These revisions do not make any substantive changes in the regulations.

Part 51 does not dictate precisely where in a regulation the information required to be provided in a statement of incorporation by reference must appear. In most cases, it will accompany the individual section or paragraph in which the reference appears. Because this format would make paragraphs containing multiple citations rather lengthy, EPA has chosen to list all references with the required information in two new sections—§§ 260.11 and 122.20—rather than repeating the required information in each paragraph of the regulations where a citation occurs. The regulatory text of each of the affected sections has been amended to include a reference to § 260.11 or § 122.20 after each citation.

Several sections which are amended to conform with the requirements of the Office of the Federal Register for incorporation by reference have also been amended for other reasons by today's notice. First, the Agency has removed all advisory comments from the regulatory sections amended today. This is not a substantive change, but is an action which EPA plans to eventually take on all comments in its hazardous waste regulations in order to conform with **Federal Register** format. Some comments have been incorporated into the appropriate paragraph of the affected section; others have been deleted from the regulatory sections, and are printed below for the convenience of the reader. Because in the future advisory comments will appear only in the preambles to the regulations, and because preambles are not published in the *Code of Federal Regulations*, readers should save **Federal Register** issues in which the regulations are originally published to assure that they have a permanent record of these comments.

For the sections affected by today's actions where comments have been deleted, the original information contained in the comment remains advisory and is reprinted below for the reader's information.

Federal Register date	Section	Deleted comment
Jan. 12, 1981	264.191	Design standards for certain types of tanks are published by the American Petroleum Institute, Underwriter's Laboratories, the American Concrete Institute, and several other organizations.
Jan. 12, 1981	264.198	As required by § 264.13, the waste analysis plan must include analyses needed to comply with § 264.198. Section 264.17(a) contains additional requirements for ignitable and reactive wastes. Also, § 264.17(c) requires waste analyses, trial tests, or other documentation to ensure compliance with § 264.17(b). As required by § 264.73, the owner or operator must place results of each waste analysis and trial test, and any documented information, in the operating record of the facility.
May 19, 1980	265.198	See § 265.17(a) for additional requirements.

A second change which EPA has made in one of today's amended sections is to change the citation of "ASTM Standard Method of Test for Flash Point by Pensky-Martens Closed Tester" in 40 CFR 261.21(a)(1) from D–93–79 to *either* D–93–79 or D–93–80. EPA is taking this action because D–93–79 is no longer available from ASTM and because the changes made to the D–93–79 edition which are incorporated in the D–93–80 edition are non-substantive in nature. Either version of the standard may be used to comply with the regulations.

A third change which EPA has made in §§ 264.198 and 265.198 is to change the publication date of the National Fire Protection Association's "Flammable and Combustible Liquids Code" from 1977 to *either* 1977 or 1981, since a new edition is now available. The changes made to the 1977 edition do not affect Tables 2–1 through 2–6 which are the referenced portions of the Code in §§ 264.198 and 265.198. Either edition of the book may be used to comply with the regulations.

The last change which EPA has made to one of today's amended sections is to change the word "should" to the word "shall" every place the word "should" appears in Part 261, Appendix II, and in the first paragraph of Appendix III. The use of the stronger word "shall" is necessary to make it clear that Appendices II and III are mandatory, not merely advisory (Appendix I is advisory).

The specific sections of Parts 261, 264, 265 and 122 which are being amended today to include the changes described above are:

Federal Register date	Page	Part of section and paragraph
May 19, 1980	33121–22	§ 261.21(a)(1).
	33122	§ 261.22(a)(1) and (a)(2).
	33127–28	Part 261, Appendix II.
	33130	Part 261, Appendix III
	33245	§ 265.198(b).
Oct. 30, 1980	72041	Part 261, Appendix II.
Jan. 12, 1981	2867	§ 264.191.
	2868	§ 264.198(b).
Jan. 23, 1981	7681	§ 122.25(b)(5)(iii)(A)(3) and (b)(5)(iii)(A)(4).
	7682	§ 122.27(b)(1)(i)(C) and (b)(1)(ii)(D).

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. Because this amendment is non-substantive in nature and only changes the format of the previously approved final rule, EPA has determined that this amendment does not require a Regulatory Impact Analysis.

The Office of Management and Budget has advised EPA that this notice does not have to be submitted to them for review under Executive Order 12291.

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

For the reasons set out in the preamble, Title 40 of the *Code of Federal Regulations* is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001–3007 and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921–6927 and 6930).

2. A new § 260.11 is added to read as follows:

§ 260.11 References.

(a) When used in Parts 260 through 265 of this chapter, the following publications are incorporated by reference:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D–3278–78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D–93–79 or D–93–80. D–93–80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW–846, available from the U.S. Environmental Protection Agency, Solid Waste Information, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, NW, Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register.**

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

3. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921 and 6922).

4. Section 261.21 is amended by removing footnote (1) and by revising paragraph (a)(1) to read as follows:

§261.21 Characteristic of ignitability.

(a) * * *

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D–93–79 or D–93–80 (incorporated by reference, see § 260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D–3278–78 (incorporated by reference, see § 260.11), or as determined by an equivalent test method approved by the Administrator under procedures set forth in §§ 260.20 and 260.21.

* * * * *

5. Section § 261.22 is amended by removing footnotes (2) and (3) and by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 261.22 Characteristic of corrosivity.

(a) * * *

(1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21. The EPA test method for pH is specified as Method 5.2 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11). (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM–01–69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11) or an equivalent test method approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21.

* * * * *

6. Appendix II of Part 261 is revised to read as follows:

Appendix II—EP Toxicity Test Procedure

A. Extraction Procedure (EP)

1. A representative sample of the waste to be tested (minimum size 100 grams) shall be obtained using the methods specified in Appendix I or any other method capable of yielding a representative sample within the meaning of Part 260. [For detailed guidance on conducting the various aspects of the EP see "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11).]

2. The sample shall be separated into its component liquid and solid phases using the method described in "Separation Procedure" below. If the solid residue [1] obtained using this method totals less than 0.5% of the

[1] 1. The percent solids is determined by drying the filter pad at 80°C until it reaches constant weight and then calculating the percent solids using the following equation:

$$100 \times \%\ \text{solids} = \frac{(\text{weight of pad} + \text{solid}) - (\text{tare weight of pad})}{\text{initial weight of sample}}$$

original weight of the waste, the residue can be discarded and the operator shall treat the liquid phase as the extract and proceed immediately to Step 8.

3. The solid material obtained from the Separation Procedure shall be evaluated for its particle size. If the solid material has a surface area per gram of material equal to, or greater than, 3.1 cm^2 or passes through a 9.5 mm (0.375 inch) standard sieve, the operator shall proceed to Step 4. If the surface area is smaller or the particle size larger than specified above, the solid material shall be prepared for extraction by crushing, cutting or grinding the material so that it passes through a 9.5 mm (0.375 inch) sieve or, if the material is in a single piece, by subjecting the material to the "Structural Integrity Procedure" described below.

4. The solid material obtained in Step 3 shall be weighed and placed in an extractor with 16 times its weight of deionized water. Do not allow the material to dry prior to weighing. For purposes of this test, an acceptable extractor is one which will impart sufficient agitation to the mixture to not only prevent stratification of the sample and extraction fluid but also insure that all sample surfaces are continuously brought into contact with well mixed extraction fluid.

5. After the solid material and deionized water are placed in the extractor, the operator shall begin agitation and measure the pH of the solution in the extractor. If the pH is greater than 5.0, the pH of the solution shall be decreased to 5.0 ± 0.2 by adding 0.5 N acetic acid. If the pH is equal to or less than 5.0, no acetic acid should be added. The pH of the solution shall be monitored, as described below, during the course of the extraction and if the pH rises above 5.2, 0.5N acetic acid shall be added to bring the pH down to 5.0 ± 0.2. However, in no event shall the aggregate amount of acid added to the solution exceed 4 ml of acid per gram of solid. The mixture shall be agitated for 24 hours and maintained at 20°–40°C (68°–104°F) during this time. It is recommended that the operator monitor and adjust the pH during the course of the extraction with a device such as the Type 45-A pH Controller manufactured by Chemtrix, Inc., Hillsboro, Oregon 97123 or its equivalent, in conjunction with a metering pump and reservoir of 0.5N acetic acid. If such a system is not available, the following manual procedure shall be employed:

(a) A pH meter shall be calibrated in accordance with the manufacturer's specifications.

(b) The pH of the solution shall be checked and, if necessary, 0.5N acetic acid shall be manually added to the extractor until the pH reaches 5.0 ± 0.2. The pH of the solution shall be adjusted at 15, 30 and 60 minute intervals, moving to the next longer interval if the pH does not have to be adjusted more than 0.5N pH units.

(c) The adjustment procedure shall be continued for at least 6 hours.

(d) If at the end of the 24-hour extraction period, the pH of the solution is not below 5.2 and the maximum amount of acid (4 ml per gram of solids) has not been added, the pH shall be adjusted to 5.0 ± 0.2 and the extraction continued for an additional four hours, during which the pH shall be adjusted at one hour intervals.

6. At the end of the 24 hour extraction period, deionized water shall be added to the extractor in an amount determined by the following equation:

V = (20)(W) − 16(W) − A

V = ml deionized water to be added

W = weight in grams of solid charged to extractor

A = ml of 0.5N acetic acid added during extraction

7. The material in the extractor shall be separated into its component liquid and solid phases as described under "Separation Procedure."

8. The liquids resulting from Steps 2 and 7 shall be combined. This combined liquid (or the waste itself if it has less than ½ percent solids, as noted in step 2) is the extract and shall be analyzed for the presence of any of the contaminants specified in Table I of § 261.24 using the Analytical Procedures designated below.

Separation Procedure

Equipment: A filter holder, designed for filtration media having a nominal pore size of 0.45 micrometers and capable of applying a 5.3 kg/cm^2 (75 psi) hydrostatic pressure to the solution being filtered, shall be used. For mixtures containing nonabsorptive solids, where separation can be effected without imposing a 5.3 kg/cm^2 pressure differential, vacuum filters employing a 0.45 micrometers filter media can be used. (For further guidance on filtration equipment or procedures see "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" incorporated by reference, see § 260.11).

Procedure:[2]

(i) Following manufacturer's directions, the filter unit shall be assembled with a filter bed consisting of a 0.45 micrometer filter membrane. For difficult or slow to filter mixtures a prefilter bed consisting of the following prefilters in increasing pore size (0.65 micrometer membrane, fine glass fiber prefilter, and coarse glass fiber prefilter) can be used.

(ii) The waste shall be poured into the filtration unit.

(iii) The reservoir shall be slowly pressurized until liquid begins to flow from the filtrate outlet at which point the pressure in the filter shall be immediately lowered to 10–15 psig. Filtration shall be continued until liquid flow ceases.

(iv) The pressure shall be increased stepwise in 10 psi increments to 75 psig and filtration continued until flow ceases or the pressurizing gas begins to exit from the filtrate outlet.

(v) The filter unit shall be depressurized, the solid material removed and weighed and then transferred to the extraction apparatus, or, in the case of final filtration prior to analysis, discarded. Do not allow the material retained on the filter pad to dry prior to weighing.

(vi) The liquid phase shall be stored at 4°C for subsequent use in Step 6.

B. Structural Integrity Procedure

Equipment: A Structural Integrity Tester having a 3.18 cm (1.25 in.) diameter hammer weighing 0.33 kg (0.73 lbs.) and having a free fall of 15.24 cm (6 in.) shall be used. This device is available from Associated Design and Manufacturing Company, Alexandria, VA 22314, as Part No. 125, or it may be fabricated to meet the specifications shown in Figure 1.

Procedure

1. The sample holder shall be filled with the material to be tested. If the sample of waste is a large monolithic block, a portion shall be cut from the block having the dimensions of a 3.3 cm (1.3 in.) diameter x 7.1 cm (2.8 in.) cylinder. For a fixated waste, samples may be cast in the form of a 3.3 cm (1.3 in.) diameter x 7.1 cm (2.8 in.) cylinder for purposes of conducting this test. In such cases, the waste may be allowed to cure for 30 days prior to further testing.

2. The sample holder shall be placed into the Structural Integrity Tester, then the hammer shall be raised to its maximum height and dropped. This shall be repeated fifteen times.

3. The material shall be removed from the sample holder, weighed, and transferred to the extraction apparatus for extraction.

Analytical Procedures for Analyzing Extract Contaminants

The test methods for analyzing the extract are as follows:

1. For arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, endrin, lindane, methoxychlor, toxaphene, 2,4-D[2,4-dichlorophenoxyacetic acid] or 2,4,5-TP [2,4,5-trichlorophenoxypropionic acid]: "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11).

2. [Reserved]

For all analyses, the methods of standard addition shall be used for quantification of species concentration.

7. Appendix III of Part 261 is amended by revising the first sentence of the first paragraph to read as follows:

Appendix III—Chemical Analysis Test Methods

Tables 1, 2, and 3 specify the appropriate analytical procedures described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (incorporated

[2] This procedure is intended to result in separation of the "free" liquid portion of the waste from any solid matter having a particle size >0.45 μm. If the sample will not filter, various other separation techniques can be used to aid in the filtration. As described above, pressure filtration is employed to speed up the filtration process. This does not alter the nature of the separation. If liquid does not separate during filtration, the waste can be centrifuged. If separation occurs during centrifugation, the liquid portion (centrifugate) is filtered through the 0.45 μm filter prior to becoming mixed with the liquid portion of the waste obtained from the initial filtration. Any material that will not pass through the filter after centrifugation is considered a solid and is extracted.

by reference, see § 260.11), which shall be used in determining whether the waste in question contains a given toxic constituent.

* * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

8. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6921 through 6927 and 6930).

§ 264.191 [Amended]

9. Section 264.191 is amended by removing the bracketed comment.

10. Section 264.198 is amended by removing the bracketed comment and revising paragraph (b) to read as follows:

§ 264.198 Special requirements for ignitable or reactive waste.

* * * * *

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2–1 through 2–6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see § 260.11).

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

11. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resources Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6924).

12. Section 265.198 is amended by removing the bracketed comment and revising paragraph (b) to read as follows:

§ 265.198 Special requirements for ignitable or reactive waste.

* * * * *

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2–1 through 2–6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see § 260.11).

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM AND THE UNDERGROUND INJECTION CONTROL PROGRAM

13. The authority citation for Part 122 reads as follows:

Authority: Resource Conservation and recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Dringking Water Act, 42 U.S.C. 300(f) *et seq.*; and Clean Water Act, 33 U.S.C. 1251 *et seq.*

14. A new § 122.20 is added to read as follows:

§ 122.20 References.

(a) When used in Part 122 of this chapter, the following publications are incorporated by reference:

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW–846, available from the U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register.**

15. Section 122.25 is amended by revising paragraphs (b)(5)(iii)(A) (*3*) and (*4*) as follows:

§ 122.25 Contents of Part B.

* * * * *

(b) * * *

(5) * * *

(iii) * * *

(A) * * *

(*3*) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(*4*) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20).

* * * * *

16. Section 122.27 is amended by revising paragraphs (b)(1)(i) (C) and (D) as follows:

§ 122.27 Short term permits.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(C) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20).

* * * * *

[FR Doc. 81–18229 Filed 7–6–81; 8:45 am]

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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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35251 **Meritorious Service Medal** Executive order authorizing award to foreign military personnel.

35280 **Radioactive Materials** NRC proposes technical criteria for disposal of high-level radioactive wastes in geologic repositories.

35468 **Grant Programs—Energy** DOE/CRE proposes to establish Wind Energy Technology Application Program for non-Federal public and private entities. (Part III of this issue)

35352, 35353 **Energy Conservation** EPA announces motor vehicle fuel economy retrofit device evaluations for "Greer Fuel Pre-heater, Paser Magnum, Paser 500, and Paser 500 HEI". (2 documents)

35400 **Postal Service** PS solicits views on electronic mail classification.

35403 **Treasury Notes** Treasury/Sec'y announces interest rate on Series E–1988.

35296 **Consumer Protection** CPSC proposes to exempt from child-resistant packaging requirements all unit-dose forms of potassium supplements containing not more than 50 milliequivalents of potassium per unit-dose.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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35253 **Coastal Zone** Commerce/NOAA provides definition of federal activities "directly affecting the coastal zone".

35279 **Regulatory Flexibility Plan** USDA/Packers and Stockyards Administration.

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Presidential Documents

Title 3—

The President

Executive Order 12312 of July 2, 1981

The Meritorious Service Medal

By the authority vested in me as President of the United States of America and as Commander-in-Chief of the Armed Forces, and to permit the award of the Meritorious Service Medal to members of the armed forces of friendly foreign nations, it is hereby ordered that section 1 of Executive Order Number 11448 of January 16, 1969, is amended to read as follows:

"Section 1. There is hereby established a Meritorious Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of a Military Department or the Secretary of Transportation with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders or other appropriate officers as the Secretary concerned may designate, to any member of the armed forces of the United States, or to any member of the armed forces of a friendly foreign nation, who has distinguished himself by outstanding meritorious achievement or service.".

Ronald Reagan

THE WHITE HOUSE,
July 2, 1981

[FR Doc. 81-20114
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 930

Interpretation of the Federal Consistency Term: "Directly Affecting the Coastal Zone"

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final rulemaking.

SUMMARY: This final rule amends existing regulations to clarify the meaning of the term "directly affecting the coastal zone" in Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended (CZMA). This amendment conforms to the results of an extensive analysis and interagency process initiated in January 1980, to arrive at an appropriate definition of the specific requirements of Section 307(c)(1) of the CZMA. This amendment provides a definition of federal activities "directly affecting the coastal zone" and includes certain editorial modifications and corrections that conform to the revised definition.

EFFECTIVE DATE: In 1980, the CZMA was amended by Pub. L. 96–464 which provided, in part, that final rules must be submitted to Congress for review. Thereafter, final rules become effective unless, within 60 calendar days of continuous session after submission, both Houses of Congress adopt a concurrent resolution disapproving the final rules. This statutory requirement raises constitutional issues that we are not addressing at this time. We are treating this requirement as a report and wait provision. Therefore, the regulations will not become effective until after this 60-day period has expired. Notification of the effective date will be published in the **Federal Register** at that time. Until these regulations become effective, this rule shall provide guidance for federal agency compliance with Section 307(c)(1) of the CZMA.

FOR FURTHER INFORMATION CONTACT: Dan Hoydysh, Office of Policy, Evaluation and External Relations, Office of Coastal Zone Management, Room 310, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235. Telephone: (202) 634–4245.

SUPPLEMENTARY INFORMATION:

I. Prior Actions in This Rulemaking

A. Final Rule. Final regulations published in the **Federal Register** on June 25, 1979 (44 FR 37142) discussed the term "directly affecting the coastal zone" in light of a U.S. Justice Department opinion, dated April 20, 1979, on that subject, and deleted a previous definition of "directly affecting" in 15 CFR 930 in accordance with that opinion. However, a new definition of the term "directly affecting" was not included in the final rule published on June 25, 1979.

B. Issue Paper on "Directly Affecting". To provide an opportunity for suggesting definitions of the term "directly affecting the coastal zone," NOAA distributed to several hundred interested persons on February 27, 1981, a document entitled "ISSUE PAPER: Section 307(c)(1), Defining the term 'directly affecting' found in Section 307(c)(1) of the Coastal Zone Management Act."

C. Notice of Proposed Rulemaking. On May 14, 1981, NOAA published a Notice of Proposed Rulemaking (46 FR 26658) (NPR) defining "directly affecting the coastal zone" and solicited comments for a 30-day period closing June 15, 1981. Over 70 comments were received and considered from the following commenters: 17 coastal states; 7 federal agencies; 13 local or regional government agencies; 14 industries or trade associations; 13 public interest groups; 2 elected public officials; and 7 private citizens. The major issues raised by the comments and all modifications of the regulations as set out in the NPR are discussed in Section III below.

II. Background

Section 307(c)(1) of the CZMA states that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state coastal management programs."

The existing regulations (published June 25, 1979, 44 FR 37142) implementing the Federal consistency provisions define all the key terms of Section 307(c)(1) except "directly affecting." The legislative history of CZMA does not provide clear guidance as to the intended meaning of the term. Differing opinions as to the meaning of the term "directly affecting the coastal zone" have existed since the CZMA was enacted in October 1972. Federal and state agencies, private and public interest groups, and members of the public have questioned the meaning of the term on numerous occasions.

NOAA consulted extensively with interested parties during development of previous versions of the regulations. Based on these consultations, NOAA performed an analysis of possible interpretations of the term before publication of proposed regulations and again before publication of final regulations on March 13, 1978. Also, before March 1978, the Office of Management and Budget (OMB) provided oversight of an extensive analysis by affected federal agencies of the key terms of Section 307. Then, before the June 25, 1979, revision to the regulations, possible interpretations were again considered by NOAA in light of the April 20, 1979, opinion of the Justice Department. However, the term was left undefined in the June 1979 revision.

In October 1979, the term "directly affecting" was the subject of mediation by the Secretary of Commerce conducted under the provisions of the CZMA. A public hearing on September 7, 1979, and a mediation conference on October 19, 1979, were conducted by the Commerce Department in an attempt to resolve a disagreement between the State of California and the Department of the Interior concerning interpretation of the term as it applied to offshore leasing decisions. In addition to the views presented at the hearing and at the mediation conference by California and the Interior Department, other interested persons, including representatives of several coastal states and industry groups, submitted comments to the Commerce Department.

In January 1980, an interagency agreement regarding the term "directly affecting" resulted from a meeting of federal agencies that were participating in the development of an Administration bill to amend the CZMA. The agreement was that in light of the differing views expressed by the participating agencies, no changes to Section 307(c)(1) would be included in the bill. Instead, it was further agreed that NOAA would issue proposed regulations in the **Federal Register** after thoroughly reviewing the CZMA, its legislative history, and the Department of Justice Opinion of April 20, 1979, considering fully the views of interested federal agencies, and resolving any differences. In addition, the Secretary of Commerce, on February 27, 1980, issued his report on the October 1979, mediation conference indicating that no resolution was reached regarding the disagreement over the term "directly affecting" and that he had requested NOAA to clarify the term by issuing regulations. On March 27, 1980, OMB confirmed the above mentioned conditions of the interagency agreement in a letter to the Secretary of Commerce. On October 17, 1980, the 1980 amendments to the CZMA were enacted without clarifying the definition of "directly affecting" in the statute.

On February 27, 1981, NOAA distributed an issue paper to a large number of interested parties soliciting comments on the need for rulemaking to define "directly affecting," on the economic impact of such rulemaking, in order to conform to the requirements of Executive Order 12291, and on the content of any proposed regulations. The comment period on the issue paper closed April 30, 1981.

The 17 comments received, with few exceptions supported the need for regulations to clarify the definition and the application of "directly affecting." Several commenters noted the potential economic impacts of any proposed rulemaking. Five states specifically referred to the need for an analysis of these economic impacts before rulemaking proceeded. Most of the other comments did not refer to the need for such analysis except one federal agency indicated these impacts would not be major and one comment from the oil and gas industry suggested that no analysis should be undertaken because the effects of such rulemaking would be impossible to predict.

Most of the comments that discussed the content of possible regulations focused on whether prelease activities (tract selection, lease stipulations) of the Department of the Interior's Outer Continental Shelf (OCS) oil and gas leasing program "directly affect" the coastal zone. Six states urged that, if regulations were issued, such prelease activities should be found to have direct effects. Three states did not specifically comment on this issue. Five representatives of the oil and gas industry uniformly agreed that prelease activities do not "directly affect" the coastal zone and should be excluded from the application of this provision. Two federal agencies urged that the definition of directly affecting should limit the application of the provision to federal activities that affect the coastal zone without any "intervening cause." Both agencies indicated that, in general, regulation writing undertaken in preparation for issuance of licenses, permits or grants would not directly affect the coastal zone and the revised rules should reflect this.

In late April and early May 1981, a series of federal interagency meetings was conducted, including one in which 12 agencies participated, to implement the January 1980, interagency agreement and to clarify the term "directly affecting the coastal zone" by deriving a plain meaning, in keeping with the statutory language and legislative history, which would apply to all federal activities subject to Section 307(c)(1). Agreement was reached on the content of a proposed revision to 15 CFR 930 and that proposed revision was published in the NPR on May 14, 1981. (46 FR 26658)

III. Interpretation of the Term "Directly Affecting the Coastal Zone"

This final rule interprets the term "directly affecting the coastal zone" by clarifying that a federal activity directly affects the coastal zone if the Federal agency finds that the conduct of the activity itself produces an identifiable physical alteration in the coastal zone or that the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" of federal planning decisions, or of decisions made in stages based upon developing information gathered by the agency in the normal course of decisionmaking, do not include those effects of the activity being planned which are identified by the federal agency as uncertain, speculative, remote, or subject to further approval by that same federal agency.

The final rule reflects the consensus view expressed by the federal agencies that participated in the interagency meetings this spring. It also conforms to the Department of Justice Opinion of April 20, 1979, in that it employs a plain meaning of the term, maintains a distinction between "directly affecting" and "affecting," and allows for case-by-case determinations of whether federal activities directly affect the coastal zone.

The final rule focuses the consistency review at the stage in the decision-making process of a federal activity when adequate and precise information is available. It clarifies that consistency is not required for federal planning, lease issuance and regulation writing when those activities in and of themselves have no effects on the coastal zone but rather are preliminary to subsequent approvals of the same federal agency. It also assures that no operational activities with coastal zone effects will be exempt from a consistency review.

Finally, the proposal provides a definitive interpretation that (1) should resolve most of the controversy that has surrounded this term, (2) provides the clear guidance needed by federal agencies performing operational activities so that consistency questions can be resolved on the facts rather than on speculation about possible future actions, (3) promotes appropriate public policy outcomes that are legally sustainable and (4) conforms to the General Requirements of Executive Order 12291.

IV. Summary of Significant Comments on NPR and NOAA's Responses

A. General. Over 70 comments were received from a broad range of interested persons including coastal states, federal, regional and local agencies, industries, public interest groups, elected officials and private citizens. The comments were divided between those who generally supported the proposed regulations (14 industries or trade associations, 6 federal agencies, one regional agency, and one coastal state) and those who opposed them (16 coastal states, 12 local or regional government agencies, 1 federal agency, 13 public interest groups, 2 elected officials, and 7 private citizens).

B. Changes in Response to Comments. Based on submitted comments NOAA is making the following minor changes to the proposed rules:

(1) The term "measurable" has been changed to "identifiable" because the key issue is whether impacts can be identified at the time of review not whether they are susceptible to measurement by some sort of instrument.

(2) Several editorial changes have been made to clarify intent as follows:

(a) In § 930.33 change "remove" to "remote";

(b) In the comment under § 930.33 add "to the extent that the regulations in and of themselves do not require a physical alteration in the coastal zone" after the word "assistance" in (i); change (iii) to read "Outer Continental Shelf oil and gas preleasing and leasing activities undertaken by the Department of the Interior in the normal course of decisionmaking and lease award to the extent that any of these activities do not in and of themselves require a physical alteration in the coastal zone;"

(c) In § 930.37 change the first sentence of (e) to read: "Federal agencies may find that some of their planning activities or activities conducted in stages based upon developing information gathered by the agency in the normal course of decisionmaking, do not directly affect the coastal zone and thus are not required to be consistent with State management programs."

(d) At 44 FR 37150, June 25, 1979, the "Comment" appearing under § 930.51(a) is no longer applicable.

(e) At 44 FR 37154, June 25, 1979, the "Comment" appearing under § 930.71 is no longer applicable.

C. Comments generally supporting the proposed rule. Fourteen commenters representing oil and gas industry interests (American Petroleum Institute; Amoco Production Company; Atlantic Richfield Company; Chevron U.S.A., Inc.; Conoco, Inc., Exxon Company, U.S.A.; Getty Oil Company; Gulf Oil Exploration and Production Company; Shell Oil Company; Standard Oil Company (Indiana); Sunmark Exploration Company; Texaco, U.S.A.; Tricentrol United States, Inc.; and Western Oil and Gas Association), 6 federal agencies (Department of the Interior; Department of Energy; Department of Housing and Urban Development; Department of the Army; the Department of Agriculture; and the Department of Transportation), one coastal state (Rhode Island) and one regional agency (The Port Authority of New York and New Jersey) generally supported the proposed rules as a realistic standard for identifying those activities that directly affect the coastal zone and as a positive step in the responsible development of OCS energy resources. Although these commenters generally approved NOAA's proposed rules several objections were raised. These objections and NOAA's responses are discussed below.

(1) Consistency should not be applied to repair, maintenance and replacement-in-kind activities. In particular, once federal consistency has been certified for a proposed Corps of Engineers maintenance dredging program each discrete dredging operation within that program should not be subjected to federal consistency.

Response: The scope and coverage of each consistency certification is a matter that should be negotiated between the federal agency and the state. Therefore, whether consistency is applied to the entire maintenance program or each individual phase is a matter that must be decided by the state and the federal agency on a case-by-case basis. This flexible approach is authorized by 15 CFR 930.39.

(2) The definition should be amended to read:

> The term directly affecting the coastal zone means that the federal activity itself produces *an immediate* physical alteration in the coastal . . ." (emphasized words added to definition).

Response: NOAA has determined that an activity performed by a federal agency "directly affects" the coastal zone if that activity will result in physical alterations to the coastal zone without any further approvals by the initiating agency. In effect, it is the last formal approval or authorization by an agency that triggers the consistency determination. There is no requirement that the physical alteration in the coastal zone occur immediately after this last final approval or authorization. It is sufficient that final approval or authorization is causally related to the physical alteration.

(3) Section 930.37(e), which provides that federal agencies may (1) give state agencies information regarding federal activities that do not directly affect the coastal zone and (2) seek the views of state agencies with respect to those activties, should be deleted because it will encourage unnecessary delays in federal activities.

Response: NOAA does not agree that Section 930.37(e) will result in unnecessary delays in federal activities. This section allows federal agencies discretion to consult with states without being bound by the states' decisions. Since early consultation when exercised by a federal agency is likely to reduce later conflicts, this provision is more likely to expedite than impede federal decisions.

(4) The comment immediately following Section 930.33 should be included in the body of the rule to highlight NOAA's intent regarding the application of the term.

Response: NOAA believes it is not necessary to include the comment within the body of the rule; the definition and the comment are sufficiently clear to make application of Section 307(c)(1) certain.

D. Comments generally opposed to the proposed rule. Fifty-one commenters representing 16 coastal states (Alaska; California; Florida; Georgia; Maine; Massachusetts; Michigan; Mississippi; New Hampshire; New Jersey; North Carolina; Oregon; Pennsylvania; South Carolina; Washington; and Wisconsin), 12 local or regional governments (Association of Monterey Bay Area Governments; City of Del Mar (California); County of Santa Cruz (California); County of San Mateo (California); New England/New York Coastal Zone Task Force; North Slope Borough (Alaska); San Diego Association of Governments; San Francisco Bay Conservation and Development Commission; South Florida Regional Planning Council; Los Angeles City Attorney; Marin County (California); and San Diego City), 7 private citizens, 13 public interest groups (Coastal States Organization; Defenders of Wildlife; Center for Environmental Education; Friends of the Earth; Marin Conservation League; National League of Cities; National Parks and Conservation Association; National Wildlife Federation; Natural Resources Defense Council, Inc.; Sierra Club; Sierra Club, Mississippi Chapter; Stamford Marine Center; and United Fishermen of Alaska), 1 federal agency (National Marine Fisheries Service, NOAA), and 2 elected public officials generally objected to the proposed rules. The major objections of these commenters and NOAA's responses are presented below.

(1) "Physical alteration" may be narrowly construed to eliminate economic, social, cultural, historic, biological and chemical impacts.

Response: It is NOAA's intent that "physical alteration" be broadly construed to include actual changes, perturbations, or disturbances to physical resources of the coastal zone such as land, water, air, or wildlife. NOAA has determined that the approach focuses consistency determinations on those activities that in fact are most likely to result in management consequences and avoids involvement with economic, social, cultural, and historic impacts that are speculative and remote.

(2) The proposed exemption of OCS preleasing activities is contrary to the legislative history of Section 307(c)(1).

Response: NOAA has determined that neither the language nor the legislative history of Section 307(c)(1) requires that in every case OCS preleasing activities are subject to the consistency process. When Congress did not expressly include prelease activities with Section

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307(c)(1) it left the determination of which activities "directly affect" the coastal zone to the discretion of NOAA—the agency with the expertise to make such detailed technical judgments. The proposed definition does not provide a blanket exemption for all OCS preleasing activity. Preleasing activities that authorize or require the lessee to perform an action likely to result in physical alterations in the coastal zone are subject to Section 307(c)(1). For instance, in the 1977 Lease Sale in the Lower Cook Inlet, the Department of the Interior submitted a consistency determination for its imposition of a lease stipulation that would compel certain action by the lessee before any further Department of the Interior action. The regulations would preserve this distinction.

(3) The proposed rules will weaken the protection provided to senstive natural resources.

Response: These regulations will not necessarily weaken coastal protection. States retain the right to review the consistency of federal activites whenever physical alterations will occur in the coastal zone. Therefore, states will continue to excrise effective control over their coastal resources and over federal activities that "directly affect" the coastal zone.

(4) In reversing its long standing policy that OCS preleasing activity is subject to Section 307(c)(1) NOAA has in effect its independent rulemaking authority under the Coastal Zone Management Act to the Department of the Interior.

Response: NOAA has not ceded its decisionmaking responsibility to the Department of the interior (DOI). NOAA has never adopted by rule the policy that all OCS preleasing activities are subject to Section 307(c)(1). NOAA has, however, worked closely with DOI, OMB, and other interested Federal agencies to assure that the proposed definition is consistent with congressional intent and balances the need to coordinate federal activities with state coastal zone management programs and the need to minimize unnecessary restraints on federal activities performed in the national interest.

(5) NOAA's public participation process is inadequate because NOAA stated it did not expect to make any significant changes in the proposed rules.

Response: The proposed definition is the product of over 3 years of intense public and intergovernmental discussion and debate. On February 25, 1981, shortly before publication of the proposed rules, NOAA distributed to a large number of interested parties an issue paper soliciting comments on the substance of a definition of "directly affecting the coastal zone." The comment period on the issue paper closed April 30, 1981. NOAA's statement that it did not expect to make any significant changes in the proposed rules was a candid observation that the extensive debate surrounding the definition of "directly affecting" had already revealed the full spectrum of opinion concerning the meaning of this term. This observation proved to be accurate.

(6) The decision of the District Court for the Central District of California to enjoin temporarily the granting of leases for OCS tracts objected to by the State of California demonstrates that the NPR is erroneous. Therefore, the NPR should be withdrawn and a broader definition, consistent with the court's position, promulgated.

Response: The granting of a preliminary injunction is not a decision on the merits, and therefore the court's decision is not conclusive. NOAA continues to support the definition offered in the NPR.

(7) Preventing consistency review of federal planning activities is bad policy because it could force the states to object to projects after considerable time and money had been invested by private and government entities thereby increasing conflicts, litigation, and wasteful expenditures.

Response: Planning is the process of arriving at a definite proposal for implementation. NOAA has determined that consistency was not intended to apply to federal planning processes that in and of themselves do not result in any physical alteration in the coastal zone. Consistency review during planning is not meaningful because specifications and alternatives are not fully developed and impacts are generally speculative.

In addition, NOAA does not accept the view that the proposed rules will necessarily increase conflicts, costs, and litigation. Clarifying the application of Section 307(c)(1) to federal activities will increase certainty and reduce conflicts because all interested parties will be on notice as to the scope of that section. The oil and gas industry, which could be expected to oppose any proposal that would lead to increased costs, has expressed unanimous and vigorous support for the proposed rules. Furthermore, Section 930.37(e) allows federal agencies the discretion to submit for early state review decisions affecting activities when these activities may influence events that lead to physical alterations in the coastal zone.

(8) The proposed exemption of OCS preleasing activities is contrary to the objectives of the CZMA, to encourage cooperation among federal, state, and local governments in the management of coastal resources, and is contrary to the Administration's policy of encouraging state and local participation in federal decisions that affect state and local interests.

Response: The Administration fully supports increased state and local participation in federal decisions that affect coastal resources. However, this policy must be balanced with the need to move expeditiously to develop the nation's domestic energy resources. The proposed rules do not prevent a state from exercising consistency review with respect to those OCS development activities that will actually result in coastal zone impacts. They only prevent a state from exercising consistency review over federal activities at a premature and inappropriate stage in the federal decision process.

Section 19 of the OCS Lands Act establishes an alternate framework within which states and local governments may participate in DOI lease sale decisions. This provision allows the Governor of any affected state or executive of any affected local government in such a state to submit recommendations to the Secretary of DOI regarding the size, timing, or location of a proposed lease sale. The Secretary may accept these recommendations if he determines that they provide for a reasonable balance between the national interest and the well-being of the citizens of the affected state. Therefore, state and local governments are provided ample opportunity to participate in federal OCS leasing decisions.

(9) OCS preleasing activities "directly affect" the coastal zone because in large measure they determine the location and nature of OCS impacts and therefore NOAA should adopt a "chain of events" definition of that term.

Response: NOAA does not dispute that OCS leasing may influence or determine to some degree future coastal development patterns. However, to the extent that preleasing does not require the lessee to engage in impact-producing activity, the preleasing process does not result in physical alterations of the coastal zone. Therefore, in general, OCS preleasing does not "directly affect" the coastal zone. To adopt a "chain of events" definition is to ignore that subsequent development activities that may produce actual coastal impacts are subject to DOI control and state review for consistency.

(10) Compliance with E.O. 12291 was improperly waived.

Response: Compliance with E.O. 12291 is subject to the discretion of the Director of the Office of Management and Budget. The requirements of E.O. 12291 were waived for the reasons stated in Section V below.

(11) The proposed weakening of the federal consistency provisions would reduce the incentive for participation in the national coastal zone management program and is part of an Administration effort to undermine the Coastal Zone Management Act, reflected by the reductions in available funding.

Response: The Administration fully supports the principle established by the CZMA that states are the proper entities to manage comprehensively the nation's coastal resources. However, after several years of federal financial support it is appropriate for states to assume a greater share of the costs of this program. The primary incentive for participation in this voluntary program is the enhanced management of each individual state's coastal resources. The proposed rules do not diminish the responsibility of each state to manage its coastline and will not reduce the control states have over impact-producing federal activities. Therefore, NOAA disagree that this regulation will reduce the incentives for states to maintain effective coastal management programs.

V. Regulatory Analysis

NOAA has determined that this final rule is a "major rule" as defined in Section 1 of Executive Order 12291. However, due to the extensive review, analysis and consultation that have already been conducted, the consideration of comments received from the states and other interested parties in response to the issue paper distributed by NOAA on February 27, 1981, and the judgment by NOAA and OMB that these proposed regulations adhere to the General Requirements of Executive Order 12291, the Director of the Office of Management and Budget, under the authority of Section 6(a)(4), has waived the requirements of Section 3 of Executive Order 12291.

Pursuant to Section 4 of Executive Order 12291, NOAA has determined that this final regulation is clearly within the authority delegated by law and is consistent with Congressional intent. This rule is compatible with the plain meaning of the term "directly affecting the coastal zone" found in Section 307(c)(1) of the CZMA and is authorized by Section 317 of the CZMA. Also, NOAA's interpretation is in harmony with the legislative history accompanying the CZMA of 1972 and the subsequent 1976 amendments; the 1980 CZMA amendments were not intended to alter earlier Congressional intent.

Neither the Regulatory Flexibility Act nor the Paperwork Reduction Act apply to these regulations. These regulations define actions required to be taken by federal agencies and have no impact on small entities. The Regulatory Flexibility Act provisions therefore do not apply. The regulations impose no additional paperwork or recordkeeping requirements and therefore the provisions of the Paperwork Reduction Act do not apply.

Dated: June 29, 1981.

Robert W. Knecht,

Acting Assistant Administrator for Coastal Zone Management.

Accordingly, 15 CFR Part 930, subparts C, D and E are amended as follows:

§§ 930.32 and 930.33 [Redesignated as §§ 930.34 and 930.35]

1. Redesignate §§ 930.32 and 930.33 as §§ 930.34 and 930.35 respectively and add the following new §§ 930.32 and 930.33.

§ 930.32 Directly affecting the coastal zone.

The term "federal activity directly affecting the coastal zone" means that the conduct of the federal activity itself produces an identifiable physical alteration in the coastal zone or that the federal activity initiates a chain of events reasonably certain to result in such alteration without further required agency approval.

§ 930.33 Direct effect and direct coastal zone effect.

The terms "direct effect" and "direct coastal zone effect" of a federal activity both mean an identifiable physical alteration in the coastal zone produced by the conduct of the federal activity itself or by a chain of events, initiated by the federal activity, which is reasonably certain to result in such alterations without further required agency approval. Direct effects of federal planning decisions or decisions made in stages based upon developing information gathered by the agency in the normal course of decisionmaking, do not include those effects of the activity being planned which are identified by the federal agency as uncertain, speculative, remote or subject to further required agency approval.

(Comment. Examples of federal activities directly affecting the coastal zone include: (i) construction of a facility on federal land which causes turbidity in the coastal zone; (ii) a Corps of Engineers maintenance dredging program in the coastal zone. (iii) acquisition of land which is part of the coastal zone or enlargment of the coastal zone by disposal of federal lands when the acquisition or disposal action includes a condition requiring an identifiable physical alteration of the land, and (iv) a development project within the coastal zone. Examples of activities which are not federal activities directly affecting the coastal zone include: (i) the issuance of programmatic regulations which govern the application for and the award of licenses, permits or financial assistance to the extent that the regulations in and of themselves do not require a physical alteration in the coastal zone; (ii) the relinquishment of land by a federal agency to the General Services Administration (GSA) for disposition of the disposal of such land as surplus when the disposal action itself has no condition which would require an identifiable physical alteration of the land; (iii) Outer Continental Shelf oil and gas pre-leasing and leasing activities undertaken by the Department of the Interior in the normal course of decisionmaking and lease award to the extent that any of these activities do not in and of themselves require a physical alteration in the coastal zone; and, (iv) promulgation of a general, long-term management plan for a national park or national forest to the extent that the plan contains no specific final details of construction, operational activities or facilities which would produce an identifiable physical alteration in the coastal zone.)

§§ 930.34 through 930.44 [Redesignated as §§ 930.36 through 930.46]

2. Redesignate existing §§ 930.34 through 930.44 as §§930.36 through 930.46, respectively.

§ 930.36 [Amended]

3. In the renumbered § 930.36(b) delete the first two sentences and add the following:

(b) Federal agencies shall make findings as to whether or not their activities directly affect the coastal zone. Federal agencies shall provide state agencies with a consistency determination for each activity found by the federal agency to be a federal activity directly affecting the coastal zone. A consistency determination should be prepared following development of sufficient information to determine reasonably the consistency of the activity with the state's management program.

§ 930.37 [Amended]

4. In renumbered § 930.37 add the following new paragraph (e) to read as follows:

(e) Federal agencies may find that some of their planning activities or

activities conducted in stages based upon developing information gathered by the agency in the normal course of decisionmaking, do not directly affect the coastal zone and thus are not required to be consistent with state management programs. Yet, such activities may influence or structure subsequent federal activities, or subsequent activities subject to federal licenses, permits or assistance, which are likely to be required to be consistent. In such cases, federal agencies may provide the state agency with information concerning such subsequent activities, their associated facilities and the coastal zone effects of the subsequent activities and their associated facilities, and may seek the views of the state agency as to the consistency of such subsequent activities. This consultation may take place in a manner and at such stage(s) in the planning of such activities as the federal agency chooses.

§ 930.39 [Amended]

5. Renumbered § 930.39(b) is amended as follows:

(a) Delete the word "cumulatively" in the first sentence.

(b) Insert the words "the federal agency finds that" after the words "may only be used in situations where" in the second sentence.

(c) Delete the words "do not directly affect" in § 930.39(b) in the second sentence and insert the words "individually have insignificant effects on".

§ 930.40 [Amended]

6. In renumbered § 930.40(a), in the first sentence insert the words "which directly affect the coastal zone and" before the words "which are governed".

§ 930.41 [Amended]

7. In renumbered § 930.41(a), third sentence, delete the words "and their coastal zone effects" and insert the words "the direct coastal zone effects of the activity and its associated facilities."

8. Renumbered § 930.41(b) is amended as follows:

(a) Delete the words "wetlands, beach access impacts" in the second sentence and insert the words "filling wetlands, increasing turbidity, etc."

(b) Delete the word "within" in the third sentence and insert the words "along with".

[FR Doc. 81-20022 Filed 7-7-81; 8:45 a.m.]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records; Exemptions

AGENCY: Department of the Army.

ACTION: Final rule.

SUMMARY: The Department of the Army is adopting exemptions pertaining to system of records A0709.03DAPE entitled US Military Academy Personnel Cadet Records.

EFFECTIVE DATE: This final rule is effective July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Department of the Army, The Adjutant General's Office, Washington, DC 20314; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: In FR Doc 81-18709 (46 FR 28446), May 27, 1981, the Army proposed to reidentify and retitle exemption rule applying to system of records A0709.03DAPE concerning US Military Academy Personnel Cadet Records. In that no substantive comments were received, the amendments set forth below are adopted.

§ 505.9 of 32 CFR is amended by deleting Exempted Record Systems A0709.03aDAPE and A0709.03bDAPE, and by adding the following Exempted Record System:

§ 505.9 Exemption rules for Army systems of records.

* * * * *

(b)* * *

Exempted Record System

(Specific Exemptions)

ID—A0709.03DAPE.

SYSTEM NAME—U.S. Military Academy Personnel Cadet Records.

EXEMPTION—All portions of this system of records which fall within 5 U.S.C. 552a(k) (5) or (7) are exempt from the following provisions of Title 5 U.S.C. section 552a: (d).

AUTHORITY—5 U.S.C. 552a(k)(5) and (7).

REASONS—It is imperative that the confidential nature of evaluation and investigatory material on candidates, cadets, and graduates, furnished to the United States Military Academy under promise of confidentiality be maintained to insure the candid presentation of information necessary in determinations involving admission to the Military Academy and suitability for commissioned service and future promotion.

* * * * *

July 2, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-20024 Filed 7-7-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction to final rule.

SUMMARY: On June 17, 1981, the National Park Service published final rules for the National Park System units in Alaska (46 FR 31836). A word was inadvertently omitted from § 13.13 of those rules. This notice corrects that omission.

EFFECTIVE DATE: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: John Cook, Alaska Regional Director, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501, Telephone: (907) 271-4196.

SUPPLEMENTARY INFORMATION: Final rules for National Park System units in Alaska were published on June 17, 1981. In § 13.13(f) (46 FR 31856) the word "or" was omitted. Section 13.13(f) should read as follows:

§ 13.13 [Amended]

* * * * *

(f) The use of a helicopter in any park area, other than at designated landing areas (see Subpart C regulations for each park area) or pursuant to the terms and conditions of a permit issued by the Superintendent, is prohibited.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-19088 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1861-1]

Approval and Promulgation of Implementation Plans; South Carolina: Revisions in Emergency Episode Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency today approves changes which South Carolina has made in its air pollution emergency episode plan to make it compatible with the present National Ambient Air Quality Standards for ozone and to satisfy EPA requirements. This action will be effective on September 8, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective on September 8, 1981.

ADDRESSES: Copies of the material submitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Air Programs Branch, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Denise Pack, Air Programs Branch, EPA Region IV, 345 Courtland Street, Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On September 10, 1980, South Carolina submitted for EPA's approval changes it had made in its emergency episode plan (Regulation 62.3) to make it compatible with the National Ambient Air Quality Standards for Ozone promulgated by EPA on February 8, 1979 (44 FR 8220) and now set forth at 40 CFR 50.9.

The term "oxidants" is changed to "ozone" throughout. The "watch," "alert," and "emergency" levels for ozone apply everywhere and not just in the Metropolitan Charolotte Air Quality Control Region (AQCR). It should be noted that the South Carolina "watch" and "alert" levels correspond respectively to the "alert" and "warning" levels of 40 CFR Part 51, Appendix L. The "watch" level for ozone is changed from 200 $\mu g/m^3$ to 400 $\mu g/m^3$.

Sources in nonattainment counties emitting 100 tons per year of volatile organic compounds (VOCs) are being required by South Carolina to submit written plans explaining how emissions will be curtailed during the different stages of an emergency episode. Additional categories of VOC sources are specified in the emission reduction provisions for each level.

EPA is approving these changes in the South Carolina Emergency Episode Regulations since they meet EPA's requirements for State implementation plans. This is being done without prior proposal because the changes are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it would have no significant economic impact.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan of the State of South Carolina was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart PP—South Carolina

In § 52.2120, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(14) Revisions in emergency episode plan, submitted on September 10, 1980, by the South Carolina Department of Health and Environmental Control.

[FR Doc. 19844 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW-3-FRL-1856-8]

Hazardous Waste Management Program; Phase I Interim Authorization for Maryland

AGENCY: Region III, Environmental Protection Agency.

ACTION: Authorization of State hazardous waste programs.

SUMMARY: The State of Maryland has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Maryland to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Allen, Chief, Hazardous Materials, Toxics & Pesticides Branch, U.S. EPA, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597-0980.

SUPPLEMENTAL INFORMATION:

I. Introduction.

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA) requires EPA to establish a comprehensive Federal program to assure the safe management

of hazardous waste. Once a Federal program is established, EPA is authorized under Section 3006 of RCRA to approve State hazardous waste programs to operate in lieu of the Federal program in their jurisdictions.

Two types of State program approvals are authorized under RCRA. The first, "final authorization", is a permanent approval which may be granted to States whose programs are "equivalent" to and "consistent" with the Federal program and provide adequate enforcement. The second, "interim authorization", is a temporary approval for States which cannot meet the requirements of final authorization but whose programs are "substantially equivalent" to the Federal program. RCRA contemplates that States receiving interim authorization will use the interim authorization period to make the changes in their regulations and statutes necessary to qualify for final authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing State hazardous waste programs under Section 3006 (40 CFR Part 123). These guidelines set forth the requirements for interim authorization and the procedures which EPA will follow in acting on State applications for interim authorization. They also provide that EPA will grant interim authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal Program. The State of Maryland submitted its final application for Phase I interim authorization on November 18, 1980. A notice of public comment period and public hearing was published in the State's major newspapers and was sent to those persons on the State and EPA mailing list at least 30 days prior to the hearing. A **Federal Register** notice announcing the public comment period and the public hearing was published on December 4, 1980 (45 FR 80318) and the public hearing was held on January 8, 1981. The comment period was held open until January 23, 1981.

II. Major Issues.

A. Concerns of the Environmental Protection Agency

The State of Maryland submitted its final application for Phase I interim authorization on November 18, 1980. After reviewing it, EPA identified several areas of concern, namely:

1. Authorization Plan (AP)

The State made no provisions for addressing Federal regulatory changes.

A revision to the AP provided for a semiannual review of EPA's regulations for consideration by the State. The State also added the following provision to its Memorandum of Agreement. "Any provisions of the State's program which require revision because of a modification to 40 CFR Parts 122, 123, 124, 261, 262, 263, 264, 265 or 266 shall be so revised within one year of the date of promulgation of such regulation, unless the State must amend or enact a statute in order to make the required revision in which case such revision shall take place within two (2) years."

The State did not clearly require interstate transporters to comply with cleanup procedures for discharges occurring within Maryland's borders.

Maryland's Attorney General considers COMAR 10.51.01–10 (which includes requirements for cleanup procedures) to apply to interstate transporters. Furthermore, the revised AP explains the State's intentions to clarify this issue with a regulatory amendment.

The State's regulations do not require Maryland generators to notify States where hazardous wastes may have been delivered, when manifests are not returned from the designated facility to the generator.

The State intends to amend its regulations to require generators to contact States where shipments may have been delivered if a manifest is not returned to the generator within a reasonable period of time. Until this regulation change becomes effective, Maryland has agreed, in the MOA, to contact such States itself.

2. Memorandum of Agreement (MOA)

In the development of Maryland's emergency regulations, several problems were identified by EPA regarding organization, content and printing.

The revised MOA explains Maryland's intention to base COMAR 10.51.01–10 on the Federal hazardous waste regulations and commits the State to making necessary corrections as soon as practicable. The State also submitted typographical corrections of COMAR 10.51.01–10 to the *Maryland Register* which were published on May 1, 1981. Additionally, proposed modifications to COMAR 10.51.01–10, to be published in the *Maryland Register*, will address the remaining problem areas identified by EPA.

3. Attorney General's Statement (AGS)

Maryland's inspection power for generators and interstate transporters of hazardous waste might be uncertain in rare instances and EPA encouraged strengthening these powers.

The Attorney General's office has stated that Maryland will draw upon Federal inspection power granted under Section 3007(a) of RCRA, to the extent permitted by law. The State has also agreed in the MOA to notify EPA of any case where entry is denied during an attempt by the State to conduct a compliance inspection, and to voluntarily return the program to EPA if requested to do so.

B. Response to Public Comment

Ten comments were received, six at the hearing and four in writing. Four commentors favored granting Phase I interim authorization, three favored authorization with reservations about specific conditions, and three neither supported nor opposed authorization. All comments received during the comment period have been reviewed and considered.

Two commentors were concerned about the State making timely changes to their hazardous waste program as EPA continues to amend its May 19, 1980 hazardous waste regulations. Their concerns focused on the fact that some of EPA's amendments reduced program requirements for the regulated community, yet the State's regulations did not. One of those commentors was also concerned about being responsible to both EPA and the State who might have different program requirements.

As stated in the revised Memorandum of Agreement, Maryland has committed to adopting Federal regulation changes when necessary within one year, or two years if statutory amendments are needed. Until the appropriate Federal regulation changes are incorporated into the regulations of an authorized State, the State program requirements remain solely effective. According to 40 CFR 123.121(g), a State program may be more stringent than the Federal program and therefore relaxations in the Federal program need not be adopted by the State. Once the State receives Phase I interim authorization, Maryland's program will operate *in lieu* of the Federal program, and any EPA regulation changes in Phase I will not immediately or directly affect Maryland's program or its regulated community.

The State of Maryland will propose its first set of regulatory amendments this summer in response to Federal regulatory amendments promulgated on or before January 16, 1981.

One commentor voiced concern over the existence of two sets of hazardous waste regulations concurrently effective in Maryland, their original program regulations COMAR 08.05.05 and their emergency regulations COMAR 10.51.01–10.

Maryland proposed to repeal the majority of COMAR 08.05.05 in the May 29, 1981 *Maryland Register*. Maryland did not, however, repeal two sections of COMAR 08.05.05 since these provisions are beyond the scope of the Federal hazardous waste program, and are program components which Maryland desired to retain. Specifically, COMAR 08.05.05.06 A(3) requires permits for closed facilities and COMAR 08.05.05.14 requires certification of transporters. The Attorney General has stated that COMAR 10.51.01–10 supersedes COMAR 08.05.05 until the repeal of COMAR 08.05.05 becomes effective.

III. Decision

EPA has reviewed the State of Maryland's complete application for Phase I interim authorization and determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123. In accordance with Section 3006(c) of RCRA, the State of Maryland is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Maryland will be subjected to the State of Maryland's hazardous waste management program in lieu of the Phase I Federal hazardous waste management program (40 CFR Parts 260–263 and 265) and will not again be subject to the Phase I Federal program unless (1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations or (2) authorization is withdrawn for cause by EPA.

IV. Compliance with Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major rules." A "major rule" is defined as:

> Any regulation that is likely to result in (1) An annual effect on the economy of $100 million or more (2) A major increase in costs or price for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve Maryland's Phase I hazardous waste program is not a major rule because its effect is to suspend the applicability of certain Federal regulations in the State of Maryland. In the absence of this decision, persons handling hazardous waste in Maryland would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Maryland hazardous waste management regulations. For these reasons, it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major rule."

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

V. Authority.

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. sections 6912(a), 6926 and 6974.

Dated: June 29, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-20000 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6093]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby, certifies

that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management thus placing itself in non-compliance of the federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Texas: Fort Bend	Houston, city of	480296B	Sept. 14, 1973, emergency, Dec. 11, 1979, regular, July 9, 1981, suspended.	Apr. 6, 1977, Dec. 11, 1979	July 9, 1981.
Missouri: Jackson	Unincorporated areas	290492A	June 19, 1974, emergency, Sept. 29, 1978, regular, July 9, 1981, suspended.	Sept. 29, 1978	Do.
Alabama: Limestone	Unincorporated areas	0103078	Sept. 2, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	March 18, 1977	July 16, 1981.
Arkansas: Jefferson	Pine Bluff, city of	050109A	Aug. 13, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Feb. 18, 1977	Do.
Connecticut:					
New Haven	Cheshire, town of	090074B	Mar. 13, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Apr. 5, 1974, June 21, 1977	Do.
Hartford	Southington, town of	090037B	July 3, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	May 10, 1974, Oct. 8, 1976	Do.
Illinois:					
McHenry	Richmond, village of	170484B	May 9, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Apr. 5, 1974, Apr. 9, 1976	Do.
Cook	South Barrington, village of	170161C	Aug. 1, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Mar. 22, 1974, May 28, 1976, May 19, 1978.	Do.
Kane	South Elgin, village of	170332C	June 13, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Apr. 5, 1974, Apr. 23, 1976, July 7, 1978.	Do.
Will	Wilmington, city of	170715B	Aug. 7, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Apr. 12, 1974, Sept. 17, 1976	Do.
Indiana:					
Howard	Unincorporated areas	180414B	Mar. 6, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	July 29, 1977	Do.
Cass	Logansport, city of	180023B	May 1, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Feb. 1, 1974, June 11, 1976	Do.
Iowa:					
Dubuque	Durango, city of	190119B	Apr. 10, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Oct. 17, 1978	Do.
Shelby	Irwin, city of	190249A	May 1, 1975, emergency, July 16, 1981, regular, July 16, 1981.	Dec. 20, 1974	Do.
Kentucky:					
Bourbon	Unincorporated areas	210271B	July 31, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 24, 1977	Do.
Greenup	Fishwoods, city of	210067B	May 6, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Feb. 1, 1974, Feb. 27, 1976	Do.
Louisiana: Calcasieu	Vinton, town of	220042B	Feb. 6, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	May 24, 1974, May 21, 1976	Do.
Maryland: Harford	Aberdeen, town of	240041B	May 22, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Dec. 6, 1974, June 25, 1976	Do.
Michigan: Ingham	Delhi, charter township of	260088B	Sept. 15, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	July 26, 1974, July 16, 1976	Do.
New York: Niagara	Wheatfield, town of	360513B	July 5, 1973, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan. 16, 1974, July 30, 1976	Do.
North Carolina:					
Randolph	Archdale, city of	370273B	May 27, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 10, 1977	Do.
Do	Asheboro, city of	370196B	June 12, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 13, 1974, Oct. 15, 1976	Do.
Do	Unincorporated areas	370195B	Feb. 3, 1976, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan. 3, 1975, Aug. 16, 1976	Do.
Pennsylvania:					
Washington	Allenport, borough of	420645B	Mar. 10, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 21, 1974, May 28, 1976	Do.
Delaware	Aston, township of	421602B	Apr. 21, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Oct. 25, 1974, June 18, 1976	Do.
Luzerne	Avoca, borough of	420597B	Mar. 7, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	July 19, 1974, June 4, 1976	Do.
Fayette	Belle Vernon, borough of	420457B	July 19, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan. 16, 1974, May 21, 1976	Do.
Allegheny	Ben Avon, borough of	420010B	June 2, 1976, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Dec. 28, 1973, June 4, 1976	Do.
Washington	Charleroi, borough of	420650B	Oct. 4, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan. 23, 1974, May 7, 1976	Do.
Adams	East Berlin, borough of	420001B	Nov. 17, 1972, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Mar. 9, 1973, Oct. 22, 1976	Do.
Washington	East Bethlehem, township of	422140B	Mar. 18, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Aug. 12, 1977	Do.
Chester	East Marlborough, township of	421480A	Mar. 28, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan. 24, 1975	Do.
Beaver	East Rochester, borough of	420106B	Aug. 8, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Feb. 1, 1974, Apr. 16, 1976	Do.
Washington	Eldo, borough of	420652A	Oct. 30, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Nov. 22, 1974	Do.
Allegheny	Elizabeth, borough of	421263B	Apr. 7, 1976, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan. 9, 1974, Apr. 16, 1976	Do.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Do	Green Tree, borough of	420040B	June 27, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 21, 1974, May 14, 1976	Do.
Mercer	Greenville, borough of	420674B	Aug. 23, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Aug. 23, 1974, Aug. 27, 1976	Do.
Chester	Kennett Square, borough of	420280C	Apr. 21, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Dec. 28, 1973, May 21, 1976, Nov. 12, 1976.	Do.
Westmoreland	Monessen, city of	420887B	Dec. 5, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 21, 1974, June 18, 1976	Do.
Washington	North Charleroi, borough of	422137A	Dec. 13, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Nov. 1, 1974	Do.
Greene	Rices Landing, borough of	420479B	Dec. 16, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Nov. 8, 1974, July 9, 1976	Do.
Washington	Speers, borough of	422138A	Nov. 29, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Nov. 1, 1974	Do.
Do	Stockdale, borough of	420859B	Sept. 13, 1974, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 14, 1974, May 7, 1976	Do.
Adams	Straban, township of	421259B	Jan. 13, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan 3, 1975, Oct 24, 1975	Do.
Lancaster	Mountville, borough of	420560B	Aug. 5, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	July 19, 1974, May 7, 1976	Do.
South Carolina:					
Spartanburg	Landrum, town of	450215A	Nov. 24, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	Jan 8, 1974	Do.
Union	Union, city of	450186C	June 19, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 28, 1974, May 14, 1976, Dec 24, 1976	Do
Wisconsin:					
Outagamie	Kaukauna, city of	550305C	July 22, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	June 28, 1974, Nov 7, 1975, Feb 13, 1976	Do.
Do	Shiocton, village of	550309B	June 10, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended.	May 31, 1974, July 23, 1976	Do.

[1] Certain Federal assistance no longer available in special flood hazard area

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968): effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended. (42 U.S.C. 4001–4128): Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19795 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6095]

List of Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater then that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State and county	Community name	Date of conversion to regular program
Maine: Sagadahoc	Town of West Bath	Aug. 21, 1981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19809 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 130
Wednesday, July 8, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1011

[Docket No. AO-251-A22]

Milk in the Tennessee Valley Marketing Area; Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends several changes in the Tennessee Valley Federal milk order. The changes related basically to the performance standards that determine which distribution plants and supply plants qualify under the order as fully regulated pool plants. Other changes pertain to those provisions that determine which persons shall be defined as handlers and producers under the order. The proposed changes, which are based on a public hearing held in March 1980, are necessary to reflect current marketing conditions and to maintain orderly conditions for the marketing of milk in the area.

DATE: Comments are due on or before July 30, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Tennessee Valley Order

Notice of Hearing: Issued February 11, 1980; published February 14, 1980 (45 FR 9942).

Correction: Published February 21, 1980 (45 11503).

Notice of Rescheduled Hearing: Issued February 28, 1980; published March 5, 1980 (45 FR 14218).

Tennessee Valley Order (Reopening) and 28 Other Orders

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tennessee Valley marketing area.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900). Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, by July 29, 1981. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Knoxville, Tennessee, on March 20-21, 1980. Notice of such hearing was issued February 11, 1980 (45 FR 9942), and a notice rescheduling the hearing was issued February 28, 1980 (45 FR 14218).

On August 12-14, 1980, pursuant to notices issued July 10, 1980 (45 FR 47432) and July 21, 1980 (45 FR 49584), a hearing was held to consider proposed changes in the procedure for announcing Class II prices under 29 Federal milk orders, including the Tennessee Valley order. That hearing constituted a reopening of the Tennessee Valley hearing that had been held on March 20-21, 1980, pursuant to notices issued February 11, 1980 (45 FR 9942), and February 28, 1980 (45 FR 14218). The issue concerning Class II price announcement procedures considered at the reopened hearing is being dealt with separately from the issues involved in this decision. A recommended decision on the Class II price announcement procedure was issued February 11, 1981 (46 FR 12709).

The material issues on the record of the hearing relate to:

1. Definition of "handler."
2. Performance standards for full regulation of plants and handlers.
   (a) Class I utilization standards.
   (b) Seasonal variations in production and Class I utilization.
   (c) Performance standards for proprietary bulk tank handlers.
   (d) Performance standards for supply plants.
   (e) Performance standards for distributing plants.
3. Definition of "producer milk."
   (a) Producer eligibility for diversion to nonpool plants.
   (b) Other changes in diversion provisions.
4. Seasonal pricing of surplus milk.
5. Conforming changes.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Background Information [1]

The Tennessee Valley order resulted from a merger of the Appalachian, Chattanooga and Knoxville Federal milk marketing orders. It became effective on October 1, 1976. At that time there were no supply plants on the market.

[1] Official notice is taken of the Deputy Assistant Secretary's decision issued April 23, 1979 (44 FR 24563).

In September of 1977, a supply plant operated by Kraft, Inc., at Greeneville, Tennessee, became a pool plant. At that time Kraft's total supply of producer milk under the order was received at its supply plant and transferred about 80 miles to another handler's pool distributing plant in Knoxville, A number of the producers' farms were located between Greeneville and Knoxville, and some of them were closer to the Knoxville distributing plant than to the Greeneville supply plant. Under order provisions then in effect, such milk nevertheless had to be hauled to the Greeneville supply plant and then be transferred to the Knoxville plant in order for Kraft to be the handler. If the milk moved from such farms directly to the Knoxville plant, Kraft could not be the accountable handler under the order.

Because of this situation, Kraft proposed in mid-1978 that the order be amended to allow a supply plant operator to include milk delivered directly from producers' farms to pool distributing plants as qualifying shipments from such plant. Kraft contended that this change was needed to reduce plant handling and transportation costs for milk pooled by its supply plant.

Dairymen, Inc. (DI), a dairy farmer cooperative whose members supply more than 85 percent of the producer milk on the market, opposed the adoption of the Kraft proposals. The cooperative contended that marketing conditions did not warrant the order changes proposed by Kraft. DI maintained that adoption of the proposals would merely make it easier for Kraft to pool a Grade A milk supply for its nonpool cheese manufacturing plant, which is located on the same premises as the handler's Grade A supply plant. Kraft's Grade A milk supplies in excess of the needs of the Knoxville distributing plant are used to produce cheese at such plant.

On the basis of the hearing, the Department amended the order to provide that a supply plant could qualify as a pool plant on the basis of transfers and diversions from such plant to pool distributing plants. However, diversions could account for no more than one-half of the required shipments. This change allowed Kraft to move milk produced on farms near Knoxville directly to the distributing plant and count such deliveries as qualifying shipments for the supply plant. Soon after the amended order became effective, the cooperative asked the Department to hold another hearing to consider further related amendments to the order.

The proposals considered in this proceeding were submitted by DI. The association's spokesman indicated that the primary purpose of these proposals was to obtain order provisions that would require milk to be more closely associated with the Class I needs of the Tennessee Valley market in order to participate in the marketwide pool. DI contended that since the Agricultural Marketing Agreement Act of 1937 does not specify anything about the grade of milk to be covered by marketing agreements or orders, the Secretary clearly could have included all milk under the Federal order regulatory system. Instead, the Secretary narrowed the focus to only that milk that is suitable for human consumption in fluid form.

The cooperative asserted that throughout the operation of the Federal order program the Secretary has utilized classified pricing primarily for the purpose of obtaining a supply of milk for fluid use. In support of this position, DI pointed to the Department's widely circulated informational brochure entitled "Questions and Answers on Federal Milk Marketing Orders," noting specifically the following quote: "Federal orders are primarily instruments for stabilizing marketing conditions for 'fluid milk' and, for this reason, they apply to milk which is produced under sanitary inspection for sale in fluid form. Such milk is often known as Grade A or milk eligible for fluid use * * *"

DI contended that this statement clearly establishes that Federal milk marketing orders are designed primarily to regulate milk for fluid use. The cooperative this concluded that standards of performance must be established to distinguish between those milk supplies that are primarily associated with the fluid needs of a regulated area and those supplies that do not serve the fluid market to a degree that warrants their sharing in the market's higher priced Class I utilization.

DI insisted that dairy farmers only casually or incidentally associated with the fluid market should not share in the Class I sales of plants serving the marketing area. In the cooperative's view, permitting such dairy farmers to participate in the marketwide pool does not assure that their milk will be available when needed for Class I use: DI stressed that pooling such milk is contrary to the objectives of the Act and reduces the blend price of other Grade A producers who are serving the fluid market.

According to the cooperative, pooling standards should not be so high that they force uneconomic movements of milk normally associated with the market solely for the purpose of qulifying the milk for pooling. At the same time, however, DI called for an appropriate minimum standard to avoid the possibility that milk will share in the market's Class I use even though it is not available to fluid outlets when it is needed there. The cooperative maintained that the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the regulated market's fluid needs and those that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market also is essential to the operation of a marketwide pool. Based on these philosophies, DI submitted the pooling proposals considered in this proceeding.

Kraft's position as presented in its brief was that the DI proposals would erect barriers to pool participation by supply plants and producers who are not members of a cooperative association. In this regard, the handler alleges that the cooperative would prefer to use the Federal order as a means of eliminating alternative milk supplies.

In the brief, Kraft took the position that the order provisions should be such that milk supplies attracted to the regulated area can be marketed in an orderly manner. It was the handler's viewpoint that sharing the burden of surplus milk production, in the form of a lower uniform price, is as much a part of the Federal order program as is the sharing of higher price returns from Class I milk.

Kraft also held that Grade A milk supplies that are both eligible and available for the fluid market should be pooled. In the handler's view, Congress authorized for all milk to participate in the marketwide pool to avoid the disruptive results of surplus milk competing for a fluid outlet. According to Kraft's brief, the result should be an equitable and orderly distribution of the total dollar value of all milk sold in the market among the producers supplying the market.

Kraft noted that in the eastern Tennessee area there are many dairy farmers whose production now is ineligible for fluid milk uses. At the time of the hearing Kraft's cheese plant in Greeneville was receiving non-Grade A milk from about 230 such dairy farms. According to Kraft, some of this milk sooner or later will convert to Grade A, and such milk should be able to participate in the order's marketwide pool with less demonstration of market

association than was proposed by the cooperative.

These basic differences in pooling philosophies are an underlying factor in the consideration of the issues in this proceeding.

1. Definition of "handler." The order should be amended to provide that under certain conditions a proprietary operator of a nonpool manufacturing plant may be a "handler" with respect to milk that it moves directly from producers' farms to pool plants operated by other handlers. The arrangement would be similar to that now provided for a cooperative bulk tank handler. Such handler should be identified as a "proprietary bulk tank handler."

Dairymen, Inc., (DI) proposed that a "supply unit" definition be included in the order to facilitate the efficient handling of bulk tank milk. The proposed provision would establish a means whereby a person (other than a cooperative or a pool plant operator) could be the handler on farm bulk tank milk moved directly from the farm to plants. Under DI's proposal, the unit would be defined as a plant and would have both a Class I utilization standards and a requirement to ship a proportion of its receipts to distributing plants for achieving pool status (performance standards are discussed in a separate issue elsewhere in this decision). The operator of a supply unit under DI's proposal could be any person who controls the movement of the milk included in such unit and who also meets certain other conditions. The unit operator would be required to designate the specific dairy farmers and the haulers assigned to pick up the milk of such farmers, which would make up the unit. No other haulers could haul any of the milk, and no other milk could be commingled with the unit's milk. Also, it was proposed that both the unit operator and the pool plant operator must request in writing that such milk be considered as a receipt of producer milk by the unit operator. The cooperative proposed that such designations and requests be made to the market administrator prior to the beginning of the month.

DI testified that these proposed conditions would be necessary to precisely identify the producers and the handler responsible for the producer milk of the unit. Since unit operators would be responsible for paying producers, DI proposed that such persons be required to demonstrate their ability to pay producers. The determination of a supply unit's ability to pay would be made by the market administrator. Proponent claimed that this condition is needed to assure that producers will be paid for their milk.

The supply unit concept was proposed by DI as part of a package of proposals designed to assure that only a supply of milk needed for the fluid market would be pooled. The cooperative contended that the current order is structured in a way that permits milk to be pooled without demonstrating adequate association with the fluid market and proposed a general "tightening" of certain pooling provisions to correct that situation. At the same time, DI proposed several order changes intended to foster the efficient handling and pooling of milk that has demonstrated the degree of association with the fluid market that DI believes is necessary for participation in the benefits of a marketwide pool.

DI indicated that there is no economic reason for milk to be received at a supply plant under market conditions where the milk supply is produced in an area sufficiently near distributing plants to permit direct farm-to-plant delivery. The cooperative maintained that under such conditions it is costly and inefficient to receive, cool and reload milk at a supply plant for delivery to a pool distributing plant. According to DI, the proposed supply unit provisions would allow the delivery of milk from a designated group of producers to pool distributing plants in a manner that would establish the milk's association with the fluid market and maintain its pool status without requiring the operation of a supply plant.

Kraft supported the "supply unit" concept. The handler agreed that such provisions would provide a useful pooling alternative to handlers and producers who are willing and able to serve the Class I needs of the market. However, Kraft contended that marketing conditions did not justify adoption of DI's proposals, but held that adoption of certain parts of the proposals could result in more efficient handling of producer milk. Kraft also expressed the view that the order should be structured to accommodate the efficient and orderly marketing of Grade A milk that is available for the fluid market.

At the hearing and in its brief, Kraft proposed certain modifications to the cooperative's proposed supply unit provisions. Kraft proposd that haulers and producers be identified to the market administrator prior to their participation in the unit, rather than prior to the beginning of the month, as DI proposed. This would allow changes in producers or haulers to be made during the month. Kraft's modifications would not include a Class I utilization standard for pooling a unit's milk, and would not prohibit the commingling of unit milk with other milk.

Kraft's proposed modifications also would not require a supply unit handler that operates a pool or nonpool plant to satisfy the market administrator of the ability to pay producers. However, such plants would have to be located within an area comprised of the marketing area plus the area within 100 miles of the marketing area boundary (no such limitation was included in DI's proposal). Kraft contended that a plant operator is presumed to be financially responsible, and that it would be reasonable to require assurances from supply unit operators who are not plant operators of their ability to properly pay producers.

The record in this proceeding does not indicate that there are any major marketing problems that need to be resolved. The Tennessee Valley market is a relatively high Class I-use market. The fluid market is adequately supplied, and there is no indication that any plants have experienced dificulties in obtaining milk. Nevertheless, under current conditions, some marketing inefficiencies may occur in connection with the operation of a supply plant for supplying milk to a distributing plant.

Both of the major participants in this proceeding seemed to agree that the order should provide a mechanism for Kraft to be a handler on milk delivered to another handler's plant without requiring unnecessary hauling or handling of such milk in the process. The approach taken in this decision provides an appropriate means to achieve this, while at the same time providing assurance that the fluid needs of the market will have first call on available milk supplies.

Conditions in this market are such that most, if not all, of the milk needed for fluid use can be delivered to bottling plants directly from the farm. It is doubtful that any milk needs to move through a supply plant other than for the purpose of establishing which party is the responsible handler under the order. However, under present order provisions, the only means for a person other than a cooperative association to be a "handler" of "producer milk" is to operate a pool plant.

Thus, it is concluded that overall marketing efficiency may benefit from the adoption of certain provisions that will permit a person to be a handler of producer milk without operating a pool plant, while also assuring that such milk will be available for fluid use when it is needed. Conceptually, the proprietary bulk tank handler provisions adopted

herein will accomplish much of the intent of the proponent cooperative's supply unit proposal, i.e., to facilitate the use of efficient methods of transporting and handling milk to qualify the milk for pooling. Thus, a handler will be able to pool milk without having to construct or modify plant facilities merely to have such facilities qualify as a pool supply plant, and without having to inefficiently transport and receive such milk at a supply plant and then transfer the milk to a distributing plant.

The provisions adopted herein follow a different approach than proposed by DI. Under the proposal, a supply unit meeting certain criteria would have been defined as a pool plant, and the operator would be a "handler" on the basis of being the operator of a pool plant. However, defining a supply unit as a plant would be inconsistent with the order's plant definition. The order defines a "plant" as "the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged." The approach proposed by DI would have minimized the changes required to incorporate the supply unit concept into other sections of the order, such as those pertaining to the classification of transfers and diversions and the allocation of receipts to utilization. Nevertheless, the more appropriate means of implementing such concept is through the "handler" definition. This approach also is consistent with the provisions under which a cooperative association may be a handler on bulk tank milk.

The proprietary bulk tank handler provisions adopted herein are similar in many respects to the cooperative association bulk tank handler provisions of the order. Under the "supply unit" proposal, qualifying deliveries by the unit would have to move to distributing plants. However, a cooperative bulk tank handler may pool milk by delivery to the "pool plant" of another handler, and thus deliveries only to distributing plants are not required. Accordingly, the proprietary bulk tank handler provision should provide that shipments to "pool plants" of other handlers will count as qualifying shipments for meeting pooling standards. The actual pooling performance standards are discussed under another issue.

A basic question regarding this issue is which persons should be permitted to be identified as a handler fully subject to the terms and provisions of the order. Although the testimony on this issue contemplated allowing a person that did not operate a plant to be a handler, a proprietary bulk tank handler should be limited to a plant operator. A basic concern is whether a handler is able to make the payments that an order requires to be made to producers. At the hearing there was much discussion of the concept of having the market administrator decide whether a prospective handler would be financially responsible. Questions were raised concerning what type of information might be required, reliability of information, and other administrative problems. Nevertheless, no clear guidelines in this regard were established.

While haulers or others could be handlers, plant operators are more likely to have the financial strength to make required payments to producers. Such persons obviously are directly involved in processing milk, are presumed to be financially responsible, and likely would want to develop a regular, dependable milk supply. Moreover, on the basis of the record in this proceeding, it is desirable that the market administrator not make determinations of financial strength for purposes of determining handler eligibility.

Under the present provisions, there is no need for encompassing a pool plant operator within the proprietary bulk tank handler definition. If a pool plant operator that is not a cooperative wishes to supply milk directly from farms to the pool plant of another handler, the order now provides a means of doing so through the diversion provisions. Moreover, it is reasonable to limit proprietary bulk tank handler status to the operator of a nonpool plant where only manufacturing of milk takes place. The major issue in this proceeding concerns whether a nonpool manufacturing plant should be afforded a means of pooling milk without building facilities otherwise not needed and without hauling milk unnecessarily. There is no need to provide bulk tank handler status to other plant operations.

A further consideration arises as to whether there should be any restrictions on where such a nonpool milk manufacturing plant may be located in order for the operator to be a bulk tank handler. DI's proposal provided no such limitation, while Kraft suggested that such a plant should be within an area comprised of the marketing area plus the area within 100 miles of the nearest edge of the marketing area. The Kraft witness stated that any such defined area should include most of the production area for the Tennessee Valley market.

It is reasonable under the present circumstances that such a nonpool milk manufacturing plant be located within an area that includes the marketing area of the Tennessee Valley order plus all the territory within 100 miles of the marketing area boundary. Such an area includes most of the milkshed for this market. It is from within this area that it is most likely that a handler would want to move milk directly from farms to pool distributing plants. Such milk supplies, when not needed for fluid use on weekends or at other times, then most likely would be moved to a nearby manufacturing plant. Thus, the geographic limitation adopted herein is consistent with the marketing situation that would be expected to exist.

Another important element in defining the new handler provision is control of the movements of the milk to be pooled. As adopted herein, a proprietary bulk tank handler must be the person who controls whether the milk moves from the farm to some particular plant or to a different plant. Such person would decide whether the milk was to be moved to a distributing plant for fluid use, or diverted to a nonpool plant. Requiring the handler to exercise control over milk movements is consistent with the cooperative association bulk tank handler provision.

Also, it is reasonable to require that prior to pooling milk in this manner the proprietary bulk tank handler must submit to the market administrator a statement signed by such handler and the operator of the pool plant where the milk will be received specifying that the proprietary bulk tank handler will be the responsible handler for the milk. This will tend to assure that there is a clear understanding on this matter between the parties involved.

There is no need, however, to require that only the milk of designated producers on specified routes which is picked up only by certain haulers be qualified for pooling. Although both DI and Kraft proposed that the market administrator be notified in advance about the designated producers on a supply unit, the reason was primarily for ease of administration. However, it has not been necessary to require prior notification of the market administrator when the cooperative acts as a bulk tank handler and adds a new producer during the month. There appears to be no reason for treating a proprietary bulk tank handler differently in this regard.

Similarly, one feature of the supply unit proposal would have precluded such an operation from commingling Grade A and non-Grade A milk. However, such a provision need not be considered further since the touch-base requirements adopted elsewhere in this decision are adequate to establish producer association with this market

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and to demonstrate that the milk is available for the fluid needs of the market.

The producer milk picked up in a bulk tank truck on a form route by proprietrary bulk tank handler could be delivered to a pool plant of another handler or it could be diverted to a nonpool plant. The quantities of milk that could be diverted to a nonpool plant by such a handler would vary seasonally. Specific pool performance standards for this type of operation are discussed elsewhere in this decision.

The order recognizes that a pool plant operator may purchase milk from a cooperative bulk tank handler on the basis of farm weights and butterfat samples or weights and samples taken when the milk is received at the plant. When the milk is purchased on the basis of farm weights and samples, the pool plant operator has a Class III shrinkage allowance of 2 percent of the farm weight for the milk lost in handling and processing. In this case, the cooperative has no shrinkage allowance. However, when the pool plant operator purchases the milk on the basis of plant weights and samples the plant operator has a Class III shrinkage allowance of 1.5 percent, while the bulk tank handler has a shrinkage allowance of .5 percent. These same allowances also should be applicable when a pool plant operator receives milk from a proprietary bulk tank handler.

The pool obligation of a pool plant operator on milk purchased from a cooperative bulk tank handler is the same as for producer milk received directly from the farm of an individual producer. The plant operator must account to the pool for this milk according to the classification assigned to the milk based on the plant's utilization. The pool plant operator in turn settles with the cooperative on the basis on the uniform price for the milk.

The accounting and payment procedure should be different, however, when a pool plant operator purchases milk from a proprietary bulk tank handler. In this case, the milk would be the "producer milk" of the bulk tank handler, and it is the bulk tank handler that must account to the pool for it. This should be done by passing back to the bulk tank handler the classification of the milk assigned at the pool plant. Such milk would be classified on the same basis as transfers and diversions between pool plants. The basis of payment for this milk would be negotiated by the two handlers.

The reason for the difference in treatment accorded the proprietary bulk tank handler is that the Act does not provide for the enforcement of payments between proprietary handlers. Accordingly, the proprietary bulk tank handler must be held as the accountable handler for milk delivered to the pool plant of another handler.

A pool plant operator receiving farm bulk tank milk from a cooperative pays the administrative assessment on such milk. However, if a pool plant operator receives milk from a proprietary bulk tank handler, it is the latter who should be held accountable for paying the administrative assessment on such milk. This is because the proprietary bulk tank handler must be the accountable handler for the milk as described above.

2. *Performance standards for full regulation of plants and handlers.* (a) *Class I utilization standards.*—A DI proposal to impose seasonally varying Class I utilization standards for pooling supply unit operations and supply plants should not be adopted.

The current order specifies a Class I utilization standard for pooling distributing plants only. No such standard is specified for pooling other types of plant operators and handlers.

Along with proposing a supply unit as a means for pooling milk, the cooperative also proposed that certain performance standards apply to such operations, and also to supply plants, to determine whether they qualify for pooling. In this regard, DI proposed that to qualify as a pool plant not less than 60 percent in the months of August through November and January and February and 40 percent in the other months of such operations' milk must be assigned to Class I. Shipping requirements for these operations also were proposed with the same percentages, 60 and 40, to apply in the same months as the Class I utilization standards.

DI contended that a Class I utilization standard is needed to assure that the quantity of milk pooled is more closely associated with the market's fluid milk needs, and maintained that the current order provisions, which allow a pool supply plant's monthly Class I utilization to be as low as 25 percent, are inappropriate for the Tennessee Valley market. The cooperative's spokesman expressed the view that the market's average Class I use is too high to justify such a low level of performance when the objective of the order is to assure an adequate supply of milk for Class I purposes. Otherwise, according to DI, milk intended solely for manufacturing uses can be attached to the pool without being available for the fluid market.

DI offered extensive testimony on why the Federal order program should accommodate in the Tennessee Valley area only the pooling of enough milk to meet the market's Class I needs, including reserves to accommodate daily, weekly, and seasonal variations in supply and demand. DI's contention was that this is what the Act contemplates, and that it indeed has been the Department's policy in that regard.

DI testified that its proposed Class I utilization standard is reasonable because it would allow a supply plant or supply unit to have pool status with a Class I utilization 15 percentage points below the market's average Class I use for the lowest month of the short milk production season (August-November and January and February). During the other months, a supply plant or a unit could maintain pool status with a Class I use of 40 percent. DI noted that the 40 percent standard is about 28 percentage points below the market's average Class I use for the lowest month of the flush season. In the cooperative's view, these monthly minimum Class I requirements on supply plants and units, which would vary seasonally, reasonably demonstrate association with the fluid market without being overly restrictive.

Kraft opposed the imposition of Class I utilization requirements for supply units and supply plants. The handler spokesman testified that the current pooling standards for supply plants were found to be reasonable and appropriate based on marketing conditions in the area. The handler maintained that these standards are adequate to insure the availability of milk at distributing plants. It was claimed that this request for more stringent performance requirements on market suppliers apparently was predicated on the market's customarily high Class I utilization. The Kraft spokesman alleged, however, that the proposal comes at a time when the market's Class I utilization during the months of short milk production in 1979 showed a dramatic decline relative to earlier fall periods. The witness claimed that there have been no changes in marketing conditions which would support more stringent performance requirements for supply units and supply plants than those previously found to be appropriate for supply plants.

Kraft also testified that the application of the proposed minimum level of Class I performance to its pool supply plant would be grossly unfair in comparison to the performance level required of the cooperative in qualifying its producer milk for pooling. Kraft stated that a supply plant's performance level would be less burdensome than a cooperative's performance level only in the case of supplying a distributing plant that exceeded 80 percent Class I use in the flush months. To highlight the difference in performance levels, the Kraft witness noted that during the months of short milk production at least 60 percent of the producer milk received at its supply plant at Greeneville would have to be classified in Class I to pool the plant, while the cooperative could pool its members' milk on the basis of as little as 36 percent Class I use.

The record provides no basis for concluding that the pooling standards in this market should be substantially tightened by imposing additional Class I utilization standards. In the three years since the present Tennessee Valley order became effective, there has been no indication that milk supplies are being attached to the market solely for manufacturing uses.

Although there have been a number of changes in marketing conditions over those three years, they have not led to the development of milk supplies that far exceed the market's fluid needs. Nor have plants experienced difficulty obtaining adequate milk for fluid uses. One change has been the entry of a supply plant into the market. Also, during that time the cooperative has shifted producers onto and off the market to rearrange its supply patterns as needed. Most recently, another cooperative has begun to supply milk to a distributing plant. Nevertheless, during this period, marketwide Class I utilization on an annual basis has remained quite stable. Moreover, this has occurred under pooling provisions that would accommodate the pooling of far more milk than has yet been pooled. Market data do not indicate that a Class I standard is needed to insure that the market's Class I needs will continue to be adequately supplied. Since the order merger in 1976, the relationship between the market's Class I utilization and total producer milk has changed only moderately. In 1977, 74 percent of the producer milk was used in Class I compared with 76 percent in 1978 and 75 percent in 1979. Producer milk used in Class I during 1979 was up 3.7 percent from 1977 while receipts from producers were up only 2.2 percent over that same period. Even if the market's Class I utilization in the future declined from recent levels, it would not necessarily mean that fluid milk plants would be unable to attract adequate supplies of milk for fluid use.

The Act provides no basis for concluding that a Federal order should restrict the absolute volume of Grade A milk that is pooled. What is intended is to provide regulations to ensure that the market's fluid milk needs will be met under marketing conditions characterized by orderliness and stability. To that end the order provides certain performance standards for identifying plants and producers who participate in meeting those needs for the market to a degree that warrants being included in the marketwide pool. However, those performance standards should not preclude from pool status additional supplies of milk that may in the future become associated with the fluid milk needs of the Tennessee Valley market.

In connection with its proposal to impose a Class I utilization requirement on supply plants and supply units, DI proposed that milk transferred or diverted from a supply plant or supply unit to a pool plant be classified pro rata to the utilization remaining in each class just before assigning utilization to receipts from other pool plants, to overage, and to receipts from producers and cooperative association handlers. This was intended to assure that each such supplier would be assigned a fair share of the plant's Class I use, which would be important because the assignment could affect the pool status of supply plants and supply units under DI's proposal.

Since this decision denies the proposal to impose a Class I utilization requirement on supply plants and proprietary bulk tank handlers, it is not necessary to consider this corollary proposal further.

(b) *Seasonal variations in production and Class I utilization.*—Before discussing the appropriate performance standards for proprietary bulk tank handlers, supply plants, and distributing plants, there is a related matter that must be resolved. The question is the extent of seasonal variations of fluid sales and producer receipts and which months should be specified as generally indicative of the short and flush milk production periods. In that connection, DI proposed that the months of August through November and January and February be recognized as the season when milk production is low relative to the market's fluid needs. The cooperative also proposed that the months of December and March be considered along with the months of April through July as months when milk supplies normally exceed fluid needs. These proposals should be adopted.

Under the present order, the short production season is considered to be August through March. During these months, supply plants must qualify each month and diversions of milk from pool plants to nonpool plants are limited. The flush production season is considered as the months of April through July. Because the milk supply is generally more than adequate to meet fluid milk demands during these months, a supply plant that has qualified for pooling on the basis of shipments during each of the preceding months of August through March is afforded automatic pool plant status in the following months of April through July. Also, the order does not specify a limit on diversions to nonpool plants during these months.

In support of its proposals, DI testified that since the consolidation of three individual orders into the Tennessee Valley order, the level of Class I use of producer milk for the months of August through November and January and February has been at least 74 percent. Thus, in DI's view, these are the months in which milk production is lowest relative to Class I sales.

Kraft supported DI's proposal to consider the months of December and March as part of the flush production season, and urged that August also be included. In support of that position, the handler spokesman stated that most orders include August as a month in which a supply plant is afforded automatic pool plant status if such plant qualified on the basis of shipments in the immediately preceding months of short milk production. In addition, the handler cited market data to indicate that the Class I utilization for August 1977–1979 was about the same as for December and March of the 3-year period.

Market data indicate that the months of August through November and January and February are the months when milk supplies are shortest relative to the fluid needs. On the other hand, the months of March through July and December are the months when milk supplies for this market are more than adequate to meet the fluid demand.

Over a recent 3-year period (August 1977-July 1980),[2] for example, the average monthly Class I utilization of producer milk for the months of August through November and January and February ranged from a high of 81 percent in September to a low of 76 percent in August. In the other six months, the average Class I utilization ranged from a high of 74 percent in March to a low of 68 percent in April.

Class I utilization of producer milk in March 1979 was nearly 79 percent compared to 72 percent in March 1977.

[2] Official notice is taken of the Tennessee Valley Marketing Area Order No. 11 Statistical Summary issued by the Market Administrator for that order for each of the months of March through August 1980.

while the actual pounds of producer milk in Class I was about the same. The difference in the Class I utilization percentages was due to the fact that in March 1977 there were 7 million more pounds of producer milk on the market than in March 1979. The record indicates that unusually severe winters adversely affected milk production for this market in March of 1978 and 1979. Nevertheless, the month of March has a potential for higher milk production during an early spring, and it should be included with the flush production months.

The record indicates that schools are closed during the latter part of December, and thus, considerably more milk must be disposed of for Class III purposes during that time. Even though the market's average Class I utilization for December is not considerably below that for the fall months, plants that have a high proportion of their sales in school milk may find it necessary to handle milk in an uneconomic fashion in order to keep their milk supply pooled if the pooling standards for December are not lowered. For this reason, pooling standards and diversion allowances for December should be the same as during the flush production months.

Even though the market's Class I utilization of producer milk in August is only slightly higher than for March and December, market data show that the Class I utilization of producer milk in August has increased since 1977. For instance, although the percentage of the market's producer milk used in Class I during August 1980 was lower than for August 1979, it was still higher than the percentage for August of 1977. This indicates a trend towards greater Class I demand relative to the milk supply for that month. In addition, the record indicates that toward the end of August handlers generally begin to build their inventories in preparation for school openings later in the month. Accordingly, August should continue to be included with the group of months when milk supplies are shortest relative to the market's Class I utilization.

(c) *Performance standards for proprietary bulk tank handlers.*—A proprietary bulk tank handler should be required to ship to pool plants not less than 60 percent of its receipts from producers during the months of short milk production (August through November and January and February). The shipping requirement for such handlers should be 40 percent in the other months. The amended order also should provide that the Director of the Dairy Division may increase or decrease the performance standard by up to 10 percentage points, if he finds such a revision is warranted.

Under the current order, shipping standards are provided for certain plants to qualify their milk for pooling. For example, a supply plant qualifies as a pool plant if it ships 50 percent or more of its approved receipts from dairy farmers to pool distributing plants in any month.

In addition to the proposed Class I utilization requirement, DI proposed that a monthly minimum shipping standard, which would vary seasonally, apply to a supply unit. As proposed, not less than 60 percent of the unit's producer milk would have to be shipped to pool distributing plants in the months when milk supplies are short relative to the market's fluid needs (August through November and January and February). In the other months (December and March through July), the cooperative proposed that a 40 percent shipping standard be applicable to a supply unit.

DI contended that a shipping requirement for supply units was needed to directly associate such unit with the fluid needs of distributing plants regulated under the Tennessee Valley order. The cooperative claimed that a shipping requirement, in addition to a Class I requirement, is necessary to demonstrate that the supply unit is directly associated with the fluid needs of handlers regulated under this order. DI testified that while the imposition of Class I utilization and shipping requirements on supply units may appear to be dual standards, a supply unit could be pooled without any association with this market if pool qualification were based completely on a Class I utilization requirement. Thus, the cooperative proposed both standards as a basis for pool qualification for supply units.

DI also proposed that the Director of the Dairy Division be permitted to increase or decrease the minimum shipping percentage by up to 10 percentage points if such a revision is warranted. Proponent supported this latter proposal on the basis that it would provide flexibility to meet temporary changes in marketing conditions without requiring a hearing.

Kraft supported DI's proposed year-round shipping requirements. The handler also supported permitting the Director to increase or decrease the minimum shipping percentage by up to 10 percentage points if such a change is found to be warranted.

No one sugguested a different level of shipping standards for supply unit operators. In view of current marketing conditions in the area, the proposed standards appear to be reasonable and appropriate for the proprietary bulk tank handler provisions adopted herein. However, as noted earlier, such shipments may be made to any pool plant, rather than just to distributing plants.

Although the amended order would not specify a shipping requirement as such for proprietary bulk tank handlers, one would be applicable, in effect, by way of the diversion allowance applicable to such handlers. A bulk tank handler may qualify milk for pooling only by delivering it to a pool plant of another handler or diverting it to a nonpool plant. Limiting diversions to nonpool plants to not more than a specified percentage of such handler's total milk supply means, in effect, that the remainder must be delivered to pool plants. For example, if the diversion allowance is 40 percent of the handler's total supply, then 60 percent of the supply must be delivered to pool plants, if the total supply is to be pooled.

The order now requires that all diverted milk must be associated with the pool plant from which it is diverted. Accordingly, when a proprietary bulk tank handler diverts milk from a distributing plant to one or more nonpool plants, such diverted milk would be included in the distributing plant's receipts for the purpose of determining whether the plant qualifies as a pool plant. Thus, all of a proprietary bulk tank handler's producer milk supply would be accounted for as a receipt at the distributing plant. The Class I utilization standard applicable to the distributing plant effectively establishes the maximum amount of milk that may be pooled by the bulk tank handler. Therefore, as adopted herein, a proprietary bulk tank handler could not pool more milk than could be pooled by the operator of the distributing plant for a given level of Class I sales.

For example, if the pooling standard for a distributing plant is 60 percent Class I, and the plant has 3 million pounds of Class I route sales, the total quantity of milk that the pool plant operator can pool is 5,000,000 pounds (3,000,000÷.60=5,000,000). Rather than receiving a milk supply from its own producers, the distributing plant could receive a milk supply of 3 million pounds for its Class I use from a bulk tank handler. The latter handler could then divert an additional two million pounds of milk to nonpool plants. In computing whether the distributing plant qualifies for pool status, the milk physically received at the plant and also the milk diverted from the plant would be included as a receipt at the plant.

Since the pooling requirement for the distributing plant is 60 percent Class I, 5 million pounds also is the maximum quantity of milk that the bulk tank handler can pool through this arrangement, based on 3 million pounds of Class I sales, and assuming that the bulk tank handler supplies only the one plant described in the example. In view of the foregoing, the pool and also the producer pay prices are adequately safeguarded against the association by proprietary bulk tank handlers of additional supplies of milk solely for Class III purposes.

Under current order provisions, a cooperative association may qualify a pool balancing plant on the basis of the cooperative's total deliveries of milk to distributing plants in this market. Under these provisions, a plant operated by a cooperative qualifies as a pool plant if at least 60 percent of the cooperative's producer milk is delivered to pool distributing plants. This percentage is applicable to the cooperative each month if it elects to pool a balancing plant. Thus, up to 40 percent of the cooperative's milk supply could be pooled through its balancing plant.

It is reasonable that a proprietary bulk tank handler also be required to deliver a comparable percentage of its milk supply to pool plants during the month to establish a basis for qualifying its remaining milk for pooling. Under the provisions adopted herein, a bulk tank handler would have to deliver at least 60 percent of its producer milk to pool plants in the short milk production months. This is the same percentage that DI must furnish to distributing plants in those months to secure pool status for its balancing plant. Thus, diversions to nonpool plants for such months should not exceed 40 percent of the bulk tank handler's total supply.

A higher diversion allowance (60 percent) would be appropriate for proprietary bulk tank handlers in the spring and summer months when additional milk is produced. In those months a smaller proportion of the handler's receipts from producers would be needed at pool distributing plants if their Class I sales remain relatively constant. Furthermore, some pool distributing plants have a lower Class I utilization when schools are not in session, which includes the December holidays. Accordingly, in the flush production months, and in December, a more liberal diversion allowance (60 percent) is provided.

In order to accommodate unexpected circumstances, the amended order also should provide for a temporary upward or downward adjustment of the diversion allowance for proprietary bulk tank handlers. Such adjustment should be made only if the Director of the Dairy Division determines that additional supplies are needed at pool plants, or to prevent uneconomic shipments of milk to such plants. The maximum adjustment should be limited to 10 percentage points.

Under such an arrangement, the Director would investigate the need for revision, either at the Director's own initiatjve or at the request of interested persons. If the investigation showed that a revision might be appropriate, the Director would issue a notice stating that a temporary revision of the diversion allowance is being considered and inviting views of interested persons with respect to the proposed revision. After evaluating the information, the Director would then decide whether a temporary revision was warranted.

There is always a possibility that temporary or emergency situations affecting the market's supply-demand conditions could develop for a short time that would warrant a timely adjustment in the diversion allowance applicable to a proprietary bulk tank handler. Absent the discretionary authority to respond, these changes could be accomplished only through an amendment proceeding or by a suspension action. Amendment proceedings normally take considerable time, and suspension actions often are limited in their effects. Inclusion of provisions to temporarily adjust diversion allowances by up to 10 percentage points will provide more flexibility to respond to short-run or emergency marketing situations on a timely basis.

(d) *Performance standards for supply plants.*—The performance standards for pooling a supply plant should be revised to provide seasonally varying monthly shipping requirements and to eliminate automatic pool status in the spring and summer months if pooling standards are met throughout the fall months. Also, the order should provide for temporary adjustments to the shipping requirements when warranted.

As adopted herein, a supply plant that ships at least 60 percent of its receipts from dairy farmers to pool distributing plants in any month of August through November and January and February and 40 percent in any other month, would be a pool plant. Also, the Director of the Dairy Division would have authority to increase or decrease temporarily the shipping percentage by up to 10 percentage points.

Under the current order, a supply plant that ships during the month at least 50 precent of its receipts from dairy farmers to pool distributing plants is a pool plant. Not more than one-half of the required shipments may be made by diversion of milk from the supply plant to distributing plants. Also, a supply plant that qualifies as a pool plant on the basis of shipments during each of the months of Augusat through March automatically qualifies as a pool plant in the following months of April through July, unless the plant operator elects nonpool status for the plant.

DI proposed the same performance standards for supply plants as it proposed for supply units. Specifically, in addition to the proposed Class I utilization standard already discussed, a supply plant would be required to meet a minimum shipping requirement each month to qualify as a pool plant. At least 60 percent of the plant's receipts from dairy farmers in August-November and January and February and 40 percent in the other months would have to be shipped to pool distributing plants. DI also proposed that the Director of the Dairy Division be permitted to increase or decrease the shipping percentage temporarily by up to 10 percentage points if such a change is found to be warranted.

DI supported the proposed performance standards for pooling supply plants on the same basis that it justified such standards for supply units. Also, the cooperative's support for allowing the Director of the Dairy Division to adjust the shipping percentage for supply plants was the same as for providing adjustments to the shipping percentage for supply units. DI's justification for these proposals has already been noted in this decision under the preceding issue.

At the hearing and in its brief, Kraft basically took the position that no change should be made in the current supply plant performance standards. In support of its position, the handler's spokesman maintained that the record does not support adoption of more stringent performance standards. The Kraft witness did, however, favor allowing a supply plant to meet the entire shipping requirement with diverted milk, as DI proposed.

Based on the changes adopted in this decision (60 percent Class I utilization standard for distributing plants and a 60 percent shipping requirement for supply plants in the months of short milk production), the Class I utilization of a pool supply plant's milk would be not less than 36 percent during August-November and January and February. This is the same minimum level of Class I utilization that could be obtained overall by DI under its current mode of handler operations during these months

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when distributing plants require a greater proportion of production for fluid use. Thus, supply plants and cooperatives would have the same minimum performance requirements during these months.

Also, under the provisions adopted herein, a proprietary bulk tank handler would be required to deliver 60 percent or more of its producer milk to pool plants in the months of short milk production. DI also must furnish at least 60 percent of its producer milk to pool distributing plants each month to qualify its balancing plant for pooling. Accordingly, it is appropriate to also require a supply plant to deliver a comparable percentage of its receipts from dairy farmers to pool distributing plants during the months when milk supplies are shortest relative to the market's fluid needs.

A lower shipping percentage (40 percent) for supply plants should apply in the spring and summer months when additional milk is produced. In those months, a smaller proportion of the supply plant's receipts from producers would be needed at pool distributing plants if their Class I sales remain relatively constant. Furthermore, Class I utilization declines at some pool distributing plants when schools are not in session, which includes the December holidays. Accordingly, in the flush production months, and in December also, a lower shipping requirement for supply plants is appropriate. Such lower standard also is consistent with other pooling provisions adopted in this decision.

Kraft's spokesman at the hearing opposed the elimination of automatic pooling for supply plants during the flush milk production months. He testified that the Director of the Dairy Division instead should be authorized to require shipments up to the percentage applicable in the qualifying months, if such an increase is warranted. In support of this alternative approach, the Kraft witness recognized that circumstances may arise when a 50 percent shipping requirement for supply plants may be too low to furnish the market's fluid needs, or that such a requirement may be excessive even in the months of short milk production. Thus, Kraft supported permitting the Director of the Dairy Division to adjust the shipping percentage if such a revision is found to be necessary. According to Kraft's spokesman, incorporation of such flexibility into the order would permit prompt regulatory accomodation to changing marketing conditions without imposing permanent burdens that could be unduly restrictive.

Market experience regarding supply plant operations has been limited under the Tennessee Valley order, which became effective in 1976. Since that time, the only supply plant that has been in operation in the market is the Kraft plant at Greeneville. According to the testimony by Kraft's witness, Kraft's arrangements with a distributing plant include ". . . supplying the plant with all of its milk on a year-round basis." The record is absent any indication that there would be no need to make shipments from the Kraft supply plant to the distributing plant during the flush production months. What the record does indicate is that the Kraft milk is not a supply used primarily to supplement local supplies in the fall months when milk supplies are lower relative to fluid needs. Instead, the supply plant milk is associated with the fluid market all year.

On the basis of current conditions in the Tennessee Valley market, it is reasonable to require a supply plant to qualify for pooling by making the required shipments to distributing plants each month. This is a relatively tight market, i.e., supplies generally need to be available for use in the fluid market. The record indicates that year-round pooling standards should not adversely affect the operation of the one supply plant on the market. Moreover, there are definite seasonal variations in the relationship of production to fluid demand. The seasonal pooling standards adopted for supply plants are appropriate to reflect the seasonal needs of the fluid market.

DI also proposed that a supply plant be permitted to qualify its milk based entirely on milk diverted from producers' farms to distributing plants, if its proposed Class I use standard is adopted. According to DI, such a standard would limit the amount of milk that could be pooled through a supply plant, and under such conditions milk should be permitted to move from the farm to distributing plants in the most efficient manner.

As noted earlier, the Class I utilization standard proposed by DI is not adopted in this decision. Since the proposal for qualifying a supply plant entirely by diversons from the supply plant to distributing plants was tied to adoption of such a Class I utilization standard, there is no need to consider the matter further.

The order also should provide for a temporary upward or downward adjustment of the shipping percentages for supply plants if the Director of the Dairy Division determines that additional supplies are needed at distributing plants or to prevent uneconomic shipments of milk to such plants. The adjustment should be limited to 10 percentage points. Under such an arrangement, the Director would investigate the need for revision as already described in the discussion of performance standards for proprietary bulk tank handlers.

There is always a possibility that an emergency situation affecting the market's supply-demand situation could develop for a short time which warrants an immediate adjustment (up or down) in the shipping percentage. Presently, any needed change in the shipping requirement for supply plants can be accomplished only through a time-consuming amendment proceeding or by suspension. Inclusion of provisions to adjust the supply plant shipping percentages temporarily will enhance the ability of the order to deal with short-run emergency situations on a timely basis.

(e) *Performance standards for distributing plants.*—The Class I utilization standard for pooling distributing plants should be changed from 50 percent each month to 60 percent each month of August through November and January and February, and 40 percent in other months. Also, the Director of the Dairy Division should have authority to temporarily increase or decrease the Class I pooling standard for distributing plants by up to 10 percentage points.

DI proposed the same Class I utilization standards for pooling a distributing plant (60 percent or more of the plant's receipts of approved milk in the months of short milk production and 40 percent in the other months) as it proposed for supply plants and supply units.

The cooperative testified that its proposal to seasonally vary Class I utilization requirements for distributing plants would not result in a significant change on an annual average basis from the present 50 percent Class I use standard. In support of the proposal, DI stated that all distributing plants currently regulated by the Tennessee Valley order would have no problem meeting the 60 percent Class I utilization requirements, even on a year-round basis.

Kraft opposed the proposal to increase the Class I utilization requirement for pool distributing plants to 60 percent during the months of short milk production. The handler witness testified that the current 50 percent requirement has proved to be adequate in this market as well as for the dozen or so other orders with even higher Class I use. Kraft also maintained that the fact that a change would not appear to have any adverse effects is not a valid basis for changing a regulation.

The record evidence clearly shows that the market average Class I utilization has been far above the 50 percent level during 1977–1979. In fact, during the seasonally short production months (August-November and January and February) of those years, the Class I use of handlers's total milk receipts dropped below 70 percent only once, to 69.5 percent, in September 1979. When viewed in terms of producer milk assigned to Class I, the low in the short months was 74.3 percent in August 1977. Increasing to 60 percent in the short production months the Class I performance standard for distributing plants would not cause any such plant now regulated under the order to lose its pool status.

Adopting seasonally varying Class I performance standards for distributing plants will facilitate the use of the proprietary bulk tank handler provisions being adopted in this decision. As indicated earlier, diversion allowances for such handlers would vary seasonally from 40 percent to 60 percent of the handler's total supply of producer milk. However, in the flush production months the 60 percent diversion allowance would not be compatible with the current Class I utilization standard of 50 percent for distributing plants. As noted earlier, the order provisions require that all milk diverted from a distributing plant be included in the plant's receipts in determining whether the plant meets the Class I standard for pool status. Under this arrangement, it is desirable that the Class I pooling standard for distributing plants be the reciprocal of the diversion allowance for a proprietary bulk tank handler so that such a handler can utilize the diverson provisions in the manner intended.

An illustration will help explain this. A likely situation would be where a proprietary bulk tank handler is the sole supplier of milk to a distributing plant that disposes of Class I milk. Under a 50 percent Class I pooling standard for the distributing plant, the maximum amount of milk that could be pooled by the proprietary bulk tank handler would be two times the distributing plant's Class I utilization. That is, the bulk tank handler's diversions to nonpool plants could not exceed an amount equal to the distributing plant's Class I use. Therefore, if the Class I utilization standard is 50 percent, then the effective diversion limit also is 50 percent of the bulk tank handler's total supply. A larger diversion limit, as adopted elsewhere in this decision, would be meaningless in this situation, and a smaller limit would mean that milk surplus to the distributing plant's needs would nevertheless have to be received there and then be transferred, which is an inefficient way to handle milk associated with the fluid market. In this case, a diversion limit of 60 percent for the proprietary bulk tank handler in the flush production months would be meaningless if the Class I standard for the distributing plant is greater than 40 percent. Thus, in order to fully implement the proprietary bulk tank handler provisions, it is desirable to provide a 40 percent Class I pooling standard for distributing plants during March through July, and in December.

The Class I utilization pooling standard for distributing plants should be increased to 60 percent in the other months when production is lowest relative to Class I use. This change is consistent with other changes that are being adopted in this decision to reflect the seasonal variations of production relative to Class I sales in this market. All distributing plants in the Tennessee Valley market have a relatively high Class I utilization of producer milk and this change would not affect their pool plant status under the order under current operating conditions.

As noted earlier in this decision, the Kraft witness suggested at the hearing that the Director be given the authority to temporarily adjust a number of the order provisions related to pooling standards. One such provision mentioned by Kraft is the Class I utilization standard for determining the pool status of distributing plants. Kraft took the position that providing such flexibility was much to be preferred over fixing the Class I standard at a higher rate as DI proposed.

The order should permit the Director to increase or decrease the distributing plant Class I pooling standard by up to 10 percentage points. This would complement the provision discussed earlier that would give the Director the authority to adjust temporarily the diversion allowances applicable to proprietary bulk tank handlers. For example, if an investigation revealed that bulk tank handlers should be able to divert more milk to nonpool plants, the diversion allowance could be increased temporarily by 10 percentage points. In such a case, the Class I standard for distributing plants would need to be adjusted in the opposite direction by a like amount. Otherwise, in the case of a single bulk handler supplying all the needs of one fluid milk plant, it would not be possible for such handler to actually increase diversions to nonpool plants because an increase would lower the distributing plant's Class I percentage to less than that required for pool status. The end result would be that some of the diverted milk would have to be depooled, and the steps taken to resolve the temporary marketing problem could not be effectuated.

Thus, the Director should have the authority to adjust the distributing plant Class I standard in the manner provided with respect to the pooling provisions for proprietary bulk handlers and supply plants. The purpose and general operations of such provisions have been discussed for proprietary bulk tank handlers and it is not necessary to reiterate them here.

3. *Definition of "Producer Milk."* (a) *Producer eligibility for diversion of milk to nonpool plants.*—The order provisions relating to diversions of milk to nonpool plants should require that each producer must deliver to a pool plant six days' production each month of August through February and two days' production each month of March through July for such producer's milk to qualify for pool status when it is diverted to a nonpool plant. Current provisions specify that in each month of August through March at least two days' milk production of a producer must be received at a pool plant during the month to establish that producer's eligibility to be diverted to a nonpool plant on other days of the month. In April through July there is no such "touch-base" requirement, and so a producer's milk may be pooled even though during the month all of it is delivered directly from the farm to one or more nonpool plants.

DI proposed that six days' production be received at pool plants each month of August through February, and two days' production in the other months, to establish diversion eligibility for individual producers. The cooperative's main argument in support of the proposal was that producers should demonstrate a greater degree of association with the fluid milk needs of the market in order to obtain the benefits of pool participation.

Kraft opposed the proposal on the basis that its adoption would be contrary to what Kraft perceives to be the Department's general policy in recent years of relaxing, rather than "tightening," the diversion provisions. Kraft also maintained that the combined effect of several different order provisions is adequate to demonstrate that a producer's milk is associated with the fluid market.

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A representative of the Kroger Company, which operates a pool distributing plant at Lynchburg, Virginia, suggested that the touch-base requirement should be 16 days' production for a market with the level of Class I utilization demonstrated under this order.

Elsewhere in this decision are discussions of the appropriate pooling criteria for distributing plants, supply plants and proprietary bulk tank handlers. One of the changes adopted herein would provide monthly performance standards for pooling supply plants, with no provision for automatic pool status during the flush production months. A monthly allowance on diversions to nonpool plants is provided herein for proprietary bulk tank handlers. Distributing plants already must meet monthly performance standards and a cooperative association that wishes to pool a balancing plant must do so also.

It is consistent with such performance standards provided for fully regulated plants and handlers to require that each producer demonstrate each month a bona fide association with the fluid market. The cooperative's proposal is a reasonable means of achieving this. This minimum standard will tend to assure that the milk of individual producers is available to the market for fluid use on a continuous basis, and recognizes that a varying seasonal relationship exists between production and fluid milk demand.

Kraft's witness indicated that a touch-base standard of one day's production would be adequate because some producers fill their tanks each day. Kraft suggested that because such producers have their milk picked up daily, rather than every other day, a one-delivery touch-base requirement would be appropriate.

For some producers the touch-base standard of two-days' production in the flush months would entail two deliveries. However, a one-day standard would result in some producers qualifying with only one-half the performance required of other producers whose milk is picked up every other day. For this reason, the standard for establishing diversion eligibility during March through July should be based on the delivery of two days' production to pool plants rather than one day's production.

A suggestion by Kraft to allow the Director to vary the touch-base requirement temporarily without holding a hearing should not be adopted. This matter was not adequately explored on the record and there is no demonstrated need for such a provision.

(b) *Other changes in diversion provisions.*—Certain additional changes should be made in the provisions that prescribe how much producer milk may be diverted from pool plants to nonpool plants. This first concerns the months in which diversion limitations apply. Presently, diversions are limited during August through March, with no limits during the other months of April through July. However, the months during which the diversion limits apply should be changed to August through November and January and February.

This change, though not specifically proposed, is appropriate in order to maintain diversion provisions that complement the plant and the handler pooling standards. Elsewhere in this decision, seasonally varying pooling provisions are adopted for distributing plants, supply plants, and proprietary bulk tank handlers. These pooling provisions are based on the premise that the months of August through November and January and February are the months in which a greater proportion of the market's supplies is needed for fluid use.

The record indicates that March and December are months when less of the milk produced is needed for fluid use. For example, in December, a supply plant will only have to ship 40 percent of its receipts to distributing plants and a proprietary bulk tank handler will be allowed to divert to nonpool plants up to 60 percent of its milk supply. If more restrictive pooling provisions were maintained for December, handlers might need to receive considerable quantities of milk at pool plants solely to establish its pool status. The milk would then have to be reloaded and shipped to some other outlet for processing. This would be contrary to one of the major thrusts of both this proceeding and the previous one, i.e., eliminating inefficient handling requirements. Accordingly, no diversion limits should be specified for March and December for cooperatives and pool plant operators.

A second change in the diversion provisions is desirable to provide consistency in such provisions. Currently, the limit on diversions is expressed as a percentage of the handler's milk that is physically received at pool plants. However, such a basis for applying a diversion limit is inappropriate for a proprietary bulk tank handler since the diversion limit must be expressed in terms of such handler's total supply of producer milk, i.e., that which is delivered to pool plants plus that which is diverted. Unless a change is made, the diversion limts for a proprietary bulk tank handler would be expressed as a percentage of such handler's total supply of producer milk, while the diversion limits for all other pool handlers would be expressed as a percentage of physical receipts at pool plants.

No purpose would be served by expressing the same type of provision two different ways in the order language. By making concurrent changes in both the percentage figure used and the base to which the percentage is applied, diversion limits for cooperatives and pool plant operators can be made to conform with the diversion provisions adopted for a proprietary bulk tank handler.

This can be achieved by expressing the diversion limits for a pool plant operator or a cooperative as 25 percent of such handler's total supply of producer milk rather than as 33⅓ percent of the handler's milk that is physically received at pool plants. An example will demonstrate that this change in language will not change the actual quantity of milk that a handler can divert.

Assume that a pool plant operator is the handler for 100,000 pounds of producer milk that has been physically received at pool plants during September. Under current order provisions, such handler may divert to nonpool plants an additional amount of milk equal to one-third of that physically received at pool plants. In the example, this would be one-third of 100,000 pounds, or 33,333 pounds. Thus, the handler's total supply of producer milk is 133,333 pounds (100,000 pounds received at pool plants plus 33,333 pounds diverted to nonpool plants). Expressed another way, the maximum limit on diversions to nonpool plants would equal 25 percent of the handler's total supply
(33,333÷133,333=.25×100=25 percent). The amount of milk that may be diverted to nonpool plants as producer milk thus is the same whether the provision is expressed as one-third of the handler's milk that is physically received at pool plants, or as 25 percent of the handler's total supply.

4. *Seasonal pricing of surplus milk.* A proposal to establish seasonal adjustments to the Class III price should not be adopted.

A Dairymen, Inc., proposal noticed for the hearing would provide seasonally varying adjustments to both the Class II and Class III prices. The rates proposed ranged from minus 20 cents to plus 20 cents per hundredweight. As proposed, Class II and III prices would be lower in the heavy production months of March through June, and higher in all other months. However, the total annual value of the milk in the pool was intended to be unchanged by the seasonal pricing scheme.

At the hearing, DI modified its proposal to apply seasonal pricing only to milk assigned to Class III uses. The cooperative's witness indicated that Class II products made from milk priced under the Tennessee Valley order must compete with Class II products made from milk priced under other Federal orders. Accordingly, the cooperative modified its pricing proposal to affect only Class III milk.

DI's representative pointed out that the purpose of the proposal was to lessen the losses incurred by those (primarily DI) who handle the bulk of the market's reserve milk supplies during the flush production months. He also noted that the plan would discourage using milk for Class III purposes in the short production months by adding 20 cents per hundredweight to the Class III prices for August through November.

The cooperative's spokesman entered an exhibit providing data on diversions of surplus milk during 1979. This exhibit listed various manufacturing outlets used by the cooperative for surplus milk dispositions, along with the pounds diverted to each plant during each month, the gross and net prices received (adjusted to 3.5 percent butterfat), and the Class III prices under the order. The exhibit was entered to demonstrate that the cooperative's returns from surplus milk in each month except August were less than the value at which the milk must be accounted for at order prices. According to the spokesman, the seasonal pricing proposal would lessen this financial burden that the cooperative incurs in handling the market's surplus milk.

The cooperative's representative also pointed out that actual prices paid in Tennessee for manufacturing grade milk are below the Minnesota-Wisconsin (M-W) series process used as the minimum Class III prices under the order. Thus, although DI negotiates the price they receive for Class III milk moved to manufacturing outlets, such price is often below the order's Class III price.

Another key factor cited by DI is the limited outlets available for surplus milk disposition within the bounds of the Tennessee Valley marketing area. Accarding to the cooperative, much of the milk must be moved to more distant outlets in the flush production months, which increases transportation costs. It is this combination of higher disposal costs and returns below the rate DI is charged under the order that prompted the proposal for seasonal pricing.

In its brief, DI argued that the record evidence supported having only a lower Class III price during the flush months, rather than a system of plus and minus adjustments throughout the year.

Seasonal pricing of Class III milk was opposed by Pet, Inc., a proprietary handler that operates two pool distributing plants. The Pet spokesman claimed that the proposed price adjustments would have added about six cents per hundredweight to the cost of Class III milk utilized by the two plants during the 12-month period ending February 1980. He further clained that Pet already loses money on dispositions of surplus butterfat in cream moved to an ice cream manufacturing plant and another manufacturing plant operated by another division of Pet, Inc. The Pet representative urged that the Department not adopt the cooperative's pricing proposal.

An alternative suggestion offered by a spokesman for the Kroger Company would eliminate location adjustments in pricing diverted milk during the spring flush production months. According to the Kroger witness, the cost of surplus milk disposition under this approach would be shared by all pool participants. As he saw it, the cooperative has two options: (1) Let handlers balance their own supplies and thus bear their own burden of surplus disposition; or (2) Cooperatives must handle the surplus disposition themselves. In either case, he maintained, the cost of such dispositions should be shared.

The record indicates that the disposition of reserve milk supplies is costly to the cooperative under the conditions that exist in this market. However, adopting seasonal adjustments to the Class III price in not the appropriate remedy. Also, suggestions to simply lower Class III prices during the flush production months or to price diverted milk f.o.b. the marketing area during the spring flush likewise should not be adopted.

Under DI's modified proposal, the Class III price would be higher than the Class II price in each of the months of July through January. This would occur because the seasonal plus adjustments would exceed 10 cents per hundredweight, which is the amount of current Class II differential. In four months (August-November) the Class III price would exceed the Class II price by 10 cents per hundredweight. The cooperative's witness recognized that this pricing discrepancy would occur, but he maintained that the low level of net returns for Class III use would still make Class II use preferable, even when the Class II order price would be below the Class III price.

Many of the current orders, or their predecessor orders in the case of merged orders, were amended in 1974 to provide three use-classifications and corollary pricing provisions.[3] One of the orders so amended was the Chattanooga, Tennessee, order, which later was merged with the Knoxville, Tennessee, and Appalachian orders to form (along with a marketing area expansion) the present Tennessee Valley order. The merged order contains the clasification and pricing provisions for Class II and Class III milk that were adopted earlier for the Chattanooga order. The relationship thus established between Class II and Class III prices in the Tennessee Valley order is reflected in the following quotations from the 1974 classification decision:

"The Class II price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the month plus 10 cents. The price under each of the orders for Class III milk should be the basic formula price for the month."

"*Class II.* Certain uses of producer milk not needed for Class I purposes should be priced at a somewhat higher level than that applicable to milk in the adopteed Class III uses."

"The adopted Class II price (the Minnesota-Wisconsin price plus 10 cents) is a reflection of some of the additional value which producer milk used in cottage cheese has to handlers."

"Pricing Class II milk at this level should permit regulated handlers using producer milk to remain competitive in the marketplace with the unregulated sector in the sale of Class II products. At the same time, such price will reflect the minimum additional value of such high quality producer milk supplied to regulated handlers over the widespread area covered by the 32 markets at the times and places, and in the quantities needed for the several Class II uses."

These quotations from the decision clearly state that producer milk assigned to Class II uses should be priced at least 10 cents per hundredweight above the Class III price. Thus, any proposal that would change the Class III price level must be considered within the context of the Class II-Class III price relationship that had been found earlier to be appropriate for this market.

This issue was reopened to receive further evidence in a public hearing on advancing the announcement of Class II prices in 29 Federal milk orders. The

[3] Official notice is taken of the Assistant Secretary's decision issued February 19, 1974 (39 FR 9012)

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hearing was held at St. Louis, Missiouri, on August 12, 13, and 14, 1980.[4] At the reopended hearing, a question was raised whether cooperatives would supply milk to handlers for Class II use if the Class II price dropped to the same level as the Class III price. The answer by a DI spokesman indicates that supplies might be available for Class II for a short time, but that if such a pricing ralationship between Class II and Class III continued for an extended period of time, that would involve a different situation

In response to a further question, the cooperative's spokesman agreed that a Class II price level below the Class III price plus 10 cents would, in effect, abolish the purpose for having a Class II price differential 10 cents above the Class III level.

In total, the record of this proceeding lacks any compelling basis for deciding that the present pricing relationship between Class II and Class III no longer is appripriate. Seasonal pricing of Class III milk only, as proposed, would substantially alter the intended relationship between Class II and Class III prices, and for this reason the proposal must be denied.

5. *Conforming changes.* The order now excludes from the producer definition any person whose milk is received at or diverted from a supply plant that has automatic pool status in April-July, unless at least 60 days' production from the farm of such person was producer milk during the preceding August through March, or unless the supply plant is a pool plant for the month based on its shipments to pool distributing plants.

One of the changes being adopted in this decision would eliminate the provisions for automatic pooling of a supply plant by specifying year-round shipping standards for pool status. Under that arrangement, the provision described in the preceding paragraph no longer will serve any useful purpose. Accordingly, it is removed so that the order will not contain obsolete language.

In order to fully incorporate into the order the additional handler definition being adopted in this decision, it also is necessary to revise the language in several other sections of the order in addition to specific changes that have already been discussed. Such changes are corollary in nature and do not involve any substantive changes in the order or in the intended application of the order.

One such change concerns the provisions for computing an obligation for a handler operating a partially regulated distributing plant that received milk during the mongh from a proprietary bulk tank handler. For purposes of computing obligations, fluid milk products and bulk fluid cream products received from a pool plant or an other order plant are "* * *" allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant * * *" However, the order is silent on the allocation of receipts from a bulk tank handler.

An appropriate means for clarifying the order in this regard is to provide that receipts of milk from a cooperative or proprietary bulk tank handler shall be allocated at the partially regulated plant to the class to which it was assigned for the bulk tank handler pursuant to the provisions for classifying tranfers and diversions. This is consistent with DI's proposed supply unit concept, which would have been defined as a pool plant. If that approach had been followed, no change would be necessary in the current order language concerning partially regulated plants. However, since the supply unit concept has been adopted as a "handler" in this decision, a language modification is needed and has been provided.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties, including Kraft, Inc. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. Kraft requested in its brief that official notice be taken of a Tennessee county outline map indicating for each county the total number of milk producers, the number of Grade A producers, the number of manufacturing milk producers, and the number of the latter who ship milk in cans as of March 15, 1980. The indicated source of the information is the State of Tennessee Department of Agriculture. Kraft notes that a copy of the map was obtained from the market administrator. The Kraft brief also includes reference to the information on the map in support of Kraft's proposed findings and determinations.

This request for official notice is denied because the brief does not indicate the relevance of the map to the issues under consideration.

To the extent that other suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and affirmed, except where they may conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The party prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Tennessee Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1011.7 is revised to read as follows:

§ 1011.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 60 percent in each of the months of August through November and January and February, and 40 percent in each of the other months, of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13. The applicable percentage in this subparagraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to effect a similar adjustment pursuant to § 1011.13(e)(3). Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(b) A plant, other than a plant described in paragraph (a) of this section, from which fluid milk products, except filled milk, are shipped to pool plants pursuant to paragraph (a) of this section. Such shipments must equal not less than 60 percent in each of the months of August through November and January and February, and 40 perent in each of the other months, of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is received during the month at such plant from dairy farmers (including producer milk diverted from the plant pursuant to § 1011.13 but excluding milk diverted to such plant) and handlers described in § 1011.9 (c) and (d). The operator of such a plant may include milk deverted from such plant to plants described in paragraph (a) of this section as qualifying shipments in meeting up to one-half of the required shipments. The applicable shipping percentage of this paragraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(c) A plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of such cooperative association, excluding such milk that is received at or diverted from pool plants described in paragraph (b) of this section but including milk delivered by such cooperative as a handler described in § 1011.9(c), is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements for the month under another Federal order.

2. In § 1011.9, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f) and (g) and new paragraph (d) is added to read as follows:

§ 1011.9 Handler.

* * * * *

(d) Any person, except a cooperative association, with respect to milk that it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such person and which is delivered during the month for the account of such person to the pool plant of another handler or diverted pursuant to § 1011.13, subject to the following conditions:

(1) Such persons (who, if qualified pursuant to this paragraph, shall be known as a "proprietary bulk tank handler") must operate a plant located in an area that includes the marketing area plus the area within 100 miles of the marketing area boundary at which milk is processed only into Class II or Class III products; and

(2) Prior to operating as a handler pursuant to this paragraph, such person must submit to the market administrator a statement signed by the applicant and the operator of the pool to which the milk will be delivered specifying that the applicant will be the responsible handler for the milk;

(e) Any person who operates a partially regulated distributing plant;

(f) A producer-handler; and

(g) Any person who operates an other order plant described in § 1011.7(d).

3. In § 1011.12, paragraph (b)(5) is removed and paragraphs (a)(2), (b)(3) and (b)(4) are revised to read as follows:

§ 1011.12 Producer.

(a) * * *

(2) Received by a handler described in § 1011.9(c) or (d); or * * *

(b) * * *

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8)(iii) and the corresponding step of § 1011.44(b); and

(4) Any person with respect to milk produced by him that is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

4. Section 1011.13 is revised to read as follows:

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant, excluding such milk that is diverted from another pool plant;

(b) Receivied by a handler described in § 1011.9(c);

(c) Received by a handler described in § 1011.9(d), excluding milk diverted pursuant to paragraph (e) of this section;

(d) Diverted from a pool plant for the account of the handler operating such plant to another pool plant;

(e) Diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler described in § 1011.9 (a), (b) or (d) subject to the following conditions:

[4] Hearing Notice issued July 10, 1980, Docket No. AO-251-A22-R01 (45 FR 47432).

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(1) A producer's milk shall be eligible for diversion to a nonpool plant during any month in which such producer's milk is physically received at a pool plant as follows:

(i) In any month of August through February, six days' production; and

(ii) In any month of March through July, two days' production.

(2) During each of the months of August through November and January and February, the total quantity of milk diverted by a cooperative association shall not exceed one-fourth of the producer milk that such cooperative caused that month to be delivered to or diverted from pool plants;

(3) The total quantity of milk diverted by a proprietary bulk tank handler described in § 1011.99(d) shall not exceed 40 percent of the producer milk that such handler caused to be delivered to or diverted from pool plants in each month of August through November and January and February, and 60 percent in each of the other months. The applicable diversion percentage of this subparagraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(4) A handler described in § 1011.9(a) that is not a cooperative association may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to paragraph (e) (2) or (3) of this section. The total quantity of milk so diverted shall not exceed one-fourth of the milk that is physically received at or diverted from pool plants as producer milk of such handler in each month of August through November and January and February;

(5) Any milk diverted in excess of the limits prescribed in paragraph (e) (2), (3) or (4) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to make such designation, no milk diverted by such handler pursuant to this paragraph shall be producer milk;

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association or a proprietary bulk tank handler from the pool plant of another handler shall not be producer milk;

(7) The cooperative association or proprietary bulk tank handler shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (e)(6) of this section. If the diverting handler fails to make such designation, no milk diverted by such handler shall be producer milk; and

(f) Milk diverted pursuant to paragraph (d) or (e) of this section shall be priced at the location of the plant to which diverted.

5. In § 1011.14, paragraph (a) is revised to read as follows:

§ 1011.14 Other source milk.

* * * * *

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers, handlers described in § 1011.9 (c) and (d) or pool plants;

* * * * *

6. In § 1011.30, paragraphs (a) and (c) are revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

* * * * *

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of milk from handlers described in § 1011.9(d);

(4) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(5) Receipts of other source milk;

(6) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(7) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

* * * * *

(c) Each handler described in § 1011.9 (b), (c), and (d) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

* * * * *

§ 1011.31 [Amended]

7. In paragraph (a) of § 1011.31, the section reference "1011.9 (a), (b), and (c)" is changed to "1011.9 (a), (b), (c), and (d)".

§ 1011.32 [Amended]

8. In paragraph (a) of § 1011.32, the section reference "1011.9 (a), (b) and (c)" is changed to "1011.9 (a), (b), (c), and (d)".

9. In paragraph (b)(2) of § 1011.41, the section reference "1011.9(c)" is changed to "1011.9 (c) and (d)", and paragraph (c) of § 1011.41 is revised to read as follows:

§ 1011.41 Shrinkage.

* * * * *

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c) or a proprietary bulk tank handler is the handler pursuant to § 1011.9(d), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association or the proprietary bulk tank handler shall be zero.

10. In § 1011.42, the introductory text of paragraph (a) is revised to read as follows:

§ 1011.42 Classification of transfers and diversions.

(a) *Transfers and diversions (including deliveries by a handler described in § 1011.9(d)) to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or from a handler described in § 1011.9(d) to a pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

* * * * *

11. In § 1011.43, paragraphs (a) and (c) are revised to read as follows:

§ 1011.43 General classification rules.

* * * * *

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, for each proprietary bulk tank handler pursuant to § 1011.9(d), and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9 (b), (c) or (d) shall be such handler's classification of producer milk;

* * * * *

(c) The classification of producer milk of a handler pursuant to § 1011.9 (b), (c), or (d) shall be determined separately from the operations of any pool plant operated by such handler.

12. In § 1011.44, paragraph (a)(7)(vii) is removed and paragraphs (a)(7)(v) and (vi), (a)(8)(ii)(*b*), and (a)(13) are revised to read as follows:

§ 1011.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) * * *

(ii) * * *

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9 (c) or (d), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

* * * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant or a handler described in § 1011.9(d) according to the classification of such products pursuant to § 1011.42(a); and

* * * * *

§ 1011.52 [Amended]

13. In paragraph (a) of § 1011.52, the section reference "1011.9(c)" is changed to "1011.9(c) or (d)", and in paragraph (b)(1)(i) the section reference "1011.9(c)" is changed to "1011.9(c) and 9(d)".

14. In § 1011.60, the introductory text and paragraph (d) are revised to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk for each handler described in § 1011.9(a) with respect to each of its pool plants, for each handler described in § 1011.9(b) and (c) with respect to milk that was not received at a pool plant, and for each handler described in § 1011.9(d) as follows:

* * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(7)(i) through (iv) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * *

15. In § 1011.76, paragraphs (a)(2)(i) and (b)(1)(i) are revised to read as follows:

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) * * *

(i) As Class I milk from pool plants, handlers pursuant to § 1011.9(b) and (d), and other order plants, except that subtracted under a similar provision of another Federal milk order; and * * *

(b) * * *

(1) * * *

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant, a handler described in § 1011.9(b) or (d), or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant or as classified pursuant to § 1011.42 with respect to receipts from a handler described in § 1011.9(b) or (d);

* * * * *

Signed at Washington, D.C. on July 1, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-19940 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-02-M

Packers and Stockyards Administration

9 CFR Parts 201 and 203

Revised Plan for Review of Existing Regulations and Policy Statements

AGENCY: Packers and Stockyards Administration, U.S. Department of Agriculture.

ACTION: Revision of Plan for Review of Existing Regulations and Policy Statements Pursuant to E.O. 12291 and the Regulatory Flexibility Act.

SUMMARY: Packers and Stockyards Administration proposes to revise its previously published plan for review of all currently effective regulations, policy statements and reporting requirements. A 5-year timetable was originally adopted by the agency. Packers and Stockyards Administration now anticipates accelerating this schedule to provide for complete review in 2 years. The goal of this agency's action is to minimize the regulatory burden on the livestock, meat, and poultry industries while ensuring free and competitive marketing of livestock, meat, and meat products in interstate and foreign commerce.

FOR FURTHER INFORMATION CONTACT: Calvin W. Watkins, Assistant Deputy Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-7063.

SUPPLEMENTARY INFORMATION:

Background

In three previous **Federal Register** publications, Packers and Stockyards Administration announced its plan and progress in its review of currently effective regulations, policy statements, and reporting requirements. In the first such notice printed December 11, 1979 (44 FR 71802), categories for review were established. The existing regulations were divided and listed in three groups: (I) Those regulations which had been reviewed or promulgated since July 1976 and, therefore, were not scheduled for current amendment or revision; (II) those regulations now proposed for deletion; and (III) those regulations suggested for complete review. Comments were solicited, at that time, concerning the placement of individual regulations in each category as well as the specific needs of the industry and the reasons for changes in cagetory III regulations and recordkeeping requirements. Sixty-six comments were received in response to the December request and their contents

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were reviewed and published, in summary form, on March 31, 1980 (45 FR 21168). In general, the comments were supportive of the agency's efforts.

It was also at this time, March 1980, that Packers and Stockyards printed its timetable for review anticipating the publication of a specific set of regulations for review every 6 months until all regulations were considered or a total time period of approximately 5 years. Fourteen specific regulations, six policy statements and various report forms were selected for review, and comments were again solicited.

In response to the March request, 21 additional comments were received concerning the specific areas targeted for review, i.e.: (1) Current levels of required bonding; (2) proper maintenance of custodial accounts; (3) packer sales promotion policies; and (4) required annual reporting for market agencies and dealers. The agency's third **Federal Register** publication, dated December 31, 1980 (45 FR 87002), discussed these comments and detailed specific changes in these target areas designed to be responsive to suggestions by the industry, to lessen regulatory burdens on the industry, and to encourage competitive markets within the industry.

Present Activities

The agency has decided to accelerate the regulatory review and reform process which it has already begun. To assist the agency in achieving this end, the Deputy Administrator, Packers and Stockyards, AMS, established an internal task force in January 1981 to review each rule and regulation and to suggest changes thereto which would lessen or eliminate any regulatory burden imposed without restricting the agency's ability to enforce the Packers and Stockyards Act. An interim report of the task force has been prepared and a final report is expected by the Administrator of Packers and Stockyards Administration on August 1, 1981.

Revised Plan

Packers and Stockyards Administration will not follow its previously published plan for regulatory review. Rather, the agency will review all currently effective regulations, policy statements and reporting requirements by the close of fiscal year 1983 (September 30, 1983). As a part of this review, effort will be made to obtain input from the affected industries, State Departments of Agriculture, and other interested persons prior to formal publication of proposals. Proposed changes and deletions will then be published in the **Federal Register** for comments prior to final adoption. Additionally, by September 30, 1981, the agency will publish, pursuant to the requirements of the Regulatory Flexibility Act, a listing of all rules having a significant economic impact on a substantial number of small business entities which will be reviewed during the succeeding 12 months. the proposed regulations published December 31, 1980, in the **Federal Register** will be reconsidered by the agency to incorporate, where appropriate, the recommendations of the task force and comments filed by the industry, and where necessary, such regulations will be republished for comment.

Done at Washington, D.C., this 1st day of July 1981.

James L. Smith,

Acting Administrator, Packers and Stockyards Administration.

[FR Doc. 81-19950 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 60

Disposal of High-Level Radioactive Wastes in Geologic Repositories

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The NRC is publishing proposed amendments which specify technical criteria for disposal of high-level radioactive wastes (HLW) in geologic respositories. The proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. Also included are criteria for montoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste.

DATE: Comments received after November 5, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESS: Written comments or suggestions on the proposed amendments should be sent to the Secretary of the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments may be examined in the U.S. Nuclear Regulatory Commission Public Document Room, 1717 H Street NW, Washington, D.C. Comments may also be delivered to Room 1121, 1717 H Street NW, Washington, D.C., between 8:15 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Frank J. Arsenault, Director of the Division of Health, Siting and Waste Management, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 427-4350.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1979 the Nuclear Regulatory Commission (Commission or NRC) published for comment proposed procedures for licensing geologic disposal of high-level radioactive wastes. The licensing procedures were published in final form on February 25, 1981 (46 FR 13971). On May 13, 1980 (45 FR 31393) the Commission published for comment an Advance Notice of Proposed Rulemaking (ANPR) concerning technical criteria for regulating disposal of high-level radioactive wastes (HLW) in geologic respositories. Included with the advance notice was a draft of the technical criteria under development by the staff. The public was asked to provide comment on several issues discussed in the advance notice and to reflect on the draft technical criteria in light of that discussion. The comments received were numerous and covered the full range of issues related to the technical criteria. The tecnhical criteria being proposed here are the culumination of a number of drafts, and were developed in light of the comments received on the ANPR. It is the Commissions's belief that the regulation proposed here is one which is both practical for licensing and this notice provides a flexible vehicle for accommodating comments in that it points out alternatives and calls for comment in a number of critical plans. The Commission has prepared an analysis of the comments which explains the changes made from the ANPR, and intends to publish soon the comments and the analysis as a NUREG document. A draft of this NUREG has been placed in the Commission's Public Document Room for review. In addition, the staff has begun a program to develop guidance as to the methods that it regards as satisfactory for demonstrating compliance with the requirements of the proposed rule.

The technical criteria being set forth here as proposed rulemaking are a result of the Commission's further effort in regulating geologic disposal of HLW by the Department of Energy (DOE). The rationale for the performance objectives and the Environmental Impact Assessment supporting this rulemaking are also being published separately and are available free of charge upon written request to Frank Arsenault at the above address. In developing these criteria we have not reexaminated DOE's programmatic choice of disposal technology resulting from its Generic Environmental Impact Statement, inasmuch as the Commission has expressly reserved until a later time possible consideration of matters within the scope of that generic statement (44 FR 70408). Accordingly, the technical criteria apply only to disposal in geologic respositories and do not address other possible or potential disposal methods. Similarly, in that DOE's current plans call for dispoal at sufficient depth to be in the area termed the saturated zone, these criteria were developed for disposal in saturated media. Additional or alternative criteria may need to be developed for regulating disposal in the unsaturated or vadose zone.

Authority

Sections 202 (3) and (4) of the Energy Reorganization Act of 1974, as amended, provide the Commission with licensing and regulatory authority regarding DOE facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under the Atomic Energy Act and certain other long-term HLW storage facilities of DOE. Pursuant to that authority, the Commission is developing criteria appropriate to regulating geologic disposal of HLW by DOE. The requirements and criteria contained in this proposed rule are a result of that effort.

Relation to Generally Applicable Standards for Radiation in the Environment Established by the Environmental Protection Agency

The Environmental Protection Agency (EPA) has the authority and responsibility for setting generally applicable standards for radiation in the environment. It is the responsibility of the NRC to implement those standards in its licensing actions and assure that public health and safety are protected. Although no EPA standard for disposal of HLW yet exists, these proposed technical criteria for regulating geologic disposal of HLW have been developed to be compatible with a generally applicable environmental standard. Specifically, the performance objectives and criteria speak to the functional elements of geologic disposal of HLW and the analyses required to give confidence that these functional elements will perform as intended.

Disruptive Processes and Events

The NRC's implementing regulations assume that licensing decisions will be based, in part, on the results of analysis of the consequences of processes and events which potentially could disrupt a repository. Thus, throughout the criteria are requirements that the design basis take into account processes and events with the potential to disrupt a geologic repository. If the process or event is anticipated, i.e., likely, then the design basis requires barriers which would not fail in a way that would result in the repository not meeting the performance objectives. Anticipated processes and events would include such items as waste/rock interactions that result from emplacement of the wastes or the gradual deterioration of borehole seals. If the process or event is unlikely, then the overall system must still limit the release of radionuclides consistent with the EPA standard as applied to such events. An example of an unlikely event would be reactivation of a fault within the geologic setting which had not exhibited movement since the start of the Quaternary Period. In general, both likely and unlikely processes and events are expected to be site and design specific and would be identified by DOE in its license application.

Multiple Barriers

The proposed technical criteria were developed not only with the understanding that EPA's generally applicable environmental standard would need to be implemented, at least in part, by performing calculations to predict performance, but also with the knowledge that some of those calculations would be complex and uncertain. Natural systems are difficult to characterize and any understanding of the site will have significant limitations and uncertainties. Those properties which pertain to isolation of HLW are difficult to measure and the measurements which are made will be subject to several sources of error and uncertainty. The physical and chemical processes which isolate the wastes are themselves varied and complex. Further, those processes are especially difficult to understand in the area close to the emplaced wastes because that area is physically and chemically disturbed by the heat generated by those wastes.

However, a geologic repository consists of engineered features as well as the natural geologic environment. Any evaluation of repository performance, therefore, will consider the waste form and other engineering factors which are elemental to the performance of the repository as a system. By partitioning the engineered system into two major barriers, the waste package and the underground facility, and establishing performance objectives for each, the Commission has sought to exploit the ability to design the engineered features to meet specific performance objectives as a means of reducing some of the uncertainties in the calculations of overall repository performance.

In addition, the requirements for containment, controlled release rate, and 1,000-year groundwater transit time are three criteria which act independently of the overall repository performance to provide confidence that the wastes will be isolated at least for as long as they are most hazardous.

Containment and Isolation

During the first several hundred years following emplacement of the wastes, both the radiation from and the heat generated by the wastes are attributable mainly to the decay of the shorter-lived nuclides, primarily fission products. At about 1,000 years after emplacement both the radiation from and heat generated by decay of the wastes have diminished by about 3 orders of magnitude. As the decay of the longer-lived nuclides, primarily actinides, begins to dominate, both the radiation from and thermal output of the wastes continue to fall until almost 100,000 to 1,000,000 years after emplacement. By that time both have diminished by about 5 orders of megnitude and both heat and radiation become roughly constant due to the ingrowth of daughter nuclides, primarily Ra-225, Ra-226 and their decay products.

The technical criteria would require the engineered system to be designed so that the wastes are contained within the waste package for the first thousand years following emplacement. Following this period, containment is no longer assumed and the function of the waste package and underground facility is to control the release of radionuclides from the underground facility. By requiring containment during the period when the thermal conditions around the waste packages are most severe, evaluation of repository performance is greatly simplified to considerations of the degree of conservatism in the containment design relative to events

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and processes that might affect the performance during the containment period.

Although both the radiation from and heat generated by the decay of the wastes have diminished about 3 orders of magnitude during the containment period, the area surrounding the emplaced wastes will not return to temperatures near those before the wastes were emplaced until after about 10,000 years. As mentioned earlier, the thermal disturbance of the area near the emplaced wastes adds significantly to the uncertainties in the calculation of the transport of the radionuclides through the geologic environment. The technical criteria are intended to compensate for uncertainties by imposing further design requirements on the waste package and underground facility, thereby limiting the source term by controlling the release rate.

Role of the Site

The Commission neither intends nor expects either containment to be lost completely at 1,000 years following emplacement or the engineered system's contribution to the control of the release of wastes to cease abruptly at some later time. However, the Commission recognizes that at some point the design capabilities of the engineered system will be lost and that the geologic setting—the site—must provide the isolation of the wastes from the environment, and has translated this requirement into a performance objective for the geologic setting. The Commission also recognizes that isolation is, in fact, a controlled release to the environment which could span many thousands of years, and that the release of radionuclides and the potential exposures to individuals which could result, should be addressed in the evaluation of a repository. A complement to the evaluation of the effects of design basis processes and events which might disrupt the repository is a projection of how the repository, unperturbed by discrete external events, will evolve through the centuries as a result of the geologic processes operating at the site. Hence, an amendment is being proposed to that portion of Subpart B of 10 CFR Part 60 which describes the contents of the Safety Analysis Report of DOE's application for geologic disposal of HLW which would require DOE to project the expected performance of the proposed geologic repository noting the rates and quantities of expected releases of radionuclides to the accessible environment as a function of time.

Retrievability

The licensing procedures of 10 CFR Part 60 were written assuming that there would be a program of testing and measurement of the thermal, mechanical, and chemical properties of the major engineered barriers to confirm their expected performance. The Commission would like to tie the requirement for retievability of the wastes to the expected time needed to execute the performance confirmation program. However, at present it appears to the Commission that neither the specific nature nor the period needed for execution of the performance confirmation program will be certain until construction of the repository is substantially complete; that is, until the actual licensing to receive wastes at a geologic repository. Hence it is difficult at this time to use the performance confirmation program as a basis for establishing a period of retrievability. Nonetheless, DOE is now making critical decisions regarding the design of geologic repositories which will have a direct effect upon how long the optio to retrieve wastes can be maintained, and upon the difficulty which will be encounted in exercising that option, should that be necessary for protection of public health and safety. Therefore, to provide a suitable objective in this regard, the proposed rule sets forth a requirement that the engineered system be designed so that the option to retrieve the waste can be preserved for up to fifty years following completion of emplacement. Thus, the waste package and the underground facility would be designed so that the period of retrievability would not be the determinant of when the Commission would decide to permit closure of the repository. Rather, the Commission would be assured of the option to let the conduct of the performance confirmation program indicate when it is appropriate to make such a decision. In particular, the Commission is concerned that the thermo-mechanical design of the underground facility be such that access can be maintained until the Commission either decides to permit permanent closure of the repository or to take corrective action, which may include retrieval.

As it is now structured, the rule would require in effect that the repository design be such as to permit retrieval of waste packages for a period of up to 110 years. The components of this total period are as follows: the first waste packages to go in the repository are likely to be in place about thirty years before all wastes are in place; thereafter, a 50-year period is required by the rule; finally, a retrieval schedule is suggested of about the same time as the original construction plus emplacement operations—another 30-odd years. Since it is probably not practical to adjust the retrievability design aspects of the repository according to the order of emplacement of the waste packages, the 110-year requirement will apply to all of the waste. The Commission is particularly interested in comments on the degree to which this requirement will govern the thermal and mechanical design of the repository and on whether some shorter period would be adequate or whether there are other ways than an overall retrievability requirement to preserve options before permanent closure. The Commission does not want to approve construction of a design that will foreclose unnecessarily options for future decisionmakers, but it is also concerend that retrievability requirements not unnecessarily complicate or dominate repository design.

The retrievability requirement does not specify the form in which the wastes are to be retrievable or that wastes are "readily retrievable." The requirement is simply that all the wastes be retrievable during a period equal to the period of construction and emplacement. DOE's plans for retrieval are specifically requested as part of its license application and the practicability of its proposal will be considered by the Commission. Waste may be retrieved upon NRC approval of a DOE application or upon order by NRC, or otherwise, where authorized by DOE's license.

Human Intrusion

Some concern has been raised on the issue of human intrusion into a geologic repository. Human intrusion could conceivably occur either inadvertently or deliberately. Inadvertent intrusion is the accidental breaching of the repository in the course of some activity unrelated to the existence of the repository, e.g., exploration for or development of resources. For inadvertent intrusion to occur, the institutional controls, site markers, public records, and societal memory of the repository's existence must have been ineffective or have ceased to exist. Deliberate or intentional intrusion, on the other hand, assumes a conscious decision to breach the repository; for example, in order to recover the high-level waste itself, or exploit a mineral associated with the site.

Historical evidence indicates that there is substantial continuity of information transfer over time. There are numerous examples of knowledge, including complex information, being preserved for thousands of years. This has occurred even in the absence of printing and modern information transfer and storage systems. Furthermore, this information transfer has survived disruptive events, such as wars, natural disasters, and dramatic changes in the social and political fabric of societies. The combination of the historical record of information transfer, provisions for a well-marked and extensively documented site location, and the scale and technology of the operation needed to drill deeply enough to penetrate a geologic repository argue strongly that inadvertent intrusion as described above is highly improbable, at least for the first several hundred years during which time the wastes are most hazardous. Selecting a site for a repository which is unattractive with respect to both resource value and scientific interest further adds to the improbability of inadvertent human intrusion. It is also logical to assume that any future generation possessing the technical capability to locate and explore for resources at the depth of a repository would also possess the capability to assess the nature of the material discovered, to mitigate consequences of the breach and to reestablish administrative control over the area if needed. Finally, it is inconsistent to assume the scientific and technical capability to identify and explore an anomalous heat source several hundred meters beneath the Earth's surface and not assume that those exploring would have some idea of either what might be the cause of the anomaly or what steps to take to mitigate any untoward consequence of that exploration.

The above arguments do not apply to the case of deliberate intrusion. The repository itself could be attractive and invite intrusion simply because of the resource potential of the wastes themselves. Intrusion to recover the wastes demands (1) knowledge of the existence and nature of the repository, and (2) effort of the same magnitude as that undertaken to emplace the wastes. Hence intrusion of this sort can only be the result of a conscious, collective societal decision to recover the wastes.

Intrusion for the purpose of sabotage or terrorism has also been mentioned as a possibility. However, due to the nature of geologic disposal, there seems to be very little possibility that terrorists or saboteurs could breach a repository. Breach of the repository would require extensive use of machinery for drilling and excavating over a considerable period of time. It is highly improbable that a terrorist group could accomplish this covertly.

In light of the above, the Commission adopted the position that commonsense dictates that everything that is reasonable be done to discourage people from intruding into the repository. Thus, the proposed technical criteria are written to direct site selection towards selection of sites of little resource value and for which there does not appear to be any attraction for furure societies. Further, the proposed criteria would require reliable documentation of the existence and location of the repository and the nature of the wastes emplaced therein, including marking the site with the most permanent markers practical. However, once the site is selected, marked, and documented, it does no use to argue over whether these measures will be adequate in the future, or to speculate on the virtual infinity of human intrusion scenarios and whether they will or will not result in violation of the EPA standard. Of course, the Commission recognizes that there are alternative approaches to the Human Intrusion question. Accordingly, comment on this and alternative approaches is welcome.

Relation to Other Parts of NRC Regulations

The proposed rule contemplates that DOE activities at a geologic repository operations area may in appropriate cases be licensed under other parts of NRC regulations and would then not be governed by these technical criteria. We note, in this connection, that the scope section of the procedural rule specifically provides that Part 60 shall not apply to any activity licensed under another part. This allows an independent spent fuel storage installation to be licensed under Part 72, even though located at a geologic repository operations area (provided, of course, it is sufficiently separate to be classified as "independent"). Other DOE activities of the geologic repository operations area could be licensed under Parts 30 or 70 if an exemption from Part 60 is determined to be appropriate.

Alternative Approach

In the course of the Commission's deliberation, it becomes evident that in order to have confidence in the ability of a geological repository to contain and isolate the wastes for an extended period of time, the repository must consist of multiple barriers. In view of the uncertainties that attach to reliance on the geologic setting alone, the Commission believes that a repository should consist of two major engineered barriers (waste packages and underground facility) in addition to the natural barrier provided by the geological setting. The Commission is emphasizing these elements to take advantage of the opportunity to attain greater confidence in the isolation of the waste. Having reached these conclusions, the Commission considers next whether or not and to what level of detail the performance criteria for a geological repository should be prescribed. In this regard, the Commission considers the following 3 alternatives:[1]

1. Prescribe a single overall performance standard that must be met. The standard in this case would be the EPA standard;

2. Prescribe minimum performance standards for each of the major elements, in addition to requiring the overall system to meet the EPA standards; and

3. Prescribe detailed numerical criteria on critical engineering attributes of the repository system.

Alternative 3 is considered overly restrictive on the design flexibility and judged to be inappropriate at this stage of technological development. Therefore, this alternative is quickly eliminated as a viable regulatory approach.

Alternative 1 has as its principal advantage the fact that it provides maximum flexibility in apportioning credit for containment and isolation to the several elements of the repository. It also allows the designer to incorporate and apply new technological developments and knowledge from the site characterization phase to the repository design. Notwithstanding some concern over its practicality in the regulatory framework, the Commission cannot at this time eliminate it from further consideration. The Commission is, therefore, specifically requesting the general public, particularly those from the technical communities, to comment on this point. In addition, the Commission requests commentors espousing this alternative to address specifically ways in which the Commission might find reasonable assurance that the ultimate standards

[1] Detailed discussions on the advantages and disadvantages of each of these alternatives are given in Appendix J to Commission Paper SECY-81-267, April 27, 1981, "Rationale for Performance Objectives and Required Characteristics of the Geologic Setting." This appendix is being published separately and is available without charge on request to the Commission's Public Document Room, 1717 H St. NW, Washington, D.C. 20555.

are met without prescribing standards for the major elements of a repository.

In relation to the first and the third alternatives that are briefly discussed above, Alternative 2 appears to offer a reasonable and practical compromise. In addition to retaining the single overall performance standard in Alternative 1 as the final performance objective, this approach establishes the minimum performance objectives for each of the 3 major barriers of the repository. While this approach limits the repository designer's flexibility, it is clear that meeting these minimum design goals would substantially enhance the Commission's confidence that the final EPA standard will be met. Therefore, the Commission prefers a technical rule established upon this approach.

It should be noted that, in the event that the Commission decides to adopt the Alternate 1 approach in the final rulemaking, portions of the proposed rule (e.g., the section on requirements for the geological setting) would have to be further studied and possibly revised. In addition, it is possible that further public comments would have to be sought.

Major Features of the Proposed Rule

1. *Overall Description.* The proposed technical criteria have been written to address the following: performance objectives and requirements for siting, design and construction of the repository, the waste package, confirmation of repository performance, quality assurance, and the training and certification of personnel. As appropriate, these topics are divided in turn to address separately requirements which apply during construction, waste emplacement, and after permanent closure (decommissioning) of the repository. Although the licensing procedures indicate that there would be separate subparts for siting and design requirements, viz. Subparts E and F, respectively (cf. § 60.31(a)(2)), the NRC now believes that the site and design are so interdependent that such a distinction is artificial and misleading. For example, although the requirement to place the underground facility at a minimum depth of 300 meters is clearly a design requirement, it is manifested as a siting requirement since unless the site has a host rock of sufficient thickness at sufficient depth, the above design requirement cannot be met. Hence the proposed Subpart E to 10 CFR Part 60 contains both site and design requirements.

To enable the Commission to reach a finding as to whether the generally applicable environmental standard for disposal of HLW is met and that public health and safety will be protected, a careful and enhaustive analysis of all the features of the repository will be needed. That analysis necessarily must be both qualitative and quantitative although the analysis can and will be largely quantitative during the period that greatest reliance can be placed upon the engineered system. Thereafter, although the issues of concern, and certainly the physics of a repository itself, do not change, the numerical uncertainties begin to become so large that calulations become a weak indicator of expected repository performance.

In sum, the technical criteria perform two tasks. First they serve to guide DOE in siting, designing, constructing, and operating a repository in such a manner that there can be reasonable confidence that public health and safety will be protected. Second, they serve to guide DOE in those same areas in such a manner that there can be reasonable confidence that the analyses, needed to determine whether public health and safety is protected, can be performed.

2. *Performance Objectives.* The design and operation of the repository are prescribed to be such that during the period that wastes are being emplaced and performance assessed, exposure to workers and releases of radioactivity to the environment must be within limits set by the Commission and the EPA. Further, the repository is to be designed so that the option can be preserved to retrieve the emplaced wastes beginning at anytime up to 50 years following completion of emplacement. Following permanent closure, the repository must perform so that releases are within the limits prescribed by the generally applicable environmental standard which will be set by the EPA. Further, the design of the repository must include a waste package and an underground facility, as well as the site, as barriers to radionuclide migration.

The performance of the engineered system (waste package and underground facility) following permanent closure is specified to require containment of the wastes within the waste package for at least 1000 years following closure, when temperatures in the repository are substantially elevated, and control of the release of nuclides to the geologic environment thereafter.

Transuranic waste (TRU) may be disposed of in a geologic repository. Since transuranic waste does not generate significant amounts of heat, there is no advantage to containment for any specified period. Hence, the requirement for TRU waste is simply a controlled release equivalent to that for HLW, provided they are physically separated from the HLW so that they will not experience a significant increase in temperature.

Although a minimum 1,000-year containment and a maximum one part in 100,000 release rate will satisfy these criteria, the Commission considers it highly desirable that wastes be contained as long thereafter as is reasonably achievable, and that release rates be as far below one part in 100,000 as is reasonably achievable.

3. *Siting Requirements.* Although no specific site suitability or exclusion requirements are given in the criteria, stability and minimum groundwater travel times are specified as required site characteristics. ALARA (as low as reasonably achievable) principles have not been applied to the natural features of a site because they are not amenable to modification once a site is chosen. However, the technical criteria do identify site characteristics considered favorable for a repository as well as characteristics which, if present at the site, may compromise site suitability and which will require careful analysis and such measures as may be necessary to compensate for them adequately. The impact of these characteristics on overall performance would be site specific. Thus, the Commission has judged that these should not be made absolute requirements. Presence of all the favorable characteristics does not lead to the conclusion that the site is suitable to host a repository. Neither is the presumption of unsuitability because of the presence of an unfavorable characteristic incontrovertible. Rather, the Commission's approach requires a sufficient combination of conditions at the selected site to provide reasonable assurance that the performance objectives will be achieved. If adverse conditions are identified as being present, they must be thoroughly charaterized and analyzed and it must be demonstrated that the conditions are compensated for by repository design or by favorable conditions in the geologic setting.

The Commission has not included any siting requirements which directly deal with population density or proximity to population centers. Rather, the issue has been addressed indirectly through consideration of resources in the geologic setting. The Commission believes this to be a more realistic approach given the long period of time involved with geologic disposal. Nonetheless, the Commission invites comment on whether population related siting requirements should be included in the final rule and how they might be implemented.

4. *Design and Construction.* In addition to the requirements on designing for natural phenomena, criticality control, radiation protection, and effluent control, the proposed technical criteria require the design of the repository to accommodate potential interaction of the waste, the underground facility, and the site. Requirements are also placed upon the design of the equipment to be used for handling the wastes, the performance and purpose of the backfill material, and design and performance of borehole and shaft seals. Further, there are requirements related to the methods of construction. The Commission believes such requirements are necessary to assure that the ability of the repository to contain and isolate the wastes will not be compromised by the construction of the repository.

The proposed technical criteria would require that the subsurface facility be designed so that it could be constructed and operated in accordance with relevant Federal mining regulations, which specify design requirements for certain items of electrical and mechanical equipment and govern the use of explosives.

These criteria are a blend of general and detailed prescriptive requirements. They have been developed from Commission experience and practice in the licensing of other nuclear facilities such as power plants and fuel cycle facilities. While there are differences in the systems and components addressed by these criteria from those of power plants or fuel cycle facilities, and the criteria have been written to be appropriate for a geologic repository, the proposed criteria represent a common practice based on experience which has shown that the above items need to be regulated. The level of detail of these criteria reflects the Commission's current thinking on how to regulate effectively geologic disposal of HLW. However, the Commission continues to examine other possibilities for promulgating the more detailed of these requirements. Comments are invited on formulations for the design and construction criteria in the rule, perhaps in a more concise form; these may be supplemented, of course, with more details in staff guidance documents such as Regulatory Guides.

5. *Waste Package.* The proposed requirements for the design of the waste package emphasize its role as a key component of the overall engineered system. Besides being required to contribute to the engineered system's meeting containment and controlled release performance objectives, both compatibility with the underground facility and the site and a method of unique identification are required of the waste package. Included in the section of the proposed technical criteria which deals with the waste package are requirements that the waste form itself contained within the package be consolidated and non-pyrophoric.

6. *Performance Confirmation.* The proposed technical criteria include requirements for a program of testing and measurement (Subpart F). The main purpose of this program is to confirm the assumptions, data, and analyses which led to the findings that permitted construction of the repository and subsequent emplacement of the wastes. Further, the performance confirmation program includes requirements for monitoring of key geologic and hydrologic parameters throughout site characterization, construction, and emplacement to detect any significant changes in the conditions which supported the above findings during, or due to operations at the site. Also included in the program would be tests of the effectiveness of borehole and shaft seals and of backfill placement procedures.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the Department of Energy, and does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and sections 552 and 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations is contemplated.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

1. The authority citation for Part 60 reads as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161b., f., i., o., p., 182, 183, Pub. L. 83–703, as amended, 68 Stat. 929, 930, 932, 933, 935, 946, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); Secs. 202, 206, Pub. L. 93–438, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); Sec. 14, Pub. L. 95–601 (42 U.S.C. 2021a); Sec. 102(2)(c), Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332)

2. Section 60.2 is revised to read as follows:

§ 60.2 Definitions.

For the purposes of this Part—

"Accessible Environment" means those portions of the environment directly in contact with or readily available for use by human beings.

"Anticipated Processes and Events" means those natural processes and events that are reasonably likely to occur during the period the intended performance objective must be achieved and from which the design bases for the engineered system are derived.

"Barrier" means any material or structure that prevents or substantially delays movement of water or radionuclides.

"Candidate area" means a geologic and hydrologic system within which a geologic repository may be located.

"Commencement of construction" means clearing of land, surface or subsurface excavation, or other substantial action that would adversely affect the environment of a site, but does not include changes desirable for the temporary use of the land for public recreational uses, site characterization activities, other preconstruction monitoring and investigation necessary to establish background information related to the suitability of a site or to the protection of environmental values, or procurement or manufacture of components of the geologic repository operations area.

"Commission" means the Nuclear Regulatory Commission or its duly authorized representatives.

"Containment" means the confinement of radioactive waste within a designated boundary.

"Decommissioning," or "permanent closure," means final backfilling of subsurface facilities, sealing of shafts, and decontamination and dismantlement of surface facilities.

"Director" means the Director of the Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards.

"Disposal" means the isolation of radioactive wastes from the biosphere.

"Disturbed zone" means that portion of the geologic setting that is significantly affected by construction of the subsurface facility or by the heat generated by the emplacement of radioactive waste.

"DOE "means the U.S. Department of Energy or its duly authorized representatives.

"Engineered system" means the waste packages and the underground facility.

"Far field" means the portion of the geologic setting that lies beyond the disturbed zone.

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"Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands and including at a minimum that area subject to a one percent or greater chance of flooding in any given year.

"Geologic repository" means a system for the disposal of radioactive wastes in excavated geoligic media. A geologic repository includes (1) the geologic repository operations area, and (2) the geologic setting.

"Geologic repository operations area" means an HLW facility that is part of a geologic repository, including both surface and subsurface areas, where waste handling activities are conducted.

"Geologic setting" or "site" is the spatially distributed geologic, hydrologic, and geochemical systems that provide isolation of the radioactive waste.

"High-level radioactive waste" or "HLW" means (1) irradiated reactor fuel, (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, and (3) solids into which such liquid wastes have been converted.

"HWL facility" means a facility subject to the licensing and related regulatory authority of the Commission pursuant to Sections 202(3) and 202(4) of the Energy Reorganization Act of 1974 (88 Stat. 1244).[2]

"Host rock" means the geologic medium in which the waste is emplaced.

"Important to safety," with reference to structures, systems, and components, means those structures, systems, and components that provide reasonable assurance that radioactive waste can be received, handled, and stored without undue risk to the health and safety of the public.

"Indian Tribe" means an Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93–638).

"Isolation" means inhibiting the transport of radioactive material so that amounts and concentrations of this material entering the accessible environment will be kept within prescribed limits.

[2] These are DOE "facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such act (the Atomic Energy Act)" and "Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive wastes generated by (DOE), which are not used for, or are part of, research and development activities."

"Medium" or "geologic medium" is a body of rock characterized by lithologic homogeneity.

"Overpack" means any buffer material, receptacle, wrapper, box or other structure, that is both within and an integral part of a waste package. It encloses and protects the waste form so as to meet the performance objectives.

"Public Document Room" means the place at 1717 H Street NW., Washington, D.C., at which records of the Commission will ordinarily be made available for public inspection and any other place, the location of which has been published in the **Federal Register**, at which public records of the Commission pertaining to a particular geologic repository are made available for public inspection.

"Radioactive waste" or "waste" means HLW and any other radioactive materials other than HLW that are received for emplacement in a geologic repository.

"Site" means the geologic setting.

"Site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing at depth needed to determine the suitability of the site for a geologic respository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken.

"Stability" means that the nature and rates of natural processes such as erosion and faulting have been and are projected to be such that their effects will not jeopardize isolation of the radioactive waste.

"Subsurface facility" means the undergound portions of the geologic repository operations area including openings, backfill materials, shafts and boreholes as well as shaft and borehole seals.

"Transuranic wastes" or "TRU wastes" means radioactive waste containing alpha emitting transuranic elements, with radioactive half-lives greater than five years, in excess of 10 nanocuries per gram.

"Tribal organization" means a Tribal organization as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93–638).

"Underground facility" means the undergound structure, including openings and backfill materials, but excluding shafts, boreholes, and their seals.

"Unrestricted area" means any area, access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials, and any area used for residential quarters.

"Waste form" means the radioactive waste materials and any encapsulating or stabilizing materials, exclusive of containers.

"Waste package" means the airtight, watertight, sealed container which includes the waste form and any ancillary enclosures, including shielding, discrete backfill and overpacks.

3. Section 60.10 is revised to read as follows:

§ 60.10 Site characterization.

(a) Prior to submittal of an application for a license to be issued under this part the DOE shall conduct a program of site characterization with respect to the site to be described in such application.

(b) Unless the Commission determines with respect to the site described in the application that it is not necessary, site characterization shall include a program of in situ exploration and testing at the depths that wastes would be emplaced.

(c) As provided in § 51.40 of this chapter, DOE is also required to conduct a program of site characterization, including in situ testing at depth, with respect to alternative sites.

(d) The program of site characterization shall be conducted in accordance with the following:

(1) Investigations to obtain the required information shall be conducted to limit adverse effects on the long-term performance of the geologic repository to the extent practical.

(2) As a minimum the location of exploratory boreholes and shafts shall be selected so as to limit the total number of subsurface penetrations above and around the underground facility.

(3) To the extent practical, exploratory boreholes and shafts in the geologic repository operations area shall be located where shafts are planned for repository construction and operation or where large unexcavated pillars are planned.

(4) Subsurface exploratory drilling, excavation, and in situ testing before and during construction shall be planned and coordinated with repository design and construction.

4. Paragraphs (c)(1), (c)(3), and (c)(13) of § 60.21 are revised to read as follows:

§ 60.21 Content of application.

* * * * *

(c) The Safety Analysis Report shall include:

(1) A description and assessment of the site at which the proposed geologic repository operations area is to be located with appropriate attention to those features of the site that might affect facility design and performance. The description of the site shall identify the limits of the accessible environment with respect to the location of the geologic repository operations area.

(i) The description of the site shall also include the following information regarding subsurface conditions in the vicinity of the proposed underground facility—

(A) The orientation, distribution, aperture in-filling and origin of fractures, discontinuities, and heterogeneities;

(B) The presence and characteristics of other potential pathways such as solution features, breccia pipes, or other permeable anomalies;

(C) The bulk geomechanical properties and conditions, including pore pressure and ambient stress conditions;

(D) The bulk hydrogeologic properties and conditions;

(E) The bulk geochemical properties; and

(F) The anticipated response of the bulk geomechanical, hydrogeologic, and geochemical systems to the maximum design thermal loading, given the pattern of fractures and other discontinuities and the heat transfer properties of the rock mass and groundwater.

(ii) The assessment shall contain—

(A) An analysis of the geology, geophysics, hydrogeology, geochemistry, and meteorology of the site;

(B) Analyses to determine the degree to which each of the favorable and adverse conditions, if present, has been characterized, and the extent to which it contributes to or detracts from isolation.

(C) An evaluation of the expected performance of the proposed geologic repository noting the rates and quantities of expected releases of radionuclides to the accessible environment as a function of time. In executing this evaluation DOE shall assume that those processes operating on the site are those which have been operating on it during the Quaternary Period and superpose the perturbations caused by the presence of emplaced radioactive waste on the natural processes.

(D) An analysis of the expected performance of the major design structures, systems, and components, both surface and subsurface, that bear significantly on the suitability of the geologic repostory for disposal of radioactive waste assuming the anticipated processes and events and natural phenomena from which the design bases are derived. For the purposes of this analysis, it shall be assumed that operations at the geologic repository operations area will be carried out at the maximum capacity and rate of receipt of radioactive waste stated in the application.

(E) An explanation of measures used to confirm the models used to perform the assessments required in paragraphs (A) through (D). Analyses and models that will be used to predict future conditions and changes in the geologic setting shall be confirmed by using field tests, in situ tests, field-verified laboratory tests, monitoring data, or natural analog studies.

* * * * *

(3) A description and analysis of the design and performance requirements for structures, systems, and components of the geologic repository which are important to safety. This analysis shall consider—(i) the margins of safety under normal and conditions that may result from anticipated operational occurrences, including those or natural origin; (ii) the adequacy of structures, systems, and components provided for the prevention of accidents and mitigation of the consequences of accidents, including those caused by natural phenomena; and (iii) the effectiveness of engineered and natural barriers, including barriers that may not be themselves a part of the geologic repository operations area, against the release of radioactive material to the environment. The analysis shall also include a comparative evaluation of alternatives to the major design features that are important to radionuclide containment and isolation, with particular attention to the alternatives that would provide longer radionuclide containment and isolation.

* * * * *

(13) An identification and evaluation of the natural resources at the site, including estimates as to undiscovered deposits, the exploitation of which could affect the ability of the site to isolate radioactive wastes. Undiscovered deposits of resources characteristic of the area shall be estimated by reasonable inference based on geological and geophysical evidence. This evaluation of resources, including undiscovered deposits, shall be conducted for the disturbed zone and for areas of similar size that are representative of and are within the geologic setting. For natural resources with current markets the resources shall be assessed, with estimates provided of both gross and net value. The estimate of net value shall take into account current development, extraction and marketing costs. For natural resources without current markets, but which would be marketable given credible projected changes in economic or technological factors, the resources shall be described by physical factors such as tonnage or other amount, grade, and quality.

* * * * *

5. Paragraph (a)(2) of § 60.31 is revised to read as follows:

§ 60.31 Construction authorization.

* * * * *

(a) * * *

(2) The site and design comply with the criteria contained in Supart E.

* * * * *

6. Paragraph (a)(2) of § 60.51 is revised to read as follows:

§ 60.51 License amendment to decommission.

(a) * * *

(2) a detailed description of the measures to be employed—such as land use controls, construction of monuments, and preservation of record—to regulate or prevent activities that could impair the long-term isolation of emplaced waste within the geologic repository and to assure that relevant information will be preserved for the use of future generations. As a minimum, such measures shall include—

(i) Identification of the geologic repository operations area by monuments that have been designated, fabricated, and emplaced to be as permanent as is practicable; and

(ii) Placement of records of the location of the geologic repository operations area and the nature and hazard of the waste in the archives of local and Federal government agencies, and archives elsewhere in the world, that would be likely to be consulted by potentional human intruders.

* * * * *

7. New Subpart E, "Technical Criteria," Subpart F "Performance Confirmation," Subpart G, "Quality Assurance" and Subpart H, "Training and Certification of Personnel" are added to 10 CFR Part 60.

Subpart E—Technical Criteria

Sec.

60.101 Purpose and nature of findings.

60.102 Concepts.

Performance Objectives

60.111 Performance objectives.

60.112 Required characteristics of the geologic setting.

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Ownership and Control of the Geologic Respository Operations Area

Sec.

60.121 Requirements for ownership and control of the geologic repository operations area.

Additional Requirements for the Geologic Setting

60.122 Favorable conditions.
60.123 Potentially adverse conditions.
60.124 Assessment of potentially adverse conditions.

Design and Construction Requirements

60.130 General design requirements for the geologic repository operations area.
60.131 Additional design requirements for surface facilities in the geologic respository operations area.
60.132 Additional design requirements for the underground facility.
60.133 Design of shafts and seals for shafts and boreholes.
60.134 Construction specifications for surface and subsurface facilities.

Waste Package Requirements

60.135 Requirements for the waste package and its components.

Performance Confirmation Requirements

60.137 General requirements for performance confirmation.

Subpart F—Performance Confirmation

60.140 General requirements.
60.141 Confirmation of geotechnical and design parameters.
60.142 Design testing.
60.143 Monitoring and testing waste packages.

Subpart G—Quality Assurance

60.150 Scope.
60.151 Applicability.
60.152 Implementation.
60.153 Quality assurance for performance confirmation.

Subpart H—Training and Certification of Personnel

60.160 General requirements.
60.161 Training and certification program.
60.162 Physical requirements.

Subpart E—Technical Criteria

§ 60.101 Purpose and nature of findings.

(a)(1) Subpart B of this part prescribes the standards for issuance of a license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area. In particular, § 60.41(c) requires a finding that the issuance of a license will not constitute an unreasonable risk to the health and safety of the public. The purpose of this subpart is to set out performance objectives and site and design criteria which, if satisfied, will support such a finding of no unreasonable risk.

(2) While these performance objectives and criteria are generally stated in unqualified terms, it is not expected that complete assurance that they will be met can be presented. A reasonable assurance, on the basis of the record before the Commission, that the objectives and criteria will be met is the general standard that is required. For § 60.111, and other portions of this subpart that impose objectives and criteria for repository performance over long times into the future, there will inevitably be greater uncertainties. Proof of the future performance of engineered systems and geologic media over time periods of a thousand or many thousands of years is not to be had in the ordinary sense of the word. For such long-term objectives and criteria, what is required is reasonable assurance, making allowance for the time period and hazards involved, that the outcome will be in conformance with those objectives and criteria.

(b) Subpart B of this part also lists findings that must be made in support of an authorization to construct a geologic repository operations area. In particular, § 60.31(a) requires a finding that there is reasonable assurance that the types and amounts of radioactive materials described in the application can be received, possessed, and disposed of in a repository of the design proposed without unreasonable risk to the health and safety of the public. As stated in that paragraph, in arriving at this determination, the Commission will consider whether the site and design comply with the criteria contained in this subpart. Once again, while the criteria may be written in unqualified terms, the demonstration of compliance may take uncertainties and gaps in knowledge into account, provided that the Commission can make the specified finding of reasonable assurance as specified in paragraph (a) of this section.

§ 60.102 Concepts.

(a) *The HLW facility.* NRC exercises licensing and related regulatory authority over those facilities described in section 203 (3) and (4) of the Energy Reorganization Act of 1974. Any of these facilities is designated an *HLW facility.*

(b) *The geologic repository operations area.*

(1) This part deals with the exercise of authority with respect to a particular class of HLW facility—namely a *geologic repository operations area.*

(2) A *geologic repository operations area* consists of those surface and subsurface areas that are part of a geologic repository where radioactive waste handling activities are conducted. The underground structure, including openings and backfill materials, but excluding shafts, boreholes, and their seals, is designated the *underground facility.*

(3) The exercise of Commission authority requires that the geologic repository operations area be used for *storage* (which includes *disposal*) of *high-level radioactive wastes (HLW).*

(4) HLW includes irradiated reactor fuel as well as reprocessing wastes. However, if DOE proposes to use the geologic repository operations area for storage of *radioactive waste* other than HLW, the storage of this radioactive waste is subject to the requirements of this part. Thus, the storage of *transuranic-contaminated waste (TRU),* though not itself a form of HLW, must conform to the requirements of this part if it is stored in a geologic repository operations area.

(c) *Areas adjacent to the geologic repository operations area.* Although the activities subject to regulation under this part are those to be carried out at the geologic repository operations area, the licensing process also considers characteristics of adjacent areas. First, there is to be an area within which DOE is to exercise specified controls to prevent adverse human actions. Second, there is a larger area, designated the *geologic setting* or *site* which includes the spatially distributed geologic, hydrologic, and geochemical systems that provide isolation of the radioactive waste from the accessible environment. The geologic repository operations area plus the geologic setting make up the *geologic repository.* Within the geologic setting, particular attention must be given to the characteristics of the host rock as well as any rock units surrounding the host rock.

(d) *Stages in the licensing process.* There are several stages in the licensing process. The *site characterization* stage, though begun before submission of a license application, may result in consequences requiring evaluation in the license review. The *construction stage* would follow, after issuance of a construction authorization. A *period of operations* follows the issuance of a license by the Commission. The period of operations includes the time during which *emplacement* of wastes occurs; and any subsequent period before permanent closure during which the emplaced wastes are *retrievable;* and *permanent closure,* which includes final backfilling of subsurface facilities, sealing of shafts, decontaminating and dismantling of surface facilities. Permanent closure represents the end of active human activities with the geologic repository operations area and engineered systems.

(e) *Containment.* Early during the repository life, when radiation and thermal levels are high and the consequences of events are especially difficult to predict rigorously, special emphasis is placed upon the ability to contain the wastes by waste packages within an engineered system. This is known as the *containment period.* The *engineered system* includes the waste packages as well as the underground facility. A *waste package* includes:

(1) The *waste form* which consists of the radioactive waste materials and any associated encapsulating or stabilizing materials.

(2) The *container* which is the first major sealed enclosure that holds the waste form.

(3) *Overpacks* which consist of any buffer material, receptable, wrapper, box or other structure, that is both within and an integral part of a waste package. It encloses and protects the waste form so as to meet the performance objectives.

(f) *Isolation.* Following the containment period special emphasis is placed upon the ability to achieve isolation of the wastes by virtue of the characteristics of the geologic repository. *Isolation* means the act of inhibiting the transport of radioactive material to the accessible environment in amounts and concentrations within limits. The *accessible environment* means those portions of the environment directly in contact with or readily available for use by human beings.

Performance Objectives

§ 60.111 Performance objectives.

(a) *Performance of the geologic repository operations area through permanent closure.*—(1) *Protection against radiation exposures and releases of radioactive material.* The geologic repository operations area shall be designed so that until permanent closure has been completed, radiation exposures and radiation levels, and releases of radioactive materials to unrestricted areas, will at all times be maintained within the limits specified in Part 20 of this chapter and any generally applicable environmental standards established by the Environmental Protection Agency.

(2) *Retrievability of waste.* The geologic repository operations area shall be designed so that the entire inventory of waste could be retrieved on a reasonable schedule, starting at any time up to 50 years after waste emplacement operations are complete. A reasonable schedule for retrieval is one that requires no longer than about the same overall period of time than was devoted to the construction of the geologic repository operations area and the emplacement of wastes.

(b) *Performance of the geologic repository after permanent closure.*—(1) *Overall system performance.* The geologic setting shall be selected and the subsurface facility designed so as to assure that releases of radioactive materials from the geologic repository following permanent closure conform to such generally applicable environmental radiation protection standards as may have been established by the Environmental Protection Agency.

(2) *Performance of the engineered system.*—(i) *Containment of wastes.*[3] The engineered system shall be designed so that even if full or partial saturation of the underground facility were to occur, and assuming anticipated processes and events, the waste packages will contain all radionuclides for at least the first 1,000 years after permanent closure. This requirement does not apply to TRU waste unless TRU waste is emplaced close enough to HLW that the TRU release rate can be significantly affected by the heat generated by the HLW.

(ii) *Control of releases.*[3]

(A) For HLW, the engineered system shall be designed so that, after the first 1,000 years following permanent closure, the annual release rate of any radionuclide from the engineered system into the geologic setting, assuming anticipated processes and events, is at most one part in 100,000 of the maximum amount of that radionuclide calculated to be present in the underground facility (assuming no release from the underground facility) at any time after 1,000 years following permanent closure. This requirement does not apply to radionuclides whose contribution is less than 0.1% of the total annual curie release as prescribed by this paragraph.

(B) For TRU waste, the engineered system shall be designed so that following permanent closure the annual release rate of any radionuclide from the underground facility into the geologic setting, assuming anticipated processes and events, is at most one part in 100,000 of the maximum amount calculated to be present in the underground facility (assuming no release from the underground facility) at any time following permanent closure. This requirement does not apply to radionuclides whose contribution is less than 0.1% of the annual curie release as prescribed by this paragraph.

(3) *Performance of the geologic setting.*—(i) *Containment period.* During the containment period, the geologic setting shall mitigate the impacts of premature failure of the engineered system. The ability of the geologic setting to isolate wastes during the isolation period, in accordance with paragraph (b)(3)(ii) of this section, shall be deemed to satisfy this requirement.

(ii) *Isolation period.* Following the containment period, the geologic setting, in conjunction with the engineered system as long as that system is expected to function, and alone thereafter, shall be capable of isolating radioactive waste so that transport of radionuclides to the accessible environment shall be in amounts and concentrations that conform to such generally applicable environmental standards as may have been established by the Environmental Protection Agency. For the purpose of this paragraph, the evaluation of the site shall be based upon the assumption that those processes operating on the site are those which have been operating on it during the Quaternary Period, with perturbations caused by the presence of emplaced radioactive wastes superimposed thereon.

§ 60.112 Required characteristics of the geologic setting.

(a) The geologic setting shall have exhibited structural and tectonic stability since the start of the Quaternary Period.

(b) The geologic setting shall have exhibited hydrogeologic, geo-chemical, and geomorphic stability since the start of the Quaternary Period.

(c) The geologic repository shall be located so that pre-waste emplacement groundwater travel times through the far field to the accessible environment are at least 1,000 years.

Ownership and Control of the Geolocghic Repository Operations Area

§ 60.121 Requirements for ownership and control of the geologic repository operations area.

(a) *Ownership of the geologic repository operations area.* The geologic repository operations area shall be located in and on lands that are either acquired lands under the jurisdiction and control of DOE, or lands permanently withdrawn and reserved for its use. These lands shall be held free and clear of all encumbrances, if

[3] The Commission specifically seeks comment on whether an ALARA principle should be applied to the performance requirements dealing with containment and control of releases. In particular, the Commission has considered whether the technical criteria should explicitly require containment to be for "as long as is reasonably achievable" and the release rate to be "as low as is reasonably achievable." Comments should address the merits of such a requirement, how to best frame it, and the practicality of its implementation.

significant, such as: (1) rights arising under the general mining laws; (2) easements for right-of-way; and (3) all other rights arising under lease, rights of entry, deed, patent, mortgage, appropriation, prescription, or otherwise.

(b) *Establishment of controls.* Appropriate controls shall be established outside of the geologic repository operations area. DOE shall exercise any jurisdiction and control over surface and subsurface estates necessary to prevent adverse human actions that could significantly reduce the site or engineered system's ability to achieve isolation. The rights of DOE may take the form of appropriate possessory interests, servitudes, or withdrawals from location or patent under the general mining laws.

Additional Requirements for the Geologic Setting

§ 60.122 Favorable conditions.

Each of the following conditions may contribute to the ability of the geologic setting to meet the performance objectives relating to isolation of the waste. In addition to meeting the mandatory requirements of § 60.112, a geologic setting shall exhibit an appropriate combination of these conditions so that, together with the engieered system, the favorable conditions present are sufficient to provide reasonable assurance that such performance objectives will be met.

(a) The nature and rates of tectonic processes that have occurred since the start of the Quaternary Period are such that, when projected, they would not affect or would favorably affect the ability of the geologic repository to isolate the waste.

(b) The nature and rates of structural processes that have occurred since the start of the Quaternary Period are such that, when projected, they would not affect or would favorably affect the ability of the geologic repository to isolate the waste.

(c) The nature and rates of hydrogeological processes that have occurred since the start of the Quaternary Period are such that, when projected, they would not affect or would favorably affect the ability of the geologic repository to isolate the waste.

(d) The nature and rates of geochemical processes that have occurred since the start of the Quaternary Period are such that when projected, they would not affect or would favorably affect the ability of the geologic repository to isolate the waste.

(e) The nature and rates of geomorphic processes that have occurred since the start of the Quarternary period are such that, when projected they would not affect or would favorably affect the ability of the geologic repository to isolate the waste.

(f) A host rock that provides the following groundwater characteristics—(1) low groundwater content; (2) inhibition of groundwater circulation in the host rock; (3) inhibition of groundwater flow between hydrogeologic units or along shafts, drifts, and boreholes; and (4) groundwater travel times, under pre-waste emplacement conditions, between the underground facility and the accessible environment that substantially exceed 1,000 years.

(g) Geochemical conditions that (1) promote precipitation or sorption or radionuclides; (2) inhibit the formation of particulates, colloids, and inorganic and organic complexes that increase the mobility of radionuclides; and (3) inhibit the transport of radionuclides by particulates, colloids, and complexes.

(h) Mineral assemblages that, when subjected to anticipated thermal loading, will remain unaltered or alter to mineral assemblages having increased capacity to inhibit radionuclide migration.

(i) Conditions that permit the emplacement of waste at a minimum depth of 300 meters from the ground surface. (The ground surface shall be deemed to be the elevation of the lowest point on the surface above the disturbed zone.)

(j) Any local condition of the disturbed zone that contributes to isolation.

§ 60.123 Potentially adverse conditions.

The following are potentially adverse conditions. The presence of any such conditions may compromise site suitability and will require careful analysis and such measures as are necessary to compensate for them adequately pursuant to § 60.124.

(a) *Adverse conditions in the geologic setting.*

(1) Potential for failure of existing or planned man-made surface water impoundments that could cause flooding of the geologic repository operations area.

(2) Potential, based on existing geologic and hydrologic conditions, that planned cnstruction of large-scale surface water impoundments may significantly affect the geologic repository through changes in the regional groundwater flow system.

(3) Potential for human activity to affect significantly the geologic repository through changes in the hydrogeology. This activity includes, but is not limited to planned groundwater withdrawal, extensive irrigation, subsurface injection of fluids, underground pumped storage facilities, or underground military activity.

(4) Earthquakes which have occurred historically that if they were to be repeated could affect the geologic repository significantly.

(5) A fault in the geologic setting that has been active since the start of the Quaternary Period and which is within a distance of the disturbed zone that is less than the smallest dimension of the fault rupture surface.

(6) Potential for adverse impacts on the geologic repositroy resulting from the occupancy and modification of floodplains.

(7) Potential for natural phenomena such as landslides, subsidence, or volcanic activity of such a magnitude that large-scale surface water impoundments could be created that could affect the performance of the geologic repository through changes in the regional groundwater flow.

(8) Expected climatic changes that would have an adverse effect on the geologic, geochemical, or hydrologic characteristics.

(b) *Adverse conditions in the disturbed zone.* For the purpose of determining the presence of the following conditions within the distrubed zone, investigations should extend to the greater of either its calculated extent or a horizontal distance of 2 km from the limits of the underground facility, and from the surface to a depth of 500 meters below the limits of the repository excavation.

(1) Evidence of subsurface mining for resources.

(2) Evidence of drilling for any purpose.

(3) Resources that have either greater gross value, net value, or commercial potential than the average for other representative areas of similar size that are representative of and located in the geologic setting.

(4) Evidence of extreme erosion during the Quaternary Period.

(5) Evidence of dissolutioning of soluble rocks.

(6) The existence of a fault that has been active during the Quaternary Period.

(7) Potential for creating new pathways for radionuclide migration due to presence of a fault or fracture zone irrespective of the age of last movement.

(8) Structural deformation such as uplift, subsidence, folding, and fracturing during the Quaternary Period.

(9) More frequent occurrence of earthquakes or earthquakes of higher magnitude than is typical of the area in which the geologic setting is located.

(10) Indications, based on correlations of earthquakes with tectonic processes and features, that either the frequency of occurrence or magnitude of earthquakes may increase.

(11) Evidence of igneous activity since the start of the Quaternary Period.

(12) Potential for changes in hydrologic conditions that would significantly affect the migration of radionuclides to the accessible environment including but not limited to changes in hydraulic gradient, average interstitial velocity, storage coefficient, hydraulic conductivity, natural recharge, potentiometric levels, and discharge points.

(13) Conditions in the host rock that are not reducing conditions.

(14) Groundwater conditions in the host rock, including but not limited to high ionic strength or ranges of Eh-pH, that could affect the solubility and chemical reactivity of the engineered systems.

(15) Processes that would reduce sorption, result in degradation of the rock strength, or adversely affect the performance of the engineered system.

(16) Rock or groundwater conditions that would require complex engineering measures in the design and construction of the underground facility or in the sealing of boreholes and shafts.

(17) Geomechanical properties that do not permit deisgn of stable underground openings during construction, waste emplacement, or retrieval operations.

§ 60.124 Assessment of potentially adverse conditions.

In order to show that a potentially adverse condition or combination of conditions cited in § 60.123 does not impair significantly the ability of the geologic repository to isolate the radioactive waste, the following must be demonstrated:

(a) The potentially adverse human activity or natural condition has been adequately characterized, including the extent to which the condition may be present and still be undetected taking into account the degree of resolution achieved by the investigations; and

(b) The effect of the potentially adverse human activity or natural condition on the geologic setting has been adequately evaluated using conservative analyses and assumptions, and the evaluation used is sensitive to the adverse human activity or natural condition; and

(c)(1) The potentially adverse human activity or natural condition is shown by analysis in paragraph (b) of this section not to affect significantly the ability of the geologic setting to isolate waste, or

(2) The effect of the potentially adverse human activity or natural condition is compensated by the presence of a combination of the favorable characteristics cited in § 60.122, or

(3) The potentially adverse human activity or natural condition can be remedied.

Design and Construction Requirements

§ 60.130 General design requirements for the geologic repository operations area.

(a) Sections 60.130 through 60.134 specify minimum requirements for the design of, and construction specifications for, the geologic repository operations area. Requirements for design contained in §§ 60.131 through 60.133 must be considered in conjunction with the requirements for construction in § 60.134. Sections 60.130 through 60.134 are not intended to contain an exhaustive list of design and construction requirements. Omissions in §§ 60.130 through 60.134 do not relieve DOE from providing safety features in a specific facility needed to achieve the performance objectives contained in § 60.111. All design and construction criteria must be consistent with the results of site characterization activities.

(b) Systems, structures, and components of the geologic repository operations area shall satisfy the following:

(1) *Radiological protection.* The structures, systems, and components located within restricted areas shall be designed to maintain radiation doses, levels, and concentrations of radioactive material in air in those restricted areas within the limits specified in Part 20 of this chapter. These structures, systems, and components shall be designed to include—

(i) Means to limit concentrations of radioactive material in air;

(ii) Means to limit the time required to perform work in the vicinity of radioactive materials, including, as appropriate, designing equipment for ease of repair and replacement and providing adequate space for ease of operation;

(iii) Suitable shielding;

(iv) Means to monitor and control the dispersal of radioactive contamination;

(v) Means to control access to high radiation areas or airborne radioactivity areas; and

(vi) A radiation alarm system to warn of increases in radiation levels, concentrations of radioactive material in air, and of increased radioactivity released in effluents. The alarm system shall be designed with redundancy and in situ testing capability.

(2) *Protection against natural phenomena and environmental conditions.*

(i) The structures, systems, and components important to safety shall be designed to be compatible with anticipated site characteristics and to accommodate the effects of environmental conditions, so as to prevent interference with normal operation, maintainence and testing during the entire period of construction and operations.

(ii) The structures, systems, and components important to safety shall be designed so that natural phenomena and environmental conditions anticipated at the site will not result, in any relevant time period, in failure to achieve the performance objectives.

(3) *Protection against dynamic effects of equipment failure and similar events.* The structures, systems and components important to safety shall be designed to withstand dynamic effects that could result from equipment failure, such as missle impacts, and similar events and conditions that could lead to loss of their safety functions.

(4) *Protection against fires and explosions.*

(i) The structures, systems, and components important to safety shall be designed to perform their safety functions during and after fires or explosions in the geologic repository operations area.

(ii) To the extent practicable, the geologic repository operations area shall be designed to incorporate the use of noncombustible and heat resistant materials.

(iii) The geologic repository operations area shall be designed to include explosion and fire detection alarm systems and appropriate suppression systems with sufficient capacity and capability to reduce the adverse effects of fires and explosions on structures, systems, and components important to safety.

(iv) The geologic repository operations area shall be designed to include means to protect systems, structures, and components important to safety against the adverse effects of either the operation or failure of the fire suppression systems.

(5) *Emergency capability.*

(i) The structures, systems, and components important to safety shall be designed to maintain control of radioactive waste, and permit prompt termination of operations and

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evacuation of personnel during an emergency.

(ii) The geologic repository operations area shall be designed to include onsite facilities and services that ensure a safe and timely response to emergency conditions and that facilitate the use of available offsite services (such as fire, police, medical and ambulance service) that may aid in recovery from emergencies.

(6) *Utility services.*

(i) Each utility service system shall be designed so that essential safety functions can be performed under both normal and emergency conditions.

(ii) The utility services important to safety shall include redundant systems to the extent necessary to maintain, with adequate capacity, the ability to perform their safety functions.

(iii) The emergency utility services shall be designed to permit testing of their functional operability and capacity. This will include the full operational sequence of each system when transferring between normal and emergency supply sources, as well as the operation of associated safety systems.

(iv) Provisions shall be made so that, if there is a loss of the primary electric power source or circuit, reliable and continued emergency power is provided to instruments, utility service systems, and operating systems, including alarm systems. This emergency power shall be sufficient to allow safe conditions to be maintained. All systems important to safety shall be designed to permit them to be maintained at all times in a functional mode.

(7) *Inspection, testing, and maintenance.* The structures, systems, and components important to safety shall be designed to permit periodic inspection, testing, and maintenance, as necessary, to ensure their continued functioning and readiness.

(8) *Criticality control.* All systems for processing, transporting, handling, storage, retrieval, emplacement, and isolation of radioactive waste shall be designed to ensure that a nuclear criticality accident is not possible unless at least two unlikely, independent, and concurrent or sequential changes have occurred in the conditions essential to nuclear criticality safety. Each system shall be designed for criticality safety under normal and accident conditions. The calculated effective multiplication factor (k_{eff}) must be sufficiently below unity to show at least a 5% margin, after allowance for the bias in the method of calculation and the uncertainty in the experiments used to validate the method of calculation.

(9) *Instrumentation and control systems.* Instrumentation and control systems shall be designed to monitor and control the behavior of engineered systems important to safety over anticipated ranges for normal operation and for accident conditions. The systems shall be designed with sufficient redundancy to ensure that adequate margins of safety are maintained.

(10) *Compliance with mining regulations.* To the extent that DOE is not subject to the Federal Mine Safety and Health Act of 1977, as to the construction and operation of the geologic repository operations area, the design of the geologic repository operations area shall nevertheless include such provisions for worker protection as may be necessary to provide reasonable assurance that all structures, systems, and components important to safety can perform their intended functions. Any deviation from relevant design requirements in 30 CFR, Chapter I, Subchapters D, E, and N will give rise to a rebuttable presumption that this requirement has not been met.

§ 60.131 Additional design requirements for surface facilities in the geologic repository operations area.

(a) *Facilities for receipt and retrieval of waste.* Surface facilities in the geologic repository operations area shall be designed to allow safe handling and storage of wastes at the site, whether these wastes are on the surface before emplacement or as a result of retrieval from the underground facility. The surface facilities shall be designed so as to permit inspection, repair, and decontamination of such wastes and their containers. Surface storage capacity is not required for all emplaced waste.

(b) *Surface facility ventilation.* Surface facility ventilation systems supporting waste transfer, inspection, decontamination, processing, or packaging shall be designed to provide protection against radiation exposures and offsite releases as provided in § 60.111.

(c) *Radiation control and monitoring.*—(1) *Effluent control.* The surface facilities shall be designed to control the release of radioactive materials in effluents during normal and emergency operations. The facilities shall be designed to provide protection against radiation exposures and offsite releases as provided in § 60.111.

(2) *Effluent monitoring.* The effluent monitoring systems shall be designed to measure the amount and concentration of radionuclides in any effluent with sufficient precision to determine whether releases conform to the design requirement for effluent control. The monitoring systems shall be designed to include alarms that can be periodically tested.

(d) *Waste treatment.* Radioactive waste treatment facilities shall be designed to process any radioactive wastes generated at the geologic repository operations area into a form suitable to permit safe disposal at the geologic repository operations area or to permit safe transportation and conversion to a form suitable for disposal at an alternative site in accordance with any regulations that are applicable.

(e) *Consideration of decommissioning.* The surface facility shall be designed to facilitate decommissioning.

§ 60.132 Additional design requirements for the underground facility.

(a) General criteria for the underground facility.

(1) The underground facility shall be designed so as to perform its safety functions assuming interactions among the geologic setting, the underground facility, and the waste package.

(2) The underground facility shall be designed to provide for structural stability, control of groundwater movement and control of radionuclide releases, as necessary to comply with the performance objectives of § 60.111.

(3) The orientation, geometry, layout, and depth of the underground facility, and the design of any engineered barriers that are part of the underground facility shall enhance containment and isolation of radionuclides to the extent practicable at the site.

(4) The underground facility shall be designed so that the effects of disruptive events such as intrusions of gas, or water, or explosions, will not spread through the facility.

(b) *Flexibility of design.* The underground facility shall be designed with sufficient flexibility to allow adjustments, where necessary to accommodate specific site conditions identified through in situ monitoring, testing, or excavation.

(c) *Separation of excavation and waste emplacement (modular concept).* If concurrent excavation and emplacement of wastes are planned, then:

(1) The design shall provide for such separation of activities into discrete areas (modules) as may be necessary to assure that excavation does not impair waste emplacement or retrieval operations.

(2) Each module shall be designed to permit insulation from other modules if an accident occurs.

(d) *Design for retrieval of waste.* The underground facility shall be designed to—

(1) Permit retrieval of waste in accordance with the performance objectives (§ 60.111);

(2) Ensure sufficient structural stability of openings and control of groundwater to permit the safe conduct of waste retrieval operations; and

(3) Allow removal of any waste packages that may be damaged or require inspection without compromising the ability of the geologic repository to meet the performance objectives (§ 60.111).

(e) *Design of subsurface openings.*

(1) Subsurface openings shall be designed to maintain stability throughout the construction and operation periods. If structural support is required for stability, it shall be designed to be compatible with long-term deformation, hydrologic, geochemical, and thermomechanical characteristics of the rock and to allow subsequent placement of backfill.

(2) Structures required for temporary support of zones of weak or highly fractured rock shall be designed so as not to impair the placement of permanent structures or the capability to seal excavated areas used for the containment of wastes.

(3) Subsurface openings shall be designed to reduce the potential for deleterious rock movement or fracturing of overlying or surrounding rock over the long term. The size, shape, orientation, and spacing of openings and the design of engineered support systems shall take the following conditions into considerations—

(i) natural stress conditions;

(ii) deformation characteristics of the host rock under normal conditions and thermal loading;

(iii) The kinds of weaknesses or structural discontinuities found at various locations in the geologic repository;

(iv) Equipment requirements; and

(v) The ability to construct the underground facility as designed so that stability of the rock is enhanced.

(f) *Rock excavation.* The design of the underground facility shall incorporate excavation methods that will limit damage to and fracturing of rock.

(g) *Control of water and gas.*

(1) Water and gas control systems shall be designed to be of sufficient capability and capacity to reduce the potentially adverse effects of groundwater intrusion, service water intrusion, or gas inflow into the underground facility.

(2) Water and gas control systems shall be designed to control the quantity of water or gas flowing into or from the underground facility, monitor the composition of gases, and permit sampling of liquids.

(3) Systems shall be designed to provide control of water and gas in both waste emplacement areas and excavation areas.

(4) Water control systems shall be designed to include storage capability and modular layouts that ensure that unexpected inrush or flooding can be controlled and contained.

(5) If the intersection of aquifers or water-bearing geologic structures is anticipated during construction, the design of the underground facility shall include plans for cutoff or control of water in advance of the excavation.

(6) If linings are required, the contact between the lining and the rock surrounding subsurface excavations shall be designed so as to avoid the creation of any preferential pathway for groundwater or radionuclide migration.

(h) *Subsurface ventilation.* The ventilation system shall be designed to—

(1) Control the transport of radioactive particulates and gases within and releases from the subsurface facility in accordance with the performance objectives (§ 60.111);

(2) Permit continuous occupancy of all excavated areas during normal operations through the time of permanent closure;

(3) Accommodate changes in operating conditions such as variations in temperature and humidity in the underground facility;

(4) Include redundant equipment and fail safe control systems as may be needed to assure continued function under normal and emergency conditions; and

(5) Separate the ventilation of excavation and waste emplacement areas.

(i) *Engineered barriers.*

(1) Barriers shall be located where shafts could allow access for groundwater to enter or leave the underground facility.

(2) Barriers shall create a waste package environment which favorably controls chemical reactions affecting the performance of the waste package.

(3) Backfill placed in the underground facility shall be designed as a barrier.

(i) Backfill placed in the underground facility shall perform its functions assuming anticipated changes in the geologic setting.

(ii) Backfill placed in the underground facility shall serve the following functions:

(A) It shall provide a barrier to groundwater movement into and from the underground facility.

(B) It shall reduce creep deformation of the host rock that may adversely affect (*1*) waste package performance or (*2*) the local hydrological system.

(C) It shall reduce and control groundwater movement within the underground facility.

(D) It shall retard radionuclide migration.

(iii) Backfill placed in the underground facility shall be selected to allow for adequate placement and compaction in underground openings.

(j) *Waste handling and emplacement.*

(1) The systems used for handling, transporting, and emplacing radioactive wastes shall be designed to have positive, fail-safe designs to protect workers and to prevent damage to waste packages.

(2) The handling systems for emplacement and retrieval operations shall be designed to minimize the potential for operator error.

(k) *Design for thermal loads.*

(1) The underground facility shall be designed so that the predicted thermal and thermomechanical response of the rock will not degrade significantly the performance of the repository or the ability of the natural or engineered barriers to retard radionuclide migration.

(2) The design of waste loading and waste spacings shall take into consideration—

(i) Effects of the design of the underground facility on the thermal and thermomechanical response of the host rock and the groundwater system;

(ii) Features of the host rock and geologic setting that affect the thermomechanical response of the underground facility and barriers, including but not limited to, behavior and deformational characteristics of the host rock, the presence of insulating layers, aquifers, faults, orientation of bedding planes, and the presence of discontinuities in the host rock; and

(iii) The extent to which fracturing of the host rock is influenced by cycles of temperature increase and decrease.

§ 60.133 Design of shafts and seals for shafts and boreholes.

(a) *Shaft design.* Shafts shall be designed so as not to create a preferential pathway for migration of groundwater and so as not to increase the potential for migration through existing pathways.

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(b) *Shaft and borehole seals.* Shaft and borehole seals shall be designed so that:

(1) Shafts and boreholes will be sealed as soon as possible after they have served their operational purpose.

(2) At the time of permanent closure sealed shafts and boreholes will inhibit transport of radionclides to at least the same degree as the undisturbed units of rock through which the shafts or boreholes pass. In the case of soluble rocks, the borehole and shaft seals shall also be designed to prevent groundwater circulation that would result in dissolution.

(3) Contact between shaft and borehole seals and the adjacent rock does not become a preferential pathway for water.

(4) Shaft and borehole seals can accommodate potential variations of stress, temperature, and moisture.

(5) The materials used to construct the seals are appropriate in view of the geochemistry of the rock and groundwater system, anticipated deformations of the rock, and other in situ conditions.

(c) *Shaft conveyances used in radioactive waste handling.*

(1) Shaft conveyances used to transport radioactive materials shall be designed to satisfy the requirements as set forth in § 60.130 for systems, structures, and components important to safety.

(2) Hoists important to safety shall be designed to preclude cage free fall.

(3) Hoists important to safety shall be designed with a reliable cage location system.

(4) Hoist loading and unloading systems shall be designed with a reliable system of interlocks that will fail safely upon malfunction.

(5) Hoists important to safety shall be designed to include two independent indicators to indicate when waste packages are in place, grappled, and ready for transfer.

§ 60.134 Construction specifications for surface and subsurface facilities.

(a) *General requirement.* Specifications for construction shall conform to the objectives and technical requirements of §§ 60.130 through 60.133.

(b) *Construction management program.* The construction specifications shall facilitate the conduct of a construction management program that will ensure that construction activities do not adversely affect the suitability of the site to isolate the waste or jeopardize the isolation capabilities of the underground facility, boreholes, shaft, and seals, and that the underground facility is constructed as designed.

(c) *Construction records.* The construction specifications shall include requirements for the development of a complete documented history of repository construction. This documented history shall include at least the following—

(1) Surveys of underground excavations and shafts located via readily identifiable surface features or monuments;

(2) Materials encountered;

(3) Geologic maps and geologic cross sections;

(4) Locations and amount of seepage;

(5) Details of equipment, methods, progress, and sequence of work;

(6) Construction problems;

(7) Anomalous conditions encountered;

(8) Instrument locations, readings, and analysis;

(9) Location and description of structural support systems;

(10) Location and description of dewatering systems; and

(11) Details, methods of emplacement, and location of seals used.

(d) *Rock excavation.* The methods used for excavation shall be selected to reduce to the extent practicable the potential to create a preferential pathway for groundwater or radioactive waste migration or increase migration through existing pathways.

(e) *Control of explosives.* If explosives are used, the provisions of 30 CFR 57.6 (Explosives) issued by the Mine Safety and Health Administration, Department of Labor, shall be met, as minimum safety requirements for storage, use and transport at the geologic repository operations area.

(f) *Water control.* The construction specifications shall provide that water encountered in excavations shall be removed to the surface and controlled in accordance with design requirements for radiation control and monitoring (§ 60.131(c)).

(g) *Waste handling and emplacement.* The construction specifications shall provide for demonstration of the effectiveness of handling equipment and systems for emplacement and retrieval operations, under operating conditions.

Waste Package Requirements

§ 60.135 Requirements for the waste package and its components.

(a) *General requirements of design.* The design of the waste package shall include the following elements:

(1) *Effect of the site on the waste package.* The waste package shall be designed so that the in situ chemical, physical, and nuclear properties of the waste package and its interactions with the emplacement environment do not compromise the function of the waste packages. The design shall include but not be limited to consideration of the following factors: solubility, oxidation/reduction reactions, corrosion, hydriding, gas generation, thermal effects, mechanical strength, mechanical stress, radiolysis, radiation damage, radionuclide retardation, leaching, fire and explosion hazards, thermal loads, and synergistic interactions.

(2) *Effect of the waste package on the underground facility and the natural barriers of the geologic setting.* The waste package shall be designed so that the in situ chemical, physical, and nuclear properties of the waste package and its interactions with the emplacement environment do not compromise the performance of the underground facility or the geologic setting. The design shall include but not be limited to consideration of the following factors: solubility, oxidation/reduction reactions, corrosion, hydriding, gas generation, thermal effects, mechanical strength, mechanical stress, radiolysis, radiation damage, radionuclide retardation, leaching, fire and explosion hazards, thermal loads, and synergistic interactions.

(b) *Waste form requirements.* Radioactive waste that is emplaced in the underground facility shall meet the following requirements:

(1) *Solidification.* All such radioactive wastes shall be in solid form and placed in sealed containers.

(2) *Consolidation.* Particulate waste forms shall have been consolidated (for example, by incorporation into an encapsulating matrix) to limit the availability and generation of particulates.

(3) *Combustibles.* All combustible radioactive wastes must have been reduced to a noncombustible form unless it can be demonstrated that a fire involving a single package will neither compromise the integrity of other packages, nor adversely affect any safety-related structures, systems, or components.

(c) *Waste package requirements.* The waste package design shall meet the following requirements:

(1) *Explosive, pyrophoric, and chemically reactive materials.* The waste package shall not contain explosive or pyrophoric materials or chemically reactive materials that could interfere with operations in the underground facility or compromise the ability of the geologic repository to satisfy the performance objectives.

(2) *Free liquids.* The waste package shall not contain free liquids in an amount that could impair the structural integrity of waste package components (because of chemical interactions or formation of pressurized vapor) or result in spillage and spread of contamination in the event of package perforation.

(3) *Handling.* Waste packages shall be designed to maintain waste containment during transportation, emplacement, and retrieval.

(4) *Unique identification.* A label or other means of identification shall be provided for each package. The identification shall not impair the integrity of the package and shall be applied in such a way that the information shall be legible at least to the end of the retrievable storage period. Each package identification shall be consistent with the package's permanent written records.

Performance Confirmation Requirements

§ 60.137 General requirements for performance confirmation.

The geologic repository operations area shall be designed so as to permit implementation of a performance confirmation program that meets the requirements of Subpart F of this part.

Subpart F—Performance Confirmation

§ 60.140 General requirements.

(a) The performance confirmation program shall ascertain whether—

(1) Actual subsurface conditions encountered and changes in those conditions during construction and waste emplacement operations are within the limits assumed in the licensing review; and

(2) Natural and engineered systems and components required for repository operation, or which are designed or assumed to operate as barriers after permanent closure are functioning as intended and anticipated.

(b) The program shall have been started during site characterization and it will continue until permanent closure.

(c) The program will include in situ monitoring, laboratory and field testing, and in situ experiments, as may be appropriate to accomplish the objective as stated above.

(d) The confirmation program shall be implemented so that:

(1) It does not adversely affect the natural and engineered elements of the geologic repository.

(2) It provides baseline information and analysis of that information on those parameters and natural processes pertaining to the geologic setting that may be changed by site characterization, construction, and operational activities.

(3) It monitors and analyzes changes from the baseline condition of parameters that could affect the performance of a geologic repository.

(4) It provides an established plan for feedback and analysis of data, and implementation of appropriate action.

§ 60.141 Confirmation of geotechnical and design parameters.

(a) During repository construction and operation, a continuing program of surveillance, measurement, testing, and geologic mapping shall be conducted to ensure that geotechnical and design parameters are confirmed and to ensure that appropriate action is taken to inform the Commission of changes needed in design to accommodate actual field conditions encountered.

(b) Subsurface conditions shall be monitored and evaluated against design assumptions.

(c) As a minimum, measurements shall be made of rock deformations and displacement, changes in rock stress and strain, rate and location of water inflow into subsurface areas, changes in groundwater conditions, rock pore water pressures including those along fractures and joints, and the thermal and thermomechanical response of the rock mass as a result of development and operations of the geologic repository.

(d) These measurements and observations shall be compared with the original design bases and assumptions. If significant differences exist between the measurements and observations and the original design bases and assumptions, the need for modifications to the design or in construction methods shall be determined and these differences and the recommended changes reported to the Commission.

(e) In situ monitoring of the thermomechanical response of the underground facility shall be conducted until permanent closure to ensure that the performance of the natural and engineering features are within design limits.

§ 60.142 Design testing.

(a) During the early or developmental stages of construction, a program for in situ testing of such features as borehole and shaft seals, backfill, and the thermal interaction effects of the waste packages, backfill, rock, and groundwater shall be conducted.

(b) The testing shall be initiated as early as is practicable.

(c) A backfill test section shall be constructed to test the effectiveness of backfill placement and compaction procedures against design requirements before permanent backfill placement is begun.

(d) Test sections shall be established to test the effectiveness of borehole and shaft seals before full-scale operation proceeds to seal boreholes and shafts.

§ 60.143 Monitoring and testing waste packages.

(a) A program shall be established at the repository for monitoring the condition of the waste packages. Packages chosen for the program shall be representative of those to be emplaced in the repository.

(b) Consistent with safe operation of the repository, the environment of the waste packages selected for the waste package monitoring program shall be representative of the emplaced wastes.

(c) The waste package monitoring program shall include laboratory experiments which focus on the internal condition of the waste packages. To the extent practical, the environment experienced by the emplaced waste packages within the repository during the waste package monitoring program shall be duplicated in the laboratory experiments.

(d) The waste package monitoring program shall continue as long as practical up to the time of permanent closure.

Subpart G—Quality Assurance

§ 60.150 Scope.

(a) As used in this part, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that the repository and its subsystems or components will perform satisfactorily in service.

(b) Quality assurance is a multidisciplinary system of management controls which address safety, reliability, maintainability, performance, and other technical disciplines.

§ 60.151 Applicability.

The quality assurance program applies to all systems, structures and components important to safety and to activities which would prevent or mitigate events that could cause an undue risk to the health and safety of the public. These activities include: exploring, site selecting, designing, fabricating, purchasing, handling, shipping, storing, cleaning, erecting, installing, emplacing, inspecting, testing,

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operating, maintaining, monitoring, repairing, modifying, and decommissioning.

§ 60.152 Implementation.

DOE shall implement a quality assurance program based on the criteria of Appendix B of 10 CFR Part 50 as applicable, and appropriately supplemented by additional criteria as required by § 60.151.

§ 60.153 Quality assurance for performance confirmation.

The quality assurance program shall include the program of tests, experiments and analyses essential to achieving adequate confidence that the emplaced wastes will remain isolated from the accessible environment.

Subpart H—Training and Certification of Personnel

§ 60.160 General requirements.

Operations that have been identified as important to safety in the Safety Analysis Report and in the license shall be performed only by trained and certified personnel or by personnel under the direct visual supervision of an individual with training and certification in such operation. Supervisory personnel who direct operations that are important to safety must also be certified in such operations.

§ 60.161 Training and certification program.

The DOE shall establish a program for training, proficiency testing, certification and requalification of operating and supervisory personnel.

§ 60.162 Physical requirements.

The physical condition and the general health of personnel certified for operations that are important to safety shall not be such as might cause operational errors that could endanger the public health and safety. Any condition which might cause impaired judgement or motor coordination must be considered in the selection of personnel for activities that are important to safety. These conditions need not categorically disqualify a person, so long as appropriate provisions are made to accomodate such defect.

Dated at Washington, D.C. this 2nd day of July, 1981.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-20028 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Human Prescription Drugs in Oral Dosage Forms; Proposed Exemption From Child-Resistant Packaging of All Unit-Dose Forms of Potassium Supplements Containing Not More Than 50 Milliequivalents of Potassium Per Unit-Dose

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the current exemption from special packaging under the Poison Prevention Packaging Act of 1970 for potassium supplements in effervescent tablet form, each tablet containing not more than 50 milliequivalents of potassium, to cover all unit-dose forms of the drug containing not more than 50 milliequivalents of potassium per unit-dose. The Commission is taking this action based on the absence of adverse experience from ingestion by children of potassium supplements in all forms, including powdered and liquid potassium.

DATES: Comments on this proposed exemption should be submitted by September 8, 1981. If the Commission issues a final regulation concerning the exemption, the Commission proposes that the exemption be effective on the date the final regulation is published in the **Federal Register.**

ADDRESS: Comments should be addressed to the Office of the Secretary, CPSC, 1111 18th St., NW, Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Virginia White, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6453.

SUPPLEMENTARY INFORMATION:

Background

Regulations issued under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471–1476) establish child-protection packaging requirements for human oral prescription drugs in order to protect children from serious personal injury or illness resulting from handling, using, or ingesting these substances.

On September 30, 1980 the Commission issued a final exemption to the child-resistant packaging regulations for prescription drugs in oral form (16 CFR 1700.14(a)(10)) for potassium supplements in individually-packaged effervescent tablets, each tablet containing not more than 50 milliequivalents (mEq) of potassium (44 FR 34988). The Commission took this action based on the absence of adverse experience with effervescent potassium tablets and on test data indicating that their effervescence inhibits ingestion in dangerous amounts. In the same **Federal Register** document the Commission also announced its intention to reopen the issue of a possible exemption for all unit dose forms of potassium supplements, including powdered and liquid forms as well as individually-wrapped tablets. The Commission decided to reopen the issue based on correspondence with a manufacturer of powdered potassium (Berlex Laboratories) who contended that there is an inconsistency between denial of its earlier petition (PP 75–11) requesting an exemption from special packaging for powdered potassium chloride in individual packets and the proposal of an exemption for the 50 mEq effervescent tablet.

The Commission denied PP 75–11, along with similar requests from Abbott Laboratories and Mead-Johnson Laboratories for exemption of potassium chloride powder, on August 21, 1975. That denial was based on experimental evidence indicating that potassium chloride powder, administered to rabbits in amounts equivalent to ingestion of one to three packets of the drug by a small child, caused severe gastric irritation and injury in the animals, as well as in the lack of human experience data with this drug.

The Commission also earlier denied a petition from Warren-Teed Pharmaceuticals, Inc. (PP 74–42) for exemption of its liquid potassium supplements in unit dose form. (The liquid form of potassium is used almost exclusively in hospitals and other institutions but is also available for home use.) The Commission denied that petition based on the lack of adequate human experience data, at the time, with which to evaluate childhood ingestion; the fact that the products were highly flavored; and an evaluation of toxicity data indicating that five unit does vials (100 mEq potassium) might produce toxic effects in a small child.

Grounds for Exemption

Based upon additional information, data, and human experience generated since the 1975 denial of the petitions for exemption of potassium chloride powder and liquid potassium supplements, the Commission is now proposing to exempt from special packaging all unit dose forms of potassium supplements, including unit dose vials of liquid potassium

supplements and powdered potassium in unit dose packets as well as individually-wrapped effervescent tablets, containing not more than 50 mEq of potassium per unit dose. The additional human experience data and other information are discussed below.

At the time the petitions for exemption of powdered and liquid potassium supplements were denied, little human experience data on potassium chloride were available. Examination of National Clearinghouse for Poison Control Center (NCPC) data, now available for the period 1969–1978, reveals no reported ingestions in children under 5 of any of the liquid or powdered potassium supplement brands which comprise the majority of the market. NCPCC data involving the ingestion of generic potassium chloride (dosage form and trade name not specified) show only 37 ingestions in children under 5, one of which resulted in symptoms; there was no hospitalization. Estimates from information available to the Commission indicate that over 40 million prescriptions for potassium supplements were dispensed over that period. Examination of National Electronic Injury Surveillance System (NEISS) data through 1980 reveals no reports of ingestion of powdered or liquid potassium supplements.

In addition, the Commission now believes that the rabbit test, used at the time of denial of the petitions to show that low doses of powdered potassium chloride were capable of producing gastric injury in the animals, was too sensitive a model for prediction of human injury. Recent CPSC studies indicate that common vinegar, which is regularly consumed by children and adults without adverse effect, causes gastric damage in rabbits in excess of that produced by powdered potassium supplements. Further, the applicability to humans of the rabbit test model for classifying corrosive and irritant substances has been criticized by the National Academy of Sciences (NAS).

The Commission notes that gastric lesions of the type induced in the rabbits by potassium chloride would be readily apparent in children were they to occur. The Commission also notes that the fact that they do not occur is supported by the substantial human experience data discussed above as well as by the absence of any harmful sequellae occurring to children involved in the child taste studies submitted with the original petitions on potassium powder. Furthermore, the fact that crystalline potassium may be regularly consumed by children in their homes as a flavor enhancer of foods (i.e., in homes using salt substitutes) without ill effect provides additional support for the unlikelihood of gastric injury occurring from ingestion of very small amounts of potassium powder.

The Commission points out that acute toxicity from oral administration of potassium is highly unlikely because large doses induce vomiting and because absorbed potassium is excreted rapidly unless there has been prior kidney damage. Based upon staff calculations, a small child (22 lbs.) would have to ingest a minimum of 100 mEq of potassium (4–5 unit dose packets of powder or 5 unit dose vials of liquid) before physiological effects such as listlessness, mental confusion or muscle weakness in the extremities might be expected. Child taste studies, submitted by Berlex, Mead-Johnson and Abbott Laboratories at the time of their original petitions, indicated that more than half of the children consumed (or spilled) less than one mEq of powdered potassium chloride. Of the remaining children, only one percent ingested (or spilled) more than 15 mEq.

The Commission also points out that the unit-dose packaging of the liquid potassium supplements may be a deterrent to their home use. (Liquid potassium supplements which are not packaged in individual doses are not subject to this proposed exemption.) These products are manufactured and labeled "for institutional use only." This, combined with the higher cost of the unit-dose vial and pharmacy storage space requirements, suggests that pharmacists are less apt to dispense this package form in filling patient prescriptions. The Commission notes that the crimped aluminum cap on the liquid potassium supplements can be an impediment to small children's ingestion of toxic amounts of the drug. Although the cap is not marketed as child-resistant closure, the manufacturers consider the seal on the vial to be an impediment to children. This may be significant since rapid consumption and absorption of potassium is necessary in order to exceed the kidney threshold and accumulate toxic amounts of potassium within the body.

Technical Advisory Committee and FDA Comments

Members of the Technical Advisory Committee (TAC) established by section 6 of the PPPA were asked to comment on the merits of a proposed exemption for all unit-dose forms of potassium supplements, each unit-dose containing not more than 50 mEq of potassium. Twelve members of the committee responded.

One member did not make a recommendation. Another recommended that exemptions for powdered and liquid potassium supplements should not be granted, except for liquid preparations sold to institutions. This member stated that although the taste studies showed that only small amounts of the powders were ingested, there could be the exceptional child who might ingest a larger, and possibly toxic amount. A third member recommended that potassium powders but not the liquid potassium products be exempt. This member concluded that the data submitted regarding the powders indicated that injuries were unlikely to occur. However, since no taste studies were submitted for the liquid preparations, the member indicated that the liquid form and fruit flavor of the liquid products might cause children to ingest more of these products.

The remaining nine members of the TAC recommended that both product forms be exempted. In support of their views, these members cited the lack of reports of serious injuries from potassium-containing products, the taste studies indicating that the taste of the powders may be a deterrent to ingestion, the relatively low toxicity of potassium supplements, and the information indicating that the rabbit test used to predict esophageal irritancy in humans was inappropriate.

The Food and Drug Administration (FDA), which had concurred with the Commission in the original decision to deny the requests for exemption of powdered potassium supplements, provided updated comments on a possible exemption for powdered potassium supplements in individual packets. FDA now recommends that the Commission grant an exemption from special packaging for powdered potassium supplements, in view of the information indicating that the rabbit test was inappropriate and the human experience data generated since denial of the petition indicating that potassium supplements do not pose a significant ingestion or poisoning risk for children.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and environmental review of exemptions from such regulations therefore, is, generally not required. (§ 1021.5(b)(1)). The rules also

state that environmental review of rules requiring poison prevention packaging is generally not required. (§ 1021.5(b)(3)).

With respect to this exemption of potassium supplements in all unit-dose forms from poison prevention packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Small Business Effects

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), the Commission certifies that this proposed rule issuing an exemption from special packaging if promulgated, will not, have a significant economic impact on a substantial number of small entities. The proposed rule, if issued in final form, would merely relieve an existing restriction on drug manufacturers and on pharmacists to use special packaging for powdered and liquid potassium supplements in unit dose forms.

Conclusion

Having considered the requested exemptions, the available human experience data, information on the inappropriateness of the rabbit test, toxicity information, and the opinions of the members of the Technical Advisory Committee established by section 6 of the PPPA, the Commission finds that special packaging is not required to protect children from serious personal injury or illness resulting from handling, using, or ingesting all unit dose forms of potassium supplements, including unit dose vials of liquid potassium and powdered potassium in unit dose packets as well as individually-packaged effervescent tablets, containing nor more than 50 mEq of potassium per unit dose. (Potassium supplements which are not packaged in unit dose forms are not subject to the proposed exemption.)

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–572, sec, 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to amend 16 CFR 7100.14 by revising paragraph (a)(10)(vi), as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(1) Prescription Drugs. Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal Law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c) except for the following:

* * * * *

(vi) All unit dose forms of potassium supplements, including individually-wrapped effervescent tablets, unit dose vials of liquid potassium, and powdered potassium in unit dose packets, containing not more than 50 milliequivalents of potassium per unit dose.

(Pub. L. 91–601, secs. 2(4), 3, 84 Stat. 1670–72, (15 U.S.C. 1471(4), 1472, 1474); Pub. L. 92–573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)))

Dated: July 2, 1981.

Sheldon D. Butts

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 81–19663 Filed 7–7–81; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 8 and 141

[Docket No. RM81–36]

Proposed Rulemaking To Revise Form No. 80, Licensed Projects Recreation Report

Issued: July 2, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend its Form No. 80, Licensed Projects Recreation Report. Form No. 80 biennially collects information about recreational facilities and recreational opportunities at developments within hydroelectric projects which are licensed by the Commission.

As proposed, certain data requests contained in the form would be consolidated, simplified and clarified and the form itself would be reduced in size by about 60 percent. The proposed revision of Form No. 80 is part of the Commission's ongoing program to eliminate reporting requirements which are not necessary to the performance of the Commission's regulatory responsibilities and to reduce the burden associated with necessary filing requirements.

DATE: Comments are due by August 3, 1981.

ADDRESSES: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM81–36.

Copies of the Form No. 80 are available at: Federal Energy Regulatory Commission, Office of Public Information, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: John O. Young, Jr., Office of Electric Power Regulation, 825 North Capitol Street NE., Room 308RB, Washington, D.C. 20426, (202) 376–4312.

SUPPLEMENTARY INFORMATION:

Issued: July 2, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations at 18 CFR 8.11, and the Form No. 80, the Licensed Projects Recreation Report which is prescribed by § 8.11.[1] Form No. 80 solicits information about recreational facilities and recreational opportunities at developments within hydroelectric projects licensed by the Commission under the Federal Power Act.[2] These data are used to determine whether the public need for water-based recreation facilities is being met by such licensees and whether additional efforts should be made to meet current and future recreational needs.

Form No. 80 is collected from about 160 project licensees. The form is required to be submitted every other year, although it collects data only for the year immediately preceding the year in which it is filed.

This rulemaking proceeding has been initiated as part of the Commission's ongoing program to review Commission filing requirements and reduce unnecessary reporting burdens. The Form No. 80 has been prescribed by Commission regulations since 1967.[3] As a result of reevaluation of the form, the Commission has determined that certain items are not necessary to the performance of the Commission's regulatory responsibilities. Accordingly, the Commission proposes to reduce the number of data elements in the form by approximately 60 percent. This should result in a net decrease of 75 percent in the time it takes for respondents to collect data for each form, record it, and submit it to the Commission. The time needed to complete a Form No. 80 would be reduced from the current 40 hours to only 10 hours.

In addition, the procedure for filing the form would be simplified. As is currently required, respondents would have to make only one complete filing of the revised Form No. 80. Subsequent filings would be updated only to the extent necessary to "change, delete or add to" the previously submitted information. since the Commission would preprint and return to respondents those forms previously filed, changes to the information could then be made quickly and easily.

Finally, respondents would no longer be required to list under "Other" all those facilities at a development which are not designated on the form. Reports would be required only for the facilities which are specifically named on the form.

II. Summary of Proposed Changes

A. Revisions to Form No. 80

The Commission proposes to completely redesign Form No. 80 in order to consolidate and clarify necessary data requirements, eliminate unnecessary elements and update certain of the reporting requirements. The title of Form No. 80 would be changed from "Licensed Projects Recreation Report" to "Licensed Hydropower Development Recreation Report" to better describe the source of information for the report. For the same reason, references to "project" would be changed to "development" elsewhere in the form and in the regulations. The instructions would also provide that the form would be preprinted for submissions made after the 1981 filing so that respondents would simply note changes as necessary.

The following items would be deleted from Form No. 80:[4]

- Direction and air miles from the project to the nearest city (Part 2.D.)
- Estimated population within 100 air miles of the development (Part 2.E.)
- Location of the center of the project development in latitude and longitude (part 2.H.)
- Maximum pool fluctuation (in feet, Msl) (Part 3.E.)
- Water quality and description (Part 3.F.)
- Description of (1) reservoir operation, (2) accessibility, (3) climate, and (4) nearly recreation areas (Part 3.H.)
- Total days in recreation season (Part 3.J. (3))
- Land and water control policy (Part 4.a. (5))
- Names and addresses of cooperating agencies (Part 4.B.)
- Types of recreation fees and range of charges in project (Part 4.D.)
- Initial number of annual visitations to the development (Part 5.b.)
- Initial number of visitors on an average peak weekend day (Part 5.E.)
- Land and land rights (Part 6.A.)
- Structures, improvements and equipment (Part 6.B.)
- Gross recreation investment (Part 6.C.)
- Total development investment (Part 6.E.)
- Initial number of free and user fee facilities in the project (Part 7. Cols. 3 and 4.)
- The reason why no comfort stations are provided; whether or not comfort stations meet local standards and if not, the reason why (Part 8.B.)
- The reason why waste and sanitary disposal features are not provided; whether or not they meet local requirements and if not, the reason why (Part 8.C.)
- The reason why drinking water is not provided (Part 8.D.)
- Reports of the number of fishing camps, quest ranches, private clubs and airfields which are operated by others on land adjoining the project. (Part 9.D., H., K., M.
- Date of signature by person making the report (Part 10.)

The following items would be added to the form to reflect changes in the types of facilities provided within the development boundary and on lands adjoining the project:[5]

- Boat launching lanes
- Trailer/RV sites
- special purpose recreational areas
- Hunting areas
- Cultural resource sites
- Overnight lodging units
- Overlooks
- Winter sports facilities

B. Amendments to 18 CFR 8.11

The regulations at § 8.11 would be revised in three important respects:

First, the procedure for filing the Form No. 80 would be changed. Section 8.11(a) would provide that the FERC Form No. 80 must be completed in its entirety by all licensees who are required to file the form by November 30, 1981 (consistent with the current requirement). By this rulemaking, however, any filings of Form No. 80 made after November 30, 1981, including initial (first time) filings of the form, would be required by February 28 of each odd-numbered year. The February date was chosen so that reports which are based on information collected through December 31 of each even-numbered year could be filed on a timely basic.

Second, § 8.11(b) would be revised to reflect changes in other portions of the Commission regulations persuant to requirements in the Public Utility Regulation Policies Act of 1978 (PURPA) (16 U.S.C. 2601–2645).[6]

Section 8.11(b) currently provides for the postponement in the filing of an initial Form No. 80 if an applicant has filed a recreational use plan or an exhibit pursuant to 18 CFR 4.41. Section 4.41 was one of the provisions which was revised as a result of PURPA. Before the passage of PURPA, § 4.41 exhibits could be applied to either constructed *or* unconstructed projects. Since passage of PURPA, however, the exhibits associated with *unconstructed* projects are prescribed at § 4.41 and exhibits which pertain to *existing* (constructed) projects are prescribed at § 4.51

This rulemaking would, therefore, revise § 8.11(b) to reflect the changes resulting from PURPA pertaining to postponements in filing Form No. 80 for unconstructed and existing projects. Licensees of *unconstructed* projects would be required to file an initial Form No. 80 only after the project has been in operation for a full calendar year prior to the submission date. Licensees of *existing* (constructed) projects, however, would have to file an initial Form No. 80 only after the project has been licensed for a full calendar year prior to the submission date.

Finally, the only noteworthy revision to § 8.11(c) would be the substitution of the word "development" for "project" to better describe the source of information for the form.

III. Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis is prepared pursuant to the Regulatory Flexibility Act (RFA),[7] which requires certain statements, descriptions, and analyses of proposed rules that will have "a significant

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[1] Form No. 80 (Appendix) is not being printed by the **Federal Register**. Copies of Form No. 80, including all instructions to the form are available at the Commission's Office of Public Information.

[2] The Commission is authorized to issue licenses for hydropower projects pursuant to sections 3 and 4 of the Federal Power Act (16 U.S.C. 796, 797). The Commission collects information in the Form No. 80 pursuant to section 304 of the Federal Power Act (16 U.S.C. 825c). For purposes of the Form No. 80, each development within a project consists of a reservoir or generating station and related waterways.

[3] Docket No. R–278, Order No. 330, issued December 12, 1966 (31 FR 16201, December 17, 1966), codified at 19 CFR 8.11 and 141.14 (1980).

[4] All references to Part number and item are from the current Form No. 80.

[5] The new items proposed for Form No. 80 have frequently been reported as "other" facilities at a development. All requirements to specify any "other" facilities on the form have been eliminated. Because the names of the frequently-reported facilities would be printed on the form, the respondents' reporting burdens would be further reduced because they would only have to report on those items listed in the form.

[6] Section 405 of PURPA requires that simple licensing procedures be established by the Commission for small hydroelectic projects at existing dams. The Commission made appropriate revisions to its regulations which prescribe hydroelectric licensing requirements in order to satisfy this PURPA directive. *See* Docket No. RM79–23, Order No. 54, issued October 22, 1979 (44 FR 61336, October 25, 1979), and Docket No. RM79–36, Order No 59, issued November 19, 1979 (44 FR 67651, November 27, 1979).

[7] 5 U.S.C 601–612.

economic impact on a substantial number of small entities". The broad purpose of the RFA is to ensure more careful and informed agency consideration of rules which may significantly affect small business and small government entities, and to encourage cost-benefit analyses of these rules as well as the agency's consideration of alternative approaches which may better resolve any unnecessarily costly or adverse effects on these small entities.

In Parts I and II of the preamble of the instant proposal, the Commission has presented its reasons for agency action, and its objectives and the legal basis for the rulemaking, and the reporting, recordkeeping, and other compliance requirements which it imposes, in accordance with the requirements of section 603(b)(1), and (2) and (4) of the RFA. In further compliance with section 603(b)(4), the Commission notes that no special expertise is necessary to comply satisfactorily with this proposed rule's filing requirements. In sum, the proposed rule would reduce substantially the reporting burden of *all* respondents (*i.e.*, both small and large entities) who file reports pursuant to § 8.11 of the Commission's regulations.

The proposed rule would redesign, simplify, and update the data in Form No. 80, the Licensed Projects Recreation Report; reduce the number of data elements therein by approximately 60 percent and provide for preprinting of the forms in the future. The changes would reduce by 75 percent the time required of each of the respondents to collect and record the necessary data; thus, instead of the approximately 40 hours it currently takes to complete each Form No. 80, it would now take only about 10 hours per form. This time saving should result in a significant economic saving as well.

Additional benefits to licensees of small projects were realized in Commission Order No. 106 (Docket No. RM80–65, November 7, 1980, 45 FR 76115, November 18, 1980). Order No. 106 establishes Subpart K in Part 4 of the Commission regulations pursuant to section 408 of the Energy Security Act of 1980 (Pub. L. 96–294, 94 Stat. 611) and provides an exemption from licensing procedures for projects with an installed capacity of 5 megawatts or less. These new regulations will reduce by about 50 the number of potential Form No. 80 respondents. The Commission believes the proposed changes are beneficial in that they will significantly reduce the reporting burden and related costs for small business entities.

Section 603(b)(3) and (4) of the RFA requires a description and, if possible, an estimate of the number of small entities subject to the proposed rule. Currently, there are about 160 respondents (licensees) which are required to file the Form No. 80 for developments in one or more projects. Approximately 50 of these are small entities [8] (including municipalities under 50,000 population). Some small entities file only one form per project because the development actually constitutes the entire project. Larger entities may file several forms because they hold licenses for more projects and each project may contain several developments.

Section 603(c) of the RFA requires a description of significant alternatives to the proposed rule that may help minimize the proposal's adverse economic impact on small entities. From the viewpoint of regulatory flexibility, the significant alternatives to the proposed rules are to first, leave the existing provisions intact or second, to further reduce the reporting requirement.

The first alternative (leave the existing provisions intact) would contradict the objectives of the RFA. The primary purpose of this rulemaking is to reduce the reporting burdens from the current requirements. This can only be accomplished by Commission action, such as that proposed in this docket.

With respect to the second alternative (further reduce the reporting requirement), this form has undergone extensive review over a period of five or six years. The data elements have been pared to an essential minimum in light of the intent of the Federal Power Act and the Commission's regulatory responsibilities specified therein. Therefore the Commission cannot justify a further reduction in data reporting for small entities and perform an adequate oversight of such licensees.

As a third alternative for the instant rulemaking, the Commission might propose changing § 8.11(c) of the regulations. Paragraph (c) provides an exemption from the filing of Form No. 80 for licensees of projects having no recreational use. The Commission might, instead, provide an exemption for licensees of projects wherein the recreational usage is below a predetermined amount (*e.g.*, less than 1,000 visits per year). The Commission believes that this is not a reasonable alternative because it would contradict the statutory requirement in section 10(a) of the Federal Power Act which provides that each project licensed by Commission "* * * will be best adapted to a comprehensive plan for improving and developing a waterway or waterways, for * * * beneficial public uses, including recreational purposes".

Finally, in compliance with section 609 of the RFA, the Commission will send copies of this Notice of Proposed Rulemaking to each project licensee who is required to file this form for review and comment.

[8] In the context of this small entity impact analysis, small entities are considered Class C or Class D licensees. The annual revenues of Class C entities are $150,000 or more but less than $1,000,000, and Class D licensees earn revenues of $25,000 or more but less than $150,000. (*See* 18 CFR Part 101, Uniform System of Accounts Prescribed for Public Utility and Licensees Subject to the Provisions of the Federal Power Act.)

IV. Written Comment Procedure

The Commission invites interested persons to submit written data, views and other information concerning the matters set out in this Notice. An original and 14 copies of such comments should be filed with the Commission by August 3, 1981. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–36.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 during regular business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142; Federal Power Act, 16 U.S.C. 792–828c; Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645)

In consideration of the foregoing, the Commission proposes to amend Form No. 80 as set forth in Attachment A, and Parts 8 and 141 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 8.11 is revised to read as follows:

§ 8.11 Information respecting Use and Development of Public recreational opportunities.

(a)(1) *Applicability.* Except as provided in paragraph (b) of this section, each licensee of a project under major or minor Comission license shall prepare with respect to each development within such project an original and two conformed copies of FERC Form No. 80 prescribed by § 141.14 of this chapter.

(2) The Form No. 80 is due on November 30, 1981, for data compiled during the calendar year ending December 31, 1980. Thereafter, this report is due on February 28 of each odd-numbered year for data compiled during the previous calendar year.

(3) The Form No. 80 shall be completed in its entirety:

(i) for each report due on November 30, 1980, or

(ii) for each initial filing of the report.

(4) Filings of Form No. 80 made subsequent to reports filed pursuant to paragraph (a)(3) of this section shall be completed only to the extent necessary to change, delete or add to the information supplied in a previously filed form.

(5) One copy of the Form No. 80 should be retained by the respondent licensee in its file.

(b) *Initial Form No. 80 Filings.* Each licensee of an unconstructed project shall file an initial Form No. 80 after such project has been in operation for a full calendar year prior to the filing deadline. Each licensee of an existing (constructed) project shall file an initial Form No. 80 after such project has been licensed for a full calendar year prior to the filing deadline.

(c) *Exemptions.* A licensee may request an exemption from any further filing of Form No. 80 for any development which has no existing or portential recreational use by submitting a statement not later than 6 months prior to the due date for the next filing, stating that Form No. 80 has been filed previously for such development, and setting out the basis for believing that the development has no existing or potential recreational use.

2. Section 141.14 is revised to read as follows:

§ 141.14 Form No. 80, Licensed Hydropower Development Recreation Report.

The form of the report, Licensed Hydropower Development Recreation Report, designated as FERC Form No. 80, for use by licensees in reporting information with respect to existing and potential recreational use at developments within projects under major and minor license, is approved and prescribed for use as provided in § 8.11 of this chapter.

[FR Doc. 81–19921 Filed 7–7–81; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 16

[AAG/A Order No. 70–81]

Production or Disclosure of Material or Information; Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: This regulation is proposed to exempt the FBI Alcoholism Program system from the access provisions of the Privacy Act (5 U.S.C. 552a). The exemption is needed in order to protect information classified pursuant to applicable Executive order provisions, and to conceal the identity of a confidential source. While it would be unusual, this kind of information could find its way into the system. The protection of such information would be in the public interest.

DATE: All comments must be received by August 7, 1981.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202–633–3452).

SUPPLEMENTARY INFORMATION: The proposed system will be used only to maintain records concerning FBI employees enrolled voluntarily in the Alcoholism Program. However, in connection with this program, it is conceivable that information describing an employee's duty assignment to national security matters could find its way into the system. Also, the system might contain information from a source who was provided an express promise that the source's identity would be maintained in confidence. By exempting this system from Subsection (d) of the Privacy Act, the FBI will be able to withhold from access information classified in the interest of national security, as well as information identifying a confidential source.

This regulation is exempt from Executive Order 12291, pursuant to Section 1(a)(3), because it relates to agency management. The authority for this proposed rule is 5 U.S.C. 552a. Accordingly, it is proposed that 28 CFR 16.96 be amended as set forth below.

Dated: June 25, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

Section § 16.96 is amended by adding paragraphs (j) and (k).

§ 16.96 Exemption of Federal Bureau of Investigation System—limited access.

* * * * *

(j) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) FBI Alcoholism Program (JUSTICE/FBI–014). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(1) and (k)(5).

(k) Exemption from Subsection (d) is claimed only where providing copies of the records to the requesting employee could disclose information classified by applicable Executive order in the interest of national security, or could reveal the identity of a source who provided information under an express promise of confidentiality.

[FR Doc. 81–20025 Filed 7–7–81; 8:45 am]

BILLING CODE 4410–02–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8–FRL 1834–7]

Colorado; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today is proposing to approve portions of Colorado Regulation No. 7 "Control of Volatile Organic Compounds (VOC)" since it requires reasonably available control technology (RACT) for sources specified under EPA's Group II Control Technique Guidelines (CTG). EPA requests comments on this proposed action. In addition EPA is requesting specific comments on the approvability of a dry cleaning exemption, identification of refinery leaks and the emission reduction required for the coating of miscellaneous metal parts.

EPA is also proposing to revoke a number of ozone control strategy regulations promulgated by EPA under the Clean Air Act of 1970 since State Implementation Plan (SIP) revisions submitted by the State in Response to the Clean Air Act Amendments of 1977 include control strategies which

supercede or replace the earlier EPA promulgations.

DATE: Comments must be received on or before August 7, 1981.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

Environmental Protection Agency,
Region VIII,
1860 Lincoln Street,
Denver, Colorado 80295

Environmental Protection Agency,
Public Information Reference Unit,
401 M. Street, SW.,
Washington, D.C. 20460

Colorado Department of Health,
Air Pollution Control Division,
4210 E. 11th Avenue,
Denver, Colorado 80220

WRITTEN COMMENTS SHOULD BE SENT TO: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: William Bernardo, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-6131.

SUPPLEMENTARY INFORMATION: Section 172(b)(3) of the Clean Air Act requires the application of RACT to stationary sources of VOC in areas in the State of Colorado which have not attained the National Ambient Air Quality Standard for ozone. A 1979 SIP revision was required to include RACT on those categories for sources for which EPA had published CTG prior to January 1978. Colorado submitted an amended Regulation No. 7 which covered Group I sources on June 5, 1980, which EPA felt represented RACT. EPA proposed approval of the amended Regulation No. 7 on August 28, 1980 (45 FR 56847). The 15 source categories covered under Group I Regulation are:

1. Section VI—Tank truck loading terminals
2. Section VI—Bulk gasoline plants
3. Section VI—Gasoline service stations—Group I control
4. Section VI—Petroleum storage tanks
5. Section VIII—Petroleum processing and refining
6. Section IX—Can coating
7. Section IX—Metal coil coating
8. Section IX—Fabric coating
9. Section IX—Paper products coating
10. Section IX—Automobile coating
11. Section IX—Metal furniture coating
12. Section IX—Magnet wire coating
13. Section IX—Large appliance coating
14. Section X—Solvent metal cleaning
15. Section XI—Cutback asphalt

Final EPA action on the Group I regulation was published recently.

Colorado was required to revise its SIP in 1980 to include RACT on those categories of sources for which EPA had published CTG's between January 1978, and January 1979 (See 43 FR 21673 (May 19, 1978), 44 FR 50371 (August 28, 1979).) On January 6, 1981, the State of Colorado submitted a revised Regulation No. 7 which addressed the following nine Group II categories:

1. Section VI—Petroleum liquid storage in external floating roof tanks
2. Section VI—Leaks from gasoline tank trucks
3. Section VIII—Leaks from petroleum refinery equipment
4. Section IX—Coating of miscellaneous metal parts and products
5. Section XII—Perchloroethylene dry cleaning systems
6. Section XIII—Graphic Arts
7. Section IV—Pharmaceutical synthesis
8. Rationale—Flat wood paneling
9. Rationale—Pneumatic rubber tire manufacturing

EPA believes that portions of the revised Regulation No. 7 adequately addresses RACT and remedies deficiencies identified by EPA at the November 14, 1980, State public hearing. However, the following issues were not fully addressed in the submittal and EPA has requested the following additional information from the State:

1. Section XII.C.1

A dry cleaning facility is exempt from meeting the 100 ppm by volume of perchloroethylene emission limit if the facility never exceeds an annual consumption of 500 gallons of perchloroethylene beginning January 1, 1980. The State must justify why this provision represents RACT.

2. Section VIII.C.2

This regulation does not require leaking components to be tagged or otherwise marked in the field. EPA requests documentation of the technique that will ensure enforceability of this regulation.

3. Section IX.M.2(ii)

This regulation requires a control and capture system to achieve an emission reduction of 60 percent. EPA feels this reduction is not equivalent in most cases to that achieved by low solvent coating. The State has been requested to change the regulation or document that the regulation will be implemented in a manner that will assure equivalency with low solvent coating.

In addition, EPA has reviewed the revisions to Regulation No. 7 in relation to the respective CTG for each type of emission source. The CTG's provide information on available control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTG's, EPA believes that portion of the revised Regulation No. 7 submitted on January 6, 1981, represents RACT for Group II CTG sources.

EPA is also proposing to revoke a number of ozone control strategies promulgated by EPA prior to enactment of the Clean Air Act Amendments of 1977, including 40 CFR 52.331 (control of dry cleaning solvent evaporation); 52.332 (degreasing operations); 52.333 (organic solvent usage); 52.334 (storage of petroleum products); 52.335 (organic liquid loading); 52.336 (gasoline transfer vapor control); 52.337 (control of evaporative losses from the filling of vehicular tanks); and 52.338 (federal compliance schedules). EPA believes revocation of these control strategies is appropriate since these control strategies have been superceded by equally effective measures developed by the State to comply with the requirements of Part D of the Clean Air Act as amended. EPA further believes that Congress intended for State and local governments to assume the primary responsibility for developing and implementing necessary control strategies because State and local agencies are in a better position to determine the best way to achieve compliance with clean air goals. Furthermore, under Section 110(c) of the Clean Air Act, EPA may only promulgate strategies if the SIP submitted by the States does not meet the requirements of the Act. EPA believes the SIP revisions submitted by Colorado on June 5, 1980 and January 6, 1981, requiring RACT for Group I and Group II sources of volatile organic compounds adequately address the applicable requirements of the Clean Air Act. Therefore, the prior EPA promulgations are now duplicative and inappropriate.

EPA is also proposing to revoke transportation control strategies promulgated by EPA for the State of Colorado prior to enactment of the Clean Air Act Amendments of 1977, including 40 CFR 52.339 (Monitoring transportation controls) and 52.340 (Review of new (indirect) sources and modifications). On January 1, 1979 and February 6, 1980, the State submitted SIP revisions in response to the Clean Air Act as amended in 1977 addressing transportation control strategies. On October 5, 1979 and August 1, 1980, EPA approved these SIP revisions. *See* 44 FR 57401 and 45 FR 51199. In 1976 EPA indefinitely suspended all federally promulgated indirect source review provisions. *See* 40 CFR 52.22(b)(16) (1980). In addition, Section 110(a)(5) of the Clean Air Act as amended severely restricted EPA's authority to promulgate indirect source review programs.

Since EPA has already fully approved the transportation control related elements of the SIP submitted by the State of Colorado and has proposed or is today proposing approval of the remaining necessary ozone control strategies, the above mentioned strategies which were previously promulgated by EPA are duplicative of existing state and local regulatory requirements and no longer necessary or appropriate.

Therefore, EPA is today proposing to approve subject to the receipt of adequate documentation from Colorado during the comment period on portions of the amendments to Colorado Regulation No. 7 submitted on January 6, 1981, and to revoke outdated EPA regulations which appear in 40 CFR 52.331 through 52.340.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that this proposed rule, if promulgated, will not have a significant impact on a substantial number of small entities.

Interested persons are invited to comment on the revised Colorado SIP and EPA's proposed action. Comments should be submitted to the address listed at the beginning of this notice. Public comments received by August 7, 1981, will be considered in EPA's final decision.

Under Executive Order 12291, I hereby certify that this proposed rule does not constitute a major rule requiring preparation of a Regulatory Impact Analysis. This determination is based on the fact that today's action merely proposes to approve regulations submitted by the State which are already in effect under State law and to remove existing EPA regulatory requirements that have been replaced by State requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7572).

Dated: March 11, 1981.

Roger L. Williams,

Regional Administrator.

Certification of No Significant Impact on a Substantial Number of Small Entities

Regulation: Proposed Action on Colorado SIP Approving Portions of Colorado Regulation No. 7 "Control of VOC" and Revoking Ozone Strategy Regulations Promulgated by EPA

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed SIP approvals will only approve state actions and will not impose any new regulatory requirements. See 45 FR 8709 (January 27, 1981). The proposed revocations will also not have a significant economic impact. They will remove requirements promulgated by EPA that have been replaced by requirements adopted by the State.

Dated: June 30, 1981.

John W. Hernandez,

Acting Administrator.

[FR Doc. 81-20001 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6102]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the Town of Cary, North Carolina

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and zone designations are available for review at the Mayor's Office, Cary, North Carolina.

Send comments to: The Honorable Fred Bond, Mayor, Town of Cary, 316 North Academy Street, Post Office Box 128, Cary, North Carolina 27511.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations and zone designations (100-year flood) for the Town of Cary, North Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a))).

The proposed elevations and zone designations together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Black Creek Tributary A	Extraterritorial limits line	290 (NGVD)	A4.
Black Creek Tributary A	North Harrison Avenue	356 (NGVD)	A4.
Crabtree Creek	Point approximately 500 feet downstream, of Highway 1615.	315 (NGVD)	A4.
Crabtree Creek	Upstream of flood control dam	352 (NGVD)	A4
Lens Branch	Confluence of Swift Creek	312 (NGVD)	A3.
Swift Creek	Confluence of Lens Branch	312 (NGVD)	A3.

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Source of flooding	Location	Elevation (feet)	Zone
Swift Creek	Point approximately 5000 feet upstream of confluence with Lens Branch.	320 (NGVD)	A3.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19797 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6103]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the City of Charlotte, North Carolina

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and zone designations are available for review at the Mayor's Office, Charlotte, North Carolina.

Send comments to: The Honorable Eddie Knox, Mayor, City of Charlotte, City Hall, 600 East Trade Street, Charlotte, North Carolina 28202.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations and zone designations (100-year flood) for the City of Charlotte, North Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

The proposed elevations and zone designations together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Taggart Creek	West Boulevard	623 (NGVD)	A10.
Taggart Creek	Morris Field Drive	636 (NGVD)	A4.
Taggart Creek	Southern Railway	675 (NGVD)	A14.
McMullen Creek	Corporate limits	546 (NGVD)	A5.
McMullen Creek	Quail Hollow Road	589 (NGVD)	A4.
Campbell Creek	Albemarle Road	702 (NGVD)	A4.
Campbell Creek	Barclift Drive	716 (NGVD)	A2.
McAlpine Creek	Corporate limits	544 (NGVD)	A4.
McAlpine Creek	Confluence with Rea Branch	547 (NGVD)	A4.
McAlpine Creek	Confluence with McAlpine Creek Tributary No. 3	563 (NGVD)	A4.
McAlpine Creek	Old Providence Road	570(NGVD)	A4.
McAlpine Creek	Sardis Road	572 (NGVD)	A4.
McAlpine Creek	Monroe Road	580 (NGVD)	A4.
McAlpine Creek	Margaret Wallace Road	594 (NGVD)	A3.
McAlpine Creek	Idlewild Road	628 (NGVD)	A3.
McAlpine Creek	Markwood Circle	664 (NGVD)	A2.
McAlpine Creek Tributary No. 3	Lancer Drive	563 (NGVD)	A3.
McAlpine Creek Tributary No. 3	Rea Road	574 (NGVD)	A3.
McAlpine Creek Tributary No. 3	Providence Road	596 (NGVD)	A3.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19798 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6104]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation; Determination for the City of Shoreacres, Harris County, Texas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone designation as described below.

The proposed base flood elevation and zone designation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevation and zone designation are available for review at the City Hall, 619 Shoreacres Boulevard, LaPorte, Texas.

Send comments to: The Honorable Rowe H. Holmes, Mayor, City of Shoreacres, 619 Shoreacres Boulevard, LaPorte, Texas 77571.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation and zone designation for the City of Shoreacres, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

The base flood elevation and zone designation, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevation and zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The area located just south of Baywood Avenue and South Country Club Drive has been deleted from the City. Also, the area located west of Route 146 has been recently annexed. The proposed base flood elevation throughout the City is 16 feet mean sea level (msl), and the proposed zone designation is Zone A15. The base flood elevation for the City has been adjusted from 15.7 feet msl to 16 feet msl to reflect the elevation to the nearest foot.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19799 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6105]

National Flood Insurance Program; Proposed Elevations, Special Flood Hazard Area and Cross-Sections for the Town of Chester, Vermont

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations, special flood hazard area and cross-sections described below.

The proposed elevations, special flood hazard area and cross-sections will be the basis for the floodplain mamagement measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations, special flood hazard area and cross-sections are available for review at the Town Manager's Office, Chester, Vermont.

Send comments to: Mr. Prentice Hammond, Town Manager, Town Office, Chester, Vermont 05144.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations, special flood hazard area and cross-section (100-year flood) for the Town of Chester, Vermont in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a) (presently appearing at its former Section, 24 CFR 1917.4 (a)))

The proposed elevations, special flood hazard area and cross-sections, together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain mamagement requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. The proposed elevations, special flood hazard area and cross-sections will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet)
Lovers Lane Brook	North of Depot Street, east of South Main Street	607 (NGVD) 608 (NGVD).
Lovers Lane Brook	West of Pleasant Street, north of South Main Street and Pleasant Street intersection.	591 (NGVD) 587 (NGVD).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19800 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6106]

National Flood Insurance Program; Proposed Zone Designation Determination for the City of Bellevue, King County, Washington

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designation as described below.

The proposed zone designation is the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named coummunity.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designation are available for review at the Office of the City Clerk, Bellevue City Hall, 11511 Main Street, Bellevue, Washington.

Send comments to: The Honorable Richard M. Foreman, Mayor, City of Bellevue, P.O. Box 1768, Bellevue, Washington 98009.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designation for the City of Bellevue, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

This zone designation, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required.

It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designation along North Branch Mercer Creek, between a point approximately 620 feet downstream of Northeast 40th Street and Northeast 40th Street has been revised from Zone A1 to Zone A.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19801 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6107]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation Determinations for the City of Morton, Lewis County, Washington

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designation as described below.

The proposed base flood elevations and zone designation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designation are available for review at the City Hall, 250 East Main Street, Morton, Washington.

Send comments to: The Honorable James A. Mitchell, Mayôr, City of Morton, P.O. Box 1089, Morton, Washington 98356

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designation for the City of Morton, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designation, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designation will also be used to calculate the appropriate premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designation are as follows:

Source of flooding	Location	Elevation national geodetic vertical datum	Zone designation
Tilton River	Just upstream of Bear Canyon Road	911 feet	937 feet
	Approximately 250 feet upstream of Bear Canyon Road.	913 feet	
	At the northeastern corporate limits		

The proposed floodway delineation has also been shown at the above-mentioned locations of the Tilton River.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19802 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6096]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designation for the Town of Wethersfield, Conn.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designation decribed below.

The proposed elevations and zone designation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and zone designation are available for review at the Town Manager's Office, Wethersfield, Connecticut.

Send comments to: Mr. Henry R. Allen, Town Manager, Town of Wethersfield, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations and zone designation (100-year flood) for the Town of Wethersfield, Connecticut, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a).

The proposed elevations and zone designation, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designation for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Goff Brook	Point immediately downstream of Maple Street	35 (MDD)	A5
Goff Brook	Point approximately 300 feet upstream of Maple Street.	41 (MDD)	A5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-19803 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6097]

National Flood Insurance Program, Proposed Flood Insurance Zone Designation for the City of Lynn Haven, Fla.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed flood insurance zone designation described below.

The proposed zone designation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the floodprone areas and the proposed zone designation are available for review at the Mayor's Office, Lynn Haven, Florida.

Send comments to: The Honorable Montel Johnson, Mayor, City of Lynn Haven, 825 Ohio Avenue, Lynn Haven, Florida 32444.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW, Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designation (100-year flood) for the City of Lynn Haven, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed zone designation, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The porposed zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood zone designation for selected locations are:

Source of flooding	Location	New zone	Previous zone
Local flooding sources	Area bounded by Alabama Avenue, 14th Street, Illinois Avenue, and southern corporate limit line.	C	A.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administrator.

[FR Doc. 81–19804 Filed 7–7–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA 6098]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the City of Aurora, Kane and Du Page Counties, Illinois

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations decribed below.

The proposed base flood elevations and zone designations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 44 East Downer Place, Aurora, Illinois.

Send comments to: The Honorable Jack Hill, City of Aurora, 44 East Downer Place, Aurora, Illinois 60507.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the City of Aurora, Kane and Du Page Counties, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A2 and Zone C along the Waubansee Creek between the point approximately 1600 feet downstream from 83rd Street and the point where the Elgin Joliet and Eastern Railroad crosses the Waubansee Creek.

The proposed base flood elevations are:

670 feet (NGVD) through 680 feet (NGVD) along the Waubansee Creek between the point approximately 1600 feet downstream from 63rd Street and the point where the Elgin Joliet and Eastern Railroad crosses the Waubansee Creek.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–19805 Filed 7–7–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA 6099]

National Flood Insurance Program; Proposed Base Flood Elevation and Zone Designation for the Town of Pembroke, Massachusetts

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone designation described below.

The proposed base flood elevation and zone designation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevation and zone designation are available for review at the Selectmen's Office, Pembroke, Massachusetts.

Send comments to: Mr. John Ahearn, Chairman, Board of Selectmen, Littles Avenue, Pembroke, Massachusetts 02359.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designation and base flood elevation (100-year flood) for the Town of Pembroke, Massachusetts, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevation and zone designation, together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevation and zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation and zone designation for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
North River (Tidal flooding)	Between confluence with Indian Head River and the Route 3 bridge.	9 feet (NGVD)	A2.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–19806 Filed 7–7–81; 8:45 a.m.]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–6100]

National Flood Insurance Program; Proposed Zone Designations for the City of Plymouth, Hennepin County, Minnesota

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 3400 Plymouth Boulevard, Plymouth, Minnesota.

Send comments to: Mr. James G. Willis, City Manager, City of Plymouth, 3400 Plymouth Boulevard, Plymouth Minnesota 55447.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappel, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION:
The Federal Insuarnce Administrator gives notice of the proposed zone designations for the City of Plymouth, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designation is:

Zone A for Gleason Lake and its immediate vicinity.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–19807 Filed 7–7–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA 6101]

National Flood Insurance Program; Proposed Flood Insurance Zone Designation for the Borough of Elmwood Park, New Jersey

AGENCY: Federal Insurance Adminstration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed flood insurance zone designation described below.

The proposed flood insurance zone designation will be the basis for the floodplain management measures that the community is required to either adopt or shows evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed flood insurance zone designation are available for review at the Mayor's Office, Elmwood Park, New Jersey.

Send comments to: The Honorable Richard A. Mola, Mayor, Borough, of Elmwood Park, Borough Hall, Market Street, Elmwood Park, New Jersey 07407.

FOR FURTHER INFORMATION CONRTACT: Mr. Robert G. Chappell, P.E., Acting Assitant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designation (100-year flood) for the Borough of Elmwood Park, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The proposed zone designation together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood zone designation for selected locations are:

Source of flooding	Location	Previous zone	New zone
Passaic River	Between northernmost and southernmost corporate limits.	A7	a8.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 25, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–19606 Filed 7–7–81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6094]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Hamburg, Ashley County	May Branch	Approximately 200 feet upstream of East Norman Avenue.	*155
			Approximately 300 feet upstream of N. Cherry Street.	*160
Maps available for inspection at City Hall, 305 East Adams Street, Hamburg, Arkansas 71686.				
Send comments to Mayor Maxwell Hill or Mr. William E. Johnson, City Attorney, City Hall, 305 East Adams Street, Hamburg, Arkansas 71686.				
Arkansas	City of Hope, Hempstead County	Pate Creek	Just downstream of Lincoln Street	*307
			Just upstream of Spruce Street	*312
		Unnamed Tributary to Pate Creek	Just upstream of Missouri & Pacific Railroad	*318
			Just upstream of U.S. Highway 67	*324
		Two Mile Branch	Just upstream of Kansas City Southern Railroad	*354
			Just upstream of Patmos Road	*359
		North Tributary to Caney Creek	Just downstream of County Road	*302
		South Tributary to Caney Creek	Just upstream of the corporate limits	*306
			Just downstream of State Highway 174	*315
Maps available for inspection at City Hall, East Avenue A, Hope Arkansas 71801.				
Send comments to Mayor Bill Butler, or Mr. John Swift, City Manager, City Hall, P.O. Box 667, Hope, Arkansas 71801.				
Arkansas	City of Monticello, Drew County	Tenmile Creek	Just downstream of Arkansas Highway	*217
		Tenmile Tributary	Approximately 300 feet upstream of Arkansas Highway 4.	*218
			Just downstream of Barkada Road	*236
		Godfrey Creek	Approximately 500 feet upstream of East Oakland Avenue.	*255
			Just downstream of East Gaines Avenue	*268
		Wood Creek	Just upstream of Highway 81 Spur	*212
Maps available for inspection at City Hall, 204 West Gaines Street, Monticello, Arkansas 71656.				
Send comments to Mayor James T. Jordan or Ms. Betty Jo Rose, City Administrator, City Hall, 204 West Gaines Street, Monticello, Arkansas 71656.				
Arkansas	City of Mountain Home, Baxter County	Hicks Creek	Approximately 100 feet downstream of Meadowbrook Drive.	*709
			Approximately 150 feet upstream of Meadowbrook Drive.	*702
			Approximately 170 feet downstream of State Highway 5 (east 9th Street).	*742
			Approximately 230 feet upstream of State Highway 5 (East 9th Street).	*747
		Indian Creek	Approximately 100 feet upstream of East 4th Street extended.	*756
		Dodd Creek	Approximately 360 feet downstream of U.S. Highway 62.	*752
			Approximately 200 feet upstream of U.S. Highway 62	*758
			Approximately 160 feet downstream of Butcher Drive	*780
			Approximately 290 feet upstream of Butcher Drive	*784
Maps available for inspection at City Hall, 720 South Hickory Street, Mountain Home, Arkansas 72153.				
Send comment to Mayor Roland E. Pierce or Mr. Author T. Wilcox, City Engineer, City Hall, 720 South Hickory Street, Mountain Home, Arkansas 72153.				
Arkansas	City of Newport, Jackson County	White River	Just upstream of U.S. Highway 67	*231
		Village Creek	Just upstream of State Highway 18	*231
		Newport Lake	Just downstream of Virginia Drive	*216
			Just upstream of U.S. Highway 67	*219
		Village Creek Outfall Ditch	Just downstream of U.S. Highway 67	*224
			Just upstream of McClarty Drive	*226
Maps available for inspection at City Hall, 121 Walnut Street, Newport, Arkansas 72112.				
Send comments to Mayor Harold Rutledge or Wallace Stovall, City Manager, City Hall, 121 Walnut Street, Newport, Arkansas 72112.				
California	Tehama County (Unincorporated Areas)	Sacramento River (Near Tehama)	Intersection of River Avenue and Tehama and Vina Road.	*221
		Sacramento River (Near Red Bluff)	Intersection of Peach Tree Lane and Gilmore Ranch Road.	*257
		East Sand Slough	Intersection of White Road and Dale Lane	*272
		Samson Slough	Intersection of Williams Avenue and Karel Avenue	*269
		Paynes Creek Slough	Intersection of Dale Avenue and Hunt Avenue	*319
		Sacramento River (Near Bend)	At the western end of South Wallen Road	*360
		Sacramento River (Near Lake California).	Intersection of North Marina Drive and Banner Way	*360
		Brickyard Creek	Along the center of Baker Road just north of the City of Red Bluff corporate limits.	*315
		Reeds Creek	At the upstream limit of detailed study, just upstream (west) of the City of Red Bluff corporate limits.	*276
		Grasshopper Creek	Area between 200 and 1200 feet upstream of County Route 8A, and just south of the City of Red Bluff corporate limits.	*268
		Jewett Creek	50 feet downstream from center of Houghton Avenue	*274

Proposed Base (100-year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Department of Public Works, Road Dept., San Benito Avenue, Gerger, California.				
Send comments to the Honorable Bill Flournoy, P.O. Box 250, Red Bluff, California 96080.				
Georgia	City of Quitman, Brooks County	Jefferson Street Ditch	Just upstream of Oglesby Avenue	*122
			Approximately 100 feet downstream of Southern Railway.	*138
		Okapilco Creek	Just upstream of the most downstream crossing of the coporate limits.	*109
Maps available for inspection at City Hall, Screven Street, Quitman, Georgia 31643.				
Send comments to Mr. W. B. McMichael, Chairman of the City Commission or Mr. James Kennedy, City Manager, City Hall, P.O. Box 208, Quitman, Georgia 31643.				
Massachusetts	Clinton, Town, Worcester County	Nashua River	Corporate Limits	*241
			Downstream Water Street	*256
			Upstream of Conrail (upstream crossing)	*262
			Chestnut Street (Upstream side)	*284
		Counterpane Brook	Confluence with Nashua River	*241
			Upstream of Plain Street	*259
			Dam (downstream side)	*266
			Approximately 1,700' upstream of Main Street	*326
Maps available for inspection at the Conservation Commission Office, Town Hall, 242 Church Street, Clinton, Massachusetts.				
Send comments to Honorable Thomas Clisham, Chairman of the Clinton Board of Selectmen, Town Hall, 242 Church Street, Clinton, Massachusetts 01510.				
Massachusetts	Groton, Town, Middlesex County	Nashua River	Downstream Corporate Limits	*204
			Upstream Corporate Limits	*215
		Squannacook River	Confluence with Nashua River	*215
			Approximately 1,700' downstream of West Groton Road.	*225
			Approximately 3,900' upstream of West Gorton Road	*240
			Upstream Corporate Limits	*259
		James Brook	Downstream Corporate Limits	*241
			Approximately 920' upstream of Ayer Road (Downstream crossing).	*280
			Upstream of Indian Hill Road	*298
			Upstream of Boston and Maine Railroad (Furthest upstream crossing).	*304
		Reedy Meadow Brook	Downstream Corporate Limits	*203
			Approximately 800' downstream of Nashua Road	*220
			Approximately 590' upstream of Nashua Road	*239
		Unkety Brook	Approximately 80' upstream of the downstream Corporate Limits.	*214
			Approximately 3,660' upstream of Radian Road	*225
		Cow Pond Brook	Approximately 625' downstream of abandoned railroad	*180
			Upstream of Bridge Street	*192
			Downstream of Lost Lake Dam	*207
		Badda-cook Brook	Confluence with Cow Pond Brook	*198
			Upstream of Access Road (Upstream crossing)	*216
			Upstream of Cart Road	*226
		Martins Pond Brook	Confluence with Lost Lake	*216
			Approximately 1,080' upstream of confluence with Lost Lake.	*235
			Approximately 4,600' upstream of confluence with Lost Lake.	*255
		Massapoag Pond	Entire shoreline within community	*188
Maps available for inspection at the Office of the Planning Department, Town Hall, Groton, Massachusetts.				
Send comments to Honorable Edward Strachan, Chairman of the Groton Board of Selectmen, Main Street, Groton, Massachusetts 01450.				
Michigan	(Twp.) Charleston, Kalamazoo County	Kalamazoo River	About 3,000 feet downstream of Climax Road	786*
			About 800 feet upstream of U.S. Highway 12	787*
			About 1.0 mile downstream of Conrail	798*
			About 500 feet downstream of Conrail	794*
Maps available for inspection at the Township Hall, 1499 South 36th Street, Galesburg, Michigan.				
Send comments to Honorable Jerry Vander Roest, Supervisor, Township of Charleston, Township Hall, 1499 South 36th Street, Galesburg, Michigan 49053.				
Minnesota	(C) Oak Park Heights, Washington County	St. Croix River	Within community	692*
Maps available for inspection at the City Hall, 14168 57th Street, North, Stillwater, Minnesota.				
Send comments to Honorable Donald Mondor, Mayor, City of Oak Park Heights, City Hall, 14168 57th Street, North, Stillwater, Minnesota 55082.				
New Jersey	Colts Neck, township, Monmouth County	Hockhockson Brook	Confluence with Pine Brook	*47
			Upstream of Hockhockson Road	*53
		Barren Neck Creek	Upstream of downstream Private Raod	*46
			Downstream of Long Bridge Road	*52
			Approximately 1,600' upstream of Long Bridge Road	*63
		Big Brook	Approximately 2,630' downstream of Cross Road	*39
			Approximately 2,500' upstream of Cross Road	*49
			Approximately 3,400' upstream of State Route 34	*60
		Mine Brook	Confluence with Yellow Brook	*43
			Downstream of State Route 34	*57
			Downstream of Hominy Hill Road	*78
			Downstream of Mercer Road	*91
		Yellow Brook	Upstream of Muhlenbrink Road	*39
			Downstream of State Route 34	*49
			Upstream of Heyers Mill Road	*60
			Downstream of Private Road	*73
			Upstream of Dam No. 1	*85

Proposed Base (100-year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Marl Brook	Upstream corporate limits	*89
			Confluence with Mine Brook	*85
			Approximately 4,540' upstream of confluence with Mine Brook.	*84
		Tributary to Yellow Brook	Confluence with Yellow Brook	*84
			Downstream of Cedar Drive	*77
			Upstream side of upstream lake embankment	*84
		Pine Brook	Downstream corporate limits	*85
			Confluence with Hockhockson Brook	*47
		Willow Brook	Confluence with Hop Brook	*41
			Approximately 2,000' upstream of Willow Brook Road	*46
			Upstream of South Street	*62
			Downstream of Main Street	*75
Maps available for inspection at the Municipal Building, Cedar Drive, Colts Neck, New Jersey.				
Send comments to Honorable Alfred Ruppel, Mayor of the Township of Colts Neck, P.O. Box T, Colts Neck, New Jersey 07722.				
New Jersey	Tewksbury, township, Hunterdon County	Lamington River	Downstream corporate limits	*116
			Downstream Lamington Road	*129
			Confluence of Cold Brook	*133
			Black River Road (downstream crossing, upstream side).	*150
			Black River Road (upstream crossing, upstream side)	*162
			Approximately 2,240' upstream McCans Mill Road	*173
			Approximately 7,040' upstream McCans Mill Road	*193
			Confluence of tributary A	*219
			Upstream corporate limits	*254
		Rockaway Creek	Downstream corporate limits	*125
			Oldwick Road (upstream side)	*146
			Interstate Route 78 (upstream side)	*159
			Rockaway Road (first crossing upstream side)	*182
			Potterstown Road (upstream side)	*204
			Meadow Lane (upstream side)	*263
			Rockaway Road (fourth crossing, upstream side)	*322
			Approximately 2,040' upstream Rockaway Road (fourth crossing).	*361
			Rockaway Road (fifth crossing)	*413
			Confluence of tributary B	*423
			Approximately 3,290' upstream confluence of tributary B.	*479
			Approximately 1,090' downstream abandoned road	*529
			Mountain Road (upsteam side)	*585
			Sawmill Road (upstream side)	*622
			Farmersville Road (upstream side)	*667
			Approximately 3,000' upstream Farmersville Road	*695
			Fairmount Road West (downstream side)	*726
		South branch Raritan River	Downstream corporate limits	*475
			Stone Dam ruins (upstream side)	*483
			Upstream corporate limits	*486
		Tributary A	Confluence with Lamington River	*218
			McCans Mill Road (upstream side)	*221
			Approximately 1,400' upstream McCans Mill Road	*241
			Approximately 950' downstream Homestead Road	*271
			Homestead Road (upstream side)	*293
			Hollow Brook Road Extended (downstream side)	*308
		Tributary B	Confluence with Rockaway Creek	*423
			Guinea Hollow Road (upstream side)	*450
			Approximately 1,440' upstream Guinea Hollow Road	*477
Maps available for inspection at the Tewksbury Municipal Building, Water Street, Tewksbury, New Jersey.				
Send comments to Honorable Michael Heaney, Mayor of Tewksbury, R.D. 2, Water Street, Tewksbury, New Jersey 08833				
New Jersey	Tinton Falls, borough, Monmouth County	Jumping Brook	Downstream corporate limits	*73
			Upstream of Asbury Avenue	*78
			Upstream of Private Drive	*91
		Pine Brook	Confluence with Swimming River	*12
			Downstream of Tinton Avenue	*16
			Upstream of Tinton Avenue	*35
			Downstream of Private Road	*46
			Upstream corporate limits	*48
		Swimming River	Downstream corporate limits	*9
			Downstream of Normandy Road	*13
			Upstream of Conrail crossing	*23
		Shark River	Downstream corporate limits	*32
			Upstream of dam	*47
			Upstream of State Route 33	*57
			Downstream of Shark River Road	*75
		Parkers Creek	Downstream corporate limits	*12
			Downstream of Conrail crossing	*16
Maps available for inspection at the Office of the Borough Administrator, Municipal Buildings, 556 Tinton Avenue, Tinton Falls, New Jersey.				
Send comments to Honorable Gabriel E. Spector, Mayor of Tinton Falls, Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey 07724.				
New Jersey	Union, township, Hunterdon County	Mulhockaway Creek	Confluence with Spruce Run Reservoir	*275
			Van Syckles Corner Road (upstream side)	*309
			Baptist Church Road (upstream side) (downstream crossing).	*351
			Conrail Railroad (upstream side)	*452

Proposed Base (100-year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary A to the south branch Raritan River.	Gravel Hill Road (downstream side)	*512
			Pittstown Road (upstream side)	*215
			Dam (downstream side)	*267
			Dam (upstream side)	*279
		Tributary B to Mulhockaway Creek	Approximately 150' upstream of Conrail crossing	*291
			Confluence with Mulhockaway Creek	*282
			Van Syckles Corner Road (upstream side)	*297
		Tributary C Mulhockaway Creek	Upstream corporate limits	*348
			Van Syckles Corner Road (upstream side)	*301
		Tributary D to Mulhockaway Creek	Upstream corporate limits	*369
			Confluence with Mulhockaway Creek	*291
		Tributary E to Mulhockaway Creek	Approximately 200' downstream of County Route 173	*336
			Confluence with tributary D to Mulhockaway Creek	*299
		Tributary F to Mulhockaway Creek	Approximately 200' downstream of County Route 173	*339
			Confluence with Mulhockaway Creek	*379
		Spruce Run	Approximately 200' upstream of Baptist Church Road	*391
			Approximately 430' upstream of confluence with Spruce Run Reservoir.	*275
			Upstream corporate limits	*313

Maps available for inspection at Union Township Municipal Building, Jutland Road, Hampton, New Jersey.

Send comments to Honorable Joseph Martin, Jr., Mayor of Union Township, Union Township Municipal Building, Jutland Road, Hampton, New Jersey 08827.

New York	Bridgewater, village, Oneida County	West branch Unadilla River	Downstream corporate limits	*1,175
			Upstream corporate limits	*1,181

Maps available for inspection at the residence of the Village Clerk, Mrs. Beatrice Roberts, Route 8 South, Bridgewater, New York.

Send comments to Honorable Everett Holmes, Mayor of the Village of Bridgewater, Box 117, Bridgewater, New York 13313.

New York	Morrisville, village, Madison County	Callahan Brook	Downstream corporate limits	*1,263
			Upstream of dam	*1,274
			Upstream of corporate limits	*1,285

Maps available for inspection at the Office of the Village Clerk, 22 East Maple Avenue, Morrisville, New York.

Send comments to Honorable Gordon Corbin, Mayor of Morrisville, Village of Morrisville, Morrisville, New York 13408.

New York	New Paltz, village, Ulster County	Wallkill River	State Route 299 bridge	*194
			Tributary 1	*199

Maps available for inspection at the Village Hall, 25 Petterskill Avenue, New Paltz, New York.

Send comments to Honorable John Vett, Mayor of the Village of New Paltz, P.O. Box 677, New Paltz, New York 12561.

New York	Pomona, village, Rockland County	South branch Minisceongo Creek	At most downstream corporate limits	*378
			Upstream of dam	*389
			Downstream of Quaker Road	*394
			At most upstream corporate limits	*416

Maps available for inspection at the Village Hall, Camp Hill Road, Pomona, New York.

Send comments to Honorable Abraham Schneider, Mayor of Pomona, Village Hall, Camp Hill Road, Pomona, New York 10970.

New York	Tuxedo, town, Orange County	Ramapo River	Downstream corporate limits	*397
			1,350' downstream of East Village Road	*407
			Downstream of dam	*412
			Upstream of dam	*433
			400' downstream of Conrail bridge (1st crossing)	*436
			130' downstream of Conrail bridge (1st crossing)	*444
			Upstream of Conrail bridge	*452
			Confluence of Warwick Brook	*462
			6,600' downstream of Arden Valley Road	*472
			3,940' downstream of Arden Valley Road	*482
			1,980' downstream of Arden Valley Road	*492
			180' downstream of Arden Valley Road	*502
			190' upstream of Arden Valley Road	*504
			Upstream corporate limits	*515
		Indian Kill	Palisades Interstate Park boundary	*611
			500' upstream of Palisades Interstate Park boundary	*621
			55' downstream of Sylvan Way	*631
			Upstream of Sylvan Way	*641
			320' upstream of Sylvan Way	*651
			590' upstream of Sylvan Way	*661
			320' downstream of dirt road	*671
			390' upstream of dirt road	*681
			490' downstream of dam (first)	*691
			Downstream of dam (first)	*694
			Upstream of dam (first)	*714
			Upstream of private drive (second)	*722
			750' downstream of dam (second)	*733
			600' downstream of dam (second)	*743
			460' downstream of dam (second)	*754
			360 downstream of dam (second)	*762
			Downstream of dam (second)	*779
			Upstream of dam (second)	*779
			830' upstream of Greenwood Lake Road (third crossing).	*789
			Downstream of Benjamin Meadow Road	*795
			Upstream of Benjamin Meadow Road	*805
		Warwick Brook	Confluence with Ramapo River	*462
			Downstream corporate limits	*471
			Upstream corporate limits	*502

Proposed Base (100-year) Flood Elevations—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			470' upstream of upstream corporate limits	*512
			810' upstream of upstream corporate limits	*522
			1,130' upstream of upstream corporate limits	*532
			1,460' upstream of upstream corporate limits	*542
			1,960' upstream of upstream corporate limits	*552
			2,890' upstream of upstream corporate limits	*562
			3,290' upstream of upstream corporate limits	*572
			3,600' upstream of upstream corporate limits	*582
			3,840' upstream of upstream corporate limits	*592
			4,100' upstream of upstream corporate limits	*602
			4,350' upstream of upstream corporate limits	*612
			4,710' upstream of upstream corporate limits	*622
			670' downstream of Warwick Turnpike	*632
			230' downstream of Warwick Turnpike	*642
			Downstream of Warwick Turnpike	*651
			390' upstream of Warwick Turnpike	*651
			Downstream of Private Road	*679
			Upstream of Private Road	*680
			Upstream of Long Swamp Road	*684
		Summit Brook	Confluence with Ringwood River	*427
			950' upstream of Route 84	*437
			1,870' upstream of Route 84	*447
			170' downstream of Scottmine Road	*457
			130' downstream of Access Road (first)	*467
			170' downstream of dam (first)	*477
			270' upstream of South Gate Road	*487
			910' downstream of Access Road (fifth)	*497
			Upstream of Access Road (fifth)	*506
			Upstream of Pine Hill Drive	*516
			700' downstream of Brook Road	*526
			Upstream of Brook Road	*536
			790' upstream of Brook Road	*546
			400' downstream of Southgate Road (second crossing).	*556
			Upstream of East Lake Road	*566
		Ringwood River	Downstream corporate limits	*421
			Confluence of Summit Brook	*427

Maps available for inspection at the Town Hall, Route 17, Tuxedo, New York.

Send comments to Honorable Frederick Maute, Town Supervisor of Tuxedo, Town Hall, Route 17, Tuxedo, New York 10987.

New York	Volney, town, Oswego County	Oswego River	Downstream corporate limits	*298
			Upstream of Lock and Dam No. 5	*314
			Downstream Fulton corporate limits	*318
			Upstream Fulton corporate limits	*358
			Upstream corporate limits	*361
		Waterhouse Creek	Corporate limits	*333
			Downstream of dam and spillway	*340
			Upstream of foot bridge	*348
			Upstream of dirt road	*354

Maps available for inspection at the residence of the Town Clerk, County Route 6, R.D. 2, Fulton, New York.

Send comments to Honorable Paul A. Kimball, Town Supervisor of Volney, R.D. 6, Fulton, New York 13069.

North Carolina	Town of Clayton, Johnston County	Little Creek	Just downstream of State Highway 42	*239
			Just downstream of State Road 1553	*263
		Little Creek tributary	Just downstream of U.S. Highway 70	*272
			Just upstream of U.S. Highway 70	*280
		Sams Creek	Just downstream of Laura Street (State Road 1708)	*231
			Just upstream of Laura Street (State Road 1708)	*241

Maps available for inspection at Town Hall, Clayton, North Carolina 27520.

Send comments to Mayor Herman Jones or Mr. Ralph Clark, Town Hall, P.O. Box 777, Clayton, North Carolina 27520.

North Carolina	Town of Pikeville, Wayne County	The Slough	Upstream Seaboard Coastline Railroad	*134
			Downstream Seaboard Coastline Railroad	*129
			Upstream Goldsboro St	*129
			Downstream Goldsboro St	*136
			Downstream coprorate limits	*123

Maps available for inspection at Town Hall, 112 South Railroad Street, Pikeville, North Carolina 27863.

Send comments to Mayor E. Lancaster or Ms. Eloise Benton, Town Clerk, Town Hall, P.O. Box 9, Pikeville, North Carolina 27863

North Carolina	Town of Smithfield, Johnston County	Neuse River	Just upstream of U.S. Highway 301 (State Highway 96).	*121
			Just downstream of U.S. Highway 70	*126
		Swift Creek	Just upstream of State Highway 210 (in area of backwater from Neuse River).	*125
		Spring Branch	Just upstream of 2nd Street	*130
			Just upstream of 6th Street	*135
			Just upstream of Belmont Street	*144
		Buffalo Creek	Just downstream of U.S. Highway 301	*132
			Just upstream of U.S. Highway 301	*137
		Poplar Creek	Just upstream of SR 1913 (affected by backwater from Neuse River).	*129

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Proposed Base (100-year) Flood Elevations—Continued

State	City/Town/County	Source of Flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
Maps available for inspection at Town Hall, Smithfield, North Carolina 27577				
Send comments to Mayor Kenneth B. Baker or Mr. Hubie Talton, Town Manager, Town Hall, P.O. Box 761, Smithfield, North Carolina 27577.				
Oregon	North Plains (city), Washington County	McKay Creek	At east end of Kaybern Avenue	*170
Maps available for inspection at City Hall, 440 Commercial Avenue, North Plains, Oregon.				
Send comments to the Honorable Brenda MacLeod, P.O. Box 616, North Plains, Oregon 97133.				
West Virginia	Marmet, Town, Kanawha County	Kanawha River	Downstream corporate limits	*800
			Upstream corporate limits	*802
Maps available for inspection at the Town Hall, 3208 McCorkle Avenue, Marmet, West Virginia.				
Send comments to Honorable Curtis Sulphin, Mayor of Marmet, P.O. Box 15037, Marmet, West Virginia 25315.				
West Virginia	Smithers, town, Fayette and Kanawha Counties	Kanawha River	Downstream corporate limits	*825
			Confluence of Smithers Creek	*826
			Upstream corporate limits	*829
		Smithers Creek	Confluence with Kanawha River	*826
			Bridge Street (upstream side)	*836
			County Route 2/2 (upstream side)	*855
Maps available for inspection at the City Hall, 178 ½ Michigan Avenue, Smithers, West Virginia.				
Send comments to Honorable Eddie Long, Mayor of Smithers, P.O. Box 467, Smithers, West Virginia 25186.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-19810 Filed 7-7-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Early and Late Season Migratory Bird Hunting Regulations Frameworks.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements **Federal Register** Document 81–8989, published on March 25, 1981, which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1981–82, and provided information on certain proposed regulations.

This proposed rulemaking provides supplemental proposals for both the "early" and "late" season migratory bird hunting regulations frameworks. The early hunting seasons open prior to October 1 and include mourning doves; white-winged doves; band-tailed pigeons; woodcock; common snipe; rails and gallinules; September teal; sea ducks; early duck seasons in Iowa, Kentucky, and Tennessee; some sandhill crane seasons; migratory bird hunting seasons in Alaska, Puerto Rico, and the Virgin Islands; and extended falconry seasons. Late seasons open on or after October 1 include most waterfowl and sandhill crane seasons. The Service annually prescribes hunting regulations frameworks within which the States select specific seasons. The effect of this proposed rule is to facilitate establishment of early and late season migratory bird hunting regulations for the 1981–82 season.

DATES: The comment period for proposed migratory bird hunting season frameworks for Alaska, Puerto Rico, and the Virgin Islands, and for other early season proposals will end on July 16, 1981; and that for late season proposals on August 24, 1981. A Public Hearing on Late Season Regulations will be held August 24, 1981. A Public Hearing on Late Season Regulations will be held August 4, 1981, starting at 9 a.m.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The Public Hearing will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons. Early seasons include those which open before October 1, while late seasons open about October 1 or later. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves; white-winged doves; band-tailed pigeons; rails; gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central and Mississippi Flyways; early duck seasons in Iowa, Kentucky, and Tennessee; sandhill cranes in North Dakota and South Dakota; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and other special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are announced in a **Federal Register** document published in late March and opened to public comment. Following termination of the comment period and after a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory elements. Following another public comment period, and after consideration of additional comments, the Service publishes the final frameworks in the **Federal Register.** Using these frameworks, State conservation agencies then select hunting season dates and options. States may prescribe more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR 20, then appear in the **Federal Register**, becoming effective upon publication.

The regulations schedule for this year is as follows. On March 25, 1981, the Service published for public comment in the **Federal Register** (46 FR 18666) a proposal to amend 50 CFR 20, with comment periods ending as noted earlier. The proposal dealt with establishment of seasons, limits and shooting hours for migratory birds under §§ 20.101 through 20.107 of Subpart K. This document is the second in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with supplemental proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States may select season dates, shooting hours, and daily bag and possession limits for the 1981–82 season. All comments on the March 25 proposal received through June 3, 1981, have been considered in developing this document. In addition, new proposals for certain late season regulations are provided for public comment. Comment periods on this second document are specified above under DATES. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico, and the Virgin Islands, and for early seasons for other areas of the United States are scheduled for **Federal Register** publication on or about July 21, 1981.

On June 19, 1981, a public hearing was held in Washington, D.C., as announced in the **Federal Register** of March 25, 1981 (46 FR 18666), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, and sandhill cranes. Proposed hunting regulations were discussed for these species and for common snipe; rails; gallinules; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; special September duck seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. Statements or comments were invited.

This supplemental proposed rulemaking document consolidates a number of changes and some corrections to the original framework proposals published on March 25, 1981, in the **Federal Register.**

Review of Public Comments and the Service's Response

Written Comments Received.

Sixty-two written communications were received by June 3, 1981, in response to the Service's initial proposals in the **Federal Register** dated March 25, 1981 (46 FR 18666). These include correspondence from 35 individuals; 3 national, regional, State, or local organizations; 19 State agencies; and 5 communications from waterfowl flyway councils. The responses represent a broad spectrum of public interest. In some instances, the communications did not specifically mention the open comment period or regulatory proposals. However, because they were received or sent during the comment period and generally relate to migratory bird hunting regulations, they are treated as comments. Where the Service indicates acceptance of a new recommendation, it becomes a supplemental proposal subject to public comment.

A few comments related to specific hunting season dates within the proposed season framework. Inasmuch as the season dates are selected by State conservation agencies, such comments were excluded.

Comments Received at Public Hearing:

The comments received at the June 19, 1981, public hearing will be addressed in the next supplemental proposal to be published in the **Federal Register** shortly.

Supplemental Proposals

The following comments, proposals, modifications, and minor clarifications or corrections are numbered to correspond with the numbered items published in the **Federal Register** dated March 25, 1981. To facilitate review, early season regulations include items 2, 6, 15, 21, 22, 24, 25, and 26, while late season regulations include items 2, 7, 9, 12, 13, 14, and 26. In a number of cases, the Service responds to the public comments but proposes no changes.

2. *Framework dates for ducks and geese in the continental United States.* The proposed Atlantic Flyway framework ending dates for both Canada and snow geese are corrected to January 31, 1982, in New Jersey, Delaware, and the Delmarva Peninsula portions of Maryland and Virginia. The Service also corrects the proposed season framework dates for the Mississippi Flyway as stated in the **Federal Register** dated March 25, 1981 (at 46 FR 18671) to October 3 through January 20. Exceptions are Iowa and Mississippi where special studies are underway, and in Louisiana where a later snow and white-fronted goose season is permitted to alleviate crop depredations.

A number of framework date changes were proposed by commentors. A resolution of the Tennessee General Assembly requested that the duck hunting framework be extended to January 31. Delaware recommended an option to provide for opening the regular waterfowl season on the last Monday in September when October 1 does not fall on a Sunday or Monday. The change would allow the framework to begin a maximum of 5 days earlier than has been permitted by recent-year frameworks, and would allow earlier hunting of early migrating species such as blue-winged teal. The Long Island Farm Bureau, Inc., New York, requested that an extension of hunting season and increase of bag limit be considered for Canada geese as a means of reducing crop depredations. Several hunters requested that waterfowl season frameworks be advanced or extended beyond that presently allowed as a means of increasing local hunting opportunity and harvest.

Response. Waterfowl season frameworks have been relatively unchanged in recent years except where special conditions apply or where special studies are underway. The Service favors retention of established season frameworks unless changes are deemed worthwhile as a result of special studies. Requests to open goose seasons earlier in northern areas are contrary to existing goose management plans. Later duck seasons would place additional stress on the birds at a time when weather conditions tend to be adverse and food supplies low, and may interfere with waterfowl pairing behavior. Regarding the request from the

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Long Island Farm Bureau, Inc., other measures are available to reduce crop depredation.

Tennessee and Kentucky requested that they be permitted to implement an experimental duck season having the following features:

a. The season would be held in September in lieu of the September teal season, and would not exceed five days;

b. The bag limit would be four ducks, no more than one of which may be a species other than teal or wood ducks;

c. The experimental season would be for three years to facilitate evaluation; and

d. Additional information to be gathered by the States to evaluate the experiment would include hunter and harvest surveys, banding, and population surveys.

Alternatives considered by Tennessee included an October wood duck season described under Item No. 4 (at 46 FR 18671), and zoning for an experimental teal/wood duck season. The former option includes utilizing days of the regular season for harvest of locally produced wood ducks. Neither of the two alternatives was considered desirable by the State because it was felt that the hunting opportunity they provided was not early enough (October seasons) or not adequately distributed within the State (zoning). The requested proposal was endorsed by the Southern Region Regulations Committee of the Mississippi Flyway Council. Twenty-one comments, all favorable, were received on this proposal.

Response. The Service proposes to allow the two States to initiate a three-year experiment under the above conditions, which would allow 5 consecutive days of hunting in September.

The Central Flyway Council recommended that the framework for hunting geese in New Mexico be changed to allow opening on the Saturday nearest October 1 and closing on the Sunday nearest February 15. Reasons supporting the change include the increasing numbers of wintering snow geese and associated crop depredations, and conformance with a nearly completed management plan.

Response. The Service proposes to extend the framework in New Mexico as requested.

No framework dates for brant in the Pacific Flyway were identified in the **Federal Register** dated March 25, 1981. The Service now proposes that the framework be October 24, 1981, through February 21, 1982.

6. *September teal season.* The Service noted in the **Federal Register** dated March 25, 1981 (at 46 FR 18672) that Florida had requested a September teal season. The proposal was subsequently endorsed by the Atlantic Flyway Council.

Response. Florida advises that modifications of the initial proposal are being considered. The Service will await further communications from Florida.

7. *Extra blue-winged teal option.* The Service inadvertently omitted from its initial proposal in the **Federal Register** dated March 25, 1981, at 46 FR 18672, that in the Atlantic Flyway both blue- and green-winged teal may be included in the extra teal limit.

9. *Canvasback and redhead ducks.* The Atlantic Flyway Council endorsed an experimental canvasback season as in 1980 in designated portions of the flyway. The guidelines for such a season appeared in the **Federal Register** dated March 25, 1981 (at 46 FR 18673). Michigan and Wisconsin recommended removal of their canvasback area closures because the areas no longer sustain high canvasback usage. The Southern Region Regulations Committee, Mississippi Flyway Council, recommended that a review of area closures for canvasbacks in Alabama, Tennessee, and Louisiana be undertaken. The Central Flyway Council recommended that initiation of the special canvasback season in the Atlantic Flyway be contingent upon the elimination of canvasback area closures in the Central Flyway.

Response. Decisions will be made on the proposed experimental season and modifications of closed areas when current population, habitat, harvest, and other pertinent data have been analyzed.

12. *Zoning.*

Atlantic Flyway. Delaware noted that no mention was made of the 3-way split season as an option to zoning.

Response. This option will again be offered in the Atlantic Flyway.

Massachusetts advised that it wished to retain the same zoning option for waterfowl seasons as was offered the past two seasons. New Jersey requested that it be permitted to make minor adjustments in its zone boundaries by shifting the Delaware River area between Camden and Trenton to the South Zone, and the Hackensack Meadows to the North Zone.

Response. The Service proposes to retain the option for Massachusetts and permit the minor zone modifications in New Jersey.

Mississippi Flyway. Alabama, with the concurrence of the Southern Region Regulations Committee of the Mississippi Flyway Council, requested that it be permitted to establish a split duck season in its South Zone (Baldwin and Mobile Counties).

Response. The Service proposes to allow the requested change.

Indiana requested the option to set goose hunting seasons in accordance with the zones utilized for duck seasons on the grounds that it would simplify hunting regulations and alleviate nuisance complaints associated with resident geese in six northwestern counties. These changes would not significantly affect the overall goose harvest.

Response. The Service proposes to provide this option as requested.

Central Flyway. The Central Flyway Council endorsed zoning plans for Colorado, Kansas, Nebraska, Oklahoma, South Dakota, and Wyoming to take effect during the 1981–82 season.

Response. The Service indicated in the **Federal Register** dated March 25, 1981, at 46 FR 18673, that it proposed to offer zoning options to States of the Central Flyway under previously established criteria. Descriptions of the proposed new zones in the three States for which detailed zoning plans have been received follow:

Kansas. Two zones in the Low Plains portion of the State were proposed as follows:

Zone 1. The Southwest Zone of the Low Plains includes the portion of the Low Plains area bounded by a line from the junction of the Kansas-Oklahoma state line and U.S. Highway 283, then northerly on U.S. Highway 283 to its junction with State Highway K–4, then easterly on State Highway K–4 to its junction with Interstate Highway 135, then southerly on Interstate Highway 135 to its junction with U.S. Highway 56, then easterly on U.S. Highway 56 to its junction with State Highway K–150, then easterly on State Highway K–150 to its junction with U.S. Highway 50, then easterly on U.S. Highway 50 to its junction with State Highway K–99, then southerly on State Highway K–99 to its junction with the Kansas-Oklahoma state line, then westerly along the Kansas-Oklahoma state line to its junction with U.S. Highway 283.

Zone 2. The second zone includes all the remaining area within the Low Plains area of Kansas not included in Zone 1.

Nebraska. Four zones within the Low Plains portion of the State were proposed as follows:

Zone 1. That portion of Keya Paha County within the Low Plains Management Unit and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River.

Zone 2. That portion of Dawson, Gosper, Frontier, and Furnas Counties within the Low Plains Management Unit and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, and Douglas Counties, including the adjacent waters of the Platte River.

Zone 3. That portion of Brown, Blaine, and Custer Counties within the Low Plains Management Unit and all of Rock, Holt, Loup, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Antelope, Boone, Nance, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, Burt, and Washington Counties.

Zone 4. All of Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

South Dakota. The Low Plains portion of the State would be zoned as follows:

South Zone. Comprised of Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties;

North Zone. Comprised of the remainder of the Low Plains Zone.

Response. The Service proposes to include options for zoning in Kansas, Nebraska, and South Dakota. Where possible, the zone descriptions will be simplified.

The Central Flyway Council recommended that member States be offered the option for three-way split duck seasons in lieu of zoning.

Response. This option has been offered in the Atlantic Flyway and the Service proposes to offer it in the Central Flyway in lieu of zoning.

Pacific Flyway. An Idaho hunter requested that consideration be given to establishing eastern and western zones in Idaho for the purpose of setting duck hunting regulations.

Response. Idaho is now divided into two zones, one in the "Columbia Basin" portion of the State which includes the Snake and Columbia River drainages, and the second consisting of the remainder of the State. The question of new or different zones is a matter that should be evaluated initially by the State in consultation with the flyway Council, and a recommendation forwarded to the Service for consideration. The Pacific Flyway Council has recommended recently against the creation of new zones at this time pending completion of a study of stabilized hunting regulations now underway.

13. *Goose and grant seasons.*

Atlantic Flyway. The Atlantic Flyway Council recommended that the season for snow geese be 90 days throughout the flyway, and that the bag and possession limits of 4 and 8 birds, respectively, be retained. The Council stated that the season should be lengthened flywaywide regardless of goose production success this year. The population is large and the harvest rate has not been excessive.

Response. In the past, a 70-day season has applied to snow geese in the Atlantic Flyway. The Service has received comments from some States about snow goose damage to agricultural crops and marsh lands. The Service will consider this recommendation for implementation this year but believes it advisable to do so in the light of all available information on population status. Accordingly, a decision about this is deferred pending additional information and comment on the recommendation.

The initial proposals published in the **Federal Register** on March 25, 1981, incorrectly indicated that New Jersey is divided into two zones for its Canada goose hunting regulations. The Service intends, as in 1980–81, that the seasons and limits for these geese apply on a Statewide basis.

Central Flyway. The Central Flyway Council recommended changes in goose seasons and limits as follows:

a. In Kansas, 1 Canada goose and 1 white-fronted goose would be allowed in the daily bag except in that portion of the State west of U.S. Highway 183 before November 22 (inclusive) where the daily bag limit may include 2 Canada geese or 1 Canada and 1 white-fronted goose. The possession limit shall be twice the daily bag limit. The change would bring Kansas goose limits into conformance with those of neighboring Colorado, Nebraska, and Oklahoma.

b. In the Central Flyway portion of Montana (except Sheridan County), the daily bag and possession limit for geese would be increased from 2 daily and 4 in possession to 3 daily and 6 in possession. The proposal reflects the increasing numbers of Hi-Line Canada geese which migrate through this portion of the State.

c. In designated Missouri River counties of South Dakota, the daily limit for Canada geese would be increased to 2 birds and the possession limit to 4 birds, and the hunting season extended to 79 days. These changes reflect the increasing numbers of geese in this area and problems associated with them: lead poisoning, crop depredations, and potential winter mortality. Some 350 thousand Canada geese wintered there last winter, compared to 107 thousand the previous year. The change is supported by the Western Prairie Population Management Plan.

Reponse. The Service concurs in these recommendations and proposes to implement them.

14. *Whistling swan.* The Atlantic Flyway Council and several individuals indicated support for a whistling swan season in North Carolina. Reasons offered included the biological feasibility of such a season and the need to alleviate crop depredation problems.

Response. In recent years, there have been several requests to allow the hunting of whistling swans in the Atlantic Flyway. The Services's position, as stated in the **Federal Register** dated July 1, 1980, is as follows:

> The Service is of the view that whistling swans in the Atlantic Flyway could sustain a limited harvest with no adverse effect on the status of their population. However, it is not a matter of high priority from a management standpoint and there appears to be considerable public opposition to it. There is evidence that swans are increasingly involved in agricultural depredations in some areas of the flyway. The Service intends to monitor this situation but does not propose any action at this time.

15. *Sandhill cranes.* The Central Flyway Council recommended the following seasons and limits in North Dakota:

a. In Benson, Burleigh, Emmons, Kidder, McHenry, Pierce, and Stutsman Counties, a 9-day hunting season to occur within the period of September 1–20;

b. In McLean and Sheridan Counties, a 16-day season withing the same framework; and

c. daily bag and possession limits of 2 and 4 cranes, respectively. Rationales for the above changes reflect a desire to harvest more cranes in McLean and Sheridan Counties (last year cranes did not arrive until the last 3 days of the season), to alleviate crop depredations, and the opening of McHenry County to hunting because of numerous cranes there.

Response. The Service proposes to accept the above proposed changes, which are in line with a management plan nearing completion for the species.

Arizona expressed interest in an 11-day sandhill crane season within a framework of October 15 through December 1, in the Wilcox Playa area of Cochise County. A maximum of 200 permits would be issued with the provision that permittees check in and out of the hunting area. With a seasonal limit of 2 cranes per hunter, no more than 400 birds could be harvested from a wintering population of 8,000 birds.

Response. This proposal is in line with sandhill crane management objectives contained in a nearly completed

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management plan for the species. However, since whooping cranes occasionaly appear in the area, additional information on the proposed hunt and any special measures planned to protect this endangered species is needed. Also, consultation under Section 7 of the Endangered Species Act is necessary. Consequently, it is important that more detailed information on the proposal be received and subjected to section 7 review if the experimental season is to be allowed this year.

21. *Band-tailed pigeons.* Nevada requested permission to initiate an experimental ban-tailed pigeon hunting season in Douglas, Carson City, and a portion of Lyons Counties. The season would extend for 30 days and coincide with the hunting season in adjoining Alpine County, California. The season would result in a relatively small harvest of birds from the Coastal band-tailed pigeon population, which is hunted in California, Oregon, and Washington. A data gathering program would produce information on this segment of the population which migrates along the Sierras in extreme western Nevada.

Response. The Service proposes to allow the season contingent upon receipt of a satisfactory evaluation plan.

22. *Mourning doves. Eastern Management Unit:* Delaware requested that the Service allow a dove season of 90 half-days in lieu of 70 full days. No data accompanied the request; however, it was stated that such an extended season would not significantly change the total hunting mortality of mourning doves.

Response. In 1980 the Service offered States in the Eastern Management Unit 70 full days of hunting in lieu of 70 half-days. While the Service does not believe that a longer season would necessarily affect mourning doves adversely, such a change should be coordinated with other States of the Eastern Management Unit, and some means established for evaluating changes which might result from the proposed change.

Georgia notified the Service that it might wish to consider a change in the boundary separating its North and South Zones used for setting season dates.

Response. The Service will consider such a change if one is proposed in the constraints of the regulations setting schedule effective this year.

Central Management Unit: The Central Flyway Council recommended that member States be offered options of a 60-day mourning dove season with bag and possession limits of 12 and 24 doves, respectively; or a 45-day season with bag and possession limits of 15 and 30 doves, respectively. In recent years, Central Management Unit States have been offered 60-day seasons with 10 doves daily and 20 in possession.

Response. The Service will consider the recommendations in the light of the most recent call-count survey data. A recently completed but unpublished cooperative study of mourning dove population in the Central Management Unit supports the requested change.

Arizona requested that it be permitted to hunt mourning and white-winged doves for 70 full days rather than 70 half-days as in 1980. The 1980 dove regulations were successful in reducing harvests of white-winged doves but overall mourning dove hunting pressure was reduced excessively and the harvest dropped from 2 million to 1.3 million birds.

Response. The Service proposes to allow the requested change.

24. *Migratory game bird seasons in Alaska.* One individual requested that duck and goose hunting seasons opening as early as August 15 be permitted in southeastern Alaska.

Response. The requested change would be contrary to a clause in the U.S.-Canada migratory bird treaty which establishes a period between March 10 and September 1 when no waterfowl hunting may occur.

25. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.*

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1981–82. A question was received concerning why the West Indian whistling (tree) duck, *Dendrocygna arborea*, was not excluded from the list of birds huntable in Pureto Rico. The questioner noted that the reduced populations of these birds would warrant deleting them from the list of birds which could be hunted in Puerto Rico.

Response. The Service solicits additional information on the status of the West Indian whistling duck.

The Service identifies the endagered Plain pigeon in Puerto Rico as *Columba inoranata wetmorei*, and corrects its Spanish name to "Paloma Sabanaera" in its proposals appearing at 46 FR 18677 on March 25, 1981. The El Verde Closure Area in Pureto Rico is redescribed to conform to the description appearing in the final regulations for the 1980 hunting season (45 FR 55961; August 21, 1980), and editorial changes are made in other special closed areas.

Areas closed to dove and pigeon hunting are:

Municipality of Culebra and Desecheo Island—closed under Commonwealth regulations.

Mona Island—closed to give the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca," a chance to recover.

El Verde Closure Area consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east: and (5) all lands within the Caribbean National Forest Boundary whether private or public.—The purpose of this closure is to afford protection to the Pureto Rican parrot (*Amazona vittata*) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning.—The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata wetmorei*), locally known as Paloma Sabanera, which is known to be present in the above locale in small numbers and which is listed presently as and endangered species under the Endangered Species Act of 1973.

Proposed Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1981–82. The Virgin Islands recommended a hunting season framework between July 20 and September 17, 1981, for the Zenaida dove (*Zenaida aurita*) and the scaly-naped pigeon (*Columba squamosa*), and that hunting of the latter species be permitted on St. John and St. Croix Islands in addition to St. Thomas Island. A five-year study of Zenaida doves by the Division of Fish and Wildlife reportedly shows that reproductive activity is generally over by mid-July. The letter went on to indicate that there is some uncertainty whether it is intended that provisions of the Migratory Bird Treaty Act apply to the Virgin Islands because of its zoogeographic isolation.

Response. Legal opinion to the Service indicates that the provisions of the Migratory Bird Treaty Act do apply to the Virgin Islands and that no hunting seasons may be permitted between March 10 and September 1. The Service concurs with the request to allow scaly-naped pigeon hunting on St. John and St. Croix Islands, noting that the Virgin Islands had requested in 1975 that pigeon hunting not be allowed on these islands.

The Virgin Islands Division of Fish and Wildlife recommended a 55-consecutive-day duck season for blue-winged teal only between December 1, 1981, and January 31, 1982. It is believed that about 100 hunters would be expected to participate and their potential harvest is estimated at 200 to 300 teal which is the most abundant species. Hunters would be licensed and all would be contacted for information to evaluate the season.

Response. No waterfowl hunting seasons have been prescribed in the Virgin Islands for several years. However, the Service has no information that this opportunity should not be provided. Because hunting season frameworks for the Virgin Islands are among the first to be set, the Service believes that the proposal described above should be offered for public comment. The Service will consider the Virgin Islands' request but believes that the season framework, season length, permitted species, and limits should be the same as those offered Puerto Rico.

26. *Migratory game bird seasons for falconers.*

Falconry Frameworks. The North American Faconry Association in two letters recommended that special falconry seasons be permitted within the times made available by the various migratory bird treaties, and that they not be limited to the more restrictive hunting season frameworks within which States select hunting season dates. The Association points out that this would enable more falconry hunting of migratory game birds to occur outside the period when shotgun hunting occurs and would result in no significant change in migratory game bird harvests.

Response. While the Service generally concurs with the assessment of such a change, it does not believe it desirable to establish special season frameworks based solely on means of taking.

28. *Other.*

Low Plains Proposal. The Central Flyway Council requested that the Service reconsider the Council's Low Plains Proposal, which was submitted in 1980 but not implemented.

Response. In the **Federal Register** dated March 25, 1981 (at 46 FR 18678), the Service presented its rationale for not implementing the proposal.

Public Comment Invited

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the possible amendments resulting from this supplemental rulemaking will specify open seasons; shooting hours; and bag and possession limits for designated migratory game birds in the United States, including Puerto Rico and the Virgin Islands.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier is contrary to the public interests.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in the rulemaking process by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525 B, Matomic Building, 1717 H Street, NW., Washington, D.C.

All relevant comments on all early season proposals, including Alaska, Puerto Rico, and the Virgin Islands, received no later than July 16, 1981, and those being on late season proposals received by August 24, 1981, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species . . . which is determined to be critical."

Section 7 consultations are presently under way regarding the early season regulatory proposals. It is possible that the findings from the consultation, which will be included in a biological opinion, may cause modification of some of the regulatory measures proposed in this document. Any modifications that may be desirable will be reflected in the final rulemaking on early season regulations frameworks, including those for Alaska, Puerto Rico, and the Virgin Islands, scheduled for publication in the **Federal Register** on or about July 21, 1981.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of

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conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. Examples of such consideration include areas closed to dove and pigeon hunting for protection of the Puerto Rican plain pigeon and the Puerto Rican parrot, both of which are classified as endangered. Also, an area in Alaska is closed to Canada goose hunting for protection of the endangered Aleutian Canada goose.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291 Consideration

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and it has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the **Federal Register** dated March 25, 1981 (at 46 FR 18669), the Service described measures it was taking to comply with these new requirements on Federal agencies in developing new rules. The Service also included a summary of its initial regulatory impact analysis, and announced that copies of the full initial analysis were available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The Service is completing its final regulatory impact analysis and it will be summarized in the **Federal Register** prior to or at the time that final regulations for the 1981–82 hunting season are set.

Authorship

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Dated: June 17, 1981.

C. F. Layton

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20129 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 130
Wednesday, July 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Horse Protection Act; Notice of Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individuals, under section 6(c) of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated:

1. Jim Reese, Jackson, Mississippi

Jim Reese has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year which is to run from March 26, 1981, through March 25, 1982.

2. Jimmy Lee, Heidelberg, Mississippi

Jimmy Lee has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year which is to run from April 1, 1981, through March 31, 1982.

3. Earnest P. Knipp, Cincinnati, Ohio

Earnest P. Knipp has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 3 years which is to run from May 15, 1981, through May 14, 1984.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act states in relevant part that, ". . . any person . . . may be disqualified by order of the Secretary, after notice and an opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of not less than one year for the first violation and not less than five years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to a civil penalty of not more than $3,000 for each violation. . . ."

This will serve as notification to the general public and the horse industry that Jim Reese, Jimmy Lee, and Earnest P. Knipp have been disqualified, as indicated, and that allowing a disqualified person to participate in prohibited activity is a violation of section 6(c) of the Act and is subject to the penalties indicated therein.

Done at Washington, DC., this 1st day of July 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services

[FR Doc. 81-19928 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Continental Divide National Scenic Trail Advisory Council; Meeting

The Continental Divide National Scenic Trail Advisory Council will meet at 10:00 a.m. on July 30, 1981, and continue until 2:00 p.m. on August 1, 1981. The meeting will be held at the Royal Quality Inn, 3270 Youngfield St. in Denver, Colorado. The purpose of the meeting is to discuss matters relating to the Continental Divide National Scenic Trail. Agenda items are review of the draft Environmental Assessment and draft Comprehensive Management Plan.

The meeting will be open to the public. For additional information, contact the Forest Service by telephone (303–234–4082) or by mail (USDA, Forest Service, Rocky Mountain Region, P.O. Box 25127, Lakewood, CO 80225).

June 29, 1981.

Craig W. Rupp,

Continental Divide National Scenic Trail Advisory Council Chairman.

[FR Doc. 81-19954 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-11-M

Black Hills National Forest Grazing Advisory Board; Meeting

The Black Hills National Forest Grazing Advisory Board will meet at 9:00 a.m., August 4, 1981, at the Bearlodge Ranger Station in Sundance, Wyoming. The purpose of this meeting is to review and discuss, in the field, range forage allocations and allotment management planning.

The meeting will be open to the public. Persons who wish to attend should notify Leon Fager, Black Hills National Forest, 605/673–2251. Written statements may be filed with the committee before or after the meeting.

Dated: July 1, 1981.

James R. Mathers,

Forest Supervisor.

[FR Doc. 81-20122 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Ashe County Schools RC&D Measure, North Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Norris, Acting State Conservationist, Soil Conservation Service, Room 554, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ashe County

Schools RC&D Measure, Ashe County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Norris, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area stabilization on 11 school sites. The planned work will include pipes, diversions, rock rip-rap pads to deenergize storm waters, subsurface drainage, seeding and mulching. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Norris. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 29, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-20009 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-16

Cibola Farm Irrigation Canal Lining RC&C Measure, Arizona; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas G. Rockenbaugh, State Conservationist, Soil Conservation Service, 230 No. First Avenue, Room 3008, Phoenix, Arizona 85025, telephone 602-261-6711.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cibola Farm Irrigation Canal Lining RC&D Measure, Yuma County, Arizona.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Thomas G. Rockenbaugh, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water conservation and irrigation system improvement. The planned works of improvement include lining 7,220 feet of an existing earthen canal with concrete. Other conservation practices include upland wildlife habitat management.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Thomas G. Rockenbaugh. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-20008 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-16

Lake Carmi R.C. & D. Measure, Vermont; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garret, State Conservationist, Soil Conservation Service, One Burlington Square, Suite 205, Burlington, Vermont 05401, telephone 802-951-6795.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Carmi RC&D Measure, Franklin County, Vermont.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns land treatment measures for erosion control and the installation of a series of animal waste management systems for agriculture related pollution control in the Lake Carmi Watershed. The planned works of improvement will affect approximately 20 individual farms.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contracting Mr. Coy A. Garrett. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: June 30, 1981.

Joseph W. Haas,

Deputy Chief for Natual Resource Projects.

[FR Doc. 81-20010 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-16-M

Lake Claiborne State Park, Phase I, R. C. & D. Measure, Louisiana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Claiborne State Park, Phase I, RC&D Measure, Claiborne Parish, Louisiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the development of recreational facilities on an existing 26-acre site on the south shore of Lake Claiborne. Facilities to be installed include: 1 boat launching ramp, a pier, 45 camping spurs, restroom facilities, hard surface roads, and parking areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: June 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-20011 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Sandia National Laboratories; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00312. Applicant: Sandia National Laboratories, 1515 Eubank Blvd., S.E., Albuquerque, NM 87115. Article: Mass Spectrometer, MM ZAB-2F. Manufacturer: VG Micromass, United Kingdom. Intended use of article: See Notice on page 45935 in the **Federal Register** of July 8, 1980.

Comments: No comments have been received with respect to this application. Decision: Application denied. Reasons: A domestic manufacturer was both willing and able within the meaning of Subsection 301.11(b) of the regulations to manufacture an instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, at the time the article was ordered (December 16, 1979).

Discussion

The legislative history of Pub. L. 89-651 ("the Act") provides the following guidance for interpreting the phase "being manufactured in the United States":

> It is considered that there would be justification for a finding that an instrument or apparatus is being manufactured in the United States if a manufacturer in the United States has in stock, or lists in a current catalog and offers for sale, such an instrument or apparatus which it has produced domestically. Moreover, in other instances, such a finding would be justified if there is satisfactory evidence that a manufacturer is willing to produce and have such a domestic article available promptly so that it may be obtained by the applicant without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type (Senate Report 1678, 89th Cong., p. 12).

The Department's regulations, in pertinent part, are as follows:

> An instrument, apparatus or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order, or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category. For example, in determining whether a domestic manufacturer is able to produce a custom-made instrument, apparatus, or accessory the Deputy Assistant Secretary may take into account the production experiences of the domestic manufacturer with respect to the types and complexity of products, the extent of the technological gap between the instrument, apparatus, or accessory to which the application relates and the manufacturer's customary products, and the availability of the professional and technical skills, as well as manufacturing experience essential to bridging the gap and the time required by the domestic manufacturer to produce an instrument or accessory to purchaser's specifications. (CFR 301.11(b))

A domestic firm, Nuclide Corporation, responded positively to the applicant's request for information (Q-04-5322) on April 23, 1976. Nuclide enclosed a technical and price proposal; stated its willingness to consider various financing arrangements, including leasing or rental; accepted the applicant's suggested "go/no go" basis for the contract; described its 20 years of experience in building mass spectrometers commercially, including special developments under Federal contracts; and offered to put $140,000 of its own funds into development of the instrument in the hope this would justify consideration by the applicant of a "sole-source second-round procurement."

In its memorandum of October 17, 1980, NBS advises that Nuclide "has been building mass spectrometers for over 20 years." NBS further advises that it does not consider the applicant's statement that the "foreign manufacturer has a good reputation" as "an appropriate justification" for duty-free entry.

In an internal memorandum dated January 30, 1976, a member of the applicant's technical committee formed for the purpose of acquiring a suitable instrument stated that such a mass spectrometer "is not commercially available, but is within the state-of-the-art to build." The same memorandum notes the need to "obtain cost estimates from potential vendors."

The record therefore shows that the instrument required by the applicant was within the state-of-the-art for the same general type of instruments and clearly could have been made available promptly by the domestic firm having more than 20 years experience in producing such instruments to purchaser specifications. That firm made an offer to the applicant which not only addressed technical aspects of the applicant's request for information but strongly solicited as well the applicant's business with an extraordinary commitment of its own resources to the development effort. That offer provides compelling evidence of the domestic firm's willingness to produce the instrument and of its confidence that the purchaser would be satisfied with the technical capabilities of the domestic instrument.

A variety of material in the attachments to its application appear to constitute a contention by the applicant that, as paraphrased in the NBS memorandum, "the foreign article was the third phase of a development program in which the applicant and his collaborators funded development of the instrument by the foreign manufacturer in the first and second phases of the program."

The Department notes in this connection that selection of a design source in the first phase of the applciant's development program occurred in August 1977, more than fifteen months after Nuclide submitted its proposal. Furthermore, the Department does not, in any event, consider funding and sourcing decisions of applicant institutions as pertinent to its determinations under Pub. L. 89-651. To the extent that the applicant might consider such prior decisions technically and financially determinative of its decision to order an instrument, the Department is warranted to accept as conclusive the evidence of domestic ability and willingness to produce an equivalent instrument at the time the preliminary decisions were made, although the Department's acceptance of such evidence is not to be construed as limiting its discretion to consider domestic willingness and ability to provide a comparable instrument at the time a purchase order is placed. In either event, in this case, the Department finds in favor of Nuclide's willingness and ability to provide an equivalent instrument to the applicant.

For these reasons, NBS advice and our own review of the application, we find that a domestic manufacturer was willing and able (within the meaning of Subsection 301.11(b) to manufacture an instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19980 Filed 7-7-81; 8:45 am]

BILLING CODE 3510-25-M

University of California at Los Angeles et al; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the citied Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00216 Applicant: University of California at Los Angeles, Laboratory of Nuclear Medicine, 900 Veteran Avenue, Los Angeles, California 90024. Article: Iatroscan TH-10, Mark III and Accessories. Manufacturer: Iatron Laboratories, Japan. Intended use of article: The article is intended to be used to separate and quantitate a variety of chemical compounds primarily related to liquid biochemical experiments. The phenomenon to be investigated will include lipids which are well suited for chromatographic separations capable with this article. Experiments will range from monitoring reaction mixtures to an analysis of extracts from biological samples. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00221 Applicant: Brookhaven National Laboratory, Upton, New York 11973. Article: Miniature Toroidal Grating Monochromator with Slit Mechanism. Manufacturer: Bird & Tole Ltd., United Kingdom. Intended use of article: The article is intended to be used for research on semiconductor and metal surfaces both atomically clean and with absorbates. Studies will include photo electron spectroscopy and photodesorption. Application received by Commissioner of Customs: May 4, 1981.

Docket No. 81-00223 Applicant: University of Alabama, 1919 7th Avenue South, Birmingham, Alabama 35294. Articles: Photomicroscope III. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to carry out at the same time differential interference contrast microscope combined with fluorescence, and to quantitate fluorescence values photometrically. The article also has the advantage of having a built in photometrically actuated camera being able therefore to take pictures at any level of illumination. Application received by Commissioner of Customs: May 3, 1981.

Docket No. 81-00224 Applicant: Arizona State University, Tempe, Arizona 85821. Article: Attachments for Electron Microscope. Manufacturer: VG Instruments Inc., United Kingdom. Intended use of article: The articles are attachments to an existing electron microscope manufactured by the same manufacture which will be used in the study of the structure of inorganic materials such as metals, semiconductors and ceramics and for the study of electron interference phenomena. Experiments to be conducted will involve high resolution imaging, the production of microdiffraction patterns from very small specimen areas and the microanalysis of samples using electron energy loss spectroscopy. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00225 Applicant: University of Washington, Department of Chemistry, BG-10, Seattle, WA 98195. Article: NMR Spectrometer, Model CXP-200 and Accessories. Manufacturer: Bruker Analytishe Messtechnik GmbH, West Germany. Intended use of article: The article is intended to be used as an educational tool in the course Chemistry 600 which involves the training of modern research techniques primarily through tutorial methods. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00226 Applicant: The University of Texas Health Science Center at Dallas, Purchasing Department, 5323 Harry Hines Blvd., Dallas, Texas 75235. Articles: Electrophysiological Stereotaxic Equipment with Accessories. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used for studies of anatomical and electrophysiological relations of (feline) muscle, muscle, sensory receptors, and central nervous system motor neurons. Graduate students will use the article in performance of physiological research in fulfillment of requirements for completion of doctoral degrees in the Health Sciences. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00227 Applicant: University of Wisconsin, Department of Anatomy, 1300 University Avenue, Madison, WI 53706. Article: Electron Microscope, Model JEM-100CX/SEGZ-4D. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by faculty post-doctoral and graduate students who are actively engaged in ultrastructural studies related to the neurosciences. More specifically, the following research endeavors are dependent upon the article: (1) ultrastructural studies of the superior colliculus and dorsal lateral geniculate nucleus, (2) development studies of synaptic relations in the dorsal lateral geniculate, (3) studies of axonal guidance of growing and regrowing mammalian central nerve fibers, (4) analyses of neuronal mechanisms in pyriform cortex, (5) studies aimed at determining the role of developing serotonin neurons in gut motility, (6) studies of the morphology and physiology of transmitter release from cholinergic nerve terminals, and (7) studies of synaptic transmission in aged preparations. Application received by Commissioner of Customs: May 5, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19979 Filed 7-7-81; 8:45 am]

BILLING CODE 3510-25-M

University of Connecticut; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00008. Applicant: University of Connecticut, Biological Sciences Group, Biochemistry & Biophysics Section, Life Sciences Building, Room 461, Storrs, CT 06268. Article: Superconducting Electromagnet. Manufacturer: Thor Cryogenics, United Kingdom. Intended use of article: See Notice on page 9685 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) a field strength of two tesla, (2) a decay rate of one part in 10 million per hour, (3) magnetic homogeneity of better than 0.05% over two one centimeter diameter regions spaced 1.75 inches apart, and (4) a temperature range of −270 to 100° centigrade. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-19978 Filed 7-7-81; 8:45 am]

BILLING CODE 3510-25-M

Washington University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Deparment of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00077. Applicant: Washington University, Lindell & Skinker, St. Louis, MO 63130. Article: Optically Contacted piezo-capicator etalon. Manufacturer: Queensgate Instruments, Ltd., United Kingdom. Intended use of article: See Notice on page 18569 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 500 micron plate gap, a 50 micron capacitor working gap with two element piezo stacks, lambda/200 flatness, and three 20 millimeter coated areas. The National Bureau of Standards advises in its memorandum dated May 22, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intendetl to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

FR Doc. 81-19981 Filed 7-7-81; 8:45 am]

BILLING CODE 3510-25-M

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[Order No. 41-3 (Amdt.), D.O.D. Reference 10-3, 40-1]

Assistant Secretary for International Economic Policy; Organization and Function Order

May 11, 1981.

ITA Organization and Function Order 41-3 (46 FR 19950) is amended to realign functions and establish three new offices reporting to the Deputy Assistant Secretary for Finance, Investment and Services.

1. Part V., Section 2 is amended to read:

"Section 2. Office of the Deputy Assistant Secretary

.01 The *Deputy Assistant Secretary for Finance, Investment and Services* shall advise on inward and outward investment, and international operations of U.S. service industries, international finance and monetary policies and multinational corporation, tax and other issues incident to foreign business operations; develop and implement policies on foreign investment by U.S. investors including the operation and impact of U.S.-based multinational corporations; represent the Department in international finance and development assistance affairs and U.S. direct investment issues; and be responsible for providing staff support for the Department's representatives on the National Advisory Council on International Monetary and Financial Policies (NAC), the Export-Import Bank Board, Overseas Private Investment Corporation and other organizations dealing with export finance, export guarantees and credit insurance, and bilateral and multilateral aid loans.

.02 The DAS/FIS shall direct the following offices:

a. Office of International Finance
b. Office of International Services
c. Office of International Investment"

2. Part V., Section 3 is amended to read:

"Section 3. Office of International Finance

.01 *The Office of International Finance* includes the *Director* who shall identify key issues and develop policies relating to International finance and monetary affairs; represent the Department on the National Advisory Council on International Monetary and Financial Policies (NAC) and other bodies dealing with export financing, export and investment guarantees, credit and credit insurance, foreign lending and assistance activities of U.S. and international agencies, and balance of payments measures; participate in international conferences such as the Organization for Economic Cooperation (OECD) and the United Nations Conference on Trade and Development (UNCTAD) concerned with these subjects; provide analytical and staff support for the Secretary's participation as a member of the Export-Import Bank Board and as Chairman of the Export Expansion Advisory Committee of the Export Expansion Facility administered by the Export-Import Bank; act as the Department's principal liaison with banks, other private institutions, and U.S. Government and multilateral agencies engaged in international financing activities; formulate policy and program recommendations relating to the administration of government-financed procurement programs, including foreign aid, to assure the full participation of U.S. goods and service exports; formulate policy and program recommendations with regard to the international financial aspects of trends and developments in the U.S. balance of payments and provide advice to firms on financing mechanisms available in private institutions, the U.S. Government, and international agencies;."

3. Part V., Section 4 is added to read:

"Section 4. Office of International Services

.01 The *Office of International Services* includes the *Director* who shall provide policy guidance and program recommendations to foster the international operations of the U.S. service industries (such as insurance, accounting, engineering and construction, advertising, computer services, leasing, franchising, air and shipping); develop and implement policies relating to U.S. and foreign taxation of international service and other business operations, the economic impact of international technology transfer, international business practices, international aspects of antitrust, international standardization, patent and copyright protection, and related matters arising from the international commercial and investment operations of U.S. firms, especially as they relate to service industries; analyze and act on problems affecting the international competitive position of the U.S. service industries; and provide surveys of U.S. service industries' international operations, disclosing extent of operations and trade and balance of payments impact. The Director shall direct the following Divisions:

.02 The *Industry Programs Division* shall, on an industry basis, identify and evaluate the obstacles to a free flow of services internationally and the actions that could be taken to reduce or eliminate these obstacles on a case-by-case or multilateral basis; facilitate the sale abroad of U.S. services; and analyze U.S. policies, rules and regulations affecting the service industries to determine the impact on their international competitive position. The Division shall develop U.S. policies in the transportation area, including responses to requests for reciprocal exemption from U.S. customs duties and taxes on supplies and fuel for foreign aircraft, international conventions and agreements on liability and documentation, and preparing position papers for, and representing the Department at meetings of the International Maritime Consultative Organization, UNCTAD, UNCITRAL and other international orgaizations. It shall also provide analytical and other support to the USTR's Services Industry Policy Committee and the Department's Services Industry Sector Advisory Committee; maintain liaison with trade and industry groups and individual firms to ascertain the nature of foreign government restrictions affecting the service sector abroad; and report periodically on services trade flows and the U.S. market share of the service industries throughout the world.

.03 The *Foreign Business Practices Division* shall formulate policy and program recommendations relating to international business operations of American service industries and other firms, specifically with reference to restrictive business practices, patents, trademarks, copyrights, product standardization, transfer of technology, commercial law, arbitration, state-trading, and U.S. foreign tax measures and practices; developed Departmental policy and program recommendations for the protection of American property rights abroad, and with respect to drafting and negotiation of treaties, conventions, and agreements bearing on the international operations of American business; conduct comparative analyses of foreign competitive practices, including product standards, licensing, patent policies and related transfer of technology issues, taxation, and joint exporting, especially as they relate to service industries; and provide information and advice to U.S. firms on such matters."

4. Part V., Section 5 is added to read:

"Section 5. Office of International Investment

.01 The *Office of International Investment* includes the *Director* who shall develop and implement policies relating to U.S. direct investment abroad and foreign direct investment in the United States; develop and analyze information on such investment and report on the status and economic impact of the investment flows in accordance with the International Investment Survey Act of 1976 and Executive Orders 11858 and 11961; initiate and participate in the development of positions, policies and programs and legislative proposals bearing on the monitoring, reporting, review, facilitation of and restraints on direct investment into and from the United States; and represent the Department on interagency committees dealing with investment policy, expropriation and MNC codes of conduct. The Director shall direct the following Divisions:

.02 The *Investment Policy Division* shall develop policies and represent the Department in matters relating to U.S. direct investment abroad and foreign direct investment in the U.S., including bilateral investment treaties, codes of conduct (including the United Nations, International Labor Organization, and OECD general codes as well as specific codes), science and technology, expropriation and other investment disputes, national treatment, performance requirements and other investment incentives and disincentives, the operations of multinational corporations, and the effects of inward and outward investment on U.S. trade and employment and access to raw materials; develop information on foreign legal, economic and regulatory regimes bearing on U.S. direct investment abroad and on both Federal and state laws affecting foreign direct investment in the U.S.; consult with and brief, as necessary, business and government officials on U.S. regulations and international practices affecting the flow of investment; and participate in bilateral and multilateral negotiations and consultations on international investment.

.03 The *Research and Assessment Division* shall prepare and publish studies, reports, and analyses on the determinants, charcteristics, effects, and interelationships of U.S. direct investment abroad and foreign direct investment in the United States, including the incidence, concentration, and distribution of both inward and outward investment by industry sectors and foreign nation involved; evaluate and assess the impact of such investment of U.S. economic security, balace of payments and trade, and other economic interests, both sectorally and in aggregate; prepare regular reports for the Committee on Foregin Investment in the United States and the Congress on significant foreign investment trends at the sectoral level, covering market position, employment, technology transfer, trade, and financial structure; prepare special analytical and policy reports required by the Committee and Commerce policy officials; develop and maintain information and date on inward and outward investment activity; and work with Federal agencies gathering investment data to improve data collection and reporting, and provide the Committee on Foreign investment in the U.S. and the Congress with recommendations to effect such improvements.

.04 The *Investment Analysis Division* shall monitor, investigate, and develop information on inward and outward investment transactions, the operations of foreign-owned firms in the United States, and the operations of U.S.-owned firms overseas, including the consolidation and modification of information from existing sources such as Federal and state government agencies, commercial and investment banks, and other public and private organizations, both domestic and international; prepare analyses of significant individual investment transactions; and prepare and publish periodic and special reports on inward and outward investment transactions and trends for the Congress, the Committee on Foreign Investment in the United States, and the public.

Approved:

Lionel H.Olmer,
Under Secretary for International Trade.
Raymond J. Waldmann,
Assistant Secretary for International Economic Policy.

[FR Doc. 81-19877 Filed 7-7-81; 8:45 am]
BILLING CODE 3510-25-M

[Order No. 41-1 (Amdt. 2), D.O.O. Reference 10-3, 40-1]

International Trade Administration; Organization and Function Order

Effective Date: May 11, 1981.

ITA Organization and Function Order 41-1 (45 FR 11862) is further amended to realign functions and establish three new offices reporting to the Deputy Assistant Secretary for Finance, Investment and Services. Part III, Section 2.02 is amended to read:

".02 The *Deputy Assistant Secretary for Finance, Investment and Services* who shall advise on inward and outward investment, international operations of U.S. service industries, international finance and monetary policies and multinational corporation, tax, and other issues incident to foreign business operations, and shall direct the following offices:

"a. The *Office of International Finance* shall identify key issues and develop policies relating to international finance and monetary affairs; represent the Department on the National Advisory Council on International Monetary and Financial Policies (NAC) and other bodies dealing with export financing, export and investment guarantees, credit insurance, foreign lending and assistance activities of U.S. and international agencies, and balance of payments measures; and provide analytical and staff support for the Secretary's participation as a member of the Export-Import Bank Board and as Chairman of the Export Expansion Advisory Committee of the Export Expansion Facility administered by the Export-Import Bank.

"b. The *Office of International Services* shall provide policy guidance and program recommendations to foster the international operations of the U.S. service industries (such as insurance, accounting, engineering and construction, advertising, computer services, leasing, franchising, air and shipping); develop and implement policies relating to U.S. and foreign taxation of international service and other business operations, the economic impact of international technology transfer, international business practices, international aspects of antitrust, international standardization, patent and copyright protection, and related matters arising from the international commercial and investment operations of U.S. firms, especially as they relate to service industries; analyze and act on problems affecting the international competitive position of the U.S. service industries; and provide surveys of U.S. service industries' international operations, disclosing extent of operations and trade and balance of payments impact.

"c. The *Office of International Investment* shall develop and implement policies relating to U.S. direct investment abroad and foreign direct investment in the United States; develop and analyze information on such investment and report on the status and economic impact of the investment flows in accordance with the International Investment Survey Act of 1976 and Executive Orders 11858 and 11961; initiate and participate in the development of positions, policies and programs and legislative proposals bearing on the monitoring, reporting, review, facilitation of and restraints on direct investment into and from the

United States; and represent the Department on interagency committees dealing with investment policy, expropriation and MNC codes of conduct."

Lionel H. Olmer

Under Secretary for International Trade.

[FR Doc. 81-19052 Filed 7-7-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-692]

Application

Notice is hereby given that Cove Carriers Inc., Cove Tide Corp., CMC Tankers, Inc., and Cove Tank Ships Inc., Wall Street Plaza, Suite No. 1630, New York, New York 10005, have filed applications dated May 8, 1981, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy contracts, to expire December 31, 1981, unless extended, to operate the SSs COVE SPIRIT, COVE TIDE, COVE RANGER, and COVE ENGINEER, respectively, in the carriage of bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.–U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before July 30, 1981 notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act, and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the applications herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.
Dated: June 30, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-19963 Filed 7-7-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Adolph Coors Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: August 7, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On June 22, 1981, the Office of Enforcement of the ERA executed a Consent Order with Adolph Coors Company of Golden, Colorado. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Coors, with its home office located in Golden, Colorado processes natural gas streams and sells the NGL derived from these streams, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR. Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Coors the Office of Enforcement, ERA, and Coors entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the sales of NGL by Coors at its Wattenberg Plant during the period January 1, 1977 through January 28, 1981.

2. The reason for the overcharges was Coors sold NGL at prices in excess of the applicable ceiling price, as defined at 10 CFR 212.143(a), 212.183(a).

3. It is understood that Coors does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Coors agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $85,000, including interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in one lump sum payment and completed within one month from the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of Claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Coors Consent Order." We will consider all comments we receive within *30 days after the publication.* You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 29th day of June, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel Central Enforcement District.

[FR Doc. 81-19917 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-01-M

Comanche Oil Company; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: August 7, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On June 22, 1981, the Office of Enforcement of the ERA executed a Consent Order with Comanche Oil Company (Comanche), of Springfield, Illinois. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Comanche, with its home office located in Springfield, Illinios, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Comanche the Office of Enforcement, ERA, and Comanche entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by Commanche during the period September 1, 1973 through January 28, 1981.

2. The reason for the overcharges was Comanche sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 212.73.

3. It is understood that Comanche does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Comanche agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $170,000, including interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in eight quarterly payments and completed within 25 months of the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Director of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result

of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Comanche Consent Order." We will consider all comments we received on or before August 7, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 29th day of June, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel Central Enforcement District.

[FR Doc. 81-19918 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-01-M

Exchange Oil & Gas Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: June 15, 1981.
Comments by: August 7, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On June 15, 1981 the Office of Enforcement of the ERA executed a Consent Order with Exchange Oil & Gas Corp. of New Orleans, Louisiana. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Exchange Oil & Gas Corp. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Exchange effective as of the date of its execution by the DOE and Exchange.

I. The Consent Order

Exchange Oil & Gas Corp. (Exchange) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Exchange the Office of Enforcement, ERA, and Exchange entered into a Consent Order, the significant terms of which are as follows:

1. During the period January 1, 1975 through December 31, 1980 Exchange allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Exchange and the DOE have agreed to a settlement of $151,006. This amount will be refunded by Exchange within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Exchange.

3. This Consent Order consitutes neither an admission by Exchange that ERA regulations have been violated nor a finding by the ERA that Exchange has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Exchange agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $151,006 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Exchange Oil & Gas Corp. Consent Order". We will consider all comments we received by 4:30 p.m., local time, (30 days after publication). You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 19th day of June, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-19919 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-01-M

W. W. Lindsey and W. E. Elliott; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date is June 10, 1981.
Comments by: August 7, 1981.

ADDRESS: Send written comments to: Bernard Fleischer, Program Manager, Production Programs, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert H. Burch, Management Analyst, U.S. Department of Energy, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881–2396.

SUPPLEMENTARY INFORMATION: On June 10, 1981, the Southeast District, Office of Enforcement of the ERA finalized a Consent Order with W. W. Lindsey and W. E. Elliott, a Pikeville, Kentucky crude producer firm. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution. Therefore, the DOE has determined that it is in the public interest to make the Consent Order with W. W. Lindsey and W. E. Elliott effective on June 10, 1981.

I. The Consent Order

W. W. Lindsey and W. E. Elliott (Lindsey and Elliott), located in Pikeville, Kentucky, is a crude producer firm and is subject to the jurisdiction of the DOE with regard to prices charged in sales of crude oil, pursuant to 10 CFR Part 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Lindsey and Elliott, the Office of Enforcement, ERA, and Lindsey and Elliott entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of crude oil by Lindsey and Elliott during the period September 1, 1973 through August 31, 1976.

2. From the audit conducted during the above period, the Office of Enforcement determined that Lindsey and Elliott improperly certified production from one lease as stripper oil and as a result sold the oil at unlawful prices.

3. Lindsey and Elliott agreed to immediately refund the total sum of $25,000, in full settlement of any and all civil liability within the jurisdiction of DOE during the audit period. The refunded total shall be paid by certified check upon execution of the Consent Order and submitted to the Director, Office of Enforcement, ERA, Washington, D.C. The Director shall direct that this sum be deposited in a suitable account for distribution in a just and equitable manner in accordance with applicable laws and regulations.

4. The provisions of 10 CFR Section 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, Lindsey and Elliott agree to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. and I.2. above, the sum of $25,000, immediately upon execution of the Consent Order. Refund methodology will be as specified in I.3. above. The amounts submitted to the Director, Office of Enforcement will be in the form of a certified check made payable to the U.S. Department of Energy. This submission will remain in a suitable account pending the determination of proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR Section 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR Section 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical

impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR Section 205.199l(a).

III. Submission of Written Comments:

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should sent your comments or written notification of a claim, as specified in A and B above, to Bernard Fleischer, Program Manager, Production Programs, Department of Energy, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Lindsey and Elliott Consent Order". Comments received by 4:30 p.m., local time on August 7, 1981 will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR Section 205.9(f).

Issued in Atlanta, Georgia on the 25th day of June 1981.

James C. Easterday,

District Manager of Enforcement.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-19920 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4373-000]

City of Fredericksburg, Va.; Application for Preliminary Permit

July 6, 1981.

Take notice that the City of Fredericksburg, Virginia (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4373 known as the Embrey Dam Project located on the Rappahannock River in Stafford and Spotsylvania Counties, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John M. Nolan, City Manager, P.O. Box 7447, Fredericksburg, Virginia 22401.

Project Description—The proposed project would consist of: (1) an existing concrete dam approximately 770-foot long and 23.5 feet high; (2) an existing reservoir with a surface area of 290 acres and a storage capacity of 2,000 acre-feet at a normal pool elevation of 52.0 feet m.s.l.; (3) a proposed powerhouse with an installed generating capacity of 11.4 MW; (4) a proposed 250-foot long tailrace; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, the Applicant intends to submit a license application. The Applicant estimated total cost for performing these studies is $50,000.

Competing Applications—This application was filed as a competing application to the Embrey Dam Project No. 3611 filed on October 27, 1980, by Embrey Development, Ltd. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4373. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19988 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4642-000]

City of Rice Lake Department of Utilities, Wisconsin; Application for Preliminary Permit

July 6, 1981.

Take notice that the City of Rice Lake Department of Utilities, Wisconsin (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4642 known as the Rice Lake Dam located on the Rice Lake and Red Cedar River in Barron County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Von Edeskuty, Joseph V. Edeskuty & Associates, Consulting Engineers, 730 2nd Avenue S., Suite 835, Minneapolis, Minnesota 55402.

Project Description—The proposed project would consist of: (1) a proposed replacement 177-foot long and 22-foot high concrete dam; (2) a proposed powerhouse containing generating units having an installed capacity of 336 kW, with an estimated average annual output of energy to be 1,534 MWh; (3) a proposed reservoir at a maximum 1,112.7-foot m.s.l. surface elevation, a 380 square mile drainage area, and a 266 acre-feet storage capacity; (4) a proposed penstock; (5) a proposed 200-foot underground conduit to a transformer at a city substation; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $14,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *August 14, 1981*, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than *October 13, 1981*.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before *August 14, 1981*.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19990 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4671-000]

City of Winona, Minn.; Application for Preliminary Permit

July 6, 1981.

Take notice that the City of Winona, Minnesota (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) 825(r)] for Project No. 4671 known as the Mississippi Lock and Dam No. 7 located on the Mississippi River in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David R. Sollenberger, City Manager, City Hall, 4th and Lafayette Streets, Winona, Minnesota 55987.

Project Description—The proposed project will utilize a U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 7. The proposed project would consist of: (1) a proposed powerhouse having an estimated installed 7.2 MW capacity and an estimated average annual 45.3 GWh energy output; (2) a proposed 2.75 mile transmission line; and (3) appurtenant facilities. The proposed project is located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $25,000.

Competing Applications—This application was filed as a competing application to the Mississippi Lock and Dam No. 7 Project No. 3649 filed on November 3, 1980 by the Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to be taken, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 3, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is

made in response to this notice of application for preliminary permit for Project No. 4671. Any comments, protests or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary. Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19991 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4188-001]

Jones & Sandy Ranch; Application for Exemption From Licensing of a Small Conduit Hydroelectric Project

July 6, 1981

Take notice that the Jones & Sandy Ranch filed with the Federal Energy Regulatory Commission on May 18, 1981, an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823 (a)], for exemption for its Jones & Sandy Project No. 4188-001 from all of Part I of the Federal Power Act. The proposed project would be located on the existing conduit supplying water to the fish hatchery in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Consulting Associates, P.O. Box 893, Boise, Idaho 83701, and Jones & Sandy Livestock, Route 1, Box 269, Hagerman, Idaho 83332.

Project Description—The proposed project consists of: (1) an 85-foot long penstock to be located at the mouth and drop of Weatherly Springs tunnel; (2) a concrete slab; (3) a generating unit rated at 105 kW; (4) a tail pipe discharging into the fish hatchery raceways; and (5) a transformer service pole. The powerplant would utilize an effective head of 53 feet, would be automatically operated, and would produce approximately 975 MWh annually.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the granting of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agenct does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be recieved on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4188. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19992 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4528-000]

Pondera County Canal Reservoir Co. and City of Conrad, Montana; Application for Preliminary Permit

July 6, 1981.

Take notice that the Pondera County Canal Reservoir Company and City of Conrad, Montana (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4528 to be known as Swift Dam Power Project located on Birch Creek in Pondera County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gerald Vandenacre, President, Pondera County Canal and Reservoir Company, P.O. Box 248, Valier, Montana 59486.

Project Description—The proposed project would consist of: (1) an existing 190-foot high and 560-foot long double-curvature, thin arch, concrete dam with a maximum elevation of 4,886 feet m.s.l.; (2) an existing reservoir with a 34,000 acre-feet storage capacity, a 75 square-mile drainage area, and a 300 acre maximum surface area at an elevation of 4,892 feet m.s.l.; (3) a proposed powerhouse containing generating units with an installed 3 MW capacity; (4) a proposed 2-mile 34.5-kV transmission line to be interconnected to an existing transmission line; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 11,600,000 kWh. The Applicant proposes to investigate the sale of the generated energy to a local utility.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Swift Dam Hydroelectric Power Project No. 3725 filed on November 3, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 31, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4528. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19993 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4786-000]

Public Utility District No. 1 of Snohomish County, Washington; Application for Preliminary Permit

July 6, 1981.

Take notice that Public Utility District No. 1 of Snohomish County, Washington (Applicant) filed on June 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4786 known as the Sunset Falls Waterpower Project located on the South Fork Snohomish River (SFSR) in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington 98206.

Project Description—The proposed project would consist of: (1) a 10-foot high diversion dam across the SFSR approximately one mile upstream of the existing Sunset Falls; (2) a 1,350-foot long concrete-lined tunnel; (3) a power house containing two generating units with a total rated capacity of 50 MW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 160 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental, and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $1,000,000.

Competing Applications—This application was filed as a competing application to Mr. John Raymond Beebe, Jr.'s Project No. 3347 filed on November 13, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 3, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19994 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 4564-000]

Village of Winnetka; Application for Preliminary Permit

July 6, 1981.

Take notice that the Village of Winnetka (Applicant) filed on April 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4564 known as the Mississippi River Lock and Dam No. 15 located at the U.S. Army Corps of Engineers' Mississippi River Lock and Dam No. 15 on the Mississippi River in the county of Rock Island, Illinois, and the county of Scott, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, P.E., 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Mississippi River Lock and Dam No. 15. Project No. 4564 would consist of: (1) a proposed powerhouse having an installed capacity of 16.5 MW; (2) a proposed 69-kV transmission line to be interconnected to an existing transmission line owned by Iowa-Illinois Gas and Electric Company; and (3) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 95,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Mississippi Lock and Dam Project No. 4276 filed on March 2, 1981, by ENERGENICS SYSTEMS, INC. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 3, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4564. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19005 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4432-000]

Wisconsin Public Power Incorporated System; Application for Preliminary Permit

July 6, 1981.

Take notice that the Wisconsin Public Power Incorporated System (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4432 to be known as Lock and Dam No. 7 located at the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 7 on the Mississippi River in LaCrosse County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael P. May, Boardman, Suhr, Curry and Field, One South Pinckney Street, P.O. Box 927, Madison, Wisconsin 53701.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 7. The proposed Project No. 4432 would consist of: (1) a proposed powerhouse containing generating units with an estimated installed capacity of 12,685 kW; (2) a proposed 69-kV transmission line approximately 5 miles in length to be interconnected to an existing 69-kV line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 64,669,000 kWh. The Applicant proposes to utilize the generated output of energy within its own system. The proposed project is located on Federal land.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $64,730.

Competing Applications—This application was filed as a competing application to the Mississippi Lock and Dam No. 7 Project No. 3649 filed on November 9, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4432. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19006 Filed 7-7-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PP OG2344/T304; PH-FRL-1617-5]

Amitraz; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been established for the combined residues of the insecticide amitraz (*N'*-2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites containing the 2,4-dimethylaniline moiety (calculated as the parent compound) in or on citrus at 1.0 part per million (ppm), in milk at 0.01 ppm, and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm.

DATE: These temporary tolerances expire April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Peticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-7024).

SUPPLEMENTARY INFORMATION: Boots Hercules Chemical Inc., P.O. Box 2867, Wilmington, DE 19805, has submitted a pesticide petition (PP OG2344) to the EPA requesting establishment of temporary tolerances for the combined residues of the insecticide amitraz [*N'*-(2,4-dimethylphenyl)-*N*-[[2,4-dimethylphenyl)imino]methly]-*N*-methylmethanimidamide and its metabolites containing the 2,4-dimethylaniline moiety (calculated as the parent compound) in or on citrus at 1.0 ppm, in milk at 0.01 ppm, and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, 92 Stat. 819; 7 U.S.C. 136.

The scientific data and other relevant material have been evaluated and it has been determined the establishment of the temporary tolerances will protect the public health. The temporary tolerances are established on the condition that the pesticide be used with the following provisions:

1. The total amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Boots Hercules will immediately notify the EPA of any findings from the experimental use permit that have a bearing on safety. The firm will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 1, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibilitty Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-19873 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51279; TSH-FRL-1679-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) required any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of eight PMN's and provides a summary of each.

DATE: Written comments by August 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51279]" and the specific PMN number, should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–436–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–282, 81–285.	Wendy Cleland-Hamnett.	(202–426–0503)	E–229.
81–287	Kathleen Ehrenberger.	(202–755–1150)	E–336.
81–288	Carrie Berlin	(202–426–8816)	E–221.
81–289	George Bagley.	(202–426–2601)	E–210.
81–290	Mary Cushmac.	(202–426–0503)	E–229.
81–292, 81–293.	Rachel Diamond.	(202–426–8816)	E–221.

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81–282

Close of Review Period. September 9, 1981.

Manufacturer's identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.
Manufacturing site—Central U.S.
Standard Industrial Classification Code—282; "Plastic Materials and Synthetic Resins, Synthetic Rubber, Synthetic and other Man-made Fibers, except Glass".

Specific Chemical Identity. Claimed confidential business information. Generic name provided: modified olefin/carboxylic acid copolymer.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 100 but less than 1,000 kg per year into the environment with potentially frequent skin exposure for chemical industry employees and occasional exposure for consumers as part of an article.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Skin irritation (rabbits)—Mildly irritating
Eye irritation (rabbits)—Nonirritating
Skin Sensitization (guinea pig)—Not a sensitizer
Ames *Salmonella*/assay (with and without activation)—Nonmutagenic
Acute oral toxicity (rats)—>10 ml/kg.

Exposure. The submitter states that workers manufacturing and disposing of the new chemical could have skin and minimal inhalation exposure during packaging, cleanup, and maintenance operations. At a site not controlled by the submitter, processing and disposal workers may have skin exposure during weighing and additive operations. Commercial users could have daily skin exposure to encapsulated, trace amounts.

Environmental Release/Disposal. The manufacturer states that at all sites polymer waste material will be disposed of by sanitary landfill.

PMN 81–285

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.
Manufacturing site—Atlantic U.S.
Standard Industrial Classification Code—282. "Plastic Materials and Synthetic Resins, Synthetic Rubber, Synthetic and other Man-made Fibers, except Glass".

Specific Chemical Identity. Claimed confidential business information. Generic name provided: amino carboxylic acid structural copolymer.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 1,000 but less than 10,000 kg per year into the environment with potentially frequent skin exposure for chemical industry employees and occasional exposure for consumers as part of an article.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—190°–200°C.

Toxicity Data

Skin irritation (rabbits)—Mildly irritating
Skin sensitization (guinea pigs)—Not a sensitizer

Exposure. The submitter states that manufacturing and disposal workers could have skin exposure to the new chemical during packaging, cleanup, and maintenance operations. At a site not controlled by the submitter, processing and disposal workers could have skin exposure during fabrication and handling operations. Commercial and consumer users could have daily skin exposure.

Environmental Release/Disposal. The manufacturer states that at all sites polymer waste material will be disposed of by sanitary landfill.

PMN 81–287

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: nitrogen-modified, hydrogenated diene/styrene copolymer.

Use. Claimed confidential business information. Generic use: a minor component in formulations sold for consumer or commercial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50} (rat)—>4.1 g/kg
Ames *Salmonella*/assay (with and without activation)—Nonmutagenic
C_3H 10T1/2/cell transformation test—No morphological transformations.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81–228

Close of Review Period. September 10, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—2821; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: high solids mixed with phthalic monobasic acid alkyd resin.

Use. Claimed confidential business information. Generic use information provided: open use that will release from 5,000 to 50,000 kg per year into the environment with potentially frequent skin, eye, and inhalation exposure for both chemical and nonchemical industry employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Nonvolatile by weight—80 percent
Weight per gallon—8.7
Molecular weight (estimate)—3,000–3,500
Acid value:
On solids—15–20
On solution—12–16
Flash point—102°F
Boiling range—>125°C.
Viscosity—Z4–Z6

Toxicity Data. No data were submitted.

Exposure. The submitter states that, because the new chemical will be manufactured in a closed system, manufacturing workers will have only incidental skin exposure during sampling and accidental exposure during spills and cleanup operations. Processing workers will have incidental skin and inhalation exposure during blending, sampling, transferring, and drum loading and filling operations.

Environmental Release/Disposal. Release data were claimed confidential business information. The manufacturer states that disposal of vapors will be by incineration, condensation water will be pH adjusted and legally routed to a sewer system, and solid wastes will be transported to commercial legal disposal sites for landfill.

PMN 81–289

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: benzenediazonium, 4-(((substitutedphenyl)amino)carbonyl)-, sulfate (2:1).

Use. The manufacturer states that the PMN substance will be used in a site-limited use as a dye intermediate.

Production Estimates

	(kg/per yr)
1st year	6,550
2d year	17,500
3d year	27,500

Physical/Chemical Properties

Differential Thermal Analysis (DTA)—Exotherm produced at 116°C, peaking at 124°C

Toxicity Data. No data were submitted.

Exposure. The submitter states that two workers may have skin exposure to the new substance for 4 hr per batch when drums are filled and that one worker may have skin exposure for 4 hr when the chemical is transferred. Employee exposure will be about 252 hr/yr at maximum production.

Environmental Release/Disposal. Release data were not submitted. Disposal of waste material or filter cleaning residue will be by an onsite, NPDES-permitted biological treatment facility.

PMN 81–290

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Between $100 million and $99,999,999
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—289, "Miscellaneous Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: aliphatic dicarboxylate.

Use. The manufacturer states that the PMN substance will be used in an industrial use as an ingredient in a hot forging die lubricant.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	45	10,000
2d year		20,000
3d year		40,000

Physical/Chemical Properties

Vapor pressure at 20°C—10^{-2}—1 torr
Density.>1.1 g/cm³
Melting point—>100°C
Boiling point—>200°C
Solubility in water at 20°C—10 g/l

Toxicity Data. No data were submitted.

Exposure. The submitter states that manufacturing, processing, use, and disposal workers will have no exposure to the new chemical substance.

Environmental Release/Disposal. The manufacturer states that none of the new chemical will be released into the air, land, or water.

PMN 81–292

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million
Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: silylated organic sulfonic acid, sodium salt.

Use. The manufacturer states that the PMN substance will be used in an industrial, commercial, and consumer use as a stabilizer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, brown tint liquid.
Specific gravity, 25% solution—1.12
pH—12.8—13.2
Odor—None
Miscibility in water—Completely miscible.

Environmental Test Data

96-hr static LC_{50} (bluegill)—>1,000 mg/l

Toxicity Data

Skin LD_{50} (rabbit)—>2 g/kg
Primary skin irritation (rabbit)—Slightly irritating

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–293

Close of Review Period. September 10, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million
Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic named provided: silylated organic sulfonic acid.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Tan, brittle solid.
Melting point—Approx. 200° C (decomposes).
Odor—None.
pH—Approx. 1.0 10 g/1 water.
Bulk density—0.8 g/cm³.
Solubility in water—Very soluble (slow dissolution)

Environmental Test Data

96-hr static LC_{50} (bluegill)—190 ppm

Toxicity Data

Primary skin irritation (rabbit)—Slightly irritating

Exposure. The submitter states that at the site of a typical user, eight manufacturing workers could have skin exposure to the new substance for 3 hr/da, 110 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³, during sampling, analysis, charging, and cleaning operations.

Environmental Release/Disposal. The manufacturer states that at the site of a typical user, less than 10 kg/yr during 3 hr/da, 110 da/yr, will be released into the air, less than 10 kg/yr into the land, and less than 10 kg/yr during 2 hr/da, 110 da/yr, into the water of a publicly owned water treatment works (POTW) after PH neutralization.

Dated: July 1, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-19994 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-213 (PH-FRL 1876-7)

Certain Pesticide Chemicals; Filing of a Pesticide and Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed requests with the EPA to establish a pesticide tolerance and a food additive regulation for certain pesticide chemicals.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SE., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-213]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-577-7024).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petition and food additive petition have been submitted to the agency to establish a pesticide tolerance and a food additive regulation on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2448. E.I. du Pont de Nemours & Co., Wilmington, DE 19898. Proposes amending 40 CFR 180.303 by establishing a tolerance for residues of the insecticide oxamyl (methyl *N',N'*-dimethyl-*N*-[methyl carbamoyloxy]-1-thiooxamimidate) in or on pears at 2.0 parts per million (ppm). The proposed analytical method for determining residues is flame photometric gas chromatography.

FAP 1H5284. Dow Chemical Co., PO Box 1706, Midland, MI 48640. Proposes amending 21 CFR 193.85 by establishing a regulation permitting residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolites 3,5,6-trichloro-2-pyridinol on the commodity milling fractions of wheat (except flour) at 3.0 ppm.

(Secs. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19995 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51272; TSH-FRL 1877-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATES: Written comments:
PMN 81-253—July 21, 1981.
PMN 81-254—July 25, 1981.
PMN 81-257, 81-258, 81-259, 81-260—July 28, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51272]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-253 and 81-257, 81-254, 81-258.	George Bagley.	(202-426-2601)	E-210.
81-259	Carrie Berlin	(202-426-8816)	E-221.
81-260	Kathleen Ehrensberger.	(202-755-7469)	E-335.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-253

Close to Review Period. August 20, 1981.

Manufacturer's Identify. Claimed confidential business information.

Specific Chemical Identity. N-[2-(4-Hydrazinophenyl)ethyl]-methanesurfonamide hydrochloride.

Use. Claimed confidential business information. Generic use information provided: a minor component in a formulation for site-limited use only.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	15	50
2d year	0	50
3d year	15	50

Physical/Chemical Properties

Solubilities:
Water—0.1-1.0%.
Octanol—<0.1%.
Melting point—190°C.

Toxicity Data

Acute oral LD_{50}—200 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slightly irritating.
Eye irritation—Moderately irritating.
Skin senstitization potential—Not a sensitizer.
Ames *Salmonella* mutagenicity, with and without metabolic activation—Weak to moderate.

Exposure. The submitter states that 12 workers manufacturing and using the new chemical could have skin and inhalation exposures from 0.1 to 5 hr/da, 3 to 150 da/yr, at an average concentration of less than 1 to 2 mg/m³ and a peak concentration of 1 to 30 mg/m³ during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into land, a negligible amount into the air, and less than 10 kg/yr into the water of a navigable waterway. Emissions will be scrubbed before release into the air, combustible liquid and solid wastes will be incinerated, and wastewaters will be processed according to an approved secondary treatment system.

PMN 81-254

Close of Review Period. August 24, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—282; "Plastics Materials and Synthetic Resins".

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: polymer product of a methacrylate ester and a polyhydroxy compound.

Use. Claimed confidential business information. Generic use information provided: contained use with a very low potential for exposure to industrial workers, and a potential but highly diluted exposure to consumers, in a formulated product in a dispersive use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear amber viscuous fluid, free from coagulated gum and visible impurity.
pH on final—4.5 minimum, 5.5 maximum.
Viscosity at 25°C, CPS—4,000 minimum, 15,000 maximum.
Freezing point—ca. 0°C.
Boiling point—ca. 100°C.
Vapor density—ca. equal to water.
Solubility in water—Soluble.
Specific gravity—1.01
Evaporation rate—0.36 (slower than butyl acetate).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that eight manufacturing and processing workers could have skin and eye exposure to the new substance from 0.5 to 2 hr/da, 262 to 290 da/yr, during transfer operations.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new substance into the air, land, or water. Solids accidentally spilled would be coagulated, collected, and discharged to a landfill.

PMN 81-257

Close of Review Period. August 27, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: silicone polyol.

Use. Claimed confidential business information. Generic use inforamtion provided: open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye contact for both chemical and nonchemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	10,000	30,000
3d year	30,000	35,000

Physical/Chemical Properties

% Total solids—44.3 mg KOH/gm.
Viscosity (gardner)—A.
Color (gardner)—1.
Flash point—110°F.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at 3 sites, 64 manufacturing and processing workers could have skin and eye exposure to the new chemical for 4 to 6 hr/da, 5 to 40 da/yr, during routine filtering, container filling, cleaning, and sampling for quality control. At the site of a typical user, five workers using the substance could have skin and eye exposure for 12 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at 3 sites, less than 60 kg/yr of the new substance will be released into the air and water and from 120 to 1,200 kg/yr into the land. At the site of a typical user less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into the land. Sludge from distilled cleaning solvents will be incinerated.

PMN 81-258

Close of Review Period. August 27, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: linseed-isophthalic polyester/amide.

Use. Claimed confidential business information. Generic use information provided: closed use that will release less than 50 kg per year into the environment with a low potential for skin and eye exposure for chemical industry workers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid value—12-16
Viscosity range (Gardner-Holdt at 25°C)—Z7-Z9
Flash point—>200°F.

Toxicity Data. No data were submitted.

Exposure. The submitter states that manufacturing workers will have skin exposure to the new substance for 1 hr/da, 12 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during transferring and sampling operations.

Environmental Release/Disposal. The manufacturer states that water from the reactor will be passed through a scrubber before release into the water of a publicly owned treatment works (POTW) and that other effluents will be either recycled, incinerated, or drummed for disposal in an approved landfill.

PMN 81-259

Close of Review Period. August 27, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: linseed-isophthalic-hydroxy acid polyester.

Use. Claimed confidential business information. Generic use information provided: closed use that will release less than 50 kg per year into the environment with a low potential for skin and eye exposure for chemical industry workers.

Production Estimates. Claimed confidential business information.

Physicial/Chemical Properties

Acid value—23-27

Viscosity range (Gardner-Holdt at 25°C)—Z–Z3
Flash point—>200°F.
Toxicity Data. No data were submitted.
Exposure. The submitter states that manufacturing workers will have skin exposure to the new substance for 1 hr/da, 12 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³ during transferring and sampling operations.
Environmental Release/Disposal. The manufacturer states that water from the reactor will be passed through a scrubber before release into the water of a publicly owned treatment works (POTW) and that other effluents will be either recycled, incinerated, or drummed for disposal in an approved landfill.

PMN 81–260

Close of Review Period. August 27, 1981.
Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $100,000,000 and $499,999,000.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—851.
Specific Chemical Identity. Trimethylolpropane neopentylglycol phtalic anhydride siloxanes and silicones, di-me, methoxy ph, polymers with ph silsesquioxanes, methoxy-terminated.
Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	7,272	14,545
2d year	21,818	43,636
3d year	65,455	130,909

Physical/Chemical Properties. No data were submitted. The manuacturer states that the PMN substance is a nonvolatile material.
Toxity Data. Claimed confidential business information.
Exposure. Claimed confidential business information. The manufacturer states that there is no operation involving direct exposure for workers.
Environmental Release/Disposal. Claimed confidential business information. The manufacturer states that a scrubber will be used during charging operations, water distillate and methanol will be pumped to a tank truck for disposal by incineration, and exempt solvent vapors will be vented from the workplace.

Dated: June 30, 1981.
Edward A. Klein,
Director, Chemical Control Division.
[FR Doc. 81–19971 Filed 7–7–81; 8:45 am]
BILLING CODE 6560–31–M

[OPTS–51277; TSH–FRL 1877–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days of receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81–275, 81–276—August 8, 1981.
PMN 81–277—August 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51277]" and the specific PMN number, should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, D.C. 20460, (202–426–8816).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81–275

Close of Review Period. September 7, 1981.
Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $100 million and $499,000,000.
Manufacturing site—West-North Central U.S.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: lower alkyl ester of an alkyl propionic acid.
Use. Intermediate.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50} (rats)—>16 g/kg.
Primary skin irritation (rabbits)—No effect.
Primary eye irritation (rabbits)—No effect.
Acute dermal LD_{50} (rats)—>20 g/kg.
Acute inhalation LC_{50} (rats)—>12 mg/l.
DOT skin corrosivity (rabbits)—Noncorrosive.
Exposure. The submitter states that one to two manufacturing workers could be exposed to the new substance for 3 to 4 hr/da, no more than 4 da/yr, during drumming and disposal operations.
Environmental Release/Disposal. The submitter states that any environmental release of the new substance during manufacture will be minimal.

PMN 81–276

Close of Review Period. September 7, 1981.
Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $100 million and $499,000,000.
Manufacturing site—West-North Central U.S.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: sulfur containing polyamide.
Use. Claimed confidential business information.
Production Estimates. Claimed confidential business information.
Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50} (rats)—1.41 g/kg.
Primary skin irritation (rabbits)—Corrosive.
Primary eye irritation (rabbits)—Corrosive.
Acute dermal LD_{50} (rabbits)—Approximately 8.0 g/kg.
Acute inhalation LC_{50} (rats)—>4.83 mg/l.
DOT skin corrosivity (rabbits)—Noncorrosive.
Exposure. The submitter states that one to two manufacturing workers could have exposure to the new chemical for 6 to 8 hr/da, no more than 9 da/yr, during drumming and disposal operations. Workers using the substance could have minimal, incidental exposure for a maximum of 2 to 10 minutes during transfer operations.
Environmental Release/Disposal. The submitter states that manufacturing will release less than 10 kg/yr of the new substance into the land, less than 50 kg/yr into the air in the form of methanol, and approximately 144 kg/yr into the water of a publicly owned treatment works (POTW) following reactor cleaning. Environmental release into the air, land, and water from use of the new chemical will be practically nonexistent.

PMN 81–277

Close of Review Period. September 9, 1981.
Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $10 million and $49,000,000.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—285.
Specific Chemical Identity. 1,2-Ethanediol; 2,5-furanedione; linseed fatty acids, and 1,1'-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis-2-propanol polymer.
Use. Industrial metal finish baking enamel.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50,000	150,000
2d year	300,000	500,000
3d year	300,000	1,200,000

Physical/Chemical Properties

Weight/gallon—8.65 lb/gal.
Color—12 maximum.
Solvent—100% methyl amyl ketone.
Toxicity Data. No data were submitted.
Exposure. The submitter states that 22 manufacturing and processing workers could have inhalation exposure to the new substance for 1 to 3 hr/da, 300 da/yr, at a peak concentration of 1 to 10 ppm, during filtering, transferring, mixing, and drum-filling operations. At the site of a user, workers could have inhalation exposure for 8 hr/da, 300 da/yr, at a peak concentration of 1 to 10 ppm during spray painting operations.
Environmental Release/Disposal. The submitter states that less than 10 kg/yr of the new substance will be released into the air, waste polymer will be recycled, spills incinerated, and a small amount will be sent to a waste disposal service.

Dated: June 30, 1981.
Edward A. Klein,
Director, Chemical Control Division.
[FR Doc. 81–19973 Filed 7–7–81; 8:45 am]
BILLING CODE 6560–32–M

[OPTS–51271; TSH–FRL 1877–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81–251, 81–252—July 21, 1981
PMN 81–255—July 28, 1981
PMN 81–256—July 28, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS–51271]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–251, 81–252.	Rachel Diamond.	202–426–8816	E–221
81–255, 81–256.	Robert Jones.	202–426–2601	E–209

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–251

Close of Review Period. August 20, 1981.
Manufacturer's Identity. Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MO 63166.
Specific Chemical Identity. 2-Chloro-4-trifluoromethyl-5-thiazole-carboxylic acid, phenylmethyl ester.
Use. The manufacturer states that the PMN substance will be used as a seed safener.

Production Estimates

	Maximum (kilogram per year)
1st year	<25,000
2d year	<25,000
3d year	<25,000

Physical/Chemical Properties

Melting range—50.2°–54.8° C
Density at 25° C—0.960 g/ml
Vapor pressure at 25° C—2.9×10^{-7} mm Hg
pH (after dioxane correction)—3.55
Flash point (open cup)—345° F
Solubility in water—0.54
Octanol/Water partition coefficient—ca. 100

Environmental Test Data

Biodegradability, activated sludge—Substance is nontoxic to microoganisms and slowly degrades
Acute oral LD_{50} (bobwhite quail)—>2,510 mg/kg
Acute toxicity LC_{50} (rainbow trout) (96-hr)—8.49 mg/l
Acute toxicity LC_{50} (bluegill sunfish) (96-hr)—11 mg/l
Acute toxicity LC_{50} (*Daphnia Magna*) (48-hr)—6.3 (4.8–8.0) mg/l

Toxicity Data

Acute oral toxicity LD_{50} (rats)—>5,000 mg/kg
Acute dermal toxicity LD_{50} (rabbits)—>2,000 mg/kg
Eye irritation (rabbits)—Unwashed, 5.1 at 24 hr; washed, 2.3 at 24 hr
Primary skin irritation (rabbits)—0.1
28-day pilot study (rat) (at 50,000 ppm)—Borderline effect
28-day pilot study (dog) (2,000 mg/kg bd. wt./day; 4,000 mg/kg bd. wt./day)—Decrease in both feed consumption and body weight in dogs of both sexes
Ames *Salmonella* mutagenicity—Nonmutagenic
Exposure. The submitter states that at 2 sites, 28 manufacturing and processing workers could have skin exposure to the new substance for 140 hr/yr bagging or

grinding operations. Consumer exposure will be low with minimal contact.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the new chemical will be released into the air and less than 10 kg/yr into the water of a publicly owned treatment works (POTW). Airborne emissions will be passed through a scrubber; amounts not recycled will be discharged to the POTW and can be expected to biodegrade.

PMN 81-252

Close of Review Period. August 20, 1981.

Manufacturer's Identity. Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, MO 63166.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: disubstituted thiazole-carboxylic acid, ester.

Use. The manufacturer states that the PMN substance will be used as a process intermediate.

Production Estimates

	Maximum (kilogram per year)
1st year	<25,000
2d year	<25,000
3d year	<25,000

Physical/Chemical Properties

Melting point—>100°C
Density—<0.9 g/cm³
Vapor pressure at 25°C—0-10^{-3} Torr
pH—3-5
Water solubility (at ambient temperature)—10^{-6}-10^{-4} g/ml
Octanol/water partition coefficient—<100

Toxicity Data

Acute oral toxicity LD_{50} (male, female rats)—>5,000 mg/kg
Acute dermal toxicity (male and female rabbits)—>2,000 mg/kg
Primary skin irritation (rabbits)—Nonirritating
Ames *Salmonella* mutagenicity—Nonmutagenic
Primary eye irritation (rabbits)—Unwashed, 5.5 at 72 hr; washed, 0 at 72 hr

Exposure. The manufacturer states that eight workers could have skin exposure to the new chemical for less than 15 hr/yr per employee when filling and emptying drums.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the new substance will be released into the air and from 100 to 1,000 kg/yr into the water of a POTW. Airborne emissions will be passed through a scrubber; amounts not recycled will be discharged to the POTW and can be expected to biodegrade.

PMN 81-255

Close of Review Period. August 25, 1981.

Manufacturer's Identity. FMC Corporation, 200 East Randolph Drive, Chicago, IL 60601.

Specific Chemical Identity. Di(2-propenyl)3,4,5,6-tetra - bromo - 1,2-benzenedicarboxylate.

Use. The manufacturer states that the PMN substance will be used as a reactive flame retardant comonomer in unsaturated polyesters, allylics, and miscellaneous thermoset polymers such as polyethylene.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	100,000	250,000
2d year	500,000	1,000,000
3d year	1,000,000	2,000,000

Physical/Chemical Properties

Appearance—Off-white solid
Melting point—107-111°C
Volatility at 20°C—Nil
Specific gravity—2.11
Molecular weight—562
Solubilities:
Water—<1 ppm at 20°C
Acetone—18.9% by weight
N,N-Dimethylformamide—37.2% by weight
Heat Stability:
Decomposition temperature by differential scanning calorimetry—265°C
Weight loss by thermographic analysis:
Room temperature to 165°C—1.22%
Room temperature to 260°C—20%
Room temperature to 295°C—50%

Environmental Test Data

Biological oxygen demand (BOD):
5-day—<1,000 mg/kg
10-day—<1,000 mg/kg
20-day—<1,000 mg/kg
Chemical oxygen demand (COD)—476,000 mg/kg
Acute toxicity to bluegill sunfish (96-hr)—No effect, concentration 5.6 mg/l (limited by solubility)
Acute toxicity to rainbow trout (96-hr)—No effect, concentration 5.6 mg/l (limited by solubility)
Acute toxicity to *Daphnia/Magna* (48-hr)—No effect at concentration tested, 0.42 mg/l (limited by solubility)

Toxicity Data

Approximate acute oral toxicity LD_{50} (rat)—>5.0 g/kg
Approximate acute dermal toxicity LD_{50} (rabbit)—>2.0 g/kg
Eye irritation (rabbit)—Nonirritating
Skin irritation (rabbit)—Nonirritating
DOT skin corrosion (rabbit)—Noncorrosive
Ames *Salmonella* mutagenicity—Nonmutagenic
Mouse lymphoma-forward gene mutation:
Crude sample (DMSO vehicle)—Weak mutagen
Recrystallized sample (acetone vehicle)—Weak mutagen
Recrystallized sample (DMSO vehicle)—Nonmutagenic
Mouse micronucleus test—Nonmutagenic
Yeast mitotic conversion test:
Crude sample—Induced mitotic gene conversions
Recrystallized sample—Did not induce mitotic gene conversions

Exposure. The manufacturer states that two workers could have skin exposure to the new chemical for 8 hr/da, 10 to 60 da/yr, during bagging operations. At the site of a user, 20 to 40 workers may have skin exposure for 2 to 8 hr/da, 10 to 50 da/yr, during the manufacture of unsaturated polyester.

Environmental Release/Disposal. The manufacturer states that total sites environmental release (land) of the new substance will be minimal.

PMN 81-256

Close of Review Period. August 27, 1981.

Manufacturer's Identity. American Cyanamid Company, 1937 West Main Street, Stamford, CT 06904.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: poly(2-hydroxypropyl) monoheterocyclictriamine.

Use. The manufacturer states that the PMN substance will be used as polyurethane systems.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute, single-dose oral toxicity LD_{50} (male, female rats)—5.0 g/kg, no deaths
Acute dermal toxicity and abraded skin irritation (male, female rabbits)—2.0 g/kg, no deaths; mildly to moderately irritating
Primary eye irritation (male, female rabbits)—Minimally irritating; washing is palliative
Ames *Salmonella* mutagenicity test—Nonmutagenic

Exposure. The submitter states that at the manufacturing site, three workers could have intermittent skin exposure to the new substance for 8 hr/da, 20 da/yr, during sampling and/or drumming operations. At the site of a typical user, 5 to 20 workers could have intermittent skin exposure for 8 hr/da, 235 da/yr, during the production of polyurethane foam.

Environmental Release/Disposal. The submitter states that at the manufacturing site there will be minimal and incidental release of the new substance into the water of a navigable waterway.

Dated: July 30, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-19971 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51280; TSH-FRL 1878-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments, identified by the document control number "[OPTS-51280]" and the specific PMN number, should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81-283

Cose of Review Period. September 9, 1981.

Manufacturer's Identity. Milliken & Company, Milliken Service Division, P.O. Box 1926, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: chromophore substituted poly(oxyethylene).

Use. Fugitive tint for fiber identification.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-284

Close of Review Period. Setember 9, 1981.

Manufacturer's Identity. Milliken & Company, Milliken Service Division, P.O. Box 1926, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: chromophore substituted poly(oxyethylene).

Use. Colorant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: July 1, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-19976 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51274; TSH-FRL-1877-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of seven PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81-262, 81-263—August 1, 1981
PMN 81-269, 81-270, 81-271, 81-273, 81-274—August 3, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51274]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-262, 81-263	Robert Jones.	202-426-2601	E-208
81-269	George Bagley.	202-426-2601	E-210
81-270, 81-271, 81-273, 81-274.	Kathleen Ehrenberger.	202-755-1150	E-335

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-262

Close of Review Period. August 31, 1981.

Manufacturer's Identity. The Elco Corporation, P.O. Box 09168, Cleveland, OH 44109.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 2,5-Bis(alkyldithio)-1,3,4,-thiadiazole.

Use. The manufacturer states that the PMN substance will be used in an

industrial use as a site-limited, copper corrosion inhibitor.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	160,000	400,000
2d year	160,000	400,000
3d year	160,000	400,000

Physical/Chemical Properties

Appearance—Brown, viscous liquid
Viscosity at 210°F, (99°C) cSt—15.3
Density:
g/cc at 15°C—1.12
lb/gal at 15°C—9.41
Flash point, COC—165°C
Sulfur, wt %—33
Nitrogen, wt % (theoretical)—5.8

Toxicity Data

Acute dermal (male, female rabbits) (5 ml/kg)—No deaths after 14 days, no internal macroscopic changes, and irritation disappeared after 5 days
Eye irritation (albino rabbits)—Nonirritating
Skin irritation (albino rabbits)—Nonirritating to both intact and abraded skin
Oral toxicy LD_{50} (rats)—>0.5 ml/kg
Acute inhalation toxicity—No deaths; concentration of saturated vapor: 0.9 mg/l.

Exposure. The submitter states that 16 workers manufacturing, processing, using, and disposing of the new chemical could have inhalation and skin exposure for 0.3 to 3 hr/da, 3 to 120 da/yr, at an average concentration of 10 to 100 ppm during pumping, filtering, and container-filling operations.

Environmental Release/Disposal. The manufacturer states that less than 30 kg/yr of the new substance will be released into the air, land, and water. Vapor emissions will be passed through a Venturi scrubber.

PMN 81-263

Close of Review Period. August 31, 1981.

Manufacturer's Identity. Uniroyal Chemical Company, Division of Uniroyal, Inc., Spencer Street, Naugatuck, CT 06770.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polyurethane millable gum.

Use. The manufacturer states that the PMN substance will be used in an industrial use by its sale to industrial processors and fabricators for conversion (after vulcanization with standard sulfur or peroxide systems) to industrial molded mechanical goods.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Light-colored slabs
Solubility—Insoluble in water
Flash point—>400°F
Molecular weight—82,110
Molecular number—34,550
Mooney viscosity—ML-4' at 212°F=34–85 (after aging 16 hr at 120°F)

Toxicity Data. No data were submitted.

Exposure. The submitter states that two workers will be used to manufacture the new substance, that fabricating operations will involve eight workers per location, and that there will be significant worker exposure to the chemical.

Environmental Release/Disposal. The submitter states that there is no anticipated release of the new chemical into the environment during manufacturing or processing. Any waste material would be either recycled or disposed of in an appropriate landfill operation.

PMN 81-269

Close of Review Period. September 2, 1981.

Importer's Identity. American Hoechst Corporation, 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. Alcohols, C_{16}–C_{20}, tertiary butylether.

Use. The importer states that the PMN substance will be used in an industrial use as a textile auxiliary.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1982	400	600
1983	800	1,200
1984	1,300	1,700

Physical/Chemical Properties

Freezing point—17°C
Boiling point at 760 torr—<280°C
Density at 20°C—0.812
Flash point—160°C
Solubility in water—Insoluble

Toxicity Data. No data were submitted.

Exposure. The importer states that at a site not controlled by the importer, 25 workers using the new chemical could have skin exposure for 0.5 hr/da, 200 da/yr, during extracting, mixing, and application operations.

Environmental Release/Disposal. No data were submitted. The importer states that a dilute mixture of the new chemical and dye will be printed on textiles and that only a small percentage is removed by washing.

PMN 81-270

Close of Review Period. September 2, 1981.

Importer's Identity. Rilsan Corporation, 139 Harristown Road, Glen Rock, NJ 07452.

Specific Chemical Identity. Azacyclotridecan-2-one, homopolymer with poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, copolymer.

Use. The importer states that the PMN substance will be used in an industrial use as general purpose molding and extrusion resin.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point range—160–168°C
Specific gravity—1.01
Moisture absorption:
Equilibrium at 20°C/65% RH—0.5%
24-hr immersion—1.2%
Hardness range—70A–55D.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted. The importer states that environmental disposal of the new chemical will be by landfill of scrap resin and rejected and discarded articles.

PMN 81-271

Close of Review Period. September 2, 1981.

Importer's Identity. Rilsan Corporation, 139 Harristown Road, Glen Rock, NJ 07452.

Specific Chemical Identity. Azacyclotridecan-2-one, polymer with hexahydro-2*H*-azepin-2-one, block copolymer with poly[oxy (methyl-1,2-ethanediyl)], alpha-hydro-omega-hydroxy-, copolymer.

Use. The importer states that the PMN substance will be used in an industrial use as general purpose molding and extrusion resin.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point—120°C
Specific gravity—1.06
Moisture absorption:
Equilibrium at 20°C/65% RH—1.3%
24-hr immersion—3.5%
Hardness—55D

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted. The importer states that environmental disposal of the new chemical will be by landfill of scrap resin and rejected and discarded articles.

PMN 81-273

Close of Review Period. September 2, 1981.

Importer's Identity. Rilsan Corporation, 139 Harristown Road, Glen Rock, NJ 07452.

Specific Chemical Identity. Poly[imino(1-oxo-1,6-hexanediyl)] with poly(oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-, copolymer.

Use. The importer states that the PMN substance will be used in an industrial use as general-purpose molding and extrusion resin.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point—190°C
Specific gravity—1.14
Moisture absorption:
Equilibrium at 20°C/65% RH—4.5%
24-hr immersion—119%
Hardness—40D

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted. The importer states that environmental disposal of the new chemical will be by landfill of scrap resin and rejected and discarded articles.

PMN 81-274

Close of Review Period. September 2, 1981.

Importer's Identity. Rilsan Corporation, 139 Harristown Road, Glen Rock, NJ 07452.

Specific Chemical Identity. Poly[imino(1-oxo-1,6-hexanediyl)] with poly[oxy(methyl-1,2-ethanediyl)], alpha-hydro-omega-hydroxy-, copolymer.

Use. The importer states that the PMN substance will be used in an industrial use as a general-purpose molding and extrusion resin.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point range—190–195°C
Specific gravity range—1.10–1.11
Moisture absorption range:
Equilibrium at 20°C/65% RH—2.4–2.8%
24-hr immersion—6.1–6.4%
Hardness range—55D–63D

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted. The importer states that environmental disposal of the new chemical will be by landfill of scrap resin and rejected and discarded articles.

Dated: July 1, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-19975 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-31-M

[PP 9G2168/T305; PH-FRL 1876-4]

Chlorpyrifos; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been extended for the combined residues of the insecticide chlorpyrifos and its metabolite on lemons and oranges at 2.5 parts per million.

DATE: These temporary tolerances expire April 10, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of April 21, 1980 (45 FR 26803) that Dow Chemical Co., P.O. Box 1706, Midland, MI 48640 had submitted a pesticide petition (PP 9G2168) to the EPA. The petition requested the establishment of temporary tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on lemons and oranges at 2.5 ppm.

Dow Chemical has requested a one-year extension of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with experimental use permit 464-EUP-56 which is being extended under the Federal Insecticide, Fungicide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data and other information have been evaluated, and it has been determined that extension of the temporary tolerances will protect the public health. The temporary tolerances are being extended on the condition that the pesticide be used with the following provisions:

1. The total amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Dow Chemical Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 10, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances.

These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C 346a(j)))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-19995 Filed 7-7-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-223; PH-FRL 1877-3]

Ciba-Geigy Corp.; Filing of a Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Ciba-Geigy Corp. has filed a request with the EPA to amend 21 CFR Part 561

by establishing a feed additive regulation permitting residues of the herbicide metolachlor [2-chloro-*N*- (2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl) acetamide] and its metabolites on the feed item sunflower hulls and sunflower meal at 0.6 part per million.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–223]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA gives notice that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409 has submitted a feed additive petition 1H5294 to the Environmental Protection Agency, proposing establishment of a feed additive regulation permitting the residues of metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl) acetamide] and its metabolites 2-[(2-ethyl-6-methylphenyl] amino) propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone (expressed as the parent compound) on the feed items sunflower hulls and sunflower meal at 0.6 part per million (ppm).

(Sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–19869 Filed 7–7–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50473C; PH–FRL 1876B]

ICI Americas, Inc.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 10182–EUP–6, issued to ICI Americas, Inc. for use of the remaining supply (3,840 pounds) of the insecticide permethrin on alfalfa, almonds, apples, broccoli, cabbage, cauliflower, chrysanthemums, field corn, lettuce, peanuts, pears, potatoes, soybeans, sunflowers, sweet corn, and tomatoes to evaluate the control of lepidopterous insects.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 9, 1980 (45 FR 30686), announcing that ICI Americas, Inc. had been issued an extension of an experimental use permit for the remaining supply (3,840 pounds) of the insecticide permethrin. ICI Americas, Inc. has requested that the permit be amended to add the State of Wyoming. All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–19862 Filed 7–7–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50514A; PH–FRL 1877–2]

ICI Americas, Inc.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 10182–EUP–19, issued to ICI Americas, Inc. for use of 900 pounds of the insecticide cypermethrin [(±) α-cyano-(3-phenoxyphenyl)methyl (±)-*cis,trans*-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate on cotton to evaluate control of various insects.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of December 24, 1980 (45 FR 85153), announcing that ICI Americas, Inc., Wilmington, DE 19897, had been issued an experimental use permit for 900 pounds of the insecticide cypermethrin [(±) α-cyano-(3-phenoxyphenyl)methyl (±)-*cis,trans*-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate. ICI Americas, Inc. has requested that the permit be amended to add the State of New Mexico (15 acres) to the testing program and reduce 15 acres from North Carolina (originally approved for 30 acres). All other conditions of the experimental use program remain in same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–19870 Filed 7–7–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50533; PH–FRL 1876–6]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued experimental use permits to the following applicants. Such permits are in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

201–EUP–70. Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036. This experimental use permit allows the use of 82 pounds of the insecticide pydrin on sunflowers and sugarcane to evaluate control of sugarcane borer and sunflower head moth. A total of 100 acres are involved. The program is authorized only in the States of California, Georgia, Florida, Kansas, Louisiana, Minnesota, North Dakota, and Texas, and Puerto Rico. This experimental use permit is effective from March 2, 1981 to March 2, 1982. The permit is issued under the special condition that all treated crops be destroyed or used for experimental purposes only (PM 17, Franklin D. R. Gee, Rm. 401, CM#2, 703–557–7028).

39508–EUP–4. New Mexico Dept. of Agriculture, P.O. Box 3189, Las Cruces, NM 88003. This experimental use permit allows the use of 0.32 pounds of the predacide, sodium monofluoroacetate in toxic collars attached to sheep or goats to evaluate control of coyotes. A total of 600 animals are involved. The program is authorized only in the State of New Mexico. The experimental use permit is effective from March 3, 1981 to March 3, 1982. (PM 16, William H. Miller, Rm. 403, CM#2, 703–557–7040).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–19867 Filed 7–7–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50538; PH–FRL 1877–1]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241–EUP–96. American Cyanamic Company, Agricultural Division, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 800 pounds of the herbicide pendimethalin on cotton and soybeans to evaluate control of weeds. A total of 792 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Virginia, and Wisconsin. The experimental use program is effective from March 18, 1981 to March 1 382. Permanent tolerances for residues of the active ingredient in or on cottonseed and soybeans have been established (40 CFR 180.361). (Robert J. Taylor, PM 25, Rm. 412E, CM#2, (703–557–7066))

464–EUP–86. Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 6 pounds of the fungicide 2-chloro-6-(2-furanylmethoxy)-4-(trichloromethyl)pyridine on soybean seeds to evaluate control of root rot seedling diseases caused by pythium and phytophthora. A total of 110 acres are involved. The program is authorized only in the States of Ohio and Wisconsin. The experimental use program is effective from April 13, 1981 to March 31, 1982. Any crops treated under this program will be destroyed or used for research purposes only. (Henry M. Jacoby, PM 21, Rm. 418, CM#2, (703–557–7060))

464–EUP–89. Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 5,000 pounds of the active ingredient insecticide chlorpyrifos on field corn to evaluate control of insect pests. A total of 1,000 areas are involved. The program is authorized only in the States of Georgia and Nebraska. This experimental use program is effective from May 1, 1981 to May 1, 1982. Since residues from this experimental program are expected to exceed tolerance levels set in treated corn silage, forge and fodder, this permit is being issued under the condition that all treated crops under this program are to be destroyed or used for research purposes only. A permanent tolerance for residues of the active ingredient in or on field corn has been established (40 CFR 180.342). (Jay S. Ellenberger, PM 12, Rm. 400, CM#2, (703–557–7024))

352–EUP–107. E. I. du Pont de Nemours & Company, Legal Department, Wilmington, DE 19898. This experimental use permit allows the use of 294 pounds of the herbicide methyl 2-[[[[(4,6-dimethyl-2-pyrimidinyl]amino]carbonyl]-amino]sulfonyl]benzoate on noncropland areas to evaluate control of weeds. A total of 856 acres are involved. The program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. The experimental use program is effective from April 1, 1981 to April 1, 1983. (Robert Taylor, PM 25, Rm. 412E, CM#2, (703–557–7066))

1471–EUP–73. Elanco Products Company, Division of Eli Lilly Company, P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 70 pounds of the insecticide nifluridide on noncropland to evaluate control of imported fire ants. A total of 4,600 acres are involved. The program is authorized only in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas. The experimental use program is effective from March 19, 1981 to March 19, 1982. (George T. LaRocca, PM 15, Rm. 403, CM#2, (703–557–7046))

43142–EUP–1. FBC Chemicals Inc., 4311 Lancaster Pike, Wilmington, DE 19805. This experimental use permit allows the use of 1,455 pounds of the active ingredient insecticide amitraz on citrus to evaluate control of citrus rust mite, citrus red mite, Texas citrus mite and six spotted mite. A total of 1,700 acreas are involved. The program is authorized only in the State of Florida. The experimental use program is effective from April 1, 1981 to April 1, 1982. Temporary tolerances for residues of the active ingredient in or on citrus, milk, meat, fat, and meat by-products of cattle, goats, hogs, horses and sheep are being established. (Jay S. Ellenberger, PM 12, Rm. 400, CM#2, (703–557–7024))

42882–EUP–1. Gametrics Limited, 180 Harbor Drive, Sausalito, CA 94965. This experimental use permit allows the use of 6.6 pounds of the rodenticide, 3-chloro-1,2-propanediol in sewers to evaluate control of rats. A total of 50 city blocks are involved. The program is authorized only in the State of Ohio. The experimental use program is effective from February 17, 1981 to February 17, 1982. (William Miller, PM 16, Rm. 403, CM#2, (703–557–7040))

524–EUP–56. Monsanto Company, 1101 17th Street, N.W., Washington, D.C., 20036. This experimental use permit allows the use of 27,300 pounds of the herbicide acetochlor on corn,

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soybeans, and grain sorghum (milo) to evaluate control of weeds. A total of 12,150 acres are involved. The program is authorized in the States of Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. The experimental use program is effective from March 20, 1981 to March 20, 1983. Any crops treated under this program will be destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 412E, (703–557–7066))

11273–EUP–24. Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 28.6 pounds of the biological insecticide *Bacillus thuringiensis* Berliner on forest to evaluate control of gypsy moths. A total of 300 acres are involved. The program is authorized only in the State of Massachusetts. The experimental use program is effective from May 1, 1981 to May 1, 1982. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

11273–EUP–25. Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 409 pounds of the biological insecticide *Bacillus thuringiensis* Berliner on forest to evaluate control of forest insects (spruce budworm). A total of 10,000 acres are involved. The program is authorized only in the State of Maine. The experimental use program is effective from May 1, 1981 to May 1, 1982. (Franklin Gee, PM 17, RM. 401, CM#2, (703–557–7028))

11273–EUP–26. Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 42.0 pounds of the biological insecticide *Bacillus thuringiensis* Berliner on forest to evaluate control of gypsy moths and spruce budworms. A total of 1,100 acres are involved. The program is authorized only in the States of Maine, Massachusetts, Pennsylvania and Rhode Island. The experimental use program is effective from May 1, 1981 to May 1, 1982. (Franklin Gee, PM 17, Rm. 401, CM#2, (703577–7028))

10350–EUP–3. 3M Company, Industrial Tape Division, 3M Center, Building 230, St. Paul, MN 55144. This experimental use permit allows the use of 236.6 pounds of pyrethrin on airplanes, bakeries, beverage plants, canneries, dairies, flour mills, food processing plants, food storage areas, grain mills, greenhouses, hospitals, hotels and motels, industrial installations, kennels, meat packing plants, mushroom houses, nursing homes, office buildings, railroad cars, residences, restaurants, schools, ships, supermarkets, truck trailers, warehouses, and zoos. A total of 50 million cubic ft. are involved. The program is authorized only in the States of Connecticut, New Jersey, New York, and Pennsylvania. The experimental use program is effective from April 10, 1981 to April 10, 1982. This permit is being issued under the condition that the subject pesticide will not enter the food chain. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

1023–EUP–43. The Upjohn Company, 7171 Portage Road, Kalamazoo, MI 49001. This experimental use permit allows the use of 12,006 pounds of the fungicide propyl[3-(dimethylamino)propyl]carbamate monohydrochloride on turfgrasses to evaluate control of pythium blight. A total of 220,495 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. The experimental use program is effective from March 26, 1981 to December 31, 1982. (Henry Jacoby, PM 21, Rm. 418, CM#2, (703–557–7060))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–19886 Filed 7–7–81 8:45 am]

BILLING CODE 6560–32–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59050A; TSH–FRL–1861–2]

Substituted Thiol Salt; Approval of Test Marketing Exemption

Correction

In FR Doc. 81–18634 appearing at page 32668 in the issue for Wednesday, June 24, 1981, the heading should be corrected as follows:

The EPA file number "[OPTS–5905A; TSH–FRL–1861–2]" should have read as set forth in the heading above.

BILLING CODE 1505–01–M

[AMS–FRL–1876–3]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Greer Fuel Pre–Heater"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Greer Fuel Pre-Heater" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to–

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emission of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

ORGIN OF REQUEST FOR EVALUATION: On January 20, 1981, the EPA received a request from Michael M. Greer for evaluation of a fuel-saving device termed the "Greer Pre-Heater." This Device is claimed to "* * * make an automobile use a greater percentage of the energy injected into the carburetor and increase the miles per gallon without affecting pollution factors" by preheating the gasoline before it reaches the carburetor. The Device operates as a tube and shell heat exchanger. It uses the engine coolant as the heat source and transfers this heat to the gasoline by conduction.

Availability of Evaluation Report: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of Greer Fuel Pre-Heater Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–2 consisting of 54 pages including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications Systems (FTS) 737–4650, Commerical 703–487–4650.

Summary of Evaluation. EPA fully considered all of the information submitted by the Device Manufacturer in the Application. The evaluation of the "Greer Fuel Pre-Heater" device was based on that information.

The Applicant submitted no valid test data with the application for evaluation. Analysis of the information submitted by the Applicant did not *prove* that use of the "Greer Fuel Pre-Heater" would enable a vehicle operator to improve a vehicle's fuel economy.

Previous EPA testing of another similar device that preheated the fuel showed that preheating the fuel gave no emissions or fuel economy benefits.

Thus, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "Greer Fuel Pre-Heater" device.

FOR FURTHER INFORMATION CONTACT:

Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: July 1, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–19885 Filed 7–7–81; 8:45 am]

BILLING CODE 6560–26–M

[FRL–AMS 1876–5

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Paser Magnum, Paser 500, and Paser 500 HEI"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Paser Magnum, Paser 500, and Paser 500 HEI" devices under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

ORIGIN OF REQUEST FOR EVALUATION: On July 30, 1980, the EPA received a request from Amerimex Industries, Inc. for evaluation of fuel-saving devices termed "Paser Magnum, Paser 500, and Paser 500 HEI." These Devices are claimed to ". . . promote efficiency in an internal combustion engine by discharging induced electrical pulses into the firing chamber to promote chemical activity before the interception of and during combustion of the fuel."

Availability of Evaluation Report: An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Paser Magnum, Paser 500, and Paser 500 HEI Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions and list of all attachments are included in EPA–AA–TEB–511–81–5A, which consists of 21 pages. The attachments are contained in EPA–AA–TEB–511–81–5B, which consists of 180 pages. The attachments include patent information, correspondence between the Applicant and EPA and all documents submitted in support of the application.

Copies of this report may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. Phone: Federal Telecommunications System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation: The Paser Magnum, Paser 500, and Paser 500 HEI are add-on ignition devices that are claimed to improve vehicle emissions and fuel economy by discharging induced electrical impules into the combustion chamber before and during the engine's combustion cycle.

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the "Paser Magnum, Paser 500, and Paser 500 HEI" devices was based on that information and results of the previous EPA test program.

The Applicant submitted no valid data to support the claim for increased fuel economy. The Applicant was advised by letter on several occasions of EPA's requirement that Applicant submit valid test data following the proper EPA Test procedures.

Test data submitted by the Applicant did not *prove* that use of the "Paser Magnum, Paser 500, or Paser 500 HEI" would enable a vehicle operator to improve vehicle fuel economy or reduce emissions.

EPA tested the Paser Magnum ten years ago. This testing showed that the Paser Magnum (which the Applicant stated is equivalent to the Paser 500 and Paser 500 HEI) showed no significant effect on either exhaust emissions or fuel economy.

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Thus, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "Paser Magnum, Paser 500, or Paser 500 HEI" device.

FOR FURTHER INFORMATION CONTACT:
Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: July 1, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–19886 Filed 7–7–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Associate Director for Training and Education; Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–462), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy
Dates of meeting: July 20–221, 1981
Place: Conference Room, Building N (Burlando Hall), National Emergency Training Center, Emmitsburg, Maryland
Time: 9 a.m. to 5 p.m.

Proposed Agenda

July 20, 1981: Introduction of Associate Director of Training and Education to the Board; presentation of the Annual Report: briefing of National Fire Academy activities; assignment of tasks to members of the Board of Visitors; and, such other items that may come before the Board.
July 21, 1981: Uncompleted agenda items: tour of facility; and administrative items.

The meeting will be open to the public. Members of the general public who plan to attend the meeting should contact Mr. Clem R. Lakin, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (telephone: 301/447–6771) on or before July 14, 1981.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: June 25, 1981.

Fred J. Villella,

Associate Director for Training and Education, Federal Emergency Management Agency, National Emergency Training Center.

[FR Doc. 81–19891 Filed 7–7–81; 8:45 am]

BILLING CODE 6718–04–M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Omni-Cargo, Inc., 1150 N.W. 72nd Avenue, Suite 755, Miami, FL 33126; Officer: Jeffrey H. Liroff, President
Joseph Adolphus Kirnon d.b.a. Active Commercial Trade Services, 3026 Bouck Avenue, Bronx, NY 10469
Belvin James Monier d.b.a. L. C. Forwarding International Co., Old Volkswagen Bldg., P.O. Box 205, Lake Charles, LA 70602
Mc Teer International Freight Forwarding Company, 1020 Pineneedle Drive, Savannah, GA 31412; Officers: H. Webb Mc Teer, President, Susan S. Mc Teer, Vice President/Secretary/Treasurer
P. V. Burke Associates, Inc., 203 Carondelet Street, Rm. 1027, Maritime Bldg., New Orleans, LA 70130; Officers: Patrick V. Burke, Jr., President, Patrick C. Burke, Vice President, Louis A. Fanning, Secratary/Treasurer
Larmex International Freight Forwarders, Inc., 7310 N.W. 79 Terrace, Miami, FL 33166; Officers: Silvia Mejias, President, Vice President, Jorge L. Armada, Secretary/Treasurer
Ideal Cargo Services, Inc., 1470 N.W. 78th Avenue, Miami, FL 33126; Officers: Jorge A. Pedraza, President, Maria C. Pedraza, Treasurer, Maria E. Cruz, Secretary
Dendros, Inc., 1306 2nd Avenue, Suite 310, Seattle, WA 98101; Officers: Richard J. Taylor, President, Prudence A. Taylor, Secretary/Treasurer, Mary L. Moran, Director

By the Federal Maritime Commission.

Dated: July 1, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–19900 Filed 7–7–81; 8:45 am]

BILLING CODE 6703–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 28, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 9548–21.

Filing Party: Mr. Stanley O. Sher, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9548–21 modifies the basic agreement of the North Atlantic Mediterranean Freight Conference by providing for proxy voting at owners' meetings.

Agreement No.: 9548–22.

Filing Party: Mr. Jeffrey F. Lawrence, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9548–22 modifies the basic agreement of the North Atlantic Mediterranean Freight Conference by authorizing the conference Chairman or Counsel to execute agreement modifications on behalf of conference members.

Agreement No.: 9716–8.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 9716–8 is a proposal by the parties to the Japan Line/K Line/Mitsui O.S.K./Y.S. Line Containership Service Agreement to increase the total vessel capacity to which they are limited under the agreement. Due to the upcoming replacement of two older vessels currently used under the agreement, the current vessel capacity of 8,512 TEU's will be increased to 9,126 TEU's on or about October 21, 1981, and to 10,011 TEU's on or about March 30, 1982.

Agreement No.: 10424.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 21 West Street, New York, New York 10006.

Summary: Agreement No. 10424, entered into by Delta Steamship Lines, Inc., Royal Netherlands Steamship Company (ANTILLES) N.V., and Sea-Land Service, Inc., would combine into one conference, to be known as the United States Atlantic & Gulf/Jamaica and Hispaniola Conference, three currently existing conferences (United States Atlantic & Gulf/Haiti Conference, Agreement No. 8120; United States Atlantic & Gulf/Jamaica Conference, Agreement No. 4160; and United States Atlantic & Gulf/Santo Domingo Conference, Agreement No. 6080).

By Order of the Federal Maritime Commission.

Dated: July 1, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–19902 Filed 7–7–81; 8:45 am]

BILLING CODE 6730–01–M

Controlled Carriers Under the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Listing of controlled carriers.

SUMMARY: The Federal Maritime Commission is adding China Ocean Shipping Company to the list of "controlled carriers" subject to the regulatory requirements of section 18(c) of the Shipping Act, 1916. The previous list was published in the **Federal Register** on May 21, 1981. Until now China Ocean Shipping Company was exempt from the special tariff filing requirements since they were serving only in the trade between the United States and China. They have now given notice that they intend to service in our cross-trades to and from Hong Kong and Japan. Tariffs have been filed offering such service in the U.S. cross-trades.

DATE: None.

FOR FURTHER INFORMATION CONTACT:
Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Section 18(c) of the Shipping Act, 1916 (The Act) (46 U.S.C. 817(c)) provides for the regulation of rates or charges of certain state-owned carriers in the foreign commerce of the United States. However, not all controlled carriers are subject to these regulatory requirements. Section 18(c)(6) of the Act sets forth two categories of controlled carriers which are exempt from these regulatory requirements and three conditions under which controlled carriers are exempt in certain trade areas. The relevant exemption here has been "The provisions of this subsection shall not apply to: * * * rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled * * * and the United States * * *" 46 U.S.C. 817(c)(6)(iv).

In order to identify controlled carriers that are not exempt from the provisions of the Act, the Commission periodically issues section 21 Orders to carriers who could meet the definition of a controlled carrier under the Act. The Orders require the carriers to answer questions concerning ownership, flag of their vessels, operating areas, United States trades served, and their opinion as to possible exemptions.

The Commission has reviewed the responses to its section 21 Order issued to China Ocean Shipping Co., (COSCO) and found that COSCO meets the definition of a controlled carrier set forth in the Act. Through a letter dated March 20, 1980, COSCO was notified that it has been found to be a controlled carrier but that it was exempt from the regulatory requirements of section 18(c) so long as its service was limited to the trade between our two countries.

On April 27, 1981, COSCO advised the Commission that it was its intention to serve United States ports to and from Japan and Hong Kong in addition to the ports of the People's Republic of China. COSCO was advised that if and when they did offer service in these cross-trades, their name would be added to the list of controlled carriers not exempt from the reugulatory requirements of section 18(c) of the Act. COSCO has now filed with the Commission its tariffs offering service in the United States cross-trades.

Therefore, the commission is adding China Ocean Shipping Company to its list of controlled carriers subject to the regulatory provisions of section 18(c) of The Act, which list was previously published in the **Federal Register** on May 21, 1981.

The amended list is shown below:

Baltic Shipping Co.—U.S.S.R.
Bangladesh Shipping Corp.—Bangladesh
Black Sea Shipping Company—U.S.S.R.
Black Star Line—Ghana
China Ocean Shipping Co. (COSCO)—People's Republic of China
Compagnie Maritime Zairoise (CMZ)—Zaire
Compagnie Nationale Algerienne de Navigation—Algeria
Companhia de Navegacao Loide Brasileiro—Brazil
Compania Chilena De Navegacion Interoceanica, S.A.—Chile
Djakarta Lloyd, P.T.—Indonesia
Egyptian National Line—Egypt
Far Eastern Shipping Co. (FESCO)—U.S.S.R.
Flota Mercante Gran Centro Americana S.A. (Flomerca)—Guatemala
Murmansk Shipping Co. (Arctic Line)—U.S.S.R.
Neptune Orient Lines (NOL)—Singapore
Pakistan National Shipping Corporation—Pakistan
Peruvian State Line—Peru
Polish Ocean Lines—Poland
Shipping Corporation of India—India
South African Marine Corp. Ltd.—South Africa
Transportes Navieros Ecuatorianos (Transnave)—Ecuador

The process of identification and classification of controlled carriers is continuous. The list as shown will be amended as such carriers enter and leave the United States trades or under any other circumstances become exempt from the regulatory requirements of section 18(c) of the Act.

By the Commission June 29, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–19855 Filed 7–7–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Shawneetown Bancorp, Inc.; Formation of Bank Holding Co.

Shawneetown Bancorp, Inc., Shawneetown, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81 per cent of the voting shares of First National Bank in Shawneetown, Shawneetown, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19029 Filed 7-7-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 30, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (finance, servicing, and insurance activities; Florida): to engage through its subsidiary, Termplan Incorporated of Florida, in the activities of arranging, making, acquiring, or servicing, for its own account or for the account of others, loans and other extensions of credit secured by an equity interest in a home; and of acting as agent or broker for the sale of credit life and accident and health insurance; and through its subsidiary, Termplan Credit, Inc., in the activities of purchasing installment sales finance contracts, and acting as agent or broker for the sale of credit-related life and accident and health insurance.

These activities would be conducted from an office in Tampa, Florida, serving: Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties, and western Polk, southwestern Sumter, and northwestern Hardee Counties.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261: Virginia National Bankshares Inc., Norfolk, Virginia (mortgage banking and insurance activities; Florida): to engage through its subsidiary, VNB Equity Corporation, in making, acquiring and servicing for its own account or for the account of others, loans secured principally by second mortgages on real property; and acting as an agent in the sale of credit life insurance and accident and health insurance in connection with such loans. These activities will be conducted from an office in Winter Park, Florida, serving Orlando, Florida and the surrounding area. Comments on this application must be received not later than July 28, 1981.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19030 Filed 7-7-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Notice to all Recipients of Federal Financial Assistance From General Services Administration

In the case of *Paralyzed Veterans of America, et al., Plantiffs* v. *William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the General Services Administration to notify all recipients of federal financial assistance from the General Services Administration that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the General Services Administration has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health and Human Services issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the General Services Administration may look to the HHS regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Dated: July 1, 1981.

W. M. Paz,

Assistant Administrator, for Human Resources and Organization, General Services Administration.

[FR Doc. 81-20002 Filed 7-7-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-81-1075]

Notice of Application for State Certification; Minnesota

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of application by the State of Minnesota for State certification.

SUMMARY: The Secretary gives public notice that the State of Minnesota has applied for certification of its land sales program under 24 CFR 2710.502, published June 14, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Minnesota's application.

DATE: Comments should be submitted on or before September 8, 1981.

ADDRESSES: Send comments to: Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Ann Lawhead, State Certification Officer, Program Development and Control Division, Department of HUD, Room 4106, Washington, D.C. 20410. Telephone: (202) 755-6314 (This is not a toll free number.)

SUPPLEMENTAL INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Public Law 96-153). On June 14, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Minnesota has submitted an application which is under consideration. The States of California and Oregon have submitted applications. California's application has been approved, and a formal agreement signed on January 6, 1981. The State of Oregon's application is presently under negotiation.

Any person(s) interested in receiving the application materials prepared by the State of Minnesota may request copies of them from the Office of Interstate Land Sales Registration from the address above.

Issued at Washington, D.C. on June 30, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-19998 Filed 7-7-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with Endangered Species:

Applicant: John Drennan, Brownsville, TX, PRT 2-8126

The applicant requests a permit to import one hunting trophy of a captive-bred bontebok antelope (*Damaliscus dorcas dorcas*) that was culled from a herd ranch in Bedford, South Africa.

Applicant: Metrozoo, Miami, FL, PRT 2-8144

The applicant requests a permit to import seven immature, Orinoco crocodiles (*Crocodilus intermedius*) from Caracas, Venezuela, for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Dated: June 30, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-20013 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil Shale Land Classification Order Colorado No. 10

AGENCY: Geological Survey, Interior.

ACTION: Notice of classification of oil shale land in Colorado.

SUMMARY: By Executive Order 5327, April 15, 1930, lands containing oil shale deposits owned by the United States were withdrawn from lease or other disposal and reserved for investigation, examination, and classification. Accordingly, this order classifies lands described in Colorado prospectively valuable oil shale lands.

FOR FURTHER INFORMATION CONTACT: Mr. Larry H. Godwin, Deputy Conservation Manager, Resource Evaluation—Central Region, U.S. Geological Survey, Conservation Division, Mail Stop 602, Box 25046, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: This order is issued under the authority of the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title remains in the United States, are classified as follows:

Oil Shale Land Classification Order Colorado No. 10

6th Principal Meridian

Prospectively Valuable Oil Shale Lands:

T. 9 N., R. 92 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 28, inclusive.
T. 10 N., R. 92 W.,
Secs. 3 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 N., R. 92 W.,
Secs. 16 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 8 N., R. 93 W.,
Secs. 5 to 8, inclusive.
T. 9 N., R. 93 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 34, inclusive.
T. 10 N., R. 93 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 93 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 93 W.,
Secs. 29 to 35, inclusive.
T. 8 N., R. 94 W.,
Secs. 1 to 12, inclusive.
T. 9 N., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 94 W.,
Secs. 16 to 21, inclusive;
Secs. 26 to 35, inclusive.
T. 1 N., R. 95 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 35, inclusive.
T. 8 N., R. 95 W.,
Secs. 1 to 12, inclusive;
Sec. 18.
T. 9 N., R. 95 W.,
Secs. 1 to 36, inclusive;
T. 10 N., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 95 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 2 N., R. 96 W.,
Secs. 25, 35, and 36.
T. 7 N., R. 96 W.,
Secs. 3 and 4.
T. 8 N., R. 96 W.,

Secs. 1 to 24, inclusive;
Secs. 26 to 34, inclusive.
T. 9 N., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 96 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 2 N., R. 97 W.,
Sec. 7;
Secs. 18 to 22, inclusive;
Secs. 26 to 34, inclusive.
T. 8 N., R. 97 W.,
Secs. 1 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 9 N., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 97 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 2 N., R. 98 W.,
Secs. 4 to 36, inclusive.
T. 8 N., R. 98 W.,
Secs. 1 to 18, inclusive;
Secs. 21 to 25, inclusive.
T. 9 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 98 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 2 N., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 99 W.,
Secs. 31 to 33, inclusive.
T. 8 N., R. 99 W.,
Secs. 1, 2, 11, and 12.
T. 9 N., R. 99 W.,
Secs. 1 to 30, inclusive;
Secs. 33 to 36, inclusive.
T. 10 N., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 99 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 100 W.,
Secs. 1 to 3, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 36, inclusive.
T. 2 N., R. 100 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 3 N., R. 100 W.,
Secs. 27, 34, and 35.
T. 9 N., R. 100 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 21 to 26, inclusive.
T. 10 N., R. 100 W.,
Secs. 1 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 11 N., R. 100 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 100 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 101 W.,
Secs. 25, 26, 35, and 36.
T. 11 N., R. 101 W.,
Secs. 1 to 17, inclusive;
Secs. 22 to 26, inclusive.
Sec. 36.
T. 12 N., R. 101 W.,
Secs. 13 to 36, inclusive.
T. 11 N., R. 102 W.,
Secs. 1 to 6, inclusive;
Secs. 9 to 12, inclusive.
T. 12 N., R. 102 W.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 103 W.,
Secs. 2 to 36, inclusive.
T. 2 N., R. 103 W.,
Secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 12 N., R. 103 W.,
Secs. 13 to 17, inclusive;
Secs. 20 to 28, inclusive.
Secs. 35 and 36.
T. 1 N., R. 104 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 2 N., R. 104 W.,
Secs. 2 and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 3 N., R. 104 W.,
Sec. 34.
T. 10 S., R. 92 W.,
Secs. 18 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 11 S., R. 92 W.,
Sec. 5;
Secs. 5 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 29 to 34, inclusive.
T. 12 S., R. 82 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 16, inclusive.
T. 5 S., R. 93 W.,
Secs. 18 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 7 S., R. 93 W.,
Secs. 17 to 20, inclusive;
Secs. 30 to 33, inclusive.
T. 8 S., R. 93 W.,
Secs. 4 to 11, inclusive;
Secs. 15 to 23, inclusive;
Secs. 26 to 34, inclusive.
T. 8½ S., R. 93 W.,
Secs. 1 to 6, inclusive.
T. 9 S., R. 93 W.,
Secs. 3 to 7, inclusive;
Secs. 27 and 28;
Secs. 30 to 34, inclusive.
T. 10 S., R. 93 W.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 11 S., R. 93 W.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 93 W.,
Secs. 1 to 12, inclusive;
Secs. 14 to 16, inclusive;
Secs. 22 to 23, inclusive.
T. 1 S., R. 94 W.,
Secs. 19, 30, and 31.
T. 2 S., R. 94 W.,
Secs. 6 and 7;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 S., R. 94 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 4 S., R. 94 W.,
Secs. 4 to 9, inclusive;
Secs. 15 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 5 S., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 94 W.,
Secs. 4 to 9, inclusive.
T. 7 S., R. 94 W.,
Sec. 10;
Secs. 13 to 36, inclusive.
T. 8 S., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 8½ S., R. 94 W.,
Secs. 1 to 6, inclusive.
T. 9 S., R. 94 W.,
Secs. 1 to 12, inclusive;
Secs. 15 to 18, inclusive;
Secs. 24 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 10 S., R. 94 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 20 to 36, inclusive.
T. 11 S., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 94 W.,
Secs. 1 to 12, inclusive;
Secs. 14 to 18, inclusive;
Secs. 20 to 22, inclusive.
T. 1 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 95 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 31, inclusive.
T. 7 S., R. 95 W.,
Secs. 11 to 15, inclusive;
Secs. 21 to 36, inclusive.
T. 8 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 9 S., R. 95 W.,
Secs. 1 to 22, inclusive.
T. 10 S., R. 95 W.,
Secs. 24 to 26, inclusive;
Secs. 33 to 36, inclusive.
T. 11 S., R. 95 W.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 95 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 30, inclusive.
T. 1 S., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 96 W.,

Secs. 1 to 36, inclusive.
T. 5 S., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 96 W.,
Secs. 1 to 33, inclusive;
Secs. 35 and 36.
T. 7 S., R. 96 W.,
Secs. 3 to 11, inclusive;
Secs. 14 to 22, inclusive;
Secs. 28 to 31, inclusive.
T. 8 S., R. 96 W.,
Sec. 13;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 9 S., R. 96 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 24, inclusive.
T. 10 S., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 11 S., R. 96 W.,
Sec. 3 inclusive;
Secs. 10 to 15, inclusive;
Secs. 21 to 36, inclusive.
T. 12 S., R. 96 W.,
Secs. 1 to 28, inclusive.
T. 1 S., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 97 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 8 S., R. 97 W.,
Secs. 2 and 3.
T. 10 S., R. 97 W.,
Secs. 33 and 34.
T. 11 S., R. 97 W.,
Secs. 2 and 3;
Secs. 9 to 11, inclusive;
Secs. 13 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 12 S., R. 97 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Secs. 23 and 24.
T. 1 S., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 98 W.,
Secs. 1 to 9, inclusive;
Secs. 11 to 13, inclusive;
Secs. 15 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 8 S., R. 98 W.,
Secs. 19 to 21, inclusive;
Secs. 29 and 30.
T. 1 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 99 W.,
Secs. 1 to 36, inclusive.
T. 8 S., R. 99 W.,
Secs. 1 to 12, inclusive;
Secs. 14 to 20, inclusive;
Secs. 25 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 1 S., R. 100 W.,
Secs. 1 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 2 S., R. 100 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 100 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 23 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 4 S., R. 100 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 100 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 100 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 100 W.,
Secs. 1 to 36, inclusive.
T. 8 S., R. 100 W.,
Secs. 1 to 17, inclusive;
Secs. 22 to 26, inclusive;
Secs. 35 and 36.
T. 9 S., R. 100 W.,
Secs. 1 and 2.
T. 1 S., R. 101 W.,
Secs. 1, 12, and 13.
T. 3 S., R. 101 W.,
Secs. 27, 33, and 34.
T. 4 S., R. 101 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 10, inclusive;
Secs. 13 to 16, inclusive;
Secs. 21 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 5 S., R. 101 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 101 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 17, inclusive;
Sec. 20;
Secs. 22 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 7 S., R. 101 W.,
Secs. 1 to 14, inclusive;
Sec. 16;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 8 S., R. 101 W.,
Secs. 1 and 2.
T. 3 S., R. 102 W.,
Secs. 5, 7, and 8;
Secs. 16 to 18, inclusive;
Secs. 20, 21, 28, 29, 32, and 33.
T. 4 S., R. 102 W.,
Secs. 6 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 23, 25, 26, and 27;
Secs. 29 to 34, inclusive.
T. 5 S., R. 102 W.,
Secs. 3 to 11, inclusive;
Secs. 13 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 6 S., R. 102 W.,
Secs. 1, 2, 4, 5, 8, 9, 12, 13, and 24.
T. 7 S., R. 102 W.,
Sec. 1;
Secs. 10 to 13, inclusive;
Sec. 24.
T. 1 S., R. 103 W.,
Secs. 2 to 11, inclusive;
Secs. 15 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 103 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive;
Secs. 29 to 32, inclusive.
T. 3 S., R. 103 W.,
Sec. 3;
Secs. 5 to 7, inclusive;
Secs. 12, 13, 18, 20, 21, 31, and 35.
T. 4 S., R. 103 W.,
Secs. 1 and 2;
Secs. 5 to 7, inclusive;
Secs. 11 to 14, inclusive.
Secs. 25 to 28, inclusive;
Secs. 30 to 36, inclusive.
T. 5 S., R. 103 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 34, inclusive.
T. 6 S., R. 103 W.,
Secs. 1 to 4, inclusive;
Sec. 9;
Secs. 11 to 14, inclusive.
T. 1 S., R. 104 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 2 S., R. 104 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 3 S., R. 104 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 4 S., R. 104 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 12, inclusive;
Secs. 14, 15, 22, 26, and 27;
Secs. 34 to 36, inclusive.
T. 5 S., R. 104 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 6 S., R. 104 W.,
Secs. 1 to 11, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 to 32, inclusive.
T. 7 S., R. 104 W.,
Secs. 5, 6, and 8.
T. 6 S., R. 105 W.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 7 S., R. 105 W.,
Secs. 1, 12, 13, 24, 25, and 36.

The area described aggregates 2,694,000 acres (1,090,247 hectares), more or less, of

which are all classified as prospectively valuable oil shale lands.

Dated: June 30, 1981.

Doyle G. Frederick,

Acting Director, Geological Survey.

[FR Doc. 81-19058 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil Shale Leasing Area, Roan Plateau, Colorado

AGENCY: Geological Survey, Interior.

ACTION: Classification of an oil shale leasing area in Colorado.

SUMMARY: The Roan Plateau Oil Shale Leasing Area, comprising approximately 314,878 acres in Rio Blanco and Garfield Counties, Colorado, is established by Colorado Oil Shale Leasing Minutes No. 2, April 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Godwin, Deputy Conservation Manager, Resource Evaluation—Central Region, U.S. Geological Survey, Conservation Division, Denver Federal Center, Mail Stop 602, Box 25046, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: Under authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948 Federal lands within the State of Colorado have been classified as subject to the oil shale leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C 241). The name of the area, effective date, and total acreage involved are as follows:

(6) Colorado

Roan Plateau Oil Shale Leasing Area; April 20, 1981; 314,878 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land descriptions can be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Denver Federal Center, Mail Stop 609, Box 25046, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

Dated: June 30, 1981.

Hillary A. Oden,

Acting Chief, Conservation Division.

[FR Doc. 81-19057 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil Shale Leasing Area; White River, Colorado

AGENCY: Geological Survey, Interior.

ACTION: Classification of an oil shale leasing area in Colorado.

SUMMARY: The White River Oil Shale Leasing Area, comprising approximately 340,911 acres in Rio Blanco County, Colorado, is established by Colorado Oil Shale Leasing Minutes No. 1, April 20, 1981. This action could lead to oil shale development with multimineral development potential in this area.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry H. Godwin, Deputy Conservation Manager, Resource Evaluation—Central Region, U.S. Geological Survey, Conservation Division, Denver Federal Center, Mail Stop 602, Box 25046, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: Under authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, Federal lands within the State of Colorado have been classified as subject to the oil shale leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 241). The name of the area, effective date and total acreage involved are as follows:

(6) Colorado

White River Oil Shale Leasing Area; April 20, 1981; 340,911 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land descriptions can be obtained from the U.S. Geological Survey, Conservation Division, Central Region, Mail Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

Dated: June 30, 1981.

Hillary A. Oden,

Acting Chief, Conservation Division.

[FR Doc. 81-19056 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Indian Tribal Entities [1] That Have a Government-To-Government Relationship With the United States

June 17, 1981.

This notice is published in exercise of authority delegated to the Assistant Secretary-Indian Affairs under 5 U.S.C. 2 and 9; and 209 DM 8.

Notice is hereby given in accordance with 25 CFR 54.6(b) by the Bureau of Indian Affairs of the tribal entities that have a government-to-government relationship with the United States. The United States recognizes its trust responsibility to those Indian entities and, therefore, acknowledges their eligibility for programs administered by the Bureau of Indian Affairs. The listed entities are not necessarily eligible for programs administered by other Federal Agencies.

Indian Tribal Entities [1] That Have a Government-To-Government Relationship With the United States

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, Palm Springs, California
Ak Chin Indian Community of Papago Indians of the Maricopa, Ak Chin Reservation, Arizona
Alabama-Quassarte Tribal Town of the Creek Nation of Indians of Oklahoma
Alturas Indian Rancheria of Pit River Indians of California
Apache Tribe of Oklahoma
Arapahoe Tribe of the Wind River Reservation, Wyoming
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Barona Capitan Grande Band of Diegueno Mission Indians of the Barona Reservation, California
Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan
Berry Creek Rancheria of Maidu Indians of California
Big Bend Rancheria of Pit River Indians of California
Big Lagoon Rancheria of Smith River Indians of California
Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Bridgeport Indian Colony of California
Burns Paiute Indian Colony, Oregon

[1] Includes within its meaning Indian tribes, bands, villages, groups and pueblos as well as Eskimos and Aleuts

Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Indian Tribe of Oklahoma
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
Cahto Indian Tribe of the Laytonville Rancheria, California
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of the Capitan Grande Reservation, California
Cayuga Nation of New York
Cedarville Rancheria of Northern Paiute Indians of California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria of California
Cherokee Nation of Oklahoma
Cheyenne-Arapaho Tribes of Oklahoma
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chickasaw Nation of Oklahoma
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Citizen Band of Potawatomi Indians of Oklahoma
Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Comanche Indian Tribe of Oklahoma
Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
Confederated Tribes of the Chehalis Reservation, Washington
Confederated Tribes of the Colville Reservation, Washington
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Siletz Reservation, Oregon
Confederated Tribes of the Umatilla Reservation, Oregon
Confederated Tribes of the Warm Springs Reservation of Oregon
Confederated Tribes and Bands of the Yakima Indian Nation of the Yakima Reservation, Washington
Cortina Indian Rancheria of Wintun Indians of California
Coushatta Tribe of Louisiana
Covelo Indian Community of the Round Valley Reservation, California
Coyote Valley Band of Pomo Indians of California
Creek Nation of Oklahoma
Crow Tribe of Montana
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Cuyapaipe Band of Diegueno Mission Indians of the Cuyapaipe Reservation, California
Delaware Tribe of Western Oklahoma
Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota
Dry Creek Rancheria of Pomo Indians of California
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
Eastern Band of Cherokee Indians of North Carolina
Eastern Shawnee Tribe of Oklahoma
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
Ely Indian Colony of Nevada
Enterprise Rancheria of Maidu Indians of California
Flandreau Santee Sioux Tribe of South Dakota
Forest County Potawatomi Community of Wisconsin Potawatomie Indians, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation, California
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada
Fort McDowell Mohave-Apache Indian Community, Fort McDowell Band of Mohave Apache Indians of the Fort McDowell Indian Reservation, Arizona
Fort Mojave Indian Tribe of Arizona
Fort Sill Apache Tribe of Oklahoma
Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation of Arizona
Grand Traverse Band of Ottawa & Chippewa Indians of Michigan
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan
Havasupai Tribe of the Havasupai Reservation, Arizona
Hoh Indian Tribe of the Hoh Indian Reservation, Washington
Hoopa Valley Tribe of the Hoopa Valley Reservation, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians of the Hopland Rancheria, California
Houlton Band of Maliseet Indians of Maine
Hualapai Tribe of the Hualapai Indian Reservation, Arizona
Inaja and Cosmit Reservation of Diegueno Indians, California
Iowa Tribe of Indians of the Iowa Reservation in Nebraska of Kansas
Iowa Tribe of Oklahoma
Jackson Rancheria of Me-Wuk Indians of California
Jamestown Band of Clallam Indians of Washington
Jicarilla Apache Tribe of Jicarilla Apache Indian Reservation, New Mexico
Kaibab Band of Paiute Indians of Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation, Washington
Karok Tribe of California
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
Kaw Indian Tribe of Oklahoma
Keweenaw Bay Indian Community of L'Anse, Lac Vieux Desert and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan
Kialegee Tribal Town of the Creek Indian Nation of Oklahoma
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Kickapoo Tribe of Oklahoma
Kiowa Indian Tribe of Oklahoma
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Mission Indians of the LaJolla Reservation, California
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
Lookout Rancheria of Pit River Indians, California
Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Lower Elwha Tribe Community of the Lower Elwha Reservation, Washington
Lower Sioux Indian Community of the Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota
Lummi Tribe of the Lummi Reservation, Washington
Makah Indian Tribe of the Makah Indian Reservation, Washington
Manchester Band of Pomo Indians of the Manchester-Pt. Arena Rancheria, California
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
Menominee Indian Tribe of Wisconsin, Menominee Indian Reservation, Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians of Florida
Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six Component reservations: Boise Forte Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lac Band, White Earth Band)
Mississippi Band of Choctaw Indians, Mississippi
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
Modoc Tribe of Oklahoma
Montgomery Creek Rancheria of Pit River Indians of California
Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California
Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington
Navajo Tribe of Arizona, New Mexico and Utah

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Nez Perce Tribe of Idaho, Nez Perce Reservation, Idaho
Nisqually Indian Community of the Nisqually Reservation, Washington
Nooksack Indian Tribe of Washington
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Northwestern Band of Shoshone Indians of Utah (Washakie)
Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
Omaha Tribe of Nebraska
Oneida Nation of New York
Oneida Tribe of Indians of Wisconsin, Oneida Reservation, Wisconsin
Onondaga Nation of New York
Osage Tribe of Oklahoma
Ottawa Tribe of Oklahoma
Otoe-Missouria Tribe of Oklahoma
Paiute Indian Tribe of Utah
Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California
Pala Band of Luiseno Mission Indians of the Pala Reservation, California
Papago Tribe of the Sells, Gila Bend and San Xavier Reservations, Arizona
Pascua Yaqui Tribe of Arizona
Passamaquoddy Tribe of Maine
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
Pawnee Indian Tribe of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
Penobscot Tribe of Maine
Peoria Tribe of Oklahoma
Pit River Indian Tribe of the X-L Ranch Reservation, California
Ponca Tribe of Indians of Oklahoma
Port Gamble Indian Community, Port Gamble Band of Clallam Indians, Port Gamble Reservation, Washington
Prairie Band of Potawatomi Indians of Kansas
Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota
Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Juan, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Santo Domingo, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation, Washington
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Quapaw Tribe of Oklahoma
Quechan Tribe of the Fort Yuma Indian Reservation, California
Quileute Tribe of the Quileute Reservation, Washington
Quinault Tribe of the Quinault Reservation, Washington
Ramona Reservation of California
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Red Cliff Reservation, Wisconsin
Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota
Reno-Sparks Indian Colony, Nevada
Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
Roaring Creek Rancheria of Pit River indians of California
Robinson Rancheria of Pomo Indians of California
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Rumsey Indian Rancheria of Win'un Indians of California
Sac & Fox Tribe of the Mississippi in Iowa
Sac & Fox Tribe of Missouri of the Sac & Fox Reservation in Kansas and Nebraska
Sac & Fox Tribe of Indians of Oklahoma
Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation, Michigan
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
San Carlos Apache Tribe of the San Carlos Reservation of Arizona
San Manual Band of Serrano Mission Indians of the San Manual Reservation, California
San Pasqual Band of Diegueno Mission Indians of the San Pasqual Reservation, California
Santa Rosa Indian Community of the Santa Rosa Rancheria of California
Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation, California
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California
Santee Sioux Tribe of the Santee Reservation of Nebraska
Sauk-Suiattle Indian Tribe of Washington
Sault Ste. Marie Tribe of Chippewa Indians of Michigan
Seminole Nation of Oklahoma
Seminole Tribe of Florida, Dania, Big Cypress and Brighton Reservations, Florida
Seneca Nation of New York
Seneca-Cayuga Tribe of Oklahoma
Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake)
Sheep Ranch Rancheria of Me-Wuk Indians of California
Sherwood Valley Rancheria of Pomo Indians of California
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington
Shoshone Tribe of the Wind River Reservation, Wyoming
Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota
Skokomish Indian Tribe of the Skokomish Reservation, Washington
Skull Valley Band of Goshute Indians of Utah
Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California
Sokoagon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
Spokane Tribe of the Spokane Reservation, Washington
Squaxin Island Tribe of the Squaxin Island Reservation, Washington
St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation, Wisconsin
St. Regis Band of Mohawk Indians of New York
Standing Rock Sioux Tribe of the Standing Rock Reservation, North & South Dakota
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Stillaguamish Tribe of Washington
Summit Lake Paiute Tribe of the Summit Lake Reservation, Nevada
Suquamish Indian Tribe of the Port Madison Reservation, Washington
Susanville Indian Rancheria of Paiute, Maidu, Pit River & Washoe Indians of California
Swinomish Indians of the Swinomish Reservation, Washington
Sycuan Band of Diegueno Mission Indians of the Sycuan Reservation, California
Te-Moak Bands of Western Shoshone Indians of the Battle Mountain, Elko & South Fork Colonies of Nevada
Thlopthlocco Tribal Town of the Creek Indian Nation of Oklahoma
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Tonawanda Band of Seneca Indians of New York
Tonkawa Tribe of Indians of Oklahoma
Tonto Apache Tribe of Arizona
Torres-Martinez Band of Cahuilla Mission Indians of the Torres-Martinez Reservation, California
Tule River Indian Tribe of the Tule River Indian Reservation, California
Tulalip Tribes of the Tulalip Reservation, Washington
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Turtle Mountain Band of Chippewa Indians, Turtle Mountain Indian Reservation, North Dakota
Tuscarora Nation of New York
Twenty-Nine Palms Band of Luiseno Mission Indians of the Twenty-Nine Palms Reservation, California
United Keetoowah Band of Cherokee Indians, Oklahoma
Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota
Upper Skagit Indian Tribe of Washington
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
Utu Utu Gwaiti Paiute Tribe of the Benton Paiute Reservation, California
Viejas Baron Long Capitan Grande Band of Diegueno Mission Indians of the Viejas Reservation, California
Walker River Paiute Tribe of the Walker River Reservation, Nevada
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville and Washoe Ranches)
White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona
Whichita Indian Tribe of Oklahoma
Winnebago Tribe of the Winnebago Reservation of Nebraska
Winnemucca Indian Colony of Nevada
Wisconsin Winnebago Indian Tribe of Wisconsin
Wyandotte Tribe of Oklahoma
Yankton Sioux Tribe of South Dakota
Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona
Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona
Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Yurok Tribe of the Hoopa Valley Reservation, California
Zuni Tribe of the Zuni Reservation, New Mexico

For additional information contact Patricia Simmons, Division of Tribal Government Services, Branch of Tribal Relations, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, telephone number, 202-343-4045.

Kenneth L. Payton,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-19951 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-6980-A]

Alaska; Alaska Native Claims Selection

On December 12, 1974, Huna Totem Corporation for the Native village of Hoonah, filed selection application AA-6890-A under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1615(b) (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Hoonah.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(b) of ANCSA, aggregating approximately 960 acres, is considered proper for acquisition by Huna Totem Corporation and is hereby approved for conveyance pursuant to Sec. 14(b) of ANCSA.

Copper River Meridian, Alaska (Partially Surveyed)

T. 43 S., R. 60 E.,
Sec. 33;
Sec. 34, N½ excluding Native allotments AA-7833 AA-8012.

Containing approximately 980 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA) any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing Law;

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(k)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such managment practices on adjacent national forest lands; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Huna Totem Corporation is entitled to conveyance of 23,040 acres of land selected pursuant to Sec. 16(b) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 21,639 acres. The remaining entitlement of approximately 1,401 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) ANCSA, conveyance to the subsurface estate of the lands described above shall be granted to Sealaska Corporation when conveyance is granted to Huna Totem Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d) notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Southeast Alaska Empire (Juneau).

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 7, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the

manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Huna Totem Corporation, P.O. Box 290, Hoonah, Alaska 99829

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801

Sandra C. Thomas,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-19083 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 27253, Survey Group 115]

Minnesota; Filing of Plat of Survey

On February 9, 1981, the plat representing the survey of one island in Lost Lake and twenty-five islands in Vermilion Lake, T. 62 N., R. 16 W., Fourth Principal Meridian, Minnesota, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on August 24, 1981.

Fourth Principal Meridian, Minnesota

T. 62 N., R. 16 W.,
Tract Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62.

2. The character of Tract Nos. 37 through 62 similar in all respects to that of the adjacent surveyed lands.

Elevations on the island Tract No. 37 range up to approximately 6 feet above the high water mark of Vermilion Lake. Timber consists of pine, cedar, fir, aspen, birch and alder. Borings of pine trees showed several to be up to 70 years old. Undergrowth consitst of willow, brush and native grasses.

Elevations on the island Tract No. 38 range up to approximately 8 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, fir and birch. Borings of the pine trees showed several to be up to 80 years old. Undergrowth consists of hazel, willow, brush and native grasses. Large pine stumps were found on the island.

Elevations on the island Tract No. 39 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of fir, alder and spruce. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 40 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of poplar, cedar, aspen, birch and spruce. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 41 range up to approximately 15 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, fir, aspen, birch and spruce. Borings of pine trees showed several to be up to 110 years old. Undergrowth consists of willow, brush and native grasses. Large pine stumps were found on the island.

Elevations on the island Tract No. 42 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, aspen, birch and spruce. Borings of pine trees showed several to be up to 105 years old. Undergrowth consists of brush and native grasses.

Elevations on the island Tract No. 43 range up to approximately 2 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, aspen and birch. Borings of pine trees showed several to be up to 100 years old. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 44 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Borings of pine trees showed several to be up to 80 years old. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 45 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, aspen, birch and spruce. Borings of pine trees showed several to be up to 80 years old. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 46 range up to aproximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of Pine, cedar, fir, aspen, birch and ash. Borings of pine trees showed several to be up to 108 years old. Undergrwoth consists of willow, brush and native grasses.

Elevations on the island Tract No. 47 range up to approximately 2 feet above the ordinary highwater mark of Vermilion Lake. Timber consists of alder, cedar, maple, and elm. Undergrwoth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 48 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of cedar and birch. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 49 range up to approximately 6 feet above the ordinary high water mark of Vermilion Lake. Timber consists of cedar, aspen, birch, elm and basswood. Undergrowth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 50 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of cedar, aspen, birch and alder. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 51 range up to approximately 5 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, aspen, birch, maple and ash. Borings of pine trees showed several to be up to 115 years old. Undergrowth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 52 range up to approximately 5 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, fir, aspen and spruce. Borings of pine trees showed several to be up to 108 years old. Undergrowth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 53 range up to approximately 8 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, aspen and birch. Borings of pine trees showed several to be up to 105 years old. Undergrowth consists of hazel, willow, brush and native grasses. Large pine stumpts were found on the island.

Elevations on the island Tract No. 54 range up to approximately 15 feet above the ordinary high water mark of Lost Lake. Undergrowth consists fo brush and native grasses.

Elevations on the island Tract No. 55 range up to approximately 6 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, aspen and birch. Borings of pine trees showed several to be up to 85 years old. Undergrowth consists of hazel, willow, brush and native grasses. Large pine stumps were found on the island.

Elevations on the island Tract No. 56 range up to approximately 5 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine and aspen. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 57 range up to approximately 6 feet above the ordinary high water mark of Vermilion Lake. Timber consists of cedar, aspen, birch, spruce, maple and elm. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 58 range up to approximately 4 feet above the ordinary high water mark of Vermilion Lake. Timber consists of cedar and birch. Undergrowth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 59 range up to approximately 4 feet above the ordinary high water mark of Vermilion Lake. Timber consists of cedar, alder, aspen, birch and ash. Undergrowth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 60 range up to approximately 10 feet above the ordinary high water mark of Vermilion Lake. Timber consists of pine, cedar, aspen and birch. Borings of pine trees showed several to be up to 105 years old. Undergrowth consists of willow, brush and native grasses.

Elevations on the island Tract No. 61 range up to approximately 2 feet above the ordinary high water mark of Vermilion Lake. Timber consists of aspen, birch and alder. Undergrowth consists of hazel, willow, brush and native grasses.

Elevations on the island Tract No. 62 range up to approximately 3 feet above the ordinary high water mark of Vermilion Lake. Timber consists of alder. Undergrowth consists of hazel, willow, brush and native grasses.

The soil composition of Tract Nos. 37 through 62 is of a thin layer of organic matter on a base of glacial till.

The islands described above were found to be over 50 percent upland in character within the purview of the Swampland Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

All inquiries relating to these lands should be sent to the Chief, Division of Lands and Minerals, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before August 24, 1981.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81-19059 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 27251, Survey Group 115]

Minnesota; Filing of Plat of Survey

1. On February 9, 1981, the plat representing the survey of two islands in Ban Lake, two islands in Susan Lake and three islands in Elbow Lake, T. 64 N., R. 18 W., Fourth Principal Meridian, Minnesota, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on August 24, 1981.

Fourth Principal Meridian, Minnesota

T. 64 N., R. 18 W.,
Tract Nos. 37, 38, 39, 40, 41, 42, and 43.

2. The character of Tract Nos. 37, 38, 39, 40, 41, 42, and 43 is similar in all respects to that of the adjacent surveyed lands.

Elevations on the island Tract No. 37 range up to approximately 5 feet above the ordinary high water mark of Ban Lake. Undergrowth consists of brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 38 range up to approximately 4 feet above the ordinary high water mark of Ban Lake. Timber consists of aspen. Undergrowth consists of willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 39 range up to approximately 5 feet above the ordinary high water mark of Elbow Lake. Timber consists of pine, cedar and birch. Borings of the pine trees showed several to be up to 100 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 40 range up to approximately 10 feet above the ordinary high water mark of Elbow Lake. Timber consists of pine, cedar, fir, aspen, birch, spruce, maple and elm. Borings of pine trees showed several to be up to 80 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

The elevations on the island Tract No. 41 range up to approximately 4 feet above the ordinary high water mark of Elbow Lake. Timber consists of pine, cedar and birch. Borings of the pine trees showed several to be up to 80 years old. Undergrowth consists of willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Elevations on the island Tract No. 42 range up to approximately 12 feet above the ordinary high water mark of Susan Lake. Timber consists of pine and birch. Borings of the pine trees showed several to be up to 80 years old. Undergrowth consists of hazel, willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

The elevations on the island Tract No. 43 range up to 3 feet above the ordinary high water mark of Susan Lake. Timber consists of pine and alder. Borings of the pine trees showed several to be up to 100 years old. Undergrowth consists of willow, brush and native grasses. The soil composition is of a thin layer of organic matter on a base of glacial till.

Tract Nos. 37, 38, 39, 40, 41, 42, and 43 were found to be over 50 percent upland in character within purview of the Swampland Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

All inquires relating to these lands should be sent to the Chief, Director of Lands and Minerals, Bureau of Land Management, Alexandria, Virginia 22304, on or before August 24, 1981.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81-19060 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 27256, Survey Group 115]

Minnesota; Filing of Plat of Survey

1. On February 9, 1981, the plat representing the survey of seven islands in Bear Head Lake and two islands in Horseshoe Lake, T. 61 N., R. 14 W., Fourth Principal Meridian, Minnesota, which were omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on August 24, 1981.

Fourth Principal Meridian, Minnesota

T. 61 N., R. 14 W.,
Tract Nos. 37, 38, 39, 40, 41, 42, 43, 44, and 45.

2. The character of Tract Nos. 37, 38, 39, 40, 41, 42, 43, 44, and 45 is similar in all respects to that of the adjacent surveyed lands.

Elevations on the island Tract No. 37 range up to approximately 2 feet above the ordinary high water mark of Bear Head Lake. Timber consists of pine, fir, birch, spruce and maple.

The elevations on the island Tract No. 38 range up to approximately 2 feet above the ordinary high water mark of Bear Head Lake. Timber consists of pine, fir, birch and spruce. Borings of pine trees showed several to be up to 80 years old.

Elevations on the island Tract No. 39 range up to approximately 2 feet above the ordinary high water mark of Bear Head Lake. Timber consists of pine, fir, birch and spruce. Borings of pine trees showed several to be up to 80 years old.

The elevations on the island Tract No. 40 range up to approximately 3 feet above the ordinary high water mark of Bear Head Lake. Timber consists of pine, fir and birch. Borings of pine trees showed several to be up to 80 years old.

Elevations on the island Tract No. 41 range up to approximately 20 feet above the ordinary high water mark of Horseshoe Lake. Timber consists of pine, birch and spruce. Borings of pine

trees showed several to be up to 100 years old.

The elevations on the island Tract No. 42 range up to approximately 4 feet above the ordinary high water mark of Horseshoe Lake. Timber consists of pine and birch.

Elevations on the island Tract No. 43 range up to approximately 20 feet above the ordinary high water mark of Bear Head Lake. Timber consists of pine, cedar, fir, birch and spruce. Borings of pine trees showed several toi be up to 100 years old.

The elevations on the island Tract No. 44 range up to approximately 1½ feet above the ordinary high water mark of Bear Head Lake. Timber consists of pine, cedar, tamarack, birch and spruce. Borings of pine trees showed several to be up to 80 years old.

Elevations on the island Tract No. 45 range up to approximately 1½ feet above the ordinary high water mark of Bear Head Lake. Timber consists of tamarack, alder and birch.

The soil composition of Tract Nos. 37, 38, 39, 40, 41, 42, 43, 44 and 45 is of a thin layer of organic matter on a base of glacial till. Undergrowth of said tracts consists of brush and native grasses. Large pine stumps were found on island Tract Nos. 41, 42, 43, 44 and 45.

Tracts 37, 38, 39, 40, 41, 42, 43, 44 and 45 were found to be over 50 percent upland in character within purview of the Swamplands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

All inquiries relating to these lands should be sent to the Chief, Division of Lands and Minerals, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before August 24, 1981.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81-19981 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

June 15, 1981.

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, July 21, 1981 at 7:30 p.m. in the theater at the Calabasas High School, 22855 Mulholland, Calabasas, California.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Bob Hollman
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace
Ms. Marilyn Whaley Winters

The major agenda items include the following:

Superintendent's status report on the Draft General Management Plan and Development Concept Plans
Commission recommendations on the Draft General Management Plan, tentatively coastal issues and land acquisition
Current activities at Rancho Sierra Vista, Paramount Ranch, and Oaks
Staff report on the prescribed burn at Castro Crest
Staff report on herbicide use in the Santa Monica Mountains
Resource Management Committee report on herbicide use
Proposed resolution on trail possibilities from Griffith Park

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by August 31, 1981, at the above address.

Dated: June 29, 1981.

William Webb,

Acting Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 81-19987 Filed 7-7-81; 8:45 am]

BILLING CODE 4310-07-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will we issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams. (Member Williams not participating.)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

(For status calls, please contact 202-275-7326)

Volume No. OPY-4-227

Decided: June 29, 1981.

MC 20366 (Sub-4), filed June 22, 1981. Applicant: CITY TRANSFER & STORAGE CO., South Crawford & Big Four Railway, Troy, OH 45373. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, on the one hand, and, on the other, points in Miami County, OH.

MC 29886 (Sub-387), filed June 18, 1981. Applicant: DALLAS & MAVIS FORWARDING, CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan. 711 Washington Bldg., Washington, DC 20005, (202) 347-3987. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 106956 (Sub-8), filed June 24, 1981. Applicant: SYLVESTER TRUCKING CO., a corporation, 7901 Sylvania Ave., Sylvania, OH 43560. Representative: Wilhelmina Boersma, 1600 1st Federal Bldg., Detroit, MI 48226, (312) 962-6492. Transporting *lime, limestone, and limestone products*, between Detroit, MI, on the one hand, and, on the other, points in OH, IN, and IL.

MC 113406 (Sub-18), filed June 22, 1981. Applicant: DOT LINES, INC., 1000 Findlay Rd., Lima, OH 45801. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives), between points in OH, and those in the lower peninsula of MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 119086 (Sub-6), filed June 24, 1981. Applicant: MILLER TRUCKING CO., a corporation, P.O. Box 316, Taneytown, MD 21787. Representative: Wilbur Miller (same address as applicant), (301) 756-6460. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, DC.

MC 126706 (Sub-11), filed June 22, 1981. Applicant: KLEYSEN TRANSPORT, LTD., 1495 Pembina Hwy., Winnipeg, Manitoba, Canada R3T 2C8. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339-4546. Transporting *chemicals and related products*, between points on the international boundary line between the U.S. and Canada located in MN, ND, MT, ID, and WA, on the one hand, and, on the other, points in the U.S.

MC 134886 (Sub-3), filed June 22, 1981. Applicant: COURY MOTOR FREIGHT, 580 Ottawa, St. Paul, MN 55107. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting (1) *machinery*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Kroy Industries, Inc., of St. Paul, MN.

MC 142956 (Sub-3), filed June 24, 1981. Applicant: M & S TRUCKING CO., INC., R.R. #1, Meadville, MO 64659. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 8901 State Line, Kansas City, MO 64114, (816) 444-7474. Transporting *beef carcasses*, between points in the U.S., under continuing contract(s) with Dubuque Packing Company, Inc., of Mankato, KS.

MC 145516 (Sub-28), filed June 19, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E. Independence Blvd., P.O. Box 1286, Mathews, NC 28105. Representative: T. Gene Stegall, Jr., (same address as applicant) (704) 536-1122. Transporting *pulp, paper and related products*, between points in NC and SC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 146616 (Sub-19), filed June 23, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East 4th St., Tulsa, OK 74103, (918) 583-9000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with McGill Incorporated, of Tulsa, OK.

MC 148576 (Sub-8), filed June 23, 1981. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW., Atlanta, GA 30310. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *such commodities* as are dealt in or used by grocery stores, food business houses, hardware, and department stores, between the facilities of The Clorox Company and its Subsidiary The Kingsford Company at points in the U.S., on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, TN, VA, WV and DC.

Volume No. OPY-4-228

Decided: June 29, 1981.

MC 30446 (Sub-18), filed June 16, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., P.O. Box 5647, 3408 No. Graham St., Charlotte, NC 28225. Representative: Leon Thompson (same address as applicant), (704) 376-9101. Transporting *air conditioning equipment, furnances and component parts and accessories*, between points in Pulaski County, AR and Shelby, Davidson and Rutherford Counties, TN, on the one hand, and, on the other, points in NC, SC and GA.

MC 117786 (Sub-138), filed June 12, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4891. Transporting *machinery*, between points in AZ, on the one hand, and, on the other, points in the U.S.

MC 143408 (Sub-5), filed June 17, 1981. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. (301) 587-8657. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145276 (Sub-7), filed June 16, 1981. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Ave. Southwest, P.O. Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *food and related products*, between points in MN, on the one hand, and, on the other, points in Cass County, ND.

MC 149026 (Sub-31), filed June 16, 1981. Applicant: TRANS-STATES LINES, INC., 6815 Jenny Lind, Fort Smith, AR 72903. Representative: Larry C. Price (same address as applicant), (501) 785-6177. Transporting *general commodities* (except classes A and B explosives), between Neosho County,

KS, on the one hand, and, on the other, points in the U.S.

MC 156626 filed June 19, 1981. Applicant: JOE O'CONNOR, d.b.a. MONTICELLO TRUCKING, 247 West Broadway, Monticello, MN 55362. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Dahlheimer Distributing Co., of Monticello, MN.

MC 156646 filed June 19, 1981. Applicant: ED ROACH TRUCKING COMPANY, INC., Star Route, Ironton, OH 45638. Representative: Owen B. Katzman, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 296–2929. Transporting *gasoline*, between points in the U.S., under continuing contract(s) with Rich Terminal Co., of Ironton, OH.

MC 156666 filed June 19, 1981. Applicant: DANNY SMITH TRUCKING, INC., Rt. 1, Box 87, Ironton, OH 45638. Representative: Owen B. Katzman, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 296–2929. Transporting *gasoline*, between points in the U.S., under continuing contract(s) with Rich Terminal Co., of Ironton, OH.

MC 156676, filed June 19, 1981. Applicant: JEAN HOLCOMB, INC., d.b.a. VIKING TRAVEL SERVICE, 103 S. Elliott Rd., Chapel Hill, NC 27514. Representative: Ellen Jean Holcomb (Same address as applicant) (919) 968–4586. To engage in operations, in interstate or foreign commerce as a broker, at Chapel Hill, NC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, beginning and ending at points in Orange, Durham, Wake, Guilford, and Mecklenberg Counties, NC, and extending to points in the U.S.

Volume No. OPY–4–231

Decided: June 29, 1981.

MC 146676 (Sub-6), filed June 22, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *chemicals and related products*, between the facilities of Church & Dwight Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151346 (Sub-3), filed June 23, 1981. Applicant: ZEE CORPORATION, P.O. Box 396, 1800 Old Lincoln Hwy, Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Prior Coated Metals, of Allentown, PA, and B. S. Livingston & Co., Inc., of New York, NY.

MC 151346 (Sub-4), filed June 22, 1981. Applicant: ZEE CORPORATION, P.O. Box 396, 1800 Old Lincoln Hwy, Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting *metal products*, between points in the U.S., under continuing contract(s) with United States Steel Corporation, of Pittsburgh, PA.

MC 152136 (Sub-3), filed June 17, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062 (214) 255–6279. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 152246 (Sub-4), filed June 22, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting: *metal products and machinery*, between Minneapolis, MN and points in Marathon and Wood Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 153876, filed June 22, 1981. Applicant: COYOTE EXPRESS, INC., 2724 West Eleventh St., Irving, TX 75060. Representative: Jack L. Coke, Jr., 4555 First National Bank Bldg., Dallas, TX 75202 (214) 741–6263. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Christopher Air Freight, a/k/a Stagecoach Air Freight, of Grapevine, TX.

[FR Doc. 81–19946 Filed 7–7–81; 8:45 am]
BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. OPY–4–VOL–230]

Motor Carrier Permanent Authority Decision; Decision-Notice

Decided June 29, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure reasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2. Charleton, Fisher and Williams Williams not participating.

Agatha L. Mergenovich,

Secretary.

MC–F–14650, filed June 16, 1981. Applicant: ACME INTER-CITY FREIGHT LINES et. al., 3414 2nd Ave., South, Seattle, WA 98134. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. (1) Acme Inter-City Freight Line MC–42092. (2) Bass Transportion Co., Inc. MC–135684, (3) Biship Motor Express, Inc. MC–85920, (4) Brown Freight Lines, Inc. MC–127937, (5) Burren Transfer Company MC–311, (6) Columbia River Truck Co. MC–31307, (7) Creech Brothers Truck Lines, Inc. MC–40757, (8) Dunbar Transfer & Storage Co., Inc. MC–6143, (9) Elk Valley Freight/Inc. MC–125820, (10) Griley Freightlines MC–106054, (11) Holland Cartage Co. MC–98901, (12) Horn's Motor Express, Inc. MC–2780, (13) Humboldt Express, Inc. MC–121568, (14) Jayne's Motor Freight, Inc. MC–29813, (15) Leonard Brothers Transport Co., Inc. MC–13547, (16) Loop Cartage, Inc. MC–148583, (17) Long's Express, Inc. MC–85413 (18) Lexington-Paris Motor Freight, Inc. MC–134768, (19) Miller Brothers, Inc. MC–98979, (20) Niedert Freight, Inc. MC–34156, (21) Nelson's Express, Inc. MC–76449, (22) H. Piehl Transfer Co. MC–34915, (23) R. J. M. Transfer Co., Inc. MC–106510, (24) Sartain Truck Line, Inc. MC–85970, (25) Shay's Service, Inc. MC–98017, (26) Skyline Transportation, Inc. MC–99208, (27) Southeastern Motor Freight, Inc. MC–58828, (28) "T" Transportation, Inc. MC–99953, (29) Tualatin Valley Transport MC–5920, (30) The Willett Co. MC–66462, (31) Turner Trucking Co., Inc. MC–97251, (32) Wilson Trucking Corp. MC–64600 seek to continue in control of Motor Carrier Corporation, which currently holds no authority, but which seeks a certificate to transport *general commodities* (except classes A and B explosives), between Birmingham and Mobile, AL, Phoenix and Tucson, AZ, Little Rock, AR, Los Angeles and San Francisco, CA, Denver, CO, Hartford and New Haven, CT, Wilmington, DE, Jacksonville, Tampa and Miami, FL, Atlanta and Savannah, GA, Concord, NH, Newark and Trenton, NJ, Albuquerque, NM, Buffalo, Albany and Binghamton, NY, Greensboro and Charlotte, NC, Bismarck, ND, Toledo, Cleveland, Columbus and Cincinnati, OH, Oklahoma City and Tulsa, OK, Portland, OR, Pittsburgh, Erie, Philadelphia, Harrisburg and Chambersburg, PA, Boise and Pocatello, ID, Chicago and Springfield, IL, Indianapolis and South Bend, IN, Des Moines, IA, Kansas City and Wichita, KS, Louisville, KY, Baton Rouge and New Orleans, LA, Portland, ME, Baltimore, MD, Boston, MA, Detroit, MI, Providence, RI, Columbia, SC, Rapid City, SD, Nashville, Memphis, Chattanooga and Knoxville, TN, Dallas, Fort Worth, Houston, El Paso, San Antonio, Amarillo and Lubbock, TX, Salt Lake City, UT, Montpelier, VT, Minneapolis and St. Paul, MN, Jackson, MS, Kansas City and St. Louis, MO, Helena, MT, Omaha, NE, Reno and Las Vegas, NV, Richmond, Norfolk and Roanoke, VA, Seattle and Spokane, WA, Charleston, WV, Milwaukee, WI and Casper, WY.

Note.—Motor Carrier Corporation has filed as a directly related application its initial common carrier application. This application, docketed No. MC–156556, is published in this same Federal Register issue.

[FR Doc. 81–19948 Filed 7–7–81; 8:45 am]
BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. OPY–4, Volume 232]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: June 29, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2. Carleton, Fisher and Williams. Williams not participating.

Agatha L. Mergenovich,

Secretary.

MC 156556 filed June 16, 1981. Applicant: MOTOR CARRIER

CORPORATION, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between Birmingham and Mobile, AL, Phoenix and Tucson, AZ, Little Rock, AR, Los Angeles and San Francisco, CA, Denver, CO, Hartford and New Haven, CT, Wilmington, DE, Jacksonville, Tampa and Miami, FL, Atlanta and Savannah, GA, Concord, NH, Newark and Trenton, NJ, Albuquerque, NM, Buffalo, Albany and Binghamton, NY, Greensboro and Charlotte, NC, Bismarck, ND, Toledo, Cleveland, Columbus and Cincinnati, OH, Oklahoma City and Tulsa, OK, Portland, OR, Pittsburgh, Erie, Philadelphia, Harrisburg and Chambersburg, PA, Boise and Pocatello, ID, Chicago and Springfield, IL, Indianapolis and South Bend, IN, Des Moines, IA, Kansas City and Wichita, KS, Louisville, KY, Baton Rouge and New Orleans, LA, Portland, ME, Baltimore, MD, Boston, MA, Detroit, MI, Providence, RI, Columbia, SC, Rapid City, SD, Nashville, Memphis, Chattanooga and Knoxville, TN, Dallas, Forth Worth, Houston, El Paso, San Antonio, Amarillo and Lubbock, TX, Salt Lake City, UT, Montpelier, VT, Minneapolis and St. Paul, MN, Jackson, MS, Kansas City and St. Louis, MO, Helena, MT, Omaha, NE, Reno and Las Vegas, NV, Richmond, Norfolk and Roanoke, VA, Seattle and Spokane, WA, Charleston, WV, Milwaukee, WI and Casper, WY.

Note.—This application is directly related to MC–F 14650, published in this same **Federal Register** issue.

[FR Doc. 81–19045 Filed 7–7–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OPY–4, Volume 229]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: June 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier duel operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Williams not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 151316 (Sub-3), filed June 16, 1981. Applicant: AERO DISTRIBUTING CO., INC., 60 N.W. 37th St., Miami, FL 33127. Representative: Mark S. Gray, Suite 1200 Gas Light Tower, 235 Peachtree St., NE., Atlanta, GA 30303 (404) 522–2322. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81–19043 Filed 7–7–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OPY–2–116]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: June 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will we issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1. Members Parker, Chandler and Fortier. (Member Parker not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Any status inquiries should be directed to 202–275–7326.

FF–553, filed June 16, 1981. Applicant: WATKINS FORWARDING SYSTEM, INC., 1144 W. Griffin Road, Lakeland, FL 33805. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301 (404) 522–2322. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives) between points in the U.S.

MC 2202 (Sub-674), filed June 17, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014 (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Hercules Incorporated of Wilmington, DE.

MC 14033 (Sub-1), filed June 16, 1981. Applicant: ADVANCE MOVING OF CLINTON, N.Y., INC., Utica St. at Limberlost Rd., Clinton, NY 13323. Representative: Edward J. Godemann, 4 Clen St., New Hartford, NY 13413. Transporting *household goods*, between points in NY, and the one hand, and, on the other, RI, IN, ME, NH, VT, MD, DE, MI, NC, SC, OH, VA, WV, IL, KY, TN and DC.

MC 47583, (Sub-149), filed June 17, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas, City, KS 66115. Representative: D.S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *general commodities* (except classes A and B explosives) between The Facilities of Owens-Corning Fiberglas Corporation at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 73533 (Sub-19), filed June 17, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 So. Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli, (Same as Applicant) (301) 327–5800. Transporting *metal products* between points in the U.S., under a continuing contract(s) with National Wire Products Corporation of Baltimore, MD.

MC 82492 (Sub-262), filed June 16, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Representative: Jack H. Blanshan, 205 W. Toughy Avenue, Suite 25 Park Ridge, IL 60068 (312) 698–2235. Transporting *chemicals and related products*, between points in Mecklenburg County, NC, De Kalb County, GA, and Chicago, IL, on the one hand, and, on the other, points in GA, IN, IL, IA, KS, KY, MN, MI, MO, NC, NE, those points in NY on and west of Interstate Highway 81, ND, OH, those points in PA, on and west of Interstate 81, Pennsylvania Highways 9 and 100 and U.S. Highway 202, SD, SC, TN, VA, and WI.

MC 82492 (Sub-263), filed June 16, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NJ, NY, ND, OH, PA, SD, TN, and WI.

MC 97932 (Sub-7), filed June 16, 1981. Applicant: WREN, INC. d.b.a. LAKEVILLE MOTOR EXPRESS, P.O. Box 8167, Roseville, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101 (612) 224–9454. Transporting *general commodities* (except classes A and B explosives), between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in Goodhue County, MN.

Note.—Applicant intends to tack this authority with existing authority in MC–97932.

MC 99493 (Sub-13), filed June 16, 1981. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, P.O. Box 2821, Harrisburg, PA 17105. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101 (717) 236–9318. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA and those points in PA east of U.S. Hwy 219, on the one hand, and, on the other, points in DE, MD, and DC.

MC 109533 (Sub-142), filed June 3, 1981, published in the **Federal Register** issue of June 22, 1981, and republished, as corrected, this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., P.O. Box 1216, Richmond, VA 23209, 804–231–8281. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S., in and east of MN, IA, MO, KS, OK, and TX.

Note.—Issuance of this certificate is subject to coincidental cancellation of applicant's irregular route portion of authority in Certificates No. MC–109533 and MC–109533 (Sub-Nos. 11, 22, 23, 36, 45, 46, 71, 74, 80, 94, 100, 120, 122, 127, and 132).

The purpose of this republication is to correct the territorial description and to insert "irregular route" in the above note.

MC 115232 (Sub-5), filed June 16, 1981. Applicant: OVERLAND MOTOR EXPRESS, INC., d.b.a. BOULDER-DENVER TRUCK LINE, INC., 5680 Valmont, Boulder, CO 80301. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203 (303) 861–8046. Transporting *general commodities* (except Classes A and B explosives), between points in AZ, CA, CO, IA, ID, IL, IN, KS, KY, LA, MN, MO, MT, ND, NE, NM, NV, OH, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 115762 (Sub-16, filed June 16, 1981. Applicant: KENTUCKY WESTERN TRUCK LINE, INC., P.O. Box 623, Hopkinsville, KY 42240. Representative:

James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219 (615) 244–1440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Tobacco Company, its affiliates and subsidiaries, of Greenwich, CT.

MC 118853 (Sub-2), filed June 10, 1981. Applicant: CLOQUET TRANSIT CO., INC., 1306 Cloquet Avenue, Cloquet, MN 55720. Representative: David C. Lingren, 124 Avenue C, Cloquet, MN 55720, (218) 879–3331. Transporting (1) *passengers and their baggage*, in special or charter operations, between points in Carlton, St. Louis, Pine, Lake, Itasca, Aitkin, and Cook Counties, MN, and points in Douglas and Bayfield Counties, WI, on the one hand, and, on the other, points in the U.S., and (2) *passengers and their baggage*, in round trip, special and charter operations, beginning and ending at points in St. Louis and Carlton Counties, MN and Douglas County, WI, and extending to points in the U.S.

MC 135953 (Sub-24F), filed June 16, 1981. Applicant: CHEROKEE LINES, INC., 1113 North Little Street, Cushing, OK 74023. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Chemco Products, Inc., of Sand Springs, OK.

MC 139482 (Sub-194), filed June 16, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant), 507–354–8546. Transporting *food and related products*, between points in CT, IN, KY, MD, MI, NJ, and NY, on the one hand, and, on the other, points in IL, and WI.

MC 139482 (Sub-195), filed June 16, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant), 507–354–8546. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of automotive products, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 139563 (Sub-2), filed June 16, 1981. Applicant: WEATHER BROS. TRANSFER CO. OF NORTH CAROLINA, INC., 106 Stockton Street, Jacksonville, FL 32204. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting *household goods*, between points in VA, NC, and FL, on the one hand, and, on the other, points in AL, DE, GA, KY, LA, MS, MD, NJ, PA, SC, TN, TX, WV and DC.

MC 139822 (Sub-10), filed June 16, 1981. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between Atlanta, GA, and points in Chatham County, GA and Greenville County, SC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 142553 (Sub-1F), filed June 16, 1981. Applicant: OSBORNE TRUCKING COMPANY, 11001 Kenwood Rd., Cincinnati, OH 45242. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in IL.

MC 144572 (Sub-56F), filed June 16, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600. Denver, CO 80632 (303) 892–0700. Transporting *clay, concrete, glass or stone products*, between the facilities of Libbey-Owens-Ford Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146782 (Sub-53F), filed June 16, 1981. Applicant: ROBERT CARRIER CORPORATION, 300 First Ave., South, Nashville, TN 37201. Representative: James Rex Raines (same address as applicant) (615) 256–4196. Transporting *metal products*, between points in Jefferson County, AL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147013 (Sub-6F), filed June 11, 1981. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005 (202) 296–35555. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 147712 (Sub-21), filed April 6, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474. Transporting *lumber and wood products*, and *building materials* between the facilities used by North American Plywood Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147712 (Sub-22), filed April 7, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474. Transporting *general commodities* (except classes A and B explosives) between the facilities used by Wasatch Shippers Association and its members, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148913 (Sub-2F), filed June 11, 1981. Applicant: GOVERNMENT CONTRACT SERVICES, INC., 2624 Point Lookout Cove, Annapolis, MD 21401. Representative: Frederick C. Metz, Jr. (same address as applicant) (301) 266–0977. Transporting *hazardous materials* and *classes A and B explosives*, between points in DE, MD, and VA. Condition: To the extent that this Certificate authorizes classes A and B explosives, and hazardous materials, it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 149152 (Sub-4), filed June 16, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N.W. 1st St, Oklahoma City, OK 73126. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Transporting over regular routes *general commodities* (except classes A and B explosives), between Muskogee and Tahlequah, OK, over U.S. Hwy 62, serving all intermediate points.

MC 151193 (Sub-10F), filed June 17, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant), (201) 499–3869. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Finn-Cal Sweetner Co., of Thomson, IL.

MC 156542, filed June 16, 1981. Applicant: KOMAR TRUCKING, INC., 723 Morton St., East Rutherford, NJ 07073. Representative: John J.C. Martin, 7 Corporate Park Dr., White Plains, NY 10604. Transporting (1) *pulp, paper and related products* and (2) *printed matter*, between points in the U.S., under continuing contract(s) with Unified Data Products Corp., of Fairlawn, NJ.

MC 156543F filed June 16, 1981. Applicant: ELMER BUCHTA, INC., 414 Washington Street, Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *such commodities* as are dealt in by manufacturers, distributors, and dealers of mobile, modular and double-wide homes and mobile home work operators, between points in IN, IL, OH, TN, and KY.

MC 156553, filed June 16, 1981. Applicant: INDEPENDENT CONTRACT CARRIERS, INC., 550 Midland Avenue, Saddle Brook, NJ 07662. Representative: Alexander J. Kuzicki (same address as applicant), (201) 791–0311. Transporting *chemicals and related products, plastic bottles, paper and cardboard containers*, between points in the U.S., under continuing contract(s) with Stanson Chemical, Inc., of Teaneck, NJ.

MC 156562F, filed June 16, 1981. Applicant: JERRY SEEBERGER CORPORATION, d.b.a. S & S ENTERPRISES, 4661 Vanalden Ave., Tarzana, CA 91356. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with (a) Rol-Fol Table, Inc., of Van Nuys, CA, and (b) Rol-Fol Sales Co., of Van Nuys, CA.

MC 156573F, filed June 16, 1981. Applicant: BRISSETTE & FRERES LTEE, 880, Notre-Dame Street, Berthierville, P. Quebec, Canada J K 1A0. Representative: Me Guy Poliquin, 580 East, Grande-Allee Street, Suite 140, Quebec City, P. Quebec, Canada G1R 2K3. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip, charter and special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, located in ME, NH, VT, NY, and MI, and extending to points in the U.S.

[FR Doc. 81-19944 Filed 7-7-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-192]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: July 1, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Parker, Chandler and Fortier.

Note.—Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Agatha L. Mergenovich,
Secretary.

MC 156751, filed June 23, 1981. Applicant: GREEN ARROW MOTOR EXPRESS COMPANY, c/o Weyerhaeuser Company, Domestic Transportation Manager, Tacoma, WA 98477. Representative: William H. Borghesani, Jr., 1150 17th Street NW., Suite 1000, Washington, DC 20036, (202) 457–1122. Transporting *general commodities)* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Weyerhaeuser Company of Tacoma, WA, Northwest Hardwoods, Inc., of Portland, OR, Technical Coatings Co., of Santa Clara, CA, Interlake of Pittsburg, CA, and North Pacific Paper Corp., of Longview, WA.

Note.—This application is directly related to MC–F–14854.

[FR Doc. 81-20017 Filed 7-7-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Any status inquiries should be directed to 202–275–7326.

Volume No. OPY–2–117

Decided: June 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 156472, filed June 8, 1981. Applicant: BLAYDE W. HAMILTON, 6613 W. 13400 S. Herriman, UT 84065. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverage and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156552F, filed June 16, 1981. Applicant: ALBERT ADAMO, Apt #1, 60 Franklin Ave., Lodi, NJ 07644. Representative: Michael A. Wargula, 2550 Main Pl Tower, Buffalo, NY 14202. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156592F, filed June 12, 1981. Applicant: WILLIAM C. AND MARSHALL L. SCHULTZ, d.b.a. SCHULTZ TRUCKING, 16171 West Highway 54, Goddard, KS 67052. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-234

Decided: July 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156737, filed June 19, 1981. Applicant: FREEDMAN & SLATER, INC., 156 William St., New York, NY 10038. Representative: Millard A. Ring (same address as applicant), (212) 285–2340. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-236

Decided: July 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156617, filed June 17, 1981. Applicant: ELLIOTT F. FISHER, P.O. Box 322, Accomac, VA 23301. Representative: Elsie B. Fisher, (same address as applicant), (804) 787–1268. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156687, filed June 22, 1981. Applicant: PAGE & JONES, INC., 52 N. Jackson St., Mobile, AL 36602. Representative: Bruce E. Mitchell, Fifth Fl., Lenox Towers So., 3390 Peachtree Road NE., Atlanta, GA 30326, (404) 262–7855. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81–20010 Filed 7–7–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OPY–3–088]

Motor Carriers; Permanent Authority; Decision-Notice

Correction

In FR Doc. 81–17186 appearing at page 30709 in the issue for Wednesday, June 10, 1981, please make the following correction:

On page 30710, in the third column, in the paragraph "MC 136285 (Sub-41)" filed for applicant "Southern Intermodal Logistics, Inc.", in the thirteenth line "WY" should have read "WV".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–14018, appearing at page 26179 in the issue of Monday, May 11, 1981, make the following change:

On page 26181, third column, the seventh line of the paragraph beginning, "MC 99622 (Sub-2)" should read, "between points in ME, MA, CT, NH, RI,".

BILLING CODE 1505–01–M

[Volume No. OP1–193]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: July 1, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Parker, Chandler and Fortier.

Note.—Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Agatha L. Mergenovich,

Secretary.

MC–F–14654, filed June 23, 1981. WEYERHAEUSER COMPANY (Weyerhaeuser) (Tacoma, WA 98477)—Continuance in control—GREEN ARROW MOTOR EXPRESS COMPANY (Green Arrow) (c/o Weyerhaeuser Company, Tacoma, WA 98477). Representative: William H. Borghesani, Jr., 1150 17th St., N.W. Suite 1000, Washington, DC 20036. Weyerhaeuser seeks to continue in control of Green Arrow upon the institution by Green Arrow of operations, in interstate or foreign commerce, as a motor contract carrier. Weyerhaeuser, a publicly-owned corporation, seeks authority to acquire control of said rights through the transaction. Weyerhaeuser controls The Columbia and Cowlitz Railway Company, The Curtis, Milburn and Eastern Railroad Company, The DeQueen and Eastern Railroad Company, The Golden Triangle Railroad, The Mississippi and Skuna Valley Railroad Company, The Oregon, California and Eastern Railroad Company, and The Texas, Oklahoma and Eastern Railroad Company. Condition: Weyerhaeuser, a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Weyerhaeuser need only file such special reports as the Commission may from time to time require. Weyerhaeuser is not made subject to the accounting requirements of 49 U.S.C. 11142.

Note.—Green arrow has filed as a directly related application its initial contract carrier application. This application, docketed No. MC–156751 is published in this same **Federal Register** issue. (Hearing site: Washington, DC)

[FR Doc. 81–20018 Filed 7–7–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the

compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

Vol. No. OPY–5–83

Decided: June 26, 1981.

MC 98658 (Sub-9), filed May 8, 1981, previously noticed in **Federal Register** issue of May 29, 1981. Applicant: DONALD L. KERBS d.b.a. C & R TRUCK LINE, 400 North Seventh St., Salina, KS 67401. Representative: Donald L. Kerbs (same address as applicant) (913) 825–1345. Transporting *general commodities* (except classes A and B explosives), serving Delavan, KS, and points in Washington, Marshall, Clay, Riley, Geary, Dickinson, Saline, Ottawa, Cloud, Lincoln and Russell Counties, KS, as off route points in connection with applicant's regular route operations.

Note.—This republication changes the territorial description.

MC 119619 (Sub-151), filed May 18, 1981. Published initially in the **Federal Register** on June 2, 1981. Applicant: DISTRIBUTORS SERVICE CO., INC., 2000 West 43rd St. Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Tower, 95—25 Queens Blvd., Rego Park, NY 11374, 212–275–1000. Transporting *Food and related products*, between points in Greensville County, VA on the one hand, and, on the other, points in the U.S.

Note.—This application is republished to change the base point from Sussex County, VA to Greensville County, VA.

MC 120088 (Sub-41), filed June 16, 1981. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Rd., Salt Lake City, UT 84104. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110 (801) 531–1777. Transporting *general commodities*, between points in AZ, CA, CO, ID, KS, LA, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in time to a period expiring 5 years from the date of issuance of the certificate.

MC 126679 (Sub-30), filed June 11, 1981. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349, 404–996–6286. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 135819 (Sub-6), filed June 12, 1981. Applicant: WILLIAM H. PHILLIPS AND WILLIAM L. PHILLIPS, d.b.a. PHILLIPS & PHILLIPS TRUCKING COMPANY, Box 1304, Storm Lake, IA 50588. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397–7033. Transporting *food and related products*, between Chicago, IL, points in Saline, Dakota, Douglas, Madison and Dodge Counties, NE, Minnehaha County, SD, Finney, Seward and Jewell Counties, KS, Potter and Randall Counties, TX, Saline County, MO, Warren County, IL, Nobles and Cottonwood Counties, MN, and points in IA, on the one hand, and, on the other, points in the U.S.

MC 141318 (Sub-9), filed June 17, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 129 N. Main St., Box 309, Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *machinery* and *transportation equipment*, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 141889 (Sub-14), filed June 11, 1981. Applicant: RONALD DeBOER d.b.a. RON DeBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting (1) *metal products* and (2) *clay, concrete, glass, and stone products*, between points in Riverside County, CA, and Portage and Wood Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 146689 (Sub-11), filed June 16, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St. Harrisburg, PA 17101, (717) 236–9318. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with the The Mennen Company, of Morristown, NJ.

MC 146689 (Sub-12), filed June 16, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19646. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hooker Chemicals and Plastics Corp., PVC Division, of Pottstown, PA.

MC 146719 (Sub-7), filed June 16, 1981. Applicant: MATERIAL DELIVERY SERVICE, INC., County Road 26, P.O. Drawer F, Alabaster, AL 35007. Representative: Edward J. Kiley, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in AL, on the one hand, and on other, points in the U.S.

MC 147169 (Sub-4), filed June 16, 1981. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–6100. Transporting (1) *metal products*, (2) *Rubber and plastic products*, (3) *textile mill products* (4) *chemicals and related products*, and (5) *pulp, paper and related products*, between those points in the U.S., in and east of MN, IA, MO, OK, and TX.

MC 147229 (Sub-4), filed June 11, 1981. Applicant: GULF COAST DELIVERY, INC., P.O. Box 160048, Mobile, AL 36616. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, 205–262–2756. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Panama City, FL, and New Orleans, LA, from Panama City over U.S. Hwy 98 to its junction with Interstate Hwy 10 and U.S. Hwy 90, then over Interstate Hwy 10 and/or U.S. Hwy 90 to New Orleans, serving all intermediate points and the off route points of Valparaiso, Niceville, Crestview, Milton, and Cantonment, FL, and McIntosh, AL.

MC 147738 (Sub-3), filed June 11, 1981. Applicant: FALCON EXPRESS, INC., 8 Lawrence St., Belleville, NJ. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722, 201–780–0300. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Mueller Brass Company, of Port Huron, MI.

MC 147959 (Sub-4), filed June 8, 1981. Applicant: RON GARNER, Rt. 2, Box 405, Buckley, WA 98321. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 624–2832. Transporting (1) *metal products*, (2) *hides and furs*, (3) *used storage batteries*, and (4) *automobile parts*, between points in WA, OR, CA, ID, MT, WY, UT, NV, AZ, CO, NM, ND, and SD.

MC 148069 (Sub-1), filed June 16, 1981. Applicant: SUSQUEHANNA TRANSIT COMPANY, P.O. Box U, Avis, PA 17721. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107 (215) 735–3090. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Lycoming County, PA, and extending to points in the U.S.

MC 150339 (Sub-32), filed June 16, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (Same address as applicant) (301) 673–7151. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Mallet & Company, Inc., of Carnegie, PA.

MC 151529, filed June 11, 1981. Applicant: DANIEL W. GREGORY AND DAVID J. GREGORY, d.b.a. GREGORY TRUCKING, P.O. Box 859, Wise, PA 24293. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, D.C. 20036, 202–783–8131. Transporting *such commodities* as are used or dealt in by hardware stores, between Chicago, IL, on the one hand, and, on the other, Atlanta, GA.

MC 152238 (Sub-13), filed June 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436–2266. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Western Gypsum Co., of Rosario, NM.

MC 152398, filed June 16, 1981. Applicant: PAN ALASKA TRUCKING, INC., 300 Gull Ave., Anchorage, AK 99501. Representative: Marvin Handler, 100 Pine St. Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *general commodities* (except classes A and B explosives), between points in AK. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5 Room 6370.

MC 153328 (Sub-8), filed June 16, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701, (314) 335–6636. Transporting *general commodities* (except classes A and B explosives), between points in Cape Girardeau County, MO, on the one hand, and, on the other, points in the U.S.

MC 154438 filed June 11, 1981. Applicant: J. T. TAYLOR, d.b.a. TAYLOR TRUCK LINE, 1501 Lomaland (Unit 271), EL Paso, TX 77935. Representative: J. T. Taylor (same address as applicant.) 915–591–9056. Transporting (1) *food and related products* and (2) *building materials*, between points in El Paso County, TX, on the one hand, and, on the other, Kansas City, MO, and points in CA.

MC 156488, filed June 12, 1981. Applicant: CONTRANS, INC., 6716 Berger, Kansas City, KS 66111. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 6901 State Line, Kansas City, MO 64114 (816) 444–7474. Transporting (1) *plastic and rubber products*, between points in Tulsa County, OK, and Wyandotte and Johnson Counties, KS, on the one hand, and, on the other points in the U.S., and (2) *metal products* and (3) *petroleum, natural gas and their products*, between Kansas City, MO, on the one hand, and, on the other, points in the U.S.

MC 156489, filed June 12, 1981. Applicant: CARWIN CORP., 25 Winslow St., Riverside, RI 02915. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852 (401) 885–0474. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Penn Packing, of Philadelphia, PA.

MC 156549, filed June 16, 1981. Applicant: B & S TRANSPORT, INC., P.O. Box 2678, North Canton, OH 44721. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting (1) *metal products*, and (2) *machinery*, between points in OH, on the one hand, and, on the other, points in KY, IL, IN, MI, PA, and WV.

MC 156558, filed June 16, 1981. Applicant: ALLRITE TRUCK LINES, INC., 20 West 454 Stewert Drive, Downers Grove, IL 60616. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, OK, and TX.

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Decided: June 29, 1981.

MC 5888 (Sub-62), filed June 16, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth St., Kansas City, MO 64105. Representative: Tom Zaun (same address as applicant) 616–842–1355. Transporting (1) *clay, concrete, glass or stone products*, and (2) *chemicals and related products*, between Cleveland, OH, on the one hand, and, on the other, points in CT, IL, IA, IN, NY, PA, TN, VA, and WV.

MC 18088 (Sub-72), filed June 12, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, Suite 406, 918—16th St., NW., Washington, DC 20006, 202–833–1170. Transporting *general commodities* (except classes A and B explosives), between points in SL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 48528 (Sub-2), filed June 12, 1981. Applicant: CRAIG'S EXPRESS, INC., P.O. Box 112, Falmouth, KY 41040. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602, 502–223–8244. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Antioch Mills, KY, and Lexington, KY, over U.S. Hwy 27, and (2) between Cincinnati, OH, and Lexington, KY, over Interstate Hwy 75, serving all intermediate points on routes (1) and (2), and serving all points in Grant, Scott, Fayette, Bourbon, Harrison, and Bracken Counties, KY, as off-route points in connection with carrier's existing regular-route authority.

Note.—Applicant intends to tack this authority with its existing regular-route authority in order to perform direct service.

MC 99328 (Sub-2), filed June 16, 1981. Applicant: BAILEY'S EXPRESS, INC., 61 Industrial Park Rd., Middletown, CT 06457. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, 212–941–9291. Transporting *general commodities* (except classes A and B explosives) between points in CT, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, ND, SD, WI, OK, and TX.

MC 119908 (Sub-52), filed June 16, 1981. Applicant: WESTERN LINES, INC., 3523 N. McCarty, Houston, TX 77001. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general*

commodities (except classes A and B explosives), (a) between points in AR, LA, MS, OK, and TX, and (b) between points in AR, LA, MS, OK, and TX, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, KS, MO, NM, NV, NC, SC, TN, and UT.

MC 125708 (Sub-216), filed June 12, 1981. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 210 East State, Kokomo, IN 46901. Representative: Arnold Goebel, 109 Velma, South Roxana, IL 62087 (618) 254–7627. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 142619 (Sub-5), filed June 16, 1981. Applicant: DASH TRANSPORTATION, INC., P.O. Box 221, Bloomingdale, IL 60108. Representative: Edward J. Kiley, 1730 M St., Suite 501, Washington, DC 20036 (202) 296–2900. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Sovereign Metal Corporation, of Addison, IL.

MC 143398 (Sub-3), filed June 10, 1981. Applicant: C. C. ROBERTS CONCRETE CONSTRUCTION CO., INC., 3725 Gibbon Rd., Charlotte, NC 28213. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919) 828–0731. Transporting (1) *ores and minerals* between points in Durham and Mecklenburg Counties, NC, on the one hand, and, on the other, points in AL, GA, SC, and TN, (2) *petroleum, natural gas and their products* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in York and Lancaster Counties, SC, (3) *chemicals and related products* between points in New Hanover County, NC, on the one hand, and, on the other, points in SC, and (4) *clay, concrete, glass or stone products* between points in FL, on the one hand, and, on the other, points in New Hanover County, NC.

MC 143739 (Sub-54), filed June 16, 1981. Applicant: SHURSON TRUCKING CO. INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (Same address as applicant) (507) 465–3235. Transporting *such commodities* as are dealt in or used by distributors and dealers of petroleum, between Chicago, IL, Kansas City and St. Louis, MO, Tulsa, OK, and points in Hennepin County, MN, Polk and Cerro Gordo Counties, IA, Lake County, IN, Summit County, OH, and Jefferson County, TX, on the one hand, and, on the other, points in Freeborn and Mower Counties, MN and Worth and Winnebago Counties, IA.

MC 144219 (Sub-10), June 16, 1981. Applicant: B.I.T., INC., P.O. Box 988, Reedley, CA 93654. Representative: Greg P. Stefflre, 261 South Figueroa St., Los Angeles, CA 90012 (213) 485–1081. Transporting *machinery*, between points in IA, NE, OH, and CA, on the one hand, and, on the other, points in the U.S.

MC 148129, filed June 11, 1981. Applicant: CODERE TRUCKING COMPANY, INC., 445 Front St., Lake Linden, MI 49945. Representative: Leroy W. Codere, 315 Calumet St., Lake Linden, MI 49945 (906) 296–0381. Transporting *lumber and wood products*, between points in Houghton and Keweenaw Counties, MI, on the one hand, and, on the other, Chicago, IL, points in Leflore County, MS, Erie County, OH, Jefferson County, KY, and points in MI, MN, and WI.

MC 150339 (Sub-34), filed June 22, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MO 21655. Representative: Stephen J. Hammer (same address as applicant) (301) 673–7151. Transporting *metal products* between points in the U.S., under continuing contract(s) with American Seamless Tubing Company, Inc., of Baltimore, MD.

MC 150409 (Sub-3), filed June 12, 1981. Applicant: MITCH-MOR TRUCKING, INC., Rt. 1, Becker, MN 55308. Representative: Stephen P. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *machinery*, between Minneapolis, MN, and points in Madison County, AL, on the one hand, and , on the other, points in the U.S.

MC 152236 (Sub-11), filed June 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant) (916) 436–2266. Transporting *such commodities* as are dealt in or used by manufacturers of metal products and plastic products, between points in the U.S., under continuing contract(s) with Anaheim Foundry, Inc., of Anaheim, CA, and its affiliate Spartan Plastics, Inc., of Tustin, CA.

MC 152238 (Sub-12), filed June 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant) (916) 436–2266. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic articles, between points in the U.S., under continuing contract(s) with Carlon Division, Indian Head Corp., of Cleveland, OH.

MC 156518 filed June 12, 1981. Applicant: VIP TRANSFER CO., INC., One Westways Plaza, Long Island City, NY 11101. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, 212–941–9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

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[Volume No. 115]

Motor Carriers; Permanent Authority Decisions, Restriction Removals, Decision-Notice

Decided: July 1, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 1838 (Sub-14)X, filed June 23, 1981. Applicant: S & K TRANS INC., 1355 Bloomingdale, P.O. Box 208, Akron, NY 14001. Representative: David M. Marshall, Suite 304, 101 State Street, Springfield, MA 01103. Applicant seeks to remove restrictions in its lead and Sub-No. 11F permits to (1) broaden the commodity description to "such commodities as are dealt in by manufacturers and distributors of building materials", from (a) building materials, gypsum and gypsum products (except liquid commodities, in bulk, in tank vehicles, except fly ash, in bulk, in tank vehicles, and lumber) pallets, pulpboard, and scrap paper, and materials and supplies used in the manufacture and distribution of pulpboard, in the lead, and (b) building materials (except in bulk, in tank vehicles, and iron and steel articles requiring the use of special equipment) and particleboard, in Sub-No. 11F; (2) eliminate the restriction prohibiting the transportation of specified commodities from or to named points, in the lead, and (3) broaden the territorial description to between points in the US, under continuing contract(s) with named shippers.

MC 29821 (Sub-9)X, filed March 11, 1981, previously noticed in the Federal Register of March 25, 1981, republished as follows: Applicant: NEWBURG AUTO FREIGHT, INC., 408 W. First Street, Newburg, OR 97132. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions from its lead and Sub-Nos. 3, 5, and 7 certificates. This Board previously broadened these certificates to include, in the lead, "general commodities, except Classes A and B explosives", to allow service at all intermediate points on its specified regular-routes; to broaden specific commodity groups, to replace facilities with counties, and to expand its one-way authority to radial authority in its irregular-route authorities. Applicant also sought to remove a restriction against service to Salem, OR, which appears in its lead certificate. Through an inadvertent error, the sought removal of the above excepted point in Marion County, OH was not noticed and therefore the Restriction Removal Board has decided to renotice this application with respect to the proposed removal of the restriction, "except Salem, OR". Notice is hereby given that pursuant to 49 CFR 1137.24(a), applicant seeks to remove the exception of Salem, OR from its authority to serve points in Marion County, OR.

MC 29904 (Sub-5)X, filed June 29, 1981. Applicant: SUDDATH VAN LINES, INC., P.O. Box 60069, Jacksonville, FL 32205. Representative: Robert J. Gallagher, 100 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures".

MC 44605 (Sub-58)X, filed June 5, 1981. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Harry J. Jordan, John D. Quinn, Suite 502, Solar Building, 1000 16th Street, NW., Washington, DC 20036. The application seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 10, 11, 13, 18, 22, 25, 26, 28, 29, 32, 34, 35, 36, 37, 39, 40, 41, 47, 48F, 50F, 55F, and 56F certificates to broaden the commodity description (a) in the lead, with exceptions, and all of the authorities, from general commodities with exceptions to "general commodities (except classes A and B explosives)" and, (b) in the lead and Sub-Nos. 15, 26, and 38 from general commodities without excepting explosives but including other usual exceptions to "general commodities"; (b)(1) from hardware, fencing and roofing materials to "hardware, metal products, lumber and wood products and building materials," from poultry feed and poultry supplies to "food and related products," from pipe, plumbing and heating supplies and equipment, and plumbing supplies and equipment to "building materials," from dressed poultry to "food and related products," from livestock to "farm products," from machinery, materials, supplies and equipment, incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum to "machinery," from compressed gases, in bulk, in government-owned tank trailers to "petroleum, natural gas and their products," from agricultural commodities, dairy products, and poultry to "farm products, food and related products," from wool, mohair, lumber and ore to "textile mill products, farm products, lumber and wood products, and ores and minerals," from wool and mohair to "textile mill products and farm products," from "sawmill and mining machinery, supplies and equipment" to "machinery," in the lead docket; (2) from livestock to "farm products" in Sub-No. 13; (3) from prepared animal or poultry feed and grain to "farm products, and food and related products," from wool, livestock, livestock feeds, oilfield equipment and supplies, and machinery to "textile mill products, farm products and machinery," from livestock to "farm products" in Sub-No. 22; and (4) from grain, seed, livestock feed, and livestock to "farm products, and food and related products" in Sub-No. 25; (c) broaden the authority by replacing one-way with radial authority in the lead and Sub-No. 13; (d) broaden the authority to permit service at all intermediate points in the lead and Sub-Nos. 8, 10, 11, 13, 22, 28, 27, 29, 38, 50F, and 51F; (e) broaden points, including off-route points, within a county to county wide authority: (1) remove the restriction "except Boulder City, NV, and the Nellis Air Force Base, NV, change Alton, UT, to Kane County, UT, change Riverside, CA, to Riverside and San Bernardino Counties, CA, change Virgin, UT, and points within 5 miles thereof to Washington County, UT change Santa Monica, El Segundo, Wilmington, Long Beach, San Pedro and Pasadena, CA, to Los Angeles County, CA, change Santa Clara, UT, and those of Utah Highway 21 between Beaver and Minersville, UT, including Minersville to Washington and Beaver Counties, UT, change Las Vegas, NV, to Clark County, NV, change Davis Dam Site, NV, to Clark County, NV, change points in Utah within 10 miles of four specified regular routes to Washington, Kane, Garfield, Piute, Iron, Sevier, and Beaver Counties, UT, change points in Mohave and Coconino Counties, AZ, north of the Colorado River, and those in part of Clark County, NV, to Mohave and Coconino Counties, AZ, and Clark County, NV, change points in that part of Kane County, UT, on and west of U.S. Highway 89 . . . and those in that part of Lincoln County, NV, on and east of U.S. Highway 93 (except Pioche, Panaca, and Caliente, NV) to Kane County, UT, and Lincoln County, NV, eliminate the restrictions at railheads in the described Utah territory, change Wilmington, Long Beach, and San Pedro, CA, to Los Angeles County, CA, in the lead; (2) eliminate the restriction preventing service at Davis Dam Site, NV, in Sub-7; (3) change Glen Canyon Dam Site in Arizona and points 10 miles thereof to Kane County, UT, and Coconino County, AZ, in Sub-8 (4) change points within 5 miles of Hurricane, UT, to Washington County, UT, in Sub-11, (5) change Ajo, Fort Huachuca and Higley, AZ, to Pima, Chochise, and Maricopa Counties, AZ, and change Thermal and Alberhill, CA, to Riverside County, CA, in Sub-13; (6) remove the limitation on service at "missile sites" in named counties in Sub-No. 15; (7) change the off-route point of site of the Pacific Northwest Pipeline Compressor Station No. 23 to Sublette County, WY, change the off-route points of Elkol, WY, and the Hams Fork Reservoir, WY, to Lincoln County, WY, change Hailstone, UT, to Wasatch and Summit Counties, UT, change Frontier, WY, to Lincoln County, WY, change Fontenelle, Calpet, Halfway, Merna, and Cora, WY, to Lincoln and Sublette Counties, WY, change Mountain View and Robertson, WY, to

Uinta and Sweetwater Counties, WY, change Wilson, Bondurant, Daniel, Cora, Herna, and Jenny Lake, WY, to Teton and Subiette Counties, WY; remove restrictions to service at railheads in Unitah County, WY, and at points located on U.S. Highway 30–S; change Fort Bridger and Urie, WY, and railheads at Carter, WY, to Unitah County, WY, in Sub-No. 22; (8) change the off route point of Cherokee Mine of the San Francisco Chemical Company, located approximately eight miles northwest of Randolph, UT to Rich County, UT, in Sub-No. 23; (9) change the off route point of the Lost Creek Dam, located approximately 12 miles north of Croydon, UT to Morgan County, UT, in Sub-No. 25; (10) change Teton National Park Headquarters, Moose, Wilson, and Jenny Lake to Teton County, WY, in Sub-No. 26; (11) change Apex and Blue Diamond, NV, to Clark County, NV, in Sub-No. 32; change Monroe, Austin, Glenwood, Venice, and Sigurd, UT, to Sevier County, UT, and Spring City and Fountain Green, UT, to Sanpete County, UT, in Sub-No. 36; (12) change the off route point of the Jim Bridger Project located approximately 6 miles north of Point of Rocks, WY to Sweetwater County, WY, in Sub-No 37; (13) change Luke Air Force Base, AZ, to Maricopa County, AZ, in Sub-No. 40; (14) change Alchem, WY, to Sweetwater County, WY, in Sub-No. 48F; and (15) change Fort Collins and Loveland, CO, to Larimer County, CO, Greely, CO, to Weld County, CO, and Longmont and Boulder, CO, to Boulder County, CO, in Sub-No. 56F.

MC 46007 (Sub-8)X, filed June 16, 1981. Applicant: J. W. BROWNETT, INCORPORATED, 70 Canal Street, Jersey City, NJ 07302. Representative: Morton E. Eil, Suite 1632, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in the lead and Sub-Nos. 3 and 6F permits to (1) broaden the commodity descriptions from petroleum and petroleum products to "petroleum, natural gas and their products" in lead and Sub-No. 6; from empty containers to "pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, and lumber and wood products" in lead; from empty petroleum product containers to "containers" in lead; from refinery equipment to "such commodities as are used in the construction and operation of a refinery and machinery" in lead; from roofing materials to "building and construction materials" in lead; from prepared or composition roofing to "pulp, paper and related products and rubber and plastic products" in lead; from anti-freeze preparations to "chemicals and related products" in lead; from fish oil, animal fat and vegetable oils to "food and related products" in Sub-Nos. 3 and 6; from alkyd resins to "chemicals and related products" and from liquid gums to "forest products, food and related products, and chemicals and related products" in Sub-No. 3; (2) broaden territorial description to between points in the U.S. under contract(s) in the lead and Sub-No. 3 permits; (3) remove the in bulk, in tank vehicles restriction in Sub-No. 3 and (4) in Sub-No. 3 change the restriction requiring contract with persons engaged in the production of specified commodities to those engaged in the production of food and related products, chemicals and related products, and forest products.

MC 60603 (Sub-4)X, filed June 16, 1981. Applicant: THE A. WIRTZ TRANSFER COMPANY, 3660 Dixie Highway, Hamilton, OH 43215. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to remove exceptions to general commodities (except classes A and B explosives) between named OH counties and the U.S.

MC 66124 (Sub-13)X, filed June 26, 1981. Applicant: PACIFIC NORTHWEST MOTOR FREIGHT LINES, INC., 600 South Edmunds, Seattle, WA 98108. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Applicant seeks to remove restrictions in its Sub-No. 12F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", and (2) to remove the restriction to traffic having a prior or subsequent movement by water.

MC 80282 (Sub-6)X, filed June 16, 1981. Applicant: SOUTH ATLANTIC BONDED WAREHOUSE CORPORATION, 2020 East Market Street, Greensboro, NC 27402. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F and 5F certificates to: (1) broaden commodity description in the lead from (a) general commodties, with exceptions to "general commodities (except Classes A and B explosives)," and groceries and packing house products to "such commodities as are dealt in by retail, wholesale, or chain grocery stores or food business houses"; in Sub-Nos. 2F and 5F appliances, carpet, carpet cushioning, heating units, air conditioning units and kitchen cabinets to "machinery, textile mill products, rubber and plastic articles, metal products and furniture and fixtures"; (2) in the lead parts (a) and (b) substitute county wide authority for named points: Guilford County, NC for Greensboro, NC, Alamance, Allegheny, Anson, Alexander, Ashe, Bladen, Burke, Cabarrus, Caldwell, Catawba, Caswell, Chatham, Cleveland, Davie, Davidson, Durham, Edgecomb, Forsyth, Franklin, Gaston, Granville, Guilford, Halifax, Hartnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Moore, Montgomery, Nash, Orange, Person, Randolph, Robeson, Rockingham, Richmond, Rowan, Sampson, Stanley, Stokes, Scotland, Surry, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, Wilson, and Yadkin Counties, NC for points within 100 miles of Greensboro, NC and Carroll, Campbell, Floyd, Franklin, Halifax, Henry, Patrick, and Pittsylvania Counties, VA for points in VA within 60 miles of Greensboro; and (3) replace one way authority in the lead and Sub-No. 2F with radial authority.

MC 102885 (Sub-9)X, filed June 16, 1981. Applicant: LEONARD MAKOWSKI, d.b.a. MAKOWSKI HAULING, P.O. Box 147, Conchester Highway, Concordville, PA 19331. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4 and 6 certificates to (1) broaden the commodity description from road building materials, in dump trucks, road building materials, aluminum dross in bulk and coke, in dump vehicles, to "commodities in bulk"; (2) replace Bridgeport, Norristown, and Upper Merion Township, PA with Montgomery County, PA (lead); Perth Amboy, NJ with Middlesex County, NJ and Chester, PA with Delaware County, PA (Sub-No. 4); and Delaware City, DE with New Castle County, DE and Manahawkin, NJ with Ocean County, NJ (Sub-No. 6); (3) remove facilities limitations at Perth Amboy, NJ and Chester, PA (Sub-No. 4); and (4) replace existing one-way authority with radial authority (Sub-Nos. 4 and 6).

MC 110567 (Sub-25)X, filed June 19, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 8, 11, 13, 14, 15, 16, 20 and 21 certificates to (1) broaden the commodity descriptions to "commodities in bulk" from dry lime, pulverized limestone and limestone products, in Sub-No. 5; limestone and limestone products, in bulk, in Sub-No. 6; liquid fertilizer and liquid fertilizer

materials, in bulk, in Sub-No. 8; anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor, in Sub-No. 11; sand, in bulk, in tank or hopper type vehicles, in Sub-No. 13; cement, in Sub-No. 14; ink oil, in bulk, in tank vehicle, in Sub-No. 15; meats, meat products and meat by-products and oils distributed by meat packinghouses as described in the report in the Descriptions Case in bulk, and flour, in bulk, in Sub-No. 16; bauxite alumina, in bulk, in Sub-No. 20 and petroleum products, in bulk, in Sub-No. 21; and to "petroleum, natural gas and their products and containers" from specified petroleum products, crude petroleum, and empty containers on return, in the lead, (2) replace one-way authority with radial authority and (3) broaden the territorial authority by substituting county-wide authority for city-wide authority and facilities as follows: Garvin County, OK (for Wynnewood, OK) and Stephens County, OK (for Beckett, OK), in the lead; Sequoyah County, OK (for Marble City and Sallisaw, OK), in Sub-No. 5; Sequoyah County (for Marble City and Sallisaw, OK), in Sub-No. 6; Rogers County, OK (for facilities at Verdigris, OK), in Sub-No. 8; Woodward County, OK (for facilities at Woodward, OK), in Sub-No. 11; Crawford County, AR (for Van Buren, AR), in Sub-No. 13; Tulsa, Osage and Rogers Counties, OK (for Tulsa, OK), in Sub-No. 14F; Bexar County, TX (for San Antonio, TX), in Sub-No. 15F; Ford County, KS (Dodge City, KS) and Sedgwick County, KS (for Wichita, KS), in Sub-No. 16F; Sebastian County, AR (for Fort Smith, AR), in Sub-No. 20F, Union County, AR (for Smackover, AR) and Baca, Chaffee and El Paso Counties, CO (for Midway, CO), in Sub-No. 21.

MC 118063 (Sub-170)X, filed June 29, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Texas 76101. Representative: W. H. Cole (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 95 certificate and E–6 letter notice to (1) broaden the commodity descriptions from (a) sugar, molasses, dried beet pulp and dried beet pulp with molasses in Sub-No. 95 and (b) animal fats and vegetable oils in Sub-No. E 6, to "food and related products"; (2) replace the plant site restriction, at or near Chandler and Phoenix, AZ, in Sub-No. 95 with county-wide authority in Maricopa County, AZ; (3) eliminate the in bulk and equipment restrictions in both subs; and (4) change one-way authority to radial authority between Maricopa County, AZ, and, CA, CO, NM, NV, TX, and UT in Sub-No. 95, and between CO, and, seven southern states in E-6 letter notice.

MC 119936 (Sub-3)X, filed June 16, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION CO., 4350 West 123rd Street, Alsip, IL 60658. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates to (1) remove all restrictions in it general commodities authority "except classes A and B explosives," in the lead certificate; and broaden its other commodity descriptions to "food and related products" from fresh fruits in the lead certificate; and to "metal products" from iron and steel articles in Sub-No. 1; (2) change one-way service to radial service in Sub-No. 1; and (3) substitute county-wide authority for the named points, in the lead certificate: Berrien County, MI (Derby, MI), and Portage County, WI (Stevens Point, WI).

MC 120021 (Sub-5)X, filed June 23, 1981. Applicant: THE COTTER MOVING & STORAGE COMPANY, 285 West Bowery Street, Akron, OH 44308. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions from its Sub-No. 4F certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods, furniture and fixtures."

MC 120999 (Sub-8)X, filed June 24, 1981. Applicant: CALIFORNIA AND WESTERN STATES AMMONIA TRANSPORT, INC., d.b.a. CALIFORNIA AMMONIA TRANSPORT, INC., 415 Lemon Avenue, Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4F, and 6F certificates to: (1) broaden the commodity descriptions from (a) liquified petroleum gas to "petroleum, natural gas and their product," in parts (1), (2), (4), and (5) of Sub-No. 2; (b) liquified petroleum gas to "commodities in bulk," in part (3) of Sub-No. 2; (c) natural and casinghead gasoline and liquified petroleum gases to "petroleum, natural gas and their products," in part (6) of Sub-No. 2; (d) anhydrous ammonia, aqua ammonia, liquid fertilizer, liquid fertilizer solutions, and calcium chloride to "chemicals and related products," in parts (7), (8), (9), (10), and (11) of Sub-No. 2 and in Sub-No. 6F; and (e) liquid fertilizers to "commodities in bulk," in Sub-No. 4F; (2) remove restrictions against the transportation of commodities in bulk or in tank trucks or truckloads as well as minimum gallons restrictions in pertinent portions of Sub-Nos. 2 and 6F; (3) remove all intermediate points restrictions on the regular route authority in Sub-No. 2; (4) remove regular route restrictions limiting service to delivery only in Sub-No. 2; (5) remove foreign commerce restrictions and eliminate reference to specific ports of entry between the United States and the Republic of Mexico to allow service at ports of entry in CA, in Sub-No. 2; (6) broaden all off-route authorizations on its regular route authority in Sub-No. 2 to county-wide authority as follows: (a) in part (1) from points within 10 miles of specified highways to Mohave, Yavapai, Coconino, and Maricopa Counties, AZ; and (b) in part (2) from points within 5, 15, and 50 miles of specified routes in NV and AZ to points in Esmeralda, Mineral, Nye, and Clark Counties, NV, and Mohave, Yavapai, Yuma, Gila, Maricopa, Pinal, Pima, Graham, Cochise, and Santa Cruz Counties, AZ; (7) replace points within specified mileage radii and named cities on irregular route authority in Sub-No. 2 with county-wide authority as follows: (a) from Hobbs, NM, and points in NM and TX within 25 miles thereof to points in Lea County, NM, and points in Andrews, Gaines, and Yoakum Counties, TX, (b) from Farmington, NM, and points in NM within 60 miles of Farmington to San Juan, Rio Arriba, McKinley, and Sandoval Counties, NM, and (c) from Pittsburgh, Pinole, Brea, and El Centro, CA, to points in Contra Costa, Los Angeles, Imperial, and Orange Counties, CA; and (8) expand its one-way irregular route authority to radial authority between points in CA, AZ, and NM in the above sub-numbers.

MC 121699 (Sub-15)X, filed June 10, 1981. Applicant: VOLUNTEER EXPRESS, INC., 1325 Elm Hill Pike, Nashville, TN. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Applicant seeks to remove restrictions from its Sub-Nos. 5, 7, 8, 11, 12 and 13 certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to general commodities (except Classes A and B explosives) in Sub-Nos. 5, 7, 8, 11, and 12, (b) from boxes, crates, wood, wood and wire combined and material, equipment and supplies to "pulp, paper and related products and metal products and related materials, equipment and supplies" in part (B)(1) of Sub-No. 8; from wheels, hubs, tires, brakes, brake parts, spindles, chemicals, paint and equipment, materials and supplies to "transportation equipment and chemicals and related products and

related materials, equipment and supplies" in part (B)(2) of Sub-No. 8; from plastic and plastic products and materials, equipment and supplies in part (B)(3) of Sub-No. 8; to "rubber and plastic products and related materials, equipment and supplies" and from paperback books, and materials, equipment and supplies to "printed matter and related materials, equipment and supplies" in Sub-No. 13; (2) remove the "originating at and destined to" named points restriction in Sub-No. 12 to allow radial service between named facilities, and, points in the U.S.; (3) allow service to all intermediate points in connection with carriers regular-route between (a) Memphis and Bruceton, TN in Sub-No. 5, and (b) Nashville, TN and the Weakley County, TN line; Memphis, TN and the Obion County, TN line; Jackson, TN and the Obion County, TN line in Sub-No. 8; (4) in regular route portion of in Sub-No. 8 remove the restriction (a) against tacking and (b) against traffic "originating at, destined to, or interlined at", Jackson, TN, and its commercial zone and, Nashville and Memphis, TN and their commercial zones in part (3b) of Sub-No. 8; (5) remove restriction to service to AK and HI in Sub-No. 13; (6) change city to county-wide authority (a) from Dresden, TN to Weakley County, TN in Sub-Nos. 8 part (B)(2) and 13, (b) from Martin, TN to Weakley County, TN, (c) from Des Moines, IA to Polk County, IA in Sub-No. 8 part (B)(2), (d) from Bryan, OH and Kenton, TN to Williams County, OH and Obion County, TN in Sub-No. 8 part (B)(3); (6) remove restriction to service to points in the Memphis, TN commercial zone which lie outside TN in Sub-No. 2.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10(b).

MC 124170 (Sub-173)X, filed June 18, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions from its Sub-Nos. 126F and 156F certificates to: (1) eliminate facilities restrictions in Sub-No. 126F; (2) remove the ex-water restriction in Sub-No. 126F; (3) broaden the commodity description from bananas in Sub-No. 156F and from bananas and agricultural commodities, otherwise exempt, in Sub-No. 126F to "food and related products", and (4) replace Port Hueneme, CA with county-wide authority to serve Ventura County, CA in Sub-No. 126F and Wilmington, CA with Los Angeles County, CA in Sub-No. 156F; and (5) substitute radial authority in place of one-way authority: Sub-No. 126F between Ventura County, CA and points in 16 states; and in Sub-No. 156F between Los Angeles County, CA, and, points in 24 states.

MC 124692 (Sub-372)X, filed June 18, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 179, 185 and 211F certificates as follows: (1) in Sub-No. 179, broaden the commodity description from contractor's equipment, tools, materials and supplies (except commodities in bulk) to "machinery and contractor's equipment, tools, materials and supplies," and replace the facility at Eagan with city wide (Minneapolis-St. Paul, MN) authority; (2) in Sub-No. 185 broaden the commodity description from tanks and smoke stacks, construction equipment, tools, materials, equipment and supplies to "machinery and contractor's equipment, tools, materials and supplies"; replace one way with radial authority; and; (3) in Sub-No. 211F broaden the commodity description from construction materials, equipment and supplies (except commodities in bulk) to "machinery, and construction materials, equipment and supplies", and replace the facility at Eagan, MN with city wide (Minneapolis-St. Paul, MN) authority.

MC 125820 (Sub-9)X, filed June 26, 1981. Applicant: ELK VALLEY FREIGHT LINES, INC., P.O. Box 40723, Nashville, TN 37204. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 1, 7, and 8 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all of the above Sub-Nos.; (2) authorize service to all intermediate points in Sub-Nos.; 1 and 8; (3) delete joinder only restriction at Nashville, TN, in Sub-No. 8; (4) remove restriction against the service at those points in the Memphis, TN, commercial zone which are located outside TN, in Sub-No. 8; and (5) delete the restriction limiting transportation to traffic originating at, destined to, or interchanged at points in the commercial zone of Nashville, TN, or points in the commercial zone of Huntsville, AL, in Sub-No. 8.

MC 128546 (Sub-1)X, filed June 22, 1981. Applicant: ABLE EXPRESS, INC., 57 Appletree Lane, Valparaiso, IN 46383. Representative: William R. Sawyer (same address as above). Applicant seeks to remove restrictions from its lead certificate to: (1) delete all exceptions (except Classes A and B explosives), from its general commodities authority; (2) broaden the commodity description from canned goods to "food and related products"; (3) replace its regular-route one-way authority with a two-way movement and authorize service at all intermediate points (a) between Chicago, IL and Iowa City, IA and (b) between DeKalb, IL and Cedar Rapids, IA.

MC 133820 (Sub-4)X, filed June 17, 1981. Applicant: CLYDE W. PLUNKARD, Route #2, Box 163, Boonsboro, MD 21713. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions from its Sub-No. 2 certificate to (1) change the commodity description from dairy products and new dairy product containers to "food and related products"; (2) remove restriction "in containers, in vehicles equipped with mechanical refrigeration"; (3) broaden Hagerstown to Washington County, MD; (4) delete "originating at and destined to" restrictions; and (5) authorize radial authority between Washington County, MD, and points in 7 States and DC.

MC 134153 (Sub-2)X, filed June 22, 1981. Applicant: D & D TRANSPORTATION CO., INC., 1059 Empire Ave., Camden, NJ 08103. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (A) broaden the commodity description from steel articles to "metal products", and (B) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 135819 (Sub-5)X, filed June 12, 1981. Applicant: PHILLIPS & PHILLIPS TRUCKING, Box 1304, Storm Lake, IA 50588. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 4 certificates to (1) broaden the commodity description in each to "food and related products" from meats, meat products, and articles distributed by meat packinghouses (except hides, and commodities in bulk); (2) remove restrictions limiting service to traffic originating at and destined to the named origins and destination States in both certificates; (3) replace one-way authority with radial authority; and (4) substitute county-wide authority in place of the named facilities at Storm Lake and Cherokee, IA, to authorize service in Buena Vista and Cherokee Counties, IA, in both certificates.

MC 136832 (Sub-9)X, filed June 10, 1981. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, ID 83328. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-No. 7F permit to (1) broaden the commodity descriptions to "pulp, paper and related products, and lumber and wood products and materials, equipment, and supplies used in their manufacture or distribution" from fibreboard boxes, pallets, and materials and supplies; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 139277 (Sub-5)X, filed June 22, 1981. Applicant: HALL TRUCKING, INC., 201 Livingston Street, Gridley, IL 61744. Representative: Patrick H. Smyth, 19 South LaSalle Street, Suite 401, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 2F permits to (1) broaden the commodity description from metal roofing and sidings, fabricated metal products, parts, attachments, and accessories thereof, and materials, supplies, and equipment for the commodities described above to "metal products and related materials, equipment, and supplies" in both permits; (2) in both permits, broaden its territorial scope to service between points in the U.S., under continuing contract(s) with named shippers; and (3) delete an in bulk restriction in Sub-No. 2.

MC 138420 (Sub-53)X, filed June 11, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions from its Sub-Nos. 2, 8, 11, 13, 14, 16, 18, 19, 20, 23, 25F, 28F, 29F, 30F, 31F, 36F, 37F, 40F, 42F, 44F, 47F, and 49 certificates and authority acquired in MC-F-13720F to (1) broaden the commodity description to "food and related products" from various commodities such as malt beverages in Sub-Nos. 8, 11, 14, 42, and 47; from malt beverages and carbonated beverages in Sub-No. 2; from such commodities as are dealt in or used by manufactures and distributors of beverages in Sub-No. 49; from malt beverages and related advertising, and premiums in Sub-No. 14; from malt beverages and malt beverage dispensing equipment in Sub-Nos. 18, 19, 23, 40; from canned vegetables and cranberry products in MC-F-13720F; from canned goods and prepared foodstuffs in Sub-No. 44, from canned goods in Sub-Nos. 20 and 28; from canned goods, prepared foodstuffs and artifical sweeteners in Sub-No. 25; from canned goods and prepared foodstuffs (except dairy products) in Sub-No. 13; from foodstuffs in Sub-No. 29; from malt beverages, empty containers, wooden pallets, corrugated cardboard separators, load locks and bracing devices in Sub-No. 30; from foodstuffs (except meat, meat by-products and articles distributed by meat packing houses) in part 1 and from canned goods and materials, equipment and supplies in part (3) of Sub-No. 31; from carbonated beverages, advertising materials and carbonated beverage dispensing equipment in Sub-No. 36; and from foodstuffs in Sub-No. 37; (2) remove the mixed loads restriction in Sub-No. 40; (3) remove the in bulk, in tank vehicle restriction in Sub-No. 37; (4) in Sub-No. 31 remove the restrictions (a) to commodities in bulk, (b) against named commodities from or to specified points; (5) remove the "originating at and destined to" named points restriction in Sub-Nos. 31, 25, 14, 13, 2 and MC-F-13720; (6) remove the restriction against the transportation of malt beverages from named plant to specified points in Sub-Nos. 2, and 8; (7) remove plantsite limitations: (a) in Sub-No. 2, (b) in Sub-No. 13 and replace Lomira, Cleveland, Antigo, Theresa and Clintonville, WI with Dodge, Manitowoc, Langlade and Waupaca Counties, WI, (b) in Sub-No. 16 and replace Manitowoc, WI and Plainview, MN with Manitowoc County, WI and Wabasha County, MN, (c) in Sub-No. 20 and replace Poynette, Waunakee, Sun Praire, DeForest, Cobb, and Merrill, WI with Columbia, Dane, Iowa, and Lincoln Counties, WI, (d) in Sub-No. 28 and replace Markesan, Cambria and Galesville, WI with Green Lake, Columbia and Trempealeau Counties, WI and (e) in Sub-No. 44 and replace Plainview, MN with Wabasha County, MN; (8) change city to county-wide authority: (a) from Sturgeon Bay, WI to Door County, WI and from Monroe, WI to Green County, WI in Sub-No. 2, (b) from Fond du Lac, Manitowoc, Sheboygan and Twin Lakes, WI to Fond du Lac, Manitowoc, Sheboygan, and Kenosha Couties, WI in Sub-No. 8, (c) from Monroe, WI to Green County, WI in Sub-No. 14, (d) from Montgomery, IL to Kane County, IL in Sub-No. 18, (e) from LaCrosse, WI to LaCrosse County, WI in Sub-No. 19, (f) from Brownsville, WI to Dodge County, WI in Sub-No. 25, (g) from Granite City, IL to Madison County, IL, (h) from Arlington and Ortonville, MN and Bloomer, WI to Sibley and Big Stone Counties, MN and Chippewa County, WI in Sub-No. 37, and, (i) from Plainview, MN and Manitowoc and Bloomer, WI to Wabasha County, MN and Manitowoc and Chippewa County, WI in MC-F-13720; (9) change one-way to radial authority between various combinations of points in all Subs and MC-F-13720 except Sub-Nos. 30, 31 and 49.

Mc 140820 (Sub-17)X, filed June 22, 1981. Applicant: A & R TRANSPORT, INC., 2998 N. Illinois 71, R.R. #3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub. Nos. 2, 3F, 6F, 7F, 11 and 12 certificates to (1) broaden the commodity description to "commodities in bulk" from (a) acids, in bulk, in tank vehicles, in Sub-No. 2, (b) fertilizers, in Sub-No. 3F, (c) acids, in Sub-No. 6F, (d) decalcium phosphates, in bulk, in Sub-No. 7F, (e) sand, in bulk, in Sub-No. 11 F, and (f) dry plastics and liquid chemicals (except propylene), in bulk, in Sub-No. 12 F; (2) replace the plantsite or city-wide authority with county-wide authority: (a) La Salle County, IL, for Marseilles, IL, in Sub-Nos. 2 and 7F, (b) La Salle, Cook Lake, Will and Grundy Counties, IL for Argo, Bedford Park, Calumet City, Forest View, La Salle, Lemont, Marseilles, Morris, and Ottawa, IL in Sub. No. 3F, (c) Bureau County, IL, for DePue, IL, in Sub-No. 6F, and (d) Cook and Grundy Counties, IL, for Lemont and Morris, IL, in Sub-No. 12F. (3) eliminate the "originating at and/or destined to" restriction, in Sub-Nos. 2, 3F and 12F; and (4) authorize radial authority to replace existing one-way service betweeen points in eastern States, in all certificates.

MC 144140 (Sub-58)X, filed June 8, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 7F, 9F, 15F, 21F, paragraphs 5, 6, and 8; 22F, 33F, 34F, 35F, 43F, 45F, 48F and 53F certificates to (1) broaden the commodity descriptions (a) to "food and related products" from foodstuffs in Sub-No. 1; frozen foods and commodities otherwise exempt from economic regulation when transported in mixed loads with frozen foods in Sub-No. 7; foodstuffs (except in bulk) in Sub-No. 15F; citrus products (except in bulk) in vehicles equipped with mechanical refrigeration, in Sub-No. 21F, paragraph 6; foodstuffs in Sub-No. 21F, paragraph 8; foodstuffs (except in bulk) in Sub-No. 22F; bananas and commodities the transportation of which is otherwise

exempt from economic regulation when transported in mixed loads with bananas in Sub-No. 34F; beverages, beverages preparations and citrus products and foodstuffs in mixed shipments with those commodities in Sub-No. 45F; foodstuffs (except in bulk) in Sub-No. 46F and foodstuffs in Sub-No. 53F; (b) to "rubber and plastic products" from carpet or rug cushioning or lining, sponge rubber or plastic in Sub-No. 2; (c) to "metal products and machinery" from heating and air conditioning units in Sub-No. 9; and (d) to "electrical equipment, machinery and supplies" from welding equipment, material and supplies, electric motors, and parts and accessories for welding equipment, material and supplies and electric motors in Sub-No. 21F, paragraph 5; (2) expand facilities and other origin points to the county origins of (a) St. Martin Parish, LA from Cade and Lozes, LA in Sub-No. 1; (b) Lowndes County, MS from Columbus, MS in Sub-No. 2; (c) Onondaga County, NY Syracuse, NY in Sub-No. 7F; (d) Davidson County, TN from Nashville, TN in Sub-No. 9F; (e) Rutherford County, TN from Murfreesboro, TN in Sub-No. 15F; (f) Forsyth County, NC from Winston-Salem, NC in Sub-No. 21F, paragraph 6; (g) St. Martin Parish, LA from Cade and Lozes, LA in Sub-No. 21F, paragraph 8; (h) Franklin, Adams and Cumberland Counties, PA from Chambersburg, Ortanna and Peach Glen, PA in Sub-No. 22F; (i) Hinds County, MS Jackson, MS in Sub-No. 33F; (j) Albany County, NY and New Castle County, DE from Albany, NY and Wilmington, DE in Sub-No. 34F; (k) Alcorn County, MS from Corinth, MS in Sub-No. 36F; (l) Erie and Niagara Counties, NY and Warren, Westmoreland, Venago and Bradford Counties, PA and Hancock and Pleasants County, WV and Dallas County, TX from Buffalo and North Tonawanda, NY and North Warren, New Kensington, Emlenton and Farmers Valley, PA and Congo and St. Marys, WV and Garland, TX in Sub-No. 43F; (m) Northumberland County, PA from Milton, PA in Sub-No. 48F; (n) Shelby County, TN from Memphis, TN in Sub-No. 53F; (3) broaden the territorial description from one-way to radial authority between (a) St. Martin Parish, LA and points in six States in Sub-No. 1; (b) Lowndes County, MS and points in 11 States and DC in Sub-No. 2 (c) Onondaga County, NY and points in 2 States in Sub-No. 7F, (d) Davidson County, TN and points in 2 States in Sub-No. 9F; (e) Rutherford County, TN and points in 3 States in Sub-No. 15F, (f) Cleveland OH and points in six States and points lying generally west of the Mississippi River in Sub-No. 21F, paragraph 5, (g) Forsyth County, NC and points in the U.S. in and east of MN, IA, MS, AR, and LA in Sub-No. 21F, paragraph 6, (h) St. Martin Parish, LA and points in six States in Sub-No. 21F, paragraph 8, (i) Franklin, Adams and Cumberland Counties, PA and points in 8 States in Sub-No. 22F, (j) Hinds County, MS and points in 3 States in Sub-No. 33F, (k) Baltimore, MD; Albany County and New York City, NY; Norfolk, VA and Philadelphia, PA and their commercial zones and New Castle County, DE and points in 9 States in Sub-No. 34F, (l) Erie and Niagara Counties, NY; Warren, Westmoreland, Venango and Bradford Counties, PA, Hancock and Pleasants Counties, WV and Dallas County, TX and points in 6 States and between LA and NJ, and points in FL in Sub-No. 43F, (m) FL, and points in 8 States in Sub-No. 45F, (n) Northumberland County, PA and points in 7 States in Sub-No. 48F; (4) remove the restriction limiting transportation to traffic originating at or destined to named facilities in Sub-No. 7, 15, 21F, par. 5; 21F, par. 6; 21F, par. 8; 22F, 33F and 36F; and (5) remove the restriction against the transportation of traffic to Baton Rouge and New Orleans, LA in Sub-No. 21F, par. 5.

MC 147851 (Sub-12)X, filed June 25, 1981. Applicant: KWESVA, INC., Route 10, Benson Valley, Frankfort, KY 40601. Representative: Herbert D. Liebman, 403 West Main St., Frankfort, KY 40601. Applicant seeks to remove restrictions in its Sub-No. 4F certficate to (1) broaden the commodity description from corrugated cartons and packaging materials and aluminum foil backed with paper to "p[illegible]p, paper and related products and metal products"; and, (2) broaden the territorial description from one-way and city-wide authority to radial and county-wide authority between Louisville, KY, and points in Elkhart County, IN (for Elkhart, IN) and Jackson County, IL (for Murphysboro, IL).

MC 148393 (Sub-5)X, filed June 22, 1981. Applicant: ABLE EXPRESS CO., INC., 2170 Buck Street, Cincinnati, Ohio 45214. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. Applicant seeks to remove restrictions from its Sub-No. 3F certificate to eliminate household goods as defined by the Commission, commodities in bulk, and those requiring special equipment from its general commodities authority and eliminate the restriction limiting service to the transportation of traffic moving on Bills of lading of Shippers Associations.

[FR Doc. 81-20094 Filed 7-7-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–134

The following applications were filed in region 2: send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 124333 (Sub-II–6TA), filed June 26, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 803 Washington Bldg., Washington, DC 20005. Contract, irregular: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in DE and PA, for 270 days. Supporting shipper(s): Apex Oil Co., 1622 S. Clinton St., Baltimore, MD 21224.

MC 136994 (Sub-II–1TA), filed June 29, 1981. Applicant: EDWIN BOOTH, JR., Box 275, Eagles Mere, PA 17731. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Coal*, from Sullivan County, PA to ME, NH, MA, CT, RI, OH, NJ, MD, DE, and VT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): FJ&F Coal Co., Inc., Box 57, Nanticoke, PA.

MC 5603 (Sub-II–1TA), filed June 23, 1981. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne-Yardley Rd., Langhorne, PA 19047. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Contract; irregular: *Plastic bottles, scrap plastic* and *supplies and equipment used in the recycling of plastic* (1) between Morton, PA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Recycling Research, Inc., and (2) between Langhorne, PA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Plastics Recycling Unlimited Corp. Supporting shipper(s): Recycling Research, Inc., 100 Woodland Ave., Morton, PA 19070 and Plastics Recyclying Unlimited Corp., 275 Langhorne-Yardley Rd., Langhorne, PA 19047.

MC 44494 (Sub-II–1TA), filed June 25, 1981. Applicant: COMMANDER HORSE TRANSPORT CO., INC., P.O. Box M, The Plains, VA 22171. Representative: George A. Horkan, Jr., Rt. 1, Box 34, Upperville, VA 22176. *Horses and training ponies (other than ordinary livestock), personal effects of attendants, supplies and equipment and paraphernalia incidental to the care, transportation and exhibition of such horses*, between pts. in DC, KY, VA, WV, MD, DE, NY, PA, NJ, NC, SC, OH, DC, NH, MA, RI, FL, CT, MI, IL, TN, GA, AL, MS, LA, AR, VT, IN, TX, OK, and MO, for 270 days. Applicant intends to tack. Supporting shipper: Trust, Newstead Farm, Box 184, Upperville, VA 22176.

MC 44302 (Sub-II–6TA), filed June 23, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507. Representative: Paul J. Kenworthy, (same address as applicant). *Carbonated Beverages, and materials and supplies used in the manufacture and distribution of such commodities*, between the facilities of Faygo Beverages, Inc. in Lackawanna County, PA, on the one hand, and, on the other, points in NY. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207.

MC 149541 (Sub-II–6TA), filed June 29, 1981. Applicant: LEBARNOLD, INC., 625 South Fifth Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Francis W. McInerny, 1000 Sixteenth Street, NW., Suite 502, Solar Bldg., Washington, DC 20036. *Contract: irregular: general commodities (except classes A and B explosives)* between pts, in the US, under continuing contract(s) with Armstrong World Industries, Inc., Lancaster, PA, and its subsidiaries, E & B Carpet Mills, Inc., Arlington, TX; Empire Carpet Corp., Teterboro, NJ; and Thomasville Furniture Industries, Inc., Thomasville, NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Armstrong World Industries, Inc., Liberty & Charlotte Sts., Lancaster, PA 17604.

MC 109448 (Sub-II–10TA), filed June 29, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Malt beverages and malt beverage containers* between Toledo, OH, and pts in its Commercial Zone, on the one hand, and, on the other, Peoria, IL, and Milwaukee, WI for 270 days. And underlying *ETA* seeks 120 days authority. Supporting shipper: Great Lakes Distributors, 3928 N. Detroit Ave., Toledo, OH 43612.

MC 156821 (Sub-II–1TA), filed June 29, 1981. Applicant: PHOENOIX TRUCKING, INC., 114½ East Main Street, Ravenna, OH 44310. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles (except in bulk)*, between facilities of Elgin Steel, Inc., at or near Albany and Buffalo, NY; Chicago, IL; Bethlehem and Pittsburgh, PA; Sparrows Point, MD; Detroit, MI; Weirton, WV; and Youngstown, Steubenville and Cleveland, OH, on the one hand, and, on the other, points in IL, IN, KY, MD, MA, MI, MS, NJ, NY, OH, PA, TN, WV, and WI for 270 days. Supporting shipper: Elgin Steel, Inc., P.O. Box 74, Medina, OH 44258.

MC 152640 (Sub-II–4), filed June 25, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Contract; irregular; *finished textile products*, between New York, NY, and points in its commercial zone, on the one hand, and, on the other, Norcross, GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: J. Riggins—Outrigger, Norcross, GA 30071.

MC 147258 (Sub-II–1TA), filed June 23, 1981. Applicant: F. T. SILFIES, INC., 751 Pt. Phillips Road, Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Gypsum Rock*, in bulk, in dump vehicles, from Burlington, NJ and Stony Point, NY, to Bath, Stockertown and Whitehall, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Valley Gypsum, Inc., 2160 Community Drive, Bath, PA 18014.

MC 155348 (Sub-II–1TA), filed June 26, 1981. Applicant: VENEZIA HAULING, INC., 703 West Ridge Pike, Limerick, PA 19465. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *iron ore* from Mount Hope, NJ to Frazer, PA. Supporting shipper: Foote Minerals, Inc., Route 100, Exton, PA 19341.

The following application were filed in Region 4: Send Protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 120364 (Sub-4–16TA), filed June 25, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract carrier*; irregular routes: *Such commodities as are distributed by, dealt in, or used by wholesale and retail sporting goods and toy, craft, and hobby stores, and materials, equipment and supplies used or useful in the sale or distribution of such commodities* between points in the U.S. (except AK and HI) under a continuing contract(s) with Westvaco, U.S. Envelope Division, Springfield, MA. Underlying ETA seeks 120 days authority. Supporting shipper: Westvaco, U.S. Envelope Division, 2001 Roosevelt Avenue, Springfield, MA 01101.

MC 152706 (Sub-4–3TA), filed June 25, 1981. Applicant: MIDWEST OIL TRANSIT, INC., 4902 West 86th Street, Indianapolis, IN 46268. Representative: Robert B. Hebert, 777 Chamber of Commerce Building, Indianapolis, IN 46204. *Asphalt flux* from Cincinnati, OH to Indianapolis, IN. Supporting shipper: Rock Island Refining Corporation, 5000 West 86th Street, Indianapolis, IN 46268.

MC 153448 (Sub-4–2TA), filed June 25, 1981. Applicant: CONTRUX, INC., Stephen Street at Canal, P.O. Box 309, Lemont, IL 60439. Representative: Jack L. Anderson (Same address as Applicant). *Contract*; irregular. *General commodities (except Classes A and B*

explosives), between points in U.S., under a continuing contract(s) with Whirlpool Corporation of Benton Harbor, MI. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33, North Benton Harbor, MI 49022.

MC 154818 (Sub-4-1TA), filed June 25, 1981. Applicant: LAKELAND DELIVERY SERVICE, INC., P.O. 6493, Duluth, MN 55806. Representative: William Mahai, 27 W. 5th St., Duluth, MN 55806. *Contract* irregular: *Paint and general supplies* between Duluth, MN and points in WI under a continuing contract with Glidden Paint Co., Duluth, MN. Supporting shipper: Glidden Paint Co. 915 E. 3rd St. Duluth, MN 55805.

MC 156776 (Sub-4-1TA), filed June 25, 1981. Applicant: SPACE CENTER TEXAS, INC. d.b.a. SPACE CENTER HOUSTON DISTRIBUTION SERVICES, 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Such commodities as are dealt in or used by wholesale and retail discount, variety and department stores,* between points in the U.S., restricted to the transportation of traffic moving to or from the facilities of Target Stores, a division of Dayton-Hudson Corporation. Supporting shipper: Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19940 Filed 7-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP2-069]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission with 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days of publication. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 99953 (Sub-2) (Republication) filed December 10, 1980, published in the **Federal Register** of January 29, 1981, and republished this issue: Applicant: T TRANSPORTATION, INC., 207 F Street, South Boston, MA 02127. Representative: Christopher Cabot, 100 Federal Street, Boston, MA 02110. A decision of the Commission, *Division 2,* decided May 19, 1981, and served June 2, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *general commodities,* between points in Massachusetts, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont, and Maine; that applicant is fit, willing, and able properly to perform the granted sevice and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-19947 Filed 7-7-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-90]

Certain Airless Paint Spray Pumps and Components Thereof; Notice of Request for Additional Information

AGENCY: International Trade Commission.

ACTION: Commission request that parties provide information regarding interested nonparties.

SUMMARY: The Commission has ordered the parties to this investigation to submit a list containing the names and addresses of companies and/or persons not parties to this investigation who may have relevant information to present to the Commission concerning the issues of violation, public interest, and remedy, particularly those nonparties which may be on the verge of involvement in the importation of pumps alleged to infringe the patents in issue in this investigation.

AUTHORITY: The authority for the Commission's action is contained in subsection 337(b) of the Tariff Act of 1930 (19 U.S.C. 1337(b)).

FOR FURTHER INFORMATION CONTACT:

Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

By order of the Commission.

Issued: July 1, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-20005 Filed 7-7-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-106]

Certain Airtight Cast-Iron Stoves; Notice of Investigation and Request for Comments Concerning Proposed Consent Orders

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and request for public comments on proposed consent orders.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission, believing that it would be in the public interest for it to investigate alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) occurring in the importation or sale of certain airtight cast-iron stoves, hereby orders the institution of an investigation on its own initiative pursuant to section 337 based on allegations that unfair methods of competition and unfair acts exist in the importation of certain airtight cast-iron stoves into the United States, in their sale, the effect or tendency of which is to destroy or substantially injure an industry or to prevent the establishment of an industry, efficiently and economically operated, in the United States.

The parties to this investigation have entered into consent order agreements. These consent orders would result in termination of this investigation and the imposition of certain requirements on respondents. This notice requests comments on the proposed consent orders within thirty (30) days.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.10(b) of the Commission's Rules of Practice and Procedure. The Consent Order Agreements are filed pursuant to 19 CFR 210.20(b) and public comments are sought in accordance with 19 CFR 211.21.

SCOPE OF THE INVESTIGATION: (a) The unfair methods of competition and unfair acts alleged are as follows:

1. Passing off imported copies of domestic airtight cast-iron stoves and causing the consumer to believe that such imported stoves are the domestic stoves, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

2. Engaging in false and deceptive advertising for the purpose of furthering the belief on the part of the consumer that the imported stoves are the domestic stoves, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

3. Infringing the common law trademark protection provided to various airtight cast-iron stove companies because respondents' stoves are virtually identical copies, the effect or tendency of which is to destroy or substantially injure the efficiently and economically operated airtight cast-iron stove industry in the United States.

The investigation has been instituted pursuant to section 337 to determine whether there is a violation of that section, and, if such violation exists, to determine whether relief under subsection (d) or (f) of section 337 would be appropriate.

(b) For the purpose of the investigation so instituted, the following persons, alleged to be involved in the unlawful importation of such products into the United States, or in their sale, are hereby named as respondents:

1. Oriental Kingsworld Industrial Co., Ltd., P.O. Box 28-33, Taipei, Taiwan.

2. Franklin Cast Products, Inc., 1800 Post Road 17, Airport Plaza, Warwick, R.I. 02886.

(c) Donald R. Dinan, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20036, is hereby named Commission investigative attorney, a party to this investigation.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). The time for such response is suspended during the period of this request for public comments and subsequent Commission consideration pursuant to 19 CFR 211.21 of the consent order agreements.

DATES: Comments will be considered if received on or before August 7, 1981. Comments should conform with Commission Rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT:

Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0359.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition in the importation or sale of certain airtight cast-iron stoves in the United States, the Commission investigative attorney, and respondents Oriental Kingsworld Industrial Co., Ltd. and Franklin Cast Products, Inc. have entered into consent orders. It is proposed that the Commission accept the consent order agreements and issue consent orders incorporating their terms.

The complaint is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written comments requested. In view of the Commission's duty to consider the public interest, the Commission requests written comments from interested persons and agencies concerning the effect of the proposed consent orders upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the U.S., and (4) U.S. consumers. These written comments must be filed with the Secretary to the Commission no later than August 7, 1981.

The proposed consent orders. The proposed consent orders are appended to this notice and are being published simultaneously. The consent order involving Franklin Cast has nine sections. The consent order involving Oriental is comprised of sections I, II, III, VII, VIII and IX of the Franklin Cast consent order. The nine sections deal with the following major subject areas:

I. Lists Franklin stoves which will no longer be imported; lists Franklin stoves which may be imported if specified design changes are made; prohibits respondents from engaging in a general group of activities which forms the basis of the passing off, common law trademark infringement and false advertising allegations in the complaint filed in this matter;

II. Respondent's reporting requirements;

IV-V. Respondent's in house program to ensure compliance with the consent order by its personnel;

VII. the Commission's right to examine respondent's records and interview its officers;

VIII. Respondent's right to apply to the Commission for advice, enforcement, modification or termination; and

IX. Time of expiration of the consent order.

Additional information. The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. Any persons desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

Issued: June 29, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[Investigation No. 337-TA-106]

In the Matter of Certain Airtight Cast-Iron Stoves; Agreement Containing Consent Order To Cease and Desist.

The United States International Trade Commission (hereinafter Commission), having initiated an investigation under section 337 of the Trade Act of 1930, as amended (19 U.S.C. § 1337) of certain acts and practices of Franklin Cast Products, Inc. (hereinafter respondent), who is willing to enter into an agreement containing an order to cease and desist from the use of the alleged acts and practices being investigated.

It is hereby agreed by and between the respondent, by the duly authorized officer and counsel for the Commission, that:

1. Respondent Franklin Cast Products, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Rhode Island, with its office and principal place of business located at 1800 Post Road 17, Airport Plaza, Warwick, Rhode Island 02886.

2. The Commission has and respondent admits that the Commission has subject matter jurisdiction, in rem jurisdiction and in personam jurisdiction in this proceeding.

3. Respondent agrees to entry of a Consent Order, the terms of which are as set forth in the Consent Order attached hereto as Attachment A and herewith incorporated by reference as though fully set forth herein (hereinafter "Consent Order").

4. Respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. Enforcement, modification, and revocation of the Consent Order entered pursuant to this agreement will be carried out pursuant to Subpart C of Part 211 of the Commission's *Rules of Practice and Procedure* (19 CFR 211).

6. The signing of this Consent Order Agreement is solely for the purpose of settling, before answer, trial or argument of any issue of fact or law, all of the Commission's charges against respondent and does not constitute an admission by respondent that it has engaged in the alleged acts and practices being investigated and/or has otherwise violated section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

7. This Consent Order is not to be considered as an admission by respondent of any fact or conclusion of law in this (except for all jurisdictional facts necessary to the entry of the Consent Order) or any other proceeding, suit, or action.

8. Except as otherwise provided in the Consent Order, this Consent Order Agreement, the Complaint or the Proposed Complaint, or the Notice of Preliminary Investigation, may be used in construing the terms of the Consent Order, but no agreement, understanding, representation, or interpretation not contained in this Consent Order Agreement or Commission decision accompanying the Consent Order may be used to vary the terms of the Consent Order.

9. In addition to the reporting requirements contained herewith, the Commission may require additional compliance reports to be submitted by respondent pursuant to Subpart C of Part 211 of the Commission's *Rules of Practice and Procedure.*

10. Respondent has read and understands this Consent Order Agreement. The respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

11. The Consent Order is in the public interest.

Dated: June 22, 1981.

Franklin Cast Products, Inc.:

By Larry H. Schwartz,

President.

United States International Trade Commission, Unfair Import Investigations Division:

By Donald R. Dinan,

Commission Investigative Attorney.

Attachment A

[Investigation No. 337-TA-108]

In the Matter of Certain Airtight Cast-Iron Stoves; Consent Order

The United States International Trade Commission having initiated an investigation under section 337 of the Tariff Act of 1930, as amended, (19 USC 1337) of certain acts and practices of Franklin Cast Products, Inc. (hereinafter sometimes referred to as "respondent" or "Franklin"); and

Respondent, by its officers, and counsel for the Commission having executed an agreement to the terms of this Consent Order, an admission of all jurisdictional facts necessary to the entry of this Consent Order, a statement that the signing of the Consent Order Agreement is solely for the purpose of settling, before answer, trial on argument of any issue of fact or law, all of the Commission's charges against respondent and does not constitute an admission that section 337 of the Tariff Act of 1930, as amended (19 USC 1337) has been violated, and waivers and other provisions as required by the Commission's Rules; and

Respondent has entered into this Consent Order upon the understanding that the Order shall not be considered as an admission by respondent of any fact or conclusion of law in this (except for all jurisdictional facts necessary to the entry of the Consent Order) or any other proceeding, suit, or action; and

The Commission having published the Consent Order Agreement and Consent Order for public comment on , and the thirty day period for public comment having ended and having duly considered all comments filed, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Franklin Cast Products, Inc. is a Rhode Island corporation with its principal place of business at 1800 Post Road 17, Airport Plaza, Warwick, Rhode Island 02886.

2. The U.S. International Trade Commission has subject matter jurisdiction, in rem jurisdiction, in personam jurisdiction, and the proceeding is in the public interest.

Order

The provisions of this Consent Order shall apply to respondent and to its principals, officers, directors, employees, and agents, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors and assigns, all those persons acting in concert with them and to each of them.

For purposes of this order, the following definitions will apply:

1. "Person" shall mean any individual, partnership, firm, association, corporation or other legal or business entity.

2. "United States" shall mean the fifty States, the District of Columbia, Virgin Islands, Commonwealth of Puerto Rico and United States possessions.

3. "Stove" shall mean any device or apparatus for combustion of fuel used for heating or cooking purposes. "Stove" shall include, but not be limited to, any of the following:

(a) A finished stove which at the time of importation is fully assembled, whether or not tested or packaged, for distribution to the purchaser as a stove; and

(b) A stove which at the time of importation is not fully assembled; and

(c) A kit which at the time of importation contains all of the components necessary to make a stove; and

(d) Parts of a stove which comprise the major components thereof or design features which are readily identifiable and comprise the external features of the stove.

It is so ordered that:

1. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof will not affix, apply, annex, or use a false designation of origin.

2. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof will not copy any stylistic feature, artistic design, decorative detail, trade dress, or exterior shape or appearance of an airtight cast-iron stove from a source other than respondent, wherein such feature is non-functional and has acquired secondary meaning by becoming associated exclusively with another source.

3. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof will not use model numbers with respect to its airtight cast-iron stoves which are the same as or confusingly similar to model numbers previously used by others on similar types of airtight cast-iron stoves.

4. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof will not use any false description or representation which would have the effect or tendency to create an impression that respondent's airtight cast-iron stoves are, or may be in any way, approved by or connected to a source other than respondent.

5. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof will not use photographs or other visual representations of airtight cast-iron stoves from a source other than respondent as representations of respondent's airtight cast-iron stoves.

6. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof will not use any stylistic, non-functional features of an airtight cast-iron stove from a source other than respondent which would cause possible confusion as to the actual origin of respondent's airtight cast-iron stoves, unless respondent's airtight cast-iron stoves have a name or trademark and a country of origin mark cast thereon in a clear and conspicuous manner.

7. Respondent in connection with the importation of any airtight cast-iron stove and the marketing thereof shall not represent in its sales literature or advertising that its stoves are manufactured in Norway, Sweden, Denmark, or elsewhere in Scandinavia unless they are or as being of a Norwegian, Swedish, Danish or Scandinavian type or style, unless their actual country of origin is indicated in such sales literature or advertising.

8. Respondent agrees to take reasonable and proper steps to prevent its distributors or dealers from engaging in actions which are in contravention of this Order in the sale of the stoves; provided, however, that respondent shall not be obligated to bring suit against, nor to discontinue its sales to, any such distributor or dealer.

9. Notwithstanding anything in this Order to the contrary, respondent (or any distributor or dealer thereof) shall be able to use within the United States the names "Scandia" or "Erik" on and in connection with any of its stoves, as long as respondent is in compliance with all other provisions of this Order.

10. Notwithstanding anything in this Order to the contrary, respondent shall be able to copy any design or portion thereof which is now or subsequently becomes part of the public domain. This paragraph shall not constitute a defense however, to the obligations of respondent set forth in Paragraphs 14 and 15.

11. Respondent agrees not to license, contract or otherwise agree with a third party to perform or engage in any of the acts it is itself prohibited from engaging in under this Consent Order.

12. Paragraph 10 of the Complaint alleges that the following stoves imported by respondent are copies of stoves manufactured by third parties:

Scandia 300
Scandia 700
Scandia 809
Scandia 308
Scandia 315
Scandia 190
Scandia 920
Scandia 400
Scandia 500
Scandia 600.

13. Of the stoves enumerated in paragraph 12 above, the following and any stoves closely and substantially similar thereto in shape and general appearance will no longer be imported into the United States by respondent as of the sixtieth day (60th) following the effective date of the Order issued by the Commission unless otherwise specified:

Scandia 190
Scandia 300
Scandia 400
Scandia 500
Scandia 600
Scandia 700

14. Of the stoves enumerated in paragraph 12 above, respondent agrees that each of the following stoves imported into the United States and identified in a manufacturers bill of lading dated after the sixtieth (60th) day following the effective date of the Order issued by the Commission, unless otherwise specified, shall conform to the requirements set forth hereinbelow:

A. With respect to the Scandia 809, and any Franklin stove closely and substantially similar thereto in shape and general appearance such as the Scandia 810 and 830, (1) the name "SCANDIA" and the words "Franklin Cast Products, Inc." will appear on the front of each stove in a clear and conspicuous manner such as is shown in respondent's 1981 catalog on page 10 and (2) the words "Made in Taiwan" will appear on the inside of at least one of the front doors.

B. With respect to the Scandia 920, and any Franklin stove closely and substantially similar thereto in shape and general appearance, (1) the name "SCANDIA" shall appear on the front face of the stove in a clear and conspicuous location; (2) the external ribbing shall be vertical, (3) the words "Made in Taiwan" will appear on at least one side within two inches of the front edge of that particular side panel and in lettering at least ¾" high, (4) the top grill will not have a cross-hatched pattern which is either the same as or similar to the cross-hatching appearing on the Scandia 920 as presently shown in respondent's 1981 catalog, or (5) the window will not include two horizontally extending centrally positioned ribs. The effective date of these changes shall be as of the one hundred eightieth (180th) day following the effective date of the Order as issued by the Commission as measured by the bill of lading for such modified stoves. In the period between the sixtieth (60th) and one hundred eightieth (180th) day following the effective date of the Order as issued by the Commission a bright aluminum plate shall be permanently affixed to the interior of the door which plate shall have minimum dimensions of one inch by two inches and shall identify the stoves' country or origin.

C. With respect to Scandia models 308, 315 and 320, and any of respondent's stoves closely and substantially similar thereto in shape and appearance such as the Scandia 315 D, 315 G and 320 S, respondent will within one hundred and eighty (180) days after the entry of judgment by the District Court in the consolidated civil litigation, *Vermont Castings, Inc.* v. *Franklin Cast Products, Inc.*, CA-79-265 and 80-162, pending in the United States District Court for the District of Vermont ("Vermont Castings Litigation") or by July 1, 1982 whichever shall occur first, make such changes and modifications as the Commission may direct provided, however, that Franklin shall not be required to make any changes in the Scandia 308, 315 and 320 models or in any of respndent's stoves closely and substantially similar thereto in shape and appearance, which would be inconsistent with and/or contrary to that judgment entered in the Vermont Castings Litigation.

The Commission shall direct such changes and modifications within twenty (20) days after entry of judgment in the "Vermont Castings Litigation" or by June 1, 1982, whichever shall occur first.

15. In addition to the stoves enumerated in paragraph 12 above, agreement has been reached between the Commission and respondent with respect to certain other stoves imported by respondent into the United States as follows:

A. The Scandia 810 and 830 models will be treated similar to the Scandia 809 as set forth in paragraph 14 (A) above.

B. The Scandia 840 model will be treated in accordance with paragraph 14 (A) above.

16. Notwithstanding the foregoing paragraphs:

(1) all of the other stoves which appear in the Franklin Cast Products Inc.'s 1980 and 1981 catalogs do not require changes of any type and may continue to be freely imported; and

(2) if the front of a free standing airtight cast iron stove is closely and substantially similar in shape and appearance to the Scandia 301 and/or 302, then doors of the type and configuration of those employed in the Scandia 301 and/or 302 as shown in respondent's 1981 catalog may be used.

II

It is further ordered that respondent shall file a report with the Commission no later than sixty (60) days subsequent to the effective date of this Order and annually for seven (7) years thereafter, identifying all airtight cast-iron stoves imported or proposed to be imported by respondent into the United States, together with photographs, brochures, and all advertising pertaining to the same after which time all such obligations hereunder shall cease.

III

It is further ordered that respondent notify the Commission thirty (30) days subsequent to any material change in respondent, including but not limited to dissolution, assignment or sale, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

IV

It is further ordered that the respondent shall:

1. Serve, within thirty (30) days after the effective date of this Consent Order, a conformed copy of this Consent Order upon each of its respective directors, officers, employees, managing agents, and who have management responsibility for the marketing, distribution or sale of such respondent's airtight cast-iron stoves in the United States or for shipment or export to the United States for resale in the United States;

2. Serve, within thirty (30) days after the succession of any of the persons referred to in Section IV.1. above, a conformed copy of this Consent Order upon each successor;

3. Maintain such records as will show the name, title and address of each such director, officer, employee, agent and representative upon whom the Consent Order has been served, as described in Section IV. 1. and 2. above, together with the date on which service was made;

4. Within thirty (30) days after the effective date of entry of this Consent Order, respondent shall file with the Commission an affidavit concerning the fact and manner of compliance with Section IV. 1. and 2. above; and

5. The obligations set forth in Sections III, IV. 2. and 3. above shall remain in effect for a period of seven (7) years after the effective date of this Consent Order after which time all such reporting obligations shall cease.

V

It is further ordered that:

1. Respondent shall advise each of its officers who has management responsibility for the manufacture and sale of airtight cast-iron stoves, and each of its employees and managing agents who is engaged in the sale of or who has management responsibility for or authority over the marketing of airtight cast-iron stoves, of its obligations under this Consent Order. For a period of seven (7) years from the effective date of this Consent Order, respondent shall maintain a program to insure compliance with this Consent Order, which program shall include at a minimum the following with respect to each of the persons described immediately above:

a. The annual distribution to them of this Consent Order;

b. The annual submission to them of a written directive setting forth the respondent's policy regarding compliance with section 337 of the Tariff Act and with this Consent Order, with such directive to include: (1) an admonition that non-compliance with such policy and this Consent Order will result in appropriate disciplinary action, and (2) advice that the respondent's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems;

c. The imposition of a requirement that each of them sign and submit to his employer, once a year, a certificate in substantially the following form:

The undersigned hereby (1) acknowledges receipt of a copy of the 1981 Airtight Cast-Iron Stove Consent Order and a written directive setting forth the company policy regarding compliance with section 337 of the Tariff Act and with such Consent Order, (2) represents that the undersigned has read and understands such Consent Order and directive, (3) acknowledges that the undersigned has been advised and understands that non-compliance with such policy and Consent Order will result in appropriate disciplinary measures determined by the company and which may include dismissal, and (4) acknowledges that the undersigned has been advised and understands that non-compliance with the Consent Order may also result in contempt of court and a fine;

d. The holding of one or more meetings with them to review the terms of this Consent Order and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such meeting within a twelve-month period.

2. For a period of seven (7) years from the effective date of this Consent Order, respondent shall file with the Commission on or before the anniversary date of this Consent Order, a sworn statement, by a responsible official designated by respondent to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Section of the Consent Order. This statement shall be accompanied by copies of all written directives issued by the respondent during the prior year with respect to compliance with section 337 of the Tariff Act and with this Consent Order. After seven (7) years, all obligations under this section shall cease.

VI

It is further ordered that:

1. For a period of seven (7) years from the effective date of this Consent Order respondent shall file with the Commission a sworn statement stating the detail, manner, and form of compliance with the terms of this Consent Order.

2. Respondent shall file the sworn statements required by Section VI.1. as follows:

a. Within thirty days after the effective date of this Consent Order;

b. Six months following the effective date of this Consent Order; and

c. On the anniversary date of this Consent Order for the remaining years in the seven year term. Thereafter all such obligations under this section shall cease.

VII

It is further ordered that:

1. In determining whether there has been compliance with the requirements and prohibitions of this Consent Order, the Commission may consider evidence of any activity engaged in by respondent which is brought to its attention or of which it becomes aware.

2. For the purposes of securing compliance with this Consent Order, respondent shall retain any and all records relating to the importation, sale or distribution of airtight cast-iron stoves made and received in the usual and ordinary conduct of its business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain, and in summary form for a period of seven (7) years from the close of the fiscal year to which they pertain from which compliance with this order may be determined.

3. For the purpose of determining or securing compliance with this Consent Order and for no other purposes, and subject to any privilege recognized by federal courts of the United States, duly authorized representatives of the Commission shall, upon reasonable written notice to respondent by the Commission be permitted:

a. Access to and the right to inspect in respondent's principal office during reasonable office hours of respondent, and in the presence of counsel or other representative if such respondent chooses, books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required by Paragraph 2 of this section to be retained, in the possession of or under the control of respondent relating to any of the matters contained in this Consent Order; and

b. Subject to the presence of counsel for respondent and the reasonable convenience of respondent and without restraint or interference from it, to interview officers, directors, agents, partners or employees of respondent, who may have their own counsel present, regarding any of the matters contained in this Consent Order.

4. Information obtained pursuant to this section will only be made available to the Commission or its authorized representatives, will be treated confidentially, and will not be divulged by any authorized representatives of the Commission to any person other than another duly authorized representative of the Commission, except as may be required in the course of securing compliance with this Order, or as otherwise required by law. Disclosure hereunder will not be made by the Commission without ten days prior notice to respondent by service of such notice on respondent's principal office in the United States. Further, the Commission shall advise respondent of each request for information under FOIA relating to information pertaining to or obtained from respondent.

VIII

1. Respondent may apply to the Commission at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Order, for the amendment, modification or relief from any of the provisions thereof, or for the enforcement or compliance therewith.

2. This Consent Order shall be binding on the Commission and shall be considered by the Commission to be a full settlement and resolution of all the matters alleged in the Complaint.

IX

This Consent Order shall expire on the seventh (7th) anniversary thereof.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[Investigation No. 337–TA–106]

In the Matter of Certain Airtight Cast-Iron Stoves; Agreement Containing Consent Order To Cease and Desist.

The United States International Trade Commission (hereinafter Commission), having initiated an investigation under section 337 of the Trade Act of 1930, as amended (19 U.S.C. § 1337) of certain acts and practices of Oriental Kingsworld Industrial Co., Ltd. (hereinafter respondent), who is willing to enter into an agreement containing an order to cease and desist from the use of the alleged acts and practices being investigated.

IT IS HEREBY AGREED by and between the respondent, by the duly authorized officer and counsel for the Commission, that:

1. Respondent Oriental Kingsworld Industrial Co., Ltd. is a corporation organized, existing and doing business under and by virture of the laws of the Republic of China, with its office and principal place of business located at P.O. Box 26–333, Taipei, Taiwan, ROC (4th Floor, #72, Section 2, Nanking East Road).

2. The Commission has and respondent admits that the Commission has subject matter jurisdiction, in rem jurisdiction and in personam jurisdiction in this proceeding.

3. Respondent agrees to entry of a Consent Order, the terms of which are as set forth in the Consent Order attached hereto as Attachment A and herewith incorporated by reference as though fully set forth herein (hereinafter "Consent Order").

4. Respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. Enforcement, modification, and revocation of the Consent Order entered pursuant to this agreement will be carried out pursuant to Subpart C of Part 211 of the Commission's Rules of Practice and Procedure (19 CFR 211).

6. The signing of this Consent Order Agreement is solely for the purpose of settling, before answer, trial or argument of any issue of fact or law, all of the Commission's charges against respondent and does not constitute an admission by respondent that it has engaged in the alleged acts and practices being investigated and/or has otherwise violated section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

7. This Consent Order is not to be considered as an admission by respondent of any fact or conclusion of law in this (except for all jurisdictional facts necessary to the entry of the Consent Order) or any other proceeding, suit, or action.

8. Except as otherwise provided in the Consent Order, this Consent Order Agreement, the Complaint or the Proposed Complaint, or the Notice of Preliminary Investigation, may be used in construing the terms of the Consent Order, but no agreement, understanding, representation, or interpretation not contained in this Consent Order Agreement or Commission decision accompanying the Consent Order may be used to vary the terms of the Consent Order.

9. In addition to the reporting requirements contained herewith, the Commission may require additional compliance reports to be submitted by respondent pursuant to Subpart C of Part 211 of the Commission's Rules of Practice and Procedure.

10. Respondent has read and understands this Consent Order Agreement. The respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

11. The Consent Order is in the public interest.

Oriental Kingworld Industrial Co., Ltd., a Corporation

By—, _____

Address _____

Title

Approved: _____

Commission Investigative Attorney.

V 46 / 130 JL 8 81 1 UMI

Attachment B

[Investigation No. 337–TA–106]

In the Matter of Certain Airtight Cast-Iron Stoves; Consent Order.

The United States International Trade Commission having initiated an investigation under section 337 of the Tariff Act of 1930, as amended, (19 USC 1337) of certain acts and practices of Oriental Kingsworld Industrial Co., Ltd., (hereinafter sometimes referred to as "respondent" or "Oriental"); and

Respondent, by an officer, and counsel for the Commission having executed an agreement to the terms of this Consent Order, an admission of all jurisdictional facts necessary to the entry of this Consent Order, a statement that the signing of the Consent Order Agreement is solely for the purpose of settling, before answer, trial on argument of any issue of fact or law, all of the Commission's charges against respondent and does not constitute an admission that section 337 of the Tariff Act of 1930, as amended (19 USC 1337) has been violated, and waivers and other provisions as required by the Commission's Rules; and

Respondent has entered into this Consent Order upon the understanding that the Order shall not be considered as an admission by respondent of any fact or conclusion of law in this (except for all jurisdictional facts necessary to the entry of the Consent Order) or any other proceeding, suit, or action; and

The Commission having published the Consent Order Agreement and Consent Order for public comment on , and the thirty day period for public comment having ended and having duly considered all comments filed, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Oriental Kingsworld Industrial Co., Ltd. is a corporation organized, existing and doing business under and by virtue of the laws of the Republic of China, with its office and principal place of business located at P.O. Box 26–383, Taipei, Taiwan, ROC (4th Floor, #72, Section 2, Nanking East Road).

2. The U.S. International Trade Commission has subject matter jurisdiction, in rem jurisdiction, in personam jurisdiction, and the proceeding is in the public interest.

Order

The provisions of this Consent Order shall apply to respondent and to its principals, officers, directors, employees, and agents, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors and assigns, all those persons acting in concert with them and to each of them.

For purposes of this order, the following definitions will apply:

1. "Person" shall mean any individual, partnership, firm, association, corporation or other legal or business entity.

2. "United States" shall mean the fifty States, the District of Columbia, Virgin Islands, Commonwealth of Puerto Rico and United States possessions.

3. "Stove" shall mean any device or apparatus for combusion of fuel used for heating or cooking purposes. "Stove" shall include, but not be limited to, any of the following:

(a) A finished stove which at the time of importation into the United States is fully assembled, whether or not tested or packaged, for distribution to the purchaser as a stove; and

(b) A stove which at the time of importation into the United States is not fully assembled; and

(c) A kit which at the time of importation into the United States contains all of the components necessary to make a stove; and

(d) Parts of a stove which comprise the major componentts thereof or design features which are readily identifiable and comprise the external features of the stove.

It is ordered that:

1. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, will not affix, apply, annex, or use a false designation of origin.

2. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, will not copy any stylistic feature, artistic design, decorative detail, trade dress, or exterior shape or appearance of an airtight cast-iron stove from a source other than respondent, wherein such feature is non-functional and has acquired secondary meaning by becoming associated exclusively with another source.

3. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, will not use model numbers with respect to its airtight cast-iron stoves which are the same as or confusingly similar to model numbers previously used by others on similar types of airtight cast-iron stoves.

4. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, will not use any false description or representation which would have the effect or tendency to create an impression that respondent's airtight cast-iron stoves are, or may be in any way, approved by or connected to a source other than respondent.

5. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, will not use photographs or other visual representations of airtight cast-iron stoves from a source other than respondent as representations of respondent's airtight cast-iron stoves.

6. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, will not use any stylistic, non-functional features of an airtight cast-iron stove from a source other than respondent which would cause possible confusion as to the actual origin of respondent's airtight cast-iron stoves, unless respondent's airtight cast-iron stoves have a name or trademark and a country of origin mark cast thereon in a clear and conspicuous manner.

7. Respondent, in connection with the exportation of any airtight cast-iron stove to the United States and the marketing thereof, shall not represent in its sales literature or advertising that its stoves are manufactured in Norway, Sweden, Denmark, or elsewhere in Scandinavia unless they are or as being of a Norwegian, Swedish, Danish or Scandinavian type or style, unless their actual country of origin is indicated in such sales literature or advertising.

8. Respondent agrees to take reasonable and proper steps to prevent its distributors or dealers from engaging in actions which are in contravention of this Order in the sale of the stoves; provided, however, that respondent shall not be obligated to bring suite against, nor to discontinue its sales to, any such distributor or dealer.

9. Notwithstanding anything in this Order to the contrary, respondent (or any distributor or dealer thereof) shall be able to use within the United States the names "Scandia" or "Erik" on and in connection with any of its stoves, as long as respondent is in compliance with all other provisions of this Order.

10. Notwithstanding anything in this Order to the contrary, respondent shall be able to copy any design or portion thereof which is now or subsequently becomes part of the public domain. This paragraph shall not constitute a defense however, to the obligations of respondent set forth in Paragraphs 14 and 15.

11. Respondent agrees not to license, contract or otherwise agree with a third party to perform or engage in any of the acts it is itself prohibited from engaging in under this Consent Order.

12. Paragraph 10 of the Complaint alleges that the following stoves exported to the United States by respondent are copies of stoves manufactured by third parties:

Scandia 300
Scandia 700
Scandia 809
Scandia 308
Scandia 315
Scandia 190
Scandia 920
Scandia 400
Scandia 500
Scandia 600

13. Of the stoves enumerated in paragraph 12 above, the following and any stoves closely and substantially similar thereto in shape and general appearance will no longer be exported to the United States by respondent as of the sixtieth day (60th) following the effective date of the Order issued by the Commission unless otherwise specified:

Scandia 190
Scandia 300
Scandia 400
Scandia 500
Scandia 600
Scandia 700

14. Of the stoves enumerated in paragraph 12 above, the respondent agrees that each of the following stoves imported into the United States and identified in a manufacturers bill of lading dated after the sixtieth (60th) day following the effective date of the Order issued by the Commission, unless otherwise specified, shall conform to the requirements set forth hereinbelow:

A. With respect to the Scandia 809, and any Franklin stove closely and substantially similar thereto in shape and general appearance such as the Scandia 810 and 830, (1) the name "SCANDIA" and the words "Franklin Cast Products, Inc." will appear on the front of each stove in a clear and conspicuous manner such as is shown in Franklin Cast Product, Inc.'s 1981 catalog on page 10, and (2) the words "Made in Taiwan" will appear on the inside of at least one of the front doors.

B. With respect to the Scandia 920, and any Franklin stove closely and substantially similar thereto in shape and general appearance, (1) the name "SCANDIA" shall appear on the front face of the stove in a clear and conspicuous location, (2) the external ribbing shall be vertical, (3) the words "Made in Taiwan" will appear on at least one side within two inches of the front edge of that particular side panel and in lettering at least ¾" high, (4) the top grill will not have a cross-hatched pattern which is either the same as or similar to the cross-hatching appearing on the Scandia 920 as presently shown in respondent's 1981 catalog, and (5) the window will not include two horizontally extending centrally positioned ribs. The effective date of these changes shall be as of the one hundred eightieth (180th) day following the effective date of the Order as issued by the Commission as measured by the bill of lading for such modified stoves. In the period between the sixtieth (60th) and one hundred eightieth (180th) day following the effective date of the Order as issued by the Commission a bright aluminum plate shall be permanently affixed to the interior of the door which plate shall have minimum dimensions of one inch by two inches and shall identify the stoves' country of origin.

C. With respect to Scandia models 308, 315 and 320, and any of respondent's stoves closely and substantially similar thereto in shape and appearance such as the Scandia 315 D, 315 G and 320 S, respondent will within one hundred and eighty (180) days after the entry of judgment by the District Court in the consolidated civil litigation, *Vermont Castings, Inc.* v. *Franklin Cast Products, Inc.*, CA–79–265 and 80–162, pending in the United States District Court for the District of Vermont ("Vermont Castings Litigation") or by July 1, 1982, whichever shall occur first, make such changes and modifications as the Commission may direct provided, however, that Franklin shall not be required to make any changes in the Scandia 308, 315 and 320 models or in any of respondent's stoves closely and substantially similar thereto in shape and appearance, which would be inconsistent with and/or contrary to that judgment entered in the Vermont Castings Litigation.

The Commission shall direct such changes and modifications within twenty (20) days after entry of judgment in the "Vermont Castings Litigation" or by June 1, 1982, whichever shall occur first.

15. In addition to the stoves enumerated in paragraph 12 above, agreement has been reached between the Commission and respondent with respect to certain other stoves exported by respondent to the United States as follows:

A. The Scandia 810 and 830 models will be treated similar to the Scandia 809 as set forth in paragraph 14(A) above.

B. The Scandia 840 model will be treated in accordance with paragraph 14(A) above.

16. Notwithstanding the foregoing paragraphs:

(1) All of the other stoves which appear in the Franklin Cast Product, Inc.'s 1980 and 1981 catalogs do not require changes of any type and may continue to be freely imported; and

(2) If the front of a free standing airtight cast-iron stove is closely and substantially similar in shape and appearance to the Scandia 301 and/or 302, then doors of the type and configuration of those employed in the Scandia 301 and/or 302 as shown in respondent's 1981 catalog may be used.

II

It is further ordered:

1. For a period of seven (7) years from the effective date of the Consent Order respondent shall file with the Commission a brochure showing or photographs of each stove exported to the United States for that year.

2. Respondent shall file the material required on paragraph III 1 above sixty (60) days subsequent to the effective date of this Order, and annually on the anniversary of this Consent Order. At the conclusion of seven (7) years from the anniversary date all obligations under this section shall cease.

III

It is further ordered that respondent notify the Commission thirty (30) days subsequent to any material change in respondent, including but not limited to dissolution, assignment or sale, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

IV

It is further ordered that:

1. In determining whether there has been compliance with the requirements and prohibitions of this Consent Order, the Commission may consider evidence of any activity engaged in by respondent which is brought to its attention or of which it becomes aware.

2. For the purposes of securing compliance with this Consent Order, respondent shall retain any and all records relating to the exportation of airtight cast-iron stoves made and received in the usual and ordinary conduct of its business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain, and in summary form for a period of seven (7) years from the close of the fiscal year to which they pertain from which compliance with this order may be determined.

3. For the purpose of determining or securing compliance with this Consent Order and for no other purposes, and subject to any privilege recognized by federal courts of the United States, duly

authorized representatives of the Commission shall, upon reasonable written notice to respondent by the Commission be permitted:

a. Access to and the right to inspect in respondent's principal office during reasonable office hours of respondent, and in the presence of counsel or other representative if such respondent chooses, books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required by Paragraph 2 of this section to be retained, in the possession of or under the control of respondent relating to any of the matters contained in this Consent Order; and

b. Subject to the presence of counsel for respondent and the reasonable convenience of respondent and without restraint or interference from it, to interview officers, directors, agents, partners or employees of respondent, who may have their own counsel present, regarding any of the matters contained in this Consent Order.

4. Information obtained pursuant to this section will only be made available to the Commission or its authorized representatives, will be treated confidentially, and will not be divulged by any authorized representative of the Commission to any person other than another duly authorized representative of the Commission, except as may be required in the course of securing compliance with this Order, or as otherwise required by law. Disclosure hereunder will not be made by the Commission without ten days prior notice to respondent by service of such notice on respondent's principal office in the United States. Further, the Commission shall advise respondent of each request for information under FOIA relating to information pertaining to or obtained from respondent.

V

1. Respondent may apply to the Commission at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Order, for the amendment, modification or relief from any of the provisions thereof, or for the enforcement or compliance therewith.

2. This Consent Order shall be binding on the Commission and shall be considered by the Commission to be a full settlement and resolution of all the matters alleged in the Complaint.

VI

This Consent Order shall expire on the seventh (7th) anniversary thereof.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-20008 Filed 7-7-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-96]

Certain Modular Pushbutton Switches and Components Thereof; Notice to all Parties

Notice is hereby given that the prehearing conference and hearing scheduled for July 27, 1981 (46 FR 32694, June 24, 1981) are cancelled. At the request of the parties the prehearing conference is rescheduled for August 3, 1981, at 9:00 a.m. in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C. and the hearing shall commence immediately thereafter.

The Secretary shall publish this Notice in the **Federal Register.**

Issued: June 26, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-20006 Filed 7-7-81; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-45, 46, and 47 (Preliminary)]

Certain Steel Wire Nails From Japan, the Republic of Korea, and Yugoslavia; Notice of Institution of Preliminary Antidumping Investigations and Scheduling of Conference

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of preliminary antidumping investigations to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan, the Republic of Korea, and Yugoslavia of steel wire nails, provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States, possibly sold at less than fair value.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Supervisory Investigator, telephone (202-523-0242), U.S. International Trade Commission, Room 346, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION:

Background. On July 2, 1981, the Department of Commerce (hereinafter "Commerce") advised the Commission that Commerce was initiating antidumping investigations of steel wire nails from Japan, the Republic of Korea, and Yugoslavia pursuant to section 732(a) of the Tariff Act of 1930, (19 U.S.C. Section 1673a(a) (Supp. III 1979)). After monitoring imports of certain steel products under the Trigger Price Mechanism, Commerce found significant sales of steel wire nails being made at less than the relevant trigger price. These sales constitute possible sales at less than fair value.

Accordingly, on July 2, 1981, the Commission, pursuant to section 733(a) of the Tariff Act of 1930, (19 U.S.C. 1673b(a) (Supp. III 1979)), instituted preliminary antidumping investigations Nos. 731-TA-45, 46, and 47 (Preliminary).

Section 733(a) of the Tariff Act of 1930 requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports possibly sold in the United States at less than fair value. Such a determination must be made within 45 days after the date on which notice of an investigation commenced under section 732(a) is received from the Department of Commerce. These investigations will be subject to the provisions of the Commission's Rules of Practice and Procedure (19 CFR 201.00, *et seq.*) and, particularly, to part 207 thereof (19 CFR 207.1, *et seq.*).

Written submissions. Any person may submit to the Commission on or before July 30, 1981, a written statement of information pertinent to the subject matter of these investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR Section 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with the investigations for 10 a.m., e.d.t., on July 23, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Persons wishing to participate in the conference

should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone (202-523-0242) by the close of business (5:15 p.m., e.d.t.), July 22, 1981. It is anticipated that persons in support of the imposition of antidumping duties and persons opposed to such duties will each be collectively allocated 1 hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Issued: July 2, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-20004 Filed 7-7-81; 8:45 am]

BILLING CODE 7020-02-M

[TA-203-10]

Porcelain-On-Steel Cooking Ware; Notice of Investigation and Hearing

AGENCY: International Trade Commission.

ACTION: Upon its own motion and on the basis of a request filed on June 16, 1981, by the United States Trade Representative, the Commission on June 26, 1981, instituted investigation No. TA-203-10 under section 203(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)) for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of import relief presently in effect with respect to cooking ware (except teakettles) of steel, not having self-contained electrical heating elements, enamed or glazed with vitreous glasses, and valued not over $2.25 per pound, provided for in item 654.02 of the Tariff Schedules of the United States (TSUS). The relief is in the form of a duty increase provided for in TSUS item 923.60 pursuant to Presidential Proclamation 4713 (issued January 16, 1981, 45 FR 3561). Import relief presently in effect with respect to such articles is scheduled to terminate in January 1984.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy, Investigator (202-523-1369).

SUPPLEMENTARY INFORMATION:

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t., on Monday, September 14, 1981, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington no later than the close of business Friday, August 21, 1981.

Prehearing procedures. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary of the Commission no later than the close of business Friday, September 4, 1981. Copies of any prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's *Rules of Practice and Procedure* (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Any prepared statements submitted will be made a part of the transcript. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Tuesday, August 25, 1981, at 2:00 p.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Inspection of request. The request filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission.

Issued: June 29, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-20007 Filed 7-7-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Attorney General

[AAG/A Order No. 69-81]

Privacy Act of 1974; New System of Records

Pursuant to the Privacy Act, 5 U.S.C. 552a, the Federal Bureau of Investigation, U.S. Department of Justice, proposes to establish a new system of records, the FBI Alcoholism Program system. This system will consist of correspondence and records regarding FBI employees and/or their families, who have been referred to the Alcoholism Program Coordinator or Counselor. Also included in this system will be results of counseling and counseling treatment, interview appraisals, notes, and miscellaneous records of discussions or meetings with employees. Further, in the Proposed Rules Section of today's **Federal Register**, the FBI proposes to exempt the system from the access provisions of the Privacy Act (5 U.S.C. 552a) to the extent disclosure could reveal information properly classified under appropriate Executive order, or information which could reveal the identity of a confidential source.

Title 5 of the United States Code, Section 552a(e)(4) and (11) requires that the public be provided with a 30-day period in which to comment on the proposed system; the Office of Management and Budget (OMB), which has oversight responsibility under the provisions of the Act, requires a 60-day period in which to review the proposed system prior to implementation. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before August 7, 1981, the system will be implemented without further notice in the **Federal Register**, except that the final rule exempting the system will be published after 60 days.

Appropriate reports have been filed with the Congress and OMB.

Dated: June 25, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/FBO-014

SYSTEM NAME:

FBI Alcoholism Program

SYSTEM LOCATION:

FBI Headquarters, Administrative Services Division, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535; and FBI Field Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on current and former FBI employees who have been counseled or otherwise treated regarding alcohol abuse or

referred to the Alcoholism Program Coordinator or Counselor.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and records regarding employees and/or their families who have been referred to the Alcoholism Program Coordinator or Counselor, the results of any counseling which may have occurred, recommended treatment and results of treatment, in addition to interview appraisals and other notes or records of discussions held with employees relative to this program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of this system is authorized by Pub. L. No. 91-616 and Pub. L. No. 92-255, as amended by Pub. L. No. 93-282, Section 122, and the implementing regulations, 42 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSE OF SUCH USES:

All disclosures of information pertaining to an individual are made in compliance with Public Law No. 91-616, Section 333, and the Confidentiality of Alcoholism and Drug Abuse Patient Records Regulations, 42 CFR Part 2.2, as amended, for the sole purpose of administering the program.

These records are used to document the nature of an individual's alcohol abuse problem and progress made, and to record an individual's participation in and the results of community or private sector treatment or rehabilitation programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Files are maintained in locked file cabinets, or safes under the immediate control of the Alcoholism Program Coordinator or other authorized individuals. Access is strictly limited to the Coordinator and other authorized personnel.

RETENTION AND DISPOSAL:

Pursuant to the preliminary injunction with modifications issued by Judge Harold H. Greene, FBI destruction programs have been suspended. *American Friends Service Committee* v. *Webster* (D.D.C.), Civil Action No. 79-1655.

SYSTEM MANAGER(S) AND ADDRESS: Director, FBI, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be in writing and made to the system manager listed above.

RECORD ACCESS PROCEDURES:

Requests made by employees should be made in writing to the Director, FBI, Washington, D.C. 20535. Requests must contain employee's full name, date and place of birth, and current office of assignment and/or home address where records are to be sent. If the individual making the request is a former employee, he/she must submit a duly notarized signature in order to establish identity. In addition, the requester must specify the location of the system of records sought, i.e., those maintained at FBI Headquarters or those maintained in a particular field division.

CONTESTING RECORD PROCEDURES:

Requests for correction/amendment of records in this system should be made in writing to the Director, FBI, Washington, D.C. 20535, specifying the information to be amended, and the reasons and justifications for requesting such amendment.

RECORD SOURCE CATEGORIES:

See categories of individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from Subsection (d) of the Privacy Act, pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e), and have been published in the **Federal Register.**

[FR Doc. 81-20023 Filed 7-7-81; 8:45 am]
BILLING CODE 4410-02-M

Drug Enforcement Administration

[Docket No. 81-11]

Eastern Scientific Co., Providence, Rhode Island; Hearing

Notice is hereby given that on February 18, 1981, the Drug Enforcement Administration, Department of Justice, issued to Eastern Scientific Company, Providence, Rhode Island, an Order To Show Cause as to why the Drug Enforcement Administration should not deny Respondent's pending application for registration as a distributor of controlled substances listed in Schedules II, III (non-narcotic), IV and V.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, July 21, 1981, in Courtroom No. 1116 of the U.S. Bankruptcy Court, 11th Floor, John W. McCormack Post Office and Courthouse Building, Devonshire Street, Boston, Massachusetts.

Dated: July 1, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-19927 Filed 7-8-81; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 80-27]

Stanley Gregoroff, M.D.; Revocation of Registration

On August 25, 1980, the Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause to Stanley Gregoroff, M.D. (Respondent), seeking to revoke DEA Certificate of Registration AG1167217 issued to Respondent under 21 U.S.C. 823. The statutory predicate under 21 U.S.C. 824 for the Order was Respondent's conviction on March 12, 1980, in the Superior Court of Fulton County, Georgia, of two (2) counts of unlawfully prescribing a controlled substance, said controlled substance not being prescribed for a legitimate medical purpose, in violation of the Georgia Controlled Substances Act 79A-820(f)(3). This is a controlled-substance related felony. Additional statutory grounds are provided by the emergency suspension of Respondent's medical license on March 14, 1980, by the Georgia Composite State Board of Medical Examiners. This emergency suspension terminated Respondent's authority to prescribe, dispense, administer or otherwise handle controlled substances in the State of Georgia. This matter was placed on the docket of the Honorable Francis L. Young, Administrative Law Judge. Following a prehearing telephone conference in which Judge Young and counsel for Respondent and the Government participated, the matter was adjourned several times as Respondent pursued his appellate remedies in the courts of the State of Georgia.

On June 18, 1981, Dr. Gregoroff filed with the DEA a consent to the revocation of his DEA Certificate of Registration. As part of this consent document, Respondent stipulated that he has been convicted of felony offenses relating to controlled substances and that he is without authority to prescribe, dispense, administer or possess controlled substances under the laws of the State of Georgia. Dr. Gregoroff waived his right to a hearing and other administrative process to which he would have been entitled under 21 U.S.C. 824, and agreed to surrender DEA Certificate of Registration AG1167217 issued to him under 21 U.S.C. 823. He further agreed not to apply for DEA registration until the Georgia State Composite Board of Medical Examiners lifts the suspension of his medical license.

The Administrator has reviewed this matter and finds that Stanley Gregoroff, M.D., has been convicted of felony offenses relating to controlled substances, and that he is no longer authorized to handle controlled substances as a practitioner under the laws of the State of Georgia. The Administrator concludes that there are statutory grounds for the revocation of Respondent's registration under 21 U.S.C. 824 (a)(2) and 824 (a)(3). Accordingly, the Administrator orders that DEA Certificate or Registration AG1167217, previously issued to Stanley Gregoroff, M.D., be, and hereby is, revoked, effective immediately.

Dated: July 1, 1981.

Peter B. Bensinger,

Administrator.

[FR Doc. 81-19925 Filed 7-7-81; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 80-20]

Woodfield Drugs, Inc. and Herbert S. Rein, t/a Crest Pharmacy

On July 3, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued to Woodfield Drugs, Inc. and Herbert S. Rein, t/a Crest Pharmacy, the Respondent herein, an Order to Show Cause as to why the Respondent's DEA Certificate of Registration AW7513408, issued to Woodfield Drugs, Inc., t/a Crest Pharmacy, should not be revoked for the reason that Herbert S. Rein had been convicted of a felony related to a controlled substance. Mr. Rein was, at all times relevant to the issues at hand, the managing pharmacist of the pharmacy and President of Woodfield Drugs, Inc. Respondent, through counsel, requested a hearing in this matter. Following various prehearing procedures, a hearing was scheduled and held in Hauppauge, New York on October 28 and 29, 1980. On March 4, 1981, Administrative Law Judge Francis L. Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Subsequently, on April 6, 1981, Judge Young certified the record of these proceedings to the Administrator of DEA.

The Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter. After a careful analysis of the entire record in this matter, the Administrator hereby adopts and accepts the findings of fact and conclusions of law recommended by the Administrative Law Judge.

After receiving a Bachelor of Science in pharmacy degree in 1960 and then completing a tour of duty in the Army, Herbert S. Rein purchased a community pharmacy in the Bronx, New York. In 1964 or 1968, Mr. Rein sold the pharmacy and became a narcotics investigator for the New York State Department of Health, Bureau of Narcotics Control, located in Albany, New York. Mr. Rein remained in this position for less than a year. Thereafter, he moved back to New York City and assisted various drug enforcement organizations in ongoing investigations on an *ad hoc* basis. Mr. Rein was then employed by R. H. Macy Company as an executive in retail pharmacy affairs. Upon leaving R. H. Macy in 1972, Mr. Rein sold land investments for a short time, then became involved in the conceptualization and organization of shared health facilities and community medical centers in the New York metropolitan area. He remained active in this work until 1977, at which time he purchased Woodfield Drugs, Inc. Mr. Rein, was, and presently is, the President of Woodfield Drugs, Inc. and, as such, can effectively control all aspects of its operation.

At a time prior to the March 14, 1979 arrest of Herbert Rein for conspiracy to distribute controlled substances illegally, Mr. Rein received approximately 100 grams of ergotamine (a precursor for the manufacture of lysergic acid diethylamide or LSD) which he sold to other persons in California for the purpose of LSD manufacture. Subsequently, Mr. Rein met with an undercover agent of the Drug Enforcement Administration in order to pay him for the purchase of ergotamine and to negotiate for the purchase of 200 grams of the drug at $15.00 per gram for delivery every ten days. During these undercover meetings, Mr. Rein also related to the agent that it was during Mr. Rein's tenure at the New York State Bureau of Narcotics Enforcement that he first met the people to whom was distributing the ergotamine and who were manufacturing the LSD. Following his arrest in March of 1979, Mr. Rein pleaded guilty to one count of unlawfully, intentionally and knowingly conspiring with others to manufacturer and to possess with the intent to manufacture Schedule I controlled substances in violation of Title 21, United States Code, Section 846 on April 16, 1979.

Prior to his entry of the plea of guilty, Herbert Rein entered into a Cooperation Agreement with the United States Government wherein he agreed to provide information and participate in ongoing investigations of illegal drug operations. This he did on several occassions. Thereafter, upon entering a plea of guilty to the one count conspiracy indictment, Mr. Rein received a suspended sentence and was placed on probation and fined $5,000.00.

On November 20, 1980, the Commissioner of Education of the State of New York signed an order suspending Mr. Rein's license to practice as a pharmacist in New York for a period of twelve months. This order was entered after the approval by the Board of Regents of the University of the State of New York of an application made by Mr. Rein for entry of a consent order whereby his license to practice would be suspended for twelve months. The order thereby settled a New York State administrative proceeding wherein it was proposed that Mr. Rein's license be revoked, on the grounds of the same 1979 federal conspiracy convinction and the underlying facts which have set to motion this DEA administrative proceeding.

After careful evaluation of the entire record and in accordance with a preponderance of the evidence, Administrative Law Judge Young concluded that Herbert S. Rein has been convicted of a felony relating to a controlled substance and that such a conviction of a person whose relationship to a corporate registrant is that of President, effective owner and soon-again-to-be supervising pharmacist, provides a legal basis for the revocation of the registration. Judge Young thereafter concluded and recommended that the subject registration should be revoked.

The Administrator agrees. This Administration has consistently held in the past that the registration of a pharmacy can be revoked if the registered pharmacist who owns or otherwise controls the pharmacy, is

convicted of a controlled substance-related felony. (In the Matter of Nicholas G. Gakidas, t/a New Seaberry Pharmacy, Docket No. 76-2, 41 FR 52555; William G. Walston, d.b.a. Karl Plaza Pharmacy, Docket No. 80-32, 45 FR 82761). Accordingly, pursuant to the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration, it is the Administrator's decision and order that Certificate of Registration AW7513408, issued to Woodfield Drugs, Inc., t/a Crest Pharmacy be, and hereby is revoked, effective July 9, 1981.

Dated: July 1, 1981.

Peter B. Bensinger,

Administrator.

[FR Doc. 81-19026 Filed 7-7-81; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Systems; Meeting

The ACRS Subcommittee on Electrical Systems will hold a meeting on July 22, 1981, Room 1167, at 1717 H Street, NW, Washington, DC to discuss the proposed rulemaking, Section 50.49 of 10 CFR Part 50, "Environmental and Seismic Qualification of Electric Equipment Important to Safety for Nuclear Power Plants" and the proposed Revision 1 to Regulatory Guide 1.89, "Environmental Qualification of Electric Equipment Important to Safety for Light-Water-Cooled Nuclear Power Plants".

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only be members of the Subcommittee, it consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: Wednesday, July 22, 1981, 2 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 1, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81-20030 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Shoreham Nuclear Power StationUnit 1; Meeting

The ACRS Subcommittee on Shoreham Nuclear Power Station Unit 1 will hold a meeting on July 21, 1981, Room 1046 at 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the Long Island Lighting Company's request for an Operating License. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: Tuesday, July 21, 1981, 8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Long Island Lighting Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. David C. Fischer (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 1, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81-20031 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-313 and 50-368]

Arkansas Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 58 and 25 to Facility Operating Licenses Nos. DPR-51 and NPF-6, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Units Nos. 1 and 2 (ANO-1&2) located in Pope County, Arkansas. The amendments are effective as of the date of issuance.

The amendments modify the ANO-1&2 Appendices A and B Technical Specifications to change organization and personnel titles within Arkansas Power and Light Company.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not reault in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's application dated January 30, 1981, (2) Amendment No. 58 to License No. DPR-51 and Amendment No. 25 to License No. NPF-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-20032 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-22, issued to Northern States Power Company, which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to (1) incorporate limiting conditions for operation and surveillance requirements related to fire protection modifications and (2) clarify requirements concerning access to certain high radiation areas.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 15, 1980 and July 31, 1980 as supplemented October 6, 1980, (2) Amendment No. 7 to License No. DPR-22, and (3) the Commission's letter dated June 30, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of June 1981

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-20033 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Granting of Relief From ASME Code Section XI, Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear power Plant Components" to Omaha Public Power District (the licensee), which revised the inservice testing program for the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance, and expires on September 26, 1983.

The relief consists of exemption from performing valve exercising at each cold shutdown for check valves SI-159 and SI-160. In lieu of this, the licensee has visually inspected SI-159 and will be required to visually inspect SI-160 at the next refueling outage and report conditions found.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and related Safety Evaluation. The granting of this relief does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated July 9, 1980, as supplemented May 20, 1981, (2) the letter to the licensee dated June 29, 1981, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at

the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch #3 Division of Licensing.

[FR Doc. 81-20094 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates modified technical specifications to allow timely removal of snubbers determined by analysis to be unnecessary.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment notarized May 28, 1981 (transmitted by letter dated May 29, 1981), (2) Amendment No. 44 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of June, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-20095 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp., R. E. Ginna Nuclear Power Plant; Extension of Completion Dates

By letter dated June 19, 1981, Rochester Gas and Electric Corporation (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 17, 1981, for installation of eight plant modifications for the fire protection system at the R. E. Ginna Nuclear Power Plant, located in Wayne County, New York.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such extension will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted. This approval also extends implementation of Technical Specification provisions approved by Amendment No. 39 to Provisional Operating License No. DPR-18, dated April 1, 1981 (46 FR 21735, April 13, 1981) until completion of system modifications or November 17, 1981, whichever is sooner. These provisions were to have become effective June 30, 1981.

For further details with respect to this action, see (1) the licensee's request dated June 19, 1981, and (2) the Director's letter to the licensee dated, June 30, 1981.

Dated at Bethesda, Maryland, this 30th day of June, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20096 Filed 7-7-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978 (Remand); Inquiry in Remanded Proceedings

Issued July 2, 1981.

On May 29, 1981, the United States Court of Appeals for the District of Columbia Circuit entered a judgment remanding the present matter to the Postal Rate Commission for further consideration.[1] The present Notice of Inquiry is intended to elicit from interested parties their views on the appropriate scope and nature of that reconsideration.

The issue decided by the court in the *Governors* case was whether our decision to recommend "that the E-COM service be designated as 'experimental' with a fixed terminal date" was authorized by the Act. Slip op., 2. The court held that it was not. The Act requires, however, that on review the court either affirm or remand the entire matter; and in deference to this requirement the D.C. Circuit has remanded to us the entire E-COM proceeding.

That being so, it becomes a matter for our sound discretion what scope to give the proceedings on remand, and what procedures to employ. It is our preliminary view that, on remand as in the original decision, we must take account of the statutory policies governing mail classification decision in light of the interpretation issued by the Court of Appeals. Since we have been instructed to reconsider the entire matter, this may mean that we will, on this remand, consider in light of the record made in the 1978-79 proceedings before us, whether we can recommend the new classification without the "experimental" qualification which the court disapproved on jurisdictional grounds. We would welcome the views of interested parties on this and related questions.

The issue suggested above assumes that the record, for purposes of this remand, will be identical with that on which we rendered our original (December 17, 1979) and reconsidered (April 8, 1980) recommended decisions. We are not, however, barred from supplementing the record if conditions have so changed since our last decision

[1] *Governors of the U.S. Postal Service* v. *PRC*, —— F2d ——, D.C. Cir. No. 80-1871 (May 29, 1981). The court stated in its opinion that

> . . . Because the statute provides that we may not modify the decision but may only affirm it or "order that the entire matter be returned for further consideration", 39 U.S.C. § 3628, it is ordered that the entire matter be returned for further consideration.

issued as to make additional record materials necessary in the interests of justice. In this connection, we would welcome the comments of interested parties not only on the nature of any such changed circumstances and the additions such party believes should be made to the record, but also as to the appropriate procedures to follow.

Finally, we would remind all parties responding to this Notice and making suggestions responsive to the concerns we express above that the statute requires us to proceed with maximum expedition in classification cases. 39 U.S. § 3624(b). This is especially true of the present remand, since the Governors have already selected an implementation date for E-COM (January 4, 1982).

Parties filing statements in response to this Notice are requested to do so on or before July 27, 1981. Persons not parties to Docket No. MC78-3 who may wish to file such statements should accompany them with a petition for leave to intervene pursuant to § 20 of the rules of practice (39 CFR § 3001.20) or to be heard as a limited participator (39 CFR § 301.19a).

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-20099 Filed 7-7-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22111; 70-6260]

New England Electric System and New England Energy Inc.; Order Authorizing Advance of Funds by Holding Company to Fuel Company

June 30, 1981.

New England Electric System ("NEES"), a registered holding company, and New England Energy Incorporated ("NEEI"), Westborough, Massachusetts, a fuel subsidiary of NEES, have filed with this Commission post-effective amendments to their application-declaration previously filed and amended pursuant to Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 50(a)(2) and 50(a)(3) promulgated thereunder.

By prior order NEEI has been authorized to invest during 1981 $75 million in an oil and gas exploration partnership with Samedan Oil Corporation (HCAR No. 21884, December 31, 1980) and 35 million in a similar oil and gas exploration project with Dorchester Exploration, Inc. (HCAR No. 21862, December 30, 1980). NEEI is financing such investments through a Capital Funds Agreement under which NEES will provide up to $45 million (HCAR No. 19580, June 16, 1976) through stock purchases, capital contributions and subordinated loans through 1988 (HCAR No. 21158, July 25, 1979). NEEI has also entered into a Revolving Credit and Term Loan Agreement ("Loan Agreement") with Bank of Montreal and National Bank of North America secured by NEEI's rights under the Capital Funds Agreement (HCAR No. 21158, July 25, 1979). NEEI has been authorized to borrow up to $105 million through 1981 under this agreement (HCAR No. 21835, December 10, 1980). NEEI will also receive in 1981 approximately $27 million from deferred tax payments (HCAR No. 18635, October 30, 1974) and $28 million from amortized fuel sales to New England Power Company (HCAR No. 20632, July 19, 1978).

By post-effective amendment, authorization is sought for NEES to advance up to an additional $25 million to NEEI for the oil and gas exploration costs. The cost to NEEI of funds advanced by NEES will be calculated in accordance with the pricing policy in the Commission's Order dated July 19, 1978 (HCAR No. 20632). Necessary expenditures will exceed NEEI's available resources by July, 1981. The advance would be subordinated to NEEI's obligations under the Loan Agreement. NEEI is presently negotiating additional bank loans for which authorization will be sought, but needs the proposed advance pending consummation of such bank borrowings. The advance would be payable upon the receipt of proceeds from the new bank loan.

The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $4,000.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Due notice of the filing of said post-effective amendments to the application-declaration has been given in the manner prescribed in Rule 23 promulgate under the Act (HCAR No. 22080), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied.

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said application-declaration, as amended by said post-effective amendments, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20028 Filed 7-7-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1999]

Colorado; Declaration of Disaster Loan Area

Adams County and adjacent counties within the State of Colorado constitute a disaster area as a result of damage caused by tornadoes which occurred on June 3, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 31, 1981, and for economic injury until the close of business on March 30, 1982, at: Small Business Administration, District Office, 721 19th Street—Room 407, Denver, Colorado 80202 or other locally announced locations.

For recent changes in disaster loan eligibility see 46 **Federal Register** 16526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 30, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-19906 Filed 7-7-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1998]

Kentucky; Declaration of Disaster Loan Area

Floyd, Jackson and Pike Counties and adjacent counties within the State of Kentucky constitute a disaster area as a result of damage caused by severe storms and flooding which occurred on June 6-8, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 31, 1981, and for economic injury until the close of business on March 30, 1982, at: Small Business Administration, District Office, Federal Office Building—Room 188, 600 Federal Place, Louisville, Kentucky 40201 or other locally announced locations.

For recent changes in disaster loan eligibility see 46 Federal Register 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 30, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-19805 Filed 7-7-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1997]

Texas; Declaration of Disaster Loan Area

Austin County and adjacent counties within the State of Texas constitute a disaster area as a result of severe weather, hail, wind and tornadoes which occurred on April 21, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 31, 1981, and for economic injury until the close of business on March 30, 1982, at: Small Business Administration, District Office, 500 Dallas Street, Houston, Texas 77002 or other locally announced locations.

For recent changes in disaster loan eligibility, see 46 Federal Register 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 30, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-19804 Filed 7-7-81; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 1-A Revision 10]

Line of Succession to the Administrator; Delegation of Authority

Correction

In the issue of Wednesday, July 1, 1981, on page 34447, in the first document in the second column, make the following change: The FR Doc. number now reading "81-19317" should be changed to read "81-19312".

BILLING CODE 1501-01-M

[Application No. 02/02-0433]

Raybar Small Business Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Raybar Small Business Investment Corporation (Raybar), 240 W. Passaic Street, Maywood, New Jersey 07607, with the Small Business Administration (SBA) pursuant to 13 C.F.R. 107.102 (1981).

The officers, directors and stockholders are as follows:

Harold P. Hopp, 43 Jackson Ave., Haworth, NJ 07641, President, Director.
Raymond Hopp, 380 Prospect Ave., Hackensack, NJ 07601, Secretary, Director.
Barbara Grossman, 135 Wierimus Rd., Hillsdale, NJ 07642, Vice President, Director.
Rosemarie Litrenta, 257 Morningside Ave., Cliffside Park, NJ 07010, Treasurer.
Patrick F. McCort, 8 Monroe Place, Rockaway, NJ 07866, General Manager, 11%.
H. K. Metalcraft Manufacturing Corp., 35 Industrial Rd., Lodi, NJ 07644, 89%.

The beneficial owners of 10 percent or more of the equity securities of H. K. Metalcraft Manufacturing Corporation are Harold Hopp, Barbara E. Grossman and Raymond H. Hopp.

The Applicant, a New Jersey corporation, will begin operations with $510,000 paid-in capital and paid-in surplus. Raybar will conduct its activities principally in the State of New Jersey. Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations. Notice is hereby given that any person may not later than 15 days from the date of publication of this notice submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Maywood, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: July 1, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20037 Filed 7-7-81; 8:45 am]

BILLING CODE 8025-01-M

Small Business Lending Companies

SBA's standard policy requires that loan applications generally be filed and processed through the SBA field office serving the territory in which the prospective borrower's business is located.

In connection with loan applications filed by small business lending companies approved under Section 120.4(b) of its Regulations (13 CFR 120.4(b) (1981)), the SBA has in several instances, granted authority to such companies to concentrate their loan applications and processing activities in specified SBA field offices.

This procedure has at times resulted in processing, servicing, liquidation and operational difficulties placing a significant burden on small business applicants and borrowers and the Agency's efforts to properly administer its financial assistance activity.

Accordingly, the special authority so granted must be terminated.

Such special authority is hereby revoked immediately.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loans)

Dated: June 30, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-20038 Filed 7-7-81; 8:45 am]

BILLING CODE 8025-01-M

(Application No. 02/02-0405)

Unicorn Ventures, Ltd.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Unicorn Ventures, Ltd. (Unicorn), a limited partnership located at 14 Commerce Drive, Cranford, New Jersey 07016, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The Applicant presently has $2,075,000 committed for investment. The General Partner, Cranford Associates, will contribute $30,000 to the partnership capital. Cranford Associates is a general partnership consisting of the following individuals:

Arthur Buga Baer, 115 Central Park West, New York, New York 10023.
Frank P. Diassi, 9 Indian Run, Scotch Plains, New Jersey 07076.

Limited partners of Unicorn which will own 10 or more percent of the partnership capital are the following:

Darrill Investments, 14 Commercial Drive, Cranford, New Jersey 07016. (Owned principally by Frank P. Diassi and members of his family).
Joseph W. Rose, 4546 East Foothill Drive, Paradise Valley, Arizona 85253.

The Applicant intends to conduct its operations principally in the State of New Jersey.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Cranford, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 1, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20039 Filed 7-7-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/418]

Advisory Committee on the Law of the Sea; Partially Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 Section 5(c), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Friday, July 24, 1981 and in open session on Thursday, July 23, 1981. The open session of the meeting will convene July 23 at 2:30 p.m. in Room 1207, U.S. Department of State, 21st and C Streets, N.W., Washington, D.C.

The purpose of the closed meeting is to consider the current review of the Law of the Sea Convention and the review process and to make preparations for the U.S. Delegation to the Resumed Tenth Session of the Third United Nations Conference on the Law of the Sea to be held in Geneva beginning August 3, 1981. During the closed sessions, documents classified under the provisions of Executive Order 12065 will be discussed.

These documents relate to the issues which the United States is currently reviewing and has negotiated or will negotiate at the Conference. The documents are exempt under 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9), and may be withheld from disclosure in the public interest.

The issues cover such subjects as the review, freedom of navigation on the high seas and in straits used for international navigation and related national security interest, the nature of a deep seabeds mining regime and deep seabed mining legislation, the continental margin, the economic zone, fisheries, marine pollution, scientific research, dispute settlement, and other topics involving U.S. national security and foreign relations matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize United States law of the sea interests.

The open session of the Advisory Committee meeting will discuss all principal agenda issues which have been considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines, and other public groups. As such, it will comprehensively review the proposals which have come and will come before the Conference.

At the open session, beginning at 2:30 p.m., July 23, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Marsha Bellavance and provide their name and affiliation to facilitate their attendance. Her telephone number is (202) 632-0041.

David Holton,

Acting Director, Office of the Law of the Sea Negotiations.

June 15, 1981.

[FR Doc. 81-19982 Filed 7-7-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 20-81]

Notes of Series E-1988; Interest Rates

July 1, 1981.

The Secretary announced on June 30, 1981, that the interest rate on the notes designated Series E-1988, described in Department Circular—Public Debt Series—No. 20-81, dated June 18, 1981, will be 14 percent. Interest on the notes will be payable at the rate of 14 percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-19922 Filed 7-7-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 130
Wednesday, July 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M-321, Amdt. 2, July 2, 1981]

CIVIL AERONAUTICS BOARD

Notice of Cancellation of the July 6, 1981 board meeting.

TIME AND DATE: 2 p.m., July 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: See M-321 dated June 29, 1981.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S-1055-81 Filed 7-6-81; 3:52 pm]
BILLING CODE 6320-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, July 8, 1981.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following: 1. Consideration of possible amendments to Commission Rule 44, 29 CFR § 2700.44.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-1053-81 Filed 7-6-81; 2:30 pm]
BILLING CODE 6820-12-M

3

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10 a.m., Monday, July 13, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: July 2, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-1049-81 Filed 7-6-81; 10:39 am]
BILLING CODE 6210-01-M

4

[USITC SE-81-20]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 3 p.m., Thursday, July 23, 1981.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731–TA–44 [Preliminary] (Sorbitol from France)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-1050-81 Filed 7-6-81; 11:42 am]
BILLING CODE 7020-02-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of July 6, 1981.

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Thursday, July 9, 3:30 p.m.

Affirmation/Discussion Session (Approximately 30 minutes).

Items to be affirmed and/or discussed:

a. PRM to Eliminate Need for Power and Alternative Energy Sources Issues in OL Proceedings in Absence of Special Circumstances.

b. PRM to Reduce or Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance (delayed from June 29).

c. Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM.

d. Provision of Free Transcripts to all Full Participants in Adjudicatory Proceedings.

e. FOIA Appeal.

ADDITIONAL INFORMATION: By a vote of 3–0, Commissioner Ahearne not present, on June 25, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's Rules that Commission business required that Affirmation/Discussion Session, held on June 29, be held on less than one week's notice to the public. Affirmations of Appointment of ACRS Member and Amendments to 10 CFR Pts. 2 and 50 with Respect to Criteria Involving No "Significant Hazards Consideration," scheduled for June 29, were cancelled.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.

[S-1054-81 Filed 7-6-81; 3:32 pm]
BILLING CODE 7590-01-M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 33167 6/26/81]

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, June 24, 1981.

CHANGES IN THE MEETING:

Deletion/additional item.

The following item was not considered at a closed meeting scheduled for Thursday, July 2, 1981, following the 10 a.m. open meeting.

Report of investigation.

The following additional item was considered at a closed meeting scheduled for Thursday, July 2, 1981, following the 10 a.m. open meeting.

Litigation matter.

Chairman Shad and Commissioners Loomis and Evans Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

July 6, 1981.

[S-1051-81 Filed 7-6-81; 12:38 pm]
BILLING CODE 8010-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 13, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meeting will be held on Tuesday, July 14, 1981, at 10:00 a.m. An open meeting will be held on Thursday, July 16, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9)(A) and (10) and 17 CFR 200.402(a) (4) (8) (9)(i) and (10).

Chairman Shad and Commissioners Loomis and Evans determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 14, 1981, at 10:00 a.m., will be:

Litigation matter.

Access to investigative files by Federal, State, or Self-Regulatory authorities.

Formal orders of investigation.

Settlement of administrative proceedings of an enforcement nature.

Institution and settlement of administrative proceedings of an enforcment nature.

Freedom of Information action appeals.

The subject matter of the open meeting scheduled for Thursday, July 16, 1981, at 10:00 a.m., will be:

1. Consideration of whether to approve the selection of Donald J. Robinson as a public member of the Municipal Securities Rulemaking Board. For further information, please contact Susan J. Walters at (202) 272–2825.

2. Consideration of whether to issue two releases. The first release would solicit public comments on proposed amendments to (a) rules relating to written disclosure requirements, applications for registration of investment advisers and amendments to applications for registration; and (b) the form of application for registration as an investment adviser or to amend such an application and the form of annual supplement for investment advisers registered under the Investment Advisers Act of 1940. The second release would set forth interpretive views of the staff of the Division of Investment Management concerning the foregoing forms and requirements. For further information, please contact Arthur E. Dinerman at (202) 272–2079.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact: Nancy Wojtas at (202) 272–2178.

July 6, 1981.

[S-1052-81 Filed 7-6-81; 12:38 pm]
BILLING CODE 8010-01-M

V 46 / 130 / JUL 8 81 1 UMI

V 46/130 JL 8 81 UMI

federal register

Wednesday
July 8, 1981

Part II

Federal Communications Commission

Radio Operator Licensing Program

V 46/130
JL 8 81
UMI

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 13, 73, 74, 83

[Docket No. 20817; FCC 81-266]

Radio Operator Licensing Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission will no longer conduct examinations for, or continue to issue, the Radiotelephone First Class Operator License. The Commission authorizes individuals holding any class of commercial operator license, including the Restricted Radiotelephone Operator Permit, but excluding the Marine Radio Operator Permit, to install, maintain, repair, and technically supervise AM, FM, and TV broadcast transmitting equipment and FM and TV broadcast transmitting equipment. This action will result in a significant savings to the public by the elimination or regulatory requirements which are no longer necessary or appropriate. The Commission will institute a new license to be called the General Radiotelephone Operator License to be issued to individuals who hold current Radiotelephone First Class and Second Class Operator Licenses, upon renewal, and to future applicants for what was in the Radiotelephone Second Class Operator License.

EFFECTIVE DATE: August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
John W. Reiser, Policy and Rules, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-9660;
Vernon P. Wilson, or Jay B.C. Jackson, Jr., Regional Services, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7240.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry relating to the Commission's Radio Operator Licensing Program, Docket No. 20817, FCC 81-266. *Fourth Report and Order* (Proceeding Terminated).

Adopted: June 16, 1981.

Released: July 8, 1981.

By the Commission:

I. Introduction

1. On August 18, 1980, the Commission released the *Further Notice of Proposed Rule Making* (*Further Notice*),[1] F.C.C. 80-481, 45 Fed. Reg. 54778 (August 18, 1980), in which we proposed to discontinue issuance of new and renewed First Class Radiotelephone Operator licenses, and to eliminate the requirement for licensing by examination of operators who install, maintain, repair, and technically supervise the operation of transmitting equipment at all AM, FM, and TV broadcast stations, and TV and FM broadcast translator stations. In that notice, the Commission also proposed to modify the Commission's rules to allow individuals performing any technical duty at such broadcast stations to hold any class of commercial license, including the Restricted Radiotelephone Operator Permit.[2] Approximately 1,500 formal and informal comments and seven reply comments were received. The comments are detailed and discussed below.[3]

2. Based on the complete record in this proceeding, including voluminous comments and reply comments, and the final report of the Broadcast Tradeoff Study, prepared by the Communications Technology Group of the Electronics Technology Laboratory at the Georgia Institute of Technology,[4] the Commission concludes that it is in the public interest: to eliminate the First Class Radiotelephone Operator license; to institute a new General Radiotelephone Operator license to issue to current holders of First Class and Second Class licenses, upon renewal, and to new applicants who pass an examination covering the same subject matters currently included in the examination for the Second Class license; to allow persons who hold any class of commercial license, including the Restricted Radiotelephone Operator Permit, but excluding the Marine Radio Operator Permit,[5] to perform all technical duties at broadcast stations; and to reiterate that the broadcast station licensee bears the ultimate responsibility for all aspects of station operations.

II. Summary of Comments and Reply Comments

An Overview of the Comments

3. Although there was a large volume of comments, the majority were quite brief, and few commenters, whether in favor of or opposed to the proposed elimination of the First Class license, provided analytical or documentary support for their positions. The preponderance of comments were one page letters from holders of either the First Class or Second Class license, who, in general, were opposed to any

[1] Consideration of the *Further Notice* is part of an ongoing proceeding concerned with a review of Commission licensing of radio operators in all services, broadcast and non-broadcast, herein directed primarily to the radiotelephone operator class. This proceeding began with the *Notice of Inquiry* released June 7, 1976, F.C.C. 76-746, 41 Fed. Reg. 22981 (June 8, 1976), and with the *Notice of Proposed Rule Making*, released August 4, 1977, F.C.C. 77-528, 42 Fed. Reg. 40939 (August 12, 1977). The *First Report and Order* reduced the requirement for duty operators at AM and FM broadcast stations, except those AM stations with critical directional antennas, to those holding any class of commercial operator license, including the Restricted Permit, in lieu of the Radiotelephone Third Class Operator Permit Endorsed for Broadcast Operation. (Released January 5, 1979, F.C.C. 79-871, 44 Fed. Reg. 1733 (January 8, 1979), 70 F.C.C. 2d 2371 (1979)). The *Second Report and Order* authorized TV and directional AM stations to employ any class of operator for routine operations, provided the stations employ at least one First Class operator, and, collaterally, reduced the requirement to employ a "Chief" First Class operator from full-time to whatever less than full-time the licensee determined was necessary to maintain station compliance with this Commission's technical standards. (Released November 16, 1979, F.C.C. 79-721, 44 Fed. Reg. 66816 (November 21, 1979).) The *Third Report and Order* abolished the Radiotelephone Third Class Operator Permit. Where safety considerations or terms of international agreement dictate a continuing need for licensed operators, in the main for radio operators aboard Great Lakes freighters and certain charter fishing vessels, the Marine Radio Operator Permit was instituted in place of the Third Class Permit. (Released August 7, 1980, F.C.C. 80-410, 45 Fed. Reg. 52154 (August 6, 1980).)

[2] The Restricted Permit is obtained without examination. In lieu therof, the applicant is required to certify in writing to a declaration that states the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language that can be readily translated into English; is familiar with the treaties, laws, and rules and regulations governing the authority granted under the requested permit; and understands it is his or her responsibility to keep currently familiar with all such provisions. (47 U.S.C. § 13.22(h) (Supp. 1981).)

[3] Comments solicited by the *Further Notice* were due November 14, 1980 and reply comments December 15, 1980. In response to a petition filed by Bob Johnson of Manhattan Beach, California, these dates were extended to December 5, 1980 and January 5, 1981, respectively. (F.C.C. 01703, 45 Fed. Reg. 79618 (December 1, 1980).)

[4] R. W. Rice, et al. Georgia Tech Project A-2073, Contract FCC-0243, March 1979. The study is available for public inspection at the FCC Library, and in the public file of this proceeding in the Commission's Public Reference Room, at 1919 M Street, N.W., Washington, D.C. 20554.

[5] The Marine Radio Operator Permit is intended to meet the requirements of safety or international agreement for radio operators aboard Great Lakes freighters and certain charter fishing vessels. The material covered by the requisite examination pertains exclusively to radio operation in the maritime services. *See*, discussion at the *Third Report and Order*, F.C.C. 80-410, 45 Fed. Reg. 52154 (August 6, 1980). In order to discourage broadcast technicians from applying for the Marine Permit solely for the purpose of acquiring another credential, and one that is in fact irrelevant to broadcasting, we will not allow possession of that permit to fulfill the licensing requirement for individuals performing technical duties at broadcast stations.

change in current Commission licensing procedures.

4. The *Further Notice*, at paragraph 13, asked for comments and evidence on two key questions:

A. Does FCC examination of operators who perform transmitter installation, service, and maintenance, and who train and instruct lower grade operators, contribute to the operation of broadcast stations within FCC technical standards?

If the answer is "no," then it is not in the public interest to require examinations since they impose costs but do not provide benefits.

If the answer is "yes," then ask question "B."

B. Are there other forces—including competitive market forces, the Commission's technical rules and standards, and sanctions against errant stations—that can effectively assure that broadcast stations will be operated within the FCC's technical standards without the need for examinations?

If the answer is "yes," then the examinations represent a costly and unnecessary restriction that is not in the public interest.

If the anwer is "no," then continuing the examination of operators would be in the public interest.[6]

Most commenters did not address these two basic questions. Many of those who did, tended to state arguments without furnishing evidence supporting the bases for their judgments. A few commenters did provide some documentary support for their positions on the pertinent issues raised in the *Further Notice*. These substantive comments were closely divided between those favoring and those opposing elimination of the First Class license requirement. Among the commenters who favored elimination were: the National Association of Broadcasters (NAB); National Telecommunications and Information Administration (NTIA); National Radio Broadcasters Association (NRBA); ABC, Inc.; CBS, Inc.; Forward Communications Corporation; and Broadcast Station Licensees.[7] Among the commenters who opposed elimination were: The Society of Broadcast Engineers (SBE); National Public Radio (NPR); NBC, Inc.; Metromedia, Inc.; National Federation of Community Broadcasters (NFCB); National Association of Educational Broadcasters (NAEB); Associated Public-Safety Communications Officers, Inc. (APCO); Knight-Ridder Broadcasting, Inc. (Knight-Ridder); the National Association of Broadcast Employees and Technicians, AFL-CIO (NABET); the Association for Broadcast Engineering Standards, Inc. (ABES); and the Land Mobile Communications Section, Communications Division, Electronic Industries Association (EIA).

Comments Critical of the Proposals

5. Most of the arguments presented by commenters opposed to elimination of the First Class license fell into four general categories:

(1) that the First Class license is statutorily required;

(2) that without the First Class licensing procedure, there will be a reduction in signal quality, an increase in interference, and a decrease in public and worker safety;

(3) that if the current examination is not effective, a modified Commission licensing procedure could be developed that would be effective; and

(4) that potential alternatives to the FCC administered first class licensing procedure would less well serve the public interest.

In addition, many commenters raised issues that were not pertinent to this proceeding, concerning second class licenses.

6. SBE was foremost among the several commenters who, based on their reading of the Communications Act of 1934 (the Act) and its legislative history, challenged the Commission's statutory authority to eliminate the First Class operator license.[8] SBE cites Section 318 of the Act as well as draft language and actual language from the Radio Act of 1927 to support its contention that Congress recognized "the importance of a substantive license for the operator of a broadcast transmitter."[9] According to SBE, the fact that Section 318 explicitly prohibits the Commission from waiving the license requirement in the case of "stations for which licensed operators are required for safety purposes [and] stations engaged in broadcasting," is evidence that substantive licensing is statutorily required. SBE cites Section 20 of the Radio Act of 1927, which states that:

The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder.[10]

In addition, SBE cites draft language that was never included in the Radio Act to the effect that:

An operator's license shall be issued only to a person who, in the judgment of the Secretary of Commerce is proficient in the use and operation of radio apparatus.[11]

7. Commenters critical of the proposed rulemaking raised a number of arguments in support of their contention that elimination of the First Class license would result in unqualified persons being assigned to technical operations, to the detriment of broadcast quality. Although these commenters did not provide substantive evidence that this would occur, some did recount anecdotes or impressions that, to them, indicated that station owners or managers would hire unqualified technical employees. There were two basic arguments raised: (1) station owners or managers would have incentives that might not coincide with performance within the Commission's technical rules, whereas Commission examined First Class licensees currently act independently of their employers to provide a brake on such behavior; and, (2) station owners or managers do not have the technical expertise necessary to hire technical employees on their own, and therefore require Commission licensing procedures to help screen applicants. In general, holders of First Class licenses made the first argument; station owners or managers made the second.

8. A comment by NABET is examplary of the first argument:

It has been our experience over the past forty or more years that the First Phone License holders working in the Broadcast Industry have been, and still are, as a group, the people most interested in the maintenance, by their employers, of the FCC's standards. Many cases can be documented when the licensed operator was the only one concerned with the Commission's rules. The station licensee often is more concerned with staying on the air than in strict compliance with the rules. This organization has experienced a number of discipline cases where employers have sought to punish licensed operators for their refusal to continue operations which were not permitted by the rules. Protecting the FCC's Operator License holders in those cases, at least, became our job because there was no mechanism within the FCC to afford that kind or protection.[12]

9. The sentiments of the NABET comment were echoed by a number of other commenters. Several commenters suggested that although broadcasters want to maintain the highest quality for their own signals, they may be less concerned about causing interference (in excess of Commission standards) that adversely affects others. According to these commenters, licensed operators

[6] 45 Fed. Reg. 54778 (August 18, 1980).

[7] "Broadcast Station Licensees" is a group of 66 broadcast station licensees, representing approximately 110 broadcast stations, who jointly submitted comments and reply comments.

[8] SBE comments at 3-6. *See, also*, Metromedia comments at 3.

[9] *Id.* at 3-4.

[10] The Radio Act of 1927, ch. 169, 44 Stat. 1162 (February 23, 1927).

[11] 67 Cong. Rec. 5573 (1926).

[12] Comments of NABET at 1-2.

would protect the public from such interference either because they fear the loss of a hard-earned license [13] or because of the pride instilled by possession of such a license.[14]

10. Steve Huff, the chief engineer for a Kentucky radio station, cited an alleged history of technical violations at his station that he claims is indicative of what would happen under a delicensed regime:

[let] me give just one example of what happens when a First Class Operator is not employed at a broadcast facility or, for that matter, is employed on a contract basis. Please bare [sic] in mind, the situation listed below would be much more common if First Class Operators were not required at all.

Although it doesn't seem possible, the station that I work for hasn't been inspected by the Commission since *1975*. During the 1975 inspection, this station was cited for (among four full pages of violations) inability to raise or lower transmitter power from the remote control point. At that time, management filed a reply which stated that all points of violation had been corrected. These conditions however, they [sic] were not.

Several months later, the remote control unit was hit by lightening [sic]. It was never replaced.

When I joined the station in 1978, these problems still existed. The station maintained an engineer "on paper" only. I took over as Chief Engineer in June of 1980. I immediately repaired the modulation monitor which had been defective for over two years. I then approached management about funds (100 dollars) to buy a used remote control unit and was refused. I then used my own funds to buy parts and construct a 'home brew' unit. I did so in order to make the station legal and thus protect my license.

This example should serve to demonstrate that instead of de-regulating radio and removing the necessity of having a First Class Operator on contract, the regulations should be modified to require a First Class Operator on duty any time the transmitter is on. This should apply to all stations.[15]

11. A number of commenters argued that, particularly for small broadcast stations, owners and managers lack the technical expertise to make hiring decisions without the help of the FCC First Class licensing procedure. Two commenters succinctly articulated this view. Clifford W. Smith, general manager of KREK Radio, Brestow, Oklahoma, claimed:

[most] broadcasting station managers are not engineers and one of the few ways we have of determining competence of technicians is by narrowing the field to those holding a First Class Radiotelephone License. At least First Class Rediotelephone license holders have had to learn something of the Rules and Regulations governing broadcasting as well as electronics in order to pass the test.

While the current First Class Operator license examination may fail to accurately measure technical competence in some areas, I feel that it does measure competence in many necessary areas and that the First Class Radiotelephone Operator License requirement is necessary in helping broadcasters maintain a high degree of competence in persons performing technical duties at broadcast stations.[16]

In a similar vein, Stephen C. Sattler, president of WSCP, Pulaski, New York, stated:

Although I consider myself a competent manager, I have never achieved a proficiency in the technical abilities required to maintain this station's equipment and comply with FCC engineering rules. Therefore, I would be responsible for, but unable to judge, the qualifications of an applicant for employment as engineer. That is not to say that all First Class license holders are qualified, but that by virtue of their license, I know they have been required to study and comprehend those regulations and procedures of which I have little knowledge.[17]

The common denominator in most such comments is that despite the fact that the current examination procedure and possession of a First Class license does not assure technical competence to install, maintain, repair, and operate broadcast equipment, possession nonetheless represents a minimum threshhold level of knowledge that helps managers or owners make hiring decisions. As Metromedia indicated in its comments:

Over time, the possession of the First Class Ticket has proven to be a very useful device for management, unsophisticated in the technical aspects of broadcasting, to screen applicants for engineering positions. And, while possession of a First Class ticket is no guarantee that the applicant is adept in repair and maintenance work, it does indicate that the individual has a least a passing knowledge of the Commission's Rules and Regulations and its Standards of Good Engineering practice.[18]

12. ABES alleges that:

. . . stations in small markets are in a relatively poor position to attract technicians with adequate formal training and are ill-equipped to provide effective on-the-job training. Many such small town stations do not have a highly skilled technician in full time employment, but, rather, have had to rely on the contract services of parttime technicians who serve a number of similar licensees. Such stations will, we fear, be caught in the paradoxical position of having to comply with the Commission's technical requirements while unable to attract sufficiently skilled personnel to insure such compliance. In this context, we fear that the possibility of greater Commission emphasis on in-depth field inspections (*Further Notice*, Paragraph 24), when coupled with the relaxed Operator requirements proposed herein, will not result in better compliance with the technical rules, but, rather, will only produce more Official Notices of Violations, forfeitures, renewal hearings and lost licenses. We do not think that it is fair for the Commission to place small market stations in such a position.[19] [20]

13. A number of commenters acknowledged the imperfection of the current First Class licensing procedure, but nonetheless argued that some licensing procedure was necessary, citing the driver's license as an analogy.[21] SBE provided the most complete version of this argument:

The First Class Radiotelephone License is closely analogous to the driver's license. The examination required for either license is not designed to be the last word on a person's ability to operate a high-power broadcast transmitter or a high-powered automobile. Still, both instrumentalities are potentially dangerous and can be operated in a manner as to cause problems for the operator and the public. No one would contend that the driver's license test should be eliminated because it keeps certain people from driving, or because the driver's examination does not test one's ability to drive under every one of the infinite number of driving situations in which one may find himself or herself. Rather, it provides to the state the assurance that that person has exhibited threshold qualifications indicating that he or she knows the basics of driving safely and the rules of the road, upon which other drivers may reasonably rely. After that, one's driving record can be used as a litmus for evaluation of his or her ability.[22]

14. Two allegations were made that the elimination of the First Class license would imperil worker or public safety. SBE argued that broadcast stations employ high voltage equipment that, when mishandled, can and has resulted in electrocution or serious injury. According to SBE:

Although broadcast equipment is usually provided with interlocks that disconnect high voltage sources when cabinets are opened, it is no difficult task to defeat interlocking circuits, and in fact, they frequently are defeated for servicing the equipment. Abandonment of even the basic knowledge of electrical circuits that an operator must acquire in connection with examination for a First Class operator's license would increase manyfold the likelihood of electrocution of operating personnel.[23]

[13] *E.g.*, SBE comments at 11.

[14] *See, e.g.*, NBC, Inc. comments at 4; EIA comments at 2.

[15] Comments of Steve Huff at 1.

[16] Comments of Clifford W. Smith at 1.

[17] Comment of Stephen C. Sattler at 1.

[18] Metromedia comments at 1–2. *See, also*, SBE comments at 6; NPR comments at 1, ff.; Knight-Ridder comments at 3; ABES comments at 3–4.

[19] ABES comments at 4–5.

[20] The Commission's consideration of greater in-depth field inspection, referenced by ABES, is included at the *Notice of Proposed Rule Making*, F.C.C. 80–327, 46 Fed. Reg. 47444 (July 15, 1980), and is independent of the instant action.

[21] *See, e.g.*, Metromedia comments at 2; NPR comments at 4.

15. According to Metromedia:

The proposal under consideration also has very serious public safety overtones. If an FM transmitter is not properly adjusted, it can cause interference to Federal Aviation air navigation facilities. And, while we have no statistics to support the point, some of our engineering personnel have been informed that this is occurring more frequently, despite the fact that new transmitters are far more stable.[24]

16. Many commenters argued, sometimes based on the driver's license analogy, that the appropriate Commission action would not be to eliminate, but rather to modify the First Class license examination, in order to make it a better measure of practical technical ability. Virtually all commenters recognized the impossibility of the Commission implementing a hands-on test using actual broadcast equipment. As one alternative, NBC and NPR recommended the development of several levels of license examinations to cover different levels of expertise and responsibility.[25] However, neither NBC nor NPR explained how these various examinations could be so constructed as to measure practical operator capabilities.

17. Several commenters recommended that the Commission retest current First Class holders, or, perhaps, re-establish service records, in order to make possession of the license more meaningful. NPR argued that, in order to assure that operators keep pace with advancing technology and revised regulations, the examination be required of renewal applicants as well as of original applicants.[26] APCO stated that in its comments at the initial *Notice of Proposed Rule Making* in this proceeding it suggested changes:

(1) to require a retest on renewal for any licensee who could not certify that he was regularly employed as a technician during at least three of the five years for which the license was effective, and

(2) to require the licensed technician to certify that he had examined a valid station license for the station.[27]

By implication, APCO recommended that same approach for the particular case of the First Class licensee. SBE suggests that the operator's service record be maintained on the back of the license (as was done until 1952), notations to be made by the employing station, in order to chronicle the operator's experience and to provide a convenient list of references.[28]

18. There were also a number of miscellaneous comments to the effect that a non-licensing regime would have other drawbacks. For example, APCO was concerned that in the absence of federal licensing, a hodge-podge of non-uniform state licensing requirements would be implemented.[29] APCO did not explain what, if any, adverse public interest consequences would result.[30] Several arguments were made that if the industry or a station took it upon itself to implement a voluntary licensing program, there might arise problems of discrimination against minorities [31] or antitrust violations.[32] ABES fears that in the absence of the license, individuals lacking minimum qualifications could allege discrimination if not hired:

. . . ABES fears that unqualified persons will seize upon any eventual action eliminating the First Class operator requirement as a basis for alleging that broadcast licensees unfairly and unlawfully discriminate when they insist that applicants for technical positions possess at least minimum technical qualifications [33]

19. SBE and ABES indicated that eliminating the requirement for First Class operators, and maintaining the ultimate responsibility for station operations with the station licensee, placed an unfair onus on broadcasters.[34]

20. SBE asserts that:

It has been the collective experience of the members of the Society that there has been a marked increase in the number of technical violations since the Commission deleted the requirements of full-time First Class Operators. Allowing Third Class Operators to be in charge of routine operations has not led to better technical compliance with the Commission's rules. In general, it is SBE's belief that further deregulation of operator requirements will undoubtedly lead to a sharp increase in the number of violations of the Commission's technical standards. This in turn will lead to the need for more Commission enforcement personnel and more Congressional appropriation; ultimately the public will be the loser.[35]

NABET also suggested that any Commission cost savings from elimination of the First Class license procedure would be more than offset by increased FCC Field Operations Bureau monitoring costs necessitated by more violations.[36] SBE suggested that the costs of administering a First Class license could be recouped by charging a license fee.[37]

21. Numerous First Class licensees commented on the ignominy of being "down-graded" from First Class to Second Class license holders.[38] Richard E. Fearns of Hollywood, California, felt that "the crushing blow to dedicated citizens who have respected their profession, and their government, is the humiliation of returning a Second Class License for a renewal of a First."[39]

22. Finally, there were a number of comments concerning the impact of elimination of the First Class license on private employment contracts that currently base salary levels on possession of the license, and a number of comments concerned with substantive changes in Second Class licensing requirements. The former concern is an issue between private parties, that could be readily resolved by substituting experience or other non-governmental standards for the current standards and, therefore, is not relevant to the public interest considerations herein. The latter concern is misdirected to the instant prodeeding, which contemplates and effects only an editorial change with regard to the Second Class license. The substantive issues herein involve the First Class license only.

Comments Supportive of the Proposal

23. The arguments made by commenters in support of elimination of the First Class license fell broadly into three categories:

(1) The First Class examination fails to adequately measure technical competence;

(2) Technological advances, significant other Commission regulation, and marketplace forces combine to render operator licensing unnecessary; and,

(3) Ineffectual operator licensing imposes unwarranted costs on station licensees, particularly in small markets.

24. On one point, there is complete agreement between commenters who favor elimination of the First Class license and commenters who oppose

[22] *Id.* at 4.

[24] Metromedia comments at 4.

[25] NBC comments at 3–4; NPR comments at 6.

[26] NPR comments at 7.

[27] APCO comments at 2.

[28] SBE comments at 12.

[29] APCO comments at 4–5.

[30] Radio communication, since its inception and by its very nature, has always extended across state lines. The states have never concerned themselves with radio operator licensing and APCO gave no indication that the individual states might be inclined to begin any form of radio-related regulation.

[31] SBE comments at 6.

[32] ABES comments at 7.

[33] ABES comments at 11.

[34] SBE comments at 7; ABES comments at 4.

[35] SBE comments at 10.

[36] NABET comments at 3.

[37] SBE comments at 7.

[38] The *Further Notice*, at paragraph 27, proposed that individuals currently holding a First Class license, upon application for renewal, would be issued a Second Class license. *Further Notice*, *supra* note 4. The instant *Fourth Report and Order* effectively eliminates the issue of class distinction.

[39] Comments of Richard E. Fearns at 1.

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elimination: The current First Class examination is an inadequate measure of practical technical competence. Typical are the comments of the NRBA:

. . . the Commission's operator requirements, particularly insofar as they relate to First Class Operators, assume not only a familiarity with the technical, theoretical concepts involved, but also a firm working knowledge of the actual electronic hardware. While a written exam, such as is presently offered may test an individual's grasp of the theories, it cannot test his or her ability to diagnose and cure ailing transmission equipment or make sure that smoothly functioning equipment will stay that way.[40]

W. Floyd Hawkins, President at KVRC of Edinburg, Texas, described a situation related by many broadcasters:

Over the years we have had in our employ, "tickets" [First Class licensees] which fulfilled FCC rules and regulations, but we did not permit them to touch anything. We have always relied on competent engineers with proven ability to actually maintain all technical equipment. We have even had problems with "tickets" tampering with equipment to the detriment to the signal and operation of the station. Truly, a *little* knowledge can be dangerous at times."[41]

Although the First Class examination requires some familiarity with electronics theory, many broadcasters commented that any reliability in that regard is severely compromised by the existence of memory schools. For example, the NAB commented that:

[t]he relative value of the examination as an instrument capable of testing an applicant's knowledge of radio technology has been diminished due to the emergence of First Class License "schools" designed simply to coach applicants on how to pass the exam.[42]

25. Numerous commenters note the impracticability of designing and implementing a truer test of operator technical skills. The NRBA argues that:

. . . the only way to test for 'hands-on' ability is to offer a 'hands-on' exam. But the cost, particularly in terms of time and effort, necessary to carry out individualized 'hands-on' testing would be staggering, and the process—if one could be devised—would probably be so slow that the operator licensing system would break down."[43]

26. Earl Hawkins, manager of KNEU, Roosevelt, Utah, notes succinctly that: "[a] first class license does not an Engineer make."[44] Station licensees must rely ultimately on operators with proven technical abilities. ABC echoes comments of the many broadcasters who find that:

[p]rior experience and, to a lesser degree, education is the best indicator of a person's ability to repair and adjust a transmitter—not some paper testing process.[45]

27. The commenters made several arguments to the effect that operator licensing is no longer necessary regulation. The NAB traces the history of radio operator regulation to the nascent state of radio communications in the maritime service, when "early radio transmitting equipment was very unstable and unreliable, requiring frequent routine maintenance and constant adjustment to avoid interference."[46] The development of reliable and high-performance transmitting equipment has obviated the need for unremitting operator attention and adjustment. The NAB also comments that:

Although very powerful transmitters often are used in contemporary broadcast stations, these devices possess a superlative record of non-interference. Current technology has made it possible for persons of limited technical training to take basic meter readings and to perform simple adjustments to maintain proper operation. Only in case of major complications is there need for a highly specialized technician.[47]

The comments are replete with examples of stations that operate well with basically non-technical personnel, and the occasional services of an outside contract engineer for major maintenance or repair,

28. Robert Locke, a First Class licensee from Allentown, New jersey, argues that elimination of the First Class license will have a negligible effect on the broadcast industry, "since it has always been the [station] licensee's responsibility to make sure his equipment was operating properly and within required FCC parameters."[48] Mr. Locke's essential argument is repeated often throughout the comments. The NAB lists the following of the "several layers of 'redundant' regulations" that are used "in whole or in part, to insure a licensee's compliance with technical standards":[49]

—Station License Applications
—Renewal of Station Licenses
—Periodic Monitoring
—Field Inspections
—Station Technical Logs, Records, and Reports
—Periodic Technical Measurements
—Routine Inspections by Station Personnel
—Licensing of Technicians for Maintenance and Inspection
—Type Acceptance of Transmitting Equipment
—Type Approval of Monitoring Equipment
—Extensive Specific Technical Regulations[50]

NTIA comments that both operator licensing and operating standards incumbent on the station licensee under threat of sanction:

. . . go to the same goals of assuring signal quality and noninterference. . . . Inspecting and monitoring, for example, are probably the most effective means of assuring compliance with technical rules and regulations.[51]

29. The NRBA chides the Commission for not viewing the economic self-interest of broadcasters as possibly the most significant force to render the licensing of operators expendable:

After all is said and done, a licensee's economic viability is dependent upon its broadcast signal. It is therefore in the individual licensee's interest to see to it that its signal is maintained in the best possible fashion by the best possible people. It is only in doing this that a broadcaster can effectively compete in the marketplace.[52]

The NAB, in agreement, notes that:

Broadcasters are in business to maximize profits and to minimize costs. The incentives to avoid Commission forfeiture for non-compliance with relevant technical standards and to maximize profits via a strong and clear signal serve to foster the goals of quality, noninterfering service.[53]

Marketplace competition among the 10,000-plus broadcasting stations and between broadcasting and other communications media, is cited by several commenters as the underlying incentive to maintain signal quality. The NRBA argues that:

Competition generated among those [broadcast] stations—provides a self-regulating mechanism for the industry. This mechanism . . . is effective with respect to the actual technical operation of each station, providing competitive pressure to maintain a high level of performance.[54]

As alleged by NTIA, "signal quality can and does have a real effect on the selection of program sources by an audience."[55]

30. Numerous parties commented that the First Class operator requirement imposes unnecessary costs on station licensees, subjecting small-market broadcasters to a particularly onerous burden. The Foward Group argued that costs to station licensees result "from a requirement that they hire only from a restricted pool of persons possessing a Commission license."[56] Such costs are unnecessary, according to ABC, because the licensing program "may be largely redundant as well as ineffective."[57] W. Floyd Hawkins of KURV addresses the problem this way:

We have in our employ a "ticket" which fulfills FCC rules and regulations, but we also have a contract engineer who does all of our maintenance. There is no way as a licensee that I will permit my "ticket" to do anything other than post his or her license for fulfillment of the law. . . . The cost of maintaining a "ticket" could be put to better use in serving the public interest.[58]

A similar scenario is related by several broadcasters in diverse markets.

31. Finally, some commenters who favor elimination of the First Class license suggest that the broadcasting industry might be motivated to devise its own methods of evaluating operators. The NAB recognizes that:

. . . despite the technological development, "redundant" regulation and marketplace force factors . . . it is our view that, were the FCC to eliminate First Class Operator licensing, broadcasters and engineers should develop an alternative method of testing and screening radio technicians to ensure that these workers possess necessary skills and comprehension.[59]

Further, the NAB:

. . . is committed to assisting the industry in designing methods of testing and screening technical personnel to determine their capacity to operate, install, service and maintain transmitter equipment within the technical parameters set forth in the Rules. We concur with the observation made by [former] Chairman Ferris in a separate statement to the *Further Notice* that FCC "tests do not account for experience and common sense" and that "Broadcasters may well be able to devise their own testing procedures that are far more relevant to their own, and the public's needs.[60]

III. Discussion

32. We shall initially address the legal question of Commission authority to eliminate the First Class license, and then proceed to address the policy issue of public interest benefits or costs expected to result from such an action.

33. The commenters who argue that the Communications Act requires operator licensing of the type currently in place, render a skewed account of regulatory history and intent. It is true that operator licensing must continue as a *sine qua non* of the Communications Act of 1934. The Act, however, does not specify the nature and extent of the licensing requirement. The Act provides in pertinent part that:

Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires shall—

* * * * *

(1) (l) Have the authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them . . .[61]

And that:

The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting (other than those engaged primarily in the function of rebroadcasting the signals of broadcast stations), and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further,* That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.[62]

Thus, the Act requires the Commission to "fix the form" of station operator licensees, but does not prescribe any particular form or qualifications for that license.

34. The SBE argued at great length that elimination of the First Class license and the concurrent proposals in the *Further Notice* would leave unsatisfied the requirements of the Act. In order to maintain that the purpose of Section 318 is to require that broadcast equipment be operated only by persons with a "substantive" license, the SBE drew specious inferences from the provisions of earlier legislation no longer in force. Further, as the requirements of Section 318 cannot be waived or modified where licensed operators are required for safety purposes or at stations engaged in broadcasting, and because broadcast stations often use transmitters and other equipment which employ high voltages, the SBE argued that the requirements to license operators at such stations are twice exempt from abrogation. The Commissjon, however, does not propose to discontinue the licensing of transmitter operators. What the Commission does intend to do by its action today is to bring the operator licensing procedure into line with the state of the art, much evolved since the earliest days of radio regulation.

35. A review of the historical development of the regulatory statutes reinforces the appropriateness of flexible licensing procedures. The first licensing of "wireless" radio operators was imposed to ensure operator facility in handling distress signals, in an effort to avoid tragedy at sea. Early "wireless" sets were very unstable and required frequent maintenance and constant adjustments to avoid interference. The unreliable equipment aboard ships often failed in emergency situations. Radio operators had to be thoroughly familiar with the workings of their transmitters and proficient at sending and receiving Morse Code. Thus, the initial statute to deal with the nascent radio required that only certain ocean-going steamers "be equipped with an efficient apparatus for radio-communciation, in good working order, in charge of a person skilled in the use of such apparatus."[63] Two years later, Congress enacted legislation extending this licensing requirement to all radio operators.[64] At that point in time, radio communciation meant wireless telegraphy alone, and its use was limited almost exclusively to ocean-going vessels. According to the Congressional Record of 1926:

[i]n 1912, the principal use of radio was for communication between ships and between ships and shore. In this year, 1912, the Marconi Co. of America was organized. It operated at that time 60 shore stations for ship communication, including one capable of transmitting to ships 2,000 miles distant. There were approximately 600 ships upon the seas equipped for radio communciation. . . . There were no other practical uses of radio.

It was in this state of the art that the . . . law of 1912 was enacted. . . .[65]

36. These licensing requirements were maintained in later legislation, though not without debate concerning their continued relevance. It is instructive to

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[40] NRBA comments at 2. *See, also* ABC comments at 2; NTIA comments at 5.
[41] Comments of W. Lloyd Hawkins at 1.
[42] NAB comments at 3.
[43] NRBA comments at 2. *See also,* ABC comments at 2.
[44] Comments of Earl Hawkins at 1.
[45] ABC comments at 2. *See also,* NAB reply comments at 3.
[46] NAB comments at 7.
[47] *Id.* at 6.
[48] Comments of Robert Locke at 1.
[49] NAB comments at 7.
[50] *Id.* at 7–8.
[51] NTIA comments at 7. *See, also* NRBA comments at 3; Forward Group comments at 3.
[52] NRBA comments at 3.
[53] NAB comments at 9.
[54] NRBA comments at 4.
[55] NTIA comments at 8.
[56] Forward Group comments at p. 3.
[57] ABC comments at 3.
[58] Comments of W. Floyd Hawkins at 1.
[59] NAB comments at 9. *See, also* NTIA comments at 8; NRBA comments at 4.
[60] NAB comments at 2.
[61] The Communications Act of 1934, § 303, 47 U.S.C. § 303 (1976).
[62] The Communications Act of 1934, § 318, 47 U.S.C., § 318 (1976).
[63] The Radio-Communications Act of 1910, ch. 379, 36 Stat. 629 (June 24, 1910).
[64] The Radio-Communications Act of 1912, ch. 287, 37 Stat. 302 (August 13, 1912).
[65] 67 Cong. Rec. 5478 (1926).

review the history and language of the Radio Act of 1927, precursor to the Communications Act. Section 20 of the Radio Act provided that:

> The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Secretary of Commerce.[66]

Included in the draft bill which preceded the 1927 Radio Act was a more exacting provision, clearly culled from the earliest legislation:

> An operator's license shall be issued only to a person who, in the judgment of the Secretary of Commerce is proficient in the use and operation of radio apparatus.[67]

However, discussion of that section prompted an amendment by Representative Griffin of New York to eliminate the licensing of radio operators entirely. Griffin stated:

> Why should such an operator be required to procure a license? We have locomotive engineers running great trains all over the country; trackwalkers, signalmen, and other employees engaged in great undertakings, where human life is at stake and where there is great responsibility, who are not required to submit to this license nuisance. I ask the gentleman proposing this bill: "What is the earthly reason for requiring the licensing of an operator at a broadcasting station?" Do you not suppose that the employer of that operator knows whether he is efficient or not? Is it not his duty and his obligation to look after the character of the men he employs and whether or not they are efficient? Why should the United States Government assume this responsibility and undertake to establish a bureau, with numerous clerks, filing cases, and an elaborate mechanism, in order to provide help for the operating stations all over the United States? The next logical thing in order, with this precedent established, will be to require Federal licenses for telephone and telegraph operators. It would surely be just as reasonable.
>
> This whole section and all of these paragraphs ought to be eliminated from the bill. Let the people who control the stations select their own operators and use their own judgment.[68]

Representative White of Maine, "the gentleman proposing this bill," rose in opposition to Mr. Griffin's amendment. By virtue of the importance that maritime interests assumed in his state, Mr. White served on the Committee on the Merchant Marine and Fisheries, which committee then dealt with radio communications. As member of that radio subcommittee, Mr. White was a prime mover in the House for radio regulations. His response to Mr. Griffin was essentially that:

> [t]his section is an enlargement of the provisions of existing law. Since 1912, all radio operators have been required to be licensed.[69]

The Griffin proposal was rejected, but the more restrictive provisions, concerning operator proficiencies, were also excluded from the bill in final form, and from the Communications Act of 1934. Section 318 of the Act, cited above, remains the last vestige of legislation necessitated by the problematic state of the art in early maritime radio. In current form, the Act requires that individuals who operate broadcast stations be licensed, but does not indicate technical competence as a prerequisite to certification. Elimination of the First Class operator's permit is thus consistent with the requirements of the Act.

37. Given that the Commission clearly has the statutory authority to eliminate the First Class license, is it in the public interest to do so? Again, in the *Further Notice* two basic questions were asked in this regard:

> Does FCC examination of operators who perform transmitter installation, service, and maintenance, and who train and instruct lower grade operators, contribute to the operation of broadcast stations within FCC technical standards?
>
> [and]
>
> Are there other forces—including competitive market forces, the Commission's technical rules and standards, and sanctions against errant stations—that can effectively assure that broadcast stations will be operated within the FCC's technical standards without the need for examinations?[70]

The commenters were of the near unanimous opinion that the current First Class examination is too ineffective to ensure the operation of broadcast stations within FCC technical standards. Most commenters then addressed the modified question: Can an effective examination be devised? For example, NABET stated in response to the first question:

> Could it not be that if the answer were "no" that the examination of operators is not sufficiently perfected to result in a "yes" answer. If that was the reason for a "no" then the public interest is not being served because of the Commission's failure to provide a proper testing procedure.[71]

To assure that the appropriate question is asked and answered, we will address here the issue of whether an effective examination could be devised and administered.

38. Virtually all commenters agreed that a truly effective examination must include a hands-on performance test, wherein the applicant would actually operate, adjust and repair broadcast equipment. At the same time, virtually all commenters recognized that such a procedure would be unfeasible; being impractical to structure and prohibitively expensive to administer. It is generally recognized that the current examination is effective in the limited objective of familiarizing applicants with Commission rules, standards and procedures and with the electronics theory that underlies the operation of broadcast equipment. Although the so-called "memorization schools" are designed to help a technically unqualified person pass the examination and teach little else, there is some gain to the public even from the limited training provided by these schools to the extent that applicants retain the information.

39. The issue, then, is how substantial are the public benefits from FCC examination of operators, including the potential benefits from an improved examination, and how do these benefits compare to the costs? Awareness of the rules and of theoretical underpinnings are of limited practical use—even if proposed modifications, such as the introduction of various examination levels, were added to the examination procedures. The knowledge gleaned in the process of preparing for such an examination might have some marginal effect on the ability of an operator to maintain his station's already well-functioning equipment within the parameters of the rules, but it would have little impact on an operator's ability to repair equipment or to assure his safety when actually handling the equipment. It is interesting to note that very few of the many First Class license holders who commented in this proceeding claimed that they acquired much practical information during the process of preparing for the examination. Their arguments for retention of the First Class license would have been more persuasive had they provided evidence either: (1) that the ability to pass the examination provided a meaningful measure of the skills necessary for operating and repairing equipment, or (2) that the license examination process successfully weeded out those incapable of operating the equipment. There is no reason to suppose that operators who, in the future, will not have taken the current First Class examination will be any the less capable or motivated.

40. First Class licensees' comments reflected a deserved pride in their accomplishment and in the long history of their contributions to broadcasting, but failed to recognize that an operator's merit is confirmed by his or her practical abilities, primarily acquired through hands-on experience with broadcast equipment, not by the mere possession of a license. In respect to any First Class operators who would be disconcerted by a "demotion" from the Commission today, we want to emphasize that this action represents our recognition that it is the actual day-to-day performance of technical operators in the broadcast industry, rather than the inherently limited Commission licensing procedure, that deserves the full measure of public praise.

41. The driver's license analogy cited by so many of the commenters opposed to the elimination of the First Class license is particularly relevant here. The driver's license examination typically has two parts—a written examination covering rules and theoretical concepts underlying safe driving (e.g., at how many car lengths should one safely follow another car at a given speed), and a driving test, covering various actual driving conditions, such as starting, stopping, turning, parking, etc. It is true that the latter does not cover *all* driving conditions, but it does include those most commonly encountered. It is not clear that the public would consider it worthwhile to maintain the examination procedure if it were limited to the written element. Many educated individuals can easily pass the written examination without studying the rules, hardly a test of their driving ability, while poorly educated applicants often must retake the examination several times because of a lack of reading—not driving—capabilities.

42. A more accurate analogy would compare the First Class operator to the tractor-trailer or "big rig" driver. In that situation, an employer will entrust his expensive (and potentially dangerous) equipment only to an individual who has demonstrated actual driving ability. Reliance upon a written examination would be folly. Work experience and references provide the most reliable means of appraising driver ability. Any license examination, to be meaningful, must include a hands-on test of driving skill. Similarly, a record of practical experience is the foremost indicator of ability for operators of broadcast equipment. The FCC can never have the capability of providing a hands-on licensing examination and therefore the potential utility of our licensing procedure, even if enhanced, is limited at best.

43. Several commenters who recognized the inherent limitation of a written examination, argued that the operator's service record be incorporated as part of the licensing process, as was the custom until 1952. Employers registered their remarks on the back of an operator's license. Yet even were we to retain the First Class operator license so modified, employers would continue to rely on standard resumes and letters of reference. There is no indication that requiring the duplication of this otherwise available information would provide a significant benefit. Unless it could be shown that the license by written examination provided benefits that outweighed its costs, it is not clear that any change in the current procedure would warrant our not completely eliminating that written examination. The relevant question then is the second one from the *Further Notice*—are there other forces that render the benefits from the license examination process largely redundant?

44. As indicated in paragraphs 14 and 15, *supra*, several commenters expressed concern that the elimination of the First Class license requirement would adversely affect the safety of both the technical employees at broadcast stations and the public at large. We think these concerns are misplaced for several reasons. A review of the current examination indicates that the test elements address rudimentary (primarily vacuum tube) circuit characteristics and trouble shooting. Questions on safe work procedures are not included. Although a written examination could be designed to address worker safety issues, a true test would require a hands-on examination of the sort that the Commission simply could not administer. Similarly, the concern raised by Metromedia, that elimination of the First Class license would result in increased broadcast interference to Federal Aviation air facilities, seems remote. Metromedia offers no formal link between this particular interference problem and the First Class license requirement; it is merely presumed that elimination of the license will result in greater interference.

45. There appear to be no major benefits derived from the examination for the First Class operator license, either as it currently exists or as it could be reasonably modified. However, five limited potential benefits are discernible: (1) promoting a greater awareness by the operators of Commission rules and standards; (2) providing operators with some additional knowledge of electronics theory; (3) instilling the operator with a greater sense of pride in his or her work, through having earned a license by examination; (4) heightening concern for a strict adherence to the rules, were it the case that First Class operators found willfully or negligently operating equipment outside the parameters of the Commission's rules faced a credible threat of loss of license or other sanctions;[72] and (5) utilizing the examination process, given its limitations, as a threshold screening device for those station owners and managers, particularly of small stations, who lack technical expertise. It is necessary to investigate how significant these benefits might actually be, in comparison to the costs imposed.

46. The first two potential benefits are not likely to be significant in those markets where there are many technical workers competing for positions. In those situations, competitive pressures in the labor market will probably assure that technicians acquire the necessary knowledge without the additional spur of an examination process. Typically, operators in large, competitive markets have first gained experience in smaller markets. In the smaller markets, there will be less competitive pressure and fewer experienced technicians. But this will be mitigated by other factors. In these markets, station equipment is typically smaller and not as complex. In rural spectrum, as elsewhere, the primary technical concern, from the point of view of both the station and the public, is signal quality. The owner thus has a strong incentive to make sure that his station's signal quality is maintained at a high level in order to attract an audience. As a number of small market owners and managers indicated in their comments, they must have access, at least on an as-needed basis, to well trained technical personnel, in order to protect their investment.[73] Because well-trained technicians are not always

[66] The Radio Act of 1927, ch. 169, 44 Stat. 1162 (February 23, 1927).

[67] *See*, 67 Cong. Rec. 5573 (1926).

[68] 67 Cong. Rec. 5573 (1926).

[69] 67 Cong. Rec. 5573 (1926).

[70] *Further Notice* at paragraph 13. *Supra* note 4.

[71] NABET comments at 4–5.

[72] The Communications Act does not give the Commission the explicit authority to revoke operator licenses and the Commission has never done so. In keeping with the policy and intent to hold broadcast station licensees responsible for all operations, it is seldom that operators receive such sanctions as license suspension or the assessment of forfeitures.

[73] It should be noted that in large markets, the owner's investment in his station is that much greater and its protection therefor represents a stronger incentive to maintain equipment and signal quality.

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readily available, many of these small market station licensees rely on engineering consultants from nearby urban areas to resolve major problems. In the absence of the First Class license requirement, this reliance on well-trained experts should continue, but the small market station licensee would have a greater discretion over whom to employ for routine maintenance, repairs, and operations. It is possible that the local technician who has passed a First Class license examination will have a greater awareness of the Commission rules than would an unlicensed technician, but it is not clear that this would have a discernible effect on the quality of the broadcast signal that the public receives, given a station's inherent incentives to maintain a strong and clear signal.

47. The third potential benefit, a sense of pride in one's work, is difficult to measure, but it is not clear why capable, well-trained technicians would take less pride in their work simply because they did not hold First Class licenses. To the extent that the skills necessary to attain the license are irrelevant for the job—and to the extent that possession of the license is not a good indication of one's technical competence—it is not at all clear that mere possession of the First Class license would instill a greater sense of pride in one's work or improve productivity.

48. The fourth potential benefit would bear fruit only in that rare situation wherein an unscrupulous station licensee would deliberately operate outside the bounds of the Commission's rules, but for the presence of a First Class operator who, for fear of Commission sanction, would refuse to violate Commission standards.[74] For two reasons, this is a most improbable scenario. First, there seems to be little incentive for a station owner to risk sanctions, including loss of the station license, in order to exploit the negligible advantages of technical noncompliance. An owner will rarely want to degrade his own signal, and is unlikely to gain sufficiently from intentional interference to others to invite the risk of FCC action. Quite simply, the Commission has often reiterated that the station licensee bears the ultimate responsibility for all phases of station operations and, as such, has put owners on notice that they face potentially severe penalties for noncompliance. Second, it seems likely that the rare and determined unscrupulous station licensee would be able to find an equally unscrupulous co-conspirator from among the minions of First Class operators. No form of license insures either virtue or incorruptibility. The fourth potential benefit from retention of the First Class license examination, thus, appears to be negligible.

49. The fifth potential benefit was the one most often cited in the comments. Even if the First Class license examination is inherently limited, and does not measure practical abilities, it might provide a useful screening device for non-technical station owners or managers. The First Class license, if effective as a hiring screen, might protect the station from damage to its equipment or to its signal quality (and hence audience and revenues), and from Commission sanctions for noncompliance with the rules. Similarly, if effective, the First Class license might protect the public from poor signal quality or interference. It has been demonstrated, however, that the First Class license could never be more than a limited screening device because it cannot measure hands-on technical competence. Because it encourages operator awareness of the Commission's technical standards, the licensing procedure nonetheless might aid non-technical station owners or managers who need to rely entirely on their technical staff for compliance with the rules. It is not clear, however, that the licensing procedure contributes very much to this goal.

50. In the absence of other Commission activities and alternate means of measuring technical competence, the First Class examination might, indeed, serve a useful function. However, the broadcast environment includes a number of other factors that facilitate or encourage broadcast operation within Commission rules and standards—and thus protect both the public and the station owner—without the need for operator licensing. Broadcast equipment is increasingly automated and accurate. The Commission requires type acceptance of transmitting equipment, type approval of monitoring equipment, maintenance of station logs and records, and periodic monitoring. All of these factors provide protection to, or guidelines for, non-technical station owners to utilize in supervising their technical staff and help owners safely bear their ultimate responsibility for all the operations of their stations. For these reasons, many observers view the First Class licensing procedure as being basically redundant of other Commission rules.[75] It is not obvious, therefore, that an operator licensing examination is necessary as a screen to protect the station owner or the public from technical operations outside the bounds of the Commission rules.

51. Even if an examination were a useful tool, it is not clear that the Commission is the appropriate organization to perform such a task. The prior discussion strongly suggests that a license examination procedure is most useful for the protection of the individual station owner, not of the public. Yet, it is clear from the comments that many broadcasters—perhaps most—do not feel the need for such protection. Many believe that the costs of such a procedure outweigh the benefits. Any gains in security are outweighed by a loss of flexibility. In this situation, it appears that a voluntary licensing program would be better than a mandatory one. The NAB, the largest broadcaster trade association, has proposed that the industry, itself, accept the responsibility for an operator screening process. In its comments, the NAB stated that:

> Preliminary discussions between the Society of Broadcast Engineers (SBE) and NAB indicate that the two organizations could work cooperatively and, with other broadcast entities, develop a satisfactory testing instrument.
>
> An alternative to an SBE/NAB cooperative venture would be for the broadcast industry to develop an instrument for testing prospective AM, FM or TV Chief Operators. It is possible that the industry could develop a test which might be conducted at stations, where licensees could test applicants directly on transmitting equipment (*e.g.*, to require applicants to make repairs, read various meters, etc.)—an aspect of testing which the FCC contends "is clearly impractical for the Commission." Regardless of the instrument used to test an applicant's minimal skills, NAB expects that management would use any such results as only one factor in considering a person for employment. Other equally important factors, *e.g.*, personal interviews, references, previous work experience, and education, would be considered by management in choosing a successful candidate for a position.[76]

A voluntary examination, responsive to the needs of the participating broadcasters, clearly would provide the most effective screening device. This is particularly so were a hands-on test to be included. Further, it leaves to the judgment of the individual broadcaster how much weight to place on the examination, versus other factors such as work experience, education, and references, in making employment decisions.

52. Several commenters were critical of an industry-sponsored examination, citing possible antitrust or discrimination problems. The antitrust concern is not well-taken. Trade organizations or associations are free to devise voluntary standards that are not exclusionary.[77] In the case of a regulated industry such as broadcasting, the Commission determines the operative technical rules and standards; the industry examination would simply provide a voluntary screening device. Although any examination could potentially be discriminatory, this would be less likely a problem in broadcasting, where individual stations retain their EEO responsibilities. If all examinations are in some measure inherently discriminatory, a voluntary examination would ameliorate that part of the problem which is compulsory. In response to ABES' concern that the elimination of a Commission administered license examination would allow unqualified minority applicants to force station owners to give them favored treatment, such action is so blatantly inconsistent with Commission rules and policies and so detrimental to the interests of the station licensees that we cannot believe licensees would participate in such conduct. This type of reasoning appears to be more the specious argument of a currently favored labor group than the serious concern of station licensees, none of whom raised such an objection.

53. One additional point must be addressed relating to the protection of station owners from incompetent technicians. Some owners who were concerned about the loss of the First Class license examination as a screening device argued that they could not properly evaluate the competence of technical personnel, and that, in the absence of a license examination, they should not be held accountable for the actions of their technical employees. ABC, Inc., in its comments in support of the proposed elimination of the First Class license, simultaneously argued that the Commission should reduce its standard of station licensee responsibility for violation of technical rules. According to ABC:

> The Commission has traditionally held station licensees to a standard of strict liability. . . . In effect, it treats licensees as insurors of the technical competence and performance of their operating personnel. For example, neither lack of licensee knowledge, nor the fact that the employees involved in the infractions held FCC licenses, nor termination of the employees has been accepted as an adequate defense.
>
> ABC suggests that this strict liability standard is to harsh; a more realistic and reasonable test should be whether the station licensee exercised reasonable diligence to see to it that his employees complied with the Commission's technical requirements for his station.[78]

We disagree with ABC. In many businesses, management must hire, supervise, and bear the ultimate responsibility for the actions of highly skilled technical employees whose competence top management cannot directly judge. Increasingly, individual members of corporate boards of directors and other corporate executives, as well as governmental executives, are being found liable for actions of their subordinates. The broadcast industry is not unique in this regard. In similar situations in other industries, the affected parties have been able to use non-governmental means of ensuring employee quality. Nothing in the record of this proceeding demonstrates why broadcasters cannot also accomplish their selection of technical employees without government assistance.

54. The Commission has consistently stated that the station licensee bears the responsibility to maintain control of his station, and this responsibility becomes increasingly important as steps are taken to reduce the number of regulations imposed on station licensees in order to allow them to use their own discretion in decision-making. The action we adopt today justifies no change in this standard of conduct.

55. In sum, it is not clear that any of the five potential benefits from a First Class licensing examination procedure are significant. Perhaps not surprisingly, the Canadians have never found the need for such a procedure, yet there is no indication of unacceptable technical performance in the Canadian broadcasting industry.

56. At the same time, the First Class licensing procedure imposes costs—on station owners, on technicians, and on the Commission. Ultimately, the public bears these costs. Station owners must hire First Class operators even if non-licensed technicians or off-site, but readily available, consulting engineers could provide better service. This can be especially costly to small market station owners. Technicians bear costs if they are tested on—and therefore spend time, money, and effort training for—material that is not germane to the actual task of maintaining and repairing broadcast equipment. The heaviest costs are imposed on those few technicians who, though highly competent to deal with broadcast equipment, are not capable of passing a written examination. Lastly, the Commission bears the cost of operating and updating the First Class licensing procedures.

57. Several commenters argued that the Commission's cost savings from elimination of the First Class license would be outweighed by the increased costs of monitoring and enforcement necessitated by a predicted increase in infractions absent the licensing procedure. SBE supported this allegation by citing its members' belief that infractions have increased as a result of earlier Commission actions to reduce operator licensing requirements.[79] In fact, the Commission's Field Operations Bureau, which issues operator licenses and also monitors station compliance with technical standards, has observed no appreciable increase in technical violations since the elimination of the Third Class Radiotelephone Operator Permit, or since the holders of any class of commercial license, including the Restricted Radiotelephone Operator Permit, were authorized to perform routine operator duties at all AM, FM, and TV broadcast stations. Because we recognize that insufficient time has elapsed to make a full evaluation and that these findings are not the result of a formal study by the Commission, we do not rely heavily on them. Indeed, elimination of the First Class license represents a new and different step. Nonetheless, the observations of our Field Operations Bureau offer some indication of what we might expect to result. It is not obvious that increased monitoring and enforcement efforts or expenditures will be necessitated by our action today.

58. Several commentors argued that there are other areas of conduct-oriented regulation that are no more

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[74] In fact, the Commission does not have the explicit authority to revoke an operator's license though it may impose lesser sanctions. *See*, note 72, *supra*.

[75] For example, one of the conclusions of the Georgia Tech study cited in footnote 4, *supra*, was as follows:

> It should also be noted that, to some extent, operator licensing serves a function which is redundant with the functions of other FCC programs. For instance operator licensing, like equipment authorization, and transmitter system operation regulations, helps prevent quality problems from occurring. Monitoring and inspection deter and detect transmission problems, some of which at least may be due to inadequately trained or supervised personnel. Violation notices and sanctions also tend to deter operator-induced problems, as well as others. Thus, the quality-enhancement function served by operator licensing is also served by other FCC programs, which have decidedly more direct impacts on moderating transmission problems.

[76] NAB comments at 10–11, footnotes omitted.

[77] *Cf., Chicago Board of Trade v. United States*, 246, U.S. 231 (1918).

[78] ABC, Inc. comments at 4–5, footnotes omitted.

[79] *See* paragraph 20, *supra*, page 12.

justified than the requirements we abolish today. NTIA asserted that:

[w]hile we believe that the Commission's proposal to eliminate the operator licensing examination requirements is consistent with the goal of an "end-result" oriented regulatory posture, it is only one area of FCC technical regulation that must be relaxed if this goal is to be achieved. The Commission should also give serious consideration to dropping as much of the "how-to" regulation of the day-to-day operation of stations and instead specify performance criteria for certain key technical elements that relate directly to the electromagnetic emission characteristics of a broadcast station. . . .[60]

Since our real and central concern is a station's technical performance, these suggestions of areas for further deregulation may be well taken. However the comments in this record do not adequately address these topics. For example, there was little comment concerning two issues alluded to in Appendix B to the *Further Notice, i.e.*, requirements pertaining to a designated chief operator and to transmission system inspections.[61] We do not propose to resolve these issues now.

IV. Conclusions and Procedural Issues

59. The complete record does not demonstrate any significant correlation between operator licensing and signal quality and interference control. Current available transmitting equipment is proven highly reliable. Market forces and economic self-interest will better ensure that broadcasters employ competent operators and technicians than will a written operator licensing examination. Other Commission regulations are demonstrably more effective than operator licensing at controlling interference and assuring compliance with technical standards. Operator licensing imposes costs without concomitant benefits. For these reasons, as well as all the foregoing, we find elimination of the First Class operator license requirement is in the public interest.

60. The Commission will no longer conduct examinations for, or continue to issue, the original First Class Radiotelephone Operator license. On a date to be specified by public notice in the near future, the Commission will institute a license to be called the General Radiotelephone Operator license.[62, 63] Examination requirements for the General license will include only those currently in effect for the Second Class Radiotelephone Operator license. Once the General Radiotelephone Operator license has been instituted, no new First or the Second Class licenses will be issued and current holders of First and Second Class licenses will be issued the General Radiotelephone Operator license, upon application for renewal. Current First and Second Class licenses may be held until they expire.

61. Pending issuance of the General Radiotelephone Operator license, current First Class and Second Class licenses will be renewed when applications are timely filed, and the Commission will continue to accept applications for, and issue, the Second Class license as such. No new applications will be accepted for First Class licenses. Until the General Radiotelephone Operator license is available, anyone seeking that license should apply for the Second Class license.

62. The Commission authorizes individuals holding any class of commercial operator license, including the Restricted Radiotelephone Operator Permit, but excluding the Marine Radio Operator Permit, to install, maintain, repair, and technically supervise AM, FM, and TV transmitting equipment and FM and TV broadcast translator transmitting equipment.[64] Station licensees will continue to be responsible for all aspects of station operations.

63. At present there are a limited number of AM stations, using directional antenna systems, that are not required to make certain antenna field strength measurements or annual proofs of performance because they employ as duty operators only persons holding the First Class license.[65] As there will no longer be any First Class operator requirements, some modification to this rule must be considered. Until such a rule making procedure is concluded, however, those stations will continue to be exempt from the measurement requirements.

64. Authority for these amendments appears in Sections 4(i) and 303 of the Communications Act of 1934, *as amended*. 47 U.S.C. §§ 4(i) and 303. In that the amendments adopted herein with respect to the Second Class Radiotelephone Operator license are editorial and ministerial in nature, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553 (1976), are not applicable.

65. Accordingly it is ordered, That Parts 0, 13, 73, 74 and 83 of the Commission's Rules and Regulations are amended as set forth in the attached Appendix, effective August 7, 1981.

66. It is further ordered, that, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended. 1006, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—COMMISSION ORGANIZATION

1. In Part 0, § 0.314 is amended by removing paragraph (b) in its entirety and designating it reserved as follows:

§ 0.314 Additional authority delegated.

(a) * * *

(b) [Reserved]

* * * * *

PART 13—COMMERCIAL RADIO OPERATORS

2. In Part 13 § 13.2 is amended by revising paragraphs (a)(2)(i) with added Note, removing paragraph (a)(2)(ii), and revising paragraph (d)(2) as follows:

§ 13.2 Classification of operator licenses and endorsements.

* * * * *

(a) * * *

(2) * * *

(i) General Radiotelephone Operator License.

Note.—Until future notice implementing the full provisions of the *Fourth Report and Order* in Docket Number 20817, adopted on June 16, 1981, the Commission will continue issuing Radiotelephone Second-Class Operator Licenses. Subsequent to such notice, the General Radiotelephone Operator Licenses will be issued.

* * * * *

(d) * * *

(2) Ship radar endorsement—applicable only to Radiotelegraph First and Second-Class Licenses and General Radiotelephone Operator Licenses.

* * * * *

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[60] NTIA comments at 4–5. *See also* NAB reply comments at 4–5.

[61] *Further Notice* at Appendix B, paragraphs 1(a), (d) and (e). *Id.* note 4.

[62] The new General Radiotelephone Operator license conforms to international standards in name and in scope. The International Telecommunications Union specifies two classes of radiotelephone operators' certificates, the general and the restricted. Of the two, the radiotelephone operator's general certificate requires the more extensive technical knowledge.

[63] As the necessary form changes are subject to clearance by the Office of Management and Budget, we cannot specify, at this time, the effective date for implementation of the new General Radiotelephone Operator license.

[64] Since the transmission equipment for FM and TV translators is similar to that used in regular broadcast services, we believe the same operator licensing requirements should apply. No comments were filed that argued to the contrary.

[65] F.C.C. Rules and Regulations § 73.93(e), 47 C.F.R. 73.93(e) (1980). *See, Report and Order*, adopted June 1, 1972, F.C.C. 72–467, 37 Fed. Reg. 11538 (June 8, 1972).

3. Section 13.5 is amended by revising paragraph (c)(2) with added Note, to read as follows:

§ 13.5 Eligibility for new license.

* * * * *

(c) * * *

(2) If the applicant afflicted with blindness is afforded a waiver of the written examination requirements and is found qualified for a General Radiotelephone Operator License, the applicant may be issued the license, provided that the license so received shall bear an endorsement as follows:

"This license is not valid for the operation of any station licensed by the Commission unless the station has been adapted for operation by a blind person and the equipment to be used in such station for that purpose is capable of providing operation in compliance with the Commission's Rules."

Note.—Some First Class, Second Class, and Third Class licenses or permits previously issued by the Commission also bear this endorsement.

* * * * *

§ 13.7 [Removed]

4. Section 13.7 is removed in its entirety.

5. Section 13.11 is amended by revising paragraph (a), and paragraph (e) to read as follows:

§ 13.11 Procedure.

(a) *General.* Applications will be governed by the rules in force on the date when application is filed. The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed, must be submitted to the appropriate office as indicated in paragraph (b) of this Section. If the application is for renewal of license, it may be filed at any time during the final year of the license term or during a 1-year period of grace after the date of expiration of the license sought to be renewed. During this 1-year period of grace, an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be backdated to the date of expiration of the license being renewed. A renewal application should be accompanied by the license sought to be renewed.

* * * * *

(e) *Blind applicant.* A blind person seeking an examination for a General Radiotelephone Operator License should make a request in writing to the appropriate field office for a time and date to appear for such examination. The examination will be administered only at Field Offices. Requests for examinations must be made at least 2 weeks prior to the date on which the examination is desired.

6. Section 13.21 is amended by revising paragraph (a)(3) and removing the text of paragraph (a)(4) and marking it reserved as follows:

§ 13.21 Examination elements.

(a) * * *

(3) General radiotelephone. Technical, legal, and other matters applicable to the operation of radiotelephone stations other than broadcast.

(4) [Reserved]

* * * * *

7. Section 13.22 is amended by removing paragraph (a) in its entirety and marking it reserved, revising the heading of paragraph (b), and adding a note following paragraph (b) as follows:

§ 13.22 Examination requirements.

* * * * *

(a) [Reserved]

(b) General Radiotelephone Operator License.

(2) * * *

Note.— Until further notice implementing the full provisions of the *Fourth Report and Order* in Docket Number 20817, adopted on June 16, 1981, the examination requirements for the Radiotelephone Second Class Operator License will be the same as those for the General Radiotelephone Operator License.

* * * * *

8. Section 13.25 is revised in its entirety to read as follows:

§ 13.25 New class, additional requirements.

The holder of a commercial radio operator license who applies for another class of license will be required to pass only any additional examination requirements for the new license, provided, however, that the holder of a Radiotelegraph Third-Class Operator Permit who takes an examination for a Radiotelegraph Second-Class Operator License more than 1 year after the issuance date of the Third-Class Permit will also be required to pass the code test prescribed therefor.

9. Section 13.61 is amended by adding two notes after the headnote; by removing paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i) and marking them reserved; by adding a note following paragraph (e); and by adding a note following paragraph (f) as follows:

§ 13.61 Operating authority.

Note 1.—The scope of authority of the various classes of operator licenses and permits is set forth in the Rules governing the radio services involved.

Note 2.—The authority conveyed by an operator license may be limited in certain circumstances by restrictive endorsements. (See, for example, § 13.5(c).)

(a)—(e) [Reserved]

Note.—Wherever a Radiotelephone First Class Operator License is specified by the Rules, a General Radiotelephone Operator License is the equivalent thereof.

(f) [Reserved]

Note.—Wherever a Radiotelephone Second Class Operator License is specified by the Rules, a General Radiotelephone Operator License is the equivalent thereof.

(g)–(i) [Reserved]

§ 13.62 [Removed]

10. Section 13.62 is removed in its entirety.

§ 13.71 [Amended]

11. Section 13.71 is revised by removing the Note following paragraph (b).

PART 73—RADIO BROADCAST SERVICES

12. In Part 73, new § 73.61 is added to Subpart A to read as follows:

§ 73.61 AM directional antenna field measurements.

(a) Each AM station using a directional antenna system must make field strength measurements at the monitoring point locations specified in the instrument of authorization. These measurements must be made at least once each calendar month at intervals not exceeding 40 days, unless a weekly schedule is required by the terms of the station authorization or the provisions of other rules in this Subpart. If weekly measurements are required, the measurements are to be made at least once each calendar week at intervals not exceeding 10 days. The results of the measurements are to be made in the station maintenance log under the provisions of § 73.1830.

(1) The station must have correctly functioning field strength measuring equipment readily available to perform these measurements.

(b) Partial and skeleton antenna proof of performance measurements must be made and analyzed to the procedures given in § 73.154 according to the following schedule:

(1) A partial proof of performance measurement must be completed at least once each third calendar year with intervals not exceeding 39 months between successive measurements.

(2) For stations not having an approved sampling system a skeleton proof of performance measurement must

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be completed during each calendar year that a partial proof of performance measurement is not completed as required by (2) of this paragraph.

Note 1.—AM stations which were not required to make periodic field strength measurements under the terms of the station authorization or the rules of this Subpart prior to July 1, 1981, are not subject to the requirements of paragraph (a) of this Section until further action by the Commission.

Note 2.—AM stations which do not use remote control when operating with a directional antenna or were not required by the rules of this Subpart to make periodic skeleton or partial antenna proof of performance measurements prior to July 1, 1981, are not subject to the requirements of paragraph (b) of this Section until further action by the Commission.

13. Section 73.68 is amended by revising paragraph (b)(5) to read as follows:

§ 73.68 Sampling systems for antenna monitors.

* * * * *

(b) * * *

(5) The skeleton proof of performance measurements required by § 73.61.

* * * * *

14. Section 73.93 is revised in its entirety to read as follows:

§ 73.93 AM operator requirements.

(a) Transmitter duty operator requirements: See § 73.1860.

(b) Chief operator requirements: See §73.1870.

(c) Transmission system inspection requirements: See § 73.1580.

(d) Directional antenna proof of performance requirements: See § 73.61.

15. Section 73.140 is amended by removing paragraph (c)(3) and marking it reserved, and by revising paragraphs (c)(4) to read as follows:

§ 73.140 Use of automatic transmission systems (ATS).

* * * * *

(c) * * *

(3) [Reserved]

(4) Transmission system inspections specified in § 73.1580 may be made once each calendar month with intervals between successive inspections not exceeding 40 days, in lieu of the weekly inspection schedule.

* * * * *

16. Section 73.144 is amended by revising paragraphs (b) and (c) to read as follows:

§ 73.144 Fail-safe transmitter control for automatic transmission system.

* * * * *

(b) If the transmissions of the station terminate due to any of the conditions given in paragraph (a) of this Section, operation of the station may be resumed under manual direct or remote control, provided the improper operating condition that caused the termination is corrected upon resumption of transmissions.

(c) If a termination of the station transmissions is caused by any failure of the ATS control or alarm functions, ATS operation may not be resumed until all necessary repairs or adjustments have been completed and the chief operator has made an entry in the maintenance log explaining the cause of the ATS failure and certifying that all required ATS functions are fully restored.

17. Section 73.265 is revised in its entirety to read as follows:

§ 73.265 FM operator requirements.

(a) Transmitter duty operator requirements: See § 73.1860.

(b) Chief operator requirements: See § 73.1870.

(c) Transmission system inspection requirements: See § 73.1580.

18. Section 73.340 is amended by removing paragraphs (c)(4) and (c)(5) and revising paragraphs (c)(1), (c)(2) and (c)(3) to read as follows:

§ 73.340 Use of automatic transmission systems (ATS).

* * * * *

(c) * * *

(1) The operating log entries specified in § 73.1830(a)(3) need not be made.

(2) The transmission system inspections specified in § 73.1580 may be made once each calendar month with intervals between successive inspections not exceeding 40 days, in lieu of the weekly inspection schedule.

(3) Continuous operation of the station modulation monitor is not required.

19. Section 73.344 is amended by revising paragraphs (b) and (c) to read as follows:

§ 73.344 Fail-safe transmitter control for automatic transmission systems.

(a) * * *

(b) If the transmissions of the station terminate due to any of the conditions given in paragraph (a) of this Section, operation of the station may be resumed under manual direct or remote control, provided the improper operating condition that caused the termination is corrected upon resumption of the transmissions.

(c) If a termination of the station transmissions is caused by any failure of the ATS control or alarm functions, ATS operation may not be resumed until all necessary repairs or adjustments have been completed and the chief operator has made an entry in the maintenance log explaining the cause of the ATS failure and certifying that all required ATS functions are fully restored.

20. Section 73.540 is amended by removing paragraphs (c)(4) and (c)(5) and revising paragraphs (c)(1), (c)(2) and (c)(3) to read as follows:

§ 73.540 Use of automatic transmission systems (ATS).

* * * * *

(c) * * *

(1) The operating log entries specified in § 73.1830(a)(2) need not be made.

(2) Transmission system inspections specified in § 73.1580 may be made once each calendar month with intervals between successive inspections not exceeding 40 days, in lieu of the weekly inspection schedule.

(3) Continuous operation of the station modulation monitor is not required.

21. Section 73.544 is amended by revising paragraphs (b) and (c) to read as follows:

§ 73.544 Fail-safe transmitter control for automatic transmission systems.

* * * * *

(b) If the transmissions of the station terminate due to any of the conditions given in paragraph (a) of this Section, operation of the station may be resumed under manual direct or remote control, provided the improper operating condition that caused the termination is corrected upon resumption of the transmissions.

(c) If a termination of the station transmissions is caused by any failure of the ATS control or alarm functions, ATS operation may not be resumed until all necessary repairs or adjustments have been completed and the chief operator certifies in the maintenance log that the required ATS functions are fully restored with a description of the cause of the ATS failure.

22. Section 73.565 is revised in its entirety to read as follows:

§ 73.565 NCE–FM operator requirements.

(a) Transmitter duty operator requirements: See § 73.1860.

(b) Chief operator requirements: See § 73.1870.

(c) Transmission system inspection requirements: See § 73.1580.

23. Section 73.661 is revised in its entirety to read as follows:

§ 73.661 TV operator requirements.

(a) Transmitter duty operator requirements: See § 73.1860.

(b) Chief operator requirements: See § 73.1870.

(c) Transmission system inspection requirements: See § 73.1580.

24. Section 73.764 is revised in its entirety to read as follows:

§ 73.764 International broadcast station operator requirements.

(a) One or more operators holding a General Radiotelephone Operator License must be on duty where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated.

(b) The licensed operator on duty and in charge of the transmitter may, at the discretion of the station licensee, be employed for other duties or for the operation of other transmitters if such duties do not interfere with the proper operation of the transmission system.

(c) Operator licenses are to be posted as specified in § 73.1230.

Note.—Operators holding valid First Class or Second Class Radiotelephone Operator Licenses will comply with the requirements of this Section.

25. Section 73.1225 is amended by revising paragraphs (c)(1)(iv)(D), (c)(1)(v), and (c)(2)(ii); and adding new paragraphs (c)(3) to read as follows:

§ 73.1225 Station inspection by FCC.

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(D) Section 73.61, AM directional antenna field strength and proof of performance measurements.

(v) The written designations for chief operators and, when applicable, the contracts for chief operators engaged on a contract basis. (See § 73.1870.)

(2) * * *

(ii) The written designations for chief operators and when applicable, contracts for chief operators engaged on a contract basis. (See § 73.1870.)

(3) *For commercial and noncommercial TV stations:*

(i) Equipment performance measurements required by § 73.639 and § 73.1665.

(ii) The written designations for chief operators.

* * * * *

26. Section 73.1515 is amended by revising the headnote and paragraph (c)(6) to read as follows:

§ 73.1515 Special field test authorizations.

* * * * *

(c) * * *

* * * * * *

(6) Test transmitters must be operated by or under the immediate direction of an operator holding a General Radiotelephone Operator License.

Note.—Operators holding valid First Class or Second Class Radiotelephone Operator Licenses will comply with the requirements of this paragraph.

* * * * *

27. New § 73.1580 is added to Subpart H to read as follows:

§ 73.1580 Transmission system inspections.

(a) Each AM, FM, and TV station must conduct a complete inspection of the transmitting system and all required monitors according to the following schedule:

(1) For stations not using an automatic transmission system, an inspection at least once each calendar week at intervals not exceeding 10 days.

(2) For stations using an authorized automatic transmission system (ATS) the inspections must be completed at least once each calendar month at intervals not exceeding 40 days.

(3) For Class D noncommercial educational FM stations authorized to operate with power not exceeding 10 watts, the inspections must be conducted as necessary to insure compliance with the rules and terms of the station authorization.

(b) The results of the inspections required by subsection (a) of this Section are to be entered in the station maintenance log as specifed in § 73.1830(a)(i)(ix).

28. Section 73.1830 is amended by revising the introduction of paragraphs (a) and (a)(2)(iii); adding new paragraph (a)(1)(ix); removing paragraphs (a)(2)(vi) and (a)(3)(iv); and removing the Note following paragraph (a)(2)(iv) as follows:

§ 73.1830 Maintenance logs.

(a) Each AM, FM and TV station must keep a maintenance log. Entries in the log must be made by or under the direction of the station's chief operator, and the entries are to reflect the results of all transmitter inspections, tests, adjustments and maintenance. The following information is to be entered in the log:

(1) * * *

(ix) A signed dated statement by the chief operator upon completion of the inspections required by § 73.1580 showing that the inspection has been made. The statement must include details of tests, adjustments, and repairs that were accomplished to ensure operation in accordance with the technical operating rules and terms of the station authorization. If repairs could not be completed, the entry must also include details of the items of equipment concerned, the manner and degree in which they were defective, and the reasons why complete repair could not be made.

* * * * *

(2) * * *

(iii) For stations using directional antennas, an entry of the results of field strength measurements made at the monitoring points specified in the station authorization, if such measurements are required by § 73.61 or the terms of the authorization.

* * * * *

29. New § 73.1860 is added to Subpart H to read as follows:

§ 73.1860 Transmitter duty operators.

(a) Each AM, FM, and TV broadcast station must have at least one person holding a commercial radio operator license or permit of any class except a Marine Radio Operator Permit on duty in charge of the transmitter during all periods of broadcast operation. The operator must be on duty at the transmitter location, a remote control point, an ATS monitor and alarm point, or a position where extension meters are installed under the provisions of § 73.1550.

(b) The transmitter operator must be able to observe the required transmitter and monitor metering to determine deviations from normal indications. The operator must also be able to make the necessary adjustments from the normal operator duty position, except as provided for in § 73.1550.

(c) It is the responsibility of the station licensee to ensure that each transmitter operator is fully instructed and capable to perform all necessary observations and adjustments of the transmitting system and other associated operating duties to ensure compliance with the rules and station authorization.

(d) The transmitter duty operator may, at the discretion of the station licensee and chief operator, be employed for other duties or operation of other transmitting stations if such other duties will not interfere with the proper operation of the broadcast transmission system.

30. New § 73.1870 is added to Subpart H to read as follows:

§ 73.1870 Chief operators.

(a) The licensee of each AM, FM, and TV broadcast station must designate a person holding a commercial radio operator license of any class other than a Marine Radio Operator Permit to serve as the station's chief operator. At times when the chief operator is unavailable or unable to act (e.g., vacations, sickness), the licensee shall designate another licensed operator as the acting chief operator on a temporary basis.

(b) Chief operators shall be employed or serve on the following basis:

(1) The chief operator for an AM station using a directional antenna or operating with greater than 10 kW

authorized power, or of a TV station is to be an employee of the station on duty for whatever number of hours each week the station licensee determines is necessary to keep the station's technical operation in compliance with FCC rules and the terms of the station authorization.

(2) Chief operators for non-directional AM stations operating with authorized powers not exceeding 10 kW and FM stations may be either an employee of the station or engaged to serve on a contract basis for whatever number of hours each week the licensee determines is necessary to keep the station's technical operation in compliance with the FCC rules and terms of the station authorization.

(3) The designation of the chief operator must be in writing with a copy of the designation posted with the operator license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.

(c) The chief operator has the following specific duties:

(1) Conduct weekly (or monthly for stations using automatic transmission systems) inspections and calibrations of the transmission system, required monitors, metering, and control systems; and make any necessary repairs or adjustments where indicated. (See § 73.1580.)

(2) Make or supervise periodic AM field monitoring point measurements, equipment performance measurements, or other tests as specified in the rules or terms of the station license.

(3) Review the station operating logs at least once each week as part of the transmission system inspections to determine if the entries are being made correctly of if the station has been operating as required by the rules or the station authorization. Upon completion of the review, the chief operator is to make a notation of any discrepancies observed and date and sign the log; initiate necessary corrective action, and advise the station licensee of any condition which is a repetitive problem.

(4) Make or supervise entries in the maintenance log. (See § 73.1830.)

§ 73.3547 [Removed]

31. Section 73.3547 of Subpart H is removed in its entirety.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

32. Part 74 is amended by adding new § 74.18 to read as follows:

§ 74.18 General operator requirements.

(a) Except where unattended transmitters are specifically permitted, an operator must be on duty and in charge of the transmitter at either the transmitter location or remote control location during operation.

(b) Unless otherwise specified, stations authorized under the provisions of this Part may be operated by any person designated by the station licensee and need not hold a commercial radio operator license or permit.

(c) The transmitter duty operator may, at the discretion of the station licensee, be employed for other duties and for the operation of other transmitting stations if such other duties will not interfere with the proper operation of the station transmission systems.

Note.—Persons holding valid First Class or Second Class Radiotelephone Operator Licenses may perform all duties which are designated to be performed by persons holding General Radiotelephone Operator Licenses.

33. Section 74.166 is revised in its entirety to read as follows:

§ 74.166 Experimental TV broadcast station operator requirements.

One or more operators holding a General Radiotelephone Operator License must be on duty where the transmitting apparatus is located and in actual charge thereof whenever it is being operated.

34. Section 74.266 is revised in its entirety to read as follows:

§ 74.266 Experimental facsimile broadcast station operator requirements.

One or more operators holding a General Radiotelephone Operator License must be on duty where the transmitting apparatus is located and in actual charge thereof whenever it is being operated.

35. Section 74.366 is revised in its entirety to read as follows:

§ 74.366 Developmental broadcast station operator requirements.

One or more operators holding a General Radiotelephone Operator License must be on duty where the transmitting apparatus is located and in actual charge thereof whenever it is being operated.

36. Section 74.468 is amended by revising the headnote, removing paragraphs (a) and (c) and marking them reserved, revising paragraph (d), and removing paragraph (e) as follows:

§ 74.468 Broadcast remote pickup station operator requirements.

(a) [Reserved]

* * * * *

(c) [Reserved]

(d) All transmitter installations or maintenance which may affect the proper operation of a broadcast remote pickup station must be made by or under the immediate supervision of a person holding a General Radiotelephone Operator License.

37. Section 74.533 is amended by revising paragraph (b)(4) as follows:

§ 74.533 Remote control and unattended operation.

* * * * *

(b) * * *

(4) Whenever an unattended aural broadcast STL or intercity relay station is in operation, appropriate observations must be made at the receiving end of the circuit at intervals not exceeding 3 hours by an operator designated by the licensee.

38. Section 74.565 is revised in its entirety to read as follows:

§ 74.565 Broadcast aural STL and intercity relay station operator requirements.

(a) Special operator requirements for unattended station operations are specified in § 73.333.

(b) All transmitter installations or maintenance which may affect the proper operation of the station must be made by or under the immediate supervision of a person holding a General Radiotelephone Operator License.

39. Section 74.634 is amended by revising paragraph (a)(1) to read as follows:

§ 74.634 Remote control operation.

(a) * * *

(1) The operating position must be under the control and supervision of the licensee and must be the place at which an operator meeting the requirements of §§ 74.18 or 74.655 and responsible for the operation of the transmitter is on duty.

* * * * * *

40. Section 74.665 is revised in its entirety as follows:

§ 74.665 TV broadcast auxiliary station operator requirements.

(a) Except as provided for in paragraphs (b) and (c) of this Section, TV broadcast auxiliary stations may be operated only by persons holding General Radio Operator Licenses.

(b) Transmitters operating on any band listed in § 74.602 that require adjustments during normal operation which could result in off-frequency operation or unauthorized radiations may be operated only by persons holding General Radiotelephone Operator Licenses.

(c) Special operator requirements for unattended stations are specified in § 74.635.

(d) TV broadcast pickup stations operating in Band A, B, or D with nominal transmitter power in excess of 250 mW may be operated by persons who do not hold commercial operator licenses or permits, provided that a person holding a General Radiotelephone Operator license is on duty at the receiving end of the circuit to supervise the operation and to immediately initiate measures sufficient to assure the prompt correction of any improper operating conditions.

(e) All transmitter installations or maintenance which may affect the proper operation of the transmitting system must be made by or under the immediate supervision of a person holding a General Radiotelephone Operator License.

(f) Notwithstanding any other provisions of this Section, any person may, if directed to do so by the licensed operator on duty in charge of a TV broadcast auxiliary station, turn the station transmitter on or off.

§ 74.734 [Amended]

41. Section 74.734 is amended by removing paragraph (c) in its entirety.

42. Section 74.750 is amended by adding new paragraphs (f) and (g), to read as follows:

§ 74.750 Transmitters and associated equipment.

* * * * *

(f) The transmitting antenna system may be designed to produce horizontal, vertical, or circular polarization.

(g) Stations using modulating equipment must have an operator holding a General Radiotelephone Operator License examine the transmitting system after installation. This operator must certify in the application for license that the equipment meets the transmitting requirement of § 74.750(d)(1), and that the waveform of the transmitted signal conforms to the standards of a TV broadcast signal. A report of the methods, measurements, and results obtained must be kept with the station records. The report must include performance data of the visual and aural transmitters comparable to that requested in the license applications for TV broadcast stations. (See FCC Form 302 or Form 341.) However, stations employing modulating equipment solely for the limited local origination of signals permitted by § 74.731(f) need not comply with the requirements of this paragraph.

§ 74.752 [Removed]

43. Section 74.752 is removed in its entirety.

44. Section 74.766 is revised in its entirety to read as follows:

§ 74.766 TV broadcast translator operator requirements.

(a) The installation of a TV broadcast translator station with type accepted transmitting equipment may be made by any person designated by the station licensee.

(c) Any transmitter installations, maintenance, or adjustments which require the radiation of signals for their completion and which could result in improper operation of the apparatus must be made by or under the immediate supervision of an operator holding a General Radiotelephone Operator License.

(d) Special operator requirements for unattended transmitter operation are specified in § 74.734.

45. Section 74.868 is revised in its entirety to read as follows:

§ 74.868 Broadcast low power auxiliary station operator requirements.

All transmitter installations or maintenance which may affect the proper operation of the apparatus must be made by or under the immediate supervision of a person holding a General Radiotelephone Operator License.

46. Section 74.966 is amended by removing the headnote, introduction of paragraph (b), and paragraphs (c) and (d), and by removing paragraph (e) in its entirety as follows:

§ 74.966 ITFS station operator requirements.

* * * * *

(b) Except when under the immediate supervision of an operator holding a General Radiotelephone Operator License, an operator holding any other class of operator license or permit may perform only the following functions:

* * *

(c) In cases where a transmitter is operated unattended under the provisions of § 74.938, a licensed operator must observe the transmissions at the receiving point for the station or some other suitable place where the transmissions of the unattended transmitter can be observed, at intervals of no more than 1 hour whenever the station is in operation. Should any condition of improper operation be observed, immediate measures must be taken to correct the condition of improper operation.

(d) All transmitter installations or maintenance which may affect the proper operation of the apparatus must be made by or under the immediate supervision of a person holding a General Radiotelephone Operator License.

47. Section 74.1250 is amended by revising the headnote and removing the text of paragraphs (f), (g), and (h) and marking them reserved as follows:

§ 74.1250 Transmitters and associated equipment.

* * * * *

(h) [Reserved]

48. Section 74.1266 is revised in its entirety to read as follows:

§ 74.1266 FM broadcast translator and booster station operator requirements.

(a) The installation of an FM broadcast translator or booster station with type accepted transmitting equipment may be made by any person designated by the station licensee.

(b) Simple maintenance such as the replacement of tubes, fuses, or other plug-in components and adjustment which will not result in the improper operation of the apparatus may be made by any person designated by the station licensee.

(c) Any transmitter installations, maintenance, or adjustments which require the radiation of signals for their completion and which could result in improper operation of the apparatus must be made by or under the immediate supervision of an operator holding a General Radiotelephone Operator License.

(d) Special operator requirements for unattended transmitter operation are specified in § 74.734.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

49. In Part 83, Section 83.160 is amended by revising the headnote and adding paragraph (b), to read as follows:

§ 83.160 Limitations applicable to commercial radio operator licenses and permits.

* * * * *

(b) At a ship radar station, the holder of any class of commercial license or permit may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing, or maintenance of the radar equipment while it is radiating energy unless he or she has satisfactorily completed a supplementary examination qualifying him or her for that duty and received a ship radar endorsement on his or her license certifying to that fact: *Provided*, That nothing in this subsection shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes.

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Wednesday
July 8, 1981

Part III

Department of Energy

Office of Conservation and Renewable Energy

Wind Energy Technology Application Program

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DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 417

[Docket No. CAS-RM-81-405]

Wind Energy Technology Application Program

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy (DOE), in accordance with a statutorily mandated schedule, proposes program rules for soliciting and processing applications by non-Federal public and private entities for grants or cooperative agreements to purchase and install large wind energy systems (more than 100 kilowatt rated capacity) under section 6 of the Wind Energy Systems Act of 1980 (Pub. L. 96-345). These rules are being proposed now only because they are required by law. DOE believes that direct financial assistance would be unnecessary and wasteful because tax credits and market conditions are providing sufficient incentives for the private sector to purchase and install large wind energy systems. DOE intends to oppose funding under these rules.

DATES: All written comments must be received on or before September 8, 1981. Requests to present oral testimony must be received on or before August 11, 1981. The public hearing is scheduled for August 25, 1981, 9:30 a.m. to 5:00 p.m., Washington, D.C.

ADDRESSES: Send comments and requests to speak to Carol Snipes, U.S. Department of Energy, Hearings and Dockets, Mail Stop 6B-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: CAS-RM-81-405.

The public hearing will be held at 2000 M Street, NW, Room 2105, U.S. Department of Energy, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Peter Goldman, Office of Conservation and Renewable Energy, Wind Energy Systems Division, 600 E Street, NW., Room 404, Washington, D.C. 20585, (202) 376-1953

Neal J. Strauss, Carol A. Cowgill, Office of General Counsel, 1000 Independence Avenue, SW., Room 6B-158, Washington, D.C. 20585, (202) 252-9513.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Review Under Executive Order 12291 and OMB Circular A-116.
III. Review Under the Regulatory Flexibility Act.
IV. Review Under the National Environmental Policy Act.
V. Proposed Rules.
VI. Comment and Public Hearing Procedures.

I. Background

Solely in order to comply with a statutorily mandated schedule for action, the Department of Energy (DOE) today proposes program rules for soliciting and processing applications for financial assistance in the form of grants or cooperative agreements for the Wing Energy Technology Application Program required to be established by section 6 of the Wind Energy Systems Act of 1980 (Act) (Pub. L. 96-345). Although not contemplating funding or issuance of solicitations for the program until the mid-1980's, the Act authorizes eventual solicitations for this type of financial assistance to stimulate non-Federal public and private entities to purchase and install commercial large wind energy systems with more than 100 kilowatts rated capacity. The congressionally stated objectives of the program are to achieve a reduction in large wind energy systems unit costs through mass production and to identify operation and maintenance costs for large wind energy systems.

DOE wishes to make clear that it does not believe the Federal government should be extending direct financial assistance to promote purchase and installation of commercial wind energy systems. Market conditions and tax credits will provide the needed incentive to invest in such systems, and direct financial assistance would be unnecessary and wasteful. DOE intends to seek appropriate legislation to ensure that Federal money not be spent as is contemplated by the Act. Pending enactment of this legislation, DOE will comply with its obligations under the Act and continue development of the required rules.

II. Review Under Executive Order 12291 and OMB Circular A-116

Today's proposal was reviewed under Executive Order 12291 (February 17, 1981) and under OMB Circular A-116. DOE has concluded that the rule is not a "major rule" because, even if implemented, it will not result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For the same reasons, DOE has determined that an urban and community impact analysis under OMB Circular A-116 is not necessary.

III. Review Under the Regulatory Flexibility Act

Because this rule, if implemented, might have a significant economic impact on a substantial number of small entities, this preamble discusses all the issues required under section 603 of the Regulatory Flexibility Act, Pub. L. 96-354, to be covered in an initial regulatory flexibility analysis. DOE invites small entities and other interested persons to comment on its analysis and to make specific suggestions with supporting reasons, for revision of the regulatory flexibility analysis or for revisions of the rule consistent with the Act.

IV. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of these regulations does not require preparation of an environmental assessment or of an environmental impact statement under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.* (1970)), the Council on Environmental Quality regulations (40 CFR 1500-1508), and the DOE guidelines (45 FR 20694, March 28, 1980). The regulations are procedural in nature and their issuance will not result in a predictable significant environmental impact. In conjunction with the Comprehensive Program Management Plan which is required by the Act, a programmatic environmental assessment is being prepared. In the event that financial assistance is ever awarded under these rules, DOE would complete any appropriate NEPA site specific documentation that may be required.

V. Proposed Rules

The proposed rules are divided into two subparts. The first, subpart A, deals with general matters and procedures. Subpart B sets forth the special procedures and requirements that would apply to applications, awards, and administration of purchase and installation assistance.

Proposed § 417.1 sets forth the purpose and scope of Part 417, the Wind Energy Techology Application Program. This section makes clear that Part 417 does not apply to the research, development and demonstration projects eligible to receive DOE financial assistance under the Act, to loans to finance purchase and installation of small or large wind energy systems under the technology application program, or to arrangements made by DOE with other Federal agencies for the procurement of wind energy systems.

Proposed § 417.2 defines several terms used throughout Part 417. The terms "conventional energy system," "large wind energy system," "public and private entity," and "wind energy system" are taken from section 3 of the Act. The term "State" is taken from section 13(b) of the Act. The term "peak generating capacity," a concept used in the Act to distinguish large and small wind energy systems, is defined to mean "the maximum power output a wind energy system is designed to produce."

Proposed § 417.3(a) provides for establishment of the Wind Energy Technology Application Program, and states that the program shall be managed by the Assistant Secretary for Conservation and Renewable Energy. Paragraph (b) would prohibit DOE from issuing any solicitation or awarding any new financial assistance after a finding by the Secretary that large wind energy systems are economically competitive with conventional energy sources or on September 30, 1988, whichever occurs first. This program termination provision is required by section 6(i) of the Act.

Proposed § 417.4 sets forth the eligibility requirements for financial assistance under Part 417. Any public or private entity as defined in section 3 of the Act would be eligible for assistance. An eligible project is one involving one or more large wind energy systems, each of which has a peak generating capacity of more than 100 kilowatts. In addition, the wind energy systems would have to be located within a State as that term is defined in section 13(b) of the Act.

The Conference Report on the Act explains that the reason the conferees decided to limit the purchase and installation financial assistance program to large wind energy systems was because of their concern that financial assistance "for small wind energy systems would possibly be counterproductive and stunt the market and industry growth that is anticipated to result from the already existing tax credits and loans that are available for the purchase of these systems." H.R. Rep. No. 96-1217, 96th Cong., 2nd Sess. 14(1980), *reprinted in* 1980 U.S. Code Cong. and Admin. News 5119.

Proposed § 417.5 states that except as otherwise provided in Part 417, the DOE Assistance Regulations, 10 CFR Part 600 (DOE-AR), shall apply to the award and administration of financial assistance for large wind energy systems projects. In accordance with section 603(b)(5) of the Regulatory Flexibility Act, Pub. L. 96-354, the Department has identified the DOE-AR as the only set of Federal rules which may overlap the proposed rule.

Proposed § 417.6 sets forth the procedures DOE proposes to follow if required to solicit applications for assistance under this program. A notice of availability of any program solicitations would be published in the Federal Register and in the *Commerce Business Daily*. Notices might also be published in trade and professional journals and newspapers, and be mailed directly to potential applicants whenever necessary to assure adequate publicity and widespread participation. The information required to be included in a solicitation is set forth in paragraph (b). In any solicitation issued under this proposed section, DOE would reserve the right to award financial assistance to any, all, or none of the applicants. The public is invited to comment on whether, in the event there are solicitations under Part 417, these proposed solicitation procedures are sufficiently informative to assure that small business concerns and other small entities would have realistic opportunities to particpate in this program to the maximum extent practicable in accordance with section 12 (a) of the Act.

Proposed § 417.7 provides a discretionary debriefing procedure for applicants whose applications are disapproved by DOE. Under this procedure, the applicant could submit a written request for a telephone conference or meeting to discuss why the applicant's proposed project was not approved for financial assistance.

Proposed § 417.8 states an exception to the property disposition requirements of the DOE assistance regulations, 10 CFR Part 600. This exception provides that unless otherwise provided in the assistance agreement, title to all wind data-gathering equipment and to all large wind energy systems acquired with financial assistance provided under Part 417 shall vest in the recipient without any further accountability to the Federal Government. The proposed section also provides that the assistance recipient's obligation to comply with the monitoring and reporting requirements of proposed § 417.26 and with the visitation requirement of § 417.27 are affected by the property disposition exception proposed in § 417.8.

The final sections of subpart A, §§ 417.9 through 417.20, are reserved.

Proposed § 417.21 states that the scope of Subpart B is limited to the procedures and requirements that are unique to the purchase and installation of large wind energy systems.

Proposed § 417.22 would require that, except as otherwise provided by statute enacted subsequent to the effective date of Part 417, the amount of DOE assistance awarded for purchase and installation assistance before October 1, 1988 may not exceed 50 percent of total allowable project costs. After September 30, 1988, the DOE assistance share may not exceed 25 percent. These dates and percentages are required by section 6(e) of the Act.

Proposed § 417.23 sets forth the information that would be required in an application for financial assistance to purchase and install a large wind energy system. Under paragraph (a), the applicant's project description would have to include a feasibility study which contains certain specified elements. In addition to technical and management information described in paragraphs (b)-(g) of proposed § 417.23, paragraph (h) would require that the application contain a title report or other documentary evidence that the applicant will have access to and be authorized to use the proposed site for at least 30 years following the end of the project period. The latter requirement is being proposed to assure that assistance is not awarded to someone who, after the large wind energy system is installed, would not be able to operate and maintain it because of a legal deficiency preventing adequate access and use of the site.

DOE considered but decided against proposing a requirement for applicants to set forth the terms of any warranties from proposed manufacturers and installers. It is DOE's view that an applicant's potential economic stake in the large wind energy system, even with DOE financial assistance, would be sufficiently great to assure that the best possible warranty terms are negotiated.

The Department also considered but decided against proposing a requirement that the applicant domonstrate that the proposed large wind energy system would comply with any voluntary performance standards. At present, there are no such standards because the technology for most large wind energy systems is in an early stage of development and is changing so rapidly.

Proposed § 417.24(a) provides that allowable costs for purchase and installation assistance include expenses incurred for site preparation, and for purchase, delivery, storage, assembly, installation, and start-up testing of all essential system components, and for the monitoring and reporting required under § 417.26.

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Paragraph (b) of this proposed section makes transmission system costs allowable up to an amount not exceeding 10 percent of total allowable project costs. This percentage may be increased to a maximum of 25 percent if the applicant demonstrates that the existing transmission system is inadequate. These limitations on allowable transmission system costs were recommended in the Conference Report for the Act. H.R. Rep. No. 96–1217, 96th Cong., 2nd Sess. 12 (1980), *reprinted in* 1980 U.S. Code Cong. & Admin. News 5117.

Proposed § 417.25(a) sets forth the criteria DOE would be required to use in evaluating applications for purchase and installation assistance. In addition to feasibility factors related to the system and the site, these criteria include extent of cost-sharing proposed by the applicant, commercial readiness of the proposed large wind energy system, and the ability of the applicant to manage the project, to finance its share of the purchase and installation costs, and to pay for the operation and maintenance of the completed system.

Paragraph (b) of this section provides that assistance applications proposing large wind energy systems with an aggregate peak generating capacity under 30 megawatts would be competitively evaluated against each other. Applications proposing over 30 megawatts or more will similarly be evaluated against each other. DOE is proposing to provide for evaluation of these two groups of applications separately because systems under 30 megawatts can be qualifying small power production facilities which are exempt from regulation pursuant to the Public Utility Regulatory Policies Act (Pub. L. 95–617). As a result, applications involving such systems would be significantly different from all others.

Proposed § 417.26 would require that the assistance recipient monitor and report, for five years after the commencement of normal operation, certain operation and maintenance data. The required data would consist of (a) site meteorological data; (b) system performance and energy produced; (c) actual operating and maintenance costs; and (d) types and quantities of fuel that would have otherwise been used from conventional generating sources. Under proposed paragraph (b), the assistance agreement could specify that such data be reported at intervals ranging from quarterly to annually. Proposed paragraph (c) would authorized DOE to modify the reporting requirements on a case-by-case basis to reflect variations in the nature, size, scope, instrumentation, and management of the assisted project. Finally, proposed paragraph (d) would require that the assistance recipient make the project site available to authorized DOE personnel for the performance, at DOE expense, of on-site sampling, testing, and monitoring.

In drafting proposed § 417.26, DOE considered the potential burden on small entities, and on the basis of available information, concluded that the burden would not be excessive largely because the costs of data collection would be covered by the assistance agreement. The public is invited to suggest additional data that should be included in these required reports or to point out burdens of data collection which have been overlooked.

Section 6(h) of the Act provides the authority for proposed § 417.26 as well as for proposed § 417.27 which provides that the assistance agreement shall specify the procedures the recipient will establish for providing members of the public opportunities to view and inspect the large wind energy system.

VI. Comment and Public Hearing Procedures

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Written comments should be submitted by September 8, 1981 to the appropriate address indicated in the "Addresses" section above and should be identified on the outside envelope and on the document with the designation "Wind Energy Technology Application Program." Ten copies should be submitted.

If any information is considered proprietary or confidential, it should be so identified and submitted in writing, one copy only.

B. Public Hearings

1. *Procedure for Request to Make Oral Presentation.* The time and place for the hearing are indicated in the "Dates" and "Addresses" sections above.

DOE invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest, to make a written request for an opportunity to make oral presentation by *August 11, 1981.* Such a request should describe the interest concerned and, if appropriate, to state why the individual is a proper representative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation, and a telephone number where this representative may be contacted during the day.

DOE will notify each person selected to appear at the hearings on or before *August 18, 1981.* Fifteen copies of the statement should be delivered to the hearing site on the day of the hearing.

2. *Conduct of the Hearing.* DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statement. At the conclusion of all initial oral statements, each person who has made an oral statement will, if time permits, be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to ask a question at the hearing may submit the question in writing to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1E–190, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is proposed to be amended by establishing a new Part 417 as follows.

Issued in Washington, D.C., June 29, 1981.

Joseph H. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 417—WIND ENERGY TECHNOLOGY APPLICATION PROGRAM

Subpart A—General

Sec.
417.1 Purpose and scope.
417.2 Definitions.
417.3 Establishment of program.
417.4 Eligibility requirements.
417.5 Applicability of DOE Assistance Regulations.
417.6 Solicitation procedures.
417.7 Debriefing.
417.8 Property.
417.9–417.20 [Reserved]

Subpart B—Financial Assistance for Large Wind Energy Systems

417.21 Scope.
417.22 Funding limitation.
417.23 Application requirements.
417.24 Allowable project costs.
417.25 Evaluation criteria.
417.26 Monitoring and reporting requirements.
417.27 Visitation.

Authority: Sec. 6, Pub. L. 96–345, 94 Stat. 1142 (42 U.S.C. 9205); 41 U.S.C. 506(a).

Subpart A—General

§ 417.1 Purpose and scope.

The purposes of this Part are to establish a wind energy technology application program under Section 6 of the Wind Energy Systems Act of 1980 (Pub. L. 96–345) and to set forth the procedures and requirements for the award and administration of financial assistance (in the form of grants or cooperative agreements) to public and private entities for the purchase and installation of large wind energy systems and data-gathering on operation and maintenance of such systems. The procedures and requirements of this Part do not apply to the research, development, and demonstration projects eligible to receive DOE financial assistance under the Act, to loans to finance purchase and installation of large wind energy systems; or to arrangements made by DOE with other Federal agencies for the procurement of wind energy systems.

§ 417.2 Definitions.

For the purposes of this Part—

"Act" means the Wind Energy Systems Act of 1980, Pub. L. 96–345.

"Conventional energy source" means energy produced from oil, gas, coal, or nuclear fuels.

"DOE" means the Department of Energy.

"Feasibility study" means a study to determine the technical and economic feasibility and institutional and environmental acceptability of undertaking a project to purchase and install a wind energy system at a specific site.

"Financial assistance" means a grant or cooperative agreement.

"Normal operation" means the unattended operation of the wind energy system after installation and debugging and putting energy from the system on line.

"Operating and maintenance costs" means those costs incurred after commencement of normal operation associated with maintaining a wind energy system so that it continues to perform satisfactorily over its design lifetime.

"Peak generating capacity" means the maximum power output a wind system is capable of producing in normal operation.

"Public and private entity" means any individual, corporation, partnership, firm, association, agricultural cooperative, public or investor owned utility, public or private institution or group, and state or local government agency, or any other domestic entity.

"Secretary" means the Secretary of Energy.

"Small Wind energy system" means a wind energy system designed to produce a peak generating capacity of one hundred kilowatts or less.

"State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States including the Trust Territory of the Pacific Islands.

"Wind energy system" means a system of components which converts the kinetic energy of the wind into electricity or mechanical power and which comprises all necessary components including energy storage, power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for residential, agricultural, commercial, industrial, utility or governmental use.

§ 417.3 Establishment of program.

(a) The Wind Energy Technology Application Program is established under this Part and shall be administered by the Assistant Secretary of Conservation and Renewable Energy of DOE.

(b) DOE shall not issue any solicitation or award any financial assistance related to large wind energy systems under this Part after finding, in accordance with section 6 of the Act, that such systems have become economically competitive with conventional energy sources or on September 30, 1988, whichever occurs first.

§ 417.4 Eligibility requirements.

Any public or private entity is eligible to receive assistance under this Part for a project located within a State which involves one or more large wind energy systems, each of which has a peak generating capacity of greater than one hundred kilowatts.

§ 417.5 Applicability of DOE Assistance Regulations.

Except as otherwise provided in these rules, the award and administration of financial assistance under this Part are subject to the requirements of the DOE Assistance Regulations, 10 CFR Part 600.

§ 417.6 Solicitation procedures.

(a) Subject to the availability of appropriated funds or to termination of all or part of the program, as provided in § 417.3(b), DOE may issue solicitations under this section as often as it deems appropriate. DOE shall not consider any unsolicited proposal for assistance under this Part.

(b) Subsequent to publishing a Notice of availability under § 417.6(c), DOE shall solicit pre-applications and/or applications for the award of financial assistance under this Part by issuing a solicitation providing the following information:

(1) Program name, reference title and number of this program in the *Catalog of Federal Domestic Assistance*, citations to these rules, and to the statutory authority for this program;

(2) Name and address of the DOE official or office to which the application should be mailed or delivered;

(3) Deadlines for submitting pre-applications and applications, and for completing reviews under Part I of OMB Circular A-95;

(4) Number of copies, not exceeding three, of preapplications and/or applications required to be submitted.

(5) A description of how DOE will treat late applications, and how DOE intends to dispose of applications that do not result in the award of financial assistance;

(6) Total amount of DOE funds available for award under the solicitation, the maximum amount of DOE assistance that may be awarded to an individual recipient, and the minimum amount of cost sharing

required to be provided by the applicant;

(7) A statement advising applicants that, except as otherwise provided in these rules, the award and administration of financial assistance under this Part are subject to the DOE Assistance Regulations, 10 CFR Part 600;

(8) A statement advising that information submitted to DOE in pre-applications and applications is subject to reproduction or disclosure to others under the DOE regulations implementing the Freedom of Information Act, 5 U.S.C. § 552, 10 CFR Part 1004;

(9) A statement advising that the award and administration of financial assistance under this Part are subject to the requirements of 10 CFR Part 1022 (Compliance with Floodplain/Wetlands Environmental Review Requirements) and the requirements of 10 CFR Part 1040 (Non-discrimination in Federally Assisted Programs);

(10) Date, time and location of any pre-application briefing;

(11) A statement advising applicants of the availability of the debriefing procedure under § 417.7;

(12) A statement indicating whether DOE intends to award the financial assistance in the form of grants, cooperative agreements, or a combination of these instruments;

(13) A description of the eligibility requirements applicable to the solicitation;

(14) An explanation of the criteria that will be used to evaluate applications and the ranking of such evaluation criteria;

(15) A summary of and references to the standard terms and conditions that will be included in the financial assistance agreement;

(16) Name, address, and telephone number of the DOE official from whom applicants may obtain applications and additional information, including copies of these rules and any materials referred to in the solicitation.

(c) Upon issuing a program solicitation, DOE shall publish in the **Federal Register** and *Commerce Business Daily* a Notice of availability, including but not limited to the information described in § 417.6(c)(1), (6), (12), (13), and (14).

(d) Whenever necessary to assure adequate publicity and widespread participation, DOE may publish a copy or notice of the solicitation in trade and professional journals and in newspapers, and may mail copies or notices directly to potential applicants.

(e) In any solicitation issued under this section, DOE reserves the right to award financial assistance to any, all, or none of the applicants.

§ 417.7 Debriefing.

Upon the written request of an applicant whose application has been disapproved, DOE may schedule a telephone conference or a meeting for the purpose of explaining why the applicant's project was not approved for assistance under this Part. Such debriefing must be requested within 30 days after date of the written notification of DOE disapproval.

§ 417.8 Property.

Unless otherwise provided in the assistance agreement, title to wind data-gathering equipment and to all large wind energy systems acquired with financial assistance provided under this Part shall vest in the recipient without any further accountability to the Federal government. This section does not affect the obligation of the recipient to comply with the monitoring and reporting requirements of § 417.26 and the visitation requirement of § 417.27 of this Part.

§ 417.9–§ 417.20 [Reserved]

Subpart B—Financial Assistance for Large Wind Energy Systems

§ 417.21 Scope.

This subpart sets forth special procedures and requirements governing the application and award of financial assistance for the purchase and installation of large wind energy systems, as well as data-gathering and reporting on operation and maintenance of such systems.

§ 417.22 Funding limitation.

Except as otherwise provided by statute enacted subsequent to issuance of these rules,

(a) before October 1, 1986, the amount of DOE assistance awarded under this subpart may not exceed 50 percent of total allowable project costs; and

(b) after September 30, 1986, the amount of DOE assistance awarded under this subpart may not exceed 25 percent of total allowable project costs.

§ 417.23 Application requirements.

An application for financial assistance to purchase and install a large wind energy system shall include the following:

(a) A project description which includes a feasibility study containing the following elements—

(1) A wind resource assessment based on reliable wind speed data collected and recorded, at the proposed site, by an acceptable method and for a minimum period of time which are specified in the program solicitation;

(2) An economic analysis determining the estimated cost of wind-generated energy (cents per kilowatt hour) as a function of—

(i) The available wind resources;

(ii) The anticipated performance of the large wind energy system;

(iii) The estimated costs of site acquisition and preparation, wind energy system purchase and installation, interconnection and transmission, and operation and maintenance; and

(iv) The estimated revenues or value to be derived from wind-generated energy;

(3) A marketing plan which identifies prospective purchasers and estimates the volume of sales of wind-generated energy;

(4) An engineering analysis identifying—

(i) The optimum location;

(ii) Configuration;

(iii) Expected system performance; and

(iv) Plans for site preparation, transportation of system components to the site, installation, power system interconnection and operation;

(5) A power system integration plan describing—

(i) Components and subsystems; and

(ii) The schedule and procedures to be undertaken to comply with requirements of relevant regulatory and financial institutions;

(6) A site development plan describing the schedule and procedures for acquiring—

(i) Licenses;

(ii) Permits; and

(iii) Any necessary property interests including land, structures, rights-of-way, access roads, and air rights;

(7) An environmental analysis evaluating all potential adverse environmental effects of installation and operation and determining alternative, cost-effective mitigating procedures;

(8) A health and safety analysis identifying occupational and public health and safety issues associated with installation and operation, and determining alternative cost-effective mitigating procedures; and

(9) A financing plan identifying—

(i) Sources and amounts of financing for construction and operation;

(ii) A cash flow statement for the first five-years of system operation;

(iii) Assumptions regarding interest rates, tax liabilities, and debt amortization.

(b) The number and type of proposed large wind energy systems to be purchased and installed including meteorological equipment;

(c) The names, addresses, and qualifications and experience of the manufacturers, designers, and installers of the principal components of the proposed large wind energy system, including meteorological equipment;

(d) The number, length, voltage, interconnection, age, condition and location of any transmission lines to be constructed or modified as part of the project, including any new facilities required to put energy from the wind system on line;

(e) Topographical maps, diagrams, site plan, and photographs showing the location of the proposed project;

(f) A statement indicating whether the applicant has applied for or plans to apply for any other Federal assistance to support the proposed project;

(g) A management plan identifying the major tasks involved in completing the project, the qualifications and responsibilities of key personnel, and the estimated schedule of completion, including projected dates for obtaining necessary permits and licenses; and

(h) A title report or other documentary evidence that the applicant will have access to and be authorized to use the proposed site for at least 30 years following the end of the project period.

§ 417.24 Allowable project costs.

(a) Allowable project costs under this subpart shall include all reasonable and necessary expenses of purchasing and installing a large wind energy system. Such costs shall include expenses incurred for site preparation and for purchase, delivery, storage, assembly, installation, and start-up testing of all essential system components, and for the monitoring and reporting required under § 417.26 of this subpart.

(b) Allowable transmission system costs may not exceed 10 percent of total allowable large wind energy systems costs. If the applicant demonstrates that the existing transmission system is not adequate to transport electricity from a large wind energy system to an electric power grid, the costs of such transmission system may be allowed up to a maximum of 25 percent of total allowable system costs.

§ 417.25 Evaluation criteria

(a) Based on information provided in the application and on any other information available to DOE, the criteria used to evaluate applications for assistance under this subpart shall include the following:

(1) Wind resource at the proposed site;

(2) The extent of cost-sharing proposed by the applicant;

(3) Demonstrated level of performance and reliability of the proposed large wind energy system;

(4) Technical and economic feasibility;

(5) Institutional and environmental acceptability;

(6) Commercial readiness of the proposed energy system;

(7) Ability of the applicant to manage the project, to finance its share of the purchase and installation costs, and to pay for the operation and maintenance of the completed system;

(8) Suitability of the proposed site; and

(9) The relative contribution the proposed large wind system would make to the reduction of unit costs of production and the objectives set forth in Section 2(b) of the Act.

(b) Assistance applications for large wind energy systems with an aggregate peak generating capacity of not more than 30 megawatts shall be evaluated competitively against each other. Applications proposing projects designed to generate 30 megawatts or more of power shall be competitively evaluated against each other.

§ 417.26 Monitoring and reporting requirements.

(a) For five years after the commencement of normal operation, the assistance recipient shall monitor and report to DOE the following data:

(1) Site meteorological data;

(2) System performance and energy produced;

(3) Actual operating and maintenance costs;

(4) Types and quantities of fuel from conventional energy source displaced by the wind-generated energy; and

(5) Such other items of data as described in the assistance agreement.

(b) The information required to be reported under this section shall be submitted on a form or consistent with instructions provided by DOE. The reporting frequency established by DOE in the assistance agreement shall not be less frequently than annually nor more frequently than quarterly.

(c) DOE reserves the right to modify the reporting requirements of this section on a case-by-case basis to reflect variations in the nature, size, scope, instrumentation, and management of the assisted project.

(d) The recipient shall make the project site available to authorized DOE employees or agents for the performance, at DOE expense, of on-site sampling, testing, and monitoring.

§ 417.27 Visitation.

The financial assistance agreement shall specify the procedures the recipient will establish for providing opportunities for members of the public to view and inspect the system under reasonable conditions.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 12 through July 18, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

25626 5-8-81 / Filberts grown in Oreg. and Wash., and filbert imports; grade requirements; comment period extended to 7-15-81

[*See also* 46 FR 21017, 4-8-81]

34346 7-1-81 / Grade and size requirements for fresh prunes grown in Washington and Oregon; comments by 7-16-81

Food Safety and Quality Service—

26350 5-12-81 / Maximum inspection rates for young chickens and alternate method of post mortem inspection of young chickens known as "modified traditional inspection"; interim rule; comments by 7-13-81

CIVIL AERONAUTICS BOARD

34347 7-1-81 / International cargo rate flexibility policy; comments 7-16-81

COMMERCE DEPARTMENT

International Trade Administration—

26275 5-12-81 / Commodities excluded from certain special license procedures, advisory notes and the Commodity Control List; interim rule; comments by 7-13-81

National Oceanic and Atmospheric Administration—

28883 5-29-81 / Fishery management program for billfish fisheries of the Western Pacific Region; comments by 7-13-81

33530 6-30-81 / St. Thomas National Marine Sanctuary designation; comments by 7-16-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

31663 6-17-81 / Commonwealth of Massachusetts's petition for declaratory order clarifying method of calculation of avoided cost for all utility requirements; comments extended to 7-17-81

[*See also* 46 FR 26353, 5-12-81]

32270 6-22-81 / High-Cost Gas Produced from Tight Formations; comments by 7-16-81

ENVIRONMENTAL PROTECTION AGENCY

26353 5-12-81 / Approval and promulgation of implementation plans; rule revisions for two Air Pollution Control Districts in California; comments by 7-13-81

31675 6-17-81 / Approval and promulgation of Implementation Plans; South Carolina; comments by 7-17-81

[*See also* 44 FR 40901, 7-13-79 and 45 FR 6572, 1-29-81]

31637 6-17-81 / Extension of feed additive regulation on experimental use of combined residues insecticide chlorpyrifos and its metabolite on dried citrus pulp; (final rule); comments by 7-17-81

31023 6-12-81 / Illinois; removal of State Implementation Plan approval condition; comments by 7-13-81

31027 6-12-81 / Indiana, Designation of areas for air quality planning purposes; comments by 7-13-81

31028 6-12-81 / Kansas; Application for interim authorization. Phase I, hazardous waste management program; comments by 7-13-81

31024 6-12-81 / Ohio; approval and promulgation of Implementation plans; comments extended to 7-13-81

[Originally published at 46 FR 7008, 1-26-81]

31024 6-12-81 / Oklahoma; Submission of volatile organic compound (VOC) regulations for Set II control technique guideline sources; comments by 7-13-81

31279 6-15-81 / 1,2-benzisothiazolin-3-one; proposed exemption from the requirement of a tolerance; comments by 7-15-81

31026 6-12-81 / Puerto Rico; approval and promulgation of State plans for designated facilities and pollutants; comments by 7-13-81

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32458 6–23–81 / Remedial action standards for inactive uranium processing sites; extension of comment period; comments by 7–15–81

26501 5–13–81 / Revisions to the priority list of categories of stationary sources; comments by 7–13–81

31446 6–16–81 / State of Maryland; revision to State Implementation Plan for total suspended particulate matters; comments by 7–16–81

FEDERAL COMMUNICATIONS COMMISSION

25662 5–8–81 / FM broadcast stations in Christiansted, and Fredericksted, Virgin Islands; changes in table of assignments; reply comments by 7–13–81

25489 5–7–81 / FM broadcast station in Sonora, Calif.; proposed changes in table of assignments; reply comments by 7–13–81

25488 5–7–81 / FM broadcast station in Deer Park, Wash.; proposed changes in table of assignments; reply comments by 7–13–81

30124 6–5–81 / Inquiry into the development of regulatory policy in regard to Interim Direct Broadcast Satellite Service; comments by 7–16–81

31266 6–15–81 / Inquiry into the policies to be followed in the authorization of common carrier facilities to meet Pacific Region Telecommunications needs during the 1981–1995 period; comments by 7–15–81

31693 6–17–81 / National implementation of Final Acts of 1979 World Administrative Radio Conference; comments by 7–15–81

[*See also* 46 FR 3060, 1–13–81]

28457 5–27–81 / Pleading cycle on Computer and Business Equipment Manufacturers Association (CBEMA) petition for policy ruling on AT&T offering of new customer-premises equipment (CPE) filed under Federal tariff filed after second computer inquiry final decision; reply comments by 7–17–81

25487 5–7–81 / TV broadcast station in Roanoke Va.; proposed changes in table of assignments; reply comments by 7–13–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

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FEDERAL LABOR RELATIONS AUTHORITY AND FEDERAL SERVICE IMPASSES PANEL

33019 6–26–81 / Sub-regional office addresses, listing; Virginia; jurisdiction under Atlanta Regional Office; comments by 7–15–81

FEDERAL MARITIME COMMISSION

30666 6–10–81 / Former employees; rules of practice and procedure; comments by 7–13–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

31006 6–12–81 / Antioxidants and Stabilizers; Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate; indirect food additive; objections by 7–13–81

31005 6–12–81 / Di-*N*-alkyl (C_8–C_{10}) dimethylammonium chloride, *n*-alkyl (C_{12}–C_{16}) benzyldimethyl-ammonium chloride and ethyl alcohol as components of sanitizing solutions; objections by 7–13–81

31009 6–12–81 / Gentamicin sulfate injection; antibiotic drug; comments by 7–13–81

31004 6–12–81 / Margarine labeling; ingredient requirements; objections by 7–13–81

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31007 6–12–81 / Tris (2,4-di-*tert*-butylphenyl)-phosphate; indirect food additive; objections by 7–13–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

33278 6–29–81 / Deferral of effective dates for final rules on Hawaiian Tree Snails, Texas Poppymallow, gypsum wild buckwheat and todsens pennyroyal; endangered and threatened wildlife and plants; comments by 7–17–81

33276 6–29–81 / Deferral of effective dates for final rules on Hawaiian Tree Snails, Texas Poppymallow, Gypsum wild buck wheat and Todsens Pennyroyal; endangered and threatened wildlife and plants; comments by 7–17–81

18666 3–25–81 / Proposed 1981–82 migratory game bird hunting regulations (preliminary); comments for early season proposals by 7–13–81

31030 6–12–81 / Waterfowl hunting, areas in which non-toxic shot would be required; comments by 7–12–81

INTERNATIONAL TRADE COMMISSION

28673 5–28–81 / Conduct of investigations of injury to domestic industry results from imports; comments by 7–13–81

INTERSTATE COMMERCE COMMISSION

31450 6–16–81 / Commercial zones; expansion of Washington, D.C.; comments by 7–16–81

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

26653 5–14–81 / Amendment of provisions for inspection of persons applying for admission; comments by 7–13–81

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26789 5–15–81 / Labor certification process for permanent employment of aliens in the U.S.; certification of Canadian railway workers; comments by 7–14–81

Occupational Safety and Health Administration—

21785 4–14–81 / Occupational Health Hazards of Toxic Chemicals in Laboratories; comments by 7–15–81

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26664 5–14–81 / Availability of portion of Federal Acquisition Regulation on source selection and transportation; comments by 7–15–81

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27344 5–19–81 / Separate financial statements required by regulation S–X; Proposed revision of rules; comments by 7–13–81

SMALL BUSINESS ADMINISTRATION

31899 6–18–81 / Minority small business and capital ownership development assistance program; delegation of approval or denial authority to designated officials for advance payment under Section 8 contracts; comments by 7–16–81

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31020 6–12–81 / Shenandoah Valley Viticultural area; comments by 7–13–81

[Originally published at 46 FR 21623, 4–13–81]

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31022 6–12–81 / Extension of educational benefits to eligible persons; comments by 7–13–81

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27344 5–19–81 / Proposed rescission of REA Bulletin 80–8: Construction Operation and maintenance of electric lines on lands administered by the Forest Service; comments by 7–20–81

CIVIL AERONAUTICS BOARD

28381 5–26–81 / Reports of ownership of stock and other interests and reports of stock ownership of affiliates of air carriers; comments by 7–21–81

28383 5–26–81 / Wet lease agreements, proposal to liberalize regulation; comments by 7–21–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

33350 6–29–81 / Interim Plan for the Management of Atlantic Groundfish; management measures; comments by 7–24–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

32596 6–24–81 / Wyoming; High-cost gas produced from tight formations; comments by 7–20–81

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Documents Relating to Federal Grant Programs

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33656 6–30–81 / HHS/NIH—Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee) Bethesda, Md. (partially open), 7–16 and 7–17–81

33656 6–30–81 / HHS/NIH—Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, Bethesda, Md. (partially open), 7–10 and 7–11–81

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33246 6–29–81 / Ed—Grants regulations; Museum Services Program; effective 7–29–81

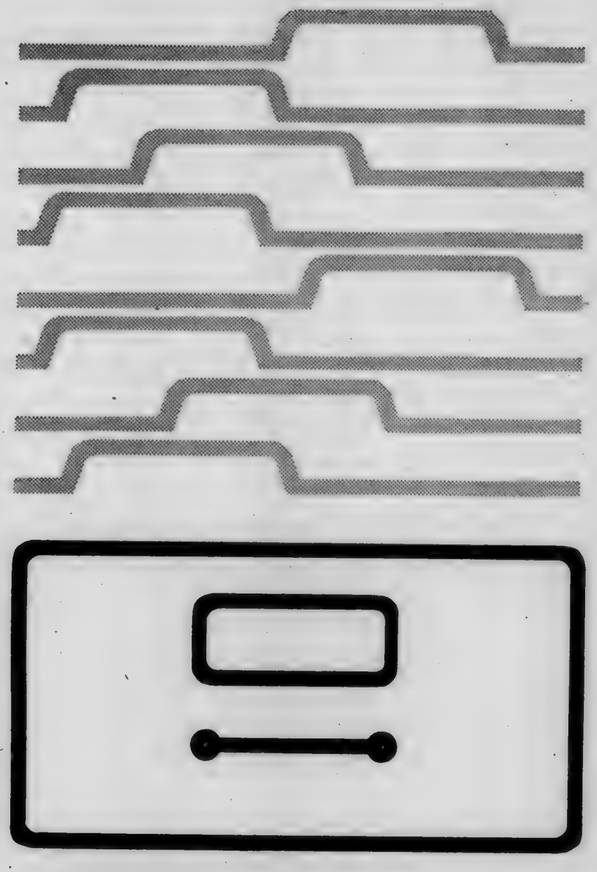
33657 6–30–81 / HHS/PHS/HRA—First-year enrollment decreases for Health Professions Schools

34776 7–2–81 / OMB/FPPO—Patents; Small Firms and non-profit organizations

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federal register

Thursday
July 9, 1981

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35503 **Mail to Canada** PS suspends private express statutes and regulations.

35511 **VISTA Volunteers** ACTION publishes procedures on trainee deselection and volunteer early termination.

35532 **Radio** FCC proposes to eliminate interference to radio communications when safety of life and property are involved.

35611 **Air Carriers** DOT/FAA removes aircraft exclusive use requirement for supplemental air carriers and commercial operators. (Part II of this issue)

35602 **Amtrak** DOT/FRA receives request from Amtrak to waive maximum allowable operating speed for LRC trains on certain Northeastern tracks.

35535 **Foreign Fishing Vessels** Commerce/NOAA proposes to require payment for U.S. observers within 90 days from the date of billing.

35614 **Outer Continental Shelf Oil and Gas** DOE implements variable work commitment bidding system for leases. (Part III of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

35522 **Radioactive Materials** NRC proposes allowing small quantities of americium-241 as an exempt quantity for use in ionizing radiation measuring instruments.

35604 **Hazardous Materials** Treasury/Sec'y requests public input on hazardous substance liability studies.

35502 **American Revolution Bicentennial** DOT/FHWA removes regulation on signs for Bicentennial activities.

35606 **Sunshine Act Meetings**

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35614 **Part III, DOE**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

GENERAL ACCOUNTING OFFICE

4 CFR Parts 27 and 28

General Accounting Office Personnel Appeals Board; Organization and Procedures

AGENCY: General Accounting Office Personnel Appeals Board.

ACTION: Final rules.

SUMMARY: On March 10, 1981, for the purpose of implementing its adjudicatory responsibilities under the General Accounting Office Personnel Act of 1980 (Pub. L. 96–191), the Personnel Appeals Board ("the Board") published both as proposed and interim regulations, regulations relating to organization and general procedures of the Board and also published as proposed regulations, regulations relating to labor relations (46 FR 15857 and 46 FR 15884).

The formal period for comment having closed, the Board publishes these final regulations which supersede the interim regulations, to inform the agency, employees and other interested parties as to the procedures for processing appeals and cases of original jurisdiction before the Board.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Carl D. Moore, General Counsel, Personnel Appeals Board (202) 275–6137.

SUPPLEMENTARY INFORMATION: On February 15, 1980, Congress passed the General Accounting Office Personnel Act (the Act) of 1980 (Pub. L. 96–191). The Act establishes an independent personnel system for employees of the General Accounting Office. The legislation was intended to address a congressional concern regarding the potential for conflict of interest between GAO and various executive branch agencies such as the Office of Personnel Management, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

On the one hand, GAO has responsibility for evaluating personnel programs across agency lines, concentrating on policy and control agencies, such as the three agencies recited above. On the other hand, these agencies regulated personnel management in GAO. To minimize these conflicts of interest, the legislation exempts GAO from executive branch administered laws and regulations relating to matters such as appointments, promotions, reassignments, details, classifying and downgrading positions, compensation, adverse actions, reductions-in-force, and appeals.

Congress was also concerned, however, that the legislation provide adequate safeguards for the rights of employees and applicants. Under the provisions of the legislation, GAO must establish a personnel management system which adheres to principles of merit and existing provisions of law relating to personnel management as set forth in the GAO Personnel Act. Employee appeals and complaints are to be adjudicated fairly and impartially by an independent personnel appeals board established by the legislation. These rules establish the procedures to be followed by the General Accounting Office Personnel Appeals Board.

In general, the Personnel Appeals Board is designed to perform at GAO the same functions performed in the executive branch by the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board (MSPB), the Special Counsel of the Merit Systems Protection Board (Special Counsel) and the Federal Labor Relations Authority (FLRA). Under the statute and these rules, the Board has appellate authority over personnel actions that allegedly violate merit system principles or that allegedly constitute prohibited personnel practices and over a wide range of labor relations matters. The General Counsel for the Board, under the statute and under these rules, has broad investigative responsibilities in matters dealing with equal employment opportunity, prohibited political activities, prohibited personnel practices, and unfair labor practices. The Board is authorized to take corrective action in this broad spectrum of personnel jurisdiction as well as disciplinary action against employees who violate the provisions of the statute.

Section-by-Section Analysis of Comments and Changes

The following constitutes an analysis of the main comments received on a section-by-section basis, and a discussion of the regulations. Where the changes made to the section are minor or technical in nature, they have not been discussed.

Subpart B—Procedures

§ 28.11 Filing a Petition.

A provision that received considerable comment was the adoption of a 45-day rule for EEO complaints in the GAO administrative process. The Board generally requires that any appeal alleging prohibited discrimination first be processed through the agency EEO complaints procedure. However, in the interim rules, the Board established that the employee could, at his/her election, appeal to the Board 45 days after filing a formal complaint if the Comptroller General had not issued a final decision on the complaint. Although there were comments supporting this rule, the weight of the comments from employees, management and the EEOC suggested that 45 days would not allow adequate time for a conscientious effort to resolve the complaint in the EEO complaint process. In response to such comment, the Board has amended subsection (b)(4) and § 28.47(b)(2). A petition may be filed with the Board 80 days after a formal complaint has been filed with GAO if the Comptroller General has not issued a final agency decision.

It was also noted that there was no provision for class actions in the interim rules, except under Subpart D, Equal Employment Opportunity cases. Therefore, the Board added subsection (f) to provide for class actions under the general procedures for non-EEO type cases.

§ 28.17 General Counsel Procedures.

In the formal comments received by the Board and in the public hearings held by the Board, numerous questions were raised regarding the General Counsel's investigation and representation functions. Some questioned the propriety of this

approach since the General Counsels at the Equal Employment Opportunity Commission and the Merit Systems Protection Board do not perform such functions. To respond to this comment, some background information is required. The Personnel Appeals Board has jurisdiction over subjects that are shared by four separate third-party bodies in the executive branch with four separate and distinct procedures. These bodies are the EEOC, the MSPB, the FLRA, and the Special Counsel.

One of the first policy decisions faced by the members of the Personnel Appeals Board was whether to adopt four separate procedures paralleling those of the executive branch or whether to combine some or all of the jurisdictional subjects into one procedure. The Board elected to create, to the maximum extent possible, one procedure. One result of this decision is that the role of the Board's General Counsel is more reflective of the role of the General Counsel at the FLRA and of the Special Counsel. Both of these authorities investigate allegations within their jurisdiction and, where appropriate, prosecute the appeal. The General Counsel at the National Labor Relations Board (NLRB) operates in a similar fashion.

Some commentators questioned whether the presence or absence of the General Counsel in a proceeding before the Board might influence the Board in its decision. Some commentators also questioned whether petitioners would be free to select their own counsel. In response to both of these concerns, this procedure has been clarified. The petitioner does not have to accept representation by the General Counsel. The petitioner may elect to represent himself/herself or to retain outside counsel. This means, together with the fact that the Board never has access to the Report and Recommendations of the General Counsel while an appeal is pending, that the Board will not know whether the General Counsel's absence from a case is due to the election of the petitioner or of the General Counsel.

On the other hand, the General Counsel's decision to represent a petitioner is based upon a simple finding that there is reasonable evidence to believe that the petitioner's rights have been violated. This is a much lower standard than that which the Board must use in rendering decisions. Therefore, it is possible on the same evidence for the General Counsel to properly elect to represent a petitioner and for the Board to properly rule against the petitioner.

Nevertheless, the primary safeguard against such prejudice either for or against a party, is the professional caliber and integrity of the Board members. As professional arbitrators, they are expected to render decisions based solely on the record before them. To do otherwise would damage their professional reputations and credibility. The experience at the NLRB, the FLRA and the MSPB affirms this conclusion.

§ 28.27 Board Procedures, Judicial Review.

Another concern with the General Counsel's role was a perceived potential for conflict of interest. The General Counsel might represent a petitioner who receives an adverse decision from the Board. The petitioner could then appeal to the Federal Courts. Some commentators read § 28.27(b) of the interim rules as allowing the Board to designate the General Counsel to represent the Board's position in such a case in court. This potential for conflict of interest had been anticipated and the provision in § 28.27(c) of the final rules allowing the Board to designate the General Counsel or "any other qualified individual" to represent it in court is intended to avoid any such potential for conflict of interest on the part of the General Counsel.

§ 28.21 Board Procedures, Attorney's Fees.

There were comments that the Board's provision regarding the awarding of attorney's fees at subsection (p) of the interim rules was overly broad. The language of that subsection, now subsection (m) of the final rules, has been amended to reflect that decisions on attorney's fees will be consistent with 5 U.S.C. 7701(g). This complies with the GAO Personnel Act which requires the Board to issue regulations providing for employee appeals "consistent with the principles" of 5 U.S.C. 7701 and 7702. Therefore, when an employee or applicant for employment elects to obtain outside counsel, attorney's fees may be awarded if the petitioner prevails in the case and if payment of the attorney's fees is "in the interest of justice". This latter phrase means that the employee must demonstrate that the agency engaged in a prohibited personnel practice or that the agency's action was clearly without merit or other similar circumstance.

§ 28.23 Burden and Degree of Proof.

In establishing the burden of proof, subsection (a) defines "appealable actions" as they are defined by 5 U.S.C. 7701(a). Some comments suggested that the Civil Service Reform Act (Reform Act) does not apply strictly to the GAO. Therefore, the comment continued, reliance on a specific provision of the Reform Act by the Board is inappropriate. As noted above, the GAO Personnel Act requires the Board to "promulgate regulations providing for employee appeals consistent with the principles of sections 7701 of title 5, United States Code." Act, § 4(m). The provisions regarding burden of proof found at 5 U.S.C. 7701 represented very major changes from the previous practices. The reference to 5 U.S.C. 7701(a) in this section of the Board's rules simply insures that the Board will adhere to those new principles.

On the other hand, subsection (b) of the interim rules defined prohibited personnel practices by reference to 5 U.S.C. 2302(b). The same comment was made regarding this reference to a provision of the Reform Act. The GAO Personnel Act requires that the Comptroller General establish a personnel system that prohibits "the personnel practices prohibited in" 5 U.S.C. 2302(b). The Comptroller General has complied with this provision by reprinting prohibited personnel practices as part of his personnel system at 4 CFR 2.5. Since the GAO Personnel Act does not appear to allow any variance between the definition of a prohibited personnel practice under the Reform Act or under the GAO personnel system, the reference in the Board rules would appear to be immaterial. However, since the regulations of the GAO personnel system are more accessible to GAO employees, the reference in subsection (b) has been changed to 4 CFR 2.5.

§ 28.25 Board Procedures, Decisions and Orders.

Concern was expressed in some comments regarding the role of hearing officers who are not Board members. Although the Board does not expect to use this provision often, it is conceivable that circumstances could arise in which a Board member was not reasonably available to expeditiously hear a case. The provision for a non-Board member hearing officer was merely intended to respond to this very unique circumstance. The final rules clarify the role of this non-Board member hearing officer. This person's function is merely to conduct a hearing in order to develop a record and then transmit to the Board a Report of Findings of Fact and Recommendations. Based upon this Report, a member or panel of members will issue a Board decision. Unless there is a motion for the full Board to reopen and reconsider, the decision will become final.

§ 28.45 Class Action Appeals, EEO Cases.

Comments were made indicating that the class action procedures for EEO cases were not explicit enough. Of particular concern were the issues of what is appealable to the Board and what is the relationship between the Board's procedures and the GAO class complaint procedures. The final rules now clearly state what issues in the class complaint process are appealable to the Board.

As to the relationship between the Board's procedures and the GAO class complaint procedures, some background information is useful. In creating its procedures for individual EEO complaints, the Board indicated to GAO management that it intended to guarantee employees a right to a hearing before the Board. The Board suggested that in order to expedite complaint processing, the GAO complaint procedure should forego a hearing. GAO agreed to limit its complaint resolution procedure to a formal investigation. However, due to the complexity of class actions, GAO insisted that it would have to conduct a hearing in order to properly develop the case prior to making an agency determination in the matter. The Board concludes that it would be unduly burdensome and time consuming for the Board to subsequently conduct another hearing on the same issue. However, it is possible that the complaining party, in particular, or the Board, in a given class action, might desire additional evidence. Therefore, the Board has provided in these rules that there is no right to a hearing before the Board in a petition regarding an EEO class complaint. However, when circumstances warrant, the Board may order a hearing on its own motion or on the motion of a party. Otherwise, the Board's decision will be based upon the administrative record developed in the GAO EEO class complaint process.

§ 28.47 Petitions to the Board.

The Board interim rules had stated in this section that the Board and the General Counsel "encourage" full utilization of the agency EEO complaint process. The rules went on to say that, as a result, if an employee alleged EEO violations, the employee had to "generally" pursue the agency EEO complaint process before petitioning the Board. Comments received by the Board pointed out that the quoted terms were somewhat ambivalent regarding the requirement to exhaust the agency EEO complaint process. The reason for this ambivalence is that there is one circumstance in which the Board could hear a petition alleging EEO violations without the agency EEO complaint process having been exhausted. Pursuant to the provisions of § 28.107, the General Counsel might determine that circumstances warranted a stay of the personnel action in order to avoid undue or irreparable harm to the petitioner. For example, if evidence suggested that an employee was being reassigned from one region to another; that the motivation for the reassignment was prohibited discrimination; and that the petitioner's family would be dislocated during the weeks or months of the EEO complaint processing, the General Counel might seek a stay of the reassignment. Such stay actions will probably be infrequent, but when a stay is sought in connection with a personnel action that is allegedly motivated by discrimination, the stay request would probably occur at about the time the informal or formal EEO complaint was being filed with GAO. Therefore, in limited circumstances such as this, the agency EEO complaint process would not be exhausted. The final rules have been amended to reflect this possibility.

Subparts E and F Labor Relations

In proposed rules published on March 10, 1981 in the **Federal Register**, the Board suggested a labor relations system for GAO in Subparts E and F. The Supplementary Information accompanying those proposed rules pointed out that there was disagreement as to whether the rules governing the GAO labor relations system should be promulgated by GAO management or by the Board.

Comments on the Board's proposed rules were received from management, employee organizations and individuals. Initially the Board adopted a position parallel to that of the FLRA in the executive branch by proposing rules for establishment of a labor relations system at GAO. Some commentators urged the Board to assume this responsibility for defining through its rules the parameters of the GAO labor relations program. However, other commentators argued that the Board has no general regulatory authority in the development of the GAO labor relations program and that the Board should recognize the responsibility of GAO to establish a labor relations system. This argument relies on the language of the GAO Personnel Act that gives the Board authority to decide cases arising from the "labor-management system established [by the Comptroller General] under section 3(e)" of the Act.

Beyond that it was also urged that the Board in its rules adopt or approve major portions of the labor relations system as defined by the GAO Order. For example, it was urged that the Board adopt the definitions for "Supervisor," "Management Official," "Confidential Employee," "Professional Employee," "Labor Organization", and "Appropriate Unit" that are set forth in the GAO Order on labor relations. This argument apparently would have the Board decide through its rules that certain provisions of the GAO Order were consistent with Chapter 71 of title 5, United States Code, without further hearings or proceedings on the issue.

Despite these differing opinions, there was no dispute among the commentators as to the Board's role as the ultimate and final arbitor in GAO regarding labor relations matters within the Board's jurisdiction. The issue was whether this authority should be exerted through rules and regulations or through resolution of actual cases before the Board.

The Board concludes that Congress intended that GAO management create a labor relations system "consistent with chapter 71 of title 5, United States Code," and that the Board establish an adjudicatory process that guarantees such consistency. Therefore, in these final rules, Subparts E and F neither create a system nor do they approve any portion of the system already created by GAO. Subparts E and F provide for an appeals system through which cases and controversies may arise and through which the GAO system can be properly tested by management, employees and employee groups.

Subpart H—Appeals by Members of the Senior Executive Service

Comments were received regarding this Subpart emphasizing that members of the GAO SES are not covered by the SES provisions of the Reform Act. The Comptroller General is given authority under § 5(a) of the GAO Personnel Act to establish a GAO Senior Executive Service. Under GAO Order 2920.1, promulgated pursuant to the authority contained in § 5(a) of the Act, members of the GAO SES have no right of appeal in cases of adverse actions taken for unsatisfactory performance. Although the commentators agreed that members of the GAO SES, like other employees, have a right to appeal cases of adverse action relating to misconduct, malfeasance or similar action, it was urged that the Board not expand its jurisdiction to hear cases from SES members who are the object of an action based upon less than fully satisfactory performance.

The Board acknowledges that the Act gives the Comptroller General

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responsibility for establishing a Senior Executive Service at GAO. Furthermore, the Comptroller General has elected not to provide GAO SES members access to the Board in performance-based removal actions. However, as with so many provisions of the Act, the Comptroller General's SES program must be "consistent with" certain provisions of the Reform Act that relate to the SES. Among those provisions, the Comptroller General's SES regulations must provide "for removal consistent with section 3592" of title 5, United States Code.

A key aspect of 5 U.S.C. 3592 is the provision for an informal hearing for the executive, who is removed for performance reasons, before an official of the MSPB. Congress clearly intended that the executive being removed for less than fully satisfactory service should have an opportunity in a fair and open forum to place his/her case on the record and Congress clearly intended that GAO executives have an opportunity consistent with that concept.

The Board in these final rules allows a career executive to have a prompt, informal hearing with a Board member as soon as possible after the executive receives notice of his/her performance-based removal. It was suggested that GAO had provided under GAO Order 2920.1 for peer review of all performance appraisals that are not acceptable to an executive. It is not clear that this peer review is demonstrably different from the process provided in the Reform Act for executive branch executives. Furthermore, such a peer review does not appear to attain the objective of providing the executive with an unfettered, fair and open forum in which to state his/her position in the matter.

Therefore, the Board concludes that the Comptroller General's Order forbidding the Board from considering appeals from executives regarding performance-based removals is not consistent with 5 U.S.C. 3592 as required by 31 U.S.C. 52–4(a)(1)(F). In accordance with the provisions of Subpart H, the Board will conduct an informal hearing in such cases.

Subpart I—Public Information, Privacy and Disclosures

In the interim rules, the Board acknowledged that it would carry out the general purposes of the Freedom of Information Act and the Privacy Act. It was suggested in some comments that although the Board, as a part of GAO, is not subject to these statutes, the procedures suggested by the Board were not in sufficient detail to adequately advise the public regarding the policy and procedure the Board intended to follow. Rather than expand the Board's rules substantially with detailed procedures, the Board has elected to follow the procedures established by GAO for responding to requests for information from the public and employees of GAO.

Accordingly, Parts 27 and 28 of Title 4 of the Code of Federal Regulations, as added by FR Doc. 81–7408, appearing on page 15857 of the issue for March 10, 1981, are revised as follows:

PART 27—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD—ORGANIZATION

Sec.
27.1 The board.
27.2 The chair.
27.3 The general counsel.

Authority: Sec. 4, Pub. L. 96–191, 94 Stat. 29 (31 U.S.C. 52–3).

§ 27.1 The board.

The General Accounting Office Personnel Appeals Board, hereinafter the Board, is composed of five members appointed by the Comptroller General, in accordance with the provisions of Section 4 of Public Law No. 96–191, 94 Stat. 29, the General Accounting Office Personnel Act of 1980. The Board may designate a panel of its members or an individual Board member to take any action within the scope of the Board's authority, subject to later reconsideration by the Board.

§ 27.2 The chair.

The members of the Board shall select from among its membership a chairperson, hereinafter the Chair, who shall serve as the chief executive and administrative officer of the Board.

§ 27.3 The general counsel.

The Comptroller General shall appoint the individual selected by the Chair to serve as the General Counsel of the Board. The General Counsel, at the request of the Board or of any member of the Board, shall investigate matters under the jurisdiction of the Board, and otherwise assist the Board in carrying out its functions, unless to do so would create a conflict of interest for the General Counsel.

PART 28—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD—PROCEDURES

Subpart A—Purpose and General Definitions

Sec.
28.1 Purpose and scope.
28.3 General definitions.

Subpart B—Procedures

Sec.
28.5 Informal procedural advice.
28.7 Procedures—general.
28.9 Notice of appeals rights.
28.11 Filing a petition.
28.13 Amendments to petitions.
28.15 GAO response.
28.17 General Counsel procedures.
28.19 Board procedures—pre-hearing.
28.21 Board procedures—formal hearing.
28.23 Burden and degree of proof.
28.25 Board procedures—decisions and orders.
28.27 Board procedures—judicial review.

Subpart C—Oversight Procedures

28.31 General.
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Subpart D—Special Procedures—Equal Employment Opportunity Cases

28.41 Purpose and scope.
28.43 Applicability of general procedures.
28.45 Class action appeals.
28.47 Petitions to the Board.
28.49 Processing petitions.
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Subpart E—Special Procedures; Representation Proceeding

Sec.
28.61 Purpose.
28.63 Scope.
28.65 Who may file petitions.
28.67 Contents of representation petitions.
28.69 Pre-investigation proceedings.
28.71 Processing petitions.
28.73 Conduct of elections.

Subpart F—Special Procedures; Unfair Labor Practices

28.81 Authority of the Board.
28.83 Unfair labor practices—Board procedures.
28.85 Negotiability issues—compelling need.
28.87 Standards of Conduct.
28.89 Review of arbitration awards.

Subpart G—Disciplinary and Stay Proceedings

28.101 General authority.
28.103 Investigative authority.
28.105 Disciplinary proceedings.
28.107 Stay proceedings.

Subpart H—Appeals by Members of the Senior Executive Service

28.111 Personnel actions involving SES members.
28.113 Performance-based actions.

Authority: Sec. 4, Pub. L. 96–191, 94 Stat. 29 (31 U.S.C. 52–3).

Subpart A—Purpose and General Definitions

§ 28.1 Purpose and scope.

(a) The purpose of these rules is to establish the procedures to be followed:

(1) by the GAO, in its dealings with the Board;

(2) by employees of the GAO or applicants for employment by the GAO, or by groups or organizations claiming to be affected adversely by the operations of the GAO personnel system;

(3) by employees or organizations petitioning for protection of rights or extension of benefits granted to them under the Act; and

(4) by the Board, in carrying out its responsibilities under the Act.

(b) The scope of the Board's operations encompasses the investigation and, where necessary, adjudication of cases arising under section 4(h) of the Act. In addition, the Board has authority for oversight of the equal employment opportunity program at GAO. This includes the review of policies and evaluation of operations as they relate to EEO objectives and, where necessary, the ordering of corrective action for violations of or inconsistencies with equal opportunity laws in GAO.

(c) The intent of the Act is to provide the GAO independence in administering its labor and employee relations function intended by the Act, while ensuring that "GAO employees are entitled to the same rights and protections as employees in the executive branch." H.R. Rep. No. 96–494, 15 (1980). Such a broad scope of authority would normally require the promulgation of rules and regulations, in respect to the GAO, as extensive as those of all the agencies covering the relevant activities of the entire executive branch. To do so for but one agency, however, seems to the Board to be unnecessarily burdensome to all concerned. Instead, these regulations are designed to establish general guidelines which meet the immediate purpose of providing to all parties early and clear access to the Board.

§ 28.3 General definitions.

In this part—

(a) "Act" means the General Accounting Office Personnel Act of 1980.

(b) "Board" means the General Accounting Office Personnel Appeals Board as established by Section 4 of the Act.

(c) "Comptroller General" means the Comptroller General of the United States.

(d) "Days" means calendar days.

(e) "GAO" means the General Accounting Office.

(f) "General Counsel" means the General Counsel of the General Accounting Office Personnel Appeals Board, as provided for under Sections 4 (f) and (g) of the Act.

(g) "Hearing Officer" means any individual designated by the Board to preside over a hearing conducted on matters within its jurisdiction. A Hearing Officer may be a member of the Board, an employee of the Board, or any individual qualified by experience or training to conduct a hearing.

(h) "Person" means an employee or applicant for employment, a labor organization or the GAO.

(i) "Petition" means any request filed with the Board for action to be taken on matters within the jurisdiction of the Board, under the provisions of the Act.

(j) "Petitioner" means any person filing a petition for Board consideration.

Subpart B—Procedures

§ 28.5 Informal procedural advice.

(a) Petitioners or prospective petitioners may seek informal advice on all aspects of the Board's procedures by contacting the General Counsel.

(b) Informal procedural advice will be supplied within the limits of available time and staff.

§ 28.7 Procedures—general.

The procedures described in this Subpart are generally applicable to the processing of all matters presented for consideration by the Board. Where special procedures are to be followed, they will be prescribed in those subsequent Subparts to which they are particularly applicable.

§ 28.9 Notice of appeal rights.

The GAO shall be responsible for insuring that employees are regularly advised of their appeal rights to the Board and that employees, who are the object of an adverse action, are, at the time of the action, adequately advised of their appeal rights to the Board.

§ 28.11 Filing a petition.

(a) Who may file. Any GAO employee or applicant for employment claiming to be affected adversely by GAO action or inaction which is within the Board's jurisdiction under the Act.

(b) When to file. (1) Petitions for review of adverse actions based on conduct or performance must be filed within 20 days after the effective date of the action.

(2) Petitions for review of other personnel actions must be filed within 20 calendar days after the effective date of the action or 20 calendar days after the petitioner knew or should have known of the action.

(3) Petitions for review of adverse actions (subsection (1) above) or other personnel actions (subsection (2) above) that also raise an allegation of prohibited discrimination must be filed in accordance with paragraph (b)(4) of this section.

(4) Petitions for review of discrimination complaints may be filed any time after 80 days have passed since the filing of a formal complaint of discrimination with GAO, except that, when GAO has issued a final agency decision, the petition for review must be filed within 20 calendar days from receipt by the petitioner of the final agency decision.

(5) Petitions for review of continuing violations may be filed at any time.

(6) The Board may waive the time limits in these rules for good cause shown.

(c) How to file. Petitions may be filed with the Board in person at the Office of the Board (GAO Building, Room 4057, Washington, D.C.) or by certified mail addressed to the General Counsel, GAO Personnel Appeals Board, Room 4057, Washington, D.C. 20548, or to the General Counsel, Personnel Appeals Board, P.O. Box 2496, Washington, D.C. 20013. When filed by mail, the post-mark shall be the date of filing for all submissions to the Board.

(d) What to file. The petitioner should include in any petition for Board action the following information:

(1) Name of the petitioner or a clear description of the group or class of persons on whose behalf the petition is being filed;

(2) The names and titles of persons, if any, responsible for actions the petitioner wishes to have the Board review;

(3) The actions being complained about, including dates, reasons given, and internal appeals taken;

(4) Petitioner's reasons for believing the actions to be improper;

(5) Remedies sought by the petitioner;

(6) Name and address of the representative, if any, who will act for the petitioner in any further stages of the matter;

(7) Copies of all relevant documentation;

(8) Signature of the petitioner or petitioner's representative.

(e) Service on respondent. Upon receipt of a petition for review, the General Counsel shall serve a copy on the respondent. The respondent shall have 20 days in which to reply.

(f) Class actions. One or more employees may file an appeal as representatives of a class of employees in any matter within the Board's jurisdiction other than prohibited discrimination (see § 28.45 for EEO class actions). The hearing officer shall hear the case as a class action if he/she finds a class action will be the most efficient and fair way to adjudicate the appeal and will adequately protect the interests

of all the parties. For the purpose of determining whether it is appropriate to treat an appeal as a class action, the hearing officer will be guided, but not controlled by, the applicable provisions of the Federal Rules of Civil Procedure.

§ 28.13 Amendments to petitions.

The Board at its discretion may allow amendments to a petition as long as all persons who are parties to the proceeding have adequate notice to prepare for the new allegations.

§ 28.15 GAO response.

Within 20 days after receiving a copy of a petition filed in accordance with § 28.11, where GAO is a party from whom the petitioner seeks relief, the GAO shall file a response containing at least the following:

(a) A complete statement of the GAO position with respect to each of the issues raised by the petitioner, including admissions, denials or explanations of each allegation made in the petition.

(b) All documents or true copies thereof contained on the GAO records regarding the matter.

(c) Designation of, and signature by, the GAO representative authorized to act for GAO in the matter.

§ 28.17 General Counsel procedures.

(a) All petitions filed in accordance with § 28.11 will be received by the General Counsel for the Board. The General Counsel will investigate the matter, refine the issues where appropriate, and attempt settlement of all matters at issue.

(b) The General Counsel may issue subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence and order the taking of depositions and order responses to written interrogatories in connection with an investigation under these Rules by the General Counsel. Employees of GAO who are required by the General Counsel to participate in any investigation under these Rules shall be on official time.

(c) Following the investigation, the General Counsel shall provide the petitioner with a Right to Appeal Letter. Accompanying this letter will be a Report and Recommendations of the General Counsel advising the petitioner of the results of the investigation. This Report and Recommendations of the General Counsel is not subject to discovery and may not be introduced into evidence before the Board.

(d) If, following the investigation, the General Counsel determines that there is not reasonable evidence to believe that the petitioner's rights under the Act have been violated, then the General Counsel shall not represent petitioner. If the General Counsel determines that there is reasonable evidence to believe that the petitioner's rights under the Act have been violated, then the General Counsel shall represent petitioner unless the petitioner elects not to be represented by the General Counsel. Such petitioner may represent himself/herself or obtain other legal counsel.

§ 28.19 Board procedures—pre-hearing.

(a) Where the procedures for the General Counsel's investigation have been completed and the petitioner petitions the Board for relief, the Board shall order a hearing on its own motion or at the request of either party. Absent a request for a hearing, the Board may issue a Decision and Order based upon the written submissions of the parties and, where it deems necessary, on oral argument called for the purpose of eliciting further views.

(b) Motions for discovery may be made to the hearing officer once the petition is referred to the Board under this section.

(c) Where the General Counsel under § 28.17(a) transmits a settlement, which has been agreed to by the parties, the settlement agreement shall be the final disposition of the case.

§ 28.21 Board procedures—formal hearings.

(a) Where two or more parties have filed petitions containing identical or similar issues, the Board may, following appropriate notice to the parties and opportunity for comment by the parties, consolidate such petitions for hearing purposes.

(b) Where a petitioner has filed two or more petitions, the Board may, following appropriate notice to the parties and opportunity for comment by the parties, join these petitions for purposes of conducting the hearing.

(c) A formal hearing on a petition may be conducted:

(1) Before the Board as a whole, in which case the Chair shall preside;

(2) Before one of its members chosen by the Board to be the Hearing Officer;

(3) Before a panel of two or more Board members chosen by the Board, one of whom shall preside;

(4) Before a qualified Hearing Officer chosen by the Board for that purpose.

(d) The Board shall issue a notice to all parties specifying the date, time and place of the scheduled hearing. In no case shall the hearing be held earlier than 15 days after the notice is issued, unless all parties agree to an earlier date.

(e) Upon request by the Board, the GAO shall provide appropriate space to hold the hearing.

(f) The Hearing Record shall be prepared and maintained under the supervision of the Hearing Officer. It shall include exhibits, motions, and other material submitted by the parties and accepted by the Hearing Officer. It may also, at the election of the Hearing Officer, include a transcript of the hearing. This Record shall constitute the sole official record of the proceeding. Copies of all or portions of the Record shall be provided to the petitioner and the respondent upon request; other parties may be furnished a copy, at their request and at their own expense, or they may examine a copy at a time and place set by the Board.

(g) Generally, hearings shall be closed to the public unless the petitioner requests the Hearing Officer to order the hearing or part of the hearing to be open. However, the Hearing Officer may, for good cause shown, close any or all portions of the hearing, over the petitioner's objections, stating the reason therefor on the record.

(h) Although the rules of evidence shall not apply, the Hearing Officer shall conduct the hearing so as to ensure that all relevant and material facts are placed into the record and all parties are given full opportunity to present their evidence on the issues.

(i) The Hearing Officer shall conduct the hearing in a manner designed best to achieve a balance of fairness, justice and equity in terms of the objectives of the Act and the proper interests of the parties; he/she shall have the authority needed to function effectively, including, but not restricted to authorizing the taking of depositions, ruling on admissibility of evidence, issuing subpoenas, requiring briefs, and administering oaths.

(j) The Hearing Officer shall rule on all questions of procedure and conduct raised at the hearing following appropriate administrative procedures consistent with 5 U.S.C. 7701 and 7702. Objections to rulings of the Hearing Officer, with reasons therefor, shall be part of the record; however, the hearing shall proceed as ordered by the Hearing Officer.

(k) Upon application to the Hearing Officer, any party affected by matters at issue in any petition may be given, at the discretion of the Hearing Officer, the status of an intervenor in all formal proceedings relating to the petition. As such, any intervenor shall have the right to participate in the hearing and to be notified, as is the petitioner, of all Board actions respecting the processing of the case. However, intervenors shall pay any costs related to their participation in the processing of the petition.

(l) The costs involved in the appearance of witnesses in any Board hearing shall be allocated as follows:

(1) Persons employed by the GAO shall, upon request by the Hearing Officer to GAO, be made available to participate in the hearing and shall be in official duty status for this purpose. They shall not receive witness fees.

(2) Employees of other Federal agencies called to testify at a Board hearing shall, at the request of the Hearing Officer and with the approval of the employing agency, be in official duty status during any period of absence from normal duties caused by their testimony, and shall not receive witness fees. In the event that the employing agency refuses the request to release the employee-witness in an official duty status, the employee-witness may be paid a witness fee in accordance with paragraphs (l)(3) and (m) of this section.

(3) The fees and expenses of other persons called to testify at a Board hearing shall, in the first instance, be paid by the party requesting their appearance, subject to a subsequent decision otherwise in accordance with paragraph (m) of this section.

(m) Within 20 days after a decision of the Board becomes final, the employee-petitioner may submit a request for reasonable attorney's fees and costs. After providing GAO with 20 days in which to respond, the Board or a member of the Board shall rule on the request. Rulings on attorney's fees shall be consistent with the standards set forth at 5 U.S.C. 7701(g). This decision on attorney's fees shall be a final decision which is appealable in accordance with §28.27.

§ 28.23 Burden and degree of proof.

(a) In appealable actions, as defined by 5 U.S.C. 7701(a), agency action must be sustained by the Board if:

(1) It is a performance-based action and is supported by substantial evidence; or

(2) It is brought under any other provision of law, rule or regulation as defined by 5 U.S.C. § 7701(a) and is supported by a preponderance of evidence.

(b) Notwithstanding paragraph (a) of this section, the agency's decision may not be sustained if the petitioner—

(1) Shows harmful error in the application of the agency's procedures in arriving at such decision;

(2) Shows that the decision was based on any prohibited personnel practice described in 4 CFR 2.5; or

(3) Shows that the decision was not in accordance with law.

(c) In any other appeal to the Board, the petitioner shall have the responsibility of presenting the evidence in support of the appeal and shall have the burden of proving the allegations of the appeal by a preponderance of the evidence.

§ 28.25 Board procedures—decisions and orders.

(a) Where a Hearing Officer who is not a Board member conducts a hearing, the Hearing Officer shall transmit to the parties and the Board a Report of Findings of Fact and Recommendations. Based upon this Report, a member or panel of members of the Board shall issue a decision. The decision shall contain the date upon which the decision will become final, which will be at least 30 days from issuance. The decision shall become final on that date unless, prior to that date, a party files a motion to reopen and reconsider or unless the Board reopens on its own motion.

(b) Where a Board member or panel of Board members hears a case, a decision shall be issued to the Board and to the parties. The decision shall contain the date upon which the decision will become final, which will be at least 30 days from issuance. The decision shall be final on that date unless, prior to that date, a party files a motion to reopen and reconsider or unless the Board reopens on its own motion.

(c) A motion to reopen and reconsider a decision may be filed with the Board in person at the Office of the Board (GAO building, Room 4057, Washington, D.C.) or by certified mail addressed to the Personnel Appeals Board, GAO, Room 4057, Washington, D.C. 20548, or by certified mail addressed to the Personnel Appeals Board, P.O. Box 2496, Washington, D.C. 20013. The motion to reopen and reconsider shall set forth objections to the decision, with references to applicable laws or regulations, and with specific reference to the Record. The Board shall serve a copy of the motion to reopen and reconsider on the other parties and allow 20 days for response to the motion. The Board may grant a motion to reopen and reconsider when it is established that:

(1) New and material evidence is available that, despite due diligence, was not available when the record was closed; or

(2) The decision of the Hearing Officer is based on an erroneous interpretation of statute or regulation.

(d) If the Board reopens a case, the subsequent decision of the Board shall be final.

(e) Where the full Board initially hears a case, the subsequent decision shall be final and appealable under § 28.27.

(f) A person required to take any action under the terms of a Board Order shall carry out its terms promptly, and shall, within 30 days after the decision becomes final, provide the Board with a compliance report specifying:

(1) The manner in which the provisions of the Order have been complied with;

(2) The reasons any provisions have not yet been fully complied with; and

(3) The steps being taken to ensure full compliance.

(f) Where the Board's Decision and Order is being appealed to the United States Court of Appeals in accordance with section 4(l)(1) of the Act, the person so appealing shall be afforded a delay in filing the compliance report required under paragraph (e) of this section; however, such a delay shall apply only to those matters which are the subject of the appeal.

§ 28.27 Board procedures—judicial review.

(a) Appeals other than discrimination complaints. A final decision by the Board under subsections 4(h) (1), (2), (3), (6), and (7) of the Act may be appealed to the United States Court of Appeals in which the petitioner resides or to the United States Court of Appeals for the District of Columbia.

(b) Discrimination complaint appeals. A final decision by the Board on a complaint of discrimination may be appealed to the appropriate United States District Court as provided in § 28.51.

(c) The Board may designate the General Counsel or any other qualified individual to represent it in any judicial appeals from its Decisions taken in accordance with Section 4(l) of the Act.

Subpart C—Oversight Procedures

§ 28.31 General.

Section 3(g) of the Act provides that, with respect to employees and applicants for employment in the GAO, the authority granted in the legislation under section 3(g)(3) of the Act, which involves oversight of the EEO program and appeals relating to EEO matters, shall be exercised by the Board. The EEO appeals procedures are delineated in Subpart D of these regulations. This Subpart specifies the oversight procedures required to ensure that the goals of the legislation will be attained

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through the development and administration of personnel procedures as well as by dealing with specific cases involving allegations of illegal practices.

§ 28.33 Oversight of GAO EEO program.

(a) In order to carry out the purpose of this Subpart, the Board may require from GAO the following:

(1) Such plans, procedures and regulations as GAO may develop in order to carry out the purposes enumerated in § 28.41;

(2) Reports regarding its efforts to publicize to its employees the procedures to be followed for receiving advice and for filing complaints regarding the enforcement of laws prohibiting discrimination in employment;

(3) Quarterly statistical reports of pre-complaint counseling and of pending complaints, in a manner prescribed by the Board;

(4) An annual report on its equal employment opportunity affirmative action program and its Federal Equal Employment Opportunity Recruitment Program; and

(5) Any other information requested by the Board regarding equal employment opportunity within the GAO that may be required by the Board in the time frame and format established by the Board after consultation with the Comptroller General or his/her designee.

(b) The Board shall review and evaluate the regulations, procedures and practices of the GAO, including the information filed with it in accordance with § 28.33(a), and shall:

(1) Require the GAO to make any changes the Board determines are needed due to violations of or inconsistencies with the Act or equal employment opportunity laws, and

(2) Report to the Congress on the overall progress being made in effectuating the purposes of the Act.

(c) The Board delegates to the General Counsel responsibility for conducting investigations, in the absence of a formal allegation, for the purpose of determining whether there are reasonable grounds to believe that a violation of 3(g)(3) of the Act exists. For these purposes the provisions of § 28.17(b) shall apply.

(d) If the General Counsel determines that disciplinary action should be taken against an employee after any investigation under this section, the General Counsel shall prepare a written complaint against the employee containing his/her determination, together with a statement of the supporting facts, and present the complaint and the statement to the employee and the Board for processing in accordance with Subpart G.

Subpart D—Special Procedures—Equal Employment Opportunity Cases

§ 28.41 Purpose and scope.

The procedures in this Subpart relate to complaints filed against any GAO policies or specific actions which petitioners claim are in violation of:

(a) Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), prohibiting discrimination based on race, color, religion, sex or national origin;

(b) Sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a) prohibiting discrimination on account of age;

(c) Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), prohibiting discrimination in wages on the basis of sex;

(d) Sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a) prohibiting discrimination on the basis of handicap; or

(e) "[A]ny other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status or handicapping condition. . . ." Act, Section 3(g)(3).

§ 28.43 Applicability of general procedures.

Except where a different procedure is provided for in this Subpart, the procedures to be followed by all parties in cases arising under this subpart shall be the General Procedures as prescribed in Subpart B of these regulations.

§ 28.45 Class action appeals.

(a) A petition alleging prohibited discrimination on behalf of a class of GAO employees or applicants for employment must first be filed with GAO in accordance with GAO Order 2713.2.

(b) A Petition for Review of GAO's disposition of any EEO class complaint may be submitted for consideration when:

(1) GAO issues a determination rejecting or cancelling the class complaint;

(2) GAO issues a determination accepting the class action, but with modifications that are not satisfactory to the agent of the Class;

(3) A period of more than 180 days has elapsed since the formal class complaint was filed and the GAO has not issued a final decision; or

(4) The complaint has been resolved by a GAO decision that, in whole or in part, has not satisfied the agent for the class.

(c) The parties shall not have a right to a hearing in class actions under this section. Upon a showing of good cause as to why an evidentiary hearing is necessary, the Board may order such a hearing. Alternatively, the Board may, after a review of the administrative record and on its own motion, order a hearing for the purpose of gathering additional evidence. If no hearing is ordered, the Board's decision shall be based upon a review of the administrative record developed in the GAO class complaint process.

(d) In determining whether it is appropriate to treat an appeal as a class action, the Board will be guided, but not controlled by, the applicable provisions of the Federal Rules of Civil Procedure.

§ 28.47 Petitions to the Board.

(a) The purposes and policies of the various statutes that prohibit discrimination can best be achieved through conscientious use by employees and management of the agency complaint process. To this end, the Board and the General Counsel will require full utilization by the parties of the EEO complaint process within GAO, except when the General Counsel elects to proceed in accordance with § 28.107. Therefore, if an employee is alleging EEO related improprieties, the employee must generally pursue the agency EEO complaint process before petitioning the Board.

(b) A petition for review of GAO's disposition of any EEO complaint may be submitted for consideration of the Board when:

(1) The complaint or a portion thereof has been rejected by the GAO;

(2) A period of more than 80 days has elapsed since the complaint was filed, and the GAO has not issued a final decision; or

(3) The complaint has been resolved by a GAO decision which, in whole or in part, has not satisfied the complainant.

(c) Where a petitioner wishes to file a combination of claims, only a portion of which involve discrimination, the petitioner must first file a complaint in the agency EEO complaint process. Where a complaint filed in the agency EEO complaint process relates to non-EEO issues that are within the Board's jurisidcation in addition to EEO-related allegations, the subsequent petition to the Board under subparagraph (b) of this section shall be considered a timely appeal of the non-EEO issues.

(d) A petition filed with the General Counsel under the provisions of this subpart shall state the issue briefly, and shall spell out clearly the reason the petitioner believes the action of the GAO to be contrary to the law.

(e) The petitioner shall file the petition with the General Counsel in accordance with § 28.11. The General Counsel shall serve the GAO with a copy of the petition and request that the GAO provide within 10 days of receipt any file or portion thereof that may exist.

§ 28.49 Processing petitions.

(a) In addition to submitting the complaint file under § 28.47(e), GAO may file a response to the petition in accordance with § 28.15.

(b) The provisions of §§ 28.17 through 28.25, inclusive, shall govern the Boards's procedures in processing petitions filed under this subpart.

(c) Remedial action provided in Board orders in these cases may include:

(1) Provision for offers of employment, re-employment or promotion, with or without back-pay, when the Board decides such action is required to make whole the individual found to have been discriminated against.

(2) Notification to all GAO employees of the action ordered to be taken to expunge the effect of the discrimination;

(3) Correction of GAO personnel records, as necessary, to reflect the purpose of the Board order; and,

(4) Any other action the Board believes is proper to correct the effect of the discrimination found to have occurred.

§ 28.51 Civil action—discrimination complaints.

(a) An employee alleging violations of 42 U.S.C. § 2000e–16 (Title VII of the Civil Rights Act of 1964, as amended) may file suit in Federal District Court after 120 days from filing a complaint with GAO if there is no final decision on that complaint or within 30 days of receipt of notice of final action taken by GAO.

(b) An employee alleging violations of 42 U.S.C. 2000e–16 (Title VII of the Civil Rights Act of 1964, as amended) may file suit in Federal District Court after 120 days from filing an appeal with the Board if there is no final decision on that discrimination appeal or within 30 days of receipt of notice of final action by the Board.

(c) Employees or applicants for employment alleging discrimination based upon a handicapping condition (29 U.S.C. 791, 794a—Rehabilitation Act), or age discrimination (29 U.S.C. 631, 633a—Age Discrimination in Employment Act), or salary inequity due to sex (29 U.S.C. 206d—Equal Pay Act provisions of the Fair Labor Standards Act) need not exhaust administrative appeals to GAO or to the Board before filing suit in the Federal District Court.

Subpart E—Special Procedures—Representation Proceedings

§ 28.61 Purpose.

The procedures in this Subpart relate to the Board's duty under § 4(h) (4) and (5) of the Act to determine appropriate units of GAO employees for collective bargaining, to conduct elections in order to determine whether the employees in any such units wish to select a labor organization to represent them in collective bargaining, and, thereafter, to certify labor organizations so selected as the designated exclusive bargaining representative. They are referred to in these regulations as "representation proceedings".

§ 28.63 Scope.

The Board shall consider, decide and order corrective action (as appropriate) in cases arising from determinations of appropriate units of employees for collective bargaining and cases arising from elections and certifications of collective bargaining representatives. Board decisions in these matters will be made with due regard for relevant provisions of GAO Orders and with the objective of insuring that the GAO labor relations program is consistent with Chapter 71 of title 5, United States Code, which prescribes the standards for the labor relations program in the executive branch.

§ 28.65 Who may file petitions.

(a) Representation petitions may be filed by:

(1) A labor organization which wishes to be designated as the exclusive representative for collective bargaining by the GAO employees in an appropriate unit, or by a labor organization which desires to replace another currently having that status;

(2) An employee or a group of employees (or an individual on his/her/their behalf) desiring a new election to determine whether a labor organization has ceased to represent a majority of employees in a unit;

(3) The GAO if it has a good faith reason to doubt the continued desire of a group of its employees to be represented by a labor organization which is currently the exclusive representative of the employees in an appropriate unit;

(4) The GAO or a labor organization currently recognized as an exclusive representative, desiring the Board to clarify an earlier unit determination or certification;

(5) Any person seeking clarification of, or an amendment to, a certification then in effect or any other matter relating to representation.

(b) Notwithstanding the provisions of paragraph (a) of this section, no petition may be filed which seeks representation rights for employees in a unit where an existing collective bargaining contract is in effect, or where an election has been held within the preceding 12 months, except that such a petition may be filed not more than 105 days and not less than 60 days prior to the expiration of an existing contract or at any time after the expiration of an existing contract.

§ 28.67 Contents of representation petitions.

(a) The contents of representation petitions filed under § 28.65(a)(1) above shall consist of:

(1) A detailed identification of the unit of employees to which the petition applies, and their geographical location within the GAO, the classifications of employees to be included and excluded, and the number of employees involved.

(2) Names, addresses and officers of any other labor organizations known by the petitioner to be interested in representing employees covered by the petition, including a labor organization which is party to a current collective bargaining agreement covering any employees in the unit;

(3) Name, address, affiliation, if any, and telephone number of the petitioning organization;

(4) A copy of the constitution and bylaws of the organization, together with a statement that these documents, as well as a roster of the organization's officers and representatives and a statement of the objectives, have also been supplied to the GAO.

(5) A declaration by the signer of the petition, under penalties of the Criminal Code (18 U.S.C. § 1101), that the petition's contents are true and correct, to the best of his/her knowledge and belief;

(6) The signature of the representative of the petitioner, including title and telephone number; and

(7) Membership cards, dues records, or signed statements by employees indicating their desire to be represented by the labor organization, or similar evidence acceptable to the Board, showing that at least 30 percent of the employees in the proposed unit wish to be represented by the petitioner.

(b) The contents of petitions filed under § 28.65(a)(2) shall conform to those provided for in paragraph (a) of this section, except that the information required by paragraphs (a)(4) and (a)(7)

need not be supplied. Additionally, a petition under § 28.65(a)(2) shall include evidence satisfactory to the Board that at least 30 percent of the employees in the unit no longer wish to be represented by the labor organization currently having bargaining rights.

(c) The contents of petitions filed under § 28.65(a)(3) shall conform to those provided in petitions under paragraph (a) of this section, except that the information required by paragraph (a) (4) and (7) need not be supplied, but shall include a detailed statement giving the objective considerations which support the GAO's good faith reason for doubting the labor organization's continued status as the exclusive representative.

(d) The contents of petitions filed under § 28.65(a)(4) shall include the information required under paragraph (a) of this section, with the exception of the information required by paragraph (a) (4) and (7). Also, instead of the information required in paragraph (a)(1) of this section, the petition shall identify the existing unit and the date the organization was recognized by the GAO or certified as the exclusive representative, and shall explain the changes desired in the unit and the reasons therefor.

(e) Petitions under § 28.65(a)(5) shall be filed on forms to be supplied by the Board, upon request.

§ 28.69 Pre-investigation proceedings.

(a) Upon the filing of a valid petition, the General Counsel may request GAO to notify employees as to the existence of the petition by posting a notice for at least 10 days in locations appropriately selected to reach all employees in the unit covered by the petition. The notice shall include a request that the Board's General Counsel be notified of the existence of any other interested parties.

(b) GAO shall supply the General Counsel with any information in its possession concerning other potentially interested labor organizations, copies of relevant correspondence, and copies of existing or recently expired agreements covering any employees in the unit. The GAO shall also provide a list of employees it believes should be included in the unit together with their classifications and the names and classifications of those employees it proposes to exclude from the unit.

(c) All interested parties shall meet as soon as possible after the expiration of the ten-day posting period and shall attempt to resolve any issues in controversy.

(d) A labor organization may become an intervenor in any representation proceeding by satisfying the General Counsel within the ten-day posting period that it represents at least ten percent of the employees in the proposed unit or submits other evidence that it is the exclusive representative of the employees involved.

§ 28.71 Processing petitions.

(a) Upon the expiration of the ten-day posting period, and after the General Counsel considers an appropriate period has elapsed for consultation among the parties to resolve or identify issues, the General Counsel shall prepare a report to the Board which may recommend:

(1) Approval of any agreement entered into by the parties during their consultations including an agreement on the appropriate units, on the withdrawal of the petition, or on a joint request to conduct an election to determine which labor organization, if any, the employees select to be their exclusive bargaining representative;

(2) Dismissal of the petition as being without merit; or

(3) Issuance of a notice of hearing for the purpose of disposing of the remaining issues raised in the petition.

(b) The General Counsel's report shall be supplied to all interested parties, and, unless all parties agree to a shorter period, they shall have 15 days during which to file any response with the Board.

(c) The Board, as expeditiously as feasible after the expiration of the period specified in paragraph (b) of this section, but no later than 30 days thereafter, shall either approve the report and order appropriate steps to carry out its recommendations, or remand it to the General Counsel with further instructions.

(d) Where a hearing is ordered, a Hearing Officer shall be designated by the Board. The report of the Hearing Officer shall include Findings of Fact and Recommendations.

(e) After receiving the report from the Hearing Officer, and after providing the parties with an opportunity for comment, the Board shall issue a Decision and Order determining the appropriate unit, directing an election, dismissing the petition or making some other appropriate disposition of the matter.

(f) Final Decisions and Orders issued by the Board based on hearings held in accordance with subparagraphs (d) and (e) of this section shall not be considered final decisions subject to appeal before the Circuit Courts of Appeal.

§ 28.73 Conduct of elections.

(a) The Board shall supervise any election it orders to be conducted, but may delegate ministerial functions relating to an election to any qualified independent organization; to members of the Board's full-time staff; or to temporary employees hired for this purpose.

(b) Appropriate notices setting forth details of the election shall be posted by GAO as directed by the Board.

(c) The Board shall, through its agents chosen to conduct the election:

(1) provide the opportunity for all qualified voters to indicate their choices in secrecy;

(2) offer qualified voters the opportunity to vote for any labor organization on the ballot, or to reject all labor organizations;

(3) permit all parties to observe all aspects of the election procedure other than any which would interfere with the secrecy of the ballot;

(4) provide for all parties to challenge the eligibility of any voters, and to impound the ballots of such voters, subject to later determination of eligibility should the number of challenges potentially affect the results;

(5) certify to all parties the results of the election.

(d) Upon receiving a report of the results of the election, the Board shall:

(1) If necessary rule on the challenges and adjust the results accordingly;

(2) Formally announce the results and, where appropriate, designate a labor organization as the exclusive collective bargaining agent, or withdraw such a designation;

(3) Where one or more of the labor organizations on the ballot has received the vote of 30% of the employees eligible to vote, but none has gained a majority of the votes cast, order a runoff election between the two choices receiving the largest number of votes in the original election, unless, because of a tie vote or for some other reason, the result is inconclusive; and,

(4) Where the result is inconclusive, conduct no more than one additional election on that petition to clarify the result.

Subpart F—Special Procedures—Unfair Labor Practices

§ 28.81 Authority of the Board.

(a) The procedures in this subpart relate, in part, to the Board's functions "to consider, decide, and order corrective or disciplinary action (as appropriate) in cases arising from . . . any labor practice prohibited under the labor management system established . . ." by the Comptroller General pursuant to § 3(e) of the Act. (Act, Sec 4(h)(6)).

(b) The system so established by the Comptroller General is required "to ensure that each employee of the GAO has the right, freely and without penalty or reprisal, to form, join and assist an employee organization, or to refrain from such activity, and shall provide for a labor-management relations program, consistent with Chapter 71 of Title 5, U.S. Code." (*Act*, Sec 3(3)).

§ 28.83 Unfair labor practices—Board procedures.

(a) Unfair labor practices are defined at GAO Order 2711.1 dated October 1, 1980. An allegation that a provision of GAO Order 2711.1 is inconsistent with chapter 71 of title 5, United States Code, and thereby denies to an employee or labor organization rights comparable to those granted by chapter 71 of title 5, U.S. Code, may also be raised under the unfair labor practice procedure.

(b) An allegation that unfair labor practices have been committed shall be subject to the procedures appearing in Subpart B for the filing of petitions, response by the GAO, investigation by the General Counsel, and the Board's disposition, except as set forth in paragraph (c) of this section.

(c) No complaint will be issued based on any alleged unfair labor practice which occurred or was discovered more than 6 months before the filing of an unfair labor practice charge with the charged party, as provided in paragraph 14b of GAO Order 2711.1, or more than 9 months before the filing of a complaint/petition with the General Counsel.

§ 28.85 Negotiability issues—compelling need.

Where the GAO and an exclusive bargaining representative disagree on whether a matter is subject to negotiation as part of the requirement to bargain in good faith, the matter shall be appealable to the Board under the following procedures:

(a) When, in connection with negotiations, a proposal is declared nonnegotiable, the party submitting the proposal shall, prior to the close of negotiations, submit to the other party a Request for Formal Negotiability Determination reciting the proposal in question. The party declaring the proposal nonnegotiable shall, within ten (10) days, deliver to the other party a Formal Negotiability Determination stating the basis for the Determination.

(b) A Formal Negotiability Determination may be appealed to the Board within 20 days from receipt by filing a Petition for Review with the Board. A complete statement of argument from the petitioner should accompany the Petition for Review.

(c) The Board shall serve the Respondent with a copy of the Petition for Review and accompanying argument. Respondent shall have 20 days in which to reply to the Petition for Review.

(d) One or more members of the Board shall review the arguments, hold a hearing if the Hearing Officer deems it necessary, and issue a decision.

(e) The decision shall become final in accordance with § 28.25.

§ 28.87 Standards of Conduct for Labor Organizations.

(a) The GAO shall only accord recognition to labor organizations that are free from corrupt influences and from influences opposed to basic democratic principles. An organization is not required to prove it is free from such influence if it is subject to governing requirements calling for the maintenance of:

(1) Democratic procedures;

(2) Freedom from totalitarian influence;

(3) Independence on the part of its agents and officers from any business or financial interests which represent conflicts of interest or potential conflicts of interest; and

(4) Fiscal integrity, including provision for the dissemination of regular financial reports to its members.

(b) A labor organization which has or seeks recognition as a representative of employees under this chapter shall file financial and other reports with the Board and comply with trusteeship and election standards.

(c) A labor organization which has or seeks recognition under these Rules, shall adhere to principles enunciated in the Regulations issued by the Assistant Secretary of Labor for Labor/Management Relations regarding standards of conduct for labor organizations in the public sector. Complaints of violations of this section shall be filed with the Board. In any matter arising under this section, the Board may require a labor organization to cease and desist from violations of this section and require it to take such actions as it considers appropriate to carry out the policies of this section.

(d) This chapter does not authorize participation in the management of a labor organization or acting as a representative of a labor organization by a management official, a supervisor, or a confidential employee, or by any employee if the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.

(e) In the case of any labor organization which by omission or commission has willfully and intentionally called or participated in a strike, work stoppage or slowdown, or picketed in a manner which interfered with the operations of a government agency, or has condoned such activity, the Board shall, upon an appropriate finding it has made of such a violation—

(1) revoke the recognition status of the labor organization; or

(2) take any other appropriate disciplinary action.

(f) The General Counsel may charge a labor organization with violations of this section. The Board shall conduct proceedings with regard to such charge and may require a labor organization to take such actions as it deems necessary to carry out the policies of this section.

§ 28.89 Review of arbitration awards.

(a) Either party to an arbitration proceeding conducted pursuant to a grievance procedure under a collective bargaining agreement may file an exception to the arbitrator's award within 30 days of its receipt, and shall serve such to all other parties.

(b) An opposition to the exception may be filed with the Board, and shall be served on all other parties, within 30 days after receipt of the exception.

(c) An exception shall be carefully documented as to the reasons therefor.

(d) The Board's decision regarding an exception shall be based on:

(1) a finding that the award is contrary to any law, rule, regulation, or Order; or

(2) other grounds similar to those applied by federal courts in private sector labor-management relations.

(e) If no exception to an arbitrator's award is filed within 30 days after it is issued, the award shall be final and binding.

Subpart G—Disciplinary and Stay Proceedings

§ 28.101 General authority.

The procedures in this Subpart relate to the Board's functions "to consider, decide and order corrective or disciplinary action (as appropriate) in cases arising" from any area within the Board's jurisdiction.

§ 28.103 Investigative authority.

In addition to the authority vested by the Act in the General Counsel to investigate allegations of prohibited personnel practices and prohibited political activities, the Board may request the General Counsel to investigate any personnel matter in a case under the Board's jurisdiction to

determine whether reasonable grounds exist upon which to initiate disciplinary action against an employee of GAO.

§ 28.105 Disciplinary proceedings.

(a) If the General Counsel determines after any investigation under § 28.103 or § 4(g) of the Act that disciplinary action should be initiated against an employee, the General Counsel shall prepare a written complaint against the employee containing his/her determination, together with a statement of the supporting facts, and present the complaint and the statement to the employee and the Board in accordance with paragraphs (b) and (c) of this section.

(b) In the case of an employee in a confidential, policy making, policy-determining, or policy-advocating position appointed by the President, by and with the advice and consent of the Senate, the complaint and statement referred to in paragraph (a) of this section, with any response by the employee, shall be presented to the Congress for appropriate action in lieu of being presented under paragraph (d) of this section.

(c) Any employee against whom a complaint has been presented to the Board under paragraph (a) of this section is entitled to:

(1) A reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

(2) Be represented by an attorney or other representative;

(3) A hearing before the Board or a member designated by the Board;

(4) Have a transcript kept of any hearing under paragraph (c)(3) of this section; and

(5) A written decision and reasons therefor at the earliest practicable date, including a copy of a final decision ordering disciplinary action.

(d) A final order of the Board may order disciplinary action consisting of removal, reduction in grade, debarment from GAO employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of civil penalty not to exceed $1,000.

(e) There may be no administrative appeal from an order of the Board under subparagraph (d). An employee subject to a final decision ordering disciplinary action under this section may obtain judicial review of the order in the United States Court of Appeals for the judicial circuit in which the employee resides or to the United States Court of Appeals for the District of Columbia in accordance with § 4(1) of the Act.

§ 28.107 Stay proceedings.

(a) If the General Counsel determines after an investigation under these rules that there are reasonable grounds to believe that a personnel action was taken, or is to be taken, as a result of a prohibited personnel practice, the General Counsel may request any member of the Board to order a temporary stay of the personnel action for a period of not more than 60 days.

(b) A Board member shall order a temporary stay under paragraph (a) of this section unless the member determines that such a stay would not be appropriate. Unless denied, any temporary stay requested shall be granted within 3 working days after the date of request.

(c) The Board may grant a further temporary stay or a permanent stay if the Board concurs in the determination of the General Counsel and after an opportunity for oral or written comment by the General Counsel and GAO. A permanent stay by the Board is final and appealable in accordance with § 28.27.

Subpart H—Appeals by Members of the Senior Executive Service

§ 28.111 Personnel actions involving SES members.

Members of the GAO Senior Executive Service (SES) may appeal adverse actions relating to misconduct, malfeasance or similar action to the Board in accordance with Subpart B. Members of the GAO SES who allege that they have been subjected to a personnel action that constitutes a prohibited personnel practice or prohibited discrimination may appeal to the Board in accordance with Subpart B or Subpart D respectively.

§ 28.113 Performance based actions.

A career appointee removed from SES to a GAO position outside the SES for less than fully successful executive performance shall, upon notice of such removal, be entitled, upon request, to an informal hearing before a member of the Board designated by the Chairman of the Board. At the hearing the career appointee may appear and present arguments, but such hearing shall not give the career appointee the right to initiate an action with the Board under another provision of these rules, nor need the removal action be delayed as a result of the granting of such hearing.

Edward C. Gallas,

Chairman.

[FR Doc. 81-20166 Filed 7-8-81; 8:45 am]

BILLING CODE 1610-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Expedited Procedure for Handling Certain Petitions for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its rules of practices for processing petitions for rulemaking to include provisions for handling certain petitions for rulemaking with an expedited procedure that begins with publication of a notice of proposed rulemaking. This procedure will reduce the time required to respond to selected petitions and eliminate the need to publish in every case a notice of receipt of petition for rulemaking.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone 301-492-7211.

SUPPLEMENTARY INFORMATION: The Commission's current practice, as codified in 10 CFR 2.802(e), is to notice in the **Federal Register** the receipt of all petitions for rulemaking that meet the criteria of 10 CFR 2.802(c) and to invite public comment at that time. The NRC staff then reviews the merits of the petition in light of the public comments received.

This is an appropriate procedure for most petitions for rulemaking. The public is given an early opportunity to support or oppose the petitioner's proposals, and the staff is given some indication of the extent of public interest in the petition. This comment period is particularly important when rulemaking is denied, since no further comment period will be available. If all or part of the petition is granted, further public comment may be sought if a proposed rule is developed in response to the petition.

In certain cases, however, this initial comment period is unnecessary. The Commission receives, with some frequency, petitions which request minor rule amendments and which are obviously meritorious. An example might be a petition to establish a definite period for licensee retention of certain records that need not be retained indefinitely. Another example might be a petition to clarify an apparent ambiguity created by reading various parts of NRC's regulations in tandem

and the resolution requires no substantial change in policy. In such cases it may be clear that the amendment is necessary and desirable and should be accomplished with a minimum of delay and expenditure of staff resources. This can be done by providing for preliminary staff review of all petitions for rulemaking to separate those which meet appropriate criteria for early action.

Use of the expedited procedure in any particular case is a matter of Commission and staff discretion. However, in general, petitions which are likely to be considered for expedited treatment, in addition to the examples described above, include those which: propose amendments involving interpretive rules, rules of agency organization, procedure or practice; propose amendments to substantive Commission regulations which are corrective or of a minor or nonpolicy nature and do not substantially modify existing regulations; propose amendments which grant or recognize exemptions or relieve restrictions from Commission regulations; or, propose amendments already under consideration in ongoing rulemaking proceedings. Petitions which are not likely to be suitable for expedited consideration include those which would: require preparation of an Environmental Impact Statement or otherwise have a significant impact on NRC staff and resource commitments; impose new or increased reporting or recordkeeping requirements subject to clearance by the Office of Management and Budget under the Paperwork Reduction Act, Pub. L. 96-511; or, have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354.

For petitions considered for expedited treatment, the staff would proceed immediately to develop a proposed rule rather than await public comment on the petition itself. (For petitions of this kind, it is often the case that little or no public comment is received in any event.) All other petitions, of course, would continue to be published for early comment.

One minor change in the Commission's rules is necessary to implement this "fast-track" procedure. Paragraph (e) of 10 CFR 2.802 currently provides that, by means of a notice of docketing published in the **Federal Register**, public comment will be invited upon all petitions for rulemaking. The amendment provides that public comment may be invited upon the petition itself, or, in appropriate cases, may be requested for the first time upon publication of a proposed rule developed in response to the petition. Each petitioner will be notified directly as to which procedure is being followed in his or her case.

Because this amendment is not substantive and relates only to matters of agency procedure, notice of proposed rulemaking and public procedure thereon is unnecessary, and the amendment is effective without the customary 30 days notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2 is published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for 10 CFR Part 2 reads as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); Pub. L. 90-23, 81 Stat. 54 (5 U.S.C. 552), unless otherwise noted. Section 2.200-2.206 also issued under sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C 2236), and sec. 206, Pub. L. 93-438, 88 Stat. 1246 (42 (U.S.C. 5846), and §§ 2.800-2.807 also issued under Pub. L. 89-554, 80 Stat. 883 (42 U.S.C. 533), unless otherwise noted.

2. In § 2.802, paragraph (e) is revised to read as follows:

§ 2.802 Petition for rulemaking.

* * * * *

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Rules and Records, or designee, will assign a docket number to the petition, will cause the petition to be formally docketed, and will deposit a copy of the docketed petition in the Commission's Public Document Room. Public comment may be requested by publication of a notice of the docketing of the petition in the **Federal Register**, or, in appropriate cases, may be invited for the first time upon publication in the **Federal Register** of a proposed rule developed in response to the petition. Publication will be limited by the requirements of section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

* * * * *

Dated at Bethesda, MD this 1st day of July 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-20169 Filed 7-8-81; 8:45 am]

BILLING CODE 1590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-11-AD; Amdt. 39-4158]

Airworthiness Directives; Cessna Model 172RG Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to the Cessna Model 172RG airplanes. This AD requires removal of Part Number 2467003-1 rudder trim/nose gear steering bungee and replacement by Part Number 2467003-6 rudder trim/nose gear steering bungee. This action is necessary to preclude the possible jamming or other movement limitation of the elevator control system. This condition is caused by failure of the jack screw shaft of the rudder trim/nose gear steering bungee. This jamming or limiting of the movement of the elevator control system may result in an aircraft accident.

EFFECTIVE DATE: July 13, 1981.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Cessna Single Engine Service Information Letter SE80-99, Rev. 1, dated June 8, 1981, pertaining to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letter are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Douglas W. Haig, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: Twelve Malfunction or Defect (M or D) Reports, FAA Form 8010-4, describe failures of the jack screw shaft of Part Number 2467003-1 rudder trim/nose gear steering bungee. In addition to losing the

rudder trim/nose gear steering functions, elevator control jamming can occur after failure of the jack screw shaft with the progressive application of the right rudder. The failed shaft forms an angle with the body of the rudder trim/nose gear steering bungee and pushes against the elevator control column. This action prevents forward movement of the control column. The condition can be relieved by centering the rudder pedals. Repetitions of this condition are not predictable. Four of the twelve M or D Reports mention elevator control problems in the landing, taxi, and takeoff situations. It was determined that the ¼-inch diameter jack screw shaft was subjected to an eccentric load which induced a bending load and led to a fatigue failure. The diameter of the jack screw shaft has been increased to 5/16-inch. This improved rudder trim/nose gear steering bungee is identified by Part Number 2467003–6. The availability of the improved part and the decision by the manufacturer to require replacement is detailed in Cessna Service Letter SE80–99, Rev. 1, dated June 8, 1981.

Part Number 2467003–6 bungee was introduced on airplane Serial Number 172RG0770. Cessna Model 172RG airplanes susceptible to the jack screw shaft failure were produced prior to this serial number.

The FAA considers this to be an unsafe condition. Accordingly, since this condition is likely to exist in the rudder trim/nose gear steering bungee on other airplanes of the same type design, an AD is being issued applicable to Cessna Model 172RG airplanes requiring replacement of Part Number 2467003–1 rudder trim/nose gear steering bungee with Part Number 2467003–6 rudder trim/nose gear steering bungee in accordance with the compliance listed in the body of the AD.

To assure that the operator is advised of the unsafe condition, resulting from a jamming or other movement limitation of the elevator control system, the AD requires the immediate installation of, and operation in accordance with, a temporary placard upon receipt of the AD. The placard is to state: "ELEVATOR MOVEMENT MAY BE LIMITED WHEN RIGHT RUDDER IS APPLIED. IF THIS CONDITION IS ENCOUNTERED, CENTER THE RUDDER PEDALS, LAND AS SOON AS PRACTICAL AND COMPLY WITH AD 81–14–06 PRIOR TO FURTHER FLIGHT."

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Cessna: Applies to Model 172RG (S/Ns 172RG0001 through 172RG0769) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished. To ensure the integrity of the rudder trim/nose steering bungee, accomplish the following:

(A) Prior to further flight, install a locally fabricated placard in clear view of the pilot, using letters at least 3/32 inch high, which reads:

"ELEVATOR MOVEMENT MAY BE LIMITED WHEN RIGHT RUDDER IS APPLIED. IF THIS CONDITION IS ENCOUNTERED, CENTER THE RUDDER PEDALS, LAND AS SOON AS PRACTICAL AND COMPLY WITH AD 81–14–06 PRIOR TO FURTHER FLIGHT."

(B) The fabrication and installation of the required placard of this AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person. That individual must take an entry in the airplane maintenance records showing compliance with paragraph (A) of this AD.

(C) On airplanes with over 150 hours time-in-service on the effective date of this AD, within the next 50 hours time-in-service, replace Part Number 2467003–1 rudder trim/nose gear steering bungee with Part Number 2467003–6 rudder trim/nose gear steering bungee.

(D) On airplanes with less than 150 hours time-in-service on the effective date of this AD, replace Part Number 2467003–1 rudder trim/nose gear steering bungee with Part Number 2467003–6 rudder trim/nose gear steering bungee prior to the accumulation of 200 hours time-in-service.

(E) Compliance with Paragraphs (C) or (D), as appropriate, allows removal of the placard installed in Paragraph (A).

(F) Record compliance with this AD by an appropriate entry in the airplane maintenance records. This should include those airplanes where the provisions of this AD have already been accomplished.

Note.—Cessna Single Engine Service Letter SE80–99, Rev. 1, dated June 8, 1981, pertains to this subject.

This amendment becomes effective July 13, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(d)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on June 25, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–19936 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–12–AD; Amendment 39–4156]

Airworthiness Directives; Fokker B. V. Model F27 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires inspections, replacements, and modifications, as necessary, of certain components on Fokker Model F27 airplanes. This AD is needed to detect and correct certain unsafe conditions which were found earlier but for which no FAA mandatory action was taken at the time because U.S. registered Fokker Model F27 airplanes were not affected since they were being operated outside the U.S. However, the entry onto the U.S. Registry of additional Fokker Model F27 airplanes, which are intended for operation in the United States, necessitates AD action at this time to ensure that such aircraft maintain an acceptable level of safety.

DATES: Effective date August 10, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletins may be obtained from: Manager, Maintenance and Engineering, Fokker B. V. Product Support, P.O. Box 7600, 1117 ZJ Schiphol, Oost, The Netherlands.

FOR FURTHER INFORMATION CONTACT: Dick Nelson, Foreign Certification Branch, ANW–150S, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone 206–767–2717.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) to require inspections, replacements, and modifications, as necessary, of certain components on Fokker B. V. Model F27 airplanes was published in the **Federal Register** on March 30, 1981 (46 FR 19246). This proposal was prompted by the possible entry of additional F27s (previously there were two) on the U.S. Aircraft Registry that may not have been inspected or modified in accordance with The Netherlands Civil Aviation Department (RLD) requirements that were established by the finding of unsafe conditions. The FAA agrees with those RLD requirements and unsafe conditions and thus issued the proposed AD under Docket No. 81–NW–12–AD. The unsafe conditions were itemized therein as follows:

A. Inadvertent unlocking of the Ipeco seat can lead to spurious pilot input or loss of flight control input during maneuvers which require precise flight control for safe flight. (Reference Fokker Service Bulletin (SB) 25–47 dated January 1, 1979.)

B. Hook latch failure of the cargo door latch mechanism could lead to explosive decompression and associated structural damage hazard. (Reference SB 52–60 dated May 1, 1979.)

C. Broken elevator center hinge fitting may necessitate drastic trim changes to maintain flight control which is unsafe and may lead to stall if the changes are required in critical flight regimes such as takeoff and landing. (Reference SB 55–52 dated May 1, 1979.)

D. Insufficient clearance may prevent the main entrance door from being opened when the emergency release is being used during an emergency evacuation, thus trapping occupants in the aircraft when quick egress may be required. (Reference SB 52–61 dated January 2, 1980.)

E. Failure of the retaining ring on the main landing gear retraction ram may lead to unlocked partial extension and subsequent collapse of the main gear on landing. (Reference SB 32–136 dated February 18, 1980.)

F. Water collecting in the pitot static tubes can lead to erroneous airspeed, altitude, and vertical speed information being presented to the flight crew. (Reference SB 34–41 dated March 13, 1979.)

G. Chafing of the cable loom between two deicing relay panels may lead to the loss of RH engine deicing, windshield antiicing and cockpit heating. (Reference SB 30–34 dated April 17, 1978.)

H. A wiring error may lead to isolation of both batteries from the main DC tie bus when one reverse current circuit breaker trips. This may lead to critical instrumentation and lighting loss when DC emergency power is required. (Reference Special Instructions 76 dated November 20, 1978.)

Interested persons have been afforded an opportunity to participate in the making of this Amendment, and due consideration has been given to all comments received in response to the Notice of Proposed Rulemaking (NPRM). Fokker B. V., the manufacturer, provided the only comments, and these comments are discussed as follows:

A. Since the merger between Fokker B. V. and V. F. W. has ended, changes have to be made to the name and address.

FAA Position: The name, address, and model designation have been changed herein to agree with this item.

B. Comments on "unsafe conditions:"

1. NPRM Item B: The unsafe condition is failure of more than one hook latch driving lever, preventing full engagement of the corresponding hook latch. Unwanted opening of the doors may occur if more than one hook latch has failed to reach the locked position.

FAA Position: The correction is noted. The failure of more than one hook latch driving lever could lead to explosive decompression. The corrective action will be required as proposed.

2. NPRM Item E: The inspection for the unsafe condition is already covered by the mandatory inspections prescribed in the F27 Structural Integrity Program under item 32–30–01, revision 1, subitem d. Therefore, this item should not be included in this rule. Discussion is taking place with RLD to cancel the Dutch Airworthiness Directive (BLA).

FAA Position: Mandatory inspections established by a foreign airworthiness authority are not automatically incorporated into the maintenance programs of the U.S. operators. The FAA will include this item but provide an optional inspection requirement in accordance with the above Structural Integrity Program in the event the RLD requirement is cancelled.

3. NPRM Item G: Instead of RN engine deicing, the RH propeller deicing is affected.

FAA Position: The correction is noted Chafing of the cable loom between two deicing relay panels may lead to the loss of RH propeller deicing, windshield antiicing and cockpit heating.

4. NPRM Item H: The unsafe condition is correct. However, the corrective action has been witnessed/performed on all applicable aircraft by manufacturer's representatives. Consequently this item should not be included in the NPRM. Discussions are taking place with RLD to cancel the BLA.

FAA Reply: The FAA will include this requirement to insure that the operators are aware of it and that subsequent changes will not negate the intent of the special instructions. In addition the first sentence of the FAA comments to E above apply with the exception that a modification rather than an inspection applies.

C. Comments on "proposed amendment:"

1. NPRM Item A: Since not the seat track but the seat track lock stop block has to be modified, the last sentence of this paragraph should read: "Within the next 500 hours time in service modify the seat track lock stop block in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 25–47 dated January 1, 1979."

FAA Position: The last sentence of item A has been so modified.

2. NPRM Item C: As already a mandatory inspection is prescribed in the F27 Structural Integrity Program, this paragraph should read: "Applies to airplanes S/N 10547 and below, 10558 and 10560. To prevent failure of the right elevator center hinge fitting, inspect for cracks in accordance with the F27 Structural Integrity Program, item 55–50–01, Revision 1. Within the next 500 hours time in service, replace hinge fitting in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 55–52, dated May 1, 1979."

FAA Position: The correction has been noted and incorporated into this AD.

Since the conditions described in A through H above, as modified by the manufacturers comments, are likely to exist or develop in other arplanes of the same type design, this AD will require inspections, replacements, and modifications as specidfied herein.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive: *Fokker B. V.* Applies to Model F27 airplanes, all series, certificated in all categories as indicated below.

Unless already accomplished, accomplish the following within the time specified in each paragraph below after the effective date of this AD.

A. Applies to airplanes S/N 10479, 10492, 10499, 10500, 10502, 10529, 10534, 10536 through 10577, 10559, 10561 through 10585. To prevent inadvertent unlocking of the Ipeco seats, inspect and modify the bolt and tracklock stop block in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 25–47 dated January 1, 1979, or later FAA approved revisions. Perform this inspection within the next 100 hours time in service and every 50 hours thereafter until the bolt and tracklock stop block have been modified. The bolt and tracklock stop block are to be modified within the next 500 hours time in service.

B. Applies to airplanes S/N 10572 and below equipped with a large cargo door identified by Fokker F27 Service Bulletin No. 52–60. To ensure the functional and structural integrity of the cargo door latch mechanism, within the next 100 hours time in service, inspect the latch mechanism and rework, as necessary, in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No 52–60 dated May 1, 1979, or later FAA approved revisions.

C. Applies to airplanes S/N 10547 and below, 10558 and 10560. To prevent failure of the right elevator center hinge fitting, within 100 hours and every 100 hours thereafter until replaced, inspect for cracks in accordance with the F27 Structural Integrity Program, item 55–50–01, Revision 1. Within the next 500 hours time in service, replace hinge fittings in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 55–52, dated May 1, 1979, or later FAA approved revisions.

D. Applies to airplane S/N 10102 through 10462 incorporating Fokker F27 Service Bulletin No. 52–47, 10464 through 10468, 10470 through 10477, 10484, 10486, 10498, 10501, 10503 through 10506, 10508, 10511 through 10515, 10519, 10521 through 10525, 10527, 10528, 10530 through 10535, 10539, 10545, 10550, 10551, 10552, 10554, 10557 through 10560, 10562, 10563, 10566, 10567, 10569, 10572, 10579, 10574, 10576, 10579, 10581, 10585 through 10589 and 10591. To ensure the operation of the main passenger door during an emergency evacuation, within the next 100 hours time in service after the effective date of this AD, modify the emergency release mechanism of the main passenger door in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 52–61, dated January 2, 1980.

E. Applies to all Fokker F27 airplanes having accumulated more than 7,000 landings. To ensure main landing gear system operation, prior to 7,500 landings or within 500 landings after the effective date of this AD, whichever comes later, replace main gear actuating ram retaining ring P/N ACM18254 with a serviceable retaining ring having less than 7,500 landings in accordance with the F27 Structural Integrity Program under item 32–30–01, Revision 1, subitem d or in accordance with the Accomplishment Instructions of Fokker F27 Service Bulletin No. 32–136, dated February 18, 1980, or later FAA approved revisions. (Note: Established life limits are not to be exceeded.)

F. Applies to airplanes S/N 10505 to 10547 inclusive and 10550. To ensure proper function of the pitot static system, within the next 100 hours time in service, modify the pitot static system in accordance with the Fokker F27 Service Bulletin No. 34–41, dated March 13, 1978, or later FAA approved revisions.

G. Applies to airplanes S/N 10299 to 10547 inclusive. To prevent damage to the cable loom, within the next 200 hours time in service, inspect and modify as necessary the cable loom in accordance with Fokker F27 Service Bulletin No. 30–34 dated April 17, 1978, or later FAA approved revisions.

H. Applies to airplanes S/N 10526, 10527, 10529, 10543, 10547, 10533, 10555, 10556, 10563, 10564, 10565, 10570, 10582 and 10583. To ensure airplane battery power to the main DC tie bus, within 100 hours time in service, inspect and modify as necessary the battery wiring to the battery reverse current circuit breakers in accordance with the Fokker F27 Special Instructions No. 76 dated November 20, 1978, or later FAA approved revisions.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment become effective August 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under executive order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on the substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final regulatory evaluation has been prepared for this regulation, has been placed in the regulatory docket, and summarized earlier in this rule. A copy of it may be obtained by contacting the person indentified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington on June 25, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–19912 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–CE–12–AD; Amendment 39–4157; (Formerly Docket No. 80–WE–34–AD)]

Airworthiness Directives; Rockwell International Models NA–265–40 and NA–265–60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Rockwell International Model NA–265–40 and NA–265–60 airplanes. The AD requires inspection of the cabin entrance door stop (beam) to detect cracks and to require its replacement when cracks are found. This action is necessary to prevent loss of cabin pressure which may require the aircraft to descend to a lower altitude where fuel consumption increases significantly and this could lead to fuel exhaustion.

EFFECTIVE DATE: July 13, 1981.

COMPLIANCE: Required as indicated unless already accomplished.

ADDRESSES: Sabreliner Service Bulletin Numbers 3 and 55 applicable to this AD may be obtained from Rockwell International, Sabreliner Division, Route 3, Perryville, MO 63775, Attn.: Technical Publications. Copies of the Service Bulletins are contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, and Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4219.

SUPPLEMENTARY INFORMATION: On June 25, 1980, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Rockwell International Models NA–265–40 and NA–265–60 airplanes and published it in the **Federal Register** on July 10, 1980 (45 FR 46434, 46435). The proposal would require inspection of the cabin entrance door stop (beam) to detect cracks and to require its replacement when cracks are found. The action was prompted by reports of cracks in the cabin entrance door stop (beam) which could result in cabin depressurization.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. Comments were received from nine operators, all of whom concurred in the need for the AD and recommended adoption.

After careful review of all available data, including the comments submitted by owners/operators, the FAA has determined that sufficient evidence exists in the public interest of aviation safety to adopt the proposed rule. Accordingly, the proposal is adopted with minor changes. These changes consist of calling out the June 16, 1980, revision to Sabreliner Service Bulletin No. 55. This change allows use of a Dy-Chek, Spotcheck, or Zyglo Dye Penetrant inspection in lieu of a fluorescent dye penetrant inspection. Additionally, the individual under the "FOR FURTHER INFORMATION CONTACT" caption has been changed to Marvin D. Beene of the Aircraft Certification Program Office in Wichita, Kansas. Subsequent to the issuance of the NPRM, the Type Certificate for the NA–265 Series airplanes was transferred to the Central Region. Since these changes are clarifying and relaxatory in nature, additional notice and public procedure hereon under 5 U.S.C. 553(b) is unnecessary and impracticable.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Rockwell International: Applies to Models NA–265–40, Serial Numbers 282–1 through 282–97, and NA–265–60, Serial Numbers 306–1 through 306–63, airplanes certificated in any category not modified in accordance with life extension modifications per North American Rockwell Drawing No. 306–053010.

Compliance: Required as indicated unless already accomplished. To prevent inadvertent cabin depressurization, accomplish the following:

(A) On aircraft with 2,000 or more hours total time-in-service as of the effective date of this AD, within the next 600 hours additional time-in-service or within the next 12 months, whichever occurs first:

1. Conduct a dye penetrant inspection of the door stop (beam) in accordance with the Inspection Instructions of Sabreliner Service Bulletin No. 55 dated March 31, 1980, as revised June 16, 1980.

2. If no cracks are detected, repeat the inspection at intervals not to exceed 600 hours time-in-service or 1 year, whichever occurs first.

3. If cracks are detected, replace the cracked part with a new part and after an additional 2,000 hours aircraft time-in-service, resume inspections at 600 hour time-in-service intervals, or modify the aircraft in accordance with Sabreliner Service Bulletin No. 3, dated December 19, 1975, as revised August 4, 1978. Installation of the applicable kit in accordance with Sabreliner Service Bulletin No. 3 eliminates the inspection requirement of this AD.

(B) On aircraft with less than 2,000 hours total time-in-service as of the effective date of this AD, prior to accumulating 2,600 hours time-in-service or within the next 12 months from the time the aircraft has accumulated 2,000 hours time-in-service, whichever occurs first, accomplish the inspection and corrective action specified in Paragraph (A) as applicable.

(C) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4285.

(E) Record compliance with this AD by an appropriate entry in the airplane maintenance records. This should include those airplanes where the provisions of this AD have already been accomplished.

This Amendment becomes effective July 13, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended. (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact". This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on June 25, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–19938 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 47

Effective Date of Reporting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of the effective date of § 47.9.(f) of the Federal Aviation Regulations reporting requirements.

SUMMARY: Section 47.9 of the Federal Aviation Regulations pertaining to the registration of aircraft by corporations which are not United States citizens contains a reporting requirement in paragraph (f). The preamble to the final rule in the case of § 47.9 provides that § 47.9(f) would become effective 30 days after notice has been published in the **Federal Register** of approval by the Office of Management and Budget (OMB) of the requirements of the paragraph.

DATE: Section 47.9(f) of the Federal Aviation Regulations becomes effective August 10, 1981 and the first reporting period will end February 10, 1982.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Flinta, Technical Section, Aircraft Registration Branch (AAC–250), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, Oklahoma 73125, Telephone: (405) 686–2284.

SUPPLEMENTARY INFORMATION: Section 501(b)(1)(A)(ii) of the Federal Aviation Act of 1958, as amended, as

implemented by § 47.9 of the Federal Aviation Regulations, provides that an aircraft owned by a corporation (other than a corporation which is a citizen of the United States) lawfully organized and doing business under the laws of the United States or any State thereof is eligible for registration if it is based and primarily used in the United States. It is considered to be based and primarily used in the United States if it complies with the requirements of § 47.9(b) of the Federal Aviation Regulations. To provide assistance in insuring compliance, a reporting requirement was established. It appears in subsection (f) of § 47.9 of the Federal Aviation Regulations. This reporting requirement becomes effective 30 days after notice of approval by OMB is published in the **Federal Register**. The OMB has now approved the collection of such information and the use of AC Form 8050-117, "Flight Hours for Corporations Not U.S. Citizens." The approval is effective through October 31, 1984, and bears OMB No. 2120-0029.

Issued in Oklahoma City, Oklahoma, on June 25, 1981.

Benjamin Demps, Jr.,

Director, Aeronautical Center.

[FR Doc. 81-19910 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-29]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of VOR Federal Airway V-177 by revising the altitudes available when the Snoopy Military Operations Area (MOA) is not operational. Currently, the use of altitudes 10,000 feet MSL and above is prohibited regardless of the status of Snoopy MOA. This action permits use of additional altitudes between Duluth, Minn., and Ely, Minn., when Snoopy MOA is not operational.

DATES: Effective date—October 1, 1981. Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-29, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves returning additional altitudes for use, and does not include any changes to the charts, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to increase the vertical extent of V-177 above 10,000 feet MSL between Duluth, Minn., and Ely, Minn., when the Snoopy MOA is not activated. § 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409). Under the current description, the use of altitude 10,000 feet and above is not permitted regardless of the status of Snoopy MOA. This action permits the maximum use of altitudes between Duluth and Ely when the MOA is not activated.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to permit the use of altitudes above 10,000 feet MSL on V-177 when the airspace is not being utilized by the military, thereby saving fuel and reducing delays. Therefore, I find that notice or public procedure under 5 U.S.C. § 553(b) is impracticable and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, V-177 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t., October 1, 1981, as follows:

§ 71.123 [Amended]

By deleting the words "Minn., excluding the airspace 10,000 feet MSL and above Duluth to Ely." and substituting for them the words "Minn. The airspace 10,000 feet MSL and above between Duluth and Ely is excluded during the times Snoopy MOA is activated by NOTAM."

(Secs. 307(a) 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20110 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 21816, Amdt. No. 95-299]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t., August 6, 1981.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 30, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Gopher, MN VORTAC	Moline, IL VORTAC	*13000
*3600-MOCA		MAA-35000

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Lampasas, TX VOR	College Station, TX VOR	*4000
*3000-MOCA		

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
64V		
Lonni INT, FL	Hance INT, FL	*2000
*1200-MOCA		
Hance INT, FL	Basil INT, FL	*5000
*1200-MOCA		
Basil INT, FL	Munro INT, BH	*4000
*1200-MOCA		

§95.1001 DIRECT ROUTES - U.S.
is added to read:

FROM	TO	MEA
Panama Routes		
A1/UPPER A1		
Tumaco, Bogota NDB	Milat INT, RP	*3000
*1200-MOCA		
Milat INT, RP	Tabogo Island, RP NDB	*3000
*2100-MOCA		
Tabogo Island, RP NDB	Biter INT, RP	3000
Biter INT, RP	Bufeo INT, RP	*5000
*1200-MOCA		
A2/UPPER A2		
Tokut INT, RP	Punbo INT, RP	9000
Punbo INT, RP	Tabogo Island, RP NDB	*7000
*6000-MOCA		
Tabogo Island, RP NDB	*Rio Hato INT, RP	**5000
*7500-MCA Rio Hato INT, NE SW-Bound		
**2700-MOCA		
Rio Hato INT, RP	Santiago, RP VOR	*11000
*6400-MOCA		
Santiago, RP VOR	Cantu INT, RP	*11000
*5800-MOCA		
Cantu INT, RP	David, RP NDB	*11000
*2800-MOCA		
David, RP NDB	Poxon INT, RP	*15000
*2100-MOCA		
A9/UPPER A9		
Rokas INT, RP	Tabogo Island, RP NDB	*3000
*2100-MOCA		
Tabogo Island, RP NDB	Morli INT, RP	*5000
*3900-MOCA		
Morli INT, RP	Vosox INT, Col.	*3000
*1200-MOCA		
Vosox INT, Col.	San Andres, Col. NDB/VOR/DME	1500
San Andres, Col. NDB/VOR/DME	Mupal INT, Col.	1500
Mupal INT, Col.	Pelro INT, RP	*3000
*1200-MOCA		

A11/UPPER A11

Etade INT, RP	Pulpo INT, RP	3000

A12/UPPER A12

Alban INT, RP	Korpu INT, RP	*3000
*1200-MOCA		
Korpu INT, RP	Tobago Island, RP NDB	*3000
*2100-MOCA		
Tobago Island, RP NDB	Morli INT, RP	*5000
*3900-MOCA		
Morli INT, RP	Vesox INT, Col.	*3000
*1200-MOCA		
Vesox INT, Col.	San Andres, Col. NDB/VOR/DME	1500
San Andres, Col. NDB/VOR/DME	Vulen INT, Col.	1500
Vulen INT, Col.	Lever INT, RP	*3000
*1400-MOCA		

B3/UPPER B3

Falla INT, RP	Ilser INT, Col.	3000
Ilser INT, Col.	San Andres, Col. VOR/NDB	1500
San Andres, Col. VOR/NDB	Tobra INT, Col.	1500
Tobra INT, Col.	Ponpo INT, RP	3000
Ponpo INT, RP	Kakol INT, RP	9000

B8/UPPER B8

Tobago Island, RP NDB	Marma INT, RP	5000
Marma INT, RP	Duxun INT, RP	*3000
*1200-MOCA		

B10/UPPER B10

Kubok INT, RP	La Palma, RP VOR	9000
La Palma, RP VOR	Tobago Island, RP NDB	3000
Tobago Island, RP NDB	Mikus INT, RP	5000
Mikus INT, RP	Colby INT, RP	*3000
*1200-MOCA		

B11/UPPER B11

Tobago Island, RP NDB	Timro INT, RP	5000
Timro INT, RP	Kasar INT, RP	*5000
*1200-MOCA		

B19/UPPER B19

Anson INT, RP	Panat INT, Col.	3000
Panat INT, Col.	San Andres, Col. VOR/NDB	1500

B25/UPPER B25

Cazon INT, RP	Porso INT, Col.	3000
Porso INT, Col.	San Andres, Col. VOR/DME	1500

G4/UPPER G4

Tobago Island, RP NDB	Ponpo INT, RP	4000
Ponpo INT, RP	Bogal INT, RP	*4000
*1200-MOCA		

R5/UPPER R5

Sanso INT, RP	Kados INT, Col.	5000
Kados INT, Col.	San Andres, Col. VOR/NDB	1500
San Andres, Col. VOR/NDB	Gavan INT, RP	1500
Gavan INT, RP	Alpon INT, RP	3000

R6/UPPER R6

San Andres, Col. VOR/NDB	Nemil INT, Col.	1500
Nemil INT, Col.	Erisa INT, RP	3000

R7/UPPER R7

Tobago Island, RP NDB	Aguja INT, RP	6000

V3

Tobago Island, RP VOR/DME	Chorrera INT, RP	2700
Chorrera INT, RP	France, RP VOR	2500

V-4

Tobago Island, RP VOR/DME	Tocumen, RP VOR	2100
Tocumen, RP VOR	Madden INT, RP	3600
Madden INT, RP	France, RP VOR	2800

V11

David, RP VOR/DME	*Lorenzo INT, RP	3000
*4000-MCA Lorenzo INT E-Bound		
Lorenzo INT, RP	Santiago, RP VOR	4000
Santiago, RP VOR	*Bejuco INT, RP	5000
*3800-MCA Bejuco INT, SW-Bound		
Bejuco INT, RP	Tobago Island, RP VOR/DME	2100
Tobago Island, RP VOR/DME	*Mandingo INT, RP	10000
*10000-MRA		

V11A

David, RP VOR/DME	*Corchita INT, RP	2000
*6000-MCA Corchita INT, E-Bound		
Corchita INT, RP	*Madera INT, RP	6000
*10500-MCA Madera INT, E-Bound		
Madera INT, RP	Cirr INT, RP	10500
Cirr INT, RP	*La Mitra INT, RP	6000
*3800-MCA La Mitra INT, SW-Bound		
La Mitra INT, RP	Tobago Island, RP VOR/DME	2100

V12

Bocas Del Toro, RP VOR	Santa Cruz INT, RP	6000
Santa Cruz INT, RP	Tobago Island, RP VOR/DME	2100

V13

Santiago, RP VOR	*Chitre INT, RP	2500
*3000-MRA		
Chitre INT, RP	Tobago Island, RP VOR/DME	4500

V14

Tobago Island, RP VOR/DME	Diego INT, RP	2100
Diego INT, RP	La Palma, RP VOR	3000

V15

David, RP VOR/DME	*Dos Rios INT, RP	2500
*5000-MCA Dos Rios INT, NE-Bound		
Dos Rios INT, RP	*Sombrero INT, RP	5000
*9000-MCA Sombrero INT, NE-Bound		
Sombrero INT, RP	Bocas Del Toro, RP VOR	9000

V16

Bocas Del Toro, RP VOR	Arenosa INT, RP	7000
Arenosa INT, RP	Tocumen, RP VOR	3000
Tocumen, RP VOR	*Mulatupo INT, RP	**9500
*9500-MRA		
**5400-MOCA		
Mulatupo, INT	La Palma, RP VOR	6000

V17

David, RP VOR/DME	*Rincon INT, RP	2500
*6000-MCA Rincon INT, N-Bound		
Rincon INT, RP	*Nance INT, RP	6000
*9600-MCA Nance INT, N-Bound		
Nance INT, RP	Bocas Del Toro, RP VOR	9600

V18

*Joque INT, RP	La Palma, RP VOR	8000
*10000-MRA		
La Palma, RP VOR	Tocumen, RP VOR	4000

V19

David, RP VOR/DME	Caiba INT, RP	3000
Caiba INT, RP	Santiago, RP VOR	3500
Santiago, RP VOR	*Chame INT, RP	4500
*3200-MCA Chame INT, SW-Bound		
Chame INT, RP	Tobago Island, RP VOR/DME	2100

V20

Tobago Island, RP VOR/DME	*Punta Cocos INT, RP	2100
*10000-MRA		
Punta Cocos INT, RP	*Joque INT, RP	10000
*10000-MRA		

V23

Puerto Armuelles INT, RP	David, RP VOR	3000

V24

*Punta Cocos INT, RP	La Palma, RP VOR	3000
*10000-MRA		

V29

Bocas Del Toro, RP VOR	France, RP VOR	5000
France, RP VOR	*Mandingo INT, RP	8000
*10000-MRA		

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Minneapolis, Minn. VORTAC	Moline, Ill. VORTAC	*13000
*3600-MOCA		MAA-30000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Pains INT, MO	Kansas City, MO VOR	
Via S alter.	Via S alter.	2800

§95.6018 VOR FEDERAL AIRWAY 18
is amended to read in part:

FROM	TO	MEA
Jackson, MS VOR	*Brett INT, MS	**2300
*3500-MRA		
**1900-MOCA		
Brett INT, MS	*Conee INT, MS	**2300
*3000-MRA		
**1900-MOCA		
Conee INT, MS	Meridian, MS VOR	*2300
*1900-MOCA		

§95.6022 VOR FEDERAL AIRWAY 22
is amended to read in part:

FROM	TO	MEA
Haile INT, CA	Poggi, CA VOR	
	NW-Bound	5000
	SE-Bound Unusable	

§95.6029 VOR FEDERAL AIRWAY 29
is amended to read in part:

FROM	TO	MEA
Salisbury, MD VOR	Kenton, MD VOR	1800
Kenton, MD VOR	Fatima, DE VOR	1800

§95.6063 VOR FEDERAL AIRWAY 63
is amended to read in part:

FROM	TO	MEA
Burlington, IA VOR	Moline, IL VOR	2600

§95.6067 VOR FEDERAL AIRWAY 67
is amended to read in part:

FROM	TO	MEA
Graham, TN VOR	Lonky INT, TN	*4000
*2200-MOCA		
Lonky INT, TN	Cunningham, KY VOR	*3000
*2200-MOCA		

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Hot Springs, AR VOR	Sewil INT, AR	2600

§95.6077 VOR FEDERAL AIRWAY 77
is amended to read in part:

FROM	TO	MEA
Topeka, KS VOR	St. Joseph, MO VOR	*2900
*2400-MOCA		

§95.6170 VOR FEDERAL AIRWAY 170
is amended to read in part:

FROM	TO	MEA
Modena, PA VOR	Fatima, DE VOR	2000
Fatima, DE VOR	Kerno INT, MD	2000
Kerno INT, MD	Paleo INT, MD	2500

§95.6182 VOR FEDERAL AIRWAY 182
is amended by adding:

FROM	TO	MEA
Baker, OR VOR	*Ibeam INT, OR	9000
*12000-MCA Ibeam INT, NE-Bound		
Ibeam INT, OR	Lewiston, ID VOR	*12000
*8100-MOCA		

§95.6213 VOR FEDERAL AIRWAY 213
is amended by adding:

FROM	TO	MEA
Robbinsville, NJ VOR	Solberg, NJ VOR	2000
		MAA-8000
Solberg, NJ VOR	Sparta, NJ VOR	3000
		MAA-8000

§95.6295 VOR FEDERAL AIRWAY 295
is amended to read in part:

FROM	TO	MEA
Lemi INT, FL	Hance INT, FL	*2000
*1200-MOCA		
Hance INT, FL	Bluff INT, FL	*5000
*1200-MOCA		

§95.6350 VOR FEDERAL AIRWAY 350
is amended to read in part:

FROM	TO	MEA
Wichita, KS VOR	Chanute, KS VOR	*3500
*2900-MOCA		

§95.6358 VOR FEDERAL AIRWAY 358
is amended by adding:

FROM	TO	MEA
Liberal, Kans. VOR	Wichita, Kans. VOR	*8000
*4500-MOCA		

§95.6391 VOR FEDERAL AIRWAY 391
is added to read:

FROM	TO	MEA
Hermosillo, Mex. VOR	Nogales, AZ VOR/DME	*a13000
aFor that Airspace over U.S. Territory.		
*8300-MOCA		
Nogales, AZ VOR/DME	Tucson, AZ VOR	11500

§95.6395 VOR FEDERAL AIRWAY 395 is added to read:

FROM	TO	MEA
Hermosillo, Mex VOR	El Claro INT, Mex.	
El Claro INT, Mex.	U.S. Mexican Border	
U S Mexican Border *6500-MOCA	Nogales, AZ VOR/DME	*10000
Nogales, AZ VOR DME	Tucson, AZ VOR	10000

§95.6416 HAWAII VOR FEDERAL AIRWAY 16 is amended to read in part:

FROM	TO	MEA
Makua INT, HI *6500-MCA Okala DME FIX, W-Bound **5500-MOCA	*Okala DME FIX, HI	**8000
Okala DME FIX, HI *8000-MRA **5500-MOCA	*Arbor INT, HI	**8000

§95.6422 HAWAII VOR FEDERAL AIRWAY 22 is amended to read:

FROM	TO	MEA
Maui, HI VOR *9500-MCA Barby INT, SE-Bound	*Barby INT, HI	7000
Barby INT, HI *1700-MOCA	Sards INT, HI	*11000
Sards INT, HI *1700-MOCA	Bonus INT, HI	*8000
Bonus INT, HI *4500-MOCA	Okala DME FIX, HI	*6000
Okala DME FIX, HI *3200-MCA Hilo, HI VOR, NW-Bound	*Hilo, HI VOR	6000
Hilo, HI VOR	Seaow DME FIX, HI	2000
Seaow DME FIX, HI *1700-MOCA	Bates DME FIX, HI	*8000
Bates DME FIX, HI *1700-MOCA	Oster DME FIX, HI	*10000
Oster DME FIX, HI 1700-MOCA	Scaon DME FIX, HI	*12000

§95.6442 VOR FEDERAL AIRWAY 442 is amended to read in part:

FROM	TO	MEA
Paradise, CA VOR *7700-MOCA	Aplos INT, CA	*9000

§95.6485 VOR FEDERAL AIRWAY 485 is amended to delete:

FROM	TO	MEA
Priest, Calif. VOR *6500-MOCA	Hollister INT, Calif.	*7000
Hollister INT, Calif. *4000-MOCA	Gilro INT, Calif	*6000
Gilro INT, Calif. *4000-MOCA	Licke INT, Calif.	*5000
Licke INT, Calif	San Jose, Calif VOR	4000

§95.6485 VOR FEDERAL AIRWAY 485 is amended by adding:

FROM	TO	MEA
Priest, CA VOR *9000-MCA Panes INT, N-Bound	*Panes INT, CA	7000
Panes INT, CA *5500-MOCA	Hence INT, CA	*9500
Hence INT, CA *4500-MOCA	Licke INT, CA	*9500
Licke INT, CA	San Jose, CA VOR	9500

§95.7044 JET ROUTE NO. 44 is amended to read in part:

FROM	TO	MEA	MAA
Shrew INT, CO	Denver, CO VORTAC	18000	45000

§95.7130 JET ROUTE NO. 130 is amended to read in part:

FROM	TO	MEA	MAA
Catel INT, CO	Denver, CO VORTAC	18000	45000

§95.7132 JET ROUTE NO. 132 is amended to delete:

FROM	TO	MEA	MAA
Fort Dodge, Iowa VORTAC	Mason City, Iowa VORTAC	18000	45000

§95.7136 JET ROUTE NO. 136 is amended by adding:

FROM	TO	MEA	MAA
Billings, MT VORTAC	Medicine Bow, WY VORTAC	28000	45000

2 By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-393 is added to read:			
Hermosillo, Mex. VOR	Nogales, AZ VOR/DME	75	Hermosillo

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J-136 is amended by adding:			
Billings, MT VORTAC	Medicine Bow, WY VORTAC	115	Medicine Bow

[FR Doc. 81-20108 Filed 7-8-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 97

[Docket No. 21902, Amdt. No. 1194]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occuring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on July 8, 1981, and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs in unnecessary, impracticable, or contrary to the public interest and, where applicable, the good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective October 1, 1981:*

Delaware, OH—Delaware Muni, VOR Rwy 28, Original

* * * *Effective August 20, 1981:*

Orlando, FL—Orlando International, VOR/DME Rwy 18L, Amdt. 2
Orlando, FL—Orlando International, VOR/DME Rwy 18R, Amdt. 2
Indianapolis, IN—Indianapolis Metropolitan, VOR Rwy 32, Amdt. 4
Wabash, IN—Wabash Muni, VOR-A, Amdt. 6
Bethpage, NY—Grumman Bethpage, VOR or TACAN-A, Amdt. 8
Bradford, PA—Bradford Regional, VOR/DME Rwy 14, Amdt. 7
Coatesville, PA—Chester County GO Carlson, VOR Rwy 29, Amdt. 4
Paris, TX—Cox Fld, VOR Rwy 35, Amdt. 6

* * * *Effective August 6, 1981:*

Keene, NH—Dillant-Hopkins, VOR Rwy 2, Amdt. 7

* * * *Effective June 26, 1981:*

Los Banos, CA—Los Banos Muni, VOR/DME Rwy 14, Amdt. 2
Los Banos, CA—Los Banos Muni, VOR/DME Rwy 32, Amdt. 4

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective August 20, 1981:*

Louisville, KY—Standiford Field, LOC BC Rwy 11, Amdt. 4
Springfield, VT—Springfield State-Hartness, LOC-A, Amdt. 3
Springfield, VT—Springfield State-Hartness, LOC/DME Rwy 5, Amdt. 1

* * * *Effective August 6, 1981:*

Juneau, AK—Juneau Intl, LDA-1 Rwy 8, Amdt. 5
Flint, MI—Bishop, LOC BC Rwy 27, Amdt. 13, cancelled.

* * * *Effective June 18, 1981:*

Nantucket, MA—Nantucket Memorial, LOC BC Rwy 6, Amdt. 5

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective October 1, 1981:*

Delaware, OH—Delaware Muni, NDB Rwy 10, Original

* * * *Effective August 20, 1981:*

Wabash, IN—Wabash Muni, NDB Rwy 27, Amdt. 6
Coatesville, PA—Chester County GO Carlson, NDB Rwy 11, Amdt. 7
Bethpage, NY—Grumman Bethpage, NDB Rwy 33, Amdt. 6
Springfield, VT—Springfield State-Hartness, NDB-A, Amdt. 3

* * * *Effective August 6, 1981:*

Juneau, AK—Juneau Intl, NDB-1 Rwy 8, Amdt. 7
Wahpeton, ND—Breckenridge-Wahpeton Interstate, NDB Rwy 33, Original

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective August 20, 1981:*

Titusville, FL—Titusville-Cocoa, ILS Rwy 36, Amdt. 7
Bradford, PA—Bradford Regional, ILS Rwy 32, Amdt. 8
Coatesville, PA—Chester county GO Carlson, ILS Rwy 29, Amdt. 2

* * * *Effective August 6, 1981:*

Flint, MI—Bishop, ILS Rwy 27, Original
Keene, NH—Dillant-Hopkins, ILS Rwy 2, Amdt. 9

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 20, 1981:*

Savannah, GA—Savannah Muni, RADAR-1, Amdt. 3
Asheville, NC—Asheville Regional, RADAR-1, Amdt. 3

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 20, 1981:*

LaGrange, GA—Callaway, RNAV Rwy 31, Original
Savannah, GA—Savannah Muni, RNAV Rwy 27, Amdt. 2
Connersville, IN—Mettel Field, RNAV Rwy 16, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on July 2, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-20105 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 202

[Reg. ER-1231; Amdt. No. 3 to Part 202]

Certificates Authorizing Scheduled Route Service: Terms, Conditions, and Limitations; Notice of Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on June 17, 1981, the Office of Management and Budget (OMB) approved the reporting requirements contained in Part 202 concerning the terms, conditions, and limitations of a certificate held by a route air carrier under Section 401 of the Federal Aviation Act of 1958, as amended. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: July 6, 1981. Effective: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

Accordingly, the Civil Aeronautics Board amends Part 202 of its Economic Regulations (14 CFR Part 202) by revising the note at the end of Part 202 to read:

Note.—The application requirements contained in §§ 202.13(a), 202.13(b), 202.14(b) and 202.15 and the reporting requirements contained in §§ 202.13(c), 202.13(d) and 202.16(a)(b) have been approved by the Office of Management and Budget under number 3024–0019.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20181 Filed 7-8-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 249

[Reg. ER-1232; Amdt. No. 1 to Part 249]

Preservation of Air Carrier Accounts, Records and Memoranda; Notice of Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on June 17, 1981, the Office of Management and Budget (OMB) has approved the revised recordkeeping requirements in Part 249 of the Board's Economic Regulations (ER–1214, 46 FR 25414) May 6, 1981. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: July 6, 1981. Effective: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

Accordingly, the Civil Aeronautics Board amends Part 249 of its Economic Regulations (14 CFR Part 249) by revising the note at the end of Part 249 to read:

Note.—The recordkeeping requirements contained herein have been approved by the Office of Management and Budget under number 3024–0008.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20189 Filed 7-8-81; 8:45 am]

BILLING CODE 6320-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1300

Ethical and Other Conduct Standards and Responsibilities of Employees and Special Government Employees; Statements of Employment and Financial Interests; Amendment and Annual Revision of Appendix

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of annual revision.

SUMMARY: TVA regulations require employees in certain positions to submit annual Statements of Employment and Financial Interests. Employees at TVA pay grades M–5, M–6, and M–7 who must file Statements of Employment and Financial Interests are identified and listed in an appendix to this regulation. A revised appendix is published annually in the Federal Register. This notice announces that annual revision.

EFFECTIVE DATE: The appendix is updated for the purpose of inclusion in the Code of Federal Regulations, and for that purpose is effective on July 9, 1981. The revisions became effective for individual employees upon receipt of actual notice.

ADDRESS: Relevant comments may be sent to the Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902, telephone 615–632–2241.

SUPPLEMENTARY INFORMATION: TVA's Code of Ethical Standards, in accordance with 16 U.S.C. §§ 831–831dd (1976; Supp. III, 1979), implements the requirements of E.O. No. 11222 and has been previously published or referenced in the Federal Register as follows:

33 FR 19,168, December 24, 1968
38 FR 15,075, June 8, 1973
42 FR 2666, January 13, 1977
42 FR 65,143, December 30, 1977

The list of positions at grades M–5, M–6, and M–7 for which Statements of Employment and Financial Interests are required to be filed is being revised. Those positions, described generally in paragraphs (2) and (3) of that section, are specifically identified by organization, title, and pay grade in the appendix to the section. Changes in duties and responsibilities of specific positions, changes in organizational structures, or addition of new positions may create or remove the need for incumbents to submit statements under the general description contained in the section. Accordingly, subsection (b) provides for annual republication of the updated, revised appendix.

PART 1300—ETHICAL AND OTHER CONDUCT STANDARDS AND RESPONSIBILITIES OF EMPLOYEES AND SPECIAL GOVERNMENT EMPLOYEES

The appendix to section 1300.735–41 is revised to read as follows:

§ 1300.735–41 Employees required to submit statements.

* * * * *

Appendix

As provided in section 1300.735–41(b), employees in the following positions, which are described in section 1300.735–41(a) (2) and (3), must submit Statements of Employment and Financial Interests:

Office of the General Manager

District Administrator, Grade M–7
Staff Assistant, Grade M–6
Staff Assistant, Grade M–5
Supervisor, Federal Assistance Programs, Grade M–5

Office of the General Counsel

Attorney (Community, Industrial, and Chemical Development), Grade M–7
Attorney (Natural Resources Development), Grade M–7
Attorney (Nuclear Regulatory and Environmental Laws and Regulations), Grade M–7
Attorney (Procurement and Business), Grade M–7
Attorney (Reservoir Properties, Permits), Grade M–7
Attorney (Patents), Grade M–6

Office of Agricultural and Chemical Development

Manager's Office:
  Administrative Officer, Grade M–6
  Administrator, International Fertilizer Program, Grade M–6
  Personnel Officer, Grade M–6
  Personnel Officer, Grade M–5
  Supervisor, Services, Safety Engineering Services, Grade M–5
Division of Agricultural Development:
  Chief, Branch, Grade M–7
  Senior Scientist, Grade M–7
  Agricultural Economist, Test and Demonstration Branch, Grade M–6
  Assistant Chief, Branch, Grade M–6
  Assistant to Director of Agricultural Development, Grade M–6
  Supervisor, Section, Agricultural Energy Applications Section, Grade M–6
  Supervisor, Section, Fertilizer Introduction Section, Grade M–6
  Supervisor, Section, Management and Data Systems Section, Grade M–6
  Supervisor, Services, Grade M–5
Division of Chemical Development:
  Chief, Branch, Grade M–7
  Projects Manager, Grade M–7
  Assistant Chief, Branch, Design Branch, Grade M–6
  Chief, Services, Grade M–6
  Electrical Engineer, Grade M–6
  Mechanical Engineer, Grade M–6
  Project Engineer, Grade M–6
  Civil Engineer, Design Branch, Grade M–5
  Mechanical Engineer, Grade M–5
Division of Chemical Operations:
  Chief, Branch, Grade M–7
  Supervisor, Section, Central Services Section, Grade M–5

Office of Community Development

Manager's Office:
  Chief, Staff, Budget, Management, and Evaluation Staff, Grade M–6
  District Manager, Grade M–6
  Program Manager, Grade M–6
  District Manager, Grade M–5
  Program Manager, Grade M–5
Division of Commerce:
  Assistant to Director of Commerce, Grade M–6
  Chief, Branch, Economic Development Branch, Grade M–6
  Chief, Branch, Minority Economic Development Branch, Grade M–6
  Program Manager, Grade M–6
  Project Manager, Grade M–6
  Coordinator, Director's Office, Grade M–5
  Economist, Grade M–5
Division of Community Services:
  Chief, Branch, Grade M–6
  Chief, Staff, Grade M–6
  Education Resource Planner, Grade M–5
  Manpower Development Specialist, Grade M–5
  Program Coordinator, Grade M–5
  Project Manager, Grade M–5
  Regional Planner, Grade M–5
  Supervisor, Section, Grade M–5
  Supervisor, Unit, Program Planning and Support, Grade M–5

Office of Engineering Design and Construction

Manager's Office:
  Assistant to the Manager of Engineering Design and Construction, Grade M–7
  Chief, Staff, Cost Planning and Control Staff, Grade M–7
  Chief, Staff, Management Systems Staff, Grade M–7
  Quality Assurance Manager, Grade M–7
  Assistant Project Manager (Chattanooga Office Complex), Grade M–5
  Supervisor, Staff, Grade M–5
Division of Engineering Design:
  Assistant Design Project Manager, Grade M–7
  Chief, Branch, Grade M–7
  Civil Design Project Engineer, Grade M–7
  Civil Engineer, Grade M–7
  Electrical Design Project Engineer, Grade M–7
  Electrical Engineer, Electrical Engineering and Design Branch, Grade M–7
  Electrical Engineer, Equipment Contract Engineering, Grade M–7
  Electrical Engineer, Nuclear Staff, Grade M–7
  Electrical Engineer, Systems Engineering Layout, Grade M–7
  Geologist, Grade M–7
  Mechanical Design Project Engineer, Grade M–7
  Mechanical Engineer, Fossil Steam Generation and Equipment, Grade M–7
  Mechanical Engineer, Heat Cycle Engineering and Equipment, Grade M–7
  Mechanical Engineer, Mechanical Engineering and Design Branch, Grade M–7
  Mechanical Engineer, Mechanical Equipment Contract Engineering, Grade M–7
  Mechanical Engineer, Nuclear Steam Supply and Radiation Control, Grade M–7
  Nuclear Engineer, Branch Staff, Nuclear Engineering Branch, Grade M–7
  Project Manager, Environmental Design Project, Grade M–7
  Architect, Grade M–6

Assistant to Chief, Branch, Grade M–6
Assistant to Project Manager, Grade M–6
Chief, Staff, Engineering Services Staff, Grade M–6
Chief, Staff, Project Control Staff, Grade M–6
Civil Design Project Engineer, Grade M–6
Civil Engineer, Branch Staff, Civil Engineering Branch, Grade M–6
Civil Engineer, Contract Engineering Section, Civil Engineering Branch, Grade M–6
Electrical Design Project Engineer, Grade M–6
Fossil Design Project Engineer, Grade M–6
Materials Engineer, Quality Control, Grade M–6
Mechanical Design Project Engineer, Grade M–6
Mechanical Engineer, Hydro Staff Specialist, Grade M–6
Mechanical Engineer, Staff Specialists, Mechanical Engineering Branch (possible conflict of interest situation), Grade M–6
Mechanical Engineer, Yellow Creek Design Project, Grade M–6
Nuclear Design Project Engineer, Grade M–6
Project Engineer, Grade M–6
Quality Assurance Engineer, Grade M–6
Assistant Chief, Staff, Engineering Services Staff, Grade M–5
Project Staff Engineer, Engineering Support Services Section, Grade M–5
Supervisor, Section, Budget, Design Contracts, and Cost Analysis, Grade M–5
Supervisor, Section, Contract Engineering Section, Grade M–5

Division of Construction:
Assistant to the Manager of Construction (Industrial Relations), Grade M–7
Construction Engineer, Grade M–7
General Construction Superintendent, Grade M–7
Chief, Staff, Grade M–6
Supervisor, Services, Warehouse Services, Grade M–5
Supervisor, Unit, Warehouse Services, Grade M–5
Welding Engineer, Grade M–5

Office of Management Services

Labor Relations Staff:
Chief, Salary Policy Contract Administration, Grade M–7
Chief, Trades and Labor Contract Administration, Grade M–7

Division of Finance:
Chief, Branch, Auditing Branch, Grade M–7
Chief, Branch, Central Accounting Branch, Grade M–7
Treasurer, Grade M–7
Assistant Chief, Auditing Branch, Grade M–6
Assistant Chief, Central Accounting Branch, Grade M–6
Assistant Chief, Chemical Accounting Branch, Grade M–6
Audit Supervisor, Grade M–6
Chief, Staff, Management Services Staff, Grade M–6
Supervisor, Services, Grade M–6
Accounting Staff Officer, Retirement Services Branch, Grade M–5
Supervisor, Section, Accounts Payable Section, Grade M–5
Supervisor, Section, Auditing Branch, Grade M–5
Supervisor, Section, Benefits Section, Grade M–5
Supervisor, Section, Chemical Accounting Branch, Grade M–5
Supervisor, Section, Payroll Section, Grade M–5
Supervisor, Section, Property and Services Accounting Section, Grade M–5
Supervisor, Section, Voucher Section, Grade M–5

Division of Management Systems:
Chief, Branch, Grade M–7
Assistant Chief, Branch, Grade M–6
Assistant to Chief, Branch, Grade M–6
Chief, Staff, Administrative Services Staff, Grade M–6
Supervisor, Section, Technical and Administrative Services Section, Grade M–5

Division of Personnel:
Chief, Branch, Grade M–7
Chief, Branch, Research and Analysis Staff, Grade M–7
Chief, Staff, Grade M–6

Division of Property and Services:
Chief, Branch, Grade M–7
Assistant Chief, Branch, Grade M–6
Assistant to Chief, Branch, Grade M–6
Chief, Services, Grade M–6
Manager, Development, Grade M–6
Real Estate Appraiser, Grade M–6
Supervisor, Section, Grade M–6
Title Attorney, Grade M–6
Airplane Pilot, Grade M–5
Assistant to Director of Property and Services, Grade M–5
Coordinator, Grade M–5
District Manager, Grade M–5
Specialist in Property Management, Grade M–5
Supervisor, Section, Management Services Section, Grade M–5
Supervisor, Section, Nuclear Operating Section, Grade M–5
Supervisor, Services, Grade M–5
Supervisor, Unit, Facilities Evaluation and Acquisition Unit, Grade M–5
Supervisor, Unit, Land Branch, Grade M–5
Supervisor, Unit, Office Service Branch, Grade M–5
Supervisor, Unit, Transportation Services Branch, Grade M–5

Division of Purchasing:
Assistant to Director of Purchasing, Grade M–7
Chief, Branch, Grade M–7
Chief, Staff, Grade M–7
Chief, Staff, Grade M–6
Assistant Chief, Staff, Grade M–5
Assistant to Director of Purchasing, Grade M–5
Purchasing Agent, Grade M–5
Supervisor, Section, Grade M–5

Office of Health and Safety

Division of Medical Services:
Chief, Area Medical Service, Grade P–2
Chief, Staff, Grade P–2
Medical Administrator, Grade M–7
Assistant Medical Administrator, Grade M–6
Chief, Staff, Grade M–6
Assistant Chief, Staff, Grade M–5
Personnel Officer, Grade M–5
Physicians Associate, Grade M–5
Supervisor, Section, Grade M–5

Division of Occupational Health and Safety:
Assistant to Director of Occupational Health and Safety, Grade M–7
Chief, Branch, Grade M–7
Chief, Branch, Grade M–6
Health Physicist, Grade M–6
Supervisor, Section, Grade M–6
Supervisor, Unit, Grade M–6
Chief, Staff, Grade M–5
Hazard Control Engineer, Standards and Compliance Branch, Grade M–5
Health Physicist, Director's Office, Grade M–5
Health Physicist, Radiological Emergency Planning and Preparedness Group, Grade M–5
Health Physicist, Technical Assistant Staff, Grade M–5
Project Manager, Grade M–5
Safety Engineer, Grade M–5
Supervisor, Section, Grade M–5
Supervisor, Unit, Eastern Unit, Grade M–5
Supervisor, Unit, Information Office, Grade M–5
Supervisor, Unit, Program Evaluation and Reporting, Grade M–5
Supervisor, Unit, Western Unit, Grade M–5

Office of Natural Resources

Resource Services:
Assistant Manager, Services, Grade M–7
Chief, Branch, Grade M–7
Chief, Staff, Grade M–7
Assistant Chief, Branch, Grade M–6
Chief, Branch, Grade M–6
Program Manager, Grade M–6
Supervisor, Section, Grade M–6
Chief, Services, Grade M–5
Personnel Officer, Grade M–5
Research Chemist, Grade M–5
Supervisor, Section, Cartographic Section, Grade M–5
Supervisor, Section, Central Region, Grade M–5
Supervisor, Section, Chattanooga/Muscle Shoals, Grade M–5
Supervisor, Section, Data Management, Grade M–5
Supervisor, Section, Eastern Region, Grade M–5
Supervisor, Section, Laboratory Branch, Grade M–5
Supervisor, Section, Norris, Grade M–5
Supervisor, Section, Office Engineering, Grade M–5
Supervisor, Section, Photogrammetry and Remote Sensing Section, Grade M–5
Supervisor, Section, Western Region, Grade M–5

Air Resources Program:
Chief, Air Resources Program, Grade M–7
Supervisor, Section, Grade M–6
Biologist, Grade M–5
Environmental Engineer, Grade M–5
Projects Manager, Grade M–5
Research Manager, Grade M–5
Supervisor, Section, Grade M–5

Division of Land and Forest Resources:
Assistant to Director, Land and Forest Resources, Grade M–7
Chief, Management Services, Grade M–7
Chief, Special Projects Coordination, Grade M–7

Manager of Properties, Grade M–7
Manager, Resource Programs, Grade M–7
Chief, Branch, Property Administration Staff, Grade M–6
Chief, Services, Program Evaluation, Budget and Administration, Grade M–6
Coordinator, Grade M–6
Program Manager (Recreation Resources), Grade M–6
Projects Manager (Biomass Resources Development), Grade M–6
Projects Manager (Forest Resources Development), Grade M–6
Personnel Officer, Grade M–5
Projects Manager, Streams, Trails, and Natural Areas Recreation, Grade M–5
Staff Forester, Land Reclamation (contracting and procurement), Grade M–5
Supervisor, Section, Land Management Section, Eastern District, Grade M–5
Supervisor, Section, Land Management Section, Southern District, Grade M–5
Supervisor, Section, Land Management Section, Western District, Grade M–5
Supervisor, Section, Land Use Section, Grade M–5
Supervisor, Section, Operation and Maintenance Section, Grade M–5
Supervisor, Section, Tributary Area Section, Grade M–5

Division of Water Resources:
Chief, Fisheries Resources Branch, Grade M–7
Chief, Water Quality and Ecology Branch, Grade M–7
Chief, Water Systems Development Branch, Grade M–7
Manager, Field Operations, Grade M–7
Assistant to Director of Water Resources, Grade M–6
Manager, Area, Field Operations, Grade M–6

Land Between the Lakes:
Chief, Facilities and Administrative Services, Grade M–6
Chief, Natural Resources Management, Grade M–5
Chief, Recreation, Interpretation, and Environmental/Energy Education, Grade M–5

Office of Power

Power Manager's Office and Staffs:
Assistant Chief, Staff, Grade M–7
Head, Group, Grade M–7
Power Planning Advisor, Grade M–7
Quality Assurance Manager, Grade M–7
Assistant Chief, Staff, Grade M–6
Assistant Quality Assurance Manager, Grade M–6
Chief, Staff, Grade M–6
Nuclear Engineer, Grade M–6
Power Planning Advisor, Grade M–6
Supervisor, Section, Grade M–6
Assistant Supervisor, Section, Grade M–5
Supervisor, Section, Nuclear Staffs, Grade M–5
Supervisor, Services, Grade M–5
Supervisor, Unit, Management Services Staff, Grade M–5

Division of Energy Conservation and Rates:
Chief, Branch, Grade M–7
Chief, Staff, Grade M–7
Assistant to Chief, Branch, Grade M–6
Chief, Branch (Acting), Grade M–6
Supervisor, Section, Grade M–6
Economist, Grade M–5
Staff Rate Assistant, Grade M–5
Supervisor, Section, Data Services Section, Grade M–5
Supervisor, Section, Financial Assistance Unit, Grade M–5
Supervisor, Section, Planning and Communications Staff (supervises contractors), Grade M–5
Supervisor, Section, Rate Design Section, Grade M–5
Supervisor, Section, Research Section, Grade M–5
Supervisor, Staff, Grade M–5
Supervisor, Unit, Energy Audits and Engineering Unit, Grade M–5
Supervisor, Unit, Heat Pump Applications Unit, Grade M–5
Supervisor, Unit, Home Insulation Unit, Grade M–5
Supervisor, Unit, Load Management Branch, Grade M–5
Supervisor, Unit, Solar Applications Branch, Grade M–5

Division of Energy Demonstrations and Technology:
Chief, Branch, Grade M–7
Chief, Services, Energy Services, Grade M–7
Chief, Staff, Grade M–7
Projects Manager, Grade M–7
Chief, Branch, Grade M–6
Chief, Staff, Grade M–6
Program Manager, Grade M–6
Project Manager, Grade M–6
Projects Manager, Grade M–6
Research Analyst, Grade M–6
Research Manager, Grade M–6
Assistant to Program Manager, Grade M–5
Chemical Engineer, Grade M–5
Facilities Manager, Grade M–5
Materials Engineer, Grade M–5
Project Coordinator, Grade M–5
Project Engineer, Grade M–5
Project Manager, Grade M–5
Projects Manager, Grade M–5
Supervisor, Section, Grade M–5
Supervisor, Services, Grade M–5

Division of Energy Use and Distributor Relations:
Chief, Branch, Grade M–7
Chief, Staff, Grade M–7
Coordinator (contract and rate interpretation), Grade M–7
District Manager, Grade M–7
Senior District Advisor, Grade M–7
Assistant Chief, Branch, Grade M–6
Assistant District Manager, Grade M–6

Power Engineering:
Assistant Chief, Staff, Grade M–7
Environmental Engineer, Grade M–6
Head Group, Grade M–6
Environmental Engineer, Grade M–5
Power Supply Engineer, Grade M–5
Supervisor, Section, Cost Analysis and Reporting Section, Grade M–5
Supervisor, Section, Engineering and Analysis Section, Grade M–5
Supervisor, Section, Engineering and Economics Evaluation Section, Grade M–5
Supervisor, Section, Project Planning Section, Grade M–5
Supervisor, Section, Schedule Control Section, Grade M–5

Division of Fuels:
Chief, Branch, Grade M–7
Chief, Staff, Grade M–7
Manager, Operations, Grade M–7
Assistant Chief, Branch, Grade M–6
Head, Group, Engineering Group, Grade M–6
Nuclear Engineer, Grade M–6
Project Engineer, Grade M–6
Supervisor of Projects, Grade M–6
Fuels Engineer, Grade M–5
Nuclear Engineer, Grade M–5
Project Manager, Grade M–5
Supervisor, Section, BWR Core Design Section, Grade M–5
Supervisor, Section, Engineering Analysis Section, Grade M–5
Supervisor, Section, Fuels Economics Section, Grade M–5
Supervisor, Section, Fuels Engineering Section, Grade M–5
Supervisor, Section, Fuels Planning Section, Grade M–5
Supervisor, Section, Fuel Supply Management Section, Grade M–5
Supervisor, Section, Fuel Utilization Section, Grade M–5
Supervisor, Section, Nuclear Fuel Economics Section, Grade M–5
Supervisor, Section, Nuclear Raw Materials Branch, Grade M–5
Supervisor, Section PWR Core Design Section, Grade M–5
Supervisor, Section, Quality Control Section, Grade M–5
Supervisor, Section, Systems Development Staff, Grade M–5
Supervisor, Services, Grade M–5
Supervisor, Staff, Grade M–5

Division of Power Construction:
Area Construction Manager, Grade M–7
Area Construction Manager (Acting), Grade M–6
General Construction Superintendent, Grade M–5
Supervisor, Section, Grade M–5

Division of Transmission Planning and Engineering:
Assistant to the Director of Transmission Planning and Engineering, Grade M–7
Chief, Branch, Grade M–7
Assistant Chief, Branch, Civil Engineering and Design Branch, Grade M–6
Assistant Chief, Branch, Communication Engineering and Design Branch, Grade M–6
Assistant Chief, Branch, Electrical Engineering and Design Branch, Grade M–6
Civil Engineer, Civil Engineering and Design Branch, Grade M–6
Electrical Engineer, Electrical Engineering and Design Branch, Grade M–6
Supervisor, Section, Estimating, Specifications, and Procurement Section, Grade M–5
Supervisor, Section, Protection and Control Section, Grade M–5
Supervisor, Section, Substation Projects Section, Grade M–5

Power Operations:
Superintendent, Service Shops, Power Service Shops, Grade M–7
Supervisor, Section, Grade M–6

Division of Fossil and Hydro Power:

Assistant Chief, Branch, Grade M–7
Chief, Branch, Grade M–7
Power Plant Superintendent, Watts Bar, Grade M–7
Project Manager, Grade M–7
Superintendent, Operations, Grade M–7
Assistant Chief, Branch, Grade M–6
Electrical Engineer, Grade M–6
Mechanical Engineer, Plant Equipment Branch, Grade M–6
Personnel Officer, Grade M–6
Power Plant Superintendent, Grade M–6
Supervisor, Services, Grade M–6
Supervisor, Staff, Grade M–6
Division of Nuclear Power:
Chief, Branch, Grade M–7
Coordinator, Grade M–7
Assistant Chief, Branch, Grade M–6
Chemical Engineer, Grade M–6
Chief, Staff, Grade M–6
Electrical Engineer, Grade M–6
Mechanical Engineer, Grade M–6
Metallurgical Engineer, Grade M–6
Nuclear Engineer, Low-Level Radwaste Management Group, Grade M–6
Nuclear Engineer, Reactor Analysis Group, Grade M–6
Outage Director, Grade M–6
Personnel Officer, Grade M–6
Supervisor, Group, Reactor Systems Group, Grade M–6
Supervisor, Staff, Industrial Safety and Fire Protection Engineering Staff, Grade M–6
Supervisor, Staff, Management Services Staff, Grade M–6
Supervisor, Staff, New Plants Review Staff, Grade M–6
Supervisor, Staff, Outage Planning and Scheduling Group, Grade M–6
Supervisor, Staff, Preoperational Test Staff, Grade M–6
Outage Director, Grade M–5
Supervisor, Section, Auxiliary Equipment Section, Grade M–5
Supervisor, Section, Computer Engineering Section, Grade M–5
Supervisor, Section, Controls Engineering Section, Grade M–5
Division of Power System Operations:
Chief, Branch, System Engineering Services Branch, Grade M–7
Chief, Branch, System Loading Branch, Grade M–7

(16 U.S.C. 831–831dd; E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306, 5 CFR 735.104)

Dated: June 30, 1981.

W. F. Willis,

General Manager.

[FR Doc. 81–20100 Filed 7–8–81; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 665

Directional Signing for American Revolution Bicentennial Activities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescission of regulation.

SUMMARY: The regulation on directional signing for Bicentennial activities established guidelines for the design, installation and funding of signs related to the American Revolution Bicentennial. Since the Bicentennial activities have been completed, there is no longer a necessity for regulating directional signs related to those activities. Therefore, the FHWA is rescinding the regulation.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. F. C. Vandenbroeder, Office of Traffic Operations (HTO–21), 202–426–0411, or Mr. Stanley H. Abramson, Office of the Chief Counsel (HCC–10), 202–426–0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: No economic impacts are anticipated as a result of this action. It has also been determined that this action will not have a significant economic impact on a substantial number of small entities. Accordingly, neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation (DOT) because it is not anticipated that such action would result in the receipt of useful information. Because this rescission eliminates an obsolete regulation, the FHWA finds good cause to make this rescission effective in less than 30 days under DOT regulatory procedures. Accordingly, this amendment is effective upon publication.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures.

PART 665—DIRECTIONAL SIGNING FOR AMERICAN REVOLUTION BICENTENNIAL ACTIVITIES [REMOVED]

Accordingly, the Federal Highway Administration hereby removes 23 CFR Part 665, "Directional Signing for American Revolution Bicentennial Activities."

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

(23 U.S.C. §§ 109(d), 315, 402(a); 49 CFR 1.48(b))

Issued on: June 29, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–19789 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS JACK WILLIAMS (FFG 24) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate, and (2) has found that USS JACK WILLIAMS (FFG 24) is a member of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN Admiralty Counsel, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, Virginia 22332 Telephone number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS JACK WILLIAMS (FFG 24) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of its forward masthead light; Annex I, Section 2(a)(i), regarding the height above the hull of its forward masthead light; and Annex I, Section 3(b), regarding the horizontal relationship of its sidelights to its forward masthead light, without interfering with its special function as a Navy frigate. The Secretary of the Navy has also certified that the above-mentioned light is located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS JACK WILLIAMS (FFG 24) is a member of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this ship. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
• • •	• • •	•
USS Jack Williams	FFG 24	1.6
• • •	• • •	•

2. Table Four of § 706.2 is amended by revising the existing paragraph 8. to read:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head.

* * * * *

USS Jack Williams (FFG 24)

3. Table Four of § 706.2 is amended by revising the existing paragraph 9. to read:

9. Sidelights on the following ships do not comply with Annex 1, Section 3(b):

Vessel	Number	Distance of sidelights forward of masthead lights in meters
• • •	• • •	•
USS Jack Williams	FFG 24	2.75
• • •	• • •	•

Effective Date: June 23, 1981.

(E.O. 11964; 33 U.S.C. 1605)

Dated: June 23, 1981.

Robert J. Murray,

Acting Secretary of the Navy.

[FR Doc. 81–20091 Filed 7–8–81; 8:45 am]

BILLING CODE 3810–70–M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces a revision of the regulations on consideration of late offers, modifications, and withdrawals when sent by Express Mail service.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245–4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular 81–4, dated June 23, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the **Federal Register**. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation:

Section 2–303.2 and 2–303.3 are amended to provide for the consideration of late offers sent by Express Mail service under certain conditions.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–20085 Filed 7–8–81; 8:45 am]

BILLING CODE 7710–12–M

39 CFR Part 310

Mail to Canada; Suspension of Private Express Statutes and Regulations

AGENCY: Postal Service.

ACTION: Temporary suspension of statutes and regulations.

SUMMARY: Canadian postal workers have gone on strike. The U.S. Postal Service has placed an embargo on all mail addressed to Canada.

In view of the strike, the Postal Service has determined that it is in the public interest to suspend and hereby does suspend the operation of 39 U.S.C. 601(a) (1) through (6) and 39 CFR 310.2(b) (1) through (6) so as to permit the carriage of letters destined for delivery in Canada out of the mails without paying postage or meeting any of the other conditions in such provisions of law and regulations.

EFFECTIVE DATE: Effective July 9, 1981; this suspension shall remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley; Telephone 202–245–4584.

(39 U.S.C. 401, 404, 601)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–20228 Filed 7–7–81; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5963

[I–4040, I–8722]

Idaho; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Secretarial orders which withdrew public lands for the Minidoka and Gooding Reclamation Projects. This action will open the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry R. Lievsay, Idaho State Office, 208–334–1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of November 17, 1902, and October 22, 1925, which withdrew lands for the Minidoka and Gooding Projects, are hereby revoked insofar as they affect the following described lands:

Boise Meridian

T. 10 S., R. 24 E.,
Sec. 28, lot 3.
T. 6 S., R. 15 E.,
Sec. 20, N½SW¼, W½NW¼SE¼.

The areas described contain a total of 100.16 acres in Minidoka and Gooding Counties.

2. At 10 a.m. on August 5, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 5, 1981, the lands will be open to location under the United States mining laws. They have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20076 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5968

[I-15245]

Idaho; Partial Revocation of Stock Driveway Withdrawal No. 48

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: The order revokes 6,165.37 acres of national forest lands from a stock driveway withdrawal. The lands will be opened to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry Lievsay, Idaho State Office, 208–334–1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order No. 48 of December 9, 1918, as modified by the Secretarial Order of October 30, 1922, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

Sawtooth National Forest

T. 1 S., R. 11 E.,
Sec. 3, lot 4, SW¼NW¼, NW¼SW¼.
T. 1 N., R. 11 E.,
Sec. 21, E ½SE¼;
Sec. 22, S½;
Sec. 23, S½S½;
Sec. 24, S½SW¼, SW¼SE¼;
Sec. 25, lots 1, 2, W½NE¼, N½NW¼, SE¼NW¼;
Sec. 26, N½N½;
Sec. 27, N½NE¼, W½W½;
Sec. 34, W½W½.
T. 1 N., R. 12 E.,
Sec. 1, S½;
Sec. 2, All;
Sec. 3, S½;
Sec. 4, S½SW¼, SE¼;
Sec. 8, E½, E½SW¼;
Sec. 9, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, NE¼NE¼, S½NE¼, S½;
Sec. 11, All;
Sec. 17, N½, N½S½;
Sec. 18, lot 4, S½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 19, lots 1, 2, 3, 4, E½W½;
Sec. 30, lots 1, 2, E½NW¼.

The area described contains 6,165.37 acres in Camas and Elmore Counties.

2. At 10 a.m. on August 5, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20077 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5970

[I-15133]

Idaho; Withdrawal for Pine Seed Orchard

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 19.31 acres of public lands and reserves them for protection of seed tree development on the Russell Bar Pine Seed Orchard for a period of 50 years.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry Lievsay, Idaho State Office, 208–334–1735.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from entry or location under the mining laws (30 U.S.C., Ch. 2), in order to protect them for use as a Pine Seed Orchard in aid of a cooperative Federal, State, and private program.

Boise Meridian

Russell Bar Pine Seed Orchard

T. 27 N., R. 1 E.
Sec. 23, Lot 3 (Portion west of U.S. Highway 95 right-of-way)

The area described contains 19.31 acres in Idaho County.

2. This withdrawal shall remain in effect for a period of 50 years from the date of this order.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20078 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5976

[(Nev-051731) (A-13384)]

Nevada and Arizona; Revocation of Executive Order No. 5339

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew lands in aid of legislation and restores 16,775 acres in Nevada, and 189,657 acres in Arizona to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws. The remaining lands are either patented or contained within other withdrawals.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Vienna Wolder, Nevada State Office, 702–784–5703, or Hap Thonhoff, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5339 of April 25, 1930, which withdrew lands in Nevada and Arizona in aid of legislation pending determination as to the advisability of including them in a national monument, is revoked in its entirety: This order affects 374,193 acres in Nevada, and 1,199,267 acres in Arizona in the following townships.

Nevada—Mount Diablo Base and Meridian

T. 16 S., Rs. 68 and 69 E.,
T. 17 S., Rs. 66, 69, 70, and 71 E.,
T. 18 S., Rs. 67, 68, 69, 70, and 71 E.,
T. 19 S., Rs. 67, 68, 69, 70, and 71 E.,
T. 20 S., Rs. 65, 66, 67, 68, 69, 70, and 71 E.,
T. 21 S., Rs. 64, 65, 66, 67, 68, 69, 70, and 71 E.,
T. 22 S., Rs. 64 and 65 E.,
T. 23 S., Rs. 64 and 65 E.,
T. 24 S., Rs. 64 and 65 E.,
T. 25 S., R. 65 E.

Arizona—Gila and Salt River Meridian

T. 27 N., Rs. 21, and 22 W.,
T. 28 N., Rs. 10, 11, 12, 13, 21, and 22 W.,
T. 29 N., Rs. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.,
T. 30 N., Rs. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.,
T. 31 N., Rs. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.,
T. 32 N., Rs. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 W.,
T. 33 N., Rs. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 W.,
T. 34 N., Rs. 4, 5, 6, 7, 13, 14, 15, and 16 W.,
T. 35 N., Rs. 4, 5, 6, 7, 15, and 16 W.

2. At 10 a.m. on August 5, 1981, the following described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 5, 1981, the following described lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Nevada—Mount Diablo Meridian

T. 19 S., R. 67 E.
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Sec. 30, N½.
T. 19 S., R. 69 E.
Secs. 25, 26, 35, 36.
T. 20 S., R. 69 E.
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26;
Sec. 29, east of the Colorado River Survey withdrawal (portions of NE¼, N½NW¼, N½SE¼, SE¼SE¼).

Containing approximately 16,775 acres.

Arizona—Gila and Salt River Meridian

T. 32 N., R. 11 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 and 2, S½NE¼, and SE¼;
Sec. 7, NE¼;
Secs. 8 and 9;
Sec. 10, E½, N½NW¼, SE¼NW¼, and SW¼;
Secs. 11 to 16, inclusive;
Secs. 18, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, lot 3;
Sec. 20;
Secs. 22 to 24, inclusive.
T. 31 N., R. 12 W.
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 32 N., R. 12 W.
Sec. 1, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, SW¼, and S½SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 and 2;
Secs. 8 to 16, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 20, W½;
Sec. 21, E½;
Secs. 22 to 24, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32 and 34.
T. 33 N., R. 12 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 11 to 14, inclusive;
Secs. 23 to 24, inclusive;
Sec. 25;
Sec. 26, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Secs. 34 and 35.
T. 31 N., R. 13 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, N½SW¼, SW¼SW¼, part SE¼SW¼, part SW¼;
Sec. 4, lots 1 and 2, part lots 3 and 4, SE¼NW¼, part W½, part SE¼;
Sec. 6, lots 1 to 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, part W½;
Secs. 10, 12, and 13;
Sec. 14, part E½;
Sec. 16, E½;
Sec. 24;
Sec. 26, part E½SE¼;
Sec. 36, part E½.
T. 32 N., R. 13 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8, 10, 12, 14, and 16;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, N½;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 32, part E½, W½;
Secs. 34, and 36;
T. 32 N., R. 14 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E¼SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 8, and 15, inclusive;
Sec. 16, N½, N½S½, part S½S½;
Sec. 17, N½, N½S½, part S½S½;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lot 1, and part Lot 2;
Sec. 22, part N½;
Sec. 23, N½, part SW¼, SE¼;
Sec. 24;
Sec. 25, part N½, and part SE¼;
Sec. 26, part E½.
T. 29 N., R. 15 W.
Sec. 4, lots 1 to 4, inclusive;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼
Sec. 20;
Sec. 28, lots 1 to 4, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
T. 29 N., R. 16 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive;
Secs. 8, 10, 12, 14, and 16;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32, 34, and 36.
T. 30 N., R. 16 W.
Sec. 2, part W½;
Secs. 3, 4, 10, 14, 16, 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive;
Secs. 32 and 34;
Sec. 32, S½NW¼, and S½.
T. 29 N., R. 17 W.
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;

Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 9, N½NW¼, SW¼NW¼, and W½SW¼;
Secs. 10, 12, and 14;
Sec. 16, W½;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, NE¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 29, NE¼, W½SE¼, and NE¼SE¼;
Sec. 30, lots 1 to 4, inclusive;
Secs. 32 and 34.

T. 29 N., R. 18 W.
Secs. 14, 16, 17, 18, 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32, 34, and 36.

T. 29 N., R. 19 W.
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 8 to 10, inclusive, and secs. 13 to 16, inclusive;
Sec. 17, lots 1 to 4, inclusive, N½, and N½S½;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 32 and 34.

T. 29 N., R. 20 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 11 to 15, inclusive, secs. 22 to 27, inclusive, secs. 34 to 36, inclusive.

T. 30 N., R. 20 W.
Secs. 24, 25, 35, and 36.

T. 28 N., R. 21 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 8 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20 to 29 inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 32 to 36, inclusive.

T. 29 N., R. 21 W.
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 31, lots 1 to 4, inclusive, NE¼, E½W½, and SE¼;
Sec. 32 to 36, inclusive.

T. 30 N., R. 21 W. (unsurveyed),
Secs. 5 to 18 inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.

Containing approximately 189,657 acres.

3. The remaining lands (357,418 acres in Nevada, and 1,009,610 acres in Arizona) are either patented or contained within other withdrawals which continue to segregate the lands from all forms of appropriation.

Inquiries concerning the lands should be addressed to the appropriate State Director, Bureau of Land Management. In Nevada the address is P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520, and in Arizona the address is 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20070 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5977

[NM 36235]

New Mexico; Powersite Restoration No. 754, Partial Revocation of Waterpower Designation No. 1, New Mexico No. 1; Affecting Waterpower Designation No. 1, New Mexico No. 1

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Waterpower Designation No. 1, New Mexico No. 1; Powersite Reserve No. 548, and revokes Waterpower Designation No. 1, New Mexico No. 1, Interpretation No. 262, embracing approximately 9,190 acres of public and nonpublic lands in Otero County. It has been determined that these lands will not be developed for power purposes and will be restored to the operation of the public land laws. The State of New Mexico is afforded a 90-day preference right to select certain public lands for highway rights-of-way or material sites. The lands situated within the Mescalero Apache Indian Reservation remain withdrawn for those purposes.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:
Stella V. Gonzales, New Mexico State Office 505-988-6211.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA-87, New Mexico, it is ordered as follows:

1. Departmental Order of August 7, 1916; Executive Order of October 2, 1916; and Secretarial Order of October 23, 1937, are hereby revoked insofar as they affect the following described lands:

New Mexico Principal Meridian

T. 14 S., R. 10 E.,
Sec. 1, lots 1 and 2, (originally N½NE¼), S½NE¼, S½;
Sec. 2, SE¼SE¼;
Sec. 10, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 11, NE¼, S½NW¼, S½;
Sec. 12, N½, SW¼, NW¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, N½, NW¼SW¼;
Sec. 15, all;
Sec. 16, SE¼NE¼, E½SW¼, SE¼;
Sec. 21, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 22, NW¼NE¼, NW¼.

T. 13 S., R. 11 E.,
Sec. 25, lot 1, NW¼NW¼;
Sec. 26, N½N½, SW¼NE¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NW¼SW¼, SE¼SW¼, W½SE¼;
Sec. 27, NE¼, W½NW¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 28, NE¼NE¼, S½NE¼, S½;
Sec. 29, S½S½, NW¼SE¼;
Sec. 31, lots 7 and 12, NE¼NE¼, S½NE¼, SE¼;
Sec. 32, N½, SW¼, N½SE¼, SW¼SE¼.

T. 14 S., R. 11 E.,
Sec. 5, lots 3 and 4 (originally N½NW¼), SW¼NW¼;
Sec. 6, lots 1 to 14, inclusive, S½NE¼, N½SE¼, SW¼SE¼;
Sec. 7, lots 2 and 3.

T. 13 S., R. 12 E.,
Sec. 19, lots 12 to 16, inclusive, NE¼SW¼, N½SE¼;
Sec. 20, lots 20 and 21, W½SW¼, SE¼SW¼;
Sec. 21, SW¼SW¼;
Sec. 27, lots 25 to 29, inclusive, W½SE¼, Tr. 37;
Sec. 28, lots 15 to 23, inclusive, N½NE¼, NE¼NW¼;
Sec. 29, lots 12 to 15, inclusive, SW¼NE¼, NW¼, N½S½;
Sec. 30, lots 5 to 9, inclusive, S½NE¼, SE¼NW¼;
Sec. 27 and 28, Private Claim No. 465.

The areas described contain approximately 9,190 acres of public and nonpublic lands in Otero County.

2. The State of New Mexico has exercised its preferred right to select 710 acres of public land for highway easement or material site purposes as provided by Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended 16 U.S.C. 818, and is afforded a 90-day preference right to select said lands under any applicable public land laws.

3. At 10 a.m. on September 28, 1981, the public lands shall be open to operation of public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State of New Mexico, received at or prior to 10 a.m. on September 28, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands have been open and continue to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20071 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5967

[NM 23166]

New Mexico; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes the remaining 213.86 acres in Secretarial Order of June 16, 1939, which withdrew lands for the Tucumcari Project, New Mexico. This action will restore 161.16 acres of land to operation of the public land laws. The remaining 52.70 acres remains withdrawn for the New Mexico Army National Guard.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Stella v. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of June 16, 1939, which withdrew the following described lands for use by the Bureau of Reclamation for the Tucumcari Irrigation Project, is hereby revoked:

New Mexico Principal Meridian

T. 11 N., R. 30 E.,
Sec. 5, lot 4 and SW¼NW¼.
T. 12 N., R. 30 E.,
Sec. 32, lots 1, 2 and E½SW¼.

The areas described aggregate 213.86 acres in Quay County.

2. At 10 a.m. on August 5, 1981, all the lands, except lots 1 and 2, sec. 32, T. 12 N., R. 30 E, which are withdrawn for the New Mexico Army National Guard, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in the order of filing.

The lands, except those described in paragraph 2, have been open to location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20072 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5972

[M-42886 SD, M-42888 SD, and M-42945 SD]

South Dakota; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes Secretarial Orders of November 6, 1905, March 3, 1909, and September 27, 1909, which withdrew lands for reclamation purposes. The lands remain closed to the public land laws because they are embraced in an allowed homestead entry.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Edgar D. Stark, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Orders dated November 8, 1905, March 3, 1909, and September 27, 1909, which withdrew the lands for reclamation purposes in the Belle Fourche Reclamation Project, are hereby revoked insofar as they affect the following described lands:

Black Hills Meridian

T. 7 N., R. 7 E.,
Sec. 6, S½NE¼.

The area described contains 80 acres in Meade County.

2. The lands will not be opened to the operation of the public land laws generally, as they are embraced in an allowed homestead entry.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20073 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5966

[W-060218]

Wyoming; Correction and Revocation of Public Land Order No. 1778

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew lands for a Bureau of Land Management administrative site at Rock Springs. The site is used presently by the Fish and Wildlife Service as an Animal Damage Control center. This action restores the lands to operation of the public land laws generally.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
W. Scott Gilmer, Wyoming State Office, 307-776-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The first line of the legal description contained in Public Land Order No. 1778 of January 14, 1959, is corrected to read

Sixth Principal Meridian instead of "Fifth Principal Meridian."

2. Public Land Order No. 1778 of January 14, 1959, which withdrew the following described public lands for use as an administrative site by the Bureau of Land Management is hereby revoked in its entirety:

Sixth Principal Meridian

T. 19 N., R. 105 W.,
Sec. 22, lots 22, and 23.

The area described contains 11.21 acres in Sweetwater County.

The United States acquired the surface estate in the lands in 1945 by private exchange, serial number Evanston 022404, from the Union Pacific Coal Company, which reserved mineral rights in the lands of every kind and character known to exist on the date of exchange. The United States has no known mineral interest in the lands.

The above described lands are presently subject to use by the Fish and Wildlife Service for an administrative site by right-of-way grant W–60227, made pursuant to Section 507 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2781; 43 U.S.C. 1767.

3. At 10 a.m. on August 5, 1981, the public lands described above shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garney E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81–20074 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5971

[W–27637]

Wyoming; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order which withdrew lands for reclamation purposes. This action restores the lands to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–778–2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of July 8, 1941, withdrawing the following described public lands for the Bureau of Reclamation, Green River Project (Opal Project), is hereby revoked:

Six Principal Meridian, Wyoming

T. 21 N., R. 116 W.,
Sec. 1, lots 5, 11, 12, 15, 16, 17, and 18 (formerly SE¼NW¼), and 19 and 20 (formerly lot 14);
Sec. 2, lots 6 (part of Tract 76), and 9;
Sec. 3, lots 5, 6, 7, 8, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 4, lots 5, 6, and S½NE¼.
T. 22 N., R. 116 W.,
Sec. 16, lots 3 and 6;
Sec. 17, lots 1, 5, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 18, lot 1;
Sec. 20, lots 3, 4, and 5;
Sec. 21, lots 1, 2, 3, 7, W½SW¼, and SE¼SW¼;
Sec. 22, lots 4, 5, NW¼NW¼, SE¼NW¼, and N½SE¼;
Sec. 23, SE¼NW¼ (now described as lot 2 of section 23 and lot 9 of Lot 55);
Sec. 26, lots 1, 2, 3, 4, W½NW¼, and SE¼SE¼;
Sec. 27, lots 1 and 2;
Sec. 28, SW¼NE¼, E½NW¼, N½SE¼, and SW¼SE¼;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, NW¼, N½SW¼, and NW¼SE¼;
Sec. 35, lots 1, 2, 3, and 7.
T. 23 N., R. 117 W.,
Sec. 25, lots 1, 2, and W½SW¼;
Sec. 28, lot 4, SW¼NW¼, W½NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 35, N½N½;
Sec. 36, lot 4.

The areas described aggregate 3,559.79 acres in Lincoln County, Wyoming.

2. At 10:00 a.m., on August 5, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to application and offers under the mineral leasing laws and to location under the United States mining laws at 10:00 a.m., on August 5, 1981.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garney E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81–20075 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5964

[M–41682]

Montana; Partial Revocation of Executive Order Dated June 13, 1925, Public Water Reserve No. 91

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order affecting 156.17 acres of land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous location under the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated June 13, 1925, which withdrew lands for use as a public water reserve, is hereby revoked in part so far as it affects the following described lands:

Principal Meridian

T. 5 N., R. 3 W.,
Sec. 6, lots 3, 4, and 5, SE¼NW¼.

The area described contains 156.17 acres in Jefferson County.

2. At 8 a.m. on August 5, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to nonmetalliferous mineral location under the mining laws at 8 a.m. on August 5, 1981. The lands have been and continue to be open to metalliferous location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81–20119 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5965

[OR–19329]

Oregon; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 40 acres of land for reclamation purposes. The land will not be restored to operation of the public land laws because it remains withdrawn for the John Day Fossil Beds National Monument.

EFFECTIVE DATE: July, 9, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of may 10, 1930, which withdrew the following described land for use by the Bureau of Reclamation for reclamation purposes in connection with the Columbia South Side Project, is hereby revoked:

Willamette Meridian

T. 7 S., R. 19 E.,
Sec. 35, NW¼SW¼.

The area described contains 40 acres in Wheeler County.

2. The above described land is withdrawn for the John Day Fossil Beds National Monument and remains segregated from operation of the public land laws generally, including the United States mining laws and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81–20116 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5969

[OR 20224–B]

Oregon; Partial Revocation of Public Water Reserve No. 70

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 160.35 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of March 8, 1920, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 70

T. 15 S., R. 21 E.,
Sec. 25, N½SE¼ and SE¼SE¼.
T. 17 S., R. 16 E.,
Sec. 5, lot 2.

The area described contains 160.35 acres in Crook County.

2. At 10 a.m. on August 5, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 5, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquires concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81–20115 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5973

[M–48729]

Montana; Powersite Restoration No. 764; Powersite Cancellation No. 353; Partial Revocation of Powersite Reserve Nos. 9, 141, and 449; and Powersite Classification Nos. 243 and 369

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes certain Executive and Departmental orders which withdrew lands to protect the Canyon Ferry Reservoir Site. All the lands, except 38 acres which will be open to operation of the public land laws, remain withdrawn for reclamation purposes.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Edgar D. Stark, Montana State Office, 406–657–6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination of the Federal Energy Regulatory Commission in DA–203–Montana, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve Nos. 9 and 141; Executive Order of September 5, 1914, creating Powersite Reserve No. 449; Departmental Orders of December 10, 1929, and October 24, 1944, creating Powersite Classification Nos. 243 and 369, are hereby revoked insofar as they affect the following described lands:

Principal Meridian

Powersite Reserve No. 9

T. 10 N., R. 1 W.,
Sec. 14, lots 1 to 5, inclusive;
Sec. 23, NE¼SW¼.
Area—153.77 acres.

Powersite Reserve No. 141

T. 9 N., R. 1 E.,
Sec. 6, lot 2.
T. 10 N., R. 1 E.,
Sec. 30, NE¼NW¼, NE¼SW¼.
T. 9 N., R. 1 W.,
Sec. 1, NE¼NE¼.
T. 10 N., R. 1 W.,
Sec. 3, lot 16;
Sec. 11, S½SW¼;

Sec. 24, W½NE¼;
Sec. 26, SE¼SE¼.
Area—373.22 acres.

Powersite Reserve No. 449

T. 9 N., R. 1 E.,
Sec. 6, lot 17;
Sec. 14, lot 1.
Area—18.32 acres.

Powersite Classification No. 243

T. 8 N., R. 1 E.,
Sec. 12, NE¼SW¼;
Sec. 14, lot 5;
Sec. 24, lots 1 and 2.
T. 9 N., R. 1 E.,
Sec. 7, lot 9;
Sec. 8, lot 5;
Sec. 14, lot 4 and E½SE¼;
Sec. 26, lots 6 and 7.
T. 9 N., R. 1 W.,
Sec. 1, lot 2 and S½NE¼.
T. 10 N., R. 1 W.,
Sec. 13, NW¼NE¼, E½NW¼;
Sec. 14, lot 4;
Sec. 26, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 35, N½NE¼, SE¼NE¼.
Area—949.21 acres.

Powersite Classification No. 369

T. 7 N., R. 1 E.,
Sec. 1, lots 5 and 10;
Sec. 12, lot 4.
T. 7 N., R. 2 E.,
Sec. 6, lot 3.
Area—82.86 acres.
The areas described aggregate approximately 1,577.38 acres in Broadwater and Lewis and Clark Counties.

2. All of the lands, except a 38 acre tract in the SW¼NE¼ section 1, T. 9 N., R. 1 W., remain withdrawn for reclamation purposes. Any use of these lands will be subject to the provisions of existing withdrawals.

3. At 10 a.m. on August 5, 1981, the 38 acre tract described in paragraph 2 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 5, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the State Director, Montana State Office, Granite Tower, 222 N. 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20118 Filed 7-8-81; 8:45 a.m.]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5974

[M-40598]

Montana; Revocation of Public Water Reserve No. 38

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order which withdrew 240 acres of land for use as a public water reserve. Part of the lands are in private ownership and the balance will be restored to national forest status.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order of October 17, 1916, which withdrew the following described lands within the Lewis and Clark National Forest for a public water reserve, is hereby revoked in its entirety.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 23, NE¼, N½SE¼.

The area described contains 240 acres in Cascade County.

2. At 8 a.m. on August 5, 1981, the following described lands, embraced within the Lewis and Clark National Forest, shall be open to such forms of disposition as may by law be made of national forest lands.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 23, N½NE¼, SW¼NE¼, and NW¼SE¼, less that part of HES 627 in private ownership.

3. The following described lands are privately owned and not subject to disposition under the public land laws.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 23, SE¼NE¼, NE¼SE¼, and that part of the NW¼SE¼ in HES 627 that is in private ownership.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981
[FR Doc. 81-20121 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5975

[M-48533]

Montana; Partial Revocation of Public Water Reserve No. 137

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order affecting a total of 240 acres of public land. This action restores the lands to nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order No. 5534 of January 21, 1931, which withdrew the following described lands for use as a public water reserve, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 4 S., R. 16 E.,
Sec. 21, SE¼SW¼, SW¼SE¼;
Sec. 22, SE¼NW¼, NE¼SW¼;
Sec. 28, NW¼NE¼, NE¼NW¼.

The area described contains 240 acres of public and nonpublic lands in Stillwater County.

2. The surface estate of the SE¼NW¼, sec. 22, and the NW¼NE¼, S½NE¼NW¼, sec. 28, have been patented with all minerals reserved to the United States.

3. The SE¼SW¼, SW¼SE¼, sec. 21, and the N½NE¼NW¼, sec. 28, remain segregated from operation of the public land laws generally by Stock Driveway Withdrawal No. 217. The NE¼SW¼, sec. 22, is segregated from operation of the public land laws generally by Powersite Reserve Withdrawal No. 155.

4. At 10 a.m. on August 5, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. They have been and continue to be open to metalliferous mineral location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 30, 1981.
[FR Doc. 81-20120 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

ACTION

45 CFR Part 1210

VISTA Trainee Deselection and Volunteer Early Termination Procedures

AGENCY: Action.

ACTION: Final regulation.

SUMMARY: This document codifies and revises ACTION's procedure concerning the deselection of Trainees and early termination of Volunteers by the ACTION Agency, and the procedure for appealing such deselections and terminations. Also, this procedure has been revised to include a section dealing with VISTA Volunteers in ACTION's National Grant Program.

EFFECTIVE DATE: This regulation shall take effect on August 24, 1981.

FOR FURTHER INFORMATION CONTACT:
Angelo Traficanti, Chief, VISTA Policy Unit, toll-free 800-424-8580 Extension 82.

SUPPLEMENTARY INFORMATION:
ACTION's procedures for deselecting Trainees, terminating Volunteers and providing an opportunity to appeal such terminations are presently contained in ACTION Order 4002.6, entitled "Suspension, Early Termination and Appeal Procedures for VISTA and ACV Volunteers and Trainees", published in 1974, and also appear in the VISTA Volunteer Handbook distributed to all Volunteers. Five years experience has indicated a need for revision as well as codification in the Code of Federal Regulations. In August 1979, all Regional and State ACTION offices as well as the National VISTA Volunteers Form were asked for suggestions as to changes in the early termination procedures. A proposed rule incorporating these ideas and making editorial revisions in the existing procedrues was published in the **Federal Register** for comment on November 16, 1979 (44 FR 65999).

The Agency has considered the public comments received and has determined to adopt the proposed regulation with certain modifications. Discussed below are the provisions of the Final regulation and the major public comments the Agency received in response to its proposed rule.

I. Description of the Regulation

This regulation establishes the standards and procedures by which full-time Trainees and Volunteers enrolled in programs authorized by Part A or Part C of Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*) may be terminated from volunteer service. Under the regulation, the Volunteer is first notified that consideration is being given to his or her termination and informal discussions between the Volunteer and an ACTION staff member will be scheduled. If, after such discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer does not resign, he or she will be notified in writing of ACTION's intent to terminate. The Volunteer, within 10 days of receipt of such notice, may respond to the appropriate State Director or designee. The State Director will then review the case and issue a Notice of Decision. A Volunteer who is dissatisfied with the decision of the State Director may appeal the early termination to the Regional Director who will review the file and any additional information submitted by the Volunteer in the appeal and render a written decision.

A Volunteer may appeal the decision of the Regional Director within five days of its receipt by requesting in writing that the Regional Director appoint a Hearing Examiner (hereafter referred to as Examiner). Upon receipt of such a request, the Regional Director must appoint an Examiner who, after reviewing the complaint, determines the appropriate scope of the investigation. In the investigation, the Examiner must provide the Volunteer an opportunity to present his or her position through a personal interview, group meeting, or any other manner which the Examiner determines to be conducive to a fair and impartial gathering of the facts. A hearing will be held only if the Examiner determines that the documentation reveals a disputed question of fact necessary to the resolution of an issue relevant to the early termination.

When the investigation by the Examiner has been completed, a report, including recommendations, which will constitute the official termination file is written and the file is made available to the Volunteer for review and comment. After the Volunteer has been given the opportunity to review and comment on the file, the file is forwarded to the Director of VISTA for decision. The Director's decision must be made within ten days after receipt of the file and must be communicated to the Volunteer in writing. The decision of the Director of VISTA is the final Agency decision.

II. Discussion of Comments Received

A. Nature of the Comments

The Agency received ten letters containing approximately twenty-five comments on the draft regulations published in the November 16, 1979, **Federal Register**. Analysis of the comments reflects concern with the following two categories: the role of the Examiner, and the change in the submission of an appeal to the Examiner after the Regional Director's decision rather than before as in the previous procedure. These two areas account for the majority of the comments received that were not of merely a technical nature.

Comments were received from Agency officials and both present and past VISTA Volunteers. The following is the Agency's response to the substantive comments received.

B. Response

Structural Position of the Investigation and Hearing. Two comments were received that protested the proposed change in the regulations from appointment of the Examiner prior to the Regional Director's decision to after the Regional Director's decision and prior to the final Agency decision by the Director of VISTA. One comment stated that such a change would place an undue burden on the Regional Director to determine the facts, and the other comments pointed out that such a change would harm the Volunteer who would be required to proceed through another step of Agency review prior to an independent review by an Examiner.

After consideration of both points, the Agency feels that the proposed provision requiring appointment of an Examiner after the Regional Director's decision is the most economical, practical, and equitable procedure. The Regional Directors are closely involved and familiar with the situation in their Regions and have access to sources of pertinent information regarding terminations. Although the loss of the Examiner's report prior to their decisions may place the burden of further investigation on the Regional Directors, it provides a formal decision on the termination appeal prior to the assignment of an Examiner. The Agency does not feel that altering the placement of the independent examination to after the Regional Director's decision seriously affects the rights of the Volunteer. The provision of an independent investigation is still

available to the Volunteer who is not satisfied with the State and Regional response.

Role of the Examiner: The other comments received concerning the Examiner involved a demand that all Volunteers, once referred to the Examiner, should be entitled to a full hearing. No previous Agency procedures ever gave the Volunteers such a right, nor does the Agency believe a full hearing to be necessary in all terminations. The regulation requires a hearing by the Examiner only in those terminations in which a disputed question of fact necessary to the resolution of an issue relevant to the termination is presented. If no hearing is required, an opportunity for presentation of relevant and material information to the Examiner is required. Furthermore, the Volunteer reviews, and may submit comments on the completed file prior to the issuance of the report by the Examiner.

Pursuant to Section 3(c)(3) of E.O. 12291, entitled, "Federal Regulation" the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1210:

Volunteers: Grant Programs/Social Programs; Administrative Practice and Procedure.

Accordingly, 45 CFR Part 1210 is added to read as follows:

PART 1210—VISTA TRAINEE DESELECTION AND VOLUNTEER EARLY TERMINATION PROCEDURES

Subpart A—General

Sec.
1210.1–1 Purpose.
1210.1–2 Scope.
1210.1–3 Definitions.

Subpart B—VISTA Trainee Deselection

1210.2–1 Grounds for deselection.
1210.2–2 Procedure for deselection.

Subpart C—VISTA Volunteer Early Termination

1210.3–1 Grounds for termination.
1210.3–2 Removal from project.
1210.3–3 Suspension.
1210.3–4 Initiation of termination.
1210.3–5 Preparation for appeal.
1210.3–6 Appeal of termination.
1210.3–7 Inquiry by Hearing Examiner.
1210.3–8 Termination file and Examiner's report.
1210.3–9 Decision by Director of VISTA.
1210.3–11 Disposition of termination and appeal files.

Subpart D—National Grant Trainees and Volunteers

1210.4 Early termination procedures for National Grant Trainees and Volunteers.

Appendix A—Standard for Examiners

Authority: Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407.

Subpart A—General

§ 1210.1–1 Purpose.

This part establishes procedures under which certain Trainees and Volunteers serving in ACTION programs under Pub. L. 93–113 will be deselected from training or terminated from service and how they may appeal their deselection or termination.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.1–2 Scope.

(a) This part applies to all Trainees and Volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, as amended, (42 U.S.C. 4951 *et seq.,)* (hereinafter the "Act") and full-time Volunteers serving under Part C of Title I of the Act.

(b) This part does not apply to the medical separation of any Trainee or Volunteer. Separate procedures, as detailed in the VISTA Handbook, are applicable for such separations.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.1–3 Definitions.

(a) "Trainee" means a person enrolled in a program under Part A of Title I of the Act or for full-time volunteer service under Part C of Title I of the Act who has reported to training but has not yet completed training and been assigned to a project.

(b) "Volunteer" means a person enrolled and currently assigned to a project as a full-time Volunteer under Part A of Title I of the Act, or under Part C of Title I of the Act.

(c) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned Volunteers.

(d) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A who has been appointed to conduct an inquiry with respect to a termination.

(e) "National Grant Program" means a program operated under Part A, Title I of the Act in which ACTION has awarded a grant to provide the direct costs of supporting VISTA Volunteers on a national or multi-regional basis. VISTA Volunteers may be assigned to local offices or project affiliates. The national grantee provides overall training, technical assistance and management support for project operations.

(f) "Local component" means a local office or project affiliate of a national grantee to which VISTA Volunteers are assigned under the VISTA National Grants Program.

(g) "Termination" means the removal of a Volunteer from VISTA service by ACTION, and does not refer to removal of a Volunteer from a particular project which has been requested by a sponsor or Governor under § 1210.3–2.

(h) "Deselection" means the removal of a Trainee from VISTA service by ACTION.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

Subpart B—VISTA Trainee Deselection

§ 1210.2–1 Grounds for deselection.

ACTION may deselect a Trainee out of a training program for any of the following reasons:

(a) Failure to meet training selection standards which includes, but is not limited to, the following conduct:

(1) inability or refusal to perform training assignments;

(2) disruptive conduct during training sessions;

(b) Conviction of any criminal offense under Federal, State or local statute or ordinance;

(c) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(d) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer; or

(e) Refusal to accept Volunteer Placement.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.2–2 Procedure for deselection.

(a) The Regional Director or designee shall notify the Trainee in writing that ACTION intends to deselect the Trainee. The notice must contain the reasons for the deselection and indicate that the Trainee has 5 days to appeal.

(b) The Trainee is placed on Administrative Hold at the time of the notice of deselection.

(c) The Trainee has 5 days after receipt of the notice to appeal in writing to the Regional Director, or designee specified in the notice, furnishing any supportive documentation. In the appeal letter, the Trainee may request an opportunity to present his or her case in person.

(d) If the Trainee does not respond to the notice, deselection becomes effective at the expiration of the Trainee's time to appeal.

(e) Within 5 days after receiving the Trainee's appeal, if no personal presentation is requested, the Regional Director or designee must issue a decision. If a personal presentation is requested, the Regional Director or designee must schedule it within 5 days, and must issue a decision 5 days after such presentation. In either case, the decision of the Regional Director or designee is final.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

Subpart C—VISTA Volunteer Early Termination

§ 1210.3–1 Grounds for termination.

ACTION may terminate or suspend a Volunteer based on the Volunteer's conduct for the following reasons:

(a) Conviction of any criminal offense under Federal, State, or local statute or ordinance;

(b) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(c) Failure refusal or inability to perform prescribed project duties as outlined in the Project Narrative and/or volunteer assignment description and as directed by the sponsoring organization to which the Volunteer is assigned;

(d) Involvement in activities which substantially interfere with the Volunteer's performance of project duties;

(e) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer;

(f) Any conduct on the part of the Volunteer which substantially diminishes his or her effectiveness as a VISTA Volunteer; or

(g) Unsatisfactory performance of Volunteer assignment.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–2 Removal from project.

(a) Removal of a Volunteer from the project assignment may be requested and obtained by a written request supported by a statement of reason by: (1) The Governor or chief executive officer of the State or similar jurisdiction in which the Volunteer is assigned or, (2) the sponsoring organization. The sole responsibility for terminating or transferring a Volunteer rests with the ACTION Agency.

(b) A request for removal of a Volunteer must be submitted to the ACTION State Director, who will in turn notify the Volunteer of the request. The State Director, after discussions with the Volunteer and in consultation with the Regional Director, if necessary, has 15 days to attempt to resolve the situation with the sponsor or the Governor's office. If the situation is not resolved at the end of the 15 day period, the Volunteer will be removed from the project and placed on Administrative Hold, pending a decision as set forth in paragraph (c) of this section.

(c) The State office will take one of the following actions concerning a Volunteer who has been removed from a project assignment:

(1) Accept the Volunteer's resignation;

(2) If removal was requested for reasons other than those listed in § 1210.3–1, ACTION will attempt to place the Volunteer on another project. If reassignment is not possible, the Volunteer will be terminated for lack of suitable assignment, and he or she will be given special consideration for reinstatement; or

(3) If removal from the project is approved based on any of the grounds for early termination as set forth in § 1210.3–1, the Volunteer may appeal the termination grounds as detailed in Subpart C of this Part to establish whether such termination is supported by sufficient evidence. If ACTION determines that the removal based on grounds detailed in § 1210.3–1 is not established by adequate evidence, then the procedures outlined in § 1210.3–2(c)(2) will be followed.

(d) A Volunteer's removal during a term of service may also occur as a result of either the termination of, or refusal to renew, the Memorandum of Agreement between ACTION and the sponsoring organization, or the termination or completion of the initial Volunteer assignment. In such cases, the Volunteer will be placed in Administrative Hold status while the Regional Office attempts to reassign the Volunteer to another project. If no appropriate reassignment within the Region is found within the Administrative Hold period, the Volunteer will be terminated but will receive special consideration for reinstatement as soon as an appropriate assignment becomes available. If appropriate reassignment is offered the Volunteer and declined, ACTION has no obligation to offer additional or alternative assignments.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–3 Suspension.

(a) The ACTION State Director may suspend a Volunteer for up to 30 days in order to determine whether sufficient evidence exists to start termination proceedings against the Volunteer. Suspension is not warranted if the State Director determines that sufficient grounds already exist for the initiation of termination. In that event, the termination procedures contained in § 1210.3–4 will be followed.

(b) Notice of suspension may be written or verbal and is effective upon delivery to the Volunteer. Within 3 days after initiation of the suspension, the Volunteer will receive a written notice of suspension setting forth in specific detail the reason for the suspension. During the suspension period the Volunteer may not engage in project activities, but will continue to receive all allowances, including stipend.

(c) At the end of the suspension period, the Volunteer must either be reassigned to a project, or termination proceedings must be initiated.

(Secs. 103(c), 402(14), Pub. L. 93–113, 87 Stat. 397 and 407)

§ 1210.3–4 Initiation of termination.

(a) Opportunity for Resignation. In instances where ACTION has reason to believe that a Volunteer is subject to termination for any of the grounds cited in § 1210.3–1, an ACTION staff member will discuss the matter with the Volunteer. If, after the discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer chooses not to resign, the administrative procedures outlined below will be followed.

(b) Notification of Proposed Termination. The Volunteer will be notified, in writing by certified mail, of ACTION's intent to terminate him or her by the ACTION State Director at least 15 days in advance of the proposed termination date. The letter must give the reasons for termination, and notify the Volunteer that he or she has 10 days within which to answer in writing and to furnish any affidavits or written material. This answer must be submitted to the ACTION State Director or a designee identified in the notice of proposed termination.

(c) Review and Notice of Decision. (1) Within 5 working days after the date of receipt of the Volunteer's answer, the State Director or designee will send a written Notice of Decision to the Volunteer by certified mail. (If no answer is received from the Volunteer within the time specified, the State Director or designee will send such notice within 5 days after the expiration of the Volunteer's time to answer.)

(2) If the decision is to terminate the Volunteer, the Notice will set forth the reasons for the decision, the effective date of termination (which, if the Volunteer has filed an answer, may not be earlier than 10 days after the date of the Notice of Decision), and the fact that the Volunteer has 10 days in which to submit a written appeal to the Regional Director.

(3) A Volunteer who has not filed an answer pursuant to the procedures outlined above is not entitled to appeal the decision or request a hearing and may be terminated on the date of the Notice.

(d) Allowances and Project Activities. (1) A Volunteer who files an answer within the 10 days allowed by 1210.3-4(b) with the State Director or designee following receipt of the notice of proposed termination, will be placed in Administrative Hold status, and may continue to receive regular allowances, but no stipend, in accordance with ACTION policy, until the appeal is finally decided. The Volunteer may not engage in any project related activities during this time.

(2) If the proposed termination is reversed, the Volunteer's stipend and any other allowances lost during the period of review will be reinstated retroactively.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-5 Preparation for appeal.

(a) Entitlement to Representation. A Volunteer may be accompanied, represented and advised by a representative of the Volunteer's own choice at any stage of the appeal. A person chosen by the Volunteer must be willing to act as representative and not be disqualified because of conflict of position.

(b) Time for Preparation and Presentation. (1) A Volunteer's representative, if a Volunteer or an employee of ACTION, must be given a reasonable amount of time off from assignment to present the appeal.

(2) ACTION will not pay travel expenses or per diem travel allowances for either a Volunteer or the Volunteer's representative in connection with the preparation of the appeal, except to attend the hearing as provided in § 1210.3-7(c)(5).

(c) Access to Agency Records. (1) A Volunteer is entitled to review any material in his or her official Volunteer folder and any relevant Agency documents to the extent permitted by the Privacy Act and the Freedom of Information Act. [5 U.S.C. 552a; 5 U.S.C. 552]. Examples of documents which may be withheld from Volunteers include references obtained under a pledge of confidentiality, official Volunteer folders of other Volunteers and privileged intra-Agency memoranda.

(2) A Volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

(Secs. 103(c), 402(14) Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-6 Appeal of termination.

(a) Appeal to Regional Director. A Volunteer has 10 days from the Notice of Decision issued by the State Director or designee in which to appeal to the Regional Director. The appeal must be in writing and specify the reasons for the Volunteer's disagreement with the decision. The Regional Director has 10 days in which to render a written decision on the Volunteer's appeal, indicating the reason for the decision. In notifying the Volunteer of the decision, the Regional Director must also inform the Volunteer of his or her opportunity to request the appointment of a Hearing Examiner and the procedure to be followed.

(b) Referral to Hearing Examiner. If the Volunteer is dissatisfied with the decision of the Regional Director, the Volunteer has 5 days in which to request the appointment of a Hearing Examiner. The Regional Director must act on that request within 5 days. The Hearing Examiner must possess the qualifications specified in Appendix A to this Part, and may not be an employee of ACTION unless his or her principal duties are those of Hearing Examiner.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-7 Inquiry by Hearing Examiner.

(a) Scope of Inquiry: (1) The Examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the termination. If the Examiner determines that the termination involves relevant disputed issues of fact, the Examiner must hold a hearing unless it is waived by the Volunteer. If the Examiner determines that the termination does not involve relevant disputed issues of facts, the Examiner need not hold a hearing, but must provide the parties an opportunity for oral presentation of their respective positions. At the Examiner's discretion, the inquiry may include:

(i) The securing of documentary evidence;

(ii) Personal interviews, including telephone interviews;

(iii) Group meetings; or

(iv) Affidavits, written interrogatories or depositions.

(2) The Examiner's inquiry shall commence within 7 days after referral by the Regional Director. The Examiner shall issue a report as soon as possible, but within 30 days after referral, except when a hearing is held. If hearing is held, the Examiner shall issue a report within 45 days after the referral.

(b) Conduct of Hearing. If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making the decision.

(2) Ordinarily, attendance at the hearing will be limited to persons determined by the Examiner to have a direct connection with it. If requested by the Volunteer, the Examiner must open the hearing to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) Witnesses.

(1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his or her own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least 10 days before the date of the hearing. The Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination, or reprisal for presenting their testimony.

(5) The Examiner must authorize payment of travel expense and per diem at standard Government rates for the Volunteer and a representative to attend the hearing.

(6) The Examiner may authorize payment of travel expense and per diem at standard Government rates for other

necessary witnesses to attend the hearing if he or she determines that the required testimony cannot be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

(d) Report of Hearing. (1) The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted and accepted. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings.

(2) If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary will constitute the report of the hearing and shall be made part of the record of proceedings.

(3) The Volunteer may make a recording of the hearing at the Volunteer's own expense if no verbatim transcript is made.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-8 Termination file and Examiner's report.

(a) Preparation and Content. The Examiner shall establish a termination file containing documents related to the termination, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. The Examiner shall also prepare a report of findings and recommendations which shall be made part of the termination file.

(b) Review by Volunteer. On completion of the termination file, the Examiner shall make it available to the Volunteer and representative for review and comment before submission to the Director of VISTA. Any comments by the Volunteer or representative should be submitted to the Hearing Examiner for inclusion in the termination file not later than 5 days after the file is made available to them. The comments should identify those parts of the Examiner's report which support the appeal.

(c) Submission of termination file. Immediately upon receiving the comments from the Volunteer the Hearing Examiner shall submit the termination file to the Director of VISTA.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-9 Decision by Director of VISTA.

The Director of VISTA shall issue a written decision, including a statement of the basis for the decision, within 10 days after receipt of the termination file. The decision of the Director of VISTA is the final Agency decision.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-10 Reinstatement of Volunteer.

(a) If the Regional Director or Director of VISTA reinstates the Volunteer, the Regional Director may at his or her discretion reassign the Volunteer to the Volunteer's previous project or to another project. The Regional Director, in making such a decision, must request the Volunteer's views, but has the final decision on the Volunteer's placement.

(b) If the Volunteer's termination is reversed, stipend and other allowances lost during the appeal period will be paid retroactively.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-11 Disposition of termination and appeal files.

All termination and appeal files shall be forwarded to the Director of VISTA after a final decision has been made and are subject to the provisions of the Privacy Act and Freedom of Information Act. No part of any successful termination appeal may be made part of, or included in, a Volunteer's official folder.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Subpart D—National Grant Trainees and Volunteers

§ 1210.4 Early termination procedures for National Grant Trainees and Volunteers.

Trainees and Volunteers serving in the National Grant Program as defined in § 1210.1-3(e) will be subject to the same termination procedure as standard VISTA Trainees and Volunteers with the following exceptions:

(a) For Trainees, the deselection procedure, [See § 1210.2-2] will be handled by the Project Manager in ACTION/Headquarters.

(b) The Initiation of termination, [See § 1210.3-4 (a) and (b)] will be handled by the VISTA Project Manager in ACTION/Headquarters, with the concurrence of the appropriate State Director. The Review and Notice of Decision, [See § 1210.3-4(c)] will be handled by the VISTA Project Manager in ACTION/Headquarters.

(c) The Appeal of termination, [See § 1210.3-6(a)] will be handled by the Chief of VISTA Branch and not the Regional Director.

(d) The final decision on a Volunteer appeal will be made by the Director of VISTA as provided in § 1210.3-9.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Appendix A—Standard for Examiners

(a) An Examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1)(a) Current employment in Grades GS-12 or equivalent, or above;

(b) Satisfactory completion of a specialized course of training prescribed by the Office of Personnel Management for Examiners;

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an Examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

—Identify and select appropriate sources of information; collect, organize, analyze and evaluate information; and arrive at sound conclusions on the basis of that information;

—Analyze situations; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practical recommendations or decisions on the basis of facts;

—Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

—Interpret and apply regulations and other complex written material;

—Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

—Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

—The relationship between Volunteer administration and overall management concerns; and

—The principles, systems, methods and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Office of Personnel Management's register for Hearing Examiner, GS-935-0.

(4) Membership in good standing in the National Academy of Arbitrators.

(b) A former Federal employee who, at the time of leaving the Federal service, was in Grade GS-12 or equivalent, or above, and who meets all the requirements specified for an Examiner except completion of the prescribed training course, may be used as an Examiner upon satisfactory completion of the training course.

Signed at Washington, D.C., this 15th day of June 1981.

Thomas W. Pauken,

Director.

[FR Doc. 81-20113 Filed 7-8-81; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC-5 (Sub-No. 1)]

Motor Carriers of Property; Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Extension of date when certificates of insurance (Form B.M.C. 91) on file with the Commission will be deemed to certify new policy limits.

SUMMARY: In a decision served June 25, 1981, and published in 46 FR 33277 (June 29, 1981) the Commission adopted increased insurance minimums for motor carriers of property to cover bodily injury and property damage liability. In Appendix A, Notice to Insurance Companies, the Commission advised the insurance companies that certificates of insurance (B.M.C. 91) on file for motor property carriers on and after August 7, 1981, will automatically certify that the carrier's policy contains the higher insurance amounts.

In order to provide additional time for the insurance companies to review and evaluate their policies, a three-week extension with respect to the date certificates on file will be deemed to certify compliance with the new insurance limits, is established; changing that date from August 7 to August 28, 1981.

DATE: Effective July 1, 1981, certificates of insurance for motor property carriers (Form B.M.C. 91) on file with the Commission on and after August 28, 1981 will be deemed to certify new policy limits.

FOR FURTHER INFORMATION CONTACT:

Phyllis L. Gunn, (202) 275-7475.

This decision will not affect the quality of the human environment significantly or the conservation of energy resources, nor will it have an adverse affect on small business.

Authority: 49 U.S.C. 10321, 10927 and 5 U.S.C. 553.

Decided: July 1, 1981.

By the Commission: Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20087 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1300 and 1310

[Ex Parte No. 261 (Sub-No. 1)]

Tariffs Containing Joint Rates and Through Routes; Freight Forwarders and Nonvessel Operating Common Carriers by Water (NVO)

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission has modified existing rules to allow the filing of joint rates and through routes between rail, motor, and water carriers subject to its jurisdiction and nonvessel operating common carriers (NVO's) subject to the jurisdiction of the Federal Maritime Commission. Editorial changes are adopted to increase the clarity of certain regulations.

DATES: The modifications shall become effective September 8, 1981. Interested parties may comment on the modification to 49 CFR 1310 up to August 10, 1981.

ADDRESS: An original and 15 copies of comments should be submitted to: Interstate Commerce Commission, Section of Rates, Room 5340, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: We reopened this proceeding by notice of proposed rulemaking, 45 FR 86738 (December 31, 1980) as a result of our rulemaking in Ex Parte No. 364 (Sub-No. 1), *Freight Forwarder Contract Rates—Implementation of P.L. 96-296.* The notice addressed our proposal to allow nonvessel operating common carriers (NVO's) to establish international joint rates and through routes with carriers subject to our jurisdiction. We have, on this date, issued a final decision making the necessary CFR changes to implement our findings. Copies of the complete decision are available from the Secretary, ICC, Washington, DC. The rule changes and a summary of our reasoning follows.

Before passage of section 22(h) of the Motor Carrier Act of 1980 freight forwarders were not authorized to participate in joint rates and through routes with ocean carriers subject to the jurisdiction of the Federal Maritime Commission (FMC). A previous finding in this proceeding prohibited NVO's from establishing joint rates and through routes with ICC regulated carriers. Implementation of section 22(h) renders this prohibition unnecessary.

Some comments suggested that our proposal must be submitted to the FMC for approval since it affected shipping in foreign commerce. We disagreed, noting that the proponents gave the applicable statutory section too expansive an interpretation and that the FMC had previously urged upon this Commission the action we now take.

We also disagreed with those parties who asserted that specific authority to allow NVO's to participate in joint rates and through routes was required before this Commission could adopt the proposed rules. It was noted that although specific authority is necessary before ICC regulated carriers may be allowed to participate in these arrangements, in the original Ex Parte 261 (Sub-No. 1) proceeding it was settled that we possess authority to sanction these international arrangements.

Some parties believed that our action will allow NVO's to operate as unlicensed freight forwarders. We found that duplicative licensing of regulated common carriers was unwarranted.

Finally, we noted our authority to reexamine previous policy based decisions regarding NVO's in light of subsequent events. The passage of section 22(h) was identified as warranting reconsideration of our previous proscription of NVO participation in international joint rates and through routes with ICC regulated carriers.

We have revised minimally some of the affected CFR sections to increase clarity. The proposed modifications of 49 CFR 1300.12 and 1300.12(e) were unnecessary and those parts will remain unchanged. Additionally, due to inadvertence, our notice of proposed rulemaking neglected to include the proposed modifications to 49 CFR 1310 which governs motor common carrier intermodal freight tariffs. Consequently, we have elected to make these rules effective 60 days from the date of this publication (September 8, 1981) and shall allow interested parties 30 days from this date (August 10, 1981) to comment on the modification of that part.

We believe that our action fosters intermodalism and advances to the fullest the specific congressional intent. We adopt the rules set forth below. The rules apply only to regulated traffic. They do not apply to unregulated transportation such as TOFC/COFC involving a rail carrier (deregulated in Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation*, [46 FR 14348, February 27, 1981], effective March 23, 1981).

49 CFR 1300 is amended as follows:

1. § 1300.0(a)(1) is revised to read as follows:

§ 1300.0 General provisions; definitions.

(a) *General application; conformation to rules; reissue.*

(1) This part governs the construction and filing of freight rate tariffs and classifications of (i) railroads, water carriers and pipeline companies subject to our jurisdiction, and their regulated joint rates and through routes with motor and domestic water carriers; (ii) joint rates and through routes of railroad, water, freight forwarder, and pipeline carriers subject to our jurisdiction on the one hand, and nonvessel or vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country; and (iii) joint rates and through routes of freight forwarders with railroads. See 1300.67 1300.67(b)

* * * * *

2. § 1300.67(b)(1) is revised to read as follows:

§ 1300.67 Export and import traffic—ocean carriers.

* * * * *

(b) *Through routes and joint rates.* (1) A railroad, pipeline, freight forwarder, or water common carrier subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with either a nonvessel or a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

§ 1310.0 [Amended]

49 CFR 1310 is amended as follows:

3. § 1310.0(f)(21) is amended by adding the words "nonvessel or" immediately preceding the word "vessel-operating." (See 1310.0(b)(1)(iii) and 1310.33(b)).

(49 U.S.C. 10321, 10703, 10702, 5 U.S.C. 553)

Dated: June 25, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20088 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, issues a final rule (field order) that closes the East management area in the Gulf of Alaska off Southeast Alaska to commercial fishing for salmon by vessels of the United States for the period beginning at 12:01 a.m., Pacific Daylight Time (PDT) on June 26, 1981, and lasting until 11:59 p.m., PDT on July 4, 1981. The Director is taking this action because harvest of chinook salmon in the 1981 East area commercial salmon fishery has been so rapid that the optimum yield for chinook salmon could, in the absence of this temporary closure, be attained well before the optimum yield for coho salmon had been taken. Because chinook salmon are taken incidentally, with high mortality, even in a fishery directed exclusively on cohos, this situation could threaten the conservation of chinook salmon or prevent full utilization of coho salmon. This action is intended to slow the rate of harvest of chinook in order to prevent premature achievement of the chinook salmon optimum yield and to provide management flexibility to allow concurrent achievement of the coho salmon optimum yield.

EFFECTIVE DATE: 12:01 a.m., PDT June 26, 1981, until 11:59 p.m., PDT July 4, 1981. Public comments are invited until August 10, 1981.

ADDRESS: Comments may be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT:

William L. Robinson (address above), (907) 586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude (FMP) provides for inseason adjustments to season and area openings or closures. Implementing rules in 50 CFR Part 674 specify at 674.23 (a) that these decisions shall be made by the Director, Alaska Region, National Marine Fisheries Service (Regional Director), under criteria set forth in that section. On June 17, 1980, the Assistant Administrator for Fisheries (Assistant Administrator), NOAA, delegated to the Regional Director authority to promulgate field orders making inseason adjustments.

Amendment No. 2 to the FMP, adopted by the North Pacific Fishery Mangement Council (Council) and initially approved by the Assistant Administrator reduces the chinook salmon optimum yield (OY) range for the East management area by 15 percent, from 288,000–320,000 to 243,000–272,000 fish. The OY reduction was determined to be necessary to respond to severe conservation problems arising from the depleted condition of many of the chinook salmon stocks harvested by the Southeast Alaska troll fishery. Trolling is the only commercial fishing method authorized by the FMP to harvest salmon in the fishery conservation zone (FCZ) off Southeast Alaska.

The OY reduction is to be implemented by a combination of a delayed season opening, and early season closure, gear restrictions, and whatever inseason time/area closures are necessary to provide management flexibility to allow concurrent fishing for both coho and chinook salmon during most of July and August, when the coho salmon OY is normally taken. Premature achievement of the chinook salmon OY could result in termination of the coho salmon fishery before the coho salmon OY was achieved if it were determined that continued fishing only for coho salmon would be damaging to chinook salmon stocks. Although trollers can target on either coho or chinook salmon to some extent, a chinook salmon only closure at the end of the season could result in substantial hooking mortalities and wastage of legal-sized chinook salmon. This circumstance could be tolerated for a short time toward the end of the season when fishing effort and chinook salmon catches are normally declining, but it would be undesirable during the first half of August when fishing effort and chinook salmon catches are still substantial.

Commercial trolling for salmon began in 1981 on May 15, one month later than during 1980. As of June 6, after three weeks of fishing, at least 77,000 chinook salmon had been landed. During 1980 the cumulative catch through the same date (June 6), but after seven weeks of fishing was 65,300 chinook salmon. At the 1980 rate of harvest, 272,000 chinook salmon were landed by August 20, despite a 10-day closure in July to protect coho salmon. At the present rate of harvest, the upper end of the OY range of 272,000 chinook salmon will be reached between August 8 and August 15, 1981. Therefore, the Regional Director has found that a mid-season closure is needed from 12:01 a.m., PDT June 26 to 11:59 p.m., PDT July 4 in order to slow the rate of harvest of chinook and delay the achievement of the chinook salmon OY until late August or early September when either a total closure or a chinook salmon-only closure would be acceptable.

Because the information upon which the Regional Director based his finding has only recently become available, it would be impracticable to provide a meaningful opportunity for prior public notice and comment on this field order and still impose a prompt closure to assure sound conservation of the resource. The Regional Director therefore finds, under 5 U.S.C. 553(b) and (d)(3), that there is good cause for not providing opportunity for public comment on this field order prior to its promulgation, and for not allowing the passage of the normal 30-day period before it goes into effect. Therefore, this field order shall become effective immediately on publication in the **Federal Register** and after being posted and broadcast for 48 hours through procedures of the Alaska Department of Fish and Game in accordance with 50 FR 674.23(b)(2). Under 50 CFR 674:23(b)(3), public comments on this field order may be submitted to the Regional Director at the address stated above for 30 days following the effective date. During the 30-day comment period, the data upon which this field order is based will be available for public inspection during business hours (8:00 a.m.–4:30 p.m.) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska. The Regional Director will reconsider the necessity of this field order in light of the comments received, and subsequently publish in the **Federal Register** a notice either confirming this field order's continued effect or modifying or rescinding it. It was filed with the Environmental Protection Agency on January 18, 1979.

National Environmental Policy Act

A final environmental impact statement was prepared for approval and implementation of the FMP under section 102(2)(C) of the National Environmental Policy Act. It was filed with the Environmental Protection Agency on January 18, 1979.

Classification

The Administrator of NOAA has determined that this field order is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more; will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

By slowing the rate of harvest of chinook to avoid premature closure of the chinook salmon season and thereby provide for concurrent harvest of coho and chinook salmon later during the season, this field order can be expected to allow fishermen to benefit from the increased value of chinook salmon that normally occurs later in the season. The value of a chinook salmon harvested in August can be expected to be greater than that harvested in June because of a greater proportion of red-fleshed fish, and the usual escalation of exvessel prices that occurs from beginning to end of the season. The short-term restrictions imposed by this field order are not expected to result in countervailing short-term decreases in investment, productivity, and competitiveness or in significant increases in consumer prices, and are inherent in the management regime set forth in the FMP. Consequently, the Administrator certifies that this field order will not have a significant impact on a substantial number of small entities, and thus does not require the preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604. This rule does not contain a collection of information requirement, and does not involve any agency in collecting or sponsoring the collection of information, for purposes of the Paperwork Reduction Act of 1980.

Because of the need outlined above for prompt action to spread the chinook salmon harvest over a longer season, and to make the closure coincident with parallel State action, this field order responds to an emergency situation within the meaning of Section 8 of Executive Order 12291, and is thus exempt from the requirement of Section 3(c)(3) of that Order that it be submitted to the Director of the Office of Management 10 days prior to publication. This field order is being transmitted to the Director simultaneously with its filing in the **Federal Register.**

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 674 is amended as follows:

1. The authority citation for Part 674 reads as follows:

Authority: Section 305, Pub. L. 94–265, 90 Stat. 354–55 (16 U.S.C. 1855).

2. In 50 CFR 674.21 paragraph (a)(2) is amended to read as follows:

§ 674.21 Time and area limitations.

(a) *Commercial Fishing*— • • •

(2) *East Area.*

(i) Commercial fishing for chinook, chum, sockeye, and pink salmon in the East Area is permitted from 12:01 a.m., Pacific Daylight Time (PDT), on May 15 to 12:01 a.m., PDT, on June 26 and from 12:01 a.m., PDT, on July 5 to 11:59 p.m., PDT on September 20 only.

(ii) Commercial fishing for coho salmon in the East Area is permitted from 12:01 a.m., PDT, on June 15 to 12:01 a.m., PDT, on June 26 and from 12:01 a.m., PDT, on July 7 to 11:59 p.m., PDT, September 20 only.

• • • • • •

[FR Doc. 81–20046 Filed 7–8–81; 8:45 am]
BILLING CODE 3510–22–M

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

Section 22 Import Quotas; Certain Dairy Products

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of adjustment of application period for certain import licenses.

SUMMARY: This notice is to advise applicants for import licenses for certain dairy products that applications mailed on either August 1, 2 or 3 will be treated equally as to the date of mailing.

FOR FURTHER INFORMATION CONTACT:
Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–5270.

SUPPLEMENTARY INFORMATION: Import Regulation 1, Revision 7 requires that applications for nonhistorical and supplementary import licenses for certain dairy products be submitted during a 90-day application period which begins on August 1 each year. Since many of the import licenses are issued on a first-come, first-served basis applicants are admonished to mail their applications on August 1 each year. This year August 1, 1981, falls on Saturday, a non-work day for many post offices. Therefore, the purpose of this notice is to advise all applicants who submit applications on either August 1, 2 or 3, 1981 that their application will be treated as being mailed on the same date for the purposes for determining priority in the issuance of import licenses. Thus, an application mailed on August 3 will receive the same priority as one mailed on August 1.

Signed, the 6th of July 1981.

Richard A. Smith,
Administrator, Foreign Agricultural Service.

[FR Doc. 81–30323 Filed 7–8–81; 11:26 am]
BILLING CODE 3410–01–M

Proposed Rules

Federal Register
Vol. 46, No. 131
Thursday, July 9, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. 2]

General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This regulation proposes simplified methods for the supervision of contract additional peanuts sold for export and provides that segregation 2 or 3 peanuts containing in excess of 10 percent moisture and/or foreign material may be pledged for loan and stored provided the producer has made a bona fide effort to clean and dry such peanuts. This rule is necessary in order to simplify compliance requirements and will result in savings to handlers trading in contract additional peanuts. This rule will also permit segregation 2 and 3 peanuts to be accumulated by producers before transferring such peanuts to crushing plants, thus resulting in a savings to Commodity Credit Corporation. Interested parties are invited to submit written comments on the proposed rule.

DATES: Written comments must be received on or before July 28, 1981.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741–South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: David Kincannon, Price Support and Loan Division, ASCS, USDA, 3758–South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from David Kincannon.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures and Executive Order 12291. This rule will not (1) result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical region, or (2) have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "not major."

Harold L. Jamison, Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, has determined that an emergency situation exists which warrants publication of this proposed rule with less than a 60 day comment period. Peanut harvest will begin in late July and handlers of additional peanuts need to know compliance requirements so that they can make financial plans to obtain letters of credit and make other changes in their operations as necessary. Producers also need to know eligibility requirements for peanuts so that they can plan harvesting, drying, and cleaning operations.

The title and number of the Federal assistance program that this proposed rule applies to is: 10.051, as found in the Catalog of Federal Domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local governments are informed of this action.

Handler Supervision

Current procedures governing the exportation of contract additional peanuts provide that quota and additional peanuts may be commingled to facilitate efficient usage of storage facilities. When additional peanuts are removed from storage they must be physically supervised by inspectors of the applicable peanut association with supervision costs borne by handlers.

Such peanuts are sealed at receiving plants and seals can only be broken by an inspector of the peanut association. The inspector then personally supervises the unloading and all milling and in-plant operations. Thereafter, the inspector seals the plant at the end of each working day and for weekends, and must also break the seal when the plant is reopened. This procedure eliminates the flexibility necessary for efficient operations.

Any off-hour activity, including maintenance and repairs, is impossible without the expense of an on-site inspector. This supervisory procedure places significant regulatory burdens on all exporting handlers, indirectly reduces grower income, and directly increases costs to consumers.

The procedures described above were instituted in connection with the implementation of Title VIII of the Food and Agriculture Act of 1977, Pub. L. 95–113, 91 Stat. 944. Title VIII established a two-tiered system of marketing peanuts. Under that system, which has been in effect since 1978, only "quota peanuts" are eligible for domestic edible use. "Additional peanuts", (i.e., peanuts grown in excess of the farm's poundage quota) may only be used for crushing for oil or for export.

It is essential to the proper operation of this system that additional peanuts be prevented from being diverted to domestic edible use. To this end, Title VIII directed the Secretary to prescribe procedures for supervising the handling of additional peanuts.

The foregoing procedures were adopted for the 1978 and subsequent crops of peanuts. At that time, given the total lack of experience with a two-tiered marketing system and the very significant possibility of diversion to domestic edible use, it was determined that strict physical supervision of all additional peanuts was necessary.

The Department now has three years of experience in implementing a two-tiered marketing system. In light of this experience and information received from the peanut industry, it is felt that the supervisory procedure can be modified to lessen the regulatory burden on handlers without detracting from the effectiveness of the supervision program. Therefore, in order to eliminate unnecessary supervision, to minimize expenses to handlers of contract additional peanuts purchased for export, and to lessen the burden of unnecessary regulations, it is proposed to simplify the procedure for the supervision of contract additional peanuts. It is proposed to: (1) require on-site supervision during the load out process; (2) require on-site supervision at manufacturing plants where peanuts are being processed into products to be exported, and (3) require on-site supervision for the crushing of the shelled and broken kernels from the shelling of contract additional peanuts to be exported and for contract additional peanuts purchased for domestic crushing. It is further proposed to require handlers to furnish at the time of load out (when the dollar value of the peanuts is established) an irrevocable letter of credit in an amount equal to 120 percent of the quota support rate for all additional peanuts in-store. In addition, at time of load out, samples will be graded and screen sizes determined. A net weight of each screen size shall be determined and the handler will be required to export the determined quantities by screen size. When peanuts are exported, handlers will be required to furnish proof that the required quantity of peanuts by screen sizes has been exported. When the appropriate documenting evidence is received, the letters of credit will be reduced accordingly.

Changes in Loan Eligibility Requirements for Segregation 2 and 3 Peanuts Having in Excess of 10 Percent Moisture and/or Foreign Material

Current regulations provide that segregation 2 and 3 peanuts containing more than 10 percent moisture and/or foreign material may be pledged as collateral for a price support loan only if such peanuts will not be stored. This eligibility requirement was included in the regulations in order to allow area associations to accept such peanuts in years of extreme quality problems. However, problems have arisen in that in some cases producers have not made an effort to clean and dry such peanuts. This results in peanuts being pledged as collateral for a loan which have excessively high moisture and foreign material content. High moisture peanuts are especially susceptible to deterioration and excess foreign material causes additional expenses in transportation and in crushing. Also, in some cases, peanuts cannot be immediately crushed because of unavailability of crushing facilities, and must be stored for short periods of time.

Therefore, in order to minimize expense to CCC in handling such peanuts and to alleviate the problems described above, it is proposed to amend the regulations to provide that such peanuts can be pledged as collateral for a price support loan provided (1) the level of moisture does not exceed a level determined appropriate by the Association; (2) short term temporary storage is available in the area; (3) the local crushing market can crush the peanuts within a reasonable period of time, and; (4) the producer has made a bona fide effort to clean and dry the peanuts. This change will not have any impact on the quality control procedures now in effect which prevent low quality or contaminated peanuts from entering the edible market.

Accordingly, it is proposed that effective for the 1981 and subsequent crops of peanuts, the regulations at 7 CFR Part 1446 shall be amended as follows:

Proposed Rule

1. Section 1446.8 of the regulations is proposed to be amended by revising paragraph (b) to read as follows:

§ 1446.8 Compliance by handlers of additional contract peanuts.

* * * * *

(a) * * *

(b) *Method of determining compliance.*

(1) *Commingled storage.* Handlers may commingle quota loan, quota commercial, additional loan and contract additional peanuts. In such instance, quota loan and additional loan peanuts must be inspected as farmers stock peanuts and settled on a dollar value basis less adjustments for shrinkage except when such peanuts are purchased from the association for domestic edible and related use on an in-grade, in-weight basis. Contract additional peanuts must be inspected on a farmers stock basis and accounted for on a dollar value basis less a one time adjustment for shrinkage for each crop equal to 4.0 percent of the dollar value for Virginia type peanuts and 3.5 percent for all other types except that if the additional contract peanuts are graded out and accounted for prior to February 1, the adjustment shall be 3.5 for Virginia type and 3.0 percent of the dollar value for all other peanuts. Contract additional peanuts shall also be accounted for by screen sizes.

(2) *Identity preserved storage.* Contract additional peanuts stored identity preserved shall be inspected as farmers stock peanuts on a grade out and settled on a dollar value basis less a one time adjustment for shrinkage for each crop equal to 4.0 percent of the dollar value for Virginia type peanuts and 3.5 percent for all other types. However, if the additional contract peanuts are graded out and accounted for prior to February 1, an adjustment shall be made in an amount equal to 3.5 for Virginia type and 3.0 percent of the dollar value for all other type peanuts. The handler shall receive, store, and otherwise handle such peanuts in accordance with good commercial practices. Such peanuts shall also be accounted for by screen sizes.

(3) *Special sizing requirements.* A representative sample of peanuts loaded out as contract additional peanuts shall be taken by a Federal or Federal State Inspector during the load out process when dollar value is being determined. The sample shall be graded and the kernels shall be sized to determine the percentages of kernels which ride specified screen sizes. The net weight of each screen size shall be determined by CCC or the Association and the handler shall be obligated to export or crush the determined quantities by screen size.

2. Section 1446.9 of the regulations is proposed to be amended by (1) redesignating paragraphs (c) through (j) as (d) through (k), respectively; (2) revising the introductory paragraphs (a) and (b), and new paragraph (k)(5) (ii) and (iii) (former paragraph (j)) as set forth below; and (3) adding a new paragraph (c), as follows:

§ 1446.9 Supervision and handling of contract additional peanuts.

The association shall supervise domestic handling of contract additional peanuts to the extent necessary to ensure that such peanuts are exported or crushed in accordance with these regulations. On-site load out supervision shall be required to ensure that all contract additional peanuts are identified and dollar value and screen size determined.

(a) *Access to facilities.* The handler, by entering into contracts to receive contract additional peanuts, shall be deemed to have agreed that authorized representative(s) of CCC and the Association:

(1) May enter and remain upon any of the premises when such peanuts are loaded out, weighed, graded and sized;

(2) May, if determined necessary by CCC or the Association inspect the premises, facilities, operations, books, and records to determine that such peanuts have been handled in accordance with these regulations;

(3) May, as determined necessary by CCC or the Association, supervise the transition from positive lot shelled peanuts to the processing line of the manufacturing plants at which the peanuts will be made into peanut products for export;

(4) Shall supervise the shelled and broken kernels from the shelling of contract additional peanuts to be exported and the crushing of contract

additional peanuts purchased for crushing.

(b) *Notifying the Association.* Before loading out, weighing, grading or sizing additional farmers stock peanuts, the handler (or cleaner, sheller, or processor under contract with the handler) shall notify the Association of the time such operation will begin and the approximate period of time required to complete the operation. When a plant is not currently under supervision, the handler shall give at least five working days advance notice to the Association so that supervision can be arranged.

(c) *Furnishing irrevocable letters of credit.* The handler shall furnish the association an irrevocable letter of credit in an amount equal to 120 percent of the quota support value for all additional peanuts in store immediately after dollar value has been determined and shall not shell or otherwise process any additional peanuts until the association notifies the handler that the letter of credit has been received. If the total quantity of additional peanuts by applicable screen size are not exported by the final date for exportation, the association will draw against the letter of credit the full amount of the marketing penalty applicable to the quantity of peanuts which were not exported. As peanuts are exported, the handler shall submit documentation as required herein showing proof of export, dollar value, quantity, and screen sizes. Upon receipt of such documentation, the letter of credit will be reduced accordingly.

* * * * *

(k) * * *

(5) * * *

(ii) *Export by rail or truck.* A copy of the bill of lading (showing the weight of the peanuts, weight of the peanut meal, or products exported), supplemented by a copy of the Shipper's Export Declaration or other documentation acceptable to the association. In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet for each lot shall be furnished. Peanut meal which is unsuitable for feed use because of contamination by aflatoxin shall be identified on the bill of lading according to this section.

(iii) *Export by air.* A copy of the Airway Bill (showing weight of peanuts, weight of peanut meal, or products exported, consignee and shipper) and other documentation acceptable to the association. In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet shall be furnished.

* * * * *

3. Section 1446.14 of the regulations is proposed to be amended by revising paragraph (6) as follows:

§ 1446.14 Eligible peanuts.

(a) * * *

(b) *Additional support.* Peanuts eligible for additional support are peanuts which (1) contain not more than 10 percent moisture; and (2) contain not more than 10 percent foreign material, except that such peanuts may contain more foreign material if the handler agrees to purchase such peanuts for domestic edible use as provided in the first sentence of § 1446.7 of these regulations; (3) grade segregation 2 and 3 and contain more than 10 percent moisture and/or foreign material provided (i) the level of moisture does not exceed a level determined appropriate by the Association; (iii) short term temporary storage is available in the area; (iii) the local crushing market for peanuts can crush the peanuts within a reasonable time as determined by the Association; and (iv) the producer has made a bona fide effort, as determined by the Association to clean and dry such peanuts prior to offering for loan; (4) are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and (5) the beneficial interest is in the producer who delivers them to the Association and has always been in such producer and a former producer whom such producer succeeded before the peanuts were harvested. (To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether such interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the county ASC committee all pertinent information which will permit a determination with respect to succession to be made by CCC); (6) are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding, or a hem. (Such bags shall be uniform size with approximately 2 bushel capacity); (7) must not have been produced on land owned by the Federal Government if such land is occupied without a lease permit or other right of possession; (8) if produced on acreage in excess of the effective farm allotment, the penalty has been collected in accordance with Part 729 of this title; and (9) must have been inspected as farmer stock peanuts and have an official grade determined by an inspector.

Signed at Washington, D.C. on July 6, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–20130 Filed 7–8–81; 8:45 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its rules of general applicability to domestic licensing of byproduct material to consider a small quantity of americium-241 as an exempt quantity under the list of radionuclides authorized for exempt use in ionizing radiation measuring instruments. The proposed action would relieve all persons from the requirement to obtain a specific license or use an existing general license to the extent that they receive, use, or transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the proposed exempt quantity of 0.005 microcurie of americium-241.

DATES: Comment period expires August 24, 1981. Comments received after August 24, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before that date.

ADDRESSES: All interested persons who desire to submit written comments for suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301/443–5987.

SUPPLEMENTARY INFORMATION: Recent discussions with manufacturers of radiation measuring instruments and their components indicate a need for a very small quantity of an alpha emitting radioactive material in instruments. The material is used for purposes of calibration or standardization and its use leads to more reliable radiation measurements. This need, in many instances, could be met by the use of 0.005 microcurie of americium-241.

Present regulatory provisions under either a specific license or a general license for use of radiation measuring instruments containing 0.005 microcurie of americium-241 are administratively burdensome and unnecessarily restrictive for this very small amount of radioactive material. For comparative purposes, it may be noted that the Commission permits the exempt use in residences of smoke detectors which typically contain 1 microcurie of americium-241.

To eliminate unnecessary burdens on regulators and users of radiation measuring instruments containing small amounts of americium-241, the proposed amendment would provide for the exempt use in instruments of sources containing up to 0.005 microcurie. The Commission considers it unlikely that, if this exemption becomes effective and is fully used, it would ever result in an annual release to the environment of more than a few microcuries. The benefits of reduced administrative burden and reliable radiation measurements justify the very small, if any, potential environmental impact of this exemption. Because this amendment of 10 CFR 30.15(a)(9) is nonsubstantive and insigifnciant (from the standpoint of environmental impact), an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with this action.

The Commission is considering a finding that the proposed amendment is of a minor or nonpolicy nature, does not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Regulatory Flexibility Certification

Since this amendment would relieve persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b), hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with americium-241 calibration sources will be able to obtain those instruments without incurring the costs associated with satisfying the requirements of a specific or general license.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for 10 CFR Part 30 reads as follows:

Authority: Secs. 81, 82, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842 and 5846), unless otherwise noted.

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 30.34(c) issued under sec. 161b., 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.51 and 30.52 issued under sec. 16, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 30.15, new paragraph (a)(9)(iii) is added to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: Provided, That;

* * * * *

(iii) For purposes of this paragraph (a)(9), 0.005 microcurie of americium-241 is considered an exempt quantity under § 30.71, Schedule B.

* * * * *

Dated at Bethesda Md., this 29th day of June, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–20187 Filed 7–8–81; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-35-AD]

Airworthiness Directives: McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require inspection of windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978, and December 31, 1980, that are installed on Douglas Model DC-8 series airplanes. Due to the existence of unstable anti-ice electrical coatings in these windshields, this AD is needed to assure that proper heat generation is available for bird impact protection and anti-ice functions.

DATES: Comments must be received no later than August 28, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl–750 (54–60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANW–130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2833.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals

contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81–NW–35–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

It has been determined that windshields manufactured by Pittsburgh Plate Glass Industries (PPG) between November 1, 1978, and December 31, 1980, may have unstable anti-ice electrical coatings that increase in resistance after installation. This increase in resistance may prevent sufficient heat generation to provide for bird impact protection and anti-ice functions. Investigation has shown that new windshield anti-ice coatings were within specifications as measured during acceptance inspections, but that the coatings electrical resistance may increase after power application. Service reports indicate this resistance change can be measured only after 20 to 100 hours of flight operation. The rate of resistance rise is significantly reduced by 200 flight hours. This proposed AD is necessary to assure that aircraft operation is properly predicated upon the availability or nonavailability of windshield heating.

DC–8 aircraft with a windshield replaced after November 1978 are affected by this proposed AD. The labor costs associated with the inspection, based upon an assumption of one manhour per aircraft at $35 per manhour and on an estimated 137 affected aircraft, is estimated to be $4,795. Windshield replacement costs have not been included in this estimate since the potential extent of such is unknown and the proposed AD provides for alternate operation of the affected aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–8 series airplanes certificated in all categories. Compliance required within six months from the effective date of this AD, unless already accomplished. To assure that proper windshield heat generation is available for bird impact protection and anti-ice functions, on aircraft that have had left, center, or right windshield panels replaced since November 1978, accomplish the following:

A. Inspect windshield panels to determine manufacturer and year of manufacture. Windshield panels may be identified by the manufacturer's logo "PPG" or "LOF" in large capital letters with part number, specification, and serial number adjacent to logo. These are located at the top of the panel on the left and right-hand windshield panels, and at the bottom or top of the center windshield panel.

1. Panels manufacturered by Libbey Owens Ford (LOF), no further action is required.

2. Panels manufactured by PPG:

a. Determined the year of manufacture, which is contained in the serial number. Serial number samples are shown below:

6–H–11–20–220–315 (first digit indicates year of manufacture, 1978; third digit indicates month, November)

9–H–5–21–315–373 (first digit indicates year of manufacture, 1979; third digit indicates month, May)

0–H–4–6–219–215 (first digit indicates year of manufacture, 1980; third digit indicates month, April)

1–H–3–6–317–212 (first digit indicates year of manufacture, 1981; third digit indicates month, March)

b. Windshield panels with an October 1978 or prior manufacturing date coded or January 1981 or subsequent manufacturing date coded, no further action is required.

c. Aircraft with less than 200 flight hours on replacement panel(s), accomplish the following resistance check on PPG November 1, 1978 through December 31, 1980 date coded windshield panels:

(1) DC–8–60 series windshield resistance check:

(a) Open anti-ice windshield heat right, center, left and right, center, left anti-fog circuit breakers on EPC circuit breaker panel.

(b) Disconnect windshield electrical conductor from receptacle on left, right, and center windshield panels.

(c) Using an ohmmeter check resistance between Terminals L and P at the receptacle on left (right) windshield panel. Resistance must be 61.2–82.8 ohms.

(d) Using an ohmmeter check resistance between Terminals E and G at receptacle on center windshield panel. Resistance must be 67.5–92.5 ohms.

(e) Reconnect the windshield electrical conductor to receptacle on windshields and close the power system circuit breakers.

(2) DC–8–50 series and prior windshield resistance check:

(a) Open the outer pane windshield heat circuit breakers for the left, right, and center windshields on the heat, vent, and ice protection (AC bus) circuit breaker panel.

(b) Remove access door No. 623 on the first officer's console and electrical pow[illegible] center.

(c) Disconnect the conductor connected to transformer Terminal X, Y, or Z of windshield to be tested.

(d) Using an ohmmeter, check resistance between transformer Terminal 1 and the conductor disconnected from the transformer. Resistance must be 81.6 to 110.4 ohms for left (right) windshield.

(e) Using an ohmmeter, check the resistance between transformer Terminal 1 and the conductor disconnected from the transformer. Resistance must be 96 to 130 ohms for the center windshield.

(f) Reconnect conductors to terminals.

(3) If windshield resistance is:

(a) Within tolerance on all three panels, aircraft may be continued in service and panels must be respectively inspected at 50-hour intervals until the accumulation of 200 flight hours.

(b) Within tolerance after the accumulation of 200 flight hours, no further action is required.

(4) If resistance is out of tolerance on one or more of the three windshield panels:

(a) For DC–8–60 series center panel out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 260 kts IAS Below 10,000 Feet Altitude."

(b) For DC–8–60 series with only side panel(s) out of tolerance, install the following placard in full view of the pilot: "Do Not Exceed 285 kts IAS Below 10,000 Feet Altitude."

(c) For DC–8–60 series, if left (right) windshield panel(s) resistance is 82.9 to 130 ohms and/or center windshield panel resistance is 92.6 to 130 ohms, full anti-ice capability is available. Panels must be repetitively inspected at 50-hour intervals, until the accumulation of 200 flight hours, to ascertain that resistance remains at or below 130 ohms. After the accumulation of 200 flight hours, the repetitive inspection interval can be extended to 1500 flight hours.

(d) For DC–8–50 series and prior with resistance out of tolerance on one or more of the three windshield panels, install the following placard in full view of the pilot: "Do Not Exceed 245 kts IAS Below 10,000 Feet Altitude."

(e) If windshield heat is unavailable for ice protection, install the following placard in full view of the pilot: "Windshield Heat Inoperative." The rain removal system can be used to de-ice or anti-ice windshields. See procedures in the Airplane Flight Manual.

(f) The above restrictions can be removed when the out-of-tolerance panel(s) is replaced with panel(s) manufactured by LOF or any PPG manufactured panel(s) with a date code other than November 1, 1979, through December 31, 1980, meeting the resistance tolerance of paragraphs c(1)(c), c(1)(d), c(2)(d), or c(2)(e), as applicable.

d. For November 1, 1978, through December 31, 1980, date coded windshield panels which have over 200 flight hours, accomplish the resistance check per paragraph c(1) or c(2), as applicable.

(1) If windshield resistance is within tolerance on panel(s), no further action is required.

(2) If resistance is out of tolerance on any of the three panels, accomplish the instructions as outlined under paragraph c(4).

B. Alternative inspections, repairs, or other action to be accomplished on or after the effective date of this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on June 25, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81–19914 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Docket No. 81–AAL–6]

Proposed Establishment of Transition Area; Sparrevohn, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: On May 26, 1981, the Federal Aviation Administration (FAA), DOT, published in the Federal Register (46 FR 28171) a notice of proposed rulemaking to designate controlled airspace to protect the prescribed instrument approach procedure to the Sparrevohn Air Force Station and a proposed Standard Terminal Arrival Route, the AMOTT ONE STAR, to Amott Intersection. Because of an objection to the proposal and an alternate FAA proposal that will provide the required protected airspace for the proposed STAR, the FAA is withdrawing that notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Wylie, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271–5903.

SUPPLEMENTARY INFORMATION:

Background

Because there is a prescribed instrument approach procedure to the Sparrevohn AFS and because the FAA proposes to establish a Standard Terminal Arrival Route, the AMOTT ONE STAR, from Sparrevohn NDB to Amott Intersection, the FAA published a notice of proposed rulemaking (81–AAL–6) to establish controlled airspace for these procedures. The transition area would have had two levels, a 700-foot base in the area required by the instrument approach procedure and a 1,200-foot base in the area required for the STAR. Since publishing that notice of proposed rulemaking, the FAA has drafted a proposal to establish a 1,200-foot Central Alaska Transition Area that will include sufficient airspace to protect the proposed STAR. The U.S. Air Force submitted an objection to the 700-foot portion of the proposal, stating that the controlled airspace would penetrate the Naknek MOA and will adversely affect their operations in the MOA, because it would require separation between the MOA and aircraft on the approach to Sparrevohn. The approach to Sparrevohn is a prescribed instrument approach procedure that can be executed by any aircraft operator. The approach procedure is to a military airport and the principal users are the U.S. Air Force and civil aircraft operators authorized by the Air Force to use the airport. Since the U.S. Air Force is the primary user and objects to the 700-foot portion of the proposed transition area, and since the FAA is developing an alternate proposal that will provide protected airspace for the proposed STAR, the FAA is withdrawing the notice of proposed rulemaking (81–AAL–6) to establish the Sparrevohn Transition Area.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, the notice of proposed rulemaking, docket number 81–AAL–6, published in the Federal Register on May 26, 1981 (46 FR 28171) is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958, (49 U.S.C. § 1348(a) and § 1354(a); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Issued in Anchorage, Alaska, on June 26, 1981.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 81–19915 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ANW–2]

Extension of Federal Airway V–121

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V–121 from Medford, Oreg., to Fort Jones, Calif. This proposed action would enhance arrival and departure procedures at Medford, Oreg., by allowing en route operations to be conducted via the new airway segment concurrent with terminal operations. A significant savings in fuel would be gleaned because of fewer delays to IFR operations in the Medford area.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81–ANW–2, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ANW-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend V-121 from Medford, Oreg., to Fort Jones, Calif. This extension would enhance arrival and departure procedures at Medford, Oreg., by allowing en route operations to be conducted concurrent with terminal operations. A significant savings in fuel would be gleaned because of fewer delays to IFR operations in the Medford area. Section 71.123 under Part 71 was republished on January 2, 1981. (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-121 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by replacing the word "From" after V-121 with the words "From Fort Jones, Calif., INT Fort Jones 340°T (321°M) and, Medford, Oreg., 194°(175°M);"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-30104 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 81-AWE-18]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign VOR Federal Airway V-363 between Pomona, Calif., and Mission Bay, Calif., via a west dogleg. The realignment would enhance traffic flow in the area by permitting more air traffic control flexibility for maneuvering aircraft between those terminal areas. This action would reduce en route and terminal delays and reduce controller workload.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-18, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWE-18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which described the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway V-363 between Pomona, Calif., and Mission Bay, Calif. The realignment would expedite traffic flow in the area and increase air traffic control flexibility for maneuvering aircraft in the San Diego, Calif. terminal area. This proposal would save fuel and reduce delays. Section 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the description of VOR Federal Airway V-363 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by amending the description as follows:

V-363 [Amended]

V-363 From Mission Bay, Calif., via INT Mission Bay 329°T(314°M) and Pomona, Calif., 179°T(164°M) radials; to Pomona.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-30107 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ARM-12]

Extension of VOR Federal Airway and Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to: (a) Extend VOR Federal Airway V-324 from Crazy Woman, Wyo., to Worland, Wyo.; (b) designate new VOR Federal Airways V-401 from Worland, Wyo., to Casper, Wyo.; and (c) designate V-406 from Cody, Wyo., to Sheridan, Wyo. These actions would provide controlled airspace between these locations and promote efficient use of the airspace for air traffic control purposes.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ARM-12, 10455 East 25th Avenue, Aurora, Colo. 80010.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ARM-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR Federal Airway V-324 from Crazy Woman, Wyo., to Worland, Wyo.; designate new VOR Federal Airway V-401 from Worland, Wyo., to Casper, Wyo.; and designate new VOR Federal Airway V-406 from Cody, Wyo., to Sheridan, Wyo. This proposal would designate airways between existing navigational aids, thereby increasing aviation safety and improving flight planning. Section 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by amending the following:

1. V-324 [Amended]

By amending the description to read—
V-324 From Gillette, Wyo., Crazy Woman, Wyo.; to Worland, Wyo.

2. V–401 [New]

V–401 From Worland, Wyo., to Casper, Wyo.

3. V–406 [New]

V–406 From Cody, Wyo., to Sheridan, Wyo.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20108 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-10]

Establishment of Low Altitude Airway V–462

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a low altitude airway between Fort Dodge, Iowa, VORTAC and Sioux Falls, S. Dak., VORTAC. Approximately 1,000 IFR flights per year request this routing. Because of other IFR traffic and the lack of both an established route and radar coverage below 15,000 feet, their requests are denied by air traffic control. The establishment of V–462 would rectify the above situation and, as compared to the present routes between these two points, save approximately 50 miles of flying distance.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81–ACE–10, 601 E. 12th Street, Kansas City, Mo. 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ACE–10." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new low altitude airway V–462 between Fort Dodge, Iowa, VORTAC to Sioux Falls, S. Dak., VORTAC. Approximately 1,000 IFR flights per year request this routing. Because of other IFR traffic and the lack of both an established route and radar coverage below 15,000 feet, their requests are denied by air traffic control. The establishment of V–462 would rectify the above situation and, as compared to the present routes between these two points, save approximately 50 miles of flying distance. Section § 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by adding the new airway description "V–462 From Fort Dodge, Iowa; to Sioux Falls, S. Dak."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on July 1, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20109 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 375

[Docket Nos. RM81-19 and RM81-29]

Blanket Certification of Routine Gas Pipeline Transactions; Availability of Environmental Assessment

July 1, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Availability of Environmental Assessment.

SUMMARY: Notice is hereby given in Docket Nos. RM81–19 and RM81–29 that on July 6, 1981, the Federal Energy Regulatory Commission (FERC) made available to the public an environmental assessment (EA) evaluating the proposed rules issued on March 10 and April 27, 1981 (46 FR 16903 and 24585). These rulemakings would create a more efficient certification procedure for routine natural gas pipeline transactions by creating two new categories of transactions. One category would involve no action or review by the Commission. A second category would require Commission action only if a protest were filed following notice of the proposed transaction in the **Federal Register**. All other transactions would continue to be filed under the current procedures requiring detailed analysis by the Commission. Implementation of the proposed rules would enable the Commission to focus more closely on those filings and issues which truly merit Commission attention.

The EA concludes that implementation of the rules would not constitute a major Federal action significantly affecting the quality of the human environment.

DATE: The Commission invites all interested parties to file comments on this EA on or before August 10, 1981.

ADDRESS: File comments with: Kenneth F. Plumb, Secretary, FERC, 825 N. Capitol Street, NE., Washington, D.C. 20426.

This EA has been placed in the FERC's public files and is available for public inspection in the FERC's Office of Congressional and Public Affairs, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426. Copies are available in limited quantities upon request.

FOR FURTHER INFORMATION CONTACT: Requests for further information should be addressed to Mr. John S. Leiss, Project Manager, FERC, Room 7102, 825 North Captiol Street, NE, Washington, D.C. 20426; telephone (202) 357–9038.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20186 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Tiletamine and Zolazepam into Schedule I and the Proposed Placement of Certain Preparations Which Contain Both Tiletamine and Zolazepam into Schedule III

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration. It proposes the placement of the substances, tiletamine and zolazepam, into Schedule I of the Controlled Substances Act and the placement of preparations which contain equal amounts of both tiletamine and zolazepam into Schedule III. This action was initiated upon the receipt of a letter from the Acting Assistant Secretary for Health. The effect of this proposed action will be to discourage the abuse of tiletamine and zolazepam.

DATE: Comments must be submitted on or before (sixty days from date of publication).

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that tiletamine and zolazepam be placed into Schedule III of the Controlled Substances Act (21 U.S.C. 801 *et seq.*), if and when the New Animal Drug Application for Telazol is approved by the Food and Drug Administration. Enclosed with this letter was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for tiletamine and zolazepam. The letter of the Acting Assistant Secretary is set forth below:

March 18, 1981.

Mr. Peter B. Bensinger,
Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537

Dear Mr. Bensinger: Pursuant to the Controlled Substances Act, 21 U.S.C. 811(f), this letter is notification that the Department of Health and Human Services believes that the drugs tiletamine HCl and zolazepam have abuse potential. Under the definitions of the Controlled Substances Act, tiletamine HCl is a hallucinogen and zolazepam HCl is a depressant. Tiletamine HCl, a dissociative anesthetic, and Zolazepam HCl, an anticonvulsant benzodiazepine, are the components of Telazol®, a veterinary drug product which is pending approval for marketing by the Food and Drug Administration. I have enclosed our consideration of the factors listed in Section 201(c) of the Controlled Substances Act and our recommendation.

I concur with the Food and Drug Administration's recommendation that tiletamine HCl substance and zolazepam substance be controlled under the provision of Schedule III of the Controlled Substances Act. I further recommend that these scheduling actions become effective if and when the New Animal Drug Application (NADA) for Telazol® has received final approval from the Food and Drug Administration.

Should you have any questions concerning this recommendation, the appropriate staff is prepared to respond.

Sincerely yours,

Charles Miller,

Acting Assistant Secretary for Health.

Enclosure: Basis for Recommendation for Control of Tiletamine and Zolazepam.

Relying on the scientific and medical evaluation of the Acting Assistant Secretary for Health and based on his independent evaluation in accordance with the provisions of 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration finds that:

The Acting Assistant Secretary for Health has found that the substances, tiletamine and zolazepam and the drug product, Telazol®, each have an abuse potential. Telazol®, if approved by the Food and Drug Administration, will be composed of equal amounts of the base equivalents of tiletamine and zolazepam. If the New Animal Drug Application (NADA) for the drug product, Telazol® is approved, the simultaneous use of equal amounts of tiletamine and zolazepam will have a

currently accepted medical use in the United States. The Acting Assistant Secretary for Health has not informed the Administrator that the approval of the NADA for Telazol® will confer accepted medical use status on the individual components of the combination product. Currently, neither tiletamine nor zolazepam is approved for marketing in the United States in single entity preparations for use in medical treatment.

In accordance with 21 U.S.C. 811(a), the Administrator must apply the provisions of 21 U.S.C. 812 in ruling to add a drug or other substance to a schedule. 21 U.S.C. 812(b) provides that a drug or other substance have an accepted medical use in treatment in the United States in order that it be considered for placement into Schedules II, III, IV or V. 21 U.S.C. 812(b) also provides that a drug or other substance which has no currently accepted medical use in treatment in the United States be considered for placement into Schedule I.

If the Food and Drug Administration acts favorably in respect to the pending NADA, the Schedule III criterion (21 U.S.C. 812(b)(3)(B)) which specifies that a drug or other substance have a currently accepted medical use in treatment will be satisfied in respect to a preparation which is composed of equal weights of the base equivalents of tiletamine and zolazepam. The Schedule III criterion will not be satisfied in relation to the individual substances, tiletamine and zolazepam or in relation to preparations which contain other than equal amounts of the base equivalents of tiletamine and zolazepam.

Tiletamine is a chemical analog of phencyclidine (PCP) and has pharmacological properties similar to those of PCP. In that PCP has been demonstrated to have a high potential for abuse, the Administrator finds in relation to the substance, tiletamine, [2-(ethylamino)-2-(2-thienyl)-cyclohexanone], its salts, isomers, and salts of isomers that:

(1) Tiletamine has a high potential for abuse.

(2) Tiletamine has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of tiletamine under medical supervision.

Zolazepam is chemically and pharmacologically related to chlordiazepoxide, diazepam and the other benzodiazepines in Schedule IV but differs in its acute lethality. Zolazepam is considerably more toxic than the benzodiazepines which are currently available for use in medical treatment. Zolazepam has not been tested in human subjects, nor have animal studies been conducted to elucidate the abuse potential of the substance. In that the toxicity of zolazepam is significantly greater than that of the Schedule IV benzodiazepines, those properties which contribute to the abuse potential of zolazepam may be more severe than those associated with the currently available benzodiazepines. Therefore, the Administrator finds in relation to the substance, zolazepam, [4-(O-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazole [3,4e] [1,4] diazepin-7(1H)-one], its salts, isomers, and salts of isomers that:

(1) Zolazepam has a high potential for abuse.

(2) Zolazepam has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of zolazepam under medical supervision.

The abuse potential of a mixture of equal quantities of tiletamine and zolazepam has been evaluated in animal studies. The mixture was found to have positive reinforcing properties in drug-experienced rhesus monkeys, indicating that ingestion of the drug may produce psychological dependence in humans. On completion of a 30-day period of unlimited access to the mixture, monkeys exhibited a mild to moderate withdrawal syndrome, indicating that the mixture produces physical dependence. The Administrator finds in relation to a mixture of equal amounts of the base equivalents of tiletamine and zolazepam and salts thereof that:

(1) The above described mixture has a potential for abuse less than the drugs in Schedules I and II.

(2) The above described mixture will, upon approval of the New Animal Drug Application by the Food and Drug Administration, have a currently accepted medical use in treatment in the United States.

(3) Abuse of the above described mixture may lead to moderate or low physical dependence or high psychological dependence.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby proposes to revise 21 CFR 1308.11(d)(24), 1308.11(e)(2) and 1308.13(c)(4) through (13), to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(24 tiletamine (an analog of phencyclidine)	7290

Some trade or other names: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone

* * * * *

(e) * * *

(2) Zolazepam	2930

Some trade or other names: 4-(O-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazole [3,4,e] [1,4]diazepin-7(1H)-one

* * * * *

§ 1308.13 Schedule III.

(c) * * *

(4) Any compound, mixture or preparation containing equal weights of the base equivalents of both tiletamine and zolazepam not mixed with other psychoactive substances	7295
(5) Chlorhexadol	2510
(6) Glutethimide	2550
(7) Ketamine or any salt thereof	7285
(8) Lysergic acid	7300
(9) Lysergic acid amide	7310
(10) Methyprylon	2575
(11) Sulfondiethylmethane	2600
(12) Sulfonethylmethane	2605
(13) Sulfonmethane	2610

* * * * *

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

If no objections presenting grounds for a hearing on this proposal are received within the time limitation, or interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Commerical products which contain tiletamine and zolazepam will be used in veterinary clinics. This rule, if finalized, will cause such establishments to handle products which contain tiletamine and zolazepam in a manner identical to that already used in relation to other Schedule III substances. Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of tiletamine and zolazepam into Schedule I and the placement of the commerical products which contains tiletamine and zolazepam into Schedule III of the Controlled Substances Act will not have a significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act (Public Law 96-354).

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place tiletamine and zolazepam into Schedule I and certain preparations thereof into Schedule III, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: June 19, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-20088 Filed 7-8-81; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-044]

Drawbridge Operation Regulations; Mystic River

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Massachusetts Bay Transportation Authority, the U.S. Coast Guard is considering amending the regulations governing the railroad drawspan across the Mystic River, mile 1.8, between Charlestown and Everett. The Coast Guard intends to include the City of Boston highway bridge at mile 1.4 in this proposal as existing regulations also apply to the highway bridge. The present regulations for both bridges permit the drawspans to be closed to navigation from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m., and 5 p.m. to 6 p.m., except on Sundays and holidays if a vessel's draft is less than 18 feet. The drawspan must be opened at all other times. The proposed amendment would stipulate that the draws of these bridges would not open for the passage of any vessels regardless of size between 1 a.m. and 5 a.m., inclusive, and at 9 a.m. and 5 p.m., except on Sundays and on legal holidays observed in the locality. At all other times the draws will open hourly, on the hour, to permit waiting vessels to pass. A vessel or other watercraft which has passed through one drawbridge would be afforded continuous passage through the other. This action may accommodate the needs of railroad traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Comments shall be mailed or hand-delivered to and will be available for inspection or copying at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposed regulations may be changed in light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

The greatest use of the waterway each year occurs during the boating season (May through October). There is almost no vessel movement along the waterway during the remaining six months.

The commuter rail system operates 52 trains a day Monday through Friday, 34 trains on Saturday, and 24 trains on Sunday throughout the year. The number of drawspan openings averaged 18 a day during the 1980 boating season. The majority of these openings were requested between 6 a.m. and midnight, the hours of commuter travel. The greatest concentration of openings occurred during weekends. The proposed amendment would provide a uniform schedule of 17 openings a day, Monday through Saturday. The proposal also provides that after midnight the drawspan may be closed until 6 a.m. There would be no authorized closures on Sunday or on a holiday.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.75(g)(1) to read as follows:

§ 117.75 Boston Harbor, Mass., & Adjacent Waters; bridges.

* * * * *

(g) *Mystic River*—(1) *Bridges from mouth to and including the railroad bridge between Charlestown and Everett.* The draws of these bridges shall not be required to be open for the passage of vessels between 1 a.m. and 5 a.m., inclusive, and at 9 a.m. and 5 p.m., except on Sundays and on legal holidays observed in the locality. At all other times the draws will open hourly, on the hour, to permit waiting vessels to pass. A vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g) (3))

R. H. Wood,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 81-19881 Filed 7-8-81; 8:45 am]
BILLING CODE 4910-14-M

33 CFR Part 117

[CGDS 80-22R]

Drawbridge Operation Regulations: Stoney Creek, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maryland State Highway Administration, the Coast Guard will consider establishing new regulations governing operation of the drawbridge on Maryland Route 173 across Stoney Creek, mile 0.9, at Riviera Beach, Maryland, to permit the draw to remain closed during certain periods. This proposal is being made because the periods of peak vehicular traffic have caused significant traffic congestion at the bridge. This action may accommodate the needs of vehicular traffic and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 8 a.m. through 4:30 p.m., Monday through Friday, at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, telephone (804-398-6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

This proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted because the expected economic impact is so minimal as to not warrant the evaluation. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The conclusions stated in this paragraph are supported below in the Discussion Of The Proposed Regulations.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Ann B. Deaton, Project Manager, and LCDR Mark P. Troseth, Project Attorney.

Discussion of the Proposed Regulations

The proposed regulations would establish two periods daily, Monday through Friday, except State and Federal holidays, during which the draw need be opened only once for the passage of vessels, if any vessels are waiting to pass. These periods would occur from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., and would coincide with morning and evening vehicular rush hour traffic. The proposed regulation would require the bridge to open once at 7:30 a.m. and once at 5 p.m. for any waiting vessels. The drawbridge currently is required by 33 CFR 117.240 to be opened on signal at any time for the passage of vessels. This has created vehicular traffic delays at the bridge for those persons going and coming to and from work during the proposed hours of restriction. Records provided by the Maryland Department of Transportation show that several hundred cars are often stopped at the bridge to allow one or two boats to pass through the draw during rush hours. It is felt that vehicular traffic congestion and delays occurring during rush hours at the bridge will be reduced by establishing the morning and evening opening restriction periods, and that navigation will not be unduly restricted.

There are no known businesses that will be significantly impacted by the proposed change. Most water traffic consists of pleasure craft, and the only costs to these entities will result from time delays and fuel consumption. However, pleasure boat operators may plan their trips around the new schedule, thus avoiding any expense.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.307 immediately after § 117.305 to read as follows:

§ 117.307 Stoney Creek, MD; bridge.

(a) The draw shall be opened on signal except that:

(1) From 6:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday except Federal and State holidays, the draw need be opened only once at 7:30 a.m. and once at 5 p.m. if any vessels are waiting to pass.

(2) At all times not covered by the regulations in paragraph (a)(1), and in all other respects, the regulations contained in Section 117.240 shall govern the operation of this bridge.

(b) A copy of the regulations in this section shall be posted in a conspicuous place on both the upstream and downstream sides fo the bridge.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655 (g)(2)); 49 CFR 1.46 (c)(5), 33 CFR 1.05-1(g)(3))

Dated: May 20, 1981.

T. T. Wetmore, III,

Rear Admiral, Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81-19980 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 74

[BC Docket No. 81-394; FCC 81-279]

Amendment of the Commission's Rules To Provide for the Elimination of Harmful Interference to Radio Communications Involving Safety to Life and Protection of Property

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend Part 74 of the Commission's Rules by adding a new section which prohibits licensees authorized under Part 74 from causing interference which jeopardizes safety of life or protection of property. The proposed rule also empowers the Commission to suspend immediately the operation of any equipment causing such interference where the Commission determines an imminent danger to the safety of life or protection of property exists. This action is deemed necessary to protect the public interest.

DATES: Comments must be filed on or before July 23, 1981, and reply comments on or before August 3, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 74 of the Commission's rules to provide for the elimination of harmful interference to radio communications involving safety to life and protection of property.

Notice of Proposed Rulemaking

Adopted: June 16, 1981.

Released: June 24, 1981.

By the Commission:

1. The Commission will herein consider the adoption of a rule to provide for the temporary shutdown of facilities licensed pursuant to Part 74 of our rules, where the operation of such a facility is causing interference to the operation of other communications facilities and that interference poses a threat to the safety of life or property.[1] [2]

2. To promote the efficient use of spectrum, the Commission has, where appropriate, authorized the shared use of frequencies in the electromagnetic spectrum. The services authorized under Part 74 of our Rules provide some examples of this shared use. However, with increasing demands for spectrum space, the opportunities for interference between users sharing the same or related frequencies is likely to increase, even where all users are operating in accordance with the Commission's rules. In cases where interference does not create a threat to the safety of life or property, interference can be resolved through existing Commission policies which establish priorities of usage. However, in situations where the facility being interfered with is being used for the preservation of life or property, existing concepts of primary and secondard users are inadequate to resolve the problem. Therefore, the proposed rule provides for the cessation of operation of a facility where it is interfering with another user whose operation is essential to the preservation of life or property.

3. For example, on Monday, April 13, 1981, officials of the National Aeronautics and Space Administration (NASA) reported to the Federal Communications Commission that it was receiving severe interference to its space shuttle communications equipment at Edwards Air Force Base, the shuttle's landing site. Field Operations Bureau personnel were immediately dispatched to the site in an effort to determine the cause, and eliminate the sources, of the interference. FOB personnel determined that the interference was caused by television electronic news gathering (ENG) equipment which was emitting spurious radiation in the bands utilized by the NASA communications equipment. The offending ENG equipment was operating within the parameters of our rules, but was causing harmful interference nonetheless due to the extremely sensitive equipment being used by NASA. Fortunately, the users of the offending ENG equipment voluntarily ceased operation of that equipment and utilized other gear. Because of this voluntary cooperation and an adequate amount of lead time, the interference was completely eliminated prior to the landing of the space shuttle.

4. However, the Commission is concerned that this type of situation may again arise, and advance notice of such a problem may not be adequate to permit voluntary effort to shut off the interference-causing equipment. In order to effectively handle such an emergency, the Commission may need to take the extraordinary action of ordering the operator of equipment causing harmful interference to cease operation until the period of emergency has passed. Users of the services licensed under Part 74 should note that the scope of the rule proposed in this *Notice* is quite narrow; it would apply only when the Commission determines that an immediate threat to the safety of life or protection of property exists.[3] Of course, even with the proposed rule, the Commission intends to seek voluntary cooperation to eliminate any interference. However, in situations where interference is not promptly eliminated by cooperation among users, the rule would permit the Commission to require the offending operator to cease and desist from causing such intereference by temporarily suspending operation of the interference-causing equipment.[4]

5. Under normal cease and desist procedures, the Commission is required to provide advance notice to any licensee whose operations violate a Commission regulation. However, under Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558, such notice may be suspended in cases where "public health, interest or safety requires otherwise." We believe that situations involving an imminent threat to safety of life and protection of property squarely fall under this limited exception to the standard notice requirements. However, we welcome comment on this interpretation in particular, and, more generally, on the Commission's legal authority to take expedited action in the event of a violation of the proposed rule.

6. In order to conclude our consideration of this proposal and make any action we might take effective before the next scheduled flight of the space shuttle in mid-September, we are expediting our normal rule making procedures. Interested parties will have 15 days from the date of the publication of this document in the **Federal Register** to file comments and 10 additional days to file reply comments. Due to the limited nature of the proceeding and the urgency of the subject matter, we believe these time periods should be adequate for the preparation of meaningful comments.

7. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issed stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must

[1] The services covered by the proposed rule are Experimental Television Broadcast Stations, Experimental Facsimile Broadcast Stations, Developmental Broadcast Stations, Remote Pickup Broadcast Stations, Aural Broadcast STL and Intercity Relay Stations, Television Auxiliary Broadcast Stations, Television Broadcast Translator Stations, Low Power Auxiliary Stations, Instructional Television Fixed Service and FM Broadcast Translator Stations and FM Broadcast Booster Stations.

[2] The proposed rule follows as an Appendix hereto.

[3] This proposed rule is similar to § 76.613 of the Commission's rules, which prohibits cable television operators from causing harmful interference affecting the safety of life and protection of property.

[4] We are also proposing an amendment to § 0.311 of the Commission's rules to give the Chief of the Field Operations Bureau delegated authority to administer the proposed rule.

be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally § 1.1231 of the Commission's rules.

8. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980, Public Law 96–354, we find that the proposed action would not, if adopted, have a significant economic impact on a substantial number of small entities. The enforcement procedures proposed would be used, if at all, very rarely, and only when an imminent danger involving safety to life or protection of property is involved. Parties being forced to cease operation of an interference-causing piece of equipment would be permitted to resume its use of the equipment whenever the emergency situation had passed. No equipment would be deemed permanently unusuable. Thus, the requirements would not impose a significant economic burden. Furthermore, we cannot conceive of a situation in which a "substantial number" of entities, small or otherwise, would be affected. The services authorized under Part 74 of the Commission's rules are in use by licensees throughout the United States, yet the possibility of creating harmful interference which may endanger life or property is limited to a few locations where highly sensitive equipment is in use. Thus, the vast majority of licensees would never be in a position to cause the type of interference which this proposed rule seeks to eliminate.

9. Authority for the issuance of this *Notice* is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in Section 1.415 of the Commission's rules, interested parties may file comments on or before July 23, 1981, and reply comments on or before August 3, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitted 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 M Street, NW, Washington, D.C.

11. For the further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. It is proposed to amend Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations by adding a new Subsection (e) to § 0.311 which reads as follows:

§ 0.311 Authority delegated.

* * * * *

(e) The Chief of the Field Operations Bureau is authorized to make determinations and notification of the presence of interference to radio communications involving safety of life or protection of property which requires temporary suspension of operation under Section 74.23 of this Chapter.

2. It is proposed to amend Part 74 of Chapter I of Title 47 of the Code of Federal Regulations by adding a new § 74.23 which reads as follows:

§ 74.23 Interfesance jeopardizing safety of life or protection of property.

(a) The licensee of any station authorized under this Part that causes interference to radio communications involving the safety of life or protection of property shall promptly take appropriate measures to eliminate the interference.

(b) If interference to radio communications involving the safety of life or protection of property cannot be promptly eliminated by the application of suitable techniques and the Commission finds that there exists an imminent danger to safety of life or protection of property, operation of the offending equipment shall temporarily be suspended and shall not be resumed until the interference has been eliminated or the threat to the safety of life or property has passed. When specifically authorized, short test operations may be made during the period of suspended operation to check the efficacy of remedial measures.

[FR Doc. 81–20112 Filed 7–8–81; 9:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–411; RM–3805]

FM Broadcast Station in Martin and Salyersville, Ky.; Proposed Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign Channel 261A from Martin to Salyersville, Kentucky, in response to a petition filed by Licking Valley Radio Corporation. The assignment would provide Salyersville with a first local FM service.

DATES: Comments must be filed on or before August 31, 1981, and reply comments must be filed on or before September 21, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Martin and Salyersville, Kentucky), BC Docket No. 81–411 RM–3805.

Adopted: June 23, 1981.

Released: July 2, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rulemaking [1] was filed by Licking Valley Radio Corporation ("petitioner"), requesting the reassignment of unused Channel 261A from Martin to Salyersville, Kentucky, as a first FM allocation to that community. Petitioner states that it will apply for the channel in the event it is reassigned to Salyersville. No responses to the petition have been received. The channel can be assigned to Salyersville with a site restriction, as noted *infra*.

2. Salyersville (population 1,196),[2] the seat of Magoffin County (population 10,443), is located approximately 128 kilometers (80 miles) east of Lexington, Kentucky. It is presently served by daytime-only AM Station WRLV.

3. Petitioner states that Salyersville is the center of trade and the largest incorporated town in the county. Additionally, it states that a significant growth in population in recent years is attributable to increased coal production and light industrial development, spurred by the completion of the Mountain Parkway which traverses the county from east to west. Petitioner indicates that its economic base is derived mainly from the coal industry, government offices, and the Continental Conveyor Company. In addition to the one station licensed to the community, communications services are provided by one weekly newspaper, and distant signals received from two other communities. Petitioner has submitted sufficient data to demonstrate the need for a first FM assignment to Salyersville.

4. Petitioner further notes that Channel 261A has been unapplied for at Martin since its assignment there in 1978. Further, the previously interested party has since transferred its AM station in Martin and is not likely to be interested in an FM station there, according to petitioner.

5. The transmitter site must be located approximately 0.6 kilometers (4.1 miles) east-southeast of Salyersville to avoid short-spacing to Station WKDJ (Channel 261A) in Winchester, Kentucky.

6. In view of the fact that the proposed FM channel would provide a first FM and local nighttime aural broadcast service to Salyersville, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Martin, Ky	261A	.....
Salyersville, Ky	.....	261A

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before August 31, 1981, and reply comments on or before September 21, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it it proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[1] *Public Notice* of the petition was given December 17, 1980, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

[FR Doc. 81–20111 Filed 7–8–81; 9:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Observer Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes to amend the foreign fishing regulations to require payment for U.S. observers aboard foreign fishing vessels within 90 days from the date of billing. Currently there is no time limit in which to pay. Foreign countries participating in the Atlantic billfish and shark fishery also will be required to pay observer fees in advance of harvesting as required by the recently amended Atlantic Tunas Convention Act.

DATES: Comments must be submitted on or before August 10, 1981.

ADDRESS: Send comments to: Mr. William G. Gordon, Director, Office of Resource Conservation and Management, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Gary A. Wood, Special Agent, Office of Resource Conservation and Management, Enforcement Division, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634–7285.

SUPPLEMENTARY INFORMATION: On September 4, 1980, the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971 *et seq.*, was amended to require the placement of observers aboard all foreign fishing vessels whose fishing activities result in the incidental taking of billfish. Section 2(b) of the amendment requires that the Secretary of Commerce place an observer aboard all such vessels while in:

(a) Waters that are within the fishery conservation zone as defined by Section 101 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and

(b) The Convention area as defined by Article I of the International Convention for the Conservation of Atlantic Tunas.

Owners or operators of foreign fishing vessels subject to the Atlantic Tunas Convention Act amendment are required to pay observer fees at the beginning of the fishing season. This fee will cover all the costs of placing observers aboard vessels. The fee will be deposited into a Foreign Fishing Observer Fund. The proposed regulatory change will implement the new method of payment outlined in the amended Atlantic Tunas Convention Act.

50 CFR 611.8(b) in the foreign fishing regulations requires the owner or operator of each vessel which carries an observer to reimburse the United States for the costs of carrying the observer. Bills are issued at the end of the calendar year for the actual costs incurred. Currently, there is no time limit to pay the bills. The proposed amendment will require payment within 90 days from the date of billing.

OTHER INFORMATION: The Assistant Administrator for Fisheries, NOAA, has determined that the proposed amendment to the foreign fishing regulations is necessary and appropriate to the conservation and management of United States fishery resources, and that it is consistent with the national standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act), other provisions of the Magnuson Act, and the Atlantic Tunas Convention Act. He also has determined that this is not a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act.

The Acting Administrator, NOAA, has determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291; since it does not impact on the observer program, it will not result in an annual effect on the economy of $100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Acting Administrator certifies that the proposed rule is not significant under the Regulatory Flexibility Act, and therefore does not require the preparation of a regulatory flexibility analysis. Finally, the Acting Administrator has determined that the proposed rule does not call for additional collection of information from the public under the Paperwork Reduction Act (44 U.S.C. 3501).

Date: July 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

1. The authority citation for 50 CFR 611.8 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, and 16 U.S.C. 971 *et seq.*

2. For the reasons set out in the preamble, 50 CFR 611.8 is proposed to be amended by revising paragraph (b) as follows:

§ 611.8 Observers.

* * * * *

(b) The owner or operator of each fishing vessel to which an observer is assigned shall reimburse the United States for the total costs of placing the observer aboard, including salary, per diem, transportation of observer, and overhead costs. Payment of these costs must be made within 90 days of billing. Vessels in the Atlantic billfish and shark fishery will be billed in advance.

* * * * *

[FR Doc. 81–20046 Filed 7–8–81; 8:45 am]
BILLING CODE 3510–22–M

50 CFR Parts 611

Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commcerce.

ACTION: Proposed rulemaking; notice of initial approval and availability of a plan amendment.

SUMMARY: Amendment 9 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) has been initially approved. This amendment replaces the present six Kodiak Gear Areas, which are closed to foreign trawling August 10 to June 1, with a single large Kodiak Gear Area. Regulations are proposed for the new Kodiak Gear Area to be closed from two days before the start of the Kodiak king crab season (about September 15) until February 16. This action was taken to eliminate the loss of domestic crab gear and the preemption of domestic crab fishing grounds by foreign trawlers. Amendment 9 should have the attendant effect of spreading domestic fishing for king crab over a larger area but should not have significant impact on foreign fishermen.

DATE: Comments are invited until August 24, 1981.

ADDRESSES: Comments should be addressed to Robert McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Copies of the amendment and the amended FMP may be obtained from the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, (907) 586–7221.

SUPPLEMENTARY INFORMATION: On February 24, 1978, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the FMP for the Groundfish of the Gulf of Alaska. The FMP governs foreign and domestic fishing for a number of finfish, commonly known as groundfish (section 3.1 of the FMP lists the common and scientific names of each species). Most of the fishery is conducted with on-bottom and off-bottom trawls, longlines, and pots (or traps) at numerous fishing grounds throughout the Gulf of Alaska; the foreign trawl fishery takes place primarily along the 200-meter depth contour. The FMP was originally published on pages 17242–17327 of the **Federal Register** on April 21, 1978. Since then it has been amended eight times, with the last amendment being published on November 5, 1980 (45 FR 73486).

Amendment 9 to the FMP establishes the "Kodiak Gear Area" and closes that area to foreign trawling during the domestic king crab season in the Kodiak District. Six small areas around Kodiak Island (the "Kodiak Gear Areas") have been closed to foreign trawling from August 10 to June 1 of each year since 1978 to protect domestic king crab fishermen fishing with fixed gear from gear damage and loss caused by foreign trawlers. Despite a gear reimbrusement program, gear loss and damage is increasingly costly for U.S. fishermen because of the loss of fishing time, the fuel expense of searching for lost gear, and the burden of applying for reimbursements for lost gear and fishing time. The protection offered by previous area closures has been only partially adequate because crab grounds extend well beyond those closed areas. In addition, an increase in domestic effort over recent years and a decrease in abundance of crab within existing areas closed to foreign fishing have forced U.S. fishermen outside those protected areas. Thus, to provide adequate protection for domestic fishermen, it is necessary to expand the existing closed area system by creating a large gear sanctuary encompassing Kodiak Island, the lower Cook Inlet, and the Barren Islands.

This new Kodiak Gear Area will encourage the spread of domestic fishing over a larger area, reducing the harvest on some heavily harvested stocks in and adjacent to the present gear areas, and increasing the harvest of underutilized stocks outside those areas.

In making this proposal, the North Pacific Fishery Management Council chose a middle road between the Japanese, who favored an alternative smaller closed area, and proposals from domestic fishermen for closing even larger areas. The Council rejected the first proposal because it would not have substantially increased the protection for domestic fishermen, and the second because it would have greatly increased the costs of foreign groundfish operations.

Most foreign trawl fishing in the Gulf of Alaska is conducted along the 200-meter depth contour after May 31 when bottom trawl gear can be used. The proposed Kodiak Gear Area would reduce the foreign fishing area by about 165 linear miles (out of the 2,000 linear miles fished along the 200-meter contour) for approximately 10 weeks (September 15 to December 1) of the traditional foreign trawl fishery year.

Current regulations, 50 CFR 611.92(f)(1), for the Gulf of Alaska groundfish fishery preclude trawling with other than pelagic gear from December 1 to June 1. The fishery conservation zone between 147° W. longitude and 157° W. longitude is also closed to all foreign fishing from February 16 to June 1 each year to protect halibut. The Regional Director, NMFS, notifies the designated representative of each foreign nation at least 7 days before the U.S. halibut fishing season first opens.

Although the proposed Kodiak Gear Area would extend the time of closure for those portions of the Kodiak Halibut Areas within the gear area, it would allow foreign fishermen to fish longer (i.e., from August 1 to about September 15) in the present Kodiak Gear Areas than they do now. Except for the halibut areas, the proposed Kodiak Gear Areas will be open to foreign trawling for groundfish from June 1 until two days before the opening of the domestic king crab season (about September 15). The net result to foreign fishermen is an overall loss of fishing area but an increase in fishing time of about five weeks. The increased size of the area that would be closed to foreign trawl fishing during the king crab season should have no significant impact on the opportunities for foreign fishermen to harvest their allocations of the fish surplus to the domestic fishing quota.

The Assistant Administrator has determined that this amendment to the FMP is necessary and appropriate for conservation and management of fisheries resources in the Gulf of Alaska and that it is consistent with the Magnuson Fishery Conservation and Management Act, as amended, and other applicable law. The amendment has been initially approved and proposed regulations are issued under the terms of sections 304 and 305 of the Magnuson Act. An environmental impact statement is not required under the National Environmental Policy Act because the Assistant Administrator has determined that this action will not have significant impact on the quality of the human environment. An environmental assessment is on file with the Enviornmental Protection Agency. Regulations will be implemented in a manner that is, to the maximum extent practicable, consistent with the Alaska Coastal Management Program.

The Alaska Region, NMFS, prepares a draft regulatory analysis on the proposed amendment. On the basis of this document, and the criteria set forth in Executive Order 12291 (E.O. 12291), the Acting Administrator, NOAA, has determined that this amendment does not constitute a "major rule" requiring the preparation of a regulatory impact analysis. This rulemaking will not result in an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individuals, industries, Federal, State, or local government agencies or geographic regions; and it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of domestic-based enterprises to compete with foreign-based enterprises in domestic of export markets. The Acting Administrator further determined (1) that the implementation of Amendment 9 will adversely affect foreign interests exclusively and (2) that it will not have a significant adverse economic impact on a substantial number of small domestic entities; thus it does not require the preparation of a regulatory flexibility analysis (5 U.S.C. § 600 *et seq.)* Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons under the Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*)

Date: July 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 611 is proposed to be amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In part 611, § 611.92, paragraph (e)(2)(iii) is revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(e) * * *

(2) * * *

(iii) The *"Kodiak Gear Area"* from two days prior to the opening of the king crab season (in Registration Area K of State of Alaska commercial king crab fishing regulations) through February 15th. The Regional Director shall notify the designated representatives of each foreign nation of the opening date of the king crab season at least 4 days before that opening. This area is bounded by straight lines connecting points on shore to the following coordinates in the order listed:

North latitude	West longitude
57°25.2' (shoreline, north side Wide Bay, Alaska Peninsula)	156°19'
56°11'	158°19'
55°40'	159°17'
56°03'	159°46'
56°30'	153°00'
56°46'	152°20'
57°11'	151°16'
57°19'	150°57'
58°00'	150°00'
59°36.3' (shoreline, Kenai Bay, Kenai Peninsula)	150°09'

* * * * *

[FR Doc. 81-20048 Filed 7-8-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 131
Thursday, July 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Limestone County Stock Yard, Athens, Alabama, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
AL-107 Limestone County Stock Yard, Athens, Alabama.	May 21, 1959.
SC-108 P. L. Bruce and Company, Greenville, South Carolina.	January 28, 1960.
SC-120 Spartanburg Livestock Yard, Inc., Spartanburg, South Carolina.	January 28, 1960.
SC-122 Stamey Livestock Co., Sumter, South Carolina.	June 15, 1961.
SC-124 Herndon Stockyards, Inc., Yemassee, South Carolina.	July 5, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective July 9, 1981.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 1st day of July 1981.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-20176 Filed 7-8-81; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

[81-7-11]

Air New England Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause (81-7-11).

SUMMARY: The Board is instituting the *Air New England Additional Points Proceeding* and is proposing to grant unrestricted authority to Air New England at Albany, N.Y., Bangor, Manchester, Minneapolis-St. Paul, Minn., Newport, R.I., Norfolk-Virginia Beach-Portsmouth-Chesapeake, Va., and Presque Isle under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than July 29, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39618, which we have entitled the *Air New England Additional Points Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon all parties in the service list to Order 81-7-11.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-11 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-7-11 to that address.

By the Bureau of Domestic Aviation: July 6, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-20182 Filed 7-8-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

[A-201-034]

International Trade Administration

Elemental Sulphur From Mexico; Final Results of Administrative Review and Revocation in Part of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation in Part of Antidumping Finding.

SUMMARY: On February 23, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on elemental sulphur from Mexico. The review covered the three known exporters of this merchandise to the United States and separate time periods for each exporter. On April 9, 1981, the Department published a tentative revocation in part for one of the three exporters, CEDI.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

SUPPLEMENTARY INFORMATION:

Background

On June 28, 1972, a dumping finding with respect to elemental sulphur from Mexico was published in the **Federal Register** as Treasury Decision 72-179 (37 FR 12727). On June 13, 1979, the Treasury Department published a "Tentative Determination to Modify or

Revoke Dumping Finding" (44 FR 33998–9). On February 23, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Antidumping Finding" (46 FR 13533–34). The Department published a "Tentative Determination to Revoke Antidumping Finding in Part" on April 9, 1981 (46 FR 21216). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

Imports covered by this review are shipments of elemental sulphur. Basically, there are two types of sulphur, "bright" and "dark". Chemically these two types are almost equal, the dark sulphur being discolored by certain hydrocarbon impurities. The greatest single use of sulphur is in the manufacture of sulphuric acid. In elemental form or as sulphuric acid it enters into the production or processing of hundreds of products. Among the most important are fertilizers, chemicals, titanium and other pigments, pulp and paper, rayon, film, iron and steel, dyestuffs, vulcanized and synthetic rubber, insecticides, fungicides, fuels and explosives. Elemental sulphur is currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three firms which export sulphur directly to the United States. One of the three, Azufrera Panamerica, S.A., also exports sulphur produced by a non-exporting fourth firm, Pemex. Azufrera was excluded from the finding on January 5, 1978; however, appraisement instructions ("master lists") for one shipment by Azufrera in 1972 have not been issued. The present review completes consideration of Azufrera through the date of its exclusion. After the preliminary notice the Department published, on April 9, 1981, a tentative revocation in part with regard to the second firm, Compania Exploradora del Istmo, S.A., ("CEDI"). Reasons for the revocation in part were cited in the notice. The third firm, Agro Centro, S.A., failed to respond to the Department's questionnaire. For this non-responsive exporter we used in the February 23 notice the best information available, which is the highest fair value rate for the firms investigated.

Because Agro Centro was not one of those exporters cited in the Treasury Department's tentative revocation of this finding of June 13, 1979, and because Agro Centro was non-responsive, we will not consider revocation of the finding with respect to Agro Centro.

Final Results of the Review

The Department received no comments or requests for disclosure or a hearing. Therefore, the final results of our administrative review are the same as our preliminary results and, therefore, we determine that the following margins exist:

Exporter	Time period	Margin (percent)
Azufrera Panamerica, S.A.	Feb. 1972	[1] 11.5656
Compania Exploradora del Istmo, S.A.	Nov. 25, 1971 to Dec. 31, 1973.	0
	Jan. 1, 1979 to June 13, 1979.	0
Agro Centro, S.A.	Jan. 1, 1977 to May 31, 1980[2].	33

[1] The margin for the one remaining unliquidated entry dated prior to Azufrera's exclusion.
[2] Agro Centro made no entries during the 1980 portion of the period reviewed.

The Department shall determine, and the U.S. Customs Service shall assess, duties, where applicable, on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of 33 percent of the entered value shall be required on all shipments by Agro Centro, S.A., entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. Since Azufrera was excluded from the finding there will be no cash deposit requirement for that firm. The Department intends to conduct the next administrative review by the end of June 1982.

Determination

As a result of this review, the Department revokes the antidumping finding on elemental sulphur from Mexico with regard to CEDI. This revocation applies to unliquidated entries of the merchandise exported by CEDI entered, or withdrawn from warehouse, for consumption on or after April 9, 1981.

We are discontinuing the practice of updating the table in Annex I to Part 353 of the Commerce Regulations. Instead, interested parties may contact the Director of the Office of Compliance, International Trade Administration, for copies of the updated list of antidumping findings and orders.

This administrative review, final revocation in part, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54(e) of the Commerce Regulations (19 CFR 353.53, 353.54(e)).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.
July 2, 1981.
[FR Doc. 81-20068 Filed 7-8-81; 8:45 am]
BILLING CODE 3510-25-M

Pig Iron From Finland; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Finland. The review covers the only known exporter of this merchandise to the United States for the period September 1, 1971 through June 30, 1980. This review indicates no dumping margins for the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 24, 1971, a dumping finding with respect to pig iron from Finland was published in the **Federal Register** as Treasury Decision 71–194 (36 FR 13781).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on pig iron from Finland. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Finnish firm which manufactured and exported pig iron to the United States during the review period. That firm was Oy Koverhar Ab, which has since merged with its parent company, OVAKO Oy Ab. The review period is from September 1, 1971, through June 30, 1980.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act. Purchase price was based on the net f.o.b. price to an unrelated purchaser in the United Kingdom. The latter firm sold to another unrelated purchaser in the United Kingdom, who then exported the shipment to its U.S. subsidiary.

No adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since Oy Koverhar sold such or similar merchandise in Finland in sufficient quantities to provide an adequate basis for comparison. Home market price was the loaded ex-factory price. No adjustments were made or claimed.

Preliminary Results of the Review

As a result of our comparison of purchase price to home market price we preliminarily determine that no margins exist.

Interested parties may submit written comments on these preliminary results on or before August 10, 1981, and may request disclosure and/or a hearing on or before July 24, 1981. Any requests for an administrative protective order must be made no later than July 14, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin shall be required on all shipments of pig iron from Finland entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final notice. Since the most recent margin for the sole Finnish exporter was zero, the Department shall not require cash deposits on shipments of Finnish pig iron. This waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.
July 1, 1981.
[FR Doc. 81-20069 Filed 7-8-81; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee and its Advisory Panel; Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Thursday, July 23, 1981, at approximately 9 a.m., and will adjourn on Friday, July 24, 1981, at approximately 5 p.m., in the Elks Hall, Homer, Alaska. The SSC meeting will convene on Tuesday, July 21, 1981, at approximately 1:30 p.m., and will adjourn on Wednesday, July 22, 1981, at approximately 5 p.m., at the Bidarka Inn, Best Western Annex, Homer, Alaska. The AP meeting will convene on Wednesday, July 22, 1981, at approximately 9 a.m., and adjourn at approximately 5 p.m., at the Elks Hall, Homer, Alaska. These meetings may be lengthened or shortened depending upon progress on the agenda items.

PROPOSED AGENDA: Council—A detailed agenda will be sent to the public around July 10, 1981. The Council will hear reports on domestic and foreign fisheries, enforcement and surveillance, and the progress of various joint venture operations. The Council will also hear a report on an economists' workgroup on halibut limited entry and also may review foreign fishing permit applications. The Council intends to discuss a limited entry proposal for hand and power salmon trollers in the fishery conservation zone and will provide direction on refining the limited entry approach. The Council will also call for proposals for the 1982 salmon troll regulations and develop a tentative schedule for the 1982 amendment. Initial Council consideration is expected of the King Crab Fishery Management Plan (FMP) for 1982. The Council will hear a plan maintenance team report on the status of the Tanner Crab FMP and given direction to the team on further amending or redrafting the FMP. Similar action will be taken on the Gulf of Alaska Groundfish FMP. The Council is also expected to give final consideration to a redrafted amendment to the Bering Sea/Aleutian Islands Groundfish FMP, dealing with prohibited species, and discuss additional incentives to minimize prohibited species catches and provide flexibility to the National Marine Fisheries Service Regional Director to respond to emergency situations. Various contracts and research proposals will also be considered.

SSC and AP—Agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274–4563.

Dated: July 2, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.
[FR Doc. 81-20041 Filed 7-8-81; 8:45 am]
BILLING CODE 3510-22-M

Permit; Issuance

On April 23, 1981, notice was published in the **Federal Register** (46 FR 23097) that an application had been filed with the National Marine Fisheries Service by Zoo La Palmyre, Zoo Faune Tropicale, 17570 Les Mathes, France for a permit to obtain five (5) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on July 2, 1981, and as authorized by the provisions of the Marine Mammal

Protection Act of 1972 (16 U.S.C. 1361–1407) the National Marine Fisheries Service issued a public display permit for the above activity to Zoo La Palmyre subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 2, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–20042 Filed 7–8–81; 8:45 am]

BILLING CODE 3510–22–M

Permit; Modification

On April 10, 1981, Notice was published in the **Federal Register** (46 FR 21405) that request to modify Permit No. 258 had been filed with the National Marine Fisheries Service by Brian W. and Patricia A. Johnson, P.O. Box 3830, Honolulu, Hawaii 96812.

Notice is hereby given that pursuant to the provisions of Section 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals and Section 222.25 of the regulations governing endangered species permits, Permit No. 258 issued to Brian W. Patricia A. Johnson on March 28, 1979 (44 FR 19221), as modified on May 13, 1980 (45 FR 31458), was further modified as follows:

1. Section A–1 is modified to read:

"A total of two hundred ninety-two (292) Hawaiian monk seals *(Monachus schauinslandi)* may be taken by marking with a commercial dye. Each animal may be remarked up to three times."

2. Section B–7 is modified to read:

"This permit is valid with respect to the taking authorized herein until December 31, 1984."

This modification became effective on July 1, 1981.

The permit, as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 1, 1981.

William H. Stevenson,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81–20040 Filed 7–8–81; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Army

Finding of No Significant Impact and Withdrawal of Intent To Prepare an EIS

ACTION: Notice of Finding of No Significant Impact and Withdrawal of Notice of Intent to Prepare an EIS.

FOR FURTHER INFORMATION CONTACT: Dr. F. Prescott Ward, Chief, Ecology Branch, Environmental Technology Division, Chemical Systems Laboratory, Aberdeen Proving Ground, MD 21010; telephone (301) 671–2586/3584.

Notice—The Department of the Army gives notice that an Environmental Impact Statement (EIS) will not be prepared for the construction of a 155mm binary chemical munitions facility at Pine Bluff Arsenal, Arkansas. On November 13, 1980, the Army published a Notice of Intent to prepare an EIS for the 155mm binary munitions facility at Pine Bluff Arsenal. After public scoping on this issue, an Environmental Assessment was prepared which concluded that no significant environmental impacts will occur. The Finding of No Significant Impact (FONSI) may be reviewed at: Public Affairs Office, Pine Bluff Arsenal, Pine Bluff, Arkansas 71611; Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland 21010; and at the Army Environmental Office (DAEN–ZCE), Room 1E676, Pentagon, Department of the Army, Washington, DC 20310. In addition, limited copies of the FONSI are available for single-copy requests from the Public Affairs Office, Pine Bluff Arsenal, Arkansas.

The Department of the Army will receive comments on this action until August 10, 1981. Comments should be directed to Dr. Ward at the address shown above.

The Programmatic EIS for the Binary Chemical Munitions Program, announced on November 13, 1980, is currently under preparation. The Environmental Assessment prepared for the 155mm munition will be referenced in the Programmatic EIS.

Dated: July 6, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

[FR Doc. 81–20004 Filed 7–8–81; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, Sec. 10(a)(2)).

DATE: July 23, 1981 at 5:00 p.m. through July 25, 1981 at 2:30 p.m.

ADDRESS: Washington Hotel, 515 15th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Carol Stoel, Deputy Director, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, (202) 245–8091.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions".

The meeting of the National Board will be open to the public. The proposed agenda includes: Reviewing and recommending possible program directions for fiscal year 1981–82.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202, between the hours of 8:00–4:30 weekdays, except Federal Holidays.

Edward L. Meador,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 81–20177 Filed 7–8–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81–CERT–012]

Consolidated Edison Company of New York, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On June 22, 1981, Consolidated Edison Company of New York, Inc. (Con Edison), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for certification of an eligible use of approximately 22.3 billion cubic feet of natural gas during the period July 1, 1981, to October 31, 1981, to displace approximately 3,188,000 barrels of residual fuel oil (0.3 percent sulfur), approximately 412,000 barrels of kerosene (0.05 percent sulfur), and approximately 150,000 barrels of No. 2 fuel oil (0.2 percent sulfur) between July 1, 1981, and October 31, 1981, at its Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities in New York City. The eligible sellers and approximate volumes of natural gas to be purchased are: Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314 (11.9 billion cubic feet); Boston Gas Company, 1 Beacon Street, Boston, Massachusetts 02108 (6.1 billion cubic feet); Bay State Gas Company, 120 Royall Street, Canton, Massachusetts 02021 (1.4 billion cubic feet); and Pennsylvania Gas & Water Company, 39 Public Square, Wilkes-Barre, Pennsylvania 18711 (2.9 billion cubic feet). The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001; Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001; Consolidated Gas Supply Corporation, 445 West Main Street, Clarksburg, West Virginia 26301; Texas Eastern Gas Pipeline Company, P.O. Box 2521, Houston, Texas 77001; and Columbia Gas Transmission Corporation, *supra*.

Con Edison has requested that the certification be issued expeditiously to be in a position to begin the purchase of natural gas as close to July 1, 1981, as possible in order to displace the full volumes of imported fuel oil.

The ERA has carefully reviewed Con Edison's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisfies the criteria enumerated in 10 CFR Part 595. We are therefore granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of imported fuel oil, and it is in the public interest to maximize the displacement of imported fuel oil. The application also states that the use of this natural gas will be available to displace fuel oil only for a limited 4-month period ending October 31, 1981. Given the limited availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.06), if public comments show that the certificate was improperly granted, it is not in the public interest to permanently lose this opportunity to displace large volumes of imported fuel oil while public comments are being solicited. Based upon the applicant's representations as to the limited availability of the gas and because they form the basis for our granting expedited treatment, the certificate will expire on October 31, 1981.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before July 20, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Con Edison and any persons filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on July 2, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–20089 Filed 7–8–81; 8:45 am]

BILLING CODE 6450–01–M

Consolidated Leasing Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 16, 1981.

Comments by: August 10, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, telephone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On March 16, 1981, the Office of Enforcement of the ERA executed a Consent Order with Consolidated Leasing Corporation of Los Angeles, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Consolidated Leasing Corporation (Consolidated) with its home office located in Los Angeles, California, is a firm engaged in the retailing of motor

gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts, 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Consolidated, the Office of Enforcement, ERA, and Consolidated entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that Consolidated's refueling service charges were in excess of the maximum lawful selling prices for gasoline during the period August 1, 1979 through August 31, 1980 in violation of the Mandatory Petroleum Price Regulations, 10 CFR 212.93.

2. Consolidated denies that the regulations have ever applied or currently apply to its refueling service charges, and further denies that it has in any way violated the regulations.

3. Consolidated shall refund $16,500, which sum includes principal and interest. The refund is to be made upon execution of the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Consolidated agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in 1.1 above, the sum of $16,500. Refunded overcharges will be made in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.167. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to the U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7036.

You should identify your comments or written notification of claim on the outside of your envelope and on the documents you submit with the designation "Comments on Consolidated Leasing Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 25th day of June 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District Economic Regulatory Administration.

[FR Doc. 81-30089 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP 81-369-000]

City of Drakesboro, Kentucky, Applicant, Texas Gas Transmission Corp., Respondent; Application

July 2, 1981.

Take notice that on June 11, 1981, The City of Drakesboro, Kentucky (Applicant), Mayor's Office, Drakesboro, Kentucky 42337, filed in Docket No. CP 81-369-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas Gas) to continue the physical connection of its natural gas transportation system with the local distribution system of Applicant and to continue to sell natural gas to Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it owns and operates a local natural gas distribution system in the City of Drakesboro, Kentucky, and its environs which has insufficient local supplies to meet its customers' needs. Applicant indicates that it has been purchasing natural gas from Texas Gas pursuant to Commission order dated November 17, 1976, which expires on November 16, 1981. Applicant is currently receiving its natural gas supplies from Texas Gas, as well as small and declining volumes from Creek Oil Company, Inc. and Black Diamond No. 1 Well.

Applicant requests the Commission herein to direct Texas Gas to continue selling and delivering gas to Applicant on a permanent basis. Applicant requests a maximum daily quantity of up to 1,020 Mcf. Applicant further requests continuation of service without prior reporting on crediting conditions. Applicant estimates maximum day requirements for its residential, commercial and industrial customers for the next three years as follows:

	1,000 ft.³/d			
	Residential	Commercial	Industrial	Total
1981	782	251	252	1,286
1982	850	273	252	1,375
1983	881	283	252	1,416

This estimate is based on normal weather and normal growth.

Applicant estimates that the annual requirements for its residential, commercial and industrial customers for the next three years as follows:

	1,000 ft.³/d			
	Residential	Commercial	Industrial	Total
1981	67,826	21,804	39,312	129,042
1982	73,879	23,716	39,312	136,907
1983	76,586	24,584	39,312	140,482

These estimates are based on normal weather and normal growth, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30156 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4310-000]

Frank T. Clark; Application for Preliminary Permit

July 7, 1981.

Take notice that Frank T. Clark (Applicant) filed on March 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for Project No. 4310 known as the Kingsbury Branch Project located on the Winooski River in Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank T. Clark, R. D., #1 Box 517, Grand Isle, Vermont 05458.

Project Description—The proposed project would consist of: 1) an existing dam approximately 30 feet high and 72 feet long; 2) an impoundment covering 42 acres; 3) a new steel penstock 7 feet in diameter and 289 feet long; 4) a new powerhouse measuring approximately 25 by 50 feet and housing turbine/generator units with a total capacity of 1.3 MW; 5) a low voltage, 1,000-foot long transmission line and 6) appurtenant facilities.

The Applicant plans on selling the annual generation of 3.5 million kWh to the Green Mountain Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of one year, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $52,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20157 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-16-000]

Gulf States Utilities Co.; Filing

July 2, 1981.

The filing Company submits the following:

Take notice that on June 25, 1981, Gulf States Utilities Company applied for authority under Section 203 of the Federal Power Act to sell two 500kV transmission lines located in the State of Louisiana to Cajun Electric Power Cooperative for a consideration of approximately $14,693,841 in cash.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20158 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-371-000]

Northern Natural Gas Co. Division of InterNorth, Inc.; Application

July 7, 1981.

Take notice that on June 12, 1981, Northern Natual Gas Company Division of InterNorth Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-371-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Transwestern Pipeline Company (Transwestern) on a limited-term and best-efforts basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to its gas sales agreement with Transwestern dated June 1, 1981, Applicant would sell to Transwestern on a best-effort basis up to 50,000 Mcf of natural gas per day. It is said that such agreement would extend through October 31, 1983.

Applicant indicates that it would deliver gas to Transwestern at an existing point of interconnection between Applicant and Transwestern in Ward County, Texas, or at any other point mutually agreeable to the parties.

It is stated that Transwestern would pay Applicant for the subject gas a price which would be the higher of the then currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's then effective Zone 1 commodity rate under Applicant's Rate Schedule CD–1. Applicant states that the proposed sale would be contingent upon Applicant's ability to meet its existing general system volume requirements. It is further stated that in instances when Applicant cannot provide total requested deliveries to its off-system customers due to the volume demand of its general system requirements then Applicant would apply any excess volumes in a *prorata* manner subject to pipeline operational consideration to those off-system customers.

Applicant states that its customers would receive direct benefits from refunds attributable to off-system sales revenues accomplished by the revenue treatment proposed herein.

Applicant asserts that its currently effective rates are the result of a settlement agreement in Docket No. RP80–88 which provides for a Sales Refund Obligation (SRO) in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is submitted that Section III of the Stipulation and Agreement in Docket No. RP80–88 requires that Applicant refund to its customers the fixed cost component of its commodity rate (the market area commodity rates include a fixed cost component of 51.15 cents per Mcf) for any actual sales volumes in access of the settlement sales volume level to the extent that such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is further asserted that under the proposed revenue treatment, Applicant would refund by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all off-system sales rates in excess of the currently effective Zone 1 commodity rate.

Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80–88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from those sales.

Applicant asserts that it would have excess volumes of natural gas available on its system as a result of active acquisition and reduced market requirements and high deliverability requirements of new gas purchase contracts. It states that the proposed sale would allow it to manage better its overall gas supply and reduce exposure of substantial take-or-pay payments during the term of the sale.

Any person desiging to be heard or to make any protest with reference to said application should on or before July 24 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 81–20619 Filed 7–7–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–361–000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 7, 1981.

Take notice that on June 8, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81–361–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to Energy Gathering, Inc. (Energy Gathering), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Energy Gathering up to 100,000 Mcf of natural gas per day on a best-efforts basis for a period extending through October 31, 1983, pursuant to a gas sales agreement dated April 14, 1981.

Applicant asserts that the volumes to be sold to Energy Gathering would be surplus to Applicant's general system volume obligations and would be accomplished without jeopardizing service to its customers. Applicant further asserts that Energy Gathering would utilize the gas in its general system supply to serve existing customers.

Applicant states that delivery of volumes to Energy Gathering would be accomplished by Applicant delivering gas to Oasis Pipe Line Company (Oasis) at an existing point of interconnection between Applicant and Oasis in Pecos County, Texas, for redelivery by Oasis to Energy Gathering through displacement.

Applicant states that Energy Gathering would pay it for gas delivered at a price which would be the higher of the then currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's then effective Zone 1 AOS Rate of Applicant's FERC Gas Tariff, Third Revised Volume No. 1. Applicant states that such Zone 1 AOS rate is the Zone CD–1 Rate at 100 percent load factor. Applicant further proposes that all rates should be adjusted on a million Btu basis and exclude taxes.

Applicant explains that the volumes for sale herein would be contingent upon its ability to meet its existing general system volume requirements and in instances where it cannot provide total requested deliveries to its off-system Sales customers it would apply any excess volumes in a *pro-rata* manner subject to pipeline operational considerations to those off-system customers.

Applicant further requests that specific authorization be granted for its proposed treatment of the revenues received from such off-system sale. Applicant states that its currently effective rates are the result of a settlement agreement in Docket No. RP80–88 which provides for an SRO in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. Applicant asserts that Section III of the Stipulation and Agreement in Docket No. RP80–88 requires that Applicant refund to its customers the fixed cost component of its commodity rate (the market area commodity rates include a fixed cost component of 51.15 cents per Mcf) for any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is stated that the provisions of this SRO provide an effective refund mechanism for off-system sales revenues up to the level of such revenues generated by the actual off-system sales volumes at Applicant's Zone 1 commodity rate level but do not provide a refund mechanism for off-system sales revenues in excess of the Zone 1 commodity level.

Under the revenue treatment proposed herein, Applicant agrees to refund by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate. Applicant submits that with this treatment for the revenues above the Zone 1 commodity rate, the treatment for the remaining revenues derived from the Zone 1 commodity rate level would be consistent with that treatment for total system sales as required by the approved settlement agreement in Docket No. RP80–88.

Applicant believes that the revenue treatment for off-system sales is consistent with the concept underlying and the procedures of the SRO of Applicant's Stipulation and Agreement in Docket No. RP80–88. Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80–88. The revenue treatment as proposed herein would provide Applicant the opportunity to recover the cost of service related to those facilities through the revenues generated from these sales.

Applicant asserts that the proposed sale would allow Applicant to better manage its overall gas supply and reduce the exposure of substantial take-or-pay payments while enhancing Applicant's ability to acquire new gas supplies for the long-term benefit of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20160 Filed 7–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4758–000]

Price City, Utah; Application for Preliminary Permit

July 7, 1981.

Take notice that Price City (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4758 known as the Scofield Project located on the Price River in Carbon County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor H. Mark Hanson, Price City, Municipal Building, Price, Utah 84501.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Scofield Dam and would consist of: (1) a new penstock installed in and through the existing outlet tunnel; (2) a powerhouse containing generating unit(s) having a total rated capacity of 2,500 kW; (3) a 7-mile-long transmission line; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 21,900,000 kWh. Project energy would be sold to Utah Power & Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct an economic feasibility study, review and study environmental consequences, consult with Federal, State and local agencies, perform alternative design studies, and prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20161 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 382-004]

Southern California Edison Co.; Application for Approval of Revised Exhibits J, K and R

July 7, 1981

Take notice that Southern California Edison Company (Applicant) filed on March 9, 1981, an application for approval of revised Exhibits J, K, and R [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 382 known as the Borel Project located on the Kern River in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. T. Head, Jr., Vice President, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770.

Project Description—Applicant in its Exhibit R (recreation plan) proposed to develop a 50-unit, day-use picnic area along the Kern River immediately upstream of the Borel Powerhouse. The development would include: (1) an access road; (2) parking for 50 cars; (3) 50 picnic tables; (4) two comfort stations; (5) a pressurized water systems; and (6) fire grills. Exhibits J and K (project maps) have been revised to include the recreation area within the project boundary.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20102 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-357-000]

United Gas Pipe Line Co.; Application

July 7, 1981.

Take notice that on June 4, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-357-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap to enable Mississippi Valley Gas Company (Mississippi Valley) to render gas service to a new residential development in Madison County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 2-inch tap on its existing 6-inch Canton, Mississippi, line located in Madison County, Mississippi.

Applicant states that by letter dated April 9, 1981, Mississippi Valley requested the proposed tap in order to effectuate gas service for a new residential development in Madison County. Applicant states that under the terms of its service agreement with Mississippi Valley dated February 7, 1980, it delivers a maximum daily quantity (MDQ) of 116,542 Mcf of natural gas to Mississippi Valley. Applicant asserts that no increase in the authorized MDQ would be required.

Applicant estimates the cost of the proposed tap to be $1,260 which amount would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20160 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF81-5121]

Western Area Power Administration; Filing

July 2, 1981.

The filing Company submits the following:

Take notice that on June 24, 1981, pursuant to Delegation Order No. 0204-33, as amended, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy filed for Commission review of Rate Order No. WAPA-8, which approved the Western Area Power Administration's revised passthrough rate methodology for the sale of Centralia Powerplant capacity and energy and other Northwest energy to the Pacific Gas and Electric Company (PG&E).

The contract between the Western Area Power Administration (Western) and PG&E requires that a change in any rate or charge be submitted to the Commission if the parties are unable to agree to the change. PG&E does not agree with the rates set forth by Rate Order WAPA-8.

By letter agreement dated January 27, 1981, PG&E and Western have agreed that the rates approved by the Commission will be effective from April 1, 1981 through December 31, 1981, for Centralia power sales and from April 1, 1981 through March 31, 1986, for other Northwest energy sales. It is requested that the Commission allow the rates to go into effect, subject to refund, pending the Commission's final decision.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20164 Filed 7-8-81; 8:45 am]

BILLING CODE 6450-85-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-21]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Cut-Off Date: August 7, 1981.

Released: June 30, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on August 7, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on August 7, 1981.

BP-810309AQ (Weep), Hampton Township, Pennsylvania, Radio 1080 Corp., Has: 1080 kHz, 50 kW, DA, Day (Pittsburgh), Req: 1070 kHz, 2.5 kW, 25 kW-LS, DA-2, U (Hampton Township)

BP-810330AH (New), Milwaukee, Oregon, John E. Grant and Lester W. Spillane d.b.a. Grant & Spillane, Req: 1010 kHz, 250 W, Day

BP-810618AD (New), Elmwood Township, Michigan, Paragon Radio Network, Inc., Req: 1400 kHz, 250 W, 1 kW-LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-20123 Filed 7-8-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-34]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Cut-Off Date: August 6, 1981.

Released: June 30, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after August 6, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 6, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the close of business on August 6, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on August 6, 1981.

BP-800828AE (WBRN), Big Rapids, Michigan, WBRN, Incorporated. Has: 1460 kHz, 1 kW, D, Req: 1460 kHz, 2.5 kW, 5kW-LS, DA-N, U

BP-810209AC (KTAC), Fife, Washington, Entertainment Communications, Inc., Has: 850 kHz, 1 kW, 10 kW-LS, DA-2, U (Tacoma), Req: 840 kHz, 1 kW, 10 kW-LS, DA-2, U (Fife)

BP-810316AB (WWZZ), Sarasota, Florida, Sun Broadcasting Company of Florida, Has: 1280 kHz, 500 W, DA-D, Req: 1280 kHz, 2.5 kW, DA-D

BP-810320AB (WHAZ), East Greenbush, New York, WPOW, Inc., Has: 1330 kHz, 1 kW, D (Troy), Req: 640 kHz, 1 kW-LS, DA-N, U (East Greenbush)

BP-810402AA (New), Yauco, Puerto Rico, Radio Voice of Yauco, Inc., Req: 860 kHz, 500 W, DA-2, U

BP-810427AQ (KIVY), Crockett, Texas, Pioneer Broadcasting Company, Has: 1230 kHz, 1 kW, D, Req: 1230 kHz, 2.5 kW, D

BP-810427AR (WNOG), Naples, Florida, Palmer Communications, Incorporated, Has: 1270 kHz, 500 W, DA-N, U, Req: 1270 kHz, 1 kW, DA-2, U

BP-810428AG (New), Riverbank, California, Robert A. Jones, Marvin B. Clapp and Carl J. Auel, d.b.a. Riverbank Broadcasters, Req: 770 kHz, 1 kW, DA-N, U

BP-810529AG (New), Sidney, New York, Robert Raide, tr/as, Broadcast Facilities Company, Req: 1490 kHz, 250 W, 1 kW-LS, U

BP-810622AA (New), Carrollton, Georgia, West Georgia Broadcasting, Inc., Req: 1100 kHz, 1 kW, D

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BPI–810622AC (New), Carrollton, Georgia, West Georgia Broadcasting, Inc., Req: 1100 kHz, 1 kW, D

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–20124 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1295]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

July 2, 1981.

The following listings of petitions for consideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before July 24, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Various Methods of Transmitting Program Material to Hotels and Similar Locations and Use of the Business Radio Service for the Transmission of Motion Pictures or Other Program Material to Hotels or Other Similar Points. (Docket No. 19871)

Filed by: Wayne V. Black and C. Douglas Jarrett, Attorneys for Central Committee On Telecommunications of the American Petroleum Institute on 6–22–81.

Subject: An Inquiry Into the Use of the Bands 825–845 MHz and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems. (CC Docket No. 79–318, RM–3200)

Filed by: David C. Jatlow and Richard Rubin, Attorneys for Metro Mobile Communications, Inc. on 6–22–81. John R. Hoffman, Attorney for United Telephone System, Inc. on 6–22–81. David Cosson and Amy S. Gross, Attorneys for the National Telephone Cooperative Association, A. Harold Peterson, Attorney for National REA Telephone Association, James G. Mercer, Executive Vice President for Organization for the Protection and Advancement of Small Telephone Companies, and David A. Irwin, Attorney for Organization for the Protection and Advancement of Small Telephone Companies for the Rural Telephone Coalition on 6–22–81. Larry S. Solomon, Ronald C. Coleman, Richard M. Rindler and George M. Pond, Attorneys for Millicom Incorporated on 6–22–81. Thomas J. O'Reilly, Attorney for United States Independent Telephone Association on 6–22–81. Thomas J. O'Reilly, Attorney for Lincoln Telephone & Telegraph Company on 6–22–81. James M. Tobin, Daniel A. Huber, Mitchell F. Brecher and Mark P. Bresnahan, Attorneys for Southern Pacific Communications Company on 6–22–81. Stephen A. Weiswasser, Maury J. Mechanick and Fern B. Kaplan, Attorneys for LIN Broadcasting Corporation on 6–22–81. Clayton E. Niles, Chairman of the Board and Chief Executive Officer, and Jeremiah Courtney, Attorney for Communications Industries, Inc. on 6–22–81.

Filed by: Richard McKenna, Attorney for GTE Service Corporation and its Affiliates on 6–22–81. William F. Baxter, Assistant Attorney General Antitrust Division, Ronald G. Carr, Acting Deputy Assistant Attorney General, Stanley M. Gorinson, Chief, Special Regulated Industries Section, Robert E. Hauberg, Jr., Assistant Chief, Special Regulated Industries Section, Karen Magid, Attorney Special Regulated Industries Section, and Timothy J. Brennan, Economist, Economic Policy Office for the United States Department of Justice on 6–22–81. Wilson B. Garnett, Vice President, and Martin T. Mccue, Attorney for Central Telephone & Utilities Corporation on on 6–22–81. John H. Arnessen, Assistant Administrator—Telephone for the Rural Electrification Administration on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Radiofone, Inc. on 6–22–81. E. William Henry and Lawrence P. Keller, Attorneys for Continental Telephone Corporation on 6–22–81. John M. Lothschuetz and John W. Hunder Attorneys for United Communications Systems, Inc. on 6–22–81. John L. Bartlett, David E. Hilliard, Robert J. Butler, Karl F. Nygren and Leonard Kolsky, Attorneys for Motorola, Inc. on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Rogers Radio Communications Services, Inc. on 6–22–81. Kenneth E. Hardman and Richard B. Severy, Attorneys for Telocator Network of America on 6–22–81. Anthony J. Calio, Associate Administrator for Office of Space and Terrestrial Applications for National Aeronautics and Space Administration on 6–22–81. Norman E. Jorgensen and Carl W. Northrop, Attorneys for Industrial Communications Systems, Inc. on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Zip-Call, Inc. on 6–22–81. Arthur Blooston and Robert J. Keller, Attorneys for Mobilfone Service, Inc. on 6–22–81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–20125 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. B–27]

Cut-off date: August 21, 1981.

Released: July 8, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on August 21, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 21, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT–810615KJ (New) Wilmington, North Carolina, Cape Fear Television, Inc., Channel 29, ERP: Vis. 1345 kW; HAAT: 735 feet

BPCT–810615KI (New) High Point, North Carolina, Triad Family Television, Inc., Channel 67 ERP: Vis. 630 kW; HAAT: 478 feet

BPCT–810615KS (New) High Point, North Carolina, High Point Community Television, Inc., Channel 67, ERP: Vis. 4800 kW; HAAT: 2052 feet

BPCT–810615KH (New) Toledo, Ohio, Toledo Family Television, Inc., Channel 36, ERP: Vis. 1504 kW; HAAT: 967 feet

BPCT–810615KO (New) Toledo, Ohio, Toledo Ohio T.V., Inc., Channel 36, ERP: Vis. 5000 kW; HAAT: 469 feet

BPCT–810615KU (New) Toledo, Ohio, Channel 36, Inc., Channel 36, ERP: Vis. 2056 kW; HAAT: 1416 feet

BPCT–810615KW (New) Toledo, Ohio, tv USA/Toledo, Inc., Channel 36, ERP: Vis. 4243 kW; HAAT: 1425 feet

[FR Doc. 81–20144 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

[Report No. B–28]

Released: July 2, 1981.

Cut-Off Date: August 17, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on August 17, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 17, 1981. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPCT–810611KE (New) San Diego, California, Christian Communications Network, Channel 69, ERP: Vis. 4931 kW; HAAT: 1853 feet

BPCT–810615KE (New) San Diego, California, Federal Broadcasters, Inc., Channel 69, ERP: Vis. 3342 kW; HAAT: 1906 feet

BPCT–810615KP (New) San Diego, California, San Diego Family Television, Inc., Channel 69, ERP: Vis. 2793 kW; HAAT: 1949 feet

BPCT–810615KL (New) San Diego, California, LLMR Broadcasting, Inc., Channel 69, ERP: Vis. 5000 kW; HAAT: 1906 feet

BPCT–810615KN (New) San Diego, California, Intersat Communications Corp., Channel 69, ERP: Vis. 1222 kW; HAAT: 1804 feet

BPCT–810615KP (New) San Diego, California, Local Service Television, Inc., Channel 69, ERP: Vis. 4755 kW; HAAT: 1925 feet

BPCT–810615KV (New) San Diego, California, Channel 69 Corporation, Channel 69, ERP: Vis. 3239 kW; HAAT: 1844 feet

BPCT–810428KG (New) Lander, Wyoming, The Chrysostom Corporation, Channel 4, ERP: Vis. 100 kW; HAAT: 272 feet

[FR Doc. 81–20145 Filed 7–8–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

[No. ac–125]

Texas Federal Savings and Loan Association, Dallas, Texas; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Date: July 2, 1981.

Notice is hereby given that on June 17, 1981, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), by Resolution Nos. 81–336 and 81–337 approved two amendments to the application of Texas Federal Savings and Loan Association, Dallas, Texas ("Association") amending the plan of conversion and providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $13,725,000 nor more than $18,525,000. The conversion application of the Association was approved on March 31, 1981, by Board Resolution 81–176 which Resolution required that the conversion stock be sold for an aggregate price within a range from $19,600,000 to $26,400,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street, N.W., Washington, D.C. 20052, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–20171 Filed 7–8–81; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 10421, 10423 and T–3976]

Availability of Findings of no Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10421 permits Pan American Mail Line, Inc., and Linea Naviera Panatlantica, S.A., to employ the firm of Chester, Blackburn & Roder, Inc., as general agents in the U.S. It also permits each of the parties to operate a liner service under the trade name "Pan Atlantic Lines" and use the stack symbol: "AMI GLOBE".

Agreement No. 10423, a transshipment agreement between Matson Navigation Company, Inc., and Philippines, Micronesia and Orient Navigation Company (PM&O), provides for the carriage of PM&O's containerized and noncontainerized cargo by Matson between Honolulu, Hawaii, and Portland, Oregon; Seattle, Washington, and Oakland and Los Angeles, California.

Agreement No. T–3976, between Puerto Rico Ports Authority (Authority) and Sea-Land Service, Inc. (Sea-Land), authorizes the Authority to lease property at the Puerto Nuevo terminal in San Juan Harbor to Sea-Land for exclusive use.

The Findings of No significant Impact (FONSI) will become final within 20 days of publication of the Notice of Availability of Finding of No Significant Impact in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking

Acting Secretary.

[FR Doc. 81–20065 Filed 7–8–81; 8:45 am]

BILLING CODE 6730–01–M

[Agreement No. T–3978]

Container Crane Lease Between Sea-Land Service, Inc. and City of Long Beach; Notice of Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T–3978 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The subject of this agreement is two container cranes owned by Sea-Land Service, Inc. (Sea-Land). Under the terms of the agreement, these cranes would be made available by Sea-Land to the City of Long Beach (the City), which in turn would lease them to Maersk Line Pacific.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–20066 Filed 7–8–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 86]

John A. Merritt & Co.; Order of Revocation

On May 29, 1981, John A. Merritt & Company, 604 South Palafox Street, Pensacola, Florida 32593 surrendered its Independent Ocean Freight Forwarder License No. 86 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 86 issued to John A. Merritt & Company be revoked effective July 1, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon John A. Merritt & Company.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-20084 Filed 7-8-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 672]

Southern Steamship Agency, Inc.; Order of Revocation

On June 1, 1981, Southern Steamship Agency, Inc., 118 N. Royal Street, P.O. Box 2188, Mobile, Alabama 36601 surrendered its Independent Ocean Freight Forwarder License No. 672 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 672 issued to Southern Steamship Agency, Inc. be revoked effective July 1, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Southern Steamship Agency, Inc.

Albert J. Klingel, Jr.,

Director Bureau of Certification and Licensing.

[FR Doc. 81-20087 Filed 7-8-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

GSA Bulletin FPR-52 Federal Procurement

June 30, 1981.

To: Heads of Federal agencies.

Subject: Conversion cost-estimating techniques.

1. *Purpose.* This bulletin announces the availability of a Federal Conversion Support Center (FCSC) report regarding the review and analysis of conversion cost-estimating techniques.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

3. *Background.*

a. Software conversion is the transformation, without functional change, of computer programs or data elements to permit their use on a replacement or changed ADP equipment or teleprocessing service system.

b. The conversion process is a highly complex and expensive procedure which requires considerable planning if it is to be successfully accomplished. Both the Federal Property Management Regulations (FPMR) and Federal Procurement Regulations (FPR) address this area. (See FPMR §§ 101-35.203-6, 101-35.206, 101-35.206-1, and 101-35.206-2 and FPR §§ 1-4.1109-12, 1-4.1109.11-3, and particularly 4.1109-14.)

c. The FCSC specializes in software conversion assistance, guidance, and support services. It is operated by GSA to provide Federal agencies, on a reimbursable basis, with specialized expertise, techniques, and tools to conduct conversion studies, plans, and procurements and to accomplish software conversions.

d. One of the earliest planning steps is to estimate the resources necessary to accomplish a conversion. However, little information has been published on conversion cost-estimating. Much of the available data is subjective, biased, outdated, or not applicable to the current environment, the new generation of computers, or modern programing practices. None of the published reports detail all actual expenditures versus estimated costs or are fully validated for general use.

Note.—This information is identical to the information in GSA Bulletin FPMR F-133.

e. In response to this problem, the FCSC has conducted a study of existing conversion cost-estimating techniques. The study evaluates the advantages, disadvantages, assumptions, and constraints of published cost-estimating techniques to determine if any could be adapted for Government-wide use.

4. *Report availability.* The FCSC has prepared Report No. GSA/FCSC-81/001, dated April 1981, entitled "Review and Analyses of Conversion Cost-Estimating Techniques." Limited copies of the report are available to all Federal agencies from the FCSC at the address given in paragraph 6.

5. *Potential Benefits.* This report may assist agencies in keeping accurate records, and in making better estimates, of conversion project costs. The use of standard units of cost measures and task breakdowns may contribute to the ease with which data from different sources can be compared. In turn, cost estimating techniques can be further refined.

6. *Information, comment, or assistance.* For further information, comments, or assistance, contact: Federal Conversion Support Center, General Services Administration, 5203 Leesburg Pike, Suite 1100, Falls Church, VA 22041, Telephone: 703/756-6156.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81-20127 Filed 7-8-81; 8:45 am]

BILLING CODE 6820-25-M

Office of the Federal Register

Standard Building Code; Notice of Research and Education Conference

AGENCY: Office of the Federal Register.

ACTION: Notice of Public Meeting.

SUMMARY: The Southern Building Code Congress International will hold its annual Research and Education Conference. The Conference will include hearings on proposed changes to the Standard Building Code and other related codes. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATE: October 25, 1981 through October 29, 1981.

ADDRESS: Sheraton Twin Towers Hotel, Orlando, Florida.

FOR FURTHER INFORMATION CONTACT: Registration information and code change agenda: William G. Vasvary, Executive Director, Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213 (205) 591-1853. Federal Register contact: Gary Segal (202) 523-4534.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 81-20178 Filed 7-8-81; 8:45 am]

BILLING CODE 1505-02-M

Uniform Building Code; Notice of 59th Conference on Education and Code Development

AGENCY: Office of the Federal Register.

ACTION: Notice of Public Meeting.

SUMMARY: The International Conference of Building Officials (ICBO) will hold its annual Conference on Education and Code Development. The Conference will include hearings on proposed changes to the Uniform Building Code and other related codes. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATE: October 4, 1981 through October 9, 1981.

ADDRESS: Hyatt Regency Hotel, Indianapolis, Indiana.

FOR FURTHER INFORMATION CONTACT: Registration information and code change agenda: James E. Bihr, Executive Director, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (213) 699-0541. Federal Register contact: Gary Segal (202) 523-4534.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 81-20179 Filed 7-8-81; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Trials Committee; Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Clinical Trials Committee, National Cancer Institute, National Institutes of Health, July 9, 1981, which was published in the Federal Register on June 22, 1981, (46 FR 32316). For further information, please contact Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7575).

Dated: July 1, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-20080 Filed 7-7-81; 11:20 am]

BILLING CODE 4110-08-M

Public Health Service

National Council on Health Care Technology, Subcommittee on Grants and Contracts; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Subcommittee on Grants and Contracts of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95-623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Thursday, July 30, 1981 at 8:30 a.m. at the Hubert H. Humphrey Building, 200 Independence Avenue, N.W., Washington, D.C. In accordance with the provisions set forth in Section 552b(c)(4) and 552(c)(6), Title V, U.S. Code and Section 10(d) of Pub. L. 92-463, the Subcommittee on Grants and Contracts will be closed from 8:30 a.m. to adjournment for the review, discussion and evaluation of the individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Further information regarding the Council may be obtained by contacting Hilda Stofko, Executive Secretary, National Council on Health Care Technology, Room 17A-29, 5600 Fishers Lane, Rockville, Maryland 20857.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

June 23, 1981.

[FR Doc. 81-20185 Filed 7-8-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3501, Block 281, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20187 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0138, Block 45, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:
U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20168 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2041, Block 257, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:
U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 1, 1981.

Lowell G. Hammons,

Conservation Manager Gulf of Mexico OCS Region.

[FR Doc. 81-20169 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-31-M

Bureau of Land Management

[AA-20298]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

On October 16, 1978, Cook Inlet Region, Inc., filed selection application AA–20298 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 for the surface and subsurface estates of certain lands on the Kenai Peninsula.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located inside the boundaries of Cook Inlet Region. The lands within selection AA–20298 were placed in the pool of properties available for Cook Inlet Region, Inc., subject to valid existing rights, by notice dated June 26, 1980.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Seward Meridian, Alaska (Surveyed)

T. 5 N., R. 10 W.
Sec. 16, Lot 1.

Containing 40.45 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of lands shall be subject to:

Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (P.L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $139,310. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 278.62 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 278.62 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement of Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Daily News.*

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 10, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ana Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-20131 Filed 7-8-81; 8:45 am]
BILLING CODE 4310-84-M

[AA-9206-A]

Alaska Native Claims Selection; Shee Atika, Inc.

Section 506(c)(1) of the Alaska National Interest Lands Conservation Act of December 2, 1980, Public Law 96–487 (94 Stat. 2409) (ANILCA), directs conveyance of the surface estate of certain lands on Admiralty Island to Shee Atika, Incorporated, for the Natives of Sitka. This conveyance is to partially satisfy the rights of the Natives of Sitka, as provided in Sec. 14(h)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(h)) (1976).

In view of the foregoing, the surface estate of the following described lands, pursuant to Sec. 506(c)(1) of ANILCA, aggregating approximately 23,073 acres, will be conveyed, subject to valid existing rights to Shee Atika, Incorporated.

Copper River Meridian, Alaska

T. 45 S., R. 66 E. (Partially Surveyed)
Sec. 21, S½SE¼;
Sec. 22, E½SW¼, SW¼SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, W½NW¼, NW¼SW¼, S½S½;
Sec. 28, lots 1, 2, and 3, E½, E½W½, NW¼NW¼;
Sec. 29, lots 2, 3, and 4;
Sec. 33, E½, E½W½, SW¼SW½;
Sec. 34, excluding Peanut Lake;
Sec. 35, W½W½.

Containing approximately 2,481 acres.

T. 46 S., R. 66 E. (Partially Serveyed)
Sec. 1, SW¼ excluding Lake Kathleen; S½NW¼, N½SE¼, SE¼SE¼;
Sec. 2, S½N½, S½, excluding Lake Kathleen; NW¼NW¼;
Sec. 3, excluding Peanut Lake and Lake Kathleen;
Sec. 4, lots 1, 2, 4, and 5, N½NE¼, SW¼NE¼, NW¼, E½SW¼, W½SE¼;
Sec. 10, E½ excluding Lake Kathleen;
Sec. 11, NW¼NW¼ excluding Lake Kathleen; NE¼NE¼, S½SW¼;
Sec. 12, N½ excluding Lake Kathleen;
Sec. 14, W½, SW¼SE¼;
Sec. 15, N½NE¼, SE¼NE¼;
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, all;
Sec. 26, NE¼;
Sec. 35, E½, SE¼NW¼, E½SW¼;
Sec. 36, N½, N½S½.

Containing approximately 5,351 acres.

T. 47 S., R. 66 E. (Partially Surveyed)
Sec. 2, E½, E½W½;
Sec. 11, S½ excluding Lake Florence and Native allotment AA–6561; NE¼, E½NW¼;
Sec. 12, S½ excluding Lake Florence; S½NW¼;
Sec. 13, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, excluding Lake Florence; S½;
Sec. 14, N½N½ excluding Lake Florence; E½SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, N½N½.

Containing approximately 2,095 acres.

T. 45 S., R. 67 E. (Unsurveyed)
Sec. 21, SE¼SE¼;
Sec. 22, S½SW¼;
Sec. 27, E½NW¼, W½W½, NE¼SW¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼;
Sec. 31, S½SE¼;
Sec. 32, S½;
Sec. 33, NE¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 34, NW¼NW¼.

Containing approximately 1,640 acres.

T. 46 S. R. 67 E. (Unsurveyed)
Sec. 4, W½NE¼, NW¼;
Sec. 5, N½, N½S½, SW¼SW¼;
Sec. 6, NE¼, SE¼NW¼, S½;
Sec. 7, N½N½;
Sec. 8, NW¼NW¼;
Sec. 11, SE¼NE¼, S½S½, N½SE¼;
Sec. 12, S½N½, N½S½;
Sec. 14, NE¼, W½, NW¼SE¼;
Sec. 15, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 19, NE¼SW¼, S½S½, N½SE¼;
Sec. 20, S½;
Sec. 21, S½N½, S½;
Sec. 22, E½NE¼, W½E½, W½, NE¼SE¼;
Sec. 23, SW¼NE¼, W½, SE¼;
Sec. 26, N½NE¼;
Sec. 27, NW¼NE¼, N½NW¼;
Sec. 28, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Secs. 29 and 30 all;
Sec. 31, W½, W¼NE¼, NW¼.

Containing approximately 7,250 acres.

T. 47 S. R. 67 E. (Unsurveyed)
Sec. 1, W½NE¼, NW¼;
Sec. 2, S½N½, N½S¼;
Sec. 3, SE¼NE¼, S½;
Sec. 7, S½N½, S½, excluding Florence; N½NE¼, NE¼NW¼;
Sec. 8, excluding Lake Florence;
Sec. 9, NE¼NW¼, W½NW¼, SW¼, excluding Lake Florence; NE¼, W½SE¼, SE¼SE¼;
Sec. 10, N½NW¼;
Sec. 15, W½SW¼;
Sec. 16, W¼NE¼, W½, N½SE¼, SE¼SE¼;
Secs. 17 and 18, all.

Containing approximately 4,256 acres.

Aggregating approximately 23, 073 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accuring unto said estate pursuant to the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2409); and

2. Pursuant to Sec. 506(c)(2) of the Alaska National Interest Lands Conservation Act of December 2, 1980, the following public easements as described in Sec. 17(b)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), and as disignated by the Secretary of Agriculture, and referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–9206–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, and animals.

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

Trail Easements

a. (EIN 1) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 1a on the west shore of Lake Kathleen in Sec. 3, T. 46 S., R. 66 E., Copper River Meridian, thence northeasterly to and along the ridge to the national forest boundary, a distance of approximately 0.9 mile. The uses allowed are those

listed above for a twenty-five (25) foot trail easement.

b. (EIN 2) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 1a on the west shore of Lake Kathleen in Sec. 3, T. 46 S., R. 66 E., Copper River Meridian; thence westerly to the national forest boundary at the mean high water mark on the south shore of Peanut Lake in Sec. 4, T. 46 S., R. 66 E., Copper River Meridian, a distance of approximately 0.8 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 3) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from a point upland of the national forest boundary and mean high water mark on the south shore of Peanut Lake in Sec. 4, T. 46 S., R. 66 E., Copper River Meridian; thence southwesterly to the national forest boundary, at the section line between Secs. 4 and 9, T. 46 S., R. 66 E., Copper River Meridian, a distance of approximately 0.4 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement

d. (EIN 4) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at the national forest boundary on the line between the NW¼SE¼ and SW¼SE¼ Sec. 1, T. 46 S., R. 66 E., Copper River Meridian; thence northeasterly to the national forest boundary, a distance of approximately 0.5 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 5a) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 5c at the Forest Service cabin on the south shore of Lake Kathleen in Sec. 12, T. 46 S., R. 66 E., Copper River Meridian; thence southeasterly to the national forest boundary, a distance of approxaimately 0.6 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 5b) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 5c at the Forest Service cabin on the south shore of Lake Kathleen in Sec. 12, T. 46 S., R. 66 E., Copper River Meridian; thence in a southerly direction to the national forest boundary, a distance of approximately 0.5 mile. The uses allowed are those listed above for a twenty-five (25) foot trail easement.

g. (EIN 6) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 6a near the outlet on the west shore of Lake Florence in Sec. 11, T. 47 S., R. 66 E., Copper River Meridian; thence northwesterly to the national forest boundary, a distance of approximately 0.2 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 7) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 7a at the West Lake Florence Cabin on the south shore of Lake Florence in Sec. 13, T. 47 S., R. 66 E., Copper River Meridian; thence southerly to the national forest boundary, a distance of approximately 0.2 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 8) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 7a at the West Lake Florence Cabin on the south shore of Lake Florence in Sec. 13, T. 47 S., R. 66 E., Copper River Meridian; thence, southeasterly along the ridge to the national forest boundary, a distance of approximately 1.6 miles. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

j. (EIN 9) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at the national forest boundary in the SW¼NE¼ Sec. 9, T. 47 S., R. 67 E., Copper River Meridian; thence easterly to the national forest boundary, a distance of approximately 1.0 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 10) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at the national Forest boundary in the SW¼NE¼ Sec. 9, T. 47 S., R. 67 E., Copper River Meridian; thence southerly to the national forest boundary, a distance of approximately 1.0 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

l. (EIN 11) An easement twenty-five (25) feet in width for a proposed access trail: Beginning from site easement EIN 11a on the north shore of Lake Florence in Sec. 9, T. 47 S., R. 67 E., Copper River Meridian; thence northerly to the national forest boundary, a distance of approximately 0.3 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

m. (EIN 12) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at site easement EIN 12a at Cube Cove in lot 3, Sec. 29, T. 45 S., R. 66 E., Copper River Meridian; thence southerly to a junction with easement EIN 3 in Sec. 9, T. 46 S., R. 66 E., Copper River Meridian, a distance of approximately 1.6 miles. (The easement reserved affects only that portion of the trail located on Shee Atika land.) the uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

n. (EIN 13) An easement twenty-five (25) feet in width for a proposed access trail: Beginning at site easement EIN 13a on the north shore of Lake Florence in Sec. 7, T. 47 S., R. 67 E., Copper River Meridian; thence northerly to the national forest boundary, a distance of approximately 0.6 mile. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

Site Easements

o. (EIN 1a) A one (1) acre site easement on the west shore of Lake Kathleen upland of the mean high water mark at the terminus of easements EIN 1 and EIN 2 in Sec. 3, T. 46 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

p. (EIN 5c) A one (1) acre site easement on the east shore of Lake Kathleen upland of the mean high water mark surrounding the Lake Kathleen Cabin, at the terminus to easements EIN 5a and EIN 5b in Sec. 12, T. 46 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

q. (EIN 6a) A one (1) acre site easement near the outlet of Lake Florence on the west shore upland of the mean high water mark at the terminus of easement EIN 6 in Sec. 11, T. 47 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

r. (EIN 7a) A one (1) acre site easement on the south shore of Lake Florence, upland of the mean high water mark surrounding the West Lake Florence Cabin, at the terminus of easement EIN 7 in Sec. 13, T. 47 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

s. (EIN 11a) A one (1) acre site easement on the east shore of Lake Florence upland of the mean high water mark surrounding the East Lake Florence Cabin, at the terminus of easement EIN 11 in Sec. 9, T. 47 S., R. 67 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

t. (EIN 12a) A one (1) acre site easement on the south shore of Cube Cove upland of the mean high tide line at the terminus of easement EIN 12 in lot 3, Sec. 29, T. 45 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

u. (EIN 13a) A one (1) acre site easement on the north shore of Lake Florence upland of the mean high water mark at the terminus of easement EIN 13 in Sec. 7, T. 47 S., R. 66 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(k)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands.

Pursuant to Sec. 506(c)(1) of ANILCA, conveyance to the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Shee Atika, Incorporated and shall be subject to the same conditions as the surface conveyance.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Southeast Alaska Empire (Juneau).* Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Any parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until August 10, 1981 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Shee Atika, Incorporated, Box 4360, Mt. Edgecombe, Alaska 99835

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-20132 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting; Butte District, Montana

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Tuesday and Wednesday, August 11 and 12, 1981.

The meeting will begin at 1:00 p.m. on August 11 in the conference room of the Butte District Office at 106 N. Parkmont (Industrial Park), Butte, Montana. The agenda will include:

1. An update on the district's wilderness review program.
2. A report and discussion on the district's oil and gas leasing program.
3. A discussion of the budget outlook for FY 1982.
4. Council topics.
5. A field trip to Bell/Limekiln Canyon in the Dillon Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 106 N. Parkmont, P.O. Box 3388, Butte, Montana 59702 by August 7. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: July 1, 1981.

Jack A. McIntosh,

Butte District Manager.

[FR Doc. 81-20137 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public Lands in Beaverhead County, Montana; Correction

In **Federal Register** Document 81–18111 appearing on page 31946, June 18, 1981, the eighth line of the fourth paragraph is corrected to read:

"Section 1, E½SW¼, S½SE¼—160 acres."

Item 4 of the sixth paragraph is corrected to read:

"Oil and gas leases M–32486 and M–33152 remain in effect until terminated by operation of existing laws."

The final paragraph is corrected to read:

"For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the authorized officer, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the department."

Dated: July 1, 1981.

Gerald L. Quinn,

Acting Butte District Manager.

[FR Doc. 81-20138 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

California; Bodie/Coleville Grazing Management Plan, Intent To Prepare an Environmental Impact Statement

Department of the Interior, Bureau of Land Management, Bakersfield District, California, will prepare an

Environmental Impact Statement on a proposed grazing management plan on approximately 250,000 acres of the Bodie and Coleville Planning Units in Mono County, California. The statement will analyze anticipated environmental consequences which would result from the implementation of alternative grazing plans proposed by the Bishop Resource Area Manager. These alternative plans will incorporate variations in forage allocation, seasonal use, and intensity of livestock grazing management. The final statement is scheduled for completion September 30, 1982.

Mailouts will be distributed to interested individuals detailing issues which will be addressed in the document. Some of the major issues identified by the BLM to date are forage allocation, impacts on water resources, and range improvements as they affect mule deer, antelope and sage grouse habitat. The public will be asked to review and comment on these issues. Comments should be submitted by July 31, 1981.

Further information on the Bodie/Coleville Grazing Environmental Impact Statement may be obtained from: James S. Morrison, Bishop Resource Area Manager, Bureau of Land Management, 873 No. Main Street, Room 201, Bishop, California 93514.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 81-30133 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

California; Sierra Grazing Management Plan, Intent To Prepare an Environmental Impact Statement

Department of the Interior, Bureau of Land Management, Bakersfield District, California, will prepare an Environmental Impact Statement on a proposed grazing management plans for the 100,000 acres of public land in Nevada, Yuba, Placer, El Dorado, Amador, Calaveras, Tuolumne, Madera and Fresno Counties. The statement will analyze anticipated environmental consequences which would result from the implementation of alternative grazing plans proposed by the Folsom and Hollister Area Managers. These alternative plans will incorporate variations in forage allocation, seasonal use, and intensity of livestock grazing management. The final statement is scheduled for completion by September 30, 1982.

Mailouts will be distributed to interested individuals detailing issues which will be addressed in the document. Some of the major issues identified by the BLM to date are allocation of forage between livestock and wildlife and the impact of livestock upon recreation areas. The public will be asked to review and comment on these issues. Comments should be submitted by July 31, 1981.

Further information on the Sierra Grazing Environmental Impact Statement may be obtained from: Alan P. Thomson, Folsom Resource Area Manager, Bureau of Land Management, 63 Natoma Street, Folsom, California 95662.

Ronald D. Hofman,

Associate State Director.

[FR Doc. 81-30135 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Conveyance of Public Land; San Bernardino County, California

June 30, 1981.

Notice is hereby given that pursuant to Sec. 208 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), Southern Pacific Land Company, One Market Street, San Francisco, California 94105, has received a patent for the following described public land in San Bernardino County, California:

San Bernardino Meridian

T. 8 N., R. 4 W.,
Sec. 3, S½;
Sec. 4, All.
T. 9 N., R. 4 W.,
Sec. 27, All;
Sec. 28, All;
Sec. 32, All;
Sec. 34, All;
Sec. 35, All; containing 4,166.56 acres.

The purpose of this notice is to inform and give constructive notice to the public and interested state and local governmental officials of the issuance of this conveyancing document.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-30134 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public and Private Lands; Garfield County, Montana

July 2, 1981.

AGENCY: Bureau of Land Management, Miles City District, Interior.

ACTION: Notice of Realty Action M39629, Exchange of public and private lands in Garfield County, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

Principal Meridian, Montana

Township 20 North, Range 33 East
Section 20: SE¼SE¼; and Section 29: NE¼ Comprising 200.00 acres of public land.

In exchange for these lands, the United States will acquire the surface estate in the following described lands from Ross C. Childers:

Principal Meridian, Montana

Township 20 North, Range 33 East
Section 21: S½S½ Comprising 160.00 acres of private lands.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940 Miles City, Montana 59301.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment land report, is available for review at the Miles City District Office, West of Miles City, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The proposed exchange would result in acquisition of 160 acres by the Federal Government with public access, adjacent and contiguous to another large parcel of public land. In return approximately 200 acres of isolated land suitable for grazing would be transferred to private ownership. The land in Sections 20 and 29 are publicly inaccessible and difficult to manage and would be transferred for management to adjacent private operations. The proposed exchange will benefit public needs and improve manageability of public lands.

The exchange will be made subject to:

1. A reservation to the United States in the land being transferred to Mr. Childers of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership as the Government already owns the mineral estate in the land being acquired.

3. All valid existing rights.

4. Waiver of 2-year notice of cancellation of grazing privileges on the lands selected by Mr. Childers.

5. Value equalization by cash payments or acreage adjustments.

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with state and local officials. The public interest will be served by completion of this exchange.

Ray Brubaker,

District Manager, For the State Director.

[FR Doc. 81-30136 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 077260-WR]

New Mexico; Notice of Proposed Continuation of Withdrawal

July 2, 1981.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing administrative site withdrawal made by Public Land Order No. 2299 of March 14, 1961. The following land is included in the proposed continuation:

New Mexico Principal Meridian

T. 29 N., R. 13 W.,
Sec. 7, W½SE¼SE¼NW¼, E½SW¼SE¼NW¼.

The described area contains 10 acres in San Juan County, New Mexico.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is a BLM administrative site. The withdrawal closed the described land to all forms of appropriation under the public land laws, including the mining laws, but not to leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before August 10, 1981. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before August 10, 1981.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-30140 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Oklahoma; Notice Calling for Expressions of Leasing Interest in Federal Coal

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice calling for expressions of leasing interest in Federal coal.

SUMMARY: This call for expression of coal leasing interest is to integrate potential lessees' data and needs into the coal activity planning phase of the federal coal management program in the Western Interior Federal Coal Production Region, Oklahoma Subregion. The data received from this call along with data from the Bureau of Land Management (BLM) and the U.S. Geological Survey (USGS), will be used to delineate preliminary tracts within the Southeast Oklahoma Management Framework Plan (MFP) which will be considered for possible leasing.

DATE: Responses to this notice will be accepted until August 12, 1981.

ADDRESS: Responses should be sent to:
Homer G. Meyer, Area Manager, Bureau of Land Management, Room 548, 200 NW Fifth, Oklahoma City, Oklahoma 73102, Telephone (405) 231-4481, and to:
Charles John, District Supervisor for Resource Evaluation, U.S. Geological Survey, 6136 East 32nd Place, Tulsa, Oklahoma 74135, Telephone (918) 581-7631.

FOR FURTHER INFORMATION CONTACT: Gene Day, Project Manager, Bureau of Land Management, P.O. Box 1449, New Mexico State Office, Santa Fe, New Mexico 87501, Telephone (505) 988-6226.

SUPPLEMENTARY INFORMATION: This notice is to advise the public that the official call for expression of leasing in the Rock Island and Spiro-Bokoshe areas acceptable for further consideration for coal leasing in the Western Interior Coal Region, Oklahoma Subregion is now in effect.

The Rock Island and Spiro-Bokoshe areas are located in LeFlore County, Oklahoma. Detailed information including a Summary Brochure, maps, and additional supportive information on the areas found acceptable for further consideration for coal leasing are available from the BLM Oklahoma Resource Area Headquarters and the USGS at the addresses provided above.

This call for expressions of interest is the second call issued for the Oklahoma Subregion. The first call was published in the **Federal Register** on August 25, 1980 (Volume 45, 56451-2) asking for expressions of interest in surface-minable areas. Concern for inclusion of underground-minable reserves in long-term leasing programs in Oklahoma and the subsequent amendment of the Southeast Oklahoma MFP, have resulted in this second call for expressions of leasing interest. Expressions of interest under this call are to be confined to the Rock Island and Spiro-Bokoshe areas. The results of this call will provide significant information that will be combined with the results of the first call and used to delineate preliminary tracts within the Subregion that might be offered for lease sale. Preliminary tracts will be delineated in areas that were found acceptable for further consideration for coal leasing during the land-use planning process.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the tracts which will be considered prior to a lease sale.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Leases issued to small business firms under the stated provisions may be competed for and assigned only to small businesses meeting the requirements of 13 CFR 121.3-8.

Expressions of leasing interest should include the following data (where applicable):

1. Quantity needs (total tonnage, average tons per year, and year during which production would commence) for both coal producers and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. Location. a. Tract desired by mining companies (narrative description with a diagram on a surface minerals management map which is available for purchase from the BLM State Office at the address given above).

b. Public and private industry user facilities in the region.

c. If no location is indicated, but other specific data are provided, the expression will still be considered. In such cases, the joint BLM/USGS/OSM tract delineation team will locate an apropriate tract.

4. Type of mine. a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, dragline, etc.).

5. Proposed uses of coal. a. By mining companies.

b. By public and private industries.

6. Where coal would be consumed (include extra-regional markets, plant output and location).

a. Within the Western Interior (Oklahoma Subregion).

(1) Electric power plant.

(2) Synfuels plant.

(3) Other (Specify).

b. Outside the Western Interior (Oklahoma Subregion).

(1) Electric power plant.

(2) Synfuels plant.

(3) Other (specify).

7. Transportation needs (i.e., railroads, pipelines, etc.). a. Existing facilities.

b. Contingency or other sources.

8. Information relating to mineral ownership.

a. Information on surface owner consents previously granted (e.g., a description of the location of the property, whether consents are transferable, etc.). On any areas where surface owner consent is not transferable, federal coal leasing cannot occur.

b. Commitments from fee coal owners or commitments for associated non-federal coal.

Entities submitting expressions of interest under the small business or public body provisions described above should state that the submissions are for possible small business or public body set-asides and should also supply proof of small business or public body status. An individual, business entity, or public body may participate and submit expressions of leasing interest under this call.

An expression of leasing is not an application. The sale and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so. The preliminary tracts delineated as a result of this call will be ranked and selected by the Regional Coal Team in accordance with the provisions of 43 CFR 3420.4.

Any expressions of leasing interest may include supportive nonproprietary data. Such data may include, but are not limited to, location and quantities and types of coal (including coking coal) desired, time frames for development, proposed uses of coal, technical coal data, commitments between private surface and coal owners and adjacent land owners or lessees, and basic development proposals. Expressions which identify quantity and quality of coal and timing of need without specifying a location shall be given as serious consideration in activity planning as those that specify a location. Data which are considered proprietary should not be submitted to the BLM as part of an expression of leasing interest. Instead, proprietary coal data may be submitted separately for information purposes to the USGS District Supervisor for Resource Evaluation at the address provided above.

Expressions of leasing interest submitted to the BLM or data submitted separately to the USGS should include the name, address, and telephone number of a contact person who can provide additional information for clarification.

All information submitted to the BLM under this subpart shall be available for public inspection and copying upon request.

Dated: July 2, 1981.

Charles W. Luscher,

State Director.

[FR Doc. 81-20141 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Preparation of the Lahontan Resource Management Plan

A resource management plan (RMP) is a comprehensive land use planning document prescribed by the Federal Land Policy and Management Act of 1976. It establishes for a given area the management objectives and goals for resource condition and use levels, program constraints, measures to be implemented accordingly, the interval and standards for monitoring and evaluating the plan's effectiveness, the need for any more detailed management plans(s), and support actions including resource protection, access, cadastral survey, and realty. An environmental impact statement is also part of the plan.

The Lahontan RMP will apply to the Lahontan Resource Area of the Carson City District. This area contains about 3,355,000 acres, of which about 2,616,000 acres is public land administered by the Bureau of Land Management. It includes portions of Churchill, Lyon, Mineral, Washoe, Storey, and Nye Counties in western Nevada and portions of Lassen and Plumas Counties of California. The western portion of the Lahontan Resource Area is already being addressed separately in the Reno area land use plan (Management Framework Plan) and grazing environmental impact statement. The Management Framework Plan decisions for the Lahontan Resource Area portion of the Reno Area will be incorporated by reference into the Lahontan RMP.

The general types of issues anticipated are the management of vegetation use, land disposal and other realty actions, geothermal leasing, and the wilderness program. Public participation is now being sought to clarify and identify these and any other specific issues.

The interdisciplinary team which will prepare the RMP includes representatives of the following fields: range science, wildlife biology, soil science, geology, cultural resource management, recreation and wilderness management, hydrology, social economics, forestry, and realty.

Public comment is hereby invited during the present identification of issues process. Three public workshops for this purpose are scheduled as follows: July 27, 1981, at 7:00 p.m. in the Carson City District Office, 1050 East William St., Suite 344, Carson City, Nevada; July 28, 1981, at 2:00 p.m. and 7:00 p.m. in the Churchill County Multi-purpose Building, 225 Sheckler Road, Fallon, Nevada.

Public comments will also be solicited following the publication of draft planning criteria, during formulation of alternatives, after publication of the draft RMP, after publication of the final RMP, and in the event of significant change(s) in the plan resulting from action on a protest.

All persons with an interest in management of the Lahontan Resource Area are requested to submit comments on the identification of issues by August 28, 1981. Comments and requests for further information should be addressed to Kenneth G. Walker, Area Manager of Lahontan Resource Area, BLM, 1050 E. William St., Suite 335, Carson City, NV 89701 (telephone 702/882-1631). Planning documents and other pertinent materials may be examined at the Carson City District Office between 8:00 a.m. and 4:00 p.m. weekdays.

Dated: July 1, 1981.

Roy Jackson,

Acting District Manager.

[FR Doc. 81-20117 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial Number: A-17000(a)]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A-17000(a).

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified September 8, 1981. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. For a period of 60 days from the date of publication of this notice in the Federal Register, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa County, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A-17000(a)

Gila and Salt River Meridian, Arizona

T. 1 S., R. 2 W.,
Section 20: SE¼NE¼, E½SE¼ (1), (5), (11)
Section 21: SW¼SW¼ (4), (5), (11)
T. 2 S., R. 1 W.,
Section 4: Lots 1-4, S½N½, S½ (5), (6), (11)
Section 5: Lots 1-4, S½N½, SW¼ (2), (5), (11)
Section 6: Lots 1-7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (2), (5), (12)
Section 7: Lots 1-4, E½, E½W½ (5), (13), (14)
Section 9: All (2), (5), (12)
Section 10: N½, SW¼ (2), (5), (11)
Section 13: All (2), (5), (11)
Section 14: W½, SE¼ (5), (11), (12)
Section 15: SE¼ (5), (11)
Section 16: All (5), (7)
Section 17: E½, SW¼ (1), (5), (13), (14)
Section 20: NE¼ (5), (15)
Section 21: E½ (5), (13), (14)
Section 22: W½, SE¼ (5), (13), (14)
Section 23: NW¼, SE¼ (5), (12), (13)
Section 24: W½ (5), (13)
Section 25: N½, SW¼ (5), (13), (14)
Section 26: N½, SE¼ (5), (15)
Section 27: N½, SE¼ (5), (14)
Section 28: NE¼ (5), (15)
Section 34: N½, SW¼ (5), (15)
Section 35: All (5), (14)
Section 36: All (5)
T. 2 S., R. 2 W.,
Section 15: S½NW¼, SW¼, W½SE¼ (3), (5), (14)
Section 16: All (1), (5), (8)
Section 17: W½, SE¼ (5), (14)
Section 20: S½ (5), (14)
Section 34: SE¼ (5), (15)
Section 35: NW¼ (1), (5), (15)
T. 2 S., R. 1 E.,
Section 29: All (2), (5), (11)
Section 30: All (2), (5), (11)
Section 31: All (5), (11)
Section 32: All (2), (5)
T. 3 S., R. 1 W.,
Section 1: Lots 3, 4, S½NW¼, SE¼ (5), (9), (10), (16)
Section 2: Lots 1, 2, 3, 4, S½N½, S½ (5)
Section 3: Lots 3, 4, S½NW¼, S½ (5), (16)
Section 11: W½, SE¼ (5), (16)
Section 12: All (5), (14)
Section 13: All (5), (16)
Section 14: NE¼, SW¼ (5), (16)
Section 24: All (5), (13), (16)
T. 3 S., R. 1 E.,
Section 5: Lots 3, 4, S½NW¼, S½ (5), (13), (17)
Section 6: Lots 1, 2, S½NE¼, S½ (5), (17)
Section 7: N½, SW¼ (5), (13), (17)
Section 8: All (5), (14), (17)

The total acreage described above in application A-17000(a) is approximately 21,889.33 acres of public land.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

Footnotes

Rights-of-Way

(1) Arizona Public Service, P.O. Box 21666, Station 3172, Phoenix, AZ 85036—AR-04861, AR-021285, A-14641.

(2) Tucson Electric Power Co., P.O. Box 711, Tucson, AZ 85703—A-7274, A7872.

(3) El Paso Gas Company, P.O. Box 1492, El Paso, TX 79978—PHX-083798.

Recreation & Public Purposes Lease Application.

(4) Rainbow Valley Bible Church, c/o Rev. Philip B. Koppold, 1439 W. Wood Drive, Phoenix, AZ 85029—A-0582.

Grazing Lessee

(5) Loren de Rosier Box 1237, Goodyear, AZ 85338

Range Improvements

(6) Dirt Tank—#4776.
(7) Well and Corral—#1429.
(8) Dirt Tank—#4774.
(9) East Well and Corral—#1431.
(10) East Tank Reservoir—#1602.

Oil & Gas Leases

(11) Columbia Gas Development Corp., Box 1350, Houston, TX 77001—A-12837, A-12647, A-12650, A-12851.

(12) Pioneer Production Corp., P.O. Box 2542, Amarillo, TX 79189—A-14511.

(13) Irex Overthrust Acreage Partners, 1670 Broadway, Suite 3301, Denver, CO 80202—A-14797, A-14959, A-14960.

(14) Harry H. Cullen, P.O. Box 3331, Houston, TX 77001—A-15068, A-15081, A-15092.

(15) Knight Royalty Corp., 1675 Broadway, Suite 1910, Denver, CO 80202—A-15170.

(16) North Central Oil Corp., 6001 Savoy Drive, Suite 800, Houston, TX 77036—A-15641.

(17) C. W. Corbett & Company, 410 17th Street, Suite 1680, Denver, CO 80203—A-14980.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State.

This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: June 30, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-20052 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Friday, August 7, 1981. The meeting will begin at 9:00 a.m. at the Bureau of Land Management District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Tour of Lee Springs Allotment. (2) Tour of Cook Allotment and discussion of the Allotment Management Plan and range use improvements. (3) Tour of Perry Well Allotment and discussion of the Allotment Management Plan, range use improvements, and climate studies

station. (4) General Advisory Board business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received from 9:00 to 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801–586–2401, by August 5, 1981. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager or Board Chairman.

All those desiring to make the tour should furnish their own transportation and lunch.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 1, 1981.

Morgan S. Jensen,

District Manager.

[FR Doc. 81–20086 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado: Multiple Use Classification Partial Termination; Correction

July 1, 1981.

In FR Doc. 81–15983, appearing on pages 28958 and 28959 in the issue for Friday, May 29, 1981, please make the following correction:

On page 28958 in the land description for New Mexico Principal Meridan on the second line, "42 N." should have read "40 N.".

George C. Francis,

State Director.

[FR Doc. 81–20084 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

Elko District, Nevada; Advisory Council Meeting

The BLM Elko District Advisory Council, established and managed in accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, will meet on July 30, 1981. The council will gather at the Elko District Office at 8:30 a.m. and travel to the Saval Ranch and the Freeport Gold Mine. Topics to be discussed at this field meeting are:

1. A review of the various research studies in the Saval Ranch Research Project, which evaluates the effect of livestock grazing on other resource values.

2. Freeport Gold Mine operation on public lands.

The meeting is open to the public; however, anyone wishing to attend must supply their own transportation. Interested persons may present testimony to the Council between 4:30 p.m. and 5:30 p.m. Anyone wishing to make an oral statement must notify the District Manager at the Elko District Office, 2002 Idaho Street, Elko, Nevada 89801, no later than July 28. A time limit may be imposed depending on the number of people wishing to speak.

Summary minutes of the meeting will be prepared and available for public inspection and reproduction Monday through Friday 7:30 a.m. to 4:30 p.m. within 30 days following the meeting.

Dated: June 6, 1981.

Rodney Harris,

District Manager.

[FR Doc. 81–20088 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

Utah; Public Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Vernal District Grazing Advisory Board will be held August 10 and 11, 1981.

The meeting will begin 1:00 p.m. in the conference room of the Bureau of Land Management Office, 170 South 500 East, Vernal, Utah on August 10. August 11 will consist of a field tour beginning at the above location. The agenda for the meeting will include 1) organization of the Board; 2) a discussion of duties and functions of the Board; 3) a review of current policy and programs relating to allotment management plans; 4) discussion of range improvements—a) Bookcliffs Resource Area and b) Diamond Mountain Resource Area; 5) discussion of cricket problems—pest control; and 6) tour of District RI work completed and proposed.

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make a statement must notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078 by August 10, 1981. Depending on the number of persons wishing to make statements, the District Manager may set up a time limit.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 81–20087 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

Utah Invitation to Participate in Coal Exploration Program-Consolidation Coal Company, U–48882

June 30, 1981.

Consolidation Coal Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on the Walker Flat near Emery, Utah. The lands are located in Sevier County, Utah, and are described as follows:

T. 23 S., R. 5 E., SLM, Utah,
Sec. 1, all.
Containing 640.76 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Randy Stockdale, Consolidation Coal Company, 14 Inverness Drive East #6–Q, Englewood, Colorado 80112. Such written notice must be received within 30 days after the publication in the **Federal Register.**

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan, as submitted by Consolidation Coal Company, is available for public review during normal business hours, in the following office, under Serial No. U–48882, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

[FR Doc. 81–20085 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

Wyoming and Montana: Intent To Hold Public Hearings on Draft Environmental Impact Statement (DEIS) For the Proposed Leasing of Federal Coal in the Powder River Coal Region

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Public Hearing on Powder River DEIS.

SUMMARY: This notice advised the public that the Powder River Regional Coal Team intends to hold public hearing to receive oral and written comments on the level of federal coal leasing as proposed in the Powder River Draft Environmental Impact Statement. The hearings will be held in Casper, Wyoming and Billings, Montana. Individuals wishing to comment orally at the public hearings are asked to provide written copies of their remarks. Written comments should be addressed to the BLM address given below.

DATES: Written comments on the proposal contained in the DEIS will be accepted up to and including September 8, 1981 at 951 Rancho Road, Casper, Wyoming. Hearing sessions will be held at the Natrona County Library, Casper, Wyoming on July 29, 1981 and at the Ramada Inn in Billings, Montana on July 30, 1981. Hearings will be held from 1:30 to 4:30 p.m. and 7:30 to 10:00 p.m. at both locations. The public will receive additional reminders of the hearings by public mailings and news releases.

ADDRESS: Written comments on the proposed leasing level should be addressed to Bureau of Land Management—P&EC, 951 Rancho Road, Casper, Wyoming 82601.

FOR FURTHER INFORMATION CONTACT: J. Stan McKee, Powder River Project Manager, or Chuck Wilkie, EIS Team Leader. McKee can be contacted at BLM (930), P.O. Box 1828, Cheyenne, Wyoming 82001, (307) 778–2220, extension 2413 or FTS 328–2413. Wilkie can be contacted at BLM, 951 Rancho Road, Casper, Wyoming 82601, (307) 265–5550, extention 5101 or FTS 328–5101.

SUPPLEMENTARY INFORMATION: The DEIS will be mailed to those on the public mailing list on July 10, 1981. Copies of the DEIS will also be available from the Project Manager and Team Leader at that time.

Oral testimony should be constrained to five minutes duration for each witness at the hearings. Additional time may be granted at the discretion of the presiding officer based on the number of speakers registered. The testimony time limitations will be strictly enforced by the presiding officer, Mr. Glenn Bessinger. Written texts of prepared speeches may be filed at the hearing whether or not the speaker has been able to complete the oral delivery in the alloted time.

Speakers will be heard in the order established on the witness register. After the last registered witness has been heard, the presiding officer will consider the request of any other person present who desires to testify. Any person present at the hearing may testify; however, only one witness will be allowed to represent the viewpoints of an organization.

Persons wishing to testify may preregister by submitting a written request to the Casper District Office of the Bureau of Land Management at the above address prior to close of business (4:30 p.m. MST) on July 28, 1981. Requests should identify the organization represented by the individual (if any); should be signed by the prospective witness, and should state the approximate time for testifying. Individuals who do not preregister may register at the hearing location prior to and during each session of the hearing.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81–20056 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–84–M

Office of the Secretary

Outer Continental Shelf Advisory Board—Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A–63, Revised.

The Policy Committee of the Outer Continental Shelf Advisory Board will meet during the period 8:30 a.m. to 5:30 p.m., August 11th, 1981, and 9:00 a.m. to 12:00 p.m., August 12th, at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia.

The meeting will cover the following principal subjects:

August 11, 1981

1. Goals & Objectives for the OCS and the 5-Year Leasing Program
2. Committee Discussion: Leasing timeframe; Decision steps; Streamlining; Budget, etc.
3. Current OCS Activity
4. Committee on Ocean Pollution, Research, Development and Management
5. OCS: An Industry Perspective

August 12

1. Federal Activity Reports
2. Environmental Studies Program
3. Committee Business

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than July 31 to Alan D. Powers, Office of OCS Program Coordination, Department of the Interior, Room 5150, Washington, D.C. 20240 (202/343–6314).

Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying eight weeks after the meeting at the Office of OCS Program Coordination, Room 5150, Department of the Interior, 18th and C Streets, NW, Washington, D.C.

Dated: July 2, 1981.

Alan D. Powers,

Director, Office of OCS Program Coordination.

[FR Doc. 81–20047 Filed 7–8–81; 8:45 am]

BILLING CODE 4310–10–M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease BLM–C–018820]

Availability of Surface Mining and Reclamation Plan Proposed by Lone Star Steel Co. for the Milton Coal Mine, Le Flore County, Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Availability of the proposed Mining and Reclamation Plan for Extension #2 of the Milton Surface Coal Mine (OSM Reference 38–0009).

SUMMARY: The Office of Surface Mining (OSM) has received an application from the Lone Star Steel Company and Dahlgren Construction Company for a mining and reclamation plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for the proposed extension #2 of the Milton Coal Mine.

The mine is located approximately 3 miles northeast of Milton, Oklahoma. This Federal lease lies between one previously mined Federal tract and a non-Federal tract which is presently being mined. The lease covers 50 acres of which only about 26 acres is proposed for mining. The applicant projects that it will take about 6 months to mine the estimated 35,000 tons of recoverable coal. The proposed postmining land use is pasture and range land.

The mining and reclamation plan submitted by the permit applicant is available for public review during normal working hours at the Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Fifth Floor, Kansas City, Missouri; Office of Kay and Kay and Associates Engineers, 130 South Main, Noble, Oklahoma; and at the Haskell County Public Library, Stigler, Oklahoma. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director,

Office of Surface Mining at the Kansas City address until August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Dawes or Kenneth Lawver, Office of Surface Mining, Room 426, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-5109 (FTS 758-5109).

Dated: July 6, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-20099 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant had demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams. (Member Williams not participating.)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Any status inquiries should be directed to (202-275-7326).

Volume No. OPY-4-237

Decided: July 2, 1981.

MC 52656 (Sub-3), filed June 24, 1981. Applicant: MURPHY MOTOR EXPRESS, INC., 2920 So. 19th Ave., Broadview, IL 60153. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in IL. Condition: Issuance of a certificate in the proceeding is subject to prior or coincidental cancellation, at applicant's written request of Certificate of Registration No. MC 52656 (Sub-No. 2).

MC 144726 (Sub-4), filed June 24, 1981. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892-6700. Transporting *such commodities* as are dealt in by home furnishing and department stores, between points in AZ, CA, CO, ID, KS, NE, NV, NM, OK, OR, TX, UT, and WA.

MC 148216 (Sub-4), filed June 24, 1981. Applicant: L & D TRUCK LEASING, INC., 19871 State Hwy 231, Nevada, OH 44849. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Mid American Provisions, of Columbus, OH.

MC 152246 (Sub-5), filed June 25, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *metal products*, between points in Cape Girardeau County, MO, on the one hand, and, on the other, points in the U.S.

MC 154366 (Sub-1), filed June 26, 1981. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Rd., Mount Horeb, WI 53572. Representative: Michael S. Varda, 121 So. Pinckney St., Madison, WI 53703, (608) 255-8891. Transporting *farm products*, between points in MN, WI, MI, IN, IL, and IA.

Volume No. OPY-4-233

Decided: July 1, 1981.

MC 57257 (Sub-5), filed May 28, 1981, and previously noticed in the **Federal Register** issue of June 15, 1981. Applicant: CARR TRUCK SERVICE, INC., P.O. Box 297, Sulphur, LA 70663. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688-6110. Transporting (1) *mercer commodities and* (2) *earth drilling commodities*, between points in OK, on the one hand, and, on the other, points in AL, AR, FL, LA, MS and TX. Note: The purpose of this republication is to correctly reflect the commodity and territorial descriptions.

MC 86247 (Sub-31), filed April 28, 1981, previously noticed in the **Federal Register** issue of May 18, 1981, and republished this issue. Applicant: ICL, INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor, Ontario, Canada. Representative: S. B. Lederer (same address as applicant) (519) 259-9200. Transporting *general commodities* (except classes A and B explosives), between points in MI and NY, on the one hand, and, on the other, points in NY, PA, NJ, MA, DE, MD, OH, MI, IN, IL, WI, MN, CT, and MO.

Note.—The purpose of this republication is to correctly state the authority sought.

MC 109847 (Sub-38), filed June 16, 1981. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee St., Cheektowaga, NY 14225. Representative: Harold G. Herly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836-6115. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL, and Toledo, OH: From Chicago, over the Calumet Tri-State Expressway to junction Interstate Hwy 90, then over Interstate Hwy 90 to Toledo, (2) between Toledo, OH, and Detroit, MI, over Interstate Hwy 75, (3) between Detroit, MI, and Michigan City, IN, over Interstate Hwy 94, serving all intermediate points in (1) through (3), and (4) serving all points in CT, DE, IL, IN, MA, MD, MI, NH, NJ, NY, OH, PA, RI, VA, WI, WV, and DC as off-route points in connection with carrier's presently authorized regular route operations.

MC 110567 (Sub-24), filed June 16, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245-2730. Transporting *general commodities* (except classes A and B explosives), between points in Montgomery County, KS, on the one hand, and, on the other, points in AR, AZ, CO, IA, IL, IN, KY, LA, MI, MN, MO, MT, MS, NE, ND, NM, OH, OK, SD, TN, TX, WI, and WY.

MC 128117 (Sub-45), filed June 17, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 4401 East West Hwy., Suite 404, Washington, DC 20014, (301) 986-9030. Transporting *food and related products*, between points in St. James County, LA, on the one hand, and, on the other, points in KY and TN.

MC 133917 (Sub-13), filed June 17, 1981. Applicant: CARTHAGE FREIGHT LINES, INC., P.O. Box 10102, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B explosives), between points in Appling, Jeff Davis, and Telfair Counties, GA, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack.

MC 138627 (Sub-119), filed June 19, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *salt*, between points in Rice County, KS, on the one hand, and, on the other, points in the U.S.

MC 138627 (Sub-120), filed June 18, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *chemicals and related products*, between points in Reno County, KS, on the one hand, and, on the other, points in the U.S.

MC 148517 (Sub-3), filed June 10, 1981. Applicant: CENTRAL MICHIGAN TRUCKING, INC., 3801 36th Street SE., Grand Rapids, MI 49508. Represenative: Michael P. Zell, P.O. Box 175, Grand Rapids, MI 49503, (616) 456-5351. Transporting (1) *furniture and fixtures*, (2) *appliances and fixtures*, and (3) *such commodities* as are dealt in or used by department stores, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

MC 147027 (Sub-4), filed June 18, 1981. Applicant: REEVES' TRUCK LINES, Rt. 2, Honoraville, AL 36042. Representative: J. Douglas Harris, 200 So. Lawrence St., Montgomery, AL 36104, (205) 265-0251. Transporting *lumber and wood products*, between points in Pike, Butler, and Lee Counties, AL, on the one hand, and, on the other, points in WV, VA, NC, SC, GA, FL, MS, KY, TN, LA, and TX.

MC 149137 (Sub-7), filed June 18, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Stanley Works Company, of New Britain, CT.

MC 1511087 (Sub-6), filed June 22, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Barry Enterprises, Inc. of Markham, IL, Wilson Enterprises, Inc. of Elk Grove Village, IL, Lock Joint Tube Company of South Bend, IN, and Lally Brothers Division of Fire-Trol Corporation of Orland Park, IL.

MC 151357 filed June 18, 1981. Applicant: ANTHONY N. PRIZIO d.b.a. FINAST TRANSPORTATION COMPANY, 22 Makepeace St., Saugus, MA 01906. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841 (617) 241-8296. Transporting *general commodities* (except classes A and B explosives), between (a) points in MA, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, VT and NY, (b) between points in NY, on the one hand, and, on the other, points in CT, ME, NH, RI, and VT, (c) between points in RI, on the one hand, and, on the other, points in CT, ME, NH and VT, and (d) between points in CT, on the one hand, and, on the other, points in ME, NH, and VT.

MC 151667 (Sub-5), filed June 18, 1981. Applicant: J. F. LOMMA, INC. 125 Adams St., South Kearny, NJ 07032. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835-4411. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Hitachi Seiki Corporation, of Commack, NY.

MC 153077 (Sub-1), filed June 22, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane NE, Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Ste. 307, Edina, MN 55424 (612) 927-8855. Transporting *food and related products*, (a) between points in MN, ND, SD, IA, NE, MO, IL, and WI and (b) between points in MN, ND, SD, IA, NE, MO, IL and WI, on the one hand, and, on the other, points in the U.S.

MC 154107, filed June 23, 1981. Applicant: DIXIE WEST TRUCKING, INC., P.O. Box 2526, Bismarck, ND 58502. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235-4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sprenger Midwest, Inc. of Sioux Falls, SD, Ownes Forest Products Co. of Duluth, MN, Intermountain Orient, Inc. of Boise, ID, American Target Co. of Glenwood, MN, and Hubbard Milling Company of Minnetonka, MN.

MC 154787 (Sub-1), filed June 16, 1981. Applicant: RAY JERREL, INC., P.O. Box 69, Miles City, MT 59301. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807 (406) 543-8369. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Feed and Fertilizer Depot and Recycled Energy Corporation, both of Miles City, MT.

MC 155207 (Sub-1), filed June 16, 1981. Applicant: TRANS EAST, INC. Rural Route No. 4, Box 154, Rockport, MO. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251

Kansas City, MO 64141 (816) 842–8600. Transporting *pneumatic rubber tires*, between points in the U.S., under continuing contract(s) with Harmon Tire Company, Inc., of Raymore, MO.

MC 155957, filed June 22, 1981. Applicant: NATIONWIDE DRIVEAWAY, INC., 3400 South Federal Blvd., Englewood, CO 80110. Representative: Steven E. Napper, 718 17th St., Suite 1700, Denver, CO 80202. Transporting *transportation equipment*, between points in CO, on the one hand, on the other, points in the U.S.

MC 156427, filed June 11, 1981. Applicant: OMTVEDT OIL COMPANY, 1807 6th Ave. Two Harbors, MN 55616. Representative: Andrew R. Clark, 121 S. 8th St., 1600, TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *food and related products*, between Milwaukee, WI, on the one hand, and, on the other, the facilities of Svee Distributing Company, Inc., at points in Lake County, MN.

MC 156717, filed June 22, 1981. Applicant: HARLAN WAGNER, d.b.a. HARLAN WAGNER TRUCKING, Merrill, IA 51038. Representative: Robert A. Wichser, 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776 (402) 494–5466. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Wilson Trailer Company and Marx Truck Trailer Sales, both of Sioux City, IA.

MC 156757, filed June 23, 1981. Applicant: J. GOULD TRUCK LINES, 3007 W. Edgewood Ave., P.O. Box 12323, Jacksonville, FL 32209. Representative: Leroy Randolph (Same address as applicant) (904) 768–8179. Transporting *general commodities* (except classes A and B explosives), between points in Duval County, FL, on the one hand, and, on the other, points in AL, FL, GA and SC.

Volume No. OPY–4–235

Decided: July 1, 1981.

MC 109307 (Sub-18), filed June 18, 1981. Applicant: K–A EXPRESS, INC., 1007 W. Beverly Blvd., P.O. Box 639, Montebello, CA 90640. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE, 5th Floor-Lenox Towers South, Atlanta, GA (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with George A. Hormel & Co., of Austin, MN.

MC 117427 (Sub-86), filed June 11, 1981. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840–8565. Transporting *general commodities* (except classes A and B explosives), between points in NC, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5337.

MC 128837 (Sub-39), filed June 11, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 61626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62702 (217) 544–5468. Transporting (1) *furniture*, between the facilities of Simmons U.S.A., at points in Fulton and Gwinnett Counties, GA, Duval County, FL, Union County, NJ, Franklin County, OH, Dallas County, TX, Wyandotte County, KS, and Rock County, WI, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufactures and distributors of agricultural equipment, between points in Black Hawk County, IA, Allen County, IN, Broome County, NY, Snohomish County, WA, and Tazewell County, IL.

MC 146807 (Sub-28), filed June 8, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, P 18702. Representative: Paul Seleski (Same address as applicant) (717) 735–0188. Transporting *cocks and valves*, between points in PA, on the one hand, and, on the other points in the U.S.

MC 156627, filed June 18, 1981. Applicant: KPI TOURS AND TRAVEL, INC., 810 7th Ave., New York, NY 10019. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017 (212) 755–9500. As a *broker* at New York, NY in arranging for the transportation by motor vehicle of *passengers and their baggage*, in special and charter operations, between points in the U.S. (including AK and HI).

MC 156677, filed June 18, 1981. Applicant: FIVE BORO TRUCKING CORP., 34–51 48th St., Long Island City, NY 11101. Representative: Bruce J. Robbins, 18 E. 48th St., New York, NY 10017 (212) 755–6400. Transporting *food and related products* between New York, NY, on the one hand, and, on the other, points in NJ, NY, PA, MD and DC.

[FR Doc. 81-20081 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte MC 82]

Provisions for Foreseeable Future Costs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Procedure.

SUMMARY: The Commission is proposing to permit motor carriers to provide for the recovery of foreseeable future costs in their general increase filings Procedures for recovery of foreseeable future costs were authorized by Section 13(a) of the Motor Carrier Act of 1980. Under the proposed procedures, foreseeable future costs will be recoverable at 6 month intervals. In addition, the Commission is proposing to require the submission of data reflecting non-issue general commodity traffic handled by each rate bureau.

DATE: Comments on the proposed procedure are due August 10, 1981.

ADDRESS: An original and 15 copies of comments should be submitted to: Section of Rates, Room 5340 Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Paul R. Meder (202) 275–7457;
or
Richard B. Felder (202) 275–7693.

SUPPLEMENTARY INFORMATION:

Foreseeable Future Costs

Prior to the passage of the Motor Carrier Act of 1980 (Act), the Commission permitted the Carriers to recoup only provable increased costs. The Motor Carrier Act allows the Commission to implement new provisions ". . . to take into account reasonable estimated or foreseeable future costs".[1] However, the Act did not designate the time periods for projecting foreseeable future costs.

Background

In recent years, rate bureaus have filed general rate increases to become effective on April 1 to coincide with the Teamster's annual wage contract, and on October 1 to coincide with the Teamster's cost of living adjustment and other adjustments and cost related increases. Labor expenses generally range between 65 percent and 70 percent of total expenses and Teamster wages represent approximately 75 percent of all wage and wage related expenses.

[1] Section 13(a) of Pub. L. 96–296, amending 49 U.S.C. 10701.

In compliance with the provisions of the Motor Carrier Act of 1980, we propose to permit the motor rate bureaus to provide additional and reasonable estimated or foreseeable future cost increases for a six-month period following the effective date of any general increase filing. For example, general rate increase proposals set to become effective on April 1 can include reasonable estimated or foreseeable future cost increases for the period April 1 to October 1. This provision will have the advantage of reducing regulatory lag.

If a rate bureau elects to include future cost projections for the six-month period, as outlined below, and in turn files another general increase during that six-month period, the only acceptable justification for the recoupment of additional future costs would be for projection errors.

Methodology

Future costs can be divided into two broad categories, namely: (1) wage and wage related increases and (2) non-labor expenses. Wage and wage-related increases are generally scheduled, with some occurring simultaneously with the effective date of a general increase while others occur at various times after the effective date. Although the amount of both types of scheduled wage increases are known, a slightly different methodology is required for each. Non-labor expenses are unscheduled and fluctuate on an irregular basis. This requires estimates of future cost increases. Because of these differences, future costs will be divided into three categories namely (1) simultaneously scheduled wage and wage related increases, (2) interim scheduled wage and wage related increases, and (3) non-labor expenses excluding fuel increases. Fuel increases are currently handled through Ex Parte No. 311. In the event this procedure is discontinued, we will consider whether to include fuel and fuel tax expense increases within unscheduled expense increases.

A. *Simultaneously Scheduled Wage and Wage Related Increases.* Future cost increases associated with wage and wage related expenses which are scheduled to start simultaneously with the effective date of the general increase are and will continue to be allowed in the projected pro forma expense level from the date of the increase. For example, if a motor rate bureau files a general increase effective on April 1 to recover wage or wage related increases scheduled for the same effective date, the total cost of the wage increase will be includable in the projected pro-forma year costs.

Cost increases in this category have historically become effective on April 1 and consist almost wholly of increases relative to Teamster contracts. However, it is possible that other labor expense categories may increase on the effective date of the general increase. If so, they will be handled in the same way.

B. *Interim Scheduled Wage and Wage Related Increases.* To be consistent with the proposed 6 month future cost time period, interim scheduled wage and wage related increases may be included for the same period. Since this category consists primarily of non-Teamster wage and wage related costs, which increase by varying amounts on varying dates, it will be necessary for the motor rate bureaus to design special labor studies to determine what impact these increases have on total expenses. The rate bureaus will be permitted to rely on any reasonable forecasting methodology.

Table 1 below provides an illustration of how the computation of the total impact of these increases can be applied. The illustration assumes that there will be five separate interim wage increases. Each increase amounts to 8 percent, and each applies to 5 percent of total expenses, and each occurs at different dates between April 1 and October 1. The impact of the wage increases can be calculated as follows:

Table 1.—*Development of Impact of Interim Scheduled Wage and Wage Related Increases (Based on General Increase To Become Effective Apr. 1)*

Effective date of wage increase	Rate of increase (percent)	×	Portion of total expense (percent)	=	Impact to total expense (percent)	×	Portion of 6-mo. period in effect (percent)	=	Impact on total expense (percent)
May 1	8		5		40		5/6 or 83.3		33
June 1	8		5		40		4/6 or 66.7		27
July 1	8		5		40		3/6 or 50.0		20
Aug. 1	8		5		40		2/6 or 33.3		13
Sept. 1	8		5		40		1/6 or 16.6		07
Total					—D				100

[1] (5 individual increases applicable to 25 percent of total expenses = 1.0%).

The increase need not be applied in the manner indicated above but the impact cannot exceed an amount developed as indicated.

These projected increased costs for the six month future time period may be included in the data for the "future pro-forma" costs.

C. *Unscheduled Expense Increases (Non-labor Excluding Fuel and Fuel Related Expenses).* Unscheduled cost increases will be allowed on the basis of one-half of the estimated increase in the expenses at the end of the 6-month future period. For example, if the estimated future unscheduled cost increase for the period is 18 percent, a cost increase of 9 percent will be allowed over the length of the period. This approach will permit a reasonable recovery of short-run, non-scheduled expense increases, since it will assume a single cost increase over the entire six-month future cost period that is equivalent to the steadily rising costs covered by this section.

The Commission will accept estimates based on Teamster related wage increases (Trucking Employers, Inc. (TEI)), studies based on non-Teamster and non-union wage contracts, and the Motor Carrier Non-Labor Index or other reasonable methods. Regardless of the methodology relied upon, the burden of proof as to the reasonableness of the methodology rests with the MC–82 motor rate bureaus. Studies must be adequately supported. The bureaus shall also include with their submission an expanded "Appendix A" for all carriers. It shall reflect the revenue/expense comparisons for all future costs that are being recovered. The impact of these changes shall be shown separately for system and issue traffic and shall be in addition to the presently required revenue/expense comparisons. Data reflecting future costs shall be identified as such.

Update Study Carrier Data

Two related matters require consideration at this time. The level of the general increases authorized are determined in relation of study carrier revenue levels on a date no later than 45 days prior to the tariff filing date. As a result of the Motor Carrier Act of 1980 and our decision in Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus—Implementation of P. L. 96–296* (decided December 19, 1980; corrected and clarified January 29, 1981), it is anticipated that greater use of independent actions will occur. If

independent action rate changes are filed by study carriers during the 45-day period after the general increase proposal is filed, the general increase data may not accurately reflect prevailing conditions.

We believe that the majority of independent actions will result in decreases rather than increases. We also believe that individual carrier independent rate actions, filed during the 45-day period, should not have a substantial effect on the overall rate structure and issue traffic relied on by the respective motor rate bureaus. Therefore we will not require, at this juncture, any restated revenue showings beyond the current 45 day period. Our findings are based principally on conclusions established in Ex Parte No. MC–82 (Sub-No. 3), which disallows the filing of additional data subsequent to the filing date of the original proposal. However, if significant increases or decreases from independent actions occur they must be reflected in the projected and/or future revenue levels as appropriate. A statement, indicating the absence of significant impact, should be included in the justification if appropriate.

'Issue' Traffic

Decisions in recent general increase proceedings have considered, among other things, the profitability of issue traffic. The definition of issue traffic stated at 340 ICC 1, 28 is; " 'Issue traffic' consists of those shipments on which the freight rates or charges are to be affected by the rate proposal." Because the Commission may wish to consider the impact of issue traffic increases on total bureau general commodity traffic (subject to Commission jurisdiction), we believe that data reflecting all non-issue general commodity traffic handled by each bureau may be useful. We propose adding Part III to Appendix A.—which now contains Part I, Revenue Need and Part II, Allocation to Traffic at Issue. Part II reflecting cost and revenue for non-issue bureau general commodity traffic would be shown for all time frames and conditions currently provided in Appendix A. A table relecting the format in which this data would be submitted is attached as Attachment 1.

Part IV, also shown in Attachment 1 combines bureau issue traffic with bureau non-issue general commodity traffic. In addition, a footnote is provided to identify all other bureau revenues not potentially includable as issue traffic.

In order to account for total system revenues, Part V would be added to Appendix A. This part merely separates system revenues among the respective rate bureaus from which it is generated. These data are to be submitted in the form shown as Attachment 2. These data required in Part V have been provided informally in the past.

All data in Attachments 1 and 2 would be submitted as a part of the justification statement in each general increase filed under the provisions of Ex Parte No. MC–82, *supra*. This information is available to the bureaus and does not appear to represent a significant additional reporting burden. Given the sampling techniques employed in the CTS, the non-issue traffic will be at least as statistically valid as the issue. We request comments on any perceived problems with the preparation or usefulness of these data.

Since future cost projections are permitted but not mandatory, we do not propose to change the present wording in section 1104.3(a) of Chapter X, Subchapter B, Title 49 of the Code of Federal Regulations.

It does not appear that this study will significantly affect the quality of the human environment, energy consumption, or have an adverse effect on small business. Comments, however, on these matters are also invited.

Authority: 49 USC 10321, 10701 and 10706; section 13(a) of the Motor Carrier Act of 1980, Pub. L. 96–296; and 5 U.S.C. 553.

Dated: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

BILLING CODE 7035-01-M

Attachment 1

Ex Parte No. MC-82
Appendix A - Section 1
Revenue Need and Allocation of Bureau Traffic RESTATED PROFORMA YEAR

(PROPONENT BUREAU ONLY)

LINE NO.	ITEM (1)	SOURCE (2)	BASE CALENDAR YEAR ACTUAL (3)	PRESENT PROFORMA YEAR PRESENT LEVEL (4)	PRESENT REVENUE Projected EXPENSE (5)	PRESENT REVENUE AND EXPENSE (5A)	PROPOSED REVENUE AND Projected EXPENSE (6)	PROPOSED REVENUE AND EXPENSE (6A)	PROJECTED EXPENSE AND COMPUTED REVENUE NEED (7)
	PART I. REVENUE NEED								
1.	Operating revenues	A.R. Sch. 2998 L. 3							
2.	Operating expenses	A.R. Sch. 2998 L.10							
3.	Lease of distinct operating unit (net)	A.R. Sch. 2998 Net of Ls. 12 & 13							
4.	Misc. deductions less other income	A.R. Sch. 2998 (L.27 minus L. 20)							
5.	Interest included in miscellaneous deductions	A.R. Sch. 2998 L. 23							
6.	Income taxes on operations	A.R. Sch. 2998 L. 29							
7.	Extraordinary and prior period items	A.R. Sch. 2998 L. 34							
8.	Net income or loss	A.R. Sch. 2998 L. 35							
9.	Sum of money above operating expenses	Sum of Ls. 4, 6 & 8							
10.	Percent owned and leased property to net tangible property (3 decimals)	A.R. Sch. 100, Col. (c) (L. 21+L. 23) ÷ L. 26							
11.	Sum of money related to leased property	(L. 9 x percent in L. 10) plus L. 3							
12.	System revenue need items and projected revenue need	L. 2 plus L. 11							
	PART II. ALLOCATION TO TRAFFIC AT ISSUE								
13.	Constant costs and sum of money allocated to issue traffic	See Method A ( ) and Method B ( ) Check one. Provide both							
14.	Variable expenses from traffic at issue (90% variable excluding return on investment)	From traffic and cost study							
15.	Operating revenues from traffic at issue	From traffic study							
16.	Constant costs and sum of money allocated to issue traffic plus variable expenses	L. 13 plus L. 14							
17.	Revenue to cost comparison (1 decimal)	L. 15 ÷ L. 16							

(PROPONENT BUREAU ONLY)

	PART III. ALLOCATION TO NON-ISSUE TRAFFIC								
18.	Variable expenses from traffic not at issue (90% variable excluding return on investment).....								
19.	Operating revenues from traffic not at issue								

(PROPONENT BUREAU ONLY)

	PART IV. ALLOCATION TO ALL POTENTIAL ISSUE TRAFFIC								
20.	Variable expenses from all potential issue (90% variable excluding return on investment...								
21.	Operating revenues from all potential issue 1/.....								

1/ Excludes revenues from other tariffs published by proponent bureau not potentially includable as issue traffic subject to I.C.C. jurisdiction. Revenues from these tariffs for base year were:

Intrastate $_____
Section 22 _____
Independent Tariffs _____
Other (identify) _____
TOTAL $_____

EX PARTE NO. MC-82 APPENDIX A-SECTION 2 (PART V)
COMPOSITION OF THE FRAME CARRIERS' SYSTEM
TRAFFIC REVENUES (PART I LINE 1) FOR THE
BASE YEAR ACTUAL, PRESENT AND PROJECTED
LEVELS SEPARATED BETWEEN LTL, TL AND TOTAL
(AMOUNTS IN THOUSANDS)

ATTACHMENT 2

	TRAFFIC MOVING IN TERRITORY COVERED BY:	BASE YEAR ACTUAL			PRESENT LEVEL			PROJECTED LEVEL		
		LTL	TL	TOTAL	LTL	TL	TOTAL	LTL	TL	TOTAL
1.	Interstate - Central & Southern	$	$	$	$	$	$	$	$	$
2.	- Central States									
3.	- Eastern Central									
4.	- Middle Atlantic									
5.	- Middlewest									
6.	- New England									
7.	- Niagara Frontier									
8.	- Pacific Inland									
9.	- Rocky Mountain									
10.	- Southern									
11.	- Steel Carriers									
12.	-									
13.	-									
14.	-									
15.	-									
16.	Intrastate Traffic									
17.	-									
18.	-									
19.	-									
20.	-									
21.	-									
22.	Total Inter - Intrastate Traffic									
23.	All Other Operating Revenue:									
	(A) Contract Carrier Rev. (3200)									
	(B) Local Cartage Rev. (3300)									
	(C) Transportation Other Carriers (3400)									
	(D) Other Revenue (3900)									
24.	TOTAL SYSTEM REVENUE									

[FR Doc. 81-20019 Filed 7-8-81; 8:45 am]
BILLING CODE 7035-01-C

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Correction

In FR Doc. 81-14401, appearing on page 26576, in the issue of Wednesday, May 13, 1981, make the following correction.

On page 26581, third column, seventeenth line, "MC 153889" should have read "MC 153899".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 81-16207 appearing on page 29355, in the issue of Monday, June 1, 1981, make the following correction to the entry for MC 111729 (Sub-1-12TA), *Purolator Courier Corp.*:

On page 29357, in the third column, in the tenth line from the bottom of the page, ". . . AL, FL, MS, NC and TN . . ." should have read ". . . AL, FL, MS, NC, SC and TN . . .".

BILLING CODE 1505-01-M

[Finance Docket No. 29618]

Delray Connecting Railroad Co., Abandonment in the City of Detroit, MI

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Delray Connecting Railroad Company (Delray) of less than 1 mile of railroad track, known as the "Old Main", and Tracks D–2A & D–3, in Detroit, MI, from the requirement of prior approval under 49 U.S.C. 10903.

DATE: This exemption is effective 30 days after the date of this publication in the **Federal Register.** Petitions for reconsideration must be filed within 20 days after this publication.

ADDRESS: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue NW., Washington, DC 20423

and (2) Petitioner's Representative:

Edward N. Durand, 2900 Grant Building, Pittsburgh, PA 15219.

FOR FURTHER INFORMATION CONTACT:

Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: .

Exemption Request

Delray filed a petition under 49 U.S.C. 10505 on March 30, 1981, to exempt the proposed abandonment of three line segments, designated as track D–2A, track D–3 and "Old Main," in Detroit, MI. Track D–2A and D–3 are parallel tracks which connect with the "Old Main". "Old Main" is 1648 feet in length and involves six street crossings. Track D–2A is 1342 feet long, while track D–3 is 1678 feet long.

A line belonging to Norfolk and Western Railway Company (N&W) meets the line which extends to the east from tracks D–2A and D–3. "Old Main" is a connecting track with N&W, at a point near West End Avenue, and with Consolidated Rail Corporation (Conrail) and Detroit, Toledo and Ironton Railroad Company (DT&I), at a point near the Short Cut Canal Bridge. The "Old Main" will remain in operation below an area know known as the "Heel of Frog," which crosses Jefferson Avenue, and the River Rogue into Delray's main yard at Zug Island, and continues about 1 mile to the Conrail and DT&I lines at the Short Cut Canal Bridge.

Delray seeks to abandon these tracks because they no longer serve the purposes for which they were acquired—to provide over-flow relief for Delray's nearby yard and to provide rail service to two shippers located on the line. Although "Old Main" can be used as a connecting track between N&W, Conrail and DT&I, other nearby rail connections are more convenient, rendering "Old Main" obsolete as a connection. One of the two shippers located on the line has not transportated freight over the line in 2 years, while the other one ships only 12 carloads annually. Since the line is not being used as a connecting link between railroads, and the traffic of the two shippers has diminished, Delray concludes that abandonement through use of the section 10505 exemption is appropriate.

The Statute

Rail abandonments require the approval and authorization of this Commission under 49 U.S.C. 10903. To obtain Commission approval an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978).

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when we find that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope or regulation is not necessary to protect shippers from the abuse of market power.

Regulation of the proposed abandonment by Delray is not necessary to carry out the goals of the rail transportation policy of 49 U.S.C. 10101a. The line no longer performs its original functions, and is rarely used. Abandonment of the line will not affect Delray's overall ability to provide rail service. Elimination of unnecessary and inefficient facilities furthers the rail transportation policy of fostering sound economic conditions and efficiency in the operations of rail carriers.

The proposed abandonment is of limited scope. Since congestion at Zug Island has diminished, the line is no longer being used for the purpose for which it was acquired. The only other function this line could serve is as a connecting railroad where freight would travel from N&W lines over lines D–2A, D–3, and "Old Main," to the DT&I or Conrail lines at the Short Cut Canal. However, the tracks of N&W, Conrail and the Chesapeake & Ohio Railroad Company connect at a point one-half mile to the west of the Delray tracks. Since the line is not used as a connecting railroad, other carriers would not be affected by the abandonment.

The line is rarely used to provide rail service to the two industries located on it. We believe that a grant of Delray's petition will not have a significant adverse effect on Shippers. However, in order to protect shipper interests, we will require Delray to serve a copy of the Federal Register publication, within 5 days of that publication, on all shippers it has served on this line within the last 12 months. Delray shall certify to us that this notification has taken place. After the exemption is granted, but before it becomes effective, shippers can file a petition to reopen.

Having concluded that the proposal is of limited scope, we need not consider whether regulation is needed to protect shippers from the abuse of market power.

Labor Protection

Because of the infrequent usage of these short tracks, Delray stations no employees on the tracks; therefore, no employees would be affected by the abandonment. Nevertheless, 49 U.S.C. 10505(e) provides that we cannot relieve a carrier of its obligaton to protect employees. Therefore, we will condition the exemption on the employee protection embodied in *Oregon Short Line R. Co. Abandonment—Goshen*, 354 I.C.C. 76 (1977), as modified in 354 I.C.C. 584 (1978), and as finally modified in 360 I.C.C. 91 (1979) (*Oregon III*), in the event an employee is adversely affected.

Energy and Environmental Consideration

The Commission notified the appropriate Michigan officials of the proposed exemption to solicit comments on the impact the abandonment would have on the energy consumption and the quality of the human environment. These officials expressed the opinion that the proposal would have no impact in those areas.

This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered:

(1) Delray Connecting Railroad is exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 10903 for the limited purpose of abandoning the tracks designated D–2A, D–3 and the "Old Main", subject to the conditions for the protection of employees in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication. Delray shall serve a copy of the **Federal Register** publication, within 5 days of publication on all shippers it has served on this line within the last 12 months.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line must occur during that time in order to use this exemption.

(4) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(6) Petitions to reopen this proceeding for reconsideration of the decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: July 1, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20079 Filed 7-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY5-95]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 30, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

MC 5619 (Sub-10), filed June 17,1981. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (212) 575–7700. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156538, filed June 12, 1981. Applicant: AN-TRAN, INC., 6116 North Central Expressway, Suite 909, Dallas, TX 75206. Representative: Michael E. Smoller, 4314 North Central Expressway, Dallas, TX 75206, (214) 821–0892. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156548, filed June 16, 1981. Applicant: TAYLORMADE TRUCKING CO., INC., P.O. Box "G", Baldwin Park, CA 91706. Representative: John Bilyeu (same address as applicant), (213) 960–2855. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials,

and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81-20080 Filed 7-8-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action signficantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebutal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

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Decided: July 2, 1981.

MC 28088 (Sub-60), filed June 23, 1981. Applicant: NORTH & SOUTH LINES, INC., 2710 N. Main St., P.O. Box 49, Harrisonburg, VA 22801. Representative: Henry E. Seaton, Suite 929, 425 13th St., NW, Washington, DC 20004, (202) 347–8862. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses, between the facilities of Pet, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 37918 (Sub-14), filed June 17, 1981. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 2 Tippett Rd., Downsview, Ontario, Canada M3H 5X3. Representative: Gary R. Stanley, 175 Katherine St., Buffalo, NY 14210, 416–635–2991. Transporting *pulp, paper and related products*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S.

MC 99019 (Sub-14), filed June 12, 1981. Applicant: KILLIAN BULK TRANSPORT, INC., 100 Katherine St., Buffalo, NY 14210. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *commodities in bulk*, between those points in the U.S., in and east of MI, OH, WV, VA, NC, and SC.

MC 119399 (Sub-148), filed June 22, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64802. Representative: Keith R. McCoy (same address as applicant), (417) 623–5229. Transporting *chemicals and related products*, between points in the U.S.

MC 121509 (Sub-13), filed June 16, 1981. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay St., Muscatine, IA 52761. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–2525. Transporting *commodities in bulk* between points in IL, IA, and MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, PA, SD, TN, TX, and WI.

MC 135678 (Sub-32), filed June 22, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3684. Transporting *textile mill products*, between points in OK, NM, TX, AZ, NV, and CA.

MC 142508 (Sub-170), filed June 23, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137, 402–895–3588. Transporting *Food and related products* between points in the U.S., under continuing contracts(s) with Swift Independent Packing Company, of Chicago, IL.

MC 146078 (Sub-47), filed June 22, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, 501–846–2185. Transporting *electronic equipment* between points in AL, AR, CA, CO, GA, IL, IN, KS, KY, LA, MS, ME, MO, OK, TN, TX, WA, WI, MI, and PA, on the one hand, and, on the other, the facilities of Zenith Radio Corporation in the 20 States named above.

MC 148206 (Sub-11), filed June 22, 1981. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, A corporation, P.O. Box 295, Midvale, UT 84047. Representative: Bruce W. Shand, Suite 280, Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *chemicals and petroleum products*, between points in the U.S., under continuing contracts(s) with Bill Roderick Distributing of Midvale, UT.

MC 148479 (Sub-23), filed June 19, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchinson, KS 66002. Representative: Kenneth E. Smith (same address as applicant), (913) 367–1480. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of charcoal products, between points in the U.S., under continuing contracts(s) with Cotter Charcoal Co., of Cotter, AR.

MC 149138 (Sub-3), filed June 17, 1981. Applicant: COLORADO, KANSAS, MISSOURI EXPRESS COMPANY, d.b.a. CKM EXPRESS CO., INC., 4250 Oneida, Suite 130, Denver, CO 80238. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, 303–320–6100. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in St. Louis County, MO, on the one hand, and, on the other, points in AR, IA, CO, MN, NE, and TX.

MC 149199 (Sub-9), filed June 22, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plumbing fixtures and supplies, between the facilities of Delta Faucet Company, a Division of Masco Corporation of Indiana, and its affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152688, filed June 22, 1981. Applicant: CHEMICAL DISPOSAL CO., INC., P.O. Box 397, Rillito, AZ 85246. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *hazardous waste and hazardous waste materials*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, CO, ID, NM, NV, TX, and UT. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application for common control to Team 5, Room 6370.

MC 154698, filed June 19, 1981. Applicant: LEO S. DORZWEILER, 1316 Steven, Hays, KS 67601. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *textile mill products* and *lumber and wood products*, between points in the U.S., under continuing contract(s) with Developmental Services of Northwest Kansas, Inc., of Hays, KS.

MC 156548 (Sub-1), filed June 16, 1981. Applicant: TAYLORMADE TRUCKING CO., INC., P.O. Box G, Baldwin Park, CA 91706. Representative: John Bilyeu (same address as applicant), (213) 960–2855. Transporting *machinery* between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 156579, filed June 16, 1981. Applicant: REICHHOLD CHEMICALS, INC., Emulsion Polymer Division, P.O. Drawer K, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, 202–298–3555. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with International Playtex, Inc., of Dover, DE.

MC 156609, filed June 16, 1981. Applicant: A & G TRUCKING, INC., 6981 74th Ave., Salem, OR 97303. Representative: Gerald D. Biggins (same address as applicant), (503) 393–1764. Transporting *foodstuffs* between Salem, OR, on the one hand, and, on the other, points in CA and WA.

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Decided: July 2, 1981.

MC 36979 (Sub-1), filed June 18, 1981. Applicant: RUZILA'S EXPRESS SERVICE, INC., 602–604 Midland Ave., Garfield, NJ 07026. Representative: John Ruzila (same address as applicant), (201) 478–0150. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, NY, and points in NJ, CT, MA, ME, NH, and RI.

MC 88088 (Sub-5), filed June 24, 1981. Applicant: 3 B'S MOVING & STORAGE, INC., P.O. Box 358, Clarkston, WA 94403. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Potlatch Corporation, of Lewiston, ID.

MC 124408 (Sub-21), filed June 19, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Sprenger Midwest, Inc., of Minneapolis, MN and Sioux Falls, SD.

MC 126899 (Sub-142), filed June 22, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: William L. Willis, Suite 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *malt beverages*, between Pittsburgh, PA, on the one hand, and, on the other, points in KY, MD, MO, NC, NJ, NY, OH, VA, and WV.

MC 143059 (Sub-161), filed June 18, 1981. Applicant: MERCER TRANSPORTATION CO., 12th and Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th St., N.W., Washington, DC 20004, 202 628–4600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 144069 (Sub-30), filed June 19, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant), (704) 372–1610. Transporting (1) *metal products*, and (2) *building materials*, between points in Mecklenburg and Union Counties, NC, on the one hand, and, on the other, those points in the U.S. in and east of LA, AR, KY, IL, and WI.

MC 148428 (Sub-21), filed June 22, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *printed matter*, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 148428 (Sub-22), filed June 23, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *furniture and fixtures*, between points in MN, ND, SD, and WI, on the one hand, and, on the other, points in NC, TN, VA, MS, IL, IN, AR, and GA.

MC 148589 (Sub-8), filed June 22, 1981. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 126, Henegar, AL 35978. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402, (615) 267–1135. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s), with Chef Francisco, Inc., of Eugene, OR, (2) *chemicals and related products*, between points in the U.S., under

continuing contract(s) with Hart Chemials, Inc., of Berkeley, CA, and (3) *carpet and floor coverings*, between points in the U.S., under continuing contract(s) with World Carpet, Inc., of Dalton, GA.

MC 152458 (Sub-3), filed June 22, 1981. Applicant: KNOWLES TRUCKING CO., INC., P.O. Box 309, Tyrone, GA 30290. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *such commodities* as are dealt in or used by manufacturers of artists' materials, between points in Gwinnett County, GA, on the one hand, and, on the other, points in the U.S.

MC 152509 (Sub-6), filed June 24, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., a Corp., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566–2677. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Nationwide Shippers Cooperative Association, Inc., of Cincinnati, OH.

MC 152849 (Sub-4), filed June 22, 1981. Applicant: S.T.S. TRANSPORT SERVICE, INC., 12400 South Keeler, Alsip, IL 60658. Representative: Patrick H. Smyth, 19 South LaSalle Street, Chicago, IL 60603, (312) 263–2397. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

Volume No. OPY–5–99

Decided: July 2, 1981.

MC 56799 (Sub-9), filed June 16, 1981. Applicant: CLAXON TRUCK LINE, INC., Post Office Box 678, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601, 502–227–7384. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Louisville and Munfordville, KY, over U.S. Hwy 31W, serving all intermediate points, (2) between Elizabethtown and Cub Run, KY, from Elizabethtown over KY Hwy 61 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to junction KY Hwy 88, then over KY Hwy 88 to Cub Run, KY, serving all intermediate points, and serving Buffalo, KY, as an off-route point, (3) between Sonora and Hodgenville, KY, over U.S. Hwy 84 serving all intermediate points, (4) between Campbellsville and Lousiville, KY, from Campbellsville, KY, over U.S. Hwy 68 to junction KY Hwy 61, then over KY Hwy 61 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Lousiville, KY, serving no intermediate points, (5) between Elizabethtown and Lexington, KY, from Elizabethtown over Blue Grass Parkway to junction U.S. Hwy 60, then over U.S. Hwy 60 to Lexington serving no intermediate points but serving junction Blue Grass Parkway and U.S. Hwy 127 for joinder only, and (6) between Frankfort, KY, and junction U.S. 127 and Blue Grass Parkway, over U.S. Hwy 127, serving no intermediate points but serving junction U.S. 127 and Blue Grass Parkway for joinder only.

Note.—Applicant proposes to tack Routes 1 through 6 above with each other and with applicant's existing regular route authority at Louisville, Frankfort, and Lexington, KY, to provide direct service.

MC 92319 (Sub-6), filed June 24, 1981. Applicant: KENNETH GRAHAM, Route No. 1 Box 41–A, Brimley, MI 49715. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517–489–5724. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with H. W. Elson Bottling Company of Marquette, MI.

MC 111749 (Sub-2), filed June 19, 1981. Applicant: H. E. ROHRER, INC., d.b.a. ROHRER BUS SERVICE, P.O. Box 1062, Duncannon, PA 17020. Representative: Robert J. Brooks, Suite 1115, 1828 L St., NW., Washington, DC 20036, (202) 466–3892. Transporting *passengers and their baggage*, in special and charter operations, between points in PA, on the one hand, and, on the other, points in the U.S.

MC 115648 (Sub-38), filed June 16, 1981. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, WY 82201. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001, 307–634–2184. Transporting (1) *lumber and wood products, and building materials*, between points in Lincoln County, WY, on the one hand, and, on the other, points in CO, MT, UT, NE, IA, ND, SD, and KS, and (2) *feed, fertilizer, agricultural chemicals, dairy equipment, and steel buildings*, between those points in and west of MN, IA, MO, AR, and LA.

MC 140829 (Sub-372), filed June 18, 1981. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant), (402) 494–5141. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 142006 (Sub-3), filed June 22, 1981. Applicant: WILLIAM C. THOMAS, d.b.a. THOMAS BROTHERS TRUCKING, Route 1 Box 280, Trappe, MD 21673. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412–281–0494. Transporting *electrical equipment*, between points in the U.S. under continuing contract(s) with Thepitt Manufacturing Company of Carnegie, PA.

MC 142019 (Sub-1), filed June 19, 1981. Applicant: FORREST FREEZE TRUCKING, INC., 1498 E. Merced Ave., Mercede, CA 95340. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, 714–738–3889. Transporting *general commodities* (except classes A and B explosives), between points in CA, AZ, NV, NM, UT, ID, MT, OR, WA and WY.

MC 144428 (Sub-15), filed June 22, 1981. Applicant: TRUCKADYNE, INC., Route 16, P.O. Box 308, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant), (617) 966–2400. Transporting *rubber*, between points in the U.S., under continuing contract(s) with Baker Rubber Inc., of South Bend, IN.

MC 144509 (Sub-6), filed June 22, 1981. Applicant: HOLSTON MOTOR EXPRESS, INC., P.O. Box 1670, Kingsport, TN 37662. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th, St., NW., Washington, D.C. 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in Shelby, Davidson, and Hawkins Counties, TN, on the one hand, and, on the other, points in NC, VA, MD, DC, and Wood County, WV.

Note.—Applicant intends to tack with it authority in No. MC–144509, and Subs 3 and 4.

MC 144858 (Sub-45), filed June 22, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102, 402–348–0832. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Keebler Company, of Elmhurst, IL.

MC 145789 (Sub-1), filed June 19, 1981. Applicant: SWOPE BOAT REPAIR AND TRANSIT COMPANY, INC., Route 1, Lexington Rd., Winchester, KY 40391. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, 502–875–3493. Transporting *used boats*, between points in KY, on the one hand, and, on the other, points in the U.S.

MC 145828 (Sub-4), filed June 22, 1981. Applicant: RONALD L. JONES d.b.a. ALGOMA FARMS, 1782 Leonard Rd., North, Oshkosh, WI 54901.

Representative: James A. Spiegal, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *concrete products*, between points in the U.S., under continuing contract(s) with Duwe Concrete Industries, Inc., and Duwe Mausoleum Sales, of Oshkosh, WI.

MC 146758 (Sub-13), filed June 24, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800–533–6038. Transporting *food and related products*, between the facilities used by Farmland Foods, Inc., in Crawford, Carroll, Hardin, Cherokee, Polk, Webster and Woodbury Counties, IA; and Lancaster, Douglas, and Saline Counties, NE, on the one hand, and, on the other, points in WI, IL, AR, LA, MO, MN, ND, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AZ, NV, OR, WA, and CA.

MC 150939 (Sub-19), filed June 24, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with David Weis Wholesale Jewelers, Inc., of Monroeville, PA.

MC 152509 (Sub-5), filed June 17, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., a Corp., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566–2677. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Transportation Consultants, Inc., of Brecksville, OH.

MC 152589 (Sub-2), filed June 22, 1981. Applicant: WHITELIGHTNIN' EXPRESS, INC., P.O. Box 167, Ft. Smith, AR 72902. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Advance Coating Technology, Inc., of Franklin, TN.

MC 155398, filed June 11, 1981. Applicant: TISCHHAUSER TRUCKING, INC., R.R. 1, White City, KS 66873. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 223–9629. Transporting (1) *animal feed and feed supplements*, and (2) *fertilizer*, between points in Marion, Dickinson, McPherson, Harvey, Butler, Sedgwick, and Morris Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 156559, filed June 16, 1981. Applicant: W. B. DAVIDSON TRANSPORT LTD., 7828 Bowcliff Crescent NW., Calgary, Alberta, Canada T3B 2S7. Representatives: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting (1) *such commodities* as are dealt in or used by manufacturers of stoves and fireplaces, between points in Orange and Riverside Counties, CA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, in WA, ID, and MT, and, (2) *pulp containers*, between points in Benton County, OR, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada in WA, ID, and MT, and, (3) *fertilizer and hydrated lime*, between Salt Lake City, UT, and points in Alameda County, CA, Gem County, ID, Yellowstone County, MT, Hood River and Umatilla Counties, OR, and Clark, Chelan, and Yakima Counties, WA, on the one hand, and, on the other, ports of entry on the international boundary line between United States and Canada in WA, ID, and MT.

MC 156598, filed June 17, 1981. Applicant: SMITH TRANSPORT R.D. #1, Box 35 Roaring Spring, PA 16673. Representatives: Barry F. Smith (same address as applicant) (814) 224–4876. Transporting (1) *pulp, paper and related products*, and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Fonda/Royal Lace Group, of Williamsburg, PA.

MC 156606 filed June 16, 1981. Applicant: ROBIN TRANSPORT, INC., 9 Hartshorne Rd., Wayside, NJ 07712. Representatives: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in MA, RI, CT, NY, PA, NJ, DE, MD, VA, NC, SC, and DC.

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[Volume No. 116]

Motor Carrier; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: July 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich
Secretary.

Mc 5619 (Sub-9)X, filed June 4, 1981. Applicant: CLEVELAND GENERAL TRANSPORT, CO., INC., One Van St., Staten Island, NY 10310. Representative: Edward F. Bowes, P.O. Box 1409, Fairfield, NJ 07006. Applicant seks to remove restrictions from the lead and Sub-No. 3 permits to (1) broadden the commodity description from contractor's and factor equipment, including heavy machinery: steel and other materials and supplies (including fuel) such as are used in construction erection and building operations automotive display vehicles, airplanes, tractors, chassis and other automotive equipment, forest products (such as poles and piling), metals, oils and greases, pipe, electrical equipment, and building materials of various kinds such as are ordinarily transported in flat-bed vehicles to "such commodities which because of size or weight require special handling or equipment, machinery, metal products, transportation equipment, lumber and wood products, petroleum, natural gas and their products, food and related products, chemicals and related products, and building materials" and, from building materials and other commodities ordinarily transported in

dump trucks, such as common brick, ashes, cinders, and pig iron to "clay, concrete, glass or stone products, waste or scrap materials not identified by industry producing" in the lead, and, from ores, iron pyrites, welding compounds, foundry sand, and ferro alloys to "ores and minerals, chemicals and related products, metal products, and clay, concrete, glass or stone products," in Sub-No. 3 and (2) broaden territorial description to between points in the U.S. under contract(s) with a named shipper in Sub-No. 3 and unnamed shippers in the lead.

MC 6516 (Sub-4)X, filed June 20, 1981. Applicant: TRIBORO TRUCKING, INC., 200 Raymond Boulevard, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (A) broaden the commodity description to (1) "food and related products, petroleum, natural gas and their products, forest products and chemicals and related products" from watermelons, food products, oil, seed, cocoanuts, arabic and karaya gum, paint material, enamel, lacquer, varnish, stain, paint, varnish remover, and printing paper, in the lead, and (2) "petroleum, natural gas and their products and chemicals and related products" from grease, soap, oil paint, varnish, disinfectant and water proofing material, in Sub-No. 2; (B) replace city-wide authority with county-wide authority (1) Kearny, NJ with Hudson County, NJ, in the lead, and, (2) Belleville, NJ with Essex County, NJ, in Sub-No. 2; and (C) authorize radial authority to replace existing one-way service between points in (1) NJ and NY, in the lead, and (2) NJ, NY, CT and PA, in Sub-No. 2.

MC 31357 (Sub-1)X, filed June 29, 1981. Applicant: GEROSA INCORPORATED, 101 Lincoln Avenue, Bronx, NY 10454. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NY 07006. Applicant seeks to remove restrictions in MC–31357 certificate and MC–84784 permit to (1) broaden the commodity descriptions from (a) Steel, and contractors' equipment and supplies, (except gypsum, lime, gypsum and lime products, mineral wool, metal lath and accessories, paint and paint products, wallboard, pulpboard, and insulating board), machinery and machinery parts, and commodities which, because of their weight or size, require the use of special equipment, to "contractor's equipment and supplies, metal and metal products, machinery, transportation equipment, and those commodities which because of their size or weight require the use of special handling or equipment" in MC–31357; (b) pulpboard, scrap paper, gypsum, lime, gypsum and lime products, mineral wool, metal lath and accessories, paint and paint products, wallboard, pulpboard, insulating board, to "ores and minerals, lumber and wood products, pulp, paper and related products, chemicals and related products, clay, concrete, glass or stone products, metal products, and scrap or waste materials" in MC–84784 (2) authorize service between all points in the U.S., under continuing contract(s) with unnamed shippers in MC–84784; (3) delete the restriction against the transportation of petroleum and petroleum products, in bulk, from points in New Jersey in MC–84784; (4) remove the restriction against the transportation of (1) any shipment which originates at Baltimore, MD, Washington, DC, Rosslyn, VA, Chester, Philadelphia, or Pittsburgh, PA, and which is destined to any point or place in an area embracing Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, or the District of Columbia, except points and places within 40 miles of the city hall, New York, NY, including New York, NY, or (2) any shipment which originates at any point or place in an area embracing Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, or the District of Columbia, except points and places within 40 miles of the city hall, New York, NY, including New York, NY, and which is destined to Baltimore, Washington, Rosslyn, Chester, Philadelphia, or Pittsburgh, in MC–31357.

MC 88368 (Sub-53)X, filed June 16, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its Sub-No. 47F certificate by broadening the commodity description in parts (1) and (2) from painting equipment and fixtures, and finishing equipment, fixtures and systems, material handling equipment and systems (except commodities in bulk), to "machinery and metal products," in connection with its radial operations between points in CA, IL, IN, MN, MO, NV and OH and points in the U.S.

MC 106068 (Sub- 11)X, filed June 11, 1981. Applicant: WM. O. HOPKINS INC., R.R. #1, Box 16A, Rensselaer, IN 47978. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 5, 6, 8, and 9 to (1) broaden the commodity description (a) from agricultural commodities to "farm products", feed to "food and related products", fertilizer to "chemicals and related products", farm machinery to "machinery" in its lead; (b) from steel springs, wire spring assemblies, box spring constructions, and component parts therefor, to "metal products, and lumber and wood products"; (b) from such commodities as are used in the manufacture of steel springs, wire spring assemblies, and box spring constructions, and component parts therefor, to "metal products, and lumber and wood products"; (c) from wire to "metal products", and from lumber and paper products to "lumber and wood products and pulp, paper and related products" in its Sub-No. 2; (c) from wire spring assemblies, box spring constructions, paper products, lumber, wire, cord, and machinery used in the manufacture of steel springs, to "metal products, pulp, paper, and related products, lumber and wood products, textile mills products, and machinery" wire, cord, springs and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, textile mill products, and machinery"; used lumber to "lumber and wood products"; damaged spring units, to "metal products"; steel springs, wire spring assemblies, box spring constructions, and component parts therefor, to "metal products, and lumber and wood products"; wire cord and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, textile mill products, and machinery"; used lumber, to "lumber and wood products"; damaged spring units, to "metal products"; feed, to "chemicals and related products, and food and related products", and agricultural salt, to "ores and minerals, food and related products, chemicals and related products" in Sub-No. 3; (d) from lumber and wood composition board, to "lumber and wood products and building materials"; from paint and paint supplies, to "chemicals and related products and building materials", and from hardware, to "metal products, building materials, rubber and plastic products", in Sub-No. 5; (e) from wire spring assemblies, box spring constructions, paper products, lumber, wire, cord, and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, lumber and wood products, textile mill products, and machinery"; from wire, cord springs, and machinery used in the manufacture of steel springs, to "metal products, pulp, paper and related products, textile mill products, and machinery"; and from wire carriers and damaged or rejected wire, to "metal products" in Sub-No. 6; (f) from wire spring assemblies, box springs, frames, bed frames, bed frames, and plastic articles, and parts and components of wire spring assemblies, box spring frames, bed frames, and plastic articles, wire carriers and damaged and rejected wire, to "metal products, lumber and wood products, rubber and plastic products"; from such machinery, equipment, materials and supplies as are used by manufacturers and distributors of wire spring assemblies, box spring frames, bed frames, and plastic articles, and parts and components of wire spring assemblies, box spring frames, bed frames, and plastic articles, to "machinery, equipment, materials, and supplies"; from wire and wire carriers and damaged and rejected wire, to "metal products", and from wire spring assemblies, box spring frames, bed frames, and plastic articles, and parts and components of wire spring assemblies, box spring frames, bed frames, and plastic articles, to "metal products, lumber and wood products, rubber and plastic products" in Sub-No. 8; and from iron and steel articles to "metal products" in Sub-No. 9; (2) remove facilities limitations at or change Danville, IL, to Vermilion County, IL; Sheldon, IL, to Iroquois County, IL; Streator, IL, to LaSalle County, IL; Demotte, IN, to Jasper County, IN; Chicago Heights, IL, to Cook County, IL, Gibson City, IL, to Ford County, IL; Peoria, IL, to Peoria County, IL, and Calumet City, IL, to Cook County, IL, in its lead; Rensselaer, IN, to Jasper County, IN; Rosemont, IL, to Cook County, IL; Allston, MA, to Suffolk County, MA; Albany, NY, to Albany County, NY; Rochester, NY, to Monroe County, NY; Bluefield, VA, to Tazewell County, VA; Chester, PA, to Delaware County, PA; Pittsburgh, PA, to Allegheny County, PA; Reading, PA, to Berks County, PA;

Lexington, NC, to Davidson County, NC; Medina, OH, to Medina County, OH; Oakville, CT, to Litchfield County, CT; Paterson, NJ, to Passaic County, NJ; Joliet, IL, to Will County, IL; Waukegan, IL, to Lake County, IL; Alton, IL, to Madison County, IL; Grand Rapids, MI, to Kent County, MI; Monroe, MI to Monroe County, MI; Aliquippa, PA, to Beaver County, PA; Trenton, NJ, to Mercer County, NJ; Portsmouth, OH, to Scioto County, OH, and Dover, OH, to Tuscarawas County, OH, in Sub-No. 2; Rensselaer, IN, to Jasper County, IN; Tucker, GA, to De Kalb County, GA; Denver, CO, to Denver County, CO; Brenham, TX, to Washington County, TX; Delano, PA, to Schuylkill County, PA; Sparrows Point, MD, to Baltimore County, MD; Philadelphia and Johnstown, PA, to Philadelphia and Cambria Counties, PA; Newark, OH, to Licking County, OH; Quincy, MA, to Norfolk County, MA; Kenosha, WI, to Kenosha County, WI; Carthage, MO, to Jasper County, MO; Randolph, MA, to Norfolk County, MA; Albany and Rochester, NY, to Albany and Monroe Counties, NY; Bluefield, VA, to Tazewell County, VA; Chester, Pittsburgh and Reading, PA, to Delaware, Allegheny and Berks Counties, PA; Lexington, NC, to Davidson County, NC; Medina, OH, to Medina County, OH; Oakville, CT, to Litchfield County, CT; Paterson, NJ, to Passaic County, NJ; Tucker, GA, to De Kalb County, GA; Denver, CO, to Denver County, CO; Danville, Champaign, Springfield, Decatur, Kankakee, Rochelle, and Wilmington, IL, to Vermilion, Champaign, Sangamon, Macon, Kankakee, Ogle and Will Counties, IL; Clinton, IA, to Clinton County, IA; LaCrosse, WI, to LaCrosse County, Blissfield, MI, to Lenawee County, MI, and Port Huron and St. Louis, MI, to St. Clair and Gratiot Counties, MI, in Sub-No. 3; Calumet Harbor, IL, to Cook County, IL; Grand Rapids, MI, to Kent County, MI; Canton, OH, to Stark County, OH; Bridgeport, CT, to Fairfield County, CT, and Rensselaer, IN, to Jasper County, IN, in Sub-No. 5; Rensselaer, IN, to Jasper County, IN; Middletown, OH, to Butler County, OH; Grand Rapids, MI, to Kent County, MI; Hialeah and Orlando, FL, to Dade and Orange Counties, FL; Delano, PA, to Schuylkill County, PA; Medina, OH, to Medina County, OH; Tucker, GA, to De Kalb County, GA; Cleveland and Archbold, OH, to Cuyahoga and Fulton Counties, OH; Pueblo, CO, to Pueblo County, CO; Waukegan, IL, to Lake County, IL; Joliet and Alton, IL, to Will and Madison Counties, IL; Aliquippa and Johnstown, PA, to Beaver and Cambria Counties, PA; Portsmouth, OH, to Scioto County, OH; and Roebling, NJ, to Burlington County, NJ, in Sub-No. 6; Delano, Pa, to Schuylkill County, PA; Rensselaer, IN, to Jasper County, IN; Pueblo, CO, to Pueblo County, CO; Richmond, CA, to Contra Costa County, CA; Portland, OR, to Multnomah County, OR; Phoenix, AZ, to Maricopa County, AZ, and Denver, CO, to Denver County, CO, in Sub-No. 8; and Kouts, IN, to Porter County, IN, in Sub-No. 9; (3) remove originating at or destined to restrictions in Sub-Nos. 2 and 8; and (4) remove a restriction against bulk commodities in Sub-No. 5.

MC 109533 (Sub-141)X, filed June 2, 1981. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, VA 23224. Representative: C. H. Seanson, P.O. Box 1216, Richmond, VA 23209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 8, 13, 14, 16, 22, 23, 24, 28, 31, 33, 36, 37, 39, 41, 42, 44, 45, 48, 50, 54, 55, 60, 61, 63, 64, 65, 67, 68, 70, 71, 74, 77, 78, 79, 80, 84, 85, 86, 89, 91, 93, 94, 99, 101, 102F, 104F, 105, 106F, 108F, 110F, 111F, 112F, 113F, 114F, 115F, 116F, 119F, 120, 121, 122F, 125F, 126F, 127F, 129F, 130F, 131, 132F, 133F, 135, and 136 certificates and authority acquired in MC–F–13400 (1) to broaden the commodity description in all of the authorities from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives); (2) in lead, remove the intermediate point restrictions in its regular route authority to authorize service at all intermediate points (and in all authorities except Sub-Nos. 2, 6, 14, 16, 23, 31, 33, 37, 45, 48, 50, 54, 60, 65, 68, 70, 74, 79, 80, 84, 85, 88, 89, 91, 100, 102F, 112F, 115F, 116F, 121, 126F, 129F and 130F); (3) in the lead: remove the restriction limiting transportation to traffic moving to, from or through Charlotte, Greensboro, Raleigh or Monroe, NC, or points located on carrier's regular routes between High Point, NC and Atlanta, GA; the restriction against traffic to be transported between points in GA located on carrier's authorized irregular route territory, and points in Section (I)(E); the restriction against traffic to be transported between points in Section (I)(E) located on Routes 2, 3, 4, and 11, and points in Section (I)(E) located on Routes 1, 5, 6, 7, 8, 9, and 10; and the restriction "except that Rome, GA, is restricted against transportation of rayon yarn, rayon products, and containers for yarn and products"; (4) substitute county wide authority for the following: in the lead, Wake County for Raleigh, NC, Person County for Roxboro, NC and Halifax County for South Boston, VA; in Sub-No. 6, Clayton County for Bex and Ellenwood, GA; in Sub-No. 13, Charlotte County, VA for Drakes Branch, VA; in Sub-No. 22, Jefferson County for Cherokee Dam, TN, Hamilton County for (Volunteer Ordnance Plant) Tyner, TN, Montgomery County for Pepper, VA and Chesterfield County for Richmond Deepwater Terminal, VA, Greene and Hamblen Counties for Lowland, TN, Catoosa, Dade and Walker Counties; GA for points within 10 miles of Chattanooga, TN; Greene County for Greeneville, TN; Wise County for Wise, VA, Lee County for Dryden, VA, Floyd County for Crystal Springs, GA, Walker

County for Flintstone, GA, Smythe County for Bradford, VA; Washington County for Clinchburg and Emory, VA, York County for Meadowview, VA, Russell County for Dante, Honaker, Cleveland and Swords Creek, VA; Tazewell County, VA for Raven, Red Ash, Richlands, N. Tazewell and Burks Garden, VA; Buchanan County, VA for Grundy and Marvin, VA; Roanoke County, VA for Hanging Rock, VA; Randolph County for Asheboro, Staley, Liberty and Randleman, NC; Alamance County for Burlington, NC; Forsyth County for Kernersville, NC; Guilford County for High Point, NC; Rowan County for Salisbury, NC; and (5) remove the restriction to shipments originating at or destined to points other than Louisville, KY, etc. in Sub-No. 22; (6) in Sub-No. 36, remove the restriction against the transportation of cement and lime from the origin points of Leeds, Roberta, Ragland and North Birmingham, AL; (7) in Sub-No. 39, remove the restriction against the transportation of traffic moving from, to or through Monroe, NC or points located in the carrier's authorized regular routes between High Point, NC and Atlanta, GA, etc., and against the transportation of traffic originating at or received from connecting carriers at Savannah, GA and destined to or delivered to connecting carriers at Jacksonville, FL (also in reverse order); (8) in Sub-No. 41, substitute Dickenson County for Clintwood, VA and Rockbridge County for Buena Vista, VA; (9) in Sub-No. 44 substitute Mercer and Marion Counties, KY for Harrodsburg and Lebanon, KY; (10) in Sub-No. 50, substitute Williamson County for facility at or near Brentwood, TN; (11) in Sub-No. 54, substitute Lawrence County for Louisa, KY; (12) in Sub-No. 60, remove restriction against the interline of any shipment at Cumberland, MD having an origin or destination in Garrett County or those points in Allegany County on and west of U.S. Highway 220; (13) in Sub-No. 67, substitute county wide authority for the following: Escambia County, FL for Gonzales, FL, Jefferson County, TX for Port Arthur and Port Neches, TX, Mobile and Washington Counties, AL for Lemoyne and facility at or near Calvert, AL; (14) in Sub-No. 68, substitute Wilson County for facility at or near Nashville, TN; (15) in Sub-No. 70, substitute Powhatan County for facility near Beaumont, VA; (16) in Sub-No. 71, substitute Grant County for Crittenden, KY; (17) in Sub-No. 77, substitute Nelson County for Gethsemane, New Hope and Balltown, KY; (18) in Sub-No. 78, substitute Scott County, KY for Georgetown, KY; (19) in Sub-No. 79, substitute Lancaster County for facility at or near East Hempfield Township, PA; (20) in Sub-No. 84, remove the restriction against the transportation of traffic between points in PA and various counties in WV; (21) in Sub-No. 85, remove restriction against the transportation of traffic originating at or destined to, or interchanged at Memphis, TN; (22) in Sub-No. 88, remove the restriction against service to points in NC within the commercial zone of Virgina Beach, VA;

(23) in Sub-No. 91, substitute Nassau County for Fernandina Beach and Yulee, FL; (24) in Sub-No. 93, remove restrictions in (1) through (8) to the transportation of traffic moving from, to, or through points in MD; and to the transportation of shipments which both originate at and are destined to points in DE, NJ and PA, and authorize off-route service at all points in PA Counties in which only partial service is now authorized (25) in Sub-No. 94, substitute Magoffin County, KY for Royalton, Burning Fork, Bradley, Sublett, Hendricks, Bloomington and Swampton, KY and Morgan County, KY for Wrigley, KY; and remove the restriction against the pickup and delivery of traffic originating at, destined to, or interchanged at either Lexington or Louisville, KY; (26) in Sub-No. 100, remove the in bulk restriction; (27) in Sub-No. 101, remove the restriction against the transportation of traffic (a) originating at or received from connecting carriers at Memphis, TN and destined to points on this route and (b) in reverse order; and substitute Scott County for Nickelsville, VA; (28) in Sub-No. 102F, substitute Putnam County for facility at or near Cookeville, TN; (29) in Sub-No. 106F, substitute Knox County for Vincennes, IN; (30) in Sub-No. 105, broaden off route point authority in part (12) to points in Burke, Catoosa, Coweta, Floyd and Richmond Counties, GA; (31) in Sub-No. 106, substitute Montgomery County for Dayton, OH; (32) in Sub-No. 112F, substitute Armstrong County for facility at or near Schenley, PA; (33) in Sub-No. 113F, remove the provision to serve Marion for purposes of joinder only; (34) in Sub-No. 115F, substitute St. Charles County for St. Peters, MO; (35) in Sub-No. 116F, substitute Sussex and Greensville for facility at or near Jarratt, VA; (36) in Sub-No. 120, remove the restriction precluding carrier from originating, delivering or interchanging traffic at East St. Louis and Belleville, IL when such traffic is moving between said points; replace one way with non-radial authority; substitute counties in IL for numerous off-route IL points; and Bridgeton, MO with St. Louis County, MO, and Neeley's Landing, MO with Cape Girardeau County, MO; (37) in Sub-No. 121, substitute Shelby County for Shelbyville, IN; (38) in Sub-No. 126F, substitute Burke County for facility at or near McBean, GA; (39) in Sub-No. 127F, substitute Isle of Wright County, VA for Smithfield, VA and King William County, VA for West Point, VA; (40) in Sub-No. 130F, substitute Tunica County, MS for Tunica, MS; (41) in Sub-No. 135, substitute Warren County for Kings Mills, OH; and in MC-F-13400, replace one way with two-way authority and remove the ballistic missile and launching sites, and supply points limitation; (42) in Sub-No. 63, substitute counties for numerous PA off-route points and remove the exceptions from off-route points in a described area in MD.

MC 112698 (Sub-68)X, filed June 22, 1981. Applicant: HARTMANS, INCORPORATED; 2710 South Main St., Harrisonburg, VA 22801. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 14 and 63F certificates to (1) broaden the commodity description from frozen foods, poultry and poultry by products in Sub-No. 14 and frozen foodatuffs and agricultural exempt commodities in Sub-No. 63F to "food and related products"; (2) replace Timberville, VA with Rockingham County, VA, in Sub-No. 14, and Martinsburg, WV, with Berkeley County, WV, in Sub-No. 63F; (3) remove an originating at restriction in Sub-No. 63F; (4) remove an equipment restriction in Sub-No. 14; and (5) replace one-way with radial authority in Sub-Nos. 14 and 63F.

MC 115651 (Sub-103)X, filed June 10, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant proposes to remove restrictions from its Sub-Nos. 11, 13, 16, 17, 18, 21, 25, 27, 29, 37, 40, 41, 44, 46, 47, 48, 49, 52, 53, 56, 57, 60, 61, 62, 63, 68, 70, 78, 79, 80, 81, 82, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, and 95 certificates to (1) broaden the commodity descriptions (A) to "commodities in bulk" (a) from chemicals in Sub-No. 16 (b) from liquified petroleum gas in Sub-No. 29, (c) from liquified petroleum gas in Sub-No. 52, and (d) from sand in Sub-No. 53, (B) to "chemicals and related products" (a) from mineral spirits and salts in Sub-No. 11, (b) from acids, chemicals, fertilizer and fertilizer ingredients (except

cryogenic liquids), in Sub-No. 13, (c) from anhydrous ammonia in Sub-No. 17, (d) from diammonium phosphate in Sub-No. 18, (e) from liquid fertilizer solutions in Sub-No. 21, (f) from aqua ammonia with additives, in Sub-No. 25, (g) from liquid and dry fertilizers, and liquid fertilizer solution, in Sub-No. 27, (h) from solvents in Sub-No. 37, (i) from dicalcium phosphate in Sub-No. 41, (j) from fertilizer solutions in Sub-No. 44, (k) from liquid fertilizers in Sub-No. 49, (l) from liquid fertilizers in Sub-No. 56, (m) from liquid latex in Sub-No. 57, (n) from fertilizer and fertilizer materials in Sub-No. 60, (o) from paint, paint materials, and derivatives, driers, fillers, thickeners, thinners, and reducing or removing compounds, in Sub-No. 63, (p) from anhydrous ammonia, fertilizer solution and manufactured fertilizer in (1) and (2) of Sub-No. 78, (q) from fertilizer and fertilizer materials in Sub-No. 88, (r) from chemicals, petroleum, napthas, and solvents, in Sub-No. 89, (s) from alcohol in Sub-No. 90, (t) from fertilizer in Sub-No. 91; (C) to "petroleum, natural gas, and their products," (a) from asphalt in Sub-Nos. 40, 46, and 47, (b) from liquified petroleum gas in Sub-No. 48, (c) from liquified petroleum gas in Sub-No. 61 and 62, (d) from liquified petroleum gas in Sub-No. 68, (e) from asphalt and asphalt products in Sub-No. 70, (f) from petroleum products in Sub-No. 79, (g) from white oil in Sub-No. 80, (h) from petroleum products in Sub-Nos. 81, 82, and 84, (i) from liquifed petroleum gas in Sub-No. 86, (j) from asphalt and asphalt products in Sub-No. 87, and (k) from petroleum products in Sub-No. 92 and 95; (2) delete the in bulk restrictions in Sub-Nos. 11, 13, 17, 18, 25, 27, 37, 40, 44, 46, 47, 49, 56, 57, 60, 61, 63, 68, 70, 78, 79, 80, 81, 82, 84, 86, 87, 88, 89, 90, 91, 92, 93 and 95; (3) delete the in tank vehicles restrictions in Sub-Nos. 13, 17, 25, 29, 37, 40, 44, 46, 47, 48, 49, 52, 56, 57, 63, 68, 70, 78, 79, 80, 81, 82, 84, 86, 87, 88, 89, 90, 91, 92, 93, and 95; (4) delete the originating at or destined to restrictions in Sub-Nos. 11, 16, 18, 21, 27, 37, 53, and 57; (5) substitute county-wide or city-wide authority for a named point or facilities limitations (a) Winnebago County, IL (Rockford), in Sub-No. 11, (b) Hancock County, IL (Niota) in Sub-No. 13, (c) Clinton County, IA (Clinton) in Sub-No. 16, (d) Jackson County, IA (Bellevue), in Sub-No. 17, (e) Bureau, McLean, and Cook Counties, IL (Depue, Colfax, and Riverdale), and Dallas, Madison, Warren and Polk County, IA (Des Moines), in Sub-No. 18, (f) Wabash County, IL (Mt. Carmel) in Sub-No. 21, (g) McHenry County, IL (Union) in Sub-No. 25, (h) Whiteside County, IL (Fulton) in Sub-No. 27, (i) Sumner, Reno, and Rice Counties, KS (Hutchinson, Conway, and Little River) in Sub-No. 29, (j) Cook County, IL (Lemont) in Sub-No. 37, (k) Jo Daviess County, IL, Dubuque County, IA and Grant County, WI (Dubuque, IA) in Sub-No. 40, (l) LaSalle County, IL (Marseilles) in Sub-No. 41, (m) Rock Island County, IL (Cordova) in Sub-No. 44, (n) Lake County, IN (East Chicago) in Sub-No. 46, (o) Lake County, IN (Whiting) in Sub-No. 47, (p) Grundy and Cook Counties, IL (Morris and Lemont) in Sub-No. 48, (q) LaSalle County, IL (Ottawa) in Sub-No. 49, (r) Chickasaw County, IA (New Hampton) and Kosciusko County, IN (Milford) in Sub-No. 52, (s) LaSalle County, IL (Troy Grove) and Berrien County, MI (Bridgman) in Sub-No. 53, (t) Iroquois and Douglas Counties, IL (Watseka and Bourbon) in Sub-No. 56, (u) Cook County, IL (Alsip) in Sub-No. 57, (v) Cook, Whiteside, Boone, LaSalle and Rock Island Counties, IL (Lemont, Erie, Belvidere, Marseilles and Seneca), Cordova, IL, and Clinton County, IA (Clinton) in Sub-No. 60, (w) Cook County, IL (Lemont) and Jo Daviess County, IL, Dubuque County, IA, and Grant County, WI (Dubuque, IA), in Sub-No. 62, (x) Chicago, IL (facilities at Chicago) in Sub-No. 63, (y) Rock County, WI (Janesville) in Sub-Nos. 68 and 70, (z) Lee and Des Moines Counties, IA, and Hancock and Henderson Counties, IL (Fort Madison, IA and points within 10 miles of Fort Madison), in Sub-No. 78, (aa) Winnebago County (Rockford) and Clinton County, IA (Clinton) in Sub-No. 79, (bb) Lake County, IN (Whiting) in Sub-No. 80, (cc) Winnebago County, IL (Rockford) in Sub-No. 81, (dd) Ogle County, IL (Rochelle) in Sub-No. 82, (ee) Dane County, WI (Madison) in Sub-No. 84, (ff) Cook County, IL (Blue Island) in Sub-No. 86, (gg) Lake County, IN (East Chicago) in Sub-No. 87, (hh) LaSalle County, IL (Peru) in Sub-No. 88, (ii) Macon County, IL (Decatur) and Peoria and Tazewell Counties, IL (Peoria) in Sub-No. 90, (jj) Johnson County, IA (Iowa City) in Sub-No. 94; and (6) replace one-way with radial authorities in all of the authority except Sub-Nos. 91, 92, 93, 94, and 95.

MC 117503 (Sub-19)X, filed June 12, 1981. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to (1) broaden the commodity description by removing exceptions to general commodities (except class A explosives and except classes A and B explosives after September 8, 1982), the date applicant's class B authority expires, (2) replace Seattle-Tacoma International Airport, with Seattle and Tacoma, WA; Portland International Airport with Portland, OR; Los Angeles International Airport with Los Angeles, CA; and San Francisco International Airport with San Francisco, CA, (3) remove the restriction limiting service to "traffic having a prior or subsequent movement by air"; and (4) remove the restriction against service between the Seattle-Tacoma International Airport and the Portland International Airport.

MC 118822 (Sub-20)X, filed June 16, 1981. Applicant: CARTER TRUCKING CO., INC., Cleveland Avenue, Locust Grove, GA 30248. Representative: Robert C. Boozer, 1400 Candler Bldg., 127 Peachtree St., NE, Atlanta, GA 30043. Applicant seeks (1) to remove restrictions in its Sub-Nos. 18F and 19F permits to broaden the territorial description to between points in the United States under continuing contract(s) with named shippers.

MC 123993 (Sub-96)X, filed June 16, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representataive: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restriction in its Sub-No. 85 certificate to broaden the commodity description by removing exceptions to general commodities (except Class A and B explosives), in its authority between LA and the US, and remove the AK and HI exception.

MC 124117 (Sub-48)X, filed June 16, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 19, 21, 25, 26, 28F, 29F, 32, 35F, 36F, 40F, 43F, 45F, 46F and 47F certificates by (1) broadening the commodity description (a) from malt beverages and related advertising materials to "food and related products" in its lead and Sub-Nos. 21, 26, 28F, and 40F; (b) from scrap paper in its lead; and from scrap paper and scrap cardboard in Sub-No. 25; and from paper and paper products and wood pulp in Sub-No. 36F to "pulp, paper and related products"; (c) from scrap batteries, scrap battery parts, scrap lead and recycled lead, in Sub-No. 19 to "metal and metal products, rubber and plastic products, waste or scrap materials"; (d) from materials, supplies and equipment used in the manufacture, sale and distribution of malt beverages

(except commodities in bulk) in Sub-No. 26, to "such commodities as are used in the manufacture, sale and distribution of malt beverages"; (e) from glass containers in Sub-No. 29F to "clay, concrete, glass or stone products," (f) from foodstuffs in Sub-No. 32 to "food and related products," (g) from materials, supplies and equipment used in the manufacture and distribution of glass containers in Sub-No. 35F to "such commodities as are dealt in or used by manufacturers and distributors of clay, concrete, glass or stone products"; (h) from materials, equipment and supplies used in the manufacture of paper, paper products and wood pulp (except commodities in bulk) in Sub-No. 36F to "such commodities as are dealt in or used by manufacturers and distributors of pulp, paper and related products," (i) from metal and plastic castings and component parts for fuel dispensing equipment in Sub-No. 43F to "metal products, rubber and plastic products," (j) from containers in Sub-No. 45F to "rubber and plastic products, clay, concrete, glass or stone products, and metal products"; (2) change the territorial description from one-way authority to radial authority in its lead and Sub-Nos. 21, 25, 26, 35F, 36F and 40F; (3) broaden the territorial description by substituting county-wide authority for named facilities and cities (a) in its lead: Vanderburgh County for Evansville, IN; Forsyth County for Winston-Salem, NC; Putnam County for Cookville, TN; Buchanan County for St. Joseph, MO; Allen County for Ft. Wayne, IN; Giles County for Pulaski, TN; Liberty County for Cleveland, TX; Sequatchie County for Dunlap, TN; Moore County for Tullahoma, TN; Madison County for Huntsville, AL; Dougherty County for Albany, GA; Maury County for Columbia, TN; Green County for Eutaw, AL; Lee County for Opelika, AL; Montgomery County for Montgomery, AL; Houston County for Dothan, AL; Warren County for Bowling Green, Ky; Henderson County for Henderson, KY; Christian County for Hopkinsville, KY; Marion County for Lebanon, KY; Madison County for Richmond, KY; Franklin County for Frankfort, KY; Nelson County for Bardstown, KY; Fayette County for Lexington, Ky; Weakley County for Dresden, TN; Dyer County for Dyersburg, TN; Houston County for Perry, GA; Madison County for Jackson, TN; Weakley County for Martin, TN; Williamson County for Franklin, TN; Maury County for Mt. Pleasant, TN; White County for Sparta, TN; Bedford County for Shelbyville, TN; Wilson County for Lebanon, TN; Lincoln County for Fayetteville, TN; Madison County, for Alton, IL; (b) in Sub-No. 19, Vanderburgh County for Evansville, TN; McCracken County for Paducah, KY; Pike County for Troy, AL; Fayette County for Lexington, KY; Berks County for Reading, PA; Spartanburg County for Spartanburg, SC; and Greenville County for Greenville, SC; (c) in Sub-No. 19, Williamson County for College Grove, TN; Kanawha County for Charleston, WV; (d) in Sub-No. 25, Polk County for Cedartown, GA; (e) in Sub-No. 26, Rockingham County for Eden, NC; (f) in Sub-No. 28F, Oswego County for facilities at or near South Volney, NY; (g) in Sub-Nos. 29F and 35F, Houston County for the facilities at or near Warner Robbins, GA; (h) in Sub-No. 35F, Vigo County for Terre Haute, IN; (i) in Sub-No. 36F, McMinn County for facilities at or near Calhoun, TN; (j) in Sub-No. 40F, Dougherty County for Albany, GA; (k) in Sub-No. 43F, Marshall County for Lewisburg, TN; (4) remove restrictions against service at Eden, NC in Sub-No. 29F; (5) remove restriction limiting transportation to traffic destined to named facilities, in Sub-No. 25; (6) remove restrictions against the transportation of commodities in bulk in Sub-No. 40F; and (7) remove the restriction excepting AK and HI in connection with its authority to serve radially between points in Portage County, WI and points in the US, in Sub-No. 32.

MC 129283 (Sub-4)X, filed June 26, 1981. Applicant: AIRPORT DRAYAGE CO., INC., Air Cargo Building, Seattle-Tacoma Airport, Seattle, WA 98158. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 3 to (1) broaden its commodity description in both certificates, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); and (2) eliminate the restrictions in Sub-Nos. 2 and 3, limiting transportation to traffic having an immediately prior or subsequent movement by air and/or in vehicles equipped with mechanical refrigeration.

MC 138420 (Sub-54)X, filed June 22, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT INC., Route 1, P.O. Box 147, Cleveland, WI 53083. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-No. 35F certificate to (1) broaden the commodity description from paper and paper products and plastic products to "pulp, paper and related products and rubber and plastic products"; (2) remove facilities limitations at and replace Ashland, Green Bay, Menasha, Neenah, and Wausau, WI, with Ashland, Brown, Outagamie, Winnebago, and Marathon Counties, WI; (3) remove an originating at restriction and (4) replace one-way with radial authority.

MC 139014 (Sub-3)X, filed June 23, 1981. Applicant: COHEY TRUCKING COMPANY, INC., 3015 Vermont Avenue, Baltimore, MD 21227. Representative: John R. Sims, Jr., Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Applicant seeks to remove restrictions from its lead and Sub-No. 2 certificates to (1) in part (A) of its lead remove all exceptions except classes A and B explosives, other than small arms ammunition and in part (B) of its lead remove all exceptions except classes A and B explosives; (2) in Sub-No. 2, broaden the commodity description from suspension ceiling grid systems and components of suspension ceiling grid systems to "metal products"; (3) in part (A) of its lead, replace the radial base points on U.S. Hwy 1 between Baltimore, MD, and the Maryland-Pennsylvania state line with Baltimore (except the city of Baltimore), Harford, and Cecil Counties, MD; and in part (B) replace West Grove, PA, and points in Pennsylvania within 5 miles of West Grove, with Chester County, PA; (4) in Sub-No. 2, remove the facilities limitation at Baltimore, MD; (5) in Sub-No. 2, replace existing one-way authority with radial authority between Baltimore, MD, and, points in VA, NJ, NY, PA, MD and DC; and (6) remove the tacking restriction in its lead certificate.

Note.—Applicant's authority to tack will be governed by CFR 1042.10(b).

MC 142359 (Sub-11)X, filed June 19, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Highway & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., P.O. Box 1281, Alexandria, VA 22313. Applicant seeks to remove restrictions in its Sub-No. 7F certificate to: (1) broaden its commodity description in part one by removing exceptions from general commodities except classes A and B explosives and in parts two and three, from empty trailers (except those designed to be drawn by passenger automobiles) used or utilized in intermodal operations, and empty containers, hitchboxes and chassis for containers to "transportation equipment" between 10 States and (2) remove the restriction limiting part one of the authority to the transportation of traffic in containers or trailers having an immediately prior or subsequent movement by rail or water.

MC 142364 (Sub-51)X, filed June 8, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: E. Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 7F, 24F, 25F, 28F, 35F, and 44F certificates as follows: (1) in Sub-No. 2F replace facility limitation at Ft. Smith, AR with county wide (Sebastian County) authority; (2) in Sub-No. 3F in (1) replace facilities at Van Buren, AR with Crawford County, AR and at Beaumont, TX with Jefferson County, TX; and replace one way with radial authority; (3) in Sub-No. 7F, broaden the commodity description from aluminum folding furniture and wood folding furniture and aluminum institutional furniture, to "furniture and fixtures"; replace facilities at Ft. Smith, AR with Sebastian County and replace one way with radial authority; (4) in Sub-No. 24F, replace facilities with county wide authority: Columbus, OH with Franklin County and Mattoon, IL with Coles County; (5) in Sub-No. 25F, replace one way with radial authority; broaden the commodity description from canned foodstuffs to "food and related products"; and replace city wide with county wide authority: Alma, Ft. Smith, and Van Buren, AR with Crawford and Sebastian Counties, AR; (6) in Sub-No. 28F, replace one way with radial authority; broaden commodity description from petroleum products, in packages, to "petroleum products"; and replace Maryland Heights, MO with St. Louis County, MO; (7) in Sub-No. 33F, replace one way with radial authority; replace facilities at Ft. Smith, AR with Sebastian County, AR; and (8) in Sub-No. 44F, replace facilities at Van Buren, AR with Crawford County, AR.

MC 143230 (Sub-3)X, filed June 24, 1981. Applicant: LUCK TRUCKING, INC., Rural Route No. 1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description to "chemicals and related products", from anhydrous ammonia and liquid fertilizer, in bulk in tank vehicles; and (2) eliminate the restriction against the transportation of traffic to Van Wert, OH.

MC 144621 (Sub-53)X, filed June 22, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy. 31N., South Bend, IN 46637. Representative: Jack B. Wolfe, 1600 Sherman, Suite 665, Denver, CO 80203. Applicant seeks to remove restrictions in its certificates MC-144621 (Sub-Nos. 4F, 21F and 22F), acquired in MC-F-14491F to (A) broaden the commodities descriptions: (a) from confectionery to "food and related products", in Sub-No. 21F; and (b) from (1) buffing, polishing and cleaning compounds, personal care products, and foodstuffs and (2) materials, equipment and supplies used in the manufacture and distribution of those commodities to "(1) such commodities as are dealt in by manufacturers or distributors of buffing, polishing and cleaning compounds and personal care products, (2) food and related products and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) and (2) above" in Sub-No. 22F; (B) replace authority to serve specified facilities at named points and authority to serve specified points with city or county-wide authority; in Sub-No. 4F, facilities at Jersey City, NJ with Hudson County, NJ and Sparks, NV with Washoe County, NV; in Sub-No. 21F, facilities at Cambridge, Boston and Woburn, MA, San Antonio, TX, Macon, GA, West Reading, PA, Oak Park, and Chicago, IL, Hackettstown, NJ, Elizabeth, PA, and Waco, TX with Middlesex County and Boston, MA, Bexar County, TX, Bibb County, GA, Berks County, PA, Cook County, and Chicago, IL, Warren County, NJ, Allegheny County, PA and McLennan County, TX; in Sub-No. 22F facilities at Melrose Park, IL, Sparks, NV and Atlanta, GA with Cook County, IL, Washoe County, NV and Fulton, DeKalb, Cobb and Clayton Counties, GA; (C) remove the restrictions "except foodstuffs and commodities in bulk" in Sub-Nos. 4F and 22F; (D) in all Sub-Nos. replace one-way with radial authority; and (E) in Sub-No. 4F, remove the restriction limiting transportation to traffic originating at named facilities.

MC 145485 (Sub-5)X, filed June 19, 1981. Applicant: DAVIS CARTAGE CO., 230 Sleeseman, Curunna, MI 48817. Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its MC-133437 (Sub-Nos. 3 and 4) permits and Sub-Nos. 1 and 2 certificates: (1) in Sub-Nos. 3 and 4 permits, to broaden the commodity description from sugar, corn syrup, dextrose, and blends thereof and dried sugar beet pulp and sugar beet molasses to "food and related products" and to broaden the territorial scope of the permits to "between points in the U.S., under continuing contract(s) with named shippers; (2) in Sub-No. 1F certificate, to broaden the commodity description from fertilizer to "chemicals and related products"; to replace facility at Chicago Heights, IL with county wide (Cook and Will Counties, IL) authority; and to replace one way with radial authority and; (3) in Sub-No. 2F certificate to remove all exceptions from general commodity authority except classes A and B explosives; and to remove the restriction except MI, AK, and HI in connection with its radial operations between points in MI and points in the U.S.

MC 145673 (Sub-7)X, filed June 25, 1981. Applicant: ROAD RAIL SERVICES, INC., 805 Skokie Highway, Lake Bluff, IL 60044. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except commodities in bulk, and classes A and B explosives); and (2) eliminate the restriction limiting transportation to shipments having a prior or subsequent movement by rail or water and in containers or in trailers.

MC 145944 (Sub-10)X, filed June 22, 1981. Applicant: H & N TRANSPORT, INC., Route 2, Helena Road, Arena, WI 53503. Representative: James A. Spiegel, Old Towne Office Park, 6333 Odana Road, Madison, WI 53719. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F permits to (1) broaden the commodity description from fertilizer to "chemicals and related products"; (2) remove the "in bulk" and "except anhydrous ammonia" restrictions in Sub-Nos. 3F and 4F; (3) in Sub-No. 3F open-ended permit broaden the territorial description to between points in the U.S., under continuing contract(s); and Sub-No. 4F will be subsumed by Sub-No. 3F; and (4) remove the restriction against transportation of traffic originating at Muscatine, IA, and points in its commercial zone, and the St. Louis, MO-East St. Louis, IL, commercial zone in Sub-No. 3F.

MC 146097 (Sub-4)X, filed June 29, 1981. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, MN 55350. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity description from (a) iron or steel bars, iron or steel plates, and iron or steel rods to "metal products" in Sub-No. 1F; and (b) agricultural fertilizing equipment, and

parts and accessories to "machinery" in Sub-No. 2F; (2) expand city to county-wide authority from Sterling to Whiteside County, IL, in Sub-No. 1F, and Hutchinson to McLeod County, MN, in Sub-Nos. 1F and 2F; (3) replace one-way with radial authority between (a) Whiteside County and Chicago, IL, and, points in McLeod County, MN in Sub-No. 1F; and (b) McLeod County, MN, and, points in WI, IA, IL, IN, NE, MI, OH, ND, SD, KS, and MO, in Sub-No. 2F; and (4) remove the "originating at and destined to" restriction in each certificate.

MC 146554 (Sub-3)X, filed June 16, 1981. Applicant: GEORGE L. BRINCKS, Templeton, IA 51463. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to remove facilities limitations at and/or replace (a) Hennepin, IL, with Putman County, IL, (b) Denver, CO, with Jefferson, Arapahoe, Adams and Denver County, CO, and (c) Chicago, IL, and (2) replace one-way with radial authority.

MC 147133 (Sub-1)X, filed June 23, 1981. Applicant: TAMPA BAY MOVING SYSTEMS, INC., 5100 Tampa West Blvd., Tampa, FL 33614. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to broaden its commodity description from household goods, to "household goods, and furniture and fixtures".

MC 149461 (Sub-1)X, filed June 18, 1981. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 900 Walt Whitman Road, Suite 303, Huntington Station, NY 11746. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictidons in its No. MC–141320 Sub Nos. 2, 4, 6 and 11F permits to (1) broaden the commodity description to "chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products and instruments and photographic goods", from: radio-pharmaceuticals and medical test kits, and/or radiopharmaceuticals, medical isotopes, medical test kits, and apparatus used in the administration of the named commodities in each sub; (2) eliminate the restriction against transportation of commodities in bulk in Sub-No. 11F; and (3) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers in the above permits.

MC 150103 (Sub-15)X, filed June 22, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 5F, 6F, and 7F permits to (1) broaden the commodity description from expanded cellular plastic products in Sub-No. 2F, and cellular foam products in Sub-No. 6, to "rubber and plastic products"; from cotton fabric and cotton piece goods in Sub-No. 5F and cloth in Sub-No. 7F, to "textile mill products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 151001 (Sub-2)X, filed June 19, 1981. Applicant: RED ARROW CORPORATION, 4530 Woodson Rd., St. Louis, MO 63134. Representative: Robert E. McFarland, 2855 Coolidge Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) remove all exceptions from its general commodities authority except classes A and B explosives in its lead and Sub-No. 1; (2) replace specified airports with city wide authority by substituting St. Louis, MO for Lambert Field (at or near St. Louis, MO), and Chicago, IL for O'Hare International Airport at or near Chicago, IL, in Sub-No. 1; (3) remove the restriction against traffic having a prior or subsequent movement by air in Sub-No. 1; and (4) remove the weight per individual package and weight per shipment restrictions from the lead.

[FR Doc. 81–20173 Filed 7–8–81; 8:45 am]
BILLING CODE 7035–01–M

Agricultural Cooperative; Notice to Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Date: July 6, 1981.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP–102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC–75 (Sub-No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Farmers Marine Transportation Cooperative: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   Berth 201—Port of Portland, P.O. Box 3471, Portland, OR 97208: Principal Mailing Address (Street No., City, State, and Zip Code).
   Berth 201—Port of Portland, P.O. Box 3471, Portland, OR 97208: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   James H. Sanders, P.O. Box 3471, Portland, OR 97208: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
2. Pioneer Transportation Systems, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   Calle Jose Antonio Torres #1456, Colonia Independencia Mexicali Baja Calif., Mexico: Principal Mailing Address (Street No., City, State, and Zip Code).
   Calle Jose Antonio Torres #1456, Mexicali Baja Calif., Mexico: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   Oscar Reina Bustamante, Calle Jose Antonio Torres #1456, Colonia Independencia, Mexicali Baja Calif., Mexico: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
3. Scranton Equity Exchange: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   Box 127, Scranton, ND 58653: Principal Mailing Address (Street No., City, State, and Zip Code).
   Central Office, East Main St., Scranton, ND 58653: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   T. C. Anderson, Box 127, Scranton, ND 58653: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
4. United Agricultural Transportation Association of America Marketing Co-op: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   South Highway 75, P.O. Box 692, Ennis, Texas 75119: Principal Mailing Address (Street No., City, State, and Zip Code).
   South Highway 75, Ennis, TX 75119: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   Howard Mecom, Gen. Mgr., South Hwy 75, P.O. Box 692, Ennis, TX 75119: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
5. Western Dairymen Cooperative, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
   7720 South 700 East, Midvale, Utah 84047: Principal Mailing Address (Street No., City, State, and Zip Code).
   7720 South 700 East, Midvale, Utah 84047: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
   Earl L. Teter, 7720 South East, Midvale, Utah 84047: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–20175 Filed 7–8–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY3–111]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Williams not participating.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 50935 (Sub-37), filed June 24, 1981. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Wolverine Aluminum Corporation, of Lincoln Park, MI.

MC 107605 (Sub-28), filed June 22, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., NE, Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Over regular routes, transporting *general commodities* (except classes A and B explosives), (A) Between Minneapolis, MN and Lincoln, NE: (1) From Minneapolis over Interstate Hwy 35 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; and (2) From Minneapolis over Interstate Hwy 35 to junction MN Hwy 13, then over MN Hwy 13 to junction MN Hwy 101, then over MN Hwy 101 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction MN Hwy 60, then over MN Hwy 60 to the MN-IA State line, then over IA Hwy 60 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction Interstate Hwy 29, then over Interstate Hwy 29 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; and (B) Between Milwaukee, WI and Lincoln, NE: (1) From Milwaukee over WI Hwy 15 to the WI-IL State line, then over IL Hwy 2 to junction IL Hwy 5, then over IL Hwy 5 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; and (2) From Milwaukee over WI Hwy 15 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 5, then over IL Hwy 5 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route, serving in (B) above the off-route of Cedar Rapids, IA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 116805 (Sub-8), filed June 23, 1981. Applicant: REFINERS TRANSPORT, INC., 7921 Castleway Drive, P.O. Box 50854, Indianapolis, IN 46250. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204, (317) 639–4511. Transporting *petroleum or coal products*, between points in Lawrence County, IL, on the one hand, and on the other, points in IN.

MC 134234 (Sub-2), filed June 22, 1981. Applicant: GATE CITY TOWING SERVICE, INC., 4513 Drummond Rd.,

Greensboro, NC 27406. Representative: William E. Washam, (same address as applicant) (919) 292–1422. Transporting *wrecked or disabled vehicles and replacement vehicles* for wrecked or disabled vehicles, between points in NC, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, AR and TX.

MC 135924 (Sub-29), filed June 24, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *rubber and plastic products, clay, concrete, glass or stone products, primary metal products* and *fabricated metal products*, between points in Cuyahoga and Medina Counties, OH, on the one hand, and on the other, points in IL, IA, MN, ND and WI.

MC 136774 (Sub-24), filed June 22, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between points in Marion County, IN, on the one hand, and, on the other points in the U.S.

MC 140614 (Sub-3), filed June 23, 1981. Applicant: C&C TRANSPORT, INC., P.O. Box 5875, Black Mountain, NC 28803. Representative: Henry E. Seaton, Suite 929, 425 13th Street NW., Washington, DC 20004, (202) 347–8862. Transporting *furniture and fixtures*, between points in Travis County, TX, and Claiborne, Lincoln, and Bienville Parishes, LA, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 147524 (Sub-5), filed June 23, 1981. Applicant: SINED LEASING, INC., 108 High St., Mt. Holly, NJ 08060. Representative: Frank L. Newburger, III, 17th Floor, 1234 Market St., Philadelphia, PA 19107, (215) 854–7190. Transporting *food and related products*, between points in Wayne County, NY and Wyandotte County, KS, on the one hand, and, on the other, points in the U.S.

MC 148255 (Sub-1), filed June 23, 1981. Applicant: FLORIDA-EASTERN U.S. VAN LINES, INC., 215 Wood St., Conshohocken, PA 19428. Representative: Robert J. Gallagher, 1000 Connecticut Ave., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, as defined by the Commission, between points in MA, RI, CT, NY, NJ, OH, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, and DC.

MC 148655 (Sub-16), filed May 21, 1981. Applicant: ERIEVIEW CARTAGE, INC.; 100 Erieview Plaza; P.O. Box 6977; Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001, (202) 628–9243. Transporting (1) *machinery*, (2) *metal products*, and (3) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Carrier Corporation, of Syracuse, NY.

MC 154505, filed June 24, 1981. Applicant: DES LAURIERS TRUCKING, INC., Route 1, Box 82, Sherwood, ND 58782. Representative: Gerald Des Lauriers (same address as applicant), (701) 459–2858. Transporting *fertilizers* and *agricultural chemicals*, between points in ID, IA, MN, MT, ND, and WI.

MC 156045 (Sub-1), filed June 22, 1981. Applicant: H. P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hinghem, MA 02043, (617) 749–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hasbro Industries, of Pawtucket, RI.

MC 156084, filed June 23, 1981. Applicant: TOMPKINS & WEEKS, INC., POB 1028, Coos Bay, OR 97459. Representative: David C. White, 2400 SW Fourth, Portland, OR 97201, (503) 228–6491. Transporting *petroleum, natural gas and their products*, between points in Coos County, OR, on the one hand, and, on the other, points in Del Norte, Siskiyou, Humboldt, Trinity, Shasta and Tehama Counties, CA.

MC 156755, filed June 22, 1981. Applicant: RON C. VANETTES, d.b.a. R & F TRANSPORT SERVICES, 2856 Falcon Cr., Corona, CA 91720. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting (1) *metal products*, between points in the U.S., under continuing contract(s) with V.S.I. Fasteners, Inc., of Compton, CA; and (2) *transportation equipment*, between points in the U.S., under continuing contract(s) with American Racing Equipment Corporation of Torrance, CA.

MC 156764, filed June 18, 1981. Applicant: WELCH TRUCKING, INC., 1105 South Boulder, Portales, NM 88130. Representative: John Welch, (same address as applicant) (505) 356–8548. Transporting *metal products*, between points in TX, AZ, NM, NV, UT, CA, WA, OR, MT, ID, WY, CO, LA, and OK.

[FR Doc. 81–20173 Filed 7–8–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc 81–17390, appearing at page 30907 in the issue for Thursday, June 11, 1981, make the following correction.

On page 30909, column 2, in the paragraph "MC–61231 (Sub-186)", filed for Easter Enterprises Inc., d.b.a. Ace Lines Inc., in the 12th line, "SK" should have read "SD."

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 88 (Revised)]

Senior Assistant Administrator, Bureau for Science and Technology Functions and Authorities

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979, from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and in furtherance of my decision relating to the establishment of a new Bureau for Science and Technology as announced in AID Notice dated May 21, 1981, I hereby delegate to the Senior Assistant Administrator for Science and Technology the following authorities.

1. All of the functions and authorities which are specified in any regulation published or unpublished, Handbook, manual order, policy determination, manual circular, or circular airgram, or instruction or communication relating to:

a. Administration of centrally funded programs of research and development in the program areas listed in "c." below, subject to the prevailing procedures, and instructions of the Administrator of the Agency for International Development concerning the review and approval of such activities;

b. Development of policies, procedures, and programs under the Foreign Assistance Act of 1961, as amended, with respect to grants to research and educational institutions and implementation of such assistance to the extent subsequently authorized by the Administrator;

c. The conduct of activities in the program areas listed below other than those included in bilateral and regional assistance programs:

(1) Agriculture;
(2) Development administration;
(3) Development information;
(4) Education and human resources;
(5) Energy;
(6) Engineering;
(7) Health;
(8) International training;
(9) Nutrition;
(10) Population and family planning;
(11) Rural development;
(12) Forestry and natural resources;
(13) Urban development; and
(14) Selected labor projects.

d. The coordination of Agency activities concerning the Title XII program.

2. The authorities and functions enumerated above shall include the authority to sign or approve program implementation orders and similar implementation authorizations.

3. In connection with participant training program, authority to approve, in accordance with AID Regulation 5, the maximum rates of per diem for participants in training in the United States, and to authorize exceptional rates of per diem for distinguished participants.

4. Delegation of Authority No. 100, dated December 13, 1976, (42 FR 6942), is further amended by deleting the title "Assistant Administrator for Development Support" and inserting in lieu thereof the title "Senior Assistant Administrator for Science and Technology."

5. Currently effective redelegations of authority issued by the Assistant Administrator for Development Support with respect to projects, programs, and activities within his or her areas or responsibility are hereby continued in effect according to their terms until modified or revoked by the Senior Assistant Administrator for Science and Technology. Redelegation of Authority No. 88.1, dated November 5, 1970 (35 FR 17675), as amended, is hereby continued in effect until modified or revoked.

6. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Senior Assistant Administrator for Science and Technology.

7. Actions heretofore taken by officials designated herein are hereby ratified and confirmed.

8. This delegation of authority amends and supersedes Delegation of Authority No. 88 (revised), dated June 13, 1978, (43 FR 28281 and 28282).

9. This delegation of authority shall be effective immediately.

Dated: June 30, 1981.

Joseph C. Wheeler,
Administrator Acting

[FR Doc. 81–20049 Filed 7–8–81; 8:45 am]
BILLING CODE 4710–02–M

DEPARTMENT OF JUSTICE

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants Under the Clean Water Act

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed consent decree in *United States* v. *New Jersey Zinc Company and Gulf and Western Industries, Inc.*, Civil Action No. 79–0114–A, has been lodged with the District Court for the Western District of Virginia. The proposed decree requires New Jersey Zinc Company and its parent corporation, Guld and Western Industries, Inc., to pay the sum of $26,000 to the United States Treasury as a civil penalty for violations of a NPDES permit issued to New Jersey Zinc Company at its facility in Austinville, Virginia.

The proposed decree may be examined at the Office of the United States Attorney, Room 324, Poff Federal Building, 210 Franklin Road, SW., Roanoke, Virginia 24008, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. The comments should refer to *United States* v. *New Jersey Zinc Company and Gulf and Western Industries, Inc.*, and should include the Department of Justice reference number 90–5–1–1–1181.

Carol E Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–20048 Filed 7–8–81; 8:45 am]
BILLING CODE 4410–01–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Independent Areas Task Force; Fisheries Subgroup; Meeting

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday on July 15–16, 1981. The Subgroup will meet at the Sheraton Inn-Falmouth, at 291 Jones Road, Falmouth, MA 02540 in meeting room 201.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Wednesday, July 15 and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Thursday, July 16. The purpose of this meeting will be to establish positions of the Fisheries Task Group on various issues that will be addressed in the final report.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Dated: July 6, 1981.

Stephanie M. Jones,
Administrative Assistant.

[FR Doc. 81–20088 Filed 7–8–81; 8:45 am]
BILLING CODE 3510–12–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Visual Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on July 30, 1981 from 9:00 a.m.–5:30 p.m. in the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506, Room 1422.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy and future program directions.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 1, 1981.

[FR Doc. 81–20128 Filed 7–8–81; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–28]

Reports, Recommendations, Responses; Availability

Aircraft Accident Report.—*Continental Airlines/Air Micronesia, Inc., Boeing 727–92C, N18479, Yap Airport, Yap, Western Carolina Islands, November 21, 1980 (NTSB–AAR–81–7).*—Board investigation of this accident resulted in issuance on June 3 of the following "Class I, Urgent Action" recommendations to the Federal Aviation Administration:

Require that air carriers operating applicable Boeing 727 aircraft include emergency procedures for operation of the ventral airstair door in their training programs for cabin crews. (A–81–61)

Issue an Airworthiness Directive on applicable Boeing 727 aircraft to require that the location of the emergency operating control for the ventral airstair door be readily apparent regardless of the position of the access door for the normal system control. (A–81–62)

Special Study.—*Motor Vehicle Collisions with Trees Along Highways, Roads, and Streets: An Assessment (NTSB–HSS–81–1).*—As a result of its study, the Board on May 22 issued the following "Class III, Longer Term Action" recommendations to—

Federal Highway Administration: Develop several countrywide demonstration projects to evaluate the potential of reducing the number and severity of accidents with trees, especially at curves on county roads, by improving signing and delineation in various combinations. (H–81–20)

National Highway Traffic Safety Administration: Revise the FARS form and other nationwide reporting forms to include, as a minimum, the measurement of the distance from the edge of the road to a fixed object struck and measure of road curvature (if curve is present). (H–81–21)

National League of Cities, National Association of Towns and Townships, and the National Association of Counties: Encourage the development of local programs and policies to reduce the number of accidents with trees. Programs should emphasize improvement of roadway curves at locations where trees have been struck previously through delineation, signing, and removal or shielding of trees. Policies should be developed to prevent the future placement of trees that grow large enough to become a hazard, 4 inches or more in diameter, within the warranted clear recovery areas. (H–81–22, –23, –24)

International Association of Chiefs of Police: For all fixed-object accidents, encourage the recording of distance from the edge of the road to the fixed object struck and a measure of curvature of the road (when curve is present) on accident reports at the State and local level. (H–81–25)

Recommendation.—*A–81–69 to the Federal Aviation Administration, June 29:* Issue an Airworthiness Directive to: (1) require, at appropriate periodic intervals, the performance of the altitude acceleration and stall check procedure defined in the CJ610–6 overhaul manual on Lear aircraft with General Electric CJ610–6 engines installed; and (2) restrict the maximum operating altitude of those engines shown by the test procedure to have a reduced altitude stall margin until the manufacturer has developed a satisfactory method for recovering stall margin and it is incorporated in those engines. (Class II, Priority Action) (A–81–69)

Responses to Recommendations

From the Federal Aviation Administration: A–79–4 and –5 (June 16).—Advisory Circular (AC) 91–55, "Reduction of Electrical System Failures Following Aircraft Engine Starting," was issued Oct. 28, 1980 (A–79–4). 14 CFR Parts 23 nd 27, for normal category airplanes and helicopters, respectively, are adequate; FAA plans no regulatory amendments to require indication of operation of an electric engine starter; AC 91–55 provides equivalent gudiance for existing aircraft (A–79–5). (Ref. 44 FR 31331, May 31, 1979; 44 FR 70243, Dec. 6, 1979.)

A–79–7 and –8 (June 15).—Piper Aircraft Corporation has incorporated a production change in the PA–31 series to provide for positive locking of the stop bolt and lock nut by safety wiring the bolt and nut to airplane structure. A Piper service bulletin will recommend safety wire installation on airplanes in the field, and FAA will evaluate (A–79–7). FAA has issued three Airworthiness Alert Bulletins alerting general aviation inspectors of loosened or misadjusted control stop bolts on general aviation aircraft (A–79–8). (Ref. 44 FR 36274, June 21, 1979.)

A–79–36 through –39 and A–79–67 (June 15).—FAA will analyze whole question of survival aids in water landings, projecting risks involved and estimate of costs (A–79–36 and –67). Effective Sept. 29, 1978, 14 CFR 121.571(a)(1)(iv) requires oral briefing of all passengers before takeoff on location and use of emergency flotation means (A–76–37). Maintenance Bulletin 25–35, Life Preserver Stowage, was issued Aug. 29, 1979 (A–76–38). Draft TSO, addressing revisions to TSO–C13c (14 CFR 37.123) for lifevests, will soon be announced in the **Federal Register** (A–79–39). (Ref. 44 FR 70243, Dec. 6, 1979.)

A–81–26 through–28 (June 18).—Amending 14 CFR 23.783, 23.807(a)(1), and 23.807(b)(3), and Part 91 re external doors/emergency exists may be technically feasible but data provided with the recommendations are not sufficient either to substantiate or to justify additional rules. FAA will investigate potential safety benefits and economic impact and evaluate need for rulemaking action. (Ref. 46 FR 20011, Apr. 2, 1981.)

A–81–29 (June 24).—FAA will publish in the July General Aviation Airworthiness Alerts (AC 43–16), an article designed to alert maintenance persons to possible instrument clamp failure. All known clamp failures have occurred with Cessna airplanes. Three Cessna Service information Letters will advise customers of need for inspection and possible replacement of the MSP P/N 64311 and P/N 9963 clamps. (Ref. 46 FR 21284, Apr. 9, 1981.)

A–81–32 and –33 (June 24).—FAA does not concur in issuing an airworthiness directive to move the emergency/park brake light on Falcon 10 aircraft to a location on the instrument panel where it can be monitored more readily by both pilots; 14 CFR 25.735(d) is appropriate (A–81–32). FAA will issue an operations bulletin directing operations inspectors to review checklists used by Falcon 10 operators; the bulletin will require inclusion in the checklists or a procedure for checking emergency/park brake handle position and associated warning light prior to takeoff (A–81–33). (Ref. 46 FR 21284, Apr. 9, 1981.)

From the Federal Highway Administration: H–79–32 (June 17).—After reviewing statistics from incident reports and roadside safety inspections, FHWA continues to believe that regulations requiring fire-resistant fenders on trucks transporting hazardous materials cannot be justified. (Ref. 45 FR 18212, Mar. 20, 1980.)

H–80–58 (June 15).—Concerning State compliance with the Manual on Uniform Traffic Control Devices (MUTCD), FHWA specifies areas of nonconformance with pavement marking policies on no-passing zones in Missouri, Oregon, and Washington; Iowa and Nebraska meet or exceed MUTCD no-passing zone marking requirements on all primary and secondary highways. FHWA is pursuing resolution of deficiencies with State highway organization officials. (Ref. 45 FR 71869, Oct. 30, 1980.)

From the National Highway Traffic Safety Administration: H–81–19 (June 15).—NHTSA will examine its files for other instances of steering related accidents and inquire of manufacturers as to suitable inspection procedures. Whether an appropriate standard can or should be developed at this time is in question in view of uncertainty as to the safety consequences of wear in steering linkage ball joints and end fittings in power steering units and as to the appropriate method of inspection. (Ref. 46 FR 24333, Apr. 30, 1981.)

From the Federal Railroad Administration: R–72–14 and R–78–42 (June 12).—FRA will evaluate all railroad trespasser educational programs in 1981 to provide empirical data on program cost/effectiveness. During 1981 FRA will visit schools and their facilities located near railroad lines to discuss the trespasser problem. FRA will next conduct a demonstration project in the Northeast Corridor to compare relative merits of fencing and warning signs in reducing trespasser fatalities. (Ref. 43 FR 31248, July 20, 1978.)

From the Atchinson, Topeka and Santa Fe Railway Company: R–80–2 (June 12).—Present practice of inspecting the automatic train stop at Amtrak's Chicago facility permits the test, which requires starting and stopping the locomotive, to be accomplished before the locomotive is coupled to a train loaded with passengers, thus avoiding potential injuries from a sudden stop while the equipment is being tested. AT&SF engineers are not forbidden to preacknowledge the inductor device; the postacknowledgment requirement is a testing procedure which provides an additional safeguard. (Ref. 45 FR 22314, Apr. 3, 1980.)

From the Bay Area Rapid Transit District: R–80–47 (June 12).—Current procedures that protect scenes of an emergency are contained in District Operating Rules and Procedures Manual Emergency Sections, parts 1 and 2; Rule 604, part 1, specifies: "The responsible control center shall implement necessary protective measures and dispatch available resources." An emergency plan, nearing completion, establishes firm guidelines for designating boundaries and protecting emergency scenes. (Ref. 45 FR 85536, Dec. 29, 1980.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies or recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906).

Margaret L. Fisher,

Federal Register Liaison Officer.

July 2, 1981.

[FR Doc. 81–20002 Filed 7–8–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed by August 10, 1981. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day July 2, 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material type (percent enriched uranium)	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric, June 11, 1981, June 15, 1981, XSNM01836	3.06	21,659	592	Routine reload fuel for Fukushima 2	Japan.
Transnuclear, June 17, 1981, June 18, 1981, XSNM01839	3.55	10,231.000	363.206	Routine reload fuel for Doel 1	Belgium.
Transnuclear, June 17, 1981, June 18, 1981, XSNM01840	93.3	23.265	21.725	Fuel for Saphir Research Reactor	Switzerland.
U.S. DOE, June 18, 1981, June 22, 1981, XSNM01841	19.75	30.690	6.000	Fabrication of fuel elements for RERTR Program and irradiation in HFR-Petten, Siloe-France and ORR-U.S.	France, Netherlands.
Edlow Int'l, June 23, 1981, June 25, 1981, XSNM01845	2.85	13.056	373	Routine reload fuel for Takahama Unit 2	Japan.
Edlow Int'l, June 23, 1981, June 25, 1981, XSNM01847	3.25	7,211	235	Routine reload fuel for Ohi Unit 2	Japan.
Transnuclear, June 17, 1981, June 18, 1981, ISNM81012	1.12	49,811.000	454.584	Feed material for domestic UE Contract DUE4104	From France.

[FR Doc. 81–20147 Filed 7–8–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–317]

Baltimore Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DRP–53 issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1, located in Calvert County, Maryland. The amendment was effective on May 27, 1981.

The amendment authorizes continued reactor operation until June 1, 1981 with the acoustic flow monitor for pressurizer safety valve RV–201 inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environment impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 27, 1981, (2) Amendment No. 56 to License No. DPR–53, and (3) the Commission's related

Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd of June, 1981.

For The Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-20148 Filed 7-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1308 OLA (Spent Fuel Pool)]

General Electric Co. (GE Morris Operation Spent Fuel Storage Facility; Order Canceling and Resetting Prehearing Conference

July 2, 1981.

At the request of counsel for the Applicant, General Electric Company, and for good cause shown, the prehearing conference presently scheduled for July 23, 1981 is cancelled and reset to commence at 9 a.m. on August 6, 1981 at a place near Chicago of which the parties will be notified.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 2nd day of July 1981.

Linda W. Little

Administrative Judge.

[FR Doc. 81-20149 Filed 7-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1, 2 and 3); Issuance of Director's Decision Under 10 CFR 2.206

By letter dated October 28, 1980, Messrs. Thomas W. Paul, Stewart Horn and David Ely, on behalf of the Huntsville Chapter, Safe Energy Alliance of Alabama, requested that I reconsider issuance of Amendment Nos. 60, 55 and 32 to Facility License Nos. DPR-33, DPR-52 and DPR-68, respectively, for the Browns Ferry Nuclear Plant Units 1, 2 and 3. These amendments were issued on March 17, 1980, and authorized TVA to temporarily store low-level radioactive waste in an existing covered pavilion on the Browns Ferry site. The basis for the petitioners' request is that Browns Ferry is located in an area subject to tornadoes and that the existing pavilion is not designed to withstand tornado winds of over 80 mph velocity. After a review of the relevant information, I have determined that adequate consideration was given to the possible impacts on public health and safety from low-level waste that might be stored in the pavilion, including the potential results if a tornado were to strike the building. Accordingly, the request by the Huntsville Chapter, Safe Energy Alliance of Alabama, has been *denied.*

Copies of the Director's Decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Local Public Document Room for the Browns Ferry Nuclear Plant located at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of this decision will also be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission on its own motion institutes review of this Decision within that time.

Dated at Bethesda, Maryland, this 26th day of June 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20150 Filed 7-8-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

July 6, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Special Education and Rehabilitative Services
- Annual Count of Eligible Handicapped Children in Schools
- Operated or supported by State agencies
- ED-9052
- Annually

State or local governments
State Agen. Prov. Spec. Educ. Serv. to Handi. Children, etc.
SIC: 821
Elementary, secondary, and vocational education: 145 responses; 595 hours; $5,500 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The information needs to be collected in order to determine the amount of the grant award a State is eligible to receive. The information will be tabulated and presented in the annual report to Congress in January of each year.

- Office of Educational Research and Improvement

Twin Classification Questionnaire
ED (NCES) 2409-34
Nonrecurring
Individuals or households
Same sex twins in the 1980 sophomore and senior classes
Research and general educaton aids: 916 responses; 614 hours; $37,813 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

As part of the high school and beyond study, it is necessary to use the proposed questionnaire to differentiate between identical and fraternal twins among same sex twin pairs. This is necessary so that research can be carried out on the genetic/environmental determinants of educational attainment.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

Revisions

- Health Care Financing Administration

Request for Information—Medicare Payments for Services to a Patient Now Deceased
SSA-1660
On occasion
Individuals or households
Survivors of entitled medicare beneficiaries
Health: 100,000 responses; 25,000 hours; $262,750 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The HCFA-1660 is now revised to process paid and unpaid bills for deceased medicare beneficiaries to determine the proper payee.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

Reinstatements

- Community Planning and Development

Comprehensive Planning Assistance Annual Report (completion report)
Annually
State or local governments
State planning agencies, metropolitan A
Community development: 300 responses; 12,000 hours; $128,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

P.L. 96—section P.L. 83-560, SE 814 and 701(C) require HUD to impose completion reports upon the comprehensive planning assistance (section 701 program) grantees. Since the grants are generally for one year each, these are sometimes referred to as annual reports.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

- Bureau of Indian Affairs

Application for Sioux Benefits Payment of Sioux Benefits
25 CFR 115
X-BIA-4210
Nonrecurring
Individuals or households
Eligible Cheyenne River Sioux Indians of Cheyenne River Res.
Multiple functions: 260 responses; 130 hours; $20.500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202-395-7340

Required as a result of a suit brought against the BIA by South Dakota Legal Services on behalf of a Cheyenne River Sioux, claiming that the policies and regulations of the BIA unconstitutionally discriminated against women on the basis of sex. The litigation is being resolved by revising the regulations thereby permitting plaintiff to reapply for Sioux benefits under a nondiscriminatory, sex-neutral standard.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

- Employment and Training Administration

National Longitudinal Survey of Work Exp of Youth
MT-290 (E) LGT-3101
Annually
Individuals or households
Men aged 14-24 in 1966
Training and employment: 23,100 responses; 23,390 hours; $2,100,000 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202-395-6880

The information provided in this survey will be used by the Department of Labor to help develop programs designed to ease the employment and unemployment problems faced by men in this age group.

Reinstatements

- Mine Safety and Health Administration

Minimum Roof Control Plan
2000-52
Semiannually
Businesses or other institutions
Underground coal operators
Small businesses or organizations
Consumer and occupational health and safety: 3,141 responses; 4,209 hours;

$565,380 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Requires underground coal mine operators to submit roof control plans for all underground passageways. The plans are required to improve the roof control systems of each underground coal mine. The plans are used by the underground coal operators, miners and inspectors to see that supports are set.

DEPARTMENT OF TRANSPORTING

(Agency Clearance Offices—John Windsor—202–426–1887)

New

• Coast Guard
Welding and Hot-Work Permit
CG–4201
On occasion
Businesses or other institutions
Owners/operators of vessels and waterfront facilities
SIC: 441, 442, and 446
Small businesses or organizations
Water transportation: 5,000 responses; 2,500 hours; $23,750 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

This is a permit that allows the use of welding or other "hot work" equipment on a designated waterfront facility. It is used by the Coast Guard to insure compliance with safety regulations.

• Urban Mass Transportation Administration
Section 15 reporting system
UMTA 2710 series
Annually
Businesses or other institutions
Transit operators or designated recipients of section 5
SIC: 411
Ground transportation: 363 responses; 743,424 hours; $562,000 Federal cost; 108 forms; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Section 15 of the UMT Act of 1964 mandates a uniform system of accounts and records, and a reporting system for mass transit operators to unable the operators to compare performance with peers and to assist local, State and Federal Governments and general public in setting policy and in making investment decisions.

• Urban Mass Transportation Administration
Employee Protection (13(C)) Agreement
On occasion
State or local governments/businesses or other institutions
Public and private mass transportation agencies
Ground transportation: 750 responses; 375 hours; $60,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Each application for capital or operating assistance must contain information to assist the Secretary of Labor in certifying that fair and equitable arrangements have been made to protect employees affected by the grant.

• Urban Mass Transportation Administration
Transportation Improvement Program/ Annual Element
Annually
State or local governments/businesses or other institutions
Metropolitan planning organizations and public and private MTAS
SIC: 411
Ground transportation: 250 responses; 1,500,000 hours; $450,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

The transportation improvement program is a staged multi-year program of transportation improvement projects. It includes an annual element consistant with the transportation plan developed 23 CFR subpart 450.118 which lists projects proposed for the coming year.

Revisions

• Federal Aviation Administration
Certification Procedures for Products and Parts—FAR 21
FAA 8110–12, 8130–1, 8130–6, and 8130–9
On occasion
Businesses or other institutions
Aircraft and aircraft parts designers, manufacturers and owners
SIC: 372
Small Businesses or Organizations
Air Transportation: 123,519 responses; 42,819 hours; $800,000 Federal cost; 4 forms; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

FAA Act of 1958, section 601 (49 U.S.C. 1421) authorizes issuance of minimum standards governing the design, materials, workmanship, and construction of aircraft, aircraft engines, propellers, and parts. 14 CFR 21 prescribes certification procedures for these products and parts. Information collected is used to determine compliance and applicant eligibility.

Extensions (Burden Change)

• Federal Aviation Administration
Air Taxi Operators and Commercial Operators—FAR 135
FAAA 8000–6
On occasion
Businesses or other institutions
Air taxi operators
SIC: 451–452
Small businesses or organizations
Air transportation: 1,121,940 responses; 237,170 hours; $2,000,000 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, section 604 (49 U.S.C. 1424), authorizes the issuance of air carrier operating certificates. 14 CFR 135 prescribes requirements for air taxi operators. Information collected shows qualifications and compliance.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–8515

Reinstatements

• Insurance Commitment
FEMA 90–44
On occasion
State or local governments
Local government in disaster areas
SIC: all
Defense-related activities: 5,000 responses; 10,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Prepared by applicant to document insurance commitment required by section 314, Pub. L. 93–288 and section 201, Pub. L. 93–234. Required by FEMA Handbook DRR–3.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt, 202–389–2146

New

• Prosthetics Authorization and Invoice
10–2421
Nonrecurring
Businesses or other institutions
Contrs. providing new prosthetic devices/appliances
SIC: 384
Small businesses or organizations
Hospital and medical care for veterans: 400,000 responses; 28,000 hours; $671,200 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202–395–6880

This form is a combination authorization document and invoice and is used to allow veterans to directly purchase minor prosthetic equipment and supplies (i.e. items costing less than $100.000) and secure repairs to existing appliances.

• Prosthetic Service Card Invoice
10–2520
Nonrecurring
Businesses or other institutions
Artificial limb contrs. med. eqpt. repair fac. and vet.
SIC: 384
Small businesses or organizations
Hospital and medical care for veterans: 40,000 responses; 3,200 hours; $51,240

Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used by vendors or veterinarians after completing repairs or providing veterinary treatment to request payment from the VA. The veteran receiving the service verifies that the invoice is accurate and that repair/treatment was satisfactory.

• Request To Firm to Submit Estimate of Cost of Purchase or Repair of Prosthetic Appliance.
FL 10–90
Nonrecurring
Businesses or other institutions
Artificial limb contr. and major medi. equip. suppliers
SIC: 384
Small businesses or organizations
Hospital and medical care for veterans: 20,000 responses; 1,600 hours; $14,220 Federal cost; 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to secure a written estimate from commercial vendors for a prescribed prosthetic service or device.

• Authorization and Invoice for Medical and Hospital Services
10–7078
On occasion
Businesses or other institutions
Health care providers
SIC: 801, 802, 803, 804, 805, 806, 807, 808, 809
Small businesses or organizations
Hospital and medical care for veterans: 252,500 responses; 10,100 hours; $115,111 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used in VA facilities to authorize, and process payment for, medical and hospital services for VA beneficiaries from other than Federal health care providers.

• Temporary Loan Follow-Up Letter
10–426
Nonrecurring
Individuals or households
Veterans/VA beneficiaries
Hospital and medical care for veterans: 10,000 responses; 200 hours; $5,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to obtain current information on a patient's continued need for a prosthetic device or appliance that was loaned to him/her by the VA

• Authority and invoice for travel by ambulance or other hired vehicle
10–2511
On occasion
Businesses or other institutions
Transportation vendors
SIC: 809
Small businesses or organizations
Hospital and medical care for veterans: 122,500 responses; 4,900 hours; $54,773 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used in VA facilities to authorize and process payment for ambulance and other hired vehicles.

• Apprenticeship and on-the-job Training Agreements and Standards and Employer's Application to provide Training
22–6863, 22–6864, 22–0065
On occasion
Individuals or households businesses or other institutions
Veteran trainees and training establishments
SIC: all
Small businesses or organizations
Veterans education, training, and rehabilitation: 1,900 responses; 1,425 hours; $23,950 Federal cost; 3 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Information collected will be used by the VA to insure that training programs (apprenticeship and on-the-job) and agreements meet the requirements of 38 U.S.C. 1777 and 1787.

Revisions

• Claim for Payment of Cost of Unauthorized Medical Services
VA 10–583
On occasion
Individuals or households
Health care providers and veterans claiming reimbursement
Hospital and medical care for veterans: 55,000 responses; 4,565 hours; $724,950 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form is used by health care providers to claim payment for cost or treatment and by veterans to claims reimbursement for cost of treatment obtained without prior approval of the VA. Form revised to add taxpayers identification number of social security number.

• Request for Change of Program or Place of Training Survivor's and Dependents Educational Assistance
22–5495
On occasion
Individuals or households
Spouses and surviving spouses or dependents of a veteran
Veterans education, training, and rehabilitation: 15,000 responses; 5,000 hours; $49,330 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

No benefits may be paid unless a completed application form has been received. The information requested on the form is used to determine eligibility of a veteran's spouse, surviving spouse, or child to educational benefits when a change of program or place or training is involved. (38 U.S.C. 1713, 1721, 1791, and 38 CFR 21.4234.)

Extensions (No Change)

• Request for Details of Expenses
21–8049
On occasion
Individuals or households
Veterans & beneficiaries
Income security for veterans: 22,800 responses; 5,700 hours; $54,321 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to report expenses for dependents, medical and educational expenses, expenses of last illness and burial and receipt of life insurance payments. This information generally is used under various types of benefit claims to determine any adjustments which will affect the claimants monthly award. Authority is 38 U.S.C. 522 and 543.

• Report of Inspection, Individual Water Supply and Sewage-Disposal System
26–6395
On occasion
State or local governments/individuals or households compliance inspectors
Veterans housing: 15,000 responses; 7,500 hours; $94,050 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form signifies acceptability or non-acceptability of individual water or sewage systems based on inspection by VA compliance inspector or local health authorities. Data forms basis for VA Determinations on suitability of property and conformity with minimum requirement (38 U.S.C. 1804(a) and 1810(b)(4)).

• Home Counseling Analysis
26–8710
On occasion
Individuals or households
Veterans seeking homeownership benefits
Veterans housing: 4,000 responses; 2,000 hours; $78,375 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form is used in interviews and counseling of minority veterans seeking

guidance on homeownership benefits available through VA. Form is completed by VA employee, and information collected forms basis for advice to counselees on their ability to purchase housing. Program is based on administrator's authority under 38 U.S.C. 1820.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-20185 Filed 7-8-81; 8:45 am]

BILLING CODE 3110-81-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2793]

Canada Southern Petroleum Ltd. (Capital Stock, $1 Par Value); Applications To Withdraw From Listing and Registration and for Unlisted Trading Privileges and of Opportunity for Hearing

July 1, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE") and the Boston Stock Exchange, Inc. ("BSE").

The reasons asserted in the application for withdrawing this security from listing and registration include the following:

1. The Capital Stock of Canada Southern Petroleum Ltd. (the "Company") has been listed on the PSE since 1957 and on the BSE since 1975. Based upon discussions with its shareholders, and brokers and traders in the United States, the Company has determined that its capital stock would attain better coverage and broader representation by being listed on the National Association of Securities Dealers Automated Quotation System ("NASDAQ"). The Company has thereby concluded that it would be in the best interests of the Company and its shareholders to effect the inclusion of its capital stock in NASDAQ as soon as possible.

Additionally, the PSE and BSE have filed an applications with the Commission pursuant to section 12(f)(1)(C) of the Act and Rule 12f-1 thereunder, for unlisted trading privileges in the above named stock.

The Commission has determined to consider applications for unlisted trading privileges in over-the-counter securities in the limited situation where a listed reported [1] security is subject to an issuer delisting application, provided the applicant exchange has exempted such security from any off-board trading restrictions.

Any interested persons are invited to submit on or before July 23, 1981, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the withdrawal from listing and the extension of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20006 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22118; (70-6616)]

Central and South West Corp. et al.; Proposed Transfer of Affiliate Pipeline Company From Operating Utility to Holding Company; Stock Acquisition; Guarantee of Obligations; Modification of Indenture Provision; and Entry Into Gas Processing Business

July 2, 1981.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75250, a registered holding company, and Public Service Company of Oklahoma ("PSO"), 212 East Sixth Street, Tulsa, Oklahoma 74119, an electric utility subsidiary, and Transok Pipe Line Company ("Transok"), 600 South Main Street, Tulsa, Oklahoma 74181, an Oklahoma intrastate pipeline subsidiary of PSO, have filed an application-declaration and amendment thereto with this Commission pursuant to Sections 6, 7, 9, 10, 11, 12 and 13 of the Public Utility Holding Company Act of 1935 ("Act") and all applicable rules promulgated thereunder.

[1] A reported security is a security that is listed on the New York or American Stock Exchanges, or listed on some other exchange and which substantially meets either New York or American Stock Exchange listing standards. Such securities are reported in the consolidated transaction reporting system.

Transok, a subsidiary of PSO, is an intrastate gas pipeline company within Oklahoma. CSW acquired all of the outstanding stock of Transok from Oriole Oil Company in 1961 and transferred the stock to PSO as a capital contribution in 1962. From 1970 to the present, most of Transok's business has been transporting the gas needed for PSO's gas generation. However, PSO's gas needs have declined due to additional coal-fired generating units. Transok's third party transactions have increased. Because of PSO's declining gas needs, Transok seeks to provide service to other CSW operating subsidiaries and to non-affiliated third parties. Transok would replace Exxon in 1982 as the gas supplier to Southwestern Electric Power Company's ("SWEPCO") Wilkes Plant in Texas by displacement or through other companies' pipelines. Applicants state that third party transactions will spread Transok's cost over a broader customer base.

It is proposed that Transok be a direct subsidiary of CSW. The present contract's requirement that PSO pay Transok's expenses and provide a specified rate of return would be eliminated in the revised contract. PSO presently guarantees outstanding long-term notes of Transok in the amount of $35,000,000. CSW requests authority to execute a guarantee of such notes in favor of PSO. Any gas owned by PSO or under contract to PSO and sold to third parties, either by PSO or through Transok, will be for the account of PSO. All current and future Transok contracts will give priority to PSO's needs.

After the restructuring, Transok's charges to PSO, SWEPCO and other affiliates would be at cost in accordance with Section 13(b) and rules promulgated thereunder, including Rules 90 and 91. Such charges would be limited to the cost of providing the service for the affiliate plus a return on invested capital.

It is proposed that PSO transfer to CSW all the outstanding common stock of Transok as an extraordinary dividend. As of April 30, 1981, PSO carried Transok at $34,485,000 using the full equity method.

On April 4, 1977 (HCAR No. 20001) the Commission, pursuant to authority granted in three supplemental indentures securing PSO's first mortgage bonds, authorized an alternative method of computing PSO's earned surplus, for purposes of indenture requirements. That authorization included a condition restricting common stock dividends from additional earned surplus to amounts earned during the 12 calendar months immediately preceding the payment of such dividend. Applicant requests that the proposed Transok distribution be excepted from that condition.

Transok is also seeking authorization to have a gas processing plant constructed on its pipeline system in the State of Oklahoma. The plant is to be built by a third party pursuant to a sale and operating agreement which is currently being negotiated by the parties. The third party will construct the plant after execution of the agreement and it is estimated that the plant will be completed not later than December 1, 1982. Upon completion of the plant, all right, title and interest in the plant will be transferred to Transok. The third party shall operate the plant until Transok exercises its option to take over operation of the plant after completion. Transok will be obligated to provide to the constructor for five years after the plant begins operations a minimum volume of gas for processing sufficient to permit the recovery of an annualized daily volume of 147,500 gallons per day of extracted liquids. Transok is obligated upon plant completion to purchase the plant for a principal sum of $15 million payable in 36 equal and consecutive monthly installments of $543,000, which includes interest at an interest of 18.09% per annum. Transok has the right to prepay in cash at any time without any penalty all or part of the total principal sum of $15 million.

Transok proposes 1) to enter into other gas processing operations; 2) to operate and to build gathering systems for third parties in the State of Oklahoma, especially as they apply to systems that can augment Transok's own gas supplies and pipeline operations; 3) to transport and to sell gas to third parties; 4) to use underground gas storage facilities for third parties. It considers such activities incidental to its pipeline business and states that will be undertaken, only to the extent that such activities are compatible with its primary business purpose of serving the companies in CSW system and result in efficient utilization of its facilities.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 24, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20008 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22119; (70-6608)]

Eastern Edison Co. & Montaup Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds by Holding Company at Competitive Bidding and Issuance and Sale of Debentures and Common Stock by Subsidiary to Holding Company

July 2, 1981.

Eastern Edison Company ("Eastern"), 36 Main Street, Brockton, Massachusetts 02403, an electric utility subsidiary of Eastern Utilities Associates, a registered holding company, and Montaup Electric Company ("Montaup"), P.O. Box 391, Fall River, Massachusetts 02722, an electric utility subsidiary of Eastern, have filed an application-declaration with this Commission pursuant to Sections 6(a), 6(b), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50 promulgated thereunder.

Eastern proposes to issue and sell not in excess of $30,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, ——% Series due ——. The terms will be determined by competitive bidding. The net proceeds of the sale of the new bonds will be applied by Eastern first, to the extent of $5,000,000, to the purchase of the debenture bonds proposed to be issued by Montaup as described below, second, to the extent of $20,000,000, to the purchase of the common stock proposed to be issued by Montaup as described below, and third, to the prepayment of its unsecured borrowing from Citibank, N.A., outstanding in the principal amount of $5,000,000.

Montaup proposes to issue and sell to Eastern, and Eastern proposes to acquire at their principal amount plus accrued interest, not in excess of $5,000,000 principal amount of ——% Debenture Bonds due 2011. The new debenture bonds themselves will contain all of their terms, and there will be no indenture or similar instrument governing them. Montaup also proposes to increase its capital stock in an amount not in excess of $20,000,000, consisting of not in excess of 200,000 shares of its common stock, par value $100 per share, and to issue and sell such stock to Eastern, and Eastern proposes to acquire such stock. The proceeds to Montaup from the sale of the new debenture bonds and the additional common stock are to be applied to reduce short-term bank indebtedness, estimated at $38,000,000, incurred for construction or to repay earlier borrowings so incurred. Eastern proposes to deposit and pledge the new debenture bonds and the additional common stock under the Indenture securing its outstanding first mortgage and collateral trust bonds, as required by the provisions of the Indenture.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 22, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20007 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11841; (813-49)]

Hutton Investment Partnership I; Filing of Application for Exemption for Confidential Treatment

July 2, 1981.

Notice is hereby given that Hutton Investment Partnership I ("Partnership"), One Battery Park Plaza, New York, New York 10004, registered

under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management investment company, filed an application on September 16, 1980, and amendments thereto on December 16, 1980, January 21, 1981, February 24, 1981 and March 13, pursuant to Section 6(b) of the Act for an order exempting the Partnership from all provisions of the Act or, alternatively, from Sections 10(a), 10(b), 10(f), 14(a), 15(a) 16(a), 17(a), 17(d), 17(f), 17(g), 18(i), 23(c), 30(a), 30(b), 30(d) and 32(a) of the Act. The application further requests an order pursuant to Section 45(a) of the Act granting confidential treatment for certain periodic reports filed with the Commission under Section 30 of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Partnership was organized as a limited partnership under the laws of the State of New York on September 16, 1980. The Partnership represents that it is one of a series of investment partnerships which The E. F. Hutton Group Inc. ("Hutton") proposes to establish for the exclusive benefit of certain officers and employees of Hutton and its subsidiaries. Participation in the Partnership will be limited to those directors of Hutton and officers and employees of Hutton and its subsidiaries who earned a gross income of $36,000 or more from Hutton or its subsidiaries for the fiscal year ended December 31, 1980 ("Limited Partners"). The minimum initial capital contribution of each Limited Partner is 2.5 units of the Partnership at $1000 per unit which can be supplemented by the purchase of additional units to a maximum of 20 percent of such Limited Partner's income earned from Hutton or its subsidiaries for fiscal year 1980.

According to the application, the Partnership will serve as an investment vehicle to permit the Limited Partners to pool their investment resources and participate in various long-term speculative investment opportunities which come to Hutton's attention and which are determined to be unsuitable investments for Hutton or its subsidiaries. The Partnership further states that its investment objective is long term growth of capital through investment primarily in equity interests in energy, natural resource and real estate based assets, equity of going concerns which may be leveraged buy-out, liquidation candidates and, to a lesser extent, debt and equity investments in other ongoing public or private companies, start up ventures, tax-shelter investments and marketable securities.

Hipco Inc., a Delaware corporation and wholly-owned subsidiary of Hutton, is the general partner of the Partnership and will be exclusively responsible for its management, including the direction of the Partnership's investment activities and day to day operations ("General Partner"). The directors and officers of the General Partner must be employees of Hutton or its subsidiaries (and may also, but need not, be Limited Partners of the Partnership) and are selected solely by Hutton without consultation with the Limited Partners. Of the profits and losses of the Partnership, 1% will be allocated to the General Partner on the basis of the General Partner's contribution of 1% of the Partnership's capital, and 99% will be allocated among the Limited Partners. No compensation will be paid to the General Partner or to directors and officers of the General Partner for services (other than reimbursement for reasonable and necessary out-of-pocket expenses incurred during the course of conducting the Partnership's business). Stock brokerage services for the Partnership will be performed by Hutton subsidiaries without compensation other than out-of-pocket expenses.

The Partnership further represents that it will send the Limited Partners annual reports regarding its operations and assets which will contain financial statements of the Partnership provided by Hutton and will disclose, together with other information, the outstanding borrowings of the Partnership during the period covered. In addition, within 60 days after the end of each tax fiscal year of the Partnership a report will be transmitted to each Limited Partner setting forth information with respect to his income, gains and losses, for federal income tax purposes, resulting from the operation of the Partnership during such tax fiscal year. According to the application, the Partnership can be dissolved upon: the resignation, withdrawal, dissolution or bankruptcy of the General Partner, the Partnership becoming insolvent, the sale of all or substantially all of the Partnership's assets or the affirmative vote of Limited Partners owning more than 50 percent of the then outstanding units of the Partnership held by all Limited Partners.

Section 2(a)(13) of the Act provides that, "Employees' securities company" means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons." Section 6(b) of the Act provides that, "Upon application by any employees' security (sic) company, the Commission shall by order exempt such company from the provisions of the Act and of the rules thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

The Partnership asserts that it meets the definition of an "employees' securities company" contained in Section 2(a)(13) of the Act and should, as such, be exempted from all provisions of the Act. Alternatively, the Partnership requests that the Commission issue an order pursuant to Section 6(b) of the Act exempting it, to the extent noted below, from the following specific provisions of the Act:

(a) Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are interested persons of such registered company. The Partnership requests an exemption from Section 10(a) to permit it to be managed solely by the General Partner and to permit all of the directors and officers of the General Partner to be persons who are employees of Hutton or its subsidiaries.

(b) Section 10(b)(1) of the Act provides that no registered investment company shall employ as regular broker any director, officer, or employee of such registered company, or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such brokers or affiliated persons of any of such brokers. Section 10(b)(2) of the Act further makes it unlawful for a registered investment company to use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any of such principal underwriters. The Partnership requests an exemption from Section 10(b) of the Act to permit it to employ as broker and principal underwriter a Hutton subsidiary affiliated with the General Partner.

(c) Section 10(f) of the Act provides, in relevant part, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person. Rule 10f-3 promulgated under the Act provides an exemption from the prohibition of Section 10(f), provided that certain specified conditions are met. The Partnership requests an exemption from Section 10(f) of the Act to permit it to purchase securities through an underwriting or selling syndicate of which a Hutton subsidiary acts as a principal underwriter. The Partnership asserts that it is unable to avail itself of the conditional relief from Section 10(f) of the Act provided by Rule 10f-3 because, due to its unique structure, it lacks any disinterested directors to perform the tasks required by paragraph (h) of Rule 10f-3. Nevertheless, for purposes of the exemption requested, the Partnership undertakes to otherwise comply with all the remaining provisions of Rule 10f-3.

(d) Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make an initial public offering of its securities unless it has a net worth of $100,000. The Partnership requests an exemption from Section 14(a) to the extent necessary to permit it to offer limited partnership interests to employees of Hutton and its subsidiaries prior to the time the Partnership has a net worth of $100,000.

(e) Section 15(a) of the Act provides, among other things, that no person shall act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and which may be terminated at any time without penalty by the board of directors of such investment company, or by vote of a majority of the outstanding voting securities of such company. The partnership requests an exemption from Section 15(a) of the Act to permit Hutton subsidiaries to act from time to time as an investment adviser to the Partnership without a written contract which has been approved by the Limited Partners. The Partnership asserts that a written advisory contract is not necessary because all of its investment decisions will be made by the General Partner, which will not be compensated therefor. In addition, the Partnership will not be paying any commissions or finder's fees to either the General Partner and its officers, directors and employees, or to any other persons within or without the Hutton organization.

(f) Section 16(a) of the Act provides, among other things, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company at an annual or special meeting duly called for such purpose. The Partnership requests an exemption from Section 16(a) of the Act to permit Hutton to appoint and replace directors of the General Partner without the vote of the Limited Partners. The Partnership anticipates that at all times the officers and directors of the General Partner will also be members of the senior management of Hutton.

(g) Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or any affiliated person of such an affiliated person, acting as principal, from knowingly purchasing or selling any security or other property from or to such registered company, subject to certain exceptions. The Partnership requests an exemption from Section 17(a) of the Act to permit it to enter into transactions with Hutton subsidiaries involving the purchase and sale of short-term securities pending final investment of its liquid funds. It is contemplated that such short term investments will be purchased from, and sold to, subsidiaries of Hutton at market value and without payment of brokerage fees (other then reimbursement of expenses).

(h) Section 17(d) of the Act and Rule 17d-1 thereunder provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and an order granting such application has been issued. The Partnership requests an exemption from Section 17(d) of the Act to permit it to engage in transactions in which certain affiliated persons of the Partnership may also be participants without filing an application with the Commission. The Partnership asserts that, due to the number and sophistication of the potential Limited Partners of the Partnership, and affiliated persons of such Limited Partners, strict compliance with the requirements of Section 17(d) of the Act may force it to preclude many otherwise attractive investment opportunities simply because Limited Partners are, or plan to become, joint participants.

The Partnership has undertaken that it will not make any investment in which any officer, director or employee of the General Partner is a paticipant or plans concurrently or otherwise directly or indirectly to become a participant. The Partnership represents that all investments made concurrently with its affiliates, or affiliated persons of Hutton, will be made by the Partnership on the same basis as such affiliates. The Partnership further represents that the officers and directors of the General Partner specifically represent that they will be subject to the provisions of Sections 57(f)(3) and 57(h) of the Act and will, at all times, comply with the requirements of those sections. With respect thereto, it is represented that all minutes of meetings of the Board of Directors of the General Partner, including all procedures adopted by the General Partner in connection with its evaluation of investments, will be available for inspection by the Limited Partners. Finally, it is represented that the officers and directors of the General Partner will review each investment situation in which an affiliated person is concurrently participating and make a determination that any such investment by such an affiliate would not disadvantage the Partnership in making

the same investment, maintaining its investment position or disposing of such position.

(i) Section 17(f) of the Act and Rule 17f–1 thereunder provide, in pertinent part, that no registered management investment company shall place or maintain any of its securities or similar investments in the custody of a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934 except pursuant to a written contract which shall have been approved by a majority of the board of directors of such investment company. The Partnership requests an exemption from Section 17(f) of the Act to the extent necessary to permit Hutton or its subsidiaries, to act as custodian without a written contract. The Partnership asserts that, with the exception of a written contract, it will otherwise comply with all the remaining provisions of Rule 17f–1.

(j) Section 17(g) of the Act and Rule 17g–1(d) thereunder provide, as relevant here, that the fidelity bond protecting investors of a registered management investment company against larceny and embezzlement of its officers and employees be approved by a majority of the board of directors who are not "interested persons" of the investment company. The Partnership seeks an exemption from Section 17(g) of the Act to the extent necessary to permit the Partnership to comply with Rule 17g–1 without the necessity of having a majority of the Board of Directors of the General Partner which are not "interested persons" take such action and make such approvals as set forth in the rule. Except as stated above, the Partnership intends otherwise to comply with the remaining requirements of Rule 17g–1.

(k) Section 18(i) of the Act provides, in pertinent part, that every share of stock issued by a registered management company shall be a voting stock and have equal voting rights with every other outstanding voting stock. The Partnership requests an exemption from Section 18(i) of the Act to the extent necessary to permit it to issue limited partnership interests which do not have the right to vote on investment advisory contracts, or to appoint and replace the directors of the General Partner, or the right to ratify or reject the selection of independent certified public accountants for the Partnership.

(l) Section 23(c)(3) of the Act permits a closed-end investment company to purchase its own securities under such circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Rule 23c–1(a) under the Act recites the conditions under which a registered closed-end company may purchase for cash securities of which it is the issuer other than on a securities exchange or pursuant to tenders. The Partnership seeks an exemption from Section 23(c)(3) to permit it to repurchase limited partnership interests in the Partnership pursuant to the terms of the Amended Agreement of Limited partnership ("Agreement"). The Partnership asserts that it cannot satisfy the condition set forth in Rule 23c–1(a)(4) because in each repurchase the seller of the limited partnership interest (i.e., the Limited Partner) would be an affiliated person of the Partnership. Nevertheless, for purposes of the exemption, the Partnership undertakes to otherwise comply with the conditions set forth in paragraphs (5), (6), (7), (8), (9), and (11) of the rule which it views as relevant to its unique structure.

(m) Sections 30(a), 30(b) and 30(d) of the Act and the rules thereunder generally require that registered investment companies prepare and file with the Commission and prepare and mail to their shareholders certain periodic reports and financial statements. The Partnership seeks exemptions from Sections 30 (a), (b) and (d) of the Act to the extent necessary to exempt it from filing quarterly and annual reports with the Commission, and to permit it to report only annually to the Limited Partners concerning its portfolio securities in the manner prescribed by the Agreement. The Partnership represents that, pursuant to the Agreement, the Limited Partners must receive all the information that would have been included in such reports filed with the Commission under Sections 30 (a) and (b) of the Act. The Partnership further asserts that it will not be trading a portfolio but, rather, will be holding relatively large investments over long periods of time. In view of the lack of trading or public market for limited partnership interests, the Partnership submits that it would be consistent with the protection of investors to allow it to transmit annual reports to the Limited Partners instead of semi-annual reports as required by Section 30(d) of the Act.

The Partnership further requests that to the extent that it will be required to file reports with the Commission under Section 30 of the Act, such filings be granted confidential treatment under Section 45(a) of the Act which provides in pertinent part that information filed with the Commission shall be made available to the public, unless and except insofar as the Commission by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. The Partnership asserts that confidential treatment is being sought because public dissemination of its investment portfolio would put Hutton at a competitive disadvantage. The Partnership further asserts that the investment situations in which it proposes to invest are not generally available to the public and if made public may create an impression or expectation not warranted in Hutton's industry.

(n) Section 32 of the Act provides, among other things, that the selection of independent public accountants must be ratified by the shareholders of the investment company. The Partnership requests an exemption from Section 32(a) of the Act to permit the General Partner to select independent certified public accountants for the Partnership without submitting such selection to the Limited Partners for rejection or ratification.

The Partnership asserts that the above exemptions are necessary or relevant to its unique operation as an employees' securities company organized and conceived by, and for the sole benefit of, the officers and employees of Hutton and its subsidiaries. The Partnership represents that no sales load or other compensation (other than out-of-pocket expenses) is payable to the General Partner, Hutton or any affiliated person. The Partnership further asserts that, in view of the fact that all of the participants in the Partnership will either be officers or employees of Hutton or its subsidiaries, a substantial community of interest exists between these persons which obviates the need for the protections provided by these sections of the Act. The Partnership states that the exemptions are necessary to insure that this community of interest is maintained and the Partnership is operated to achieve the purposes intended.

Accordingly, the Partnership submits that an order pursuant to Section 6(b) of the Act, exempting it, to the extent requested herein, from the provisions of Sections 10 (a), (b) and (f), 14(a), 15(a), 16(a), 17 (a), (d), (f) and (g), 18(i), 23(c), 30 (a), (b) and (d) and 32(a) of the Act and an order granting confidential treatment pursuant to Section 45(a) of the Act would be consistent with the protection of investors.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Partnership at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–20098 Filed 7–8–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–7781]

Kenai Corp., (Common Stock, $.01 Par Value); Notice of Application To Withdraw From Listing and Registration

July 1, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Kenai Corporation (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on June 9, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE.

Any interested person may, on or before July 23, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–20099 Filed 7–8–81; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 1, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Ranger Oil of Canada Limited, Common Stock, No Par Value (File No. 7–5962).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 23, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–20100 Filed 7–8–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22121 (70–6619)]

Mississippi Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock

July 2, 1981.

Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Mississippi proposes to issue and sell up to $30,000,000 in principal amount of its first mortgage bonds having a term of not less than five nor more than thirty years. The terms will be determined by competitive bidding. The bonds are to be issued under Mississippi's Mortgage and Deed of Trust, dated as of September 1, 1944, as heretofore supplemented and as proposed to be further supplemented.

Mississippi also intends to establish one or more new series of its Preferred Stock, Cumulative, $100 Par Value, which shall consist in the aggregate of not more than 300,000 shares, and proposes to issue and sell such stock.

Mississippi intends to use the net proceeds derived from the issuance and sale of the bonds and preferred stock principally for the purchase of a 25% interest in Arkansas Power & Light Company's Independence Steam Electric Generating Station (coal), to finance in part Mississippi's construction program, and for other corporate purposes. Mississippi may request by amendment hereto that the sale of the bonds and preferred stock be excepted from the competitive bidding requirements of Rule 50.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in

writing by July 27, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, any will receivg a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20101 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11842 (811-440)]

National Plan, Inc.; Proposal To Terminate Registration

July 2, 1981.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that National Plan, Incorporated ("Plan"), Room 708, 1500 Walnut St., Philadelphia, PA 19102, registered under the Act as a unit investment trust, has ceased to be a unit investment trust as defined by the Act. All interested persons are hereby given an opportunity to request a hearing. Unless a hearing is ordered, the Commission's order will be issued as of course.

The Plan, organized under the laws of Pennsylvania, filed a Notification of Registration pursuant to Section 8(a) of the Act of May 10, 1941. Information contained in the files indicates that Plan made no further filings of any kind. Furthermore, the Plan has not offered any of its securities to the public since about November of 1939. The staff has contacted a representative of the Bureau of Account Settlement, Division of Licensing and Bonding, of the Commonwealth of Pennsylvania and was advised that the Plan was dissolved in accordance with Pennsylvania law in about 1958.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Plan at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20102 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11846; (811-1096)]

Sierra Capital Co.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

July 2, 1981.

NOTICE IS HEREBY GIVEN that Sierra Capital Company ("Applicant"), 4929 Wilshire Blvd., Los Angeles, CA 90010, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on June 5, 1980, and an amendment thereto on June 1, 1981, pursuant to Section 8(f) of the Act, and Rule 8f-1 thereunder, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on September 5, 1961, it registered under the Act, and that on the same date it filed a registration statement pursuant to the Securities Act of 1933 with respect to a minimum of 1,000,000 shares and a maximum of 1,100,000 shares of its common stock. Applicant further states that it commenced a public offering of its shares immediately after that registration statement was declared effective by the Commission on January 3, 1962. According to the application, Applicant's shareholders approved on July 12, 1966 a plan to liquidate Applicant and on the same date, Applicant filed with the Secretary of the State of California a certificate of election to wind up and dissolve.

The application states that subsequent to the vote for liquidation, Applicant's board of directors has, from time to time over the past fourteen years, authorized liquidating distributions to shareholders on a *pro rata* basis, and that, at meetings held on November 6, 1979, and March 28, 1980, the board of directors approved the plan for the final winding up of Applicant's affairs. The application further states that on March 28, 1980, Applicant transferred substantially all of its remaining assets to its wholly-owned subsidiary, Unicorn Resources, Inc. ("Unicorn") and distributed the stock of Unicorn to holders of Applicant's outstanding common stock on a *pro rata* basis. The assets transferred by Applicant to Unicorn are described as consisting principally of cash items in an amount slightly in excess of $200,000, land and related real estate with a relatively low value according to Applicant's books, and notes receivable arising out of the prior installment sale of additional land. According to the financial statements of Unicorn filed by Applicant, the assets of Unicorn have remained substantially unchanged during the 11-month period ending February 28, 1981.

Applicant states that it followed the above-described procedure in completing its winding up and dissolution primarily because of the problem posed by the real estate owned by Applicant and the notes receivable arising out of the prior sale of similar real estate. Applicant asserts that the real estate and notes were incapable of being distributed to its shareholders, and require ongoing supervision, which Unicorn can provide.

Applicant further states that its board of directors determined (1) that the retention of liquid assets of the value of approximately $200,000 was necessary to provide Unicorn with sufficient income so that Unicorn could pay the taxes and other expenses related to the retained real estate and notes and not operate at a loss; and (2) that Unicorn could not afford to operate as a registered investment company and, therefore, included a specific provision in Unicorn's Articles of Incorporation prohibiting it from acting as an "investment company," as defined by the Act. Applicant has submitted a letter from Unicorn's bank, Security Pacific National Bank, confirming that Unicorn's liquid assets, in the amount of approximately $215,000 (consisting solely of government securities) are held in custody by that bank.

Applicant represents that all minority holders of its capital stock were given all rights to which they were entitled under California law in connection with the winding up and dissolution, and that it effected the distribution of assets in conformity with the relevant provisions of the California Corporations Code. Applicant further states that in order to ensure compliance with the Securities Act of 1933, it decided to obtain an exemption from that Act under the requirements of Section 3(a)(10) of that Act, and accordingly, Unicorn filed an application with the Department of Corporations of the State of California for authority to issue shares of its common stock *pro rata* to the holders of Applicants' capital stock. In this connection, Applicant requested and was granted, a hearing on the fairness of the terms and conditions of such issuance and distribution, and all holders of Applicants' capital stock were notified of such hearing. The Commissioner of Corporations issued the requested authority and approved the fairness of the terms and conditions of the issuance of Unicorn's stock, following the hearing, at which no shareholder of Applicant appeared.

Finally, Applicant states that, following issuance of the requested order, it will file with the Secretary of State of the State of California a "certificate of winding up and dissolution" which will complete the winding up and dissolution of Applicant under California law.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20103 Filed 7-8-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-18]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: July 29, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 29, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21787	Capitol International Airways, Inc	14 CFR 121.291(b)	To permit the petitioner to demonstrate its DC-10 aircraft ditching procedures without using passengers. Petitioner desires to commence over-water operations on July 15, 1981.
21820	New Haven Airways, Inc	14 CFR 61.31(a)(1)	To permit the petitioner and its pilots to operate Embraer Bandeirante EMB 110P1/41 aircraft for a 5-month period pending the next 6-month proficiency check without the pilots possessing the appropriate type ratings.
20841	John C. Mallory	14 CFR 63.53(a)	To permit the petitioner to hold an aircraft dispatcher airman certificate before reaching the minimum age 23.
21808	Sowell Aviation, Co	14 CFR 141.65	To permit the petitioner to recommend graduates of FAA-approved courses for certification without further testing to include its FAA-approved courses for flight instructor certificates, airline transport pilot certification and ratings, and turbojet type rating courses.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21821	Cascade Airways, Inc	14 CFR 121.539	To permit the petitioner to operate aircraft with less than 61 seats without screening or other security safeguards. Granted 6/22/81.
21197	United States Parachute Assoc. and Zephyrhills Parachute Center, Inc.	14 CFR 91.15(a) 91.47, 105.43(a) and (a)(2)	To permit carriage of 40 and 20 parachutists in DC-3/C-47 and Lockheed 18 airplanes, respectively, without having the required number of emergency exits and to allow foreign parachutists to participate without complying with certain parachute equipment and packing requirements. These exemptions are requested for the 1981 U.S. National Championships from June 25 through July 14, 1981, and for the World Championships from October 1 through October 20, 1981. Granted 6/19/81.
21750	New York Air	14 CFR 121.291(a)(2)(i)	To permit petitioner to increase the full seating capacity of its DC-9-30 airplanes from 115 to 120 without first conducting a full-scale demonstration of emergency evacuation procedures. Granted 6/23/81.
21794	Compania Mexicana de Aviacion, S.A. (CMA) & Western Airlines, Inc.	14 CFR Parts 21, 43, 91, and 121	To operate two U.S.-registered DC-10-15 aircraft using an FAA-approved master minimum equipment list and to allow Western Airlines to maintain the aircraft in accordance with an FAA-approved continuous airworthiness maintenance program. Granted 6/23/81.
21663	Aviation Materials Fuel Cells, Inc	14 CFR 65.101(a)(5)	To permit issuance of a limited repairman certificate covering repair of fuel cells after 6 months rather than the 18 months of experience required. Withdrawal 6/22/81.
20954	R-Jet and Captain Tyler P. Tolee	14 CFR 135.243(a)	To permit petitioner to serve as pilot in command (PIC) for R-Jet without holding an airline transport pilot certificate (ATPC) prior to attaining the age of 23. Denied 6/22/81.
21586	Royale Airlines	14 CFR 61.31(a)(1)	To allow petitioner's pilots in command to operate Bandeirante EMB 110/41 aircraft without possessing the appropriate type rating for that aircraft. Granted 6/24/81.
21290	Cochise Airlines	14 CFR 65.53(a)	To permit issuance of an aircraft dispatcher certificate to Mr. Richard D. Warren prior to his 23rd birthday. Denied 6/24/81.
20254	Royale Airlines	14 CFR 135.225(a)(1)	Amendment to Exemption 3082 to allow takeoffs from Fort Polk when visibility is restricted to one-half mile rather than three-quarter mile allowed by the present exemption. Granted 6/24/81.
21832	Bishop Brothers, Inc	14 CFR 91.31(a)	To permit petitioner to operate its McDonald Douglas DC-6A and DC-6B aircraft, Serial Numbers 53-3231 and 43945, without complying with portions of the aircraft operating limitations. granted 6/26/81.
14477	Altair Airlines, Inc	14 CFR 121.371(a) and 121.378	Extension of Exemption No. 2156C which allows certain foreign air repair agencies to overhaul Nord 262A airplanes without meeting the certificate requirements when maintenance is performed outside of the United States. Granted 6/25/81.
20522	Aerolab, Inc	14 CFR 37.21	To permit a TSO authorization to be transferred to DeVore Aviation Corp. from petitioner. Granted 6/26/81.
21792	Aeronaves de Mexico, S.A. (AM)	14 CFR Parts 21 and 91	To permit it to operate on DC-10-15 aircraft of U.S. registry using the FAA-approved master minimum equipment list and maintain the aircraft under a continuous airworthiness maintenance program. Granted 6/26/81.

[FR Doc. 81-19809 Filed 7-8-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Active Beacon Collision Avoidance System (BCAS); Cancellation of Meeting

This Notice announces the cancellation of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 147 meeting which was scheduled for July 14–16, 1981, and announced in the **Federal Register** on June 25, 1981, (46 FR 32983). The meeting will be rescheduled and a Notice of Meeting will be published in the near future.

Issued in Washington, D.C. on June 29, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-19808 Filed 7-8-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket RST-81-1]

National Railroad Passenger Corporation; Petition for Exemption From the Track Safety Standards

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for a partial and temporary waiver of compliance with § 213.57(b) of the Track Safety Standards (49 CFR Part 213). This section prescribes limits for the maximum allowable operating speed for trains on curved track. These limits are prescribed in this section as a function of curvature and superelevation of the track.

Amtrak requests this waiver for revenue operation of two trainsets of specialized passenger equipment known as the LRC train. The waiver would apply when these LCR trains are operated on Northeast Corridor tracks between New Haven, Connecticut and Boston, Massachusetts. Section 213.57(b) presently limits maximum train operating speeds on curves to that speed which produces 3 inches superelevation unbalance.

using the formula Vmax=

$$\frac{Ea+3}{0.0007D}$$

Where Vmax=Maximum allowable operating speed in miles per hour
Ea=Actual elevation of the outside rail measured in inches
D=Degree of curvature, defined as the number of degrees of central angle subtended by a chord of 100 feet in length.

Amtrak proposes that the maximum speed of the LRC train in curves on the subject track be limited instead by the formula

$$\frac{Ea+6}{0.0007D}$$

The maximum allowable speed on curves would then be that which produces 6 inches superelevation unbalance, rather than the 3 inches presently permitted

Amtrak has included with its petition the results and analysis of exhaustive testing of the actual LRC equipment over the length of the subject track. The test results indicate that the LRC trains, when operated at speeds up to and beyond those proposed by Amtrak, do not exceed recognized conservative safety limits.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, if any interested party desires an opportunity for oral comment FRA will schedule a public hearing provided that a written request for a hearing is submitted to FRA no later than July 15, 1981.

Communications concerning this proceeding should identify the Docket Number Waiver Petition Docket Number RST-81-1, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 31, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on June 30 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-19842 Filed 7-8-81; 8:45 am]
BILLING CODE 4910-06-M

[Waiver Petition Docket Numbers RSGM-81-15 through RSGM-81-33]

Safety Glazing Standards

Notice is hereby given that twenty railroads have submitted requests for permanent waivers of compliance with Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual railroads seeking a waiver of compliance with this regulation are listed below. In this listing FRA has identified the railroad, the specific docket designation and the number of locomotives or cabooses that are involved in each request. Each of the petitions are similar in most respects. The railroad operates ten or less locomotives and has experienced no vandal related damage to the windows of its equipment. Most of these railroads operate in rural surroundings and the others provide service in very compact industrial areas. The petitioners generally indicate that the cost of retrofitting would be very costly in terms of their limited operating budget.

The railroads seeking the waivers are as follows:

1. Carbon County (Docket No. RSGM-81-15) which operates two locomotives and one caboose.
2. Amador Central (Docket No. RSGM-81-16) which operates two locomotives.
3. Chesnut Ridge (Docket No. RSGM-81-17) which operates five locomotives and one caboose.
4. South Branch Valley (Docket No. RSGM-81-18) which operates five locomotives and two cabooses.
5. North Stratford (Docket No. RSGM-81-19) which operates one locomotive.
6. Black River and Western (Docket No. RSGM-81-20) which operates five locomotives.
7. Maine Central (Docket No. RSGM-81-21) which seeks a waiver for one 44 ton locomotive.
8. Livonia, Avon and Lakeville (Docket No. RSGM-81-22) which operates two locomotives and one caboose.
9. Yreka Western (Docket No. RSGM-81-23) which operates two locomotives and one caboose.
10. City of Prineville (Docket No. RSGM-81-24) which operates three locomotives and one caboose.
11. Moshassuck Valley (Docket No. RSGM-81-25) which operates two locomotives.
12. San Francisco Belt (Docket No. RSGM-81-26) which operates three locomotives.
13. California Western (Docket No. RSGM-81-27) which operates five locomotives and one caboose.
14. Wolfboro (Docket No. RSGM-81-28) which operates two locomotives.
15. South Central Tennessee (Docket No. RSGM-81-29) which operates four locomotives.
16. Bellefonte Central (Docket No. RSGM-81-30) which operates one locomotive.
17. Green Mountain (Docket No. RSGM-81-31) which operates five locomotives and two cabooses.
18. Pend Oreille Valley (Docket No. RSGM-81-32) which operates two locomotives.
19. Maryland and Pennsylvania (Docket No. RSGM-81-33) which operates five locomotives.
20. Gettysburg (Docket No. RSGM-81-34) which operates four locomotives, two cabooses and six passenger cars.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM-81-20 and should be submitted in triplicate to the Docket Clerk, Office

of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 31, 1981, will be considered by the Federal Railroad Administration before action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.-5 p.m.), in room 8211, Nassif Building, 400 Seventh Street, S.W. Washington, D.C. 20590.

(Section 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 97 (45 U.S.C. 43) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n)).

Issued in Washington, D.C. on June 30, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-19941 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. 1P81-15; Notice 1]

Jeep Corporation; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Jeep Corporation of Southfield, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101–80, Motor Vehicle Safety Standard No. 101–80, *Controls and Displays.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.1 and Table 1 of Standard No. 101–80 require that certain hand-operated controls on any motor vehicle manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Jeep estimates that it has produced approximately 36,000 vehicles since September 1, 1980, in which the hazard warning control knob is identified only by the word "HAZARD", compliant with Standard No. 101, but noncompliant with Standard No. 101–80. Jeep argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of Jeep Corporation described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: August 24, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 26, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-19900 Filed 7-8-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Office of Financial Institutions and Capital Markets Policy; Hazardous Substance Liability Insurance Studies

ACTION: Under the "Comprehensive Environmental Response, Compensation and Liability Act of 1980" (Pub. L. 96–510, December 11, 1980) the Secretary of the Treasury is undertaking two studies of hazardous substance liability insurance for vessels and facilities subject to the provisions of the Act.

Section 107(k)(4)(A) of the Act requires a study by year-end 1981 of the "feasibility of establishing or qualifying an optional system of private insurance for post-closure financial responsibility for hazardous waste disposal facilities". This study is to precede by six months a determination of the feasibility of such a system of private insurance and by twelve months the formalization of minimum standards governing such insurance.

Section 301(b) of the Act requires a study by year-end 1982 of "whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under Section 107 of this Act", and "whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions."

COMMENTS: In order to gather the information necessary for these two studies and to encourage public participation in this process, the Department of the Treasury is today inviting representatives of the insurance industry, the business community, governmental bodies, and interested members of the public to present their views. To the maximum extent possible the Department would welcome written comments which respond to the hazardous substance liability insurance issues outlined below, as well as other issues respondents may wish to bring to the attention of the Department:

Hazardous Substance Liability Insurance for Vessels and Facilities

I. Background Information

A. History of pollution liability insurance
B. Current market conditions
C. Present liability coverage
  1. Types of policies available—
  a. Comprehensive general liability (CGL)
    —Sudden/Accidental
    —Non-sudden
    —Claims made
    —Occurrence based
  b. Environmental impairment
    —Sudden/Accidental
    —Non-sudden
    —Claims made
    —Occurrence based
  2. Coverage of liability created under "Superfund"—
D. Relevant definitions
  1. Environmental impairment
  2. Occurrence
  3. Other

II. Coverage

A. Underwriting considerations
  1. Methods of risk assessment for hazardous substances
  2. Actuarial data on hazardous substance risks
  3. Compliance audits; engineering assessments
B. Types and characteristics of facilities covered

III. Terms of Insurance

A. Period of coverage
B. Liability limits
  1. Appropriate deductibles
C. Liability covered
  1. Third-party liability; personal injury; economic loss
  2. Clean-up and remedial actions
  3. Monitoring and maintenance
  4. Natural resources damage
D. Exclusions
E. Conditions
F. Coverage of defense expenses
  1. Within policy limits
  2. Separate
G. Cancellation provisions
H. Other

IV. Premiums

A. Current and future premium levels
  1. Comprehensive general liability
  2. Environmental impairment
B. Premium component directly related to liability created under "Superfund"
C. Relationship between premium affordability, insurance availability, and "Superfund" liability concepts
D. Competitive effects on hazardous waste industry

V. Incentives/Disincentives to Expanding Coverage of Vessels and Facilities

A. Liability concepts
B. Appropriate terms and conditions
C. Direct action against insurer
D. Relationship to other government mandated financial responsibility requirement
E. Adequacy and reasonableness of Federal/State government standards
F. Other

VI. Post-Closure Coverage

A. Current market conditions
B. Future market conditions
C. Incentives and disincentives
D. Comparability of private insurance to Federal Post-closure Trust Fund
E. Cost; factors affecting premiums
F. Minimum standards
  1. Policy endorsement
  2. Cancellation restrictions
  3. Duration and coverage amounts
  4. Exclusions
  5. Others

VII. Alternatives

A. Self-insurance
B. Captive insurance companies
C. Pooling of risks
D. Deductibles; risk-retention
E. Co-insurance
F. Reinsurance
G. Assigned risk pools
H. Other

VIII. Prospective/Future Insurance Environment

IX. Conclusions

A. Adequacy of private insurance protection (Section 301(b))
B. Post-closure financial responsibility (Section 107(K)(4)(A))

X. Recommendations

A. Adequacy of private insurance protection (Section 301(b))
B. Post-closure financial responsibility (Section 107(K)(4)(A))

ADDRESS: Comments should be sent to Gordon Eastburn, Acting Deputy Assistant Secretary, Office of Financial Institutions and Capital Markets Policy, Room 3025, Department of the Treasury, Washington D.C. 20220.

DEADLINE: Comments should be received by the Department no later than September 30, 1981.

INFORMATION: For further information contact Mark G. Bender, Senior Economist, Office of Financial Institutions and Capital Markets Policy, Department of the Treasury. Telephone 202/566–2505

Dated: July 2, 1981

Gordon Eastburn,

Acting Deputy Assistant Secretary (Financial Institutions and Capital Markets Policy).

[FR Doc. 81-20085 Filed 7-8-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center; Northport, Long Island, N.Y.; finding of no Significant Impact

The Veterans Administration (VA) has assessed the potential impacts that may occur resulting from a NHCU project providing new construction of 120 beds for long term care at the Veterans Administration Medical Center (VAMC), Northport, Long Island, New York. The proposed structure would consist of a one or two story design consisting of approximately 50,000–100,000 gross square feet. A specific site has not been selected.

Nursing home care for veterans is authorized by Congress and such care is provided to eligible veterans in both VA and state nursing home facilities. Project alternatives have been considered in the planning process. Three possible site locations were analyzed relative to environmental effects. Site location 1 is an open recreation space located directly south of building No. 8. The site is relatively level with few trees. Currently, the area is utilized as a ballfield. Site location 2 is directly west of building 200, and currently is occupied by building No. 11. Shrubbery and mature trees are present at this slightly sloping site. The site also is readily accessible from the major road network. Site location 3 is an area directly north of building 200 which slopes gently towards building No. 2. Utilization of this site would require demolition of an existing road approximately 250 to 300 feet in length.

Development of the project will have impacts on the human and natural environment affecting air quality relative to construction, solid waste disposal, open recreational space, and limited soil erosion. The effects on air quality and soil erosion are of a short term and limited nature, occuring only during construction.

In relation to both construction and operation, the project will be built in accordance with applicable Federal, State and local air quality standards.

All environmental attributes analyzed would not be affected to any extent should the "No Action" alternative be selected.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and therefore, does not require preparation of an Environmental Impact Statement.

Mitigation will occur during project development. Solid waste and debris will be disposed utilizing a landfill disposal area. Construction contract documents will include Environmental Protection specifications, Section EP, which specifically addresses the actions which will be undertaken to avoid adverse environmental effects and impacts identified above. The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in the assessment.

The Assessment is being placed for public examination at the Veterans Administration Central Office, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E. director, Office of Environmental Affairs, Room 960, Veterans Administration, 1425 K Street, NE, Washington, DC. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420; (202) 389–2526.

Dated: July 1, 1981.

Donald L. Custis, M.D.,

Acting Administrator.

[FR Doc. 81-20170 Filed 7-8-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 131
Thursday, July 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Home Loan Bank Board	3
Federal Maritime Commission	4
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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, July 9, 1981.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Swimming Pool Revocation:* The Commission will consider issues related to possible revocation of CPSC's Safety Standard for Swimming Pool Slides (16 CFR Part 1207).
2. *Sulfuric Acid Drain Cleaners:* The Commission will consider issues related to sulfuric acid drain cleaners sold as consumer products. In December, 1976, the Commission granted a petition to ban these drain cleaners. The staff now recommends a that the Commission not propose a ban, but work with the industry on voluntary action.
3. *Coal-and Wood-Burning Stoves:* In November, 1980, the Commission proposed a labeling rule for coal—and wood-buring appliances. At this meeting, the Commission will consider issues related to issuing a final rule.
4. *Briefing on Thermal Underwear Labeling Rule:* The staff will brief the Commission on issues related to a negative labeling rule for children's thermal underwear. In July, 1980, the Commission voted to grant a petition from the Bates-Nitewear Company and directed staff to prepare a "negative" labeling rule covering all children's thermal underwear.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111-18th St., NW., Washington, DC 20207; Telephone (202) 634-7700.

[S-1057-81 Filed 7-7-81; 10:34am]

BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:00 p.m. on Wednesday, July 1, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Centennial Bank, Philadelphia, Pennsylvania

Memorandum and Resolution re: Southern National Bank, Birmingham, Alabama

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: July 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1058-81 Filed 7-7-81; 9:31 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10:00 a.m., Tuesday, July 14, 1981.

PLACE: 1700 G Street NW., board room, Fifth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: Increase in accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Stock—Mahwah Savings & Loan Association, Mahwah, New Jersey *into* Carteret Savings & Loan Association, Newark, New Jersey:

Insurance and Membership Application (FHLBB Res. No. 81-331)—Citizens Building & Loan Association, Plaquemine, Louisiana

Amendment of Res. No. 81-349, dated June 22, 1981 Re: Merger and Conversion—American Savings & Loan Association, Tucson, Arizona *into* First Federal Savings & Loan Association of Arizona, Phoenix, Arizona

Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Austin Federal Savings & Loan Association, Chicago, Illinois *into* Chicago Federal Savings & Loan Association, Chicago, Illinois

No. 513, July 7, 1981.

[S-1059-81 Filed 7-7-81; 1:15 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., July 15, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Audits of Australia/New Zealand Conferences.
2. Agreement No. 9902-13: Modification of the Euro-Pacific Joint Service Agreement to provide for intermodal authority.
3. Docket No. 81-22: Interest in Reparation Proceedings—Consideration of comments received in response to notice of proposed rulemaking.
4. Agreements Nos. 2744-44, 10390 and 10391—Orders of Conditional Approval.

Portions closed to the public:

1. Intercorp Forwarders, Ltd.—Application for an Independent Ocean Freight Forwarder License.
2. Docket No. 77-7: Agreements Nos. 9929-2, 9929-4 (Modifications to the Combi Line Joint Service Agreement) and Agreements Nos. 10286 and 10286-1 (Joint Marketing Agreement Between Intercontinental Transport, B.V. and Compagnie Generale Maritime)—Proceedings on Remand from Court of Appeals.
3. Agreement No. 10286-4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S 1060-81 Filed 7-7-81; 2:33 pm]

BILLING CODE 6730-01-M

5

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1270]

TIME AND DATE: 7 p.m. (e.d.t.), Tuesday, July 14, 1981.

PLACE: Tri-County Community College, room 117, U.S. Highway 64E, Murphy, North Carolina.

STATUS: Open.

Discussion Item

1. Reconsideration of November 8, 1979 Board decision on the rehabilitation of Ocoee No. 2 hydroelectric project and the arrangements for recreational releases of water from it.

Action Items

A—Project Authorization

1. Project Authorization No. 3329.2—Amendment to project authorization for Johnsonville Steam Plant—New stack and precipitator upgrading.
2. Project Authorization No. 3458.1—Amendment to project authorization for coal analysis system—rapid sulfur meter for Paradise coal washing facility.

B—Purchase Awards

1. Amendment to indefinite quantity term contracts BOX21-616252-1, -3, -5, with Taylor Machinery Company, Memphis, Tennessee; Stower Machinery Corporation, Knoxville, Tennessee; and Caterpillar Tractor Company, Peoria, Illinois, for genuine Caterpillar tractor repair parts.
2. Amendment to Contract 78P66-148567 with Silver King Mines, Inc., for management of TVA's uranium/vanadium mill site and properties in Edgemont, South Dakota.

C—Power Items

1. Amendment to Outdoor Lighting Rate Schedule LSI.
2. Lease and amendatory agreement with Warren Rural Electric Cooperative Corporation, covering lease of certain TVA transmission line facilities in connection with arrangements for 161-kV service at distributor's proposed Aberdeen 161-kV Substation.
3. Lease and amendatory agreement with Cumberland Electric Membership Corporation, covering arrangements for higher voltage service at TVA's Portland 69-kV Substation.
4. Lease agreement with Marshall-Dekalb Electric Cooperative, covering lease of section of TVA's Albertville-Collinsville 46-kV line in connection with distributor's proposed Painter Substation.
5. Deed and bill of sale conveying to the city of Greeneville, Tennessee, TVA's Locust Springs Substation.

E—Real Property Transactions

1. Abandonment and relocation of portion of Tiftonia, Tennessee, microwave reflector station access road easement located in Hamilton County, Tennessee—Tract No. CLRC-4B.
2. Modification of special warranty deed to Hales Bar Resort and Marina Inc., affecting a tract of Nickajack Reservoir land—Tract No. XNJR-8.
3. Grant of term easement for construction of the Western Area Radiological Laboratory, affecting approximately 6.75 acres of Muscle Shoals Reservation land—Tract No. XT2NPT-10E.

F—Unclassified

1. Proposed sale of surplus property—Magnesium gas desulfurization slurry pumps purchased for the Johnsonville Steam Plant.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: July 7, 1981.

[S 1059-81 Filed 7-7-81; 3:33 pm]

BILLING CODE 8120-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, July 14, 1981 at 10 a.m.

PLACE: 1325 K Street N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits. FOIA Appeal. Labor Management Relations.

* * * * * *

DATE AND TIME: Wednesday, July 15, 1981 at 10 a.m.

PLACE: 1325 K Street N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit matters.

* * * * * *

DATE AND TIME: Thursday, July 16, 1981 at 10 a.m.

PLACE: 1325 K Street N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications: Request for Reconsideration of Denial of Matching Funds from the Kennedy for President Committee (continued from 7-2-81 meeting)
Advisory panel
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S 1061-81 Filed 7-7-81; 3:41 pm]

BILLING CODE 6715-01-M

V 46/131
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federal register

Thursday
July 9, 1981

Part II

Department of Transportation

Federal Aviation Administration

Exclusive-Use Requirements; Supplemental Air Carriers and Commercial Operators

V.46/131
JL 9 81
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 20784; Amendment No. 121-173]

Exclusive-Use Requirements; Supplemental Air Carriers and Commercial Operators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment deletes the provision in § 121.155 of the Federal Aviation Regulations that a supplemental air carrier or commercial operator may not use any aircraft that it does not have sole possession, control, and use of for flight for at least 6 months. This updating of the Federal Aviation Regulations eliminates, without any derogation in safety, an unnecessary economic burden which the present rule imposes on this segment of aviation.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking No. 81-2 (46 FR 9868; January 29, 1981) and the petition of the Executive Air Fleet Corporation. All interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matters presented.

Section 121.155(a) of the Federal Aviation Regulations (FAR) states: "No supplemental air carrier or commercial operator may use any aircraft unless—(1) It has exclusive use of the aircraft; (2) The aircraft is listed in its operations specifications; and (3) The aircraft is not listed in the operations specifications of any other air carrier or commercial operator." Exclusive use is defined in § 121.155(d), which states that "a supplemental air carrier or commercial operator has exclusive use of an aircraft if it has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving it that possession, control, and use for at least six months."

The regulations applicable to supplemental air carriers and commercial operators are unique in this respect. The regulations applicable to domestic and flag air carriers do not require exclusive use of an aircraft and the regulations applicable to commuter air carriers and air taxi operators only require the exclusive use of one aircraft with no minimum time limit on the use. Although there may have been a need for the exclusive-use requirement at the time it was adopted, there does not appear to be any justification for continuing to apply the restriction to the supplemental air carriers and commercial operators presently operating under these regulations.

In addition, § 121.45(b)(2) still requires that supplemental air carriers and commercial operators' operations specifications contain the types and registration numbers of aircraft authorized for use.

Exemptions from the exclusive-use requirements have been granted to the Executive Air Fleet Corporation (EAF) to allow the owners of the aircraft which EAF leases to continue their personal use of their aircraft under Part 91 of the regulations provided the owner has operational control of the aircraft during such use. During the period of owner use, EAF is responsible for the maintenance of the aircraft in accordance with EAF's maintenance program. These exemptions from the exclusive-use requirement in § 121.155 have continued for a number of years without any adverse effect on safety.

The exclusive-use requirements impose an economic burden on this segment of the aviation industry that cannot be justified on safety grounds. As such, the limitation is contrary to the mandate of Executive Order 12291 to eliminate to the greatest extent possible the economic penalties imposed by Federal regulations.

This amendment also responds to the petition for rulemaking filed by Executive Air Fleet Corporation on September 15, 1980. This petition requested the FAA to amend § 121.155 to except from the exclusive-use requirement aircraft which are used by a commercial operator engaged in providing aircraft management services. The exception would be limited to lease agreements that provide that the commercial operator maintain the aircraft at all times under its maintenance program, but that the owner may continue his/her personal use of the aircraft. During such times of personal use, the aircraft would be operated under Part 91 of the regulations. While the petition for rulemaking proposed only a limited exception to the present rule, the FAA is revoking the rule since it is no longer justified.

Discussion of Comments

Four public comments were received in response to Notice 81-2, all in favor of the proposal. No substantive comments were received and there were no written objections. Therefore § 121.155 is revoked as proposed.

The Amendment

Accordingly, the Federal Aviation Administration is revoking § 121.155 of the Federal Aviation Regulations (14 CFR § 121.155) as follows, effective July 9, 1981:

§ 121.155 [Removed]

By removing § 121.155 and marking it reserved.

(Sec. 313(a), 314, 601, 603, 610, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1423, 1424, 1430, and 1431); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation relieves an economic burden and allows operators to expand the use of their aircraft. Therefore, it—(1) is not a major rule under Executive Order 12291; (2) it is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on June 15, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-19915 Filed 7-8-81; 8:45 am]

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Part III

Department of Energy

Outer Continental Shelf Oil and Gas Leasing; Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases

DEPARTMENT OF ENERGY

10 CFR Part 376

Outer Continental Shelf Oil and Gas Leasing; Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: On December 19, 1980, the U.S. District Court for the District of Columbia issued an order, in compliance with an opinion of the U.S. Court of Appeals for the D.C. Circuit, requiring the Department of Energy (DOE) to issue a proposed regulation implementing the bidding system described at 43 U.S.C. 1337(a)(1)(G) by March 30, 1981, and a final regulation by June 30, 1981. Pursuant to that court order, DOE issued a proposed rule on March 30, 1981 (46 FR 20522, April 3, 1981) and is today issuing the final regulation. The Solicitor General appealed the Court of Appeals' decision to the Supreme Court, which granted certiorari on April 6, 1981. The case is expected to be heard in the fall term. This regulation establishes a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). The bidding system ("variable work commitment bidding system") uses a dollar value exploration work commitment as the bid variable, the basis for award of OCS oil and gas leases, and requires payment of a fixed cash bonus, a fixed royalty, and an annual rental for each tract. The bidding system also makes use of sections of existing accounting procedures, codified at 10 CFR Part 390 (45 FR 36784, May 30, 1980), to identify, measure, and allocate the exploration expenditures to be applied in satisfaction of the work commitment. The accounting procedures were issued to establish the method for calculating net profit share payments due the United States under leases issued pursuant to profit share bidding systems.

This regulation implements rulemaking responsibilities under section 8(a) of the Outer Continental Shelf Lands Act, as amended, that were transferred to DOE under sections 302(b) and 303(c) of the Department of Energy Organization Act.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT:
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I. Introduction

A. General

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 578-580 (42 U.S.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95-372, 92 Stat. 629)), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. Specifically, with respect to Federal leases issued under these statutes, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); (4) setting rates of production for Federal leases; and (5) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

In addition, section 302(c) of the DOE Act grants the Secretary of Energy the authority to establish rates of production for Federal leases, and section 303(c)(1) permits the Secretary to disapprove any term or condition of a Federal lease that relates to DOE's authority to promulgate regulations under section 302(b).

According to a schedule established pursuant to section 18 of the OCSLA, the Department of the Interior (DOI) periodically offers for sale oil and gas leases for tracts on the OCS. The lease sale is the culmination of a series of DOI actions, including nominations for the inclusion of OCS tracts in a sale, geological/geophysical analysis, preparation and publication of an Environmental Impact Statement (EIS), public hearings, coordination with State officials and members of the public, coordination with Federal agencies, the publication of a notice of sale in the **Federal Register**, and submission of bids. Bidders submit bids on the basis of the bidding system that is applicable to a particular tract as specified in the notice of OCS lease sale. After the bids submitted at the publicly held OCS lease sale are opened and evaluated, leases are awarded to successful bidders on a tract-by-tract basis. The bidding system used also determines the method by which the successful bidder pays the United States for the lease.

B. Bidding System

The bidding system or systems to be utilized by DOI in each OCS lease sale are chosen from those authorized by the OCSLA and prescribed by DOE regulation (10 CFR Part 376). The Secretary of Energy is specifically authorized by section 302(b) of the DOE Act to promulgate regulations under the OCSLA implementing bidding systems. DOE has promulgated regulations implementing five of the bidding systems authorized by section 8(a)(1) of the OCSLA. On February 5, 1980, DOE issued final regulations implementing three bidding systems: (1) cash bonus bid with a fixed royalty; (2) royalty bid with a fixed cash bonus; and (3) cash bonus bid with a fixed sliding scale royalty (45 FR 9536, February 12, 1980).

On May 14, 1980, DOE issued a final regulation implementing a fourth bidding system, cash bonus bid with a fixed net profit share (45 FR 36784, May 30, 1980). These systems implement, respectively, sections (a)(1)(A)-(D) of the OCSLA.

In addition, in compliance with the U.S. District Court order, DOE on May 22, 1981, issued a regulation that establishes a fifth OCS bidding system. This system ("variable net profit share") uses a percentage of net profits as the bid variable and also requires payment of a fixed cash bonus for each tract (46 FR 29680, June 2, 1981). That system implements section 8(a)(1)(E) of the OCSLA.

The bidding system established by this regulation is authorized by section 8(a)(1)(G) of the OCSLA, which authorizes the use of a bidding system with a "work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold."

Pursuant to section 5(a) of the OCSLA, as amended, a copy of the proposed variable work commitment bidding system regulation was forwarded to the Attorney General for review of any aspect of the proposed bidding system that may affect competition. No response has been received. DOE has consulted with DOI in the preparation of this regulation, given its views careful consideration, and incorporated into the regulation and preamble a number of DOI's suggestions.

C. Mandate of the U.S. Court of Appeals

On June 22, 1979, Energy Action Educational Foundation, with several other parties, filed an action in the U.S. District Court for the District of Columbia which sought to halt further sales of OCS leases and to upset past sales on the basis of alleged violations of the OCSLA. Plaintiffs claimed, *inter alia*, that the Secretary of Energy had violated the OCSLA through failure to issue regulations for certain bidding systems authorized by the OCSLAA, including the system employing work commitment as the bid variable (section 8(a)(1)(G)).

On September 17, 1980, the U.S. District Court denied plaintiff's request to enjoin scheduled OCS lease sales. The U.S. Court of Appeals for the D.C. Circuit affirmed the District Court's refusal to grant the injunction, but retained jurisdiction and proceeded to address certain issues on the merits.

On October 30, 1980, the Court of Appeals ruled that the Secretary of Energy had violated the provisions of the OCSLA by failing to issue certain bidding system alternatives enumerated in the OCSLA (*Energy Action Educational Foundation* v. *Andrus* (No. 80-2127, D.C. Cir., October 30, 1980)). The Court found in the language and legislative history of the OCSLAA ". . . a Congressional imperative to promulgate regulations, as a necessary prelude to experimentation, involving non-cash bonus statutory bidding alternatives . . ." (*Slip op.*, at 41). The Court concluded that, in order to accomplish the required "experimentation" within the five-year period set out in the OCSLAA, DOE must fulfill its obligation to promulgate a regulation establishing a variable work commitment bidding system ". . . with the maximum possible speed consistent with procedural and statutory rulemaking requirements." (*Slip op.*, at 42.) In addition, the Court noted that injunctive relief for future OCS lease sales might be appropriate if the regulatory process for these two bidding system alternatives was not completed by mid-1981.

The Court of Appeals remanded the case to the U.S. District Court for the District of Columbia, and directed the District Court to establish a precise timetable for the issuance of regulations implementing the variable net profit and variable work commitment bidding systems described in sections 8(a)(1) (E) and (G) of the OCSLA before further OCS lease sales take place in 1981.

On December 19, 1980, the U.S. District Court ordered the Secretary of Energy to issue a proposed regulation implementing a variable net profit share bidding system by February 28, 1981, with a final regulation to be issued by May 25, 1981. The Court further ordered that a proposed regulation implementing the variable work commitment bidding system be issued by March 30, 1981, and a final regulation by June 30, 1981. In response to the Court order, DOE issued on May 22, 1981, a final regulation implementing a variable net profit share bidding system (46 FR 29680, June 2, 1981). On March 30, 1981, DOE issued a proposed regulation (46 FR 20522, April 3, 1981) to establish a variable work commitment bidding system. The regulation issued today is DOE's final response in compliance with the Court order.

On February 3, 1981, the Department of Justice notified the District Court that the government had decided to seek Supreme Court review of the decision of the Court of Appeals. The Solicitor General sought review of the Court of Appeals decision by filing a petition for a writ or certiorari, which the Supreme Court granted on April 6, 1981. The case will be heard in the October term of the Supreme Court.

II. Analysis of Public Comments

A. General Reactions to Proposed Regulation

As has been noted previously, the proposed variable work commitment bidding system regulation was issued on March 30, 1981 (46 FR 20522, April 3, 1981). The public comment period was initially scheduled to close on April 29, 1981. However, by notice published in the **Federal Register** on April 24, 1981 (46 FR 23266), DOE extended the public comment period to May 6, 1981. A public hearing was scheduled to be held in Washington, D.C., on April 28, 1981, to allow interested parties an opportunity to present oral testimony regarding the proposed bidding system. Due to a lack of interest, however, DOE cancelled the public hearing also by notice in the **Federal Register** of April 24, 1981 (46 FR 23266).

In response to the proposed regulation, written comments were received from sixteen private energy related firms and one Federal agency.

The issues raised in the comments on the proposed rule can be roughly categorized into several general areas of concern which are discussed in this section of the preamble. More specific comments and recommendations regarding the design of the proposed variable work commitment bidding system regulation will be discussed in detail in Section III. A. of the preamble.

In addition to general comments on the proposal, DOE also received responses to the eighteen specific questions set forth in the Notice of Proposed Rulemaking to assist DOE in the preparation of the final rule and to assist DOI in identifying those future lease sales in which this bidding system might be most appropriately used.

The vast majority of comments asserted that use of this bidding system would not achieve the effects that Congress intended in adopting the OCSLAA, *i.e.*, an increase in competition for OCS leases, an increase in the amount of OCS exploration, or an increase in the number of oil and gas discoveries.

Eleven of the seventeen comments submitted expressed significant opposition to the issuance and subsequent use of a variable work commitment bidding system in any form. The majority of the comments expressed strong reservations about the increased administrative burdens on both industry and government which this system would impose.

Two comments stated that the variable work commitment bidding system might be acceptable if redrafted to ameliorate some of the difficulties they believe would result if the system is used as proposed. Other comments, while not necessarily favoring the issuance of the variable work commitment bidding system, stated that of all the alternatives to the cash bonus bid-fixed royalty system authorized by § 8(a)(1)(A) of the OCSLA, this system provided the best potential for reducing high front-end cash payments. One of those comments also stated that, because the cash bonus bidding system has proven itself, over time, to be the most effective bidding system, it should remain the predominant system used in OCS lease sales. The other comment which indicated a qualified preference for this system stated that it presents fewer disincentives to efficient exploration and development of the OCS than the other alternatives to the cash bonus bidding system. Two comments did not take a position on the overall merits of the proposed bidding system, only providing comments or suggestions on specific features of the proposal.

In apparent reaction to the fact that this is an untried bidding system, no comparable system having been used previously to provide empirical data on its impacts, only one of the comments attempted to quantify the effects of the application of this bidding system. All other respondents submitted statements reflecting their best thinking as to the potential effects of the use of this bidding system for awarding OCS oil and gas leases.

B. Effects on Exploration and Development

The report to accompany H.R. 1614 on the Outer Continental Shelf Lands Act Amendments of 1977 (H.R. Rep. No. 95–590, 95 Cong., 1st Sess. (1977)), issued by the Ad Hoc Select Committee on the Outer Continental Shelf stated the Committee's belief that the use of the variable work commitment bidding system ". . . would encourage rapid and extensive exploration and development of our off-shore resources. With more funds committed to exploration, it could reasonably be expected that the discovery rate and production time schedules will be substantially accelerated." (H.R. Rep. No. 95–590, at 136).

Sixteen of the comments addressed the issue of whether or not they believed that use of the proposed regulation would result in accelerated exploration and production and increased oil and gas discoveries. With respect to specific impacts on exploration behavior, discussed below, there was significant diversity of opinion expressed in the comments. Thirteen of the comments addressing this issue contended that the proposed regulation would have little or no effect in the areas of accelerated discoveries and production. One comment stated that while the system might result in a small number of additional discoveries because more wells would be drilled, there is little chance that additional discoveries would result. Another comment stated that the variable work commitment bidding system could encourage exploration of marginal tracts, but only if used in conjunction with a low fixed cash bonus and a one-eighth royalty. One comment stated that the proposed system might produce the desired effects envisioned by Congress, but only in frontier areas.

Of the 13 comments which indicated that the application of this bidding system would not result in increased exploration or in additional discoveries of oil or gas, three expressed the related concern that use of the system could also deter unitization. One of the three indicated that this tendency might be ameliorated if only one type of bidding system was used in any given basin. Three comments stated that the cash bonus bid-fixed royalty system offers sufficient incentives to develop leases quickly, and that no new bidding systems were necessary. These comments predicted that tracts leased under cash bonus bidding systems would be developed earlier than tracts leased under systems which require little or no front-end cash bonus payments.

Fifteen comments also addressed the more specific issue of this bidding system's effect on a lessee's exploration behavior and, in particular, on whether or not the work commitment bidding system would lead to inefficient exploration of the total OCS. Fourteen stated that, for various reasons, this bidding system would have a negative impact on exploration. Ten respondents believed that this system would lead to excessive exploration. Several comments contended that firms holding leases issued under this system would regard the work commitment merely as a deferred or delayed bonus payment and would give priority to development of cash bonus bid leases. Others believed that, in a situation where prior drilling or drilling on adjacent tracts would, under normal circumstances, indicate that further exploration was not economically justified, companies with work commitment leases would tend to do additional drilling in order to write off additional expenses against their work commitment. Two comments stated that the variable work commitment bidding system would produce distortions in the allocation of resources on the OCS to the detriment of overall OCS exploration and development. This was based on the respondents' belief that, since the work commitment system in effect provides a 50 percent government subsidy for all qualifying exploration activities, there are fewer economic deterrents to inefficient exploration or inefficient ordering of tract development than under other bidding systems. Another respondent felt production would be delayed because lessees would attempt to complete all possible exploration activities before initiating activities that would bring the lease into commercial production, in order to insure that as much of their exploration expense as possible could be written off against the work commitment. Twelve comments contended that the work commitment bidding system would cause delays in development. Six stated that work commitment tracts would be set aside for later development. Other comments, however, indicated that the converse would occur because resources would be diverted from more desirable tracts to those under work commitment leases. One firm stated that the work commitment bidding system would have no appreciable effect on OCS exploration. Another comment contended that the variable work commitment bidding system would ". . . not cause inefficient exploration on leases issued under this system and . . . no detrimental effect is anticipated on overall OCS activities." Related to that, another comment stated that there would ". . . be no real economic benefit for a lessee that would encourage such lessee to 'over-explore' a lease." One firm also stated that the system should be used as little as possible in order to minimize inefficient exploration. None of the comments offered suggestions as to changes to be made in the basic structure of the regulation to avoid the perceived negative effects on exploration behavior.

DOE's analysis of the range of effects shows that, on the OCS as a whole, use of the variable work commitment bidding system will not appreciably increase the level of exploration or the number of discoveries. However, the analysis does show that, if the bidding system is used selectively, there may be slight increases in the level of exploration (*i.e.*, the number of exploratory wells drilled). In addition, use of this bidding system may also lead to inefficiencies in exploration of the OCS. For example, due to the subsidy aspect of the variable work commitment bidding system, firms may drill wells that they would not have under the cash bonus bid-fixed royalty system, and physical resources may not be allocated in the most efficient manner. The impact on exploration is discussed in greater detail in Section III. B. of the preamble.

C. Effects on Competition

In its opinion ordering DOE to promulgate a variable work commitment bidding system regulation, the U.S. Court of Appeals concluded from the legislative history of the OCSLAA that use of non-cash bonus bidding systems would stimulate competition in OCS lease sales, through reduction in the front-end cash bonuses needed to acquire OCS leases. This conclusion found little support in the comments, and is not supported by DOE's own analysis.

In their discussions of whether or not the variable work commitment bidding system will lead to increased competition on the OCS, the majority of respondents who commented on this issue predicted that it would not increase competition for OCS leases. They generally believed that the barriers to participation in OCS lease sales were less the product of the particular bidding system used than of the considerable economic risks involved in the exploration and development of an OCS lease.

Two comments, however, did anticipate that use of the variable work commitment bidding system might increase competition, but stated that it would be insignificant if it occurred at all. One company stated that although the work commitment bidding system would enhance the ability of smaller firms to participate in OCS lease sales, they would nevertheless be skeptical of this untried system and would therefore be hesitant to bid on such leases.

DOE is in substantial agreement with many of the comments regarding the minimal benefits in terms of competition likely to be achieved through use of this system. As evidenced by the preamble to the notice proposing this regulation, it is not DOE's position that this regulation will necessarily enhance competition for OCS leases, however, defined.

Neither does DOE contend that lowering the front-end costs of lease acquisition will remove all barriers to fuller participation on the OCS for smaller firms. In this connection, DOE notes the widespread availability of opportunities for smaller companies to participate in OCS exploration and development through formation of joint ventures. DOE agrees, however, that this regulation may to some extent reduce the barriers to entry created by a large cash bonus; companies will have somewhat more flexibility in deciding whether to bid alone or jointly, how many partners to include in a joint venture, and what percentage of the bid to control. In providing this flexibility, new firms considering investment in the OCS may be better able to participate in OCS lease sales.

In response to DOE's request for comments on the relative merits and effects of using this bidding system in mature areas as compared to frontier areas, a wide range of comments, often contradictory, was received. While several comments recommended that its use should be limited to frontier areas, where risks and exploration costs are higher, several said it should not be used at all, because it will not have any positive benefits. One indicated no particular preference but added that only the least attractive tracts should be offered under this system. One stated that, if the system is used in mature areas, it should not be used next to producing tracts. One suggested that the frontier areas are those least amenable to development by smaller, marginally qualified companies. These are the firms, however, that Congress intended to assist in obtaining OCS leases by lowering the front-end cash bonus, which it perceived to be a significant barrier to entry by small firms.

DOE's analysis indicates that, in administering the lease sale program, DOI may be able to enhance competition under the variable work commitment bidding system by tailoring the amount of the fixed cash bonus to the specific OCS tract or tracts to be leased. As a whole, however, it is DOE's opinion that competition on the OCS will not be enhanced through the use of the variable work commitment bidding system.

In addition, DOE's analysis indicates that, with respect to moderate cost regions (*i.e.*, Gulf of Mexico), use of the variable work commitment bidding system coupled with a low cash bonus may result in greater competition than if the traditional cash bonus bid with a fixed royalty were utilized. However, DOE believes that in any other area there would be no perceptible increase in competition even if the level at which the cash bonus is set is varied. For a more extensive discussion of the effects on competition that the variable work commitment bidding system would have see section III. B. of the preamble.

D. Effects on Net Return to the Government

Responses to DOE's question concerning the impact of the variable work commitment bidding system on net returns to the government were mixed. Of those who commented on this issue, half stated that Federal revenues would be reduced. Several comments stated that use of the work commitment system would have no appreciable effect on Federal revenues. Only one comment predicted that revenues would increase. One other indicated that revenues might increase, but this prediction was limited to tracts in the Gulf of Mexico, where the resource and extent of expected exploration is relatively well known.

Of those who stated that Federal revenues would decrease under the work commitment system, some suggested the amount of the decrease would depend in part on the levels at which the fixed cash bonus and the royalty rate are fixed. This observation was based on the assumption that higher bonuses and royalty rates would tend to increase receipts. However, others commented that the high cash bonuses and royalty rates would have the unwanted effect of discouraging potential bidders from participating in lease sales. One respondent who expected revenues to remain constant stated that, to the extent that over-exploration occurs, receipts might decrease.

DOE agrees with the majority of the respondents who indicated that, in most instances, use of the work commitment bidding system instead of the cash bonus bid-fixed royalty bidding system will result in reduced Federal revenues. While DOE's analysis indicates that losses in government revenues can be offset to a limited degree by tailoring the amount of the fixed cash bonus to the area to be leased, the system's ability to achieve other objectives decreases. DOE's analysis indicates that the variable work commitment bidding system is not likely to outperform the cash bonus bid-fixed royalty bidding system insofar as revenues are concerned (for a more detailed discussion, see III. B.).

DOE agrees with the comment which stated that DOI will not be able to "fine tune" the bidding system to the extent necessary to entirely offset expected losses in revenues. DOI does not have the geologic resource data necessary to accomplish this. This is especially true with respect to frontier regions which are, by definition, the areas in which resource information is either scanty or non-existent.

In summary, therefore, DOE does not expect use of the variable work commitment bidding system to increase net Federal revenues from OCS leases.

E. Accounting Procedures

In order to determine which expenditures may be applied in satisfaction of the work commitment and the method for calculating those expenditures, DOE has determined that several sections of the accounting procedures established for use with net profit share bidding systems and codified in 10 CFR Part 390 are appropriate for use in connection with the work commitment bidding system. Specifically, DOE is adopting for use in conjunction with this bidding system the general cost categories entitled "Schedule of allowable direct and allocable joint costs and credits" (10 CFR 390.011(a)–(n) and (p)), "Unallowable costs" (10 CFR 390.013), "Allocation of joint costs and credits" (10 CFR 390.014), and "Pricing of materiel purchases, transfers, and disposition" (10 CFR 390.015). Identification, measurement, or allocation of expenditures allowable in satisfaction of the work commitment shall be made in accordance with those sections, except as those sections prescribe a specific accounting procedure for determining net profit share payments to the government. Section 390.011(o) is not adopted for use in this regulation, as it relates primarily to costs incurred during development and production rather than those exclusively associated with exploration activities. For purposes of this regulation, any references to a net profit share lease (NPSL) and its associated activities that are contained in those sections are deemed to refer to a lease issued under a work commitment bidding system and its associated activities.

The cost categories identified above generally follow accepted industry accounting practices as set out in procedures of the Council of Petroleum Accounting Societies of North America (COPAS). A fuller explanation of the basis for the selection of the cost categories may be found in the preamble to the "Fixed Net Profit Share Bidding System for Outer Continental Shelf Oil and Gas Leases and Accounting Procedures for Determining Net Profit Share Payments" (45 FR 36784, May 30, 1980). DOE believes that these cost categories accurately represent those costs associated with exploration, development, or production of an OCS tract. As utilized in conjunction with this regulation, these cost categories provide a mechanism for identifying, measuring, or allocating expenditures incurred by a lessee in performing certain qualifying exploration activities in order subsequently to apply them in satisfaction of the work commitment. The costs incurred by a lessee in conducting exploration activities are identical regardless of the particular bidding system under which a lease may be awarded. Therefore, except for modification of those references applicable solely to leases issued under a net profit share bidding system, as noted above, DOE is utilizing the previously established cost categories without modification.

Most of the comments submitted favored the continued use of the existing accounting procedures. They recognized that the establishment of a new accounting system would lead to increased costs, administrative burden and needless complexity. The comments favoring the existing accounting system also noted, and DOE agrees, that the accounting procedures to be utilized for the variable work commitment bidding system underwent extensive public review and comment during the developmental phase of the fixed net profit share bidding system regulation. In addition, the accounting procedures from which the cost categories for this regulation are adopted have been in place for more than a year. They have been employed in conjunction with the fixed net profit share bidding system which has been used in several OCS lease sales, thereby permitting both industry and government to acquire familiarity with their provisions.

Several firms, however, requested that DOE establish entirely new, or substantially revise, the accounting procedures utilized to identify, measure, or allocate expenditures allowable in satisfaction of the work commitment. DOE declines to do this. As has been noted, the established accounting procedures were reviewed extensively prior to their issuance and DOE remains convinced that they accurately reflect the cost associated with OCS operations. For these reasons and others discussed more fully in section III. A., DOE has declined to adopt these suggestions.

F. Amelioration of Negative Effects

In the preamble to the Notice of Proposed Rulemaking, DOE noted that its preliminary analysis indicated that the variable work commitment bidding system might have serious negative effects on OCS exploration and development. Specifically, DOE stated its concern that the system might lead to the following ill results: overexploration of tracts, distortions in ordering of tract development; lessened incentives for diligent exploration; inequitable risk sharing between the government and lessees; reduced Federal revenues; and increased administrative burdens for both government and industry.

The question of how best to ameliorate the perceived negative effects of this bidding system attracted a considerable amount of attention and discussion. One respondent specifically stated that it did not believe that it was possible for DOI to "fine tune" the bidding system sufficiently from one tract to another to eliminate the negative effects of its use. Although 13 other respondents offered suggestions for mitigating the ill effects of this bidding system there was no agreement as to how best to mitigate those difficulties. The comments, however, fell within three broad areas of interest, suggesting that either proper tract selection, selection of the royalty rate, or selection of the fixed cash bonus could be used to lessen the perceived negative effects of this bidding system.

With regard to tract selection, several respondents stated that use of the work commitment bidding system should be limited to frontier or high risk areas. One comment suggested that it be used only on tracts which had been offered but had received no bids in previous sales. Another stated that it should be used only in isolated blocks and not on tracts adjacent to tracts leased under other bidding systems.

With respect to the royalty rates, several firms offered suggestions as to how the royalty rate could be used to mitigate negative effects of the system. There was, however, no consensus as to what the rate should be.

DOE's analysis shows that the most promising tool for limiting the variable work commitment bidding system's negative effects is a combination of tract selection (*i.e.*, frontier vs. mature area) and tailoring the fixed cash bonus to the area leased (see section III. B. for DOE's analysis). DOE's analysis does not support the view that positive effects can be attained by varying the royalty rate. Moreover, with regard to frontier areas, DOE does not believe that sufficient resource information will be available to DOI at the time of an OCS lease sale to enable DOI to use selection of tract or vary the fixed cash bonuses to significantly reduce or overcome the negative effects. In summary, DOE does not believe that these actions can remedy the fundamental flaws inherent to the variable work commitment bidding system.

III. The Final Regulation

A. Summary of the Final Regulation

1. *General.* This regulation amends the regulations in 10 CFR Part 376 by establishing the bidding system described at 8(a)(1)(G) of the OCSLA, which utilizes a work commitment bid variable with a fixed cash bonus, a fixed royalty, and an annual rental payment for each tract.

As has been noted previously, since Section 8(a)(7)(A)(C) of the OCSLA and the accompanying legislative history to the OCSLAA provide DOE with considerable guidance regarding the work commitment bidding system, DOE has certain limitations on its discretion to structure the regulation. DOE has taken careful note of the many specific comments, suggestions, and criticisms to the proposed variable work commitment bidding system. The final regulation establishing this bidding system, however, remains substantially the same as the bidding system originally issued on March 30, 1981. As previously discussed in Section II of the preamble, DOE has reviewed the comments regarding application of the system and commends those suggestions to DOI for its consideration should this bidding system be selected for use at some subsequent date. DOE also believes that the analysis of the impact of the regulation as discussed in Section III. B. of the preamble may provide DOI with some guidance as to the use of this bidding system as well.

The variable work commitment bidding system involves four components: a dollar amount work commitment bid, a fixed cash bonus, a fixed royalty, and an annual rental. The bid variable, the determinant of lease award, is a dollar amount work commitment, which obligates the lessee to commit either in cash or by performance bond the stated dollar bid amount, with the commitment to be satisfied and recouped by conducting qualifying exploration activities (§ 376.110(a)(6)(i)).

Upon award of the lease, the successful bidder would be required to deliver, at its option, either a cash deposit for the full amount of the work commitment bid or a performance bond, in form and substance and with a surety satisfactory to the Secretary of the Interior, in the principal amount of the work commitment (§ 376.110(a)(6)(i)(B)). The three other elements of payment under this bidding system, the cash bonus, the royalty based on all production saved, removed, or sold, and the annual rental would be fixed at amounts specified in the notice of OCS lease sale (§ 376.110(a)(6) (ii)–(iv)).

The lessee may perform certain specified exploration activities that qualify for credit against the work commitment bid (§ 376.110(a)(6)(v)). However, the regulation conforms with the requirement of § 8(a)(7)(B) of the OCSLA that only 50 percent of the allowable expenditures for the qualifying exploration activities may be applied in satisfaction of the work commitment bid (§ 376.110(a)(6)(vii)(B)).

In order to identify, measure, and allocate such expenditures under the work commitment bidding system, DOE has adopted without modification appropriate sections of existing accounting procedures that are codified at 10 CFR Part 390 (§ 376.110(a)(6) (viii (A), (C)–(E)).

The lessee, in conducting such qualifying exploration activities, may apply any allowable expenditures in satisfaction of the work commitment until the termination of the period for qualifying exploration activities. This period may be terminated after the occurrence of the earliest of the following: (1) the lessee begins performing any of the activities in an approved development and production plan; (2) in the judgment of the USGS designated official, sufficent information has been gathered through exploration activities so that the lessee may begin to bring the prospect into commercial production; (3) the entire work commitment has been satisfied; or (4) the primary term of the lease, or any extension thereof, has expired, or the lease has been relinquished (§ 376.110 (a)(6)(vi)(A)). Expenditures may be allowable in satisfaction of the work commitment for more than one prospect on a tract should the prospect be sufficiently separate and distinct as to require a separate exploration effort (§ 376.110 (a)(6)(vi)(B)).

The Secretary of the Interior upon reviewing reports required to be filed periodically (§ 376.110 (a)(6)(ix)) shall determine the amount of allowable expenditures incurred in satisfaction of the work commitment and shall remit to the lessee 50 percent of the amount that may be applied in satisfaction of the work commitment, should the lessee have posted a cash deposit, or he shall authorize the lessee to reduce the principal amount of the performance bond posted by the lessee (§ 376.110 (a)(6)(x)). The Secretary of the Interior shall, however, prior to making the determination as to the amount of allowable expenditures, adjust such expenditures by applying an adjustment factor to ensure that the lessee satisfies the work commitment in terms of constant dollars (§ 376.110 (a)(6)(viii)).

If the full work commitment has not been satisfied by the termination of the period for qualifying exploration activities, the lessee shall forefeit the adjusted balance of the remaining work commitment or, it the lessee had posted a performance bond, the adjusted amount of the bond shall become due and payable to the Secretary of the Interior (§ 376.110 (a)(6)(xi)).

The following is a discussion of the comments in relation to specific sections of the regulation, DOE's reaction to those comments, and a description of why and in what respects the affected sections of the final regulation conform to those in the proposed regulation.

2. *Allowable and Unallowable Expenditures.* As discussed previously in section II. of the preamble, DOE has determined that several sections of the accounting procedures established for use in net profit share bidding systems and codified in 10 CFR Part 390 are appropriate for use in conjunction with the variable work commitment bidding system. DOE is adopting for use several sections of Part 390 that identify general cost categories that are to be utilized to identify, measure, or allocate expenditures that are allowable in satisfaction of the work commitment. Many respondents submitted specific comments related to the adoption of those cost categories. Their comments are discussed below.

None of the comments submitted took issue with DOE's fundamental position that the cost categories identified in 10 CFR Part 390 accurately represent those costs associated with the exploration of an OCS tract. Rather, several of the respondents sought to modify and expand the cost categories to obtain more favorable treatment in terms of those exploration costs that could be applied in satisfaction of the work commitment. DOE is not persuaded by the arguments presented and declines to modify the cost categories.

A number of comments submitted suggested that provision be made in the final regulation to allow general overhead costs to be included in other costs that may be applied in satisfaction of the work commitment. Another respondent requested that a percentage allowance be incorporated into the accounting procedures to compensate for charges that are not administrative overhead but are direct costs to the lessee that are difficult to identify specifically as being applicable to a particular well, lease or facility. The OCSLA, in section 8(a)(7)(B), specifically prohibits the application of "the lessee's general overhead cost" towards the satisfaction of the work

commitment, and the final regulation incorporates that prohibition. A lessee's general overhead costs normally encompass those costs of doing business that are not specifically identified or incurred with respect to a particular operation or enterprise (*e.g.*, the costs of maintaining a place of business and of maintaining corporate scientific research facilities). The accounting procedures have, with considerable specificity, identified those allowable expenditures that are incurred with respect to operations on a particular OCS tract and therefore may be applied in satisfaction of the work commitment to the extent that they apply to qualifying exploration activities. Any expenditures not so identifiable are presumed to represent general overhead costs of doing business and are not allowable in satisfaction of the work commitment.

Section 8(a)(7)(B) of the OCSLA does require, however, that the ". . . cost (including employee benefits) of employees directly assigned to such exploration work . . ." be included in satisfaction of work commitment. Title 10 CFR 390.011(b) specifically identifies those labor costs (including benefits) that may be attributed to a particular lease and DOE believes that the costs allowed under that section represent all costs required to be included by the statutory provision cited above.

Several firms preferred that DOE adopt the COPAS standards in their entirety in lieu of the accounting procedures codified at 10 CFR Part 390. DOE again notes that the adopted procedures indeed closely follow industry procedures and standards. Deviations from the COPAS procedures are due principally to either statutory constraints or the specific purposes that the regulation was designed to effectuate.

One comment raised the issue of the potential difficulties associated with the allocation of expenditures incurred during joint exploratory efforts. DOE does not believe that this represents a significant barrier to joint exploration efforts. DOE believes that the existing accounting procedures at 10 CFR 390.014 provide sufficient guidance and are adequately specific to enable firms to enter into joint exploratory efforts without undue concern about the treatment of joint exploration costs.

DOE, however, noted the recommendations made and will attempt to use them in its annual review of the effect of the use of alternative bidding systems.

3. *USGS Discretion to Terminate the Period for Qualifying Exploration Activities.* DOE received a considerable number of comments relating to the termination of the period for qualifying exploration activities (§ 376.110(a)(6)(v)). This particular issue elicited the strongest comments from the respondents. All but one comment took vigorous exception to the provision allowing the USGS designated official the discretion to terminate the period for qualifying exploration activities when, in his judgment, sufficient information has been gathered through exploration activities so that the lessee may begin activities to bring the prospect into commercial production. Those respondents taking exception to this provision believed that the potential exercise of the USGS designated official's discretion to be an intrusion by the government into the private sector's economic decision making process with all the attendant problems (*e.g.*, increased administrative burden and resultant costs, differing interpretation of geologic data possibly leading to litigation, addition of another unknown risk factor in the bidding process, etc.). One respondent contended that disallowing qualifying expenditures prior to the end of the primary term of the lease, or an extension thereof, violates the provisions of section 8(a)(7)(B) of the OCSLA as amended. DOE notes that section 8(a)(7)(B) of the OCSLA provides that "50 per centum of all exploration expenditures . . . including the drilling of wells *sufficient* to determine the size and areal extent of any newly discovered field . . . shall be included in satisfaction of the commitment . . ." (emphasis added). That section clearly specifies that exploration expenditures may be credited in satisfaction of the work commitment only up to and including the point at which the size and areal extent of any newly discovered field is determined by the drilling of sufficient exploratory wells. The statutory limitation of sufficiency obviously requires that the government be able to exercise its judgment to terminate the period during which exploration expenditures may be applied in satisfaction of the work commitment, in order to minimize wasteful and unnecessary exploration.

DOE notes that the authority granted to the Secretary of the Interior by the OCSLAA to ensure that lessees conduct prompt and efficient exploration activities is also clearly reflected in the legislative history that relates to this bidding system. It is clear from the legislative history that Congress intended the Secretary to be able to prevent the performance of unnecessary work. DOE concludes, therefore, that the Secretary of the Interior may exercise his authority to terminate the period for qualifying exploration activities should the occasion necessitate it.

DOE is concerned about the difficulties that may be caused by a USGS decision to terminate the period for qualifying exploration activities during which expenditures may be applied in satisfaction of the work commitment. However, DOE believes, as does the Department of the Interior, which is the Federal agency responsible for administering the OCS program, that it is essential that the Secretary of the Interior retain the option to refuse to allow the continued crediting of expenditures in satisfaction of the work commitment once it has been determined with a reasonable degree of certainty that a commercial deposit has been found. DOE is, therefore, retaining the provision in the final regulation permitting the USGS designated official the discretion to terminate the period for qualifying exploration activities. DOE does not, however, anticipate that this situation will arise frequently.

In a related issue, one comment received suggested that the term "prospect" be defined. DOE believes that "prospect" is a term of art, well understood by those engaged in exploration and development on the OCS and, therefore, requires no precise definition. DOE recognizes that when qualifying exploration activities are terminated for a particular tract, there may be additional prospects on the same tract that require an independent exploration effort. DOE does not believe, based on the foregoing, that the identification of additional prospects will be a significant issue.

Section 376.110(a)(vi)(B) of the regulation provides some flexibility by allowing the expenditures for exploration activities on a separate and distinct prospect to be applied in satisfaction of the work commitment, if incurred during the primary term of the lease, or any extension thereof, or prior to the relinquishment of the lease, if they are expenditures for exploration activities that are specifically segregable, and if it can be demonstrated, to the satisfaction of the USGS designated official, to require a discrete exploration effort.

4. *Inflation/Deflation Adjustment Factor to Allowable Expenditures.* DOE also requested comments related to the incorporation of an adjustment factor to allowable expenditures to account for changes in the costs of OCS exploration. Two comments supported the use of such an adjustment factor, arguing that it will eliminate the incentive for a lessee to wait until near the end of the primary term of the lease before making any investments. The majority of those responding to the question, however, opposed it primarily on the basis that it would further complicate the accounting for allowable expenditures and therefore add to the administrative burden. Several comments stated that bidders would merely take the projected increase in operating costs into account and adjust their bids accordingly. Others indicated that they believed that such a factor was a sound concept but suggested the use of other indices. One respondent suggested that such a factor not be used because it is not authorized by the OCSLA, as amended.

DOE has decided to incorporate an adjustment factor to be applied to the dollar amount of allowable expenditures prior to applying that amount in satisfaction of the work commitment (§ 376.110(a)(6)(viii)). The work commitment will, therefore, be satisfied in terms of constant dollars. DOE believes that this provides a degree of certainty with respect to the amount of exploration that a lessee undertakes on a tract that is desirable to both the government and to prospective lessees. As was mentioned before, DOE received several suggestions that different indices be used. They, however, did not present any persuasive arguments as to why their proposed indices would be better than the index originally proposed. DOE therefore declines to adopt those suggestions, since we remain convinced that the index proposed adequately accounts for changes in the cost of exploratory operations on the OCS.

The amount of the work commitment bid at the time of the lease sale may be viewed as being an obligation on the part of the lessee either to perform a specified amount of work, represented by the dollar amount bid, or an obligation to remit to the government the unfulfilled portion of that commitment. In that Congress intended use of this bidding system to spur exploration, DOE believes that exogenous factors, such as inflation, should not be permitted to reduce the amount of exploration conducted by a lessee over time. The application of such an adjustment factor will ensure that the government receives the full value of the bid.

5. *Performance Bonds and Payment of Unfulfilled Work Commitment.* The provision relating to performance bonds and payment of the unfulfilled work commitment remains basically unchanged from the proposed regulation (§ 376.110(a)(6)(xi)). One technical change that relates to the payment of the unfulfilled work commitment is discussed in paragraph 8(b) of this section of the preamble. The issue of the performance bond and its possible effect on the commercial bond market or surety industry received only a moderate amount of attention from the firms submitting comments, with only eleven of the seventeen comments received discussing the issue.

One comment indicated that, should small firms approach the surety performance bonding market, they could have significant difficulty in obtaining a bond because they are the least credit worthy, least certifiable, and least able to afford the premiums. Another comment suggested that, when faced with requests for sizeable bonds, the underwriters will require collateral in addition to requiring the firm to indemnify the underwriter for any payments that may be made. As a result, the firm will be paying not only the bond premium but will also have its assets tied up as collateral. This situation, should it obtain, would have exactly the opposite effect on encouraging competition on the OCS that Congress envisaged when they enacted the OCSLAA in 1978.

The regulation provides that if, at the termination of the period for qualifying exploration activities for all prospects on a tract, the full dollar amount of the work commitment has not been satisfied, the balance of the work commitment shall be paid in cash to the Secretary of the Interior (§ 376.110(a)(6)(xi)). If the lessee delivered a cash deposit, the adjusted balance shall be forfeited. In the event that the lessee posted a performance bond, the adjusted amount of the bond shall be paid to the Secretary of the Interior.

DOE recognizes that the percentage of cases in which all or a portion of the performance bond amount is actually required to be paid may be significantly higher for performance bonds posted with respect to work commitment leases than in more typical cases of surety arrangements. This raises the possibility that distortions may arise in the prices or terms and conditions at which work commitment performance bonds are available because of the relatively higher number of cases in which substantial payments by the bonding institution may be required. In an effort to mitigate any such distortions, § 376.110(a)(6)(xi), "Payment of unsatisfied work commitment", does not specify the party who must remit the payment but requires only that the amount of the unsatisfied work commitment remaining on a lease for which a performance bond has been posted be remitted to the Secretary of the Interior. This would permit either the lessee or the bonding institution to remit the payment and, therefore, to the extent consistent with statutory requirements, would allow a degree of flexibility in the design of private contractual arrangements for work commitment performance bonds.

6. *Royalty Rate.* DOE also specifically requested comments regarding the establishment, by regulation, of a minimum royalty rate for leases issued under a work commitment bidding system. DOE noted that this bidding system is the only one authorized by Section 8(a)(1) of the OCSLA that does not specify a minimum rate.

The respondents who favored establishment of a consistent royalty rate were evenly divided between a 16⅔ percent and 12½ percent minimum royalty rate, should DOE choose to establish a minimum royalty rate. Six of the respondents, however, suggested that DOE should not specify a minimum rate. They agreed that, since the OCSLA does not require the setting of a minimum royalty rate, DOI should retain the flexibility to establish different royalty rates for different tracts which would be specified in the notice of lease sale. They argued that this flexibility would permit DOI to tailor royalty rates to specific tract characteristics, and in this manner, perhaps ameliorate some of the perceived negative effects of the bidding system.

Although DOE believes that varying the royalty rate has only a marginal effect in terms of mitigating the perceived negative effects inherent in the variable work commitment bidding system, a possibility may exist where, for specific tracts within a region, varying the royalty rate may be useful. DOE agrees that specification of a minimum royalty rate would deprive DOI of one means of conceivably mitigating certain drawbacks to this bidding system. DOE therefore is not specifying a minimum royalty rate in order to provide DOI with as much flexibility as possible to attempt to mitigate the negative effects of this bidding system.

7. *Other Issues.* DOE, in the Notice of Proposed Rulemaking, also requested comments relating to the following issues: (1) the advisability of establishing specified time frames for the completion of a fixed percentage of the work commitment; and (2) the effect that the 50 percent crediting rate would have on lessee's exploration behavior.

All respondents who addressed the issue of the establishment of a fixed time frame during which a percentage of the work commitment must be completed argued against such a provision. They contended that such a provision would disrupt orderly exploration and development on the OCS as a whole and seriously impinge upon the lessee's flexibility. The comments also indicated that the interaction of many variables largely beyond the lessee's control (*e.g.*, weather, rig availability, permitting delays) often determine the course and timing of exploration and development.

DOE takes note of the comments, agrees, and has therefore decided not to incorporate such a provision in the final regulation. DOE does not desire to further complicate the bidding system or add another element of uncertainty. DOE wishes to allow the lessee the maximum flexibility possible, given the constraints of the statute, to carry out the exploration activities that may be credited in satisfaction of the work commitment.

With regard to the request for comments relating to the effect that the crediting rate would have on exploration, DOE notes that although section 8(a)(7)(B) of the OCSLA requires that a 50 percent crediting rate be utilized, DOE is authorized by section 8(a)(1)(H) to issue other alternative bidding systems that the ". . . Secretary determines to be useful to accomplish the purposes and policies of this Act . . ." Comments submitted in response to this specific question may assist DOE in structuring an OCS bidding system regulation that would not appear to cause such deleterious effects in regard to exploration behavior, net return to the government, and competition.

The comments submitted in response to the question generally agreed that the level of exploration would increase due to the 50 percent crediting rate. However, their estimates as to the magnitude of the increase varied. The comments generally indicated that by varying the crediting rate, the government is varying the amount of risk either party assumes. The higher the crediting rate, the lower the risk for the lessee and, therefore, high crediting rates create an incentive for a lessee to explore higher risk or marginal areas. Therefore, an increase in exploration may take place. Should DOE establish a lower crediting rate, one would expect less exploration and also a reduction in the tendency to "overexplore". Several comments, however, indicated that varying the crediting rate would have no effect on the level of exploration on the OCS.

8. *Changes to the Final Regulation.* (a) DOE received one comment related to the reporting requirements (§ 376.110(a)(6)(ix)) which suggested that the time allowed for the submission of both the annual report and the final report be extended by 30 and 60 days respectively. The respondent stated that the time extension is desirable because of the late receipt of vendor invoices and the time required to process the invoices.

DOE believes that these changes will not work a hardship on the government and will provide the lessees more flexibility in complying with the provision of this bidding system. DOE is, therefore, adopting those suggested changes and is incorporating them into the final regulation.

(b) DOE has also made one technical change to § 376.110(a)(6)(xi) (Payment of Unsatisfied Work Commitment). This paragraph, as originally proposed, required the lessee to forfeit the remaining adjusted balance of the unsatisfied work commitment should the lessee have delivered a cash deposit upon the termination of the period for qualifying exploration activities at the time of the filing of the final report. Or, if the lessee had posted a performance bond, the adjusted amount of the bond became due and payable at the time of filing of the final report.

The proposed regulation made no provision for applying allowable expenditures that the lessee might have incurred during the period that had elapsed subsequent to the filing of the annual report in satisfaction of the work commitment. Although no comments were received relating to this, DOE believes that clarification as to the procedures for the payment of unsatisfied work commitment is necessary and will provide both DOI and the lessee with requisite guidance. Therefore, the final regulation in § 376.110(a)(6)(xi) provides the following; (1) the lessee shall file the final report in accordance with § 376.110(a)(6)(ix)(B); (2) the Secretary of the Interior shall (a) review such reports and adjust the allowable expenditures in accordance with § 376.110(a)(6)(viii), (b) make the determination as to the final adjusted work commitment balance and (c) notify the lessee of the final adjusted balance; and (3) in the event that full dollar amount of the work commitment not having been satisfied, then upon notification by the Secretary of the Interior of the adjusted balance, the final adjusted balance of any cash deposit shall be forfeited. If the lessee posted a performance bond, then the final adjusted balance of the bond shall be paid to the Secretary of the Interior within 30 days of such notification.

B. Impact of the Final Regulation

1. *Introduction.* DOE has analyzed the potential effects that use of this variable work commitment bidding system will have in terms of meeting the principal objectives of the OCSLAA, *i.e.*, enhancing competition, encouraging rapid and extensive exploration and development of the OCS, and obtaining fair market return to the government.

In developing and implementing any OCS bidding system, an effort should be made to balance the competing objectives of the OCSLAA, which include fostering competition and encouraging more rapid exploration, development, and subsequent production. DOE's analysis indicates that it may not be possible for this system to achieve these objectives and also perform well with regard to generating government revenues. DOE's analysis does not indicate that the variable work commitment bidding system will produce net revenues equal to or greater than the returns that the cash bonus bid-fixed royalty system would produce for the same tract.

For purposes of this analysis, DOE has utilized twelve discrete bidding system applications ("options") to analyze the effects of use of the variable work commitment bidding system vis-a-vis the traditional cash bonus bid-fixed royalty system. There are three variables in the application of the variable work commitment bidding system that are within the government's control and that may conceivably affect the relative performance of the variable work commitment bidding system. Those variables are: (1) the level at which the fixed cash bonus is set, (2) the rate of royalty to be paid on production, and (3) the geographic location (hence relative cost of development) of tracts. The twelve options used in the analysis were devised by identifying all possible combinations of bonus, royalty, and geographic location.

In order to establish the outside parameters of possible impacts that this bidding system would have on net return to the government, competition, and exploration, DOE evaluated the performance of the bidding system under two cash bonus, two royalty, and three geographic assumptions (variables). The two cash bonus assumptions were to fix the bonus at 80 percent and 20 percent respectively of the cash bonus that would be expected under the cash bonus bid-fixed royalty system; the royalty rate assumptions

were 16⅔ percent and 12.5 percent of production; and the geographic location assumptions represent three distinct cost regions corresponding to mature areas (*i.e.*, Gulf of Mexico, moderate cost region), less developed areas (*i.e.*, Central Atlantic, Northern California, moderate to severe cost region), and frontier areas (*i.e.*, North Atlantic, Gulf of Alaska, etc., severe cost region). DOE found, however, that varying the royalty rate had only a marginal effect on the relative performance of the variable work commitment bidding system and, therefore, those options which differ solely in the royalty rate variable will not be discussed further in this analysis. Table 1 outlines the twelve bidding system applications.

2. *Summary.* DOE's analysis has shown that *general* use of the variable work commitment bidding system (across all regions of the OCS) is not expected to achieve any of the principal objectives of the OCSLAA (*e.g.*, fair market return to the Federal government, enhancing competition and encouraging rapid and extensive exploration and development of the OCS). This analysis also indicates that use of the variable work commitment bidding system is, in general, less desirable than the use of the traditional cash bonus bid-fixed royalty system in achieving the objectives outlined in the OCSLAA. Additionally, the variable work commitment bidding system, if targeted for use only in specific regions (*e.g.*, Gulf of Mexico, Beaufort Sea, etc.), is not expected to be preferable to the traditional cash bonus bid-fixed royalty system in achieving most of the objectives. Although DOE's analysis indicates that use of the variable work commitment bidding system on specific tracts within a region may be more successful than the cash bonus bid-fixed royalty system in achieving some specific objectives (*e.g.*, on certain tracts, returns to the Federal government may be higher), DOE believes that it would be difficult if not impossible for DOI to identify those tracts prior to the lease sale.

With respect to the effect on revenues to the government, use of the variable work commitment bidding system is generally less desirable than the cash bonus bid-fixed royalty system. On selected high cost high risk tracts in frontier regions, however, if the cash bonus component of the bidding system is set at a moderate to high level, use of the variable work commitment bidding system may result in a slight increase in government revenues over net return to the government had the cash bonus bid-fixed royalty system been used. This may be seen in example #5 of Table 2 which presents anticipated changes in government revenue resulting from use of the variable work commitment bidding system as compared to the cash bonus bid-fixed royalty system. However, DOE's analysis indicates that maximizing net return to the government may be achieved only at the sacrifice of other important objectives related to OCS production. For example, if the fixed cash bonus is set at too high a level, competition is likely to be reduced.

In evaluating its impact on competition, DOE's analysis indicates that use of the variable work commitment bidding system in moderate cost regions with a low fixed cash bonus is the only option under which this bidding system may be likely to enhance competition. However, DOE expects that enhanced competition would only be achieved, if at all, at the expense of net government revenues, which would be reduced.

From the standpoint solely of encouraging additional exploration and development, use of the variable work commitment bidding system on selected tracts may be indicated. Generally, however, use of the traditional cash bonus bid-fixed royalty system was found to be preferable to use of the variable work commitment bidding system in achieving this objective.

As demonstrated by the discussion above, there are obvious trade-offs associated with achieving the competing objectives of the OCSLAA. In a moderate cost region, for example, if the cash bonus is set low in order to encourage competition, exploration could be inefficient and wasteful, and net return to the government will be reduced. Similarly, in a severe cost region, regardless of the bonus, net return for a particular tract may be greater than would be expected under the cash bonus bid-fixed royalty system; however, competition would probably be adversely affected, and little if any additional exploration would occur.

DOE, therefore, concludes that, in the event that the variable work commitment bidding system is used, careful consideration must be given both to tract selection and to an optimal balancing of often competing objectives that use of this bidding system is intended to further.

The following is a more detailed discussion of the results of DOE's analysis of the effects of the variable work commitment bidding system on net return to the government, competition, and exploration.

3. *Net Return to the Government.* DOE's analysis supports the contention of the majority of the comments to the Notice of Proposed Rulemaking that if the variable work commitment bidding system were to be used widely on the OCS as a whole, the net return to the Federal government would be less than if the cash bonus bid-fixed royalty system were used. However, DOE's analysis also indicates that, if the variable work commitment bidding system employing a high fixed cash bonus is used on specific tracts in frontier areas, return to the government may not be appreciably less than if the cash bonus bid-fixed royalty system were used. This results from the higher forfeiture rate anticipated in areas where less is known about the resource potential of tracts prior to the sale. However, if the bidding system were to be used exclusively within a region, net return to the government would be lower.

4. *Competition.* In considering the effect that the variable work commitment bidding system has on competition, DOE's analysis took into account the following indicators of increased competition:

- More bids per tract
- More tracts receiving bids
- Higher bids
- More firms participating in lease sales.

DOE's analysis indicates that in certain cases, on a tract by tract basis, use of the variable work commitment bidding system may enhance competition. In moderate cost regions where high cash bonus bids have been perceived as representing a barrier to entry for small firms, use of the variable work commitment bidding system with a low-fixed cash bonus may stimulate competition. DOE also finds that if this bidding system is used in a moderate cost region coupled with a high cash bonus, then the potential for an increase in competition is marginal at best. The slight reduction in the front-end capital requirements is not perceived to be of enough significance to increase competition.

DOE's analysis has shown that the level at which the fixed cash bonus is set will only enhance competition for selected tracts offered in a moderate cost region. However, since competition is already fairly intense in these regions, introduction of the work commitment bidding system does not offer significant advantages over systems already in use. In both the moderate-to-severe cost region and the severe cost region, DOE's analysis indicates that competition will not be significantly enhanced, regardless of the level at which the fixed bonus is set. Use of this bidding system,

in some circumstances may actually reduce competition in moderate-to-severe cost and severe cost regions, when coupled with a high cash bonus. It appears that the major barriers to increased competition in these regions are: (1) the cost of exploration, and (2) the higher risk factor involved. Modifying the fixed cash bonus would not affect the exclusionary impact those factors have on increased participation in OCS lease sales.

In summary, the ability of the variables work commitment bidding system to influence competition positively appears to be negligible, and in some circumstances its use may actually reduce competition.

5. *Exploration and Development.* The variable work commitment bidding system may affect exploration decision making in several respects. First, since the bidding system reduces the level of the cash bonus relative to the cash bonus bid-fixed royalty system, a greater amount of capital is available for exploration activities. Secondly, the bidding system provides a 50 percent credit for exploration expenditures, thereby returning to the lessee an amount equal to 50 percent of all exploration costs, through reduction of the work commitment bid as exploration progresses. This credit, or subsidy, for exploration may have a positive affect on firms' exploration decisions with regard to decisions made at the margin. For example, under a cash bonus bid-fixed royalty system where none of the exploratory costs are shared by the government, a lessee that has already drilled several wells and analyzes the projected return from drilling a third well to be $5 million, with the anticipated cost of drilling the well to be $10 million, will probably not drill the well. By comparison, under the variable work commitment bidding system, the cost to the lessee of drilling the same third well would only be $5 million, due to the crediting rate specified by the OCSLAA; therefore, the lessee might opt to drill the third well.

DOE's analysis indicates that, due to the exploration subsidy effect, additional exploration may take place on some tracts in particular cost regions. In no case does DOE anticipate that the value of production from increased exploration will equal the amount of the work commitment bid. DOE anticipates that firms may view the work commitment as a deferred cash bonus, and that at least a portion of the work commitment bid will represent what a firm would have bid under a cash bonus bidding system rather than a real commitment to exploration.

In moderate cost regions, which are generally mature, known producing areas, there is generally more geologic information available, and therefore somewhat less risk associated with oil and gas exploration. DOE's analysis indicates that, if the cash bonus is set at a high level, little additional exploration may occur in these regions. A high fixed cash bonus will reduce the amount of the potential work commitment bid and the amount of capital available for initial exploration activities. This would reduce the incentive for the lessee to perform exploration beyond what might have occurred under the cash bonus bid-fixed royalty system, since a firm's decision to engage in additional exploration is based primarily on the ratio of total anticipated cost of the lease (*i.e.*, initial cash bonus, any forfeiture of the outstanding work commitment, exploration and development costs, royalty, and taxes) to the anticipated revenues to be derived from production from the lease. Should the anticipated costs exceed the anticipated revenues, little additional exploration would take place.

Setting a low cash bonus for some specific tracts in a moderate cost region may provide the lessee with a larger amount of capital to apply to initial exploration activities. DOE believes, however, that moderate cost regions could not effectively absorb large amounts of exploratory capital since exploratory costs are relatively low; consequently, a strong potential exists for wasteful and inefficient exploration. In a moderate cost region, DOE believes that a subsidy for exploration is neither needed nor desirable.

In a moderate-to-severe cost region, DOE expects a slight increase in exploration on tracts to which a low fixed cash bonus is applied, due to the reduction in risk afforded by the 50 percent subsidization of exploration costs. It is unlikely that additional exploration would occur in this region if the cash bonus were set at a high level.

In severe cost regions (*i.e.*, frontier regions), exploration costs are much higher than in any other region due to such factors as water depth and severe weather conditions. Risk and the high cost of exploration are the principal deterrents to exploratory activity in these areas. Consequently, the reduction of the cash bonus from what would have been expected under the cash bonus bid-fixed royalty system must be substantial, before the diversion of capital from the cash bonus results in a significantly greater level of exploration. However, the effective 50 percent government subsidy built into the exploration costs credit may encourage some additional exploration, since the subsidy affects the marginal revenue/marginal cost ratio; however, because the cost of exploratory activities in severe cost regions is typically so high, the subsidy effect will not, in all likelihood, be large enough significantly to affect the marginal revenue/marginal cost ratio of drilling an additional well. Therefore, DOE expects to see little additional exploration.

DOE believes that, for the reasons discussed in relation to moderate cost regions, setting a high cash bonus would also reduce the level of exploration in severe cost regions.

Variable Work Commitment

Table 1.—Selected Bidding System Options

Option No.		Region	Cash bonus[1]	Royalty[2]
1	1	Moderate Cost Region. Includes Gulf of Mexico, South Atlantic and South Pacific.	Low	Low.
2			High	High.
3			Low	High.
4			High	Low.
5	2	Moderate-to-Severe Cost Region. Central Atlantic and North Pacific.	Low	Low.
6			High	High.
7			Low	High.
8			High	Low.
9	3	Severe Cost Region. Includes North Atlantic, Gulf of Alaska, Bering Sea, Chukchi Sea, and Arctic Ocean.	Low	Low.
10			High	High.
11			Low	High.
12			High	Low.

[1] Low Cash Bonus—Set at 20 percent of expected bonus under cash bonus bid-fixed royalty. High Cash Bonus—Set at 80 percent of expected bonus under cash bonus bid-fixed royalty.
[2] Low Royalty—Set at 12.5 percent of revenues from production. High Royalty—Set at 16% percent of revenues from production.

Table 2.—Government Revenues in the Variable Work Commitment Bidding System Compared to the Cash Bonus Bid-Fixed Royalty System

Type of region	Estimated cash bonus[1]	Anticipated fixed cash bonus[2]	Change in government revenues, $×10^6	Change in government revenue[3]
1. Moderate Cost, Gulf of Mexico	150	120	−13 to −17	−9 to −11.
2. Moderate Cost, Gulf of Mexico	150	30	−60 to −83	−40 to −42.
3. Moderate Cost, Gulf of Mexico	25	5	−9 to −12	−35 to −50.
4. Severe Cost, Beaufort Sea	10	8	+8 to −2	+80 to −20.
5. Severe Cost, Beaufort Sea	10	2	+5 to −8	+50 to −80.

[1] Cash bonus bid-fixed royalty. $×10^6$.
[2] Under a variable work commitment bidding system. $×10^6$.
[3] As percent of estimated cash bonus.

IV. Environmental Review

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321)), DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined that no environmental impact statement is required for the proposed regulation.

Environmental impacts resulting from the use of the variable work commitment bidding system are expected to be minimal. There are two sources of potential environmental impact. Since the variable work commitment system is intended to improve economic incentives for expeditious exploration and development of OCS oil and gas leases, its adoption may result in increased exploration and more rapid development of OCS tracts leased under this bidding system. However, DOE does not expect absolute rates of activity or ultimate levels of production to fall outside the range of those that are typically considered in the environmental impact analyses for specific lease sales conducted under conventional leasing systems. Environmental impacts associated with using the variable work commitment bidding system will, of course, be examined in the environmental impact statements prepared in connection with specific lease sales. Potential environmental impacts resulting from the use of this system will be considered prior to the selection of a leasing system for tracts in each sale.

V. Compliance with Executive Order 12291

Subsection 8(a)(2) of Executive Order 12291, issued February 17, 1981 (46 FR 13193, February 19, 1981), provides an exemption from the procedures prescribed by the Order whenever satisfying the terms of the Order would conflict with deadlines imposed by judicial order. DOE has determined that, in view of a court order requiring that this final regulation be issued no later than June 30, 1981, it is not possible to comply fully with the procedures in the Order regarding final rules. In accordance with the further requirements of subsection 8(a)(2) of that Order, DOE has reported the final regulation to the Director of the Office of Management and Budget with an explanation of the conflict.

Although DOE has determined, in consultation with the Director of the Office of Management and Budget, that strict compliance with the procedures in the Order is not possible with regard to this regulation, DOE intends to adhere to the requirements of the Order to the extent permitted by the judicial deadline of June 30, 1981. DOE at present is preparing a Regulatory Impact Analysis, which conforms to the extent possible with the requirements of subsections 3(d)(1)(4) of the Order.

A summary of DOE's Regulatory Impact Analysis is found in section III. B. of the preamble to this regulation.

VI. Compliance With The Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*, (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. In the preamble to the proposed variable work commitment bidding system regulation (46 FR 20522, April 3, 1981), DOE certified that the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities, as defined in the statue; no comments were submitted in dispute of this certification. Therefore, a regulatory flexibility analysis will not be prepared.

(Outer Continental Shelf Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by Pub. L. 95–372; Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*, 1977) E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., June 30, 1981.

Roger W. A. LeGassie,
Acting Assistant Secretary for Fossil Energy.

PART 376—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Part 376 of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a new paragraph (6) to § 376.110(a), to read as follows:

§ 376.110 Bidding systems.

(a) * * *

(6) *Work commitment bid based on a dollar amount for exploration with a fixed cash bonus, a fixed royalty in amount or value of the production saved, removed, or sold, and an annual rental.*

(i) *Work commitment bid.*

(A) The work commitment is the bid for the lease and is determined by the person submitting the bid. The bid shall be submitted in accordance with provisions specified in the notice of OCS lease sale. The work commitment is the dollar amount which the bidder must satisfy through either one or a combination of the following:

(1) Performance of sufficient qualifying exploration activities determined in accordance with the provisions of paragraph (a)(6) of this section; or

(2) In the event that sufficient qualifying exploration activities are not performed as provided for by paragraph (a)(6)(i)(A)(1) of this section, by cash payments to the Secretary of the Interior, as required by paragraph (a)(6)(xi) of this section.

(B) The lessee, at its option, shall deliver to the Secretary of the Interior, upon issuance of the lease, either:

(1) A cash deposit for the full amount of the work commitment; or

(2) A performance bond, in form and substance and with a surety satisfactory

to the Secretary of the Interior, in the principal amount of the work commitment.

(ii) *Fixed cash bonus.*

The cash bonus to be paid by the lessee shall be an amount that is specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract. Any deferment of the payment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register.**

(iii) *Fixed royalty.* The royalty rate to be paid by the lessee shall be fixed at a percent of the amount or value of the production saved, removed, or sold; shall be specified in the notice of OCS lease sale published in the **Federal Register;** and may vary from tract to tract.

(iv) *Annual rental.* The annual rental to be paid by the lessee shall be the amount specified in the notice of OCS lease sale published in the **Federal Register.**

(v) *Exploration activities qualifying for credit against the bid.* The following exploration activities shall qualify as exploration activities the allowable expenditures for which, as specified in paragraph (a)(6)(vii) of this section, may be applied in satisfaction of the work commitment:

(A) Geological investigations and directly related activities and geophysical investigations including seismic, geomagnetic, and gravity surveys, data processing and interpretation, exploratory drilling, core drilling, redrilling, and well completion or abandonment, including the drilling of wells sufficent to determine the size and areal extent of any newly discovered field, and including the cost of mobilzation and demobilization of drilling equipment.

(B) Any other activities as specified in the approved exploration plan, filed in accordance with 30 CFR § 250.34–1, and approved by the USGS designated official.

(vi) *Termination of the period for qualifying exploration activities.* (A) Expenditures incurred in performing qualifying exploration activities, as specified in paragraph (a)(6)(v) of this section, for any prospect on a lease issued under paragraph (a)(6) of this section, shall not be applied in satisfaction of the work commitment after the occurrence of the earliest of the following events:

(1) The lessee begins performing any of the activites described in an approved development and production plan, as specified in 30 CFR 250.34–2, applicable to that prospect and lease;

(2) In the judgment of the USGS designated official, sufficient information has been gathered through exploration activities so that the lessee may begin activities to bring the prospect into commercial production;

(3) The entire amount of the work commitment is satisfied in accordance with the provisions of paragraph (a)(6)(i) of this section; or

(4) The primary term of the lease, or any extension thereof, has expired or the lease has been relinquished.

(B) Expenditures incurred in performing qualifying exploration activities for any additional prospect(s) may be allowable in satisfaction of the work commitment despite the termination of the period for qualifying exploration activities for a previous prospect on the same tract. However, such expenditures are only allowable in satisfaction of the work commitment if, in the judgment of the USGS designated official, any such additional prospect(s) is sufficiently separate and distinct as to require a discrete exploration effort.

(vii) *Allowable and unallowable expenditures.*

(A) Expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this action shall be allowable to the extent that they are identified, measured, and allocated in accordance with the provisions of §§ 390.011(a)–(n) and (p), 390.014, and 390.015 of this chapter.

(B) Fifty percent of the allowable expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section that are incurred prior to the termination of the period for qualifying exploration activities specified in paragraph (a)(6)(vi) of this section, shall be included in determining the satisfaction of the work commitment.

(C) A lessee's general overhead costs and those costs identified in § 390.013 of this chapter shall not be allowed as expenditures to be applied in satisfaction of the work commitment.

(D) For purposes of determining allowable and unallowable expenditures, any reference in §§ 390.011, 390.013, 390.014, or 390.015 of this chapter that would restrict the application of any provision to a lease issued under a net profit share bidding system or to an operation, project area, property, or tract related to such a lease shall be deemed a reference to a lease issued under the work commitment bidding system described in paragraph (a)(6) of this section or to an operation, project area, property, or tract related to such a lease.

(E) To the extent that any provision of §§ 390.011, 390.013, 390.014, or 390.015 of this chapter specifies a particular accounting procedure which relates solely to the calculation of net profits due to the government, rather than a mechanism for identifying, measuring, or allocating costs, such provision shall not apply.

(viii) *Adjustment to allowable expenditures.* (A) Expenditures allowable under paragraph (a)(6)(vii) of this section shall be adjusted before being applied in satisfaction of the work commitment.

(B) The Secretary of the Interior, concurrently with the review of reports submitted in compliance with paragraphs (a)(6)(ix) (A) and (B) of this section, shall adjust such allowable expenditures by applying a factor that is obtained from the Producer Prices and Price Indexes, Oil Field Machinery and Tools, Commodity Code No. 1191, published by the Department of Labor, Bureau of Labor Statistics, for the calendar period corresponding to the reporting period.

(C) The procedures for calculating the adjustment shall be included in the notice of OCS lease sale and published in the **Federal Register.**

(ix) *Reporting and record keeping requirements.* (A) Each person holding a lease issued under paragraph (a)(6) of this section shall file an annual report during the period beginning with issuance of the work commitment lease and ending with the termination of the period for qualifying exploration activities as specified in paragraph (a)(6)(vi) of this section. This report shall be submitted not later than 90 days after the anniversary date of the issuance of the lease. Such report shall list the allowable exploration expenditures to be applied in satisfaction of the work commitment.

(B) A final report relating to the allowable expenditures shall be filed not later than 120 days after the termination of the period for qualifying exploration activities as specified in paragraph (a)(6)(vi) of this section.

(C) For each report filed under paragraphs (a)(6)(ix) (A) and (B) of this section, the following information is required:

(1) The dollar amount of the work commitment;

(2) The dollar amount previously permitted by the Secretary of the Interior to be applied in satisfaction of the work commitment; and

(3) The dollar amount and description of all expenditures and credits for qualifying exploration activities incurred during the reporting period.

(D) Reports required by paragraphs (a)(6)(ix) (A) and (B) of this section shall be filed with the Director, USGS, either separately, or included with any other reports currently required.

(E) Each person holding a lease issued under paragraph (a)(6) of this section shall maintain such records as are necessary to establish the allowability of expenditures for qualifying exploration activities specified in paragraph (a)(6)(v) of this section and claimed in satisfaction of the work commitment. Such records shall be maintained for twelve months after the termination of the period for qualifying exploration expenditures as specified in paragraph (a)(6)(vi) of this section, except that nothing in these regulations shall limit the time of investigation or the need to produce records when *prima facie* evidence of fraud or willful misconduct is obtained with respect to the government's interest in a lease issued under paragraph (a)(6) of this section.

(x) *Reduction of cash deposit or bond.* The Secretary of the Interior shall review the reports submitted in compliance with paragraphs (a)(6)(ix) (A) and (B) of this section and shall determine the total dollar amount of allowable expenditures incurred during the reporting period. Upon making the determination that the lessee has satisfied any portion or all of the work commitment, and after having adjusted the allowable expenditures in accordance with the provisions contained in paragraph (a)(6)(viii) of this section and having determined the dollar amount that may be applied in satisfaction of the work commitment, the Secretary of the Interior shall, if the lessee delivered a cash deposit, remit to the lessee 50 percent of such amount or, if the lessee posted a performance bond, authorize the lessee to reduce the principal amount of the performance bond by 50 percent of such amount. The dollar amount of the work commitment remaining after subtracting the amount that may be applied in satisfaction of the work commitment shall be the adjusted balance.

(xi) *Payment of unsatisfied work commitment.* (A) At the termination of the period for qualifying exploration activities for all prospects on a tract as specified in paragraph (a)(6)(vi) of this section, the lessee shall file a final report relating to allowable expenditures in accordance with the provisions of paragraph (a)(6)(ix)(B) of this section. The Secretary of the Interior shall review such reports, adjust the allowable expenditures in accordance with the provisions of paragraph (a)(6)(viii) of this section, determine the amount that may be applied in satisfaction of the work commitment, determine the final adjusted balance, and notify the lessee of the final adjusted balance.

(B) If, after making the determinations specified in paragraph (a)(6)(xi)(A) of this section, the full dollar amount of the work commitment has not been satisfied, the final adjusted balance shall be paid in cash to the Secretary of the Interior. If the lessee delivered a cash deposit, the final adjusted balance shall be forfeited at the time of notification. If the lessee posted a performance bond, the final adjusted balance of the bond required by the Secretary of the Interior to be maintained at that time shall be paid to the Secretary of the Interior within 30 days of such notification.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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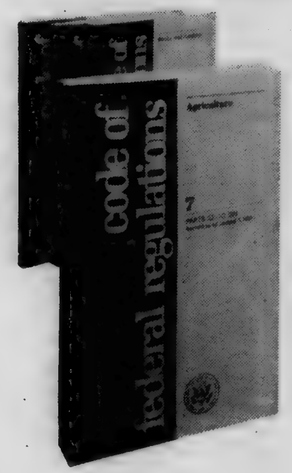
This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1123/Pub. L. 97–19 To permit certain funds allocated for official expenses of Senators to be utilized to procure additional office equipment (July 6, 1981; 95 Stat. 103) Price $1.50.

S. 1124/Pub. L. 97–20 To authorize the Sergeant at Arms and Doorkeeper of the Senate, subject to the approval of the Committee on Rules and Administration, to enter into contracts which provide for the making of advance payments for computer programing services (July 6, 1981; 95 Stat. 104) Price $1.50.

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35663 **Banks and Banking—Farm Credit** FCA proposes rules on extension of credit by Federal Land Banks and Production Credit Associations.

35635, 35637, 35639 **Prisons** Justice/PARCOM issues rules on paroling, recommitting and supervising Federal prisoners. (3 documents)

35648 **Railroads** ICC issues procedures implementing the feeder railroad development program.

35658 **Food Stamps** USDA/FNS provides for verification of applicants' income through access to Social Security Administration files.

35668 **Proprietary Vocational and Home Study Schools** FTC publishes draft revision of trade regulation rule.

35632 **Air Transportation** CAB relaxes requirement that airlines notify competitors and civic parties of certain fare changes when requesting Special Tariff Permission.

35664 **Air Carriers** CAB proposes to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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35658 **Procurement** OPM proposes rules on negotiation and administration of Federal Employees Health Benefits Programs Contracts.

35660 **Food Standards** USDA/FSIS proposes to revise present standards for "liverwurst," "liver sausage," and "Braunschweiger".

35703 **Peanuts** USDA/AMS approves quality regulations and indemnification terms for marketing of 1981 crop peanuts.

35718 **Imports—Textiles** CITA increases import levels for certain cotton fabrics from Thailand.

35848 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210 and 235

National School Lunch Program and State Administrative Expense Fund; Assessment, Improvement and Monitoring System (AIMS), Extension of Public Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of extension of public comment period.

SUMMARY: The interim Assessment, Improvement and Monitoring System (AIMS) rule was published in the **Federal Register** (45 FR 64068) on September 26, 1980. Public comments were requested to be postmarked by June 30, 1981. This notice extends the public comment period to December 31, 1981. This extension will enable the public to gain additional operational experience which will aid the Department in refining the final rule.

DATES: To be assured of consideration, comments must be postmarked on or before December 31, 1981.

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA, Food and Nutrition Service, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley C. Garnett at the above address (202–447–9085).

SUPPLEMENTARY INFORMATION: *Classification:* The interim Assessment, Improvement and Monitoring System rule does not meet any of the three criteria identified in Executive Order 12291 and, as a result, would not be considered a major rule..

Background: The Department published AIMS as an interim rule to allow for further refinement after implementation of the system.

The effective date for interim AIMS was January 1, 1981 and the close of the public comment period was to be June 30, 1981. It was initally believed that six months would provide the public with sufficient operating experience on which to base its comments.

As State agencies began implementation of AIMS, the Department found that some State agencies and School Food Authorities would require more than six months to gain adequate operational insight. Furthermore, the FNS suggested AIMS guidance handbook, which would facilitate implementaton in some cases, was printed behind schedule. Consequently, the Department felt that an extension of the comment period would best serve the public.

For these reasons, the Department will continue to receive comments postmarked on or before December 31, 1981.

Dated: July 2, 1981.

G. William Hoagland,
Administrator, Food and Nutrition Service.

[FR Doc. 81–20043 Filed 7–9–81; 8:45 am]
BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 670, Amdt. 1; Valencia Orange Reg. 671]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 10–16, 1981, and increases the quantity of such oranges that may be so shipped during the period July 3–9, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective July 10, 1981, and the amendment is effective for the period July 3–July 9, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on July 7, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good on most sizes.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves

restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 908.971 is added as follows:

§ 908.971 Valencia Orange Regulation 671.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 10, 1981 through July 16, 1981, are established as follows:

(1) District 1: 400,000 cartons;
(2) District 2: 400,000 cartons;
(3) District 3: unlimited cartons.

2. § 908.970 Valencia Orange Regulation 670 (46 FR 34557), is hereby amended to read:

§ 908.970 Valencia Orange Regulation 670.

* * * * *

(1) District 1: 525,000 cartons;
(2) District 2: 525,000 cartons;
(3) District 3: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20340 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 313 and Lemon Reg. 312, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 12–18, 1981, and increases the quantity of lemons that may be shipped during the period July 5–11, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 12, 1981, and the amendment is effective for the period July 5–11, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on July 8, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.613 is added as follows:

§ 910.613 Lemon Regulation 313.

The quantity of lemons grown in California and Arizona which may be handled during the period July 12, 1981, through July 18, 1981, is established at 300,000 cartons.

2. Section 910.612 Lemon Regulation 312 (46 FR 34557) is revised to read as follows:

§ 910.612 Lemon Regulation 312.

The quantity of lemons grown in California and Arizona which may be handled during the period July 5, 1981, through July 11, 1981, is established at 375,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20339 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 1060

Payment of Travel Expenses of Persons Who Are Not Government Employees

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: By this rule, the Department of Energy is amending 10 CFR to establish a new Part 1060 which establishes policies on payment from Department funds of travel expenses of persons who are not Government employees (often referred to as "invitational travel"). The regulations will provide Department employees and members of the public with explicit guidelines with respect to authorization and approval of such payments.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Fonner, Attorney, Office of the Assistant General Counsel for Standards of Conduct, GC–45, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–1522.

SUPPLEMENTARY INFORMATION:

Classification

The Department of Energy has determined that no substantial issue of fact or law exists with respect to these regulations and that these regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. The Department of Energy has further determined that these regulations relate to agency management and therefore are exempt from the requirements of 5 U.S.C. §§ 553, 603, and 604, and the requirements of Executive Order 12291.

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

Not required for this rulemaking.

Background

The authority to provide payment from DOE funds for travel expenses of persons who are not Government employees is primarily based on provisions incorporated in chapter 57, title 5, United States Code, as amplified by Decisions of the Comptroller General. (See, for example, 4 Comp. Gen. 281, 8 Comp. Gen. 465; 21 Comp. Gen. 610; 27 Comp. Gen. 183; 38 Comp. Gen. 483; 40 Comp. Gen. 221; 41 Comp. Gen. 482; 48 Comp. Gen. 110; 51 Comp. Gen. 800; 54 Comp. Gen. 554; 56 Comp. Gen. 661.) Section 645 of the DOE Organization Act (42 U.S.C. 7255) provides statutory authority with respect to expenses of subpenaed persons.

Some Government agencies, including the Department of Energy, have internal rules that attempt to provide guidance to agency employees with respect to certain aspects of invitational travel. However, the lack of more explicit guidance has resulted in uncertainty on the part of both DOE employees and private individuals as to when payment for such travel is authorized. This rule will provide express guidelines for limiting invitational travel to specific categories of individuals and to certain invitations approved by high-level DOE officials.

Discussion of Comments

On March 20 1981, the Department of Energy published proposed regulations on invitational travel (46 FR 17787) and invited the public to offer comments on the proposed rule. Two telephone inquiries and one written comment were received with respect to the proposed regulations. In each case, concern was expressed that section 1060.201, which excludes contractors from the provision authorizing payment of travel expenses of persons invited to confer, might be construed to modify the terms of provisions covering travel expenses contained in DOE contracts. In addition, it was suggested that the provision could affect contractors with respect to matters extraneous to their contracts. To make clear that this is not the intent of Part 1060, the regulations were modified as discussed below.

Final Regulations

The regulations are adopted as proposed except for conforming changes in the headings of sections 1060.201 and 1060.301 and the following modifications in the text:

Section 1060.101—A new subsection (e) has been added to this section to make clear that these regulations are not intended to modify the terms of any DOE contract or assistance award. In addition, changes were made in subsection (c) to reflect recent changes in Departmental field structure. (See discussion of § 1060.501, below. In subsection (a)(4), the phrase "who cannot travel alone because of the handicap" has been substituted for "whose handicap prevents him from traveling alone", a non-substantive change.

Section 1060.201—Clause (b) has been amended to make clear that the regulations are not intended to affect contractors or their employees with respect to matters outside the scope of the contract. Further, to assure consistency of treatment in application of the regulations to different types of Departmental awards, the revised language makes reference to assistance awards as well as to contracts.

Section 1060.501—To reflect changes that have taken place in the Departmental field structure since the proposed rule was prepared, the term "DOE Field Organization" has been substituted for "regional or district office or a field installation (as defined in Part 1003 of Chapter X of this Title)". Similarly, because the Office of the Chief Financial Officer has been abolished, the reference to the "Chief Financial Officer" has been deleted from the definition of "principal departmental officer" in § 1060.501(f).

For the reasons set out in the preamble, Chapter X of Title 10 of the Code of Federal Regulations is amended by adding a new Part 1060 as set forth below.

Issued in Washington, D.C., July 2, 1981.

Harry L. Peebles,

Deputy Assistant Secretary, Management and Administration.

Part 1060 is added to 10 CFR Chapter X to read as follows:

PART 1060—PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Sec.

1060.101 Persons Who May Be Paid.
1060.201 Relatives, Contractors, and Assistance Award Recipients.
1060.301 Government Employees.
1060.401 Applicability of Internal DOE Rules.
1060.501 Definitions.

Authority: Section 644, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254).

§ 1060.101 Persons who may be paid.

(a) Payment may not be authorized or approved for transportation, lodging, subsistence, or other travel expenses from DOE funds to, or on behalf of, a person who is not a Government employee unless such payment is made—

(1) Pursuant to an invitation received by that person from the Department to confer with a DOE employee on matters essential to the advancement of DOE programs or objectives and (i) in the case of a person invited to confer at the post of duty of the conferring DOE employee, a designated official has approved and stated the reasons for the invitation in writing, or (ii) in the case of a person invited to confer at a place other than the post duty of the conferring DOE employee, a principal departmental official has approved and stated the reasons for the invitation in writing;

(2) Pursuant to an invitation for an interview to a prospective employee of the Department who is an applicant for (i) a position in the Department classified at GS–16 or above of the General Schedule or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16, (ii) a position for which a determination has been made that there is a manpower shortage pursuant to 5 U.S.C. 5723, or (iii) a DOE position for which the Department has the exclusive duties of recruitment and selection;

(3) In accordance with 28 U.S.C. 1821 or other applicable law, to a person who is subpoenaed by the Department to appear and testify or to appear and to produce documents at a designated place;

(4) To a person who serves as a travel attendant for a handicapped individual who is authorized to travel at DOE expense and who cannot travel alone because of the handicap; or

(5) Pursuant to a written determination of a principal departmental officer that it is in the interest of the Government to provide such payment, where the Counselor has

determined in writing that the payment is authorized under 5 U.S.C. ch. 57 or other statutory authority.

(b) The authority of a designated official or a principal departmental officer, as the case may be, to provide approval of an invitation to travel under subsection (a)(1) and of a principal departmental officer to determine that payment of travel expenses is in the interest of the Government under subsection (a)(5) may not be delegated.

(c) Within 30 days of providing written approval of an invitation under subsection (a)(1)(i), a designated official who is an Administrator of a power administration or the head of a Field Organization shall transmit a copy of the written approval to the principal departmental officer to whom the official or the official's organization reports.

(d) Payment of travel expenses may not be made pursuant to an invitation to travel under subsection (a)(1) or (a)(5) unless the written approval and statement of reasons required by subsection (a)(1), or the written determinations required by subsection (a)(5), are made before the travel to be authorized by the invitation takes place.

(e) Nothing in this section shall be interpreted to prohibit payment for travel expenses that are reimbursable or allowable by the Department under the terms of a DOE contract or assistance award.

§ 1060.201 Relatives, contractors, and assistance award recipients.

Notwithstanding any other provision in this part, a DOE employee may not authorize or approve, require another person to authorize or approve, or advocate the authorization or approval of, payment from DOE funds of travel expenses of a person who is not a Government employee and who is (a) the DOE employee's relative (except in the case of payment under § 1060.101(a)(4), or (b) in the case of payment under § 1060.101(a)(1), a DOE contractor or a DOE assistance award recipient or the employee of a DOE contractor or a DOE assistance award recipient unless the travel expenses are incurred with respect to matters outside the scope of the contract or assistance award, as the case may be. (See also § 1060.101(e)))

§ 1060.301 Government employees.

Nothing in this part shall be interpreted as being applicable to authorization or approval of payment of travel expenses of Government employees, including DOE employees.

§ 1060.401 Applicability of internal DOE rules.

Payment of travel expenses under § 1060.101(a)(1)–(5) shall be subject to other Department rules relating to authorization of travel.

§ 1060.501 Definition.

For purposes of this part—

(a) "Counselor" means the General Counsel of the Department or the General Counsel of the Federal Energy Regulatory Commission or their delegates, as appropriate.

(b) "Designated official" means (1) a principal departmental officer, (2) an individual who is appointed to a position in the Department by the President of the United States with the advice and consent of the Senate, (3) the Administrator of a power administration, or (4) the head of a Field Organization.

(c) "DOE" or "Department" means the Department of Energy established by the Department of Energy Organization Act, section 201, Pub. L. 95–91 (42 U.S.C. 7131).

(d) "Employee" means—

(1) An employee as defined by 5 U.S.C. 2105;

(2) A special Government employee as defined in 18 U.S.C. 202(a);

(3) A member of a Uniformed Service.

(e) "Handicapped individual" means a person who has a physical or mental disability or health impairment, and includes an individual who is temporarily incapacitated because of illness or injury.

(f) "Principal departmental officer" means the Secretary, Deputy Secretary, or Under Secretary, or, in the case of the Federal Energy Regulatory Commission, the Chairman or Executive Director of the Commission.

(g) "Relative" means, with respect to a DOE employee, an individual who is related to the employee, by blood, marriage, or operation of law, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, and shall also include the grandparent of an employee's spouse, an employee's fiance or fiancee, or any person residing in the employee's household.

[FR Doc. 81-20297 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket 39076, Amdt. No. 57; Regulation ER-1233]

Airlines; Special Tariff Permission

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Under Special Tariff Permission procedures, the CAB allows airlines to implement certain fare changes quickly instead of having to wait 30 to 60 days. This amendment relaxes the requirement that an airline notify competitors and civic parties in certain cases when it requests Special Tariff Permission. This action is at the CAB's initiative.

DATES: Adopted: June 25, 1981. Effective: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Moore, Domestic Fares & Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5038.

SUPPLEMENTARY INFORMATION: An airline that obtains Special Tariff Permission (STP) from the Board can then implement certain passenger fare changes as little as 1 day after it files a tariff reflecting the changes with the Tariffs Division. In ER–1171 and PS–91 (45 FR 20059, 20071, March 27, 1980) the Board liberalized its rules and policies on this subject so that STP requests will ordinarily be approved for fares that are within a statutory or Board-established zone of fare flexibility. In ER–1205 (45 FR 87008, December 31, 1980), the Board adopted a procedure for pre-filing tariff approval to further expedite the introduction of fare decreases. That procedure applies only to domestic fares.

The statutory fare flexibility zones are prescribed domestically by the Airline Deregulation Act of 1978, Pub. L. 95–504, and internationally by the International Air Transportation Competition Act, Pub. L. 96–192. The Board has only limited authority to suspend fares that are within those zones. As a policy matter, the Board has voluntarily established broader zones of flexibility within which it will ordinarily not suspend fares—for most domestic markets in Subpart C of 14 CFR Part 399 (PS–98, 45 FR 70431, October 24, 1980), and for international markets on Order 81–1–119, January 23, 1981.

This rulemaking addresses the notification that airlines must give when they file an STP request with the Board.

Once a fare change has become effective, the Board has no authority to suspend it, except in the case of certain international fares. Potential complainants therefore have an interest in being notified about an STP application quickly, so that they may file complaints and argue that a proposed fare should be suspended before the application is approved and the fare implemented. In deciding when to require notification, the Board must balance this interest against several factors. First, any advance notice requirement has an anticompetitive effect, which encourages price signalling and discourages the introduction of fare decreases. Second, there are costs imposed on travelers when fare decreases are delayed, and costs on airlines when increases are delayed. Finally, the notification requirement itself imposes costs on airlines. The balancing is also affected by the likelihood that the Board would suspend the fare.

In ER–1171 we balanced these factors and adopted the following scheme: Notification must be provided for fares that are outside the statutory zones of flexibility, and for any fare that an airline has reason to believe will be controversial (§ 221.191(e)). The notification must be provided to competing airlines and affected civic parties at the same time that the STP application is filed with the Board. It must be immediate and telegraphic, unless an alternative is approved by the Board's Tariffs Division. The notification is required for any fare that is outside the applicable statutory zone, even if it is within a Board-established zone of flexibility.

In EDR–418 (45 FR 87012, December 31, 1980) we proposed to amend § 221.19(e) to refer to the Board's broader flexibility zones, thus eliminating the notification requirement for such "between-zone" fares. In view of all the factors discussed above, especially the rarity of suspensions of filings within these broader zones, we tentatively concluded that any benefits of requiring notification for all such filings are outweighed by the costs and anticompetitive effects. The proposal noted that in any event, since granting STP is discretionary, we could protect procedural fairness by requiring notification in individual cases when it appeared that a complainant might persuade us to suspend a fare. Also, notification would still be required for controversial filings. A restatement of this requirement was proposed to reflect our interpretation in ER–1205 of "controversial" as not covering fare decreases—by referring to increases and rule changes instead of all tariffs—and extend that interpretation to cargo rate decreases.

No comments were filed in response to EDR–418. For the reasons discussed in that proposal and reiterated above, we have decided to amend Part 221 as proposed.

In Order 80–12–93, adopted along with EDR–418, we granted a blanket interim exemption from the notification requirement to the extent that we proposed to relax the requirement. This final rule makes continuation of the exemption unnecessary, and the exemption terminates by its terms.

Since this amendment relieves a restriction and creates no additional burden, the Board finds for good cause that it may become effective less than 30 days after publication.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for Part 221 is:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, as amended, Pub. L. 85–726, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. In § 221.191, paragraph (e) is revised to read:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(e) *When notice is required.* Notice in the manner set forth in paragraph (f) of this section is required when a carrier files an application for Special Tariff Permission—

(1) To offer passenger fares that would be outside a Board-established zone of fare flexibility or, in markets for which the Board has not established such a zone, outside the statutory zone of fare flexibility; or

(2) To file any price increase or rule change that the carrier believes is likely to be controversial.

* * * * *

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20283 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17913]

Non-member Market Makers; Rescission of Obsolete Rule

AGENCY: Securities and Exchange Commission.

ACTION: Rule rescission.

SUMMARY: The Commission today is rescinding, as obsolete, a Commission rule under the Securities Exchange Act of 1934 (the "Act") relating to non-member market makers. The Commission rule has been rendered obsolete by subsequent Commission rulemaking and by rule changes of the New York Stock Exchange ("NYSE").

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon, Attorney, Securities and Exchange Commission, Room 391, 500 North Capitol Street, Washington, D.C., 202–272–2889.

SUPPLEMENTARY INFORMATION: On October 20, 1966, the Commission adopted Rule 19b–1 (17 CFR 240.19b–1) under the Act ("Rule"),[1] which provides certain filing and financial requirements for "qualified non-member market makers" in NYSE Rule 394(b). Since the adoption of the Rule, however, the Commission has engaged in further rulemaking which has obviated the need for those provisions of Rule 394(b) that make reference to qualified non-member market makers.[2] In response to these actions, the NYSE has amended its rules to remove all references to qualified non-member market makers. Therefore, it appears that the Rule no longer serves any useful purpose.

§ 240.19b–1 [Removed]

Accordingly, Chapter II of Title 17 of the Code of Federal Regulations is amended by removing § 240.19b–1.

The Commission finds, in accordance with Sections 5 U.S.C. 553(b)(B) and 553(d) of the Administrative Procedure Act that there is good cause that the rescission of the Rule take effect immediately because notice and public

[1] Securities Exchange Act Release No. 34–7961 (October 20, 1966) 31 FR 13090.

[2] *See e.g.*, Securities Exchange Act Release No. 14325 (December 30, 1977), 43 FR 1327, which amended Rule 19c–1 (17 CFR 240.19c–1) under the Act, to remove, with the exception of "in-house" agency cross transactions, all off-board agency trading restrictions.

procedure are unnecessary in light of the fact that the rescission of the Rule relieves a reporting restriction on broker-dealers and is no longer relevant to any regulatory purpose. Accordingly, the foregoing action becomes effective immediately.

By the Commission.
George A. Fitzsimmons,
Secretary.
July 2, 1981.
[FR Doc. 81-20235 Filed 7-9-81; 8:45 am]
BILLING CODE 8010-01-M

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17 CFR Part 240

[Release No. 34-17910]

Requirements for Broker-Dealer Filing and Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is eliminating the requirement imposed on brokers and dealers to file copies of any proposed subordination agreements with the appropriate Commission Regional Offices under certain circumstances. It is also eliminating the requirement to file with the Commission's principal office in Washington, D.C. an application for an extension of time to file audited reports. The requests will hereafter be filed only with the appropriate Regional Office of the Commission as well as the Designated Examining Authority as now provided for in the Rule.

DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen C. Kerrigan, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2368.

SUPPLEMENTARY INFORMATION: 1. Appendix D to Rule 15c3-1 sets forth minimum and non-exclusive requirements for satisfactory subordination agreements. Paragraph (c)(6) of that Appendix requires that two copies of any proposed subordination agreement (including any non-conforming subordination agreement) be filed at least 10 days prior to the proposed execution date of the agreement with the Commission's Regional Office for the region in which the broker or dealer maintains its principal place of business. Copies of the proposed agreement must also be filed with the Examining Authority in such quantities as the Examining Authority may require.[1] Paragraph (c)(6) further requires the Regional Office or the Examining Authority to examine the agreement. No proposed agreement shall be a satisfactory subordination agreement unless and until the Examining Authority has found the agreement acceptable and such agreement has become effective in the form found acceptable.

Where the Examining Authority has been other than the appropriate Regional Office, the Regional Offices have generally relied upon the self-regulatory organizations for direct scrutiny of subordination agreements filed by their respective members; the extra copy is filed with the Regional Office primarily for information or oversight. The filing of copies with the Regional Offices seems unnecessary at the present time. It is appropriate, however, for the Commission to have reasonable means for monitoring these agreements. At present, each Designated Examining Authority forwards to the Commission periodic summary reports on a firm-by-firm basis of subordination agreements approved by that organization. The Commission believes that these reports will be sufficient for its monitoring purposes. Hence, the Commission deems it appropriate to eliminate the requirement for filing of copies of proposed subordination agreements with the Regional Offices where the Examining Authority is a self-regulatory organization and that organization has agreed to file with the Commission periodic reports summarizing subordination agreements it has approved during that period.[2] Where a Commission Regional Office is its Examining Authority, the broker or dealer must continue to file its subordination agreements with that Regional Office.

2. Under Rule 17a-5(1), a broker or dealer requesting an extension of time to file its annual report pursuant to paragraph (d) of the Rule must file an application for an extension of time with the Commission's principal office in Washington, D.C. and the appropriate Regional Office of the Commission. The extension must be to a specified date not more than 90 days after the date as of which the financial condition is reported.[3] Notice of the application must also be sent to the Designated Examining Authority. Since the Commission's Regional Office has been delegated the authority to grant or deny such requests, it seems unnecessary for a broker or dealer seeking an extension to file an application with the Commission's principal office in Washington, D.C. Accordingly, the Commission has determined to delete that requirement. Hence, such requests would be filed only with the appropriate Regional Office of the Commission and with the Designated Examining Authority for the broker-dealers.

Statutory Basis, Competitive Considerations and Effective Date

The Commission, acting pursuant to Sections 15(c)(3), 17 and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78*o*(c)(3), 78q and 78w, hereby adopts amendments to § 240.15c3-1d and § 240.17a-5 of Title 17 of the Code of Federal Regulations as set forth below.

In doing so, the Commission, pursuant to Section 533(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), for good cause finds that the solicitation of public comment prior to adoption of these rule amendments is unnecessary, because these are duplicative filing requirements.

Moreover, the Commission finds that eliminating these filing requirements reduces the reporting burden on brokers and dealers registered with the Commission. Thus, pursuant to Section 533(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Commission has determined to make the amendments effective immediately upon publication in the **Federal Register** (July 10, 1981) since they relieve restrictions that are currently imposed by the provisions hereby being amended.
It also appears to the Commission that no burden will be imposed on competition by the adoption of these amendments.

Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., imposes new procedural steps applicable to agency rulemaking which has "a significant economic impact on a substantial number of small entities."

This Act, however, is only applicable if the proposed amendments are subject to public notice and comment. The amended rules will relieve restrictions currently imposed on broker-dealers and, therefore, will be effective upon publication, without notice and opportunity for comment.

Amendments

In accordance with the foregoing, 17, CFR Part 240 is amended as follows:

[1] The term "Examining Authority" is defined in paragraph (c)(12) of the net capital rule (17 CFR 240.15c3-1(c)(12)).

[2] Each report should include, in addition to the amount of the loan and its duration, the name of the lender and the business relationship of the lender to the broker or dealer.

[3] Any other requests for extensions of time to file audited reports must be filed with the Commission's headquarters office.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By designating present paragraph (c)(6) of § 240.15c3-1d as paragraph (c)(6)(i) and adding paragraph (c)(6)(ii) to read as follows:

§ 240.15c3-1d Satisfactory subordination agreements (Appendix D to 17 CFR 240.15c3-1).

* * * * * * *

(c) * * *

(6) * * *

(ii) The broker or dealer need not file with the Regional Office for the region in which the broker or dealer maintains its principal place of business (if a Regional Office is not its Examining Authority) copies of any proposed subordination agreement or the statement described above if the Examining Authority for that broker or dealer has consented to file with the Commission periodic reports (not less than monthly) summarizing for the period, on a firm-by-firm basis, the subordination agreements it has approved for that period. Such reports should include at the minimum, the amount of the loan and its duration, the name of the lender and the business relationship of the lender to the broker or dealer.

* * * * *

2. By revising paragraphs (l)(1)(i) and (E) of § 240.17a-5 to read as follows:

§ 240.17a-5 Reports to be made by certain brokers and dealers.

* * * * *

(l) *Extensions and exemptions.* (1)(i) In the event any broker or dealer finds that it cannot file its report for any year within the time specified in paragraph (d) of this section without undue hardship, it may file with the appropriate regional office as specified in paragraph (d)(6) of this section an application for an extension of time to a specified date which shall not be more than 90 days after the date as of which his financial condition is reported. Notice of such application shall be sent to the designated examining authority. The application shall be made by the broker or dealer and shall:

* * * * *

(E) Be received by the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the principal office of the designated examining authority prior to the date upon which the report is due; and

* * * * *

By the Commission.
George A. Fitzsimmons,
Secretary.
July 2, 1981.
[FR Doc. 81-20236 Filed 7-9-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Parole Commission is modifying its policy regarding the treatment of parole violators incarcerated with new sentences. Under the modification, the Commission will commence the unexpired portion of the original sentence upon release from the confinement portion of the new sentence, except where the Commission selects an earlier date for reparole to the new sentence. This change will make the decision as to the commencement of the running of the unexpired portion of the original sentence conform with Commission standards for release at 28 CFR 2.21, and eliminate the complexity of the present regulation which has been in effect since July 1980.

The new rule also modifies Commission procedures on the timing of the dispositional revocation hearing for parole violators incarcerated on new sentences such that a prisoner in a state/local facility will be heard after service of 24 (rather than 18) months in custody (if not released before that time). A prisoner in a federal facility, in most cases, will have this hearing in conjunction with the initial parole hearing on the new federal sentence. The modification for state prisoners is made for budgetary reasons, and the modification for federal prisoners is to reduce duplication in hearings.

DATES: August 31, 1981 (See Implementation Section). Public comment must be received by August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, U.S. Parole Commission, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492-5980.

SUPPLEMENTARY INFORMATION: Prior to July 1, 1980, the customary policy of the Parole Commission for parole violators with new sentences to incarceration was to conduct a revocation hearing only on the completion of the confinement portion of the new sentence, no matter what its length. The alleged violator was taken into federal custody on the Parole Commission's warrant, a revocation hearing would be conducted, and a decision relative to reparole made after assessment of the case under the reparole guidelines. The unexpired portion of the original federal sentence would normally commence to run only upon release from the confinement portion of the new sentence.

In July, 1980, the Commission modified these policies in two ways. First, the Commission adopted a policy of providing revocation hearing more promptly for persons incarcerated with new sentences. For parolees in state custody, the revocation hearing was to be held after service of approximately 18 months, if the prisoner was not earlier returned to federal custody. For parolees in federal custody, the hearing was to be conducted within 120 days after incarceration to allow the Commission to consolidate the revocation hearing with the initial parole hearing on the new sentence. These changes in timing were intended to provide the parolee with earlier notice of the amount of prison time the Parole Commission would require on the sentences under its jurisdiction.

Second, the Commission adopted a regulation under which the unexpired portion of the original federal sentence would commence after service of 18 months on the new sentence (if the prisoner was not released from the new sentence before that time), except that the Commission could commence the unexpired portion of the original sentence at an earlier or later time upon the concurring votes of two Commissioners. This modification was designed to decrease the disparity inherent in the former policy, given the varying sentencing practices across jurisdictions for similar types of behaviors.

Since the implementation of these changes, the Commission has experienced several severe conceptual and procedural difficulties with the present regulation.

Recommencement of the Unexpired Portion of the Original Sentence

The July 1980 change concerning the commencement of the unexpired portion of the original sentence has created a potential conflict with Commission policy concerning the decision as to service of prison time on the violator term. To make the time-served decision, the Commission refers to reparole

guidelines (28 CFR 2.21). A purpose of the guidelines is to enhance equity in the service of prison time for parolees of similar background who commit similar parole violations. In ascertaining how much time has already been served for making decisions under these guidelines, the parolee is given credit for all time served in custody resulting from the violation, whether served on the new sentence or on the violator term. Through the reparole guidelines, the Commission wants to ensure that a parole violator serves the appropriate number of months for the parole violation. This time may be served on a new federal sentence, a new state sentence, the parole violator term, or on any combination of the above.

The decision on commencement of the violator term, since it sets the new full term date on the original sentence, also determines the outside limit for the reparole decision. Though the intent of the July 1980 policy on commencement of the unexpired portion of the original sentence was not to affect the reparole decision, in actuality, the two decisions interract and at times conflict.

For example, consider a parole violator for whom the Commission determines release would be appropriate after service of 78 months on reparole guidelines of 64–78 months. Assume he was released from his original federal sentence with 24 months remaining and is currently serving a state sentence of 60 months. If the 18 month recommencement policy was applied, the original federal sentence would be made to run concurrently with the state sentence after service of 18 months and would expire after 42 months of service on the new sentence. Therefore, the maximum prison time served by the violator would be limited to the 60 months on the state sentence—short of the time-served decision called for by the customary policy set forth by the guidelines.

In actual practice, when these two policies conflict, as in the above example, the case may be referred for a second concurring signature for an exception to the 18 month commencement policy, and the commencement of the federal sentence deferred until release from the new sentence. the use of this exception has proved administratively burdensome.

Therefore, in order to avoid a conflict between two stated policies, the Commission is modifying its regulation on commencement of the unexpired portion of the violator term so that the original sentence will again begin to run upon release from the confinement portion of the new sentence, unless reparole to the new sentence is set at an earlier date.

This new procedure retains the benefits which were anticipated from the July 1980 revision, while eliminating a number of difficulties. In practice, there will be virtually no change in the time of actual warrant execution as the "exception" to the July 1980 regulation was generally invoked where the 18 month rule would not allow for adequate service of time under the reparole guidelines. Further, this procedure still achieves equity among similarly situated prisoners serving varying sentences in different jurisdictions. For those prisoners serving particularly lengthy new sentences in relation to the service of time assessed by the Commission, the unexpired portion of the original federal sentence will again begin to run as soon as it is assured that the prisoner has served an appropriate number of months (the date selected for reparole). For state or local prisoners reparoled to their new state or local sentence, this procedure also saves the unnecessary expense of transporting these prisoners, whom the Commission is ready to release to the community, back to a federal facility and housing them until such release could be effected. This procedure is also considerably less complicated than the July, 1980 regulation since it eliminates referrals for second signature concerning the commencement decision.

Timing of the Dispositional Revocation Hearing

Prisons in Federal Custody

The purpose of the July, 1980 provision to hold dispositional revocation hearings within 120 days of confinement was to eliminate the need for two separate hearings by combining this hearing with the initial parole hearing on the new sentence. However, when a prisoner is not eligible for an initial hearing within 120 days, or waives the initial hearing, this purpose is not accomplished. Therefore, this procedure is being modified so that federal prisoners who are not eligible for an initial hearing within 120 days, or those who are eligible but have not applied, be given a dispositional record review within 180 days (as required by 18 U.S.C. 4214), and scheduled for a dispositional revocation hearing to be held jointly with the initial hearing on the new sentence (or upon release from the new sentence if application for parole is not made). Parolees who are eligible and apply for initial hearings on new federal sentences within 120 days will continue to have their dispositional revocation hearing held jointly with the initial hearing. Prisoners with new federal sentences of one year or less, although not eligible for parole on the new sentence, will also receive the dispositional revocation hearing with 120 days.

Prisoners in State/Local Custody

Under the July, 1980 regulation, prisoners in state or local custody were given their dispositional record review within 180 days, and scheduled for a dispositional revocation hearing after service of 18 months, unless released earlier. The Commission is changing this provision to schedule the dispositional revocation hearing after service of 24 months.

When the 18-month hearing rule was adopted, the Commission had arranged with the U.S. Probation Service to conduct dispositional hearings in state/local facilities when requested because of cost considerations. However, given the recent government-wide budget cuts, the travel cost of conducting these hearings is becoming a matter of concern for the Probation Service as well as for the Commission. By extending the period before such a hearing is called for under this regulation, the Commission expects to save approximately 50 such local hearings annually.

Other Changes

The regulation has also clarified that revocation hearings in state/local custody will not be provided for prisoners outside the United States, or for those serving new life sentences without possibility of parole or sentences to death. Up to this time, these exceptions have been noted in the Commission's Procedures Manual.

In addition, the regulation has clarified that the section pertaining to commencement of the violator term does not apply to violator terms where the underlying sentence runs uninterruptedly by law. Previously, only Youth Corrections Act and Narcotic Addict Rehabilitation Act sentences had been mentioned. However, Mexican and Canadian treaty cases also run uninterruptedly and, thus, are also exempted from this section.

Implementation

1. Recommencement of Sentence: This provision will apply to all parolees who have dispositional revocation hearings on or after August 31, 1981.

2. Timing of Dispositional Revocation Hearings: This provision will apply to all parolees for whom the Commission schedules a dispositional revocation hearing on or after August 31, 1981.

Section 2.47 is revised to read as follows:

§ 2.47 Warrant placed as a detainer and dispositional review.

(a) When a parolee is serving a new sentence in an institution, a parole violation warrant may be placed against him as a detainer.

(1) If such prisoner is serving a new sentence in a federal institution, a revocation hearing shall be scheduled within 120 days of notification of placement of the detainer, or as soon thereafter as practicable, provided the prisoner is eligible for and has applied for an initial hearing on the new sentence, or is serving a new sentence of one year or less. In any other case, the detainer shall be reviewed on the record pursuant to subsection (a)(2) of this rule.

(2) If the prisoner is serving a new sentence in a state or local institution, the violation warrant shall be reviewed by the Regional Commissioner not later than 180 days following notification to the Commission of such placement. The parolee shall receive notice of the pending review, and shall be permitted to submit a written application containing information relative to the disposition of the warrant. He shall also be notified of his right to request counsel under the provisions of § 2.48(b) to assist him in completing this written application.

(b) Following a dispositional record review, the Regional Commissioner may:

(1) Pursuant to the general policy of the Commission, let the warrant stand as a detainer and:

(a) If the prisoner is serving a state or local sentence, order that a revocation hearing be scheduled upon return to a federal institution or upon completion of twenty-four months in confinement on the new term, whichever comes first. However, a hearing under this subsection will not be scheduled for a prisoner in state or local custody serving a new term for life without possibility of parole, a sentence to death, or who is incarcerated outside the United States.

(b) If the prisoner is serving a federal sentence, order that the revocation hearing be scheduled to coincide with the initial hearing on the new federal sentence or upon release from the new sentence, whichever comes first.

(2) Withdraw the warrant, and either order reinstatement of the parolee to supervision upon release from confinement or close the case if the expiration date has passed.

(c) Revocation hearings pursuant to this section shall be conducted in accordance with the provisions governing institutional revocation hearings, except that a hearing conducted at a state or local facility may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. Following a revocation hearing conducted pursuant to this section, the Commission may take any action specified in § 2.52.

(d)(1) A parole violater whose parole is revoked shall be given credit for all time in federal, state, or local confinement on a new offense for purposes of satisfaction of the reparole guidelines at §§ 2.20 and 2.21.

(2) However, it shall be the policy of the Commission that the revoked parolee's original sentence (which due to the new conviction, stopped running upon his last release from federal confinement on parole) again start to run only upon release from the confinement portion of the new sentence or the date of reparole granted pursuant to these rules, whichever comes first. This subsection does not apply to cases where, by law, the running of the original sentence is not interrupted by a new conviction (e.g., YCA; NARA; Mexican or Canadian treaty cases).

(e) If a Regional Commissioner determines that additional information is required in order to make a decision pursuant to paragraph (a)(2) of this section, he may schedule a dispositional hearing at the state or local institution where the parolee is confined to obtain such information. Such hearing may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. The parolee shall have notice of such hearing, be allowed to testify in his behalf, and have opportunity for counsel as provided in § 2.48(b).

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: June 26, 1981.

Cecil C. McCall,

Chairman.

[FR Doc. 81-20284 Filed 7-9-81; 8:45 am]
BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is revising its salient factor score, an actuarial device used to assess the parole prognosis (risk) dimension of the paroling policy guidelines (28 CFR 2.20). This revision responds to concerns raised during previous testimony received by the Commission in that it reduces emphasis on "status" items. The new device will also provide greater reliability in scoring.

EFFECTIVE DATE: August 31, 1981 (See Implementation Section).

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492–5980.

SUPPLEMENTARY INFORMATION: On December 10, 1980, the Parole Commission published a proposal to modify its salient factor score, an actuarial device comprising one dimension of the Paroling Policy Guidelines which is used to predict risk of future criminal conduct (45 FR 81212). The proposal cited as impetus for this revision the testimony which the Commission had received during late 1979 at its Guideline Revision Hearings which urged a reduction in the use of "status" items in general; and elimination of the "employment" item in particular. However, as the salient factor score is a predictive device, there was also the essential requirement that any new device maintain or improve the predictive power of the current device.

It was noted in the proposal that research into modification of the salient factor score was not yet complete pending the completion of followup data on a sample of 1978 federal prison releasees. However, on the basis of preliminary research findings indicating equivalent predictive power, a specific device was proposed which eliminated the current items concerning employment and vehicle theft/checks; added an item on "commitment free period"; modified the item concerning "age" (changing from the age at first commitment to age at current commitment); and modified the probation/parole violation item (adding custody/escape violations, and excluding previous parole violations not in connection with the current offense).

In addition to meeting the basic requirements, the proposed device also had the benefit of greater ease in scoring and increased emphasis on recent criminal record items.

Public Comment

In response to the proposal, the Commission received 17 letters of public comment.

Four members of the probation service responded, three of whom indicated opposition to the proposed revision, citing the lack of items dealing with community stability (e.g., employment) or items which could change during

incarceration, and alleging that it might increase rigidity. The fourth comment expressed confusion as to why the Commission penalized a youthful offender on the salient factor score, yet then applied more lenient guidelines. (It should be noted that while youthful offenders are indeed worse risks than their adult counterparts, the decision to develop and apply more lenient guidelines represented a policy decision which addressed the issue of punishment and accountability of these younger offenders.)

Two comments were received from Federal Public Defenders, one noting strong endorsement of the proposed revision by the defenders office in the District of Maryland; and the other noting the unanimous support of the revision expressed at the recent annual conference of Chief Federal Defenders.

A comment received from a private attorney and one from the Lewisburg Prison Project supported the adoption of the modification, with the latter citing the benefits of relying less on factors outside the control of the prisoner and those capable of more accurate determination.

The Washington Legal Foundation also commented and proposed that the Age at First Commitment item should be retained; or, in the alternative, that the "Age this Commitment" item be given less weight, feeling that no repeat offender should be given an advantage just because they are older. They also proposed lengthening the number of months necessary to be given the point on the new "time free" item from 24 months to 36 months, and suggested that an item dealing with willingness to participate in a voluntary restitution/community service program be added.

Seven letters were received from prisoners, three of which were general endorsements of the proposal. Three other prisoner comments endorsed the proposal with some reservations, noting the mechanical nature of the score and citing such problems as the use of juvenile convictions, and the redundancy of the items concerning prior convictions and prior incarcerations, with a proposal to substitute for the incarceration item one which would give two points to a prisoner who has a clear conduct record in the institution. The seventh comment asked the Commission to examine the racial discrimination which could be perpetuated through use of the salient factor score in general.

In addition, two comments were received from members of the general public, both of which endorsed the revision.

Changes From the Proposal

(1) The item on the proposed device which generated the most concern was Item D—Age at current offense [note this item was changed to Item C on the final device]. In particular, the Commission wanted to respond to the comment which stated that this item, as proposed, could benefit repeat offenders. Research was undertaken to develop an item which would maintain the predictive power of the device, yet avoid the possibility of crediting a "career criminal" with a point for simply becoming older. From a predictive standpoint, it was a matter of identifying and excluding those repeat offenders who are less likely to "burn out" (drop out of criminal conduct with age).

The result of the research is an item which combines "age at current commitment" with an override based on the number of previous commitments. Prisoners with fewer then 5 previous commitments of more than 30 days will receive 2 points on this item if they were 26 years or older at the time of onset of the current offense behavior; 1 point if they were 20–25 inclusive; and 0 points if 19 years of age or less. However, any prisoner with 5 or more previous commitments of more than 30 days would automatically score 0 on this item regardless of age at the current offense.

(2) On the basis of additional research evidence, proposed Item C [Item D on the final device] concerning "commitment free period" is modified from the proposed 24 month period between release from last commitment and current offense to a 36 month period. The reason for the change is enhanced predictive power.

(3) There have also been editorial changes in the wording of a number of the items.

Implementation

The revised salient factor score will apply to all prisoners who have their initial parole hearing on or after September 1, 1981. In addition, the revised salient factor score will be calculated at all statutory interim hearings and pre-release record reviews held on or after August 31, 1981. Any prisoner receiving a more favorable score at that time will have the revised score retroactively applied.

Conforming Changes

With the modification of the salient factor scoring system, a conforming change to the regulation concerning termination of supervision is also necessary. Previous references in that section to scores of 9–11 as "very good risks" are eliminated given that under the revised score, the very good risk category spans scores of 8–10.

Therefore, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.20 and 2.43(e)(1) are amended as follows:

In § 2.20, the table at the end is amended by revising the "Offender Characteristics" for "Adult Guidelines" and "Youth Guidelines" and by revising the form "Salient Factor Score" to read as follows:

§ 2.20 [Amended]

Offense characteristics [1]	Offender characteristics [2] (salient factor score)			
	Very good	Good	Fair	Poor
Adult Guidelines for Parole Decision Making				
• • •	(10–9)	(7–6)	(5–4)	(3–0)
Youth Guidelines for Parole Decision Making				
• • •	(10–9)	(7–6)	(5–4)	(3–0)

[1] Severity of offense behavior (examples).
[2] Parole prognosis (SFS 81).

• • • • •

Salient Factor Score

Name———
Register Number———

Item A: Prior conviction(s)/adjudications (adult or juvenile).	☐
None	=3
One	=2
Two or Three	=1
Four or More	=0
Item B: Prior commitment(s) of more than 30 days (adult or juvenile).	☐
None	=2
One or Two	=1
Three or More	=0
Item C: Age at current offense/prior commitments.	☐
Age at commencement of the current offense:	
26 years of age or more	[1]=2
20–25 years of age	[1]=1
19 years of age or less	=0
Item D: Recent commitment free period (three years).	☐
No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense.	=1
Otherwise	=0
Item E: Probation/parole/confinement/escape status violator this time.	☐
Neither on probation, parole, confinement, or escape status at the time of the current offense, nor committed as a probation, parole, confinement, or escape status violator this time.	=1
Otherwise	=0
Item F: Heroin/opiate dependence.	☐
No history of heroin/opiate dependence.	=1
Otherwise	=0
Total score	☐

[1] Exception: If five or more prior commitments of more than thirty days (adult or juvenile), place an "x" here ——— and score this item=0

Note.—For purposes of the Salient Factor Score, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be treated as a conviction, even if a conviction is not formally entered.

Section 2.43(e)(1) (i) and (ii) are revised to read as follows:

§ 2.43 [Amended]

• • • • •

(e) (1) Absent case-specific factors to the contrary, termination of supervision shall be considered indicated when:

(i): A parolee originally classified in the very good risk category (pursuant to § 2.20) has completed two continuous years of supervision free from any indication of new criminal behavior or serious parole violation; and

(ii): A parolee originally classified in other than the very good risk category (pursuant to § 2.20) has completed three continuous years of supervision free from any indication of new criminal behavior or serious parole violation.

• • • • •

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: June 26, 1981.

Cecil C. McCall,
Chairman.

[FR Doc. 81-20288 Filed 7-9-81; 8:45 am]
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appeals; and reopenings for new favorable information).

Under the amendments, the Regional Commissioner, on his or her own signature, may move a decision, or examiner recommendation closer to (or to) the nearer limit of the appropriate guideline range. The other permissible actions at regional administrative review and appeal remain unchanged.

Additionally, the regulation concerning regional appeal is being modified to specify that decisions to grant parole on the date of parole eligibility may not be appealed. By law the Commission may not release any prisoner prior to the expiration of any minimum term imposed by the court. Therefore, a prisoner granted parole at parole eligibility could not possibly be granted relief by the Commission through the appellate process.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, U.S. Parole Commission, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492–5980.

SUPPLEMENTARY INFORMATION: Upon receipt of a recommended decision from a hearing panel, the Regional Commissioner may either affirm that recommendation to make it a final decision, or may take action under 28 CFR 2.24 to render a different final decision. Currently, under subsection (a), the Commissioner may refer any case to a National Commissioner for concurring signature for any decision changes. Under subsection (b)(2), the Commissioner may on his or her own motion either move the decision six months from the panel recommendation; or schedule for a rehearing in the case of new information or necessary clarification of fact. Under present subsection (b)(1) the Commissioner may also, upon the motion of the Administrative Hearing Examiner, move the decision closer to (or to) the nearer limit of the applicable guideline range. The amendment to subsection (b)(2) makes (b)(1) and (b)(2) consistent in that the modification under either section may now be made upon the Regional Commissioner's own initiative.

In the case of an appeal or a reopening for new favorable information, the current regulation restricts downward movement of a previous decision on the single vote of a Regional Commissioner to six months. Therefore, every modification exceeding six months currently must be referred to other regions to obtain a concurring second signature. By making the permissible action on appeal parallel the action permissible under 2.24(b)(1) as described above, this particular type of decision change need not be accompanied by time-consuming referral when the decision is to move the decision from above the guidelines closer to (or to) the nearer (upper) limit of the appropriate guideline range.

Through cross-reference, this change is also applicable to decision changes under 28 CFR 2.28(a) [reopening for new favorable information] under which section any action may be taken which may be taken under § 2.25 (regional appeals).

In addition, prisoners granted parole on their parole eligibility date will be notified that since the Commission is precluded by law from release at an earlier time, the parole release decision is not appealable. Note that this concerns only the release decision; it does not restrict any appeal of the conditions of parole which is covered under § 2.41(g).

Therefore, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.24 and 2.25 are amended as follows:

1. Section 2.24(b)(1) is revised to read as follows:

§ 2.24 Review of panel recommendation by the regional commissioner.

(a) * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, a Regional Commissioner may:

(1) On his own motion, modify or reverse the recommendation of a hearing examiner panel that is outside the guidelines to bring the decision closer to (or to) the nearer limit of the appropriate guideline range; or

• • • • •

2. Section 2.25 (a) and (b) are revised to read as follows:

§ 2.25 Regional appeal.

(a) A prisoner or parolee may submit to the responsible Regional Commissioner a written appeal of any decision to grant (other than a decision to grant parole on the date of parole eligibility), rescind, deny, or revoke parole, except that any appeal of a Commission decision pursuant to § 2.17 shall be pursuant to § 2.27. This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision.

(b) The Regional Commissioner may affirm the decision, order a new institutional hearing on the next docket, order a regional appellate hearing, or modify the decision. The following actions, whether based on the record or following a regional appellate hearing, require the concurrence of two out of three Regional Commissioners:

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending its regulations to make the quorum requirements concerning modification of parole decisions, or hearing examiner recommendations, by the Regional Commissioner more consistent across all levels of regional review (i.e., administrative review of panel recommendations; regional

(1) Any modification resulting in a reduction of more than 180 days (other than a modification that brings a decision from above the appropriate guideline range closer to, or to, the nearer limit of the appropriate guideline range);

(2) Any modification resulting in a decision below the appropriate guideline range;

(3) Reversal of a decision (i.e., any modification of a ten-year reconsideration hearing decision to a presumptive or effective parole date).

Decisions requiring a second or additional vote shall be referred to other Regional Commissioners on a rotating basis as established by the Chairman.

* * * * *

I certify that this regulation will not have a significant impact on a substantial number of small entities.

Dated: June 26, 1981.

Cecil C. McCall,

Chairman.

[FR Doc. 81-20279 Filed 7-9-81; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Investigative Service

32 CFR Part 298a

[DIS Regulation 28-4]

Defense Investigative Service, Privacy Act Rules

AGENCY: Defense Investigative Service, DOD.

ACTION: Final rule.

SUMMARY: This document sets forth final amendments to the Defense Investigative Service Privacy Act Rules. These changes generally update the rules by making technical changes and clarify certain information concerning office designations.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Dale L. Hartig, Chief, Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half Street, SW, Washington, D.C. 20324. Telephone 202/693-1740.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-16380 appearing in the **Federal Register** on June 2, 1981 (46 FR 29486) the Defense Investigative Service proposed to amend its rules for implementation of the Privacy Act of 1974 Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1897, et seq.). These rules are set forth in Title 32 of the Code of Federal Regulations subsection 298a. As no public comments to the contrary were received the amendments as set forth below are adopted. Accordingly Title 32 CFR 298a is amended as follows:

§ 298a.1 [Amended]

1. Section 298a.1 is amended by removing the words "Assistant for Information" and insert "Office of Information and Legal Affairs" in paragraph 298a.1(b).

§ 298a.2 [Amended]

2. Section 298a.2 is amended by removing the entry "Availability to the Public of DoD Information, dated 14 February 1974" and inserting "DoD Freedom of Information Program" in paragraph 298a.2(d).

3. Section 298a.3 is revised to read as follows:

§ 298a.3 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part, the term "agency" means the Defense Investigative Service.

4. Section 298a.4 is amended by revising paragraphs (b), (c), and (d) as follows:

§ 298a.4 Information and procedures for requesting notification.

* * * * *

(b) *DIS Record Systems:* Following is a list of DIS records systems pertaining to individuals. These systems are described in detail in the DOD input to the **Federal Register.**

Authorizing DIS Records Systems Pertaining to individuals

Number	Title
DIS 1-01	Privacy and Freedom of Information Request Records.
DIS 1-02	Personnel Locator System.
DIS 2-01	Inspector General Complaints.
DIS 4-01	Civilian Employee Personnel Records.
DIS 4-02	Optional Personnel Management Records (OPMR).
DIS 4-04	Civilian Applicant Records.
DIS 4-05	Military Personnel Management Information System.
DIS 4-06	Civilian Personnel Management Information System.
DIS 4-07	Adverse Actions, Grievance Files and Administrative Appeals.
DIS 4-08	Equal Employment Opportunity Complaints.
DIS 4-09	Merit Promotion Plan Records.
DIS 4-10	Incentive Awards.
DIS 5-01	Investigative Files System.
DIS 5-02	The Defense Central Index of Investigations (DCII).
DIS 5-03	National Agency Check Case Control System (NCCS).
DIS 5-04	Defense Case Control System (DCCS).
DIS 5-05	Subject and Reference Locator Records.
DIS 6-01	Defense Investigative Service Personnel Security Files.
DIS 6-02	Special Compartmented Intelligence (SCI) Access File.
DIS 7-01	Enrollment, Registration and Course Completion.
DIS 7-02	Guest/Instructor Identification Records.
DIS 8-01	Industrial Personnel Security Clearance File.

(c) *Categories of Individuals in DIS Record Systems:* (1) If an individual has ever been investigated by DIS, the investigative case file should be a record in system DIS 5-01. An index to such files should be in DIS 5-02.

(2) If an individual has ever made a formal request to DIS under the Freedom of Information Act or the Privacy Act of 1974, a record pertaining to that request under the name of the requester, or subject matter, will be in system DIS 1-01.

(3) If an individual is or has ever been a member of DIS, i.e., a civilian employee or appointee, or a military assignee, then he may be a subject of any of the 22 record systems depending on his activities, with the following exceptions:

(i) Civilian personnel will not be subjects of DIS 4-05.

(ii) Military personnel will not be subjects of systems DIS 4-06, 07, 08, or 09.

(4) Individuals who have been applicants for employment with DIS, or nominees for assignment to DIS, but who have not completed their DIS affiliation, may be subjects in systems DIS 4-02, 4-04, 5-01, 5-02, or 6-01.

(5) Any individual who is a subject, victim or cross-referenced personally in an investigation by an investigative element of any DoD component, may be referenced in the Defense Central Index of Investigations, system DIS 5-02, in an index to the location, file number, and custodian of the case record.

(6) Individuals who have ever presented a complaint to or have been connected with a DIS Inspector General inquiry may be subjects of records in system DIS 2-01.

(7) If an individual has ever attended the Defense Industrial Security Institute, he should be subject of a record in DIS 7-01.

(8) If an individual has ever been a guest speaker or instructor at the Defense Industrial Security Institute, he should be the subject of a record in DIS 7-02.

(9) If an individual is an employee or major stockholder of a government contractor or other DoD-affiliated company or agency and has been issued, now possesses or has been processed for a security clearance, he may be subject to a record in DIS 8-01.

(d) *Procedures:* The following procedures should be followed to determine if an individual is a subject of records maintained by DIS, and to request notification and access.

(1) Individuals should submit inquiries in person or by mail to the Office of Information and Legal Affairs, 1900 Half St., SW, Washington, DC 20325. Inquiries by personal appearance should be made Monday through Friday from 8:30 to 11:30 a.m. and 1:00 to 4:00 p.m. The information requested in Section 298a.5 must be provided if records are to be accurately identified. Telephonic requests for records will not be honored. In a case where the system of records is not specified in the request, only systems that would resonably contain records of the individual will be checked, as described in Section 298a.4b.

(2) Only the Director, the Chief, Office of Information and Legal Affairs, or the Director for Investigations may authorize exemptions to notification of individuals in accordance with Section 298a.14.

5. Section 298a.5 is amended by revising paragraphs (b)(1) and (2) and (c) as follows:

§ 298a.5 Requirements for identification

* * * * *

(b) *Identification.* * * *

(1) Where reply by mail is requested, a mailing address is required, and a telephone number is recommended to expedite certain matters. For military requesters residing in the United States, home address or P.O. Box number is preferred in lieu of duty assignment address.

(2) Signatures must be notarized on requests received by mail. Exceptions may be made when the requester is well known to releasing officials. For requests made in person, a photo identification card, such as military ID, driver's licnse or building pass, must be presented.

* * * * *

(c) A DIS Form 30 (Request for Notification of/Access to Personal Records) will be provided to any individual inquiring about records pertaining to himself whose mailed request was not notarized. This form is also available at the Office of Information and Legal Affairs, Washington, DC for those who make their requests in person.

6. Section 298a.6 is amended by revising paragraph (b)(1) as follows and by changing the phrase "the Assistant for Information" to "Information and Legal Affairs" in paragraph (b)(7).

§ 298a.6 Access by subject individuals.

(b) *Manner of Access.* * * *

(1) Requests by mail or in person for access to DIS records should be made to the Offices specified in the record systems notices published in the **Federal Register** by the Department of Defense or to the Office of Information and Legal Affairs, 1900 Half St. SW, Washington, DC 20324.

* * * * *

§ 298a.7 [Amended]

7. Section 298a.7 is amended by removing paragraphs (b), (c) and (d).

§ 298a.8 [Amended]

8. Section 298a.8, the following changes are made:

a. Paragraph (a) is amended by changing "the Assistant for Information, Defense Investigative Service (Record Amendment Request—D0020), Washington, DC 20314" to "the Office of Information and Legal Affairs, 1900 Half St., SW, Washington, DC 20324"

b. Paragraph (c) is removed.

9. In § 298a.9 (a), introductory text, and paragraph (b) are revised as follows:

§ 298a.9 DIS Review of request for amendment.

(a) *General:* Upon receipt from any individual of a request to amend a record pertaining to himself and maintained by the DIS, the Office of Information and Legal Affairs will handle the request as follows:

* * * * *

(b) *DIS Determination to Approve or Deny:* Determination to approve or deny and request to amend a record or portion thereof may necessitate additional investigation or inquiry be made to verify assertions of individuals requesting amendment. Coordination will be made with the Director for Investigations and the Director of the Personnel Investigations Center in such instances.

§298a.9 [Amended]

Paragraph (a)(3)(ii) is amended by removing the words "(Record Amendment Denial Review); D0030, Washington, DC 20314" and inserting the words "1900 Half Street, SW, Washington, DC 20324."

§ 298a.10 [Amended]

10. Section 298a.10 is amended by removing the words "Assistant for" and inserting the words "Office of Information and" in paragraphs (a), introductory text, (a)(4)(iii), and (b).

§ 298a.11 [Amended]

11. Section 298a.11 is amended by removing the last sentence in the introductory text to paragraph (b).

12. Section 298a.12 is revised as follows:

§ 298a.12 Fees.

Individuals may request copies for retention of any documents to which they are granted access in DIS records pertaining to them. Requestors will not be charged for the first copy of any records provided; however, duplicate copies will require a charge to cover costs of reproduction. Such charges will be computed in accordance with DoD Directive 5400.11.

§ 298a.14 [Amended]

13. Section 298a.14(a) is amended by removing the entire second sentence beginning with the words, "They may be" and ending with "Director of Personnel." and inserting "They may be exercised only by the Director, DIS and the Chief of the Office of Information and Legal Affairs."

14. Section 298a.15 is amended by revising paragraphs (b) and (j); by removing and reserving paragraph (c); and by removing paragraph (g)(3):

§ 298a.15 DIS implementation policies.

* * * * *

(b) Privacy Act rules application: Any request which cites neither Act, concerning personal record information in a system or records, by the individual to whom such information pertains, for access, amendment, correction, accounting of disclosures, etc., will be governed by the Privacy Act of 1974, DoD Directive 5400.11 and these rules exclusively. Requests for like information which cite only the Freedom of Information Act will be governed by the Freedom of Information Act DoD Regulation 5400.7R. Any denial or exemption of all or part of a record from notification, access, disclosure, amendment or other provision, will also be processed under these rules, unless court order or other competant authority directs otherwise.

* * * * *

(j) *Ownership of DIS Investigative Records.* Personnel security investigative reports shall not be retained by DoD recipient organizations. Such reports are considered to be the property of the investigating organization and are on loan to the recipient organization for the purpose for which requested. All copies of such reports shall be destroyed within 120 days after the completion of the final personnel security determination and

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the completion of all personnel action necessary to implement the determination. Reports that are required for longer periods may be retained only with the specific written approval of the investigative organization.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

July 6, 1981.

[FR Doc. 81-20146 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force

32 CFR Part 888

Enlistment in the U.S. Air Force; Miscellaneous Amendments

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: In FR Document 80-26698 of 2 September 1980 (45 FR 58117) paragraph (da) of § 888.7, Preparation of Application for Enlistment and USAF Enlistment Agreement Documents, appearing in the third column on page 58120, is redesignated paragraph "e." Current paragraphs "e" through "g" are redesignated "f" through "h."

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Carol M. Rose, telephone 697-1861.

(10 U.S.C. 8012)

[FR Doc. 81-20232 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1839-2]

Approval and Promulgation of State Implementation Plans; Approval of Conditionally Approved Elements in the Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve certain elements of the State Implementation Plan (SIP) revisions for Texas, which were conditionally approved on March 25, 1980, (45 FR 19231). These revisions were submitted on December 21, 1979 and July 25, 1980 to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas.

When originally submitted, certain portions of the SIP contained minor deficiencies which the State agreed to correct or justify by a specified deadline. The deadlines committed to were December 31, 1979 and August 1, 1980. EPA received the required documentation according to schedule and has evaluated the State's submittals and found that these submittals satisfy the conditions for approval.

EFFECTIVE DATE: Effective on August 10, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Washington, D.C., Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M Street, NW., Washington, D.C., Rm. 2922

FOR FURTHER INFORMATION CONTACT:

Donna M. Ascenzi, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6 (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979. Under that notice, the Agency discussed the SIP in detail and described the deficiencies of the SIP pursuant to Part D of the Act. In response to that notice of proposed rulemaking, the State committed to corrective actions on the deficiencies and to submit the additional required information by specific deadlines.

EPA took final action to conditionally approve certain elements of the Texas plan on March 25, 1980. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble published on July 2, 1979, and November 23, 1979.

The conditional approvals, being acted on under this notice, are as follows.

(1) Under the conditional approval of Regulation V, the State was required to submit demonstrations of consistency with the Agency's 5 percent rule for those wastewater separators and vacuum producing systems for which the State included exemptions. These demonstrations were required to be submitted by December 31, 1979.

(2) Under the conditional approval of Regulation VI, the State was required to revise those portions of the regulation which deviated from the provisions of Section 173 of the Act, and submit the revised Regulation VI by August 1, 1980.

The Governor's submittal of July 25, 1980 included several additional revisions to the Texas SIP. However, only those revisions pertaining to the above mentioned conditional approvals are being acted on under this notice. All other revisions will be acted on in a subsequent **Federal Register** notice.

The remainder of today's notice briefly summarizes the conditions for approval, as specified in the March 25, 1980 notice and discusses EPA's determination on the State's submittal in satisfying the conditions being acted on under this notice.

It should be noted that the Texas Air Control Board (TACB) revised the numbering system of its regulations. To maintain consistency, the Subchapter numbers referred to in this notice correspond to those used in the March 25, 1980 notice. However, the new subchapter number, under the new numbering system, is referenced in parentheses, following the old subchapter number.

Regulation V

In the March 25, 1980 notice of final rulemaking, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA noted several issues, for which the State's regulation deviated from the information in the Control Technique Guidelines (CTGs), and for which the State committed to submit additional information, supporting the deviations. These issues were as follows.

1. Under Subchapter 131.07.55.103 (115.142), the State included an exemption for wastewater separators, located at petroleum refineries, receiving less than 200 gallons per day of volatile organic compounds [VOC].

2. Under Subchapter 131.07.56 (115.152), the State included an exemption for vacuum producing systems emitting less than 100 pounds per day.

In regard to these issues, the State was required to submit demonstrations, for the exemptions indicating compliance with the Agency's 5 percent rule by December 31, 1979.

On December 21, 1979, the State submitted demonstrations of consistency for the exemptions for wastewater separators, and vacuum producing systems. EPA has evaluated the State's submittal and has determined that the conditions have been fully met. Therefore, EPA is withdrawing conditional approval and is fully approving these portions of Regulation V.

Regulation VI

In the March 25, 1980 notice, under the section which discussed Regulation VI, "Control of Air Pollution by Permit for New Construction or Modification," EPA noted several issues on which the State's regulation deviated from the provisions of Section 173 of the Act, and for which the State committed to revise by August 1, 1980. Conditional approval of this portion of the SIP required the State to take the following corrective action: Revise Subchapter 131.08.00.003(a)(13), (now 116.3(a)(13)) so as to provide for the application of offsets in all newly designated nonattainment areas; and, revise the regulation to reflect that the use of "significance levels" will only apply to areas which can be demonstrated to be clean areas.

On July 25, 1980, the State submitted revisions to Regulation VI for the purpose of satisfying the conditions specified for approval. In regard to Subchapter 131.08.00.003(a)(13), (now 116.3(a)(13)), the State revised this portion of the regulation so as to require offsets, in newly designated areas until such time that EPA approves regulations and a control strategy for these areas. Since the State has met the condition for approval for this portion of Regulation VI, EPA is withdrawing conditional approval and fully approving this portion of Regulation VI.

Concerning the use of "significance levels," the State revised the regulation to allow for the use of "significance levels" (now revised to "de minimus impact") only in areas that were clean portions of nonattainment areas. However, on May 13, 1980 (45 FR 31307), EPA promulgated revisions to the Emission Offset Interpretative Ruling (40 CFR Part 51 Appendix S) which, in turn, revised its interpretation of the requirements for SIPs imposed by Section 173 of the Act. Under that promulgation, EPA extended the requirements of the Emission Offset Ruling for new source review pursuant to Section 173 of the Act to cover new major stationary sources and major modifications proposing to construct *anywhere* in the designated nonattainment area, thereby effectively eliminating the clean spot exemption previously allowed in conjunction with the use of "significance levels." Insofar as the State has met the condition for approval for this portion of Regulation VI, EPA is hereby withdrawing conditional approval and issuing full approval to this portion of Regulation VI with the understanding that the State will be required to comply with the requirements specified in the May 13, 1980 **Federal Register** notice by the time limits specified therein.

In addition, compliance with the above mentioned conditional approval resulted in the State adding a new Subchapter 131.08.00.003(15), (now 116.3(a)(15)) to regulation VI. While the addition and intent of this subchapter satisfied the condition for approval specified above, it contains language which EPA considers to be ambiguous since it does not specify that greater than one for one offsets are required. In their letter of July 24, 1980, the State indicated that the method of operating the offset provision is to require a net decrease in emissions and that the language will be revised to reflect such. In light of the State's commitment, and their having satisfied the original condition for approval for this portion of Regulation VI, EPA is issuing full approval to this portion of Regulation VI. However, should the State not operate the permitting program in accordance with this interpretation, or fail to revise the language, EPA would initiate action to disapprove this portion of the SIP. EPA expects the TACB to correct the ambiguity by May 7, 1981 since its new source review regulations must be consistent by that date with the new source review requirements promulgated on August 7, 1980 in the **Federal Register**.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of July 10, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it is merely approving a State action. It will impose no new regulatory burden.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the **Federal Register** on July 1, 1980.

(Sec. 110 of the Clean Air Act, as amended)

Dated: July 1, 1981.

John W. Hernandez,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. Section 52.2270, is amended by adding paragraph (c)(25), which reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(25) Revisions to Regulation VI (i.e., Subchapter 116.3(a)(13–15)), and the definition of "de minimus impact," were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

§ 52.2275 [Amended]

2. Section 52.2275 is amended to remove paragraphs (a) (1), and (2).

3. Section 52.2299 is revised to read as follows:

§ 52.2299 Review of new sources and modifications.

(a) Part D Conditional Approval. Regulation VI is conditionally approved until the following condition is satisfied:

(1) Revise the definitions of "major source" and "major modification" to be equivalent to EPA's definitions by May 7, 1981.

[FR Doc. 81-20225 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amdt. E-247]

Procurement Sources and Programs; Appliances and Water Coolers From Federal Supply Schedules

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation reflects a change in the method by which GSA supplies Federal agencies with various household and commercial appliances and water coolers (dispensers). Agencies may now order these items directly from appropriate Federal Supply Schedules. Previously, under a consolidated procurement program no longer in effect, agencies were required to submit their requirements for appliances and water coolers to designated GSA regional offices.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (703–557–7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

1. The table of contents for Part 101–26 is amended by reserving two entries and deleting four entries as follows:

Sec.
101–26.502 [Reserved]
101–26.502–1 [Deleted]
101–26.502–2 [Deleted]
101–26.503 [Reserved]
101–26.503–1 [Deleted]
101–26.503–2 [Deleted]

SUBPART 101–26.5—GSA PROCUREMENT PROGRAMS

§ 101–26.502 [Reserved]

2. Section 101–26.502 is reserved.

§§ 101–26.502–1—101–26.502–2 [Removed]

3. Sections 101–26.502–1 and 101–26.502–2 are removed.

§ 101–26.503 [Reserved]

4. Section 101–26.503 is reserved.

§§ 101–26.503–1—101–26.503–2 [Removed]

5. Sections 101–26.503–1 and 101–26.503–2 are removed.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: June 24, 1981.

Gerald P. Carmen,

Administrator of General Services.

[FR Doc. 81–20229 Filed 7–9–81; 8:45 am]

BILLING CODE 6820–24–M

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41 CFR Part 101–30

[FPMR Amdt. E–246]

Federal Catalog System; Nonperishable Subsistence Items

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation clarifies GSA's position concerning procurement and supply management of nonperishable subsistence items by updating that portion of the federal property management regulations (FPMR) concerning those items. The regulations are being changed as a result of findings by the Interagency Medical and Nonperishable Subsistence Supply Management Committee that many items were dual- or triple-managed by GSA, the Veterans Administration and the Department of Defense.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (703–557–7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effect. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

1. The table of contents for Part 101–30 is amended by adding one entry as follows:

Sec.
101–30.101–1a Item of production.

2. Section 101–30.000 is revised to read as follows:

§ 101–30.000 Scope of part.

This part provides for a Federal Catalog System by which items of supply under § 101–30.301 are uniformly named, described, classified, and assigned national stock numbers (NSN's) to aid in managing all logistical functions and operations from determination of requirements through disposal. This system provides a standard reference language or terminology to be used by personnel in managing these items of supply, a prerequisite for integrated item management under the Federal procurement system concept.

Subpart 101–30.1—General

3. Section 101–30.101–1 is revised to read as follows:

§ 101–30.101–1 Civil agency item.

"Civil agency item" means an item of supply in the supply system of one or more civilian agencies, which is repetitively procured, stocked, or otherwise managed (includes direct delivery requirements as well as items stocked for issue).

4. Section 101–30.101–1a is added to read as follows:

§ 101–30.101–1a Item of production.

"Item-of-production" means those articles, equipment, materials, parts, pieces, or objects produced by a manufacturer which conform to the same engineering drawing, standard, or specification and receive the same quality control and inspection.

5. Section 101–30.101–2 is revised to read as follows:

§ 101–30.101–2 Item of supply.

"Item of supply" means an item of production that is purchased, cataloged, and assigned a national stock number by the Government. The item of supply is determined by the requirements of each Government agency's supply system. The item of supply concept differentiates one item from another item in the Federal Catalog System. Each item of supply is expressed in and fixed by a national item identification number. An item of supply may be:

(a) A single item of production;

(b) Two or more items of production that are functionally interchangeable;

(c) A more precise quality controlled item than the regular item of production, or

(d) A modification of a regular item of production.

6. Section 101–30.101–9 is revised to read as follows:

§ 101–30.101–9 Item entry control.

"Item entry control" means the functional responsibility of GSA/DOD cataloging to minimize the number of items in the supply system by: (a) Establishing controls that prevent unessential new items from entering the supply system; (b) promoting the development of standards and use of standard items; and (c) eliminating items having nonstandard characteristics, and isolating and recommending the use of duplicate or replacement items.

7. Section 101–30.101–14 is revised to read as follows:

§ 101–30.101–14 Maintenance action.

"Maintenance action" means any action taken after conversion to the Federal Catalog System which changes the previously reported identification or management data regarding a cataloged item.

Subpart 101–30.2—Cataloging Handbooks and Manuals

8. Section 101–30.201(b) is amended by revising paragraphs (b)(1) through (b)(5) to read as follows:

§ 101–30.201 General.

* * * * *

(b) * * *

(1) *Federal Catalog System Policy Manual (DOD 4130.2–M).* This hard copy manual prescribes the operating policies and instructions covering the maintenance of a uniform catalog system.

(2) *Defense Integrated Data Systems (DIDS) Procedures Manual (DOD 4100.39–M).* This hard copy manual prescribes the procedures covering the maintenance of a uniform catalog system.

(3) *Federal Supply Classification (Cataloging Publication H2 Series).* This microfiche publication includes the listings and indexes necessary for using the commodity classification system (grouping related items of supply) as prescribed by the Federal Catalog System Policy Manual.

(4) *Federal Supply Code for Manufacturers (Cataloging Publication H4 Series).* This microfiche publication includes a comprehensive listing of the names and addresses of manufacturers who have supplied or are currently supplying items of supply used by the Federal Government and the applicable 5-digit code assigned to each.

(5) *Federal Item Name Directory (FIND) for Cataloging (Cataloging Publication H6 Series).* This microfiche publication includes names of supply items with definitions, item name codes, and other related data required to prepare item identifications for inclusion in the Federal Catalog System.

Subpart 101–30.3—Cataloging Items of Supply

9. Section 101–30.303(b) is revised to read as follows:

§ 101–30.303 Responsibility.

* * * * *

(b) Agencies not having the capabilities cited in paragraph (a) of this section shall submit their request to the appropriate cataloging activity; i.e., GSA or VA, for the performance of all cataloging functions and/or the preparation of data for submission to DLSC. Cataloging requests to GSA or VA shall be prepared using Standard Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated at § 101–30.4901–1303). EAM card formatted requests for volume add/delete user actions may also be submitted. Instructions on the preparation of Standard Form 1303 and EAM card formatted requests and guidance in determining the appropriate cataloging activity designated to receive requests are in the GSA Handbook, Federal Catalog System-Logistics Data (FPMR 101–30.3), issued by the Commissioner, Federal Supply Service.

* * * * *

10. Section 101–30.304 is revised to read as follows:

§ 101–30.304 Application of item entry control.

In addition to the reviews attendant to the process of item identification and assignment of national stock numbers, proposed new items will be subjected to a technical review to associate them with items available through the GSA supply system. Where a similar item is available through the GSA supply system, the agency will be informed of the national stock number and a source of supply and will be requested to use that item. If the requesting agency considers the GSA item unacceptable because of technical differences, the requesting agency shall notify GSA of the technical differences between the alternate item and the requested item to allow for the assignment of a new national stock number to the requested item.

11. Section 101–30.305 is amended by revising the introductory paragraph to read as follows:

§ 101–30.305 Exemptions from the system.

When an agency believes that the benefits of the Federal Catalog System may be realized without formal participation, a request for an exemption shall be submitted to the General Services Administration (FRI), Washington, DC 20406. After reviewing the request for an exemption, GSA will inform the requesting agency of the decision and will provide instructions for implementation. The request for an exemption shall include, but not be limited to, the following information:

* * * * *

Subpart 101–30.4—Use of the Federal Catalog System

12. Section 101–30.401–1 is amended by revising paragraphs (a)(3) and (a)(5) and removing paragraph (a)(6) to read as follows:

§ 101–30.401–1 Publications providing Federal catalog data.

(a) * * *

(3) *Consolidated Management Listing.* A microfiche publication which is a consolidated listing of NSN's and related supply management data of each integrated manager and military service. These data include Government source of supply, unit of issue, unit price, etc.

* * * * *

(5) *Defense Logistics Agency (DLA) Federal Supply Catalog for Civil Agencies.* This publication (available in hard copy only) includes NSN's for which DLA is the single source of supply for civil agencies. These NSN's may not necessarily have a DOD user recorded. The publication contains descriptive and management data for items not usually listed in the GSA catalog but which might be required by civil agencies.

(6) [Deleted]

* * * * *

13. Section 101–30.404 is revised to read as follows:

§ 101–30.404 Supply support.

Civilian agencies requiring supply support on an item of supply shall request this action by preparing Standard Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated at § 101–30.4901–1303), and submitting the form to the General Services Administration (FRIS), Washington, DC 20406. All supply support requests for nonperishable subsistence items in Federal Supply Group 89, subsistence (except items in FSC classes 8940 and 8960), shall be submitted to the Veterans Administration, Catalog Division (901 S) Veterans Administration Supply Depot, P.O. Box 27, Hines, IL 60141. Guidance on the preparation of supply support requests is in the GSA Handbook,

Federal Catalog System-Logistics Data (FPMR 101–30.3), issued by the Commissioner, Federal Supply Service.

Subpart 101–30.5—Maintenance of the Federal Catalog System

14. Section 101–30.501 is revised to read as follows:

§ 101–30.501 Applicability.

(a) The Administrator of General Services delegated authority to the Secretary of Defense to develop and maintain the Federal Catalog System. This delegation provided for the cataloging system to continue to provide for the identification and classification of personal property under the control of Federal agencies and to maintain uniform item management data required and suitable for interdepartment supply activities.

(b) The Federal Catalog System Policy Manual (DOD 4130.2–M) and the Defense Integrated Data System (DIDS) Procedures Manual (DOD 4100.39–M) are equally applicable to all DOD and civilian agencies. The Federal Supply Service, GSA, and the Department of Defense share joint responsibility for the coordination of civilian agency cataloging to ensure the integrity of the system and the compatibility of civilian and military agency participation in the Federal Catalog System.

15. Section 101–30.503 is amended by revising paragraphs (a) and (b) and adding paragraph (e) to read as follows:

§ 101–30.503 Maintenance action required.

* * * * *

(a) As new items meeting criteria for national stock number (NSN) assignment are added to an agency's supply system, the agency shall submit data to GSA, the Defense Logistics Agency (DLA), the Veterans Administration (VA), or DLSC when a direct submitter of catalog data is involved in accordance with § 101–30.303.

(b) All civilian agencies not authorized to submit catalog data direct to DLSC shall prepare Standard Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated at § 101–30.4901–1303), to request maintenance action. Maintenance requests shall be submitted to GSA for collaboration and submission to DLSC, except that civilian agencies receiving supply support on an item from a DLA center or the VA, as expressed by major organizational entity (MOE) rule, should submit these requests to the DLA center using DD Form 1685, Data Exchange and/or Proposed Revision of Catalog Data, or to the VA using Standard Form 1303, for collaboration and submission to DLSC. When GSA receives maintenance requests on these items, they will be forwarded to the appropriate DLA center or to the VA.

* * * * *

(e) Any civilian agency participating in the Federal Catalog System (those agencies previously assigned a Cataloging Activity Code) may propose action for maintenance of the catalog system tools as outline in § 101–30.201(b).

Subpart 101–30.6—GSA Section of the Federal Supply Catalog

16. Section 101–30.601 is revised to read as follows:

§ 101–30.601 Objective.

GSA supply catalogs are primarily designed to aid in the acquisition of GSA centrally managed, stocked, and issued items available from GSA supply facilities by Federal civilian agencies and other organizations authorized to use the GSA Federal Supply Service (FSS) stock program as a source of supply. GSA also provides information relative to other FSS sales programs and GSA services.

17. Section 101–30.603 is revised to read as follows:

§ 101–30.603 GSA supply catalog.

(a) The GSA Supply Catalog is an illustrated catalog, published annually, which serves as the primary source to identify and order centrally managed, stocked, and issued items available from GSA supply facilities. The catalog also provides information concerning other Federal Supply Service programs and GSA services.

(b) The GSA Supply Catalog contains all necessary information for ordering from the GSA Federal Supply Service stock program and basic information, such as:

(1) *Alphabetical Index.* This index is organized alphabetically by approved item names under the basic noun name in inverted word sequence, (i.e. sofa, sleeper) with reference to the page that contains the pertinent item description.

(2) *Item Descriptions/Ordering Data.* Item descriptions are listed by commodity groups in this section. Included also are descriptive and ordering data with representative illustrations for selected common-use items that are centrally managed, stocked, and issued from GSA supply facilities.

(3) *National Stock Number Index.* This NSN sequenced index lists items that are centrally managed, stocked, and issued from GSA supply facilities.

(4) *Narrative.* The narrative includes comprehensive detailed information to use and understand the GSA Federal Supply Service stock program.

(5) *Other Federal Supply Service sales programs and GSA services.* This section provides to user agencies pertinent information regarding the use and understanding of the GSA Federal Supply Service stock program, sales program, and other GSA services.

(c) Changes to the GSA Supply Catalog are effected by change bulletins issued during April, July, and October. These are cumulative publications that contain information pertaining to new items, changes to supply management data, and deleted items.

(d) Special Notice to Ordering Office is issued on a nonscheduled basis as required by the Commissioner, FSS, to inform agencies of significant program changes to the GSA Supply Catalog.

18. Section 101–30.604 is revised to read as follows:

§ 101–30.604 Availability.

Agencies that require current copies of and desire to be placed on distribution lists to receive Federal supply catalogs and related publications shall complete GSA Form 457, FSS Publications Mailing List Application (illustrated at § 101–26.4902–457), and forward the completed GSA Form 457 to General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225. Copies of GSA Form 457 may also be obtained from the above address. Periodically, the Centralized Mailing Lists Services will request information from agency offices for use in maintaining current distribution lists.

Subpart 101–30.7—Item Reduction Program

19. Section 101–30.703(b) is revised to read as follows:

§ 101–30.703 Program objectives.

* * * * *

(b) Standardizing items of supply used by the Government;

* * * * *

20. Section 101–30.704–1(b)(1) is revised to read as follows:

§ 101–30.704–1 General Services Administration.

(b) * * *

(1) Distribute proposed item reduction studies, as appropriate, to all civil agencies recorded as users of the item in the DLSC data base. This distribution will be made by coordination letters in which a time frame for a response will be specified. GSA will interpret each nonresponse to a proposed study to mean that the activity concurs with the study. Extensions, when requested by an agency, normally will be granted by GSA.

* * * * *

21. Section 101–30.704–2 is amended by revising paragraph (c) and adding paragraph (e) to read as follows:

§ 101–30.704–2 Other agencies.

* * * * *

(c) Review the approved item reduction study and notify GSA in writing if the activity is to be retained or deleted as a user of any item coded as "not authorized for procurement." This notification will allow the preparer of the study to complete coordination of the study and update the DLSC Total Item Record (TIR).

* * * * *

(e) Request, as appropriate, the retention of a nonstandard item in their supply system by forwarding a letter to General Services Administration (FRIS), Washington, D.C. 20406. The request shall include but not be limited to the following information:

(1) The specific end-use of end-item application;

(2) A technical explanation comparing the physical and functional characteristics of the nonstandard item with each authorized-for-procurement item;

(3) The duration of the requirement for the item or how long the end-item will be retained in the agency's supply system; and

(4) Economic considerations from a technical standpoint. GSA will evaluate the request and inform the agency of its acceptance or rejection.

22. Section 101–30.705 is revised to read as follows:

§ 101–30.705 GSA assistance.

Activities requiring assistance in fulfilling their responsibilities under the program shall contact the General Services Administration (FRI), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: June 22, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–20230 Filed 7–9–81; 8:45 am]

BILLING CODE 6820–24–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

45 CFR Part 1176

Part-Time Career Employment

AGENCY: National Endowment for the Humanities.

ACTION: Final rule.

SUMMARY: The Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95–437) provides for and encourages part-time employment of Federal employees. The following final regulation of the National Endowment for the Humanities sets forth the provisions of the law and the criteria and procedures for administering the program in the Endowment.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: David C. Johnstone, Personnel Officer, National Endowment for the Humanities, Room 410, 806 15th Street, N.W., Washington, DC 20506 (202) 724–0356.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 65635–65637 of the **Federal Register** of October 3, 1980, and inviting comments until November 30, 1980. No comments were received.

Rulemaking Requirements

In connection with various rulemaking requirements, the National Endowment for the Humanities has determined that:

1. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

2. This rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981 (46 FR 13193, February 19, 1981), "Federal Regulation."

3. This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Chapter XI, Title 45 of the Code of Federal Regulations is amended by adding Part 1176, Subchapter D, to read as follows:

PART 1176—PART-TIME CAREER EMPLOYMENT

Sec.

1176.1 General.
1176.2 Definitions.
1176.3 Criteria.
1176.4 Establishing and converting part-time positions.
1176.5 Annual plan.
1176.6 Review and evaluation.
1176.7 Publicizing vacancies.
1176.8 Exceptions.
1176.9–1176.99 [Reserved]

Authority.—Federal Employees Part-Time Career Employment Act of 1978, Pub. L. 95–437, 92 Stat. 1055, 5 U.S.C. 3401–3408.

§ 1176.1 General.

(a) Purpose. Many individuals in society possess great productive potential which goes unrealized because they cannot meet the requirements of a standard workweek. Permanent part-time employment also provides benefits to other individuals in a variety of ways, such as providing older individuals with a gradual transition into retirement, providing employment opportunities to handicapped individuals or others who require a reduced workweek, providing parents with opportunities to balance family responsibilities with the need for added income, and assisting students who must finance their own education or vocational training. In view of this, the National Endowment for the Humanities will operate a part-time career employment program, consistent with its responsibilities and in accordance with Public Law 95–437, the Federal Employees' Part-Time Career Employment Act of 1978.

(b) Program Coordinator. The Personnel Officer is responsible for program operation and coordination.

§ 1176.2 Definitions.

(a) "Part-time employment" means employment of 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day, whether in a position which would be part-time without regard to the Act or one established to allow job-sharing or comparable arrangements, but does not include employment on a temporary or intermittent basis.

(b) "Career employment" includes competitive and excepted service employees in tenure groups I and II.

§ 1176.3 Criteria.

Positions becoming vacant, unless excepted as provided by Section 1176.8, will be reviewed to determine the feasibility of converting them to part-time. Among the criteria which may be used when conducting this review are:

(a) Mission requirements.

(b) Workload.

(c) Employment ceilings and budgetary considerations.

(d) Availability of qualified applicants willing to work part-time.

§ 1176.4 Establishing and converting part-time positions.

Position management and other internal reviews may indicate that positions may be either converted from full-time or initially established as part-

time positions. Criteria listed in Section 1176.3 may be used during these reviews. If a decision is made to convert to or to establish a part-time position, regular position management and classification procedures will be followed.

§ 1176.5 Annual plan.

(a) An agencywide plan for promoting part-time employment opportunities will be developed annually. This plan will establish annual goals and set interim and final deadlines for achieving these goals. This plan will be applicable throughout the agency, and will be transmitted to the Office of Personnel Management with the required report to OPM on the status of the program as of September 30 of each year.

(b) Beginning in FY 1981 in administering personnel ceilings, part-time career employees shall be counted against ceiling authorizations as a fraction. This will be determined by dividing 40 hours into the average number of hours of such employee's regularly scheduled workweek.

§ 1176.6 Review and evaluation.

Regular employment reports will be used to determine levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews.

§ 1176.7 Publicizing vacancies.

When applicants from outside the Federal service are desired, part-time vacanies may be publicized through various recruiting means, such as:

(a) Federal Job Information Centers.

(b) State Employment Offices.

(c) Veterans' Administration Recruiting Bulletins.

§ 1176.8 Exceptions.

(a) The Personnel Officer may except positions from inclusion in this program to provide fewer than 16 hours per week. This will normally be done in furtherance of special hiring programs such as the Stay-in-School or Handicapped Employment Program.

(b) On occasions when it becomes necessary to allow supervisors and managers to temporarily increase the hours of duty of employees above 32 hours per week for limited and specific periods of time to meet heavy workloads, perform special assignments, permit employee training, etc., the Endowment policy is as follows:

(1) Requests to work NEH employees on a 32 hour/week appointment more than 32 hours must be submitted in advance to the Personnel Office;

(2) Justification should be concise but specific and must state the exact time frame for the increase in hours above 32 hours per week; and

(3) The Program Coordinator will decide if the request meets the intent of the law and this agency's policy.

§§ 1176.9–1176.99 [Reserved]

Dated: June 25, 1981.

Joseph D. Duffey,

Chairman, National Endowment for the Humanities.

[FR Doc. 81-19813 Filed 7-9-81; 8:45 am]

BILLING CODE 7536-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002 and 1128

[Ex Parte No. 395]

Feeder Railroad Development Program

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: These final rules set out the procedures for implementing the feeder railroad development program established by section 401 of the Staggers Rail Act of 1980 (Rail Act). The purpose of the program is to provide shipper groups and communities with an alternative to inadequate rail service of abandonment and with an opportunity to preserve feeder lines prior to the total downgrading of such lines. To carry out this purpose, the Rail Act authorizes the Commission to require a railroad to sell certain rail lines under specific circumstances to a financially responsible person who files an application to purchase with the Commission.

EFFECTIVE DATE: These rules are effective on the date of their publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Michael Sullivan (202) 275–0826
or
Ellen Hanson (202) 275–7245

SUPPLEMENTARY INFORMATION: On October 23, 1980 (45 FR 73106, November 4, 1980), we issued proposed rules for the feeder railroad development program in accordance with section 401 of the Rail Act. Comments on the proposed rules were due on December 4, 1980. The Rail Act required us to promulgate regulations and procedures by December 14, 1980, which was only 10 days after the date when comments were due. Because we could not adequately address all of the issues raised in the comments and formulate final rules within such a limited time, on December 12, 1980, we adopted the proposed rules as interim rules effective December 19, 1980 (45 FR 83508, December 19, 1980).

Upon Analysis of the comments received, we have made some modifications to the rules, most of which are clarifying in nature. Although all the comments are not specifically discussed in this report, they all were considered in developing the final rules. Pursuant to 5 U.S.C. 553, the final rules will become effective upon their publication in the **Federal Register.** Further delay in implementing these rules would impede the timely execution of our functions under section 401 of the Rail Act.

Before discussing the comments, we will highlight the salient features of the program.

Background

The purpose of the feeder railroad development program (feeder line program) is to provide shipper groups and communities with an alternative to inadequate rail service or abandonment and with an opportunity to preserve feeder lines prior to the total downgrading of such lines. To accomplish this, the Rail Act authorizes us to require railroads to sell certain rail lines under specific circumstances to financially responsible persons who file applications to acquire in accordance with our procedures.

The law is quite specific as to the type of lines that are eligible for purchase under the program. Only two categories of rail properties qualify: (1) lines for which we find that the public convenience and necessity permit or require the sale; and (2) lines that appear in category 1 or 2 of the carrier's system diagram map as potentially subject to abandonment but for which the carrier has not filed an application to abandon. For the first 3 years after the effective date of the Rail Act, eligibility is limited to only those lines that carried less than 3 million gross ton miles of traffic per mile in the preceding calendar year.

The law further states that we can require the sale of eligible rail property only at a price not less than the Constitutional minimum value of the line. The Rail Act states that the Constitutional minimum value is presumed to be the net liquidation value or going concern value of the line, whichever is greater.

We have a number of responsibilities under this program in addition to determining the acquisition cost of a line. At the request of the acquiring party and subject to payment of reasonable compensation, we can require the selling carrier to provide trackage rights to the acquiring party to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring party. For certain lighter density lines, we can also, upon petition of the acquiring carrier, require the establishment of reasonable joint rates and divisions between the parties. While we must require the selling carrier to protect the interests of employees on the line, the acquiring party will be required to use, to the maximum extent practicable, the employees who normally worked on the line.

The statute further provides that the acquiring carrier may elect to be exempt from any of the provisions of Title 49 of the *United States Code*, except with respect to joint rates. The law also extends this exemption option to lines abandoned during the 18 months prior to October 1, 1980 and subsequently acquired by a financially responsible person. Additionally, the owner of the acquired line may determine preconditions, such as subsidy payments, which shippers must meet in order to obtain service. If the purchasing carrier proposes to sell or abandon the line in the future, the original selling carrier shall have the right of first refusal to purchase the line.

Discussion

Our discussion of the comments is divided into two sections: I General and II. Specific. The first section addresses general concerns raised regarding implementation of the program. The second covers comments addressed to specific procedures set out in the proposed rules.

I. General Concerns

Railroad Concerns. The Association of American Railroads (AAR) is concerned that a prospective State purchaser dissatisfied with our valuation of the property could "walk away" from the proceeding and start a condemnation proceeding under that State's jurisdiction with the hope of obtaining a more favorable determination of value by a local court. AAR suggests that we require information as to whether a State has condemnation powers. If a State has this power, the AAR proposes that we require the State to deposit with the carrier at least 25 percent of the estimated value of the line, which deposit shall be forfeited if the State fails to acquire the property in accordance with our order and starts a State condemnation proceeding.

States may not exercise eminent domain powers as a vehicle to circumvent a federally-mandated statutory scheme under which we are granted exclusive jurisdiction to require a railroad to cease operations over one of its rail lines or to transfer the line to a new operator. There is no legal capacity in any State to alter the status of a common carrier insofar as its interstate obligations are concerned; such capacity lies wholly within the federal jurisdiction. *Boston and Maine Corp. Discontinuance of Service*, 324 I.C.C. 418, 451 (1965). Therefore, we see no need to require a bond or other form of security from a State purchaser.

Upon invoking our jurisdiction, the party's only remedy if dissatisfied with our final determination of property value is to seek judicial review in a United States Court of Appeals pursuant to 28 U.S.C. 2321a and 28 U.S.C. 2342. Under these sections, the Court of Appeals has exclusive jurisdiction to review, enjoin, set aside, or determine the validity of all our final orders.

Boston and Maine Corporation (B&M) is concerned that certain operators may acquire properties under the program for their long-term real estate value rather than their value as railroad property. To protect against such speculation, the B&M suggests that we set up a procedure whereby the selling carrier would have right of first refusal if the applicant ultimately proposed to abandon or sell the property and the proceeds from any sale which were in excess of net liquidation, plus appreciation, would be returned to the selling carrier. B&M further suggests that a required operating period of 25 years be imposed as a protective measure.

These concerns are addressed by the Rail Act itself. First, the Rail Act already affords the selling carrier the right of first refusal if the party who acquired the line later proposes to sell or abandon it. However, the statute makes no provision for the original selling carrier to receive proceeds from a subsequent sale by an applicant. The value of the property to be paid the selling carrier, as mandated by the statute, is the higher of net liquidation value or going concern value. We will consider all appropriate factors to determine the Constitutional minimum value of the line. Last, the statute requires that applicants provide a minimum 3-year period of service, and our rules provide for careful scrutiny of the financial responsibility and operating plans of the applicant. This should serve to screen out speculators and insure that parties who acquire property are dedicated to the operation of the line and are capable of providing the service.

Ontario Midland Railroad maintains that if a feeder line involves property of the Consolidated Rail Corporation (Conrail), the purchaser should not have to pay a price in excess of what Conrail paid, subject to adjustment for inflation. It believes an acquiring community will, in effect, be underwriting part of Conrail's massive debt by paying a substantial mark-up above what Conrail itself paid.

The Rail Act makes no distinction as to Conrail properties. The legislation requires that the Constitutional minimum value be paid for any rail line required to be sold under the program. Similarly, no distinction is made with respect to Conrail properties in cases of subsidy or acquisition when we make a finding permitting abandonment. There is no basis for treating Conrail properties differently under the feeder line program.

AAR criticized the use of final offer arbitration as a method for determining the acquisition price of property to be acquired under the program. The AAR questions whether the arbitrary selection of either the selling or acquiring carrier's price conforms with the valuation process required under section 401 of the Rail Act. It further questions whether this procedure would be used.

The Rail Act does not specify the process to be used in determining the value of a rail line. The purpose of including final offer arbitration is to provide parties with an alternative procedure for determining the sale price of a line which reduces the time and expense for both parties in their efforts to prove (or disprove) the Constitutional minimum value. We have selected this process because we believe that, by using a method where one of the two numbers submitted by the parties will be chosen, the parties will have a strong incentive to settle as many differences as possible prior to the arbitration stage. This will reduce the discrepancy between their respective offers as much as possible. Because the parties will know one another's offers before selecting the arbitration option, the boundaries of the risk they assume by going to binding arbitration are well known. In our selection of one figure over the other, of course, we will consider which amount best satisfies the statutory requirement of Constitutional minimum value.

Most importantly, since both parties must consent to the use of this form of arbitration, any party who does not like the procedure cannot be forced to use it.

Because final offer arbitration is a totally voluntary process and one that takes into account Constitutional minimum value, as required by the statute, we see no conflict with section 401 of the Rail Act.

Rail User Concerns. The National Grain and Feed Association (NGFA) believes that we may be too narrowly interpreting the exception to the exemption powers conferred by 49 U.S.C. 10910(g)(1). Under that section, a purchaser can elect to be exempt from the provisions of Title 49 with the exception of the provisions of Chapter 107 which govern transportation under a joint rate. NGFA Interprets this section to mean that an acquiring party providing any transportation subject to a joint rate cannot elect to be exempt from any of the provisions of Title 49. We do not believe the Congress intended such a restricted reading of the exemption provision.

Since any branch line purchased under this program would involve joint rates with the selling railroad, the exemption provision as interpreted by NGFA would be meaningless. We do not believe that Congress intended to enact a provision that could not be used. Further, the language of section 10910(g)(1) is quite specific. It provides that a party may elect to be exempt from any of the provisions of Title 49, "except that such a person may not be exempt from the provisions of Chapter 107 of this title with respect to transportation under a joint rate." Accordingly, we adhere to the position that a party may exempt itself from any of the provisions of Title 49 except those under Chapter 107 that govern transportation under a joint rate.

Because of the eligibility of Category 1 and 2 lines under the feeder line program, NGFA suggested that the rules be modified to require railroads to: (1) update their system diagram maps; and (2) indicate on their maps which of their lines in categories 1 and 2 carried less than 3 million gross ton miles of traffic per mile (MGTM/M) in the preceding year.

With respect to the first request, section 1121.23(c) of our abandonment regulations (49 CFR Part 1121) already requires railroads to revise their system diagram maps annually. Further, under section 1121.22, the carrier must: (1) serve the map itself plus any amendments upon the Governor, the public service commission, and the designated rail planning agency of each State within which the carrier operates or owns a line of railroad; (2) publish a black and white copy of the map in newspapers of general circulation in the counties where Category 1, 2, or 3 lines or lines with amended status are located; (3) post copies of the newspaper notice in each station or terminal on each line in Category 1, 2, or 3 or each amended line; and (4) furnish a copy of its map, at reasonable cost, upon request of any interested party. Since the abandonment regulations already set adequate requirements for ensuring updated system diagram maps and notice to the public, we see no need for additional regulations in this area.

With respect to NGFA's second request, we do not consider it reasonable to require railroads to indicate on their maps every line in Category 1 and 2 that carried less than 3MGTM/M of traffic in the preceding year. First, the railroad's cost of collecting and keeping these data on every Category 1 and 2 line would be considerable. Second, State rail planning agencies may have these data in some cases as a result of their rail planning activities under the Local Rail Service Assistance Program. Under this program, certain lines that carried less than 3MGTM/M of traffic or less during the prior year are eligible for preabandonment rehabilitation assistance. Third, a prospective purchaser is free to request these data from the railroad for a particular line upon payment of the reasonable cost to the railroad of assembling this information.

State Concerns. A number of concerns were registered with respect to the State role in the feeder line program. Of particular concern was a State's ability to exercise the right of first refusal if railroad property acquired under the feeder line program is subsequently put up for sale or abandonment. Some States indicated they have laws that give them the right of first refusal for any railroad property offered for sale, lease, or abandonment. Other States reserve this right as a condition to providing financial assistance. It was also stated that States may condition their provision of financial assistance on the assurance that service will be provided for a period of 5 years or more. The States questioned whether these factors might create a problem since the feeder line program provisions require a guarantee of only 3 years of service on a line acquired under the program.

As already noted, the Rail Act is quite specific as to right of first refusal. Under 49 U.S.C. 10910(h), if a purchaser proposes to sell or abandon all or any portion of a line purchased under the feeder line program, it must offer the right of first refusal to the railroad from which it purchased the property. However, it should be recognized that under the Rail Act any railroad who wishes to exercise this right must be in a position to pay a price equal to the sum of the price paid by the purchaser plus the fair market value (less deterioration) of any improvements made, as adjusted for inflation.

The statutory requirement of at least 3 years of service should not create any problem for a State. This requirement is simply to establish a minimum period of service, and does not preclude a State from establishing a longer period of service as a condition to eligibility for State funds.

The Illinois Department of Transportation (Illinois DOT) questioned how we would determine the adequacy of existing rail service in finding whether the public convenience and necessity permit or require the sale of a line. More specifically, it questioned whether this determination would be done on a case-by-case basis or through a rulemaking aimed at setting nationwide standards. Illinois DOT is concerned that we might engage in nationwide application of criteria developed on the basis of unique local circumstances. In such a case, it believes a formal rulemaking would be an appropriate approach.

The Rail Act sets out the criteria we must assess in determining whether the public convenience and necessity permit or require the sale of a line. The applicant bears the burden of proving these criteria, which include the refusal of the railroad to make efforts within a reasonable time to provide adequate service, inadequacy of current service, lack of adverse financial and operational effects on the operating railroad if the line is sold, and the likelihood of improved service if the line is transferred.

Because all these factors, including the adequacy of existing rail service, involve local service needs and considerations unique to the owning railroad, we believe these applications require case-by-case analysis.

II. Specific Concerns

Purpose and Scope, Section 1128.1. Those comments which addressed the scope of the program were concerned with the eligibility of lines under the program and the application of the standard of 3 million gross ton miles of traffic per mile (3MGTM/M) during the first 3 years of the program.

Concern exists in identifying which lines are eligible for the feeder line program, particularly lines of the bankrupt Chicago, Rock Island and Pacific Railroad Company (Rock Island) and Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road). Under the Rail Act, only two categories of rail lines qualify for the program: (1) lines for which we find the public convenience and necessity permit or require the sale; and (2) lines that appear in category 1 or 2 of the carrier's System Diagram Map but for which the carrier has not filed an application to abandon. The standard of 3MGTM/M of traffic or less applies to these lines only for the first 3 years of the program. Since the Rail Act specifically excludes lines for which abandonment applications have been filed, Rock Island and Milwaukee Road lines that were the subject of abandonment applications do not qualify.

In discussing the eligibility of lines, we should also clarify the status of rail lines abandoned during the 18-month period preceding the effective date of the Rail Act and subsequently acquired by a financially responsible person. Some parties thought these lines qualified for the program. Under the provisions of the Rail Act, these lines are not eligible for acquisition under the program. However, they are eligible for exemption from the provisions of Title 49 of the United States Code (with the exception of the Chapter 107 provisions governing transportation under a joint rate).

Under the first 3 years of this program, eligible lines are limited to those carrying less than 3MGTM/M of traffic in the preceding calendar year. Some parties wanted to know how to make the necessary computation and whether the limitation applies to a given line or just to the portion of the line sought to be acquired. Section 1128.1 of the final rules defines the term to include the tare (empty) weight of the cars carrying the cargo plus the weight of the cargo. This is the commonly used method in the industry for estimating the traffic density for a line when gross ton miles must be determined. If freight only was to be considered, Congress would have used the term gross ton miles of revenue freight. This section also specifies that the 3MGTM/M standard applies to the portion of the line to be acquired.

Notice of Intent to Purchase, Section 1128.2. Under § 1128.2 of the regulations, a person giving notice of its intent to acquire a rail line must be financially responsible. A number of the comments requested that we define the term "financially responsible person." It was suggested that financially responsible persons should be limited to those comprised of or affiliated with shipper groups. Apparently, it is feared that other persons may give the appearance of financial responsibility only to have financial difficulty or to withdraw service shortly after acquiring a railroad line.

Section 1128.2(a) of the final regulations states that the term financially responsible person may include a shipper or group of shippers; a State, local, or regional government or transportation authority; a Class III railroad; or any other entity (except a Class I or Class II railroad or an entity affiliated with a Class I or II railroad).

We do not believe that limiting the term to shipper-affiliated groups is appropriate. This could preclude possible operations by independent financially responsible entities capable of providing efficient and long-term service. Further, there are a number of safeguards built into the program. The Rail Act requires that each applicant be able to pay the Constitutional minimum value of the property and be able to prove ability to provide adequate service for at least 3 years. We will carefully scrutinize all evidence as to financial responsibility before requiring the sale of property to any applicant. In addition, rail users and other concerned parties will have an opportunity to comment on the merits of any application.

The AAR suggested that the determination of an applicant's financial responsibility be made prior to negotiations and disclosure of data by the carrier. The railroads are concerned with possible harassment, futile negotiations, and the time-consuming and expensive collection of data for parties who are not financially qualified.

We share these concerns, but do not believe a preliminary determination of financial responsibility is necessary at the notice stage. Section 1128.2(b) of the notice provisions requires an applicant to submit preliminary evidence of its financial responsibility in the notice of intent. If the railroad considers these data deficient, it can request that the prospective purchaser voluntarily submit additional data sufficient to establish a preliminary showing of financial responsibility. If the railroad can demonstrate that a preliminary showing of financial responsibility has not been made, it can petition us for appropriate relief. Also, section 1128.3(a) of the final rules requires that an applicant reasonably compensate the selling railroad for providing data generally not available to the public. This should help to screen out parties who may not be financially responsible.

The proposed regulations required that copies of the notice of intent be provided to the Commission, the Designated State Agency in the State(s) in which the property is located, the owning railroad, and all significant users of rail service located on the line. It was requested that the regulations also require that a copy be made available to a designated official of railway labor. We agree, and have amended section 1128.2(a) to require a copy of the notice of intent to be sent to the Railway Labor Executives' Association, 400 1st Street, N.W., Washington, D.C. 20001.

Application to Purchase, Section 1128.3.

Financial Responsibility. A primary concern was the type of evidence required to establish financial responsibility. The parties who commented on this point argued that additional guidance and some uniformity is needed for this critical aspect of the acquisition process. We agree. Accordingly, § 1128.3(b)(4) of the final rules is amended to require that evidence of financial responsibility must include, but not be limited to: balance sheets, *pro forma* income statements for at least 3 years, and sources of funds for acquisition and operation (such as federal, state, shipper, and private contributions), including any loan commitments and/or dedication of funds for this proposal.

We do not believe it is necessary to require that binding contracts guaranteeing shipper participation be submitted or that federal and State funding agreements actually be in place prior to an applicant invoking our jurisdiction, as suggested by AAR. As noted above, § 1128.3(b)(4) now requires that an applicant specify in the application all sources of funds for acquisition and operation, including federal, state, shipper, and private contributions. Section 1128.3(b)(9) of the regulations further requires that an applicant include in the application any preconditions to be placed on shippers in order for them to receive service (such as assuming a share of any subsidy payments). It further provides that, if the application is approved, no further preconditions will be placed on shippers without our approval. This information, plus any related comments filed during the proceeding, generally should provide sufficient information to assess the financial responsibility of the applicant and the feasibility of the proposed acquisition.

Negotiations. In the area of negotiations, more specific guidelines were desired concerning the report to be submitted on the status of negotiations. Accordingly, § 1128.3(b)(11) of the final rules specifies that these status reports should include a description of the negotiations (participants, dates of

meetings, and progress), points of agreement, specific areas of disagreement, and general problems.

Trackage Rights. The proposed regulations required only a description of the trackage rights which would be required by the acquiring party to allow for reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by an applicant. More specific guidelines were requested because of the limited nature of these trackage rights and our need, as well as that of the affected railroads, to assess the effect of these trackage rights on the owning railroad's operations. This concern also seemed valid. Section 1128.3(b)(14) of the final rules specifies that trackage rights requests shall include a description of the actual trackage required, the specific need for this trackage, the frequency of proposed operations, specific times of operation, alternatives to trackage rights, if any, and any other pertinent data relating to the proposed operations.

Some of the comments also questioned the anticipated extent (mileage) of these trackage rights. There was concern on the part of railroads that these trackage rights might be used as a vehicle to obtain access to distant interchange points. As a result, assurances were sought that reasonable interchange points would be established.

To avoid any possible misunderstanding, § 1128.3(b)(14) of the final rules specifies that the interchange point will be at the point closest to the junction with the line of the owning carrier that will allow for an efficient interchange of traffic. This will reduce the possibility of abuse and minimize interference with other train movements.

One party questioned what would happen if the noncontiguous feeder lines between which trackage rights were needed to move power equipment or empty rolling stock were connected by the selling carrier's trackage rights over another railroad. Under these circumstances, we cannot require the transfer of trackage rights to the acquiring carrier. The law authorizes us to require these trackage rights only of the selling carrier. However, this does not preclude the acquiring railroad from negotiating for trackage rights or direct interchange with the other railroad.

The AAR requested that the regulations specify the following with respect to trackage rights: (1) the purchasing railroad's crews must pass the owning carrier's operating rules examination before being allowed to operate trains over trackage subject to connecting rights, and (2) the purchaser must agree to indemnify the owning railroad for loss and damage arising out of its exercise of trackage rights, unless such loss and damage is caused by the negligence of the owning line. The railroads maintain that knowledge of the owning carrier's operating rules is essential from a safety aspect as these operating rules specify the signal and train control procedures applicable to a particular carrier's operations. They make the point that the presence of inexperienced crews and the additional train movements created by these trackage rights could pose a safety hazard.

The railroads have raised legitimate safety concerns in this area. Accordingly, the final rules will require knowledge of the selling railroad's operating rules. Under § 1128.3(b)(14), an applicant will now be required to submit with its application a statement agreeing that its train and engine crew personnel will take the operating rules examination before operating trains over the property of the selling carrier subject to the trackage rights.

The railroads' request concerning insurance also is reasonable. Accordingly, § 1128.3(b)(8) of the final rules specifies that the applicant's liability insurance must include coverage sufficient to indemnify the selling carrier from all personal and property damage resulting from operations by the feeder line operator in exercising trackage rights, unless the loss or damage is caused by the negligence of the owning line.

Joint Rates/Divisions. The AAR suggested that the application requirements be amended to provide that any applicant who requests joint rates or divisions be required to provide detailed evidence demonstrating the reasonableness of the proposal including estimates of costs and anticipated revenues. AAR fears that because of the marginal nature of many of the feeder lines, purchasers will try to seek a change in divisions, rather than increasing rates, in an effort to have the connecting carrier subsidize the feeder line operation. Accordingly, AAR wants the applicant to submit detailed evidence demonstrating the reasonableness of the proposed division.

We agree that the language in the final rules should be more specific with respect to the type of evidence to be submitted for requested joint rates and divisions. Section 1128.3(b)(15) of the final rules requires a description of any necessary division agreements, the railroads involved in the proposed division(s), the estimated revenues from such division(s), and the total costs of operating the line segments (including trackage rights). Applicants are required to justify on a cost basis the reasonableness of a proposed division or joint rate. As set out in the proposed rules, in setting joint rates or divisions between the selling carrier and the acquiring party, we will not set the rate for the selling railroad's share of the joint rate at less than the applicable revenue/variable cost percentage set by 49 U.S.C. 10709(d)(2) (as amended by section 202 of the Rail Act) unless the selling carrier specifically asks us to do so.

Reasonable Compensation for the Collection of Data. The AAR maintains that the carriers should be allowed to charge a prospective purchaser for supplying data not generally available to the public. The collection of data can be a time-consuming and expensive process for the railroad, particularly in this type of proceeding. Accordingly, § 1128.3(a) of the final rules provides for such compensation.

Copies of the Application. Several comments pointed out that the proposed regulations did not specify upon whom copies of the application should be served. Section 1128.3(a) of the final rules requires that copies of the application shall be served on the Commission, the Designated State Agency in the States in which the property is located, the owning railroad, all significant users of rail services located on the line, and the Railway Labor Executives' Association and shall be made available to interested parties upon request.

Transfer of Title. It was suggested that the regulations clarify that once the sale is made, transfer should be of all of the right, title, and interest in the property, without reserving leases or licenses, mineral rights, or other residual property rights, unless the parties specifically agree otherwise. Since the value established for the property should take into account such leases, licenses, and rights, § 1128.3(b)(4) of the final rules requires that in determining the value of the line, the applicant identify separately the amounts, if any, included for such rights, licenses, and leases. If the purchaser wishes to exclude these items, a statement to this effect should be included.

Procedures for Handling Applications, Sections 1128.4 and 1128.5. Further clarification of the procedures for handling competing applications was requested. Accordingly, §§ 1128.4(d) and 1128.5(d), which cover category 1 and 2 applications and applications seeking public convenience and necessity findings, respectively, specify that: (1) competing applications must be filed within 30 days of the filing of an initial application, as was provided for in the proposed rules; (2) these applications are subject to the same information and service requirements as the initial application; and (3) parties will have 30 days from the date competing applications are filed during which to comment. We will weigh the financial responsibility and service capability of each applicant, plus any comments by the affected railroad, shippers and communities indicating their order of preference.

It was also requested that all evidence be verified and that the regulations include a statement that incomplete applications will be rejected on their face. With respect to the former request, § 1128.3(a) of the final regulations specifies that all evidence be submitted in the form of verified statements. The latter concern was already addressed in the proposed regulations. Sections 1128.4(a) and 1128.5(a) provide that we will accept or reject an application with respect to its completeness within 15 days in the case of applications for category 1 or 2 lines and within 30 days in the case of lines involving a public convenience and necessity finding.

The time period for filing replies to comments on the application was considered inadequate. Sections 1128.4(c) and 1128.5(c) of the final rules extend the reply period from 15 to 20 days to allow parties additional time.

Commission Order, Section 1128.6. Section 1128.6(c) of the regulations provides that if an application requires us to set joint rates or divisions, we will do so based on the evidence of record in the proceeding. However, unless specifically requested to do so by the selling carrier, we will not set the rate for the selling railroad's share of the joint rate at less than the level set by 49 U.S.C. 10709(d)(2) (for the year in which the acquisition is made). NGFA did not believe we adequately explained why we would guarantee a selling carrier a division which equalled the minimum threshold level for our maximum ratemaking jurisdiction.

Our basis for this approach is two-fold. First, under section 202 of the Rail Act, we have no jurisdiction over rates that fall below this threshold level. To be consistent with this provision, we cannot force a selling railroad to accept a rate below that level. Second, if we were to set the selling carrier's share of divisions below that threshold level, rail users might try to buy the line as a way to circumvent the railroad's right to establish rates up to that level. This would thwart Congress' clear intent that we not interfere with or mandate rates below Congressionally-determined levels.

Acquisition Cost, Section 1128.7. The AAR pointed out that the owning railroad should be able to use qualified in-house real estate personnel in setting property valuations. The AAR believes railroads should not have to pay appraisers when they have in-house experienced personnel whose job is to determine land values. Section 1128.7(d)(1)(iv) of the regulations states the railroad must submit an appraisal by a qualified appraiser if it wishes to challenge applicant's evidence of net liquidation value. This section does not preclude a railroad from using in-house personnel. However, to avoid any ambiguity, the term qualified appraiser will be defined to include qualified in-house real estate personnel.

The AAR questioned the inclusion of equipment as an element in the appraisal value of property under § 1128.7(d)(1)(ii) of the regulations. It points out that section 401 does not permit any condemnation of rail equipment. The use of the term "equipment" in the proposed regulations was not intended to mean locomotives or freight cars but equipment such as signalling equipment on the line. In order to remove possible misunderstanding in the area, the term "equipment" is deleted from § 1128.7(d)(1)(ii).

We invited comments on what methodology, if any, should be used to determine net liquidation and going concern values, or whether parties should be free to submit whatever information they think persuasive. Although those parties who commented indicated they would like guidance in this area, no methodology or suggested guidelines were offered. Accordingly, no standard definitions are adopted, and we will assess net liquidation and going concern value assessments on a case-by-case basis.

Concern was registered with respect to the timing and form of payment of the purchase price for the property. The AAR maintains that the purchase price should be paid in full in cash 60 days after the issuance of an administratively final order requiring the property's sale. The regulations do provide a specific period of time for consummation of the sale. Under §§ 1128.7(d)(1)(vi) and 1128.7(d)(2)(viii), the parties have 60 days from the date of our decision to consummate the sale, whether they select the adjudicatory procedure for determining net liquidation and going concern values or the final offer arbitration process. The final regulations do not specify the terms or form of payment of the purchase price. This is a matter which properly falls within the negotiation process. For example, a railroad might accept a lower price, if immediate cash payment is offered. The reverse may also be true. The timing and nature of the payment may, thus, become an important part of the negotiation, and should not be subject to a uniform rule.

The AAR maintains that ascertainment of value of a line is of sufficient importance to require oral hearing. The rules provide two methods for determining the purchase price of a line: (1) the acquiring parties may attempt to prove net liquidation value and going concern value under § 1128.7(d)(1) of the regulations, or (2) both parties (the purchaser and railroad) may select final offer arbitration under § 1128.7(d)(2). If the latter option is chosen, an oral hearing is not necessary because both parties will have agreed to the sale of the property at the price we select. However, under the first option, where contested valuations are involved, no such agreement has been reached. The acquiring party and the railroad will each present their own evidence regarding the value of the property. Based on the evidence submitted, we will determine the price at which the railroad must sell the property. Oral hearings may help us develop a complete and sufficient record and resolve discrepancies in such cases; however, we intend to convene oral hearings infrequently, and only in complex cases where written submissions are likely to offer insufficient evidence upon which to determine an equitable sale price. Accordingly, section 1128.7(b) of the final rules provides that we may, upon request by either party, conduct oral hearings.

This Notice of Final Rules is issued under 5 U.S.C. 553, and 49 U.S.C. 10910. The rules do not significantly affect the quality of the human environment, the conservation of energy resources, or adversely affect the economic interests of small businesses or organizations.

Other Matters

In our proposed rules we failed to include the filing fee for applications filed under these regulations. We have determined that the appropriate fee will be $300. That filing fee will be reflected in 49 CFR 1002.2(d)(49).

Our proposed rules did not include the number of copies of applications or pleadings required by these rules. An applicant must file an original and 10 copies of its application. An original and 10 copies of any other pleading must

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also be filed. This requirement will be included as 49 CFR 1128.7.

It is ordered

1. Chapter X of Title 49 of the *Code of Federal Regulations* is amended by adding, as Part 1128, the regulation set forth in the Appendix.

2. This decision is effective upon the date published in the **Federal Register.**

Decided: June 26, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, concurring:

The rules we adopt today implement section 401 of the Staggers Rail Act of 1980. Through section 401 and establishment of the Feeder Railroad Development Program, Congress intended to provide shipper groups and government agencies with an alternative to inadequate rail service and to provide an opportunity for preservation of feeder lines prior to total downgrading of the lines. Under these rules, a prospective purchaser must give public notice of intent to purchase at least 90 days before an application is filed. What the rules may not make clear is that a deficient *notice* may cause the Commission to reject the *application* filed three months or more after the *notice*. This could obviously delay proposed acquisitions or give competing applications an advantage.

Some of the problems associated with defective notices could be eliminated through early identification and correction. Providing for prior review of proposed notices by Commission staff personnel, for example, could have been useful. Alternatively, we could have provided for quick rejection of deficient notices.

Fortunately, those who stand to lose most through filing faulty notices have it within their power to exercise caution in filing notices. Without the necessary care, I fear that the intent of Congress, as expressed in section 401, may be frustrated.

Appendix

PART 1128—FEEDER RAILROAD DEVELOPMENT PROGRAM

Sec.

1128.1 Purpose and scope.
1128.2 Notice of intent to purchase.
1128.3 Application to purchase.
1128.4 Procedures for handling an application for a line contained in category 1 or 2 of the owning carrier's system diagram map.
1128.5 Procedures for handling an application seeking a finding of public convenience and necessity.
1128.6 Commission order.
1128.7 Acquisition cost.
1128.8 Copies

Authority: 5 U.S.C. 553; 49 U.S.C. 10910.

§ 1128.1 Purpose and scope.

Under 49 U.S.C. 10910, the Commission can require the sale of certain rail lines to a financially responsible person. To be eligible for such sale, either the line must appear in category 1 or 2 of the owning railroad's System Diagram Map (but the railroad has not filed an application to abandon it), or the public convenience and necessity, as specifically defined in Section 10910, must permit or require the sale of the line. Furthermore, until October 1, 1983, section 10910 is only applicable to lines that carried less than three million gross ton miles of traffic per mile in the preceding calendar year. The term three million gross ton miles, as used in these regulations, shall be calculated by adding the ton miles of the cargo and the ton miles related to the tare (empty) weight of the freight cars used to transport the cargo in the loaded movement. In calculating the gross ton miles, only those related to the portion of the line segment being purchased shall be included. This Part sets forth the regulations and procedures to carry out the provisions of this program.

§ 1128.2 Notice of intent to purchase.

(a) A financially responsible person who wishes to acquire a rail line pursuant to these procedures shall, at least 90 days prior to applying to the Commission for such purpose, notify the following persons or entities of its intent to purchase a line of railroad: the Interstate Commerce Commission; the Designated State Agency in the States(s) in which the property is located; the owning railroad; all significant users of rail services located on the line; and the Railway Labor Executives' Association, 400 1st Street, N.W., Washington, D.C. 20001. As used in this part, the term "financially responsible person" can include: a shipper or group of shippers; a State, local or regional government or transportation authority; a Class III railroad; or any other entity (except a Class I or II railroad or an entity affiliated with a Class I or II railroad). "Significant user" means (1) each of the 10 rail patrons who originated and/or received the largest number of carloads on the line (or each patron if there are fewer than 10), and (2) any other rail patron who originated and/or received 50 or more carloads on the line proposed for acquisition during the 12-month period preceding the month in which the Notice is filed.

(b) The Notice shall contain the following information: the docket number, the identity of the applicant, and identification of the properties that the applicant wishes to purchase; a statement of the basis upon which the line is eligible for this program (including (1) applicable tonnage and (2) system diagram map designation or service deficiency allegations directed to the public convenience and necessity test); the applicant's reasons for wishing to acquire the properties; and preliminary evidence of the applicant's financial responsibility. Additionally, the Notice must contain a summary of the essential terms to be contained in the application, including an estimate of the net liquidation value of the property (with appraisal, if available), and an indication that the acquiring party is prepared to offer at least that amount to the owning railroad. It should specifically state any preconditions to service which the applicant would impose and the extent of the exemption from Title 49 provisions which the applicant would elect. The Notice shall also state that any interested party may submit comments or recommendations to the Commission with respect to the Notice and application, and that other interested and financially responsible persons may also propose to acquire the property. The Notice shall also name the applicant's representative to whom inquiries and requests for applications may be made.

(c) Before notice is given, the applicant must obtain a docket number from the Commission's Section of Finance. The Notice shall be served by certified mail on each party identified in subparagraph (a) above, and shall be posted in each station on the line and published in a local newspaper at least once a week for three consecutive weeks. An affidavit shall be filed stating that the service requirements of this subparagraph have been met. The Commission will publish a summary of the Notice in the **Federal Register.** If an applicant wishes to publish in a local newspaper a summary of the Notice, the applicant must include in the summary the name and address of applicant's representative to whom interested parties may request a copy of the full Notice.

§ 1128.3 Application to purchase.

(a) Not less than 90 days after filing the Notice required in § 1128.2 of these regulations, the party wishing to acquire the line may file an application with the Commission for the purchase of the rail properties described in the Notice. All applications filed under these regulations, whether they are initial applications or competing applications, must be served upon the persons or entities listed in § 1128.2(a) of these regulations and made available to interested parties upon request. All

statements or information filed in support of or in opposition to the application shall be verified. The applicant shall pay the railroad the reasonable costs of providing data that would not otherwise be available or arrayed in the format desired. The railroad shall itemize by major category the expenses charged to the applicant such as xeroxing, labor costs associated with reproduction and assimilation of the data, and computer time.

(b) The Application shall contain the following information:

(1) The name and address of the proposed purchaser.

(2) The names and addresses of its officers and directors.

(3) A description of applicant's affiliation with any railroad.

(4) Information sufficient to establish that the applicant is a financially responsible person as defined in § 1128.2(a) of these regulations. Evidence of financial responsibility shall include, but not be limited to, balance sheets and *pro forma* income statements for at least three years and the identification of all sources of funds for acquisition and operation of the line (such as federal, state, shipper, and/or private contributions), including any loan commitments and/or dedication of funds for this proposal. In this regard, the applicant must demonstrate its ability: (i) to pay the higher of the net liquidation value or going concern value of the line; and (ii) to cover expenses associated with providing service over the line (such as, but not limited to, operating costs, rents, and taxes) for the first three years after acquisition of the line.

With regard to paragraph (b)(4)(i) of this section, estimates of net liquidation and going concern values, and complete descriptions of the methods by which such calculations were made, must be included. An appraisal by a qualified person of the net liquidation value of the line must also be included. In determining the value of the line, the amounts, if any, included for rights, such as mineral rights, licenses, and leases, shall be identified separately. If the purchase is to exclude these items, a statement to this effect shall be included.

(5) An offer to purchase the line at the higher of the two estimates submitted pursuant to subparagraph (4).

(6) The dates for the proposed period of operation of the line covered by the application.

(7) An operating plan that identifies the proposed operator; attaches any contract that the applicant may have entered into with the proposed operator; describes in detail the service that is to be provided on the line, including all interline connections; and demonstrates that adequate transportation will be provided over the line for at least three years from the date of acquisition.

(8) A description of the extent of the applicant's and the operator's liability insurance. If trackage rights are requested, the insurance shall be at a level sufficient to indemnify the owning railroad against all personal and property damages that result from negligence on the part of the operator in exercising the trackage rights.

(9) Any preconditions (such as assuming a share of any subsidy payments) that will be placed on shippers on order for them to receive service, and a statement that if the application is approved, no further preconditions will be placed on shippers without Commission approval. (THIS STATEMENT WILL BE BINDING UPON THE APPLICANT IF THE APPLICATION IS APPROVED.)

(10) The name and address of any person(s) that will subsidize the operation of the line.

(11) A statement that the applicant has negotiated with the owning railroad for the purchase of the properties and a report on the status of those negotiations. The status report shall include, but not be limited to, a description of the negotiations (participants, dates of meetings, and progress), points of agreement, specific areas of disagreement, and general problems.

(12) A statement that the applicant will seek a finding by the Commission that public convenience and necessity (PC&N) permit or require the acquisition, or a statement that the line is currently in category 1 or 2 of the owning railroad's System Diagram Map. If the latter, a copy of the relevant portion of the map must be attached to the application. If the applicant seeks a finding of PC&N from the Commission, then the application must contain evidence sufficient to permit the Commission to find that:

(i) the rail carrier operating the line refused within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over the line;

(ii) the transportation over the line is inadequate for the majority of shippers who transport traffic over the line;

(iii) the sale of the line will not have a significantly adverse financial effect on the rail carrier operating the line;

(iv) the sale of the line will not have an adverse effect on the overall operational performance of the rail carrier operating the line; and

(v) the sale of the line will be likely to result in improved railroad transportation for shippers who transport traffic over the line.

With regard to paragraph (b)(12) (i) of this section, the applicant's evidence shall detail the nature of the claimed service inadequacy, the specific complaints of shippers on the line, the type of service requested, the owning railroads' responses to those requests, and the time period involved.

With regard to paragraph (b)(12) (ii) of this section, the applicant should identify all significant users on the line, estimate the tonnage and carloads shipped or received by each, and submit statements by a majority of the users explaining why the present service is inadequate.

(13) A statement of the extent to which the applicant intends to elect exemption from any of the provisions of Title 49, United States Code, and a statement that if the application is approved, no further exemptions will be elected. (This Statement Will Be Binding Upon the Applicant if the Application is Approved.)

(14) A description of any trackage rights required over the owning railroad that are needed to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the applicant, and an estimate of the reasonable compensation for such rights, including a full explanation of how the estimate was reached. The description of the trackage rights shall include, but not be limited to, the following information: milepost or other identification for each segment of track; the need for the trackage rights (interchange of traffic, movement of equipment, etc.); frequency of operations; times of operation; any alternative to the use of the tracks; and any other pertinent data. Trackage rights that are necessary for the interchange of traffic shall be limited to the closest point to the junction with the owning railroad's line that allows the efficient interchange of traffic. A statement shall be included that the applicant agrees to have its train and crew personnel take the operating rules examination of the railroad over which the operating rights are exercised.

(15) A description of any joint rates and divisions agreements that must be established. The description(s) shall include, but not be limited to, the following information: the railroad(s) involved; the estimated revenues that will result from the division(s); and the total costs of operating the line segment

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purchased (including the trackage rights fees).

(16) The extent to which the owning railroad's employees who normally service the line will be used.

(17) If the application is filed before October 1, 1983, information sufficient to allow the Commission to determine that the line sought to be acquired carried less than three million gross ton miles of traffic per mile in the preceding calendar year.

(18) A statement of the applicable time period for filing comments and submitting competing applications, with the Commission's address where they should be filed.

(c) The Commission may, if it finds that the circumstances of the application suggest a pattern of litigation that constitutes unfair harassment of the owning railroad, issue an order requiring applicant to show cause why the application should not be summarily dismissed.

§ 1128.4 Procedures for handling an application for a line contained in category 1 or 2 of the owning carrier's system diagram map.

Only applications seeking to acquire a line contained in category 1 or 2 of the owning carrier's System Diagram Map shall be subject to the following procedures:

(a) The Commission shall accept or reject an application with respect to its completeness within 15 days of its receipt.

(b) The railroad and other interested parties wishing to comment shall file within 30 days of the filing date of the application their verified statements commenting on the application.

(c) Verified reply statements shall be filed within 20 days after comments are received.

(d) Competing applications shall be filed within 30 days of the initial application's receipt. Parties have 30 days from the date competing applications are filed with the Commission to comment on them. All competing applications are subject to the same requirements imposed on initial applications in § 1128.3 of these regulations. Comments on competing applications shall be verified and indicate the order or preference between applications and the specific reasons for such preference.

(e) When the Commission finds that (1) the traffic level on the line sought to be acquired was less than three million gross ton miles of traffic per mile in the preceding calendar year (Note: this finding will *not* be required for applications filed after October 1, 1983); (2) the line is classified in category 1 or 2 of the owning railroad's System Diagram Map, and (3) the applicant is a "financially responsible person" as defined in § 1128.2(a) of these regulations, it shall issue an order requiring that the rail line involved be sold to the applicant, upon payment by the applicant of the Constitutional minimum value of the properties, established in accordance with § 1128.7 of these regulations.

§ 1128.5. Procedures for handling an application seeking a finding of public convenience and necessity.

Only applications seeking a public convenience and necessity finding shall be subject to the following procedures:

(a) The Commission shall accept or reject an application with respect to its completeness within 30 days of its receipt.

(b) The railroad and other interested parties wishing to comment shall file within 60 days of the filing date of the application their verified statements commenting on the application.

(c) Verified reply statements shall be filed no later than the 80th day after the filing date of the application.

(d) Competing applications shall be filed within 30 days of the initial application's receipt. Parties have 30 days from the date competing applications are filed with the Commission to comment. All competing applications are subject to the same requirements imposed on initial applications in § 1128.3 of these regulations. Comments on competing applications shall be verified and indicate the order of prefefence between applications and the specific reasons for such preference.

(e) The applicant shall bear the burden of proving the statutory criteria set forth in § 1128.3(b)(12). All evidence filed in support of these contentions shall be in the form of verified statements.

(f) If the Commission determines that the statements and the reply statements do not contain sufficient evidence to permit a decision on the merits, the Commission will set the proceeding for further oral or written hearing.

(g) If the Commission finds that the applicant has not successfully carried the burden of proof with respect to one or more of the statutory criteria, the Commission shall deny the application.

(h) If the Commission finds that the applicant has successfully carried the burden of proof with respect to each criteria, it shall order the properties covered by the application to be sold to the applicant upon payment by the applicant of the Constitutional minimum value of these properties, established in accordance with § 1128.7 of these regulations.

§ 1128.6. Commission order.

(a) In Any Commission decision that orders a line to be sold, the Commission will also address any related issues raised in the application.

(b) If trackage rights are sought in the application, the Commission shall, based on the evidence of record, set the adequate compensation for such rights, if the parties have not agreed to a price.

(c) If the application requires the Commission to set joint rates or divisions, the Commission shall do so, based on the evidence of record in the proceeding. Unless specifically requested to do so by the selling carrier, the Commission will not set the rate for the selling railroad's share of the joint rate at less than the applicable level (for the year in which the acquisition is made) set by 49 U.S.C. 10709(d)(2), which limits Commission maximum ratemaking jurisdiction to rates above certain cost/price ratios.

§ 1128.7. Acquisition cost.

(a) If the applicant and the owning railroad agree between themselves on an acquisition price, that price shall be the final price and not subject to any of the requirements of this subpart.

(b) If the Commission has issued an order requiring the rail properties covered by an application to be sold to the applicant, and the owning railroad and the applicant cannot agree on a sale price, the Commission will, upon a request by the applicant, determine the value of the properties which shall not be less than the Constitutional minimum value, as that term is defined in 49 U.S.C. 10910(b)(1)(B).

The Commission may, upon request of either party, conduct an oral hearing to determine the value of the property.

(c) A request by the applicant that the Commission set the Constitutional minimum value of the properties to be sold shall be made within 60 days of the Commission's order requiring the properties to be sold, and must be accompanied by a statement by the applicant that it has attempted unsuccessfully to negotiate with the railroad during that period and describing the status of the negotiations.

(d) The Commission shall make available to the parties two separate procedures under which the Constitutional minimum value may be set. In its petition asking the Commission to set the Constitutional minimum value, the applicant must state its preferred method.

(1) If the applicant chooses to submit evidence sufficient to prove both the net liquidation value (NLV) and the going concern value (GCV) of the rail properties approved for sale, the following procedures shall apply:

(i) Applicant must submit information and evidence proving NLV and GCV with its petition asking the Commission to set the Constitutional minimum value.

(ii) The appraisal submitted with the application shall be a sufficient submission as to NLV, but must be broken into the constituent parts of NLV (for example, land, track, material, and facilities).

(iii) Applicant shall be free to submit whatever evidence it deems persuasive of GCV, and may seek to use the Commission's discovery procedures for information that is vital to applicant's case and is exclusively in the control of the owning railroad.

(iv) The owning railroad may submit evidence within 30 days of applicant's petition regarding NLV and GCV. If it wishes to challenge applicant's evidence of NLV, the railroad must submit an appraisal by a qualified appraiser that meets the requirements of paragraph (d)(1)(ii) of this section. If it wishes to challenge applicant's evidence of GCV, the railroad shall submit whatever evidence it deems persuasive. The term "qualified appraiser" as used in this subsection includes qualified railroad personnel whose primary job responsibilities include the valuing or appraising of land and other railroad assets.

(v) The Commission shall determine the acquisition cost based on the record of the proceedings, and such determination shall be final.

(vi) The applicant shall have 60 days (or whatever other period the parties agree to) from the date of the Commission's decision to consummate the sale at the price set by the Commission or, within 30 days, notify the owning railroad of its decision not to acquire the line.

(2) As an alternative to the procedures in paragraph (d)(1) of this section the parties may choose final offer arbitration. This method, if selected, shall be binding on both parties, and the sale shall be consummated at the arbitrated price, unless both parties agree to withdraw from this option. If arbitration is not used, then the procedures in paragraph (d)(1) of this section will be followed. Under final offer arbitration, the following procedures shall apply:

(i) The applicant shall, in its petition asking the Commission to determine the Constitutional minimum value of the properties, state its selection of the arbitration option.

(ii) The petition must include a signed statement by the railroad agreeing to final offer arbitration as described in these regulations.

(iii) The applicant must certify in the petition that the applicant and the owning railroad have exchanged final offers for the purchase and sale of the properties.

(iv) The petition must include the same final offers the parties previously exchanged (unless they have both agreed to a modification) along with: (A) a statement by each that it believes the offer satisfies the Constitutional minimum value requirement of the Staggers Rail Act of 1980; (B) an explanation by each of the factors to which the difference between the two offers is attributable; and (C) an explanation by each of why its figure better meets the statutory requirements.

(v) The Commission shall select whichever of the two offers better meets the statutory requirement of Constitutional minimum value. The Commission will pick one of the two offers, and will not select a different amount.

(vi) The applicant shall have 60 days (or whatever other period the parties agree to) from the date of the Commission's decision to consummate the sale at the price set by the Commission, unless both parties agree to a withdrawal of the application.

§ 1128.8 Copies.

An original and 10 copies of an application, verified statement, comment or any other pleading required by these rules should be submitted to the Secretary, Interstate Commerce Commission, Washington, DC, 20423. The outside envelope and the first page of any document submitted under these rules should be clearly marked "Feeder Line Development."

PART 1002—FEES

§ 1002.2 [Amended]

49 CFR 1002 is amended by adding 49 CFR 1002.2(d)(49) to read as follows:

* * * * *

(d) * * *

(49) An application filed under 49 U.S.C. 10910, Feeder Line Development Program	$300

[FR Doc. 81-20084 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Health Care Employees

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing revised regulations to exclude from Civil Service Retirement (CSR) law coverage health care employees of the National Health Service Corps (NHSC) serving under appointments limited to four years or less in health manpower shortage areas. These employees are not expected to continue in Federal service beyond four years and should be covered by social security. By excluding them from CSR, the proposed regulation would in effect extend social security coverage to them.

DATE: Comments must be received on or before September 8, 1981.

ADDRESS: Send written comments to Mr. Craig B. Pettibone, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: John Landers (202) 632–4634.

SUPPLEMENTARY INFORMATION: NHSC, a part of the Public Health Service, Department of Health and Human Services (HHS), encourages the establishment of private practice types of health care delivery in areas designated by the Secretary of HHS as critical manpower shortage areas. In these communities the Corps employs health care personnel who are appointed under an expected Civil Service authority which limits employment of any one individual to four years. During the four-year period, the employee is expected to be hired by the local community to permanently staff the health facility which the Federal Government established in that area.

Under the CSR law (5 U.S.C. 8331 et seq.), OPM is authorized to exclude from coverage those employees in the executive branch whose employment is temporary or intermittent. The regulatory definition of temporary employment for this purpose is employment under an appointment limited to one year or less (5 CFR 833.201(a)(1)). The regulations provide that other nonpermanent appointments (term and indefinite appointments) are also excluded even though they are not limited to one year or less. However, neither of these types of appointment is appropriate for NHSC health care personnel in health manpower shortage areas. Thus, these employees are covered under CSR. But, because they are expected to leave Federal service within four years they will not complete the minimum five years of service required for a CSR annuity. At the same time, their CSR coverage operates to exclude them from social security coverage. The proposed regulation will exclude these employees from CSR coverage, and thus allow them to receive social security credit for their NHSC service. The exclusion would apply only to those employees who are hired after the proposed regulation becomes effective, or after a four-day break from covered service.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

PART 831—RETIREMENT

Accordingly, the Office of Personnel Management proposes to amend Subpart B of 5 CFR Part 831 by adding § 831.201(a)(18) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(18) Health care employees of the National Health Service Corps serving under appointments limited to four years or less in health manpower shortage areas.

(5 U.S.C. 8347(g))

[FR Doc. 81-20201 Filed 7-9-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 198]

Food Stamp Program: Wage Matching

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would amend the Food Stamp Program regulations, published October 17, 1978 (43 FR 47846), which implemented the Food Stamp Act of 1977. Public Law 96–249 amended the Internal Revenue Code of 1954 to permit access by officials of the U.S. Department of Agriculture and State agencies which administer the Food Stamp Program to certain information concerning earnings from self-employment, wages and retirement income provided by the Internal Revenue Service to the Social Security Administration. This rulemaking will implement this law which provides the requisite legal foundation for accessing wage, benefit and other information contained in Social Security Administration files, and will result in savings due to a reduction in errors and fraud.

DATE: Comment period: Comments must be received on or before September 8, 1981 to be assured of consideration.

ADDRESS: Comments should be submitted to: Alberta C. Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm, Monday through Friday) at 500 12th Street SW., Washington, D.C. Room 678.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Chief, Program Standards Branch, Program Development Division, Food and Nutrition Service, Washington, D.C. 20250. Phone (202) 447–6535. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing this provision is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed with regard to the requirements of Executive Order 12291, and it has been determined that the proposal is not a major rule as defined by that Order. It is not likely to result in an annual effect on the economy of $100 million or more because this rule does not mandate that State agencies undertake wage matching. Since it is proposed that this activity be optional, it is assumed that State agencies implementing wage matching will be those which are already computerized and probably already engaged in matching for other programs. If State agencies have a matching system operating it will cost very little to expand the use of the system for food stamp purposes. This proposal is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. State food stamp agencies that choose to implement wage matching might experience some increase in Program administrative costs, but it is not anticipated that such an increase would be major. Because this proposed rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposal has also been reviewed with regard to the requirements of Public Law 96–354, and William Hoagland, Administrator of the Food and Nutrition Service, has determined that the proposal does not have a significant economic impact on a substantial number of small entities. The proposal has no impact whatsoever on small businesses or small organizations. It authorizes State agencies to access wage and benefit information in the files of the Social Security Administration in determining food stamp eligibility. The primary impact is on State governments and individual recipients. To the extent that county governments operate the Food Stamp Program within States, they may be affected. However, the proposal does not require States or counties to take any action; it authorizes these actions in an effort to provide tools and flexibility to State and local administrators to reduce error rates. Moreover, there should not be significant economic costs where wage matching is conducted.

INTRODUCTION: Pub. L. 96–58, 93 Stat. 389, Aug. 14, 1979, amended the Food Stamp Act of 1977 to enable the Secretary and State agencies to require, as a condition of eligibility for participation in the Food Stamp Program, that applicants and participants furnish their social security numbers (SSN). State agencies were authorized by the legislation to use SSN's to access Social Security Administration (SSA) records for the purpose of verifying unearned income for individuals receiving benefits under title XVI (the Supplemental Security Income program) and as a means of preventing duplicate participation. With the passage of the 1980 amendments to the Food Stamp Act (Pub. L. 96–249, 94 Stat. 357, May 26, 1980), Congress has expanded the use to which the SSN's can be put. Section 127 of the 1980 amendments (94 Stat. 365–366) amends the Internal Revenue Code of 1954 to provide statutory authority for accessing wage, benefit, and other information contained in Social Security Administration files and in files maintained by State unemployment compensation agencies. (Subsection (b) of the amendment, allowing access to wage information from State unemployment compensation agencies, does not take effect until January 1, 1983, and is not included in this rulemaking.)

The legislative history of the 1980 amendments indicates that Congress believes wage matching will prove to be a useful tool for avoiding incorrect eligibility determinations and for limiting and identifying overpayments. See H.R. Rpt. No. 96–788, 96th Cong., 2nd Sess., pp. 101–111. The Department's Inspector General has also testified to this effect. Matching techniques would allow States to identify more readily those households with unreported or incorrectly reported earnings or benefits, thereby preventing error and abuse. The AFDC program now requires wage matching, and has already profited from the availability to States of wage information contained in SSA records. Congress expects that increased matching will also be productive in the Food Stamp Program.

Authorizing States to Conduct Wage Matching and Guidelines on the Use of Wage Matches

The Food Stamp Amendments of 1980 (Pub. L. 96–249) remove the legal barriers that have previously denied State agencies and the Department of Agriculture access to information on the earnings of Program applicants and participants that is contained in the files of the Social Security Administration. House Committee Report No. 96–788 explains that Pub. L. 96–249 provides "the requisite legal foundation for such access at the discretion of the Secretary or the States subject to limitations of purpose and procedural safeguards." H.R. Rpt. 96–788, p. 102. Accordingly, these regulations would authorize States at their discretion to secure earnings information and use it to conduct wage matches.

Section 127 of Pub. L. 96–249 amends the Internal Revenue Code of 1954 to permit the Commissioner of Social Security to disclose information from SSA files only to the extent needed to determine Food Stamp Program eligibility and benefit levels. In addition, these proposed rules would restrict use by State agencies of SSA wage and benefit information to these same purposes.

Since the legislative history of section 127 clearly indicates that one of the purposes of the section is to detect fraud (H.R. Rpt. 96–788, pp. 101–111), the Department believes Congress contemplated that when information obtained from SSA indicates likely fraudulent acquisition of coupons by a household, the information would be used in the investigation and possible prosecution of the household for fraud. The regulations reflect this belief. The proposed rules would also provide for State agencies and SSA to execute a data exchange agreement specifying the procedures to be used in requesting and providing wage information. Discussion with staff at the Department of Health and Human Services indicates that an agreement to provide for Food Stamp Program wage matching can be added to existing agreements between SSA and State agencies for AFDC wage matching.

Section 127 of the Amendments also provides, through conforming

amendments to sections 6103 and 7213 of the Internal Revenue Code, safeguards and procedures to assure proper handling of the information provided by SSA in light of the privacy interests associated with such information. The safeguards and procedures imposed by the Internal Revenue Code provide for, among other things, restricting access to persons who have a legitimate need for the information released, assuring that those persons are trained on privacy issues and assuring proper physical security for the information. The proposed regulation would require that States agree to comply with the provisions of sections 6103 and 7213 in their data exchange agreements with SSA, and that the Department of Agriculture also observe those provisions.

In accordance with existing food stamp regulations (§ 273.2(f)(4)(iv)), the proposed rule would provide that if information provided through wage matching contradicts statements made by the household, the household would be afforded an opportunity to resolve the discrepancy. This is necessary because the household may have more current wage information than the data available from SSA.

The Department encourages State agencies with the capability to conduct matching of food stamp information to do so. The Department recognizes that States have varying capabilities for conducting matches stemming from the varying degrees of automation they employ in administering the Food Stamp Program. Public Law 96–249 increases to 75% the federal share of State costs in initiating or upgrading automated systems. Regulations to effectuate this provision will be proposed shortly. In addition, legislation providing increased federal matching for automation in the AFDC program will become effective during 1981. The Department expects that an increasing number of States will develop capability to conduct wage matching effectively.

Implementation. States which opt to wage match will need to execute appropriate data exchange agreements with SSA as a prerequisite to securing access to wage information in SSA files. Once these agreements are executed State agencies may implement the wage match provisions at their discretion.

Therefore Parts 272 and 273 are proposed to be amended as follows:

PART 272—REQUIREMENT FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (34) is added to § 272.1(g) as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(34) Amendment 198. State agencies opting to match earnings data provided by applicants and participants with information maintained by the Social Security Administration shall execute data exchange agreements with the Social Security Administration upon publication of final regulations. After execution of this agreement, State agencies may implement wage match provisions at their discretion.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2 paragraph(f)(7) is deleted, paragraph(f)(8) is designated (7) and revised, and paragraph (9) is designated(f)(8) as follows:

§ 273.2 Application processing.

* * * * *

(f) *Verification.* * * *

(7) *State Data Exchange (SDX) and Beneficiary Data Exchange (BENDEX).*

(i) The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may use SDX and BENDEX data to verify other food stamp eligibility criteria. The household shall be given an opportunity to verify the information from another source if the SDX of BENDEX information is contradictory to the information provided by the household. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SDX or BENDEX data are unavailable.

(ii) The State agency may verify applicants' and participants' statements regarding income (or the lack of income) through access to data concerning self-employment, wages and payments of retirement income which has been disclosed to the Social Security Administration pursuant to paragraphs(l) (1) or (5) of section 6103 of the Internal Revenue Code of 1954. If such SSA data, which may affect eligibility or benefit levels, contradicts statements made by the household or contained on the household's application, the household shall be afforded an opportunity to resolve the discrepancy prior to the eligibility determination or to an action to terminate or reduce the household's benefits.

(iii) Information on earnings and benefits disclosed by the Social Security Administration may be used only for the purpose of:

(A) Verifying a household's eligibility;

(B) Verifying the proper amount of benefits;

(C) Investigating to determine whether participating households received benefits to which they were not entitled; and

(D) Conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

(iv) Information on earnings and benefits may be disclosed by SSA and used by a State agency only to the extent provided in data exchange agreements between SSA and the State agency. These agreements shall specify the procedures to be used in requesting and providing this information. The agreements shall assure compliance with the safeguards and other requirements contained in sections 6103 and 7213 of the Internal Revenue Code which govern the disclosure of information on earnings and retirement income by SSA to State agencies and its use by State agencies in the administration of the Food Stamp Program. The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA. Any such information disclosed to officials of the U.S. Department of Agriculture shall also be handled in compliance with the safeguards and other requirements contained in section 6103 of the Internal Revenue Code.

(91 Stat 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistances Program No. 10.551 Food Stamps)

Dated: June 30, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81–20089 Filed 7–9–81; 8:45 am]

BILLING CODE 3410–30–M

Food Safety and Inspection Service [1]

9 CFR Part 319

[Docket No. 79–768]

Definitions and Standards of Identity or Composition Braunschweiger, Liver Sausage, Liverwurst

AGENCY: Food Safety and Inspection Service, USDA.

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1030–1, issued June 16, 1981, The Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the agency's reorganization is now being drafted for later publication.

Continued

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat inspection regulations by revising the present standards for "Liver Sausage" and "Braunschweiger" to provide more flexible standards to serve the needs and preferences of consumers without changing the basic taste and consistency characteristics of these products. The current provision mandating the use of fresh and/or frozen pork would be made optional. The proposal would permit the use of fresh, frozen, and/or cured beef, veal, and/or pork, individually or in combination. Added beef fat would be expressly allowed in "Braunschweiger" and "Liver Sausage". The standard would also provide that products which are prepared from a single species are to be labeled appropriately, such as "Beef Braunschweiger" or "Pork Liverwurst."

DATE: Comments must be received on or before September 8, 1981.

ADDRESSES: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Food Safety and Inspection Service, Room 2637, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Meat and Poultry Standards and Labeling Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this proposal will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). If promulgated, the standards would merely provide a small increase in ingredient flexibility to meat processors with regard to the production of Liver Sausage and Braunschweiger, and it is anticipated that there would be no significant economic impact upon any of these processors.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Coordination Division. Comments should reference the docket number located in the heading of this document. All comments made pursuant to this proposal will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

1. Present Standards

The Secretary of Agriculture is authorized under section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) to prescribe definitions and standards of identity or composition for meat food products. The present standards for "Liver Sausage" and "Braunschweiger", developed under this authority and contained in § 319.182 of the Federal meat inspection regulations (9 CFR 319.182), now provide:

" 'Liver Sausage' and 'Braunschweiger' are cooked sausages made from fresh and/or frozen pork and pork livers and/or beef livers and may contain cured pork, beef and veal, and pork fat. Mechanically Processed (Species) Product may be used in accordance with § 319.6. Liver sausage may also contain beef and pork byproducts, pork skins, sheep livers and goat livers. These products shall contain not less than 30 percent of liver computed on the weight of the fresh liver and may contain binders and extenders as permitted in § 319.140."

The Agency was petitioned by Fred Usinger, Inc., to amend the standards to explicitly allow the addition of beef fat to these products. The petition states that beef fat imparts the firmness and texture to the products which customers have come to expect, and that the use of small amounts of beef fat in Liver Sausage and Braunschweiger is part of traditional formulations for these products predating the standard of identity regulation.

The Agency has reviewed this regulation as a result of this request and believes the present standards should be revised in several respects.

The standards specifically permit the use of added pork fat, but do not explicitly allow for the use of added beef fat. This language is somewhat contradictory with regard to Liver Sausage, since this product may contain beef byproducts and added beef fat qualifies as a beef byproduct. This restriction also appears to be unnecessary and impracticable since both Braunschweiger and Liver Sausage may include beef ingredients which contain v[illegible]ing amounts of beef fat.

The present standards require that some pork must be used in both Liver Sausage and Braunschweiger, but do not specify any minimum amount. Beef and/or veal can now be used as optional ingredients in unrestricted amounts. Therefore, it appears that the current requirement that some pork must be used unnecessarily precludes the purchase of these products by many consumers who for religious or other reasons do not eat pork.

In addition, neither standard requires special labeling to inform the consumer when ingredients of only a single species are used. Finally, the present standard for "Liver Sausage" does not specifically provide for the term "Liverwurst," a synonym for "Liver Sausage."

In view of these circumstances, it appears that the present standards for these products may not be sufficiently adaptable to enable consumers to select products that meet their individual needs and preferences and to allow processors the flexibility to meet these desires. Therefore, the Administrator is proposing to revise the present regulations to provide new standards for "Braunschweiger" and "Liver Sausage" or "Liverwurst." The proposed changes should permit processors to provide consumers with a wider variety of products without altering the basic product characteristics.

2. Proposed Standards

The proposed "Braunschweiger" standard would permit the use of cured, fresh, and/or frozen pork, beef, and/or veal, individually or in combination. It also would permit the use of pork and/or beef fat. The proposed standard would retain the present reqirement that 30 percent livers be used while adding veal livers as an optional ingredient. It would also retain the optional use of mechanically processed (species) product and binders and extenders. If prepared from components of a single species, the product name would be required to reflect that species, such as

"Beef Braunschweiger." The proposed standard also maintains the exclusion of byproducts other than fat. "Braunschweiger" has always had smoked taste characteristics, though the current standard does not specifically mention this fact. The smoked taste has been achieved by the use of smoked meats or smoke flavoring or by smoking the sausage itself. The proposal recognizes and specifically requires this taste and specifies the methods of obtaining it.

The proposed "Liver Sausage" or "Liverwurst" standard would permit the use of cured, fresh, and/or frozen pork, beef, and/or veal, individually or in combination. It also would permit the use of pork and/or beef byproducts, including added fat. The proposed standard would retain the present requirement that 30 percent livers be used and would specify that in addition to pork, beef, sheep, and goat livers, veal livers may be used. The permitted use of mechanically processed (species) product and binders and extenders would be retained. If "Liver Sausage" or "Liverwurst" is prepared from components of a single species, the product name, such as "Pork Liver Sausage", would be required to reflect that species.

Accordingly, it is proposed to amend § 319.182 of the Federal meat inspection regulations (9 CFR 319.182) as follows:

1. The authority citation for Part 319 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 et seq., 601 et seq., 33 U.S.C. 466–466k.

2. The Table of Contents would be amended to reflect the revised heading of § 319.182 to read: "Braunschweiger and Liver Sausage or Liverwurst."

3. Section 319.182 (9 CFR 319.182) would be revised as follows:

§ 319.182 Braunschweiger and Liver Sausage or Liverwurst.

(a) "Braunschweiger" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, and/or veal livers computed on the weight of the fresh livers. It may also contain pork and/or beef fat. Mechanically Processed (Species) Product may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. The product must have a smoked taste characteristic, which may be imparted by use of smoked meats, smoke flavoring or smoking. If prepared from components of a single species, the product name shall reflect the species, e.g., "Beef Braunschweiger."

(b) "Liver Sausage" or "Liverwurst" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, veal, sheep, and/or goat livers computed on the weight of the fresh livers. It may also contain pork and/or beef byproducts. Mechanically Processed (Species) Product may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. If prepared from components of a single species, the product name shall reflect that species, e.g., "Pork Liver Sausage."

Done at Washington, D.C., on June 25, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-20183 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 40, and 70

[Docket No. PRM-30-58]

Receipt of Petition for Rulemaking From the National Bureau of Standards, Department of Commerce

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of a petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission is publishing a petition for rulemaking from the National Bureau of Standards, U.S. Department of Commerce. The petition suggests alternative amendments to NRC regulations that would exempt radioactive material obtained directly or indirectly from environmental sources from specific license application requirements. The suggested amendments would facilitate environmental standards activity for the NBS and remove potential ambiguity in the application of NRC regulations.

DATE: Comment period expires September 8, 1981.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) received a petition for rulemaking from the National Bureau of Standards, U.S. Department of Commerce on May 14, 1981. The petition has been assigned Docket No. PRM–30–58. The petition suggests amendments to NRC regulations that would "* * * make the ownership, possession, manufacture, production, transfer, receipt, acquisition, and use of any radioactive material obtained directly or indirectly from environmental sources (that is soil, water, air, biota) generally permitted without a requirement for specific application to the Commission. * * *"

The petitioner states, in part that "* * * Because of the plutonium and americium content of soil, tissue, etc., * * * once an environmental sample has passed through a licensee's hands the material is subject to all NRC requirements. Specifically, anyone receiving this material from the initial licensee would have to have a specific license. * * *"

The petitioner intends to provide a variety of environmental standards which would be collected from a variety of places in North America, assayed as to the content for a number of isotopes, and packaged for sale as standards. Under existing regulations and NRC's licensing interpretation, this process could require license applications to the NRC. As the petitioner states, the samples would "* * * include $^{239-240}Pu$, ^{241}Am, Th, U, ^{60}Co, ^{137}Cs, ^{55}Fe. * * * Typical activity levels are 2 to 4 dpm per gram of Pu, U, and Th and 0.1 dpm per gram of ^{241}Am.

The problem would be further accentuated if some sort of chemistry were done on the samples to concentrate the radioactive components such as might occur at an intermediate stage of an analysis procedure."

The petitioner submits two alternative solutions to the problem. Although a specific solution addressing the plutonium and americium content of the environmental sample would solve NBS's specific problem, a broader alternative would remove potential ambiguity in the regulations as they might apply to individuals not normally covered by them. The NRC may adopt either alternatives or both alternatives together.

The NRC requests public comment on this petition for rulemaking. The public may comment on either alternative or a combination of both alternatives. The alternative amendments are as follows:

Alternative 1

Add the following statement as the last sentence in §§ 20.2, 30.1, and 70.2 and as paragraph (e) in § 40.13:

"Radioactive material derived from the sampling of environmental sources are not subject to the provisions of this part."

In connection with this option the petitioner states, "* * * It is presumed a working definition of sampling can be derived which would not include mining and milling operations and similarly a definition of environmental sources which would exclude waste streams and such of licensed activities. To alleviate concern relating to total activity, the definition of sampling can be qualified so that the total sample activity is specified not to exceed 10 CFR 30.71 limits, where they exist."

Alternative 2

1. Add the following entry to § 30.70:

§ 30.70 Schedule A—Exempt concentrations.

Element (atomic number)	Isotope	Col. I gas concentration $\mu Ci/ml$ [1]	Col. II liquid and solid concentration $\mu Ci/ml$ [2]
Alpha emitting byproduct material, non-specific		2×10^{-11}	1×10^{-7}

2. Add the following entry to § 30.71:

§ 30.71 Schedule B.

Byproduct material	Microcuries
Alpha emitting byproduct material, non-specific	0.001

In connection with this option the petitioner would include appropriate cross references in 10 CFR Parts 40 and 70.

Dated at Washington, DC this 6th day of July 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-20308 Filed 7-9-81; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 613 and 614

Eligibility and Scope of Financing Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, proposes new and amended regulations concerning (1) the extension of credit by Federal land banks and land bank association, production credit associations to eligible borrowers specifically for basic processing and/or marketing of their products; and (2) the extension of credit by Federal intermediate credit banks and, in turn, production credit associations to eligible borrowers repayable in not more than ten years under policies approved by a district Farm Credit board. The regulations will implement two of the major authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96–592).

DATES: Written comments must be received on or before July 28, 1981.

ADDRESSES: Submit any comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION: Currently, standards for the financing of the processing and/or marketing activities of eligible borrowers are set administratively by the Farm Credit Administration rather than by regulations. As to term lending by Federal intermediate credit banks and production credit associations, current regulations limit repayment terms to not more than seven years, consistent with prior law.

Public comments on these proposed new and amended regulations must be received within 20 days from the date of publication. This shortened period for comment has been set by the Federal Farm Credit Board based on its finding that the standard 60-day period is not necessary since these proposed regulations have been distributed and available to interested parties in draft format since approximately February 9, 1981, and the shortened period will provide adequate opportunity for additional public participation in the rulemaking procedure.

For the reasons set out in the preamble, Parts 613 and 614 of Chapter VI, Title 12, of the *Code of Federal Regulations* is amended as shown.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

Subpart B—Eligibility To Borrow From Federal Land Banks and Production Credit Associations

1. Section 613.3045 is added to read as follows:

§ 613.3045 Financing of basic processing and marketing activities.

(a) Federal land banks and production credit associations may provide financing for processing (including storage) and marketing activities related to the production of farmers, ranchers, and producers or harvesters of aquatic products. It is intended that benefits from the processing and marketing authority accrue to persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020). Such financing may be furnished provided that:

(1) The basic processing and/or marketing activities constitute a logical

and actual extension of a farmer's, rancher's, or aquatic producer's or harvester's operation. (It is intended that credit be made available for financing forward integration from the production stage through the basic processing and/or marketing stage.)

(2) The farmer, rancher, or producer or harvester of aquatic products produces on a sustained basis a minimum of 20 percent of the "throughput" (based on annual usage) of the basic processing and/or marketing operation or such higher percentage established by the bank board. Essentially all of the additional "throughput" utilized in the processing and/or marketing stage shall be purchased from or handled for persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020).

(3) Where the ownership of the processing and marketing activities, whether a legal entity or unincorporated, differs from that of the basic production unit, all of the ownership of that operation shall be vested in persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020).

(4) All policies in connection with the processing and/or marketing authority shall be submitted to FCA for prior approval.

(b) The coordinated district board policies shall provide the basic framework for more detailed procedures to be developed by the banks. All policies shall embody at least the following:

(1) The minimum "throughput" requirement and variations of these requirements.

(2) The method for defining basic processing and/or marketing activities by commodity or groups of commodities.

(3) Provisions for limiting financing extended under the processing and marketing authority to those needs directly associated with the processing and/or marketing operations.

(4) Provisions for identifying processing and/or marketing loans where less than 50 percent of the throughput is produced by the borrower or owners of the processing and/or marketing activity.

(5) Provisions for requiring an analysis and documentation in loan files of the ownership and operational features of the borrower sufficient to establish loan eligibility under § 613.3045(a) and continuing eligibility at each new loan or loan renegotiation.

(c) District boards shall adopt policies establishing specific Federal land bank and production credit association responsibilities and/or limitations for the financing of processing and/or marketing activities.

* * * * *

PART 614—LOAN POLICIES AND OPERATIONS

Subpart C—Lending Authorities

2. Section 614.4110 is revised to read as follows:

§ 614.4110 Production credit associations.

Each production credit association, under policies established by the bank board and procedures prescribed by the bank, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to eligible borrowers. Short- and intermediate-term loans may be made for a term not exceeding 7 years, or such longer periods, not to exceed 10 years as provided in § 614.4200. Loans to eligible producers or harvesters of aquatic products for the purposes enumerated in § 614.4200(d) may be for a term not exceeding 15 years.

Subpart E—Loan Terms and Conditions

3. Section 614.4200 is amended by revising paragraphs (c) and (d) and removing (e) as follows:

§ 614.4200 Production credit associations.

* * * * *

(c) Longer intermediate-term loans may be made with maximum maturity not to exceed 10 years from date of initial disbursement. Adoption of this longer intermediate-term loan program is optional with each district Farm Credit board.

(1) Loans extended under this 10-year program shall meet the following criteria:

(i) Specific major capital items can be financed, such as new equipment, new or remodeled buildings, or facilities with a useful life and value, after normal depreciation, which exceeds the term of the loan at all times. The loan will be amortized and the purpose of the loan specifically identified.

(ii) The borrower's earnings history, repayment record, and net earnings projections must satisfactorily support the loan and provide assurance for repayment within 10 years.

(iii) Long-term real estate mortgage credit must not be practical for the applicant to obtain if the loan is being made to finance or refinance the purchase of real estate.

(2) District boards shall adopt policies relating to:

(i) Cooperation between production credit associations and Federal land bank associations in the consideration of any loans bordering on the longer term real estate mortgage category.

(ii) Conditions under which this authority can be delegated and withdrawn from a production credit association.

(iii) Methods to be followed in credit reviews whereby loans of this type, made during the period covered by the review, will be reviewed and commented upon as to compliance with policy and procedures.

(iv) Provisions for easy identification and adequate reporting on loans of this type to enable timely supervision by the bank.

(3) The policies are subject to Farm Credit Administration approval.

(d) Longer term loans may be made with maturities not to exceed 15 years to producers or harvesters of aquatic products for major capital expenditures including but not limited to purchase of vessels, construction or purchase of shore facilities, and similar purposes directly related to the producing or harvesting operation.

(e) [Removed]

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Larry W. Edwards,

Acting Governor.

[FR Doc. 81-20202 Filed 7-9-81; 8:45 am]

BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 297 and 380

[Economic Regulations Special Regulations Docket: 39744; EDR-427; SPDR-82]

Proposed Rule To Allow Foreign Indirect Air Carriers To Organize Charters and Consolidate Freight in Interstate and Overseas Markets

Dated: June 25, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board proposes to relieve foreign indirect air carriers from the provisions of the Act which prevent them from organizing charter/tours or consolidating freight in interstate and overseas air transportation. Foreign indirect air carriers would be required to apply for authority in domestic markets using procedures identical to those required for an application to engage in foreign indirect air transportation.

Approval of this authority would depend on whether the government of the applicant had granted reciprocal rights to U.S. companies. This proposal is in response to submissions by Transamerica Airlines, Thomson Vacations, Arthurs Travel and Unitours requesting that foreign charter operators be relieved from the provisions of the Act to the extent necessary to organize domestic charters.

DATES: Comments by: September 8, 1981. Reply Comments by: September 23, 1981.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Request to be put on the Service List by: July 27, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39744, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff (202) 673-5203, Legal Division, Bureau of international Aviation, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board is proposing to relieve foreign indirect air carriers from various provisions of the Act to the extent necessary to organize chaters or consolidate freight between U.S. points, provided that adequate reciprocity exists and that they use the services of direct U.S. air carriers. Currently, foreign air freight forwarders, foreign cooperative shippers associations and foreign charter/tour organizers are restricted to services in foreign air transportation. Only companies that are U.S. citizens can market interstate and overseas air transportation. This action would eliminate the citizenship barrier to entry, promote competition among indirect carriers, increase business on U.S. air carriers and reaffirm the U.S. commitment to promote competition in the air transportation industry. It will also give foreign indirect carriers the same commercial opportunities in the U.S. that U.S. indirect carriers have long enjoyed in many of the commercially important foreign markets. Grant of this relief will be limited to foreign indirect air carriers whose governments grant U.S. citizens economically reciprocal opportunities. Amendments to Part 297 and Part 380 of the Board's regulations would be made to conform them to this new policy.

This rulemaking is partially prompted by a comment filed by Transamerica Airlines, Inc. in Docket 38023 (EDR-398/SPDR-77, 45 FR 26084, April 17, 1980), wherein the Board proposed a simple registration procedure to authorize foreign indirect air carriers to organize charter/tours in foreign air transportation. The carrier requested, *inter alia,* that foreign charter organizers receive authority to operate between points within the U.S. It asserted that the public is disserved by prohibiting these businesses from competing in the domestic marketplace. Transamerica stated that elimination of this regulatory bar is necessary to maintain and enhance competition in the domestic charter industry. Since several U.S. charter operators have been acquired by foreign owners, they are foreclosed from promoting charter programs in domestic markets. This results in a reduction of competitors and price/service options available to the traveling public.

The general issue is also raised by an application from Thomson Vacations, Inc., Arthurs Travel, Inc. and Unitours, Inc., requesting permission to organize domestic charter/tours. In support of their application, they presented the same basic arguments enumerated by Transamerica for the grant of such authority. The application of Thomson *et al.* was discussed in Order 81-5-83 where we granted the application, pending final disposition of the issues in this rulemaking.

We believe our proposed action is broadly consonant with Congressional intent expressed in adopting the Airline Deregulation Act of 1978 (P.L. 95-504) and the International Air Transporation Competition Act of 1979 (P.L. 96-120) and lawful under the Federal Aviation Act. Through these Acts, Congress has amended our mandate to place far greater reliance on competitive market forces to regulate air transportation. A significant part of that mandate is the removal of unnecessary restrictions on the air transport industry. To carry out this mandate, Congress has given us greater powers to effectuate its procompetitive policy including, *inter alia,* power to grant foreign indirect air carriers relief from any provision of the Act. We tentatively conclude that relieving all foreign indirect air carriers from the Act to the extent necessary to allow them to operate in interstate and overseas air transportation is consistent with the public interest.

Grant of this relief could benefit both the traveling public and the industry through enhanced competition in the promotion of domestic charter tours and air freight forwarding. Competition, free of government intervention, is usually the best way to optimize consumer benefits. The greater the number of suppliers, the greater the chances that all segments of the public will have their demands satisfied. The domestic airlines will benefit because the traffic generated by foreign charter organizers and air freight forwarders will necessarily be flown by U.S.-flag carriers. Section 1108(b) of the Act proscribes operations by foreign direct carriers in domestic markets. To the extent that additional competition from the applicants stimulates new business, U.S.-flag carriers will receive additional revenues. This will help strengthen the economic posture of U.S. direct carriers, particularly the traditionally low-fare charter specialists. Sound economic conditions in air transportation is of course one of the public interest factors Congress has given the Board to consider. Morever, the effect of entry by foreign entities will produce new sources of capital and, in the case of charter/tour organizers, may help revitalize an industry that has ebbed in the face of low-fare options offered by scheduled direct carriers.

We must also consider in the balance foreign aviation policy concerns. Most of our major trading partners allow U.S. indirect carriers to operate within their borders. They do not view their own charter/tour organizers and air freight forwarders as carriers. The United States is one of the few developed countries that presently restricts domestic indirect air carriage to its citizens. This policy is obviously inconsistent with our overall procompetitive international aviation policy, in which we attempt to persuade our international trading partners to accept a competitive, market-oriented posture to entry, pricing and market access standards. Our ability to effectuate a competitive international aviation regime, free of unfair restrictions on U.S.-flag carriers, is hindered by restrictions such as these, particularly where the restrictions are not mandated by law. The elimination of this artifical barrier to entry would demonstrate our continued commitment to a competitive marketplace and lend support to our negotiating efforts for liberalizations in other facets of air transportation.[1]

[1] The aviation industry is almost unique among U.S. transportation industries in imposing

Continued

Our proposal to eliminate this barrier to entry is consistent with recent Board action to minimize our oversight responsibilities toward foreign and domestic indirect carriers. With regard to U.S. air freight forwarders, the Board has reduced regulatory interference by eliminating the requirement to file cargo tariffs and by substantially reducing the registration requirements (ER–1094, 44 FR 6634, January 31, 1979). We are proposing to reduce the Board's regulatory oversight even further (EDR 421, 46 FR 20563, April 6, 1981). With regard to domestic charter operators, there is no present registration requirement, and the Board has substantially reduced the amount of data required to be submitted in a charter prospectus. We are contemplating further regulatory reductions here as well.

The Board has also reduced regulatory restraints on foreign indirect air carriers. In ER–1159, 44 FR 69633, December 4, 1979, the Board substituted a simple registration procedure for foreign forwarders and foreign cooperative shippers associations in lieu of the more time-consuming section 402 permit procedure. The new registration procedure is similar to that required of domestic air freight forwarders and domestic cooperative shippers associations and has promoted competition by allowing foreign forwarders to respond more quickly to the dynamics of the marketplace.[2] In a Notice of Proposed Rulemaking, SPDR–77, 45 FR 26084, April 17, 1980, the Board proposed to exempt foreign charter/tour orgnanizers from obtaining a section 402 permit in favor of registration, similar to that in effect for foreign freight forwarders. Our proposed action is yet another step to provide equal competitive opportunitities to this class of carrier.

As we explained in Order 81–5–83, the Airline Deregulation Act provides legal authority to support the action proposed here. We noted there that section 416(b)(3)[3] of the Act provides the Board broad discretion over foreign indirect air carriers who do not operate aircraft and therefore play an important but essentially supportive role in air transportation. We stated our belief that "Congress intended to permit the Board to allow U.S. and foreign indirect air carriers to engage in whatever operations they would be entitled to perform if the Act did not apply." Section 416(b)(3) permits us to relieve foreign indirect air carriers from any provision of the Act which would otherwise proscribe their operations in domestic markets. As we note above, we tentatively believe that use of this provision to permit wider authority by foreign indirect air carriers is consistent with the public interest.

We recognize that this proposal is a departure from the policy inherent in our decision in *Sitmar Cruises, Inc.*, Docket 26350, Order 75–8–88. The *Sitmar* case arose from a section 402 application to transport passengers by air between U.S. points, connected to a movement by surface means between a U.S. and a foreign point. The Board concluded that Sitmar's operation would not be in foreign air transportation since its sole air operation was in interstate markets, albeit related to a movement between a U.S. point and a foreign point. The Board found that a section 402 foreign air carrier permit does not contemplate or authorize domestic operations, since it only pertains to foreign air transportation. Reasoning by analogy to the policy embodied in section 1108(b) of the Act, which precludes transportation of traffic on foreign *aircraft* between two U.S. points for remuneration or hire, the Board concluded that grant of the proposed authority would not be consistent with the public interest even if it possessed authority to grant the award. The Board recognized, however, that section 1108(b), by its terms, did not pertain to foreign indirect air carrier operations. While we have previously applied the policy behind section 1108(b) to the operations of foreign indirect air carriers, it is clear that the express statutory language does not require it, so long as the foreign companies utilize U.S. direct air carriers. Moreover, our proposed change of this policy is consistent with the pro-competitive mandate of the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act of 1979.

In order to allow foreign indirect air carriers to conduct business in interstate and overseas air transportation, we propose to add a new paragraph (d) to § 297.10 and a new paragraph (7) to proposed § 380.20(a) which will relieve them from any provisions of the Act that would otherwise proscribe the proposed operations.[4] Since section 1108(b) bars foreign aircraft from common carrier operations conducted solely between U.S. points, only U.S. air carriers could be used by foreign indirect companies for domestic operations. We propose to amend Parts 297 and 380 to emphasize that foreign indirect air carriers could only use the services of U.S. direct air carriers in interstate and overseas air transportation (§ 297.12 and § 380.10). Foreign direct carriers could be used, as before, only for operations in foreign air transportation.

In considering reciprocity, the Board will look at the substance (*i.e.*, reciprocal economic benefits) rather than an exchange in form only. For example, U.S. domestic operating authority may be more valuable to foreign carriers than reciprocal rights granted to the U.S. counterpart—due to the disparity in geographic size and population between the U.S. and most foreign countries. Therefore, at minimum, we would anticipate that effective reciprocity would encompass not only identical authority to U.S. indirect carriers, but also fifth freedom operating authority.

Foreign indirect air carriers that currently hold authority from the Board to operate in foreign air transportation must resubmit an application for the domestic relief proposed by this rulemaking. We shall amend the registration form of Part 297 and the one proposed for Part 380 to clearly indicate the type of air transportation held by each foreign company. We have included a specimen form for Part 297. Since we have not yet finalized our rulemaking to permit foreign charter/tour operators to use a registration form, we have not attached that specimen registration form; however, it will confirm to the amendments we propose to the Part 297 form.

Sixty days will be allowed for comments on this proposal. As we have done in other rulemakings, we will dispose of applications by foreign indirect air carriers to operate in domestic markets on a case-by-case basis while the rulemaking is pending. Foreign operators should be aware that the relief is only an interim measure pending final disposition of this rulemaking. This interim authority will automatically expire 120 days after the final decision on this rule is adopted. Foreign operators should adjust the marketing of their services to ensure that consumers are not inconvenienced should the rule not be finalized.

citizenship requirements on indirect carriers. The elimination of this regulatory bar would be a large step in harmonizing U.S. policy toward foreign indirect carriers in the transportation industry as a whole.

[2] There has been a three-fold increase in foreign authority granted since implementation of the new registration procedures.

[3] Section 416(b)(3) [49 USC 1386(b)(3)]: The Board may by order relieve foreign air carriers who are not directly engaged in the operation of aircraft in foreign air transportation from the provisions of this Act to the extent and for such periods as such relief may be in the public interest.

[4] In SPDR–77, the Board proposed an amendment to its Public Charter Rules (§ 380.20) to relieve foreign indirect air carriers (charter/tour operators) from the permit procedures of section 402 of the Act. Our proposed amendments to that provision incorporate that proposal. In addition, the Board also proposed a provision (§ 380.68) in SPDR–77 which would preclude foreign charter operators from moving passengers between points within the United States. If a final rule containing that provision is adopted prior to the completion of this rulemaking, we would eliminate that provision if a final rule were adopted in this proceeding.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, requires that agencies consider flexible approaches to the regulation of small business and other small entities. It requires regulatory analysis for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." This is applicable to rules that effectively reduce regulatory restrictions.

The analysis is required to describe the need, objectives, legal basis for and flexible alternatives to the actions proposed here. The first three requirements are satisfied by the discussion above. The only alternative to our proposed action is to maintain the *status quo*. While this might eliminate a competitive burden on domestic indirect air carriers, it would not attain the positive results derived from competition.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other requirements of the proposed rule and any other Federal rules that may duplicate, overlap or conflict with it. As we have previously stated, this rule would apply to all foreign indirect air carriers, *i.e.*, foreign air freight forwarders, foreign cooperative shippers associations and foreign charter operators. The proposed rule would not duplicate, overlap or conflict with any other Federal rule and would not impose any additional reporting, recordkeeping or compliance requirement other than confirmation of a foreign government's reciprocity disposition.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR as follows:

PART 297—FOREIGN AIR FREIGHT FORWARDERS AND FOREIGN COOPERATIVE SHIPPERS ASSOCIATIONS

1. In Part 297, the Table of Contents is amended by revising the title of § 297.10 so that it reads:

Sec.

* * * * *

297.10 Relief from the Act.

* * * * *

2. In Part 297, § 297.1 would be revised to read:

§ 297.1 Purpose.

This part establishes registration procedures and operating rules for foreign air carriers that engage indirectly in interstate, overseas and foreign air transportation of property. It relieves these carriers from certain provisions of the Act, and establishes simplified reports for them.

3. Section 297.2 would be revised to read:

§ 297.2 Applicability.

This part applies to interstate and overseas air transportation of property and to foreign air transportation of property outbound from the United States by foreign indirect air carriers. It also applies to applications for registration as a foreign indirect air carrier of property.

4. Paragraph (d) of § 297.3 would be revised to read:

§ 297.3 Definitions.

* * * * *

(d) "Foreign indirect air carrier" means any person, not a citizen of the United States, who undertakes indirectly to engage in the air transportation of property.

5. In § 297.10 the title would be revised and a new paragraph (d) would be added to read:

§ 297.10 Relief from the Act.

Foreign indirect air carriers with an effective registration under this part are relieved from the following sections or subsections of the Act:

(a) * * *

(b) * * *

(c) Section 404(a)(2) (Carrier's duty to establish just and reasonable rates, etc.); and

(d) If awarded interstate or overseas air transportation operating rights, any other provision of the Act that would otherwise prohibit them from engaging in the interstate or overseas air transportation of property.

6. A new § 297.12 would be added to read:

§ 297.12 General requirements.

(a) The direct air transportation provided must be performed by direct air carriers that hold authority under section 401, 402 or 416 of the Act or are operating under Part 298 of this chapter;

(b) Only U.S. citizen direct air carriers may provide direct air transportation operations in interstate and overseas air transportation.

(c) Foreign indirect air carriers which hold authority to engage in foreign air transportation must apply separately for permission to consolidate freight in interstate and overseas air transportation.

7. Section 297.25 would be revised to read:

§ 297.25 Cancellation or conditioning of registration.

The registration of a foreign indirect air carrier may be cancelled or subjected to additional terms, conditions or limitations if:

* * * * *

(d) A substantial ownership or control interest is acquired by persons who are not citizens of the country of citizenship of the registrant;

(e) There is a failure of effective reciprocity; or

(f) The Board finds that it is in the public interest to do so.

PART 380—PUBLIC CHARTERS

8. In Part 380, the Table of Contents is amended by revising the title of § 380.20 so that it reads:

Sec.

* * * * *

380.20 Relief from the Act.

* * * * *

9. In Part 380, paragraph (b) of § 380.5 would be revised to read:

§ 380.5 Procedures for imposition of limitations and restrictions on Public Charter operations.

* * * * *

(b) Petitions seeking the issuance of such an order to show cause may be filed by any person. Answers to such petitions are permitted, but a failure to file an answer shall not prejudice anyone. Each such petition and any answer thereto shall conform to the requirements of § 302.3 of the Board's rules of practice. Copies of such petitions and answers shall be served on such persons as the Director, Bureau of Domestic Aviation, or, in the case of operations by foreign charter operators, the Director, Bureau of International Aviation, or their designee, shall direct.

* * * * *

10. Paragraph (d) of § 380.10 would be revised to read:

§ 380.10 Public Charter general requirements.

Public Charters under this part shall meet the following requirements:

* * * * *

(d) The air transportation portion of the charter must be performed by direct air carriers that hold authority under section 401, 402, or 416 of the Act, or are operating under Part 298 of this chapter except that only U.S. citizen direct air

carriers may provide air transportation for operations in interstate and overseas air transportation;

* * * * *

11. In § 380.20 the title would be revised and paragraph (a) would be revised to read:

§ 380.20 Relief from the Act.

(a) Charter operators and foreign charter operators are hereby relieved from the following provisions of the Federal Aviation Act of 1958, as amended, only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange Public Charters:

(1) Section 401.

(2) Section 402.

(3) Section 403.

(4) Section 404(a), except the requirement to provide adequate service in connection with Public Charters operated hereunder.

(5) Section 405(b).

(6) Section 407(b) and (c).

(7) If foreign charter operators receive interstate or overseas air transportation rights, any other provision of the Act that would otherwise prohibit them from organizing and arranging Public Charters in interstate or overseas air transportation.

* * * * *

12. Section 380.21 would be revised to read:

§ 380.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a charter operator (other than foreign charter operators) would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the relief granted by § 380.20, such participation is hereby approved by the Board.

13. Section 380.62 as proposed by SPDR–77, 45 FR 26084, April 17, 1980, would be revised by a new paragraph (d) to read:

§ 380.62 Registration applications.

* * * * *

(d) The applicant shall clearly indicate in its application for registration whether it requests authority to engage in foreign, interstate and/or overseas air transportation.

14. Section 380.66 as proposed by SPDR–77, 45 FR 26084, April 17, 1980, would be amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read:

§ 380.66 Cancellation or conditioning of the registration.

The registration of a foreign charter operator may be canceled or subjected to additional terms, conditions, or limitations if any of the following occur:

* * * * *

(d) There is a failure of effective reciprocity; or

(e) The Board finds that it is in the public interest to do so.

(Sections 204, 416, of Pub. L. 85–726, as amended; 72 Stat. 743, 771; 92 Stat. 1731, 1732; 49 USC 1324, 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20282 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 438

Proprietary Vocational and Home Study Schools

AGENCY: Federal Trade Commission.

ACTION: Invitation to discuss trade regulation rule revisions with staff.

SUMMARY: The Federal Trade Commission is publishing a draft of the Staff's recommended revisions to the Trade Regulation Rule concerning Proprietary Vocational and Home Study Schools, 16 CFR 438, 43 FR 60797, December 28, 1978. The Second Court of Appeals set aside the rule and remanded it to the Commission on December 13, 1979.

The draft contains recommended revisions made in response to the Second Circuit's opinion and other revisions which the staff believes necessary to correct drafting oversights in the rule as originally promulgated. The staff also recommended revisions in its draft rule for the purpose of improving the rule, lessening the compliance burden, or correcting technical deficiencies.

The Commission invites interested parties to discuss with the staff the content of the revised rule, the need for the revisions already recommended and any additional revisions or alternatives to the provisions which the staff has included in its draft. Summaries of discussions of substantive issues will be placed in the public record.

DATES: All discussions must be completed by September 8, 1981.

ADDRESS: Persons wishing to review the public record in the proceeding can do so at: Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Walter Gross, Federal Trade Commission, PM–H–272, 6th Street and Pennsylvania Ave., N.W., Washington, D.C. 20580 (202) 523–3911.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission is publishing a draft of the staff's recommended revisions to the Trade Regulation Rule concerning Proprietary Vocational and Home Study Schools ("the rule") 16 CFR 438 which the Commission issued on December 28, 1978, 43 F.R. 60797. The Second Circuit Court of Appeals set aside the rule and remanded it to the Commission on December 13, 1979. (*Katharine Gibbs School, Inc.* v. *FTC*, 612 F. 2d 658 (2d Cir. 1979), citing procedural and substantive error in the rule's promulgation.

The *Katharine Gibbs* decision held that the Commission failed to define with specificity in the rule the unfair or deceptive acts and practices which the rule was designed to prevent. The Court also held that there was no rational connection between abusive practices and the rule's requirement for a pro rata refund to students who cancel their enrollments after the expiration of a cooling-off period mandated by the rule. The Court also held that the requirement that schools disclose their placement record for recent graduates was too restrictive in format and that the provision for preemption of state law was overly broad. Substantively, the Court upheld: (1) the rule's requirement for an initial "cooling-off" period during which a student could cancel and receive a full refund, (2) the provision for "constructive notice of cancellation" for students with prolonged absences, (3) the requirement that schools disclose their graduation and drop-out records. The dissent from the majority opinion would have upheld the entire rule.

The staff's draft contains recommended revisions made in response to the Second Circuit's opinion and contains other revisions which the staff believes necessary to correct drafting oversights in the rule as originally promulgated. The staff has also recommended revisions in its draft rule for the purpose of "improv(ing) the rule, lessen(ing) the compliance burden, or correct(ing) technical deficiencies." A copy of Part I of the staff's memorandum explaining the revisions is being placed on the public record for review by interested parties.

The Commission is publishing the rule for public scrutiny at this time prior to taking any other action with respect to it. The Commission is inviting interested parties to discuss with the staff during the next sixty days the content of the revised rule, the need for the revisions which the staff has recommended and any additional revisions or alternatives to the provisions which the staff has included in its draft. Summaries of discussions of substantive issues will be placed on the public record.

At the end of the discussion period the staff has been instructed to report to the Commission with any further revisions to the rule it deems to be warranted. The Commission will then consider the entire revised draft along with any recommendations for further revisions and take action in accordance with applicable law and regulation.

The text of the staff's recommended revisions to 16 CFR 438 follows:

PART 438—PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Sec.
438.0 Definitions.
438.1 Specified unfair or deceptive practices.
438.2 Enrollment and cooling-off period.
438.3 Disclosure of graduation and placement rates.
438.4 Cancellation and refund procedures after cooling-off period.
438.5 Contract notice.
438.6 Notice to be mailed.
438.7 Advertising Disclaimers.
438.8 Waiver requirements.
438.9 Preemptive effect of the rule.
438.10 Effective date of the rule.

Appendices A through R.

Authority: 38 Stat. 717, as amended (15 U.S.C. 41, *et seq.*).

§ 438.0 Definitions.

For the purposes of this Rule, the following definitions shall apply:

(a) *Prospective Student.* A "prospective student" is any person who seeks to enroll in a course but does not include any person whose enrollment has been sponsored or required by a government agency, charitable organization, labor union, school (other than the school in which enrollment is being made), or the person's employer, when that agency, organization, union, school or employer has identified and selected the course to be taken.

(b) *Student.* A "student" is any prospective student who has entered into an enrollment contract with a school, and not cancelled that contract before the cooling-off period specified in § 438.2 of this rule has ended.

(c) *Course.*

(1) The term "course" means a residence, correspondence or combination program of study, education, training or instruction consisting of a series of lessons, and/or classes which are coordinated, arranged, or packaged to constitute a curriculum or program of instruction and sold collectively, so long as the course purports to prepare or qualify individuals, or improve or upgrade the skills individuals need for employment in any specific occupation, trade or in job positions requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills.

(2) The term "course" shall not be construed to include high school equivalency courses or general self-improvement courses which do not purport to offer training necessary to obtain employment in a specific skill or trade.

(3) The term "course" shall not be construed to include a program two years in length or longer which consists of accredited college level instruction that culminates in a standard college degree, as defined in 38 U.S.C. 1652(g), as amended.

(4) The term "course" shall not be construed to include any course with a total contract price of less than one hundred dollars ($100), or a training program of no more than three days duration.

(d) *Total Contract Price.* The "total contract price" is the total price paid or to be paid by the student for the property or services which are the subject of the enrollment contract, including charges for registration, ancillary services and any finance charges determined in accordance with the Federal Reserve Board's Regulation Z (12 CFR 226.4). However, the school must not add to the total contract price, the "cancellation fee" which the school is permitted to retain under § 438.4(d). Any equipment which the school provides to the student must be included within the total contract price unless the school discloses in the enrollment contract and the notice required by § 438.6 of this rule, the price being charged for the equipment. If the equipment is provided at different points in time during the duration of the contract, the amount being charged for each installment of equipment must be disclosed in the enrollment contract.

(e) *School.* A "school" is any person, partnership or corporation engaged in the operation of a privately owned school, studio, institute, office or other facility which offers residence, correspondence or combination courses.

(f) *Graduate.* A "graduate" is any student who fully completes all of the lessons or classes required by the school and discharges any other requirements or obligations established by the school as prerequisites for completing the full course of study.

(g) *Dropped Out.* Any student who does not fully complete all of the lessons or classes required by the school as constituting the full course of study and who cancels by any of the methods prescribed in § 438.4(a) of the rule or is terminated by the school shall be deemed to be a student who "dropped out" of his or her course.

(h) *Still Enrolled.* Any student who has neither graduated nor dropped out of his or her course shall be deemed to be "still enrolled."

(i) *Most Recent Academic Year.* The "most recent academic year" is the year ending June 30 prior to the calendar year in which disclosures are required to be made pursuant to § 438.3 (a) and (b).

(j) *New Course.* A "new course" is any course which (1) has substantially different course content and occupational objectives from any course previously offered by the school, and (2) was not offered by the school before the most recent academic year. A course shall remain a new course until the beginning of the next calendar year after the first academic year in which the course produces graduate(s).

(k) *Combination Course.* A "combination course" is any course that consists of both correspondence lessons and residence classes.

(l) *Constructive Notice.* A student shall be deemed to have provided "constructive notice" of his or her intention to withdraw from a course.

(1) For residence courses with fixed class schedules or the equivalent portion of a combination course, by failing to attend residence instructional facilities for a period of five consecutive days on which that class meets;

(2) For residence courses without fixed class schedules, or the equivalent portion of a combination course, by failing to atttend residence classes or failing to untilize residence instructional facilities for a period of sixty (60) consecutive days;

(3) For correspondence courses of instruction, or the equivalent portion of a combination course, by failing to submit a lesson for a period of 120 consecutive days.

(m) *Course with/without a fixed class schedule.* A "course without a fixed class schedule" is a residence course which does not have precise dates for class admissions, where enrollees do not attend classes by a prearranged schedule, or where there is not a precise graduation date (and in which the financial obligation of enrolled students is determined by the number of classes they have actually attended). Any other

residence course shall be deemed to be a "course with a fixed class schedule."

(n) *Enrollment Contract.* An "enrollment contract" is any written or oral agreement, however named, which creates or evidences an obligation binding a student to purchase a course from a school provided that the agreement or instrument is entered into after the effective date of this trade regulation rule.

(o) *Job or Earnings Claim.* A "job or earnings claim" is any general or specific job or earnings claim.

(p) *General Job or Earnings Claim.* A "general job or earnings claim" is any express claim or representation concerning the general conditions or employment demand in any employment market now or at any time in the future or the amount of salary or earnings generally available to persons employed in any occupation.

(q) *Specific Job or Earnings Claim.* A "specific job or earnings claim" is any express claim or representation concerning the employment opportunities available to students or the demand for students who purchase the school's course, or the amount of salary or earnings available to students who purchase the school's course.

(r) *Media Advertisement.* A "media advertisement" is any advertisement disseminated to the public by means of print or broadcast media, including newspapers, magazines, radio, television, posters, or any other means. It does not include promotional materials that are mailed by a school or distributed by its sales representatives.

(s) *Equipment.* The term "equipment" includes any tools or other devices delivered to the student for use in the course but does not include records, tapes, slides, film, books, or any other written course materials.

(t) *Course Materials.* The term "course materials" includes any property such as records, tapes, slides, film, books or other written study materials which the school delivers to the student for use in the course, but does not include "equipment."

§ 438.1 Specified unfair or deceptive practices.

(a) In connection with the sale or promotion of any course in or affecting commerce, it is an unfair or deceptive act or practice for any school to:

(1) Misrepresent the employment opportunity, demand for, or salary potential of, the school's graduates.

(2) Represent the general demand for persons having particular vocational skills or the ability of those persons to find employment, without having prior substantiation for those claims.

(3) Use "help wanted" or "employees needed" claims, or otherwise misrepresent that jobs are available, when the purpose of the representation is to obtain leads for student enrollments.

(4) Fail to disclose to prospective students the placement rate and salary information for graduates from courses of the school when the school has used express job or earnings claims in promoting the courses, or misrepresent the school's placement record or earnings of graduates.

(5) Fail to disclose to prospective students material prerequisites to either successfully completing the course or to obtaining related employment.

(6) Use generalized employment data, projections or studies without disclosing material factors contained in the original source of the information which are necessary for their correct interpretation.

(7) Misrepresent the content of a course or that successful completion of the course qualifies the person for a particular job, position or license.

(8) Mislead persons as to their ability to complete a course or obtain employment as a result of the course.

(9) Misrepresent the scope of the school's placement assistance.

(10) Fail to disclose the school's graduation and drop-out rates for the course in which the student has enrolled; or misrepresent the school's graduation or drop-out rates.

(11) Misrepresent to a prospective student the date on which the right to cancel the enrollment contract under either state or federal cooling-off laws begins or ends, or otherwise misrepresent the student's cancellation rights or the school's refund policy.

(12) Attempt to dissuade the student from discussing with others his or her enrollment decision during the cooling-off period specified by state and federal law.

(13) Fail to disclose or misrepresent the nature or significance of any document which the student or prospective student is requested to sign.

(14) Falsely represent that commissioned sales representatives, who are remunerated based on numbers of students enrolled, or whose continued employment depends upon quotas, are salaried employees or that they are counselors or school admissions officials, or otherwise misrepresent their true status.

(15) Misrepresent the need to pass an aptitude or qualifications test before acceptance for enrollment; misrepresent the selectivity of the school's admission process or use similar negative sales tactics designed to lead prospective students to believe that they must convince the school of their acceptability for enrollment when such is not the case.

(16) Misrepresent to prospective students the number of places available or deadlines for enrollment in a particular course or the imminence of price increases to induce an immediate enrollment decision.

(17) Use harrassment, emotional duress, appeals designed to evoke shame or humiliation or use similar high pressure sales methods for the purpose of overcoming the prospective student's desire to avoid making an immediate enrollment decision.

(18) Misrepresent the school's size, location, facilities, or equipment.

(19) Misrepresent the number, titles or educational qualifications of instructors or other school personnel.

(20) Misrepresent by the use of a trade or business name, lable, insignia or in any other manner, the nature of the school's business or its relationship, affiliations or connections with any other business, or with any branch of government.

(21) Misrepresent that a school or any of its courses is accredited, licensed or approved by any private or governmental agency or misrepresent the significance or meaning of such approval, licensure or accreditation.

(22) Misrepresent that the school or any of its courses is approved, endorsed or recommended by any person or organization or misrepresent the extent of approval or endorsement which a school enjoys among former students, employers or any other persons.

(23) Misrepresent that through affiliation with a parent organization, students upon graduation can obtain employment with the parent organization.

(24) Misrepresent that other educational institutions will give credit for courses completed or otherwise misrepresent the transferability of course credits.

(25) Misrepresent that a loan is a grant or scholarship which does not have to be repaid or misrepresent the nature, existence or availability of loans, scholarships or grant money.

(26) Misrepresent the availability of part-time employment opportunities for students during the course.

(27) Fail to disclose to prospective students that training or course materials are only available in English when the prospective student does not communicate in English.

(28) Fail to disclose that additional expense items, such as books, supplies, and equipment, are not included in the tuition price, or otherwise misrepresent the total contract price.

(b) The Commission has adopted this rule in order to prevent the unfair or deceptive acts or practices defined in subsection (a). It is a violation of this rule for any school to fail to comply with the requirements set forth in §§ 438.2 through 438.8 of this part. If the school complies with the requirements of §§ 438.2 through 438.8 of this part, it does not violate this rule.

§ 438.2 Enrollment and cooling-off period.

(a) The school must give the prospective student a completed copy of the enrollment contract at the time the prospective student signs the contract, or upon the school's receipt of an enrollment contract completed entirely by mail. The enrollment contract must be written in the same language, e.g., Spanish, as that principally used in the oral sales presentation, if any, made by the school and must contain the name and address of the school.

(b) The school must place on the enrollment contract the explanation of the prospective student's cooling-off rights contained in the notice entitled "CANCELLING THIS CONTRACT" required by § 438.5 of this rule. If the school does not place the "CANCELLING THIS CONTRACT" notice on the front page of the enrollment contract, the school must place on the front page the following notice: "An explanation of your cancellation and refund rights is on page—of this contract." This notice must be printed in boldface type.

(c) If the school does not obtain a signed enrollment contract from the prospective student, it must give him or her a document containing the "CANCELLING THIS CONTRACT" notice required by § 438.5 of this rule when the prospective student expresses his or her intention to enroll in the school. In addition to the required notice, the document must contain the name and address of the school. [The purpose of this provision is to ensure that prospective students who enter into enrollment contracts without signing a written instrument get the same notice as prospective students who sign an enrollment contract.]

(d) After the school has accepted the enrollment of the prospective student, the school must deliver to the prospective student the disclosure of the school's graduation rate, and placement rate if applicable, required by § 438.3 of this rule. This notice must be mailed to the prospective student unless a waiver is obtained in accordance with § 438.8. In the same envelope containing that notice to the prospective student, the school must also deliver to the prospective student on a separate sheet of paper, the notice entitled "HOW TO CANCEL THIS CONTRACT" required by § 438.6 of this rule.

(e) If a prospective student cancels the enrollment contract during the cooling-off period described in the notices required by § 438.5 and § 438.6, the school must refund all payments made by the prospective student and cancel and return any evidence of indebtedness within fourteen days after receiving any notice of cancellation. If a school fails to comply with § 438.5 and § 438.6, it shall not retain any money or evidence of indebtedness from a prospective student for that course.

(f) If, during the cooling-off period, a school offering a residence course provides a prospective student with equipment which it has itemized in the notices required by § 438.5 and § 438.6, and the prospective student cancels his or her enrollment contract during the cooling-off period, the school may charge the prospective student for the full cost of the equipment, unless the prospective student returns it to the school within twenty (20) days of cancellation. If, during the cooling-off period, the school has provided the prospective student with course materials and has itemized the cost of those materials in a separate document which it gives to the prospective student along with the course materials, the school may charge the prospective student, when he or she cancels during the cooling-off period, for the cost of the materials unless the prospective student returns them to the school within twenty (20) days of cancellation.

Any equipment or course materials for correspondence courses which a school provides to prospective students during the cooling-off period may be retained by the prospective student without charge if he or she cancels during the cooling-off period.

(g) Enrollment contracts which are subject to the provisions of this section are exempted from compliance with the Federal Trade Commission's Trade Regulation Rule Concerning a Cooling-Off Period For Door-to-Door Sales, 16 CFR 429.

§ 438.3 Disclosure of graduation and placement rates.

(a) On the Disclosure Form entitled "How Our Students Are Doing" (described by Paragraph (e) of this Section) a school shall disclose its graduation rate for the course that is the subject of the enrollment contract in the following manner:

(1) For the duration of each calendar year beginning January 1, the school shall disclose these figures for the most recent academic year:

(i) The number of students who were enrolled in the course during the period. (This includes the number of individuals who became students during the period as well as the number of students who were students at the beginning of the period.)

(ii) The number of students still enrolled at the end of the period.

(iii) The number of students who left the course by graduating or dropping out.

(iv) The number of percentage of students who left the course by dropping out.

(v) The number and percentage of students who left the course by graduating.

(2) For new courses (as defined in § 438.1(i)), the school shall make the following disclosure:

Since this course is new, we are not able to give you information on the graduation or placement rates of our students or the amount of money you might earn after completing this course. As an alternative, we suggest you talk to a job counselor or state employment office about your chances of finding a job in the field we train you for. They may have current information on job opportunities in the area where you live. In addition, they can offer you information on starting salaries and requirements for prior work experience.

Provided, however, that a new course with respect to which no general job or earnings claim is made may make the following disclosure:

Since this course is new, we are not able to give you information on the graduation rate of our students.

(3) A school may, at its option, include the following statements on the Disclosure Form in the manner shown on Appendix A:

In evaluating these figures, you should know that students may drop out of a course for a variety of reasons. These range from dissatisfaction with the course to inability to do the work. Other students drop out of school for personal reasons, such as poor health.

(4) For purpose of this section the term "student" does not include a person who has not attended at least one residence school class, or submitted at least one correspondence lesson.

(b) If a school makes a job or earnings claim for a course other than a new course, the school shall disclose the following placement information on the Disclosure Form entitled "How Our Students Are Doing," described by paragraph (e) of this section for each

course that is the subject of the enrollment contract:

(1) The school shall disclose these figures for students who graduated during the most recent academic year:

(i) The number and percentage of graduates who obtained jobs for which the course prepared them;

(ii) The number and percentage of graduates who did not get jobs for which the course prepared them;

(iii) The number and percentage of graduates who did not seek jobs;

(iv) The number and percentage of graduates for whom information could not be obtained;

(v) The number and percentage of graduates who obtained jobs by their yearly gross salary or earnings, in increments of two thousand dollars ($2,000);

(vi) The number and percentage of graduates who refused to provide salary or earnings information.

(2) A school may at its option include the following statement on the disclosure form in the manner shown in Appendix A if any of the salary figures which the school has obtained are based upon employment for less than 30 hours per week:

In evaluating the salary ranges you should know that *(number)*[1] of our graduates were working part-time. Therefore, their annual income will usually be less than that of a person who works full time.

(c) The disclosure specified by paragraph (b) of this section must be based on the school's actual knowledge of its graduates' experiences. Actual knowledge shall be verified, at a minimum, by a list that includes the following information for each graduate:

(1) The graduate's name and address (or telephone number);

(2) The employer's name (if any);

(3) The name or title of the job obtained for which the course prepared him or her;

(4) The graduate's annual gross salary expressed in increments of two thousand dollars ($2,000), or an indication of the student's refusal to provide such salary information;

(5) An indication from the graduate that he or she did not seek a job;

(6) An indication that no response was received from the graduate when such is the fact.

In obtaining the requisite information schools may use the form entitled "Occupational Employment Questionnaire" set forth in Appendix B of this Rule.

[1] School enter exact number of graduates who reported they were working less than 30 hours per week.

A school must make a reasonable effort to contact all of its graduates.

(d) No school shall make any specific job or earnings claim for a new course.

(e) The information required or permitted to be disclosed under paragraphs (a) and (b) of this section shall be contained in a Disclosure Form entitled "How Our Students Are Doing." The Disclosure Form shall contain no other information or representations. The name of the school and course shall appear at the top of the form, immediately below the title of the form. The format of this notice must conform to the example set forth in Appendix A, including the same capitalization and underlining of words (except that when underlining is indicated italics may be substituted). This form must be mailed to all prospective students who have entered into enrollment contracts. It must be contained in the same envelope as the notice explaining the prospective student's cancellation, cooling-off and refund rights required by § 438.6 of this rule. Unless the waiver provisions of § 438.8 of this rule apply, no other materials may be included in that envelope.

(f) If a school makes a general job or earnings claim or a specific job or earnings claim that is not substantiated by the Disclosure Form required by paragraph (e) above, the school must possess a reasonable basis for each such claim at all times that the claim is made and the school must not know or have reason to know of facts which would make the claim inapplicable to the school, its enrollees or a particular geographical area served by the school. A "reasonable basis" shall consist of a statistically valid and reliable survey which substantiates the claim.

(1) Nothing in paragraph (f) above shall be construed to prohibit schools from making jobs or earnings claims which are substantiated by projections from the "Occupational Outlook Handbook" published by the Bureau of Labor Statistics or by similar projections published by other federal or state agencies. However, when such claims are contained in nonmedia advertising, the schools must clearly and conspicuously disclose in immediate conjunction with the claim, any limitations, restrictions or caveats accompanying or made applicable to those projections in their original source.

(2) A school shall maintain records adequate to disclose the facts upon which each claim covered by this paragraph is based. Such records shall be maintained for three years from the date the claim is made.

§ 438.4 Cancellation and refund procedures after cooling-off period.

(a) After the cooling-off period provided for in § 438.2 has ended, a student may cancel his or her enrollment in the course by written notification to the school. Cancellation by the student is effective on the date the student mails or delivers writen notification to the school or on the date that the student gives the school constructive notice (as defined in § 438.0(1)) of his or her intention to withdraw from the course.

(b) If a student gives the school written notice of his or her intention to remain enrolled in a course, the time period for measuring constructive notice will begin anew from the date of the written notice. Any previous cancellation by virtue of the student's constructive notice will not be effective if the student provides this written notice of his or her intention to remain enrolled prior to settlement of the student's account in the manner required by § 438.4(e).

(c) Nothing in this section shall prohibit schools from cancelling students for failing to attend classes or submit lessons over periods of shorter duration than those prescribed in § 438.0(1); provided that the shorter period is substituted for the prescribed period in the Contract Notice required by § 438.5 and the Notice to be Mailed required by § 438.6.

(d) If a student cancels his or her enrollment contract after the cooling-off period, the school shall not receive, demand or retain more than:

(1) The cost of any equipment which the school has itemized in the enrollment contract and provided to the student before he or she cancels,

(2) A cancellation fee in the amount of $25 or 10 percent of the total contract price (not to exceed $75) whichever is greater, and

(3) A pro rata portion of the total contract price. The total obligation under items (2) and (3) above, combined must not exceed the total contract price.

The pro rata portion shall be calculated in the following manner:

(1) The school must divide the total number of classes, hours or lessons in the course into the total contract price to get a cost per class, hour or lesson.

(2) The resulting number shall be multiplied by:

(i) The number of classes or hours held before cancellation in a course with a fixed class schedule.

(ii) The number of classes or hours attended before cancellation in a course without a fixed class schedule.

(iii) The number of lessons sent in a correspondence course.

(3) For combination courses, the school must disclose separate prices for the residence and correspondence portions of the course in the enrollment contract (or school catalog, or other written instrument to be provided to the student if the school does not use a written enrollment contract), and the pro rata portion of the total contract price shall be the sum of the separate pro rata obligations for the residence portion and the correspondence portion.

(e) The school must within twenty-one (21) days of the date of cancellation provide the student with the correct refund payment, if any, or must canel that portion of the student's indebtedness that exceeds the amount due to the school and notify the student of his or her remaining obligation.

§ 438.5 Contract notice.

(a) The school must include in the enrollment contract the following notice in 10-point type: [The same method of capitalization and underlining of words used in the notices as set forth in the appendices must be used by the school. All subtitles in the notices must be in boldface type. The title of the notice "CANCELLING THIS CONTRACT" must be in all capitals with boldface type. The notices must be written in the same language, e.g., Spanish, as the oral sales presentation, if any, used by the school.]

(1) For correspondence courses without a separate equipment charge, the notice set forth in Appendix C;

(2) For correspondence courses with a separate equipment charge, the notice set forth in Appendix D;

(3) For residence courses without fixed class schedules without a separate equipment charge, the notice set for in Appendix E;

(4) For residence courses without fixed class schedules with a separate equipment charge, the notice set forth in Appendix F;

(5) For residence courses with fixed class schedules without a separate equipment charge, the notice set forth in Appendix G;

(6) For residence courses with fixed class schedules with a separate equipment charge, the notice set forth in Appendix H;

(7) For combination courses without a separate equipment charge, the notice set forth in Appendix I;

(8) For combination courses with a separate equipment charge, the notice set forth in Appendix J.

(b) If a residence school has classes of varying length and calculates its students' financial obligations on an hourly basis, the school must substitute the word "hour" for the word "class" in the notices required by paragraphs (a)(3) through (a)(8).

§ 438.6 Notice to be mailed.

In the same envelope containing the Disclosure Form required by § 438.3 of this rule, the school must deliver to the prospective student the following notice after the school has accepted the enrollment contract of the prospective student: [Unless the school has obtained a waiver provided by § 438.8 of this rule, the notice must be mailed to the prospective student. The text of the notice must be in 10-point type. The same method of capitalization and underlining of words used in notices set forth in the appendices must be used by the school. All subtitles in the notice must be in boldface type. The title of the notice "HOW TO CANCEL YOUR CONTRACT" shall be in all capitals with boldface type. The notice must be written in the same language, e.g., Spanish, as the oral sales presentation, if any, made by the school.]

(a) For correspondence courses without a separate equipment charge, the notice set forth in Appendix K;

(b) For correspondence courses with a separate equipment charge, the notice set forth in Appendix L;

(c) For residence courses without fixed class schedules without a separate equipment charge, the notice set forth in Appendix M;

(d) For residence courses without fixed class schedules with a separate equipment charge, the notice set forth in Appendix N;

(e) For residence courses with fixed class schedules without a separate equipment charge, the notice set forth in Appendix O;

(f) For residence courses with fixed class schedules with a separate equipment charge, the notice set forth in Appendix P;

(g) For combination courses without a separate equipment charge, the notice set forth in Appendix Q;

(h) For combination courses with a separate equipment charge, the notice set forth in Appendix R.

§ 438.7 Advertising disclaimers.

(a) If a school makes any job or earnings claims for any course in a media advertisement, the school must include the following disclaimer in this advertisement:

Graduation from this course does not ensure that you will get a job. To find out how our graduates have done, send for our job placement record.

(b) If a school makes any written job or earnings claims about any course, other than a media advertisement, the school must include in that document full disclosures of the school's graduation and placement rates required by § 438.3 (a) and (b).

(c) If a school makes any general job or earnings claims for a new course, that school must make the following disclosure in lieu of those required in paragraphs (a) and (b):

(1) In media advertisements: Since this course is new, we are not able to tell you about the experience of our students in getting jobs.

(2) All other, non-media, advertisements: Since this course is new, we are not able to give you information on the graduation or placement rates of our students, or the amount of money you might earn after completing this course. As an alternative, we suggest you talk to a job counselor or state employment office about your chances of finding a job in the field we train you for. They may have current information on job opportunities in the area where you live. In addition, they can offer you information on starting salaries and requirements for prior work experience.

§ 438.8 Waiver requirements.

(a) Except as specifically permitted below, the school may not include in the enrollment contract or any other document a waiver of any of the rights or obligations created by this rule. No oral waiver of any of these rights or obligations shall be effective. A school offering a residence course with a fixed class schedule may obtain a waiver of the fourteen-day cooling-off period from a prospective student provided that the following conditions are met:

(1) The waiver must be executed in handwriting by the prospective student.

(2) The date of the prospective student's enrollment application must be less than fourteen days before classes begin.

(3) The prospective student must be given until the third day after classes begin or the seventh day after the prospective student's receipt of the graduation and placement records, whichever is later, to cancel his or her enrollment and receive a full refund of all money paid.

(b) If the school elects to obtain a waiver under the circumstances and conditions set forth above, the school may hand deliver to the student the notices required by § 438.3 and § 438.6 in lieu of mailing them. Additionally, the school must include in the same envelope as that containing the notices, a separate document which contains the following language:

Important Notice

You have given up the right contained in your enrollment agreement and the enclosed notice to a full fourteen day period to cancel your contract and receive a full refund. Instead, you will be given three days after classes begin or seven days after receipt of this notice, whichever is later, to cancel and receive a full refund. If you cancel *after* this new deadline, your contract and the enclosed notice describe how we will settle your account.

No other materials may be included in that envelope.

§ 438.9 Preemptive effect of the rule.

This trade regulation rule preempts inconsistent state law, rules or regulations.

§ 438.10 Effective date of the rule.

The effective date of the Rule will be ———. Schools must be in full compliance with the rule no later than ———. Disclosures required by § 438.3 shall be made on the basis of the most recent academic year beginning ———.

Appendix A—How Our Students Are Doing

[School Name] ———
Course ———

This form has been prepared to give students and their families important background information to use in evaluating the performance of our school.

Graduation Rate—From July 1 to June 30, 19—

Number

2,800 students were enrolled in the course during the period.
1,000 of these students were still enrolled at the end of the period.
1,800 of these students left the course.
540 or 30% of the students who left dropped out.
1,260 or 70% of the students who left graduated.

In evaluating these figures, you should know that students may drop out of a course for a variety of reasons. These range from dissatisfaction with the course to inability to do the work. Other students drop out of school for personal reasons, such as poor health.

Placement and Earnings Record

Since we made job placement or earnings claims in promoting this course, we have prepared our record in these areas for your review. Here is what we know about our students who graduated during the 12-month period ending June 30, 19—:

	Percent
1,260 students graduated	100
900 graduates got jobs in the field of ———	71
171 graduates did not get jobs in the field of ———	14
63 graduates did not seek jobs	5
126 graduates could not be located or did not ——— respond	10

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APPENDIX B

OCCUPATIONAL EMPLOYMENT QUESTIONNAIRE

REPORT CONTROL SYMBOL

IMPORTANT: Read instructions carefully before completing this questionnaire.

1. NAME AND ADDRESS OF FORMER STUDENT

2. NAME AND ADDRESS OF SCHOOL

3. SCHOOL RECORDS SHOW THAT STUDENT COMPLETED OR LEFT THE FOLLOWING PROGRAM ON THE DATE SHOWN ▶	A. TITLE OF PROGRAM	B. DATE ENROLLED	C. DATE COMPLETED	D. IF NOT COMPLETED, DATE LEFT

QUESTIONS FOR THE FORMER STUDENT (Items 4 through 12)

4. DID YOU COMPLETE THIS PROGRAM WITH VA EDUCATIONAL ASSISTANCE WHILE ON ACTIVE DUTY IN THE U.S. ARMED FORCES? ☐(1) YES ☐(2) NO

5. ARE YOU CURRENTLY ATTENDING SCHOOL? ☐(1) YES ☐(2) NO

6. WHAT IS YOUR CURRENT EMPLOYMENT STATUS? (Check one)
☐(1) Employed part-time
☐(2) Employed full-time
(If you checked box 1 or 2, continue to Item 7 below)
☐(3) Employed full-time military service
☐(4) Unemployed (Not employed, but actively seeking employment.)
☐(5) Not in the labor force (Not employed and not seeking employment because of illness, full-time student status, retirement, pregnancy, or other such reason.)
(If you checked boxes 3, 4, or 5, skip to Item 8; do not answer Item 7)

7. NAME OF EMPLOYER (If self-employed, check this box ☐)

7B. YOUR JOB TITLE

7A. NAME OF IMMEDIATE SUPERVISOR AND BUSINESS ADDRESS

7C. YOUR JOB DUTIES (Briefly describe)

7D. DATE BEGAN JOB (Mo) _____ (Yr) ___

7E. CURRENT SALARY (Without overtime, before deductions) $ _____ (per) _____ (Hr./Wk./Mo.) (Hrs. worked/Wk.) _____

8. SINCE COMPLETION OF PROGRAM, HAVE YOU BEEN EMPLOYED, FOR PAY OR PROFIT, IN THE OCCUPATIONAL CATEGORY FOR WHICH THE PROGRAM WAS DESIGNED TO PROVIDE TRAINING?
☐(1) YES, directly related to the training shown in Item 3A
☐(2) YES, closely related to the training shown in Item 3A
☐(3) NO (Skip to Item 10; do not answer Item 9)

7F. IN YOUR OPINION, IS THIS JOB: (Check one)
☐(1) Directly related to the program shown in Item 3A above.
☐(2) Closely related to the program shown in Item 3A above.
(If you checked box 1 or 2, skip to Item 9; do not answer Item 8A)
☐(3) Not related to the program shown in Item 3A above. ▶ (If you checked box 3, continue to Item 8)

8A. (If "YES" to Item 8) WAS JOB OBTAINED WITHIN 4 MONTHS OF GRADUATION? ☐(1)YES ☐(2)NO

If you have held more than one job which relates to your training since you graduated, please provide answers for the related job you held for the longest period.

9. NAME OF EMPLOYER

9B. YOUR JOB TITLE

9A. NAME OF IMMEDIATE SUPERVISOR AND BUSINESS ADDRESS

9C. YOUR JOB DUTIES (Briefly describe)

9D. DATE OF EMPLOYMENT
(From) _____ (To) _____

9E. SALARY (Without overtime, before deductions)
$ _____ (per) _____ (Hr. or Wk.)

9F. WAS THIS JOB:
☐(1) Full-time ☐(2) Part-time (Skip to Item 11; do not answer Item 10)

10. SINCE YOU ANSWERED "NO" TO ITEM 8, HAVE YOU BEEN AVAILABLE FOR EMPLOYMENT IN THE TYPE OF WORK FOR WHICH YOUR COURSE PROVIDED TRAINING?
☐(1) YES (If "YES," skip to Item 11; do not answer Item 10A) ☐(2) NO (If "NO," continue to Item 10A)

10A. CHECK ALL THE BOXES BELOW WHICH EXPLAIN WHY YOU HAVE NOT BEEN AVAILABLE FOR EMPLOYMENT IN THIS TYPE OF WORK.
☐(1) I took the program for personal enrichment, avocational, or recreational purposes only.
☐(2) I have continued my schooling.
☐(3) I became disabled and cannot do this type of work.
☐(4) I became pregnant, forcing me to forego a new career.
☐(5) I was unwilling to move to a new location to accept an available job.
☐(6) My marital status changed, causing me to forego a new career.
☐(7) Other reasons (Explain)

11. SIGNATURE OF PERSON COMPLETING QUESTIONNAIRE	11A. DATE SIGNED	11B. TELEPHONE NO. WHERE YOU CAN BE REACHED (Include area code)

12. REMARKS: (Enter name change, new address, or additional comments on any of the items above)

THIS IS THE END OF THE QUESTIONNAIRE. THANK YOU FOR YOUR COOPERATION. PLEASE RETURN THE COMPLETED QUESTIONNAIRE IN THE ENCLOSED, POSTAGE-PAID ENVELOPE. PLEASE MAIL IT TODAY TO THE SCHOOL ADDRESS SHOWN IN ITEM 1.

TO BE COMPLETED BY SCHOOL

13A. DATA PROVIDED BY:
☐ QUESTIONNAIRE ☐ INTERVIEW ☐ SCHOOL RECORDS

13B. CLASSIFICATION OF GRADUATE'S RESPONSE (This item is not always completed.) (See instructions in reverse.)
☐ DIRECTLY RELATED ☐ CLOSELY RELATED ☐ NOT RELATED

13C. DATA AUTHENTICATED BY: (Signature and title of school official)	13D. DATE

(CENSUS D, FEBRUARY 15, 1980)

BILLING CODE 6750-01-C

A breakdown of the starting salaries for these graduates is summarized below:

Starting salary/average yearly earnings (dollars)	Number of students	Percent of total
12,000–13,999	135	15
10,000–11,999	135	15
8,000–9,999	270	30
6,000–7,999	225	25
2,000–3,999	45	5
Refused to tell	90	10
Total	900	100

In evaluating the salary ranges you should know that [*enter number*] of our graduates were working part time. Therefore, their annual income will usually be less than that of a person who works full time.

Appendix C—[Correspondence Courses Without a Separate Equipment Charge] Cancelling This Contract

This notice explains yur rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each lesson by the number of lessons you sent in and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each lesson is figured by dividing the $—— course cost by the — lessons in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix D—[Correspondence Courses With a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix E—[Residence Courses Without Fixed Class Schedules Without a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31,1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes you attended and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the $—— classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for 60 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes you attended and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix F—[Residence Courses Without Fixed Class Schedules With a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us within twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes you attended before you cancelled.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for 60 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix G—[Residence Courses With Fixed Class Schedules Without a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claim insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the

fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us with two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes held and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix H—[Residence Courses With Fixed Class Schedules With a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us within twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancelled.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix I—[Combination Course Without a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period you may owe us some money. To determine the exact amount, we multiply the price for each lesson in the home study portion of this course by the number of lessons you sent in. The price for each lesson is figured by dividing the $—— cost of the home study portion of this course by the — lessons in that part of the course. We add to this the amount you owe us for the residence portion of this course. To determine this we multiply the price for each class by the number of classes held up to the time you cancel. The price for each class is figured by dividing the $—— cost for the residence portion of this course by the — classes in the course. We add to this total a $—— cancellation fee. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course or do not attend classes for 5 straight days on which classes are held during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix J—[Combination Courses With a Separate Equipment Charge—Cancelling this Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will provide you with and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson or class number).	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— cost for the home study portion of this course by the — lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in. We add to this the amount you owe us for residence portion of this course. We divide the $—— cost for the residence portion of this course by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancel. Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course, or do not attend classes for 5 straight days on which classes are during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix K—[Correspondence Courses Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each lesson by the number of lessons you sent in and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each lesson is figured by dividing the $—— course cost by the — lessons in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ————————————

Student's Signature: ————————————

Appendix L—[Correspondence Courses With a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix M—[Residence Courses Without Fixed Class Schedules Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes you attend and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for 60 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix N—[Residence Courses Without Fixed Class Schedules With a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us within twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen-day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes you attended. Finally, we add a $—— cancellation fee, [and the cost of any equipment we have provided you]. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for sixty (60) straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix O—[Residence Courses With Fixed Class Schedules Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen-day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes held before you cancel and add a $—— cancellation fee. We compare this to what you paid to see whether you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix P—[Residence Courses With Fixed Class Schedules With a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel sign this form, date it, and mail it to us before midnight on ————.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen-day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancel. Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix Q—[Combination Courses Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period you may owe us some money. To determine the exact amount, we multiply the price for each lesson in the home study portion of this course by the number of lessons you sent in. The price for each lesson is figured by dividing the $—— cost of the home study portion of this course by the — lessons in that part of the course. We add to this the amount you owe us for the residence portion of this course. To determine this we multiply the price for each class by the number of classes you attend up to the time you cancel. The price for each class is figured by dividing the $—— cost for the residence portion of this course by the — classes in the course. We add to this total $—— cancellation fee. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course or do not attend classes for 5 straight days on which classes are held during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix R—[Combination Courses With a Separate Equipment Charge] How To Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson or class number).	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— cost for the home study portion of this course by the — lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in. We add to this the amount you owe us for the residence portion of this course. We divide the $—— cost for the residence portion of this course by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancel. Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course or do not attend classes for 5 straight days on which classes are held during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc 81-20356 Filed 7-9-81; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 17 and 33

Regulation of Domestic Exchange—Traded Commodity Options

Correction

In FR Doc. 81–18915, appearing on page 33293 in the issue of Monday, June 29, 1981, make the following corrections.

1. On page 33298, second column, add the following words to the end of the last line: "emphasize, however, that in proposing".

2. On page 33301, third column, fourth line, the word "on" should read "of".

3. On page 33308, second column, in the twelfth line from the bottom of the page, the phrase reading "as the form of the report," should have read "as to the form of the report,".

4. On page 33317, second column, the second line of § 1.27(a)(6) should have read: "investments were liquidated or otherwise".

5. On page 33319, second column, the first paragraph should have appeared as two paragraphs, as follows:

(b) Any contract of sale of any commodity for future delivery traded on or subject to the rules of any contract market or involving the prices of such contracts, except for such contracts involving gold, sugar or Government National Mortgage Association mortgage-backed certificates traded under the terms and conditions prescribed in this Part;

If the transaction is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty."

6. On page 33322, second column, sixth line, the word "is" should have read "it".

7. On page 33326, third column, in the fifteenth line of paragraph (d)(2), the word "underly" should have read "underlying".

8. On page 33330, second column, in the thirteenth line, the word "requires" should have read "requests".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Change in the Field Organization of the Customs Service

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the Customs Regulations to change the field organization of the Customs Service by:

—Extending the limits of the Saginaw-Bay City-Flint, Michigan, port of entry (Region IX), to include the Tri-City Airport;

—Extending the limits of the San Francisco-Oakland, California, port of entry (Region VIII), to include Travis Air Force Base;

—Extending the limits of the Durham, North Carolina, port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

—Clarifying the limits of the Columbus, Ohio, port of entry (Region IX).

The proposed changes are part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before: September 8, 1981.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the Customs Service proposes to:

—Extend the limits of the Saginaw-Bay City-Flint, Michigan, port of entry (Region IX), to include the Tri-City Airport;

—Extend the limits of the San Francisco-Oakland, California, port of entry (Region VIII), to include Travis Air Force Base;

—Extend the limits of the Durham, North Carolina, port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

—Clarify the limits of the Columbus, Ohio, port of entry (Region IX).

(a) *Saginaw-Bay City-Flint, Michigan.* The limits of the consolidated Customs port of entry of Saginaw-Bay City-Flint, Michigan, were extended by T.D. 79–74 (44 FR 12029). However, the extension did not encompass the Tri-City Airport. Because virtually all of the international aircraft arriving in the area, particularly general aviation from Canada, now is processed at the recently improved Tri-City Airport, Customs has determined that the port limits should be extended to include that facility.

As extended, the geographical boundaries of the consolidated port of entry of Saginaw-Bay City-Flint, Michigan, would include:

All the territory within the corporate limits of Saginaw and Bay City; from Bay City due west along the right-of-way of U.S. Highway No. 10, to the intersection of Garfield Road and U.S. Highway No. 10, south on Garfield Road to and including the Tri-City Airport, bounded on the west by Garfield Road, on the east by Hackett Road, on the south by Freeland Road and on the north by Sarle Road; the territory embracing the Townships of Zilwaukee, Carrollton and Buena Vista, in Saginaw County; the Townships of Portsmouth and Frankenlust, in Bay County; the right-of-way of Interstate Highway 75, south to and including Flint Township; the city of Flint; and that portion of Genesee Township bounded by Saginaw Street on the west, Stanley Road on the north, Lewis Road on the east, and the city of Flint on the south; all in the State of Michigan.

(b) *San Francisco-Oakland, California.* T.D. 79–74 also clarified, but did not change the geographical description of the port limits of the Customs port of entry of San Francisco-Oakland, California. The Regional Commissioner of Customs, San Francisco (Region VIII), now has requested that the port limits be extended to include Travis Air Force Base.

Travis Air Force Base, located near San Francisco, California, is outside both the city and Customs port of entry limits. However, Customs provides manpower for service at this location on a regular basis. To ensure continued service for this workload, now subject to the uncertainty and additional costs associated with out-of-port service, Customs proposes to extend the San Francisco-Oakland, port limits to include Travis Air Force Base.

As extended, the geographical boundaries of the San Francisco-Oakland, California, port of entry would include:

All the territory within the corporate limits of San Francisco and Oakland; all points on the San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay; all points in the San Joaquin River in Contra Costa and San Joaquin Counties, to and including Stockton; north along U.S. Interstate 80 to Airbase Parkway, east along Airbase Parkway to and including the territory comprising the Travis Air Force Base; all points on the Sacramento River in Solano, Yolo, and Sacramento Counties, from the junction of the Sacramento River within the San Joaquin River in Sacramento County, to and including Sacramento, California; and all points on the Sacramento River Deep Water Ship Channel in Solano, Yolo, and Sacramento Counties, from and including the junction of Cache Slough with the Sacramento River, to and including Sacramento; all in the State of California.

(c) *Durham, North Carolina.* Operations at the Durham, North Carolina, Customs port of entry reflect an increase in the volume of aircraft and over-the-road shipments, accompanied by a decrease in the importation of tobacco for warehousing. Planning now is underway to expand the Raleigh-Durham Airport complex to accommodate the increased traffic and larger aircraft. The Raleigh-Durham Airport, which is outside the current port limits, is expected to encompass the major portion of Durham's workload.

Also, Customs has been advised that it must vacate its present Durham office. Because adequate office space is available at the Raleigh-Durham Airport, Customs believes that moving its offices to the airport and extending the present port limits to include the airport would locate manpower closer to major work locations and improve Customs service in the area.

As extended, the geographical boundaries of the Durham, North Carolina, port of entry would include:

All the territory within the corporate limits of Durham; and from the southeast intersection of the corporate limits of Durham and U.S. Highway No. 70, southeast along U.S. Highway No. 70 to State Road 1002 (also named Airport Road), southwest along State Road 1002 to and including the territory comprising the Raleigh-Durham Airport; and beginning at the intersection of the southeastern corporate limits of Durham and Ellis Road, southerly along the west side of Ellis Road a distance of 1.1 miles to Cook Road, then westerly along the north side of Cook Road a distance of .6 mile to Alston Avenue, then northwesterly along the east side of Alston Avenue a distance of 1.2 miles to the corporate limits of Durham; all in the State of North Carolina.

(d) *Columbus, Ohio.* The port limits of the Columbus, Ohio, Customs port of entry coincide with the city's corporate limits. However, because the city has annexed surrounding areas on a piecemeal basis over the years, there now are areas within the city which are not included in the Customs port of entry. As a result, it often is difficult to determine whether service at various locations is being provided inside or outside port limits.

In order to clarify the port boundaries to improve service to the public, the description of the Columbus port limits would be amended to read:

All the territory within the corporate limits of Columbus, Ohio; all of the territory completely surrounded by the city of Columbus; and, all of the territory enclosed by Interstate Highway 270 (outer belt), which completely surrounds the city.

Amendments to the Regulations

If the proposed changes are adopted, the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), would be amended accordingly.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on normal business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These changes are proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (46 FR 9336).

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act"), because it is not likely to have a significant economic impact upon a substantial number of small entities.

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities, it is not expected to be significant because extending the port limits at Customs Ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 17, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81–20234 Filed 7–9–81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–049A]

Occupational Exposure to Lead; Quantitative Fit Testing Provisions; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; extension of comment period, correction.

SUMMARY: On May 19, 1981, the Occupational Safety and Health Administration proposed an interim rule permitting the use of specified forms of qualitative fit testing to determine the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead (46 FR 27358). Comments were requested by July 6, 1981. OSHA has received requests for an extension of the comment period because the validation data have not yet been available for inspection and copying and, therefore, comment. This notice announces an extension of the comment period to

August 4, 1981. In addition, an incorrect reference in the notice to negative or positive pressure tests as qualitative tests is corrected.

DATE: Comments must be received no later than August 4, 1981.

ADDRESS: Comments should be sent to the OSHA Docket Office, Docket No. H-049A, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7894.

FOR FURTHER INFORMATION CONTACT: Frank Tipton, Room N3718, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7174.

SUPPLEMENTARY INFORMATION: On May 19, 1981, the Occupational Safety and Health Administration (OSHA) issued a notice of proposed rulemaking (46 FR 27358) for an interim rule to permit the use of specified forms of qualitative fit testing to determine the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead. The present lead standard requires that quantitative fit testing be performed (29 CFR 1910.1025(f)(3)(ii)).

The May 19, 1981, notice (46 FR 27358) required comments to be submitted by July 6, 1981, and specifically requested comment on the sufficiency of the validation data for the proposed qualitative fit test protocols. OSHA has received requests for an extension of the comment period because the validation data have not yet been available for inspection and copying and, therefore, comment. Consequently the comment period is hereby extended to August 4, 1981, so that the data can be made available and to give the public an opportunity to review and comment on the data.

Comments should be sent by August 4, 1981, to OSHA Docket Office, Docket No. H-049A, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone 202-523-7894.

In the background section of the proposal (46 FR 23759) in column 1, OSHA stated that qualitative fit testing ". . . relies upon the employee's subjective response to pressure, an irritant fume, or a substance with a characteristic odor or taste." The word "pressure" was inadvertently included and should be deleted. The reference to "pressure" is an allusion to the positive pressure test and negative pressure test which are used by an employee as a fit check to assure that the respirator facepiece is properly seated on the face each time a respirator is put on, and are not qualitative fit tests.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655(b), 657(g)); 5 U.S.C. 553; Secretary of Labor Order 8-76, (41 FR 25059))

Signed at Washington, D.C., this 2nd day of July 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 81-20143 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1870-4]

Approval and Promulgation of Implementation Plans Kentucky; Approval of 1979 Ozone Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA proposes conditional approval of the State Implementation Plan (SIP) revisions submitted by the Kentucky Department for Natural Resources and Environmental Protection for the Boone, Campbell and Kenton Counties ozone nonattainment area. These revisions correct deficiencies in the transportation control measures (TCM) portion of the plan for all three counties and the auto emission inspection/maintenance (I/M) portion of the plan for Boone County only. As a condition of full approval, the Kentucky Department for Natural Resources and Environmental Protection must submit a valid I/M implementation schedule which has been formally adopted by Boone County. This revised schedule must be submitted by September 14, 1981. The disapproval of the plan for Campbell and Kenton Counties, and the attendant construction moratorium, will remain in effect there because the plan does not contain provisions for an I/M program.

DATE: To be considered, written comments must be received on or before August 10, 1981.

ADDRESSES: Written comments may be submitted to Melvin Russell, EPA, Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365. All comments received and copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Library, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA, Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On January 25, 1980, (45 FR 6092) EPA conditionally approved the Part D ozone SIP for the Northern Kentucky (Boone, Campbell, and Kenton County) nonattainment areas. The conditions involved two areas: (i) Legal authority for an I/M program, and (ii) commitments to implement and enforce various TCMs and to analyze other TCMs as required by Section 108(f) of the Act. These conditions are discussed in more detail in the January 25, 1980, **Federal Register**. Corrections of these deficiencies were required by June 30, 1980 and June 1, 1980, respectively.

It was anticipated that the Kentucky General Assembly would enact legal authority for a state-run I/M program during its 1980 session. However, although an I/M bill was passed by the Kentucky Senate, it was voted down in the House. Thus, the General Assembly adjourned on April 15, 1980, without enacting any I/M legal authority. EPA and the Kentucky Department for Natural Resources (KDNREP) explored other means to enact an I/M program for the counties in time to meet the June 30 deadline. The only remaining alternative appeared to be the adoption and implementation of an I/M program by the county governments. Only Boone County expressed any interest in this approach, and on July 11, 1980, an I/M ordinance was enacted by the Boone County Fiscal Court. The Campbell and Kenton County governments refused to take any action to implement the program locally. Because the deadline had passed and no action had been taken to correct the deficiencies noted in the conditional approval for Campbell and Kenton Counties and no action appeared imminent, EPA disapproved the ozone SIP for Campbell and Kenton Counties on September 22, 1980 (45 FR 62866).

EPA policy at the time required disapproval of the SIP for the entire nonattainment area in a state if an acceptable plan had not been submitted, even though an acceptable plan has been submitted for a political subdivision within the nonattainment area. In addition, at that time the Boone County I/M ordinance and TCM commitments had not yet been officially submitted as SIP revisions. For these

reasons, the Boone County portion of the plan was disapproved also, although it was recognized that Boone County would likely have an approvable plan. The disapproval of the SIP triggered a moratorium on the issuance of permits for new or modified major hydrocarbon sources, as required by Section 110(a)(2)(I) of the Act. On September 22, 1980, (45 FR 62850) EPA proposed modification of its policy to allow the lifting of the permit moratorium in a political subdivision which has an approved plan, even if there is not an approved plan for the entire nonattainment area. Final action on this change in policy should be officially published soon. Kentucky has also submitted as SIP revisions the Boone County I/M ordinance and an implementation schedule adopted by the county. The I/M implementation schedule is no longer valid because certain milestone dates have already been missed. Also submitted were letters of commitment by the appropriate state and local agencies to implement and enforce previously adopted TCMs and to analyze additional TCMs under Section 108(f). These submittals were made on November 19, 1980.

EPA feels these submittals satisfy all the conditions of approval outlined in the January 25, 1980 **Federal Register**, with the exception of legal authority for I/M in Campbell or Kenton Counties. The Boone County I/M ordinance provides for annual inspection of all motor vehicles licensed in the county beginning no later than December 31, 1982, and provides penalties for nonconforming vehicles. The program will utilize a central inspection facility, probably to be operated by the county. Although the county has adopted a schedule for implementation of the I/M program, the schedule is no longer valid because certain milestones have not been met. The county must adopt a new schedule which includes all the milestones presented in the July 17, 1978, I/M policy memorandum from David G. Hawkins to the Regional Administrators.

The ordinance provides that the emission standards for the I/M program will be compatible with Federal requirements. EPA interprets this to mean that the county I/M program will satisfy the requirement for minimum program effectiveness as specified in the July 17, 1978, I/M policy memorandum. It is expected that regulations will be adopted which will demonstrate that the Boone County I/M program will achieve the required emission reductions (25% using MOBILE 1 or 35% using MOBILE 2) in light duty vehicle emissions. The demonstration must be included as part of the 1982 SIP revisions as required by the SIP policy published January 22, 1981 (46 FR 7182).

The TCM commitment letters contain commitments from the appropriate agencies to: (1) Implement and enforce TCMs identified in the SIP; (ii) examine the long-term as well as short-term air quality benefits from the TCM projects identified in the SIP; and (iii) analyze all Section 108(f) measures and justify not adopting any measures found infeasible.

Action

EPA proposes to conditionally approve the Boone County portion of the Kentucky ozone SIP. If EPA policy is changed as now proposed to allow lifting of the permit moratorium from a portion of a nonattainment area, the permit moratorium will be lifted in Boone County upon approval of the Boone County portion of the Kentucky SIP. EPA also proposes to approve the TCM portion of the ozone SIP for Campbell and Kenton Counties. This will mean that all portions of the ozone SIP for these two counties will be approved, except for the portions relating to I/M programs. The permit moratorium for these two counties will remain in effect. As a condition of full approval, by September 14, 1981, the Kentucky Department for Natural Resources and Environmental Protection must submit a valid I/M implementation schedule adopted by Boone County.

As previously stated, written comments may be submitted for up to 30 days following the publication of this notice (August 10, 1981). At the close of the comment period, EPA will review all comments and publish a notice of final rulemaking.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. The actions proposed today, if promulgated, are not major because they only approve State actions. They will impose no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110, 172, Clean Air Act, as amended, (42 U.S.C. 7410 and 7502))

Dated: June 22, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-20224 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1871-4]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to fulfill an approval condition set forth in the Final Rulemaking Notice (FRN) for Massachusetts published on September 16, 1981 (45 FR 61293) approving certain State Implementation Plan (SIP) revisions for paper, fabric and vinly surface coaters. EPA is proposing to approve Regulations 310 CMR 7.18 (14), (15), and (16) submitted in fulfillment of the above mentioned condition in the FRN.

DATE: Comments must be received on or before August 10, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St., S.W. Washington, D.C. 20460 and Department of Environmental Engineering, One Winter Street, Boston, Massachusetts 02111.

Comments should be submitted to Harley Laing, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On March 6, 1981, the state of Massachusetts submitted Regulations 310 CMR 7.18 (14), (15), and (16) in response to conditions for approval of the paper, fabric and vinly surface coating portion of the Massachusetts SIP. The commitment of the state to further study VOC controls for these

sources and to develop and submit regulations to EPA based on the conclusions of the study has thus been fulfilled. These conditions are not restated here, but copies of the Final Rulemaking Notrice (FRN), 45 61293 are available at the locations listed in the Addresses section of this Notice.

Paper, Fabric and Vinyl Coating Surfaces

In response to conditions specified in the FRN 45 61293, the state of Massachusetts completed sutdies of the paper, fabric and vinyl coating industries and developed regulations to control emissions from these source categories. The state held public hearings on the regulation on February 17, 19 and 20, and on March 6, 1981, adopted and submitted the regulations to EPA.

The paper and fabric surface coating regulation requires that all sources comply with an emission limit of 2.9 pounds of volatile organic compounds (VOCs) per gallon of coating (excluding water) at application on a solids applied basis by December 31, 1982. Surface coating facilities can receive exemptions and alternative emission limits by documenting, to the state's satisfaction, that achieving the 2.9 pounds per gallon limit using add-on controls is not economically feasible. In order for the state to grant an exemption, the source must commit to study the feasibility of reformulation to low/no solvent surface coating mix, include a work plan with interim milestone dates, and agree to install add-on controls to achieve their alternative emission limits if reformulation is determined to be inappropriate. Since the economic conditions of the company may change over the course of the reformulation study, the state will reevaluate the source every two years to determine if the economic condition of the source continues to justify the alternative add-on control emission limit. Any alternative RACT determination must be submitted to EPA as State Implementation Plan Revisions.

The vinyl surface coating regulation includes a limit of 3.8 pounds of VOCs per gallon of coating (excluding water) at application on a solids-applied basis. The exceptions for vinyl surface coating are the same as those for paper and fabric surface coating.

Proposed Action:

EPA proposes to approve as RACT the VOC portion of the SIP revision as it pertains to paper surface coating, fabric surface coating and vinyl surface coating.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements, and would approve state-determined control levels.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Massachusetts state actions enabling sources to meet state-determined control levels and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: June 11 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-20237 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL 1875-4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan. On February 12, 1981, the State submitted documentation for the purpose of fulfilling two of these conditions. One of these conditions required the East-West Gateway Coordinating Council (EWGCC) to complete an analysis of alternative transportation measures and to secure commitments from responsible agencies to specific transportation strategies which will achieve emission reductions for motor-vehicle-related pollutants in the St. Louis nonattainment area. The other condition required the EWGCC to provide the results of the requisite carbon monoxide dispersion modeling committed to in the approved Section 175 work plan. On March 4, 1981 (46 FR 15180), EPA published a notice to advise the public of receipt of the documentation from the State to meet these two conditions.

The present notice is published to advise the public of EPA's proposed action on this submission, and to request comments.

DATES: Comments must be received on or before August 10, 1981. EPA believes that the 30-day period provided for public comment, indicated below, is adequate because of the limited scope of the revisions and the fact that the revisions have been available for review since March 4, 1981.

ADDRESSES: Comments should be addressed to Mary C. Carter at the following location: Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available at the preceding address as well as the following locations: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101; East-West Gateway Coordinating Council, 112 North Fourth Street, St. Louis, Missouri 63102.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. The reader is referred to the **Federal Register** notice published on that date (45 FR 24140) for a detailed discussion of that action. In the April 9 rulemaking, EPA approved an extension until 1987 for attainment of the carbon monoxide (CO) and ozone (O_3) standards in the St. Louis area. As a result, the State will be required to submit a SIP revision in 1982 which demonstrates attainment of these standards by 1987. This 1982 SIP revision is in addition to the submissions required to meet the April 9 conditions on approval of the SIP.

Section 172(b)(11)(C) requires the SIP to identify specific measures necessary for attainment of the air quality standards for CO and O_3, as necessary, by 1987. This includes transportation control measures as specified in Section 110(a)(3)(D). One of the conditions promulgated by EPA in the April 9, 1980 action, required the EWGCC to complete an analysis of alternative transportation measures and to secure commitments from responsible agencies to specific transportation strategies which will achieve emission reductions of 6.45% in the St. Louis nonattainment area. This analysis was due January 31, 1981. On January 28, 1981, EWGCC adopted a package of transportation measures and commitments. This package, submitted to EPA on February 12, 1981, includes commitments from responsible agencies for implementing specific transportation strategies which EWGCC's analysis indicates will achieve overall reductions in hydrocarbon emissions of 6.5%. These commitments to transportationl control measures (TCMs) include improved mass transportation, carpooling, vanpooling, electric vehicle use, park-and-ride lot development, and traffic flow improvements. The goal for increases in transit ridership between 1978 and 1987 has been decreased from 50% to 30% in this submission, because this goal is believed to be more realistic. EWGCC's analysis indicates that a 6.5% reduction in hydrocarbon emissions will result from the set of TCMs which they adopted including a 30% increase in transit ridership and commitments to traffic flow improvements.

EWGCC has obtained commitments to improve the transit system of St. Louis from the City of St. Louis, St. Louis County and the Bi-State Development Agency, conditionally dependent on available funding. In addition to these mass transit commitments, WEGCC has obtained commitments to continue to promote carpooling and vanpooling strategies from several St. Louis corporations; commitments to develop park-and-ride lots from the Missouri Highway and Transportation Commission and from EWGCC; commitments for use of some electric vehicles from the City of Florissant, the City of St. Louis, and from the United States Postal Service for use in St. Louis; a commitment for promotion of bicycle usage; and commitments to traffic flow improvements from six cities, three counties, and the State Highway and Transportation Commission in Missouri. EPA believes these commitments satisfy the condition on approval promulgated by EPA in the April 9, 1980 notice.

The traffic flow improvement projects for which commitments have been obtained can be grouped into the following categories: Traffic signal modifications, including synchronization; intersection and interchange improvements; construction of new highway facilities; widening of existing roads and highways; resurfacing of existing roads; and railroad grade separations. The submission provides an estimate of the average vehicle speed increases that will result from these traffic flow improvement projects. Based upon these average vehicle speed increases, the submission provides an evaluation of the overall resultant emission reductions. Although a project-specific determination of emission benefits was not provided for this submittal, the EPA believes that EWGCC has provided sufficient analysis to arrive at an overall determination of emission reductions. These measures have an aggregate beneficial impact on air quality, however, when taken individually, some may actually have an adverse impact. For this reason, the EPA is requesting that EWGCC provide a project-specific determination of emission reductions for the 1982 ozone SIP submission for those measures for which a specific analysis was not submitted in the 1979 SIP or in the present submission.

The other condition promulgated by EPA in the April 9, 1980, action required the EWGCC to provide the results of requisite carbon monoxide (CO) dispersion modeling committed to in the approved Section 175 (transportation control planning grant) work plan. This was due by January 31, 1981. The February 12, 1981 SIP submission included a draft report which contains the results of the CO dispersion modeling project. The final version of this report was submitted on April 28, 1981, and is substantially the same as the draft.

The CO modeling demonstrates that the St. Louis area is likely to achieve the 1-hour standard of 35 ppm by 1982. However, the modeling predicts the area will continue to experience violations of the 8-hour standard of 9 ppm. With the implementation of an inspection/maintenance program, the modeling indicates that the St. Louis area will attain the CO standards by 1987.

In addition to the documentation submitted to fulfill the two conditions discussed above, the February 12, 1981 SIP submission provided a justification of EWGCC's decision not to adopt some difficult transportation control measures (TCMs). Those TCMs which EWGCC did not adopt and for which they provided no justification for their decision not to adopt, must be either justified or adopted as part of the SIP submission which is due in 1982, to demonstrate attainment of the CO and O_3 standards in the St. Louis area by 1987.

Proposed Action:

The EPA is proposing to approve the overall demonstration of 6.5% reduction in emissions in the February 12, 1981 SIP submission, as meeting the two conditions, explained earlier in the present notice, on the 1979 SIP, EPA proposes to take no action on those individual measures for which a specific analysis of air quality impact was not submitted. If these measures are to be incorporated into the SIP, EWGCC must provide a project-specific determination of the air quality emission benefits as a demonstration that these are an appropriate part of this control strategy. This project-specific evaluation may be submitted as part of the 1982 ozone SIP. If the air quality benefits of these measures cannot be demonstrated adequately, other measures which demonstrate quantifiable air quality benefits must be provided for the 1982 SIP.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110 and 172 of the Clean Air Act, as amended)

Dated: May 23, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-20231 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

OFFICE OF PERSONNEL MANAGEMENT

41 CFR Chapter 16

Procurement Regulations

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing procurement regulations which will apply to the negotiation and administration of contracts between OPM and carriers for Federal Employees Health Benefits (FEHB) plans. These regulations will provide direction and uniformity in the agency's procurement of health coverage and will also enable the health benefits carriers and other interested parties to understand the application of the Federal Procurement Regulations (41 CFR Chapter 1) to the FEHB Program contracts.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Send or deliver written comments to Mr. Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, Room 4351, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202-632-4634 or 202-254-8960.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Office of Personnel Management published an Advance Notice of Proposed Rulemaking in the **Federal Register** (46 FR 6022-6025) concerning the proposed procurement regulations which it intends to apply to the negotiation and administration of the Federal Employees Health Benefits (FEHB) Program contracts.

OPM's procurement regulations are issued in response to an order issued by the United States District Court for the District of Columbia in the case of *National Treasury Employees Union* v. *Campbell*, Civil Action No. 75-2173, issued September 18, 1980, which instructed OPM to publish procurement regulations for its Government-wide Service Benefit Plan. Background on the FEHB Program and the facts leading to the issuance of the court order are detailed in the Advance Notice referenced above. The Federal Procurement Regulations (FPR), 41 CFR Chapter 1, have been promulgated by the General Services Administration to ensure uniformity in procurement by the Federal Government. Consequently, OPM anticipates applying its procurement regulations to all of the FEHBP contracts, not solely to the Government-wide Service Benefit Plan. The regulations have been drafted to identify for all FEHBP carriers which provisions of the Federal Procurement Regulations OPM considers to have practical application to FEHBP contracts. The proposed regulations are intended to simply state in regulatory form what has long been our administrative practice in contracting with health benefits carriers for health benefits plans. No substantive changes are intended in the way in which we administer the health benefits program.

Although 5 U.S.C. 552(a)(2) exempts procurement regulations from the necessity of being published as proposed rulemaking, OPM believes that comments from the public are mutually beneficial in drafting the regulations. The 60-day public comment period for the Advanced Notice of Proposed Rulemaking expired March 23, 1981. In response to the Advance Notice, OPM received comments from the two Government-wide plans, five comprehensive plans, one national association of health maintenance organizations, ten employee organization plans, two government agencies, one quasi-government agency, and one member of the general public. Of the 22 comments received, 17 were generally favorable and five were unfavorable. Because of the numberous points covered in the letters reveived, only the issues of broadest application will be discussed below.

Four carriers requested an extension of the 60-day public comment period to allow more time to study and analyze the extensive FPR and its impact on the administration of their FEHBP contracts. OPM is unable to extend the time period allotted in view of the court order to issue the regulations within a limited time frame.

Two carriers indicated that OPM has no clear authority to apply the regulations to all FEHBP contracts, since the court order requires that OPM promulgate regulations governing the Government-wide Service Benefit Plan. OPM has always maintained that the FPR applies to its FEHBP contracts. OPM further believes that publishing procurement regulations for only one FEHBP plan would not only be contrary to the overall intent of the decision of the District Court, which states that "Both federal employees and organizations which contract with the government for such plans are entitled, in fairness and under section 1.008 (of the FPR), to the benefit of regulations which will inform them which portions are applicable * * *", but would also be contrary to the intent of the FPR to encourage uniformity in the procurement of Government contracts.

Several comments were received indicating that only the regulations authorized by title 5, United States Code, Chapter 89, which are codified at 5 CFR Part 890, need apply to the procurement of FEHBP contracts. Section 201 of the Federal Procurement and Administrative Services Act of 1949 (41 U.S.C. 481(a)) provides that the Administrator, General Services Administration (GSA) has the authority to "prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting * * *" for executive agencies. Further, 40 U.S.C. 474 provides that the authority conferred by the Act on the Administrator, GSA, to prescribe policies and methods of procurement is "in addition and paramount to any other law and shall not be subject to the provisions of any law inconsistent therewith * * *." The regulations which OPM issues pursuant to 5 U.S.C. 8913 are OPM's general policies for the administration of the FEHB Program. These general regulations, in accordance with 40 U.S.C. 474, are subordinate to regulations promulgated by the General Services Administration which establish specific policies and procedures for use in the procurement of government contracts.

Three respondents commented that OPM did not offer sufficient gudiance in its Advance Notice of Proposed Rulemaking to enable the carriers to know which portions of the FPR apply to FEHBP contracts. It was not OPM's intent to address in its Advance Notice all of the details that would be contained in the proposed and final regulations. The intent behind the Advance Notice was to solicit carrier comments so that OPM would be able to take the carriers' concerns into consideration before writing lengthy regulations. In the introduction ot the Advance Notice, carriers were advised that more detailed proposed regulations would follow.

Two comments concerned the prospective applicability of the FPR. Since final government regulations require a prospective effective date, the effective date of OPM's procurement regulations implementing the FPR will be prospective. It should be pointed out, however, that in the absence of OPM implementing regulations, Chapter 1 of the FPR has applied and will continue to apply to FEHBP contracts until the effective date of Chapter 16.

Four respondents expressed concern that OPM may attempt to apply the cost principles contained in Part 1-15.2 of the FPR to community rated contracts. OPM indicated in its Advance Notice that the application of the cost principles in the FPR to community rated contracts is inconsistent with the concept of community rating and the FPR. This interpretation has been specifically stated in the proposed rules so that there will be no misunderstanding that the cost principles will not apply to community rates. Two comments revealed a concern that experience rated carriers are being unfairly discriminated against because the cost principles are being applied by OPM only to experience rated contracts. OPM disagrees. The FPR recognizes that different levels of government monitoring and regulations should be accorded different types of government contracts. The ruled applied by OPM to community rated contracts in Chapter 16 are consistent with the provisions of the FPR.

Four responses suggested that OPM deviate from many of the cost principles required by the FPR thereby distinguishing insurance contractors from other contractors dealing with the Federal Government. The respondents imply that OPM should grant mass deviations for its experience rated contracts. The FPR cost principles are current requirements set out by the General Services Adminstration (GSA) which are applicable until GSA revises or deletes them. Mass deviations would be tantamount to separate OPM procurement policies. The court order stated that OPM should not issue entirely new regulations, but that OPM should set forth how it would implement the regulations embodied in the FPR. Consequently, to the extent that the cost principles can be applied to experience rated contracts, the provisions will be applied.

Several respondents supported OPM's application of modified contract coverage (Cost Accounting Standards 401 and 402) to FEHBP contracts, but opposed OPM's suggestion that it would attempt to apply all cost Accounting Standards. OPM agrees that only CAS 401 and 402 should be applied to the FEHBP contracts, unless the carrier meets the FPR criteria for full CAS coverage.

It was the opinion of several carriers that the specific factors relevant to the service charge negotiations for experience rated contracts were vague and difficult to quantify. In the proposed regulations, OPM has attempted to describe how the factors will be utilized in determining the reasonableness of any annual service charge which may be negotiated for experience rated contracts. Associate membership dues charged by an employee organization entitling individuals to join the organizations's health plan has been dropped as a factor to be considered by the contracting officer during the service charge negotiations, since several employee organization plans believe, and OPM concurs, that it does not sufficiently relate to the contract.

One comment supported the application of FPR provisions to subcontractors where the subcontractor performs all or part of the prime contact. OPM agrees insofar as experience rated prime contracts are concerned. In the case of the Government-wide Service Benefit Plan, which the respondent specifically referenced, however, the District Court declared that contracts between the physicians and hospitals and the carrier do "not establish a contract-subcontractor relationship." Accordingly, the FPR provisions in question would not apply to those contracts.

One comment was received supporting the application of FPR 1-1.327, "Protection of the privacy of individuals," to FEHBP contracts. This FPR section implements subsection (m) of 5 U.S.C. 552a (Pub. L. 93-579, December 31, 1974), which guards the individual's right of privacy whenever an agency system of records on individuals is operated under contract and not by the agency. FEHBP records systems maintained by health benefits carriers under contract with OPM are not maintained for the purpose of accomplishing an OPM function. It is not now, and never has been, a function of OPM to provide health benefits to Federal employees; OPM's function has been simply to contract for these services from private insurance companies. Insurance company records on individuals serve the companies' own commercial function of paying health benefits claims in return for premiums paid by the Government and the Federal employees and, consequently, are not subject to the record keeping requirements of the Privacy Act and § 1-327 of the FPR. FEHBP contracts will, nevertheless, contain a "Confidentiality of Records" clause which will serve to protect the subscribers right of privacy.

The Director finds that good cause exists for reducing the comment period of this proposed rulemaking from sixty to thirty days. The comment period is reduced because of a time limitation imposed by the United States District Court for the District of Columbia for the the publication of final regulations.

E.O. 12291, Federal Regulation

Under the provisions of Executive Order 12291, certain procedures must be followed by government agencies prior to publication of "major" rulemaking. OPM does not consider its procurement regulations to be "major" since they simply set forth OPM's implementation of previously existing regulations, that is, 41 CFR Chapter 1, and, therefore, are not anticipated to have any significant impact on the economy.

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management,

Beverly McCain Jones,

Insurance System Manager.

Accordingly, OPM proposes to amend title 41, Code of Federal Regulations by adding Chapter 16 as follows:

SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM

CHAPTER 16—OFFICE OF PERSONNEL MANAGEMENT

Part

16-1 General
16-3 Procurement by negotiation
16-4 Special types and methods of procurement
16-7 Contract clauses
16-8 Termination of contracts
16-11 Federal, State and local taxes
16-12 Labor
16-15 Contract cost principles and procedures

Part
16–20 Retention requirements for contractor and subcontractor records
16–26 Contract modifications

PART 16–1—GENERAL

Sec.
16–1.000 Scope of part.

Subpart 16–1.1—Regulation System

16–1.101 Scope of subpart.
16–1.102 Purpose.
16–1.103 Authority.
16–1.104 Relationship of Chapter 16 to the FPR.
16–1.106 Issuance.
16–1.107 Arrangement.
16–1.107–1 General plan.
16–1.107–2 Numbering.
16–1.107–3 Citation.
16–1.107–4 Cross references.
16–1.108 Implementation.
16–1.109 Deviation.
16–1.109–1 Description.
16–1.109–2 Procedure.
16–1.150 Use of designees.

Subpart 16–1.2—Definition of Terms

16–1.250 Definitions.

Subpart 16–1.3—General Policies

16–1.301 Method of procurement.
16–1.301–3 Negotiation.
16–1.302 Procurement sources.
16–1.302–1 Who may contract.
16–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
16–1.303 Approval signatures.
16–1.313 Records of contract actions.
16–1.318 Disputes.
16–1.320 Subcontractor gifts and kickbacks.
16–1.323 Preference for U.S. Flag Air Carriers.
16–1.328 Fraudulent claims.
16–1.341 Federal Procurement Data System.

Subpart 16–1.4—Procurement Responsibility and Authority

16–1.400 Scope of subpart.
16–1.401 Signature responsibility.
16–1.401–1 Responsibility of the head of the agency.
16–1.401–2 Responsibility of the Associate Director for Compensation.
16–1.402 Responsibility of the contracting officer.
16–1.403 Requirements to be met before entering into contracts.
16–1.404 Selection, designation, and termination of designation of contracting officer.
16–1.405 Ratification of unauthorized contract awards.
16–1.406 Cost accounting standards.

Subpart 16–1.5—Contingent Fees

16–1.500 Scope of subpart.

Subpart 16–1.6—Debarred, Suspended, and Ineligible Carriers

16–1.600 Scope of subpart.
16–1.601 Applicability.

Subpart 16–1.9—Reporting Possible Antitrust Violations

Sec.
16–1.901 General policy.

Subpart 16–1.10—Publicizing Procurement Actions

16–1.1001 General policy.
16–1.1003 Synopses of proposed procurements.
16–1.1004 Synopses of contract awards.

Subpart 16–1.12—Responsible Prospective Contractors

16–1.1200 Scope of subpart.
16–1.1201 Applicability.

Subpart 16–1.23—Environmental Protection

16–1.2300 Scope of subpart.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

§ 16–1.000 Scope of part.

This part describes the method by which the Office of Personnel Management (OPM) implements, supplements and deviates from the Federal Procurement Regulations (FPR) (41 CFR Chapter 1) through the establishment of the OPM Procurement Regulations (Chapter 16), which prescribe the Office procurement policies and procedures for the Federal Employees Health Benefits Program (FEHBP) contracts. Policies and procedures governing the award and administration of FEHBP contracts are contained in Part 4 of this Chapter, "Special Types and Methods of Procurement."

Subpart 16–1.1—Regulation System

§ 16–1.101 Scope of subpart.

This subpart sets forth introductory information pertaining to Chapter 16, explains its purpose, authority under which it is issued, its relationship to the FPR System, applicability, method of issuance, and arrangement. It also provides procedures for implementing and supplementing the FPR and Chapter 16 and sets forth deviation procedures.

§ 16–1.102 Purpose.

Chapter 16 is prescribed by the Director, Office of Personnel Management to provide direction and uniformity in the agency's procurement of health coverage under the FEHB Program.

§ 16–1.103 Authority.

Chapter 16 is issued under the authority of 5 U.S.C. Chapter 89 and 40 U.S.C. 486(c).

§ 16–1.104 Relationship of Chapter 16 to the FPR.

(a) The Federal Procurement Regulations set forth in Chapter 1, title 41, of the Code of Federal Regulations are applicable to contracts between the Office of Personnel Management (OPM) and health benefits carriers which establish health benefits plans for Federal employees and annuitants. Chapter 16 provides guidance to the contracting officer, health benefit carriers and other interested parties for implementing, supplementing and in certain instances, deviating from the FPR. Except as necessary to assure continuity or understanding, material published in the FPR will not be repeated, paraphrased, or otherwise restated in Chapter 16.

(b) Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(c) Material in Chapter 16 may supersede the FPR as when a deviation (see § 16–1.109–1) is authorized, but only when the deviation contains an explicit cross reference to the FPR.

(d) In order to make FEHBP carriers fully aware of which portions of the FPR are applicable to contracts with FEHBP, and to establish official OPM policy for internal contract evaluations, all parts of 41 CFR Chapter 1 which are deemed to have practical application to the administration of FEHBP contracts are specifically dealt with in this Chapter 16.

§ 16–1.106 Issuance.

(a) Policies and procedures which are issued in this Chapter will be published in the **Federal Register** as Chapter 16 of Title 41 of the Code of Federal Regulations.

(b) The **Federal Register** and Title 41 of the Code of Federal Regulations may be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 16–1.107 Arrangement.

§ 16–1.107–1 General plan.

Chapter 16 conforms with the FPR system with respect to divisional arrangements into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 16–1.107–2 Numbering.

(a) Generally, the numbering system used in Chapter 16 conforms to that of Chapter 1 (see FPR 1–1.007–2). Thus, a particular procurement policy or procedure is identified by the same number in both Chapter 1 and Chapter 16, except that the first number in Chapter 1 will be 1 rather than 16.

(b) Where Chapter 16 implements a part, subpart, section or subsection of the FPR, the implementing part, subpart, section or subsection of Chapter 16 is numbered to correspond to the FPR part, subpart, section or subsection, e.g., § 16–3.807–3 implements § 1–3.807–3 of the FPR. Paragraph and subparagraph designations of Chapter 16, however, are independently developed and do not necessarily correspond to a paragraph or subparagraph of the FPR.

(c) Where Chapter 16 supplements the FPR and thus deals with subject matter not contained in the FPR, the numbers in the group 50 through 99 are assigned to the respective supplementing parts, subparts or sections.

(d) Where the subject matter contained in the part, subpart, section or subsection of the FPR has no practical application at this time to FEHBP contracts, this Chapter 16 contains no corresponding part, subpart, section or subsection. Thus, there are gaps in the Chapter 16 series of part, subpart, section and subsection numbers.

§ 16–1.107–3 Citation.

(a) In formal documents, such as legal briefs, citation of Chapter 16 material which has been published in the **Federal Register** will be to Title 41 of the Code of Federal Regulations.

(b) Any section of Chapter 16, for purpose of brevity, may be informally identified as "OPMPR" followed by section number. For example, this paragraph would be identified in a memorandum as "OPMPR 16–1.107–3(b)".

§ 16–1.107–4 Cross references.

(a) Within Chapter 16, cross references to the FPR will be made in the same manner as used within the FPR. Illustration of cross references to the FPR are:

(1) Part 1–3.

(2) Subpart 1–3.8.

(3) Section 1–3.807–50(a). The word "section" or its symbol (§) is used in making a crosss reference even though the reference may be to a subsection, paragraph or subparagraph. For example, this reference is actually to a paragraph.

(b) Within Chapter 16, cross reference to parts, subparts and sections of Chapter 16 will be in a manner generally similar to that used in making references to the FPR. For example, this paragraph would be referred to as § 16–1.107–4(b).

§ 16–1.108 Implementation.

As portions of the FPR are prescribed, procurement policies and procedures which have practical application to the FPR will be issued in Chapter 16 by the Director, Office of Personnel Management.

§ 16–1.109 Deviation.

§ 16–1.109–1 Description.

(a) The term "deviation" as used in Chapter 16 is defined in the same manner as described in FPR 1–1.009–1.

(b) In order to maintain uniformity to the greatest extent feasible, deviation from the FPR will be kept to a minimum.

§ 16–1.109–2 Procedure.

(a) In individual cases, when the contracting officer considers it necessary to deviate from the policies set forth in the FPR, a request for authority to do so will be submitted to the Director, Office of Personnel Management. The request will clearly set forth the circumstances warranting the deviation and the nature of the deviation.

(b) Deviations in classes of cases must be approved in advance by GSA. Class deviations will be set forth in this Chapter 16 as provided in § 16–1.104(c).

§ 16–1.150 Use of designees.

Throughout the regulations in Chapter 16, responsibilities and duties are assigned to certain individuals by position title, and, in many instances, the submission of reports to and by these individuals is also prescribed. Whenever these titles are used, the individual occupying these positions may, unless otherwise restricted by law or the regulations in 5 CFR Part 890 or this Chapter 16, designate a subordinate to act for him or her.

Subpart 16–1.2—Definition of Terms

§ 16–1.250 Definitions.

Definitions pertaining to this Chapter 16 are contained in Part 16–4, "Special Types and Methods of Procurement."

Subpart 16–1.3—General Policies

§ 16–1.301 Method of procurement.

§ 16–1.301–3 Negotiation.

Use of formal advertising in connection with the award of FEHBP contracts is not determined to be feasible or practicable. Pub. L. 86–382, as amended and codified at 5 U.S.C. Chapter 89, authorizes the negotiation of FEHBP contracts. FEHBP contracts, accordingly, will be negotiated pursuant to the provisions of § 1–3.215 and the authority in 41 U.S.C. 252(c)(15) which permits the negotiation of contracts "otherwise authorized by law."

§ 16–1.302 Procurement sources.

§ 16–1.302–1 Who may contract.

The OPM may contract with health benefits carriers for plans meeting the requirements of 5 U.S.C. Chapter 890, 5 CFR Part 890, and this Chapter 16 for the provision of health coverage.

§ 16–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

FPR 1–1.302–3 is applicable to the administration of the FEHBP contracts.

§ 16–1.303 Approval signatures.

FPR 1–1.303 is applicable to the administration of the FEHBP contracts.

§ 16–1.313 Records of contract actions.

FPR 1–1.313 is applicable to the administration of the FEHBP contracts.

§ 16–1.318 Disputes.

FPR 1–1.318 is applicable to FEHBP contracts and the Disputes clause set forth in OPMPR 16–7.502–2 shall be included in all FEHBP contracts.

§ 16–1.320 Subcontractor gifts and kickbacks.

FPR 1–1.320 is applicable to the administration of the FEHBP contracts.

§ 16–1.323 Preference for U.S. Flag Air Carriers.

FPR 1–1.323 is applicable to the administration of the FEHBP contracts.

§ 16–1.328 Fraudulent claims.

FPR 1–1.328 is applicable to the administration of the FEHBP contracts.

§ 16–1.341 Federal Procurement Data System.

The contracting officer shall comply with FPR 1–1.341 set out in Temporary Regulation 48 by submitting Standard Form 279, "Federal Procurement Data Systems Individual Contract Action Report (Over $10,000)" or Standard Form 281, "Federal Procurement Data System Sum of Contract Actions of $10,000 or Less and Subcontract Data on Selected Prime Contracts", as appropriate, to the Administrative Services Division, Acquisition Branch, for each procurement action. Procurement actions within the FEHBP take place only during the first quarter of each calendar year.

Subpart 16–1.4—Procurement Responsibility and Authority

§ 16–1.400 Scope of subpart.

This subpart sets forth the authority of the Director, Office of Personnel Management and the designation and authority of the FEHBP contracting officer. It also imposes limitations upon the authority of the contracting officer to enter into contracts.

§ 16–1.401 Signature responsibility.

§ 16–1.401–1 Responsibility of the head of the agency.

The Director, Office of Personnel Management is responsible for approval of basic policies affecting the administration of the FEHB law, the issuance of regulations implementing these policies; and final approval of health benefits contracts for the Government-wide Service Benefit Plan and the Government-wide Indemnity Benefit Plan.

§ 16–1.401–2 Responsibility of the Associate Director for Compensation.

The Associate Director for Compensation shall approve: any strategy or plan used in conducting benefit negotiations with FEHBP contractors; deviations from an approved negotiation plan; major issues or controversies arising during negotiations; rate decisions on the Service Benefit Plan, the Indemnity Benefit Plan, and the two employee organization plans with the largest number of enrollments and the two comprehensive plans with the largest number of enrollments; potentially controversial rate changes; major issues arising in the administration of the contracts (e.g., expense allowability issues, carrier enforcement of cost containment provisions, etc.).

§ 16–1.402 Responsibility of the contracting officer.

The Associate Director for Compensation has designated the Assistant Director for Insurance Programs as contracting officer for FEHBP contracts, and has delegated to the Assistant Director for Insurance Programs or his designee the authority to: approve health benefits carriers; negotiate and execute health benefits contracts, except that execution of the service benefit and indemnity benefit contracts is reserved to the Director, OPM; administer health benefits contracts, including the authority to direct payment of disputed health benefits claims; conduct an audit program for health benefits contracts, including the authority to allow the costs involved in disupted audit findings (not to be delegated further, except that the latter authority is reserved to the Associate Director for Compensation with respect to disputed costs in excess of $100,000 and to the Deputy Director, OPM, with respect to disputed costs in excess of $500,000). In the exercise of his or her responsibility, the contracting officer is subject to the requirements in FPR 1–1.403 and any further requirements, consistent with the Federal Procurement Regulations, imposed by the OPM.

§ 16–1.403 Requirements to be met before entering into contracts.

No contract shall be entered into unless all applicable requirements of law, Executive orders and regulations have been met. The term "regulations" includes those issued by any regulatory agency whether or not incorporated or referenced in the Federal Procurement Regulations.

§ 16–1.404 Selection, designation, and termination of designation of contracting officer.

FPR 1–1.404 is applicable to the administration of the FEHBP contracts.

§ 16–1.405 Ratification of unauthorized contract awards.

FPR 1–1.405 is applicable to the administration of the FEHBP contracts.

§ 16–1.406 Cost accounting standards.

FPR 1–1.406 is applicable to the administration of the FEHBP contracts (see OPMPR 16–3.12).

Subpart 16–1.5—Contingent Fees

§ 16–1.500 Scope of subpart.

FPR 1–1.5 is applicable to the administration of FEHBP contracts.

Subpart 16–1.6—Debarred, Suspended, and Ineligible Carriers

§ 16–1.600 Scope of subpart.

This subpart sets forth OPM's policy with regard to the debarment, suspension and ineligibility of carriers.

§ 16–1.601 Applicability.

OPM shall enforce the provisions of FPR 1–1.6 with respect to health insurance carriers and shall maintain a consolidated list of concerns to whom contracts will not be awarded.

Subpart 16–1.9—Reporting Possible Antitrust Violations

§ 16–1.901 General policy.

Where proposals received in FEHBP procurements evidence violations of the antitrust laws, the procedures in FPR 1–1.9 may be used in referring such proposals to the Attorney General.

Subpart 16–1.10—Publicizing Procurement Actions

§ 16–1.1001 General policy.

FPR 1–1.10 is applicable to the administration of FEHBP contracts. In addition, OPM will implement the following sections in the manner prescribed below.

§ 16–1.1003 Synopses of proposed procurements.

At least 60 days prior to the beginning of the annual negotiation process for new FEHBP contracts, OPM shall publish a notice of its proposed procurement action in the Department of Commerce Synopsis. Interested carriers shall be directed to OPM for information concerning submission of applications for participation.

§ 16–1.1004 Synopses of contract awards.

At the close of the negotiation period, OPM shall publish in the Department of Commerce Synopsis a list of all new carriers approved for participation in the FEHBP during the next contract year.

Subpart 16–1.12—Responsible Prospective Contractors

§ 16–1.1200 Scope of subpart.

This subpart prescribes the policies concerning the responsibility of prospective carriers.

§ 16–1.1201 Applicability.

FPR Subpart 1–1.12 is applicable to the administration of FEHBP contracts. In addition, carriers must meet the requirements of 5 U.S.C. Chapter 89, and 5 CFR Part 890, and this Chapter 16.

Subpart 16–1.23—Environmental Protection

§ 16–1.2300 Scope of subpart.

FPR subpart 1–1.23 is applicable to the administration of the FEHBP contracts.

PART 16–3—PROCUREMENT BY NEGOTIATION

Sec.

16–3.000 Scope of part.

Subpart 16–3.1—Use of Negotiation

16–3.100 Scope of subpart.
16–3.101 General requirements for negotiation.
16–3.102 Factors to be considered in negotiating contracts.
16–3.103 Dissemination of procurement information.
16–3.104 Disclosure of mistakes after award.

Subpart 16–3.2—Circumstances Permitting Negotiation

16–3.200 Scope of subpart.
16–3.215 Otherwise authorized by law.

Subpart 16–3.3—Determinations, Findings, and Authorities

16–3.301 General.

Subpart 16–3.4—Types of Contracts

16–3.400 Scope of subpart.
16–3.401 Types of contracts.

Subpart 16–3.8—Price Negotiation Policies and Techniques

16–3.800 Scope of subpart.
16–3.801 Basic policy.
16–3.802 Preparation for negotiation.
16–3.803 Type of contract.
16–3.804 Conduct of negotiations.
16–3.805 Selection of offerors for negotiation and award.
16–3.806 Cost, profit, and price relationship.
16–3.807 Pricing techniques.
16–3.807–1 General.
16–3.807–2 Requirements for price or cost analysis.
16–3.807–3 Cost or pricing data.
16–3.807–4 Certificate of current cost or pricing data.
16–3.807–5 Defective cost or pricing data.
16–3.807–6 Refusal to provide cost or pricing data.
16–3.807–7 Unacceptable substitutes for pricing negotiations.
16–3.807–8 Evaluation and pricing of individual contracts.
16–3.807–9 Specified contingencies.
16–3.807–10 Subcontracting considerations in cost analysis.
16–3.807–11 Overhead rate consideration.
16–3.807–12 Sole source items.
16–3.807–50 Certificate of community rating.
16–3.808 Service charge.
16–3.808–50 Additional factors and considerations for determining the service charge.
16–3.809 Contract audit as a pricing aid.
16–3.810 Exchange of information.
16–3.811 Record of price negotiation.
16–3.812 Disposition of postaward audits.
16–3.813 Startup and other nonrecurring costs.
16–3.814 Contract clauses.
16–3.814–50 Price reduction for defective certificate of community rating.

Subpart 16–3.9—Subcontracting Policies and Procedures

16–3.903–2 Review and approval of subcontracts.
16–3.903–50 Subcontract clause.

Subpart 16–3.12—Cost Accounting Standards

16–3.1200 Scope of subpart.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

§ 16–3.000 Scope of part.

This part prescribes policies and procedures which shall be observed by OPM in connection with procurement by negotiation under the Federal Employees Health Benefits Program (FEHBP).

Subpart 16–3.1—Use of Negotiation

§ 16–3.100 Scope of subpart.

This subpart deals with the nature and use of negotiation in the award of contracts under the Federal Employees Health Benefits Program (FEHBP).

§ 16–3.101 General requirements for negotiation.

FPR 1–3.101 (b) and (c) are applicable to the administration of the FEHBP contracts.

§ 16–3.102 Factors to be considered in negotiating contracts.

FPR 1–3.102 is applicable to the administration of the FEHBP contracts. Additional factors to be considered are provided in 5 CFR 890.201 and 890.202.

§ 16–3.103 Dissemination of procurement information.

FPR 1–3.103(a) is applicable to the administration of FEHBP contracts.

§ 16–3.104 Disclosure of mistakes after award.

FPR 1–3.104 is applicable to the administration of FEHBP contracts.

Subpart 16–3.2—Circumstances Permitting Negotiation

§ 16–3.200 Scope of subpart.

FPR 1–3.200 is applicable to the administration of the FEHBP contracts.

§ 16–3.215 Otherwise authorized by law.

(a) Pursuant to the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(15)) purchases and contracts may be negotiated without formal advertising if "otherwise authorized by law." This provision preserves the authority to negotiate contracts conferred by other legislation.

(b) Contracts between OPM and health benefits carriers are contracted for "without regard to section 5 of title 41 or other statute requiring competitive bidding." [5 U.S.C. 8902] This statutory authority is construed to authorize negotiation pursuant to section 302(c)(15) of the Act and without regard to the advertising requirements of sections 302(c) and 303 of the Act (see FPR 1–3.215(c)).

Subpart 16–3.3—Determinations, Findings, and Authorities

§ 16–3.301 General.

The following sections regarding determinations, findings, and authorities are applicable to the administration of the FEHBP contracts.

FPR 1–3.301
FPR 1–3.302(e)
FPR 1–3.305
FPR 1–3.308 (a), (b), and (d)

Subpart 16–3.4—Types of Contracts

§ 16–3.400 Scope of subpart.

This subpart (a) describes and defines the types of contracts used in the Federal Employees Health Benefits Program; (b) defines the areas of applicability in which each type of contract may be used appropriately and sets forth considerations and policies governing the choice of type of contract; and (c) imposes conditions on the use of certain of the available contract types.

§ 16–3.401 Type of Contracts.

(a) The Federal Employees Health Benefits Act provides that the Office of Personnel Management may contract with qualified carriers offering the following four types of health benefit plans: (1) Service Benefit Plan, (2) Indemnity Benefit Plan, (3) Employee Organization Plans, and (4) Comprehensive Medical Plans. [5 U.S.C. 8903] The Act provides that rates charged under these health benefit plans shall reasonably and equitably reflect the cost of the benefits provided. Rates determined for the first contract year of the Service Benefit Plan and the Indemnity Benefit Plan shall be continued for later contract terms, except that they may be readjusted for any later term, based upon past experience and benefit adjustments under the later contract. Two types of contracts are used in the FEHBP, experience rated, which is required by the Act for the Service Benefit Plan and Indemnity Benefit Plan, and community rated. Definitions and explanations of these two contract types are contained in Part 4, of this Chapter 16, "Special Types and Methods of Procurement."

(b) Other contract types or combination of types which will promote the best interest of the Government, subject to the restrictions in FPR 1–3.401(b) or in 5 U.S.C. 8902(i), may be negotiated if appropriate in the circumstance. To the extent that a contract type other than experience rated or community rated is selected, the relevant subsection of FPR Subpart 1–3.4 would apply.

Subpart 16–3.8—Price Negotiation Policies and Techniques

§ 16–3.800 Scope of subpart.

FPR 1–3.800 is applicable to the administration of the FEHBP contracts. The renegotiation of rates or benefits in an FEHBP contract constitute a modification as intended by FPR 1–3.800.

§ 16–3.801 Basic policy.

FPR 1–3.801 is applicable to the administration of the FEHBP contracts and is supplemented as follows: The FEHBP contract pricing team specified in FPR 1–3.801–3(b)(1) may include an actuary.

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§ 16–3.802 Preparation for negotiation.

The provisions of FPR 1–3.802 should be adapted to the FEHBP procedures and requirements as specified in Part 4 of this Chapter 16, "Special Types and Methods of Procurement" and 5 CFR 890.203.

§ 16–3.803 Type of contract.

FPR 1–3.803 is applicable to the administration of the FEHBP contracts.

§ 16–3.804 Conduct of negotiations.

FPR 1–3.804 is applicable to the administration of the FEHBP contracts.

§ 16–3.805 Selection of offerors for negotiation and award.

Application for approval of, and proposal of amendments to, health benefits plans should be made according to the procedures set out in 5 CFR Part 890.

§ 16–3.806 Cost, profit, and price relationship.

FPR 1–3.806 is applicable to the administration of the FEHBP contracts.

§ 16–3.807 Pricing techniques.

§ 16–3.807–1 General.

FPR 1–3.807–1 (a) and (b)(2) are applicable to the administration of the FEHBP contracts.

§ 16–3.807–2 Requirements for price or cost analysis.

FPR 1–3.807–2 is applicable to the administration of FEHBP contracts.

§ 16–3.807–3 Cost or pricing data.

(a) FPR 1–3.807–3 is applicable to the administration of FEHBP contracts. To clarify implementation of the cost or pricing data requirement on the FEHBP, the following supplement information is provided:

(1) A community rated contract by definition (see OPMPR 16–4.152–1(a)) meets the exception cited in FPR 1–3.807–3(b)(1)(ii). Consequently, the contracting officer need not apply FPR 1–3.807–3(a) to carriers offering community rated plan contracts. The contracting officer may, however, require the carrier of a community rated plan to demonstrate that the community rate is in fact a community rate. In any event, the carrier shall be required to submit a certificate in accordance with OPMPR 16–3.807–50 certifying that the proposed rates are in fact a community rate as defined by OPMPR 16–4.151–2. Cost and pricing data may be required for any portion of the proposed rate that is not a part of the community rate if that portion is otherwise in accordance with the dollar criteria of FPR 1–3.807–3.

(2) Since cost or pricing data is not required for a community rated contract, subcontract cost and pricing data as referred to in FPR 1–3.807–3(d)(1) need not be requested by the contracting officer.

(3) The contracting officer shall require carriers offering experience rated plan contracts to submit written cost or pricing data in accordance with FPR 1–3.807–3. Generally, each experience rated plan shall be required to submit, with its rate proposal, a projection of its operations for completion of the current year and for succeeding contract year(s), and to explain the derivation of each item in the projection. Data supplied by the carrier will be checked against reports filed by the carrier showing monthly paid claims incurred by quarter of each year. The data in these reports will also be verified by comparison to the carrier's annual accounting statement filed with OPM. The Office of Actuary will review the information filed by the carrier and compare the carrier's data with an independent projection developed by the actuary.

(4) A carrier offering an experience rated plan which is required to submit and certify cost or pricing data in accordance with FPR 1–3.807–3 shall be required along with its own submission to submit, or arrange for the submission of, cost or pricing data from its subcontractors as stated in FPR 1–3.807–3(d). See OPMPR 16–4.151–13 for definition of subcontractor.

(b) [Reserved.]

§ 16–3.807–4 Certificate of current cost or pricing data.

Where a certificate of cost or pricing data is required in accordance with FPR 1–3.807–3, a certificate in the form specified in FPR 1–3.807–4 shall be submitted as soon as practicable after agreement is reached on the contract subscription rates.

§ 16–3.807–5 Defective cost or pricing data.

FPR 1–3.807–5 is applicable to the administration of the FEHBP contracts.

§ 16–3.807–6 Refusal to provide cost or pricing data.

FPR 1–3.807–6 is applicable to the administration of the FEHBP contracts.

§ 16–3.807–7 Unacceptable substitutes for pricing negotiations.

FPR 1–3.807–7 is applicable to the administration of the FEHBP contracts.

§ 16–3.807–8 Evaluation and pricing of individual contracts.

FPR 1–3.807–8 is applicable to the administration of the FEHBP contracts. Application of this paragraph should not be confused with the readjustment of rates on an experience rated contract. Surpluses or deficits on experience rated contracts should be considered in the adjustment of rates upon the renewal of contracts.

§ 16–3.807–9 Specified contingencies.

FPR 1–3.807–9 is applicable to the administration of the FEHBP contracts.

§ 16–3.807–10 Subcontracting considerations in cost analysis.

FPR 1–3.807–10 is applicable to the administration of the FEHBP contracts.

§ 16–3.807–11 Overhead rate consideration.

FPR 1–3.807–11 is applicable to the administration of the FEHBP contracts except that overhead or indirect costs are known as administrative expenses in the FEHBP.

§ 16–3.807–12 Sole source items.

FPR 1–3.807–12 is applicable to the administration of the FEHBP contracts.

§ 16–3.807–50 Certificate of community rating.

(a) Each carrier proposing a community rate shall submit the following certification with its proposal:

Certificate of Community Rating

This is to certify that the proposed subscription rate is a community rate in accordance with OPMPR 16–4.151–2.

(b) If it is subsequently found after agreement is reached on the subscription rate that the community rate is not a community rate as defined by OPMPR 16–4.151–2, the Government is entitled to a price reduction if the costs would have been lower had the contract been experience rated. The clause set forth in OPMPR 16–3.814–50 shall be inserted in each community rated contract.

§ 16–3.808 Service charge.

FEHBP carriers shall apply the principles set out in FPR Temporary Regulation 61, 46 FR 27645–27649, dated May 21, 1981 in the administration of FEHBP contracts.

§ 16–3.808–50 Additional factors and considerations for determining the service charge.

(a) In the construction of a subscription rate, the insurance industry includes a charge known as "retentions". Retentions represent the excess of premiums over benefit claim expenses and subscriber dividends. Retentions specifically include administrative expenses, a return to stockholders, if any, on their capital investments, and a contribution to reserves.

(b) In community rated contracts, the rate paid by the government is the same rate that is or will be charged on the effective date to the carrier's other policy holders selecting the same level of benefits. Consequently, a community-rated contract is assumed to include an adequate and competitive retention charge. Under FEHBP experience rated contracts, administrative expenses are determined on the basis of actual costs incurred and the balance of the retention charge is a negotiated sum. The part that is negotiated, i.e., return to stockholders and contributions to reverves, is not unlike "profit" or "fee". However, this negotiated sum in the FEHBP is known as the "service charge".

(c) The carrier may propose a service charge for a variety of reasons, such as, providing a return to stockholders and/or a contribution to reserves. However, the carrier's basis for determining a service charge may differ from OPM's basis for determining the reasonableness of a proposed service charge. In evaluating the reasonableness of a proposed service charge, the contracting officer shall only consider those factors which relate to the risk in or performance under the contract.

(d) The service charge is a negotiated amount which may or may not be proposed by an experience rated carrier in the FEHBP. If proposed, the contracting officer shall evaluate the reasonableness of the proposed service charge on the basis of the general factors identified in FPR 1–3.808–2 and the following factors which are directly pertinent to FEHBP experience rated contracts. These factors are solely for the purpose of analysis by the contracting officer and do not represent a basis for which a carrier may claim a service charge.

(1) *Underwriting risk.* The degree of risk assumed by the carrier should influence the amount of the service charge. Although the carrier underwrites the contract, that is, assumes the risk of loss in any one contract year, experience rating allows the loss in any one contract year to be recovered in future years. In effect, the contract is redetermined on the basis of actual costs incurred. Consequently, a loss on the contract can only result if the contract is terminated in a year in which the contract has a cumulative deficit or if the administrative cost ceiling is exceeded. In the first situation, the contract might provide for some additional indemnification. The amount of service charge for underwriting risk in this case should be minimal unless other circumstances in a particular situation warrant greater consideration.

(2) *Conversions.* The FEHB law provides that for an employee whose enrollment is ended, except by cancellation, the carrier must offer the employee the option to convert, without evidence of good health, to a nongroup contract providing health benefits. [5 U.S.C. 8902(g)] The potential conversions of persons with preexisting conditions represent an underwriting risk that is fully assumed by the carrier and the service charge should be influenced accordingly.

(3) *Extent of Government financial assistance.* Generally, the FEHBP contracts are intended to be self-supporting. The premiums are paid to the carrier semi-monthly and are set so as to recover all projected costs, including a reserve for unpaid, but incurred claims. Consequently, premiums paid from the Federal Employees Health Benefits Fund generally finance the cost of the contract. Because of its underwriting responsiblities, however, the carrier may have to finance contract operations during periods of underwriting losses that deplete contract reserves until a time when premiums can be adjusted to restore them. Therefore, financing considerations should generally have a negative influence on the amount of service charge, except when, due to underwriting losses, the carrier must finance opeartions. The latter condition would have a positive influence on the service charge and can be recognized in the renewal of subscription rates when the condition actually exists.

(4) *Extent of the carrier's investment in facilities.* The carrier is expected to provide the facilities necessary to perform the contract either with equity or borrowed capital. Contract funds may not be used to purchase carrier assets. Consequently, the carrier's investment in facilities will be taken into consideration in evaluating the reasonableness of a proposed service charge if the cost of facilities capital is not otherwise recognized as an allowable cost in accordance with FPR 1–15.205–51. [See 46 FR 27645–27649 dated May 21, 1981.]

(5) *Carrier's performance.* The contracting officer may consider performance elements, such as, quality of service to subscribers, timeliness and accuracy in processing benefit claims, health care cost containment, and timeliness and accuracy of reports required by OPM. Where the carrier has consistently achieved excellent results in the foregoing areas, this performance merits a proportionately greater opportunity for service charges. Conversely, a poor record in this regard may have a negative influence on the amount of the service charge.

(6) *Subcontracting.* Carriers provide health benefits plans for the FEHBP through a wide variety of organizational structures and contractual arrangements. In some instances, a significant portion of a health benefits plan is subcontracted so that only a minimum amount of responsibility or risk remains with the FEHBP carrier. The contracting officer shall ensure that in these instances there is no unreasonable pyramiding of the service charge.

(7) *Other considerations.* In renegotiating a service charge during contract renewals, the contracting officer may also consider any significant changes in the health plan's enrollment and changes in the consumer price index.

§ 16–3.809 Contract audit as a pricing aid.

Each health benefits plan is audited by the Audits Division, Compensation Group, OPM, on a periodic basis according to a schedule determined by the Audits Division in consultation with the contracting officer. The Audits Division prepares audit reports which are supplied to the contracting officer and the Office of the Actuary. The contracting officer utilizes these audit reports in evaluating the validity and accuracy of data submitted by the carriers, in conducting negotiations on rates proposed by carriers, and in evaluating the efficiency and effectiveness of carrier operations. The audit function as stated in FPR 1–3.809 is generally applicable to the administration of FEHBP contracts. However, due to the distinctive nature of the FEHBP contracts, the contracting officer need not make a specific request for an audit review of revised subscription rates on experience rated contract renewals. The evaluation of projections and trends in estimating health insurance subscription rates requires the expertise of an actuary. The subscription rate estimates are, consequently, reviewed by the Office of the Actuary. One component of the estimated subscription rate is the balance of the Special Reserve, that is, the contract surplus or deficit (see 5 CFR 890.201(8)). The Audits Division conducts periodic audits on an historical basis of carrier costs and thereby verifies the propriety of the reported Special Reserve balance. Although these reviews are not labeled as precontract audits, they amount to audits of the costs upon which future subscription rates are predicated. Therefore, in the

context of the FEHBP, a post-contract audit is the functional equivalent of the precontract audit required by FPR 1–3.809.

§ 16–3.810 Exchange of information.

FPR 1–3.810 is applicable to the administration of FEHBP contracts.

§ 16–3.811 Record of price negotiation.

FPR 1–3.811 is applicable to the administration of FEHBP contracts.

§ 16–3.812 Disposition of postaward audits.

FPR 1–3.812 is applicable to the administration of FEHBP contracts.

§ 16–3.813 Startup and other nonrecurring costs.

In order for a new carrier to provide benefits on the effective date of the FEHBP contract, a certain amount of start-up costs are necessary. For experience rated contracts, the contracting officer shall determine whether it is the carrier's intention to absorb these precontract costs or to recover them from the contract. When the carrier has conveyed its intention to absorb any portion of the start-up cost, there shall be an express contractual provision that such portion will not be charged to the contract.

§ 16–3.814 Contract clauses.

The appropriate contract clause specified in FPR 1–3.814 shall be included in each FEHBP contract.

§ 16–3.814–50 Price reduction for defective certificate of community rating.

The following clause shall be included in all contracts where the subscription rate was established on the basis of a community rate:

Price Reduction For Defective Certificate Of Community Rating

If it is determined that the subscription rate is not a community rate, as certified; and it is determined that on the basis of experience rating the cost to the Government would be lower, the price of the contract shall be reduced to that price which would have resulted had the contract been experience rated. In this event, the experience rated price shall be determined on the basis of actual costs incurred in accordance with 41 CFR 1–15.2, not to exceed the community rated price. Refunds due the Government shall be used to reduce future FEHBP subscription charges of the carrier.

Subpart 16–3.9—Subcontracting Policies and Procedures

§ 16–3.903–2 Review and approval of subcontracts.

FPR 1–2.903–2 is applicable to the administration of the FEHBP contracts. Under experience rated FEHBP contracts, advance approval shall be required on all subcontracts or modifications to subcontracts which provide for the administrative services for the FEHB Program, the adjudication of FEHBP benefits, and/or the underwriting of FEHBP benefits. The subcontract clause specified in OPMPR 16–3.903–50 shall be included in each experience rated contract.

§ 16–3.903–50 Subcontract clause.

Subcontracts

(a) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract or subcontract modification if the subcontract provides for administrative services for the FEHB Program, the adjudication of FEHBP benefits, and/or the underwriting of FEHBP benefits.

(b) The advance notification required by paragraph (a) above shall include:

(i) A description of the services to be called for by the subcontract;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificates are required by other provisions of this contract to be obtained from the subcontractor;

(v) Identification of the type of subcontract to be used;

(vi) A memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of this memorandum shall be retained in the Contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not, required and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the Contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current; the action taken by the Contractor and the subcontractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective, the memorandum shall explain this difference;

(vii) When incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time; and

(viii) The Subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

(c) The Contractor shall not enter into any subcontract for which advance notification to the Contracting Officer is required by this clause, without the prior written consent of the Contracting Officer; Provided, that the Contracting Officer in his discretion, may ratify in writing any subcontract. Such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(d) Consent by the Contracting Officer to any subcontract or any provisions thereof shall not be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(e) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

Subpart 16–3.12—Cost Accounting Standard

§ 16–3.1200 Scope of subpart.

FPR 1–3.12 is applicable to the administration of FEHBP contracts and should be applied to each contract which meets the criteria therein. Applicability to FEHBP contracts is summarized as follows:

(a) Disclosure statements are not required under FEHBP contracts (FPR 1–3.1203–1)

(b) Cost Accounting Standards are applicable to FEHBP contracts which will usually meet the criteria for the modified contract clause (FPR 1–3.1204–2(b)) except that the following FEHBP contracts would be exempt from CAS coverage in accordance with FPR 1–3.1203–2(c):

(1) Community rated contracts,

(2) Small business concern contracts,

(3) Contracts under $500,000 unless the carrier is performing CAS covered contracts, in which case the FEHBP contract would be exempt if the amount of the contract is under $100,000.

PART 16–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 16–4.1—Federal Employees Health Benefits Contracts

Sec.

16–4.150 Scope and applicability of part.
16–4.151 Definition of terms.
16–4.151–1 Carrier.
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16–4.151–6 Director.
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16–4.151–10 Health benefits plan.
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16–4.151–12 OPM.
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16–4.152–1 Types of contracts.
16–4.152–2 Types of health plans.
16–4.152–3 Applications to participate in the FEHB Program
16–4.152–4 Proposals of existing FEHBP carriers.
16–4.152–5 Program requirements—information required of participating FEHBP plans.
16–4.153 Cost of benefits provided under experience rated contracts.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16–4.1—Federal Employees Health Benefits Contracts

§ 16–4.150 Scope and applicability of part.

This part describes the principal types of FEHBP contracts and sets forth policies and procedures used in connection with the procurement of health insurance coverage under the Federal Employees Health Benefits Program.

§ 16–4.151 Definition of terms.

For the purposes of this chapter, and unless otherwise indicated, the following terms have the meaning set forth in this subpart.

§ 16–4.151–1 Carrier.

"Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization. [5 U.S.C. 8901(7)]

§ 16–4.151–2 Community rate.

"Community rate" means a rate equivalent to that charged to all groups of the carrier during the period of the contract for the same level of health benefits, regardless of the differences among the groups in actual or projected utilization of health care services.

§ 16–4.151–3 Contractor.

"Contractor" means carrier.

§ 16–4.151–4 Contract modification.

"Contract modification" means any written alteration in the requirements, rates, or other contract provisions of an existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the carrier and OPM.

§ 16–4.151–5 Contracting officer.

"Contracting officer" means an official designated to enter into or administer contracts and make related determinations and findings. The contracting officer for FEHBP contracts is the Assistant Director for Insurance Programs.

§ 16–4.151–6 Director.

"Director" means the Director, Office of Personnel Management.

§ 16–4.151–7 Experience rate.

"Experience rate" means a rate for a given group which is the product of that group's actual paid claims, administrative expenses, retentions, and *estimated* claims incurred but not reported, adjusted for benefit modifications, utilization trends, and trends in the economy.

§ 16–4.151–8 FEHBP.

"FEHBP" means the Federal Employees Health Benefits Program.

§ 16–4.151–9 Government-wide plans.

"Government-wide plans" means the service benefit plan and the indemnity benefit plan.

§ 16–4.151–10 Health benefits plan.

"Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangements provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for health services. [5 U.S.C. 8901(6)]

§ 16–4.151–11 Negotiation.

"Negotiation" means the procedure for making contracts without formal advertising.

§ 16–4.151–12 OPM.

"OPM" means the Office of Personnel Management.

§ 16–4.151–13 Subcontractor.

"Subcontractor" means one who performs for and takes from the prime contractor a specific part of the original requirements of the prime contract. In a contract for health insurance, original requirements comprise administrative services for the FEHB Program, the adjudication of FEHBP benefits, and/or the underwriting of FEHBP benefits. In a contract for health services, as in a comprehensive plan group practice type arrangement, original requirements comprise administrative services for the FEHB Program, the adjudication of FEHBP benefits, the underwriting of FEHBP benefits, and/or the provision of medical services through groups of physicians as defined by 5 U.S.C. 8903(4)(A).

§ 16–4.152 Policies and procedures.

§ 16–4.152–1 Types of contracts.

Section 890, Title 5, United States Code, authorizes the Office of Personnel Management to enter into contracts with health benefits carriers to provide health benefits coverage for Federal employees and annuitants. Contracts between OPM and health benefits carriers are of two principle types, community rated and experience rated.

(a) *Community rated contract.* In a community rated contract:

(1) The subscription charge per subscriber is fixed for the term of the contract and is not subject to redetermination;

(2) The subscription rate is determined on the bases of a given level of benefits on a per person or per family basis which may vary with the number of persons in the family, but must be equivalent for all individuals and for all families of similar composition. The rate is determined without regard to the level of services required by any one subscriber group, but is sufficient to cover the cost of benefits delivered to all enrollees of the carrier purchasing the same level of benefits;

(3) The rate charged to Federal subscribers may differ somewhat from the community rate because: (i) certain additional benefits above the basic package may be provided to Federal subscribers (the costs of these benefits are referred to as "benefit loadings"); and (ii) minor adjustments from the community rate may be made in the rate charged to Federal subscribers to cover unique requirements of the Federal Employees Health Benefits Program (these adjustments are referred to as "standard loadings" and in some cases may be cost reductions (negative loadings)). Where, because of lead-time

requirements in rate negotiations, an estimated community rate is used, and subsequently the actual community rate turns out to differ from the estimated rate, some readjustment may be made.

(b) *Experience rated contract.* (1) In an experienced rated contract, the subscription charge per subscriber is fixed at the beginning of the contract term, but is subject to redetermination based upon actual cost incurred. [See OPMPR 16–4.153]

(2) If upon redetermination there is a surplus of the subscription charges collected by the carrier over the cost of providing the benefits, the surplus is carried forward to the next contract term as a positive balance in an account called the "special reserve." Conversely, if the cost of providing the benefits exceeds the subscription charges collected, the deficit is carried forward to the next contract term as a negative special reserve balance. The special reserve balance becomes a factor in determining subscription charges for the next contract term.

(3) Subscription charges held by the carrier which are in excess of the funds needed to discharge promptly the obligations incurred under the FEHBP contract must be invested and the income derived from the invested funds must be credited to the special reserve. [See 5 CFR 890.201(a)(8)]

§ 16–4.152–2 Types of health plans.

OPM contracts for the following health benefits plans:

(a) Service Benefit Plan
(b) Indemnity Benefit Plan
(c) Employee Organization Plans
(d) Comprehensive Medical Plans

A description of these plans is set out at 5 U.S.C. 8903.

§ 16–4.152–3 Applications to participate in the FEHB Program.

By regulation (5 CFR 890.203), applications from carriers for participation in the FEHBP shall be accepted only for comprehensive medical plans and shall be submitted by March 31 preceding the contract year to which they refer. In its solicitation for new plans, OPM shall request detailed information of each carrier expressing interest in participating in the FEHBP. The Office of the Assistant Director for Insurance Programs and the Office of the Chief Actuary shall evaluate the information received as set out in 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, and the contracting officer shall notify carriers meeting these requirements of their approval to participate in the FEHBP during the following contract year. Since each application is considered on its own merits, there is no competition between offerors as is the case in other types of procurements. Negotiation for benefits and rates shall be completed no later than September 30 preceding the contract year to which they apply.

§ 16–4.152–4 Proposals of existing FEHBP carriers.

For plans which are under contract with OPM, a "call letter" shall be issued to the carrier on or about March 1 of each year soliciting benefits and rate proposals. Negotiation for new benefits shall begin on May 1, and all benefit and rate negotiations shall be completed no later than September 30 preceding the contract year to which they apply.

§ 16–4.152–5 Program requirements—information required of participating FEHBP carriers.

(a) At the times and in the form specified by OPM, participating carriers shall submit the following: enrollment data, utilization data, and a statement of program financial operations including the corresponding CPA statement on carrier operations.

(b) The Office of the Assistant Director for Insurance shall review the data to evaluate the management of financial and other resources. Information obtained in the analysis of these reports shall be used in determining the carrier's continuing ability to meet the statutory and regulatory requirements of 5 U.S.C. Chapter 89, 5 CFR Part 890, and the requirements of this Chapter 16.

§ 16–4.153 Cost of benefits provided under experience rated contracts.

In an experience rated contract, the cost of benefits provided represents the actual costs incurred under the contract. The actual costs of the contract consist of the benefit payments made or accrued, plus administrative expenses incurred in adjudicating benefit claims and in the general operations of the carrier, plus the service charge and less investment income earned. In the absence of specific contract terms to the contrary, contract costs will be classified in accordance with the following criteria:

(a) *Benefits.* Benefit costs consist of payments made and liabilities incurred for covered health care services on the behalf of FEHBP subscribers, less any refunds, rebates, allowances or other credits received. If the FEHBP benefit costs must be determined on an indirect basis, the cost shall be determined in accordance with FPR 1–15.203.

(b) *Administrative expenses.* Administrative expenses consist of all allocable, allowable and reasonable expenses incurred in the adjudication of subscriber benefit claims or incurred in the carrier's overall operation of the business. Unless otherwise stated in the contract, administrative expenses include, in part: all taxes including premium taxes, insurance and reinsurance premiums, medical consultants used in the adjudication process, concurrent care review when not billed by a health care provider and other forms of utilization review, the cost of maintaining eligibility files, and legal expenses incurred in the litigation of benefit payments. The amounts charged to the contract shall be actual, necessary expenses incurred in connection with administration of the contract, determined on a equitable and reasonable basis, with proper justification and accounting support, and in accordance with FPR 1–15.2. Administrative expenses exclude the cost of carrier personnel, equipment, and facilities directly used in the delivery of health care services and the expense of managing the FEHBP investment program.

(c) *Investment income.* The carrier is required to invest and reinvest all funds on hand, including any in the special reserve or any attributable to the reserve for incurred but unpaid claims, which are in excess of the funds needed to discharge promptly the obligations incurred under the contract. Investment income represents the amount earned by the carrier as a result of investing the FEHBP funds. The improper use of FEHBP contract funds does not relieve the carrier of the obligation of crediting the special reserve for investment income that would have been earned had it not been for the improper use of funds; consequently, the contracting officer shall insert the clause at OPMPR 16–7.503–6. The investment income earned may be offset with the expenses attributable to the investment program.

(d) *Service charge.* The service charge is a negotiated sum (see OPMPR 16–3.808).

(e) *Other items.* (1) *Mandatory statutory reserves.* Charges for mandatory statutory reserves are not allowable unless specifically provided for in the contract. When the term "mandatory statutory reserve" is specifically identified as an allowable contract charge without further definition or explanation, it means a requirement imposed by State law upon the carrier to set aside a specific amount or rate of funds into a restricted reserve that is separate and apart from all other reserves and surpluses of the carrier and may be used only in emergency situations with the specific approval of the State Insurance Commissioner. The amount chargeable to the contract may not exceed an allocable portion of the amount actually set aside. If the statutory reserve is no longer required for the purpose for which it was created, and these funds become available for the general use of the carrier, a pro rata share based upon FEHBP's contribution to the total carrier's set aside shall be returned to the FEHBP in accordance with FPR 1–15.201–5.

(2) *Premium taxes.* When the term "premium taxes" is used in the contract without further definition or explanation, it means a tax imposed by State or local statutes upon the carrier's gross or net premiums received.

PART 16.7—CONTRACT CLAUSES

Subpart 16–7.50—FEHBP Contract Clauses

Sec.
16–7.500 Scope of subpart.
16–7.502 Required clauses.
16–7.502–1 Definitions.
16–7.502–2 Disputes.
16–7.502–3 Equal opportunity.
16–7.502–4 Officials not to benefit.
16–7.502–5 Covenant against contingent fees.
16–7.502–6 Pricing of adjustments.
16–7.502–7 Employment of the handicapped.
16–7.502–8 Clean air and water.
16–7.502–9 Examination of records by the Comptroller General.
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16–7.502–11 Convict labor.
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16–7.502–13 Preference for U.S. flag air carriers.
16–7.503 Clauses to be used in experience rated contracts.
16–7.503–1 Price reduction for defective cost or pricing data.
16–7.503–2 Audit and records.
16–7.503–3 Subcontractor cost and pricing data.
16–7.503–4 Cost accounting standards.
16–7.503–5 Subcontracts.
16–7.503–6 Investment income.
16–7.504 Clauses to be used in community rated contracts.
16–7.504–1 Price reduction for defective certificate of community rating.
16–7.504–2 Audit and records.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16–7.50—FEHBP Contract Clauses

§ 16–7.500 Scope of subpart.

This subpart sets forth contract clauses for use in all FEHBP contracts.

§ 16–7.502 Required clauses.

The clauses set forth in this § 16–7.502 shall be attached, included in, or incorporated by reference in all FEHBP contracts.

§ 16–7.502–1 Definitions.

Insert the clauses set forth in FPR 1–7.102–1.

§ 16–7.502–2 Disputes.

Insert the following clause as set forth in Temporary Regulation 55, 45 FR 35815, dated May 28, 1980:

Disputes Clause

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) As used herein, "claim" means a written demand or assertion by one of the parties seeking as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(iii) A claim by the contractor shall be made in writing and submitted to the contracting officer for decision. A claim by the Government against the contractor shall be subject to a decision by the Contracting Officer.

(d) For contractor claims of more than $50,000 the contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. The certification shall be executed by the contractor if an individual. When the contractor is not an individual, the certification shall be executed by a senior official in charge at the contractor's plan or location involved, or by having overall responsibility for the conduct of the contractor's affairs.

(e) For contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For contractor claims in excess of $50,000 the Contracting Officer must decide the claim within 60 days or notify the contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the contractor arising under the contract, the contractor shall proceed diligently with the performance of the contract in accordance with the contracting officer's decision.

§ 16–7.502–3 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

§ 16–7.502–4 Officials not to benefit.

Insert the clause set forth in FPR 1–7.102–17.

§ 16–7.502–5 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503.

§ 16–7.502–6 Pricing of adjustments.

Insert the clause set forth in FPR 1–7.102–20.

§ 16–7.502–7 Employment of the handicapped.

Insert the clause set forth in FPR 60–741.4 (Temporary Regulation 38, 41 FR 22817, dated June 7, 1976) in all contracts and subcontracts of $2,500 or more:

Employment of the Handicapped

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless

exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

§ 16-7.502-8 Clean air and water.

Insert the clause prescribed by FPR 1-1.2302-2.

§ 16-7.502-9 Examination of records by the Comptroller General.

Insert the clause set forth in FPR 1-7.103-3.

§ 16-7.502-10 Confidentiality of records.

Insert the following clause in all FEHBP contracts.

Confidentiality of Records

The Carrier shall use the personal data on employees and annuitants which is provided it by Agencies and OPM, including social security numbers, for only those routine uses stipulated for the data and published annally in the **Federal Register** as a part of OPM's notice of systems of records.

The Carrier shall also hold all medical records, and information relating thereto, of Federal subscribers and family members confidential except as authorized by the patient or guardian and except as disclosure is necessary to permit Government officials having authority to investigate and prosecute alleged criminal actions and to make audits of the contract and as necessary to carry out the coordination of benefits provisions of this contract.

§ 16-7.502-11 Convict labor.

Insert the clause set forth in FPR 1-12.204.

§ 16-7.502-12 Listing of employment openings.

Insert the clause set forth in Temporary Regulation 39 (41 FR 33265-33267 dated August 9, 1976).

§ 16-7.502-13 Preference for U.S. flag air carriers.

Insert the clause set forth in FPR 1-1.323-2.

§ 16-7.503 Clauses to be used in experience rated contracts.

The clauses set forth in this 16-7.503 shall be attached, included in, or incorporated by reference in all experience rated contracts.

§ 16-7.503-1 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1-3.814-1(a).

§ 16-7.503-2 Audit and records.

Insert the clause set forth in FPR 1-3.814-2.

§ 16-7.503-3 Subcontractor cost and pricing data.

Insert the clause set forth in FPR 1-3.814-3.

§ 16-7.503-4 Cost accounting standards.

Insert the appropriate contract clause set forth in FPR 1-3.1204-2.

§ 16-7.503-5 Subcontracts.

Insert the clause set forth in FPR 16-3.903-50.

§ 16-7.503-6 Investment income.

Insert the following clause:

Investment Income

(a) The carrier shall invest and reinvest all FEHBP funds on hand which are in excess of the funds needed to promptly discharge the obligations incurred under this contract. The carrier shall seek to maximize investment income with due consideration to the safety and liquidity of investments.

(b) All investment income earned on FEHBP funds shall be credited to the Special Reserve on behalf of the FEHBP.

(c) Where the Contracting Officer concludes that the carrier has failed to comply with paragraph (a) above, the Contracting Officer may direct the carrier to credit the Special Reserve for investment income that would have been earned had it not been for the carrier's lack of compliance. Failure to comply with paragraph (a) includes failure to use FEHBP funds for allowable purpose and failure to place excess funds in income producing investments and accounts. If directed, the carrier shall credit the Special Reserve for income that would have been earned had it no been for its failure to comply with the terms of this contract. In calculating the amount of the credit due FEHBP, the annual rate of earnings reflected in the FEHBP Annual Accounting Statement shall be used.

§ 16-7.504 Clauses to be used in community rated contracts.

The clauses set forth in this § 16-7.504 shall be attached, included in, or incorporated by reference in all community rated contracts.

§ 16-7.504-1 Price reduction for defective certificate of community rating.

Insert the clause set forth in FPR 16-3.814-50.

§ 16-7.504-2 Audit and records.

The following clause shall be included in all community rated contracts:

Audit and Records

The Carrier agrees to permit the OPM to examine the records of the Carrier under this contract as may be necessary to carry out the purposes of the Act and Regulations. The Carrier agrees that it will preserve records relating to a contract period for five (5) years after the close of the contract period to which the records relate.

PART 16-8—TERMINATION OF CONTRACTS

Subpart 16-8.1—Definition of Terms

Sec.
16-8.101 Definition.

Subpart 16-8.2—General Principles Applicable to Withdrawal of Approval of Health Benefits Carriers and Settlement of FEHBP Contracts

16-8.250 Provisions for withdrawal of approval.

Subpart 16-8.3—Clauses

16-8.700 Applicability of subpart.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-8.1—Definition of Terms

§ 16-8.101 Definition.

For purposes of this part, "termination for convenience" means "withdrawal of approval."

Subpart 16-8.2—General Principles Applicable to Withdrawal of Approval of Health Benefits Carriers and Settlement of FEHBP Contracts

§ 16-8.250 Provisions for withdrawal of approval.

(a) Section 8902(e), title 5, United States Code, provides as follows: "Approval of a plan may be withdrawn only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of this title." Within the limitations of this statute, the provisions of FPR 1-8.2 and 1-8.3 shall be applied.

(b) Participating carriers which do not exhibit continuing ability to meet the requirements set out at 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, shall be notified by the contracting officer of their deficiency. Within 10 days of the receipt of such notification, the nonconforming carrier shall provide OPM with evidence concerning the asserted deficiency. If the carrier fails to provide evidence satisfactory to OPM of its ability to meet its obligations under the contract, OPM shall require the carrier to present detailed plans, in a form prescribed by the OPM, for correcting the asserted deficiency. The carrier shall submit the plans within 20 days following receipt of notification. Pending submission or implementation of plans required under this section, the OPM may institute action as it deems necessary to protect the interests of enrollees, including, but not limited to: (1) suspending new enrollments under the contract; (2) advising enrollees of the asserted deficiencies and providing them an opportunity to transfer to another health plan. Failure to submit or to diligently implement plans which are

required under this section shall constitute sufficient grounds for withdrawal of the contract in accordance with the provisions for withdrawal of approval of health benefits plans set out at 5 CFR 890.205.

(c) Prior to withdrawal of the contract, the contracting officer shall seek to enter into an agreement with the carrier that provides for a procedure which includes, but is not limited to: (1) the settlement of benefit claims incurred during the period of the contract and the administrative costs incurred in settling claims; (2) the transfer of subscribers to another FEHBP carrier, and the administrative costs related to transferring such subscribers; and (3) the immediate disposition of excess funds in the special reserve of experience rated contracts.

Subpart 1-8.7—Clauses

§ 16-8.700 Applicability of subpart.

Termination for convenience of the government clauses set out in FPR 1-8.7 are not consistent with the provisions of 5 U.S.C. 8902(e) pertaining to the withdrawal of approval of FEHBP plans and, accordingly, have no practical application to the FEHBP contracts.

PART 16-11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 16-11.50—Tax Treatment of FEHBP Contracts

Sec.
16-11.5000 Taxes in connection with the performance of community rated contracts.
16-11.5001 Taxes in connection with the performance of experience rated contracts.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-11.50—Tax Treatment of FEHB Contracts

§ 16-11.5000 Taxes in connection with the performance of community rated contracts.

Taxes paid by community rated FEHB plans are reflected in the community rate which is fixed for the term of the contract and is not subject to redetermination. Consequently, FPR 1-11 is not applicable to community rated contracts.

§ 16-11.5001 Taxes in connection with the performance of experience rated contracts.

Federal, state and local taxes on experience rated contracts present solely a question of allowability of costs and are treated in FPR 1-15.

PART 16-12—LABOR

Subpart 16-12.1—Basic Labor Policies

Sec.
16-12.100 General.

Subpart 16-12.2—Convict Labor

16-12.201 General.
16-12.204 Contract clause.

Subpart 16-12.7—Fair Labor Standards Act of 1938

16-12.700 General.

Subpart 16-12.8—Equal Opportunity in Employment

16-12.801 General.

Subpart 16-12.10—Nondiscrimination Because of Age

16-12.1001 Policy.

Subpart 16-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

16-12.1200 Policy.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-12.1—Basic Labor Policies

§ 16-12.100 General.

FPR Subpart 1-12.1 is applicable to the administration of the FEHBP contracts.

Subpart 16-12.2—Convict Labor

§ 16-12.201 General.

FPR Subpart 1-12.2 is applicable to the administration of the FEHBP contracts.

§ 16-12.204 Contract clause.

The Convict Labor clause contained in FPR 1-12.204 shall be included in all FEHBP contracts.

Subpart 16-12.7—Fair Labor Standards Act of 1938

§ 16-12.700 General.

FPR Subpart 1-12.7 is applicable to the administration of the FEHBP contracts.

Subpart 16-12.8—Equal Opportunity in Employment

§ 16-12.801 General.

FPR subpart 1-12.8 is applicable to the administration of FEHBP contracts and all FEHBP contracts shall contain the Equal Opportunity clause contained in FPR 1-12.803-2.

Subpart 16-12.10—Nondiscrimination Because of Age

§ 16-12.1001 Policy.

OPM shall support the enforcement of Executive Order No. 11141 of February 12, 1964 which prescribes the public policy against discrimination on the basis of age by applying the provisions of FPR 1-12.10 in the administration of the FEHBP contracts.

Subpart 16-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

§ 16-12.1200 Policy.

OPM shall support the enforcement of the Williams-Steiger Occupational and Health Act of 1970 (29 U.S.C. 651-678) by complying with the provisions of FPR 1-12.12 in the administration of the FEHBP contracts.

PART 16-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.
16-15.000 Scope of part.

Subpart 16-15.1—Applicability

16-15.101 Scope of subpart.

Subpart 16-15.2—Contracts with FEHBP Carriers

16-15.200 Scope of subpart.
16-15.201 Basic considerations.
16-15.201-5 Credits.
16-15.205 Selected costs.
16-15.205-1 Advertising.
16-15.205-2 Bad debts.
16-15.205-6 Compensation for personal services.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

§ 16-15.000 Scope of part.

This part contains the general cost principles and procedures for the negotiation and administration of FEHBP contracts.

Subpart 16-15.1—Applicability

§ 16-15.101 Scope of subpart.

FPR 1-15.1 is applicable to the administration of FEHBP contracts. In accordance with FPR 1-15.106, Part 1-15 will be used whenever cost analysis is performed and whenever a fixed-price type contract clause requires the determination or negotiation of costs. Consequently, costs for an experience rated contract shall be determined in accordance with FPR 1-15.2. The cost principles of FPR 1-15 are not applicable to that portion of a community rated contract that does not require cost analysis and/or the determination or negotiation of costs.

Subpart 16-15.2—Contracts with FEHBP Carriers

§ 16-15.200 Scope of subpart.

FPR 1-15.2 is applicable in its entirety to FEHBP contracts that require cost analysis and/or the determination or negotiation of costs. As the need arises, OPM will publish guidelines in this chapter 16 to be used for interpreting the application of FPR 1-15.2 to the FEHBP

contracts. These guidelines are not intended as a deviation from or a substitute for the FPR 1–15 unless specifically stated. The guidelines are as follows:

§ 16–15.201 Basic considerations.

In the absence of specific contract terms to the contrary, FEHBP costs will be classified and defined in accordance with OPMPR 16–4.153.

§ 16–15.201–5 Credits.

The provisions of 1–15.201–5 shall apply to income, rebates, allowances and other credits resulting from benefit payments which include, but are not limited to, coordination of benefit refunds, hospital year-end settlements, uncashed checks, utilization review refunds, and refunds attributable to litigation with subscribers or providers of health services.

§ 16–15.205 Selected costs.

§ 16–15.205–1 Advertising.

(a) In applying the provisions of FPR 1–15.205–1 to charges for media advertising costs of an asserted "educational" purpose, or for any other purpose except as provided for in OPMPR 16–15.205–1(b), the degree of prominence given to the carrier's name in the advertising copy will be a decisive factor in determining whether the message is intended to call favorable attention to the advertiser for the purpose of enhancing its overall image to sell its health plan.

(b) The cost of media messages which are directed at advising current FEHBP subscribers on *how to obtain benefits* shall be an allowable expense within the meaning of FPR 1–15.205–1 since this service is directly related to performance of the FEHBP contract. If there is any question regarding the allowability of such a cost, the carrier may request an advance approval regarding the content and cost of the message.

§ 16–15.205–2 Bad debts.

The chargeability of erroneous benefit payments, overpayments and duplicate payments directly attributable to performance of the FEHBP contract shall be determined in accordance with the specific terms of the FEHBP contract. These erroneous benefit payments do not come within the intent of FPR 1–15.205–2.

§ 16–15.205–6 Compensation for personal services.

Overtime on an FEHBP contract would normally meet the condition specified in FPR 1–12.102–5; consequently, premiums for overtime, extra-pay shifts, and multi-shifts meeting the specified conditions shall be allowable without prior approval.

PART 16–20—RETENTION REQUIREMENTS FOR CONTRACTOR AND SUBCONTRACTOR RECORDS

Subpart 16–20.1—Purpose and Applicability

Sec.
16–20.102 Applicability.

Subpart 16–20.2—General Provisions

16–20.202 Other record retention requirements.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16–20.1—Purpose and Applicability

§ 16–20.102 Applicability.

The contracting officer shall require FEHBP carriers to retain contract records as specified in OPMPR 16–20.202.

Subpart 16–20.2—General Provisions

§ 16–20.202 Other record retention requirements.

FEHBP carriers will be required to retain the materials described in FPR 1–3.814–2 (b) and (c) for 5 years after the end of the contract year to which they relate, except that claims benefits records shall be maintained for 3 years after the end of the contract year to which they relate.

PART 16–26—CONTRACT MODIFICATIONS

Subpart 16–26.4—Novation and Change of Name Agreements

Sec.
16–26.401 General.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16–26.4—Novation and Change of Name Agreements

§ 16–26.401 General.

The provisions of FPR 1–26 are applicable to the administration of FEHBP contracts

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Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Peanuts; 1981 Crop; Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1981 Crop Peanuts," "Outgoing Quality Regulation—1981 Crop Peanuts," and the "Terms and Conditions of Indemnification—1981 Crop Peanuts," which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended regulations and the Terms and Conditions of Indemnification be issued to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

This action has been reviewed under USDA Procedures and Executive Order 12291 and has been classified "not significant," and therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

Information collection (reporting or recordkeeping) under this agreement are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as OMB clearance has been obtained.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1981 Crop Peanuts," "Outgoing Quality Regulation—1981 Crop Peanuts," and the "Terms and Conditions of Indemnification—1981 Crop Peanuts," are hereby approved.

Dated: July 6, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

Incoming Quality Regulation—1981 Crop Peanuts

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions on peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damaged caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed Peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmer stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundreths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of kernels which ride screens with the following slot openings: Runner—$^{1}\frac{5}{64} \times \frac{3}{4}$ inch; Spanish and Valencia—$^{1}\frac{5}{64} \times \frac{3}{4}$ inch; Virginia—$^{1}\frac{5}{64} \times 1$ inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the kernels which ride the prescribed screen are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The loose shelled kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed Peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which

regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus*, and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture, and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with *visible Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any rresidual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirments may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirement pursuant to paragraph (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirments for human consumption. The provision of section 31 of the marketing agreement restricting acquistions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts of keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 or 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 2 and 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection Service to be Segregation 2 or Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 2 and Segregation 3 peanuts from milling for edible use. If any lot of Segregation 2 or Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificates on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Farmers Stock Storage and Handling Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of current crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. Handlers shall also report to the Committee, the locations at which they will receive or acquire current crop farmers stock peanuts. All such storage facilities shall have reasonable and safe access to allow for inspection of the facility and its contents. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient safeguards to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. Any conditions in warehouses, elevators, pits, and other farmers stock handling equipment conducive to the growth or spread of *Aspergillus flavus* mold shall be corrected to the satisfaction of the Committee. The Committee may make periodic inspections of farmers stock storage and handling facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(1) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph (h) (1) of the Outgoing Quality Regulation.

Outgoing Quality Regulation—1981 Crop Peanuts

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas; or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits." The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	$^{13}/_{64}$ inch round	$^{19}/_{64} \times ^{3}/_{4}$ inch slot.
Spanish and Valencia.	$^{16}/_{64}$ inch round	$^{19}/_{64} \times ^{3}/_{4}$ inch slot.
Virginia except "No. 2 Virginia".	$^{15}/_{64}$ inch round	$^{19}/_{64} \times 1$ inch slot.
"No. 2 Virginia"	$^{13}/_{64}$ inch round only for split, broken and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through $^{15}/_{64} \times ^{3}/_{4}$ slot screen; for Runners 3.00 percent whole kernels which will pass through $^{19}/_{64} \times ^{3}/_{4}$ inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through $^{15}/_{64} \times 1$ inch slot screen, and (c) otherwise meet specification of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a U.S. Department of Agriculutre laboratory (hereinafter referred to as "USDA laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample #1", "Sample #2," and "Sample #3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample #1 may be prepared for immediate testing or Sample #1, Sample #2, and Sample #3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample #1 to be ground by the Federal or Federal-State Inspection Service or a USDA or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample #1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample #1. It shall be designated as "Subsample 1–CD." Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in USDA or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample #2 and Sample #3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample #1 are known. Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #2 to be ground by the Inspection Service in a "subsampling mill." The resultant ground Subsample from Sample #2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB." Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #3 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample #3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB." Subsamples 2–AB and 3–AB shall be analyzed only in USDA or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost [specified by the Committee] of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis

certificate covering the lot. When any of the samples or subsamples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler. The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling, the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. The crop year that is shown on the positive lot identification tags, or other means of positive lot identification shall accurately describe the crop year in which the peanuts in the lot were produced. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to point within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.*

(1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{13}/_{64} \times ^{3}/_{4}$ inch; Spanish and Valencia—$^{13}/_{64} \times ^{3}/_{4}$ inch; Virginia—$^{13}/_{64} \times 1$ inch; and fall through and pickouts shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Such categories may be kept separate or be commingled in the same lot and shall be bagged in suitable new or clean, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) by using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (1)(1) or (1)(2) of this regulation or they may be moved to another handler for such disposition. Sales or transfer of such peanuts, to exporters who are not handlers under the marketing agreement, shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as a aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (1)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (1)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which are disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers of firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by a USDA laboratory, at handler's or crusher's expense, and if such meet

Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.*

(1) Handlers may sell to or contract with other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompained by a valid grade inspection certificate, and aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from othe receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects moisture, or foreign material or are positive as to aflatoxin. Handlers who move such peanuts to a blancher shall report, to the Committee on a form furnished by the Committee, movement of each such lot and the title shall be retained by the handler until the peanuts are blanched and certified by an inspector of the Federal or Federal-State Inspection Service as meeting the requirements for disposal into human consumption outlets. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Blanching under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such blanching.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) to domestic crushing, (b) to export to countries other than Canada and Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted": *Provided,* That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operations at the crusher, or during the fragmenting operation or after (fragmenting for further disposition) as "unrestricted" pursuant to the provisions of paragraph (1)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted." Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted." However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (1)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(4) Handlers may contract with PAC approved remillers for remilling shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a) of the Outgoing Quality Regulation: *Provided,* That such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 10 percent fall through or 20 percent foreign material. Lots of peanuts moved under these provisions must be accompanied by a valid grade inspection certificate and an aflatoxin assay certificate and must be positive lot identified. Handlers who move such peanuts to an approved remiller shall report to the Committee, on a form furnished by the Committee, the movement of each such lot. The title of such peanuts shall be retained by the handler until the peanuts have been remilled and certified by the Federal or Federal-State Inspection Service as meeting the requirements for disposition to human consumption outlets specified in paragraph (a), and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Remilling under these provisions may include composite remilling of more than one such lot of peanuts owned by the same handler. However, such peanuts owned by one handler shall be held and remilled separate and apart from all other peanuts. The residual peanuts resulting from remilling under these provisions shall be bagged and red-tagged and disposed of to domestic crushing by the approved remiller or they may be returned to the handler for disposition under the provisions of paragraph (g)(3) of the Outgoing Quality Regulation. Remilling under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such remilling.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming

Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) may be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation; or (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.*

(1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing, or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Association and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.*

(1) In addition to milling (shelling, cleaning, etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All such dispositions export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k) (1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k) (2), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k) (2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k)(2).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, and pickouts commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2), and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) with any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 15/64 x 3/4 inch slot; Runner 15/64 x 3/4 inch slot; and Virginia 15/64 x 1 inch slot. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) with any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lost of lots shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels, fall through and pickouts commingled pursuant to paragraphs (g) (2) and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

Handlers who acquire, from other handlers, or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (1) (2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted." Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The handler's "in-land" bill of lading and his invoice covering the shipment shall include the following statement: "The peanuts covered by this bill of lading (or invoice) are limited to crushing only and may contain aflatoxin." Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (1) (2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

Terms and Conditions of Indemnification—1981 Crop Peanuts

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the Outgoing Quality Regulation and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions,

and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate: The idemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the Outgoing Quality Regulation. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committed to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling or freight, but otherwise shall be indemnifiable the same as lots more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the next to last paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus an allowance for remilling of two and one-half cents per pound on the original weight. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the Outgoing Quality Regulation. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus the transortation costs from origin (whether handler or buyer premises) to pointy of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which ae custom blanched without remilling, the indemnification payment shall be determined in the same manner. However, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot have been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnifications on current crop year peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lots(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer of by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on current crop year peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the current crop year shall be filled with the Committee no later than November 1, following the end of the current crop year.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller and such peanuts shall be reoffered to the buyer to satisfy the covering contract, pending successful remilling and/or blanching. Or, if the buyer's or receiver's name is shown on the certificates covering a lot which, upon the pretesting sampling procedure prescribed in paragraph (c) of the Outgoing Quality Regulation, exceeds Committee requirements for wholesomeness as to aflatoxin, such peanuts shall be offered to the buyer to satisfy the existing applicable contract, pending successful remilling and/or blanching. Alternatively, seller may replace any rejected lot of peanuts with another lot, if he elects to do so.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a USDA laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the Incoming Quality Regulation shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee. Also any handler who fails to cause positive lot identification on any lot of peanuts to accurately reflect the crop year in which such peanuts were produced, pursuant to paragraph (d) of the Outgoing Quality Regulation, shall be ineligible for any indemnification payments until such violation is corrected to the satisfaction of the Committee. Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—
(1) U.S. Jumbos
(2) U.S. Fancy Handpicks
(3) Valencia—Roasting stock [1]

U.S. Grade shelled peanuts—
(1) U.S. No. 1
(2) U.S. Splits
(3) U.S. Virginia Extra-Large
(4) U.S. Virginia Medium

Shelled peanuts "with splits"—
(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64} \times ^{3}/_{4}$ slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{15}/_{64} \times ^{3}/_{4}$ slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{15}/_{64} \times 1$ slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) where milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation; (2) failed the Outgoing Quality Regulation due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; and (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

For the purpose of paying indemnification beginning August 1, of the current crop year, the domestic market price for each category of peanuts shall be determined by averaging the price listed in the Peanut Market News, per category, each week on an accumulative season-to-date basis. Such weekly price calculations shall extend to March 31 of the current crop year. After March 31, the season average price per category shall be applied during the remainder of the crop year.

The indemnification value for each category of peanuts eligible for indemnification shall be the domestic market price, less two cents per pound (on the pounds indemnified) except that the minimum indemnification value on all indemnifiable categories shall be 30 cents per pound.

The grade categories to which the indemnification values shall be applied are as follows:

Runners [1]	Virginias	Spanish
Jumbo	U.S. extra large	U.S. No. 1 (or larger).
Medium	U.S. medium	Spanish with splits.
Select	U.S. No. 1	U.S. splits.
No. 1 (—16+16 screens).	Virginias with splits.	
Mill run with or without splits.	U.S. splits	
U.S. splits		

[1] Southeastern Peanut Association grades.

[FR Doc. 81-20222 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-02-M

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

Rural Electrification Administration

Basin Electric Power Cooperative; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Basin Electric Power Cooperative (Basin) of Bismarck, North Dakota. Basin plans modifications to the William J. Neal Station at Velva, Nort Dakota, to provide for cogeneration with a sunflower oil processing plant.

The environmental effects of the project were discussed and evaluated in the Borrower's Environmental Report (BER) prepared by Basin in December 1980. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the proposed project are evaluated in REA's Environmental Assessment.

REA's independent evaluation of the proposed project concludes that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Basin's BER, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

The only viable alternative to the proposed project is "no action". REA determined that the proposed action to provide for the proposed cogeneration project is more environmentally and economically sound than the "no action" alternative.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and Basin's BER may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20217 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Colorado-Ute Electric Association, Inc.; Draft Environmental Impact Statement Notice

Notice is hereby given that the Rural Electrification Administration (REA) as lead Federal agency has pepared a Draft Environmental Impact Statement (DEIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with potential financing assistance to Colorado-Ute Electric Association, Inc. (Colorado-Ute) P.O. Box 1149, Montrose, Colorado 81401. The U.S. Department of the Interior (Bureau of Land Management), U.S. Department of Agriculture (Forest Service), and U.S. Department of Energy (Western Area Power Administration) have contributed to the preparation of the DEIS in the role of cooperating agencies.

The anticipated financing assistance would allow Colorado-Ute to secure funds required for the construction of a proposed project consisting of 483 km (300 miles) of double circuit 345 kV transmission line between Rifle, Colorado, and the San Juan Generating Station near Farmington, New Mexico. Associated facilities include the construction of four new substations, the expansion of five existing substations and the construction of 8.0 km (5.0 miles) of double circuit 115 kV transmission line.

Additional information on the proposed project may be secured from Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-6183.

Persons wishing to comment upon the environmental aspects of the proposed project and the DEIS are invited to respond in writing within 45 days of EPA's notice of availability of the DEIS. Comments are invited from the public, from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been specifically requested.

Copies of the Federal DEIS have been sent to various Federal, state and local agencies, as outlined in the Council on Environmental Quality regulations. Limited supplies of the DEIS are available upon request from Mr. Bennett at the address given above. The DEIS may be examined during regular business hours at the following locations:

Rural Electrification Administration, 14th and Independence Avenue SW., Room 5168, Washington, D.C. 20250
Hotchkiss Public Library, Hotchkiss, Colorado 81419
Rifle Branch Library, 337 E Avenue, Rifle Colorado 81650
Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado 81501
Paonia Public Library, Box L, Paonia, Colorado 81428
Colorado-Ute Electric Association, Inc., 845 South Townsend Avenue, Montrose, Colorado 81401
Delta Public Library, 563 Palmer, Delta, Colorado 81416
Cedaredge Public Library, Box 548, Cedaredge, Colorado 81413
Montrose Library District, South 1st and Uncompahgre, Montrose, Colorado 81401
Ouray Public Library, Box 625, Ouray, Colorado 81427
San Miguel County Public Library, Box 633, Telluride, Colorado 81435
Norwood Public Library, Box 127, Norwood, Colorado 81423
Dolores County Public Library, P.O. Box 574, Dove Creek, Colorado 81324
Dolores Public Library, P.O. Box 847, Dolores, Colorado 81232
Nucla Public Library, Nucla, Colorado 81424
Cortez Public Library, 802 E. Montezuma, Cortez, Colorado 81321
Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301
Mancos Public Library, P.O. Box 144, Mancos, Colorado 81328
Farmington Public Library, 302 North Orchard Avenue, Farmington, New Mexico 87401

Persons, organizations and agencies wishing to comment should do so in writing within the 45-day period indicated above and address their correspondence to Mr. Bennett of REA at the address given above. All comments received within the 45-day period will be considered in the formulation of final determinations regarding the approval of REA financing assistance for the project and the Final Environmental Impact Statement.

Final REA action, with respect to this matter (including any release of funds), will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969, and requirements of other environmentally related statutes, regulations, and Executive orders have been met.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrifiction Administration.

[FR Doc. 81-20221 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Kamo Electric Cooperative, Inc., Vinita, Okla.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65), and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $66,200,000 to KAMO Electric Cooperative, Inc., (KAMO) of Vinita, Oklahoma. This loan guarantee will be used to finance approximately 127 miles of 161 kV, 41 miles of 138 kV and 169 miles of 69 kV transmission line, substations, transmission system improvements, cost overruns on previously approved transmission projects and the remodeling of existing headquarters facilities at Vinita, Oklahoma.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. B. Dean Sanger, manager, KAMO Electric Cooperative, Inc., P.O. Box 577, Vinita, Oklahoma 74301.

In order to be considered, proposals must be submitted on or before August 10, 1981 to Mr. Sanger. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as KAMO and REA deem appropriate.

Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20218 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation and Transmission Cooperative, Inc., Albuquerque, N. Mex.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $18,000,000 to Plains Electric Generation and Transmission Cooperative, Inc., (Plains) of Albuquerque, New Mexico. These loan funds will be used to finance the Coronado Substation, communications equipment, miscellaneous transmission system improvements, and a branch headquarters facility in Las Cruces, New Mexico.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Stanley K. Bazant, Manager, Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, N. E., Albuquerque, New Mexico 87107.

In order to be considered, proposals must be submitted on or before August 10, 1981 to Mr. Bazant. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Plains and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20219 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Tongue River Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for Tongue River Electric Cooperative, Inc., (Tongue River) of Ashland, Montana. The proposed financing will assist Tongue River in constructing 87.5 km (54.4 miles) of 69 kV transmission line and associated substation facilities.

The 69 kV transmission line will be built between the Colstrip Substation located near Colstrip, Montana, and the proposed Birney Substation located northeast of Birney, Montana. The entire project will be located in Rosebud County, Montana. Associated substation facilities include the construction of two new distribution substations. Tongue River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands cultural resources, wetlands and floodplains, and other potential impacts of the project are adequately considered in Tongue River's Borrower's Environmental Report and REA's Environmental Assessment.

Various alternatives to the proposed transmission line and substation were reviewed by Tongue River and REA. The alternatives included no action, alternate substation locations, diesel peaking units, energy conservation and load management, upgrading the present system, and alternate connection points. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Tongue River in Rosebud County.

REA's independent evaluation of the environmental impacts concludes that the construction of this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, REA's Environmental Assessment, and a review of Tongue River's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part 1.

Copies of REA's Finding of No Significant Impact and supporting documents may be reviewed at or obtained from the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Tongue River Electric Cooperative, Inc., Ashland, Montana 59003.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20220 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Statistical Reporting Service [1]

Discontinuance of White Corn Estimates

Notice is hereby given that the Statistical Reporting Service intends to discontinue all estimates of white corn acreage, yield and production effective with estimates scheduled for release in January 1982. Discontinuance is required

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1030-1, issued June 19, 1981, the Economics and Statistics Service has become the Statistical Reporting Service and the Economic Research Service. A notice detailing the agency's reorganization is now being drafted for later publication.

as a cost reduction measure which will save approximately $50,000 annually.

Members of the public wishing to comment on this proposal may submit their views in writing to the Director, Estimates Division, Statistical Reporting Service, USDA, Room 0204–S, Washington, D.C. 20250. The comment period will close August 31, 1981.

Done at Washington, D.C., this 1st day of July 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81–20305 Filed 7–9–81; 8:45 am]

BILLING CODE 3410–18–M

Modification of Turkey Hatchery Report

Notice is hereby given that the Statistical Reporting Service [1] intends to reduce the frequency of its *Turkey Hatchery* reports effective with the report scheduled for release September 3, 1981. This report, which has included number of eggs set and poults hatched the previous week, has been issued in the nine principal producing states each Thursday. Beginning with the month of September 1981, the *Turkey Hatchery* report will be issued on a monthly basis only with release early the following month. This modification is required as a cost reduction measure which will save approximately $25,000 annually.

Members of the public wishing to comment on this proposal may submit their views in writing to the Director, Estimates Division, Statistical Reporting Service, USDA, Room 0204–S, Washington, D.C. 20250. The comment period will close August 20, 1981.

Done at Washington, D.C. this 1st day of July 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81–20306 Filed 7–9–81; 8:45 am]

BILLING CODE 3410–18–M

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1020–1, issued June 19, 1981, the Economics and Statistics Service has become the Statistical Reporting Service and the Economic Research Service. A notice detailing the agency's reorganization is now being drafted for later publication.

CIVIL AERONAUTICS BOARD

[81–7–25; Docket 39587]

Application of Westair Jet Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 81–7–25, Docket 39587.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of WestAir Jet Inc. for a certificate authorizing the air transportation of persons, property and mail between Seattle, Washington, the intermediate points Pasco-Richland, Kennewick, Washington; Portland, Eugene, Medford, Oregon; Boise, Idaho; Salt Lake City, Utah; Reno, Nevada; Lake Tahoe, Chico, Redding-Red Bluff, Eureka-Arcata, Sacramento, San Francisco-Oakland-San Jose and Fresno, California; Las Vegas, Nevada; Los Angeles-Burbank-Long Beach-Ontario-Orange County and San Diego, California; Phoenix, Arizona and the terminal point, Tuscon, Arizona. Certification is subject to a favorable determination of the applicant's fitness in the WestAir Jet Inc. Fitness Investigation Docket 39705).

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by July 30, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 39587, application of WestAir Jet Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on the civic officials and airport managers at Seattle, Pasco, Richland, and Kennewick, Washington; Portland, Eugene and Medford, Oregon; Boise, Idaho; Fresno, Los Angeles, Burbank, Ontario, Long Beach, San Diego, Oakland, South Lake Tahoe, Chico, Redding, Red Bluff, Eureka, Arcata, Sacramento, San Francisco, San Jose and Orange County, California; Reno and Las Vegas, Nevada; Phoenix and Tucson, Arizona; and Salt Lake City, Utah; the Governors of Arizona, California, Nevada, Idaho, Oregon, Utah and Washington; The California Department of Transportation; the California Public Utilities Commission; the Nevada Department of Transportation; the Arizona Department of Transportation; the Idaho Division of Aeronautics and Public Transportation; the Oregon Public Utility Commission; the Utah Department of Transportation; the Washington Department of Transportation; the California Tahoe Regional Planning Agency and the Burbank-Glendale-Pasadena Airport Authority.

FOR FURTHER INFORMATION CONTACT:

Peter M. Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673–5345.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20301 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under subpart Q of the board's procedural regulations (see 14 CFR 302.1701 et. seq.): Week ended July 2, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
June 29, 1981	39757	Transocean Air Lines, Inc., c/o Orville G. Tigerman, P.O. Box 9154, Newport Beach, California 92660 Application of Transocean Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity authorizing it to engage in Domestic air transportation of property between any point in any state of the United States or the District of Columbia or any territory or possession of the United States, and any other point in any state of the United States or the District of Columbia or any territory or possession of the United States. Conforming Applications, motions to modify scope, and answers may be filed by July 27, 1981.
June 30, 1981	39761	Golden West Airlines Co., 4200 Campus Drive, P.O. Box 1877, New Port Beach, California 92663 Application of Golden West Airlines Co., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate of public convenience and necessity for Route 201 be amended so as to authorize the nonstop round trip carriage of persons, property, and mail between the points listed below: Fresno, California (FAT)—Orange County, California (SNA). Fresno, California (FAT)—Lake Tahoe, California (TVL). Conforming Applications, motions to modify scope, and answers may be filed by July 28, 1981.
June 29, 1981	39760	Pan American World Airways, Inc., Pan Am Building, New York, New York 10166. Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to amend its certificate of public convenience and necessity for Route 130, so as to remove the restriction therein against nonstop service between Japan and The Philippines, and grant such other or different relief as the Board shall deem necessary and proper. Conforming Applications, motions to modify scope, and answers may be filed by July 13, 1981.
June 30, 1981	39765	Lineas Aereas De Nicaragua, S.A., (LANICA), c/o Paul S. Reichler, 1200 New Hampshire Avenue NW., Washington, D.C. 20036. Application of LANICA pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its foreign air carrier permits to engage in foreign air transportation of persons, property and mail between the terminal points in Managua, Nicaragua and Miami, Florida, and between the terminal points Managua, Nicaragua and San Juan, Puerto Rico. Answers may be filed by July 28, 1981.
June 30, 1981	39767	Sterling Airways A/S, c/o Frederick S. Hird, Jr., Kaler, Worsley, Daniel & Hollman, 710 Ring Building, Washington, D.C. 20036. Application of Sterling Airways A/S pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its authority between Denmark and the United States, and amendment of its authority to include Norway and Sweden, to engage in charter foreign air transportation of persons and/or property, separately or in combination: A. Between any point or points in Denmark, Norway or Sweden and any point or points in the United States, including intermediate and beyond points; B. Between a point or points in the United States and a point or points not in either Denmark, Norway, Sweden or the United States, provided such charters stop over for at least two consecutive nights in Denmark, Norway or Sweden; and C. Between any point or points in the United States and any point or points not in either Denmark, Norway, Sweden or the United States which charters do not stop over in Denmark, Norway or Sweden for at least two consecutive nights. Answers may be filed by July 28, 1981.
July 1, 1981	39771	Central Caraibes Air, S.A., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, 1211 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036. Application of Central Caraibes Air, S.A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to engage in foreign air transportation of persons, property and mail as follows: Between the terminal point Port-au-Prince, Haiti, on the one hand, and coterminal points Miami, Florida and New York, New York, on the other hand. Answers may be filed by July 29, 1981.
July 1, 1981	39777	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for a certificate of public convenience and necessity in order to provide service between a point or points in the United States and a point or points in Jordan and Israel. Conforming Applications, motions to modify scope, and Answers may be filed by July 30, 1981.
July 1, 1981	39676	Sky West Aviation, Inc. d.b.a. Sky West Airlines, P.O. Box T, St. George, Utah 84770. Application of Sky West Aviation, Inc. d.b.a. Sky West Airlines pursuant to Section 401 of the Act amends its certificate of service list pursuant to Order 81–6–93. Conforming Applications, motions to modify scope, and Answers may be filed by July 29, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20300 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–7–24]

Fitness Determination of Rocky Mountain Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–7–24, Order To Show Cause.

SUMMARY: The Board is proposing to find that Rocky Mountain Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service, that it is fit, willing and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 22, 1981, together with a summary of the testimony statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–7–24.

FOR FURTHER INFORMATION CONTACT:

Mrs. Phyllis C. Solomon, B–72, Legal Processing Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–7–22 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–7–22 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20304 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–7–22]

Fitness Determination of Crown Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–7–22, Order To Show Cause.

SUMMARY: The Board is proposing to find that Crown Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 22, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, essential Air Services Division, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–7–22.

FOR FURTHER INFORMATION CONTACT:

Peter Bonanno, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5009.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–7–24 is available from the Distribution Section,

Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–7–24 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20303 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–7–23]

Fitness Determination of Scheduled Skyways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–7–23, Order To Show Cause.

SUMMARY: The Board is proposing to find that Scheduled Skyways, Inc. is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 22, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–7–23.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–7–23 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–7–23 to the Distribution Section, Civil Aeronautics Board, Washington, D.C.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20302 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6–79]

Foreign-Trade Subzone No. 46–A, General Electric Company Facility, Evendale, Ohio—Withdrawal of Application for Expansion Approved

Notice is hereby given that the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ Subzone 46–A at the General Electric plant, Evendale, Ohio, has withdrawn its application filed in September 1979 for the expansion of the subzone (44 FR 52857, 9–11–79). The withdrawal has been accepted and the case closed.

Dated: July 7, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81–20285 Filed 7–9–81; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Initiation of Antidumping Investigation; Sorbitol From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: We are initiating an antidumping investigation to determine whether sorbitol from France is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of this action, so that it may preliminarily determine whether these imports are materially injuring or threatening to injure materially a U.S. industry. If both investigations proceed normally, the ITC will announce its preliminary determination by July 30, 1981, and we will announce ours by November 23, 1981.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202–377–1279).

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On June 15, 1981, we received a petition from counsel for Pfizer, Inc., of New York, New York. Complying with the filing requirements of 19 CFR 353.36, the petition alleges that Societe Roquette Freres of Lille, France, is selling sorbitol in the United States at less than fair value, and that such sales are materially injuring a U.S. industry. Petitioner has cited lost sales, price suppression, and rapid penetration of the U.S. market as examples of injury to the domestic sorbitol industry. The petition also claims "critical circumstances" exist due to a rapid and intensive penetration of the U.S. market by massive imports of this merchandise during a relatively short period.

After conducting a summary review of the petition, as required by section 732(c)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a(c)(1)) ("the Act") we have found that the information it contains reasonably supports the allegations of material injury and of sales at less than fair value and justifies further investigation.

Therefore, in accordance with section 732(c)(2) of the Act, we are initiating an antidumping investigation to determine whether there is a reasonable indication that sorbitol from France is being sold in the United States at less than fair value.

We are publishing this notice in accordance with § 353.37(b) of the Commerce Regulations (19 CFR 353.37(b)). Unless we extend this investigation, we will make our preliminary determination by November 23, 1981.

Scope of the Investigation

Sorbitol is a polyol which is produced by the catalytic hydrogenation of sugars (glucose). It is commercially available in two forms: (1) cystalline sorbitol, used in the production of sugarless gum, candy, groceries and pharmaceuticals; and (2) liquid sorbitol, used in cosmetics and toiletries (such as toothpaste).

Sorbitol is currently classified under item number 493.6820 of the Tariff Schedules of the United States, Annotated.

Critical Circumstances

The petition also alleges that critical circumstances exist within the meaning of section 733(e)(1) of the Act (19 U.S.C. 1673b(e)(1)). In order to determine that critical circumstances exist, the Department must find there is a reasonable basis to believe or suspect that: (1)(a) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation; or (b) that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Since the petition has failed to provide us with sufficient information which establishes either a prior history of dumping or that the importer knew or should have known the exporter was selling the subject merchandise at less than fair value, we determine that at this time there is not a reasonable basis for concluding that critical circumstances exist with respect to imports of sorbitol from France. Accordingly, we have not addressed the issue of massive imports at this time.

Notification of ITC and Preliminary Determination

Section 732(d) of the Act (19 U.S.C. 1763a) also requires us to notify the ITC of this decision and to provide it with the information we used in making this decision. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673a), the ITC will determine by July 30 whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of sorbitol from France. If the ITC makes a negative determination, this investigation will terminate; otherwise, it will proceed to its conclusion.

This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673(a) and § 353.37(b) of the Department Regulations (19 CFR 353.37(b)).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 6, 1981.

[FR Doc. 81–20307 Filed 7–9–81; 8:45 am]

BILLING CODE 3510–25–M

Importers' and Retailers' Textile Advisory Committee; Renewal

AGENCY: International Trade Administration; Commerce.

ACTION: Notice of Renewal.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Importers' and Retailers' Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

SUPPLEMENTARY INFORMATION: The Committee was initially established by the Secretary of Commerce on August 13, 1963. Its purpose was, and continues to be, to advise Department officials on the effects on import markets and retailing of cotton, wool and man-made fiber textile agreements.

The Committee will continue to have balanced representation of not more than 25 members, appointed by the Secretary of Commerce. The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Committee Control Officer, Arthur Garel, Director, Office of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Room 2808, Washington, D.C. 20230, telephone: (202) 377–5078 or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce (202) 377–4217.

Dated: July 6, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81–20284 Filed 7–9–81; 8:45 am]

BILLING CODE 3510–17–M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Permit Modification Request

Notice is hereby given that Normandeau Associates has requested a modification to Permit No. 213 issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the regulations governing endangered species (50 CFR Parts 217–227) on November 25, 1977. Normandeau is requesting that the location of activities be modified to include the Hudson River Estuary.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, by August 10, 1981. Those requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above amendment request is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 2, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–20289 Filed 7–9–81; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will meet to discuss the results of public hearings on the interim groundfish fishery management plan (FMP); status of the groundfish fishery and of lobster FMP development; reports of the groundfish and herring oversight committees; report of the Executive Director; approval of minutes, as well as other business.

DATES: The public meetings will convene on Tuesday, July 28, 1981, at approximately 10 a.m., and will adjourn on Wednesday, July 29, 1981, at

approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts 01906.

Dated: July 7, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20236 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEEMENTS

Adjusting the Level of Restraint for Certain Cotton Fabrics From Thailand

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 8 million square yards the consultation level of 8 million square yards established for other woven cotton fabrics, such as lawn and voile, among others, in Category 320, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981. The new twelve-month level will be 16 million square yards.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand provides consultation levels for certain categories of textile products, such as Category 320, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. At the request of the Government of Thailand, the Government of the United States has agreed to increase the level for cotton textile products in Category 320 by 8 million square yards to 16 million square yards.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4122).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85141) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool and man-made fiber textile products, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amends the letter of December 19, 1980 to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 320, produced or manufactured in Thailand and exported during the twelve-month period which began on Janary 1, 1981 and extends through December 31, 1981, in excess of the increased level of 16 million square yards.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce

July 7, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 19, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 7, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 320, produced or manufactured in Thailand, in excess of 16 million square yards.[1]

The action taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-20283 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 services to be provided by workshops for the blind and other severely handicapped.

DATES: Comments must be received on or before: August 12, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1981, November 12, 1980 (45 FR 74836):

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

SIC 7349

Janitorial Services, Environmental Protection Agency, Corvallis, Oregon at the following locations: Corvallis Environmental Research Laboratory, 200 SW. 35th Street
Western Fish Toxicology Station, 1350 SE. Goodnight Avenue

SIC 7399

Repair of Air Cargo Pallet Top and Side Nets, McChord Air Force Base, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 81-20227 Filed 7-9-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 27 August 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20280 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 13 and 14 August 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20281 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on 14 August 1981 at the AGED, 1925 N. Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20282 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. D-001]

Energy Conservation Program for Consumer Products; Granting of Waiver of Dishwasher Test Procedures Upon Petition of Norris Industries

AGENCY: Department of Energy.

ACTION: Decision and order.

SUMMARY: Today's Decision and Order grants Norris Industries a waiver for its LER Series dishwasher from the existing DOE dishwasher test procedures.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Room GH-065, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127; Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION:

Background

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619), which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including dishwashers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B. The Department of Energy, on September 28, 1980 (45 FR 6418), amended the prescribed test procedure regulations to allow the Assistant Secretary for Conservation

and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative to its true energy consumption characteristics as to provide materially inaccurate comparative data.

On November 5, 1980, Norris Industries filed a "Petition for Waiver" in accordance with the provisions of § 430.27 of 10 CFR, "Petition for Waiver." As required by that section, DOE published in the **Federal Register** the Norris petition (45 FR 86527, Dec. 31, 1980) and solicited comments, data, and information respecting the determinations of the petition. Norris, by letters dated January 27, 1981, notified known manufacturers of domestically marketed dishwashers of the petition. Comments were received from General Electric Corporation, Hobart Corporation, Whirlpool Corporation and Maytag Company, all manufacturers of dishwashers. All comments were sent to the petitioner by DOE on February 9, 1981, and Norris responded by letter to each comment. DOE consulted with the Federal Trade Commission on April 16, 1981 concerning the petition from Norris Industries.

Norris' petition contends that while its LER Series dishwasher is a covered product under the Act, it cannot be adequately tested under the existing DOE test procedures for dishwashers. (43 FR 39988, Aug. 8, 1977). The Norris design incorporates a "steam generator" which is not addressed in the existing dishwasher test procedures. The Norris system allows the dishwasher to operate at a lower inlet water temperature than that specifed in the test procedures. The dishwasher can operate on household cold tap water.

Norris requests a vaiver from that part of section 2.6 of Appendix C to 10 CFR Part 430, Subpart B, requiring the test to be conducted without a test load, and section 4.1 in respect to "T," the nominal water heater temperature rise of 90°F. Norris proposes to use an eight place setting test load of dishes. A single place setting consists of: one glass—13 oz. straight sides, made of glass, one cup—Corning "Centura" No. C–308, one saucer—Corning "Centura" No. C–506, one dinner plate—Corning "Centura" No. C–110, one bread and butter plate—Corning "Centura" No. C–106, one fruit bowl—Corning "Centura" No. C–409, one dinner fork—stainless steel, one salad fork—stainless steel, one knife—stainless steel, and two teaspoons—stainless steel. The company proposes to substitute for the 90°F nominal water heater temperature rise, a calculation of inlet water temperature rise (where "T," the inlet water temperature rise, equals the measured inlet water temperature minus 55°F).

Today's decision and order grants a waiver to Norris Industries from the test procedure specified in 10 CFR Part 430, Subpart B, Appendix C, for its LER dishwasher. The existing test procedure is inappropriate to the LER dishwasher for the purpose of making representations regarding energy use in the required format on the EnergyGuide dishwasher label because the results provide materially inaccurate comparative data for cold water operation. If Norris wishes to make any representations respecting measures of energy consumption of its LER diswasher, such representations are to be based on a modified test procedure resulting from the machine's unique design characteristics allowing the use of household cold tap water.

With regard to Norris' request for use of a test load, Whirlpool agrees that a test load is necessary when conducting energy tests in which water heating occurs during a delay portion in the test cycle to raise the temperature of the inlet water to the dishwasher. General Electric contends that the petitioner has not demonstrated that the lack of a test load prevents testing in accordance with the existing test procedure. Norris responded to this comment by stating that a load is required to fairly and accurately measure the energy consumption of the Norris design. However, Norris has provided no data to demonstrate that incorporation of a test load would change the energy consumption of the Norris steam generator design dishwasher.

DOE had previously considered including a provision for a test load in the dishwasher test procedure, but rejected its use stating that:

> Based on over 30 tests on six different models of dishwashers, NBS [the National Bureau of Standards] concluded that there was an insignificant variation in the energy consumed by the internal boost heater between tests conducted with a load and those conducted without a load for dishwashers when operated on the normal cycle. Since none of the models tested had boost heaters that were thermostatically controlled for the normal cycle, the boost heater operated continuously during the wash and rinse cycles, whether or not a load was present. The test results showed that the boost heater consumed nearly a constant amount of energy independent of the number of dishes being washed or the temperature of the water.
>
> In light of the NBS test results, and based on NBS recommendation, FEA has determined that the use of a standard test load for the testing of any size dishwasher when operated on the normal cycle or the truncated normal cycle is unnecessarily burdensome on industry and should not be required. 44 FR 39985 (1977).

Subsequent to these tests, NBS conducted a series of energy tests on a dishwasher using thermostatically controlled heating in the normal cycle to determine the effects on energy consumption of a test load and found a difference of 1.7% using 140°F inlet water and 6.6% with 120°F water.[1] In the NBS tests the water was not placed in contact with the test load until it was fully heated. Whereas, with the Norris design, the water vapor would come in contact with the test load almost immediately, which could have an effect on the consumption of the LER dishwasher as Norris implies. Since Norris contends there is a variation between tests conducted with a test load and those conducted without a test load, and the recent NBS test data tends to support this contention, today's decision and order provides relief from the test requirements to allow for a test load as proposed by Norris.

Whirlpool suggested that the test load to be utilized should be determined by following the Association of Home Appliance Manufacturers' dishwasher test procedure, DW–1. When using DW–1, Whirlpool stated that a 12 place setting test load, including serving dishes, would be used rather than the 8 place setting proposed by Norris. In response, Norris states that the 8 place setting proposed is based upon the test load proposed by the Federal Energy Administration and subsequently deleted from the dishwasher test procedure. Upon the record of this proceeding, DOE holds that there are no differences associated with an 8 place setting vis-a-vis a 12 place setting. Accordingly, DOE rejects the proposal made by Whirlpool with respect to the use of a 12 place setting test load.

Hobart, General Electric, Maytag and Whirlpool each objected to Norris' proposed method of calculating the per cycle water energy consumption. Norris proposed that the per cycle water energy consumption in kilowatt-hours per cycle equals the product of (A) water consumption in gallons per cycle, (B) the specific heat of water, 0.00240 kilowatt-hours per gallon per degree

[1] National Bureau of Standard's Milestone Report, "Test Results for a Dishwasher with Reduced Inlet Water Temperature," Feb. 1981.

Farenheit, and (C) the inlet water temperature rise in degrees Farenheit, where the inlet water temperature rise equals the measured inlet water temperature minus 55°F. Hobart contends that the inlet water temperature should be no lower than • 120°F and that a waiver be granted only if all cycles operate at the lower temperatures. General Electric commented that Norris should provide test results under the existing test procedures and its proposed alternate test procedures before the waiver petition is acted upon. Whirlpool objected to the Norris procedure because the test results could not be adequately displayed on the Federal Trade Commission's (FTC) EnergyGuide label for dishwashers, and Maytag objected, because Norris has not provided any proof that its design will effect a reduction in the water heater temperature.

DOE believes that the commenters' objections to the method of calculating per cycle water energy consumption are based upon their belief that the Norris design requires heated inlet water. Information regarding the particular design of dishwasher manufacturered by Norris was deleted from the petition in accordance with the applicable provisions of 10 CFR 1004.11 upon Norris' request for confidential treatment. The Norris design would allow consumers to operate the machine with either cold tap water or heated water. For dishwashers which are designed to operate using cold water, such as the Norris design, the existing test procedure does not adequately measure the total energy consumption of the machine since the current test procedure assumes that the heated water supplied to the dishwasher has been heated over a 90°F temperature rise. The energy consumption, calculated according to the current dishwasher test procedure as specified in Appendix C to 10 CFR Part 430, Subpart B, is based upon the 90°F temperature rise of the water consumed in the cycle tested and the measured machine energy for the test cycle. The total energy consumed is the sum of the two values, which would overstate the estimated energy consumption for those machines using cold tap water by approximately the calculated per cycle water energy consumption.

Maytag contends that unless it can be shown that a lower average water heater thermostat setting will definitely be used in homes using the Norris dishwasher, no waiver should be granted. If the waiver were to be granted, Maytag suggests that the test procedure be changed so that only a 50 percent credit is achieved. Maytag argues that the use of the 50 percent credit is analogous to the 50 percent credit for dishwashers which have a switch which permits drying without heat. In response, Norris states that the 50 percent credit has been applied to consumer selected options for which actual usage was unknown.

DOE considers operation of the LER dishwasher at temperatures less than 140°F, including cold tap water, is not a consumer selected option. The 50 percent credit for dishwashers, which have a switch which permits drying without heat, is applied because it is an option which the consumer selects during the operation of the dishwasher for which DOE has no data to determine its "frequency-of-use." Whereas, with the LER dishwasher, the consumer makes his selection when the dishwasher is installed, not during its operation. Therefore, the incorporation of a "frequency-of-use" factor, as Maytag contends, would not be appropriate.

Hobart states that the inlet water temperature be no lower than 120°F. Since the LER dishwasher can use cold tap water, it does not need to be demonstrated that the consumer will reduce the thermostat setting on the water heater.

Whirlpool objected to the waiver because all other manufacturers test with 140°F water with a 90°F water heater temperature rise and that the consumers would not know how to evaluate the information when comparing the results with other dishwashers. Further, Whirlpool stated that the FTC EnergyGuide label would have to be altered to include a grid to disclose the relationship between estimated annual operating costs and inlet water temperature, and that such a grid would be confusing to the consumer. DOE considers that the inclusion of additional information on the FTC EnergyGuide label may be incompatible with the format of the label; thus it may be confusing to the consumer. Furthermore, under the provisions of the Energy Policy and Conservation Act, as amended, any changes in the EnergyGuide label rest solely with the FTC. (The FTC consumer product labeling regulations are set forth at 16 CFR Part 305.)

While today's decision grants a waiver to Norris Industries from the DOE test procedures for its LER Series dishwashers because they are capable of using cold inlet water, the Department is mindful that consumers could be confused by not knowing how to evaluate the information they are provided when comparing the estimated annual operating cost of the LER Series dishwasher with that of other models. The waiver is granted on the conditions that any representations made by Norris Industries for its LER Series dishwasher are to be based on the DOE test procedures modified to accommodate the machine's unique design characteristics, that the results of such testing shall be fairly disclosed in such representations and that the inlet water temperature upon which the representations are based shall be prominently disclosed. The modifications are defining T, in section 4.1 of Appendix C of 10 CFR Part 430, Subpart B, as the inlet water temperature rise, which equals the measured inlet water temperature minus 55°F, and including in section 2.6 the use of an eight place setting test load.

In consideration of the foregoing, it is therefore ordered that:

(1) The "Petition for Waiver" filed by Norris Industries on November 5, 1980, is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4) and (5).

(2) Norris Industries is not required to test the LER Series dishwasher pursuant to the test procedures specified in Appendix C of 10 CFR Part 430, Subpart B.

(3) Norris Industries, in making any representations respecting measures of energy consumption of its LER Series dishwasher:

(a) Shall use the test procedures specified in Appendix C of 10 CFR Part 430, Subpart B, except (1) in section 4.1,

> "T=inlet water temperature rise=difference between the measured inlet water temperature and 55°F."

and (2) section 2.6 is revised as follows:

> "*Load.* The dishwasher shall be tested on the normal cycle and the truncated normal cycle with an eight place setting test load of dishes. The test load shall consist of the following:
>
> Eight glasses—13 oz. straight sides, made of glass.
> Eight cups—Corning "Centura" No. C–308.
> Eight saucers—Corning "Centura" No. C–506.
> Eight dinner plates—Corning "Centura" No. C–110.
> Eight bread and butter plates—Corning "Centura" No. C–106.
> Eight fruit bowls—Corning "Centura" No. C–409.
> Eight dinner forks—Stainless steel.
> Eight salad forks—Stainless steel.
> Eight knives—Stainless steel.
> Sixteen teaspoons—Stainless steel."

(b) Shall fairly disclose the results of such testing in such representations; and

(c) Shall disclose in such representations the inlet water temperature on which such representations are based.

(4) The waiver shall remain in effect only until the Department of Energy prescribes final test procedures appropriate to the LER Series dishwasher manufactured by Norris Industries and shall in any event expire (one year from issuance).

(5) This waiver is based upon the presumed validity of statements and materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., July 2, 1981.

Joseph J. Tribble,

Assistant Secretary.

[FR Doc. 81-20199 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Big-Tex Crude Oil Co., Dot Oil Corp.; Action Taken on Consent Order.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 24, 1981. Comments by: August 10, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 Phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On June 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with Big-Tex Crude Oil Company and Dot Oil Corporation (Big-Tex/Dot) of Abilene, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Big-Tex/Dot wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Big-Tex/Dot effective as of the date of its execution by the DOE and Big-Tex/Dot.

I. Consent Order

Big-Tex/Dot with its home office in Abilene, Texas is a firm engaged in the resale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Part 210, 211, 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Big-Tex/Dot entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil resales by Big-Tex/Dot. The significant terms of the Consent Order with Big-Tex/Dot are as follows:

1. This Consent Order concerns the sale of certain volumes of crude oil sold by Big-Tex/Dot during the period November 1973 through December 1980, and is intended by Big-Tex/Dot and DOE to resolve only those matters set forth in this Consent Order.

2. Big-Tex/Dot allegedly applied the provisions of 10 CFR Part 212, Subparts F and L incorrectly when determining the prices to be charged for certain domestic crude oil.

3. The Consent Order constitutes neither an admission by Big-Tex/Dot that DOE regulations have been violated nor a finding by the DOE that Big-Tex/Dot has violated DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Big-Tex/Dot agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $400,000.00, including interest, on or before 30 days after the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Big-Tex Oil Company and Dot Oil Corporation's Consent Order." We will consider all comments we receive by 4:30 p.m., local time, August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 30th day of June, 1981.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 81-20193 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

Coffield Pipeline Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: June 11, 1981.

COMMENTS BY: August 10, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On June 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Coffield Pipeline Company of Rockdale, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $50,000 in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Coffield Pipeline Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE had determined that it is in the public interest to make the Consent Order with Coffield effective as of the date of its execution by the DOE and Coffield.

I. The Consent Order

Coffield Pipeline Company is a firm engaged in the gathering and resale of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory administration as a result of its audit of Coffield, the Office of Enforcement, ERA, and Coffield entered into a Consent Order, the significant terms of which are as follow:

1. During the period November 1973 through February 1980 Coffield allegedly sold crude oil above the allowable prices specified at 10 CFR 212, Subparts F and L.

2. Coffield and the DOE have agreed to a settlement of $85,000. This amount will be refunded on or before June 11, 1983. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Coffield.

3. This Consent Order constitutes neither an admission by Coffield that ERA regulations have been violated nor a finding by the ERA that Coffield has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Coffield agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $85,000 in the manner specified in I.2 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffer a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent pruchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the marking of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Coffield Pipeline Company Consent Order." We will consider all comments we receive by 4:30 P.M., local time August 10, 1981. You should identify any information or data which in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 30th day of June 1981.

Wayne I. Tucker,

Southwest District Manager Economic Regulatory Administration.

[FR Doc. 81-20194 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

P. H. Glatfelter Co.; Application for Designation as a Petroleum Substitute

Request of: P. H. Glatfelter Co., Bergstrom Paper Division, Spring Grove, Pennsylvania 17362.

Regarding: Application for Designation as a Producer of a Petroleum

Substitute in the Domestic Crude Oil Allocation Program Under 10 CFR 211.67(a)(5) for Fuel Derived from Solid Waste.

Decision and Order

I. Introduction

On May 9, 1980, the P. H. Glatfelter Company, Bergstrom Paper Division, filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of a petroleum substitute pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program). Glatfelter has not filed further information.

ERA is issuing this Decision and Order pursuant to 10 CFR Part 205 Subpart G (Administrative Procedures and Sanctions), and Section 211.67(a)(5) of 10 CFR Part 211, Subpart C (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application ERA may designate on a case-by-case basis a synthetic fuel as a petroleum substitute. The synthetic fuel for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.67. The relevant portion of the definition states:

"Petroleum substitute" means * * * (b) as designated in orders issued by ERA following review of applications submitted under Subpart G of Part 205 of this chapter, (1) any other fuel derived from solid-waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 FR 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979).[1]

ERA may designate the producer, marketer, or consumer of the petroleum substitute as the party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

III. Comments Received

On September 3, 1980, ERA issued a notice listing sixty-three (63) firms, including Glatfelter, that had filed applications for entitlement benefits for petroleum substitutes. *See* 45 FR 59613 (September 10, 1980). The notice invited written comments from interested persons. Comments were submitted by Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), the Standard Oil Company of Ohio (Sohio), and Texaco, Inc. (Texaco). These commenters raised general legal challenges to the DOE regulations permitting the issuance of entitlements for petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in *Atlantic Richfield Co.* v. *DOE*, No. 80–1427 (E.D. Pa. November 6, 1980).

ARCO submitted comments specific to Glatfelter's application. ARCO opposes the approval of Glatfelter's application on the ground that Glatfelter does not need any price incentive to use its petroleum substitute and, therefore, that any incentive payment under the entitlements program would be a windfall. ARCO's comments generally indicate opposition to the issuance of entitlements for a petroleum substitute in any instance where (1) the petroleum substitute is derived from the applicant's own waste products; or (2) the petroleum substitute is produced and used as fuel by the applicant itself; or (3) use of the petroleum substitute results in a net cost savings to the applicant even in the absence of entitlement benefits.

Neither the regulations nor the Guidelines require that an applicant commercially market the alternative fuel concerned in order to receive entitlement benefits. Moreover, an applicant does not become ineligible for entitlement benefits because it uses its own solid waste materials to produce a substitute fuel.

Furthermore, an applicant is not required to show whether its production and/or use of the substitute fuel results in a net cost savings even in the absence of entitlement benefits. Nor is a firm's need for entitlement benefits determinative. *See*, Chevron U.S.A., Inc., *et al.*, 6 DOE ¶ 80,136 at p. 80,656 (August 7, 1980).

In addition, ARCO states that Glatfelter's application indicates that the production of the petroleum substitute creates a net gain in energy, but questions the basis for the calculation. The net energy gain calculation is addressed in the body of this decision and order.

IV. Description of the Application

Glatfelter submitted its application on May 9, 1980, for entitlement benefits as a producer of a petroleum substitute. Glatfelter is producing useful energy from solid waste materials used as fuel in boilers that produce process steam used to meet the energy requirements of Glatfelter's papermaking processes at its mill in Spring Grove, Pennsylvania. The solid waste materials processed for fuel usage by Glatfelter are residuals of operations at the same mill.

The process by which Glatfelter produces fuel from waste materials is as follows:

(1) In the pulping process, the bark is removed from the logs and the wood is chipped. The chips are then cooked at an elevated temperature and pressure in an aqueous solution of sodium sulfide and sodium hydroxide, or "white liquor," resulting in the chemical removal of lignin from the wood. The cellulose fibers used in the papermaking processes are then filtered out and washed. The residual waste liquor from the cooking process plus the waste water from the washing stage are combined to form a "black liquor."

(2) This waste material is then concentrated to 50 percent solids in two evaporators and sent to the recovery system, where it is further concentrated in direct contact evaporators using heat from boiler fuels gases (i.e., wasteheat). This concentrated "black liquor" is then as fuel for the mill's two recovery boilers. Combustion of the organics in the waste liquor provides heat for the generation of steam.

(3) The wood residuals (bark and sawdust) created in the chipping process are burned in a combination coal and hogged fuel boiler, rated at 200,000 pounds of steam per hour and providing process steam for the mill.

The gross heat value of the solid waste fuels is shown as follows:

(1) Black Liquor: 2.095 Million lbs/day x 5500 Btu/lb (dry basis) = 11.523 Billion Btu/day.

(2) Bark and Sawdust: 0.25 Million lbs/day x 5000 Btu/lb = 1.25 Million Btu/day.

Total Gross Energy Produced = 12.77 Billion Btu/day.

Glatfelter's application indicates that the burning of these waste-derived fuels supplies approximately 39 percent of the total energy requirement of its mill in Spring Grove, Pennsylvania.

V. Analysis

The source materials used as fuel by Glatfelter and for which Glatfelter seeks entitlement benefits are wood, bark and black liquor solids. It is ERA's determination that these materials are, as represented by Glatfelter in its application, domestically found solid waste materials.

It is ERA's determination that Glatfelter's use of waste-derived fuel represents a net energy gain. Glatfelter's application states that its substitute fuels are all residual waste materials generated in the pulping process of its papermaking operations, and that no fuel other than that otherwise necessary to the pulping process is utilized in producing the waste-derived fuels.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued for a petroleum substitute, prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or a refined petroleum product. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

Glatfelter has failed to demonstrate how its use of wood waste, bark and black liquor solids constitutes a substitution of those fuels for a petroleum product, as contemplated by the petroleum substitute entitlements provisions and Guidelines. Neither has Glatfelter indicated the extent, if any, to which it might reduce its consumption of petroleum as a result of its consumption of wood waste, bark and black liquor solids.

While Glatfelter's application indicates that the waste it uses daily is the energy equivalent of 2028 barrels of crude oil, there is no indication that Glatfelter has ever used or would ever be likely to use petroleum products in the facility. Indeed, Glatfelter's application indicates that the auxiliary fuel for the process steam boiler is *coal*, not a petroleum product. Neither is there any indication in the application that when the facility was being planned and constructed any thought was given to the use of petroleum products or that the decision to build a waste-fired system resulted in displacement of or substitution for petroleum products. The only statement in Glatfelter's application pertaining to the possible use of petroleum is purely theoretical in nature: "The burning of #6 fuel in a conventional steam generating unit *would be an alternative* to the burining of the biomass materials * * *." [Underlining added.] In view of these considerations, it is ERA's determination that Glatfelter has failed to meet the petroleum substitution criterion of the Guidelines designed to insure that fuels that do not lessen reliance on crude oil and petroleum products are not designated as eligible recipients of entitlements.

In summary, Glatfelter:

(a) Uses domestically found solid waste materials as a source of fuel;

(b) Produces this fuel through net energy gain processes;

(c) Has failed to demonstrate that its waste-derived fuels substitute for crude oil or a petroleum product.

VI. Order

In consideration of the foregoing, ERA hereby denies the application of P. H. Glatfelter Company for designation as a producer of petroleum substitutes under 10 CFR 211.67(a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., on July 2, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-20196 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

[1] At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case basis. In November 1979, section 211.67(a)(5) was amended to expand the scope of the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

Stevens Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Comments by: August 10, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On May 18, 1981, the Office of Enforcement of the ERA executed a Consent Order with Stevens Oil Company of Roswell, New Mexico. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Stevens Oil Company, with its home office located in Roswell, New Mexico, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Stevens Oil Company, the Office of Enforcement, ERA, and Stevens Oil Company entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by

Stevens during the period September 1973 through August 1980.

2. The reason for the overcharges was Stevens Oil Company sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 212.73.

3. It is understood that Stevens Oil Company does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Stevens Oil Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $100,000 plus interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in monthly installments and completed within ten months from the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Stevens Oil Company Consent Order." We will consider all comments we receive on or before August 10, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance wth the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 30th day of June, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-20107 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Fletcher Oil and Refining Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the Consent Order.

DATE COMMENTS BY: August 10, 1981.

ADDRESS: Send Comments to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On June 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Fletcher Oil and Refining Company, Inc. (Fletcher) of Carson, California.

I. The Consent Order

Fletcher, with its home office located in Carson, California, is a firm engaged in the refining of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Fletcher, the Office of Enforcement, ERA, and Fletcher entered into a Consent Order, the significant terms of which are as follows:

1. DOE alleges that Fletcher improperly reported crude oil purchases, exchanges and processing agreements in its crude oil receipts and runs to stills on the Refiner's Monthly Reports for the period May through July 1977, in violation of 10 CFR 211.66 (b) and (h).

2. DOE alleges that Fletcher failed to file corrections for its Refiner's Monthly Reports as required by 10 CFR 211.67 (a), (e), and (j).

3. DOE alleges that Fletcher, through its acts and practices, modified their normal business practices so as to result in the circumvention or contravention of the DOE's regulations in violation of 10 CFR 210.62(a) and 205.202.

4. Without admitting that it has violated any DOE regulations, Fletcher agreed to enter into this Consent Order to avoid further interruption of its business and the expense of protracted litigation.

5. The provisions of 10 CFR 205.199J, including 9205.199J(c), are applicable to the Consent Order.

II. Refunds and Civil Penalty

A. Disposition of Refunded Overcharges

In this Consent Order, Fletcher agrees to refund, in full settlement of any civil liability, excluding civil penalties, with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I above during the settlement period, the sum of $41,210 on or before 30 days after the effective date of the Consent Order. Violation amounts will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations.

B. Civil Penalty

Fletcher agrees to pay the sum of $1,000.00 in compromise of civil penalties relating to the above-described transactions during the settlement period.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653-3548.

You should identify your comments on the documents you submit with the designation, "Comments on Fletcher Consent Order." We will consider all comments we receive by 4:30 p m. local time on August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 6th day of July, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-20243 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Mallard Resources, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order issued as signed.

DATES: Effective date: July 6, 1981. Issue date: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On May 27, 1981, 46 FR 28472 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Mallard Resources, Inc. on April 24, 1981, which would not become effective sooner than 30 days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Two comments were received. One commentor recommended that the refunds be effected through the Entitlements Program by payment to program participants. The second commentor proposed that refunds should be paid only to the ultimate oil product consumers in each State, distributed through State mechanisms. The Consent Order does not preclude either of these remedies and therefore was not modified. The proposed Consent Order was finalized and made effective on July 6, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-20240 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Nestle Co., Inc.; Application for Designation as Producer of Petroleum Substitute; Decision and Order

Request of: The Nestle Company, Inc., Granite City, Ill. Facility, 100 Bloomingdale Rd., White Plains, New York 10605.

Regarding: Application for designation as a producer of petroleum substitutes in the domestic crude oil allocation program under 10 CFR 211.67(a)(5) for fuel derived as solid waste.

I. Introduction

On July 18, 1980, Nestle Company Inc., Granite City, Ill. Facility (Nestle GC) filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of petroleum substitutes pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program).

The ERA is issuing this Decision and Order pursuant to Subpart G of 10 CFR Part 205 (Administrative Procedures and Sanctions) and § 211.67(a)(5) of subpart C of 10 CFR Part 211 (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application the ERA may designate, on a case-by-case basis, a synthetic fuel as a petroleum substitute.

The fuels for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.62. The revelent portion of the definition states:

> "Petroleum substitute" means * * * (b) as designated in orders issued by ERA following review of applications submitted under Subpart G of part 205 of this chapter, (1) any other fuel derived from solid-waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 FR 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979).[1]

[1] At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case basis. In November 1979, § 211.67(a)(5) was amended to expand the scope of the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or

Continued

The ERA may designate the producer, marketer, or consumer of the petroleum substitute as the party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

III. Comments Received

On September 3, 1980, the ERA issued a notice which contained a list of sixty-three (63) firms, including Nestle GC, which had filed applications for entitlement benefits for petroleum substitutes. See 45 FR 59813 (September 10, 1980). The notice invited written comments from interested persons. There were comments from Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), the Standard Oil Company of Ohio (Sohio) and Texaco, Inc. (Texaco) which raised general legal challenges to the DOE regulations providing for entitlement benefits to producers of petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in *Atlantic Richfield Co.* v. *DOE*, No. 80–1427 (E.D. Pa. November 6, 1980). No commenter submitted comments specifically addressing Nestle GC's application.

IV. Description of the Application

On July 18, 1980, Nestle GC submitted its application for entitlement benefits as a producer of petroleum substitutes. Nestle GC is producing approximately 493,000,000 BTU's per day from waste material for use as fuel in boilers to generate steam and process 100,000 lbs/day of tea. This operation began July 1, 1983.

The process by which Nestle GC produces the waste fuels is as follows:

> Spent tea leaves left over from tea manufacturing are dried in a continuous "MEC" dryer to an approximate 11 percent moisture content. A dual fuel fired (tea waste/natural gas) continuous "MEC"dryer is used in the drying process of the tea waste fibers. Natural gas is used for start-up of the dryer. After a suitable amount of dry waste has been collected (between ¾ to 1 hr. run), the waste burner is fired up and gas is shut off. About ⅔ of this dried waste is used as fuel for the "MEC" dryer to dry more tea waste, and ⅓ is combined with shredded wood chips (non-reusable tea chest shipping containers) and the mixture is air conveyed to a boiler to be burned. Approximately 26 tons of tea waste and 4 tons of wood waste are produced and burned per day.

The gross heating value of the tea waste used by Nestle GC is 16.8 MMBTU/ton. The gross heating value of the wood waste used by Nestle GC is 14.2 MMBTU/ton.

V. Analysis

The source materials used as fuel by Nestle GC and for which Nestle GC seeks entitlement benefits are wood waste and tea waste. It is ERA's determination that these materials are, as represented by Nestle GC in its application, domestically produced solid waste materials.

The amounts of energy produced and consumed in the production of wood waste and tea waste, as provided by Nestle GC in its application, are shown below. The calculation of net energy gain follows:

	Million British thermal units/day
Energy produced:	
Tea waste	442.8
Wood waste	49.7
Total	492.5
Energy consumed:	
Natural gas (start-up)	2.4
Tea waste	297.7
Total	300.1
Net energy gain	192.4

It is the ERA's determination that the production of wood waste and tea waste by Nestle GC yields a net energy gain.

As the majority of the energy consumed in producing the fuels is provided by the fuels, wood and tea wastes, and as the volume of natural gas used for start-up is a minimal amount, a significant volume of higher-valued fuel is not consumed in the production of the fuels.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued for a petroleum substitute prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or refined petroleum products. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

Nestle GC has failed to demonstrate how its use of wood waste and tea waste constitutes a substitution of those fuels for a petroleum product, as contemplated by the petroleum substitute entitlements provisions and Guidelines. Neither has Nestle GC indicated the extent, if any, to which it might reduce its consumption of petroleum as a result of its consumption of wood waste and tea waste.

Nestle GC makes the following statements in its application: "The volume of natural gas displaced is equal * * * (to) 188,667 cu. ft./day Nat. gas." and "The volume of solid waste petroleum substitute to be used in lieu of natural gas is: * * * 12.24 tons/day." While an energy equivalent for oil is expressed in the application, it is theoretical in nature.

There is no indication that Nestle GC's decision to build a waste-fired system resulted in displacement of or substitution for petroleum. Indeed, it is clear from Nestle GC's own statements that the facility substitutes the waste fuels for natural gas. Consequently, Nestle GC has failed to meet the petroleum substitution criterion of the Guidelines designed to insure that fuels which do not lessen reliance on crude oil and petroleum products are not designated as eligible for entitlements.

In summary, Nestle GC:

(a) Uses domestically produced solid waste materials as a source of fuel;

(b) Produces these fuels through net energy gain processes;

(c) Does not utilize significant volumes of higher-valued fuel in the production of the fuels; and

(d) Has failed to demonstrate that the waste-derived fuels substitute for crude oil or petroleum products.

VI. Order

In consideration of the foregoing, ERA hereby denies the application of Nestle, Granite City, Ill. Facility, for designation as a producer of petroleum substitutes under 10 CFR 211.67(a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR Part 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., on June 26, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–20341 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–01–M

whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

Newhall Refining Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the Consent Order.

DATE COMMENTS BY: August 10, 1981.

ADDRESS: Send Comments to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On June 15, 1981, the Office of Enforcement of the ERA executed a Consent Order with Newhall Refining Company, Inc. (Newhall) of Newhall, California.

I. The Consent Order

Newhall, with its home office located in Newhall, California, is a firm engaged in the refining of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Newhall, the Office of Enforcement, ERA, and Newhall entered into a Consent Order, the significant terms of which are as follows:

1. DOE alleges that Newhall improperly reported crude oil purchases, exchanges and processing agreements in its crude oil receipts and runs to stills on the Refiner's Monthly Reports for the period May through July 1977, in violation of 10 CFR 211.66(b) and (h).

2. DOE alleges that Newhall failed to file corrections for its Refiner's Monthly Reports as required by 10 CFR 211.67 (a), (e), and (j).

3. DOE alleges that Newhall, through its acts and practices, modified their normal business practices so as to result in the circumvention or contravention of the DOE's regulations in violation of 10 CFR 210.62(a) and 205.202.

4. Without admitting that it has violated any DOE regulations, Newhall agreed to enter into this Consent Order to avoid further interruption of its business and the expense of protracted litigation.

5. The provisions of 10 CFR 205.199J, including 9205.199J(c), are applicable to the Consent Order.

II. Refunds and Civil Penalty

A. Disposition of Refunded Overcharges

In this Consent Order, Newhall agrees to refund, in full settlement of any civil liability, excluding civil penalties, with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I above during the settlement period, the sum of $41,210 on or before 30 days after the effective date of the Consent Order. Violation amounts will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations.

B. Civil Penalty

Newhall agrees to pay the sum of $1,000.00 in compromise of civil penalties relating to the above-described transactions during the settlement period.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653–3548.

You should identify your comments on the documents you submit with the designation, "Comments on Newhall Consent Order." We will consider all comments we receive by 4:30 p.m. local time on August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 6th day of July, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81–20342 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–01–M

Shelter Ridge Arco, et al.; Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW., Washington, D.C. 20461, phone 202/653–3517. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 9th day of July 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders, Western District

Station	Address	Date	Violation amount	Cents per gallon in violation
Shelter Ridge Arco	789 Redwood Highway, Mill Valley, CA 94941	5/29/81	$11,981.77	10.3
Stark Shell Service	1800 Humboldt, Seaside, CA 93955	5/29/81	12,869.52	7.5
Mac Brown Shell Service	3420 San Pablo Ave., Oakland, CA 94608	5/29/81	20,814.62	10.1
Santa Teresa Chevron	8080 Cattle Road, San Jose, CA 95123	5/29/81	6,617.99	5.5
McHugh's Union Service	18950 Lake Chabot Rd., Castro Valley, CA 94546.	5/29/81	1,133.20	8.6
H & H Texaco	389 El Camino Real, Menlo Park, CA 94025	5/29/81	1,816.99	6.4
Granada Chevron	1925 Barcelona, Livermore, CA 94550	5/29/81	1,710.51	7.1
J & C Shell Service	5270 Monterey Rd., San Jose, CA 95111	5/29/81	4,434.17	6.3
Ron & Joe's "Z" Service	401 Saratoga Ave., San Jose, CA 95129	5/29/81	5,220.05	7.8
Perkins Chevron Service	1395 7th Street, Oakland, CA 94608	5/29/81	14,460.85	14.3
Pacific Valley Center	Big Sur, CA 93920	5/29/81	6,866.79	20.9
Hudson Shell	495 El Camino Real, Menlo Park, CA 94025	5/29/81	1,469.89	6.4
Fakhowry Service Center	220 South Vincent Ave., West Covina, CA 91790.	4/22/81	3,310.81	5.7

Proposed Remedial Orders, Western District—Continued

Station	Address	Date	Violation amount	Cents per gallon in violation
George W. Hatt Mobil Service	13501 Beach Blvd., Westminster, CA 92683	4/22/81	7,234.78	7.6
Ted's Texaco Service	25561 Jeronimo Rd., Mission Viejo, CA 92675	4/22/81	10,578.99	4.0

[FR Doc. 81-20244 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

Witco Chemical Corp.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199J(b), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On June 2, 1981, ERA published a Proposed Consent Order which was executed between Witco Chemical Corporation and the ERA (46 FR 29503–05, June 2, 1981). With this notice, and in accordance with 10 CFR 205.199J, ERA invited interested persons to comment on the Proposed Consent Order. No one submitted comments on the terms and conditions of the Consent Order.

Two submissions received made no comments with respect to the propriety of the settlement but rather represented notices of claim. One claimant suggested that the escrow fund should be returned to retail stations. Another claimant requested identification of those who would receive the escrow fund inasmuch as it may be entitled to a pass through of such refunds. Both matters are pertinent in the disposition of the escrow fund but are not germane on whether the ERA should enter into the Consent Order with Witco.

The ERA has concluded that the Consent Order as executed between ERA and Witco Chemical Corporation is an appropriate resolution of the compliance proceedings described in the Notice published June 2, 1981, and hereby gives notice that the Consent Order shall become effective as proposed immediately.

Issued in Philadelphia, Pennsylvania this 6th day of July 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81-20245 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission
[Volume 481]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 1, 1981.

	FIELD NAME	PRICE	PURCHASER
TEXAS RAILROAD COMMISSION			
-ACCO OIL & GAS CO		RECEIVED: 06/10/81	JA: TX
R135160 F-03-032157 #220100000	CLINTON N (YEGUA 8600)	102-4 140.0	HOUSTON PIPE LINE
-AMERICAN PETROFINA COMPANY OF TEXAS		RECEIVED: 06/10/81	JA: TX
R135650 F-02-032056 #217531390	SOUTH CABEZA CREEK	103 108.0	UNITED GAS PIPE L
-AMERICAN QUASAR PETROLEUM CO		RECEIVED: 06/10/81	JA: TX
R135623 F-03-031633 #215730936	ROSENBURG (FRIO 5600) SE	102-4 500.0	UNITED GAS PIPELI
-AMOCO PRODUCTION CO		RECEIVED: 06/10/81	JA: TX
R135478 F-04-023562 #240930598	LA SAL VIEJA/B/(9680-993	103 201.0	TENNESSEE GAS PIP
R135656 F-06-032117 #213533437	GOLDSMITH (CLEARFORK)	103 33.6	PHILLIPS PETROLEU
R135655 F-06-032116 #213533438	GOLDSMITH (CLEARFORK) DEEP UNIT #206	103 63.2	PHILLIPS PETROLEU
R135510 F-06-025560 #250131776	OWNBY (UPPER CLEARFORK) DEEP UNIT #207	103 2.9	NORTHERN NATURAL
-ANDERSON PETROLEUM INC		RECEIVED: 06/10/81	JA: TX
R135557 F-7C-027476 #210532626	OZONA (CANYON SAND)	103-TF 42.0	ANDERSON PIPELINE
R135557 F-7C-027476 #210532626	OZONA (CANYON SAND)	107-TF 42.0	ANDERSON PIPELINE
R135554 F-7C-027457 #210532156	OZONA (CANYON SAND)	103 30.0	ANDERSON PIPELINE
R135554 F-7C-027457 #210532156	OZONA (CANYON SAND)	107-TF 36.0	ANDERSON PIPELINE
R135558 F-7C-027482 #210532369	CANYON SAND	103 36.0	ANDERSON PIPELINE
R135558 F-7C-027482 #210532399	CANYON SAND	107-TF 36.0	ANDERSON PIPELINE
R135555 F-7C-027463 #210532328	OZONA (CANYON SAND)	103 90.0	ANDERSON PIPELINE
R135555 F-7C-027463 #210532328	OZONA (CANYON SAND)	107-TF 96.0	ANDERSON PIPELINE
R135556 F-7C-027466 #210532510	OZONA (CANYON SAND)	103 0.0	ANDERSON PIPELINE
R135556 F-7C-027466 #210532510	OZONA (CANYON SAND)	107-TF 0.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY		RECEIVED: 06/10/81	JA: TX
R135680 F-10-032784 #229530887	KIOWA CREEK N (MORROW U)	102-4 73.0	TRANSWESTERN PIPE
-ARKANSAS LOUISIANA GAS CO		RECEIVED: 06/10/81	JA: TX
R135590 F-06-029219 #231530538	RODESSA (CHARGED)	103 40.0	ARKANSAS LOUISIAN
R135561 F-06-027881 #220530743	WASKOM (LOWER COTTON VAL	103 300.0	ARKANSAS LOUISIAN
-ASTIN CORP		RECEIVED: 06/10/81	JA: TX
R135541 F-7C-027154 #208331827	MEMPHILL (JENNINGS)	102-4 100.0	ODESSA NATURAL CO
-BAR M PETROLEUM CO INC		RECEIVED: 06/10/81	JA: TX
R135646 F-03-031996 #228730747	GIDDINGS (AUSTIN CHALK)	103 110.0	P&P GAS PRODUCTS
-BRIDWELL OIL CO		RECEIVED: 06/10/81	JA: TX
R135607 F-06-031204 #224500000	BEN BOLT	104 14.0	VALLEY GAS TRANSM
R135591 F-09-029339 #223733354	RICHARDS RANCH	102-2 275.0	TEXAS UTILITIES F
-BRIGHT & COMPANY		RECEIVED: 06/10/81	JA: TX
R135412 F-06-019327 #224731116	ALBERCAS (JACKSON 1200)	102-4 54.0	VALERO ENERGY COR
R135412 F-06-019327 #224731116	ALBERCAS (JACKSON 1200)	103 54.0	VALERO ENERGY COR
-C & C PRODUCTION CO		RECEIVED: 06/10/81	JA: TX
R135520 F-08-026470 #249500000	KEYSTONE (YATES)	108 14.4	CABOT CORP
-C L GAGE JR		RECEIVED: 06/10/81	JA: TX
R135534 F-06-026788 #249700000	BOOKSVILLE (BENO CONGL)	103 121.0	NATURAL GAS PIPEL
	MANNIE ROBERTS 1-A		

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JOB NO	DATE	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 06/10/81 JA: TX				
8135487	F-04-024031	4227331320	103	G P WARDNER NO 138 30936	STRATTON	0.0	TENNESSEE GAS PIP
8135488	F-04-024091	4235531541	102-4	G P WARDNER NO 145	STRATTON	365.0	TENNESSEE GAS PIP
8135585	F-04-029084	4235531606	103	G P WARDNER NO 149	STRATTON	108.0	TENNESSEE GAS PIP
8135521	F-03-026547	4208931080	102-4	JOE F STAVINOHA NO 1	OAKLAND (YEGUA 4200) PRO	0.0	
8135415	F-06-020257	4220330637	103	W L MCCART NO 1	WILDCAT	106.0	HYDROCARBON TRANS
8135415	F-06-020257	4220330637	107-TF	W L MCCART NO 1	WILDCAT	106.0	HYDROCARBON TRANS
-CHASE OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135424	F-05-021791	4234900000	102-4	BAXTER-STANLEY #1 RRC ID #60559	O L MILL/LOWER PALUXY	70.0	LONE STAR GAS CO
8135425	F-05-021792	4234900000	102-4	KAMEN MUGGINS #1 RRC ID #60558	O L MILL/LOWER PALUXY	30.0	LONE STAR GAS CO
8135427	F-05-021795	4234900000	102-4	L M JAMES #1 RRC ID #78481	O L MILL/LOWER PALUXY	80.0	LONE STAR GAS CO
8135426	F-05-021794	4234900000	102-4	L M JAMES #2 RRC ID #77532	O L MILL/LOWER PALUXY	80.0	LONE STAR GAS CO
-CHEVRON U S A INC			RECEIVED: 06/10/81 JA: TX				
8135669	F-08-032395	4249531110	103	W E BAIRD 13-70C	KEYSTONE (CLEARFORK)	47.5	TRANSWESTERN PIPE
-CLEMCO INC			RECEIVED: 06/10/81 JA: TX				
8135663	F-06-032225	4218330416	102-4	HENDERSON GAS UNIT NO 1	ALPINE (TRAVIS PEAK)	365.0	ARKANSAS LOUISIAN
-CONCHO OIL CO			RECEIVED: 06/10/81 JA: TX				
8135645	F-10-031992	4234100000	103	T G SMITH #14	PANHANDLE	73.0	PHILLIPS PETROLEU
8135644	F-10-031991	4234100000	103	T G SMITH #15	PANHANDLE	73.0	PHILLIPS PETROLEU
-CONOCO INC			RECEIVED: 06/10/81 JA: TX				
8135654	F-03-032107	4214930721	103	A F STEINHAUSER NC 7	GIDDINGS (AUSTIN CHALK)	4.0	
8135626	F-08-031740	4222732176	103	G O CHALK-A-812 ID #02685	HOWARD GLASSCOCK	365.0	PHILLIPS PET
8135617	F-7B-031499	4243331114	103	W Z RUTHERFORD -F-81 ID#16692	FRANKIRK E (ELLENBURGER)	17.5	CITIES SERVICE OI
-COOK PRODUCTION CO			RECEIVED: 06/10/81 JA: TX				
8135664	F-09-032229	4223700000	103	ANDY SHAWVER B	WILDCAT COUNTY REGULAR	14.6	TEXAS UTILITIES F
-COPET INC			RECEIVED: 06/10/81 JA: TX				
8135635	F-10-031783	4208730137	103	WM G HAWKINS NO 1	PANHANDLE EAST	80.0	EL PASO NATURAL G
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 06/10/81 JA: TX				
8135580	F-04-026508	4224731253	102-4	ROBERT J HOLREIN NO 1	EL REPOSO (6370)	0.0	VALERO INTERSTATE
8135647	F-04-031999	4260330125	102-4	STATE TRACT 834-S WELL #1 UPPER	CLEAR (MIOCENE 6200) FIE	0.0	CHANNEL INDUSTRIE
-COURSON OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135603	F-1C-031028	4229530839	102-4	LANCERS #2-855T	BRADFORD (WEPLER)	75.0	TRANSWESTERN PIPE
-DAVIS OIL COMPANY			RECEIVED: 06/10/81 JA: TX				
8135684	F-03-031126	4232131013	103	FARMERS CANAL CO ET AL #1	PHEASANT (SIMPSON)	54.0	HOUSTON PIPELINE
-DESCO OIL CO			RECEIVED: 06/10/81 JA: TX				
8135593	F-03-029476	4237330458	102-4	DESCO CARTER BROTHERS NC 1	SEGNO (5350 YEGUA)	0.0	UNITED TEXAS TRAN
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135653	F-10-032094	4239330801	103	FRANK CHAMBERS A NO 2	MENLOTA NW	0.0	
8135522	F-10-026622	4239330752	103	FRANK M CHAMBERS B NO 5	MENLOTA NW	6.0	
-DYNAMIC PRODUCTION INC			RECEIVED: 06/10/81 JA: TX				
8135614	F-03-031401	4219900000	108	ARCC-VICKERS NO 1 -RRC#61158	VICKERS (Y-2)	15.0	TEXAS EASTERN TRA
-EDWIN L COX			RECEIVED: 06/10/81 JA: TX				
8135406	F-02-015465	4212330966	102-4	ANGERSTEIN #3-M	COTTONWOOD CREEK SOUTH (	180.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY			RECEIVED: 06/10/81 JA: TX				
8135407	F-10-016173	4208710518	108-ER	MCDOWELL #7	PANHANDLE EAST	17.8	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED: 06/10/81 JA: TX				
8135627	F-7B-031762	4204900000	108	A O ANGEL NO 1	MAY WEST	5.0	LONE STAR GAS CO
8135629	F-05-031764	4221300000	108	BEN HEARNE NO 8	OPELIKA	4.0	LONE STAR GAS CO
8135631	F-05-031766	4221300000	108	E S MATTON A NO 1	OPELIKA	10.0	LONE STAR GAS CO
8135630	F-05-031765	4221300000	108	E S MATTON F NO 1	OPELIKA	19.0	LONE STAR GAS CO
8135614	F-01-019989	4201331029	103	H E RICHTER NO 2-L	FASHING	495.0	NATURAL GAS PIPEL
8135613	F-01-19988	4201331029	103	H E RICHTER NO 2-U	FASHING	960.0	NATURAL GAS PIPEL
8135628	F-05-031763	4221300000	108	I BUCKALEW E NO 1	OPELIKA	11.0	LONE STAR GAS CO

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JOB NO	DATE	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135447	F-01-022561	4201300000	103	L T URBANCZYK UNIT 2 NO 3-LT	FASHING	966.0	NATURAL GAS PIPEL
8135481	F-01-023942	4201300000	103	L T URBANCZYK UNIT 3 NO 3-DT	FASHING	365.0	NATURAL GAS PIPEL
8135634	F-05-031776	4221300000	108	W H HALLARD NO 1	OPELIKA	13.0	LONE STAR GAS CO
8135633	F-05-031769	4221300000	108	W R DYER NO 1	OPELIKA	6.0	LONE STAR GAS CO
8135632	F-05-031767	4221300000	108	W R DYER NO 2	OPELIKA	3.0	LONE STAR GAS CO
-EXXON CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135549	F-06-027333	4240130847	102-3	E J DOUTHIT NO 1	OAK HILL (COTTON VALLEY)	254.0	HYDROCARBON TRANS
8135549	F-06-027333	4240130847	107-TF	E J DOUTHIT NC 1	OAK HILL (COTTON VALLEY)	254.0	HYDROCARBON TRANS
8135683	F-08-032955	4210332425	103	J B TUBB A/C 1 #238U	SAND HILLS (TUBB)	110.0	EL PASO NATURAL G
*8135469	F-04-023085	4226130473	103	K R SAN JOSE DE LA PARRA 23-F (8846*	CALANDRIA (E-02)	402.0	ARMCO STEEL CORP
*8135459	F-04-023070	4227331322	103	KING RANCH ALAZAN 326-D (82946)	MINCUCSA (E-62)	438.0	ARMCO STEEL CORP
*8135433	F-04-022117	4227330573	103	KING RANCH BORREGOS 537-D	BORREGOS (COMBINED ZONES	131.0	ARMCO STEEL CORP
*8135449	F-04-022688	4227330573	103	KING RANCH BORREGOS 537-F (75375)	BORREGOS (N-4-5-6-7)	146.0	ARMCO STEEL CORP
*8135460	F-04-023072	4227331209	103	KING RANCH BORREGOS 541-F (86020)	BORREGOS (N-25)	109.5	ARMCO STEEL CORP
*8135468	F-04-023084	4227300000	103	KING RANCH LAGUNA LARGA 16 (77752)	TIJERINA-CANALES-BLUCHER	91.0	ARMCO STEEL CORP
*8135470	F-04-023086	4227331360	103	KING RANCH MORGAN M-67	BORREGOS W (SEG F F-74)	2.0	ARMCO STEEL CORP
*8135467	F04023083	4226130467	103	KING RANCH SAN JOSE DE LA PARRA 21*	CALANDRIA (H-59)	565.0	ARMCO STEEL CORP
*8135456	F-04-022989	4227300000	103	KING RANCH SEELIGSON C-196-F (8131*	SEELIGSON (ZONE 21-F)	183.0	ARMCO STEEL CORP
*8135444	F-04-022249	42273305M1	103	KING RANCH STRATTON P-256-D	BISHOP WEST	20.0	ARMCO STEEL CORP
*8135445	F-04-022250	4227300000	103	KING RANCH STRATTON P-257-D (75351)	STRATTON (R-6 E)	511.0	ARMCO STEEL CORP
*8135461	F-04-023073	4227300000	103	KING RANCH STRATTON P-257-F (72836)	STRATTON (P-5)	110.0	ARMCO STEEL CORP
*8135464	F-04-023078	4227300000	103	KING RANCH STRATTON T-37-D	STRATTON (AUSTIN UPPER S	38.0	ARMCO STEEL CORP
*8135465	F-04-023081	4227300000	103	KING RANCH STRATTON T-37-F	STRATTON (L-12)	7.0	ARMCO STEEL CORP
*8135439	F-04-022244	4227300000	103	KING RANCH STRATTON T-41-D	STRATTON (AUSTIN UPPER S	34.0	ARMCO STEEL CORP
*8135472	F-04-023106	4226130484	103	KING RANCH TIO MOYA 7 (86392)	CALANDRIA (H-59)	365.0	ARMCO STEEL CORP
*8135473	F-04-023171	4227331274	103	KING RANCH WEST BORREGOS M-24-BD (*	BORREGOS W (F-78)	820.0	ARMCO STEEL CORP
*8135450	F-04-022689	4204730688	103	R J K JR TR BARROSA PAST 17-D (807*	PITA N W (H-17 LO)	548.0	ARMCO STEEL CORP
*8135438	F-04-022241	4204730696	103	R J K JR TR BARROSA PAST 18-D (810*	PITA N W (G-58)	205.0	ARMCO STEEL CORP
*8135457	F-04-023067	4204700000	103	R J K JR TR BARROSA PAST 19-D (842*	PITA N W (F-57)	335.0	ARMCO STEEL CORP
8135596	F-04-029875	4204730828	103	SANTA FE RANCH 63 (92299)	SANTA FE EAST (G-57A)	548.0	NATURAL GAS PIPEL
*8135471	F-04-023104	4226130468	103	SFR JULIAN PASTURE ST 2 83857	JULIAN NORTH (I-92)	365.0	ARMCO STEEL CORP
*8135437	F-04-022240	4204730617	103	VIBORAS FIELD BU #1 V-70-D (78380)	VIBORAS (MASSIVE SECOND)	621.0	ARMCO STEEL CORP
*8135429	F-04-022102	4204730769	103	VIBORAS FIELD G U #1 V-85-F (85080)	VIBORAS	913.0	ARMCO STEEL CORP
*8135432	F-04-022106	4204730609	103	VIBORAS FIELD GAS UNIT #1 V-72-D (*	VIBORAS (MASSIVE SECOND)	548.0	ARMCO STEEL CORP
*8135463	F-04-023077	4204730653	103	VIBORAS FIELD GAS UNIT #1 V-75-D (*	VIBORAS (MASSIVE SECOND)	365.0	ARMCO STEEL CORP
*8135458	F-04-023066	4204730577	103	VIBORAS FIELD GU #1 O-76-D (75886)	VIBORAS (03)	949.0	ARMCO STEEL CORP
*8135455	F-04-022964	4204730347	103	VIBORAS FIELD GU #1 O-75-D (73950)	VIBORAS (03)	584.0	ARMCO STEEL CORP
*8135441	F-04-022246	4204730616	103	VIBORAS FIELD GU #1 V-65-D (78375)	VIBORAS (MASSIVE FIRST)	548.0	ARMCO STEEL CORP
*8135440	F-04-022245	4204730616	103	VIBORAS FIELD GU #1 V-69-F (78374)	VIBORAS (MASSIVE SECOND)	840.0	ARMCO STEEL CORP
*8135434	F-04-022120	4204730605	103	VIBORAS FIELD GU #1 V-71-F (75629)	VIBORAS (MASSIVE SECOND)	365.0	ARMCO STEEL CORP
*8135430	F-04-022103	4204730612	103	VIBORAS FIELD GU #1 V-74-F (75626)	VIBORAS (MASSIVE FIRST)	511.0	ARMCO STEEL CORP
*8135443	F-04-022248	4204730656	103	VIBORAS FIELD GU #1 V-76-D (78334)	VIBORAS (MASSIVE SECOND)	913.0	ARMCO STEEL CORP
*8135442	F-04-022247	4204730656	103	VIBORAS FIELD GU #1 V-76-F (78279)	VIBORAS (MASSIVE FIRST)	840.0	ARMCO STEEL CORP
*8135462	F-04-023096	4204730763	103	VIBORAS FIELD GU #1 V-82-D (83468)	VIBORAS (MASSIVE SECOND)	876.0	ARMCO STEEL CORP
*8135466	F-04-023082	4204730769	103	VIBORAS FIELD GU NO 1 V-85-D (8646*	VIBORAS (MASSIVE SECOND)	183.0	ARMCO STEEL CORP
*8135431	F-04-022104	4204730604	103	VIBORAS FIELD GU V-73-F (75630)	VIBORAS (MASSIVE SECOND)	657.0	ARMCO STEEL CORP
-FABADAU ENERGY CORP			RECEIVED: 06/10/81 JA: TX				
8135545	F-09-027228	4223732610	102-4	WORTHINGTON D NC 1	NORTH CREEK RANCH (UPPER	0.0	SOUTHWESTERN GAS
8135545	F-09-027228	4223732610	103	WORTHINGTON D NO 1	NORTH CREEK RANCH (UPPER	0.0	SOUTHWESTERN GAS
-FISHER-WEBB INC			RECEIVED: 06/10/81 JA: TX				
8135661	F-7C-032179	4208130782	103	GUEST A NO 5	ARLEDGE (PENN SAND)	150.0	SUN GAS CO
8135637	F-7B-031926	4244131633	103	H MCCOY NO 1	SAM W (STRAWN SAND)	90.0	PALO DURO PIPELIN
-FRIEMEL & CARPENTER			RECEIVED: 06/10/81 JA: TX				

8135673	F-08-032416	4208332061		103	UNIVERSITY 16 WELL NO 16-1 #25678	FUHRMAN-MASCHO	109.5	PHILLIPS PETROLEU
-GAGE & CO				RECEIVED: 06/10/81 JA: TX				
8135649	F-09-032034	4223733248		103	CHAMBERS B #1 (20623)	MARYETTA SE (CONGL)	0.0	SOUTHWESTERN GAS
-GENE POWELL				RECEIVED: 06/10/81 JA: TX				
8135619	F-06-031547	4240131840		103	J C GARRISON WELL #1	CHURCH HILL (TRAVIS PEAK	730.0	ARKANSAS LOUISIAN
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 06/10/81 JA: TX				
8135665	F-08-032237	4200332224		103	UNIVERSITY B 1-56	EMMA N (YATES)	180.0	NORTHERN NATURAL
-GENESIS PETROLEUM CORP				RECEIVED: 06/10/81 JA: TX				
8135674	F-03-032423	4232100000		102-4	ST TR 310 NO 1-L	OLIVER POINT S (4000) PR	365.0	DOW CHEMICAL USA
8135543	F-03-027172	4232130987		103	STATE TRACT 309 WELL NO 2-L ID 884*	OLIVER POINT S (4200)	365.0	DOW CHEMICAL CO U
-GETTY OIL COMPANY				RECEIVED: 06/10/81 JA: TX				
8135435	F-06-022125	4236531028		103	HOUGH-SHIVERS A #2	CARTHAGE (TRAVIS PEAK)	916.6	UNITED GAS PIPELI
8135597	F-06-030114	4236500000		102-4	LAGRONE-JETER WELL #3	CARTHAGE (TRAVIS PEAK -	0.0	TEXAS GAS TRANSMI
8135579	F-06-028476	4200100000		103	W H C GOODE WELL #1-D	CAYUGA	0.0	LONE STAR GAS CO
8135496	F-8A-024696	4207931154		103	XIT UNIT WELL NO 176	LEVELLAND - SAN ANDRES	5.1	CITIES SERVICE CO
-GOLDKING PRODUCTION COMPANY				RECEIVED: 06/10/81 JA: TX				
8135475	F-03-023260	4216730751		102-4	ADRIANCE NO 1 065588	ALTA LOMA	219.0	HOUSTON PIPELINE
8135675	F-02-032578	4212331084		102-4	E R RODE NO 1-T	COTTONWOOD CREEK S	123.0	HOUSTON PIPE LINE
8135476	023522	4239131382		102-4	HYNES NO 2-C 070650	EAST PAPALOTE	294.0	HOUSTON PIPE LINE
8135477	F-02-023523	4239131382		102-4	HYNES NO 2-T	PAPALOTE E (5500)	312.0	HOUSTON PIPE LINE
8135621	F-02-031617	4239131433		102-4	WELDER NO 1	PAPALOTE E (6320)	436.0	HOUSTON PIPE LINE
-GRUY MANAGEMENT SERVICE CO				RECEIVED: 06/10/81 JA: TX				
8135436	F-03-022151	4243100000		108	M MATUSEK ET AL GAS UNIT #1 (RRC #*	BERNARD EAST (MCGALLIARD	22.0	TENNESSEE GAS PIP
-GUADALUPE EXPLORATION CORP				RECEIVED: 06/10/81 JA: TX				
8135540	F-10-027076	4208730157		103	BRUTON C #1	PANHANDLE	82.8	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED: 06/10/81 JA: TX				
8135539	F-01-027004	4201331019		103	HENDERSON ET AL GAS UNIT #1 WELL #2	FASHING (EDWARDS LIME -A	200.0	NATURAL GAS P/L C
-M L BROWN JR				RECEIVED: 06/10/81 JA: TX				
8135547	F-08-027272	4230130225		102-2	RED BLUFF (DEEP) NO 1 WELL #88428	RED BLUFF (WOLFCAMP)	1095.0	EL PASO NATURAL G
-HAMMAN OIL & REFINING CO				RECEIVED: 06/10/81 JA: TX				
8135524	F-03-026708	4220130779		102-4	LONGENBAUGH NO 1(C) 11634	CYPRESS	180.0	TENNESSEE GAS PIP
-HARKEN OIL & GAS INCORP				RECEIVED: 06/10/81 JA: TX				
8135686	F-7C-035048	4259931403		102-4	HARRIS #1 91770	HARRIS (FRY) FIELD	2.8	EL PASO NATURAL G
-HARKINS & COMPANY				RECEIVED: 06/10/81 JA: TX				
8135560	F-04-027871	4242731392		102-4	COATES ESTATE NO 4 WELL	RINCON NORTH (4350) FIEL	52.0	TENNESSEE GAS PIP
8135560	F-04-027871	4242731392		103	COATES ESTATE NO 4 WELL	RINCON NORTH (4350) FIEL	52.0	TENNESSEE GAS PIP
-HENDERSON CLAY PRODUCTS INC				RECEIVED: 06/10/81 JA: TX				
8135622	F-06-031629	4240131055		102-3	MCALISTER GAS UNIT WELL #1	DIRGIN (COTTON VALLEY) F	365.0	DELMI GAS PIPELIN
8135622	F-06-031629	4240131055		107-TF	MCALISTER GAS UNIT WELL #1	DIRGIN (COTTON VALLEY) F	365.0	DELMI GAS PIPELIN
8135516	F-06-026402	4240130580		102-3	WILLIAM POOL NO 1	HENDERSON NORTH (COTTON	365.0	UNITED GAS PIPE L
8135516	F-06-026402	4240130980		107-TF	WILLIAM POOL NO 1	HENDERSON NORTH (COTTON	365.0	UNITED GAS PIPE L
-HILL PRODUCTION CO				RECEIVED: 06/10/81 JA: TX				
8135639	F-7B-031956	4225331239		103	RIMSEARCH A D HILL #15304	NICOLE N W CANYON SAND 3	0.0	PALO DURO PIPELIN
8135480	F-7B-023924	4215131014		102-4	TOUCHSTONE-MAYBERRY #1 ID15596	BIG JOHN (CANYON REEF) F	75.0	PALO DURO PIPELIN
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED: 06/10/81 JA: TX				
8135640	F-10-031959	4235731065		103	DAVIS BROTHERS #3-45	HANSFORD (MORROW UPPER)	182.5	NORTHERN NATURAL
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 06/10/81 JA: TX				
8135504	F-03-024994	4270330211		102-4	STATE TRACT 526-L SW/4 #11	CAVALLO (8300 SD) FIELD	365.0	VALLEY PIPE LINE
8135505	F-03-024995	4270330211		102-4	STATE TRACT 526-L SW/4 #11-U	CAVALLO (7600 SD) FIELD	365.0	VALLEY PIPE LINE
8135506	F-03-025191	4270300000		102-4	STATE TRACT 526-L SW/4 #12	CAVALLO (9100 SD) FIELD	730.0	VALLEY PIPE LINE
-HUMBLE EXPLORATION CO INC				RECEIVED: 06/10/81 JA: TX				
8135479	F-08-023729	4214900000		102-2	EVELYN VOGT #1	GIDDINGS	0.0	PHILLIPS PETROLEU
8135479	F-08-023729	4214900000		103	EVELYN VOGT #1	GIDDINGS	0.0	PHILLIPS PETROLEU

8135491	F-03-024271	4228730710		102-2	RUTH GALIPP NO 1 - 13239	GIDDINGS (AUSTIN CHALK)	220.0	PHILLIPS PETROLEU
8135491	F-03-024271	4228730710		103	RUTH GALIPP NO 1 - 13239	GIDDINGS (AUSTIN CHALK)	220.0	PHILLIPS PETROLEU
-I B BEREN				RECEIVED: 06/10/81 JA: TX				
8135659	F-09-032153	4250323230		102-4	JOHNSON NO 1 90205	JOHNSON (800)	18.0	SOUTHWESTERN GAS
-INDEPENDENT EXPLORATION CO				RECEIVED: 06/10/81 JA: TX				
8135568	F-01-029159	4250731258		102-2	I T PRYOR -B- #4	PRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
8135589	F-01-029160	4250731254		102-2	I T PRYOR #C-1	PRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
8135587	F-01-029137	4250731235		102-2	I T PRYOR #2	PRYOR EAST (OLMOS)	0.0	VALERO TRANSMISSI
-INDIAN OIL CO				RECEIVED: 06/10/81 JA: TX				
8135684	F-09-033009	4249731457		103	C F MUSKEY WELL NO 1-A	CHICO WEST (5700 CONGL)	73.0	TEXAS UTILITIES F
-INTEGRAL ENERGY CORP				RECEIVED: 06/10/81 JA: TX				
8135676	F-02-032600	4212300000		103	ANGERSTEIN RUSCHHAUPT #1	COTTONWOOD CREEK S (YEGU	0.0	VALERO TRANS CO
-INTERCONTINENTAL PRODUCTION CO				RECEIVED: 06/10/81 JA: TX				
8135657	F-7B-032121	4236323288		103	EVANS NO 1	BRAC SW (BIG SALINE CONG	170.8	LONE STAR GAS CO
-JACKSON EXPLORATION INC				RECEIVED: 06/10/81 JA: TX				
8135576	F-03-028277	4215731049		102-4	BYBEE #1	KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
8135578	F-03-028277	4215731049		103	BYBEE #1	KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
-JAMES W PORTER INTERESTS				RECEIVED: 06/10/81 JA: TX				
8135503	F-7B-024947	4236731750		102-4	PORTER #1	GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
8135503	F-7B-024947	4236731750		103	PORTER #1	GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
8135502	F-7B-024946	4236731716		102-4	PORTER #2	GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
8135502	F-7B-024946	4236731716		103	PORTER #2	GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
8135501	F-7B-024945	4236731715		102-4	PORTER #3	PORTER (HARWELL)	0.0	SOUTHWESTERN GAS
8135501	F-7B-024945	4236731715		103	PORTER #3	PORTER (HARWELL)	0.0	SOUTHWESTERN GAS
-JOSEPH T DAWSON				RECEIVED: 06/10/81 JA: TX				
8135662	F-04-032224	4210931465		102-4	J H HARVEY NO 1	HARVEY DEEP (MORRIS)	832.2	HOUSTON PIPELINE
-KA-HUGH INTERNATIONAL INC				RECEIVED: 06/10/81 JA: TX				
8135608	F-02-031205	4223931546		103	LIONEL PASTOR NO 3	LAWARD N E (6630)	60.0	UNITED GAS PIPELI
-KILLAM & HURD LTD				RECEIVED: 06/10/81 JA: TX				
8135515	F-04-026134	4250531200		102-4	HINNANT HEIRS B WELL NO 1-10	AVIATORS S (WILCOX 10600	0.0	VALERO INTERSTATE
8135551	F-04-027423	4247932445		102-4	J C MARTIN III WELL NO 2	DOLORES CREEK	0.0	TRANSCONTINENTAL
-L & M OIL CO				RECEIVED: 06/10/81 JA: TX				
8135610	F-09-031333	4249700000		103	ARTHUR SMITH NO 2	ALVORD (ATOKA CONGL)	206.0	TEXAS UTILITIES F
8135611	F-09-031334	4249700000		103	JAMIE SMITH NO 1	ALVORD (ATOKA CONGL)	75.0	TEXAS UTILITIES F
-L TEXAS INC				RECEIVED: 06/10/81 JA: TX				
8135512	F-02-029692	4217531258		102-4	JAMES M BOWER WELL #2	CHARCO S (PETTUS 4040)	150.0	VALERO TRANSMISSI
-LONGHORN OIL & GAS CO				RECEIVED: 06/10/81 JA: TX				
8135453	F-01-022804	4232331197		102-4	HALSELL RANCH #2-1	J D A (GEORGETOWN)	100.0	TEJAS GAS CORP
8135490	F-01-024157	4212731625		102-2	HALSELL RANCH #45-1	J D A (GEORGETOWN)	50.0	TEJAS GAS CORP
-MARSHALL EXPLORATION INC				RECEIVED: 06/10/81 JA: TX				
8135483	F-7B-023962	4236332218		102-4	ALLEN #1	BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
8135483	F-7B-023962	4236332218		103	ALLEN #1	BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
8135486	F-7B-023980	4236332323		102-4	DUNNAWAY A #2	BRANSON N (BIG SALINE)	320.0	SOUTHWESTERN GAS
8135486	F-7B-023980	4236332323		103	DUNNAWAY A #2	BRANSON N (BIG SALINE)	320.0	SOUTHWESTERN GAS
8135523	F-06-026692	4218330432		103	FLEWELLEN #1-UT	WILLOW SPRINGS (TRAVIS P	400.0	UNITED GAS PIPELI
8135484	F-7B-023974	4236332332		102-4	J B DAVIS B #3	BRANSON N (BIG SALINE)	360.0	SOUTHWESTERN GAS
8135484	F-7B-023974	4236332332		103	J B DAVIS B #3	BRANSON N (BIG SALINE)	360.0	SOUTHWESTERN GAS
8135482	F-7B-023961	4236332314		102-4	LAMBERTSON #1	BRANSON N (BIG SALINE)	328.5	SOUTHWESTERN GAS
8135482	F-7B-023961	4236332314		103	LAMBERTSON #1	BRANSON N (BIG SALINE)	328.5	SOUTHWESTERN GAS
8135485	F-7B-023976	4236332267		102-4	THOMPSON #1	BRANSON N (BIG SALINE)	292.0	SOUTHWESTERN GAS
8135485	F-7B-023976	4236332267		103	THOMPSON #1	BRANSON N (BIG SALINE)	292.0	SOUTHWESTERN GAS
-MARTIN OIL & GAS CO				RECEIVED: 06/10/81 JA: TX				
8135408	F-03-17093	4205100000		102-4	BENIGNUS #1	CALDWELL (AUSTIN CHALK)	74.0	MAYNARD OIL CO

JD NO	JD PT	DIST	L SEC CAT	WELL NAME
8135410	F-03-17096	4205100000	102-4	NEMFC #1
8135409	F-03-17094	4205100000	102-4	PIWONKA #1
8135411	F-03-017097	4205100000	102-4	R A BOWERS JR
			RECEIVED: 06/10/81 JA: TX	
-MAYNARD OIL COMPANY				
8135651	F-02-032077	4202500000	103	S J HUFF NO 1
			RECEIVED: 06/10/81 JA: TX	
-MCZ INC				
8135581	F-03-028546	4224500000	102-4	WEEC NO 1
			RECEIVED: 06/10/81 JA: TX	
-MEWBOURNE OIL COMPANY				
8135682	F-10-032951	4229530770	102-4	CROAISTER #1 ID #88008
-MITCHELL ENERGY CORPORATION				
8135571	F-05-028239	4229330493	103	ANGELINA COUNTY LUMBER CO #1
8135666	F-09-032289	4249731833	103	BERRY-CHERRYHOMES NO 2-L
8135582	F-09-028584	4249700000	108	EMMA MCCLURE #1 21458
8135638	F-7B-031933	4236332210	103	FRANCES H MARQUESS NO 1
8135584	F-09-028871	4249700000	108	J R NANCE #1 35783
8135567	F-09-028060	4249700000	108	M E PRUETT #1 42608
8135552	F-05-027424	4229330500	103	MABEL CARPENTER #1
8135583	F-09-028585	4249700000	108	MARIE WAGGONER #2 43646
8135572	F-7B-028248	4236300000	108	MARY J JORDAN #1 17576
8135562	F-09-027894	4249700000	108	MORRIS-KEMPNER #5 28752
8135652	F-09-032089	4249732012	103	R E WILSON #2
8135451	F-09-022702	4223700000	108	R R GILLEY #3 13296
8135592	F-7B-029433	4236731925	103	R R HOWARD #3
8135605	F-7B-031198	4214330142	103	ROSS SEGAL #2
8135570	F-09-028189	4223700000	108	W S WALKER #1 35787
-MOBIL PROD TEXAS & NEW MEXICO INC				
8135599	F-03-030424	4219931402	102-4	KIRBY LUMBER CORP #4-UT
8135548	F-08-027275	4233531701	103	MARY FOSTER NO 138
-MOLE OPERATING COMPANY INC				
8135685	F-8A-033022	4211500000	102-4	W H MOORE
-MOTE RESOURCES INC				
8135609	F-09-031304	4249731934	103	GREGG HEIRS UNIT #20575
-NORTH AMERICAN PRODUCTION CO				
8135679	F-02-032781	4202550000	102-4	CARPENTER NO 1 (ID NO 921533)
-NUEVE OPERATING CO OF TEXAS				
8135687	F-7B-033070	4244131680	102-4	#1 GRISHAM ESTATE RRC NO 91452
-OMNI EXPLORATION INC				
8135423	F-02-021262	4229732033	102-4	WILLIAM E LEE NO 1-R
-OUTLINE OIL CORP				
8135536	F-03-026955	4240730420	102-4	MASSEY-FERGUSON UNIT NO 1
-OWL PETROLEUM CO				
8135566	F-03-028048	4248100000	102-4	D S BABCOCK #3-T
-PAR PRODUCING CO				
8135658	F-8A-032137	4241531535	103	BECK NO 1
-PENNZOIL PRODUCING COMPANY				
8135618	F-04-031509	4221500985	108	BORAH UNIT NO 1
8135648	F-04-032027	4250531196	103	JENNINGS NO 45
-PERRYMAN OIL & GAS INC				
8135514	F-02-026009	4202531006	102-4	DUGE NO 1
-PETROLEUM MANAGEMENT INC				
8135500	F-04-024905	4224931206	102-4	GOLLAPP TRUST A NO 1
-PHILCON DEVELOPMENT CO				
8135602	F-10-030695	4237330276	102-2	LEDRICK #1

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FIELD NAME	PROD	PURCHASER
CALDWELL (AUSTIN CHALK)	36.0	MAYNARD OIL CO
CALDWELL (AUSTIN CHALK)	82.0	MAYNARD OIL CO
CALDWELL (AUSTIN CHALK)	80.0	MAYNARD OIL CO
NOREEE (1900 SAND)	0.0	UNITED GAS PIPELI
CHEEK S	730.0	WINNIE PIPELINE C
PEERY SOUTHEAST (CLEVELA	110.0	TRANSWESTERN PIPE
POKEY (COTTON VALLEY LIM	200.0	
BOONESVILLE (BEND CONGLOM	300.0	NATURAL GAS PIPEL
BOONESVILLE (BEND CONGL	6.8	NATURAL GAS PIPEL
MINERAL WELLS (STRAWN B)	30.0	SOUTHWESTERN GAS
BOONESVILLE (BEND CONGL	11.0	NATURAL GAS PIPEL
BOONESVILLE (BEND CONGL	6.6	NATURAL GAS PIPEL
POKEY (COTTON VALLEY LIM	20.0	TEXAS UTILITIES F
BOONSVILLE (BEND CONGL G	10.6	NATURAL GAS PIPEL
GRAFORD W (CONGL)	1.8	SOUTHWESTERN GAS
BOONSVILLE (BEND CONGL G	8.3	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGLOM	500.6	NATURAL GAS PIPEL
GILLEY (CONGLOMERATE)	1.5	CITIES SERVICE GA
COYLE (MARBLE FALLS)	8.0	SOUTHWESTERN GAS
TEXCLINE (MARBLE FALLS)	70.0	
BOONESVILLE (BEND CONGL	6.0	SOUTHWESTERN GAS
SOUR LAKE E (YEGUA UPPER	547.5	TRANSCONTINENTAL
IATAN EAST HOWARD	0.4	GETTY OIL CO
ACKERLY NORTH	24.0	GETTY OIL CO
ALVORD (CADDO CONGLOMERA	58.0	NATURAL GAS PIPEL
SINGLETON (3950)	219.0	FERGUSON CROSSING
HIGH HOPES (HORRIS)	9.0	LONE STAR GAS CO
MOUNTAIN VIEW N (8600)	1295.0	HOUSTON PIPE LINE
OLD WAVERLY FIELD	120.0	TEXAS EASTERN TRA
NEREFEE (FRIO 5400) PROP	55.0	TRANSCONTINENTAL
TOWLE (CANYON)	5.0	SUN GAS CO (DELAW
SAN CARLOS (METTLACH)	1.0	TRUNKLINE GAS CO
JENNINGS W (ROSENBERG 12	3.0	NATURAL GAS PIPEL
LIANE (2700) FIELD	30.0	TRANSCONTINENTAL
GOLLAPP (5360) PROPOSED	350.0	NUE-WELLS PIPE LI
LEDRICK RANCH (HORROB UP	146.0	TRANSWESTERN PIPE

JD NO	JA PT	DIST	F SEC CAT	WELL NAME
-PHILLIPS & SPRADLEY			RECEIVED: 06/10/81 JA: TX	
8135550	F-04-027403	4240931414	102-4	KIRK GAS UNIT NO A2
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 06/10/81 JA: TX	
8135546	F-10-027269	4217900000	108	PHIL-PAMPA UNIT 56-01
8135499	F-10-024694	4242100000	108	WILLOLO #3
			RECEIVED: 06/10/81 JA: TX	
-PITCOCK INC				
8135667	F-7B-032268	4236332404	103	GIBSON-BELDING #5 IL NO 91315
8135598	F-7B-030242	4236332320	102-2	GILBERT #1
			RECEIVED: 06/10/81 JA: TX	
-PITTS OIL CO & DALLAS PROD INC				
8135613	F-06-031376	4207330388	102-4	NEELY NO 1 91560
			RECEIVED: 06/10/81 JA: TX	
-QUEST PETROLEUM INC				
8135672	F-09-032404	4223700000	103	L M DUERSON NO 1
			RECEIVED: 06/10/81 JA: TX	
-REITA OIL CO				
8135643	F-7B-031983	4236731734	103	CLEMENS #1-T (91324)
			RECEIVED: 06/10/81 JA: TX	
-REMUDA OIL & GAS CO				
8135612	F-06-031340	4236530314	103	MCKAY NO 1 #76491
			RECEIVED: 06/10/81 JA: TX	
-ROBERT P LAMMERTS				
8135564	F-03-027977	4214930478	102-2	#1 ALOIS MEILERS
8135565	F-03-027978	4214900000	102-2	#1 MARY JANE UNIT
8135535	F-03-026767	4214900000	102-2	#2 REINSCH ET AL
8135537	F-03-026978	4214900000	102-2	GOEBEL BROTHERS #1
8135497	F-03-024711	4214900000	102-2	MARTIN C GOEBEL #1
8135538	F-03-026979	4214900000	102-2	WHITE HEIRS UNIT #1
			RECEIVED: 06/10/81 JA: TX	
-ROWE PRODUCTION CO				
8135600	F-02-030458	4223931511	102-4	GARLAND T BROCKING WELL #2
			RECEIVED: 06/10/81 JA: TX	
-RVO PETROLEUM CO				
8135446	F-06-022443	4249903064	102-4	VERNON M MOORE #1
8135446	F-06-022443	4249903064	103	VERNON M MOORE #1
			RECEIVED: 06/10/81 JA: TX	
-SAXON OIL COMPANY				
8135563	F-08-027905	4231732167	103	GAY WADE B NO 1
			RECEIVED: 06/10/81 JA: TX	
-SEAGULL INTERNATIONAL EXPLORATION I				
8135513	F-06-025801	4240100000	102-4	CECIL CASSITY GU WELL NO 1-LT
8135569	F-06-025447	4248100000	102-4	ORVILLE TODD GAS UNIT NO 1-C
			RECEIVED: 06/10/81 JA: TX	
-SEAGULL RESOURCES INC				
8135544	F-03-027179	4215731082	102-4	GUNTLE GAS UNIT #1-L
			RECEIVED: 06/10/81 JA: TX	
-SHELL OIL CO				
8135569	F-04-028166	4204730844	102-4	OCTAVIO LONGORIA ET AL GU #1
			RECEIVED: 06/10/81 JA: TX	
-SIOUX NATURAL GAS CORP				
8135576	F-7C-028255	4210532818	103	UNIVERSITY 1-14-29
8135577	F-7C-028256	4210532919	103	UNIVERSITY 1-22-29
8135573	F-7C-028252	4210532815	103	UNIVERSITY 1-23-29
8135575	F-7C-028254	4210533038	103	UNIVERSITY 2-14-29
8135574	F-7C-028253	4210532816	103	UNIVERSITY 2-23-29
			RECEIVED: 06/10/81 JA: TX	
-SOUTHLAND ROYALTY CO				
8135511	F-7C-025593	4238300000	108	RUBY WRIGHT 47 #1
8135508	F-7C-025361	4243530261	108-FR	SHURLEY C #1
			RECEIVED: 06/10/81 JA: TX	
-SOUTHWEST PETROCHEM INC				
8135526	F-05-026726	4228930379	102-2	M ALBRECHT NO 2-88853
			RECEIVED: 06/10/81 JA: TX	
-SOUTHWESTERN GAS EXPLORATION CORP				
8135489	F-09-024117	4223732960	103	LINDSEY RANCH A A2
			RECEIVED: 06/10/81 JA: TX	
-SPINDLETOP OIL & GAS CO				
8135416	F-7B-020453	4236731010	102-4	BAILEY HEIRS #1 (77949)
8135421	F-7B-020478	4236731354	102-4	KELLY #1-T (H91A3)

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FIELD NAME	PROD	PURCHASER
WHITE POINT EAST DEEP (G	370.0	VALERO TRANSMISSI
PANHANDLE GRAY	0.5	GETTY OIL CO
PALO DURO CREEK	1.7	MICHIGAN WISCONSI
H R A (CONGL)	336.0	TEXAS UTILITIES F
MINERAL WELLS (GEORGIA S	80.0	INTRASTATE GATHER
TECULA SE (PETTIT)	369.0	UNITED GAS PIPELI
CLAYTON (STRAWN 3900)	500.0	SOUTHWESTERN GAS
ALECO S (MARBLE FALLS)	62.0	SOUTHWESTERN GAS
BECKVILLE W (COTTON VALL	36.5	TEJAS GAS CORP
GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	150.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	7.3	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
BROCKING (8650) - PROPOS	274.0	CHANNEL INDUSTRIE
MANZIEL N E (HILL)	340.0	ARKANSAS-LOUISIAN
MANZIEL N E (HILL)	340.0	ARKANSAS-LOUISIAN
BREEDLOVE EAST SPRABERRY	29.9	PHILLIPS PETROLEU
PINEHILL S E (TRAVIS PEA	0.0	UNITED GAS PIPELI
PINEHILL S E (RODESSA GL	0.0	UNITED GAS PIPELI
ROSENBERG (FRIO 5220) FI	0.0	UNITED GAS PIPELI
LOPEZ RANCH (VICKSBURG 1	1000.0	LONE STAR GAS CO
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
SPRABERRY TREND AREA	8.0	EL PASO NATURAL G
SHURLEY RANCH	17.0	EL PASO NATURAL G
CENTERVILLE SE	275.0	SOUTHWEST GATHERI
JACK COUNTY REGULAR	20.6	SOUTHWESTERN GAS
MALES (4650)	107.0	LONE STAR GAS CO
MALES (4300)	42.0	BUCKNER GAS CO

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JD NO	JD DKT	FIELD	SEC SUR	WELL NAME
8135418	F-7B-020461	4236731713	102-4	LILES #1-C (84832)
8135417	F-7B-020459	4236731713	102-4	LILES #1-T (84861)
8135419	F-7B-020467	4236332201	102-4	STEWART #1-C (86031)
8135420	F-7B-020470	4236331968	102-4	STONE #1 (80639)
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 06/10/81 JA: TX	
8135677	F-04-032676	4224931158	103	P CANALES NO 136-L
8135681	F-7B-032911	4214330659	102-4	PORTER-STATE NO 1
8135678	F-04-032678	4242731418	103	RODRIGUEZ PENA GAS UNIT 2 NO 2C
-SUPERIOR OIL CO			RECEIVED: 06/10/81 JA: TX	
8135601	F-02-030527	4228531516	103	F J KRUPALA G U NO 1
8135594	F-03-029480	4228730780	103	LOGMON-CAMERON WELL NO 2
8135525	F-02-026718	4205700000	108	HOLLOMAN LAND COMPANY WELL #1
-T L J INC			RECEIVED: 06/10/81 JA: TX	
8135528	F-7C-026730	4238300000	103	TEXAS Y #11
8135529	F-7C-026733	4238300000	103	TEXAS Y #12
8135532	F-7C-026736	4238300000	103	TEXAS Y #9
8135531	F-7C-026735	4238300000	103	TEXAS Z #7
8135530	F-7C-026734	4238300000	103	TEXAS Z #8
8135533	F-7C-026737	4238300000	103	TEXAS Z #9
8135527	F-7C-026731	4238300000	103	UNIVERSITY 2-49 #6
-TARTAN OIL & GAS			RECEIVED: 06/10/81 JA: TX	
8135420	F-03-021898	4248100000	103	EASZ-ROECKER NO 1
8135586	F-03-029136	4248131994	103	NOWAVITZA UNIT NO 1
8135668	F-03-032357	4248100000	103	ZIMMERMAN UNIT NO 1
-TEE OPERATING CO			RECEIVED: 06/10/81 JA: TX	
8135495	F-03-024441	4215730982	102-2	DUNAWAY GAS UNIT NO 1
8135495	F-03-024441	4215730982	103	DUNAWAY GAS UNIT NO 1
-TEXACO INC			RECEIVED: 06/10/81 JA: TX	
8135642	F-04-031961	4250530098	108	J D JENNINGS #341
-TEXAS OIL & GAS CORP			RECEIVED: 06/10/81 JA: TX	
8135452	F-05-022707	4216130568	102-2	BEST #1
8135452	F-05-022707	4216130568	107-TF	BEST #1
8135507	F-04-025314	4250531221	103	LOPENO #32
-TEXOMA PRODUCTION CO			RECEIVED: 06/10/81 JA: TX	
8135595	F-03-029721	4270630159	102-2	STATE TRACT 245-L #20
-TORREYANA OIL CORP			RECEIVED: 06/10/81 JA: TX	
8135448	F-8A-022566	4207931116	103	C S DEAN A #1
-TRANS-AMERICAN DEVELOPMENT CORP			RECEIVED: 06/10/81 JA: TX	
8135641	F-7A-031960	4204900000	103	ARNOLD #1 (90314)
-TSPI INC			RECEIVED: 06/10/81 JA: TX	
8135620	F-10-031560	4225300000	103	29A NO 5
-U S OPERATING INC			RECEIVED: 06/10/81 JA: TX	
8135559	F-03-027737	4228730575	102-2	DEE NO 1
8135474	F-03-023200	4228730590	102-2	LINDA NO 1
8135474	F-03-023200	4228730590	103	LINDA NO 1
-VIRLAR EXPLORATION INC			RECEIVED: 06/10/81 JA: TX	
8135606	F-02-031203	4223931547	103	F K KOOP NO 1
-VORTY EXPLORATION CO INC			RECEIVED: 06/10/81 JA: TX	
8135454	F-7B-022955	4236300000	102-4	#1 WITHERS
8135517	F-7B-026462	4236300000	102-4	D PRICE #1
8135519	F-7B-026464	4236300000	102-4	L A WOOLRIDGE #1
8135518	F-7B-026463	4236300000	102-4	R EDMONDSON #1
-W A MONCRIEF JR			RECEIVED: 06/10/81 JA: TX	

FIELD NAME	PRICE	PURCHASER
WEATHERFORD (STRAWN A)	32.0	BUCKNER GAS CO
WALES (4300)	13.0	BUCKNER GAS CO
MCCLISH-STONE (CONGL UP)	150.0	TEXAS UTILITIES F
MCCLISH-STONE (CONGL UP)	97.0	TEXAS UTILITIES F
T C 6 (T-21)	713.0	
INDIANOLA (STRAWN)	150.0	
KELSEY SOUTH (5580)	91.0	
WORD A (EDWARDS)	0.0	
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
EAST LONG MOTT FIELD	0.0	UNITED TEXAS TRAN
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
JONES CREEK (5000 FRIO)	290.0	TRANSCONTINENTAL
JONES CREEK (5200 FRIO)	140.0	
JONES CREEK (5200 FRIO)	300.0	FLORIDA GAS TRANS
TAVENER (7950 COOK MOUNT	50.0	LONE STAR GAS CO
TAVENER (7950 COOK MOUNT	50.0	LONE STAR GAS CO
	3.3	TENNESSEE GAS PIP
WILDCAT	500.0	
WILDCAT	500.0	
LOPENO FIELD	0.0	DELMI GAS PIPELIN
WILDCAT	548.0	NATURAL GAS PIPEL
SLAUGHTER	210.0	AMOCO PRODUCTION
MIKLAR (STRAWN) FIELD	36.0	ODESSA NATURAL CO
PANHANDLE FIELD	108.0	PANHANDLE PRODUCI
GIDDINGS (AUSTIN CHALK)	80.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS
KOOP BEND (6200)	260.0	DELMI GAS PIPELIN
MINERAL WELLS S (GEORGIA	280.0	SOUTHWESTERN GAS
MINERAL WELLS S (PRICE S	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
MINERALS WELLS S	0.0	SOUTHWESTERN GAS

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JD NO	JD DKT	FIELD	SEC SUR	WELL NAME
8135615	F-7B-031415	4236731080	108	A M HUGHEY #1
8135616	F-7B-031421	4236700000	108	GRIFFIN #1
-W M PRICE			RECEIVED: 06/10/81 JA: TX	
8135422	F-7B-021017	4235330740	102-4	WHITESIDE #1-A
-WAINOCO OIL & GAS COMPANY			RECEIVED: 06/10/81 JA: TX	
8135542	F-04-027167	4221531001	103	A M CARDENAS ET AL NO 2
-WAYMAR-POOL & ROBERTSON			RECEIVED: 06/10/81 JA: TX	
8135670	F-09-032400	4249731867	103	J T & L NEW NO 1
-WES-TEX DRILLING COMPANY			RECEIVED: 06/10/81 JA: TX	
8135671	F-7B-032403	4235330844	103	COMPTON NO 1
-WILSON ENERGY INC			RECEIVED: 06/10/81 JA: TX	
8135498	F-7C-024800	4210500000	103	MAGGIE NEAL #3
8135568	F-7C-028144	4210500000	103	UNIVERSITY 2 #3
8135553	F-7C-027432	4210500000	103	UNIVERSITY 2 #4
8135624	F-7C-031640	4210500000	103	UNIVERSITY B B #5 08726
8135625	F-7C-031641	4210500000	103	UNIVERSITY B B #7
-ZONERGY INC			RECEIVED: 06/10/81 JA: TX	
8135636	F-03-031916	4205100000	102-2	BAILEY #1
8135492	F-03-024308	4205130529	102-2	HOUSTON #1
8135493	F-03-024310	4247730324	102-2	PRIVATE STOCK #1
8135494	F-03-024311	4228730499	102-2	WESTBROOK #1

FIELD NAME	PRICE	PURCHASER
WEATHERFORD SW (STRAWN)	14.5	SOUTHWESTERN GAS
WINSTON RANCH (BIG SALIN	16.1	SOUTHWESTERN GAS
GROUP S (SADDLE CREEK)	13.5	PALO DURO PIPELIN
SAN SALVADOR (8600)	180.0	TENNESSEE GAS PIP
ALVORD CADDO CONGLOMERAT	92.0	NATURAL GAS PIPEL
JMM (CANYON)	73.0	SUN OIL CO
WEGER (NORTH)	17.0	BIG LAKE GASOLINE
FARMER (SAN ANDRES)	36.0	BIG LAKE GAS PLAN
FARMER (SAN ANDRES)	15.0	BIG LAKE GASOLINE
FARMER (SAN ANDRES)	273.0	BIG LAKE GASOLINE
FARMER (SAN ANDRES)	328.0	BIG LAKE GASOLINE
GIDDINGS	0.0	CLAJON GAS CO
GIDDINGS	116.8	CLAJON GAS CO
GIDDINGS	146.0	CLAJON GAS CO
GIDDINGS	32.1	PGP GAS PRODUCTS

Other Purchasers: 8135550 Florida Gas Transmission; for all other control numbers preceded by (*) the additional purchaser is E I Dupont de Nemours

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-19908 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 462]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 1, 1981.

BILLING CODE 6450-85-M

FIELD NAME	FRCL	PURCHASER
TEXAS RAILROAD COMMISSION		
-AMOCO PRODUCTION CO		
CHENEYBORO/TRAVIS PEAK/	196.0	LONE STAR GAS CO
CHENEYBORO/COTTON VALLEY	107.0	LONE STAR GAS CO
LEVELLAND	10.1	AMOCO PRODUCTION
SPINDLETOP	5.0	WINNIE PIPELINE C
HASTINGS WEST	4.3	AMOCO GAS CO
FUHRMAN-MASCHO	65.0	PHILLIPS PETROLEU
PANHANDLE - HUTCHINSON F	40.0	PANHANDLE EASTERN
PANHANDLE - HUTCHINSON F	33.0	PANHANDLE EASTERN
PANHANDLE - HUTCHINSON F	62.0	PANHANDLE EASTERN
PANHANDLE - HUTCHINSON F	52.0	PANHANDLE EASTERN
PANHANDLE CARSON COUNTY	100.0	PANHANDLE EASTERN
FARMER (SAN ANDRES)	0.0	BIG LAKE GASOLINE
FARMER (SAN ANDRES)	0.0	BIG LAKE GASOLINE
CALVIN (DEAN)	16.0	
CALVIN (DEAN)	27.0	
BOOKSVILLE (BEND CONGL)	35.0	NATURAL GAS PIPEL
BOOKSVILLE (BEND CONGL)	35.0	NATURAL GAS PIPEL
BLOCK A-34 (SAN ANDRES)	12.2	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	12.2	PHILLIPS PETROLEU
MILLSAP E (CONGL 4300)	0.0	LONE STAR GAS CO
KELLY SNYDER	303.8	EL PASO NATURAL G
KELLY SNYDER	54.4	EL PASO NATURAL G
KELLY SNYDER	18.4	EL PASO NATURAL G
KELLY SNYDER	21.0	EL PASO NATURAL G
KELLY SNYDER	22.0	EL PASO NATURAL G
KELLY SNYDER	29.0	EL PASO NATURAL G
KELLY SNYDER	333.2	EL PASO NATURAL G
KELLY SNYDER	235.0	EL PASO NATURAL G
KELLY SNYDER	47.0	EL PASO NATURAL G
KELLY SNYDER	301.1	EL PASO NATURAL G

-AMOCO PRODUCTION CO			RECEIVED: 06/10/81	JA: TX	
0135933	F-05-035565	4234021110	102-4	ALFRED MILLIGAN WELL NO 1	
0135761	F-05-034310	4234031400	102-4	DEE GARRETT LIVELY CU /C/ #1	
0135929	F-0A-035559	4221933018	103	LEVELLAND UNIT #778	
0135912	F-03-035521	4220531340	103	LIGNUM OIL COMPANY #1	
0135913	F-03-035523	4203931566	103	LYDIA RESOFT R/A A #	
-ARCO OIL AND GAS COMPANY			RECEIVED: 06/10/81	JA: TX	
0135849	F-08-035523	4200332446	103	W H BOWER #6	
-BLAIR OIL CO			RECEIVED: 06/10/81	JA: TX	
0135896	F-10-035474	4223331009	103	RILEY #1	
0135895	F-10-035473	4223331002	103	RILLY #2	
-BLAIR OIL COMPANY			RECEIVED: 06/10/81	JA: TX	
0135894	F-10-035472	4223331009	103	RILLY #3	
0135893	F-10-035471	4223331002	103	RILEY #4	
-BOB WALLACE OIL INC			RECEIVED: 06/10/81	JA: TX	
0135769	F-10-034614	4206530823	103	BURNETT (94450) NO 5	
-BROTHERTON PRODUCTION CO			RECEIVED: 06/10/81	JA: TX	
0135951	F-7C-035629	4238300000	103	FRIEND #1	
0135952	F-7C-035630	4238300000	103	FRIEND #2	
-C & K PETROLEUM INC			RECEIVED: 06/10/81	JA: TX	
0135895	F-7C-035534	4238531604	103	SUGG #1	
0135854	F-7C-035353	4238231605	103	SUGG #2	
-C L GAGE JR			RECEIVED: 06/10/81	JA: TX	
0135911	F-09-035520	4249760000	103	ROLAND WALKER NO 1	
0135911	F-09-035520	4249700000	108	ROLAND WALKER NO 1	
-CHARLES L WALKER			RECEIVED: 06/10/81	JA: TX	
0135883	F-08-035346	4200332451	102-4	FISHER 10 #2	
0135893	F-08-035346	4200332451	103	FISHER 10 #2	
-CHARLES M CHILDERS			RECEIVED: 06/10/81	JA: TX	
0135823	F-7I-035270	4236731965	103	CRAWFORD #1 (91261)	
-CHEVRON U S A INC			RECEIVED: 06/10/81	JA: TX	
0135941	F-0A-035598	4241531569	103	SACROC UNIT 15-9	
0135943	F-0A-035600	4241531567	103	SACROC UNIT 16-9	
0135958	F-0A-035642	4241531560	103	SACROC UNIT 179-5	
0135957	F-0A-035641	4241531566	103	SACROC UNIT 19-11	
0135956	F-0A-035640	4241531564	103	SACROC UNIT 26-9	
0135942	F-0A-035558	4241531562	103	SACROC UNIT 30-20	
0135955	F-0A-035639	4241531561	103	SACROC UNIT 33-12	
0135953	F-0A-035632	4241531568	103	SACROC UNIT 34-9	
0135940	F-0A-035601	4241531567	103	SACROC UNIT 35-5	
0135954	F-0A-035634	4241531565	103	SACROC UNIT 37-4	

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API NO	LEASE	RRC	SEC	BAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CITIES SERVICE COMPANY					RECEIVED: 06/10/81 JA: TX			
8135925	F-10-035553	4217500000	108		MEERS A #2	PANHANDLE GRAY	2.0	PHILLIPS PETROLEU
8135926	F-10-035554	4206500000	108		ONEAL A #1	PANHANDLE CARSON	6.8	GETTY OIL CO
8135962	F-03-035676	4210930000	102-2		STEINHAUSER A-1 (13808)	GIDDINGS (AUSTIN CHALK)	8.9	
-COASTAL OIL & GAS CORP					RECEIVED: 06/10/81 JA: TX			
8135908	F-10-035495	4237530828	103		SIVINS 3700RO	PANHANDLE (RED CAVE)	19.0	COLORADO INTERSTA
-COATES ENERGY TRUST					RECEIVED: 06/10/81 JA: TX			
8135766	F-01-034559	4212700000	102-4		BERTA TUMLINSON UNIT WELL NO 2	BLAKEWAY	30.0	VALERO TRANSMISSI
8135749	F-01-033975	4212700000	102-4		BERTA TUMLINSON WELL NO 1	BLAKEWAY	120.0	VALERO TRANSMISSI
8135767	F-01-034560	4212700000	102-4		ESTATE OF M M COFFIELD WELL NO 1	BLAKEWAY	10.0	VALERO TRANSMISSI
8135764	F-01-034558	4212700000	102-4		TUMLINSON UNIT WELL NO 3	BLAKEWAY	18.0	VALERO TRANSMISSI
8135747	F-01-033965	4212700000	102-4		TUMLINSON-SHUMAKER UNIT WELL NO 4	BLAKEWAY	120.0	VALERO TRANSMISSI
-COLLIER DIAMOND C OILS INC					RECEIVED: 06/10/81 JA: TX			
8135831	F-04-035275	4247931797	103		G A COX NO 1 RRC #73926	LAS TIENDAS (OLMOS)	15.0	DELHI GAS PIPELIN
-CONOCO INC					RECEIVED: 06/10/81 JA: TX			
8135928	F-8A-035276	4247900000	108		CONOCO DEAN UNIT #27 ID #60186	SLAUGHTER	0.9	AMOCO PRODUCTION
8135829	F-08-035277	4238900000	108		FORD GERALDINE UNIT #189 ID #21021	GERALDINE FORD	1.2	EL PASO NATURAL G
8135830	F-08-035278	4238900000	108		FORD GERALDINE UNIT #192 ID #21021	GERALDINE FORD	0.1	EL PASO NATURAL G
8135826	F-08-035276	4238900000	108		FORD GERALDINE UNIT #305 ID #21021	GERALDINE FORD	6.8	EL PASO NATURAL G
8135704	F-08-033411	4238900000	108		FORD GERALDINE UNIT #318 ID #21021	GERALDINE FORD	1.3	EL PASO NATURAL G
8135839	F-08-035299	4222700000	108		G O CHALK -E- #16 ID #02689	HOWARD-GLASSCOCK	0.3	PHILLIPS PETROLEU
8135827	F-08-035275	4231700000	108		BRISHAM & GREEMAN #28 ID #22261	SPRAYBERRY TREND	0.2	ADOBE OIL CO
8135842	F-08-035303	4213500000	108		M S FOSTER -A- #15 ID #16154	COWDEN S	0.1	PHILLIPS PETROLEU
8135824	F-7A-035272	4215100000	108		J B TERRELL -A- #7 ID #13657	ROUND TOP	6.3	LONE STAR GAS CO
8135840	F-08-035300	4213500000	108		J L JOHNSON #9 ID #01554	FOSTER	0.9	ODESSA NATURAL CO
8135841	F-7C-035301	4210590000	108		J M SHANNON -A- #13 ID #00435	ELKHORN	0.8	THE PERMIAN CORP
8135825	F-7F-035273	4215100000	108		LUCIE MAE WILSON #23 ID #01915	ROUND TOP	8.1	LONE STAR GAS CO
8135838	F-08-035297	4260306802	108		UNIVERSITY -A- #8 ID #14151	FULLERTON (CLEARFORK UPP	1.1	PHILLIPS PETROLEU
8135865	F-08-035407	4213500000	108		WIGHT-18-7-83 ID #25220	COWDEN N	2.5	AMOCO PRODUCTION
-COTTON PETROLEUM CORPORATION					RECEIVED: 06/10/81 JA: TX			
8135934	F-10-035570	4235731030	103		PIERSON C	PERRYTON (LOWER MORROW)	738.0	NORTHERN NATURAL
8135881	F-10-035442	4229530027	108		PIPER A NO 1	BRADFORD	19.0	TRANSWESTERN PIPE
-CRAWFORD ENERGY					RECEIVED: 06/10/81 JA: TX			
8135858	F-09-035373	4249732017	103		CHESTER AARON-WIELETT #1 91733	BOONSVILLE BEND CONGL GA	157.0	NATURAL GAS PIPEL
8135852	F-09-035341	4233731521	103		LAIRD-CARPENTER #1-237 91894	PARK SPRINGS/CONGLOMERAT	140.0	TEXAS UTILITIES F
-DEVON CORPORATION					RECEIVED: 06/10/81 JA: TX			
8135790	F-8A-035134	4211531458	103		GRAVES#82-A	ACKERLY (DEAN SAND)	58.0	GETTY OIL CO
-DINERO OIL CO					RECEIVED: 06/10/81 JA: TX			
8135755	F-04-034083	4224931356	103		C W ROTH ET AL #2	ORANGE GROVE (4100)	185.0	VALERO TRANSMISSI
-DIXON EXPLORATION INC					RECEIVED: 06/10/81 JA: TX			
8135935	F-7G-035571	4241314C2	103		P C SHAFFER -138- #1 (15329)	AUDAS-GRAHAM (CAPPS LIME	2.0	UNION TEXAS PETRO
8135936	F-7H-035572	4242441314	103		M C SHAFFER -138- #2 (15329)	AUDAS-GRAHAM (CAPPS LIME	38.0	UNION TEXAS PETRO
-DYNE OIL & GAS INC					RECEIVED: 06/10/81 JA: TX			
8135692	F-10-033296	4217530857	103		GRAY NO 12 WELL LEASE NO 01708	PANHANDLE GRAY COUNTY FI	0.0	PHILLIPS PIPELINE
8135930	F-10-035545	4217930856	103		GRAY NO 13 WELL LEASE NO 01708	PANHANDLE GRAY COUNTY FI	6.0	PHILLIPS PETROLEU
8135697	F-10-033322	4223330936	103		MERRING E NO 16 LEASE NO 01688	PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCI
-E B FLETCHER					RECEIVED: 06/10/81 JA: TX			
8135770	F-7C-034625	4239900800	102-4		E J FISHOP JR 446-1 NC 1	DEIKE (GARDNER)	2.0	LONE STAR GAS CO
8135771	F-7C-034626	4239900000	102-4		E J FISHOP 446 NO 1	DEIKE (GARDNER)	180.0	LONE STAR GAS CO
-EARL T SMITH & ASSOCIATES INC					RECEIVED: 06/10/81 JA: TX			
8135758	F-10-034215	4221131286	102-2		LOWERS NO 7	WASHITA CREEK (MORROW UP	1460.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY					RECEIVED: 06/10/81 JA: TX			
8135778	F-10-034052	4208726027	108		METENBOUGH A #5	PANHANDLE EAST	23.0	EL PASO NATURAL G

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API NO	LEASE	RRC	SEC	BAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135779	F-10-034654	4208726038	108		BRASHEARS #1	PANHANDLE EAST	25.0	EL PASO NATURAL G
8135780	F-10-034857	4208726284	108		WATTENBARGER A #4	PANHANDLE EAST	17.0	EL PASO NATURAL G
-ENERGY DEVELOPMENT CORPORATION					RECEIVED: 06/10/81 JA: TX			
8135759	F-04-034238	4208730660	102-4		STATE TRACT 3 NO 1 -	DUNAP BAY (FRIO UP)	456.0	SOUTHWESTERN GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 06/10/81 JA: TX			
8135744	F-7C-033894	4246131603	102-4		ROSA M EARNEST F #2	AMACKER-TIPPETT SW (WOLF	169.2	EL PASO NATURAL G
-ENRE CORP					RECEIVED: 06/10/81 JA: TX			
8135750	F-09-033983	4212130344	102-4		CLARA DUNN UNIT #1 (91728)	MONTEATH (CONGL)	511.0	TEXAS UTILITIES F
8135786	F-09-034976	4249731909	102-4		MARVIN POTTER #1	MONTEATH (CONGL)	0.0	TEXAS UTILITIES F
-ENSERCH EXPLORATION INC					RECEIVED: 06/10/81 JA: TX			
8135871	F-06-035414	4218300000	108		D A SKIPPER A NO 2	WILLOW SPRINGS	13.0	WESTERN GAS CORP
8135867	F-06-035410	4218300000	108		B A SKIPPER B NO 1	WILLOW SPRINGS	21.0	WESTERN GAS CORP
8135870	F-06-035413	4218300000	108		P F MARTIN NO 1	WILLOW SPRINGS	1.0	WESTERN GAS CORP
8135868	F-06-035411	4218300000	108		E LACY NO 1	WILLOW SPRINGS	2.0	WESTERN GAS CORP
8135866	F-09-035409	4249732084	103		G R TAYLOR NC 4	BOONSVILLE	37.0	LONE STAR GAS CO
8135869	F-06-035412	4218300000	108		H LACY NO 1	WILLOW SPRINGS	7.0	WESTERN GAS CORP
-EXXON CORPORATION					RECEIVED: 06/10/81 JA: TX			
*8135930	F-06-035561	4245930411	102-4		DELROSE GAS UNIT 1 #1	DELROSE (HAYNESVILLE)	730.0	ARMCO STEEL CORP
8135927	F-8A-035556	4216531855	103		EXXON-SHELL FEE #8	ROBERTSON N (CLEAR FORK	1.0	
8135776	F-10-034725	4239330763	103		FLOWERS TRUST A #3-L	MENDOTA NW (GRANITE WASH	782.0	TRANSWESTERN PIPE
8135835	F-08-035290	4200332579	103		FULLERTON CLEARFORK UNIT #1919	FULLERTON	21.0	PHILLIPS PETROLEU
8135928	F-08-035557	4200332573	103		FULLERTON CLEARFORK UNIT #641	FULLERTON	16.0	PHILLIPS PETROLEU
8135850	F-06-035333	4249930878	103		HAWKINS FIELD UNIT #3033	HAWKINS	126.0	
8135851	F-06-035334	4249930877	103		HAWKINS FIELD UNIT #4338	HAWKINS	54.8	
8135834	F-08-035284	4210332371	103		J B TUBB C #23U	SAND HILLS (MCKNIGHT)	47.0	EL PASO NATURAL G
*8135735	F-04-033702	4226130418	102-4		J G KENEDY JR E-32 (83016)	EL PAISTLE NORTH (I-95 W	100.0	ARMCO STEEL CORP
*8135731	F-04-033694	4227330576	102-4		K R ALAZAN 506 (73988)	MADERO (J-36)	1500.0	ARMCO STEEL CORP
*8135714	F-04-033614	4227331414	102-4		K R ALAZAN 543-C (85139)	ALAZAN (I-96)	511.0	ARMCO STEEL CORP
*8135725	F-04-033674	4227331274	103		K R BORREGOS M-24-BF (88750)	BORREGOS WEST (F-36 SEG	613.0	ARMCO STEEL CORP
*8135710	F-04-32649	4227331459	103		K R BORREGOS 540 (06544)	BORREGOS (COMBINED ZONES	100.0	ARMCO STEEL CORP
*8135722	F-04-033667	4227331403	103		K R BORREGOS 551-D (06544)	BORREGOS (COMBINED ZONES	37.0	ARMCO STEEL CORP
*8135723	F-04-033669	4227331484	103		K R BORREGOS 556 (89716)	BORREGOS (N-21)	600.0	ARMCO STEEL CORP
*8135811	F-04-035247	4226131518	102-4		K R SAN JOSE DE LA PARRA 27-D (873*	CALANDRIA (F-78)	900.0	ARMCO STEEL CORP
*8135740	F-04-033717	4226130576	103		K R SAN JOSE DE LA PARRA 32-D (898*	CALANDRIA (I-05)	120.0	ARMCO STEEL CORP
*8135962	F-04-035483	4226130576	103		K R SAN JOSE DE LA PARRA 32-F (905*	CALANDRIA (H-87)	1100.0	ARMCO STEEL CORP
*8135741	F-04-033732	4227331487	102-4		K R SEELIGSON E-111 (09388)	T-C-B EAST (20-I-4 NE)	105.0	ARMCO STEEL CORP
*8135818	F-04-035255	4227331217	102-4		K R SEELIGSON E-95 (09049)	T-C-B EAST (20-I-4 N)	16.0	ARMCO STEEL CORP
*8135717	F-04-033658	4227331446	102-4		K R TIJERINA A-59 (08938)	T-C-B EAST (20-I-4)	230.0	ARMCO STEEL CORP
*8135901	F-04-035479	4227330593	102-4		K R VISNAGA 15-D (72983)	YEARY (J-03)	480.0	ARMCO STEEL CORP
*8135720	F-04-033664	4227331311	102-4		K R VISNAGA 18 (09299)	EL INFERNILLO (L-70)	186.0	ARMCO STEEL CORP
*8135739	F-04-033709	4227331330	102-4		KING RANCH ALAZAN 320-D (09266)	MINGUOSA NORTH (G-04)	50.0	ARMCO STEEL CORP
*8135718	F-04-033661	4227331313	102-4		KING RANCH ALAZAN 321-F (091923)	MINGUOSA NORTH (G-08)	58.0	ARMCO STEEL CORP
*8135734	F-04-033701	4227331316	102-4		KING RANCH ALAZAN 324-D (81369)	ALAZAN (I-96)	900.0	ARMCO STEEL CORP
*8135900	F-04-035478	4227331315	102-4		KING RANCH ALAZAN 325-F (85979)	ALAZAN (H-21 C)	1460.0	ARMCO STEEL CORP
*8135730	F-04-033647	4227331357	102-4		KING RANCH ALAZAN 342 (86475)	MADERO (J-36 E)	500.0	ARMCO STEEL CORP
*8135742	F-04-033751	4227331451	103		KING RANCH ALAZAN 348 (89439)	MADERO (J-24)	146.0	ARMCO STEEL CORP
*8135709	F-04-033648	4227331165	103		KING RANCH BORREGOS 539-D (76568)	BORREGOS	183.0	ARMCO STEEL CORP
*8135711	F-04-33650	4227331214	103		KING RANCH BORREGOS 544-D (76720)	BORREGOS	450.0	ARMCO STEEL CORP
*8135712	F-04-033651	4227331287	103		KING RANCH BORREGOS 546-D (78612)	BORREGOS	420.0	ARMCO STEEL CORP
*8135713	F-04-033652	4227331256	103		KING RANCH BORREGOS 547-D (77366)	KING RANCH BORREGOS 547-	124.0	ARMCO STEEL CORP
*8135721	F-04-33666	4227331253	103		KING RANCH BORREGOS 548-D (76413)	BORREGOS	670.0	ARMCO STEEL CORP
*8135719	F-04-33663	4227331159	103		KING RANCH LAGUNA LARGA 15 (791233)	FLOWELLA (V-5)	250.0	ARMCO STEEL CORP
*8135738	F-04-33709	4227331265	102-4		KING RANCH POROAN P-61-F (09255)	ELPAR (F-32-N)	28.0	ARMCO STEEL CORP

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OIL/GAS	CODE	API #	SEC	DST	SURVEY	WELL NAME	FIELD NAME	PROD	PURCHASER
*8135810	F-04-035246	4227331263	102	04		KING RANCH TIJERINA A-45	T-C-B E (20-1-4 N)	90.0	ARMCO STEEL CORP
*8135812	F-04-035248	4227331276	102	04		KING RANCH TIJERINA A-46	T-C-B E (20-1-4 N)	45.0	ARMCO STEEL CORP
*8135898	F-04-035476	4226130506	103			KP SAN JOSE DE LA PARRA 26 (85967)	CALABORIA (G-33)	900.0	ARMCO STEEL CORP
8135777	F-7C-034795	4208130932	103			LOU E JOHNSON ESTATE B #10	JAMESON (STRAWN)	8.0	
8135903	F-04-035488	4224730849	102	04		MRS A M K BASS 36-F (91167)	KELSEY DEEP (ZONE 18-C N	400.0	TRUNKLINE GAS CO
*8135737	F-04-033704	4226130384	103			MRS S K EAST B-28 (83864)	EL PAISTLE NORTH (I-95)	150.0	ARMCO STEEL CORP
*8135728	F-04-33683	4226130476	103			MRS S K EAST 101 (85109)	RITA NE (I-70)	540.0	ARMCO STEEL CORP
*8135910	F-04-035519	4226130584	102	04		MRS S K EAST 116 (92144)	RITA N E (I-78)	913.0	ARMCO STEEL CORP
*8135716	F-04-033657	4226130392	102	04		MRS S K EAST 90 (82104)	TAJOS (G-90)	400.0	ARMCO STEEL CORP
*8135729	F-04-033688	4204731813	103			R J K JR TR BARROSA PASTURE 21-F (8	PITA NW (G-56)	550.0	ARMCO STEEL CORP
*8135732	F-04-033698	4204730696	102	04		R J K JR TR LOS MUERTOS 27-F (81136	EL AZUL (H-17)	320.0	ARMCO STEEL CORP
*8135733	F-04-033700	4204730705	102	04		R J K JR TR LOS MUERTOS 30 (82013)	EL AZUL (F-57)	115.0	ARMCO STEEL CORP
*8135816	F-04-035253	4204730707	102	04		R J K JR TR QUITERIA PAST 91 (88920	VIBORAS (8500 SOUTH)	45.0	ARMCO STEEL CORP
*8135817	F-04-035254	4204730727	102	04		R J K JR TR VIBORAS PAST 81-F (8390	VIBORAS	900.0	ARMCO STEEL CORP
*8135736	F-04-033702	4204730803	102	04		R J K JR TR VIBORAS PASTURE,87-F (8	VIBORAS (G-54 W)	500.0	ARMCO STEEL CORP
*8135813	F-04-035245	4204730340	102	04		R J KLEBERG JR TR QUITERIA PAST 78	VIBORAS (8500 SOUTH)	20.0	ARMCO STEEL CORP
*8135814	F-04-035250	4204730584	102	04		R J KLEBERG JR TR QUITERIA PAST 80	VIBORAS (8500 SOUTH)	50.0	ARMCO STEEL CORP
*8135815	F-04-035252	4204730618	102	04		R J KLEBERG JR TR QUITERIA PAST 84	VIBORAS (8500 SOUTH)	350.0	ARMCO STEEL CORP
*8135899	F-04-035477	4204730753	103			RJK JR TR BARROSA PASTURE 19-F (83	PITA NW (F-56)	913.0	ARMCO STEEL CORP
*8135727	F-04-033682	4226130466	103			S F M MULA PASTURE 15-D (78829)	STILLMAN	96.0	ARMCO STEEL CORP
*8135724	F-04-033672	4221530425	102	04		SANTA FE RANCH B-32 (80581)	SANTA FE SOUTH (G-39)	510.0	ARMCO STEEL CORP
*8135726	F-04-033677	4204730662	103			SANTA FE RANCH 40-F (82324)	SANTA FE (E-89-E)	183.0	ARMCO STEEL CORP
*8135715	F-04-033655	4204730745	102	04		SANTA FE RANCH 47-G (87168)	SANTA FE (ZONE 5)	150.0	ARMCO STEEL CORP
*8135897	F-04-035475	4204730655	103			VFGU #1 V-77-F (82218)	VIBORAS (MASSIVE FIRST)	700.0	ARMCO STEEL CORP
-FARGO EXPLORATION CO						RECEIVED: 06/10/81 JAE TX			
8135822	F-7C-035266	4239931775	102	04		FOY ALLCORN #1	MARI-BILL (GRAY) FIELD	620.0	UNION TEXAS PETRO
-FRONTIER OIL & GAS CO INC						RECEIVED: 06/10/81 JAE TX			
8135791	F-7B-035142	4236731813	103			TOMPE #1 (86423)	MEEKER (1900)	1095.0	SOUTHWESTERN GAS
-G DEPRANG OIL CO						RECEIVED: 06/10/81 JAE TX			
8135746	F-7B-033940	4208331834	103			DEPRANG B #12 (15143)	FRANCES (JENNINGS SAND)	2.0	UNION TEXAS PETRO
-H & L OPERATING COMPANY						RECEIVED: 06/10/81 JAE TX			
8135804	F-10-035236	4219530747	103			HART #1 91466	HANSFORD NORTH (MORROW)	70.0	
-HENDERSON CLAY PRODUCTS INC						RECEIVED: 06/10/81 JAE TX			
8135964	F-06-035693	4240130706	102	3		J ORVILLE TODD WELL #1 RRC# 79866	OAKHILL (COTTON VALLEY)	120.0	HYDROCARBON TRANS
-HILLIARD OIL & GAS INC						RECEIVED: 06/10/81 JAE TX			
8135762	F-04-034325	4204730829	102	04		BARBARA LIPS B NO 1	LOPEZ RANCH (VKSBG 12250	400.0	CHANNEL INDUSTRIE
-HNG OIL COMPANY						RECEIVED: 06/10/81 JAE TX			
8135891	F-7C-035498	4243532213	103			BLOODWORTH 139 #1	SAWYER (LEONARD)	91.0	INTRATEX GAS CO
8135886	F-7C-035450	4243532297	103			BLOODWORTH 139 #4	SAWYER (LEONARD)	32.0	INTRATEX GAS CO
8135888	F-7C-035452	4243532296	103			BLOODWORTH 139 #5	SAWYER (LEONARD)	153.0	INTRATEX GAS CO
E135883	F-7C-035447	4243532360	103			BLOODWORTH 140 #5	SAWYER (LEONARD)	15.0	INTRATEX GAS CO
8135876	F-04-035437	4247932759	103			BRUNI MINERAL D #2	JUANITA (LOBO)	390.7	HOUSTON PIPELINE
8135801	F-04-035206	4250500000	103			BRUNI MINERAL TRUST A #3	LA PERLA	9.8	HOUSTON PIPELINE
8135801	F-04-035206	4250500000	108			BRUNI MINERAL TRUST A #3	LA PERLA	9.8	HOUSTON PIPELINE
8135797	F-01-035169	4243532324	103			CAUTHORN 85 #3 R8831	HOLMAN RANCH N (PENN)	15.5	INTRATEX GAS CO
8135798	F-04-035170	4235531619	102	04		CHAPMAN HEIRS A 1321	ARACLD DAVID (10100)	105.0	HOUSTON PIPELINE
8135798	F-04-035170	4235531619	103			CHAPMAN HEIRS A 1321	ARACLD DAVID (10100)	105.0	HOUSTON PIPELINE
8135889	F-04-035453	4235530422	108			DRISCOLL - SEVILLE #3 78360	GRAYTON (SIMMONDS)	18.3	HOUSTON PIPELINE
P135885	F-7C-035449	4243532295	103			PICHARDSON 139 #3	SAWYER (LEONARD)	127.0	INTRATEX GAS CO
8135884	F-7C-035446	4243532356	103			RICHARDSON 4 #1	SAWYER (LEONARD)	38.0	INTRATEX GAS CO
8135890	F-08-035454	4247531965	103			UNIVERSITY 16-4 #2	WAR-WINK S (WOLFCAMP)	0.0	INTRATEX GAS CO
8135887	F-08-035451	4247532169	103			UNIVERSITY 16-4 #3	WAR-WINK S (WOLFCAMP)	1.9	INTRATEX GAS CO
8135760	F-7C-034265	4243532429	103			VANDERSTUCKEN 71-5	SAWYER/CANYON	86.3	INTRATEX GAS CO
M135760	F-7C-034265	4243532429	107	TF		VANDERSTUCKEN 71-5	SAWYER/CANYON	80.3	INTRATEX GAS CO

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OIL/GAS	CODE	API #	SEC	DST	SURVEY	WELL NAME	FIELD NAME	PROD	PURCHASER
8135802	F-7C-035209	4243532428	103			VANDERSTUCKEN 72 #5 92166	SAWYER (CANYON)	40.2	INTRATEX GAS CO
M135802	F-7C-035209	4243532428	108			VANDERSTUCKEN 72 #5 92166	SAWYER (CANYON)	40.2	INTRATEX GAS CO
8135892	F-08-035457	4243130868	103			WILKINSON 3 #2-A	CREDO E (CISCO UPPER)	91.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 06/10/81 JAE TX			
8135856	F-03-035355	4229131397	103			MINNIE PRUITT ET AL #19 04575	SOUTH LIBERTY	0.0	
-HUGHES & HUGHES						RECEIVED: 06/10/81 JAE TX			
8135864	F-03-035406	4228730750	103			WINTER UNIT NO 1	GIDDINGS (AUSTIN CHALK)	48.0	CLAJON GAS CO
-HUNT OIL COMPANY						RECEIVED: 06/10/81 JAE TX			
8135959	F-06-035648	4221330287	103			FAIRWAY (JAMES LIME) UNIT #649-2	FAIRWAY (JAMES LIME) UNI	113.0	LONE STAR GAS CO
-J B DAVIS PIPE CO INC						RECEIVED: 06/10/81 JAE TX			
8135909	F-7B-035497	4236332099	102	2		RIEME #4	STRAWN N (BEND CONGL A Z	22.4	LONE STAR GAS CO
-J CLEO THOMPSON						RECEIVED: 06/10/81 JAE TX			
8135774	F-7C-034659	4210533117	102	04		UNIVERSITY 21 NO 1	UNIVERSITY 31 (STRAWN-DE	0.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION						RECEIVED: 06/10/81 JAE TX			
8135906	F-10-035492	4200500000	108			BURNETT M NC 2	WEST PANHANDLE	18.0	NORTHERN NATURAL
8135920	F-10-035545	4223300000	108			CHEATHAM B NO 2	WEST PANHANDLE	19.0	COLORADO INTERSTA
8135921	F-10-035546	4223300000	108			CHRISTIAN SHAFFER NC 2	WEST PANHANDLE	17.0	COLORADO INTERSTA
8135905	F-10-035491	4223300000	108			DEAL JOHNSON NO 2	WEST PANHANDLE	16.5	COLORADO INTERSTA
8135922	F-10-035547	4223300000	108			DELMAR JOHNSON NO 2	WEST PANHANDLE	15.0	COLORADO INTERSTA
8135923	F-10-035548	4223300000	108			HERRING NO 124 RC	WEST PANHANDLE	16.0	COLORADO INTERSTA
8135904	F-10-035490	4223300000	108			JOHNSON M NC 2	WEST PANHANDLE	12.5	COLORADO INTERSTA
8135915	F-10-035535	4223300000	108			MCILROY NO 1	WEST PANHANDLE	11.0	COLORADO INTERSTA
8135918	F-10-035543	4223300000	108			SANFORD D NC 2	WEST PANHANDLE	19.0	COLORADO INTERSTA
8135919	F-10-035544	4223300000	108			SANFORD UNIT B NO 2 RC	WEST PANHANDLE	19.0	COLORADO INTERSTA
8135917	F-10-035542	4223300000	108			STATE A NO 2	WEST PANHANDLE	21.0	COLORADO INTERSTA
8135916	F-10-035541	4223300000	108			WILLIAMS C NO 5A RC	WEST PANHANDLE	20.0	COLORADO INTERSTA
-JAMES K ANDERSON INC						RECEIVED: 06/10/81 JAE TX			
8135763	F-7C-034455	4239931718	102	04		O V MILLER NO 1	LOWER FRY SAND	51.0	LONE STAR GAS CO
-K L M OIL & GAS INC						RECEIVED: 06/10/81 JAE TX			
8135821	F-7B-035263	4204932582	103			H C WILLIAMS #1	CHAMBERS (CONGL) FIELD	365.0	ODESSA NATURAL CO
-KEY PRODUCTION CO INC						RECEIVED: 06/10/81 JAE TX			
8135772	F-06-034638	4236531162	102	04		WIENER ETAL #3	JOAQUIN (WIENER)	365.0	UNITED GAS PIPELI
-LEAR PETROLEUM CORPORATION						RECEIVED: 06/10/81 JAE TX			
8135705	F-03-033463	4218530256	102	2		LEAR #1 H BELL	IOLA (GEORGETOWN)	24.0	PRODUCERS GAS CO
-LONDON & WAGGONER						RECEIVED: 06/10/81 JAE TX			
8135743	F-09-033846	4249731921	102	04		M C LITTLE NO 1-T	MCATEATH (CONGL)	724.0	SOUTHWESTERN GAS
-MATHIS M E						RECEIVED: 06/10/81 JAE TX			
8135828	F-7C-035259	4239900000	108			J O ERIGGS # #1 IC-04563	KUPER (GARDNER)	5.3	UNION TEXAS PETRO
-MAYNARD OIL COMPANY						RECEIVED: 06/10/81 JAE TX			
8135690	F-03-033234	4205130789	102	04		TATUM NO 2	CALDWELL (AUSTIN CHALK)	8.0	FERGUSON CROSSING
-MCFARLANE OIL CO INC						RECEIVED: 06/10/81 JAE TX			
8135785	F-02-034927	4246900000	103			PICKERING & ROOS NO 39	PLACEDO FIELD	0.0	TENNECO CHEMICALS
-MEADCO PROPERTIES						RECEIVED: 06/10/81 JAE TX			
8135875	F-7C-035436	4223531496	102	2		#1 A SUGG UNIT 17 RRC ID #08529	ELA SUGG (CISCO)	5.8	NORTHERN NATURAL
8135880	F-7C-035441	4223531426	102	2		#1 E SUGG 21 RRC ID #08530	ELA SUGG (CISCO)	38.6	NORTHERN NATURAL
8135878	F-7C-035438	4223531385	102	2		#1 FISHER 1P RRC #07962	ELA SUGG (CANYON)	24.0	NORTHERN NATURAL
8135877	F-7C-035438	4223531590	102	2		#2 A SUGG 1904 RRC ID #08446	ELA SUGG (CANYON)	127.0	NORTHERN NATURAL
8135879	F-7C-035444	4223531594	102	2		#2 E SUGG 17 RRC ID #08226	ELA SUGG (WOLFCAMP)	264.0	NORTHERN NATURAL
-NEWBOURNE OIL COMPANY						RECEIVED: 06/10/81 JAE TX			
8135745	F-10-033932	4235731045	102	04		HARDY #5 RRC ID#	HARDY (MORROW UPPER)	20.0	TRANSWESTERN PIPE
8135819	F-10-035257	4235731114	103			JUDICE #6 WELL RRC #	HARDY (MORROW UPPER)	20.0	TRANSWESTERN PIPE
-NGF OIL CORP						RECEIVED: 06/10/81 JAE TX			
8135872	F-08-035430	4231732189	103			NAIL B #1	SPRAYBERRY (TREND AREA)	6.0	NORTHERN NATURAL

8135873	F-3R-035432	4231732134	103	NAIL D #1	SPRAYBERRY (TREND AREA)	10.5	NORTHERN NATURAL
8135874	F-3R-035433	4231732136	103	NAIL D #2	SPRAYBERRY (TREND AREA)	17.6	NORTHERN NATURAL
-MITCHELL ENERGY CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135947	F-09-035613	4249700000	108	H H HOUSTON #1 24685	BOOKSVILLE (BEND CONGL G	7.8	NATURAL GAS PIPEL
8135688	F-03-033151	4214900000	103	HOLMES #2	GIDDINGS (AUSTIN CHALK)	36.5	SOUTH CEN-TEX GAS
8135946	F-09-035612	4223700000	108	L E BOLEY #5 80766	BOLEY SOUTH (ATOKA)	3.3	SOUTHWESTERN GAS
8135948	F-09-035614	4236700000	108	L P BOOTH #1 56680	BOOKSVILLE (BEND CONGL G	5.6	LONE STAR GAS CO
8135695	F-03-033314	4228700000	103	LAAKE #1	GIDDINGS (AUSTIN CHALK)	36.5	
8135696	F-03-033315	4228700000	103	LUECKE #1	GIDDINGS (AUSTIN CHALK)	36.5	
-MOBIL PRDG TEXAS & NEW MEXICO INC			RECEIVED: 06/10/81 JA: TX					
8135691	F-04-033257	4247932627	102-A	W N MCELROY NO 1	CALLAGHAN N (WILCOX LO)	384.3	
*8135848	F-08-035319	4232930153	108	WALTON-JUDKINS NO 1	AZALEA/DEVONIAN	15.6	LONE STAR GAS CO
-MURPHY M BAXTER			RECEIVED: 06/10/81 JA: TX					
8135706	F-02-033537	4223900000	102-D	STANFORD NO 2 RRC AC 91356	STANFORD (FRIO 6570)	50.0	UNITED TEXAS TRAN
-NORTH AMERICAN ROYALTIES INC			RECEIVED: 06/10/81 JA: TX					
8135950	F-08-035628	4227732087	102-A	FLANAGAN #1 (260594)	RED DRAW (MISSISSIPPIAN)	75.0	PHILLIPS PETROLEU
-NORTH CENTRAL OIL CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135836	F-09-035291	4249700000	103	C T COX UNIT NO 2	BOOKESVILLE (BEND CONGL	182.0	NATURAL GAS PIPEL
8135837	F-09-035292	4249700000	103	C W POUNDS UNIT NO 2-T	BOOKESVILLE (BEND CONGL	182.0	NATURAL GAS PIPEL
-OLSEN ENERGY INC			RECEIVED: 06/10/81 JA: TX					
8135746	F-08-033972	4231731190	103	BARNHART #1	ABELL (PERMIAN GENERAL)	63.0	NORTHERN NATURAL
-PARAGON RESOURCES INC			RECEIVED: 06/10/81 JA: TX					
8135940	F-02-035594	4225530780	103	DISCHER #1	RUNGE WEST (LULING)	200.0	
-PARKER & PARSLEY INC			RECEIVED: 06/10/81 JA: TX					
8135914	F-08-035535	4232930975	103	ESTES WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
-PEND OREILLE OIL & GAS CO			RECEIVED: 06/10/81 JA: TX					
8135773	F-03-034641	4233131070	102-A	FRANCES P BURKE ET AL UNIT NO 2	MELLON (10500)	547.5	DOW CHEMICAL CO
-PENNZOIL PRODUCING COMPANY			RECEIVED: 06/10/81 JA: TX					
8135707	F-04-033610	4247932743	102-A	H M T - ALICE B HALL NO 53-1	AVIATORS N (12000)	493.0	
-PETRO-LEWIS CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135949	F-08-035627	4217331090	103	W A HUTCHINSON 18 AC 10	SPRABERRY (TREND AREA)	48.8	PECOS CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 06/10/81 JA: TX					
8135689	F-7C-033155	4246530327	103	CAUTHORN F NO 2	JONELL (CANYON D)	292.7	NORTHERN NATURAL
8135689	F-7C-033155	4246530327	107-TF	CAUTHORN F NO 2	JONELL (CANYON D)	292.7	NORTHERN NATURAL
8135832	F-08-035282	4213533524	103	GOLDSMITH ADOBE UNIT NO 17-12 (187*	GOLDSMITH (5600)	13.9	EL PASO NATURAL G
8135787	F-10-035065	4217500000	108	JOHNSON CC A3	PANHANDLE GRAY	0.0	
-POLK & PATTON INC			RECEIVED: 06/10/81 JA: TX					
8135806	F-7A-035241	4236700000	108	MERRIT SMITH K #1 IC-76769	TOTC (STRAWN)	1.6	SOUTHWESTERN GAS
8135808	F-7A-035244	4236700000	108	MARTIN ESTATE #1 IC73107	TOTC (CADDO CONGL)	12.9	SOUTHWESTERN GAS
8135807	F-7A-035243	4236700000	108	PHILLIPS #1 IC-18480	TOTC (STRAWN)	9.1	SOUTHWESTERN GAS
8135809	F-7A-035245	4236732041	103	SPRINGTIME GAS UNIT #1	RENO (CONGL)	224.5	SOUTHWESTERN GAS
8135805	F-7A-035241	4236700000	108	ZACK THOMAS #1 IC-82452	TOTC (STRAWN)	14.0	SOUTHWESTERN GAS
-R M SIEGFRIED INC			RECEIVED: 06/10/81 JA: TX					
8135961	F-09-035644	4249700000	103	R L MORRIS-A-NO 23A	CHICO WEST (CADDO CONGL	110.0	NATURAL GAS PIPEL
-RANGER OIL CO			RECEIVED: 06/10/81 JA: TX					
8135781	F-03-034866	4201500000	102-A	FINNE #1 - 7252A	SEALY (WILCOX 8800)	110.0	TEJAS-SCUTHWEST P
-RANKIN OIL CO			RECEIVED: 06/10/81 JA: TX					
8135857	F-08-035371	4200552014	103	BASSEL #1	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
-REPUBLIC GAS GATHERING SYSTEMS INC			RECEIVED: 06/10/81 JA: TX					
8135863	F-7E-035401	4204900000	108	HARPER NO 1	ERCHWOOD NW (HARELE FAL	0.0	HARBIN GAS GATHER
-ROBERT E BYRNE			RECEIVED: 06/10/81 JA: TX					
8135967	F-7A-035698	4213332044	103	JOHNSON # 1 (162113)	EASTLAND COUNTY REGULAR	3.0	LONE STAR GAS CO
8135966	F-7A-035696	4213300000	103	WHITE # 1	EASTLAND COUNTY REGULAR	19.0	LONE STAR GAS CO

-ROCANVILLE CORP			RECEIVED: 06/10/81 JA: TX					
8135703	F-02-033387	4229700000	102-A	NC 1 FLANAGAN-KINNAMON	SCHULZ (EDWARDS)	46.0	NATURAL GAS PIPEL
-S K ROGERS OIL CO			RECEIVED: 06/10/81 JA: TX					
8135860	F-RA-035395	4221400000	103	LEVELLAND TOWNSITE "A" NO 1	LEVELLAND	15.0	AMOCO PRODUCTION
8135861	F-RA-035396	4221400000	103	LEVELLAND TOWNSITE B NO 1	LEVELLAND	15.0	AMOCO PRODUCTION
8135862	F-RA-035395	4221400000	103	REEVES NO 1	LEVELLAND	8.0	AMOCO PRODUCTION
-S R G OIL CORP			RECEIVED: 06/10/81 JA: TX					
8135937	F-7B-035673	4208332364	103	C D SNEED #1 (92444)	COLEMAN COUNTY REGULAR	776.0	LONE STAR GAS CO
-SAGE ENERGY CO			RECEIVED: 06/10/81 JA: TX					
8135782	F-7C-034867	4238331604	103	CITIES STATE 20 RRC #08345	BARNHART SOUTH (ELLENBER	6.0	NORTHERN NATURAL
8135783	F-7C-03486A	4210532729	103	UNIVERSITY 13 #3 RRC #07388	FARMER (SAN ANDRES)	2.9	NORTHERN NATURAL
-SAMSON RESOURCES COMPANY			RECEIVED: 06/10/81 JA: TX					
8135802	F-06-035446	4200131017	103	FLOCKHART NO 1	TENNESSEE COLONY (ROD UP	93.0	LONE STAR GAS CO
8135799	F-03-035174	4208931096	102-A	KAECHELE NO 22-1	NORTH CHESTERVILLE (MIOC	204.0	TENNESSEE GAS PIP
-SAXON OIL COMPANY			RECEIVED: 06/10/81 JA: TX					
8135932	F-7C-035568	4217331109	103	LANE C NO 1	CALVIN (DEAN)	131.4	UNION TEXAS PETRO
8135931	F-08-035567	4231732303	103	HOLLOW NO 4	BREEDLOVE EAST (SPRABERR	20.4	PHILLIPS PETROLEU
-SEELY OIL CO			RECEIVED: 06/10/81 JA: TX					
8135784	F-7E-034867	4236732079	103	MADLUX #2 IC 892344	MEEKER (1900)	54.0	SOUTHWESTERN GAS
-SIDWELL OIL & GAS INC			RECEIVED: 06/10/81 JA: TX					
8135924	F-10-035550	4206500000	103	MCCONNELL #16	PANHANDLE CARSON	23.0	GETTY OIL
-SIMPSON-MANN OIL PRODUCERS			RECEIVED: 06/10/81 JA: TX					
8135963	F-7C-035692	4210533264	103	MRS JAMES M BAGGETT ET AL #1-S	ADAMS-BAGGETT RANCH (CAN	108.6	VALERO TRANSMISSI
8135963	F-7C-035692	4210533264	107-TF	MRS JAMES M BAGGETT ET AL #1-S	ADAMS-BAGGETT RANCH (CAN	108.6	VALERO TRANSMISSI
8135965	F-7C-035694	4210532263	103	MRS JAMES M BAGGETT ET AL #2-S	ADAMS-BAGGETT RANCH (CAN	100.5	VALERO TRANSMISSI
8135965	F-7C-035694	4210533263	107-TF	MRS JAMES M BAGGETT ET AL #2-S	ADAMS-BAGGETT RANCH (CAN	100.5	VALERO TRANSMISSI
-SPINDLETOP OIL & GAS CO			RECEIVED: 06/10/81 JA: TX					
8135701	F-7B-033385	4236731492	102-A	DOSS FOUNDATION #1-T (84920)	DOSS (4900)	168.0	LONE STAR GAS CO
8135702	F-7B-033384	4236731492	102-A	DOSS FOUNDATION 1-C (84930)	MALES (4650)	16.0	LONE STAR GAS CO
8135698	F-7B-033380	4236731727	102-A	LONG JONES #2 (86168)	MALES (4300)	60.0	LONE STAR GAS CO
8135700	F-7B-033382	4236731787	102-A	MCKEON #2-T	DOSS (4900)	30.0	LONE STAR GAS CO
8135699	F-7B-033381	4236731787	102-A	MCKEON 2-C	MALES (4300)	70.0	LONE STAR GAS CO
8135753	F-7B-034031	4236731829	102-A	ROSE 1-C (88529)	SPRINGTOWN (5500)	16.0	LONE STAR GAS CO
8135754	F-7B-034032	4236731829	102-A	ROSE 1-T (88530)	SPRINGTOWN (5700)	125.0	LONE STAR GAS CO
8135751	F-7B-034017	4236731527	102-A	STEVENS #1C (87205)	MALES (4650)	18.0	LONE STAR GAS CO
8135752	F-7B-034030	4236731537	102-A	STEVENS 1-T (87171)	DOSS (4900)	10.0	LONE STAR GAS CO
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 06/10/81 JA: TX					
8135795	F-RA-035164	4250131717	103	HENNETT RANCH UNIT #315	WASSON	15.4	SHELL OIL CO
8135794	F-01-035162	4212731664	103	BIG WELLS UNIT WELL NC 4616	BIG WELLS	35.0	HOUSTON PIPE LINE
8135792	F-08-035160	4249500000	108	M J MILL #240	HALLEY (DEVONIAN)	7.7	TRANSWESTERN PIPE
8135796	F-7B-035165	4243330775	103	MCMILLIN (CANYON SAND) UNIT #44	GUEST (CANYON SAND)	0.0	CITIES SERVICE CO
8135800	F-713-035179	4243330547	103	MCMILLIN (CANYON SAND) UNIT #45	GUEST (CANYON SAND)	1.0	CITIES SERVICE CO
8135789	F-10-035129	4219500000	108	SANDERS REX GAS UT #1C & 1T	MANSFORD NORTH	3.0	NORTHERN NATURAL
8135793	F-10-035161	4235700000	108	THERESA WRIGHT #4L	PERRYTON WEST (MARMATON)	4.4	NORTHERN NATURAL
-TEX-STAR PETROLEUM			RECEIVED: 06/10/81 JA: TX					
8135757	F-7C-034116	4238931766	103	ALEXANDER #1	HENSON (MORRIS)	14.0	UNION TEXAS PETRO
8135756	F-7C-034115	4238931813	103	ALEXANDER #2	HENSON (MORRIS)	17.0	UNION TEXAS PETRO
-TEXACO INC			RECEIVED: 06/10/81 JA: TX					
8135859	F-04-035377	4224731269	102-A	A K FAST FEL #21	BLACK DIAMOND (PETTUS I)	28.0	VALERO TRANSMISSI
8135844	F-08-035307	4243130945	103	COPE-SEALE UNIT #1	CONGER SW (PENN)	216.0	
8135846	F-08-035309	4243130934	103	E B COPE B #1	CONGER SW (PENN)	330.0	
8135765	F-03-034950	4224531396	102-A	H E HARDER GAS UNIT WELL #1	CONSTITUTION (13600)	670.0	TRANSCONTINENTAL
8135845	F-CA-035304	4247532260	103	STATE GAS UNIT B #5	CAPRITO (DELAWARE MIDDLE	796.0	PIONEER NATURAL G

JD	FERC NO.	FIELD NAME	VOLUME 4&2	PRICE	PURCHASER
8135843	F-08-035304	4247522167	103		STATE OF TEXAS DC #6
-TNF OIL & GAS INC				RECEIVED: 06/10/81	JA: TX
8135945	F-7b-015605	4248232305	102-9	22.0	PIONEER NATURAL G
-UNION TEXAS PETROLEUM				RECEIVED: 06/10/81	JA: TX
8135788	F-08-035114	4247531774	103	28.0	WARREN PETROLEUM
-UNIT DRILLING & EXPLORATION CO				RECEIVED: 06/10/81	JA: TX
8135803	F-10-075235	4229530854	102-4	57.4	LONE STAR GAS COR
-W R EDWARDS JR				RECEIVED: 06/10/81	JA: TX
8135960	F-10-035652	4223300000	103	730.0	PALO DURO PIPELIN
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 06/10/81	JA: TX
8135939	F-08-035697	4210332304	103	95.0	PANHANDLE PRODUCI
8135907	F-08-035694	4210332328	103	49.0	EL PASO NATURAL G
8135693	F-08-033304	4210332337	103	48.0	EL PASO NATURAL G
8135694	F-08-033307	4210332369	103	6.0	EL PASO NATURAL G
8135633	F-08-035285	4210332402	103	6.0	EL PASO NATURAL G
-WAYMAN W BUCHANAN				7.0	EL PASO NATURAL G
8135807	F-03-075316	4205331123	103	RECEIVED: 06/10/81	JA: TX
-WILSON ENERGY INC				122.2	FERGUSON CROSSING
8135768	F-7C-034611	4210500000	103	RECEIVED: 06/10/81	JA: TX
-WORLD PRODUCERS INC				182.0	BIG LAKE GASOLINE
8135775	F-7b-034717	4236731839	102-4	RECEIVED: 06/10/81	JA: TX
8135704	F-09-033611	4223730415	103	250.0	SOUTHWESTERN GAS
				50.0	SOUTHWESTERN GAS

Other purchasers: 8135848 El Paso Natural Gas Co; for all other control numbers preceded by (*) the additional purchaser is E I Dupont de Nemours

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20151 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-A R WIANT					RECEIVED: 06/04/81 JA: PA			
#136150	7443	3703120754	108		#27651 MAP NO E L N-R E-1	PORTER	3.2	PEOPLES NATURAL G
-ADOBE OIL & GAS CORPORATION					RECEIVED: 06/04/81 JA: PA			
#135969	7358	3706325646	103		C W BENNETT #1-A	BRUSH VALLEY	45.0	
#136028	7481	3706522204	103		JOSEPH CALTAGARONE #1-A	REYNOLDSVILLE	36.0	
#136027	7150	3706521654	103		LAWRENCE HANKINSON #2	COOLSPRING	21.0	T W PHILLIPS GAS
#135968	6485	3712921294	103		ROBERT C SMITH #1	MT PLEASANT	33.0	INDUSTRIAL GAS SA
#136026	6511	3712921381	103		THOMAS FREEMAN #1	MT PLEASANT	0.7	INDUSTRIAL GAS SA
-ANGERMAN ASSOCIATES INC					RECEIVED: 06/04/81 JA: PA			
#135971	7004	3706325747	103		MERENTHAL #1 INC-25797	BLACKLICK-UPPER DEVONIAN	0.0	T W PHILLIPS GAS
#135970	6471	3706325932	103		KIMPEL #1 INC-25932	W PA UPPER DEVONIAN SAND	25.0	COLUMBIA GAS TRAN
-APPALACHIAN ENERGY INC					RECEIVED: 06/04/81 JA: PA			
#136032	7266	3704921266	102-2		D WIGGERS #1 A-E-199	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#136029	7243	3704921270	102-2		K RAY #1 A-E-196	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#136031	7269	3704921206	102-2		L EVAN WING #1 A-E-168	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#136030	7284	3704921269	102-2		W MCCRAY #1 A-E-173	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-BARON CREST ENERGY PROGRAM NO IV					RECEIVED: 06/04/81 JA: PA			
#135972	7371	3703120906	103		CARMEN FURRELL DREW #1	EAST BRADY	20.0	NATIONAL FUEL GAS
#135973	7372	3703120907	103		CARMEN FURRELL DREW #2	EAST BRADY	20.0	NATIONAL FUEL GAS
-BETA 79-S T JOINT VENTURE					RECEIVED: 06/04/81 JA: PA			
#135974	5667	3706521996	103		WAGGY #1	MC CALMONT	25.0	NATIONAL FUEL GAS
-BOYD & SHRIVER					RECEIVED: 06/04/81 JA: PA			
*#135975	2845	3706320768	108		326-HIMES	CANOE	9.8	CONSOLIDATED GAS
*#135976	2107	3706321545	108		397-RYAN	CANOE	6.4	CONSOLIDATED GAS
#136033	7479	3706324347	108		451-GARDNER	GRANT	3.6	CONSOLIDATED GAS
#136034	7480	3706323928	108		469-BROWN	GRANT	3.6	CONSOLIDATED GAS
#136035	7490	3706323851	108		480 - GASTON NO 1	ROCHESTER MILLS	3.6	CONSOLIDATED GAS
#136036	7489	3706323851	108		481 - GASTON NO 2	ROCHESTER MILLS	3.6	CONSOLIDATED GAS
-C & N CO					RECEIVED: 06/04/81 JA: PA			
#136037	7456	3706302119 D	103		D G WERTZ COAL CO #1 (1C9A)	YOUNG	200.0	PEOPLES NATURAL G
-CABOT OIL & GAS CORP					RECEIVED: 06/04/81 JA: PA			
#136038	7370	3703920761	102-2		W L DUNN #4	GREENWOOD	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC					RECEIVED: 06/04/81 JA: PA			
#136039	864	3706322019	108		S G MARRIOTT #4 C-S IND 22019	SOUTH MAHONING TWP	6.0	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 06/04/81 JA: PA			
#136042	7478	3706323482	108		DAVID G PIPER WA-1553	CANOE TOWNSHIP	21.1	GENERAL SYSTEM PU
#135977	7287	3703320535	108		RAYMOND NELSON WA-1324	BRADY TOWNSHIP	18.9	GENERAL SYSTEM PU
#135978	7288	3703320536	108		RAYMOND NELSON WA-1325	BRADY TOWNSHIP	18.9	GENERAL SYSTEM PU
#136041	7485	3706321663	103		ROCHESTER & PITTS COAL CO WA-1693	MCCALMONT	3.4	GENERAL SYSTEM PU
#136040	7454	3703320654	103		THOMAS E M KLITA WA-1631	BRALY	9.7	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & MCC-LOUDEN L					RECEIVED: 06/04/81 JA: PA			

#136080	7566	3712500000	108		C B ASHCRAFT B663-1	NOTTINGHAM	1.9	PEOPLES NATURAL G
#136070	7542	3706322437	108		C CLOID PINA ESTATE B247-1	ARMSTRONG	16.2	PEOPLES NATURAL G
#136058	7530	3706322273	108		C E MCCAULIFF B200-1	ARMSTRONG	16.2	PEOPLES NATURAL G
#136084	7572	3712500000	108		C E WEAVER B653-1	WEST PIKE RUN	1.5	PEOPLES NATURAL G
#136067	7574	3712500000	108		C L BALLEIN B659-1	NOTTINGHAM	1.1	PEOPLES NATURAL G
#136053	7598	3706322090	108		C M MAGGERTY B134-1	WASHINGTON	20.0	PEOPLES NATURAL G
#136054	7526	3706322335	108		C M MAGGERTY B134-2	WASHINGTON	20.0	PEOPLES NATURAL G
#136081	7567	3712500000	108		C W BAKER & R C BURNETT B651-1	DEEMSTON BORO	3.0	PEOPLES NATURAL G
#136069	7541	3706322578	108		F E LONG B245-2	ARMSTRONG	13.2	PEOPLES NATURAL G
#136088	7576	3712500000	108		G N RILLEN B655-1	NOTTINGHAM	3.5	PEOPLES NATURAL G
#136059	7531	3706322329	108		H L SCHRECENGOST B212-2	ARMSTRONG	16.2	PEOPLES NATURAL G
#136066	7540	3706321754	108		H LONG UNIT #242 243 244-1	ARMSTRONG	13.2	PEOPLES NATURAL G
#136055	7527	3706322079	108		H M FLEMING #143-1	ARMSTRONG	8.7	PEOPLES NATURAL G
#136056	7528	3706322370	108		H M FLEMING B143-2	ARMSTRONG	8.7	PEOPLES NATURAL G
#136067	7538	3706322537	108		H M LONG B242-1	ARMSTRONG	13.2	PEOPLES NATURAL G
#136043	7510	3706520732	108		J C MERRON E1X-1	PLUMCREEK	12.4	PEOPLES NATURAL G
#136060	7532	3706322263	108		J CANALE B217-1	ARMSTRONG	13.2	PEOPLES NATURAL G
#136078	7564	3712500000	108		J E GAMBLE B662-1	NOTTINGHAM	1.9	PEOPLES NATURAL G
#136079	7565	3712500000	108		J E GAMBLE B662-2	NOTTINGHAM	1.9	PEOPLES NATURAL G
#136057	7529	3706322271	108		J L HAZLETT B198-1	ARMSTRONG	16.2	PEOPLES NATURAL G
#136090	7577	3712500000	108		M E POFFITT ET AL B664-1	WEST PIKE RUN	19.5	PEOPLES NATURAL G
#136091	7578	3712500000	108		M E POFFITT ET AL B664-2	WEST PIKE RUN	2.0	PEOPLES NATURAL G
#136064	7536	3706322228	108		M K MOYER B224-1	ARMSTRONG	15.1	PEOPLES NATURAL G
#136085	7571	3712500000	108		W KRISTON B657-1	NOTTINGHAM	2.6	PEOPLES NATURAL G
#136073	7545	3706322994	108		MUSSER FORESTS INC B272-1	ARMSTRONG	16.2	PEOPLES NATURAL G
#136072	7544	3706323067	108		N REEGER B271-2	ARMSTRONG	16.2	PEOPLES NATURAL G
#136071	7543	3706322514	108		N REEGER JR B271-1	ARMSTRONG	16.2	PEOPLES NATURAL G
#136088	7575	3712500000	108		P VLCEK B669-1	DEEMSTON BORO	1.5	PEOPLES NATURAL G
#136086	7573	3712500000	108		R DEMPSTER B668-2	ROSTRAVER	2.6	PEOPLES NATURAL G
#136082	7568	3712500000	108		R E CRUMRINE ET AL B652-1	DEEMSTON BORO	2.4	PEOPLES NATURAL G
#136083	7569	3712500000	108		R E CRUMRINE ET AL B652-2	DEEMSTON BORO	2.4	PEOPLES NATURAL G
#136075	7561	3712500000	108		R L MCNALL B661-1	NOTTINGHAM	1.9	PEOPLES NATURAL G
#136076	7562	3712500000	108		R L MCNALL B661-2	NOTTINGHAM	1.9	PEOPLES NATURAL G
#136077	7563	3712500000	108		R L MCNALL B661-3	NOTTINGHAM	1.9	PEOPLES NATURAL G
#136063	7535	3706322297	108		R L ORR B223-1	ARMSTRONG	12.7	PEOPLES NATURAL G
#136046	7518	3700521918	108		R M MCILWAIN B70-1	BURRELL	10.1	PEOPLES NATURAL G
#136047	7519	3700500000	108		R M MCILWAIN B70-2	BURRELL	3.3	PEOPLES NATURAL G
#136061	7533	3706322254	108		R R TOMMS B222-1	WHITE	9.1	PEOPLES NATURAL G
#136062	7534	3706322322	108		R R TOMMS B222-2	ARMSTRONG	9.1	PEOPLES NATURAL G
#136068	7548	3706322579	108		S W LONG JR B241-1	ARMSTRONG	13.2	PEOPLES NATURAL G
#136048	7520	3700521944	108		T E MCILWAIN B71-1	BURRELL	7.3	PEOPLES NATURAL G
#136065	7537	3706322376	108		T K FLEMING B233-1	ARMSTRONG	6.5	PEOPLES NATURAL G
#136074	7546	3706322811	108		T W PETERMAN B273-1	ARMSTRONG	16.2	PEOPLES NATURAL G
#136049	7521	3706322207	108		T W WIGGINS B128-1	ARMSTRONG	13.2	PEOPLES NATURAL G
#136050	7522	3706322123	108		T W WIGGINS B129-1	ARMSTRONG	13.2	PEOPLES NATURAL G
#136051	7523	3706322124	108		T W WIGGINS B129-2	ARMSTRONG	13.2	PEOPLES NATURAL G
#136052	7524	3706322119	108		T W WIGGINS B129-3	ARMSTRONG	13.2	PEOPLES NATURAL G
#136044	7516	3706320494	108		W A PEER B56X-1	ARMSTRONG	9.2	PEOPLES NATURAL G
#136045	7517	3706321081	108		W A PEER B56X-2	ARMSTRONG	8.7	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC					RECEIVED: 06/04/81 JA: PA			
#135979	7278	3706320651	103		C & P COAL #7 K-U-9	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#135981	7280	3706320652	103		H & P COAL #6 K-U-10	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#135980	7279	3706320644	103		H & P COAL CO #1 K-A-1	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN

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-DRUCY A MERWIN-			RECEIVED: 06/04/81 JA: PA			
*8136138	7479	3712900000	108 C E SWANK WELL NO 1	CLINTON E SWANK	2.5	PEOPLES NATURAL G
-EDMUND HOWARD			RECEIVED: 06/04/81 JA: PA			
8135991	7119	3708300000	108 WELL NO 2 WESTLINE	WESTLINE	10.0	NATIONAL FUEL GAS
8135989	7117	3708300000	108 WELL NO 6 WESTLINE	WESTLINE	8.8	NATIONAL FUEL GAS
8135990	7118	3708300000	108 WELL NO 7 WESTLINE	WESTLINE	6.2	NATIONAL FUEL GAS
8135992	7120	3708300000	108 WELL NO 8 WESTLINE	WESTLINE	2.0	NATIONAL FUEL GAS
-EDWARD G ARIEBEL GAS CO			RECEIVED: 06/04/81 JA: PA			
8135997	7324	3700521467	108 BONNER #1	EAST FRANKLIN	21.5	PEOPLES NATURAL G
8136127	7444	3700500000	108 GILPIN #1	RAYBURN TWP	5.8	PEOPLES NATURAL G
8135996	7262	3703100000	108 GRAHAM #1	RIMERSBURG	8.9	COLUMBIA GAS TRAN
8135995	7241	3703100000	108 GRAHAM #2	RIMERSBURG	6.9	COLUMBIA GAS TRAN
8135998	7325	3700520223	108 HOOAS #1	RURAL VALLEY	2.7	PEOPLES NATURAL G
8136000	7327	3712920309	108 KING #3	UNITY	0.4	PEOPLES NATURAL G
8136134	7503	3700500000	108 KUMAS #1	REDBANK TOWNSHIP	1.0	PEOPLES NATURAL G
8136135	7504	3700500000	108 KUMAS #2	REDBANK TWP	1.0	PEOPLES NATURAL G
8136136	7505	3700500000	108 KUMAS #3	REDBANK TWP	1.0	PEOPLES NATURAL G
8136137	7506	3700500000	108 KUMAS #4	REDBANK TWP	1.0	PEOPLES NATURAL G
8136130	7499	3700500000	108 NEESE #1	REDBANK TWP	1.0	PEOPLES NATURAL G
8136131	7500	3700520107	108 NEESE #2	REDBANK TWP	1.0	PEOPLES NATURAL G
8136132	7501	3700500000	108 NEESE #3	REDBANK TWP	1.0	PEOPLES NATURAL G
8136133	7502	3700500000	108 NEESE #4	REDBANK TWP	1.0	PEOPLES NATURAL G
8136126	7443	3712900000	108 OLSON #1	UNITY TOWNSHIP	2.0	PEOPLES NATURAL G
8135999	7326	3706321878	108 ORR #1	WASHINGTON	3.9	PEOPLES NATURAL G
8136002	7329	3706321962	108 ORR #2	WASHINGTON TWP	6.2	PEOPLES NATURAL G
8136122	7444	3706329172	108 RELLICK # 1	INDIANA	2.7	PEOPLES NATURAL G
8136124	7446	3706320413	108 RELLICK # 3	INDIANA	2.7	PEOPLES NATURAL G
8136123	7445	3706320202	108 RELLICK #2	INDIANA	2.7	PEOPLES NATURAL G
8136125	7447	3700520556	108 SCHREECENGOST #1	RURAL VALLEY	2.8	PEOPLES NATURAL G
8136128	7495	3700500000	108 SNYDER-ZIEGLER #1	EAST FRANKLIN TWP	4.3	PEOPLES NATURAL G
8136129	7496	3700500000	108 SNYDER-ZIEGLER #2	EAST FRANKLIN TWP	4.3	PEOPLES NATURAL G
8136001	7328	3712920513	108 WADDLE #2	LOYALHANNA	3.4	PEOPLES NATURAL G
-ENERGY PRODUCTION CO			RECEIVED: 06/04/81 JA: PA			
8136093	7484	3706325867	103 B F OLIVER NO 2	NOLO MOUNTAIN	83.2	COLUMBIA GAS TRAN
8136092	7483	3706325824	103 J MYERS NO 1	NOLO MOUNTAIN	12.8	COLUMBIA GAS TRAN
8136094	7486	3706325957	103 M M STEPHENS NO 1	NOLO MOUNTAIN	132.4	COLUMBIA GAS TRAN
8136095	7487	3706325958	103 M B STEPHENS NO 2	NOLO MOUNTAIN	16.0	COLUMBIA GAS TRAN
-ENERGY QUEST INC			RECEIVED: 06/04/81 JA: PA			
8135982	7322	3706225958	103 RICHARD W OVERDORFF #1 (96/126 AC)	STRONGSTOWN	30.0	T W PHILLIPS GAS
8135983	7323	3706325940	103 RICHARD W OVERDORFF #3 (96/126 AC)	STRONGSTOWN	30.0	T W PHILLIPS GAS
-FAIRMAN DRILLING CO			RECEIVED: 06/04/81 JA: PA			
8135984	7356	3706325178	103 GEORGE C ZENKE NC 3 F-2645	OIG RUN	30.0	T W PHILLIPS GAS
-FOX OIL & GAS INC			RECEIVED: 06/04/81 JA: PA			
8135988	7128	3706326007	103 DAVLE F SINSABAUGH #1	GREEN TOWNSHIP	29.2	COLUMBIA GAS TRAN
8136098	7461	3712920752	108 DONALD SWARTZ #1	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136102	7467	3712920734	108 EARL DAVIS #1	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8135987	7127	3706326039	103 IRVIN MISS #2	MONTGOMERY TOWNSHIP	25.5	COLUMBIA GAS TRAN
8136101	7466	3712920727	108 JACK EVANS #2	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136106	7472	3712920930	108 JOSEPH MAGYAR #2	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136105	7471	3712920931	108 JOSEPH MAGYAR #3	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136100	7465	3712920766	108 LAVERNE LYNCH #1	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136103	7468	3712920765	108 LAVERNE LYNCH #2	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136099	7463	3712920873	108 MILLSTEIN #2	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G

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8135985	7125	3706325963	103 SAMUEL KIERN #1	GRANT TOWNSHIP	29.2	COLUMBIA GAS TRAN
8135986	7126	3706325954	103 SEHRATH #1	GREEN TOWNSHIP	29.2	COLUMBIA GAS TRAN
8136108	7476	3712920965	108 THOMAS NALEFA #1	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136107	7475	3712920726	108 W H EVANS #3	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136109	7477	3712920741	108 W H EVANS #4	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136097	7460	3712920764	108 WP SELEPCHAK	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136104	7470	3712920972	108 YOUNGWOOD SPORTS ASSN #1	MEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136096	7464	3712921000	108 YOUNGWOOD SPORTSMAN ASSN #2	MEMPFIELD TOWNSHIP	25.5	PEOPLES NATURAL G
-H D HOUGH AGENT			RECEIVED: 06/04/81 JA: PA			
*8136111	7456	3712500000	108 AMES WELL NO 1	ELLSWORTH	6.0	PEOPLES NATURAL G
*8136110	7449	3712500000	108 AMES WELL NO 2	ELLSWORTH QUADRANGLE	6.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED: 06/04/81 JA: PA			
8136112	6398	3706324804	108 LYNN SHIELDS #1	BANKS	7.7	CONSOLIDATED GAS
8135993	7223	3703320795	103 RAYMOND HARRETT #4	BURNSIDE	200.0	T W PHILLIPS GAS
8135994	7224	3703320756	103 RAYMOND HARRETT #5	BURNSIDE	200.0	T W PHILLIPS GAS
-JAMES DRILLING CORP			RECEIVED: 06/04/81 JA: PA			
8136116	7451	3705102040	108 ALBERT EWING WELL #1	FRANKLIN	7.5	PEOPLES NATURAL G
8136118	7453	3712920219	108 AUSTIN R HOOK WELL #1	HEMPFIELD	2.5	PEOPLES NATURAL G
8136117	7452	3706320184	108 FRANK FAIRLEY WELL #1	CONEMAUGH	3.0	PEOPLES NATURAL G
8136114	7450	3706320762	108 P W G - S T D CO WELL #1	BURRELL	5.0	PEOPLES NATURAL G
8136113	7507	3706343200	108 P P MCLAUGHLIN WELL #1	BURRELL	16.0	PEOPLES NATURAL G
8136115	7509	3706320745	108 S T D WELL #1	BURRELL	11.0	PEOPLES NATURAL G
-KEYSTONE ENERGY RESOURCES			RECEIVED: 06/04/81 JA: PA			
8136120	7453	3706325982	103 PETRARCA #1	UMBERT PETRARCA	29.2	T W PHILLIPS GAS
8136119	7452	3706325984	103 PETRARCA #2	UMBERT PETRACA	32.9	T W PHILLIPS GAS
8136121	7454	3706325999	103 PETRARCA #4	UMBERT PETRARCA	32.4	T W PHILLIPS GAS
-LOUDEN PROPERTIES CO			RECEIVED: 06/04/81 JA: PA			
8136149	6027	3712921641	103 HAROLD E DILLINGER 843-1	EAST HUNTINGTON	30.0	COLUMBIA GAS OF P
-PEACOCK DOVERSPIKE GAS VENTURE-1979			RECEIVED: 06/04/81 JA: PA			
8136139	7555	3705122286	103 MILLS #2 ARM-22286	PLUM CREEK	27.0	PEOPLES NATURAL G
-PEACOCK/DOVERSPIKE GAS VENTURE - 79			RECEIVED: 06/04/81 JA: PA			
8136140	7557	3700522409	103 BEAM #2 ARM-22409	WAYNE	10.0	PEOPLES NATURAL G
8136141	7558	3706325049	103 SOULCHIN #3 IND-25049	WHITE	18.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO			RECEIVED: 06/04/81 JA: PA			
8136009	7314	3706323385	108 AGNES STENMAN #1 NOW A J SENULES #1	SOUTH MAHONING	5.0	CRUCIBLE INC
8136011	7316	3706323386	108 AGNES STENMAN #2 NOW A J SENULES #2	SOUTH MAHONING	6.0	CRUCIBLE INC
8136004	7363	3706325893	103 ALFONSO POLITO #1	WASHINGTON	25.0	WALLACE-MURRAY CO
8136145	6968	3706324758	108 CARL A SPEVETZ ET UX #2	YOUNG	15.0	COLUMBIA GAS TRAN
8136146	6969	3706324759	108 CARL A SPEVETZ ET UX #3	YOUNG	15.0	COLUMBIA GAS TRAN
8136018	7361	3706323698	108 CLAIR W EVANS #1	WHITE	7.0	WALLACE-MURRAY CO
8136017	7360	3706323694	108 CLAIR W EVANS #2	WHITE	7.0	WALLACE-MURRAY CO
8136142	7277	3706320840	103 EVERETT C THIMBLE ET AL #1	RAYNE	45.0	
8136008	7315	3706323411	108 GLENN L CAMPBELL #1	SOUTH MAHONING	5.0	CRUCIBLE INC
8136013	7318	3706323376	108 J DALE KIRKPATRICK #1	SOUTH MAHONING	8.0	CRUCIBLE INC
8136012	7317	3706323378	108 J DALE KIRKPATRICK #2	SOUTH MAHONING	18.0	CRUCIBLE INC
8136144	6882	3706327758	108 JAY T KISSINGER ET AL #2	CENTER	6.0	COLUMBIA GAS TRAN
8136140	7274	3706321880	108 JOSEPH FERRARA ET AL #1	MCCALMONT	16.0	NATIONAL FUEL GAS
8136006	7365	3706323758	103 LEVI E MILLER ET UX #1	WEST MAHONING	23.0	WALLACE-MURRAY CO
8136016	7321	3706323380	108 LISLE M WALKER #1	CENTER	12.0	CRUCIBLE INC
8136015	7320	3706323381	108 LISLE M WALKER #2	CENTER	12.0	CRUCIBLE INC
8136143	7273	3706326046	103 MAX P LLOYD #2	NORTH MAHONING	36.0	
8136010	7319	3706323370	108 RALPH E KELLEY #1	SOUTH MAHONING	7.0	CRUCIBLE INC
8136007	7312	3706323371	108 RALPH E KELLEY #2	SOUTH MAHONING	6.0	CRUCIBLE INC

JD	FERC NO.	PRICE	PURCHASER
FIELD NAME			
ARMSTRONG		23.0	WALLACE-MURRAY CO
ARMSTRONG		23.0	WALLACE-MURRAY CO
CPERRY MILL		2.0	WALLACE-MURRAY CO
CENTER		6.0	CRUCIBLE INC
SPRANKLES MILLS (CAYTON		0.7	PEOPLES NATURAL G
SPRANKLES MILLS (CAYTON		0.7	PEOPLES NATURAL G
SPRANKLES MILLS (CAYTON		0.7	PEOPLES NATURAL G
SPRANKLES MILLS (CAYTON		0.7	PEOPLES NATURAL G
UNION TOWNSHIP		0.0	COLUMBIA GAS TRAN
UNION TOWNSHIP		0.0	COLUMBIA GAS TRAN
BARNES - LEGOEUF		50.0	NATL FUEL GAS DIS

JD	FERC NO.	PRICE	PURCHASER
FIELD NAME			
ROBERT E WISSINGER #2			
ROBERT E WISSINGER ET UX #1			
RUTH A HEUPLER #1			
WILLIAM EDWARD ANDERSON #1			
RECEIVED: 06/04/81 JAS PA			
SUTTER FARM #1			
SUTTER FARM #2			
SUTTER FARM #3			
SUTTER FARM #4			
RECEIVED: 06/04/81 JAS PA			
JOHN P ALLEN ESTATE #1			
ROGER E WETMORE #1			
RECEIVED: 06/04/81 JAS PA			
BARNES (-1054			

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108 : Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20152 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

						FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
-TENNECO OIL COMPANY			RECEIVED: 06/08/81 JA: CA					
#136162	81-4-0055	0402955569	108	TENNECO ET AL YOWLUMNE 73X		YOWLUMNE	62.0	ARCO OIL & GAS CO
#136164	81-4-0057	0402959000	108	TENNECO-TEXACO RUSSELL 85X		YOWLUMNE	57.0	ARCO OIL & GAS CO
#136161	81-4-0053	0402959257	108	TENNECO-TEXACO-SMITH 65X		YOWLUMNE	4.0	ARCO OIL & GAS CO
#136163	81-4-0056	0402959870	108	YOWLUMNE 43X-10		YOWLUMNE	62.0	ARCO OIL & GAS CO
#136156	81-4-0049	0402958313	108	YOWLUMNE 61X-3		YOWLUMNE	38.0	ARCO OIL & GAS CO
#136165	81-4-0058	0402957617	108	YOWLUMNE 63X-5		YOWLUMNE	155.0	ARCO OIL & GAS CO
#136155	81-4-0048	0402955422	108	YOWLUMNE 64X-3		YOWLUMNE	206.0	ARCO OIL & GAS CO
#136166	81-4-0059	0402957723	108	YOWLUMNE 72X-4		YOWLUMNE	247.0	ARCO OIL & GAS CO
#136160	81-4-0054	0402955140	108	YOWLUMNE 74-4		YOWLUMNE	343.0	ARCO OIL & GAS
#136157	81-4-0050	0402956086	108	YOWLUMNE 76-2		YOWLUMNE	129.0	ARCO OIL & GAS CO
#136158	81-4-0051	0402956654	108	YOWLUMNE 81X-5		YOWLUMNE	582.0	ARCO OIL & GAS CO
#136167	81-4-0060	0402956516	108	YOWLUMNE 83-5		YOWLUMNE	569.0	ARCO OIL & GAS CO
#136159	81-4-0052	0402957367	108	YOWLUMNE 85X-5		YOWLUMNE	387.0	ARCO OIL & GAS CO
#136154	81-4-0051	0402958367	108	YOWLUMNE-TEXACO 75-15		YOWLUMNE	346.0	ARCO OIL & GAS CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-ARCO OIL AND GAS COMPANY			RECEIVED: 06/11/81 JA: AM					
#136176		3002505011	108	MCDONALD WN STATE AC 21		JALPAT (YATES - SEVEN RI	16.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED: 06/11/81 JA: AM					
#136177		3004524241	103	ATLANTIC D COM 6 #2A		BLANCO MESAVERDE	110.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC			RECEIVED: 06/12/81 JA: AM					
#136180		3004524617	103	GALLEGOS CANYON UNIT F C #327		KUTZ WEST PICTURED CLIFF	44.6	EL PASO NATURAL G
-GENERAL AMERICAN OIL COMPANY OF TEX			RECEIVED: 06/11/81 JA: AM					
#136172		3000560755	102-A	G A O STATE AC 1			146.0	K & KENNEDY ENGIN
-GETTY OIL COMPANY			RECEIVED: 06/11/81 JA: AM					
#136174		3004524326	103	MARTIN FEDERAL COM WELL NO 1E		MESAVERDE (UNDESIGNATED)	36.5	EL PASO NATURAL G
#136175		3004524326	103	MARTIN FEDERAL COM WELL NO 1E		BASIN DAKOTA	105.5	EL PASO NATURAL G
-MTS LIMITED PARTNERSHIP			RECEIVED: 06/11/81 JA: AM					
#136173		3004524550	103	SC BLANCO STATE 36-1		LYBROOK	31.0	GAS CO OF NEW MEX
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 06/11/81 JA: AM					
#136183		3002511077	108	C D WOOLWORTH GWCLP 3 AC 1		JALPAT-GAS POOL	0.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO			RECEIVED: 06/08/81 JA: AM					
#136150		3001522805	102-A	PARKWAY A STATE COM #1		TURKEY TRACK	100.0	EL PASO NATURAL G
#136153		3001522786	102-A	PARKWAY STATE COM #1		TURKEY TRACK	350.0	EL PASO NATURAL G
#136152		3001522747	102-A	STATE 16 COM #1		TURKEY TRACK	150.0	LLANO INC
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 06/11/81 JA: AM					
#136176		3002500000	108	CARLSON #3		LANGLIE MATTIX	0.0	EL PASO NATURAL G
#136181		3002500000	108	MYERS B #3		JALPAT	0.0	EL PASO NATURAL G
#136182		3002500000	108	STATE A A/C 1 #35		JALPAT	0.0	EL PASO NATURAL G

						FIELD NAME	PROD	PURCHASER
-THRESHOLD DEVELOPMENT CO			RECEIVED: 06/11/81 JA: AM					
#136170		3001523289	102-A	CONOCO 10 A STATE AC 1Y (ATOKA)		TURKEY TRACK ATOKA	547.0	CONOCO INC
#136179		3001523289	102-A	CONOCO 10 A STATE AC 1Y (ATOKA)		TURKEY TRACK ATOKA	547.5	CONOCO INC
#136180		3001523066	102-A	CONOCO 10 STATE COM #1		TURKEY TRACK-ATOKA GAS	700.0	EL PASO NATURAL G
#136189		3001523179	102-A	CONOCO 7 STATE #1		TURKEY TRACK MORROW	665.8	CONOCO INC
-YATES PETROLEUM CORPORATION			RECEIVED: 06/11/81 JA: AM					
#136171		3000560850	102-A	SEE CO-STATE #1		UNC AEO	0.0	TRANSWESTERN PIPE
OKLAHOMA CORPORATION COMMISSION								
-APOCO PRODUCTION CO			RECEIVED: 06/08/81 JA: OK					
#136253	08385	3503920241	103	MAST UNIT #1		S E THOMAS	406.0	WESTERN FARMERS E
#136254	08386	3503920357	103	MAST UNIT A WELL #1		S THOMAS	200.0	WESTERN FARMERS E
#136208	08108	3503920154	103	WOOF UNIT WELL #1		S E THOMAS	365.0	WESTERN FARMERS E
-AN-SON CORPORATION			RECEIVED: 06/10/81 JA: OK					
#136295	09284	3503920980	102-A	STEPH #1		EAST ARAPAHO	400.0	MICHIGAN WISCONSI
-ANDOVER OIL COMPANY			RECEIVED: 06/08/81 JA: OK					
#136276	09192	3501721680	103	ANDOVER #28-1			180.0	DELHI GAS PIPELIN
#136207	09213	3500320772	103	ROOT #6-1A			40.0	DELHI GAS PIPELIN
-APOLLO PRODUCTION LTD			RECEIVED: 06/08/81 JA: OK					
#136193	09240	3507322444	103	WOOLWINE NO 24-2		N E CHARCHE	51.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY			RECEIVED: 06/08/81 JA: OK					
#136286	09222	3504722134	102-A	FRANK BURTON NO 1		SOUTH DOUGLAS	73.0	
#136246	09223	3504722251	102-A	GFE - THOMAS NO 1		SOUTH DOUGLAS	37.0	
-ROSWELL ENERGY CORP			RECEIVED: 06/10/81 JA: OK					
#136306	09257	3510920422	103	CHISHOLM #2-6		E PRAIRIE BELL	0.0	PHILLIPS PETROLEU
-BROWN & PORELLI INC			RECEIVED: 06/08/81 JA: OK					
#136215	07288	3507322485	102-A	OPPEL #1		SOONER TREND	219.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 06/08/81 JA: OK					
#136204	09191	3507522877	103	KARL VAGDER NO 2		LOVER-HENNESSEY	332.9	EXXON CORP
#136198	09238	3504721839	103	MARIA REGIER NO 3		EAST CHANEY DELL	182.5	CHAMPLIN PETROLEU
-CHASE EXPLORATION CORP			RECEIVED: 06/08/81 JA: OK					
#136262	09206	3507120820	103	DECKER 2-26			4.9	CITIES SERVICE GA
#136265	09210	3507121150	103	HARKINS 1-17			7.3	CITIES SERVICE GA
#136277	09209	3507121204	103	HARKINS 2-17		UNNAMED	3.8	CITIES SERVICE GA
#136267	09212	3507121681	103	MINTON 1-26			6.6	CITIES SERVICE GA
#136264	09208	3507121650	103	NAHLE 1-24			26.8	CITIES SERVICE GA
#136261	09205	3507121125	103	NAHLE 2-18			21.2	CITIES SERVICE GA
#136263	09207	3507121774	103	NORINDOFFER 1-8			1.6	CITIES SERVICE GA
#136266	09211	3507121677	103	SCHIEFER 2-21			13.3	CITIES SERVICE GA
-CHASE EXPLORATION CORP			RECEIVED: 06/10/81 JA: OK					
#136314	17925	3507121347	103	FITCH #1-32			3.5	CITIES SERVICE GA
-CLARK RESOURCES INC			RECEIVED: 06/08/81 JA: OK					
#136259	09189	3504722525	103	DALE 8-1		SOONER TREND	27.4	CITIES SERVICE GA
#136258	09187	3507522685	103	HENSON 6-1		SOONER TREND	177.6	CITIES SERVICE GA
#136270	09188	3504722324	103	REX 34-1		SOONER TREND	134.5	PANHANDLE EASTERN
#136268	09190	3507522688	103	STATE 36-1		SOONER TREND	70.4	EASON OIL CO
-CLIFFORD RESOURCES INC			RECEIVED: 06/08/81 JA: OK					
#136288	09206	3509300060	103	SEE #1-32		MERC	56.0	PANHANDLE EASTERN
-CLIFFORD RESOURCES INC			RECEIVED: 06/10/81 JA: OK					
#136307	09296	3509300000	103	MOFFIT 1-27		MERC	75.0	PANHANDLE EASTERN
-COBRA OIL AND GAS CORPORATION			RECEIVED: 06/10/81 JA: OK					
#136308	09266	3505920977	103	GANEY 20 #1			0.0	NORTHERN NATURAL

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#136309	09265	3505920977	103	GANEY 20 #1					
-COTTON PETROLEUM CORPORATION				RECEIVED: 06/08/81 JA: CK					
#136192	09028	3505102857	103	COWDEY 6 #2					
-CRAWLEY PETROLEUM CORPORATION				RECEIVED: 06/08/81 JA: CK					
#136186	09195	3507322555	103	MESIS A-2					
-CURT BROWN DRILLING CO				RECEIVED: 06/08/81 JA: CK					
#136212	08914	3511720521	103	ZIMMERMAN #2					
-DAWN ENERGY CO				RECEIVED: 06/08/81 JA: CK					
#136191	09022	3505920952	103	CRIGLER #1-32					
-EASON OIL COMPANY				RECEIVED: 06/08/81 JA: CK					
#136249	08440	3501721651	103	C A HENDERSON #4					
#136200	09030	3507204850	103	C E GARNER #1					
#136285	08442	3501721653	103	TULLOS-HENDERSON #5					
-ECC OIL CO				RECEIVED: 06/08/81 JA: CK					
#136215	08389	3514721686	103	MOODY #2 CE/2 SE/4 NE/4 17-25N-14E					
#136190	09243	3514721558	103	REYNOLDS #5 C W/2 NW/4 SE/4 20-25N-					
-ENERGY RESERVES GROUP INC				RECEIVED: 06/08/81 JA: CK					
#136241	09015	3509120396	102-2	BREWER #1					
#136214	08974	3509330274	108	SODOWSKY #1					
-EXXON CORPORATION				RECEIVED: 06/08/81 JA: CK					
#136190	08106	3500700405	108-SA	BALDWIN UNIT #1					
-F C D OIL CORP				RECEIVED: 06/08/81 JA: CK					
#136240	09101	3510321052	103	CURRY 1-23					
#136239	09100	3507322612	103	MICKEY 1-29					
#136237	09097	3507322616	103	KIRSCH 1-12					
#136221	09096	3509321826	103	LAW 1-1					
#136223	09095	3507322614	103	MCCULLY 1-32					
#136260	09094	3509322028	103	SMITH 1-12					
#136238	09099	3504722340	103	VCTP 1-16					
-GRACE PETROLEUM CORPORATION				RECEIVED: 06/10/81 JA: CK					
#136313	09201	3509120316	102-3	FISHER NO 1-16					
-GREG L COOK				RECEIVED: 06/08/81 JA: CK					
#136197	08612	3507322426	103	FLEANOR #1					
-H & L OPERATING COMPANY				RECEIVED: 06/08/81 JA: CK					
#136269	09056	3501721645	103	HAYLIFF #1					
-HARPER OIL COMPANY				RECEIVED: 06/08/81 JA: CK					
#136211	08950	3509322060	103	LAUBHAMS #1					
#136199	09227	3507322691	103	VASKA #2					
-HAWK EXPLORATION LTD				RECEIVED: 06/08/81 JA: CK					
#136210	08878	3509321935	103	CROW NO 15-1					
-HILL OIL CO				RECEIVED: 06/10/81 JA: CK					
#136316	09261	3511490000	103	DUNCAN 1-A					
#136315	09262	3511820581	103	SPRINGER #1					
-HOLDEN ENERGY CORP				RECEIVED: 06/08/81 JA: CK					
#136255	09164	3501922142	102-4	REED 12-1					
#136257	09167	3501922140	102-4	REED 28-1					
#136256	09165	3501922050	102-4	REEL 28-4					
-INTERNORTH INC				RECEIVED: 06/08/81 JA: CK					
#136287	7661	3500721862	103	MCOS TRUST NO 1-19					
-JAN OIL CO				RECEIVED: 06/08/81 JA: CK					
#136274	09024	3510321111	103	WELLS NO 2-28					
-JET OIL COMPANY				RECEIVED: 06/10/81 JA: CK					
#136299	08973	3504722302	103	JOHNSON #1					

FIELD NAME	PROD	PURCHASER
	0.0	NORTHERN NATURAL
E CHICKASHA	1100.0	TRANSOK PIPE LINE
EAST HENNESSEY	25.0	EASON OIL CO
HALLETT	20.0	COLORADO GAS CORP
POCANE-LAVERNE	300.0	PANHANDLE EASTERN
YUKON	73.0	DORIC PETROLEUM I
GOLDEN TREND	365.0	CITIES SERVICE GA
YUKON	365.0	DORIC PETROLEUM I
OGLESBY GAS FIELD	64.1	OKAN GAS CO
OGLESBY GAS FIELD	35.9	OKAN GAS CO
HITCHITA	54.0	
CHANEY DELL	0.4	OKLAHOMA NATURAL
COMC	20.0	NORTHERN NATURAL
E BILLINGS	36.5	ARCO OIL & GAS CO
E HENNESSEY	54.8	EASON OIL CO
E LOYAL	80.3	PHILLIPS PETROLEU
E CLEC SPRINGS	109.5	PIONEER GAS PRODU
E HENNESSEY	54.8	EASON OIL CO
CLEC SPRINGS	127.8	PIONEER GAS PRODU
KREMLIN	36.5	C R A INC
	300.0	
W EDMOND	365.0	PHILLIPS PETROLEU
POCANE-LAVERNE	240.0	EL PASO NATURAL G
SOONER TREND	182.0	PHILLIPS PETROLEU
EAST COVER	45.0	EXXON CORP
SOONER TREND	90.0	PIONEER GAS PRODU
LOST CREEK	36.0	SUN GAS CO
LOST CREEK	6.0	SUN GAS CO
JOINER CITY	69.0	AMINOIL USA INC
JOINER CITY	75.0	AMINOIL USA INC
JOINER CITY	85.0	AMINOIL USA INC
EAST LORENA	47.0	INTERNORTH INC
SOUTH LONE ELM PROSPECT	75.0	AMINOIL USA INC
N ELMDORN	12.0	EASON OIL CO

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-JI CO EXPLORATION INC				RECEIVED: 06/08/81 JA: CK					
#136275	08949	3507322309	103	JICC FRAKES #1					
-JIMMY W GRAY				RECEIVED: 06/08/81 JA: CK					
#136235	09249	3504921269	103	COOK NO 1					
#136206	9251	3504921271	103	GOSS NO 1					
#136205	09250	3504920688	103	VIRGINIA NO 1					
-JULIEN B ADOUE JR				RECEIVED: 06/08/81 JA: CK					
#136224	09228	3514320638	102-2	ROSS ESTATE #2					
-KANOKLA ENERGY CORP				RECEIVED: 06/08/81 JA: CK					
#136219	08813	3513321188	103	CAROLINA NO 1					
-L & N EXPLORATION INC				RECEIVED: 06/08/81 JA: CK					
#136272	08983	3508321832	103	ENDICOTT #1-5					
#136275	08985	3508321405	103	JOHN HOPPER #1-25					
#136222	08986	3508321307	103	PAUL HOPPER #1-27					
-L G WILLIAMS OIL COMPANY INC				RECEIVED: 06/08/81 JA: CK					
#136289	06813	3501721347	102-2	(ESCO) COOKSEY 7-1					
#136227	06819	3501721155	102-2	(ESCO) COLESE 17-2					
#136225	06821	3501721156	102-2	(ESCO) LEHMAN 20-1					
#136226	06820	3501721367	102-2	(ESCO) PHELPS 17-1					
#136230	06316	3501721328	102-2	BEECHER 11-1					
#136228	97323	3501721505	102-2	MUCER #1-1					
#136229	07739	3501721618	102-2	JENSEN #28-1					
-LADD PETROLEUM CORPORATION				RECEIVED: 06/08/81 JA: CK					
#136220	08802	3505120974	103	SPRAWLS NO 1					
-LPCX CORPORATION				RECEIVED: 06/08/81 JA: CK					
#136282	07609	3505120860	102-4	PINCHAM #1					
#136284	07610	3505120804	102-4	HOFFMAN KIDS #1					
#136247	07613	3505100000	102-4	KING #1					
#136283	07611	3505120861	102-4	THAL #1					
-LPCX CORPORATION				RECEIVED: 06/10/81 JA: CK					
#136300	07612	3505120872	102-4	PHILLIPS #1					
-MAJOR OIL CORP				RECEIVED: 06/10/81 JA: CK					
*#136303	08867	3509321505	103	SMITH NO 1-18					
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED: 06/08/81 JA: CK					
#136195	09224	3509321818	103	WILMOTT #1					
-MORTON BROTHERS INC				RECEIVED: 06/08/81 JA: CK					
#136273	06588	3510900000	103	PERRYHILL NO 1					
-NOVA ENERGY CORPORATION				RECEIVED: 06/08/81 JA: CK					
#136236	09174	3505120818	102-2	WEHLING #1-27					
-ONG EXPLORATION INC				RECEIVED: 06/08/81 JA: CK					
#136185	08129	3505920960	103	PUBLE NO 1					
-PETROMARK EXPLORATION INC				RECEIVED: 06/08/81 JA: CK					
#136280	05179	3507322696	103	YORK 5-1					
-PHOENIX RESOURCES COMPANY				RECEIVED: 06/08/81 JA: CK					
#136243	8625	3505900000	103	GUY THOMAS #2					
#136242	8621	3500721839	103	WEAVER #2					
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED: 06/08/81 JA: CK					
#136196	9171	3512120774	102-2	ESTELLA GEORGE NO 1-25					
#136196	9171	3512120734	103	ESTELLA GEORGE NO 1-25					
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 06/08/81 JA: CK					
#136291	09182	3501721509	103	TATE NO 1-11					
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 06/10/81 JA: CK					
#136302	09181	3501721593	103	MICKIE ANNE NO 1-12					

FIELD NAME	PROD	PURCHASER
SOONER TREND	47.0	PHILLIPS PETROLEU
WILDCAT	0.0	WARREN PETROLEUM
ANTIOCH NORTH	0.0	WARREN PETROLEUM
WHITEHEAD WEST	0.0	WARREN PETROLEUM
	72.0	DIAMOND-S GAS SYS
CAROLINA LEASE	216.0	ARKANSAS LOUISIAN
SOUTH CRESCENT	110.0	EASON OIL CO
WEST BARNS	27.0	EASON OIL CO
NORTH CRESCENT	12.0	EASON OIL CO
WEST YUKON	0.0	DELMI GAS PIPELIN
NORTHWEST YUKON	0.0	DELMI GAS PIPELIN
NORTHWEST YUKON	0.0	DELMI GAS PIPELIN
NORTHWEST YUKON	0.0	DELMI GAS PIPELIN
N RICHLAND	0.0	PHILLIPS PETROLEU
NORTH RICHLAND	0.0	PHILLIPS PETROLEU
UNION CITY	0.0	PHILLIPS PETROLEU
MINCO WEST	1231.8	TRANSOK PIPELINE
WATONGA-CHICKASHA	200.0	CITIES SERVICE GA
WATONGA-CHICKASHA	600.0	CITIES SERVICE GA
WATONGA-CHICKASHA	1000.0	CITIES SERVICE GA
WATONGA-CHICKASHA	1000.0	CITIES SERVICE GA
WATONGA-CHICKASHA	600.0	CITIES SERVICE GA
MENO-RINGWOOD	75.0	OKLAHOMA NATURAL
S E BADO	204.0	PANHANDLE EASTERN
NORTH REGGS	0.0	
W MINCO	0.0	MICHIGAN WISCONSI
LOVEDALE	75.0	NORTHERN NATURAL
SOONER TREND	100.0	CITIES SERVICE GA
GATE LAKE	113.0	NORTHERN NATURAL
OGWER AREA	100.0	NORTHERN NATURAL
WILDCAT	547.5	
WILDCAT	547.5	
YUKON	961.2	PHILLIPS PETROLEU
YUKON	329.8	PHILLIPS PETROLEU

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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
-RAMBLER OIL CO				RECEIVED: 06/10/81 JA: CK	
A136298	8410	3501121484	103	CRAVENS ESTATE #1-27	
-ROYAL OIL & GAS CORPORATION				RECEIVED: 06/08/81 JA: CK	
A136218	08960	3507122063	102-4	GERALDEAN BUMGARDNER #3	
-ROYAL OIL & GAS CORPORATION				RECEIVED: 06/10/81 JA: CK	
A136312	08964	3507121242	103	HENRY ROMRS #1 (WAS #1-A)	
A136311	08965	3507121619	103	HENRY ROMRS #2	
A136317	08962	3511921030	103	RENA EAGLES #1	
A136293	08963	3511921049	103	RENA EAGLES #2	
-SENECA OIL CO				RECEIVED: 06/08/81 JA: CK	
A136290	09150	3509321957	102-2	NIGHTENGALE NO 2-30	
A136189	09183	3509321817	103	RUSCH NO 1-16	
-SPELLER OIL CORP				RECEIVED: 06/08/81 JA: OK	
A136281	08975	3507322655	103	KITSA 1-1	
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 06/08/81 JA: CK	
A136203	09085	3500721929	103	BAXTER UNIT #2	
A136188	9663	3505920837	103	VANSCOYOC A NO 2	
-TENNECO OIL COMPANY				RECEIVED: 06/08/81 JA: CK	
*A136209	08979	3501922133	103	S GRAHAM DEESE UNIT 29-1A	
-TEXAS OIL & GAS CORP				RECEIVED: 06/08/81 JA: CK	
A136216	08619	3507322521	103	ERMA #1	
-TOWNER PETROLEUM CO				RECEIVED: 06/08/81 JA: CK	
A136234	09215	3501721708	102-4	LORENA JONES #15-1	
-TRANSIERRA EXPLORATION CORP				RECEIVED: 06/08/81 JA: CK	
A136217	08729	3508121078	103	STATE SCHOOL LAND AC 3	
-UNIT OPERATIONS				RECEIVED: 06/10/81 JA: OK	
*A136310	09245	3501121406	103	KIRTLEY NO 12-1	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 06/08/81 JA: CK	
A136248	08850	3501721403	103	JAMES 1-36	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 06/10/81 JA: CK	
A136304	08852	3501721517	103	JACOBS 1-25	
A136305	08848	3507322430	103	ROTHER 1-34	
-URBAN ENERGY CO				RECEIVED: 06/08/81 JA: CK	
A136201		3510523870	103	J M TEMPLE E NO 4	
-URBAN ENERGY CO				RECEIVED: 06/10/81 JA: CK	
A136294	09033	3510523675	103	OPAL BROWN NO 2	
-W B OSBORN JR (OPERATOR)				RECEIVED: 06/08/81 JA: CK	
A136244	09180	3507522297	103	SNOWDEN #1-A	
-W C PAYNE				RECEIVED: 06/08/81 JA: CK	
A136278	09033	3502920216	102-2	DAVIS #11	
A136251	09038	3502920159	102-2	DAVIS #7	
A136250	09036	3502920202	102-2	DAVIS #4	
A136187	09035	3502920156	102-2	MARTIN #1-1	
A136232	09043	3502920214	102-2	MURRAY #1-35	
A136233	09040	3502920207	102-2	RIDLEY #1-35	
A136231	09042	3502920209	102-2	RIDLEY #2-35	
A136252	09041	3502920211	102-2	RIDLEY A #1-35	
A136245	09044	3502920213	102-2	RIDLEY A #2-35	
-WESTERN OIL RESOURCES LTD				RECEIVED: 06/10/81 JA: CK	
A136297	07478	3511720715	103	JOHNSON #5	
A136252	07482	3511720628	103	LITTLE O-2	
A136296	07975	3511720755	103	SCHOOL LAND #3	
-WESTLAND EXPLORATION CO				RECEIVED: 06/10/81 JA: CK	

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FIELD NAME	PROD	PURCHASER
NW CHEENE	670.0	DELMI PIPELINE CO
NORTH BLACKWELL	40.0	CITIES SERVICE GA
NORTH BLACKWELL	12.0	CITIES SERVICE GA
NORTH BLACKWELL	12.0	CITIES SERVICE GA
NORTHEAST PRATT	14.0	ENTERPRISE DEVELO
NORTHEAST PRATT	14.0	ENTERPRISE DEVELO
OAKE	300.0	PANHANDLE PIPE LI
CEDAR SPRINGS	50.0	DELMI GAS PIPELIN
SOONER TREND	60.0	EASON OIL CO
MOCANE LAVERNE GAS AREA	161.0	PANHANDLE EASTERN
MOCANE - LAVERNE GAS ARE	988.0	MICHIGAN WISCONSI
SHO-VEL-TUM	9.0	MOBIL OIL CORP
S E KINGFISHER	0.0	
	365.0	PHILLIPS PETROLEU
SW PRAIRIE GEM FIELD	17.0	SUN OIL CO
SOUTHWEST LACEY	219.0	ONG WESTERN INC
RICHLAND	189.8	PHILLIPS PETROLEU
RICHLAND	178.9	PHILLIPS PETROLEU
BIRDWOMAN	116.8	PHILLIPS PETROLEU
NOWATA-CLAGGETT	16.0	FUEL PRODUCTS INC
WOODY	0.0	BOONER PIPELINE I
SOUTHWEST LOYAL	291.0	MUSTANG FUEL CORP
EAST OCONEE	183.0	ARKANSAS LOUISIAN
EAST OCONEE	95.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
HALLETT SECTION 12-20N-7	20.2	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	7.4	MID-AMERICA GAS L
HALLETT SECTION 13-20N-7	4.7	MID-AMERICA GAS L

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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
A136301	09196	3512120780	103	ESTELLE D AC 1	
-WILLIAM MOSS PROPERTIES INC				RECEIVED: 06/08/81 JA: CK	
A136202	08951	3500320777	103	RYEL 15 WELL NO 1	
-WILLIS EXPLORATION INC				RECEIVED: 06/08/81 JA: OK	
A136271	08955	3501721557	103	HOPE #1	
**********					
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM					
**********					
-GRACE PETROLEUM CORPORATION				RECEIVED: 06/08/81 JA: NM 4	
A136151	NM-0451-A1	3002524215	108	FEDERAL 1-20	

FIELD NAME	PROD	PURCHASER
NORTHWEST REAMS	182.5	ARKANSAS LOUISIAN
SOONER TREND	27.4	PANHANDLE EASTERN
N E MUSTANG	136.0	MOBIL OIL CORP
RED TANK	12.9	NATURAL GAS PIPEL

[illegible]

[illegible]

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes

Section 102-1: New OCS Lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20183 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 465]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 2, 1981.

JD	API	CATEGORY	PROD	PURCHASER	FIELD NAME
OHIO DEPARTMENT OF NATURAL RESOURCES					
-AMERICAN WELL MANAGEMENT COMPANY		RECEIVED: 06/08/81			
0136319	3412725062	103	18.0		MADISON
0136319	3412725062	107-TF	18.0		MADISON
0136318	3411925456	103	18.0		CLAY
0136318	3411925456	107-TF	18.0		CLAY
-ATLAS ENERGY GROUP INC		RECEIVED: 06/08/81			
0136322	3415521432	102-2	17.0	COLUMBIA GAS TRAN	VERNON
0136322	3415521432	107-TF	17.0	COLUMBIA GAS TRAN	VERNON
0136320	3415521167	102-2	29.0	COLUMBIA GAS TRAN	FOWLER
0136320	3415521167	107-RT	29.0	COLUMBIA GAS TRAN	FOWLER
0136321	3415521419	102-2	0.0	COLUMBIA GAS TRAN	VERNON
0136321	3415521419	107-TF	0.0	COLUMBIA GAS TRAN	VERNON
-BECK OIL & GAS CO		RECEIVED: 06/08/81			
0136323	3403123854	103	12.0	NATIONAL GAS & OI	JACKSON
0136323	3403123854	107-TF	12.0	NATIONAL GAS & OI	JACKSON
0136324	3403123855	102	12.0	NATIONAL GAS & OI	JACKSON
0136324	3403123855	107-TF	12.0	NATIONAL GAS & OI	JACKSON
-BUCKHORN OIL COMPANY INC		RECEIVED: 06/08/81			
0136325A	3407523008	103	20.0	COLUMBIA GAS TRAN	RICHLAND
0136325A	3407523008 D	107-TF	20.0	COLUMBIA GAS TRAN	RICHLAND
-CARBONIT EXPLORATION INC		RECEIVED: 06/08/81			
0136327	3411122286	107-DV	0.0	TEXAS EASTERN GAS	BETHEL
0136326	3411122285	107-DV	0.0	TEXAS EASTERN GAS	BETHEL
-CLINTON OIL CO		RECEIVED: 06/08/81			
0136328	3403123402	103	75.0	NATIONAL GAS & OI	BEDFORD
0136328	3403123402	107-RT	75.0	NATIONAL GAS & OI	BEDFORD
0136331	3403123613	103	10.0	COLUMBIA GAS TRAN	BEDFORD
0136331	3403123613	107-TF	10.0	COLUMBIA GAS TRAN	BEDFORD
0136329	3403123421	103	70.0	NATIONAL GAS & OI	BEDFORD
0136329	3403123421	107-RT	70.0	NATIONAL GAS & OI	BEDFORD
0136330	3403123422	103	60.0	NATIONAL GAS & OI	BEDFORD
0136330	3403123422	107-RT	60.0	NATIONAL GAS & OI	BEDFORD
-CYCLOPS CORP		RECEIVED: 06/08/81			
0136336	3403124096	103	50.0	C P&E #6	KEENE
0136336	3403124096	107-TF	50.0	C P&E #6	KEENE
0136332	3403123256	103	15.0	COLUMBIA GAS TRAN	JEFFERSON
0136332	3403123256	107-TF	15.0	COLUMBIA GAS TRAN	JEFFERSON
0136335	3403123942	103	30.0	DICKERSON #1	TUSCARAWAS
0136335	3403123942	107-TF	30.0	DICKERSON #1	TUSCARAWAS
0136334	3403123920	103	45.0	N ELDER #1	JEFFERSON
0136334	3403123920	107-TF	45.0	N ELDER #1	JEFFERSON

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API NO.	FIELD NAME	PROJ DEPTH	PURCHASER
#136333	LAFAYETTE	25.0	COLUMBIA GAS TRAN
#136334	LAFAYETTE	29.0	COLUMBIA GAS TRAN
-DAVID SHAFER OIL PRODUCERS INC	RECEIVED: 06/08/81 JA: GH		
#136347	GRANGER	5.0	COLUMBIA GAS TRAN
#136348	GRANGER	5.0	COLUMBIA GAS TRAN
#136349	GRANGER	5.0	COLUMBIA GAS TRAN
#136350	GRANGER	5.0	COLUMBIA GAS TRAN
#136351	GRANGER	5.0	COLUMBIA GAS TRAN
#136352	GRANGER	20.0	COLUMBIA GAS TRAN
#136353	GRANGER	20.0	COLUMBIA GAS TRAN
#136354	GRANGER	20.0	COLUMBIA GAS TRAN
#136355	GRANGER	20.0	COLUMBIA GAS TRAN
#136356	PATH	25.0	COLUMBIA GAS TRAN
#136357	PATH	25.0	COLUMBIA GAS TRAN
#136358	GRANGER	5.0	COLUMBIA GAS TRAN
#136359	GRANGER	5.0	COLUMBIA GAS TRAN
#136360	GRANGER	5.0	COLUMBIA GAS TRAN
#136361	GRANGER	5.0	COLUMBIA GAS TRAN
#136362	GRANGER	5.0	COLUMBIA GAS TRAN
#136363	GRANGER	5.0	COLUMBIA GAS TRAN
#136364	GRANGER	5.0	COLUMBIA GAS TRAN
#136365	GRANGER	5.0	COLUMBIA GAS TRAN
#136366	GRANGER	5.0	COLUMBIA GAS TRAN
#136392	JACKSON	10.0	NATIONAL GAS & OI
#136393	JACKSON	10.0	NATIONAL GAS & OI
#136394	JACKSON	12.0	NATIONAL OIL & GA
#136395	JACKSON	12.0	NATIONAL OIL & GA
#136396	JACKSON	14.0	NATIONAL OIL & GA
#136397	JACKSON	14.0	NATIONAL OIL & GA
#136398	BLISSFIELD	5.0	
#136399	BLISSFIELD	5.0	
#136400	BERLIN	12.0	COLUMBIA GAS TRAN
#136401	BERLIN	12.0	COLUMBIA GAS TRAN
#136402	READING	12.0	COLUMBIA GAS TRAN
#136403	READING	12.0	COLUMBIA GAS TRAN
#136404	BEDFORD	10.0	
#136405	BEDFORD	10.0	
#136406	BEDFORD	10.0	
#136407	BEDFORD	10.0	
#136408	NORWICH	6.6	COLUMBIA GAS TRAN
#136409	NORWICH	5.0	COLUMBIA GAS
#136410	NORWICH	5.5	COLUMBIA GAS
#136411	NORWICH	7.5	COLUMBIA GAS TRAN
#136412	LENOX	1.0	JONES & LAUGHLIN
#136413	LENOX	3.0	JONES & LAUGHLIN
#136414	LENOX	3.0	JONES & LAUGHLIN
#136415	LENOX	4.0	JONES & LAUGHLIN

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API NO.	FIELD NAME	PROJ DEPTH	PURCHASER
#136400	LENOX	8.0	JONES & LAUGHLIN
#136349	LENOX	2.0	JONES & LAUGHLIN
#136365	LENOX	1.0	JONES & LAUGHLIN
#136364	LENOX	1.0	JONES & LAUGHLIN
#136367	LENOX	4.0	JONES & LAUGHLIN
#136396	LENOX	4.0	JONES & LAUGHLIN
#136407	LENOX	3.0	JONES & LAUGHLIN
#136405	LENOX	3.0	JONES & LAUGHLIN
#136404	LENOX	2.0	JONES & LAUGHLIN
#136403	LENOX	4.0	JONES & LAUGHLIN
#136363	LENOX	2.0	JONES & LAUGHLIN
#136376	LENOX	2.0	JONES & LAUGHLIN
#136366	LENOX	5.0	JONES & LAUGHLIN
#136392	LENOX	4.0	JONES & LAUGHLIN
#136354	LENOX	3.0	JONES & LAUGHLIN
#136353	LENOX	2.0	JONES & LAUGHLIN
#136355	LENOX	5.0	JONES & LAUGHLIN
#136391	LENOX	2.0	JONES & LAUGHLIN
#136390	LENOX	2.0	JONES & LAUGHLIN
#136379	LENOX	1.0	JONES & LAUGHLIN
#136356	LENOX	6.0	JONES & LAUGHLIN
#136367	LENOX	6.0	JONES & LAUGHLIN
#136358	LENOX	4.0	JONES & LAUGHLIN
#136357	LENOX	4.0	JONES & LAUGHLIN
#136399	LENOX	3.0	JONES & LAUGHLIN
#136384	LENOX	2.0	JONES & LAUGHLIN
#136377	LENOX	2.0	JONES & LAUGHLIN
#136359	LENOX	3.0	JONES & LAUGHLIN
#136360	LENOX	3.0	JONES & LAUGHLIN
#136350	LENOX	2.0	JONES & LAUGHLIN
#136351	LENOX	2.0	JONES & LAUGHLIN
#136362	LENOX	2.0	JONES & LAUGHLIN
#136364	LENOX	2.0	JONES & LAUGHLIN
#136376	LENOX	4.0	JONES & LAUGHLIN
#136375	LENOX	9.0	JONES & LAUGHLIN
#136396	LENOX	2.0	JONES & LAUGHLIN
#136373	LENOX	1.0	JONES & LAUGHLIN
#136382	LENOX	1.0	JONES & LAUGHLIN
#136381	LENOX	5.0	JONES & LAUGHLIN
#136363	LENOX	2.0	JONES & LAUGHLIN
#136347	LENOX	4.0	JONES & LAUGHLIN
#136395	LENOX	4.0	JONES & LAUGHLIN
#136369	LENOX	1.0	JONES & LAUGHLIN
#136386	LENOX	5.0	JONES & LAUGHLIN
#136372	LENOX	3.0	JONES & LAUGHLIN
#136394	LENOX	5.0	JONES & LAUGHLIN
#136371	LENOX	2.0	JONES & LAUGHLIN
#136401	LENOX	2.0	JONES & LAUGHLIN
#136361	LENOX	8.0	JONES & LAUGHLIN
#136374	LENOX	2.0	JONES & LAUGHLIN
#136352	LENOX	8.0	JONES & LAUGHLIN

			PROD	PURCHASER	
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				2.0 JONES & LAUGHLIN	
				8.0 JONES & LAUGHLIN	
			36.5		
			36.5		
			20.0		
			20.0		
			50.0		
			12.0	NATIONAL OIL & GA	
			12.0	NATIONAL OIL & GA	
			12.0	NATIONAL GAS & OI	
			12.0	NATIONAL GAS & OI	
			12.0	NATIONAL GAS & OI	
			12.0	COLUMBIA GAS TRAN	
			12.0	COLUMBIA GAS TRAN	
			12.0	COLUMBIA GAS TRAN

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#136484		3403123647	103	GIDEON & YODER NO 1-11	KEENE	4.0	COLUMBIA GAS TRAN	
#136484		3403123647	107-TF	GIDEON & YODER NO 1-11	KEENE	4.0	COLUMBIA GAS TRAN	
#136506		3403123929	103	GIDEON & YODER NO 2-11	KEENE	3.0	COLUMBIA GAS TRAN	
#136506		3403123929	107-TF	GIDEON & YODER NO 2-11	KEENE	3.0	COLUMBIA GAS TRAN	
#136471		3400922043	103	GUY ADAMS UNIT NO 1	MINERAL	1.0	COLUMBIA GAS TRAN	
#136471		3400922043	107-TF	GUY ADAMS UNIT NO 1	MINERAL	1.0	COLUMBIA GAS TRAN	
#136495		3403123798	103	HENRY M TROYER UNIT NO 1-8	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136499		3403123798	107-TF	HENRY M TROYER UNIT NO 1-8	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136508		3403124057	103	JACOB M MAST NO 1-4	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136508		3403124057	107-TF	JACLE M MAST NO 1-4	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136487		3403123651	103	JACOB M YODER NO 1-7	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136487		3403123651	107-TF	JACOB M YODER NO 1-7	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136485		3403123648	103	JAMES HAMMOND NO 1	NEW BEDFORD	10.0	COLUMBIA GAS TRAN	
#136485		3403123648	107-TF	JAMES HAMMOND NO 1	NEW BEDFORD	10.0	COLUMBIA GAS TRAN	
#136503		3403123839	103	JAMES M HAMMOND NO 2	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136503		3403123839	107-TF	JAMES M HAMMOND NO 2	NEW BEDFORD	4.0	COLUMBIA GAS TRAN	
#136480		3403123524	103	JOHN C EBERLY NO 2	KEENE	8.0	COLUMBIA GAS TRAN	
#136480		3403123524	107-TF	JOHN C EBERLY NO 2	KEENE	8.0	COLUMBIA GAS TRAN	
#136474		3400922046	103	JOHN D LEE UNIT NO 1	NELSONVILLE	2.0	COLUMBIA GAS TRAN	
#136474		3400922046	107-TF	JOHN D LEE UNIT NO 1	NELSONVILLE	2.0	COLUMBIA GAS TRAN	
#136492		3403123676	103	LEVON E SHUMAKER NO 1-A	KEENE	6.0	COLUMBIA GAS TRAN	
#136492		3403123676	107-TF	LEVON E SHUMAKER NO 1-A	KEENE	6.0	COLUMBIA GAS TRAN	
#136490		3403123654	103	LEZETTA A LAUVRAY UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN	
#136490		3403123654	107-TF	LEZETTA A LAUVRAY UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN	
#136477		3403123472	103	LINA CALL NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN	
#136477		3403123472	107-TF	LINA CALL NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN	
#136470		3400922013	103	MARY YOUNG UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN	
#136470		3400922013	107-TF	MARY YOUNG UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN	
#136493		3403123771	103	NORA ZIMMER NO 3	WEST LAFAYETTE	3.0	COLUMBIA GAS TRAN	
#136493		3403123771	107-TF	NORA ZIMMER NO 3	WEST LAFAYETTE	3.0	COLUMBIA GAS TRAN	
#136491		3403123674	103	ROGER W AMES NO 2	KEENE	4.0	COLUMBIA GAS TRAN	
#136491		3403123674	107-TF	ROGER W AMES NO 2	KEENE	4.0	COLUMBIA GAS TRAN	
#136504		3403123958	103	SHARROCK-POLLOCK UNIT NO 1-A	NEWCOMERSTOWN	3.0	COLUMBIA GAS TRAN	
#136504		3403123958	107-TF	SHARROCK-POLLOCK UNIT NO 1-A	NEWCOMERSTOWN	3.0	COLUMBIA GAS TRAN	
#136472		3400922044	103	WALTER KUHRE UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN	
#136472		3400922044	107-TF	WALTER KUHRE UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN	
-JOE L SCHRIMSHER		RECEIVED: 06/08/81 JAS OH						
#136541		3403123725	103	ARCHIE WILLIAMSON #5	CLARK	36.0	COLUMBIA GAS TRAN	
#136541		3403123725	107-TF	ARCHIE WILLIAMSON #5	CLARK	30.0	COLUMBIA GAS TRAN	
#136542		3403123826	103	ARCHIE WILLIAMSON #6	CLARK	36.0	COLUMBIA GAS TRAN	
#136542		3403123826	107-TF	ARCHIE WILLIAMSON #6	CLARK	30.0	COLUMBIA GAS TRAN	
#136543		3403123829	103	FRED WILLIAMSON #1	CLARK	30.0	COLUMBIA GAS TRAN	
#136543		3403123829	107-TF	FRED WILLIAMSON #1	CLARK	30.0	COLUMBIA GAS TRAN	
-KING DRILLING CO		RECEIVED: 06/08/81 JAS OH						
#136441		3410321864	108	CHARLES POEDICKER NO 1		2.0	COLUMBIA GAS TRAN	
#136450		3410321903	108	CHRISTOPHER T KREITER NO 1		3.0	COLUMBIA GAS TRAN	
#136440		3410321837	108	DALE LITMAN NO 1		1.0	COLUMBIA GAS TRAN	
#136444		3410321875	108	DAVID WITTAKER NO 1		1.5	COLUMBIA GAS TRAN	
#136448		3410319002	108	DON SIMPSON 1A		1.0	COLUMBIA GAS TRAN	
#136458		3410321954	108	ELMER LILLEY NO 1		5.5	COLUMBIA GAS TRAN	
#136455		3410321918	108	ELSIE GOOD NO 1		5.0	COLUMBIA GAS TRAN	
#136452		3410321914	108	ERNEST P FEILER NO 1		11.0	COLUMBIA GAS TRAN	
#136445		3410321876	108	GLEN MORRISON NO 1		7.0	COLUMBIA GAS TRAN	

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#136439		3410321821	108	HARVEY A MARKLEY NO 2		0.8	COLUMBIA GAS TRAN	
#136447		3410321882	108	HARVEY A MARKLEY NO 3		1.0	COLUMBIA GAS TRAN	
#136446		3410321877	108	HELEN DEMITER NO 2		3.0	COLUMBIA GAS TRAN	
#136442		3410321867	108	JAMES G ROBERTSON NO 6		3.4	COLUMBIA GAS TRAN	
#136459		3410321958	108	JOHN E GEMMAN NO 1		1.0	COLUMBIA GAS TRAN	
#136461		3410321961	108	MARGARET GERBERICH NO 1		3.0	COLUMBIA GAS TRAN	
#136460		3410321960	108	MARY SLANOVEC UNIT NO 1		6.0	COLUMBIA GAS TRAN	
#136457		3410321930	108	MORRIS WENGER NO 1		4.0	COLUMBIA GAS TRAN	
#136454		3410321917	108	PAUL S ROHRER NO 1		4.0	COLUMBIA GAS TRAN	
#136443		3410321874	108	RELAND MARTIN NO 2		4.0	COLUMBIA GAS TRAN	
#136462		3410321963	108	RICHARD STEFANKO UNIT NO 1		2.0	COLUMBIA GAS TRAN	
#136449		3410321901	108	ROSE SALADNA NO 1		15.0	COLUMBIA GAS TRAN	
#136453		3410321915	108	S F ARMBRUSTER JR NO 1		5.0	COLUMBIA GAS TRAN	
#136438		3410321750	108	VIRGIL MORRISON NO 2 - HEIN		2.0	COLUMBIA GAS TRAN	
#136451		3410321904	108	VIRGIL MURRAY NO 1		2.0	COLUMBIA GAS TRAN	
#136456		3410321924	108	WESLEY F STRAUB NO 1		4.0	COLUMBIA GAS TRAN	
-MID-ATLANTIC OIL CO		RECEIVED: 06/08/81 JAS OH						
#136463		3411522001	102-2	P SCOTT #1	MEIGSVILLE	0.0	COLUMBIA GAS TRAN	
#136463		3411522001	107-TF	P SCOTT #1	MEIGSVILLE	0.0	COLUMBIA GAS TRAN	
-MITCHELL ENERGY CORPORATION		RECEIVED: 06/08/81 JAS OH						
#136464A		3405324080	103	CENNAMO-BLAKKENSHIP #1-10	UNNAMED - SALT SAND	10.0		
#136464P		3405324080 D	107-TF	CENNAMO-BLAKKENSHIP #1-10	UNNAMED - SALT SAND	10.0		
#136465		3405324760	103	STOUT-BALLMAN #1-12	UNNAMED CLINTON SAND	25.0		
#136465		3405324760	107-TF	STOUT-BALLMAN #1-12	UNNAMED CLINTON SAND	25.0		
-MONROE & KEUSINK INC		RECEIVED: 06/08/81 JAS OH						
#136466A		3403123228	103	CLYDE AND RUBY WOLF #2	TIVERTON CENTER NORTH	12.0	COLUMBIA GAS TRAN	
#136466P		3403123228 D	107-TF	CLYDE AND RUPY WOLF #2	TIVERTON CENTER NORTH	12.0	COLUMBIA GAS TRAN	
#136468A		3408322762	103	DONALD AND JOHN BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
#136468P		3408322762 D	107-TF	DONALD AND JOHN BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
#136469A		3408322803	103	HIPP #1	GREER SOUTH	12.0		
#136469P		3408322803 D	107-TF	HIPP #1	GREER SOUTH	12.0		
#136467A		3408322749	103	JAMES AND MARY BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
#136467P		3408322749 D	107-TF	JAMES AND MARY BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
-NATIONAL PETROLEUM CORP		RECEIVED: 06/08/81 JAS OH						
#136509		3411122204	107-DV	PAUL HINDERLONG #2		15.0	TEXAS EASTERN TRA	
-NEW FRONTIER EXPLORATION INC		RECEIVED: 06/08/81 JAS OH						
#136510		3402920741	103	A FESSLER UNIT #1	WEST	22.0		
#136510		3402920741	107-TF	A FESSLER UNIT #1	WEST	22.0		
#136511		3402920828	103	GEISELMAN #1	WEST	22.0		
#136511		3402920828	107-TF	GEISELMAN #1	WEST	22.0		
-OHIO PARTNERS OIL CO		RECEIVED: 06/08/81 JAS OH						
#136513		3413322473	103	ALDERMAN #1		20.0		
#136513		3413322473	107-TF	ALDERMAN #1		20.0		
#136512		3413322461	103	RUBINO UNIT #1	WINDHAM	20.0		
#136512		3413322461	107-TF	RUBINO UNIT #1	WINDHAM	20.0		
-OHIO PIPE & SUPPLY CO INC		RECEIVED: 06/08/81 JAS OH						
#136514		3403520005	108	BURRINGTON #1		0.0	EAST OHIO GAS CO	
#136516		3403520007	108	GREGORY #1		0.0	EAST OHIO GAS CO	
#136515		3403520006	108	HARRISON #1		0.0	EAST OHIO GAS CO	
-PAROCO-80A		RECEIVED: 06/08/81 JAS OH						
#136527		3400921982	102-2	4-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	
#136527		3400921982	107-TF	4-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	
#136531		3400922048	102-2	6-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	
#136531		3400922048	107-TF	6-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	

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WELL NO.	API NO.	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PAROCO-79A		RECEIVED: 06/08/81 JA: OH				
8136526	3400921973	102-2	3-79A FEDERAL VALLEY COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL
8136526	3400921973	107-TF	3-79A FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
-PAROCO-79B		RECEIVED: 06/08/81 JA: OH				
8136528	3400921986	102-2	1-79B BLACK DIAMOND-FEDERAL VALLEY	BERN	20.0	OHIO PARTNERS OIL
8136528	3400921986	107-TF	1-79B BLACK DIAMOND-FEDERAL VALLEY	BERN	20.0	OHIO PARTNERS OIL
8136525	3400921970	102-2	2-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136525	3400921970	107-TF	2-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136530	3400921988	102-2	4-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136530	3400921988	107-TF	4-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136529	3400921987	102-2	5-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136529	3400921987	107-TF	5-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
-PENN-OHIO ENERGY CORP		RECEIVED: 06/08/81 JA: OH				
8136532	3403124021	103	OLLIE A LOWE #2	CLARK	50.0	COLUMBIA GAS TRAN
8136532	3403124021	107-TF	OLLIE A LOWE #2	CLARK	50.0	COLUMBIA GAS TRAN
-POI ENERGY INC		RECEIVED: 06/08/81 JA: OH				
8136521	3400721545	103	CROSBY #1	ORWELL	15.0	
8136521	3400721545	107-TF	CROSBY #1	ORWELL	15.0	
8136520	3400721543	103	CROSBY #2	ORWELL	15.0	
8136520	3400721543	107-TF	CROSBY #2	ORWELL	15.0	
8136522	3400721573	103	GAAG #2	COLEBROOK	12.0	
8136522	3400721573	107-TF	GAAG #2	COLEBROOK	12.0	
8136524	3400721673	107-TF	H PERRY #1	NEW LYME	47.0	EAST OHIO GAS CO
8136523	3400721591	103	KAMPF #6	NEW LYME	25.0	
8136523	3400721591	107-TF	KAMPF #6	NEW LYME	25.0	
8136518	3400721490	103	LUKASIK #1	NEW LYME	10.0	
8136518	3400721490	107-TF	LUKASIK #1	NEW LYME	10.0	
8136519	3400721504	103	PECK #3	NEW LYME	25.0	
8136519	3400721504	107-TF	PECK #3	NEW LYME	25.0	
8136517	3400721435	103	PECK-STOKES #1	NEW LYME	25.0	
8136517	3400721435	107-TF	PECK-STOKES #1	NEW LYME	25.0	
-QUAKER STATE OIL REFINING CORP		RECEIVED: 06/08/81 JA: OH				
8136535	3400922115	103	DRY DOCK COAL #2	YORK	36.5	COLUMBIA GAS TRAN
8136535	3400922115	107-TF	DRY DOCK COAL #2	YORK	36.5	COLUMBIA GAS TRAN
8136533	3400921972	103	OAKLEY #1	YORK	144.5	COLUMBIA GAS TRAN
8136533	3400921972	107-TF	OAKLEY #1	YORK	144.5	COLUMBIA GAS TRAN
8136534	3400921977	103	A M JONES #1	TRIMBLE	109.5	COLUMBIA GAS TRAN
8136534	3400921977	107-TF	A M JONES #1	TRIMBLE	109.5	COLUMBIA GAS TRAN
-RELIANCE ENERGY		RECEIVED: 06/08/81 JA: OH				
8136536	3408924103	107-DV	WILLIAM FRAZIER #1	NEWTON	4.8	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP		RECEIVED: 06/08/81 JA: OH				
8136537	3416725721	107-DV	RUSSELL MARTIN #3	SIMMONS FIELD	46.2	COLUMBIA GAS OF O
-RIMCO OPERATING INC		RECEIVED: 06/08/81 JA: OH				
8136539	3416922650	103	CORBETT #1	CHESTER	12.0	COLUMBIA GAS
8136539	3416922650	107-TF	CORBETT #1	CHESTER	12.0	COLUMBIA GAS
8136538	3416922521	103	RICHARDS #3	CHESTER	12.0	COLUMBIA GAS
8136538	3416922521	107-TF	RICHARDS #3	CHESTER	12.0	COLUMBIA GAS
-RYCOL EXPLORATION INC		RECEIVED: 06/08/81 JA: OH				
8136540	3411122302	107-DV	DALLAS R BOLEN NO 1	LEE	146.0	COLUMBIA GAS TRAN
-SENECA ENERGY CORP		RECEIVED: 06/08/81 JA: OH				
8136544	3403124186	103	AMES #3	MILLCREEK	33.0	COLUMBIA GAS TRAN
8136544	3403124186	107-TF	AMES #3	MILLCREEK	33.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)		RECEIVED: 06/08/81 JA: OH				

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WELL NO.	API NO.	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8136556	3416922364	103	CHERRY UNIT #1	CONGRESS	25.0	COLUMBIA GAS TRAN
8136556	3416922364	107-TF	CHERRY UNIT #1	CONGRESS	25.0	COLUMBIA GAS TRAN
8136555	3416922332	103	DARLE DAVID REED #1	CONGRESS	23.0	COLUMBIA GAS TRAN
8136555	3416922332	107-TF	DARLE DAVID REED #1	CONGRESS	23.0	COLUMBIA GAS TRAN
8136557	3416922427	103	J G EWING #1	CONGRESS	25.0	COLUMBIA GAS TRAN
8136557	3416922427	107-TF	J G EWING #1	CONGRESS	25.0	COLUMBIA GAS TRAN
-VALENTINE OIL PROPERTIES		RECEIVED: 06/08/81 JA: OH				
8136558	3416723132	107-DV	MINGER #1	NEW METAMORAS	6.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP		RECEIVED: 06/08/81 JA: OH				
8136559	3415123205	103	GARAUX #2	OSNABURG	30.0	COLUMBIA GAS TRAN
8136559	3415123205	107-TF	GARAUX #2	OSNABURG	30.0	COLUMBIA GAS TRAN
-WAYNE HAMMOND		RECEIVED: 06/08/81 JA: OH				
8136410	3415723539	103	ACKERMAN NO 1	LAWRENCE	5.0	COLUMBIA GAS TRAN
8136410	3415723539	107-TF	ACKERMAN NO 1	LAWRENCE	5.0	COLUMBIA GAS TRAN
-WORTHINGTON OIL COMPANY INC		RECEIVED: 06/08/81 JA: OH				
8136560	3411522229	103	FRED MUMMEY ET AL #1A	BRISTOL	110.0	COLUMBIA GAS TRAN
8136560	3411522229	107-TF	FRED MUMMEY ET AL #1A	BRISTOL	110.0	COLUMBIA GAS TRAN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–20184 Filed 7–9–81; 8:45 am]
BILLING CODE 6450–85–M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 2, 1981.

JD	CONTROL NO.	API WELL NO.	SEC TWN RGE	FIELD NAME	PRCD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION						
-BRYANT OIL AND GAS CORPORATION				RECEIVED: 06/12/81 JA: LA		
0136844	81-1283	17073720722	108	EXXON ARCO 17-1	6.4	IMC PIPELINE CO I
0136843	81-1282	17073720853	108	EXXON ARCO 17-3	6.4	IMC PIPELINE CO I
0136840	81-1276	17073720752	108	EXXON ARCO 20-1	5.5	IMC PIPELINE CO I
P136832	81-1281	17073720465	108	EXXON ARCO 20-2	5.5	IMC PIPELINE CO I
0136834	81-1280	17073720894	108	EXXON ARCO 20-3	5.5	IMC PIPELINE CO I
0136833	81-1279	17073720895	108	EXXON ARCO 20A-1	5.5	IMC PIPELINE CO I
0136835	81-1272	17111220937	108	EXXON ARCO 7-1	6.5	IMC PIPELINE CO I
P136824	81-1271	17111221054	108	EXXON ARCO 7-2	6.4	IMC PIPELINE CO I
P136823	81-1270	17111221187	108	EXXON ARCO 7-3	6.4	IMC PIPELINE CO I
P136818	81-1275	17111221188	108	EXXON ARCO 7-4	6.4	IMC PIPELINE CO I
0136827	81-1274	17111221104	108	EXXON ARCO 7A-1	6.4	IMC PIPELINE CO I
0136826	81-1273	17111221158	108	EXXON ARCO 7A-2	6.4	IMC PIPELINE CO I
0136842	81-1278	17111221252	108	EXXON ARCO 7A-3	6.4	IMC PIPELINE CO I
P136841	81-1277	17111221256	108	EXXON ARCO 7A-4	6.4	IMC PIPELINE CO I
-EDWIN L COX				RECEIVED: 06/12/81 JA: LA		
0136778	81-1249	17069220814	102-4	WILFERTS & SON LUMBER & SHINGLE #1	50.0	
P136791	81-1248	17069220814	102-4	WILFERTS & SON LUMBER & SHINGLE #1-	100.0	
-ERDON INC				RECEIVED: 06/12/81 JA: LA		
P136777	81-1255	17111223075	103	JOHNSTON ESTATE NC 1	10.9	TEXAS GAS TRANSMI
0136777	81-1255	17111223075	107-TF	JOHNSTON ESTATE NO 1	10.9	TEXAS GAS TRANSMI
0136797	81-1254	17111223028	103	KIRBY MORRIS NO 1	8.7	TEXAS GAS TRANSMI
0136797	81-1254	17111223028	107-TF	KIRBY MORRIS NO 1	8.7	TEXAS GAS TRANSMI
-GLENDA PETROLEUM CORP				RECEIVED: 06/12/81 JA: LA		
0136801	81-1294	17111222276	108	D ARBONNE CO 22 #3 S/N 167811	12.6	MID LOUISIANA GAS
0136802	81-1293	17111222297	108	D ARBONNE CO 22 #4 S/N 167812	12.6	MID LOUISIANA GAS
A136804	81-1300	17111222374	108	MANNING ACREE #1 S/N 168265	12.6	MID LOUISIANA GAS
A136803	81-1292	17111222654	108	MANNING ACREE #3 S/N 169998	12.6	MID LOUISIANA GAS
A136839	81-1288	17073211110	108	PERRY HEIRS #23 S/N 160921	10.1	MID LOUISIANA GAS
A136820	81-1290	17067212196	108	PERRY HEIRS A #1 S/N 160436	9.0	MID LOUISIANA GAS
A136821	81-1291	17067212268	108	PERRY HEIRS A #2 S/N 161839	9.0	MID LOUISIANA GAS
0136800	81-1295	17111223564	108	RABUN 1 #10 S/N 168195	16.4	MID LOUISIANA GAS
A136853	81-1301	17111223560	108	RABUN 1 #6 S/N 168191	16.2	MID LOUISIANA GAS
0136859	81-1297	17111223461	108	RABUN 1 #7 S/N 168192	14.3	MID LOUISIANA GAS
0136861	81-1296	17111224025	108	RABUN 34 #1 S/N 168512	12.6	MID LOUISIANA GAS
P136799	81-1298	17111224426	108	RABUN 34 #2 S/N 168513	12.6	MID LOUISIANA GAS
P136860	81-1299	17111224429	108	RABUN 34 #3 S/N 168536	12.6	MID LA GAS CO
A136846	81-1285	17111224430	108	RABUN 34 #4 S/N 168537	12.6	MID LOUISIANA GAS
A136845	81-1284	17111222252	108	RIVER CITY #6 S/N 167736	14.6	MID LOUISIANA GAS
A136819	81-1289	17067212290	108	WHITAKER #13 S/N 163698	8.0	MID LOUISIANA GAS
A136847	81-1286	17067212272	108	WHITAKER #7 S/N 161427	10.4	MID LOUISIANA GAS

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API NO	OPR PT	FILE NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8136838	81-1287	1706721273	108	WHITAKER #8 S/N 161428	MONROE	9.0	MID LOUISIANA GAS
-JOE G STRAHAN			RECEIVED: 06/12/81 JA: LA				
8136786	81-1246	1707300525	108	WHITE NO 1	MONROE	7.2	IMC PIPELINE CO I
8136784	81-1247	1707300526	108	WHITE NO 2	MONROE	5.5	IMC PIPELINE CO I
-LUFFEY GAS CORP			RECEIVED: 06/12/81 JA: LA				
8136829	81-1235	1711121023	108	EXXON 11-A-1	MONROE GAS FIELD	7.7	IMC PIPELINE CO I
8136828	81-1236	1711121024	108	EXXON 11-A-2	MONROE GAS FIELD	7.7	IMC PIPELINE CO I
8136832	81-1231	1711121118	108	EXXON 11-B-1	MONROE GAS FIELD	7.1	IMC PIPELINE CO I
8136831	81-1232	1711121119	108	EXXON 11-B-2	MONROE GAS FIELD	7.1	IMC PIPELINE CO I
8136830	81-1234	1711121022	108	EXXON 11-2	MONROE GAS FIELD	6.3	IMC PIPELINE CO I
-PRIMOS PRODUCTION CO			RECEIVED: 06/12/81 JA: LA				
8136854	81-1302	1707321356	108	CULPEPPER ET AL #1	MONROE	5.3	MID LOUISIANA GAS
8136855	81-1303	1707321397	108	CULPEPPER ET AL #2	MONROE	9.1	MID LOUISIANA GAS
8136856	81-1304	1707321358	108	CULPEPPER ET AL #3	MONROE	10.8	MID LOUISIANA GAS
8136808	81-1305	1707321311	108	PETRO LEWIS - COOPER #1	MONROE GAS	15.1	PETRO-LEWIS FUNDS
8136816	81-1321	1711122556	108	PETRO LEWIS FROST LUMBER #15	MONROE GAS	11.9	PETRO-LEWIS FUNDS
8136815	81-1320	1711122557	108	PETRO LEWIS FROST LUMBER #16	MONROE GAS FIELD	5.6	PETRO-LEWIS FUNDS
8136814	81-1319	1711122558	108	PETRO LEWIS FROST LUMBER #17	MONROE GAS	7.6	PETRO-LEWIS FUNDS
8136810	81-1318	1711122559	108	PETRO LEWIS FROST LUMBER #18	MONROE GAS	7.6	PETRO-LEWIS FUNDS
8136811	81-1317	1711122605	108	PETRO LEWIS FROST LUMBER #19	MONROE GAS	7.6	PETRO-LEWIS FUNDS
8136817	81-1322	1711122562	108	PETRO LEWIS FROST LUMBER #8	MONROE GAS	8.2	PETRO-LEWIS FUNDS
8136809	81-1311	1707321372	108	PETRO LEWIS HATCHER EVANS #3	MONROE GAS	5.2	PETRO-LEWIS FUNDS
8136806	81-1307	1707321373	108	PETRO LEWIS HATCHER EVANS #4	MONROE GAS	5.2	PETRO LEWIS FUNDS
8136858	81-1314	1711122400	108	PETRO LEWIS NOLAN HEIRS #1	MONROE GAS FIELD	14.1	PETRO-LEWIS FUNDS
8136807	81-1306	1711122404	108	PETRO LEWIS NOLAN HEIRS #5	MONROE GAS	14.1	PETRO-LEWIS FUNDS
8136805	81-1308	1707321318	108	PETRO LEWIS REA GREEN #4	MONROE	9.4	PETRO-LEWIS FUNDS
8136812	81-1316	1711122466	108	PETRO LEWIS UNION POWER #3	MONROE GAS	11.9	PETRO-LEWIS FUNDS
8136813	81-1315	1711122467	108	PETRO LEWIS UNION POWER #4	MONROE GAS	11.9	PETRO-LEWIS FUNDS
8136858	81-1324	1711122585	108	PETRO-LEWIS FROST LUMBER #2	MONROE GAS	13.7	PETRO-LEWIS FUNDS
8136857	81-1323	1711122462	108	PETRO-LEWIS FROST LUMBER #5	MONROE GAS	10.9	PETRO-LEWIS FUNDS
8136849	81-1310	1707321375	108	PETRO-LEWIS HATCHER EVANS #2	MONROE GAS	5.2	PETRO-LEWIS FUNDS
8136851	81-1313	1711122402	108	PETRO-LEWIS NOLAN HEIRS #3	MONROE GAS	14.1	PETRO-LEWIS FUNDS
8136852	81-1312	1711122403	108	PETRO-LEWIS NOLAN HEIRS #4	MONROE GAS	14.1	PETRO-LEWIS FUNDS
8136804	81-1309	1707321363	108	PETRO-LEWIS POLTS #2	MONROE GAS	6.7	PETRO LEWIS FUNDS
-PRIMOS-PENNZOIL JV			RECEIVED: 06/12/81 JA: LA				
8136867	81-1269	1711122100	108	BARR #1	MONROE	6.1	UNITED GAS PIPELI
8136866	81-1268	1711122101	108	DOWNEY #1	MONROE	1.4	UNITED GAS PIPELI
8136865	81-1267	1711122665	108	JORDON #1	MONROE	14.7	UNITED GAS PIPELI
8136863	81-1265	1711122106	108	NORSWORTHY #1	MONROE	11.7	UNITED GAS PIPELI
8136864	81-1266	1711122056	108	NORSWORTHY #2	MONROE	14.3	UNITED GAS PIPELI
8136862	81-1264	1711122694	108	STEELE #3	MONROE	13.4	UNITED GAS PIPELI
-QUINTANA PETROLEUM CORP			RECEIVED: 06/12/81 JA: LA				
8136775	81-1251	1710121193	107-TF	SHADYSIDE CO LTD NO 2	PATTERSON	0.0	MICHIGAN - WISCON
-RELIANCE & HOOTKINS-SMITH			RECEIVED: 06/12/81 JA: LA				
8136776	81-1252	1711121711	107-TF	BARRON #1	MONROE	46.0	TEXAS GAS TRANSMI
-SAND HILL LTD (LA)			RECEIVED: 06/12/81 JA: LA				
8136837	81-1263	1711122310	108	CLARK ET AL NO 1	MONROE	16.4	PETRO-LEWIS FUNDS
-STRAHAN OIL & GAS CO INC			RECEIVED: 06/12/81 JA: LA				
8136781	81-1241	1707320091	108	COLLIER NO 1	MONROE	1.5	UNITED GAS PIPE L
8136789	81-1243	1707320104	108	GOBER NO 1	MONROE	0.6	MID LOUISIANA GAS
8136785	81-1237	1707320108	108	HUDSON NO 1	MONROE	3.4	IMC PIPELINE CO I
8136790	81-1242	1707320111	108	HUDSON NO 2	MONROE	4.4	IMC PIPELINE CO I
8136779	81-1239	1707320059	108	MUSICK NO 1	MONROE	2.4	IMC PIPELINE CO I

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API NO	OPR PT	FILE NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8136783	81-1238	1707320102	108	MUSICK NO 2	MONROE	3.9	IMC PIPELINE CO I
8136787	81-1245	1707320109	108	PLATT NO 1	MONROE	2.2	IMC PIPELINE CO I
8136780	81-1240	1707320098	108	STEVERS NO 1	MONROE	4.8	IMC PIPELINE CO I
8136788	81-1244	1707320101	108	TOWERY NO 1	MONROE	2.2	IMC PIPELINE CO I
-TEXACO INC			RECEIVED: 06/12/81 JA: LA				
8136782	81-1250	1709720442	103	BOTANY BAY LBR CO MIN FEE TR-2 167	PORT BARRE	5.0	CONSOLIDATED ALUM
-VIKING RESOURCES (LA)			RECEIVED: 06/12/81 JA: LA				
8136792	81-1260	1711122485	108	FROST D #2	MONROE	15.3	PETRO-LEWIS FUNDS
8136794	81-1259	1711122858	108	FROST D #3	MONROE	11.0	PETRO-LEWIS FUNDS
8136835	81-1261	1711122456	108	FROST D NO 1	MONROE	33.6	PETRO-LEWIS FUNDS
8136793	81-1258	1711122856	108	FROST D NO 4	MONROE	11.0	PETRO-LEWIS FUNDS
8136795	81-1257	1711122566	108	OLIN #4	MONROE	16.4	PETRO-LEWIS FUNDS
8136796	81-1256	1707321574	108	REA GREEN #1	MONROE	7.7	PETRO-LEWIS FUNDS
8136798	81-1255	1707321575	108	REA GREEN #2	MONROE	7.7	PETRO-LEWIS FUNDS
8136836	81-1262	1711122670	108	UNION PRODUCING B #1	MONROE	32.9	PETRO-LEWIS FUNDS

WEST VIRGINIA DEPARTMENT OF MINES

API NO	OPR PT	FILE NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ALLEGHENY LAND & MINERAL COMPANY			RECEIVED: 06/10/81 JA: WV				
8136633		4704102935	103	A- P11	HACKERS CREEK DISTRICT	0.0	EQUITABLE GAS CO
-ALLEGHENY LAND & MINERAL COMPANY			RECEIVED: 06/15/81 JA: WV				
8136762		4708300306	103	A - 852	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8136764		4708300344	103	A - 897	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8136755		4709702153	103	A - 928	WASHINGTON DISTRCT	0.0	COLUMBIA GAS TRAN
8136763		4708300348	103	A - 933	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC			RECEIVED: 06/15/81 JA: WV				
8136650		4704300872	108	LINCOLN MINERAL FEE #3 - 015610	MACCORKLE	4.0	INDUSTRIAL GAS CO
8136655		4704300903	108	LINCOLN MINERAL FEE #4 - 016180	MACCORKLE	4.0	INDUSTRIAL GAS CO
8136656		4704300914	108	LINCOLN MINERAL FEE #5 - 016270	MACCORKLE	4.0	INDUSTRIAL GAS CO
-C W RIGGS INC			RECEIVED: 06/15/81 JA: WV				
8136765		4707300744	103	COLVIN R-132	MEADE	13.0	COLUMBIA GAS TRAN
8136757		4709506930	107-DV	MOORE #2	MEADE	16.4	COLUMBIA GAS
-CABOT OIL & GAS CORP			RECEIVED: 06/10/81 JA: WV				
8136576		4707900990	107-DV	PUTNAM COMPANY B-12	UNION	19.0	TENNESSEE GAS PIP
-CABOT OIL & GAS CORP			RECEIVED: 06/15/81 JA: WV				
8136751		4707900961	107-DV	J L MCLEAN A-12	UNION	15.0	TENNESSEE GAS PIP
8136750		4707900962	107-DV	J L MCLEAN A-24	UNION	28.0	TENNESSEE GAS PIP
8136753		4707900964	107-DV	J L MCLEAN A-27	UNION	5.3	TENNESSEE GAS PIP
8136747		4703903591	107-DV	JOHN TURLEY #1	WASHINGTON	20.0	TENNESSEE GAS PIP
8136745		4707900960	107-DV	PUTNAM COMPANY B-11	UNION	17.3	TENNESSEE GAS PIP
8136754		4707900973	107-DV	PUTNAM COMPANY B-13	UNION	37.0	TENNESSEE GAS PIP
8136752		4707900989	107-DV	PUTNAM COMPANY B-20	UNION	16.3	TENNESSEE GAS PIP
8136710		4703903517	107-DV	SILER COAL & LAND A-5	WASHINGTON	10.0	TENNESSEE GAS PIP
8136748		4703903614	107-DV	SILER COAL & LAND A-6	WASHINGTON	5.0	TENNESSEE GAS PIP
-CARBONIT EXPLORATION INC			RECEIVED: 06/15/81 JA: WV				
8136724		4707300989	107-DV	NO 2 DAVID WEEKLEY	ST MARYS FIELD	0.0	COLUMBIA GAS
-CHASE PETROLEUM			RECEIVED: 06/15/81 JA: WV				
8136677		4708500876	102-3	BRITTON - LEGGET #3	CLAY DISTRICT	90.0	
8136711		4701702788	102-3	BRITTON - LEGGETT #2	CENTRAL DISTRICT	121.5	
8136653		4704102887	103	BRUFFEY #3	VANDALIA	90.0	
8136712		4701702795	102-3	BURGESS #1	CENTRAL DISTRICT	112.5	
8136713		4701702796	102-3	BURGESS #2	CENTRAL DISTRICT	135.0	
8136714		4701702797	102-3	BURGESS #3	CENTRAL DISTRICT	198.0	

...	... AT	...	SEC CAT	WELL NAME
8136715		4701702756	102-3	BURGESS #4
8136657		4708504838	102-3	COOL #1
8136709		4708504569	102-3	WILSON #1
-CHESTERFIELD CORP			RECEIVED: 06/10/81 JA: WV	
8136596		4709702129	103	CAYAOR #1 - 47-097-2129
8136594		4709702149	103	MANIFAN #1 - 47-097-2145
8136604		4709702173	103	KELLEY #1 - 47-097-2173
8136593		4700101418	103	LOMPERT #1 - 47-001-1418
-CLAY COUNTY PRODUCTION CO INC			RECEIVED: 06/15/81 JA: WV	
8136767		4707300803	103	DAVIS/WAGNER # 2
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 06/15/81 JA: WV	
8136673		4700101427	103	DEWEY STALNAKER W12666
-D C MALCOLM INC			RECEIVED: 06/15/81 JA: WV	
8136665		4707900924	108	A A JOYCE #1
-DEVON CORPORATION			RECEIVED: 06/10/81 JA: WV	
8136595		4705300225	103	#954 ARDEN CASTO
-DEVON CORPORATION			RECEIVED: 06/15/81 JA: WV	
8136668		4704500963	108	DINGESS RUM COAL CO #864
-DORAN & ASSOCIATES INC			RECEIVED: 06/15/81 JA: WV	
8136742		4710332235	103	E STROTHER #1 K-L-269
8136735		4700322193	103	M HARBERT #1 K-L-274
8136736		4703322220	103	M HARBERT #2 K-L-261
8136734		4703322151	103	M HARBERT #2 K-L-270
8136726		4700121158	103	T BENNETT #1 K-L-278
-EASTERN AMERICAN ENERGY CORPORATION			RECEIVED: 06/10/81 JA: WV	
8136563		4702103640	107-DV	COBERLY #3
-ENERGY UNLIMITED INC			RECEIVED: 06/15/81 JA: WV	
8136661		4710720874	108	JOHNSON - PHILLIPS #1
8136660		4710720873	108	W H WILKINSON #1
-FIVE STAR GAS CO			RECEIVED: 06/15/81 JA: WV	
8136759		4708703339	103	J THOMASSON WELL #1
-FLETCHER & CO			RECEIVED: 06/10/81 JA: WV	
8136577		4708504023	108	ALBERT CARPENTER #2
8136585		4708503953	108	ALBERT CARPENTER #3
8136586		4708503636	108	HELENA ANDREWS #2
8136587		4708503591	108	HELENA ANDREWS #3
8136597		4708504044	108	HELENA ANDREWS #4
8136584		4708503954	108	HILL-CARPENTER #1
8136581		4708503957	108	PAYTON TINGLER #1
8136589		4708503214	108	PAYTON TINGLER #10
8136588		4708503514	108	PAYTON TINGLER #11
8136580		4708503958	108	PAYTON TINGLER #3
8136579		4708503959	108	PAYTON TINGLER #4
8136591		4708500347	108	PAYTON TINGLER #5
8136590		4708500361	108	PAYTON TINGLER #6
8136578		4708503960	108	PAYTON TINGLER #8
8136592		4708500323	108	PAYTON TINGLER #9
8136582		4708503956	108	SILAS CARPENTER #1
8136583		4708503955	108	SILAS CARPENTER #2
-FRANKLIN ADKINS			RECEIVED: 06/10/81 JA: WV	
8136603		4709921710	107-DV	FERGUSON #1
-FRANKLIN ADKINS			RECEIVED: 06/15/81 JA: WV	
8136731		4701120555	107-DV	ADKINS #1

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FIELD NAME	PAGE	PURCHASER
CENTRAL DISTRICT	121.5	
UNION DISTRICT	1.0	
UNION DISTRICT	44.1	
WASHINGTON	0.0	PARTNERSHIP PROPE
WASHINGTON	0.0	COLUMBIA GAS TRAN
WASHINGTON	0.0	COLUMBIA GAS CORP
BARKER	0.0	COLUMBIA GAS OF W
UNION	10.0	COLUMBIA GAS TRAN
GLADE	25.0	GENERAL SYSTEM PU
BURDETTE - ST ALBANS	12.0	COLUMBIA GAS TRAN
PARCHMENT	31.0	KAISER ALUMINUM &
STOLLINGS	20.0	COLUMBIA GAS TRAN
SARDIS	30.0	CONSOLIDATED GAS
SARDIS	30.0	CONSOLIDATED GAS
SARDIS	30.0	CONSOLIDATED GAS
SARDIS	30.0	CONSOLIDATED GAS
PLEASANT	30.0	CONSOLIDATED GAS
GLENVILLE	0.0	COLUMBIA GAS TRAN
UNION	1.0	CONSOLIDATED GAS
UNION	1.0	CONSOLIDATED GAS
	0.0	COLUMBIA GAS TRAN
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
MURPHY DISTRICT	0.4	CONSOLIDATED GAS
LINCOLN	9.1	COLUMBIA GAS TRAN
MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN

...	... AT	...	SEC CAT	WELL NAME
8136718		4709921600	107-DV	ASBURY 1 A
8136727		4701120549	107-DV	CHILDERS #1
8136700		4709921588	107-DV	CRUM #1
8136702		4709921589	107-DV	CRUM #2
8136721		4709921668	107-DV	CRUM #3
8136663		4704321720	107-DV	GORDON PARSONS #1
8136729		4701120553	107-DV	HARLESS #1
8136728		4701120550	107-DV	HATFIELD #1
8136716		4709921686	107-DV	HUNELEY #1
8136723		4709921674	107-DV	MARCUM #1
8136717		4709921652	107-DV	MCMILLION #1
8136720		4709921622	107-DV	MEADE 1 B
8136722		4709921672	107-DV	MEALE 2 B
8136701		4709921590	107-DV	ROMANS #1
8136730		4701120554	107-DV	THOMPSON #1
-GAROLD FOX			RECEIVED: 06/10/81 JA: WV	
8136565		4761301972	108	VELMA LAUDEN #1 WELL
-H D WELLS OIL & GAS			RECEIVED: 06/15/81 JA: WV	
8136676		4700501061	108	T J FOSTER HEIRS #3
-HAUGHT INC			RECEIVED: 06/15/81 JA: WV	
8136658		4709520740	103	E G BEEM H-824
-HAYS & CO			RECEIVED: 06/15/81 JA: WV	
8136667		4707300536	108	GALE EVERETT #1
-INTERSTATE DRILLING INC			RECEIVED: 06/15/81 JA: WV	
8136652		4704102469	108	CASEY #1
8136733		4702102711	108	HARDIN #2
8136732		4702102701	108	HARDIN NO. 1 47-021-2701
8136651		4704102080	108	MERTZ #1
-J & J ENTERPRISES INC			RECEIVED: 06/10/81 JA: WV	
8136599		4701702480	107-DV	J-61 (K-512-#1)
8136598		4701702515	107-DV	J-64 (K-19-#1)
-J & J ENTERPRISES INC			RECEIVED: 06/15/81 JA: WV	
8136740		4703302333	103	D-239
8136654		4704102894	103	H-254
8136746		4703302485	103	H-242
8136725		4703302166	103	H-253
8136659		4709702047	103	H-302
8136738		4703302274	103	H-324
8136737		4703302264	103	H-326
8136741		4703302347	103	H-331
8136739		4703302329	103	H-342
8136743		4703302400	103	J-194
8136744		4703302430	103	J-195
8136745		4703302465	103	J-246
8136719		4701702470	107-DV	J-67 (K-881-#1)
-JAMES F SCOTT			RECEIVED: 06/15/81 JA: WV	
8136672		4701702857	103	JOE DAVIS S-328
8136764		4703302486	103	ROBERT DOUGLASS S-329
-KENNETH DAVIS			RECEIVED: 06/15/81 JA: WV	
8136758		4709921721	103	NANCY CAPEHART #1
-L E MOSSOR			RECEIVED: 06/10/81 JA: WV	
8136564		4708522153	108	PIERCE
-MERT DEVELOPMENT INC			RECEIVED: 06/15/81 JA: WV	

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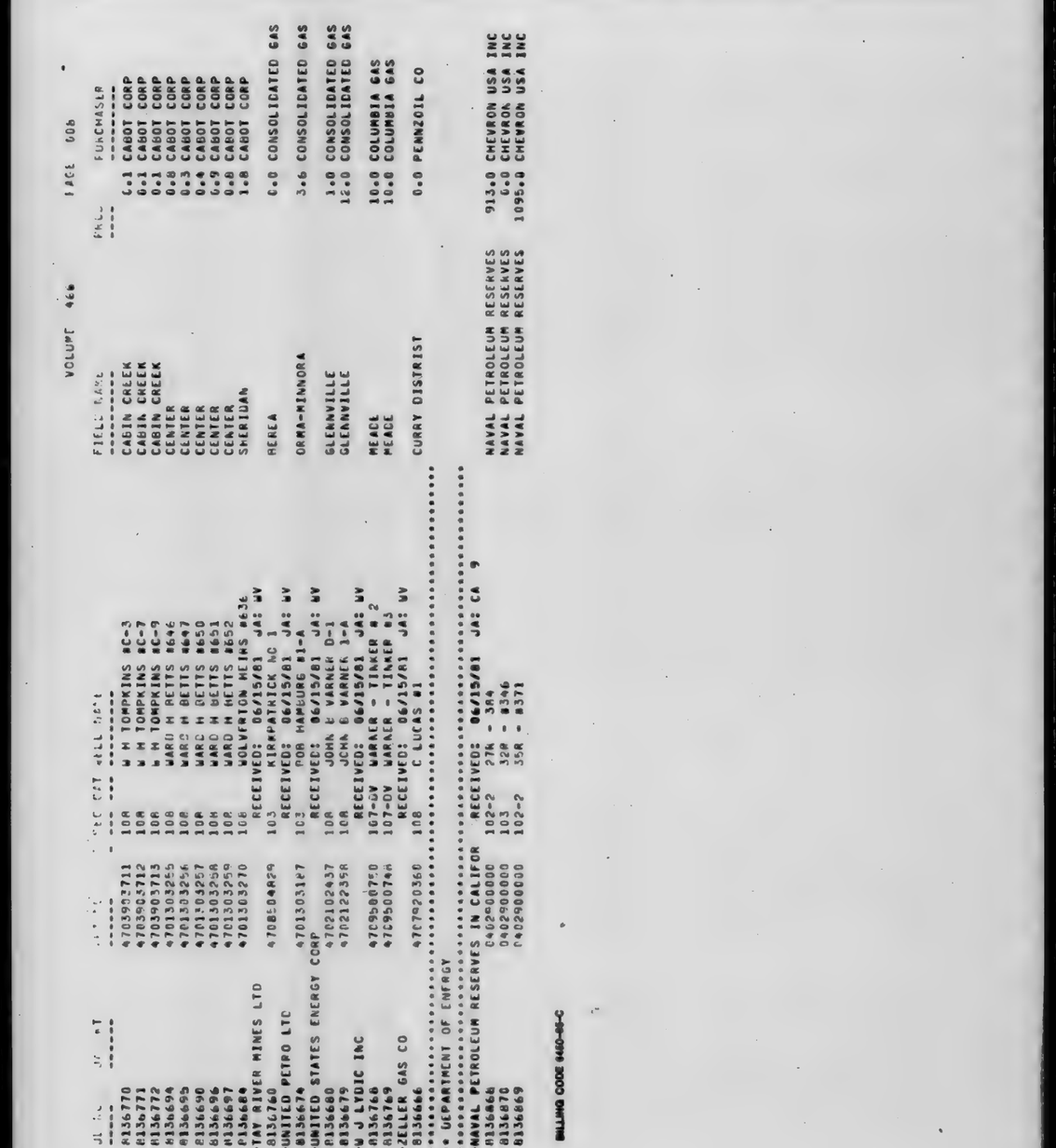
FIELD NAME	PAGE	PURCHASER
LINCOLN	7.2	COLUMBIA GAS TRAN
MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
LINCOLN	1.4	COLUMBIA GAS TRAN
LINCOLN	1.4	COLUMBIA GAS TRAN
LINCOLN	8.4	COLUMBIA GAS TRAN
SHERIDAN DISTRICT	5.4	COLUMBIA GAS TRAN
MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
LINCOLN	0.0	COLUMBIA GAS TRAN
LINCOLN	1.2	COLUMBIA GAS TRAN
LINCOLN	7.2	COLUMBIA GAS TRAN
LINCOLN	7.2	COLUMBIA GAS TRAN
LINCOLN	8.8	COLUMBIA GAS TRAN
LINCOLN	2.4	COLUMBIA GAS TRAN
MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
SHERIDAN DISTRICT	6.7	CABOT CORP
SHERMAN DISTRICT	3.9	CABOT CORP
CENTERVILLE DISTRICT	15.0	COLUMBIA GAS TRAN
JEFFERSON	10.0	CONSOLIDATED GAS
CAMDEN	10.0	CONSOLIDATED GAS
BURNT HOUSE	12.0	CONSOLIDATED GAS
	5.3	CONSOLIDATED GAS
CAMDEN	7.2	CONSOLIDATED GAS
COVE	200.0	COLUMBIA GAS TRAN
WEST UNION	200.0	COLUMBIA GAS TRAN
UNION	200.0	CONSOLIDATED GAS
MACKERS CREEK	200.0	CONSOLIDATED GAS
EAGLE	200.0	CONSOLIDATED GAS
UNION	200.0	CONSOLIDATED GAS
UNION	200.0	CONSOLIDATED GAS
UNION	200.0	CONSOLIDATED GAS
TENMILE	200.0	CONSOLIDATED GAS
ELK	200.0	CONSOLIDATED GAS
CLARK	200.0	CONSOLIDATED GAS
SARDIS	200.0	CONSOLIDATED GAS
SARDIS	200.0	CONSOLIDATED GAS
SARDIS	200.0	CONSOLIDATED GAS
WEST UNION	200.0	COLUMBIA GAS TRAN
GREENBRIER	69.0	CONSOLIDATED GAS
UNION	25.0	CONSOLIDATED GAS
CENTRAL DIVISION	15.0	COLUMBIA GAS TRAN
PIERCE (MEASTER LEASE)	3.1	EQUITABLE GAS CO

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J...	...AT	API ...	PRO	SEC	DAT	WELL NAME	FIELL NAME	PROD	PURCHASER
#136682		4701501712	10B	102-2		#1 RHODES	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
-MITCHELL GAS CO				RECEIVED: 06/15/81 JA: WV					
#136670		4704321665	10B			GEORGE MITCHELL HEIRS #1	HARTS CREEK DISTRICT	10.0	INDUSTRIAL GAS CO
#136669		4704321717	10B			GEORGE MITCHELL HEIRS #2	HARTS CREEK DISTRICT	10.0	INDUSTRIAL GAS CO
-ORVILLE EBERLY				RECEIVED: 06/15/81 JA: WV					
#136675		4700100093	10B			WARD #1	UNION	5.0	CONSOLIDATED GAS
-P P GUNN ESTATE				RECEIVED: 06/15/81 JA: WV					
#136705		4701321717	10A			L J SMITH #1	CENTER DISTRICT	2.5	CONSOLIDATED GAS
#136702		4701321653	10B			WITHERS WELL #2	SHERMAN DISTRICT	5.0	CONSOLIDATED GAS
#136704		4701321685	10B			WITHERS WELL #3	CENTER DISTRICT	3.8	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED: 06/10/81 JA: WV					
#136572		4704302201	10B			A A WOODRUM #1	DUVAL	0.0	CONSOLIDATED GAS
#136573		4704302209	10P			A C FELCHER #1	DUVAL	0.0	CONSOLIDATED GAS
#136619		4703903305	10B			BLUE CREEK TRACT #37	ELK	0.0	CONSOLIDATED GAS
#136620		4703903306	10B			BLUE CREEK TRACT #44	ELK	0.0	CONSOLIDATED GAS
#136574		4704302210	10B			C T ESCUE #1	DUVAL	0.0	CONSOLIDATED GAS
#136602		4704302173	10B			E G PAULEY #1	DUVAL	0.0	CONSOLIDATED GAS
#136600		4704302174	10B			E G PAULEY #2	DUVAL	0.0	CONSOLIDATED GAS
#136624		4703903324	10B			E J GATCHELL #2	ELK	0.0	CONSOLIDATED GAS
#136567		4704302144	10B			E T SPURLOCK #1	DUVAL	0.0	CONSOLIDATED GAS
#136568		4704302145	10B			E T SPURLOCK #2	DUVAL	0.0	CONSOLIDATED GAS
#136569		4704302146	10B			E T SPURLOCK #3	DUVAL	0.0	CONSOLIDATED GAS
#136631		4703903716	10B			F G WOODY #2	ELK	0.0	CONSOLIDATED GAS
#136632		4703903717	10B			F G WOODY #3	ELK	0.0	CONSOLIDATED GAS
#136611		4704301852	10B			G T ESCUE #2	DUVAL	0.0	CONSOLIDATED GAS
#136613		4704302172	10B			HANNAH PAUL #1	DUVAL	0.0	CONSOLIDATED GAS
#136637		4704301554	10B			HERBERT ADKINS #1	DUVAL	0.0	CONSOLIDATED GAS
#136638		4704301568	10B			HERBERT ADKINS #4	DUVAL	0.0	CONSOLIDATED GAS
#136639		4704301578	10B			HERBERT ADKINS #6	DUVAL	0.0	CONSOLIDATED GAS
#136640		4704301580	10B			HERBERT ADKINS #7	DUVAL	0.0	CONSOLIDATED GAS
#136621		4703903308	10B			J A BOGGS #1	ELK	0.0	CONSOLIDATED GAS
#136622		4703903309	10B			J A BOGGS #2	ELK	0.0	CONSOLIDATED GAS
#136623		4703903312	10B			J A BOGGS #5	ELK	0.0	CONSOLIDATED GAS
#136614		4704302130	10B			J E KEELING #1	DUVAL	0.0	CONSOLIDATED GAS
#136618		4703903252	10B			J F CORK #1	ELK	0.0	CONSOLIDATED GAS
#136615		4703903267	10B			JVR SKINNER 15	ELK	0.0	CONSOLIDATED GAS
#136625		4703903478	10B			M VICKERS #1	ELK	0.0	CONSOLIDATED GAS
#136608		4704302250	10B			MITCHELL HRS #1	DUVAL	0.0	CONSOLIDATED GAS
#136616		4703903268	10B			R P SKINNER #1	ELK	0.0	CONSOLIDATED GAS
#136617		4703903269	10B			R P SKINNER #4	ELK	0.0	CONSOLIDATED GAS
#136601		4704302178	10P			ROXIE PAULEY #1	DUVAL	0.0	CONSOLIDATED GAS
#136566		4704302179	10B			S R PAULEY #1	DUVAL	0.0	CONSOLIDATED GAS
#136609		4704301721	10B			S W NUNN #1	DUVAL	0.0	CONSOLIDATED GAS
#136570		4704302194	10B			STOWERS HRS #1	DUVAL	0.0	CONSOLIDATED GAS
#136571		4704302200	10B			W E WILLIAMS #1	DUVAL	0.0	CONSOLIDATED GAS
#136575		4704302278	10B			W T HARRIS #1	DUVAL	0.0	CONSOLIDATED GAS
#136612		4704302279	10B			W T HARRIS #2	DUVAL	0.0	CONSOLIDATED GAS
#136634		4704301522	10B			XENIL CAMPBELL #3	DUVAL	0.0	CONSOLIDATED GAS
#136635		4704301551	10B			ZONA HUGHES #4	DUVAL	0.0	CONSOLIDATED GAS
#136636		4704301552	10B			ZONA HUGHES #5	DUVAL	0.0	CONSOLIDATED GAS
#136610		4704301738	10B			ZONA HUGHES #7	DUVAL	0.0	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED: 06/15/81 JA: WV					
#136698		4701500321	10B			J R CASTO #1330	HENRY	5.0	CONSOLIDATED GAS

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J...	...AT	API ...	PRO	SEC	DAT	WELL NAME	FIELL NAME	PROD	PURCHASER
-QUAKER STATE OIL REFINING CORP				RECEIVED: 06/10/81 JA: WV					
#136630		4703923636	10B	103		CARNES-SALISBURY #2	ELK	5.5	COLUMBIA GAS TRAN
#136629		4703923605	10B	103		CLARA G SALISBURY #1	ELK DISTRICT	11.7	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP				RECEIVED: 06/15/81 JA: WV					
#136756		4703923604	10B	103		J C LARCH #1	BIG SANDY	11.0	COLUMBIA GAS TRAN
-RAY RESOURCES CORP				RECEIVED: 06/10/81 JA: WV					
#136626		4703903500	10B	103		COLUMBIA GAS #850	ELK	10.0	COLUMBIA GAS TRAN
#136627		4703903501	10B	103		COLUMBIA GAS #851	ELK	10.0	COLUMBIA GAS TRAN
#136628		4703903592	10B	103		GOSHORN HRS #854	ELK	6.0	COLUMBIA GAS TRAN
#136606		4704700795	10B	103		POCA LAND #820	ELKHORN	20.0	CONSOLIDATED GAS
#136607		4704700798	10B	103		POCA LAND #821	ELKHORN	20.0	CONSOLIDATED GAS
-RAY RESOURCES CORP				RECEIVED: 06/15/81 JA: WV					
#136678		4703903553	10B	103		GOSHORN HRS #855	ELK	8.0	COLUMBIA GAS TRAN
-ROBERT FOX				RECEIVED: 06/10/81 JA: WV					
#136562		4708523512	10P			WAGGONER	WAGGONER	1.5	CONSOLIDATED GAS
-ROBERT VARTAN				RECEIVED: 06/15/81 JA: WV					
#136761		4708504891	10B	103		ROYAL D COX NO 2-A	BEREA	0.0	COLUMBIA GAS TRAN
-ROCKEY DRILLING CO				RECEIVED: 06/15/81 JA: WV					
#136671		4703300605	10B			CLYDE L HALL #1	ELK DISTRICT	6.5	CONSOLIDATED GAS
-RUSSELL V JOHNSON JR				RECEIVED: 06/15/81 JA: WV					
#136707		4708504177	10B			#1 SWADLEY	(MURPHY DISTRICT)	7.5	CONSOLIDATED GAS
#136706		4708504176	10B			#2 OLDAKER	(MURPHY DISTRICT)	16.9	CONSOLIDATED GAS
#136708		4708504178	10B			#2 SWADLEY	(MURPHY DISTRICT)	6.5	CONSOLIDATED GAS
#136681		4701702847	10B			O J HERROD #2	ROBERTS FORK	0.0	COLUMBIA GAS TRAN
-SECURITY GAS & OIL INC				RECEIVED: 06/10/81 JA: WV					
#136561		4709500735	10B	102-3		C S DILLON #2	MCKIM - PLUM RUN	36.0	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED: 06/10/81 JA: WV					
#136605		4708300366	10B	102-4		J M HUBER #67	MIDDLE FORK	12.0	EQUITABLE GAS CO
-SENECA-UPSHUR PETROLEUM CO				RECEIVED: 06/15/81 JA: WV					
#136699		4705920953	10B	107-DV		C-1	HARDEE	0.0	COLUMBIA GAS
#136664		4708320324	10B	102-4		J M HUBER #61	MIDDLE FORK	12.0	EQUITABLE GAS CO
#136662		4708320365	10B	102-4		J M HUBER #66	MIDDLE FORK	15.0	EQUITABLE GAS CO
-SOUTHEASTERN GAS COMPANY				RECEIVED: 06/15/81 JA: WV					
#136645		4701303262	10P			ALZA HUFFMAN #639	CENTER	0.7	CABOT CORP
#136649		4701303266	10B			ARTHUR G MILLER #664	SHERMAN	2.2	CABOT CORP
#136774		4703903715	10B			H G WATSON #M-3	CABIN CREEK	2.3	CABOT CORP
#136643		4701303260	10A			CABOT CORPORATION #658	CENTER - SHERIDAN	7.4	CABOT CORP
#136646		4701303263	10B			CLYDE MARSHALL #640	CENTER	2.3	CABOT CORP
#136692		4701300023	10A			O W WILSON #698	CENTER	0.3	CABOT CORP
#136644		4701303261	10A			G W HARDMAN #637	CENTER	0.3	CABOT CORP
#136686		4703903707	10P			H S FRIDLEY #C-14	CABIN CREEK	1.2	CABOT CORP
#136685		4703903706	10A			HENRY CLATWORTHY #M-9	CABIN CREEK	1.5	CABOT CORP
#136691		4701300007	10P			IDA MCCOY #686	LEE	0.8	CABOT CORP
#136683		4701303269	10A			IDA SMITH #644	CENTER SHERMAN	1.2	CABOT CORP
#136647		4701303264	10A			J H MARTIN #642	CENTER	2.2	CABOT CORP
#136648		4701303265	10B			J H MARTIN #643	CENTER	1.5	CABOT CORP
#136641		4701303267	10A			J M SHANKS #660	CENTER	9.0	CABOT CORP
#136642		4701303268	10P			J M SHANKS #661	CENTER	9.0	CABOT CORP
#136693		4701320026	10A			J M SHANKS #687	CENTER	0.4	CABOT CORP
#136687		4703903708	10A			SMITHERS HEIRS #M-4	CABIN CREEK	2.5	CABOT CORP
#136688		4703903709	10A			SOUTHEASTERN GAS #C-6	CABIN CREEK	1.9	CABOT CORP
#136773		4703903714	10P			W H TOMPKINS #C-13	CABIN CREEK	0.1	CABOT CORP
#136689		4703903710	10A			W H TOMPKINS #C-7	CABIN CREEK	0.1	CABOT CORP



The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30155 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. E–8851]

Alabama Power Co.; Filing

June 25, 1981.

Take notice that on June 12, 1981, Alabama Power Company (Alabama) tendered its Refund Compliance Report in Docket No. E–8851 showing the details of refunds made as the result of a revised cost-of-service and revised rate schedules filed by Alabama on January 8, 1981, pursuant to the requirements of the Commission's Opinion No. 54 issued August 1, 1979, as clarified by order dated September 28, 1979.

Alabama's refund compliance report shows the refund and interest calculations for each delivery point, and states that refunds to each of the municipalities and distribution cooperatives were made by Company checks mailed May 28, 1981, with interest calculated through May 29, 1981. Additional refund and interest calculations are included for the Tombigbee Electric Cooperative delivery points, attributable to the tax imposed with respect to these particular delivery points by Marion County, Alabama.

Any person desiring to be heard or to protest this Refund Compliance Report should file a petition to intervene or a protest with this Commission at 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with § 1.8 or 1.10) on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30230 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–548–000]

Arizona Public Service Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that on June 12, 1981, Arizona Public Service Company (APS) tendered for filing proposed Supplement to APS–FPC Rate Schedule No. 33 for sale of non-firm energy to United States—Western Area Power Administration.

The parties request waiver under the provisions of Section 35.11 so that service could be commenced on June 5, 1981.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30231 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–549–000]

Duke Power Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 12, 1981 a supplement to the Company's Electric Power Contract with Pee Dee Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 137.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for a new Delivery Point No. 5.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of June 2, 1981.

According to Duke Power copies of this filing were mailed to Pee Dee Electric Membership Corporation and the North Carolina utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30232 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81-550-000]

Duke Power Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke) on June 16, 1981, tendered for filing proposed changes in its electric resale rate schedules presently on file with the Commission which are applicable to Electric Cooperatives, Municipalities and Public Utility Companies. Based on the test period 12 months ending September 30, 1982 conditions, Duke estimates that the proposed changes in resale base rates will increase annual revenues from Cooperative customers by $23.3 million, and from Municipal customers and Public Utility companies by $36.3 million. Duke proposes an effective date of August 15, 1981.

Duke states that the increase in wholesale rates is needed to compensate the Company for the increased cost of doing business, to cover the cost of commercial operation of McGuire Unit No. 1, and to achieve a reasonable overall rate of return of 12 percent.

Copies of this filing were served upon all of Duke's jurisdictional wholesale customers, the North Carolina Utilities Commission, the South Carolina Public Service Commission, and the Southeastern Power Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20286 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-553-000]

Kansas City Power & Light Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that on June 15, 1981, Kansas City Power & Light Company (KCPL) tendered for filing a Transmission Service Agreement dated May 18, 1981, between KCPL and the City of Higginsville, Missouri (City). KCPL requests an effective date of June 1, 1981. The City has requested that KCPL provide Transmission and Subtransmission Service from The Empire District Electric Company to meet a portion of the requirements of the City of Higginsville for service which began June 1, 1981.

In its filing, KCPL states that the rates included in the above-mentioned Transmission Service Agreement are KCPL's rate and charges for similar service under schedules previously accepted for filing by the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20294 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-547-000]

Public Service Company of Oklahoma; Filing

June 25, 1981.

The filing company submits the following:

Take notice that on June 12, 1981, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated May 12, 1981 between PSO and West Texas Utilities Company (WTU).

This Agreement provides for the sale to WTU by PSO of five (5) megawatts of capacity, without reserves, from the system of PSO for the period of June 1, to May 31, 1982.

PSO requests that the Commission waive the sixty-day notice requirement and accept this agreement for filing with an effective date of June 1, 1981.

Copies of this filing were served upon the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20295 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-55-000]

Union Electric Co.; Application

June 25, 1981.

Take notice that on June 15, 1981, Union Electric Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of short-term, unsecured promissory notes in the amount of $300,000,000, of which up to $150,000,000 may be in the form of commercial paper, that will reach maturity not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the application should on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20290 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 1879-2]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 29, 1981 to July 3, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS' listed in this notice is calculated from July 10, 1981 and will end on August 24, 1981. The 30-day review period for final EISS' as calculated from July 10, 1981 will end on August 10, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the office of Federal activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 245-3006.

Dated: July 7, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

REA: Draft—Rifle-San Juan 345 kV Transmission Line, Colorado and New Mexico (EIS Order No. 810530)

SCS: Final—Wheeling Creek Watershed Project, Greene and Washington Counties, Pennsylvania and Ohio and Marshall Counties, West Virginia (EIS Order No. 810521)

Army Corps of Engineers

Draft—Atchafalaya Basin Floodway System, Louisiana (EIS Order No. 810528)

Draft—Wyoming Valley Local Flood Protection, Luzerne County, Pennsylvania; the review period for this EIS has been extended until August 31, 1981 (EIS Order No. 810524)

Final—Tittabawassee River Flood Control, Midland County, Michigan (EIS Order No. 810523)

Final—Ellicott Creek Flood Management Plan, Erie County, New York (EIS Order No. 810519)

Department of the Air Force

Final—Bergstrom AFB Increased Flight Activity, Travis County, Texas (EIS Order No. 810522)

Draft Supplement—Over-The-Horizon Backscatter Radar System, Penobscot County, Maine (EIS Order No. 810529)

Department of Housing and Urban Development

104H: Draft—San Antonio Plaza Redevelopment Plan, Santa Clara County, California (EIS Order No. 810527)

104H: Draft—Deep River School Waterline Project, Lee County, North Carolina (EIS Order No. 810516)

Department of Transportation

FHWA: Draft—I-35E Completion, TH 110 to I-94, Dakota and Ramsey Counties, Minnesota; the review period for this EIS has been extended until September 1, 1981 (EIS Order No. 810517)

FHWA: Draft—Missouri River Bridges, Construction and Upgrading, North Dakota and Montana; the review period for this EIS has been extended until September 1, 1981 (EIS Order No. 810518)

FHWA: Draft—PR-2 Reconstruction and Widening, Mayaquez, Puerto Rico (EIS Order No. 810515)

FHWA: Final—I-75 and I-85/Downtown Connector Improvement, Fulton County, Georgia (EIS Order No. 810525)

FRA: Final—Boston South Station Improvement Project, Suffolk County, Massachusetts (EIS Order No. 810526).

Correction

FHWA: Final—Richardson Highway/AK-4 Construction, Copper Center Village, Alaska—published **Federal Register** July 2, 1981—Published with erroneous extension to October 13, 1981—the review period will terminate on August 3, 1981 (EIS Order No. 810505)

Federal Energy Regulatory Commission

Draft—Rocky Mountain Pipeline Project, Lincoln County, Wyoming and Clark County, Nevada (EIS Order No. 810520)

[FR Doc. 81-20309 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1878-8]

Dolet Hills Power Plant Project, Mansfield, La.; Intent To Prepare an Environmental Impact Statement; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Dolet Hills Power Plant Project near Mansfield, Louisiana.

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act. EPA is preparing an EIS and, therefore, publishes this Notice of Intent in accordance with 40 CFR 1501.7

FOR FURTHER INFORMATION CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, U.S. EPA, Region 6, 1201 Elm Street, Suite 2800, Dallas, Texas 75270, Telephone: (214) 767-2716 or (FTS) 729-2716.

Summary

The EPA, Region 6, has distributed to the public a detailed Notice of Intent, dated June 2, 1981, on EPA's action regarding its New Source National Pollutant Discharge Elimination System (NPDES) permit. Copies of the detailed Notice are available from the Regional EIS Coordinator identified above.

Scoping

EPA will hold a meeting to determine the scope of the Draft EIS on July 14, 1981 at 7:30 p.m. at the DeSoto Parish Instructional Material Center, located on Oxford Road in Mansfield, Louisiana. EPA invites full participation by individuals, private organizations, local, State and Federal agencies. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

EPA estimates the Draft EIS will be available for public reiew in approximately three (3) months. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the mailing list.

Dated: July 6, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-20310 Filed 7-9-81; 8:45 am]

BILLING CODE 6510-37-M

[ER-FRL-1879-1]

Twin Oak Steam Electric Station, Robertson County, Tex.; Intent To Prepare an Environmental Impact Statement; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS) for the Twin Oak Steam Electric Station, Robertson County, Texas.

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and publishes this Notice of Intent in accordance with 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:
Clinton B. Spotts, Regional EIS Coordinator, EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, Telephone: (214) 767–2716 or (FTS) 729–2716.

Summary

EPA, Region 6 has distributed to the public a detailed Notice of Intent concerning issuance of a new source NPDES permit to Texas Utilities Generating Company for wastewater discharge from their Twin Oak Steam Electric Station in Robertson County, Texas. Copies of the detailed Notice are available from the EIS Coordinator identified above.

Scoping

EPA will hold a meeting to determine the scope of the Draft EIS on August 18, 1981 at 7:30 p.m. at the Robertson County Courthouse, District Courtroom, Franklin, Texas. EPA invites full participation by individuals, private organizations, local, State and Federal agencies. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

EPA estimates the Draft EIS will be available for public review around January 1982. All interested persons are encouraged to submit their name and address to the person indicated above for inclusion on the project mailing list.

Dated: July 7, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-20311 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-37-M

[A-4-FRL-1841-3]

Prevention of Significant Deterioration; Full Delegation of Authority to the State of Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 301, in conjunction with Sections 101 and 110 of the Clean Air Act, authorizes the Administrator to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. The Mississippi Department of Natural Resources submitted to the EPA Region IV office a request to relinquish to them its responsibility for implementing and enforcing the PSD program. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for the source categories and with the conditions set forth in the letter referenced below.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT:
Denise W. Pack, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:
Mississippi was granted delegation on June 10, 1979, for the administrative and technical portions of the PSD program. On March 12, 1981, EPA Region IV office received a letter from the Mississippi Department of Natural Resources requesting full delegation of authority for the implementation and enforcement of the PSD program. After a thorough review of the request and information submitted, the Regional Administrator determined that for the source categories detailed on the official letter of delegation, delegation was appropriate, subject to the conditions set forth therein. Therefore, pursuant to the authority delegated to her by the administrator, the Regional Administrator formally notified the Executive Director of the Mississippi Department of Natural Resources in a letter dated June 18, 1981, that his request for full delegation of PSD was granted.

Copies of the request letter and the official letter of delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV office, Air Programs Branch, 345 Courtland St. NE., Atlanta, Ga. 30365.

Effective immediately, all reports required pursuant to PSD regulations should not be submitted to the EPA Region IV office but instead should be submitted to the State agency at the following address: Mississippi Department of Natural Resources, Bureau of Pollution Control, P.O. Box 10385, Jackson, Mississippi 39208.

This notice is issued under the authority of Sections 101, 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, and 7601).

Dated: June 20, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-20220 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-43]

Independent Freight Forwarder License No. 1483, Tokyo Express Co., Inc., and Kozo and Kathleen Kimura d.b.a. Cosmos Trading Company; Order of Investigation and Hearing

Tokyo Express Co., Inc. (Tokyo Express), located at 70 Charter Oak Street, San Francisco California, is an independent ocean freight forwarder operating under FMC license number 1483, issued July 18, 1973. Information has been developed by the Commission's staff indicating that Tokyo Express may have violated section 16, Initial Paragraph, of the Shipping Act, 1916 (46 U.S.C. 815), and §§ 510.23(d), 510.23(e), 510.23(j) and 510.23(k) of the Commission's General Order 4 (46 C.F.R. 510). Tokyo Express's actions may have rendered it unfit to carry on the business of forwarding, pursuant to section 44(b) of the Shipping Act, 1916 (46 U.S.C. 841(b)).

Tokyo Express is a California corporation of which Kozo Kimura is president and Kathleen Kimura is secretary and jointly they hold 80% of the stock. Toshinori Saiki, the vice-president, owns the other 20% of the stock. The Commission has received information that the Kimuras were also the co-owners of Cosmos Trading Company (Cosmos) which operated as a purchaser, seller and shipper of goods to Okinawa, Japan.[1] The purchase of goods and payment for transportation and other services were made by Mr. Kimura from checking accounts established under the names of both Cosmos and Tokyo Express. Inspection of Tokyo Express records showed that Letters of Credit issued by the consignees in Okinawa for these transactions named Cosmos as the beneficiary for the purchase of goods and payment of transportation and other services. Mr. Kimura apparently operated in this manner on 28 shipments during the period November 29, 1977 to June 15, 1979. On these shipments Tokyo Express acted as the ocean freight forwarder with Cosmos appearing as the shipper on the bills of lading. Freight forwarder compensation was collected in the amount of $276.21 on 23 of the shipments.

Tokyo Express's relationship with an export shipper, Cosmos, may have been of such a nature that Tokyo Express's receipt of any "forwarder compensation" on the related exporter's shipments may have resulted in violations of section 16, Initial Paragraph, in that both Tokyo Express and the Kimuras, through their ownership of Cosmos, obtained transportation by water at less than the applicable rate or charges.

Tokyo Express also appears to have violated section 16, Initial Paragraph, by falsely declaring the cargo measurements to ocean common carriers on at least ten bills of lading covering consolidated personal effects shipments during the period May 5, 1979 through January 24, 1980. The difference in ocean freight charges determined from the bills of lading measurement declared by Tokyo Express to the carriers and those contained in Tokyo Express's shipment files showed an under affreightment of $7,916.58, all of which accured to Tokyo Express.

On these same ten consolidated shipments, Tokyo Express's invoices to thirty-one shippers apparently reflected overcharges in the amount of $17,264.68 for ocean freight, drayage and accessorial services. The shippers apparently were charged incorrect amounts for these services and did not receive an invoice which separately stated these charges. This would be a violation of sections 510.23(d), 510.23(e) and 510.23(j) of General Order 4. Section 510.23(d) prohibits a licensee from knowingly imparting false information to a shipper and section 510.23(e) prohibits a licensee from withholding information from a principal regarding a forwarding transaction. Section 510.23(j) requires that a licensee use invoices that state separately for each shipment the actual charges for ocean freight, insurance and accessorial services.

The commission's staff was unable to determine what documents supported various shipments made by Tokyo Express. Section 510.23(k) requires that each licensee maintain records in an orderly, systematic, and convenient manner. The staff was only able to inspect a sampling of shipments because of this problem. This does not preclude the possibility that other violations would have been found had the shipping files been organized as required.

Now, therefore, It is ordered, That pursuant to sections 1, 16, 22, 32, and 44 (46 U.S.C. 801, 815, 821, 831 and 841(b)) of the Shipping Act, 1916, and section 510.9 of General Order 4 (46 C.F.R. 510.9), a proceeding is hereby instituted to determine:

1. Whether Tokyo Express's relation with Cosmos was of such a nature that Tokyo Express and Kozo and Kathleen Kimura, through their ownership of Cosmos, violated section 16, Initial Paragraph, by obtaining transportation by water for property at less than the rates and charges which would otherwise be applicable through the device of collecting "compensation" on shipments on which Tokyo Express was the forwarder and Cosmos was the shipper.

2. Whether Tokyo Express violated section 16, Initial Paragraph, by obtaining transportation by water for property at less than the rates and charges which would otherwise be applicable through the device of falsely declaring the cargo measurements to ocean common carriers.

3. Whether Tokyo Express violated section 510.23(d) of General Order 4 by charging shipper clients other than actual ocean freight, drayage and accessorial service.

4. Whether Tokyo Express violated section 510.23(e) of General Order 4 by withholding information relative to a forwarding transaction from clients in regard to charges.

5. Whether Tokyo Express violated section 510.23(j) of General Order 4 by not using invoices that stated separately as to each shipment actual charges for ocean freight, insurance and accessorial service.

6. Whether Tokyo Express violated section 510.23(k) of General Order 4 by failing to maintain records and books of account in the required manner.

7. Whether civil penalties should be assessed against Tokyo Express and Kozo and Kathleen Kimura pursuant to section 32(e) of the Shipping Act, 1916 for violations of section 16 of the Shipping Act, 1916 and/or the Commission's rules and regulations and, if so, the amount of any such penalty which should be imposed.

8. Whether Tokyo Express's independent ocean freight forwarder license should be suspended or revoked pursuant to section 44(d) of the Shipping Act, 1916, for:

a. willful violations of section 16, Initial Paragraph, of the Shipping Act, 1916 and/or sections 510.23(d), (e), (j) or (k) of the Commission's Rules and Regulations; or

b. such conduct as the Commission finds renders Tokyo Express unfit to carry on the business of forwarding in accordance with section 510.9(e) of General Order 4.

It is further ordered, That Tokyo Express Co., Inc. and Kozo and Kathleen Kimura d/b/a Cosmos Trading Company be named Respondents in this proceeding.

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That, all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-20233 Filed 7-9-81; 8:45 am]

BILLING CODE 6730-01-M

[1] This information indicates that the connection between the Kimuras and Cosmos was terminated on approximately July 5, 1979. In view of this, the issue of whether Tokyo Express meets the definition of an independent ocean freight forwarder has not been raised in this Order. However, should any evidence of a current connection between Tokyo Express and Cosmos (or any other shipper) be brought to light during the course of this proceeding, the Commission would be receptive to a motion to amend this Order accordingly.

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 1, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (real estate lending activities; Florida): to expand the activities of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., and to relocate this office from Bay Harbor, Florida to a new location approximately 10 miles away in Miami, Florida. The proposed activities of the office are the making, acquiring and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate. The previously approved activities of this office include the originating of 1–4 family residential mortgage loans. The previously approved service area, comprised of the entire State of Florida, would remain the same for the new activities.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Imperial Bancorp, Ingelwood, California (leasing, finance, and finance advisory services; United States): to engage, through its subsidiary, Imperial Municipal Services Corporation, in making or acquiring, for its own account or the account of others, loans and other extensions of credit related to the financing of capital improvements and equipment acquisitions by state, county, and municipal government subdivisions; servicing such loans and other extensions of credit; leasing of personal or real property and acting as agent broker, or advisor in leasing such property to such entities in accordance with the Board's Regulation Y; acting as an investment or financing advisor for state and local governments. These activities would be conducted from an office in Inglewood, California, serving the entire United States. Comments on this application must be received not later than July 24, 1981.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30210 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Financial Services, Inc.; Formation of Bank Holding Company

Citizens Financial Services, Inc., Aurora, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Aurora, Aurora, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30206 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Wednesday, July 29, and Thursday, July 30. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The July 29 session is expected to begin at 1 p.m. and to continue until 5 p.m. The July 30 session is expected to begin at 9 a.m. and to conclude at 1 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. Time permitting, the Council will consider the following topics:

1. *Alternative Mortgages and Variable Rate Loans:* A discussion of (1) how alternative mortgages, as well as variable rate consumer loans are disclosed under the Truth in Lending Act and Regulation Z, and (2) the types of information consumers would need to know about various indexes in order to comparison shop among variable rate transactions.

2. *Preemption of Usury Ceilings:* A discussion of state usury ceilings and whether they should be preempted by federal law.

3. *Delayed Funds Availability:* A discussion of the policies of financial institutions with respect to access to funds deposited by check.

4. *Proposed Truth in Lending Official Staff Commentary:* A general discussion of whether the proposed official staff commentary that will accompany Regulation Z provides creditors with an adequate degree of guidance for complying with the regulation.

5. *Federal Consumer Compliance Examination Procedures:* A discussion of a January 1981 report by the U.S. General Accounting Office on its 1979 audit of the consumer compliance examination procedures of the federal financial regulatory agencies.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, July 24, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, July 2, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-30211 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Bank of Lenawee County, Adrian, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30207 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mansfield State Bank, Mansfield, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30208 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

York Bancorp; Formation of Bank Holding Company

York Bancorp, York, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The York Bank and Trust Company, York, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30209 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81D-0061]

Androgens; Class Labeling Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a class labeling guideline for the professional labeling of androgens. Class labeling is appropriate for these products because they are all closely related in chemical structure, pharmacology, therapeutic activity, and adverse reactions. The guideline is intended to promote the use of identical professional labeling for each member of the androgen drug class.

DATE: Effective July 10, 1981, a person may adopt the class labeling guideline for androgen drug products and rely on it to meet FDA's professional labeling requirements for prescription drugs.

ADDRESSES: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Persons interested in obtaining copies of the guideline should contact Benjamin P. Lewis, Bureau of Drugs (HFD–177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Benjamin P. Lewis, Jr., Bureau of Drugs (HFD–177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6004.

SUPPLEMENTARY INFORMATION: FDA has prepared a guideline for the professional labeling of androgen drug products. The guideline labeling can be used for each product within the drug class because all drugs in the class are closely related in chemical structure, pharmacology, therapeutic activity, and adverse reactions. Use of the guideline constitutes compliance with §§ 201.56, 201.57, and 201.100 (21 CFR 201.56, 201.57, and 201.100) of the agency's regulations for the content and format of professional labeling for human prescription drugs.

The professional labeling of prescription drugs is required to contain the information and be in the format specified by §§ 201.56 and 201.57. The application of these regulations to drug products is proceeding under the schedule established in § 201.59 (21 CFR 201.59) (published in the Federal

Register of May 16, 1980; 45 FR 32550). As described more fully in § 201.59, the regulations apply to androgens as follows: (1) on April 10, 1981, to androgen drug products that are not subject to section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), (2) on February 1, 1983, to androgen drug products that on December 26, 1979, were subject to an approved new drug application under section 505 of the act, and duplicates of those products, and (3) as of December 26, 1979, to any other androgen drug products for which marketing approval under section 505 of the act is sought from FDA. The agency recognizes that some manufacturers and distributors of drugs in the first category may have already revised their drugs labeling to comply with the regulations. The agency nonetheless encourages those persons to adopt the agency's guideline class labeling for androgens when practicable.

Class labeling guidelines should enhance the agency's regulatory program for prescription drugs. The guidelines will promote consistency in labeling among various drugs of the same drug class and help the agency review proposed labeling for new drugs and antibiotics. They will also help drug manufacturers prepare labeling for drugs they propose to market that is in compliance with legal requirements. Finally, class labeling will be most helpful to health care professionals who prescribe and dispense prescription drug products. Prescribers and dispensers must now compare the labeling for members of a drug class to determine the similarities and differences among the products in the class. Class labeling, which contains information about each member of the drug class, will eliminate the need for such comparisons.

The guideline that is the subject of this notice is intended to provide class labeling for the androgen drug class. The androgen guideline has been developed by the FDA, with the assistance of the agency's Endocrinologic and Metabolic Drugs Advisory Committee. At the time the guideline was being developed, the advisory committee consisted of the following members: Chairman, Mortimer B. Lipsett, M.D., Director, Clinical Center, National Institutes of Health, Bethesda, MD; Executive Secretary, A. T. Gregoire Ph.D., FDA; Richard Brand, Ph.D., Department of Biomedical and Enviromental Sciences, School of Public Health, University of California, Berkeley, CA; Walter Henry, M. D., Howard University College of Medicine, Washington, DC; Margaret MacGillivray, M.D., Professor of Pediatrics, SUNYAB School of Medicine, Children's Hospital of Buffalo, NY; Robert Neer, M.D., Associate Professor, Massachusetts General Hospital, Boston, MA; Lillian Recant, M.D. Professor of Medicine, Veterans Administration Hospital, Washington, DC; Simeon Margolis, M.D., Professor of Medicine, Johns Hopkins School of Medicine, Baltimore, MD; William H. Daughaday, M.D., Director, Metabolism Division, Department of Medicine, Washington University, St. Louis, MO. This guideline is appropriate as the basis for labeling for the following drugs in the androgen drug class in the route of administration identified in parentheses.

Fluoxymesterone (oral)
Methyltestosterone (oral) (buccal)
Testosterone (subcutaneous implant)
Testosterone cypionate (intramuscular)
Testosterone enanthate (intramuscular)
Testosterone propionate (intramuscular) (buccal)

This guideline is the second FDA has prepared as part of a larger effort to develop guideline professional labeling for 32 classes of prescription drug products. The first to be published as part of this effort was the class labeling guideline for single-entity barbiturates, which appeared in the Federal Register of November 18, 1980 (45 FR 76356). The agency's justification and rationale for developing class labeling guidelines as well as a description of the procedures followed in developing the text of the labeling was described in the November 18, 1980 notice. In the future FDA intends to develop and make available guideline class labeling for the following drug classes:

Aminoglycosides
Anesthetics—local
Anorectics-nonamphetamines
Anticoagulants—oral
Anticholinergics—centrally active
Anticholinergics—synthetic
Antidepressants
Antihistamines
Antipsychotics
Benzodiazepines
Cardiac glycosides
Cephalosporins
Corticosteroids—topical
Diagnostic intravenous radiopaques
Diagnostic oral radiopaques
Erythromycins
Glucocorticoids
Insulins
Narcotic analgesics
Neuromuscular blocking drugs
Penicillins—G & V
Penicillins—penicillinase-resistant
Penicillin—semisynthetic
Potassium preparations
Quinidine salts
Rauwolfia alkaloids
Sulfonamides
Tetracyclines
Thiazides
Thyroids

This notice is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures of general applicability that are not legal requirements, but are acceptable to the agency. A person who follows this guideline is assured that his or her conduct is acceptable to the agency. The agency advises that the class labeling guideline for androgen drug products complies with the prescription drug labeling regulations in §§ 201.56, 201.57, and 201.100 and can be relied upon by any person to meet these requirements. Under the provisions of § 314.8(d) (21 CFR 314.8(d)), the guideline labeling may be used before approval of a supplement to a new drug application. A person may choose to use alternative labeling statements that are not provided for in the guideline. If a person chooses to depart from the guideline, he or she may discuss the matter further with the agency to prevent expenditure of money and effort for labeling that the agency may later determine to be unacceptable.

Effective July 10, 1981, a person may adopt the class labeling guideline for androgen prescription drug labeling requirements. Interested persons may submit written comments on the guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Comments will be considered in determining whether future amendments to or revisions of the guideline are warranted. Comments should be in four copies except that individuals may submit single copies, identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Persons interested in obtaining copies of the guideline should contact Benjamin P. Lewis, Jr., Bureau of Drugs (HFD–177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20060 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 75N–0185; DESI 3265]

Isometheptene Mucate Tablets and Isometheptene Hydrochloride Solution Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application (NDA 6–420) for Octin Tablets containing isometheptene mucate and Octin Solution for Injection containing isometheptene hydrochloride, formerly marketed by Knoll Pharmaceutical Co. The basis of the withdrawal is that the drug lacks substantial evidence of effectiveness. The drug products have been used as antispasmodics and for the treatment of migraine headache.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the number DESI 3265 and directed to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Douglas I. Ellsworth, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In notices published in the Federal Register of June 18, 1971 (36 FR 11754), November 11, 1975 (40 FR 52649), and August 19, 1977 (42 FR 41917), FDA classified the various indications claimed for the following drug products as lacking substantial evidence of effectiveness:

NDA 6–420; Octin Tablets containing isometheptene mucate and Octin Solution for Injection containing isometheptene hydrochloride; Knoll Pharmaceutical Co., 30 North Jefferson Rd., Whippany, NJ 07981.

In each notice, the Director of the Bureau of Drugs proposed to withdraw approval of those parts of NDA 6–420 that provide for the indications classified as lacking substantial evidence of effectiveness, and offered an opportunity for a hearing on the proposals. In response to the opportunity for hearing offered in the November 11, 1975 notice, Knoll filed a written notice of appearance and request for a hearing concerning the use of Octin in the treatment of migraine headache. Knoll did not avail itself of the opportunity for a hearing on any other indications and such indications were no longer allowed in labeling. On March 12, 1981, Knoll withdrew its request for a hearing.

Accordingly, because the migraine headache indication is the only remaining indication for Octin, approval of the new drug application for these products is now being withdrawn.

Any drug product that is identical, related, or similar to the drug products named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing findings, approval of NDA 6–420 and all its amendments and supplements is withdrawn effective July 20, 1981.

Shipment in interstate commerce of the products for which approval is withdrawn or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: May 20, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-20062 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

[FDA 225–81–2000]

Research Programs for Fishery Products; Memorandum of Understanding with the National Marine Fisheries Service

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the National Marine Fisheries Service. The purpose of the memorandum is to make more efficient use of Federal resources supporting research programs for fishery products.

DATE: The memorandum of understanding became effective May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernment and Industry Affairs Staff (HFC–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the Federal Register all agreements and memoranda of understanding between FDS and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between National Marine Fisheries Service and the Food and Drug Administration Relative to Research Programs for Fishery Products

I. Purpose

The purpose of this Memorandum of Understanding is to improve and increase the cooperation/coordination of research efforts, avoid duplication, and make more efficient use of Federal resources supporting research programs for fishery products that are of joint interest to the National Marine Fisheries Service and the Food and Drug Administration. It sets forth the working arrangements which are to be followed or adopted to enable each agency to discharge, as effectively as possible, its responsibilities related to research activities for fishery products.

II. Background

The Food and Drug Administration (FDA) of the Department of Health and Human Services is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act and Fair Packaging and Labeling Act. In fulfilling its responsibilities under these Acts, FDA directs its activities toward the protection of the public health and welfare of the Nation by ensuring that foods, including fish, are safe, wholesome and properly labeled. This is accomplished by: promulgating regulations dealing with the safety, quality and identity of seafood; establishing tolerances and guidelines for contaminants; inspecting the processing and distribution of foods; examining samples thereof to assure compliance with the Acts, and conducting research in the furtherance and improvement of the foregoing activities.

The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, under

authorities established by the Agricultural Marketing Act, the Fish and Wildlife Act, the National Ocean Pollution Research and Development and Monitoring Act of 1978 and the Marine Protection, Research and Sanctuaries Act of 1972, is responsible for the development and maintenance of a comprehensive information base necessary to assure the safety, quality and identity of the supply of seafood to U.S. consumers. The two agencies have certain common or related objectives in conducting their respective research activities necessary to fulfill their responsibilities.

III. Substance of Agreement

A. *Areas of Research.* The areas of research included in this Memorandum of Understanding cover those activities of mutual concern related to the safety, quality, nutrition and labeling requirements for fish and shellfish products.

B. *Mechanisms for Cooperative/Coordinated Research.* Each agency will designate a central contact to whom communications dealing with this agreement or matters affected thereby, may first be referred to for attention. These persons will maintain continuing liaison with the other agency for the purpose of coordinating research programs of mutual concern, and shall establish a procedure for appropriate coordination of these programs. When either agency is unable to carry out any or all of its responsibilities under this Memorandum of Understanding, immediate notification should be provided to the other agency.

Both agencies will cooperate, where deemed appropriate, in planning and conducting research necessary to (1) assess the nature, level and significance of natural, environmental, and process-induced deleterious materials in fish and fishery products, (2) develop information concerning the quality and nutritional value of these products; and (3) provide the basis for their improved labeling. For these purposes, a research committee composed of four scientists from each agency will be established and will meet at six-month intervals to: determine extramural research needs of interest to both agencies; recommend joint research projects; recommend project assignments to the appropriate agency; recommend development of appropriate interagency agreements for transfer of funds for support of in-house or extramural research of interest to both agencies; develop joint analytical quality assurance programs; and review progress of in-house and extramural research of interest to both agencies. Chairperson responsibilities will rotate between the two agencies at yearly intervals.

Meetings, as necessary, will also be held by appropriate laboratory and staff personnel in the furtherance of these activities of mutual interest. Each agency will keep its customary records and make those related to the operation of this Memorandum of Understanding available to the other agency as mutually agreed upon.

C. *Supplemental Agreements.* Nothing in this Memorandum of Understanding modifies other existing agreements or Memorandum of Understanding, nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such other arrangements.

IV. Name and Address of Participating Agencies

A. National Marine Fisheries Service, Page Building 2, 3300 Whitehaven St. NW, Washington, DC 20235

B. Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

V. Liaison Officers

A. For the National Marine Fisheries Service: Chief, Seafood Research, Inspection and Consumer Services Division (Currently Mr. Thomas J. Billy), Page Building 2, 3300 Whitehaven St. NW, Washington, DC 20235, Telephone: (202) 634–7458.

B. For the Food and Drug Administration: Deputy Associate Director for Physical Sciences, HFF–401 (Currently Charles F. Jelinek, Ph.D.), Bureau of Foods, Food and Drug Administration, 200 C St. SW, Washington, DC 20204, Telephone: (202) 245–1307.

VI. Period of Agreement

This agreement, when accepted by both parties, will be effective from the date of the last signature and will continue indefinitely. It may be modified by mutual consent or may be terminated by either party upon a 30 day advance written notice to the other.

Approved and accepted for the National Marine Fisheries Service:

Terry L. Leitzell,

Assistant Administrator for Fisheries.

Dated: May 8, 1981.

Approved and accepted for the Food and Drug Administration:

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

Dated: May 22, 1981.

Effective date. This memorandum of understanding became effective May 22, 1981.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20061 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0182]

The Diversey Corp; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Diversey Wyandotte Division of the Diversey Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of elemental iodine, potassium iodide, and isopropanol as components of a sanitizing solution to be used on food contact surfaces.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OH3484) has been filed by Diversey Wyandotte Division of the Diversey Corp., 1532 Biddle Ave., Wyandotte, MI 48192, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of elemental iodine, potassium iodide, and isopropanol as components of a sanitizing solution for use on food contact surfaces.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-19013 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Delegations of Authority

Notice is hereby given that the Acting Administrator, Health Resources Administration, has made the following delegations of authority under Title VII of the Public Health Service Act (42 U.S.C. 292 *et seq.*), Section 332 of the Public Health Service Act (42 U.S.C. 254e), and Pub. L. 94–484, the Health Professions Educational Assistance Act of 1976:

1. Delegation from the Acting Administrator, Health Resources Administration, to the following HRA officials of authorities delegated to the Administrator, Health Resources Administration, by the Acting Assistant Secretary for Health on March 27, 1981 (46 FR 21699–21700), under Title VII of the Public Health Service Act, as amended:

(a) The Director, Bureau of Health Professions, Health Resources Administration, has been delegated the below listed authorities under Title VII of the Public Health Service Act, as amended:

(1) Part A, Title VII of the Public Health Service Act, concerning the administration of the general provisions under Title VII, excluding certain authorities under Section 708 which are to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health, and certain authorities under Section 711 which pertain to the administration of Title VII programs assigned to the Health Services Administration;

(2) Part C, Subpart III, Title VII of the Public Health Service Act, providing for traineeships for students in schools of public health and other graduate programs;

(3) Section 751(j) of the Public Health Service Act, providing for participation and consultation regarding the administration of scholarships and grants with respect to the National Health Service Corps Scholarship Program;

(4) Part D, Title VII of the Public Health Service Act, providing for grants to provide professional and technical training in the field of family medicine;

(5) Part E, Title VII of the Public Health Service Act, providing for grants to improve the quality of schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry;

(6) Part F, Title VII of the Public Health Service Act, providing for grants and contracts for programs and projects, excluding the authority under Section 785, certain authorities under Section 790 which pertain to the administration of Title VII programs assigned to the Centers for Disease Control, and Section 787; and

(7) Part G, Title VII of the Public Health Service act, providing for programs for personnel in health administration and in allied health, excluding the responsibilities under Section 793 which are to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health, and Section 798.

(b) The Director, Bureau of Health Facilities, Health Resources Administration, has been delegated the authority under Part B, Title VII of the Public Health Service Act, providing for grants and loan guarantees and interest subsidies for construction of teaching facilities for medical, dental, and other health personnel.

(c) The Associate Administrator, Office of Health Resources Opportunity Program, Health Resources Administration, has been delegated the authority under Section 787 of the Public Health Service Act, providing for grants and contracts for educational assistance to individuals from disadvantaged backgrounds, and the authority under Section 798 of the Public Health Service Act, providing for educational assistance to disadvantaged individuals in allied health training.

The above listed authorities may be redelegated to HRA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 43, dated March 5, 1977, made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Manpower, the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, and the Director, Office of Health Resources Opportunity, as it pertains to authorities under Title VII of the Public Health Service Act. Provision has been made for previous delegations and redelegations of authority under Title VII of the Public Health Service Act to officials within the Health Resources Administration to continue in effect for no more than 60 days from the effective date of this delegation, provided they are consistent with this delegation.

The Title VII delegation was effective on May 13, 1981.

2. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, Health Resources Administration, of authority under Section 332 of the Public Health Service Act, as amended, providing for the designation of health manpower shortage areas, excluding the authority under Section 332(h). The Section 332 authority was delegated to the Administrator, Health Resources Administration, by the Assistant Secretary for Health on June 20, 1977 (42 FR 36311–36312).

This authority may be redelegated to HRA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 43, dated March 5, 1979, made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Manpower, as it pertains to the authority under Section 332 of the Public Health Service Act. Provision has been made for previous redelegations of authority under Section 332 to officials within the Health Resources Administration to continue in effect, provided they are consistent with the delegation.

The Section 332 delegation was effective on May 13, 1981.

3. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, Health Resources Administration, of the following authorities under Pub. L. 94–484, the Health Professions Education Assistance Act of 1976. These Pub. L. 94–484 authorities were delegated to the Administrator, Health Resources Administration, by the Assistant Secretary for Health on June 20, 1977 (42 FR 36311–36312):

(a) Authority under Section 702 (42 U.S.C. 295h–4) of Title VII of Pub. L. 94–484, providing for studies and statistical reports on allied health personnel. Authority under this Section is to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health.

(b) Authority under Section 802 (42 U.S.C. 295g–1) of Title VIII of Pub. L. 94–484, providing for a report on area health education centers.

(c) Authority under Section 903 (42 U.S.C. 292h) of Title IX of Pub. L. 94–484, providing for a study relating to chiropractic health professions.

(d) Authority under Section 904 (42 U.S.C. 292h) of Title IX of Pub. L. 94–484, providing for studies in bilingual and bicultural awareness.

(e) Authority under Section 906 (8 U.S.C. 29) of Title IX of Pub. L. 94–484, providing for the development of data to make determinations for labor certification of foreign medical students.

(f) Authorities under Section 212(a)(32) and 212(j) (8 U.S.C. 1182(a)), Immigration and Nationality Act, as amended by Pub. L. 94–484, providing for limitation on immigration of foreign medical graduates.

These authorities may be redelegated to HRA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 43, dated March 5, 1979, made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Manpower, as it pertains to the authorities under Pub. L. 94–484. Provision has been made for previous redelegations of authority under Pub. L. 94–484 to officials within the Health Resources Administration to continue in effect, provided they are consistent with this delegation.

The Pub. L. 94–484 delegation was effective on May 13, 1981.

Dated: June 24, 1981.

Robert Graham,

Acting Administrator, Health Resources Administration.

[FR Doc. 81–20160 Filed 7–9–81; 8:45 am]

BILLING CODE 4110–83–M

Public Health Service

National Toxicology Program; Chemicals (13) Nominated for Toxicological Testing; Request for Comments

SUMMARY: On April 8, 1981, the Chemical Evaluation Committee of the National Toxicology Program (NTP) reviewed 13 chemicals nominated for toxicological testing and made recommendations as to types of testing to be performed. The evaluation of nominated chemicals by the Committee constitutes an integral part of the NTP chemical nomination and selection process. This notice lists the 13 chemicals evaluated by the Committee and requests public comment on these chemicals.

FOR FURTHER INFORMATION AND SUBMISSION OF COMMENTS CONTACT: Dr. Dorothy Canter, Assistant to the Director, National Toxicology Program, Room 2B–55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program (NTP), nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are pubished with request for comment in the **Federal Register** and *NTP Technical Bulletin*. This enables outside individuals and groups to participate in the NTP evaluation process thereby helping the NTP to make better informed decisions as to whether to select, reject, or defer chemicals for testing.

The comments and data supplied as a result of this request for information are reviewed and summarized by NTP technical staff and made available to both the NTP Board of Scientific Counselors for its evaluation of nominated chemicals and to the NTP Executive Committee for decision making. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21828).

On April 8, 1981, the CEC met to evaluate thirteen chemicals nominated to the NTP for testing. The following table lists the chemicals, their Chemical Abstracts Service (CAS) registry numbers, and the types of testing recommended by the CEC at the April 8 meeting.

Chemical	CAS No.	Committee recommendation
1. Benzethonium chloride.	121–54–0	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
2. Benzotrichloride	98–07–7	Carcinogenicity.
3. Benzoyl chloride	98–88–4	In vitro cytogenetics; *Drosophila* studies; Sister chromatid exchange; Carcinogenicity (including other chronic effects).
4. t-Butyl perbenzoate.	614–45–9	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
5. Butyric anhydride	106–31–0	No testing recommended.
6. m-Chloroaniline	108–42–9	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
7. Methyltrifluoromethane sulfonate.	333–27–7	*Salmonella* assay; Mammalian cell mutagenesis; Strain A mouse lung adenoma assay.
8. Ninhydrin	485–47–2	*Salmonella* assay.
9. o-Phenanthroline	66–71–7	Battery of mutagenicity tests.
10. Tetrachlorophthalic anhydride.	117–08–8	In vitro cytogenetics; *Drosophila* studies; Carcinogenicity.
11. Triethanolamine	102–71–6	Battery of short term mutagenicity assays (excluding *Salmonella* assay); Metabolism; Reproductive effects; Carcinogenicity.
12. 2,4,5-Trimethoxybenzaldehyde.	4460–86–0	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
13. Turmeric	458–37–7	*Salmonella* assay (performed in conjunction with same assay on curcumin and on water-alcohol extract of turmeric).

Interested parties are requested to submit pertinent information. Of particular relevance are the following types of data:

(1) Completed, ongoing and/or planned toxicological testing in the private sector including detailed protocols and, in the case of completed studies resultant data.

(2) Modes of production, present production levels and potential for occupational exposure.

(3) Uses and resulting exposure levels, where known.

(4) Results from toxicological studies of structurally related compounds.

Kindly submit such information in writing by August 10, 1981. Submissions received after this date, however, will be accepted and utilized where possible.

Dated: July 2, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81–20204 Filed 7–9–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–27263]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (P.L.) 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of P.L. 95–178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On July 24, 1979, Patent No. 50–79–0123 and Interim Conveyance No. 215 were issued to Cook Inlet Region, Inc., for 1,876.42 acres and 62.34 acres, respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Sec. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of P.L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of P.L. 95–178 (91 Stat. 1369) and are described as follows:

PATENT NO. 50–79–0123 OF JULY 24, 1979

Seward Meridian, Alaska

T. 19 N., R. 3 E.,
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼, S½;
Sec. 19, Lots 5, 16, and 20, SE¼SW¼;
Sec. 20, Lots 3, 4, 7, and 9, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 22, W½NE¼;
Sec. 29, E½NW¼;
Sec. 30, Lot 6;
Sec. 31, Lots 3 and 4.
Containing 1,286.65 acres.

T. 19 N., R. 5 E.,
Sec. 4, Lots 4, 13, 14, 15, 17, 18, 19, 20, 31, 32, 33, 34, 35, 36, 37, and 38, NE¼NW¼ NW¼, E½NW¼ NW¼NW¼, E½W½NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, N½N½SW¼.
Containing 163.09 acres.

T. 20 N., R. 6 E.,
Sec. 13, Lots 2 and 3;
Sec. 16, Lots 1, 2, 3, 4, and 5;
Sec. 27, Lots 1 and 2.
Containing 326.97 acres.

T. 20 N., R. 7 E.,
Sec. 16, Lots 2 and 3.
Containing 79.71 acres.

Aggregating 1,876.42 acres.

INTERIM CONVEYANCE NO. 215 OF JULY 24, 1979

Seward Meridian, Alaska (Surveyed)

T. 19 N., R. 3 E.,
Sec. 15, Tracts B, C, and D of ASLS 78–97.
Containing approximately 25.65 acres.

T. 20 N., R. 6 E.,
Sec. 13, W½ of Lot 1.
Containing approximately 15 acres.

T. 20 N., R. 7 E.,
Sec. 16, W½ and W½E½ of Lot 1.
Containing approximately 21.69 acres.
Aggregating approximately 62.34 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–27993, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 3 c5) An easement for an existing road, sixty (60) feet in width, beginning at the old mining community of Eska in section 16, T. 19 N., R. 3 E., Seward Meridian, and proceeding northwesterly through the Native conveyance area to State lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 4 L) An easement for an existing powerline right-of-way, thirty (30) feet in width, paralleling and crossing the Glenn Highway in section 4, T. 19 N., R. 5 E., Seward Meridian. This easement shall afford the right-of-way holder, Matanuska Electric Association, Inc., the authority to maintain and operate the existing powerline facility where said facility traverses Native lands. No other uses shall be allowed.

c. (EIN 12b D9, L) An easement for an existing trail, twenty-five (25) feet in width, which traverses the Native conveyance in section 16, T. 20 N., R. 6 E., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands reflecting the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–79–0123 and Interim Conveyance No. 215, respectively.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times*. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 10, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–20223 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

[INT DEIS 81–29]

Draft Westside Salem Timber Management Environmental Impact Statement; Notice of Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public hearings on Westside Salem Timber Management DEIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft environmental impact statement for the Westside Salem EIS area. The proposal involves implementing a 10-year timber management plan on public lands on the Columbia and Alsea-Rickreall Sustained Yield Units of the Salem District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240

Bureau of Land Management, Office of Public Affairs, 729 N.E. Oregon Street, Portland, OR 97208

Bureau of Land Management, Salem District Office, 1717 Fabry Road SE., Salem, OR 97302

Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 SW. Morrison, Portland, Oregon 97201
University of Oregon Library, Government Document Section, Eugene, OR 97403
Corvallis Public Library, 645 NW. Monroe, Corvallis, Oregon 97330
Linn-Benton, Community College Library, Albany, OR 97321
Corvallis Public Library, 645 N.W. Monroe, Corvallis, OR 97330
Dallas Public Library, 187 SW Court, Dallas, OR 97338
Hillsboro Public Library, 775 SE. 10th, Hillsboro, OR 97123
St. Helens Public Library, The Plaza, St. Helens, OR 97051
Tillamook County Library, 210 Ivy, Tillamook, OR 97141
McMinnville Public Library, 230 W. 2nd, McMinnville, OR 97218
Multnomah County Library, 801 SW. 10th Portland, OR 97205
Newport Public Library, 251 W. Olive, Newport, OR 97365
Salem Public Library, 585 Liberty SE., Salem, OR 97302

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Salem District Office, at the above addresses.

Oral and/or written testimony will be accepted at a public hearing held at 1:00 and 7:00 p.m., August 25, 1981 at the BLM District Office, 1717 Fabry Road in Salem, Oregon.

Written comments on the Draft EIS may be sent to: Salem District Manager, c/o EIS Team (922), Bureau of Land Management, Portland, P.O. Box 2965, Portland, OR 97208.

For further information contact: Richard Bonn, Team Leader, Oregon State Office, Telephone (503) 231–6963.

Dated: July 2, 1981.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination.

[FR Doc. 81–20142 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

[N–27612]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing

Correction

In FR DOC. 81–17146 appearing at page 30704 in the issue of Wednesday, June 10, 1981, please make the following changes:

(1) On page 30704, third column, in the land description, first line, "T. 17S., R. 60E." should be changed to read, "T. 17S., R. 50E."

(2) On page 30704, third column, in the land description, ninth line, "Sec. 2, Lots 1 and 2, S¼NE¼" should be corrected to read, "Sec. 2, Lots 1 and 2, S½NE¼".

(3) On page 30704, third column, last paragraph, third line, "2764" should be changed to read "2754".

BILLING CODE 1505–01–M

[OR 20169]

Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Land Management, U.S. Department of the Interior application, OR 20169, for withdrawal and reservation of lands was published in FR Doc. 79–15400 on Page 28886 of the issue of May 17, 1979. The purpose of the proposed withdrawal was to protect the lands involved for land exchange. The applicant agency has cancelled the application in its entirety. The lands involved are described as follows:

Willamette Meridian

T. 36 S., R. 36 E.,
Sec. 5, Lots 3 and 4, S½NW¼, and N½SW¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 16, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20;
Sec. 30, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 32.
T. 37 S., R. 36 E.,
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 17, NW¼SW¼ and S½S½;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 19, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20;
Sec. 21, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 22;
Sec. 24, SW¼NW¼, W½SW¼;
Sec. 25, SE¼NE¼, S½NW¼, SW¼, and SW¼SE¼;
Secs. 26 and 35.
T. 35 S., R. 37 E.,
Sec. 17, N½, E½SW¼, and SE¼;
Sec. 18, Lots 1, 2, 3, and 4, NE¼, E½W½, and W½SE¼;
Sec. 19, Lots 1, 2, 3, and 4, E½W½, and W½E½;
Sec. 30, Lots 1, 2, 3, and 4 and E½NW¼;
Sec. 31, Lots 1 and 2 and E½E½;
Sec. 32;
Sec. 33, W½NW¼;
Sec. 34.
T. 36 S., R. 37 E.,
Sec. 5, Lots 2, 3, and 4, SW¼NW¼, and NW¼SW¼;
Sec. 7, Lots 1, 2, 3, and 4, NW¼NE¼, and NE¼NW¼;
Sec. 8;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20;
Sec. 30, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 32.
T. 27 S., R. 37 E.,
Sec. 30, Lots 18, 20, and 21;
Sec. 31, Lots 2, 3, 4, 7, 10, 11, and 14 to 23 incl.
T. 38 S., R. 38 E.,
Sec. 13, Lot 1 and NE¼SE¼.
T. 38 S., R. 39 E.,
Sec. 18, Lots 4 and 5, E½SW¼, and SW¼SE¼;
Sec. 19, W½NE¼ and NE¼NW¼.

The areas described aggregate 18,458.79 acres in Harney and Malheur Counties, Oregon.

By Notice of Realty Action, OR 18773, which was published as FR Doc. 81–13053 on Page 24311 of the issue of April 30, 1981, the above described lands remain segregated from operation of the public land laws generally, including the United States mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

Dated: June 26, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–20161 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 6353 (WASH)]

Washington; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the Federal Register on October 8, 1970 (35 FR 15859), the following described public land was classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian

T. 10 N., R. 31 E.,
Sec. 4, Lots 1, 2, S½NE¼.
T. 11 N., R. 31 E.,
Sec. 20, E½;
Sec. 22, SW¼;
Sec. 28.

The areas described aggregate 1,274.29 acres in Franklin County, Washington.

2. The above-described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the Federal Register.

3. At 10:00 a.m., on August 10, 1981, the above-described public land will be relieved of the segregative effect of the above mentioned classification order.

Dated: June 26, 1981.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 81–20162 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Reality Action; Sales of Public Land

July 2, 1981.

Pub. L. 96–586, enacted December 23, 1981, authorizes and directs the sale of certain public lands in and around Las Vegas, Nevada. The following described parcels of land, lying within the area defined by the act, have been nominated for sale in 1981:

T. 20 S., R. 60 E., Mount Diablo Meridian

	Acres
Section 4	
1. NE¼NE¼SW¼SW¼	2.5
2. NW¼NW¼SW¼SW¼	2.5
3. SE¼NW¼SW¼SW¼	2.5
4. SE¼SW¼SW¼SW¼	2.5
5. NW¼NE¼SE¼SW¼	2.5
Section 9	
6. NE¼NE¼NE¼NE¼	2.5
7. N½NW¼NE¼NE¼	5
8. SW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼	2.5
9. E½SE¼NE¼NE¼	5
10. E½SW¼NE¼NE¼	5
11. SE¼SE¼NW¼NE¼	2.5
12. SW¼NE¼NW¼NE¼	2.5
13. E½NW¼NW¼NE¼	5
14. NE¼NE¼NE¼NW¼	2.5
15. SW¼NW¼NE¼, W½SE¼NW¼NE¼, E½SE¼NE¼NW¼	20
16. SW¼SE¼NE¼NW¼	2.5
17. N½SW¼NE¼NW¼	5
18. SW¼NW¼NE¼NW¼, SE¼NE¼NW¼NW¼	5
19. N½NE¼NW¼NW¼	5
20. NW¼SE¼NE¼NW¼	2.5
21. NW¼NW¼NW¼, N½SW¼NW¼NW¼	15
22. S½SE¼NW¼NW¼	5
23. NW¼NE¼SW¼NW¼	2.5
24. W½NW¼SW¼NW¼	5
25. N½SW¼SW¼NW¼	5
26. S½NE¼SW¼NW¼, SE¼SW¼NW¼	15
27. W½NW¼SE¼NW¼	5
28. SE¼NW¼SE¼NW¼, NE¼SW¼SE¼NW¼	5
29. S½NE¼SE¼NW¼	5
30. NE¼SE¼SE¼NW¼	2.5
31. NW¼NW¼SW¼NE¼	2.5
32. SW¼NE¼SW¼NE¼	2.5
33. N½SW¼SW¼NE¼	5
34. NE¼SE¼SW¼NE¼	2.5
35. SE¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼	5
36. S½SE¼SE¼NE¼	5
37. E½NE¼NE¼SE¼, N½NE¼SE¼NE¼SE¼, SW¼NE¼SE¼NE¼SE¼, SW¼NE¼NE¼SE¼, NW¼SE¼NE¼SE¼	11.875
39. SE¼SW¼SW¼NE¼, SW¼SE¼SW¼NE¼	5
40. NE¼NW¼SE¼, W½SE¼NW¼SE¼, E½W½NW¼SE¼	25
41. SW¼NW¼NW¼SE¼, NW¼SW¼NW¼SE¼	5
42. NE¼NE¼SW¼, N½SE¼NE¼SW¼	15
43. S½SW¼SE¼NW¼	5
44. NE¼NE¼NW¼SW¼	2.5
45. S½NW¼NE¼SW¼, SE¼NE¼NW¼SW¼, SW¼NE¼SW¼, E½SE¼NW¼SW¼	22.5
46. NW¼SE¼NW¼SW¼	2.5
47. S½NW¼NW¼SW¼, N½SW¼NW¼SW¼	10
48. SW¼SW¼NW¼SW¼	2.5
49. NW¼NE¼SW¼SW¼, NE¼NW¼SW¼SW¼	5
50. NW¼NW¼SE¼SW¼	2.5
51. S½NW¼SW¼SW¼, SW¼SW¼SW¼	15
52. NW¼SE¼SW¼SW¼	2.5
53. SE¼NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, S½NW¼SE¼SW¼, N½SW¼SE¼SW¼	15
54. SE¼SE¼SW¼SW¼	2.5
55. NE¼SE¼SW¼, N½SE¼SE¼SW¼, W½NW¼SW¼SE¼, NW¼SW¼SW¼SE¼	22.5
56. SW¼SE¼SE¼SW¼	2.5
57. E½SW¼SW¼SE¼	5
58. S½NE¼SW¼SE¼, N½SE¼SW¼SE¼	10
59. NE¼NE¼SW¼SE¼, NW¼NW¼SE¼SE¼	5
60. SE¼SW¼NE¼SE¼, SW¼SE¼NE¼SE¼	5
61. S½NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, E½SW¼SE¼SE¼, N½SE¼SE¼SE¼, SW¼SE¼SE¼SE¼, W½SE¼SE¼SE¼, SE¼SE¼SE¼SE¼	21.875
62. NW¼SW¼SE¼SE¼	2.5
63. SE¼SE¼SW¼SE¼	2.5
Section 10	
64. NE¼NE¼NW¼NW¼	2.5
65. W½NE¼NW¼NW¼, E½NW¼NW¼NW¼	10
66. SW¼NW¼NW¼NW¼	2.5
67. S½SW¼NW¼NW¼	5
68. S½SE¼NW¼NW¼, N½NE¼SW¼NW¼	10
69. SE¼NE¼SW¼NW¼	2.5
70. SW¼NW¼SW¼NW¼, NW½SW¼SW¼NW¼	5
71. SE¼SW¼NW¼	10
72. NE¼NE¼NW¼SW¼	2.5
73. SW¼NW¼NW¼SW¼	2.5
74. NW¼SE¼NW¼SW¼	2.5
Section 28	
75. W½NE¼NE¼NE¼, E½NW¼NE¼NE¼	10
76. SE¼NE¼NE¼	10
77. W½SW¼NE¼NE¼	5
78. E½NW¼NE¼	20
79. NW¼NW¼NE¼	10
80. E½NE¼NW¼	20
81. E½NW¼NE¼NW¼	5
82. W½W½NE¼NW¼, E½NW¼NW¼, E½W½NW¼NW¼	40
84. W½SW¼NW¼NW¼	5
85. W¼NW¼SW¼NW¼	5
86. NE¼SW¼NW¼, NW¼SE¼NW¼	20
88. E½NE¼SE¼NW¼	5
89. SE¼SE¼NW¼	10
91. SW¼SW¼NW¼, W½SE¼SW¼NW¼	15
T 21 S., R. 60 E., Mount Diablo Meridian	
Section 3	
100. Lots 25, 46, 47, 48, 49, 57, 58, 59, and 78	48.43
101. Lot 114	5.35
Section 10	
102. W½NE¼NW¼NW¼	5
103. W½NE¼SW¼SW¼	5
104. W½NW½SE¼SE¼	5

Parcel numbers coincide with the last digit(s) of Bureau-assigned serial numbers N–33501 through N–33604; Parcel 1 is N–33501, Parcel 104 is N–33604. Eleven numbers are missing from the sequence. This results from the reconfiguration of various parcels.

The land, situated in the northwest quadrant of the Las Vegas Valley, has potential for residential development. Transfer of the land from Federal ownership will facilitate local land use planning and enhance its compatibility with adjoining private land uses. At least 400 acres, but not more than 697.50 acres, of the land herein described will be offered for sale initially at a public auction to be held in September, 1981, in Las Vegas.

General terms and conditions of the sale are:

1. The land will be sold subject to all valid existing rights such as power transmission line and telephone line easements and federally issued oil and gas leases.

2. The land will be sold subject to reservations for streets and roads both existing and proposed, in accordance with the Clark County road plan.

3. All land that is sold will be subject to applicable Clark County ordinances.

The land will be offered on the day of the sale utilizing oral bidding procedures. The highest oral bid will establish the purchaser. Adjoining landowners have no preference rights. The high bidder will be required to submit payment of at least 20 percent of the bid at the sale. The remainder shall be due within 30 days of the sale. Personal or certified checks, money orders, and cash will all be acceptable forms of payment. Only U.S. citizens and legally chartered U.S. corporations are eligible to purchase land offered at this sale. Specific information regarding the time and site of the auction, minimum acceptable bid for each parcel, and bidding procedures will be published in a sale brochure and made available to the public at least three weeks prior to the sale.

For a period of 45 days from the date of this notice, interested persons may submit comments regarding this sale to the Secretary of the Interior (LLM 320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary who may issue a final determination which vacates or modifies the sale. In the absence of any action by the Secretary, this notice will become the final determination of the Department of the Interior.

Dated: July 2, 1981.

William C. Calkins,

Acting District Manager.

[FR Doc. 81–20130 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

[W–3889]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 81–18643 appearing on page 32675 in the issue of Wednesday, June 24, 1981 the docket number in the heading which reads "[W–889]" should be changed to read "[3889]".

BILLING CODE 1505–01–M

National Park Service

Grizzly Bear Management Program for Yellowstone National Park; Notice of Intent To Prepare a Supplemental Draft Environmental Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to Prepare a Supplement Draft Environmental Statement.

SUMMARY: In 1974 the National Park Service issued a draft environmental impact statement (DEIS) for a proposed grizzly bear management program at Yellowstone National Park. Comments were received on that draft. At about the same time, the Interagency Grizzly Bear Study Team began intensive research into grizzly bear habits, ecological relationships, habitat and similar interests that would aid in long-term management and perpetuation of a grizzly bear population. These investigations led first to identifying grizzly bears as a threatened species, and second to development of interagency guidelines for management involving grizzly bears in the greater Yellowstone area. Preparation of a final environmental statement was delayed pending the outcome of the most intensive part of this research. Such a long time has now elapsed since the DEIS was commented on that the National Park Service has decided to prepare a supplemental DEIS before preparing a final statement. The supplemental DEIS will incorporate the comments received on the original DEIS. Alternatives to be considered will include continuing the present management program, no action, eliminating grizzly bears from the Yellowstone ecosystem, further restrictions of visitor use, and maintaining grizzly bear populations by artificial feeding. The supplemental DEIS will discuss potential impacts of control actions on bears, the effects of natural food sources *versus* artificial sources, influences of management actions on bear populations, impacts on other natural resources in the park, influences on people including visitor safety, cultural resources, and effects on environmental pollution. The public is invited to suggest other issues, alternatives or impacts that it believes should be addressed in the supplemental DEIS. Such suggestions and comments will be received for 30 days following the publication of this notice, at the addresses given below. Because the above mentioned interagency guidelines incorporate present Yellowstone bear management policies, the National Park Service does not consider it necessary to hold a scoping meeting on the issues to be discussed.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Kasparek, Compliance Officer, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver Colorado 80225, telephone 303/234-4942.

Dated: June 29, 1981.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81-20218 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Contract Negotiations With the Casper-Alcova Irrigation District and the City of Casper; Notice of Availability of a Proposed Water Service Contract and an Amendatory Contract for Public Review and Comment

The Department of the Interior, through the Bureau of Reclamation, has completed negotiation of the proposed water service contract with the Casper-Alcova Irrigation District and the city of Casper, Wyoming, for municipal water service to the city of Casper from the Kendrick Project, Wyoming, and the proposed amendment to contract Nos. 6-07-70-W0017 and 7-07-70-W0094, between the United States and the Casper-Alcova Irrigation District. The proposed water service contract and amendatory contract were prepared pursuant to the Act of June 19, 1902 (32 Stat. 388), and particularly section 9(c)(2) of the Reclamation Project Act of 1939 (53 Stat. 1187).

The proposed water service contract will provide the city of Casper with up to 7,000 acre-feet of water per year. The water is needed by the city of Casper as an additional supply of municipal water to supplement its existing water supply to meet its growing water demands due to increases in population.

The Kendrick Project, located in central Wyoming, was authorized by a finding of feasibility approved by the President on August 30, 1935, as an addition under the Reclamation Act of 1902. Major project features includes Seminoe Dam, Reservoir, and Powerplant; Alcova Dam, Reservoir, and Powerplant; the Casper Canal, laterals, and drainage works; and a power transmission system.

The Casper-Alcova Irrigation District is located along the northwesterly side of the North Platte River between the cities of Alcova and Casper in central Wyoming. The city of Casper is located in central Wyoming and is adjacent to the general service area of the district. The city's population is approximately 58,400 and is expected to increase to over 112,000 by the year 2000.

The 7,000 acre-feet of Kendrick Project water the district proposes to make available to the city will not reduce the district's irrigation water supply nor place additional demands upon the Kendrick Project. The water supply will be developed through proposed water conservation measures by the district. The district proposes to initiate a system improvement program which should yield more than the 7,000 acre-feet of water needed by the city annually.

The proposed water service rate to the city of Casper is $23 per acre-foot plus an operation and maintenance charge associated with the storage and delivery of water.

The proposed amendatory contract amends the district's contracts Nos. 6-07-70-W0017 and 7-07-70-W0094. District payments to the United States under contract No. 6-07-70-W0017, as amended, were to begin in 1983 and continue until their repayment obligation was repaid. The district's payments under contract No. 7-07-70-W0094 were to commence with the year following the last payment under contract No. 6-07-70-W0017. Under the proposed amendatory contract, the total repayment obligation under the district's existing contracts is to be made in three equal annual installments following execution of the proposed water service contract with the city of Casper.

For further information and copies of the proposed water service and amendatory contract, please contact Mr. David Wilde, Project Manager, Bureau of Reclamation, P.O. Box 1630, Mills, Wyoming 82644, telephone (307) 265-5550; Mr. Sam Hobbs, Utility Director, Casper Board of Public Utilities, 200 North David, Casper, Wyoming 82601, telephone (307) 235-8213; or Mr. Jack Miles, President, Casper-Alcova Irrigation District, Mills, Wyoming 82644, telephone (307) 234-8690.

Comments on the proposed contracts will be received up to 30 days from the date of this notice. All written correspondence concerning the proposed contracts is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: July 6, 1981.

Clifford I. Barrett,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-20219 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With the Town of Taos, N. Mex.; Notice of Intent To Negotiate a Water Service Contract

The Department of Interior, through the Bureau of Reclamation (Bureau) intends to initiate negotiations with the town of Taos, New Mexico, in the San Juan-Chama Project for a long-term water service contract, pursuant to section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187). The San Juan-Chama Project, authorized as a participating project of the Colorado River Storage Project Acts of April 11, 1956 (70 Stat. 105) and June 13, 1962 (70 Stat. 96), provides an average annual yield of about 101,800 acre-feet of water from the upper tributaries of the San Juan River in Colorado for use in the Rio Grande Basin. Water is stored in the Heron Reservoir and released into the Chama River for down-stream municipal and industrial (M&I) purposes and irrigation. The original plan provided for furnishing a firm irrigation water supply to lands in the Cervo, Taos, Llano, and Pojoaque tributary units. Subsequently, it was determined that irrigation of some of the agricultural lands was not feasible and 13,330 acre-feet of water was reallocated to the following 13 entities, mostly for M&I use:

[In acre-feet]

Entity	Annual allocation
Santa Fe	5,605
Los Lunas	400
Espanola	1,000
Twining Water and Sanitation District	15
Los Alamos	1,200
Red River	60
Questa	200
Taos	400
Bernalillo	400
Belen	500
Northeastern New Mexico	3,000
Cuba	300
Llano Unit—San Juan Indian Extension	250
Total	13,330

The Bureau intends to offer a 40-year water contract to Taos to facilitate delivery of 400 acre-feet of supplemental water per year to the town. The proposed annual water charge and other terms and conditions of the contract will be in compliance with Reclamation law and Bureau policy.

All meetings scheduled by the Bureau with officials of the town of Taos for the purpose of discussing the terms and conditions for the proposed contract will be open to the general public as observers. Advance notice of meetings will be furnished to those parties who have submitted a written request for notification at least 1 week prior to a scheduled session. The public is invited to submit written comments on the form of the proposed contract for a 30-day period after the completed contract draft is made available to the public. However, unless significant public interest in the negotiations is generated by this notice and local news releases, the availability of the proposed form of contract for public review and comment may not be formally published through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. William E. Berg, Jr., Repayment and Economics Branch, Bureau of Reclamation, 714 South Tyler, Suite 201, Amarillo, Texas 79101, or information may be requested by telephone, (806) 378-5430. All written correspondence concerning the proposed contract will be made available to the public pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

Dated: July 6, 1981.

Clifford I. Barrett,

Assistant Commissioner of the Bureau of Reclamation.

[FR Doc. 81-20215 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-102F)]

Chicago & North Western Transportation Co.—Abandonment—Near Wisconsin Rapids and Wausau, WI; Findings

June 26, 1981.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided June 26, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit (a) the abandonment by the Chicago and North Western Transportation Company (C&NW) of rail operations between Wisconsin Rapids, WI, and Marshfield, WI (milepost 142.5 near Wisconsin Rapids to milepost 166.6 at Marshfield), a distance of 25.1 miles, (b) the abandonment by C&NW of a line of railroad extending from milepost 142.5 near Wisconsin Rapids, WI, to milepost 11.0 at Arpin, WI, a distance of 11.2 miles, (c) the abandonment by C&NW of a line of railroad extending from milepost 37.5 at Marshfield, WI, to milepost 27.4 near Wausau, WI, a distance of 35.9 miles, and (d) the abandonment of 5.9 miles of other track (spur and switching), all of which are located in Wood and Marathon Counties, WI, subject to the conditions for the protection of employees discussed in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). C&NW shall keep intact all of the right-of-way, track, bridges, and drainage culverts on the Marshfield-Wausau line (milepost 37.5 at Marshfield to milepost 27.4 near Wausau), including the spurs and switching tracks at Marshfield, for a period of 120 days from the date the certificate is issued to permit any State or local government agency or other interested persons to negotiate acquisition for public use of all or any portion of this segment of the line. Because of the geological markers or survey markers on the rail line between Marshfield and Wausau (which serve as surveyor's basepoints) C&NW shall give the Wisconsin Department of Transportation at least 30 days notice before commencing the removal of any of the survey markers on the Marshfield-Wausau segment. The abandonment of the Wisconsin-Arpin line of railroad is further conditioned upon (a) the sale by C&NW of that segment of track to the Soo Line Railroad Company (Soo Line), upon terms agreeable to the parties, (b) the offer of sale by C&NW to either the Soo Line or to the shippers served, any spur track necessary to serve any shipper which C&NW presently serves on the Wisconsin Rapids-Arpin segment, including the spur serving the Sanna Division of Beatrice Foods, Inc., at Vesper, WI, and (c) the offer of sale by C&NW to the Sanna Division of Beatrice Foods, Inc., the land described in C&NW's lease No. 35088 (relating to the encroachment of Sanna Division's building upon C&NW's land at Vesper). If the Marshfield-Wausau segment of track is acquired by a successor short-line operator, the abandonment of the Marshfield-Wausau line of railroad is further conditioned upon (a) C&NW assigning all switching, interchange, and other trackage agreements it has with the Soo Line at Marshfield to the successor carrier, and (b) C&NW granting the successor carrier such trackage rights at Wausau as is necessary to allow a reasonable interchange of traffic between C&NW and the successor short-line operator, upon terms agreeable to the parties. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form

of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR Part 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20082 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-111F)]

Chicago & North Western Transportation Co., Abandonment in Oneida, Vilas, Iron, Ashland, and Bayfield Counties, WI and Gogebic County, MI; Findings

July 1, 1981.

Notice is hereby given pursuant to 49 U.S.C. 10903 that a decision decided July 1, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit the abandonment by the Chicago & North Western Transportation Company of a line of railroad extending from milepost 256.0 near Rhinelander, WI, to milepost 166.0 near Washburn, WI, a distance of 127.6 miles, in Oneida, Vilas, Iron, Ashland, and Bayfield Counties, WI, and Gogebic County, MI. Abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and further subject to conditions for removal of overhead highway bridges and pertinent abutments, and notification of the Wisconsin Department of Natural Resources prior to dismantling any portion of the line. A certificate of abandonment will be issued to the Chicago & North Western Transportation Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continued payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR Part 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20083 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 7, 1981

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operators traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.3-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.6-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. July 10, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

July 6, 1981.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 63.5 ¢

Date of current price measurement and price per gallon (including tax)

July 6, 1981 ..... 132.3 ¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expense (including taxes) of total revenue	10.9	2.9	6.3	3.3
Percent surcharge developed	18.3	3.1	6.6	[3] 2.9
Percent surcharge allowed	18.5	3.1	6.6	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-20057 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Abbott Laboratories, 14th & Sheridan Rd., North Chicago, IL 60064.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Abbott Hospitals, Inc.

(ii) Abbott Chemical, Inc.

(iii) Abbott Pharmaceutical, Inc.

(The above subsidiaries are Puerto Rico Branches of Abbott incorporated in the State of Delaware.)

(iv) Sorenson Research Co., Inc., incorporated in the State of Utah.

(v) Abbott Laboratories Ltd.; Montreal, Canada, incorporated under the Federal Law of Canada and registered under the Canada Business Corporations Act.

1. *Parent Corporation:* Baker International Corporation, 500 City Parkway West, Orange, California 92668.

2. Wholly-Owned Subsidiaries:

Milchem Incorporated, Houston, Texas
Lynes, Inc., Houston, Texas
Exploration Logging, Inc., Sacramento, California
Totco, Norman, Oklahoma
Tri-State Oil Tool Industries, Inc., Bossier City, Louisiana
Reed American Products Company, Houston, Texas
Reed Rock Bit Company, Houston, Texas
Reed Tubular Products Company, Houston, Texas
Baker CAC, Inc., Belle Chasse, Louisiana
Bakerline, San Antonio, Texas
Baker Packers, Houston, Texas
Baker Production Service, Houston, Texas
Baker Sand Control, Houston, Texas
Baker Service Tools, Houston, Texas
Energy Service International, Inc., Houston, Texas
KOBE, Inc., Huntington Park, California
Baker Oil Treating, Houston, Texas
Galigher, Salt Lake City, Utah
Chas. S. Lewis & Co., Inc., St. Louis, Missouri
Ramsey Engineering Company, St Paul, Minnesota
Reedrill, Denison, Texas
Reed Mining Equipment, Houston, Texas
West Virginia Armature, Co., Glen Lyn, Virginia
Gradline, Inc., Woodinville, Washington
Pacific Concrete & Rock Company, Ltd., Honolulu, Hawaii
D. W. Zimmerman Mfg., Inc., Madison Heights, Michigan

1. Parent corporation and address of principal office: Bemis Company, Inc., 800 Northstar Center, Minneapolis, Minnesota 55402 (Incorporated in the State of Missouri)

2. Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

I. Curwood, Inc., 718 High Street, New London, Wisconsin 54961 (Incorporated in the State of Delaware)
II. Bemis Specialty Films Co., a Division of Bemis Company, Inc., P.O. Box 2968, Oshkosh, Wisconsin 54903
III. Custom Resins, a Division of Bemis Company, Inc., Henderson, Kentucky 42420
IV. Hayssen Manufacturing Company, Highway 42, North Sheboygan, Wisconsin 53081 (Incorporated in the State of Delaware)
V. Hayssen Manufacturing Company, Flex-Vac Division, 788 Bloomfield Ave., Clifton, New Jersey 07012 (Incorporated in the State of Delaware)
VI. Louisiana Plastics, Highway 54 West, Louisiana, Missouri 63353 (Incorporated in the State of Delaware)
VII. Lustour Corporation, 19th and Wall Streets, Murphysboro, Illinois 62966 (Incorporated in the State of Delaware)
VIII. MacKay Engraving Company, a Division of Bemis Company, Inc., 339 East Bloom Street, Louisville, Kentucky 40217
IX. Mankato Corporation, 1301 Third Avenue, Mankato, Minnesota 56001 (Incorporated in the State of Delaware)
X. Perry Industries, Inc., 121 New South Rd., Hicksville, New York 11802 (Incorporated in the State of Delaware)
XI. Pervel Industries, Inc., Plainfield, Connecticut 06374 (Incorporated in the State of Delaware)
XII. Ross & Roberts, Inc., 1299 West Broad Street, Stratford, Connecticut 06497 (Incorporated in the State of Delaware)
Sackner Products, Inc., 901 Ottawa Ave., N.W., Grand Rapids, Michigan 49503 (Incorporated in the State of Delaware)
XIV. Sackner Products, Inc., 2850 East 46th Street, Los Angeles, California 90058 (Incorporated in the State of Delaware)
XV. Sackner Products, Inc., Route 6, Box 178A, Statesville, North Carolina 28677 (Incorporated in the State of Delaware)
XVI. Sackner Products, Inc., 220 Midway Avenue, Verona, Mississippi 38779 (Incorporated in the State of Delaware)
XVII. Western Litho Plate & Supply Company, 3433 Tree Court Industrial Blvd., St. Louis, Mississippi 63122 (Incorporated in the State of Delaware)
XVIII. Western Litho Plate & Supply Company, U.S. 69 North, Jacksonville, Texas 75766 (Incorporated in the State of Delaware)
XIX. Western Litho Plate & Supply Company, Route 10, Springfield, Missouri 65803 (Incorporated in the State of Delaware)
XX. Arnoldware Rogers, Inc., 1200 Arnoldware Ave., Panama City, Florida 32401 (Incorporated in the State of Vermont)
XXI. American Packaging Machinery Company, a Division of Bemis Company, Inc., P.O. Box 4300, 1163 Glory St., Ashwaubenon, Wisconsin
XXII. Gravure Systems, a Division of Bemis Company, Inc., 7435 Empire Drive, Florence, Kentucky 41042

1. Parent Corporation and address of principal office: T. Brewer & Co., Inc.,

5465 Blair Rd., Suite 201 Dallas, Texas 75231.

2. Wholly-owned subsidiaries which will participate in the operations: (a) T. Brewer & Co., Inc., (Dallas) 5465 Blair Rd., Suite 201 Dallas, Texas 75231; (b) T. Brewer Transport Inc., 5465 Blair Rd., Suite 201 Dallas, Texas 75231.

(1) Parent Company and Address of Principal Office: Ronald D. Offutt Jr., sole proprietor of Ronald Offutt and Son and sole stockholder in R. D. Offutt, Inc., a North Dakota corporation, Ronald Offutt and Son, Inc. and Offutt Trucking Co., both Minnesota corporations. Address for Ronald D. Offutt, Jr. is: FM Center, Box 560, Moorhead, Minnesota, 56560.

(2) Wholly-Owned Business Which Will Participate in the Operations and Address of Their Respective Principal Offices:

(a) R. D. Offutt, Inc., Casselton, North Dakota, 58012.

(b) Offutt Trucking Co., P.O. Box 126, Glyndon, Minnesota, 56547.

(c) Ronald Offutt & Son, Inc., Box 560, Moorhead, Minnesota, 56560.

(d) Ronald Offutt & Son, a sole proprietorship.

1. Parent corporation and address of principal office. Trus Joist Corporation. P.O. Box 60, Boise, Idaho 83707.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation. T J Transport, Inc., P. O. Box 60, Boise, Idaho.

Agatha L. Mergenovich,
Secretary.

[FR. Doc. 81-20277 Filed 7-9-81; 8:45am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

MC F-14649F, filed June 12, 1981. THORNE TRUCK LINES, INC. (Thorne) (Highway 45 South, P.O. Box 430, Milan, TN 38358)—Purchase—SHILOH TRANSPORTATION, INC. (Shiloh) (143 Pickwick Road, Savannah, TN 38372. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137). Thorne seeks to purchase the operating rights of Shiloh. Lexington-Paris Motor Freight which controls Thorne, and in turn, Tommy W. Ross who controls Lexington-Paris Motor Freight, seek authority to acquire control of said rights through the transaction. Thorne is purchasing the interstate operating rights issued to Shiloh in MC-151594 and (Sub-No. 1), which authorize the transportation over regular routes of (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Tupelo, MS, and Nashville, TN; from Tupelo over U.S. Hwy 45 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction TN Hwy 22, then over TN Hwy 22 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Nashville, and return over the same route, serving all intermediate points, and serving points in Lee and Prentiss Counties, MS, and Davidson County, TN, as off-route points, and (b) between Tupelo, MS, and Memphis, TN, (1) over U.S. Hwy 78, serving all intermediate points, and serving points in Lee and DeSoto Counties, MS, Shelby County, TN, and Crittenden County, AR, as off-route points, and (2) from Tupelo over U.S. Hwy 72, then over U.S. Hwy 72 to Memphis, and return over the same route, serving all intermediate points, and serving points in DeSoto, Lee and Alcorn Counties, MS, Shelby County, TN, and Crittenden County, AR, as off-route points; (2) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (a) between Nashville, TN, and Savannah, TN; (1) from Nashville over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction TN Hwy 20, then over TN Hwy 20 to junction unnumbered hwy known as the Summertown Pike, then over said Summertown Pile to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, serving all intermediate points in Hardin and Wayne Counties, TN, and Deerfield, TN, as off-route points; (2) from Nashville over Interstate Hwy 65 to junction TN Hwy 99, then over TN Hwy 99 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (3) from Nashville over TN Hwy 100 to junction TN Hwy 69, then over TN Hwy 69 to junction TN Hwy 114, then over TN Hwy 114 to junction TN Hwy 128, then over TN Hwy 128 to Savannah and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (4) from Nashville over Inerstate Hwy 40 to junction TN Hwy 22, then over TN Hwy 22 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intemediate points; (b) between Memphis and Selmer, TN, over U.S. Hwy 64, serving all intermediate points in McNairy County, TN, and serving points in McNairy County as off-route points; (c) between Nashville, TN and Selmer, TN; (1) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Selmer, and return over the same route, serving all intermediate points in McNairy County, TN, and serving all points in McNairy County as off-route points; and (2) from Nashville over TN Hwy 100 to junction U.S Hwy 45, then over U.S. Hwy 45 to Selmer, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (d) between Selmer and Savannah, TN; (1) over U.S. Hwy 64, serving all intermediate points, and serving all points in Hardin and McNairy Counties, TN, as off-route points; and (2) from Selmer over U.S. Hwy 45 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction MS Hwy 25, then over MS Hwy 25 to the MS-TN State line, then over TN Hwy 57 to junction TN Hwy 128, then over TN Hwy 128 to Savannah, and return over the same route, serving all intermediate points; (e) between Memphis and Savannah, TN; from Memphis over U.S. Hwy 72 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction MS Hwy 2, then over MS Hwy 2 to the MS-TN State line, then over TN Hwy 22 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, serving all intermediate points in Hardin and McNairy Counties, TN; (f) between Nashville and Waynesboro, TN; (1) from Nashville over TN Hwy 100 to junction TN Hwy 1 then over TN Hwy 13 to Waynesboro, and return over the same route, serving all intermediate points in Wayne County, TN, and serving all points in Wayne County, TN, as off-route points; and (2) from Nashville over Interstate Hwy 40 to junction TN Hwy 13, then over TN Hwy 13 to Waynesboro, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (g) between Savannah, TN, and the Yellow Creek State Inland Port Authority and Industrial Park, MS; from Savannah over TN Hwy 128 to junction TN Hwy 57, then over TN Hwy 57 to the TN-MS State line, then over MS Hwy 25 to the Yellow Creek State Inland Port Authority and Industrial Park, and return over the same route, serving all intermediate points, and serving the Yellow Creek Nuclear Plant as an off-route point. Thorne is authorized to transport *general commodities* in western TN pursuant to certificates issued in MC-87951 and sub-numbers thereunder. Lexington-Paris Motor Freight, Inc. is a general commodities carrier, over regular routes, pursuant to certificates issued in MC-134768. Tommy W. Ross controls Milan Express, a general commodities carrier, pursuant to certificates issued in MC-121649.

Note.—(1) An application for temporary authority has been filed.

[FR Doc. 81-20276 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 16956, at page 30585, in the issue of Tuesday, June 9, 1981, on page 30590, the first column, the first full paragraph beginning with "MC 2392 (Sub-141)", line eight, correct "TS" to read "TX".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR. 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Note.—Please direct status inquiries to the Ombudsman's Office (202) 275–7326.

Volume No. OP1–196

Decided: July 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 106941 Sub 6, filed June 19, 1981. Applicant: WILLIAM H. OTT, INC., d.b.a. TEXAS HOT SHOT COMPANY, 3815 Irvington Blvd., Houston, TX 77009. Representative: Mike Cotton, P.O. Box 1148, Austin, TX 78767. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146491 (Sub-1), filed June 17, 1981. Applicant: ABC TRANSFER & DELIVERY, INC., 700 NW 5th Ave., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–5–98

Decided: July 2, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 127368 (Sub-2), filed June 24, 1981. Applicant: TRAVELER's OVERSEAS, INC., 25 James St., New Haven, CT 06513. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. As a *broker of general commodites* (except household goods), between points in the U.S.

MC 140159 (Sub-19), filed June 24, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222, (412) 471–3300. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 142019 (Sub-2), filed June 19, 1981. Applicant: FORREST FREEZE TRUCKING, INC., 1498 E. Merced Ave., Merced, CA 95340. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, 714–738–3889. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions), between points in the U.S.

MC 156729 filed June 18, 1981. Applicant: JAMES C. PARKER, JR., d.b.a. THE PARKER AGENCY, 2523 East Palmetto St., P.O. Box 12256, Florence, SC 29504. Representative: James C. Parker, Jr. (same address as applicant), 803–662–7788. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-20270 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Any status inquiries should be directed to (202–275–7326).

Volume No. OPY–4–238

Decided: July 6, 1981.

MC 37896 (Sub-48), filed June 25, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1046, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Building, 918 16th St. NW, Washington, DC 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, Schenectady Utilities Operation, of Schenectady, NY.

MC 94870 (Sub-20), filed June 26, 1981. Applicant: RICHARD ACERRA, INC., 38–09 Vernon Blvd., Long Island City, NY 11101. Representative: J. Aiden Connors, 325 E. 201 St., New, NY 10458, (212) 733–6985. Transporting (1) *apple products*, and (2) *bottles and containers*, between points in the U.S., under continuing contracts(s) with Casal Distributors, Inc., of Long Island City, NY.

MC 117786 (Sub-139), filed June 25, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005 Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 154886, filed June 22, 1981. Applicant: NINTH, INC., 5217 W. 87th St., Oak Lawn, IL 60453. Representative: Leonard Wehrmeister (same address as applicant), (312) 422–6276. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Boyle Midway Company, Division of American Home Products, of Chicago, IL.

MC 156076, filed June 22, 1981. Applicant: ARTHUR A. ROLLER, d.b.a. ROLLER TRUCKING, P.O. Box 379, Beebe, AR 72012. Representative: James M. Duckett, 221 W. Second St., Suite 411, Little Rock, AR 72201. Transporting *lumber and wood products*, between points in Pulaski County, AR, CO, OK, MO NE, ND, SD, IA, and KS.

MC 156756, filed June 22, 1981. Applicant: BURKHARDT TRUCKING CORPORATION, d.b.a. B.T.S. TRANSPORTATION, 4000 Santa Fe Ave., Long Beach, CA 90810. Representative: Milton W. Flack, 8383 Wilshire Blvd. No. 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives), between points in CA.

Volume No. OPY–4–239

Decided: July 6, 1981.

MC 146636 (Sub-8), filed June 25, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1) *food and related products*, and (2) *pulp, paper and related products*, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 147866 (Sub-1), filed June 24, 1981. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 14750 S.W. 72nd Ave., Tigard, OR 97223. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, (503) 288–6141. Transporting (1) *food and related products, chemicals and related products, metal products, clay, concrete, glass or stone products, lumber and wood products, and petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Kelley-Clarke Company, of Portland, OR, (2) *food and related products*, between points in the U.S., under continuing contract(s) with Morehouse Foods, Inc., of Emeryville, CA, (3) *lumber and wood products*, between points in the U.S., under continuing contract(s) with R. C. Long Shake Co., of Gresham, OR, and (4) *food and related products*, between points in the U.S., under continuing contract(s) with American Strevell Wholesale Grocer, of Salt Lake City, UT.

Volume No. OPY–4–240

Decided: July 6, 1981.

MC 136996 (Sub-7), filed June 25, 1981. Applicant: IDEAL TRANSPORTATION COMPANY, 1623 W. Main St., Zanesville, OH 43701. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting (1) *machinery*, (2) *metal products* and (3) *mercer commodities*, between points in the U.S.

MC 143776 (Sub-26), filed June 25, 1981. Applicant: C.D.S., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (616) 253–9527. Transporting *rubber and plastic products*, between the facilities of H. Muehlstein and Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146846 (Sub-3), filed June 25, 1981. Applicant: LOUIS J. LANE, P.O. Box 148, Trego, WI 54888. Representative: Nancy J. Johnson, 103 East Washington St., Box 216, Crandon, WI 54520, (715) 478–3341. Transporting *pulp, paper and related products*, between points in Oneida, Marathon, and Outagamie Counties, WI and Morrison County, MN, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-18), filed June 22, 1981. Applicant: P. A. M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting (1) *pulp, paper and related products*, (2) *plastics and related products*, (3) *metal and related products*, and (4) *lumber and wood products*, between points in the U.S.

MC 151256 (Sub-2), filed June 22, 1981. Applicant: ODYSSEY TRANSPORTATION, INC., 3826 Depot Rd., Hayward, CA 94544. Representative: Eldon M. Johnson, 650 California St., Suite 2806, San Francisco, CA 94108, (415) 986–8696. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Specialty Polymers, Inc., of Woodburn, OR.

[FR Doc. 81-20268 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY–5–100]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: July 6, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each aplicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application

or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except were the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

MC–F–14653, filed June 23, 1981. FRED J. WINES, and Individual, (WINES) (2601 Broadway Rd. N.E., Minneapolis, MN 55413)—continuance in control—UNITED SHIPPING COMPANY (United) (P.O. Box 21186, St. Paul, MN 55121). Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Wines, an individual, seeks to continue in control of United upon the institution of operations by United, in interstate or foreign commerce as a motor common carrier. Wines also controls through majority stock ownership, Advance-United Expressways, Inc., a motor common carrier, operating pursuant to certificate No. MC 107605 and subs thereunder.

Note.—United has filed as a directly related application, its initial common carrier application, docketed MC 153829, published in the same Federal Register issue.

MC 153829, filed June 23, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note.—This application is directly related to MC–F–14653, published in this same Federal Register issue.

[FR Doc. 81–20274 Filed 7–9–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–2–118]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 1, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems, (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Any status inquiries should be directed to 202–275–7326.

MC 2832 (Sub-14F), filed June 24, 1981. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, CT 06790. Representative: Thomas A. Kelley, Jr. (same address as applicant), (203) 489–9243. Transporting *passengers and their baggage*, in the same vehicle with passengers in round trip special operations beginning and ending at Waterbury, Southbury and Danbury, CT, and extending to (1) Shea Stadium, Yankee Stadium, and Madison Square Garden, at New York City, NY, (2) Meadowlands Stadium at East Rutherford, NJ, (3) Fenway Park, The Boston Garden and The Commonwealth Armory, at Boston, MA, and (4) Schaefer Stadium, at Foxboro, MA.

MC 72442 (Sub-51), filed June 23, 1981. Applicant: AKERS MOTOR LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives), between points in Suffolk, Plymouth, Bristol, Essex, Middlesex, Norfolk, Worcester, Franklin, Hampshire, Hampden, and Berkshire Counties, MA, Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham Counties, CT, Passaic, Bergen, Morris, Union, Hudson, Essex, Middlesex, Somerset, Monmouth, Mercer, Burlington, Camden, Gloucester, Cumberland, Salem, Hunterdon, and Warren Counties, NJ, Nashua County, NH, Kent, Washington, Providence, Bristol, and Newport Counties, RI, Suffolk, Nassau, Brooklyn, Queens, Richmond, Bronx, Manhattan, New York, Westchester, Putnam, Rockland, Dutchess, Columbia, Rensselaer, Albany, Schenectady, and Montgomery Counties, NY, Baltimore, Frederick, Cecil, Carroll, Howard, Montgomery, Prince Georges, Charles, Anne Arundel, Wicomico, Somerset, Worcester, and Harford Counties, and Baltimore City, MD, Washington, DC, Northampton, Accomack, Southampton, Greenville, Brunswick, Mecklenburg, Halifax, Pittsylvania, King George, Caroline, Hanover, Chesterfield, Amelia, Nottaway, Prince Edward, Charlotte, Fairfax, Prince William, Fauquier, Culpeper, Madison, Keene, Albermarle, Nelson, Amherst, Campbell, and Loudon Counties, VA, and Portsmouth, Norfolk, Suffolk, and Richmond, VA, Sussex, Kent, and New Castle Counties, DE, Lycoming, Clinton, Union, Snyder, Perry, Cumberland, Juniuta, Northcumberland, Dauphin, Lebanon, York, Lancaster, Berks, Lehigh, Schuylkill, Columbia, Luzerne, Lackawanna, Northampton, Bucks, Montgomery, Chester, Delaware, Philadelphia, and Montour Counties, PA.

MC 105733 (Sub-87F), filed June 23, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box 1084–A, 928 East Hazelwood Avenue, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, D.C. 20005, (202) 296–3555. Transporting *commodities in bulk*, between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 107012 (Sub-727F), filed June 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, In 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *toilet preparations*, between the facilities of Max Factor & Co, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-728), filed June 23, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives), between the facilities used by W. W. Grainger, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 108382 (Sub-43), filed June 22, 1981. Applicant: SHORT FREIGHT LINES, INC., 450 South River Road, Bay City, MI 48706. Representative: Richard L. Poirier (same address as applicant), (517) 893–3505. Over regular routes, transporting *general commodities*, (except Classes A and B explosives), serving points in Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee and Wexford Counties, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

Note.—Applicant intends to tack this authority to its existing regular and irregular route authority.

MC 110053 (Sub-2), filed June 22, 1981. Applicant: ILLINOIS STATE MOTOR SERVICE, INC., 1800 W. 31st St., Chicago, IL 60608. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *metal products, machinery, and building materials*, between points in IL, IN, IA, WI, MI, and OH.

MC 121762 (Sub-1), filed June 22, 1981. Applicant: DRISKELL TRUCKING INC., 4739 Durfee Avenue, Pico Rivera, CA 90660. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting *lumber and wood products, furniture and fixtures, pulp, paper and related products, chemicals and related products, rubber and plastic products, and machinery*, between points in CA, OR, WA, ID, UT, NV, AZ, NM, CO, TX OK, and WY.

Note.—Applicant seeks to convert in this application its Certificate of Registration in MC–121762 to a Certificate of Public Convenience and Necessity. Issuance of a Certificate is subject to the coincidental cancellation, at applicant's written request, of the outstanding Certificate of Registration in No. MC–121762, issued June 20, 1975.

MC 133562 (Sub-43), filed June 16, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 452, Estherville, IA 51334. Representative: Herbert W. Allen, P.O. Box 2733, Des Moines, IA 50315, (515) 287–1602. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of recreational vehicles and parts, between points in FL, CA, WA, IA and IL, on the one hand, and, on the other, points in IA, MN, and SD, and (2) *textile mill products and paper bags*, between points in GA, NC, NJ, NY, SD, and TX, on the one hand, and, on the other, points in IA, IL, IN, MN, MO, MI, NE, OH, ND, SD, and WI.

MC 133562 (Sub-44F), filed June 16, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 452, Iowa Highway No. 4, Estherville, IA 51334. Representative: Herbert W. Allen, P.O. Box 2733, Des Moines, IA 50315, (515) 287–1602. Transporting *such commodities* as are dealt in or used by retail drug, variety, and department stores, between points in the U.S.

MC 144542 (Sub-2), filed June 18, 1981. Applicant: CAR TRANSPORTERS CORPORATION, 2001 West 4th Plain, Vancouver, WA 98660. Representative: John R. Bagileo, 918 16th St. NW., Washington, DC 20006, 202–785–3700. Transporting *transportation equipment*, between Auburn and Vancouver, WA, on the one hand, and the other, Seattle, WA.

MC 144572 (Sub-54), filed June 9, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lime and lime products, between points in Tooele County, UT, on the one hand, and, on the other, points in CO.

MC 150102 (Sub-7F), filed June 24, 1981. Applicant: MUSTANG TRANSPORTATION, INC., 150 Gause Blvd., Slidell, LA 70458. Representative: Albert T. Riddle, 1101 Rue Corton, Slidell, LA 70458, (504) 641–6545. Transporting *general commodities* (except classes A and B explosives), between points in LA, MS, and TX.

MC 153002 (Sub-2), filed June 18, 1981. Applicant: GETZINGER TRUCKING, INC., Morton Ave., Rosenkayn, NJ 08352. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, 215–735–3090. Transporting *food and related products* (1) between points in NJ, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, NE, CO, OK, and TX, and (2) between St. Louis, MO, on the one hand, and, on the other, points in CT, DE, FL, GA, MA, MD, NJ, NY, PA, RI, WI, and DC.

MC 154622, filed June 18, 1981. Applicant: CLIFTON T. BARKER d.b.a. BARTCO, 2214 Cloverdale, Arlington, TX 76010. Representative: Clifton T. Barker (same address as applicant), 817–460–6817. Transporting *metal products*, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in Harris County, TX.

MC 155512F filed June 18, 1981. Applicant: C. DEINUM, INC., 350 Kings Court, Houston, TX 77015. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with National Warehouse Services, Inc., of Houston, TX, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with (a) H. Muehlstein & Co., Inc., of Greenwich, CT, (b) Synthetic Materials Corporation, of Houston, TX, (c) Ribelin Sales, Inc., of Houston, TX, and (d) Plastican, Inc., of Dallas, TX.

MC 155982 (Sub-1), filed June 19, 1981. Applicant: SILVER STREAK TRANSPORT CO., INC., 222 Willow St., Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, 212–941–9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Academy Auto Parts Co., Inc., of Yonkers, NY, (b) Elon, Inc., of Ardsley, NY, and (c) Stevens Paint Corp., of Yonkers, NY.

MC 156623, filed June 18, 1981. Applicant: LOYLEE CO., INC., E. 2223 Cleveland, Spokane, WA 99207. Representative: Michael J. Newell, 202 First Federal Savings Bldg., 401 Front St., Coeur d' Alene, ID 83814, (208) 667–0569. Transporting *lumber and wood products*, and *building materials* between points in the U.S., under continuing contract(s) with (1) J & M Lumber Company of Reno, NV, and (2) Hunters Timber, Inc., of Hunters, WA.

MC 156643, filed June 19, 1981. Applicant: DON COMPTON, d.b.a. DON COMPTON & SONS, Route 2, Box 2, Murfreesboro, AR 71958. Representative: Philip M. Clay, P.O. Box 1421, Glenwood, AR 71943, (501) 356–2330. Transporting *wooden ammunition boxes* between points in the U.S., under continuing contract(s) with Hall & Hall Enterprises, Inc., of Murfreesboro, AR.

MC 156673, filed June 19, 1981. Applicant: DELOY MEPPEN, R.R. #9, Box 152, Idaho Falls, ID 83401. Representative: Deloy Meppen (same as applicant), (208) 523–5878. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with The Pillsbury Co., of Ucon, ID.

MC 156682, filed June 18, 1981. Applicant: AIR TRUCK, INC., 1310 South West St., Indianapolis, IN 46225. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *chemicals and related products, rubber and plastic products*, and *food and related products*, between points in the U.S., under continuing contract(s) with Dow Chemical Company, USA, of Indianapolis, IN, and its wholly owned subsidiaries.

MC 156683F, filed June 22, 1981. Applicant: ONE-WAY TRANSPORTATION, INC., Route 1, Box 140, Concrete, WA 98237. Representative: Teresa Chambers (same address as applicant), (206) 826–3466. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Centrecon, Inc. of Everett, WA.

MC 156753F, filed June 22, 1981. Applicant: TURNER BROS ENTERPRISES, INC., Tebbetts, MO 65080. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *chemicals and related products and petroleum or coal products*, between points in KS, NE, IA, MO, IL, and KY.

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[Volume No. OP1-197]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problem (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 149440 (Sub-7), filed February 2, 1981, previously noticed in the **Federal Register** issued of March 2, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Transporting *electric generators, internal combustion engines, and plumbing fixtures and supplies*, between point in Sheboygan County , WI, Brown County, TX, and Spartanburg County, SC, on the one hand, and, on the other, points in the U.S.

Note.—Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificate No. MC–149440 Sub 7, issued May 6, 1981. This republication clarifies the commodity description.

[FR Doc. 81-20280 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 117]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 7, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 60580 (Sub-44)X, filed June 18, 1981. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4. Representative: Edward L. Nehez, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 26, 27, 29, 30, 32, 35, 36, and 37 (MIF) certificates to broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all of the above authorities.

MC 64373 (Sub-17)X, filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in Sub-No. 4 certificate to broaden its commodity description from textile machinery, to "commodities which, because of size or weight, require the use of special equipment or special handling".

MC 76184 (Sub-4)X, filed June 5, 1981. Applicant: MID–CONTINENT VAN SERVICE, INC., 1601 Pennsylvania, St. Louis, MO 63133. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1300, St. Louis, MO 63102. Applicant seeks to remove restrictions in its lead and Sub-No. 3 certificate to (1) broaden the commodity descriptions from paper to "paper and paper articles", in part (1) of the lead; from furniture, and office and restaurant furnishings and equipment, all crated (except household goods as defined by the Commission) to "furniture and fixtures, office and restaurant furnishings and equipment" in part (2) of the lead; and from new custom architectural interiors and components thereof, and related supplies when moving in mixed loads with new custom architectural interiors to "textile mill products", in part 3 of the lead and Sub-No. 3, (2) remove part (4) of the lead, (3) replace one-way with radial authority and (4) authorize county-wide authority in place of city-wide authority as follows: Madison County, IL (for Alton, IL) and St. Charles County, MO (for St. Charles, MO), in part (1) of the lead; Warren, St. Charles and Franklin Counties, MO (for Wright City, O'Fallon and Union, MO), in part (3) of the lead and Sub-No. 3.

MC 87113 (Sub-20)X, filed June 24, 1981. Applicant: WHEATON VAN LINES, INC., 6010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-No. 10 and 12 certificates to broaden the commodity description from household goods, as defined by the Commission, to "household goods, as defined by the Commission, and furniture and fixtures" and remove the "Ak and HI" exceptions. Sub-No. 12 will be subsumed in Sub-No. 10.

MC 93147 (Sub-25)X, filed June 25, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in its Sub-No. 20F certificate to (1) eliminate the restriction limiting service to the transportation of traffic originating at or destined to named facilities; (2) eliminate the "except commodities in bulk" restriction; and (3) replace cities with county-wide authority as follows: Cerritos, Pasadena, and San Francisco, CA with Los Angeles and San Francisco Counties, CA; Hartford, New Britain, Wallingford, Waterbury, and Oakville, CT with Hartford, New Haven, and Litchfield Counties, CT; Wilmington, DE with New Castle County, DE; Atlanta, GA with Dekalb and Fulton Counties, GA; Chicago, IL with Cook and DuPage Counties, IL; Red Oak, IA with Montgomery County, IA; Lawrence, Medford, Taunton, Wilmington, and Worcester, MA with Essex, Middlesex, Bristol, and Worcester Counties, MA; Marysville, MO with Nodaway County, MO; Berlin, Voohersville, and Manchester, NH with Coos and Hillsborough Counties, NH; Edison and Saddlebrook, NJ with Middlesex and Bergen Counties, NJ; Lockport, and Schenectady, NY with Niagara, Albany, and Schenectady Counties, NY; Asheboro, Asheville, Greensboro, and Greenville, NC with Randolph, Buncombe, Guilford, and Pitt Counties, NC; Cleveland, Edgewater, and Freemont, OH with Cayahoga and Sandusky Counties, OH; Portland, OR with clackamas and Multnomah Counties, OR; Kingsport and Memphis, TN with Hawkins, Sullivan, and Shelby Counties, TN; Dallas, TX with Dallas County, TX; and Burlington, St. Albans, and Bennington, VT with Chittenden, Franklin, and Bennington Counties, VT.

MC 107544 (Sub-160)X, filed June 18, 1981. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580 Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate and Subs 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 144, 146F, 147F, 150F, E–1, E–2 and E–7 to (A) broaden the commodity descriptions: to "commodities in bulk" from petroleum products, in bulk, in tank vehicles, petroleum and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, petroleum products, in bulk, in tank vehicles, (except asphalt and asphalt products, and those

commodities, other than naptha), as defined in Appendix XIII which are duplicated in Appendix XV to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, propane and butane, in bulk, in tank vehicles, anhydrous hydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, liquefied petroleum gas, in bulk, in tank vehicles, nitrogen tetroxide, in bulk, in tank vehicles, petroleum and petroleum products (except liquid chemicals), in bulk, in tank vehicles, lubricating oil, in bulk, in tank vehicles, petroleum products (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, nitrogen fertilizer solutions, in bulk, in tank vehicles, plastic materials and synthetic latex, in bulk, carbon black, in bulk, in tank or hopper-type vehicles, natural latex, in bulk, in tank vehicles, dry carbon, in bulk, carbon, dry and spent carbon, in bulk, petroleum and petroleum products, except petrochemicals, acids, and asphalt, in bulk, in tank vehicles, fuel oil, in bulk, salt cake, in bulk, petroleum products (except petrochemicals), in bulk, in tank vehicles, sodium sulfate, in bulk, in tank vehicles, prophyllite, in bulk, in tank vehicles, and liquid coal treating compounds and liquid industrial water treating compounds, in bulk, in tank vehicles, in the lead certificate and in Subs 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 146, 150, E–1, E–2, and E–7 and to "chemicals and related products" from caustic soda, soda ash, bicarbonate of soda, and chlorine, dry or liquid, in bulk, in the lead certificate; (2) replace cities and facilities with city or county-wide authority: in the lead and Sub-No. 20, Knoxville, TN, with Knox, Anderson, Blount, and Sevier Counties, TN; in the lead, Abingdon, Bristol, Big Stone Gap, Norton, and Marion, VA, with Bristol and Norton, VA, Washington, Lee Wise, and Smyth Counties, VA, and Sullivan County, TN; in the lead and Sub-No. 20, Wercer, TN, with Wercer, TN; Friendship, NC, with Forsyth and Guilford Counties, NC; in the lead, terminal near Greensboro, NC, with Rockingham, Guilford, and Randolph Counties, NC; Marion and Wytheville, VA, with Smyth and Wythe Counties, VA; Dock and Boomer, WV, with Kanawha and Fayette Counties, WV; Boomer, WV, with Fayette and Kanawha Counties, WV; Saltville, VA, with Tazewell, Russell, Smyth, and Washington Counties, VA; Harriman and Knoxville, TN, Charleston and Huntington, WV, and Spartanburg and Rock Hill, SC, with Morgan, Roane, Knox, Anderson, and Sevier Counties, TN, Kanawha, Putnam, Wayne, and Cabell Counties, WV, Boyd County, KY, Lawrence County, OH, and Spartanburg, Cherokee, York, Chester, and Lancaster Counties, SC; in Sub-No. 35, Thrift and Salisbury, NC, with Davidson and Rowan Counties, NC; in Sub-No. 37, terminal at or near Pineville, NC, with Mecklenburg County, NC, and York County, SC; in Sub-No. 38, Lake Charles, LA, and Saltville, VA, with Calcasieu Parish, LA, and Tazewell, Russell, Smyth, and Washington Counties, VA; Nimbus and Santo Susana, CA, and facilities at Denver, CO, with Los Angeles and Ventura Counties, CA, and Denver, Douglas, Jefferson, Arapahoe, and Adams Counties, CO; in Sub-No. 41, terminal near Apex, NC, with Wake County, NC; terminal near Cheraw, SC, with Chesterfield and Marlboro Counties, SC; in Sub-No. 43, Cape Canaveral, FL, with Brevard County, FL; in Sub-No. 50, Friendship, NC, with Forsyth and Guilford Counties, NC; in Sub-No. 55, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; facilities at or near Duty, Bartlick, Carbo, and Coeburn, VA, with Dickenson, Russell, and Wise Counties, VA; in Sub-No. 58, terminal at or near Montvale, VA, with Bedford and Franklin Counties, VA; terminal at or near Roanoke, VA, with Roanoke, VA; in Sub-No. 71, Hercules, CA, with Contra Costa County, CA; Cape Kennedy, FL, with Brevard County, FL; facilities near Cleveland, OH, with Lake, Summit, Medina, Lorain, and Cuyahoga Counties, OH; facilities at or near Davis-Monthan Air Force Base, AZ, Little Rock Air Force Base, AR, and McConnell Air Force Base, KS, with Pima County AZ, Pulaski, Lonoke, Saline, and Faulkner Counties, AR, and Sedgwick County, KS; Denver, CO, and points within 25 miles of Denver, with Denver, Douglas, Elbert, Arapahoe, Adams, Weld, Boulder, Clear Creek, Jefferson, Park and Gilpin Counties, CO; in Sub-No. 76, Hercules, CA, with Contra Costa County, CA; in Sub-No. 78, facilities at or near Perryville, MD, with Cecil and Harford Counties, MD; in Sub-No. 86, Vicksburg, MS, with Warren and Issaquena Counties, MS, and Madison Parish, LA; in Sub-No. 92, Toledo, OH, with Lucas, Wood, and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI; in Sub-No. 95, Savannah, GA, with Chatham County, GA and Jasper County, SC; in Sub-No. 98, Romeo, FL, with Marion County, FL, in Sub-No. 103, terminal at or near Montvale, VA, with Bedford and Botetourt Counties, VA; in Sub-No. 104, facilities at or near Piney Point, MD, with St. Mary's County, MD; facilities at or near Front Royal, VA, with Warren, Fauquier, and Rappahannock Counties, VA; facilities at or near Fredericksburg, VA, with Fredericksburg, VA; in Sub-No. 124, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; Hugheston, WV, with Kanawha County, WV; in Sub-No. 127, Charleston, SC, with Charleston, Berkeley, and Dorchester Counties, SC; in Sub-No. 139, Nitro, WV, with Kanawha and Putnam Counties, WV; in Sub-No. 141, Robbins and Glendon, NC, with Moore County, NC; in Sub-No. 146F, Vicksburg, MS, with Warren and Issaquena Counties, MS and Madison Parish, LA; Bogalusa, LA, with Washington Parish, LA and Pearl River County, MS; in Sub-No. 150F, Muscle Shoals, AL, with Colbert and Lauderdale Counties, AL; in Sub-No. E–1, Salisbury and Thrift, NC, with Rowan and Davidson Counties, NC; and in Sub-No. E–2, Toledo, OH, with Lucas, Wood and Ottawa Counties, OH, Monroe and Lenawee Counties, MI: (3) change one-way to radial authority in all of the above sub-numbers except Sub-Nos. 71, 86, and 102; and (4) eliminate: in Sub-Nos. 78 and 104, the originating at and destined to restrictions; in Sub-No. 102, the AK and HI exception; and in Sub-No. 127, the restriction against service at named facilities at or near Canton, NC, and Marion, VA.

MC 111625 (Sub-26)X, filed June 18, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box No. 1566, Binghamton, NY 13902. Representative: J. Edward Derrick, (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, and MC-97925 (Sub-No. 1 (acquired in MC–F–13342) certificates to (1) remove all exceptions from the general commodities authority except classes A and B explosives, in the lead and Sub-Nos. 8, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 24, and MC–97925 (Sub-No. 1); (2) broaden the commodity descriptions in (a) Sub-No. 10 (part 2), from paper to "pulp, paper and related products"; (b) Sub-No. 14, from iron and steel articles, as described in Groups, I, II, III, to Appendix V in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 to "metal products", (c) Sub-No. 19 part 1, from toilet preparations and part 7, from toilet preparations and pharmaceuticals to "chemicals and related products"; part 3, from advertising materials to "printed matter"; part 4, from ladders, and part 5, from ladders, scaffolds, footwalks, and planking to "building materials"; part 6, from lift trucks used for material handling purposes to "machinery"; and, part 9, from pillow blocks and railway journals to "machinery and metal products"; (3) allow service at all intermediate points between (a) Binghamton, NY and Boston, MA, in the lead; (b) Elmira, NY and Gold, PA, in Sub-No. 8; and (c) Rochester, NY and Cohocton, NY, in Sub-No. 20; (4) remove the following restrictions (a) against the pick-up of traffic at Springfield, MA, in the lead; (b) against service to or from points on PA Highway 14 in Bradford and Tioga Counties, PA, or to or from points in Bradford and Wyoming Counties, PA, on and east of a line beginning at the New York-Pennsylvania state line at or near Sayre, PA, and extending along U.S. Highway 220 to the junction of U.S. Highway 6, at or near Towanda, PA thence along U.S. Highway 6 to the junction of U.S. Highway 309 at or near Tunkhannock, PA, and thence along U.S. Highway 309 to the southern boundary of Wyoming County, PA, in Sub-No. 13; (c) against the transportation of shipments moving between points in MA, and RI, on the one hand, and, on the other hand, points in Pennsylvania, and against the transportation of interline traffic which has both its interchange point and its origin or destination point within Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Northumberland, Somerset, Washington and Westmoreland Counties, PA, in Sub-No. 16; (d) except in bulk, in Sub-No. 19; (e) serving Wayland and Cohocton, NY for purpose of joinder only, in Sub-No. 20; and (f) against the transportation of interline traffic which has both, it's interchange points and its origin or destination points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington and Westmoreland Counties, PA, in Sub-No. 24; (5) replace off-route points in its regular route authority with county-wide authority as follows: (a) in the lead, Chenango Bridge, Endicott, Johnson City, Port Dickinson, Union and Vestal, with Broome County, NY; Westboro, MA, and points within 12 miles of Boston, MA, with Essex, Middlesex, Norfolk, Suffolk and Worchester Counties, MA; Newark Valley and Nichols, with Tioga County, NY; Five Mile Points with Broome and Chemung Counties, NY; and Little Marsh, Stonyfork, Morris, and Morris Run with Tioga County, PA; (b) in Sub-No. 8, Greenwood with Steuben County, NY; Shongo with Allegany County, NY; Aspah, Sabinsville and Watrous with Tioga County, PA; Austin, Bingham, Center, Burtville, Coudersport, Ellisburg, Genesee, Millport, North Bingham, Oswayo, Raymond, Roulette, Shinglehouse, Sweden Valley, and West Bingham with Potter County, PA; and Bradford, Coryville, Duke Center, Eldred, Farmers Valley, Port Allegany, Rixford, Smethport, Turtle Point and Wrights, PA to McKean County, PA; (c) Sub-No. 10, Canton, MA, those points in a radius of 10 miles of Cambridge, MA, and those within 10 miles of Providene, RI with Bristol, Middlesex, Norfolk, and Suffolk Counties, MA, and Providence and Kent Counties, RI; (d) in Sub-No. 15, Johnson City with Broome County, NY, and McDonough with Chenango County, NY; (e) in Sub-No. 17, East Windsor, Center Village, Ouaquage, Doraville and Damascus with Broome County; NY; (f) in Sub-No. 20, Atlanta Canadice Corners, Haskinville, Perkinsville, Prattsburg, Pulteney and Wheeler with Steuben County, NY; and (g) in Sub-No. 21, facilities at or near North Norwick with Chenango County, NY; (6) replace points in its irregular route authority with county-wide authorty as follows: (a) in Sub-No. 10, Lawrence, Boston and Cambridge with Essex, Norfolk, Suffolk, and Middlesex Counties, MA; Bradford, Peace Dale and Wakefield with Washington County, RI; Warren with Bristol County, RI; Boston, MA and points within 15 miles of Boston and those in MA within ten miles of the RI State line with Middlesex, Norfolk, Suffolk, and Bristol Counties, MA; (b) in Sub-No. 13, points within 65 miles of Elmira, NY, with Allegany, Broome, Cayuga, Chemung, Chenango, Cortland, Livington, Madison, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties, NY; and Potter, Tioga, Sullivan, Wyoming, and Bradford Counties, PA; and (c) in Sub-No. 19, Binghamton with Broome County, NY; Hammondsport, and Bath with Steuben County, NY; Greene and Norwich with Chenango County, NY; Berkshire, and Newark Valley with Tioga County, NY; Hornell with Steuben County, NY; and (7) change its one-way irregular route authority to radial authority between points in the Northeastern portion of the U.S. in Sub-Nos. 10, 14, and 19.

MC 114045 (Sub-584)X, filed June 29, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 331, 399, 407, 410, 417, 421, 500F, 547F, and 563F certificates to (1) broaden the commodity descriptions from (a) chemicals, citric acid, drugs, petroleum and coal tar resins, and pharmaceuticals to "chemicals and related products" in Sub-Nos. 331, 399, 407, 410, 417, 421, and 500; (b) plastic film, and plastic materials, to "rubber and plastic products" in Sub-No. 500; (c) paper and paper products to "pulp, paper and related products" in Sub-No. 547; (2) delete commodity restrictions such as "in containers, in vehicles equipped with mechanical refrigeration, in bulk," in all of the above Sub-Nos., except Sub-No. 547; (3) remove facilities restrictions in Sub-Nos. 331, 399, 407, 410, 417, and 547; (4) eliminate the exceptions of service to AK and HI in Sub-Nos. 547 and 563; (5) broaden cities to counties: (a) Southport, NC, with Brunswick County, NC, in Sub-Nos. 407 and 410; (b) Phillipsburg, NJ, with Warren County, NJ, in Sub-No. 421; Atlas Point and Newark, DE, with New Castle County, DE; Bayonne, NJ, with Hudson County, NJ; Dighton, MA, with Bristol County, MA; Clairton, Reading, and Lock Haven, PA with Allegheny, Berks, and Clinton Counties, PA; (c) Ticonderoga, NY, with Essex County, NY, in Sub-No. 547; (6) authorize radial service in lieu of existing one-way authority between the counties named above and numerous points in the U.S., in Sub-Nos. 331, 399, 407, 410, 417, 421, 500, and 547; (7) remove originating at or destined to restrictions in Sub-No. 547.

MC 123255 (Sub-232)X, filed June 23, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 38 certificate to (1) broaden its commodity description from plastic, plastic products, plastic coated metal, and magnesium engravers' plates, to "chemicals and related products, plastic products, and metal products"; (2) replace facility with county-wide authority and authorize radial authority between points in Hancock County, OH (facilities at or near Findlay, OH), and points in that part of the U.S. on and east of U.S. Hwy 85 (except MI); and (3) eliminate the restriction against the transportation of commodities in bulk, and limiting transportation to shipments originating at specified facilities.

MC 124692 (Sub-371)X, filed June 18, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 80, 130, 139,

178, 218F, 220F, 225F, 275F, 288F, 289F, 294F, 306F, 323F, and 331F certificates, to (A) broaden the commodity description in each certificate to "machinery" from machinery, and haystackers in Sub-Nos. 80, 130, and 139, from heating and cooling units, and ice-making equipment in Sub-Nos. 178 and 323, from sprinkler irrigation systems and component parts and accessories in Sub-No. 218, from construction, industrial and farm machinery in Sub-No. 220, from mechanical jacks in Sub-No. 225, from a conveyor systems in Sub-No. 275, from material handling equipment in Sub-No. 288, from hydraulic body hoists, hydraulic cylinders, and mixers and accessories in Sub-No. 289, from hydraulic systems and component parts in Sub-No. 294, and from machinery and tractor cabs, bale trailers, and bean roasters in Sub-No. 306; (B) substitute radial authority in place of existing one-way authority; (C) remove exceptions precluding service in AK and HI in Sub-Nos. 275, 289, 306, and 331; (D) remove restrictions limiting service to the transportation of shipments originating at, or destined to, the named facilities and destinations in Sub-Nos. 80, 130, 139, 220, 225, 288, and 323; and (E) expand the named cities and plantsites to county-wide authority, as follows: Sub-No. 80, Sibley County, MN (Green Isle, MN), and Weld County, CO (Greeley, CO); Sub-No. 130, Brown County, SD (Aberdeen, SD); Sub-No. 139, Minnehaha County, SD (facilities at Sioux Falls, SD); Sub-No. 178, Steele County, MN (Owatonna, MN); Sub-No. 218, Rogers County, OK (Catoosa, OK); Sub-No. 220, Jackson County, MO (facilities at Blue Springs, MO); Sub-No. 275, Dallas, TX (facilities near Dallas, TX); Sub-No. 288, Contra Costa County, CA (facilities near Martinez, CA); Sub-No. 289, Weld County, CO (Eaton, CO); Sub-No. 294, Denver, CO (facilities at Denver, CO), Salt Lake County, UT (Salt Lake City, UT), and Missoula County, MT (Missoula, MT); Sub-No. 323, Waseca County, MN (facilities at Waseca, MN); and Sub-No. 331, Rice County, MN (facilities near Faribault, MN), and Dickinson County, IA (Spirit Lake, IA).

MC 125709 (Sub-214)X, filed June 5, 1981. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 210 E. State, Kokomo, IN 46901. Representative: Arnold Goebel, 109 Velma, South Roxana, IL 62087. Applicant seeks to remove restrictions from its Sub-Nos. 137G, 151F, 157F, 166F, 167F, 178F, 184F, 187F, 194F, 196F, 197F, 206F, 202F, 203F, 206F, 207, 208F, 209F, 210F, 211F, 212F and 213X certificates. Applicant seeks to broaden commodity descriptions as follows: (A) "metal articles" for steel, and materials and supplies used in the manufacture of steel grinding balls (137G, 213X); steel articles (137G, 213X); iron and steel articles (137G, 167, 178, 213X); water well casing, pipe tubing, pipe fittings, protectors and sheet steel (137G); steel grinding balls (137G, 213X); steel tubing, conduit, pipe and sheet steel (137G, 213X); steel water well pipe, and casing, pipe fittings and protectors (137G); steel (137G, 213X); water pipe (137G); fabricated steel articles and scrap metal (166, 184); steel coils (196); structural steel (202) nonferrous metals and nonferrous metal products (207, 210); steel fence posts, fence post fittings, wire fencing, coiled wire and pipe (208); sheet steel (213X); (B) "food and related products" for grain products, dry and grain dry (137G, 213X); processed and canned foodstuffs (except apple cider and vinegar) (137G, 213X) animal feed, feed ingredients, and additives (151); (C) "ores and minerals" for magnesium granules (157); (D) "machinery" for snow removal equipment (184); farm equipment, parts and supplies (209); (E) "pulp, paper and related products" for paper products in rolls (203); (F) "printed matter" for printed magazine inserts (203); (G) "lumber and wood products" for wood fence posts (209); lumber, wooden pallets, blocking materials, and lumber products (209); wood and wood products (211). Applicant also seeks to broaden all its territorial authority from existing one-way authority to radial authority between numerous points, and to broaden specified points and facilities to appropriate county or counties as follows wherever they appear in Sub-Nos. 137G, 213X, 151, 157, 166, 167, 178, 184, 194, 196, 197, 200, 202, and 210: Buffalo, NY with Erie County, NY; Hastings, MN with Dakota County, MN; Superior, WI with Douglas County, WI; Dallas, TX with Dallas County, TX; Mount Summit, IN with Henry County, IN; Waukegan, Schamburg, Aurora, Evanston, Rockford, Freeport, Peoria, Sterling, Galesburg, Olney, and Salem, IL with Lake, Cook, Kane, Winnebago, Stephenson, Peoria, Whiteside, Knox, Richland and Marion Counties, IL; E. St. Louis, IL with St. Clair County, IL; Warren, OH with Trumball County, OH; Louisiana, MO with Pike County, MO; plantsites at Chicago, IL with Chicago, IL; plantsite at Matoon, IL with Coles County, IL; Freeport, TX with Brazore County, TX; Tampa, FL with Hillsborough County, FL; Midlothian, TX with Ellis County, TX; plantsites at Huntington, WV with Cabell and Wayne Counties, WV; Waverly, IA with Bremer County, IA; Pedro, South Webster, and Youngstown, OH with Lawrence, Scioto, and Mahoning Counties, OH; South Rockwood, MI with Monroe County, MI; Crown Point, IN with Lake County, IN; Marietta, GA with Cobb County, GA; Tampa and Port Everglades, FL with Hillsborough and Broward Counties, FL; Houston, TX with Harris County, TX; Chicago, IL with Cook County, IL; Ellsworth, MI with Antrim County, MI; facilities at Lenox, IA with Taylor County, IA; Nashville and Kinston Springs, TN with Davidson and Cheatham Counties, TN; Bedford, OH with Cuyahoga County, OH. Applicant also seeks to remove (A) except in bulk, in tank vehicles (137G), (B) restricted against transportation in vehicles equipped with mechanical refrigeration (137G, 213X), (C) except such building materials as are included within the term "iron and steel articles" (137(G), (D) except commodities which because of size or weight require special handling or the use of special equipment (137G), (E) except transportation of named commodities (137G, 213X), (F) except commodities in bulk (151).

MC 134730 (Sub-29)X, filed May 7, 1981, previously noticed in the **Federal Register** of May 22, 1981, republished as corrected this issue. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, and 28F permits to (1) authorize service between points in the U.S., under continuing contract(s) with named shippers; and (2) broaden the commodity descriptions to (a) "metal products and waste or scrap materials" from non-ferrous metals and scrap metals, in Sub-Nos. 20F, 22F, and 26F; (b) "non-metallic minerals, metal products, and machinery, materials, equipment and supplies" from heat processing equipment, accessories, and materials, equipment and supplies, in Sub-Nos. 21F, 23F, and 28F; (c) "forest products, lumber and wood products, pulp, paper and related products, building materials and metal products, and materials, equipment and supplies" from forest products, lumber, millwork, building supplies and hardware, parts and materials, equipment, and supplies, in Sub-No. 24F; (d) "metal products and materials, equipment and supplies" from fabricated metal products and iron and steel articles, and materials, equipment, and supplies, in Sub-No 25F; and (e) "machinery, metal products and rubber and plastic products, and materials, equipment, and supplies from waste water treatment equipment and parts, materials, equipment and supplies for waste water treatment equipment, in Sub-No. 27F. The purpose of this republication is to correct the commodity description in Sub-No. 27F, by adding "rubber and plastic products" and to correct the omission of the description of materials, equipment and supplies when it appears in Sub-Nos. 24F and 27F.

MC 139154 (Sub-6)X, filed June 30, 1981. Applicant: RICHARDS TRANSPORT, LTD., 1155 Mackay Street, Regina Saskatchewan S4N 4X9. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to broaden the commodity description in its Sub-No. 5 certificate from farm machinery and farm machinery parts to "machinery".

MC 142508 (Sub-171)X, filed June 22, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 58F, 103F, and 131F certificates, to (A) broaden the commodity description in each certificate to "food and related products" from canned goods, from meats, meat products and byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), and from foodstuffs, and equipment, materials and supplies used in their manufacture; (B) substitute radial authority in place of existing one-way authority; (C) remove exceptions precluding service in AK and HI in Sub-Nos. 103 and 131; and (D) broaden the territorial authority from named cities and plantsites to city and county-wide authority: Sub-No. 58, Chicago, IL (facilities at Chicago, IL); Sub-No. 103, Crawford County, IA (Denison, IA); and Sub-No. 131, (a) Outagamie County, WI (facilities at Little Chute, WI), and (b) Wisconsin (for facilities in WI).

MC 146133 (Sub-3)X, filed June 25, 1981. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) remove the except AK and HI restrictions; and (2) change its one-way to radial authority between MN and points in the U.S. Applicant also seeks to remove restrictions in its MC-133330 Sub-Nos. 1, 4, 6, 7, 9, 10, 11, 12F, 16F, 17F and 18F permits to (1) broaden the territory authorities to between points in the U.S. under contract(s) with named shippers; (2) broaden the commodity descriptions to (a) "machinery" from snow blowers, power lawn mowers, garden tractors and garden tillers, and parts accessories, advertising and promotional materials, in Sub-No. 1 (part A); (b) "machinery, transportation equipment, and textile mill products," from snowmobiles, sportswear, water scooters trailers, crowler tractors, snowplows, motorcycles, snowbile trailers, boat and parts, accessories, and sportswear in Sub-Nos. 1, 4, 6, 9, 11, and 16F; (d) "petroleum and coal products" from petroleum products, in containers, in Sub-No. 7; (e) "food and related products" from foodstuffs and materials and supplies used in the distribution of foodstuffs, in Sub-No. 12F, and foodstuffs, in Sub-Nos. 17F and 18F; (f) "machinery and transportation equipment" from loaders, cranes, vehicles equipped with loaders, components, parts and accessories and materials, equipment and supplies used in the manufacture, in Sub-No. 10; (3) remove the restriction limiting shipments in foreign commerce only and to the transportation of traffic originating at points in Province of Quebec, Canada, in Sub-No. 11 (part 2); and (4) remove the except in bulk restriction, in Sub-No. 18F.

MC 147911 (Sub-8)X, filed June 29, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 3F, 4F, and 5F certificates to (1) broaden the commodity descriptions from (a) malt beverages, to "food and related products" in the lead and Sub-No. 4; and from materials, equipment, and supplies used in the manufacture of malt beverages to those used in the manufacture of food and related products in Sub-No. 4F; (b) wheel balancing materials, and equipment to "transportation equipment" in part (1) of Sub-No. 1; (c) glues and adhesives and materials, supplies and equipment used in the manufacture and sale of same to "chemicals and related products and materials, supplies and equipment used in their manufacture and sale" in Sub-No. 3; (d) limestone and limestone products to "clay, concrete, glass or stone products" in Sub-No. 5; (2) delete the exceptions of service to AK and HI in Sub-No. 1; (3) delete an "in bulk" restriction in Sub-No. 3; (4) broaden cities to counties in Sub-No. 3, Murfreesboro, TX, to Rutherford County, TX; (5) authorize radial service in lieu of existing one-way authority between named points in MO, OH, MI, and named points in TN, in the lead; (6) delete facilities restriction in Sub-No. 3.

MC 148400 (Sub-7)X, filed June 22, 1981. Applicant: SUN VALLEY TANK LINES, INC., 64 Laporte Drive, Route 3, Mars, PA 16046. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in Permits No. MC-126375 (Sub-Nos. 1, 2, 4, 5, 6, 7, 10, 12, 13, and 15), acquired in Docket MC-FC-78320, to (A) broaden the commodity descriptions: to "meats, packinghouse products, and commodities used by packinghouses" from inedible animal fats, tallow, grease, or oils in all permits; and to "petroleum, natural gas and their products" from lubricating oil (except petroleum) in Sub-No. 13; (B) remove commodity and vehicle restrictions limiting service "in bulk, in tank vehicles" in all permits; and (C) broaden the territorial description in each permit to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 150139 (Sub-4)X, filed June 18, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4965 South Howell Avenue, Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) remove all restrictions in its general commodities authority "except classes A and B explosives," (2) remove the restriction limiting service to traffic having a prior or subsequent movement by air, and (3) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 151655 (Sub-10)X, filed June 23, 1981. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, P.O. Box 1945, Austin, TX 78767. Applicant seeks to remove restrictions from its Sub-Nos. 11F, 13F, 15F, and 20F permits to (1) broaden the commodity descriptions from iron and steel articles and copper tubing to "metal products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81-20272 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume OP1-196]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 121801 (Sub-2F) (Republication) filed March 24, 1980, previously noticed in the FR issue of July 10, 1980. Applicant: HAYES MOTOR FREIGHT, INC., P.O. Box 793, Ardmore, OK 73401. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 24, El Reno, OK 73036. A Decision by the Commission, Review Board Number 2, decided February 12, 1981, and served March 25, 1981, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, transporting general commodities, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ardmore, OK, and Wichita Falls, TX, from Ardmore over U.S. Hwy 70 to junction Hwy 79, then over Oklahoma Hwy 79 to junction Texas Hwy 79 then over TX Hwy 79 to Wichita Falls, and return over the same route, serving no intermediate points. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to include tacking.

MC 146251 (Sub-5F), (Republication), filed August 12, 1980, published in the FR August 28, 1980, and republished this issue. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightsville, GA 31906. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye Street, NW, Washington, DC 20006. A decision by the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam, decided June 5, 1981, served June 23, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by grocery stores*, between points in Toombs County, GA, Jefferson County, AL, Polk County, FL, Buncombe County, NC, Franklin County, PA, and Knox County, TN. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate that applicant has been granted nonradial in lieu of two-way radial authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20273 Filed 7-9-81; 8:45 am]

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[Volume OP1-195]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80108.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortes.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Note.—Please direct status inquiries to the Ombudsman's Office (202) 275-7326.

MC 1030 (Sub-8), filed June 17, 1981. Applicant: NEW YORK & VERMONT MOTOR EXPRESS, INC., Smith St., Barre, VT 05642. Representative: John P. Monte, P.O. Box 568, Barre, VT 05641 (802) 476-8671. Transporting *stone*, between points in Merrimack County, NH, and Washington and Windsor Counties, VT, on the one hand, and, on the other, those points in the U.S. in and east of MD, SD, NE, CO, OK, and TX.

MC 22311 (Sub-34), filed June 12, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652-2789. Transporting *metals*, (1) between Detroit, MI, Chicago, IL, Cincinnati and Cleveland, OH, Buffalo, NY, Pittsburgh, PA, Baltimore, MD and St. Louis, MO, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) between points in IL, IN, KY, MI, OH, PA, TN, WV, and WI.

MC 47171 (Sub-216), filed June 16, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879-2101. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, MO, AR and TX.

MC 75840 (Sub-167), filed June 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35222. Representative: Raymond Hamilton, 3400 Third Avenue South, Birmingham, AL 35222, (205) 323-6721. Transporting *food and related products*, (1) between points in Allegheny County, PA, on the one hand, and, on the other, points in FL, and (2) between points in Sandusky and Lucas Counties, OH, Johnson and Muscatine Counties, IA, and Ottawa County, MI, on the one hand, and, on the other, points in FL and SC.

MC 75840 (Sub-168), filed June 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Avenue South, Birmingham, AL 35202 (205) 323-6721. Transporting *floor covering*, between points in Delaware County, PA and Mercer County, NJ, on the one hand, and, on the other, points in TX.

MC 114301 (Sub-114), filed June 16, 1981. Applicant: DELAWARE EXPRESS COMPANY, a corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005 (202) 783-7900. Transporting *commodities in bulk*, between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 119641 (Sub-191), filed June 22, 1981. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *metal products*, between Perth Amboy, NJ, on the one hand, and, on the other, those points in and east of KS, ND, NE, OK, SD, and TX.

MC 128000 (Sub-5), filed June 19, 1981. Applicant: CHARLES SOJOURNER, d.b.a. SOJOURNER TRUCKING COMPANY, 400 Newton St., Crystal Springs, MS 39059. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205 (601) 355-3543. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kuhlman Electric Company, of Crystal Springs, MS.

MC 127651 (Sub-67), (republication), filed February 9, 1981, previously noticed in the Federal Register issue of March 12, 1981. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *metal products*, (1) between points in MN and WI, and points in Cook, DuPage, Kane, Lake, and Will Counties, IL and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, and SD, and (2) between points in MN and WI. Condition: Issuance of a certificate is conditioned upon a request in writing by applicant for cancellation of certificate No. MC-127651 (Sub-No. 67) issued May 27, 1981.

MC 134761 (Sub-5), filed June 18, 1981. Applicant: FAST FREIGHT TRANSFER, INC., 1075 E. 21st St., Hialeah, FL 33014. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138 (305) 754-5506. Transporting *general commodities* (except classes A and B explosives), between points in GA and FL.

MC 135221 (Sub-25), filed June 18, 1981. Applicant: DICK SIMON TRUCKING, INC., 5140 South 2050 East, Salt Lake City, UT 84117. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296-3555. Transporting *such commodities* as are dealt in and distributed by department stores, chain grocery stores and food business houses, between points in UT, on the one hand, and, on the other, points in the U.S.

MC 141870 (Sub-1), filed June 22, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Robert E. Tate, PO Box 517, Evergreen, AL 36401, (205) 578-2836. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with United Salt Corporation of Houston, TX.

MC 143591 (Sub-5), filed June 18, 1981. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein (same address as applicant) (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between points in Lyon County, MN, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MO, OK, SD, TN, TX, and WI.

MC 143670 (Sub-2), filed June 17, 1981. Applicant: HAPPY HAULERS, LTD., P.O. Box 127, Johnston, IA 50131. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282-3525. Transporting *petroleum, natural gas and their products*, between points in IL, IA, MN, MO, NE, and WI. Condition: To the extent that the certificate to be issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall be limited to a period expiring 5 years from the date of issuance.

MC 144630 (Sub-57), filed June 11, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *general commodities* (except classes A and B explosives) (1) between points in IL, IN, MI, KY, MO, OH, WV, PA, and TN, on the one hand, and, on the other, points in the U.S., and (2) between points in CA, OR, WA and AZ.

MC 145441 (Sub-150), filed June 16, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant) (501) 945-4103. Transporting *clay, concrete, glass or stone products, petroleum, natural gas and their products, pulp, paper and related products, food and related products, rubber and plastic products, chemicals and related products, metal products, machinery, waste or scrap materials not identified by industry producing, and such commodities* as are dealt in by discount, variety, and department stores, between points in the U.S.

MC 146681 (Sub-2), filed June 22, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *building materials*, between Chicago, IL and Minneapolis, MN, on the one hand, and, on the other, points in WI.

MC 148480 (Sub-2), filed June 22, 1981. Applicant: WILSON TRUCKING CO., INC., P.O. Box 162, Red Wing, MN 55066. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *food and related products*, between points in

Winona County, MN, on the one hand, and, on the other, those points in CT, DE, IA, IL, IN, KY, MD, MA, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, WV, VT, WI, and DC.

MC 148620 (Sub-14), filed June 18, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30303, (404) 658–8045. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Service Merchandise Company, Inc. of Nashville, TN.

MC 149591 (Sub-5), filed June 22, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4467. Transporting *food and related products*, between the facilities used by Chef Reddy Foods Corporation in WA, SD, and MN, on the one hand, and, on the other, those points in the U.S.

MC 150171, filed June 16, 1981. Applicant: ED MARTIN, d.b.a. GOLD DUST LIMO SERVICE, P.O. Box 334, Wendover, NV 84083. Representative: Ed Martin, 3642 N. 72 Dr., Phoenix, AZ 85033, (602) 849–4750. *Over regular routes*, transporting *passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Salt Lake City, UT, and Wells, NV, over Interstate Hwy 80, serving Wendover, NV, as an intermediate point.

MC 150261 (Sub-5), filed June 19, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan Street, Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. 20006, (202) 337–6500. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of seating and seating components, between points in the U.S., under continuing contract(s) with Goshen Cushion, Inc. of Goshen, IN.

MC 150561 (Sub-2), filed June 16, 1981. Applicant: ESTHERVILLE SAND & GRAVEL, INC., 1201 Third Avenue South, Estherville, IA 51334. Representative: Eric L. Anderson (same address as applicant), (712) 362–3506. Transporting *ores and minerals*, between points in Campbell and Weston Counties, WY, Minnehaha, Turner, and Lincoln Counties, SD, and Pipestone, Brown, and Blue Earth Counties, MN, on the one hand, and, on the other, points in IA and MN.

MC 150891, filed June 16, 1981. Applicant: COMMERCIAL TRANSFER MOVING AND STORAGE CO., 901 E. Glendale Avenue, Sparks, NV 89431. Representative: Glade L. Hall, 777 West Second Street, Suite 250, Reno, NV 89503, (702) 322–9495. Transporting *general commodities* (except classes A and B explosives), between points in NV.

MC 150891 (Sub-1), filed June 17, 1981. Applicant: COMMERCIAL TRANSFER MOVING AND STORAGE CO., 901 E. Glendale Avenue, Sparks, NV 89431. Representative: Glade L. Hall, 777 West Second Street, Suite 250, Reno, NV 89503, (702) 322–9495. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pacific Freeport Warehouse Co. of Sparks, NV.

MC 151160 (Sub-2), filed June 23, 1981. Applicant: J.C. INCORPORATED, 2221 Loma St., So. El Monte, CA 91733. Representative: Robert Oeinck (same address as applicant), (213) 443–0103. Transporting *hazardous waste materials*, between points in CA, on the one hand, and, on the other, points in AZ, ID, NM, NV, OR, TX, and WA. Condition: To the extent that the certificate to be issued in this proceeding authorizes the transportation of hazardous waste materials, it shall be limited to a period expiring 5 years from the date of issuance.

MC 152820 (Sub-6), filed June 22, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: John H. King (same address as applicant), (312) 790–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Goodyear Tire & Rubber Company, of Akron, OH.

MC 154601, filed June 23, 1981. Applicant: JAMES L. SCHWEHR, SR., d.b.a. AAAPCO TRANSPORTATION COMPANY, P.O. Box 89, Valley City, ND 58072. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4467. Transporting *lumber and wood products and building materials*, (a) between points in MT, on the one hand, and, on the other, points in WA, OR, ID, CA, ND, SD, MN, NE, CO, WY, and UT, (b) between points in WA, OR, ID, CA, WY, and SD, on the one hand, and, on the other, points in ND, SD, and MN, (c) between points in MN, on the one hand, and, on the other, points in ND, SD, and MT, and (d) between points in Cass County, ND, and Becker County, MN, on the one hand, and, on the other, points in the U.S.

MC 155120, filed June 16, 1981. Applicant: HERB BRUINGTON, d.b.a. H. F. TRUCKING, 826 27th St., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 258–8550. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with H. E. Simpson Lumber Company of Kalispell, MT.

MC 156600, filed June 10, 1981. Applicant: AMERICAN TRAVEL CLUB, INC., t/a AMERICAN TRAVEL, 207 Janaf Office Bldg., Norfolk, VA 23502. Representative: Robert E. Lee (same address as applicant), (804) 461–3575. As a *broker*, at Norfolk, VA, in arranging for the transporting of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at Elizabeth City, NC, Norfolk, VA and its commercial zone, Williamsburg, Petersburg, Richmond, Emporia, and Franklin, VA, and points in Northampton, Accomack, Southampton, Isle of Wight, Surry, James City, York, and Gloucester Counties, VA, and extending to points in the U.S. (including AK, but excluding HI).

MC 156610, filed June 16, 1981. Applicant: SAM WILLIAMS INDUSTRIES, INC., 3111 N. Post Road, Indianapolis, IN 46226. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Westinghouse Electric Corp., of Pittsburg, PA.

MC 156611, filed June 12, 1981. Applicant: FOOD TRANSPORT, INC., 614 W. Sycamore St., P.O. Box 446, Fayetteville, AR 72701. Representative: Jerry Dudley (same address as applicant), (501) 521–9113. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Supreme Distributors, Inc., of Southfield, MI.

MC 156621, filed June 17, 1981. Applicant: G & K SERVICE & SUPPLY, P.O. Box 3, Delano, MN 55328. Representative: Samuel Rubenstein (same address as applicant), (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Minnetonka, Inc., of Minnetonka, MN.

MC 156721, filed June 23, 1981. Applicant: WAYNE MULLIS TRAVEL AGENCY, INC., 309 North Main St., Salisbury, NC 28144. Representative: C. Wayne Mullis (same address as applicant), (704) 637–1500. As a *broker*, at Salisbury, NC, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in the U.S.

MC 156740, filed June 17, 1981. Applicant: MEXICO ATHLETIC BOOSTERS, 115 Granite St., Mexico, MA 04257. Representative: Ann Marshall (same address as applicant), (207) 364–3904. As a *broker* at Mexico, MA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in Oxford County, MA, on the one hand, and, on the other, points in the U.S. (including AK and HI).

[FR Doc. 81-20271 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-215 (Sub-No. 1F)]

New Jersey, Indiana and Illinois Railroad Company—Abandonment—in the City of South Bend, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 6, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the New Jersey, Indiana and Illinois Railroad Company (NJI&I), a wholly-owned subsidiary of the Norfolk and Western Railway Company of approximately 11,031 feet of the main line of the NJI&I, beginning at valuation station 0+00–12 and terminating at valuation station 110+19, including abandonment of operations and retirement of appurtenant industrial lead, spur or side tracks located within this 2.09 miles of main line in the City of South Bend, IN. A certificate of public convenience and necessity permitting abandonment was issued to the New Jersey, Indiana and Illinois Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on NJI&I, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20275 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All person wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 6th day of July 1981.

Luis Sepulveda,
Acting Director, Office of Program Services.

Applications Received During the Week Ending July 11, 1981

Name of applicant and location of enterprise	Principal product or activity
Lock Haven Hospital Lock Haven, Pennsylvania.	Complete medical services.
Newport Seafood Co., Newport, Oregon.	Processing of salmon, crab, bottom fish and shrimp.
Southeast Energy Group, Ltd., Woodbine, Georgia.	Fuel and alcohol plant.

[FR Doc. 81-20229 Filed 7-9-81; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-128-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) for all of its mines throughout the United States. The petition was filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-contained self-rescuer (SCSR) devices be provided for all underground mining personnel.

2. Petitioner states that enforcement of this standard would result in a diminution of safety for the miners affected because:

a. Many miners may resist wearing the MSHA-approved devices because miners surveyed indicated that the devices were too big, too bulky or awkward;

b. In many cases, miners cannot work while wearing SCSRs or keep them within the 25 feet required by the standard, and will be exposed to potential asphyxiation and carbon monoxide poisoning before reaching stored devices;

c. Limited environmental tests conducted by the Bureau of Mines indicate additional problems, such as lung irritation from one manufacturer's unit, and leave unanswered many questions about the hazards of approved SCSRs under various environmental conditions;

d. The resources which would be expended in making available the currently approved SCSR could be better expended on development of a safer device.

3. As an alternate method, petitioner proposes to develop a smaller, belt-worn SCSR in conjunction with Pennsylvania State University. Petitioner has agreed to underwrite the approximately one-half million dollar cost of developing this device if the petition is granted.

4. Petitioner further states that a prototype of this device could be developed within ten months and that this device would be safer and more effective than currently available devices because it would:

a. Be more readily available in an emergency;

b. Meet with greater miner acceptance and thus would not be discarded;

c. Prevent the variety of accident possibilities caused by the size and weight of currently approved devices; and,

d. Alleviate the storage problems associated with presently approved devices, as well as the environmental hazards to which SCSRs are subjected when not affixed to miners' belts.

5. Petitioner states that the proposed alternate method will at all times guarantee no less than the same measure of protection to the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 10, 1981. Copies of the petition are available for inspection at that address.

Dated: July 1, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-20253 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-127-C]

K and L Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K and L Coal Company, 742 Coal Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 1 Slope located on Northumberland County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 10, 1981. Copies of the petition are available for inspection at that address.

Dated: July 1, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-20254 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Application No. D-2296]

Budge Clinic Profit Sharing Plan, Logan, Utah; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the lease (the 1980 Lease) of a medical office building (the Building) by the Budge Clinic Profit Sharing Plan (the Plan) to the Budge Clinic, Inc. (the Employer), a party in interest with respect to the Plan; and (2) the agreement by the Employer to indemnify and hold the Plan harmless regarding the 1980 Lease. The proposed exemption, if granted would affect the Employer and participants and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 24, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 1, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2296. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Horace Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $1,436,274 and 35 participants as of December 31, 1979. The investment decisions are made by the Plan trustee (the Trustee), Mr. R. Keith Spencer, a former office manager and administrator of the Employer.

2. The Employer, a Utah professional corporation, is engaged in the practice of medicine, dentistry, pharmacy and associated professions and activities.

3. On October 1, 1973, the Plan purchased the Building, located at 225 East 400 North, Logan, Utah, for $400,000 from the D & L Company, an unrelated party to the Plan, subject to a fifteen year lease between D & L Company and the Employer, which was entered into on March 1, 1959 (the 1959 Lease). Pursuant to the terms of the 1959 Lease, the Employer paid a monthly rental of $2,407 and was responsible for the cost of repairs, maintenance, utilities and insurance. At the expiration of the 1959 Lease, the Employer and the Plan agreed to continue the 1959 Lease on a month to month basis. On February 1, 1977, the 1959 Lease, which covered rental space of 9,258 square feet within the Building, was substantially modified to allow the Employer additional rental space of 8,201 square feet for a total of 17,459 square feet. As a result, the monthly rental payments were increased to $9,000.

4. On September 20, 1979, the Trustee voluntarily filed an application for an exemption with the Department requesting an exemption for the 1959 Lease to extend beyond June 30, 1984. The Department determined that the 1959 Lease, which had been substantially modified on February 1, 1977, became a new lease on the date of such modification (the 1977 Lease) and as such was subject to the prohibitions of sections 406 and 407(a) of the Act and was not covered by section 414 of the Act. On December 11, 1979, the Department issued a tentative decision not to propose the requested exemption regarding the extension beyond 1984. The exemption request was subsequently withdrawn by the Trustee.

5. On November 29, 1980, the Trustee filed an amended application for an exemption for a proposed lease (the 1980 Lease) of the Building which was executed on January 1, 1980 by the Employer and the Plan. The 1980 Lease has a 21 year term and the Employer pays for the cost of repairs, interior maintenance and utilities. The Plan pays for the cost of exterior maintenance, insurance and all taxes levied against the Building. The 1980 Lease calls for monthly rental payments of $9,000. In the opinion of E. Jay Berry, an Independent appraiser, the monthly rental of $9,000 being charged by the Plan appears to be comparable to rental on similar properties in the area as of December 8, 1979. Rentals are to be adjusted every three years to reflect fair market rental value based on an independent appraisal taken at the end of each three year period. In no event will the rental be less than the rental in the proceding three years. The cost of the appraisals will be paid by the Employer. The Employer represents that any further rentals paid to the Plan in excess of fair market rental value will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code.

6. The Employer has agreed to indemnify and hold the Plan harmless regarding any loss or damage to the leased premises. In addition, the employer has agreed to pay any excise taxes which are imposed by the Internal Revenue Service as a result of the 1977 Lease, within 60 days of the publication in the **Federal Register** of the exemption grant. The Employer's net worth as of December 31, 1980 was approximately $569,541.

7. An unrelated party, Mr. Rolland R. Hancey, was appointed as an independent fiduciary on January 1, 1980. Mr. Hancey, in his individual capacity, will maintain complete fiduciary responsiblity with respect to the 1980 Lease and will monitor the terms of the 1980 Lease to protect the rights of the Plan participants and beneficiaries. Mr. Hancey is a vice president and a loan officer of Zion First National Bank of Logan, Utah. It is represented that after reviewing the financial condition and credit worthiness of the Employer and the terms and conditions set forth in the 1980 Lease, Mr. Hancey has determined that the 1980 Lease is in the best interests of the Plan's participants and beneficiaries. Mr. Hancey further represents that the Employer has made all monthly rental payments to date in a timely fashion.

8. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) Mr. Hancey, who is independent of the Employer and the Plan, has determined that the 1980 Lease is in the best interests of the Plan's participants and beneficiaries; (2) the rental under the 1980 Lease has been determined by an independent appraiser to be the fair market rental and the rentals will be adjusted every three years, pursuant to an appraisal, to reflect the then fair market rental value of the Building; (3) the cost of the appraisals will be borne

by the Employer; (4) in no event will the adjusted rental be less than the rental received in the preceding three years; (5) all monthly rental payments to date have been made in a timely fashion; (6) the Employer has agreed to indemnify and hold the Plan harmless regarding any loss or damages to the Building during the term of the 1980 Lease and has agreed to pay any excise taxes which are imposed by the Internal Revenue as a result of the 1977 Lease, within 60 days of the publication in the Federal Register of the exemption grant; and (7) Mr. Hancey will maintain complete fiduciary responsiblity with respect to the 1980 Lease and will monitor the terms of the 1980 Lease to protect the rights of the Plan participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value of such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all Plan participants and beneficiaries and other interested persons by placing such notices in the current participants' pay checks and by first class mail to all other interested persons. Notice shall be given within 15 days of the date the notice of pendency of such exemption is published in the Federal Register. Such notice shall include a copy of the notice of pendency and shall inform interested persons of their right to comment or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the 1980 Lease, provided that the terms and conditions of the 1980 Lease have been and will continue to be at least as favorable to the Plan as an arm's-length transaction would be with an unrelated party; and (2) the agreement by the Employer to indemnify and hold the Plan harmless regarding the 1980 Lease.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of the exemption.

Signed at Washington, D.C., this 6th day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-20258 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. L-2403 and L-2558]

Hotel and Restaurant Employees Welfare and Insurance Fund and the Local 150 and Industry Pension Plan, Syracuse, N.Y.; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (Act). The proposed exemption would exempt the transfer of funds by the Hotel and Restaurant Employees Welfare and Insurance Fund (the Fund) to the Local 150 and Industry Pension Plan (the Plan). The proposed exemption, if granted, would affect the trustees (Trustees), participants and beneficiaries of the Fund and the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department on or before September 10, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. L-2403 and L-2558. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of two applications for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in two applications filed by the Trustees, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. The Fund and the Plan are multiemployer welfare and pension benefit plans, respectively, established pursuant to section 302(c)(5) of the Labor Management Relations Act of 1947, as amended. The Fund and the Plan each have approximately 600 participants. Approximately one to three percent of the Fund participants are not plan participants because they have not met the Plan's eligibility requirements. The same individuals serve as Trustees for both the Fund and the Plan. The board of Trustees is comprised of two employer representatives and two representatives of the Hotel, Restaurant and Bartenders Union, Local 150 (the Union).

2. The contributing employers (the Employers) and the Union agreed to terminate the Fund in April 1976. The Fund's only remaining liability is for the future payment of a $500 death benefit to each of five banquet waitresses. The Fund has accumulated reserves (the Reserves) totaling $150,505.40 as of February 6, 1981.

3. The Trustees propose to transfer the Reserves to the Plan and create a $2,500 escrow account (the Escrow Account) for the five waitresses' death benefit claims. In addition, the Plan would indemnify the Fund against any and all claims that a former Fund participant could enforce against the Fund. The Plan had net assets of approximately $1,006,000 of May 19, 1981. The Trustees emphasize that to the best of their knowledge there are no such claims other than the waitresses' death benefit claims.

4. The Trustees state that it would not be economically or administratively feasible to distribute the Reserves to former Fund participants because the complexity of the Fund eligibility requirements would result in a substantial portion of the Reserves being utilized for the administrative expense of determining the amount to be allocated to each former Fund participant.

5. The Trustees also state that the proposed transfer of the Reserves to the Plan would eliminate the administrative costs of maintaining the Fund. Furthermore, the Trustees assert that the Reserves would be utilized solely to increase the Benefits of Plan participants and beneficiaries, virtually all of whom were Fund participants.

6. In summary, the applicants represent that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) It is a one-time transfer of assets by the terminated Fund to the Plan which would eliminate the administrative costs of maintaining the Fund;

(b) The transferred Reserves would be utilized solely to increase the benefits of Plan participants and beneficiaries, virtually all of whom were Fund participants;

(c) The Trustees state that all Fund participants, except for the five waitresses, have been paid the amounts due them under the Fund; and

(d) The Plan would indemnify the Fund against any claims of former Fund participants and the Escrow Account would be created for the five waitresses' death benefit claims.

Notice to Interested Persons

Notice of the proposed exemption shall be provided to the following interested persons within 30 days of the publication of the proposed exemption in the following manner: (1) the notice will be provided by certified mail to the Union and to the employer organization which represents the Employers; (2) the notice will be provided to Plan and Fund participants by prominantly posting it on all Union bulletin boards; and (3) the notice will be provided to all Plan and Fund beneficiaries by mail. The notice will inform each recipient of his right to comment or request a hearing with regard to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), 406(b)(1) or (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provision of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer of the Reserves by the Fund to the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., the 6th day of July 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-20239 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-55; Exemption Application No. D-2273]

Pipe Fitters Local 533 Pension Fund, Kansas City, Missouri; Exemption From Prohibitions for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts a loan of $1,200,000 by the Pipe Fitters Local 533 Pension Fund (the Plan) to the Pipe Fitters Association Local Union No. 533 (Pipe Fitters Union) and the Plumbers Local Union No. 8 (Plumbers Union) to provide permanent financing for a joint union office building and meeting hall.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 12, 1981, notice was published in the **Federal Register** (46 FR 26408) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendancy. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to a loan by the Plan to the Pipe Fitters Union and the Plumbers Union of not more than $1,200,000, based on the terms and conditions set forth in the notice of proposed exemption, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 2nd day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-20240 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2373]

Volkmuth Printers, Inc., Profit Sharing Plan, St. Cloud, MN; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of 7.47 acres of real property (Parcel #1) by the Volkmuth Printers, Inc. Profit Sharing Plan (the Plan) to Volkmuth Printers, Inc. (the Employer) and the proposed cash sale of 10.48 acres of real property (Parcel #2) by the Plan to the employer. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 31, 1981

EFFECTIVE DATES: If granted, the exemption will be effective October 12, 1978 for the sale of Parcel #1 and effective with the date of grant for Parcel #2.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2373. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, Telephone (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 114 participants. The Employer is a corporation which prints magazines, catalogs, tabloid circulars, direct mail advertisements and other commercial printings.

The Plan trustee is the St. Cloud National Bank and Trust Company (the Trustee). The Trustee is responsible for Plan investments. The Trustee meets with the principals of the Employer from time to time to establish policies and investment guidelines, however, in the matter of establishing investment policies, the Trustee has the final say.

2. The Plan purchased 2 parcels of real property consisting of approximately 24 acres from Ben and Eunice Varner (unrelated persons) for $48,100. The first parcel consisting of approximately 6 acres was purchased on April 14, 1971 for $11,840 [1] and the second parcel consisting of approximately 18 acres (the Property) was purchased on August 10, 1971 for $36,260.

3. The Property is located approximately one mile east of the city limits of the City of St. Cloud, Minnesota. At the time the Property was purchased, the Trustee felt that there would be greater development on the east side of St. Cloud because of proposed highway development in the area. However, the expected development did not take place. In addition, a new industrial park was developed west of St. Cloud and other private developers developed industrial areas to the west of St. Cloud.

4. The purchase price for the Property was approximately $2 thousand per acre. Since the Property was purchased the Plan has expended an additional $901.50 for surveying, $3 for recording fees and $315.68 for fencing. The Property has never produced any income.

5. The Property is not and never has been serviced by sewer or water and to bring such services to the Property would cost approximately $66,000 for sewer and $150,000 for water. Also, there is a drainage ditch that runs through the Property which makes a portion of it unusable.

6. On January 16, 1978, the Employer offered to purchase Parcel #1 consisting of 7.47 acres of undeveloped land from the Plan. On February 7, 1978, the Trustee had Parcel #1 appraised by Alexander A. Zylla, an independent appraiser (the Appraiser), who valued the property at $56,025 ($7,500 per acre).

7. On October 12, 1978, the Employer purchased Parcel #1 from the Plan for its appraised value of $56,025 in cash. No realtor was involved in the sale and therefore no realtor's commissions were paid.

8. The Trustee represents that at the time Parcel #1 was sold, it was very beneficial to the Plan and its participants because the Plan was able to realize a substantial profit of approximately $41,000 and was able to sell a parcel of property that was nonproductive and reinvest the proceeds in income producing investments.

9. The Employer now proposes to purchase Parcel #2 consisting of 10.48 Acres of undeveloped land from the Plan. On September 18, 1980, the Trustee had Parcel #2 appraised by the Appraiser who valued the property at $78,600 or $7,500 per acre. The Trustee noted that the value per acre was the same as that which the Appraiser had established for Parcel #1 which was sold in 1978. The Trustee felt that the Appraiser had undervalued Parcel #2 because of an erroneous assumption as to the location of the property line. The Trustee, after taking into account the effects of inflation decided that Parcel #2 is worth $9,500 per acre and has offered Parcel #2 to the Employer for that price. The Employer will purchase Parcel $2 for its fair market value (as determined by the Trustee) of $99,500 in cash.

10. The Trustee represents that Parcel #2 has been owned for ten years, during which time it has remained vacant. Even though Parcel #2 is located just off a state highway, there is minimal development in the area. The land is not serviced by sewer or water and no such development is planned in the forseeable future. This sale is beneficial to the Plan and its participants because it will allow the Plan to eliminate a nonproductive asset at a profit of approximately $78,600. The Plan will be able to reinvest the proceeds of the sale to produce income for the participants and beneficiaries of the Plan.

11. In summary, the applicant represents that the sale of Parcel #1 and the proposed sale of Parcel #2 meet the

[1] The first parcel of property was leased to the Employer effective 10/1/71 and subsequently sold to the Employer on June 15, 1975. The applicant believes the transitional rules of section 414 of the Act are applicable and therefore did not request an exemption for those transactions.

statutory criteria of section 408(a) of the Act because,

With regard to the proposed sale of Parcel #1:

(a) It was a one time transaction for cash;

(b) The amount paid for Parcel #1 was determined by an independent appraiser;

(c) The Plan was able to dispose of a non-income producing asset; and

(d) The Trustee determined that this sale was appropriate for the Plan and was in the best interest of the Plan's participants and beneficiaries, and

With regard to Parcel #2:

(a) It will be a one time transaction for cash;

(b) The amount to be paid for Parcel #2 is higher than the fair market value as determined by an independent appraiser;

(c) The Plan will be able to dispose of a non-income producing asset; and

(d) The Trustee has determined that this sale is appropriate for the Plan and in the best interest of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all interested persons within twenty days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of the right to comment and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be given to current participants of the Plan by posting it in an area frequented by employees. Notice will be mailed to former participants and beneficiaries at their last known address.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale of Parcel #1 by the Plan to the Employer for $56,025, provided that this amount was not less than the fair market value at the time of sale, or to the proposed cash sale of Parcel #2 by the Plan to the Employer for $99,560, provided that this amount is not less than the fair market value at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the proposed exemption.

Signed at Washington, D.C., this 6th day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-20281 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2428]

Notice of Proposed Exemption for Certain Transactions Involving Southern Nevada Culinary and Bartenders Pension Trust Located in Las Vegas, Nev.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the guarantee (the Guarantee) by the Hotel and Restaurant Employees' and Bartenders' International Union (International), of a loan (the Dutchman Loan) to Thrifty Dutchman, Inc. (Dutchman), by the Southern Nevada Culinary and Bartenders Pension Trust (the Pension Trust); and (2) the two loan agreements between the Pension Trust and International which were entered into to satisfy International's Guarantee obligation after Dutchman's default of the Dutchman Loan. The proposed exemption, if granted, would affect Upper Avenue Bank (Upper Avenue), International, Thomas L. Karsten Associates (Karsten), the Pension Trust trustees (the Trustees) and participants and beneficiaries of the Pension Trust.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 25, 1981.

EFFECTIVE DATES: The effective dates for the proposed exemption, if granted, would be January 1, 1975 for the Guarantee; October 1, 1976 for the first loan agreement (the 1976 Agreement); and October 31, 1977 for the second loan agreement (the 1977 Agreement).

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D-2428. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a) and 406(b)(2) of the Act and from the taxes imposed by sections 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of the Trustees, Upper Avenue and Karsten, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Pension Trust, which has approximately 41,585 participants, is a multi-employer defined benefit pension plan established in accordance with section 302 of the Labor Mangement Relations Act of 1947, as amended. The Pension Trust has a joint board of Trustees, with equal representation by labor and management Trustees. The members of two of the International's local affiliates are participants in the Pension Trust. These two affiliates are Culinary Workers Union Local No. 226 (Local 226) and Bartenders Union Local No. 165 (Local 165). Therefore, the International is a party in interest with respect to the Plan under section 3(14)(D) of the Act because it is an employee organization any of whose employees are covered by the Pension Trust.

2. One of the Trustees, Al Bramlet, was secretary-treasurer of Local 226 at the time of the transactions described herein until his death in early 1977. Ben Schmoutey, Mr. Bramlet's successor as secretary-treasurer of Local 226, became a Trustee after Mr. Bramlet's death. Prior to becoming secretary-treasurer, Mr. Schmoutey was president of Local 226. Jack Stafford has been secretary-treasurer of Local 165 and a Trustee at all times during the transactions involved herein.

3. On July 12, 1974, the Trustees entered into the Dutchman Loan, under which the Pension Trust agreed to loan $700,000 to Dutchman in two equal installments, repayable over a period of five years. The Dutchman Loan was authorized upon the following terms and conditions: (a) repayment commencing on October 15, 1974 in equal monthly installments based on a twenty-five year amortization schedule, with a balloon payment for the balance at the end of the five-year period; (b) interest payable at 10% per annum for the first year and the prime rate of the Chase Manhattan Bank or 10%, whichever was higher, thereafter; (c) the Dutchman Loan and the interest thereon were unconditionally guaranteed by International. The application contains no information as to whether Dutchman was a party in interest to the Pension Trust and there was no request for an exemption for the Dutchman Loan. Accordingly, to the extent that the Dutchman Loan constituted a prohibited transaction, the Department is not proposing an exemption for the Dutchman Loan.

4. The first installment on the Dutchman Loan of $350,000 was transferred by the Pension Trust to Dutchman on September 15, 1974. The second installment of $350,000 was transferred by the Pension Trust to Dutchman on January 15, 1975. Dutchman became delinquent in its required payments on February 1, 1975. After numerous attempts to collect from Dutchman, the Trustees adopted a resolution on December 1, 1975, declaring Dutchman in default on its Loan and authorizing a demand upon International as guarantor of the Dutchman Loan.

5. International made all required payments to the Pension Trust of principal and interest so that the Pension Trust was made whole regarding the Dutchman Loan. Moreover, pursuant to workout agreements executed on October 1, 1976 (the 1976 Agreement) and on October 31, 1977 (the 1977 Agreement), International repaid the amount due the Pension Trust in less than three years, as opposed to the five year term and twenty-five amortization schedule of the Dutchman Loan. The 1976 Agreement was negotiated by International and the Trustees. The 1977 Agreement was negotiated by International and Upper Avenue, which had been appointed as an investment manager of the Pension Trust by the United States District Court for the District of Nevada, pursuant to a stipulation entered into in the case of *Marshall, et al. v. Schmoutey, et al.* On May 2, 1979, Upper Avenue's duties as investment manager for the Pension Trust were assumed by Karsten.

6. The applicants represent that the Guarantee, the 1976 Agreement and the 1977 Agreement satisfied the statutory criteria of section 408(a) of the Act due to the following:

(a) the Guarantee by International was in the best interests of the Pension Trust because it was a substantial safeguard for the Pension Trust in the event of a default by Dutchman, the primary obligor;

(b) the applicants represent that it was in the best interests of the Pension Trust for the Trustees and Upper Avenue to negotiate, respectively, the 1976 Agreement and the 1977 Agreement, since each agreement provided for increased principal payments and therefore an accelerated retirement of International's debt to the Pension Trust;

(c) Trustees who represented contributing employers and had no relationship to the International or Locals 226 and 165 participated in the decision regarding the Guarantee and also participated in the negotiation of the 1976 Agreement; and

(d) an independent fiduciary, Upper Avenue, negotiated the 1977 Agreement on behalf of the Pension Trust.

Notice to Interested Persons

Notice of the proposed exemption will be sent by certified mail within 15 days after its publication in the Federal

Register, to each current Trustee and to each employee organization which is a signatory to the Trust agreement creating the Pension Trust. The notice will contain a copy of the proposed exemption and shall inform the recipients of their right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) (1) and (3) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemptions

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to: (1) the Guarantee by International of the Dutchman Loan; (2) the 1976 Agreement; and (3) the 1977 Agreement, provided that the terms and conditions of the 1976 Agreement and the 1977 Agreement were as favorable to the Pension Trust as those it could have obtained from an unrelated third party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the exemption.

Signed at Washington, D.C., this 30th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-19986 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-9960, 9963, 9965]

Allentown Manufacturing Corp., Hirsch Manufacturing, Knit-Wits Manufacturing, Allentown, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 11, 1980 in response to a petition which was filed on behalf of workers at Allentown Manufacturing Corporation, Hirsch Manufacturing and Knit-Wits Manufacturing, Allentown, Pennsylvania. The workers produce women's knit blouses.

The investigation revealed that all of the criteria have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in 1980 compared with 1979.

The Department surveyed the manufacturers which provided a substantial proportion of the subject firms' production in 1978, 1979 and the first half of 1980. The survey revealed that manufacturers, representing a significant proportion of sales by Allentown, Hirsch and Knit-Wits, decreased their contracts with the subject firms in 1979 compared with 1978 and in the first half of 1980 compared with the same period of 1979 while increasing their purchases of imported women's knit blouses.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's knit blouses produced at Allentown Manufacturing Corporation, Hirsch Manufacturing and Knit-Wits Manufacturing, Allentown, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Allentown Manufacturing Corporation, Hirsch Manufacturing and Knit-Wits Manufacturing, Allentown, Pennsylvania who became totally or partially separated from employment on or after June 23, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of June 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-20340 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 29—July 2, 1981. In order for an affirmative to be made and a certification of eligibility to apply for adjustment assistance to be issed, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9264; Sepa, Incorporated, Saxton, PA
TA-W-9435; The Wickes Corp., Wickes Engineered Materials Div., Saginaw, MI
TA-W-10,425; Hayes-Albion Corp., Jackson Div., Jackson, MI
TA-W-9116; Morganstern Pants Co., Fredericksburg, VA
TA-W-9222; Joseph P. Conroy, Inc., Johnstown, NY
TA-W-9349; Carmine Sportswear, Inc., Staten Island, NY
TA-W-9354; Marsail Manufacturing Corp., Brooklyn, NY
TA-W-9348; Annette Sportswear Corp., Bronx, NY
TA-W-9677; Tee Stand, Inc., Focus Sportswear, The Great Pant Co., New York, NY
TA-W-9757; IPM Corporation (an Allegheny Ludlum Industries Co.), Ridgway, PA
TA-W-9631; IPM Corporation (an Allegheny Ludlum Industries Co.), Columbus, OH
TA-W-9325, 10,492, and 10,493; RPI, Inc., Lexington, MI, Oscoda, MI and Bay City, MI
TA-W-10,302; Demlow Products, Inc., Clayton, MI
TA-W-10,323; Sunstrand Tubular Products, Camdenton, MO
TA-W-10,422; Champion Industries, Inc., Mt. Clemens, MI
TA-W-10,461; Barberton Puritan Plastics Products, Inc., Barberton, OH
TA-W-10,657; Advanced Technologies, Inc., Bay City, MI
TA-W-11,077; Tennessee Castings Co., Dickson, TN
TA-W-10,567; Spenax Corporation, Bad Axe, MI

In each of the following cases the investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-12,148; Electro-Plating, Inc., Fond du Lac, WI
TA-W-10,038; Polaroid Sunglasses, Inc., Braintree, MA
TA-W-10,877; Phoenix Machine and Tool Co., Inc., Warren, MI
TA-W-11,293; Hilti, Inc., Cleveland, OH
TA-W-11,300; Sisco, Inc., Cleveland, OH
TA-W-11,770; Intersystems Design and Technology Corporation, Quincy, MA
TA-W-11,940; Metalock Castings Reclamation Corp., Pickney, MI

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,984; Massey-Ferguson, Inc., Tractor Div., North American Implement Plant, Des Moines, IA
TA-W-10,983 and 10,987; Massey-Ferguson, Inc., Tractor Div., Gear and Shaft Plant, Detroit, MI, and Transmission and Axle Plant, Wayne, MI
TA-W-10,986; Massey-Ferguson, Inc., Tractor Div. Headquarters, Detroit, MI
TA-W-9444 and 10,525; U.S. Steel Corp., Pittsburgh, Pennsylvania Headquarters, Monroeville, Pennsylvania Research Laboratory
TA-W-10,952; Ohio Ferro-Alloys Corp., Philo, OH

TA-W-12,394; Art Industries, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of auto dies did not increase as required for certification.

TA-W-11,727; Victory Optical Manufacturing Co., Newark, NJ

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm. Employment increased in 1979 compared to 1980 and in the first 4 months of 1981 compared to the same period in 1980. Any temporary declines in employment was due to normal business fluctuations.

TA-W-11,332; Island Creek Coal Co., Island Creek Div., Paintsville, KY

Investigation revealed that criterion (3) has not been met. U.S. imports of bituminous coal, which includes metallurgical grade coal, were negligible from 1975 through 1980.

U.S. imports of coke decreased absolutely and relative to domestic production in 1979 compared with 1978 and in the first nine months of 1980 compared with the same period in 1979.

TA-W-10,912; H. M. White, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. Any quarterly sales or employment declines in 1979 and 1980 can be attributed to normal business fluctuations.

TA-W-9910—9912; General Motors Corp., New Departure-Hyatt Bearings Div., Rocky River, OH, Moline, IL, and Farmers Branch, TX

Investigation revealed that criterion (3) has not been met. Workers at the New Departure-Hyatt Bearings Division can be certified as eligible to apply for trade adjustment assistance benefits only if production facilities of that division which primarily produce bearings for outside sales have been certified. As of this date, a certification has not been issued by the Department.

TA-W-10,437; U.S. Steel Corp., Buffalo Steel Service Center, Buffalo, NY

Investigation revealed that criterion (3) has not been met. An insignificant portion of the total volume of steel handled by the Buffalo Steel Service Center originates at U.S. Steel facilities whose workers are currently certified as eligible to apply for adjustment assistance benefits. Thus the separations of workers at the Buffalo Steel Service Center cannot be related to a facility whose workers independently meet the statutory criteria for certification at this time.

TA-W-10,632; Esas, Inc., Malden, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automobile radio installation kits are negligible.

TA-W-10,697; Bethlehem Steel Corp., Department #512, Bethlehem, PA

Investigation revealed that criterion (3) has not been met. None of the workers engaged in basic steelmaking operations at any of the Bethlehem Steel Corporation facilities are currently

certified as eligible to apply for adjustment assistance benefits.

TA–W–11,507; Decker Coal Co., Decker, MT

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of bituminous coal are negligible.

TA–W–10,840; Bopp-Busch Manufacturing Co., Au Gres, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9509; Approved Manufacturing Co., Farmington, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,643; Norco Springs, Inc., Bethel Springs, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9110; Sheller Globe Corp., Montpelier Div., Montpelier, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9627; Besser Co., Alpena, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of block making machinery are negligible.

TA–W–11, 421; GAF Corporation, Beaverton, OR

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of silde viewers are negligible.

Affirmative Determinations

TA–W–11, 494; Consumer Electronics Division, Indianapolis, IN

A certification was issued covering all workers engaged in employment related to the production of ferrites (cores, beads, and magnets) separated on or after October 21, 1979.

TA–W–9960, 9963 & 9965; Allentown Mfg. Co., Hirsch Mfg., Knit-Wits Mfg., Allentown, PA

A certification was issued covering all workers separated on or after June 23, 1979.

TA–W–9842; U.S Steel Corporation, Gary Works, Gary, IN

A certification was issued covering all workers engaged in production of tin mill products separated on or after October 1, 1979.

With respect to workers producing: railraod products, structural shapes, stainless steel sheet, hot rolled carbon steel bars and bar-sized light shapes, carbon steel plate, basic steel and semi-finished steel products, the investigation revealed that criterion (3) has not been met.

TA–W–9117; McDonald Cedar Products, Neilton, WA

A certification was issued covering all workers of the firm separated on or after June 9, 1979.

TA–W–9530, 9530A, 9530B, & 9530C; Independent Cement Corp., East Kingston, NY, Kingston, NY, Buffalo, NY, and Hudson, NY

A certification was issued covering all workers of the firm separated on or after July 1, 1980 and before January 1, 1981.

TA–W–9464, 10,478 and 11,321; Bendix Corp., Bendix Executive Offices, Southfield, MI, Brake and Steering Div., South Bend, IN, and Heavy Vehicle Systems Group, Elyria, OH

A certification was issued covering all workers of the firm engaged in employment related to the production of drum brakes separated on or after August 18, 1979 and before May 25, 1980.

With respect to workers producing power steering systems, investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,985; Massey-Ferguson, Inc., Tractor Div., North American Tractor Plant, Detroit, MI

A certification was issued covering all workers of the firm engaged in the production of small tractors separated on or after October 1, 1979 and workers engaged in the production of cabs for farm tractors separated on or after August 1, 1980 and before January 1, 1981.

With respect to workers of the North American Tractor Plant related to the production of medium farm tractors (B-line) and loader-backhoes (C-line) investigation revealed that criterion (3) has not been met. U.S. imports of 80–99 horsepower farm tractors decreased in quantity from 1979–1980. U.S. imports of farm tractors over 100 horsepower decreased in quantity from 1978 to 1979 and from 1979 to 1980.

TA–W–11,899; General Motors Corp., Central Office, Cleveland, OH

A certification was issued covering all workers of the firm separated on or after July 1, 1980 and before January 1, 1981.

I hereby certify that the aforementioned determinations were issued during the period June 29-July 2, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: July 7, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-20250 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA–W–11,899]

General Motors Corp., Central Office, Cleveland, Ohio; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on December 15, 1980 in response to a petition which was filed on behalf of workers at the Cleveland, Ohio Training Center of the Central Office of General Motors Corporation. Workers at the center provide training facilities for GM employees.

Since workers at this facility did not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for their services must be determined to have originated at production facilities whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The Department has determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at 20 of General Motors Corporation's car and truck assembly plants (TA–W– 6783, 6917, 6999–7000, 7009, 7015–16, 7059, 7071, 7073–76, 7078–82, 8613 and 9570). Workers at these plants are engaged in production of one or more of the following car or truck lines: mid-size, standard and luxury/specialty cars, pick-up trucks, vans, and general utility vehicles. The Department also certified workers at 70 GM component parts plants as eligible for trade adjustment assistance (TA–W– 6705, 6877, 7001–04, 7004A, 7005, 7007–08, 7010–14, 7018–19, 7021–24, 7028–33, 7035–41, 7044–46, 7048–50, 7052–53, 7055–57, 7065–68, 7070, 7305, 7603, 7782, 8017, 8105–07, 8572, 8609–11, 8614, 9249, 9252, 9562–63, 9566 and 9569).

During the course of the investigation, it was established that the workers at the Cleveland, Ohio Training Center perform functions which primarily support the sales and production of GM vehicles which have been subject to import injury. Therefore, this facility is substantially integrated into the production of import-impacted GM car and truck lines.

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Total domestic passenger car production by the United States remained virtually unchanged in the first five months of 1981 compared to the same period of 1980. Domestic passenger car production by General Motors Corporation declined slightly in quantity in this period. Several factors—including high interest rates, imports, and the recent downturn in the U.S. economy—have adversely affected production by General Motors and other U.S. auto manufacturers during this period. Given the number of factors involved, it would be difficult to determine whether import competition contributed importantly to any decline in U.S. auto production in the first few months of 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with mid-size, standard and luxury/specialty automobiles, vans, utility vehicles and pickup trucks produced at final assembly plants of General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of the Cleveland, Ohio Training Center. In accordance with the provisions of the Act, I make the following certification:

All workers of the Cleveland, Ohio Training Center of the Central Office of General Motors Corporation who became totally or partially separated from employment on or after July 1, 1980 and before January 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-20247 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA–W–9530, 9530A, 9530B, 9530C]

Independent Cement Corp., East Kingston, New York, Kingston, New York, Buffalo, New York, Hudson, New York; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed by the International Union of Operating Engineers on behalf of workers at Independent Cement Corporation, East Kingston, New York (TA–W–9530). The investigation was expanded to include workers of Independent Cement Corporation, Kingston, New York (TA–W–9530A), Buffalo, New York (TA–W–9530B), and Hudson, New York (TA–W–9530C). The workers produce hydraulic cement.

U.S. imports of hydraulic cement increased absolutely and relative to domestic production in 1978 compared to 1977 and in 1979 compared to 1978.

Company imports of cement increased in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with hydraulic cement produced at Independent Cement Corporation, East Kingston, Kingston, Buffalo, and Hudson, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Independent Cement Corporation, East Kingston, New York (TA–W–9530), Kingston, New York (TA–W–9530A), Buffalo, New York (TA–W–9530B), and Hudson, New York (TA–W–9530C) who became totally or partially separated from employment on or after July 8, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-20248 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under

Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
A. C. Modes (ILGWU)	New York, NY	6-15-81	6-9-81	12,798	Dresses, shirts, pants and blazers.
Jay Clothing Industries (ILGWU)	Elizabeth, NJ	6-24-81	6-17-81	12,799	Ladies' apparel.
Keystone Consolidated Industries, Keystone Group (ISWU).	Bartonville, IL	6-23-81	6-15-81	12,800	Steel products.
Kravex Manufacturing Corp. (workers)	Miami, FL	6-22-81	6-15-81	12,801	Battery cables.
Lady Elizabeth Sportswear Corp. (ILGWU)	New York, NY	5-1-81	4-29-81	12,802	Women's pants.
R. S. Baro Clothes, Inc. (workers)	Brooklyn, NY	6-24-81	6-21-81	12,803	Contractor, ladies sportswear.
Reece Corporation (UAW)	Waltham, MA	6-23-81	6-17-81	12,804	Industrial sewing machines.
Sillieulpt, Inc. (workers)	Hialeah, FL	6-22-81	6-9-81	12,805	Plastic articles.
Vetter Corp. (workers)	San Luis Obispo, CA	6-24-81	6-23-81	12,806	After market products, accessories.
Volkswagen of America, Westmoreland Assembly Plant (UAW).	New Stanton, PA	6-23-81	6-17-81	12,807	Subcompact Rabbits.
Volkswagen of America, So. Charleston Stamping Plant (UAW).	So. Charleston, WV	6-23-81	6-17-81	12,808	Subcompact Rabbits.
Wolverine Fabricating and Manufacturing Co. (workers).	Blacksburg, VA	6-23-81	6-16-81	12,809	Custom gaskets, washers.
U.S. Steel Corp., American Bridge Division (USWA)	Pittsburgh, PA	6-18-81	6-15-81	12,810	Transmission towers.

[FR Doc. 81-20235 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9117]

McDonald Cedar Products; Neilton, Washington

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on June 30, 1980 in response to a petition which was filed on behalf of workers at McDonald Cedar Products, Neilton, Washington. The workers produce red cedar shakes and shingles.

U.S. imports of red cedar shakes, shingles, hips, and ridges increased absolutely and relative to domestic production in 1979 compared to 1978.

A Department of Labor survey revealed that surveyed customers, accounting for a substantial portion of McDonald's sales decline in 1979 compared to 1978 and in 1980 compared to 1979, reduced purchases from that firm while at the same time increasing purchases of imported shakes and shingles.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes and shingles produced at McDonald Cedar Products, Neilton, Washington, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of McDonald Cedar Products, Neilton, Washington who became totally or partially separated from employment on or after June 9, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-20240 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,444]

Ranco Inc., General Offices, West Fifth Avenue, Columbus, Ohio; Affirmative Determination Regarding Application for Reconsideration

On May 8, 1981, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of the General Offices of Ranco, Incorporated in Columbus, Ohio. The determination was published in the **Federal Register** on April 24, 1981, (46 FR 23350).

The application for reconsideration claimed that the reasons taken into consideration by the Department for certification of the workers at Ranco's Plain City and Delaware, Ohio plants should also apply to Ranco's West Fifth Avenue Facility in Columbus, Ohio which provides administrative and support services for the Ranco plants in North America.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 29th day of June 1981.

Harry J. Gilman,

Supervisory International, Economist, Office of Foreign Economic Reasearch.

[FR Doc. 81-20250 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6724]

Textile Trim, Inc., Fair Haven, Mich.; Affirmative Determination Regarding Application for Reconsideration

On April 14, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of Textile Trim, Inc., Fair Haven, Michigan. The determination was published in the **Federal Register** on March 20, 1981, (46 FR 17928).

The application for reconsideration claimed, among other things, that the production operations of Textile Trim's Fair Haven, Michigan plant were moved to one of their Canadian plants.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 30th day of June 1981.

C. Michael Abo,

Director, Office of Foreign Economic Research.

[FR Doc. 81-20252 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6462T]

U.S. Steel Corp., Gary Works, Gary, Ind.; Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 13, 1981 to determine, with respect to the certification issued on February 6, 1980 (TA-W-6462), whether total or partial separations of workers engaged in employment related to the production of coated sheet at the U.S. Steel Corporation's Gary Works, Gary, Indiana are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the Federal Register on June 5, 1981.

The investigation has been terminated.

Signed at Washington, D.C. this 30th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-20251 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

MERIT SYSTEMS PROTECTION BOARD

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Darrell Netherton, Office of Legislative Counsel, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, (202) 653-7175.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Merit Systems Protection Board intends to award Senior Executive Service bonuses for the performance rating cycle of June 1, 1980 through May 31, 1981, with payouts scheduled by September 30, 1981.

Dated: July 2, 1981.

Merit Systems Protection Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-19937 Filed 7-9-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences, Geophysics Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Geophysics Subcommittee)
Date and Time: July 31-August 2, 1981; 8:30 a.m. to 5:00 p.m. each day
Place: Princeton University, Princeton, New Jersey 08540
Type of Meeting: Closed
Contact Person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7958
Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards
Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act
Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979

M. Rebecca Winkler,

Committee Management Coordinator.

July 7, 1981.

[FR Doc. 81-20213 Filed 7-9-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for International Programs; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs
Date and Time: Tuesday, July 28, 1981 1:00 P.M. to 4:30 P.M.; Wednesday, July 29, 1981 9:00 A.M. to 4:30 P.M.
Place: Room 543, 1800 G Street, N.W., Washington, D.C. 20550
Type of Meeting: Open
Contact Person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation—Room 1214, 1800 G Street, N.W., Washington, D.C. 20550

Persons interested in attending the meeting should inform Dr. Jean Johnson before 5 P.M., on July 27, 1981, telephone (202) 357–9700.

Summary of minutes: May be obtained from the contact person at the above address.

Purpose of Advisory Group: The Advisory Committee for International Programs provides advice, recommendations, and oversight concerning support for activities related to international scientific and technical cooperation.

Agenda

July 28, 1981

1:30 Welcome
Dr. Harvey Averch, Assistant Director, Directorate for Scientific, Technological and International Affairs
Dr. Donald N. Langenberg, Deputy Director, Office of the Director
2:00 Review of INT Programs
Dr. Bodo Bartocha, Director, Division of International Programs
3:00 Brief Recess
3:15 Discussion
Dr. Dorothy S. Zinberg, Chairperson
4:30 Adjourn

July 29, 1981

9:00 Strategic Planning Budget Developments
Dr. Bodo Bartocha
10:00 Priorities Under Budget Constraints, Based Upon the Needs of the Scientific Community
Dr. Dorothy Zinberg
11:30 to 1:00 Lunch
1:00 to 4:30 Continue Discussion—Priorities Under Budget Constraints
Advisory Committee Members

M. Rebecca Winkler,

Committee Management Coordinator.

July 7, 1981.

[FR Doc. 81–20212 Filed 7–9–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–471 CP]

Boston Edison Co.; (Pilgrim Nuclear Generating Station, Unit 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Thomas S. Moore, Chairman
Dr. John H. Buck
Christine N. Kohl

Dated: July 2, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81–20286 Filed 7–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–250 SP and 50–251 SP]

Florida Power & Light Co.; (Turkey Point Nuclear Generating Units Nos. 3 and 4); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this steam generator repairs proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. W. Reed Johnson
Thomas S. Moore

Dated: July 2, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81–20287 Filed 7–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–424 and 50–425]

Georgia Power Co. (Alvin W. Vogtle Nuclear Plant, Units 1 and 2); Issuance of Director's Decision Under 10 CFR 2.206 (DD–81–12)

By letter, dated September 25, 1980, Mr. Gary Flack, on behalf of Georgians Against Nuclear Energy (GANE), requested that the Nuclear Regulatory Commission reconsider its decision to issue construction permits to Georgia Power Company for the construction of the two Alvin W. Vogtle nuclear facilities. GANE's letter is being treated as a request for action pursuant to 10 CFR 2.206 of the Commission's regulations. Upon consideration of GANE's letter, I have determined, in accordance with 10 CFR 2.206, to deny the request.

Copies of the "Director's Decision under 10 CFR 2.206" which fully discuss the reasons for this decision are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Burke County Library, 4th Street, Waynesboro, Georgia 30830.

A copy of this decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 2nd day of July 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20288 Filed 7–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Operating License No. DPR–59, issued to the Power Authority of the State of New York, which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revises the Technical Specifications to establish one set of requirements for the three systems which are used to identify primary coolant system leakage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24, 1981, (2) Amendment No. 56 to License No. DPR–59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing

Dated at Bethesda, Maryland, this 2nd day of July 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–20289 Filed 7–9–81; 8:45 am]

BILLING CODE 7590–01–M

THE PRESIDENT'S COMMISSION ON HOSTAGE COMPENSATION

[Public Notice CM–81422]

Rescheduling of Meetings

The meetings of the President's Commission on Hostage Compensation which were scheduled for July 16 and July 17 at the Department of State and notice of which was carried in the Federal Register of June 30, 1981 have been postponed to July 23 and July 24.

The Commission will meet on July 23 in Room 1107 of the Department of State, 22nd and C Streets, NW., Washington, D.C. from 9:00 a.m. to 12:00 noon and from 2:00 p.m. until 5:00 p.m. or later. The Commission will meet again at the same time and place on July 24.

The agenda of the meetings will include consideration of public comments received in writing from interested parties on the subject of hostage compensation, some of which also may be submitted orally to the Commission. Additional written or oral submissions concerning the legal and factual background received by the Commission from agencies of the U.S. government and various possible approaches to the question of hostage compensation will be discussed and considered.

Further meetings of the Commission will be held on August 6 and August 7, 1981 again in Room 1107 of the Department of State. These meetings will also begin at 9:00 a.m. on each of the two days and continue, with a lunch break, until late afternoon or evening. At these meetings, the Commission will consider any additional submissions received on the subject of hostage compensation, formulate its recommendations to the President and prepare its report.

The meetings will be open to public observation. Written comments or statements may be submitted at any time and will be presented to and considered by the Commission. Persons who wish to appear before the Commission should notify the Commission office as soon as possible in order that the time available can be properly scheduled. The text of proposed oral presentations should be submitted to the Commission's office for distribution to members in advance. These procedures are designed to allow the Commission to finish its task within the time available to it and therefore must be carefully adhered to by interested parties. All correspondence should be addressed to the Commission office, Room 1004, Department of State, Washington, D.C. 20520.

Approximately 60 seats will be available to the public to attend the meetings on a first come, first served basis. Commission proceedings will be recorded and minutes prepared which may be examined subsequently in the Commission's office.

Members of the public wishing to attend the Committee meetings should call the Commission office in advance so that admission to the Department of State building at the 22nd and C Street entrance can be arranged. For further information call (202) 632–3116.

John R. Davis, Jr.,

Executive Secretary.

July 8, 1981.

[FR Doc. 81–20283 Filed 7–9–81; 8:45 am]

BILLING CODE 4710–13–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Chipola Oil Corp.; Order of Trading Suspension

July 2, 1981.

It appearing to the Securities and Exchange Commission that because of questions concerning the control, and availability for delivery, of the securities of Chipola, problems encountered in the transfer and delivery of the securities of Chipola, the after market trading activities in the securities of Chipola by certain broker-dealers which commenced on May 11, 1981, and the recent increase in the price of the securities of Chipola from 19 cents on June 17, 1981, to $1.00 on July 1, 1981, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Chipola Oil Corporation.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of Chipola Oil Corporation is suspended, for the period from 9:45 a.m. (EDT) on July 2, 1981, and terminating at midnight (EDT) on July 11, 1981.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–20227 Filed 7–9–81; 8:45 am]

BILLING CODE 8010–01–M

Cincinnati Stock Exchange; Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 6, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Iowa Electric Light & Power Co., Common Stock, $2.50 Par Value (File No. 7–5963)
Public Service Company of New Mexico, Common Stock $5 Par Value (File No. 7–5964)
Republic Airlines, Inc., Common Stock $.20 Par Value (File No. 7–5965)
Tucson Electric Power Company, Common Stock, $2.50 Par Value (File No. 7–5966)
Wisconsin Power & Light Company, Common Stock, $5 Par Value (File No. 7–5967)
Kentucky Utilities Company, Common Stock, $10 Par Value (File No. 7–5968)
Garnett Company, Inc., Common Stock, $1 Par Value (File No. 7–5969)
Commonwealth Energy System, Common Stock, $4 Par Value (File No. 7–5970)
Wisconsin Public Service Corporation, Common Stock, $8 Par Value (File No. 7–5971)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comment should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20238 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7134]

IPM Technology, Inc. (Common Stock, $0.25 Par Value); Notice of Applications To Withdraw From Listing and Registration and for Unlisted Trading Privileges and of Opportunity for Hearing

July 6, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons asserted in the application for withdrawing this security from listing and registration include the following:

The common stock of IPM Technology, Inc. ("Company") became listed and registered for trading on the BSE on January 24, 1973. The Company has determined that because such listing on the BSE serves no purpose for the issuer or its stockholders, the Company wishes to have its securities listed with NASDAQ.

Additionally, the BSE has filed an application with the Commission pursuant to Section 12(f)(1)(C) of the Act and Rule 12f-1 thereunder, for unlisted trading privileges in the above named stock.

The Commission has determined to consider applications for unlisted trading privileges in over-the-counter securities in the limited situation where a listed reported [1] security is subject to an issuer delisting application, provided the applicant exchange has exempted such security from any off-board trading restrictions.

Any interested persons are invited to submit on or before July 27, 1981, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the withdrawal from listing and the extension of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20239 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

[1] A reported security is a security that is listed on the New York or American Stock Exchanges, or listed on some other exchange and which substantially meets either New York or American Stock Exchange listing standards. Such securities are reported in the consolidated transaction reporting system.

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0269]

Capital Assistance Corporation of Connecticut; License Surrender

Notice is hereby given that Capital Assistance Corporation of Connecticut, 33 Brook Street, West Hartford, Connecticut 06110, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Capital Assistance Corporation of Connecticut was licensed by the Small Business Administration on April 24, 1978.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 23, 1981, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 2, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20165 Filed 7-9-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 05/05-0156]

Wisconsin Venture Capital Corp.; Application for a License To Operate as a Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Wisconsin Venture Capital Corporation, 888 South Main Street, Fond du Lac, Wisconsin 54935, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Beneficial ownership (percent)
Michael J. Floyd, 888 S. Main St., Fond du Lac, WI 54935.	President & Director	12
David E. Leichtfuss, 888 S. Main St., Fond du Lac, WI 54935.	Vice President, Treasurer & Director.	5
Susan J. Lapcewich, 888 S. Main St., Fond du Lac, WI 54935.	Secretary, Assistant Treasurer & Director.	
Bank of Spooner, P.O. Box 308, Spooner, WI 54801.	Shareholder	15

The Applicant will have no more than 17 beneficial owners of common stock. Only the Bank of Spooner will directly own more than 10% of the common stock.

The Applicant will begin operations with a capitalization of $580,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, on or before July 27, 1981, submit written comments on the proposed company to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Fond du Lac, Wisconsin.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 2, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20166 Filed 7-9-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Trade Commission	6

1

CIVIL RIGHTS COMMISSION.

DATE AND TIME: July 13, 1981, 9 a.m. to 5 p.m.; July 14, 1981, 9 a.m. to 4 p.m.

PLACE: Room 512, Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED: Monday, July 13:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Review of Proposed FY 83 Program and Budget
IV. Review of School Desegregation Monograph

Tuesday, July 14:

V. Civil Rights Issues in the Combined Federal Campaign
VI. Review of Department of Education Acceptance of North Carolina's Higher Education Desegregation Plan
VII. Responsive Letter to Attorney General William French Smith
VIII. Action re Analysis of Issues Regarding Native Hawaiian Homelands
IX. Action re Florida Advisory Committee Report Entitled The Administration of Justice in Pensacola and Escambia County
X. Action re Louisiana Advisory Committee Report Entitled Fair Housing in America: Community Development in Louisiana
XI. Transmittal of Conference Report From the Maryland Advisory Committee on "A Civil Rights Agenda for the 1980's"
XII. Transmittal of New Mexico Advisory Committee Report Entitled Employment Patterns in New Mexico's Public Institutions of Higher Education: 1979-1980
XIII. Transmittal of Iowa Advisory Committee Monograph Entitled Employment of Professionals by Iowa Municipal Governments
XIV. State Advisory Committee Re-charters
A. Idaho
B. Louisiana
XV. Civil Rights Developments in the Southern Region
XVI. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports

PERSONS TO CONTRACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-1067-81 Filed 7-8-81; 1:28 pm]

BILLING CODE 6335-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 34888, July 6, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 9 and 10, 1981.

CHANGE IN THE MEETING: The above meeting has been cancelled.

Kenneth F. Plumb,

Secretary.

[S-1064-81 Filed 7-8-81; 10:47 am]

BILLING CODE 6450-85-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, July 14, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The first item has been withdrawn from the open portion of the Bank Board meeting and the other three items have been added to the open portion of the Bank Board meeting. The time of the Bank Board meeting for Tuesday, July 14, 1981, has been changed from 10:00 a.m., to 2:30 p.m.:

1. Insurance and Membership Application (FHLBB Res. No. 81-331)—Citizens Building and Loan Association, Plaquemine, Louisiana.

1. Graduated payment Adjustable Mortgage Loan Instruments.

2. Balloon Payment Mortgage Loans; Reverse-Annuity Mortgage Loans.

3. Delegation of Authority Regarding Merger Approvals.

No. 515, July 8, 1981.

[S-1068-81 Filed 7-8-81; 11:29 am]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: Approximately 12:00 noon, Wednesday, July 15, 1981, following a recess at the conclusion of an open meeting to be held earlier the same day.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 7, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1063-81 Filed 7-7-81; 4:25 pm]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, July 15, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) regarding insurance agency activities. (Proposed earlier for public comment; Docket No. R-0050)

Discussion Agenda:

2. Proposed revised fee schedule for 1982 Federal Reserve cash transportation services.

3. Proposed fee schedules for 1981 Federal Reserve securities safekeeping services, securities purchase or sale services, and noncash collection services.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph B. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 7, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1063-81 Filed 7-7-81; 4:24 pm]

BILLING CODE 6210-01-M

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, July 22, 1981.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Trade Regulation Rule in Funeral Industry Practices.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-1065-81 Filed 7-8-81; 10:30 am]

BILLING CODE 6750-01-M

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federal register

Friday
July 10, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Alabama: AL80–1112 ..... Oct. 17, 1980.
Arkansas:
AR81–4039 ..... June 19, 1981.
AR81–4040 ..... June 19, 1981.
AR81–4041 ..... June 19, 1981.
AR81–4042 ..... June 19, 1981.
AR81–4043 ..... June 19, 1981.
Delaware: DE81–3028 ..... May 8, 1981.
Minnesota:
MN80–2068 ..... Dec. 19, 1980.
MN81–2022 ..... May 22, 1981.
Montana:
MT81–5114 ..... May 8, 1981.
MT81–5115 ..... May 8, 1981.
MT81–5116 ..... May 8, 1981.
Pennsylvania:
PA80–3011 ..... Feb. 22, 1980.
PA80–3055 ..... Oct. 3, 1980.
PA80–3058 ..... Oct. 3, 1980.
PA80–3074 ..... Dec. 12, 1980.
Tennessee:
TN81–1198 ..... Mar. 6, 1981.
TN81–1204 ..... May 8, 1981.
Texas:
TX80–4067 ..... Nov. 7, 1980.
TX80–4069 ..... Nov. 7, 1980.
TX81–4006 ..... Jan. 9, 1981.
TX81–4007 ..... Jan. 9, 1981.
TX81–4008 ..... Jan. 9, 1981.
TX81–4009 ..... Jan. 9, 1981.
TX81–4015 ..... Apr. 3, 1981.
TX81–4016 ..... Apr. 3, 1981.
TX81–4032 ..... May 8, 1981.
TX81–4037 ..... June 5, 1981.
TX81–4038 ..... June 5, 1981.
Virginia: VA81–3015 ..... Mar. 6, 1981.
Wyoming: WY81–5109 ..... Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:
AL80–1068 (AL81–1265) ..... June 6, 1980.
AL81–3184 (AL81–1267) ..... Feb. 6, 1981.
California: CA81–5109 (CA81–5132) ..... Apr. 10, 1981.
Mississippi: MS80–1084 (MS81–1264) ..... July 25, 1980.
Missouri: MO80–4084 (MO81–4055) ..... Nov. 28, 1980.
Oklahoma:
OK80–4060 (OK81–4051) ..... July 18, 1980.
OK80–4061 (OK80–4054) ..... July 18, 1980.

Pennsylvania: PA78–3037 (PA81–3029) ..... Apr. 21, 1978.
Texas:
TX81–4005 (TX81–4045) ..... Jan. 6, 1981.
TX81–4001 (TX81–4050) ..... Jan. 6, 1981.
TX80–4018 (TX81–4052) ..... Mar. 14, 1981.
TX80–4099 (TX81–4048) ..... Dec. 5, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 2d Day of July 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

Decision #AL80-1112 - MOD. #1
(45-FR-69142 - October 17, 1980)

Gallman, Jackson, Limestone, Morgan, Madison, and Marshall Counties in Alabama	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters, brush	$5.50				
CHANGE STATE from MISSISSIPPI to ALABAMA					

MODIFICATIONS P. 2

DECISION #AR81-4039-Mod. #2 46FR32177 - June 19, 1981 Sebastian, Crawford & Washington Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SEBASTIAN & CRAWFORD COS.:					
Boilermakers	$14.80	1.375	1.00		.04
Plasterers	12.00		.35		.04
Plumbers-Steamfitters	13.11	.55	.60		.04
DECISION #AR81-4040-Mod. #2 46FR32179 - June 19, 1981 Union & Ouachita Counties, Arkansas					
CHANGE:					
Boilermakers	14.80	1.375	1.00		.04
ELECTRICIANS:					
Electrical contracts $20,000. or less:					
Electricians	13.69		3%		1/4%
Cable splicers	13.99		3%		1/4%
Electrical contracts over $20,000.00:					
Electricians	14.48		3%		1/4%
Cable splicers	14.78		3%		1/4%
PLASTERERS	12.00		.35		.04
PLUMBERS-PIPEFITTERS	13.65	.60	.85		.10
DECISION #AR81-4041-Mod. #2 46FR32173 - June 19, 1981 Garland, Clark & Hot Springs Counties, Arkansas					
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Clark & Garland Counties	11.75		.50		
Hot Springs County	12.10		.65		.04
Boilermakers	14.80	1.375	1.00		.04
ELECTRICIANS:					
Electricians	12.27	.60	3%+1.00		1/4%
Cable splicers	12.39	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.27	.60	3%+1.00		1/4%
Cable splicers	12.39	.60	3%+1.00		1/4%
PLASTERERS	12.00		.35		.04
TILE LAYERS (Garland and Clark Counties)	11.75		.50		

MODIFICATIONS P. 3

DECISION #AR81-4042-Mod. #2 46FR32187 - June 19, 1981 Pulaski County, Arkansas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$14.80	1.375	1.00		.04
Plasterers	12.00		.35		.04
DECISION #AR81-4043-Mod. #2 46FR32175 - June 19, 1981 Jefferson County, Arkansas					
CHANGE:					
Boilermakers	14.80	1.375	1.00		.04
Plasterers	12.00		.35		.04

DECISION NO. DE-81-3028 MOD. NO. 3 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PLUMBERS & STEAMFITTERS:					
New Castle & Kent (north of the southern boundary of Dover City) Counties	$15.89	1.35	1.60		.15

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISON #MN80-2088 Mod #3 (45 FR 83810 December 19,1980) Becker, Clay, Cass, Hubbard, Ottertail, Todd, Wadena & Wilkin Cos. Minnesota					
CHANGE:					
BACKHOE	$11.59	.95	.60		.05
TRUCK CRANE OPERATOR	11.59	.95	.60		.05
DECISION #MN81-2022 Mod #1 (46 FR 28102 May 22, 1981) Beltrami, Kittson, Clearwater, Lake-of-the-Woods, Mahnomen, Polk, Marshall, Norman, Red Lake, Pennington and Roseau Cos. Minnesota					
CHANGE:					
BACKHOE	$11.59	.95	.60		.05
TURNAPULL OPERATOR	11.34	.95	.60		.05
SCRAPER OPERATOR	11.43	.95	.60		.05
BULLDOZER	11.34	.95	.60		.05

MODIFICATIONS P. 5

DECISION NUMBER MT81-5114 Mod. # 4
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 6	$13.67	.69	.50		.04

DECISION NUMBER MT81-5115 Mod. #4
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 6	$13.67	.69	.50		.04

DECISION NUMBER MT81-5116 Mod. #3
(46 FR 35953 May 8, 1981)

Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Counties.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 3	$10.93	.69	.50		.04

MODIFICATIONS P. 6

DECISION NO. PA80-3011
MOD. NO. 10
(45 FR 12118 - February 22, 1980)
Greene, Somerset & Potter Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers					
Zone II	$14.93	5%	7%+1.12		.02
Carpenters					
Zone 2	13.75	6½%	8%	10%	
Cement Masons					
Zone 1	14.37	1.01	2.30		
Zone II	12.85	9%	7%		
Ironworkers					
Zone II	13.59	1.22	1.67		.04
Laborers:					
Zone I					
Class 1	11.91	9%	9%		
Class 2	12.05	9%	9%		
Class 3	12.18	9%	9%		
Class 4	12.45	9%	9%		
Class 5	12.63	9%	9%		
Zone II					
Class 1	12.00	9%	8%		
Class 2	12.25	9%	8%		
Class 3	12.80	9%	8%		
Zone III					
Class 1	10.34	10%	9%		
Class 2	10.84	10%	9%		
Class 3	10.94	10%	9%		
Class 4	10.84	10%	9%		
Class 5	10.39	10%	9%		
LINE CONSTRUCTION:					
Zone I					
Linemen, dynamite man, heavy equipment operator	13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Millwrights	13.16	6%	6%	25%	1/2%
Piledrivermen	15.18	5.5%	10%		1/2%

MODIFICATIONS P. 6

DECISION NO. PA80-3011
MOD. NO. 10, CONT'D

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Zone I - Greene County					
Class I	15.575	1.05	1.15		.09
Class I-A	15.825	1.05	1.15		.09
Class I-B	16.075	1.05	1.15		.09
Class I-C	16.325	1.05	1.15		.09
Class II	15.375	1.05	1.15		.09
Class III	13.69	1.05	1.15		.09
Class III-A	14.19	1.05	1.15		.09
Class IV	12.73	1.05	1.15		.09
Class V	12.42	1.05	1.15		.09
Class V-A	12.52	1.05	1.15		.09
Class V-B	12.67	1.05	1.15		.09
Class V-C	13.42	1.05	1.15		.09
Zone II - Somerset & Potter					
Class I	14.625	1.05	1.15		.09
Class I-A	14.875	1.05	1.15		.09
Class I-B	15.125	1.05	1.15		.09
Class I-C	15.375	1.05	1.15		.09
Class 2	14.475	1.05	1.15		.09
Class 3	12.60	1.05	1.15		.09
Class 3-A	13.10	1.05	1.15		.09
Class 4	11.95	1.05	1.15		.09
Class 5	10.90	1.05	1.15		.09
Class 6	11.20	1.05	1.15		.09
Class 6-A	11.30	1.05	1.15		.09
Class 6-B	11.45	1.05	1.15		.09
Class 6-C	12.20	1.05	1.15		.09
Roofers					
Zone 1	15.96	.77	1.50		.16
Painters:					
Zone 2					
Commercial					
Brush & Roller	11.74	1.10	1.10		.02
Spray	12.24	1.10	1.10		.02
Industrial					
Brush	12.59	1.10	1.10		.02
Spray	13.09	1.10	1.10		.02

MODIFICATIONS P. 7

DECISION NO. PA80-3011
MOD. NO. 10, CONT'D

Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers					
Zone I	13.36	1.07	1.22	.75	.27
Zone II	15.05	1.05	1.80		.07
Steamfitters					
Zone I	15.20	1.35	1.44		.10
Sprinkler Fitters	15.56	.95	1.40		.08
Truck Drivers:					
Zone II					
Class 1	11.86	9.7%	7.1%	a	
Class 2	11.91	9.7%	7.1%	a	
Class 3	11.93	9.7%	7.1%	a	
Class 4	12.01	9.7%	7.1%	a	
Class 5	12.20	9.7%	7.1%	a	
Class 6	12.03	9.7%	7.1%	a	
Class 7	12.18	9.7%	7.1%	a	

MODIFICATIONS P. 8

DECISION NO. PA80-3055 - MOD. #9 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION					
ASBESTOS WORKERS					
ZONE 1	14.91	1.00	1.60		.08
BRICKLAYERS:					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	12.47	1.00	1.30		.02
All other work					
ZONE 3	13.21	1.22	1.55		.02
CARPENTERS:					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use	11.82	2.63	1.40		.13
Residential under 4 stories:					
Bucks, Chester, Delaware & Montgomery Cos.	10.38	1.13	1.40		.13
Philadelphia County	12.42	2.63	1.40		.13
All Other Work:					
Building Construction	12.52	2.63	1.40		.13

MODIFICATIONS P. 9

Page 2

DECISION NO. PA80-3055 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
All Other Work	11.60	2.09	2.60		
ZONE 1					
Heavy & Highway	11.60	2.09	2.60		
DRYWALL FINISHERS:					
All Other Work	12.03	1.91	1.00	1.00	.03
LATHERS:					
ZONE 1	12.52	2.63	1.40		.23
LABORERS:					
Building Construction					
CLASS 1	11.05	.90	.85		.25
CLASS 2	11.15	.90	.85		.25
CLASS 3	11.20	.90	.85		.25
CLASS 4	11.35	.90	.85		.25
CLASS 5	11.45	.90	.85		.25
CLASS 6	10.99	.90	.85		.25
LABORERS:					
Heavy & Highway Construction:					
GROUP 1	11.30	.95	.85		.25
GROUP 2	11.10	.95	.85		.25
GROUP 3	11.00	.95	.85		.25
GROUP 4	11.15	.95	.85		.25
GROUP 5	10.90	.95	.85		.25
GROUP 6	11.55	.95	.85		.25
GROUP 7	11.40	.95	.85		.25
GROUP 8	11.25	.95	.85		
MILLWRIGHTS	13.02	2.63	1.40		.13
PAINTERS:					
ZONE 4					
Brush	13.14	1.60	1.30		
Steel	13.89	1.60	1.30		
PLUMBERS:					
All Other Work:					
ZONE 1	15.48	1.10	1.40		
ZONE 2	15.08	1.10	1.40		
TILE SETTERS					
All Other Work	10.75	1.55	1.95		.14
TERRAZZO WORKERS	13.44	.98	1.87		

MODIFICATIONS P. 10

Page 3

DECISION NO. PA80-3055 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STONE MASONS					
ZONE 1	13.80	.98	1.87		
STEAMFITTERS					
ZONE 1	15.01	.95	2.05		.11
ZONE 2	14.61	.95	2.05		.11
SHEET METAL WORKERS:					
ZONE 1 (Commercial)	15.03	1.69	1.18		.07
SOFT FLOOR LAYERS					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure or nor more than four (4) stories which is intended for predominently residential use	9.08	2.63	1.40		.13
All Other Work	11.78	2.63	1.40		.13
STONE MASONS					
ZONE 1	12.20	.98	1.87		
TERRAZZO WORKERS	11.84	.98	1.87		

MODIFICATIONS P. 11

DECISION NO. PA80-3059 MOD. NO. 5 (45 FR 65895 - October 3, 1980) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters & Soft Floor Layers	$12.80	6½%	8%	10%	.02
Bricklayers & Stonemasons	14.15	.75	.60	1.00	.02
Electricians	14.55	1.20	3%+1.75	1.00	½%
Ironworkers:					
Structural, Ornamental & Reinforcing	14.50	1.86	1.51		.15
Laborers:					
Common Laborers	11.55	9%	8%		.03
Mason tenders	11.95	9%	8%		.03
Line Construction:					
Linemen, Heavy Equipment Op.	13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Millwrights	13.16	6%	6%	25%	1/2%
Marble Setters	13.60	.75	.60		.02
Piledrivermen	15.18	5.5%	10%		1.2%
POWER EQUIPMENT OPERATORS:					
Class I	15.12	1.05	1.15		.10
Class I-A	15.41	1.05	1.15		.10
Class I-B	15.68	1.05	1.15		.10
Class I-C	15.96	1.05	1.15		.10
Class II	14.62	1.05	1.15		.10
Class III	14.45	1.05	1.15		.10
Class IV	12.96	1.05	1.15		.10
Class V	12.67	1.05	1.15		.10
Class V-A	12.96	1.05	1.15		.10
Class V-B	13.44	1.05	1.15		.10
Class VI	13.69	1.05	1.15		.10
Class VI-A	12.96	1.05	1.15		.10
Class VI-B	12.67	1.05	1.15		.10
Plumbers & Steamfitters	15.97	.60	1.05		.06
Soft Floor Layers	12.80	6½%	8%	10%	.02
Sprinkler Fitters	15.56	.95	1.40		.08
Terrazzo Workers	13.60	.75	.60		.02
Tile Setters	13.60	.75	.60		.02

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3074 - MOD. #6 (45 FR 81981 - December 12, 1980) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
CHANGE:					
CEMENT MASONS					
ZONE 1	13.26				
ZONE 2	12.85	9%	7%		
IRONWORKERS					
ZONE 1	13.59	1.22	1.67		
ZONE 2	14.265	1.49	1.46		.045
LABORERS					
ZONE 1					
Unskilled Laborers	10.34	10%	9%		
Plasterers Tenders	10.39	10%	9%		
ZONE 2					
Unskilled Laborers	10.06	10%	9%		
Plasterers Tenders	10.11	10%	9%		
MILLWRIGHTS	13.16	6%	6%	25%	1/2%
PILEDRIVERMEN	15.18	8.5%	10%		1/2%
PAINTERS					
ZONE 2					
Commercial					
Brush & Roller	11.74	1.10	1.10		.02
Spray	12.24	1.10	1.10		.02
Industrial					
Brush & Steel	12.59	1.10	1.10		.02
Spray	13.09	1.10	1.10		.02
PLUMBERS & STEAMFITTERS					
ZONE 2	13.36	1.07	1.22	.75	.27
ROOFERS					
ZONE 3					
Composition Roofers	15.96	.77	1.50		.16

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN81-1189 Mod #1 (46 FR 15665 March 6, 1981) Crockett, Dyer, Gibson, Lake, Lauderdale, Obion & Weakley Counties, Tennessee					
OMIT:					
Drywall Finishers	$10.01				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN81-1204 Mod #2 (46 FR 25979 May 8, 1981) Hamilton (Building & Heavy Construction), Marion, Polk, and Rhea (Building only) Counties, Tennessee					
CHANGE:					
MARBLE, TERRAZZO & TILE WORKERS (all counties except Polk)	$13.72	.75	.80		

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4087 - MOD. #3 (45 FR 74365 - November 7, 1980) Gregg County, Texas					
CHANGE:					
Asbestos workers	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX80-4088 - MOD. #5 (45 FR 74364 - November 7, 1980) Harrison County, Texas					
CHANGE:					
Asbestos workers	13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4006 - MOD. #5 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Asbestos workers	15.05	1.10	1.18		.08
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4007 - MOD. #5 (46 FR 1548 - January 6, 1981) Ector & Midland Cos., Texas					
CHANGE:					
Boilermakers	14.80	1.275	1.00		.04
Plumbers & pipefitters	12.41	.60	.55		.04
DECISION NO. TX81-4008 - MOD. #3 (46 FR 1550 - January 6, 1981) Smith County, Texas					
CHANGE:					
Carpenters	10.88				

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4009 - MOD. #4 (46 FR 1549 - January 6, 1981) Taylor County, Texas					
CHANGE:					
Asbestos workers	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Plumbers & pipefitters	11.88	.60	.75		.05
DECISION NO. TX81-4015 - MOD. #4 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Asbestos workers-Jefferson	15.05	1.10	1.18		.08
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4016 - MOD. #3 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE:					
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4032 - MOD. #4 (46 FR 25981-May 8,1981) Galveston & Harris Cos., Texas					
CHANGE:					
Asbestos workers	15.05	1.10	1.18		.08
Boilermakers	14.80	1.275	1.00		.04

DECISION NO. TX81-4037 - MOD. #1 (46 FR 30284 -June 5,1981) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Carpenters:					
Carpenters	12.70	.48	.70		.10
Millwrights	13.20	.48	.70		.10
Elevator constructors:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
Laborers:					
Group 1	7.25	.30	.27		
Group 2	7.38	.30	.27		
Group 3	7.50	.30	.27		
Group 4	7.75	.30	.27		
DECISION NO. TX81-4038 - MOD. #3 (46 FR 30287 - June 5,1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Asbestos workers	13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Bricklayers & stonemasons:					
Zone 1	13.67	.67	.70		.07
Elevator constructors:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
Plumbers & pipefitters:					
Zone 1	13.76	.43	1.00		.10

DECISION NO. VA81-3015-Mod. #5 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PLUMBERS AND PIPEFITTERS	$12.62	.55	.65	.75	.05

DECISION NO. WY81-5108 - Mod. #3 (46 FR 20477 - April 3, 1981) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers; Steamfitters:					
Area 2:					
Zone 1	$14.53	.90	$1.10	$2.00+c	.30
Zone 2	15.40	.90	1.10	2.00+c	.30
Zone 3	16.25	.90	1.10	2.00+c	.30
Zone 4	17.56	.90	1.10	2.00+c	.30
Zone 5	11.44	.90	1.10	2.00+c	.30
Omit:					
Electricians:					
Area 1:					
Electricians	15.25	.75	3%+.50		3/4of1%
Cable Splicers	15.50	.75	3%+.50		3/4of1%
Area 2:					
Contracts $250,000 and under:					
Electricians	14.75	.75	3%+.75		3/4of1%
Contracts over $250,000:					
Electricians	15.00	.75	3%+.75		3/4of1%
Add:					
Electricians:					
Area 1:					
Electricians	15.25	.75	3%+.50		3/4of1%
Cable Splicers	15.50	.75	3%+.50		3/4of1%
Area 2:					
Electricians	14.75	1.00	3%+.75		3/4of1%

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Etowah

DECISION NO.: AL81-1265 DATE: Date of Publication

Supersedes Decision No. AL80-1068 dated June 6, 1980 in 46 FR 11446.

DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.85	.66	.85		.10
BRICKLAYERS	12.45		.25		.05
CARPENTERS:					
Carpenters	12.25	.74	.50		
Millwrights	12.75	.74	.50		
CEMENT MASONS	9.90	.25	.25		.05
ELECTRICIANS	13.45	.55	3%+.40		½ of 1%
GLAZIERS	9.00				
IRONWORKERS	12.35	.76	.82		.06
INSULATORS	8.35				
LABORERS	6.61	.40	.27		
LATHERS	8.50				
PAINTERS	9.00				
PLUMBERS & PIPEFITTERS	12.90	.65	.65	a	.12
ROOFERS	10.25		.40		.10
SHEET METAL WORKERS	12.28	.79	1.07		.09
SPRINKLER FITTERS	13.69	.95	1.40		.08
TRUCK DRIVERS:					
Up to but not including 1½ tons	8.03	.50			
1½ up to but not including 3 tons	8.26	.50			
3 up to but not including 5 tons	8.54	.50			
5 tons and over including special equipment	8.71	.50			
Heavy duty - off the road trucks	8.83	.50			
Welders - Rate for craft					

FOOTNOTE:

a. Four Paid Holidays: July 4; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. AL81-1265 POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	11.19	.60	.50		.10
GROUP B	10.58	.60	.50		.10
GROUP C	9.36	.60	.50		.10
GROUP D	12.00	.60	.50		.10
GROUP E	11.18	.60	.50		.10
GROUP F	9.51	.60	.50		.10

GROUP A - Asphalt Plant, Boom Tractor, Bulldozer, Cableways, Core Driller, Compressors (2 or more), Crane-Derrick-Dragline, Dinky Locomotive, Dredges, Fork Lift, Front End Loader, Gradall, Heavy Duty Mechanic, Hoist (1 drum or more), Mixers, Push Tractor, Scrapers, Shovels, Trenching Machine, (and all similar equipment), Winch Trucks, Motor Graders, Concrete Pump, Piledriver, Rotary Drill

GROUP B - Air Compressor (over 125), Asphalt Spreaders, Blade Graders (pull type), Boat Operator, Conveyor (2 or more up to 4), Crawler Tractor, Distributors, (bituminous surface), Farm Tractors, Finishing Machine, Pumps over 4 inches, Rollers, Welding Machine (4 or more)

GROUP C - Air Compressor (125 & under), Oilers-Firemen, Conveyor (1 tended by Oiler), Pumps (under 4 inches), Welding Machines (3 or under)

GROUP D - ON STEEL ERECTION: Crane, Dragline, Derricks, Hoist, Piledrivers Winch Truck, Fork Lift, Tower Cranes, Climbing Cranes, Mechanics, Locomotives, Tug Boat, Cherry Picker

GROUP E - Tractors, Welding Machine, Gas or Diesel Driven Welding Machine (4 or more), Air Compressors over 125 (2 or less), Power Generating units (gas or diesel)

GROUP F - Gas or Diesel Driven Welding Machine (3 or less), Air Compressor 125 and under (2 or less), Oiler, Fireman, Small Boat

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA
COUNTY: MADISON
DECISION NUMBER: AL81-1267
DATE: DATE OF PUBLICATION
Supersedes Decision No. AL81-1184 dated February 6, 1981 in 46 FR 11475

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.40	.66	.90		.10
BRICKLAYERS	12.75				
CARPENTERS	9.85	.60	.55		.07
CEMENT MASONS	11.00				
ELECTRICIANS	13.10	.55	3%+.70		
IRONWORKERS	11.57	.75	.75		.08
LABORERS - UNSKILLED	5.55	.35	.50		
MILLWRIGHTS	10.50	.60	.55		.07
PAINTERS	8.25	.40	.25		.05
PLUMBERS & PIPEFITTERS	12.90	.65	.75		.15
ROOFERS	7.50				
SHEET METAL WORKERS	12.28	.79	1.07		.09
TRUCK DRIVERS	5.00				
POWER EQUIPMENT OPERATORS:					
CRANE	12.13	.60	.65		.05
FRONT END LOADER	12.13	.60	.65		.05
OILER(35 Ton crane & over)	10.59	.60	.65		.05
WELDERS - RATE FOR CRAFT					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA81-5132
DATE: Date of Publication
Supersedes Decision No. CA81-5109 dated April 10, 1981, in 46 FR 21432
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$20.11	$1.25	$1.45		.11
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	14.42	1.50	2.13	1.18	.05
Area 2	17.05	1.50	1.40	.05	
Area 3	17.35	1.75	1.30		
Area 4	16.11	1.30	1.71		.25
Area 5	15.18	1.82	1.45		
Area 6	16.35	1.60	1.70		.20
Area 7	15.79	1.41	2.10		.05
Area 8	15.74	1.15	2.21		.10
BRICK TENDERS:*					
Area 1	13.73	1.30	1.75		
Area 2	12.23	1.15	2.25	1.55	
Area 3	13.73	1.30	1.75		
Area 4	13.73	1.30	1.75		
Area 5	12.39	1.40	3.00		
Area 6	14.26	1.40	1.70		
CARPENTERS:*					
Carpenters	15.35	1.605	1.95	1.35	.09
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	15.50	1.605	1.95	1.35	.09
Millwrights	15.85	1.605	1.95	1.35	.09
Piledrivermen, bridge, wharf, and dock builders	15.60	1.605	1.95	1.60	.12

*See AREA Descriptions - Page 3

DECISION NO. CA81-5132 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Cement Masons	$13.70	$1.65	$1.75	$1.90	.08
Mastic; Magnesite; All Composition Masons	13.95	1.65	1.75	1.90	.08
Men working from swinging or slip form scaffolds	13.95	1.65	1.75	1.90	.08
DRYWALL INSTALLERS	15.88	1.605	1.95	1.35	.09
ELECTRICIANS:					
Area 1:					
Electricians	19.46	1.30	3%+2.90		.08%
Cable Splicers	21.89	1.30	3%+2.90		.08%
Area 2:					
Electricians	18.60	1.25	3%+3.50		.10
Cable Splicers	20.46	1.25	3%+3.50		.10
Area 3:					
Electricians	21.13	1.09	3%+2.09		.14
Cable Splicers	23.24	1.09	3%+2.09		.14
Area 4:					
Electricians	16.28	1.40	3%+1.60		.06
Cable Splicers	17.91	1.40	3%+1.60		.06
Area 5:					
Electricians; Technicians	18.06	1.34	3%+2.40		1/4%
Cable Splicers	20.12	1.34	3%+2.40		1/4%
Area 6:					
Electricians	18.61	1.40	3%+2.50		.10
Cable Splicers	20.61	1.40	3%+2.50		.10
Area 7:					
Electricians	17.08	1.10	3%+3.76		.04
Cable Splicers	18.45	1.10	3%+3.76		.04
Area 8:					
Electricians	16.55	1.01	3%+1.90		.05
cable Splicers	18.20	1.01	3%+1.90		.05
Area 9:					
Electricians	17.05	1.26	3%+1.50		.04
Cable Splicers	19.64	1.26	3%+1.50		.04
Area 10:					
Electricians	17.57	1.15	3%+2.00		1/4%
Cable Splicers	19.33	1.15	3%+2.00		1/4%
Area 11:					
Electricians	17.51	1.15	3%+4.38		.15
Cable Splicers	19.70	1.15	3%+4.38		.15

*See AREA Descriptions - Page 3

DECISION NO. CA81-5132 Page 3

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties
Area 2: Alameda and Contra Costa Counties
Area 3: Fresno, Kings, Madera, Mariposa, and Merced Counties
Area 4: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: San Benito and Santa Clara Counties
Area 7: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties
Area 8: Tulare County

BRICK TENDERS:
Area 1: Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Fresno, Kings, Madera, and Tulare Counties
Area 4: Remaining Counties
Area 5: Alameda and Contra Costa Counties
Area 6: San Benito, Santa Clara, and Santa Cruz Counties

ELECTRICIANS:
Area 1: Alameda County
Area 2: Amador, Colusa, Sacramento, Sutter, Yolo, and Yuba Counties; Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those portions west of the Sierra Mountain Watershed)
Area 3: Lassen and Plumas Counties; those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties lying east of the Main Watershed divide
Area 4: Butte, Glenn, Modoc, Shasta, Siskiyou, Tehama, and Trinity Counties
Area 5: Calaveras and San Joaquin Counties
Area 6: Contra Costa County
Area 7: Del Norte and Humboldt Counties
Area 8: Fresno, Kings, Madera, and Tulare Counties
Area 9: Lake, Marin, Mendocino, and Sonoma Counties
Area 10: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 11: Monterey County

DECISION NO. CA81-5132 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 12:					
Electricians	$17.57	$1.47	3%+2.10		4/10%
Cable Splicers	19.77	1.47	3%+2.10		4/10%
Area 13:					
Electricians	21.20	1.82	3%+3.60		.13
Cable Splicers	23.85	1.82	3%+3.60		.13
Area 14:					
Electricians	17.51	1.15	3%+4.38		.15
Cable Splicers	19.70	1.15	3%+4.38		.15
Area 15:					
Electricians	20.77	1.42	3%+1.935		.10
Cable Splicers	23.36	1.42	3%+1.935		.10
Area 16:					
Electricians	19.35	1.32	3%+2.75		.05
ELEVATOR CONSTRUCTORS	19.99	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:*					
Area 1	17.72	1.13	2.71		.10
Area 2	15.111	1.40	2.10	1.854	
Area 3	12.90	1.00	1.38	1.47	.08
Area 4	12.56	1.00	.95		
IRONWORKERS:					
Fence Erectors	14.46	1.44	3.81	2.50	.12
Reinforcing	15.35	1.44	3.81	2.50	.12
Ornamental; Structural	15.35	1.44	3.81	2.50	.12
LATHERS:*					
Area 1	14.51	1.31	2.00		.10
Area 2	12.35	.86	1.30		.01
Area 3	13.70	.93	.55		.01
Area 4	15.71	1.02	1.35		.01
Area 5	11.30	.68	.55		.01
Area 6	15.93	1.36	2.50	1.00	.035
Area 7	15.27	1.20	1.30		.05
Area 8	14.20	.70	.70		
Area 9	11.85				.01
Area 10	11.92	.82	2.50	1.50	.02

*See AREA Descriptions - Page 6

DECISION NO. CA81-5132 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:*					
Area 1:					
Groundmen	$13.96	$1.40	3%+2.50		.10
Line Equipment Operators	16.75	1.40	3%+2.50		.10
Linemen	18.61	1.40	3%+2.50		.10
Cable Splicers	20.61	1.40	3%+2.50		.10
Area 2:					
Groundmen	10.32	.45	3%+1.10	.10	1/2%
Headgroundman (Chipper); Powdermen; Jackhammermen	10.99	.45	3%+1.10	.10	1/2%
Line Equipment Man	12.57	.45	3%+1.10	.10	1/2%
Linemen Polesprayer; Heavy Line Equipment men	14.59	.45	3%+1.70	.10	1/2%
Tree Trimmer	13.17	.45	3%+1.70	.10	1/2%
Cable Splicers	16.15	.45	3%+1.70	.10	1/2%
Area 3:					
Groundmen	16.48	1.01	3%+2.05		1%
Linemen; Line Equipment Operators	17.30	1.01	3%+2.05		1%
Area 4:					
Groundmen	13.55	1.13	3%+2.61		
Line Equipment Operators	16.25	1.12	3%+2.61		
Linemen	18.06	1.12	3%+2.61		
Area 5:					
Linemen	15.47	1.00	3%+1.75		1/4%
Cable Splicers	17.02	1.00	3%+1.75		1/4%
Area 6:					
Linemen; Technicians	17.66	1.15	3%+4.38		
Cable Splicers	19.87	1.15	3%+4.38		
Area 7:					
Linemen	17.57	1.47	3%+2.10		.05
Cable Splicers	19.77	1.47	3%+2.10		.05
Area 8:					
Groundmen	13.02	1.40	3%+1.60		.06
Linemen; Equipment Operators	16.28	1.40	3%+1.60		.06
Cable Splicers	17.91	1.40	3%+1.60		.06
Area 9:					
Groundmen	13.19	1.05	3%+1.15		.03
Linemen	16.49	1.05	3%+1.15		.03
Line Equipment Operators	14.84	1.05	3%+1.15		.03

*See AREA Descriptions Page 6

DECISION NO. CA81-5132 Page 6

AREA DESCRIPTIONS

ELECTRICIANS: (Cont'd)
Area 12: Napa and Solano Counties
Area 13: Santa Clara County
Area 14: San Benito and Santa Cruz Counties
Area 15: San Francisco County
Area 16: San Mateo County

GLAZIERS:
Area 1: Alameda, Contra Costa, Napa, and Solano Counties; Mendocino County (southern half from north of Ft. Bragg); Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz Counties; Solano County (S.W. from east of Fairfield); and Sonoma County
Area 2: Alpine, Amador, Butte, Calaveras, El Dorado, and Mariposa Counties; Merced County (north of the City of Livingston); Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties
Area 3: Fresno, Madera, Merced, Kings, and Tulare Counties
Area 4: Del Norte and Humboldt Counties

LATHERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Butte, Colusa, Glenn, and Humboldt Counties; Lake County (that portion from Lakeport up to the Lake County Line); Nevada, Placer, Plumas, Shasta, Sierra, Tehama, and Trinity Counties
Area 3: Calaveras and San Joaquin Counties
Area 4: Lake County (from City of Lakeport down to the Lake County Line); Marin, Mendocino, and Sonoma Counties
Area 5: Monterey, and Santa Cruz Counties
Area 6: San Francisco and San Mateo Counties
Area 7: Santa Clara County
Area 8: Fresno, Kings, Madera, and Tulare Counties
Area 9: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 10: Amador, El Dorado, Sacramento, and Yolo Counties

LINE CONSTRUCTION:
Area 1: Contra Costa County
Area 2: Del Norte, Modoc, and Siskiyou Counties
Area 3: Fresno, Kings, Madera, and Tulare Counties
Area 4: Calaveras and San Joaquin Counties
Area 5: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 6: Monterey County
Area 7: Napa and Solano Counties
Area 8: Butte, Glenn, Lassen, Plumas, Shasta, Tehama, and Trinity Counties
Area 9: Alameda County

DECISION NO. CA81-5132 Page 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:* (Cont'd)					
Area 10:					
Groundmen	$14.88	$1.25	3%+3.50		1/2%
Equipment Operators	16.74	1.25	3%+3.50		1/2%
Linemen	18.60	1.25	3%+3.50		1/2%
Cable Splicers	20.46	1.25	3%+3.50		1/2%
Area 11:					
Groundmen	13.21	1.25	3%+1.75		.03
Line Equipment Operators	13.99	1.25	3%+1.75		.03
Linemen	15.54	1.25	3%+1.75		.03
Cable Splicers	17.48	1.25	3%+1.75		.03
Area 12:					
Groundmen	12.13	1.10	3%+3.33		.04
Linemen	15.16	1.10	3%+3.33		.04
Cable Splicers	16.37	1.10	3%+3.33		.04
Area 13:					
Groundmen	17.65	1.42	3%+1.935		.10
Linemen; Technicians	20.77	1.42	3%+1.935		.10
Cable Splicers	23.36	1.42	3%+1.935		.10
Area 14:					
Linemen	17.66	1.15	3%+4.38		
Cable Splicers	19.87	1.15	3%+4.38		
Area 15:					
Groundmen	18.02	1.82	3%+3.60		.13
Linemen; Line Equipment Operators	21.20	1.82	3%+3.60		.13
Cable Splicers	23.85	1.82	3%+3.60		.13
MARBLE SETTERS	14.42	1.50	2.13	1.61	
PAINTERS:*					
Area 1:					
Brush	12.49	1.10	2.34	1.11	
Sprayl Sheetrock Taper; Swing Stage; Scaffold; Sandblaster Structural Steel	12.89	1.10	2.34	1.11	
Area 2:					
Brush; Tapers	11.61	.81	.20		
Spray; Structural Steel	12.11	.81	.20		

*See AREA DESCRIPTIONS - Page 10

DECISION NO. CA81-5132 Page 8

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3:					
Brush	$12.51	$1.55	$1.00	$1.00	.02
Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting	14.51	1.55	1.00	1.00	.02
Spray; Sandblasting	14.01	1.55	1.00	1.00	.02
Area 4:					
Brush	18.34	1.50	2.00		
Spray	18.84	1.50	2.00		
Tapers	19.14	1.50	2.00		
Area 5:					
Brush	14.43	.70	.75		.02
Spray; Paperhanger; Tapers	14.93	.70	.75		.02
Area 6:					
Brush	17.40	1.50	2.00	1.00	.06
Spray; Sandblasting; Steam Cleaning	17.54	1.50	2.00	1.00	.06
Drywall Finisher	17.84	1.50	2.00	1.00	.06
Brush (exterior stage) 5, 6, and 7 story buildings; Erected Steel over 50 ft.	18.11	1.50	2.00	1.00	.06
Area 7:					
Brush; Pot Tenders; Rollers	9.35	.65	.70		
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	9.60	.65	.70		
Area 8:					
Brush	14.43	.70	.75		.02
Spray; Paperhanger; Tapers	14.93	.70	.75		.02
Area 9:					
Brush	17.89	1.50	2.00	1.00	.04
Spray	17.59	1.50	2.00	1.00	.04
Tapers (paint)	17.89	1.50	2.00	1.00	.04
Area 10:					
Brush	10.10	1.00	.50		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	10.35	1.00	.50		

*See AREA DESCRIPTIONS - Page 10

DECISION NO. CA81-5132 Page 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Area 11:					
Traffic Delineating Device Applicator	$10.72	.55	.40	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	10.33	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	10.33	.85	.50	b	
Squeegee Man	9.14	.85	.50	b	
Applicator Operator	9.14	.85	.50	b	
Shuttleman	9.14	.85	.50	b	
Top Man	7.60	.85	.50	b	
Area 12:					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	10.72	.85	.50	b	
Striper	11.02	.85	.50	b	
Slurry Seal Operation:					
Mixer Operator	10.72	.85	.50	b	
Squeegee Man	9.14	.85	.50	b	
Applicator Operator	9.14	.85	.50	b	
Shuttleman	9.14	.85	.50	b	
Top Man	7.60	.85	.50	b	
PLASTERERS:*					
Area 1	14.32	1.20	2.00		.03
Area 2	16.08	1.15	3.90		.06
Area 3	14.21	1.21	2.85	1.00	.03
Area 4	13.10	1.13	1.50	1.50	.01
Area 5	14.97	1.31	2.20		.06
Area 6	12.40	1.45	1.75	1.75	
Area 7	14.51	1.00	1.35		.01
Area 8	12.75	1.20	2.75	2.00	

*See AREA Descriptions - Page 10

DECISION NO. CA81-5132 Page 10

AREA DESCRIPTIONS

LINE CONSTRUCTION: (Cont'd)
Area 10: Amador, Colusa, Sacramento, Sutter, Yolo, and Yuba Counties; Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those portions west of the Main Sierra Mountain Watershed)
Area 11: San Mateo County
Area 12: Humboldt County
Area 13: San Francisco County
Area 14: San Benito and Santa Cruz Counties
Area 15: Santa Clara County

PAINTERS:
Area 1: Alpine, Amador, Calaveras, and San Joaquin Counties
Area 2: Fresno, Kings, Madera, and Tulare Counties
Area 3: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 4: Monterey, San Benito, San Mateo, Santa Clara, and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)
Area 5: Lake Tahoe Area
Area 6: Lake, Marin, Mendocino, San Francisco, and Sonoma Counties
Area 7: Butte, Colusa, and Glenn Counties; Lassen County (excluding the extreme SE corner); Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties
Area 8: Lassen County (that portion that lies eastward of Highway 0395, northward to and including Honey Lake)
Area 9: Alameda, Contra Costa, El Dorado, Napa, Nevada, Solano, Sacramento, Sierra, Placer, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)
Area 10: Del Norte and Humboldt Counties
Area 11: Fresno, Kings, and Tulare Counties
Area 12: Remaining Counties

PLASTERERS:
Area 1: Alameda and Contra Costa Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba Counties
Area 4: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
Area 5: San Benito, Santa Clara, and Santa Cruz Counties
Area 6: Fresno, Kings, Madera, and Tulare Counties
Area 7: Monterey County
Area 8: Mariposa, Merced, Stanislaus, and Tuolumne Counties

DECISION NO. CA81-5132 Page 11

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS:*					
Area 1	$12.14	$1.40	$3.28		
Area 2	12.91	1.30	1.75	1.40	
Area 3	13.84	1.15	2.25	2.00	.05
Area 4	13.71	1.30	1.75	1.40	
Area 5	13.27	1.30	1.75	1.40	
Area 6	13.82	1.30	1.75	1.40	
Area 7	14.50	1.30	1.75	1.00	
Area 8	16.15	1.40	1.70		
Area 9	13.75	1.30	1.70	1.40	
Area 10	14.95	1.40		1.40	
PLUMBERS:*					
Area 1	18.85	1.65	2.74		.16
Area 2	19.92	1.65	2.84		.26
PLUMBERS: Steamfitters:*					
Area 1	17.69	1.56	2.10		.14
Area 2	16.09	1.13	1.00		.10
Area 3	21.21	2.76	2.58		.20
Area 4	17.50	1.88	2.42		.10
Area 5	20.74	1.65	2.39		.22
Area 6	16.10	1.12	2.65		.10
Area 7	19.99	1.30	2.39		.16
Area 8	16.51	1.34	2.75		.25
ROOFERS:*					
Area 1:					
Roofers	13.82	1.27	2.10	1.50	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	14.07	1.27	2.10	1.50	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar Built up	15.02	1.27	2.10	1.50	.10
Area 2:					
Roofers (slate, tile composition and built up)	15.35	1.34	1.25		
Area 3:					
Roofers	14.51	1.32	1.00		.10
Area 4:					
Roofers	14.35	1.20	1.30		

*See AREA Descriptions - Page 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:* (Cont'd)					
Area 5:					
Roofers	$13.44	$1.10	$1.65	$2.43	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps) Bitumastic; Enamelers; Pipewrappers; Coal Tar Pitch	13.69	1.10	1.65	2.43	.10
	15.44	1.10	1.65	2.43	.10
Area 6:					
Roofers	10.32	.40	.75	.35	
Area 7:					
Roofers	13.30	1.40	1.15		
Area 8:					
Roofers	13.54	1.06	1.70	2.45	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	13.79	1.06	1.70	2.45	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar	15.54	1.06	1.70	2.45	.10
Area 9:					
Roofers (slate, tile and composition)	13.80	1.19	1.70	2.00	.10
Enameler and Pitch	15.80	1.19	1.70	2.00	.10
Area 10:					
Roofers; Kettle (1 Kettle)	12.88	.99	1.68		
SHEET METAL WORKERS:*					
Area 1	13.10	1.23	2.52	12%	.05
Area 2	14.23	1.23	2.00		.01
Area 3	13.68	1.23	2.21		.13
Area 4	15.71	1.23	2.33		.04
Area 5	16.06	1.30	3%+2.46		.16
Area 6	14.78	1.38	2.00		.16
Area 7	19.51	1.23	2.47		.20
Area 8	13.715	.71	.61		.045
Area 9	13.74	1.23	1.38		.17
SOFT FLOOR LAYERS:*					
Area 1	12.43	.89	1.30	1.25	.10
Area 2	13.74	.70	.20		
Area 3	16.16	1.00	1.75	1.55	.19
Area 4	11.18	1.00	1.15	8%	
Area 5	16.16	1.00	1.75	1.55	.19

*See AREA Descriptions - Pages 13 and 14

AREA DESCRIPTIONS

PLASTERERS' TENDERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Fresno, Kings, Madera, and Tulare Counties
Area 3: San Francisco and San Mateo Counties
Area 4: Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties
Area 5: Calaveras and San Joaquin Counties
Area 6: Marin County
Area 7: Monterey County
Area 8: San Benito, Santa Clara and Santa Cruz Counties
Area 9: Solano County
Area 10: Napa County

PLUMBERS:
Area 1: Alameda County
Area 2: Contra Costa County

PLUMBERS; Steamfitters:
Area 1: Amador County (northern half); Sacramento, Yolo, El Dorado, Nevada, Placer, and Sierra Counties (excluding Lake Tahoe Area)
Area 2: Lake Tahoe Area
Area 3: Marin, Mendocino, San Francisco, and Sonoma Counties
Area 4: Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties
Area 5: Lake, Napa, and Solano Counties
Area 6: Del Norte and Humboldt Counties
Area 7: San Benito and Santa Clara Counties
Area 8: San Mateo County

ROOFERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties
Area 3: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties
Area 4: Fresno, Kings, Madera, and Tulare Counties
Area 5: Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
Area 6: Del Norte and Humboldt Counties
Area 7: Monterey and Santa Cruz Counties
Area 8: San Francisco and San Mateo Counties
Area 9: Amador, Sacramento, and Yolo Counties
Area 10: San Benito and Santa Clara Counties

AREA DESCRIPTIONS (CONT'D)

SHEET METAL WORKERS:
Area 1: Alameda, Contra Costa, Napa, and Solano Counties
Area 2: Alpine, Calaveras, and San Joaquin Counties
Area 3: Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 4: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 5: Monterey, San Benito, Santa Clara, and Santa Cruz Counties
Area 6: Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma, and Trinity Counties
Area 7: San Mateo County
Area 8: Modoc and Siskiyou Counties
Area 9: Fresno, Kings, Madera, and Tulare Counties

SOFT FLOOR LAYERS:
Area 1: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, and Lassen Counties (excluding Honey Lake Area); Merced County (east of San Joaquin River); Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties; El Dorado, Nevada, Placer, and Sierra Counties (those portions excluding Lake Tahoe Area)
Area 2: Honey Lake Area and Lake Tahoe Area
Area 3: Lake, Marin, Mendocino, Merced, Monterey, San Francisco, San Benito, San Mateo, Santa Clara, Santa Cruz, and Sonoma Counties
Area 4: Del Norte and Humboldt Counties
Area 5: Alameda, Contra Costa, Napa, and Solano Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS:*					
Area 1	$20.73	$1.65	$2.60		.14
Area 2	20.03	.95	1.40		.08
STEAMFITTERS:*					
Area 1	15.68	1.51	2.60	1.95	.02
Area 2	12.75	1.12	2.65		.10
TERRAZZO WORKERS:*					
Area 1	17.05	1.50	1.40		.05
Area 2	11.80	.80	.90		.25
Area 3	14.45	1.65	1.25		.05
TILE SETTERS:*					
Area 1	15.25	1.19	1.62	2.00	.115
Area 2	16.64	1.41	1.35		.04
Area 3	14.60	1.50	1.00		.05
Area 4	16.73	1.64	1.79		
MARBLE AND TILE FINISHERS:*					
Area 1	13.10	1.25	.88	1.31	.03
Area 2	9.40	.95		1.00	

*See AREA Descriptions - page 16

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service, and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F

b. Employer contributes $.32 per hour to Holiday Fund plus $.22 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.42 per hour to Vacation Fund; 5 years but less than 10 years $.60 per hour to Vacation Fund; over 10 years $.80 per hour to Vacation Fund.

AREA DESCRIPTIONS

SPRINKLER FITTERS:
Area 1: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
Area 2: Remaining Counties

STEAMFITTERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Del Norte and Humboldt Counties

TERRAZZO WORKERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 3: San Benito and Santa Clara Counties

TILE SETTERS:
Area 1: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba Counties
Area 2: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties
Area 3: Fresno, Kings, Madera, Mariposa, Merced, and Tulare Counties
Area 4: Monterey and Santa Cruz Counties

MARBLE and TILE FINISHERS:
Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano, and Trinity Counties
Area 2: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo, and Yuba Counties

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.19	$1.30	$ 1.75	$1.40	.10
Group 1(a)	13.415	1.30	1.75	1.40	.10
Group 1(b)	13.69	1.30	1.75	1.40	.10
Group 1(c)	13.24	1.30	1.75	1.40	.10
Group 1(d)	13.44	1.30	1.75	1.40	.10
Group 1(e)	13.74	1.30	1.75	1.40	.10
Group 1(f)	13.775	1.30	1.75	1.40	.10
Group 1(g)	13.39	1.30	1.75	1.40	.10
Group 2	13.04	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10
(GUNNITE)					
Group 1	13.65	1.30	1.75	1.40	.10
Group 2	13.06	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10
(TUNNEL and SHAFT WORK)					
Group 1	15.63	1.30	1.75	1.40	.10
Group 2	15.26	1.30	1.75	1.40	.10
Group 3	15.05	1.30	1.75	1.40	.10
Group 4	14.91	1.30	1.75	1.40	.10
(WRECKING WORK)					
Group 1	13.19	1.30	1.75	1.40	.10
Group 2	13.04	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10
(HOUSEMOVING)					
Group 1	13.19	1.30	1.75	1.40	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Asphalt Spreader Boxes (all types); Barko, Wacker and similar type Tampers; Buggy-mobile; Chainsaw, Faller, Logloader and Bucker; Compactors or all types; Concrete and Magnesite Mixer, 1/2 yd. and under; Concrete Pan Work; Concrete Saw; Concrete Sander; Cribber and/or Shoring; Cut Granite Curb Setter; Form Raisers; Slip Forms; Green Cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer Operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and Men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, Sheeting, Whaling, Bracing, Trenchjacking, hand-guided Lagging Hammer; Magnesite, Epoxyresin, Fiberglass, Mastic Workers (wet or dry); Perma Curbs; Precast-manhole Setters; Cast-in-place Manhole Form Setters; Pressure Pipe Tester; Pavement Breakers and Spaders, including Tool Grinder; Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers, Pladtic Pipelayers; Post Hole Diggers, air, gas, and electric; Power Broom Sweepers; Power Tampers of all types (except as shown in Group 2); Ram Set Gun and Stud Gun; Riprap-stonepaver and Rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple Head Concrete Chipper; Davis Trencher, 300 or similar type (and all small Trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed, Bull Float in connection with Laborers' work; Vibrators; Dri-pak-it Machine; High Pressure Blow Pipe (1¼" or over, 100 lbs. pressure and over); Hydro Seeder and similar type; Laser Beam in connection with Laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers, all types regardless of type or method of power; Multiple Unit Drills; Blasters and Powdermen; all work of loading, placing and blasting of all power and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b); Sewer Cleaners receive an additional $4.00 per day, $5.00 per day on recently active large diameter sewers or sewer manholes

Group 1(c): Burning and Welding in connection with Laborers' work

Group 1(d): Repair Trackmen and Road Beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in Bell Hole Footings and Shaft

Group 1(f): Wire Winding Machine in Connection with Guniting or Shotcrete - Aligner

LABORERS (Cont'd)

Group 1(g); Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of Voids, Precast Manhole Setters, Cast-in-place Manhole Form Setters

Group 2: Asphalt Shovelers; Cement Dumpers and handling dry cement or gypsum; Shoke-setter and Digger (clearing work); Concrete Bucket Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Chuck Tender; High Pressure Nozzleman, Adductors; Groutcrew; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper and similar type Brush Shredders; Sloper; Singlefoot, hand held, Pneumatic Tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1(f); Jacking of Pipe under 12 inches

Group 3: All Cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction Laborers including bridge and general Laborers; Dumpman; Load Spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and Landscape Laborers; Jetting; Limbers; Brush Loaders; Pilers, Maintenance Landscape Laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad Construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool Room Attendent; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

(GUNNITE)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Cont'd)

(TUNNEL and SHAFT WORK)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzlemen; Rodmen; Shaft Work and raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powderman-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including Top and Bottom Man on Shaft and Raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - Primer House; Vibratormen, Pavement Breakers

Group 4: Bull Gang - Nuckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew Reboundmen; Swamper

(WRECKING WORK)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

(HOUSEMOVING)

Group 1: Skilled Housemover

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL & DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Bargeman; Deckhand; Fireman; Oiler:					
Area 1	$13.12	$1.65*	$ 3.15	$1.80	.19
Area 2	14.17	1.65*	3.15	1.80	.19
Area 3	14.48	1.65*	3.15	1.80	.19
Area 4	14.79	1.65*	3.15	1.80	.19
Group 2: Deck Engineers; Deck Mate:					
Area 1	15.02	1.65*	3.15	1.80	.19
Area 2	16.16	1.65*	3.15	1.80	.19
Area 3	16.48	1.65*	3.15	1.80	.19
Area 4	16.81	1.65*	3.15	1.80	.19
Group 3: Welder; Mechanic Welder; Watch Engineer:					
Area 1	15.54	1.65*	3.15	1.80	.19
Area 2	16.67	1.65*	3.15	1.80	.19
Area 3	17.00	1.65*	3.15	1.80	.19
Area 4	17.32	1.65*	3.15	1.80	.19
Group 4: Clamshell Operator (up to and including 7 cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	16.42	1.65*	3.15	1.80	.19
Area 2	17.56	1.65*	3.15	1.80	.19
Area 3	17.88	1.65*	3.15	1.80	.19
Area 4	18.20	1.65*	3.15	1.80	.19

POWER EQUIPMENT OPERATORS: (CONT'D) DREDGING -- SCHEDULE I (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 4-A: Clamshell Operator (over cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	$17.77	$1.65*	$ 3.15	$1.80	.19
Area 2	18.93	1.65*	3.15	1.80	.19
Area 3	19.29	1.65*	3.15	1.80	.19
Area 4	19.61	1.65*	3.15	1.80	.19
SCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1: Bargeman; Deckhand; Leveehand; Fireman; Oiler:					
Area 1	13.10	1.65*	3.15	1.80	.19
Area 2	14.15	1.65*	3.15	1.80	.19
Area 3	14.46	1.65*	3.15	1.80	.19
Area 4	14.77	1.65*	3.15	1.80	.19
Group A-2: Winchman (stern winch on Dredge); Deck Engineer:					
Area 1	14.24	1.65*	3.15	1.80	.19
Area 2	15.34	1.65*	3.15	1.80	.19
Area 3	15.67	1.65*	3.15	1.80	.19
Area 4	15.98	1.65*	3.15	1.80	.19
Group A-3: Watch Engineer; Welder; Welder Mechanic; Deckmate; Booster Pump Operator (Mud Cat):					
Area 1	15.00	1.65*	3.15	1.80	.19
Area 2	16.14	1.65*	3.15	1.80	.19
Area 3	16.47	1.65*	3.15	1.80	.19
Area 4	16.79	1.65*	3.15	1.80	.19

POWER EQUIPMENT OPERATORS: (CONT'D) SCHEDULE II - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A-4: Leverman; Clamshell Operator:					
Area 1	$16.04	$1.65*	$ 3.15	$1.80	.19
Area 2	17.19	1.65*	3.15	1.80	.19
Area 3	17.50	1.65*	3.15	1.80	.19
Area 4	17.82	1.65*	3.15	1.80	.19

AREA DEFINITIONS FOR DREGING, SCHEDULES I and II

*Employer contributes $.44 per hour to a Pensioned HEW Fund

Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California

Area 1: Up to 20 road miles from said Centers
Area 2: More than 20 road miles to and including 30 road miles from said Centers
Area 3: Outside of 30 road miles from said Centers
Area 4: An area extending 25 road miles from shoreline of Lake Tahoe.

TOW BOATS (Dredging): Work on self-propelled vessesl (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies:					
Deckhand/Mechanics	10.86	.04	1.35	1.18	
Operator Mechanic/Watch Engineer	12.17	1.23	1.45	1.18	
TOW BOATS: Work on self-propelled Vessels):					
Boat Operators	12.17	1.23	1.45	1.18	

POWER EQUIPMENT OPERATORS: PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.13	$2.09*	$ 3.15	$1.80	.34
Group 1A	13.54	2.09*	3.15	1.80	.34
Group 1B	13.79	2.09*	3.15	1.80	.34
Group 2A	13.79	2.09*	3.15	1.80	.34
Group 2B	14.44	2.09*	31.5	1.80	.34
Group 2C	14.69	2.09*	3.15	1.80	.34
Group 2D	14.87	2.09*	3.15	1.80	.34
Group 3	15.05	2.09*	3.15	1.80	.34
Group 3A	15.57	2.09*	3.15	1.80	.34
Group 4	16.23	2.09*	3.15	1.80	.34
Group 5	16.44	2.09*	3.15	1.80	.34
Group 6	17.81	2.09*	3.15	1.80	.34

*Includes $0.44 per hour pensioned Health and Welfare

POWER EQUIPMENT OPERATORS
PILEDRIVING

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1A: Compressor Operator

Group 1B: Assistant to Engineer (Truck Crane Oiler)

Group 2A: Tugger Hoist Operator (hoisting material only)

Group 2B: Forklift Operator

Group 2C: Compressor Operator (over 2); Generators; Pumps (over 4); Welding Machines (powered by other than electricity)

Group 2D: A-Frames

Group 3: Deck Engineer (Deck Engineer Operator required when deck engine is used); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges (Assistant to Engineer required); Operator of diesel or gasoline power Crane Piledriver (without boiler) up to and including 1 cu. yd. rating (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only) (Assistant to Engineer required)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) over 1 cu. yd. rating (Assistant to Engineer required); Operator of Crane (with steam, flash boiler, pump or compressor attached) (Group (4) Engineer required); Operator of steam powered Crawler or Universal type Driver (Raymond or similar) (Assistant to Engineer required) Truck Crane Operator (over 25 tons) (hoisting material or performing Piledriving work) (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

Group 6: Cranes (over 125 tons) (Assistant to Engineer required)

POWER EQUIPMENT OPERATORS: STEEL ERECTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.70	$2.09*	$3.15	$1.80	.34
Group 2	14.15	2.09*	3.15	1.80	.34
Group 3	15.38	2.09*	3.15	1.80	.34
Group 4	15.55	2.09*	3.15	1.80	.34
Group 4A	15.92	2.09*	3.15	1.80	.34
Group 5	16.52	2.09*	3.15	1.80	.34
Group 6	17.04	2.09*	3.15	1.80	.34
Group 7	17.40	2.09*	3.15	1.80	.34
Group 8	17.75	2.09*	3.15	1.80	.34
Group 9	19.01	2.09*	3.15	1.80	.34

*Includes $0.44 per hour pensioned Health and Welfare

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator, Generator, gasoline or diesel driven (100 K.W. or over) (structural steel or tank construction only)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (over 6 additional Engineers required) (structural steel or tank erection only)

Group 4: Heavy Duty Repairman, Tractor Operator

Group 4A: Combination Heavy Duty Repairman and/or Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less) (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single Drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.) (Assistant to Engineer required); Derricks (2 Operators when swing engine remote from hoist); Gantry Rider (or similar equipment); Highline Cableway (Signalman required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile including rail mounted (Assistant to Engineer required); Tower Cranes, Universal Liebher and similar types (in the erection, dismantling and moving of equipment there shall be an additional Operating Engineer)

Group 7: Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

Group 8: Cranes (over 125 tons) (Assistant to Engineer required)

Group 9: Helicopter Operator

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$13.08	$15.08	$2.09*	$3.15	$1.80	.34
Group 2	13.49	15.49	2.09*	3.15	1.80	.34
Group 3	13.74	15.74	2.09*	3.15	1.80	.34
Group 4	14.39	16.39	2.09*	3.15	1.80	.34
Group 5	14.64	16.64	2.09*	3.15	1.80	.34
Group 6	14.82	16.82	2.09*	3.15	1.80	.34
Group 7	15.00	17.00	2.09*	3.15	1.80	.34
Group 8	15.52	17.52	2.09*	3.15	1.80	.34
Group 9	15.78	17.58	2.09*	3.15	1.80	.34
Group 10	16.04	18.04	2.09*	3.15	1.80	.34
Group 10-A	16.18	18.18	2.09*	3.15	1.80	.34
Group 11	16.39	18.39	2.09*	3.15	1.80	.34
Group 11-A	17.75	19.75	2.09*	3.15	1.80	.34
Group 11-B	18.09	20.09	2.09*	3.15	1.80	.34
Group 11-C	18.46	20.46	2.09*	3.15	1.80	.34

*Includes $0. 44 per hour to pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (Cont'd)
Areas I and II (Cont'd)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Tender; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (heavy duty repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Motorman; Locomotive (30 tons or under); Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 5 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler; Boiler Tender

Group 4: Ballast Jack Tamper; Ballast Regulation; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 1 yard); Concrete Pumps of Pumpcrete Guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 1); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam of over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller (except Asphalt); Screedman (Barber-Greene and similar)(asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater; Self-propelled Power Sweeper; Self-propelled Tape Machine; Auger-type drilling equipment, up to and including 30 ft. depth digging capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 7: Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grader Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader; Welding Machines (Gasoline or diesel)

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Layign Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yards); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yards "struck" M.R.C.) Euclids, T-Pulls, DM-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheeptoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); Tractor (with boom) (D-6 or larger and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine, truck mounted); Combination Backhoe and Loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 Operators required when swing engine remote from Hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive, 100 tons (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.)(no Tandem Scraper); Pres-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Cat (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, Compressor Drill Combination; Track Laying type Earth Moving Machine (single engine with Tandem Scrapers); Train loading station; Trenching Machine, multi-engine with sliping attachment, Jeffco or similar; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10A: Backhoe (hydraulic) (up to and including 1 cu. yd. M.R.C.); Backhoe (cable) (up to and including 1 cu. yd. M.R.C.); Combination Backhoe and Loader (over 3/4 cu. yd. M.R.C.); Continuous Flight Tie Back Auger (crane attached/separate controls); Cranes not over 25 tons, Hammerhead and Gantry; Gradalls (up to and including 1 cu. yd.); Power Blade Operator (single engine); Power Shovels, Clamshells, Draglines (up to and including 1 cu. yd. M.R.C.) (Long boom pay); Rubber-tired Scraper, self-loading (Paddle Wheel, twin engine); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); CMI Dual Lane Auto Grader SP-30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
Areas I and II (Cont'd)

Group 11: Automatic Concrete Slip-form Paver (Gradenetter, Screedman); Automatic Railroad Car Dumper; Canal Trimmer with ditching attachments; Cary Lift, Campbell or similar, Continuous Flight Tie Back Auger (Crane attached, single controls); Cranes (over 25 tons up to and including 125 tons); Drott Travelift 650-A-1 or similar (45 ton or over); Euclid Loader when controlled from the Pullcat; Highline Cableway (over 5 tons); Loader (over 4 cu. yds., up to and including 12 cu. yds.); Miller Formless M-900 Slope Paver or similar (grade Setter required); Multiple Engine Scraper (when used as Push Pull); Power Blade Operator (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Gradalls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C., Long Boom Pay); Rubber-tired Earthmoving Machines (multiple propulsion power units and two or more Scrapers)(up to and including 75 cu. yds. struck M.R.C.); Self-propelled Compactor (with multiple propulsion power unit); Blob or similar; Self-propelled Boom-type lifting device (center mount) (over 25 tons M.R.C.); Single engine Rubber-tired Earthmoving Machines (with Tandem Scrapers); Slip-form Paver (concrete or asphalt) (Screedman required); Tandem Cats; Tower Cranes Mobile (including rail mounted); Trenchor (pulling attached shield); Tower Cranes, Universal Liebher and similar types (in the erection, dismantling and moving of equipment); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Crane (over 25 tons); Multi-earthmoving Equipment (up to and including seventy-five (75) cu. yds. "struck" M.R.C.); Truck mounted Hydraulic Crane when remote control equipped (over 10 tons up to and including 25 tons)

Group 11A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and including 18 cu. yds.); Power Shovels, Clamshells, Backhoes, Gradalls, and Draglines (over 7 cu. yds. M.R.C.); Rubber-tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" M.R.C.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11B: Loader (over 18 yds.)

Group 11C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, under 4 yds. water level); Bus or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete Truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or Pilot Car Driver; Hipper Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Pickups; Skids (Debris Box, under 4 yds. water level); Team Drivers; Trucks (Dry Per-batch Concrete Mix, under 4 yds. water level); Warehousemen	$14.20	$2.03	$ 1.96	$1.40	
TEAMSTER Oiler and/or Greaser and/or Service Man	14.37	2.03	1.96	1.40	
BULK CEMENT SPREADER (w/wo Auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (Debris Box, 4 yds. and under 6 yds. water level); Single Unit Flat Rack (2 axle unit); Industrial Lift Truck (Mechanical Tailgate); Trucks (Dry Pre-batch Concrete Mix, 4 yds. and under 6 yds. water level)	14.30	2.03	1.96	1.40	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	$14.31	$2.03	$1.96	$1.40	
ROAD OIL TRUCKS OR BOOT MAN	14.32	2.03	1.96	1.40	
LIFT JITNEYS, Fork Lift	14.33	2.03	1.96	1.40	
TRANSIT MIX, AGITATOR (under 6 yards)	14.35	2.03	1.96	1.40	
FUEL and/or GREASE TRUCK Driver or Fuelman	14.37	2.03	1.96	1.40	
VACUUM TRUCK, under 3,500 gallons	14.38	2.03	1.96	1.40	
SCISSOR TRUCK; Single Unit Flat Rack (2 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small Rubber Tired Tractor (when used within Teamsters' jurisdiction)	14.40	2.03	1.96	1.40	
JETTING TRUCK and WATER TRUCKS, 2,500 gallons, under 4,000 gallons	14.41	2.03	1.96	1.40	
COMBINATION WINCH TRUCK with HOIST; Transit Mix Agitator (6 yards and under 8 yards)	14.45	2.03	1.96	1.40	
VACUUM TRUCK, 3,500 gallons and under 5,500 gallons	14.46	2.03	1.96	1.40	
RUBBER-TIRED MUCK CAR (not self-loaded)	14.47	2.03	1.96	1.40	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (Debris Box, 6 yds. and under 8 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 6 yds. and under 8 yds. water level)	$14.50	$2.03	$1.96	$1.40	
A-FRAME, WINCH TRUCK; Buggymobile; Jetting and Water Truck (4,000 gallons and under 5,000 gallons); Rubber Tired Jumbo	14.51	2.03	1.96	1.40	
HEAVY DUTY TRANSPORT (high bed)	14.52	2.03	1.96	1.40	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	14.54	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	14.55	2.03	1.96	1.40	
VACUUM TRUCK (5,500 gallons and under 7,500 gallons)	14.56	2.03	1.96	1.40	
JETTING TRUCK and WATER TRUCK (5,000 gallons and under 7,000 gallons)	14.56	2.03	1.96	1.40	
COMBINATION BOOTMAN and ROAD OILER	14.64	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	14.56	2.03	1.96	1.40	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled Street Sweeper with self-contained refuse bin; Skids (Debris Box, 8 yds. and including 12 yds. water level); Snow Go and/or Snow Plow; Truck (Dry Pre-batch Concrete Mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	$14.74	$2.03	$1.96	$1.40	
HEAVY DUTY TRANSPORT (Gooseneck Lowbed)	14.75	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (over 12 yds. through 17 yds.)	14.75	2.03	1.96	1.40	
AMMONIA NITRATE DISTRIBUTOR DRIVER and MIXER; Bulk Cement Spreader (w/wo Auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 12 yds. and including 18 yds. water level)	14.78	2.03	1.96	1.40	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOUBLE GOOSENECK (7 or more axles); Heavy Duty Transport Tiller Man	$14.80	$2.03	$1.96	$1.40	
P.B. or SIMILAR TYPE SELF-LOADING TRUCK	14.84	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	14.85	2.03	1.96	1.40	
BULK CEMENT SPREADER (w/wo Auger, over 18 yds. and including 24 yds. water level); Combination Dump and Dump Trialer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (Debris Box, over 18 yds. and including 24 yds. water level); Transit Mix Agitator over 12 yds. through 16 yds.); Trucks (Dry Pre-batch Concrete Mix, over 18 yds. and including 24 yds. water level)	14.88	2.03	1.96	1.40	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTournapulls, Tournarocker, Euclid and similar type equipment when pulling Fuel and/or Grease Tank Trailers or other misc. Trailers; Skids (Debris Box, over 24 yds. and including 35 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 24 yds. and including 35 yds. water level)	$14.94	$2.03	$1.96	$1.40	
TRUCK REPAIRMAN	14.87	2.03	1.96	1.40	
BULK CEMENT SPREADER (w/wo Auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 40 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (Debris Box, over 35 yds. and including 50 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 35 yds. and including 50 yds. water level)	15.09	2.03	1.96	1.40	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTourna Pulls, Tournarocker, Euclid and similar type equipment while pulling Aqua/Pak or water Tank Trailers	$15.19	$2.03	$1.96	$1.40	
BULK CEMENT SPREADER (w/wo Auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter Pilot (when transporting men or materials); Skids (Debris Box, over 50 yds. and under 65 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 50 yds. and under 65 yds. water level)	15.24	2.03	1.96	1.40	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
BULK CEMENT SPREADER (w/wo Auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (Debris Box, 65 yds. and including 80 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 65 yds. and including 80 yds. water level)	$15.39	$2.03	$1.96	$1.40	
BULK CEMENT SPREADER (w/wo Auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (Debris Box, over 80 yds. and including 95 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 80 yds. and including 95 yds. water level)	15.54	2.03	1.96	1.40	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

AREA DESCRIPTIONS
FOR
POWER EQUIPMENT OPERATORS
AREAS I and II

**AREA I: All areas included in the description defined below which is based upon Township and Range Lines of Areas I and II.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo Meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo Base Line and Meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly Line of Kings County, thence Easterly along the Southerly Boundary of Kings County and the Southerly Boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the S.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to teh N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,

AREA DESCRIPTIONS (Cont'd)
For
POWER EQUIPMENT OPERATORS
AREAS I and II

AREA I: (Cont'd)

Thence Northerly crossing the Mt. Diablo Baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.E. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 14E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern Line to township 12N to the Eastern Boundary of the State of California,
to the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 20E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo Meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,

AREA DESCRIPTIONS (Cont'd)
For
POWER EQUIPMENT OPERATORS
AREAS I and II

AREA 1: (Cont'd)

Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line to range 12W, to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the folloiwng line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo Baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westetly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.

AREA 1: also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line to township 2N; Humboldt Baseline and Meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,

AREA DESCRIPTIONS
For
POWER EQUIPMENT OPERATORS
AREAS I and II

AREA I: (Cont'd)

Thence Easterly along the Humboldt Baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Tehnce Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt Baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt Baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.

AREA I; Also includes that portion of Northern California included within the following lines:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo Baseline and Meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

AREA II: All areas not included within AREA I as defined.

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: MS81-1264 DATE: Date of Publication
Supersedes Decision Number MS80-1084, dated July 25, 1980 in 45 FR 49815
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.69	.45	.50		
BOILERMAKERS	12.90	1.375	1.20		.04
BRICKLAYERS:					
Bricklayers	11.15	.25	.10		.05
Stone,Block, & Marble Masons	11.15	.25	.10		.05
Caulkers, Pointers, & Cleaners	11.15	.25	.10		.05
Tile & Terrazzo Setters	11.00	.25	.10		.05
CARPENTERS:					
Carpenters	10.05	.45	.40		.10
Power Saw Operators (1 hp. or over)	10.30	.45	.40		.10
Fiber Glass Insulation Application	10.20	.45	.40		.10
Millwrights	10.65	.45	.40		.10
Piledriversmen	10.40	.45	.40		.10
CEMENT MASONS:					
Cement Masons	8.90	.45	.50		.05
Float Machine Operator	9.10	.45	.50		.05
ELECTRICIANS:					
Electricians	12.25	.35	3%+.50		.04
Cable Splicers	12.50	.35	3%+.50		.04
ELEVATOR CONSTRUCTORS	10.92	1.195	.95	a+b	.035
GLAZIERS	9.84				
IRONWORKERS	11.50	.60	.95		.04
LABORERS:					
Laborers	6.65	.25	.20		.05
Wrecking & Demolition	6.65	.25	.20		.05
Mason Tenders	6.80	.25	.20		.05
Plasterer Tenders	6.80	.25	.20		.05
Pipelayers	6.80	.25	.20		.05
Mortar Mixer	6.90	.25	.20		.05
Mechanical Tools, Motorized (GA) Buggy Operators	6.90	.25	.20		.05
LATHERS	8.65				.01
LINE CONSTRUCTION:					
Linemen	11.63	.45	3%	c+2%	4%
Cable Splicers	11.93	.45	3%	c+2%	4%
Groundman	7.05	.45	3%	c+2%	4%

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	Basic Hourly Rates	Fringe Benefits Payments			
PAINTERS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brush and Roller	8.50	.50	.10		
Spray	9.00	.50	.10		
Sandblast	9.50	.50	.10		
PLASTERERS	9.85	.55	.50		.05
PLUMBERS, STEAMFITTERS, & PIPEFITTERS	12.50	1.05	1.00		
ROOFERS:					
Roofers	11.30		.40		
Kettlemen	8.60		.40		
Paper Roller	8.60		.40		
SHEET METAL WORKERS	12.05	.45	.50		.10
SPRINKLER FITTERS	12.80	.85	1.20		.08

FOOTNOTES:

a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day, Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 6% for employees with less than 5 years.

c. One week vacation after one year's service.

DECISION NO. MS81-1264

	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.53	.50	.30		.05
GROUP II	10.65	.50	.30		.05
GROUP III	10.38	.50	.30		.05
GROUP IV	9.72	.50	.30		.05
GROUP V	7.93	.50	.30		.05

Boom including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$1.00 above regular rate - 201 ft. thru 300 ft.
$2.00 above regular rate - 301 ft. thru 400 ft.
$3.00 above regular rate - 401 ft. thru 500 ft.
$3.25 above regular rate 501 ft. and above

GROUP I - Engineer operating under air pressure.

GROUP II _ Mechanic

GROUP III - Asphalt Plant, Backhoe, Blacksmith, Boom Tractor, Bulldozer, Central Mixing Plant, Cherry Picker, Clamshell, Crane,Derrick Car, Derrick, Derrick Boat, Dragline, Dredge Elevating Grader, End Loader, Excavator (power belt), Fork Lift (5 tons & over), Hoists (2 drums in active use), Locomotive Engineer, Marine Engineer (chief), Master Pilot, Mixer-Mobile, Motor Patrol and similar Equipment, Paver (21 c.f. or larger), Pile Driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching Machine (over 18" bucket line width), Turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar Endloaders, Welder, Welding Machines and Pumps (operating 2 to 6 Machines), Well Driller, Well Point Pumps

GROUP IV - Asphalt spreader (bituminous distributor), Asphalt Spreader (bituminous mixer), Backfilling Machine, Conveyor, Drill (earth), Finishing Machine, Fireman, Forklift (over 2 tons and less than 5 tons), Heating Plant, Hoist (one drum), Marine Engineer's Assistant, Mixer Payloader and similar Endloaders, Pilot, Power Generating Plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching Machines (19" or smaller bucket line width), Tugboat, Winch Truck and Tractor, Small Rubber Tired with Backhoe Attachment.

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DECISION NO. MS81-1264

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP V - Air Compressor, Batch Scale, Deckhand, Forklift (2) tons & under), Form Grader Locomotive Hostler, Motorboat (in or out-board), Oiler, Pump, Roughneck, Scowman, Tractor (with attachments), Welding Machine

Booms including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$.75 above regular rate - 201 ft. thru 300 ft.
$1.00 above regular rate - over 300 ft.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Missouri COUNTY: Pulaski
DECISION NO.: MO81-4055 DATE: Date of Publication
Supersedes Decision No. MO80-4094 dated November 28, 1980 in 45 FR 79284
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.07	.50	1.25		.04
BOILERMAKERS	14.02	1.375	1.10		.05
BRICKLAYERS, Stonemasons & Tile Layers	12.80		.33		
CARPENTERS:					
Projects under $250,000.00	13.16	.73	.90		.02
Projects $250,000.00 and over	13.66	.73	.90		.02
CEMENT MASONS	12.30				
ELECTRICIANS:					
Electricians	13.89	.47	3%+1.00	6%	.02
Cable splicers	14.29	.47	3%+1.00	6%	.02
IRONWORKERS, Structural, Ornamental, Reinforcing	13.475	.63	1.05		.06
LABORERS:					
Laborers, general	10.15	.60	.50		.10
Plumbers laborers, hod carriers, plaster tenders & mason tenders	10.50	.60	.50		.10
Powderman	11.15	.60	.50		.10
LATHERS	11.45				
PAINTERS:					
Brush & roller	11.00	1.00	.70	.50	
Taping, paperhanging & floor work	11.50	1.00	.70	.50	
Spray, structural steel & sandblasting	12.25	1.00	.70	.50	
PIPEFITTERS	15.45	2.435	1.64		
PLUMBERS	14.005	.90	1.10	.90	.20
SHEET METAL WORKERS	14.03	3%+.87	.96	1.13	.06
TILE WORKERS FINISHERS	11.70	.85	.755		
TRUCK DRIVERS:					
GROUP 1	8.50	.50	.50		
GROUP 2	8.90	.50	.50		
GROUP 3	8.97	.50	.50		
GROUP 4	9.02	.50	.50		
GROUP 5	9.17	.50	.50		
GROUP 6	10.00	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Ft. Leonard Wood Only:					
GROUP 1	9.50	.50	.50		
GROUP 2	9.65	.50	.50		
GROUP 3	9.72	.50	.50		
GROUP 4	9.77	.50	.50		
GROUP 5	9.92	.50	.50		
GROUP 6	10.75	.50	.50		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - flat bed drivers; pick-ups and station wagons; fireman & station attendant; dump, single axle
GROUP 2 - Flat bed, tandem axle; dump, tandem; tank trucks, single axle
GROUP 3 - Agitator & transit-mix
GROUP 4 - Winch trucks; steel haulers, derrick & A-trucks; distributors drivers & operators; tank truck; tandem & semi-tractors; wheel tractors; oilers, greasers & mechanic helpers; heavy excavating & hauling euclids, dumpsters, etc.
GROUP 5 - Fork lifts & high lifts, etc., when unloading or carrying
GROUP 6 - Mechanics

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.32	1.05	1.25		
GROUP 2	14.32	1.05	1.25		
GROUP 3	13.07	1.05	1.25		
GROUP 4	12.62	1.05	1.25		
GROUP 5:					
(a)	15.02	1.05	1.25		
(b)	15.87	1.05	1.25		
(c)	16.32	1.05	1.25		
(d)	17.07	1.05	1.25		
(e)	14.82	1.05	1.25		
GROUP 6	15.32	1.05	1.25		
GROUP 7	15.82	1.05	1.25		
GROUP 8	16.32	1.05	1.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic truck or cruiser mounted 16 tons & over; crane, locomotive, derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; piledriver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers); switch boat; whirley
GROUP 2 - Air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat oper. push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bull-float; cherry picker; combination concrete hoist & mixer such as mixermobile; compressor (when operator runs throttle); compressors, two not more than 50' apart; compressor-generator combination; compressor pump combination; compressor welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick & concrete into, or into & on floor level, one or both; crane, hydraulic rough terrain, self-propelled; crane, hydraulic truck or cruiser mounted under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills & any hand drills obtaining power from other sources including concrete breakers, jackhammers & barco equipment no engineer required); elevating grader, engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; fork lift; grader, road with power blade; highlift; hoist, concrete & brick (brick cages or concrete skips operating in or on tower, tower mobile, or similar equipment); hoist, stack; hydro hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as Barber-Greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix job site; plant, heating job site; plant, mixing job site; plant, power, generating job site; pumps, two self-power over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop, tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take offs, & attachments regardless of size; trenching machine, tunnel boring machine, vibrating machine, automatic, propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine
GROUP 3 - Air tugger w/plant air; boiler, for power or heating shell of buildings or temporary enclosures in connection with construction work; boiler, temporary; compressor, air one; compressor, air (mounted on truck); concrete saw, (self-propelled); conveyor, large (not self-propelled) conveyor, large (not self-propelled) moving brick & concrete (distributing) on floor level; curb finishing machine, ditch paving machine;elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (Cont'd)

GROUP 3 CONTD:
KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one Employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixers, with side loader, 2 bag capacity or more; mixer,with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; scissor lift (used for hoisting); sweeper, street; tractor small wheel type 50 h.p. & under with grader blade & similar equipment; welding machine, one over 400 amp.; winch operating from truck; mechanic in shop

GROUP 4 - Boat operator outboard motor (job site); conveyors, such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP 5 (a) - Air pressure; oiler engineer operating under ten pounds
(b) - Air-pressure, oiler engineer operating over ten pounds
(c) - Air pressure engineer operating under ten pounds
(d) - Air pressure oiler engineer operating over ten pounds
(e) - Crane, climbing (such an linden); crane, pile driving & extracting; crane, using rock socket tool; derrick, diesel, gas or electric, hoisting material erecting steel (150' or more above ground); dragline, 7 cu. yds. & over; hoist, three or more drums in use; scoop, tandem; shovel, power 7 cu. yds. & over; tractor, tandem crawler, tunnel man assigned to work in tunnel or tunnel shaft; wrecking, when machine is working on second or higher; crane-booms (including jib) 100 ft. to 150 feet

GROUP 6 - Crane, boom (including jib) 150 feet to 200 feet

GROUP 7 - Crane, boom (including jib) 200 feet to 250 feet

GROUP 8 - Crane, boom (including jib) 250 feet to 300 feet

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: PITTSBURG
DECISION NO. OK81-4051 DATE: Date of Publication
SUPERSEDES DECISION NO. OK80-4060 dated July 18, 1980 in 45 FR 48439
DESCRIPTION OF WORK BUILDING PROJECTS (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.39	.55	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-Stonemasons	11.75	.60	.40		.05
CARPENTERS:					
Carpenters	9.00	.55	.85		.05
Millwrights-Piledrivermen	11.15	.55	.85		.05
CEMENT MASONS	8.00				
ELECTRICIANS:					
Electricians	14.35	.63	3%+.61		.10
Cable splicers	14.60	.63	3%+.61		.10
GLAZIERS	12.62	.70	.30		.01
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
Group I	7.45	.25	.40		
Group II	7.75	.25	.40		
Group III	7.95	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, mason or plasterers; water boys, when used, carpenter tenders, and common laborers.

GROUP II
All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers & handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 ft. from the ground or floors; cement finisher tender; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe dope treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pumpcrete machines, and gunnite mixing machines, including placing of concrete; handling creosoted or treated materials,

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)
liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

GROUP III
Wagon drill operator and powdermen or blaster

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen	$12.50		3%		½%
Cable splicers	13.25		3%		½%
Hole digger operator	11.33		3%		½%
Heavy equipment operator (or pole cat equivalent)	11.33		3%		½%
Line truck driver (winch op	10.27		3%		½%
Jackhammerman	9.35		3%		½%
Powderman	11.33		3%		½%
Truck driver (flat bed, ton and half and under)	8.91		3%		½%
PAINTERS:					
Brush and roller	11.05		.40	.20	.10
Highwork and stage	11.65		.40	.20	.10
Sandblasting and spray painting	11.90		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
Sheet rock power tools	11.65		.40	.20	.10
PLUMBERS-PIPEFITTERS	15.60	.80	1.10		.20
POWER EQUIPMENT OPERATORS:					
GROUP I	13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Sideboom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck crane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70	8%	.03
PAID HOLIDAYS: Six paid holidays - New Years Day, Memorial Day, July 4th, Labor Day; Thanksgiving Day and Christmas Day.					
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	12.74	.70	.50		
TILE SETTERS	12.74	.70	.50		
TILE & TERRAZZO FINISHERS	11.63	.90			
TRUCK DRIVERS:					
Group I	10.43				
Group II	10.53				
Group III	10.63				
Group IV	10.58				
Group V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses

GROUP II
3 tons or 4 yards and up to but not including 4 tons or 6 yards

GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, euclids, Mississippi wagons, semi-dumps, tournapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV
Ready-mix concrete trucks up to but not including 3 yards

GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: Muskogee, Adair, Cherokee & Okmulgee

DECISION NO. OK81-4054 DATE: Date of Publication

Supersedes Decision No. OK80-4061 dated July 18, 1980 in 45 FR 48449

DESCRIPTION OF WORK: Building Projects (excluding single family homes & apartments up to and including 4 stories), and heavy construction within the City of Muskogee

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$15.19	.75	1.00		.03
Boilermakers	14.80	1.275	1.00		.04
BRICKLAYERS:					
Muskogee, Adair & Cherokee Counties	13.25	.70	.40		.05
Okmulgee County	11.75	.60	.40		.05
CARPENTERS (AREA I)	10.38	.55	.75		.08
CARPENTERS (AREA II)	9.80	.55	.85		.05
MILLWRIGHTS-PILEDRIVERMEN:					
Area I	10.88	.55	.75		.08
Area II	11.15	.55	.85		.05

CARPENTERS-MILLWRIGHTS-PILEDRIVERMEN AREA DEFINITIONS

AREA I - Muskogee, Adair and Cherokee Counties
AREA II - Okmulgee County

CEMENT MASONS (AREA I):					
Cement Masons	9.90				
Power tool operator	10.15				
CEMENT MASONS (AREA II):					
Cement masons	12.29		.40		.16
Power tool operator	12.54		.40		.16

CEMENT MASONS & POWER TOOL OPERATORS AREA DEFINITIONS

AREA I - Adair, Cherokee, Muskogee and Southern portion of Okmulgee Okmulgee Counties
AREA II - Northern portion of Okmulgee County

ELECTRICIANS:
ZONE I - 30 mile radius from Post Office of City of Muskogee
ZONE II - Area outside Zone I
ZONE III - Okmulgee County

ZONE I					
Electricians	12.55	.60	3%		1%
Cable splicers	12.95	.60	3%		1%
ZONE II					
Electricians	12.95	.60	3%		1%
Cable splicers	13.35	.60	3%		1%
ZONE III					
Electricians	14.35	.63	3%+.61		.10
Cable splicers	14.60	.63	3%+.61		.10
ELEVATOR CONSTRUCTORS	12.44	1.195	.82	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.195	.82	a+b	.035
GLAZIERS	12.62	.70	.30		.01
IRONWORKERS	13.35	.80	1.15		.12

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (AREA I)					
Muskogee, Adair and Cherokee Counties					
GROUP I	$ 7.85	.25	.40		
GROUP II	8.15	.25	.40		
GROUP III	8.35	.25	.40		
GROUP IV	8.35	.25	.40		
LABORERS (AREA II)					
Okmulgee County					
GROUP I	8.85	.25	.40		
GROUP II	9.15	.25	.40		
GROUP III	9.25	.25	.40		
GROUP IV	9.70	.25	.40		

LABORERS CLASSIFICAION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading & unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning when the man is directly tenders; and common laborers

GROUP II
All machine tool operators; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher laborer; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar & plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale man on batch plants; all laborers screening snad, running sand drier, and feeding operating sand blaster, except nozzle; signalmen and cutting torch operators in connection with laborers work; concrete grader

GROUP III
Wagon drill operator

GROUP IV
Powdermen or blantor

DECISION NO. OK81-4054 Page 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Lineman	$12.50		3%		1%
Cable splicers	13.25		3%		1%
Hole digger operator	11.33		3%		1%
Heavy equipment operator (pole or cat equivalent)	11.33		3%		1%
Jack hammerman	9.35		3%		1%
Line truck (winch operator)	10.27		3%		1%
Powderman	11.33		3%		1%
Groundman	8.34		3%		1%
Truck driver (flat bed ton and half and under)	7.55		3%		1%
Marble, Tile & Terrazzo Workers	12.74	.70	.60		
Painters (Okmulgee):					
Brush	12.85		.60		.10
Highwork and stage	13.25		.60		.10
Spray and sandblasting	13.85		.60		.10
Hot or bituminous	14.15		.60		.10
Sheetrock hand tools	12.85		.60		.10
Sheetrock power tools	13.85		.60		.10
Painters (Adair, Muskogee & Cherokee Counties):					
Brush painting & roller	11.05		.40	.20	.10
Highwork & stage	11.65		.40	.20	.10
Sandblasting & Spray	11.90		.40	.20	.10
Hot or Bituminous	12.55		.40	.20	.10
Plumbers & Pipefitters	15.60	.80	1.10		.20
Plasterers	10.15				.01
POWER EQUIPMENT OPERATORS:					
GROUP I	13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 300' of boom or over (including jib)
GROUP II - All crane type equipment with 100-200' of boom (including jib)
GROUP III - All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV - Sideboom (boomu 30' and over); Guy Derrick

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant op.; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' & over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader op. of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with a Frame; roller, all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large whirleys when & if required; operator for rotary drilling machines when operated from console or machines

GROUP VIII
Permanent elevator-building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. & under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailor op.; fuelman; truck crane oiler driver or crane oiler; conveyor op.-single-continuous belt bulk handling; asphalt lay machine back end man;

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70	8%	.08
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS FINISHER	11.63	.90			
TERRAZZO WORKERS FLOOR OP.	11.80	.90			
TERRAZZO WORKERS BASE MACHINE OPERATOR	12.10	.90			
TRUCK DRIVERS:					
GROUP I	10.43				
GROUP II	10.53				
GROUP III	10.63				
GROUP IV	10.58				
GROUP V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.

GROUP II
3 tons or 4 yards and up to but not including 4 tons or 6 yds.

GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trialer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV
Ready-mix concrete trucks up to but not including 3 yards

GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a--1st 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate.
b--Paid Holidays - A through G

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Indepodence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii)).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Blair
DECISION NO.: PA81-3029 DATE: Date of Publication
Supersedes Decision No. PA78-3037, dated April 21, 1978, in 42 FR 17239.
DESCRIPTION OF WORK: Building Erection and Foundation (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$14.12	.95	1.85		
Bricklayers	11.35	.75	1.00		.01
Carpenters	11.50	6%	8%	10%	1/4%
Cement masons	12.85	9%	7%		
Electricians	14.95	1.55	3%+.50		.10
Elevator Constructors	11.635	.745	.56	a+b	.025
Elevator Constructors Helpers	8.14	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.82				
Glaziers	12.44	1.02	1.35	1.23	.02
Ironworkers:					
Structural	13.59	1.22	1.67		.04
Reinforcing	13.59	1.22	1.67		.04
Laborers	10.34	10%	9%		
Painters	11.74	1.10	1.10		.02
Plasterers	12.85				.01
Plumbers & pipefitters	13.36	1.07	1.22	.75	.27
Roofers	15.96	.77	1.50		.16
Soft floor layers	11.50	6%	8%	10%	1/4%
Stone masons	11.33	.75	1.00		.01
Sheet metal workers	11.66	1.44	1.18		.14
Terrazzo workers	11.33	.75	1.00		.01
Tile setters	11.33	.75	1.00		.01
Truck Drivers:					
Service, dump, flat top, jeep, fuel & water	8.42	c	d		
Transit mix, dump trailer, winch truck	8.33	c	d		
Euclid & tractor trailer	8.42	c	d		
Helper	8.17	c	d		
POWER EQUIPMENT OPERATORS:					
Backhoe	14.625	1.05	1.15		.09
Cranes	14.125	1.05	1.15		.09
Welders - Rate for craft					

FOOTNOTES:

a. Employers contributes 8% basic hourly rate for 5 years or more of service as vacation pay credit.
b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day, plus the Friday after Thanksgiving Day.
c. $59.90 per month.
d. $14.00 per week.

SUPERSEDEAS DECISION

STATE: TEXAS COUNTY: Bexar
DECISION NO.: TX81-4045 DATE: Date of Publication
Supersedeas Decision No.: TX81-4005, dated January 6, 1981 in 46 FR 1545
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories). (Use current heavy & highway general wage determination for Paving & utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.45	.70	.90		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	12.48	.67	.30	.25	.05
CARPENTERS:					
Carpenters	11.64	.48	.80	.40	.05
Millwrights	11.94	.48	.80	.40	.05
CEMENT MASONS	11.72	.45		.65	.05
ELECTRICIANS:					
Electricians	13.74	.60	5%		1%
Cable splicers	13.99	.60	5%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.30	1.195	.95	a+b	.035
Helpers	70%JR	1.195	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	6.80				
IRONWORKERS	11.60	.55	1.45	.50	.12
LABORERS:					
GROUP 1 - General laborers	7.77	.57	.60		.05
GROUP 2 - All power tools & equipment operators; cutting torch man; power buggy op.; wagon drill op.; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender	8.02	.57	.60		.05
GROUP 3 - Mortar mixer man; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sand blaster; bell hole man; blaster, powderman; gunnite nozzleman	8.27	.57	.60		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	$14.63	.60	3%		4%
Cable splicer	14.08	.60	3%		4%
Groundman	8.05	.60	3%		4%
MARBLE SETTERS	11.07	.57	.30	.25	
MARBLE SETTERS' FINISHERS	8.17				
PAINTERS:					
Brush; paperhanger; taper & floater; hand roller	10.45		.50		.05
Brush on all structural steel; spray on any other surface other than steel	10.70		.50		.05
PLUMBERS & PIPEFITTERS	14.80	.60	.55		.10
ROOFERS:					
Roofers; deckman	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	13.67	3%+.45	1.20		.09
SOFT FLOOR LAYERS	6.35				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS	11.07	.57	.30	.25	
TERRAZZO WORKERS' FINISHERS:					
Terrazzo finishers	8.17				
Floor machine operators	8.37				
Base machine operators	8.52				
TILE SETTERS	11.07	.57	.30	.25	
TILE SETTERS' FINISHERS	8.17				
TRUCK DRIVERS	3.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; C-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 years. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

DECISION NO. TX81-4045

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$12.12	.75	1.25		
GROUP 2	10.79	.75	1.25		
GROUP 3	9.09	.75	1.25		
GROUP 4	8.72	.75	1.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell operator; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine operator; rock crusher operator on job; scoopmobile; scrapers; shovel (power operated); turnapulls; trenching machines (all sizes); winch truck
GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces or equipment of equal or similar nature
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Statewide
DECISION NO.: TX81-4050 DATE: Date of Publication
Supersedes Decision No. TX81-4001, dated January 6, 1981 in 46 FR 1535
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$ 4.25	$ -	$ 3.70
Asphalt Heaterman	5.45	5.15	3.95	4.00	4.00
Asphalt Raker	5.90	5.10	4.80	4.30	5.10
Asphalt Shoveler	-	-	-	-	4.00
Batching Plant Scaleman	5.80	5.00	5.80	5.25	5.00
Batterboard Setter	-	-	-	-	4.50
Carpenter	5.50	5.50	5.60	5.50	5.10
Carpenter Helper	5.00	4.75	4.55	4.25	4.00
Concrete Finisher (Paving)	7.00	6.50	6.00	6.00	5.40
Concrete Finisher Helper(Paving)	5.35	5.00	4.25	4.00	4.50
Concrete Finishor (Structures)	6.40	5.75	5.25	5.00	5.30
Concrete Finisher Helper (Structures)	5.00	4.85	4.20	4.25	4.35
Concrete Rubber	-	-	4.60	-	4.50
Electrician	8.20	8.10	7.50	9.00	9.85
Electrician Helper	-	-	-	6.05	5.20
Fireman	-	-	-	-	-
Form Builder (Structures)	5.90	6.00	6.40	4.65	6.00
Form Builder Helper(Structure)	5.30	4.20	4.50	4.30	4.75
Form Liner (Paving & Curb)	6.25	5.60	4.00	4.75	4.45
Form Setter (Paving & Curb)	6.30	5.00	6.10	4.45	5.50
Form Setter Helper(Paving & Curb)	4.85	-	-	-	4.45
Form Setter (Structures)	7.00	6.65	6.00	5.00	5.45
Form Setter Helper (Structures)	5.35	4.60	4.00	4.40	4.30
Laborer, Common	4.25	4.15	3.95	3.60	3.70
Laborer, Utility Man	4.90	4.80	4.60	4.00	4.15
Manhole Builder, Brick	4.25	4.50	-	-	4.45
Mechanic	7.45	6.20	5.80	6.05	6.25
Mechanic Helper	5.60	5.35	4.00	4.40	4.70
Oiler	5.50	5.00	4.55	4.08	4.85
Serviceman	6.00	5.25	4.55	4.80	4.50
Painter (Structures)	-	-	6.00	6.75	4.90
Painter Helper (Structures)	-	-	-	4.35	-
Pilodriverman	-	-	-	4.25	4.35
Pipelayer	6.00	-	4.45	4.25	4.85
Pipelayer Helper	-	-	-	-	4.25
Powderman	6.15	5.50	5.50	5.00	5.25
Powderman Helper	-	-	3.95	-	5.00

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Reinforcing Steel Setter(Paving)	$ -	-	5.50	-	5.15
Reinforcing Steel Setter(Structures)	5.85	6.30	5.25	4.70	5.70
Reinforcing Steel Setter Helper	5.25	-	4.55	4.25	4.50
Steel Worker (Structural)	-	-	-	-	6.15
Steel Worker Helper(Structural)	-	-	-	-	4.50
Sign Erector	-	4.55	-	5.85	5.30
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	5.80	4.95	5.25	4.60	5.05
Swamper	4.85	4.50	4.25	3.75	4.25
Power Equipment Operators:					
Asphalt Distributor	6.20	5.45	5.20	4.55	4.50
Asphalt Paving Machine	7.00	5.55	4.95	4.95	5.00
Broom or Sweeper Operator	4.50	4.35	4.75	3.60	3.70
Bulldozer 150 HP & Less	5.75	4.95	5.00	5.15	5.20
Bulldozer, over 150 HP	6.50	6.00	5.85	5.50	5.70
Concrete Paving Curing Machine	6.00	-	-	-	4.65
Concrete Paving Finishing Machine	7.00	5.30	-	4.65	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	5.75
Concrete Paving Joint Machine	-	-	-	-	5.50
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	7.25	7.00	-	-	-
Concrete Paving Saw	6.00	-	5.25	4.50	-
Concrete Paving Spreader	-	-	-	-	-
Paving Sub Grader	-	5.25	-	-	5.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.00	5.60	5.65	5.40	5.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	7.00	6.25	6.35	6.10	6.20
Crusher or Screening Plant Operator	6.00	4.85	4.70	4.90	5.00
Elevating Grador	6.00	-	4.60	5.35	-
Form Loader	-	-	-	5.75	-
Foundation Drill Operator (Crawler Mounted)	-	-	8.00	-	7.70

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Foundation Drill Operator (Truck Mounted)	$ 8.00	$ 7.00	$ 8.25	$ 5.00	$ 7.50
Foundation Drill Op. Helper	5.00	5.50	5.00	-	5.00
Front End Loader (2½ CY & Less)	5.60	5.25	4.90	4.85	4.75
Front End Loader (Over 2½ CY)	6.45	5.65	5.65	5.45	5.55
Hoist (Double Drum & Less)	-	-	-	-	4.70
Mixer (Over 16 CF)	5.50	-	-	-	5.25
Mixer (16 CF and Less)	-	-	-	-	5.00
Motor Grader Op., Fine Grade	7.00	7.00	7.15	6.35	6.70
Motor Grader Operator	6.65	6.20	5.75	5.95	5.90
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	5.65	5.05	4.25	4.25	4.35
Roller, Steel Wheel (Other Flat Wheel or Tamping)	5.15	4.70	4.35	3.60	4.20
Roller, Pneumatic (Self-Propelled)	4.40	4.65	4.00	4.05	4.05
Scrapers (17 CY and Less)	5.25	5.00	4.25	5.00	4.50
Scrapers (Over 17 CY)	6.15	6.00	5.55	5.50	5.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	4.15	-	-	4.50
Tractor (Crawler Type) 150 HP and Less	5.50	4.15	4.55	4.50	4.00
Tractor (Crawler Type) over 150 HP	5.65	4.75	5.70	5.25	4.55
Tractor (Pneumatic) 80 HP and Less	5.00	4.25	3.95	4.00	4.50
Tractor (Pneumatic) over 80 HP	5.35	5.35	5.25	5.00	5.25
Traveling Mixer	4.75	-	5.35	4.15	-
Trenching Machine, Light	5.45	-	4.50	4.50	4.00
Trenching Machine, Heavy	5.45	-	5.75	4.75	5.00
Wagon Drill, Boring Machine or Post Hole Driller Operator	5.05	4.50	4.50	4.50	4.50

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Truck Drivers:					
Single Axle, Light	$ 5.00	$ 4.50	$ 4.00	$ 4.20	$ 4.20
Single Axle, Heavy	5.35	4.65	4.50	4.55	4.30
Tandem Axle or Semitrailer	5.60	4.50	4.65	-	4.35
Lowboy-Float	5.50	4.80	5.00	4.85	4.95
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	4.60
Vibrator Man (Hand Type)	-	-	-	-	-
Welder	7.00	6.00	5.40	5.85	5.65
Welder Helper	-	4.50	4.70	4.80	4.35

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 3.50	$ -	$ -	$ 4.50	$ 4.50
Asphalt Heaterman	4.00	4.75	4.35	5.15	6.75
Asphalt Raker	4.45	5.15	4.95	5.65	6.40
Asphalt Shoveler	4.40	4.50	4.50	-	5.00
Batching Plant Scaleman	4.00	5.75	5.60	5.50	6.50
Batterboard Setter	-	5.35	-	-	6.00
Carpenter	4.65	5.75	6.00	6.50	6.35
Carpenter Helper	3.90	4.70	5.00	4.00	4.80
Concrete Finisher (Paving)	5.50	-	5.60	6.45	6.75
Concrete Finisher Helper (Paving)	4.00	-	4.50	4.75	5.25
Concrete Finisher (Structures)	5.05	5.70	5.50	6.00	6.40
Concrete Finisher Helper (Structures)	3.60	4.50	4.50	4.00	4.25
Concrete Rubber	-	-	5.25	-	-
Electrician	7.50	9.25	11.00	10.00	8.95
Electrician Helper	-	5.50	8.25	-	5.00
Fireman	-	-	-	-	-
Form Builder (Structures)	5.80	5.95	5.50	4.75	6.65
Form Builder Helper (Structures)	-	4.90	4.95	4.50	5.80
Form Liner (Paving and Curb)	-	4.75	4.50	-	7.25
Form Setter (Paving and Curb)	4.25	5.50	4.25	5.15	5.80
Form Setter Helper (Paving and Curb)	3.50	4.50	4.05	4.10	4.75
Form Setter (Structures)	4.95	5.70	5.25	5.55	6.30
Form Setter Helper (Structures)	3.85	4.50	3.85	4.50	5.10
Laborer, Common	3.50	4.00	3.85	4.00	4.25
Laborer, Utility Man	4.35	4.55	4.60	4.00	4.75
Manhole Builder, Brick	4.35	5.15	-	-	-
Mechanic	5.00	6.00	7.05	5.00	6.55
Mechanic Helper	4.50	4.50	4.50	4.10	5.00
Oiler	4.50	5.50	5.00	5.50	5.35
Serviceman	4.25	4.80	5.00	4.50	5.20
Painters (Structures)	5.95	5.00	6.95	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	7.70	6.75	5.25	-	7.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pipelayer	$ 3.90	$ 5.40	$ 4.75	$ 5.00	$ 5.75
Pipelayer Helper	3.60	4.00	4.00	4.25	5.15
Powderman	5.00	6.00	6.00	5.50	5.50
Powderman Helper	-	4.25	-	-	-
Reinforcing Steel Setter (Paving)	-	4.50	5.50	-	5.00
Reinforcing Steel Setter (Structures)	4.70	5.50	5.50	5.40	6.25
Reinforcing Steel Setter Helper	3.85	4.25	4.00	4.20	4.80
Steel Worker (Structural)	-	5.75	-	-	5.25
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	4.70	-	4.75	4.65	5.75
Sign Erector Helper	4.05	-	4.00	-	5.25
Spreader Box Man	4.70	4.75	4.35	5.00	5.40
Swamper	-	-	4.35	4.90	-
Power Equipment Operators:					
Asphalt Distributor	4.50	5.35	5.25	5.50	6.05
Asphalt Paving Machine	4.60	6.65	5.80	5.55	6.40
Broom or Sweeper Operator	-	4.00	4.00	4.80	4.50
Bulldozer, 150 HP and less	4.25	5.25	4.80	5.35	6.00
Bulldozer, over 150 HP	5.75	6.25	6.20	6.00	6.50
Concrete Paving Curing Machine	-	-	-	5.00	5.55
Concrete Paving Finishing Machine	4.75	-	-	-	6.60
Concrete Paving Form Grader	-	-	-	-	7.00
Concrete Paving Gang Vibrator	-	-	-	-	6.00
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	7.00
Concrete Paving Joint Sealer	-	-	-	-	6.50
Concrete Paving Longitudinal Float	5.30	-	-	-	5.00
Concrete Paving Mixer	-	-	-	-	7.75
Concrete Paving Saw	-	-	-	-	5.90
Concrete Paving Spreader	-	-	-	-	5.50

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Paving Sub Grader	$ -	$ -	$ -	$ -	$ 5.65
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.05	5.10	6.00	5.25	6.80
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	6.70	7.00	7.60	6.10	7.15
Crusher or Screening Plant Operator	-	4.25	5.00	-	-
Elevating Grader	-	-	5.00	-	-
Form Loader	-	-	-	-	6.40
Foundation Drill Operator (Crawler Mounted)	7.75	-	-	-	-
Foundation Drill Operator (Truck Mounted)	7.75	-	8.00	8.00	6.75
Foundation Drill Operator Helper	4.25	-	5.35	4.50	4.80
Front End Loader (2½ CY and less)	4.00	5.15	4.90	5.00	6.10
Front End Loader (Over 2½ CY)	5.10	5.55	5.50	6.00	6.50
Hoist (Double Drum & Less)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	7.00
Mixer (16 CF and Less)	-	-	-	-	5.00
Motor Grader Operator, Fine Grade	6.00	7.25	7.45	7.35	7.15
Motor Grader Operator	5.20	6.00	6.40	5.65	6.85
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	4.20	5.25	4.55	4.80	6.00
Roller, Steel Wheel (Other-Plat Wheel or Tamping)	4.10	5.25	4.95	4.75	5.35
Roller, Pneumatic (Self-Propelled)	4.00	4.65	4.15	4.10	4.85
Scrapers (17 CY and less)	4.00	5.45	5.25	5.00	5.75
Scrapers (Over 17 CY)	4.65	6.10	6.00	5.60	6.25
Self-Propelled Hammer	-	-	-	-	5.50
Side Boom	-	4.00	-	-	-
Tractor (Crawler type) 150 HP and less	-	4.50	4.00	-	5.70

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Tractor (Crawler type) over 150 HP	$ 4.95	$ 5.55	$ 5.00	$ 4.60	$ 6.00
Tractor (Pneumatic) 80 HP and less	-	4.50	4.00	4.75	4.90
Tractor (Pneumatic) over 80 HP	4.25	5.40	4.50	5.00	6.00
Traveling Mixer	4.50	4.00	-	4.50	6.05
Trenching Machine, Light	-	5.10	4.90	-	5.00
Trenching Machine, Heavy	-	5.50	6.50	-	5.75
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.75	4.50	5.00	-	5.00
Truck Drivers:					
Single Axle, Light	3.95	4.15	4.50	4.45	4.95
Single Axle, Heavy	-	4.50	-	-	5.35
Tandem Axle or Semitrailer	-	4.50	4.60	4.85	-
Lowboy-Float	4.35	4.50	-	4.50	6.00
Transit-Mix	-	-	-	-	5.50
Winch	5.00	4.50	-	-	5.30
Vibrator Man (hand type)	-	-	5.00	-	-
Welder	5.55	5.25	6.10	5.00	6.50
Welder Helper	4.30	-	5.50	-	5.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 4.10	$ -	$ 4.50	$ -	$ 5.00
Asphalt Heaterman	6.50	4.65	4.75	-	5.00
Asphalt Raker	7.25	5.30	5.25	4.95	6.15
Asphalt Shoveler	5.00	4.05	4.00	-	4.50
Batching Plant Scaleman	6.30	5.00	4.50	-	5.80
Batterboard Setter	-	-	-	-	6.10
Carpenter	6.40	6.20	6.95	7.00	7.00
Carpenter Helper	4.70	5.10	4.75	5.25	5.55
Concrete Finisher (Paving)	6.80	6.80	6.00	6.00	7.10
Concrete Finisher Helper (Paving)	5.10	5.30	5.25	5.50	5.80
Concrete Finisher (Structures)	6.40	6.00	6.55	6.50	6.55
Concrete Finisher Helper (Structures)	5.25	5.00	5.00	5.70	5.60
Concrete Rubber	5.00	4.85	4.40	-	5.50
Electrician	9.00	8.60	5.00	10.15	11.30
Electrician Helper	5.00	-	-	6.50	7.25
Fireman	-	-	4.00	-	-
Form Builder (Structures)	6.30	6.00	5.90	5.50	7.50
Form Builder Helper (Structures)	5.60	4.50	5.00	4.85	5.65
Form Liner (Paving and Curb)	5.95	6.25	6.00	-	6.60
Form Setter (Paving and Curb)	6.40	6.20	5.40	5.00	6.25
Form Setter Helper (Paving and Curb)	5.00	5.50	-	4.00	5.15
Form Setter (Structures)	5.85	6.00	6.50	7.05	6.60
Form Setter Helper (Structures)	4.95	5.25	5.00	5.00	4.50
Laborer, Common	4.10	4.05	3.95	4.00	4.00
Laborer, Utility Man	4.60	4.75	4.00	4.65	5.20
Manhole Builder, Brick	5.50	-	6.50	-	6.40
Mechanic	7.20	6.45	6.75	7.00	7.55
Mechanic Helper	5.40	4.90	5.50	5.00	5.95
Oiler	5.45	4.50	5.95	4.75	6.45
Serviceman	5.75	4.50	4.80	4.00	6.35
Painter (Structures)	5.50	5.25	-	-	7.00
Painter Helper (Structures)	-	-	-	-	6.00
Piledrivermen	-	5.25	7.35	5.00	6.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pipelayer	$ 5.20	$ 5.00	$ 4.65	$ 4.25	$ 6.10
Pipelayer Helper	4.50	4.05	-	4.00	5.10
Powderman	5.00	-	-	-	-
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	-	-	-	-
Reinforcing Steel Setter (Structures)	4.60	4.75	-	-	6.15
Reinforcing Steel Setter Helper	5.80	5.65	5.00	4.50	6.40
Steel Worker (Structural)	4.10	4.50	4.00	-	4.95
Steel Worker Helper (Structural)	6.15	6.65	-	-	6.85
Sign Erector	5.00	5.00	-	-	6.00
Sign Erector Helper	6.50	-	-	-	-
Spreader Box Man	6.00	-	-	-	-
Swamper	5.00	5.50	5.25	5.35	6.50
Power Equipment Operators:	-	4.05	4.00	-	-
Asphalt Distributor	6.50	5.55	5.75	4.25	5.75
Asphalt Paving Machine	6.75	5.85	6.40	5.00	6.95
Broom or Sweeper Operator	4.10	4.05	4.50	4.85	5.20
Bulldozer, 150 HP & less	6.00	5.55	6.00	5.00	6.55
Bulldozer, over 150 HP	6.95	6.20	6.60	5.75	7.00
Concrete Paving Curing Machine	6.50	6.00	6.00	-	6.15
Concrete Paving Finishing Machine	6.80	5.10	-	-	7.00
Concrete Paving Form-Grader	6.35	6.00	-	-	-
Concrete Paving Gang Vibrator	-	5.25	-	-	-
Concrete Paving Grinder	6.00	-	-	-	6.00
Concrete Paving Joint Machine	5.50	-	-	-	
Concrete Paving Joint Sealer	6.00	5.25	-	-	-
Concrete Paving Longitudinal Float	6.00	5.35	-	-	6.00
Concrete Paving Mixer	6.00	7.00	-	-	6.75
Concrete Paving Saw	7.00	5.75	-	-	6.50
Concrete Paving Spreader	-	-	-	-	6.95
Paving Sub Grader	-	-	-	-	6.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd)					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	$ 6.30	$ 6.35	$ 6.10	$ 6.50	$ 7.30
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	6.95	7.00	7.25	7.50	7.80
Crusher or Screening Plant Operator	-	4.50	-	5.25	6.75
Elevating Grader	-	4.25	-	-	-
Form Loader	5.75	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	6.50	-	-	-	10.00
Foundation Drill Operator (Truck Mounted)	7.75	7.75	7.25	-	-
Foundation Drill Operator Helper	5.50	6.45	-	-	5.25
Front End Loader (2½ CY and less)	5.85	5.40	5.00	5.05	6.20
Front End Loader (Over 2½ CY)	6.55	6.15	6.15	5.50	6.90
Hoist (Double Drum & Less)	-	-	-	-	-
Mixer (Over 16 CF)	5.85	-	-	-	6.40
Mixer (16 CF and less)	-	-	-	-	5.55
Motor Grader Operator, Fine Grade	7.45	7.25	7.00	7.40	7.85
Motor Grader Operator	6.30	6.10	6.50	5.95	7.20
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	6.60	5.20	5.15	4.25	6.05
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.50	4.75	5.10	4.70	5.40
Roller, Pneumatic (Self-propelled)	5.40	4.70	4.85	4.00	5.50
Scraper (17 CY and less)	5.70	5.25	5.75	5.25	5.30
Scrapers (over 17 CY)	6.25	5.90	6.30	6.25	6.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	4.05	5.00	-	-
Tractor (Crawler type) 150 HP and less	5.00	4.50	4.45	-	5.50
Tractor (Crawler type) over 150 HP	5.80	6.00	5.60	-	6.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd)					
Tractor (Pneumatic) 80 HP and less	$ 4.65	$ 4.05	$ 4.50	$ -	$ 5.00
Tractor (Pneumatic) over 80 HP	5.35	4.50	5.25	4.70	5.25
Traveling Mixer	6.00	6.50	5.00	4.50	5.50
Trenching Machine, Light	-	-	-	-	6.00
Trenching Machine, Heavy	7.50	5.00	-	-	6.50
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50	6.50	-	-	5.65
Truck Drivers:					
Single Axle, Light	5.40	4.50	5.05	4.65	5.20
Single Axle, Heavy	5.50	5.40	5.20	4.70	5.90
Tandem Axle or Semitrailer	6.00	-	5.50	-	-
Lowboy-Float	5.50	5.45	6.00	-	6.00
Transit-Mix	5.80	-	-	-	5.50
Winch	-	-	-	-	-
Vibrator Man (hand type)	-	4.50	-	-	5.50
Welder	7.00	6.50	6.25	6.50	7.00
Welder Helper	6.00	5.00	5.00	4.35	6.00

	ZONE 16
	Basic Hourly Rates
Air Tool Man	$ -
Asphalt Heaterman	-
Asphalt Raker	6.50
Asphalt Shoveler	-
Batching Plant Scaleman	-
Batterboard Setter	-
Carpenter	6.50
Carpenter Helper	6.15
Concrete Finisher (Paving)	7.75
Concrete Finisher Helper (Paving)	6.00
Concrete Finisher (Structures)	7.35
Concrete Finisher Helper (Structures)	5.80
Concrete Rubber	-
Electrician	9.50
Electrician Helper	5.25
Fireman	-
Form Builder (Structures)	5.75
Form Builder Helper (structures)	5.50
Form Liner (Paving and Curb)	-
Form Setter (Paving and Curb)	8.00
Form Setter Helper (Paving and Curb)	-
Form Setter (Structures)	6.50
Form Setter Helper (Structures)	5.05
Laborer, Common	5.05
Laborer, Utility Man	5.45
Manhole Builder, Brick	-
Mechanic	9.00
Mechanic Helper	6.00
Oiler	6.00
Servicoman	-
Painter (Structures)	8.50
Painter Helper (Structures)	-

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Piledrivermen	$ 6.00				
Pipelayer	6.50				
Pipelayer Helper	5.50				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	6.00				
Reinforcing Steel Setter (Structures)	7.00				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	6.50				
Steel Worker Helper (Structural)	-				
Sign Erector	-				
Sign Erector Helper	-				
Spreader Box Man	6.70				
Swamper	5.05				
Power Equipment Operators:					
Asphalt Distributor	6.10				
Asphalt Paving Machine	6.80				
Broom or Sweeper Operator	6.00				
Bulldozer, 150 HP and less	7.00				
Bulldozer, over 150 HP	8.00				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	7.50				
Concrete Paving Form Grader	-				
Concrete Paving Gang Vibrator	-				
Concrete Paving Grinder	-				
Concrete Paving Joint Machine	-				
Concrete Paving Joint Sealer					
Concrete Paving Longitudinal Float					
Concrete Paving Mixer					
Concrete Paving Saw	6.50				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Concrete Paving Spreader	$ 8.00				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	8.55				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and less)	5.50				
Front End Loader (Over 2½ CY)	7.50				
Hoist (Double Drum & Less)	-				
Mixer (Over 16 CF)	-				
Mixer (16 CF & less)	-				
Motor Grader Operator Fine Grade	8.00				
Motor Grader Operator	7.00				
Pump Crete					
Roller, Steel Wheel (Plant-Mix Pavements)	6.25				
Roller, Steel wheel (other Flat Wheel or Tamping	6.65				
Roller, Pneumatic (Self-Propelled)	6.35				
Scrapers (17 CY and less)	6.00				
Scrapers (Over 17 CY)	6.50				
Self-Propelled Hammer	-				
Side Boom	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Tractor (Crawler type) 150 HP and less	5.90				
Tractor (Crawler type) over 150 HP	6.50				
Tractor (Pneumatic) 80 HP and less	-				
Tractor (Pneumatic) over 80 HP	-				
Traveling Mixer	7.25				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	6.10				
Single Axle, Heavy	-				
Tandem Axle or Semi-trailer	-				
Lowboy-Float	8.35				
Transit-Mix	7.10				
Winch	-				
Vibrator Man (hand type)	-				
Welder	8.85				
Welder Helper	-				

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work.

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Water & sewer lines & Highway construction projects only

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Construction projects only

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Counties

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TEXAS COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX81-4052 DATE: Date of Publication

Supersedeas Decision No. TX80-4018, dated March 14, 1980, in 45 FR 16828

DESCRIPTION OF WORK: Building Projects (does not include single family homes & garden type apartments up to & including 4 stories). (Use current heavy& highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$13.24	.70	1.00		
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	6.00				
CARPENTERS	5.11				
CEMENT MASONS	3.50				
ELECTRICIANS	6.425				
GLAZIERS	3.55				
IRONWORKERS:					
Structural & Ornamental	3.50				
Reinforcing	4.02				
LABORERS:					
Common Laborers	3.35				
Air Tool Operators	3.35				
Mason tenders	3.35				
Mortar Mixers	3.35				
Plasters' tenders	3.35				
PAINTERS	4.19				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	10.30	.57	.30		.07
ROOFERS:					
Roofers	4.06				
Kettlemen	4.40				
SHEET METAL WORKERS	4.23				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TILE SETTERS	3.75				
TRUCK DRIVERS	3.35				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TEXAS COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX81-4048 DATE: Date of Publication

Supersedes Decision No. TX80-4099 dated December 5, 1980 in 45 FR 80640

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to & including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls	$15.45	.70	.90		.08
ZONE 2 - Bosque, Hill & McLennan	13.675	.835	1.20		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	12.80	.70	.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Cos.					
Carpenters	11.00				
Millwrights	11.25				
ZONE 2 - Bosque, Falls, Hill & McLennan:					
Carpenters	10.91	.42			
Millwrights	11.68	.42			
CEMENT MASONS	12.34	.60	.55		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 mile inside the Bell Co. line & the City of Killeen), Bosque, Coryell, (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan Cos.					
Electricians	11.50	.60	3%		4%
Cable splicers	12.50	.60	3%		4%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen)					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS ZONE 2 CONT'D: & Coryell (that part south of Cowhouse Creek) Counties					
Electricians & Cable splicers	$12.80	.60	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	7.50				
IRONWORKERS	12.70	.55	1.45		.12
LABORERS:					
Unskilled	3.35				
Mason tenders & mortar mixers	3.55				
LATHERS	11.10			1.00	.05
LINE CONSTRUCTION:					
ZONE 1 - Bell (that portion which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen); Bosque, Coryell (portion except part of Ft. Hood south of Cowhouse, Creek), Falls, Hill & McLennan Counties:					
Linemen	11.06	.60	7%		4%
Cable splicers	12.17	.60	7%		4%
Groundman	7.74	.60	7%		4%
Operators	11.61	.60	7%		4%
ZONE 2 - Bell (that portion which is nearer to Austin than Waco) & Coryell (that portion south of Cowhouse Creek) Cos.:					
Linemen	12.91	.60	7%		4%
Cable splicers	14.20	.60	7%		4%
Groundmen	9.04	.60	7%		4%
Operators	13.56	.60	7%		4%

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 9.40				.04
GROUP 2 - Boiler Pipe & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	9.90				.04
GROUP 3 - Ames tools for dry wall	10.00				.04
GROUP 4 - Spray work & self-feeding rollers	10.15				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	10.50				.04
PLASTERERS	13.29	.60	.55		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - McLennan County Basic rate	12.25	.30	.55		.04
ZONE 2 - 20 to 45 miles from McLennan Court House including towns of Temple, Marlin, Clifton, Hillsboro & Belton	12.75	.30	.55		.04
ZONE 3 - All other areas	13.75	.30	.55		.04
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up damp & waterproofing	6.80				.03
GROUP 3 - Kettlemen	5.10				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House	10.40	3%+.45	.60		.09
ZONE 2 - Over 20 miles up to & including 45 miles	10.90	3%+.45	.60		.09
ZONE 3 - Over 45 miles	11.40	3%+.45	.60		.09
SPRINKLER FITTERS	14.68	.95	1.40		.08
TRUCK DRIVERS	3.35				
welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%
over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.24		.65		.05
Group 2	12.17		.65		.05
Group 3	10.95		.65		.05
Group 4	10.84		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic; Blade grader - self-propelled; Crawler dozers or loaders; Derricks, power operated (all types); Draglines; Cableway; Backhoe; Crane, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven, two drums or more; Mix mobile; High-lifts and loaders, over 1/3 cu. yd. capacity; Winch truck; Locomotive; Mixer, 14 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Gradall; Foundation boring machine; Scoopmobile; Shovel, power operated; Pump crete machine; Rock crusher operated on job; Well points including installations; Riding compactor; Forklift over 1500 lb. capacity; Flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pulsometers; Conventional truck crane driver and oiler; Combination man; Hoist, single drum; Pneumatic roller; High-lifts and loaders, 1/3 cu. yd. or less; Poklift, 1500 lb. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 4.50				
Asphalt Heaterman	5.15				
Asphalt Raker	5.65				
Batching Plant Scaleman	5.50				
Carpenter	6.50				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	6.45				
Concrete Finisher Helper (Paving)	4.75				
Concrete Finisher (Structures)	6.00				
Concrete Finisher Helper (Structures)	4.00				
Electrician	10.00				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Setter (Paving & Curb)	5.15				
Form Setter Helper (Paving & Curb)	4.10				
Form Setter (Structures)	5.55				
Form Setter Helper (Structures)	4.50				
Laborer, Common	4.00				
Laborer, Utility Man	4.00				
Mechanic	5.00				
Mechanic Helper	4.10				
Oiler	5.50				
Serviceman	4.50				
Pipelayer:					
Bosque, Falls, Hill & McLennan Cos.	5.00				
Pipelayer (Concrete & Clay) Bell & Coryell Cos.	5.00				
Pipelayer Helper:					
Bosque, Falls, Hill & McLennan Cos.	4.25				
Pipelayer Helper (Concrete & Clay):					
Bell & Coryell Cos.	4.25				

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DECISION NO. TX81-4048

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
INCIDENTAL PAVING & UTILITIES					
Power Equipment Op. (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$ 4.80				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.75				
Roller, Pneumatic (Self-Propelled)	4.10				
Scrapers (17 CY & Less)	5.00				
Scrapers (Over 17 CY)	5.60				
Tractor (Crawler Type) over 150 HP	4.60				
Tractor (Pneumatic) 80 HP & Less	4.75				
Tractor (Pneumatic) over 80 HP	5.00				
Traveling Mixer	4.50				
Truck Drivers:					
Single Axle, Light	4.45				
Tandem Axle or Semitrailer	4.50				
Lowboy-Float	5.00				
Welder					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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DECISION NO. TX81-4048

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
INCIDENTAL PAVING & UTILITIES					
Plumbers (Bell & Coryell):					
Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton	$12.75	.30	.55		.04
Zone 2 - all areas not including in Zone 1	13.75	.30	.55		.04
Ponderman	5.50				
Reinforcing Steel Setter (Structures)	5.40				
Reinforcing Steel Setter Helper	4.20				
Sign Erector	4.65				
Spreader Box Man	5.00				
Sweeper	4.90				
Power Equipment Operators:					
Asphalt Distributor	5.50				
Asphalt Paving Machine	5.55				
Broom or Sweeper Op.	4.80				
Bulldozer, 150 HP & Less	5.35				
Bulldozer, over 150 HP	6.00				
Concrete Paving Curing Machine	5.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	5.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY & Over)	6.10				
Foundation Drill Operator (Truck Mounted)	8.00				
Foundation Drill Op. Helper	4.50				
Front End Loader (2¼ CY & Less)	5.00				
Front End Loader (Over 2¼ CY)	6.00				
Motor Grader Op., Fine Grade	7.35				
Motor Grader Operator	5.65				

[FR Doc. 81-20027 Filed 7-6-81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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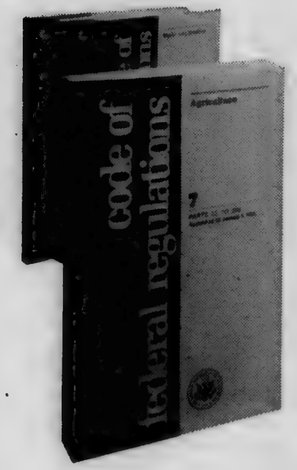
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federal register

Monday
July 13, 1981

Highlights

36068 **Airports** DOT/FAA proposes policy to guide management and operation of Washington National and Dulles International Airports (Washington, D.C. area) (Part IV of this issue).

36103 **Petroleum** DOE/ERA decides not to adopt proposed rules on Tertiary Incentive Program. (Part VII of this issue)

36092 DOE/ERA establishes mechanism for adjusting entitlements lists for periods prior to the decontrol of crude oil. (Part VI of this issue)

36080 DOE/ERA terminates the petroleum substitutes program. (Part V of this issue)

35990 **Grant Programs—Health** HHS/PHS announces availability of FY 1981 funds to support a national health promotion training network.

35942 **Emergency Housing** FEMA proposes to exempt certain temporary disaster housing from environmental considerations.

36053 **Air Transportation** DOT/FAA amends airplane and airport operator security rules. (Part II of this issue)

35936 CAB proposes to amend regulations on disclosure of airline responsibilities to passengers.

35940 **Credit** FTC withdraws previous staff proposal for an interpretation of Fair Credit Reporting Act.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

35921 **Flood Insurance** FEMA changes procedures on consultation with local officials in studies of flood elevations.

35943 **Procurement** OMB/FPPO seeks comments on draft regulation on cost principles, procedures and administration of contracts with educational institutions.

35953 **Grant Programs** Commerce establishes department-wide policies and procedures for administration of grants.

36016 **Handicapped** NFAH/NEH notifies recipients of Federal financial assistance of non-discrimination guidelines.

36056 **Bird Hunting** Interior/FWS proposes standards for early season migratory bird hunting for 1981–82. (Part III of this issue)

35927 **Regulatory Agenda** FHLBB

35963 **Privacy Act Documents** DOD

36034 **Sunshine Act Meetings**

Separate Parts of This Issue

36053 **Part II, DOT/FAA**
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth Hazardous Recreational Vehicle Sites

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document revises the list of gypsy moth hazardous recreational vehicle sites under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by adding 93 sites located in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont and by deleting 11 sites located in New Jersey and Pennsylvania. These amendments are necessary as emergency measures in order to prevent the artificial spread of gypsy moth and to delete unnecessary restrictions on the movement of certain articles. The effect of this action is to impose restrictions on the interstate movement of recreational vehicles and associated equipment moving from those hazardous recreational vehicle sites added to the list, and by deleting restrictions on the interstate movement of such vehicles and equipment moving from those sites deleted from the list.

DATES: Effective date of this document is July 13, 1981. Written comments concerning this interim rule must be received on or before September 11, 1981.

ADDRESS: Written comments concerning this interim rule should be submitted to T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782. Written comments received may be inspected at Room 633 of the Federal Building between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building Room 635, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximately $48,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, with respect to restrictions concerning the movement of regulated articles for which there is no longer a basis for the imposition thereof, a situation exists requiring immediate action to lessen or delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Regulatory Flexibility Act

The emergency situation discussed above makes compliance with Section 603 and timely compliance with Section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Flexibility Analysis, if required, will address the issues required in Section 604 of the Regulatory Flexibility Act.

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantines certain States because of the gypsy moth, including Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, and restricts the interstate movement from quarantined States of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

In § 301.45-1(v) of the regulations (7 CFR 301.45-1(v)), recreational vehicles and associated equipment are listed as regulated articles because of the gypsy moth if moving from hazardous recreational vehicle sites listed in § 301.45-2c of the regulations (7 CFR 301.45-2c). It is provided in § 301.45-2(d) of the regulations (7 CFR 301.45-2(d)) that the Deputy Administrator shall list as hazardous in § 301.45-2c of the regulations any recreational vehicle site in a quarantined State in which gypsy moth has been found by an inspector, or

in which there is a risk of infestation of the gypsy moth because of the proximity of the site to infestation of the gypsy moth.

Based on findings of egg masses, larvae, and pupae of the gypsy moth by inspectors of the U.S. Department of Agriculture and State agencies of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Vermont, it has been determined that the following recreational vehicle sites in these States harbor infestations of the gypsy moth:

Connecticut

Litchfield County. Goshen: Valley of the Pines. Kent: Housatonic Meadows State Park and Lake Waramaug State Park. Southbury: Kettletown State Park. Watertown: Blackrock State Park.
New London County. Lebanon: Water's Edge.

Maine

Cumberland County. Bridgton: Long Lake Campground. Freeport: Recompence Shore Campsites. Naples: Bay of Naples Campground, Brandy Pond Camps, and Sebago Lake State Park. Pownal: Bradbury Mountain State Park. Raymond: Indian Point Tent & Trailer Park. South Casco: Point Sebago.
Knox County. Camden Hills State Park.
Lincoln County. Damariscotta: Lake Pemaquid.
Oxford County. Denmark: Pleasant Mountain Campground. Fryeburg: Swan's Falls Campground. Porter: Ossippee River Campground.
York County. Eliot: Indian River Campground. Kennebunk: Yankeeland Campground. Sanford: Sanford-Wells. East Waterboro: Honnewell Campground.

Massachusetts

Berkshire County. North Adams: Historic Valley.
Bristol County. East Taunton: Massasoit State Park.
Franklin County. Bernardston: Purple Meadow. Erving: Laurel Lake in Erving State Forest. Orange: The Ranch and Wagon Wheel. Whately: White Birch.
Hampden County. Westfield: Sunnyside.
Middlesex County. Ashby: Damon Pond Campground in Willard Brook State Forest. North Reading: Harold Parker State Forest. West Townsend: Pearl Hill State Park.
Plymouth County. Hingham: Wompatuck State Park.
Worcester County. Sturbridge: Well State Park. Winchedon: Lake Dennison State Park and Otter River State Forest.

New Hampshire

Belknap County. Belmont: Winnisquam Beach Campground. Gilford: Belknap County Recreational Area Campground. Laconia: Hack-Ma-Tack Camping and Weirs Beach Tent & Trailer Park. New Hampton: Twin Tamarack Campground.
Carroll County. Albany: Blackberry Crossing, Covered Bridge, Pine Knoll Camping Area, and White Ledge in White Mountain National Forest. Bartlett: Green Meadow Camping Area and Silver Spring Campground. Conway: Saco River Campground and Sit'N Bull Campground. Moultonboro: Arcadia Campground and Winnipesaukee KOA. Ossipee: Whittier Camping Area. Tamworth: White Lake State Park.
Cheshire County. Jaffrey: Monadnock State Park Campground.
Merrimack County. Allenstown: Bear Brook State Park. Franklin: Thousand Acre Campground. Henniker: Keyer Pond Campground. Loudon: Cascade Park Campground.
Rockingham County. Nottingham: Pawtuckaway State Park.

New Jersey

Morris County. Parsippany-Troy Hills: Brookwood Campground.

New York

Essex County. Port Henry: Bullwagga Bay Campsite and Port Henry Campground.
Greene County. Haines Falls: North Lake State Campground.
Orange County. Montgomery: Winding Hills.
Rockland County. Stoney Point: Beaver Pond Campground in Harriman State Park.
Suffolk County. Greenport: KOA Campground. Middle Island: Cathedral Pines.

Pennsylvania

Bedford County. East Providence: Crestview Campground.
Berks County. Greenwich: Old Dutch Mill and Blue Rocks.
Bucks County. East Rockhill: Tohicken Family Campground. Haycock: Lake Towhee and Little Red Barn.
Chester County. Schuylkill: Baker Park.
Columbia County. Orange: Diehl's Campground.
Cumberland County. Dickinson: Tag Run.
Lancaster County. East Drumore: Woodland Acres. Salisbury: Wayside Woodland. West Donegal: Shaw-N-Tee.
Luzerne County. Plymouth: Moon Lake.
Monroe County. Pocono: Four Seasons.
Northampton County. Moore: Evergreen Lakes.
Pike County. Greene: Promised Land State Park. Lehman: Ken's Woods.
Schuylkill County. Hedgins: Camp-A-While.

Vermont

Addison County. New Haven: Rivers Bend Campsites.
Grande Isle County. North Hero: North Hero State Park.
Rutland County. Huddardton: Big "D" Campground and Lake Bomoseen Campground. Poultney: St. Catherine State Park Campground.
Windham County. Guilford: Fort Drummer State Park Campground.

Inspectors also found that these are sites where recreational vehicles and associated equipment are parked, or may be parked, and that the gypsy moth could hitchhike on and be spread by recreational vehicles and associated equipment moving from these sites. Therefore, in order to prevent the artificial spread of gypsy moth, it is necessary as an emergency measure to add these recreational vehicle sites to the list of hazardous recreational vehicle sites, and thereby impose restrictions on the interstate movement of recreational vehicles and associated equipment moving from such sites.

Prior to the effective date of this document the following recreational vehicle sites in New Jersey and Pennsylvania were included in the list of sites listed in § 301.45–2c of the regulations as hazardous recreational vehicle sites:

New Jersey

Burlington County. Shamong Township: Atsion Lake and Goshen Pond camping areas in Wharton State Forest.
Cape May County. Dennis Township: Belleplain State Forest.
Hunterdon County. Delaware Township: Bull's Island State Park.
Middlesex County. Old Bridge Township: Cheesequake State Park.
Monmouth County. Howell Township: Allaire State Park.
Sussex County. Hampton Township: Swartswood State Park.
Warren County. Pahaquary Township: Worthington State Forest.

Pennsylvania

Clinton County. Renovo: Evanco camping area.
Cumberland County. Colonel Denning State Park.
Pike County. Dingman's Ferry: Bernie's Campground. Based on treatment of the recreational vehicle sites and negative surveys of such sites by the Plant Protection and Quarantine of the U.S. Department of Agriculture and by State agencies of New Jersey and Pennsylvania it has been determined that the gypsy moth no longer occurs in any of these recreational vehicle sites, and that infestations of gypsy moth do not occur in such proximity to any of these sites so as to cause a risk of infestation of the gypsy moth. Therefore, as an emergency measure, it is necessary to delete such recreational vehicle sites from the list of hazardous recreational vehicle sites in order to delete unnecessary restrictions on the movement of recreational vehicles and associated equipment from such sites.

Under the circumstances referred to above, § 301.45–2c of the Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45–2c) is revised to read as follows:

§ 301.45–2c List of hazardous recreational vehicle sites.

The recreational vehicle sites listed below are designated as gypsy moth hazardous recreational vehicle sites within the meaning of the provisions of this subpart as indicated below.

Hazardous Recreational Vehicle Sites

Connecticut

Litchfield County. Goshen: Valley of the Pines. Kent: Housatonic Meadows State Park and Lake Waramaug State Park. Southbury: Kettletown State Park. Watertown: Blackrock State Park.
New London County. Lebanon: Water's Edge.

Maine

Cumberland County. Bridgton: Long Lake Campground. Freeport: Recompence Shore Campsites. Naples: Bay of Naples Campground, Brandy Pond Camps, and Sebago Lake State Park. Pownal: Bradbury Mountain State Park. Raymond: Indian Point Tent & Trailer Park. South Casco: Point Sebago.
Knox County. Camden: Camden Hills State Park.
Lincoln County. Damariscotta: Lake Pemaquid.
Oxford County. Denmark: Pleasant Mountain Campground. Fryeburg: Swan's Falls Campground. Porter: Ossippee River Campground.
York County. Eliot: Indian River Campground. Kennebunk: Yankeeland Campground. Sanford: Sanford—Wells. East Waterboro: Honnewell Campground.

Massachusetts

Barnstable County. Brewster: R. C. Nickerson State Park.
Berkshire County. North Adams: Historic Valley.
Bristol County. East Taunton: Massasoit State Park.
Franklin County. Bernardston: Purple Meadow. Erving: Laurel Lake, Erving State Forest. Orange: The Ranch and Wagon Wheel. Whately: White Birch.
Hampden County. Westfield: Sunnyside.
Middlesex County. Ashby: Damon Pond Campground, Willard Brook State Forest. North Reading: Harold Parker State Forest. West Townsend: Pearl Hill State Park.
Plymouth County. Hingham: Wompatuck State Park.
Worcester County. Sturbridge: Wells State Park. Winchedon: Lake Dennison State Park and Otter River State Forest.

New Hampshire

Belknap County. Belmont: Winnisquam Beach Campground. Gilford: Belknap County Recreational Area Campground. Laconia: Hack-Ma-Tack Camping and Weirs Beach Tent & Trailor Park. New Hampton: Twin Tamarack Campground.
Carroll County. Albany: Blackberry Crossing, Covered Bridge, Pine Knoll Camping Area, and White Ledge, in White Mountain National Forest. Bartlett: Green Meadow Camping Area and Silver Spring Campground. Conway: Saco River Campground and Sit'N Bull Campground. Moultonboro: Arcadia Campground and Winnipesaukee KOA. Ossipee: Whittier Camping Area. Tamworth: White Lake State Park.
Cheshire County. Jaffrey: Monadnock State Park Campground.
Merrimack County. Allenstown: Bear Brook State Park. Franklin: Thousand Acre Campground. Henniker: Keyer Pond Campground. Loudon: Cascade Park Campground.
Rockingham County. Nottingham: Pawtuckaway State Park.

New Jersey

Morris County. Parsippany-Troy Hills Township: Brookwood Campground.

New York

Essex County. Port Henry: Bullwagga Bay Campsite and Port Henry Campground.
Greene County. Haines Falls: North Lake State Campground.
Orange County. Montgomery: Winding Hills.
Rockland County. Stoney Point: Beaver Pond Campground in Harriman State Park.
Suffolk County. Greenport: KOA Campground. Middle Island: Cathedral Pines.

Pennsylvania

Bedford County. East Providence: Crestview Campground.
Berks County. Greenwich: Old Dutch Mill and Blue Rocks.
Bucks County. East Rockhill: Tohicken Family Campground. Haycock: Lake Towhee and Little Red Barn.
Chester County. Schuylkill: Baker Park.
Columbia County. Orange: Diehl's Campground.
Cumberland County. Dickinson: Tag Run.
Lancaster County. East Drumore: Woodland Acres. Salisbury: Wayside Woodland. West Donegal: Shaw-N-Tee.
Luzerne County. Plymouth: Moon Lake.
Monroe County. Pocono: Four Seasons.
Northampton County. Moore: Evergreen Lakes.
Pike County. Greene: Promised Land State Park. Lehman: Ken's Woods.
Schuylkill County. Hedgins: Camp-A-While.

Vermont

Addison County. New Haven: Rivers Bend Campsites.
Grande Isle County. North Hero: North Hero State Park.
Rutland County. Huddardton: Big "D" Campground and Lake Bomoseen Campground. Poultney: St. Catherine State Park Campground.
Windham County. Guilford: Fort Drummer State Park Campground.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 71 Stat. 33; 7 U.S.C. 161, 162, 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 7th day of July 1981.

D. Scot Campbell,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–20400 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amdt. 14]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the minimum grade requirement for domestic shipments of Florida early and midseason oranges and tangelos to U.S. No. 1. These changes recognize current and prospective demand for such oranges and tangelos and are consistent with the available crop in the interest of growers and consumers.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch F&V, AMS USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The regulation with respect to Florida early and midseason oranges and tangelos is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee and upon other information. The committee reports that such grade requirements are necessary to assure shipment of an adequate supply of acceptable quality fruit in the interest of producers and consumers consistent with the declared policy of the act. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, and engage in public rulemaking, and good cause exists for making these regulatory provisions effective as specified in that (1) the regulations were recommended by the committee following discussion at a public meeting, (2) handlers have been apprised of these requirements for Florida oranges and tangelos and (3) the requirements are basically the same as those currently in effect other than for higher internal quality requirements.

Information collection requirements (reporting or recordkeeping) under the part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Accordingly, it is found that the provisions of § 905.304 Orange, Grapefruit, Tangerine, and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 1089; 11655; 11656; 14115; 16237; 23916; 27323), should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, grapefruit, tangerine and tangelo regulation 4.

(a) * * *

Table I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in) (4)
Oranges:			
Early and midseason.	Aug. 24, 1981, through Oct. 18, 1981.	U.S. No. 1.	2-6/16
Tangelos.....	Aug. 24, 1981, through Oct. 18, 1981.	U.S. No. 1.	2-6/16

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–20401 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Parts 911 and 944

[Lime Regulation 43; Lime Import Regulation 10]

Limes Grown in Florida and Limes Imported Into the United States

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and size requirements for shipments for fresh limes grown in Florida, and for limes imported into the United States. Such action is necessary to assure the shipment of adequate supplies of limes of acceptable grades and sizes in the interest of producers and consumers.

DATE: Effective on and after August 16, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on April 30, 1981 (46 FR 24143) which specified grade and size requirements applicable to shipments of Florida limes and imported limes through August 15, 1981. That rule provided an opportunity to file comments through June 1, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The lime import regulation is issued under Section 8e (7 U.S.C. 608e–1) of this act. It is found that this action will tend to effectuate the declared policy of the act.

The regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. Under the terms of the regulation the grade and size requirements would be effective on and after August 16, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendations for continuation, modification, suspension, or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether continuation, modification, suspension, or termination of regulation of shipments of limes would tend to effectuate the declared policy of the act.

The committee has adopted a marketing policy for the 1981–82 season Florida lime crop, in which it estimates that this season 2,200,000 bushels of limes will be produced in Florida. Of this amount, it estimates 1,100,000 bushels will be shipped to the fresh market, and the remainder will be available for processing. While Florida is the major supplier of limes to the domestic fresh market, imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1981–82 season.

The lime import regulation is issued under Section 8e of the act, which requires that when specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) shipment of the current crop of limes grown in Florida is now underway; (2) an interim rule was published in the **Federal Register** (46 FR 24143) and no comments were submitted during the period provided, (3) the Florida lime regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida lime handlers have been apprised of these requirements for Florida limes and the effective date; (5) the requirements for Florida limes and imported limes are the same as those currently in effect; (6) the lime import requirements are mandatory under Section 8e of the act, and they should become effective on the date specified; (7) the grade and size requirements for imported limes are the same as those for Florida limes; and (8) at least three days notice of this import regulation is provided, the minimum prescribed by Section 8e of the act.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 911—LIMES GROWN IN FLORIDA

1. A new § 911.344 is added under a new subpart heading *Grade and Size Requirements* to read as follows:

Subpart—Grade and Size Requirements

§ 911.344 Florida Lime Regulation 43.

(a) On or after August 16, 1981, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 Grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color; *Provided,* That stem length shall not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) are at least 1⅞ inches in diameter; *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirement; *Provided further,* That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000–1016).

PART 944—LIMES IMPORTED INTO THE UNITED STATES

2. A new § 944.209 is added under Part 944 to read as follows:

§ 944.209 Lime Import Regulation 10.

(a) *Applicability to imports.* Pursuant to § 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited on or after August 16, 1981, unless such limes meet the minimum grade and size requirements specified in § 911.344 Florida Lime Regulation 43.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) *Minimum quantity exemption:* Any person may import up to 250 pounds of limes exempt from the requirements specified in this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[FR Doc. 81–20350 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 979

Melons Grown in South Texas; Termination of Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This terminates § 979.303 Handling Regulation pertaining to melons grown in South Texas. The 1981 season is nearly over and the quantity of melons remaining is insufficient to warrant regulation. Packing, inspection and committee overhead costs would likely exceed the benefits of continuing the regulation.

EFFECTIVE DATE: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 41 handlers.

Marketing Agreement No. 158 and Order No. 979 regulate the handling of melons grown in 19 designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 979.303 *Handling Regulation*, as amended (46 FR 22356, 29695) became effective May 1, 1981, and would have been terminated on July 31, 1981. However, the South Texas Melon Committee, in a telephone vote held on June 29–30 voted 9 to 1 to recommend terminating the regulation as soon as possible. The committee concluded that the season is nearly over and the quantity remaining is insufficient to warrant continuing the regulation.

It is hereby found that continuing § 979.303 *Handling Regulation* for the remainder of the season would no longer tend to effectuate the declared policy of the act and should be terminated. It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this termination until 30 days after publication in the **Federal Register** (5 U.S.C. 553) since the regulation is being terminated and regulatory activities imposed on handlers will thereupon cease.

§ 979.303 [Removed]

Termination of regulation: The provisions of § 979.303 Handling Regulation, as amended (46 FR 22356, 29695), are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 8, 1981 to become effective July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20001 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 91

Inspection and Handling of Livestock for Exportation; Deletion and Addition to Ports of Embarkation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment deletes New York, New York, from the list of ports which have facilities available only for certain species of animals, and adds New York, New York, and Portland, Oregon, to the list of airports and ocean ports designated as ports of embarkation for all species of animals. This amendment also revises the method of listing said ports and provides a listing of the name, address, and telephone number of export inspection facilities located at the designated ports of embarkation. Finally, this amendment revises the citation of authority to include relevant delegations of authority and organizational information.

The intended effect of this action is to update the list of ports of embarkation through which animals may be exported, and to provide a clear, complete reference for the public of export inspection facilities.

DATE: Effective date: July 7, 1981. Comments must be received on or before September 11, 1981.

ADDRESS: Send comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. H. A. Waters, USDA, APHIS, VS, Room 828, Federal Building, Hyattsville, MD 20782, 301–436–8383.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule". The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule. The Department has reviewed this action and determined that it is not a major rule because it will not have a significant annual economic effect on the economy; it will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The addition of Portland, Oregon, to the list of approved export inspection facilities and the changing of the status of the New York, New York, export facility to handle all classes of livestock will only increase the number of such export facilities by one, from the current total of twenty-two to twenty-three. According to Foreign Agricultural Service records, there are approximately 700 exporters who could use these export facilities nation-wide but only 12 exporters routinely use the New York, New York, export facility. Their ability to continue using this facility will not change. Only one exporter has been using the export facility at Portland, Oregon, on the basis of a case-by-case approval. Aproval of these facilities will not change this exporter's ability to ship animals. Since this action neither adds nor reduces costs to the exporters currently using these ports, nor to the Federal government, it is anticipated that there will be no significant economic impact as a result of this action. Based on the Department's past experience with this kind of facility, it is anticipated that very few small entities will use these facilities.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action since the export inspection facilities at the ports being added to the list of designated ports of embarkation have met the standards for export inspection facilities set forth in § 91.14(c) of the regulations, and the addition of these ports to the list must be made promptly in order to inform exporters of the current situation so that they can make appropriate plans to export their animals and avoid

unnecessary restrictions on the exportation of animals.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**.

The contents of §§ 91.14(a)(1), (2), and (3), are reorganized and renumbered in new §§ 91.14(a)(1) through (12). All designated ports of embarkation are listed alphabetically by location, with one State, territory, or United States Possession per subsection. The separate listings for airports, ocean ports, and border ports are eliminated. Each new individual listing indicates whether the port is an airport, ocean port, or border port, and if it has facilities to handle only certain species of animals. The name, address and telephone number of each facility is also included.

The listing for New York, New York, is changed to reflect the fact that that port now has facilities to handle all species of animals. The port of Portland, Oregon, is added to the list of designated ports. Both of these ports have already met the criteria for designation as approved ports of embarkation for all species of animals.

The citation of authority for this Part is also revised to include citations in the **Federal Register** referring to the organization and functions of the Animal and Plant Health Inspection Service (APHIS), and delegations of authority as follows: (1) from the Secretary, USDA, to the Assistant Secretary for Marketing and Consumer Services, USDA; (2) from the Assistant Secretary to the Administrator, APHIS; and (3) from the Administrator, APHIS, to other officials of APHIS.

Accordingly, Part 91, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 91 is revised to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 37 FR 28464, 28477; 38 FR 19141.

2. Section 91.14(a) is revised to read:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(1) *California.*

(i) Los Angeles—airport only.

(A) Jet Pets, Inc., 9014 Pershing Drive, Plaza del Rey, CA 90291, (213) 823–8901.

(B) Steifel Bros. Livestock, 14380 South Euclid Avenue, Chino, CA 91710, (714) 597–1756.

(ii) San Francisco—airport and ocean port.

(A) Cow Palace, P.O. Box 34206, San Francisco, CA 94134, (415) 469–6000.

(iii) Stockton—airport only.

(A) Hemet Flying Service, Stockton Municipal Airport, Stockton, CA 95204, (209) 982–1676.

(2) *Florida.*

(i) Miami—airport and ocean port.

(A) USDA Import-Export Center, 6300 N.W. 36th Street, P.O. Box 523054, Miami, FL 33152, (305) 526–2828.

(ii) Tampa—ocean port.

(A) Tampa Port Authority, 2703 E. 7th Avenue, Tampa, FL 33605, (813) 248–1924.

(3) *Illinois.*

(i) Chicago—airport only.

(A) C&R Midwest Quarantine Facilities, Ltd., Box 470, Route 31, Dundee, IL 60118, (312) 426–5009.

(4) *Kentucky.*

(i) Greater Cincinnati Airport.

(A) Newton Paddocks (horses only), Barn No. 8, Newton Pike, Lexington, KY 40511, (606) 253–3456.

(5) *Louisiana.*

(i) New Iberia—airport only.

(A) Acadiana Regional Airport, Star R–3, Box 390–H (ARA), New Iberia, LA 70560, (318) 365–7204.

(6) *New York.*

(i) Newburgh—airport only.

(A) Stewart Airport, Newburgh, NY 12550, (914) 564–7200.

(ii) New York—airport and ocean port.

(A) ASPCA, Bldg. 189, J. F. Kennedy International Airport (Cargo Area), Jamaica, NY 11430, (212) 656–6042.

(7) *Pennsylvania.*

(i) Harrisburg—airport only.

(A) Penn. Holstein Farm Export Inspection Facility, R.D. #1, Middletown, PA 17057, (717) 944–1374.

(8) *Oregon.*

(i) Portland—airport and ocean port.

(A) Northwest Quarantine Station, P.O. Box 17095, Portland, OR 97217, (503) 289–8876.

(9) *Puerto Rico.*

(i) San Juan—airport.

(A) El Commandante Race Track (Horses Only), P.O. Box 1304, Rio Piedras, PR 00929, (809) 724–6060.

(10) *Texas.*

(i) Brownsville—airport, ocean port, and border port.

(A) Texas Department of Agriculture, Livestock Inspection Facility, International Airport, Brownsville, TX 78520, (512) 546–5135.

(ii) Del Rio—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 1046, Del Rio, TX 78840, (512) 775–1518.

(iii) Eagle Pass—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 1164, Eagle Pass, TX 78852, (512) 773–2359.

(iv) El Paso—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, 10800 Socorro Drive, El Paso, TX 79927, (915) 543–7419.

(v) Houston—airport and ocean port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 60107, AMF, Houston, TX 77205, (713) 443–2447.

(vi) Laredo—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Route 1, Box 67–P, Laredo, TX 78040, (512) 722–6308.

(11) *Virginia.*

(i) Richmond—airport and ocean port.

(A) American Marketing Services, Inc., 1301 Hermitage Road, Richmond, VA 23220, (804) 359–4433.

(12) *Washington.*

(i) Moses Lake—airport only.

(A) Port of Moses Lake, Grant County Airport, Terminal Bldg., Moses Lake, WA 98837, (509) 762–5363.

(ii) Seattle—airport and ocean port.

(A) S&W Export Ltd., P.O. Box 68892, Seattle, WA 98188, (206) 248–2360.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 7th day of July 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-20205 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–WE–24–AD; Amdt. 39–4169]

Airworthiness Directives; Brackett Aircraft Company, Inc. (Brackett Aircraft Specialties, Inc.)

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a current airworthiness directive (AD) which requires inspection and eventual

removal from service of engine inlet air filter retainers made with aluminum mesh screen, installed in accordance with Brackett Aircraft Company, Inc. Supplemental Type Certificate (STC) SA71GL. This amendment broadens the applicability to include additional aircraft and another STC, and shortens the compliance time.

DATE: Effective July 20, 1981.

Compliance schedule—As prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Brackett Aircraft Company, Inc., 5015 Roadrunner Drive, Falcon Field, Mesa, Arizona 85205.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261

FOR FURTHER INFORMATION CONTACT:

Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment supersedes AD 78-25-05, Amendment 39-3365 which requires inspection and eventual replacement of inlet air filter retainers made with aluminum mesh screen, installed in accordance with STC SA71GL on various models of Cessna, Grumman American, Mooney, Piper and Varga (Shinn) aircraft. Brackett Aircraft Company, Inc. reported failures of the aluminum air filter retainers which has allowed filter element particles to enter the carburetor throat resulting in partial or complete loss of engine power. Also, cracks have been found in the weld areas where the retainer is welded to the frame. The retainer keeps the filter element from entering the engine air induction system. After issuing AD 78-25-05, the FAA has determined, through further study of maintenance and difficulty records, that the applicability must be broadened to include various models of Beech, and Consolidated Aeronautics (Lake) aircraft, and more models of aircraft identified in AD 78-25-05, for which installation of the Brackett air filter assembly is authorized by STC SA693CE. The replacement compliance time must be shortened since records reveal that several filter retainers have failed in less than 525 hours in service and one failed at only 185 hours. It is also necessary to require that gasket retainers be incorporated. These actions are necessary to preclude the ingestion of particles of the filter element, the retainer and the gasket into the carburetor. There are numerous different engine inlet air filter modifications eligible for installation by STC SA71GL and STC SA693CE on various models of Beech, Cessna, Consolidated Aeronautics (Lake), Grumman American, Mooney, Piper and Varga (Shinn) aircraft. Brackett Service Bulletins No. 3 and No. 6 identify aircraft model designations affected by this AD. Brackett Aircraft Company has developed and marketed replacement filter assembly kits for each of the affected Brackett filter assemblies. Brackett Service Bulletin No. 5 recommends installation of gasket retainer strips on certain Brackett filter assemblies to prevent gaskets from entering the engine induction system.

Therefore, AD 78-25-05, Amendment 39-3365 is being superseded by a new AD, which requires inspection and eventual replacement of the air filter retainers made using aluminum screen with air filter retainers made using steel screen and installation of gasket retainer strips for aircraft listed in Brackett Service Bulletins.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Brackett Aircraft Company, Inc. (Brackett Aircraft Specialties, Inc.): Applies to Brackett Aircraft Company, Inc., engine inlet air filters installed in accordance with Supplemental Type Certificate (STC) SA693CE and STC SA71GL on the following aircraft:

Beech A65, 70, 65-B80, 65-65, C-23, A-24R, and B-24R; Bonanza 33, 35, and 36, all models; *Cessna* Model 120, 140, 140A, 150, 150A, 150B, 150C, 150D, 150E, 150F, 150G, 150H, 150J, 150K, 150L, 150M, A150L, and A150M, 170, 170A, 170B, 172, 172A, 172B, 172C, 172D, 172E, 172F, 172G, 172H, 172I, 172K, 172L, and 172M, 177, 177A, 177B, 177RG, and F177RG, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 185, 185A, 185B, 185C, 185D, 185E, and A185F, 210A, B, C, D, E, and 310A, B, C, D, F, G, H, I, J, K, L; *Consolidated Aeronautics (Lake)* LA4-200; *Grumman American* Model AA-1, AA-1A, AA-1B, and AA-5; *Mooney* M18C, M20, M20A, M20B, M20C, M20D, and M20G; *Piper* Model PA-20, PA-20 115, and PA-20 135, PA-23-150, 160, PA-24-180 to S/N 1477, PA31, 31-30, 31-350; and *Varga (Shinn)* Model 2150A, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible failure of the aluminum air filter retainer screen or gaskets with potential ingestion of the screen, filter element and/or gasket particles into the carburetor throat, which could result in partial or complete loss of engine power, accomplish the following:

(a) Within 25 hours of time in service after the effective date of this AD, inspect aircraft as identified in Brackett Service Bulletin No. 3, Revision 1, dated March 1, 1979, or No. 6, Revision 1, dated June 29, 1981, as applicable, equipped with the Brackett Aircraft Company, Inc. engine inlet air filters, to determine

(1) Whether the air filter retainer screen is aluminum or steel, and (2) whether or not certain air filter frames incorporate a gasket retainer. Brackett filter assemblies Part Number BA 100, BA 2310, BA5710, BA 7110, BA 7210, BA 7310, BA 7410 and BA 7510 are required to have a gasket retainer incorporated. The gasket retainer may be a gasket retainer strip kit installed in accordance with Brackett Service Bulletin No. 5, dated July 28, 1980, or an extruded lip which is 1/32 inch high and an integral part of the filter frame furnished by Brackett Aircraft Company, Inc.

Note.—The aluminum air filter retainer screen can be identified by any one of the following: The screen has diamond shaped mesh with openings 1¾ inch x ¾ inch; aluminum screen is not magnetic; the date of manufacture was ink stamped on each retainer and may still be legible. Only retainers dated August 1978 and earlier have aluminum mesh screen.

Note.—The steel retainer screen can be identified by any one of the following:

The screen is ⅛ inch diamond mesh; the screen is magnetic; date of manufacture is ink stamped on each retainer and may still be legible. Retainers dated September 1978 and later have steel mesh screen.

(b) A determination that the air filter retainer screen is steel and that a gasket retainer is incorporated in the filter frame constitutes terminating action for this AD.

(c) Upon determination that the retainer screen is aluminum, visually inspect the aluminum retainer assembly for cracks or failed areas.

(1) If cracks or failed areas are found, prior to further flight, replace the aluminum retainer screen assembly with a steel screen assembly kit in accordance with Brackett Service Bulletin No. 3, Revision 1 dated March 1, 1979 or No. 6, Revision 1 dated June 29, 1981, as applicable. Each model air filter requires that a different Brackett kit be installed to comply with this AD.

(2) If cracks or failed areas are not found, the air filter assembly may be temporarily returned to service. Remove retainers with aluminum screen from service prior to the accumulation of 100 hours additional time in service.

(d) After the inspection required in Paragraph (a) and upon determination that a gasket retainer is not incorporated in the filter retainer, prior to the accumulation of 25 additional hours of service, install gasket retainer strips in accordance with Brackett Service Bulletin No. 5 dated July 28, 1980.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C 533(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Brackett Aircraft Company, Inc., 5015 Roadrunner Drive, Falcon Field, Mesa, Arizona 85205.

These documents may also be examined at:

FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and at:

FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment become effective July 20, 1981.

This supersedes AD 78-25-05, Amendment 39-3365, [43 FR 57865]

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, and evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on July 1, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-20316 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-34-AD; Amdt. 39-4162]

Airworthiness Directives; Groupement d'Interet Economique Airbus (Airbus Industrie) A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to Airbus Industrie A300 airplanes, which was issued to require inspection of the auxiliary power unit (APU) generator feeder cable splices and replacement if they show indications of overheating, incorrect crimping, or incorrect type protective insulating sleeves. The original AD was issued following discovery of cable damage on an in-service Model A300 airplane. Subsequent to issuance of the AD, it was found that incorrectly crimped splices may exist at two additional locations; this amendment requires inspections at these new locations. It is necessary to prevent a possible fire hazard.

DATE: Effective date July 22, 1981.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to Groupement d'Interet Economique, Airbus Industrie, Avenue Lucien, Servanty B.P. No. 33, 31700, Blagnar, France. These documents may also be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANW-150S, Federal Aviation Administration, Seattle Area Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: AD 80-26-07 (45 FR 84013, December 22, 1980) was issued to require inspections and replacement, as necessary, of the A300 series airplane's APU generator feeder cable splices for overheating resulting from incorrect crimping, and/or use of improper sleeves. This was necessary to prevent a possible fire hazard. Subsequent to issuance of the AD, an extensive check by the manufacturer revealed that APU generator feeder cable splices at two additional locations may also have been incorrectly crimped. The manufacturer has issued a service bulletin requiring inspection and replacement of these additional splices. This amendment revises the inspection and replacement requirements of AD 80-26-07 to include these additional splices. Since the group of affected aircraft for this latest problem is different than the previous one, the AD is revised accordingly. Since this condition is likely to develop or exist on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and replacement as necessary. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 80-26-07 as follows:

1. Amend the applicability statement to read as follows:

Airbus Industrie: Applies to Model A300 series airplanes certified in all categories. Compliance required as indicated unless already accomplished. To detect improper installation of the APU generator feeder cable splices and to prevent a possible fire hazard, accomplish the following:

2. Remove paragraph A and insert the following:

A. Within one week after the effective date of this AD render the APU generator electrically inoperative and place and "APU GENERATOR INOP" placard in view of the flight crew in airplanes manufacturer serial numbers (MSN) 002 through 116 except 082, 089, 090, and 095, that have been modified in accordance with Airbus Industrie Modification No. 2676, until Paragraph E below is accomplished.

3. Remove paragraph B and add the following:

B. Within the next 100 flights after the effective date of this AD, inspect the APU generator feeder cable splices at station 809VS of manufacturer serial numbers (MSN) 002 through 119 except 082, 089, 090, and 095, which have not been modified by Airbus

Industrie Modification No. 2876, in accordance with paragraphs DD.2 and .3 of Airbus Industrie ALL OPERATORS TELEX (AOT) 24/80/102 dated October 30, 1980, or paragraph 2.B(1)(A) of Airbus Industrie Service Bulletin Number A300-24-048 dated January 6, 1981, or later FAA approved revisions.

1. If any indication of splice overheat is found or any crimped splices are not correct, replace all affected feeder cable splices in accordance with Paragraph E, below, prior to the next flight or render the APU generator electrically inoperative and place an "APU GENERATOR INOP" placard in view of the flight crew until Paragraph E, below, is accomplished.

2. If incorrect insulating heat shrink sleeves are discovered, but no indications of splice overheat or incorrectly crimped splices are found, flight operations may be continued with inspections every 100 flights, until the replacement required by paragraph C, below, is accomplished.

4. Remove paragraph E and add the following:

E. Replace the splices and sleeves in accordance with Airbus Industrie AOT 24/80/102 dated October, 30, 1980, or A300 Service Bulletin 24-048 dated January 6, 1981, or later FAA approved revisions.

5. Add the following new paragraphs:

F. Within the next 250 flights from the effective date of this amendment, unless already accomplished, inspect the APU generator feeder cable splices at stations 808VS and 160VS of manufacturer serial numbers (MSN) 002 through 119, except 029, 090, 112, and 117, in accordance with paragraph 2.b of Airbus Industrie Service Bulletin A300-24-050, dated March 31, 1981, or later FAA approved revisions.

1. If any indication of splice overheat is found, replace the defective splice(s) plus the corresponding splices of the same phase in accordance with paragraph G, prior to the next flight, or render the APU generator electrically inoperative and place an "APU GENERATOR INOP" placard in view of the flight crew until paragraph G below is accomplished.

2. If incorrectly crimped splices are found, replace the defective splices before December 31, 1981, in accordance with paragraph G below.

3. If no indications of overheating or incorrect crimping are found, no further action is required.

G. Replace the defective splices at stations 808VS and 160VS in accordance with Airbus Industrie Service Bulletin A300-24-048, dated March 31, 1981, or later FAA approved revisions.

H. Alternative methods of compliance with this A.D. which provide an equivalent level of safety may be utilized when they are approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The Manufacturer's specifications and procedures indentified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 22, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

• Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on July 2, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-20316 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-30; Amdt. 39-4154]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350B, AS350C, AS350D, and AS350D-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection and replacement as necessary of certain emergency float mounting brackets installed on SNIAS Models AS350B, AS350C, AS350D and AS350D-1 helicopters, equipped with Air Cruisers' emergency flotation gear in accordance with Supplemental Type Certificate (STC) SH2825SW (AS350C, AS350D, AS350D-1) or STC SH4032SW (AS350B). The AD is needed to prevent failure of the emergency float mounting brackets which could result in loss of the helicopter in the event of an emergency situation requiring the ditching of the helicopter.

DATE: Effective August 7, 1981.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: Aerospatiale Service Information may be obtained from Technical Support Department, Aerospatiale Helicopter Corp., 2701 Forum Drive, Grand Prairie, Texas 75051.

These documents may also be examined at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: There have been two reports of emergency float mounting bracket failures resulting in loss of the helicopter after the floats were successfully deployed, and three reports of cracked brackets found during inspections. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection and replacement as necessary of certain emergency float mounting brackets, P/N D16532-2, D16625-3, and D16625-4, installed on SNIAS Models AS350B, AS350C, AS350D, and AS350D-1 helicopters equipped with Air Cruisers' emergency flotation gear in accordance with STC SH2825SW or SH4032SW.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Models AS350B, AS350C, AS350D, and AS350D-1 helicopters equipped with Air Cruisers' emergency flotation gear Model D24724 in accordance with STC SH2825SW (AS350C, AS350D, AS350D-1) or SH4032SW (AS350B), certificated in all categories (Airworthiness Docket No. 81-ASW-30).

Compliance required as indicated.

To prevent possible failure of the emergency float gear mounting brackets, P/N D16532-2, D16625-3, and D16625-4, due to fatigue cracks, accomplish the following within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

a. Conduct a dimensional inspection of the four float mounting brackets, in accordance with Figure 1 of Aerospatiale Helicopter Corp. Service Bulletin No. SB350-13, dated May 22, 1981, to determine which part number brackets are installed.

b. If machined brackets, P/N D16532-1, D16625-1, and D16625-2 are installed, no further action is necessary.

c. If cast brackets, P/N D16532-2, D16625-3, and D16625-4, are installed, remove and replace with machined brackets, P/N D16532-1, D16625-1, and D16625-2.

d. The helicopter may be flown in accordance with FAR 21.197 to a base where the inspection can be performed.

This amendment becomes effective August 7, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A final regulatory evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Courts of Appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on June 23, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-20315 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AEA-5]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Airway V-268

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters a low altitude airway in the vicinity of Hagerstown, Md., and Indian Head, Pa. The change eliminates a small segment of V-268 and redefines the airway to permit flight from northwest of and via Indian Head, then direct to Hagerstown. The route is presently used as an arrival and departure radar vector route for traffic to and from Pittsburgh and Hagerstown. This action will reduce coordination communication time and the existing airway mileage.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter V-268 in the vicinity of Hagerstown, Md., and Indian Head, Pa. (46 FR 23069). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters Federal Airway V-268. The segment of V-268 between Hagerstown, Md., and Flint intersection will be deleted. V-268 is redefined starting at Nesto intersection, then direct to Indian Head, and thence to Hagerstown. The route is presently used as an arrival and departure radar vector route for traffic to and from Hagerstown and Pittsburgh. This action will designate an airway for this present vector route, thereby reducing coordination communication time and existing airway mileage.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended effective 0901 GMT, October 1, 1981, by deleting under V-268 the words "From INT Grantsville, Md., 066° and Martinsburg, W. Va., 297° radials;" and substituting for them the words "INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on July 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-20321 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF STATE

Office of the Secretary

[Departmental Regulation 108.869]

22 CFR Part 181

Coordination and Reporting of International Agreements

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is adding new regulations to implement the Case-Zablocki Act on the coordination with the Secretary of State and the reporting to Congress of international agreements of the United States. The Act, which authorizes the promulgation of implementing regulations, requires the Secretary of State to transmit the text of all international agreements, other than treaties, to the Congress no later than 60 days after their entry into force. The Act

also provides that no international agreement may be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State.

The regulations are applicable to all agencies of the U.S. Government that negotiate and conclude international agreements. The regulations outline the criteria applied by the Department of State in deciding what constitutes an international agreement, and provide that determinations of such questions are made by the Legal Adviser of the Department of State, usually acting through the Assistant Legal Adviser for Treaty Affairs. The regulations spell out procedures to be followed in consulting with the Secretary of State or his designee before signing or otherwise concluding an international agreement, and detail the procedures to be followed by the Department of State in transmitting concluded agreements to the Congress.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur W. Rovine, Assistant Legal Adviser for Treaty Affairs, Department of State, Washington, D.C. 20520, (202) 632-1074.

SUPPLEMENTARY INFORMATION: On November 17, 1980, a notice of proposed rulemaking on the coordination and reporting of international agreements was published in the **Federal Register** (45 FR 75687). No comments were received from the public. There were several comments from interested government agencies, and after consultations, certain amendments to the proposed rules were made. The most important change is the addition of language at § 181.4(d) providing that if unusual circumstances prevent an agency from consulting with the Department of State on a proposed agreement at least 60 days prior to the anticipated date for concluding such agreement, the agency is to use its best efforts to consult as early as possible prior to the conclusion of the agreement.

In response to expressed concerns about the meaning of "implementing agreements" at § 181.2(c), a new provision was added stipulating that project annexes and other documents which provide technical content for umbrella agreements are not normally treated as separate international agreements.

In consideration of the foregoing, 22 CFR, Chapter I is hereby amended by adding a new Subchapter S, "International Agreements," Part 181 on the Coordination and Reporting of International Agreements to read as follows:

SUBCHAPTER S—INTERNATIONAL AGREEMENTS

PART 181—COORDINATION AND REPORTING OF INTERNATIONAL AGREEMENTS

Sec.

181.1 Purpose and application.
181.2 Criteria.
181.3 Determinations.
181.4 Consultations with the Secretary of State.
181.5 Twenty-day rule for concluded agreements.
181.6 Documentation and certification.
181.7 Transmittal to the Congress.

Authority: 1 U.S.C. 112b; 22 U.S.C. 2656; 22 U.S.C. 3312.

§ 181.1 Purpose and application.

(a) The purpose of this part is to implement the provisions of 1 U.S.C. 112b, popularly known as the Case-Zablocki Act (hereinafter referred to as the "Act"), on the reporting to Congress and coordination with the Secretary of State of international agreements of the United States. This part applies to all agencies of the U.S. Government whose responsibilities include the negotiation and conclusion of international agreements. This part does not, however, constitute a delegation by the Secretary of State of the authority to engage in such activities. Further, it does not affect any additional requirements of law governing the relationship between particular agencies and the Secretary of State in connection with international negotiations and agreements, or any other requirements of law concerning the relationship between particular agencies and the Congress. The term "agency" as used in this part means each authority of the United States Government, whether or not it is within or subject to review by another agency.

(b) Pursuant to the key legal requirements of the Act—full and timely disclosure to the Congress of all concluded agreements and consultation by agencies with the Secretary of State with respect to proposed agreements—every agency of the Government is required to comply with each of the provisions set out in this part in implementation of the Act. Nevertheless, this part is intended as a framework of measures and procedures which, it is recognized, cannot anticipate all circumstances or situations that may arise. Deviation or derogation from the provisions of this part will not affect the legal validity, under United States law or under international law, of agreements concluded, will not give rise to a cause of action, and will not affect any public or private rights established by such agreements.

§ 181.2 Criteria.

(a) *General.* The following criteria are to be applied in deciding whether any undertaking, oral agreement, document, or set of documents, including an exchange of notes or of correspondence, constitutes an international agreement within the meaning of the Act, as well as within the meaning of 1 U.S.C. 112a, requiring the publication of international agreements. Each of the criteria except those in paragraph (a)(5) of this section must be met in order for any given undertaking of the United States to constitute an international agreement.

(1) *Identity and intention of the parties.* A party to an international agreement must be a state, a state agency, or an intergovernmental organization. The parties must intend their undertaking to be legally binding, and not merely of political or personal effect. Documents intended to have political or moral weight, but not intended to be legally binding, are not international agreements. An example of the latter is the Final Act of the Helsinki Conference on Cooperation and Security in Europe. In addition, the parties must intend their undertaking to be governed by international law, although this intent need not be manifested by a third-party dispute settlement mechanism or any express reference to international law. In the absence of any provision in the arrangement with respect to governing law, it will be presumed to be governed by international law. This presumption may be overcome by clear evidence, in the negotiating history of the agreement or otherwise, that the parties intended the arrangement to be governed by another legal system. Arrangements governed solely by the law of the United States, or one of the states or jurisdictions thereof, or by the law of any foreign state, are not international agreements for these purposes. For example, a foreign military sales loan agreement governed in its entirety by U.S. law is not an international agreement.

(2) *Significance of the arrangement.* Minor or trivial undertakings, even if couched in legal language and form, are not considered international agreements within the meaning of the Act or of 1 U.S.C. 112a. In deciding what level of significance must be reached before a particular arrangement becomes an international agreement, the entire context of the transaction and the expectations and intent of the parties must be taken into account. It is often a matter of degree. For example, a promise to sell one map to a foreign nation is not an international agreement; a promise to exchange all maps of a particular region to be produced over a period of years may be an international agreement. It remains a matter of judgment based on all of the circumstances of the transaction. Determinations are made pursuant to § 181.3. Examples of arrangements that may constitute international agreements are agreements that: (a) are of political significance; (b) involve substantial grants of funds or loans by the United States or credits payable to the United States; (c) constitute a substantial commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations; (d) involve continuing and/or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment, or the pooling of data. However, individual research grants and contracts do not ordinarily constitute international agreements.

(3) *Specificity, including objective criteria for determining enforceability.* International agreements require precision and specificity in the language setting forth the undertakings of the parties. Undertakings couched in vague or very general terms containing no objective criteria for determining enforceability or performance are not normally international agreements. Most frequently such terms reflect an intent not to be bound. For example, a promise to "help develop a more viable world economic system" lacks the specificity essential to constitute a legally binding international agreement. However, the intent of the parties is the key factor. Undertakings as general as those of, for example, Articles 55 and 56 of the United Nations Charter have been held to create internationally binding obligations intended as such by the parties.

(4) *Necessity for two or more parties.* While unilateral commitments on occasion may be legally binding, they do not constitute international agreements. For example, a statement by the President promising to send money to Country Y to assist earthquake victims would not be an international agreement. It might be an important undertaking, but not all undertakings in international relations are in the form of international agreements. Care should be taken to examine whether a particular undertaking is truly unilateral in nature, or is part of a larger bilateral or multilateral set of undertakings. Moreover, "consideration," as that term is used in domestic contract law, is not required for international agreements.

(5) *Form.* Form as such is not normally an important factor, but it does deserve consideration. Documents which do not follow the customary form for international agreements, as to matters such as style, final clauses, signatures, or entry into force dates, may or may not be international agreements. Failure to use the customary form may constitute evidence of a lack of intent to be legally bound by the arrangement. If, however, the general content and context reveal an intention to enter into a legally binding relationship, a departure from customary form will not preclude the arrangement from being an international agreement. Moreover, the title of the agreement will not be determinative. Decisions will be made on the basis of the substance of the arrangement, rather than on its denomination as an international agreement, a memorandum of understanding, exchange of notes, exchange of letters, technical arrangement, protocol, note verbale, aide-memoire, agreed minute, or any other name.

(b) *Agency-Level agreements.* Agency-level agreements are international agreements within the meaning of the Act and of 1 U.S.C. 112a if they satisfy the criteria discussed in paragraph (a) of this section. The fact that an agreement is concluded by and on behalf of a particular agency of the United States Government, rather than the United States Government, does not mean that the agreement is not an international agreement. Determinations are made on the basis of the substance of the agency-level agreement in question.

(c) *Implementing agreements.* An implementing agreement, if it satisfies the criteria discussed in paragraph (a) of this section, may be an international agreement, depending upon how precisely it is anticipated and identified in the underlying agreement it is designed to implement. If the terms of the implementing agreement are closely anticipated and identified in the underlying agreement, only the underlying agreement is considered and international agreement. For example, the underlying agreement might call for the sale by the United States of 1000 tractors, and a subsequent implementing agreement might require a first installment on this obligation by the sale of 100 tractors of the brand X variety. In that case, the implementing agreement is sufficiently identified in the underlying agreement, and would not itself be considered an international agreement within the meaning of the Act or of 1 U.S.C. 112a. Project annexes and other documents which provide technical content for an umbrella agreement are not normally treated as international agreements. However, if the underlying agreement is general in nature, and the implementing agreement meets the specified criteria of paragraph (a) of this section, the implementing agreement might well be an international agreement. For example, if the underlying agreement calls for the conclusion of "agreements for agricultural assistance," but without further specificity, then a particular agricultural assistance agreement subsequently concluded in "implementation" of that obligation, provided it meets the criteria discussed in paragraph (a) of this section, would constitute an international agreement independent of the underlying agreement.

(d) *Extensions and modifications of agreements.* If an undertaking constitutes an international agreement within the meaning of the Act and of 1 U.S.C. 112a, then a subsequent extension or modification of such an agreement would itself constitute an international agreement within the meaning of the Act and of 1 U.S.C. 112a.

(e) *Oral agreements.* Any oral arrangement that meets the criteria discussed in paragraphs (a)(1)–(4) of this section is an international agreement and, pursuant to section (a) of the Act, must be reduced to writing by the agency that concluded the oral arrangement. In such written form, the arrangement is subject to all the requirements of the Act and of this part. Whenever a question arises whether an oral arrangement constitutes an international agreement, the arrangement shall be reduced to writing and the decision made in accordance with § 181.3.

§ 181.3 Determinations.

(a) Whether any undertaking, document, or set of documents constitutes or would constitute an international agreement within the meaning of the Act or of 1 U.S.C. 112a shall be determined by the Legal Adviser of the Department of State, a Deputy Legal Adviser, or in most cases the Assistant Legal Adviser for Treaty Affairs. Such determinations shall be made either on a case-by-case basis, or on periodic consultation, as appropriate.

(b) Agencies whose responsibilities include the negotiation and conclusion of international agreements are responsible for transmitting to the

Assistant Legal Adviser for Treaty Affairs, for decision pursuant to paragraph (a) of this section, the texts of any document or set of documents that might constitute an international agreement. The transmittal shall be made prior to or simultaneously with the request for consultations with the Secretary of State required by subsection (c) of the Act and § 181.4 of this part.

(c) Agencies whose responsibilities include the negotiation and conclusion of large numbers of agency-level and implementing arrangements at overseas posts, only a small number of which might constitute international agreements within the meaning of the Act and of 1 U.S.C. 112a, are required to transmit prior to their entry into force only the texts of the more important of such arrangements for decision pursuant to paragraph (a) of this section. The texts of all arrangements that might constitute international agreements shall, however, be transmitted to the Office of the Assistant Legal Adviser for Treaty Affairs as soon as possible, and in no event to arrive at that office later than 20 days after their signing, for decision pursuant to paragraph (a) of this section.

(d) Agencies to which paragraphs (b) and (c) of this section apply shall consult periodically with the Assistant Legal Adviser for Treaty Affairs in order to determine which categories of arrangements for which they are responsible are likely to be international agreements within the meaning of the Act and of 1 U.S.C. 112a.

§ 181.4 Consultations with the Secretary of State.

(a) The Secretary of State is responsible, on behalf of the President, for ensuring that all proposed international agreements of the United States are fully consistent with United States foreign policy objectives. Except as provided in § 181.3(c) of this part, no agency of the U.S. Government may conclude an international agreement, whether entered into in the name of the U.S. Government or in the name of the agency, without prior consultation with the Secretary of State or his designee.

(b) The Secretary of State (or his designee) gives his approval for any proposed agreement negotiated pursuant to his authorization, and his opinion on any proposed agreement negotiated by an agency which has separate authority to negotiate such agreement. The approval or opinion of the Secretary of State or his designee with respect to any proposed international agreement will be given pursuant to Department of State procedures set out in Volume 11, *Foreign Affairs Manual*, Chapter 700 (Circular 175 procedure). Officers of the Department of State shall be responsible for the preparation of all documents required by the Circular 175 procedure.

(c) Pursuant to the Circular 175 procedure, the approval of, or an opinion on a proposed international agreement to be concluded in the name of the U.S. Government will be given either by the Secretary of State or his designee. The approval of, or opinion on a proposed international agreement to be concluded in the name of a particular agency of the U.S. Government will be given by the interested assistant secretary or secretaries of State, or their designees, unless such official(s) judge that consultation with the Secretary, Deputy Secretary, or an Under Secretary is necessary. The approval of, or opinion on a proposed international agreement will normally be given within 20 days of receipt of the request for consultation and of the information as required by § 181.4(d)–(g).

(d) Any agency wishing to conclude an international agreement shall transmit to the interested bureau or office in the Department of State, or to the Office of the Legal Adviser, for consultation pursuant to this section, a draft text or summary of the proposed agreement, a precise citation of the Constitutional, statutory, or treaty authority for such agreement, and other background information as requested by the Department of State. The transmittal of the draft text or summary and citation of legal authority shall be made before negotiations are undertaken, or if that is not feasible, as early as possible in the negotiating process. In any event such transmittals must be made no later than 50 days prior to the anticipated date for concluding the proposed agreement. If unusual circumstances prevent this 50-day requirement from being met, the concerned agency shall use its best efforts to effect such transmittal as early as possible prior to the anticipated date for concluding the proposed agreement.

(e) If a proposed agreement embodies a commitment to furnish funds, goods, or services that are beyond or in addition to those authorized in an approved budget, the agency proposing the agreement shall state what arrangements have been planned or carried out concerning consultation with the Office of Management and Budget for such commitment. The Department of State should receive confirmation that the relevant budget approved by the President provides or requests funds adequate to fulfill the proposed commitment, or that the President has made a determination to seek the required funds.

(f) Consultation may encompass a specific class of agreements rather than a particular agreement where a series of agreements of the same general type is contemplated; that is, where a number of agreements are to be negotiated according to a more or less standard formula, such as, for example, Public Law 480 Agricultural Commodities Agreements. Any agency wishing to conclude a particular agreement within a specific class of agreements about which consultations have previously been held pursuant to this section shall transmit a draft text of the proposed agreement to the Office of the Legal Adviser as early as possible but in no event later than 20 days prior to the anticipated date for concluding the agreement.

(g) The consultation requirement shall be deemed to be satisfied with respect to proposed international agreements of the United States about which the Secretary of State (or his designee) has been consulted in his capacity as a member of an interagency committee or council established for the purpose of approving such proposed agreements. Designees of the Secretary of State serving on any such interagency committee or council are to provide as soon as possible to the interested offices or bureaus of the Department of State and to the Office of the Legal Adviser copies of draft texts or summaries of such proposed agreements and other background information as requested.

(h) Before an agreement containing a foreign language text may be signed or otherwise concluded, a signed memorandum must be obtained from a responsible language officer of the Department of State or of the U.S. Government agency concerned certifying that the foreign language text and the English language test are in conformity with each other and that both texts have the same meaning in all substantive respects. The signed memorandum is to be made available to the Department of State upon request.

§ 181.5 Twenty-day rule for concluded agreements.

(a) Any agency, including the Department of State, that concludes an international agreement within the meaning of the Act and of 1 U.S.C. 112a, whether entered into in the name of the U.S. Government or in the name of the agency, must transmit the text of the concluded agreement to the office of the Assistant Legal Adviser for Treaty Affairs as soon as possible and in no event to arrive at that office later than 20 days after the agreement has been signed. The 20-day limit, which is required by the Act, is essential for purposes of permitting the Department of State to meet its obligation under the Act to transmit concluded agreements to the Congress no later than 60 days after their entry into force.

(b) In any case of transmittal after the 20-day limit, the agency or Department of State office concerned may be asked to provide to the Assistant Legal Adviser for Treaty Affairs a statement describing the reasons for the late transmittal. Any such statements will be used, as necessary, in the preparation of the annual report on late transmittals, to be signed by the President and transmitted to the Congress, as required by subsection (b) of the Act.

§ 181.6 Documentation and certification.

(a) Transmittals of concluded agreements to the Assistant Legal Adviser for Treaty Affairs pursuant to § 181.5 must include the signed or initialed original texts, together with all accompanying papers, such as agreed minutes, exchanges of notes, or side letters. The texts transmitted must be accurate, legible, and complete, and must include the texts of all languages in which the agreement was signed or initiated. Names and identities of the individuals signing or initialing the agreements, for the foreign government as well as for the United States, must, unless clearly evident in the texts transmitted, be separately provided.

(b) Agreements from overseas posts should be transmitted to the Department of State by priority airgram, marked for the attention of the Assistant Legal Adviser for Treaty Affairs, with the following notation below the enclosure line: FAIM: Please send attached original agreement to L/T on arrival.

(c) Where the original texts of concluded agreements are not available, certified copies must be transmitted in the same manner as original texts. A certified copy must be an exact copy of the signed original.

(d) When an exchange of diplomatic notes between the United States and a foreign government constitutes an agreement or has the effect of extending, modifying, or terminating an agreement to which the United States is a party, a properly certified copy of the note from the United States to the foreign government, and the signed original of the note from the foreign government, must be transmitted. If, in conjunction with the agreement signed, other notes related thereto are exchanged (either at the same time, beforehand, or subsequently), properly certified copies of the notes from the United States to the foreign government must be transmitted with the signed originals of the notes from the foreign government.

(e) Copies may be certified either by a certification on the document itself, or by a separate certification attached to the document. A certification on the document itself is placed at the end of the document. It indicates, either typed or stamped, that the document is a true copy of the original signed or initialed by (insert full name of signing officer), and it is signed by the certifying officer. If a certification is typed on a separate sheet of paper, it briefly describes the document certified and states that it is a true copy of the original signed by (full name) and it is signed by the certifying officer.

§ 181.7 Transmittal to the Congress.

(a) International agreements other than treaties shall be transmitted by the Assistant Legal Adviser for Treaty Affairs to the President of the Senate and the Speaker of the House of Representatives as soon as practicable after the entry into force of such agreements, but in no event later than 60 days thereafter.

(b) Classified agreements shall be transmitted by the Assistant Secretary of State for Congressional Relations to the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs.

(c) The Assistant Legal Adviser for Treaty Affairs shall also transmit to the President of the Senate and to the Speaker of the House of Representatives background information to accompany each agreement reported under the Act. Background statements, while not expressly required by the Act, have been requested by the Congress and have become an integral part of the reporting requirement. Each background statement shall include information explaining the agreement, the negotiations, the effect of the agreement, and a precise citation of legal authority. At the request of the Assistant Legal Adviser for Treaty Affairs, each background statement is to be prepared in time for transmittal with the agreement it accompanies by the office most closely concerned with the agreement. Background statements for classified agreements are to be transmitted by the Assistant Secretary of State for Congressional Relations to the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs.

(d) Pursuant to Section 12 of the Taiwan Relations Act (22 U.S.C. 3311), any agreement entered into between the American Institute in Taiwan and the governing authorities on Taiwan, or any agreement entered into between the Institute and an agency of the United States Government, shall be transmitted by the Assistant Secretary of State for Congressional Relations to the President of the Senate and to the Speaker of the House Representatives as soon as practicable after the entry into force of such agreements, but in no event later than 60 days thereafter. Classified agreements entered into by the Institute shall be transmitted by the Assistant Secretary for Congressional Relations to the Senate Committee on Foreign Affairs.

Dated: April 27, 1981.

William P. Clark,

Deputy Secretary of State.

[FR Doc. 81-20419 Filed 7-10-81; 8:45 am]

BILLING CODE 4710-08-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 66

[Docket No. FEMA-66]

Consultation With Local Officials

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule and request for comments.

SUMMARY: Section 206 of the Flood Disaster Protection Act of 1973 requires the Federal Insurance Administration (FIA) to provide consultation with appropriate local officials when undertaking a study of flood elevations. Pursuant to its own regulations, the FIA has satisfied the consultation requirement by conducting a time and cost meeting at the initiation of each flood elevation study. The FIA has determined not to hold the initial time and cost meeting under certain circumstances. Because the majority of the flood elevation studies have already been initiated, and any future mapping emphasis will be on modification of existing elevations, FIA believes that it can continue to provide adequate consultation with local officials without conducting these initial meetings prior to undertaking the studies for these modifications.

DATES: Effective date August 12, 1981. Comment due date: September 11, 1981.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 801, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal

Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 755–5585.

SUPPLEMENTARY INFORMATION: Section 206 of the Flood Disaster Protection Act of 1973 requires the Federal Insurance Administration to provide adequate consultation with appropriate elected local officials when determining flood elevations for the community. The current National Flood Insurance Program regulations implementing Section 206 provide for the appointment of a Consultation Coordination Officer (CCO) when a flood elevation study is undertaken. Furthermore, before commencing with a flood elevation study, a meeting with local officials is to be held. The current regulations contain sections setting forth both the responsibilities and duties of the consultation coordination officer.

The majority of the flood elevation studies have been initiated. The future mapping emphasis will be on modifications to existing elevations and on amendment to the existing maps. With the mapping emphasis changing from the initial determination of flood elevations to the modification of such elevations on final maps, FIA believes that it can continue to provide adequate consultation with local officials without conducting meetings prior to the undertaking of the modifications.

There are several reasons for not conducting meetings prior to undertaking a study to modify flood elevations. Communities for which such studies are to be undertaken have been participating in the Program for some time and, therefore, are presumed to be quite knowledgeable about the Program. Also flood elevation studies have been previously conducted in those communities. Thus, there is less need to explain the process and techniques used to determine flood elevations at a formal meeting. Finally, to conduct a meeting prior to undertaking a study to modify flood elevations will place a great administrative burden on FIA. Travel funds have been greatly restricted and few staff are available to conduct the meetings.

FIA believes that the notification in writing to the local officials can assure adequate consultation in this situation. In addition, FIA will continue its policy of working closely with those communities for which an initial study or a study to modify flood elevations has been undertaken.

For clarity, §§ 66.5 (Responsibilities of CCO) and 66.6 (Duties of CCO) have been consolidated into a new § 66.5 (Responsibilities for Consultation and Coordination).

Because FIA is about to commence the modification of flood elevations in several hundred coastal communities and because other modifications to existing flood elevations routinely are initiated, in the interest of expediting such undertakings, FIA believes that it is impracticable to issue such regulations for public comment prior to them becoming effective. The substantive statutory requirement to provide adequate consultation will continue to be satisfied. It is only the procedural means to meet that requirement which are being amended. Interested parties and government agencies are encouraged to submit written comments, views, or data concerning these amendments.

This rule does not have a substantial impact upon the quality of the environment. A finding to that affect is included in the formal docket file and is available for public inspection at the above address.

This rule is not a "major rule" within the purview of the requirements of Executive Order 12291 for "major rules" FEMA has complied, to the extent permitted by law, with the general requirements of Executive Order 12291 pertaining to all rules and regulations. FEMA has weighed carefully the need for this rule, examined the consequences and possible alternatives to the rule, and has chosen the approach which maximizes the net benefit to society and involves the least net cost to society.

The rule will not have a significant economic impact on a substantial number of small entities and, therefore, a flexibility analysis, under the provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), is not required.

Accordingly, Part 66 of Title 44 of the Code of Federal Regulations is amended as follows:

1. The table of contents to Part 66 is revised as follows:

PART 66—CONSULTATION WITH LOCAL OFFICIALS

Sec.
66.1 Purpose of part.
66.2 Definitions.
66.3 Establishment of Community Case File and flood elevation study docket.
66.4 Appointment of consultation coordination officer.
66.5 Responsibilities for consultation and coordination.

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367).

2. Section 66.1(c) is amended by adding a new subparagraph (4) to read as follows:

§ 66.1 Purpose of part.

* * * * *

(c) * * *

(4) Carry out the responsibilities for consultation and coordination set forth in § 66.5 of this part.

3. Section 66.4 is revised to read as follows:

§ 66.4 Appointment of consultation coordination officer.

The Administrator may appoint an employee of the Federal Emergency Management Agency, or other designated Federal employee, as the Consultation Coordination Officer, for each community when an analysis is undertaken to establish or to modify flood elevations pursuant to a new study or a restudy. When a CCO is appointed by the Administrator, the responsibilities for consultation and coordination as set forth in § 66.5 shall be carried out by the CCO. The Administrator shall advise the community and the state coordinating agency, in writing, of this appointment.

4. Section 66.5 is revised to read as follows:

§ 66.5 Responsibilities for consultation and coordination.

(a) Contact shall be made with appropriate officials of a community in which a proposed investigation is undertaken, and with the state coordinating agency.

(b) Local dissemination of the intent and nature of the investigation shall be encouraged so that interested parties will have an opportunity to bring relevant data to the attention of the community and to the Administrator.

(c) Submission of information from the community concerning the study shall be encouraged.

(d) Appropriate officials of the community shall be fully informed of (1) the responsibilities placed on them by the Program, (2) the administrative procedures followed by the Federal Insurance Administration, (3) the community's role in establishing elevations, and (4) the responsibilities of the community if it participates or continues to participate in the Program.

(e) Before the commencement of an initial Flood Insurance Study, the CCO or other FEMA representative, together with a representative of the organization undertaking the study, shall meet with officials of the community. The state coordinating agency shall be notified of this meeting and may attend. At this meeting, the local officials shall be informed of (1) the date when the study will commence, (2) the nature and purpose of the study, (3) areas involved, (4) the manner in which the study shall be undertaken, (5) the general principles to be applied, and (6) the intended use of the data obtained. The community shall be informed in writing if any of the six preceding items are or will be changed after this initial meeting and during the course of the ongoing study.

(f) The community shall be informed in writing of any intended modification to the community's final flood elevation determinations or the development of new elevations in additional areas of the community as a result of a new study or restudy. Such information to the community will include the data set forth in subparagraph (e) of this section. At the discretion of the Director of the Insurance and Mitigation Division in each FEMA Regional Office, a meeting may be held to accomplish this requirement.

§ 66.6 [Removed].

5. Section 66.6 is removed.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367))

(Catalog of Federal Domestic Assistance Number 83.100 of the National Flood Insurance Program)

Issued: May 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

Finding of No Significant Impact on Environment by Revising Procedures for Consultation with Local Officials

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and the implementating regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), the Federal Emergency Management Agency (FEMA) has proposed action to revise its existing procedures for providing consultation with local officials.

The assessment concludes that there will be no significant impact on the natural or man-made environment as a result of the implementation of this proposed program.

It is hereby found that this action does not constitute a major Federal action significantly affecting the quality of the human environment. On this basis, an environmental impact statement will not be prepared.

Copies of the environmental assessment are available for inspection at: Federal Emergency Management Agency, Room 802, 1725 I Street, N.W., Washington, D.C. 20572, Telephone (202) 634–4100.

A limited number of single copies are available and may be obtained by writing to the above address.

Dated: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–20495 Filed 7–10–81; 8:45 am]
BILLING CODE 6718–01–M

Proposed Rules

Federal Register
Vol. 46, No. 133
Monday, July 13, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

Irish Potatoes Grown in Washington; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of potatoes grown in Washington to be inspected and meet minimum grade, size, maturity and pack requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable quality and sizes from being shipped to consumers.

DATE: Comments due by July 28, 1981.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they wil be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. Copies of the Marketing Policy and the Department's impact analysis will be available from him.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon the recommendations made by the committee at its public meeting in Moses Lake, Washington, on June 5, 1981.

The recommendations of the committee reflect its appraisal of the composition of the 1981 crop of Washington potatoes and the marketing prospects for this season. Shipments are expected to begin in early July. The proposed grade, size, cleanness, maturity and pack requirements, which are similar to those currently in effect through July 31, 1981, would prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop.

All long varieties would be required to be at least 2⅛ inches minimum diameter or 5 ounces minimum weight during the period August 1 through August 31 this year and July 15 through August 31 each year thereafter. The committee believes this minimum diameter size should provide a more desirable potato pack to consumers. Beginning September 1 all long varieties would be required to be at least 2 inches in diameter or 4 ounces in weight. These requirements are similar to those of last year, and should provide an adequate supply of potatoes at reasonable prices to consumers.

The committee recommended retaining the additional 10 percent tolerance for damage due to internal defects for potatoes packed in 50-pound cartons. This problem usually occurs in the larger size potatoes—the predominant ones packed in cartons. Without this tolerance these larger potatoes would have to be shipped in bags which provide less protection to the potatoes and less ease of handling.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirments would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity and pack requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Potatoes grown in the production area could be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, in District No. 5, and Spokane County in District No. 1 for grading and storing. Since no purpose would be served by regulating ptatoes used for charity purposes, such shipments would be exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part. Therefore, shipments to processing outlets are exempt.

Again this season the minimum quantity exemption is proposed to be 20 hundredweight. This should relieve the burden on handling noncommercial quantities of potatoes and allow direct marketing outlets to operate in greater freedom.

Requirements for export shipments differ from those for domestic markets. Quality requirments may differ in foreign markets and smaller sizes are more acceptable. Because of this, export shipments would be exempt. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for prepeeling would also be exempt.

Prior to each future marketing season the committee and the Secretary will investigate relevant supply and demand conditions for potatoes. The committee will hold an open public meeting to adopt a marketing policy and recommend a proposed handling regulation in accordance with §§ 946.50 and 946.51 of the order. After reviewing the committee recommendations and any comments submitted by interested persons the Secretary may amend this proposed continuing regulation whenever he finds that conditions warrant a change.

§ 946.335 [Removed]

It is proposed that § 946.335 (45 FR 42590, 47653 and 58098, June 25, July 16, and September 2, 1980) be removed and a new § 946.336 be added as follows:

§ 946.336 Handling regulation.

Beginning August 1, 1981, and continuing until amended or terminated, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e) or (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade: All varieties*—U.S. No. 2, or better grade.

(2) *Size:* (i) *Round varieties*—1⅞ inches (47.6 mm) minimum diameter.

(ii) *Long varieties*—All long varieties must be 2⅛ inches (54.0 mm) minimum diameter or 5 ounces minimum weight during July 15 through August 31 each season, and 2 inches (50.8 mm) or 4 ounces during the remainder of each season.

(3) *Cleanness:* All varieties and grades—as required in the United States Standards for Grades of Potatoes. For example: U.S. No. 2—"not seriously damaged by dirt," and U.S. No. 1—"fairly clean."

(b) *Minimum maturity requirements.*—(1) *Round and White Rose varieties:* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet, Burbank and Norgold):* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of internal defects may be shipped provided the lot contains not more than 10 percent damage by any internal defect or combination of internal defects but not more than 5 percent serious damage by any internal defect or combination of internal defects.

(d) *Special purpose shipments.* The minimum grade, size, cleanness, maturity, and pack requirements set forth in paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;

(2) Charity;

(3) Seed;

(4) Prepeeling;

(5) Canning, freezing, and "other processing" as hereinafter defined; or

(6) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon, in District 5, or in Spokane County in District 1;

(7) Export, except to Alaska or Hawaii.

Shipments of potatoes for the purpose specified in paragraphs (1) through (7) of this paragraph shall be exempt from inspection requirements specified in paragraph (g) of this section except shipments pursuant to subparagraph (6) shall comply with inspection requirements of (e)(2) of this section. Shipments specified in (1), (2), (3), and (5) shall be exempt from assessment requirements specified in § 946.41.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration; such appeal shall be in writing; and

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon, in District No. 5, or in Spokane County in District No. 1 shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section; and

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of canners, freezers, or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing, or other processing;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(4) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a canner, freezer, or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(5) Each handler desiring to make shipments of potatoes for export shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special

purpose shipment. Such information shall include the quantity of potatoes to be shipped and the name and address of the exporter;

(ii) After the certificate is approved and the shipment is made, furnish the committee with a copy of the on-board bill of lading applicable to such shipment;

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(f) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed 20 hundredweight of potatoes to any person without regard to the inspection and assessment requirements of this part, but this exemption shall not apply to any shipment over 20 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no person may handle any potatoes unless an appropriate inspection certificate covering them has been issued by an authorized representative of the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "not seriously damaged by dirt," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth in it. The term "prepeeling" means the commercial preparation in the prepeeling plant of clean, sound, fresh tubers by washing, peeling or otherwise removing the outer skin, trimming, sorting and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421–2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended, and this part.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August each year shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

(j) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Dated: July 8, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-20288 Filed 7-10-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

[Docket No. PRM-2-6]

Eckert, Seamans, Cherin & Mellott; Denial of Request for Reconsideration of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of request for reconsideration of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission is hereby denying a request for reconsideration of its earlier denial of the petition for rulemaking (PRM–2–6) submitted by Eckert, Seamans, Cherin & Mellott. The petitioner, on behalf of the Westinghouse Electric Corporation, had requested the Commission to amend its regulations to prescribe fixed time periods for the completion of licensing reviews by the Commission's regulatory staff and Atomic Safety and Licensing Boards.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492–7678.

SUPPLEMENTARY INFORMATION: By letter dated March 14, 1981, Eckert, Seamans, Cherin & Mellott, a private law firm, resubmitted for reconsideration a petition for rulemaking which the Commission had recently denied. The request for reconsideration, submitted by the law firm on behalf of the Westinghouse Electric Corporation, states, in pertinent part, that:

We previously filed this Petition by letter dated December 29, 1978, which letter is attached hereto and incorporated as part of this Petition. As noted in the December 29, 1978 Petition, the Commission has recognized repeatedly that there is a substantial public interest which demands that its licensing proceedings be conducted and concluded in a timely manner. Recently the need for the expeditious conduct of Commission proceedings has been reemphasized in light of the lengthy delays encountered in the licensing process during the past two years. Accordingly, although the December 29, 1978 Petition for Rulemaking was denied by the Commission on August 13, 1980, we are resubmitting the Petition at this time for reconsideration.

Timely completion of Commission licensing proceedings depends on timely review of applications by the Regulatory Staff and timely completion of the hearing process controlled by the Atomic Safety and Licensing Boards. Regulations of the type we are proposing, which would prescribe time limits for such review and completion (which limits could be modified for good cause shown) are needed to emphasize and enforce the Commission's determination to have timely decisionmaking. The proposed regulations would bring to the review and hearing process early and direct Commission oversight in the event that delay in timely decisionmaking is threatened.

A copy of the request for reconsideration is available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C.

The December 29, 1978 letter requested the Commission to amend its regulations, "Rules of Practice for Domestic Licensing Proceedings," 10 CFR Part 2, to prescribe fixed time periods for completion of licensing review by the Commission's regulatory staff and Atomic Safety and Licensing Boards. Notice of filing the petition for rulemaking (PRM–2–6) and a request for public comments was published in the **Federal Register** on February 5, 1979 (44 FR 6994). After careful consideration of the petition and the 4 letters of public comment which were received with respect to the petition, the Commission denied the petition on August 13, 1980. Notice of the denial, and the reasons therefore, was published in the **Federal Register** on August 18, 1980 (45 FR 54916). Copies of the petition, the public comments, and the Commission's letter of denial are available for public inspection and copying for a fee at the NRC Public Document Room.

The Commission has considered the request for reconsideration and hereby denies the request. The Commission believes that its August, 1980 denial of the petition for rulemaking adequately and reasonably sets forth the rationale and basis for its action at that time.

Therefore, no lengthy rearticulation of its position is warranted now. Suffice it to emphasize that while the Commission is responsible for and concerned with efficiency in its licensing process and believes that unnecessary or inappropriate delays should be avoided whenever possible, of overriding importance is the Commission's statutory responsibility to ensure that issuance of a license to an applicant will not be inimical to the health and safety of the public and will satisfy the requirements of applicable environmental laws. The petitioner's proposals for the imposition of fixed time periods for the completion of licensing reviews would unduly restrict the necessary discretion of the Commission's staff and licensing boards. The request for reconsideration adds nothing of substance to the original petition (it simply adopts the earlier petition) and the Commission is aware of no compelling reason to alter its judgment rendered last August with respect to the petition. Moreover, the Commission has continued to pursue its oft stated policy of eliminating unecessary or inappropriate delays in the licensing process. Extensive meetings have been held on this subject in recent weeks and amendments to Appendix B of 10 CFR Part 2 of the Commission's Regulations, "Suspension of 10 CFR 2.764 and Statement of Policy on Conduct of Adjudicatory Proceedings," were published in the **Federal Register** by the Commission on May 28, 1981 (46 FR 28627). A "Statement of Policy on the Conduct of Licensing Proceedings" was also issued by the Commission. In addition, several other amendments to the Commission's Rules of Practice to expedite the licensing process were adopted after consideration of public comments and proposed rules to further facilitate expedited proceedings were published in the **Federal Register** for public comment (45 FR 30328, 30349, June 8, 1981). In addition, the Commission recently directed the Boards to attempt where possible to set hearing schedules so that the board initial decision would issue within 300 days and directed staff to use that same period as a reference hearing process period for scheduling reviews for cases where boards have not yet set specific schedules.

In view of the foregoing, the Commission denies the March 14, 1981 request for reconsideration filed by Eckert, Seamans, Cherin & Mellott on behalf of the Westinghouse Electric Corporation. A copy of the Commission's letter of denial is available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Washington, D.C. this 8th day of July, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-20407 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 81-383]

Semiannual Agenda

AGENCY: Federal Home Loan Bank Board.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to Board Resolution No. 79–364 (44 FR 37556, June 27, 1979), the Board is publishing an agenda of regulatory items, appropriate for publication under paragraph 5 of Resolution No. 79–364, which are currently under consideration or are expected to be considered by the Board during the next six months.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is identified with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into two sections. Section I describes major regulatory actions which have been proposed by the Board and are under active consideration. The comment period for each item is also indicated. Section II lists major regulatory projects which are actively being developed by agency staff for possible Board consideration within the next six months. The list is not all-inclusive, but is based on information available at the present time.

SECTION I—PROPOSED REGULATIONS

1. Graduated Payment Adjustable Mortgages

Action taken: By Resolution No. 80–612 of September 30, 1980 (45 FR 66798, October 8, 1980), the Board proposed to authorize Federal savings and loan associations to make, purchase and participate in graduated payment adjustable mortgage instruments. A graduated payment adjustable mortgage (GPAM) combines an adjustable interest-rate feature with the graduated payment feature of the graduated payment mortgage. Authorization of GPAMs would provide an additional instrument for mortgage lending. The public comment period closed December 1, 1980.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

Staff contact: Kenneth F. Hall, Office of General Counsel (202–377–6466).

2. Shared Appreciation Mortgages

Action taken: By Resolution No. 80–610 of September 30, 1980 (45 FR 66801, October 8, 1980), the Board proposed to permit Federal savings and loan associations to make shared appreciation mortgages. A shared appreciation mortgage bears a fixed interest rate set below the prevailing market rate over the term of the loan, and contingent interest based on the appreciation of the property securing the loan at the earlier of maturity of the loan or sale or transfer of the property. The public comment period closed December 1, 1980.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

Staff contact: Peter M. Barnett, Office of General Counsel (202–377–6445).

3. Treatment of Goodwill Acquired in Mergers

Action taken: By Resolution No. 80–654 of October 23, 1980 (45 FR 72681, November 3, 1980), the Board proposed to revise its policy statement on mergers of savings and loan associations by providing benchmarks for the amount of goodwill that merging institutions may use in calculating net worth. Conforming changes would be made to the Board's net-worth definition and its regulations that delegate authority to its Principal Supervisory Agents to approve certain mergers. In addition, the Board proposed to change its accounting rule regarding discount on assets acquired in a merger to require that such discount be accrued on the same basis and over the same time period as goodwill is amortized. The public comment period closed December 31, 1980.

Authority: 12 U.S.C. 1425a, 1437, 1464, 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Nancy L. Feldman, Associate General Counsel (202–377–6440).

4. Accounting for Loan Servicing Fees

Action taken: By Resolution No. 80–292 of May 2, 1980 (45 FR 31408, May 13, 1980), the Board proposed to restrict savings and loan associations' accounting treatment for loan servicing fees by providing that such fees may be

credited to current income only to the extent earned. The proposed regulation is intended to prohibit the reflection in net worth of unearned servicing income, which the Board regards as an unsafe and unsound practice. The public comment period closed July 9, 1980.

Authority: 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: James C. Stewart, Office of General Counsel (202–377–6457).

5. Federal Usury Preemption: Wraparound Mortgages

Action taken: By Resolution No. 80–811 of December 18, 1980 (45 FR 86500, December 31, 1980), the Board issued proposed regulations regarding the status of wraparound mortgages under the preemption of state interest ceilings applicable to Federally-related residential first mortgages. The Board also proposed amendments to the usury preemption regulations in order to conform those rules with recent statutory changes. The public comment period closed March 2, 1981.

Authority: Sec. 501(f), Pub. L. 96–221, 94 Stat. 161; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: James C. Stewart, Office of General Counsel (202–377–6457).

6. Geographic Restrictions on Remote Service Unit Operations

Action taken: By Resolution No. 80–296 of May 29, 1981 (46 FR 30114, June 5, 1981), the Board proposed to amend its regulations by removing geographic restrictions on the establishment and use of remote service units by Federally chartered savings and loan associations. The public comment period will close July 7, 1981.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: K. Diane Boyle, Office of Industry Development (202–377–6720), or Michael D. Schley, Office of General Counsel (202–377–6444).

SECTION II—REGULATORY ITEMS THE BOARD MAY CONSIDER DURING THE NEXT SIX MONTHS

1. Balloon Payments

Anticipated action: The Board staff is preparing a proposed rule that would authorize Federal associations to make mortgage loans featuring balloon payments.

Authority: 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Kenneth F. Hall, Office of General Counsel (202–377–6466).

2. Correspondent Activities

Anticipated action: The Board staff is developing a proposed rule that would remove existing impediments to the maintenance of correspondent accounts and the provision of correspondent services by Federal savings and loan associations.

Authority: 12 U.S.C. 1431, 1464, 1725, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Michael D. Schley, Office of General Counsel (202–377–6444).

3. Ownership of NOW Accounts

Anticipated action: The Board may issue an interpretive rule resolving issues of eligibility to hold NOW accounts at member institutions. The Board solicited public comment on eligibility issues by Resolution No. 81–295 of May 29, 1981 (46 FR 30113, June 5, 1981). The public comment period will close July 7, 1981.

Authority: 12 U.S.C. 1464, 1730, 1832; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Michael D. Schley, Office of General Counsel (202–377–6444).

4. Conflicts of Interest by Outside Professionals; Ex Parte Communications

Anticipated action: The Board staff is preparing a proposed rule that would require disclosure of conflicts of interest by any person rendering professional services to the agency. The rule would also clarify proceedings to which the *ex parte* communications rule applies, as well as persons affected by the rule.

Authority: 12 U.S.C. 1437, 1467, 1725, 1726; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Peter M. Barnett, Office of General Counsel (202–377–6445).

5. Management Official Interlocks

Anticipated action: The Board staff, in coordination with representatives of the other depository institutions' regulatory agencies, is preparing a proposed rule that would clarify and relax restrictions in regulations implementing the Depository Institutions Management Interlocks Act.

Authority: 12 U.S.C. 3201 *et seq.*; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contact: Kenneth F. Hall, Office of General Counsel (202–377–6466).

6. Merger Delegations

Anticipated action: The Board staff is preparing a rule that would change the criteria for delegation of authority to the Principal Supervisory Agents to facilitate and expedite processing of merger applications.

Authority: 12 U.S.C. 1464, 1725, 1726, 1730, 1730a, 2901; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: K. Diane Boyle, Office of Industry Development (202–377–6720), or John Hall, Office of General Counsel (202–377–6450).

7. Forward Commitments

Anticipated action: The Board staff is preparing a proposed rule that would revise current regulations on forward commitment transactions of institutions insured by the Federal Savings and Loan Insurance Corporation.

Authority: 12 U.S.C. 1464, 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Susan Kelsey, Office of Policy and Economic Research (202–377–6914), Robert Losey, Office of Federal Savings and Loan Insurance Corporation (202–377–6620), or Peter Barnett, Office of General Counsel (202–377–6445).

8. Transactions Involving Affiliated Persons

Anticipated action: The Board staff is presently reviewing recommendations to liberalize current restrictions in the Board's regulations that can preclude insured institutions from making loans on favorble terms to affiliated nonprofit organizations.

Authority: 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Michael D. Schley, Office of General Counsel (202–377–6444).

9. Outside Borrowings

Anticipated action: The Board staff is reviewing the feasibility of further amendments to the regulations governing outside borrowings by insured institutions.

Authority: 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Peter M. Barnett, Office of General Counsel (202–377–6445).

10. Holding Company Delegations

Anticipated action: The Board staff is reviewing the feasibility of amendments to the regulations that would adopt new criteria for delegation of authority to the Principal Supervisory Agents to facilitate and expedite processing of holding company applications.

Authority: 12 U.S.C. 1464, 1725, 1726, 1730, 1738; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

Staff contacts: Dwight Arnall, Office of Examinations and Supervision (202–377–6522), or Richard Little, Office of General Counsel (202–377–6452).

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.
July 2, 1981.

[FR Doc. 81-20437 Filed 7-10-81; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21905, Notice No. SC-81-4]

Special Conditions: Cessna Model 650 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Cessna Aircraft Company Model 650 series airplanes. This airplane will have novel or unusual design features associated with the unusually high operating altitude (51,000 feet) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

DATE: Comments must be received by August 12, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21905, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. All comments must be marked: Docket No. 21905. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767–2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed based on comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Type Certification Basis

The certification basis for the Cessna Aircraft Company (Cessna) Model 650 series airplane is as follows: Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended by Amendments 25–39, 35–43, and 25–44; § 25.91(c) of Amendment 25–40; §§ 25.1309 and 25.1351(d) of Amendment 25–41; §§ 25.177, 25.255, and 25.703 of Amendment 25–42; Part 36 of the FAR effective December 1, 1969, either as amended through Amendment 36–10 or as amended at time of the noise test; SFAR 27 effective February 1, 1974, as amended through Amendment 27–2; and the special conditions that may be developed as a result of this notice.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and become part of the type certification basis in accordance with § 21.17(a)(2).

Background

On November 8, 1976, the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67201, filed an application for a type certificate in the transport category for the Cessna 650. The Cessna 650 series has a high aspect ratio, moderate, swept-back supercritical wing and a T-tail. It will be powered by two Garrett AiResearch TFE 731–3–100S engines mounted on the aft fuselage. Its maximum takeoff weight is 19,500 pounds. It is pressurized and designed to have a maximum operating altitude of 51,000 feet. The type design of the Cessna 650 series airplane contains a number of novel and unusual design features for an airplane type certificated under the applicable provisions of Parf 25 of the FAR. Those features include the relatively small passenger cabin volume and a high operating altitude. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the Cessna 650 series airplanes. Therefore, special conditions are necessary to establish a level of safety equivalent to that provided in the regulations.

A higher degree of pressure vessel integrity than envisioned by the original type certification basis is required to assure that depressurization at high altitude is unlikely. The ventilation, air conditioning, and pressurization systems require upgrading to ensure survivability with certain system failures. Part 25 of the FAR does not define the oxygen system required to operate above 40,000 feet. A special condition is therefore required to define the oxygen system.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Cessna Model 650 series airplanes:

A. *Ventilation.* In lieu of the requirements of § 25.831(a), the ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue and to provide reasonable passenger comfort during normal operating conditions and in the event of any minor failure of any system on the airplane which would adversely affect the cabin ventilation air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered, recirculated air based on the volume and composition at the corresponding cabin pressure altitude of not more than 8,000 feet.

B. *Air Conditioning.* In addition to the requirements of § 25.831 (b) through (e), cabin cooling systems must be designed to meet the following conditions during flight above 15,000 feet MSL:

1. After any probable failure, the cabin temperature-time history may not exceed the values shown in Figure 1.

2. After any improbable failure, the cabin temperature-time history may not exceed the values shown in Figure 2.

C. *Pressurization.* In addition to the requirements of § 25.841, the following apply:

1. The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories for operations above 45,000 feet:

(a) The cabin altitude-time history may not exceed that shown in Figure 3 after each of the following:

(1) Any probable double failure in the pressurization system.

(2) Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element, or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

(b) The cabin altitude-time history may not exceed that shown in Figure 4 after each of the following:

(1) The maximum pressure vessel opening resulting from crack propagation for a period encompassing two normal inspection intervals. The initial crack must be at least one-half the local panel width in length. Mid-panel cracks and cracks through skin-stringer and skin-frame combinations must be considered.

(2) The pressure vessel opening resulting from probably damage, while under maximum operating cabin pressure differential, created by a tire burst, engine rotor burst, loss of antennas or stall warning vanes, or any probable equipment failure.

(3) Complete loss of thrust from all engines.

2. In showing compliance with prargraph 1 of this special condition, it may be assumed that an emergency descent is made in accordance with an approved emergency procedure. In showing compliance with paragraph 1(b), a 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

D. *Oxygen Equipment and Supply.* In addition to the requirements of § 25.1441, the following apply:

1. A quick-donning oxygen mask system with a pressure-demand, mask mounted regulator must be provided for the flightcrew. It must be shown that each quick-donning mask can, with one hand and within 5 seconds, be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand.

2. A continuous-flow oxygen system must be provided for the passengers.

E. *Pressure Vessel Integrity.*

1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph C of these special conditions must be determined. It must be demonstrated by crack propagation and fail-safe testing that a larger opening or a more severe failure than demonstrated will not occur in normal operation.

2. Inspection schedules and procedures must be established to ensure that cracks and normal fuselage leak rates will not progress or that the pressurization system capability will not deteriorate to the extent that an unsafe condition could exist during normal operation.

3. The pressure vessel structure, including doors and windows, must comply with § 25.365(d) using a factor of 1.67 in lieu of the 1.33 factor prescribed therein.

4. In addition to the requirements of § 25.571, the loads prescribed in § 25.571(c) and this paragraph must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. In addition, the following apply as ultimate loading conditions:

(a) The normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in § 25.571(c);

(b) The combined pressures set forth in paragraph 4(a) of this special condition multiplied by a factor of 1.67 must be applied to the pressurized cabin without any other load.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on July 6, 1981.

M. C. Beard,

Director of Airworthiness.

BILLING CODE 4910-13-M

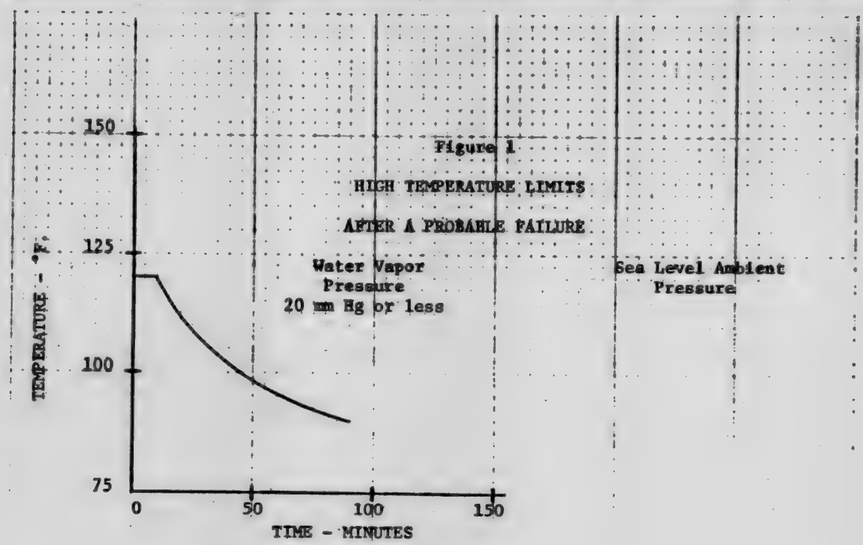


Figure 1

HIGH TEMPERATURE LIMITS

AFTER A PROBABLE FAILURE

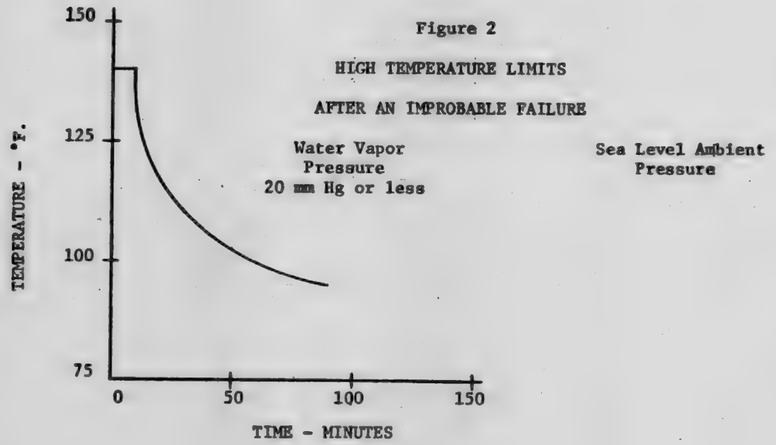


Figure 2

HIGH TEMPERATURE LIMITS

AFTER AN IMPROBABLE FAILURE

For Figures 3 and 4, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. Areas wherein the actual cabin altitude-time history falls below the curve may be used to compensate, by integration, for areas wherein the actual cabin altitude-time history reasonably exceeds the curve. Time is concluded when cabin altitude returns to 8,000 feet.

Figure 3

CABIN ALTITUDE - TIME HISTORY

(Supplemental oxygen available to all passengers)

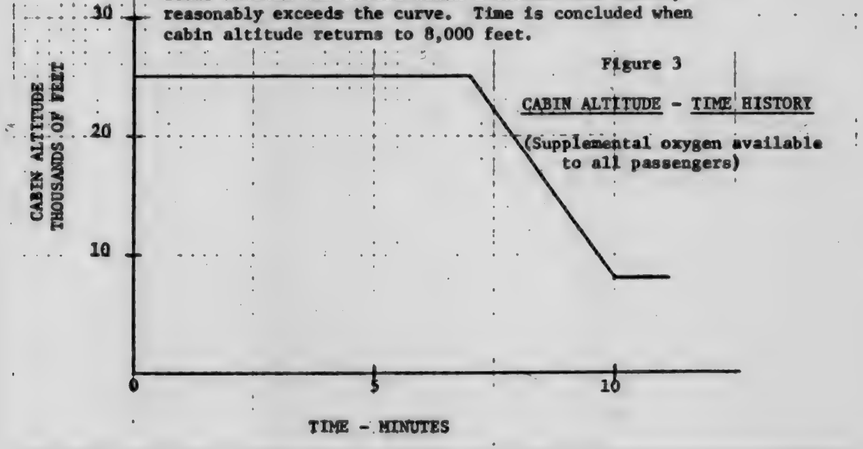
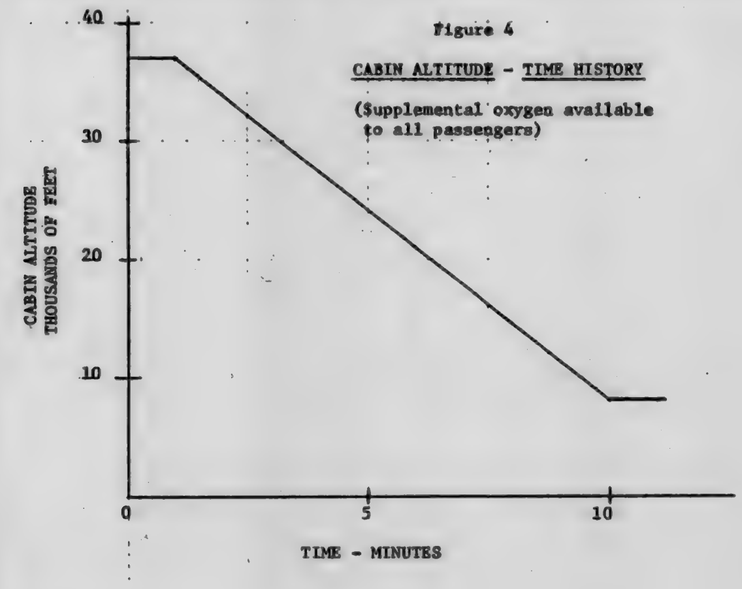


Figure 4

CABIN ALTITUDE - TIME HISTORY

($upplemental oxygen available to all passengers)



[FR Doc. 81-20322 Filed 7-10-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket Nos. 80-NW-32-AD, 81-NW-29-AD]

Airworthiness Directives: Boeing Model 727/737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This document withdraws a proposal to amend an Airworthiness Directive (AD) applicable to Boeing Model 727/737 series airplanes. The Airworthiness Directive for which the amendment was proposed, AD 76-22-08, requires periodic inspections for fuel leaks of the compartment where the hydraulic pump is located on Boeing Model 727 and 737 series airplanes. The AD allowed operators to discontinue the periodic inspections by installing a differential fault protection system in the affected hydraulic pump motor circuit. A Notice of Proposed Rulemaking was issued proposing to amend the AD to provide an additional optional terminating action, and to impose a requirement that one of the optional terminating actions be accomplished within one year or 3,600 hours time-in-service. This document withdraws that proposal; however, the additional optional terminating action described in the NPRM has been approved under the provisions for equivalent modifications contained in the original AD.

DATE: Effective date July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ted T. Ebina, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

History

A Notice of Proposed Rulemaking (NPRM) published in the Federal Register on July 14, 1980, (45 FR 47157), Docket 80-NW-32-AD, proposed to amend AD 76-22-08, applicable to Boeing 727 and 737 series airplanes, by providing an additional optional terminating action consisting of installation of improved hydraulic system "B" motor driven pumps, and adding a requirement that one of the optional terminating actions be performed within one year or 3,600 hours time-in-service, whichever occurs first.

Public Participation

All interested persons have been given an opportunity to comment on the proposed amendment, and due consideration has been given to all matters presented. Comments were received from the NTSB, the airframe manufacturer, and numerous operators of the affected aircraft.

Discussion of Comment

All commenters favored the additional optional terminating action, but all except one of the commenters opposed the requirement that one of the optional terminating actions be performed within one year or 3,600 hours time-in-service. These commenters either opposed the requirement for terminating action, or requested that the time limit for mandatory terminating action be extended. On the basis of the comments received, and an evaluation of the good service history subsequent to the issuance of AD 76-22-08, the FAA has concluded that the imposition of a requirement for mandatory terminating action for the inspections required by AD 76-22-08 is not necessary for safety. Further, installation of the improved hydraulic system "B" motor driven pumps as an optional termination action for the AD has been approved under the provision for alternative methods of compliance in the original AD, and therefore does not require further rulemaking.

This decision does not preclude the FAA from taking such other further corrective action as may be necessary in the future.

Withdrawal of Notice of Proposed Rulemaking (NPRM)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, the proposed amendment to Airworthiness Directive AD-76-22-08, which was published in the Federal Register on July 14, 1980 (45 FR 47157), is hereby withdrawn.

Note.—Installation of improved hydraulic system "B" motor driven pumps in accordance with either Boeing Service Bulletin 727-29-55 dated April 30, 1980, or Service Bulletin 737-29-1036 dated April 30, 1980, or later FAA approved revisions, has been approved as an alternate terminating action for AD 76-22-08, in accordance with the provision for alternate methods of compliance set forth in that AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—Since this action withdraws a proposed restriction and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on June 29, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-20317 Filed 7-10-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-24-AD]

Airworthiness Directive: Boeing Model 727 Airplanes Using Decoto Leading Edge Actuators P/N 10-61792 -1, -2, -4, -5, -7, or -8

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt an Airworthiness Directive (AD) which would require repetitive inspection or removal of the Decoto leading edge actuators listed above. This action is necessary because cracks have been discovered in these actuators in service. Failure of an actuator could result in inadvertent extension of the corresponding leading edge device.

DATE: Comments must be received on or before September 16, 1981. Compliance schedule is prescribed in the body of the AD.

ADDRESSES: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-24-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The applicable service bulletin may be obtained from The Boeing Company, P.O. Box 3707, Seattle, Washington 98124.

FOR FURTHER INFORMATION, CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Three instances of inservice fatigue cracks in the Decoto leading edge actuator series listed above have been reported. One unit had 8500 hours flight time, and the other two had 14,441 flight hours and 10,161 landings each, or 20,362 cycles (2

cycles per flight). The cracks appeared between the flanges of the actuator piston, and were caused by an inadequate fillet radius and fillet sharp corners. The original specification called for a qualification test to 100,000 cycles (50,000 landings).

Boeing fatigue tested three new actuators in the laboratory, with the following results:

1. All three actuators had developed cracks (magnaflux inspection) by 100,000 cycles (50,000 landings).
2. The three actuators exhibited degraded performance (high internal leakage) at 127,000 cycles (63,500 landings), 171,000 cycles (85,500 landings), and 191,000 cycles (95,500 landings), respectively.
3. The first actuator was then tested to failure (total separation), which occurred at a total of 142,000 cycles (71,000 landings).

The hazard associated with this failure is that the crack could progress to total separation of the piston rod, resulting in the differential hydraulic pressure across the piston end of the broken rod inadvertently extending the leading edge device when it is scheduled to be retracted.

The actuator will be changed in production by increasing the fillet radius, removing fillet sharp corners, and shot peening the surfaces. For actuators manufactured prior to the modification, this potentially unsafe condition can be corrected by replacing the actuator prior to the onset of cracks, or by repetitive inspection until replacement. This Notice of Proposed Rulemaking proposes to require this inspection or modification on all Boeing 727 airplanes using Decoto actuators P/N 10–61792 –1, –2, –4, –5, –7, or –8.

It is proposed to require that the actuators be inspected at 20,000 landings, or the next 1500 landings, whichever comes later, and that a repetitive inspection be made each 5,000 landings thereafter until the actuator is replaced. Note: The reference to landings in this document refers to landings accumulated by a given actuator, not landings accumulated by a given airplane.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 81–NW–24–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all 727 airplanes certificated in all categories, using Decoto leading edge actuators, P/N 10–61792 –1, –2, –4, –5, –7, or –8. Compliance required as indicated. Accomplish the following, unless already accomplished:

Prior to the accumulation of 20,000 landings on the actuator, or within the next 1500 landings, whichever comes later, inspect all Decoto leading edge actuators, P/N 10–61792 –1, –2, –4, –5, –7, or –8, in accordance with Boeing Service Bulletin 727–27–209, to be published in August 1981, or later FAA approved revisions, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office. If the actuator is serviceable, repeat the inspection every 5,000 landings, or replace with a modified actuator. (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington on July 1, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81–20314 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ASW–21]

Proposed Alteration and Revocation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke several alternate VOR Federal Airways in the vicinity of Oklahoma City, Okla. This action would reduce chart clutter and is consistent with our policy to eliminate all alternate route designations in accordance with agreement with the International Civil Aviation Organization (ICAO).

DATE: Comments must be received on or before August 12, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81–ASW–21, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weedays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A reqport summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71,123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke VOR Federal Airways V–14N, V–14S, V–15E, V–77E, V–81L, V–102S, V–114S, and V–272N. In addition, this action would designate new VOR Airway V–404 between Childress, Tex., and Wichita, Tex. This action would reduce chart clutter, aid flight planning, and support our commitment to eliminate all alternate route designations as outlined in the ICAO agreement. The description of these airways under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409) and amended (46 FR 24167 and 24170) by further amending the following:

1. V–14 [amended]

By removing the words "Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 079° and Tulsa 228° radials; Neosho, Mo.," and substituting for them the words "Childress, Tex.; Hobart, Okla.; Tulsa, Okla.; Neosho, Mo.;"

2. V–15 [amended]

By removing the words "Ardmore, Okla.; Okmulgee, Okla., including an E alternate; INT Okmulgee 046° and Neosho, Mo., 223° radials; Neosho." and substituting for them the words "Ardmore, Okla., Okmulgee, Okla.; INT Okmulgee 048°T(040°M) and Neosho, Mo., 223°T(216°M) radials; Neosho.

3. V–77 [amended]

By removing the words "via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° redials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 246° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Pioneer, Okla.," and substituting for them the words "via Abilene, Tex.; Wichita Falls, Tex.; INT Wichita Falls 028°T(018°M) and Oklahoma City, Okla., 202°T(193°M) radials; Oklahoma City; Pioneer, Okla.;"

4. V–81 [amended]

By removing the words "Plainview, Tex.; Amarillo, Tex., including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex.," and substituting for them the words "Plainview, Tex.; Amarillo, Tex.; Dalhart, Tex.;"

5. V–102 [amended]

By removing the words "Guthrie, TX.; Wichita Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials." and subsituting for them the words "Guthrie, Tex.; Wichita Falls, Tex."

6. V–114 [amended]

By removing the words "via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials;" and substituting for them the words "via Childress, Tex.; Wichita Falls, Tex.,"

7. V–272 [amended]

By removing the words "Sayre, Okla.; Oklahoma City, Okla., including an N alternate via INT Sayre 070° and Oklahoma City 282° radials and also an S alternate via INT Sayre 101° and Oklahoma City 242° radials; to McAlester, Okla." and substituting for them the words "Sayre, Okla.; Oklahoma City, Okla.; to McAlester, Okla."

8. V–404 [new]

By adding a new airway V–404 to read as follows: V–404 From Childress, Tex., INT Childress 120°T(110°M) and Wichita Falls, Tex., 262°T(252°M) radials; to Wichita Falls.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on July 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–20320 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 81–AWA–7]

Revocation of Area High Routes

Correction

In FR Doc. 81–19708, published at page 34811, on Monday, July 6, 1981, make the following changes:

(1) On page 34811, in the first column, in the "FOR FURTHER INFORMATION CONTACT" paragraph, in the second line "(ATT" should be corrected to read "(AAT".

(2) On page 34812, in the first column, in entry "39", "New Orleans, La." should be corrected to read "San Antonio, Tex."

(3) Also on page 34812, in the first column, in entry "59", "J961" should be corrected to read "J961R" and "PARIAR" should be corrected to read "PARIA".

BILLING CODE 1505–01–M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221 and 250

[EDR-404B; Economic Regulations, Dockets 38348, 38021]

Elimination of Rules Tariffs Notice to Passengers of Conditions of Carriage

June 25, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking

SUMMARY: The CAB is proposing to eliminate passenger rules tariffs in interstate and overseas air transportation and to eliminate most of the Board-prescribed notices to passengers in domestic and foreign air transportation. The rules tariff system injects the government regulatory process into an area that may best be left to the workings of the free marketplace. Elimination now would provide a valuable transition period before the Congressionally-mandated elimination of domestic tariffs on January 1, 1983. In the interim, the Board would monitor the results and make recommendations to Congress as appropriate.

DATES: Comments by: August 24, 1981. Reply comments by: September 14, 1981. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: July 28, 1981. The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38348, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Patricia Kennedy, Assistant to the Director for Programs, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5934, or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: In two related notices of proposed rulemaking, the Board solicited comments on the notice that air carriers must give passengers concerning the conditions of their contract of carriage. The rulemaking addressed different aspects of the same general subject. The first, EDR-396, 45 FR 25817, April 16, 1980 (Docket 38021), dealt with consumer protection notices that carriers are required to give passengers. That notice proposed to revise the text of standard notices that, under current Board regulations, airlines must post on signs at ticket counters and print on airline tickets. We sought comments on simplifying the prescribed notices eliminating the requirement for a notice about tariff availability, and adding new notices on smoking and check-in deadlines. The proposed rule would apply to both U.S. and foreign carriers at their ticket counters located in, and on tickets sold in, the United States.

The second notice, EDR-404, 45 FR 42629, June 25, 1980 (Docket 38348) proposed to change the nature and effect of rules tariffs. If adopted, each U.S. air carrier would be required to give actual notice to passengers of the contract terms of carriage in its interstate and overseas operations. A file tariff would no longer become part of the airline's contract with each passenger simply by becoming effective. Nor could an airline use the tariff system to include in the contract a presumption of knowledge and agreement to the conditions on the part of the passenger. Unlike EDR-396, EDR-404 would affect only U.S. carriers and would relate only to domestic air transportation.

The Air Transport Association filed a motion to consolidate EDR-396 and EDR-404 into a single proceeding. Since both rulemakings concern interrelated passenger information issues, we have decided to grant ATA's motion. Docket 38021 (EDR-396) is hereby incorporated into Docket 38348 (EDR-404).

This supplemental notice of proposed rulemaking adds another two-part option to be considered along with our original proposals in the consolidated proceeding. First, we propose to eliminate passenger rules tariffs in interstate and overseas air transportation. Second, we propose to drop most Board-prescribed passenger notices and allow carriers to provide information at their own discretion. Only the overbooking notices currently required by Part 250 would continue to be required for airlines in foreign air transportation.

Passenger Rules Tariffs and Carrier Practices

Section 403(a) of the Federal Aviation Act requires every air carrier to file tariffs with the Board. The tariffs must include the carrier's fares, rates, charges, and, to the extent required by Board regulations, all classifications, rules, regulations, practices, and services in connection with the air transportation. The Board's tariff regulations cover different aspects of the contract of carriage. Fare-related conditions such as advance purchase requirements, minimum or maximum stay, and capacity restrictions are tied to a fare's availability and are generally considered part of the fare itself. In addition, the tariffs must include information on the carrier's practices such as denied boarding compensation, baggage liability, and rerouting. It is these latter "rules tariffs," rather than the former fare-related restrictions, that are subject of this rulemaking.

Historically, the tariff system has played a central role in the Board's regulation of airlines. Carriers may not charge a fare, offer a service, or change certain procedures without filing a tariff describing the fare or practice. The Board may prevent a tariff from becoming effective by finding that it is unjust or unreasonable, does not meet the requirements of Part 221, or is otherwise unlawful. The Board can force an airline to change or discontinue a fare or practice, or refrain from implementing a new one, by suspending, canceling, or rejecting a tariff.

Once the Board allows a rules tariff to go into effect, the carrier is reasonably assured that whatever practice is set forth will not be subject to court review if a consumer complaint escalates into a lawsuit, even if the passenger is not provided with actual notice of the substance of the tariff rule. Tariff filings, therefore, serve a number of different purposes. They provide information that is used by the government for regulation and oversight, and are a tool to enforce regulatory policy. The tariffs provide constructive, and occasionally actual, notice to consumers of the conditions of their carriage. Finally, tariffs perform an exculpatory function, since the reasonableness of practices included in tariffs and adequacy of notice of these conditions are rarely subject to court review.

Rules tariffs evolved during a period of strict regulation in response to the Board's concern that excessive service competition would lead to ruinous competition within the industry. The Board issued rules and orders requiring rules tariffs describing seating configurations, various amenities offered to passengers, and any conditions or charges imposed for food, alcoholic beverages, in-flight entertainment, and admission to special airport lounges. During this period, the Board encouraged uniformity of rules governing most areas that could be at issue in a customer dispute. This policy resulted in substantial consistency among the carriers and imposed some minimum standards on the industry, while it discouraged innovative service options that could result in lower fares.

The Board no longer uses its authority to suspend rules tariffs as a check on service competition. Instead, we are encouraging carriers to offer a wide range of prices and service options to the public, and we are relying on the marketplace to influence airline management decisions in these matters. For example, even if the tariffs describe services that offer fewer amenities than airlines have traditionally provided, or include unusual restrictions on refunds, reroutings, or reservations, the Board will rarely, if ever, reject the tariffs.

The rules tariff system, and especially its format, has discouraged effective disclosure of airlines' responsibilities to passengers. The tariffs are voluminous, highly technical, and difficult to non-experts to comprehend. With the increased competition stemming from deregulation, the tariffs have become increasingly complex over the last few years and require frequent updating. Although the Board requires carriers to have copies of their tariffs available for public inspection at all offices and ticket sales locations, few consumers know of their existence or can effectively use them.

Standard passenger tickets contain a notice in small print entitled "Conditions of Carriage" that incorporates the tariffs by reference. Passengers are thereby deemed to have constructive notice of the terms and conditions contained in the tariffs. During the era of strict regulation, the public grew to expect relatively uniform practices among carriers that had been screened by the Board for reasonableness. Now that the Board is actively encouraging competition among carriers, however, passengers may not know as much about the contract of carriage. The constructive notice deemed to be given by tariffs now serves only to provide carriers with a defense if passengers sue them, without any benefits for consumers.

In EDR-404, the Board addressed some of these problems in the present rules tariff system. The NPRM proposed that the terms and conditions of carriage, whether or not they are included in a fixed tariff, not be enforceable by a carrier unless an easy-to-understand, written notice is available to passengers free of charge and to keep. Tariff filings would no longer automatically be part of the passenger/airline contract.

In this supplemental notice, we propose an alternative for consideration. Rather then limiting the effect of the rules tariffs, we propose to eliminate all rules tariffs in domestic air transportation. Rules tariff filings would still be required for international air transportation.

For air travel within the U.S., carriers would not be permitted to file tariffs on services or conditions that were not tied directly to fares. They would be free to set their own terms of carriage, with a few important exceptions discussed below. The carriers would have responsibility to communicate the terms of their contract of carriage, without the constructive notice that has up to now been afforded by tariff filing. The reasonableness of the terms and the adequacy of notice to the passengers would be subject to court review.

We believe that this alternative has a number of advantages over the present system and the proposal set out in EDR-404. The proposal would eliminate an anachronistic system that was developed in order to monitor and curtail service competition. As we have already noted, the rules tariffs have been an ineffective method of providing notice of the terms of carriage to passengers, and have merely become a defense for carriers who are faced with litigation. At the same time, tariffs are costly for the carriers to compile and update, and for the Board to monitor and maintain. There are significant costs associated with keeping them up to date and distributing them. The rules tariff system injects the government regulatory process into an area that may best be left to the workings of the free marketplace. Elimination now would provide a valuable transition period before the Congressionally-mandated elimination of domestic tariffs on January 1, 1983. In the interim, the Board would monitor the results and make recommendations to Congress as appropriate.

The abolition of rules tariffs should not adversely affect airlines' ability to arrange interline air transportation. Carriers still will be able to develop and rely on interline agreements with other carriers as they do today. Indeed, it appears that the only significant new factor that carriers will have to consider in developing interline arrangements is providing notice of differing conditions of carriage. Since interlining passengers would presumably receive each carrier's passenger contract prior to boarding its flights, it may well be that arrangements among carriers to notify interlining passengers that conditions of carriage may differ among airlines, and to inform passengers how copies of summaries of other carriers' contracts can be readily obtained or inspected, will provide adequate protection for the carriers. Alternatively, some carriers might simply agree to accept the terms of the originating carrier's contract as applicable to all connecting flights of an interline passenger.

We invite comments on whether the application of this system to interstate and overseas air transportation will cause confusion among passengers or administrative difficulties for U.S. carriers in their foreign operations. In addition, we invite comments on what, if any, changes would be required in the rules tariff system for foreign air transportation if this option is adopted for domestic travel. The Board is not considering any action regarding foreign air transportation at this time; but if the comments point out problems, a rulemaking proceeding could be started.

Board-Prescribed Notices

The Board regulations now require carriers to disclose specific information to passengers about overbooking, denied boarding compensation, baggage liability limits, limits on liability for death or personal injury under the Warsaw Convention and other international agreements, and the availability for inspection of airline tariffs. The information is conveyed through prescribed ticket counter signs and printed notices on passenger tickets or ticket envelopes.

EDR-396 proposed changes to remove unnecessary regulatory requirements and to make the Board-prescribed notices more easily understood by passengers than they are under current regulations. The NPRM proposed adding a new Part 255, *Notice to Passengers of Conditions of Carriage*, that would centralize the requirements on disclosure of information to air travelers. If it were adopted, the Board would continue to prescribe the specific wording of counter signs, and notices on or accompanying airline tickets.

This supplemental notice adds an additional option for the Board's consideration. Rather than patching up the present system, we are proposing to eliminate all of the notices required in domestic and overseas air transportation and all but the overbooking notices in foreign air travel.

With the elimination of domestic rules tariffs, U.S. airlines would be free to decide what passenger information to provide on their domestic routes without governmental interference. As a result, the incentives of competition and

potential civil liability, rather than Board rules, would be the major influence on carrier behavior in interstate and overseas air transportation. This option has a number of advantages over both the present system and the proposal set forth in EDR–300. It would afford each airline flexibility to use its business and legal judgment when deciding what information to provide and the most effective means of communicating with its passengers. Deregulation in this area would also avoid imposing on carriers the expense of producing new counter signs and ticket forms at a time when changing industry practices and substantive regulatory requirements may limit the period when the information on the notices is accurate. Finally, it would eliminate the need for exemptions from the notice rules to accommodate airlines whose practices or services may differ from those described in the notices.

We are proposing to retain the counter signs and ticket notices now required by Part 250 for international air transportation, because the rules tariffs that will be filed in these markets will continue to afford the carriers considerable protection against claims brought by passengers bumped from oversold flights. The Board-prescribed notices on overbooking require actual disclosure of the carriers' positive obligations toward passengers, and carriers will not have a strong incentive to disclose this information voluntarily if they can rely on tariffs to provide constructive notice. As with the current Part 250 notice requirements, carriers will be able to apply for exemptions to substitute notices of their own that convey substantially the same information about their practices.

Removal of specific notice requirements may result in passengers receiving less information. We believe, however, that a competitive industry will respond adequately to passengers' needs and demands for information.

Details of Changes

In order to implement these changes in tariffs and Board-prescribed notices, amendments would be made in the Board's regulations. The duty of carriers to file rules tariffs would be removed from § 221.3, *Carrier's duty* A new section, § 221.8, *Rules Tariffs*, would be added. That section would provide that carriers in foreign air transportation must file rules tariffs, but carriers in interstate and overseas transportation must not. All carriers would still be required to file tariffs that set forth the terms governing the availability of particular fares. Examples of rules tariffs and fare-related conditions are listed in the rule.

Section 221.36 would be retitled *Technical requirements for rules tariffs*. Paragraphs (i), (j) and (l), dealing with passenger tariffs would be removed and reserved for all carriers. Paragraph (a) would be revised in its entirety to eliminate a listing of required rules tariffs filings. The new paragraph (a) would set forth the technical requirements for filing rules and rates tariffs.

All ticket and counter notice requirements would be removed from Part 221, *Tariffs* and Part 250, *Oversales* for domestic travel. Required notices relating to Warsaw Convention limitations for international travel would also be removed because they are unnecessary. The Warsaw Convention requires that notice of the liability limits be given to passengers, and courts have refused to enforce the limitation if clear and detail notice is not given.

Other Related Rulemakings and Orders

The Board is reviewing its present consumer protection regulations and orders to determine which requirements, if any, should be eliminated before sunset. Part of this review will be to make conforming changes to other parts of our regulations so that they are consistent with our final rule. The proposed removal of rules on the handicapped from tariffs will not affect the duty of carriers to comply with our substantive regulations that will be adopted shortly in Docket 34030. The Board's policy on guaranteed air fares will be announced in the final order in Docket 36498. Our requirements covering oversales and baggage claims are now reflected in passenger rules tariffs, and we will be considering the extent to which we will regulate these areas during the transition.

The Board plans to initiate a rulemaking proceeding seeking comments on a range of alternative ways to treat oversales and denied boarding compensation. This action will be in response to a petition by Transamerica to eliminate Part 250, *Oversales*, or amend it to give special treatment to low-fare carriers. This will not prevent final action being taken on EDR–401A, 46 FR 8561, January 27, 1981, which proposed to amend Part 250 to exclude carriers operating 60-seat and smaller aircraft from its requirements in most markets.

The minimum baggage liability limits for interstate and overseas air travel are set by Board order, and for international travel by the Warsaw Convention. In Order 80–8–133, August 21, 1980 (Docket 38621), we proposed to increase domestic baggage liability limits from $750 to $1,000 to reflect the effects of inflation on the value of baggage and its contents, although a final order has not yet been issued. The substantive baggage liability limitations must be distinguished from the proposed changes in rules tariff filings and notice requirements. If this supplemental notice of proposed rulemaking were adopted as a final rule and the Board continued to set baggage liability limits, carriers could not by contract limit their liability for delayed, lost, or damaged baggage below the prescribed level. The only differences would be that in domestic air travel, carriers would be free to notify passengers of their limited liability in whatever manner they chose, with the sufficiency of that notice a matter of ordinary contract law. There would be no Board-prescribed notices on counters or tickets, and there would be no constructive notice to passengers by including the limitation in the rules tariff filing. We plan to initiate a rulemaking proceeding to examine options with respect to domestic baggage practices.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The analysis is requred to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here. The first three requirements are met by the discussion above. An alternative approach is set forth in the earlier, consolidated rulemaking.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposed rule, and any other Federal rules that may duplicate, overlap or conflict with it. Elimination of rules tariffs and Board-prescribed notice requirements would aid small certificated carriers that currently have to file rules tariffs and provide the regulatory notices to passengers. Adoption of the proposal would leave important decisions about formulating and disclosing the terms of carriage to the business and legal judgment of carrier management. Adoption of the proposal may also have side effects on travel agents, most of which are small businesses, as they participate in the air transportation system's adjustment to new methods of providing notice to passengers in a tariff-less environment. This adjustment would have to take place in any event with the Congressionally-mandated elimination of domestic tariffs on January 1, 1983. The proposed option will not impose any reporting, recordkeeping or compliance requirements. There are no other Federal rules duplicating, overlapping, or conflicting with the proposal.

Accordingly, the Civil Aeronautics Board proposes the following amendments to 14 CFR Part 221, *Tariffs*, and Part 250, *Oversales*, as a second option in its consolidated rulemaking:

PART 221—TARIFFS

1. Paragraph (a) of § 221.3 would be amended by removing the last clause in the first sentence so that as revised the paragraph would read as follows:

§ 221.3 Carrier's duty.

(a) *Must file tariffs.* Except as set forth in paragraph (d) of this section, every air carrier and every foreign air carrier shall file with the Board, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation between points served by it, and between points served by it and points served by any other air carrier or foreign air carrier, when through service and through rates shall have been established. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information as the Board shall by regulation prescribe. Any tariff so filed which is not consistent with section 403 of the Act and such regulations may be rejected. Any tariff so rejected shall be void.

* * * * *

§ 221.4 [Amended]

2. The definitions of "fare tariff" and "passenger tariff" in § 221.4, *Definitions*, would be removed.

3. A new section, § 221.8, *Rules tariffs*, would be added as follows:

§ 221.8 Rules tariffs.

(a) Except as specified in paragraph (b) of this section, carriers shall not file tariffs that set forth rules, conditions, or other provisions governing their contracts of carriage for interstate or overseas air transportation. Carriers are required to file such tariffs for foreign passenger air transportation. Following are examples of rules tariff subjects:

(1) Acceptance of children
(2) Baggage:
(i) Acceptance
(ii) Courier shipments
(iii) Cabin baggage
(iv) Conditions for acceptance of live animals
(v) Conditions for acceptance of special items (sporting equipment, etc.)
(vi) Electronic surveillance
(vii) Free baggage allowance
(3) Check-in time limits
(4) Claims
(5) Conditional reservations and standby practices
(6) Credit practices
(7) Denied boarding compensation
(8) Failure to operate
(9) Failure to carry
(10) Refusal to transport
(11) Food service
(12) Entertainment
(13) Passports and visas
(14) Refunds (cancellation or no-show penalties)
(15) Reconfirmation of reservations
(16) Seating configurations
(17) Special lounges
(18) Rerouting
(19) Reservations
(20) Ticket issuance and validity

(b) In addition to tariffs setting forth fares, rates, and charges as specified in § 221.3, carriers shall file tariffs that set forth the terms governing the construction of fares or the availability of particular fares. Following are examples of fare construction rules and fare-related conditions:

(1) Construction of joint fares
(2) Construction of through fares
(3) Construction of unpublished local fares
(4) Advance purchse
(5) Blackout dates
(6) Capacity limits
(7) Charges for accepting special items and live animals
(8) Day of week/time of day applicability
(9) Excess baggage charges
(10) Group size
(11) Land package purchase
(12) Minimum/maximum stay
(13) Routing (including stopovers)
(14) Security charges
(15) Status of eligible passengers.

4. In § 221.38, paragraphs (i), (j) and (l) would be removed and reserved, paragraph (a) would be revised in its entirety, nd the section would be retitled, *Technical requirements for rules tariffs*, as follows:

§ 221.38 Technical requirements for rules tariffs.

(a) General requirements. Carriers filing tariffs setting forth rules, conditions or provisions of contracts of carriage for foreign passenger air transportation, or relating to rates, shall meet the requirements set forth in this section.

* * * * *

(i) [Reserved]
(j) [Reserved]

* * * * *

(l) [Reserved]

5. Paragraph (i)(2) in § 221.21 would be amended by adding "in foreign air transportation", so that as revised it would read as follows:

§ 221.21 Specifications applicable to all tariff publications.

* * * * *

(i) * * *

(2) A tariff applicable to passengers in foreign air transportation may include provisions applicable to passengers' baggage.

* * * * *

§ 221.107 [Reserved].

6. Section 221.107, *Aircraft equipment tariff*, would be removed and reserved.

§ 221.107a [Removed].

7. Section 221.107a, *Credit plan tariff*, would be removed.

8. In § 221.171, paragraph (a)(1) would be revised to read as follows:

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

(a) * * *

(1) At stations, offices, or locations at which tickets for passenger transportation are sold, all tariff publications applicable to foreign passenger traffic from or to the point where such station, office, or location is situated.

* * * * *

9. Section 221.174 would be amended by adding "a contractual provision or", so that the revised section would read as follows:

§ 221.174 Notification to the passenger of status of fare, rule, charge or practice.

A carrier or ticket agent shall print, stamp upon, or affix to every purchased passenger ticket a notice stating that the price of the ticket is subject to adjustment prior to the commencement of transportation, except that such notice is not required where a passenger ticket is sold pursuant to a contractual provision or an effective tariff rule which provides that the price of such ticket is not subject to any future adjustment during the validity of the ticket or the ticket is sold for

transportation commencing on the same day.

PART 250—OVERSALES

10. In Part 250, *Oversales*, paragraph (b) of § 250.3, *Boarding priority rules*, would be revised to read as follows:

§ 250.3 Boarding priority rules.

* * * * *

(b) Every carrier in foreign air transportation shall file in its tariff its boarding priority rules and criteria, including a copy of its written statement explaining denied boarding compensation and boarding procedures, as described in § 250.9.

* * * * *

11. Section 250.4, *Denied boarding compensation tariffs; liquidated damages*, would be revised to read as follows:

§ 250.4 Denied boarding compensation tariffs; liquidated damages.

(a) Every carrier in foreign air transportation shall file tariffs providing compensation for passengers holding confirmed reserved space who are denied boarding involuntarily from an oversold flight that departs without those passengers. These tariffs shall incorporate the amount of compensation described in § 250.5 and the exceptions to eligibility for compensation described in § 250.6.

(b) The tariffs required in paragraph (a) of this section shall specify that the carrier will tender, on the day and place the involuntary denied boarding occurs, the appropriate compensation, which, if accepted by the passenger, shall constitute liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserve space.

12. Section 250.5, would be revised to read as follows:

§ 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.

A carrier, as defined in § 250.1, shall pay compensation to all passengers denied boarding involuntarily from its oversold flights at the rate of 200 percent of the sum of the values of the passenger's remaining flight coupons up to the passenger's next stopover, or if none, to the passenger's destination, with a $75 minimum and a $400 maximum. However, the compensation shall be one-half the amount described above, with a $37.50 minimum and a $200 maximum, if the carrier arranges for comparable air transportation or other transportation used by the passenger that at the time either such arrangement is made is planned to arrive at the airport of the passenger's next stopover, or if none, at the airport of the passenger's destination, not later than 2 hours after the time the direct or connecting flight on which the confirmed space is held is planned to arrive, in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation.

13. Paragraph (a) of § 250.6 would be revised by adding "or contractual provisions, as applicable", so that the paragraph would read as follows.

§ 250.6 Exceptions to eligibility for denied boarding compensation.

* * * * * * *

(a) The passenger does not present himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in, and reconfirmation procedures and being acceptable for transportion under the carrier's tariffs or contractual provisions, as applicable; or

* * * * * * *

14. Paragraph (b) of § 250.9 would be amended to add "in foreign air transportation" so that as revised the paragraph would read as follows:

§ 250.9 Written explanation of denied boarding compensation and boarding priorities.

* * * * * * *

(b) Prior to furnishing such statement to any person, each carrier in foreign air transportation shall file a copy of the statement or any revision thereof in its tariff, as provided in § 250.3. The language of the statement or revision must have the prior approval of the Board unless its text is as prescribed below. (Applications for alternative wording of the statement shall be filed with the Director, Bureau of Pricing and Domestic Aviation.)

* * * * * * *

15. Section 250.11 would be amended by revising the introductory text of paragraph (a), revising paragraph (b), and including the words "subject to this section" in paragraphs (c) and (d) so that as revised they read as follows:

§ 250.11 Public disclosure of deliberate overbooking and boarding procedures.

(a) Every carrier engaged in foreign air transportation shall continuously display in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it, or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier, to sell tickets to passengers, a sign located so as to be clearly visible and clearly readable to the traveling public, which shall have printed thereon the following statement in bold-face type at least one fourth of an inch high:

* * * * * * *

(b) Air carriers shall include with each ticket for foreign air transportation sold in the United States that notice printed in at least 12-point type in ink contrasting with the stock. The notice may be printed on a separate piece of paper, on the ticket stock, or on the ticket envelope.

(c) It shall be the responsibility of each carrier subject to this section to ensure that travel agents authorized to sell air transportation for that carrier comply with the notice provisions of paragraphs (a) and (b) of this section.

(d) Any carrier subject to this section that wishes to use a disclosure notice of its own wording, but containing the substance of the language prescribed in paragraph (a) of this section, may substitute a notice of its own wording upon approval by the Board. Applications for such approval shall be filed with the Director, Bureau of Domestic Aviation.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726 as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 786; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20334 Filed 7-10-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 600

Statements of General Policy or Interpretation; Proposed Enforcement Position

AGENCY: Federal Trade Commission.

ACTION: Withdrawal of proposed staff interpretation.

SUMMARY: Based on an inconclusive factual record, the Commission is withdrawing a previous staff proposal for an interpretation of the Fair Credit Reporting Act which was published for comment in 44 FR 11091 (February 27, 1979). The Commission reaches no conclusion on the issues raised by the proposed interpretation and will continue to monitor information exchange practices of insurance companies through its on-going Fair Credit Reporting Act enforcement program.

DATES: The action is effective immediately.

FOR FURTHER INFORMATION CONTACT: Robert W. Russell, Attorney, Division of Credit Practices, Federal Trade Commission, Washington, DC 20580, (202) 724-1182.

SUPPLEMENTARY INFORMATION: On February 27, 1979 Commission issued a staff proposal for an interpretation of the application of the Fair Credit Reporting Act ("FCRA") to exchanges of personal information between insurance companies. [44 FR at 11091]. The staff proposal defined the conditions under which the Commission would consider exchanges of information between insurance companies to be "consumer reports" within the meaning of the FCRA. Comments were requested on the staff proposal's impact.

Comments were received from 49 individual consumers, and private attorneys, seven insurance industry trade associations, eight insurance companies, and from a civil rights group.

All comments received from industry opposed the interpretation as an erroneous application of the Act to insurance companies. Comments received from industry members also suggested that the Commission's proposed interpretation of the FCRA is a substantive rule and as such goes beyond the authority granted to the Commission by Congress. As indicated in the prior Federal Register Notice and in § 1.73 of the Commission's Rules, such interpretations are not substantive rules but public expressions of the enforcement position which the Commission intends to take under the Fair Credit Reporting Act. The purpose of such interpretations is to provide guidance as to how the Commission interprets the statute and thus avoid charges of unfairness or surprise should future enforcement actions on this issue be commenced against a particular company or group of companies.

Consumers commenting on the proposed interpretation appeared to believe that the interpretation would require insurance companies to provide reasons for denial of insurance in all instances. Of the 49 consumers commenting, two opposed the interpretation. One noted that he is opposed to all government regulation; the other stated that although he strongly feels there is a need for regulation in this area, he believes that regulation at this time is too costly. Forty-seven consumers, two private attorneys and a civil rights group supported the proposal. A number of consumers supporting the proposal narrated personal experiences in which access to reasons for denial would have been helpful. Two consumers, for example, related that after spending time asking their agents or their companies to find the reasons for their denial, they were ultimately able to reverse denials of coverage. Another consumer stated that he was told an insurance company was forbidden by law from disclosing or explaining reasons.

The Medical Information Bureau (M.I.B.) comments requested clarification or correction of several points made in the background material accompanying the staff's proposals. The most important of these from the standpoint of the proposed interpretation was that under M.I.B. rules permitting adverse action based on M.I.B. codes which have been "verified" by the reporting company, non medical information reported by M.I.B. can never be used as the basis for an adverse underwriting decision. Details of M.I.B. codes exchanged between member companies may, however, be used, even if non medical. M.I.B. also pointed out that since 1977 it has prohibited reporting of medical codes based on information from non medical sources (such as interviews with neighbors or acquaintances) unless the information is obtained directly from the applicant. The background material was included with the staff proposal solely for the purpose of facilitating comments by persons outside the industry and, as such, had no substantive effect.

During the pendency of the staff proposal for an interpretation, the staff completed its investigation of the life and health insurance industry's compliance with the Fair Credit Reporting Act. On February 2, 1981 the Commission announced that the investigation had been closed based on a finding that there appeared to be no widespread failure by the industry members surveyed to comply with the Act. While the investigation found some instances of information, including medical information, being directly exchanged between several insurance companies, it did not establish that this was a frequent practice among the companies whose files were reviewed. Similarly, the comments submitted in response to the staff's proposed interpretation provided little hard data on the nature, frequency or effect of such exchanges.

In light of the paucity of information available concerning the impact of the practice addressed, the Commission has decided not to publish the staff's proposal as a proposed Commission interpretation. That proposal, which was published for comment on February 27, 1979 [44 FR at 11091] is therefore withdrawn. In doing so, the Commission reserves judgment on the merits of the issues addressed by the proposed interpretation. The Commission will continue to monitor the information exchange practices of insurance companies and will further consider these issues as they arise in its FCRA enforcement program.

Dated: July 7, 1981.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-20610 Filed 7-10-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 80-094]

Snake Island, Texas City, Texas; Mooring and Floating of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed Regulation.

SUMMARY: The Coast Guard proposes to establish a Safety Zone prohibiting all vessels from mooring or anchoring and prohibiting all barges from fleeting, grounding or otherwise stopping on the west or northwest shore of Snake Island and its contiguous waters except in an emergency. Because of the particularly hazardous cargoes regularly laden aboard vessels in the Texas City Channel, the safe operation of all vessels in this area is of critical importance. This regulation will eliminate the generation of potentially disastrous situations and help to relieve congestion for large vessels due to the severely restricted navigation in the Texas City Channel.

DATE: Comments must be recieved on or before August 27, 1981.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44)(CGD 80-094), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Office of the Executive Secretary, Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. Normal Office hours are 7 A.M. to 5 P.M., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment

and Systems (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data or agruments. Comments should include the name and address of the person making them, identify this notice (CGD 80–094) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgement that a comment has been received is desired, a stamped addressed postcard or envelope should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is contemplated, but one may be held if written requests are received and it appears that a hearing will be beneficial.

Drafting Information

The principal persons involved in drafting this document are: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems, Project Manager, and Lieutenant Michael Tagg, Office of the Chief Counsel Project Attorney.

Discussion of Proposed Regulations

Fleeting of barges is a common practice in various parts of the inland waterways system. The practice consists of a towboat pushing barges onto a bank or mooring groups of barges in a fleeting area to make up a consolidated tow. In most cases a towboat operator will moor the barges by ropes, wires or by grounding the barge onshore until a tow can be made up. During this process some or all of the barges may be left unattended for varying periods of time.

The fleeting of barges had been practiced in the Texas City harbor and channel until prohibited by a Captain of the Port order. The Texas City harbor and channel are very narrow and hazardous cargoes are frequently transported through them by tank ships and barges. Snake Island, which lies in the channel, had been used for the fleeting of barges but this practice created a severe congestion problem and presented a serious potential for a collision which could result in a major casualty. The danger presented by this practice was recognized by the Captain of the Port, Galveston, by an order issued on 9 March 1977, prohibiting the fleeting, standing, mooring, anchoring, or stopping of vessels and barges in the vicinity of the west and northwest shores of Snake Island. This order has reduced unnecessary congestion in the Snake Island area and reduced the potential for collision.

It is now proposed to make the order permanent under the authority of the Ports and Waterways Safety Act (33 U.S.C. 1221). The shipping industry in the Texas City area has found the order to be an effective solution to a potentially dangerous situation. Since the order was issued no economic or environmental inpacts have been noted which could have resulted from it. An open meeting on this subject was held on 27 February, 1979, in Texas City to discuss this proposal. The meeting was attended by representatives from government and industry and resulted in an endorsement of the proposal to make the temporary Captain of the Port order permanent through regulatory action

Regulatory Evaluation

The proposed regulation has been evaluated under Department of Transportation Order 2100.5 entitled "Policies and Procedures for Simplification, Analysis and Review of Regulations" dated May 22, 1980, and has been determined to be non-significant. An economic evaluation has not been conducted since the regulatory impact is expected to be minimal or non-existent.

These regulations have been in effect as a temporary Captain of the Port order. No additional costs were imposed on tow boat operators by the order. The COTP order impacted, as will these regulations, on tow boat operators in the Galveston area, which vary greatly in size of operations. Most of the operations are small, with none dominant in the field. No complaints or comments about unequal or excessive impact of the COTP order have been received by the COTP and these regulations will make no changes in the operations of affected vessels. For these reasons, pursuant to § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96–354) it is certified that the proposed regulations will not have significant economic impact on a substantial number of small entities.

The analysis under the Regulatory Flexibility Act is also applicable to that required by Executive Order 12291. For the same reasons it is determined that these regulations are non-major under the guidelines established by Executive Order 12291.

In consideration of the above, it is proposed to amend Part 165 of Chapter I of Title 33, Code of Federal Regulations as follows:

By adding § 165.760 to read as follows:

§ 165.760 Snake Island, Texas City, Texas; mooring and fleeting of vessels.

(a) The following is declared a Safety Zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) *Special Regulations.* All vessels are prohibited from mooring, anchoring, or otherwise stopping in the Safety Zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency vessels shall advise the Captain of the Port, Galveston, of the nature of the emergency via the most rapid means available.

[33 U.S.C. 1225; 49 CFR 1.46(n)(4)]

Dated: July 1, 1981.

J. W. Kime,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-20408 Filed 7-10-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 10

[Docket No. FEMA–GEN–10–c]

Environmental Considerations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend FEMA's regulations implementing the National Environmental Policy Act (NEPA) of 1969 by categorically excluding actions taken under the authority of section 404 of the Disaster Relief Act of 1974 (Public Law 93–288) to provide temporary housing to individual disaster victims, except for housing in group mobile home sites.

DATE: Interested persons may participate in this proposed rulemaking by submitting written comments by September 15, 1981 to the Office of the Rules Docket Clerk at the address below. All comments received by that date will be taken into consideration, and they will also be available for inspection at the Office of the Rules Docket Clerk, FEMA.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 1725 I Street NW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT:

John Scheibel, Assistant to the General Counsel for Environmental Quality and Hazard Mitigation, FEMA, 1725 I Street, N.W., Washington, D.C. 20472. Telephone: (202) 634–1990.

SUPPLEMENTARY INFORMATION: FEMA has determined that temporary housing in mobile homes, travel trailers, or other readily fabricated dwellings (except those places on group sites) has no significant impact on the quality of the human environment and should be categorically excluded from the requirements of 44 CFR Part 10 (Environmental Considerations).

FEMA is taking this action because of the emergency nature of providing temporary housing, and because of the administrative burden and resulting time delays which would result from reviewing each proposed temporary housing action. It is important to remember that temporary housing in mobile homes, travel trailers, or other readily fabricated dwellings is a last-resort resource, and it occurs only when existing resources (such as private rental units or limited home repairs) are insufficient to house all eligible applicants. In fiscal year 1980, only 10% of temporary housing eligibles had to be housed in mobile homes. It would be undesirable to impose an unnecessary burden on this group of temporary housing applicants when the contemplated action has no significant impact on the environment.

Within the past two years, 86% of families who were housed in mobile homes had the units placed on a site either near their existing damaged dwelling which was complete with utilities and other required improvements already in place (46%), or on existing commercial sites or available commercial park spaces which may only have needed limited additional hook-ups to make the existing pads useful (40%). Neither of these actions has a significant further impact on the quality of the human environment.

Over the past three fiscal years (FY '78–'80), only seven of 69 temporary housing operations required group sites, and of the seven, two operations used group sites developed during a previous disaster and another developed a group site by adding to existing commercial park spaces. These statistics indicate that FEMA makes very infrequent use of group sites for temporary housing locations, and when utilized, minimizes any potential environmental consequences by selection of group sites already in use.

For the purposes of this rule, a group site is a site which accommodates 25 or more mobile homes, travel trailers, or other readily fabricated dwellings. However, when a group site is proposed to be developed with Federal funds and units are proposed to be placed on such site in a base floodplain, wetland or other recognized high hazard area. Federally-funded site development and the placement of more than one unit other than on a private or commercial site will be subject to the requirements of 44 CFR Part 10.

As indicated above, this regulation is basically procedural, and has little, if any, cost impact. It thus is not a major rule under Executive Order 12291. Also, this regulation is applicable to States, or to individuals, and is not applicable to small entities. Thus, pursuant to the provisions of 5 U.S.C. 605(b), it is hereby certified that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

FEMA has also consulted with the Council on Environmental Quality (CEQ) concerning this proposed rule. This rule expands 44 CFR 10.8(c)(2)(vii)(j) to accommodate this change regarding mobile homes, to subsume other temporary housing actions which were already excluded in (J), (K), and (L) of the current regulation (namely existing resources, minimal repairs, and mortgage and rental assistance) into an expanded (J), and renumber the crisis counseling exclusion from (M) to (K).

Authority for issuing the regulation is based on the National Environmental Policy Act, 42 USC 4321; Executive Order 11514, as amended by Executive Order 11991; Reorganization Plan No. 3 of 1978; Executive Order 12148; section 601 of the Disaster Relief Act of 1974.

This amendment would change the rule previously published as 44 CFR Part 10 (45 FR 41141; June 18, 1980) as amended at 46 FR 2049 on January 8, 1981.

Accordingly, it is proposed to amend 44 CFR Part 10 in § 10.8(c)(2)(vii) by revising subparagraph (J); removing (K) and (L) and redesignating (M) as (K). The revised text to read as follows:

§ 10.8 Determination of requirement for environmental review.

(c) Categorical Exclusions.

(2) * * *

(vii) * * *

(J) Temporary housing, except for Federally-funded development of or placement of mobile homes, travel trailers, or other readily fabricated dwellings on group sites. A group site consists of 25 or more units unless located in a base floodplain, wetland or other recognized high hazard area in which case more than one unit on a site constitutes a group (sec. 404); and

(K) Crisis counseling assistance and training (sec. 413).

Dated: July 6, 1981.

L. O. Giuffrida,

Director, Federal Emergency Management Agency.

[FR Doc. 81-20390 Filed 7-10-81; 8:45 am]

BILLING CODE 6718-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 31 and 42

Contract Cost Principles and Procedures; Contract Administration

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding cost principles and procedures for contracts with educational institutions and contract administration.[1] Availability of additional segments for comments will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before September 4, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency request must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16916 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395–3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redunancies; and to provide an acquisition regulation that is simple, clear and understandable. The

[1] A copy of the draft Federal Acquisition Regulation is filed with the original document.

intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 31.3—Contracts with Educational Institutions

This subpart implements Office of Management and Budget (OMB) Circular No. A–21, cost principles for educational institutions, revised February 26, 1979 with respect to contracts. The subpart provides principles for determining the costs applicable to research and development, training, and other work performed by educational institutions under contracts with the Government.

There are no proposed policy changes in the draft FAR. However, since OMB Circular A–21 applies to both contracts and assistance agreements, its principles are applied to both types of arrangements by intermittently using terms associated with both in the Circular. FAR drafters have attempted to apply the language of A–21 to contracts only, deleting, where appropriate, references to grants and other assistance terminology. Reviewers of this FAR segment are requested to note and comment if the drafters have inadvertently caused a policy change in this proposed implementation.

PART 42—CONTRACT ADMINISTRATION

Subpart 42.1—Interagency Contract Administration and Audit Services

This subpart prescribes policies and procedures for obtaining and providing interagency contract administration and audit services in order to (1) provide specialized assistance through field offices located at or near contractors' establishments, (2) avoid or eliminate overlapping and duplication of Government effort, and (3) provide more consistent treatment of contractors. The coverage is based primarily on OFPP Policy Letter 78–4, and relates to Defense Acquisition Regulation (DAR) Section XX, Parts 5 and 6.

Subpart 42.2—Assignment of Contract Administration

This subpart prescribes policies and procedures for assigning, retaining, or reassigning contract administration, and for requesting and performing supporting contract administration. Though it generally follows the policies and procedures of DAR Section XX, Part 7 and 1–406 (a) and (b), the FAR provides more flexibility to agencies and less detailed rules on retaining contracts for administration than the DAR now prescribes within the Department of Defense (DOD).

Subpart 42.3—Contract Administration Functions

This subpart is based on the list of functions currently in DAR 1–406. The functions have been divided into one list of 57 normal functions, and a separate list of eight functions to be performed only when and to the extent specifically authorized by the contracting office. The FAR list of functions includes all but three of those in DAR 1–406(c), but two of the functions (making payments and negotiating and executing supplemental agreements under provisioning procedures) have been made contingent on pescription in agency acquisition regulations in order to accommodate differences betwen DOD and other agencies. The list of 57 normal functions has been reordered to group them by general functional areas within the contract administration office.

Subpart 42.4—Correspondence and Visits

This subpart prescribes procedures for handling correspondence related to contract administration and for Government personnel planning to visit contractor's facility in connection with one or more government contracts. It is based on DAR Section XX, Part 8.

Subpart 42.8—Corporate Administrative Contracting Officer (CACO)

This subpart describes the assignment and responsibilities of CACOs, who may be needed to deal with corporate management and perform selected contract administration functions on a corporate-wide basis when a contractor has more than one operational location and its operations affect the work of more than one administrative contracting officer. Based on DAR Section XX, Part 9, the coverage includes minor changes to adapt DAR 20–903, Assignment, to the interagency environment and to tie the CACO function to the cross-servicing policy in subpart 42.1. Administration of Cost Accounting Standards is added as a typical CACO function.

Dated: July 6, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81–20409 Filed 7–10–81; 8:45 am]

BILLING CODE 3110–01–M

Notices

Federal Register

Vol. 46, No. 133

Monday, July 13, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Alpena County Parks RC & D Measure, Michigan; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Counsel on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alpena County Parks RC & D Measure, Alpena County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment and public water based recreation. The planned works of improvement include 8 vault-type toilets, 20 campsites, 6 miles of nature trails, 50 grills, 55 picnic tables, 2 boat docks, 4 swimming rafts, 3 boat launching ramps, 5,200 linear feet of rustic fencing, 2 drinking fountains, 100 park signs, 100 linear feet of access stairs, 2 foot bridges, erosion control structures, and critical area seeding. Total construction cost is estimated to be $83,060; $42,580 RC & D funds and $40,480 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20341 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–16–M

Chigley and Rock Creek Critical Area Treatment RC & D Measure, Oklahoma; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone 405–624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chigley and Rock Creek Critical Area Treatment RC & D Measure, Murray County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for erosion control. The planned works of improvement include construction and vegetation of waterways, gully shaping, grade stabilization structures, diversion terraces, pipedrops, and establishment of trees and fencing of critical areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20342 Filed 7–10–81; 8:45 am]

BILLING CODE 3410–16–M

Elkton Water Plant and Meadow Park Critical Area Treatment RC & D Measure, Maryland; Finding of no Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Elkton Water Plant and Meadow Park Critical Area Treatment RC&D Measure, Cecil County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for the Elkton Water Plant and Meadow Park along the Big Elk Creek. The planned works of improvement include 380 feet of gabions along the south side of the millrace and the westerly bank of Big Elk Creek on the Elkton Water Plant property, and 280 feet of gabions along the east side of Big Elk Creek at Meadow Park.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20343 Filed 7–10–81; 8:45 am]
BILLING CODE 3410–16–M

Hill Road Public Drainage Association Flood Prevention and Drainage RC & D Measure, Caroline County, Maryland; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hill Road Public Drainage Association Flood Prevention and Drainage RC & D Measure, Caroline County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the excavation of approximately 1.7 miles of outlet drainage with a contributing drainage area of 123 acres. The planned works of improvement include excavation, spoil spreading, and vegetation of all disturbed areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20344 Filed 7–10–81; 8:45 am]
BILLING CODE 3410–16–M

Pleasant Valley Creek Watershed, Washington; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, telephone 509–456–3711.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pleasant Valley Creek Watershed, Whitman County, Washington.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for land treatment to reduce erosion, improve water quality, and enhance fish and wildlife habitat. The planned works of improvement include conservation practices such as residue management, divided slope farming, terraces, grassed waterways, wildlife plantings, and stream corridor management.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Lynn A. Brown. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20345 Filed 7–10–81; 8:45 am]
BILLING CODE 3410–16–M

Stony Creek RC & D Measure, New York; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315–423–5076.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Stony Creek RC & D Measure, Warren County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to stabilize three critically eroding roadbanks on County Route 3/22 in Warren County, New York, near the village of Stony Creek. The planned project includes regrading all three sites to a 2:1 slope and applying vegetative treatment.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 2, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–20346 Filed 7–10–81; 8:45 am]
BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Order 81–7–34; Docket 38285]

Aeroservicios Ecuatorianos, C.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 81–7–34.

SUMMARY: The Board proposes to approve the following application: Applicant: Aeroservicios Ecuatorianos, C.A. Application Date: June 6, 1980. Docket: 38285. Authority Sought: A foreign air carrier permit for nonscheduled and charter foreign air transportation of property only between Guayaquil and/or Quito, Ecuador and the coterminal points Miami and Houston.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall no later than July 31, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Ecuador in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tenative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:
Docket 38285, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428
Applicant: Aeroservicios Ecuatorianos, C.A., c/o Joanne W. Young, Meyers, Marshall & Young, Twelfth Floor, 1050 Seventeenth Street, N.W., Washington, D.C. 20036

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1925 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
David B. Modesitt, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5373.

By the Civil Aeronautics Board: July 7, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81–20378 Filed 7–10–81; 8:45 am]
BILLING CODE 6320–01–M

Former Large Irregular Air Service Investigation; Applications of Aero Exchange, Inc., d.b.a. Pan Aero International; Hearing

[Dockets 33363, 39471 and 39472]

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 13, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D. C., before the undersigned administrative law judge.

Dated at Washington, D. C., July 7, 1981.

William A. Pope, II,
Administrative Law Judge.

[FR Doc. 81–20377 Filed 7–10–81; 8:45 am]
BILLING CODE 6320–01–M

[Order 81–729; Docket 37294]

Order Concerning Mail Rates

Order 81–7–29, July 7, 1981, Docket 37294, denies the petition for reconsideration of Order 81–5–100 filed by United Air Lines, Inc., Order 81–5–100 established final domestic service

mail rates for the second quarter of calendar year 1981.

Copies of the order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20379 Filed 7-10-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

California Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 3:00 p.m. and will end at 6:00 p.m., on July 24; they will also convene at 9:00 a.m. and will end at 3:00 p.m. on July 25, 1981, at the Mission Valley Inn, 875 Hotel Circle South, San Diego, California 92108. The purpose of this meeting is to orient new members as well as plan for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herman Sillas, Jr., 925 L Street, Sacramento, CA 93814, (916) 447-3383; or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, CA 90010, (213) 798-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20372 Filed 7-10-81; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m. on July 27, 1981, at the Gary City Hall, Council Lounge, 2nd Floor, 401 Broadway Street, Gary, IN 46402. The purpose of this meeting is to review and comment on the employment draft report and a discussion of new business.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Harriette B. Conn, 309 West Washington Street, Suite 501, Indianapolis, IN 46204, (317) 849-2734; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20373 Filed 7-10-81; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 5:00 p.m. and will end at 9:00 p.m. on July 23, 1981, at the Howard Johnson Hotel, 231 Michigan Avenue, Detroit, Michigan 48226. The purpose of this meeting is to plan for research and analysis of school desegregation, loan equality and other civil rights concerns.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Jo Ann W. Terry, 18922 Fairfield, Detroit, MI 48221, (313) 342-9386; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20374 Filed 7-10-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration Advisory Committee on East-West Trade

Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

Time and Place: July 22, 1981, at 9:30 a.m. For information on the place of the meeting call Ronald Oechsler, Office of East-West Policy and Planning (202) 377—5898 or 3110.The meeting is being called on short notice because Committee advice is needed to assist in policy reviews currently underway.

Agenda:

General Session (9:30 a.m.–12 p.m.)

(1) Welcome and Opening Remarks by the Chairman
(2) Introductory Remarks by Eugene Lawson, Deputy Assistant Secretary for East-West Trade
(3) Review of Developments in Export Administration
(4) Review of Developments in East-West Trade
(5) Report on Negotiations on Soviet Taxation of U.S. Companies
(6) Report on Paris Air Show
(7) Review of Pending East-West Trade Legislation

Executive Session (1:30 p.m.–3:45 p.m.)

(8) Committee Views on U.S.-Soviet Relations
(9) Update on Economic/Commercial/Financial Developments in Poland and Implications for East-West Trade
(10) Report on PRC International Finance

Public Participation: The General Session of the meeting will be open to the public. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis. A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on July 7, 1981 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters in 5 U.S.C. 552b(c)(1); i.e., material specifically authorized under criteria established by Executive Order 12065 (3 CFR 190 (1979)) to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order.

A copy of the Notice of Determination to close the aforementioned portion of the July 22, 1981 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-4217. Summary minutes of the General Session will be available 30 days after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Ronald G. Oechsler, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-5898.

Dated: July 7, 1981.

Eugene K. Lawson,

Deputy Assistant Secretary for East-West Trade.

[FR Doc. 81-20338 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber from Sweden, Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on rayon staple fiber from Sweden. The review is based upon information for the period October 1, 1979, through September 30, 1980. As a result of this review, the Department has preliminarily determined the amount of the net subsidy to be 3.44 percent of the f.o.b. invoice price for regular fiber and 40.37 percent of the f.o.b. invoice price for modal fiber. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McCarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 15, 1979, a notice of "Final Countervailing Duty Determination, Viscose Rayon Staple Fiber from Sweden," T. D. 79-141, was published in the Federal Register (44 FR 28319). The notice stated that the Department of the Treasury had determined that exports of viscose rayon staple fiber from Sweden benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 (the "TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders.

On August 22, 1980, liquidation of entries of viscose rayon staple fiber from Sweden was suspended. The U.S. International Trade Commission ("the ITC") notified the Department on October 30, 1980, that an injury determination had been requested under secion 104(b) of the TAA. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on viscose rayon staple fiber from Sweden.

Scope of the Review

Imports covered by this review are both regular and high-wet modulus ("modal") viscose rayon staple fiber from Sweden. These imports are currently classifiable under items 309.4320 and 309.4325, Tariff Schedules of the United States Annotated.

The review is based upon information for the period October 1, 1979, through September 30, 1980, and it is limited to the two programs found countervailable in the original order: the elderly employment compensation program and the interest free loans/grants program. The sole Swedish producer is Svenska Rayon AB ("Svenska").

Analysis of Programs

1. The elderly employment program

The Swedish government provides a subsidy to certain companies within the textile industry through a special employment contribution by the government for older workers. This program was established by Swedish government bill 1976/77: 105, adopted on March 3, 1977. While the program is designed to encourage the retention of any redundent employees, compensation is provided to a company based upon the number of hours worked by employees over 50 years of age. A company participating in the program must agree not to dismiss or release redundant employees of any age except because of normal attrition. Payments are calculated on the basis of 25 kroner per hour for every hour worked by production workers over age 50. The payments can total up to 15 percent of the company's total labor cost. Svenska participated in this program. We have preliminarily determined that the gross payments under this program are 3.44 percent of the f.o.b. invoice price for both regular and modal viscose rayon staple fiber. Since there is no issue of offsets, the net subsidy is also 3.44 percent of the f.o.b. invoice price.

2. Interest-free government loans/grants

For the purpose of national defense, the Swedish government subsidizes the establishment of productive capacity for modal rayon staple fiber. Accordingly, the government and Svenska negotiated an agreement whereby the government lent, on an interest-free basis, investment capital needed to establish productive capacity for modal fiber. The loans were to be forgiven if Svenska maintained those production facilities for modal fiber for ten years. The loans provided Svenska under this first agreement, referred to as Project 77, totaled 14 million kroner.

Government bill 1977/78: 125, adopted on March 16, 1978, approved a second larger investment loan program, referred to as Project 81, under which Svenska has received additional interest-free loans for the development of its modal fiber plant. Pursuant to the bill, a 67.3 million kroner loan was authorized. By the end of September 30, 1980, the government had actually paid 58.171 million kroner. The Swedish government provided in February 1979 an additional 1.8 million kroner loan to Svenska for environmental improvements to the plant.

Svenska's obligation to the Swedish government of 14 million krones under Project 77 has been forgiven at the rate of 10 percent per year in 1978, 1979, and 1980. If Svenska maintains its modal production facilities, the government will forgive the remainder of the Project 77 loans and also the Project 81 loans in the future.

We are treating 10 percent of the Project 77 funds as a grant during this review period rather than a loan because forgiveness has occurred. We are treating the 58.971 million kroner Svenska received from the Swedish government under Project 81 as an interest-free loan until forgiveness

occurs. We have calculated the subsidy on Project 81 on the basis of the interest Svenska would have paid if it had borrowed the money commercially during the period of review. We have preliminarily determined that the net subsidy under the interest-free government loans/grants program for the development of Svenska's modal fiber plant is 36.93 percent of the f.o.b. invoice price of the modal fiber.

We verified the information supplied by the Swedish government and Svenska through examination of Swedish government laws and documents, and Svenska's books and records.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred by the Government of Sweden on the production of modal viscose rayon staple fiber is 40.37 percent of the f.o.b. invoice price and on the production of regular viscose rayon staple fiber is 3.44 percent of the f.o.b. invoice price.

The Department intends to instruct the Customs Service to assess countervailing duties at the rate stated above on all unliquidated entries of regular and modal viscose rayon staple fiber from Sweden entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and exported on or before September 30, 1980. The provisions of section 303(a)(5) off the Tariff Act, prior to the enactment of the TAA, apply to all entries made prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties on unliquidated entries of modal fiber which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980, at 8.6 percent of the f.o.b. invoice price of modal viscose rayon staple fiber, the amount set forth in T.D. 79–141. The rate for regular fiber under T.D. 79–141 was 0 percent.

Further, unless the ITC finds there is no injury or likelihood of injury, a cash deposit of the estimated countervailing duties listed above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, a deposit of estimated duties of 8.6 percent of the f.o.b. invoice price of modal viscose rayon staple fiber shall continue to be required on each entry, or withdrawal from warehouse, for consumption of modal rayon staple fiber. No deposit of estimated duties shall be required for regular fiber.

Interested parties may submit written comments on or before August 12, 1981 and may request disclosure and/or a hearing on or before July 28, 1981. Any request for an administrative protective order must be made on or before July 20, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 7, 1981.

[FR Doc. 81–20335 Filed 7–10–81; 8:45 am]

BILLING CODE 3510–25–M

[Case Nos. 606 and 606]

Gerald M. Starek and Carl E. Story; Order

In the matter of: Gerald M. Starek, 13795 Via Alto Court, Saratoga, California 95070 (Case No. 606) and Carl E. Story, 22286 DeAnza Circle, Cupertino, California 95014 (Case No. 606); Order.

The Office of Export Administration, United States Department of Commerce initiated administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, (50 U.S.C. app. § 2401, *et seq.* (Supp. III 1979)) (the "Act") and the Export Administration Regulations (15 CFR Part 368, *et seq.* (1980)) (the "Regulations") against Gerald M. Starek ("Starek") and Carl E. Story, ("Story"). The charging letters alleged that the respondents violated §§ 387.2, 387.4 and 387.6 of the regulations.

The Department and the respondents have entered into consent agreements, 15 CFR 388.17, whereby each party agreed to settle this matter (1) by a denial of all exporting privileges to Starek and Story for a three-month period terminating on September 30, 1981, (2) by a denial of all export privileges to Starek and Story to certain countries for a five-year period termininating on September 30, 1986, and (3) by a denial of validated export license privileges to Starek and Story to all destinations, subject to certain conditions, for the period ending on September 30, 1986.

The terms of the consent agreement, as incorporated in this order, are approved by the undersigned. Therefore, pursuant to the authority vested in me, 15 CFR, Part 388, it is

Ordered

First. For the period ending September 30, 1981, Starek and Story are denied all export privileges; however, upon notice to the Hearing Commissioner, and all else being regular, the respondents may, (i) export in fulfillment of contracts entered into prior to July 1, 1981, and (ii) export in fulfillment of service and repair requirements (including spare and replacement parts) in connection with prior legal exports. Written notice or notice by telephone or telegraph shall be given at least 5 days prior to the proposed export, but shorter notice will be accepted in the event of emergencies (customer requirements).

Second. For a further five-year period ending on September 30, 1986, Starek and Story are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations, with respect to the following countries: Albania, Bulgaria, Cuba, Czechoslovakia, Estonia, German Democratic Republic (including East Berlin), Hungary, Laos, Kampuchea, Latvia, Lithuania, Mongolian People's Republic, North Korea, Poland, Romania, the Union of Soviet Socialist Republics and Vietnam. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (i) as a party or as a representative of a party to any validated export license application; (ii) in the preparation of filing of any export license application or reexport authorization, or of any document to be submitted therewith; (iii) in the obtaining or using of any validated or general export license or other export control document; (iv) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (v) in the financing, forwarding, transporting, or other servicing of such commodities or technical data. Nothwithstanding the foregoing, upon notice to the Hearing Commissioner, and all else being regular, Starek and Story may (i) export in fulfillment of contracts entered into prior to July 1, 1981, and (ii) export in fulfillment of service and repair requirements (including spare and replacement parts) in connection with prior legal exports. Written notice or notice by telephone or telegraph shall be given at least 5 days prior to the proposed date for export, but shorter notice will be accepted in the event of emergencies (customer requirements).

Third. For a further five year period ending on September 30, 1986, Starek and Story are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction which (1) requires a validated export license or reexport authority from the Office of Export Administration, and (2) involves commodities or technical data subject to the Export Administration Regulations which are exported or to be exported from the United States in whole or in part. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (i) as a party or as a representative of a party to any validated export license application; (ii) in the preparation or filing of any export license application or reexport authorization; and (iii) in the obtaining or using of any validated export license. Notwithstanding the foregoing, during this period of denial of validated export privileges, Starek and Story may file export license applications for any spare, replacement or stock part which requires a validated export license and which is to be used in connection with commodities previously exported or which may be exported in accordance with the provisions of this Order.

Fourth. The foregoing restrictions apply to Starek and Story, individually, as well as to any person, firm, corporation or other business organization, including Silicon Valley Group, Inc., a company presently incorporated in the State of California (which company was not in existence at the time of the alleged violations which are the subject of this Order), to which Starek or Story are now or hereafter become related by affiliation, ownership, control, position of responsibility or other connection, in the conduct of export trade or services related thereto. Starek and Story shall obtain from any such person, firm, corporation or other business organization, including Silicon Valley Group, Inc., its acknowledgment of the terms and conditions of the Consent Agreements and this Order, together with its acknowledgment of its responsibilities thereunder, and that they shall provide such acknowledgments to the Hearing Commissioner.

Fifth. During the periods of denial of export privileges described above, the respondents must promptly inform the Hearing Commissioner of any changes in their affiliation, ownership, control, position of responsibility or other connection in the conduct of export trade or services related thereto with any person, firm, corporation or other business organization. An appropriate Order may be entered as necessary to reflect changes in related party status, following notice and opportunity for Starek or Story and any related party to comment.

Sixth. If during the period of denial of validated export privileges described in paragraph Third hereof, the designation of any commodity or technical data which Starek or Story currently exports, or which Starek or Story may hereafter export as a result of subsequent purchase, acquisition or development, under a general license is reclassified to require a validated export license, Starek or Story may file export license applications on the same basis as other applicants.

Seventh. Starek and Story will report to the Hearing Commissioner on or before the 25th day of each month during the periods of denial, detailing all exports made by them or by any related party, including Silicon Valley Group, Inc., to which this Order may now or hereafter apply. Each report shall describe the commodities or technical data exported; identify the countries and ultimate consignees to which the exports were made; and, if known or otherwise required by the Export Administration Regulations, describe the end-use of the exports.

Eighth. On or before October 1, 1982, the respondents may petition for review and relaxation of the monthly reporting requirements mandated in paragraph Seventh above.

Ninth. During the periods of denial respondents at all times shall afford access to authorized government officials to any and all of their export and related records and/or any such records maintained by a related party, including Silicon Valley Group, Inc., to which this Order may apply.

The charging letters, the consent agreements, the Memorandum of Understanding, and this Order are available for public inspection. 15 CFR 388.20(c).

Dated this first day of July 1981.

This Order is effective July 1, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81–20335 Filed 7–10–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Announcement of the Removal of the Waters Around Culebra/Culebrita and Cordillera Islands From the List of Active Candidates for Marine Sanctuary Designation

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Acting Assistant Administrator for OCZM has determined that the waters around Culebra/Culebrita/Cordillera Islands, off Puerto Rico should not continue to be an Active Candidate. The basis for this determination is the lack of local support for the nomination, the complex nature of the issues related to the site; the inability of the Acting Assistant Administrator to give full review concurrently to three sites off Puerto Rico at this time; and the similarity of resources found at these areas. A draft environmental impact statement will be prepared for the two remaining sites—the waters at La Parguera and the waters around Mona/Monito Islands.

SUPPLEMENTARY INFORMATION: On December 18, 1980, OCZM published a notice in the **Federal Register** (Vol. 46, No. 84) declaring three sites off Puerto Rico as Active Candidates for marine sanctuary designation. The sites were the waters around the islands of Mona and Monito, the waters off La Parguera and waters around Cordillera/Culebra/Culebrita Islands. On May 1, 1981, a notice was published announcing the availability of an Issue Paper and a schedule of public workshops in Puerto Rico May 26, 28, 29, 1981.

Written comments on the Issue Paper were favorable and supported the concept of a marine sanctuary for all three sites. Public reaction at the workshops was favorable to the establishment of a sanctuary at La Parguera and Mona/Monito. However, considerable local opposition was voiced by residents of Culebra against any further Federal involvement in resource protection on or around the islands of Culebra and Culebrita.

In addition to local public reaction to the Culebra/Culebrita/Cordillera site,

two other factors have led the Acting Assistant Administrator to determine that the area should be removed from the List of Active Candidates at this time.

Designation of a marine sanctuary would require an extensive staff effort which, due to other project commitments, is not feasible at this time. Currently, OCZM is developing management plans for four recently designated sanctuaries (Channel Islands and Point Reyes/Farallon Islands National Marine Sanctuaries off California; and Gray's Reef and Looe Key National Marine Sanctuaries off Georgia and Florida, respectively,) and processing two Active Candidates (waters off southest St. Thomas, USVI; and Monterey Bay area, California). In light of the demands to complete these projects, the Acting Assistant Administrator does not have the means to give full consideration to three additional Active Candidates off Puerto Rico within the time specified in the rules and regulations for development and management of marine sanctuaries (Part 922.24, FR Vol. 44, No. 148 7/31/79).

Finally, many of the resources in the Culebra/Culebrita/Cordillera area—well developed coral reefs, marine grass beds, and stands of fringing mangroves—are also found within the waters at La Parguera and around Mona and Monito.

Accordingly, OCZM is removing the waters around Culebra/Culebrita/Cordillera Islands from the List of Active Candidates and returning it to the List of Recommended Areas.

The Puerto Rico Department of Natural Resources concurs in this assessment and action.

FOR FURTHER INFORMATION CONTACT:

Mr Edward Lindelof, Gulf and Caribbean Project Manager, or Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Page Building I, 3300 Whitehaven Street, N.W., Washington, D. C. 20235, (202) 634–4236.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

Dated: July 2, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-20099 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-08-M

Intent To File an Environmental Impact Statement on Proposed Marine Sanctuaries in Puerto Rico and To Hold a Scoping Meeting for Federal Agencies

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), intends to prepare a draft environmental impact statement (DEIS) on two proposed marine sanctuaries in Puerto Rico in the waters off La Parguera and around Mona/Monito Islands in accordance with rules and regulations for the designation and management of marine sanctuaries (FR, Vol. 44, No. 148, Tuesday, July 31, 1979).

SUPPLEMENTARY INFORMATION: The EIS will be prepared and a scoping meeting held in compliance with the Council on Environmental Quality (CEQ) regulations (FR, Vol. 43, November 29, 1978). A scoping meeting for Federal agencies will be held July 21, 1981, at 10 a.m., Room B-100 (Navy Conference Room), Page Building I, 2001 Wisconsin Avenue, N.W., Washington, D.C. Interested parties who wish to submit suggestions, comments or substantive information concerning the scope or content of this proposed environemental impact statement should do so prior to July 31, 1981. Comments may be submitted in writing or by telephone to: Mr. Edward Lindelof, Gulf-Caribbean Project Manager, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, telephone (202) 634–4236.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

DATED: July 2, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-20081 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-08-M

National Technical Information Service Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to Pennwalt Corporation a limited exclusive right in the United States and certain foreign countries for the manufacture, use and sale of the products embodied in U.S. Patents 4,036,987 (dated July 19, 1977) and 4,073,939 (dated February 14, 1978), "Control of Nematodes and other Helminths."

The limited exclusive license granted by NTIS is a royalty-bearing license for a term of five years from the date of regulatory approval or first commerical sale but not to exceed eight years from the date of license agreement. The license may be revoked in accordance with 41 CFR 101–4.104.5.

Dated: July 7, 1981.

Douglas J. Campion,

Acting Program Manager.

[FR Doc. 81-20087 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to discuss the Bluefish Fishery Management Plan (FMP); status of other FMP's; foreign fishing applications; election of officers, as well as other fishery management and administrative matters. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The public meetings will convene on Wednesday, August 5, 1981, at approximately noon, and will adjourn on Thursday, August 6, 1981, at approximately 4:30 p.m.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: July 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20471 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Salmon Subpanel and its Scientific and Statistical Committee; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94–409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council, along with its Scientific and Statistical Committee (SSC) and its Salmon Subpanel were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

MEETING AGENDAS:

Council (open meeting)—consideration of the in season salmon management; conduct a public comment period beginning at 4 p.m., on August 7; conduct other fishery management business and consider administrative matters.

Council (closed session)—discussion of the status of current maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and related staff having security clearances will be allowed to attend this closed session.

SSC (open meeting)—consideration of in-season management; conduct a public comment period beginning at 3 p.m., on August 6, and evaluate and develop recommendations on other matters referred to the committee by the Council.

Salmon Subpanel (open meeting)—consideration of in-season salmon management.

DATES:

Council (open meeting) August 7–8, 1981 (1 p.m. to 5 p.m., on August 7; 9 a.m. to 5 p.m., on August 8).

Council (closed session) August 8, 1981 (8 a.m. to 9 a.m.).

SSC (open meeting) August 6–7, 1981 (8 a.m. to 5 p.m., on August 6 and 7).

Salmon Subpanel (open meeting) August 7 (8 a.m. to 5 p.m.).

ADDRESS: The meetings will take place at the Sheraton Inn-Airport, 8235 NE Airport Way, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:

Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meeting will be open to the public.

Dated: July 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20422 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, its Salmon Subpanel, and its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a Scientific and Statistical Committee (SSC) and a Salmon Subpanel to assist the Council in managing and conserving America's fisheries as specified by the Act. The Council, its SSC and Salmon Subpanel will meet to consider in-season salmon management.

DATES: The Council meeting will convene on Saturday, August 22, 1981, at approximately 8 a.m., and adjourn at approximately 5 p.m., in the Evergreen Room of the Doric Tacoma Motor Hotel; the SSC meeting will convene on Friday, August 21, 1981, at approximately 1 p.m., and adjourn at approximately 5 p.m., in the Cascade Room of the same motor hotel. The Salmon Subpanel meeting will convene on Friday, August 21, 1981, also, at approximately 8 a.m., and will adjourn at approximately 5 p.m., in the Olympic Room of the motor hotel.

ADDRESS: The address for these public meetings at the Doric Tacoma Motor Hotel is 242 St. Helens Avenue, Tacoma, Washington.

FOR FURTHER INFORMATION CONTACT:

Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: July 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20429 Filed 7-10-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Department Administrative Order on Grants Administration

AGENCY: Department of Commerce.

ACTION: Final Department Administrative Order on Grants Administration.

SUMMARY: This Order establishes uniform policies and procedures for grants administration in the Department of Commerce to bring about more effective grants management. Prior to the development of this Department Administrative Order, grants management was handled at the organization unit level without overall Departmental guidance. Grants management policies and procedures were, therefore, often inconsistent and conflicting. As the first issuance of Departmental rules for grants management in the Department of Commerce, this Order will provide overall guidance and a basis for future Departmental grants policies and procedures.

EFFECTIVE DATE: January 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Sonya Gilliam, Chief, Departmental Grants Unit, Room 6888–C, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Interested persons have been afforded an opportunity to participate in the making of this final issuance by a notice published in the Federal Register Friday, September 21, 1979. Since that time, the Department Administrative Order has undergone major revisions in response to internal review and intervening events.

[Transmittal 372; Department Administrative Order 203–26]

Effective Date: January 12, 1981.

Department of Commerce Grants Administration

Section 1. Purpose and Authority.

.01 This Order prescribes policies and procedures to be followed in the award and general administration of Department of Commerce (DoC) grants and cooperative agreements.

.02 This Order is issued under the authority of 5 U.S.C. § 301; Department

Organization Order 10-5, "Assistant Secretary for Administration;" and other laws and directives indicated in Appendix A as applicable.

Sec. 2. Scope.

Unless otherwise indicated, this Order is applicable to all DoC organization units in their award and administration of financial assistance as defined in Section 3. This Order does not apply to any other types of financial assistance.

Sec. 3. Definitions.

.01 Budget Data Analysis—The review and evaluation of the applicant's proposed budget data submitted with the grant proposal and of the judmental factors applied in projecting from that data to the estimated costs, in order to form an opinion on the degree to which the proposed costs in the budget represent what performance of the grant project should cost, assuming reasonable economy and efficiency.

.02 Contract—The legal instrument reflecting a relationship between the DoC and a recipient whenever (1) the principal purpose of the relationship is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government, or (2) it is determined in a specific instance that it is appropriate to use a type of procurement contract. A contract may also refer to the legal instrument reflecting a relationship between a recipient and its contractor or between such contractor and its subcontractor.

03 Cooperative Agreement—The legal instrument reflecting a relationship between the DoC and a recipient whenever (1) the principal purpose of the relationship is to provide financial assistance as defined in .04 below to the recipient and (2) substantial involvement is anticipated between DoC and the recipient during performance of the contemplated activity.

04 Financial Assistance—A transfer of money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation which is authorized by Federal statute. As used in this Order, it includes only grants and cooperative agreements and does not include any agreement under which only direct or Federal cash assistance to individuals, a subsidy, loan, loan guarantee, or insurance is provided.

05 Grant [1]—The legal instrument reflecting a relationship between the DoC and a recipient whenever (1) the principal purpose of the relationship is to provide financial assistance as defined in .04 above to the recipient and (2) no substantial involvement is anticipated between DoC and the recipient during performance of the contemplated activity.

.06 Grant Close-Out—The process by which an organization unit determines that all required work of the grant and all applicable administrative actions including audit resolution have been completed by the recipient and the organization unit awarding the grant.

.07 Insular Area—As defined by 48 U.S.C. 1469(a), Pub. L. 95-134, Title V, § 501 (1977), as amended Pub. L. 95-348, § 9 (1978), the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands.

.08 Organization Unit; Head of Organization Unit—Primary operating units, the Office of Regional Development, and other units authorized by a Secretarial Officer to award or administer financial assistance. The head of an organization unit is the head of a primary operating unit, the Special Assistant to the Secretary for Regional Development and, Secretarial officers.

.09 Recipient—Any individual or entity which receives financial assistance as defined in .04 above from the Deparment.

.10 Solicited Proposals—Applications for financial assistance which the organization unit providing financial assistance receives as a result of published notice or direct solicitation.

.11 Suspension—An organization unit action which temporarily suspends Federal sponsorship under the grant pending corrective action by the recipient or a decision to terminate the grant by the organization unit.

.12 Termination—Ending the recipient's authority to charge allowable costs to a grant prior to the expiration date in the award document.

.13 Unsolicited Proposals—Applications for financial assistance which are not received as a result of publication or direct solicitation.

Sec. 4. General Requirements.

.01 *Establishment of a Central Grants Unit in Each Organization Unit.*

a. The head of each organization unit shall establish, through an internal directive, a central grants unit within the organization unit. In addition to establishing the unit, the directive shall define the units responsibilities and duties. This unit shall interact with the Department's central grants unit, located in the Office of the Deputy Assistant Secretary for Acquisition, Grants and Information Management. Each organization unit's central grants unit shall perform the following primary duties, as well as other functions which may be assigned to it:

1. *Policy Implementation.*

(a) Review relevant draft regulations concerning grants to assure each program's compliance with Departmental and organization unit's grant administration requirements;

(b) Provide guidance to organization unit program managers concerning applicable statutes, circulars and regulations;

(c) Establish procedures and policies to implement the requirements set forth in this Order.

(d) Develop and/or revise the organization unit's grants administration policy manual(s).

2. *Monitoring.*

(a) Monitor the disposition of audit recommendations on grant matters within the organization unit;

(b) Review the organization unit's grant administration system for compliance with this Order; and

(c) Review grant forms and other grants documents for compliance with applicable requirements.

3. *Maintenance.*

(a) Assure that a grants training program is designed and implemented;

(b) Store and supply grants-related forms, circulars and other pertinent documents needed by programs within the organization unit.

4. *Liaison and Coordination.*

(a) Answer outside and intra-departmental questions and inquiries on grants-related matters; and

(b) Coordinate, where appropriate, the organization unit's joint-funding, consolidated funding, single letters of credit and other types of grants activities.

5. *Information Collection, Analysis, and Dissemination.*

(a) Collect organization unit material for the *Catalog of Federal Domestic Assistance* (CFDA) and the *Budget Information System* (BIS);

(b) Coordinate preparation and submission of reports on grant related matters for the Department of Commerce and;

(c) Disseminate information from the Department's central grants unit to appropriate organization unit personnel and offices.

b. A waiver of subparagraph 4.01.a. or any part thereof may be granted in those instances when the establishment of a central grants unit in or the performance of a particular function by a particular organization unit will impose undue administrative burdens on such organization unit. The procedures set forth below must be followed in order to obtain such a waiver.

1. The head of the organization unit shall send to the Assistant Secretary for Administration a memorandum requesting a waiver to subparagraph 4.01.a. or particular part(s) or function(s) thereof.

2. The Assistant Secretary for Administration shall make the final decision to grant or deny the request and forward this decision to the head of the organization unit and the Deputy Assistant Secretary for Acquisition, Grants and Information Management.

.02 *Obligation to the Public.*

a. For each of its discretionary grant programs, each organization unit shall establish criteria for the selection of recipients. A discretionary grant program is a financial assistance program under which funds are awarded on the basis of merit or program need and to which an applicant is not entitled as a matter of law.

b. Where appropriate, the selection criteria should be stated with as much specificity as practicable. If differing weights or degrees of importance in evaluation are assigned to particular selection criteria, that should be indicated. When an organization unit initially formulates or intends to make a significant change in it selection criteria, it is encouraged to utilize the public participation requirements in Section 2(c) of Executive Order No. 12044, Improving Government Relations, 3 CFR 152 (1978).

c. To inform the interested public, it is the policy of the Department that each organization unit shall publish at least annually a notice in the **Federal Register** which includes basic information for each discretionary grant program. The Department strongly encourages each organization unit to include, where appropriate, as basic information, the following items:

1. The amount of funds available, and the purposes for which they may be spent;

2. Type of funding instrument planned to be utilized;

3. Eligibility criteria;

4. Application and/or preapplication due dates, if any;

5. Contact person/address/phone number;

6. Criteria for selection of recipients; and

7. The dates that funds are or will be available for award.

d. As required by the Office of Management and Budget (OMB), items which *must* be included in all Federal Assistance program announcements (including notices of availability of funds) are as follows:

1. The *Catalog of Federal Domestic Assistance* number and title as outlined in OMB Circular A-89: Catalog of Federal Domestic Assistance; and

2. A statement regarding the applicability of OMB Circular A-95, Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects.

e. If material changes are made with respect to the information listed in 4.02c and 4.02d above, or if circumstances arise after annual publication which would affect the above listed information (such as the reprogramming of program funds or receipt of a supplemental appropriation), the new information or changed circumstances should be published in the **Federal Register** to give the public reasonable notice.

f. In order to ensure widespread notification to the public, program officials are strongly encouraged to utilize publications in addition to the **Federal Register** which, in their opinion, have a wide distribution among interested persons.

g. For-profit organizations may be eligible to receive grant awards where the head of an organization unit determines that such awards would be consistent with program purposes and would not violate any statutory restrictions. Such determinations shall be documented and placed in the official grant file.

.03 *Grants Administration Policy Manuals.*

a. *Organization Unit.* Each organization unit shall develop a grants administration manual which shall contain (1) each organization unit's grants administration policies and procedures and (2) the specific restrictions or requirements applicable to each grant program. This manual may be developed as either:

1. A single manual for all grant programs in the organization unit; or

2. A separate manual for each grant program in the organization unit.

An organization unit may choose to develop both types of manuals. All organization unit manuals shall be completed within one year from the effective date of this Order.

b. The Department grants unit shall work with each organization unit's central grants unit to develop an overall Departmental grants administration manual. This manual shall contain Departmental policies and procedures. The Departmental manual shall be completed within eighteen months after the effective date of this Order. Prior to completion of the Departmental manual, this Order shall serve as the Department of Commerce Grants Administration Manual.

c. *Contents.* All organization unit manuals shall be in compliance with this Order and shall be subject to a compliance review by the Deputy Assistant Secretary for Acquisition, Grants and Information Management. Each manual shall cover the following topics:

1. *Basic Authority and Coverage.*

(a) Enabling legislation,

(b) Delegations of authority,

(c) Applicable guidelines, regulations, circulars, and

(d) Definitions and terms.

2. *Federal Requirements, Policies, and Standards.*

(a) Title VI of the Civil Rights Act of 1964,

(b) Utilization of small business in contracts under grants,

(c) Utilization of minority business enterprise in contracts under grants,

(d) Utilization of labor area concerns,

(e) Nondiscrimination on the basis of sex, age or handicap,

(f) Construction requirements,

(g) Environmental standards, and

(h) Other applicable standards or requirements. (See Appendix A.)

3. *The Application Process.*

(a) Program design and goals,

(b) Applicant eligibility,

(c) Selection criteria for grant awards,

(d) Availability of information on grant programs,

(e) Identification of forms used in the grants process,

(f) Identification of applicable funding instrument,

(g) Extent of application technical assistance, if available,

(h) Process for handling unsolicited proposals, and

(i) Procedures for review and evaluation of budget data.

4. *The Award Process.*

(a) Responsibilities of officials involved in the award of grants including time periods applicable to fulfillment of responsibilities,

(b) Method of selection of recipients,

(c) Process for notification of award,

(d) Process for notification of rejected applicants,

(e) Statement on joint funding,

(f) Pre- or post-award conferences with applicants or recipients where desirable, and

(g) Process, where applicable, for notification of A-95 and TC 1082 clearinghouses.

5. *Monitoring and Administration.*

(a) Performance periods,

(b) Special award conditions,

(c) Modifications of grant agreements,

(d) Official project file(s),

[1] Whenever the term "grant(s)" is used in this Order, it refers to both a grant(s) and cooperative agreement(s), unless specifically stated otherwise.

(e) Procurement standards,
(f) Property management standards,
(g) Subcontracting and subawards,
(h) Use of consultants,
(i) Records retention, and
(j) Program reporting requirements.
6. *Financial Management.*
(a) Methods of payment,
(b) Financial reporting requirements,
(c) Application of cost principles,
(d) Program income,
(e) Non-federal contribution,
(f) Financial management standards,
(g) Obligation and disbursement of grant funds,
(h) Cash depositories,
(i) Bonding,
(j) Level of funding/matching requirements,
(k) Audit procedures, and
(l) Resolution of audit recommendations.
7. *Grant Close-Out.*
(a) Refunding procedures, as applicable, and
(b) Close-out procedures.
8. *Grantee and Federal Responsibilities.*
(a) Procedures for handling disputes, complaints, appeals,
(b) Fraud and abuse protection provisions, and
(c) Termination and suspension provisions.
9. *Procedures for Review and Evaluation of Internal Grants Administration System.*

.04 *Responsibilities and Duties of Certain Officials.* To insure sound management in the administration of grants, the specific roles and responsibilities of personnel involved in the grants process should be clearly defined. This subsection prescribes the minimum roles and responsibilities to be performed by these officials.

a. *Grants Officer(s).* A Grants Officer is an employee who has been delegated authority to take final action on grants by signing grant awards and modifications thereto. A Grants Officer is responsible for:

1. Assuring that the grant is prepared, executed, and administered in accordance with applicable policies, regulations, directives, and circulars;
2. Selecting the appropriate funding instrument to be used in the particular transaction;
3. The overall management of administrative aspects of the grant;
4. Approving sole-source awards of over $10,000 for contracts under grants;
5. Where appropriate and after seeking legal advice when necessary, assuring that the recipient is provided with interpretations of the grant document, regulations, policies, and directives;
6. Assuring proper monitoring of recipient's compliance with all terms and conditions of the grant and taking appropriate action where there is non-compliance;
7. Determining whether to suspend or terminate a grant;
8. Coordinating with the Inspector General to assure that audits are performed and any questions raised by audit reports are resolved;
9. Assuring that the grant is properly closed-out;
10. Approving the recipient's purchase of non-expendable personal property, real property, and arranging for proper disposition of the property;
11. Reviewing for appropriate action all reports submitted by the recipient;
12. Providing technical assistance, where appropriate, to the recipient in order to minimize any problems; and
13. Explaining to recipients there rights and responsibilities under award instruments.

A Grants Officer shall ensure the performance of functions 1. through 9. above. Functions 10. through 13. above may be reassigned by a Grants Officer.

b. *Legal Counsel.*

1. Grants are legally binding documents. The procedures established for grants administration are agency rules which have legal consequences. The preparation and interpretation of these documents and rules, any disputes which arise with respect to them, and agency actions taken (or failed to be taken) at any stage of grants administration, all have legal effects of concern to the agency and its grants programs, as well as to grant applicants, recipients, and beneficiaries. Accordingly, Grants Officers and other organization unit personnel participating in grants administration shall, not only in order to comply with Department Organization Order (DOO) 10-6 "Office of The General Counsel" but as a matter of good practice, request their legal counsel to assist in each of those instances.

2. This assistance shall include, but not be limited to the following:

(a) Review by counsel of the provisions of a proposed grant or class of grants for clarity, legal sufficiency, the avoidance of potential legal problems, and whether the award is otherwise in compliance substantively and procedurally with applicable laws and regulations.

(b) Participation of counsel on any occasions when the other parties under the grant are represented by their own attorneys in discussions or written communications on aspects of the grant.

(c) Consulting with counsel when there are any disputes with or apparent non-compliance by grantees or others arising from grants, or a need otherwise for interpretations or other legal advice.

3. The Grants Officer, program persons, and legal counsel shall interact on a timely basis to reach decisions and take appropriate action for effective grants administration. In those instances where the Grants Officer disagrees with legal advice given by counsel, they shall discuss and attempt to resolve the differences. If the differences are not resolved, counsel shall forward the advice in writing to the Grants Officer. The Grants Officer shall document and place in the official grant file the reasons for disregarding advice of counsel and shall send this documentation to the head of the appropriate legal office.

c. *Auditors.*

1. An auditor shall provide advice and reports on the adequacy of the financial management system of the applicant or recipient upon the request of the Grants Officer.

2. An auditor shall provide reports to the Grants Officer and the Financial Officer concerning costs and other activities which may be questionable in relation to the performance of the grant. The auditor shall provide other advice as may be requested by the Grants Officer or the Deputy Assistant Secretary for Acquisition, Grants and Information Management.

3. Procedures to be followed when the Grants Officer disregards recommendations or determinations of the auditor are as follows:

(a) In the event that the Grants Officer chooses to disregard recommendations or determinations set forth in writing by the auditor prior to interim or final audit reports, the following procedures shall be followed:

1. The Grants Officer shall document and place in the grant file the reasons for disregarding the recommendations/determinations of the auditor and shall forward this documentation to the Assistant Inspector General for Audits.

2. If the Grants Officer and the Assistant Inspector General cannot resolve the differences, the concerned parties shall promptly forward these justifications for their positions and pertinent documentation to the head of the organization unit of the Grants Officer. The decision of the head of the organization unit shall be promptly made and placed in the grant file.

3. The head of the organization unit may not delegate to the Grants Officer the responsibility to make a final decision on a matter subject to this internal review procedure.

(b) When an interim or final audit report has been issued and the Grants Officer and the Office of Audits field office director are unable to resolve action on the audit report recommendations and determinations, the following procedures shall be followed:

1. The Grants Officer and the Office of Audits field office director shall forward the pertinent documentation to the head of the organization unit (or his/her designee) under whose authority the grant was awarded, and to the Assistant Inspector General for Audits for their resolution. The auditee is not to be advised that any questioned cost will or should not be disallowed until a final decision is reached by the Department.

2. In those instances where a written determination of the action to be taken has not been made within six months from issuance of the report, or the head of the organization unit and the Inspector General cannot resolve the open audit recommendations or determinations, the Secretary, or, upon his/her determination, the Deputy Secretary, shall meet with the Inspector General and the head of the organization unit to determine the action to be taken.

d. *Financial Officer.* A Financial Officer has the following responsibilities:

1. Furnish full accounting support to an organization unit or program with regard to the administration of grants;
2. Provide financial data and reports on grants as requested by other Federal agencies, the organization unit or the Grants Officer;
3. Record the financial transactions associated with each grant from award to grant close out;
4. As applicable, arrange for the Treasury Department to issue checks to recipients, establish letters of credit on behalf of recipients, and monitor financial aspects of letters of credit;
5. Act as certifying officer as designated;
6. Record the appropriate financial information in the formal organization unit accounting system upon receipt of a notice of questioned costs from the Office of the Inspector General; and
7. Refer to the Assistant Secretary for Administration's designee for audit resolution on a quarterly basis audit findings which have not been resolved six months from the date of the audit report.

.05 *Joint Funding.*

a. Each organization unit is encouraged to a. examine proposals or Standard Form 424 received for their suitability for joint funding and b. inform applicants of the potential for joint funding based upon that examination.

b. The Department grants unit will provide technical assistance and guidance on OMB Circular A-111, Jointly Funded Assistance to State and Local Governments and Non-Profit Organizations, and other aspects of joint funding to organization units which seek to engage in a joint funding project.

.06 *Grants to Insular Areas.*

a. *Consolidation Process.*

1. Each organization unit shall identify each grant program where the underlying statute specifically provides for making grants to any Insular Area.

2. Each organization unit shall consolidate all grant programs identified in subparagraph .06a.1. above for the purpose of making a single consolidated grant award to an eligible Insular Area.

3. An organization unit is not required to include in its consolidated grant any grant which has the primary purpose of aiding construction activities. However, grants for construction activities may be consolidated at the discretion of the organization unit. All other types of grants—including project, formula, block, and entitlement grants—shall be included.

4. The minimum amount of a consolidated grant awarded by an organization unit for any Insular Area shall never be less than the sum which such area is entitled to receive for the fiscal year under existing entitlement grants.

b. *Organizational Responsibilities.*

1. The Department grants unit shall:

(a) Coordinate Departmental policy on consolidated grants for Insular Areas;

(b) Serve as the focal point within the Department for inquiries, statistics, and inter-agency studies on consolidated grants;

(c) Disseminate Departmental policy and information on consolidated grants to organization units;

(d) Submit reports on consolidated grants required by OMB, Congress, or others;

(e) Monitor consolidated grants and make recommendations for improving monitoring procedures;

(f) Develop and publish regulations governing the Department's policies and procedures on grants to Insular Areas; and

(g) After consultation with organization units, establish a uniform set of administrative requirements applicable to consolidated grants to Insular Areas. These standards to be published in the Federal Register shall:

(1) Reflect the policy behind Congressional authorization to consolidate;

(2) Require only a single written application for each consolidated grant;

(3) Provide for a single set of written program and financial reports for each consolidated grant, instead of individual reports for each grant which has been consolidated; however, an organization unit is not precluded from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated activities;

(4) List the applicable matching fund requirements, if any, of each organization unit covered by this policy;

(5) Provide for implementation of applicable cost principles and OMB Circular A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, relative to each consolidated grant, except as inconsistent with this policy; and

(6) Provide for such other administrative procedures as are necessary and consistent with this policy.

2. Each organization unit shall:

(a) Receive centrally the application of each Insular Area for a consolidated grant;

(b) Establish a deadline for review of an application by programs and distribute copies of the application to appropriate officials.

(c) Prepare and send a single notice of approval or denial of grant award to the recipient, with a copy sent to the Departmental grants unit;

(d) Designate a primary contact with the recipient on all administrative matters related to the consolidated grant;

(e) Arrange for the establishment of consolidated letters of credit whenever possible;

(f) Maintain one official project file on the consolidated grant;

(g) Arrange such meetings among program personnel involved in the grant as may be necessary;

(h) Arrange for technical assistance needed by the applicant;

(i) Receive centrally and distribute all required reports to programs; and

(j) Submit a monitoring and evaluation plan for each grant to the Department grants unit at the same time that a copy of the award is forwarded.

Sec. 5. Selection of the Funding Instrument.

.01 *General.* A major objective of the Federal Grant and Cooperative Agreement Act of 1977 (the Act), 41 U.S.C. § 501 *et seq.*, (Pub. L. 95-224), is to distinguish Federal grant and cooperative agreement relationships from Federal procurement contract relationships and to authorize their

different usages. The Act in part provides that if a Federal agency is authorized by law to use one or more of the three instruments, it now (a) is able to enter into any of the three types of arrangements (unless specifically prohibited by other law from using any of them); but, however, (b) shall use the applicable type delineated in the Act.

a. For example, if a program's statute authorizes the agency to enter into "contracts" with others for expressed purposes, and the principal intent of a legal instrument would be to accomplish a public purpose of support or stimulation rather than to acquire property or services for direct agency use of benefit, then the agency not only is authorized to issue a grant (or cooperative agreement) but is required to do so, unless a specific exception is made under the authority of the Act.

b. The Act authorized the OMB to issue supplementary interpretative guidelines. They are contained in 43 Fed. Reg. 36860 (August 18, 1978), Implementation of Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224).

.02 *Responsibilities of Organization Units.*

a. Each organization unit shall ensure that the instrument used for each financial transaction appropriately reflects the nature of the relationship between the organization units and the recipient of funds.

b. As provided in the OMB guidelines, determinations whether a program or activity is principally one of procurement or financial assistance, and whether substantial Federal involvement in performance of the activity will normally occur, are basic agency decisions. For each program or proposed activity, the head of each organization unit or his/her designee shall make a determination as to the type of instrument that will most appropriately characterize the nature of the relationship (to be) established under that program of proposed activity. Each decision must be based upon program objectives and requirements as set forth in the Act and this section. The basis for each determination shall be documented.

c. Consistent with each of the above determinations, the Grants Officer shall determine, for each transaction that is referred to the Grants Officer for action, the type of instrument which will most appropriately reflect the nature of the relationship to be established by that individual transaction. Grants Officers shall document the basis for each of their determinations.

.03 *Distinguishing Contracts from Assistance Instruments.*

a. *Procurement Contracts to be Used.* The act states that the relationship between the agency and recipient is one of procurement whenever the principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property of services for the direct benefit or use of the Federal Government. Also, a type of procurement contract may be used in a specific instance when the organization unit decides that it is appropriate, e.g., whether public needs can be best satisfied by using the procurement process in a specific instance, instead of a grant or cooperative agreement. (See OMB Guidelines of August 18, 1978.)

b. *Grants and Cooperative Agreements to be Used.* The Act states that the relationship between the agency and the recipient is one of assistance whenever the *principal purpose* of the instrument is the transfer of anything of value to a recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than a procurement. A grant or cooperative agreement is generally used to provide this assistance. (See OMB Guidelines of August 18, 1978.)

c. *Grants and Cooperative Agreements are Not to be Used.*

Grants and cooperative agreements are not to be used as legal instruments for consultant services as defined in OMB Circular A–120, Guidelines for the Use of Consulting Services, dated April 14, 1980.

d. *Procedure.*

1. If a determination is made that the relationship is or should be (see a. above) one of procurement, the *Grants Officer* shall forward the application or proposal to the appropriate procurement office.

2. If a determination is made that the relationship is one of Federal assistance, the *Grants Officer* shall determine, pursuant to paragraph .04 below, whether substantial involvement is anticipated during performance of the activity.

e. *Change of Instrument.* Where a program has been conducted in whole or in part through the use of contracts but where the organization unit makes a determination to use assistance instruments, the organization unit head or designee shall require legal counsel to review the propriety of this determination. The same requirement shall apply to a change from assistance instruments to contracts. The bases for these determinations shall be documented.

.04 *Using Substantial Involvement to Distinguish Grants and Cooperative Agreements.*

a. The basic statutory criterion for distinguishing between grants and cooperative agreements is whether *substantial* involvement is *anticipated* between the organization unit and the recipient *during performance* of the contemplated activity, as described in the assistance instrument.

1. A grant is appropriate when substantial involvement is not anticipated. This means that the recipient can expect to perform the project without substantial organization unit collaboration, participation, or intervention.

2. A cooperative agreement is appropriate when substantial involvement is anticipated, i.e., the recipient can expect substantial organization unit collaboration, participation, or intervention in the management of the project.

b. *Increasing or Decreasing Involvement.*

1. In order to bring the project into conformance, an organization unit may find it necessary to intervene or otherwise to become substantially involved during the period of the grant. If substantial involvement is expected to continue after the period of the original grant, the renewal instrument shall be converted into a cooperative agreement. If an organization unit finds itself becoming substantially involved in a long-term grant activity, then the organization unit should convert the grant into a cooperative agreement after negotiation with the recipient.

2. Where an organization unit does not remain substantially involved in a project funded by a cooperative agreement, the cooperative agreement shall be converted into a grant, if and when the assistance instrument is to be renewed. If substantial involvement decreases in a long-term project, the cooperative agreement shall be converted into a grant after negotiation with the recipient.

c. *Deciding Whether There is Substantial Involvement.*

1. Sections C. and G. of the OMB Guidelines (August 18, 1978) describe the characteristics of the factors which each organization unit should consider in deciding whether there will be substantial involvement of the organization unit in the performance of activities under the assistance instrument.

2. This section sets forth examples of involvement which may be substantial depending upon the circumstances. The examples are not meant to be a checklist nor does the presence of a single factor necessarily constitute substantial involvement. Rather, they illustrate concepts that, in varying degrees or combinations, could suggest the use of either a grant or a cooperative agreement.

3. *Examples of Involvement that may be Substantial.* Two types of examples follow. The lettered paragraphs are general examples, which OMB set forth in its guidelines. Each one of these general examples are followed by one or more specific examples.

(a) Organization unit power to immediately halt an activity if detailed performance specifications (e.g., construction specifications) are not met.

(1) Substantial involvement is anticipated where an organization unit establishes mandatory periodic goals in combination with close agency monitoring which could result in adverse action if the goals are not met on schedule.

(b) Organization unit requires approval of one stage before work can begin on a subsequent stage during the period covered by the assistance instrument.

(1) Substantial involvement is anticipated where an organization unit requires that the recipient meet specific procedural requirements before work under a grant may be continued, i.e., where the establishment of a community-based organization or broad community involvement is a prerequisite for continuing activities.

(c) Organization unit approval of substantive provisions of proposed subgrants or contracts under grants.

(1) Substantial involvement is anticipated where an organization unit—

(i) Participates in the selection of contractors, subcontractors, or subgrantees;

(ii) Approves "Requests for Proposals" or "Invitations for Bids" to be issued by recipients, contractors or subcontractors;

(iii) Approves the contractor/Subrecipient before the contract/subgrant may be awarded.

(2) Substantial involvement is not anticipated when an organization unit follows normal procedures as set forth in Attachment O of OMB Circulars A–102 and A–110 concerning Federal review of grantee procurement standards and sole source procurement.

(d) Organization unit involvement in the selection of recipient personnel. (This does not include provisions for the participation of a named principal investigator for research projects.)

(1) Substantial involvement is anticipated where an organization unit selects, particpates in the hiring, or requires approval of key recipient personnel.

(e) Organization unit and recipient collaboration or joint participation.

(1) Substantial involvement is anticipated where an organization unit—

(i) Works directly with a recipient scientist or technician;

(ii) Trains recipient personnel;

(iii) Details Federal personnel to work on the project effort.

(2) Substantial involvement is not anticipated merely because an organization unit may become involved in a project to correct unforeseen deficiencies in project or financial performance.

(f) Organization unit monitoring to permit specified kinds of direction or redirection of the work because of the inter-relationship with other projects.

(1) Substantial involvement is anticipated where an organization unit requires the recipient to achieve a specific level of cooperation with other projects that may or may not be funded by the organization unit.

(2) Substantial involvement is not anticipated if the recipient itself proposes to coordinate with another organization.

(g) Substantial, direct organization unit operational involvement or participation during the assisted activity to insure compliance with such staututory requirements as civil rights and environmental protection.

(1) Substantial involvement is anticipated where an organization unit participates with the recipient in the preparation of environmental impact assessment data;

(2) Substantial involvement is not anticipated where an organization unit merely exercises normal stewardship responsibilities during the project to ensure compliance with statutory requirements.

(h) Highly prescriptive operating unit requirements prior to award limiting recipient discretion with respect to scope of services offered, organizational structure, staffing, mode of operations, and other management processes, coupled with close operating unit monitoring or operational involvement during performance.

(1) Substantial involvement is anticipated where an organization unit—

(i) Closely reviews and requires changes in a recipient's internal procedures and monitors those changes during performance;

(ii) Requires that specific procedures be instituted which cause the recipient to significantly reallocate staff or resources and closely monitors implementation of those procedures;

(iii) Requires the recipient to create an organizational entity to perform an activity and monitors that entity's performance as prescribed;

(iv) Sets forth mandatory position descriptions for the recipient's personnel and requires prior approval for revisions;

(v) Requires that the recipient meet specific requirements in order to obtain funding and continue to receive funding. One such requirement would be the accomplishment of certain actions agreed to and set forth in a plan approved and monitored by the organization unit at the beginning of the award.

(2) Substantial involvement is not anticipated where an organization unit either performs a pre-award survey and requires corrective action to enable the recipient to adequately account for Federal funds; or performs normal monitoring as required by OMB and other circulars or this Order.

Sec. 6. Pre-Award Administrative Requirements, Policies, and Procedures.

01 *Application Package or Kit.* Each organization unit shall include, at a minimum, the following documents in each application kit which shall be made available to potential recipients:

a. Application forms;

b. Information setting forth statutory, regulatory and other requirements applicable to the grant program, including eligibility criteria and reference to applicable OMB and other circulars (and indicating that free copies are available upon request);

c. Criteria for the selection of recipients; and

d. A statement of submission date deadlines, if any, and an estimate of time needed to review (including A–95 review where applicable) and process applications.

.02 *A–95 Review.* Pursuant to OMB Circular A–95, each organization unit shall report the disposition of those grant awards covered by the A–95 procedures.

.03 *Notifications to Applicants.*

a. Each organization unit shall acknowledge the receipt of all financial assistance proposals (solicited and unsolicited) within ten working days of the receipt of the proposal. This acknowledgement shall indicate the time-frame within which a decision is expected to be made.

b. Each organization unit shall notify the applicant of the decision concerning funding of the proposal within ten working days of that decision.

c. An organization unit may decide not to fund an unsolicited proposal at

the time it is submitted, but wish to retain the proposal on file for future funding consideration. If the proposal is kept on file for more than one year, the organization unit shall notify the sender of the status of the proposal.

d. If a decision has been made not to fund a proposal containing information marked "confidential," "proprietary," "trade secret," or the like, the proposal containing such information shall be returned promptly to the sender with a letter to be cleared by legal counsel.

.04 *Acceptance Date.*

a. The organization unit shall specify in the application kit the closing date, if any, for the acceptance of applications. The organization unit shall also specify that it will accept only those applications (1) which are received by the closing date, *or* (2) which show acceptable evidence of mailing on or before the closing date. Acceptable evidence consists of (1) a legible U.S. Postal Service postmark or (2) a legible mail receipt dated on or before the closing date.

.05 *Use of Forms: Application.*

a. Unless a nonstandard form has been approved by OMB, each organization unit shall use the standard application forms to the extent prescribed by the following circulars:

1. OMB Circular A–102, for grants to state and local governments and Indian tribes, Attachment M;

2. OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, for grants to hospitals, educational institutions and nonprofit organizations, Attachment M;

b. An organization unit shall not require more than one original and two copies of any application.

.06 *Budget Data Analysis.* Prior to the award of each grant, a thorough review and evaluation of the applicant's proposed budget data shall be performed. This review shall include the appropriate evaluation of cost data, including a determination that the costs proposed are in accordance with applicable cost principles; the evaluation of specific elements of costs; and projection of these data to determine the effect on costs of such factors as:

a. The necessity for certain costs;

b. The reasonableness of amounts estimated for the necessary costs;

c. Allowances for contingencies;

d. The basis used for allocation of overhead costs;

e. The appropriateness of allocation of particular overhead costs to the proposed project.

Organization units shall develop specific procedures for the review and evaluation of budget data to be in accordance with the above-stated guidelines. These procedures shall be included in the grants manuals developed by each organization unit.

.07 *Policy on Women Owned Business.* Each organization unit is strongly encouraged to take such action as is consistent with its authority and Executive Order No. 12138, Creating a National Women's Business Enterprise Policy and Prescribing Arrangements For Developing, Coordinating And Implementing A National Program For Women's Business Enterprise.

.08 *Composition of Grant File.*

a. Each organization unit shall maintain a single official project file for each grant. The official project file shall be located where official documents may be placed in the file in accordance with the organization unit's administrative needs.

b. The official project file shall contain, at a minimum:

1. The organization unit's advertisement in the Federal Register for the availability of grant funds;

2. The original of the proposal and application;

3. Documentation justifying the choice of instruments to be used;

4. Documentation of the evaluation upon which award selection was based;

5. Internal review document, such as the clearance sheet, bearing signatures or initials of grants personnel and legal reviewer;

6. Original award document with all attachments;

7. Any memoranda of negotiations with the recipient, and correspondence between the recipient and organization unit in the pre- and post-award phases;

8. The original of the performance and financial reports submitted by the recipient;

9. Property records;

10. Recipient requests for modifications;

11. Audit reports including documentation of actions taken and the resolution of audit findings;

12. Close-out documents;

13. Other correspondence relating to the project, including interagency and Congressional memoranda and letters.

.09 *Grant Agreement Document.*

a. *Cooperative Agreements.* Cooperative Agreements are subject to the same OMB, Treasury and Federal Management Circular requirements as grants.

b. *Terms and Conditions.*

1. The Department grants unit shall promulgate a set of minimal standard terms and conditions to cover those basic requirements applicable to all DoC grants. Modifications of the minimal standard terms and conditions will be permitted where there is substantial program justification.

2. Each organization unit with the assistance of the Department grants unit shall develop sets of general terms and conditions which (a) incorporate the set of standard terms and conditions referred to in paragraph 1. above; and (b) add the general requirements applicable to the grant programs in the operating unit. There shall be one set of general terms and conditions for each type of grant program in the operating unit (e.g., planning, construction, research, training, technical assistance), in addition to the special terms and conditions applicable to individual grants.

Sec. 7. Post-Award Administration of Grants.

.01 *Notification to States.* Each organization unit shall report all of its grant awards, regardless of purpose or type of recipient, to the appropriate state central information reception agency by following the procedures contained in Treasury Circular 1082, Notification to States of Grant-In-Aid Information.

.02 *Notifications to Recipients.* When a recipient is required to request and obtain organization unit approval before taking certain actions with respect to a grant, the organization unit shall acknowledge receipt of the recipient's request within ten working days of the organization unit's receipt of the correspondence. This notification of receipt of request shall, at a minimum, indicate the organization unit's decision regarding the request or indicate a time-frame within which a decision will be made. In the latter case, the decision shall be sent to the recipient in the time-frame specified.

.03 *Financial Management.*

a. Each organization unit shall comply with the applicable provisions of Attachments F, G, I, and J of OMB Circular A–110 and Attachments G, H, J, and K of OMB Circular A–102. In addition, each organization unit shall adhere to the following other requirements:

1. OMB Circular A–21, Principles for Determining Costs Applicable to Grants, Contracts and Other Agreements with Educational Institutions, FMC Circular 74–4, Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments, OMB Circular A–122, Principles for Determining Costs of Grants, Contracts, and Other Agreements with Non-profit Organizations, and other applicable cost principles;

2. Treasury Circular 1075, Regulation Governing the Withdrawal of Cash from Treasury for Advance Payments under Federal Grant and Other Programs;

3. Department Administrative Order (DAO) 203–7, Cash Management and Advances of Cash Under Federal Grants and Other Programs;

4. Any other such directives or guidelines.

b. The following policies apply to each organization unit's financial management activities with regard to financial assistance programs.

1. *Use of Budgets.* Organization units shall require that a budget be included in every grant awarded which shall be used as the approved budget throughout the grant for financial monitoring purposes.

2. *Preaward Accounting System Surveys.* Organization units, in cooperation with the Assistant Inspector General for Audits, shall arrange for a preaward survey of financial management systems when the organization unit has reason to doubt the adequacy of the financial management system to meet the standards prescribed in the applicable OMB Circular, A–102 or A–110. In those cases where a recommendation is made to the organization unit that a grant should not be awarded to the potential recipient based on the preaward survey, and decision is made to make the award, the procedures set forth in subparagraph 4.04c. shall apply.

3. *Preaward Grant Costs.*

(a) All awards made by organization units shall have starting dates which either coincide with the award dates or are after the award dates except when organization unit delays cause the review to take longer than specified in the grant application kit. When this situation occurs, the appropriate program official shall submit for approval by the Grants Officer a detailed explanation setting forth the reasons for the delay.

(b) The applicant shall always be advised by the organization unit that incurring expenses in anticipation of receiving Federal assistance will be at the applicant's own risk. However, if applicants incur costs at their own risk in anticipation of receiving financial assistance, the applicant may request that pre-agreement costs be paid by the organization unit under the terms of the grant. In such a case, the Grants Officer must obtain from the applicant a statement of the costs estimated to have been and to be incurred in anticipation of receiving the financial assistance. This statement of costs must be reviewed by the Grants Officer for reasonableness and its relationship to the proposed activity and, if approved, shall be specifically set forth in the grant award as required by Federal Management Circular 74–4, OMB Circular A–21, and other applicable cost principles.

4. *Advance of Cash to Recipients.*

(a) Operating units shall follow the provisions of Treasury Circular 1075 (31 CFR 205) and procedural instructions required by Section 205.8 for reviewing financial practices of recipient organizations and instituting remedies for non-compliance with advance funding provisions found in Treasury Circular 1075 and OMB Circulars A–102 and A–110. Organization units shall also adhere to the provisions of Section 8 of DAO 203–7, "Advances to Grantees and Other Recipients".

(b) In making advance payments to recipients with an annual funding of less than $120,000 and a funding period of approximately twelve (12) months, or when the annual advance to a recipient organization aggregates more than $120,000 but there is not an expected continuing relationship between the federal agency and the recipient for at least one year, it is recommended that each organization unit make an effort to use the following procedures as guidelines in order to keep the recipient's account balance as close to zero as possible:

(1) Payments under grants of $10,000 or less shall be made semi-annually;

(2) Payments under grants of $10,001 to $25,000 shall be made quarterly;

(3) Payments under grants of $25,001 to $60,000 shall be made monthly;

(4) Payments under grants of $60,001 to $120,000 shall be made as frequently as necessary to meet the current disbursement needs of the recipient. However, the timing of the payments should be such that the recipient disburses the payment within one week of the advance check.

5. *Post-Expiration Costs.* Organization units shall not allow recipients to incur new obligations subsequent to the expiration date of the grant except to pay for activities associated solely with closing out the grant such as preparing final financial reports, editing or printing of final performance reports, or performing an audit.

.04 *Monitoring and Reporting.*

a. Each organization unit shall comply with the applicable requirements of Attachment H of OMB Circular A–110 and Attachment I of OMB Circular A–102.

b. No organization unit shall require more than an original and two copies of any reporting form or progress report. In addition, an organization unit shall not distribute any program literature which indicates that recipients must submit more copies of documents than prescribed in this paragraph.

c. Printing requirements in a grant award shall be consistent with Title III, paragraph 36 of the Government Printing and Binding Regulations.

d. The organization unit shall specify the number of such reports the recipient is required to submit in the grant agreement, and an estimated cost for printing the copies shall be included in the grant budget.

.05 *Program Income.* Each organization unit shall comply with the applicable provisions of Attachment D of OMB Circular A–110 and Attachment E of OMB Circular A–102.

.06 *Property Management.* Each organization unit shall comply with the applicable provisions of Attachment N of OMB Circulars A–110 and A–102.

.07 *Procurement.* Each organization unit shall comply with the applicable provisions of Attachment O of OMB Circulars A–110 and A–102.

.08 *Performance Problems.*

a. *Deficiencies.* When the organization unit or the Grants Officer determines that a recipient is deficient in its performance or management of the grant award, this determination shall be immediately communicated to the recipient and the recipient shall be given an opportunity to respond to the finding. Unless immediate termination is warranted, the Grants Officer shall allow the recipient a reasonable period of time to submit a plan to remedy the deficiency before further action is taken by the organization unit.

b. *Suspensions, Terminations.* Grant suspension and termination procedures for each organization unit shall be at least as stringent as the requirements of Attachment L of OMB Circular A–110 and Attachment D of OMB Circular A–102.

.09 *Close-out and Audit.*

a. Each organization unit shall comply with the applicable provisions of Attachment K of OMB Circular A–110, Attachments L and P of OMB Circular A–102, OMB Circular A–73 and DAO 213–4, External Auditing and Reporting.

b. Each organization unit shall require that the recipient return to the organization unit the unobligated balance of Federal funds to its possession no later than the time at which the Final Financial Status Report is submitted.

c. In cases where a recipient will no longer be in operation after a grant has been completed, the organization unit shall require the recipient (1) to identify

where records pertaining to the grant project will be located for the required three-year retention period and (2) to provide appropriate assurances of Government access thereto.

d. Consistent with Attachment F, paragraph 2.h. of OMB Circular A–110, each organization unit shall include in each grant agreement a statement as to the responsibility, if any, of the recipient or the grantor in obtaining an audit of the project.

Sec. 8. Examination of the Grant System Within Each Agency.

.01 *Annual Audit Schedule.* The Department central grants unit shall annually give the Office of the Assistant Inspector General for Audits a priority listing of organization unit programs which it believes should be audited. The Office of the Assistant Inspector General for Audits will consider this listing in arranging its audit schedule.

.02 *Review and Report.* Every fourth year a review team composed of Office of the Secretary personnel and organization unit personnel (as agreed to by the Department central grants unit and the head of the organization unit) shall review and evaluate the internal grants administration procedures of the organization unit and shall prepare a report containing findings and recommendations addressed to the head of the organization unit. The review will cover major areas: (a) monitoring compliance in all areas of this Order, and (b) determining conformance with the internal grants administration policies of the organization unit.

.03 *Procedures for Review and Evaluation.*

a. Procedures for review and evaluation of the grants administering system shall be described in the grants manual of each organization unit, based upon general guidance from the Department grants unit.

b. Each organization unit shall review periodically the adequacy of its program objectives and financial assistance criteria in light of the results achieved and changes in the public need.

.04 *Revisions.* Each organization unit shall revise its grants administration system to ensure that it is in conformance with the recommendations of the review team's report within a time period agreed to by the head of the organization unit and the Department grants unit.

Arlene Triplett,

Assistant Secretary for Administration.

Appendix A—Statutes, Circulars and Other Directives Affecting Grant Administration

The following list contains references for the statutes, regulations, executive orders, management circulars, and other general laws and directives that affect grants administration in general. This list does not include statutes, regulations, and other materials applicable only to a particular grant program. This list is not intended to be exhaustive; however, it is intended as an aid for use by Department of Commerce grants personnel. Inclusion of a reference in this Appendix does not necessarily mean that it applies to all grant programs.

I. Appropriations and Other Financial Matters

A. Appropriations: Expenditures or contract obligations in excess of funds prohibited, 31 U.S.C. 665(a).

B. Documentary evidence of obligations, 31 U.S.C. 200(a).

C. Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301 *et seq.*

II. Environmental Protection

A. National Environmental Policy Act of 1969, as amended, Pub. L. 91–190, 42 U.S.C. 4321 *et seq.*

B. Section 508 of Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92–500, 33 U.S.C. 1368; Executive Order No. 11738, Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans, 3 CFR 799 (1973).

C. Title XIV of Public Health Service Act, as amended by Section 1424(e) of the Safe Drinking Water Act of 1974, Pub. L. 93–523, 42 U.S.C. 300f–j10.

D. Section 306 of Clean Air Amendments of 1970, Pub. L. 91–604, 42 U.S.C. 1857; Clean Air Act Amendments of 1977, Pub. L. 95–95; 42 U.S.C. 7401 *et seq.*

E. Endangered Species Act of 1973, Pub. L. 93–205, as amended by Pub. L. 95–632, 16 U.S.C. 1531 *et seq.*

F. National Flood Insurance Act of 1968, as amended by Sections 102 and 202 of Flood Disaster Protection Act of 1973, Pub. L. 93–234, 42 U.S.C. 4012a.

G. Executive Order No. 11296, Evaluation of flood hazard in locating Federally owned or financed buildings, roads, and other facilities, and in disposing of Federal lands and properties, 3 CFR 571 (1966).

H. Fish and Wildlife Coordination Act of 1956, as amended, Pub. L. 89–669, 16 U.S.C. 742a *et seq.*

I. Section 106 of National Historical Preservation Act of 1966, Pub. L. 89–665, as amended, 16 U.S.C. 470 *et seq.*; Procedures for the Protection of Historic and Cultural Properties, 36 CFR 800.

J. Executive Order 11593, Protection and Enhancement of the Cultural Environment, 3 CFR 559 (1971).

K. Achaeological and Historical Preservation Act, Pub. L. 93–291, 16 U.S.C. 469a—a–2.

L. Wild and Scenic Rivers Act of 1968, Pub. L. 90–542, as amended, 16 U.S.C. 1271 *et seq.*

M. Coastal Zone Management Act of 1972, as amended, Pub. L. 92–583, 16 U.S.C. 1451 *et seq.*; 15 CFR Part 930, Federal Consistency with Approved Coastal Management Programs, Subpart F.

N. Executive Order No. 11988, Floodplain Management, 3 CFR 117 (1977).

O. Executive Order No. 11990, Protection of Wetlands, 3 CFR 121 (1977).

P. Marine Mammal Protection Act of 1972, Pub. L. 92–522, 16 U.S.C. 1361 *et seq.*

III. Nondiscrimination

A. Title VI, Civil Rights Act of 1964, Pub. L. 88–352, 42 U.S.C. 2000d; 28 CFR Part 42, Subpart F, Coordination of Enforcement of Nondiscrimination in Federally Assisted programs, 15 CFR Subtitle A, Part 8, Nondiscrimination in Federally Assisted Programs of the Department of Commerce—Effectuation of Title VI of the Civil Rights Act of 1964.

B. Age Discrimination Act of 1975, Pub. L. 94–135, 42 U.S.C. 6101 *et seq.* (Supp. V, 1975).

C. Education Act Amendments of 1972, Title IX, as amended by Pub. L. 93–568, 20 U.S.C. 1681 *et seq.*

D. Rehabilitation Act of 1973, Section 504, Pub. L. 93–112, 29 U.S.C. 749; Rehabilitation Act Amendments of 1974, Pub. L. 93–516; 42 CFR Part 85, Implementation of Executive Order 11914, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs.

E. Architectural Barriers Act of 1968, as amended, Pub. L. 90–480, 42 U.S.C. 4151 *et seq.*

F. Executive Order No. 11764, Nondiscrimination in Federally Assisted Programs, 3 CFR 840 (1974).

G. Executive Order No. 11246, Part III, Equal Employment Opportunity, 3 CFR 339 (1965), as amended by Executive Order Nos. 11375, 3 CFR 684 (1967) and 12086, 3 CFR 230 (1978).

IV. Participation of Minority and Women Owned Business

A. Executive Order No. 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise, 3 CFR 616 (1971).

B. Executive Order No. 12138, Creating a National Women's Business Enterprise Policy and Prescribing Arrangements for Developing, Coordinating, and Implementing a National Program for Women's Business Enterprise (May 16, 1979).

V. Labor Standards for Grantee Contracts Only

A. Copeland Anti-Kickback Act, as amended, Pub. L. 85–800, 40 U.S.C. 276c, 18 U.S.C. 874.

B. Contract Work Hours and Safety Standards Act, Pub. L. 87–581, as amended, Pub. L. 91–54, 40 U.S.C. 327 *et seq.*

VI. Public Employee Standards

A. Hatch Political Activity Act, Pub. L. 89–554, as amended by Pub. L. 93–443, 5 U.S.C. 1501 *et seq.*

B. Intergovernmental Personnel Act of 1970, Pub. L. 90–577, as amended by Title VI, Sec. 602, Civil Service Reform Act, Pub. L. 95–454, 42 U.S.C. 4728–4763.

VII. General Administrative and Procedural Requirements

A. Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224, 41 U.S.C. 501 *et seq.*; OMB Guidelines, 43 FR 36860 (August 18, 1978).

B. Intergovernmental Cooperation Act of 1968, Pub. L. 90–577, 42 U.S.C. 4201 *et seq.*; OMB Circular A–97, Rules and Regulations permitting Federal agencies to provide specialized or technical services to State and local units of government under Title III of the Intergovernmental Cooperation Act of 1968.

C. Joint Funding Simplification Act of 1974, Pub. L. 93–510, 42 U.S.C. 4251 *et seq.* (Supp. V, 1975).

D. OMB Circular A–40, Management of Federal Reporting Requirements (1979).

E. OMB Circular A–89 Revised, Catalog of Federal Domestic Assistance (1970).

F. OMB Circular A–95 Revised, Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects (1978).

G. A–111, Jointly Funded Assistance to State and Local Governments and Non-profit Organizations (1976).

H. Executive Order No. 12044, Improving Government Relations (1978).

I. Department of Commerce Directives for the Conduct of Federal Statistical Activities (May 1978). (Formerly OMB Circular No. A–46.)

J. FMC 74–8, Guidelines for Agency Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, Pub. L. 91–646, 42 U.S.C. 4601 *et seq.*

K. Treasury Circular No. 1075, 4th Revision, Regulation Governing the Withdrawal of Cash from Treasury for Advance Payments Under Federal Grant and Other Programs (1947); DAO 203–7, Cash Management and Advances of Cash Under Federal Grants and Other Programs (1979).

L. FMC 73–2, Audit of Federal Operations and Programs by Executive Branch Agencies (1973).

M. DAO 208–14, Department of Commerce Patent Policy for Contracts and Grants (1977).

N. Claims Collection Act of 1966, Pub. L. 89–508, 31 U.S.C. 952.

VIII. Recipient-Related Administrative and Fiscal Requirements

A. Non-Profit Organizations and Institutions—

(1) OMB Circular No. A–21, Cost Principles for Educational Institutions (1979).

(2) FMC 73–7, Administration of College and University Research Grants (1973).

(3) FMC 73–3, Cost Sharing on Federal Research (1973); DAO 203–6, Research Cost Sharing (1971); FMC 73–7, Administration of College and University Research Grants (1973).

(4) OMB Circular No. A–88, Coordinating Indirect Cost Rates and Audit at Educational Institutions.

(5) OMB Circular No. A–110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (1978).

(6) OMB Circular A–122, Cost Principles for Non-profit Organizations.

B. State and/or Local Governments—

(1) OMB Circular No. A–90, Cooperating with State and Local Governments to Coordinate and Improve Information Systems (1968).

(2) Treasury Circular No. 1082 Revised, Notification to State of Grants-In-Aid Information (1976).

(3) OMB Circular No. A–102 Revised, Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments (1977).

(4) OMB Circular No. A–73, Audit of Federal Operations and Programs (1978).

(5) FMC 74–4, Cost Principles Applicable to Grants and Contracts with State and Local Governments (1974).

IX. Access to Information

A. Freedom of Information Act, as amended, 5 U.S.C. 552.

B. Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. § 522a.

X. Criminal Sanctions

A. Bribery, Graft and Conflicts of Interest, 18 U.S.C. 201–209.

B. Elections and Political Activity, 18 U.S.C. 600–607.

C. Fraud and False Statements, 18 U.S.C. 1001.

D. Lobbying with Appropriated Moneys, 18 U.S.C. 1913.

[FR Doc. 81–20328 Filed 7–10–81; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 29, 1981.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will hold meetings on August 4–5, 1981, from 8:30 a.m. to 5:00 p.m. on August 4 and from 8:30 a.m. to 12:00 p.m., August 5, at Hanscom Air Force Base, Massachusetts, in the Command Management Center, Building 1606.

The group will receive classified briefings and hold classified discussions on selected Air Force Command, Control, and Communications Programs. The meetings concern matters listed in section 522(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly, the meetings will be closed to the public.

For further information, contact the USAF Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81–20359 Filed 7–10–81; 8:45 am]

BILLING CODE 3910–01–M

Office of the Secretary

Privacy Act of 1974; Deletion of a System Notice

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for system of records DGC 03, "General Administrative File", subject to the Privacy Act of 1974. This action is being taken as the data is no longer being collected or maintained.

DATES: This deletion shall be effective August 12, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 were published in the Federal Register.

FR Doc. 81–897 (46 FR 6427) January 21, 1981
FR Doc. 81–5568 (46 FR 12772) February 18, 1981
FR Doc. 81–6246 (46 FR 14031) February 25, 1981
FR Doc. 81–6491 (46 FR 14154) February 26, 1981
FR Doc. 81–7587 (46 FR 16114) March 11, 1981
FR Doc. 81–8041 (46 FR 16926) March 16, 1981
FR Doc. 81–8127 (46 FR 17074) March 17, 1981
FR Doc. 81–8281 (46 FR 17243) March 18, 1981
FR Doc. 81–8282 (46 FR 17243) March 18, 1981
FR Doc. 81–10201 (46 FR 20280) April 3, 1981
FR Doc. 81–11473 (46 FR 22257) April 16, 1981
FR Doc. 81–11765 (46 FR 22632) April 20, 1981
FR Doc. 81–19042 (46 FR 33074) June 28, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81–20404 Filed 7–10–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

VGS Corp.; Action Taken and Opportunity for Comment on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order—first notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date will be ten (10) days after publication of the Second Notice in the Federal Register.

COMMENTS BY: August 12, 1981.

ADDRESS: Send written comments to: Bernard Fleischer, Program Manager, Production Programs, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert H. Burch, Management Analyst, Southeast District, ERA, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367; Telephone (404) 881-2396.

SUPPLEMENTARY INFORMATION: On June 29, 1981 the Southeast District, Office of Enforcement of the ERA executed a Consent Order with VGS Corporation, Jackson, Mississippi. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest becomes effective upon its execution only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order with VGS Corporation.

I. The Consent Order

VGS Corporation (VGS), located in Jackson, Mississippi, is a small refiner and marketer of refined petroleum products. VGS is subject to the jurisdiction of the DOE with regard to prices charged pursuant to 10 CFR Part 211, during the period December 1, 1973 through January 27, 1981, ("the period covered by this Consent Order"). To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of VGS, the Office of Enforcement, ERA, and VGS entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to sales of covered products by VGS during the period December 1, 1973 through January 27, 1981.

2. VGS was audited by the DOE to determine VGS's compliance with the DOE petroleum price regulations. Matters reviewed during the audit included determination of VGS's classes of purchaser and May 15, 1973 selling prices to each; calculations of VGS's base period product and non-product costs; calculations of VGS's increased costs and cost allocations; calculations of VGS's unrecouped cost increases and recoveries of increased costs; and calculation of maximum allowable prices actually charged.

3. VGS and the Office of Enforcement each believes that its legal positions concerning the matters resolved by this Consent Order are meritorious and are likely to be sustained if tried before a court. VGS, without admitting that it has violated any regulations or overcharged any customer, is willing to enter into this Consent Order as a means of settling all its outstanding disputes with DOE concerning the subject matter of this Consent Order, and thus avoiding further disruption of its orderly business functions and the expense of protracted, complex litigation.

4. VGS agrees to refund, in full settlement of any and all civil liability, excluding civil penalties, and excluding VGS's entitlements compliance in regard to actions that might be brought by the DOE arising out of the alleged violations in paragraph 2 during the audit period, the sum of $1,010,000 plus interest.

5. Interest is to be paid on the violation amount from the date of each violation until such time as the refunds are paid to the DOE pursuant to paragraph 4. Interest due through the effective date of this Consent Order is included in the amount stated in paragraph 4.

6. With respect to civil penalities relating to this Consent Order, VGS will pay to the U.S. Department of Energy the amount of $10,000.

7. VGS agrees to the terms of the Consent Order, in full settlement of any and all civil liability within the jurisdiction of the DOE covered by this Consent Order in regard to actions that might be brought by the DOE for the time covered by this Consent Order. Any payments to DOE shall be by certified check made payable to the U.S. Department of Energy and delivered to the Director, Office of Enforcement, Economic Regulatory Administration. The Director for Enforcement, ERA, shall direct that these monies be deposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in accordance with applicable laws and regulations.

8. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, VGS agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Section I, above, the sum of $1,010,000.00. VGS may, at its discretion, pay this amount in equal monthly installments over a period not to exceed 24 months immediately following the effective date of this Consent Order. These refunded overcharges will be in the form of certified check(s) made payable to the U.S. Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practice impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a)

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send you written notification of a claim to James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order, with proprietary information deleted, by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on VGS Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 12, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 30th day of June 1981.

James C. Easterday,
District Manager, Office of Enforcement.

Concurrence:

Leonard F. Bittner,
Chief Enforcement Counsel.

[FR Doc. 81-20313 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-01-M

Loveladdy Oil Co., Inc., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of action taken on consent order

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a consent Order

DATE: Petition submitted to the Office of Hearings and Appeals: June 26, 1981

FOR FURTHER INFORMATION CONTACT: Adna Day, Program Manager for Product Resellers, Office of Enforcement, Room 5204, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3541

SUPPLEMENTARY INFORMATION: On August 3, 1979, the OE published notification in the Federal Register that it executed a Consent Order with Loveladdy Oil Company (LOC) of Center, Texas on July 26, 1979, 44 Fed. Reg. 45663 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the consent Order. In addition, persons who believed they had a claim to all or a portion of the refund paid by LOC pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, LOC refunded the sum of $25,000 by certified checks made payable to the United States Department of Energy. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $25,000, or to ascertain the amounts of refunds that such persons are entitled to receive. The OE, therefore, has petitioned the Office of Hearings and Appeals on June 26, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et. seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR 205, Subpart V.

Issued in Washington, D.C. on the 6th day of July, 1981.

Robert D. Garring,
Director, Program Operations Division

[FR Doc. 81-20381 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the office of Hearings and Appeals: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Adna Day, Program Manager for Product Resellers, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3511.

SUPPLEMENTARY INFORMATION: On July 19, 1979, the OE published notification in the Federal Register that it executed a Consent Order with Northeast Petroleum Industries, Inc., (Northeast) of chelsea, Massachusetts on June 19, 1979, 44 FR 42314 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Northeast pursuant to the Consent Order were requested to submit notice of their claims to OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Northeast is refunding the sum of $459,635 by certified checks made payable to the United States Department of Energy in 6 semi-annual installments. All such funds received by DOE have been placed into a suitable account pending determination of their distribution.

The OE received no notices of claim to the refunds.

Action Taken:

The OE is unable, readily, to identify the persons entitled to receive the $459,635 or to ascertain the amounts of refunds that such persons are entiled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 6th day of July 1981.

Robert D. Gerring,
Director Program Operations Division.

[FR Doc. 81-20382 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4758-000]

Albert E. Hodgson; Application for Preliminary Permit

July 7, 1981.

Take notice that Albert E. Hodgson (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4758 known as the Ammon Creek Hydroelectric Project located on Ammon Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence

with the Applicant should be directed to: Mr. Albert E. Hodgson, P.O. Box 269, Willow Creek, California 95573.

Project Description—The proposed project would consist of: (1) three diversion structures, one on each of Ammon Creek's three forks; (2) a 7,400-foot long canal; (3) a reinforced concrete headworks; (4) a 1,425-foot long, 12-inch diameter penstock; (5) a powerhouse with total installed capacity of 400 kW; and (6) an upgraded 12-kV transmission line to interconnect with an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy output would be 1.47 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which he would conduct engineering, economic, geological, hydrological, and environmental studies; conduct property surveys; and prepare FERC license application. The Applicant estimates that the cost of conducting these studies is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1981, either the competing application itself [See 18 CFR 4.33 (a) (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 2, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before, September 3, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address: A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20423 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-577-000]

Arkansas Power & Light Co.; Filing

July 8, 1981.

The filing Company submits the following:

Take notice that Arkansas Power & Light Company (AP&L), on June 30, 1981, tendered for filing proposed changes in its rates and charges to 9 municipalities and 2 cooperatives, as reflected in proposed Rate Schedule W81. AP&L states that the proposed changes would increase revenues from jurisdictional sales and services to these customers by $12,771,265, based on billing determinants for the 12 month period ending December 31, 1981.

AP&L also submitted as part of the filing a Settlement Agreement with its Customers, containing a proposed Settlement Rate Schedule W81S. AP&L proposes an effective date of August 29, 1981 for its filing.

AP&L further states that the proposed increased rates are necessitated by the fact that it is realizing an unreasonably low rate of return on sales to its affected jurisdictional customers.

Copies of the proposed rate schedule W81 and statements comparing the sales and revenues therefrom were served on AP&L's jurisdictional customers affected by the filing. Copies were also served on the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Missouri Public Service Commission and the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20436 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4465-000]

Capital Development Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Capital Development Company (Applicant) filed on April 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4465 known as the 8-mile Creek Water Power Project located on Icicl Creek in Chelan County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. Terpstra, Vice President, Development of Energy Facilities, Capital Development Company, #4 South Sound Center, P.O. Box 3487, Lacey, Washington 98503.

Project Description—The proposed project would consist of: (1) a 15-foot high overflow concrete diversion dam; (2) an intake structure; (3) a reservoir with storage of less than one acre-foot; (4) a 5-mile long covered canal; (5) a 0.5-mile long, 158-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 60 MW; and (7) a 4-mile long, 115-kV transmission line and intertie facilities with the Chelan County P.U.D. substation at Lavenworth. The Applicant estimates that the average annual energy output would be 245 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorized construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological, geological, economic, and environmental studies and prepare applications for Corps of Engineers permit, State of Washington Energy Facility Site Evaluation Council permit, and FERC license. The Applicant estimates that the cost of conducting these studies would be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATON", "COMPETING APPLICATON", "PROTEST", or "PETITION TO INTERVENE" as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 24026. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address: A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20425 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4466-000]

Capital Development Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Capital Development Company (Applicant) filed on April 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4466 known as the Frailey Mountain Water Power Project located on Deer Creek in Skagit and Snohomish Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John J. Terpstra, Vice President, Development of Energy Facilities, Capital Development Company, #4 South Sound Center, P.O. Box 3487, Lacey, Washington, 98503.

Project Description—The proposed project would consist of: (1) a 60-foot high rock and earth fill diversion dam with an overflow spillway and a 10-foot high overflow concrete diversion dam; (2) an intake structure; (3) a reservoir with surface area of 20 acres and capacity of 470 acre-feet; (4) a 5.7 mile long covered canal; (5) a 1.9-mile long, 120-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 45 MW; and (7) a 1.5-mile long, 230-kV transmission line and inter-tie facilities with the Seattle City Light transmission line. The Applicant estimates that the average annual energy output would be 170 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it will conduct engineering, hydrological, geological, economic, and environmental studies; and prepare applications for Corps of Engineers permit, State of Washington Energy Facility Site Evaluation Council permit, and FERC license. The Applicant estimates that the cost of conducting these studies would be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 3, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address: A copy of any notice of intent, served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20426 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4467-000]

Capital Development Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Capital Development Company (Applicant) filed on April 2,

1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4467 known as the Meadows Lower Drop Water Power Project located on Rush and Curley Creeks in Skamania County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John J. Terpstra, Vice President, Development of Energy Facilities, Capital Development Company, #4 South Sound Centry, P.O. Box 3487, Lacey, Washington 98503.

Project Description—The proposed project would consist of: (1) two high overflow concrete diversion dams, each 10-foot high; (2) two reservoirs each with a storage of less than one acre-foot; (3) an intake structure; (4) a 1.5 mile long covered canal; (5) a 2-mile long, 102-inch diameter pressure conduit; (6) a 0.8-mile long, 102-inch diameter penstock, (7) a powerhouse with total installed capacity of 55-kW; and; (8) an 8-mile long, 230-kV transmission line and inter-tie facilities with the Pacific Power and Light transmission line. The Applicant estimates that the average annual energy output would be 168 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it will conduct engineering, hydrological, geological, economic, and environmental studies; and prepare applications for Corps of Engineers permit, State of Washington Energy Facilities Site Evaluation Council Permit, and FERC license. The Applicant estimates that the cost of conducting these studies would be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address: A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20427 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4741-000]

Carjen Co.; Application for Preliminary Permit

July 7, 1981.

Take notice that Carjen Company (Applicant) filed on May 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4741 known as the Olney Falls Waterpower Project located on Olney Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John M. Tietjen, Carjen Company, P.O. Box 31414, Seattle, Washington 98103.

Project Description—The proposed project would consist of: (1) an existing 15-foot high and 60-foot long reinforced concrete dam; (2) a 32-foot wide spillway; (3) an existing reservoir with a storage capacity of 4 acre-feet; (4) an intake structure; (5) a 900-foot long, 42-inch diameter steel penstock; (6) a powerhouse with total installed capacity of 900 kW; (7) a 50-foot long tailrace; (8) a switchyard; and (9) a 0.675-mile long transmission line interconnecting with an existing utility transmission line. The Applicant estimates that the average annual energy output would be 6.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, economic, and environmental studies; and prepare FERC license application. No new roads would be required for conducting these studies. The applicant estimates the cost of the studies to be between $65,000 and $80,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 9, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address: A copy of any notice of intent, competing application or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20428 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-387]

Central Power & Light Co.; Compliance Filing

July 7, 1981.

Take notice that on June 26, 1981, Central Power & Light Company submitted for filing revised rate schedules in purported compliance with the Commission's order issued in this docket on May 29, 1981. CP&L was directed to revise its cost of service and rates to all customers to reflect (1) exclusion of ADITC from capital structure; (2) exculsion of nuclear fuel (Account Nos. 120.1 and 120.2) from rate base; (3) excluson of the cost of water under the fuel adjustment clause; and (4) use of correct billing units.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 17, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20429 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4532-000]

City of Gillette, Wyo.; Application for Preliminary Permit

July 8, 1981.

Take notice that the City of Gillette, Wyoming (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4532 to be known as Gray Reef Dam Power Project located on the North Platte River in Natrona County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael B. Enfi, Mayor, City of Gillette, P.O. Box 3003, Gillette, Wyoming 82716.

Project Description—The proposed project would utilize a Water and Power Resources Service Dam. Project No. 4532 would consist of (1) a proposed 6-foot diameter penstock; (2) a proposed powerhouse containing generating units with an installed capacity of 2.8 MW; (3) a proposed 2,000-foot 115-kV transmission line owned by Western Area Power Administration; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16.2 Ghr. The Applicant proposes to sell the generated output of energy to a local utility. The proposed project is located on Federal lands.

Proposed Scope of Studies under Permti—A preliminary permit, if issued, does not authorizes construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic, and recreational aspects of the project would be determined along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. Applicant estimates the cost of project design and studies under the permit would be $100,000.

Competing Applicotions—This application was filed as a competing application to the Gray Reef Dam Project No. 3642 filed on November 3, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 4, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4532. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address: A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20430 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-83-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that on July 1, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised tariff sheets to Original Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. Columbia states that all tariff sheets being tendered herein bear an issue date of July 1, 1981 and an effective date of August 1, 1981. Certain of the revised tariff sheets relate to a general rate increase and would increase revenues from jurisdictional sales and services by $134,727,515. Columbia states that this additional revenue is necessary to offset a revenue deficiency of approximately the same amount, based upon a cost of service for the test period twelve months

ended March 31, 1981, as adjusted, and as measured from the company's current collection level of rates, exclusive of surcharges, the GRI funding unit and the LFUT adjustment. Columbia further states that the increased rates are required because of increases in labor and materials expense; an increase in the cost of transportation of gas by others; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

In addition, certain of the tendered tariff sheets reflect changes in Columbia's Volume No. 1 tariff necessitated by Columbia's systemwide dekatherm conversion as well as certain miscellaneous changes which correct and update certain technical provisions of the General Terms and Conditions of Columbia's Volume No. 1 tariff. Columbia states that the tariff sheets relating to the systemwide dekatherm conversion are being filed in accordance with its agreement under Article XVI of the Commission approved Stipulation and Agreement at Docket No. RP78–19, *et al.*

Columbia specifically requests that the Commission shorten the suspension period to permit the tariff sheets relating to the systemwide dekatherm conversion and other miscellaneous changes to become effective no later than November 1, 1981.

Copies of the filing were served by the company upon each of its jurisdictional customers and interested state commissions.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20431 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-83-000]

Columbia Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that on July 1, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised tariff sheets to Original Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. Columbia states that all tariff sheets being tendered herein bear an issue date of July 1, 1981 and an effective date of August 1, 1981. Certain of the revised tariff sheets relate to a general rate increase and would increase revenues from jurisdictional sales and services by $134,727,515. Columbia states that this additional revenue is necessary to offset a revenue deficiency of approximately the same amount, based upon a cost of service for the test period twelve months ended March 31, 1981, as adjusted, and as measured from the company's current collection level of rates, exclusive of surcharges, the GRI funding unit and the LFUT adjustment. Columbia further states that the increased rates are required because of increases in labor and materials expense, an increase in the cost of transportation of gas by others; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

In addition, certain of the tendered tariff sheets reflects changes in Columbia's Volume No. 1 tariff necessaitated by Columbia's systemwide dekatherm conversion as well as certain miscellaneous changes which correct and update certain technical provisions of the General Terms and Conditions of Columbia's Volume No. 1 tariff. Columbia states that the tariff sheets relating to the systemwide dekatherm conversion are being filed in accordance with its agreement under Article XVI of the Commission approved Stipulation and Agreement at Docket No. RP78–19, *et al.*

Columbia specifically requests that the Commission shorten the suspension period to permit the tariff sheets relating to the systemwide dekatherm conversion and other miscellaneous changes to become effective no later than November 1, 1981.

Copies of the filing were served by the company upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20432 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-82-000]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf), on July 1, 1981, tendered for filing proposed changes to its FERC Gas Tariff as follows:

Original Volume No. 1

Twenty-seventh Revised Sheet No. 7

Original Volume No. 2

Eighth Revised Sheet No. 72
Eighth Revised Sheet No. 73
Fifth Revised Sheet No. 92
Fifth Revised Sheet No. 93
Fifth Revised Sheet No. 126
Sixth Revised Sheet No. 145
Sixth Revised Sheet No. 146
Fifth Revised Sheet No. 263
Fourth Revised Sheet No. 320
Fourth Revised Sheet No. 337
Fourth Revised Sheet No. 386
Fourth Revised Sheet No. 387
Third Revised Sheet No. 416
Third Revised Sheet No. 417
Fourth Revised Sheet No. 440
Fourth Revised Sheet No. 484
Fourth Revised Sheet No. 493
Fourth Revised Sheet No. 587
Fourth Revised Sheet No. 598
Third Revised Sheet No. 628
Second Revised Sheet No. 668
Second Revised Sheet No. 677
Second Revised Sheet No. 702
Third Revised Sheet No. 750
Third Revised Sheet No. 820
Third Revised Sheet No. 821
Third Revised Sheet No. 848
Third Revised Sheet No. 849
Second Revised Sheet No. 937
Second Revised Sheet No. 1051
Second Revised Sheet No. 1087
Second Revised Sheet No. 1140
Second Revised Sheet No. 1150
First Revised Sheet No. 1184
First Revised Sheet No. 1185
First Revised Sheet No. 1223

The revised tariff sheets proposed to become effective August 1, 1981, reflects an increase in Columbia Gulf's revenue of $41,762,666 based on a cost of service for the test period twelve months ended March 31, 1981, as adjusted, compared with revenue based upon April 21, 1981 level cost of service under the Second Revised Filing at Docket No. RP80–145. Columbia Gulf further states that the increased rates are required because of increases in labor and materials expense; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

Columbia Gulf specifically requests that the Commission shorten the period of suspension for the subject rate filing, and permit the rates to go into effect, subject to refund, on August 1, 1981.

Copies of this filing were served by the company upon each of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intevene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20433 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-77-000]

Consolidated Gas Supply Corp.; Revision to FERC Gas Tariff

July 6, 1981.

Take notice that on June 18, 1981, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Second Revised Sheet No. 51 to its FERC Gas Tariff, Third Revised Volume No. 1. The filing changes Consolidated's minimum Btu content in order to track the reduction in minimum heat content requested in a filing made by Tennessee Gas Pipeline Company (Tennessee) in Docket Nos. RP81–56–000 and RP80–97 on April 30, 1981. Tennessee's filing became effective after suspension subject to refund on June 2, 1981.

Consolidated states that it is required to submit this filing in order to avoid potential violations of the minimum heat content provision of its tariff. In some instances Tennessee delivers Canadian gas directly to Consolidated's wholesale customers for the account of Consolidated. The Btu content of the Canadian gas is as low as 967 Btu per cubic foot.

Consolidated requests waiver of the Commission's Rules and Regulations as may be required to make this tariff sheet effective concurrently with the effective date of Tennessee's filing.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 157.79). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20434 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-80-000]

Consolidated Gas Supply Corp.; Proposed Changes in Rates and Charges

July 6, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated), pursuant to Section 4 of the Natural Gas Act and Section 154.63 of the Commission's Regulations, filed on June 30, 1981, proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1 to become effective on August 1, 1981.

The proposed rate changes would increase Consolidated's revenues from jurisdictional sales and services by $33.4 million based on the twelve months ended February 28, 1981, adjusted for known and measurable changes through November 30, 1981.

Consolidated states that increased rates are necessary to recover increased operation and maintenance expenses, increased transportation costs, increased taxes, and the increased cost of money. The rates are based on an overall rate of return of 13.81% and an equity return of 17.5%.

Consolidated states that the cost of gas was computed using the base costs of gas per unit of sales reflected on Consolidated's Twenty-Fifth Revised Sheet No. 16.

The filing in this proceeding reflects old pipeline production on a cost of service basis and is without prejudice to Consolidated's position that old pipeline production is entitled to NGPA treatment and the outcome of the court proceedings. Consolidated reserves the right to make retroactive collections based on NGPA treatment for old pipeline production.

Consolidated represents that Statement P will be filed within fifteen days of its filing. It states that it served copies of its filing upon its jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20435 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-183-000]

Consolidated Edison Co. of New York, Inc.; Filing

July 7, 1981.

The filing company submits the following:

Take notice that on June 22, 1981, Consolidated Edison Company of New York, Inc. (Con Ed) tendered for filing, in accordance with the Commission's order of May 26, 1981, in this docket, revised tariff sheets reflecting all charges to be assessed the Power Authority of the State of New York (PASNY) in rendering service performed pursuant to the Con Ed-PASNY Service Delivery Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20433 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-56-000]

El Paso Electric Co.; Application

July 6, 1981.

Take notice that on June 30, 1981, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue up to 750,000 shares of Common Stock, no par value. The New Common Stock is to be issued from time to time pursuant to the provisions of the Applicant's Employee Stock Ownership Plan and Trust.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20436 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-84-000]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges

July 8, 1981.

Take notice that on July 1, 1981, Florida Gas Transmission Company (FGT) tendered for filing proposed changes in its F.E.R.C. Gas Tariff, Original Volume Nos. 1, 2 and 3.

The proposed rate change would increase FGT's jurisdictional revenues by $14,639,006 per year based on the twelve months ended March 31, 1981, as adjusted.

FGT states that copies of its rate filing were served on all of the Company's jurisdictional customers and the Florida Public Service Commission. Also FGT states that Statement P will be filed within fifteen days from the date of its rate filing.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20440 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1966-000]

F. L. Wilkerson; Application

July 6, 1981.

The filing individual submits the following:

Take notice that on June 26, 1981, F. L. Wilkerson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Controller—Louisville Gas & Electric Company

Controller—Ohio Valley Transmission Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before July 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20446 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-13-001 (PGA81-2)]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

July 6, 1981.

Take notice that Gas Gathering Corporation (GGC) on June 1, 1981, tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would increase the rate charged Transco by 5.58447 cents per Mcf from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1981. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to redue the balance of its Unrecovered Purchased Gas Cost Account as of March 31, 1981, through a six-month surcharge.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20439 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3181-001]

Hydro Development Group Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 8, 1981.

Take notice that the Hydro Development Group Inc. filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its #6 Mill Project No. 3181 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Oswegatchie River in the Village of Hailesboro, St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Mr. Mark E. Quallen, Hydro Development Group Inc., P.O. Box 58, Dexter, New York 13634.

Project Description—The proposed run-of-river project would redevelop the existing but inoperative Applicant-leased #6 Mill Hydroelectric Plant and would consist of: (1) a 10-foot high and 250-foot long reinforced concrete gravity overflow-type dam; (2) a reservoir with a surface area of four acres and negligible storage capacity at normal surface elevation 486 feet m.s.l.; (3) a 40-foot wide and about 70-foot long intake structure with new gates and new trash racks along the south (left) bank; (4) a powerhouse containing two turbines rated at 800 hp and 500 hp, connected to two new generators rated at 550-kW and 350-kW, respectively, at a head of 19 feet and at a flow of 700 cfs; (5) a short tailrace; (6) new electrical switchgear; (7) a 75-foot long 2.3-kV transmission line; and (8) appurtenant facilities. Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates the annual generation would average about 5,000,000 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 17, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE" as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3181. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20451 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[Docket No. ES81-57-000]

Idaho Power Co.; Application

July 7, 1981.

Take notice that on July 2, 1981, Idaho Power Company (Applicant) filed an Application with the Federal Energy Regulatory Commission seeking an Order pursuant to Section 204 of the Federal Power Act authorizing the Company to enter into two Guaranty Agreements with the Trustee of Solid Waste Disposal and Pollution Control Revenue Bonds to be issued by the Port of Morrow, Oregon, in the aggregate principal amount not to exceed $3,500,000, which will be sold by the Port as soon as possible after obtaining approval of these Guarantees.

Any person desiring to be heard or to make any protest with reference to said Application should on or before July 16, 1981, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20452 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-575-000]

Idaho Power Co.; Filing

July 8, 1981.

The filing Company submits the following:

Take notice that Idaho Power Company (Idaho) on June 29, 1981, tendered for filing proposed changes in its rates and charges for sales for resale to its wholesale customers. The proposed increase is $2,626,049 or approximately 22.77 percent, based on the 12 months ending December 31, 1980.

The filing proposes an increase in rates in its contract for sales of electric power and energy to CP National's Oregon Division, as filed with the Commission and designated as Idaho's Rate Schedule FPC No. 57 and to CP National's Nevada District, as filed with

the Commission and designated as Idaho's Rate Schedule No. 30. The proposed changes, requested to become effective September 1, 1981, would increase revenues from jurisdictional sales and service by approximately $1,683,990 from CP National—Oregon and by $383,386 from CP National—Nevada, based on the 12-month period ending December 31, 1980.

The filing also proposes an increase in rates in its contract for sales of electric power and energy to the City of Weiser, as filed with the Commission and designated as Idaho's Rate Schedule FPC No. 42. The proposed changes, requested to become effective on October 1, 1981, would increase revenues from the City of Weiser by $359,773, based on the 12-month period ending December 31, 1980.

The Company states that the proposed increase in rates is required to offset the effect of increased operating expenses, capital costs and plant additions.

Copies of the filing were served upon CP National, the City of Weiser, the Public Utility Commissioner of Oregon, the Idaho Public Utilities Commission and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20455 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-88-000]

Lawrenceburg Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take notice that Lawrenceburg Gas Transmission Corporation (Lawrenceburg), on July 1, 1981, tendered for filing Twenty-Fourth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1, containing restated base tariff rates effective March 1, 1981.

Lawrenceburg states that the above-named tariff sheet, together with a cost of service study based on the 12 months ended February 28, 1981, were filed to comply with § 154.38(d)(4)(vi) of the Commission's Regulations under the Natural Gas Act. Lawrenceburg's prior base tariff rates were approved effective 36 months prior to March 1, 1981 at Docket No. RP78-37.

Lawrenceburg states that copies of this filing were served upon its two jurisdictional wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20454 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-13-000]

City of Winnfield, Louisiana v. Louisiana Power & Light Co.; Filing

July 2, 1981.

Take notice that on June 23, 1981, the City of Winnfield, Louisiana (Winnfield) filed an amendment to its Complaint in Docket No. EL81-13-000.

Winnfield requests that the Commission declare unlawful a charge that Louisiana Power & Light Company (LP&L) sought to collect from Winnfield pursuant to a rate schedule tendered for filing in Docket No. ER81-457-000, but not yet accepted for filing, nor permitted to become effective by the Commission. Winnfield further requests that the Commission seek an injunction from the United States District Court pursuant to Section 314 of the Federal Power Act, restraining LP&L from further billing the City under the new rate schedule tendered in Docket No. ER81-457-000.

Additionally, Winnfield requests expedited consideration of the instant submittal and requests that the Commission shorten the period allowed for LP&L to file a responsive pleading to the minimum practicable period. Winnfield states that it has served a copy of its pleading on LP&L.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20456 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-14-000 (PGA 81-3)]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

July 6, 1981.

Take notice that on July 1, 1981 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on June 30, 1981, proposed to become effective August 1, 1981, and identified as follows:

Twenty-Fifth Revised Sheet No. 4
Twenty-Third Revised Sheet No. 18
Fourth Revised Sheet No. 4-B

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20457 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4574-000]

Mr. Gail Marshall; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 8, 1981.

Take notice that Mr. Gail Marshall filed with the Federal Energy Regulatory Commission on April 22, 1981, an application for exemption for its Three Lynx Creek Hydroelectric Project No. 4574 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Three Lynx Creek in Clackamas County, Oregon. Correspondence with the Applicant should be directed to: Mr. Gail Marshall, 12825 SW 20th Court, Beaverton, Oregon 97005.

Project Description—The proposed project would consist of: (1) a non-impounding 2-foot high by 40-foot long diversion structure; (2) a 2,150-foot long penstock; (3) a powerhouse to contain two generating units with a total rated capacity of 388 kW; and (4) a 1,500-foot long transmission line.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 17, 1981. Applications for a preliminary permit will be not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before August 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4574. Any comments, notices of intent, competing applications, protests, or petitions, to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing applications, petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20457 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-1-001]

Michigan Wisconsin Pipe Line Co.; Tariff Filing

July 6, 1981

Take notice that on June 22, 1981, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Substitute Fourth Revised Sheet No. 667 of Rate Schedule X-64 to its F.E.R.C. Gas Tariff, First Revised Volume No. 2, to be effective November 1, 1980. Rate Schedule X-64 reflects an agreement for services which Michigan Wisconsin performs for the High Island Offshore System which was authorized by the Commission at Docket No CP78-134.

Michigan Wisconsin states that this filing was made pursuant to the Stipulation and Agreement at Docket No. RP81-1-000 which was approved by the Commission on May 21, 1981. The Commission directed Michigan Wisconsin to file a revised tariff sheet which reflects the settlement rate of $615,483 per month contained in the approved settlement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20460 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

[Docket No. RP81-90-000]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in F.E.R.C. Gas Tariff

July 8, 1981.

Take notice that on July 2, 1981, Michigan Wisconsin Pipe Line Company filed proposed changes to the following tariff sheets of its F.E.R.C. Gas Tariff, First Revised Volume No. 2:

Rate Schedule X-11	First Revised Sheet No. 93.
Rate Schedule X-12	First Revised Sheet No. 111.
Rate Schedule X-13	First Revised Sheet No. 131.
Rate Schedule X-14	First Revised Sheet No. 147.
Rate Schedule X-17	First Revised Sheet No. 172.
Rate Schedule X-22	First Revised Sheet No. 220.
Rate Schedule X-24	First Revised Sheet No. 237.
Rate Schedule X-31	First Revised Sheet No. 298.
Rate Schedule X-38	First Revised Sheet No. 340.
Rate Schedule X-40	First Revised Sheet No. 378.
Rate Schedule X-43	First Revised Sheet No. 422.
Rate Schedule X-76	First Revised Sheet No. 656.

Michigan Wisconsin states that this filing was made for the sole purpose of revising the interest rate charged on unpaid amounts to reflect the effective rate of interest specified in Section 154.67(d) of the Regulations under the Natural Gas Act.

Michigan Wisconsin requests that the tariff sheets be made effective August 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20459 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-15-000 (PGA81-2) and IPR81-2)]

Mid Louisiana Gas Co.; Proposed Change in Rates

July 7, 1981.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on June 29, 1981, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Forty-First Revised Sheet No. 3a, and Fourth Revised Sheet No. 3o to become effective August 1, 1981.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment, a Purchased Gas Cost Surcharge, and a Transportation Cost Adjustment, resulting in a rate after current adjustments of 350.52¢. The filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff and the Purchased Gas Cost Current Adjustment reflects rates payable to Mid Louisiana's suppliers during the period August 1, 1981 through January 31, 1982.

Copies of the filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20460 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-46-000]

Midwestern Gas Transmission Co.; Application for an Adjustment

July 7, 1981.

Take notice that on June 22, 1981, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. SA81-46-000 an application for an adjustment pursuant to § 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41), for an interim and permanent exemption from the filing requirements of § 281.204(b)(2) of the Commission's regulations.

Applicant states that preparation of the annual update of its index of customer requirements required by § 281.204(b)(2) requires substantial time and expense on the part of Applicant, its Northern System customers and the Data Verification Committee.

The Applicant anticipates that its Northern System would be able to meet the full requirements of its customers in the near term as indicated in Midwestern's Form 15 for the year ended December 31, 1980. Therefore, Midwestern submits that compliance with the filing requirements of § 281.204(b)(2) for Midwestern's Northern System is unnecessary and would result in special hardship and an unfair distribution of burdens to its customers as well as to Midwestern.

Applicant states further that in order to provide sufficient time for the Commission to consider its request for a permanent exemption it is also requesting interim relief. It states that because its Northern System would not be in curtailment during the next year, there is no need to update the index for this period and that the interim request would avoid the substantial time and expense by Applicant, its customers and the Data Verification Committee in the preparation of an update of the index of requirements.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before July 13, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20461 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-89-000]

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take notice that on July 1, 1981, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 2:

First Revised Sheet No. 1499

Natural states that the purpose of this filing is to revise Rate Schedule X-116, a transportation agreement dated June 23, 1980, between Natural and Chevron Chemical Company, to reflect a revised transportation rate pursuant to Paragraphs 1 and 2 of Article III. Authorization for this service was granted by Commission Order issued December 31, 1980 at Docket No. CP80-452.

A copy of this filing was mailed to Chevron Chemical Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20462 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-365-000]

Natural Gas Pipeline Co. of America; Application

July 8, 1981.

Take notice that on June 10, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-365-000 an application pursuant to Section 7(c) of the natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas to Transwestern Pipeline Company (Transwestern) on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would sell up to a maximum of 18,000,000 Mcf of natural gas to Transwestern for use in its system supply. Applicant further states that such sale would be made pursuant to a gas sales agreement between Applicant and Transwestern dated May 29, 1981.

Applicant proposes to sell gas to Transwestern on an interruptible basis for a term of 363 days commencing on the date of first deliveries. Applicant asserts that the maximum daily volumes would not exceed 100 billion Btu per day.

Applicant states that it would charge Transwestern for each million Btu of gas a rate equal to the average of the rates effective under Applicant's currently effective Rate Schedules E-1 and G-1 each minus the GRI surcharge. Applicant states that such a rate is a composite rate which reflects effective rates in Applicant's tariff. Applicant asserts that the E-1 and G-1 rates are subject to adjustments under Applicant's purchased gas agreement clause and the composite rate would at all times be higher than Applicant's average cost of gas. Applicant further asserts that the present composite rate is approximately $2.75 per million Btu and applicant's average cost of gas is approximately $1.92 per million Btu as of March 1, 1981. Applicant submits that except for 1.0 cent per million Btu it would credit the revenues from the proposed sale to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant states that it would deliver gas to Transwestern at existing delivery points in Hansford and Gray Counties, Texas, and Eddy County, New Mexico, and at any other mutually agreeable point.

It is stated that Applicant's supply is sufficient to make this sale without impairing or reducing service to its present customers because of excess deliverability due in part to high take obligations and to a significant reduction in demand for gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20463 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-87-000]

North Penn Gas Co.; Revision to FERC Gas Tariff

July 7, 1981.

Take notice that North Penn Gas Company (North Penn) on June 29, 1981 tendered for filing First Revised Sheet No. 6 to its FERC Gas Tariff, First Revised Volume No. 1. The filing changes North Penn's minimum Btu content in order to track the minimum heat content reduction requested in filings made by two of its pipeline suppliers: Tennessee Gas Pipeline Company (Tennessee) in Docket Nos. RP81-56-000 and RP80-97, and by Consolidated Gas Supply Corporation (Consolidated) in a filing dated June 16, 1981.

North Penn states that this filing is necessary in order to avoid potential violations of the minimum heat content provision of its Tariff, should its pipeline suppliers deliver gas with a heat content of nine hundred sixty-seven (967) Btu per cubic foot.

North Penn requests waiver of the Commission's Rules and Regulations as may be required to make this tariff sheet effective concurrently with the effective date of the Tennessee and Consolidated filings.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 157.79). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20404 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-79-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take Notice that on June 26, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) tendered for filing the following tariff sheets which Northern proposed to become effective August 1, 1981:

Third Revised Volume No. 1

Fourth Revised Sheet No. 67
Second Revised Sheet No. 70a

Original Volume No. 2

Third Revised Sheet No. 1f
Fourth Revised Sheet No. 1i

Fourth Revised Sheet No. 67 of Third Revised Volume No. 1 and Third Revised Sheet No. 1f of Original Volume No. 2 of Northern's FERC Gas Tariff revise the PGA clause of the General Terms and Conditions. Northern's PGA clause currently allow for the filing of a special PGA if one or more of the suppliers is entitled to charge rates higher than those used in the last Cost of Purchased Gas determination and if such increase exceeds $10 million. These revised tariff sheets specifically include authorized increases in price for Canadian imports exceeding $10 million in the special PGA triggering mechanism.

Second Revised Sheet No. 70a of Third Revised Volume No. 1 and Fourth Revised Sheet No. 1i of Original Volume No. 2 revise Northern's PGA clause to specify how refunds to non-exempt boiler fuel facilities not flowed through to such users as of December 31, 1979, shall be refunded as a lump sum payment to each natural gas customer for the benefit of such users.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20405 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-574-000]

Ohio Power Co.; Filing

July 7, 1981.

The filing Company submits the following:

Take notice that Ohio Power Company (Ohio Power) on June 26, 1981 tendered for filing Amendment No. 6, dated as of June 1, 1981 to the Station Agreement, dated as of January 1, 1968, among Ohio Power, Buckeye Power, Inc. and Cardinal Operating Company, to the terms of which Columbus and Southern Ohio Electric Company (CSOE) has assented.

Ohio Power states that Amendment No. 6 provides a means pursuant to which certain 138-kv and 345-kv transmission facilities of CSOE in the State of Ohio are to be deemed to constitute, for the purposes of establishing Buckeye Bulk Power Delivery Points under the Station Agreement, a part of Ohio's Bulk Transmission Facilities under the Station Agreement. Ohio Power requests waiver of the Commission's notice requirements and requests an effective date of June 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20406 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-95-000, et al.]

OMNI Drilling Partnership No. 1981-1, et al.; Applications for "Small Producer" Certificates [1]

July 8, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 27, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all application in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS-81-95-000.	May 20, 1981.	OMNI Drilling Partnership, No. 1981-1, P.O. Drawer 460, Wayne, PA 19087.
CS81-96-000.	June 1, 1981.	Frank J. Whitley, Jr., #1 Briar Dale Court, Houston, Texas 77027.
CS81-97-000.	June 1, 1981.	Margaret Whitley Salmonsen, 5210 Green Tree, Houston, Texas 77056.
CS81-98-000.	June 1, 1981.	Gay Whitley McCain, Route 3, Box 27, West River Rd. Extended, Greenwood, Mississippi 38930.
CS81-99-000.	June 4, 1981.	Continental Petroleum Company, P.O. Box 96, Sand Fork, WV 26430.
CS81-100-000.	June 8, 1981.	V. C. S. Exploration, Inc., 910-16th St., #840, Denver, CO 80202.

[FR Doc. 81-20440 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-32-000]

Pacific Gas Transmission Co.; Motion To Terminate Docket

July 6, 1981.

Take notice that on June 8, 1981, Pacific Gas Transmission Company (PGT) tendered for filing a request that the Commission terminate a refund provision contained in its March 31, 1981 Order Suspending Notice Of Rate Change, Subject To Refund And Subject To Conditions (hereinafter referred to as "Order"), and to issue a final order in the instant proceeding.

PGT states that the Order was issued in response to a request by PGT to change its rates in order to reflect an increase in the price of Canadian Natural Gas which was to become effective on April 1, 1981.

PGT further states that the conditions which the Order was subject to have been completely satisfied, specifically Ordering Paragraphs (A) and (B). Ordering Paragraph (A) required approval by the ERA of the Canadian Price increases. PGT states that on March 27, 1981, by Opinion and Order No. 29, the ERA authorized PGT and other importers of Canadian natural gas to pay the new border price and thus, PGT contends that ERA approval has been attained and consequently, the conditions stated in Ordering Paragraph (A) have been satisfied. The pertinent part of Ordering Paragraph (B) required the Commission to defer action until the ERA had acted on the pending application by PGT for a reduction in daily purchase contract quantities with its Canadian gas supplier, Alberta and Southern Gas Co., Ltd. PGT states that the ERA, in Opinion and Order No. 29, has accepted certain contract amendments which provide PGT with additional flexibility in its minimum purchase obligations and which will allow for reduced purchase obligations by PGT. PGT further states that the Commission itself, in a separate proceeding (*See*, Docket No. RP81-43-000), has dealt with the minimum purchase issue raised in Ordering Paragraph (B) when it issued on April 9, 1981, an Order Approving Tariff Revision, Granting Waiver, Amending Orders, And Issuing Certificates Of Public Convenience And Necessity which encompassed a Service Agreement of Pacific Gas And Electric Company which reduced its minimum purchase obligation. Thus, PGT states that the condition in Ordering Paragraph (B) has been satisfied.

PGT states that this filing was served on the appropriate persons in accordance with the requirements of Section 1.17 of the Commission's Rules of Practice and Procedure.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20407 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-28-000]

Panhandle Eastern Pipe Line Co.; Change in Tariff

July 7, 1981.

Take notice that on July 1, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Thirty-Ninth Revised Sheet No. 3-A and Sixteenth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1. An effective date of May 1, 1981 is proposed.

Panhandle submits that these revised tariff sheets are filed to provide for the elimination of the Louisiana First Use Tax Rate Adjustment pursuant to the Commission's order of June 29, 1981 in Docket No. TA81-2-31, *et al.*

Panhandle states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20408 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4021-000]

Saranac Energy Corp.; Application for Short-Form License (Minor)

July 8, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on January 16, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] to rehabilitate, operate, and maintain the existing run-of-river water power project known as Lake Tahoma FERC Project No. 4021. The project is located on Buck Creek, a tributary to the South Fork Catawba River, near the City of Marion, McDowell County, North Carolina. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The project would consist of: (1) an existing 62.6-foot high and 398-foot long dam with a 123.6-foot long overflow section; (2) an existing reservoir with a surface area of 163 acres and a storage capacity of 5,790 acre-feet; (3) an existing 4-foot diameter steel penstock approximately 117 feet long; (4) an existing powerhouse located 80 feet east of the dam with a total installed capacity of 240 kW; (5) existing transmission line; and (6) appurtenant facilities. The average annual generation

is expected to be approximately 1,370 MWh.

Purpose of Project—All project energy produced will be sold to the Duke Power Company by the Applicant.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 7, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before September 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20469 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-576-000]

Sierra Pacific Power Co. Filing

July 8, 1981.

The filing company submits the following:

Take notice that Sierra Pacific Power Company (Sierra Pacific) on June 26, 1981, tendered for filing a new Volume 2 to its F.E.R.C. Electric Tariff applicable to sale of nonfirm energy for regional resale and transmission service at points of interconnection of 120 KV or higher in accordance with Sierra Pacific's Schedule RT. Sierra Pacific requests that the filing be made effective on September 1, 1981. Due to the nature of this nonfirm rate, it cannot be predicted when sales or transmission service will be initiated nor can estimates of service be made since it is dependent upon Sierra Pacific's ability to serve and potential customers' requests for service.

Copies of the filing were served on the State Regulatory Commissions of California and Nevada, and utilities with which Sierra is interconnected at 120 KV and higher or have agreement for purchase of nonfirm energy.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20470 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. AR61-2, et al.]

Southern Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

July 6, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 17, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
6/8/81	Southern Natural Gas Co.	AR61-2	Report.
6/16/81	Eastern Shore Natural Gas Co.	RP77-109-017	Report.
6/16/81	Columbia Gas Transmission Corp.	TA80-1-21-005	Report.
6/19/81	Natural Gas Pipe Line Co. of America.	RP80-11-005	Plan.
6/18/81	Texas Gas Transmission Corp.	RP80-101-004	Report.
6/24/81	National Fuel Gas Supply Corp.	RP80-135-009	Report.
6/29/81	East Tennessee Natural Gas Co.	RP77-62-015	Report.

[FR Doc. 81-20471 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-86-000]

Southern Natural Gas Co., Proposed Changes in FERC Gas Tariff

July 8, 1981.

Take notice that Southern Natural Gas Company (Southern) on July 1, 1981 tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $79.8 million based on the twelve months ending March 31, 1981, as adjusted.

Southern states the principal reasons for the proposed rate increase are to reflect (1) an increase in the overall level of return to 14.36%, (2) increased costs for new facilities required to attach new gas supplies, and (3) inclusion of costs associated with the Bear Creek Storage Project.

Copies of the filing have been served upon Southern's jurisdictional customers and interested state public service commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20472 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4348-000]

Sylvester Ross Molyneux; Application for Preliminary Permit

July 8, 1981.

Take notice that Sylvester Ross Molyneux (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4348 known as Rush Creek located on Rush Creek in Trinity County, California. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sylvester Ross Molyneux, P.O. Box 1637, Weaverville, California 96093.

Project Description—The proposed project would consist of: (1) a small diversion structure; (2) a diversion conduit; (3) a penstock; (4) a powerhouse containing a 1,000 kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 4,650,000 kWh. The power generated by the proposed project would be sold to a public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform a geological study; prepare an environmental impact report; study the economic and financial feasibility; apply for necessary rights; and consult with appropriate agencies. The cost of these studies is estimated by the Applicant to be $81,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 8, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in section 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be prersumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20473 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-58-002 (PGA 81-3a IPR 81-2a)]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

July 7, 1981.

Take notice that on June 29, 1981, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a Revised Fifth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 and the Incremental Pricing Surcharge Provision contained in Section 13 of the General Terms and Conditions of the Tariff. More specifically, Revised Fifth Revised Sheet No. 4a reflects a net decrease under that currently being collected to 23.44¢ per Mcf (at 14.65 psia) to be effective June 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before July 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All Protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20474 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-16-001]

Texas Gas Transmission Corp.; Proposed Changes in FPC Gas Tariff

July 7, 1981.

Take notice that Texas Gas Transmission Corporation, on June 30,

1981, tendered for filing Thirty-Fourth Revised Sheet No. 7 and Fourth Revised Sheet No. 7–B to its FPC Gas Tariff, Third Revised Volume No. 1.

These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause. The filing also reflects changes in costs associated with advance payments, and the cost of transportation of gas by others pursuant to the provisions of Article VII and IX of the Stipulation and Agreement approved by Commission order issued June 8, 1981 in Docket No. RP80–101.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition ot intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20875 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-30-000]

Trunkline Gas Co.; Change in Tariff

July 7, 1981.

Take notice that on July 1, 1981 Trunkline Gas Company (Trunkline) tendered for filing Thirty-Sixth Revised Sheet No. 3–A to its FERC Gas Tariff, Original Volume No. 1. An effective date of May 1, 1981 is proposed.

Trunkline submits that this revised tariff sheet is filed to provide for the elimination of the Louisiana First Use Tax Rate Adjustment pursuant to the Commission's order of June 29, 1981 in Docket No. TA81–2–31, *et al.*

Trunkline states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20876 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81–85–000]

Trunkline LNG Co.; Filing of Change in FERC Gas Tariff

July 7, 1981.

Take notice that Trunkline LNG Company (Trunkline LNG) on July 1, 1981, tendered for filing Substitute Original Tariff Sheet Nos. 4, 5, 8, 9, 10, 27, 28, 29, 30, 31, 32, 33, 34, 35 through 38, and 39 to FERC Gas Tariff, Original Volume No. 1. These substitute tariff sheets are proposed to become effective on August 15, 1981.

Trunkline LNG states this filing will implement a change in tariff form which will result in implementations of a cost of service tariff with an interim rate. Trunkline LNG states that the change in tariff form is consistent with the minimum bill requirement of Opinion No. 798 and Commission policy as reflected in authorization of cost of service tariffs for other LNG terminalling companies.

Trunkline LNG states that copies of this filing were served on Trunkline Gas Company, Trunkline Gas Company's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petiton to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 24026, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20877 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4735–000]

Twin River Resources; Application for Preliminary Permit

July 8, 1981.

Take notice that Twin River Resources (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4735 known as the East Twin River Water Power Project located on East Twin River in Clallam County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98266.

Project Description—The proposed project would consist of: (1) a four-foot high, 75-foot long diversion structure; (2) an 8,000-foot long, 30-inch diameter penstock; (3) a powerhouse with total installed capacity of 1,500 kW; and (4) a switchyard transforming power into 115-kV which would be transmitted by new lines to an existing Bonneville Power Transmission line. The Applicant estimates that the average annual energy production would be 9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, geological, hydrological, economic and environmental studies; and prepare FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1981, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d)(1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 3, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20881 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81–81–000]

United Gas Pipe Line Co.; Notice of Proposed Changes in FERC Gas Tariff

July 7, 1981.

Take notice that United Gas Pipe Line Company (United), on June 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve-month period ending March 31, 1981, as adjusted, and would increase jurisdictional sales and transportation revenues by $114,086,062.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended March 31, 1981, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change filed to become effective July 1, 1981, as reflected on Fifty-Third Revised Sheet No. 4 to United's FERC Gas Tariff.

Copies of the filing have been served upon United's jurisdictional customers and the public service commissions of the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20882 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4388–000]

Vidler Tunnel Water Co.; Notice of Application for Preliminary Permit

July 8, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4388 known as the Taylor Park Hydro Project located on the Taylor River in Gunnison County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young or Mr. Robert F. Moreland, 75 Manhattan Drive Suite 201, Boulder, Colorado 80303.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Taylor Park Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,809 kW; (3) a tailrace; (4) a new 69–kV transmission line, approximately 20 miles long, and a switchyard; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,100,000 kWh.

Proposed Scope of Studies under Permit—preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $300,000.

Competing Applications—This application was filed as a competing application to the Gregory Wilcox's application for Project No. 3634 filed on November 3, 1980, under CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the

Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 4, 1981.

Filing and Service of Responsive Documents—Any comments protests, or petitions to intervene must bear in all capital letters the title "COMMENTS" "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4388. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 625 North Capitol Street, N.E. Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20443 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4701-000]

Village of Marissa, Ill.; Application for Preliminary Permit

July 8, 1981.

Take notice that the Village of Marissa, Illinois (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 USC 791(a)—825(r)] for Project No. 4701 known as the Kaskaskia River Lock and Dam Hydroelectric Project located on the Kaskaskia River in Randolph County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert O'Neil, Esq., Miller, Balis & O'Neil, P.C., 776 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005.

Project Description—the Applicant proposes to utilize the U.S. Army Corps. of Engineers' Kaskaskia River Lock and Dam Hydroelectric Project. The proposed project would consiste of: (1) a proposed powerhouse containing generating units having an estimated 3.2 MW capacity and an estimated average annual energy output of 10,300.000 kWh; (2) a proposes six mile transmission line to be interconnected to the Illinois Power Company's transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Project No. 3651 filed on November 3, 1980, by Mitchell Energy Company, Incorporated under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will we accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 4, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4701. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20444 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-522]

Virginia Electric & Power Co.; Compliance Filing

July 7, 1981.

Take notice that on June 26, 1981, Virginia Electric and Power Company (VEPCO) submitted for filing (under protest) a compliance report pursuant to Opinion No. 118 dated April 10, 1981.[1] According to VEPCO, the compliance report reflects (1) a summary of the revenue effect of the revised schedule RS and pertinent supportive data, (2) the cost of service adjustments of the revised schedule RS, and (3) the computation of refunds due to the Wholesale Municipal Customers under rate schedule RS.[2]

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 30, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20445 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-388]

Virginia Electric & Power Co.; Notice of Filing

July 6, 1981.

Take notice that on June 29, 1981 Virginia Electric and Power Company (VEPCO) tendered for filing a revised cost-of-service and revised rate schedules RC and RS for the Company's wholesale Cooperative and Municipal customers in compliance with the Commission's order dated May 28, 1981. VEPCO states that the filing is submitted under protest in that the Company, on June 26, 1981, filed a petition for rehearing of the Commission's May 28, 1981 order. VEPCO states that the filing should not be construed as a withdrawal of its petition for rehearing.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before July 20, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20446 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-4101-000, et al.]

Warren Petroleum Co., a Division of Gulf Oil Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

July 6, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon servie as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants paties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and dates filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-4101-000, D, June 16, 1981	Warren Petroleum Company, a Division of Gulf Oil Corporation, Post Office Box 2108, Houston, Texas 77001.	El Paso Natural Gas Company, Saunders Gas Processing Plant, Lea County, New Mexico.	(1)	
CI79-529-001, C, June 23, 1981	Cenco, Inc., P.O. Box 2197, Houston, Texas 77001.	Tennessee Gas Pipeline Company, West Cameron Block 66 Field, Offshore Louisiana.	(2)	15.025
CI81-362-000, A, June 17, 1981	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Transtex Gas Company, Block 359, East Cameron Area, South Addition, Offshore Louisiana.	(2)	15.025
CI81-363-000, A, June 17, 1981	do	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Block 359, East Cameron Area, South Addition, Offshore Louisiana.	(2)	14.73
CI81-364-000, A, June 17, 1981	do	Panhandle Eastern Pipe Line Company, Block 359, East Cameron Area, South Addition, Offshore Louisiana.	(2)	15.025
CI81-365-000, A, June 18, 1981	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Texas 79189.	Michigan Wisconsin Pipe Line Company, Vermilion Area, Block 387, Offshore Louisiana.	(2)	15.025
CI81-366-000 (CI65-708), D, June 15, 1981.	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	Northern Natural Gas Company, Division of Inter-North, Inc., Bradford Tankersley Field, Lipscomb County, Texas.	(1)	
CI81-367-000, E,[3] June 16, 1981.	Monsanto Company (Succ. Interest to M & A Petroleum Inc.), 1300 Post Oak Tower, 2954 Westheimer, Houston, Texas 77056.	Cities Service Gas Company, Section 4, Township 16 North, Range 2 West, Logan County, Oklahoma.	(2)	14.65
CI81-368-000, A, June 22, 1981	Cenco Inc., P.O. Box 2197, Houston, Texas 77001	Sea Robin Pipeline Company, South Marsh Island Blocks 112 and 113, Offshore Louisiana.	(2)	15.025
CI81-369-000, A, June 22, 1981	Amerada Production Company, P.O. Box 1330, Houston, Texas 77001.	Tennessee Gas Pipeline Company, East Cameron Block 359, South Addition, OCS-G-2567, Offshore Louisiana.	(2)	15.025
CI81-380-000, A, June 22, 1981	do	Transtex Gas Company, East Cameron Block 359, South Addition, OCS-G-2567, Offshore Louisiana.	(2[5])	15.025
CI81-391-000, A, June 22, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, Ship Shoal Block 91, Offshore Louisiana.	(2[6])	15.025

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Docket No. and dates filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
C81-392-000, A, June 23, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Transwestern Pipeline Company, Waddell Field, Crane County, Texas.	(13)	14.65
C81-393-000, A, June 24, 1981	CNG Producing Company, Suite 3100, One Canal Place, New Orleans, Louisiana 70130.	Columbia Gas Transmission Corporation, Block 392 "A" Platform, Eugene Island Area, Offshore Louisiana.	(13)	14.73
C81-394-000, A, June 24, 1981	....do	Columbia Gas Transmission Corporation, Block 624 "A" Platform, West Cameron Area, Offshore Louisiana.	(13)	14.73
C81-395-000 (CI75-586), B, June 24, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, West Delta Block 117 Field, Offshore Louisiana.	(13)	
C81-396-000 (CI76-752), B, June 24, 1981.	....do	....do	(13)	

[1] The last well on Gulf Oil Corporation's Lea "HP" State Lease has been plugged and abandoned and the lease expired by its own terms in August, 1979.
[2] Applicant is filing under Gas Purchase Agreement dated June 17, 1976, amended by Supplemental Agreement dated May 27, 1981.
[3] Applicant is filing under Gas Purchase Agreement dated June 15, 1977, amended by Agreement dated October 1, 1980.
[4] Applicant is filing under Gas Purchase Agreement dated January 27, 1981.
[5] Applicant is filing under Gas Purchase Agreement dated June 15, 1977.
[6] Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978 on Vermilion Area, Block 307.
[7] The last well in which Gulf owned an interest was plugged and abandoned on October 4, 1975, and Gulf and Northern have executed an agreement dated August 23, 1960, entitled "Agreement Releasing Acreage and Terminating Gas Purchase Contract" dated November 17, 1964.
[8] Applicant is filing under Gas Purchase Contract dated June 19, 1978, amended by Gas Purchase Contract dated March 28, 1980.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated June 5, 1981.
[10] Applicant is filing under Gas Purchase and Sales Agreement dated January 6, 1981.
[11] Applicant is filing under Gas Purchase Contract dated May 14, 1981.
[12] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[13] The available supply of gas is depleted, and the contract has been cancelled.
[14] By Assignments effective December 15, 1980, M & A and Ranger Well Service, Inc. assigned its interest in the above-mentioned acreage to Monsento. Ranger Well Service, Inc. is selling its interest in the subject gas to Cities under M & A's small producer certificate in Docket No. CS78-486.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-20447 Filed 7-10-81; 8:45 am]
BILLING CODE 6450-85-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Working Group Meetings; Tasks and Chairmen

July 2, 1981.

The FCC Public Advisory Committee on preparations for the 1983 Regional Administrative Radio Conference for the Region 2 Broadcasting Satellite Service consists of three Subgroups, each of which has several working groups.

For the information of those concerned, the Chairman of each Subgroup and Working group and the task of each is listed with the date and place of any meetings scheduled as of July 1, 1981.

Full Advisory Committee:
Chairman: John F. Clark, (609)734–2746
Meetings will be announced in the **Federal Register** and by FCC Public Notice.

Subgroup 1 Service Requirements:
Chairman: Stephen E. Doyle, (703)828–6807
Meeting to be announced for September 1981.

Working Group 1A Conventional Television Service Requirements
Chairman: Thomas B. Keller, (202)433–5360
Vice Chairman: Robert Blau, (202)626–3617
Vice Chairman: W. Naleszkiewicz, (301)652–4660

Working Group 1B High Definition Television Service Requirements
Chairman: Joseph Flaherty, (212)975–2213
Vice Chairman: Pat McDougal, (301)652–4660
Meeting to be announced for July 1981.

Working Group 1C International (Non-U.S.) Service Requirements
Chairman: Ernesto R. Martin, (202)626–3629
Vice Chairman: To be designated

Working Group 1D Other Related Service Requirements
Chairman: Robert O'Connor, (212)975–3791
Vice Chairman: Donald Martin, (202)622–2000
Meeting to be announced for July 1981.

Working Group 1E Public Service Requirements
Co-Chairman: Frank Norwood, (202)331–0660
Co-Chairman: David E. Honig, (202)387–8155
Meeting July 14, 1981, 9:30 a.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Subgroup 2 Technical Parameters
Chairman: Edward Reinhart, (202)626–3639

Working Group 2A Planning Parameters
Chairman: Jay Ramasastry, (212)975–1727
Vice Chairman: John E. Miller, (202)755–8570
Meeting July 21, 1981, 9:30 a.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 2B Planning Approaches and Modification Procedures
Chairman: Ernesto Martin, (202)626–3629
Vice Chairman: Peter Sawitz, (301)588–6180
Vice Chairman: Reinhard Stamminger, (301)840–0320
Meeting July 22, 1981, 9:30 a.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 2C (Liaison with Subgroup 1)
Not yet activated

Working Group 2D (Liaison with Subgroup 3)
Not yet activated.

Subgroup 3 Inter-Service Sharing
Chairman: John J. Kelleher, (703)696–8500
Tentative Meeting Date: August, 1981

Working Group 3A Sharing in the 12 GHz Band
Co-Chairman: Alan Walker, (415)592–4120
Co-Chairman: Charles Kase, (301)853–4660
Vice Chairman: Richard Gould, (202)223–4440
Meeting July 23, 1981, 9:30 a.m. to 12:30 p.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 3B Sharing of the Feeder Links in the 17 GHz Region
Chairman: James Whitworth, (202)626–3637
Vice Chairman: Michael Mitchell, (703)627–2243
Meeting July 23, 1981, 1:30 to 4:30 p.m., Room 856, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Working Group 3C Spurious Emissions
Group to be activated.

Working Group 3D Interface between ITU Regions
Group to be activated.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 81-20333 Filed 7-10-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-1-ME-1]

Maine Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Maine, by letter of transmittal dated June 15, 1981, has submitted its radiological emergency plans to the FEMA Region I Office. These plans support the Maine Yankee Atomic Power Plant located in Wiscasset, Maine.

DATE PLANS RECEIVED: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 444, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness." 45 FR 42341, the State Radiological Emergency Plan for the State of Maine was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power plan. For the Maine Yankee Atomic Power Plant, plans are included for the counties of Lincoln, Cumberland, and Sagadahoc, and the towns ofAlna, Arrowsic, Bath, Boothbay, Boothbay Harbor, Bowdoinham, Bristol, Brunswick, Damariscotta, Dresden, Edgecomb, Georgetown, Newcastle, Phippsburg, South Bristol, Southport, West Bath, Westport, Wiscasset, and Woolwich.

Copies of the plan are available for review at the FEMA Region I Public Affairs Office, Room 435, John W. McCormack Post Office and Courthouse Building, Boston, Massachusetts, 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 455 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Copies of the plan are also available from the State of Maine, Bureau of Civil Emergency Preparedness, State House, Station 72, Augusta, Maine. 04333.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address, on or before August 12, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plan. Details of this meeting will be announced in the "Boothbay Register," the "Lincoln County News," and the "Wiscasset Newspaper," at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

David M. Sparks,
Regional Director, Region 1.

June 15, 1981.

[FR Doc. 81-20348 Filed 7-10-81; 8:45 am]
BILLING CODE 6718-01-M

[FEMA-643-DR]

Illinois; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA–643–DR), dated June 30, 1981, and related determinations.

DATED: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634–7800.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 30, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from severe storms, tornadoes and flooding beginning on or about June 13, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirements that Federal assistance be supplemental, the Federal Government will provide 75 percent of all eligible public assistance under Pub. L. 93–288 in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, I hereby appoint Mr. Ronald Buddecke of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared major disaster.

The following counties for Individual Assistance and Public Assistance:

Carroll, Schuyler and Will.

The following Townships in Cook County for Individual Assistance and Public Assistance:

Bloom	Rich
Bremen	Thornton
Orland	

(Catalog of Federal Domestic Assistance No. 83–300, Disaster Assistance. Billing Code 6718–02)

James P. Dökken,
Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-20347 Filed 7-10-81; 8:45 am]
BILLING CODE 6718-01-M

[Docket FEMA-REP-1-MA-1]

Massachusetts Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the Commonwealth of Massachusetts, by letter of transmittal dated June 16, 1981, has submitted its radiological emergency plans to the FEMA Region I Office. These plans support the Pilgrim Nuclear Power Station located in Plymouth, Massachusetts.

DATES PLANS RECEIVED: June 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 444, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the Commonwealth of Massachusetts was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power station. For the Pilgrim Nuclear Power Station, plans are included for the towns of Bourne, Bridgewater, Carver, Duxbury, Hanover, Kingston, Marshfield, Middleborough, Plymouth, Wareham, and the City of Taunton.

Copies of the plan are available for review at the FEMA Region I Public Affairs Office, Room 435, John W. McCormack Post Office and Courthouse Building, Boston, Massachusetts, 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 740 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Copies of the plan are also available from the Commonwealth of Massachusetts Civil Defense Agency and Office of Emergency Preparedness, 400 Worcester Road, Framingham, Massachusetts, 01701.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address on or before August 12, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plan. Details of this meeting will be announced in the "Old Colony Memorial" at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

David M. Sparks,

Regional Director, Region 1.

June 15, 1981.

[FR Doc. 81-20349 Filed 7-10-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-44; Lease Agreement No. T-3696]

Between Virginia Port Authority and Portsmouth Terminals, Inc.; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Virginia Port Authority asking the Commission to terminate a controversy between it and Portsmouth Terminals, Inc. The dispute involves the question of applicability of the rental formula of Lease Agreement T–3696 to the months of 1980 preceding Commission approval. Agreement No. T–3696 provides for the lease of facilities for the operation of Portsmouth Marine Terminal.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition at the Commission's Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Participation in this proceeding by persons not named in the petition will be permitted only upon grant of intervention pursuant to Rule 72 of the Commission's Rules of Practice. (46 CFR 502.72).

Petitions to intervene shall be accompanied by intervenor's complete reply in the matter. Such petitions and any replies to the petition for declaratory order shall be filed with the Secretary on or before July 31, 1981. An original and fifteen copies shall be submitted and a copy served on all parties. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition for declaratory order.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-20327 Filed 7-10-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-43]

Independent Freight Forwarder License No. 1483: Toyko Express Co., Inc., and Kozo and Kathleen Kimura, d.b.a. Cosmos Trading Co.; Order of Investigation; Correction

The Commission's Order of Investigation and Hearing in this matter incorrectly indicated it was served on "June 7, 1981." The correct service date is "July 7, 1981."

Francis C. Hurney,

Secretary.

[FR Doc. 81-20332 Filed 7-10-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Area Bancshares Corp.; Formation of Bank Holding Company

Area Bancshares Corporation, Hopkinsville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger with First City Bank and Trust Company, Hopkinsville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20334 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can

"reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 6, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (commercial lending and leasing activities; Colorado, Utah and Wyoming): to engage through a *de novo* office of its subsidiary, Citicorp Industrial Credit, Inc., in making or acquiring for its own account or for the account of others, commercial loans and other extensions of credit, including but not limited to the business of factoring and asset-based financing; and leasing personal or real property or acting as agent, broker, or advisor in leasing such property and servicing such leases, subject to all of the qualifications specified in 12 CFR 225.4(a)(6)(a) and (b), where the leases serve as the functional equivalent of an extension of credit to the lessee of the property. Such activities would be conducted from an office in Salt Lake City, Utah, serving Colorado, Utah and Wyoming.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Orbanco Financial Services Corporation, Portland, Oregon, (mortgage, financing and insurance activities; Texas): to engage, through its subsidiary, Fort Wayne Mortgage Co., in making or acquiring, for its own account or for the account of others, mortgage loans or other extensions of credit for any person; acting as insurance agent or broker for any credit life insurance that is directly related to an extension of credit by it; originating conventional mobile home loans and mobile home loans insured by the Federal Housing Administration (FHA) or guaranteed by the Veterans Adminsitration (VA) for sale to financial institutions, the Federal National Mortgage Association, or in mortgage-backed securities guaranteed by the Government National Mortgage Association (GNMA), which loans will be secured by installment sales contracts on mobile homes; servicing such mobile home loans for its investors by collecting payments, periodically inspecting collateral, and supervising repossessions in the event of unremedied defaults; and providing wholesale financing for mobile homes. These activities would be conducted from an office located in Houston, Texas, serving the southern portion of Texas.

Seafirst Corporation, Seattle, Washington (mortgage banking and insurance activities, California); to engage through its Seafirst Mortgage of California Division, in making and acquiring loans and other extensions of credit secured by real estate mortgages and deeds of trusts, and acting as agent for the sale of credit life and accident and disability insurance directly related to its extensions of credit. These activities would be conducted from an office in Modesto, California, serving the State of California.

Security Pacific Corporation, Los Angeles, California (mortgage banking activities; United States): to engage through its subsidiary, Security Pacific Mortgage and Real Estate Services, Inc., in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commerical properties for Security Pacific Mortgage and Real Estate Services, Inc.'s own account or for sale to others and the servicing of such loans for others. These activities would be conducted from offices in Los Angeles, California; San Francisco, California; Denver, Colorado; Minneapolis, Minnesto; Portland, Oregon; Dallas, Texas; Houston, Texas; Salt Lake City, Utah; and Bellevue, Washington, and would serve the United States.

Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20335 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

GNB Bancorporation; Formation of Bank Holding Company

GNB Bancorporation, Grundy Center, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Grundy National Bank of Grundy Center, Grundy Center, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20336 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Greene Investment Co.; Formation of Bank Holding Company

Greene Investment Co., Coon Rapids, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Home State Bank, Jefferson, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. section 1842(c)).

Greene Investment Co., Coon Rapids, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Greene County Agricultural Credit Corporation, Jefferson, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and disability income insurance directly related to extensions of credit by Applicant's subsidiary bank. These activities would be performed from offices of Applicant's subsidiary in

Jefferson, Iowa, and the geographic area to be served is Greene County, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 5, 1981.

Board of Governors of the Federal Reserve System, July 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20367 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Midlands Corp.; Formation of Bank Holding Company

Midlands Corporation, Council Bluffs, Iowa, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86 percent or more of the voting shares of The Bank of Sante Fe, Santa Fe, New Mexico. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20369 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

Winters National Corp.; Acquisition of Bank

Winters National Corporation, Dayton, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Winters National Bank of Cincinnati, Cincinnati, Ohio, a proposed *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20368 Filed 7-10-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Cooperative Agreements To Support a National Health Promotion Training Network

The Office of Health Information, Health Promotion and Physical Fitness and Sports Medicine, Office of Disease Prevention and Health Promotion, announces the availability of funds for Fiscal Year 1981 for cooperative agreements to support a National Health Promotion Training Network. This network is to be part of the National Health Promotion Activities Program, specified in the Catalog of Federal Domestic Assistance, Number 13.990. Authorization is under Section 1701 of Title XVII of the Public Health Service Act, as amended, 42 U.S.C. 300 k–l, 300o.

The purpose of the agreements is to support coordinated activities for reaching local human services agencies with appropriate training in conducting effective health promotion programs. In the fall of 1980, the Department of Health and Human Services published the document *Promoting Health/ Preventing Disease: Objectives for the Nation*, which set out specific steps for the Nation to take in order to reach the goals outlined in the 1979 publication *Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention*. In order for many of these *Objectives for the Nation* to be met, individuals who choose to adopt healthier habits of living will need to have the opportunity to be taught skills for reducing the risks to their health.

This will depend in large measure on the ability of local human services program staff to teach the relevant health promotion/risk reduction skills. The purpose of the training network will be to assist private agencies in their efforts to provide training for their program staff in conducting health promotion programs. The project will be conducted with substantial involvement of the Office of Health Information, Health Promotion and Physical Fitness and Sports Medicine.

It is expected that approximately $150,000 will be available in Fiscal Year 1981 for four cooperative agreements. While it is recognized that the project period may be for more than one year, the agreements will be for a period of 12 months with the possibility of continuation based on the availability of funds and program performance. Projected initiation date is September 15, 1981. Any public or private non-profit entity is eligible to apply. Funding criteria will include the following factors:

1. Organizational goals consistent with the National Health Promotion Program.

2. A nationwide network of local affiliates through which health information and health promotion resources can be decentralized.

3. Direct or related staff expertise in training methodologies, especially the training-of-trainers model, and/or expertise in the particular training needs of special population groups.

4. Direct or related administrative capability and/or experience to participate in the development of a training network.

5. Proposal in response to the program announcement detailing ways the organization could participate in the activities and efforts of a National Health Promotion Training Network, including cost proposal.

Applications must be postmarked no later than August 12, 1981. Applications are not subject to review as governed by OMB Circular A–95 and regulations (42 CFR parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974, as amended.

Guidelines, information, and applications may be obtained from the Program Management Officer, Office of Disease Prevention and Health Promotion, Public Health Service, Room 719H, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: July 6, 1981.

J. Michael McGinnis,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 81-20302 Filed 7-10-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. D–81–648]

Director and Deputy Director, Office of Field Operations and Monitoring; Redelegation of Authority With Respect to the Transfer of and Administration of Appalachian Regional Commission, Title V Regional Commission, and Department of Defense Funds Under the Community Development Block Grant Program and the Comprehensive Planning Assistance Program

AGENCY: Department of Housing and Urban Development, Assistant Secretary, Community Planning and Development.

ACTION: Redelegation of authority.

SUMMARY: With respect to the transfer of funds to the Department of Housing and Urban Development (HUD) from the Appalachian Regional Commission, Title V Regional Commissions and the Department of Defense, it has been determined that the Director and Deputy Director, Office of Field Operations and Monitoring, HUD, should have the authority to accept the transfer of and to administer such funds in conjunction with the Community Development Block Grant and Comprehensive Planning Assistance Programs. This redelegation of authority will expedite the processing involved in the transfer and administration of these funds.

SUPPLEMENTARY INFORMATION:

Accordingly, the Assistant Secretary for Community Planning and Development redelegates to the Director and Deputy Director, Office of Field Operations and Monitoring, the authority to accept the transfer of funds from the Appalachian Regional Commission as appropriated under Section 214 of the Appalachian Regional Development Act of 1965, as amended, for administration under the provisions of the Community Development Block Grant Program authorized under Title I of the Housing and Community Development Act of 1974, as amended; the transfer of funds from Title V Regional Commissions as appropriated under Title V of the Public Works and Economic Development Act of 1965, as amended, for administration under the provisions of the Community Development Block Grant Program authorized under Title I of the Housing and Community Development Act of 1974, as amended; and the transfer of funds from the Department of Defense to implement the Trident Community Impact Program under the authority of Section 608, Public Law 93–552 for administration through the Community Development Block Grant Program as authorized under Title I of the Housing and Community Development Act of 1974, as amended, and the Comprehensive Planning Assistance Program as authorized under Section 701 of the Housing Act of 1954, as amended.

(Sec. 7(D) Department of HUD (42 U.S.C. 3535(d)))

Effective Date: July 13, 1981.

Donald G. Dodge,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 81-20370 Filed 7-10-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

Jean Lafitte National Historical Park, Jefferson and St. Bernard Parishes, Louisiana; Environmental Assessment for the Draft General Management Plan/Development Concept Plan; Availability; Public Meetings

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared an Environmental Assessment for the Draft General Management Plan/ Development Concept Plan for Jean Lafitte National Historical Park, Jefferson and St. Bernard Parishes, Louisiana.

The Environmental Assessment for the Draft General Management Plan/ Development Concept Plan outlines alternative management strategies to ensure all reasonable ways of achieving the intent of Congress and the management objectives of Jean Lafitte National Historical Park have been considered and that the positive and negative impacts of each strategy have been identified and analyzed.

Copies of the Environmental Assessment for the Draft General Management Plan/Development Concept Plan are available at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501

Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, Louisiana 70130

Public Meetings are scheduled during the first two (2) weeks of August, at various locations in Louisiana. The actual times and locations of the public meetings are not available at the time of publication of this notice. Please write the Superintendent at Jean Lafitte National Historical Park at the above address, or telephone 504–589–3882 for further information.

Anyone wishing to provide comments on the Environmental Assessment for the Draft General Management Plan/ Development Concept Plan should provide them to the Superintendent, Jean Lafitte National Historical Park, at the address provided above, on or before September 11, 1981.

Dated: July 2, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-20317 Filed 7-10-81; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreation River; Intent To Prepare Environmental Impact Statement; Meetings

AGENCY: National Park Service; Upper Delaware National Scenic and Recreation River Planning Team.

ACTION: Notice of intent to prepare environmental impact statement and notice of public meetings.

SUMMARY: The National Park Service has determined that its action to develop and implement a River Management Plan for the Upper Delaware National Scenic and Recreation River is a major Federal

action requiring the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969. Therefore, notice is hereby given that the National Park Service is commencing the work of preparing an Environmental Impact Statement consistent with the Park Service's implementing procedures and the Final Regulations on the National Environmental Policy Act published by Council on Environmental Quality on November 29, 1978 (43 FR 55978–56007). Because of its location, it is expected that all practicable alternatives will contain actions in wetlands or floodplains of the Upper Delaware River.

The intergovernmental planning team will be seeking public input on proposed solutions to the issues and problems facing the Upper Delaware River corridor. Five public meetings will be held.

DATES AND LOCATIONS:

Wayne County, Wednesday, July 22, 7:30 p.m., Damascus School, Route 371, Damascus, PA

Delaware County, Thursday, July 23, 7:30 p.m., Hancock Village Fire House, Hancock, NY

Orange County, Saturday, July 25, 10:00 a.m., Deerpark Town Hall, Route 209, Huguenot, NY

Sullivan County, Monday, July 27, 7:30 p.m., Arlington Hotel, Narrowsburg, NY

Pike County, Tuesday, July 28, 7:30 p.m., Shohola Fire House, Shohola, PA

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Glamberdine, Upper Delaware Planning Team, National Park Service, Denver Service Center, 755 Parfet Street, Denver, Colorado 25287. Telephone: (303) 234–6106. Or, Upper Delaware Planning Team Headquarters, The Land House, P.O. Box 13, Milanville, Pennsylvania 18443. Telephone: (717) 729–7147.

SUPPLEMENTARY INFORMATION: The Upper Delaware River Management Plan will describe and analyze the natural, cultural, recreational and scenic resource values that are present in the area; set final boundaries; and establish detailed guidelines for land and water use. In addition, the plan will propose certain visitor facilities and services, strategies for resource protection, determine land acquisition and other appropriate needs, and identify management actions. The plan will be done in accordance with the provisions set forth in the legislation establishing the Upper Delaware as a part of the National Wild and Scenic River System (Public Law 95–625 Section 704).

The preparation of the River Management Plan is a joint effort of the National Park Service, the State of New York, the Commonwealth of Pennsylvania, the Delaware River Basin Commission, and the counties of Wayne and Pike in Pennsylvania and the counties of Delaware, Sullivan, and Orange in New York. The plan will be developed with full public participation and with the advice and recommendation of the Upper Delaware Citizens Advisory Council.

The National Park Service impact analysis of environmental, economic, cultural, and social impacts, will largely be two-fold:

(1) Addressing management and development alternatives concerning National Park Service activities and programs within the river corridor,

(2) And assessing alternatives concerning resource protection and development on all other lands not under NPS ownership or administration.

The June 1981 issue of "Our Scenic Delaware", a planning newsletter, provides a detailed discussion of the issues and various solutions to the problems facing the Upper Delaware River corridor that will be discussed at the public meetings. Among the issues are: overall management, boundary definitions, river recreation management, recreation facilities, land use management, and cultural resources management.

Dated: July 2, 1981.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 81-20418 Filed 7-10-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–16848 appearing at page 30411 in the issue of Monday, June 8, 1981, please make the following change:

On page 30414, third column, under paragraph, "MC 155104", for "JOHN T. CYR & SONS, INC.,", the Twelfth line which reads "Hancock, Piscataquis, Waldo and" should be changed to read "Hancock, Penobscot, Piscataquis, Waldo and"

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–135

The following applications were filed in Region I. Send Protests To: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 155962 (Sub-1–2TA), filed June 24, 1981. Applicant: SIVLER STREAK TRANSPORT CO., INC., 222 Willow Street, Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract carrier:* irregular routes: *Paint* from Yonkers, NY to Charlotte, NC; and *Rosin* from Charlotte, NC to Yonkers, NY, (a) restricted to shipments moving to or from the facilities of Stevens Paint located at or near Yonkers, NY; (b) restricted to service performed under continuing contract(s) with Stevens Paint Corp. of Yonkers, NY. Supporting shipper: Stevens Paint Corp., 115 Woodworth Avenue, Yonkers, NY.

MC 119552 (Sub-1–11TA), filed July 1, 1981. Applicant: J. T. L., INC., 200 Whitehall Street, Providence, RI 02909. Representative: Robert L. Cope, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier:* irregular routes: *automotive parts*, between St. Louis, MO, on the one hand, and, on the other, points in CA, OR, TX and WA, under continuing contract(s) with McQuay-Norris, Inc. of St. Louis, MO. Supporting shipper: McQuay-Norris, Inc., 2320 Marconi, St. Louis, MO 63110.

MC 15800 (Sub-1–1TA), filed June 26, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Contract carrier:* irregular routes: *General commodities (except Classes A & B explosives & household goods)*, between points in the US under a continuing contract(s) with Macdermid, Incorporated, Waterbury, CT, and its subsidiaries, and Laticrete International, Inc., Bethany, CT. Supporting shipper(s): Macdermid, Incorporated, Waterbury, CT 06720; Laticrete International, Inc., 1 Laticrete Park, N., Bethany, CT 06525.

MC 2060 (Sub-1–2TA), filed June 25, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., 411 Washington Avenue, P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Common carrier:* regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers* between Oneonta, NY and Kingston, NY as follows: From Oneonta via New York Hwy 23 to jct New York Hwy 296, then over New York Hwy 296 to jct New York Hwy 23A, then over New York Hwy 23A to Palenville, then over New York Hwy 32A to jct New York Hwy 32, then over New York Hwy 32 to Saugerties, then over Interstate Hwy 87 to Kingston, and return, serving all intermediate points. Applicant intends to tack. Supporting shipper(s): There are nine statements in support of this application which may be examined at the ICC regional office in Boston, MA.

MC 149114 (Sub-1–6TA), filed June 22, 1981. Applicant: NATIONAL TRANSPORT SERVICES, CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara R. Klein, Esq., 1101 Connecticut Ave., N.W., Suite 1000, Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities* between all points in the U.S. under continuing contract(s) with United Freight Inc. of Morrow, GA. Supporting shipper: United Freight Inc., 1260 Southern Road, Morrow, GA 30260.

MC 152096 (Sub-1–3TA), filed June 29, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst Street, Lockport NY 14094. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *General commodities (except Classes A and B explosives)* between points in NY located in the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, Wyoming and Yates. Supporting shipper(s): Sam-son Distribution Center, Inc., 290 Larkin Street, Buffalo, NY; Springmeier Shipping Co., Inc., 1123 Hadley Street, St. Louis, MO 63101.

MC 149114 (Sub-1–5TA), filed June 22, 1981. Applicant: NATIONAL TRANSPORT SERVICES, CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara R. Klein, Esq., 1101 Connecticut Ave., N.W., Suite 1000, Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities* between all points in the U.S. under continuing contract(s) with Distribution Services of America Inc. of Boston, MA. Supporting shipper: Distribution Services of America Inc., 666 Summer St., Boston, MA 02210.

MC 118270 (Sub-1–1TA), filed June 22, 1981. Applicant: PRODUCE TRANSPORT SERVICE, INC., 161 W. Rampo St., Mahwah, NJ 07430. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Such merchandise as is usually dealt in by retail and wholesale grocery outlets*, between Erie, Niagara, Wyoming, Genesee, Steuben, & Allegany Counties, NY on the one hand, and, on the other hand, Ulster, Sullivan, Orange, Rockland, West Chester, Suffolk and Nassau Counties, NY and New York, NY and NJ. Supporting shipper: Howard Michael Corp., 95 Center St., Ellenville, NY 14428.

MC 156831 (Sub-1–1TA), filed June 29, 1981. Applicant: TRANSPORTATION SERVICES INC., 422 Harrison Street, Riverside, NJ 08075. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Contract carrier:* irregular routes: *Rubber and plastic products*, between points in Camden County, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Advanced Chemical Technology of Camden, NJ. Supporting shipper: Advanced Chemical Technology, State St. and River Rd., Camden, NJ 08105.

MC 151263 (Sub-1–2TA), filed June 26, 1981. Applicant: BARRINGTON HAULAGE CO. INC., 300 Treble Cove Road, Billerica, MA 01862. Representative: James R. Barrington (same as applicant). *Salt treated lumber* from Providence Forge, VA to points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT. Supporting shipper: New Kent Wood Preservatives, Inc., P.O. Box 172, Providence Forge, VA 23140.

MC 142128 (Sub-1–3TA), filed June 22, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale Street, Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Contract carrier:* irregular routes: *Rubber and urethane foam products, and such commodities as are used in the manufacture and distribution thereof*, (1) from Cape Girardeau, MO, to Miami, FL and points in its commercial zone, and (2) from Buffalo, NY to points in CT, ME, MA, NH, RI, and VT under continuing contract with Recticel Foam Corporation of Buffalo, NY. Supporting shipper: Recticel Foam Corporation, 344 Vulcan Street, Buffalo, NY 14207.

MC 156806 (Sub-1–1TA), filed June 26, 1981. Applicant: WALTER H. DOLAN CO. d.b.a. DOLAN TRANSPORTATION, 66 Mt. Hope Avenue, Bangor, ME 04401.Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *General commodities (except household goods, hazardous waste, and classes A & B explosives)* between points in ME, on the one hand, and, on the other, points in AL, CT, DC, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV. Applicant seeks permission to interline with other carriers. Supporting shipper(s): There are 12 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 146028 (Sub-1–6TA), filed June 26, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Foodstuffs (except in bulk) and (2) materials, equipment, and supplies used in the manufacture and sale of foodstuffs*, between Clifton, NJ and Ranson, WV, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Globe Products Company, Inc., P.O. Box 1927, 55 Webro Road, Clifton, NJ 07015.

MC 156894 (Sub-1–1TA), filed July 1, 1981. Applicant: MELRHO, INC., Colts Towne Plaza, Hwy 34, Colts Neck, NJ 07722. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 100, Washington, DC 20036. *Contract carrier:* irregular routes: *Bakery goods, plastic*

trays and promotional materials between South Weymouth, MA on the one hand, and, on the other, Providence, RI, Waterbury, New Haven, Newington and Deep River, CT, under continuing contract(s) with S. B. Thomas, Inc. of Totowa, NJ. Supporting shipper: S. B. Thomas, Inc., 930 N. Riverview Dr., Totowa, NJ 07512.

MC 153459 (Sub-1–1TA), filed June 30, 1981. Applicant: WILLIAM P. MEEHAN d.b.a. MEEHAN ARMORED COURIER SERVICE, 10 Nate Whipple Highway, Cumberland, RI 02864. Representative: Gerald Alch, Esq., Two Center Plaza—Penthouse, Boston, MA 02108. *Contract carrier:* irregular routes: *Precious metals,* from Providence, RI to the U.S. Canadian Border at Buffalo, NY, under continuing contract(s) with RMI Refinery, Inc., Mapleville, RI, and RMI Refinery, Inc., Woonsocket, RI. Supporting shipper: RMI Refinery, Inc., One Main Street, Mapleville, RI 02839; RMI Refinery, Inc., 1623 Main Street, Woonsocket, RI 02895.

MC 142971 (Sub-1–1TA), filed June 30, 1981. Applicant: F & W TRANSPORT CO., INC., 37th & River Road, P.O. Box 389, Camden, NJ 08101. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Wooden and plastic cabinets and materials and supplies used in the manufacturing, sale and installation thereof,* between Lakewood, NJ and NC under continuing contract(s) with Excel Wood Products Co., Inc., Lakewood, NJ. Supporting shipper: Excel Wood Products Co., Inc., P.O. Box 619, Lakewood, NJ 08901.

MC 153140 (Sub-1–3TA), filed June 26, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany, NJ 07981. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* irregular routes: *Bottles, containers, closures, packaging and packaging materials, building materials, plastic and plastic products, paper, paperboard, and related by-products and materials and supplies used in the manufacture, sale and distribution of such commodities,* between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Plastic Containers, a Division of The Continental Group, Inc., of Stamford, CT. Supporting shipper: Continental Plastic Containers, a Division of The Continental Group, Inc., 4 Landmark Sq., Stamford, CT 06901.

MC 142539 (Sub-1–4TA), filed June 30, 1981. Applicant: B. W. T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Pressure sensitive tape products and iron and steel products* between points in the U.S. except AK and HI under continuing contract(s) with Technical Tape, Inc. and its subsidiaries, of Passaic, NJ. Supporting shipper: Technical Tape, Inc., and its subsidiaries, 1 Market St., Passaic, NJ 07055.

MC 152098 (Sub-1–4TA), filed June 30, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst Street, Lockport, NY 14094. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous waste)* between points in NY, west of a line formed by the eastern boundaries of the following NY counties: Broome, Cortland, Jefferson, Onondaga and Oswego, under continuing contract(s) with Davis Wholesale Co. of N. Canton, OH. Supporting shipper: Davis Wholesale Co., 7774 Whipple Avenue, N. Canton, OH 44720.

MC 144598 (Sub-1–3TA), filed June 30, 1981. Applicant: C & J TRANSPORT, INC., P.O. Box 42, N. Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Rubber or miscellaneous plastic products,* between Providence County, RI, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA. Supporting shipper: Union Industries, Inc., 10 Admiral Street, Providence, RI 02940.

The following applications were filed in region 2. Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 110761 (Sub-II–2TA), filed July 1, 1981. Applicant: CARROLL TRANSPORT, INC., 1702 Frick Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Lumber and wood products,* between Detroit, MI, on the one hand, and, on the other, points in IN, MD, NY, OH, PA and VA for 270 days. Supporting shipper: Santiam Midwest Lumber Co., 8131 Smiley Rd., Utica, MI 48087.

MC 136585 (Sub-II–1TA), filed June 30, 1981. Applicant: BUD COFER, INC., 4102 Creekside Ave., Toledo, OH 43612. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. Contract, irregular: *Hides, trimmings and blue stock, and materials, equipment, and supplies used in the manufacture, sale or distribution thereof,* between Lucas County, OH, on the one hand, and on the other, Eagle Pass and Laredo, TX, under continuing contract with A. Mindel & Son, Inc., Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: A. Mindel & Son, Inc., P.O. Box 6756, Toledo, OH 43612.

MC 151785 (Sub-II–2TA), filed June 29, 1981. Applicant: CONTRACT CARTAGE CORP., 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Alvin K. Quittner (same as applicant). *Wood and metal fencing and accessories; metal products; lumber and wood products,* between Capitol Heights, MD; Gambrills, MD, Baltimore, MD, Sparrows Point, MD, Fairfax, VA, Norfolk, VA, Camden, NJ, Bethlehem, PA, Philadelphia, PA, pts. in PA west of Route 219, Joliet, IL, Harvey, IL, Chicago, IL, Gary, IN, Pine Bluff, AR, Lackawanna, NY, on the one hand and, on the other, pts. in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Long Fence Co., Inc., 8545 Edgeworth Dr., Capitol Heights, MD 20027.

MC 113666 (Sub-II–16TA), filed June 30, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same as applicant). *Aluminum dross, lime, bag house fines, fly ash and coke dust, in bulk, in tank vehicles,* From Columbia and Lenoir City, TN and Bicknell and Schneider, IN to Monongahela, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: MonCo Products, Inc., 731 East Main St., Monongahela, PA 15063.

MC 156688 (Sub-II–1TA), filed June 30, 1981. Applicant: FRY BROS. COAL CO., 1628 Sherrick Rd., Canton, OH 44707. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Coal,* from Harrison County, OH to the facilities of Ohio Edison at or near Shippingport, Beaver County, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidation Coal Co., 20325 Center Ridge Rd., Rocky River, OH 44116.

MC 156287 (Sub-II–2TA), filed June 30, 1981. Applicant: GRIZZLY BUS SERVICE, R.D. 1, Box 77A, Gaines, PA 16921. Representative: Charles L. Boll (same as applicant). *Passengers and their baggage in charter and special operations* beginning and ending at points in Potter, McKean and Tioga Counties, PA and extending to points in NY, OH, NJ and DE for 180 days. Supporting shippers: Girl Scouts Junior Troop 577, c/o Shirley A. Main, West St., Galeton, PA 16922; Blue Devilettes Baton and Drum Corps, c/o Lois Commino and Diane P. Smith, R.D. 1, Roulette, PA 16746; Austin Area Girl Scouts, c/o Wanda Tyler, R.D. 1, Box 365, Austin, PA 16720.

MC 150922 (Sub-II–1TA), filed July 1, 1981. Applicant: K & P TRUCKING CO., Route 2, Willard, OH 44890. Representaive: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Food and related products* (except commodities in bulk) from Willard, OH to New York, NY, including pts in its Commercial Zone for 270 days. An underlying ETA seeks 90-day authority. Supporting shipper: Pepperidge Farm, Inc., 595 Westport Ave., Norwalk, CT 06856.

MC 107012 (Sub-II–174TA), filed June 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). *Paper* from Ashland, VA to points in OH, KY, WV, IN, IL, MI, PA, MD, DE, NJ, NY, NC, SC, GA, and FL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bear Island Paper Co., Inc., 80 Field Point Rd., Greenwich, CT 06830.

Note.—Common control may be involved.

MC 107012 (Sub-II–175TA), filed June 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract irregular: General commodities (except class A & B explosives)* between points in the U.S. under continuing contracts with Control Data Corp., of Minneapolis, MN for 270 days. Supporting shipper: Control Data Corp., 8100 34th Ave. South, Minneapolis, MN 55440.

Note.—Common control may be involved.

MC 107012 (Sub-II–176TA), filed June 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract irregular: General commodities (except class A & B explosives)* from Northlake, IL to pts. in the U.S. under continuing contract(s) with GTE Automatic Electric Inc., Northlake, IL for 270 days. Supporting shipper: GTE Automatic Electric Inc., 400 North Wolf Rd., Northlake, IL 60164.

Note.—Common control may be involved.

MC 152840 (Sub-II–1TA), filed July 1, 1981. Applicant: PATRICIA AND JAMES KEELER d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: Donald G. Hichman, R.D. No. 1, Box 7, Union Springs, NY 13160. *(1) Carpeting, floor tile, carpet padding, rugs, wood floor covering and related articles and (2) materials and supplies used in the installation and distribution of articles in (1)* from Salem, NJ and Chicago, IL to Dearborn Heights, Warren and Detroit, MI for 270 days. Supporting shippers: Royal Carpet Distributers, Inc., 20750 Hoover, Warren, MI 48089 and Eidelman Brothers, Inc., 26390 Van Born Road, Dearborn Heights, MI 48125.

MC 156821 (Sub-II–2TA), filed June 30, 1981. Applicant: PHENOIX TRUCKING CO., P.O. Box 956, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles* (except in bulk) between points in MI, IL, IN, OH, and PA. Restriction: Restricted to the transportation of traffic moving from, to, or between facilities of La Porte Steel, Inc., or its suppliers, for 270 days. Supporting shipper: La Porte Steel, Inc., 6671 Center Road, Valley City, OH 44280.

MC 146990 (Sub-II–1TA), filed July 1, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Iron and steel articles, and materials, supplies and equipment used in their manufacture, sale and production,* between Ashland, KY, on the one hand, and, on the other, pts. in DC and its commercial zone, and Sterling and Lorton, VA, for 270 days. Supporting shipper: Allied Metals Div., Commercial Shearing, Inc., 704 Warren Ave., Niles, OH 44446.

MC 152872 (Sub-II–7TA), filed June 30, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Contract: irregular: metal products and machinery* between Baltimore, MD on the one hand, and, on the other points in the U.S. under continuing contract with Eastern Stainless Steel Co., Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eastern Stainless Steel Co., P.O. Box 1975, Baltimore, MD 21203.

MC 156879 (Sub-II–1TA), filed July 1, 1981. Applicant: STOWERS & SONS TRUCKING, INC., Rt. 1, Box 210A, West Hamlin, WV 25571. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Mercer commodities,* between pts. in WV, on the one hand, and, on the other, pts. in KY, NY, OH, PA, TN, and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the ICC, Regional Office, Phila., PA.

MC 155938 (Sub-II–1TA), filed June 30, 1981. Applicant: TRI-L TRANSPORT, INC., P.O. Box 558, Richmond, VA 23204. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004. *Wrought steel pipe and tubing* from Regal Tube Company at or near Chicago, IL to points in AL, GA, KY, NY, NC, PA, SC, TN, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Regal Tube Co., 7401 S. Linder Ave., Chicago, IL 60638.

MC 156845 (Sub-II–1TA), filed June 30, 1981. Applicant: WINN'S HAULING INC., 6805 School Rd., Richmond, VA 23228. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. *(1) Solar systems, component parts thereof and (2) materials, supplies and equipment used in the manufacture, distribution and sales of commodities in (1) above,* between points in Hanover and Henrico Counties, VA, on the one hand, and, on the other, Rockville, MD, and points in FL, GA, NC, SC, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 134105 (Sub-3–25TA), filed July 1, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Food and Related Products* between the facilities of Rich Products Corporation, in the U.S., on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Rich Products Corporation, P.O. Box 245, Buffalo, New York 14240.

MC 152458 (Sub-3–3TA), filed July 1, 1981. Applicant: KNOWLES TRUCKING CO., P.O. Box 81, Tyrone, GA 30290. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Artist Materials, NOI and related products,* Between Gwinnett County, GA and points in the U.S. (except AK & HI). Supporting shipper: Tara Materials, Inc., Industrial Park Drive, Lawrenceville, GA 30240.

MC 2934 (Sub-3–36TA), filed July 1, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 6998 North Michigan Road, Carmel, IN 46032.

Representative: W. G. Lowry (same address as applicant). *Plastic articles, equipment and supplies used in the manufacture and distribution of plastic articles;* between the facilities of Mobil Chemical Company and points and places in the U.S. (except AK and HI). Supporting shipper: Mobil Chemical Company, Macedon, NY 14504.

MC 146402 (Sub-3–17TA), filed June 30, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Contract Carrier:* Irregular Routes: *Tile and equipment materials and supplies used in the manufacture, installation and distribution thereof* between points in the U.S. under continuing contract(s) with Heuler Tile Company, Inc., Wauwatosa, WI. Supporting shipper: Heuler Tile Company, Inc., 730 N. 109th Street, Wauwatosa, WI 53226.

MC 156604 (Sub-3–1TA), filed June 30, 1981. Applicant: BD INVESTMENTS, INC., Route #2, Box 46, Boonville, NC 27011. Representative: Billy Dean Prim (same address as applicant) *Textile mill product,* from Yadkinville, NC to New York, NY, and its commerical zone. Supporting shipper: Unifi, Inc., P.O. Box 698, Yadkinville, NC 27055.

MC 156782 (Sub-3–1TA), filed June 30, 1981. Applicant: JACKWIC, INC., 1206 Sunset Drive, Thomasville, GA 31792. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Plastic pipe, fittings and accessories;* and (2) *materials, equipment, machinery and supplies used in the manufacture, processing or distribution of plastic pipe, fittings and accessories,* between points in Bibb or Thomas Counties, GA, on the one hand, and, on the other point in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Supporting shippers: ARI Product-North America, Inc., P.O. Box 2235, Thomasville, GA 31792 and DYKA–U.S.A., INC., P.O. Box 10246, Macon, GA 31297.

MC 148202 (Sub-3–5TA), filed June 29, 1981. Applicant: K & W ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 27410. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30303. *Contract,* irregular: *Materials, equipment and supplies used in the manufacture, sale or distribution of paint and paint products and cleaning compounds, between points in the US in and east of ND, SD, NE, OK, and TX, on the one hand, and, on the other, the facilities of United Coatings, Inc., at or near Chicago, IL, Memphis, TN, Indianapolis, IN, Charlotte, NC and Los Angeles, CA under continuing contract(s) with United Coatings, Inc. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618.*

MC 133470 (Sub-3–1TA), filed June 29, 1981. Applicant: S. J. DURRANCE CO., INC., 207 Administration Building, State Farmers Market, Forest Park, GA 30050. Representative: Frank D. Hall, P.C., Suite 202, 1750 Old Spring House Lane, Atlanta, GA 30338. *General commodities (except classes A and B explosives and commodities in bulk),* between all points in the U.S., under continuing contract(s) with Drytex, Inc., Atlanta Felt Company, and Atlanta Wire Works, Inc., subsidiaries of J.W.I. of Canada. Supporting shipper: Drytex, Inc., Atlanta Felt Co., and Atlanta Wire Works, Inc., subsidiaries of J.W.I. of Canada, 1117 Battle Creek Rd., Jonesboro, GA 30236.

MC 154006 (Sub-3–2TA), filed June 29, 1981. Applicant: d.b.a. MANN TRUCKING CO., P.O. Box 227, Skene, MS 38775. Representative: R. Conner Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *General commodities (except classes A and B explosives and hazardous materials) between the Port of Rosedale, MS, on the one hand, and, on the other, points in the U.S., having a prior or subsequent movement by water. Supporting shipper: Rosedale-Bolivar County Port Commission, P.O. Box 460, Rosedale, MS 38769.*

MC 124835 (Sub-3–12TA), filed June 29, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Corn Starch, in bulk, in Hopper Type Vehicles,* from Memphis, NT, to Grand Prairie, TX. Restricted to shipments having an immediately prior movement by rail. Supporting shipper: American Maize Products Company, 113th and Indianapolis Blvd., Hammond, IN 46236.

MC 125037 (Sub-16TA), filed June 29, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Those commmodities dealt in by food brokers and food brokerage houses* between points in the U.S. Supporting shippers: There are ten certificates of shipper support for this application which may be reviewed in the Atlanta Regional Authority and Complaint Center.

MC 151092 (Sub-3–2TA), filed June 29, 1981. Applicant: LOCKLAR ENTERPRISES, INC., d.b.a. EXECUTIVE DELIVERY SERVICES, 2305 Bridgette Blvd., Greensboro, NC 27407. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture and fixtures (restricted to residential inside delivery only),* between points in NC, on the one hand, and, on the other, all points in the U.S. There are six statements of shipper support which may be reviewed at the ICC Regional Office, Atlanta, GA.

MC 136315 (Sub-3–13TA), filed June 29, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *General commodities (except household goods as defined by the Commission in Classes A and B explosives)* between points in Ford County, KS and Buchanan County, MO, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD and ND. Supporting shipper: Krause Milling Company, P.O. Box 1156, Milwaukee, WI 53201.

MC 111936 (Sub-3–10TA), filed June 29, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Expanded plastic sheeting and plastic articles,* between points in Greenup County, KY, on the one hand, and, on the other, points in VA, NC, and SC. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898.

MC 141561 (Sub-3–1TA), filed July 2, 1981. Applicant: DIXIE TRANSPORT CO., P.O. Box 668, S. Broad Street, Toccoa, GA 30577. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Contract carrier,* irregular: *Packaging Machinery,* From the facilities of The Woodman Co., Inc., Dekalb Co., GA to points in the U.S. (except AK & HI) under a continuing contract with The Woodman Co., Inc. Supporting shipper: The Woodman Co., Inc., 5224 Snapfinger Woods Drive, Decatur, GA 30035.

MC 127902 (Sub-3–1TA), filed July 1, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Sugar (except in bulk)* from Supreme, LA to points in NC and SC. Supporting shipper(s): Supreme Sugar Company, Suite 320, 1 Shell Square, New Orleans, LA 70139.

MC 128698 (Sub-3–1TA), filed July 1, 1981. Applicant: DEPENDABLE

TRANSPORT, INC., P.O. Drawer FF, Warner Robins, GA 31903. Representative: Mark S. Gray, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. (1) *Plastic bags,* from the facilities of Atlantic Plastic Corporation at Irvington, NJ to Savannah and Atlanta, GA; (2) *Malt syrup,* from the facilities of Malt Products Corporation in Maywood, NJ to Aiken, SC and points in GA; (3) *Cloth fabric, in rolls,* from the facilities of Multi-Stitch Corporation in Brooklyn, NY to Greenville, SC, Charlotte, NC and points in GA; and (4) *Cloth fabric, in rolls,* from the facilities of the Heckler Corporation at Brooklyn, NY and Newark, NJ to Jacksonville, FL. Supporting shippers: Heckler Corporation, 6630 Broadview Ave., Jacksonville, FL 32205; Multi-Stitch Corporation, 961 Elton St., Brooklyn, NY 11208; Malt Products Corporation, Drawer No. 739, Maywood, NJ 07607; Atlantic Plastic Corporation, 660 South 21st St., Irvington, NJ 07111.

MC 156886 (Sub-3–1TA), filed July 1, 1981. Applicant: J. O. STRAYHORN'S WRECKER SERVICE, INC., 1701 S. Miami Blvd., Durham, NC 27703. Representative: J. O. Strayhorn, Jr. (same address as applicant). *Wrecked or disabled vehicles,* between points in NC, on the one hand, and, on the other, points in VA, MD, DE, PA, SC, GA, FL and AL. Supporting shipper: Creative Dining, Inc., P.O. Box 31000, Raleigh, NC 27622.

MC 146402 (Sub-3–18TA), filed July 1, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same as applicant). *Contract carrier,* Irregular Routes: *Rubber or miscellaneous plastic products and equipment materials and supplies used in the manufacture and distribution thereof* from the facilities of Technor Apex Company at Brownsville, TN to points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Technor Apex Company, 505 Central Avenue, Pawtucket, RI 02862.

MC 138157 (Sub-3–54TA), filed July 1, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (Same as above). *Such commodities as are dealt in by manufacturers and distributors of rug cleaning equipment, cleaning chemicals, and cleaning compounds* between Fresno County, CA and St. Louis, MO on the one hand, and, on the other, points in the U.S. Restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of Rug Doctor, Inc. Supporting shipper: Rug Doctor, Inc., 2788 North Larkin, P.O. Box 7750, Fresno, CA 93727.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box. 2980, Chicago, IL 60604.

MC 109449 (Sub-4–11TA), filed June 29, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Gary W. Shurson (same address as applicant). *Cat Litter and Oil Absorbents,* between Mounds, IL, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Absorbent Clay Products, Inc., 200 North Main, Anna, IL 62906.

MC 126706 (Sub-4–1TA), filed June 29, 1981. Applicant: KLEYSEN TRANSPORT, LTD., 1495 Pembina Highway, Winnipeg, Manitoba, Canada R3T 2C8. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Chemicals and related products* between points along the international boundary line between the U.S. and Canada located in MN, ND, MT, ID and WA, on the one hand, and, on the other, points in CA, DE, GA, ID, IL, LA, MA, MD, MI, MN, MO, MS, MT, NH, NV, PA, UT, WA, WI and WY. Supporting shippers: MacKenzie & Feimann, Ltd., 311–255 West First St., North Vancouver, B.C., Canada V7M 3G8; Westhawk Traders Ltd., 1250 Homer St., Vancouver, B.C., Canada V6B 2Y5; Tiger Chemicals Ltd., 6444—42nd St. S.E., Calgary, Alberta, Canada T2C 2V1.

MC 136512 (Sub-4–4TA), filed June 26, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Rd., St. Paul, MN 55101. Representative: Harold D. Anderson, 444 Lafayette Rd., St. Paul, MN 55101. *Garden, lawn, turf* and *golf course care equipment* and *snow throwers* between Mason City and Forest City, IA, on the one hand, and, on the other, points in the states of AR, CT, DE, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: The Toro Company, 8111 Lyndale Avenue South, Minneapolis, MN 55420.

MC 143627 (Sub-4–2TA), filed June 29, 1981. Applicant: FITZSIMMONS TRUCKING, INC., Rural Route 2, Box 128, Waseca, MN 56093. Representative: Robert D. Gisvold, 1800 TCF Tower, Minneapolis, MN 55402. *General commodities* (except classes A and B explosives), between the facilities and suppliers of Best Products Co., Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: Best Products Co., P.O. Box 26303, Richmond, VA 23260.

MC 145552 (Sub-4–1TA), filed June 25, 1981. Applicant: HEDGE AND HERBERG, INC., Lyon and Washington, P.O. Box 98, Big Stone City, SD 57216. Representative: Gayle E. Hedge. Same address as applicant. *Contract irregular Cheese and butter* from, to, or between the following points Big Stone City, SD, Mpls and St Paul, MN, Lena and Crivitz, WI, Elk Grove, IL Arlington, TX, Saddle Brook, NJ and Crystal Falls, MI. Restricted to traffic moving under continuing contract with Big Stone Cheese. Supporting shipper: Big Stone Cheese, 1051 Locust St., Big Stone City, SD 57216.

MC 145601 (Sub-4–2TA), filed June 29, 1981. Applicant: MORGAN COUNTY TRUCKING, INC., 1059 S. Grant St., Martinsville, IN 46151. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 N. Meridian St, Indianapolis, IN 46204. *Contract; irregular Furniture, and materials and supplies used in the manufacture thereof,* between points in the U.S. under continuing contracts with Townhouse Penthouse Industries, St. Louis, MO. Supporting shipper: Townhouse Penthouse Industries, 7901 Michigan Ave., St. Louis, MO 63111.

MC 146085 (Sub-4–TA), filed June 29, 1981. Applicant: DAY TRANSFER, INC, 1245 S. West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 S. Lynhurst Dr., Indianapolis, IN 46241. *Contract Irregular: Corrugated Containers, KDF, and Corrugated Sheets,* Between pts in the U.S. (excluding Alaska and Hawaii), restricted to continuing contract(s) with Centralia Container, Inc. Supporting shipper: Centralia Container, Inc., P.O. Box 828; Centralia, IL 62801.

MC 147118 (Sub-4–1TA), filed June 26, 1981. Applicant: TRACY TRANSPORT, INC. 348 West 162nd St, South Holland, IL 60473. Representative: William H. Shawn, 1730 M St, N.W., Suite 501, Washington, D.C. 20036. *Such commodities as are dealt in or used by the manufacturers and distributors of salt and salt products* between points in IL, IN, MI, WI, and OH. Supporting shipper: National Salt Supply, Inc., 1550 Bryn Mawr, Itasca, IL 60143; Domtar Industries, Inc., Sifto Salt Division, 4625 N. Scott St., Suite 619, Schiller Park, IL 60176.

MC 147343 (Sub-4–10TA), filed June 29, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260. Representative: Thomas O. Cartmel, President (Same as

applicant.) *Such merchandise as is dealt in by wholesale, retail, or chain grocery and food business houses (except commodities in bulk and foodstuffs)* between Indianapolis, IN, including its commercial zone, on the one hand, and, on the other, points in IL, OH, MI, PA, NJ, and NY. W. R. Grace & Co., P.O. Box 295, Reading, PA 19603; International Paper Company, 4155 Airport Expressway, Indianapolis, IN 46241.

MC 147962 (Sub-4–1TA), filed June 26, 1981. Applicant: DONDO TRUCKING, INC., 9020 South Ridgeland, Oak Lawn, IL 60453. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers of commercial and industrial maintenance products,* between Chicago, IL and its Commercial Zone, on the one hand, and, on the other, Atlanta, GA and its Commercial Zone. Supporting shipper: Masury-Columbia Co., 1401 East 96th Place, Chicago, IL 60628.

MC 148360 (Sub-4–14TA), filed June 30, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Metal products,* between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, and WI, under a continuing contract with Northern Industries, Inc. Supporting shipper: Northern Industries, Inc., 4677 West Cal Sag Road, Crestwood, IL 60445.

MC 148545 (Sub-4–2TA), filed June 29, 1981. Applicant: GENERAL LEASING, INC., 1620 South 15th Street, Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Malt beverages* from Memphis, TN, to Prairie du Chien, WI, and, on return, *empty containers and pallets,* for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Quality Beverages of Wisconsin, Inc., P.O. Box 218, Prairie du Chien, WI 53821.

MC 150746 (Sub-4–19TA), filed June 29, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *General commodities* (except classes A and B explosives), between DeKalb County, GA, Cook County, IL, El Paso County, CO, White County, IN, Erie County, NY, Roanoke County, VA, Racine County, WI, and Franklin and Hamilton Counties, OH, on the one hand, and, on the other, points in AL, FL, IL, IN, MN, OH, NY, PA, VA, MA, CT, NC, SC, and TN. Supporting shipper: Evans Products Company, Suite 900, East Tower, 2550 Golf Road, Rolling Meadows, IL 60008.

MC 151932 (Sub-4–1TA), filed June 25, 1981. Applicant: K & C TRUCKING CO., INC., P.O. Box 407, Glenwood, IL 60425. Representative: Paul J. Maton, 10 South LaSalle St., Suite 1620, Chicago, IL 60603. *Contract,* irregular: *Recycled wastes, waste materials for recycling, and hazardous waste materials* between points in the U.S. under continuing contracts with S.E.T. Liquid Waste Systems, Inc. of Wheeling, Illinois. Supporting shipper: S.E.T. Liquid Waste Systems, Inc., 350 Sumac Rd., Wheeling, Illinois 60090.

MC 152820 (Sub-4–2TA), filed June 30, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main Street, Glen Ellyn, IL 60137. Representative: John H. King (same address as applicant). *Contract,* irregular: *Pneumatic tires and other automobile accessories* from the facilities of The Goodyear Tire & Rubber Co. at Memphis, TN to points in AR, MS, LA, OK and TN under a continuing contract(s) with The Goodyear Tire & Rubber Co. Supporting shipper: The Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, OH 44316.

MC 153806 (Sub-4–3TA), filed June 29, 1981. Applicant: BILL MCKEEN TRUCKING LIMITED, 1708 County Road 46, Comber, Ontario, CD N0P 1J0. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. *Foodstuff, fibre barrels and packaging material* between the International boundary at Detroit, MI and points in MI. Supporting shipper: H. J. Heinz Co. of Canada, Ltd., Erie Street South, Leamington, Ontario, Canada.

MC 153829 (Sub-4–26TA), filed June 29, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Fasteners,* from Chicago, IL, Detroit, MI, Jenkintown, PA, Cleveland, OH, Milwaukee, WI and Kenilworth, NJ, to the facilities of Pheoll Manufacturing Co. of Minnesota at or near Minneapolis, MN. Supporting shipper: Pheoll Manufacturing Co. of Minnesota, 1313 Chestnut Avenue, Minneapolis, MN 55403.

MC 155775 (Sub-4–2), filed June 30, 1981. Applicant: NORTHWESTERN MICHIGAN TRUCKING, INC., 9196 11 Mile Road, Bear Lake, MI 49614. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684 (616) 941–5313. Food and related products between points in CO, KS, and ND on the one hand, and, on the other, points in the U.S. An underlying ETA seeks a 120 days. Supporting shipper: Sterling Colorado Beef Co., P.O. Box 1726; Sterling, CO 80751, Held Beef Industries, Inc., Stockyards, W. Fargo, ND 58078 and National Beef Co., Box 978, Liberal, KS 67901.

MC 155981 (Sub-4–1TA), filed June 30, 1981. Applicant: ARMORED SERVICES, INC., Suite 2210, American National Bank Bldg., South Bend, IN 46601. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *Coins, currency and food stamps,* between Chicago, IL, on the one hand, and, on the other, LaPorte, St. Joseph and Elkhart Counties, IN, for 270 days. Supporting shippers: Citizens Bank, 502 Franklin Square, Michigan City, IN 46360; The First Merchants National Bank, 515 Franklin Square, Michigan City, IN 46360; American National Bank & Trust Company, American National Bank Bldg., South Bend, IN 46601; and Citizens Northern Bank of Elkhart, 100 South Main Street, Elkhart, IN 46514.

MC 156498 (Sub-4–1TA), filed June 29, 1981. Applicant: MORRIS W. VICE d.b.a. ROYAL GREAT LAKES TOURS, 2008 Goguac Street, Battle Creek, MI 49015. Representative: William R. Ralls, 118 W. Ottawa Street, Suite B, Lansing, MI 48933. *Passengers and their baggage, in special and charter operations,* between points in Battle Creek, MI on the one hand, and, on the other, points in the U.S. Supporting Shipper: Ms. Bonita Henney, Clark Valentine Center, 64 Oakley Street, Battle Creek, MI 49017.

MC 156682 (Sub-4–1TA), filed June 29, 1981. Applicant: AIR TRUCK, INC., 1310 South West Street, Indianapolis, IN 46225. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Pharmaceuticals, chemicals, cleaning compounds, plastic bags and plastic sheeting* between Indianapolis, IN, Chicago, IL, and Cincinnati, OH, under continuing contract with Dow Chemical Company, USA and its wholly owned subsidiaries. Contracting Shipper: Dow Chemical Company, USA, Indianapolis, IN, and its wholly owned subsidiaries.

MC 156842 (Sub-4–1TA), filed June 29, 1981. Applicant: LASER MOBILE HOME TRANSPORT, INC., d.b.a. HAMMONS MOBILE HOME TRANSPORT, 1618 Forrest Drive, Plainfield, IN 46168. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Mobile Homes* between Marion, Hendricks, Putnam, Morgan, Tipton, Howard, Johnson, Shelby, Hancock, Hamilton, Boone, Monroe and Madison Counties, IN, on the one hand, and, on the other, points in IL, IN, OH, MI, KY, TN, AK, MO, TX, LA, AL, MI, GA, NC, SC, VA, WV, OK and FL. Supporting shippers: There are six supporting shippers.

MC 156864 (Sub-4–1TA), filed June 30, 1981. Applicant: EAGLE TANK LINES, INC., 6710 Pingree Road, Crystal Lake, IL 60014. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle Street, Suite 1016, Chicago, IL 60602. *Petroleum, petroleum products* and *chemicals* (including *fertilizer, fertilizer materials* and *herbicides*), to and from, points in the States of IL, IN, IA, WI, MI, and MO an underlying ETA seeks 90 days authority. Supporting shippers are: Chemtool, Inc., P.O. Box 496, Crystal Lake, IL 60014; McHenry F.S., Inc., 1606 South Route 47, P.O. Box 230, Woodstock, IL; Red Diamond Oil Company, 15930 South 75th Court, Tinley Park, IL. 60477; Martin Oil Service, Inc., 4501 West 127th Street, Alsip, IL 60658.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 2095 (Sub-5–6TA), filed June 29, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 228, Sabetha, KS. 66534. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Bulk Flour,* Between points and places in the Kansas City, MO–KS. Commercial Zones and the Wichita, KS Commercial Zone on the one hand, and points in the ND, NE, CO, OK, IA, MO & AR on the other hand. Supporting shipper: Cereal Food Processors, Inc., 4901 Main St., Kansas City, MO. 64112.

MC 8544 (Sub-5–3TA), filed June 29, 1981. Applicant: GALVESTON TRUCK LINES, CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217. Contract; Irregular; *Chemicals and allied products,* between Houston, TX on the one hand, and, on the other, Chico, Fresno, Lathrop, Modesto and Stockton, CA; Frost Proof, Ft. Pierce, Plant City, Tampa and Winter Garden, FL; Rockford, IL; Charlotte, MI; Edgewater, NJ; Portland, OR; Delaire, PA; Wapato, WA; Randolph, WI and points in AL, AR, AZ, GA, LA, MS, NM and TN, under continuous contract with Kocide Chemical Corporation, Houston, TX.

MC 26825 (Sub-5–17TA), filed June 29, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products,* between the facilities of Nucor Corporation on the one hand, and, on the other, pts in the US. Supporting shipper: Nucor Corporation, P.O. Box 309, Norfolk, NE 68701.

MC 54808 (Sub-5–1TA), filed June 29, 1981. Applicant: SAM GRIMMETT, INC., P.O. Box 280, Port Barre, LA. 70577. Representative: Lennie G. Hardy, Sr., P.O. Box 280, Port Barre, LA. 70577. *Machinery, equipment, material and supplies used in, or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products* between points in the states of LA and TX. Supporting shippers: 5.

MC 107815 (Sub-5–2TA), filed June 29, 1981. Applicant: IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *Passengers and their baggage,* in the same vehicles as passengers, in charter operations and in special operations, in round trip, sightseeing, and pleasure tours, beginning and ending at pts in IA and extending to pts in the U.S. Supporting shippers: 17 supporting shippers.

MC 112822 (Sub-5–8TA), filed June 29, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, OK 74023. Representative: Brian Fitzgerald (same address as applicant). *Plastic Articles, NOI, plastic cans nested, plastic hand carts, etc., from Cleburne, TX, to points in CO, UT, AZ, NM, OR, CA, WA and LA. Supporting shipper: Rubbermaid Incorporated, 3124 Valley Avenue, Winchester, VA 22601.*

MC 115441 (Sub-5–1TA), filed June 29, 1981. Applicant: ELMER R. JOHNSON and MARVIN W. JOHNSON, d.b.a. JOHNSON BROS., Miles, IA 52064. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Malt beverages,* from Memphis, TN, to Clinton, IA. Supporting shipper: Clinton Beverage Co., Inc., 1445 South 18th Street, Clinton, IA 52732.

MC 119399 (Sub-5–74TA), filed June 29, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (same as applicant). *General Commodities except commodities in bulk, Classes A and B explosives and household goods as defined by the Commission),* between Kansas City and Joplin, MO and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI), between all points in the U.S. (except AK and HI), restricted to shipments originating at or destined to the facilities used by Leggett and Platt, Inc.; and, between all points in the U.S (except AK and HI), restricted to shipments originating at or destined to the facilities used by Doane Products Company. Supporting shippers: Patco Products, Grandview, MO; Leggett and Platt, Inc., Cartage, MO; Southeast Manufacturing Co., Inc., Joplin, MO; Doane Products Company, Joplin, MO.

MC 125254 (Sub-5–10TA), filed June 29, 1981. Applicant: MORGAN TRUCKING CO., 1201 E. 5th Street, P.O. Box 714, Muscatine, IA 52761. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages,* from Memphis, TN, to Oelwein and Davenport, IA. Supporting shippers; Flynn Beverages, Inc., 909 Floral Lane, Davenport, IA 52802 and A. J. Steele Company, Inc., Box 611, Oelwein, IA 50662.

MC 125535 (Sub-5–13TA), filed June 29, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, 63141. Representative: Donald S. Heim (same as above). *Chemicals and related products* between the states of TX, LA, NM, OK, MO, and points in the U.S. Supporting shipper: Accron-Chemical Distributors, Houston-San Antonio, Inc., Houston, TX.

MC 129908 (Sub-5–55TA), filed June 29, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma, City, OK 73147. *Paper, pulp or allied products, printed matter, rubber or miscellaneous plastic products* between Madison County, AL; Forsyth County, NC; and Portage County, OH on the one hand, and, on the other hand points in the U.S. (except AK and HI) Supporting shipper: RJR Archer, Inc., Reynolds Building, 4th & Main, Winston-Salem, NC.

MC 133805 (Sub-5–42TA), filed June 29, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, Texas 76476. Representative: Gerald Ragle, 12301 West Freeway, Fort Worth, Texas 76116. *Such commodities as are dealt in, or used by: Grocery, Drug, Hardware and Food Business Houses*— Between Points in the United States (except AK and HI). Supporting shipper's: 7.

MC 135691 (Sub-5–24TA), filed June 29, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Conner Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Wearing apparel and piece goods* (1) from Secaucus, NJ, to Hamilton, AL; Memphis, TN; and Paris, TX; (2) from Memphis, TN, to

Secaucus, NJ; (3) from Burlington, Lexington, Greensboro, NC, and Hemingway and Lyman, SC; to Memphis, TN, and Minneapolis, MN; (4) from Shillington and Reading, PA, to Hamilton, AL; Memphis, TN, and Paris, TX. Supporting shipper: Vassarette, Div. of Munsingwear, Inc., P.O. Box 18411, Memphis, TN 38118.

MC 142193 (Sub-5–1TA), filed June 29, 1981. Applicant: ROBERT L. DIETZ AND DONNA J. DIETZ, d.b.a. DIETZ PRODUCE, P.O.B. 554, Alma, NE 68920. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Contract Irregular *Lumber, wood products, and cabinet making materials, equipment and supplies,* between El Paso County, CO on the one hand, and, on the other in WI under continuing contract(s) with Riviera Products Div. of Evans Products, Co. Supporting shipper: Rivera Products Div. of Evans Products Co., 618 Garden of the Gods, Colorado Springs, CO 80907.

MC 143179 (Sub-5–8TA), filed June 29, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). Contract; Irregular. *Containers and packaging materials and supplies,* between Chicago, IL, Minneapolis and St. Paul, MN, St. Louis, MO, and Dallas and Fort Worth, TX on the one hand, and on the other, pts in IA, KS, NE, OK and WI. Supporting shipper: Greif Bros. Corporation, 1821 University Ave., St. Paul, MN 55104.

MC 144867 (Sub-5–7TA), filed June 29, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Pipe and pipe fittings,* between Pueblo and Otero Counties, CO; Natrona County WY; Thayer County, NE; Houston, TX and pts in its commercial zone; and Los Angeles and Bakersfield, CA, and pts in their commercial zones, on the one hand, and, on the other, pts in KS, NE, SD, ND, CO, WY, MT, NM, UT and CA, under a continuing contract(s) with Timberline Pipe Corporation of Pueblo, CO. Supporting shipper: Timberline Pipe Corporation, P.O. Box 5603, Pueblo, CO 81002.

MC 144982 (Sub-5–11TA), filed June 29, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals, and related articles (except in bulk),* between points in IL, KY, and OH, on the one hand, and, on the other, points in CA and TX. Supporting shipper: Sherwin-Williams Co., P.O. Box 6875, Cleveland, OH 44101.

MC 145154 (Sub-5–4TA), filed June 29, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005, (202) 347–6332. *Alcoholic beverages, and materials and supplies used in their distribution and sale,* between Houston, TX, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Quality Beverage Co., Inc., 11515 South Main Street, Houston, TX 77025.

MC 146730 (Sub-5–3TA), filed June 29, 1981. Applicant: L & W TRANPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., P.O. Box 388, Sedalia, MO 65301. Contract; irregular. *Farm Products, and Machinery and Supplies,* between points in the U.S. under continuing contract with Swift Farm Center, 20th & Carr, Sedalia, MO 65301.

MC 147676 (Sub-5–6TA), filed June 29, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Contract; irregular. *To transport Montan Wax and all products used in the production of Montan Wax* between Ione, CA and Atlanta GA; Brenham, TX; Nacogdoches, TX. Supporting shipper: American Lignite Products, P.O. Box 1066, Ione, CA 95640.

MC 149553 (Sub-5–5TA), filed June 29, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products and Agricultural equipment* from Oklahoma City, OK and points in TX to points in TX located along the International Border between the United States and Mexico. Supporting shipper: Villarrael's Produce, 920 Reynosa, Mission, TX 78572; Vera's Trading Company, Pharr, TX; Carniseria Salinas, Reynosa, Mexico; Cantu and Sons, Inc., 500 S. Guerra St; McAllen, TX 78501.

MC 150086 (Sub-5–7TA), filed June 29, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66601. *Sugar and Molasses* (except in bulk), Between points in LA, on the one hand, and, on the other, points in the U.S. Supporting shippers: Colonial Sugars, Inc., 129 South 5th Avenue, Gramercy, LA 70052; Godchaux-Henderson Company, Inc., P.O. Drawer AM, Reserve, LA 70084; Supreme Sugar Company, Suite 320, Ishell Square, New Orleans, LA 70139; International Distributors Corp., 4240 Utah Street, P.O. Box 22106, St. Louis, MO 63116; and Specialty Products Division of Colonial Molasses, 199 First Street, P.O. Box 483, Gretna, LA 70054.

MC 151819 (Sub-5–15TA), filed June 29, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45536, Dallas, TX 75245. *Computers, material, equipment and supplies used in the manufacture and distribution of computers;* between San Jose, Cupertino, Garden Grove, CA and Carrollton, TX on the one hand, and, on the other, points in the U.S., Restricted to traffic originating at or destined to the facilities of Apple Computer, Inc. Supporting shipper: Apple Computer, Inc., 10260 Bandley Drive, Cupertino, CA 95014.

MC 154106 (Sub-5–2TA), filed June 29, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Processed grain products and equipment, materials and supplies used in the manufacture, sale and distribution of processed grain products,* between points in Reno County, KS on the one hand and points in the U.S. (except AK & HI) on the other hand. Supporting shipper: Farmland Agriservices, Inc., Box 1667, Hutchinson, KS 67501.

MC 154108 (Sub-5–3TA), filed June 29, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Pet Food and Materials, Equipment and Supplies used in the Manufacture, Sale and Distribution of Pet Food,* between points and places in the Commercial zones of Columbus, OH; Vernon, CA; Irvine, CA; and Mattoon, IL and Ogden, UT on the one hand and points and places in the U.S. (except AK & HI) on the other. Supporting shipper: Kal-Kan Foods, Inc., 3386 E. 44th St., Vernon, CA 90016.

MC 155768 (Sub-5–2TA), filed June 29, 1981. Applicant: ENVIRONMENTAL INTERNATIONAL, INC., 912 Scott, Kansas City, KS 66105. Representative: Ted T. Topolski, Sr., 7308 Hedges, Raytown, MO 64135. *Toxic and hazardous waste and miscellaneous materials in bulk, boxes and drums,* between points and places in the states of CA, ID, MN, MT, NM, TX and WY. Supporting shipper: Ted Topolski Co., Overland Park, KS 66207.

MC 156536 (Sub-5–1TA), filed June 29, 1981. Applicant: RISER TRANSPORTATION, INC., Route 4, Box 2, Keithville, Louisiana 71047. Representative: Raymond R. Riser, same address as above. *Contract:* Irregular. *Liquefied Petroleum Gas Products in bulk in tank vehicles,* between LA, MS, OK, AR, TX, AL, and FL. Supporting shipper: Aero Energy, Inc., 1108 Petroleum Tower, Shreveport, LA 71101.

MC 156753 (Sub-5–1TA), filed June 29, 1981. Applicant: TURNER BROS. ENTERPRISES, INC., Tebbetts, MO 65081. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Anhydrous ammonia,* between points in KS, NE, IA, & MO. Supporting shipper: MFA, Incorporated, 201 S. 7th St., Columbia, MO 65201.

MC 156829 (Sub-5–1TA), filed June 29, 1981. Applicant: AMHOF TRUCKING, A DIVISION OF AMHOF FARMS, INC., RR #3, Davenport, IA 52804. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. (1) *Machinery,* from the facilities of Pav-Saver Mfg. Co., at or near East Moline, IL, to pts in USA; and (2) *Roofing materials, products and supplies,* from pts in IL, and Minneapolis-St. Paul, MN, to pts in IA. Supporting shippers: Pav-Saver Mfg. Co., 1103–14th Avenue, E. Moline, IL 61244; Roofing Wholesale Supply Co., 2833 Hickory Grove Road, Davenport, IA 52804; White Roofing Co., Inc., 804 Sheridan Dr., Eldridge, IA 52748.

MC 156834 (Sub-5–1TA), filed June 29, 1981. Applicant: NEBRASKALAND TRUCKING, INC., Route 3, Box 63, Blair, NE 68008. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Building products* (1) from pts in NM, WA, OR, ID, CA, MT, and WY, to pts in CO, NE, KS, OK, TX, AR, MO, and IA; and (2) from pts in TX, OK, AR, and LA to pts in TX, OK, KS, MO, AR, IA, NE, CO, and NM. Supporting shipper: Continental Lumber Co., Inc., 202 South Cedar, Valley Center, KS 67147.

MC 156835 (Sub-5–1TA), filed June 29, 1981. Applicant: JOHN FARLEY, d.b.a. BOWLING GREEN EXPRESS, 619 Champ Clark Drive, St. Louis, MO 63334. Representative: John Farley, 9519 Bataan Drive, Woodson Terrace, MO 63134. Common, regular. *General commodities (except classes A and B explosives),* between (1) St. Louis and Hannibal, MO, from St. Louis over Interstate Hwy. 70 to Jct. U.S. Hwy. 61, then over U.S. Hwy. 61 to Hannibal, and return over the same route; (2) St. Louis and Hannibal, MO, from St. Louis over Interstate Hwy. 70 to Jct. MO Hwy. 79, then over MO Hwy. 79 to Hannibal and return over the same route; (3) Louisiana and Vandalia, MO over U.S. Hwy. 54; serving all intermediate and off-route points on the above specified routes. Supporting shippers: There are nine (9) supporting shippers.

MC 156836 (Sub-5–1TA), filed June 29, 1981. Applicant: MURRY JOHNSON, INC., Rt 2, State Highway 38 & I–40; P.O. Box 158, Widener, AR 72394. Representative: Earl Mills (same as above). *Metal products and Materials and Equipment used in the manufacturing or distribution thereof* between AR, AZ, CA, OR and WA. Supporting shipper: Storall, 5702 Krueger Dr., Jonesboro, AR.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 156824 (Sub-6–1TA), filed June 25, 1981. Applicant: ALLOYS & METALS TRANSPORTATION, INC., 6718 N.E. 88th Street, Vancouver, WA 98665. Representative: Frank Scott Taylor (same as applicant). *Contract carrier,* Irregular route: *(1) Metal products; (2) Lumber and Wood Products; Pulp, Paper, and Related Products; Metal Products; and Building Materials,* (1) and (2): Between points in CA, ID, MT, OR, and WA, for 270 days. Restricted to the shipments moving for the accounts of ASC Pacific and Louisiana-Pacific Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: ASC Pacific, 2141 Milwaukee Way, Port of Tacoma, WA; Louisiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 153578 (Sub-6–5TA), filed June 29, 1981. Applicant: ALPINE TRANSPORT, INC., 225 Commerce St., Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce St., P.O.B. 8255, Missoula, MT 59807. *Metal Products* between points in Box Elder County, UT on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 156471 (Sub-6–1TA), filed June 29, 1981. Applicant: LAWRENCE JAMES ATWOOD, d.b.a. BUTCH ATWOOD TRUCKING, P.O.B. 518, Coos Bay, OR 97420. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Sacked animal and poultry feed and farm supplies,* from the facilities of Western Farmers Association at Tacoma, WA to the Western Farmers Association facilities and customers located at Hillsboro, Junction City, Knappa, Lebanon, Medford, Myrtle Point, Portland, Roseburg and Tillamook, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Farmers Association, 201 Elliott Ave. W., Seattle, WA 98119.

MC 156406 (Sub-6–1TA), filed June 24, 1981. Applicant: BEASTON TRANSIT, INC., 30887 Rd. 50, Goshen, CA 93227. Representative: Edward L. Fenucchi, 2409 Merced St., Suite 3, Fresno, CA 93721. *Cotton harvesting equipment,* (1) from CA, to points in AZ, NM, and TX. (2) From TX, to points in NM, AZ, and CA, for 270 days. An underlyng ETA seeks authority for 120 days. Supporting shippers: Taylor Machinery, Inc., 4146 Mineral King, Visalia, CA; Cotton Machinery Corporation, 1670 Catalina, Livermore, CA.

MC 134387 (Sub-6–20TA), filed June 19, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. *Insulation materials* from (1) Fontana, CA to points in AZ, CO, NV, NM, ID and UT; and (2) from Pueblo, CO to points in AZ, CA, NV, NM, ID and UT for 270 days. Supporting shipper: Rockwool Industries, Inc., 7400 S. Alton Ct., Englewood, CA 90112.

MC 149286 (Sub-6–1TA), filed June 26, 1981. Applicant: CAN TRUCKING, INC., 13000 E. Temple Ave., City of Industry, CA 91749. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract carrier,* irregular routes: *Printed matter* between Ellis and Dallas Counties, TX, on the one hand, and on the other, points in Los Angeles, Ventura, Orange and San Diego Counties, CA, for 270 days. Supporting shippers: Texas Stocktab, Inc., Box 507, Coppel, TX 75091, and Safeguard Business Systems, Inc., 900 Solon Rd., Waxahachie, TX 75165.

MC 134484 (Sub-6–4TA), filed June 26, 1981. Applicant: EDWARDS BROS., INC., P.O.B. 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Beer, wine and related advertising material in mixed loads with beer and wine,* from points in CA, OR, and WA to points in ID, restricted to traffic moving under continuing contract(s) with B & F Distributing, Inc., and Bonneville

Distributors, for 270 days. Supporting shippers: B & F Distributing, Inc., P.O.B. 2396, Idaho Falls, ID 83401; Bonneville Distributing, P.O.B. 456, Idaho Falls, ID 83401.

MC 156766 (Sub-6-1TA), filed June 22, 1981. Applicant: G.A.L. & S. TRUCKING, INC., 20105 Rhododendron Dr., Sumner, WA 98390. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Lumber, wood products and building materials*, between points in WA, OR and CA for 270 days. Supporting shippers: Quinault Pacific Corp., Box X, Shelton, WA 98584; Snohomish Lumber Co., 605 2nd St., Snohomish, WA 98290.

MC 125996 (Sub-6-9TA), filed June 22, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O.B. 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424. *Food and related products*, from Clovis, CA, to points in NE, for 270 days. Supporting shipper: Lyons-Magnus Co., P.O.B. 646, Clovis, CA 93612.

MC 156017 (Sub-6-1TA), filed June 23, 1981. Applicant: GLEASON, INCORPORATED, 1248 S. Verde, Tacoma, WA 98405. Representative: Kathy A. Gleason (same address as applicant). *Contract Carrier*, Irregular routes: *Lumber, pipe, tubing, building and construction material*, (1) from Port Townsend, WA to points in WA, WY, and CO and (2) from Denver, CO to points in WA, WY, KS, UT, MT, OR, and ID for the accounts of Halco Fence and Supply Co. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: Halco Fence and Supply Co., P.O.B. 1194, Port Townsend, WA 98339 and P.O.B. 508, Commerce City, CO 80037.

MC 156443 (Sub-6-1TA), filed June 25, 1981. Applicant: GREY RABBIT CAMPER TOURS, INC., d.b.a. THE GREY RABBIT, 2000 Center St., #1092, Berkeley, CA 94704. Representative: Richard J. Lee, 2150 Shattuck Ave., Suite 900, Berkeley, CA 94704. *Passengers and their baggage* in the same vehicle in specially equipped coaches with sleeping and cooking facilities for up to 46 passengers in special operations on round-trip and one-way sightseeing tours from Portland, OR and San Francisco, CA, to points in CA, OR, MA, NY, and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 35 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 156825 (Sub-6-1TA), filed June 25, 1981. Applicant: DON HART, d.b.a. HART TRANSPORTATION CO., 10611 Potter Circle, Villa Park, CA 92667. Representative: Don Hart (same address as applicant). *Contract Carrier*, irregular routes: *New and used construction machinery and equipment*, between points in the U.S. (excluding AK and HI) for the accounts of (1) G. Warren Hassler, (2) Schwab Sales, Inc., (3) Richard P. Murray Company, Inc., for 270 days. Supporting shipper(s): (1) G. Warren Hassler, 2188 Ponet Drive, Los Angeles, CA 90038; (2) Schwab Sales, Inc., 32631 Azores Rd., Laguna Niguel, CA 92677; (3) Richard P. Murray Company, Inc., P.O. Box G, Chandler, AZ 85224.

MC 1[illegible]452 (Sub-6-2TA), filed June 24, 1981. Applicant: THOMAS J. BRESSLER, d.b.a. HAWK TRANSPORTATION CO., 324 Union St., Oakland, CA 94607. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *General Commodities*, (except used household goods, Class A and B explosives, articles of unusual value, hazardous waste, and articles requiring the use of special equipment), between points in San Francisco, San Mateo, Santa Cruz, Santa Clara, Alameda, Contra Costa, Marin, Solano, San Joaquin and Sacramento Counties, CA on the one hand, and points in Washoe, Douglas and Carson City Counties, NV within 15 miles of Lake Tahoe on the other hand, for 270 days. Applicant intends to interline at points in CA at points named. Supporting shippers: There are eleven (11) supporting shippers; their statements may be examined at the Regional office listed.

MC 150927 (Sub-6-1TA), filed June 22, 1981. Applicant: HORIZON TRANSPORT, INC., P.O. Box 20848, Portland, OR 97220. Representative: Michael D. Crew, 1618 S.W. First Ave., Suite 205, Portland, OR 97201. (1) *Iron and steel and iron and steel articles*, between points in UT, WA, OR, CA, NV, AZ, NM, CO, ID, WY and MT; (2) *Glass and glass products and materials, supplies and equipment used in the manufacture thereof*, between points in OR, WA, CA, NV, AZ, NM, ID, MT, WY, UT CO; (3) *General commodities in intermodal containers having an immediate prior or subsequent movement by water*, between points in OR, WA, CA, ID, MT, UT, NV, AZ, NM, WY and CO, for 270 days. There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 139906 (Sub-6-80TA), filed June 24, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Waterbeds and bedroom furnishings*, from the facilities of Pacific Frames, Inc. at or near Hawthorne, CA, to points in the U.S. for 270 days. Supporting shipper: Pacific Frames, Inc., 1839 Chadron Ave., Hawthorne, CA 90205.

MC 139906 (Sub-6-81TA), filed June 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Bakery products*, (except in bulk) from the facilities of Burry-Lu, Inc. at or near Elizabeth, NJ to points in the U.S. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Burry-Lu, 891 Newark Ave., Elizabeth, NJ 07207.

MC 139906 (Sub-6-82TA), filed June 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Such commodities as are dealt in by retail department stores* (except in bulk) (1) from Los Angeles,CA, and points in its commercial zone to Hoboken, NJ, and points in its commercial zone; and (2) from Hoboken, NJ, and points in its commercial zone to Indianapolis, IN, and points in its commercial zone, restricted in parts (1) and (2) to traffic originating at or destined to the facilities of or used by Allied Stores Marketing Corp., its divisions and subsidiaries for 270 days. Supporting shipper: Allied Stores Marketing Corp., 1114 Ave. of the Americas, New York, NY 10036.

MC 133535 (Sub-6-1TA), filed June 22, 1981. Applicant: KENT FROST CANYONLAND TOURS, INC., 1907 Meadowlark Dr., Flagstaff, AZ 86001. Representative: Donald S. Burris, 2029 Century Park East, Suite 1260, Los Angeles, CA 90067. *Passengers and their baggage* in the same vehicle, limited to the transportation of not more than nine (9) passengers (not including the driver) in any one four-wheel drive motor vehicle in special and charter operations from, to or between points in San Juan, Sandoval, Bernalillo and Santa Fe Counties, NM for 180 days. (Prior and subsequent out-of-state movements will occur in connection with the requested extension of Applicant's permanent Authority). An underlying ETA seeks 90 days authority. Applicant intends to tack. Supporting shipper(s): Special Expeditions, Inc., 133 E. 55th St., New York, NY 10022; Recapture Lodge, Bluff, UT 84512.

MC 149378 (Sub-6-13TA), filed June 23, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 East Slauson Ave., Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837. *Contract carrier*, irregular routes, *General Commodities* (except Class A & B explosives, commodities in bulk and household goods) between all points in the U.S. for 270 days. Supporting shipper: Interstate Freight Service, Inc., 8023 E. Slauson, Montebello, CA 90640.

MC 156762 (Sub-6-1TA), filed June 23, 1981. Applicant: DOUGLAS L. LAUER, d.b.a. DOUG LAUER TRUCKING, P.O. Box 108, Libby, MT 59923. Representative: William E. O'Leary, Suite 4G, Arcade Bldg., Helena, MT 59601. *Contract carrier*, Irregular routes: *ores and minerals*, (including concentrates) between points and places in Lincoln County, MT prior to a subsequent movement by rail, under continuing contract with ASARCO, Inc. of Troy, MT, for 270 days. Supporting shipper: Asarco, Inc., Box 868, Troy, MT.

MC 153325 (Sub-6-2TA), filed June 24, 1981. Applicant: LOUNGE CAR TOURS CHARTER CO., INC., 21133 Victory Blvd., Suite 205, Canoga Park, CA 91303. Representative: Al C. Mintz (same address as applicant). *Passenger and their baggage in charter service*, between points in CA on the one hand, and, on the other, points in AZ, NV and UT for 180 days. Supporting shipper(s): There are seven shippers. Their statements may be examined at the Regional office listed above.

MC 127062 (Sub-6-1TA), filed June 22, 1981. Applicant: KARL MARKUS d.b.a. MARKUS TRUCKING, 2001-20 Ave. South, Lethbridge, Alberta, CD T1K 1G4. Representative: Karl Markus (same as applicant). *Contract carrier*, Irregular routes: (1) *Machinery*, between port of entry at Sweetgrass, MT or Eastport, ID and points west of Mississippi River and (2) *Machinery parts*, between port of entry of Sweetgrass, MT or Eastport, ID and points west of the Mississippi River and (3) *Building materials*, between port of entry at Sweetgrass, MT or Eastport, ID and points west of the Mississippi River, for 270 days. Supporting shipper: Westcan Irrigation Ltd., 510-36 Street North, Lethbridge, Alberta, CD.

MC 156763 (Sub-6-1TA), filed June 22, 1981. Applicant: MIDDLETON LEASING, INC., P.O.B. 340, Scappoose, OR 97056. Representative: Kasia Quillinan, 419 NW 23rd Ave., Portland, OR 97210. (1) *building materials* (2) *lumber and wood products*, and (3) *steel, iron and metal products*, between points in OR, WA, CA and ID, for 270 days. Supporting shippers: There are eight shippers. Their statements may be examined at the Regional Office listed above.

MC 144750 (Sub-6-1TA), filed June 23, 1981. Applicant: MOAB TRUCK CENTER, INC., 90 North 200 East, Moab, UT 84532. Representative: Dan Dunn (same as applicant). *Coal*, from mines in CO to points in CO, UT, and NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Peacock Coal Inc., 3701 C.R. 120, Hesperus, CO.

MC 144572 (Sub-6-24TA), filed June 29, 1981. Applicant: MONFORT TRANSPORTATION CO., P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Alcoholic beverages*, from Fort Worth, TX and Los Angeles, CA to Steamboat Springs, CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: B & K Distributing, Inc., P.O. Box 2172, Steamboat Springs, CO 80477.

MC 146464 (Sub-6-5TA), filed June 26, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho St., Elko, NV 89801. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Horse trailers* from points in OK to points in UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jeff Dunn d.b.a. The Saddle House, 777 N. State St., Orem, UT 84057.

MC 146464 (Sub-6-6TA), filed June 26, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O.B. 391, Elko, NV 89801. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Coal* from points in UT to points in NV for 270 days. Supporting shipper: Freeport Gold Company, Mountain City, Star Route, Elko, NV 89801.

MC 129857 (Sub-6-7TA), filed June 22, 1981. Applicant: G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA 90810. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Imported automobiles* and *trucks* in secondary movements, in truckaway service, from Los Angeles County, CA to La Plata County, CO, for 270 days. Suppporting shipper: Toyota Motor Sales, U.S.A., Inc., 2055 W. 190th St., Torrance, CA 90504.

MC 148874 (Sub-6-6TA), filed June 23, 1981. Applicant: PROFICIENT FOOD CO., 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract carrier*, Irregular route. *Office furniture and supplies as normally used in retail food chains*, between points located in Dallas, TX and Kansas City, MO for 270 days. Supporting shipper: United Stationers, 1701 S. First Ave., Maywood, IL 60153.

MC 155780 (Sub-6-2TA), filed June 26, 1981. Applicant: RONALD S. YAROS d.b.a. RMEX, P.O. Box 24808, Oakland, CA 94623. Representative: Ronald S. Yaros (same as applicant). *Contract Carrier*, Irregular routes: *General Commodities* (except those of unusual value, Class A & B explosives, Hazardous waste material, household goods as defined by the Commission, Commodities in bulk and those requiring special equipment), (1) between points in the Los Angeles and Oakland, CA commercial zones (as defined by the Commission) on the one hand, and on the other, points in AZ, CA & CO. (2) Between Portland, OR and Seattle, WA on the one hand, and on the other, points in OR & WA. (3) Between Salt Lake City, UT on the one hand, and on the other, points in ID, MT, UT & WY, for 270 days. Supporting shipper: Rocky Mountain Express, Inc., 730 11th Ave. Oakland, CA 94623.

MC 146724 (Sub-6-2TA), filed June 22, 1981. Applicant: DEAN RAPPLEYE, INC., 7444 S. 2200 W., West Jordon, UT 84084. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068. *Food and related products*, from Zeeland and Detroit, MI; Chicago, IL; Westfield, WI; St. Paul, MN; Buffalo Center, Des Moines and Sioux City, IA; Rapid City, SD; Columbus, OH; and St. Louis and Weston, MO and points in the commercial zones of the respectively named cities, to Los Angeles and Oakland, CA and points in their commercial zones, restricted to the transportation of traffic having a subsequent movement by water for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Quality Trading, Inc., 429 Waiakamilo Rd., Room No. 4, Honolulu, HI 96817.

MC 156828 (Sub-6-1TA), filed June 26, 1981. Applicant: SECURED RESOURCE TRANSPORT, INC., 12488 SE 93rd Ave., Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. *Waste materials and hazardous waste materials*, from Tacoma and Seattle, WA to the waste dump site near Arlington, OR, for 270 days. Supporting shippers: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Dr., Oakland, CA 94643; Monsanto Company, 9229 E Marginal Way S, Seattle, WA 98108.

MC 136875 (Sub-6-56TA), filed June 26, 1981. Applicant: SHOEMAKER

TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Metal products* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY. Restricted to the facilities used by Nucor Corporation, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Rd., Charlotte, NC 28211.

MC 156828 (Sub-6-1TA), filed June 26, 1981. Applicant: L. SOILS ASSOCIATES, INC., 2425 E Slauson Ave., Huntington Park, CA 90255. Representative: Lynon Soils, Jr. (same address as applicant). *Contract Carrier,* irregular routes: *Scrap Metals, Metal products and Roofing materials,* between points in CA on the one hand and points in AZ, CO, ID, NM, NV, OR, TX, UT, WA and WY for the accounts of B & B Metals, Inc. and Tremco, Inc. for 270 days. Supporting shipper(s): (1) B & B Metals, Inc., 1815 S. Santa Fe Ave. Compton, CA 90221 (2) Tremco, Inc. 3060 E 44th St. Vernon, CA 90058.

MC 156785 (Sub-6-1TA), filed June 22, 1981. Applicant: STAR TRUCKING, Star Rte., Shoshoni, WY 82649. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202. *Mercer Commodities,* between points in SD, NE, WY and UT on the one hand, and, on the other, points in SD, NE, WY, UT, ND, CO, MT and ID, for 270 days. Supporting shippers: There are 15 supporting shippers. Their statements may be examined at Regional Office, listed above.

MC 147978 (Sub-6-3TA), filed June 24, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, P.O.B. 1417, Hagerstown, MD 21740. *Produce (processed raw vegetables), meat, food and related commodities, kitchen utensils and tableware* between Pasadena, CA, including its commerical zone, on the one hand, and, on the other, Baltimore, MD; Philadelphia, PA; Chicago, IL; Detroit, MI and Boston, MA, including their respective commerical zones for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ready Pac Produce, Inc., 950 N. Fair Oaks Ave., Pasadena, CA 91103.

MC 113271 (Sub-6-9TA), filed June 26, 1981. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *(1) Lumber and lumber products and (2) commodities used in the manufacture of lumber and lumber products* from points in Flathead, Beaverhead and Lincoln Counties, MT to points in Salt Lake County, UT for 270 days. Applicant seeks an underlying 120 days ETA. Supporting shipper: Diehl Lumber Products, P.O. 25067, Salt Lake City, UT 84125.

MC 152329 (Sub-6-2TA), filed June 23, 1981. Applicant: ROBERT F. WALL, d.b.a. ROBERT F. WALL TRUCKING, 933 Fredensborg Canyon Rd., Solvang, CA 93463. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Vinyl composition floortile* from Houston, TX to points in AZ, CA, OR and WA, for 270 days. Supporting shipper: Azrock Industries, Inc., P.O. Box 34040, San Antonio, TX 78233.

MC 146855 (Sub-6-1TA), filed June 26, 1981. Applicant: JOEL WEHRMAN, Route 4, Box 4173, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Plastic products* between points in AR, CA, IA, ID, MT, OR, UT, and WA for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Amoco Foam Products Co., 2100 Power Ferry Rd., Atlanta GA 30099.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20332 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume OPY4-243]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A Copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher, Williams. (Williams not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 26377 (Sub-33), filed June 25, 1981. Applicant: LEONARDO TRUCK LINES, INC., 511 S. First St., Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226-8755. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 69877 (Sub-1), filed June 23, 1981. Applicant: ROSEVILLE MOTOR EXPRESS, INC., 277 Cemetery Rd., Crooksville, OH 43731. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between points in Licking County, OH, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-20320 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rule of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each appliant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Vol. No. OP1-194

Decided: July 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 4761 (Sub-30), filed June 22, 1981. Applicant: LOCK CITY TRANSPORTATION COMPANY, 3213 Tenth St., Menominee, MI 49858. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *petroleum, natural gas and their products,* between points in Marathon County, WI, on the one hand, and, on the other points in the upper peninsula of MI. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 8771 (Sub-78), filed June 23, 1981. Applicant: S. M. TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *machinery, contractors' equipment, those commodities which because of their size or weight require the use of special handling or equipment, and transportation equipment,* between points in IL, on the one hand, and, on the other, points in the U.S.

MC 20110 (Sub-11), filed June 2, 1981. Applicant: MESSINGER TRUCKING & WAREHOUSE CORP., 84-132 Lockwood Street, Newark, NJ 07105. Representative: Jan Messinger (same address as applicant), (201) 344-4200. Transporting *commodities dealt in by retail department stores,* between points in the U.S., under continuing contract(s) with The Bamberger Company of Newark, NJ.

MC 74321 (Sub-163), filed June 16, 1981. Applicant: B. F. WALKER, INC., 1555 Tremont Place, PO Box 17-B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209 (303) 320-6100. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment,* and (2) *self-propelled articles,* between points in AR, IL, IN, IA, KY, MD, MI, MO, NC, OH, PA, SC, TN, VA, WA, and WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, LA, MT, NE, NV, ND, NM, OK, SD, TX, UT, WA and WY.

MC 182841 (Sub-319), filed June 16, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *gypsum, gypsum products, building materials, paper and paper products, chemicals and plastic products,* between the facilities used by Georgia-Pacific Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119800 (Sub-8), filed June 22, 1981. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 742, Wynnewood, OK 73098. Representative: T.M. Brown, P.O. Box 1540, Edmond, OK 73034, (405) 348-7700. Transporting *petroleum and petroleum products,* between points in OK, KS, TX, LA, and AR.

MC 141620 (Sub-6), filed June 16, 1981. Applicant: VAN BUS DELIVERY, d.b.a. UNITED VAN BUS DELIVERY, 2601-32nd Ave., South, Minneapolis, MN 55405. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *general commodities* (except classes A and B explosives), (1) between points in MN, WI, SD, ND, IL and IA, and (2) between points in MN,

WI, SD, ND, IL and IA, on the one hand, and, on the other, points in the U.S.

MC 148281 (Sub-16), filed June 22, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *alcoholic beverages*, (1) between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S., and (2) between points in Moore County, TN, on the one hand, and, on ther other, points in Orange and Los Angeles Counties, CA.

MC 151680, filed June 23, 1981. Applicant: BLACK BROS. & SON DISTRIBUTING, INC., 912 E. 3rd St., Los Angeles, CA 90013. Representative: Robert M. Black (same address as applicant), (213) 629–4518. Transporting (1) *furniture and fixtures*, and (2) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Cascade Commercial Co., of Seattle, WA and Packaging, Inc., of Pacoima, WA.

MC 154780 (Sub-6), filed June 12, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives) between points in KY, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156580, filed June 18, 1981. Applicant: TRANS-STAR TRANSIT, INC., P.O. Box 13708, Edwardsville, KS 66113. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting (1) *beverages and beverage ingredients*, and (2) *containers and container parts*, between points in Johnson County, KS, on the one hand, and, on the other, points in AR, MO, OK, TX, NE, IL and IA.

MC 156771, filed June 25, 1981. Applicant: TRI-STATE MOTOR TRANSPORT, INC., 830 Oakcreek Drive, Dayton, OH 45429. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, Largo, FL and San Diego, Sacramento and San Francisco, CA and points in OH, on the one hand, and, on the other, points in the U.S.

MC 156781, filed June 26, 1981. Applicant: WILLIAM L. SONNER, Route 1 Box 299, Stephens City, VA 22655. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. (215) 735–3090. Transporting *apples and apple products*, between points in Lincoln County, NC, Frederick and Rockingham Counties, VA, and Berkeley County, WV, on the one hand, and, on the other, points in DE, FL, GA, MD, NC, NJ, PA, SC, VA, WV, and DC.

Volume No. OPY–4–241

Decided: July 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 77487 (Sub-1), filed June 24, 1981. Applicant: CONTROLLED DISTRIBUTION SERVICES, INC., 11 West St., Brooklyn, NY 11222. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001, (212) 279–3050. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, CT, MA, RI, ME, NH, VT, PA, DE, MD, VA and DC.

MC 93147 (Sub-23), filed June 25, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., P.O. Box 540, W. Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, NY, MA, NH, NJ, PA, RI, and VT, on the one hand, and, on the other, points in OH, PA, and WV.

MC 100327 (Sub-15), filed June 25, 1981. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Rd., P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Hampden County, MA and Hartford County, CT, and extending to points in the U.S.

MC 124117 (Sub-49), filed June 22, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–6100. Transporting *food and related products*, between those points in the U.S., in and east of ND, SD, CO, and NM.

MC 125037 (Sub-26), filed June 22, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *general commodities* (except classes A and B explosives), between the facilities of West Coast Shipper's Association; Seaport Coop, Inc.; and East-West Shippers, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127187 (Sub-56), filed June 22, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten So. Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Le Sueur Foundry Company, Inc., of Le Sueur, MN.

MC 127227 (Sub-9), filed June 22, 1981. Applicant: BIRDSALL, INC., 621 Ave. "E", Riviera Beach, FL 33404. Representative: Alan W. Campbell (same address as applicant), (305) 844–0281. Transporting *general commodities* (except classes A and B explosives), between points in Palm Beach, FL, on the one hand, and, on the other, points in FL.

MC 129987 (Sub-2), filed June 22, 1981. Applicant: TERRA COTTA TRUCK SERVICE, INC., IL Hwys 31 & 176, P.O. Box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting (1) *clay, concrete, glass or stone products*, (2) *metal products*, (3) *machinery*, and (4) *transportation equipment*, between points in the U.S., under continuing contract(s) with McHenry Sand & Gravel Co., Inc., of McHenry, IL.

MC 138157 (Sub-279), filed June 22, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756–7511. Transporting *rug cleaning, equipment and cleaning compounds*, between St. Louis, MO, and points in Fresno County, CA, on the one hand, and, on the other, points in the U.S.

MC 139277 (Sub-4), filed June 22, 1981. Applicant: HALL TRUCKING, INC., 201 Livingston St., Gridley, IL 61744. Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Walker Wire & Steel Company, of Ferndale, MI, and its subsidiaries.

MC 140267 (Sub-12), filed June 25, 1981. Applicant: R.A. TRANSPORTATION, INC., Six Connerty Ct., East Brunswick, NJ 08816. Representative: Thomas J. Beener, 67 Wall St., Suite 2510, New York, NY 10005, (212) 269–2540. Transporting *chemicals and related products*, and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Ciba-Geigy Corp., of Ardsley, NY.

MC 145557 (Sub-15), filed June 22, 1981. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64148. Representative: Arthur J. Cerra, 2100 CharterBank Center, Kansas City, MO 64141, (816) 842–8600. Transporting (1)(a) *food and related products*, and (b) *rubber and plastic products*, between Carrollton and Dallas, TX, on the one hand, and, on the other, points in the U.S., and (2)(a) *chemicals and related products*, and (b) *petroleum, natural gas and their products*, between Dallas, TX, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, MO, MS, OK, and TN.

MC 148647 (Sub-29), filed June 22, 1981. Applicant: HI–CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Great Atlantic & Pacific Tea Co., Inc., of Montvale, NJ.

MC 149497 (Sub-12), filed June 22, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401 Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting (1) *lumber and wood products*, and (2) *pulp, paper, and related products*, between points in IL, IN, MI, MN, ND, SD, IA, AND WI, on the one hand, and, on the other point in the U.S.

MC 150157 (Sub-3), filed June 22, 1981. Applicant: REGENCY MOTOR FREIGHT, INC., 28600 Van Born Rd., Dearborn Heights, MI 48125. Representative: G. B. Robinson, Jr. (same address as applicant) (313) 291–4140. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MO, WI, KY, MI, and OH.

MC 154007, filed June 22, 1981. Applicant: WAREHOUSE FREIGHT, INC., 5070 Phillip Lee Dr. S.W., Atlanta, GA 30336. Representative: Frank Hill (same address as applicant), (404) 696–7270. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Southeastern Bonded Warehouses, Inc. of Atlanta, GA.

MC 155727, filed June 25, 1981. Applicant: ROBERT D. YODER, RD 1, Box 101–B, Grantsville, MD 21536. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing houses*, between points in the U.S., under continuing contract(s) with Yoders, Inc., of Grantsville, MD.

Volume No. OPY–4–242

Decided: July 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 43997 (Sub-1), filed June 22, 1981. Applicant: RANSLER MOVING & STORAGE CO., 1501 Fulford St., Kalamazoo, MI 49003. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods*, between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 107527 (Sub-65), filed June 17, 1981. Applicant: POST TRANSPORTATION CO., a corporation, 1970 E. 213th St., Carson, CA 90810, (Mailing address—P.O. Box 1000, Long Beach, CA 90801). Representative: John C. Allen (same address as applicant), 213) 549–4570. Transporting (1) *chemicals and related products*, and (2) *plastics*, between points in the U.S., under continuing contract(s) with Allied Chemical Corp. Chemicals Company, of San Rafael, CA, Union Oil Co., Union Chemicals Division, of Los Angeles, CA, and Chemwest Industries, Inc., of San Francisco, CA.

MC 120737 (Sub-94), filed June 19, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *lumber and wood products*, between the facilities of Weyerhaeuser Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127187 (Sub-55), filed May 11, 1981, previously noticed in the Federal Register of May 29, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with (1) T. W. Hager Lumber Company, of Grand Rapids, MI, and its affiliate companies: Marquette Lumbermen's Warehouse, of Grand Rapids, MI, Ha-Marque Wood Preservers, of Grand Rapids, MI, Marquette Fabricators, of Sparta, MI, Marquette Gaylord Warehouse, of Gaylord, MI, Marquette Saginaw, of Saginaw, MI, Ha-Marque Reserve Warehouse, of Indianapolis, IN, Ha-Margue Fabricators, of Forrest, IL, and Grand Rapids Sash and Door Company, of Grand Rapids, Comstock Park, Holt, Schoolcraft, and Traverse City, MI, (2) Schaberg Lumber Company, of Lansing, MI, (3) Gibbs Lumber Company, of Lake Elmo, MN, and (4) Lake Elmo Hardwood Lumber Company, Inc., of Fargo, ND and Lake Elmo, MN.

Note.—The purpose of this republication is to show the names of the affiliate companies of T. W. Hager Lumber Company.

MC 142447 (Sub-15), filed June 24, 1981. Applicant: LOUISIANA-PACIFIC TRUCKING CO., P.O. Drawer AB, New Waverly, TX 77358. Representative: Timothy Mashburn, 1606 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 146557 (Sub-3), filed June 24, 1981. Applicant: ROBERT GRAVERT, d.b.a. S & R RENTALS, 6801 McComber St., Sacramento, CA 95828. Representative: Ronald C. Chauvel, 100 Pine St., Ste No. 2550, San Francisco, CA 94111, (415) 986–1414. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with Pittsburgh Des Moines Corporation, of Sacramento, CA.

MC 148947 (Sub-3), filed June 2, 1981. Applicant: HUNTER TRANSPORT CO., INC., 1603 Long St., Chattanooga, TN 37408. Representative: Ann K. Merriman (same address as applicant), (616) 265–8494. Transporting *carpet and backing materials for carpets*, between points in the U.S., under continuing contract(s) with Phoenix Mills, Inc., of Dalton, GA.

MC 150227 (Sub-2), filed June 19, 1981. Applicant: SAM R. HEDGE, Route 1, Arimet, MN 56112. Representative:

Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–8889. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour & Co., of Phoenix, AR.

MC 155677, filed June 23, 1981. Applicant: AMERICAN TRANSPORTATION ASSOCIATES, INC., P.O. Box 34545, Louisville, KY 40232. Representative: Joseph Murdock, 9000 Keystone, Indianapolis, IN 46204, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives), between points in Clark and Floyd Counties, IN and Jefferson County, KY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MD, MA, CO, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and WI.

MC 156767, filed June 24, 1981. Applicant: J.D.K. TRUCKING INC., P.O. Box 383, Hicksville, NY 11802. Representative: Dennis A. Linkens (same address as applicant), (516) 731–4962. Transporting *surgical products and supplies*, between points in the U.S., under continuing contract(s) with Medical Action Industries, of Plainview, NY.

[FR Doc. 81–20089 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-No. 3)]

Southern Railway Company Exemption for Contract Tariff ICC–SOU–C–0014

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: By petition filed June 22, 1981, the Southern Railway Company (Southern) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract rate tariff ICC–SOU–C–0014 be made effective on a minimum of 30 days' notice. Southern now requests that the contract become effective on one day's notice. The shipper filed a statement supporting this request.

The contract involves the long term transportation of coal to Mobile, AL. Ships to export coal sold to foreign customers will dock in Mobile in early July and Southern believes coal movements to Mobile must begin immediatley.

Southern does not expect any protects of the contract tariff. It contends that a 30 day notice period is not required to protect shipper from abuse of market power.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this is the type of exceptional circumstances that warrants an exemption. This will allow the shipper to move coal under the contract provisions and to meet its minimum volume requirement. Moreover, this will provide Southern with a degree of certainty and dependability as to the involved traffic volumes and the revenues generated, thereby assisting it in making future plans. The contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions.

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: July 9, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–20091 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY–3–112]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: July 7, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a mjor Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Member Williams not participating).

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 36854 (Sub-5), filed June 25, 1981. Applicant: BOST TRUCK SERVICE, INC., 1134 North 11th St., Murphysboro, IL 62966. Representative: Wiley E. bost (same address as applicant), (618) 684–3166. Over regular routes, transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, and Carbondale, IL, from St. Louis over Interstate Hwy 64 to junction Interstate Hwy. 51, then over Interstate Hwy 51 to Carbondale, and return over the same route, serving points in Jefferson, Franklin, Perry, Jackson, Williamson, Union, and Johnson Counties, IL, as off-route points.

MC 53965 (Sub-197), filed June 25, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue—26th Floor, Detroit, MI 48226, (313) 965–2577. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 65475 (Sub-49), filed June 26, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *Mercer commodities*, between points in Crawford County, OH, Marathon County, WI, and Venango County, PA, on the one hand, and, on the other, points in CA, CO, ID, IL, KY, LA, MI, MS, MT, NM, ND, OH, OK, SD, TX, WV, WI, and WY.

MC 117765 (Sub-321), filed June 25, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant), (405) 943–8533. Transporting *general commodities*, between the facilities used by Johns-Mansville Sales Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133604 (Sub-25), filed June 25, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th St., Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *food and related products*, between the facilities of Geo. A. Hormel & Co., at points in WI, IA, MN, and NE, on the one hand, and, on the other, points in CA, AZ, NM, and TX.

MC 135725 (Sub-21), filed June 22, 1981. Applicant: FLY TRUCKING, INC., 507 West 5th Street, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *food and related products*, between points in Muscatine County, IA, on the one hand, and, on the other, points in the U.S.

MC 136315 (Sub-146), filed June 25, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in Ford County, KS, and Buchanan County, MO, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 139905 (Sub-8), filed June 25, 1981. Applicant: R. B. STUCKY & N. M. STUCKY, d.b.a. S&S DAIRIES, Route 2, Moundridge, KS 66612. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Jackson Ice Cream Co., Inc., of Hutchinson, KS.

MC 142855 (Sub-3), filed June 24, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 668, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761–2580. Transporting *copper and aluminum wire*, between points in the U.S., under continuing contract(s) with Coleman Cable and Wire Corp., of N. Chicago, IL.

MC 145235 (Sub-11), filed June 24, 1981. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614)–228–1541. Transporting *general commodities* (except classes A and B explosives), between the facilities of United Coatings, Inc., located at points in IL, TN, NC, IN, CA and TX, on the one hand, and, on the other, points in the U.S.

MC 145594 (Sub-1), filed June 25, 1981. Applicant: BARNES MOVING & STORAGE CO., INC., 116 Lucille Ave., Carrollton, GA 30117. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404)321–1765. Transporting *general commodities* (except classes A and B explosives), between the facilities of Southwire Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151185, filed June 25, 1981. Applicant: KENNETH R. MEADOWS d.b.a. KWIKI EXPRESS, 20½ Chestnut St., Dover, NH 03820. Representative: Edwin P. Whittemore, 114A Massachusetts Ave., Arlington, MA 02174, (617)–646–6606. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, MA, VT, CT and RI.

MC 151265, filed June 25, 1981. Applicant: JEROME J. ALEXANDER, Prince Charles Drive, P.O. Box 758, Welland, Ontario, CN L3B 5R5. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *passengers and their baggage*, between ports of entry on the international boundary line between the U.S. and Canada at points in the U.S., on the one hand, and, on the other, points in Erie, Crawford, Warren, Venango and McKean Counties, PA and those points in NY in and west of Oswego, Onondaga, Courtland and Broome Counties.

MC 153325, filed June 25, 1981. Applicant: LOUNGE CAR TOURS CHARTER CO., INC., 21133 Victory Blvd., Suite 205, Canoga Parks CA 91303. Representative: Al C. Mintz (same address as applicant), (213) 340–4803. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in CA, and extending to points in AZ, NV and UT.

MC 154755, filed June 25, 1981. Applicant: NORTHWEST IOWA TRANSPORTATION, INC., R.R. 1, Palmer, IA 50571. Representative: James M. Hodge, 1000 United Central Bank

Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Hamilton, Buena Vista, Pocahontas, Humboldt, Wright, Clay, Palo Alto, Kossuth, Hancock, Dickinson and Emmet Counties, IA, and extending to points in the U.S.

MC 155734, filed June 24, 1981. Applicant: BLUE LINE STORAGE COMPANY, 226 Elm Street, Des Moines, IA 50309. Representative: Walter Burns, 226 Elm Street, Des Moines, IA 50309, (515) 286–2093. Transporting *telephone equipment,* between point in Polk County, IA, on the one hand, and, on the other, points in IA.

FF 555, filed June 24, 1981. Applicant: CTC FORWARDING COMPANY, INC., 514 North Clairborne Ave., New Orleans, LA 70112. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. As a *freight forwarder,* transporting *general commodities,* (except classes A and B explosives), betwen points in the U.S.

[FR Doc. 81–20000 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 118]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 65665 (Sub-20)X, filed June 25, 1981. Applicant: IMPERIAL VAN LINES, INC., 3565 Torrance Boulevard, Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 14G certificates to (1) broaden the commodity description from household goods, as defined by the Commission to "household goods, and furniture and fixtures" between various points in the U.S., and (2) to remove tacking restrictions in the lead certificate.

Note.—Applicant's ability to tack will be governed by 49 CFR 1042.10(b).

MC 74416 (Sub-30)X, filed June 24, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-Nos. 20, 25F, and 27F certificates to (1) broaden the commodity description from iron and steel articles in Sub-No. 20, iron and steel and iron and steel articles, and materials and supplies used in the manufacture of the aforementioned commodities (except in bulk) in Sub-No. 25F, and materials, equipment and supplies used in the manufacture of iron and steel articles (except in bulk) in Sub-No. 27F, to "metal products, and materials, equipment and supplies used in the manufacture and distibution of metal products"; and (2) remove facilities limitation at and or replace Midland, PA, with Beaver County, PA in Sub-Nos. 20, 25F and 27F, and Claymont, DE, with New Castle County, DE in Sub-No. 25F.

MC 105774 (Sub-12)X, filed June 30, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 and U.S. Hwy 24, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (A) broaden the commodity descriptions from (a) iron and steel articles and materials used in the manufacture of agricultural machinery and implements to "metal products and machinery" in Part (1) (a) and (b); (b) lumber to "lumber and wood products" in Part (2); (B) delete the exceptions of service to AK and HI in Parts (1) and (3); delete facilities limitation at or near Clay Center and Lincoln, KS in Part (2); (4) broaden Clay Center and Lincoln, KS, to Clay and Lincoln Counties, KS, in Part (2); (5) authorize radial authority in lieu of existing one-way authority in parts (1) and (3) between points in the U.S. and part of KS and in part (2) between facilities in MT, OR, UT, WA, and WY, and Clay and Lincoln Counties, KS.

MC 112107 (Sub-18)X, filed June 28, 1981. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 1, 6, 10, 11, 13, and 14F and MC–100297 (Sub-No. 1) (acquired in MC–F–13615) certificates to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in Sub-Nos. 1, 10, 11 (part 1), 13, and 14F, and MC–100297 (Sub-No. 1); (b) chemicals (except in bulk) to "chemicals and related products" in Sub-No. 6; (c) eggs and agricultural commodities to "food and related products and farm products", in Sub-No. 11 (part 2); (d) footwear, and advertising displays, and accessories and supplies used in shoe stores to "such commodities as are dealt in and used by shoe stores", in Sub-No. 16F; (2) allow service at all intermediate points between Seelyville and Beach Lake, PA in Sub-No. 11, Philadelphia, PA and New York NY, in MC–100297 Sub-No. 1; (3) replace points within 15 miles of Boston, MA with Suffolk, Essex, Middlesex, Norfolk, Bristol, and Plymouth Counties, MA, and points in MA within 25 miles of Providence, RI with Worcester, Bristol, Suffolk, Middlesex, Plymouth, and Norfolk Counties, MA, in Sub-No. 1 (irregular route); the off route points in CT and RI within 25 miles of Providence, RI with New London and Windham Counties, CT, and RI, in Sub-No. 1 (regular route); an the off route point of Camden, NJ with Burlington, Camden, and Gloucester Counties, NJ and Montgomery, Philadelphia, and Delaware Counties, PA, and Avondale, Westchester and Kenneth Square with Chester County, PA in MC–100297 (Sub-No. 1) (regular route); (4) replace cities with counties as follows: Branchburg, with Sussex County, NJ, and Paterson with Passaic, Bergen, Morris, Essex, and Hudson Counties, NJ, in Sub-No. 6; and Lebanon with Hunterdon County, NJ, in Sub-No. 16F; and (5) change its one-way to radial authority between New York, NY, and, points in Orange and Rockland Counties, NY, in Sub-No. 10.

MC 115703 (Sub-25)X, filed June 11, 1981. Applicant: KREITZ MOTOR EXPRESS, INC., 220 Park Road North, P.O. Box 375, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Can-Am Buidling, 101 Niagara Street, Buffalo, NY 14202. Applicants seeks to remove restrictions in its lead and Sub-Nos. 4, 6, 8, 9, 11, 17F and 18F certificates: (1) in the lead (a) broaden the commodity description by removing usual exceptions from the general commodities portion, except Classes A and B explosives; (b) broaden the territorial scope in the second paragraph by replacing Reading, PA, and points within 10 miles thereof with county wide (Berks County) authority; (2) in Sub. 4, (a) broaden the commodity description to "general commodities, (except Classes A and B explosives)" from "size and weight" commodities and general commodities, moving in mixed loads; (b) delete the plant site restriction at Cleveland, OH to authorize city-wide authority and replace Wilmington, DE with New Castle County, DE; (c) remove the restriction requiring subsequent movement by water; and (d) replace one-way with radial authority; (3) in Sub-No. 6 remove the restriction against the transportation of traffic originating at or destined to points in Luzerne and York Counties, PA; (4) in Sub-No. 8 (a) broaden from points in NJ within 35 miles of Philadelphia, PA to county wide authority of points in NJ in and South of Hunterdon, Somerset and Middlesex Counties, and broaden Wilmington, DE to New Castle County, DE; (b) in paragraph 2, broaden the commodity description from hosiery knitting machines to "machinery"; (5) in Sub-No. 9 (a) broaden the commodity description from size and weight articles, and articles that are not size and weight moving in mixed loads to "general commodities, (except Classes A and B explosives)"; (b) remove the restrictions "moving in the same vehicle and at the same time in mixed loads with the commodities named in (1) above, when the mixed load moves on a single bill of lading from a single consignor"; and (c) expand the facility at or near Wyomissing, PA to Berks County, PA; (6) in Sub-No. 11 (a) broaden the commodity description from plastic pipe and fittings, materials, accessories and supplies to "rubber and plastic products and buildings materials"; (b) delete the plant site restriction to allow service in Geneva County, AL; and (c) replace one-way with radial authority and (7) in Sub-No. 17F remove the restriction to the tranportation of shipments having an immediately prior or subsequent movement by water in trailer-on-ship service; and (8) in Sub-No. 18F (a) remove the restriction limiting service to that between piers and wharves and the restriction to the transportation of traffic having a prior or subsequent movement by water; (b) replace city wide with county wide authority as follows: Savannah with Chatham County, GA and Jasper County, SC, Cincinnati with Hamilton and Clermont Counties, OH and Boone, Kenton and Campbell Counties, KY; Dayton, OH with Montgomery, Clark, Greene, and Miami Counties, OH; Indianapolis, IN with Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan and Shelby Counties, IN; and Louisville, KY with Jefferson, Oldham, and Bullitt Counties, KY, Floyd, Harrison, and Clarke Counties, IN and Wilder, Ky with Campbell and Kenton Counties, KY.

MC 121644 (Sub-10)X, filed June 30, 1981. Applicant: S & W FREIGHT LINE, INC., 1136 Haley Road, P.O. Box 667, Murfreesboro, TN 37130. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6F, 7, and 9F certificates and certificate No. MC–121813 acquired in MC–F–14095F to (1) broaden its authority by removing all exceptions to general commodities except classes A and B explosives; (2) allow service at all intermediate points between: (a) Murfreesboro and Memphis, TN, in Sub-No. 2, (b) Atlanta, GA and Knoxville, TN, in Sub-No. 6F, (c) Atlanta, GA and Bristol, VA, in Sub-No. 7, and (d) Atlanta, GA and Memphis, TN, in Sub-No. 9F; (3) remove "originating at, destined to, interlined at and interchanged at" restrictions in Sub-Nos. 2 and 6F; and (4) remove restrictions against handling traffic at points in the Memphis, TN Commercial Zone, lying outsie the State of TN, in Sub-No. 2.

MC 123073 (Sub-25)X, filed June 25, 1981. Applicant: R. B. HAMILTON HAULING & RIGGING CORP., 44 Railroad Street, Huntington Station, NY 11746. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from telephone equipment, tools, and supplies and materials used in the installation, maintenance and repair of such equipment to "machinery and equipment, tools and supplies and materials used in the installation, maintenance and repair of such equipment;" and (2) broaden the territorial description to between points in the United States under continuing contracts(s) with a named shipper.

MC 134484 (Sub-32)X, filed June 23, 1981. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 9, 11, 14, 15, 18F, 19F, 20F, 23F, 25F and 27F certificates to (1) broaden the commodity description from fresh meat, meats, meat in carcass form, such merchandise as is dealt in by grocery and food business houses, frozen foods, and bananas and commodities otherwise exempt from economic regulation pursuant to the provisions of 49 U.S.C. § 10526(a)(6), in mixed loads with bananas to "commodities dealt in by grocery and food business houses and equipment, materials, and supplies used in the conduct of such business" in the lead and Sub-Nos. 3, 9, 11, 19F, 25F and 27F; (2) eliminate the facilities limitations in the lead and Sub-Nos. 14, 15, 18F, 19F, 20F, 23F and 27F; (3) expand city to county-wide authority from Toppenish to Yakima County, WA, in Sub-No. 11; Wallula to Walla Walla County, WA, in Sub-No. 14; Boise to Ada County, ID, in Sub-Nos. 15, 18F and 23F; Pocatello to Bannock County, ID, in Sub-No. 19F; Blackfoot to Bingham County, ID, in Sub-No. 20F; Nampa to Canyon County, ID, in Sub-No. 23F; Burley to Cassia County, ID, and Ontario to Malheur County, OR, in Sub-No. 25F; and Port Hueneme to Ventura County, CA, in Sub-No. 27F; (4) change one-way to radial authority between points in the western portion of the U.S.; and (5) remove the restrictions (a) except hides and commodities in bulk in Sub-Nos. 14, 15, and 18F; (b) except in bulk, in tank vehicles in Sub-No. 19F; (c) originating at and destined to in Sub-Nos. 14, 15, and 19F; and (d) against the transportation of meat byproducts in bulk, destined to points in OR and WA in Sub-No. 23F.

MC 144957 (Sub-13)X, filed July 1, 1981. Applicant: PETERCLIFFE, LTD., 14730 East Valley Boulevard, La Puente, CA 91746. Representative: Patrick H. Smyth, Suite 401, 19 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F, 8, and 9F certificates to (1) remove "restricted to the transportation of traffic moving on bills of lading of freight forwarders" language and (2) remove all restrictions on its general commodities authority except classes A and B explosives, in Sub-No. 3.

MC 145416 (Sub-4)X, filed June 26, 1981. Applicant: HEINEMAN

DISTRIBUTING, INC., 301 W. Second St., Port Clinton, OH 43452. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from malt beverages to "food and related products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 147900 (Sub-7)X, filed June 22, 1981. Applicant: COLLINS WHOLESALE SUPPLY, INC., d.b.a. COLLINS FREIGHT SERVICE, 4073 Hooker Rd., Roseburg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, and 4F, and No. MC–140592 (Sub-No. 2) (acquired in MC–FC–78227 and MC–FC–77812) certificates, to (1) broaden the commodity description from cement and masonry in Sub-No. 1F to "clay, concrete, glass or stone products" and from building materials to "building materials and materials, equipment and supplies used in the manufacture and distribution of building materials" in Sub-No. 3F; (2) remove facilities limitations and replace Riverside, CA, with Riverside County, CA, Lake Oswego, Lime, and Durkee, OR, with Clackamas and Baker Counties, OR, Inkom, ID, with Bannock County, ID, Auburn and Kennewick, WA, with King and Benton Counties, WA, and Boise, Twin Falls, Heyburn, Pocatello, and Idaho Falls, ID with Ada, Twin Falls, Bannock, Minidoka, and Bonneville Counties ID in Sub-No. 1F; and (3) change one-way to radial authority in all the above certificates, except Sub-No. 3F.

MC 148050 (Sub-4)X, filed June 18, 1981. Applicant: L & J MOTOR LINES, INC., P.O. Box 7267, High Point, NC 27264. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity description to "building materials" from insulating materials in Sub-No. 1 and to "petroleum, natural gas, and their products" from petroleum products in Sub-No. 2, (2) change city to county-wide authority from (a) Barrington, NJ to Camden County, NJ in Sub-No. 1 and (b) Bradford, PA to McKean County, PA in Sub-No. 2 (3) change one-way to radial authority between (a) Camden County, NJ, and, points in NC and SC in Sub-No. 1 and (b) Baltimore, MD and McKean County, PA, and points in NC in Sub-No. 2.

[FR Doc. 81-20300 Filed 7-10-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applicants

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consumation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission and the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–78906. By decision of January 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to David W. Horseman d/b/a Horizon Movers, Hingham, Md. of Certificate No. MC–139806 (Sub-No. 3) issued to Coastal Van & Storage, Inc., Newark, New Jersey authorizing the transportation over irregular routes, *household goods*, as defined by the Commission; Between points in Massachusetts on the one hand, and on the other, points in New York City, Nassau, Suffolk Counties, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, Florida, Ohio, Michigan, Illinois. Applicant's representative is: Ronald I. Shapss, Esq., 450 7th Ave., New York, New York 10123, (212) 239–4610.

MC–FC–79005. By decision of February 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to W.E. Darrington and W. W. Darrington, a partnership d/b/a/ Peria Miling Company of Certificate No. MC–106059 issued August 19, 1954 to Virgil Crouch authorizing the transporation of Agricultural implements, feed, and building materials over irregular routes between Irwin, IA, and points within 15 miles of Irwin, on the one hand, and on the other, Omaha, NE. Applicants' representative: James F. Crosby & Associates, 7363 Pacific St., Suite 21OB, Omaha, NE 68114.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20304 Filed 7-10-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consumation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission and the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–79199. By decision of June 8, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 C.F.R. 1133, Review Board Number 3 approved the transfer to the Blue Bird World Travel, Inc., of Olean, NY of License No. 12872 issued March 13, 1981 to Michael Richard Magnano of Olean, NY authorizing brokerage operations at Buffalo, NY for the transportation of passengers and their baggage, in special and charter operations, in roundtrips, all-expense tours, beginning and ending at Buffalo, NY and extending to points in the United States, including Alaska and Hawaii. Applicants' representative: Charles A. Webb, Suite 111, 1828 L Street, N.W., Washington, DC 20036, (202) 296–2929.

MC–FC–79201. By decision of June 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 40 C.F.R. 1132, Review Board Number 3 approved the transfer to Morris Trucking Corp. of Terre Haute, IN, of Permit No. MC–146519 (Sub-Nos. 1, 3, 4 and 8) issued to Caliana Marketing, Inc. of Terre Haute, IN authorizing the transportation of *scrap metal*, from the facilities of Unarco Home Products, at or near Paris, IL, to Detroit, MI, under continuing contract(s) with Unarco Home Products, Division of Unarco Industries, Inc., of Paris, IL, *baking powder* (except in bulk), from the facilities of Holman & Co., at or near Terre Haute, IN, to Birmingham, Dothan, Mobile, and Montgomery, AL, Phoenix, AZ, Little Rock and Waldo, AR, Fresno, Los Angeles, San Francisco, Union City, and Sacramento, CA, Denver, CO, Jacksonville, Miami, and Tampa, FL, Wichita, KS, Lexington and Louisville, KY, Alexandria, Monroe, New Orleans, and Shreveport, LA, Greenville and Jackson, MS, Joplin, Kansas City, Springfield, and St. Louis, MO, Omaha, NE, Albuquerque, NM, Oklahoma City and Tulsa, OK, Bristol, Chattanooga, Knoxville, Memphis, and Nashville, TN, Arlington, Dallas, Fort Worth, Houston, San Antonio, Lubbock, Tyler, and El Paso, TX, and Salt Lake City, UT, under continuing contract(s) with Hulman and Co., of Terre Haute, IN, *dry corn products* (except in bulk), from the facilities of Illinois Cereal Mills, Inc., at or near Paris, IL, to points in Arkansas, Oklahoma, Louisiana and Texas, under continuing contract(s) with Illinois Cereal Mill, Inc., of Paris, IL, *dry corn products* (except in bulk) from the facilities of Illinois Cereal Mills, Inc., at or near Paris, IL, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Kentucky, and Tennessee, under continuing contract(s) with Illinois Cereal Mills, Inc., of Paris, IL. TA lease is not sought. Transfereee is not a carrier. Applicant's representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204.

MC–FC–79202. By decision of June 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to S&P Trucking, Inc., of Kennett, MO, of Certificate No. MC–140475 (Sub-No. 7F) issued January 16, 1981, to Holcomb Trucking Company, Inc., of Holcomb, MO, authorizing the transportation of *ammonium nitrate and fertilizers* from Selma, MO, to points in Illinois, Kentucky, Tennessess, and Arkansas. Applicant's representative is: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20305 Filed 7-10-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consumation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Taylor, and Williams.

MC–FC–78262 (republication). By decision of February 5, 1981, Division 2 (Commissioners Gresham, Trantum, and Alexis) granted transferee Action Freight Line, Inc. authority to purchase Certificate No. MC–99796 (Sub-No. 17) from Dodds Truck Line, Inc., as well as that portion of Certificate No. MC–99796 (Sub-No. 18) set forth in the **Federal Register** publication of February 27, 1981. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, February 27, 1981. The authority is Sub 17 follows: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Collins, MO, and Clinton, MO, serving all intermediate points and the off-route point of Bay Scout Camp at or near Osceloa, MO: from Collins over U.S. Highway 65 to junction Missouri Highwy 7, thence over Missouri Highway 13 to Clinton, and return over the same route. Between El Dorado Springs, MO, and junction Missouri Highways 82 and 83, serving no intermediate points: from El Dorado Springs over U.S. Highway 54 to junction Missouri Highway 83, thence over Missouri Highway 83 to junction Missouri Highway 82, and return over the same route. Between Clinton, MO,

and Warsaw, MO, serving all intermediate points: from Clinton over Missouri Highway 7 to Warsaw, and return over the same route, from Clinton over Missouri Highway 52 to junction U.S. Highway 65, thence over U.S. Highway 65 to Warsaw, and return over the same route. Between Collins, MO, and Weubleau, MO, serving all intermediate points: from Collins over U.S. Highway 54 to Weubleau, and return over the same route. Between Springfield, MO, and Collins, MO, serving all intermediate points: from Springfield over Missouri Highway 13 to Collins, and return over the same route. Between Collins, MO, and El Dorado Springs, MO, serving all intermediate points: from Collins over U.S. Highway 54 to El Dorado Springs, and return over the same route. Between Cedar Springs, MO, and Stockton, MO, serving all intermediate points and the off-route point of Caplingr Mills, MO: from Cedar Springs over Missouri Highway 39 to Stockton, and return over the same route. Between Stockton, MO. and Fair Play, MO, serving all intermediate points: from Stockton over Missouri Highway 32 to Fair Play, and return over the same route. Between Humansville, MO, and Weaubleau, MO, serving all intermediate points: from Humansville over Missouri Highway 123 to Weaubleau, and return over the same route. Between Collins, MO, and Preston, MO, serving all intermediate points and the off-route point of Pomme de Terre State Park, MO: from Collins over U.S. Highway 54 to Preston, and return over the same route. Between junction Missouri Highway 83 and U.S. Highway 54, and Warsaw, MO, serving all intermediate points: from junction Missouri Highway 83 and U.S. Highway 54 over Missouri Highway 83 to junction U.S. Highway 65, thence over Missouri Highway 7 to Warsaw, and return over the same route. Between Warsaw, MO, and Springfield, MO, serving all intermediate points and the off-route points of Kaysinger Dam, Rondo, Sentinel and Red top, MO: from Warsaw over U.S. Highway 65 to Springfield, and return over the same route. Between Warsaw, MO, and Climax Springs, MO, serving all intermediate points: from Warsaw over Missouri Highway 7 to Climax Springs, and return over the same route. Between Bolivar, MO, and Buffalo, MO, serving all intermediate points: from Bolivar over Missouri Highway 32 to Buffalo, and return over the same route. Between Bolivar, MO, and Wheatland, MO, serving all intermediate points: from Bolivar over Missouri Highway 83 to Wheatland, and return over the same route. Between Louisburg, MO, and Preston, MO, serving all intermediate points: from Louisburg over Missouri Highway 64 to junction Hickory County Highway D, thence over Hickory County Highway D to Preston, and Return over the same route. Restriction: The authority granted above is restricted against traffic between Weaubleau, MO, on the one hand, and, on the other, Bolivar, MO, and Springfield, MO. Between Humansville, MO, and Springfield, MO, serving all intermediate points: from Humansville over Missouri Highway 123 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 83, thence over Missouri Highway 83 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Springfield, and return over the same route. Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Humansville, MO, on the one hand, and, on the other, points in Hickory, Benton, Cedar, Dallas, and Polk Counties, MO.

MC–FC–79080. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to SLA, INC. of Certificate No. MC–136474 (Sub-No. 6) authorized in MC–F–12986 to TENNESSEE CARTAGE CO., INC. authorizing the transportation of *such merchandise* as is dealt in by Home Products Distributors, between Nashville, TN, on the one hand, and, on the other, points in Bedford, Bledsoe, Cannon, Cheatham, Clay, Coffee, Cumberland, Dickson, Davidson, DeKalb, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Steward, Trousdale, Van Buren, Warren, Wayne, Williamson, Wilson, and White Counties, TN, and Allen, Barren, Christian, Logan, Simpson, Todd, Trigg, and Warren Counties, KY.

Notes.—(1) Transferee is a non-carrier. (2) The certificate Tennessee Cartage Co., Inc. is transferring was limited to a period expiring 3 years from the date of issue. We find the transfer of the conditioned rights to another carrier as proposed here would warrant removal of the specified limitation, upon the filing of an appropriate petition. See *Chief Truck Lines, Inc.—Purchase—Murphy Transportation, Inc., Charles Johnson, Trustee in Bankruptcy*, 127 M.C.C. 532, 533 (1979). (3) This application was originally docketed No. MC–F–14587. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004.

MC–FC–79181. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TERMINAL TRANSFER, INC., of Portland, OR, of Certificate No. MC–732 (Sub-No. 19) issued March 13, 1981, to ALBINA TRANSFER CO., of Portland, OR, authorizing the transportation of *heavy machinery* and *building materials* (except cement, in bulk, in tank vehicles), between point in Washington. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210, (503) 226–3755.

Note.—No. MC–115767 (Sub-No. 6), published in another section of this Federal Register, is a directly related matter.

MC–FC–79187. By decision of June 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to No Name Farm, Inc., Lockport, NY of Certificate No. MC–114920 (Sub-No. 3) issued December 7, 1970 to United Horse Transporters of American, Inc., Lockport, NY authorizing the transportation over Irregular Routes: *Horses* (other than ordinary livestock) and *equipment and paraphernalia* incidental to the transportation, care, and exhibition of such horses, Between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Representative is: Robert D. Gunderman, P.C., Suite 710 Statler Building, Buffalo, New York 14202, (716) 854–5870.

MC–FC–79188. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TRANS STATE BUS, INC., a portion of Certificate No. MC–109780 issued September 29, 1969 to TRAILWAYS, INC. authorizing the transportation of passengers and their baggage, express, and newspapers, in the same vehicle with passengers between (1) Great Bend, KS, and Hutchison, KS; (2) Stockton, KS and Great Bend, KS; (3) McPherson, KS and Hutchinson, KS; (4) Hutchinson, KS and Wichita, KS; and (5) Newton, KS and Hutchinson, KS, serving all intermediate points. Representative is: Eugene W. Hiatt, Esq., 207 Carson Building, 603 Topeka Boulevard, Topeka, KA 66603.

MC–FC–79195. By decision of June 8, 1981 issued under 49 U.S.C. 10926 and

the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to ALGONQUIN ASSOCIATES, INC. d/b/a TWELVE GATE HORSE TRANSPORTATION at Long Beach, NJ, of Certificate No. MC–46365 (Sub-No. 3G) issued April 17, 1975, to P. W. LINCOLN HORSE TRANSPORTATION, INC., North Attleboro, MA authorizing the transportation, by irregular routes, of *livestock horses* (other than ordinary livestock), *race horses, show and saddle horses* and *polo ponies*, and *stable supplies and equipment, stable dogs and pets and personal effects* of attendants in the same vehicle with such horses, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Louisiana, Texas, Arkansas, Missouri, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio and the District of Columbia. Subject to following restrictions: The service authorized herein is restricted against the transportation of shipments between Tennessee and South Carolina. Representative is: Harold L. Reckson, 33–28 Halsey Road, Fair Lawn, NJ 07410.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: July 8, 1981.

By the Commission, Review Board Number 3, Members Krock, Taylor and Williams.

The following operating rights application is filed in connection with a pending finance application under 49 U.S.C. 10926. MC–115767 (Sub-6), filed May 11, 1981. Applicant: TERMINAL TRANSFER, INC., 3601 N.W. Yeon Ave., Portland, OR 97201. Representative: Lawrence V. Smart, 419 N.W. 23rd St., Portland, OR 97201. To operate as a common carrier by motor vehicle, over irregular routes, transporting *heavy machinery* and *building materials*, between Portland, OR, and points in Washington.

Note.—This application is filed as a directly related application to finance proceeding docketed MC–FC–79181. The purpose of this application is to eliminate the gateway of points in Washington within 3 miles of Portland, OR.

MC–FC–79181 is published in another section of this **Federal Register** issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–20388 Filed 7–10–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume OPY–3–110]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 7, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams (Member Williams not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-110

Decided: July 7, 1981.

MC 156754, filed June 22, 1981. Applicant: PHIL S. MIRANDA, PHILS. MIRANDA III, and MARTIN G. MIRANDA, d.b.a. MGM TRUCKING, 1100 N. Acacia St., Fullerton, CA 92831. Representative: David B. Rosenman, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212, (213) 553-3930. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-3-115

Decided: July 7, 1981.

MC 156534, filed June 10, 1981. Applicant: DABER TRANSPORT, INC., 9886 Garden Grove Blvd., Garden Grove, CA 92644. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0024. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-20091 Filed 7-10-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council On The Humanities Advisory Committee; Meeting

July 7, 1981.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on August 13-14, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endownment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. A portion of the morning and afternoon sessions on August 13 and the afternoon session on August 14, 1981 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on August 13, 1981 follows:

Open to the Public

8:30-9:00—Coffee for Council Members in Chairman's Office
9:00-10:30—Committee Meetings—Policy Discussion
Education Programs—Room 807
Fellowship Programs—Room 314
Planning and Special Programs—Room 1025
Public Programs and State Programs—1st Floor
Research Programs—Room 1134
10:30 to Adjourn—Consideration of specific applications, (closed to the public for the reasons stated above).

The morning session on August 14, 1981 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.).

Minutes of the Previous Meeting and Ratification of Mail Vote

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Chairman's Grants and Grants Departing from Council recommendation
D. Application Report
E. Gifts and Matching Report
F. FY 1981 Appropriations
G. FY 1982 Appropriation Request
H. FY 1983 Budget Planning
I. Selected Project Evaluations
J. Dates of Future Council Meetings
K. Election of Vice-Chairman
L. Committee Reports on Policy and General Matters
  a. Research Programs
  b. Education Programs
  c. Public Programs
  d. State Programs
  e. Fellowship Programs
  f. Planning and Assessment Studies
  g. Special Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202-724-0367.

V. J. Loughran,

Acting Advisory Committee Management Officer.

[FR Doc. 81-20097 Filed 7-10-81; 8:45 am]

BILLING CODE 7536-01-M

Notice to all Recipients of Federal Financial Assistance From National Endowment for the Humanities

In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the National Endowment for the Humanities to notify all recipient of Federal financial assistance from the National Endowment for the Humanities that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794), even though the National Endowment for the Humanities has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive Federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of Federal financial assistance from that agency. (45 CFR Part 84. Recipients of Federal financial assistance from the National Endowment for the Humanities may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

For further information contact: Ms. Carol Gordon, Director Equal Opportunity Office, National Endowment for the Humanities, M.S. 256, Washington, D.C. 20506. Telephone (202) 724-0306.

Dated: July 6, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-20077 Filed 7-10-81; 8:45 am]

BILLING CODE 6460-43-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on the Reliability and Probabilistic Assessment will hold a meeting on July 28 and 29, 1981, at the Best Western Airport Park Hotel, 600 Avenue of Champions, Inglewood, CA. The purpose of the meeting will be to review some of the strengths and weaknesses of risk assessments and their potential for use in the design and licensing processes and to discuss NRC Staff efforts to develop a quantitative safety goal. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Questions may be asked only by members of the Subcommittee, its consultants, and Staff. However, questions from the audience will be allowed after certain presentations.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, July 28, 1981—8:30 a.m until the conclusion of business
Wednesday, July 29, 1981—8:30 a.m until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the potential use of risk assessments in the licensing process. On the afternoon of July 29, the NRC will discuss the status of their efforts to develop quantitative safety goals.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Federal Employee, Mr. J. Michael Griesmeyer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

Dated: July 6, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20012 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-39, and Amendment No. 63 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications requirement for noble gas monitor detection limits.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 4, 1977, and supplements thereto dated April 4, 1977 and July 12, 1979, (2) Amendment Nos. 66 and 63 to License Nos. DPR-39 and DPR-48, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2000 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29 day of June 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1, Division of Licensing.
[FR Doc. 81-20413 Filed 7-10-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-58, and Amendment No. 32 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the divider barrier seal material technical specification.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 15, 1981, (2) Amendments Nos. 47 and 32 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of July, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1, Division of Licensing.
[FR Doc. 81-20414 Filed 7-10-81; 8:45 am]
BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.150, "Ultrasonic Testing of Reactor Vessel Welds During Preservice and Inservice Examinations," describes procedures acceptable to the NRC staff for implementing the Commission's regulations with regard to preservice and inservice examinations of reactor vessel welds in light-water-cooled nuclear power plants by ultrasonic testing.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of July 1981.

For the Nuclear Regulatory Commission.
D. F. Ross,
Acting Director, Office of Nuclear Regulatory Research.
[FR Doc. 81-20415 Filed 7-10-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

July 6, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (Burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of you intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Animal and Plant Health Inspection Service

9 CFR 73—Scabbies and Cattle (Recordkeeping)
On occassion
Business or other institutions
Owners of treatment facilities
Sic: 075
Small businesses or organizations
Agricultural research and services: 12,000 responses; 960 hours; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-95-7340

The records are essential to monitor the actions of the treatment facility. If the treated cattle are sold into a scabies-free herdswhich in turn infects this herd the result could be closing of the treatment facility if the tracing action proves improper treatment.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Extensions (no change)

- Bureau of the Census

Business forms, binders, carbon paper, and inked ribbons
Manufacturers' shipments
MA-27A
Annually
Businesses or other institutions
Manufacturers of selected office products
Sic: 276, 278, 395
Small businesses or organizations
Other advancement and regulation of commerce: 750 responses; 750 hours; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This new survey will provide the only data available on the shipments of office supplies, Goverament analysts will use these data to review trends in the types of supplies shipped to better predict the procurement needs of the Government. Industry analysts will use these data to monitor market share and shifts in product types.

- Bureau of the Census

Asphalt and tar roofing and siding products (shipments)
MA-29A
Annually
Businesses or other institutions
Manufacturers of asphalt and tar roofing products
Sic: 295
Small businesses or organizations
Other advancement and regulation of commerce: 100 responses; 50 hours; $3,315,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

Survey results are used by Government agencies, business firms, and trade association for market analysis and to forecast long-term growth and changes in the industry.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Educational Research and Improvement

Section 418A, HEA, College Assistance Migrant Program
Financial status and performance reports
ED 819-3
Annually
Businesses or other institutions
Colleges and universities
Sic: 822
Elementary, secondary, and vocational education: 5 responses; 25 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Grantees are required to file a financial status report and a performance report in accordance with the provisions of the education department general administrative regulations. The information will be used for future programmatic decisions regarding program size and allowable services.

- Office of Educational Research and Improvement

Section 418A, HEA, high school equivalency program
Financial status and performance reports.
ED 819-2
Annually
Businesses or other institutions
Colleges and universities
Sic: 822
Elementary, secondary, and vocational education: 14 responses; 70 hours; $140 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Grantees are required to file a financial status report and a performance report in accordance with the provisions of the education department general administrative regulations. The information will be used for future programmatic decisions

regarding program size and allowable services.

• Office of Educational Research and Improvement 1981–1982 Library Human Resources: Study of Supply and Demand (pretest)
ED 2425, ED 2425–1
Nonrecurring
State or local governments/businesses or other institutions
Libraries and library schools
Sic: 823
Research and general education aids: 121 responses; 61 hours; $260,000 Federal cost; 2 forms; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

The purpose of this study is to provide projections of the supply and demand for librarians through 1990. The proposed survey will provide needed data for describing the current situation, and will provide summary data for an econometric model so that the projections can be made.

Reinstatements

• Office of Special Education and Rehabilitative Services
Financial Status and Performance Report—OSE
Discretionary Grant Programs
ED 9037–1 and ED 9037–2
Annually, other—see SF83
State or local governments/businesses or other institutions
Colleges and univ. non-pro. local ed. agencies, State agencies
Sic: 821, 899, 822, 941
Elementary, secondary, and vocational education: 1,589 responses; 8,390 hours; $35,006 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This report is used by the Office of Special Education to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. The financial report is submitted annually and the performance report is due at the end of the grant award period (usually a 3-year period).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Office of Assistant Secretary for Health
1982 National Health Interview Survey (NHIS)
Nonrecurring
Individuals or households
Households representing civilian, population PA, U.S. pop.
Health 42,700: responses; 32,000 hours; $6,325,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

The 1982 NHIS will obtain data on the utilization of health services, the magnitude and distribution of illness and the effects of illness in the U.S. population. This will be accomplished using a set of revised health-related questions including supplements on "Health Insurance" and "Preventive Care."

Revisions

• Health Care Financing Administration
ESRD transplant information—End-stage renal disease
Medical information system
HCFA–2742, thru 46
On occasion
Businesses or Other Institutions
Hospitals certified by medicare to perform renal transplants
SIC: 806
Small businesses or organizations
Health: 4,615 responses; 2,308 hours; $76,873 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Information is needed to obtain sufficient data to support a quality of care review program in the treatment of end-stage renal disease. Data is used by health care planning and delivery organizations and the medical community in decision making resulting in improved patient care, the planned, orderly and controlled growth and cost-effective distribution of resources, and research into kidney transplants.

Reinstatements

• Health Care Financing Administration
Provider Chain Operator Data
HCFA–1865A
On occasion, annually
Businesses or other institutions
Health care facilities; 2 or more facilities can be owned
Small businesses or organizations
Health: 20,000 responses; 5,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This form allows HCFA to identify all provider facilities which are part of a chain operation and are receiving medicare payments. Information obtained is used by cost report and fraud investigators to determine legitimate cost write-offs.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Oil and Gas Leasing—National Petroleum Reserve—Alaska
(43 CFR Part 3130)
Nonrecurring
Individuals or households/businesses or other institutions
Oil and gas companies and well drilling companies
SIC: 131, 132, 138
Small businesses or organizations
Conservation and land management: 16 responses; 16 hours; $8,000 Federal cost; 1 form; NPRM under 3504(h)
Robert Shelton, 202–395–7340

The reporting requirements in the proposed regulations are for the purpose of verifying the high bidder's qualifications to hold Federal oil and gas leases and for use by the Attorney General in determining whether issuance of a lease to the high bidder would cause violation of the anti-trust laws.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Labor-Management Services Administration
The Impact of the LMRDA on Union Administration and Union Leadership
LMSA–59T
Nonrecurring
Businesses or other institutions
Union leaders and members
[SIC: multiple
Other labor services: 252 responses; 378 hours; $146,839 Federal cost; 2 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

The Labor-Management Reporting and Disclosure Act is more than 20 years old. It is appropriate to determine if congressional purpose has been achieved and to ascertain if modification in the law and its administration are necessary. One area for such an evaluation would be the impact that the LMRDA has had on union leadership and union administration. Data collection is to start on OMB approval of the instrument and will be completed before 12/31/81.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Highway Administration
Medical Examination Drivers Transporting Migrant Workers
Biennially
Individuals or households
Motor carriers and drivers operating interstate commerce
Small businesses or organizations
Ground transportation: 333 responses; 17 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Medical Examination Drivers Transporting Migrant Workers.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• Comptroller of the Currency
Notice of International Activity
CC7610–01
On occasion
Businesses or other institutions
Nat'l Banks with foreign branch
SIC: 602
Other Advancement and regulation of commerce: 180 responses; 90 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report provides notice of intent of a national bank to open, close or relocate a foreign branch or subsidiary, or an edge act corp. or to make a permissible foreign investment.

• Bureau of Alcohol, Tobacco and Firearms
Distilled Spirits Bond
ATF F 5110.5 6
On occasion
Businesses or other institutions
Respondents are bonding companies and distilled spirits plts
Small businesses or organizations
Federal law enforcement activities: 250 responses; 250 hours, $875 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on distilled spirits on plant premises or withdrawn for certain purposes. Describes distilled spirits plant, surety company, amount and type of bond, conditions under which the DSP and Surety company must adhere to and pay the U.S. Government. Bond secures payment on spirits in the billions of dollars for the US.

• Bureau of Alcohol, Tobacco and Firearms
Tax Deferral Bond-Wine (Puerto Rico)
ATF F 2897 (5120.32)
On occasion
Businesses or other institutions
Importers of wine
Small businesses or organizations
Federal law enforcement activities: 250 responses; 250 hours; $115 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Bond covers liability of tax on wine from Puerto Rico to U.S. which is to be paid on a deferred basis. Secures payment of tax in case of default by (taxpayer) to pay the prescribed time in full. Describes taxpayer, surety company, amount and coverage of bond, and conditions under which the taxpayer and surety company must adhere to and pay the U.S.

• Bureau of Acohol, Tobacco and Firearms
Tax-Free Alcohol User's Bond
ATF F 1448 (5150.25)
On ocasion
State or local governments/businesses or other institutions
Hospitals and research labs
Small businesses or organizations
Federal law enforcement activities; 5,047 responses; 5,047 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The law allows certain entities to obtain alcohol free of tax for nonbeverage purposes. This bond; however, must be filed by the entity and must be of sufficient amount to cover any potential tax liability incurred due to misuse of the alcohol.

• Bureau of Alcohol, Tobacco and Firearms
Bond-Manufacturer of Tobacco Products
ATF F 3070 (5210.13)
On occasion
Businesses or other institutions
Businesses which manufacture tobacco products
Small businesses or organizations
Federal law enforcement activities; 150 responses; 150 hours; $225 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on tobacco products removed from the premises of a tobacco products manufacturer. The bond will secure payment of taxes when tobacco products have been removed without payment of tax other than as authorized by law or regulations. Describes the tobacco products manufacturer, Surety Company, and under which they are to pay the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Tax Deferral Bond-Beer (Puerto Rico)
ATF F 2898 (5130.16)
On occasion
Businesses or other institutions
Importers of beer
Small businesses or organizations
Federal law enforcement activities: 250 responses; 250 hours; $175 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Bond secures payment of taxes on beer brought into the U.S. from Puerto Rico when the tax is not paid as required by law and regulation. Describes the taxpayer, Surety Company, amount of bond coverage, and conditions tax taxpayer and surety company must adhere to and pay the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Brewers Bond
ATF F 1566 (5130.22)
• On occasion
Businesses or other institutions
Brewers
Small businesses or organizations
Federal law enforcement activities: 97 responses; 97 hours; $33 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6800

While beer is being produced and during its storage on the premises of a brewery, a tax liability attached to the beer and remains until the beer is lawfully removed from the brewery and the Federal Excise tax is paid. The brewers bond protects the Federal facts until that tax is paid.

• Bureau of Alcohol, Tobacco and Firearms
Brewers bond continuation certificate
ATF F 1566–A (5130.23)
On occasion
Businesses or other institutions
Brewers
Small businesses or organizations
Federal law enforcement activities: 97 responses; 97 hours; $44 Federal cost; 1 form; not appliable under 3504(h)
Kevin Broderick, 202–395–6880

If an existing brewers bond filed on form 1566 is to be continued by the surety and brewer may submit in lieu of a new bond. A Form 1566–A which will continue to bond for a succeeding period of not less than 4 years.

• Bureau of Alcohol, Tobacco and Firearms

Bond for Bonded Wine Cellar or Bonded Winery
ATF F 700 (51209.36)
On occasion
Businesses or other institutions
Wineries
Sic: 208
Small businesses or organizations
Federal law enforcement activities: 920 responses; 920 hours; $435 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

While on the premises of a wine cellar or winery most Federal Excise taxes on the wine have not yet been paid but the winery is liable for the taxes. The filing of such a bond form by the winery protects the Federal Government against loss of taxes on the event of default by the winery. These bonds protect millions of dollars in Federal taxes.

• Bureau of Alcohol, Tobacco and Firearms
Bond covering deferred payment of wine tax
ATF F 2053 (5120.26)

On occasion
Businesses or other institutions
Wineries
Sic: 208
Small businesses or organizations
Federal law enforcement activities: 920 responses; 920 hours; $385 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Those wineries which do not repay the tax upon removal are subject to taxation on a deferred basis. This bond ensures the collection of wine taxes which are deferred and due to the U.S.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Bond-Export Warehouse Proprietor
ATF F 2103(5220.5)
On occasion
Businesses or other institutions
Export Warehouses
Small businesses or organizations
Federal law enforcement activities: 241 responses; 241 hours; $135 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Where a warehouse proprietor desires to withdraw tobacco products from his warehouse, without payment of tax, he must file a bond on this bond. The form is for the protection of the Federal excise taxes attached.

• Bureau of Alcohol, Tobacco and Firearms
Bond of Dealer in Specially Denatured Alcohol and/or Rum
ATF F 1475(5150.22)
On occasion
Businesses or other institutions
Wholesale dealers in SDA
Small businesses or organizations
Federal law enforcement activities: 48 responses; 48 hours; $28 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Authorized dealers in SDA receive alcohol free of tax. This bond: However, must be executed in order to ensure payment of any potential tax liability incurred due to misuse of the alcohol.

• Bureau of Alcohol, Tobacco and Firearms
Export Bond—Customs Bonded Cigar Manufacturing warehouse
ATF F 2104(5200.5)
On occasion
Businesses or other institutions
Cigar manufacturing warehouses
Small businesses or organizations
Federal law enforcement activities: 241 responses; 241 hours; $85 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Where the operator of Customs Bonded Cigar Manufacturing Warehouse wishes to withdraw cigars for export without payment of tax, he must file a bond on this form. This bond protects the taxes attached to the cigars.

• Bureau of Alcohol, Tobacco and Firearms
Cont. Trans. Bond DS and Wines Withdrawn for Trans to MFB-Class Six
ATF F 2737
On occasion
Businesses or other institutions
Distributors who ship distilled spirits and wine
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $245 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form secures payment of tax on distilled spirits or wine to be shipped w/o payment of tax to a CBW in case of diversion for taxable uses or withdrawals. Describes the CBW, surety company, amount of bond and coverage and conditions that the CBW and surety company must adhere to and pay the U.S. Government.

Bureau of Alcohol, Tobacco and Firearms
Specific Export Bond-Distilled Spirits or Wine
ATF F 2734 (5100.25)
On occasion
Businesses or other institutions
Exporters of distilled spirits and wine
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $280 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

This bond is necessary to secure payment of taxes on a specific shipment of spirits or wine until actually exported from the U.S. It describes the person (other than a DSP proprietor), surety company, and particular conditions of the bond. Description of the shipments covered is also on the form. If the shipment is not exported lawfully, the form secures payment of the tax.

Bureau of Alcohol, Tobacco and Firearms
Bond under 26 U.S.C. 6423
BTF F 2490
On occasion
Businesses or other intitutions
Excise taxpayers
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 100 responses; 100 hours; $37 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is necessary to secure payment of taxes refunded or credited to a claimant for any tax under chapters 51 and 52 of title 26 in certain instances. It will secure payment of taxes refunded or credited in the event that the refund or credit is later determined to be not lawful. Describes the particular conditions under which the surety company and claimant must adhere and a description of what the bond covers.

• Bureau of Alcohol, Tobacco and Firearms
Extension of Coverage of Bond
ATF F 2105 (5000.7)
On occasion
Businesses or other institutions
Manufacturers of distilled spirits, wine, beer
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $210 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

After an original bond has been filed, it may be necessary to extend the terms of the bond beyond the terms originally agreed upon by the surety. This form is used in those instances. It extends the bond protection on Federal taxes.

• Bureau of Alcohol, Tobacco and Firearms
Bond for Drawback under 26 U.S.C. 5131
ATF F 1730 (5530.3)

On occasion
Businesses or other institutions
Manufacturers of nonbeverage drawback products
Sic: 208
Small businesses or organizations
Federal law enforcement activities: 300 responses; 300 hours; $200 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Businesses which manufacture nonbeverage drawback products using taxpaid spirits file claims for "drawback" of taxes. Claims are filed and paid on a quarterly, semi-annual basis. If the business wishes to file claims monthly they file this bond. The bond protects moneys paid by the Government on unaudited monthly claims.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Extensions (Burden Change)

• Report of Passengers Denied Confirmed Space
251
Monthly
Businesses or other institutions
Certified U.S. and for. route air carriers holding S. 402 per.
SIC: 451
Small businesses or organizations
Air Transportation: 1,884 responses; 15,072 hours; $12,000 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

To provide the Board with data to monitor the compliance of the air transportation industry with the Board's policies on overbooking.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–9515

Reinstatements

• Change of application information
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 6,000 responses; 3,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is prepared by the Disaster Field Office (DFO) personnel to insure that application information and program status are current at all times. It is used to document and distribute any changes to appropriate DFO staff so that necessary actions can be taken. This form is completed by interviewing the applicant via in person or telephone conversation.

• Preplacement Questionnaire—Temporary Housing Assistance
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 3,000 responses; 1,500 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used on each eligible applicant when interviewed to obtain additional information concerning his situation and special needs and to inform him of the actions he must take to obtain temporary housing assistance.

• Verification of Income
Quarterly
State or local governments
Government agencies and employers
Disaster relief and insurance: 4,000 responses; 1,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Information requested on this form is used to verify an occupant's income in order to determine the occupant's financial ability to meet housing costs.

• Recertification and Questionnaire
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 20,000 responses; 10,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used to reflect information which is used to determine an applicant's continued requirement for temporary housing assistance as well as to identify types of assistance required.

• Financial Statement
On occasion
Individuals or households
Occupants of disaster temporary housing
Disaster relief and insurance: 10,000 responses; 2,500 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The financial statement is required to be completed for all temporary housing occupants as part of a recertification interview. Information regarding the occupant's financial capabilities and current homeowner's expenses are required by the DFO to determine whether or not a particular unit is suitable for alternate housing as well as to provide a basis for suitable referrals.

• Statement of Interest in Mobile Homes
On occasion
Individuals or households
Victims of Presidentially declared disasters
Disaster relief and insurance: 1,200 responses; 300 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used in disaster programs where government owned mobile homes are provided as a form of assistance, occupants of temporary housing may be offered the option to purchase the mobile homes as permanent housing. This form also documents an occupant's interest to purchase and initiates the sales process.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5328

Revisions

• General Order 4—Licensing of Independent Ocean Freight Forwarders
46 CFR 510
On occasion Businesses or other institutions Ocean freight forwarding business SIC: 472
Water transportation: 3,254 responses; 3,254 hours; $100,000 Federal cost: 1 form; not applicable under 3504 (h)
William T. Adams, 202–395–4814

As mandated by section 44 of the Shipping Act, 1916. The Commission is charged with the responsibility to issue licenses to qualified applicants, and in discharging that responsibility, to promote rules for the licensing and regulation of the ocean freight forwarding industry.

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency Clearance officer—Ms. Melita Yearwood—202–632–0984

New

• Application for Political Risk Insurance Hydrocarbon Projects
OPIC–77
Nonrecurring
Businesses or other institutions
International Petroleum Companies
SIC: 131, 132, 138
Foreign Economic and ptnancial assistance: 15 responses; 240 hours; 1 form; not applicable under 3504 (h)
Phillip T. Balazs, 202–395–4814

Form is used to obtain from international petroleum companies the information necessary to draft political risk insurance contract. The inapplicability of OPIC's currently used form stems from the unique legal documentation upon which third world

hydrocarbon projects are based. Form is simply a modification of a related from.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

Reinstatements

• Higher Education Panel Surveys
E0011,
Other–see SF83
Businesses or other institutions
Higher education department heads & admin. officials
SIC: 822
General Science and basic research: 2,400 responses; 3,600 hours; $300,000 Federal cost; 1 form; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

Panel surveys are designed to be responsive to a variety of policy issues. Topics are not predetermined. Recent individual surveys servd policy and program management needs by providing information not available through existing sources.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Extensions (Burden Change)

• Construction Status Report
Quarterly
Businesses or other institutions
NRC licenses with construction permits
SIC: 483
Energy information, policy, and regulation:, 328 responses; 82 hours; $3,600 Federal Cost; 1 form, not applicable Under 3504 (h)
Jefferson B. Hill, 202–395–7340

NRC requests schedule and status information from utilities on the construction of nuclear power plants testing and full load through an automated management information developed for this specific purpose.

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Robert E. Geiger—202–254–4778

New

• Notice of Termination for Multiemployer Plans
Nonrecurring,
Businesses or other institutions
Multi employer pension plans
SIC: Multiple
Small businesses or organizations
General retirement and disability insurance: 10 responses; 80 hour; $50,000 Federal cost; 1 form not applicable under–3504 (h)
Diane Wimberly, 202–395–6880

The information required by S2673.3 of the regulation; is necessary because, pursuant to statute, the PBGC has determined that the reporting requirement is needed to protect the interest of plan participants and to prevent unreasonable loss to the multiemployer insurance system. The information is not otherwise available to the PBGC.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Extensions (No Change)

• Request for Review Part B Medicare Claim
G–790, G–791
On occasion
Individuals or households
Railroad retirement beneficiaries eligible for medicare
General retirement and disability insurance: 4,100 responses; 1,025 hours; $12,000 Federal cost; 2 forms; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

The board administers the medicare program for persons covered by the Railroad Retirement System. The request provides the means for obtaining a review of the determination made by travelers on a claim for part B benefits.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Voluntary Survey To Gather Data for a Study of the Use of Rule 146
1946
Nonrecurring
Businesses or other institutions
All org. that sold sec. without a public offering, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation of commerce: 300 responses; 225 hours; $34,250 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The survey is needed to monitor the use of rule 146 and to evaluate its impact on capital formation with special emphasis on small business. The data and economic information obtained will enable the Commission to develop a profile of issuers filing form 146, as well as to estimate the cost of raising capital through this method.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Extensions (No Change)

• Statement of Marital Relationship
21–4170
On occasion
Individuals or households
Spouse or widow(er) of veteran
Income security for veterans: 9,400 responses; 4,700 hours; $24,300 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to obtain from the claimant specific information with which to establish the existence of a common-law marriage. The information solicited is essential in enabling the claimant to prove that there is a common-law marriage. Authority is 38 U.S.C. 101, 103.

• Report of Accidental Injury in Support of Claim for Compensation or Pension
21–4176
On occasion
Individuals or households
Veterans report on claim for compensation or pension
Income security for veterans: 4,700 responses; 2,350 hours; $14,733 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used in support of claims for disability benefits based on disability which is the result of an accident. The information furnished by the veteran will be used as a source to gather information from other sources which might have information regarding the accident and to afford the veteran the opportunity to provide information from his own knowledge regarding the accident. Authority is 38. U.S.C. 310, 331 and 521.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–20408 Filed 7–10–81; 8:45 am]
BILLING CODE 3110–01–M

REGULATORY INFORMATION SERVICE CENTER

Calendar of Federal Regulations; Correction

AGENCY: Regulatory Information Service Center.

ACTION: *Calendar of Federal Regulations;* Correction.

SUMMARY: The *Calendar of Federal Regulations* was published in the Federal Register on Tuesday, June 30, 1981 (46 FR 34004). This document corrects information that was published concerning the Department of Transportation's regulation on Design Standards for Highways.

FOR FURTHER INFORMATION CONTACT: For information about the regulation on Design Standards for Highways: Alvin R. Cowan, Chief, or Kenneth H. Davis, Geometric Design Engineer, Geometric Design Branch, Federal Highway Administration, 400 Seventh Street, S.W., Washington, DC 20590, (202) 426–0312.

For further information about the work of the Regulatory Information Service Center: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Suite 700, 2100 M Street, N.W., Washington, DC 20037, (202) 653–7246.

For further information about the *Calendar* project: Elizabeth Jester, Project Manager, *Calendar of Federal Regulations,* Regulatory Information Service Center, Suite 700, 2100 M Street N.W., Washington, DC 20037, (202) 653–7240.

SUPPLEMENTARY INFORMATION: The *Calendar of Federal Regulations* was published in the Federal Register on June 30, 1981 (46 FR 34004). In Chapter 7, Transportation and Communication, of the publication (45 FR 34163), information was provided with respect to the following regulation: Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways. This regulation will be issued by the Department of Transportation's Federal Highway Administration (FHWA) as a revision to an existing regulation that has been codified in Part 625 of title 23, Code of Federal Regulations (CFR).

Certain erroneous information was included in the discussion of this regulation which could be confusing to the reader. Accordingly, the following correction is made in FR Doc. 81–19044 appearing on page 34004 in the issue of June 30, 1981, as set forth below.

Dated: July 6, 1981.
Mark G. Schoenberg,
Executive Director.

CHAPTER 7—TRANSPORTATION AND COMMUNICATION

On page 34183, columns two and three, under "Statement of Problem," the second paragraph is corrected to read as follows:

Under current regulations and procedures (23 CFR Part 625), RRR improvements must meet the geometric design standards established for new construction, unless FHWA approves specific exceptions on a project-by-project basis. These standards were established by the American Association of State Highway and Transportation Officials (AASHTO) and have been adopted by FHWA. The standards deal with the dimensions of highway features such as alignment, grades, widths, sight distances, slopes, and clearances. The intent of this proposed rule is to amend existing regulations in order to provide procedures for establishing separate geometric design standards for RRR improvements.

[FR Doc. 81–20436 Filed 7–10–81; 8:45 am]
BILLING CODE 4910–22–M

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on Shareholder Communications; Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on July 24, 1981, at the New York Stock Exchange, 11 Wall Street, New York, New York, in the boardroom, 6th floor, beginning at 10:00 a.m. This meeting will be open to the public.

The purposes of the meeting are to review subcommittee reports and recommendations regarding the issuance of a release soliciting comments from the public on certain issues and to finalize plans for issuance of such a release.

Further information may be obtained by contacting: Gregory H. Mathews, Division of Corporation Finance, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549, (202) 272–2589.

George A. Fitzsimmons,
Secretary.
July 6, 1981.

[FR Doc. 81–20368 Filed 7–10–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–17917; File No. SR–DTC–81–3]

Depository Trust Co.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by the Depository Trust Company relating to expansion of its municipal bond program. Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 2, 1981, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves deposit and withdrawal of the bearer form of debt securities issued by state and local governments (municipal bonds) at The Depository Trust Company (DTC) in accordance with the procedures attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–3, which procedures replace entirely the procedures attached as Exhibit 2 to DTC's filing on Form 19b–4A, File No. SR–DTC–77–8.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit inclusion of municipal bonds available in the bearer form among the securities eligible for the DTC book-entry transfer and pledge system. The proposed rule change expands DTC's existing municipal bond program which currently involves only interchangeable municipal bonds (i.e., municipal bonds which are issued in both the bearer form and the registered form). Deposit and withdrawal of the bearer form of municipal bonds (including the bearer form of interchangeable municipal bonds) will be made in accordance with the

procedures attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–3. Deposit and withdrawal of the registered form of interchangeable municipal bonds will be made in accordance with DTC's procedures for registered corporate bonds. All municipal bonds deposited at DTC, in both bearer and registered form, will be held by DTC, although in the future DTC may utilize custodian banks in various cities to hold municipal bonds. In all respects other than deposits and withdrawals of the bearer form of municipal bonds, the municipal bond services provided by DTC will be the same as those for other debt securities. DTC's fees for municipal bond services will be the same as those for other debt securities, except that the record date deposit surcharge will not apply to record date deposits of the bearer form of municipal bonds.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because the proposed rule change will encourage the immobilization of municipal bonds. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since, in addition to the special safeguards for handling municipal bonds indicated in the procedures attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–81–3, DTC's usual safeguards for securities, including its insurance program, physical security systems and internal and external auditing procedures, will be applicable to municipal bonds.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

In recent years Participants have suggested to DTC that expansion of DTC's municipal bond program to include bearer municipal bonds would be a major benefit to Participants. DTC developed the expansion of it municipal bond program in close coordination with members of the securities industry. Numerous meetings were held with broker-dealer and bank Participants, non-Participant municipal bond dealers and securities industry organizations such as the Securities Industry Association, the Public Securities Association, The New York Clearing House Association, the Cashier's Association of Wall Street, Inc. and the Municipal Securities Rulemaking Board. Comments on expansion of DTC's municipal bond program were solicited by memoranda to all Participants dated October 17, 1980, March 6, 1981 and May 22, 1981, copies of which are attached as Exhibit 3A to DTC's filing on Form 19b–4, File No. SR–DTC–81–3. Articles on the planned expansion of the municipal bond program appeared in the DTC Newsletters for the months of October 1980 and March, April and May 1981. DTC received several comment letters from prospective users of the expanded municipal bond program, copies of which are attached as Exhibit 3B to DTC's filing on Form 19b–4, File No. SR–DTC–81–3. The letters expressed support for expansion of DTC's municipal bond program on the grounds that eligibility of additional municipal bond issues at DTC would reduce municipal bond processing and safekeeping costs. Several letters commented on which municipal bond issues should be DTC-eligible and on operational problems related to the possible utilization of custodian banks in the program for deposits and withdrawals.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–20384 Filed 7–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 17919; File No. SR–MSRB–81–5]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Changes

July 6, 1981.

On May 13, 1981, the Municipal Securities Rulemaking Board (the "MSRB") Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of proposed rule changes to MSRB rule G–7 relating to information concerning associated persons, rule G–8 concerning recordkeeping, rule G–26 concerning administration of accounts, and rule G–27 concerning supervision. The proposed rule changes would amend those rules to reflect recent amendments to MSRB rule G–3 which established the new qualification classification of municipal securities sales principal.[1]

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 17813 (May 21, 1981)) and by publication in the **Federal Register** (46 FR 29017 (1981)). No comments with respect to the proposed rule changes were received by the Commission.

[1] The proposed amendments to MSRB rule G–8 establishing the new classification (File No. SR–MSRB–81–2) were approved by the Commission in Securities Exchange Act Release No. 17807 (May 18, 1981).

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–20385 Filed 7–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17916; File No. SR–NASD–81–16]

National Association of Securities Dealers, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by National Association of Securities Dealers, Inc. relating to fees for a new service for NASDAQ subscribers. Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association has proposed to amend Schedule D of the Association's By-Laws to provide that NASDAQ subscribers desiring to process Level 1 data directly into their computer systems will be charged $500 per month.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

This proposal will provide for an additional service to be offered NASDAQ subscribers who desire to input NASDAQ Level 1 service directly into their computer systems.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The Association anticipates no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

While comments were not solicited, this proposed rule change has been approved by the Board of Governors of this Association in response to a request from a member firm.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–20386 Filed 7–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17918; File No. SR–NSCC–81–6]

National Securities Clearing Corp.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by National Securities Clearing Corporation relating to the issuance of a processing time schedule for National Securities Clearing Corporation's (NSCC) Denver clearing center. Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 10, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a published processing time schedule for both listed and OTC activity and securities processing for NSCC's Denver clearing center.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change and discussed concurrences it received from DTC on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below.

NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to publish a processing time schedule for both listed and OTC activity and securities processing for NSCC's Denver clearing center. The proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to NSCC as the processing time schedule will assist the members in the prompt and accurate settlement of securities transactions. The proposed rule change does not relate to the safeguarding of securities and funds in NSCC's custody or control because it is merely a published processing time schedule.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statement with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20387 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17915; File No. SR-NESDTC-81-2]

New England Securities Depository Trust Co.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed change by New England Securities Depository Trust Company relating to proposed charges to participants of New England Securities Depository Trust Company. Comments requested on or before August 3, 1981. Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1981, the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Item I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The New England Securities Depository Trust Company will impose a charge to participants of $7.50 for rejection of securities deposits and a charge of $25.00 for each corporate action taken on their behalf.

II. Self-Regulatory Organization's Statement of the Purposes of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-Regulatory organization has prepared summaries set forth in sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) The $7.50 charge was necessitated by the large number of securities deposits which had to be rejected for various reasons, i.e., incorrect CUSIP numbers, unendorsed securities; and signatures not guaranteed. When such deposits are rejected, all processing done for such deposits has to be reversed and therefore work flow doubles. It is believed that by imposing a charge, the number of rejections should decrease.

The $25.00 charge to each participant for corporate actions taken on their behalf was necessitated by the large number of reorganizations involving purchase offers and/or mergers which requires a great deal of personnel time and at a large expense to the Depository.

(b) The proposed rule is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other changes among its participants. It would also insure prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The proposed charges were adopted to reflect increased operational costs while ensuring an efficient system for the settlement of transactions and the safekeeping of assets. It is believed that no burdens have been placed upon competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and the Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Dated: July 2, 1981.

[FR Doc. 81-20388 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17914; File No. SR-OCC-81-5]

Options Clearing Corp.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by the Options Clearing Corporation relating to correction of a drafting error in Rule 601(c). Comments requested on or before August 3, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

OCC proposes to correct a drafting error in Rule 601(c) by transposing the words "less" and "more". As corrected, Rule 601(c) imposes special margin requirements on spot month options if the "premium quotation * * * is less than 1 point, and the exercise price of such series is *more* [less] (in the case of a call) or *less* [more] (in the case of a put) than the daily underlying security marking price * * * by an amount equal to 10% or less of such daily underlying security marking price." (The italicized words are added; the words appearing in brackets are being deleted.) The indicated changes merely conform the wording of the rule to the original intent and the interpretation which it has been given since its adoption. No change in OCC's interpretation of, or practice with respect to, this rule is intended.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspect of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to correct a drafting error in an amendment to Rule 601(c) as it was proposed in File No. SR-OCC-78-1 and approved in Securities Exchange Act Release No. 15188 (September 25, 1978). The purpose of that amendment to Rule 601(c) was to increase OCC's margin requirements for short positions in spot month options which are out-of-the-money by 10% or less of the daily underlying security marking price. In the amendment as filed and approved, the words "less" and "more" were inadvertently transposed.

The special margin requirements of Rule 601(c) protect investors and the public interest and are therefore consistent with Section 17A(b)(3)(F) of the Securities Exchange Act of 1934.

(B) Burden on Competition

The proposed correction of Rule 601(c) will have no impact on competition.

(C) Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the

Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Dated: July 2, 1981.

[FR Doc. 81-20099 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11848; 812-4901]

PIA Asset Cash Trust; Filing of Application

July 7, 1981.

Notice is hereby given that PIA Asset Cash Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 22, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Income Research Corporation, a subsidiary of Federated Investors, Inc., serves as Investment Adviser to Applicant. Applicant further states that it is designed as an investment vehicle for members of the Printing Industries of America ("PIA"), employees of members of PIA, associate members of PIA and employees thereof, suppliers of PIA and employees of suppliers, and family members of all such persons, with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal. Applicant's portfolio may be invested in a variety of money market instruments including U.S. Government obligations, instruments of banks and savings and loan associations which are members of the FDIC or FSLIC, prime commercial paper, repurchase agreements and reverse repurchase agreements. Applicant states that the average maturity of the money market instruments comprising its entire portfolio (computed on a dollar weighted basis) will not exceed 120 days.

According to the application, Applicant does not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment they have capital, surplus and undivided profits in excess of $100,000,000 at the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The application states that the investments in commercial paper are limited to commercial paper rated A-1 by Standard & Poor's Corporation, prime-1 by Moody's Investors Service or F-1 by Fitch Investors Service.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *inter alia:* (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its request for exemptive relief Applicant states that investors are not concerned with the theoretical difference which might occur between yield achieved through pricing to some sort of "market" and yield computed by using the amortized cost valuation method. However, according to Applicant investors are adament that the daily income declared by Applicant reflect income as earned using the amortized cost method, and that such income not exhibit volatility which may occur whedn changes in so-called "market" prices cause unreal and artificial changes in yield on a daily or weekly basis.

Applicant further states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost they can provide these features to investors. Applicant represents that its board of trustees has properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of its shareholders. Applicant further represents that: (1) its board of trustees has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method, and (2) its board of trustees has further determined to continuously monitor valuations indicated by methods other than amortized cost (and has directed the Executive Committee of the board to make reports to it) so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following duties and responsibilities:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20370 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11847; 811-2548]

Riddle Daily Interest, Inc.; Filing of Application

July 6, 1981.

Notice is hereby given that Byron Michael Riddle, on behalf of Riddle Daily Interest, Inc. ("Riddle"), c/o Byron Michael Riddle, 3305 Northland Drive, Suite 100, Austin, TX 78731, which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 15, 1981, for an order of the Commission pursuant to Section

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates or market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources such as the Salomon Brothers Weekly Bond Market Round-Up.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

8(f) of the Act, declaring that Riddle has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Riddle registered under the Act on November 27, 1974, but never made a public offering of its securities and has not operated in over five years. The application further states that Riddle has no assets and no shareholders, and has no legal existence under the laws of the State of Texas.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 31, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–20071 Filed 7–10–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2001]

Illinois; Declaration of Disaster Loan Area

Carroll, Cook, Schuyler and Will Counties and adjacent counties within the State of Illinois constitute a disaster area, as a result of damage caused by severe storms, tornadoes and flooding beginning on or about June 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 31, 1981, and for economic injury until the close of business on March 30, 1982, at: Small Business Administration, District Office, 219 South Dearborn Street, Room 438, Chicago, Illinois 60604, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 Federal Register 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 2, 1981.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 81–20060 Filed 7–10–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81–053]

Qualification of Sohio Alaska Petroleum Co. as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23–7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Sohio Alaska Petroleum Company, 100 Pine Street, San Francisco, California 94111, incorporated under the laws of the State of Delaware, did on June 15, 1981, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG–1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on June 15, 1981, issued to Sohio Alaska Petroleum Company a certificate of compliance on Form CG–1262, as provided for in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire three years from June 15, 1981, unless there first occurs a change in the corporate status requiring a report under 45 CFR 67.23–7.

Clyde T. Lusk, Jr.

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81–20016 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 146—Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding Equipment to be held on July 29–30, 1981 in RTCA Conference 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting Held on May 6–7, 1981; (3) Consideration of Report of Airborne Equipment Working Group; (4) Consideration of Report of Ground Equipment Working Group; (5) Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contract the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–20034 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–13–M

[Regulatory Docket No. 80–AGL–139E–27013]

Outagamie County Airport, Appleton, Wis.; Grant of Extension of Exemption From a Portion of the Federal Aviation Regulations

Outagamie County Airport is presently being operated pursuant to the Airport Operating Certificate issued for that airport on November 14, 1974, and a Grant of Exemption from the requirements of § 139.49 of the Federal Aviation Regulations, Regulatory Docket No. 80–AGL–139E–27013, issued on April 15, 1980.

Upon consideration of all available information regarding operations at the airport, including the fact that additional time is required to train personnel on the operation of the new fire truck, it has been determined that to require compliance with the aforestated regulation prior to September 30, 1981, would be contrary to the public interest.

Therefore, as good cause exists, the Grant of Exemption issued to Outagamie County Airport, Appleton, Wisconsin, from the requirements of Section 139.49 of the Federal Aviation Regulations, is hereby extended until September 30, 1981, unless sooner superseded, modified, or rescinded.

Issued at Des Plaines, Illinois on June 30, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81–20038 Filed 7–10–81; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 46, No 133
Monday, July 13, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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FEDERAL ENERGY REGULATORY COMMISSION.

July 8, 1981.

TIME AND DATE: 10 a.m., July 15, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—496th Meeting, July 15, 1981, Regular Meeting (10 a.m.)

CAP-1. Docket No. EL78-36, United States Department of the Interior; Project No. 553, City of Seattle, Washington
CAP-2. Docket No. EL80-14, Kodiak Electric Association, Inc.
CAP-3. Project No. 3672, Columbia Irrigation District
CAP-4. Project No. 2372, Pennsylvania Electric Co.
CAP-5. Project No. 2929, Pennsylvania Hydroelectric Development Corp.; Project No. 2969, Borough of Weatherly, Pennsylvania; Project No. 2995, Borough of Lehighton, Pennsylvania; Project No. 3004, Delaware River Basin Commission and the Department of Environmental Resources of the Commonwealth of Pennsylvania
CAP-6. Project No. 3493, City of Summerville, West Virginia; Project No. 3683, Mitchell Energy Company; Project No. 3809, Old Dominion Electric Cooperative; Project No. 4361, City of Bedford, et al.
CAP-7. Docket No. EL3418-000, Pennsylvania Renewable Resources, Inc.; Project No. 3475-000, the Town of Clintwood, Virginia; Project No. 4152-000, the City of Bedford, et al.
CAP-8. Project No. 2114, Public Utility District No. 2 of Grant County, Washington; Project Nos. 943 and 2145, Public Utility District No. 1 of Chelan County, Washington; Project No. 2149, Public Utility District No. 1 of Douglas County, Washington; Docket No. E-9568, State of Washington Department of Fisheries v. Public Utility District No. 2 of Grant County, Washington
CAP-9. Project No. 2778, Idaho Power Co.
CAP-10. Project No. 2777, Idaho Power Co.
CAP-11. Docket No. ER81-474-000, Metropolitan Edison Co.
CAP-12. Docket No. ER81-578-000, Maine Yankee Atomic Power Co.
CAP-13. Docket No. ER81-354-000, Dayton Power & Light Co.
CAP-14. Docket No. ER81-95-000, Alabama Power Co.
CAP-15. Docket No. ER80-797, New England Power Co.
CAP-16. Docket Nos. ER80-373, and ER80-549, Arkansas Power & Light Co.
CAP-17. Docket No. ER80-208, Florida Power Corp.
CAP-18. Docket No. ER81-121-000, Virginia Electric & Power Co.
CAP-19. Docket No. ER80-53, Southern Co. Services, Inc.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76, (Wyoming—4), high-cost gas produced from tight formations
CAM-2. Docket No. RM79-76, (Utah—1), high-cost gas produced from tight formations
CAM-3. Docket No. RA80-65, the Coastal Corp.
CAM-4. Docket No. RA80-2, Tesoro Petroleum Corp.

Consent Gas Agenda

CAG-1. Docket Nos. RP80-91 and RP80-93, Arkansas Louisiana Gas Co.
CAG-2. Docket Nos. CP77-216, et al., Distri-Gas of Massachusetts Corp.
CAG-3. Docket No. RP81-8-000, Michigan Consolidated Gas Co. (Interstate Storage Division)
CAG-4. Docket Nos. RP77-107, RP77-138, RP78-68 and RP80-121, United Gas Pipe Line Co.
CAG-5. Docket No. RP80-50, Gas Gathering Corp.
CAG-6. Docket Nos. ST79-8, ST79-9, ST79-10, ST79-11, ST79-12, ST80-6, ST80-102, ST80-150 and ST80-193, Producer's Gas Co.
CAG-7. Docket No. ST80-64-001, Phillips Petroleum Co.
CAG-8. Docket Nos. G20555 (FERC gas rate schedule No. 2) and CI68-308 (FERC gas rate schedule No. 17), J. P. Owen (operator), et al.
CAG-9. Docket No. RI81-3-000, Riddell Petroleum Corp.
CAG-10. Docket No. CI78-224-002, Exxon Corp.; Docket No. CI81-300-000, Cities Service Co.; Docket Nos. CI81-275-000 and CI81-276-000, Freeport Oil Co.; Docket No. CI81-317-000, McMoran Offshore Exploration Co.; Docket No. CI81-315-000, Southland Royalty Co.; Docket No. CI76-224-002, Exxon Corp.; Docket Nos. CI81-295-000, and CI81-296-000, Exxon Corp.; Docket No. CS81-81-000, Oakwood Resources, Inc.; Docket No. CI66-919-000, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI81-251-000, Getty Oil Co.; Docket No. CI81-291-000, Union Oil Co. of California; Docket No. CI81-289-000, The Superior Oil Co.; Docket No. CI81-290-000, Alminex U.S.A., Inc.; Docket No. CI81-318-000, The Superior Oil Co.; Docket Nos. CI81-29-001, CI81-50-001, CI81-53-001, CI81-54-001, CI81-55-001 and CI81-61-001, General American Oil Co. of Texas
CAG-11. Docket No. CP76-492, National Fuel Gas Supply Corp. and Penn-York Energy Corp.
CAG-12. Docket No. CP78-391, Great Plains Gasification Associates, successor to ANR Gasification Properties Co. and PGC Coal Gasification Co.; Docket Nos. CP75-278 and CP77-556, Columbia Gas Transmission Gas Pipeline Co. of America, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., and Transcontinental Gas Pipe Line Corp.
CAG-13. Docket No. CP75-57, Kansas-Nebraska Natural Gas Co., Inc.; Docket Nos. CP75-154 and CP75-227, Montana-Dakota Utilities Co.; Docket No. CP80-348, Northern Utilities Co.
CAG-14. Docket No. CP80-443, Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.
CAG-15. Docket No. CP81-62-000, Transcontinental Gas Pipe Line Corp., Southern Natural Gas Co. and United Gas Pipe Line Co.
CAG-16. Docket No. CP81-205, Delhi Gas Pipeline Corp.
CAG-17. Docket No. CP81-179-000, Consolidated Gas Supply Corp.
CAG-18. Docket No. CP80-192, Florida Gas Transmission Co.
CAG-19. Docket No. CP81-262-000, United Gas Pipe Line Co.
CAG-20. Docket No. CP81-95-000, Phanhandle Eastern Pipe Line Co.
CAG-21. Docket No. CP80-456, Northwest Pipeline Corp.
CAG-22. Docket No. CP81-182-000, Great Lakes Gas Transmission Co.
CAG-23. Docket No. CP81-291-000, Texas Eastern Transmission Corp.
CAG-24. Docket No. CP81-125-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and Columbia Gulf Transmission Co.
CAG-25. Docket No. CP80-292, Consolidated Gas Supply Corp.; Docket No. CP80-327, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket Nos. CP70-185 and CP70-275, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-26. Docket No. CP81-130-000, Southern Energy Co., Southern Natural Gas Co. and Boston Gas Co.

Power Agenda

I. Licensed Project Matters

P-1. Project Nos. 4307-000 and 4305-000, City of Hirring, Minnesota; Project Nos. 4321-000 and 4322-000, Northeastern Minnesota Municipal Power Agency
P-2. Project No. 4064, Baker Valley Irrigation District; Project No. 3459, Cascade Waterpower Development Corp.

II. Electric Rate Matters

ER-1. Docket No. ER81-499-000, Niagara Mohawk Power Corp.
ER-2. Docket No. ER78-338 (phase I and phase II), Public Service Co. of New Mexico
ER-3. Docket Nos. ER79-31, ER80-284 and ER80-314, Louisiana Power & Light Co.; Docket No. ER78-30, Concerned Citizens against Power Monopoly v. Louisiana Power & Light Co.

Regular Miscellaneous Agenda

M-1. Docket No. QM81-13-000, EG&G, Inc.
M-2. Reserved
M-3. Reserved
M-4. Docket No. RM81- , regulations regarding Public Information and Freedom of Information Act requests
M-5. Docket No. RM78-23, State of Louisiana first use tax in pipeline rate cases
M-6. Docket No. RM81-27, incremental pricing: adoption of single-tier alternative fuel price ceiling
M-7. Docket No. RM80-69, Interstate Pipeline's annual report of gas supply; Form No. 15
M-8. Docket No. RM79-34, transportation certificates for natural gas for the displacement of fuel oil
M-9. Docket No. RM79-76 (Colorado-10), high-cost gas produced from tight formations

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP78-62 (reserved issues), Panhandle Eastern Pipe Line Co.
RP-2. Docket Nos. CP78-285, et al., Mountain Fuel Resources, Inc., et al. (Clan Basin Long-Term Storage Project)

II. Producer Matters

CI-1. Docket No. G-3636, Allied Chemical Corp.

III. Pipeline Certificate Matters

CP-1. Docket No. CP81-170, Cities Service Gas Co.; Docket No. CP81-193, Cities Service Gas Co.; Docket No. CP81-203, Cities Service Gas Co.
CP-2(a) Docket No. CP81-174, Colorado Interstate Gas Co.
CP-2(b) Docket No. CP81-67, Trans Louisiana Gas Co.
CP-3. Docket No. CP81-188, Consolidated Gas Supply Corp.
CP-4. Docket No. CP81-219, East Tennessee Natural Gas Co.; Docket No. CP61-337, Texas Eastern Transmission Corp.
CP-5. Docket No. CP61-236, Northern Natural Gas Co.
CP-6(a) Docket No. CP81-302, Natural Gas Pipeline Co. of America; Docket No. CP81-303, Natural Gas Pipeline Co. of America; Docket No. CP81-304, Natural Gas Pipeline Co. of America; Docket No. CP81-322, Texas Gas Transmission Corp.
CP-6(b) Docket No. CP80-540, Faustina Pipe Line Co.
CP-7. Docket No. CP80-135 et al., Northern Natural Gas Co.
CP-8. Docket No. CP75-104, High Island Offshore System; Docket No. CP76-118, U-T Offshore System
CP-9. Docket No. CP79-80, Trailblazer Pipeline Co., Overthrust Pipeline Co. and Colorado Interstate Gas Co.; Docket No. CP80-7, Mountain Fuel Supply Corp.; Docket No. CP80-380, Northern Natural Gas Co.; Docket No. CP81-328-000, CP78-99, and CP80-35, Colorado Interstate Gas Co.
CP-10. Docket No. CP-76-286, Bear Creek Storage Co., Southern Natural Gas Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket No. CP78-267, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP-11. Docket No. ST81-314-000, Channel Industrial Gas Co.; Docket No. ST81-314-000, Channel Industrial Gas Co.; Docket No. CP81-315-000, United Texas Transmission Co.

Kenneth F. Plumb,
Secretary.

[S-1008-81 Filed 7-8-81; 11:07 am]
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Monday
July 13, 1981

Part II

Department of Transportation

Federal Aviation Administration

Airplane and Airport Operator Security Rules; Effective Date

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107, 108, 121, 129, and 135

[Docket No. 19726; Reference Amendment Nos. 107-1, 108 (New), 121-167, 129-11, and 135-10]

Airplane and Airport Operator Security Rules; Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Office of Management and Budget (OMB) approval and correction of amendment.

SUMMARY: This document prescribes the effective date for a new part of the Federal Aviation Regulations that consolidates security regulations for scheduled passenger and public charter operations and extends those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. At the time this new part was adopted, its reporting and recordkeeping requirements had not been approved by OMB, and the part could not be made effective. That approval process has now been completed.

This document also corrects a reference in the words of issuance of Amendment 107-1.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591, telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the FAA adopted amendments that added a new Part 108, Airplane Operator Security (46 FR 3782; January 15, 1981), and amended other associated security regulations. The new part revises and consolidates aviation security regulations for scheduled passenger and public charter operations, and extends those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. The consolidation facilitates public access to aviation security regulations. The changes provide an appropriate response to the current threat of criminal violence and air piracy against scheduled and public charter operations of U.S. air carriers, instrastate operators, and foreign air carriers.

Because new Part 108 contains reporting and recordkeeping requirements for which OMB approval is required, the effectivity of the new part was delayed until April 1, 1981, or 60 days after OMB approval, whichever would be later. On April 29, 1981, OMB approved these requirements. A copy of the approval may be examined at the Federal Aviation Administration, Office of the Chief Counsel, Rules Docket No. 19726, 800 Independence Avenue, SW, Washington, DC 20591.

Accordingly, this notice prescribes the necessary effective date and, except as noted, provides the 60-day notice referred to at the time these amendments were adopted.

In order to relieve certain airplane operators immediately of an unnecessary financial burden, this notice permits compliance without delay with new Part 108. When issuing Part 108, the FAA considered the economic burden that could be imposed on the small airplane operators and the fact that the hijacking threat directed against commuters has not significantly increased. It was determined that the implementation of a full security program should only be required for scheduled and public charter operations with airplanes having a passenger-seating configuration of more than 60 seats and for operations providing deplaned passengers access to a sterile area at the next landing when the access is not controlled by another airplane operator's security program. Accordingly, Part 108 provides that for operations with airplanes having a passenger-seating configuration of more than 30 but fewer than 61 seats a full security program need not be implemented.

For Part 108 to be effective immediately for any operator, the operator need only advise the Director of Civil Aviation Security of its intention to comply with the part.

Correction

In connection with new Part 108, the airport operator security rules in Part 107 were also amended (Amendment 107-1) to relate the airport operator's responsibilities, including law enforcement support, to the level of security required for airplane operators using the airport.

Section 107.7 requires the airport operator to notify the FAA, and appropriately amend its security program, whenever certain changed security conditions occur. Specifically, § 107.7(a)(4) provides that this action must be taken when the law enforcement support, as described in the airport operator's security program, is not adequate to comply with § 107.15. Amendment 107-1 was intended to add references in § 107.7(a)(4) to new security program requirements. However, because that provision is misnumbered in the current bound version of the Code of Federal Regulations (14 CFR 107.7), the amending language erroneously referred to it as § 107.7(a)(3). This amendment corrects the amending language to refer to § 107.7(a)(4). The Code of Federal Regulations will be corrected when it is next published in bound form.

Effective Date and Correction

Accordingly, Amendments No. 107-1, 108 (New), 121-167, 129-11, and 135-10 will be effective September 11, 1981, or, for a certificate holder to which new Part 108 would apply, on the date that the certificate holder notifies the Director of Civil Aviation Security of its intention to comply with the part, whichever date is earlier. The words of issuance of Amendment 107-1 are corrected to amend § 107.7(a)(4), instead of § 107.7(a)(3), by inserting the phrase ", (f)(1), or (g)(1)" after the phrase "§ 107.3(b)(7)".

(Secs. 313, 315, 316, 317, 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421-1430); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document pertains to a rulemaking action which is not a major regulation under Executive Order 12291; that it is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and that, under the criteria of the Regulatory Flexibility Act, it will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that, while a regulatory evaluation was prepared for the final rule, the expected further impact of this notice and correction is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on June 15, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-20319 Filed 7-10-81; 8:45 am]

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Monday
July 13, 1981

Part III

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements Federal Register Document 81-8989, published on March 25, 1981, and Document 81-20129 published on July 8, 1981, which notified the public that the Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1981-82, and provided information on certain proposed regulations.

This proposed rulemaking provides frameworks or outer limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed in early seasons for migratory bird hunting. These are hunting seasons that open prior to October 1 and relate to mourning doves; white-winged doves; band-tailed pigeons; woodcock; common snipe; rails; gallinules; September teal; sea ducks; experimental September duck seasons in Iowa, Kentucky, Tennessee, and Florida; sandhill crane seasons in North Dakota and South Dakota; migratory bird hunting regulations in Alaska, Puerto Rico, and the Virgin Islands; and extended falconry seasons. The Service annually prescribes hunting regulations frameworks to the States for season selection purposes. The effect of this proposed rule is to facilitate establishment of early season migratory bird hunting regulations for the 1981-82 season.

The Service also proposes supplemental rulemakings for some late hunting seasons, defined as those seasons opening on or after October 1. These generally relate to the times and places where certain waterfowl may be hunted.

DATES: The comment period for proposed early season frameworks, including those for Alaska, Puerto Rico, and the Virgin Islands, will end on July 16, 1981, and that for late season proposals on August 24, 1981. A Public Hearing on Late Season Regulations will be held August 4, 1981, starting at 9 a.m.

ADDRESS: Comments to: Director (FWS/MBMO), Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The Public Hearing will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 525-B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-254-3207).

SUPPLEMENTARY INFORMATION: The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons. Early seasons include those which open before October 1, while late seasons open about October 1 or later. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves; white-winged doves; band-tailed pigeons; rails; gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central and Mississippi Flyways; experimental duck seasons opening in September in Iowa, Kentucky, Tennessee, and Florida; sandhill cranes in North Dakota and South Dakota; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway; coots, gallinules, and snipe in the Pacific Flyway; and other special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are announced in a **Federal Register** document published in March and opened to public comment. Following the termination of the comment period and after a public hearing, the Service develops and publishes the proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory elements. Following another public comment period, and after consideration of additional comments, the Service publishes the final frameworks in the **Federal Register**. Using these frameworks, State conservation agencies then select hunting season dates and options. States may prescribe more restrictive seasons and options than those offered in the Service's frameworks. The final regulations, reflected in amendments to Subpart K of 50 CFR 20, then appear in the **Federal Register**, becoming effective upon publication.

The regulations schedule for this year is as follows. On March 25, 1981, the Service published for public comment in the **Federal Register** (46 FR 18666) a proposal to amend 50 CFR 20, with comment periods ending as noted earlier, except that the comment period for Alaska, Puerto Rico, and the Virgin Islands has since been extended to July 16, 1981. The proposal deals with establishment of seasons, limits, and shooting hours for migratory birds under §§ 20.101 through 20.107 of Subpart K.

On July 8, 1981, the Service published (46 FR 35316) for public comment a second document which provided supplemental proposals and corrections for both early and late season migratory bird hunting regulations frameworks, with comment periods ending July 16, 1981, for early season proposals, including Alaska, Puerto Rico, and the Virgin Islands, and August 24, 1981, for late season proposals.

This document is the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations and deals specifically with supplemental proposed frameworks for early season migratory bird hunting regulations from which, when finalized, States may select season dates, shooting hours, and daily bag and possession limits for the 1981-82 season. All comments on the March 25 proposal received since June 3, 1981, have been considered in developing this document. In addition, new proposals for certain early and late season regulations are provided for public comment. Comment periods on this third document are specified above under DATES. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico, and the Virgin Islands, and for early seasons for other areas of the United States are scheduled for **Federal Register** publication on or about July 21, 1981.

On June 19, 1981, a public hearing was held in Washington, D.C., as announced in the **Federal Register** of March 25, 1981 (46 FR 18666), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, and sandhill cranes. Proposed hunting regulations were discussed for these species and for common snipe; rails; gallinules; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; experimental duck seasons in September in Iowa, Kentucky, Tennessee, and Florida; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. Statements or comments were invited.

This supplemental proposed rulemaking consolidates further changes to the original framework proposals published on March 25, 1981, in the **Federal Register**.

Review of Public Comments and the Service's Response

Comments Received at Public Hearing.

Seven individuals presented statements at the Public Hearing on the proposed early season regulations. The comments are summarized below and, where appropriate, responded to by the Service.

Mr. William Brownlee, Texas Parks and Wildlife Department, presented two recommendations on behalf of the Central Flyway Council. These related to sandhill crane seasons in North Dakota and mourning doves in the Central Management Unit. On behalf of Texas, he recommended a white-winged dove season of 5 days in the major white-winged dove range, within the same framework allowed last year. The 1981 survey placed the breeding population index in 4 south Texas counties at 488,000 birds, down 4 percent from 1980, and within 9 percent of the 10-year mean.

Response. In the **Federal Register** dated July 8, 1981, the Service proposed to implement both the sandhill crane and mourning dove proposals offered by the Central Flyway Council. However, the Service does not believe it necessary to reduce the daily bag and possession limits in North Dakota from 3 and 6 cranes, respectively, to 2 and 4 cranes. The bag limit change would result in harvest reduction of less than 10 percent. Data gathered by the Service in recent years suggests that hunting activity and crane harvests have been relatively stable. For example, 2,200 cranes were harvested in North Dakota by 3,400 hunters last year compared to 2,700 by 3,200 hunters in 1979. The Texas recommendation for a 5-day white-winged dove season is included in the following early season proposed frameworks.

Dr. W. Alan Wentz, National Wildlife Federation, spoke in support of the experimental 3-year September duck seasons for Tennessee and Kentucky, noting research studies which indicate that southern breeding wood ducks exhibit higher survival rates than northern breeding wood ducks. In his view, the additional harvest resulting from such a season could be safely sustained by southern populations of wood ducks. Dr. Wentz noted that the restored status of the wood duck in the United States is a modern day wildlife management success story.

Response. In the July 8, 1981, **Federal Register**, the Service proposed to offer a 5-day duck season it these two States on an experimental basis.

Ms. Margaret Martin, Chief Legislative Aide to Congressman Ron de Lugo of Virgin Islands, also represented Governor Juan Luis. Ms. Martin spoke in support of a duck season requested by the Virgin Islands but directed most of her comments to the need for earlier hunting seasons for Zenaida doves and scalynaped pigeons so that Virgin Islands hunters can obtain a reasonable harvest of the resource. She prefaced her remarks by stating:

"* * * It appears that the Virgin Islands is being forced to observe a regulatory regime that may well be appropriate for the environmental conditions facing the more temperate continental areas, but which is not appropriate for our tropical insular ecology. As a consequence, Virgin Islanders are denied hunting opportunities for reasons which represent an historic artifact of our association with the United States despite the fact that these regulations do not serve the resource management purposes in the Virgin Islands that they do in the Continental United States. I, therefore, urge you to consider the intent of the regulations in reviewing our request."

Ms. Martin then offered the following more specific comments:

"* * * There appears some doubt whether or not the current regulatory regime in the Virgin Islands is accomplishing the objectives of the Migratory Bird Regulations stated in the **Federal Register**.

"Specifically, Virgin Islands hunters are forced to hunt during periods when population density is low, and the portion of the population which they can harvest is unjustifiably low when compared to the population at large. The current situation, therefore, appears inconsistent with objective (1) of the hunting regulations.

"Current regulations also appear inconsistent with objective (2) since recent studies indicate that reproductive activity is largely over by mid-July. Therefore, an earlier season would not impair the birds' ability to maintain their populations.

"Also, there is an apparent inconsistency with objective (5) since Virgin Islands hunters are not able to obtain an equitable harvest of the resources between the current season's opening and the departure of the birds from the islands.

"We further note that the Fish and Wildlife Service is proposing to provide exception for Alaskan subsistence hunting of species covered under the Act. Subsistence hunting has long been an important element of the Virgin Islands culture and should be similarly acknowledge[d].

"Finally, we have been informed that current distribution of the species involved indicate that they are wholly confined to the Caribbean region. It seems unfortunate that Caribbean hunters should be limited in their access to species which are not in fact migratory throughout the treaty range."

In support of her statements, Ms. Martin included with her testimony a recently completed 5-year study of doves and pigeons conducted by the Virgin Islands Division of Fish and Wildlife.

Response. The Service appreciates receiving the reports and plans to review them carefully. However, legal opinions provided the U.S. Fish and Wildlife Service in 1975 and 1976 and forwarded to the Virgin Islands then, stated:

"It is our conclusion, therefore, that in 1918, Puerto Rico and the Virgin Islands were intended to be included with the scope of the term "Territory" in the Migratory Bird Treaty Act—hence, subject to the closed season provisons of the Canadian Treaty."

and

It is advisable, therefore, that the United States Fish and Wildlife Service work towards the objective of bringing its dove hunting regulations for Puerto Rico and the Virgin Islands into compliance with the closed season required by the Canadian Treaty.

Consideretions leading to these conclusions are discussed in these opinions, copies of which may be obtained upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Mr. Charles Kelley, representing the Southeastern Association of Fish and Wildlife Agencies, commented in support of the Service's proposed frameworks for the 1981-82 migratory bird hunting season.

Mr. Toby Cooper, spokesman for Defenders of Wildlife (Defenders), commented on an array of regulatory topics, some of which were outside the scope of the Public Hearing's agenda. Among the latter was an inquiry about the status of the Service's proposal to formalize certain regulatory procedures followed in developing migratory bird hunting regulations, redhead and canvasback hunting closure areas, and the plan for evaluating stabilized duck hunting regulations. Many of Defenders' comments relevant to the early hunting

season frameworks have been expressed and responded to in previous years. There are briefly restated as follows.

Mr. Cooper stated that the Service's regulations are not accompanied by a showing that its legal obligations under the Conventions and Migratory Bird Treaty Act are being met with respect to certain species. Defenders specifically referred to Section 3 of the Migratory Bird Treaty Act and "optimum numbers" language of the U.S.-Japan migratory bird treaty.

Response. On numerous occasions, the Service has referred to its Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54) filed on June 6, 1975, with the Council on Environmental Quality, and the notification of its availability which was published in the Federal Register on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the FES. Although the term "optimum numbers" appears in Article III of the U.S.-Japan migratory bird treaty in connection with setting hunting seasons, the term is not defined in the Treaty, nor has it been administratively or legally determined.

Defenders reiterated its concern about pre-sunrise shooting hours for migratory game birds.

Response. The Service issued an environmental assessment on this issue and has previously responded to Defenders, as follows: 44 FR 9836 and 44 FR 34086 in 1979; and 45 FR 13639 and 45 FR 44541 in 1980. This issue was most recently addressed in the Federal Register dated March 25, 1981, at 46 FR 18671.

Mr. Cooper, also representing the Committee for Dove Protection, expressed concern about a dove season framework which allows hunting in September, and design of the national mourning dove nesting study.

Response. On previous occasions the Service has responded to Defenders' concerns about the September hunting of mourning doves. Service responses the past 2 years are cited as follows: 44 FR 9836 and 44 FR 34086 in 1979; and 45 FR 13619 and 45 44541 in 1980.

At the Public Hearing, Dr. Richard Coon, Fish and Wildlife Service, reviewed preliminary findings from the nationwide mourning dove nesting study which was undertaken in cooperation with State conservation agencies. The study focused on two major objectives: (1) to determine the proportion of annual mourning dove nesting activity that occurs in September and October; and (2) to compare the survival of eggs and nestlings on study areas where September dove hunting was permitted with survival on areas where September dove hunting was not permitted. Preliminary results of this 2-year study indicate that less than 5 percent of mourning dove nesting activity occurred in September and October, based on observations of 6,789 nests in 27 States, and that no statistically significant difference existed in the survival of eggs or nestlings between hunted and non-hunted areas, based on observations of 668 active nests in 14 States.

The Service believes that the design and statistical procedures followed in the nesting study were adequate and appropriate to the objectives of the study.

Mr. Cooper expressed concern about the apparent long-term decline of breeding woodcock in the Eastern Region as indicated by the annual singing ground surveys.

Response. The Service's administrative report states, "Significant long-term trends are evident in both Regions, decreasing at a mean annual rate of 2.4 percent in the Eastern Region and increasing at a mean annual rate of 2.5 percent in the Central Region." Overall, the indicated population is relatively stable. The Service has a study under way on land use changes evident along singing-ground survey routes and reasons for these divergent regional trends are emerging. They include detrimental land use factors, loss of forest habitat utilized by woodcock, and the natural successional trend of forests to a climax stage in the Eastern Region. There is no evidence that hunting is affecting the trend in either region.

In commenting on the proposed sea duck hunting frameworks, Mr. Cooper indicated that status information on these birds should be made available.

Response. The Service notes that sea ducks are hunted lightly in the United States, and even then only in certain locales. Only a small fraction of the available populations are harvested under these special regulations and no upward or downward trend in harvest has been noted in recent years. A gradual increase has been noted in breeding populations surveyed in Alaska and the Northwest Territories.

Mr. Ron Fox expressed the appreciation of the Tennessee Wildlife Resources Agency for the experimental September duck season being proposed in the current season frameworks.

Mr. John M. Anderson, representing the National Audubon Society, supported the Service's proposed regulations for mourning doves, woodcock, rails, and snipe. He noted evidence that some subspecies of sandhill cranes have responded favorably over the years to protection from hunting and expressed belief that the hunting regulations effective the past 2 or 3 years, which focus on lesser sandhill cranes, were appropriate. While cautioning about regulations which would further increase sandhill crane harvests, Mr. Anderson emphasized that habitat preservation is by far the most critical need of sandhill cranes.

Response. Sandhill crane hunter and harvest data were presented earlier. Hunting activity and harvests have been relatively stable in recent years.

Written Comments Received

The supplemental proposed rulemaking which appeared in the Federal Register dated July 8, 1981, summarized 62 public comments which had been received by June 3, 1981. Since then, 17 additional comments have been received. They are summarized below by early and late season, and numbered in the order used in the March 25 Federal Register. These responses originated from 9 States, 6 individuals, 1 flyway council, and 1 organization. In many instances they addressed matters which have been responded to previously.

Early Seasons

2. *Framework dates for ducks and geese in the continental United States.* Five comments supported the experimental duck season being proposed for Tennessee and 2 opposed it. A local National Audubon Society chapter opposed efforts to remove "full protection" from wood ducks in Tennessee. New Hampshire indicated that an "any duck" September season in Florida might generate similar requests from other States in the Atlantic Flyway.

Response. The wood duck has been a huntable species in the Atlantic Flyway for several decades. In 1979, 355,600 wood ducks were harvested in the Flyway and it ranked second among all duck species harvested. Recent studies have shown that southern breeding wood ducks have higher survival rates than wood ducks which nest in northern areas. Wood ducks reproduce prolifically under suitable habitat conditions. The Service believes that southern breeding wood ducks can sustain the limited additional harvest that will result from the 5-day hunting seasons in September being offered experimentally to Tennessee and Kentucky. The same considerations relate to Florida. Significant numbers of early migrating blue-winged teal gather in Florida (as well as Tennessee and Kentucky) in September prior to their departure for wintering areas in the Caribbean, and Central and South America. The taking of some of these teal in Florida in September would not affect harvest potentials in other States for these species.

22. *Mourning Doves.* Missouri recommended adding 10 days to the mourning dove season, providing 2 additional doves in the daily bag limit, or allowing both.

Response. The Service's proposal for the Central Management Unit mourning dove framework includes the additional bag limit recommended by Missouri.

25. *Migratory game birds in Puerto Rico and the Virgin Islands.* The Federal Register published July 8, 1981, at 46 FR 35316 included a recommendation from Mr. James Wiley, a Service biologist stationed in Puerto Rico, that the West Indian whistling (tree) duck (*Dendrocygna arborea*) be protected during the Puerto Rican waterfowl season. The Service subsequently received a recommendation from the Puerto Rico Department of Natural Resources that protection be afforded this species as well as the fulvous whistling (tree) duck (*Dendrocygna bicolor*) and the masked duck (*Oxyura dominica*).

Response. The proposed frameworks for the Puerto Rican waterfowl season includes these species restrictions.

Late Seasons

12. *Zoning.* Illinois proposed and the Upper Region Regulations Committee, Mississippi Flyway Council, endorsed a minor modification in the boundary separating Northern and Central Zones used in Illinois for establishing duck seasons. The new boundary would be Illinois Highway 17, and would shift portions of Henderson, Knox, Mercer, and Warren Counties from the Northern Zone to the Central Zone. The change would alleviate concerns of hunters in the affected area about the duck hunting season being set too early.

Response. The Service endorses the proposed change.

Colorado advised that it wished to select a three-way split of its duck hunting season in lieu of zoning.

Response. The Service proposed this option for the Central Flyway in the Federal Register dated July 8, 1981, at 46 FR 35316, for public review and comment. The final frameworks for waterfowl seasons will be established later in the 1981–82 season regulatory cycle.

Oklahoma requested and the Central Flyway Council endorsed a modification of frameworks to allow the setting of Oklahoma goose seasons by zones.

Response. While goose frameworks are customarily developed later in the regulatory cycle, the Service endorses this change.

9. *Canvasback and redhead ducks.* Additional recommendations provided by the Upper Region Regulations Committee, Mississippi Flyway Council, included approval of the proposed special canvasback season in the Atlantic Flyway, conditioned upon certain population status guidelines, and removal of canvasback closure areas in Michigan and Wisconsin based on the same guidelines.

Response. These requests will be given further consideration when the waterfowl frameworks are prepared for public review.

13. *Goose and brant seasons.* Connecticut requested a 90-day Canada goose season with limits of 4 geese daily and 8 in possession. Accompanying the request was a report titled *An Overview of the Canada Goose in Connecticut 1981.* Justification given to support the request included the rapidly increasing number of Canada geese in Connecticut, low harvest rates of these birds, and mounting nuisance complaints.

Response. The Service recognizes that complaints are increasing about Canada geese in northern and mid-latitudes of the Atlantic Flyway and is developing a policy and plan for coping with the problem. Also, a Canada goose management plan is being prepared by the Atlantic Flyway Council. The Service believes that decisions regarding the request must take into consideration these planning efforts, views of other affected States, and the public. Goose hunting regulations are normally set in late summer and decisions will be made at that time.

14. *Whistling swans.* Several individuals expressed interest in a whistling swan season for North Carolina.

Response. In the Federal Register dated July 8, 1981, at 46 FR 35316, the Service provided its rationale for not proposing such a season at this time.

15. *Sandhill cranes.* The Service noted in the Federal Register dated July 8, 1981, at 46 FR 35316 that additional information was needed from Arizona on its proposed experimental hunting season for sandhill cranes in the Wilcox Playa area of the State. Arizona subsequently provided the following details:

1. The hunt would be by permit only; a maximum of 100 permits will be recommended. Successful applicants would be determined by drawing. Hunters would be required to check in and check out at a temporary check station located near the hunt areas. When checking in, hunters will be briefed on crane charactistics. If a whooping crane is in the vicinity, hunters will be alerted and informed as to the importance of not molesting it. At the time successful applicants are notified of their hunt, specially prepared brochures describing the difference between sandhill and whooping cranes would be provided. A brochure describing the whooping crane foster parent program will be included.

2. The hunt would be in mid-November when most of the cranes that occur in the Wilcox area at that time are of the *lesser* race. According to Arizona data, cranes of the *greater* race tend to arrive in December. This reduces the likelihood that a whooping crane will be present during the hunt as the foster parent program involves only the *greater* race of sandhills. Suggested hunt dates are November 14–15 and November 21–22, only 4 days instead of the 11-day continuous season suggested in Arizona's earlier letter. The hunt area would be limited to Game Mangement Units 30A, 30B, 31, and 32. Arizona anticipates that most of the harvest would be in the first two units.

3. The main roost areas will be closed to hunting and/or entry. This is necessary to lower the possibility of cranes leaving the hunt area en masse.

4. A bag limit of 2 cranes per person is suggested. It is anticipated that 15 percent of the hunters issued permits would not actually hunt. If every hunter obtained the limit of 2, a maximum of 170 cranes (2.5 percent of the winter population of 7,000) would be harvested. All harvested birds would be weighed and measured.

5. Almost all hunting will be on private land and subject to landowner's permission. All hunters will be advised to contact the landowners before hunting.

6. Other migratory game bird hunt regulations will apply, i.e., shooting hours.

Arizona provided a map depicting the various geographical areas mentioned in the proposal.

Response. The Service notes that the Pacific Flyway Council has endorsed the Arizona proposal for the experimental sandhill crane season described above. Section 20.28 of Title 50 Code of Federal Regulations provides for closure or temporary suspension of hunting seasons should endangered species consideration warrant such action. The Service plans to initiate Section 7 consultation on the request and proposes to implement the season

conditioned upon a finding of "no likehood of jeopardy" to whooping cranes or any other listed species.

28. *Migratory game bird seasons for falconers.* Missouri questioned whether the harvest reporting requirement for extended falconry seasons any longer serves a management need.

Response. The Service has annually solicited information on the number of falconers who participate in extended falconry seasons, and the species and numbers of migratory game birds which were harvested. The Service believed that some insight into these considerations should be gained as the new regulations were implemented. Data received to date by the Service indicate that there are approximately 2,000 licensed falconers in the 41 States which allow falconry. Twenty-one of these States have availed themselves of the extended falconry season provision. Based on a sample of 635 falconers during the 1978–79 season, the Service estimates that huntes using falcons harvested 408 mallards, 245 mourning doves, 183 teal, 122 gadwalls, and 204 migratory birds of other species. Falconers averaged 20 trips afield per year, and harvested an average of 5.6 migratory game birds per season. Less than 30 percent of the total falconry harvest was associated with the extended falconry seasons. In view of these statistics which clearly demonstrate the low participation and harvest associated with the extended falconry seasons, the Service propones to abolish the reporting requirement for State conservation agencies.

Public Comment Invited

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the possible amendments resulting from the supplemental rulemaking will specify open seasons; shooting hours; and bag and possession limits for designated migratory game birds in the United States, including Alaska, Puerto Rico, and the Virgin Islands.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulation which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier in contrary to the public interests.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in the rulemaking process by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

All relevant comments on all early season proposals, including Alaska, Puerto Rico, and the Virgin Islands, received no later than July 16, 1981, and those on late season proposals received by August 24, 1981, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

The Service initiated Section 7 consultation under the Endangered Species Act for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands, and for other early hunting season frameworks.

On May 15, 1981, Mr. John Spinks, Chief, Office of Endangered Species, concluded:

"Therefore, it is my biological opinion that your action, as proposed, is not likely to jeipardize the continued existence of the above listed species and is not likely to result in the destruction or adverse modification of designated Critical Habitat of the yellow-shouldered blackbird in Puerto Rico."

The subsequent proposal by the Virgin Islands for a duck season should present no problem as no birds inhabiting the Virgin Islands are presently listed as being endangered or threatened.

The Service similarly initiated Section 7 consultation for other early hunting season frameworks. On June 15, 1981, Mr. Spinks wrote:

"Therefore, it is my biological opinion that your action, as proposed is not likely to jeopardize the continued existence of the above listed species and is not likely to result in the destruction or adverse modification of any designated Critical Habitat."

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. Examples of such consideration include areas closed to dove and pigeon hunting for protection of the Puerto Rican plain pigeon and the Puerto Rican parrot, both of which are classified as endangered. Also, an area in Alaska is closed to Canada goose hunting for protection of the endangered Aleutian Canada goose.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291 Consideration

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and it has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the **Federal Register** dated March 25, 1981 (at 45 FR 18669), the Service described measures it was taking to comply with these new requirements on Federal agencies in developing new rules. The Service also included a summary of its initial regulatory impact analysis, and announced that copies of the full initial analysis were available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The Service is completing its final regulatory impact analysis and it will be summarized in the **Federal Register** prior to or at the time that final regulations for the 1981–82 hunting season are set.

Authorship

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

BILLING CODE 4310-55-M

Proposed Regulations Frameworks for 1981-82 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which, when finalized, States may select seasons for mourning doves; white-winged doves; band-tailed pigeons; rails; woodcock; snipe; gallinules; September teal seasons; experimental duck seasons opening in September in Iowa, Kentucky, Tennessee, and Florida; sea ducks (scoter, eider and oldsquaw) in certain defined areas of the Atlantic Flyway; sandhill cranes in designated portions of North Dakota and South Dakota; migratory birds in Alaska, Puerto Rico, and the Virgin Islands; and special extended falconry regulations. For the guidance of State conservation agencies, these frameworks are summarized below.

NOTICE

Any State desiring its hunting seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinule, sandhill cranes, or extended falconry seasons to open in September must make its selection no later than July 27, 1981. Those States which desire these seasons to open after September may make their selection at the time they select their regular waterfowl seasons. Season selections for the 4 States offered experimental September duck seasons, and for Alaska, Puerto Rico, and the Virgin Islands must also be made by July 27, 1981.

Those Atlantic Flyway coastal States desiring their seasons on sea ducks in certain defined areas to open in September must make their selection no later than July 27, 1981. Those which desire this season to open after September may make their selection when they select their regular waterfowl seasons.

Outside Dates: All dates noted are inclusive.

Shooting Hours: Between one-half hour before sunrise and sunset daily for all species unless otherwise noted below. The hours noted here and elsewhere also apply to hawking (taking by falconry).

MOURNING DOVES

Outside Dates: Between September 1, 1981, and January 15, 1982, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit
(All States east of the Mississippi River and Louisiana)

Hunting Seasons: Not more than 70 half or full days which may run consecutively or be split into not more than three periods.

Shooting Hours: Between 12 o'clock noon and sunset daily, or as an option, between 1/2 hour before sunrise to sunset daily.

Daily Bag and Possession Limit: Not to exceed 12 and 24, respectively.

Zoning: As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama - The South Zone consists of the area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia - U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean.

Louisiana - Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi - U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1981.

Central Management Unit
(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)

Hunting Seasons, and Daily Bag and Possession Limits: Not more than 60 days with limits not exceeding 12 and 24 doves, respectively. As an option, a season not exceeding 45 days, and limits of 15 and 30 doves, respectively, may be selected. In both, the season may run consecutively or be split into not more than three periods.

Special Limits: In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, singly or in the aggregate of the two species.

Texas Zoning: Option 1 - Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1981, and January 22, 1982.

C. The South Zone may have a season of not more than 60 days between September 20, 1981, and January 22, 1982. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1981-January 22, 1982, period.

OR

Option 2 - Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except that, in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 60 days between September 1, 1981, and January 25, 1982.

Western Management Unit
(Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington)

Hunting Seasons: Not more than 50 days which may run consecutively or be split into not more than three periods.

Daily Bag and Possession Limits: Not to exceed 10 and 20, respectively;

Special Limits: In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

Optional Season and Limits: Arizona may select for designated white-winged dove management units seasons of 70 full days with a daily bag limit of 12 doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

WHITE-WINGED DOVES

Outside Dates: Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1981, and December 31, 1981, as stipulated below:

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves, excepting in those areas selected under the option for mourning dove season of 70 full days where limits on white-winged doves shall be no more than 6 a day with 12 in possession after the opening day.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 12 and 24 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 6 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

AND

Texas may also select a white-winged dove season of not more than 60 days coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12, of which not more than 2 may be whitewings. The possession limit of both species in the aggregate may not exceed 24, of which not more than 4 may be whitewings.

BAND-TAILED PIGEONS

West Coast States: California, Oregon, Washington, and the Nevada counties of Carson City, Douglas, and Lyon.

Outside Dates: Between September 1, 1981, and January 15, 1982.

Hunting Seasons: Not to exceed 30 consecutive days. Nevada may select an experimental season in Carson City, Douglas, and Lyon Counties coinciding with that selected by California for Alpine County.

Daily Bag and Possession Limits: Not to exceed 5 band-tailed pigeons.

Zoning: California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States: Arizona, Colorado, New Mexico, and Utah.

Outside Dates: Between September 1 and November 30, 1981.

Hunting Seasons: Not to exceed 30 consecutive days.

Daily Bag and Possession Limits: Not to exceed 5 and 10, respectively.

Areas: These seasons shall be open only in the areas delineated by the respective States in their hunting regulations.

Zoning: New Mexico may divide its State into a North and a South Zone along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Hunting seasons not to exceed 20 consecutive days in each zone may be selected between September 1 and November 30, 1981, in the North Zones, and October 1 and November 30, 1981, in the South Zone.

Permit Regulation in Nevada and Four-Corners States: Each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State conservation agency and such permit will be valid in that State only.

RAILS
(Clapper, King, Sora, and Virginia)

Outside Dates: The States included herein may select seasons between September 1, 1981, and January 20, 1982, on clapper, king, sora, and Virginia rails as follows:

Hunting Season: The season length for all species of rails may not exceed 70 days.

Clapper and King Rails

Limits: In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20, respectively, singly or in the aggregate of these two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Caroline, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30, respectively, singly or in the aggregate of the two species.

Closure: The season will remain closed on clapper and king rails in all other States.

Sora and Virginia Rails

Limits: In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi, and Central Flyways,[1] and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway.[1, 2]

Pacific Flyway Restriction: No hunting season is prescribed for rails in the remainder of the Pacific Flyway.

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[1] The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties),

Nebraska, New Mexico (east of the Continental Divide but outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

[2] The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

WOODCOCK

Outside Dates: States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and February 28, 1982.

Treaty Restrictions: In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31.

Hunting Season: Not more than 65 days.

Split Season: Any State may split its woodcock season without penalty.

Daily Bag and Possession Limits: No more than 5 and 10, respectively.

Zoning: New Jersey may select woodcock seasons by north and south zones divided by State Highway 70. The season in each zone may not exceed 55 days.

COMMON SNIPE

Outside Dates: Between September 1, 1981, and February 28, 1982.

Treaty Restriction: In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31.

Hunting Seasons: Not to exceed 107 days in the Atlantic, Mississippi, and Central Flyways. Not to exceed 93 days in Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico.

Pacific Flyway Exception: All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons.

Split Season: Any State may split its snipe season into two segments without penalty.

Daily Bag and Possession Limits: Not exceed 8 and 16, respectively.

Deferred Selection: States or portions thereof in the three eastern Flyways may defer selections of snipe seasons at this time and make the selections in August when they select waterfowl seasons. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

GALLINULES

Outside Dates: States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1981, and January 20, 1982. States in the Pacific Flyway must select their hunting seasons coinciding with the duck seasons.

Hunting Season: Not more than 70 days in the Atlantic, Mississippi, and Central Flyways and the same as the duck season within the Pacific Flyway.

Split Season: States may split their seasons without penalty.

Daily Bag and Possession Limits: Not to exceed 15 and 30 gallinules, respectively; except in the Pacific Flyway the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

Deferred Selection: States in the three eastern Flyways may select their gallinule seasons at the time they select their waterfowl seasons. If their selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period.

SANDHILL CRANES

North Dakota Seasons: During September 1 through 20, 1981, a season of 9 days in Benson, Burleigh, Emmons, Kidder, McHenry, Pierce, and Stutsman Counties; and a season of 16 days in McLean and Sheridan Counties.

South Dakota Seasons: A season of 9 days during September 1 through 28, 1981, in Campbell, Walworth, Potter, Dewey, and Corson Counties.

Bag and Possession Limits: Not to exceed 3 and 6, respectively.

Permits: Each person participating in the season must obtain and have in his possession while hunting a Federal sandhill crane hunting permit.

SCOTER, EIDER AND OLDSQUAW DUCKS (Atlantic Flyway)

Outside Dates: Between September 15, 1981, and January 20, 1982.

Hunting Seasons: Not to exceed 107 days.

Limits: The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species.

Bonus During Regular Duck Season: In the Atlantic Flyway, States may set, in addition to the regular limits, a daily limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

Deferred Selection: Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1981. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

SEPTEMBER TEAL SEASON

Outside Dates: Between September 1 and September 30, 1981, an open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Hunting Season: The season may not exceed 9 consecutive days.

Shooting Hours: From sunrise to sunset daily.

Bag and Possession Limits: 4 teal daily and 8 in possession.

Deadline: States must advise the Service of season dates and special provisions to protect non-target species by July 27, 1981.

SPECIAL SEPTEMBER DUCK SEASONS

Iowa September Duck Season: Iowa is offered the option of opening a portion of its duck hunting season in September, with the number of days in September to be deducted from the number of days allowed for the regular duck season. All ducks which are legal during the regular duck season may be taken during the September segment of the season. In 1981, the 5-day early season may commence no earlier than September 19, with daily bag and possession limits being the same as those in effect during the 1981 regular duck season.

Tennessee, Kentucky, and Florida September Duck Seasons: Experimental 5-consecutive-day duck seasons may be selected in September by Tennessee, Kentucky, and Florida subject to the following conditions:

1. In Kentucky and Tennessee the seasons would be in lieu of September teal seasons;

2. In all States, the daily bag limit would be 4 ducks, no more than 1 of which may be a species other than teal or wood ducks and the possession limit would be double the daily bag limit;

3. The experimental season would be for 3 years to facilitate evaluation; and

4. Additional information to be gathered by the States to evaluate the experiment would include hunter and harvest surveys, banding, and population surveys.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1981-82

Outside Dates: Between September 1, 1981, and January 26, 1982, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

Shooting Hours: One-half hour before sunrise to sunset daily.

Hunting Seasons:

Ducks, geese, and brant - 107 consecutive days in the Pribilof and Aleutian Islands, except Unimak Island; 107 days in the Kodiak (State game management unit 8) area and the season may be split without penalty; 107 consecutive days in the remainder of Alaska, including Unimak Island. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

Snipe and sandhill cranes - An open season concurrent with the duck season.

Daily Bag and Possession Limits:

Ducks - Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

Geese - A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

Brant - A daily bag limit of 4 and a possession limit of 8.

Common Snipe - A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes - A daily bag limit of 2 and a possession limit of 4.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1981-82

Shooting Hours: Between one-half hour before sunrise and sunset daily.

DOVES AND PIGEONS

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1981, and January 15, 1982, as follows.

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas:

Municipality of Culebra and Desecheo Island - closed under Commonwealth regulations.

Mona Island - closed to give the reduced population of white-crowned pigeon (Columba leucocephala), known locally as "Paloma cabeciblanca," a chance to recover.

El Verde Closure Area - consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (Amazona vittata) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on

Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon (Columba inornata wetmorei), locally known as "Paloma Sabanera," which is known to be present in the above locale in small numbers and which is presently listed as an endangered species under the Endangered Species Act of 1973.

DUCKS, COOTS, GALLINULES, AND SNIPE

Outside Dates: Between December 1, 1981, and January 31, 1982, Puerto Rico may select hunting seasons as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks, coots, common gallinules, and common snipe.

Daily Bag and Possession Limits:

Ducks - Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (Oxyura jamaicensis); the Bahama pintail (Anas bahamensis); West Indian whistling (tree) duck (Dendrocygna arborea); fulvous whistling (tree) duck (Dendrocygna bicolor), and the masked duck (Oxyura dominica), which are protected by the Commonwealth of Puerto Rico.

Coots - Not to exceed 6 daily and 12 in possession.

Common gallinules - Not to exceed 6 daily and 12 in possession, except that the season is closed on purple gallinules (Porphyrula martinica).

Common Snipe - Not to exceed 6 daily and 12 in possession.

Closed Areas: No open season for ducks, coots, gallinules, and snipe is prescribed in the Municipality of Culebra and on Desecheo Island.

Proposed Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1981-82

Shooting Hours: Between one-half hour before sunrise and sunset daily.

DOVES AND PIGEONS

Outside Dates: The Virgin Islands may select hunting seasons between September 1, 1981, and January 15, 1982, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Dated: June 30, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20375 Filed 7-10-81; 8:45 am]

BILLING CODE 4310-55-C

DUCKS

Outside Dates: Between December 1, 1981, and January 31, 1982, the Virgin Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (Oxyura jamaicensis); the Bahama pintail (Anas bahamensis); West Indian whistling (tree) duck (Dendrocygna arborea); fulvous whistling (tree) duck (Dendrocygna bicolor), and the masked duck (Oxyura dominica).

Local Names for Certain Birds.

Zenaida dove (Zenaida aurita)—mountain dove.

Bridled quail dove (Geotrygon mystacea)—Barbary dove, partridge (protected).

Ground dove (Columbina passerina)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (Columba squamosa)—red-necked pigeon, scaled pigeon.

SPECIAL FALCONRY REGULATIONS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

federal register

Monday
July 13, 1981

Part IV

Department of Transportation

Federal Aviation Administration

Metropolitan Washington Airports

V 46 JL 13 81 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 93 and 159

[Docket No. 21955; Notice No. 81-8]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt rules to implement the DOT/FAA policy to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the Washington metropolitan area. These proposals relate to the number and type of aircraft operations, the hours of operation and scheduling, a limit on the total number of passengers using National Airport, the perimeter for nonstop service, aircraft equipment restrictions, and the hourly allocation of operations among different classes of users at National. The notice proposes to revoke the rules issued September 15, 1980, which are currently scheduled to become effective on October 25, 1981, and would propose rules in substitution thereof. This proposal results from the Secretary's March 24 announcement to reconsider the airport policy.

DATES:

Comment date: Comments must be received by August 31, 1981.

Hearing date: July 28–29, 1981 at 9:00 a.m.

ADDRESSES: Hearing location: Federal Aviation Administration Auditorium, 800 Independence Ave., SW., 3rd Floor, Washington, D.C.

Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21955, 800 Independence Avenue, SW., Washington, D.C. 20591;

or deliver them in duplicate to:

FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C.

Comments delivered must be marked: Docket No. 21955.

Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Edward P. Faberman, Assistant Chief Counsel (AGC–200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3073; or

Edward Faggen, Metropolitan Washington Airports Counsel, Washington National Airport, Hanger 9, Washington, D.C. 20001; telephone (703) 557–8123.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with DOT/FAA personnel concerned with the rulemaking will be filed in the docket. The DOT/FAA requests that interested persons, when submitting comments, refer to the proposal by the sections to which they relate.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 21955." The postcard will be date/time stamped, and returned to the commenter.

Availability of this Notice

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's may also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Public Hearing

A public hearing on this NPRM will be held on July 28–29, 1981, in the FAA Auditorium, Federal Aviation Administration, 800 Independence Avenue, SW., 3rd Floor, Washington, D.C. between the hours of 9:00 a.m. to 4:30 p.m. and 6:30 p.m. to 8:30 p.m. The evening sessions will be cancelled if no requests are received to speak during those hours.

Hearing Procedures

Persons who plan to attend the hearing should be aware of the following procedures, which will be followed to facilitate the workings of the hearing:

(a) The hearing will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation. After all presentations have been made, an opportunity for rebuttal will be given.

(b) The hearing will begin at 9:00 a.m. on the morning of July 28, 1981, at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C., in the 3rd floor Auditorium. There will be no admission fee or other charge to attend and participate. All hearing sessions will be open to all persons on a space-available basis. The presiding officer may accelerate the hearing agenda to enable early adjournment if the progress of the hearing is more expeditious than planned.

(c) All hearing sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material may be accepted at the discretion of the presiding officer.

(e) Statements made by the DOT/FAA participants at the hearing should not be taken as expressing a final DOT/FAA position.

Request to Make a Presentation

Interested persons are invited to attend the hearing and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Presentations will be scheduled on a first-come, first-served basis as time may permit within the hearing schedule. Persons wishing to make oral statements at the hearing must notify the FAA on or before July 24, 1981, indicate the amount of time requested for their initial statements, the session during which they would like to speak, the subject matter of the presentation, and send them to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Edward P. Faberman, AGC–200, 800 Independence Avenue, SW., Washington, D.C. 20591 (202–426–3235). Persons who have not notified the FAA by July 24, 1981, will be able to make an oral presentation after all scheduled presentations are completed if time is available.

Environmental Impact Statement

A draft supplement to the Final Environmental Impact Statement of August 1980 has been prepared by the FAA Office of Environment and Energy. This draft supplement is available for public review at the FAA Docket. Also, the statement will be distributed to area public libraries. Copies of the draft supplement may be obtained from: John E. Wesler, Director of Environment and Energy, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8406.

Proposed Effective Date

The proposed effective date for this proposal would be October 25, 1981. Comments are invited on the proposed date. The DOT will closely monitor the operation of any final rule resulting from this proposal during the 12-month period after which it is effective.

Regulatory Impact Analysis

At the request of the Office of Management and Budget, these proposed regulations have been classified as "major" under the criteria of Executive Order 12291. The Director has, however, waived the requirement that this rulemaking be accompanied by a Regulatory Impact Analysis. That Analysis will be prepared within a year of the effective date of any final rules that may be promulgated.

A joint FAA–DOT task force will be established to monitor the operation of the policy, to develop the Regulatory Impact Analysis, and to propose whatever additional rulemaking initiative may be called for. The task force will maintain contact with the Office of Management and Budget and the Vice President's Task Force on Regulatory Relief.

The provisions of this Policy, as finally adopted, will remain in effect at the end of a year unless changed in additional rulemaking.

Background

The United States, acting through the Federal Aviation Administration (FAA) of the Department of Transportation (DOT) owns, operates and maintains the Metropolitan Washington Airports—Washington National and Dulles International, the two air carrier airports serving the Washington, D.C. area. Baltimore-Washington International Airport (BWI) also provides service to metropolitan Washington, and is owned and operated by the State of Maryland acting through the Maryland Department of Transportation (MDOT).

For approximately 10 years, the U.S. Department of Transportation and the FAA have been seeking to establish an appropriate policy to guide the management and operation of Washington National and Dulles International Airports. Once a role for each airport, in meeting the Washington metropolitan area's air transportation needs, is clearly defined, it will be possible for the FAA to move ahead with necessary improvements to the facilities at Washington National while continuing to make timely improvements to Dulles. An understanding of the role of each airport is necessary to assure that the investment in improvements and management of present facilities are consistent with the area's needs. While the U.S. DOT does not establish policy for BWI, it recognizes that actions taken at National and Dulles Airports may influence operations at BWI. Therefore, BWI's role is being considered in the development of a policy for the federally owned airports. The respective roles of these three airports have been the subject of several studies by the U.S. DOT, the State of Maryland DOT, and the Metropolitan Washington Council of Governments (COG).

In March 1978, the FAA issued a Notice of Proposed Metropolitan Washington Airports Policy (43 FR 12141; March 23, 1978). At that time, FAA proposed that Dulles Airport would continue to provide all types of air service to the Washington area. At National it was proposed to formally adopt the existing 650-mile nonstop perimeter, to retain the existing limit on air carrier activity at 40 scheduled operations per hour, to end scheduled air carrier activity at 9:30 p.m. daily, to place nighttime noise level restrictions on aircraft, to permit two- and three-engine wide-body aircraft to operate, and to constrain growth to no more than 16 million annual passengers in 1985 and 18 million in 1990. The FAA proposal was accompanied by a Draft Environmental Impact Statement. Following the proposal, FAA conducted several public hearings and solicited comments from the public. A large number of comments on the policy proposal were received from other Federal agencies, state, local and municipal agencies, organizations, individuals, and members of Congress. Officials of several cities currently served or seeking to receive air service to Washington via National Airport also commented on the proposal.

The comments revealed sharp differences on the proposed policy. The immediate region in which the airports are located, including the States of Virginia and Maryland, regional and municipal officials, and many local residents, expressed the view that with Dulles and BWI Airports available to serve the region, the concentration of the region's air carrier activity at National Airport is an unwarranted burden on the residents who are constantly exposed to aircraft noise. Other comments, including the air carrier industry, business interests, many from beyond the Washington area, and elected officials from many areas of the country, expressed the opinion that National Airport is a uniquely convenient and valuable transportation asset that must be kept available for air travellers and shippers.

On January 15, 1980, the Secretary restated the proposed policy and revised it with respect to nighttime operations, the number of operations allocated to different classes of users, the annual passenger limitation, and the nonstop service restriction at National. Also, on January 15, 1980, the FAA's Administrator issued an NPRM (Notice No. 80–2; 45 FR 4314; January 21, 1980) in which rules to implement the proposed policy were presented for public review and comment. The FAA also issued a supplement to the FAA Draft Environmental Impact Statement that had been issued in March 1978. As part of this rulemaking effort, the FAA held three public hearings which supplemented the hundreds of comments submitted during the comment period.

The Metropolitan Washington Airports Policy was announced on August 15, 1980, by the Secretary of Transportation. The FAA filed its Final Impact Statement with the Environmental Protection Agency on that same date. On September 15, 1980, the Administrator issued final rules implementing the Metropolitan Washington Airports Policy issued by the Secretary (45 FR 62398; September 18, 1980). The policy and regulations were as follows:

1. *Growth Limitation at National.* Washington National Airport would be permitted to accommodate no more than 17 million total passengers per year. That level would be maintained by periodically adjusting the number of operations allocated to air carriers operating aircraft with 56 passenger seats or more.

2. *Operating Hours.* The hours of operation at Washington National Airport were to be modified to provide that no air carrier, air taxi or commuter would be permitted to schedule operations between the hours of 9:30 p.m. and 7:00 a.m. Additionally, a curfew would be in force on all aircraft departures between the hours of 10:30 p.m. and 7:00 a.m. Similarly, there would be a curfew on aircraft arrivals between the hours of 11:00 p.m. and 7:00 a.m. FAA was to determine if a noise level limitation in lieu of an absolute curfew could be adopted consistent with the objective of maintaining a quiet nighttime environment.

3. *Slot Availability to Various User Classes.* The total number of operating slots at Washington National would remain at 60 per hour, as provided in the existing High Density Rule (14 CFR 93.121, et seq.). The portion of that total which would be available to scheduled certificated air carriers was reduced to 36 per hour, a reduction of 4 per hour from the current allocation of 40 per hour. The commuter allowance was increased from 8 per hour to a level of 12 per hour with additional slots contempleted if air carrier slots were reduced over time. "Air carrier" slots would have to be used for operations (air carriers and commuters) with aircraft having a maximum certificated passenger seating capacity of 56 seats or more, while "commuter" slots would have to be used for all air carrier or commuter operations in which aircraft having a maximum certificated passenger seating capacity of less than 56 seats were utilized.

4. *Use of Wide-body Aircraft at National.* The policy would end the prohibition on the use of two- and three-engine wide-body aircraft at Washington National provided that the FAA determined that the use of such aircraft was operationally feasible and the Director of FAA's Metropolitan Washington Airports found that the use of such aircraft was compatible with that aircraft operator's apron and terminal facilities and with the airport's other terminal and roadway capabilities.

5. *Nonstop Perimeter at National.* The nonstop service perimeter for Washington National would be established at 1,000 statute miles, with no exceptions.

6. *Improvement of Washington National.* The FAA would undertake to develop a master plan for the physical redevelopment of Washington National.

7. *The Role of Dulles.* Dulles Airport would provide all types of aviation service. The Dulles Airport Access Highway would remain an airport-only roadway with the exceptions currently in force. Additional access improvements to Dulles would be pursued.

The regulations issued on September 15 were to become effective on January 5, 1981. The Congress, in the Department of Transportation and Related Agencies Appropriation Act of 1981, Pub. L. 96-400, provided that none of the funds appropriated could be used to mandate any reduction of the total number of certificated air carrier slots allocated per hour at National before April 26, 1981. As a result of that law and a decision by the Secretary to treat the Metropolitan Washington Airports policy elements as interrelated, the effective date of the date of the entire policy was postponed until April 26, 1981.

On February 27, 1981, the Secretary of Transportation proposed a further delay of the effective date for the Metropolitan Washington Airports Policy and implementing regulations. The proposed change in the effective date was necessary to evaluate the existing policy in accordance with the objectives of Executive Order 12291 (46 FR 13193; February 19, 1981), which provided new governmentwide standards for the promulgation of regulations. In addition, the change in the effective date was necessary to provide time for the FAA to determine if quieter aircraft should be allowed to operate at night in lieu of the policy's total curfew which would have eliminated early morning and late evening flights of commuter air carriers and general aviation operators. Additional time was necessary to consider the impact of shifting slots away from certificated carriers and to the commuter carriers and particularly how that would impact upon the ability of the air carrier Scheduling Committee to allocate slots. Finally, a delay in the effective date was consistent with a request by the Senate Commerce Committee to the Secretary that the policy be reviewed and the Secretary's agreement to undertake that review.

Therefore, on March 24, 1981, in order to provide adequate time for this review, the effective date of the Metropolitan Washington Airports Policy and the implementing regulations was postponed by the Secretary until October 25, 1981 (46 FR 19225; March 30, 1981).

Summary of the Proposed Policy

The FAA and the Office of the Secretary of Transportation have reevaluated each aspect of the Metropolitan Washington Airports Policy and the implementing regulations with reference to Executive Order 12291, the Regulatory Flexibility Act, and comments received during the regulatory history of this effort and in light of the Department's objectives. The objectives for the Metropolitan Washington Airports Policy have been stated repeatedly over the years. Stated concisely, the FAA's objectives have been and remain:

1. To provide the metropolitan Washington area with safe and efficient airport facilities.

2. To prescribe a role for Washington National and Dulles International Airports which will permit orderly planning by the FAA, the surrounding region, and the aviation industry for the future of these facilities.

3. To reduce the aircraft noise and congestion associated with the prevailing use of Washington National given the availability of facilities for air carriers at Dulles and BWI.

4. To promote better utilization of Dulles Airport.

5. To achieve optimum utilization of existing and planned capacity at the airports.

After a review of the Metropolitan Washington Airports Policy, with these ends in mind, DOT is proposing that the policy, which is scheduled to become effective on October 25, 1981, be modified. As modified, the policy for the airports would be as follows:

1. The number of scheduled operations at Washington National Airport by air carriers utilizing aircraft with 56 or more passenger seats would be limited to 37 per hour. The numerical limitation on the operations of commuter air carriers (operations involving aircraft certificated with less than 56 passenger seats) would be 11 per hour while the number of reservations available for general aviation operations would remain at 12 per hour.

2. There would be noise limitations imposed on all aircraft operating at Washington National Airport. Noise limits would apply at all hours. The noise levels will be sufficiently stringent to permit only relatively quiet aircraft to operate during nighttime hours. Noise levels will be reduced in the future so as to bring about a change in the fleet mix currently serving National Airport. The proposed noise levels are:

October 25, 1981

Arrivals and departures, 7:00 a.m. through 9:59 p.m.:
86 dBA as determined on takeoff.
Departures, 10:00 p.m. through 6:59 a.m.:
72 dBA as determined on takeoff.
Arrivals, 10:00 p.m. through 6:59 a.m.:
85 dBA as determined on approach.

October 1, 1986

Arrivals and departures, 7:00 a.m. through 9:59 p.m.:
80 dBA as determined on takeoff.
Departures, 10:00 p.m. through 6:59 a.m.:
72 dBA as determined on takeoff.
Arrivals, 10:00 p.m. through 6:59 a.m.:
85 dBA as determined on approach.

An aircraft must comply with the noise level in effect at the time of the operation, except that the noise level for air carrier operations scheduled to arrive before 10:00 p.m. and arriving, due to delay, between 9:59 p.m. and 10:30 p.m. will be the noise level established for the scheduled time of arrival (86 dBA). Arrivals after 10:30 p.m. will be required to proceed to another airport if the aircraft cannot comply with the nighttime noise level in effect at the time of operation. It must be emphasized that the half hour "grace period" only applies to arrivals; no such period applies to departures.

The noise levels will be determined for aircraft types at the Federal Aviation Regulation Part 36 measuring points for approach and takeoff. The approach measuring point is 2,000 meters from the runway threshold under the flight path. The takeoff measuring point is 6,500 meters from the start of the takeoff roll under the flight path. An aircraft's noise levels will be derived from those estimated to occur during Federal Aviation Regulation Part 36 type certification. Since those levels are calculated at maximum gross weight, an adjustment in gross weight would be allowed, except for nighttime operations. FAA Advisory Circular 36-3A, "Estimated Airplane Noise Levels in A-Weighted Decibels," June 11, 1980 (copy in this docket), will be used and will be incorporated by reference into the regulation. Compliance will be based upon comparison with the data in the advisory circular, not upon a monitoring of individual aircraft operations. Also, FAA is preparing a listing of the aircraft models and the maximum weight at which they can operate and comply with the noise limits. By using this method, aircraft operators will know if their type and model of aircraft are able to comply with the Washington National Airport noise limits before the operation occurs.

3. Washington National Airport would be permitted to accommodate no more than 16 million total passengers per year.

4. Any air carrier aircraft types not currently operating at National Airport will not be allowed to use the airport: (1) until it has been determined by the Administrator that operation of the aircraft at the airport meets appropriate safety concerns; and (2) until it has been determined by the Director of the Metropolitan Washington Airports that the proposed operation is compatible with the airport's gate, apron, baggage and passenger handling, and roadway facilities.

5. Nonstop air carrier service to and from Washington National Airport shall be limited to distances of not more than 1,000 statute miles.

6. The FAA shall actively promote improvements in the ground transportation to Dulles Airport. In particular, FAA will: (1) accelerate the construction of Dulles Access Highway connection to Interstate 66; and (2) strive to improve the quality of bus transportation to the airport.

Policy Description

The review of the previous policy has produced several changes. One is the proposal to establish daytime, as well as nighttime, noise level limits on aircraft. Nighttime limits in lieu of a total curfew were contemplated in the previous policy. The second proposed change is the reduction in the annual passenger limitation from 17 million to 16 million. An additional proposed change is in the number of slots available to the various categories of users. Furthermore, although not a change from the previous policy, this policy emphasizes that no new technology aircraft, including wide-body aircraft, will be permitted to serve National Airport until the Administrator has determined that it is safe to do so. The following is a further description of the proposed policy and regulatory amendments.

1. *Passenger Ceiling.* Under this policy the proposed annual passenger limitation at National Airport would be 16 million total passengers per year. Although the proposals contained in this notice relating to slot reduction and noise limitation should reduce the number of air carrier operations conducted at National Airport, the number of passengers utilizing the airport may continue to increase as larger aircraft are used and passenger activity increases. The DOT intends by this proposal to limit that increase to shift future growth to Dulles and BWI Airports.

Despite the existing limitation on the number of air carrier operations that may be scheduled per hour at National, the airport has experienced considerable growth in passengers carried. Passenger activity has increased from approximately 11 million in 1972 to 15 million in 1979, while the number of operations of certificated air carriers actually declined somewhat because of the introduction of larger capacity aircraft. Congested as it may be, National is not yet at the saturation point under the existing policy. Growth trends are expected to return, despite the recent nationwide downturn in air traffic. If the present operating policies are not changed, Washington area passengers are expected to be distributed in the future as follows:

Annual Passengers

(FORECAST IN MILLION ANNUAL PASSENGERS)

Year	National	Percent market	Dulles	Percent market	BWI	Percent market
1980	14.8	66	2.7	13	3.9	18
1985	19.1	60	6.3	20	6.2	20
1990	19.2	53	8.6	24	8.3	23

The forecast shows National continuing to dominate, in terms of passenger activity, well into this decade and beyond, even assuming, as the above figures do, that wide-bodies were not allowed there. If wide-bodies, which seat about 200 to 275 passengers, were permitted to replace the 90- to 150-seat aircraft now serving National, passenger activity would grow even faster. It would be projected to reach 19 million even earlier than shown above.

The growth potential is so great that, even with the reduction of the number of operations per hour proposed in this policy, combined with the proposed noise limitations, National's passenger traffic could increase substantially to the same levels if capacity limitations were not adopted. The reduction from 40 to 37 flights per hour may slow the rate of growth at DCA somewhat, but would not by itself bring about a significant shift in future passenger activity to Dulles or BWI.

The 16-million annual passenger limitation is designed to impose a limit on the use of National at a level not appreciably higher than the level at which it currently operates. It is a level which should not necessitate further reduction in air carrier scheduling slots for another two years. It is a level of use that permits National to continue as a major airport facility without severely disrupting passenger traffic patterns, but it will also assure that the bulk of the growth in the area's passenger activity that will occur in this decade will occur at Dulles and BWI. Without a firm cap on National, it does not appear that the air carrier activity will shift in sufficient volume to these airports.

The 16-million passenger cap will be maintained by reducing slots of air carriers other than air taxis. The proposed slot reduction mechanism should enable the air carriers to plan

operations at National even though there could be possible fluctuation in the number of slots available. The mechanism proposed would automatically adjust the number of hourly scheduled operations or operating slots that are available to air carriers operating aircraft with 56 or more passenger seats. Under the proposal, the number of passengers would be allowed to grow toward the ceiling, but the slot reduction would occur to assure that the 16-million level is not exceeded.

Once a year (January), the FAA would prepare a forecast of total enplaned and deplaned air passenger activity (air carrier, commuter, and general aviation) over a 12-month period, beginning the following April. If the forecasted activity for the 12-month period is in excess of the target number of passengers, 16 million, then the number of hourly slots allocated to air carriers (37) would be reduced. If future projections showed that the 16-million target would be exceeded, then additional slots would be deleted until the forecast passenger activity stabilizes at 16 million. For example, under the proposal, if the forecast showed that 35 hourly air carrier slots would result in a passenger capacity of 16,000,000, then the hourly slot level would be set at 34.

It is also proposed that the formula would work in reverse. If slots are reduced as a result of the 16-million passenger ceiling, FAA is concerned that the carriers should not be restricted to operating with a reduced number of slots in the event subsequent passenger activity declines substantially. If, after slots had been reduced below 37, the forecast shows that passenger activity will go below 16 million, then slots would be taken away from air taxis and be added back to the air carrier total. This would permit the carriers to add flight but no increase above 37 total slots per hour would be permitted.

The reduction in the allocation for air carriers would be automatic. There would be no futher notice and comment period. FAA would publish the results of the application of this mechanism, including its forecast of average passenger activity, in the Federal Register. Slot reduction resulting from the formula would be effective for the next airline scheduling period beginning in April, and would remain in effect until superseded by another forecast. Slots taken away from air carriers would be added to the slots available for scheduled air taxis.

In this way, slots for air carrier activity would be adjusted before the period in which forecast activity was to exceed the ceiling. Furthermore, in another 12 months, another forecast would be conducted and, if necessary, slots would be further adjusted in accordance with this mechanism.

2. *Operating Slots.* It is proposed to modify the number of instrument flight operations (takeoffs and landings) or "slots" for air carriers [1] and for air taxis and keep the "other" group at where it is today. The number of air carrier operations at National would be reduced from 40 to 37 per hour over 15 hours. The carriers currently may schedule 40 operations per hour over 16 hours. A reduction of 3 air carrier operations per hour under this proposal would, by itself, eliminate 45 potential operations during these hours by the air carriers. Although operations could be conducted under this proposal between 10:00 p.m. and 7:00 a.m., aircraft involved in such operations would have to comply with the applicable noise levels.

The proposed reduction of hourly slots, combined with the elimination of additional operations conducted under § 93.129 (as proposed below), and the elimination of scheduled air carrier service after 9:59 p.m. is sufficient to give immediate relief from noise and congestion. This reduction and passenger capacity would provide the impetus for a shift in air carrier operations to the other airports serving the metropolitan area while, at the same time, ensuring an efficient airspace system.

With the change in the definition of "scheduled air taxis" and "air carriers except air taxis" (see proposed § 93.123(c)), the number of operators seeking these reduced air carrier slots will decrease. Today, more than 50 reservations per day are used for operations which would no longer be eligible for "air carrier except air taxi" reservations. Overall, the number of slots utilized by "air carriers," in accordance with the proposed definitions, would not be substantially affected by this proposal.

As under the previous policy, extra sections of a scheduled operation will not be required to obtain a slot reservation.

It is proposed that the slots available for air taxis be raised by 38% to 11 per hour. The scheduled air taxis are currently limited to 8 scheduled operations per hour at National. As a result of a demand for additional short-haul commuter type service to Washington from smaller communities not served by the larger aircraft, there are a number of commuters on the waiting list for slots at National. However, because commuter service connects with longer haul air carrier operations, the reduction in air carrier operations brought about by reducing their slots from 40 to 37 and by the imposition of noise level restrictions could also limit the overall number of commuter operations wishing to operate at Washington National. The commuters would also be limited by the noise level restrictions so that only their quieter aircraft could be operated in the early morning or late evening hours.

It is proposed that slot requirements for general aviation operators "others" remain at 12 per hour. Under the current regulations and practices, general aviation operators are required to obtain an arrival or departure reservation from air traffic control. The number of general aviation reservations per hour authorized at National is 12 (this is the same number that would be authorized under the previous policy), except that the regulations permit additional operations whenever the aircraft can be accommodated without significant additional delay to the operations allocated for the airport. The number of general aviation operations has remained constant over the past several years, although the number varies on a day-by-day basis. The experience has been that, except in poor weather conditions, the airport has accommodated more than the 12 general aviation operations allocated per hour. Thus, general aviation operations at the airport would not be affected by this proposal.

The proposed change in the number of slots available to air carriers and air taxis from the previous policy reflects a balancing between the needs of air carriers and air taxis. Under this proposal, the number of slots available for air taxis could eventually increase as the number of passengers utilizing the airport increases.

During the comment period on the reviewed policy, the FAA was criticized for having misplaced its priorities by proposing to decrease the number of certificated air carrier aircraft using National in favor of commuter aircraft and general aviation. The criticism related to the fact that commuter aircraft use the limited airspace and airport facilities to serve a smaller number of persons than served by the certificated air carrier aircraft. The criticism would be valid if the FAA's sole obligation were to maximize the number of persons transported through National Airport. However, National Airport is already being used beyond the design capacity of its terminal and roadways. The 1977 study performed for the FAA by the firm of Howard, Needles, Tammen and Bergendoff identified large portions of the public space within the terminal, as well as the curbside and traffic circle area, as inadequate to serve the number of people making demands on those facilities. The proposed reduction of potential air carrier operations in large aircraft as opposed to smaller aircraft promotes the FAA's objective of making efficient use of all the airport facilities entrusted to it. The reduction in large aircraft operations would relieve the overuse of National and tend to promote use of Dulles and BWI for air carrier service.

The reduction in slots from 40 per hour has also been criticized for exacerbating the already stressed slot allocation issues surrounding National. As described above, in view of the redefinition of operations by "air carriers except air taxis," in proposed § 93.123(e), there will not be a major reduction in slots available for these carriers. Moreover, DOT believes that slot allocation issues remain properly outside the decision on the Metropolitan Washington Airports Policy; however, DOT hopes that the airline scheduling committee process will continue to function. If the scheduling committee does not agree upon a slot allocation for a scheduling period, then DOT reserves the right to allocate the slots by direct allocation, by a slot auction, or by other appropriate procedures. These allocation alternatives are discussed in a separate rulemaking (Notice 80-16) issued by DOT on October 21, 1980.

The Department is committed to competitive access at National Airport. Under its present rules, the Airline Scheduling Committee provides for access by new carriers every six months; the Committee rule of unanimous consent means that any carrier dissatisfied with the number of slots it would receive can veto an agreement. If the Committee fails to reach agreement and the Department is obliged to allocate slots, access by any new carriers will likewise be provided.

Commenters expressed concern over maintaining slots for carriers who service small communities. The Department remains concerned about the trend of the larger air carriers to discontinue service to such markets in favor of the higher volume markets. However, this trend of the carriers to concentrate on larger markets is national in scope and is clearly not a result of the Metropolitan Washington Airports Policy. The proposed reduction would not produce a substantial reduction in the number of actual operations occurring today. Indeed, there can be no assurance that if (commuter and certificated air carriers combined) many more slots were available at National Airport they would be used to service smaller communities. Also, under this policy of proposed slot reduction at National, no community will be deprived of air service to Washington, D.C., due to an unavailability of airport facilities. Dulles Airport will remain available to accommodate all air service to the Washington metropolitan area.

With further regard to slots, this proposal would clarify the regulations to provide that air carriers at National are ineligible for additional reservations beyond those allocated under § 93.123. On December 16, 1980, the FAA issued Notice No. 80-26 (45 FR 84380; December 22, 1980) which proposed clarification of the method by which aircraft operators can obtain additional reservations or slots. On January 19, 1981, the FAA issued a Supplemental Notice of Proposed Rulemaking (46 FR 8028; February 26, 1981) which proposed modification of the High Density Rule to expressly codify the method by which additional IFR reservations are to be obtained and when they must be obtained.

When these notices were issued, the proposal applied to all high density airports. This notice contains a revised limitation on the number of hourly operations at National Airport by air carriers (including air taxis). The objectives of the proposed policy are less achievable if these operators are permitted to substantially exceed the proposed limitations. Some parties have interpreted the current rule to allow as many additional operations as the air traffic control at the airport will accommodate. This was never the intent of the rule and, indeed, only a few carriers have conducted more operations than the number allocated to them. Therefore, the restrictions proposed in Notice No. 80-26 and the Supplemental Notice of Proposed Rulemaking are being incorporated into this notice to make them applicable to operations at National Airport. Application of these provisions to the other high density airports is not being proposed at this time. This notice relates only to the Metropolitan Washington Airports. If it is subsequently determined appropriate to clarify the High Density Rule at other high density airports, a separate regulatory effort will be considered.

Under the proposal, § 93.129 would be amended to provide clearly that scheduled air carriers to and from National Airport are ineligible for additional reservations beyond those allocated under § 93.123. For the purpose of this section, a scheduled operation would be defined as an operation conducted by an air carrier which involves published service between points regularly served by that air carrier unless the service is conducted pursuant to the charter or hiring of aircraft, or is a nonpassenger flight.

This proposed rule would not affect the provisions in § 93.123(b)(4) which provide that extra sections of scheduled air carrier flights may be conducted without regard to the limitation on hourly IFR reservations. The extra section rule is intended to accommodate operations, the necessity of which an operator cannot precisely predict. They are not scheduled operations and it would be impractical to obtain permanent slots for such opeations. Regularly scheduled operations do not have the same uncertainty and, thus, require slots. The extra section authority is available to any carrier with a slot for a regularly scheduled operation. Additionally, this provision would not affect § 93.123(b)(3) which permits nonscheduled flights of scheduled air carriers to be conducted at Washington National Airport without regard to the limitation of 37 IR reservations per hour.

The proposal sets forth the longstanding method by which an operator would obtain an IFR reservation at a high density airport. In 1969, the NPRM originally proposing the High Density Rule stated:

> For flights between two high denisty airports, approved reservations for the takeoff and arrival would have to be obtained prior to takeoff. After receipt of the approval, the operator would file an IFR flight plan in the usual manner.

This procedure has been used since the rule was first promulgated, more than a decade ago. Moreover, Advisory Circular No. 90-43D, "Operations Reservations for High Density Traffic Airports," published the method by which additional IFR reservations are to be obtained from air traffic control. Additional IFR reservations can only be obtained by contacting the FAA Airport Reservation Office (ARO) directly or by submitting a request for reservation to the nearest Flight Service Station. The air traffic control towers are not authorized to grant additional IFR slots nor would air traffic control turn aircraft away; their function relates to air traffic safety. The fact that the tower permits

[1] The term "air carrier" as used in the Federal Aviation Regulations is defined in 14 CFR 1.1 as, "a person who undertakes directly by lease, or other arrangement, to engage in air transportation."

the operation does not constitute an authorized operation under the High Density Rule. Therefore, the intended practice has always been that an operator proposing to fly IFR to or from a high density airport must obtain a reservation allocated under § 93.123 or an approved additional IFR reservation from the ARO prior to takeoff. Until the reservation is obtained, the operator may not file its IFR flight plan. Furthermore, the operator must have an IFR reservation for the arrival airport even if it intends to change the operation to VFR during flight. Of course, an air carrier departing a high density airport would be required to have the IFR reservation for the departure airport before it files the IFR flight plan. This is not intended to change the practice of allowing operators to file IFR flight plans with the FAA for computer storage.

The proposal would amend the regulation to expressly set forth this longstanding procedure.

3. *Hours of Operation and Noise Levels.* There would be no restriction on the operating hours of Washington National Airport. Noise level limitations will effectively control evening, nighttime, and early morning operations. This approach provides meaningful noise relief, does not penalize the operators of newer technology, quieter aircraft, and provides incentive for other operators to use quieter aircraft.

The regulations issued in September 1980 permitted the carriers to schedule flights from 7:00 a.m. to 9:30 p.m. The regulation proposed here would permit the carriers to schedule 37 operations per hour up to 12:00 midnight.[2] Although these operations would be permitted in accordance with the high density provisions, the lower noise levels contained in proposed § 159.60 would permit only relatively quiet aircraft to operate beginning at 10:00 p.m. No air carrier jet aircraft in operation today can meet the nighttime noise limits.

Under the previous policy, there were no noise level restrictions. There was a total curfew from 11:00 p.m. to 7:00 a.m. and many commenters urged that, in lieu of closing National to all traffic, aircraft that are substantially quieter than the large jet transports should be permitted to continue operating. The previous policy contemplated a review of this issue. The curfew impacted early morning and late evening commuter flights, even those flown in quieter aircraft. The Department believes that National can be operated at all hours without imposing disruptive aircraft noise on the community at night and, further, that improvements in noise exposure throughout the day can be achieved with the proposed noise level restrictions.

It is proposed to set noise limits for 1981 that would essentially put a lid on aircraft noise at the airport and would eliminate the noisiest of the two- and three-engine jet aircraft operations at National by requiring some aircraft to operate at lower weights. This limit will allow continued use of 727 aircraft, for example, but would limit their use to typical 1,000-mile or less flights, with adequate fuel reserves. It would preclude "tankering" or departing with unnecessarily large fuel loads, with consequently higher noise levels. This noise limitation would become more stringent in 5 years, however, decreasing to 80 dBA as generated on takeoff, effective October 1, 1986. At that limit, use of the airport would be limited to the new generation of quieter aircraft, such as the DC–9–80, the new 737–300, a reengined 727 series, and possibly the new 757 and 767, if otherwise found acceptable for operation into and out of the airport.

If this proposal is adopted, the impact of aircraft noise on the community would be reduced over the next 5 years. Limits would not be set for each interim year to allow the air carriers operating at the airport flexibility to plan for using quieter aircraft to meet the 1986 levels at National. DOT expects a gradual reduction in the noise level of aircraft using the airport to occur and will, as it monitors the noise levels, consider the imposition of interim year noise levels if it appears that operators are not making necessary fleet adjustments to achieve the 1986 noise limitations.

The noise limits proposed for 1986 would bring about a significant change in the composition of the fleet using National. In 1986, under the proposal, the Boeing 727 and 737—both the 100 and 200 series—would not be able to operate at National Airport, even with a very substantial weight penalty, unless they were reengined. Other aircraft in frequent service at National today, such as the BAC–111, would not be allowed to operate in 1986 if the proposed noise level restriction is adopted.

These aircraft types would remain a significant part of the air carrier fleet, but their utilization to serve Washington, D.C., would be via Dulles and BWI. The carriers would be able to use only the quiet and range-limited aircraft at National. Newer technology aircraft are expected to be available to the carriers using National and in all probability these will become the aircraft most commonly used at National as 1986 approaches.

The draft supplement to the Environmental Impact Statement indicates that aircraft that produce a takeoff noise level of 72 dBA,[3] measured under FAA aircraft takeoff noise certification conditions, will not produce an increase in the cumulative noise to which the community around National is exposed. That is, this nighttime noise level limitation could be implemented without measurably altering the noise exposure as depicted in FAA's August 1980 Environmental Impact Statement (EIS) on the Metropolitan Washington Airports Policy.

Also, a limit of 72 dBA for takeoff noise at the certification measuring point (6,500 meters from the start of the takeoff roll) would not produce noise levels that intrude upon any residences in the area. No large jet aircraft will be able to operate under this standard. For the quieter aircraft that do operate, procedures will be in effect which direct operations to be over the Potomac River for a certain distance (10 miles north or 5 miles south) of until an altitude of 2,000 feet is reached. Under these procedures, the 72 dBA contour does not include any residential area and, according to the environmental study, persons inside their homes will be exposed to no more than 50–55 dBA. This level should not cause interference or annoyance to most persons, even at night.

Likewise, on approach, a noise level of 85 dBA, measured under certification conditions, would not alter the cumulative noise level contours, as depicted in the August 1980 EIS, and will not intrude upon residences. The approach noise level is measured at a point 2,000 meters (approximately one nautical mile) from the runway threshold when the aircraft is at a low altitude, approximately 400 feet above ground. An aircraft must be significantly quieter to achieve an approach level of 85 dBA than it must be to meet 85 dBA at the takeoff measuring point. The takeoff noise level is measured at a point 6,500 meters (approximately 3½ nautical miles) from the start of takeoff roll where typical two- and three-engine jet aircraft are 1,500–2,000 feet above airport elevation. An aircraft which measures 72 dBA under the specified takeoff conditions will measure approximately 85 dBA under the specified approach conditions. Thus, 85 dBA on approach is proposed as the level not to be exceeded. According to the draft supplement to the Environmental Impact Statement, persons inside their homes along the Potomac River corridor will be exposed to no more than 50–55 dBA, and this should not cause interference or sleep interruption.

At present, on an average night, there are 50–55 operations between 10:00 p.m. and 7:00 a.m. and only 10–20 operations between midnight and 7:00 a.m. Approximately 25 to 33 percent of these operations are by aircraft that exceed the proposed noise level. These aircraft would not be permitted to operate during the night hours. It is possible that the number of operations in complying aircraft will increase. Some commuter air carriers will probably provide late night and early morning scheduled services with complying aircraft. This could add an estimated 4 to 16 operations to National. However, FAA does not expect that there would be any significant increase in nighttime air carrier traffic.

The daytime noise level of 86 dBA would not require the elimination of any operations from National nor would it produce a change in the noise exposure in a cumulative sense though certain of the noisiest operations would be quieted and individuals would be impacted less by them.

With one exception, the noise level in effect at the time of the operation would apply to the aircraft regardless of the time scheduled for the arrival or departure. That is, the time the aircraft is cleared for takeoff or the time the aircraft is cleared for approach will determine the noise level that is applicable to that operation.

The exception is that aircraft scheduled to arrive any time before 10:00 p.m. could arrive up to 10:30 p.m. as long as it complied with noise level in effect at the time of the scheduled arrival (see proposed § 159.59(d)). This would allow for delays en route. The FAA expects that air carriers would schedule operations realistically to arrive before the 10:00 p.m. time period. An operation which frequently arrives past its scheduled time of arrival would not meet this criterion. If monitoring reveals that the carriers are abusing this exception, the FAA may take additional regulatory action. It must be emphasized that this limited exception would only apply to arrivals. The noise levels applicable to departures would be the noise levels established for the actual time of departure, not the scheduled time. Therefore, to assure that their aircraft can comply with the proposed 10:00 p.m. operating requirement, the air carriers may be expected not to schedule operations close to 10:00 p.m.

In order to help explain the noise levels that would be applicable for operations under this proposal, the following examples are provided:

1. Airline X (or commuter or a general aviation operator) has an operation scheduled to arrive at 8:50 p.m. and the airplane arrives on time. That aircraft must be able to meet the noise level of 86 dBA as generated on takeoff for that particular aircraft.

2. Airline X has an operation scheduled to depart at 9:45 p.m. and does depart as scheduled. That aircraft must meet the noise level of 86 dBA as generated on takeoff for that particular aircraft.

3. Airline X has an operation scheduled to arrive before 10:00 p.m. and the aircraft is not ready to be cleared for approach until 10:35 p.m. That aircraft must meet the 85 dBA noise level as generated on approach which is in effect at the time of operation. If that aircraft is not capable of meeting that noise level, then the operator would be required to divert to another airport. Had the aircraft arrived before 10:30 p.m., the 86 dBA level as generated on takeoff would apply.

4. Airline X has an operation scheduled to arrive at 9:50 p.m. and the airplane arrives at 10:10. That aircraft must meet the noise level of 86 dBA as generated on takeoff for that particular aircraft since that noise level was applicable to operations during the time period (7:00 a.m. through 9:59 p.m.) in which the operation was scheduled to arrive.

A determination will be made by FAA as to which aircraft types and models can comply with the noise limits by comparing the limit to the estimated noise level set forth in Advisory Circular 36–3A. The noise levels in the advisory circular were developed based on the maximum certificated gross weight of the aircraft. Several aircraft types operating at National produce noise levels at maximum gross weight that would not allow them to be operated at National under the proposed rule. However, at National, aircraft are frequently operated below maximum gross weight and, therefore, produce noise levels below that reported in the advisory circular. The proposed rule will permit aircraft that operate in the daytime and evening to be judged for compliance purposes, based upon the noise produced at the gross weight at which the aircraft is operating. No allowance for lighter operating weights would be permitted for the nighttime operations.

The noise level limitation would apply to the certification noise levels as adjusted for gross weight; it would not apply to the noise generated by individual aircraft operations. FAA does not intend to enforce the curfew by measuring the noise from individual aircraft operations at a point on the ground. Such systems may cause pilots to attempt to "beat the meter" with power cutbacks and maneuvers which reduce noise at that one point. These maneuvers may actually increase noise exposure to other areas. In addition, such maneuvering around the meter may not be in the best interest of safety. Basing the noise limits on aircraft type and model eliminates these problems. Use of type also promotes consistency and predictability for operators. If each individual operation is measured, an aircraft that complies one day may not comply the next day because atmospheric conditions have changed. Noise levels for the same type of aircraft, following the same flight path, may vary within a range of 20 decibels due to meteorological conditions. Thus, even if a pilot flies exactly the same pattern and operating procedure during each flight, he cannot be assured that he will not exceed a set noise level at one or more microphones on the ground. By identifiying the types of a aircraft that comply and the gross weight limitations, where applicable, this uncertainty is eliminated.

Persons who violate the proposed regulation by operating an aircraft type or model that does not meet the noise level would be subject to arrest and criminal penalties of up to a $500 fine and up to 6 months imprisonment under Section 4 of the Act of June 29, 1940, under 54 Stat. 686; as amended by the Act of May 15, 1947, 61 Stat. 94; and the Federal Aviation Act of 1958 as amended, 49 U.S.C. 1301, et seq.

4. *New Technology and Wide-Body Aircraft.* Air carrier aircraft not currently in regular operation at National will not be allowed to operate at National until the Administrator has determined that operation of the aircraft at National meets appropriate safety concerns. If such a determination of safe operation is made, such aircraft could operate only if the Director of the Metropolitan Washington Airports determines that the proposed operation is compatible with the airport's facilities. This means that new model aircraft and the existing wide-body aircraft, such as the A–300, DC–10 and

[2] Section 93.123(b)(1) states that the hourly limitations for the various classes of users at high density airports applies from 6:00 a.m. to 12:00 midnight, while the total hourly limitation applies from 12:00 midnight to 6:00 a.m. This means that under this provision, air carriers would be able to operate 37 operations per hour from 6:00 a.m. to 12:00 midnight and up to 60 per hour from 12:00 midnight to 6:00 a.m.

[3] A-weighted decibels are decibels measured with an adjustment that emphasizes sound frequencies heard by the human ear, as opposed to treating all measured frequencies equally.

L–1011, remain precluded from operating at National.

A sufficient number of questions remain about these aircraft to warrant their review on a model-by-model basis. The public interest requires greater knowledge of aircraft performance on National's short runways in rain and in poor visibility. There is also concern over the appropriateness of such aircraft consistently using the curving approach to National's Runway 18 which, due to wind conditions, is used for approximately 45 percent of all arrivals. The ground maneuvering area required for these aircraft may pose wing-tip clearance problems at National. Also, the ramp and taxiway areas affected by the significant engine exhaust velocities of the larger aircraft is significant. These areas are already extremely limited at National. The terminal and roadways currently experience extreme congestion during peak hours. The additional surge of passengers occasioned by wide-body aircraft and persons meeting them or accompanying them to the airport has the potential to swell the peak hour demands on the airport's facilities to cause even greater delays. While the facility problem might be corrected with physical redevelopment, that remedy is at least several years away from fruition.

Consequently, wide-body and new technology aircraft would not be allowed to use National until these critical safety issues are resolved to the satisfaction of the Administrator. Moreover, the Director would maintain his authority conferred upon him in the regulations issued September 15, 1980, to request the carrier to submit a plan describing how the aircraft operation would be compatible with the airport's facilities, including a description of the scheduling and gate positions to be used. The Director would have the authority to deny use of the airport based on the incompatibility of the operation with National Airport's apron, gate, baggage and passenger handling, and roadway facilities.

5. *Nonstop Service Restrictions.* The restriction on nonstop flights to and from National is the same under this proposal as under the previously adopted regulations. Nonstop flights of more than 1,000 statute miles would not be permitted via National; Dulles Airport will remain totally unrestricted.

On May 25, 1966, the Civil Aeronautics Board (CAB) approved an agreement submitted by the Air Transport Association (ATA) on behalf of 12 air carriers. The air carriers, as part of the agreement between the FAA and the air carrier industry to allow jet aircraft to use National Airport, agreed that they would not operate turbojets into and out of DCA on nonstop segments of more than 650 statute miles, except on those nonstop route segments of more than 650 statute miles and less than 1,000 statute miles being operated by any parties thereto on a nonstop basis by schedules in effect December 1, 1965 (the seven "grandfathered" cities).

On July 27, 1966, the Director of the Bureau of National Capital Airports issued NPRM 66–29 (31 FR 10199; July 28, 1966) which stated that the FAA was considering methods of affecting limitations on the number of air carrier operations at Washington National Airport as part of the general policy to provide the maximum service to the flying public. Included in the NPRM was a 650-mile limitation.

On February 2, 1972, the Acting Manager of National Capital Airports withdrew Notice 66–29 (37 FR 3059; February 11, 1972) stating that the agency had determined that the proposed rulemaking action was no longer appropriate since the objective of that notice had been accomplished by carrier agreement and the high density air traffic rules.

Although not formally codified until recently, the perimeter practice had been followed by all parties. It has been set forth in official FAA publications, such as the Notices to Airmen, since 1974.

In response to the announcement in May 1981 by several carriers that they would commence new nonstop service in violation of that longstanding limitation, the FAA issued a rule (46 FR 28632; May 28, 1981) on May 26, 1981, which stated that turbojet aircraft may not be operated into or out of Washington National Airport on scheduled nonstop flight segments of more than 650 statute miles except for nonstop flights from seven listed "grandfathered" cities. That regulation was intended to maintain the status quo pending the review of the regulation scheduled to take effect on October 25.

The regulations scheduled to take effect on October 25 would establish the nonstop perimeter for Washington National at 1,000 statute miles, with no exceptions. This would permit cities beyond 650 statute miles, but closer than the grandfather cities, to have nonstop service via National. Cities of equal distance would be treated equally. The perimeter would maintain the long-haul nonstop service at Dulles and BWI which otherwise would preempt shorter haul service at National. This is most consistent with the roles proposed for Dulles and National Airports as long-haul and short/medium-haul facilities, respectively. Therefore, FAA proposes that the 1,000-mile perimeter rule be implemented as adopted in September 1980.

The nonstop service restriction has been criticized by travelers from cities that are denied nonstop service to Washington via National Airport. As airport proprietor, FAA is charged by law with the control of Dulles and National and the responsibility for their care, operation, maintenance and protection. It has been granted the power to make and amend such rules and regulations in furtherance of those purposes. The restrictions here proposed for Washington National Airport are necessary in view of the local problems that they are intended to resolve. It is FAA's responsibility and not the responsibility of distant communities to ameliorate the Washington area's local problems of noise and congestion created by National Airport. As the proprietor of two air carrier airports serving the Washington metropolitan area, the FAA can assure that the Washington metropolitan area will be able to receive all air services without undue restriction. FAA, because it has the legal control over both airports and because it has placed no restrictions on service to Dulles, is also in the position to assure that air carriers are given full opportunity to provide service to Washington, D.C. CAB certificates authorize the carriers to serve Washington, and do not require that the service be conducted via one airport or the other. It should also be noted that the FAA has long recognized that an airport proprietor with control of two or more airports serving the same area can take reasonable actions to determine the nature of service provided to one airport so long as the proprietor's other airport(s) remains available to accommodate fully the other types of operations. The perimeter rule proposed for National does not preclude nonstop service to the Washington metropolitan area from anywhere in the country via Dulles Airport.

The perimeter rule is essential to prescribing distinctive roles for National and Dulles and to prevent further concentration of activity at National. At present there are approximately 10 times as many flights to and from National (approximately 600) as there are every day to and from Dulles. Air carrier activity at Dulles in 1980 was 34.7 percent below 1979 levels and passenger activity declined by 28.5 percent. The main Dulles markets are cities not served nonstop via National, such as Dallas-Ft. Worth, Houston, and Denver and the West Coast cities. In the markets that are served nonstop via National, service via Dulles is meager or nonexistent. There is at present one flight available to Chicago O'Hare, a major connecting terminal, via Dulles; there are more than 25 from National. The 7 cities beyond 650 statute miles that are served nonstop via National have more than 90 flights daily to and from National. At present, except for three flights per week to Miami that depart after 10:00 p.m., there is not a single flight between these seven cities and Dulles Airport.

The proposed 1,000-statute mile perimeter would not alter appreciably the existing service patterns. Nonstop service via National would remain available for the seven cities beyond 650 statute miles and cities such as New Orleans, Kansas City, Birmingham and Ft. Lauderdale would be able to receive new nonstop service. All nonstop markets beyond 1,000 statute miles would continue to be served through Dulles and BWI.

6. *Nonregulatory Aspects.* The nonregulatory aspects of the policy proposed here are essentially the same as the policy adopted in August 1980. Appropriate master planning, rehabilitation and improvement of the facilities at National will be undertaken by the Director of the Metropolitan Washington Airports, and FAA will continue with plans to improve ground access to Dulles.

Revocation of Metropolitan Washington Airports Policy

In order to accomplish the proposed new policy described in this document, it is proposed to revoke the policy and implementing regulations issued on September 15, 1980, while replacing it with this new policy. Therefore, it is proposed to revoke Amendments 93–37 and 159–20 (45 FR 62406; September 18, 1980).

The Proposed Amendments

In consideration of the above, the FAA proposes to amend Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) and Subpart C of Part 159 of the Federal Aviation Regulations (14 CFR Part 159) as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. By revoking Amendments 93–37 and 159–20 (45 FR 62406; September 18, 1980).

2. In § 93.123(a), the IFR Operations Per Hour chart is revised to read as follows:

§ 93.123 High Density Traffic Airports.

(a) * * *

IFR Operations Per Hour

Class of user	John F. Kennedy Airport	La Guardia Airport	Newark Airport	O'Hare Airport	Washington National Airport [1]
Air carriers except air taxis	70	48	40	115	37
Scheduled air taxis	5	6	10	10	11
Other	5	6	10	10	12

[1] Washington National Airport operations are subject to modifications per § 93.124.

3. By revising § 93.123(b)(3) to read as follows:

* * * * *

(b) (3) The allocation of 37 IFR reservations for air carriers except air taxis at the Washington National Airport does not include charter flights, or other nonscheduled flights of scheduled or supplemental air carriers. These flights may be conducted without regard to the limitation of 37 IFR reservations per hour.

4. By adding new paragraph (c) to § 93.123 to read as follows:

* * * * *

(c) For operations at Washington National Airport—

(1) The number of operations allocated to "air carriers except air taxis," under paragraph (a) of this section, refers to the number of operations conducted by air carriers with aircraft having a certificated maximum passenger seating capacity of 56 or more or, if used for cargo service in air transportation, with aircraft having a maximum payload capacity of 18,000 pounds or more.

(2) The number of operations allocated to "scheduled air taxis," as used in paragraph (a) of this section, refers to the number of operations conducted by air carriers with aircraft having a certificated maximum passenger seating capacity of less than 56 or, if used for cargo service in air transportation, with aircraft having a maximum payload capacity of less than 18,000 pounds.

5. By adding new § 93.124 as follows:

§ 93.124 Modification of Allocation: Washington National Airport.

(a) Each January, the projected number of passengers (air carrier and general aviation) enplaning and deplaning at Washington National Airport will be forecast and published by FAA for a 12-month period, from April to April.

(b) The hourly number of reservations allocated to air carriers except air taxis at Washington National Airport, in accordance with § 93.123, shall be adjusted up or down, as necessary, so that the hourly number of reservations will be one less than the number of hourly reservations that is forecast to produce an annual passenger level of 16 million. This adjustment shall be published with the forecast described in paragraph (a). In no event shall the number of hourly reservations allocated to air carriers except air taxi exceed 37. Any hourly reservations removed from air carriers except air taxis shall be added to the number of reservations allocated to scheduled air taxis. Any hourly reservations to be added to the hourly allocations for air carriers except air taxis shall be taken from those allocated to scheduled air taxis.

(c) Any change in the number of reservations made as a result of paragraph (b) of this section shall be effective on the last Sunday of the April following the forecast.

§ 93.129 [Amended]

6. By amending § 93.129(a) to insert the words "the operation is not a scheduled operation to or from Washington National Airport and" after the "if" and before the work "he" in the first sentence.

7. By amending § 93.129 to add paragraphs (c) and (d) to read as follows:

(c) For the purpose of this section, a "scheduled operation to or from Washington National Airport" is any operation conducted by an air carrier between points regularly served by that air carrier unless the service is conducted pursuant to the charter or hiring of aircraft or is a nonpassenger flight.

(d) An aircraft operator must obtain an IFR reservation in accordance with procedures established by the Administrator. For IFR flights to or from Washington National Airport, reservations for takeoff and arrival shall be obtained prior to takeoff.

PART 159—NATIONAL CAPITAL AIRPORTS

8. By adding to Part 159 Subpart C, a new § 159.40 as follows:

§ 159.40 Hours of operation.

(a) After October 24, 1981, and until October 1, 1986, except in an emergency, no person may operate an aircraft at Washington National Airport if the noise levels for the aircraft type and model as described in FAA advisory Circular 36–3A, which is incorporated into this Part by reference, adjusted for gross weight, exceeds the noise limits

set forth below during the hours specified below, except as allowed by paragraph (d) of this section. No adjustment for gross weight will be allowed for operations from 10:00 p.m. through 6:59 a.m.

Arrivals and departures, 7:00 a.m. through 9:59 p.m.:
86 dBA as generated on takeoff.
Arrivals, 10:00 p.m. through 6:59 a.m.:
85 dBA as generated on approach.
Departures, 10:00 p.m through 6:59 a.m.:
72 dBA as generated on takeoff.

(b) After September 30, 1986, except in an emergency, no person may operate an aircraft at Washington National Airport if the noise level as described in FAA Advisory Circular 36–3A, which is incorporated into this Part by reference, adjusted for gross weight, exceeds the noise limits set forth below during the hours specified below, except as allowed by paragraph (d) of this section. No adjustment for gross weight will be allowed for operations from 10:00 p.m. through 6:59 a.m.

Arrivals and departures, 7:00 a.m through 9:59 9.m.:
80 dBA as generated on takeoff.
Arrivals, 10:00 p.m through 6:59 a.m.:
85 dBA as generated on approach.
Departures, 10:00 p.m through 6:59 a.m.:
72 dBA as generated on takeoff.

(c) The noise levels specified in subsections (a) and (b) shall be determined in accordance with the test procedures defined in Part 36, Appendix C, of these regulations. Aircraft types and models which are not listed in Advisory Circular 36–3A may be operated at Washington National Airport if the FAA determines that the aircraft type and model would meet the noise limits of paragraphs (a) and (b) above, if it were tested properly, and the operator obtains approvals required by § 159.59(a).

(d) An air carrier operation scheduled to arrive before 10:00 p.m. and arriving after 9:59 p.m. and before 10:30 p.m. shall comply with the noise levels set forth in paragraphs (a) and (b) for the scheduled time of arrival.

(e) Availability of advisory circular. Advisory Circular 36–3A may be inspected and copied at any FAA Regional Office or General Aviation District Office. Copies of the circular are available free of charge and may be obtained from any of those offices or from the FAA Distribution Unit, M–443.1, Washington, D.C. 20590.

§ 159.59 [Amended]

9. By amending § 159.59 by redesignating paragraphs "(a)," "(b)" and "(c)" as "(b)," "(c)" and "(d)" and by adding new paragraph (a) as follows:

(a) No person may operate at Washington National Airport an air carrier aircraft of a type not regularly operated at that airport as of July 1, 1981, unless approved by the Administrator, on a safety basis, and the Director of Metropolitan Washington Airports. The Director may request the persons proposing to operate aircraft of this type at Washington National to submit a plan describing how the aircraft operation will be compatible with the airport facilities, including a description of the aircraft type, the schedule, and the gate position proposed to be used. The Director shall base his approval or denial on the compatibility of the operation with National Airport's apron, gate, baggage and passenger handling, and roadway facilities.

* * * * *

10. By revising § 159.60 to read as follows:

§ 159.60 Nonstop operations.

No person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 1,000 statute miles away from Washington National Airport.

(Secs. 103, 307(a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1303, 1348(a), (b) and (c), and 1354(a)); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—As a result of a request by the Director of the Office of Management and Budget under the criteria of Executive Order 12291, this regulation is classified as a "major" regulation. The Director has given a waiver from certain of the requirements of the Executive Order for this notice. Since the regulation would merely make relatively minor changes to an issued regulation, it is not considered to be significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Finally, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on July 8, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81–20510 Filed 7–9–81; 1:00 pm]
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federal register

Monday
July 13, 1981

Part V

Department of Energy

Economic Regulatory Administration

Petroleum Substitute Entitlements Provisions; Amendments

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-81-02]

Petroleum Substitute Entitlements Provisions; Amendments

AGENCY: Economic Regulatory Administraton, DOE.

ACTION: Final rule.

SUMMARY The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) effectively to terminate the petroleum substitutes program as of January 28, 1981. That program provided firms that used an alternate fuel to substitute for crude oil or petroleum products the opportunity under certain circumstances to qualify for entitlements benefits under 10 CFR 211.67. ERA has determined that the President's Executive Order decontrolling crude oil and petroleum products on January 28 not only makes this program unnecessary but also would render it counterproductive. In addition, ERA has determined that the standards governing this program, even in a controlled environment, would not best further the purposes of the Emergency Petroleum Allocation Act.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:

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David Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3459;

William Funk or Jack Kendall (Office of General Counsel), U.S. Department of Energy, Room 6A-141, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6736 (Funk); 252-6739 (Kendall).

SUPPLEMENTARY INFORMATION:

I. Background
II. Comments and Response to Comments
III. Rule Adopted
IV. Procedural Matters

I. Background

On March 26, 1981, we issued a notice of proposed rulemaking (NOPR), 46 FR 19450 (March 30, 1981), that, if adopted, would effectively end the petroleum substitutes entitlements program, a program that provided entitlements benefits under certain circumstances to firms that produced or consumed alternate fuels that substituted for crude oil or a petroleum product.[1] Specifically, the NOPR proposed to amend the provisions of § 211.67(a)(5) to restrict the issuance of entitlements for petroleum substitutes for periods prior to January 28, 1981, to those firms which prior to that date had properly made all necessary certifications and filings to the ERA under the automatic provisions of § 211.67(a)(5) or had received orders pursuant to the case-by-case provisions of section § 211.67(a)(5).

II. Comments and Response to Comments

A public hearing on the March 1981 proposal was held on April 15, 1981, in Washington, D.C., and fourteen interested parties testified at the hearing. In addition, as of May 7, 1981, sixty-six written comments had been received from interested parties, some of whom testified at the public hearing. The commenters included fifteen petroleum refiners, the American Petroleum Institute, twenty-five applicants for entitlements for petroleum substitutes under the case-by-case provisions, two associations representing members of the sugar cane industry, an *ad hoc* group of companies in the paper and forest products industry, and three members of the United States Congress. These commenters may be characterized as falling into one of two classes—those that would have to pay money if the NOPR were not adopted and those that might receive money (and those commenting on their behalf) if the NOPR were not adopted. Thus, refiners, which would have to pay money to petroleum substitute producers and consumers, unanimously supported the NOPR, while firms with outstanding applications under the case-by-case provisions for designation as petroleum substitute entitlements recipients, that might have an opportunity to receive money, unanimously opposed that portion of the NOPR dealing with rescission of the case-by-case provisions of § 211.67(a)(5). No commenter opposed rescission of the automatic qualification provisions of § 211.67(a)(5).

Those that supported the NOPR agreed with the tentative conclusions reached by ERA in the NOPR. Moreover, several refiners expressed their view that the President's decontrol order, E.O. 12287, 46 FR 9909, (January 30, 1981), by itself ended the petroleum substitutes program.

Those that opposed the proposal with respect to the case-by-case provisions attacked ERA's tentative conclusions and in addition raised legal and equitable arguments against adopting the NOPR. These comments and ERA's response to them are detailed below:

a. *Protracted Processing of Applications*

In the NOPR we noted that over 160 applications were currently being processed under the case-by-case provisions of the petroleum substitutes program, but that in the past year and a half we had issued only seven decisions and orders. Consequently, we concluded that efforts to complete processing of the 160 plus applications could protract the petroleum substitutes program well beyond calendar year 1981, contrary to the direction and intent of E.O. 12287. The commenters opposing the rescission of the case-by-case provisions took issue with this conclusion. They noted that ERA admitted that a large number of the cases already had been processed to the stage of a preliminary draft decision and order. As stated in the NOPR, we have continued processing applications during the pendency of this proceeding. Moreover, the delay in the issuance of the so-called entitlements final clean-up rule, *see* NOPR in Docket No. ERA-R-81-01, 46 FR 15112 (March 3, 1981), will result in a delay in the issuance of the final entitlements clean-up notice. These two factors lead us to believe that it would be possible for us to complete processing of all outstanding applications for case-by-case consideration prior to the publication of the final entitlements notice. Consequently, we are not adopting this final rule on the basis that there would be a protracted delay in closing out the entitlements program if the case-by-case applications were all acted upon.[2]

b. *Continuation of the Program after Decontrol is Inconsistent with Executive Order 12287, the Purposes of the Program, and the Emergency Petroleum Allocation Act*

In the NOPR we indicated our tentative conclusion that decontrol of crude oil and petroleum product prices and allocation on January 28, 1981, eliminated the purpose of the petroleum substitutes program. Therefore, we believed that it would be inconsistent with the purposes of the program to include new firms in the program after the date of decontrol. While those firms that supported the NOPR shared this opinion, commenters that opposed the NOPR disagreed.

Opponents of the NOPR took the position that the purpose of the program was to offset the disincentives to petroleum substitute production and use caused by the price and allocation controls. They said that they had suffered this disincentive in the past, and because ERA's practice in the past had been to grant decision and orders retroactively to the date of application, there was nothing inconsistent with the Executive Order in granting decision and orders with respect to periods prior to decontrol. Moreover, they said, Section 3 of the Order explicitly contemplated regulatory actions relating to periods prior to decontrol.

We have not been persuaded by these comments. First, we believe that these commenters have confused the question of whether as a matter of law there is an inconsistency with E.O. 12287 that compels elimination of the petroleum substitutes program as of January 28, 1981 (a position taken by some refiners) with the question of whether the changed circumstances occasioned by the Order have provided a basis for ERA to rescind the petroleum substitutes program as a matter of policy to be consistent with the intent of the Order and the purposes of the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751, *et seq.*, Pub. L. 93-159, as amended. While we agree that the Order did not as a matter of law bar ERA from granting new decision and orders relating to periods prior to decontrol under the petroleum substitute program, we believe that to issue new orders after decontrol would be inconsistent with the Order, because it would mean that new firms would be added to the program and refiners might have to pay substantial sums of money to these firms in a decontrolled environment when no regulatory disincentive exists to the production or use of petroleum substitutes. These results would be inconsistent with the Executive Order's direction to revoke regulations made unnecessary by that Order and to provide for immediate and orderly decontrol.

Second, we believe that the commenter's emphasis on the retroactive effect of the few decisions and orders previously issued is misplaced. Most commenters acknowledged that the petroleum substitute rules did not specify when decision and orders issued on a case-by-case basis are to be effective in terms of computing entitlements benefits.[3] As we acknowledged in the NOPR, ERA as a matter of practice has granted decision and orders effective back to the first month following the date of application. This administrative practice, however, was applied only with respect to four decisions and orders, all in the context of continuing controls where the major effect of granting the orders could have been expected to be prospective. Moreover, nothing in the regulations or the preambles thereto suggest that the purpose of the program was to alleviate past disincentives through the grant of retroactive benefits. This is reflected in the fact that no attempt was made when the program was first proposed (in 1978) or expanded (in 1979) to grant benefits for periods prior to 1978 or 1979, respectively, even though the same or greater disincentives to the production and use of petroleum substitutes had existed then. In short, the purpose was to reduce future disincentives, not to reward petroleum substitute makers and consumers for having made economic decisions in past periods that were to their benefit notwithstanding the disincentives. In our view, to designate new firms in new orders *after decontrol* as beneficiaries under the petroleum substitute program, *solely* because at the time in the past that they produced or consumed petroleum substitutes there was a regulatory disincentive to such production or consumption, would be analogous to adopting the program that ERA rejected in 1978 and 1979—a program to reward firms for having produced petroleum substitutes in the past.

Third, and perhaps most importantly, to continue a petroleum substitutes program after decontrol by issuing new orders designating new firms eligible for entitlements benefits would no longer further any purpose of the EPAA. As presently constructed the program would require refiners after decontrol to pay money to certain firms that in the past produced or consumed petroleum substitutes, based on volumes these firms produced or consumed in the past. Yet, the firms that produced or consumed these petroleum substitutes in the past did so because it was in their economic interest to do so without regard to any potential benefits under the program. To issue new decisions and orders now would not create *any* incentive for further production or consumption of petroleum substitutes or for increased investments in petroleum substitute facilities. Under continuing controls, receipt of a decision and order would create future incentive for increased use of petroleum subsitutues because incremental volumes produced or consumed would result in incremental dollar benefits. With the end of controls, however, the receipt of a decision and order creates no incentive and, therefore, does not serve the purposes of the EPAA.

Moreover, as indicated in more detail *infra*, the firms with outstanding applications did not rely on expected future benefits in their past production or consumption of petroleum substitutes. To the contrary, they made economic decisions on the basis of the marketplace that indicated the level of petroleum substitution appropriate to their particular circumstances. Thus, the substitution that did occur was not subject to any regulatory disincentive. To require refiners now to pay firms sums of money for actions in the past that already maximized those firms' economic returns would likewise further no regulatory purpose of the EPAA.

c. *The Standards and Criteria for Designating Petroleum Substitutes on a Case-by-Case Basis Did Not Best Further the Purposes of the EPAA*

By restraining crude oil and petroleum product prices below free market prices, the price and allocation regulations created a disincentive to the production and use of petroleum substitutes in those situations where the cost of substitution was greater than continued use of a petroleum product at its below-market price but equal to or less than the cost of use of a petroleum product in a free market environment. The purpose of the petroleum substitutes program was to alleviate that disincentive by requiring entitlements payments from refiners to firms qualifying for designation as engaged in petroleum substitution. Recently, the Temporary Emergency Court of Appeals concluded that such a program was authorized by the EPAA. *See Atlantic Richfield Co.* v. *DOE*, No. 80-1427 (TECA July 7, 1981).

If such a program had been perfectly constructed, the entitlements benefit received by a qualifying petroleum substitute firm would have been set at that level necessary to make substitution economic for the firm, if in a

[1] The NOPR discussed in detail the petroleum substitutes program and the reasons behind the NOPR. The NOPR is incorporated herein by reference.

[2] As of today, however, only a few applications have been processed to the point of being ready to be presented to the signatory authority.

[3] Some commenters alleged that the rules required all decision and orders to be retroactive to June 1979. They read the introductory language of section 211.67(a)(5)—"For each month, commencing with June 1979, entitlements shall be issued with respect to a petroleum substitute as follows . . ."—to require issuance of entitlements back to June 1979 notwithstanding when the application was filed. We have read this provision to indicate the first month in which the expanded petroleum substitutes program was in effect. June 1, 1979, was in fact the effective date of this provision.

free market environment such substitution would have been economic. In this manner the benefit would have offset the actual disincentive caused by the price and allocation regulations.

In adopting the petroleum substitutes program, however, ERA did not deem it feasible to construct the perfect program, which would have required a detailed financial analysis of each firm's particular situation, an estimation of what the free market price of petroleum products would be, and a case-specific assessment of the entitlements benefit to be received. Consequently, ERA created certain generic standards and criteria for eligibility. In the NOPR we indicated that experience with the program has demonstrated that these standards and criteria did not best further the purposes of the EPAA but rather would, on balance, frustrate those purposes, even in a continuing environment of controls.

Two basic problems with the standards were identified in the NOPR.[4] One was the absence of any required showing of a need for benefits or, put another way, the absence of any requirement that an applicant demonstrate that the artificially low price of petroleum that resulted from the price control program made substitution of alternate fuels uneconomic. Thus, a firm for which it was already economic to substitute for petroleum coud receive cash benefits merely by pursuing what was in its interest in any event; such a payment would further no regulatory purpose because that firm would not have suffered any regulatory disincentive. The other problem identified in the NOPR was the grant of entitlements on the basis of the BTUs generated by the burning of the petroleum substitute, as opposed to the basis of the useful energy produced. The result of this provision was to reward inefficiency.[5]

[4] A third problem mentioned was the definition of "substitution" in the Guidelines. In the NOPR we stressed the fact that different firms had responded differently to the requirement to demonstrate substitution. The commenters disagreed that this confusion was a basis for rescinding the program. To a certain degree we have been convinced by these comments, because the element of confusion by itself did not work to the detriment of the purposes of the EPAA. However, ERA has in light of the confusion felt compelled to construe the provision liberally (although not as liberally as some firms have wished), with the result that a firm could demonstrate substitution even though it did not increase the use of petroleum substitutes or in any way change its historical practice. This does not further the purposes of the EPAA because it would result in a transfer of funds to a firm for no regulatory purpose. Because this problem relates to the question of "need," it is subsumed in that discussion in this notice.

[5] For example, two petroleum substitute firms each construct a boiler to be fueled by a particular petroleum substitute. The boiler produces steam to generate electricity. Each of these boilers eliminates the use of an oil-fired boiler that used 10 barrels of fuel oil daily. One of these boilers requires 170 MMBTUs, consuming 10 tons of the petroleum substitute, to produce the same amount of steam as the oil-fired boiler; the other boiler, built less efficiently, requires 510 MMBTUs, consuming 30 tons of the same petroleum sustitute, to produce the same amount of steam as the oil-fired boiler. Under the current regulations, the latter, less efficient boiler would receive three times the entitlements benefits of the more efficient petroleum sustitute boiler.

Most of the comments on this issue seemed to concede that the standards were flawed, but those firms opposing rescission asserted that, notwithstanding those flaws; the program should continue because it was valid when adopted. Whether the program was valid when adopted, however, is irrelevant where subsequent evaluation of the standards underlying the program indicates that on balance they frustrate the purposes of the EPAA.[6]

Some commenters have suggested that the existing standards, notwithstanding their problems, should be preserved because of the practical difficulties that would attend any attempt to make a "need" determination or to quantify other than on a BTU basis the number of entitlements to be earned by a particular petroleum substitutes facility. Whatever the practical difficulties, an agency simply cannot continue a program that it has found in practice not to further the purposes of the statute authorizing the program; either it must cure the problems or eliminate the program. The petroleum substitutes program, by allowing for the grant of entitlements benefits worth millions of dollars to firms that suffered no regulatory disincentive, merely for engaging in activity that was already in their economic interest, grants a windfall that serves no discernible regulatory purpose. It certainly does not further the original purpose of the program, to mitigate disincentives caused by price and allocation regulations, which purpose formed the legal basis for the program. *See Atlantic Richfield Co.* v. *DOE, supra.* Moreover, to calculate the volume of benefits according to a system that rewards inefficiency in the use of petroleum substitutes clearly frustrates the purposes of the EPAA. *See* Section 4(b)(1) (H) and (I), EPAA.

While something less than a "perfect" program could still on balance further the purposes of the EPAA "to the maximum extent practicable," *see* Section 4(b)(1), EPAA, the deficiencies in the current standards and criteria are such that virtually all of the potential designees under the case-by-case provisions involve firms that produced or consumed petroleum substitutes in situations where they suffered no regulatory disincentive. That is, their particular circumstances made it economic to produce or consume the volumes of petroleum substitutes that they did notwithstanding the effects of the price and allocation controls. The inadequate standards, therefore, would result in the effects of the program being totally at odds with the purpose of the program.

In *Atlantic Richfield* TECA held that the grant of entitlements to firms producing or consuming petroleum substitutes was authorized by the EPAA *in order to mitigate the disincentives caused by the petroleum price and allocation regulations.* Nothing in today's rescission is inconsistent with that decision. First, decontrol has eliminated any disincentives. Second, we have determined from experience that, even during a period of controls, the standards and criteria governing eligibility for benefits and the level of benefits were not sufficient to assure that generally the entitlements granted would mitigate regulatory disincentives. Rather, experience has shown that virtually all of the benefits affected by today's rule would *not* mitigate any disincentive, but instead would provide a windfall to firms in situations where there was no disincentive. Consequently, the standards and criteria, which were not directly involved in the litigation, failed to achieve the very purpose that the court held justified the grant of entitlements for petroleum substitution under the EPAA.

Accordingly, we continue to believe that our determination was correct in the NOPR that the existing standards and criteria for the petroleum substitute program do not further the purposes of the EPAA, and that to designate firms and grant benefits now under those standards would be inconsistent with the EPAA, as well as E.O. 12287.

[6] In dictum in a recent petroleum substitute appeal, the Office of Hearings and Appeals indicated its view that ERA could without a change in the rules or guidelines adopt a new standard for substitution that would in effect result in denials of applications to firms that did not demonstrate that they in fact suffered a regulatory disincentive resulting from price controls. *See* Alabama River Pulp, Case No. BEA-0629 (June 1, 1981). Because neither the standards nor the guidelines have expressed such a requirment, none of the outstanding applications demonstrate such a particularized disincentive as would satisfy the OHA test. Thus, unless ERA were to announce such a standard and allow refiling of applications, all outstanding applications would have to be denied if the OHA requirement were utilized. However, this course of action would be tantamount to establishing a new program in a decontrolled environment, an alternative no commenter supported and which we reject.

d. Relationship between the Tertiary Program and the NOPR

Commenters representing firms with outstanding applications for petroleum substitute designation suggested that it was inconsistent for ERA to continue the tertiary incentive program, *see* 10 CFR 212.78, after decontrol and not to continue the petroleum substitutes program.

We do not agree with either of these suggestions. Subsequent to the hearing and comment period in this rulemaking ERA proposed to rescind retroactively much of the tertiary incentive program, *see* 46 FR 25315 (May 6, 1981). The basis for one aspect of that proposal (rescission of prepaid expenses as of January 28, 1981) was similar to one of the bases for the proposal to rescind the petroleum substitutes program—the tentative determination that continuation after decontrol would not further the purposes of the program and consequently the money transfers after decontrol would not further the purposes of the EPAA. Another aspect of the proposal (rescission of in-house expenses as of January 5, 1981) was based on the tentative determination that the allowance of in-house expenses in tertiary projects had been an error, albeit one adopted after notice and comment. This was similar to our determination in the NOPR to rescind the petroleum substitutes program that in light of our experience under the program the standards and criteria for that program were inadequate.

The records in these two rulemakings, however, demonstrate that our tentative determinations in the tertiary proposal were not supportable and that there is no inconsistency in rescinding the petroleum substitutes program but retaining the tertiary incentive program. The record in the tertiary rulemaking shows that rescission of the tertiary program would negatively affect future production of crude oil in the United States. In this rulemaking there is no basis in the record for concluding that continuation of the petroleum substitutes program will affect petroleum substitution in the future. The tertiary record is also clear that benefits received by producers after decontrol furthered the purposes of the program and the EPAA, because *but for those benefits* the tertiary projects would not have been undertaken. In this rulemaking the record is equally clear that virtually all of the petroleum substitutes produced and consumed in the past would have been produced and consumed in the absence of this program. Tertiary producers demonstrated their detrimental reliance on the tertiary program; petroleum substitute firms failed to demonstrate any detrimental reliance. Tertiary producers demonstrated that the in-house expense allowance was appropriate and not an error; petroleum substitute firms failed to show that the standards and criteria in the petroleum substitute program were appropriate. Finally, the tertiary proposal would clearly have been a retroactive rule, requiring firms to undo what had been done under the regulations in effect at the time. The rescission of the petroleum substitute program, however, is prospective, not retroactive, *see infra.*

e. Equity and Reliance Arguments

Firms opposing the rescission of the case-by-case provisions argued that rescission of the rule without providing them with entitlements benefits, if indeed they would qualify for benefits, was inequitable for a variety of reasons. Because four firms had already received benefits under the program, some argued that it would be inequitable if all similarly situated applicants were not treated alike. Others felt that it would be inequitable to rescind the program with respect to outstanding applications, where they would already have received benefits had ERA processed the applications without substantial delay. Most firms felt that it was inequitable to deny them benefits that they expected to receive. Finally, some firms, although not most, expressed the view that it was inequitable to rescind the program as to outstanding applications because they had "relied" on the ultimate processing of their applications and the receipt of benefits retroactive to the month following the date of their application.

Initially, firms misunderstood our discussion of reliance and equity in the NOPR, believing that we were asserting the lack of reliance as an affirmative basis for the proposed rule. As explained above, the affirmative bases for today's rule are the substantial policy and factual reasons why the old rule should not be retained. We have considered the arguments on equity and reliance grounds in terms of whether considerations of equity or reliance outweigh the policy reasons for adopting the new rule.

1. *Unequal Treatment.*

We do not believe it is inequitable to terminate the petroleum substitutes program with respect to outstanding applications just because four applications in the past three years have been finally granted. Any termination of a benefit program results in some persons having received benefits and others not. Usually, the dividing line is established by the date on which the program is terminated. Such is the case here with January 28, 1981, as the significant date. The fact that firms had outstanding applications on January 28 1981, does not alter this analysis. Moreover, the applications of the four firms that received designations are distinguishable from those still outstanding. Three of those four firms submitted applications prior to the November 5, 1979 amendments to the petroleum substitute regulations, almost a year or more before the firms with currently outstanding applications. This difference in time clearly distinguishes those three firms from the firms with outstanding applications. The fourth firm's application was received before all the other outstanding applications, with one exception. This one exception, because the processing did not proceed in perfect chronological order, hardly can make a rule of general applicability inequitable or arbitrary or capricious. Moreover, the small number of firms that received benefits and their relative size in their respective industries[7] makes clear that the benefits received by these firms do not competitively disadvantage the firms with outstanding applications, many of which are large firms dominant in their industry. Finally, the fact that four firms may have received benefits under standards for eligibility that frustrated the purposes of the EPAA hardly justifies compounding this error by including a hundred more firms under those standards.

2. *The Delay in Processing.*

As was stated in the NOPR, ERA accepts the responsibility for the delay in the processing of applications for case-by-case designations. This is not to say, however, that there were not reasons for the delay, some of which were beyond the control of ERA. Moreover, there was no bad faith or intent to delay on the part of ERA.[8]

[7] Archer Daniels Midland is not an insignificant firm in the alcohol-for-gasohol industry, but other firms in that industry do not have outstanding applications because they were subsequently included under the automatic provisions.

[8] One commenter requested that we detail the causes of the delay.

The first large number of applications under the case-by-case provisions were received in the first quarter of 1980. At that time there was no staff specifically assigned to deal with these applications. Rather they had been handled by the regular staff of the entitlements office. The applications were processed by this staff in their "extra" time and were not given high priority by management, which was concerned about other entitlements issues at the time. *See* 45 FR 49752 (July 10, 1980); 45 FR 72552 (October 31, 1980). When management became aware of and concerned about the delay, additional staff was acquired and a processing procedure to expedite handling was established. In November 1980 a Task Force was

Continued

The question remains whether ERA's delays now bar it from rescinding the program with respect to outstanding applications. We do not believe it does. Adoption of this rule does not benefit ERA, so it cannot be said that ERA would benefit by its own delay in processing the applications. Moreover, this is a situation where to bar ERA from adopting today's rule would place a substantial burden on participants in the entitlements program, by requiring them to pay the benefits. The point is that ERA has concluded that for substantial policy and factual reasons it is inappropriate to issue new orders to new firms after decontrol under the current petroleum substitute provisions. Whether or not there has been any delay and whether or not the delay has been the fault of ERA is not relevant to this central point. What is relevant is whether ERA, because of a delay in the past, is required to compound its errors by granting benefits in the future that frustrate, rather than further, EPAA objectives. We do not believe law or policy requires such an action. In short, two wrongs do not make a right.

3. *Vested Rights.*

As noted above, most firms expressed the view that it was unfair for ERA to terminate the program as to outstanding applications when the applicants had expected to receive money under the program. Of course, mere expectation of government benefits in the future does not bar the government from eliminating those benefits. *See Richardson* v. *Belcher*, 404 U.S. 78, 80 (1971). Several commenters went further and alleged that they had a vested legal *right* to rely on continued processing under the standards extant at the time of their application. We do not believe that either law or policy supports the notion that firms with outstanding applications obtained such a vested right.

A number of different types of cases were cited to support the commenters' position. Some commenters claimed that their application had created a constitutionally protected "property right," citing *Perry* v. *Sinderman*, 408 U.S. 593 (1972), *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), and the line of cases stemming from these decisions. Each of these cases, however, deals with a denial of benefits to a particular person, and the issue before the Court was whether the person's interest in the benefit was sufficient to create a right to *procedural* due process, to wit, an adjudication of the facts after notice and an opportunity for a hearing. None of the cases suggest that these benefits or "property rights" could not be entirely extinguished through legislation (i.e., a statute or legislative rule). Indeed, as was made clear in *Richardson* v. *Belcher*, 404 U.S. 78, 80–81 (1971), the fact that one may have sufficient interests in a government benefit to require procedural due process in an adjudication does not limit the lawmaker in making substantive changes to that benefit.

Several commenters alleged they had a vested right because of the doctrine of equitable estoppel. Below we discuss estoppel based upon claimed statements by ERA analysts, but other commenters went further and alleged that the existence of the petroleum substitute regulations, ERA's practice of granting benefits retroactive to the month following the application, and ERA's admitted initial intention after January 28, 1981, to continue the processing and making of decisions on applications by themselves estop ERA from now terminating the program. None of the cases cited to us on estoppel deal with barring a government agency from adopting legislative rules. To the contrary, in *The Oil Shale Corp.* v. *Morton*, 370 F. Supp. 108, 124 (D. Co. 1973), one of the cases cited to us, the court stated: "The question is not the power * * * to change the regulations and policies of * * * Departments; but the basic notion of procedural due process that require [sic] government officials to follow the law as it exists until that law is changed * * * " Here, ERA proposed and now is adopting a change in the regulations. It would be unprecedented to find that the existence of a regulatory program, a practice under the program, and an initial intent after a material change in circumstances not to change the program would estop an agency from adopting a change that it proposed less than two months after the material change in circumstances.

Finally, several cases were cited for the proposition that an application for a benefit filed under one statute or regulation cannot be denied or processed under a subsequent statute or regulation. However, none of the cases so cited find or suggest such a limitation in the law. *See, e.g., Coe* v. *HEW*, 502 F.2d 1337 (4th Cir. 1974); *NRDC* v. *Berklund*, 609 F.2d 553 (D.C. Cir. 1979); *United States Gypsum Co.* v. *Uhlhorn*, 232 F. Supp. 994 (E.D. Ark. 1964); *Moreno* v. *Toll*, 480 F. Supp. 1116 (D. Md. 1979). Rather these cases merely conclude that where a regulation or statute in fact vests a legal right a subsequent regulation or statute does not extinguish that right. That is, the cases do not stand for the notion that applying for a benefit under one statute or regulation vests a right to a determination under the terms of that statute or regulation, barring any changes to it that would affect outstanding applications.[9] Instead, such a change may be barred only where the initial regulation or statute itself vests the legal right upon application. None of the cases cited by commenters address a regulation that provides for eligibility for a benefit only to persons who receive an order pursuant to an administrative proceeding. This, however, is the structure of the case-by-case provisions, which, both in the definition of petroleum substitute and the operative provisions make eligibility dependent upon designation in an order issued by ERA pursuant to 10 CFR § 205.95. Thus, by the terms of the regulations, no right to entitlements vests until there is such an order. The making of the application does not create any vested right.

In this regard it is noteworthy to recognize the distinction between an application that begins an administrative process which culminates in an order and a certification that is effective upon filing. Under the automatic provisions of the petroleum substitute provisions it well could have been argued that the regulations vested a right to benefits upon filing a certification, because that is the way the regulations read and because in fact there is no administrative process or final order under the automatic provisions.

established to prepare decisions and orders. Providing notice of an opportunity to comment on outstanding applications in response to an OHA decision required an additional month.

Management concern with the delay in the petroleum substitutes program also resulted in management attention to the program. Development of the processing procedure resulted in the first overall view of the outstanding applications. This overall view suggested that the potential economic cost of the program greatly exceeded expectations, *see* determination that no regulatory analysis was required, 44 FR 63515 (November 5, 1979), and that the potential benefits for large classes of applicants appeared substantially to outweigh any disincentives those applicants may have suffered. The result of this combined management attention and first overall view of the program resulted in applications receiving close scrutiny at each level of review.

One commenter also requested that we detail the dates of contact by a former ERA employee with a refiner that was an historical opponent of the petroleum substitutes program, for whom he later became employed. We do not believe it is appropriate in this notice to detail this person's contacts concerning possible future employment. However, ERA management was aware of his contacts at the time, and we have reviewed the matter and are convinced that no impropriety or conflict occurred.

[9] Indeed, in *NRDC* v. *Berklund*, the court expressly allowed that a subsequent regulation, substantively redefining the one statutory condition for granting leases, could be applied to outstanding applications. *See* 609 F.2d at 558.

In sum, we believe that the procedure provided for in the case-by-case provisions is totally at odds with the notion that any right to petroleum substitute entitlements vested at the time of application. Receipt of an order designating the petroleum substitute was the legal prerequisite to any right to entitlements benefits under the case-by-case provisions. ERA's practice of granting benefits retroactive to the month following the filing of the application (whether considered a discretionary practice or a rule) does not change this. Eligibility for benefits at all did not occur until the order was issued. *When an applicant has been determined to be eligible for benefits, the fact that some of those benefits related to past periods does not mean that the right to the retroactive benefits vested before the determination of eligibility itself.* Finally, the fact that ERA did not have unfettered discretion in determining eligibility does not mean that the processing of the applications was merely ministerial, such that it might be argued that the terms of the regulations and Guidelines conferred the eligibility and the ERA order merely confirmed it. Substantial areas of judgment were left to ERA for determination in the proceeding upon the application. Moreover, the requirement of notice of and an opportunity to comment by aggrieved parties on each application is totally inconsistent with a ministerial duty. All adjudications are made subject to statutory or regulatory standards, but over time interpretations and precedents are made, altered, and overruled. This hardly describes a ministerial duty.

4. *Other Reasons to Rely.*

Several commenters suggested other reasons why they believed they could rely on continued processing of applications and issuance of new decisons and orders after decontrol.

First, they noted that statements made at the public conference, *see* Notice of Public Conference, 46 FR 11291 (February 6, 1981), and in the Notice of Proposed Rulemaking relating to the entitlements final clean-up rule, *supra*, indicated that firms that received decision and orders in the petroleum substitutes program after decontrol would qualify for entitlements benefits for past periods on the final clean-up entitlements list. These statements, however, merely described what the effect of the proposed clean-up mechanism would be under the then existing regulatory structure. Nothing in them suggested that DOE had decided not to change any of that regulatory structure. Thus, they were not grounds for persons to rely on the continued existence of the petroleum substitute regulations.

Second, some firms claimed that they had been told by analysts in ERA that their applications would be favorably acted upon, and so the firms stated they had reason to rely upon issuance of decision and orders granting them benefits. Each ERA analyst has been questioned on this issue, and each has denied telling any person or intentionally leading any person to believe that his application would be granted. Of course, it would be highly improper for an analyst to indicate what action was to be taken with respect to a particular case under adjudication before the responsible official had in fact made the decision. It is, however, possible that a firm might incorrectly infer from a conversation that a firm's application would be granted.[10] Nevertheless, whatever an analyst did or did not say to an applicant, the issue remains whether the applicant had a right, or even a good reason, to rely on any analyst's statements. Clearly, the analyst is not in a position to bind the agency, and the analyst is not in a position actually to make the decision with respect to an application. As noted above, it would be clearly unauthorized and improper for an analyst (or anyone else in the agency) to give an applicant advance information concerning the outcome of his application. Accordingly, even if an analyst had indicated to a firm that its application would be granted, we do not believe firms had good reason or a right to rely on such an indication.[11]

Third, some firms said that they had reason to rely on favorable outcomes for their applications because ERA's processing was merely ministerial and ERA had no discretion to deny their applications. Above we have demonstrated that the regulations governing case-by-case determinations did not limit ERA to a ministerial duty. In addition, it should be noted that the actual administration of the program did not provide any basis to believe that processing was in fact merely ministerial. After all, three of the seven completed decision and orders denied benefits, and the length of time spent by ERA in processing applications was not consistent with the short time consumed in ministerial actions, e.g., giving effect to certifications filed under the automatic provisions of the program.

5. *Actual Reliance.*

Separate from the question of whether firms had a reason to rely or a right to rely on the issuance of decision and orders after decontrol is the question whether these firms did *in fact* rely on their eventually receiving favorable decision and orders and act on that reliance. This distinction is important because even if firms had a right to rely but did *not* in fact rely on the receipt of monies to be obtained from the petroleum substitutes program, then both legal and equitable arguments based on reliance become tenuous at best, because adoption of the rule would not harm them.

The record in this proceeding, which includes not only the comments on the NOPR but also all submissions by applicants under the program as well as the record of OHA proceedings in petroleum substitute cases, does not support a conclusion that firms in fact relied to their detriment on eventually receiving petroleum substitute entitlements.[12] No firm claimed that any investment decision regarding petroleum substitutes was made in reliance on the receipt of expected benefits under the petroleum substitutes program. For example, Quaker Oats Company admitted in its comments on the NOPR that:

> Quaker's financial guidelines do not permit unconfirmed potential benefits from government regulations to be included in financial analysis. *This is probably true with most other major corporations.* (Italics added.)

[10] This could easily occur in response to questions as to when a decision and order would likely be issued and when any benefits would be received if the decision and order were issued at a particular time, questions that were asked time and again by firms. If the questioner assumed that the decision and order would be favorable and the analyst did not explicitly indicate the possibility of a negative order and therefore the possibility that no benefits would be forthcoming, the questioner might obtain the impression that the analyst was confirming a positive decision and order.

[11] The case law is clear that such an unofficial and unauthorized statement by an analyst cannot estop the government. "The doctrine of equitable estoppel binds the Government for the conduct of its agents *while they are acting within the scope of their employment.*" *Atlantic Richfield Co.* v. *Hickel*, 432 F.2d 567, 591 (10th Cir 1970) (emphasis added). Clearly, neither the decision as to the applications nor giving advance indications as to whether any application would be granted were within the scope of employment of the analysts involved. "The Government, in its caretaker role for all the public, should not be bound by the unauthorized or unlawful acts of its representatives." *United States* v. *Georgia-Pacific Co.*, 421 F.2d 92,100 (9th Cir 1970). The representations commenters claimed to have received clearly would have been unauthorized, if not unlawful. They could not even be said to be official acts done with apparent authority. *Compare Brandt* v. *Hickel*, 427 F.2d 53 (9th Cir 1970).

[12] Indeed, only one of all the firms with applications outstanding made an arguable claim of detrimental reliance. *See* Comments of Nortru, Inc. As was pointed out in the hearing in this proceeding, for a firm that in fact relied to its detriment there may be a possibility of obtaining exception relief pursuant to 10 CFR Part 205, Subpart D.

No firm claimed that it had lost money or made an uneconomic decision in producing or consuming the petroleum substitutes that it did. All but 6 of 178 applications indicate that the facility involved pre-dated the application for petroleum substitute designation. Of the 172 applications concerning existing facilities, only 3 indicated that either new construction or expansion was underway. In this regard, virtually every applicant, in response to questions concerning the environmental impact of granting benefits to the firm, answered that no expansion of facilities and no increased production or use of petroleum substitutes would occur in its case because of petroleum substitute benefits. A sample of statements is instructive: Application of International Paper Co.—"The International Paper facilities are all currently existing facilities, and the receipt of entitlements will not cause an increase in size, product mix, or emissions"; Letter dated June 2, 1980, from Uncle Ben's Foods—"As stated in our Application, our fuel substitute production began before the entitlements program, and we have not and will not change our production amounts or methods merely because of the program"; Application of Hilo Coast—"This application for entitlement benefits does not involve a new facility nor does it involve a change in size, product, or amount of product for this existing facility"; Application of Folger Coffee Company—"no expanded burning of spent coffee grounds is presently anticipated * * *" Application of Weyerhaeuser Company—"The facilities are all currently existing facilities, and the receipt of entitlements will not cause an increase in size, product mix or emissions." In short, no firm (with the one possible exception noted above) indicated that it would have acted differently *in any way* in making investments or in producing or consuming petroleum substitutes in the absence of the program.[13] Moreover, no firm (again, with the one possible exception) indicated that the decisions made with respect to investments in petroleum substitute facilities or with respect to substitutes produced or consumed were not the most economical and beneficial allocations of resources for the firm *even in the absence of any* petroleum substitute entitlements benefits.

What firms did indicate was that their use of petroleum substitutes increased after the beginning of the petroleum substitutes program. We do not doubt this to be the case, but there is no evidence that this increase was the result of or was even materially affected by the program. Rather, the sharply increased price of oil and refined petroleum products, as well as questions concerning the security of supply at any price, led large numbers of firms to increase the production and use of petroleum substitutes after 1979, the year of the second large shock to petroleum markets. In other words, higher oil prices made it economic for many firms (especially firms with large volumes of burnable waste produced by their primary industrial activity) to invest in new facilities to use petroleum substitutes and to use increased volumes of petroleum substitutes in existing facilities.

Some firms also stated that the expected receipt of funds from the petroleum substitutes program was considered, albeit in a non-quantifiable manner, in the firm's decisions regarding investment in or use of petroleum substitute facilities. Given the overwhelming record that the petroleum substitute program was not a determinative factor, whether quantifiable or not, in these decisions, we do not believe that these decisions or the firms *relied* on the program. Indeed, some firms provided the detailed financial analyses behind investment decisions regarding petroleum substitute facilities. These analyses were clear that where it was economic to invest in petroleum substitute facilities, without regard to possible entitlements benefits, such investments were made, *and* where it was not economic to invest in petroleum substitute facilities, without regard to possible entitlements benefits, such investments were not made. Some firms explicitly recognized this, complaining that the delay in receiving benefits had delayed investments in facilities, because *expected* benefits were not able to be used in determining the economics of a projected investment.

Finally, several firms stated that they had relied on the continued processing of applications in that they had not appealed to OHA prior to January 28, 1981, pursuant to 10 CFR § 205.96, which allows for appeals of "deemed" denials where no action has been taken on an application for 90 days. We do not believe that the failure to make such an appeal constitutes detrimental reliance. Moreover, such a reliance would have been misplaced, because, as noted above, persons are not entitled to rely on the continued existence of regulatory provisions, and section 205.96 might itself have been rescinded.

f. *Relative Equities Between Refiners and Petroleum Substitute Producers and Consumers*

In the NOPR we noted that if the petroleum substitutes program were continued, refiners would have to pay any entitlements benefits to petroleum substitute users from revenues generated in a decontrolled environment. As noted above, this fact is directly relevant to consideration of the purposes of the EPAA. In addition, in the NOPR we concluded that whatever equities might be claimed by petroleum substitute producers or consumers were outweighed by the inequity that would be imposed on refiners by having to pay sums in the future to these firms for months long past. Several petroleum substitute producer or consumer firms disagreed with this conclusion, suggesting that, given the large size and vast revenues of the petroleum industry, refiners could well afford these sums. Moreover, they said their firms were smaller and therefore would suffer more from not receiving the funds.

We do not believe these comments have merit. First, as noted above, we have concluded that the claimed equities of petroleum substitute firms are more imagined than real. Moreover, whatever the financial resources of refiners (and there is substantial evidence that refiners as a class are suffering from the current market conditions for petroleum products), they too suffered from regulatory disincentives to refinery investment during the period of controls.[14]

Second, it cannot be ignored that what is involved here is whether post-decontrol action by ERA will require one industry operating in a free market environment (refiners) to pay members of certain other industries large sums of money, which payments will further no regulatory purpose. In the absence of an overwhelming equitable argument we believe it would be inconsistent with E.O. 12287 and decontrol to require such transfer payments now. Such an equitable argument cannot be made by petroleum substitute firms.[15]

[13] The difference in the record in this proceeding and that of the rulemaking regarding the tertiary incentive program, Docket No. ERA–R–81–04, is instructive. In the latter proceeding a substantial number of tertiary projects were specifically identified as having been undertaken *only* because of the benefits of the tertiary incentive program.

[14] The regulatory disincentive to refinery investment has been of special concern to DOE. *see* Notice of Inquiry, 42 FR 53336 (June 30, 1977); Notice of Inquiry, 44 FR 50847 (August 30, 1979).

[15] The record in this rulemaking can be contrasted with that in the proposed rescission of the tertiary incentive program. *see supra*. There, the record is clear that the tertiary incentive benefits not only furthered the purposes of the EPAA during controls, but also that giving effect after decontrol to the two-month regulatory lag built into the program also

Continued

g. *Retroactivity*

A number of commenters opposing the rescission of the case-by-case provisions characterized that proposal as a retroactive rule, and thereby concluded that its adoption would be unlawful. These commenters believed the proposed rescission of the case-by-case provisions was a retroactive rule because if would affect their outstanding applications.[16]

First, we do not agree with these commenters' characterization of the rescission of the case-by-case provisions adopted today as a retroactive rule.[17] The actual rule adopted amends § 211.67(a)(5)(i)(F)–(H) to provide that as of January 28, 1981, the date of decontrol, only substitutes designated by that date in a decision and order will qualify for entitlements benefits. Thus, the actual change to the program is effective only as of January 28, 1981; it is not retroactive to a period prior to that date. Moreover, the *effect* of today's rule is purely prospective. That is, *after today* no new petroleum substitute designations will be made. The rule does not affect any designations made prior to today. Thus, in every practical sense today's rule is prospective, rather that retroactive, with respect to the case-by-case provisions of section 211.67(a)(5).[18] In this regard, this rule is clearly distinguishable from the various cases cited by commenters regarding retroactive rules.

furthered the purposes of the EPAA. Moreover, producers demonstrated that they had in fact incurred and paid expenses for EOR projects that would not have been started *but for* the regulatory provisions. Finally, the benefits under the tertiary program have already been received by producers, such that any regulation now would have to undo what has already been done, rather than merely stop something from happening.

[16] Some firms, in commenting on our statement that were we not to rescind the case-by-case provisions we would change the standards and criteria, likewise stated their view that we could not change the standards applicable to outstanding applications because that would constitute a retroactive rule.

[17] It is, of course, retroactive back to January 28, 1981, but this element of retroactivity does not have any impact on firms with outstanding applications. This is so, because even if the rule were applied only prospectively from today, none of those firms would receive any entitlements benefits under the petroleum substitutes program, since no orders designating firms as eligible for entitlements benefits have been issued since January 28, 1981. Moreover, it was not this actual retroactivity of which firms complained but rather the effect of not being able to receive benefits retroactive to the date of their application.

[18] It is again useful to compare today's rule with the one proposed with respect to the tertiary incentive program. *see supra*, where two alternatives proposed were clearly retroactive, so as to require producers to refund money to purchasers that was lawfully received at the time of the transaction but which by reason of a subsequent rule would be unlawful.

Some commenters took the position that their rights to petroleum substitute entitlements under the regulations then in effect *vested* when they made their application. Consequently, they believe, adoption of the proposal would, by affecting their allegedly vested rights, constitute retroactive rulemaking. While we agree that a rule affecting vested rights might be a retroactive rule, we do not agree as explained at length above, that the firms obtained any vested rights by filing applications. Rather, the right to a petroleum substitute designation only vested upon receiving a decision and order to that effect. Thus, this rule is not a retroactive rule with respect to the case-by-case provisions.

Even if this rule were retroactive with respect to the case-by-case provisions, we believe that the balancing tests enumerated by courts for retroactive rules support adoption of the proposed rule. In this regard, the conclusion, amply supported by the record, that firms have not in fact relied to their detriment upon the existing provisions, in our view is of critical importance. Of equal importance, however, is our conclusion, also supported by the record, that to continue the program under the existing provisions would frustrate, rather than further, the purposes of the EPAA by requiring a large windfall transfer payment from refiners operating in a competitive free market to certain specific firms that had produced or consumed petroleum substitutes in the past because it was economic for them to do so even in the absence of entitlements benefits. Such a transfer at this time would serve no discernible regulatory purpose.

h. *The Automatic Provisions*

As noted above, no comments were received specifically related to the proposal to rescind the automatic provisions of the petroleum substitutes program. Nevertheless, we feel it is incumbent upon us to address certain issues with regard to those provisions.

We recognize that given the nature of the automatic provisions this rule is retroactive with respect to those certifications received after January 27, 1981, because as of the date of receipt those firms qualified for benefits. The fact that those firms have not commented on this rulemaking, however, leads us to believe that they have not relied on those benefits. Moreover, in considering the equities involved with these firms, we believe that firms that waited a substantial period of time before making their certification have essentially waived any equitable claims that they might have otherwise had. Of the twenty-six certifications received after January 27, 1981, twenty-one could have been made at least a year ago. Finally, the conclusions described above with respect to the purposes of the EPAA apply equally to the automatic provisions as well as the case-by-case provisions.

III. Rule Adopted

On the basis of the record in this proceeding, we have determined that adoption of the proposed rule best furthers the purposes of the EPAA and is necessary to avoid frustrating those purposes. As explained above, to continue the program under the current regulations could result in large transfer payments from the petroleum refining industry to certain firms that have in the past produced or consumed certain petroleum substitutes. For the overwhelming part, these firms have historically consumed petroleum substitutes that were generated as waste from their primary industrial activity and have consequently suffered no regulatory disincentive. The record conclusively demonstrates that such transfer payments would serve no regulatory or other public purpose; they would neither necessarily result in increased petroleum substitute production or consumption nor be reflective of past production or consumption that would not have occurred but for the petroleum substitute program. The record supports the finding that the petroleum substitutes produced or consumed by persons affected by this proceeding would have occurred in the absence of the program. In short, the regulatory incentive did not work, perhaps because of the delay in processing applications but more likely because the increased prices of petroleum products in the market place were a far more effective incentive. However well intentioned the petroleum substitute program was, we have now determined, based on the record in this proceeding, that as constructed it did not expand the use of petroleum substitutes beyond what was inevitably induced by the enormous increases in the prices of petroleum products. Accordingly, it does not now achieve its purpose or further the objectives of the EPAA. Therefore, it should be terminated forthwith.

In view of the above, we are amending 10 CFR § 211.67 to limit the issuance of entitlements for petroleum substitutes to those firms that prior to January 28, 1981, satisfied all filing requirements for automatic inclusion or were designated by decision and orders on a case-by-case basis as eligible entitlements recipients. This will be

done by amending paragraphs (A), (B), (C), (D), and (E) of § 211.67(a)(5)(i) to specify that the required certification must be made "prior to January 28, 1981," and by amending paragraphs (F), (G), and (H) of § 211.67(a)(5)(i) to add the words "before January 28, 1981" after the word "Chapter" where it appears in each of those paragraphs.

IV. Procedural Matters

A. *Executive Order No. 12291*

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any one or all requirements of that Executive Order.

We requested an exemption from the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. *Section 102 of the NEPA*

The DOE has determined that this regulation does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, that the preparation of an Environmental Impact Statement in this rulemaking proceeding is not required under 10 CFR Part 208.

C. *Section 404 of the DOE Act*

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95–91), we referred the proposal pursuant to which this final rule is being issued to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction. The Commission declined jurisdiction.

D. *Regulatory Flexibility Act*

This rule impacts the approximately one hundred sixty firms with outstanding applications for case-by-case determination of their eligibility for entitlements for petroleum substitutes. In addition, forty-one firms that have made submissions for automatic inclusion in the petroleum substitutes program will be affected. Many of these firms are "small entities" within the meaning of the Regulatory Flexibility Act. However, the termination of the program will not have a significant impact on these firms. Consequently, we have determined that there will be no significant impact on a substantial number of small entities.

E. *Section 503 of the Administrative Procedure Act*

Subsection (d) of section 503 of the Administrative Procedure Act (APA) provides that the required publication of a rule be made at least 30 days before the effective date of the rule, unless it either relieves a restriction, or is an interpretative rule, or the agency otherwise finds good cause to make the rule effective prior to 30 days following publication. We find good cause to make this rule effective immediately, because immediate termination of the program best furthers the purposes of E.O. 12287 and the EPAA. Moreover, the immediate effectiveness of this rule will not negatively impact any person.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.* Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Part 211 of Chpater II, Title 10 of the *Code of Federal Regulations*, is amended, effective immediately, as set forth below.

Issued in Washington, D.C., July 9, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

1. Section 211.67 is amended by revising paragraph (a)(5)(i) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.*

* * * * *

(5) (i) For each month, entitlements shall be issued with respects to a petroleum substitute as follows:

(A) In the case of a shale oil used as a feedstock or fuel in a domestic refinery, the refiner shall be issued, upon certification prior to Janaury 28, 1981, to ERA that the shale oil has been used as a feedstock or fuel in a domestic refinery, that number of entitlements that would be received by the refiner if each barrel of the shale oil were a barrel of crude oil.

(B) In the case of a shale oil used or sold for use domestically as fuel other than in a refinery, the producer of the shale oil shall be issued, upon certification prior to January 28, 1981, to ERA that the shale oil has been used or sold for use domestically as fuel other than in a refinery, that number of entitlements that would be received by a refiner if each barrel of the shale oil were a barrel of crude oil.

(C) In the case of ethyl alcohol derived from domestic biomass and mixed with gasoline, the producer of the ethyl alcohol shall be issued that number of entitlements that would be received by a refiner if a barrel of ethyl alcohol were equal to 0.6189 barrels of crude oil; *Provided, that,* entitlements will be issuable to a producer of ethyl alcohol only upon written certification prior to January 28, 1981, by the producer to ERA that (*1*) the producer has actually mixed the ethyl alcohol with gasoline and used the resulting mixture domestically as fuel or sold the mixture for domestic use as fuel; or (*2*), in any case where the producer sells the ethyl alcohol prior to mixing with gasoline, the producer has received written certification from a subsequent purchaser that such person (*i*) has been the first person to actually mix the ethyl alcohol with gasoline; (*ii*) has used the resulting mixture domestically as fuel or sold the mixture for domestic use as fuel; (*iii*) has based certification as to such use or sale upon documentation; and (*iv*) will maintain such documentation in a manner so as to be available for inspection at any time by the ERA within five years.

(D) In the case of municipal solid waste, the person who first processes the municipal solid waste to produce a solid fuel shall be issued that number of entitlements that would be received by a refiner if each ton of municipal solid waste processed were equal to 1.40 barrels of crude oil; *Provided, that,* entitlements will be issuable to the processor of the municipal solid waste only upon written certification prior to January 28, 1981, by the processor to ERA that the processor has (*1*) actually used the solid waste or solid derivative thereof domestically to produce useful energy and that the energy thus produced has actually been used as fuel; or (*2*) sold the solid waste or solid derivative thereof or useful energy produced from either the solid waste or its derivative for domestic use as fuel.

(E) In the case of methane derived from municipal sewage or domestic landfills, the collector of the methane shall be issued, upon certification prior to January 28, 1981, to ERA that the methane has been used or sold for use domestically as fuel, that number of entitlements that would be received by a refiner if each unit of methane having a gross heating value of 5.7 million BTU's were a barrel of crude oil.

(F) In the case of solid waste or a solid or gaseous derivative thereof which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, that person designated by ERA as eligible to participate in the entitlements program with respect to such petroleum substitute shall be issued that number of entitlements that would be received by a refiner if the unit of measurement established by ERA for that petroleum substitute were a barrel of crude oil.

(G) In the case of a liquid petroleum substitute which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, and which has a gross heating value of 5.7 million or more BTU's per barrel, that person designated by ERA as eligible to participate in the entitlements program with respect to the petroleum substitute shall be issued that number of entitlements that would be received by a refiner if a barrel of the petroleum substitute were a barrel of crude oil.

(H) In the case of a liquid petroleum substitute which has been designated as a petroleum substitute by ERA in an order issued pursuant to § 205.95 of Part 205 of this Chapter before January 28, 1981, and which has a gross heating value of less than 5.7 million BTU's per barrel, that person designated by ERA as eligible to participate in the entitlements program with respect to the petroleum substitute shall be issued that number of entitlements that would be received by a refiner if a barrel of the petroleum substitute were equal to a fraction of a barrel of crude oil, the numerator of which would be the gross heating value in BTU's per barrel of the petroleum substitute, and the denominator of which would be 5.7 million BTU's. An order issued by ERA to designate a petroleum substitute shall also designate the firm to which entitlements will be issued and the manner in which the use of the petroleum substitute by that firm shall result in entitlement issuances.

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[FR Doc. 81-20523 Filed 7-9-81; 2:08 pm]

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July 13, 1981

Part VI

Department of Energy

Economic Regulatory Administration

Establishment of a Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil

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DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 211, 212

[Docket No. ERA-R-81-01]

Establishment of a Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil

AGENCY: Economic Regulatory Administration. DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting a final rule to provide for the orderly termination of the crude oil entitlements program. While it is DOE's policy to eliminate the remaining vestiges of the now-terminated petroleum price and allocation controls as quickly and simply as possible, ERA must provide a means for liquidating rights and obligations of participants in the crude oil entitlements program, 10 CFR 211.67, that accrued before decontrol. This rule establishes a mechanism (the "clean-up" list) for adjusting entitlements lists under the entitlements program for periods prior to the decontrol of crude oil on January 28, 1981, and a mechanism that does not require DOE participation for settling existing entitlements obligations and claims adjudicated by courts or administrative agencies after publication of the clean-up list. Based upon this rule, refiners and other participants on the entitlements lists must submit reports amending or adjusting crude oil runs-to-stills and receipts for the period between October 1, 1980, and January 28, 1981, and accordingly either make payments to, or receive payments from, other entitlements participants pursuant to a published clean-up list. In addition, this clean-up list would reflect any outstanding administrative or court determinations of entitlements claims or obligations. After publication of this list, a self-executing mechanism is established to give effect to subsequent administrative or judicial decisions. However, with publication of this list, the entitlements program would be substantially ended, and no further lists need be published.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Rule and Comments
III. Other Comments
IV. Procedural Matters

I. Background

On January 28, 1981, the President issued Executive Order No. 12287 ("E.O. 12287," 46 FR 9909, January 30, 1981), effective 12:01 a.m., January 28, 1981, exempting all crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act (Pub. L. 93-159), as amended. When controls were lifted, participants in the entitlements program had certain inchoate claims and obligations arising out of transactions during the period of controls. Recognizing the need to provide a mechanism for liquidating these claims and obligations, Section 3 of the Executive Order provided:

> The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for periods prior to this Order.

In accordance with the provisions of Section 3 of E.O. 12287, an entitlements notice for crude oil receipts and runs-to-stills in December 1980 was issued on February 20, 1981 (46 FR 14157, February 26, 1981). An entitlements notice for the period January 1, 1981, through January 27, 1981, also will be issued.[1]

Also in accordance with Section 3 of E.O. 12287, which provides that the Secretary of Energy may establish "a mechanism for entitlements adjustments for periods prior to this Order," the Economic Regulatory Administration (ERA) of DOE issued a notice of proposed rulemaking and public hearing (46 FR 15112, March 3, 1981) to amend Chapter II, Title 10 of the *Code of Federal Regulations* by adding a new provision to Part 211 establishing an entitlements clean-up mechanism. Written comments were invited, and a public hearing was held in Washington, D.C. on March 17 and 18, 1981. Over 45 written comments were received and 24 persons provided oral testimony at the hearing.

ERA has considered the written and oral comments carefully and has determined to adopt a final rule to provide procedures for an entitlements clean-up mechanism.

[1] This notice would have been issued late in March, but its issuance has been delayed by court orders.

II. Discussion of the Rule and Comments

A. *General Comments on the Rule*

As a threshold matter, some commenters, such as Tenneco, Exxon and Conoco, opposed establishment of a clean-up mechanism. Others, including Union Oil Co., advocated delaying issuance of the January Entitlements Notice and using that list for clean-up purposes. However, the vast majority of the commenters were of the view that a clean-up mechanism was appropriate after issuance of the final regular entitlements list. The reasons given generally echoed those discussed in the notice of proposed rulemaking (NOPR): to provide a method for firms on the entitlements lists to amend previous monthly reports found to be erroneous; to report recertified crude oil after March 5, 1981, the reporting deadline for the January Entitlements Notice; and to give effect to ERA and Office of Hearings and Appeals (OHA) Decision and Orders, decisions on appeals to the Federal Regulatory Commission (FERC) and judicial decisions issued subsequent to the January list. All amendments and adjustments included in the clean-up list will relate to periods before decontrol on January 28, 1981.

Most commenters devoted a portion of their comments to addressing the wisdom or propriety of permitting certain types of adjustments or other claims to be included in the clean-up list. The target of most such comments was the tertiary incentive program in 10 CFR 212.78. A broad spectrum of refiners, including Clark, Union, Cities Service, Exxon, Pennzoil, Ashland, Energy Cooperative, Inc. and the Emergency Small Independent Refiners Task Force were of the view that the tertiary incentive program had been abused and thus recertifications pursuant thereto either should be eliminated or limited for purposes of the clean-up list.

ERA did issue a NOPR to rescind in part the tertiary program. (46 FR 25315, May 6, 1981). However, after a careful review of the entire record in that proceeding, ERA found that the assumptions and tentative conclusions contained in the NOPR were incorrect. As a result, ERA has issued a Notice of Determination not to adopt a final rule in the tertiary matter. (Published elsewhere in this issue.)

As a result of the decision not to issue a final tertiary rule, the clean-up list will include claims from refiners receiving tertiary recertifications which were not reported for the January 1981 Entitlements Notice. DOE has received notice that some refiners still are receiving recertifications from crude oil produced and sold before January 28, 1981. Pursuant to 10 CFR 212.131 producers had until March 31, 1981, to recertify crude oil produced in January. Each reseller has only 30 days to recertify, which means that for a refiner still to be receiving recertifications, there would have to be at least four resellers in the chain (assuming each reseller took the full 30 days to recertify). It therefore is not inappropriate for a refiner to ensure that recertifications still being received are valid.

A number of firms commented that ERA should adopt a rule which would require that price-controlled crude oil which has "disappeared" from the entitlements program bear the appropriate entitlements burden. It is alleged by these firms that the entitlements program regulations no longer are effective because there is price-controlled crude oil which, through inventory manipulations and other devices, has avoided any entitlements burden. Actions on this basis have been initiated by firms before DOE's Office of Hearings and Appeals (OHA) and in the courts to invalidate the December 1980 Entitlements Notice and to block issuance of the January 1981 Entitlements Notice.

ERA is and has been investigating the "disappearing old oil" allegation, but any regulatory action in this regard would be beyond the scope of this rulemaking. However, if OHA or the courts determine issuance of the December or January Entitlements Notices to be unlawful, the clean-up list provides a mechanism to return any monies paid by firms pursuant to those lists.

Many commenters, including Exxon, Cities Service and Sun Oil Co., also believed that ERA should not include on the entitlements clean-up list entitlements issuances pursuant to OHA Decision and Orders issued after January 28, 1981. It is DOE's position that OHA may award entitlements exception relief after January 28, 1981, if the relief awarded relates to periods prior to decontrol. If OHA decides that a firm should have had exception relief at the time of decontrol, it is DOE's position that the intervention of decontrol did not negate the prior claim to exception relief and that DOE must give effect to such relief. Any entitlements exception relief issued after the date of issuance of the January Entitlements Notice will be included in the clean-up list.

Sohio, Cities Service and other firms commented that ERA should not include in the clean-up list any ERA Decision and Orders with respect to entitlements for petroleum substitutes which were issued after January 28, 1981. Those commenters that use petroleum substitutes took the opposite position. Recently, ERA terminated the petroleum substitutes program with respect to all applications for case-by-case qualification outstanding as of January 28, 1981, and all certifications for automatic qualification not received before January 28, 1981. (Published elsewhere in this issue.) Thus, the clean-up list will not include any new petroleum substitute firms.

B. *Adjustments Included in the Clean-Up List and Procedural Matters*

In the NOPR, we proposed a "reporting period" for the clean-up list of January 1, 1980, through January 27, 1981. Amended reports and adjustments only could be filed for months in the reporting period. Many commenters found this period to be satisfactory. A few firms saw no reason to limit the period for reporting amendments or prior months invoice adjustments. Several commenters felt strongly, however, that a short reporting period was necessary to prevent abuse, and cutoff dates as late as January 1981 were suggested.

ERA agrees with the comments that a reporting period beginning January 1980 for adjustments could invite abuse by some entitlements participants. Most firms already have corrected for errors discovered for the early months of 1980. Moreover, no commenters took issue with the statement in the preamble to the NOPR that "it is unlikely that any invoice adjustment would relate back before October 1980." 46 FR at 15114. Thus, we believe that any hardship that might be suffered by the few firms that discover reporting errors early in 1980 is outweighed by the need to maintain the integrity of the clean-up system. We therefore have adopted a definition of "reporting period" in new § 211.69(c) which extends from October 1, 1980, through January 27, 1981.

The limitation of the "reporting period" will not apply to administrative orders or judicial decisions. Included in the clean-up list will be all such orders and decisions, other than as a result of entitlements enforcement actions, not reflected on a regular entitlements list that are issued before issuance of the clean-up list. As was proposed, we will include on the final clean-up list any claims and obligations resulting from ERA, OHA and FERC decisions even though these decisions still might be subject to further administrative or judicial review.

For purposes of this rule, the terms "adjustment" and "amendment" have been defined to have the same meanings as for the Form ERA-49. An adjustment refers to recertification of crude oil and an amendment refers to resubmission of a previously filed report resulting from an internal company error.

Virtually all of the persons who provided statements at the public hearing, and many of the written commenters, expressed concern about the validity of some of the large volume of recertifications expected to be reported by refiners, particularly those recertifications attributable to tertiary projects. Currently, on the adjustment lines of the Form ERA-49, adjustments for all months are combined. The hearing panel queried several speakers representing both large and small refiners as to whether it would be possible for them to identify the month in which the crude oil subsequently being recertified first was reported for entitlements purposes. The response was unanimously affirmative. We therefore are adopting in § 211.69(d)(2) a requirement that any firm submitting a claim under the clean-up list resulting from a recertification of crude oil must identify on the Form ERA-49 the months in which the recertified barrels first were reported to the entitlements program. This will help ensure that the recertification is valid and applies only to months in the reporting period.

DOE favors the earliest possible conclusion to the clean-up process so that the regulatory residuum of the controls period may be finally eliminated. Most commenters also supported a speedy end to the clean-up process and were of the view that the proposed June 1, 1981, deadline for filing amendments and adjustments was satisfactory to both conclude the process at the earliest possible time and yet allow sufficient time to receive

recertifications and discover any reporting errors.

Most commenters also supported the proposed May 1, 1981, deadline after which no purchaser of crude oil would be required to honor for pricing purposes a recertification of crude oil.

It was suggested by some commenters that ERA should make the two deadlines each one day earlier so that they would fall at the end of a month and the corresponding accounting period. For the reasons explained below, the recertification deadline is being delayed by three months, and we are specifying the last day of the month to simplify accounting. The date for reporting claims and obligations to ERA also is being delayed, but will not be the end of a month. We are not aware of any reason why using a date in the middle of a month would make the reporting of claims and obligations to ERA any more burdensome once crude oil recertifications have been cut off.

As noted above, we are delaying the cut-off date for recertifications of crude oil until July 31, 1981.[8] This will be accomplished by revoking the recertification provisions in § 212.131 effective August 1, 1981. Resellers commented that in view of the increased volume of recertifications from the tertiary incentive program, the proposed date of May 1, 1981, did not provide adequate time for all resellers to complete the recertification process. It was claimed that this would result in some resellers receiving recertifications immediately prior to the deadline and then being unable to pass them through to the purchasers of the crude oil.

The May 1 recertification deadline also was no longer realistic as a result of the need for additional time to resolve the many complex issues and to prepare this final rule, which delayed its issuance beyond May 1. Also, since it was decided not to issue a proposed clean-up list before the final list (see discussion below), the net time lost from delaying the recertification deadline is reduced by approximately one month.

In conjunction with the July 31 deadline for recertifications, we are adopting in new § 211.69 a deadline of August 15, 1981, for reporting amendments and adjustments to ERA for inclusion on the clean-up list. This later date will provide additional time for pending actions to be resolved by OHA, FERC and the courts, making the clean-up list more complete.

In the March NOPR, we provided that a proposed clean-up list would be issued in order for firms to review the list for any obvious errors before final issuance. Many commenters supported this proposed list so long as it was used by firms only to check the accuracy of their entry and not to raise challenges to other firms' entries. Other commenters opposed the proposed list and favored the earliest possible publication of the final list and termination of the program.

We have determined that the proposed list would not likely serve a useful purpose. Rather, it is likely that some firms will raise challenges immediately, significantly delaying issuance of the final list. And, if a firm is successful in changing an entry, it will result in changes to all other entries causing other firms to challenge the list. Futhermore, in view of the change in the reporting deadline from June 1 to August 15, issuance of the clean-up list already will be delayed substantially. Therefore, as soon as practical after August 15, 1981, ERA will issue a final clean-up list with no proposed list.

C. *The Adjustment Mechanism*

The NOPR proposed two alternative clean-up mechanisms. The first proposed alternative provided for the aggregation of all the monthly claims and obligations into one total and then using one fraction for each firm to determine its proportional share of the total claim or obligation. Under the second proposed alternative, claims and obligations were totaled separately for each month and a separate fraction for each firm also was computed each month to determine its proportional share of claims and obligations. The comments were divided almost equally among firms supporting either the first or second alternative clean-up mechanisms.

Supporters of the first proposal generally were of the view that the entitlements program is not precise and that the rough equity inherent in the first proposal was adequate. Those who supported the second proposal did so because the additional administrative burden for ERA, acknowledged by ERA to be minimal, did not outweigh the additional precision and fairness associated with a month-by-month approach.

In view of the support by many firms for the second alternative, and particularly in consideration of our adopting a shorter reporting period of four months, we are adopting the second alternative clean-up mechanism. ERA believes that the month-by-month approach will ensure that no entitlements participant is prejudiced or unduly overcompensated as a result of abnormal operations in any particular month.

Under the adjustment mechanism, ERA will collect reports from all refiners and other participants in the entitlements program with respect to invoice adjustments and amendments to reported data in any month in the prescribed reporting period. ERA then will convert each reported amendment or adjustment into a dollar amount. These dollar amounts will be considered "claims" if the firm is entitled to receive money from the entitlements program, and will be considered "obligations" if the firm owes money to the program.

All reported amendments and adjustments under this rule will be reviewed carefully by ERA, and, where appropriate, DOE will verify reports of recertified crude oil through its enforcement program. Such reports are subject to the general filing requirements in 10 CFR 205.9, and to falsely certify a report is criminally punishable under the provisions of 18 U.S.C. 1001. It also should be noted that the requirements of this rule are not optional. Firms *must* file with ERA all adjustments, errors and other data which would affect months in the reporting period. If a refiner has no adjustments to report for the reporting period, it still must file an ERA–49 showing zero adjustments.

Amendments will be handled under the same procedures used for past entitlements lists. Pursuant to § 211.69(d)(1), ERA will take into account the entitlement price and other entitlements data for the month in issue in calculating the dollar value of the amendment.

The procedure in § 211.69(d)(2) for calculating the dollar value of prior months invoice adjustments essentially is similar to that proposed in the NOPR, and is different from the procedure used in the past. In past months, the then current month's volume of controlled crude oil receipts simply was adjusted on the ERA–49 to account for prior invoice adjustments, resulting in an "adjusted crude oil receipts" figure for the current month. For the clean-up report, there is no "current month." Thus, it is impossible to use the same procedure for adjustments in the clean-up list as was used in the regular program. Consequently, we are requiring that entitlements participants which report a recertification of crude oil also must report the month in which the crude oil originally was reported to the entitlements program as a receipt. To compute the dollar value of the invoice adjustments, the deemed old oil ratios for the month during the reporting period in which the crude oil first was reported as received will be used to transform the adjustments into a volume of barrels of deemed old oil. A dollar value for the deemed old oil will be determined by multiplying the calculated volume of deemed old oil by the entitlements price for the corresponding month. It again should be emphasized that the crude oil which is being recertified originally must have been received and reported during the reporting period.

Section 211.69(d)(3) provides for claims and obligations other than amendments or adjustments. Claims or obligations will be determined to the extent of the dollar value of exception and appeals decisions by OHA, FERC decisions and judicial relief provided to persons before the clean-up list is issued. A firm also may file a claim if it was a seller of entitlements on the January 1981 Entitlements Notice but was unable to find a buyer for any or all of its entitlements. This is a departure from past practice which required that the seller of entitlements seek exception relief from OHA if it had no buyer for its entitlements.

Any claims and obligations pursuant to § 211.69(d)(3) which cannot be attributed to a particular month in the reporting period will be divided equally among all months in the reporting period. This will include, for example, any administrative or judicial decisions which relate to months prior to the reporting period.

The following examples illustrate how claims and obligations will be determined. If Refiner A, a net entitlements buyer, reports that 10,000 barrels of lower tier crude oil received in December 1980 subsequently were recertified as stripper well production (and therefore exempt from price controls), then in the December Entitlements Notice it was required to purchase 10,000 entitlements too many (since each barrel of lower tier crude oil is equal to one barrel of deemed old oil). Assuming an entitlements price for December 1980 of $25.00, then Refiner A would be entitled to a claim of $250,000 for December. Similarly, if Refiner B discovered a reporting error in a month during the reporting period where it reported excessive runs-to-stills in a given month of 20,000 barrels, and the "national domestic crude oil supply ratio" (DOSR) in that month was .10, then that refiner was issued 2,000 too many entitlements. Assuming an entitlement price of $25.00 in that month, then that refiner has an obligation of $50,000 attributable to that month.

After calculating all the claims and obligations, § 211.69(e) provides that a net calculation for each month, equal to the sum of all claims minus the sum of all obligations for that month, will be determined. The clean-up mechanism specifies the method of allocating among firms the net calculation for each month.

For every firm that was on the entitlements list for a month in issue, § 211.69(e)(2) provides that ERA will multiply the net calculation for that month by a fraction. The numerator of the fraction will be equal to that firm's runs-to-stills volume used to compute the Entitlements Notice for that month, and the denominator will be equal to the sum of the runs-to-stills volumes of all firms used to compute the Entitlements Notice for that month. Each firm will have a fraction calculated for each month in the reporting period. The proportional shares of the net calculation, in dollar amounts, determined for each firm for each of the separate months, then will be added to determine that firm's total calculation for the entire reporting period.

The effect of this proposal with respect to any given month in which a net claim is reported will be for each firm on the entitlements list for that month to pay the claim in the same proportion as its runs-to-stills in that month bear to the runs-to-stills for all firms in that month. For any month that reported obligations exceed claims, the same fractions will be used for each firm to determine its share of the obligation for that month.

As was explained in the preamble of the NOPR, the effect in any given month of modifications to previous reports is to change the "runs credit" in the affected month. If the error is in receipts of controlled crude oil, the DOSR either was too high or too low in that month resulting in either too many or too few entitlements being issued. Similarly, if a refiner misreported its crude oil runs-to-stills, then the number of entitlements issued to that refiner was in error. In either case, the runs credit, which all refiners receive in the month according to their volume of runs in that month, will be either too high or too low. Thus, all refiners (and other firms on the entitlements list with deemed runs, *e.g.*, importers of residual fuel oil into the eligible market), including the refiner which misreported, either were over- or undercompensated in that month directly in proportion to their crude oil runs-to-stills. Repaying the claim or allocating the obligation in the clean-up list in proportion to runs therefore will result in firms being treated as if the reported claims and obligations actually had been reported in the respective months in the reporting period.

Pursuant to § 211.69(f) of the new rule, after deriving the total calculation for each firm, ERA will calculate the net claim or net obligation for each firm as follows: the sum of that firm's claims for the reporting period minus the sum of its reported obligations for the reporting period, and minus its total calculation. If the result of this process is a positive number, then that firm will have a net claim and will be placed on the final clean-up list as a payee in that amount. If it is a negative number, the firm will have a net obligation and will be a payor. When the final clean-up list is published in the **Federal Register** showing dollar amounts for payors and payees, payments will be required to be effected among the parties within 10 days, in a manner similar to entitlement purchases and sales. ERA may direct firms which do not liquidate their obligations to do so. These procedures in § 211.69(g) for publishing a list and completing clean-up transactions essentially are unchanged from the proposal except for elimination of a proposed clean-up list, discussed above.

If a firm with a net claim does not receive any or all of the money due it from firms with net obligations, it may apply to ERA for an order establishing the amount of the deficiency. Upon issuance of the order by ERA, that firm may collect the money from other firms on the clean-up list (*See* discussion below of post-clean-up claims and obligations).

The basis for the adjustment mechanism is crude oil runs-to-stills. Some firms, however, are not refiners and do not run crude oil in the technical sense. These firms were deemed under the entitlements regulations to have runs, and we proposed that for purposes of determining fractional shares of claims and obligations on the clean-up list, runs also would be deemed. This will apply to firms that imported residual fuel oil into the eligible market pursuant to § 211.67 and firms that received entitlements for petroleum substitutes pursuant to § 211.67. *See*, 46 FR at 15115. There were no significant negative comments addressed to this part of the proposed rule, and there were many comments that the overall adjustment mechanism was satisfactory. ERA therefore will calculate these firms' fractional shares of any claim or obligation on the basis of the imputed runs.

D. *Claims and Obligations After Clean-Up List Issuance*

We proposed in the NOPR to create an escrow account with an initial

[8] Pursuant to § 212.131(a)(6), to be effective, producers must recertify crude oil by the end of the two-month period immediately succeeding the month in which the crude oil is produced and sold. Subsection (b)(2) of § 212.131 provides each reseller with 30 days to recertify crude oil after receipt of a certification.

balance of $50 million. The monies for the account were to be generated by deeming the escrow account to be a claimant in equal portions for each month in the reporting period for which a claim or obligation was reported. Firms thus would have paid their fractional shares of the escrow account in proportion to their crude oil runs-to-stills in the same manner as any other claim. We also proposed to include in the escrow account the approximately $8 million already collected in entitlement enforcement actions. The principal purposes of the escrow account were to provide a fund to pay any administrative or judicial decisions issued after the clean-up list [3] and to pay firms which are unable to collect their monies under the final clean-up list. Monies found owing to the program after the clean-up list pursuant to court or administrative orders, other than in enforcement cases, would have been placed in the escrow account. Any excess sums in the escrow account would have been returned to the firms on the final clean-up list in the same proportion as they paid the initial money to it.

Practically every firm which commented on the proposed rule addressed the issue of the escrow account. The vast majority considered the need to pay $50 million into the account to be a significant and unnecessary financial burden. Many firms were of the opinion that the extra money for the escrow account would be especially burdensome at a time when many refiners are experiencing financial problems. Also, concern was expressed that the existence of a sizeable escrow would be an incentive for firms not to satisfy their obligations under the clean-up list.

A few commenters supported the escrow concept, with some advocating a significantly larger amount for the escrow. These firms tended to be small and independent refiners, many of whom have actions pending before OHA, and those with no deemed runs-to-stills, such as users of petroleum substitutes, who were awaiting an ERA order to receive entitlements. Their concern was that if their administrative determinations were adverse and they ultimately were successful in reversing the decisions on appeal, the clean-up list already would have been issued and they would be left without any recourse.

Two commenters, Dow Chemical Co. and Navajo Refining, suggested that the clean-up regulations should establish a mechanism to assess firms at a later date to pay any new claims which may arise after the clean-up list is issued. It was suggested that firms could guarantee payment of their *pro rata* share of any such obligations through a surety bond, letter of credit or similar device.

We have been persuaded by the majority of commenters that an escrow account would not be an appropriate mechanism to handle claims and obligations of the entitlements program after the clean-up list is issued. In addition to being burdensome on firms, it is likely that the funds in the escrow account would become tied up in litigation, and distribution from the account would be delayed. Since it is DOE's intention to phase-out its involvement in the entitlements program as soon as practicable, the escrow account would be counterproductive because it would serve only to prolong DOE's administrative oversight of the program. Furthermore, we believe there is merit to the comments suggesting that the existence of an escrow account could provide an incentive for some firms not to satisfy their net obligations on the clean-up list.

We have considered and rejected the notion of ignoring post-clean-up claims and obligations adjudicated by FERC or the courts. First, courts have made clear that agencies cannot extinguish rights *sub judice*, so we cannot purport to cut off claims and obligations merely because outstanding cases are not finally determined by the date of the clean-up list. Second, by failing to provide a mechanism to deal with post-clean-up claims and obligations, DOE would be inviting actions by persons with outstanding cases to enjoin the clean-up list until their action is completed. Third, even assuming courts did not enjoin the clean-up list, the most likely remedy a court would fashion in the absence of a post-clean-up mechanism would be to order DOE either to publish a new entitlements notice or to devise another regulatory mechanism to assure the proper collection or disbursement of monies due from or owed to the entitlements program. These possibilities would serve to prolong DOE's involvement in the entitlements program and to require ERA to provide administrative staff for an indefinite time. Such results would be contrary to the purposes of E.O. 12287 to bring about the orderly termination of the program.

It is important to recognize that § 211.69(h)(1) does not create any liability. It merely recognizes and gives effect to a legal right that arose during the period of the program's operation prior to January 28, 1981, no matter when the court or administrative body makes its final determination of that right. This legal right of one firm correspondingly created a liability owed by other firms in the program. If the program still were operating, the liability would be divided on a *pro rata* basis among all the firms on the list for a particular month in proportion to their crude oil runs-to-stills. Since there no longer is any regular monthly entitlements list, § 211.69(h)(1) provides a similar method of assigning the pre-existing liability among firms based on their crude oil runs-to-stills during the reporting period.

Consequently, to provide for the rights and liabilities in question we believe the procedure suggested by Dow and Navajo to be most feasible and in most material respects similar to our proposed escrow account. That is, the formula for assessing firms for post-clean-up claims or distributing post-clean-up monies owed to the program would be based on each firm's relative proportion of crude oil runs-to-stills for the reporting period. The difference between this procedure and an escrow account is that the claims would be assessed only when the post-clean-up list administrative or judicial order became final, rather than being due at the time of the clean-up list for potential disbursement by DOE, thus avoiding the front-end payments that concerned many program participants. Similarly, any post-clean-up list monies due the program from such administrative or judicial orders would be due to the firms on the clean-up list at the time of the orders, rather than awaiting eventual disbursement from DOE. Finally, the mechanism adopted would not require further administrative action by DOE or maintenance of a staff for this purpose, but instead would allow all firms to be able to determine from publicly available materials their liabilities to or credit from other firms arising from post-clean-up list administrative or judicial determinations.

Specifically, we have adopted two provisions—one dealing with situations where a firm is determined to be owed money from the program and one dealing with situations, other than enforcement actions, where a firm is determined to owe money to the program. *See* § 211.69(h)(1) & (2). Under the first provision, where a firm has been finally determined to be owed money under the entitlements program, each firm on the clean-up list will owe that firm a proportionate share of the firm's total claim. The proportionate share is each firm's proportionate share of crude oil runs-to-stills for the reporting period as reflected on the clean-up list. Thus, upon notice by the claiming firm of its final administrative or judicial order, each firm on the clean-up list will be able readily to determine its legal liability to that firm. No further entitlements list or notices will be necessary, and no DOE involvement will be required. This regulatory provision, together with the information contained in the clean-up list, will have the same legal and practical effect as publication of further entitlements notices.

The second provision is the mirror image of the first, providing the mechanism by which firms on the clean-up list may obtain monies due them as a result of a final determination by a court or administrative body that a firm owes money to the entitlements program.

This post-clean-up provision does not apply to determinations by ERA, which should be completed by publication of the clean-up list. Therefore, only claims resulting from OHA, FERC and judicial determinations will result in this section being applicable.

E. Reporting Requirements and Related Issues

It is ERA's intention that all the necessary supporting definitions of terms in Part 211 be incorporated by reference as such provisions were in effect on January 27, 1981. Also, the definitions and requirements relating to the preparation of relevant forms and reports for the entitlements program will continue to apply to the extent necessary to prepare forms and reports required for the clean-up.

F. EPAA § 4(b)(1)

The entitlements program clean-up mechanism adopted by this rule does provide, to the maximum extent practicable, for the objectives specified in sec. 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159, EPAA). The principal purpose of this rule is to provide for an orderly and proper termination of the entitlements program as the result of the decontrol of crude oil by E.O. 12287, and the entitlements program long has been recognized as providing for the objectives of sec. 4(b)(1). *See*, the discussion of the entitlements program and the sec. 4(b)(1) objectives in the notice proposing the entitlements program published at 39 FR 31650 (August 30, 1974) and at 39 FR 39740 (November 11, 1974), and the judicial affirmation of these conclusions in *Cities Service* v. *FEA*, 529 F. 2d 1016 (TECA 1975) and in *Pasco* v. *FEA*, 525 F. 2d 1391 (TECA 1975).

In addition to furthering the objectives of EPAA sec. 4(b)(1) by preserving the rights and obligations established by the entitlements program, the clean-up rule furthers certain of the objectives in its own right, such as preservation of an economically sound and competitive petroleum industry, equitable distribution of crude oil and minimization of economic distortion. Without this clean-up rule, these objectives certainly would suffer since refiners and other entitlements program participants would have no other readily accessible administrative mechanism to satisfy claims against the program.

III. Other Comments

Several commenters were of the opinion that somehow the special beneficiaries under the entitlements program would benefit disproportionately from the clean-up mechanism. These special beneficiaries, such as recipients of the small refiner bias and California entitlements and the Strategic Petroleum Reserve, were issued extra (that is, not issued directly for reported crude oil runs-to-stills) entitlements during the reporting period. The values of these extra benefits were not affected by the value of the runs credit. Similarly, these benefits would not be affected by claims or obligations which affect the runs credit. Thus, these beneficiaries would not receive any special benefit under the clean-up mechanism, which is based on changes to the runs credit. Of course, to the extent that these beneficiaries also had actual or deemed runs-to-stills, or had an amendment or adjustment to report, they would participate in the clean-up list.

The benefits received by importers of eligible products and users of petroleum substitutes were on the basis of deemed runs. Therefore, these firms were affected by the runs credit and will be included on the clean-up list to pay their share of a claim or to receive their share of an obligation.

Some commenters suggested that the language in E.O. 12287 authorizing the Secretary of Energy to establish a mechanism for "entitlements adjustments" for periods prior to decontrol limits any clean-up mechanism to accounting only for prior months *invoice adjustments*. We disagree that the use of the term in the Executive Order is so limited.

IV. Procedural Matters

A. Executive Order 12291

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order. An exemption was requested of the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. Section 102 of NEPA

It has been determined by DOE's NEPA Affairs Division that this regulation does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement for this regulation is not required.

C. Section 404 of the DOE Act

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95-91), the proposed rule was referred to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction. We have been notified that the Commission has declined to take jurisdiction.

D. Regulatory Flexibility Act

Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) provides that the provisions of Sections 603 and 604 of that Act pertaining to the preparation of regulatory flexibility analyses shall not apply to any proposed or final rule if the head of the issuing agency certifies that the rule would not, if promulgated, have a significant impact on a substantial number of small entities.

Executive Order 12287 effectively mandated the termination of the entitlements program, allowing for necessary adjustments for periods prior to the Order. Today's rule merely provides a mechanism whereby the orderly and equitable termination of the entitlements program can be effected.

In view of the nature of the rule, ERA is hereby certifying that the rule will not have a significant impact on a substantial number of small entities.

E. Administrative Procedure Act

Paragraph (d) of 5 U.S.C. 553 provides that the required publication of a rule be made at least 30 days before its effective date. One of the exceptions to this requirement is where the agency publishes with the rule a finding of good cause for allowing less than 30 days before the rule becomes effective.

ERA has determined that there is good cause for making this rule effective August 1, 1981. First, resellers have been on notice that ERA would establish a recertification cut-off since the NOPR wherein we proposed a cut-off date as early as May 1, 1981. Second, in view of

[3] There are approximately 19 pending court cases and 12 cases before FERC involving entitlements.

the recertification deadlines in § 212.131, discussed in an earlier section of the preamble, at this late date almost all recertifications have been completed. And, since there remains ample time before August 1, resellers still will be able to recertify crude oil where appropriate.

Third, many commenters urged ERA to adopt a recertification deadline at the end of a month to correspond with the close of an accounting period. To allow the full 30 days before the effective date of this rule, and to establish a recertification cut-off at the end of a month, would require setting that deadline at August 31, 1981. Since the reporting date for the clean-up list, by necessity, must follow the recertification deadline, delaying the recertification deadline until August 31 and the clean-up reporting deadline until mid-September would result in the clean-up list not being issued before the EPAA expires on September 30, 1981.

For the above reasons, ERA finds that there is good cause to make this rule effective August 1, 1981.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-07; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the *Code of Federal Regulations* are amended as set forth below, effective August 1, 1981.

Issued in Washington, D.C., July 9, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

1. Part 211 is amended by adding § 211.69 to read as follows:

§ 211.69 Entitlements adjustment mechanism.

(a) *Scope.* This section applies to all refiners and other firms listed on any Entitlements Notice issued with respect to crude oil runs-to-stills and crude oil receipts during the period October 1, 1980, through January 27, 1981, as well as to any other firms which owe money to, or are entitled to receive money from, the entitlements program.

(b) *Purpose.* This section provides a method for an orderly termination of the domestic crude oil entitlements program originally established in § 211.67.

(c) *Definitions.* For purposes of this section, all terms that are contained in or necessary to the implementation of this section shall have the same meanings as under the provisions of 10 CFR Part 211 that were in effect on January 27, 1981, except as specifically set forth in the following definitions:

"Adjustment" means the receipt of an invoice of recertified crude oil previously booked into a refiner's account in a month during the reporting period which results in a change to the volume and/or category as previously reported on the ERA-49 and a subsequent invoice to a reported volume based on either a prior invoice or a good faith estimate. A good faith estimate is a volume based on that refiner's past experience as to its composition for pricing purposes of domestic crude oil of the same origin.

"Amendment" means a resubmission of a previously filed report for a month in the reporting period resulting from an internal company error.

"Claim" means the dollar amount determined by ERA to be owed to a firm resulting from adjustments, amendments or other modifications to any one or more Entitlements Notices issued by ERA pursuant to 10 CFR 211.67 for the period from October 1, 1980, through January 27, 1981, or resulting from an administrative or judicial determination.

"Crude oil runs-to-stills" includes crude oil runs-to-stills applicable to the Entitlements Notice issued for each month in the reporting period, increased for any month for which a firm received entitlements pursuant to §§ 211.67(a)(3) or 211.67(a)(5) by a number equal to the number of entitlements issued pursuant to these sections in that month, divided by the national domestic crude oil supply ratio for that month.

"ERA" means the Economic Regulatory Administration of the Department of Energy (DOE).

"Obligation" means the dollar amount determined by ERA to be owed by a firm as a result of adjustments, amendments or other modifications to any one or more Entitlements Notices issued by ERA pursuant to 10 CFR 211.67 for the period from October 1, 1980, through January 27, 1981, or resulting from an administrative or judicial determination.

"Reporting period" means the period October 1, 1980, through January 27, 1981.

(d) *Determination of claims and obligations.*—(1) *Amendments.* Firms shall correct all errors contained in reports filed pursuant to 10 CFR 211.66 or 10 CFR 211.67(a)(5)(ii) for the reporting period by filing amended reports which must be received by ERA by August 15, 1981. For each month for which an amended report is filed by a firm pursuant to this subsection, ERA shall determine for that firm: (i) the obligation for that month by determining the dollar value of the amendment, using the entitlement data for that month; or (ii) the claim for that month by determining the dollar value of the amendment, using the entitlement data for that month.

(2) *Invoice adjustments.* (i) All refiners shall report to DOE on Form ERA-49 for each reported category of crude oil the sum of all adjustments to the volume of crude oil receipts during the reporting period not previously reported to ERA. If a refiner has no adjustments for the reporting period, it shall file a report of zero adjustments. Reports must be received by ERA by August 15, 1981.

(ii) Refiners shall designate on the Form ERA-49 the month during the reporting period when the crude oil subject to the adjustment first was received.

(iii) For each month for which an adjustment is filed by a refiner pursuant to this subsection, ERA shall determine for that refiner: the obligation for that month by determining the dollar value of the increased number of barrels of deemed old oil, using the deemed old oil ratios and the entitlement price for that month; or, the claim for that month by determining the dollar value of the decreased number of barrels of deemed old oil, using the deemed old oil ratios and the entitlement price for that month.

(3) *Other claims and obligations.* (i) ERA shall determine the dollar value of any other claims or obligations of any firm in any month which is not otherwise included in subsections (d)(1) or (2) of this issue by using the entitlement price and other entitlement data for that month.

(ii) To the extent that any claim or obligation determined pursuant to subsection (d)(3)(i) of this section is not applicable to a particular month in the reporting period, ERA shall prorate the amount of such claim or obligation equally among all months in the reporting period.

(e) *Total calculation.*—(1) ERA shall determine the net calculation for each month in the reporting period by subtracting the sum of all obligations for that month from the sum of all claims for that month.

(2) The proportional share of the net calculation for each firm for each month in the reporting period shall be determined by multiplying the net calculation by a fraction. The numerator of the fraction is equal to the crude oil runs-to-stills for that firm used to compute the Entitlements Notice for that month, and the denominator is equal to the sum of the crude oil runs-to-stills of all firms used to compute the Entitlements Notice for that month.

(3) For each firm, ERA shall determine the sum of its proportional shares of the net calculations for each month as computed pursuant to subsection (e)(2) of this section, which shall be the total calculation for that firm.

(f) *Net obligations and net claims.* ERA shall determine each firm's net obligation or net claim as follows:

(1) If the sum of its claims for the reporting period, minus the sum of its obligations for the reporting period, and minus its total calculation (determined pursuant to paragraph (e)) is greater than zero, it is a net claim and the firm shall be entitled to that sum of money from firms with net obligations.

(2) If the sum of its claims for the reporting period, minus the sum of its obligations for the reporting period, and minus its total calculation (determined pursuant to paragraph (e)) is less than zero, it is a net obligation and the firm shall be required to pay that sum of money to firms with net claims.

(g) *Settlement of net obligations and net claims.*—(1) As soon as practicable after August 15, 1981, ERA shall publish in the **Federal Register** a list of the net claim or net obligation of each firm. Firms with net obligations shall complete payments of such obligations to firms with net claims within 10 days from the date of publication of the list in the **Federal Register.**

(2) ERA may direct firms which have not paid monies equal to their net obligations under this section to transfer money, not in excess of their net obligation, to such firms as determined by ERA.

(3) Within 20 days from the date of publication of the list of net claims and obligations, each firm with a net claim or obligation shall certify to ERA in writing that it has completed the transactions required by this section, with whom the transaction has been completed and the dollar amounts for each firm. Certifications should be addressed to:

Entitlements Program Office, Economic Regulatory Administration, 20th Street Postal Station, P.O. Box 19326, Washington, D.C. 20461

(4) If a firm with a net claim does not receive any or all of its money from firms with net obligations, that firm may apply to ERA for an order establishing the amount of the deficiency. Upon issuance of the order by ERA, the firm shall be deemed to have a claim against the entitlements program pursuant to subsection (h)(1) for the amount of the deficiency.

(h) *Post-clean-up claims and obligations.*

(1)(i) If after issuance of the list of net obligations and net claims, the Office of Hearings and Appeals of the Department of Energy, the Federal Energy Regulatory Commission or a court of competent jurisdiction determines, in an order no longer subject to appeal, that any party is entitled to a claim against the entitlements program, firms listed on the list of net obligations and net claims issued pursuant to subsection (g)(1) shall owe the amount of the claim.

(ii) Each firm shall pay to the party receiving the order an amount equal to the claim determined pursuant to subsection (h)(1)(i) of this section multiplied by a fraction, the numerator of which is equal to the total crude oil runs-to-stills for that firm used to compute Entitlements Notices in the reporting period, and the denominator of which is the sum of the crude oil runs-to-stills for all firms used to compute Entitlements Notices in the reporting period.

(2)(i) If after issuance of the list of net obligations and net claims, the Office of Hearings and Appeals of the Department of Energy, the Federal Energy Regulatory Commission or a court of competent jurisdiction determines, in an order no longer subject to appeal, that any party has an obligation to the entitlements program, other than as a result of entitlements enforcement actions, firms listed on the list of net obligations and net claims issued pursuant to subsection (g)(1) shall be owed that obligation.

(ii) The party shall pay to each such firm an amount equal to the obligation multiplied by a fraction, the numerator of which is equal to the total crude oil runs-to-stills for that firm used to compute Entitlements Notices in the reporting period, and the denominator of which is the sum of the crude oil runs-to-stills for all firms used to compute Entitlements Notices in the reporting period.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

§ 212.131 [Removed]

2. Section 212.131 is removed.

[FR Doc. 81-20524 Filed 7-9-81; 2:08 pm]
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Monday
July 13, 1981

Part VII

Department of Energy

Economic Regulatory Administration

Tertiary Incentive Program, Notice of Determination Not to Adopt a Final Rule

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-81-04]

Tertiary Incentive Program, Notice of Determination Not to Adopt a Final Rule

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of determination not to adopt a final rule.

SUMMARY: The Economic Regulatory Administration (ERA) is announcing its intent not to adopt any of the proposals set forth in the May 6 Notice of Proposed Rulemaking concerning the Tertiary Incentive Program. ERA has made this decision on the basis of a careful review of the entire record in this proceeding. That record clearly indicates that the assumptions and tentative conclusions contained in the May 6 Notice were incorrect regarding the failure of the program in certain respects to further the purposes of the Emergency Petroleum Allocation Act.

FOR FURTHER INFORMATION CONTACT:

Eugene Glass or Douglas Harnish, Economic Regulatory Administration, Room 6318–G (Glass); Room 7116 (Harnish), 2000 M Street, NW., Washington, D.C. 20465, (202) 653–453 (Glass); 653–3269 (Harnish);

William Funk or Ben McRae (Office of General Counsel), U.S. Department of Energy, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6736 (Funk); 252–6739 (McRae); Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–4055.

SUPPLEMENTARY INFORMATION: On March 17, 1981, ERA issued an advance notice of proposed rulemaking (46 FR 17566, March 19, 1981, "March 19 Notice") announcing that it would propose to rescind the Tertiary Incentive Program ("incentive program") with respect to allowed expenses that had not been incurred and paid on or before March 19, 1981. ERA took this action on the basis of the tentative conclusion that the program was no longer achieving its original goal of promoting enhanced oil recovery ("EOR") activity that otherwise would not have been undertaken. Specifically, many firms had informed ERA that most of the allowed expenses incurred and paid since the issuance of Executive Order No. 12287, which decontrolled crude oil prices, had related to EOR activity that would have been undertaken regardless of the exisitence of the incentive program and that, in some cases, these allowed expenses related to sham projects (that is, projects that were merely devices by which a firm could receive the benefits available under the incentive program without any real commitment to EOR acitivity).

On April 28, 1981, ERA issued a notice of proposed rulemaking (46 FR 25315, May 6, 1981, "May 6 Notice") that proposed the action discussed in the March 19 notice. The May 6 Notice also proposed to rescind the incentive program with respect to all in-house allowed expenses and with respect to those prepad allowed expenses that were not incurred and paid prior to January 28, 1981, on the bais of the tentative conclusions that most of these expenses related to EOR activities, that would have been undertaken on the same time schedule, without regard to the incentive program. ERA believed that rescission of the incentive program with respect to in-house and prepaid allowed expenses would be consistent with its original intention in adopting the incentive program and that the retroactive nature of these additional changes would not significantly impact participants in the program.

On May 19 and 20, 1981, ERA held a public hearing on these proposals. ERA also received written comments on these proposals through June 5, 1981.

After reviewing these comments, as well as reports and certifications filed by producers under the program, ERA has found no evidence to support its tentative conclusions concerning in-house allowed expenses, prepaid allowed expenses incurred or paid after January 27, 1981, or all allowed expenses incurred or paid after March 19, 1981. Rather, numerous firms in their oral and written comments demonstrated that because of the provisions permitting the recovery of these allowed expenses they have intiated EOR activity that otherwise would not have been undertaken. These firms further demonstrated that the provisions proposed to be rescinded had been instrumental in the early initiation of many EOR projects. This encouragement to EOR activity should result in increased domestic crude oil production that otherwise would not have occurred. These are the precise goals ERA sought in adopting the incentive program. Also, these firms conclusively demonstrated that the retroactive nature of the two additional proposed changes would seriously impact outstanding projects, cause havoc in the industry, and divest them of funds received and spent in detrimental reliance on the then existing regulatory provisions.

Accordingly, ERA has decided not to adopt any of the proposals contained in the May 6 Notice. ERA intends to publish a more extensive analysis of the record and comments in the future, but this notice is intended to inform interested persons of ERA's final determination in this proceeding.

Issued at Washington, D.C., July 8, 1981.

Barton R. House,

Acting Administrator Economic Regulatory Administration.

[FR Doc. 81–20525 Filed 7–9–81; 2:08 pm]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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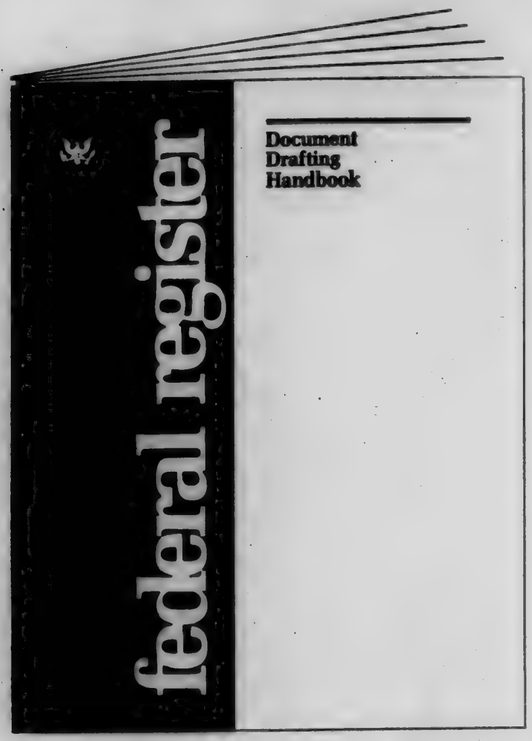
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federal register

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36148 **Mediterranean Fruit Fly** USDA/APHIS adds portions of Alameda and Santa Clara Counties, and all of San Mateo County, Calif. to list of regulated areas.

36277 **Iran** State issues notice on claims of U.S. nationals against Iran.

36105 **Loan and Grant Programs** USDA/FmHA permits borrowers to establish supervised accounts with savings and loan associations and credit unions.

36198 **Retirement Plans** Treasury/IRS proposes regulations on individual retirement plans and simplified employee pensions.

36212 **Wildlife Refuge—Oil and Gas Exploration** Interior/GS requests comments on activities within the coastal plain of the Arctic National Wildlife Refuge.

36138 **Probation and Parole** Justice/PARCOM revises Paroling Policy Guidelines.

36346 **Defense Procurement** DOD amends Defense Acquisition Regulations. (Part V of this issue) (3 Documents)

36113 **Livestock** USDA/FSIS establishes interim cattle post-mortem inspection staffing standards.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

36280 **Foreign Trade** Trade Representative gives notice of effective date of certain staged tariff rate reductions.

36213 **Government Contracts** Labor/FCCPO requests comments on affirmative action requirements for government and federally assisted contractors.

36338 **Education** ED issues Law School Clinical Experience Program provisions. (Part III of this issue)

36342 **Grant Programs—Education** ED simplifies existing rules for State Student Incentive Grant Program. (Part IV of this issue)

36120 **Securities** SEC amends requirements for Management Investment Company Registration Statements and reports to shareholders.

36127 SEC issues interpretative release on "last-in, first out" inventory pricing method.

36135 **Indians** Interior/BIA issues regulations on payment of "Sioux benefits."

36258 **Indians—Energy** HHS/SSA announces intent to reallocate 1981 funds for Indian tribes under the Low Income Energy Assistance Program.

36219 **Cotton** USDA/ASCS announces revision of national program acreage, allocation factor, and payment rate for 1980 crop upland cotton.

36137 **Prisoners** Justice/PARCOM removes mandatory provision to eliminate duplicative hearings.

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36285 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 134
Tuesday, July 14, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1822, 1823, and 1902

Loan and Grant Disbursement

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises its regulations to permit borrowers to establish supervised accounts with savings and loan associations, and credit unions. The current regulation provides that supervised accounts be maintained only with banks. This action is needed in order to comply with Treasury Circular 176 to permit deposits of government funds in savings and loan associations, and credit unions. The intended effect of this action is to give borrowers greater opportunity in choosing a financial institution to deposit and disburse loan fund proceeds. The supervised accounts will be used only in rare instances because FmHA field offices can request loan checks on an as needed basis. The regulation also recognizes the increase from $40,000 to $100,000 in Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration coverage on deposits. Minor editorial changes are also being made.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Phillip A. Carter, Financial Support Division, Room 4118, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. Phone: (202) 447–4871.

The Final Impact Analysis describing the options considered in developing this final rule and the impact of implementing each option is available on request from Mr. Carl O. Opstad, Chief, Directives Management Branch, Room 6346, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250. Phone: (202) 447–4057.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 and has been classified "not significant." It has also been reviewed under Executive Order 12291 and determined not to be a "major rule." FmHA revised Subpart A of Part 1902, Chapter XVIII, Title 7, Code of Federal Regulations. This instruction does not directly affect any programs or projects which are subject to A–95 Clearing House review.

The Catalog of Federal Domestic Assistance numbers and titles are:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans (Rural Housing Loans—Section 502—Insured)
10.411 Rural Housing Site Loans (Section 523 and 524 Site Loans)
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Loans
10.416 Soil and Water Loans (SW Loans)
10.417 Very Low-Income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.420 Rural Self-Help Housing Technical Assistance (Section 523 Technical Assistance)
10.421 Indian Tribes and Tribal Corporation Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.425 Emergency Livestock Loans
10.426 Area Development Assistance Planning Grants (Section 111)
10.427 Rural Rental Assistance Payments
10.428 Economic Emergency Loans
10.429 Above Moderate Income Housing Loans (Guaranteed Rural Housing Loans)
10.430 Energy Impacted Area Development Assistance Program
10.431 Technical and Supervisory Assistance Grants
10.432 Biomass Energy and Alcohol Fuels Loans and Loan Guarantees

Note.—This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that this final action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environment Policy Act of 1949, Pub. L. 91–190 an Environmental Impact Statement is not required.

The proposed regulation was published in the **Federal Register** on November 19, 1980 for public comment. Three comments were received and two changes were made as a result of these comments. Under Section 1902.3(d), a sentence was added to provide that funds deposited in a supervised bank account are to be recorded and accounted for on FmHA Form 402–2, "Statement of Deposits and Withdrawals." Also, item 7 of Exhibit A, collateral pledge memorandum, was changed from "Estimated closing date" to "Date supervised bank account to be opened." This change was made because loans to public bodies may involve the use of interim credit and the loan may not be closed until several months after the supervised bank account is opened. It was also recommended that the $100,000 amount be deleted and reference be made only to pledging collateral for funds on deposit in excess of the funds protected by the FDIC, FSLIC, and NCUA. It was felt that by doing this the forms and regulations would not have to be revised each time there was a change in the insurance coverage amount. The Agency decided not to make this change because the dollar amount for the insurance coverage would not change that often and it would be better for the field offices to actually know what the insurance coverage was at any given time. Accordingly, FmHA amends Chapter XVIII, Title 7, Code of Federal Regulations as follows:

Subchapter B—Loans and Grants Primarily for Real Estate Purposes

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

§ 1822.267 [Amended]

1. In § 1822.267(h)(i), line 10, change "$20,000" to "$100,000."

2. In § 1822.267(h)(i), line 14, change "in a bank which a member of the Federal Deposit Insurance Corporation" to "in accordance with Part 1902, Subpart A of this Chapter."

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart F—Loan to Timber Development Organizations

§ 1823.172 [Amended]

3. In § 1823.172(b), line 6, remove "in a bank in which deposits are covered by Federal Deposit Insurance."

4. In § 1823.172(b), line 16, change "$20,000" to "$100,000."

5. In § 1823.172(b), line 17, change "bank" to "financial institution."

Subpart H—Association Loans for Irrigation and Drainage and Other Soil and Water Conservation Measure

§ 1823.263 [Amended]

6. In § 1823.263(b), line 5, change "$20,000" to "$100,000."

Subpart I—Processing Loans to Association (Except for Domestic Water and Waste Disposal

§ 1823.272 [Amended]

7. In § 1823.272(l)(1), line 8, remove "in a bank in which deposits are covered by Federal Deposit Insurance."

8. In § 1823.272(l)(1), line 17, change "$20,000" to "$100,000" and change "bank" to "financial institution."

9. In § 1823.272(1)(7)(i), line 2, change "bank (but not in a savings and loan association)" to "financial institution."

Subpart N—Loans to Indian Tribes and Tribal Corporations

§ 1823.408 [Amended]

10. In § 1823.408(e)(1), line 5, change "$20,000" to "$100,000."

11. In § 1823.408(e)(1), line 6, change "depository bank" to "financial institution."

Exhibit B [Amended]

12. In Exhibit B, Section 5, line 6, change "in a bank which is a member of the Federal Deposit Insurance Corporation" to "in accordance with Part 1902, Subpart A of this Chapter."

13. In Exhibit B, Section 5(A), line 7, change "$20,000" to "$100,000" and change "depository bank" to "financial institution."

Subchapter H—Program Regulations

PART 1902—SUPERVISED BANK ACCOUNTS

Subpart A—Loan and Grant Disbursement

14. Subpart A of Part 1902 is revised as follows:

Chapter XVIII—Farmers Home Administration, Department of Agriculture

PART 1902—SUPERVISED BANK ACCOUNTS

Subpart A—Loan and Grant Disbursement

Sec.

1902.1 General.
1902.2 Policies concerning disbursement of funds.
1902.3 Procedures to follow in fund disbursement.
1902.4–1902.5 [Reserved]
1902.6 Establishing supervised bank accounts.
1902.7 Pledging collateral for deposit of funds in supervised bank accounts.
1902.8 Authority to establish supervised bank accounts, deposit loan checks and other funds, countersign checks, close accounts, and execute all forms in connection with supervised bank account transactions.
1902.9 Deposits.
1902.10 Withdrawals.
1902.11 District and County Office records.
1902.12–1902.13 [Reserved]
1902.14 Reconciliation of accounts.
1902.15 Closing accounts.
1902.16 Request for withdrawals by State Director.
1902.17–1902.50 [Reserved]
Exhibit A—Designated Financial Institution—Collateral Pledge
Exhibit B—Interest-Bearing Deposit Agreement
Exhibit C—Deposit Agreement
Exhibit D—Deposit Agreement (Non-FmHA Funds)

Subpart A—Loan and Grant Disbursement

§ 1902.1 General.

This Subpart prescribes the policies and procedures of the Farmers Home Administration (FmHA) for disbursement of funds under the Loan Disbursement System (LDS) and in establishing and using supervised bank accounts. The LDS system provides for disbursement of funds on an as needed basis to substantially reduce interest costs to FmHA borrowers, U.S. Treasury, and FmHA.

(a) Form FmHA 1940–1, "Request for Obligation of Funds," provides for: (1) obligation only, (2) obligation and check request for the full amount of the loan or grant, and (3) obligation and check request for a partial amount of the loan or grant. The instructions on when and how to use this form are contained in the Forms Manual Insert (FMI) for this form.

(b) Form FmHA 440–57, "Acknowledgment of Obligated Funds/Check Request," provides for: (1) the initial loan amount check, (2) all subsequent loan checks, (3) making corrections on the data in the loan account as reflected on the form, (4) notifying the Finance Office of the loan closing date and the loan amortization effective date, and (5) providing requested information from the Finance Office. The instructions on when and how to use this form are contained in the FMI for this form.

(c) See FmHA Instruction 102.1 (available in any FmHA office) for procedures to follow if checks are lost or destroyed.

(d) Borrowers as referred to in this Subpart include both loan and grant recipients. They are referred to as depositors in the deposit agreements hereinafter described. References herein and in deposit agreements to "other lenders" include lenders and grantors other than FmHA.

(e) Banks referred to in this Subpart are those in which deposits are insured by the Federal Deposit Insurance Corporation (FDIC).

(f) Savings and Loans referred to in this Subpart are those in which deposits are insured by the Federal Savings and Loan Insurance Corporation (FSLIC).

(g) Credit Unions referred to in this Subpart are those in which deposits are insured by the National Credit Union Administration (NCUA).

(h) Financial Institutions as referred to in this Subpart include banks, savings and loans, and credit unions which are covered by the proper insurance coverage cited in paragraphs (e), (f) and (g) of this Section.

(i) Supervised bank accounts referred to in this Subpart are bank, savings and loan, or credit union accounts established through deposit agreements entered into between either (A) the borrower, the United States of America acting through the FmHA, and the bank on Form FmHA 402–1, "Deposit Agreement," or the savings and loan and credit union on "Deposit Agreement (Exhibit C)", or (B) the borrower, FmHA, other lenders, and the bank on Form FmHA 402–5, "Deposit Agreement (Non-FmHA Funds)", or the savings and loan and credit union on "Deposit Agreement (Non-FmHA Funds)" (Exhibit D).

(j) Form FmHA 402–1 or Exhibit C provides for the deposit of funds in a supervised bank account as security for payment of the borrower's indebtedness to secure the performance of the borrower's obligation to FmHA in connection with a loan and grant.

(k) Form FmHA 402–5 or Exhibit D will be completed when deposits of funds advanced by other lenders as security for payments of the indebtedness to them and to assure the performance of the borrower's obligation to them in connection with a loan and grant are made in a separate supervised bank account.

(l) "Interest-Bearing Deposit Agreement" (Exhibit B), provides for the deposit of loan or grant funds that are not required for immediate disbursement in specified interest-bearing deposits, and it is executed in conjunction with Form FmHA 402–1 or Form FmHA 402–5.

§ 1902.2 Policies concerning disbursement of funds.

(a) The partial advance feature of the LDS will be utilized whenever possible in accordance with the specific program procedures, except where prohibited by State statutes. The capability to request Treasury checks on an as needed basis reduces the need for supervised bank accounts. *Therefore, supervised bank accounts will be used only in rare instances, e.g.:*

(1) When a construction loan is made and the construction is substantially completed, but a small amount is being withheld pending completion of landscaping or some similar item, or a small loan closing. In this case, the amount of funds not disbursed when the predetermined amortization effective date occurs may be placed in a supervised bank account for future disbursement as appropriate.

(2) When a large number of checks will be issued in the construction of a dwelling or other development, as for example under the "borrower method" of construction or in Operating (OL) loans and Emergency (EM) loans. In such cases, installment checks will continue to be requested from the Finance Office as necessary and deposited in a supervised bank account and disbursed to suppliers, sub-contractors, etc. as necessary. When the construction process requires several checks to be issued at one time the LDS system can still be utilized. Those District and County Offices authorized to request checks by telephone may request more than one check at a time. If more than one check is required, a Form FmHA 440–57 will be prepared for each check.

(3) Association loan and grant funds made on a multiple advance basis need not be deposited in a supervised bank account unless required by State statutes or otherwise determined necessary by the Loan Approval Official.

(4) Supervised bank accounts will be used only when necessary to assure the correct expenditures of all or a part of loan and grant funds, borrower contributions, and borrower income. Such accounts will be limited in amount and duration to the extent feasible through the prudent disbursement of funds and the prompt termination of the interests of FmHA and other lenders when the accounts are no longer required.

(5) Income from the sale of security property of Economic Opportunity (EO) property or the proceeds from insurance on such property will be deposited in a supervised bank account under Form FmHA 402–1 or Exhibit C when the District Director or County Supervisor determines it is necessary to do so to assure that the funds will be available for replacement of the property.

(6) When a borrower has a clearly demonstrated inability to handle financial affairs, all or part of the income or other funds may be deposited in the supervised bank account under the appropriate Deposit Agreement if the District Director or County Supervisor determines that such an arrangement is necessary to provide guidance in major financial management practices essential to the borrower's success, subject to the following requirements:

(i) This supervisory technique will be used for a temporary period to help the borrower learn to properly manage financial affairs. Such a period will not exceed one year unless extended by the District Director; and

(ii) The borrower is agreeable to such an arrangement.

(7) In exceptional cases when the unincorporated EO cooperative or grazing association borrower cannot obtain a position fidelity bond, its income may be deposited as provided for in § 1902.6 (and § 1902.2(f) of this Subpart if another lender is involved).

(b) For all construction loans, and those loans to be advanced in increments, only the actual amount to be disbursed at loan closing will be requested either through the initial submission of Form FmHA 1940–1 or through Form FmHA 440–57. Subsequent checks will be ordered as needed by submitting Form FmHA 440–57 to the Finance Office.

(c) Program instructions provide information as to the type of note to be utilized and the method of handling advances and the interest accrued thereon. For individual loan programs, interest will accrue from the loan closing date or date of check whichever is later. For association and organization type loans interest will accrue from the date the check is delivered to the borrower.

(d) For all loan accounts, when the total amount has not been advanced at the amortization effective date, as defined in the FMI for Form FmHA 1940–1, the Finance Office will forward the remaining balance to the District Director or County Supervisor for appropriate action, unless the District Director or County Supervisor notifies the Finance Office of other arrangements.

(e) When a check cannot be negotiated within 20 working days from the date of the check, the District Director or County Supervisor will return the check(s) with Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," in accordance with FmHA Instruction 102.1 (available in any FmHA Office).

(f) Funds provided to an FmHA borrower by another lender (through subordination agreements by the FmHA or under other arrangements between the borrower, FmHA, and the other lender) that are not used immediately after the loan and grant closing will be deposited in a supervised bank account under Form FmHA 402–5 or Exhibit D, provided:

(1) The District Director or County Supervisor determines such action is necessary to protect FmHA's interest and to assure that the funds will be used for the purposes planned,

(2) The other lender is unwilling to control the use of such funds, and

(3) The other lender is agreeable to the use of the FmHA supervised bank account.

(g) The debt instruments executed at the time of loan closing constitute an obligation on the part of the Government to disburse all funds at one time or in multiple advances provided the funds are for purposes authorized by the Government at the time of loan closing. This obligatory commitment takes priority over any intervening liens or advances by other creditors regardless of the provisions of the State laws involved.

§ 1902.3 Procedures to follow in fund disbursement.

(a) The District Director or County Supervisor will determine during loan approval the amount(s) of loan check(s)—full or partial—and forward such request to the Finance Office by complying with the FMI for Forms FmHA 1940–1 and FmHA 440–57.

(b) Counties using the telephone to request subsequent advances will call the designated telephone number provided by the Finance Office and request all subsequent checks by providing the information required on Form FmHA 440–57.

(c) When check(s) are delivered to the District or County Office, the District Director or County Supervisor will make sure that the name of the borrower and the amount(s) of check(s) coincide with the request on file. The District Director or County Supervisor should be sure that the check is properly endorsed to insure payment to the intended recipient. Examples of such restrictive endorsements are:

(1) "For Deposit Only to Account No. (Number of Construction Account) of (*Name of Borrower*) in (*Name of Bank*)."

(2) "Pay to the order of (3rd party payee)"—(Contractor, Developer, Sub-Contractor, Building Supply House, etc.) for the purpose of ————.

(d) When necessary and only under the circumstances listed in § 1902.2 the District Director or County Supervisor will establish, or cause to be established, a supervised bank account. Funds deposited in a supervised bank account are to be recorded and accounted for on Form FmHA 402.2, "Statement of Deposits and Withdrawals."

§ 1902.4–1902.5 [Reserved]

§ 1902.6 Establishing supervised bank accounts.

(a) Each borrower will be given an opportunity to choose the financial institution in which the supervised bank account will be established, provided the bank is a member of the FDIC, the savings and loan is a member of the FSLIC, and the credit union is a member of the NCUA.

(b) When accounts are established, it should be determined that:

(1) The financial institution is fully informed concerning the provisions of the applicable deposit agreement,

(2) Agreements are reach with respect to the services to be provided by the financial institution including the frequency and method of transmittal of checking account statements, and

(3) Agreement is reached with the financial institution regarding the place where the counter-signature will be on checks.

(c) When possible, District Directors or County Supervisors will make arrangements with financial institutions to waive service charges in connection with supervised bank accounts. However, there is no objection to the payment by the borrower of a reasonable charge for such service.

(d) If the amount of Community Facility, Water and Waste Disposal, Grazing Association, Irrigation and Drainage, Indian Land Acquisition, Watershed (WS), Organizational Rural Rental Housing (RRH), Resource Conservation and Development (RCD), EO loans to a Cooperative Association, Rural Cooperative Housing (RCH), or Organizational Labor Housing (LH) loan funds, and grant funds plus any borrower contributions and funds from other sources to be deposited in the supervised bank account will exceed $100,000 the financial institution will be required to pledge collateral for the excess over $100,000 before the deposit is made (see § 1902.7). In addition, a pledge of collateral may be required for other types of loans or grants in amounts in excess of the State Director's approval authority when determined necessary by the National Office on an individual case basis.

(e) Only one supervised bank account will be established for any borrower regardless of the amount or source of funds, except for RRH loans where separate accounts will be established for each project.

(f) When a supervised bank account is established, an original and two copies of the applicable Deposit Agreement and the Interest-Bearing Deposit Agreement (Exhibit B), when applicable, will be executed by the borrower, the financial institution, and a District or County Office employee. The original will be retained in the borrower's case file, one executed copy will be delivered to the financial institution and one executed copy to the borrower. An extra copy of the Interest-Bearing Deposit Agreement, when applicable, will be prepared and attached to the certificate, passbook, or other evidence of deposit representing the interest-bearing deposit.

(1) If an agreement on the applicable Deposit Agreement has previously been executed and Form FmHA 402–6, "Termination of Interest in Supervised Bank Account," has not been executed with respect to it, a new agreement is not required when additional funds are to be deposited unless requested by the financial institution.

(2) When the note and security instrument are signed by two joint borrowers or by both husband and wife, a joint survivorship supervised bank account will be established from which either can withdraw funds if State laws permit such accounts. In such cases both parties will sign the Deposit Agreement(s).

§ 1902.7 Pledging collateral for deposit of funds in supervised bank accounts.

(a) Funds in excess of $100,000 for borrowers referred to in § 1902.6(d), deposited in supervised bank accounts, must be secured by pledging acceptable collateral with the Federal Reserve Bank in an amount not less than the excess.

(b) As soon as it is determined that the loan will be approved and the applicant has selected or tentatively selected a financial institution for the supervised bank account, the District Director or County Supervisor will contact the financial institution to determine:

(1) That the financial institution selected is insured by the FDIC (banks), FSLIC (savings and loans), or NCUA (credit unions).

(2) Whether the financial institution is willing to pledge collateral with the Federal Reserve Bank under Treasury Circular No. 176 to the extent necessary to secure the amount of funds being deposited in excess of $100,000.

(3) If the financial institution is not a member of the Federal Reserve System it will be necessary for that financial institution to pledge the securities with a correspondent bank who is a member of the System. The correspondent bank should contact the Federal Reserve Bank informing them they are holding securities pledged for the supervised bank account under Treasury Circular 176.

(c) If the financial institution is agreeable to pledging collateral, the District Director or County Supervisor should complete a form letter (Exhibit A) in an original and two copies, the original for the National Office, the first copy for the State Office, and the second copy for the District or County Office. The form letter should be forwarded to the National Office at least 30 days before the date of loan closing.

(d) The National Office will arrange for the Treasury Department to have the financial institution designated as a depository, unless already designated, and to have collateral pledged.

(e) If, two days before loan closing, the State Director has not received a copy of the Treasury Department's letter to the financial institution confirming that the pledge of collateral has been made, contact should be made with the depository bank to ascertain whether they have pledged collateral with their local Federal Reserve Bank in compliance with the provisions of Treasury Circular 176. If the bank has accomplished the pledge then contact the National Office, Financial Support Division.

(f) When the amount of the deposit in the supervised bank account has been reduced to a point where the financial institution desires part, or all of its collateral released, it should write to the Treasury Department, Domestic Banking Staff, Bureau of Government Operations, Washington, D.C. 20226, (Attention: Collateral and Reports Branch) requesting the release and stating the balance in the supervised bank account.

§ 1902.8 Authority to establish supervised bank accounts, deposit loan checks and other funds, countersign checks, close accounts, and execute all forms in connection with supervised bank account transactions.

District Directors or County Supervisors are authorized to establish supervised bank accounts, deposit loan checks and other funds, countersign checks, close accounts, and execute all forms in connection with supervised bank account transactions and redelegate this authority to a person listed in Exhibit B of FmHA Instruction 1951–B, under their supervision who are considered capable of exercising such authority. State Directors will make written demand upon the bank for withdrawals as outlined in § 1902.16.

§ 1902.9 Deposits.

(a) *Deposit by FmHA personnel.*

(1) Checks made payable solely to the Federal Government, or any agency thereof, and a joint check when the Treasurer of the United States is a joint payee, may not be deposited in a supervised bank account.

(2) FmHA personnel will accept funds for deposit in a borrower's supervised bank account only in the form of a check or money order endorsed by the borrower "For Deposit Only," or a check drawn to the order of the financial institution in which the funds are to be deposited, or a loan check drawn on the U.S. Treasury.

(i) A joint check that is payable to the borrower and FmHA will be endorsed by the District Director or County Supervisor as provided in section 1951.57(e) of this Chapter.

(ii) Ordinarily, when deposits are made from funds which are received as the result of consent or subordination agreements or assignments of income, the check should be drawn to the order of the financial institution in which the supervised bank account is established or jointly to the order of the borrower and the FmHA. All such checks should be delivered or mailed to the District or County Office.

(3) If direct or insured loan funds (other than OL or EM, loan funds) or borrower contributions are to be deposited in a supervised bank account, such funds will be deposited on the date of loan closing *after it has been determined that the loan can be closed.* However, if it is impossible to deposit the funds on the day the loan is closed due to reasons such as distance from the financial institution or banking hours, the funds will be deposited on the first banking day following the date of loan closing.

(4) Grant funds will be deposited when such funds are delivered.

(5) When funds from any source are deposited by FmHA personnel in a supervised bank account, a deposit slip will be prepared in an original and two copies and distribution as follows: Original to the financial institution, one copy to the borrower, and one copy for the borrower's case folder. The names of the borrower, the sources of funds, and "Subject to FmHA Countersignature," and if applicable, the account number will be entered on each deposit slip.

(6) A loan or grant check drawn on the U.S. Treasury may be deposited in a supervised bank account without endorsement by the borrower when it will facilitate delivery of the check and is acceptable to the financial institution. The borrower will be notified immediately of any deposit made and will be furnished a copy of the deposit slip. When a deposit of this nature is made, the following endorsement will be used:

For deposit only in the supervised bank account of *(name of borrower)* in the *(name of financial institution and address when necessary for identification)* pursuant to Deposit Agreement dated ————.

(7) Accounts established through the use of Interest-Bearing Deposit Agreement will be in the name of the depositor and the Government.

(b) *Deposits by borrowers.* Funds in any form may be deposited in the supervised bank account by the borrower if authorized by FmHA provided the financial institution has agreed that when a deposit in made to the account by other than FmHA personnel, the financial institution will promptly deliver or mail a copy of the deposit slip to the FmHA District or County Office.

(1) A loan or grant check drawn on the U.S. Treasury may be deposited in a supervised bank account by a borrower, provided the following endorsement is used and is inserted thereon prior to delivery to the borrower for signature:

For deposit only in my supervised bank account in the (*name of financial institution and address when necessary for identification*) pursuant to Deposit Agreement dated ————.

(2) Funds other than loan or grant funds may be deposited by the borrower in those exceptional instances where an agreement is reached between the District Director or County Supervisor and the borrower, whereby the borrower will make deposits of income from any source directly into the supervised bank account. In such instances the borrower will be instructed to prepare the deposit slip in the manner described in § 1902.9 (a)(5).

§ 1902.10 Withdrawal

(a) The District Director or County Supervisor will not countersign checks on the supervised bank account for the use of funds unless the funds deposited by the borrower from other sources were cash deposits, or checks which the District Director or County Supervisor knows to be good, or until the deposit checks have cleared.

(b) Withdrawals of funds deposited under the applicable deposit agreement are permitted only by order of the borrower and countersignature of authorized FmHA personnel, or upon written demand on the financial institution by the State Director.

(c) Upon withdrawal or maturity of interest-bearing accounts established through the use of an Interest-Bearing Deposit Agreement, such funds will be credited to the supervised bank account established through the use of Form FmHA 402–1 or Form FmHA 402–5.

(d) The issuance of checks on the supervised bank account will be kept to the minimum possible without defeating the purpose of such accounts. When major items of capital goods are being purchased, or a limited number of relatively costly items of operating expenses are being paid, or when debts are being refinanced, the checks will be drawn to the vendors or creditors. If minor capital items are being purchased or numerous items of operating and family living expenses are involved as in connection with a monthly budget, a check may be drawn to the borrower to provide the funds to meet such costs.

(1) A check will be issued payable to the appropriate payee but will never be issued to "cash." The purpose of the expenditure will be clearly shown on Form FmHA 402–2 and indicated on the fact of the check. When checks are drawn in favor of the borrower to cover items too numerous to identify, the

expenditure will be identified on the check, as "miscellaneous."

(2) Normally, OL and EM loan funds will not be withdrawn from the supervised bank account until the lien search has been made and a determination reached that the required security has been obtained. This applies also to withdrawal of funds in secured individual loan cases. However, in those instances when the applicant is unable to pay for the lien search and filing fees from personal funds, a check for this purpose may be drawn on the supervised bank account to meet these loan making requirements.

(3) Ordinarily, a check will be countersigned before it is delivered to the payee. However, in justifiable circumstances such as when excessive travel on the part of the borrower, District Director of County Supervisor would be involved, or purchase would be prevented, and the borrower can be relied upon to select goods and services in accordance with the plans, a check may be delivered to the payee by the borrower before being countersigned.

(i) When a check is to be delivered to the payee before being countersigned, the District Director or County Supervisor must make it clear to the borrower and to the payee, if possible, that the check will be countersigned only if the quantity and quality of items purchased are in accordance with approved plans.

(ii) Checks delivered to the payee before countersignature will bear the following legend in addition to the legend for countersignature: "Valid only upon countersignature of Farmers Home Administration."

(iii) The check must be presented by the payee or a representative to the District or County Office of the FmHA servicing the account for the required countersignature.

(iv) Such check must be accompanied by a bill of sale, invoice, or receipt signed by the borrower identifying the nature and cost of goods or services purchased or similar information must be indicated on the check.

(4) For real estate loans or grants, whether the check is delivered to the payee before or after countersignature, the number, and date of the check will be inserted on all bills of sale, invoices, receipts, and itemized statements for materials, equipment, and services.

(5) Bills of sale, and so forth, may be returned to the borrower with the canceled check for the payment of the bill.

(6) Checks to be drawn on a supervised bank account will bear the legend:

Countersigned, not as co-maker or endorser.

(Title)

Farmers Home Administration

§ 1902.11 District and County Office records.

A record of funds deposited in a supervised bank account will be maintained on Form FmHA 402–2 in accordance with the FMI and Exhibit A of FmHA Instruction 2033–A, available in any FmHA office. The record of funds provided for operating purposes by another creditor or grantor will be on a separate Form FmHA 402–2 so that they can be clearly identified.

§ 1902.12–1902.13 [Reserved]

§ 1902.14 Reconciliation of accounts.

(a) A checking account statement will be obtained periodically in accordance with established practices in the area. If requested by the financial institution a supply of addressed, franked envelopes will be provided for use in mailing checking account statements and cancelled checks for supervised bank accounts to the District or County Office. Checking account statements will be reconciled promptly with District or County Office records. The persons making the reconciliation will initial the record and indicate the date of the action.

(b) All checking account statements and canceled checks will be forwarded immediately to the borrower when bank statements and District or County Office records are in agreement. If a transmittal is used, Form FmHA 140–4, "Transmittal of Documents," is prescribed for that purpose.

§ 1902.15 Closing accounts.

When FmHA loan or grant funds and those of any lender have all been properly expended or withdrawn, Form FmHA 402–6 may be used to give FmHA's consent (and of another lender, if involved) to close the supervised bank account in the following situations:

(a) When FmHA loan funds in the supervised bank account of a borrower have been reduced to $100 or less, and a check for the unexpended balance has been issued to the borrower to be used for authorized purposes.

(b) For all loan accounts, except loans listed in Section 1902.6(d), after completion of authorized loan fund expenditures, and after promptly refunding any remaining unexpended loan funds on the borrower's loan account with FmHA or another lender, as appropriate.

(c) For loan and grant accounts listed in Section 1902.6(d), when the funds have been expended in accordance with the requirements of Part 1942 Subpart A and Part 1823, Subpart I (FmHA Instructions 1942–A and 442.9) the supervised bank account will be closed within 90 days following completion of development unless an extension of time is authorized in writing by the District Director. If the borrower will not agree to close the account, the District Director or County Supervisor will request the State Director to make demand upon the financial institution in accordance with § 1902.16.

(d) Promptly upon death of a borrower, except when the loan is being continued with a joint debtor, when a borrower is in default and it is determined that no further assistance will be given, or when a borrower is no longer classified as "active."

(1) *Deceased borrowers.*

(i) Ordinarily, upon notice of the death of a borrower, the District Director or the County Supervisor will request the State Director to make demand upon the bank for the balance on deposit and apply all the balance after payment of any bank charges to the borrower's FmHA indebtedness. When the State Director approves continuation with a survivor, the supervised bank account of deceased borrower may be continued with a remaining joint debtor who is liable for the loan and agrees to use the unexpended funds as planned, provided:

(A) The account is a joint survivorship supervised bank account, or

(B) If not a joint survivorship account, the financial institution will agree to permit the addition of the surviving joint debtor's name to the existing signature card and the appropriate Deposit Agreement and continue to disburse checks out of the existing account upon FmHA's countersignature and the joint debtor's signature in place of the deceased borrower, or

(C) The financial institution will permit the State Director to withdraw the balance from the existing supervised bank account with a check jointly payable to the FmHA and the surviving joint debtor and deposit the money in a new supervised bank account with a surviving joint debtor, and will disburse checks from this new account upon the signature of such survivor and the countersignature of an authorized FmHA official.

(ii) The State Director, before applying the balance remaining in the supervised bank account to the FmHA indebtedness, is authorized upon approval by the Office of the General Counsel (OGC) to refund any unobligated balances of funds from other lenders to the FmHA borrower for specific operating purposes in accordance with subordination agreements or other arrangements between the FmHA, the lender and the borrower.

(iii) The State Director, upon the recommendation of an authorized representative of the estate of the deceased borrower and the approval of the OGC, is authorized to approve the use of deposited funds for the payment of commitments for goods delivered or services performed in accordance with the deceased borrower's plans approved by FmHA.

(2) *Borrowers in default.* Whenever it is impossible or impractical to obtain a signed check from a borrower whose supervised bank account is to be closed, the District Director or County Supervisor will request the State Director to make demand upon the financial institution for the balance on deposit in the borrower's supervised bank account for application as appropriate:

(i) To the borrower's FmHA indebtedness, or

(ii) As refunds of any unobligated advance provided by other lenders which were deposited in the account, or

(iii) For the return of FmHA grant funds to the FmHA Finance Office, or

(iv) For the return of grant funds to other grantors.

(3) *Inactive borrowers.* An inactive borrower is one whose loan has not been paid in full, but is no longer classified as "active."

(4) *Paid up borrowers.* A paid-up borrower is one who has a balance remaining in the supervised bank account and has repaid the entire indebtedness to FmHA and has properly expended all funds advanced by other lenders. In such cases the District Director or County Supervisor will (i) notify the borrower in writing that the interests in the account of FmHA have been terminated, and (ii) inform the borrower of the balance remaining in the supervised bank account.

§ 1902.16 Request for withdrawals by State Director.

When the State Director is requested to make written demand upon the financial institution for the balance on deposit in the supervised bank account, or any part thereof, the request will be accompanied by the following information.

(a) Name of borrower as it appears on the applicable Deposit Agreement.

(b) Name and location of financial institution.

(c) Amount to be withdrawn for refund to another lender of any balance that may remain of funds received by the borrower from such lender as a loan or grant, or under a subordination agreement or other arrangement between the FmHA, the other lender, and the borrower.

(d) Amount to be withdrawn, excluding any service charges, for a refund of FmHA's.

(e) Other pertinent information including reasons for the withdrawal.

§§ 1902.17–1902.50 [Reserved]

Exhibit A—United States Department of Agriculture, Farmers Home Administration

Subject: Designated Financial Institution—Collateral Pledge

Date:

District Office or County Office Location: (as applicable)

Telephone No.: (indicate FTS or provide area code)

To: Administrator, FmHA; Attn: Financial Support Division, Washington, DC 20250.

1. Name of borrower or grantee (Please indicate if subsequent loan)
2. Type of loan or grant funds
3. Name and location of Financial Institution *(excluding street address)*———

Location of Branch,———
(If to be used for deposit of loan funds)

4. Proposed amount of FmHA: Loan $——— Grant $———
5. Amount of any other funds to be deposited in addition to amount in item 4 $———
6. Largest amount from all sources that will be on deposit at any one time $——— (Amount should include FDIC, FSLIC, or NCUA coverage of $100,000)
7. Date supervised bank account to be opened ———
8. Name of other account(s) for which the financial institution has pledged collateral ———. Also indicate balance of FmHA loan and/or grant funds on deposit for these accounts or any future deposits which will be above the FDIC, FSLIC or NCUA coverage.

(Signature) ———

Exhibit B—United States Department of Agriculture, Farmers Home Administration

Interest-Bearing Deposit Agreement

Whereas, Certain funds of ——— hereinafter referred to as the "Depositor," are now on deposit with the ———, hereinafter referred to as the "Bank," under a Deposit Agreement, dated ———, 19—, providing for supervision thereof by the United States of America, acting through the Farmers Home Administration, hereinafter referred to as the "Government," which Deposit Agreement grants to the Government security and/or other interests in the funds covered thereby; and,

Whereas, certain of said funds are not now required for immediate disbursement and it is the desire of the Depositor to place the same in interest-bearing deposits with the Bank;

Now therefore, the Depositor and the Government hereby authorize and direct the Bank to place ——— Dollars ($———) of the funds subject to said Deposit Agreement in interest-bearing deposits as follows:

$——— for a period of —— months at —— % interest
$——— for a period of —— months at —— % interest
$——— for a period of —— months at —— % interest

Said interest-bearing deposits and the income earned thereon at all times shall be considered a part of the account covered by said Deposit Agreement except that the right of the Depositor and the Government to jointly withdraw all or a portion of the funds in the account covered by the Deposit Agreement by an order of the Depositor countersigned by a representative of the Government, and the right of the Government to make written demand for the balance or any portion thereof, is modified by the above time deposit maturity schedule. The evidence of such time deposits shall be issued in the names of the Depositor and the Farmers Home Administration.

A copy of this Agreement shall be attached to and become a part of each certificate, passbook, or other evidence of deposit that may be issued to represent such interest-bearing deposits.

Executed this — day of ——.

(Depositor) ———
United States of America
By: ———
County Supervisor,
Farmers Home Administration,
U.S. Department of Agriculture
By: ———
Title: ———

Accepted on the foregoing terms and conditions this — day of ——, 19—

(Bank) ———
(Office or Branch) ———
By: ———
Title: ———

Exhibit C—United States Department of Agriculture, Farmers Home Administration

Deposit Agreement

Name(s) of Depositor(s)

Social Security or IRS Tax No.

Address (Including Zip Code) c/o Farmers Home Administration

Name and Address of Savings and Loan or Credit Union (Including Zip Code)

County of Residence

Date of Agreement Account Number (If used)

This agreement, made on the date indicated above, between the United States of America, acting through the Farmers Home Administration, herein called the "Government," the above-named Depositor(s), herein called the "Depositor" and the above named Savings and Loans or Credit Union herein called the "Depository"

Witnesseth:

In consideration of loans or other advance(s) of funds made or insured by the Government and the depositing in the Depository to the credit of the Depositor in the account established pursuant to this agreement, of moneys derived from such loans or other advance(s) of funds, of moneys

otherwise obtained by the Depositor, it is agreed as follows:

1. The Depositor hereby assigns, transfers, and pledges to the Government the aforesaid account and deposit(s), heretofore or hereafter made, and conveys to the Government a security interest in all money deposited in said account, as security for the repayment of any and all indebtedness now or hereafter owing by the Depositor to or insured by the Government, and for the performance of the obligations and agreements of the Depositor in connection with such advances(s) or indebtedness.

2. No part of such deposit(s), account or money shall be withdrawn by the Depositor and no withdrawal shall be permitted by the Depository except on the order of the Depositor and the counter signature of a duly authorized representative of the Government. Provided, however, that at any time upon written demand or order by the State Director of the Farmers Home Administration the Depository shall pay over the balance then on hand, or any part thereof demanded, for application on said indebtedness or as a return of grant funds to the Government or for protection of the Government's lien or security to accomplish the purpose for which such advances were made: Provided, further, that the death, disability, or insolvency of the Depositor shall not impair the power of the State Director to demand or order such withdrawal.

3. The Depository agrees that it will not assert any right of offset, except service charges, with respect to the funds deposited pursuant to this agreement by reason of any indebtedness or claim now or hereafter owing to or acquired by it.

4. The Depository shall be under no obligation with respect to the expenditure of funds after their withdrawal from the Depository in accordance with the provisions of this agreement. Upon making payment pursuant to an order or check duly executed by the Depositor and the countersigning officer, or pursuant to the written demand or order of the said State Director, the Depository shall be discharged from all obligations with respect to the funds so released.

5. The Depository agrees that, at the end of each ——— period, it will forward statements and cancelled checks to the Farmers Home Administration office at the address shown above for review by that Agency.

In witness whereof, the parties hereto have executed this agreement as of the day and year first above written.

Depository ———
By ———
United States of America
By (Title) ———
Depositor ———
Farmers Home Administration
Depositor ———
United States Department of Agriculture

Note to Depository: Please return signed original and copy of this form, along with copy of deposit slip to the above FmHA Office address.

Exhibit D

Deposit Agreement (Non-FmHA Funds)

Name(s) of Depositor(s)
Name and Address of Savings and Loan or Credit Union (Zip Code)
County of Residence
Address of Farmers Home Administration (Zip Code)
Date of Agreement Account Number (If Used)
Name and Address of Lender (Zip Code)
(Leave Blank When Lender and S&L or Credit Union are Same

This agreement, made on the date indicated above, between the United States of America, acting through the Farmers Home Administration, herein called the "Depositor," and the above-named Savings and Loan or Credit Union herein called the "Depository" and the above-named lender or grantor, herein called the "Lender."

Witnesseth:

In consideration of loans or other advance(s) of funds made or insured by the Lender and by the Government and the depositing in the Depository, to the credit of the Depositor in the account established pursuant to this agreement, of moneys derived from the loans or other advance(s) of funds by the Lender, or moneys otherwise obtained by the Depositor, it is agreed as follows:

1. The Depositor hereby assigns, transfers, and pledges to the Government as trustee for the Lender the aforesaid account and deposit(s), heretofore, or hereafter made, and conveys to the Government as trustee for the Lender a security interest in all money deposited in said account, (a) as security for the repayment of any and all indebtedness now or hereafter owing by the Depositor to or insured by the Lender and (b) for the performance of obligations and agreements of the Depositor in connection with such advance(s)

2. No part of such deposit(s), account or money shall be withdrawn by the Depositor and no withdrawal shall be permitted by the Depository except on the order of the Depositor and counter-signature of a duly authorized representative of the Government: Provided, however, that at any time upon written demand or order by the State Director of the Farmers Home Administration the Depository shall pay over the balance then on hand, or any part thereof demanded, in accordance with the demand for use for the purposes for which the advance(s) were made or for return to the Lender for application on the indebtedness or as a return of grant funds: Provided, further, that the death, disability or insolvency of the Depositor shall not impair the power of the State Director to demand or order such withdrawal.

3. The Depository agrees that it will not assert any right of offset, except service charges, with respect to the funds deposited pursuant to this agreement by reason of any indebtedness of claim now or hereafter owing to or acquired by it.

4. The Depository and the Government shall be under no obligations with respect to the expenditure of funds after their withdrawal from the Depository in accordance with the provisions of this agreement. Upon making payment pursuant to an order or check duly executed by the Depositor and the countersigning officer, or pursuant to the written demand or order of the said State Director, the Depository shall be discharged from all obligations with respect to the funds so released.

5. The Depository further agrees that, at the end of each ——— period, it will forward statements and cancelled checks to the Farmers Home Administration office at the address shown above for review by that Agency.

In witness whereof, the parties hereto have executed this agreement as of the day and year first above written.

Depository ———
By ———
United States of America
By (Official title Farmers Home Administration) ———

Omit Lender's Signature When it is the Same as the Depository
Lender ———
By (Official Title)———
Depositor ———
Depositor ———

PART 1942—ASSOCIATION

Subpart A—Community Facility Loans

§ 1942.17 [Amended]

15. In § 1942.17(p)(3)(i), line 7, change "in a bank having Federal Deposit Insurance (F.D.I.C.) coverage" to"in accordance with Part 1902, Subpart A of this Chapter."

16. In § 1942.17(p)(3)(i), line 13, change "F.D.I.C." to "insurance."

PART 1944—HOUSING

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations

§ 1944.169 [Amended]

17. In § 1944.169(g)(2), line 2, change "depositary bank" to "financial institution."

Exhibits C–E [Amended]

18. In Exhibit C, Section 4, line 8, change "$40,000" to "$100,000" and on line 9, change "depository bank" to "financial institution."

19. In Exhibit D, Section 3, line 8, change "$40,000" to "$100,000" and on line 9, change "depositary bank" to "financial institution."

20. In Exhibit E, Section 4, line 9, change "$40,000" to "$100,000" and change "depository bank" to "financial institution."

PART 1955—PROPERTY MANAGEMENT

Subpart A—Liquidation of Loans and Acquisition of Property

§ 1955.15 [Amended]

21. In § 1955.15(d)(4), line 3, change "bank" to "financial institution."

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; sec. 10 Pub. L. 93–357, 88 Stat. 392; Title II of the Emergency Agricultural Credit Adjustment Act of 1978, 92 Stat. 429; deleg. of auth. by the Sec. of Agri., 7 CFR 2.23; deleg. of auth. by the Under Sec. for Small Community and Rural Development, 7 CFR 2.70.

Dated May 29, 1981.

Dwight O. Calhoun,
Acting Administrator, Farmers Home Administration.

[FR Doc. 81-20597 Filed 7-13-81; 8:45 am]
BILLING CODE 3410-07-M

Food Safety and Inspection Service [1]

9 CFR Parts 307 and 310

[Docket No. 81-023I]

Cattle Post-Mortem Inspection Staffing Standards

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations on an interim basis and requesting comments on the rules prior to taking any final action in the matter. The interim rule establishes new cattle post-mortem inspection staffing standards based on adjustments to the present work measurement-based standard and sets forth certain related facility requirements for inspection. The new staffing standards will result in an increase in Agency productivity in cattle inspection with no loss of inspection effectiveness. The standards and requirements are being implemented on an interim basis without a prior proposal because of the immediate need of FSIS to achieve greater labor efficiency in order to meet its inspectional responsibilities within its mandated appropriations and personnel limitations. It is also being published for comment as a means to provide full public participation in the rulemaking process prior to promulgation of a final rule.

DATES: Interim rule effective July 14, 1981; comments must be received on or before September 14, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." It will not result in an annual effect on the economy or $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601) because it only slightly affects the current staffing standards at small entities where the slower line speeds are more prevalent. The existing facility requirements, although now to be specified in the regulations, have not been changed. Therefore, no significant economic impacts will ensue.

Comments

Interested persons are invited to submit written comments concerning these interim amendments. Comments must be sent in duplicate to the Regulations Coordination Division and should bear reference to the docket number located in the heading of this document. All comments submitted pursuant to this document will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) requires, among other things, the Secretary of Agriculture, through appointed inspectors, to carry out a post-mortem examination of the carcasses and parts of certain domestic food animals, including cattle, when they are slaughtered in an official establishment which is subject to inspection under the Act. The post-mortem inspection involves an examination by one or more trained food inspectors, under veterinary supervision, of the head, viscera (internal organs), and other parts of the carcass of each animal slaughtered, for the purpose of detecting disease or other conditions which could render the carcass or any part of the carcass unfit for human food or otherwise adulterated. In performing the examination, the inspectors follow standardized inspection procedures and initiate appropriate actions consistent with their findings. The procedures are designed to provide assurance that only wholesome, unadulterated carcasses and parts are passed for human food.

Post-mortem inspection requires a large portion of the budget of the Agency's meat and poultry inspection program. Therefore, the Agency's ongoing responsibility for efficient utilization of its resources is especially important with respect to post-mortem inspection. A failure to use the most efficient post-mortem staffing standards could result in costs to the public which are significantly higher than necessary. For reasons explained below, FSIS has determined that efficiencies are achievable in the post-mortem inspection of cattle with no loss in consumer protection.

Cattle Post-Mortem Inspection

The staffing standards currently in use for cattle were developed in the 1960's and informally distributed in January 1968. They included standards for ranges of slaughter line speeds above the highest production rate, or line speed, in operation at the time. However, as new equipment technology was developed, approved, and adopted during the 1970's, some slaughter establishments were able to increase production rates well above the highest range covered by those standards. To accommodate these higher line speeds, decisions on increased staffing assignments were made on an individual plant basis. However, this has resulted in some non-uniformity in staffing patterns in these high speed plants. Therefore, the standards have been refined and mathematically extended to cover the higher slaughter rates. The rate changes are discussed below:

1. *The 1968 Standards.* These standards were work measurement-based. The amount of time needed to

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1030-1, issued June 10, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

perform the post-mortem inspection varied based on the different types of cattle and the particular slaughter method used by the plant. Mature cows and bulls require a little more time to inspect than young steers and heifers because of a greater likelihood of tissue abnormalities in these animals due to the longer period of time these animals have been exposed to other animals and the environment. Inspection also required more time in plants using a bed-type kill rather than a viscera table kill method. Under the older bed-type kill, the carcass is skinned on the floor, and hung in a stationary position for inspection. The viscera is placed in a truck or cart, and the head on a stationary rack, for inspection. Under the newer viscera table kill method, the carcass is hung from a moving rail during inspection, the viscera are inspected on a mechanized, moving conveyor or table, and the head is inspected on a mechanized, moving hook. Part of the difference in the time required to do essentially the same inspection tasks is a result of the different shifts in body position that the inspector must make. Also, bed-type kills require the inspector to walk from task to task, whereas viscera table kills do not.

2. *Revisions of the Standards.* The 1968 standards have been mathematically extended in this interim rule to cover faster slaughter lines. In addition, the rates have been altered, in accord with recent work measurement developments, generally, but not always, allowing the inspectors to inspect at a faster rate. More time has been allowed for body movement in the basic work standard, slowing the inspection rate. On the other hand, the workload requirements have been more efficiently distributed (line-balancing) among the three inspection work stations, which increases the inspection rate. The net effect of these changes has resulted in a larger number of staffing rates, some of which are faster and some slower than those distributed in 1968. In addition, the staffing rates have been adjusted to reflect the differences in inspection time attributable to plants separating the tongues from the heads prior to inspection.

Work Measurement of Other Species

The inspection of other species such as swine, sheep, and calves has also been work measured. New swine inspection procedures have been developed which appear to be more efficient. Therefore, the new swine slaughter staffing standards have been prepared in coordination with these new procedures. The new swine procedures and staffing standards will soon be published in a separate document. The 1968 standards for sheep and calves have been updated, but because they do not affect the manpower in place today, there is no need for an interim rule. FSIS will address new staffing standards for them separately in a proposal at a future date.

New Inspection Methods for Cattle, Swine, and Other Species

In addition to adjusting staffing standards to make them more efficient, FSIS is committed to developing better post-mortem inspection methods for all species to reduce inspection costs wherever this can be done without lessening consumer protection. As mentioned above, a new swine procedure has been developed and appraised which will be published in the near future. A new cattle inspection procedure, which is under examination now, appears very promising in terms of future productivity improvement. However, at this point, the cattle inspection procedure must remain the same until further evaluation is completed. New inspection procedures for other species are in the planning stage.

Publication of Facilities Requirements for Inspection

Establishments in which USDA inspectors work must provide certain facilities to the inspectors, such as work stations on the line, lighting, handwashng facilities, etc. While some of these facility requirements are detailed in the regulations, others are more generally referenced. The blueprint review and approval process, when establishments apply for inspection or apply to modify existing facilities, has resulted in uniform interpretation of these general requirements. Since certain of these general facility requirements with regard to slaughter inspection are so closely related to staffing standards, they are being detailed in this interim rule as a convenience to establishments or other interested persons, and to allow for public comment. The amendments, with respect to facility requirements, make no change in the requirements currently being applied in federally inspected establishments.

Need for Interim Rule

The Agency finds that it must take the unusual action of implementing these amendments on an interim basis effective immediately in view of its own manpower shortages. Because of the need to reduce Federal spending and the resulting government-wide restrictions on hiring, the Agency must act expeditiously to make the most efficient use of its existing manpower.

Therefore, the Administrator has determined that the following changes in the regulations must be adopted as an interim final rule. The interim rule will have the effect of reducing the staffing requirement for cattle inspection by approximately 40 positions nationwide. Since the meat and poultry inspection program is already experiencing personnel shortages in many areas, it is anticipated that implementation of the interim rule will have the effect of releasing some inspectors now required for cattle post-mortem inspection so that they may be utilized for other essential inspection activities, such as staffing positions with critical shortages and new inspection positions where industry production increases. In taking this action, the Administrator is mindful that, in the current volatile economic climate, establishments are going in and out of business and expanding and contracting. FSIS must be able to react to these needs. Due to appropriation and manpower restraints imposed on the Agency, FSIS cannot meet its inspectional responsibilities, even in the short term, without this immediate revision of the 1968 cattle post-mortem inspection staffing standards and related facility requirements.

Accordingly, §§ 307.2 and 310.1 of the Federal meat inspection regulations (9 CFR 307.2 and 310.1) are amended as follows:

1. The authority citation for Parts 307 and 310 reads as follows:

Authority: 34 Stat. 1260, 70 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 436; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

2. Section 307.2 is amended by adding a new paragraph (m) to read as follows:

§ 307.2 Other facilities and conditions to be provided by establishment.

* * * * *

(m) In addition to any facilities required to accomplish sanitary dressing procedures, the following inspection station facilities for cattle slaughter lines described in § 310.1(b) of this subchapter are required:

(1) An inspection station consisting of 5 feet of unobstructed line space for each head or carcass inspector and, for viscera table kills, 8 feet on the inspector's side of the table for each viscera inspector.

(2) A minimum of 50 foot-candles of shadow-free lighting at the inspection surface of the head, viscera, and carcass.

(3) For each inspector, a handwash lavatory (other than one which is hand operated), furnished with soap, towels, and hot and cold water, and located adjacent to the inspector's work area. In addition, for each head and viscera inspector, a sterilizer located adjacent to the inspector's work area.

(4) For mechanized operations, a switch located adjacent to each inspection station, which can stop the chain or conveyor.

(5) Facilities to position tally sheets or other recording devices, such as digital counters, and facilities to contain condemned brands.

3. Section 310.1 of the Federal meat inspection regulations (9 CFR 310.1) is amended as follows:

The Table of Contents is amended by showing the revised § 310.1 heading, and § 310.1 is amended by changing the section heading, designating the present text as paragraph (a), and adding a new paragraph (b) to read as follows:

§ 310.1 Extent and time of post-mortem inspection; post-mortem inspection staffing standards.

* * * * *

(b)(1) The staffing standards on the basis of the number of carcasses to be inspected per hour are outlined in the following tables. Standards for multiple inspector lines are based on inspectors rotating through the different types of inspection stations during each shift to equalize the workload. The inspector in charge shall be responsible for requiring the establishment to reduce slaughter line speeds where, in his judgment, the inspection procedure cannot be adequately performed within the available time because of particular deficiencies in carcass preparation and presentation by the plant at the higher speed, or because the health condition of the particular animals indicates a need for more extensive inspection.

(2) Cattle Inspection. For all cattle staffing standards, an "a" in the "Number of Inspectors by Stations" column means that one inspector performs the entire inspection procedure and a "b" means that one inspector performs the head and lower carcass inspection and a second inspector performs the viscera and upper carcass inspection.[2]

(i) Inspection Using the Viscera Truck.

[2] The maximum "Head per Hour per Line" figures listed in paragraph (b)(2)(i) of this section for one (a) and two (b) inspector kills are overstated because the time required to walk from one inspection station to another is not included. To determine the proper adjusted maximum head per hour per line, paragraph (b)(2)(i)(A) of this section for one inspector kills or paragraph (b)(2)(i)(B) of this section for two inspector kills must be used along with their accompanying rules.

Steers and heifers

Head per hour per line	Number of inspectors by stations		
	Head	Viscera	Carcass
1–27	a	a	a
28–56	b	b	b
57–84	1	1	1
85–86	1	2	1
87–143	2	2	1

Cows and bulls

Head per hour per line	Number of inspectors by stations		
	Head	Viscera	Carcass
1–27	a	a	a
28–56	b	b	b
56–77	1	1	1
78–81	1	2	1
82–134	2	2	1

(A) Rules for determining adjusted maximum per hour per line rates for single-inspector kills considering walking distances according to the table in this subdivision: Determine the distances the inspector actually walks between the points shown in columns 2 through 14 of the following table. For each column, determine the deduction figure opposite the appropriate number of feet in column 1. Compute the total of the deduction figures for columns 2 through 14. The adjusted maximum rate is the maximum rate in paragraph (b)(2)(i) of this section minus total of the deduction figures. If the resultant number is not a whole number, it must be rounded off to the next *lowest* whole number.

BILLING CODE 3410-DM-M

ONE INSPECTOR CATTLE KILL - VISCERA TRUCK

Table of Deductions from Maximum Rates of Kill for Each Two Feet Between Points (in Tenths of Cattle Per Hour)

1 Number of Feet Between Points	2 Head Rack and High Rail		3 Viscera and Low Rail		4 Low Rail and Head Rack		5 Head Rack and Carcass**		6 Carcass** and Washbasin		7 Tags-Brands and Low Rail		8 Viscera and Washbasin		9 Viscera and High Rail		10 Low Rail and High Rail		11 Head Rack and Closest Washbasin		12 Washbasin and High Rail*		13 Head Rack and Washbasin*		14 Viscera and Tags - Brands*	
	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0.1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0.1	0.1	0.1	0.1	0	0	0	0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0	0	0.1	0.1	0.1	0.1	0.1	0.1
9	0	0	0.2	0.2	0.1	0.1	0	0	0	0	0.1	0.1	0.2	0.2	0.1	0.1	0.1	0.1	0	0	0.1	0.1	0.2	0.2	0.2	0.2
11	0.1	0.1	0.2	0.2	0.2	0.2	0	0	0	0	0.1	0.1	0.2	0.2	0.2	0.2	0.2	0.2	0	0	0.2	0.2	0.2	0.2	0.3	0.3
13	0.1	0.1	0.3	0.3	0.2	0.2	0	0	0	0	0.2	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0	0	0.2	0.2	0.3	0.3	0.4	0.4
15	0.1	0.1	0.4	0.3	0.3	0.3	0	0	0	0	0.2	0.2	0.4	0.4	0.4	0.4	0.4	0.4	0	0	0.3	0.3	0.4	0.4	0.5	0.5
17	0.1	0.1	0.5	0.4	0.4	0.4	0	0	0	0	0.2	0.2	0.5	0.5	0.5	0.5	0.5	0.5	0	0	0.3	0.3	0.5	0.5	0.6	0.6
19	0.1	0.1	0.5	0.4	0.4	0.4	0	0	0	0	0.2	0.2	0.5	0.5	0.5	0.5	0.5	0.5	0	0	0.4	0.4	0.5	0.5	0.6	0.6
21	0.2	0.2	0.5	0.4	0.4	0.4	0	0	0	0	0.2	0.2	0.6	0.5	0.6	0.5	0.6	0.5	0	0	0.4	0.4	0.6	0.5	0.7	0.6
23	0.2	0.2	0.6	0.5	0.5	0.5	0	0	0	0	0.2	0.2	0.6	0.6	0.6	0.6	0.6	0.6	0	0	0.4	0.4	0.6	0.6	0.7	0.7
25	0.2	0.2	0.7	0.5	0.5	0.5	0	0	0	0	0.2	0.2	0.7	0.6	0.7	0.6	0.7	0.6	0	0	0.5	0.5	0.7	0.6	0.8	0.7
27	0.2	0.2	0.7	0.6	0.6	0.6	0	0	0	0	0.3	0.3	0.7	0.7	0.7	0.7	0.7	0.7	0	0	0.5	0.5	0.7	0.7	0.8	0.8
29	0.2	0.2	0.8	0.6	0.6	0.6	0	0	0	0	0.3	0.3	0.8	0.7	0.8	0.7	0.8	0.7	0	0	0.5	0.5	0.8	0.7	0.9	0.8
31	0.3	0.2	0.8	0.7	0.7	0.6	0	0	0	0	0.3	0.3	0.8	0.8	0.8	0.8	0.8	0.8	0	0	0.6	0.5	0.8	0.8	0.9	0.9
33	0.3	0.3	0.9	0.7	0.7	0.7	0	0	0	0	0.3	0.3	0.9	0.8	0.9	0.8	0.9	0.8	0	0	0.6	0.6	0.9	0.8	1.0	0.9
35	0.3	0.3	1.0	0.8	0.8	0.7	0	0	0	0	0.4	0.3	0.9	0.9	0.9	0.9	0.9	0.9	0	0	0.6	0.6	0.9	0.9	1.0	1.0
37	0.3	0.3	1.0	0.8	0.8	0.8	0	0	0	0	0.4	0.4	1.0	0.9	1.0	0.9	1.0	0.9	0	0	0.7	0.6	1.0	0.9	1.1	1.0
39	0.4	0.3	1.1	0.9	0.9	0.8	0	0	0	0	0.4	0.4	1.1	1.0	1.1	1.0	1.1	1.0	0	0	0.7	0.7	1.1	1.0	1.2	1.1
41	0.4	0.4	1.2	0.9	0.9	0.9	0	0	0	0	0.4	0.4	1.2	1.1	1.2	1.1	1.2	1.1	0.1	0.1	0.8	0.7	1.2	1.1	1.3	1.2
43	0.4	0.4	1.2	1.0	0.9	0.9	0	0	0	0	0.5	0.4	1.2	1.2	1.2	1.2	1.2	1.2	0.1	0.1	0.8	0.8	1.2	1.2	1.4	1.3
45	0.4	0.4	1.3	1.0	1.0	0.9	0	0	0	0	0.5	0.5	1.3	1.2	1.3	1.2	1.3	1.2	0.1	0.1	0.8	0.8	1.3	1.2	1.4	1.4
47	0.4	0.4	1.4	1.0	1.0	1.0	0	0	0	0	0.5	0.5	1.4	1.3	1.4	1.3	1.4	1.3	0.1	0.1	0.9	0.8	1.4	1.3	1.5	1.4
49	0.4	0.4	1.4	1.1	1.1	1.0	0	0	0	0	0.5	0.5	1.4	1.4	1.4	1.4	1.4	1.4	0.1	0.1	0.9	0.9	1.4	1.4	1.6	1.5
51	0.5	0.5	1.5	1.1	1.1	1.1	0	0	0	0	0.6	0.5	1.5	1.4	1.5	1.4	1.5	1.4	0.1	0.1	0.9	0.9	1.5	1.4	1.7	1.6
53	0.5	0.5	1.5	1.2	1.2	1.1	0	0	0	0	0.6	0.6	1.6	1.5	1.6	1.5	1.6	1.5	0.1	0.1	1.0	0.9	1.6	1.5	1.8	1.7
55	0.5	0.5	1.6	1.2	1.2	1.2	0	0	0	0	0.6	0.6	1.6	1.6	1.6	1.6	1.6	1.6	0.1	0.1	1.0	1.0	1.7	1.6	1.9	1.8
57	0.5	0.5	1.6	1.3	1.3	1.3	0	0	0	0	0.7	0.6	1.7	1.6	1.7	1.6	1.7	1.6	0.1	0.1	1.0	1.0	1.7	1.7	2.0	1.9
59	0.5	0.5	1.6	1.3	1.3	1.3	0	0	0	0	0.7	0.7	1.8	1.7	1.8	1.7	1.8	1.7	0.1	0.1	1.1	1.0	1.8	1.7	2.1	2.0

*The washbasin referred to here is the one the inspector uses while enroute from the head rack to high rail inspection.
**This refers to the carcass in the bleeding area.

BILLING CODE 3410-DM-C

(B) Rules for determining adjusted maximum per hour per line rates for two-inspector kills considering walking distance according to the table in this subdivision. Determine the distances the inspectors actually walk between the points shown in columns 2 through 9 of the following table. Column 9 is used only if the condemned brand and tags the viscera inspector uses are kept at a location other than at the washbasin-sterilizer. For each column, determine the deduction figure opposite the appropriate number of feet in column 1. Compute the total of the deduction figures for columns 2 through 9. Divide this total by 2. The adjusted maximum rate is the maximum rate in paragraph (b)(2)(i) of this section minus the number calculated above. If the resultant number is not a whole number, it must be rounded off to the next *lowest* whole number.

TWO-INSPECTOR CATTLE KILL - VISCERA TRUCK

Table of Deductions from Maximum Kill Rates for Each Two Feet Between Points (in Tenths of Cattle Per Hour)

	Heads and Low Rail Inspection								Viscera and High Rail Inspection							
1 Number of Feet Between	2 Head Rack and Washbasin		3 Head Rack and Carcasses**		4 Washbasin and Low Rail		5 Head Rack and Low Rail		6 Viscera and brands tags (Washbasin)		7 Viscera and High Rail		8 High Rail and Washbasin		9* Viscera and Washbasin	
Points	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls	Strs. Hfrs.	Cows Bulls
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0.1	0	0.1	0	0.1	0	0	0	0	0	0	0	0	0	0	0
5	0.1	0.1	0.1	0.1	0.1	0.1	0.8	0.7	0.4	0.5	0.5	0.5	0.1	0.2	0.2	0.3
7	0.1	0.2	0.1	0.1	0.1	0.1	1.5	1.4	0.7	0.9	1.0	0.9	0.3	0.3	0.3	0.4
9	0.2	0.2	0.1	0.2	0.1	0.2	2.2	2.0	1.1	1.3	1.5	1.3	0.4	0.5	0.4	0.5
11	0.2	0.3	0.1	0.2	0.2	0.2	2.8	2.7	1.4	1.7	1.9	1.8	0.5	0.6	0.4	0.6
13	0.2	0.4	0.1	0.3	0.2	0.2	3.5	3.3	1.7	2.1	2.4	2.2	0.6	0.7	0.5	0.8
15	0.3	0.4	0.1	0.3	0.2	0.3	4.1	3.9	2.0	2.5	2.9	2.6	0.7	0.9	0.6	0.9
17	0.3	0.5	0.1	0.4	0.2	0.3	4.8	4.5	2.4	2.9	3.3	3.0	0.8	1.0	0.7	1.0
19	0.3	0.6	0.2	0.4	0.3	0.4	5.4	5.1	2.7	3.3	3.7	3.4	0.9	1.2	0.7	1.2
21	0.3	0.6	0.2	0.4	0.3	0.4	6.0	5.7	3.0	3.7	4.2	3.7	1.0	1.3	0.8	1.3
23	0.4	0.7	0.2	0.5	0.3	0.5	6.6	6.3	3.3	4.0	4.6	4.1	1.2	1.4	0.9	1.4
25	0.4	0.7	0.2	0.5	0.3	0.5	7.2	6.8	3.6	4.4	5.0	4.5	1.3	1.6	1.0	1.6
27	0.4	0.8	0.2	0.6	0.4	0.5	7.8	7.4	3.9	4.7	5.4	4.9	1.4	1.7	1.0	1.7
29	0.5	0.9	0.2	0.6	0.4	0.6	8.3	7.9	4.2	5.1	5.8	5.2	1.5	1.8	1.1	1.8
31	0.5	0.9	0.2	0.7	0.4	0.6	8.9	8.5	4.5	5.4	6.2	5.6	1.6	2.0	1.2	2.0
33	0.5	1.0	0.2	0.7	0.4	0.7	9.4	9.0	4.8	5.8	6.5	5.9	1.7	2.1	1.3	2.1
35	0.6	1.1	0.3	0.8	0.5	0.7	10.0	9.5	5.0	6.1	6.9	6.3	1.8	2.2	1.3	2.3
37	0.6	1.1	0.3	0.8	0.5	0.7	10.5	10.0	5.3	6.4	7.3	6.6	1.9	2.4	1.4	2.4
39	0.6	1.2	0.3	0.9	0.5	0.8	11.0	10.5	5.6	6.8	7.6	6.9	2.0	2.5	1.5	2.5
41	0.7	1.2	0.3	0.9	0.6	0.8	11.5	11.0	5.9	7.1	8.0	7.2	2.1	2.6	1.5	2.6
43	0.7	1.3	0.3	0.9	0.6	0.9	12.0	11.4	6.1	7.4	8.3	7.6	2.2	2.8	1.6	2.8
45	0.7	1.4	0.3	1.0	0.6	0.9	12.5	11.9	6.4	7.7	8..	7.9	2.4	2.9	1.7	2.9
47	0.8	1.4	0.3	1.0	0.6	1.0	13.0	12.4	6.7	8.0	9.0	8.2	2.5	3.0	1.8	3.0
49	0.8	1.5	0.3	1.1	0.7	1.0	13.4	12.8	6.9	8.3	9.4	8.5	2.6	3.2	1.8	3.1
51	0.8	1.6	0.3	1.1	0.7	1.0	13.9	13.3	7.2	8.6	9.7	8.8	2.7	3.3	1.9	3.3
53	0.9	1.6	0.4	1.2	0.7	1.1	14.4	13.7	7.4	8.9	10.0	9.1	2.8	3.4	2.0	3.4
55	0.9	1.7	0.4	1.2	0.7	1.1	14.8	14.1	7.7	9.2	10.3	9.4	2.9	3.5	2.0	3.5
57	0.9	1.7	0.4	1.3	0.8	1.2	15.2	14.6	7.9	9.5	10.6	9.7	3.0	3.7	2.1	3.6
59	0.9	1.8	0.4	1.3	0.8	1.2	15.7	15.0	8.2	9.7	10.9	9.9	3.1	3.8	2.2	3.8

*This column to be used only if brands and tags are not located at the washbasin.
**This refers to the carcasses in the bleeding area.

(ii) Inspection Using the Viscera Table, Tongue-In Presentation of Heads.

Steers and Heifers

Head per hour per line	Number of inspectors by stations		
	Head	Viscera	Carcass
1-32	a	a	a
33-58	b	b	b
59-84	1	1	1
85-96	1	2	1
97-143	2	2	1
144-171	3	2	1
172-198	3	3	1
199-226	3	3	2
227-253	4	3	2
254-280	4	4	2
281-306	5	4	2
307-333	5	5	2

Cows and Bulls

Head per hour per line	Number of inspectors by stations		
	Head	Viscera	Carcass
1-29	a	a	a
30-56	b	b	b
57-77	1	1	1
78-81	1	2	1
82-134	2	2	1
135-159	2	3	1
160-187	3	3	1
188-213	3	4	1
214-234	3	4	2
235-264	4	4	2
265-289	5	4	2
290-314	5	5	2

(iii) Inspection Using the Viscera Table, Tongue-Out Presentation of Heads.

Steers and Heifers

Head per hour per line	Number of inspectors by stations		
	Head	Viscera	Carcass
1-32	a	a	a
33-58	b	b	b
59-86	1	1	1
87-103	1	2	1
104-156	2	2	1
157-186	2	3	1
187-216	3	3	1
217-246	3	3	2
247-275	3	4	2
276-304	4	4	2
305-333	4	5	2
334-362	5	5	2
363-390	5	6	2

Cows and Bulls

Head per hour per line	Number of inspectors by stations		
	Head	Viscera	Carcass
1-29	a	a	a
30-56	b	b	b
57-79	1	1	1
80-98	1	2	1
99-147	2	2	1
148-174	2	3	1
175-205	3	3	1
206-233	3	4	1
234-256	3	4	2
257-288	4	4	2
289-316	5	4	2
317-343	5	5	2

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that immediate implementation of this rule, on an interim basis, is necessary in order to meet existing budgetary constraints. The adjustments of staffing levels and related facility requirements will accommodate increased industry production, will reduce the Agency's projected labor costs, and will provide continued, high levels of public protection under the Federal Meat Inspection Act.

Therefore, pursuant to the authority in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this amendment at this time are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, DC, on: June 29, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-20886 Filed 7-13-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 21 and 73

Change of Telephone Number for NRC Regional IV Office

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; change of telephone number.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to change the telephone number for NRC's Region IV office located in Arlington, Texas. The amendments are intended to inform the public of the new telephone number for NRC Region IV.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Telephone (301) 492-7086.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has changed the telephone number of its Inspection and Enforcement Regional Office IV in Arlington, Texas. The new telephone number for the Region IV office is (817) 465-8100.

The amendments are made to a portion of the footnote in § 21.2 and as a complete revision of Appendix A to Part 73. This latter amendment is needed to include the address and telephone number of, and states included under, the Region IV office. In addition, certain minor editorial revisions have been made in the authority for Parts 21 and 73.

Since these amendments are administrative and relate solely to a minor procedural matter, notice of proposed rulemaking and public procedure thereon are unnecessary, and good cause exists to make the amendments effective upon publication in the Federal Register.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Parts 21 and 73 of Title 10, Chapter I, Code of Federal Regulations are published as a document subject to codification.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

1. The authority citation for Part 21 is revised to read as follows:

Authority: Secs. 161i and 161o, Pub. L. 83-703, 68 Stat. 949 and 950, as amended, sec. 234, Pub. L. 91-161, 83 Stat. 444; secs. 201 and 206, Pub. L. 93-438, 88 Stat. 1242 and 1246, as amended (42 U.S.C. 2201(i); 2201(o); 2282, 5841, 5846).

§ 21.2 [Amended]

2. The authority citation for § 21.2 is removed.

3. Footnote 1 and § 21.2 is amended by changing the telephone number of NRC Regional Office IV to read as follows:

1 * * *

IV (Dallas).....(817) 465-8100

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

4. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 161b, 161i, 161o, Pub. L. 83-703, 68 Stat. 930, 948-950, as amended, Pub. L. 95-507, 72 Stat. 327, Pub. L. 95-499, Stat. 602, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2073, 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, 1243, as amended, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841). For the purposes of Sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 73.55 is issued under Sec. 161b, 68 Stat. 948, as amended, 42 U.S.C. 2201(b); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under Sec. 161i, 68 Stat. 949, as amended, 42 U.S.C. 2201(i); and §§ 73.20(c)(i), 73.24(b)(i), 73.26 (b)(3), (h)(6), (i)(6), and (k)(4), 73.27 (a) and (b), 73.40 (b) and (d), 73.46 (g)(6), and (h)(2), 73.50 (g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under Sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o).

5. Appendix A of Part 73 is revised to read as follows:

Appendix A—*United States Nuclear Regulatory Commission Inspection and Enforcement Regional Offices*

	Address and Telephone No.
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	Region I: USNRC, Office of Inspection and Enforcement, 631 Park Avenue, King of Prussia, PA. 19406, (215) 337-5000
Region II: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, The Virgin Islands, Virginia, and West Virginia.	Region II: USNRC, Office of Inspection and Enforcement, 101 Marietta St., Suite 3100, Atlanta, Ga. 30303, (404) 221-4503
Region III: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Region III: USNRC, Office of Inspection and Enforcement, 799 Roosevelt Road, Glen Ellyn, IL 60137, (312) 932-2500
Region IV: Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	Region IV: USNRC, Office of Inspection and Enforcement, 611 Ryan Plaza Drive, Arlington, Texas 76102, (817) 465-8100
Region V: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Pacific Trust Territories, and Washington.	Region V: USNRC, Office of Inspection and Enforcement, 1990 N. California Blvd., Suite 202, Walnut Creek, California 94596, (415) 943-3700

Dated at Bethesda, Maryland, this 7th day of July 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-20870 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 72

Reporting Requirements for Spent Fuel Storage Facilities Subject to IAEA Safeguards

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to make it clear that licensees required to submit inventory change reports and material status reports pursuant to the US/IAEA Safeguards Agreement are not additionally required to submit material status reports and nuclear material transfer reports under NRC domestic safeguards regulations. This amendment clarifies Commission intent that a licensee need not submit duplicative reports.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. E. R. Morgan, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301-443-5976).

SUPPLEMENTARY INFORMATION: On July 31, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 FR 50705) a new Part 75 to Title 10 of the Code of Federal Regulations and amendments to 10 CFR Parts 40, 50, 70, 150, and 170 to implement the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America.

On November 2, 1980 (45 FR 74693), the Commission added a new Part 72 to Title 10 implementing licensing requirements for the storage of spent fuel in an independent spent fuel storage installation.

Parts 75 and 72 both contain requirements for the submittal of material status reports and material transfer reports (the latter are referred to in Part 75 by the IAEA nomenclature as inventory change reports). The amendments which follow clarify that the Commission does not intend that a licensee submit duplicative reports.

These amendments are of a minor and nonsubstantive nature in that they clarify existing requirements. As a result, the publication of a notice of proposed rulemaking is unnecessary and the requirements of the Regulatory Flexibility Act do not apply. No new reporting requirements subject to the Paperwork Reduction Act are imposed.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Part 72 of Title 10, Chapter I, Code of Federal Regulations are published as a document subject to codification.

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION

1. Section 72.53 is revised to read as follows:

§ 72.53 Material status reports.

(a) Except as provided in paragraph (b) of this section, each licensee shall complete and submit Material Status Reports to the Commission on Form NRC-742, in accordance with printed instructions for completing the form. The reports shall provide information concerning the special nuclear material contained in spent fuel possessed, received, transferred, disposed of, or lost by the licensee. All such reports shall be made as of March 31 and September 30 of each year and shall be filed with the U.S. Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830, within 30 days after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit Material Status Reports at other times.

(b) Any licensee who is required to submit routine material status reports pursuant to § 75.35 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section.

2. Section 72.54 is revised to read as follows:

§ 72.54 Nuclear material transfer reports.

(a) Except as provided in paragraph (b) of this section, whenever the licensee transfers or receives spent fuel, the licensee shall complete and distribute a Nuclear Material Transaction Report on Form NRC-741. Each licensee who transfers spent fuel shall submit a copy of Form NRC-741 to the U.S. Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830, and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives spent fuel shall submit a copy of Form NRC-741 to the Department of Energy and to the shipper of the material within 10 days after the spent fuel is received and unloaded and its identity is verified.

(b) Any licensee who is required to submit inventory change reports on DOE/NRC Form-741 pursuant to § 75.34 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section.

(Sec. 161o, Pub. L. 83-703, 68 Stat. 950 (42 U.S.C. 2201(o); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, as amended by Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 11th day of June, 1981.

For the Nuclear Regulatory Commission

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-20861 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 230, 270, 274

[Release Nos. 33-6326, IC-11850, AS-294, File No. S7-865]

Standardization of Financial Statement Requirements in Management Investment Company Registration Statements and Reports to Shareholders

AGENCY: Securities and Exchange Commission.

ACTION: Final rules and amendments to forms.

SUMMARY: The Securities and Exchange Commission is adopting today uniform requirements governing the content of and periods to be covered by financial statements included in shareholder reports and prospectuses in (or annual updates of) management investment company registration statements. The general regulation governing the form and content of and requirements for financial statements is amended by including special provisions for prospectuses and shareholder reports of registered management investment companies. In consequence, the Commission is removing most of the detailed financial statement instructions which were previously in the registration statement from and the rule governing shareholder reports. As a result of these changes, most of the differences between the requirements applicable to financial statements in prospectuses and those applicable to financial statements in shareholder reports are being eliminated. Therefore, management investment companies will be able to prepare annually a single set of uniform, updated financial statements that may be used in both the prospectus (or annual update of the registration statement) and the annual report to shareholders. In addition, open-end management investment companies, at their option, will be able either to incorporate financial statements included in any shareholder report by reference into the prospectus or to transmit a currently effective prospectus as the equivalent of any report to shareholders. Although the Commission is retaining certain differences between the financial information required in prospectuses and that required in annual reports, the provisions adopted herein eliminate the necessity for open-end management investment companies to print and mail the same financial statements in two different documents. The Commission is adopting these amendments to reduce the costs incurred in preparing and transmitting essentially duplicative financial information and to provide an opportunity for open-end management investment companies to reduce the length of their prospectuses or, in the alternative, to eliminate separate preparation of periodic reports.

EFFECTIVE DATE: Effective July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Dianne B. O'Donnell, Special Counsel, (202) 272-2093, Lawrence A. Friend, Senior Accountant, (202) 272-2095, or Susan P. Hart, Attorney, (202) 272-2096, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission announced today the adoption of: (1) amendments to Regulation S-X [17 CFR 210], the Commission's general regulation regarding the form and content of and requirements for financial statements filed under, *inter alia*, the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.] and the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a-1 et seq.]; (2) amendments to Form N-1 [17 CFR 239.15, 17 CFR 274.11] and Form N-2 [17 CFR 239.14, 17 CFR 274.11a], the registration statement forms for, respectively, open-end and closed-end management investment companies under both the 1933 Act and the 1940 Act; and (3) a revised rule 30d-1 [17 CFR 270.30d-1], regarding reports to shareholders under section 30(d) of the 1940 Act [15 U.S.C. 80a-29(d)]. The amendments reconcile most of the differences in the financial statement requirements of prospectuses and shareholder reports by including special provisions for registered management investment companies in the uniform financial statement requirements and instructions, of Regulation S-X. In turn, these instructions, with certain modifications, are made applicable to prospectuses and to annual updates of 1940 Act registration statements by amendments to the registration statement forms. Finally, revised rule 30d-1, which replaces the current rule, makes the financial statement requirements of the prospectus applicable to shareholder reports, and extends the time in which such reports must be transmitted to shareholders from forty-five days to sixty days after the close of the period for which the report is made.

In addition, amendments to Form N-1 and revised rule 30d-1 provide open-end management investment companies two new options for transmitting disclosure documents containing financial information to shareholders and prospective investors. Such companies are permitted either to incorporate financial statements from shareholder reports by reference into the prospectus or to transmit a currently effective prospectus as the equivalent of any annual or semiannual report to shareholders, provided that certain conditions are satisfied. These provisions are optional, so that companies may, if they choose, continue to include financial statements in prospectuses and to transmit separate shareholder reports. The standardization of financial statement requirements is intended to reduce the costs, imposed by current disclosure requirements, of preparing and transmitting various disclosure documents containing financial statements that are substantively identical but not interchangeable. The options with respect to transmission of financial information are intended to provide open-end companies with opportunities for further reductions in costs by using their prospectuses as a substitute for shareholder reports or, in the alternative, by reducing the length of their prospectuses.

Background

Section 30(d) of the 1940 Act and rule 30d-1 thereunder require management investment companies to transmit a report to shareholders at least semiannually. These reports are required to contain certain financial statements and other information covering either the first six months of the company's fiscal year (the "semiannual report"), or, in the report made as of the end of the fiscal year (the "annual report"), the entire fiscal year. The financial statements required by the statute and the rule are complemented by the requirements of generally accepted accounting principles ("GAAP").

In addition to the semiannual and annual reports required by section 30(d), open-end management investment companies engaged in a continuous offering of their shares to the public (the type commonly known as "mutual funds") must bring their prospectuses up to date on an annual basis, pursuant to section 10(a)(3) of the 1933 Act [15 U.S.C. 77j(a)(3)] and section 24(e)(3) of the 1940 Act [15 U.S.C. 80a-24(e)(3)]. Those management investment companies that file Form N-1R (the annual report of certain information to the Commission) must also bring their 1940 Act registration statements up to date annually pursuant to rule 8b-16 under the 1940 Act [17 CFR 270.8b-16] (the "annual update"). Like section 30(d) reports, the prospectus (and the annual update) is required to contain specified financial statements, which must be audited. The form and content of financial statements in the prospectus and annual update are governed by Regulation S-X.

The financial statements now required to appear in prospectuses and annual reports are similar. Both documents must contain: (1) a balance sheet or statement of assets and liabilities as of the close of the most recent fiscal year, (2) a schedule of investments as of the date of the balance sheet or the date of the statement of assets and liabilities, (3) an income statement, (4) statements of changes in net assets, and (5) condensed financial information in the form of a table of per share income and capital changes (the "per share table"). Nevertheless, under current requirements certain differences prevent the financial statements in the prospectus and the annual report from being interchangeable.[1]

As a result of these discrepancies in current financial statement requirements, investment companies prepare two different sets of audited financial statements containing similar information, one set for their prospectuses and one for their annual reports to shareholders. Moreover, there is considerable overlap in the readership of the two docments. Although the prospectus and the annual report are intended for different purposes—the prospectus is primarily designated to disclose material information to potential investors, while the annual report is intended to provide information to existing shareholdes—many investment companies furnish their annual reports to new investors, and many investment companies send a current prospectus to existing shareholders as a matter of course. Differences in financial statements required in prospectuses and annual reports are not related to the different purposes for which the documents are intended, but are rather the result of the fact that prospectuses and annual reports evolved at different times from different statutory bases.

It appeared to the Commission that no useful purpose was served by maintaining the vast majority of the differences between prospectus and annual report financial statement requirements and that the discrepancies between the two documents could be confusing to the investor who receives both sets of financial statements without an explanation of the differences. Accordingly, on December 15, 1980, the Commission proposed amendments to Regulation S-X, including new rule 3-16 of that regulation; revised financial statement items for the registration statement forms (Item 16 of Form N-1 and Item 20 of Form N-2); and revised rule 30d-1, to standardize the financial statement requirements of the prospectus and annual report to shareholders (Investment Company Act Release No. 11490) [45 FR 83517, Dec. 19, 1980] ("Release No. 11490"). Under the amendments as proposed, both the annual report to shareholders and the current prospectus (or, in the case of a closed-end company, the annual update) of a management investment company would be required to contain the following audited financial statements:

(1) A balance sheet or statement of assets and liabilities as of the close of the most recent fiscal year;

(2) A schedule of investments as of the date of the balance sheet or the statement of assets and liabilities;

(3) An income statement for the most recent fiscal year; and

(4) Statements of changes in net assets for the two most recent fiscal years.

The proposals reconciled current differences between financial statement requirements for prospectuses and shareholder reports, with three exceptions. First, with respect to condensed financial information, the Commission proposed to continue to require the annual report to include a per share table for the five most recent fiscal years, with at least the latest year audited, with the current prospectus of open-end companies to include such information for the ten most recent fiscal years, with at least the five latest years audited. Second, the Commission proposed to continue the differences with regard to disclosure of aggregate management remuneration, with the annual report required to contain the somewhat more extensive disclosure specified by section 30(d)(5) of the 1940 Act [15 U.S.C 80a-29 (d)(5)]. Finally, the Commission proposed to continue to require the cost of individual securities to appear in the schedule of investments in prospectuses, pursuant to Article 12 of Regulation S-X, but not in the comparable schedule in shareholder reports.

As a part of these amendments, the Commission also proposed two options with respect to the transmittal of financial information. First, the Commission proposed to amend Form N-1 to permit an open-end management investment company to incorporate financial statements from a shareholder report by reference into the prospectus, provided that a copy of such report accompanied the prospectus. Alternatively, as part of revised rule 30d-1, an open-end management investment company would be permitted to send a prospectus to shareholders in lieu of any shareholder report, if that prospectus included financial statements for the latest fiscal year.

The Commission today adopts the amendments to Regulation S-X, to Forms N-1 and N-2, and revised rule 30d-1 with the modifications discussed below. Because the amendments are being adopted in substantially the same form as they were proposed, only the changes from the amendments as proposed and the major issues raised by commentators are being discussed in detail in this release. Readers are referred to Release No. 11490 for a more extensive discussion of the amendments.

In addition, in a separate release, the Commission is proposing amendments to rule 485 under the 1933 Act [17 CFR 230.485] to facilitate the process by which certain investment company registrants may bring their prospectuses up to date to use them in place of an annual report to shareholders.

Public Comments and Modifications to Proposed Amendments and Revised Rule 30d-1

The Commission received fourteen comments on Release No. 11490.[2] Twelve of the commentators endorsed the standardization of financial statement requirements in investment company registration statements and reports to shareholders and the optional provisions regarding transmission of financial information.[3] However, most commentators had specific objections to some of the provisions of the proposed

[1] These differences are explained in detail in Investment Company Act Release No. 11490 (Dec. 15, 1980) [45 FR 83517, Dec. 19, 1980].

[2] Comments were received from the following: the Association of Publicly Traded Investment Funds; the Subcommittee on Investment Companies and Investment Advisers of the Federal Regulation of Securities Committee, Section of Corporation, Banking and Business Law of the American Bar Association; Committee on Investment Companies of the American Institute of Certified Public Accountants; Coopers & Lybrand; Gaston Snow & Ely Bartlett; Investment Company Institute; Investors Diversified Services, Inc.; Lord, Abbett & Co.; Price Waterhouse & Co.; Touche Ross & Co.; United Funds; the Vanguard Group of Investment Companies; Lipper Analytical Distributors, Inc.; and one shareholder (Mrs. Paul Ingle of High Point, N.C.). Copies of the comments are located in File No. S7-865.

[3] One commentator made no comment on the proposals generally but addressed only the issue of cost disclosure. The shareholder commentator opposed the proposals on the grounds that annual reports do not provide sufficient information to shareholders.

amendments to Regulation S–X, Forms N–1, and N–2, and revised rule 30d–1. In addition, some of the commentators addressed issues that were not raised in Release No. 11490. The Commission has considered all the comments and has determined to adopt the amendments substantially as published with the modifications set forth below.

Differences in Financial Statement Requirements

Disclosure of the cost of individual securities. Eleven commentators responded to the Commission's specific request for comment on one of the three exceptions to uniform financial statement requirements—the proposal to retain existing requirements under which the cost of individual investments must be disclosed in the schedule of investments in the prospectus but not in the schedule of investments in reports to shareholders.

Nine of these commentators objected to the requirement, stating that such information was of little use and possibly misleading as a basis for judging fund performance. Most of these commentators argued that, in order to make the cost of portfolio securities meaningful disclosure, more information would be needed, and that to require such additional disclosure would be cumbersome and beyond the needs and expectations of current or prospective investors.

It was further argued that cost information might encourage investors to evaluate the fund's performance by looking at its individual securities, rather than by looking at overall performance in relation to the fund's stated investment objectives. Three commentators suggested that the per share table and the statement of net assets were better bases for judging fund performance. In addition, two commentators contended that cost disclosure could lead to "window-dressing" by portfolio managers with more of an eye to year-end disclosure than to the longer term interests of the fund. For example, one commentator suggested that a portfolio manager might decide to sell a security, which otherwise might have been held, because its value at the date of the schedule of investments was significantly lower than its cost.

Two commentators stated that cost information is generally superfluous for investors in income-oriented funds, and in particular for money market funds, where there is little cost fluctuation. They further stated that the disclosure about such funds' investment policies made cost information irrelevant.

Five commentators expressed the view that if the requirement for cost information in the schedule of investments in the prospectus was retained, most investment companies would choose to print different financial statements for the prospectus and annual report, rather than to make such statements interchangeable by including cost disclosure in the annual report, where it is not required. One commentator stated that the schedule of investments is normally the largest single financial statement, and that retention of different requirements would prevent investment companies from realizing any cost savings in the printing of uniform financial statements.

Two commentators noted that GAAP presently requires disclosure of cost information in shareholder reports by total cost per investment category (i.e., common stocks, preferred stocks, bonds, etc.). These commentators saw no reason for prospective investors to receive more detailed cost information.

Two commentators supported retention of cost disclosure. One argued that it was useful to users of financial statements in understanding the effectiveness of the investment adviser. In addition, this commentator argued that the GAAP requirement for disclosure of cost by category of investment was only a minimum requirement. Another commentator stated that disclosure of cost could indicate whether the investment skill of an adviser is specific or of broad applicability, the latter being indicated where the aggregate unrealized loss or gain in a portfolio is disproportionately associated with a limited number of positions. This commentator added that disclosure of the cost of individual investments is useful to some investors, such as taxable foundations, who need to identify unrealized appreciation or depreciation for tax and other purposes. Recognizing that most investors had no interest in cost information, however, the commentator recommended that cost disclosure be made available through Form N–1R under the 1940 Act [17 CFR 274.101] rather than in the prospectus.

The Commission has re-evaluated the need for cost disclosure in light of the comments and has decided to delete the requirement. It appears that cost information is of only marginal value to investors in judging an investment company's performance. Furthermore, it appears from the comments that the costs associated with retention of the requirement would be substantial. Several commentators stated that most investment companies would choose to print different financial statements for the prospectus and annual report if cost disclosure is retained in the prospectus. This argument is given added credibility by the fact that many registrants now go to the trouble and expense of printing two separate schedules of investments, one with the cost column and one without, rather than using the same schedule for both documents. Accordingly, the Commission has added a new Instruction C to the financial statement items (Item 18 of Part I of Form N–1, Item 20 of Part I of Form N–2) to make clear that the cost columns may be omitted entirely from the registration statement.[4] The Commission assumes, however, that investment companies will voluntarily make information about the cost of their portfolio securities available upon request to those members of the public who might desire it.

Condensed Financial Information (Per Share Table). A second instance in which the Commission proposed to retain differences between the financial statement requirements applicable to prospectuses and those applicable to shareholder reports concerns condensed financial information. The per share table in the annual report must cover the five most recent fiscal years, with at least the latest year audited; the per share table in the prospectus (of open-end companies) must include the ten most recent fiscal years, with at least the five latest years audited. Two commentators submitted comments regarding this exception, expressing opposite views. One commentator urged expansion of the per share table in the annual report to a ten year period and argued that, while a five year period would assertedly portray one cycle of up-down fluctuations in the market, disclosure as to two cycles would give the investor a much better basis for judging performance. This commentator concluded that adopting a ten year period for condensed financial information in both prospectuses and shareholder reports, and at the same time eliminating cost information, would result in a net gain of useful information to investors and a net decrease in the amount of effort necessary to prepare such information.

The second commentator, however, proposed reducing the per share table in the prospectus to five years offering three arguments: (1) a five year period has been accepted as a reasonable period of time to show significant trends for companies reporting under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.] ("1934 Act"); (2) doing so would result in uniformity with the requirement in the annual report; and (3) doing so would further integrate Form N–1 with shareholder reports.

The Commission has decided not to change the requirements for the per share table at this time. There does not appear to be a compelling reason to increase the requirement for condensed financial information for a company that chooses to send a separate annual report. On the other hand, the Commission is not persuaded at this time that it should reduce the long-standing requirement that condensed financial information be presented in the prospectus for a period of ten years, with the latest five years audited.[5] This information may be material to a significant number of prospective investors, and retaining different requirements for the presentation of condensed financial information will not interfere with the overall objective of reconciling the basic financial statements in the prospectus and the annual report.

Age of Financial Statements. One commentator suggested amending requirements in Regulation S–X that pertain to the age of financial statements used in registration statements, because compliance with those requirements would make it necessary for investment companies to update their financial statements more frequently than is required by the provisions of the 1940 Act relating to periodic reporting. Regulation S–X now provides that the most current financial statements in a 1933 Act registration statement filed by a registered investment company may not be older than 134 days at the expected effective date of the registration statement, an aging requirement that derives from quarterly reporting under the 1934 Action Form 10–Q [17 CFR 249.308a]. Investment companies, however, file financial statements only semiannually and are not subject to the Form 10–Q requirement. As a result, imposing the 134-day rule on investment companies means that for certain registration statements filed during the company's fiscal year (such as for mergers), the investment company has to prepare additional financial statements which are not otherwise required. The commentator's suggested amendment to Regulation S–X would require management investment companies to update their financial statements only when more current financial statements were available pursuant to the rules under section 30(d) of the Investment Company Act. This would remove the necessity for odd period "stub" financial statements (otherwise not publicly available or required) in merger documents sent to shareholders. As a result, updated financial statements would be required only for registration statements becoming effective sixty days or more after the end of the fiscal annual and semiannual period.

The Commission believes that this suggestion has merit, and accordingly is modifying proposed rule 3–18 of Regulation S–X to tailor the requirement regarding the age of financial statements to the semiannual reporting requirements of investment companies. This requirement is contained in new paragraphs (b) and (c) of rule 3–18. Rather than complying with the 134-day rule, investment companies will be required to include more current unaudited financial information, in addition to the most current audited financial statements, where a post-effective amendment is expected to become effective with financial statements dated more than 244 days prior to the anticipated effective date. This change will result in prospective shareholders receiving the same financial information that is available to current shareholders receiving the semiannual report.

Disclosure of Management Remuneration. One commentator suggested that Instruction D(3) of the financial statement items, regarding disclosure of aggregate management remuneration, should make clear that a registrant which does not report "aggregate remuneration paid" in accordance with rule 6–04(b)(2) of Regulation S–X [17 CFR 210.6–04(b)(2)] would have to report this information separately in the shareholder report pursuant to section 30(d)(5) of the 1940 Act.

The Commission has decided not to make the change requested by this commentator. The Commission believes that the requirement of the instructions as proposed is clear, in that it explicitly states that a registrant must provide disclosure of aggregate management remuneration to satisfy section 30(d)(5) of the 1940 Act separately in a shareholder report if that disclosure is not "shown elsewhere . . . as part of the financial statements" required to appear in a report to shareholders by new Instructions E and F (Instructions D and E of the amendments as proposed) of the financial statement items.

Other Accounting Changes. In connection with the adoption of new rule 3–18 of Regulation S–X, the Commission is adopting technical amendments to three other rules in Regulation S–X: rule 3–01 [17 CFR 210.3–01] on consolidated balance sheets, rule 3–02 [17 CFR 210.3–02] on consolidated statements of income and changes in financial position, and rule 3–12 [17 CFR 210.3–12] on age of financial statements at effective date of registration statement or at mailing date of proxy statement. The three amendments refer registered management investment companies to the special instructions in new rule 3–18. As a result, the language in proposed rule 3–18 and in instructions E and F of the financial statement items of the forms which excepted registered management investment companies from the provisions of rules 3–01, 3–02 and 3–12 has been deleted from the rule as adopted. In addition, rule 3–18 as adopted has been restructured to include the requirements as to financial statements in paragraph (a) of the rule, special instructions as to age of financial statements in paragraphs (b) and (c), and special instructions as to interim financial statements in paragraph (d). These changes were made to conform rule 3–18 to other rules in Regulation S–X. These amendments are technical in nature and do not change the substance of rule 3–18. Accordingly, they may be adopted without republication. Two of these changes should be noted:

The title of rule 3–18 has been changed to make clear that only registered management investment companies (and companies required to be so registered) are required to comply with the rule, and that it does not apply to investment companies that are not registered under the 1940 Act (*e.g.*, business development companies);[6] and

As a matter of information for registrants, a reference to rule 3–06 of Regulation S–X has been added to paragraph (d) of rule 3–18 regarding a statement required by rule 3–06 to appear when unaudited interim financial statements are presented in a registration statement.

[4] Although rule 6–02(f) of Regulation S–X [17 CFR 210.6–02(f)] permits closed-end investment companies to reflect assets at cost, such companies comply with generally accepted accounting principles which require all investment companies to reflect assets at value.

[5] The ten-year requirement was part of the previous 1933 Act registration statement forms for investment companies and was adopted as part of Forms N–1 and N–2 in 1978 (Investment Company Act Release No. 10878, August 28, 1978) [43 FR 39548, Sept. 5, 1978].

[6] The Commission's Division of Investment Management has addressed certain accounting questions for business development companies in another context. *See* Investment Company Act Release No. 11709, March 30, 1981 [46 FR 19650, March 31, 1981].

Transmission of Financial Information

Coordination of Rule 30d–1 and Rule 465(a). Release No. 11490 set forth a procedure to be used by a company that wanted to send its prospectus to current shareholders in place of an annual report, as permitted by proposed rule 30d–1(c), in the same year that it had to file its annual updating post-effective amendment pursuant to rule 465(a) under the Securities Act of 1933 because of a material change in its operations or other material event. In order to be able to use its prospectus in lieu of an annual report, the company would have to file a post-effective amendment under rule 465(a), updating the narrative portion of the prospectus, at least by the end of its fiscal year. After the effective date of such post-effective amendment, but within sixty days after the end of its fiscal year, the company would have to file another post-effective amendment updating its financial statements.[7]

Four commentators were of the opinion that the two-part filing procedure was too cumbersome and involved difficult time constraints. One commentator pointed out that, if the registrant had to wait for the first amendment to become effective under rule 465(a) before filing the financial update under rule 465(b), there would be a one- or two-day period when the fund either would have to print and distribute the prospectus with an updated narrative but old financials, or else discontinue sales altogether. Thus, the registrant would have three separate prospectuses within a short period of time: the old one, the one with an updated narrative portion but old financial statements, and the fully updated one.

The commentators suggested several solutions to the problem: extension of the time period for sending reports to shareholders under proposed rule 30d–1 from sixty days to seventy-five or ninety days; amendment of rule 465 to shorten the time period for automatic effectiveness of post-effective amendments under paragraph (a) from sixty to forty-five days; or amendment of rule 465(d) to provide that the filing of a subsequent amendment to update financials would not automatically suspend the sixty-day waiting period initiated by the filing of the narrative-only amendment under rule 465(a), so that the first amendment would become effective sixty days after it was filed or the two amendments would become effective simultaneously.

The Commission agrees with the commentators that a registrant that has to update its prospectus by means of a rule 465(a) filing should not be hindered in using its prospectus in place of its annual report. Accordingly, in a separate release, the Commission is proposing amendments to rule 465 to facilitate the updating procedure for such registrants.[8] Paragraph (d) of that rule would be amended to provide that the filing of a subsequent amendment to update the financial statements would not suspend the sixty-day waiting period started by the filing of an amendment containing an updated narrative under rule 465(a), provided that the subsequent amendment was filed under paragraph (b) and that it designated as its effective date the same day as the effective date of the paragraph (a) filing. Rule 465(b) would also be amended to make the amendment containing the updated financial statements eligible for filing under that provision.

Incorporation by Reference. One commentator objected to the undertaking required when an investment company incorporates financial statements into its prospectus by reference from its annual report to shareholders. Proposed Item 10(c) of Part II of Form N–1 would require an investment company to undertake "to deliver or cause to be delivered" the incorporated annual report with the prospectus, unless the recipient is a shareholder who has already received the report. The commentator expressed concern that this requirement might be construed to make an investment company that offers its shares through dealers liable for the failure of the dealer to give the purchaser the required report. It suggested that the undertaking state that the investment company's duty is only to use its "best efforts" to cause the report to be delivered.

Upon reconsideration, the Commission has decided to delete the proposed undertaking from Form N–1 and to replace it with a new condition in General Instruction E of Form N–1 on incorporation by reference.[9] The new condition states that a registrant may incorporate financial statements by reference from a shareholder report into the prospectus if the material incorporated by reference is provided along with the prospectus. The Commission believes that, if an issuer is incorporating financial statements from an annual report into the prospectus, its duty to deliver the incorporated annual report is the same as its duty to deliver the prospectus itself. Accordingly, in that situation delivery of a prospectus would not take place unless the annual report was also delivered. Nevertheless, the Commission is deleting the undertaking so that it will not be construed as establishing a different legal standard or potential liability, and to make clear that the issuer's duty with respect to prospectus delivery will not be changed in any way by the option of incorporation by reference. Because the requirement of delivery along with the prospectus of any material incorporated by reference was part of the proposed changes to Form N–1, it may be adopted as part of General Instruction E of Form N–1 without republication.

Other Comments

Some commentators addressed issues that were not raised by the proposals in Release No. 11490. The Commission is not now addressing the merits of the changes requested by these comments, but will reserve them for future consideration.

Text of Amendments and Rules

Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By amending paragraph (a)(4) of § 210.1–01 to read as follows:

§ 210.1–01 Application of Regulation S–X (17 CFR Part 210).

(a) * * *

(4) Registration statements and shareholder reports under the Investment Company Act of 1940 (Part 274 of this chapter), except as otherwise specifically provided in the forms which are to be used for registration under this Act.

* * * * *

2. By adding new paragraph (g) to § 210.3–01.

§ 210.3–01 Consolidated balance sheets.

* * * * *

(g) For filings by registered management investment companies, the requirements of § 210.3–18 shall apply in lieu of the requirements of this section.

3. By adding new paragraph (c) to § 210.3–02.

§ 210.3–02 Consolidated statements of income and changes in financial position.

* * * * *

(c) For filings by registered management investment companies, the requirements of § 210.3–18 shall apply in lieu of the requirements of this section.

4. By adding new paragraph (d) to § 210.3–12.

§ 210.3–12 Age of financial statements at effective date of registration statement or at mailing date of proxy statement.

* * * * *

(d) For filings by registered management investment companies, the requirements of § 210.3–18 shall apply in lieu of the requirements of this section.

5. By adding a new § 210.3–18 to read as follows:

§ 210.3–18 Special provisions as to registered management investment companies and companies required to be registered as management investment companies.

(a) For filings by registered management investment companies, the following financial statements shall be filed:

(1) An audited balance sheet or statement of assets and liabilities as of the end of the most recent fiscal year;

(2) An audited statement of operations for the most recent fiscal year (including statements of income and expense, realized gain or loss on investments, and unrealized appreciation or depreciation of investments which conform to the requirements of §§ 210.6–04, 6–05 and 6–06, respectively); and

(3) Audited statements of changes in net assets conforming to the requirements of § 210.6–08 for the two most recent fiscal years.

(b) If the filing is made within 60 days after the end of the registrant's fiscal year and audited financial statements for the most recent fiscal year are not available, the balance sheet or statement of assets and liabilities may be as of the end of the preceding fiscal year and the filing shall include an additional balance sheet or statement of assets and liabilities as of an interim date within 245 days of the date of filing. In addition, the statements of operations and changes in net assets shall be provided for the one and two preceding fiscal years, respectively, and for the interim period between the end of the preceding fiscal year and the date of most recent interim balance sheet or statement of assets and liabilities being filed. Financial statements for the corresponding interim period of the preceding fiscal year need not be provided.

(c) If the current balance sheet or statement of assets and liabilities in a filing is as of a date 245 days or more prior to the date the filing is expected to become effective, the financial statements shall be updated with a balance sheet or statement of assets and liabilities as of an interim date within 245 days. In addition, the statements of operations and changes in net assets shall be provided for the interim period between the end of the most recent fiscal year for which a balance sheet or statement of assets and liabilities is presented and the date of the most recent interim balance sheet or statement of assets and liabilities filed.

(d) Interim financial statements provided in accordance with these requirements may be unaudited but shall be presented in the same detail as required by §§ 210.6–01 to 6–10. When unaudited financial statements are presented in a registration statement, they shall include the statement required by § 210.3–06(d).

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. By amending General Instruction E of Form N–1 to add the following paragraph to the existing text of the Instruction.

2. By amending Item 18 of Part I of Form N–1 (§§ 239.15 and 274.11) to read as follows:

§ 239.15 Form N–1 for open-end management investment companies registered on Form N–8A.

§ 274.11 Form N–1, registration statement of open-end management investment companies.

* * * * *

(General Instructions

* * * * *

E. *Incorporation by Reference*

* * * * *

Subject to the above rules, a registrant may incorporate by reference, in response to Item 3(a), "Condensed Financial Information," Item 18, "Financial Statements," or to both Items, the information contained in any report to shareholders meeting the requirements of section 30(d) of the 1940 Act and rule 30d–1 thereunder, provided the following additional conditions are satisfied:

1. The material that is incorporated by reference is prepared in accordance with, and covers the periods specified by, this Form;

2. The registrant includes a statement at each place in the prospectus where the information required by Item 3(a), Item 18, or both, would otherwise appear, that the information is incorporated by reference from a report to shareholders. The registrant, at its option, may also specifically describe, in either the prospectus or both the prospectus and Part II of the Registration Statement (in response to Item 1(a)), those portions of the report to shareholders that are not incorporated by reference and are not a part of the Registration Statement); and

3. The material incorporated by reference is provided along with the prospectus to each person to whom the prospectus is sent or given, unless the person to whom such prospectus is provided currently holds securities of the registrant and otherwise has received a copy of the material incorporated by reference, in which case the registrant shall state in the prospectus that it will furnish, without charge, a copy of such report on request, and the name, address and telephone number of the person to whom such a request should be directed.]

* * * * *

[Item 18. *Financial Statements*

Instructions:

A. A Registration Statement on Part I of this Form shall contain, in a separate section following the responses to the foregoing Items, the financial statements and schedules required by Regulation S–X [17 CFR 210]. The specimen price-make-up sheet required by Item 16.a. of this Form may be furnished as a continuation of the balance sheet or statement of assets and liabilities specified by Regulation S–X [17 CFR 210.6–01].

B. Notwithstanding the requirements of Instruction A above, the following statements and schedules required by Regulation S–X may be omitted from the *prospectus* part of the Registration Statement and included in Part II of such Registration Statement:

(1) The statements of any subsidiary which is not a majority-owned subsidiary; and

(2) All schedules in support of the most recent balance sheet or statement of assets and liabilities, except the following: (a) Schedule I [17 CFR 210.12–12]; (b) columns A, E, and G of Schedule II [17 CFR 210.12–13]; and (c) columns A, B, and D of Schedule III [17 CFR 210.12–14], omitting the information called for by paragraph (b) of footnote 1 to column A.

C. Notwithstanding the requirements of Instruction A above, the following information may be omitted from any *Registration Statement:*

(1) Column C of Schedule I [17 CFR 210.12–12];

(2) Column F of Schedule II [17 CFR 210.12–13]; and

(3) Column C of Schedule III [17 CFR 210.12–14].

D. In addition to the requirements of rule 3–18 of Regulation S–X [17 CFR 210.3–18], any company registered under the 1940 Act which has not previously had an effective Registration Statement under the 1933 Act shall include in its initial Registration Statement under the 1933 Act such additional financial statements and condensed financial information (which need not be audited) as is necessary to make the financial statements and condensed financial information included in the registration statement as of a date within 90 days prior to the date of filing.

E. Every annual report to shareholders required pursuant to section 30(d) of the 1940 Act and rule 30d–1 thereunder [17 CFR 270.30d–1] shall contain the following information:

(1) the audited financial statements required by Regulation S–X, as modified by Instructions B and C above, for the periods specified by Regulation S–X;

(2) the condensed financial information required by Item 3(a) of this Form, for the five most recent fiscal years, with at least the most recent year audited; and

(3) unless shown elsewhere in the report as

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[7] Release No. 11490 provided the following example of this procedure: A company with a December 31st fiscal year end, which had experienced a material event since its last post-effective amendment became effective, would file a post-effective amendment on December 20, 1980. This amendment would contain new narrative disclosure, but the financial statements would be as of December 31, 1979. The amendment would become effective automatically on February 18, 1981. The second post-effective amendment, which contained financial statements as of December 31, 1980, would have to be filed after February 18, but on or before March 1, 1981, and designate an effective date enabling the registrant to transmit it as a shareholder report on or before March 1, 1981, the end of the sixty days after the end of the fiscal year specified by proposed rule 30d–1(c).

[8] Securities Act Release No. 6327 published under Proposed Rules in this issue. Readers are referred to that release for a fuller explanation of the proposed amendment.

[9] General Instruction E of Form N–1 is also amended by deleting the reference to the undertaking.

part of the financial statements required by (1) above, the aggregate remuneration paid by the company during the period covered by the report (a) to all directors and to all members of any advisory board for regular compensation; (b) to each director and to each member of an advisory board for special compensation; (c) to all officers; and (d) to each person of whom any officer or director of the company is an affiliated person.

F. Every report to shareholders required by section 30(d) of the 1940 Act and rule 30d–1 thereunder [17 CFR 270.30d–1], except the annual report, shall contain the following information (which need not be audited):

(1) The financial statements required by Regulation S–X, as modified by Instructions B and C above, for the period commencing either with (a) the beginning of the company's fiscal year (or date of organization, if newly organized) or (b) a date not later than the date after the close of the period included in the last report conforming with the requirements of rule 30d–1, and the most recent preceding fiscal year;

(2) The condensed financial information required by Item 3(a) of this Form, for the period of the report as specified by (1) above, and the most recent preceding fiscal year; and

(3) Unless shown elsewhere in the report as part of the financial statements required by (1) above, the aggregate remuneration paid by the company during the period covered by the report (a) to all directors and to all members of any advisory board for regular compensation; (b) to each director and to each member of an advisory board for special compensation; (c) to all officers; and (d) to each person of whom any officer or director of the company is an affiliated person.

G. Reference is made to General Instruction E regarding incorporations by reference.]

3. By amending Item 20 of Part I of Form N–2 (§§ 239.14 and 274.11a–1) to read as follows:

§ 239.14 Form N–2 for closed-end management investment companies registered on Form N–8A.

§ 274.11a–1 Form N–2, registration statement of closed-end management investment companies.

* * * * *

Item 20. *Financial Statements*

Instructions:

A. A Registration Statement on Part I of this Form shall contain, in a separate section following the responses to the foregoing Items, the financial statements and schedules required by Regulation S–X [17 CFR 210].

B. Notwithstanding the requirements of Instruction A above, the following statements and schedules required by Regulation S–X may be omitted from the *prospectus* part of the Registration Statement and included in Part II of such Registration Statement:

(1) The statements of any subsidiary which is not a majority-owned subsidiary; and

(2) All schedules in support of the most recent balance sheet or statement of assets and liabilities, except the following: (a) Schedule I [17 CFR 210.12–12]; (b) columns A, E, and G of Schedule II [17 CFR 210.12–13]; and (c) columns A, B, and D of Schedule III [17 CFR 210.12–14], omitting the information called for by paragraph (b) of footnote 1 to column A.

C. Notwithstanding the requirements of Instruction A above, the following information may be omitted from any *Registration Statement:*

(1) Column C of Schedule I [17 CFR 210.12–12];

(2) Column F of Schedule II [17 CFR 210.12–13]; and

(3) Column C of Schedule III [17 CFR 210.12–14].

D. In addition to the requirements of rule 3–18 of Regulation S–X [17 CFR 210.3–18], any company registered under the 1940 Act which has not previously had an effective Registration Statement under the 1933 Act shall include in its initial Registration Statement under the 1933 Act such additional financial statements and condensed financial information (which need not be audited) as is necessary to make the financial statements and condensed financial information included in the registration statement as of a date within 90 days prior to the date of filing.

E. Every annual report to shareholders required pursuant to section 30(d) of the 1940 Act and rule 30d–1 thereunder [17 CFR 270.30d–1] shall contain the following information:

(1) The audited financial statements required by Regulation S–X, as modified by Instructions B and C above, for the periods specified by Regulation S–X;

(2) The condensed financial information required by Item 3(a) of this form, for the five most recent fiscal years, with at least the most recent year audited; and

(3) Unless shown elsewhere in the report as part of the financial statements required by (1) above, the aggregate remuneration paid by the company during the period covered by the report (a) to all directors and to all members of any advisory board for regular compensation; (b) to each director and to each member of an advisory board for special compensation; (c) to all officers; and (d) to each person of whom any officer or director of the company is an affiliated person.

F. Every report to shareholders required by section 30(d) of the 1940 Act and rule 30d–1 thereunder [17 CFR 270.30d–1] except the annual report, shall contain the following information (which need not be audited):

(1) The financial statements required by Regulation S–X, as modified by Instructions B and C above, for the period commencing either with (a) the beginning of the company's fiscal year (or date of organization, if newly organized) or (b) a date not later than the date after the close of the period included in the last report conforming with the requirements of rule 30d–1 and the most recent preceding fiscal year;

(2) The condensed financial information required by Item 3(a) of this form, for the period of the report, as specified by (1) above, and the most recent preceding fiscal year; and

(3) Unless shown elsewhere in the report as part of the financial statements required by (1) above, the aggregate remuneration paid by the company during the period covered by the report (a) to all directors and to all members of any advisory board for regular compensation; (b) to each director and to each member of an advisory board for special compensation; (c) to all officers; and (d) to each person of whom any officer or director of the company is an affiliated person.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. By revising § 270.30d–1 to read as follows:

§ 270.30d–1 Reports to stockholders of management companies.

(a) Every registered management company shall transmit to each stockholder of record, at least semiannually, a report containing the financial statements required to be included in such reports by the company's registration statement form under the 1940 Act (instructions E and F of Item 18 of Form N–1 or Item 20 of Form N–2) except that the initial report of a newly registered company shall be made as of a date not later than the close of the fiscal year or half-year first occurring on or after the date on which the company's notification of registration under the 1940 Act is filed with the Commission.

(b) Each report shall be mailed within 60 days after the close of the period for which such report is being made.

(c) As the equivalent of any report required to be transmitted to shareholders by this rule, an open-end company may transmit a copy of its currently effective prospectus under the Securities Act, provided such prospectus includes the following additional information: (1) in the case of the prospectus serving as an annual or semiannual report, the remuneration disclosure required by section 30(d)(5) of the 1940 Act for the period for which the prospectus is serving as a report; (2) in the case of the prospectus serving as a semiannual report, financial statements and condensed financial information for the fiscal half-year period of the report. Such prospectus shall be mailed within 60 days after the close of the period for which the report is being made.

(d) The period of time within which any report prescribed by this rule shall be mailed may be extended by the Commission upon written request showing good cause therefor. Section 270.0–5 shall not apply to such requests.

Statutory Authority

The Commission hereby adopts amendments to Regulation S–X and to Form N–1 and Form N–2, and revised rule 30d–1 pursuant to the authority of sections 7, 8, and 19(a) of the Securities Act of 1933 [15 U.S.C. 77g, 77h, and 77s(a)] and sections 8, 30(d), 31(c), and 38(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–8, 80a–29(d), 80a–30(c), and 80a–37(a)].

By the Commission.

George A. Fitzsimmons,

Secretary.

July 8, 1981.

[FR Doc. 81–20997 Filed 7–13–81; 8:45 am]

BILLING CODE 8010–01–M

17 CFR Part 211

[Release Nos. 33–6325; 34–17912; 35–22116; IC–11845; AS–293; S7–889]

Last-In, First-Out Method of Accounting for Inventories

AGENCY: Securities and Exchange Commission.

ACTION: Issuance of an accounting series release.

SUMMARY: Several recent enforcement cases and the amendments to the Internal Revenue Service regulations concerning the last-in, first-out ("LIFO") book/tax conformity statute have caused the Commission to focus on certain LIFO practices and disclosures. In addition to finding out that some practices being used are inappropriate, the Commission, after careful consideration, has concluded that practices which potentially contradict the conceptual basis of LIFO, i.e., the matching of current costs and current revenues need to be examined.

The Commission also has included guidelines in this release for those LIFO companies who wish to make supplemental non-LIFO income disclosures.

DATE: July 2, 1981.

ADDRESSES: The Commission invites written submissions concerning the practical experience of accountants and registrants in applying the LIFO inventory method. All comments should be filed in triplicate with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Submissions should refer to file No. S7–889 and, unless confidential treatment is authorized, will be available for public inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Arthur J. Schmeiser, George Diacont, or David F. Martin (202–272–2130), Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

LIFO is an inventory pricing method based on a flow-of-cost assumption that the last item purchased is the first item sold. In times of rising prices, LIFO generally results in higher current costs being charged against income, while older, lower costs are retained in inventory. Of the two fundamental reasons for using LIFO, one is oriented toward financial accounting and the other is income tax oriented. From the standpoint of financial accounting, proponents of LIFO argue that, by charging to expense those costs which more closely reflect the replacement cost of inventory, LIFO tends to reduce the illusionary profits obtained from merely holding inventories and thereby reflects more accurately the "true" income of a company.[1] Most companies that have changed to the LIFO method from other methods in the past decade have indicated that LIFO is a preferable method because of its ability to match current costs with current revenues during periods of rising prices. For income tax purposes many companies prefer LIFO because, during periods of rising prices, it generally reduces taxable income and thereby results in reduced income tax expense.

When LIFO become an acceptable tax method as announced in the Revenue Act of 1938, its application was limited to the specific identification method for raw materials in the inventories of leather tanners and producers and processors of certain nonferrous metals. Since then, the Internal Revenue Service ("IRS") regulations have been amended a number of times and today dollar value LIFO[2] is an acceptable method that can be used for almost all types of inventory goods. While allowing broad usage of the LIFO method, the statute was structured in a unique manner permitting only those taxpayers who use LIFO for financial accounting to use LIFO for tax purposes.

On January 13, 1981, the IRS published amended regulations[3] concerning the LIFO conformity rule. For many years, the IRS strictly enforced the conformity rule and required companies to apply LIFO in most cases identically for book and tax purposes and did not permit companies to disclose supplemental information about alternative methods of inventory pricing.[4] The Commission considers two aspects of the IRS amendments to be significant: (1) Companies may apply LIFO differently for book purposes than for tax purposes as long as they use some acceptable form of LIFO; and (2) companies may provide supplemental non-LIFO disclosures if they are not presented on the face of the income statement.

II. Applying LIFO for Book and Tax Purposes

The Commission believes that the conceptual basis for the LIFO method is the proper matching of current costs with current revenues. However, based on matters which the Commission and its staff have dealt with, we have concluded that when the dollar value method is used, changes in product mix, product prices and inventory pool liquidations can sometimes prevent a proper matching of cost and revenues. Accordingly, the Commission believes that the amended regulations which permit companies to compute LIFO differently for book and tax purposes are very positive. For too long, the application of the LIFO method for financial accounting and reporting has been unduly influenced by the tax application. Most explanations or analyses of LIFO in textbooks and articles have been oriented toward tax implications, rather than financial accounting and reporting. With few exceptions, the accounting profession has deferred to the IRS in this area; indeed, many accountants appear to view IRS LIFO regulations as if they were generally accepted accounting principles ("GAAP"). The Commission disagrees with this approach and believes that since LIFO may now be applied differently for book accounting and tax accounting, it is appropriate for the current practices used in the application of LIFO to be examined.[5]

Activities of the Commission and its staff concerning LIFO include the following: (1) a requirement to disclose the excess of replacement or current cost over LIFO value stated on the balance sheet, if material (Regulation S–

[1] The Commission, in Accounting Series release No. 151, January 3, 1974, stated, "[s]uch [inventory] profits do not reflect an increase in the economic earning power of a business and they are not normally repeatable in the absence of continued price level increase."

[2] The dollar value method, in contrast to the specific identification method, values dollar rather than quantity increases in ending inventory and the dollar, rather than the physical item, is the unit of measure. There are four major dollar value methods: double extension, index, link chain and retail.

[3] Treasury Decision 7756, Title 26 CFR 1.472–2(e).

[4] There have been exceptions to this rule, e.g., the IRS issued annual waivers to permit companies to comply with Accounting Series Release No. 190, involving replacement cost, without violating the conformity rule.

[5] The Commission is aware of a task force which has been established by the Accounting Standards Executive Committee of the American Institute of Certified Public Accountants to accumulate information about application problems. This type of effort, in addition to self-examination by individual registrants, is appropriate and should assist the Financial Accounting Standards Board in considering these matters.

X CFR 210.5-02-6); (2) a staff accounting bulletin which explicity identifies the need to disclose the amount of income, if material, that has been recorded because a LIFO inventory liquidation has taken place (Staff Accounting Bulletin No. 1)[6], (3) enforcement actions for imporper reporting and (4) meetings and communications with registrants on matters of application and disclosure. This release describes some ot the particular facts and conclusions concerning LIFO issues, that the Commission and its staff have considered, in order to enhance the examination of LIFO practices. These examples, which follow, are limited by the issues which the Commission and its staff have addressed and are not intended to be a complete consideration of concerns about the LIFO method.

Enforcement Issues

The Commission has instituted enforcement actions against a number of registrants that used the LIFO method to report a desired but fallacious result. These enforcement actions involve two distinct topics: new product designation and inventory levels.

New Product Designations

The accounting treatment given products entering an inventory pool for the first time ("new products") can affect financial statement results when they are reported at current cost. This has been noted particularly when the double extension approach to the dollar-value LIFO method is used. When the effects of inflation on the cost of new products are measured by making a comparison with current cost as the base year cost rather than a reconstructed base-yaar cost,[7] income tends to be increased.

The Commission has noted instances in which companies incorrectly designated pre-existing inventory items as new products and recorded them at current cost. They attempted to justify this treatment by distinguishing between the so-called new product and the same item already contained in the inventory based on insignificant and sometimes arbitrary differences in attributes. For example, new products have been designated because of slight differences in chemical composition, changes in manufacturing or production line location, and differences in supply sources.

[6] Topic 11F of Staff Accounting Bulletin No. 40 (46 FR 11513).

[7] Reconstructed base-year costs are "reasonable" estimates of what a particular inventory item would have cost had it been in the inventory in the base year.

The following examples illustrate instances where the Commission took exception to a registrant's new product policies.

i. Company A treated an item as new product merely because the production of that item was shifted from one plant to another. The change in manufacturing location and the changes in costs associated with the manufacture of that item were given as the major justifications for the new product treatment.

ii. Company B designated part of its nickel inventory as a "new product" because it contained cobalt. Although cobalt did not preclude the use of the nickel in the manufacture of stainless steel, the presence of the cobalt content caused a modification in the manufacturing process and resulted in a lower quality steel. The Commission focused on the apparent contradiction inherent in income being increased (by several million dollars) simply because a particular inventory commodity contained a physical property making it less valuable.

iii. Company C's policy was to treat iron ore obtained from different mine locations as distinct inventory products, arguably because of differences in chemical composition. The Commission objected, however, when Company C increased pre-tax earnings by $4.9 million simply by designating the mixture of three different kinds of iron ore as a new product and recording it at current cost.

Inventory Levels

The Commission has noted where registrants have manipulated the reported level of their inventory or parts of their inventory in order to affect reported earnings. In the following illustrative cases the Commission initiated enforcement actions against registrants because it considered the transactions to be improper.

i. Company D as part of a plan to shift income from 1974, a high income year, to 1975, an expected low income year, recorded the transfer of 1,088 tons of stainless steel from its FIFO to its LIFO inventory. The transfer was recorded on the company's books but the stainless steel was not physically moved. The LIFO effect of the transfer substantially lowered 1974 reported income. In 1975, a book entry was made to transfer the stainless steel back to the FIFO valued inventory, increasing reported earnings for that year.

ii. Company E misclassified some of the raw material in its inventory records. Although this misclassification did not affect the overall inventory quantity, the differences in the LIFO base cost of the misclassified raw materials resulted in reported increases in inventory and earnings.

Transactions such as those described above represent a perversion of the reporting process. Accordingly, financial statements prepared using these devices will be considered to be misleading.

LIFO Applications

Because of the nature of LIFO, transactions which would have no financial accounting impact if another method were used can significantly change reported income under LIFO. The following is an example of a recent registrant inquiry that was considered by the staff which illustrates this situation.

Company F, a company using LIFO, found itself with raw material commitments which were greater than it could utilize and decided to sell the excess. There was excess supply on the market and the sale was not anticipated to be accomplished by year end. The Company inquired whether the staff would object if a new non-LIFO subsidiary were established to hold and eventually sell the inventory. (This transaction would have occurred at an interim period during the Company's fiscal year and would have involved a bookkeeping transfer without physical movement of the inventory.) Since, for other reasons, the Company's inventory had decreased, the net effect of the transfer would have been to further decrease LIFO inventory causing a further decrement of LIFO layers and a substantial infusion of income. Although the staff did not assert any devious intent, it was concerned about the precedent of a bookkeeping transaction that did not involve a physical event but resulted in reporting considerable income. The Company stated that the IRS had approved of the transaction and that it did not expect the Commission staff to object. The staff informed the Company that it could not consider the transaction acceptable because its reported effect contradicted the economic substance of the situation.

III. Supplemental Disclosures

The other matter which the recent amendments affect is supplemental income disclosures based on non-LIFO inventory methods. Because there appears to be a tendency by some companies using LIFO to infer that FIFO earnings are the "real" earnings, the Commission reminds registrants that disclosures must be considered carefully so as not to result in misleading reporting for financial statement purposes. Those disclosures which previously were prohibited by the conformity rule should not be presented in financial reports without consideration of their desirability or effect.

The most troublesome disclosures relate to pro-forma income information usually assuming the first-in, first-out ("FIFO") method is used. The asserted reason for these disclosures is usually that they are necessary to permit comparison of companies using LIFO and those using FIFO. The Commission does not believe that FIFO-based supplemental income disclosures by companies using the LIFO method for inventory determination are necessarily the best way to obtain comparable information. A better method would be to use the disclosures prescribed by Statement of Financial Accounting Standard No. 33, "Financial Reporting and Changing Prices." However, when such supplemental disclosures are properly formed and located the Commission has not objected to them.

The Commission's primary concern, the risk of user misinterpretation, is mitigated when registrants providing these disclosures (1) state clearly that the use of LIFO results in a better matching of costs and revenues (i.e., supporting the preferability of this method for their purposes), (2) indicate the reason why supplemental income disclosures are being provided and (3) present essential information about the supplemental income calculation to enable users to appreciate the quality of the information. Also, registrants should be careful of the terminology that they use since terms such as "LIFO reserve" or "LIFO adjustment" may be misunderstood by readers.

The purpose of presenting supplemental FIFO income information will have an impact on the location of the information. If companies present FIFO-based disclosures because they believe users want to have information available for comparison to operating results of companies not on LIFO, the Commission believes such disclosures should not be made in financial highlights, press releases or president's letters, since such analytical data, in the required detail, usually is not included in those places.

These disclosures would be better placed in footnotes to financial statements or management's discussion and analysis of financial condition and results of operations.

By the Commission.
George A. Fitzsimmons,
Secretary.
July 2, 1981.

[FR Doc. 81-20052 Filed 7-13-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 80F-0163]

Indirect Food Additives: Paper and Paperboard Components; 1,2-Dibromo-2,4-Dicyanobutane

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 1,2-Dibromo-2,4-Dicyanobutane as a slimicide in the manufacture of paper and paperboard intended for food contact use. Calgon Corp. filed a petition requesting such use.

DATES: Effective July 14, 1981; Objections by August 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 3, 1980 (45 FR 37524), FDA announced that a food additive petition (FAP 0B3495) had been filed by Calgon Corp., P.O. Box 1346, Pittsburgh PA 15230, proposing that § 176.300 *Slimicides* (21 CFR 176.300) be amended to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a slimicide in the manufacture of paper and paperboard intended for food contact use.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that § 176.300 should be amended as set forth below.

The Commissioner of Food and Drugs has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Commissioner's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 176 is amended in § 176.300(c) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 176.300 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * * * *	
1,2-Dibromo-2,4-dicyanobutane (CAS Reg. No. 35691-65-7).	At a maximum level of 0.005% of dry weight fiber.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 13, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be

seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 14, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348).)

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20339 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 320

[Docket No. 75N-0051]

Bioavailability and Bioequivalence Requirements; Updating of Drug List

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the bioavailability regulations by revising the list of drug products for which bioavailability data are not waived (21 CFR 320.22(c)). Since these regulations were issued in January 1977, the agency has published individual Drug Efficacy Study Implementation (DESI) notices stating that certain drug products determined to be effective for at least one indication have known or potential bioavailability problems. The names of these drug products are now being added to the list of drugs with such problems.

DATES: Effective July 14, 1981; comments by September 14, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eileen Hodkinson, Bureau of Drugs (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: FDA is amending the list of specific drug products with known or potential bioavailability problems contained in § 320.22(c) (21 CFR 320.22(c)). Since January 7, 1977, when the list was issued as a final regulation (42 FR 1638), the agency has published a number of DESI notices which included a bioavailability requirement for effective drug products. This list is being updated to include all such drug products.

This action is taken, in part, in response to a citizen petition from G. D. Searle & Co. requesting the agency to amend 21 CFR 320.22(c)(1) to incorporate specific reference to "Spironolactone tablets" under the heading "Anti-Hypertensive/Diuretic." The agency granted the petition in a letter to G. D. Searle & Co. on November 26, 1980. A copy of the petition and the agency's response are on file under Docket No. 79N–0206/CP in the Dockets Management Branch (address above).

When the bioavailability regulations were published, they required the submission of in vivo bioavailability data in each new drug application (NDA) or abbreviated new drug application (ANDA) or the submission of information sufficient to justify a waiver. However, certain DESI effective drugs, subject to known or potential bioavailability problems were listed as drugs for which no waiver would be granted. The regulations were amended (21 CFR 320.22(c)(3)) (42 FR 42311; August 23, 1977) to state that a waiver would not be granted for a drug product for which an initial DESI effective notice which contained a bioavailability requirement was published after January 7, 1977. Further, the agency stated that any drug product subject to such a DESI notice would be added to § 320.22(c) at periodic updates of that section. Any person who has submitted a full or abbreviated new drug application, or a supplemental application proposing any of the changes set forth in § 320.21(b), for one of those drug products has been required to submit evidence demonstrating the in vivo bioavailability of the drug product that is the subject of the application or supplement.

FDA is now updating § 320.22(c) to include all drug products for which a DESI notice has set forth a bioavailability requirement as a condition for NDA, ANDA, or supplemental NDA approval.

No new requirements are intended to be imposed by this amendment. Rather, its purpose is to consolidate into one list the names of the DESI effective drugs that are solid oral dosage forms (other than enteric coated or controlled release) for which in vivo bioavailability data are required. Updating this list will make it easier for prospective applicants and holders of approved NDA's and ANDA's to determine what information must be included in their applications or supplements. Other DESI drugs, evaluated as less-than-effective, are undergoing reviews and further proceedings before final effectiveness determinations can be made. If any of these drug products are upgraded to effective, they then will be evaluated for bioavailability/bioequivalence problems, and further updating of the list set out in § 320.22(c) (1) and (2) may be indicated.

The agency is also amending the list by deleting the heading "Miscellaneous" and reassigning each of the five drugs (imipramine hydrochloride tablets, isoproterenol sublingual tablets, methyltestosterone tablets, probenecid tablets, sodium sulfoxone tablets) now listed as "Miscellaneous" to a category that is more descriptive. Further, the name of one drug product, salicylazosulfapyridine, is being changed to reflect the change in its established name, now sulfasalazine.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

§ 320.22 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 701(a), 52 Stat. 1049–1053 as amended, 1055 (21 U.S.C. 351, 352, 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), paragraph (c)(1) of § 320.22 *Criteria for waiver of evidence of in vivo bioavailability* is amended as follows:

1. By adding alphabetically a new heading "Androgens" and adding "Methyltestosterone tablets" under it.

2. By adding alphabetically a new heading "Anti-Cholinergic" and adding "Diphemanil methylsulfate tablets" under it.

3. By adding alphabetically a new heading "Anti-Depressants" and adding "Imipramine hydrochloride tablets" under it.

4. By adding alphabetically a new heading "Anti-Emetic" and adding "Trimethobenzamide capsules" under it.

5. Under the heading "Anti-Hypertensive/Diuretics," by adding alphabetically "Chlorthalidone tablets," "Guanethidine sulfate tablets" and "Spironolactone tablets."

6. Under the heading "Anti-Infectives," by changing the entry "Salicylazosulfapyridine tablets" to read "Sulfasalazine tablets" in accordance with the change in its established name, and adding alphabetically "Sodium sulfoxone tablets."

7. Under the heading "Anti-Neoplastics," by adding alphabetically "Cyclophosphamide tablets."

8. By adding alphabetically a new heading "Anti-Pruritic" and adding "Methdilazine tablets" under it.

9. By adding alphabetically a new heading "Anti-Rheumatic" and adding alphabetically "Oxyphenbutazone tablets" and "Phenylbutazone tablets" under it.

10. Under the heading "Estrogens," by adding alphabetically "Conjugated estrogens with meprobamate tablets. [1] "

11. Under the heading "Hypoglycemics," by adding alphabetically "Chlorpropamide tablets."

12. By deleting the heading "Miscellaneous" and the entries under it.

13. By adding alphabetically a new heading "Sedatives" and adding "Butalbital, aspirin, phenacetin, and caffeine tablets and capsules [1] " under it.

14. By adding alphabetically a new heading "Skeletal Muscle Relaxants" and adding "Carisoprodol in combination with phenacetin and caffeine (with or without codeine phosphate) [1]" and "Methocarbamol with aspirin tablets [1]" under it.

15. By adding alphabetically a new heading "Sympathomimetics" and adding "Isoproterenol sublingual tablets" under it.

16. Under the heading "Thyroid Supplement," by adding "Thyroglobulin tablets."

17. Under the heading "Tranquilizers," by adding "Hydroxyzine hydrochloride tablets [1]" and "Hydroxyzine pamoate capsules and oral suspension."

18. By adding alphabetically a new heading "Uricosurics" and adding "Probenecid tablets" and "Sulfinpyrazone tablets and capsules" under it.

19. By adding the following footnote after the list:

"[1] In vivo bioavailability must be demonstrated only if product fails to achieve adequate dissolution when compared to the test drug product."

Because this amendment does not impose new requirements but merely updates the list of drug products with potential but bioavailability or bioequivalence problems to reflect previous decisions on individual products, FDA finds for good cause that notice and public procedure are unnecessary. Interested persons, however, may on or before September 14, 1981, submit to the Dockets Management Branch (address above), written comments on the final rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12291, the economic effects of this final rule have been carefully analyzed, and it has been determined that the rule is not a major rule under the criteria in the Executive Order. In addition, the individual DESI notices which this document consolidates into a list were adjudications that would not have been subject to Executive Order 12291. A copy of the regulatory impact analysis assessment supporting this determination is on file with the Dockets Management Branch, Food and Drug Administration.

Effective date. This regulation will be effective July 14, 1981.

(Secs. 501, 502, 505, 701(a), 52 Stat. 1049–1053 as amended, 1055 (21 U.S.C. 351, 352, 355, 371(a)).)

Dated: June 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 81-20007 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Sustained-Release Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by International Multifoods Corp. providing for safe and effective use of sulfamethazine sustained-release boluses in treating beef cattle and nonlactating dairy cattle for certain infections caused by sulfamethazine-sensitive organisms. The regulations are further amended to indicate those conditions of use of this product for which applications for approval of identical or similar products need not include certain types of effectiveness data.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1798.

SUPPLEMENTARY INFORMATION: International Multifoods Corp., 1200 Multifoods Bldg., 6th and Marquette Sts., Minneapolis, MN 55402, filed an NADA (120–815) providing for the safe and effective use of sustained-release boluses containing 32.1 grams of sulfamethazine for treating beef cattle and nonlactating dairy cattle for bacterial pneumonia and bovine respiratory disease complex (shipping fever complex) caused by *Pasteurella* spp., colibacillosis (bacterial scours) caused by *E. coli*, necrotic pododermatitis (foot rot) and calf diphtheria caused by *Fusobacterium necrophorum*, and acute mastitis and acute metritis caused by *Streptococcus* spp.

The Bureau of Veterinary Medicine has determined that the product is generically equivalent to American Cyanamid Co.'s sulfamethazine conventional oblet, which was the subject of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group, evaluation published in the Federal Register of July 17, 1970 (35 FR 11532). NAS/NRC found, and FDA concurred, that the products were probably effective for treatment of infectious diseases caused by sulfamethazine-sensitive organisms. NAS/NRC recommended that American Cyanamid make certain labeling revisions to upgrade its oblet's rating to effective. The labeling for International Multifoods' sulfamethazine sustained-release bolus is in compliance with those NAS/NRC recommendations. International Multifoods' bolus has been found bioequivalet to American Cyanamid's conventional oblet. Bioequivalency of the two formulations is based on comparability of data from crossover blood level studies in cattle. Additionally, the firm submitted literature references supporting the effectiveness of sulfamethazine for use as labeled. Furthermore, certain acute toxicity tests and tissue residue studies demonstrating safety were submitted. Based on the data and information submitted, the NADA is approved and the regulations are amended accordingly. The regulations are further amended by editorially revising existing § 520.2260b to reflect current format.

In a notice published elsewhere in this issue of the Federal Register, the agency states its position of accepting applications for generic equivalents of sulfonamide drugs reviewed by NAS/NRC and found to be effective. Consistent with that notice, and because International Multifoods' labeling is in compliance with NAS/NRC

recommendations, this document indicates those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required by § 514.111(a)(5)(ii)(*a*)(*4*) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be based on bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above), from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.2260b is amended by reorganizing paragraphs (a) through (d) and redesignating them as paragraphs (a) and (b) and by adding new paragraph (c). As revised, § 520.2260b reads as follows:

§ 520.2260b Sulfamethazine sustained-release boluses.

(a)(1) *Sponsor.* See No. 000859 in § 510.600(c) of this chapter for use of a 22.5-gram sulfamethazine prolonged-release bolus.

(2) *Conditions of use*—(i) *Amount.* Depending on the duration of therapeutic levels desired, administer boluses as a single dose as follows: 3½ days—1 bolus (22.5 grams) per 200 pounds of body weight; 5 days—1 bolus per 100 pounds of body weight.

(ii) *Indications of use.* Beef and nonlactating cattle for sustained treatment of shipping fever pneumonia caused or complicated by *Pasteurella multocida;* as an aid in the treatment of foot rot, mastitis, pneumonia, metritis, bacterial enteritis, calf diphtheria, and septicemia when caused or complicated by bacteria susceptible to sulfamethazine.

(iii) *Limitations.* Cattle that are acutely ill should be treated parenterally with a suitable antibacterial product to obtain immediate therapeutic blood levels; do not slaughter animals for food within 16 days of treatment; do not use in lactating dairy cattle; Federal law restricts this drug to use by or on the order of licensed veterinarian.

(b)(2) *Sponsor.* See No. 011519 in § 510.600(c) of this chapter for use of a 27-gram sulfamethazine sustained-release bolus.

(2) *Conditions of use*—(i) *Amount.* 27 grams (1 bolus) for each 150 pounds of body weight as a single dose.

(ii) *Indications for use.* For nonlactating cattle for the treatment of infections caused by organisms sensitive to sulfamethazine such as hemorrhagic septicemia (shipping fever complex), bacterial pneumonia, foot rot, and calf diphtheria and as an aid in the control of bacterial diseases usually associated with shipping and handling of cattle.

(iii) *Limitations.* If no response within 2 to 3 days, reevaluate therapy; do not crush tablets; treated animals must not be slaughtered for food within 28 days after the latest treatment; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(c)(1) *Sponsor.* See No. 012518 in § 510.600(c) of this chapter for use of a 32.1-gram sustained-release bolus.

(2) *Conditions of use*—(i) *Amount.* 32.1 grams (1 bolus) per 200 pounds of body weight.[1]

(ii) *Indications for use.* For beef and nonlactating dairy cattle for the treatment of diseases caused by sulfamethazine-sensitive organisms as follows: bacterial pneumonia and bovine respiratory disease complex (shipping fever complex) caused by *Pasteurella* spp., colibacillosis (bacterial scours) caused by *E. coli,* necrotic pododermatitis (foot rot) and calf diphtheria caused by *Fusobacterium necrophorum,* and acute mastitis and acute metritis caused by *Streptococcus* supp.)[1]

[1] These conditions are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(iii) *Limitations.* Boluses are designed to provide a therapeutic sulfamethazine level in approximately 8 to 12 hours and to maintain the level for 72 hours (3 days). After 72 hours, all animals should be reexamined for persistence of observable disease signs. If signs are present, consult a veterinarian. It is strongly recommended that a second dose be given to provide for an additional 72 hours of therapy, particularly in more severe cases. The dosage schedule should be used at each 72-hour interval. Animals should not receive more than 2 doses because of the possibility of incurring residue violations. This drug, like all sulfonamides, may cause toxic reactions and irreparable injury unless administered with adequate and continuous supervision; *follow dosages carefully.* Fluid intake must be adequate at all times throughout the 3-day therapy. Do not use in lactating dairy cattle. Do not treat animals within 12 days of slaughter.

Effective date. July 14, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 23, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–20606 Filed 7–13–81; 8:45 am]

BILLING CODE 4110–83–M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Henwood Feed Additives, Inc., providing for safe and effective use of a premix containing 5 grams per pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Henwood Feed Additives, Inc., 211 Western Rd., Box 577, Lewisburg, OH 45338, is the sponsor of supplemental NADA 108–484 filed on its behalf by Elanco Products Co. The supplemental NADA provides for use of a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds for (1) maintaining weight gain and feed efficiency in the presence of atrophic rhinitis, (2) lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, (3) prevention of swine dysentery (vibrionic), and (4) control of swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*). The firm currently has approval for use of a premix containing 10 grams per pound each of tylosin and sulfamethazine for making an identical finished feed to be used for identical purposes (21 CFR 558.630(b)(3)).

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 12–491 and 41–275. Use of this data in NADA's 12–491 and 41–275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this supplement is a Category II supplemental NADA which does not require reevaluation of the safety and effectiveness data in NADA's 12–491 and 41–275.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by revising paragraph (b)(3) and by adding new paragraph (b)(8) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(3) To 011490, 011749, 016968, 017255, 017274, 024174, 034500, 035955, 043743, 046967; 10 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

(8) To 026166; 5 or 10 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. This regulation is effective July 14, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 6, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–20605 Filed 7–13–81; 8:45 am]

BILLING CODE 4110–83–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 7H5156/T71; PH–FRL–1880–6]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Profenofos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a temporary feed additive regulation for the insecticide profenofos [*O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolites converted to 4-bromo-2-chlorophenol (calculated as the parent compound) in cottonseed hulls at 6 parts per million (ppm) and soapstock at 15 ppm resulting from application of the insecticide to growing cotton. This regulation was requested by Ciba-Geigy Corp.

EFFECTIVE DATE: Effective on July 14, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 403, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 21, 1980 (45 FR 55715) that Ciba-Geigy Corp., Agricultural Div., P.O. Box 11422, Greensboro, NC 27409, had requested an extension of feed additive petition 7H5156. This regulation extended a feed additive for residues of the insecticide profenofos [*O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolites converted to 4-bromo-2-chlorophenol (calculated as the parent compound) in cottonseed hulls at 6 parts per million (ppm) and soapstock at 15 ppm resulting from application of the insecticide to growing cotton in accordance with an experimental use permit. This experimental program expired October 16, 1980.

Ciba-Geigy Corp. has requested a renewal of this regulation to permit continued testing to obtain additional data and to permit the marketing of feed commodities affected by the application of the insecticide profenofos to cottonseed hulls and soapstock.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being renewed under the Federal Insectide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136). A related document (PP 7G1886/T315) for residues of the subject insecticide in or on the raw agricultural commodities cottonseed; milk; eggs, and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep appears elsewhere in this issue of the **Federal Register.**

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may on or before August 13, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C.

20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective date: July 14, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: June 29, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore 21 CFR 561.53(a) is revised to read as follows:

§ 561.53 Profenofos.

(a) A regulation is established permitting residues of the insecticide profenofos [*O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolites converted to 4-bromo-2-chlorophenol (calculated as the parent compound) in cottonseed hulls at 6 parts per million (ppm) and soapstock at 15 ppm resulting from application of the insecticide to growing cotton. Such residues may be present therein only as a result of the application of the insecticide in accordance with the provisions of an experimental use permit that expires June 29, 1982.

* * * * *

[FR Doc. 81-20804 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 660

[Docket No. 79N-0078]

Additional Standards for Diagnostic Substances for Laboratory Tests; Antibody to Hepatitis B Surface Antigen; Reduction in the Number of Samples Submitted

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to reduce the number of samples of diagnostic test kits containing Antibody to Hepatitis B Surface Antigen iodinated with ^{125}I that must be submitted to FDA's Bureau of Biologics (the Bureau) after consistency in manufacturing has been established following licensure. Tests conducted by the Bureau show that it is no longer necessary to require samples from every lot of diagnostic test kits produced. This will eliminate the unnecessary burdens imposed on manufacturers in the loss of product and cost of mailing and on the agency in the cost of storing, testing, and disposing of sample diagnostic test kits.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: T. Rada Proshi, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1979 (44 FR 76811), FDA proposed to reduce the number of samples of diagnostic test kits containing Antibody to Hepatitis B Surface Antigen iodinated with ^{125}I required to be submitted to the agency for testing after licensure. Instead of requiring each licensed manufacturer to submit a sample and protocol for each lot of the diagnostic test kit, the proposed revision would require manufacturers to submit one finished package of each lot until written notification of official release by the agency is received for each of at least five consecutive lots. Thereafter, written notification would no longer be required. The manufacturer would only be required to submit, at periodic intervals of 90 days, one finished package of a lot of diagnostic test kits and protocol identified by the manufacturer as "surveillance test results."

As discussed in the preamble to the proposal, this rule is supported by the Bureau of Biologic's experience in testing samples of diagnostic test kits received and by the Bureau's evaluation of proficiency test results performed by 1,164 participating licensed manufacturers or their testing laboratories to detect hepatitis reactive samples.

Interested persons were given until February 26, 1980, to file written comments. Only one comment was received and it supported the proposed rule. In addition, the comment requested that the proposed rule be extended to biologic diagnostic test kits which employ Hepatitis B Surface Antigen iodinated with ^{125}I. The agency will review and evaluate available data regarding manufacturers of Hepatitis B Surface Antigen iodinated with ^{125}I. If justified, a specific proposal to extend this regulation to those test kits containing Hepatitis B Surface Antigen iodinated with ^{125}I will be published in the **Federal Register.**

The agency has carefully considered the economic effects of this rule and has determined that it is not a major rule as defined by Executive Order 12291. This determination is based on the fact that this rule will reduce the burden placed on industry by the current regulation.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 660 is amended to read as follows:

1. In § 660.2 by revising paragraph (f) to read as follows:

§ 660.2 General requirements.

* * * * *

(f) *Retention samples.* Each manufacturer shall retain representative samples of the product in accordance with § 600.13 of this chapter except for that which has been iodinated with radioactive iodine. Retention samples of Antibody to Hepatitis B Surface Antigen iodinated with ^{125}I shall consist of a minimum of two complete finished packages of each lot of the diagnostic test kit and shall be retained for a period of at least 90 days from the date of manufacture.

2. By adding new § 660.6 to Subpart A to read as follows:

§ 660.6 Samples, protocols, official release.

(a) *Antibody to Hepatitis B Surface Antigen not iodinated with ^{125}I.*—(1) *Samples.* Each manufacturer shall submit a sample of each filling of each lot packaged as for distribution, including all ancillary reagents and materials, to the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20205.

(2) *Protocols.* Each manufacturer shall submit a protocol that consists of a summary of the history of manufacture of each filling of each lot, including all results of each test for which test results are requested by the Director, to the Director, Bureau of Biologics.

(3) *Official release.* The product must not be distributed by the manufacturer until written notification of offical release of each filling of each lot is received from the Director, Bureau of Biologics.

(b) *Antibody to Hepatitis B Surface Antigen iodinated with ^{125}I.*—(1) *Samples.* (i) Each manufacturer shall submit the following samples of lots of diagnostic test kits in finished packages, including all ancillary reagents and materials, to the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20205, within 1 working day after the manufacturer has satisfactorily completed all tests of the finished packaged material:

(*a*) One finished package of each lot of diagnostic test kits until written notification of official release is no longer required under paragraph (b)(3)(ii) of this section.

(*b*) One finished package of a lot of diagnostic test kits at periodic intervals of 90 days, beginning after written notification of official release is no longer required under paragraph (b)(3)(ii) of this section. The finished sample submitted at the 90-day interval shall be from the first lot of diagnostic test kits released by the manufacturer, under the requirements of § 610.1 of this chapter, after the 90-day interval. The finished package shall be identified as "surveillance sample" and shall include the date of manufacture.

(ii) Samples of any lot of diagnostic test kits may at any time be required to be submitted to the Director, Bureau of Biologics, if the Director finds that the product fails to maintain reliability in complying with the standards for this product.

(2) *Protocols.* For each sample of a lot of diagnostic test kits submitted as required in paragraph (b)(1) of this section, the manufacturer shall send a protocol that consists of a summary of the history of manufacture of the lot, including all results of each test for which test results are requested by the Director, Bureau of Biologics. The protocols submitted with the samples at periodic intervals as provided in paragraph (b)(1)(i)(*b*) of this section shall be identified by the manufacturer as "suveillance test results."

(3) *Official release.* (i) The manufacturer shall not distribute a lot of diagnostic test kits until written notification of official release is received from the Director, Bureau of Biologics except as provided in paragraph (b)(3)(ii) of this section. Official release is required for at least five consecutive lots of diagnostic test kits manufactured after licensure of the product.

(ii) After written notification of official release is received from the Director, Bureau of Biologics, for at least five consecutive lots of diagnostic test kits manufactured after licensure of the product, and after the manufacturer receives written notification that official release is no longer required, subsequent lots of diagnostic test kits may be released by the manufacturer pursuant to the requirements of § 610.1 of this chapter.

(iii) The manufacturer shall not distribute lots of diagnostic test kits that require sample submission under paragraph (b)(1)(ii) of this section until written notification of official release or notification that official release is no longer required is received from the Director, Bureau of Biologics.

Effective date. This regulation becomes effective on August 13, 1981.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: June 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20338 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 115

Payment of Sioux Benefits; Eligibility Criteria and Application Procedures Governing Benefits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is adding a new Part 115 to Subchapter J, Chapter I, Title 25 of the Code of Federal Regulations. This rule prescribes the eligibility criteria and application procedures governing payment of "Sioux benefits" under the 1889 Sioux Allotment Act, as amended, the 1928 Sioux Benefits Act, and section 14 of the 1934 Indian Reorganization Act (25 U.S.C. 474). This revision of the Bureau's regulations is the result of a suit brought against the Bureau challenging the eligibility requirements for Sioux benefits as unconstitutionally discriminatory. These regulations will resolve the litigation by establishing non-discriminatory criteria for determination of "head of family" eligibility for Sioux benefits.

EFFECTIVE DATE: This rule becomes effective July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra R. Etheridge, Division of Indian Affairs, Office of the Solicitor, Department of the Interior, Washington, D.C., 20240; telephone number (202) 343-9405.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary fo the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. This new part was published in the **Federal Register** as a proposed rule on January 9, 1981 (46 FR 2366). Interested persons were invited to submit comments by February 9, 1981. Only one comment was received which dealt with the wording of Section 115.4(b), pointing out that Sioux Indians who are members of other tribes reside on the Cheyenne River Indian Reservation but only members of the Cheyenne River Sioux Tribe are eligible for Sioux Benefits. Accordingly, where § 115.4(b) refers to Sioux Indians of the Cheyenne River Reservation, it has been changed to read "members of the Cheyenne River Sioux Tribe."

As indicated in the supplementary information section of the proposed rule, this rule could not be promulgated as a final rule until certain inconsistent decisions regarding payment of Sioux benefits issued by the General Accounting Office were modified or rescinded. GAO has issued a Comptroller General's Decision dated January 30, 1981, which overrules those prior decisions inconsistent with the proposed regulations, except that GAO has determined that all applications for benefits must be made and approved during the applicant's lifetime, regardless of the statute under which benefits are sought. The regulations have been modified accordingly to be consistent with the January 30, 1981 GAO Decision.

The information collection requirements contained in this Part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0004.

This rule is being made effective immediately upon publication in the **Federal Register** since it relieves a restriction, imposes no additional

burden on the affected parties and no purpose would be served by delaying its effective date. Therefore, the 30-day deferred effective date is dispensed with under the exceptions provided in subsection (d)(1), (3) of 5 U.S.C. 553 (1970).

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic impact on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. It imposes no new requirements.

The primary author of this document is John Saxon, formerly attorney, Division of Indian Affairs, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240; telephone number (202) 343-9405.

Subchapter J of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new Part 115 to read as follows:

Roy H. Sampsel,

Deputy Assistant Secretary, Indian Affairs.

PART 115—PAYMENT OF SIOUX BENEFITS

Sec.

115.1 Scope.
115.2 Purpose.
115.3 Definitions.
115.4 Eligibility.
115.5 Application procedure.
115.6 Administration.

Authority: Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 895; Act of June 10, 1896, c. 398, 29 Stat. 321, 334; Act of May 21, 1928, c. 662, 45 Stat. 984; Act of June 16, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474.

§ 115.1 Scope.

The regulations in this Part govern the payment of "Sioux benefits" to allotted Sioux Indians under the Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 895; the Act of June 10, 1896, c. 398, 29 Stat. 321, 334; and the Act of May 21, 1928, c. 662, 45 Stat. 984; and to unallotted Sioux Indians on the Cheyenne River Indian Reservation under the Act of June 16, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474.

§ 115.2 Purpose.

The purpose of these regulations is to implement the provisions of federal statutes which provide for the payment of "Sioux benefits" to Sioux Indians by setting forth the criteria governing eligibility for and entitlement to "Sioux benefits" and by establishing procedures governing application for and payment of "Sioux benefits."

§ 115.3 Definitions.

As used in this Part, the term—

(a) "Area Director" means the Area Director, Aberdeen Area Office, BIA, or his/her delegate.

(b) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(c) "Commissioner" means the Commissioner of Indian Affairs, BIA, or his/her delegate.

(d) "Sioux benefits" means the allotment of stock and farming equipment plus $50.00 cash as provided for by the Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 895, or its commuted cash value as provided in the Act of June 10, 1896, c. 398, 29 Stat. 321, 334.

(e) "Sioux Indian" means a member of any of the bands or tribes comprising the Sioux Nation of Indians to which the Act of March 2, 1889, c. 405, 25 Stat. 888, applied.

(f) "Single person" includes all unmarried persons (other than an unmarried person under the age of eighteen years) and any person who is legally separated, divorced, or widowed.

(g) "Head of a family" means only (1) a married person who meets the requirements of section 115.4(c)(1) or (2) (if living with his/her spouse) or section 115.4(c)(3) (if not living with his/her spouse), and (2) an unmarried person under the age of eighteen years who meets the requirements of section 115.4(c)(3).

(h) For the purpose of determining family support under sections 115.4(c)(2) and 115.4(c)(3), "family" means two or more persons (including the applicant) related by blood, through marriage, or by adoption to the applicant and who live together in the same household and are dependent upon the applicant for all or part of their support.

§ 115.4 Eligibility.

(a) Allotted Sioux Indians. The eligibility of allotted Sioux Indians for Sioux benefits is governed by the Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 895; the Act of June 10, 1896, c. 398, 29 Stat. 321, 334; and the Act of May 21, 1928, c. 662, 45 Stat. 984. The Act of June 16, 1934, c. 576 § 14, 48 Stat. 987, 25 U.S.C. 474, is inapplicable to any Sioux Indian to whom an allotment of land has been made under the provisions of the Act of May 29, 1908, c. 216, § 19, 35 Stat. 444, 451, or any prior federal statute. Under the applicable statutes, an allotted Sioux Indian is eligible for Sioux benefits if—

(1) He/she received a valid allotment of land under the provisions of the Act of May 29, 1908, c. 216, § 19, 35 Stat. 444, 451, or any prior federal statute (regardless of whether such allotment is still held by the applicant);

(2) He/she is either a single person over the age of eighteen (18) years *or* a head of a family (as provided in § 115.4(c));

(3) He/she has duly made application for Sioux benefits, and such application has been approved during his/her lifetime (as provided in § 115.5); *and*

(4) He/she has not previously been paid Sioux benefits in his/her own right (as provided in § 115.4(d)).

(b) Unallotted Sioux Indians. The Act of June 16, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474, applies only to Sioux Indians who, but for the provisions of section 1 of that Act, 25 U.S.C. 461, would have been eligible for an allotment of land under the provisions of the Act of May 29, 1908, c. 216, § 19, 35 Stat. 444, 451, or any prior federal statute, and have not, in fact, been allotted lands under the provisions of such federal statutes. That Act has current application only to unallotted members of the Cheyenne River Sioux Tribe because of the proviso that the payment of Sioux benefits under that Act would continue only until such time as the lands available for allotment on each reservation as of June 16, 1934, would have been exhausted by the allotment of eighty (80) acres of land to each person receiving Sioux benefits under that Act. Under this statute a member of the Cheyenne River Sioux Tribe *is* eligible for Sioux benefits if—

(1) He/she would be eligible, but for the provisions of the Act of June 16, 1934, c. 576, § 1, 48 Stat. 984, 25 U.S.C. 461, for an allotment of land under the provisions of the Act of May 29, 1908, c. 216, § 19, 35 Stat. 444, 451, or any prior federal statute, and has not been allotted lands under the provisions of such federal statutes;

(2) He/she is either a single person over the age of eighteen (18) years *or* a head of a family (as provided in § 115.4(c));

(3) He/she has duly made application for Sioux benefits and such application has been approved during his/her lifetime (as provided in § 115.5);

(4) He/she has not previously been paid Sioux benefits in his/her own right (as provided in § 115.4(d)); *and*

(5) The hypothetical allotment of 80 acres of tribal land to the applicant would not exhaust the lands available for allotment on the Cheyenne River Indian Reservation as of June 16, 1934, considering the allowance of similar hypothetical allotments to other such Indians previously receiving Sioux benefits under such Act.

(c) Head of a Family. The following criteria apply in determining head of family status under both sections 115.4(a) and 115.4(b).

(1) Except as provided in section 115.4(c)(2), when an applicant for Sioux benefits is married and living with his/her spouse, the applicant will be deemed to be a head of a family if designated as such by both the applicant and his/her spouse.

(2) When an applicant for Sioux benefits is married and living with his/her spouse, but the applicant's spouse (i) does not concur in the applicant's designation as head of the family, or (ii) has previously received Sioux benefits as head of the family which includes the applicant, the applicant will be deemed to be a head of a family if the economic contribution to the support of the family attributable to the applicant exceeds the contribution by his/her spouse for the eighteen (18) months period immediately preceding the date of the application for Sioux benefits.

(3) When an applicant for Sioux benefits is (i) unmarried, or (ii) married, but not living with his/her spouse, the applicant will be deemed to be a head of a family if the primary source of economic contribution to the support of the family is attributable to the applicant. Welfare or support payment made to the applicant by the government or his/her spouse shall be deemed attributable to the applicant.

(4) The Bureau shall not presume that a husband is a head of a family for purposes of this Part solely because of his status as a husband. The Bureau shall not presume that a wife is not a head of a family for purposes of this Part solely because of her status as a wife.

(5) The Bureau shall not presume that a Sioux woman married to a non-Sioux man is a head of a family for purposes of this Part solely because of such status. The Bureau shall not presume that a Sioux woman marrried to a Sioux man in not a head of a family for purposes of this Part solely because of such status.

(d) Double benefits. The prohibition against multiple payment of Sioux benefits to a person in his/her own right extends to the payment of Sioux benefits under any federal statute. However, a person will not be deemed to have received payment of Sioux benefits in his/her own right due to the fact that (1) Sioux benefits were paid to such person in his/her capacity as an heir of an Indian who, under prior law, was held to have a vested right to receive such benefits as of the date of death, or (2) Sioux benefits have previously been paid to that person's spouse or former spouse. Although the prohibition against double benefits would not preclude both spouses from receiving Sioux benefits during their marriage (assuming they both were otherwise eligible) or preclude a widowed or divorced applicant from receiving Sioux benefits merely because his/her spouse had previously received Sioux benefits, an applicant would not be able to receive Sioux benefits in his/her own right first as a single adult and again as a head of a family, or vice versa.

§ 115.5 Application procedure.

(a) Agency Superintendent. Application for Sioux benefits must be submitted to the Agency Superintendent for the reservation and shall contain such information as may be prescribed by the Bureau. Applications must be submitted within the lifetime of the applicant. Within thirty (30) days of receipt of a completed application, the Agency Superintendent shall verify the necessary information and forward the application and relevant documentation to the Area Director along with his/her recommendation for approval or disapproval.

(b) Area Director. Within fourteen (14) days of receipt of an application from the Agency Superintendent, the Area Director shall approve or disapprove the application and notify, in writing, the applicant and the Agency Superintendent of such decision and, if denied, the reasons therefor. Failure of the Area Director to act within the specified time shall have the effect of approval of the application.

(c) Appeal. Approval of an application by the Area Director shall be final and conclusive. Disapproval of an application may be appealed to the Commissioner pursuant to the administrative review procedures of 25 CFR 2, and the Commissioner's determination shall be subject to the administrative appeal procedures of 43 Part 4, Subpart D. Approval of an application on administrative appeal or pursuant to judicial review shall relate back to the date of the Area Director's decision.

(d) Prior Applications.

(1) Eligibility for Sioux Benefits will be determined by an applicant's status as of the date of application, except that where an applicant's application was disapproved prior to the promulgation of these regulations under the provisions of previous Bureau regulations or policies, the applicant may reapply and, if he/she so requests, have his/her eligibility determined based upon his/her status as of the date of such prior application, which shall be deemed to be the date of the application, but nothing in this subsection shall be construed to allow any application to be made on behalf of a deceased Sioux Indian whose prior application was disapproved.

(2) Unallotted Sioux Indians of the Pine Ridge and Rosebud Reservations whose applications were submitted and disapproved prior to the termination of payment of Sioux benefits on each respective reservation may reapply for benefits under this subsection within one year of the effective date of this Part and receive payment if their eligibility under section 115.4(b) is established as of the date of such initial application.

(e) Information Collection. The information collection requirements contained in this Part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0004. The information is being collected to provide information necessary for the Bureau to determine eligibility for Sioux benefits. This information will be used to grant statutory benefits. The obligation to respond is required to obtain a benefit.

§ 115.6 Administration.

(a) No payment of Sioux benefits may be made unless an application therefor has been made and approved during the lifetime of the applicant as provided by federal law.

(b) Payment of Sioux benefits shall be made in accordance with a budget or plan for expenditure submitted by the applicant and approved by the Agency Superintendent.

(c) The Commissioner shall annually compute the commuted monetary value of Sioux benefits to be effective on October 1 of that year and notify the affected tribes and Bureau agencies of such determination.

(d) The Area Director shall annually notify both the Cheyenne River Sioux Tribe and the Commissioner of the number of Sioux benefits remaining available to be paid under the provisions of the Act of June 16, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474.

[FR Doc. 81-20511 Filed 7-13-81; 8:45 am]
BILLING CODE 4310-02-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulation which requires a new

initial hearing whenever a prisoner receives a new additional federal sentence. The modification removes the requirement for a new hearing in cases where the new sentence results from an offense committed while in the custody of the Bureau of Prisons (including escape and criminal acts committed while on escape) which the Parole Commission has already sanctioned through rescission procedures. However, the requirement for a new hearing remains for those prisoners previously continued to the expiration of their sentence who now have a newly extended sentence expiration date. The purpose of the amendment is to avoid the duplication of holding two hearings on the same criminal behavior where all relevant release factors have already been considered.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Rockne Chickinell, Office of General Counsel, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492–5959.

SUPPLEMENTARY INFORMATION:

28 CFR 2.28(c) now requires the Parole Commission to hold a new initial hearing whenever it is notified that a prisoner has received an additional concurrent or consecutive federal sentence. The question has been raised as to whether a new initial hearing is always necessary where a prisoner has already received a rescission hearing which covered the same behavior that led to the subsequent federal conviction and sentence, since the guidelines to be applied for both proceedings are identical. See 28 CFR 2.36(a). In the rescission process, the prisoner is afforded all the procedural rights of notice, disclosure, opportunity to be heard, and written reasons for the decision that are available at or after the initial hearing under 18 U.S.C. 4208.

Thus the Commission has amended its regulation at 28 CFR 2.28(c) to remove the mandatory provision for a new initial hearing where such hearing would merely be duplicative. The requirement for a new hearing remains where the new sentence extends the prisoner's mandatory release date and the decision after the rescission hearing was to continue the prisoner to the expiration of his sentence. Obviously, it would not be appropriate to simply extend the custody of the prisoner until the new mandatory release date without another prompt, full-scale hearing. A new hearing may also be scheduled, as a matter of the Commission's discretion, where the new conviction discloses aggravating circumstances not previously considered by the Commission, which might lead to a later presumptive parole date.

Therefore, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.28(c) is revised and set forth below.

§ 2.28 Reopening of Cases.

* * * * *

(c) *Additional sentences.* If a prisoner receives an additional concurrent or consecutive federal sentence following his initial parole consideration, the Regional Commissioner shall reopen his case for a new initial hearing on the next regularly scheduled docket to consider the additional sentence and reevaluate the case. Such action shall void the previous presumptive or effective release date. However, a new initial hearing is not mandatory where the Commission has previously evaluated the new criminal behavior, which led to the additional federal sentence, at a rescission hearing under 28 CFR 2.34; except where the new sentence extends the mandatory release date for a prisoner previously continued to the expiration of his sentence.

* * * * *

I certify that this rule will not have a substantial economic impact on a significant number of small entities.

Dated: July 2, 1981.

Benjamin J. Malcolm,

Acting Chairman.

[FR Doc. 81–20982 Filed 7–13–81; 8:45 am]

BILLING CODE 4410–01–M

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28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is revising its Paroling Policy Guidelines To: (1) place the offense of possession with intent to distribute more than one kilogram of 100% pure heroin (managerial or proprietary interest) in the Greatest II category; (2) place the offense of voluntary manslaughter in the Greatest II category; and (3) clarify that manufacturing of more than $100,000 of counterfeit currency (but not more than $500,000) is to be placed in the Very High category. The first two of these revisions reflect an adjustment of the guidelines to account for current decisional practices and experiences; the third is an editorial clarification.

EFFECTIVE DATE: The revised guideline table will be applied at initial parole and revocation hearings held on or after August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, U.S. Parole Commission, 5550 Friendship Blvd., Bethesda, Maryland 20015. Tel: (301) 492–5980.

SUPPLEMENTARY INFORMATION:

1. Opiate Offenses

At 46 FR 14904 (March 3, 1981) the Commission proposed that the amount of drugs used to place opiate offenses in the Greatest I category be limited to one kilogram of 100% pure heroin (or equivalent amount), and that opiate offenses involving more than one kilogram of 100% pure heroin (or equivalent amount) be placed in the Greatest II category.

This proposal was made in order more accurately to reflect the Commission's current decision-making practices in cases of multi-kilogram heroin distribution or importation, when the offender played a managerial or proprietary role in the offense. The Commission's procedures permit decisions above the guidelines for offenses of unusual magnitude and sophistication [see 18 U.S.C. 4206(c) and 2 U.S. Code Cong. & Admin. News at 359 (1976)]. A review of recent parole decisions indicates that this reason is frequently invoked to render decisions above the Greatest I guidelines. A study of 76 large scale heroin conspiracy cases involving multi-kilo amounts of opiates which were referred for original jurisdiction consideration by the Commission found that all but one were continued above the guidelines because of the unusual magnitude and sophistication of the offense. While these orginal jurisdiction cases are not necessarily representative of all multi-kilo opiate cases, they do serve to illustrate a group of offenders for whom the Commission sitting as a body concluded that the "magnitude of the offense" constituted good cause to go outside the guidelines. Accordingly, the present revision of the rule draws a customary dividing line as to what the Commission normally considers "unusual magnitude" in large scale opiate cases.

Under the revised rule, as before, the Commission will base its quantity calculations either upon the amount of opiate actually seized from the offender (including any reliable evidence of prior transactions) or (in the case of an organized offense) upon the total estimated amount that the organization was responsible for distributing over the period of its existence, based on

frequency of transactions, number of operators, cashflow, transactions intercepted, and other indicative evidence. In all cases involving co-conspirators, the relevant amount is the total distributed by the organization, rather than the individual offender (provided that the offender had a managerial or proprietary role in the organization's operations).

Given the resilience of heroin importation and distribution networks that operate on this scale, and the enormous profit expectations of this sophisticated type of criminal, the Commission is especially concerned that its rules remain flexible enough to permit an adequate deterrent or incapacitative sanction in the light of the circumstances of each case. This can mean, depending upon the length of the sentence imposed, that release on parole may be found altogether inappropriate for such offenders.

Comment received from the public was favorable to this proposal. A typical comment was:

> Since the effect of drugs is so prevasive and insidious in our society, the people who traffic in drugs should be placed in the same severity category as those who commit murder. Until the drug traffickers and dealers learn that their activities will put them behind bars forever when they are caught, I fear we will see drug availability continuing to increase. Our society is ultimately doomed if drug usage continues to increase.

One prisoner, however, felt that heroin distribution should not be classed with "violent offenses." The Commission disagrees. While the use of or addiction to heroin does not in all cases result in obvious harm to the user or other criminal conduct, the frequency of violent crime committed by heroin users, the ruined physical and mental health of a large number of addicts, and the widespread social deterioration, suffering and loss caused by addiction to heroin, make the importation or distribution of that drug in wholesale quantities an indirect but major cause of violence and social harm that must be equated with the most serious offenses punished by our criminal law.

2. Voluntary Manslaughter

At 45 FR 84090 (December 22, 1980) the Commission proposed to raise the offense of voluntary manslaughter from the Greatest I category to the Greatest II category. This was in response to the Commission's experience following its decision in May of 1979 to lower the same offense from the Greatest II category, where it had hitherto been comprehended under the heading of "willful homicide." 44 FR 26540 (May 4, 1979).

What the Commission discovered was that its decision to lower the applicable severity rating misconceived the seriousness of the criminal behaviors that would be presented to it.

The problem has been twofold. First, many voluntary manslaughter cases did not fit the textbook definition of voluntary manslaughter that the Commission originally had in mind; that is, pleas to voluntary manslaughter are accepted in cases wherein there is no clear provocation by the victim causing a heat of passion, or sudden quarrel, but some other mitigating factor (e.g., a "diminished mental state") persuades the court to accept a plea of guilty to voluntary manslaughter. Second, the cases actually presented to the Commission which met the usual definition of the crime (adequate provocation or sudden quarrel) nonetheless appeared to the Commission, upon case-by-case examination, to be inherently more serious than the other offenses in the Greatest I category. Again, the frequency of voluntary manslaughter decisions above the Greatest I guidelines because of aggravating offense circumstances persuaded the Commission that its current category for this offense is below the correct norm.

Therefore, the Commission proposed and is now readopting its original severity rating for this offense. The Commission's observations at 45 FR 84090, as to the practical effect of this change with regard to the Commission's continuing intent to distinguish between murder and manslaughter in its case decisions, are incorporated in this document. No public comment was received concerning the Commission's revised proposal.

3. Counterfeiting

This change is a clarification of the present guidelines. In the current severity scale, the offense example of "counterfeiting (manufacturing)" appears in the "High" category, with the qualifier "not more than $100,000." The Commission intended that amounts greater than $100,000 be rated, by extrapolation, in higher categories. Since this intent has not been clear to all prisoners concerned (even though such a result seems logically compelled) the Commission now revises the "Very High" category to include manufacturing of counterfeit currency of more than $100,000 (but not more than $500,000). The Commission has not sought public comment on this change since it merely clarifies our present interpretation.

4. Implementation

These revised guideline ratings will be applied only to those prisoners whose initial hearings occur on or after August 31, 1981.

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), Title 28, Code of Federal Regulations, § 2.20, is amended as set forth below:

1. In the Greatest I category remove the example of:

> Opiates, possession with intent to distribute/sale [managerial or proprietary interest and very large scale (e.g., offense involving more than 50 grams of 100% pure heroin, or equivalent amount)]

and replace that example with:

> Opiates, possession with intent to distribute/sale [managerial or proprietary interest and large scale (e.g., offense involving more than 50 grams but not more than 1 kilogram (1000 grams) of 100% pure heroin or equivalent amount)]

Add to the Greatest II severity category the following example:

> Opiates, possession with intent to distribute [managerial or proprietary interest and very large scale (e.g., offense involving more than 1 kilogram (1000 grams) of 100% pure heroin or equivalent amount)]

As a conforming amendment, change the opiate offense example in the "Very High" category to read as follows:

> Opiates, possession with intent to distribute/sale [medium to a very large scale (e.g., 5 grams or more of 100% pure heroin, or equivalent amount) unless the offense is described in Greatest I or Greatest II]

2. In the Greatest I category, remove the example of:

> Voluntary manslaughter (unlawful killing of a human being without malice; sudden quarrel or heat of passion)

and add to the Greatest II severity category the example:

> Voluntary manslaughter

3. In the "Very High" category, remove the offense example:

> Counterfeit currency or other medium of exchange [(passing/possession) more than $100,000 but not exceeding $500,000]

and replace with:

> Counterfeit currency or other medium of exchange [(passing/possession/manufacturing) amount more than $100,000 but not exceeding $500,000]

I certify that this rule will not have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act.

Dated: July 1, 1981.

Benjamin J. Malcolm,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 81-20500 Filed 7-13-81; 8:45 am]

BILLING CODE 4410-01-M

Federal Bureau of Investigation

28 CFR Part 16

Production or Disclosure of Material or Information

Correction

In FR Doc. 81-18052, appearing on page 32021 in the issue of Friday, June 19, 1981, the following material should have preceded the signature:

Part 16, Title 28 of the Code of Federal Regulations is amended by revising the Appendix to Subpart D to read as follows:

Appendix to Subpart D—Delegation of Authority

1. By virtue of the authority vested in me by Section 16.45 of Title 28 of the Code of Federal Regulations, the authority to deny requests under the Privacy Act of 1974 is delegated to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation. This same authority is delegated to the occupant of the position of Special Agent in Charge of each of the field offices of the Federal Bureau of Investigation for records in their custody and control.

2. This directive is effective June 9, 1981.

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

Office of the Secretary

29 CFR Parts 1, 4, 5 and 6

Further Deferral of Effective Dates of Regulations

AGENCY: Wage and Hour Division and Office of the Secretary, Labor.

ACTION: Notice of further deferral of effective dates of final rules.

SUMMARY: This notice further defers the effective dates of certain Labor Department regulations from July 15, 1981 and August 1, 1981 until August 15, 1981. This action is taken in order to complete the reconsideration of these rules in accordance with Executive Order 12291.

EFFECTIVE DATE: The effective dates are deferred until August 15, 1981. See the table below for more information.

ADDRESS: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone: (202) 523-8305.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 6, 1981 (46 FR 11253-11254) the Department of Labor published a notice deferring the effective dates of Parts 1, 4, 5, and 6 of Title 29 of the Code of Federal Regulations (29 CFR Parts 1, 4, 5, and 6) until March 30, 1981. This action was taken in response to a January 29, 1981 Memorandum from President Reagan in order to allow for a full and appropriate review of these rules. The effective dates of three of these regulations (29 CFR Parts 1, 5, and 6) were further delayed until July 15, 1981 in order to fully reconsider the regulations pursuant to Executive Order 12291. See 46 FR 18973 (March 27, 1981); 46 FR 23739 (April 28, 1981); 46 FR 33514 (June 30, 1981). The effective date of Part 4 (29 CFR Part 4) was further delayed until August 1, 1981. See 46 FR 33515 (June 30, 1981).

This document will further defer the effective dates of all of these regulations until August 15, 1981.

During the period that the effective dates of these regulations have been deferred, the Department of Labor met with representatives of contractor groups, representatives of organized labor, and Federal contracting agencies. The purpose of these meetings was to share with these groups the Department's general notions as to how the regulations might be improved and to elicit any questions which the groups might have concerning the agency's tentative approach prior to the formal submission of the regulations and commencement of formal consultations under applicable Executive Orders discussed more fully below. Several groups thereafter submitted written comments, which the Department has analyzed in the course of reviewing the rules.

The Department also conducted a preliminary regulatory impact analysis under Executive Order 12291. The regulations reviewed and analyzed pursuant to Executive Order 12291 were those contained in the Janary 16 and 19, 1981, **Federal Register**.

As a result of this review and analysis described above, the Department of Labor has developed proposed regulations. The proposed regulations have been submitted to the Office of Management and Budget pursuant to Executive Order 12291. It is now apparent, however, that the intergovernmental review and consultation procedures required to be followed for proposed regulations of these types cannot be completed prior to July 15, 1981 and August 1, 1981, the dates on which the January 1981 rules are scheduled to go into effect.

Accordingly, the effective dates of 29 CFR Parts 1, 4, 5 and 6 are further deferred until August 15, 1981, to allow adequate time to complete the intergovernmental consultations and review of the proposed regulations mentioned above. The time required for such consultation constitutes good cause for this deferral. Furthermore, because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making this postponement effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B).

The following chart contains a description of each of the rules being deferred by this notice:

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
1. 29 CFR Part 1	Procedures for Predetermination of Wage Rates	Jan. 16, 1981 (46 FR 4306)	July 15, 1981.
2. 29 CFR Part 4	Service Contract Act; Labor Standards for Federal Service Contracts	Jan. 16, 1981 (46 FR 4320) and Jan. 19, 1981 (46 FR 4886).	Aug. 1, 1981.
3. 29 CFR Part 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hour and Safety Standards Act).	Jan. 16, 1981 (46 FR 4380)	July 15, 1981.

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
4. 29 CFR Part 6	Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts.	Jan. 16, 1981 (46 FR 4369)	July 15, 1981.

Authority

The statutory authority for this action is as follows:

1. As to 29 CFR Part 1: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a—276a-7; 40 U.S.C. 276c; and the laws listed in Appendix A of Part 1.

2. As to 29 CFR Part 4: 41 U.S.C. 31 *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301.

3. As to 29 CFR Part 5: 40 U.S.C. 276a—276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of Part 5.

4. As to 29 CFR Part 6: Sections 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 46 Stat. 1494, as amended by 49 Stat. 1011, 76 Stat. 238, 40 U.S.C. 276a—276a-7; 76 State. 357-359, 40 U.S.C. 327-332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c.

Signed at Washington, D.C. this 9th day of July 1981.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary of Labor for Employment Standards.

[FR Doc. 81-20504 Filed 7-13-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1952

Approved State Plans for Enforcement of State Standards; Virginia

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Denial of petition for the withdrawal of approval of the Virginia State plan.

SUMMARY: The petitions for withdrawal of Virginia's State Plan were submitted in 1978 and 1979 and allege various deficiencies in the enforcement of occupational safety and health standards generally, and specifically with regard to the construction industry in Northern Virginia. Upon full consideration of the claims raised in the petitions and an examination of the Virginia State Plan, the petitions are hereby denied by the Assistant Secretary of Labor for Occupational Safety and Health.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Schultze, Project Officer, Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 3rd and Constitution Ave., NW., Washington, D.C. 20210, 202-523-8085.

SUPPLEMENTARY INFORMATION: As provided in Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667, a State desiring to assume responsibility for the development and enforcement of safety and health standards may submit to the Secretary of Labor a "State Plan" for such enforcement. If the Secretary, applying criteria set forth in section 18(c), 29 U.S.C. 667(c), finds that the Plan will provide for effective protection of employees, initial Federal approval may be granted. The Virginia State Plan was initially approved on September 28, 1976 (41 FR 42655). The plan is described at 29 CFR Part 1952, Subpart EE.

Under the provisions of 29 CFR 1955.5 OCAW, Fairfax County, Virginia, Board of Supervisors; the Virginia State AFL-CIO, and the Building and Construction Trades Department of the AFL-CIO petitioned the Department of Labor on February 21, 1978, November 8, 1979, December 11, 1979 and December 14, 1979, respectively, to withdraw approval of the Virginia Occupational Safety and Health Plan. The petitions generally allege that the Virginia Plan provides inadequate protection for the safety and health of employees in the State (45 FR 65625-65626 Oct. 3, 1980). In order to obtain more information regarding these allegations and the overall effectiveness of the Plan, written comments were requested on Friday, October 3, 1980. The OCAW petition was previously published for public Comment on June 13, 1978 (43 FR 25491).

In response to the request for public input into the adequacy of the Virginia State Plan OSHA received a total of 101 written comments. There were 97 letters which expressed support for the manner in which Virginia was conducting its occupational safety and health program. Those who commented in favor of the plan requested that the petitions requesting withdrawal of the Virginia Plan be denied. OSHA received 4 letters in support of the petitions, two of which were from the actual petitioners.

The OCAW petition alleges that Virginia's enforcement of safety and health standards is not as effective as Federal OSHA in that a State court denied the petitioner party status as the authorized employee representative for affected employees at a hearing of a contested case involving the Amoco Oil Co. Petroleum Products Marketing Terminal in Fairfax, Virginia.

Deficiencies associated with Virginia's judicial system form part of the basis for the petition by the Virginia State AFL-CIO. This petition also alleges that Virginia has failed to provide for enforcement of safety and health standards which is "as effective as" Federal enforcement and that the State does not adequately prosecute violations, particularly serious ones, of occupational safety and health standards.

Additional allegations of deficiencies in the Virginia Plan concern the protection provided construction workers in the State. The Fairfax County Board of Supervisors petition alleges that construction accidents resulting in death or serious injury possibly could have been avoided had the State's inspection program been effective. Specifically, the petition maintains that the three inspectors the State employed to inspect for construction safety and health violations in Northern Virginia are an insufficient number. The petition by the Building and Construction Trades Department of the AFL-CIO likewise alleges ineffective and insufficient enforcement in the construction industry generally.

The agency has analyzed the claims raised by the four aforementioned petitions in light of data obtained from Federal monitoring, comparison with Federal performance, information received in response to OSHA's request for public comments and other relevant factors. Upon full consideration, it is the decision of the Assistant Secretary that a withdrawal proceeding against the Virginia State Plan is not warranted at this time.

Decision

In accordance with 29 CFR 1955(b)(2), the petition for the withdrawal of the Virginia State Plan, submitted by Oil, Chemical and Atomic Workers International Union, Virginia State AFL–CIO, Building and Construction Trades Department of the AFL–CIO and Fairfax County Board of Supervisors are hereby denied. The denial of these petitions does not preclude the Assistant Secretary from taking future action on these issues or any issues regarding the Plan which may be raised by monitoring or evaluation. The denial also does not preclude the filing of future petitions by these or any other parties.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Charlottesville, Virginia this 7th day of July, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-20709 Filed 7-13-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 228 and 252

Minerals

AGENCY: USDA, Forest Service.

ACTION: Final rule.

SUMMARY: The Forest Service is amending the regulations on minerals management by creating a new Part 228, Minerals. It is transferring the verbatim text of Part 252 in its entirety to Subpart A. This change is not substantive; it is strictly editorial.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Howard E. Banta, Director, Minerals and Geology Management, Forest Service—USDA, P.O. Box 2417, Washington, D.C. 20013; Phone (703) 235–8105.

SUPPLEMENTARY INFORMATION: The text of Part 252—Minerals, concerned with locatable minerals, is redesignated as Part 228, Subpart A, upon issuance of this rule. This rule also reserves Subparts B–D, Part 228. New regulations concerning leasable minerals will be entered in Subpart B. Forest Service regulations concerned with disposable mineral materials, now located in §§ 251.4 and 251.4(a), will be amended as necessary and redesignated to Subpart C.

Miscellaneous provisions concerning minerals now located in §§ 251.10, 251.11, 292.17, 292.18, and 293.14 will be amended as necessary and redesignated to Subpart D.

This amendment will serve two purposes:

(1) All sections of Forest Service regulations concerning minerals will be properly consolidated into one part, achieving a more orderly and effective representation of Forest Service regulations.

(2) It will allow correlation of the numbering of regulations on minerals with the numbering scheme being used for Forest Service directives, forms, files, etc.

Redesignation to Part 228 will be made effective for all Forest Service minerals regulations as they are written or revised.

Regulations pertaining to the exercise of reserved and outstanding rights remain in § 251.15.

In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been determined that advance notice and request for comments are unnecessary.

This action has been reviewed pursuant to Executive Order 12291 and it has been determined that this document is not a major rule and does not require a regulatory analysis nor does it require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Accordingly, 36 CFR Chapter II is amended as follows:

§§ 252.1–252.15 [Redesignated as §§ 228.1–228.15]

1. In Part 252, §§ 252.1 through 252.15 are redesignated as §§ 228.1–228.15, Subpart A of new Part 228.

2. All references in new Part 228, Subpart A, to sections and paragraphs in former Part 252 are changed to refer to the corresponding sections and paragraphs in new Part 228, Subpart A.

3. The Table of Contents for Part 228 will read as follows.

PART 228—MINERALS

Subpart A—Locatable Minerals

Sec.
228.1 Purpose.
228.2 Scope.
228.3 Definitions.
228.4 Plan of operations—notice of intent—requirements.
228.5 Plan of operations—approval.
228.6 Availability of information to the public.
228.7 Inspection, noncompliance.
228.8 Requirements for environmental protection.
228.9 Maintenance during operations, public safety.
228.10 Cessation of operations, removal of structures and equipment.
228.11 Prevention and control of fire.
228.12 Access.
228.13 Bonds.
228.14 Appeals.
228.15 Operations within National Forest Wilderness.

Subpart B—Leasable Minerals

Sec.
228.20–228.39 [Reserved]

Subpart C—Disposable Mineral Materials

Sec.
228.40–228.79 [Reserved]

Subpart D—Miscellaneous Minerals Provisions

Sec.
228.80–228.99 [Reserved]

Authority: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551).

John R. Block,

Secretary.

June 12, 1981.

[FR Doc. 81-20639 Filed 7-13-81; 8:45 am]

BILLING CODE 3410-11-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. I

[FPR Temp. Reg. 62]

Agency Responsibility and Accountability for ADP Acquisitions Under GSA Delegations of Authority; Temporary Regulations

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation recognizes agency senior officials designated pursuant to the Paperwork Reduction Act of 1980 as responsible and accountable for automatic data processing (ADP) acquisitions made under GSA delegations of procurement authority. The basis for the regulation is the July 1, 1981 effectivity of the Paperwork Reduction Act provision (44 U.S.C. 3506(c)(4)). The intended effect is to conform pertinent GSA regulations to the cited provision.

DATES: Effective date: July 1, 1981. Expiration date: This regulation expires July 1, 1983, unless earlier revised or superseded. Comments are due: On or before September 30, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (CPEP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703) 557–8947.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, the following temporary regulation is added to the appendix of the end of the chapter to read as follows:

June 22, 1981.

To: Heads of Federal agencies

Subject: Agency responsibility for the conduct of and accountability for ADP acquisitions under GSA delegations of authority

Federal Procurement Regulations, Temporary Regulation 62

1. *Purpose.* This temporary regulation provides for the recognition of Federal agency responsibilities under Pub. L. 96–511 (the Paperwork Reduction Act of 1980) when submitting agency purchase requests and conducting automatic data processing (ADP) acquisitions made pursuant to a delegation of authority from the General Services Administration (GSA) under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

2. *Effective date.* This regulation is effective July 1, 1981.

3. *Expiration date.* This regulation expires July 1, 1983, unless earlier revised or superseded.

4. *Background.*

a. The Paperwork Reduction Act of 1980 provides that the head of each agency shall designate, by July 1, 1981, a senior official (officials in DOD) who reports directly to such agency head to carry out the responsibilities of the agency under the Act. This includes responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of procurement authority pursuant to the Brooks Act (Pub. L. 89–306). The provisions of the Brooks Act pertinent to this action are implemented by Subpart 1–4.11 of the Federal Procurement Regulations.

b. In a memorandum dated November 14, 1980, the Administrator of General Services informed heads of departments and agencies of an alternate procedure for initiating their larger computer acquisitions (45 FR 84151, December 22, 1980). These procedures are described in GSA Bulletin FPMR F–128. Agencies were requested to advise GSA in writing of the names and titles of those officials whom the agency had authorized to sign agency submissions under this method.

c. In view of the actions to be taken by agencies in implementing the designated senior official provisions of the Paperwork Reduction Act, GSA is adjusting applicable regulations to recognize these officials in regard to responsibility for the conduct of and accountability for ADP acquisitions under GSA delegations.

5. *Explanation of changes*

a. Section 1–4.1104 is amended by designating paragraph (a) as (a)(1) and adding subparagraphs (2) and (3) to provide for agency notification to GSA of officials who will be assigned to initiate and conduct acquisitions made under GSA delegations as follows:

§ 1–4.1104 Procurement authority.

(a)(1) To allow for the orderly implementation of a program for the economical and efficient procurement of ADPE, commercially available software, maintenance services, and related supplies, agencies are authorized to procure these items (i) in accordance with the provisions of this § 1–4.1104 provided that requirements are not fragmented in order to circumvent the established blanket delegation thresholds or (ii) when a specific delegation of procurement authority has been provided in accordance with the provisions of §§ 1–4.1105 and 1–4.1106. However, the applicable provisions of FPMR Subchapter F shall be complied with before initiating a procurement action.

(2) The provisions of Public Law 96–511 (the Paperwork Reduction Act of 1980) direct each executive agency head to designate a senior official (officials in DOD) reporting to the agency head to be responsible for implementing the Act. This designated senior official is assigned responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) (see 44 U.S.C. 3506(c)(4)).

(3) The designated senior official in each agency shall advise GSA in writing of the names and titles of those officials whom he or she has assigned (i) to initiate acquisition actions, and (ii) to conduct authorized acquisitions (see also §§ 1–4.1105 and 1–4.1107). The designated senior official shall maintain current listings. Listings should be addressed to GSA (CPS), Washington, D.C. 20405.

* * * * *

b. Section 1–4 1105 is amended by revising the preamble to provide that agency procurement requests must be submitted by the agency designated senior official or by an official assigned by the senior official as follows:

§ 1–4.1105 Request for procurement action.

If an agency determines that the conditions of the contemplated procurement are not covered by the provisions of § 1–4.1104, or if the conditions of the contemplated procurement change during the procurement process in such manner as to remove it from those provisions, four copies of the agency procurement request (APR) and other applicable documents shall be forwarded to the General Services Administration (CPS), Washington, DC 20405. The APR shall be signed by an official who has been assigned to initiate the acquisition action and shall specify the name of the official who has been assigned to conduct the procurement (see § 1–4.1104(a)). GSA will process only those submissions signed by authorized officials. Other submissions will be returned without action to the submitting office for resubmission by an authorized agency official. In addition, the APR shall contain the name and telephone number of an individual within the agency who shall act as the point of contact with GSA. The APR shall include, as applicable:

* * * * *

c. Section 1–4.1107 is revised to provide that GSA will consider the agency designated senior official to be responsible for the conduct of a specified procurement made under either a blanket or individual delegation of procurement authority as follows:

§ 1–4.1107 Federal agency responsibility when procurement is delegated by GSA.

When acting under a GSA delegation of procurement authority under either §§ 1–4.1104 or 1–4.1106, the agency designated senior official is responsible for compliance with applicable procurement policies, regulations, and, in particular, § 1–4.1109 and the specific terms of the delegation (see § 1–4.1104(a)).

d. With regard to the alternate information submission method authorized by the Administrator of General Services and described in GSA Bulletin FPMR F–126, the following provisions apply.

(1) The provisions set forth in subparagraphs a, b, and c of paragraph 5 of this regulation apply to submissions under the F–126 bulletin procedures.

(2) Agency listings of authorized officials submitted to GSA pursuant to paragraph 5 of the F–126 bulletin will not be honored unless submitted by the agency designated senior official.

(3) Agency submissions (F–126 bulletin, Attachment A format) dated on or after July 1, 1981, shall be signed by an official who has been assigned to initiate the acquisition action. The submission shall specify the name of the

official who has been assigned to conduct the procurement. Other submissions dated on or after July 1, 1981, will be returned, without action, to the submitting office for resubmission by an authorized official.

6. *Agency action.* Pending the issuance of a permanent amendment to the FPR, agencies shall follow the provisions in this temporary regulation. Timely agency submission of the listing of authorized officials will contribute to efficient implementation of the applicable portion of the Paperwork Reduction Act.

7. *Submission of comments.* Time does not permit the solicitation of comments prior to the issuance of this regulation. However, comments are invited concerning the effect or impact of this regulation and the policy and procedures that should be adopted in the future. Comments should be forwarded to the General Services Administration (CPEP), Washington, DC 20405, not later than September 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-20612 Filed 7-13-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, and 60-741

Government Contractors; Affirmative Action Requirements; Further Deferral of Effective Date of Regulations

AGENCY: Office of Federal Contract Compliance Programs (OFCCP), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice further defers the effective date of certain OFCCP regulations regarding affirmative action requirements from July 15, 1981, until August 26, 1981.

DATES: The effective date is deferred until August 26, 1981.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Department Labor published a final rule (see 45 FR 86215; corrected January 23, 1981, at 46 FR 7332) revising the regulations at 41 CFR Chapter 60 which implement (1) Executive Order 11246, as amended, (2) section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and (3) section 503 of the Rehabilitation Act of 1973, as amended. The rule was scheduled to take effect on January 29, 1981. On January 28, 1981, a notice was published in the **Federal Register** (46 FR 9084) delaying the effective date of the rule until April 29, 1981, to allow the Department of Labor to conduct a full review of the regulation. Subsequently, in separate notices in the **Federal Register** on April 28, 1981, (46 FR 23742) and June 26, 1981, (46 FR 33033), the effective date of the regulations was deferred up to and until July 15, 1981.

During the period that the effective date of the regulation has been deferred, the Department of Labor met with representatives of contractor groups covered by the laws administered by OFCCP, representatives of public interest groups which are interested in the protections afforded under those laws, and with representatives of organized labor. The purpose of these meeting was to share with these groups the agency's general notions as to how the regulations might be improved and to elicit any questions which the groups might have concerning the agency's approach prior to the formal submission of the regulations and commencement of formal consultations under applicable Executive Orders discussed more fully below. Several groups thereafter submitted written comments, which the Department has analyzed in the course of reviewing the rules.

The Department also conducted a preliminary regulatory impact analysis under Executive Order 12291. For the most part, the regulations reviewed and analyzed pursuant to Executive Order 12291 were those contained in the December 30, 1980, **Federal Register**. However, the review and analysis did include some of the regulations in 41 CFR Chapter 60 which had not been amended by the December 30, 1980, final rule.

As a result of this review and analysis described above, the Department of Labor has developed a proposed regulation. The proposed regulation has been submitted to the Office of Management and Budget pursuant to Executive Order 12291 and to the Equal Employment Opportunity Commission pursuant to Executive Order 12067. It is now apparent, however, that the intergovernmental review and consultation procedures required to be followed for a regulation of this type cannot be completed prior to July 15, 1981, the date on which the December 30, 1980, rule is scheduled to go into effect. Accordingly, the December 30, 1980, rule's effective date is further deferred until August 26, 1981, to allow adequate time to complete the intergovernmental consultations and review procedures mentioned above.

This document will further defer the effective date of these regulations until August 26, 1981. The time required for such consultation constitutes good cause for this deferral. For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making this postponement effective immediately. This finding is made pursuant to 5 U.S.C. 553 (b)(3)(B).

In addition and in connection with the Department's anticipated proposed rulemaking discussed above, published elsewhere in the **Federal Register** today is a notice of advanced rulemaking on the following questions: (1) methods for determining the availability of minorities and women (the "eight factor" analysis prescribed by 41 CFR 60-2.11(b)); (2) whether monetary relief (back pay) should be eliminated as a remedy under Executive Order 11246 and whether back pay may be used in some special way to induce contractors to comply with the Executive Order; (3) alternative methods for setting minority and female utilization goals for construction contractors; and (4) whether the nondiscrimination and affirmative action requirements for covered construction contractors should apply only to Federal and federally assisted construction work, to all work (both Federal and non-federal) in any geographic area in which the contractor has a Federal or federally assisted construction contract, or to all Federal and non-federal projects nationwide.

Signed at Washington, D.C., this 9th day of July 1981.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

Ellen M. Sheng,

Director, OFCCP.

[FR Doc. 81-20613 Filed 7-13-81; 8:45 am]

BILLING CODE 4510-27-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A-11, Supp. 12]

Changes to Federal Travel Regulations

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation extends the expiration date of FPMR Temporary Regulation A-11 containing changes to the Federal Travel Regulations, and Supplements 4, 8, 9, 10, and 11 thereto. It is necessary that the provisions contained in the supplements remain in effect until superseded by a forthcoming reissued edition of Federal Travel Regulations, FPMR 101-7.

DATES: Effective date: June 30, 1981. Expiration date: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Doris Jones, Federal Travel Management Division (202-275-0651).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is listed in the appendix at the end of subchapter A.

June 30, 1981.

Federal Property Management Regulations

Temporary Regulation A-11.—Supplement 12

To: Heads of Federal Agencies.

Subject: Changes to Federal Travel Regulations.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation A-11 and Supplements 4, 8, 9, 10, and 11 thereto.

2. *Effective Date.* This regulation is effective June 30, 1981.

3. *Expiration Date.* This regulation expires December 31, 1981, unless superseded or canceled on an earlier date.

4. *Explanation of changes.*

a. The expiration date for Temporary Regulation A-11 and Supplements 4, 8, 9, 10, and 11 thereto, which appears in paragraph 7 of Supplement 11, is extended to December 31, 1981.

b. Supplements 4, 8, 9, 10, 11, and 12 contain current amendments to the Federal Travel Regulations and remain in effect until incorporated into the forthcoming reissued edition of the Federal Travel Regulations, FPMR 101-7. Publication of the reissued edition is anticipated in the near future.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-20608 Filed 7-13-81; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket No. 80-13]

Licensing of Independent Ocean; Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Stay of portion of final rule.

SUMMARY: The Commission's final rules in the proceeding relating to licensing of independent ocean freight forwarders contain a provision which prohibits the receipt of freight forwarder compensation by persons which are both licensed forwarders and also steamship carriers or agents, on shipments in which the licensee actually acted as carrier or agent (46 CFR 510.23(g)). The Commission now has decided to reconsider this provision and elsewhere in this issue to invite further comment thereon. This provision is stayed pending final resolution of the matter.

DATE: Stay is effective July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published final rules in this proceeding May 1, 1981 (46 FR 24565). These rules contain a provision which prohibits the receipt of freight forwarder compensation by persons which are both licensed forwarders and also steamship carriers or agents on shipments in which the licensee actually acted as carrier or agent (46 CFR 510.33(g)). The Commission now has decided to reconsider this provision and by separate document has invited further comment thereon. The Commission also has determined that this provision is to be stayed pending final resolution of the matter.

Therefore, it is ordered, That the effect of § 510.33(g) of Title 46 CFR (46 FR 24574) is stayed pending final resolution of the further proposed rulemaking in this matter.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-20647 Filed 7-13-81; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

[Ex Parte No. 320 (Sub-No. 2)]

Market Dominance Determinations and Consideration of Product Competition

AGENCY: Interstate Commerce Commission.

ACTION: Change of effective date of notice of decision.

SUMMARY: After notice (45 FR 83342, December 18, 1980) and comment, the Commission determined to discontinue its market dominance presumptions and replace them with evidentiary guidelines published at 46 FR 35098, July 7, 1981. Evidence of geographic and product competition had been found relevant to the determination of market dominance. Also in the **Federal Register** of July 7, 1981, (46 FR 35105) the Commission removed the existing market dominance rules at 49 CFR 1109.1.

Due to an inadvertent error, both documents were published in the **Federal Register** before service to the parties was made on July 8, 1981. We are, therefore, extending the effective dates of the notice of decision and the removal of existing rules to thirty days from the date of service, rather than thirty days from publication in the **Federal Register**.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, (202) 275-7656, or Frank Gianfrancesco, (202) 275-7383.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20647 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Twentieth Revised Service Order No. 1473.

SUMMARY: Twentieth Revised Service Order No. 1473 authorizes various railroads to use tracks and/or facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

EFFECTIVE DATE: 12:01 a.m., July 10, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided: July 6, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William R. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

Appendix A, to the previous order, is revised by adding at Item 20., the authority for the Brandon Corporation (BRAN) to operate between Clifton, Kansas, and Manhattan, Kansas, a distance of approximately 53 miles. Appendix A, to the previous order, is revised further by deleting at Item 14, part E., and changing part A., milepost 3.9 to milepost 2.7.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Service Order 1473

(a) *Various Railroads Authorized to use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balance currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(b) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., July 10, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovitch,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois

5. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6)

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9)

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7)

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502)

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)

P. Sibley, Iowa

Q. Worthington, Minnesota

R. Altoona to Pella, Iowa

S. Carlisle, Indianola, Iowa

T. Omaha, Nebraska (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illionis Gas and Electric Company near Fruitland

B. Washington, Iowa

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois

B. Rock Island, Illinois, including 26th Street yard

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

11. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 498.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina (including yard tracks), Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at

Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 498.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

12. *Norfolk and Western Railway Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

13. *Southern Railway Company:*

A. At Memphis, Tennessee.

14. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.[1]

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

C. From Limon, Colorado (milepost 532) to Stratton, Colorado (milepost 473), with over-head rights between Stratton, Colorado and Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

15. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

16. *Cedar Rapids and Iowa City Railway Company (CIC):*

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

17. *Keota Washington Transportation Company:*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

18. *The La Salle and Bureau County Railroad Company:*

A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (subdivision 1A, milepost 14.8), at Blue Island Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

19. *The Atchison, Topeka and Santa Fe Railway Company:*

A. At Alva, Oklahoma.

20. *The Brandon Corporation:*

A. From Clifton, Kansas (milepost 197.0), to Manhattan, Kansas (milepost 143.0), a distance of approximately 53 miles.[2]

[FR Doc. 81-20830 Filed 7-13-81; 8:45 am]
BILLING CODE 7035-01-M

[1] Changed.

[2] Added.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: Pursuant to the Federal Plant Pest Act this document amends the Mediterranean fruit fly emergency regulations by adding portions of Alameda and Santa Clara Counties to the list of regulated areas in California (with these additions all areas in Alameda and Santa Clara Counties are now designated as regulated areas), and by adding all of San Mateo County California, to the list of regulated areas. This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose restrictions on the interstate movement of regulated articles from these areas added to the list of regulated areas.

DATES: Effective date of amendment July 17, 1981. Written comments concerning this interim rule must be received on or before September 14, 1981. A public hearing concerning this interim rule and concerning final regulations to be promulgated under the Plant Quarantine Act and the Federal Plant Pest Act will be held on August 13, 1981.

ADDRESSES: Written comment should be submitted to Thomas Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning this interim rule and concerning final regulations to be promulgated under the Plant Quarantine Act and the Federal Plant Pest Act will be held at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, CA 95030.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule would have an annual effect on the economy of less than $100,000; would not cause a major increase in costs of prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; would not cause significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrant publication without opportunity for a public comment period on this interim rule. Due to the possibility that Mediterranean fruit fly could be spread artifically to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Also, emergency circumstances make it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Certification under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from San Mateo County and from certain areas in Alameda and Santa Clara Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that fewer than 35 small entities move such articles interstate from the affected areas in Alameda, San Mateo, and Santa Clara Counties. Further, the overall economic impact from this action is estimated to be less than $100,000.

Public Hearing

As noted above, a public hearing to consider this interim rule and to consider a final rule to be published under the Plant Quarantine Act and the Federal Plant Pest Act will be held.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. At the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the rule. Any interested person may appear and be heard in person, by attorney, or other representative.

Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions concerning the rule.

The hearing will commence at 10 a.m. and end at 5 p.m. local time unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 8:45 a.m. to 9:45 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedeman, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in California, emergency Mediterranean fruit fly regulations were published in the **Federal Register** on July 29, 1980 (45 FR 50318-50324), and emergency amendments to the regulations were published in the **Federal Register** on August 15, 1980 (45 FR 54302-54304), September 12, 1980 (45 FR 60402-60403), December 12, 1980 (45 FR 81728-81731), and on March 20, 1981 (46 FR 17753-17754). The regulations and amendments thereof became effective on the dates of publication and are set forth in 7 CFR 331.1 through 331.1-9. For the reasons explained below, it is further necessary to amend those regulations on an emergency basis pursuant to sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee).

For the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States, the regulations restrict the interstate movement from the regulated areas in California of articles designated as regulated articles. Immediately prior to the effective date of this document, only portions of Alameda County and Santa Clara County were designated as regulated areas. However, it is necessary as an emergency measure to expand the regulated areas by adding those portions of Alameda and Santa Clara Counties which were not previously designated as regulated areas (with these changes all areas in Alameda and Santa Clara Counties are now designated as regulated areas), and by adding all of San Mateo County.

It is necessary to add San Mateo County to the list of regulated areas because heavy populations of Mediterranean fruit fly larvae recently have been found in that county. In addition to recent heavy populations of Mediterranean fruit fly larvae found in San Mateo County heavy populations of the larvae also have been found in the previously regulated area in Santa Clara County. This indicates that a population explosion of Mediterranean fruit flies is occuring in the Santa Clara Valley area.

Therefore, because of the possibility of a rapid natural spread of the flies and because of the difficulty of preventing movements of regulated articles accompanied by the flies in the Santa Clara Valley commuting area, it is also necessary to expand the regulated areas to include all of Alameda, San Mateo, and Santa Clara Counties.

Amendment to Regulations

Accordingly, the Mediterranean fruit fly regulations (7 CFR 331.1 *et seq.*), which, as noted above, became effective on July 29, 1980, and were amended on August 15, September 12, December 12, 1980 and March 20, 1981 (45 FR 50318–50324, 54302–54304, 60402–60403, 81728–81731, and 46 FR 17753–17754) are further amended by revising § 331.1–2(c) of the regulations (7 CFR 331.1–2(c)) to read as follows:

§ 331.1–2 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

Alameda County. The entire county.
San Mateo County. The entire county.
Santa Clara County. The entire county.

(Secs. 8 and 9, 37 Stat. 316, as amended (7 U.S.C. 161, 162); Sections 105 and 106, 71 Stat. 32 and 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 13 day of July 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–20930 Filed 7–13–81; 12:10 pm]

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Proposed Rules

Federal Register
Vol. 46, No. 134
Tuesday, July 14, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1062, 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132 and 1138

[Docket Nos. AO–10–A54, et al.]

Milk in the St. Louis-Ozarks and Certain Other Marketing Areas Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO Nos.
1062	St. Louis-Ozarks	AO–10–A54
1007	Georgia	AO–366–A17
1011	Tennessee Valley	AO–251–A22–RO1
1030	Chicago Regional	AO–361–A18
1032	Southern Illinois	AO–313–A31
1046	Louisville-Lexington-Evansville	AO–123–A47
1049	Indiana	AO–319–A31
1050	Central Illinois	AO–355–A21
1064	Greater Kansas City	AO–23–A53
1065	Nebraska-Western Iowa	AO–86–A40
1068	Upper Midwest	AO–179–A36
1071	Naosho Valley	AO–227–A35–RO1
1073	Wichita, Kansas	AO–173–A37–RO1
1076	Eastern South Dakota	AO–260–A25
1079	Iowa	AO–295–A34
1094	New Orleans-Mississippi	AO–103–A41
1096	Greater Louisiana	AO–257–A29
1097	Memphis, Tennessee	AO–219–A37
1098	Nashville, Tennessee	AO–184–A42
1099	Paducah, Kentucky	AO–183–A37
1102	Fort Smith, Arkansas	AO–227–A31
1104	Red River Valley	AO–298–A30–RO1
1106	Oklahoma Metropolitan	AO–210–A43–RO1
1108	Central Arkansas	AO–243–A36
1120	Lubbock-Plainview	AO–328–A23
1126	Texas	AO–231–A46–RO1
1131	Central Arizona	AO–271–A23
1132	Texas Panhandle	AO–262–A33
1138	Rio Grande Valley	AO–335–A28

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would establish a new procedure for announcing Class II prices under the 29 milk orders in this proceeding. As adopted, a tentative Class II price for a particular month would be announced by the 15th day of the preceding month. The final Class II price for the month would be announced by the 5th day after the month and would reflect, if applicable, the use of the Class III price for that month as a "floor" under the Class II price. This would replace a procedure under which Class II prices for a month had been announced by the 5th day after the month. The decision is in response to a decision of a U.S. Appeals Court that declared the Class II price announcement procedure in these orders invalid. The adopted procedure is based on industry proposals considered at a public hearing held on August 12–14, 1980.

Also considered at the hearing was a proposal to change the procedure for announcing Class I prices under these orders. This decision concludes that the proposal should not be adopted.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculutre, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of U.S. Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the respective marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.),* and the applicable rules of practice (7 CFR Part 900), at Clayton, Missouri, on August 12–14, 1980, pursuant to notices issued July 10, 1980 (45 FR 47432) and July 21, 1980 (45 FR 49584).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on February 11, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. In Issue No. 1:

a. A paragraph has been added after the 5th paragraph.

b. Two paragraphs have been added after the 3rd paragraph of the findings titled "A. Basic Class II formula price."

c. Two paragraphs have been added after the 9th paragraph of the findings titled "B. Class II differential."

d. Five paragraphs have been added at the end of the issue.

2. In Issue No. 2, three paragraphs have been added at the end of the issue.

The material issues on the record of the hearing relate to:

1. Class II price announcement.
2. Class I price announcement.
3. Announcement of Class I and Class II butterfat differentials.

Background Statement

The provisions of the 29 orders for announcing Class II prices each month were declared legally invalid. In an action against the Department (*American Dairy of Evansville, Inc., et al., v. Robert Bergland, Secretary of Agriculture, et al.*), the U.S. Appeals Court for the District of Columbia Circuit ruled that the Class II price announcement procedure in the 29 orders is legally invalid due to inadequate findings when the procedure was established in the orders.

The Court ordered the Department to establish on the basis of further rulemaking procedures a method for announcing Class II prices and, pending the completion of the procedures to implement on an interim basis the same notice procedure used for announcing Class I prices. To carry out the Court's order, the Department announced on September 26, 1980, a method of determining Class II prices for the respective orders during the interim

period. Official notice is taken of the related document issued by the Department on that date (45 FR 65514).

Under this interim procedure, the Class II price for each month is announced by the Director of the Dairy Division, Agricultural Marketing Service (AMS) on the same day of the preceding month that the Class I price is announced. The Class II price is the Director's estimated of the average Minnesota-Wisconsin manufacturing milk price (3.5 percent butterfat content) for the month plus 10 cents.

This procedure is intended to continue as closely as possible the past relationship between the Class II and Class III prices while announcing Class II prices in a way that carries out the Court's order.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price announcement.* The 29 milk orders in this proceeding should provide that on or before the 15th day of the month the market administrators of the respective orders shall announce the tentative Class II price that is to be effective the following month. The Class II price for the month should be the Minnesota-Wisconsin (M–W) price for the second preceding month, as adjusted by an "updating" formula, plus a Class II differential computed from a 12-month moving average of past Class II differentials. The Class II price for any month should not be less than the Class III price for the month, and the Class II differential should, over time, average out to about the Class III price plus 10 cents. The use of the Class III price as a floor would require that a final Class II price be announced by the respective market administrators on or before the 5th of the following month when the Class III price for the month is known and it can be determined whether such price would apply as a "floor."

To achieve the foregoing, the respective orders should provide for a "basic Class II formula price" for the month, which would be the order's basic formula price (i.e., the M–W price) for the second preceding month plus or minus an amount computed from the "updating" formula. In essence, a tentative estimate of the M–W price for the preceding month would be derived from the mechanics of the updating formula. This would permit the Class II price to be based on selected dairy industry data for that month rather than for the second preceding month.

The updating formula would determine first the amounts by which the gross values of milk used to manufacture cheddar cheese and butter-nonfat dry milk for the first 15 days of the preceding month are greater than or less than the respective values of such milk for the first 15 days of the second preceding month, using yield factors provided by the Dairy Price Support Program. Then, the relative proportions of milk used in Minnesota and Wisconsin combined in the manufacture of cheddar cheese and butter-nonfat dry milk would be determined from data reported by the Department. From the foregoing data, a weighted average of the changes in gross values per hundredweight of milk would be computed.

The Class II price for the month would be the basic Class II formula price for the month plus a differential that would be the amount be which a 12-month moving average of the basic formula prices plus 10 cents exceeds a 12-month moving average of the basic Class II formula prices. This should result in Class II prices that on the average exceed Class III prices by 10 cents.

The basic Class II formula price and the tentative Class II price would be computed by the Dairy Division, AMS, and transmitted to the market administrators of the respective orders on or before the 15th day of the preceding month, enabling each market administrator to announce by that time the Class II price for the following month. The final Class II price would be announced on or before the 5th of the following month when it is determined whether such price would be "floored" by the Class III price for the month.

Certain minor modifications of the order provisions set forth in the recommended decision are necessary to accommodate the transition from the present method of determining Class II prices for the respective orders during the interim period, as described previously, to the use of the formula adopted herein for determining Class II prices. The modifications would provide that the "final" Class II prices, as determined through the "flooring" procedure, would not apply until the first month in which these amendments become effective. The Class II price that would be applicable during the first month in which the amendments become effective would be the Class II price determined by the Director of the Dairy Division in the previous month under the interim procedure. That price would not be "floored" by the Class III price for the month. Therefore, it is necessary to revise the "Class price" and "Announcement of class price" sections in each order to specify that the final Class II price shall apply in each month after the first month in which these amendments become effective.

Until the provisions were declared legally invalid by a Court, the 29 milk orders provided for the market administrator of each order to announce publicly on or before the 5th day of each month the Class II price for the preceding month. As indicated in the background section of this decision, an interim procedure is being followed by the Department pending the completion of this proceeding.

The Milk Industry Foundation, the International Association of Ice Cream Manufacturers, the National Milk Producers Federation and some of the individual members of the respective organizations proposed a procedure for announcing the Class II prices of the 29 milk orders that was largely the same as the procedure provided herein.

The Milk Industry Foundation (MIF) is a trade association representing fluid milk processors, some of which are regulated by the 29 milk orders in this proceeding. Members of the MIF operate some 750 milk processing plants and process about 75 percent of the fluid milk packaged in the United States. The MIF also represents members who manufacture various Class II products, including cottage cheese, yogurt, dips, dressings, and cream.

The International Association of Ice Cream Manufacturers (IAICM) is a trade association that represents manufacturers of frozen desserts, including some who are regulated by the 29 orders in question. Products processed include ice cream, ice milk, sherbets, mellorine, milkshakes and other Class II products. Members operate some 600 plants and manufacture about 65 percent of the frozen desserts manufactured in the United States.

The National Milk Producers Federation (NMPF) is an organization which represents dairy cooperative associations and federations of such associations. At the hearing NMPF represented 24 member cooperatives that market milk under the 29 milk orders. Many of the associations are processors and distributors of Class I and Class II products. With rare exceptions, the majority of the milk supplied to Federal milk order marketing areas originates from producers who are members of cooperative associations that are members of NMPF.

The proposals. The MIF/IAICM proposed that the Class II prices of the 29 milk orders in this proceeding be announced by the market administrators of the respective orders on or before the 15th day of the month prior to the month in which they apply. The associations proposed that the Class II price be based on a formula that updates the M–W price of the second preceding month, plus a Class II differential computed from a 24-month moving average of past Class II differentials to maintain a Class II price that averages 10 cents over the M–W price. Also, the resulting Class II price of any month could not be less than the Class III price for that month. The principal witness for the proposal acknowledged that this latter aspect of it would result in handlers not knowing the Class II price definitely until the 5th of the following month when it would be known whether the Class III price for the month would apply as a "floor."

The NMPF proposed a procedure for announcing Class II prices that was largely the same as the procedure proposed by the MIF/IAICM. The NMPF, however, would use a 12-month moving average of past Class II differentials for determining the Class II differential each month. At the hearing, a witness for NMPF modified the proposal to delete that portion of it that would have provided that the Class II price could not be less than the support price in any month that the support price is changed. As modified, the "floor" in all months would be the Class III price.

The MIF/IAICM case: A witness for the MIF/IAICM said that the 29 milk orders need to be changed as proposed because handlers are having difficulty in making price changes under the prevailing marketing conditions. He outlined how price changes are made, beginning with the notification of a milk price change by a handler and ending with a retail price change at a store. The witness said that the entire process requires at least 15 days from the time the Class II price is changed until it is reflected in the prices of Class II products at stores.

Other MIF/IAICM witnesses supported the above approach concerning the need to provide for advance notice in the 29 milk orders. An additional point they made was that the magnitude of Class II price increases in recent years has made it essential that handlers know the cost of Class II milk prior to processing and marketing Class II milk products. Otherwise, they said there is a great financial risk to handlers in pricing Class II products without knowing the cost of Class II milk.

The MIF/IAICM witnesses said that the proposed advance notice procedure would result in Class II prices almost identical to those announced under the invalidated procedure. They said that the proposed procedure was not intended to change the Class II price level which the Secretary has determined should be 10 cents over the Class III price. Consequently, they said, the proposal would not change returns to producers, would not increase costs to handlers and would not change costs to consumers.

Further, handler witnesses said that the proposal would not disadvantage handlers regulated by the 29 orders in competing with handlers regulated by other Federal orders, or with unregulated milk dealers. Handler witnesses who were thoroughly familiar with the production management of their firms said that a temporary misalignment between the Class II price and the price of concentrated ingredients which can be used in making Class II products would not result in the substitution of such ingredients for producer milk in making Class II products. There were a number of reasons cited. Many plants do not have the facilities, for example, to liquefy butter for use in ice cream mix and frozen dessert mixes. Also, temporary reformulation disrupts the normal supply arrangements that handlers have with cooperatives to receive milk for Class II use. Further, reformulation to use concentrated products results in product yield and quality problems that are not easily solved. The witnesses pointed out that the part of the proposal to floor the Class II price at the level of the Class III price would prevent any serious misalignment problems among markets and handlers which might otherwise result when Class III prices rise rapidly.

Another handler witness said that the proposal will contribute to orderly marketing. He said that producers and handlers will be able to plan production and marketing decisions more effectively than at present. In his view, producers will benefit because they will know the Class II price in advance of marketing their milk. He said that cooperatives and handlers will benefit because they will be able to establish and adjust resale prices with more precision than is presently the case regarding changes in ingredient costs.

The NMPF case. A witness for the NMPF said that a number of member cooperatives that supply milk to regulated handlers in the 29 Federal order markets also manufacture and distribute Class II products. He said that advance notice of Class II prices will benefit members who manufacture Class II products because they will know the cost of milk in time to price finished products with more precision than heretofore. Also, he said advance notice will give individual dairy farmers additional factual information to use in management decisions. He said that with appropriate adjustments of the Class II differential, returns to dairy farmers should remain virtually unchanged from the invalidated procedure.

The NMPF witness testified that the formula to update the M–W price of the second preceding month, which would compare product prices for the first 15 days of the preceding month with the first 15 days of the second preceding month to determine any changes in the value of milk, would adequately reflect such changes in value from month to month. He testified that the proposed updating formula uses the same product yield factors that are used in the dairy price support program. In his view, it would be difficult to justify and difficult for farmers and handlers to understand if the formula provided in the 29 orders and the price support program did not use the same yield factors. He said that by relating the yield factors in the advance notice formula with those used by the support program, conforming changes would be automatic in the orders if the support yield factors are changed, which heretofore has been infrequent.

In describing the operation of the advance notice proposal, the NMPF witness said that the formula updating the M–W price would be calculated on or before the 15th day of the month and a Class II differential would be added to yield the Class II price that would be effective the following month. In his view, advance notice requires that the Class II price for a particular month be tied to the manufacturing milk value for the preceding month. This, he claimed, is what the updating formula is intended to do. In this connection, a number of witnesses testified that the updating formula is not to be construed as a new value for manufacturing milk. In their view, the updating formula is merely a convenient mechanical means to update the M–W price and thereby reflect in the Class II prices any changes in the value of manufacturing milk. The NMPF witness said, however, that in months when manufacturing milk prices are rising the effect of the formula would be to reduce or eliminate the Class II differential, which would reduce Class II prices for producer milk. When manufacturing milk prices are falling, he noted, Class II prices could be high relative to Class III prices. For this reason the NMPF proposed using a 12-month moving average Class II differential. The witness indicated that this would result in a Class II differential which over the most recent

12 months would have resulted in a Class II price that was 10 cents over the M–W price.

The witness stressed that the Class II price under advance notice must be floored by the Class III price. He said that to permit the Class II price to fall below the Class III price would be inconsistent with the economic rationale underlying classified pricing. He said there would be no incentive for producers to sell milk below the Class III price. Flooring the Class II price as proposed, he said, would assure handlers that supplies will be made available for Class II use. It is noted that over the 30-months of data that were introduced concerning the proposal, it was observed that the Class III price would have been the floor in 9 of the months or about 30 percent of the time.

The witness said that the NMPF was not supporting its initial proposal to floor the Class II price at the level of the support price in those months that a change is made in the support level. He said that after due consideration the NMPF had concluded that such provision could cause unrealistic one-month changes that could result in marketing problems, particularly for handlers.

In this connection, he testified that the support price was raised on April 1, 1980. He said that if the Class II price had been floored by that increase for the month of April only, it would have jumped 50–60 cents for one month only and would have presented pricing problems to handlers. The NMPF witness reiterated the testimony of MIF/IAICM that flooring the Class II price at the level of the Class III price will prevent any misalignment problems among markets and handlers that would otherwise result when Class III prices are rising rapidly.

Additional support for the NMPF position. A witness for Dairymen, Inc. (DI), testified in support of the NMPF proposal for advance notice. In this connection, the witness stated that he favored using a 12-month moving average method of establishing the Class II differential. He said that a 12-month moving average differential as compared with a 24-month moving average would reflect more current marketing conditions. In his view, if a 24-month moving average were used, the adjustments would be so minor as to justify the use of a fixed differential instead of adjusting the Class II differential from month to month.

Another witness represented the individual member cooperatives of the Central Milk Producers Cooperative (CMPC). He supported the NMPF proposals for advance notice of the Class II price. Although the hearing notice contained a proposal by CMPC for the adoption of an alternative price announcement procedure under certain conditions, neither the witness nor other parties supported the proposal at the hearing.

Discussion of the issue. The hearing record reflects the dairy industry view that the industry's unanimous support for announcing the Class II price for a particular month by the 15th day of the preceding month is the clearest demonstration of the need for and the desirability of adopting the proposal. It was the view of hearing witnesses that the dairy industry is somewhat unique in that regulated handlers process and sell products without knowing the cost of the raw materials. To them, this is an unwarranted and unnecessary situation which creates undue business risks and other difficulties without generating any benefit whatsoever to anyone.

The unified view of the dairy industry is that the adoption of its proposal will contribute to more orderly marketing because producers and handlers will be better able to plan and effectuate their production and marketing decisions. Dairy industry witnesses testified that Class II manufacturers will benefit because the adoption of the dairy industry proposal will enable them to establish and adjust the resale prices of their products with more precision relative to changes in ingredient costs. They testified further that decisions regarding promotions, sales, advertising programs and other aspects of company operations are necessarily based on knowing one's costs.

Also, dairy industry witnesses testified that adoption of the dairy industry proposal will not have any inflationary or deflationary impact. They stated that handler costs, producer returns and consumer prices will not be affected.

The industry witnesses presented data to show that the adoption of the industry proposal will not have any significant impact on butterfat of skim milk costs and will not change the competitive positions between regulated or unregulated Class II manufacturers. The data they introduced into the record indicated that during the 2½ years prior to the hearing, the difference in the cost of nonfat solids in pool milk under the industry proposal and the provisions that were invalidated by the Court would have been four one-hundredths of a cent. The data indicated also that the impact of adopting the industry proposal would have been even less for butterfat than for nonfat solids. The industry witnesses concluded that since adoption of the industry proposal would not have any significant impact on costs, such adoption would not have any significant impact on competition.

Although there is extensive support for the proposal, the record is not clear that there is, in fact, a bona fide need for advance announcement of the Class II price. An important claim of proponents was that handlers and stores need advance price notice to make timely price changes when the ingredient costs of Class II products change. There was conflicting testimony, however, about whether chain stores in fact do buy Class II products in the manner claimed by handler witnesses. Also, handler witnesses had little knowledge about how chain stores price products. As noted previously, the adoption of the proposal will not assure handlers of knowing in advance what the Class II price will be. Dairy industry witnesses claimed also that handlers need advance price notice to enable them to price Class II products with more precision. They said this is necessary because handlers are losing money from making wrong pricing estimates. Yet, no handler presented any data to show that any of them actually had experienced the lost revenue claimed.

It is appropriate to note that the options that may be considered in this proceeding are limited. There was no testimony on any option other than a single dairy industry proposal. Furthermore, the normal option of maintaining the regulatory *status quo* is not available for consideration by the Department in this proceeding. This results because the Court declared invalid the price notice provisions that had been provided over the past decade in the 29 orders in this proceeding. The only alternative the Department would have were it to conclude that the dairy industry proposal for advance notice would not carry out the purposes of the Act would be to initiate procedures for terminating the 29 orders. However, the adoption of the dairy industry proposal is not likely to change returns to producers or the costs of handlers and consumers. Further, the record established that handlers are not likely to substitute manufactured ingredients for producer milk in making Class II products. Handlers were adamant in the belief that they would not be adversely affected competitively by the adoption of the dairy industry proposal.

It is concluded, therefore, that the adoption of the dairy industry proposal would not impair the continued maintenance of orderly marketing conditions for producers and that it would tend to effectuate the declared policy of the Act. Accordingly, a procedure for announcing Class II prices in advance of the month in which they apply is adopted.

Adopted procedure. The procedure provided herein for announcing the Class II price for a month on or before the 15th day of the previous month is largely the same as that proposed by the dairy industry. It provides that the market administrator shall announce publicly on or before the 15th day of each month the Class II price for the following month. Such price would be provided to the administrators of the respective orders by the Dairy Division and determined from the method of computation specified in the orders.

As provided in the attached order, the announced Class II price for the month would be the sum of the following price components: (A) The basic Class II formula price; and (B) the Class II differential.

A. *Basic Class II formula price.* The basic Class II formula price, which would be used in computing the Class II price that is announced for the month, would be determined by the Dairy Division, AMS, on or before the 15th day of the preceding month. Under the formula provided herein, it would be computed by increasing or decreasing the M–W price of the second preceding month by an amount that reflects changes in the gross value of milk used to produce cheddar cheese (including returns from whey fat and whey solids-not-fat), butter, nonfat dry milk and edible whey powder during the first 15 days of the preceding month compared to the first 15 days of the second preceding month. The gross value of milk used to produce these products would be determined by multiplying the price of each product by a yield factor which represents the pounds of product that results from the manufacture of a hundredweight of milk. The yield factors used in the formula adopted herein would be those that are used under the Dairy Price Support Program for determining similar gross values. Whenever the yield factors are changed, the new yield factors would be used in the formula beginning with the effective date of the announced support price or announced purchase prices.

The yield factors used under the Price Support Program are for milk of average butterfat content of 3.67 percent, while prices under the Federal milk order program are announced for milk containing 3.5 percent butterfat. Milk containing higher proportions of butterfat yield more pounds of product per hundredweight of milk than does milk containing a lower butterfat content. However, using the Price Support Program yield factors in the adopted formula should not appreciably affect the basic Class II formula prices. Only changes in gross values of milk from one month to another would raise or lower the basic Class II formula price. These changes in gross values of milk should not be much different whether they are based on milk containing 3.67 percent butterfat or 3.5 percent butterfat.

The product prices that are used in the formula adopted herein would be those that are reported and published each week by the Dairy Division, AMS. The butter price would be that of the Chicago Mercantile Exchange for Grade A (92-score) butter. The cheddar cheese price would be that of the National Cheese Exchange for cheddar cheese in 40-pound blocks. The nonfat dry milk price would be the average price per pound (using the midpoint of any price range as one price) for high heat, low heat and Grade A nonfat dry milk for the Central States production area. If any of these nonfat dry milk prices are not reported at some future date, the price used in the formula would be the average of the remaining prices that are reported. The price for whey powder would be the average price per pound (using the midpoint of any price range as one price) reported for edible whey powder (nonhygroscopic) for the Central States production area.

Borden, Inc. excepted to the use in the formula of the whey powder price reported for the Central States production area because, in exceptor's view, such price may not be as representative as whey values at "Grade B" cheddar cheese plants in Wisconsin and Minnesota. Exceptor stated that in view of this, the whey powder price that should be used in the formula should be one that is based on whey powder prices for plants that are included in the M–W series.

The record evidence has been reviewed in light of the exception. The only whey powder price that was discussed in testimony at the hearing was that which is based on prices reported for the Central States production area, and adopted for use in the formula. At the hearing, a witness for Borden, Inc., supported the use of this whey powder price in the formula. It is concluded that exceptor's change in preference at this stage of the proceeding is not based on record evidence. It cannot be ascertained from the record whether a whey powder price can be derived from plants that are included in the M–W price series. Accordingly, the exception is denied.

Based on yield factors used currently under the Price Support Program, a hundredweight of milk used to produce cheddar cheese yields 10.1 pounds of cheddar cheese, 0.25 pounds of butter and 5.5 pounds of whey powder. At the time of the hearing, under the Price Support Program, the price of whey powder increased the gross value of milk used to produce cheddar cheese only to the extent of that portion of the price of powder that exceeded 11 cents per pound. This was because the processing cost of drying the whey into powder was 11 cents. If the price of whey powder were less than 11 cents per pound, the processing costs would be absorbed in the price of cheddar cheese. If the price exceeded 11 cents, only that portion of the price that exceeded 11 cents would contribute to the gross value of milk.[1] Accordingly, in the formula adopted herein the gross value of a hundredweight of milk used to produce cheddar cheese would be the sum of the following computations:

1. The average daily price per pound of cheddar cheese during the first 15 days of each respective month would be multiplied by 10.1. The National Cheese Exchange meets on Friday morning for trading in cheddar cheese. Generally, the prices reported for each session establish the prices of cheddar cheese sold by the dairy industry during the following week. When Friday is a holiday, the Exchange meets on Thursday morning. In the formula adopted herein, a price reported for Friday (or Thursday) would be applied to that day plus each work-day of the following week prior to the day the Exchange meets. When there are work-days in a month that precede the first Friday of the month, the last price reported in the previous month would be applied to each such work-day that precedes the first Friday. A work-day would be each Monday through Friday, except national holidays. This definition of work-day would apply also to the other product prices described in the following paragraphs. During a week that the Exchange does not meet, the price applied for the following week would be the last Exchange price that was established.

2. The average daily price per pound of butter during the first 15 days of each respective month would be multiplied by 0.25. The Chicago Mercantile Exchange also meets on Friday morning for trading in butter. When Friday is a holiday, the Exchange meets on

[1] Official notice is taken of "Dairy Market News" for the week of September 28–October 3, 1980, Volume No. 47, Report No. 40, which indicates that in the calculation of CCC purchase prices for dairy products effective October 1, 1980, the processing costs of drying whole cheese whey solids other than fat were increased to 13.5 cents per pound from the 11 cents cited above.

Thursday morning. Generally, the prices reported for each session establish the prices of butter sold by the dairy industry in the following week. In the formula provided herein, a price reported on Friday (or Thursday) would be applied to that day plus each work-day of the following week prior to the day the Exchange meets. When there are work-days in a month that precede the first Friday of the month, the last price reported in the previous month would be applied to each such work-day that precedes the first Friday. During a week that the Exchange does not meet, the price applied for the following week would be the last Exchange price that was established.

3. The average daily price per pound of edible whey powder during the first 15 days of each respective month would be reduced by 11 cents (13.5 cents after October 1, 1980) and any amount remaining would be multiplied by 5.5. The whey powder price is determined by the Department on Thursday of each week and reflects the selling price of whey powder during the preceding 7-day period. When Thursday is a holiday, the price is determined on Wednesday. In the formula adopted herein, a price determined on Thursday (or Wednesday) would be applied to that day plus each previous work-day through the preceding Friday, or Thursday if the previous price reported had been on a Wednesday.

The gross value of a hundredweight of milk used to produce butter and nonfat dry milk would be determined in the following manner. The yield factors presently used by the Price Support Program indicate that one hundredweight of milk yields 4.48 pounds of butter and 8.13 pounds of nonfat dry milk. Thus, the average daily butter price per pound during the first 15 days of each respective month, as determined by the method described in (2) above, would be multiplied by 4.48.

Added to this value would be the value of milk used to produce nonfat dry milk. This would be computed by multiplying the average of the daily prices per pound of high heat, low heat and Grade A nonfat dry milk during the first 15 days of each respective month by 8.13. As with the whey powder prices, the prices of nonfat dry milk are determined on Thursday of each week and reflect the selling prices of nonfat dry milk during the preceding 7-day period. When Thursday is a holiday, the prices are determined on Wednesday. In the formula provided herein, the average of the prices of high heat, low heat and Grade A nonfat dry milk determined for Thursday (or Wednesday) would be applied to that day plus each previous work-day through the preceding Friday or Thursday if the previous price reported had been on Wednesday. As described previously, if any of these nonfat dry milk prices are not reported at some future date, the price used in the formula would be the average of the remaining prices that are reported.

The next computation in the formula adopted herein determines the amounts by which the gross values of milk used to produce cheddar cheese and used to produce butter-nonfat dry milk during the first 15 days of the preceding month exceed or are less than the respective gross values during the first 15 days of the second preceding month. This would be done by subtracting the respective gross values during the first 15 days of the second preceding month from the respective gross values during the first 15 days of the preceding month.

The quantity of milk used to produce cheddar cheese in the States of Minnesota and Wisconsin greatly exceeds the quantity used to produce butter-nonfat dry milk. Accordingly, the changes in gross values described in the previous paragraph should be weighted by the relative proportions of milk used to produce cheddar cheese and butter-nonfat dry milk in these two States. This would be done by converting the quantity of American cheese (cheddar cheese accounts for over 70 percent of all American cheese) and, separately, the quantity of nonfat dry milk [1] produced in the two States combined, as reported and published by the Economics and Statistics Service of the Department for the third preceding month, into their respective milk equivalents (i.e., dividing the two-State quantity of American cheese produced by the 10.1 yield factor for cheddar cheese and dividing the corresponding quantity of nonfat dry milk produced by its yield factor of 8.13). The percentage that the milk equivalent for each separate product is of the total for the two products combined would be multiplied by the respective change in gross values, as described in the previous paragraph, to determine a weighted change in gross values for milk used to produce cheddar cheese and used to produce butter-nonfat dry milk. The weighted changes in gross values would be combined and this combined value would be used to adjust the second preceding month's M–W price. If the combined values for the first 15 days of the preceding month exceeds the corresponding value for the second preceding month, the M–W price would be increased. If it is lower, the M–W price would be reduced. The adjusted M–W price would be the basic Class II formula price for the month.

At the time of the hearing, the Economics and Statistics Service of the Department (ESS) was not publishing the two-State material that would be used in the updating formula provided herein. However, a memorandum provided by ESS was introduced as an exhibit and indicated that ESS would publish the data if it were needed for use in Federal milk orders.

B. *Class II differential.* In the formula adopted herein, the Class II differential would be an amount added to the basic Class II formula price each month to yield a Class II price that, on average, is 10 cents higher than the Class III price. It would be computed on or before the 15th day of the preceding month for use in determining the announced Class II price for the month. The differential would be the amount that the average M–W price plus 10 cents during the most recent 12-month period exceeds the average basic Class II formula price during the same 12-month period.

Discussion. The formula described above is a combination of the proposals supported at the hearing by different witnesses. As described previously in this decision, all parties supported the use of this type of formula for computing the monthly Class II price. The only divergence in views among the hearing participants was whether the butter and cheddar cheese prices used in the formula should be based upon Exchange prices or upon wholesale selling prices and whether the Class II differential should be based upon a 12-month average or a 24-month average comparison.

The MIF/IAICM, Land O' Lakes and witnesses for several proprietary handlers supported using the Exchange prices for determining the price of butter and cheddar cheese. Witnesses for these organizations stated that the prices for virtually all sales of butter and cheddar cheese throughout the country are based upon the weekly prices on the Exchanges. Further, they said, the Exchange prices more accurately reflect the value of milk that is used to produce butter and cheddar cheese than do the wholesale prices because the wholesale prices include premiums that reflect the added value of services which have nothing to do with the value of the milk used to produce the product (e.g., aging cheddar cheese, storage costs, service charges, etc.). In its post-hearing brief the members of Central Milk Producers Cooperative (Chicago Regional market) also supported using the Exchange prices.

[1] Nonfat dry milk is used in the computation because butterfat that is excess to fluid milk operations also is made into butter.

The NMPF and one of its member cooperatives supported using "wholesale selling prices" for determining the price of butter and cheddar cheese. Witnesses for these organizations stated that wholesale prices reflect purchases of butter and cheese by the Government when it is purchasing these products under the Price Support Program. Further, they said that when supplies are short the wholesale prices reflect any premiums paid due to the tight supply-demand conditions. On balance, however, the witness for NMPF testified that the organization would have no major problem if Exchange prices were adopted for use.

The President of the National Cheese Exchange appeared as a witness and described the operation of the Exchange. He said that the Exchange is a nonprofit corporation at Green Bay, Wisconsin, with 44 members at the present time. The members who are present at the Friday morning trading sessions represent about 80–90 percent of all the cheese handled in the United States. Most members of the Exchange are assemblers or processors of cheese as opposed to producers of cheese. He said the rules of the Exchange are designed to assure that the trading is not "rigged." Only those types of cheese that are produced in large quantities and are held by a substantial number of people are traded on the Exchange.

The witness stated that the vast majority of cheese traded in the United States is sold through normal commercial channels. The Exchange, he said, operates as an alternative source of supply or as an alternative market for cheese. The trading sessions are about 30 minutes long, but if trading is active they continue until there is a standstill. This prevents someone from placing a bid or offer at the last few seconds of trading solely for the purpose of influencing the price that would be established for that session. If a bid or offer is made, trading continues until everyone who wants to fill a bid (sell cheese to the bidder) or cover an offer (buy cheese from the person who made the offer) has an opportunity to do so. Another witness stated that when a bid or offer is accepted by another trader this constitutes a sale and a price is established. Only an offer to sell cheese at a lower price can cause the market price to drop and, conversely, only a bid to buy cheese at a higher price can cause the market price to rise. At times when there are no bids or offers it usually means that member supplies of cheese are about in balance with demand or that the Government is buying substantial amounts of cheese under the Price Support Program.

Although no representative of the Chicago Mercantile Exchange presented testimony, one witness described the operation of the Exchange. The witness said that there are about 500 members of the Chicago Mercantile Exchange, all of whom could potentially trade in butter. He said even though only about six people show up at the Friday morning trading sessions, normally they represent the largest butter firms in the United States. Furthermore, he claimed that if any of the other 500 members felt that the Exchange price was too high or too low they could attend the next trading session and alter the price by bidding or offering butter. The actual trading operation of the Chicago Mercantile Exchange appears on the record to be very similar to the operation of the National Cheese Exchange. Again, on the butter Exchange a very small amount of product is actually traded. The witness said that trades on the butter Exchange in 1979 represented only about three-tenths of one percent of all the butter produced in the country.

The "wholesale selling price" method for determining butter and cheddar cheese price involves telephone surveys of wholesale buyers and sellers of the specific product by the Federal-State Market News Service. This is a voluntary program in which the Market News Service has certain contacts throughout the dairy industry who provide the price information that is published weekly by the Dairy Division, AMS, in "Dairy Market News." The record does not indicate the number of persons contacted each week or the specific information requested. One witness testified that the accuracy of the information supplied to the Market News Reporters is verified by comparing the price information furnished by the sellers with the price information furnished by the buyers. The published prices involve actual wholesale selling prices for each product as reported to Market News. With respect to butter and cheddar cheese, the wholesale prices include any premiums paid in excess of the Exchange prices that would reflect tight butter and cheese markets and sales to the Government under the Price Support Program.

Analysis of the record data shows that the use of either price series for butter and cheddar cheese in the formula would result in monthly basic Class II formula prices that are very similar or identical. Also, the record evidence established that the Exchange prices are used by the industry when actually buying or selling butter or other high-fat products and cheddar cheese. Record evidence indicates that it is the Exchanges that set the wholesale prices of butter and cheddar cheese. Most of the time the wholesale prices follow penny for penny any price changes that occurred on the butter and cheese Exchanges during the previous Friday session. Accordingly, it is appropriate that in the computation of the monthly basic Class II formula price the butter price be based upon the Chicago Mercantile Exchange price per pound of Grade A butter and the cheddar cheese price be based upon the National Cheese Exchange price per pound of cheddar cheese in 40-pound blocks, both prices as reported and published by the Dairy Division, AMS.

The NMPF excepted to the use in the formula of the Exchange prices for determining the butter and cheddar cheese prices. Exceptor reiterated the NMPF view stated at the hearing that the reported "Wholesale selling prices" for butter and cheddar cheese are more representative of the value of these products. Exceptor asked that the Department evaluate carefully the evidence on this point before issuing a final decision.

A witness for the NMPF expressed this view at the hearing and the evidence on this point was evaluated carefully in formulating the recommended decision. Exceptor cited no specific testimony in the record as a basis for changing the adopted formula. Accordingly, the exception is denied for the reasons stated previously in the decision.

All parties at the hearing supported the continuation of monthly Class II prices that average 10 cents higher than Class III prices. To achieve this objective they supported using a formula that would base monthly Class II differentials on the historical relationship between the Class III price (Minnesota-Wisconsin price) plus 10 cents and the basic Class II formula price. The NMPF, several of its cooperative association members and one proprietary handler supported using a 12–month comparison in computing the Class II differential while the MIF/IAICM supported using a 24–month comparison.

For the 18–month period of February 1979 through July 1980, Class II differentials based on the 12–month average comparison would have ranged from a low of 16 cents to a high of 27 cents (a spread of 11 cents) and averaged 20.8 cents. The 20.8 cent

average Class II differential results in part from inflation and from the updating techniques adopted herein, which caused the 12-month average of the M-W prices during this period to exceed the 12-month average of the basic Class II formula prices by 19.8 cents. The basic Class II formula price for a particular month is based on data for the preceding month and second preceding month and updates the Minnesota-Wisconsin price to only the 15th day of the preceding month. If inflation subsides in the future, the monthly Class II differentials would approach the intended 10-cent Class II differential.

Based on the 24-month average comparison, Class II differentials that would have applied to the same February 1979–July 1980 period would have ranged from a low of 18 cents to a high of 22 cents (a spread of 4 cents) and would have averaged 20 cents (10 cents of which is due to the factors described previously). As this comparison of the 12-month and 24-month averages indicates, the 12-month averages are more responsive to changes in the Minnesota-Wisconsin price series. Although over the entire 18-month period the average Class II differentials are within one cent of one another, the range in Class II differentials based on the 12-month average was 11 cents while the range based on the 24-month average was 4 cents. Thus, in times of rapid changes in the Minnesota-Wisconsin price series, the 12-month average would cause the Class II differentials to reflect such changes much sooner than the 24-month average. For this reason, it is appropriate to base the monthly Class II differentials on the 12-month average comparisons.

The MIF-IAICM and Borden, Inc., excepted to the procedure adopted in the recommended decision for computing the monthly Class II differential. As described previously, the Class II differential is the amount that would be added to the basic Class II formula price each month to yield a Class II price that, on the average, would be 10 cents higher than the Class III price (the M-W price). The differential would be the amount that the average M-W price plus 10 cents during the most recent 12-month period exceeds the average basic Class II formula price during the same 12-month period.

The MIF-IAICM exception stated that although the organizations do not object to using a 12-month average comparison in determining the Class II differential, they do object to using the basic Class II formula price in the 12-month comparison, rather than using the final Class II price. Exceptor said that if the basic Class II formula price were used in the comparison, the impact of flooring the Class II price at the Class III price level would not be taken into account with the result that the Class II differential would be larger than necessary. Exceptor stated that during the 35-month period from February 1976 through December 1978, the failure to use the final Class II prices in the calculation of the Class II differentials would have caused the Class II prices to average about 1 cent higher than the average of the M-W prices plus 10 cents. Exceptor stated that the record contains no justification for any price increase.

The exception of Borden, Inc., also was concerned about the possibility that the adopted formula for determining the Class II differential each month could result in Class II prices that average more than the M-W prices plus 10 cents. The exceptor stated that the witnesses who had testified on the advance Class II price issue wanted the same Class II prices, over time, that would have resulted from the M-W prices plus 10 cents. The time span exceptor envisioned was 12 or 24 months.

The Borden, Inc., exception indicated that there would be some months when the tentative Class II price would not equal the final Class II price. This would occur in those months when the final Class II price would be floored by the Class III price. In exceptor's view, the 12-month moving adjustment should reflect any amount that the final Class II price exceeds the tentative Class II price so that the average of the final Class II prices over a 12-month period would equal the average of the M-W prices plus 10 cents for the same period. Exceptor stated that this was the result intended by proponents. Otherwise, he said, the Class II differential resulting from the 12-month moving adjustment could be "overstated."

The formula adopted in this decision for computing the monthly Class II differential is the same as the formula proposed by proponents that included a 12-month comparison of the basic Class II formula prices and the M-W prices plus 10 cents. It would not be possible to use the final Class II price in the 12-month average comparisons that determine the Class II differential, as exceptors desire, because the Class II prices for a month (tentative and final) are based, in part, on the Class II differential. Additional steps would be required in the formula to have the monthly Class II differential reflect the amount added to the final Class II price by flooring such price at the Class III price level. However, such option was not among the proposals considered at the hearing. Neither was there any testimony about the possible mechanics for such an alternative. Further, the Class II prices resulting from the adopted formula averaged only 2 cents over the M-W prices plus 10 cents during the 30-month time series (February 1978 through July 1980) that was analyzed from record evidence. This was almost identical to the results from the statistical analysis that proponents entered into evidence to support the objective they wished to accomplish. Accordingly, the exceptions are denied.

2. *Class I price announcement.* The proposal to change the procedure for announcing Class I prices in the 29 markets is denied. Under the proposal, the Class I prices for a particular month would be announced on or before the 15th day of the preceding month. Class I prices would be determined by using a product price formula to update the second preceding month's M–W price and adding the Class I differentials specified in the respective orders.

Presently, the Class I price in each of the orders is announced for a particular month on or before the 5th day of the preceding month. The price is determined by adding a specified Class I differential to the second preceding month's M–W price for milk containing 3.5 percent butterfat. The M-W price represents the average price paid to dairy farmers for manufacturing grade milk delivered to manufacturing plants in the two-State area. Thus, changes in the value of manufacturing grade milk are not reflected in the Class I milk value until two months after they occur.

During periods of rapidly rising prices, such as have prevailed in recent years, this 2-month lag results in Class I prices that do not exceed manufacturing milk values by the full amount of the specified Class I differentials. The NMPF viewed this as an undesirable consequence of the present Class I pricing procedure in the Federal milk orders. Consequently, it proposed that the procedure for announcing Class II prices also be used for announcing Class I prices.

The NMPF witness stated that this change would result in the effective Class I differentials (the difference between the Class I price and the Class III price for the same month) more nearly reflecting the specified Class I differentials. He stated that the specified Class I differentials were found necessary in each of the respective orders to yield Class I prices that would bring forth a sufficient quantity of milk for fluid use. Several witnesses representing individual cooperative association members of the Federation also testified in support of the proposal.

The NMPF's proposal, as submitted to the Department, applied to all 47 Federal orders. At the hearing, NMPF and the individual member cooperative associations that participated at the hearing supported adopting the proposal for the 29 orders of this proceeding and then holding another hearing to consider the proposal in the remaining 18 orders. The MIF/IAICM supported the proposed NMPF procedure for announcing Class I prices, but only if it were adopted in all 47 orders simultaneously. The witness representing these organizations said that if the proposed formula were adopted in the 29 orders before being adopted in the 18 other orders serious price misalignments could be created between adjacent orders in some months.

A witness representing a handler who operates distributing plants regulated by 6 of the 29 orders under consideration also supported the proposal concerning advance notice of the Class I price, but only if it is adopted in all orders simultaneously. He reiterated the view of other witnesses concerning price misalignments that would be created, and stated that his firm probably would have to change distribution patterns from month to month to cope with such a situation unless the change were adopted simultaneously for all orders.

The witness representing a handler who operates both distributing plants and supply plants regulated under several of the 29 orders and under several other orders as well testified that his company took no position concerning the issue.

The procedure for announcing the Class I prices of the 29 orders should not be changed on the basis of this record. Proponents did not describe any disorderly marketing conditions in any of the markets that are being caused either by the present procedure for announcing the Class I price or by any need to "correct" the Class I differentials of the respective orders. It is noted that any so-called "correction" of the Class I differentials could result in a level of Class I prices under the orders that is 9 to 10 cents per hundredweight higher than presently as long as the level of manufacturing milk prices continues to increase as in recent years. Proponents contended that the adoption of their proposal would not represent an increase in Class I prices but would merely reflect a correction in the Class I pricing provisions. Nevertheless, there could be unneeded production incentives under the proposal at a time when, as the record evidence indicates, each of the 29 markets has adequate supplies of milk for Class I use.

In this connection, producer witnesses stated that because of the double-digit rate of inflation in recent years the effective Class I differential has been lower in some months than the apparent margin cooperative associations could receive on milk used to manufacture hard products (e.g., butter, powder and cheese). The witnesses claimed that during certain months in recent years distributing plant operators in some markets had difficulty obtaining milk for Class I and Class II uses because of this. The witnesses, however, did not cite any specific instances in which handlers were short of milk for Class I uses. Further, although representatives of distributing plant handlers in each of the 29 markets were present at the hearing, not one testified that he could not obtain sufficient milk for his Class I needs.

A compelling need for establishing a new Class I price announcement procedure under the 29 orders is not demonstrated by the record evidence. Accordingly, the proposal is denied.

The National Milk Producers Federation, Central Milk Producers Cooperative, Dairymen, Inc., Mid-America Dairymen, Inc., and Land O' Lakes excepted to the denial of the proposal that was considered at the hearing for announcing Class I prices. The exceptors maintained that the adoption of the proposal would not increase effective Class I prices under the 29 orders because over-order prices have been necessary in each of the markets to assure adequate milk supplies. Exceptors claimed that any increase in the order Class I prices that may result from adopting the proposal would be offset by a corresponding reduction in over-order prices. In exceptors' view, additional "stability" in the 29 markets would result if reliance on over-order pricing could be reduced by adopting the same announcement procedure for Class I milk that was adopted for Class II milk.

Such claims do not provide a basis for adopting the proposed Class I price announcement procedure. Exceptors contended that cooperative associations would reduce over-order prices to the extent of the Class I price increases that would result. However, there is no assurance that over-order prices would be lowered. Further, there are no data in the record which indicate that increasing order Class I prices in these 29 markets would provide greater "stability," as exceptors claimed. To the contrary, the record evidence indicates that each of the 29 markets has adequate supplies of milk and, under the proposal, there could be an incentive for unneeded production which could lead to instability and disorderly marketing conditions. Accordingly, the exception of the aforementioned groups is denied.

The MIF–IAICM also excepted to the denial of the proposal which would use the same procedure for announcing Class I prices that was adopted for announcing Class II prices. Exceptors stated that they fully support using the same procedure for announcing both Class I and Class II prices, except that in computing the Class I prices such prices should not be floored by the Class III prices. Also, exceptors indicated that the proposed procedure should not be implemented for Class I pricing purposes until it can be included in all 47 milk orders simultaneously. These are the same views that the MIF–IAICM expressed at the hearing, and they were taken into account in formulating the recommended decision. Exceptors cited no specific testimony in the record as a basis for changing the tentative conclusions. Accordingly, the exception is denied for the reasons stated previously in this decision.

3. *Announcement of Class I and Class II butterfat differentials.* The proposal to announce the Class I and Class II butterfat differentials for the month on or before the 15th day of the preceding month and to make corollary changes in the orders relating to Class III butterfat differentials and producer butterfat differentials is denied.

Presently, a single butterfat differential applies in each of the 29 orders for adjusting prices to reflect the actual butterfat content of the milk being priced. This is stated in the orders as a producer butterfat differential and it is used to adjust the blend prices to producers. There are no separate handler butterfat differentials for adjusting class prices to handlers. The differential is the Chicago wholesale Grade A butter price for the month multiplied by 0.115 and rounded to the nearest one-tenth cent. It is announced by the 5th day after the end of the month in which it applies.

Land O' Lakes, Inc., (LOL) made the proposal for the advance announcement of Class I and Class II butterfat differentials. The LOL witness stated that the proposal would complement the other proposals considered at the hearing for the advance announcement of Class I and Class II prices because the butterfat differential must be known in advance for the other proposals to be of any significant value.

Proponent's witness cited two examples in which a change in the butterfat differentials would have had a

significant effect upon the cost of skim milk that is used to produce cottage cheese. In one of his examples he said the proposed Class II pricing formula would have resulted in an announced Class II price for May 1980 of $12.05 and for June of $11.88, a decrease of 17 cents. He said that under the present provisions, however, the order butterfat differentials increased from $.149 in May to $.158 in June. Thus, he concluded, a cottage cheese manufacturer who would have expected his price of milk to decrease 17 cents from May to June actually would have had a price decrease of 48.5 cents per hundredweight because cottage cheese basically is made from skim milk. His other example involved the months of July and August 1979 and illustrated similar results.

As proposed by proponent, the butterfat differential applicable to Class II milk in the month of May 1980 would have been the average price per pound of Grade A (92-score) butter as reported for the Chicago Mercantile Exchange during the first 15 days of April multiplied by 0.115. The butterfat differential applicable to Class II milk in the month of June 1980 would have been the comparable price of Grade A butter during the first 15 days of May multiplied by 0.115. Using that formula, the May Class II butterfat differential would have been 14.8 cents and the respective June butterfat differential would have been 14.9 cents. On this basis, the cost of skim milk to a cottage cheese manufacturer would have decreased 21 cents in June rather than 48.5 cents under the example cited by proponent. The LOL witness indicated that it is in this type of situation that it is desirable for processors to know in advance what the butterfat differential is for a particular month.

There is not a compelling basis on this record for adopting the advance announcement of Class I and Class II butterfat differentials. Neither handlers nor producers indicated that there were disorderly marketing conditions stemming from the present procedure of announcing a single butterfat differential after the end of the month based on the butter prices for that month. The record does reflect, on the other hand, an apparent reservation on the part of industry members about changing the present butterfat differential provisions. A proposal in the hearing notice, which was submitted by the National Milk Producers Federation, would have provided for the advance announcement of the producer butterfat differential. At the hearing, a witness for the organization stated that the group was abandoning its proposal since its members could not reach a consensus about the general issue of advance announcement of butterfat differentials. The record also raises some question about the practical effect that changing the announcement procedure for butterfat differentials would have on the pricing practices of handlers. A witness for the Milk Industry Foudation and the International Association of Ice Cream Manufacturers stated that not all processors use the same formula in allocating the total value of milk (i.e., the announced class price) between the skim milk and butterfat components or allocate costs to the various products in a manner that fully reflects the butterfat differential. The witness indicated that if handlers know the total cost of milk the handlers, individually, can allocate the cost between the fat and skim portions by whatever techniques they prefer.

It is noted that the proposal of Land O' Lakes would apply to all 29 markets under consideration. Proponent, however, operates in only several of these markets. There is no showing of broadly-based support for the proposal throughout the 29-market area. Under the circumstances described, it would not be appropriate to change the procedure for announcing butterfat differentials in the 29 markets on the basis of this record.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record was considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth therein, the requests to make sure findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an order amending the orders regulating the handling of milk in the aforesaid marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

January 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid marketing areas, except the Red River Valley marketing area, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

Referendum Order to Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 *et seq.*), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the Red River Valley marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be January 1981.

The agent of the Secretary to conduct such referendum is hereby designated to be Richard E. Arnold.

Signed at Washington, D.C., on: July 8, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order [1] amending the orders, regulating the handling of milk in certain specified marketing areas.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending each of the specific orders contained in the recommended decision issued by the Acting Administrator on February 11, 1981, and published in the Federal Register on February 18, 1981 (46 FR 12709) shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein, subject to modifications in §§ .50(b) and .53 in each of the orders.

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. Section 1062.19 is added and reserved and a new § 1062.20 is added to read as follows:§

§ 1062.19 [Reserved]

§ 1062.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1062.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pounds blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:.

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) For each week determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily prices for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1062.50(b) is revised to read as follows:

§ 1062.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1062.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1062.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1062.51a

* * * * *

3. A new § 1062.51a is added to read as follows:

§ 1062.51a Basic class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1062.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1062.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraphs (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1062.53 is revised to read as follows:

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. A new § 1007.20 is added to read as follows:

§ 1007.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1007.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1007.50(b) is revised to read as follows:

§ 1007.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1007.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1007.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1007.51a

* * * * *

3. A new § 1007.51a is added to read as follows:

§ 1007.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1007.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1007.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1007.53 is revised to read as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.19 is added and reserved and a new § 1011.20 is added to read as follows:

§ 1011.19 [Reserved]

§ 1011.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1011.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1011.50(b) is revised to read as follows:

§ 1011.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1011.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1011.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1011.51a.

* * * * *

3. A new § 1011.51a is added to read as follows:

§ 1011.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1011.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1011.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) opf this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1011.52 is revised to read as follows:

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. A new § 1030.20 is added to read as follows:

§ 1030.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1030.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1030.50(b) is revised to read as follows:

§ 1030.50 Class prices.

* * * * *

(b) *Class II price.* a tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1030.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1030.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1030.51a.

* * * * *

3. A new § 1030.51a is added to read as follows:

§ 1030.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1030.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1030.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of

the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. A new § 1032.20 is added to read as follows:

§ 1032.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1032.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the dily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such averge shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1032.50(b) is revised to read as follows:

§ 1032.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1032.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1032.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1032.51a.

* * * * *

3. A new § 1032.51a is added to read as follows:

§ 1032.51a Basic Class II formula price.

The "Basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1032.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1032.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Mulitply the butter price by the yield factor used under the Price Support program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1032.53 is revised to read as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.19 is added and reserved and a new § 1046.20 is added to read as follows:

§ 1046.19 [Reserved]

§ 1046.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1046.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A

work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1046.50(b) is revised to read as follows:

§ 1046.50 Class prices.

* * * * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1046.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1046.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1046.51a.

* * * * * * *

3. A new § 1046.51a is added to read as follows:

§ 1046.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1046.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1046.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Substract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1046.53 is revised to read as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.19 is added and reserved and a new § 1049.20 is added to read as follows:

§ 1049.19 [Reserved]

§ 1049.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1049.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The price used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Diary Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1049.50(b) is revised to read as follows:

§ 1049.50 Class prices.

* * * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1049.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1049.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1049.51a.

* * * * * *

3. A new § 1049.51a is added to read as follows:

§ 1049.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1049.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1049.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor ued under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1049.53 is revised to read as follows:

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth

day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section if effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. A new § 1050.20 is added to read as follows:

§ 1050.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1050.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey power (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey power for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1050.50(b) is revised to read as follows:

§ 1050.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market admnistrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1050.5a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1050.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1050.51a.

* * * * *

3. A new § 1050.51a is added to read as follows:

§ 1050.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1050.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1050.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multipy the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1050.53 is revised to read as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceeding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day or each month the tentative Class II price for the following month.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.19 is added and reserved and a new § 1064.20 is added to read as follows:

§ 1064.19 [Reserved]

§ 1064.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1064.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays.

2. Section 1064.50(b) is revised to read as follows:

§ 1064.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1064.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1064.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1064.51a.

* * * * *

3. A new § 1064.51a is added to read as follows:

1064.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1064.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values for hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1064.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) the gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) the gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute wieghting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraphs (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1064.53 is revised to read as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.19 is added and reserved and a new § 1065.20 is added to read as follows:

§ 1065.19 [Reserved]

§ 1065.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1065.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks, the prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1065.50(b) is revised to read as follows:

§ 1065.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1065.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1065.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1065.51a

* * * * *

3. A new § 1065.51a is added to read as follows

§ 1065.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1065.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section.

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1065.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese, and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1065.53 is revised to read as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1068.19 is added and reserved and a new § 1068.20 is added to read as follows:

§ 1068.19 [Reserved]

§ 1068.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1068.51a.

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A

work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1068.50(b) is revised to read as follows:

§ 1068.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Dirctor of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1068.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1068.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1068.51a.

* * * * *

3. A new § 1068.51a is added to read as follows:

§ 1068.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1068.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1068.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation, and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter: and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divided by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese, and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1068.53 is revised to read as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

1 A new § 1071.20 is added to read as follows:

§ 1071.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1071.51a:

(a) *Butter price* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1071.50(b) is revised to read as follows:

§ 1071.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1071.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the baic formula prices computed pursuant to § 1071.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1071.51a.

* * * * *

3. A new § 1071.51 as is added to read as follows:

§ 1071.51a. Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1071.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1071.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter: and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1071.53 is revised to read as follows:

§ 1071.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this

section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1073—MILK IN THE WICHITA, KANSAS MARKETING AREA

1. Section 1073.19 is added and reserved and a new § 1073.20 is added to read as follows:

§ 1073.19 [Reserved]

§ 1073.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1073.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1073.50(b) is revised to read as follows:

§ 1073.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1073.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1073.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1073.51a.

* * * * *

3. A new § 1073.51a is added to read as follows:

§ 1073.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1073.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1073.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1073.53 is revised to read as follows:

§ 1073.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.19 is added and reserved and a new § 1076.20 is added to read as follows:

§ 1076.19 [Reserved]

§ 1076.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1076.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1076.50(b) is revised to read as follows:

§ 1076.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1076.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1076.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1076.51a.

* * * * *

3. A new § 1076.51a is added to read as follows:

§ 1076.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1076.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1076.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divided by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1076.53 is revised to read as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1079—MILK IN THE IOWA MARKETING AREA

1. Section 1079.19 is added and reserved and a new § 1079.20 is added to read as follows:

§ 1079.19 [Reserved]

§ 1079.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1079.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1079.50(b) is revised to read as follows:

§ 1079.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1079.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1079.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1079.51a.

* * * * *

3. A new § 1079.51a is added to read as follows:

§ 1079.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1079.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1079.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1079.53 is revised to read as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

1. Section 1094.19 is added and reserved and a new § 1094.20 is added to read as follows:

§ 1094.19 [Reserved]

§ 1094.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1094.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A

work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1094.50(b) is revised to read as follows:

§ 1094.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1094.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall not be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1094.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1094.51a.

* * * * *

3. A new § 1094.51a is added to read as follows:

§ 1094.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1094.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1094.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfact dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yeild factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1094.53 is revised to read as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

1. Section 1096.19 is added and reserved and a new § 1096.20 is added to read as follows:

§ 1096.19 [Reserved]

§ 1096.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1096.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey power (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1096.50(b) is revised to read as follows:

§ 1096.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1096.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1096.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1096.51a.

* * * * *

3. A new § 1096.51a is added to read as follows:

§ 1096.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1096.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1096.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Mulitply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1096.53 is revised to read as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth

day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

1. Section 1097.19 is added and reserved and a new § 1097.20 is added to read as follows:

§ 1097.19 [Reserved]

§ 1097.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1097.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92–score) butter. The prices used shall be those of the Chicago Mercantile Exchangee as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey power (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1097.50(b) is revised to read as follows:

§ 1097.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1097.51a for the month plus the amount that the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1097.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1097.51a.

* * * * *

3. A new § 1097.51a is added to read as follows:

§ 1097.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1097.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1097.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply and positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1097.53 is revised to read as follows:

§ 1097.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE MARKETING AREA

1. Section 1098.19 is added and reserved and a new § 1098.20 is added to read as follows:

§ 1098.19 [Reserved]

§ 1098.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1098.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Daily Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1098.50(b) is revised to read as follows:

§ 1098.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1098.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1098.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1098.51a.

* * * * *

3. A new § 1098.51a is added to read as follows:

§ 1098.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1098.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1098.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section.

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1098.53 is revised to read as follows:

§ 1098.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

1. Section 1099.19 is added and reserved and a new §1099.20 is added to read as follows:

§1099.19 [Reserved]

§1099.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1099.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1099.50(b) is revised to read as follows:

§ 1099.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1099.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1099.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1099.51a.

* * * * *

3. A new § 1099.51a is added to read as follows:

§ 1099.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1099.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1099.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing costs used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraphs (c) of this section.

4. Section 1099.53 is revised to read as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1102—MILK IN THE FORT SMITH, ARKANSAS MARKETING AREA

1. Section 1102.19 is added and reserved and a new § 1102.20 is added to read as follows:

§ 1102.19 [Reserved]

§ 1102.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1102.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for the day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which averages shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfact dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A

work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraphs (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1102.50(b) is revised to read as follows:

§ 1102.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1102.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1102.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula price computed pursuant to § 1102.51a.

* * * * *

3. A new § 1102.51a is added to read as follows:

§ 1102.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1102.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1102.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1102.53 is revised to read as follows:

§ 1102.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

1. Section 1104.53 is revised to read as follows:

§ 1104.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

1. A new § 1106.20 is added to read as follows:

§ 1106.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1106.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such averge shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1106.50(b) is revised to read as follows:

§ 1106.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1106.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1106.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1106.51a.

* * * * *

3. A new § 1106.51a is added to read as follows:

§ 1106.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1106.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1106.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1108.53 is revised to read as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.19 is added and reserved and a new § 1108.20 is added to read as follows:

§ 1108.19 [Reserved]

§ 1108.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1108.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Divisions as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1108.50(b) is revised to read as follows:

§ 1108.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1108.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1108.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1108.51a.

* * * * *

3. A new § 1108.51a is added to read as follows:

§ 1108.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1108.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1108.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1108.53 is revised to read as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

1. A new § 1120.20 is added to read as follows:

§ 1120.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1120.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1120.50(b) is revised to read as follows:

§ 1120.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1120.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1120.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1120.51a.

* * * * *

3. A new § 1120.51a is added to read as follows:

§ 1120.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1120.51 for the second preceding month plus or minus the amount computed pursuant to paragraph (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1120.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1120.53 is revised to read as follows:

§ 1120.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. A new § 1126.20 is added to read as follows:

§ 1126.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1126.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey power for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1126.50(b) is revised to read as follows:

§ 1126.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1126.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1126.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1126.51a.

* * * * *

3. A new § 1126.51a is added to read as follows:

§ 1126.51a Basic Class II formula price.

The "Basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1126.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1126.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1126.53 is revised to read as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. Section 1131.19 is added and reserved and a new § 1131.20 is added to read as follows:

§ 1131.19 [Reserved]

§ 1131.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1131.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previosuly reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1131.50(b) is revised to read as follows:

§ 1131.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1131.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1131.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1131.51a.

* * * * *

3. A new § 1131.51a is added to read as follows:

§ 1131.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1131.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1131.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese.

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1131.53 is revised to read as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

1. Section 1132.19 is added and reserved and a new § 1132.20 is added to read as follows:

§ 1132.19 [Reserved]

§ 1132.20 Product prices.

The following product prices shall be used calculating the basic Class II formula price pursuant to § 1132.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Diary Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1132.50(b) is revised to read as follows:

1132.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1132.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1132.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1132.51a

* * * * *

3. A new § 1132.51a is added to read as follows:

§ 1132.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1132.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1132.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfact dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfact dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per

hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1132.53 is revised to read as follows:

§ 1132.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. A new § 1138.20 is added to read as follows:

§ 1138.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1138.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1138.50(b) is revised to read as follows:

§ 1138.50 Class price

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1138.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed to paragraph (b)(2) of this section, except that, for each month after the first month which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1138.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1138.51a.

* * * * *

3. A new § 1138.51a is added to read as follows:

§ 1138.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1138.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1138.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Progam for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1138.53 is revised to read as follows:

§ 1138.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

United States Department of Agriculture—Agricultural Marketing Service

Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ [1] to , all inclusive, of the order regulating the handling of milk in the said marketing area (7 CFR—Part [2]) which is annexed hereto; and

II. The following provisions:

§ [3] *Record of milk handled and authorization to correct typographical errors.*

(a) *Record of milk handled.* The undersigned certifies that he handled during the month of *January 1981,* hundredweight of milk covered by this marketing agreement.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Director, or Acting Director, Dairy Division, Agricultural Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ [3] *Effective date.* This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In witness whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

(Signature) _____
(Seal)
By (Name) (Title) _____
(Address) _____
Attest _____
Date _____

[FR Doc. 81-20508 Filed 7-13-81; 8:45 am]

BILLING CODE 3410-02

[1] First and last sections of the order.
[2] Appropriate part number.
[3] Next consecutive section number.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6327, File No. S7-890]

Automatic Effectiveness of Post-Effective Amendments Filed by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is publishing for comment proposed amendments to the rule governing automatic effectiveness of post-effective amendments to registration statements filed by registered open-end management investment companies and unit investment trusts, other than insurance company separate accounts. The proposed amendments would provide that, under certain conditions, the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not prevent the prior amendment from becoming effective automatically. As a result, a registrant that had filed a post-effective amendment containing a prospectus that disclosed a material event could file another amendment to update the financial statements in the prospectus before the first amendment had become effective, and both amendments would become effective on the same day, sixty days after the filing of the first amendment. The Commission is proposing these amendments primarily to facilitate the process by which an open-end investment company updates its prospectus in order to use the prospectus as the equivalent of an annual report to shareholders.

DATE: Comments must be received on or before August 10, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-890. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Dianne E. O'Donnell, Special Counsel, (202) 272-2093, or Susan P. Hart, Attorney, (202) 272-2098, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today is publishing for comment proposed amendments to paragraphs (b) and (d) of rule 485 [17 CFR 230.485] under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.]. The proposed amendment to rule 485(d) would provide that the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not suspend the sixty-day waiting period initiated by the filing of the prior amendment, provided that the subsequent amendment was filed pursuant to paragraph (b) of rule 485 and that it designated as its effective date the same day as the anticipated effective date of the prior filing. Paragraph (b) of rule 485 would be amended to make the subsequent amendment eligible for filing under that provision. The proposed amendments to

rule 465 would permit an investment company to file a post-effective amendment under paragraph (a) which contains an updated narrative portion of its prospectus but no updated financial statements, and then, before such amendment has become effective, to file a subsequent post-effective amendment pursuant to paragraph (b) containing updated financial statements in addition to the updated narrative. The two amendments would become effective simultaneously, the same day as the anticipated effective date of the amendment filed under paragraph (a). These proposed changes would facilitate the process by which an investment company brings its prospectus up to date when it has experienced a material event requiring disclosure under paragraph (a) but does not have complete or updated financial statements sixty days prior to the desired date of effectiveness.

Although the proposed amendments would not be provided exclusively for the use of such companies, they would make it easier for an open-end management investment company that wished to use its prospectus in lieu of the annual report to shareholders pursuant to revised rule 30d–1 [17 CFR 270.30d–1] under section 30(d) of the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a–29(d)], to bring the prospectus up to date within sixty days after the end of the fiscal year.[1]

Discussion

On August 25, 1980, the Commission adopted rule 465 under the 1933 Act to permit most post-effective amendments to registration statements filed by open-end management investment companies and unit investment trusts, other than insurance company separate accounts, to become effective automatically, without affirmative action on the part of the Commission or its staff.[2] Under paragraph (b) of rule 465, certain routine filings become effective automatically without prior staff review. A post-effective amendment may be filed pursuant to paragraph (b) of the rule for any one or more of the three purposes listed in paragraph (b)(1): increasing the number or amount of securities offered pursuant to section 24(e)(1) of the 1940 Act [15 U.S.C. 80a–24(e)(1)]; registering an indefinite number or amount of securities pursuant to section 24(f) of the 1940 Act [15 U.S.C. 80a–24(f)] and rule 24f–2 thereunder [17 CFR 270.24f–2]; or bringing the financial statements and other information up to date pursuant to section 10(a)(3) of the 1933 Act [15 U.S.C. 77j(a)(3)], and, in conjunction therewith, making such non-material changes as the registrant deems appropriate. A post-effective amendment containing disclosure about any of the six events listed in paragraph (b)(2) of the rule, or about any other material event requiring disclosure in the prospectus, must be filed pursuant to rule 465(a). These amendments are reviewed by the staff in advance of effectiveness and may be the subject of staff comments. In most cases such filings become effective on the sixtieth day after filing.

Paragraph (d) of rule 465 now provides that a post-effective amendment containing a prospectus shall not become effective under paragraph (a) (on the sixtieth day after it is filed) if a subsequent post-effective amendment relating to the same prospectus is filed before such amendment becomes effective. In effect, the filing of a subsequent amendment relating to the same prospectus supersedes the prior amendment. As a result, unless the staff advances the effective date of the subsequent amendment, no post-effective amendment relating to the registrant's prospectus can become effective automatically pursuant to rule 465 until sixty days after the filing of the subsequent amendment. This result obtains because any post-effective amendment relating to a prospectus filed during the pendency of a post-effective amendment filed pursuant to paragraph (a) of rule 465 would itself have to be filed pursuant to paragraph (a). Although rule 465(b)(1)(iii) permits annual updating post-effective amendments [3] to become effective upon (or shortly after) filing, a registrant that has a rule 465(a) filing pending would not be able to rely on rule 465(b) for a subsequent amendment relating to its prospectus, because it would not be able to make the representations required by paragraphs (b)(2) and (b)(3).[4] Those provisions require the registrant to represent that it has not experienced a material event, either one listed in the rule itself or one "requiring disclosure in the prospectus," since the *effective* date of its 1933 Act registration statement or most recent post-effective amendment thereto.

As a result of the operation of the rule, a registrant that must file pursuant to rule 465(a) but that does not have all the information necessary to bring its prospectus up to date as of sixty days before its desired effective date must either file a post-effective amendment under rule 465(a) sixty days before its desired effective date, supplying mission information in a subsequent post-effective amendment also filed under rule 465(a), or delay filing until all the information is available and then file a post-effective amendment under rule 465(a). In either event, to become effective on the desired date the registrant must request the staff to advance the effective date of the amendment. This result is undesirable for registrants in view of the Commission's statement, in the release proposing rule 465, that "the fact that a registrant's prospectus is, or is about to become, stale would not be considered sufficient reason for the Commission or staff to exercise its power to set an effective date earlier than sixty days after filing."[5]

The problems raised by this procedure were emphasized by the Commission's revision of rule 30d–1 under the 1940 Act to permit open-end management investment companies, *inter alia*, to use prospectuses in lieu of reports to shareholders. To take advantage of this option, a registrant must have its updated prospectus become effective and be transmitted to its shareholders within sixty days after the end of its fiscal year, in orde to transmit its report to shareholders on time.[6] A registrant that had to file under rule 465(a), however, would not have an effective prospectus until sixty days after filing. Accordingly, it would have to file its post-effective amendment no later than the end of the fiscal year. In order to update the prospectus, however, the post-effective amendment would need to contain current financial statements, which would generally not be ready until at least thirty days after the end of the fiscal year. Therefore, a registrant that wished to send a prospectus in place of an annual report would have to file, before the end of the company's fiscal year, an amendment under rule 465(a) containing an updated narrative portion of the prospectus but not updated financial statements. After the paragraph (a) amendment became effective, but within sixty days after the end of the fiscal year, the company would then make a separate filing under rule 465(b) containing the newly effective narrative plus updated financial statements, to become effective at such time as it could be used in lieu of the annual report. As a result, the company would, within a short period of time, have three separate prospectuses: the old one, the one with an updated narrative, and the fully updated one.

The Commission agrees with the commentators on proposed revised rule 30d-1 that this procedure is unduly cumbersome for a registrant that must file its annual updating amendment under rule 465(a). Comtemporaneously with the adoption of revised rule 30d-1, therefore, the Commission is proposing amendments to rule 465(d) to provide that, under certain circumstances, the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not suspend the sixty-day waiting period initiated by the filing of the prior amendment. The subsequent amendment would have to be filed pursuant to paragraph (b) of the rule, and would have to designate as its effective date the same day as the effective date of the prior amendment. The Commission is also proposing amendments to rule 465(b) to permit the subsequent amendment to be filed under that paragraph, despite the pendency of a filing under paragraph (a).

As applied to a registrant that wanted to use its prospectus in place of an annual report to shareholders, the proposed amendments to rule 465 would permit the registrant to file the updated narrative portion of its prospectus under paragraph (a) shortly before the end of its fiscal year. During the sixty-day waiting period, the registrant would file another amendment under paragraph (b) containing the updated financial statement (and such other non-material changes as the registrant deemed appropriate) and designating as its effective date the same day as the effective date of the prior filing. As a result, the registrant would have a fully updated prospectus become effective within sixty days after the close of the fiscal year, in time for the prospectus to be used in place of the annual report.

As was stated in the release adopting rule 465,[7] registrants can know at any time the date upon which their current prospectuses will become stale. Similarly, they can determine the date by which they must send their prospectuses to shareholders in lieu of an annual report under revised rule 30d-1. As a result, the Commission believes that, under the amendment being proposed herein, registrants that must file their new prospectuses under rule 465(a) will nonetheless be able to take advantage of the new integrated disclosure procedures described in Investment Company Act Release No. 11850, without the undue burden that might result absent the amendment.

Text of Proposed Amendments to Rule 465

It is proposed to amend Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising the introductory text of paragraphs (b), (b)(2) and (3), and paragraph (d) of § 230.465 to read as follows:

§ 230.465 Effective date of post-effective amendments filed by certain registered investment companies.

* * * * *

(b) Except as otherwise provided in this section, a posteffective amendment to a registration statement filed by a registered open-end management investment company or unit investment trust, other than a registered separate account as defined in section 2(a)(37) of the Investment Company Act of 1940 [15 U.S.C. 80a-2(a)(37)], shall become effective on the date upon which it is filed with the Commission, or such later date designated by the registrant on the facing sheet of the amendment, which date shall be not later than twenty days after the date on which the amendment is filed, provided that the following conditions are met:

* * * * *

(2) Any prospectus filed as a part of such amendment does not include disclosure relating to any of the following events to extent that such events have occurred since the effective date of the registrant's registration statment or the effective date of its most recent post-effective amendment thereto which included a prospectus, whichever is later, unless such events are disclosed in a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective:

* * * * *

(3) The registrant represents that no material event requiring disclosure in the prospectus, other than one listed in paragraph (b)(1) of this section, has occurred since the latest of the following three dates: (i) the effective date of the registrant's registration statement; (ii) the effective date of its most recent post-effective amendment to its registration statement which included a prospectus; or (iii) the filing date of a post-effective amendment filed pursuant to paragraph (a) of this section which has not yet become effective; and

* * * * *

(d)(1) Except as provided in paragraph (d)(2) of this section, a post-effective amendment which includes a prospectus shall not become effective pursuant to paragraph (a) of this section if a subsequent post-effective amendment relating to such prospectus is filed before such amendment becomes effective.

(2) A post-effective amendment which includes a prospectus shall become effective pursuant to paragraph (a) of this section notwithstanding the filing of a subsequent post-effective amendment relating to such prospectus, *Provided*, That such subsequent amendment is filed pursuant to paragraph (b) of this section, *And provided further*, That such subsequent amendment designates as its effective date the date on which the prior post-effective amendment shall become effective pursuant to paragraph (a). If another post-effective amendment relating to the same prospectus is filed pursuant to paragraph (a) of this section before the prior amendments filed pursuant to paragraphs (a) and (b) of this section have become effective, neither the prior amendment filed pursuant to paragraph (a) nor the amendment filed pursuant to paragraph (b) shall become effective pursuant to this section.

* * * * *

Regulatory Flexibility Certification

The Chairman of the Commission has certified that the proposed amendments, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Statutory Authority

The Commission hereby proposes amendments to rule 465 for comment pursuant to the provisions of sections 7, 8 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77g, 77h and 77s(a)].

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[1] Revised rule 30d–1 is being adopted on this date by the Commission in Investment Company Act Release No. 11850 published under Rules and Regulations in this issue.

[2] Securities Act Release No. 6229 [45 FR 57702, Aug. 29, 1980].

[3] That is, amendments filed to bring the financial statements and other information in the prospectus up to date pursuant to section 10(a)(3) of the 1933 Act.

[4] On the other hand, an amendment made only under paragraphs (b)(1)(i) or (b)(1)(ii) of the rule—to register additional shares or an indefinite number of shares—can be filed and become effective automatically while a paragraph (a) filing is pending, because it does not contain a prospectus. *See* General Instruction F.3. of Form N–1 [17 CFR 239.15, 274.11].

[5] Securities Act Release No. 6205 (April 3, 1980) [45 FR 24500, April 10, 1980].

[6] The Commission has extended the time period for mailing shareholder reports from forty-five to sixty days in order to provide more time for open-end companies to take advantage of this provision. The Commission determined that sixty days was the maximum period of time it could permit, in view of the requirement of section 30(d) of the 1940 Act that information in a shareholder report be "as of a reasonably current date."

[7] *See* note 2 *supra*.

By the Commission.
George A. Fitzsimmons,
Secretary.
July 8, 1981.

REGULATORY FLEXIBILITY CERTIFICATION

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to rule 465 [17 CFR 230.465] under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.] set forth in Securities Act Release No. 6327, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the amendments propose changes in filing procedures for post-effective amendments which will reduce or have no effect on the costs involved in preparing and filing documents with the Commission.

Dated: July 6, 1981.
John S.R. Shad,
Chairman.

[FR Doc. 81-20696 Filed 7-13-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 25, 31, 54, and 301

[EE-7-78]

Individual Retirement Plans and Simplified Employee Pensions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to individual retirement plans and simplified employee pensions. Changes to the applicable law were made by the Employee Retirement Income Security Act of 1974, the Tax Reform Act of 1976, the Revenue Act of 1978 and the Technical Corrections Act of 1979. The regulations would provide the public with the guidance needed to comply with these Acts and would affect institutions which sponsor individual retirement plans and simplified employee pensions. The regulations also affect employers and individuals who use these plans for retirement income.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 14, 1981. The amendments would have varying effective dates. The provisions relating to spousal individual retirement plans are generally effective for taxable years beginning after December 31, 1976. The provisions relating to simplified employee pensions are generally effective for taxable years beginning after December 31, 1978. The provisions defining "active participant" for individuals covered by defined benefit offset plans are effective for taxable years beginning after December 31, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE-7-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: William D. Gibbs of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1), the Gift Tax Regulations (26 CFR Part 25), the Employment Tax Regulations (26 CFR Part 31), the Regulations on Pension Excise Taxes (26 CFR Part 54) and the Procedure and Administration Regulations (26 CFR Part 301) under sections 62, 219, 220, 404, 408, 409, 2503, 3121, 3306, 4973, 4974, and 6693 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 2002(d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 966), section 1501 of the Tax Reform Act of 1976 (90 Stat. 1734), sections 152, 156(c) and 157 of the Revenue Act of 1978 (92 Stat. 2797, 2802, 2803), and sections 101(a)(10), (101)(a)(14)(A), 101(a)(14)(B), and 101(a)(14)(E)(ii) of the Technical Corrections Act of 1979 (94 Stat. 201-205). These regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

On August 8, 1980, the **Federal Register** published final regulations relating to individual retirement plans under the Income Tax Regulations (26 CFR Part 1) under sections 219, 408, 409 and under the Pension Excise Taxes (26 CFR Part 54) under section 4974 (45 FR 52782). Also, because of subsequent statutory provisions, some of the proposed regulations published on February 21, 1975 (40 FR 7661) were withdrawn in connection with those final regulations. The preamble to those final regulations indicated that regulations under other statutory provisions relating to retirement plans would be reproposed at a later date. This document contains these reproposed amendments, other than those relating to the rollover rules under Code sections 402 and 403. The Service intends to repropose these rules at a later date in connection with the regulations under Code sections 402 (a) (5), (6) and (7), and 403 (a) (4), (6) and (8).

Spousal Individual Retirement Plans

Internal Revenue Code section 220 allows an individual to deduct amounts contributed to an individual retirement plan maintained for the individual's benefit and an individual retirement plan maintained for the benefit of the individual's non-employed spouse. The proposed regulations set forth the type of funding arrangements which must be used and additional limitations and restrictions the individual and spouse must meet in order for the individual to obtain this deduction.

Simplified Employee Pensions

Internal Revenue Code section 408 (k) sets forth rules for simplified employee pension ("SEP's"). The proposed regulations, §§ 1.408-7 through -9, indicate to employers and sponsoring institutions what requirements these arrangements must meet. Section 1.404 (h)-1 of the proposed regulations sets forth the special deduction limitations for employers under Code section 404 (h). Sections 1.219-1 (d) (4) and 1.219-3 of the proposed regulations set forth the rules governing the inclusion/deduction rules for employees for employer contributions to SEP's.

An employee will be allowed to deduct an employer contribution to a simplified employee pension. In general, the maximum amount the employee will be allowed to deduct is the lesser of 15 percent of compensation includible in gross income or $7,500. Proposed § 1.219-3 makes it clear that the deduction and the compensation are computed separately with respect to each employer's arrangement. Thus, an employee who has two or more employers can use only the compensation from the employer maintaining the simplified employee pension arrangement in computing the section 219 (b) (7) limitation. On the other hand, if two or more employers of an employee each maintain a simplified employee pension arrangement, the employee will be allowed to deduct each employer's contribution, up to the compensation and dollar limit applied separately to each employer. Special limitations apply to certain related employers under Code section 414 (b) and (c) and to self-employed individuals.

Certain rules have been included to make SEP arrangements more administrable by employers and the Service. Under proposed § 1.408-7 (d) (1) (iii) an employer is not required to make a contribution to the SEP of an otherwise eligible employee who receives less than $200 compensation for a calendar year. This relieves employers of the burden of setting up SEP's to which very shall amounts of money will be contributed (the maximum deductible contribution would equal $30 (15% or $200)). This rule was published by the Service in Announcement 80-112, 1980-36 I.R.B. 35.

Further, under proposed § 1.408-7 (d) (2), employers may execute necessary documents on behalf of employees who are unwilling or unable to execute those documents or whom the employer is unable to locate. This remedial rule prevents an employer's SEP arrangement from being disqualified because of a recalcitrant employee or one who has left the employer's service and is unable to be located by the employer. (See also proposed § 1.408-9 (c) for possible reporting requirements in this instance.) Comments are requested as to what alternative remedial action, in lieu of execution on behalf of employees, employers would wish to take to avoid disqualification of their SEP arrangements. Comments also are requested on this proposed rule as to whether in a particular State there is any law that would preclude this action by the employer on the employee's behalf.

Employer contributions which exceed the amounts called for under the written allocation formula for the SEP arrangement are treated as if made to the employee's individual retirement account or individual retirement annuity, maintained outside the employee's SEP. It is contemplated that the employer, when it discovers the erroneous contribution, will notify the employee of the amount of the non-SEP contribution made in excess of the allocation formula. Because this amount may result in an excess contribution when made the employee may wish to take appropriate action in order to avoid IRA penalties. The normal IRA rules under Code section 219 apply in such a situation. This rule is proposed in order to prevent the entire SEP arrangement from being disqualified due to an inadvertent error on the part of the employer, such as an incorrect calculation of employee compensation. Under Code setion 408(k), the entire SEP arrangement could be disqualified on account of the excess contribution. This rule is proposed to provide relief in such cases. See proposed § 1.408-7(f) and the example of how the rule would operate in a particular case.

Proposed § 1.408-7(c)(2) contains a special rule clarifying the relationship between SEP's and salary reduction agreements. This rule makes it clear that employer contributions to an employee's individual retirement account or annuity that are made under a salary reduction agreement between the employer and employee are not treated as employer contributions to an employee's simplified employee pension. Thus, if the employee may elect either a contribution or current compensation, the contribution is treated as an employee contribution and, therefore, is not eligible for the favorable SEP arrangement rules.

Similarly, other contributions such as voluntary contributions made by the employee, or on behalf of the employee by the employer as the agent for the employee (such as by payroll withholding), are treated as employee contributions.

Even though the employer picks the insitution or substantially influences the employee's choice of the institution to which the employer makes the SEP contribution and which serves as trustee or sponsor for the employee's DEP, the SEP arrangement remains qualified under the Code. Further, this action by the employer is not a prohibition on withdrawal of funds within the meaning of Code section 408(k)(4)(B). The employer should, however, be aware that the Department of Labor may require special reporting for such action. (See 29 CFR 2520.104-48 (1980) and 29 CFR 2520.104-49 (1981).)

Proposed § 1.408-9 contains reporting requirements for SEP's. Employer who use the Service's Model Simplified Employee Pension Arrangement (Form 5305-SEP) and furnish the Model to their employees will satisfy the disclosure requirements relating to adoption of the SEP arrangement. Further, if the employer reports the amount of the SEP contribution on an employee's W-2, the annual reporting requirements will be satisfied. The Department of Labor also has reporting requirements for SEP's, which are in addition to the requirements of the Internal Revenue Service. (See 29 CFR 2520.104-48 (1980) and 29 CFR 2520.104-49 (1981).)

Employers who failed to make required contributions on behalf of employees for calendar year 1979 because the employees were no longer employed at the end of the employer's taxable year may make such "make up" contributions before January 1, 1981. This conforms to Announcement 80-112, 1980-36 I.R.B. 35. This relief is given because employers may not have anticipated the rules contained in that announcement and § 1.408-7(d) (1), (2) and (3), relating to which employees are entitled to receive an allocation. It is expected that employers who make such contributions will comply with the reporting requirements of § 1.408-9 (b) and file amended tax returns. Likewise, employees who receive such contributions are expected to file amended tax returns.

Other Amendments

Conforming and technical amendments made by the Tax Reform Act of 1976, the Revenue Act of 1978, and the Technical Corrections Act of 1979 have been made to the regulations under Code sections 62, 219, 220, 404, 408, 409, 415, 3121, 3306, 4973, 4974, and 6693.

Also, regulations are proposed which define "active participant" under section 219 (b) (2) for individuals who are covered with Federal or State benefits such as social security benefits. These rules were requested by commentators at the public hearing held July 19, 1979, on the reproposed active participant rules, and in other written comments on those proposed regulations published in the **Federal Register** on March 23, 1979 (44 FR 17754). This proposed rule allows employees to make IRA contributions when, in effect, they get no benefit from their employers' plans

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not consititute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written coments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held,

notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is William D. Gibbs of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1, 25, 31, 54, and 301 are as follows:

Income Tax Regulations (26 CFR Part 1)

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.62–1 is amended by revising paragraph (c)(13) to read as follows:

§ 1.62–1 Adjusted gross income.

* * * * *

(c) * * *

(13) Deductions allowed by sections 219 and 220 for contributions to an individual retirement account described in section 408 (a), for an individual retirement annuity described in section 408 (b), or for a retirement bond described in section 409;

Par. 2. Section 1.219–1 is revised by adding: (1) a new subdivision (iv) to paragraph (b) (2), and (2) new paragraphs (d) and (e) to read as follows:

§ 1.219–1 Deduction for retirement savings.

* * * * *

(b) *Limitations and restrictions.* * * *

(2) *Restrictions.* * * *

(iv) *Alternative deduction.* No deduction is allowed under subsection (a) for the taxable year if the individual claims the deduction allowed by section 220 (relating to retirement savings for certain married individuals) for the taxable year.

* * * * *

(d) *Time when contributions deemed made*—(1) *Taxable years beginning before January 1, 1978.* For taxable years beginning before January 1, 1977, a taxpayer must make a contribution to an individual retirement plan during a taxable year in order to receive a deduction for such taxable year. For taxable years beginning after December 31, 1976, and before January 1, 1978, a taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than 45 days after the end of such taxable year. A contribution made not later than 45 days after the end of a taxable year shall be treated as made on account of such taxable year if the indivudual specifies in writing to the trustee, insurance company, or custodian that the amounts contributed are for such taxable year.

(2) *Taxable years beginning after December 31, 1977.* For taxable years beginning after December 31, 1977, a taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). A contribution made not later than the time prescribed by law for filing the return for a taxable year (including extensions thereof) shall be treated as made on account of such taxable year if it is irrevocably specified in writing to the trustee, insurance company, or custodian that the amounts contributed are for such taxable year.

(3) *Time when individual retirement plan must be established.* For purposes of this paragraph, an individual retirement plan need not be established until the contribution is made.

(4) *Year of inclusion in income.* Any amount paid by an employer to an individual retirement account, for an individual retirement annuity or for an individual retirement bond (including an individual retirement account or individual retirement annuity maintained as part of a simplified employee pension plan) shall be included in the gross income of the employee for the taxable year for which the contribution is made.

(e) *Excess contributions treated as contribution made during subsequent year for which there is an unused limitation*—(1) *In general.* If for the taxable year the maximum amount allowable as a deduction under this section exceeds the amount contributed, then the taxpayer, whether or not a deduction is actually claimed, shall be treated as having made an additional contribution for the taxable year in an amount equal to the lesser of—

(i) The amount of such excess, or

(ii) The amount of the excess contributions for such taxable year (determined under section 4973 (b)(2) without regard to subparagraph (C) thereof).

(2) *Amount contributed.* For purposes of this paragraph, the amount contributed—

(i) Shall be determined without regard to this paragraph, and

(ii) Shall not include any rollover contribution.

(3) *special rule where excess deduction was allowed for closed year.* Proper reduction shall be made in the amount allowable as a deduction by reason of this paragraph for any amount allowed as a deduction under this section or section 220 for a prior taxable year for which the period for assessing a deficiency has expired if the amount so allowed exceeds the amount which should have been allowed for such prior taxable year.

(4) *Effective date.* (i) This paragraph shall apply to the determination of deductions for taxable years beginning after December 31, 1975.

(ii) If, but for this subdivision, an amount would be allowable as a deduction by reason of section 219 (c)(5) for a taxable year beginning before January 1, 1976, such amount shall be allowable only for the taxpayer's first taxable year beginning in 1976.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples. (Assume in each example, unless otherwise stated, that B is less than age 70½ and is not covered by a simplified employee pension or a plan described in section 219 (b)(2).)

Example (1). (i) B, a calendar-year taxpayer, earns $8,000 in compensation includible in gross income for 1979. On December 1, 1979, B establishes an individual retirement account (IRA) and contributes $1,500 to the account. B does not withdraw any money from the IRA after the initial contribution. Under section 219 (b)(1), the maximum amount that B can deduct for 1979 is 15% of $8,000 or $1,200. B has an excess contribution for 1979 of $300.

(ii) For 1980, B has compensation includible in gross income of $12,000. B makes a $1,000 contribution to his IRA for 1980.

(iii) Although B made only a $1,000 contribution to his IRA for 1980, under the rules contained in this paragraph, B is treated as having made an additional contribution of $300 for 1980 and will be allowed to deduct $1,300 as his 1980 IRA contribution.

Example (2). (i) For 1979, the facts are the same as in *Example (1).*

(ii) For 1980, B has compensation includible in gross income of $12,000. B makes a $1,500 contribution to his IRA for 1980.

(iii) B will be allowed a $1,500 deduction for 1980 (the amount of his contribution). B will not be allowed a deduction for the $300 excess contribution made in 1979 because the maximum amount allowable for 1980 does not exceed the amount contributed.

Example (3). (i) For 1979, the facts are the same as in *Example (1).*

(ii) For 1980, B has compensation includible in gross income of $12,000. B makes a $1,400 contribution to his IRA for 1980.

(iii) For 1980, B will be allowed to deduct his contribution of $1,400 and $100 of the excess contribution made for 1979. He will not be allowed to deduct the remaining $200 of the excess contribution made for 1979 because that would make his deduction for 1980 more than $1,500, his allowable deduction for 1980.

(iv) For 1981, B has compensation includible in gross income of $15,000. B makes a $1,300 contribution to his IRA for 1981.

(v) B will be allowed to deduct the remaining $200 and his $1,300 contribution for 1981.

Example (4). (i) For 1979, the facts are the same as in *Example (1).*

(ii) For 1980, B has compensation includible in gross income of $12,000. B makes a $1,000 contribution to his IRA for 1980. B is allowed to deduct the $300 excess contribution for 1980 but fails to do so on his return. Consequently, B deducts only $1,000 for 1980.

(iii) Under no circumstances will B be allowed to deduct the $300 excess contribution made for 1979 for any taxable year after 1980 because B is treated as having made the contribution for 1980.

Example (5). (i) For 1979, the facts are the same as in *Example (1).*

(ii) For 1980, B has compensation includible in gross income of $15,000 and is an active participant in a plan described in section 219 (b) (2) (A).

(iii) B will not be allowed to deduct for 1980 the $300 excess contribution for 1979 because the maximum amount allowable as a deduction under sections 219 (b) (1) and 219 (b) (2) is $0.

Par. 3. Section 1.219–2 is amended by: (1) revising the first sentence of paragraph (b) (1); (2) renumbering paragraph (b) (2), (3), and (4) as paragraph (b) (3), (4) and (5), respectively, and adding a new paragraph (b) (2) before the renumbered paragraph (b) (3), (4) and (5); (3) revising paragraph (f) and (4) adding new examples (3), (4) and (5) after *Example (2)* in paragraph (h). These revised and added provisions read as follows:

§ 1.219–2 Definition of active participant.

* * * * *

(b) *Defined benefit plans*—(1) *In general.* Except as provided in subparagraphs (2), (3), (4) and (5) of this paragraph, an individual is an active participant in a defined benefit plan if for any portion of the plan year ending with or within such individual's taxable year he is not excluded under the eligibility provisions of the plan. * * *

(2) *Special rule for offset plans.* For taxable years beginning after December 31, 1980, an individual who satisfies the eligibility requirements of a plan under which benefits are offset by Social Security or Railroad Retirement benefits is not considered an active participant by virtue of participation in such plan for a particular plan year if such individual's compensation for the calendar year during which such plan year ends does not exceed the offset plan's breakpoint compensation amount for such plan year. Breakpoint compensation is the maximum compensation determined for the plan for a plan year tht any participant could earn and have a projected benefit from the offset plan of $0. For purposes of determining the projected plan benefit, the following assumptions are made: plan participation begins at age 25 and maximum credited service is earned for participation from age 25 to age 65 regardless of the participant's actual participation; plan benefits, including the offset, are based on W–2 earnings from the employer for such calendar year regardless of the definition of compensation on which plan benefits are based; and the projected Social Security Primary Insurance Amount (PIA) is computed under a formula that the Commissioner may, from time to time, prescribe for this purpose.

* * * * *

(f) *Certain individuals not active participants*—(1) *Election out of plan.* For purposes of this section, an individual who elects pursuant to the plan not to participate in the plan will be considered to be ineligible for participation for the period to which the election applies. In the case of a defined benefit plan, such an election shall be effective no earlier than the first plan year commencing after the date of the election.

(2) *Members of reserve components.* A member of a reserve component of the armed forces (as defined in section 261(a) of Title 10 of the United States Code) is not considered to be an active participant in a plan described in section 219(b)(2)(A)(iv) for a taxable year solely because he is a member of a reserve component unless he has served in excess of 90 days on active duty (other than military duty for training) during the year.

(3) *Volunteer firefighters.* An individual whose participation in a plan described in section 219(b)(2)(A)(iv) is based solely upon his activity as a volunteer firefighter and whose accrued benefit as of the beginning of the taxable year is not more than an annual benefit of $1,800 (when expressed as a single life annuity commencing at age 65) is not considered to be an active participant in such a plan for the taxable year.

* * * * *

(h) *Examples.* * * *

Example (3). (i) For plan year X the annual projected Social Security PIA is determined as follows:

Compensation range [1]	PIA formula [1]
$0 to $1,626	PIA = $1,464.
$1,627 to $2,160	PIA = .90 (compensation).
$2,161 to $13,020	PIA = .32 (compensation) + $1,255.
$13,021 to $22,900	PIA = .15 (compensation) + $3,466.
$22,901 and over	PIA = $6,901.

[1] These numbers are for illustrative purposes only.

(ii) V is a defined benefit plan which provides a normal retirement benefit of 1.5% of high five-year average earnings excluding overtime pay, minus 2% of Social Security PIA, the difference multiplied by years of plan participation up to a maximum of 30 years. V provides that individuals commence plan participation on their date of employment. Normal retirement age is 62. V's breakpoint compensation for the plan year ending in year X can be determined as follows:

I. Determine V's projected benefits:

An individual credited with 40 years of service (from age 25 to 65) would have a projected benefit of:

(30) (1.5% (compensation) −2% (PIA))

or

45% (compensation) −60% (PIA).

Note that in the determination of the projected benefit, the normal retirement age is assumed to be age 65 rather than the actual normal retirement age of 62, the participant is assumed to have 40 years of credited service, and the plan definition of compensation is assumed to be the same as is used to compute the Social Security benefit.

II. Determine V's formula compensation changepoints. The formula compensation changepoints are amounts where the projected benefit formula, expressed in terms of compensation, changes:

Since V's benefit formula applies uniformly to all compensation, the compensation changepoints are determined by the PIA portion only, and are

a. $1,626.

b. 2,160.

c. 13,020.

d. 22,900.

III. Determine which of the formula compensation changepoints first produces a projected benefit greater than 0. This can be done by testing the projected benefit for compensation amounts equal to V's compensation changepoints:

a. Formula compensation changepoint equal to $1,626.

i. Projected benefit = 45% × 1,626 − 60% × 1,464 = 0.

V's compensation breakpoint, therefore, exceeds $1,626.

b. Formula compensation changepoint equal to $2,160.

i. Projected benefit = 45% × 2,160 − 60% × (90 × 2,160) = 0.

V's compensation breakpoint, therefore, exceeds $2,160.

c. Formula compensation changepoint equal to $13,020.

i. Projected benefit = 45% × 13,020 − 60% × (.32 × 13,020 + 1,253) = 2,607.

V's compensation breakpoint is, therefore, in the compensation range $2,161 to $13,020.

IV. Determine V's compensation breakpoint within the $2,161 to $13,020 compensation range.

V's compensation breakpoint can be determined by finding the greatest compensation that will result in a projected benefit of 0 for this compensation range:

a. 45% × compensation − 60% × (.32 × compensation + 1,253) = 0.

b. Eliminate the parentheses in equation a by multiplying each of the terms within the parentheses by − 60%. 45% × compensation − 19.2% × compensation − 751.80 = 0.

c. Add 751.80 to both sides of equation in b and combine the first two terms. 25.8% × compensation = 751.80.

d. Dividing both sides of the equation in c by 25.8%, V's breakpoint compensation for 1979 = $2,914.

V. Therefore, individuals whose W–2 earnings from the employer do not exceed $2,914 in year X are not considered active participants by virtue of participating in Plan V.

Example (4). For year X the annual projected Social Security PIA is determined as in *Example (3).*

T is a defined benefit plan which provides a normal retirement benefit equal to 20% of final average earnings plus 10% of such earnings in excess of $2,000 minus 45% of PIA, the net result reduced pro-rata for participation less than 15 years. Participation commerces upon attainment of age 20. Normal retirement age is 65.

I. Determine T's projected benefit for year X.

An individual credited with 40 years of service (from age 25 to 65) would have projectd benefit of:

20% of compensation plus 10% of compensation in excess of $2,000, if any *minus*
45% of PIA

II. Determine T's formula compensation changepoints.

$2,000 is a formula compensation changepoint, in addition to the four PIA changepoints, since T's benefit formula changes at this compensation amount. The five formula compensation changepoints are:

a. $1,626.
b. 2,000.
c. 2,160.
d. 13,020.
e. 22,900.

III. Determine which of T's formula compensation changepoints first produces a projected benefit greater than 0.

a. Compensation changepoint equal to $1,626.

i. Projected benefit = 20% × 1,626 + 10% × 0 − 45% × 1.424 = 0.

T's compensation breakpoint, therefore, exceeds $1,626.

b. Compensation changepoint equal to $2,000

i. Projected benefit = 20% × 2,000 + 10% × 0 − 45% × (.80 × 2,000) = 0.

T's compensation breakpoint, therefore, exceeds $2,000.

c. Compensation breakpoint equal to $2,160.

i. Projected benefit = 20% × 2,160 + 10% × (2,160 − 2,000) − 45% × (.90 × 2,160) = 0.

T's compensation breakpoint, therefore, exceeds $2,160.

d. Compensation changepoint equal to $13,020.

i. Projected benefit = 20% × 13,020 + 10% (13,020 − 2,000) − 45% × (.32 × 13,020 + 1,253) = 1,267.

T's compensation breakpoint, therefore, in the compensation range $2,160 to $13,020.

IV. Determine T's breakpoint compensation within the $2,160 to $13,020 range.

T's compensation breakpoint can be determined by finding the greatest compensation that will result in a projected benefit of 0 for this range:

a. 20% × comp. + 10% × (comp. − 2,000) − 45% × (.32 × comp. + 1,253) = 0.

b. Eliminating both parenthesis in equation a. by multiplying each of the terms within by the appropriate percentage.

20% × comp. + 10% × comp. − 200 − 14.4% × comp. − 563.85 = 0.

c. Add 763.85 to both sides of equation and combine remaining terms in equation b.

15.6% × comp. = 763.85.

d. Dividing each side of equation c. by 15.6%, T's breakpoint compensation for year X = $4,896.

V. Therefore, individuals whose W–2 earnings do not exceed $4,896 in year X are not considered active participants by virtue of participating in Plan T.

Example (5). Assume the same facts as *Example (4),* except that T also provides a minimum monthly benefit of $100 for participants with 15 or more years of plan participation. There is no compensation amount which will produce a projected benefit of $0. Therefore, all individuals who satisfy T's eligibility requirements are considered active participants.

Par 4. There are added after § 1.219–2 the following new sections:

§ 1.219–3 Limitation on simplified employee pension deductions.

(a) *General rule*— (1) *In general.* Under section 219(b)(7), if an employer contribution is made on behalf of an employee to a simplified employee pension described in section 408(k), the limitations of this action, and not section 219 (b)(1) and § 1.219–1(b)(1), shall apply for purposes of computing the maximum allowable deduction for that individual employee. The other rules of section 219 and §§ 1.219–1 and 1.219–2 apply for purposes of computing an individual's deduction except as modified by this section.

(2) *Employer limitation.* The maximum deduction limitation under section 219(a) for an employee with respect to an employer contribution to the employee's simplified employee pension under that employer's arrangement cannot exceed an amount equal to the lesser of—

(i) 15 percent of the employee's compensation from that employer (determined without regard to the employer contribution to the simplified employee pension) includible in the employee's gross income for the taxable year, or

(ii) The amount contributed by that employer to the employee's simplified employee pension and included in gross income (but not in excess of $7,500).

(3) *Special rules*—(i) *Compensation.* Compensation referred to in paragraph (a)(2)(i) has the same meaning as under § 1.219–1(c)(1) except that it includes only the compensation from the employer making the contribution to the simplified employee pension. Thus, if an individual earns $50,000 from employer A and $20,000 from employer B and employer B contributes $4,000 to a simplified employee pension on behalf of the individual, the maximum amount the individual will be able to deduct under section 219(b)(7) is 15 percent of $20,000, or $3,000.

(ii) *Special rule for officers, shareholders, and owner-employees.* In the case of an employee who is an officer, shareholder, or owner-employee described in section 408(k)(3) with respect to a particular employer, the $7,500 amount referred to in paragraph (a)(2)(ii) shall be reduced by the amount of tax taken into account with respect to such individual under section 408 (k)(3)(D).

(iii) *More than one employer arrangement.* Except as provided in paragraph (c), below, the maximum deduction under paragraph (a)(2) for an individual who receives simplified employee pension contributions under two or more employers' simplified employee pension arrangements cannot exceed the sum of the maximum deduction limitations computed separately for that individual under each such employer's arrangement.

(iv) *Section 408 rules.* Under section 408(j), for purposes of applying the $7,500 limitations under section 408(a)(1), (b)(1), (b)(2)(B) and (d) (5) (§ 1.408–2 (b)(1), § 1.408–3(b)(2) and § 1.408–4(h)(3)(i), respectively), the $7.500 limitations shall be applied separately with respect to each employer's contributions to a individual's simplified employee pension.

(b) *Limitations not applicable to SEP contributions*—(1) *Active participant.* The limitations on coverage by certain other plans in section 219 (b) (2) and § 1.219–1 (b)(2)(i) shall not apply with respect to the employer contribution to a simplified employee pension. Thus, an employee is allowed a deduction for an employer's contribution to a simplified employee pension even though he is an active participant in an employer's qualified plan.

(2) *Contributions to simplified employee pensions after age 70½.* The denial of deductions for contributions after age 70½ contained in section 219(b)(3) and § 1.219–1(b)(2)(ii) shall not apply with respect to the employer contribution to a simplified employee pension.

(c) *Multiple employer, etc. limitations*—(1) *Section 414 (b) and (c) employers.* In the case of a controlled group of employers within the meaning of section 414 (b) or (c), the maximum deduction limitation for an employee under paragraph (a)(2) shall be computed by treating such employers as one employer maintaining a single simplified pension arrangement and by treating the compensation of that employee from such employers as if from one employer. Thus, for example, for a particular employee the 15 percent limitation on compensation would be determined with regard to the compensation from all employers within such group. Further, the maximum deduction with respect to such group could not exceed $7,500.

(2) *Self-employed individuals.* In the case of an employee who is a self-employed individual within the meaning of section 401(c)(1) with respect to more than one trade or business, the maximum deduction limitation for such an employee under paragraph (a)(2) shall not exceed the lesser of the sum of such limitation applied separately with respect to the simplified employee pension arrangement of each trade or business or such limitation determined by treating such trades or businesses as if they constituted a single employer.

(d) *Additional deduction for employee contributions.* If the maximum allowable deduction for an individual employee determined under paragraph (a) for employer contributions to that individual's simplified employee pensions is less than $1,500, the individual shall be entitled to an additional deduction for contributions to individual retirement programs maintained on his behalf. The additional deduction shall equal the excess, if any, of the section 219(b)(1) and § 1.219–1(b)(1) maximum deduction limitation over the maximum deduction limitation determined under paragraph (a). For purpose of determining the compensation limit of section 219(b)(1), employer simplified employee pension contributions shall not be taken into account. Thus, for example, if $1,000 is deductible by individual A for employer contributions under a simplified employee pension arrangement and A,s compensation, not including the $1,000 SEP contribution, is $10,000, than A would be entitled to an additional deduction of $500.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation X is a calendar-year, cash basis taxpayer. It adopts a simplified employee pension agreement in 1980 and wishes to contribute the maximum amount on behalf of each employee for 1980. Individual E is a calendar-year taxpayer who is employed solely by Corporation X in 1980. Beginning in June 1980, Corporation X pays $100 each month into a simplified employee pension maintained on behalf of E. X makes a total payment to E's simplified employee pension during the year of $700. E's other compensation from X for the year totals $15,000. The maximum amount which E will be allowed to deduct as a simplified employee pension contribution is 15% of $15,000, or $2,250. Therefore, X may make an additional contribution for 1980 to E's simplified employee pension of $1,550. X makes this additional contribution to E's simplified employee pension in February of 1981. E's total compensation for 1980 includible in gross income is $15,000 + $2,250 or $17,250.

Example (2). (i) Corporation G is a calendar-year taxpayer which does not maintain an integrated plan is defined in section 408(k)(3)(E). It adopts a simplified employee pension agreement for 1980. It wishes to contribute 15% of compensation on behalf of each employee reduced by its tax under section 3111(a). The corporation has 4 employees, A, B, C, and D. D is a shareholder. The compensation for these employees for 1980 is as follows:

A = $10,000
B = 20,000
C = 30,000
D = 60,000

(ii) The amount of money which the corporation will be allowed to contributed on behalf of each employee under this allocation formula and the amount of the employer contribution each employee will be allowed to deduct is set forth in the following table:

Employee	Compensation	Lesser of $7500 or 15% of Comp.	3111(a)[1] Tax	SEP[2] Contribution	Sec. 219(b)(7) deduction
A	$10,000	$1,500	$508.00	$992.00	$992.00
B	20,000	3,000	1,016.00	1,984.00	1,984.00
C	30,000	4,500	1,315.72	3,184.28	3,184.28
D	60,000	7,500	1,315.72	6,184.28	6,184.28

[1] The section 3111 (a) tax is computed by multiplying compensation up to the taxable wage base ($25,900 for 1980) by the tax rate (5.08% for 1980).
[2] Simplified Employee Pension.

Example (3). Corporations A and B are calendar year taxpayers. Corporations A and B are not members of a controlled group of employers within the meaning of section 414 (b) or (c). Individual M is employed full-time by Corporation A and part-time by Corporation B. Corporation A adopts a simplified employee pension agreement for calendar year 1980 and agrees to contribute 15% of compensation for each participant. M is a participant under Corporation A's simplified employee pension agreement and earns $15,000 for 1980 from Corporation A before A's contribution to his simplified employee pension. M also earns $5,000 as a part-time employee of Corporation B for 1980. Corporation A contributes $2,500 to M's simplified employee pension. The maximum amount that M will be allowed to deduct under section 219(b)(7) for 1980 is 15% of $15,000 or $2,250. The remaining $250 is an excess contribution because M cannot consider the compensation earned from Corporation B under § 1.219–3(a)(3)(i).

Example (4). Individual P is employed by Corporation H and Corporation O. Corporation H and O are not members of a controlled group of employers within the meaning of section 414 (b) or (c). Both Corporation H and Corporation O maintain a simplified employee pension arrangement and contribute 15 percent of compensation on behalf of each employee. P earns $50,000 from Corporation H and $60,000 from Corporation O. Corporation H and O each contributes $7,500 under its emplified employee pension arrangement to an individual retirement account maintained on behalf of P. P will be allowed to deduct $15,000 for employer contributions to simplified employee pensions because each employer has a simplified employee pension arrangement and the SEP contributions by Corporation H and O do not exceed the applicable $7,500–15 percent limitation.

§ 1.220–1 Deduction for retirement savings for certain married individuals.

(a) *In general.* Subject to the limitations and restrictions of paragraphs (c), (d) and (e) and the special rules of paragraph (f) of this section, there shall be allowed a deduction under section 62 from gross income of amounts paid for the taxable year of an individual by or on behalf of such individual for the benefit of himself and his spouse to an individual retirement account described in section 408(a), for an individual retirement annuity described in section 408(b), or for an individual retirement bond described in section 409. The amounts contributed to an individual retirement account, for an individual retirement

annuity, or for an individual retirement bond by or on behalf of an individual for the benefit of himself and his spouse shall be deductible only by such individual. The first sentence of this paragraph shall apply only in the case of a contribution of cash; a contribution of property other than cash is not allowable as a deduction. In the case of an individual retirement bond, a deduction will not be allowed if the bond is redeemed within 12 months of its issue date.

(b) *Definitions*—(1) *Compensation.* For purposes of this section, the term "compensation" has the meaning set forth in § 1.219–1(c)(1).

(2) *Active participant.* For purposes of this section, the term "active participant" has the meaning set forth in § 1.219–2.

(3) *Individual retirement subaccount.* For purposes of this section, the term individual retirement subaccount is that part of an individual retirement account maintained for the exclusive benefit of the individual or the individual's spouse and which meets the following requirements:

(i) The individual or spouse for whom the subaccount is maintained has exclusive control over the subaccount after deposits have been made,

(ii) The subaccount, by itself, meets the requirements of section 408(a), except that it is not a separate trust,

(iii) The trustee or custodian maintains records indicating the ownership of the funds, and

(iv) The individual and spouse do not jointly own the individual retirement account of which the subaccount is a part.

(c) *Types of funding arrangements permitted.* The deduction under paragraph (a) of this section shall be allowed only if one of the following types of funding arrangements is used:

(1) A separate individual retirement account, individual retirement annuity, or individual retirement bond is established or purchased for the benefit of the individual and a separate individual retirement account, individual retirement annuity or individual retirement bond is established or purchased for the individual's spouse.

(2) A single individual retirement account described in section 408(a) is established or purchased and such account has an individual retirement subaccount for the benefit of the individual and an individual retirement subaccount for the benefit of the spouse. The single individual retirement account cannot be owned jointly by the husband and wife.

(3) An individual retirement account described in section 408(c) is maintained by an employer or employee association and such account has arrangements described in subparagraphs (1) or (2).

(d) *Maximum deduction.* The amount allowable as a deduction under section 220(a) to an individual for any taxable year may not exceed—

(1) Twice the amount paid (including prior excess contributions) to the account, subaccount, annuity, or for the bond, established for the individual or for the spouse to or for which the lesser amount was paid for the taxable year,

(2) An amount equal to 15 percent of the compensation includible in the individual's gross income for the taxable year, or

(3) $1,750

whichever is the smallest amount.

(e) *Limitations and restrictions*—(1) *Alternative deduction.* No deduction is allowable under section 220(a) for the taxable year if the individual claims the deduction allowed by section 219(a) for the taxable year.

(2) *Individual or spouse covered by certain other plans.* No deduction is allowable under section 220(a) to an individual for the taxable year if for any part of such year—

(i) He or his spouse was an active participant (as defined in § 1.219–2), or

(ii) Amounts were contributed by his employer, or his spouse's employer, on the individual's or spouse's behalf for an annuity contract described in section 403 (b) (whether or not his, or his spouse's, rights in such contract are nonforfeitable).

(3) *Contributions after age 70½.* No deduction is allowable under section 220 (a) with respect to any payment which is made for a taxable year of an individual if either the individual or his spouse has attained age 70½ before the close of such taxable year.

(4) *Recontributed amounts.* No deduction is allowable under section 220 (a) for any taxable year of an individual with respect to a rollover contribution described in section 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), 408(d)(3), or 409(b)(3)(C).

(5) *Amounts contributed under endowment contracts.* The rules for endowment contracts under section 220 are the same as the provisions for such contracts under § 1.219–1(b)(3).

(6) *Employed spouses.* No deduction is allowable under section 220(a) if the spouse of the individual has any compensation (as defined in § 1.219–1(c)(1) determined without regard to section 911) for the taxable year of such spouse ending with or within the taxable year of the individual.

(f) *Special rules*—(1) *Community property.* Section 220 is to be applied without regard to any community property laws.

(2) *Time when contributions deemed made.* The time when contributions are deemed made is determined in the same manner as under section 219(c)(3). See § 1.219–1(d).

(g) *Excess contributions treated as contribution made during subsequent year for which there is an unused limitation*—(1) *In general.* If for the taxable year the maximum amount allowable as a deduction under this section exceeds the amount contributed, then the taxpayer, whether or not a deduction is actually claimed, shall be treated as having made an additional contribution for the taxable year in an amount equal to the lesser of—

(i) The amount of such excess, or

(ii) The amount of the excess contributions for such taxable year (determined under section 4973(b)(2) without regard to subparagraph (C) thereof).

For purposes of computing the maximum deduction under section 220(b)(1), the excess contribution for a previous year shall be treated as made for the current year.

(2) *Amount contributed.* For purposes of this paragraph, the amount contributed—

(i) Shall be determined without regard to this paragraph, and

(ii) Shall not include any rollover contribution.

(3) *Special rule where excess contribution was allowed for closed year.* Proper reduction shall be made in the amount allowable as a deduction by reason of this paragraph for any amount allowed as a deduction under this section or section 219 for a prior taxable year for which the period for assessing a deficiency has expired if the amount so allowed exceeds the amount which should have been allowed for such prior taxable year.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) H, a calendar-year taxpayer, earns $10,000 in compensation includible in gross income for 1979. H is married to W, also a calendar-year taxpayer, who has no compensation for 1979. For 1979, neither H nor W is covered by certain other plans within the meaning of section 220(b)(3). On November 24, 1979, H establishes an individual retirement account (IRA) for himself and an individual retirement account for W. H contributes $850 to each account. Neither H nor W withdraws any money from either account after the initial contribution. Under section 220(b)(1) the maximum amount that H can deduct for 1979 is 15 percent of the compensation includible in his gross income or $1,500. H has made an excess contribution of $200 for 1979.

(ii) for 1980, H has compensation includible in gross income of $12,000. W has no compensation for 1980. For 1980, neither H nor W is covered by certain other plans, within the meaning of section 220(b)(3). No contributions are made to the IRA of H or W for 1980.

(iii) Although H made no contributions to either his or W's IRA for 1980, under the rules contained in this paragraph, H is treated as having made an additional contribution of $100 to his IRA and $100 to W's IRA for 1980 and will be allowed to deduct $200 as his 1980 IRA contribution.

Example (2). (i) For 1979, the facts are the same as in *Example (1).*

(ii) For 1980, H has compensation of $15,000 includible in gross income and is not covered by any other plans within the meaning of section 219(b)(2). W also goes to work in 1980 and has compensation of $6,000, but is not covered by certain other plans within the meaning of section 219(b)(2). H will not be treated as having made a deductible contribution of a previous year's excess contribution within the meaning of section 220(c)(6) because W has compensation for 1980. However, both H and W now meet the deduction standards of section 219 and each will be treated as having made a deductible contribution of $100 to their separate IRA's for 1980 under section 219(c)(5).

Example (3). (i) For 1979, the facts are the same as in *Example (1).*

(ii) For 1980, H has compensation of $15,000 includible in gross income and is covered by certain other plans within the meaning of section 220(b)(3). W has no compensation for 1980 and is not covered by certain other plans within the meaning of section 220(b)(3). H will not be treated as having made a deductible contribution of a previous year's excess contribution within the meaning of section 219(c)(5) or 220(c)(6) because H is covered by other plans for 1980 and has no allowable deduction under section 219 or 220.

(iii) W will not be treated as having made a deductible contribution of a previous year's excess contribution within the meaning of section 219(c)(5) because W has no compensation for 1980 and thus no allowable deduction under section 219.

(h) *Effective date.* (1) This section is effective for taxable years beginning after December 31, 1976.

(2) If, but for this subparagraph, an amount would be allowable as a deduction by reason of section 220(c)(6) and paragraph (g) for a taxable year beginning before January 1, 1978, such amount shall be allowable only for the taxpayer's first taxable year beginning in 1978.

Par. 5. There is added after § 1.404(e)–1A the following new section:

§ 1.404(h)–1 Special rules for simplified employee pensions.

(a) *In general.* (1) Employer contributions to a simplified employee pension shall be treated as if they are made to a plan subject to the requirements of section 404. Employer contributions to a simplified employee pension are subject to the limitations of subparagraphs (2), (3), (4) and (5). For purposes of this paragraph participants means those employees who satisfy the age, service and other requirements to participate in a simplified employee pension. For purposes of this paragraph, "compensation" means all of the compensation paid by the employer except either that for which a deduction is allowable under section 404(h) for simplified employee pensions or that for which a deduction is allowable under a plan that qualifies under section 401(a), including a plan that qualifies under section 404(a)(2) or 405.

(2) Employer contributions made for a calendar year are deductible for the taxable year of the employer with which or within which the calendar year ends.

(3) Contributions made within 3½ months after the close of a calendar year are treated as if they were made on the last day of such calendar year if they are made on account of such calendar year.

(4) The amount deductible for a taxable year for a simplified employee pension shall not exceed 15 percent of the compensation paid to the employees who are participants during the calendar year ending with or within the taxable year.

(5) The excess of the amount contributed over the amount deductible for a taxable year shall be deductible in the succeeding taxable years in order of time subject to the 15 percent limit of subparagraph (4).

(b) *Effect on stock bonus and profit-sharing trust.* For any taxable year for which the employer has a deduction under section 404(h)(1), the otherwise applicable limitations in section 404(a)(3)(A) shall be reduced by the amount of the allowable deductions under section 404(h)(1) with respect to participants in the stock bonus or profit-sharing trust.

(c) *Effect on limit on deductions.* For any taxable year for which the employer has a allowable deduction under section 404(h)(1), the otherwise applicable 25 percent limitations in section 404(a)(7) shall be reduced by the amount of the allowable deductions under section 404(h)(1) with respect to participants in the stock bonus or profit-sharing trust.

(d) *Effect on self-employed individuals or shareholder-employee.* The limitations described in paragraphs (1), (2)(A), and (4) of section 404(e) or described in section 1379(b)(1) for any taxable year shall be reduced by the amount of the allowable deductions under section 404(h)(1) with respect to an employee within the meaning of section 401(c)(1) or a shareholder-employee (as defined in section 1379(d)).

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation X is a calendar-year taxpayer. On January 2, 1980, it adopts a simplified employee pension arrangement. At the end of 1980, it determines that it has paid $230,000 to all of its employees. Eight of its employees met its eligibility provisions for contributions to simplified employee pensions and their compensation totaled $140,000 before any contributions were made to their simplified employee pensions. Corporation X will be allowed to deduct its contributions to its employees' simplified employee pensions, not to exceed 15% of $140,000 or $21,000.

Example (2). Corporation Y is a calendar-year taxpayer which maintains a simplified employee pension agreement and a profit-sharing plan. The corporation has 100 employees. For the taxable year of 1980, it makes contributions to the simplified employee pensions of 75 of its employees. These contributions are 10 percent of compensation received in 1980. These same 75 employees are also participants in the corporation's profit-sharing plan. These 75 employees had total compensation paid during 1980 of $1,125,000. The corporation can deduct $112,500 under section 404(h) as its contributions to the simplified employee pension agreement. The corporation must reduce the otherwise applicable allowable deduction for contributions to the profit-sharing plan on behalf of these employees by the $112,500.

Example (3). Corporation Z is a calendar-year taxpayer which maintains a simplified employee pension arrangement and a profit-sharing plan. The corporation has 100 employees. For the taxable year 1980, it make contributions to the simplified employee pensions of 75 of its employees. These contributions are 10 percent of compensation received in 1980. Twenty-five of these employees are also participants in the corporation's profit-sharing plan. Each of these 75 employees had compensation for the year of $15,000,or total compensation of $1,125,000. The corporation deducts $112,500 under section 404(h) as its contribution to the simplified employee pension arrangement. The corporation must reduce the otherwise applicable allowable deduction for contributions to the profit-sharing plan on behalf of the 25 employees by $37,500, the amount contributed to the simplified employee pensions on behalf of employees covered by the profit-sharing plan.

Example (4). Corporation K is a taxpayer with a taxable year of December 1—Novermber 30. On December 15, 1979, it adopts a simplified employee pension arrangement for its employees. It would like to make contributions to the plan on behalf of its employees for calendar year 1979. In order to make contributions to its employees' simplified employee pensions for calendar year 1979, the corporation must make the contributions by April 15, 1980. In order to

receive a deduction for its taxable year ending November 30, 1980, for the contributions for calendar year 1979, the corporation must make the contributions by April 15, 1980.

Par. 6. Section 1.408–2 is amended by revising paragraph (c)(3) to read as follows:

§ 1.408–2 Individual retirement accounts.

* * * * *

(c) * * *

(3) *Special requirement.* There must be a separate accounting for the interest of each employee or member (or spouse of an employee or member).

* * * * *

Par. 7. Section 1.408–3 is revised by adding new paragraphs (b) (6) and (f). These added provisions read as follows:

§ 1.408–3 Individual retirement annuities.

* * * * *

(b) * * *

(6) *Flexible premium.* (i) In the case of annuity contracts issued after November 6, 1978, the premiums under such contracts are not fixed. See paragraph (f) for the definition of an annuity contract under which "the premiums are not fixed."

(ii) In the case of a fixed premium individual retirement annuity or individual retirement endowment contract issued before November 7, 1978, the issuer of such contract may offer the holder of the contract the option of exchanging such contract for a flexible premium contract. If such an exchange is made before January 1, 1981, the exchange shall not constitute a distribution and shall be nontaxable.

* * * * *

(f) *Flexible premium annuity contract*—(1) *In general.* A flexible premium retirement annuity contract shall be considered a contract under which "the premiums are not fixed" if it provides the following.

(i) At no time after the initial premium for the contract has been paid is there a specified renewal premium required.

(ii) The contract must allow for the continuance of the contract (as a paid-up annuity) under its nonforfeiture provision if premium payments cease altogether.

(iii) The contract, if being continued on a paid-up basis (*i.e.*, if it has not been terminated by a payment in cash), will be reinstated at any date prior to its maturity date upon payment of a premium to the insurer.

(2) *Exceptions.* (i) The insurer may require that if a premium is remitted, it will be accepted only if the amount remitted is some stated amount, not in excess of $50.

(ii) The contract may provide that if no premiums have been received under the contract for two (2) full years and the paid-up annuity benefit at maturity of the plan stipulated in the contract arising from the premium paid prior to such two-year period would be less than $20 a month, the insurer may, at its option, terminate the contract by payment in cash of the then present value of the paid-up benefit (computed on the same basis specified in the contract for determining the paid-up benefit).

(3) *Permissible provisions.* A flexible premium contract will not be considered to have fixed premiums merely because—

(i) A maximum limit (which may be expressed as a multiple of the premium paid in the first year of the contract) is placed on the amount of the preimum that the insurer will accept in any year,

(ii) An annual charge is made against the policy value,

(iii) A fee (which may be composed of a flat dollar amount plus an amount equal to the required premium tax imposed by the state government) is charged upon the acceptance of each premium by the insurer, or

(iv) The contract requires a level annual premium for a supplementary benefit, such as a waiver of premium benefit.

Par. 8. Section 1.408–4 is amended by: (1) Adding new paragraphs (b)(3), (b)(4)(ii), and (c)(3)(ii); and (2) adding a new paragraph (b). These added provisions read as follows:

§ 1.408–4 Treatment of distributions from individual retirement arrangements.

* * * * *

(b) *Rollover Contribution.* * * *

(3) *To section 403(b) contract.* Paragraph (a)(1) of this section does not apply to any amount paid or distributed from an individual retirement account or individual retirement annuity to the individual for whose benefit the account or annuity is maintained if—

(i) The entire amount received (including money and other property) represents the entire interest in the account or the entire value of the annuity,

(ii) No amount in the account and no part of the value of the annuity is attributable to any source other than a rollover contribution from an annuity contract described in section 403(b) and any earnings on such rollover,

(iii) The entire amount thereof is paid into an annuity contract described in section 403(b) (for the benefit of such individual) not later than the 60th day after the receipt of the payment or distribution, and

(iv) The distribution or transfer is made in a taxable year beginning after December 31, 1978.

(4) * * *

(ii) For taxable years beginning after December 31, 1977, paragraph (b)(1) of this section does not apply to any amount received by an individual from an individual retirement account, individual retirement annuity or retirement bond if at any time during the 1–year period ending on the day of receipt, the individual received any other amount from the individual retirement account, individual retirement annuity or retirement bond which was not includible in his gross income because of the application of paragraph (b)(1) of this section. This rule applies to each separate individual retirement account, individual retirement annuity, or retirement bond maintained by an individual. Thus, if an individual maintains two individual retirement accounts, IRA–1 and IRA–2, and rolls over the assets of IRA–1 into IRA–3, he is not precluded by this subdivision from making a tax-free rollover from IRA–2 to IRA–3 or any other IRA within one year after the rollover from IRA–1 to IRA–3.

(c) * * *

(3) *Time of inclusion.* * * *

(ii) For taxable years beginning after December 31, 1976, the amount of net income determined under subparagraph (2) is includible in the gross income of the individual in the taxable year in which such excess contribution is made. The amount of net income thus distributed is subject to the tax imposed by section 408(f)(1) for the year includible in gross income.

(h) *Certain contributions of excess contributions after due date of return for taxable year*—(1) *general rule.* In the case of any individual, if the aggregate contributions (other than valid rollover contributions) paid for any taxable year to an individual retirement account or for an individual retirement annuity do not exceed $1,750, section 408(d)(1) shall not apply to the distribution of any such contribution to the extent that such contribution exceeds the amount allowable as a deduction under section 219 or 220 for the taxable year for which the contribution was paid—

(i) If such distribution is received after the date described in section 408(d)(4),

(ii) But only to the extent that no deduction has been allowed under section 219 or 220 with respect to such excess contribution.

(2) *Excess rollover contribution attributable to erroneous information.* If the taxpayer reasonably relies on information supplied pursuant to subtitle F of the Internal Revenue Code of 1954 for determining the amount of a rollover contribution, but such information was erroneous, subparagraph (1) of this paragraph shall be applied by increasing the dollar limit set forth therein by that portion of the excess contribution which was attributable to such information.

(3) *Special rule for contributions to simplified employee pension.* If employer contributions on behalf of the individual are paid for the taxable year to a simplified employee pension, the dollar limitation of subparagraph (1) shall be the lesser of the amount of such contributions or $7,500. See § 1.219–3 (a)(3)(iv) for a special rule where there is more than one employer.

(4) *Effective date.* (1) Subparagraphs (1) and (2) of this paragraph shall apply to distributions in taxable years beginning after December 31, 1975.

(ii) In the case of contribitions for taxable years beginning before January 1, 1978, paragraph (5) of section 408(d) of the Internal Revenue Code of 1954 shall be applied as if such paragraph did not contain any dollar limitation.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). T, a calendar-year taxpayer, had been a participant in a government pension plan for 6 years prior to separation from service on July 31, 1976. The plan required T to make mandatory contributions and as of July 31, 1976, these mandatory contributions totaled $6,000. Upon T' separation from service, she was given the option of receiving back all of her mandatory contribution or leaving then with the plan. T elected to receive her mandatory contributions and attempted to roll over these amounts into an individual retirement account (IRA) in August of 1976. The trustee of the IRA accepted these funds and IRA was established. In March of 1977, T discovered that the funds she received from the government plan did not qualify for rollover treatment because they were employee contributions and withdrew all of the money from her IRA. T will not have to include any of the money withdrawn from the IRA in gross income for 1977 because the transitional rule of paragraph (h)(3)(ii) permits the withdrawal of all contributions which have not been allowed as deductions under section 219 or 220 made to IRA's for taxable years beginning before January 1, 1976, regardless of the amount of the contribution.

Example (2). (i) On April 1, 1980, A, a calendar-year taxpayer, receives a lump sum distribution satisfying the requirements of section 402(e)(4) (A) and (C) under the plan of A's employer. The distribution consists of $50,000 case. A made contributions under the plan totaling $8,000, and has received no prior distributions under the plan. However, on the form furnished to A by the employer on account of the distribution, A's contributions under the plan are listed as totaling only $4,500. A reasonably relied on this information.

(ii) A desires to establish an individual retirement account (as described in section 408(a)) with the cash received in the distribution. A desires to contribute the maximum amount permitted under the rollover rules. Under sections 402(a)(5)(B) and 402(a)(5)(D)(ii), A determines that the maximum rollover amount is $45,500, the total of the distribution ($50,000), less the amount listed as A's contributions under the plan ($4,500). The actual maximum rollover amount is $42,000, the total of the distribution ($50,000), less A's actual contribution under the plan ($8,000).

(iii) On May 23, 1980, A contributes $45,500 to an individual retirement account as a rollover contribution.

(iv) On May 1, 1981, A's employer furnishes A a corrected statement indicating that A's contributions under the plan were $8,000. On June 1, 1981, A withdraws $3,500 from the individual retirement account to correct the mistaken contribution. A will not have to include the $3,500 withdrawn from the individual retirement account in gross income for 1981 because the money was placed in the individual retirement account due to erroneous information furnished by the employer and reasonably relied upon by A and thus falls under the exception provided in section 408(d)(5)(B) to section 408(d)(1).

Par. 9. Section 1.408–6 is amended by removing paragraph (d)(4)(xi) and adding a new paragraph (b) to read as follows:

§ 1.408–6 Disclosure statements for individual retirement arrangements.

* * * * *

(b) *Disclosure statements for spousal individual retirement arrangements.* The trustee of an individual retirement account and the issuer of an individual retirement annuity shall furnish to the benefited individual of a spousal individual retirement arrangement a disclosure statement in accordance with paragraph (d). In the case of a spousal individual retirement arrangement that uses subaccounts, the benefited individual includes both the working and non-working spouse.

Par. 10. There are added after § 1.408–6 the following new sections:

§ 1.408–7 Simplified employee pension.

(a) *In general.* The term "simplified employee pension" means an individual retirement account or individual retirement annuity described in section 408 (a), (b) or (c) with respect to which the requirements of paragraphs (b), (d), (e), (g), and (h) of this section are met and the requirements of § 1.408–8 are met with respect to any calendar year.

(b) *Establishment of simplified employee pension.* In order to establish a simplified employee pension, the employer must execute a written instrument (hereafter referred to as the simplified employee pension arrangement) within the time prescribed for making deductible contributions. This instrument shall include: the name of the employer, the requirements for employee participation, the signature of a responsible official, and the definite allocation formula specified in section 408 (k)(5) and paragraph (f) of this section.

(c) *Variation in contribution*—(1) *Permitted variations.* An employer's total contributions to its employees' simplified employee pensions may vary annually at the employer's discretion.

(2) *Salary reduction.* Contributions made to a simplified employee pension under an arrangement under which the contribution will be made only if the employee receives a reduction in compensation or forgoes a compensation increase shall be treated as employer contributions to a simplified employee pension only if the arrangement precludes an individual election by the employee. If there is an individual election, then the contribution shall be treated as an employee contribution.

(d) *Participation requirements*—(1) *Age and service requirements.* This paragraph is satisfied with respect to a simplified employee pension arrangement for a calendar year only if for such year the employer contributes to the simplified employee pension on behalf of each individual who is an employee at any time during the calendar year who has—

(i) Attained age 25,

(ii) Performed service for the employer during at least 3 of the immediately preceding 5 calendar years, and

(iii) Received at least $200 compensation from the employer for the calendar year.

(2) *Execution of documents.* The employer may execute any necessary documents on behalf of an employee who is entitled to a contribution to a simplified employee pension if the employee is unable or unwilling to execute such documents or the employer is unable to locate the employee.

(3) *Required employment.* An employer may not require that an employee be employed as of a particular date in order to receive a contribution for a calendar year.

(4) *Nonresident aliens and employees covered by collective-bargaining agreements.* An employer may exclude from participation in the simplified employee pension arrangement employees described in section 410(b)(2)(A) or 410(b)(2)(C).

(5) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X maintains a simplified employee pension arrangement for its employees. Individual J worked for Corporation X while in graduate school in 1976, 1977, and 1978. J never worked more than 25 days in any particular year. In October of 1979, J began to work for Corporation X on a full-time basis. J earned $5,000 from Corporation X for 1979. J became 25 on December 31, 1979. Corporation X must make a contribution to a simplified employee pension maintained on behalf of J for 1979 because as of December 31, 1979, J had met the minimum age requirement of section 408(k)(2), had performed service for Corporation X in 3 of the 5 calendar years preceding 1979, and met the minimum compensation requirements of paragraph (d)(1)(iii).

(e) *Requirement of written allocation formula*—(1) *Requirement of definite written allocation formula.* Employer contributions to a simplified employee pension must be made under a definite written allocation formula which specifies—

(i) The requirements which an employee must satisfy to share in an allocation, and

(ii) The manner in which the amount allocated to each employee's account is computed.

(2) *Employer may vary formula.* An employer may vary the definite written allocation formula from year to year provided the simplified employee pension arrangement is amended by the permissible date for making contributions to indicate the new formula.

(f) *Treatment of contributions which exceed the written allocation formula*—(1) *General rule.* To the extent that employer contributions do not satisfy § 1.408–7(e)(1), the contributions shall be deemed to be contributions which are not made under a simplified employee pension arrangement except for purposes of section 408(a)(1), (b)(2)(B) and (d)(5). These contributions shall be deemed made to an individual retirement account or individual retirement annuity not maintained as part of a simplified employee pension arrangement.

(2) *Example.* This paragraph is illustrated by the following example:

Example. (i) Assume that in 1979 Corporation X adopts a simplified employee pension arrangement ("SEP Arrangement"). The arrangement calls for Corporation X to contribute the same percentage of each participant's compensation exclusive of SEP contributions to a simplified employee pension (Allocation Compensation). X has three employees, A, B and C, who satisfy the participation requirements of the SEP Arrangement. The compensation, the contributions to the individual simplified employee pension ("SEP") for A, B and C and the varying treatment of the contributions are set forth as follows:

Employee	Gross income	Net compensation before contribution	SEP–IRA contribution	Ratio of SEP–IRA contributions to net compensation (percent)
A	$11,000	$10,000	$1,000	10
B	11,500	10,000	1,500	15
C	57,500	50,000	7,500	15
Totals	80,000	$70,000	$10,000	

(ii) Under the special rule of this paragraph, because only 10 percent of compensation was allocated to A, and the allocation formula provides that the same percentage will be allocated to each participant, a certain portion of the contribution to B and C under the SEP shall be deemed made to IRA's that are not part of the SEP Arrangement.

(iii) To determine A's and B's Allocation Compensation the respective total compensation included in A's and B's gross income must be divided by 1.10 (1 plus the percentage of Allocation Compensation contributed to A under the SEP Arrangement). The excess of compensation included in gross income over Allocation Compensation is considered as a contribution under the SEP. The following table shows the result of this calculation:

Employee	Gross income	Allocation compensation [1]	SEP–IRA contribution	Deemed IRA contribution [2]
A	$11,000	$10,000	$1,000	$0
B	11,500	10,455	1,045	455
C	57,500	52,273	5,227	2,273
Totals	80,000	72,728	7,272	2,728

[1] Gross income divided by 1.10.
[2] Also included in Allocation Compensation.

(iv) Under section 404(h) for purposes of computing Corporation X's deduction, only the $7,272 is considered as a contribution to a SEP Arrangement described in section 408(k) under the special rule. The allowable 404(h) deduction equals $10,909 (15% of the excess of total compensation of $80,000 over the SEP contribution of $7,272 or 15% of $72,728). The other $2,728 is payment of compensation and subject to the deduction rules of section 162 or 212. Similarly, the $2,728 would not be considered as an employer SEP contribution for purposes of exemption from FICA and FUTA taxes under sections 3121 and 3306.

(v) The effect of treating the $2,273 as a contribution to SEP's for purposes of section 408 (a)(1), (b)(2)(B) and (d)(5) is to not disqualify the individual retirement arrangement of C for accepting non-SEP contributions in excess of $1,500 and to allow C to withdraw the excess contribution of $2,273 without including that amount in income under section 408(d)(1).

(g) *Permitted withdrawals.* A simplified employee pension meets the requirements of this paragraph only if—

(1) Employer contributions thereto are not conditioned on the retention in such pension of any portion of the amount contributed, and

(2) There is no prohibition imposed by the employer on withdrawals from the simplified employee pension.

See section 408 (d) for rules concerning the taxation of withdrawals from individual retirement accounts and annuities. See section 408(f)(1) for penalties for premature withdrawals from individual retirement accounts and annuities.

(h) *Section 401 (j) plan.* The requirements of this paragraph are met with respect to a simplified employee pension for a calendar year unless the employer maintains during any part of such year a plan—

(1) Some or all of the active participants in which are employees (within the meaning of section 401(c)(1)) or shareholder-employees (as defined in section 1379(d)), and

(2) To which section 401(j) applies.

§ 1.408–8 Nondiscrimination requirements for simplified employee pensions.

(a) *In general.* The requirements of this section are met with respect to a simplified employee pension for a calendar year if for such year the contributions made by the employer to simplified employee pensions of its employees do not discriminate in favor of any employee who is—

(1) An officer,

(2) A shareholder, within the meaning of paragraph (b)(2),

(3) A self-employed individual, or

(4) Highly compensated.

(b) *Special rules.* (1) For puroses of this section, employees described in subparagraph (A) or (C) of section 410 (b)(2) shall be excluded from consideration.

(2) An individual shall be considered a shareholder if he owns (with the application of section 318) more than 10 percent of the value of the stock of the employer.

(c) *Contributions must bear a uniform relationship to total compensation*—(1) *General rule.* Contributions shall be considered discriminatory unless employer contributions to its employees' simplified employee pensions bear a uniform relationship to the total compensation (not in excess of the first $100,000) of each employee maintaining a simplified employee pension. A rate of contribution which decreases as compensation increases shall be considered uniform.

(2) *Definition of compensation.* For purposes of this section, the term "compensation" has the meaning set forth in § 1.219–1, and is determined without regard to the employer contributions to the simplified employee pension arrangement.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. Corporation X maintains a simplified employee pension arrangement which allocates employer contributions in the manner described below. First, contributions made by June 30 of each year are allocated in proportion to compensation paid from January 1 to June 30. Second, contributions made between July 1 and December 31 are allocated in proportion to compensation paid during the same period.

In 1980, the salaries paid, and contributions allocated are shown below:

Participant	Compensation [1]	Allocation [2]	Compensation [3]	Allocation [4]
A	10,000	500	10,000	1,000
B	10,000	500	1,000	100
C	10,000	500	15,000	1,500

[1] Jan. 1, 1980 to June 30, 1980.
[2] June 30, 1980.
[3] July 1, 1980 to Dec. 31, 1980.
[4] Dec. 31, 1980.

For 1980, A, B, and C received allocations equal to 7.5 percent, 5.45 percent, and 8 percent of compensation, respectively. These contributions are discriminatory because they do not bear a uniform relationship to total compensation.

(d) *Treatment of certain contributions and taxes*—(1) *General rule.* (i) Except as provided in this paragraph, employer contributions do not meet the requirements of this section unless such contributions meet the requirements of this section without taking into account contributions or benefits under Chapter 2 of the Internal Revenue Code (relating to tax on self-employment income), Chapter 21 (relating to Federal Insurance Contribution Act), Title II of the Social Security Act, or any other Federal or State law ("Social Security Taxes"). If the employer does not maintain an integrated plan at any time during the taxable year, taxes paid under section 3111 (a) (relating to tax on employers) with respect to an employee may, for purposes of this section, be taken into account as a contribution by the employer to an employee's simplified employee pension. If contributions are made to the simplified employee pension of an owner-employee, the preceding sentence shall not apply unless taxes paid by all such owner-employees under section 1401 (a), and the taxes which would be payable under section 1401 (a) by such owner-employees but for paragraphs (4) and (5) of section 1402 (c), are taken into account as contributions by the employer on behalf of such owner-employees. The amount of such taxes shall be determined in a manner consistent with § 1.401–12(h)(3).

(ii) If contributions are made to the simplified employee pension of a self-employed individual who is not an owner-employee, the arrangement may be integrated. In such a case, the portion of the earned income of such individual which does not exceed the maximum amount which may be treated as self-employment income under section 1402(b)(1) shall be treated as "wages" under section 3121(a)(1) subject to the tax imposed by section 3111(a) and such tax shall be taken into account as employer contributions.

(iii) An employer may take into account as contributions amounts not in excess of such Social Security taxes. Thus, an employer may integrate using a rate less than the maximum rate of tax under section 3111 (a) or compensation less than the maximum amount specified as wages under section 3121 (a).

(2) *Integrated plan defined.* For purposes of subparagraph (1), the term "integrated plan" means a plan which meets the requirements of section 401(a), 403(a), or 405(a) but would not meet such requirements if contributions or benefits under Chapter 2 (relating to tax on self-employment income), Chapter 21 (relating to Federal Insurance Contributions Act), Title II of the Social Security Act, or any other Federal or State law were not taken into account.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation M adopts a simplified employee pension arrangement. The corporation would like to contribute 7.5% of an employee's first $10,000 in compensation and 5% of al compensation above $10,000. The simplified employee pension arrangement which Corporation M adopts will not be considered discriminatory within the meaning of paragraph (c) of this section because the rate of contribution decreases as compensation increases.

Example (2). Corporation L adopts a simplified employee pension plan. It wishes to contribute to the simplified employee pension of each employee who is currently performing service. The corporation would like to contribute to the simplified employee pensions 5% of the total compensation of each employee who has completed up to 5 years of service and 7% of the total compensation of each employee who has completed more than 5 years of service. The simplified employee pension plan which Corporation L adopts will be considered discriminatory within the meaning of paragraph (c) of this section because the employer contributions do not bear a uniform relationship to each employee's total compensation.

§ 1.408–9 Reports for simplified employee pensions.

(a) *Information to be furnished upon adoption of plan.* (1) An employer who adopts a definite written allocation formula for making contributions to an employee's simplified employee pension shall furnish the employee in writing the following information:

(i) A notice that the simplified employee pension arrangement has been adopted,

(ii) The requirements which an employee must meet in order to receive a contribution under the agreement,

(iii) The basis upon which the employer's contribution will be allocated to employees, and

(iv) Such other information that the Commissioner may require.

(2) The information in subparagraph (1) must be furnished to an employee no later than a reasonable time after the later of the time the employee becomes employed or the time of the adoption of the simplified employee pension arrangement.

(3) The Commissioner may relieve employers from furnishing any or all of the information specified in subparagraph (1).

(b) *Information to be furnished for a calendar year.* (1) For each calendar year, the employer shall furnish to the employee a written statement indicating the amount of employer contributions made to the employee's individual retirement account or individual retirement annuity under the simplified employee pension arrangement. This requirement is satisfied if the information is on the employee's W–2 for the calendar year for which the contribution is made. Amounts described in § 1.408–7(f)(1) which are not considered made under the simplified employee pension arrangement should not be included.

(2) The information required to be furnished by subparagraph (1) shall be furnished to the employee no later than the later of 30 days after the contribution or January 31 following the calendar year for which the contribution was made.

(c) The Internal Revenue Service may require reports to be filed with the Service with respect to employees who cannot be located by the employer (see § 1.408–7(d)(2)). Such reports shall include such information and shall be filed in the time and manner as the Commissioner specifies.

(d) *Effective date.* The provisions of this section are effective for calendar years beginning after December 31, 1978.

Par. 11. Section 1.409–1 is amended by adding "or 220" after 219 each place it appears and by revising paragraph (c) to read as follows:

§ 1.409–1 Retirement bonds.

* * * * *

(c) *Rollover.* The first sentence of paragraph (b)(1) of this section shall not apply in any case in which a retirement bond is redeemed by the registered owner before the close of the taxable year in which he attains the age of 70½ if he transfers the entire amount of the proceeds of such redemption to—

(1) An individual retirement account described in section 408(a) or an individual retirement annuity described in section 408(b) (other than an endowment contract described in § 1.408–3 (e)), or

(2) An employees' trust which is described in section 401 (a) which is exempt from tax under section 501 (a), an annuity plan described in section 403 (a), or an annuity contract described in section 403 (b), for the benefit of the registered owner,

on or before the 60th day after the day on which he received the proceeds of such redemption. This paragraph does not apply in the case of a transfer to such an employees' trust or such an annuity plan unless no part of the value of such proceeds is attributable to any source other than a rollover contribution from such an employees' trust or annuity plan (other than an annuity plan or a trust forming part of a plan under which the individual was an employee within the meaning of section 401 (c)(1) at the time contributions were made on his behalf under the plan). This paragraph does not apply in the case of a transfer to an annuity contract described in section 403 (b) unless no part of the value of such proceeds is attributable to any source other than a rollover contribution from such annuity contract.

Par. 12. Section 1.415–6 is amended by adding at the end thereof new paragraph (i).

§ 1.415–6 Combing and aggregating plans.

* * * * *

(i) *Special aggregation rule for simplified employee pension.* For purposes of section 415 and this section, any contribution made by an employer to a simplified employee pension (as defined in section 408 (k)) of an individual for a calendar year shall be treated as an employer contribution to a defined contribution plan maintained by that employer. This paragraph shall apply to taxable years beginning after December 31, 1980.

Gift Tax Regulations

26 CFR Part 25

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Par. 13. There is added after § 25.2503–4 the following new section:

§ 25.2503–5 Individual retirement plan for spouse.

(a) *In general.* For purposes of section 2503 (b), and payment made by an individual for the benefit of his or her spouse—

(1) To individual retirement account described in section 408 (a),

(2) To an individual retirement subaccount described in § 1.220–1(b)(3),

(3) For an individual retirement annuity described in section 408(b), or

(4) For a retirement bond described in section 409,

shall not be considered a gift of a future interest in property to the extent that such payment is allowable as a deduction under section 220 for the taxable year for which the contribution is made. Thus, for example, if individual A paid $900 to an individual retirement account for 1980 on behalf of A's spouse, B, of which $875 was deductible, $875 would not be a gift of a future interest.

(b) *Effective date.* Paragraph (a) of this section is effective for transfers made after December 31, 1976.

Employment Tax Regulations

26 CFR Part 31

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 14. Section 31.3121(a)(5)–1 is amended by adding at the end thereof a new paragraph (d). This new paragraph reads as follows:

§ 31.3121(a)(5)–1 Payments from or to certain tax-exempt trusts, or under or to certain annuity plans or bond purchase plans.

* * * * *

(d) *Payments to a simplified employee pension.* The term "wages" does not include any payment made after December 31, 1978 by an employer on behalf of an employee to a simplified employee pension described in section 408(k) if at the time of the payment it is reasonable to believe that the employee will be entitled to a deduction under section 219 for such payment.

Par. 15. Section 31.3306(b)(5)–1 is amended by adding at the end thereof a new paragraph (d). This new paragraph reads as follows:

§ 31.3306(b)(5)–1 Payments from or to certain tax-exempt trusts, or under or to certain annuity plans or bond purchase plans.

* * * * *

(d) *Payments to a simplified employee pension.* The term "wages" does not include any payment made after December 31, 1978 by an employer on behalf of an employee to a simplified employee pension described in section 408(k) if at the time of the payment it is reasonable to believe that the employee will be entitled to a deduction under section 219 for such payment.

Pension Excise Tax Regulations

26 CFR Part 54

PART 54—PENSION EXCISE TAXES

Par. 16. There is inserted in the appropriate place the following new section:

§ 54.4973–1 Excess contributions to certain accounts, contracts and bonds.

(a) *In general.* Under section 4973, in the case of an individual retirement account (described in section 408(a)), an individual retirement annuity (described in section 498(b)), a custodial account treated as an annuity contract under section 403(b)(7)(A), or an individual retirement bond described in section 409, a tax equal to 6 percent of the amount of excess contributions (as defined in paragraph (c) or (d) of this section) to such account, annuity or bond is imposed.

(b) *Individual liable for tax*—(1) *Individual retirement plans.* In the case of an individual retirement account, individual retirement annuity or individual retirement bond the tax imposed by section 4973 shall be paid by the individual to whom a deduction is or would be allowed with respect to contributions for the taxable year under section 219 (determined without regard to subsection (b)(1) thereof) or section 220 (determined without regard to subsection (b)(1) thereof), whichever is appropriate.

(2) *Custodial accounts under section 403(b)(7)(A).* In the case of a custodial account treated as an annuity contract under section 403(b)(7)(A), the tax imposed by section 4973 shall be paid by the individual for whose benefit the account is maintained.

(c) *Excess contributions defined for individual retirement plans.* For purposes of section 4973, in the case of individual retirement accounts, individual retirement annuities, or individual retirement bonds, the term "excess contributions" means the sum of—

(1) The excess (if any) of—

(i) The amount contributed for the taxable year to the accounts or for the annuities or bonds (other than a valid rollover contribution described in section 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), 408(d)(3), 409(b)(3)(C)), over

(ii) The amount allowable as a deduction under section 219 or 220 for such contributions, and

(2) The amount determined under this subsection for the preceding taxable year, reduced by the sum of—

(i) The distributions out of the account for the taxable year which were included in the gross income of the payee under section 408(d)(1),

(ii) The distributions out of the account for the taxable year to which section 408(d)(5) applies, and

(iii) The excess (if any) of the maximum amount allowable as a deduction under section 219 or 220 for the taxable year over the amount contributed (determined without regard to sections 219(c)(5) and 220(c)(6)) to the accounts or for the annuities or bonds for the taxable year. For purposes of this paragraph, any contribution which is distributed from the individual retirement account, individual retirement annuity, or bond in a distribution to which section 408(d)(4) applies shall be treated as an amount not contributed.

(d) *Excess contributions defined for custodial accounts under section 403(b)(7)(A).* For purposes of section 4973, in the case of a custodial account referred to in paragraph (b)(2) of this section, the term "excess contributions" means the sum of—

(1) The excess (if any) of the amount contributed for the taxable year to such account (other than a valid rollover contribution described in section 403(b)(8), 408(d)(3)(A)(iii), or 409(b)(3)(C)), over the lesser of the amount excludable from gross income under section 403(b) or the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), and

(2) The amount determined under this subsection for the preceding taxable year, reduced by—

(i) The excess (if any) of the lesser of (A) the amount excludable from gross income under section 403(b) or (B) the amount permitted to be contributed under the limitations contained in section 415 over the amount contributed to the account for the taxable year (or under whichever such section is applicable, if only one is applicable), and

(ii) The sum of the distributions out of the account (for the taxable year) which are included in gross income under section 72(e).

(e) *Special rules.* (1) The tax imposed by section 4973 cannot exceed 6 percent of the value (determined as of the close of the individual's taxable year) of the account, annuity or bond.

(2) In the case of an endowment contract described in section 408(b), the tax imposed by section 4973 is not applicable to any amount allocate under § 1.219–1(b)(3) to the cost of life insurance under the contract.

(f) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On April 20, 1979, A, a single individual, establishes an individual retirement account (IRA) and contributes $1,500. On January 11, 1980, A determines he has compensation for 1979 within the meaning of section 219(c) and the regulations thereafter of $8,000. Under section 219, the maximum amount allowable as a deduction for retirement savings available to A is $1,200. On April 15, 1980, A files his income tax return for 1979 taking a deduction of $1,200 for his contribution to his IRA, and as of such date there had been no distribution from the IRA. Under section 4973, A would have $300 of excess contribution in his account for 1979 [($1,500–$1,200) + 0] and A would be liable for an excise tax of $18 on such excess contribution.

Example (2) Assume the same facts as in Example (1). Assume further that on July 1, 1980, A contributes $1,500 to his account. On January 9, 1981, A determines that he has compensation for 1980 of $12,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1980. On April 15, 1981, A files his income tax return for 1980 taking a deduction of $1,500 for his contribution to his IRA. As of such date, there had been no distribution from the account. Under section 4973, A would have $300 of excess contributions in his IRA for 1980 [($1,500–$1,500)+($300–$ 0)] and would be liable for an excise tax of $18 on such excess contribution.

Example (3) Assume the same facts as in Example (1) and (2). Assume further that on July 1, 1981, A contributes $1,000 to his account. On January 9, 1982, A determines that he has compensation for 1981 of $15,000. Under section 219, the maximum amount allowable as a deduction to A as a deduction for retirement savings is $1,500 for 1981. On April 15, 1982, A files his income tax return for 1981 taking a deduction of $1,000 for his 1981 contribution to his IRA and an additional deduction of $300 under section 219 (c)(5). A will have no excess contributions in his IRA for 1981 because he made no excess contributions for 1981 and the previous year's excess contribution has been eliminated by the underutilization (section 4973 (b)(2)(C)) of 1981's allowable contribution.

Example (4) Assume the same facts as in Examples (1) and (2). Assume further that on July 1, 1981, A contributes $1,500 to his account. On December 1, 1981, A withdraws $300 from his IRA. On January 9, 1982, A determines that he has compensation for 1981 of $15,000. Under section 219, the maximum amount allowable as a deduction to A as a deduction for retirement savings is $1,500 for 1981. On April 15, 1982, A files his income tax return for 1981 taking a deduction of $1,500 for his 1981 contribution to his IRA. A will have no excess contributions for 1981 because he made no excess contributions for 1981 and the previous year's excess contribution has been eliminated in a distribution described in section 408 (d)(5).

Example (5) On February 1, 1979, H, an individual, establishes an IRA for himself and one for his nonworking spouse W. He contributes $875 to his account and $775 to his wife's account. On January 31, 1980, H determines that he has compensation for 1979 within the meaning of section 220 (c) and the regulations thereunder of $20,000. Under Section 220 (b)(1), the maximum amount allowable as a deduction for retirement savings to A is $1,550. On April 15, 1980, H files a joint income tax return for 1979 and takes a deduction of $1,550 for his contribution to the IRA of himself and his spouse. As of such date, there had been no distribution from either IRA. Under section 4973, H would have $100 of excess contributions in his account for 1979 [($1,650–$1,550)+0] and H would be liable for an excise tax of $6 on such excess contribution.

Example (6) Assume the same facts as in Example (5). Assume further that on June 1, 1980, H contributes $875 to his account and $875 to his wife's account. On January 31, 1981, H determines that he has compensation for 1980 within the meaning of section 220 (c) and the regulations thereunder of $20,000. Under section 220 b)(1), the maximum amount allowable as a deduction for retirement savings is $1,750. On April 15, 1981, H files his income tax return for 1980 taking a deduction of $1,750 for his contribution to the individual retirement account of himself and his wife. As of such date, there had been no distribution from either account. Under section 4973, H would have $100 of excess contributions in his account for 1980 and would be liable for an excise tax of $6 for such excess contribution.

Example (7) Assume the same facts as in Example (5). Assume further that on June 1, 1980, A contributes $1,600 to his account and nothing to his wife's account. On January 31, 1981, A determines that he has compensation for 1980 within the meaning of section 220 (c) of $22,000. On April 15, 1981, H files his income tax return for 1980 and takes a $1,600 deduction under section 219 (a) for the 1980 contribution to his IRA and a $100 deduction under section 219 (c)(5) for the 1979 excess contribution. Under section 4973, H would have $0 excess contributions for 1980 because the previous year's excess contribution has been eliminated under section 4973 (b)(2) (C).

Example (8) On March 1, 1979, a custodial account under section 408 (b)(7) (A) is established for the benefit of T who is otherwise eligible to have such an account established and a contribution of $7,000 is made to such account by A's employer which

is a tax-exempt organization described in section 501 (c)(3). The amount excludible from T's gross income in 1979 under section 403 (b) is $4,000 and the amount permitted to be contributed for 1979 under section 415 is $5,000. Under section 4973, T would have an excess contribution of $3,000 [($7,000−$4,000)+0] in his account for 1979 and would be liable for an excise tax of $180.

Par. 17. A new paragraph (d) is added to § 54.4974–1 to read as follows.

§ 54.4974–1 Excise tax on accumulations in individual retirement accounts or annuities.

* * * * *

(d) *Waiver of tax in certain cases*—(1) In general. If the payee described in section 4974(a) establishes to the satisfaction of the Commissioner that—

(i) The shortfall described in section 4974(a) in the amount distributed during any taxable year was due to reasonable error, and

(ii) Reasonable steps are being taken to remedy the shortfall, the tax imposed by section 4974(a) may be waived.

(2) *Reasonable error.* Examples of reasonable error leading to an underdistribution include: erroneous advice from the sponsoring organization or other pension advisors or organizations which misled the payee, attempts by the payee to apply the required formula which led to a miscalculation, or misunderstanding of the formula.

Procedure and Administration Regulations

26 CFR Part 301

PART 301—PROCEDURE AND ADMINISTRATION

Par. 18. Section 301.6693–1 is revised by changing its title, adding after paragraph (a)(2) a new paragraph (a)(3), and amending paragraph (e). Section 301.6693–1, as revised, reads as follows:

§ 301.6693–1 Penalty for failure to provide reports and documents concerning individual retirement accounts, individual retirement annuities and simplified employee pensions.

(a) *In general.* * * *

(3) *Simplified employee pensions.* An employer who makes a contribution on behalf of an employee to a simplified employee pension who fails to furnish or file a report or any other document required under section 408(l) or § 1.408–9 within the time and in the manner prescribed for furnishing or filing such item shall pay a penalty of $10 for each failure unless it is shown that such failure is due to reasonable cause.

* * * * *

(e) *Effective date.* This section shall take effect on January 1, 1975, except for paragraph (a)(3) which is effective for years beginning after December 31, 1978.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 81–20886 Filed 7–13–81; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Ch. II

Arctic National Wildlife Refuge Oil and Gas Exploration

ACTION: Notice of intent to propose rulemaking, prepare an environmental impact statement (EIS), and Notice of public meetings.

SUMMARY: The Director of U.S. Geological Survey (USGS) is seeking public views and comments to assist in drafting regulations and in scoping the EIS on exploration activities within the coastal plain of the Arctic National Wildlife Refuge. Written comments and views are requested with regard to relevant questions concerning both actions of this program.

DATES: Comment date: Comments must be submitted on or before September 1, 1981.

Meeting Dates

August 13, 1981—Anchorage, Alaska
August 17, 1981—Fairbanks, Alaska
August 19, 1981—Kaktovik, Alaska
August 20–27, 1981—Arctic Village and Barrow, Alaska
September 1, 1981—Washington, D.C.

ADDRESSES: Written comments are to be submitted to Chief, Conservation Division, USGS, 600 National Center, Reston, Virginia 22092.

Public Meeting Locations

An opportunity to present oral statements on the program will be accorded in public meetings to be held on August 13, 1981, at the Anchorage Federal Building, Room C–109, 701 "C" Street, Anchorage, Alaska, at 7 p.m., at the Fairbanks Federal Building, Room 236, 101 12th Avenue, Fairbanks, Alaska, at 7 p.m. on August 17, 1981; and at the Main Interior Building Auditorium, Washington, D.C., at 1 p.m., on September 1, 1981. Additional public meetings are scheduled to be conducted at Kaktovik on August 19, 1981, at a location and time to be announced later and at Arctic Village and Barrow from August 20 to August 27, 1981.

FOR FURTHER INFORMATION CONTACT: John Haugh, Branch of Onshore Environmental Management, U.S. Geological Survey, 650 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, phone (703) 860–7531 or FTS 928–7531, or Joe Dygas, U.S. Geological Survey, Box 259, Anchorage, Alaska 95510, phone (907) 271–4356, with regard to the EIS and regulations, or Gerald Garner, Arctic National Wildlife Refuge, U.S. Fish and Wildlife Service, Federal Building, 101 12th Avenue, Fairbanks, Alaska 99701, phone (907) 452–1951 with regard to the baseline fish and wildlife study.

SUPPLEMENTARY INFORMATION:

Public Meetings

Oral statements at these meetings will be limited to 5 minutes. Individuals will be alloted time for the specific meeting requested in the order the requests are received. To the extent that time is available, after presentation of oral statements by those who have given advance notice, the presiding officer will give others present an opportunity to be heard in the order that their name appears on the meeting register.

Section 1002 of the Alaska National Interest Lands Conservation Act (ANILCA) provides for the submission of a Secretarial report and recommendations to the Congress on the oil and gas potential and future development of the Arctic National Wildlife Refuge Coastal Plain. To aid in preparing that report, the Congress authorized a limited exploration program consisting of surficial geology and geophysical surveys as a means of identifying the location and estimating the probable extent of oil and gas resources that may underlie the coastal plain of the refuge.

Prior to approving any exploration plan, various studies must be initiated and final regulations published. Specifically, the Secretary is directed to prepare a baseline study on the fish and wildlife values of the coastal plain and to continue gathering information during the study period. Lead responsibility for the baseline study is assigned to the Director, U.S. Fish and Wildlife Service (USFWS). No later than December 2, 1982, the Secretary is to publish guidelines by regulation and is to file an EIS on exploration activities. Lead responsibility for drafting the regulations and the EIS is assigned to the Director, USGS. The USFWS will serve as a cooperating agency in preparing the EIS. Both Bureaus will be working closely in preparing the regulations.

The regulations are to include necessary restrictions to protect fish and wildlife and their habitats and the environment of the study area.

Exploration activities are to be limited to surficial geology and geophysical exploration. Although Congress intended for these activities to be carried out by industry, ANILCA provides for the Federal Government to explore the area if industry declines to do so and/or if it is determined that additional data is necessary for report purposes. All data and information obtained as a result of industry exploration is to be submitted to the Secretary. However, certain types of information will be held confidential for a specified period of time.

An EIS is to be prepared on exploration activities. As such, the EIS will also pertain to rulemaking for the approval of exploration plans. The EIS and the baseline study will serve as the principal documents for developing the substantive regulatory requirements, i.e., stipulations or conditions and restrictions to assure that subsequent exploration activities are carried out in an environmentally acceptable manner. Current plans are to publish the proposed rules and to file the draft EIS by March 1982 and to publish the final rules and to file the final EIS by July 1982. No exploration can take place until a plan has been approved. ANILCA prohibits the approval of exploration plans prior to December 2, 1982, and once a plan is received, the Department must act on it within 120 days.

Information Requested

The purposes of this notice are to obtain public views and comments on structuring proposed rules for governing exploration and for scoping the EIS. Scoping is a procedure for identifying significant environmental issues prior to drafting the EIS. To be most helpful, the comments should be as specific and as carefully documented as possible and should focus on the following questions:

What information should be required in the exploration plan in addition to that specifically required in Section 1002(e)?

Should the entity performing the field exploration be required to post a bond, and, if so, for how much?

Should the regulations reflect general operating stipulations and provide the authority to impose site-specific stipulations based on the review of the plan or, in the alternative, should the regulations be very detailed and specific about all the operating stipulations that would be imposed and the acceptability of a plan reviewed solely in that context?

What procedures should be established to assure that there is no unnecessary duplication of exploration activities?

Should seismic exploration activities be limited to the winter field season?

Is the use of the vibroseis technique the most efficient means for collecting quality seismic data considering environmental and cost concerns?

What additional Federal, State, and local permits need to be considered and can those requirements be incorporated in the exploration plan approval process?

How should the following terms relating to geological and geophysical data be defined

—raw data?
—processed data?
—analyzed data?
—interpreted data?

If Congress directs that the area be leased, should processed, analyzed, and interpreted data and information obtained under the exploration program be held confidential for more than 2 years following the related lease sale and, if so, for how much longer?

Should raw data collected under this program be held confidential before being released to the public and, if so, for how long?

How should exploration data collected by industry, when subject to release, be made available to the public?

What are the principal environmental, wildlife, and other surface resource concerns associated with approving surface geologic investigations and geophysical exploration activities?

Are there areas in the coastal plain study area which should be temporarily or permanently closed to exploration activities? If so, what are these areas and why should these restrictions be imposed?

What alternatives should be addressed in the EIS?

Dated: July 8, 1981.

Eddie R. Wyatt,
Acting Director, Geological Survey.

[FR Doc. 81–20527 Filed 7–13–81; 8:45 am]
BILLING CODE 4310–31–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 773

[OPTS–47004; TSH–FRL 1809–7]

Dichloromethane, Nitrobenzene and 1,1,1–Trichloroethane; Proposed Test Rule

Correction

In FR Doc. 81–16724, at page 30300 in the issue of Friday, June 5, 1981, make the following corrections:

(1) On page 30300, in the first column, the preamble section, the paragraph designated as "ADDRESSES", second paragraph, line two, correct the document control number to read "OPTS–47004".

(2) On page 30303, first column, third full paragraph designated as "g.", the first line, first word, correct *"Reproduction"* to read *"Reproductive"*.

(3) On page 30303, last column, first full paragraph designated as "b.", line ten, correct "invertebrates" to read "vertebrates".

(4) On page 30308, in the first column, first paragraph, line three from the end of the paragraph, insert the word "time" after the word "these".

(5) On page 30318, second column, § 773.1500 (d)(4)(i)(B), line seven, correct "0.28" to read "0.028".

(6) On page 30319, first column, § 773.3050 (d)(1)(ii)(C), line two, insert "to & PA" after "submitted".

BILLING CODE 1505–01

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Ch. 60

Government Contractors; Affirmative Action

AGENCY: Office of Federal Contract Compliance Programs (OFCCP), Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Labor anitiicipates proposing on or before August 26, 1981, revisions to certain OFCCP regulations regarding affirmative action requirements for Government contractors including federally assisted construction contractors. In addition to that rulemaking proceeding, the Department also is interested in the reaction of the public to certain issues affecting the contract compliance program. Accordingly, this advance notice of proposed rulemaking is being published to elicit the views of the public on these issues prior to proposing a rule. The proposal resulting from this advance notice is not expected to be published until sometime subsequent to the August 26, 1981, proposal mentioned above.

DATES: Comments will be received until September 14, 1981.

ADDRESS: Comments should be sent to James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C–3324, U.S. Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:
James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Department of Labor published a final rule (see 45 FR 86215; corrected January 23, 1981, at 46 FR 7332) revising the regulations at 41 CFR Chapter 60 which implement (1) Executive Order 11246, as amended, (2) section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and (3) section 503 of the Rehabilitation Act of 1973, as amended. The rule was scheduled to take effect on January 29, 1981. On January 26, 1981, a notice was published in the **Federal Register** (46 FR 9084) delaying the effective date of the rule until April 29, 1981, to allow the Department of Labor to conduct a full review of the regulation. Subsequently, in separate notices in the **Federal Register** on April 28, 1981, (46 FR 23742) and June 26, 1981, (46 FR 33033), the effective date of the regulations was deferred up to and until July 15, 1981. Published elsewhere in the **Federal Register** today is a notice further delaying the effective date of the regulation until August 26, 1981.

During the period that the effective date of the regulation has been deferred, the Department of Labor met with representatives of contractor groups covered by the laws administered by OFCCP, representatives of public interest groups which are interested in the protections afforded under those laws, and with representatives of organized labor. The purpose of these meetings was to share with these groups the agency's general notions as to how the regulations might be improved and to elicit any questions which the groups might have concerning the agency's approach prior to the formal submission of the regulations and commencement of formal consultations under applicable Executive Orders discussed more fully below. Several groups thereafter submitted written comments, which the Department has analyzed in the course of reviewing the rules.

The Department also conducted a preliminary regulatory impact analysis under Executive Order 12291. For the most part, the regulations reviewed and analyzed pursuant to Executive Order 12291 were those contained in the December 30, 1980, **Federal Register**; however, the review and analysis did include some of the regulations in 41 CFR Chapter 60 which had not been amended by the December 30, 1980, final rule.

As a result of the review and analysis, the Department of Labor has developed a proposed regulation. The proposed regulation has been submitted to the Office of Management and Budget pursuant to Executive Order 12291 and to the Equal Employment Opportunity Commission (EEOC) pursuant to Executive Order 12067. It is not apparent, however, that the intergovernmental review and consultation procedures required to be followed for a regulation of this type cannot be completed prior to July 15, 1981, the date on which the December 30, 1980, rule is scheduled to take effect. Accordingly, that rule is being deferred until August 26, 1981, as mentioned above.

In addition, the Department of Labor has determined that certain issues should be submitted to the public for comment prior to proposing a rule in the **Federal Register** for comment. EEOC also suggested this approach in addition to making other recommendations which the Department is considering. These issues are described below and specific questions on which the Department seeks comments are set forth. However, the Department is interested in any comments or suggestions the public may have but the public specifically is requested to address the questions framed herein. Supporting data and rationale for positions taken in comments are specifically requested. Any subsequent rulemaking proceedings resulting from this advance notice will proceed separately from the regulation we expect to propose on or before August 26, 1981.

I. The "8-Factor Analysis"

The basic method of conducting the numerical aspects of affirmative action programs has not changed since publication of Part 60-2 (Revised Order 4) in 1970. The center of the numerical approach, contained in § 60-2.11(b), is an analysis of the availability of minorities and women drawn from consideration of eight factors. The 8-factor analysis has been criticized because some of the factors are not easily quantified; data regarding some others are often not available in a reliable form; and others may not be relevant to the availability of women and minorities for employment in each situation.

Goals and timetables are critical elements of contractors' affirmative action programs. Changes to the 8-factor availability analysis would, therefore, have a significant impact upon contract compliance. Accordingly, the Department, in addition to considering the results of studies on the subject, is requesting comment on the 8-factor analysis and feasible alternatives. For the convenience of the user, the eight factors are set forth as follows:

Determining Minority Availability

(1) The minority population of the labor area surrounding the facility;
(2) The size of the minority unemployment force in the labor area surrounding the facility;
(3) The percentage of the minority workforce as compared with the total workforce in the immediate labor area;
(4) The general availability of minorities having requisite skills in the immediate labor area;
(5) The availability of minorities having requisite skills in the area in which the contractor can reasonably recruit;
(6) The availability of promotable and transferable minorities within the contractor's organization;
(7) The existence of training institutions capable of training persons in the requisite skills; and
(8) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

Determining Female Availability

(1) The size of the female unemployment force in the labor area surrounding the facility;
(2) The percentage of female workforce as compared with the total workforce in the immediate labor area;
(3) The general availability of women having requisite skills in the immediate labor area;
(4) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;
(5) The availability of women seeking employment in the labor or recruitment area of the contractor;
(6) The availability of promotable and transferable female employees within the contractor's organization;
(7) The existence of training institutions capable of training persons in the requisite skills; and
(8) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to women.

Comment is sought on the following questions and on any additional issues regarding the 8-factor analysis that the public thinks should be considered.

1. Which of the current eight factors should be retained as now written, which should be altered (and how), and which should be dropped entirely?
2. The 1980 Census should provide considerably improved information about the participation of women and minorities in various occupational groups. How should use of the 1980 Census be incorporated into the analysis of availability?
3. A consistent problem in determining availability is the currency of data. What methods should contractors and OFCCP use to update data each year?
4. Should OFCCP consider establishment of standardized job groups (e.g., the occupational categories for which information was gathered for the 1980 Census)? If so, will there be problems in establishing current data for these categories?
5. Should contractors attempt to establish some comparative value or "weight" to each of the several factors considered? The regulations do not require contractors to assign "weights" to the various factors, but the Federal Contract Compliance Manual permits OFCCP compliance staff to accept "weighting" as a method for determining availability. What consideration, if any, should be given to quantitative comparisons—such as "weighting"—of factors used to determine availability? Should OFCCP require a weighted factor analysis or some other specific system? If no one system is required, what evidence should contractors be expected to produce to demonstrate the reliability and integrity of the system which they adopt?
6. In assessing availability, what consideration should be given to factors reflecting the potential availability (e.g., the number of minorities or women in training programs) in addition to current availability (e.g., requisite skill data)? How can potential availability be calculated and demonstrated?
7. If the availability analysis is limited to factors describing current availability, what steps, if any, can the contractor undertake to increase the participation of women and minorities in occupations in which they traditionally have not been employed?

II. Back Pay

Some contractors have questioned the appropriateness of back pay as a remedy under the Executive Order program. In addressing this matter, the Department is seeking comments from the public on the issue generally but specifically invites comments on the following questions.

1. Should OFCCP comtinue to utilize back pay in its resolution of complaints or findings of noncompliance under the Executive Order program?
2. If back pay is not utilized under the Executive Order program, what other vehicles are available which would serve as an adequate incentive to promote compliance in the contractor universe?
3. Is it appropriate to use the back pay remedy selectively? If so, under what circumstances (e.g., a contractor which has corrected employment practices and provided other relief, such as seniority adjustment, but has not provided back pay would not be held liable for monetary relief in a subsequent compliance review)?
4. Is there a role for training programs or monetary relief such as bonuses or incentive pay under the Executive Order program (e.g., to promote transfers by employees from lower paying or less desirable jobs into better paying and more desirable jobs) which may be more appropriate than back pay?
5. In instances where an OFCCP compliance review or complaint investigation demonstrates that a person or persons has or have suffered actual loss of wages as a direct result of a proscribed discriminatory employment practice, should back pay be recovered for such person(s)? If not, what type of relief should OFCCP obtain for such person(s)?

III. Executive Order Coverage of a Construction Contractor's Nonfederally Funded Construction Projects

On October 3, 1980, OFCCP published a final rule clarifying the requirement that a covered construction contractor's total workforce was to be protected under 41 CFR Part 60-4 even though some of the contractor's employees may perform work on nonfederal or nonfederally assisted construction contracts, and even though nonfederally involved work may occur in geographical areas in which the contractor has no Federal or federally assisted consturction contracts. One of the reasons for covering all of a construction contractor's workforce based on a single covered contract is that prior experience under the Executive Order program demonstrated that during the time of a compliance review, some contractors would move minority workers from noncovered jobs to covered jobs in an effort to show that they were complying with the Executive Order.

The Department seeks comments on the following questions:

1. What difficulties do covered contractors experience as a result of having their entire workforce protected?
2. What justifications are there for not covering a construction contractor's entire workforce?
3. Should a distinction be drawn between nonfederally involved contracts performed in a geographical area where the contractor also is performing federally involved work, and nonfederally involved contracts performed in areas where the contractor has no federally involved work?
4. If only the contractor's federally involved work is covered, how can the Department ensure that contractors do not transfer minority and female workers between covered and noncovered work to give an appearance of compliance?

IV. Female and Minority Utilization Goals for Construction Contractors.

Goals and timetables for the participation of females in the construction industry were established for the first time in the April 7, 1978, **Federal Register** (43 FR 14888). The goal was 3.1% from April 1, 1978, until March 31, 1979; 5.1% from April 1, 1979, until March 31, 1980; and 6.9% from April 1, 1980, until March 31, 1981. On December 30, 1980 (45 FR 58750), the 6.9% goal was extended until further notice.

These goals were based upon the participation rate of women in the craft and kindred experienced civilian labor force as reflected in the 1970 census. This group of workers was considered to be an availability pool of females for construction work because it included occupations having working conditions, skills and educational requirements similar to those found in the construction industry. According to the 1970 census, females constituted 5% of the experienced civilian labor force in craft and kindred occupations. It was assumed that construction contractors could meet the 5% female utilization in 2 years. Since utilization of women was 1.2%, at that time, this meant that construction contractors would have to improve female utilization by 3.8% (5% minus 1.2%) in order to meet the 5%. Since this increase was spread over a two-year period, construction contractors would have to improve their female utilization by 1.9% per year (3.8% divided by 2). The first year's goal of 3.1% was reached by adding current utilization (1.2%) to the expected increment (1.9%). The two other incremental goals were constructed in the same manner, namely by adding the 1.9%.

Some construction contractors have achieved the 6.9% female goal. However, the OFCCP has received numerous complaints from other contractors that the goal level is unrealistically high. A number of contractors state that they cannot find enough qualified women to

meet the goal. On the other hand, OFCCP has received comments from women stating that they never would have been able to get jobs in construction absent the female construction goal.

Preliminary research by OFCCP does indicate difficulty with using the traditional requisite skill approach to availability for women in construction. A limited study of women currently working in construction showed that they came from a variety of backgrounds; more than a third were previously in clerical/sales occupations, for example. The public is therefore requested to comment upon factors which could be used as a basis for developing goals for women in the construction industry.

1. Is there a better data base than the Dicennial Census of the Population for determining goals for women? If so, what is it?

2. Should the Department consider the total civilian labor force as the availability pool for women for the construction trades or should it use a more specific labor pool (e.g., experienced civilian labor force in other occupations such as the number of women in construction related apprenticeship or other training programs)?

3. Should the Department base the goals for women on calculations other than their percent of participation in a particular labor pool?

4. What other methods are there for increasing the availability of women in construction work?

On October 3, 1980 (45 FR 65976), the OFCCP published revised goals for minority participation in Federal and federally assisted construction work. For the first time goals were established for all areas of the country. Goals were established for each Standard Metropolitan Statistical Area (SMSA) and for each outlying area. Rural areas have been standardized into Economic Areas (EA), as defined by the Bureau of Economic Analysis, U.S. Department of Commerce. In addition, a single goal was established for all trades in each SMSA and EA in place of the separate goals which previously existed for the individual crafts under hometown or imposed plans. This new goal was based upon the minority representation in the experienced civilian labor force for each area.

OFCCP has received separate comments from different groups that the minority goal levels are both too high and too low. Two bases are offered for the goals being too high. First, it is claimed that it is unreasonable to apply the same goal to an entire EA. One part of an EA may be near an urban area with a relatively high minority availability while a remote part of the EA may have very few minorities in the immediate area. Since the goal represents an averaging of the entire area, it is claimed that it overstates availability for remote areas and understates it for areas near urban centers. It is also claimed that it is unrealistic to establish the same goals for skilled crafts as for laborers.

Persons who claim that the goals are too low point to the fact that, in some instances, the single goal established for an SMSA is lower than the previous goal established for some crafts under hometown or imposed plans.

OFCCP is requesting the public to comment upon its experience with the single minority goals for SMSAs and EAs.

1. What evidence is there that persons are or are not willing to travel from urban to rural areas for construction jobs?

2. Is the single goal for a particular area unreasonably high for skilled craft jobs? If so, what alternatives exist?

3. Is the minority experienced civilian labor force an adequate data base for determining the availability of minorities for construction work?

4. Should the census data be refined to take into account vocational and/or experience levels of construction workers and the impact such refinements would have on minority availability?

Signed at Washington, D.C., this 9th day of July 1981.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

Ellen M. Shong,

Director, OFCCP.

[FR Doc. 81-20614 Filed 7-13-81; 8:45 am]

BILLING CODE 4510-27-M

FEDERAL MARITIME COMMISSION

46 CFR 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Further Notice of Proposed Rulemaking.

SUMMARY: In a Proposed Rulemaking dated March 17, 1980, the Commission requested comments about possible conflicts of interest between the duties of a freight forwarder and those of a carrier or carrier's agent with respect to eligibility to be licensed as a forwarder. The final rule, published at 46 FR 24565, May 1, 1981, contains a § 510.33(g) which prohibits the receipt of freight forwarder compensation by persons which are both licensed forwarders and also steamship carriers or agents, on shipments in which the licensee actually acted as carrier or agent. Elsewhere in this issue the Commission stays the effectiveness of this portion of the final rule. This document serves further notice of proposed rulemaking in order to ensure adequate notice to all interested parties and to encourage comment.

DATES: Comments on or before August 13, 1981.

ADDRESS: Inquiries and comments (original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Telephone (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission instituted a rulemaking on March 17, 1980 to revise General Order 4, which governs the licensing and operations of independent ocean freight forwarders. The Notice of Proposed Rulemaking contained a section entitled "Basic requirements for licensing; eligibility." In the Supplementary Information accompanying the proposed rule, there appeared the following explanation of the proposed subsection entitled "Oceangoing common carriers":

> This subsection incorporates provisions of present section 510.22(a). While the eligibility for licensing of such carriers is retained, the Commission is most concerned about possible conflicts of interest between the duties of a forwarder and those of a carrier or carrier's agent. The Commission requests comments on this problem for possible future action.

The final version of this subsection appeared as § 510.33(g) in the final rule, and prohibits the receipt of freight forwarder compensation by persons which are both licensed forwarders and also steamship carriers or agents thereof, on shipments in which the licensee also acted as carrier or agent.

The Commission has received a petition for reconsideration of the final rule, on the ground that insufficient notice was given of the rule ultimately adopted. Petitioners argue that the Notice of Proposed Rulemaking made no mention of any restriction on compensation, and that it requested comment only on the issue of eligibility of licensee/carriers or licensee/agents in light of possible conflicts of interest. The failure of the Commission to suggest that it was considering a restriction on forwarder compensation, Petitioners argue, constituted inadequate notice.

The Commission considers that its Notice of Proposed Rulemaking was more than adequate to alert the public to the possibility of the action taken in the final rule. The restriction on compensation by forwarder/agents was encompassed in the broader subject matter raised in the Notice of Proposed Rulemaking, *i.e.*, conflicts of interest and license eligibility of forwarder/agents. In this sense, the final rule was a less restrictive version of the original proposal.

Nevertheless, the Commission has determined to notice § 510.33(g) of its final rule for further comment. The Commission wishes to explore completely the merits of the restrictions on forwarder compensation to licensee/agents, by ensuring the awareness of the rule by the interested public, and obtaining the benefit of the widest possible range of comments from those who may be affected.

Elsewhere in this issue the effect of § 510.33(g) of 46 CFR (46 FR 24574) is stayed pending final resolution of this matter.

By the Commission.*

Francis C. Hurney,

Secretary.

[FR Doc. 81-20640 Filed 7-13-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-352]

Use of the Subsidiary Communications Authorization for Utility Load Management; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and replies to comments to a *Notice of Proposed Rulemaking*, Docket No. 81-352, which proposes to amend the Commission's FM Subsidiary Communications Authorization (SCA) rules to permit SCA use for utility load management.

*Chairman Alan Green, Jr. did not participate.

The action taken herein was requested by McKenna, Wilkinson and Kittner.

DATE: Comments are due on or before August 7, 1981 and replies to comments are due on or before August 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Norman Plotkin, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 81-352; (46 FR 31290; 6-15-81)]

Order Extending Time for Filing Comments to Notice of Proposed Rulemaking

Adopted: July 1, 1981.

Released: July 8, 1981.

In the matter of amendment of § 73.293 and § 2.106 of the Commission's rules concerning use of the Subidiary Communications Authorization for utility load management.

By the Chief, Policy and Rules Division:

1. On May 21, 1981 the Commission adopted a *Notice of Proposed Rulemaking*, Docket No. 81-352, which proposes to amend its FM Subsidiary Communication Authorization (SCA) rules to permit SCA use for utility load management purposes. This Notice was released on June 8, 1981 with comments permitted on or before July 8, 1981 and reply comments on or before July 23, 1981.

2. On June 29, 1981, McKenna, Wilkinson and Kittner (NWK), on behalf of various clients, filed a motion for a sixty (60) day extension of time in which to file comments and reply comments in the above captioned proceeding.

3. In its motion for a sixty (60) day extension of time, MWK states that this additional time would permit its clients to analyze and comment more thoroughly on both the utility load management purpose of this Notice and the broader, possible non-broadcast uses of SCA's . We are of the opinion that, while an extension of time would be in the public interest to permit fuller comment on utility load management use of SCA, an extension of sixty (60) days is not warranted by the specific and narrow issue dealt with in this Notice and would delay Commission action to the possible detriment of the public. Comments on the larger issues to which requestor refers can more appropriatedly be addressed in a possible future rule/making relating to multiple uses of FM SCA's. We are therefore granting thirty (30) days additional time.

4. Accordingly, it is ordered, that the time for filing comments and replies to comments to the above referenced *Notice of Proposed Rulemaking*, Docket No. 81-352, is extended to and including August 7, 1981 for comments and August 22, 1981 for replies.

5. This action is taken pursuant to authority found in section 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules and Regulations.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20660 Filed 7-13-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-256; RM-3118]

FM Broadcast Station in Lockhart, Texas; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information; Extension of reply comments.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning the proposed assignment of an FM channel to Lockhart, Texas. Counsel for petitioner, Hicks Communications, Inc., states that he was just retained and that additional time is needed to review the previous filings and to prepare informed reply comments.

DATE: Reply comments must be filed on or before July 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of 73.202(b), Table of Assignments, FM Broadcast Stations. (Lockhart, Texas), [BC Docket No. 79-256; RM-3118]

Order Extending Time for Filing Reply Comments

Adopted: June 29, 1981.

Released: July 7, 1981.

By the Chief, Policy and Rules Division:

1. On April 1, 1981, the Commision adopted a *Request for Supplemental Information*, 46 FR 22770, published April 21, 1981, in the above-captioned proceeding. By *Order* released June 5,

1981, the time for filing comments and reply comments thereto was extended to and including June 10, and July 1, 1981, respectively.

2. The comments having been timely filed, we now have before us for consideration a Motion for Extension of Time filed by counsel for Hicks Communications, Inc. ("Hicks"), on June 25, 1981, requesting an extension of time to and including July 13, 1981, in which to file reply comments. Counsel states that it has recently been engaged to represent Hicks, and due to the complexity and lengthy background of this proceeding [which is one of several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site], additional time is needed to review the previous filings and prepare a response. Moreover, counsel states that comments filed by the parties were served on the former counsel for Hicks and were received by it only recently.

3. We are of the view that under the foregoing circumstances, additional time is warranted to afford all parties a moderate period in which to formulate the reply comments. Such extension will assure development of a sound and comprehensive record on which to base a decision herein.

4. Accordingly, it is ordered, that the time for filing reply comments in BC Docket No. 79-256 (RM-3118), is extended to and including July 13, 1981.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20609 Filed 7-13-81;8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 46, No. 134

Tuesday, July 14, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1980 Crop Upland Cotton Program; National Program Acreage, Allocation Factor, and Payment Rate for 1980 Crop of Upland Cotton

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of revision of national program acreage and announcement of the allocation factor and payment rate for the 1980 crop of upland cotton.

SUMMARY: The purpose of this notice is to announce a revision of the national program acreage, allocation factor, and payment rate for the 1980 crop of upland cotton. These actions are taken in accordance with the provisions of Sections 103(f)(4), 103(f)(7), and 103(f)(8) of the Agricultural Act of 1949, as amended, which provide the authority for these determinations.

EFFECTIVE DATE: July 13, 1981 (date of filing with the Director, Office of the Federal Register).

ADDRESS: Production Adjustment Division, ASCS-USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Chief, Program Analysis Branch, Production Adjustment Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7873. The Final Impact Statement describing the options considered in developing this Notice of Determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed in accordance with Executive Order 12291 and has been classified as not a "major rule." This notice of determination has been classified as not a "major rule" since its annual effect on the economy will not exceed $100 million or more.

The title and number of the federal assistance program that this notice applies to are: Title—Cotton Production Stabilization; Number 10.052, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

Section 103(f)(4) of the Agricultural Act of 1949, as amended, requires that payments be made on each crop of upland cotton at a rate equal to the amount by which the higher of (1) the average price for the calendar year that includes the first five months of the marketing year, or (2) the loan level determined under Section 103(f)(1) of the 1949 Act, is less than the established price. In addition, Section 103(f)(8) of the 1949 Act requires that the Secretary of Agriculture determine an allocation factor for each crop of upland cotton for use in determining the percentage of harvested acres eligible for payment on each farm. The allocation factor is determined by dividing the national program acreage by the number of acres which the Secretary estimates will be harvested.

Section 103(f)(7) of the 1949 Act requires the Secretary to establish a national program acreage for each of the 1978 through 1981 crops of upland cotton. The 1949 Act also authorizes the Secretary to revise the national program acreage for the purpose of determining the allocation factor if the Secretary determines it necessary based upon the latest information. The Secretary is required to announce the revised national program acreage as soon as it has been determined.

A notice of proposed determination was published in the **Federal Register** at 44 FR 54077 requesting comments on the establishment of program provisions for the 1980 crop of upland cotton. A notice of determination was published at 44 FR 75687 in which all comments received regarding the 1980 upland cotton program were discussed. This document sets forth the final determinations with regard to these issues.

A national program acreage of 11,602,285 acres was published on December 21, 1979 (44 FR 75687). The Secretary has determined that the national program acreage shall be revised prior to determining the allocation factor because projections of domestic use, exports, imports, and carryover, and the estimated national weighted average of farm program yields have changed since the initial determination. The revised national program acreage, allocation factor, and deficiency payment rate are based on mechanical adjustments made according to formulas defined by statute.

Accordingly, the revised national program acreage, allocation factor, and payment rate for the 1980 crop of upland cotton are determined to be the following:

Determinations

Revised National Program Acreage for 1980-Crop Upland Cotton. It is hereby proclaimed that the final revised national program acreage for the 1980 crop of upland cotton shall be 11,894,104 acres. This determination is based on the following data:

1. Estimated domestic consumption, 1980-81 (480 lb. net weight bales)	8,700,000
2. Plus estimated exports, 1980-81 (480 lb. net weight bales)	6,000,000
3. Minus estimated imports, 1980-81 (480 lb. net weight bales)	35,000
4. Plus adjustment to increase stocks to desired level (480 lb. net weight bales)[1]	2,808,000
5. Times 480 lbs. per bale	8,577,440,000
6. Divided by estimated weighted average of farm program yields (lbs. per acre)	900
7. Equals: national program acreage (acres)	11,894,104

[1] Desired carryover of upland cotton stocks is 5,800,000 bales. The carryover on August 1, 1980, was 2,962,000 bales. Thus, the stock adjustment is 2,838,000 bales.

Allocation Factor for 1980-Crop Upland Cotton. It is hereby proclaimed that the allocation factor for the 1980 crop of upland cotton shall be 90 percent. This determination is based on the following data:

1. 1980 revised national program acreage	11,894,104
2. Divided by the 1980 estimated harvested acreage	13,143,000
3. Equals the 1980 national allocation factor	.90

Payment rate for 1980-Crop Upland Cotton. It is hereby proclaimed that the payment rate for the 1980 crop of upland cotton is 0. This determination is based on the following data:

1. 1980 national established price (cents per pound)	88.4
2. Minus the higher of the 1980 calendar year average price or the loan rate (cents per pound)[1]	73.3
3. Equals the 1980 payment rate	0

[1] The national weighted average price received by farmers for calendar year 1980 is 73.3 cents per pound. Since this is higher than the loan level of 46.0 cents per pound, the calendar year average price is used in the determination of the payment rate.

Signed at Washington, D.C. on July 7, 1981.

John R. Block,

Secretary.

[FR Doc. 81-20639 Filed 7-13-81; 8:45 am]

BILLING CODE 3410-05-M

COMMISSION ON CIVIL RIGHTS

Appointments of Individuals To Serve as Members of the Performance Review Board; Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that notice of the appointments of individuals to serve as members of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the U.S. Commission on Civil Rights for the rating year beginning October 1, 1980, and ending September 30, 1981.

Lorenzo Casanova, Associate Administrator for Safety, Federal Highway Administration, DOT
Caroline Gleiter, Assistant Staff Director for Program and Policy Review, USCCR
Lawrence B. Glick, Solicitor, USCCR
John Hope III, Deputy Staff Director for Regional Programs, USCCR, (Chair)
Harriett Jenkins, Director of Equal Employment Programs, NASA

Louis Nunes,

Staff Director.

[FR Doc. 81-20460 Filed 7-13-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 177]

Resolution and Order Approving the Application of the Industrial Development Commission of the Town of Windsor Locks, Connecticut, for a Foreign-Trade Zone in Windsor Locks, Within the Hartford Customs Port of Entry.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

RESOLUTION AND ORDER

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Industrial Development Commission of the Town of Windsor Locks, a municipal public agency, filed with the Foreign-Trade Zones Board (the Board) on January 26, 1981, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Windsor Locks, within the Hartford Customs port of entry, the Board finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

FOREIGN-TRADE ZONES BOARD

WASHINGTON, D.C.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN THE TOWN OF WINDSOR LOCKS, CONNECTICUT, WITHIN THE HARTFORD CUSTOMS PORT OF ENTRY

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u)(the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Industrial Development Commission of the Town of Windsor Locks (the Grantee) has made application (filed January 26, 1981) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Windsor Locks, within the Hartford Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 71 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the Commencement of any other manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C., this 8th day of July 1981, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-20566 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Initiation of Countervailing Duty Investigation Sodium Gluconate From the European Economic Community

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: We are initiating a countervailing duty investigation to determine whether the European Economic Community (EC) is subsidizing its manufacturers, producers or exporters of sodium gluconate. We are notifying the U.S. International Trade Commission (ITC) of this action so it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If both investigations proceed normally, the ITC will announce its preliminary determination by July 31, 1981, and we will announce ours by September 9, 1981.

EFFECTIVE DATE: (Date of publication in the **Federal Register**).

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377–3534.

SUPPLEMENTARY INFORMATION:

Case History

On June 16, 1981, we received a petition from counsel representing Pfizer, Inc. New York, New York. Complying with the filing requirements of section 355.26 of the Department of Commerce's Regulations (19 CFR 355.26), the petition alleges that the EC is subsidizing its manufacturers, producers or exporters of sodium gluconate, and that imports of this merchandise to the Uniterd States are materially injuring a U.S. industry.

Scope of Investigation

The merchandise covered by this investigation is sodium gluconate currently provided for in item number 437.5250 of the Tariff Schedules of the United States Annotated.

The petition alleges that the EC is providing a subsidy for the production and exportation of sodium gluconate. More specifically, the petition alleges that the EC has granted a production subsidy to certain products derived from starch, and to glucose derived by direct hydrolysis from maize groats and meal. The petition also alleges that the EC has granted export restitution payments, which are an export subsidy, to its manufacturers, producers or exporters of sodium gluconate as a salt of gluconic acid.

Critical Circumstances

The petition also alleges that critical circumstances exist within the meaning of section 355.29 of the Department of Commerce's Regulations (19 CFR 355.29) by reason of massive imports over a relatively short period. However, the petition relies upon a comparison of imports during the first quarters of the last two years to support this allegation. A comparison of imports during the first quarter of 1981 with imports for each quarter of 1979 and 1980 reveals that imports for the second quarters of 1979 and 1980 were at similar levels to the first quarter of 1981 and the imports for the fourth quarter of 1980 were at the lowest level since the first quarter of 1979. Therefore, we determine that critical circumstances do not exist as regards imports of sodium gluconate from the EC.

Initiation of Investigation

After conducting a summary review of the petition, we have found that its information reasonably supports its allegations. Therefore, in accordance with section 702(c) of the Tariff Act of 1930, as amended, (19 U.S.C. 1671a) (the Act) we are initiating a countervailing duty investigation to determine whether the EC is giving its manufacturers, producers or exporters of sodium gluconate certain benefits that are subsidies within the meaning of section 771(5) of the Act.

ITC Notification

Section 702(a) of the Act also requires us to notify the ITC of this action and to give it the information we used to reach this decision. We will make available to the ITC all non-privileged and non-confidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 7, 1981.

[FR Doc. 81-20569 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-25-M

Rice University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00056. Applicant: Rice University, Department of Chemistry, P.O. Box 1892, Houston, Texas 77001. Article: Excimer Laser, EMG 101. Manufacturer: Lambda-Physik GmbH, West Germany. Intended use of article: See Notice on page 18564 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides (1) an average power of four watts, (2) a pulse energy of 150 millijoules for XeCl and (3) a repetition rate of 0.1–30 hertz. The National Bureau of Standards advises in its memorandum dated May 19, 1981 that (1) the combined capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or appratus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-20515 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-25-M

California Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00073. Applicant: California Institute of Technology, 1201 East California Blvd., Pasadena, California 91125. Article: Model 200/98 Superconducting magnet and Cryostat. Manufacturer: Oxford Instruments, United Kingdom. Intended use of article: See Notice on page 18586 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 28, 1980).

Reasons: The foreign article provides a magnetic field strength of 4.7 tesla with a wide bore of 89 millimeters. The National Bureau of Standards advises in its memorandum dated May 22, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use since no domestic manufacturer was both willing and able to provide an equivalent instrument at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time of order.

(Catalog of Federal Domestic Assistant Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-20516 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00015. Applicant: University of California, Department of Physics, 2405 Bowditch Street, Berkeley, CA 94720. Article: 6(ea.) Fine Beam Tube and Helmholz Coils with Holder. Manufacturer: Leybold-Heraus GmbH, West Germany. Intended use of article: See Notice on page 9686 in the Federal Register of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to conduct classical change/mass (e/m) experiments. The National Bureau of Standards advises in its memorandum dated May 28, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument of apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-20517 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-25-M

Rocky Mountain Eye Foundation et al.; Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00228. Applicant: Rocky Mountain Eye Foundation, 2405 Broadway, Boulder, CO 80302. Article: Ophthalmo-Microsurgical Unit—Type A. Manufacturer: Optische Werke GmbH., West Germany. Intended use of article: The article is intended to be used as part of a facility developed to demonstrate that better ophthalmological surgical care can be provided and with less morbidity and less costs, superior results and at reduced costs. The facility will also serve as a location for clinical and basic investigation in surgery. Procedures under investigation include cataract extraction, intraocular lens implantation, glaucoma procedures, corneal transplantations, strabismus surgery, etc. Current investigations also include studies on the development of obsidian and glass blades as surgical cutting instruments to be used in microsurgery. The facility is also available for instruction of doctors in

training and for nurses and other assistants. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00229. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, LA 70112. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of biologic specimens (tissue samples, blood, tissue cultures and cell fractions). All experiments have as their objective making morphologic observations of high resolution electron micrographs. Specimens will be compared to earlier observations of samples of normal and diseased tissue. Examples include examination of nerves damaged by toxins, study of lysosomes in tissue culture cells, drug induced reactions in liver cell organelles and changes in kidney glomeruli. In some studies the objective is the morphologic observation, and in others the electron microscopic studies are correlated with functional and biochemical studies. The article will also be used for training in electron microscopy procedures. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00230. Applicant: The University of Michigan, Ann Arbor, MI 48109. Article: Small Angle X-ray Camera with Accessories. Manufacturer: Anton Paar Corp., Austria. Intended use of article: The article is intended to be used for the study of supported metal catalysts, polymers, and solutions of polymers, Investigations will be conducted to correlate the activities of catalysts, the mechanical and chemical properties of the polymers with the molecular structure and devise ways of improving the performance of these materials by changing the microstructure. In addition, the article will be used in Chemical Engineering doctoral thesis research, ChE 995, to teach students to do independent research and prepare them for academic and industrial research careers. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00232. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron VRB 2113A30. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polerization, frequency and direction of cosmic radiation. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00233. Applicant: Wilkes-Barre General Hospital, River & Auburn Streets, Wilkes-Barre, PA 18764. Article: Therac 20 Saturne Linear Accelerator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for studies in the radiation therapy dosimetry review program of the Northeast Center for Radiological Physics, which is a part of the Cancer Control Program. The article will also be used as an essential tool in a physicians' training program. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00234. Applicant: University of Florida, College of Engineering, Department of Materials Science & Eng., Gainesville, Florida 32611. Article: Electron Microscope, Model JEM 200CX with Accessories: Manufacturer: Japan Electron Optical Lab., Ltd., Japan. Intended use of article: The article is intended to be used widely in Materials Science and Engineering, from physical metallurgy to corrosion to ceramic processing to glasses, biomaterials, and polymers. Research projects to be conducted will include studies of the following:

1. The nucleation of point defects and heterogeneous precipitation.
2. Strengthening effects in intermetallic Ni(Mo-Al) alloys.
3. SnO_2 supported Pt catalysts.
4. Electrotransport in pure and doped Au films.
5. Ultrafine dispersion of metal-rich clusters in polymer matrices.

Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00235. Applicant: Yale University, Department of Molecular Biophysics and Biochemistry, P.O. Box 6666, New Haven, CT 06511. Article: Nuclear Magnetic Resonance Spectrometer, Model WH-360E with Wide Bore Superconducting Cryomagnet. Manufacturer: Bruker-Physik, A.B., West Germany. Intended use of article: The article is intended to be used to extend high resolution nmr studies of intact cells and other membrane bound systems in vivo so as to answer specific questions about metabolism and regulation with this non-invasive measurement. Studies will concentrate on suspension of cells, following the paths developed recently in the laboratory of the principal investigator and elsewhere. It is planned to study glycolysis in E. Coli, Yeast and Erhlich Ascites Tumor cells, in an attempt to extend the understanding of control and regulation. In rat liver cells it is planned to study the distribution of ^{31}P metabolites between the mitochondria and cytoplasm. In addition, the article will be used in undergraduate, graduate or postgraduate training. Application received by Commissioner of Customs: May 5, 1981.

Docket No. 81-00236. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Treatment Planning System, Model TP 11/44. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is to be used to study the factors involved in the obtainment of accurate dose distributions within the human body for use in radiation therapy treatment planning. Treatment plans using computer tomography scan as input for density corrections in the human body will be compared with plans based on conventional practice assumptions of uniform density except for lungs. The article will also be used in the following medical physics graduate courses.

Radiological Sciences 202E
Radiological Sciences 202F
Radiological Sciences 203
Radiological Sciences 202D

Application received by Commissioner of Customs: May 14, 1981.

Docket No. 81-00237. Applicant: Ohio University, Department of Zoology and Microbiology, Irvine Hall, Athens, OH 45701. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in conducting research of the following:

1. Effects of age on neuromuscular interactions.
2. Histogenesis of chick sympathetic ganglion: catecholaminergic cells.
3. Excitation-contraction coupling: morphological investigations into the t-system, the SR and the glycocalyx.
4. Structural studies of cellular filaments.
5. Pseudomonas plasmid Rpl expression in Caulobacter: a study of plasmid-encoded gene products.
6. Structure of sperm DNA.

Application received by Commissioner of Customs: May 14, 1981.

Docket No. 81-00238. Applicant: The Johns Hopkins University, Charles & 34th Streets, Baltimore, MD 21218. Article: Cathode Ray Tube Display Phosphor P4, CRT, 38 CM Diagonal Magnetic Deflection Designed for use in Vision Research. Manufacturer: Joyce Electronics Ltd., United Kingdom.

Intended use of article: The article is intended to be used for vision psychophysical measures of spatial contrast sensitivities and spatial line spread function for different spatial orientations. Investigations will be conducted to understand the basic properties of visual processing in the spatial domain and determine how these properties change in visual system disease. Application received by Commissioner of Customs: May 14, 1981.

Docket No. 81-00239. Applicant: Arizona State University, Tempe, AZ 85281. Article: Ultra-High Resolution Goniometer Cartridge, Model JEM 200CX-BLGH1. Manufacturer: Japan Electron Optical Labs., Ltd., Japan. Intended use of article: The article is intended to be used in the study of a wide range of inorganic materials including semiconductors, metals, ceramic oxides and minerals. The structure of these materials on the scale of atomic dimensions will be studied. The experiments will include high resolution imaging and the study of diffraction patterns and electron energy loss spectra to determine the structure of materials. In addition, the article will be used in the education of a few graduate students involved in research with the HB5 scanning transmission electron microscope. Application received by Commission of Customs: May 11, 1981.

Docket No. 81-00240. Applicant: University of Southern California, Department of Electrical Engineering, University Park, Los Angeles, CA 90002. Article: Excimer Laser, Model 861S and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used in the study of spectroscopy as well as the study of unimolecular and biomolecular processes of gas phase radicals which are produced by the excimer laser. The experiments will use the very intense (focused) output from the excimer laser to dissociate, via multiphoton absorption, polyatomic molecules to produce the radical of choice. The objective of this research are to develop optical diagnostic techniques for radicals and to investigate their reactions, which are important in the study of combustion processes and air pollution. In addition, the article will be used in the course EE, Physics, or Chemistry 790, Thesis research by graduate students working toward the M.S. or Ph.D. degree. Application received by Commissioner of Customs: May 11, 1981.

Docket No. 81-00242. Applicant: National Aeronautics and Space Administration, (NASA Resident Office, Jet Propulsion Lab.), 4800 Oak Grove Drive, Pasadena, CA 91109. Article: Ion Microanalyzer, Model IMS-3F with Accompanying Accessories. Manufacturer: Cameca, France.

Intended use of article: The article is intended to be used for the purpose of performing structural and material composition analysis of various semiconductors and metals used in fabricating low cost solar cells. The low-cost sheet materials for terrestrial solar cells contain both structural and chemical imperfections. It is essential to understand the interaction of structural and chemical imperfections and metallization contaminant in order to optimize the electrical performance of the solar cells. Application received by Commissioner of Customs: May 14, 1981.

Docket No. 81-00243. Applicant: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California 91103. Article: Millimeter Reflex Klystron, VRY 2131A. Manufacturer: Varian Associates, Ltd., Canada. Intended use of article: The article is a component for a millimeter-wavelength microwave spectrometer receiver which was constructed for radio astronomical investigation of cosmic sources of molecular line emissions. These investigations are carried out to determine the physical conditions, such as temperature and density, in the gas flowing from stars in the late stages of their lives. A particular objective is the determination of the abundance of silicon monoxide in the stellar ejecta. Application received by Commissioner of Customs: May 13, 1981.

Docket No. 81-00244. Applicant: 10MM&P MATES Program, Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Article: Shiphandling simulator for shiphandling and navigation training. Manufacturer: Vereinigte Flugtechnische Werke, West Germany. Intended use of article: The article is intended to be used for instruction and practice in the fundamentals of shiphandling. Application received by Commissioner of Customs: May 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-20315 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet to discuss the reopening of closed areas and surf clam and ocean quahog quotas. The meeting may be lenghtened or shortened or the agenda rearranged or changed depending upon progress of the same.

DATES: The public meeting will convene on Friday, August 28, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at the Sheraton Inn, Route 13, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901; Telephone: (302) 674-2331.

Dated: July 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20286 Filed 7-13-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Boards; Senior Executive

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards for the Department of Army for 1981.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, D.C. 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds the notice published in 46 CFR, page 22421, dated April 17, 1981, to account for additions and deletions to the membership of those boards previously published.

The Members of the Performance Review Board for the Office, Secretary of the Army (OSA), their Field Operating and Joint DoD Activities are:

1. Mr. Milton H. Hamilton, Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army—Alternate Chairperson.
2. Mr. Robert K. Dawson, Principal Deputy Assistant Secretary of the Army (Civil Works), Office, Assistant Secretary of the Army (Civil Works).
3. Mr. Isaac C. Hunt, Jr., Principal Deputy General Counsel, Office, General Counsel.
4. Ms. Amoretta M. Hoeber, Deputy Assistant Secretary of the Army (Research and Development), Office, Assistant Secretary of the Army (Research, Development and Acquisition).
5. Mr. John F. Wallace, Deputy for Management Systems, Office, Assistant Secretary of the Army (Installations, Logistics, and Financial Management).
6. Mr. Clayton N. Gompf, Deputy for Military Personnel Policy and Programs, Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).
7. Brigadier General Johnnie H. Corns, Deputy Chief, of Legislative Liaison, Office, Chief of Legislative Liaison
8. Mr. Walter W. Hollis, Deputy Under Secretary of the Army (Operations Research), Office, Under Secretary of the Army.
9. Mr. Peter Stein, Deputy Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army.
10. Mr. Darrell L. Peck, Deputy General Counsel (Military and Civil Affairs), Office, General Counsel.
11. Mr. George E. Dausman, Deputy for Material Acquisition Management, Office, Assistant Secretary of the Army (Research, Development and Acquisition).
12. Mr. Joseph L. Miller, Deputy for Resources Analysis, Office, Assistant Secretary of the Army (Installations, Logistics and Financial Management).
13. Mr. Leon Kniaz, Deputy for Civilian Personnel Policy, Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).

The members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Major General Morris J. Brady, Assistant Deputy Chief of Staff for Operations.
5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Charles W. Weatherholt, Deputy Director of Civilian Personnel, Directorate of Civilian Personnel, Office of the Deputy for Personnel.
8. Brigadier General Walter J. Mehl, Director of Personnel Plans and Systems, Office of the Deputy Chief of Staff for Personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.
10. Mr. Joseph P. Cribbons, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.
11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
12. Mr. Charles H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.
14. Major General Sampson H. Bass, Jr., Director of Supply and Maintenance, Office of the Deputy Chief of Staff for Logistics.
15. Major General Edward B. Atkeson, Commander, US Army Concepts Analysis Agency.
16. Mr. Harold L. Stuart, The Auditor General.
17. Mr. Michael A. Janoski, Deputy Auditor General.
18. Mr. Hunter M. Woodall, RDA Analysis Officer, Office of the Deputy Chief of Staff for Research and Development.
19. Mr. Charles N. Davidson, Technical Director, US Army Nuclear Agency.
20. Mr. James E. Spates, Assistant Director for Laboratory Activities, Office of the Deputy Chief of Staff for Research and Development.
21. Brigadier General Roger J. Price, Director of OMA, Comptroller of the Army.
22. Mr. Leroy E. Hoole, Jr., Deputy Director of the Army Budget for Budget Management, Comptroller of the Army.
23. Mr. Carroll A. Olson, Deputy Director for Operations and Maintenance, Comptroller of the Army.
24. Major General Clay T. Buckingham, Assistant Chief of Staff for Automation and Communications, Office of the Chief of Staff, Army.
25. Major General Robert L. Kirwan, Commanding General, US Army Operational Test and Evaluation Agency.
26. Major General Vincent M. Russo, Director of Plans, Force Structure, and Systems, Office of the Deputy Chief of Staff for Logistics.

The Members of the Performance Review Board for the US Army Corps of Engineers (COE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.
2. Major General Hugh G. Robinson, Division Engineer, Southwestern Division.
3. Major General E. R. Heiberg, Director of Civil Works, Office, Chief of Engineers.
4. Brigadier General Mark J. Sisinyak, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.
5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.
6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.
7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.
8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.
9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.
10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.
11. Mr. Rodney H. Resta, Chief, Engineer Division, Lower Mississippi Valley Division.
12. Mr. William N. McCormick, Jr., Chief, Engineer Division, South Atlantic Division.
13. Dr. James Choromokos, Jr., Chief, Research and Development, Office, Chief of Engineers.

14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.

15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for the US Army Materiel Development and Readiness Command are:

1. Major General William H. Schneider, HQ, US Army Materiel Development and Readiness Command.

2. Major General Stan R. Sheridan, HQ, US Army Materiel Development and Readiness Command.

3. Major General Robert L. Herriford, Sr., HQ US Army Materiel Development and Readiness Command.

4. Major General Henry Doctor, Jr., HQ US Army Materiel Development and Readiness Command.

5. Major General Benjamin F. Register, Jr., HQ US Army Materiel Development and Readiness Command.

6. Brigadier General (P) Arthur H. Holmes, Jr., HQ US Army Materiel Development and Readiness Command.

7. Mr. Robert E. Bean, HQ US Army Materiel Development and Readiness Command.

8. Dr. Richard L. Haley, HQ US Army Materiel Development and Readiness Command.

9. Mr. Burton M. Blair, HQ US Army Materiel Development and Readiness Command.

10. Mr. Thomas J. Keenan, HQ US Army Troop Support and Aviation Materiel Readiness Command.

11. Mr. Donald R. Lathrop, US Army Armament Materiel Readiness Command.

12. Mr. Richard B. Lewis II, U.S. Army Aviation Research and Development Command.

13. Mr. Seymour J. Lorber, HQ U.S. Army Materiel Development and Readiness Command.

14. Dr. William C. McCorkle, Jr., U.S. Army Missile Command.

15. Dr. Herman Robl, U.S. Army Research Office.

16. Mr. Barton J. Toohey, U.S. Army Tank-Automotive Command.

17. Dr. Robert E. Weigle, U.S. Army Armament Research and Development Command.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General.

2. Brigadier General Robert T. Cutting, M.D., Director of Health Care Operations.

3. Brigadier General Garrison Rapmund, M.D., Commander, U.S. Army Medical Research and Development Command.

4. Dr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

5. Dr. G. F. Bahr, M.D., Department of Cellular Pathology, Armed Forces Institute of Pathology.

6. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.

7. Dr. Lorenz E. Zimmerman, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forced Institute of Pathology.

8. Dr. Samuel B. Formal, Ph. D., Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.

9. Brigadier General Frank F. Ledford, M.D., Director of Professional Services, Office of the Surgeon General.

10. Dr. L. S. Baron, Ph. D., Chief, Department of Bacterial Immuniology, Walter Reed Army Institute of Research.

11. Dr. B. P. Doctor, Ph. D., Director, Division of Biochemistry, Walter Reed Army Institute of Research.

12. Dr. F. M. Enzinger, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

13. Dr. R. F. Goldman, Ph. D., Director, Military Ergonomics Laboratory, U.S. Army Institute of Environmental Medicine.

14. Dr. E. D. Helwig, M.D., Chairman, Department of Skin and Gastrointestinal Pathology, Armed Forces Institute of Pathology.

15. Dr. K. G. Ishak, M.D., Chairman, Department of Hepatic Pathology, Armed Forces Institute of Pathology.

16. Dr. F. B. Johnson, M.D., Chairman, Department of Chemical Pathology, Chief, Basic Science Division and Histochemistry Branch, Armed Forces Institute of Pathology.

17. Dr. A. D. Mason, Jr., M.D., Chief, Laboratory Division, U.S. Army Institute of Surgical Research.

18. Dr. H. E. Noyes, Ph. D., Associate Director for Research Management, Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General John S. Crosby, Deputy Chief of Staff for Personnel, U.S. Army Forces Command.

2. Major General John B. Blount, Chief of Staff, U.S. Army Training and Doctrine Command.

3. Dr. Wilbur B. Payne, Director, U.S. Army Training and Doctrine Command, Systems Analysis Activity.

4. Brigadier General Charles H. Edmiston, USAF, Vice Commander, Headquarters Military Traffic Management Command.

5. Mr. Leonard J. Mabius, Technical Director/Chief Engineer, U.S. Army Communications Command.

6. Brigadier General Walter C. Cousland, Deputy Chief of Staff for Personnel, Administration & Logistics, U.S. Army Training and Doctrine Command.

7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, U.S. Army Training and Doctrine Command.

8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.

9. Major General Charles C. Rogers, Deputy Chief of Staff for Personnel, Headquarters USAREUR/7th Army.

10. Mr. Phillip G. Hillen, Senior Transportation Advisor, Headquarters, Military Traffic Management Command.

11. Brigadier General William G. O'Leksy, Commander 1st PERSCOM and AG, USAREUR.

Carol D. Smith,

Chief, Senior Executive Service Offices.

[FR Doc. 81-20801 Filed 7-13-81; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Institute of Pathology Scientific Advisory Board; Open Meeting

In order to comply with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, August 13-14, 1981, 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C. 20306. This meeting will be open to the public.

The proposed agenda will include professional discussion of the mission of the Armed Forces Institute of Pathlogy relating to consultation, education and research. The Executive Secretary from whom substative progam information may be obtained is Colonel Orlyn C. Oestereich, Executive Officer, Armed Forces Institute of Pathlology, Washington, D.C. 20306, telephone 202-576-2900.

For the Director.

Robert E. Liebmann,

Major, MSC, USA, Adjutant.

[FR Doc. 81-20800 Filed 7-13-81; 8:45 am]

BILLING CODE 3710-08-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing on Applications for Approval of Projects

Notice is hereby given that the Delware River Basin Commission will hold a public hearing on Wednesday, July 22, 1981, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular July business meeting, which is open to the public. Both the hearing and the meeting will be held in the Titian Room of the Holiday Inn, 1800 Market Street, Philadelphia, Pennsylvania. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Borough of Stanhope (D-80-94 CP).* A well water supply project to augment public water supplies in the Borough of Stanhope, Sussex County, N.J. The new well is expected to be utilized at an average rate of 165,000 gallons per day.

2. *Village of Wurtsboro (D-81-28 CP).* A well water supply project to augment public water supplies in the Village of Wurtsboro, Sullivan County, N.Y. The new well is expected to yield about 560,000 gallons per day.

3. *Southland Corporation (D-80-27).* An industrial waste treatment project at the Corporation's facility in Great Meadows, Warren County, N.J. Carbon treatment facilities will be used to reduce color in an effluent of approximately 350,000 gallons per day. Treated effluent will discharge to a drainage ditch and thence to Pequest River.

4. *J. W. Hughes (D-81-4).* An agricultural irrigation project at Broad Acres Farm in Elk Township, Glouchester County, N.J. Up to 4.9 million gallons per day will be used to irrigate over 600 acres of peaches and apples. The water will be withdrawn from six new wells and 10 existing ponds and three existing wells.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

Dated: July 8, 1981.

W. Brinton Whitall,

Secretary.

[FR Doc. 81-20636 Filed 7-13-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-011]

Husky Oil Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On August 14, 1980, Husky Oil Company (Husky), 600 South Cherry Street, Denver, Colorado 80222, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80-CERT-019). The certification involved the purchase of natural gas from Husky Oil Company and Michigan Consolidated Gas Company for use by Husky at its refinery in Cody, Park County, Wyoming. The ERA certificate expires on August 13, 1981.

On June 22, 1981, Husky filed an application for recertification of an eligible use of natural gas to displace fuel oil at its Cody refinery pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, Husky states that the volume of natural gas for which it requests recertification is 234,725 Mcf per year. It is estimated that approximately 37,335 barrels of No. 6 fuel oil (3.0 percent sulfur) will be displaced at the Cody refinery per year. The eligible sellers of the natural gas are: Husky Oil Company; Texaco Inc., P.O. Box 2100, Denver, Colorado 80201; and Mobil Oil Corporation, P.O. Box 5444 TA, Denver, Colorado 80217. Husky has not requested recertification of Michigan Consolidated Gas Company as an eligible seller. The gas will be transported by Montana-Dakota Utilities, 400 North Fourth Street, Bismarck, North Dakota 58501; Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944; and Husky Pipeline Company, an intrastate pipeline.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before July 24, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Husky and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on July 7, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-20487 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-014]

Orange and Rockland Utilities, Inc.; Notice of Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On July 24, 1980, Orange and Rockland Utilities, Inc. (Orange and Rockland), One Blue Hill Plaza, Pearl River, New York 10965, was granted a certificate of an eligible use of natural gas to displace fuel oil for one year effective July 25, 1980, by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80-CERT-024). The certification involved the purchase of natural gas from East Tennessee Natural Gas Company for use by Orange and Rockland at its Lovett Plant and/or Bowline Point generating facilities located in Rockland County, New York. This certificate expires on July 24, 1981.

On June 27, 1981, Orange and Rockland filed an application for recertification of an eligible use of natural gas to displace fuel oil at its Lovett Plant and/or Bowline Point generating facilities located in Rockland County, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30

a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, Orange and Rockland states that the volume of natural gas for which it requests recertification is up to about 50,000 Mcf per day. It is estimated that a total of 3.66 million Mcf of natural gas will be used to displace approximately 600,000 barrels of No. 6 fuel oil (0.37 to 0.6 percent sulfur) at the Lovett Plant and/or Bowline Point facilities. The gas is being purchased under an existing contract which continues through October 31, 1982. Orange and Rockland requests recertification for an additional year. The eligible seller of the natural gas is East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919. The gas will be transported by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington D.C. 20461 Attention: Lynne H. Church, on or before July 24, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, futher notice will be given to Orange and Rockland and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., July 8, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-20488 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. G-7007-003, et al.]

Cities Service Company, et al.; Renotice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 8, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
G-7007-003 D, Apr. 17, 1981	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102	Cities Service Gas Co., Hickok, Kan.	[1]	
CI80-458-001, June 16, 1981	Aminoil USA Inc., 2800 North Loop West, Houston, Tex. 77018.	Tennessee Gas Pipeline Co., South Timbalier Block 36 Field, Block 31, Offshore Louisiana.	[2]	15.025

[1] Producer abandonment Application involving the Release of Limited Volumes of Gas From Contractual Dedication to be Used As an Alternative Fuel to Oil.

[2] On February 11, 1981, Aminoil and Tennessee executed an amendment to the July 1960 base contract to provide that the point of delivery be changed to South Timbalier Area Block 35 "D" platform.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-20553 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-12-000]

Cliffs Electric Service Co.; Renotice of Filing

July 8, 1981.

The filing Company submits the following:

Take notice that on May 19, 1981, Cliffs Electric Service Company (Applicant) applied, pursuant to Section 203 of the Federal Power Act, for authority to purchase up to 200,000 additional shares of common stock of Upper Peninsula Generating Company (UPGC), at par value of $10 per share, and up to $5,000,000 in short-term notes and commercial paper to be issued by UPGC.

UPGC is engaged in the generation of electric energy for sale to Applicant and Upper Peninsula Power Company, its owners. Applicant, a wholly-owned subsidiary of the Cleveland-Cliffs Iron Company, is the owner of record of 5,898,975 shares (approximately 93%) of UPGC's common stock. Applicant proposes to make an additional investment in UPGC for the purpose of financing the construction of the Plains Forsyth Transmission Line and coal handling facilities which will be used for the transmission of electrical energy between the Applicant and Wisconsin Electric Power Company and for the control of coal dust at UPGC's Presque Isle Plant in Marquette, Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20554 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-477-000]

Duke Power Co.; Renotice of Filing

July 8, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on May 21, 1981 a supplement to the Company's Electric Power Contract with Broad River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 143.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 1 from 2,000 KW to 2,200 KW and Delivery Point No. 3 from 3,200 KW to 4,500 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of July 20, 1981.

According to Duke Power copies of this filing were mailed to Broad River Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20555 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-480-000]

Niagara Mohawk Power Corp.; Renotice of Proposed Tariff Change

July 8, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 22, 1981 tendered for filing as a rate schedule, an agreement between Niagara and Central Hudson Gas and Electric Corporation dated December 17, 1980.

The agreement provides for the transmission through Niagara's system of pumping and generating energy between Central Hudson Gas and Electric Corporation (Central Hudson) and the Power Authority of the State of New York's (PASNY) pump-generating station at Niagara Falls and at Gilboa.

Copies of the following were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602

Public Service Commission, State of New York, Rockefeller Plaza, Albany, NY 12223

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practices and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20556 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-476-000]

Public Service Company of New Mexico; Renotice of Filing

July 8, 1981.

The filing Company submits the following:

Take notice that the Public Service Company of New Mexico (PNM) on May 21, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with Division of Colorado River Resources (DCRR). PNM states that this Letter Agreement provides for the sale of surplus energy between PNM and DCRR.

PNM indicates that the proposed Letter Agreement would increase revenues from jurisdictional sales by an estimated $658,800.00 based on energy delivered from May 1, 1981 through September 30, 1981. PNM states that the rate for surplus energy under this Letter Agreement was negotiated.

An effective date of May 1, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20057 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 467]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 9, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALPHA TWENTY-ONE PRODUCTION CO		RECEIVED: 06/15/81 JA: NM							
8136915		3002527211		103		LANSFORD NO 1	MARE SAN ANDRES (GAS)	110.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO		RECEIVED: 06/18/81 JA: NM							
8137031		3001523437		103		LANCASTER SPRINGS COM #1	UND HAPPY VALLEY MORROW	1400.0	EL PASO NATURAL G
-CITIES SERVICE COMPANY		RECEIVED: 06/18/81 JA: NM							
8137027		3001523458		102-3		BRANTLEY A NO 1	UND N LOVING MORROW	3650.0	EL PASO NATURAL G
-CONOCO INC		RECEIVED: 06/15/81 JA: NM							
8136917		3002500000		108		STATE F-1 #1	ARROWHEAD E-M-E	10.8	EL PASO NATURAL G
8136916		3002500000		108		WANTZ #10	NOLAN-WANTZ-STATE 10	4.8	GETTY OIL CO
-E L LATHAM JR & ROY G BARTON JR		RECEIVED: 06/15/81 JA: NM							
8136920		3001570379		102-2		EDDY STATE COM NO 1	HAPPY VALLEY MORROW	548.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO		RECEIVED: 06/15/81 JA: NM							
8136924		3001523441		103		BIRD COM #1	UNDESIGNATED ATOKA	500.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC		RECEIVED: 06/15/81 JA: NM							
8136921		3004524615		103		GALLEGOS CANYON UNIT P C #323	KUTZ WEST PICTURED CLIFF	27.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC		RECEIVED: 06/15/81 JA: NM							
8136923		3004120555		103		AMOCO STATE NO 3	PETERSON N	7.0	TRANSWESTERN PIPE
8136922		3004120556		103		FINLEY NO 1	PETERSON N	77.0	
-ENSERCH EXPLORATION INC		RECEIVED: 06/18/81 JA: NM							
8137033		3004120571		103		RADCLIFF NO 1	PETERSON N	7.0	
-GIFFORD MITCHELL & WISENBAKER		RECEIVED: 06/18/81 JA: NM							
8137028		3002500000		103		AMERICAN EAGLE WELL NO 1	COMANCHE STATELINE TANSI	22.0	EL PASO NATURAL G
-HORRIS R ANTWEIL		RECEIVED: 06/15/81 JA: NM							
8136918		3002527111		103		NADINE #1	UNDESIGNATED DRINKARD	0.0	WARREN PETROLEUM
-NORTHWEST PIPELINE CORPORATION		RECEIVED: 06/15/81 JA: NM							
8136919		3003900000		108		ROSA UNIT 24	BLANCO MESAVERDE	25.0	EL PASO NATURAL G
-PETROLEUM CORPORATION OF TEXAS		RECEIVED: 06/18/81 JA: NM							
8137034		3002500000		108		TEXAS STATE WELL NO 2 B-165	JALPAT YATES SEVEN RIVER	24.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY		RECEIVED: 06/18/81 JA: NM							
8137030		3002526929		103		E VACUUM GB/SA UNIT TR 0524 #2	VACUUM GB/SA	19.0	EL PASO NATURAL G
8137032		3002526776		103		E VACUUM GB/SA UNIT TR 2720 #7	VACUUM GB/SA	3.0	EL PASO NATURAL G
-READ & STEVENS INC		RECEIVED: 06/18/81 JA: NM							
8137029		3001523485		103		GULF WEST MESA NO 1	UNDES BUNKER HILL (PENRO	1.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO		RECEIVED: 06/18/81 JA: NM							
8137026		3002527189		103		SMITH 5 #1		13.0	WARREN PETROLEUM
-TENNECO OIL COMPANY		RECEIVED: 06/15/81 JA: NM							
8136925		3004523608		103		JACQUEZ #3	BASIN DAKOTA	500.0	EL PASO NATURAL G
8136926		3004523608		103		JACQUEZ #3	BLANCO PICTURED CLIFFS	500.0	EL PASO NATURAL G
8136927		3004522707		108		STATE #36-2	BASIN DAKOTA	4.0	NORTHWEST PIPELIN
OKLAHOMA CORPORATION COMMISSION									
-AN-SON CORPORATION		RECEIVED: 06/12/81 JA: OK							

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8136884	9255	3503902053		102-4	WEACHUM #1		EAST CLINTON	1387.0	PRODUCERS GAS CO
-AN-SON CORPORATION					RECEIVED: 06/15/81	JA: OK			
8136913	09295	3503920380		102-4	MURPHY B 1-18		S W WEATHERFORD	2738.0	PRODUCERS GAS CO
-ANDOVER OIL COMPANY					RECEIVED: 06/15/81	JA: OK			
8136903	09317	3501721412		102-2	MATTHIES #31-1			185.0	DELMI GAS PIPELIN
-ANGRIM OIL CO INC					RECEIVED: 06/15/81	JA: OK			
8136910	09308	3508120985		103	HOWLING DOG #1		SOUTHWEST PRAIRIE GEM	60.0	SUN GAS CO
-APOLLO PRODUCTION LTD					RECEIVED: 06/15/81	JA: OK			
8136894	09335	3507322652		103	LEMKE NO 25-4		N E OKARCHE	72.0	SID RICHARDSON CA
-BEASLEY OIL CO					RECEIVED: 06/12/81	JA: OK			
8136867	09374	3504721677		102-4	ZALOUDEK #1-B		NORTH ENID	150.0	ARKANSAS LOUISIAN
-BERRY PETROLEUM CORP					RECEIVED: 06/12/81	JA: OK			
8136877	08830	3507322498		103	WAHLING #26-1		SOONER TREND	0.0	CITIES SERVICE GA
-CITIES SERVICE COMPANY					RECEIVED: 06/12/81	JA: OK			
8136879	09278	3500700000		108	MILES L#1		MOCANE	11.3	COLORADO INTERSTA
8136880	09277	3500721255		108	SHADDEN D #2		MOCANE	2.4	COLORADO INTERSTA
-CITIES SERVICE COMPANY					RECEIVED: 06/15/81	JA: OK			
8136911	09314	3504520854		103	MIXON A #1		S E HARMON	273.0	PANHANDLE EASTERN
-CLARK RESOURCES INC					RECEIVED: 06/15/81	JA: OK			
8136898	09272	3507322789		103	EMIL 4-1		SOONER TREND	200.0	PANHANDLE EASTERN
8136901	09273	3507322938		103	HORN 9-1		SOONER TREND	200.0	PANHANDLE EASTERN
-CLIFFORD RESOURCES INC					RECEIVED: 06/12/81	JA: OK			
8136873	09267	3509300000		103	CARLSON 1-27		MEAD	75.0	PANHANDLE EASTERN
-CROUCH PETROLEUM COMPANY					RECEIVED: 06/15/81	JA: OK			
8136895	09283	3502920359		103	CRONE 2-28		GRIGGS	360.0	WESTERN GAS INTER
-EDWIN L COX					RECEIVED: 06/15/81	JA: OK			
8136896	08814	3509321994		103	BEALL NO 2		CHEYENNE VALLEY	180.0	DELMI GAS PIPELIN
-EL PASO NATURAL GAS COMPANY					RECEIVED: 06/12/81	JA: OK			
8136885	12146	3508920386		107-DP	KENT #1		BERLIN EAST ATOKA	240.0	EL PASO NATURAL G
-ENERGY SERVICES INC					RECEIVED: 06/15/81	JA: OK			
8136914	09302	3501721498		102-2	GARY #7-1		NORTH YUKON	138.4	DELMI GAS PIPELIN
-F C D OIL CORP					RECEIVED: 06/12/81	JA: OK			
8136875	9098	3504722339		103	DOYLE 1-16		KREMLIN	109.5	CRA INC
-GRACE PETROLEUM CORPORATION					RECEIVED: 06/12/81	JA: OK			
8136891	09173	3512920515		102-4	TRACY 2-32		WEST CHEYENNE	0.0	EL PASO NATURAL G
-HADSON OHIO OIL COMPANY					RECEIVED: 06/12/81	JA: OK			
8136888	09375	3506120377		102-2	SEABOLT 1-22		KINTA	100.0	
-HADSON PETROLEUM CORP					RECEIVED: 06/12/81	JA: OK			
8136882	12147	3503120588		107-DP	LIVINGSTON 1-7		EAST APACHE	1280.0	EL PASO NATURAL G
-HAMILTON BROTHERS OIL CO					RECEIVED: 06/15/81	JA: OK			
8136899	09285	3504520841		102-2	PARKER NO 1-14		WILDCAT	292.0	UNITED GAS PIPE L
-INEXCO OIL COMPANY					RECEIVED: 06/15/81	JA: OK			
8136897	08574	3512920503		102-4	DEAN NO 1-19		HAMMON	250.0	
-JIM L HANNA DBA HANNA OIL AND GAS C					RECEIVED: 06/15/81	JA: OK			
8136905	09334	3509321917		103	E BROOMFIELD #1			275.0	PHILLIPS PETROLEU
-JIMMY W GRAY					RECEIVED: 06/12/81	JA: OK			
8136876	08952	3504921428		103	LITTLE BIT NO 1		FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
-KERR-MCGEE CORPORATION					RECEIVED: 06/12/81	JA: OK			
8136881	09291	3512120752		102-2	PIERCE A WELL NO 1-22		CANADIAN	0.0	
8136872	09289	3512120744		103	SARKEYS WELL NO 2		N W FEATHERSTONE	380.0	SOUTHEAST TRANSMI
-L G WILLIAMS OIL COMPANY INC					RECEIVED: 06/15/81	JA: OK			
8136904	07324	3501721504		102-2	EVANS #1-1		NORTH RICHLAND	0.0	PHILLIPS PETROLEU
-PACIFIC OIL & GAS CO					RECEIVED: 06/15/81	JA: CK			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8136893	08356	3515321047		103	ORR #1		N BOILING SPRINGS	0.0	NORTHERN NATURAL
-PCX CORP					RECEIVED: 06/15/81	JA: OK			
8136902	09303	3505120845		103	CUNNINGHAM #2		POCASSET	1000.0	CITIES SERVICE GA
8136907	09305	3515121023		102-2	LITTLE SAHARA #1		WAYNOKA SE	180.0	
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 06/12/81	JA: OK			
8136874	09284	3513900000		108	MERRIT #1		GUYMON HUGOTON	0.0	MICHIGAN WISCONSI
8136889	09329	3513900000		108	STOOKEY #1		GUYMON HUGOTON	0.0	PANHANDLE EASTERN
-PORTS OF CALL OIL CO					RECEIVED: 06/12/81	JA: OK			
8136878	8089	3501721671		103	SWINGLE #16-1		UNION CITY	0.0	DELMI GAS PIPELIN
-PORTS OF CALL OIL CO					RECEIVED: 06/15/81	JA: OK			
8136900	09300	3501721847		102-2	GAMBEL 3-1		NORTH MUSTANG	128.0	PHILLIPS PETROLEU
8136900	09300	3501721847		103	GAMBEL 3-1		NORTH MUSTANG	128.0	PHILLIPS PETROLEU
-POST OAK OIL CO					RECEIVED: 06/15/81	JA: OK			
8136909	05046	3510900000		102-2	KIVY #1-26		LONE STAR	0.0	CHAMPLIN PETROLEU
-SULLIVAN AND CO					RECEIVED: 06/12/81	JA: OK			
8136886	09333	3508121176		103	P MCNULTY NO 2		SOUTHWEST PRAIRIE GEM	4.0	
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 06/12/81	JA: OK			
8136883	09065	3508520362		103	COX #1		N MARIETTA	182.0	
8136871	09066	3501922020		103	HURLEY #6		JOINER CITY	36.5	AMINOIL USA INC
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 06/15/81	JA: OK			
8136906	09319	3505120901		102-2	UMBACH NO 1			170.0	ARKANSAS LOUISIAN
-TENNECO OIL COMPANY					RECEIVED: 06/12/81	JA: OK			
8136890	09313	3508320827		108	C N SMITH 3-32		CRESCENT-LOVELL	15.0	EASON OIL CO
-THE OHK COMPANY					RECEIVED: 06/15/81	JA: OK			
8136908	08693	3500920252		102-4	2-21 WATKINS		CARPENTER FIELD	91.0	ARKANSAS LOUISIAN
-TRANSIERRA EXPLORATION CORP					RECEIVED: 06/15/81	JA: OK			
8136892	09199	3510321123		103	DONOVAN YOST NO 1-15		S E BILLINGS	40.0	ARCO OIL & GAS CO
8136912	09321	3510321877		103	MYRNA STOOPS NO 3		TRANSIERRA-CINNAMON FIEL	25.0	AMINOIL USA INC

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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM

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-AMOCO PRODUCTION CO					RECEIVED: 06/17/81	JA: NM 4			
8136985	NM-0503-81	3002526829		103	FEDERAL AB #1		SOUTH CORBIN WOLFCAMP	183.2	CONTINENTAL OIL C
8136986	NM 0511-81	3004524556		103	GALLEGOS CANYON COM G #179E		BASIN DAKOTA	30.0	EL PASO NATURAL G
8136930	NM-1068-80	3003921475		108	VALENCIA CANYON UNIT NO 15		CHOZA MESA - PICTURED CL	21.0	EL PASO NATURAL G
-APOLLO OIL COMPANY					RECEIVED: 06/17/81	JA: NM 4			
8136934	NM-3958-79	3002511591		108-ER	FEDERAL B #1		LANGLIE MATTIX	40.0	EL PASO NATURAL G
-CONOCO INC					RECEIVED: 06/17/81	JA: NM 4			
8136940	NM 0306-81	3002526967		103	HAWK A NO 8		NMFU - DRINKARD	1.8	GETTY OIL CO
8136982	NM-0499-81	3002526601		103	HAWK B-1 NO 16		NEW MEXICO FEDERAL UNIT	59.0	GETTY OIL CO
8136941	NM-0350-81	3003922320		103	NORTHEAST HAYNES #1E		AXI APACHE AREA	314.0	EL PASO NATURAL G
8136942	NM-0351-81	3003922321		103	NORTHWEST HAYNES #2E		AXI APACHE AREA	727.0	EL PASO NATURAL G
8136979	NM-0492-81	3002526843		103	WARREN UNIT NO 82		NMFU - BLINEBRY OIL & GA	63.0	GETTY OIL CO
8136980	NM-0492-81-B	3002526843		103	WARREN UNIT NO 82		NMFU - ABO	4.0	GETTY OIL CO
-CONSOLIDATED OIL & GAS INC					RECEIVED: 06/17/81	JA: NM 4			
8136966	NM 0470-81	3004524386		103	JACKSON 2-E		BASIN DAKOTA	0.0	SOUTHERN UNION GA
-CURTIS J LITTLE					RECEIVED: 06/17/81	JA: NM 4			
8136961	NM-0464-81	3004524647		103	FEDERAL COM #2-E		BASIN DAKOTA	36.0	EL PASO NATURAL G
-DOME PETROLEUM CORP					RECEIVED: 06/17/81	JA: NM 4			
8136950	NM 0453-81	3004320475		102-2	DOME NAVAJO 27-22-6 #1		RUSTY CHACRA EXTENSION	249.7	SOUTHWEST GAS COR
8136953	NM 0456-81	3004320476		102-2	DOME NAVAJO 28-22-6 #4		RUSTY CHACRA EXTENSION	521.6	SOUTHWEST GAS COR
8136981	NM-0454-81	3004320485		102-2	DOME NAVAJO 28-22-7 #2		RUSTY CHACRA EXTENSION	8.8	SOUTHWEST GAS COR
8136952	NM-0455-81	3004320478		102-2	DOME NAVAJO 34-22-6 #1		RUSTY CHACRA EXTENSION	489.9	SOUTHWEST GAS COR

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DOYLE HARTMAN OIL OPERATOR						RECEIVED: 06/17/81 JA: NM 4			
#136963	NM-0466-81	3002526563		108		SANTA FE FEDERAL NO 1	JALMAT	11.6	EL PASO NATURAL G
-DUGAN PRODUCTION CORP						RECEIVED: 06/17/81 JA: NM 4			
#136928	NM-0805-80ER	3604522265		108-ER		RACHEL #2	WAW FRUITLAND PC	14.0	EL PASO NATURAL G
#136994	NM 0526-81	3004522285		108		RACHEL #2	WAW FRUITLAND-PICTURED C	14.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY						RECEIVED: 06/17/81 JA: NM 4			
#136931	NM-1378-80	3003920226		108		KLEIN A #3	OTERO-CHACRA	22.0	EL PASO NATURAL G
#136949	NM-0431-81	3003905405		108		LINDRITH UNIT X #17	SOUTH BLANCO - PICTURED	20.0	EL PASO NATURAL G
#136922	NM-1386-80	3004507542		108		RIDDLE G #1	BLANCO-MESAVERDE	21.0	EL PASO NATURAL G
#136968	NM 473-81	3003960054		108		RINCON UNIT #97 MV & PC	BLANCO - MESAVERDE AND S	19.0	EL PASO NATURAL G
#136976	NM 0487-81 A	3003922229		103		SAN JUAN 28-5 UNIT #29A	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
#136977	NM 0487-81 B	3003922229		103		SAN JUAN 28-5 UNIT #29A	UNDESIGNATED PICTURED CL	35.0	EL PASO NATURAL G
#136974	NM 0486-81(A	3003922233		103		SAN JUAN 28-5 UNIT #30A	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
#136975	NM 0486-81(B	3003922233		103		SAN JUAN 28-5 UNIT #30A	TAPACITO PICTURED CLIFFS	18.0	EL PASO NATURAL G
#136938	NM-0260-81	3003921664		108		SAN JUAN 28-7 UNIT #100	BASIN DAKOTA	17.0	EL PASO NATURAL G
#136967	NM 0472-81	3003907206		108		SJ 27-4 UNIT #19 PC & MV	TAPACITO - PICTURED CLIF	18.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC						RECEIVED: 06/17/81 JA: NM 4			
#136989	NM-0414-81	3004524751		103		O H RANDEL #6-E	BASIN DAKOTA	36.0	EL PASO NATURAL G
#136998	NM 0515-81	3004524750		103		O H RANDEL #7-E	BASIN DAKOTA	59.4	EL PASO NATURAL G
-FRED POOL DRILLING CO						RECEIVED: 06/17/81 JA: NM 4			
#136981	NM 0497-81	3000560702		102-2		GRYBERG COMM FEDERAL #1	WILDCAT UND ABO	0.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY						RECEIVED: 06/17/81 JA: NM 4			
#136996	NM-0529-81	3004524849		103		CARTER COM WELL NO 1E	BASIN DAKOTA FIELD	90.0	EL PASO NATURAL G
#136947	NM 043081(A)	3003922513		103		JICARILLA B WELL NO 20E	BASIN DAKOTA FIELD	91.0	EL PASO NATURAL G
#136948	NM 043081(E)	3003922513		103		JICARILLA B WELL NO 20E	OTERO GALLUP	33.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION						RECEIVED: 06/17/81 JA: NM 4			
#136939	NM 0304-81	3002526942		103		WEST TONTO FEDERAL COMM NO 1	WEST TONTO	0.0	GAS CO OF NEW MEX
-GULF OIL CORPORATION						RECEIVED: 06/17/81 JA: NM 4			
#136973	NM-0484-81	3001523505		103		CALLAWAY FEDERAL WELL NO 3	UNDESIGNATED DIAMOND MOU	0.0	EL PASO NATURAL G
#136988	NM-0513-81	3004524239		103		DOUTHIT A FEDERAL WELL NO 4	BASIN DAKOTA	0.0	EL PASO NATURAL G
#136983	NM-0501-81	3001523432		103		LAKE MCMILLAN FEDERAL UNIT #1	UNDESIGNATED WOLFCAMP	0.0	EL PASO NATURAL G
-HNG OIL COMPANY						RECEIVED: 06/17/81 JA: NM 4			
#136969	NM048081102	3002526815		102-2		WILSON 17 FED #2 NM 10644	SIOUX TANSILL	6.0	EL PASO NATURAL G
#136970	NM048081103	3002526815		103		WILSON 17 FED #2 NM 10644	SIOUX TANSILL	6.0	EL PASO NATURAL G
#136971	NM048381102	3002526816		102-2		WILSON 17 FED #3 NM 10644	SIOUX TANSILL	4.5	EL PASO NATURAL G
#136972	NM048381103	3002526816		103		WILSON 17 FED #3 NM 10644	SIOUX TANSILL	4.5	EL PASO NATURAL G
#136936	NM001881103	3002526252		103		WILSON 8 FEDERAL #6	SIOUX TANSILL YATES	19.6	EL PASO NATURAL G
#136937	NM002281103	3P02526717		102-2		WILSON 9 FEDERAL #6	SIOUX TANSILL YATES	14.6	EL PASO NATURAL G
-LIVELY EXPLORATION COMPANY						RECEIVED: 06/17/81 JA: NM 4			
#136965	NM 0469-81	3004523974		103		LIVELY 3-E	BASIN DAKOTA	111.8	EL PASO NATURAL G
-MESA PETROLEUM						RECEIVED: 06/17/81 JA: NM 4			
#136958	NM 0461-81	3000560791		102-2		WEDFORD FEDERAL COM #1	UNDESIGNATED ABO	382.0	TRANSWESTERN PIPE
#136992	NM-0521-81	3000560859		102-2		CAMACK FEDERAL #1	UNDESIGNATED ABO	97.0	TRANSWESTERN PIPE
#136955	NM-0458-81	3000560831		102-2		CAMACK FEDERAL #3	UNDESIGNATED ABO	495.0	TRANSWESTERN PIPE
#136956	NM 0459-81	3000560827		102-2		COYOTE FEDERAL #3	UNDESIGNATED ABO	214.0	TRANSWESTERN PIPE
#136957	NM 0460-81	3000560818		102-2		COYOTE FEDERAL #4	UNDESIGNATED ABO	309.0	TRANSWESTERN PIPE
#137008	NM-0549-81	3004508819		108		FEDERAL NO 1	AZTEC PICTURED CLIFF	19.0	EL PASO NATURAL G
#136984	NM 0502-81	3000560864		102-2		GARCIA FEDERAL #1	UNDESIGNATED ABO	88.5	TRANSWESTERN PIPE
#136954	NM-0457-81	3000560769		102-2		HUGGINS FEDERAL #1	UNDESIGNATED ABO	298.0	TRANSWESTERN PIPE
#136991	NM-0520-81	3000560772		102-2		SALT FEDERAL #1	UNDESIGNATED ABO	101.0	TRANSWESTERN PIPE
-MOBIL PROD TEXAS & NEW MEXICO INC						RECEIVED: 06/17/81 JA: NM 4			
#136978	NM-0488-81	3003906540		108		JICARILLA M NO 10	GAVILAN PICTURED CLIFFS	15.9	NORTHWEST PIPELIN
-MOBIL PRODUCING TEXAS & NEW MEXICO						RECEIVED: 06/17/81 JA: NM 4			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
#137002	NM 0569-81	3003906492		108		JICARILLA D NO 2	BLANCO MESAVERDE/GAVILAN	18.3	NORTHWEST PIPELIN
#137003	NM-0570-81	3003920169		108		JICARILLA G NO 9	GAVILAN PICTURED CLIFFS	16.9	NORTHWEST PIPELIN
#136999	NM-0532-81	3003922554		103		LINDRITH B UNIT #14	CHACON DAKOTA ASSOCIATED	117.5	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION						RECEIVED: 06/17/81 JA: NM 4			
#136933	NM 1832-80	3003908000		108		SAN JUAN 29-6 #78	BASIN DAKOTA	21.0	NORTHWEST PIPELIN
#136929	NM-0590-80	3003921289		108		SAN JUAN 32-7 #32	BLANCO MESAVERDE	23.0	EL PASO NATURAL G
-SAMEDAN OIL CORPORATION						RECEIVED: 06/17/81 JA: NM 4			
#136962	NM0465-81	3002527258		103		HUGHES B-6 NO 11	LANGLIE - MATTIX	200.0	WARREN PETROLEUM
-SHELL OIL CO						RECEIVED: 06/17/81 JA: NM 4			
#136959	NM0462-81	3004523945		103		CARSON UNIT 202	BISTI	30.0	EL PASO NATURAL G
#136960	NM 0463-81	3004523946		103		CARSON UNIT 203	BISTI	1.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO						RECEIVED: 06/17/81 JA: NM 4			
#136943	NM-0356-81	3004524447		103		FEDERAL PRI #1E	BASIN	56.0	EL PASO NATURAL G
#136935	NM 74-79	3004510582		108-ER		GRENIER #7	AZTEC PICTURED CLIFFS	4.0	SOUTHERN UNION GA
#136944	NM 0428-81	3004524657		103		MILL #6	BLANCO	250.0	SOUTHERN UNION GA
#136987	NM-0512-81	3004320451		103		MUBER #1	SOUTH BLANCO	95.0	EL PASO NATURAL G
#136945	NM 042981(A)	3004524457		103		REID A #1M	BLANCO	250.0	SOUTHERN UNION GA
#136946	NM 042981(B)	3004524497		103		REID A #1M	BASIN	175.0	SOUTHERN UNION GA
-SUPRON ENERGY CORPORATION						RECEIVED: 06/17/81 JA: NM 4			
#137001	NM-0554-81	3004524360		103		ANGEL PEAK B 26-E	BASIN DAKOTA	357.0	EL PASO NATURAL G
#136995	NM 0527-81	3004523637		103		STARR 4	BLANCO MESAVERDE	463.0	GAS CO OF NEW MEX
-TENNECO OIL COMPANY						RECEIVED: 06/17/81 JA: NM 4			
#136964	NM 0467-81	3004524594		103		SCHWERDTFEGER A #6E	BASIN DAKOTA	290.0	NORTHWEST PIPELIN
-WOLFSON OIL CO						RECEIVED: 06/17/81 JA: NM 4			
#136998	NM 0531-81	3004120489		103		MOUNTAIN FEDERAL NO 4	TOMAHAWK SAN ANDRES	5.0	CITIES SERVICE CO
#136997	NM 0530-81	3004120507		103		MOUNTAIN FEDERAL NO 6	TOMAHAWK SAN ANDRES	5.0	CITIES SERVICE CO
-SUPERIOR OIL CO						RECEIVED: 06/17/81 JA: UT 4			
#136993	NM 0522-81	4303730505		103		MCELMO CREEK UNIT P-20	GREATER ANETH	0.0	EL PASO NATURAL G
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** U.S. GEOLOGICAL SURVEY - CASPER,WY									
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-MIDLANDS GAS CORPORATION						RECEIVED: 06/17/81 JA: MT 5			
#137018	M 717-0	2507121220		108		0432 FEDERAL 1	BOWDOIN	22.0	KANSAS-NEBRASKA N
#137010	M-636-0	2507121168		108		1312 MIAMI FEDERAL 554-13	WILDCAT	22.0	KANSAS-NEBRASKA N
#137022	M39-1	2507121136		108		1521 FEDERAL 1	WILDCAT	22.0	KANSAS-NEBRASKA N
#137005	M 43R-0	2507121329		108		1832 FEDERAL 183332-1	BOWDOIN	21.0	KANSAS-NEBRASKA N
#137016	M 711-0	2507121469		108		1842 183932	BOWDOIN	22.0	KANSAS-NEBRASKA N
#137017	W 713-0	2507121501		108		2532 FEDERAL 1	BOWDOIN	22.0	KANSAS-NEBRASKA N
-SHELL OIL CO						RECEIVED: 06/17/81 JA: MT 5			
#137020	M 733-0	2508321358		102-4		USA 21-30	MONDAK WEST	2.5	MONTANA DAKOTA UT
-FARMERS UNION CENTRAL EXCHANGE INC						RECEIVED: 06/17/81 JA: ND 5			
#137009	ND 598-0	3300700167		102-4		FEDERAL 16-31	ELKHORN RANCH	20.0	KOCH HYDROCARBON
#137007	ND 593-0	3300700189		102-4		FEDERAL 7-5	ELKHORN RANCH	20.0	KOCH HYDROCARBON
#137008	ND594-0	3300700173		102-4		FEDERAL 7-6	ELKHORN RANCH	3.0	KOCH HYDROCARBON
-SHELL OIL CO						RECEIVED: 06/17/81 JA: ND 5			
#137019	NM 727-0	3305301882		102-4		USA 12-31-97	SQUAW GAP	16.0	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO						RECEIVED: 06/17/81 JA: WY 5			
#137024	W114-1	4900720500		102-2		CRESTON III UNIT NO 8A	CRESTON	113.0	CITIES SERVICE GA
#137025	W115-1-7	4900720500		107-1F		CRESTON III UNIT NO 8A	CRESTON	113.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 06/17/81 JA: WY 5			
#137006	W 474-0	4903720642		102-4		BRADY DEEP UNIT WELL #26N	BRADY FIELD	750.0	MOUNTAIN FUEL SUP
-CHINOOK RESOURCES INC						RECEIVED: 06/17/81 JA: WY 5			
#137012	W 656-0	4900921692		102-4		ANNE D OWEN FEDERAL 21-9	SCOTT FIELD	20.0	CHINOOK CONSTRUCT

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JD NO	JA'NT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
0137013	W 657-0	4900921731		102-	4	DAUGARD FEDERAL #1	SCOTT FIELD	6.0	CHINOOK CONSTRUCT
0137015	W 660-0	4900921588		102-	4	J E T FEDERAL 2-29	SCOTT FIELD	5.0	CHINOOK CONSTRUCT
0137011	W655-0	4900921648		102-	4	MAGGIE FEDERAL 23-19	SCOTT FIELD	8.0	CHINOOK CONSTRUCT
P137014	W 658-0	4900921665		102-	4	W N 6 FEDERAL 41-9	SCOTT FIELD	10.0	CHINOOK CONSTRUCT
-GREAT WESTERN OIL CO						RECEIVED: 06/17/81 JA: WY 5			
0137004	W 274-0	4900920975		102-	4	SCHIECK FEDERAL #2	SHANNEE	237.0	KANSAS-NEBRASKA N
-KIMBARK OPERATING CO						RECEIVED: 06/17/81 JA: WY 5			
P137023	W73-1	4901320957		103		FEDERAL SCHNEBLY #2	JADE RIDGE	120.0	NORTHERN GAS CO
-MARATHON OIL COMPANY						RECEIVED: 06/17/81 JA: WY 5			
0137021	W 20-17	4903721506		107-TF		TIERNEY II UNIT #6-32	TIERNEY II UNIT #6-32	365.0	

OTHER PURCHASERS VOLUME NO 2467

0136884	SOUTHERN NATURAL GAS CO
0136931	NORTHWEST PIPELINE CORPORATION
0136930	NORTHWEST PIPELINE CORPORATION
0137005	MONTANA-DAKOTA UTILITIES COMPANY
0137010	MONTANA-DAKOTA UTILITIES COMPANY
0137016	MONTANA-DAKOTA UTILITIES COMPANY
0137017	MONTANA-DAKOTA UTILITIES COMPANY
0137018	MONTANA-DAKOTA UTILITIES COMPANY
0137022	MONTANA-DAKOTA UTILITIES COMPANY

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20526 Filed 7-13-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[EN–FRL 1859–2]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Summary of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Waiver of Federal preemption.

SUMMARY: This decision grants California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act (Act) to enforce amendments in its exhaust emission standards and test procedures for new motor vehicles. California's amendments: (1) adopt as its own State standards and test procedures, the Federal particulate standards and test procedures for 1982 and subsequent model year light-duty diesel vehicles, (2) amend its 1982 model year 100,000-mile optional oxides of nitrogen (NO_x) standard, and (3) eliminate, for 1982 and subsequent model years, the hydrocarbon (HC) exhaust emission allowance granted to vehicles with low evaporative emissions. EPA cannot make the findings necessary to deny this waiver request; thus, this action will permit California to enforce these amendments to its motor vehicle pollution control program.

ADDRESSES: The complete decision document and other information relevant to this decision is available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at: U.S. Environmental Protection Agency, Central Docket Section (A–120), Gallery I, Waterside Mall, 401 M St., S.W., Washington, D.C. 20460 (Docket EN–80–23). Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 95812. Interested parties may also obtain copies of the decision document from the Manufacturers Operations Division by contacting Michael Chernekoff, as noted below.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division, (EN–340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION: EPA has decided to grant California a waiver of Federal preemption, pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter "Act"),[1] for amendments to California's exhaust emission standards and test procedures. Specifically, California's amendments (1) adopt as its own State standards and test procedures, the Federal particulate exhaust emission standards and test procedures for 1982 and subsequent model year light-duty diesel vehicles, (2) amend the 1982 model year 100,000-mile optional NO_x exhaust emission standards from 1.0 grams per vehicle mile (g/mi) to 1.5 g/mi, the 1981 model year standard, and (3) amend the hydrocarbon (HC) exhaust emission standards and test procedures applicable to 1982 and subsequent model year passenger cars by eliminating the HC exhaust emission allowance granted to vehicles with low evaporative emissions.

Section 209(b) of the Act provides that if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. The criteria include consideration of whether California's proposed amendments are technologically feasible within available lead time, considering costs, and whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as their Federal counterparts. In order for EPA to deny the waiver, opponents bear the burden of providing EPA with sufficient information to convince EPA to make a negative determination on any of the criteria.

No manufacturer provided information indicating that CARB's amended standards were not technologically feasible within available lead time, considering costs. In fact, California adopted its amendments, in part, as a response to light-duty diesel vehicle manufacturers' concerns regarding the possible inability of their vehicles sold in California to meet the 1982 model year California NO_x standard, and the Federal light-duty diesel particulate standard.

Additionally, no party presented evidence that CARB arbitrarily and capriciously determined that its amended standards are, in the aggregate, at least as protective of public health and welfare as comparable Federal standards. CARB's determination in this case is consistent with previous determinations it has made regarding the relative stringency of its standards.

A full explanation of my decision to grant this waiver request is contained in the decision document which may be obtained from EPA as noted above.

My decision will affect not only persons in California but also the manufacturers located outside the State which must comply with California's standards in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), requires EPA to initially determine whether a "rule" that it intends to propose or issue is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation

[1] 42 U.S.C. 7543(b) (1977).

(as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action is not a major rule. Based on the preceding discussion, EPA has concluded that the likely effect of this waiver determination will be cost savings to the consumers and industries involved, and will likely improve competition (foreign and domestic), employment, investment, productivity and innovation, since without this waiver some manufacturers may not be able to market diesel engine vehicles in California.

Accordingly, a Regulatory Impact Analysis is not being prepared for this action.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedures Act, or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: July 2, 1981.

John W. Hernandez,

Acting Administrator.

[FR Doc. 81-20462 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-33-M

[EN-5-FRL-1880-2]

B.F. Goodrich Co.; B.F. Goodrich Research Center, Brecksville, Ohio; Applicability of National Emission Standards for Hazardous Air Pollutants and Approval To Construct Plant

AGENCY: U.S. Environmental Protection Agency, Region V.

ACTION: Final determination.

EFFECTIVE DATE: April 20, 1981.

Notice is hereby given that on April 20, 1981, the U.S. Environmental Protection Agency determined that the B.F. Goodrich Company was subject to the NESHAPS regulations and approved construction pursuant to 40 CFR Subpart A, 61.08 (38 FR 8826, April 6, 1973, as amended at 43 FR 8800, March 3, 1979).

This determination is considered a final agency action which is locally applicable under Section 307(b)(1) of the Clean Air Act and, therefore, any petition for review must be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with 307(b)(1), petitions for review must be filed 60 days from the date of notice.

In the matter of the applicability of Title 1, Part A of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR Subpart A, 61.06 and 61.07 (38 FR 8826, April 6, 1973, as amended at 43 FR 8800, March 3, 1978) for National Emission Standards for Hazardous Air Pollutants (NESHAPS), to B.F. Goodrich Research Center in Brecksville, Ohio.

On February 3, 1981, the B.F. Goodrich Company submitted a request to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for approval to construct an ethylene dichloride pilot plant at their facility in Brecksville, Ohio. The application was submitted pursuant to 40 CFR 61.07.

On April 20, 1981, the B.F. Goodrich Company was notified that it is subject to the NESHAPS regulations, and approval to construct was granted.

This approval to construct does not relieve B.F. Goodrich of the responsibility to comply with any Federal, State or local regulations.

For further information contact Ms. Patricia Krause, Air Compliance Section, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2090.

COPIES: Copies of the determination are available for public inspection upon request from: Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Dated: May 22, 1981.

Sandra S. Gardebring,

Director, Enforcement Division, Region V.

[FR Doc. 81-20460 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-31-M

[PP 7G1888/T315; PH-FRL-1880-8]

Profenofos; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for the combined residues of the insecticide profenofos [*O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolities converted to 4-bromo-2-chlorophenol and calculated as *O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate in or on the raw agricultural commodities cottonseed at 3 parts per million (ppm); eggs and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; and milk at 0.01 ppm.

DATE: These temporary tolerances expire June 29, 1982.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued an extension of temporary tolerances that published in the Federal Register of August 28, 1980 (45 FR 56911) to Ciba-Geigy Corp., Agricultural Div., P.O. Box 11422, Greensboro, NC 27409. The petition (PP 7G1888) requested an extension of the temporary tolerances to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that was extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136). These temporary tolerances expired October 16, 1980.

Ciba-Geigy Corp. requested a renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit that is being renewed under FIFRA. A related document renewing feed additive regulation for residues of profenofos in cottonseed hulls and soapstock appears elsewhere in this issue of the Federal Register.

The scientific data reported and all other relevant material have been evaluated, and it has been determined that renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are being renewed on the condition that the pesticide be used in accordance with the experimental use permit and the following provision:

1. The total amount of the insecticide to be used must not exceed the amount authorized in the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records

of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 29, 1982. Residues not in excess of 3 ppm remaining in or on cottonseed; 0.05 ppm remaining in eggs and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.01 ppm remaining in milk after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20466 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-204A; PH-FRL-1880-7]

Rhone-Poulenc Inc.; Filing of Pesticide Petition; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends pesticide petition 0E2414, submitted by Rhone-Poulenc Inc., proposing to establish a tolerance for the combined residues of the fungicide; iprodione [(3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide] and its metabolites (3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodity kiwifruit at 7 parts per million (ppm).

ADDRESS: Written comments and inquiries should be directed to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Program, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Written comments and inquiries may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-204A]" and the petition number. All written comments filed pursuant to this notice will be abailable for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of October 29, 1980 (45 FR 71678) that Rhone-Poulenc Inc., PO Box 125, Monmouth Junction, NJ 08852, had submitted a pesticide petition (PP 0E2414) to the EPA proposing that 40 CFR Part 180 be amended by establishing a tolerance for the combined residues of the fungicide iprodione [(3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide] and its metabolites (3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and (3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodity kiwifruit at 7 ppm.

Rhone-Poulenc Inc., has submitted a revised section F proposing that the tolerance be increased from 7 ppm to 10 ppm.

The proposed analytical method for determining residues is gas chromatography.

(Sec. 406(d)(1), 68 Stat 512 (7 U.S.C. 135))

Dated: June 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20467 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51278; TSH-FRL-1881-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by August 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51278]" and the specific PMN number, should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M Street SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81-278

Close of Review Period. September 8, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: compound from alkenoic acids, carbomonocyclic anhydride and substituted alkanediols.

Use. Claimed confidential business information. Generic use description

provided: Dispersive use that will release more than 50,000 kg per year into the environment with potential skin and eye exposure for both chemical industry and commercial employees and a low potential for exposure to consumers as part of a mixture.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	320,000
2d year	320,000	600,000
3d year	600,000	1,600,000

Physical/Chemical Properties

Total solids—60.0%.
Viscosity—11.7 stokes.
Acid value—6.4 mg KOH/g.
Flash point—149°F.
Density—1.110
Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 6 sites, 369 workers manufacturing and processing the new chemical could have potential skin and eye exposure for 6 hr/da, 7 to 250 da/yr, during sampling for quality control, mixing, container filling, and cleanup operations. Commercial and consumer users could also have skin, eye, and inhalation exposure.

Environmental Release/Disposal. The manufacturer states that at six sites, less than 120 kg/yr of the new chemical will be released into the air and water and more than 41,010 kg/yr into the land. Reactor vapors will be passed through a scrubber; sludge from distilled cleaning solvents will be incinerated.

PMN 81-279

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: adduct of a substituted alkanol and a silicate.

Use. Claimed confidential business information. Generic use description provided: open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to both chemical and nonchemical industry employees and skin exposure to consumers as an inherent part of a material.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	800	1,600
2d year	1,600	2,400
3d year	2,400	3,000

Physical/Chemical Properties

Total solids—77.5% at 105°C
Viscosity—0.34 stokes.
Hydroxyl content—None.
Flash point—89°F.
Toxicity Data. No data were submitted.

Exposure. The submitter states that at 2 sites, 69 manufacturing and processing workers could have potential skin and eye exposure to the new substance for 4 to 6 hr/da, 2 to 34 da/yr, during sampling for quality control, mixing, container filling, and cleanup operations. At the site of a typical industrial user, four workers could have potential skin and eye exposure for 8 hr/da, 240 da/yr.

Environmental Release/Disposal. The submitter states that at two sites, less than 40 kg/yr of the new chemical will be released into the air and water and from 20 to 200 kg/yr into the land. Reactor vapors will be passed through a scrubber; sludge from distilled cleaning solvents will be incinerated, sold as fuel, or landfilled. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into the land.

PMN 81-280

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided; polyester polyurethane.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50 but less than 500 kg per year into the environment with potential skin and eye exposure for both chemical and nonchemical industry employees and minimal exposure to consumers as an integral part of an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	4,500	19,000
2d year	10,000	40,000
3d year	20,000	80,000

Physical/Chemical Properties

Isocyanate equivalent—Infinity.
Percent Total solids (105°F)—70%.
Viscosity (25% resin by wt in 2-ethoxyethanol)—M.
Toxicity Data. No data were submitted.

Exposure. The submitter states that at 2 sites, 70 manufacturing and processing workers could have potential skin and eye exposure to the new chemical for 6 hr/da, 6 to 54 da/yr, during sampling for quality control, container and reactor filling, and cleanup operations. At the site of a typical industrial user, 20 workers could have potential skin and eye exposure for 16 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at two sites, less than 40 kg/yr of the new substance will be released into the air and water and from 20 to 200 kg/yr into the land. Reactor vapors will be passed through a scrubber; sludge from distilled cleaning solvents will be landfilled or sold as fuel. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into the land.

PMN 81-281

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: polyester from substituted alkanediol and alkanoic acids.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50 but less than 500 kg per year into the environment with potential skin and eye exposure for both chemical and nonchemical industry employees and minimal exposure to consumers as an integral part of an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,200	2,500
2d year	2,500	5,000
3rd year	5,000	10,000

Physical/Chemical Properties

Total solids—82.0% at 105°C.
Acid value—12.9 mg KOH/g.
Hydroxyl value—116 mg KOH/g.
Viscosity—65 (stokes).
Color—3 (Gardner).
Flash point—165°F.
Density—1.065
Toxicity Data. No data were submitted.

Exposure. The submitter states that at 3 sites, 124 manufacturing and processing workers could have potential skin and eye exposure to the new substance for 6 hr/da, 1 to 2 da/yr, during sampling for quality control, mixing, and filling shipment containers. At the site of a typical industrial user, 11 workers using and disposing of the new chemical could have potential skin, eye, and inhalation exposure for 1 to 6 hr/da, 50 to 250 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new chemical will be released into the air and water and from 30 to 300 kg/yr into the land. Reactor vapors will be passed through a scrubber; sludge from distilled cleaning solvents will be incinerated, sold as fuel, or landfilled. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 1,000 to 10,000 kg/yr into the land.

PMN 81-286

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Polymer dispersion of a diisocyanate and substituted alkanediols.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye contact for both chemical and nonchemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	220	10,000
2d year	10,000	20,000
3d year	20,000	40,000

Physical/Chemical Properties

MEQ acid—0.096 mg KOH/gm.
MEQ base—0.087 mg KOH/gm.
Percent total solids—30.3%.
Viscosity (Gardner holt)—380 sec.
Flash point—190°F.
Toxicity Data. No data were submitted.

Exposure. The submitter states that at 3 sites, 129 manufacturing and processing workers could have potential skin and eye exposure to the new chemical for 6 hr/da, 4 to 25 da/yr, during samplying for quality control, mixing, filling containers, and cleanup operations. At the site of a typical industrial user, 20 workers could have potential inhalation, skin, and eye exposure for 8 hr/da, 250 da/yr, at an average and peak concentration of 0 to 1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 60 kg/yr of the new chemical will be released into the air and water and from 210 to 2,100 kg/yr into the land. Reactor vapors will be passed through a scrubber; sludge from distilled cleaning solvent will be incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into the land.

PMN 81-281

Close of Review Period. September 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: polyol, mixture of carboxylic acids polymer.

Use. The manufacturer states that the PMN substance will be used in a site-limited use as a component of coating for packaging.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	4,000	30,000
2d year	8,000	30,000
3d year	8,000	40,000

Physical/Chemical Properties

Physical state—Viscous liquid.
Acid number—<3
Flash point (PMCC)—>230°F (110°C).
Water solubility—13%.
Toxicity Data. No data were submitted.

Exposure. The submitter states that at all sites, nine workers manufacturing, using, and disposing of the new substance could have skin and eye exposure for 1 to 2 hr/da, 10 to 60 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentration of 1 to 10 mg/m³, during sampling, on-site use, drum filling, and when drums are cleaned by incineration or washing. Sixty commercial users could have daily to weekly skin exposure during formulation of the substance as a coating component.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the air and water and that less than 10 kg/yr will be released into the land of an approved landfill.

Dated: July 6, 1981.

Edward A. Klein,
Director, Chemical Control Division.

[FR Doc. 81-20488 Filed 7-13-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51281; TSH-FRL-1881-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days

after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by:
PMN 81–294, 81–295, August 11, 1981.
PMN 81–296, August 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51281]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–294	Mary Cushmac.	202–426–0603	E–229
81–295	June Thompson.	202–755–0660	E–529C
81–296	Rachel Diamond.	202–426–9816	E–221

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–294

Close of Review Period. September 10, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $10 million and $100 million.
Manufacturing sites—East and North central regions, U.S.
Standard Industrial Classification Code—285, "Paints, Varnish, Lacquers, Enamels, and Allied Products."

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: oil free polyester.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a protective coating for industrial application.

Production Estimates. No data were submitted.

Physical/Chemical Properties

Color—2 maximum
Viscosity—Z5–Z6
Acid value (on solids)—6–9
Nonvolatile by weight—95–100%
Volatile—None (estimated)
Water solubility by 24-hr extraction—1.4%

Toxicity Data. No data were submitted.

Exposure. The submitter states that 24 manufacturing workers could have skin and inhalation exposure to the new chemical for 8 hr/da, 5 da/yr, during filling the reactor, sampling, filling drums, and cleaning filters. At a site not controlled by the submitter, workers using the new chemical could have eye and skin exposure during transfer and cleaning operations.

Environmental Release/Disposal. The manufacturer states that from 10 to 100 kg/yr of the new substance may be released into the air during 10 to 12 hr/da, 5 da/yr, and from 100 to 1,000 kg/yr into the land of an approved landfill. Waste solvents not landfilled will be incinerated or jobbed out to reclaim.

PMN 81–295

Close of Review Period. September 10, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Manufacturing site—South Atlantic U.S.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: acrylonitrile polymer with alkenoic acid alkyl esters; 2-propenoic acid; and 2-propenoic acid, 2-methyl.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50,000 kg per year into the environment with potentially frequent skin, eye, and inhalation contact for both chemical and nonchemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	56,000	113,000
2d year	85,000	225,000
3d year	85,000	225,000

Physical/Chemical Properties

Solubility in water—10^{-4}—10^{-2}g/l.
Density—1.14 g/cm^3.

Toxicity Data

Acute oral toxicity LD_{50} (male, female albino rats)—>5.0 ml/kg.
Primary skin irritation (albino rabbits)— Moderately irritating.
Primary eye irritation (albino rabbits)—Practically non-irritating to both washed and unwashed eyes.
Inhalation toxicity LC_{50} (4-hr)—>20 mg/1/hr.
Dermal toxicity LD_{50} (albino rabbits)—>2.0 ml/kg.
Ames *Salmonella*/assay—Nonmutagenic.

Exposure. The submitter states that two workers manufacturing, processing, and disposing of the new chemical could have skin exposure from .5 to 6 hr/da, 66 da/yr, at average and peak concentrations in excess of 100 ppm, during accidental spills only. At the site of a potential customer, 180 workers processing and using the new substance could have skin and inhalation exposure for 8 hr/da, 250 da/yr, at average and peak concentrations in excess of 100 ppm.

Environmental Release/Disposal. The manufacturer states that from 1,000 to 10,000 kg/yr of the new chemical will be released during 100 da/yr into the water of a publicly owned treatment works (POTW) following settling, grinding, and activated sludge treatment. From the sites of potential customers, more than 10,000 kg/yr may be released into the water of POTW.

PMN 81–296

Close of Review Period. September 9, 1981.

Importer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—Between $1,000,000 and $9,999,999.
Location of importer—Middle Atlantic U.S.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: bis dihydrogenated ether of halogenated aryl sulfone.

Use. The importer states that the PMN substance will be used in an industrial use as a flame retardant for plastics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1981	5,000	50,000
1982	50,000	400,000
1983	50,000	500,000

Physical/Chemical Properties

Appearance—Light yellow solid.
Melting point—50° C.
Halogen content—66% by weight.
Specific gravity—2.20
Decomposition point—285° C.
Solubility—Insoluble in water, soluble in aromatic solvents, ketones, CH_2Cl_2.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—10g/kg.
Skin irritation—Nonirritating.
Eye irritation—Nonirritating.

Exposure. No data was submitted. The importer states that employee exposure to the new chemical during formulation by customers is expected to be minimal.

Environmental Release/Disposal. No data were submitted.

Dated: July 6, 1981.

Edward A. Klein,
Director, Chemical Control Division.

[FR Doc. 81-20484 Filed 7-13-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS–51275; TSH–FRL–1881–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by August 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51275]" and the specific PMN number, should be sent to:
"Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–298	Carrie Berlin	(202–426–9816)	E–221
81–299	June Thompson	(202–755–0660)	E–519C

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81–296

Close of Review Period. September 15, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational information provided:
Annual sales—Between $100 million and $499,999,000.
Manufacturing site—East-North central region, U.S.
Standard Industrial Classification Code—851.

Specific Chemical Identity. Claimed confidential business information.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	192,000	576,000
2nd year	576,000	1,700,000
3rd year	780,000	1,900,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–299

Close of Review Period. September 15, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: metal resinate.

Use. Publication gravure printing inks.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Resin solids, percent by weight—55.
Viscosity, Gardner-Holdt—V–Y.
Gardner color—12.
Specific gravity, 25°C./25° C.—0.93.
Melting point of solid resin, Fisher-Johns—150° C.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. The manufacturer states that less than 20 kg/yr may be released to air and water, 24 hr/da, 130 da/yr and up to more than 10,000 kg to land.

Dated: July 6, 1981.

Edward A. Klein,
Director, Chemical Control Division.

[FR Doc. 81-20485 Filed 7-13-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS–51282; TSH–FRL–1881–6]

6-Hydroxy-2,3,7-Trimethylquinoxaline; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51282]" and the specific PMN number, should be sent to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:
Carrie Berlin, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460, (202–426–9816).

SUPPLEMENTARY INFORMATION: A PMN has been received by the EPA. The following is a summary of information provided by the manufacturer:

PMN 81–297

Close of Review Period. September 15, 1981.

Importer's Identity. Ilford, Inc., Box 288, W. 70 Century Rd., Paramus, NJ 07652.

Specific Chemical Identity. 6-Hydroxy-2,3,7-trimethylquinoxaline.

Use. The importer states that the PMN substance will be used as a catalyst in a photographic processing solution.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	850	950
2d year	850	1,000
3d year	1,000	1,100

Physical/Chemical Properties

Appearance—Pinkish to light brown powder
Melting point—275° (decomposes)
Stability measurements:
Dry solid—Stable at ambient temperature
Dry solid at 60°C in air—Decomposes very slowly
Aqueous solution—Stable (only slightly soluble)
Effect of strong acid (HC1)—Decomposes slowly
Effect of strong alkali (NaOH)—Decomposes slowly

Toxicity Data

Acute oral Toxicity LD_{50} (rat)—15,000 mg/kg
Primary skin irritation (rabbit)—Minimally irritating to intact skin, slightly irritating to abraded skin
Eye irritation (rabbit)—Slightly irritating

Exposure. The importer states that three to four workers blending and bottling could have exposure to the new chemical in dilute form for 250 hr/yr. A typical customer could have minimal exposure to the chemical in dilute form.

Environmental Release/Disposal. The importer states that during blending operations accidental spills of the PMN substance will be contained and disposed of by landfill; spillage of the liquid mixture containing the new chemical will be routed through sanitary sewers to a publicly owned treatment works (POTW).

Dated: July 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-20480 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-50027B; TSH-FRL-1881-4]

2-Naphthalenamine; Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice denies a citizen's petition, submitted under section 21 of the Toxic Substances Control Act (TSCA), to ban the manufacture of 2-naphthalenamine.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistant Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M Street SW, Washington, DC 20460, Toll free: (800-424-9065), In Washington, DC: (554-1404).

Copies of the Administrator's decision may be obtained from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION:

I. Decision of the Administrator

On April 26, 1980, EPA received a petition, under section 21 of the TSCA, 15 U.S.C. 2620, requesting that it prohibit the manufacture of 2-naphthalenamine (Chemical Abstracts Service Number 91-59-8), which is also known as 2-naphthylamine, β-naphthylamine, β-naphthalenamine, or 2-aminonaphthalene. The petition was filed by Mr. Glenn M. W. Scott of Owensboro, Kentucky. The petition is denied for the reasons given below.

II. Background

A. Citizen's Petitions Under TSCA

Under section 21 of TSCA, a citizen may petition the EPA "to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8 [of TSCA]." The Administrator must either grant or deny the petition. If the Administrator denies the petition, the reasons for denial must be published in the **Federal Register.** This notice gives the reasons for EPA's denial of Mr. Scott's petition.

B. Petition Request

The petition filed by Mr. Scott requested that EPA ban the manufacture of 2-naphthalenamine because it is a carcinogen that causes bladder cancer in laboratory animals and humans. Mr. Scott stated that 2-naphthalenamine is used as an anti-oxidant in rubber and as an intermediate in the manufacture of dyes.

III. Reasons for Denying the Petition

A. 2-Naphthalenamine was Incorrectly Reported on the Inventory

In respnose to Mr. Scott's petition, EPA determined that 2-naphthalenamine was reported on the TSCA Chemical Substance Inventory by only one firm, an importer. This firm told EPA that it had mistakenly reported 2-naphthalenamine and that it imported a different substance, not 2-naphthalenamine. After further investigation, EPA concluded that 2-naphthalenamine is neither manufactured nor imported into this country for commercial purposes.

On the basis of this evidence, EPA proposed to remove 2-naphthalenamine from the TSCA Inventory (46 FR 11356, February 6, 1981). The notice solicited public comment regarding the manufacture, importation, or processing of 2-naphthalenamine since January 1, 1975. The only comment received was a general comment on the procedures to remove a chemical from the Inventory. Therefore, EPA concluded that: (1) the original Inventory report was incorrectly submitted; (2) no manufacture or importation of this substance occurred between January 1, 1975 and December 31, 1977; and (3) no ongoing manufacture, importation, or processing of this substance has taken place since December 31, 1977. Accordingly, EPA published a final Notice of Disposition that removed 2-naphthalenamine from the TSCA Inventory (46 FR 30563, June 9, 1981).

B. Effect of the Removal of 2-Naphthalenamine From the TSCA Inventory

The effect of removing 2-naphthalenamine from the Inventory is to require any person who intends to manufacture, import, or process it for a use covered under TSCA to submit a premanufacture notice (PMN), as required by section 5 of TSCA. This notice must be submitted at least 90 days before the person begins to manufacture, import, or process the substance. This 90-day period allows EPA to assess the potentially harmful health and environmental effects of the substance before manufacture begins.

IV. Conclusion

The substance 2-naphthalenamine is not manufactured, imported, or processed in the United States and has been removed from the TSCA Inventory. Any future importation or manufacture must be preceded by a premanufacture notification to EPA. Therefore, it is not necessary to prohibit the manufacture of 2-naphthalenamine.

The petition is denied.

Dated: July 1, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-20461 Filed 7-13-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-431, File No. 20765-CD-P-1-81; CC Docket No. 81-432, File No. 20328-CD-P-1-81]

Airsignal International, Inc. and Charlotte Message Center, Inc.; Memorandum Opinion and Order.

Adopted June 30, 1981.

Released July 8, 1981.

In re applications of Airsignal International, Inc., for construction permit to add new locations on frequency 152.12 MHz on Station KIQ511 in the Domestic Public Land Mobile Radio Service at Naples, Fort Meyers and near Punta Gorda, Florida and; Charlotte Message Center, Inc., for construction permit to add an additional frequency Station KRM952 on 152.12 MHz in the Domestic Public Land Mobile Radio Service at Naples, Florida.

By the Common Carrier Bureau: 1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Airsignal International, Inc. (Airsignal), and Charlotte Message Center, Inc. (Charlotte). These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, IT IS ORDERED, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Airsignal International, Inc., File No. 20765-CD-P-1-81, and Charlotte Message Center, Inc., File No. 20328-CD-P-1-81, ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 37 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

(3) It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

(4) It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

(5) It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

(6) The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon Guttman,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-20004 Filed 7-13-81; 8:45 am]

BILLING CODE 6712-01-M

[1] We note that while Airsignal is applying to add a new location on its existing frequency for Station KIQ511, Charlotte is seeking to add an additional frequency for its existing Station KRM952. A grant of either application would preclude a grant of the other.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 150 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

[Report No. 1297]

Petitions for Reconsideration of Actions in Rule Making Proceedings

July 7, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before July 29, 1981. Replies to an opposition must be filed on or before August 10, 1981.

Subject: Commission policy concerning the Noncommercial Nature of Educational Broadcast Stations. (Docket No. 21136).

Filed by: Erwin G. Krasnow & Barry D. Umansky, Attorneys for National Association of Broadcasters on 6-22-81. John L. Bartlett, David E. Hilliard & John S. Logan, Attorneys for The Metropolitan Opera Association, Inc. on 6-22-81 (Petition for Clarification).

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Fountain, Colorado) (BC Docket No. 80-316).

Filed by: Barry D. Wood, Attorney for Fountain Broadcasting Company on 6-26-81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-20005 Filed 7-13-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1298]

Petitions for Clarification or Reconsideration of Actions in Rule Making Proceedings

July 13, 1981.

The following listings of petitions for clarification or reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before July 29, 1981. Replies to an opposition must be filed on or before August 10, 1981.

Subject: Use of Recording Devices in Connection with Telephone Service. (Docket No. 20840)

Filed by: Edward L. Friedman, H. W. William Caming & Bless J. Stritar, Attorneys for American Telephone and Telegraph Company on 6-19-81. J. Randolph MacPherson & Carl Wayne Smith, Attorneys for the Department of Defense on 7-2-81. Richard K. Willard, Attorney for the United States Department of Justice on 7-2-81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-20006 Filed 7-13-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, August 6, 1981
Thursday, August 13, 1981
Thursday, August 20, 1981
Thursday, August 27, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman,

representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

July 7, 1981.

[FR Doc. 81–20008 Filed 7–13–81; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL RESERVE SYSTEM

Liberty Bancshares, Inc.; Formation of Bank Holding Company

Liberty Bancshares, Inc., Brentwood, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Liberty Bank, Brentwood, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Acting Secretary of the Board.

[FR Doc. 81–20041 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Michigan National Corp.; Proposed Acquisition of Wolverine Life Insuance Company

Michigan National Corporation, Bloomfield Hills, Michigan, has applied, pursuant to section 4(C)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Wolverine Life Insurance Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the acitivity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extension of credit by Applicant's subsidiary banks. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is the State of Michigan. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than August 5, 1981.

Board of Governors of the Federal Reserve System, July 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20042 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Shattuck Bancshares, Inc.; Formation of Bank Holding Company

Shattuck Bancshares, Inc., Shattuck, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Shattuck National Bank, Shattuck, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20043 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting share of Fondren Southwest Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any persons wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20044 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Troy Bancorp, Inc.; Formation of Bank Holding Company

Troy Bancorp, Inc., Troy, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Troy, Troy, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the officers of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20045 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

American Bancorporation; Acquisition of Bank

American Bancorporation, Marietta, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of The Quaker City National Bank, Quaker City, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing, to the Reserve Bank to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20046 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Commercial National Corp.; Formation of Bank Holding Company

Commercial National Corporation, Shreveport, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors qualifying shares, of Commercial National Bank in Shreveport, Shreveport, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to be Reserve Bank, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20530 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Credit and Commerce American Holdings, N.V., Credit and Commerce American Investment, N.A., FGB Holding Corporation; Formation of Bank Holding Companies; Correction

This notice corrects a previous Federal Register notice (FR Doc. 80–40233) published at page 85521 of the issue for Monday, December 29, 1981. FGB Holding Corporation, Washington, D.C., has been included in the application seeking the Board's approval to acquire 100% of the voting shares of Financial General Bankshares, Inc., Washington, D.C.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20530 Filed 7–13–81; 8:45 am]

BILLING CODE 6210–01–M

Jeffries Insurance Agency, Inc.; Acquisition of Bank

Jeffries Insurance Agency, Inc., Buckner, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to increase its ownership of the voting shares of First State Bank of Buckner, Buckner, Missouri to 51.06 per cent. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing,

identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20040 Filed 7-13-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N-0184; DESI 597, 3265, 9489, and 10837]

Certain Anticholinergics/Antispasmodics in Combination With a Sedative, and Single-Entity Antispasmodic, in Conventional Dosage Form; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration withdraws approval of the new drug applications and conditionally approved abbreviated new drug applications for certain combination drugs containing an anticholinergic/antispasmodic and a sedative and a single-entity antispasmodic. Approval is withdrawn because the drugs lack substantial evidence of effectiveness in the treatment of various gastrointestinal disorders.

EFFECTIVE DATE: July 24, 1981.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 597, 3265, 9489, or 10837, as appropriate, and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of January 16, 1981 (46 FR 3977), the Director of the Bureau of Drugs proposed to withdraw approval of new drug applications and conditionally approved abbreviated new drug applications for certain anticholinergics/antispasmodics in combination with a sedative, and single-entity antispasmodics, and offered an opportunity for a hearing on the proposal. The proposed order was based on the lack of substantial evidence that the products are effective for their labeled indications. The combination products lack substantial evidence that each component of the combination makes a significant contribution to the effectiveness of the product.

Because the holders of the following new drug applications and conditionally approved abbreviated new drug applications did not request a hearing, approval of their applications is now being withdrawn. Failure to file an appearance and request a hearing constitutes a waiver of the opportunity for a hearing.

DESI 597

1. NDA 8-007; Dactil with Phenobarbital Tablets containing piperidolate hydrochloride 50 mg and phenobarbital 16 mg; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215.

2. NDA 12-950; Robinul-PH Tablets and Robinul-PH Forte Tablets containing glycopyrrolate 1 mg and phenobarbital 16 mg, and glycopyrrolate 2 mg and phenobarbital 16 mg; A. H. Robins Co., 1407 Cummings Dr., Richmond, VA 23220.

DESI 3265

NDA 8-007; Dactil Tablets containing piperidolate hydrochloride 50 mg; Merrell-National Laboratories.

DESI 10837 [Related]

1. ANDA 86-281; Meprobamate with Tridihexethyl Chloride Tablets containing 200 mg meprobamate and 25 mg tridihexethyl chloride; Chelsea Laboratories, Inc., 428 Doughty Blvd., Inwood, NY 11696.

2. ANDA 86-526; Meprobamate with Tridihexethyl Chloride Tablets containing 400 mg meprobamate and 25 mg tridihexethyl chloride; Chelsea Laboratories, Inc.

No hearing was requested for the following product also named in the January 16, 1981 notice. The product may no longer be marketed.

ANDA 86-675; Sidonna Tablets containing simethicone 25 mg, butabarbital sodium 16 mg, hyoscyamine sulfate 0.1037 mg, scopolamine hydrobromide 0.0065 mg, and atropine sulfate 0.0194 mg; Reed and Carnrick, 30 Boright Ave., Kenilworth, NJ 07033.

No hearing was requested for the following product also named in the January 16, 1981 notice. The product is not the subject of an approved new drug application; the NDA number shown is the number of the manufacturer's original product to which the listed product is related. The product may no longer be marketed.

Related to NDA 9-014; Probital Tablets containing propantheline bromide 7.5 mg and phenobarbital 15 mg; G. D. Searle & Co., P.O. Box 5110, Chicago, IL 60680.

The holders of the new drug applications and conditionally approved abbreviated new drug applications named below have requested hearings concerning their drug products. The requests for hearing are under review and will be the subject of future **Federal Register** notices.

DESI 597

1. NDA 7-409; Bentyl with Phenobarbital Capsules and Tablets containing dicyclomine hydrochloride 10 mg and phenobarbital 15 mg, Merrell-National Laboratories.

2. NDA 10-679; Cantil with Phenobarbital Tablets containing mepenzolate bromide 25 mg and phenobarbital 16 mg; Merrell-National Laboratories.

3. NDA 13-515; Daricon PB Tablets containing oxyphencyclimine hydrochloride 5 mg and phenobarbital 15 mg; Pfizer Laboratories, Division of Pfizer, Inc., 235 E. 42d St., New York, NY 10017. (Hearing was requested by Beecham Laboratories, Division of Beecham, Inc., 501 Fifth St., Bristol, TN 37620. Beecham is the sole marketer of Daricon PB under an agreement with Pfizer, Inc.)

4. NDA 9-014; Pro-Banthine with Phenobarbital Tablets containing propantheline bromide 15 mg and phenobarbital 15 mg; G. D. Searle & Co.

DESI 9489

NDA 9-489; Pathilon with Phenobarbital Tablets containing tridihexethyl chloride 25 mg and phenobarbital 15 mg; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965.

DESI 10837

1. NDA 10-837; Pathibamate-200 Tablets and Pathibamate-400 Tablets containing tridihexethyl chloride 25 mg and meprobamate 200 mg, and tridihexethyl chloride 25 mg and meprobamate 400 mg; Lederle Laboratories.

2. NDA 11-043; Milpath-200 Tablets and Milpath-400 Tablets containing tridihexethyl chloride 25 mg and meprobamate 200, and tridihexethyl chloride 25 mg and meprobamate 400 mg; Wallace Laboratories, Division of Carter-Wallace, Inc., Half-Acre Rd., Cranberry, NJ 08512.

Hearings were also requested for the following products that were not reviewed by the National Academy of Sciences-National Research Council. The requests are under review.

1. NDA 12-750; Librax Capsules, containing clidinium bromide 2.5 mg and chlordiazepoxide 5 mg; Roche Laboratories, Division of Hoffman-LaRoche, Inc., Nutley, NJ 07110.

2. NDA 13-430; Valpin 50 PB Tablets and Valpin PB Tablets containing anisotropine methylbromide 50 mg and phenobarbital 15 mg, and anisotropine methylbromide 15 mg and phenobarbital 15 mg; Endo Laboratories, 1000 Stewart Ave., Garden City, NY 11530.

3. ANDA 86-791; T.C.M. 200 Tablets containing 200 mg meprobamate and 25 mg tridihexethyl chloride; Zenith Laboratories, Inc., 140 Legrand Ave., Northvale, NJ 07647.

4. ANDA 86-792; T.C.M. 400 Tablets containing 400 mg meprobamate and 25 mg tridihexethyl chloride; Zenith Laboratories, Inc.

Marketing of those drug products for which hearing requests are under review may continue pending a ruling on the requests. No other person filed a written appearance of election as provided for by the January 16, 1981 notice.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug products for which no hearing was requested, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the new drug applications 8-007 and 12-950 and abbreviated new drug applications 86-281, 86-526 and 86-675, and all amendments and supplements applying thereto, is withdrawn effective July 24, 1981.

Shipment in interstate commerce of the above products, including Probital Tablets, or of any identical, related, or similar products that are not the subject of an approved new drug application, except for the ones described above that may continue to be marketed pending rulings on the requests for a hearing, will then be unlawful.

Dated: June 29, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-20054 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket Nos. 76N-0184 and 76N-0112; DESI 3590]

Parenteral Protein Supplements Containing Protein Hydrolysate; Notices of Opportunity for Hearing Rescinded for Seven Products

AGENCY: Food and Drug Administration

ACTION: Notice.

SUMMARY: The Food and Drug Administration is rescinding a notice of opportunity for hearing which proposed, on safety grounds, to withdraw approval of the new drug applications for all parenteral protein hydrolysate solutions. It is also rescinding a notice of opportunity for hearing which proposed, on effectiveness grounds, to withdraw approval of the new drug applications for certain parenteral protein hydrolysate solutions, insofar as the notice pertains to two of the three products for which a hearing was requested. The manufacturer withdrew the hearing request insofar as it pertained to the third product, and marketing of that product is now illegal.

DATES: Notice is effective July 14, 1981; supplements due September 14, 1981.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 3590, directed to the attention of the appropriate office named below.

Supplements to full new drug applications (identify with NDA number): Division of Surgical-Dental Drug Products (HFD-160), Rm. 18B-08, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David T. Read, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 3590; Docket No. 76N-0184) published in the **Federal Register** of September 21, 1976 (41 FR 41132), the Director of the Bureau of Drugs announced his conclusion that the following single-entity 5-percent protein hydrolysate parenteral solutions are effective for use as an adjunct in the prevention of nitrogen loss or in the treatment of a negative nitrogen balance:

1. That part of NDA 3-590 pertaining to Amigen Injection containing 5 percent protein hydrolysate; Mead Johnson Laboratories, Division Mead Johnson & Co., 2404 Pennsylvania St., Evansville, IN 47721.

2. That part of NDA 5-032 pertaining to Aminosol Injection containing 5 percent protein hydrolysate (modified); Abbott Laboratories, Inc., 14th and Sheridan Rd., N. Chicago, IL 60064.

3. That part of NDA 6-170 pertaining to Hyprotigen Injection containing 5 percent protein hydrolysate (modified); McGaw Laboratories, 1015 Grandview Ave., Glendale, CA 91201.

4. That part of NDA 6-726 pertaining to C.P.H. Injection containing 5 percent protein hydrolysate (modified); Cutter Laboratories, Inc., 4th and Parker St., Berkeley, CA 94710.

5. That part of NDA 5-419 pertaining to Travamin Injection containing 5 percent protein hydrolysate; Travenol Laboratories, Inc., Morton Grove, IL 60053.

In a notice of opportunity for hearing (NOOH) (DESI 3590; Docket No. 76N-0112), also published in the **Federal Register** of September 21, 1976 (41 FR 41133), the Director announced his conclusion that all combination products containing protein hydrolysates and single-entity products containing other than 5 percent protein hydrolysates lack substantial evidence of effectiveness. In response to the NOOH, Travenol Laboratories requested a hearing for the following products:

1. That part of NDA 5-419 pertaining to Travamin Injection containing 5 percent protein hydrolysate and 5 percent dextrose.

2. Travamin Injection containing 10 percent protein hydrolysate (no NDA).

3. Travamin Injection containing 5 percent protein hydrolysate, 12.5 percent fructose, and 2.4 percent alcohol (no NDA).

Approval of the other drug products listed in the September 21, 1976 NOOH (Docket No. 76N-0112) was withdrawn in the **Federal Register** of February 4, 1977 (42 FR 6906).

In an NOOH published in the **Federal Register** of July 28, 1978 (43 FR 32889), the Director proposed to withdraw approval of all protein hydrolysates on

the ground that the drug products are not shown to be safe under the conditions for which the applications were appoved. In response to this notice, Mead Johnson & Co., Abbott Laboratories, and Travenol Laboratories submitted hearing requests. Travenol Laboratories subsequently withdrew its hearing request insofar as it pertained to Travamin Injection containing 5 percent protein hydrolysate, 12.5 percent fructose, and 2.4 percent alcohol (no NDA).

Based upon the material submitted in support of the hearing requests, particularly Abbott Laboratories' submission of L. D. Stegink's review of the data cited in the notice of July 28, 1978, FDA has concluded that there is substantial evidence that protein hydrolysate solutions are safe. Accordingly, the July 28, 1978 NOOH is rescinded. FDA has also concluded that there is substantial evidence that Travamin Injection containing 5 percent protein hydrolysate and 5 percent dextrose (NDA 5–419, and Travamin Injection containing 10 percent protein hydrolysate (no NDA) are effective. Accordingly, the NOOH published on September 21, 1976 (41 FR 41133) is rescinded insofar as it pertains to these two drug products.

However, FDA has concluded that there is not substantial evidence that Travamin Injection containing 5 percent protein hydrolysate, 12.5 percent fructose, and 2.4 percent alcohol (no NDA) is effective. Travenol has withdrawn its hearing request insofar as it pertains to this product. Therefore the marking of this product is now unlawful.

Protein hydrolysate parenteral solutions, and without dextrose, are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the products specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to a product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence, and concludes that parenteral protein hydrolysate solutions, with or without dextrose, are effective for the indications in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve full new drug applications and supplements to previously approved new drug applications under the conditions described herein.

1. *Form of drug.* The drug product is in sterile solution form suitable for peripheral and central venous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

For use as an adjunct in the prevention of nitrogen loss or in the treatment of negative nitrogen balance in patients in whom (1) the alimentary tract, by the oral, gastrostomy, or jejunostomy route, cannot or should not be used, (2) gastrointestinal absorption of protein is impaired, or (3) metabolic requirements for protein are substantially increased, as with extensive burns.

3. *Marketing status.* a. Marketing of such drug product which is now the subject of an approved or effective new drug application may be continued provided that on or before September 14, 1981 the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)).

b. Approval of a full new drug application must be obtained before marketing such products. Marketing before a new drug application is approved will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Date: June 12, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81–20383 Filed 7–13–81; 8:45 am]

BILLING CODE 4110–03–M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conduct by the Committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. August 3, 9 a.m., Rm. 1409. 200 C St. SW., Washington, DC.

Type of meeting and panel section leader. Closed presentation of data, 9 a.m. to 10 a.m.; open public hearing, 10 a.m. to 11 a.m.; open committee discussion, 11 a.m. to 4 p.m.; David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writting, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 20, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness data for the transcutaneous carbon dioxide monitor submitted in support of premarket approval application #P810022.

Closed presentation of data. The sponsor of premarket approval application #P810022 will present trade secret information concerning the device and will answer questions from the Panel members. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by July 22, 1981.

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. August 13 and 14, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, August 13, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 5 p.m.; open public hearing, August 14, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7320.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before August 3, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On August 13, the committee will discuss statistical/epidemiological questions pertaining to intraocular lenses (IOL's) and may discuss premarket approval applications for other ophthalmic products. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On August 14, the committee may discuss premarket approval applications or general issues relating to contact lens products.

Closed committee deliberations. The committee will conduct reviews of premarket approval applications on August 13 and 14. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by July 27, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participatin does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for

reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: July 8, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-20491 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78P-0177]

Frank Scholz X-Ray Corp.; Approval of Extension of Variance for Accessory System 1564, General Operating Table Top Extension for Image Intensification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that an extension of a variance from the performance standard for diagnostic x-ray systems and their major components has been approved by the Bureau of Radiological Health for the Accessory System 1564, General Operating Table Top Extension for Image Intensification manufactured by Frank Scholz X-Ray Corp. The system is an x-ray penetrable "diving board" type extension that permits the use of a C-arm image intensifier on most operating and surgical tables.

DATES: The termination date of Variance No. 78004 is extended from December 18, 1981, to December 18, 1986.

ADDRESS: The application and all correspondence on the application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert Phillips, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-443-3426

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Frank Scholz X-Ray Corp., P.O. Box 223, Needham Heights, MA 02194, has been granted an extension of a variance from the aluminum equivalence requirement, § 1020.30(n) (21 CFR 1020.30(n)), of the performance standard for diagnostic x-ray systems and their major components. The Director of the Bureau of Radiological Health has determined that the arguments that led to the original granting of Variance No. 78004 are still valid. (See 43 FR 53826; November 17, 1978). This variance applies to the Accessory System 1564 General Operating Table Top Extension for Image Intensification. The conditions of the variance remain the same except that the extension permits introduction into interstate commerce of 150 units per year, and the termination date of the variance has been extended from December 18, 1981, to December 18, 1986.

The product will continue to bear the Variance No. 78004. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval for extension) on this application have been placed on public display in the Dockets Management Branch (address above), and may be seen in that offfice between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20489 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78P-0401]

Frank Scholz X-Ray Corp.; Approval of Extension of Variance for Base of Pelvic Anchor System 1563

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) announces that an extension of a variance from the performance standard for diagnostic X-ray systems and their major components has been approved by the Bureau of Radiological Health for the base of Pelvic Anchor System 1563 manufactured by Frank Scholz X-Ray Corp. The system is designed for use during hip surgery or hip nailing to provide secure positioning of the patient with traction on the attached leg, with the other leg supported in flexion, and a clear field for image intensifiers in both lateral and A-P positions.

DATES: The termination date of Variance No. 78P-0401 is extended from November 28, 1981, to November 28, 1986.

ADDRESS: The application and all correspondence on the application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert Phillips, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Frank Scholz X-Ray Corp., P.O. Box 223, Needham Heights, MA 02194, has been granted an extension of a variance from the aluminum equivalence requirement, § 1020.30(n) (21 CFR 1020.30(n)), of the performance standard for diagnostic X-ray systems and their major components. The Director of the Bureau of Radiological Health has determined that the arguments that led to the original granting of Variance No. 78P-0401 are still valid. (See 45 FR 2908; January 15, 1980). This variance applies to the base of Pelvic Anchor System 1563. The conditions of the variance remain the same except that the termination date has been extended from November 28, 1981, to November 28, 1986.

The product will continue to bear the Variance No. 78P-0401. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval for extension) on this application have been placed on public display in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20492 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0196]

Licensed Biological Products; Facsimile Reproduction of Official Lot Release Form FDA 2558

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that receipt of a facsimile reproduction of the Official Lot Release Form FDA 2558 by a licensed biological manufacturer is official authorization from the Director, Bureau of Biologics, for distribution of the product in interstate commerce. This action is being taken to increase the efficiency of the agency's product release system.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Paul K. Hiranaka, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Biological products, which include vaccines, blood, blood products, and allergenic products, are subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), inasmuch as they fall clearly within the statutory definition of the term "drug" or "device" 21 U.S.C. 321 (g)(1) or (h). In addition, the products must be licensed by the Bureau of Biologics, Food and Drug Administration, before shipment in interstate commerce under the authority of section 351 of the Public Health Service Act (PHSA) (42 U.S.C. 262). The PHSA requires that a license be issued only after the product is demonstrated to be safe, pure, and potent (42 U.S.C. 262).

The biologics regulations (21 CFR Parts 600 through 680) require that tests to ensure the safety, purity, and potency of licensed biological products be completed before distribution of any biological product in interstate commerce. For certain biological products, the regulations further provide that samples of a product, and the protocols showing results of applicable tests, be submitted to the Bureau of Biologics for FDA testing and review, respectively, and that the product shall not be issued by the manufacturer until written notice of official release is received from the Director, Bureau of Biologics. The requirements for testing and officially releasing products before marketing are authorized under §§ 610.1 and 610.2 and the additional standards for specific products (21 CFR Parts 620 through 680). Currently, the written notification of official release is issued on Form FDA 2558. Approximately 6,000 of the forms are issued by the Bureau of Biologics each year.

In response to a number of complaints from manufacturers about excessive delays in the receipt of official lot release forms sent by mail, and in some cases, nonreceipt of the forms, the Bureau of Biologics initiated a pilot study of facsimile transmission of official lot release forms. Twenty-six licensed biological product manufacturers were contacted and nine of these firms that had compatible fascimile equipment agreed to participate in a study that began on June 2, 1980. Later, five additional firms were added to the study after the firms acquired the necessary facsimile equipment. During this study, which is presently ongoing, the facsimile reproduction is used for informational purposes only and the product cannot be distributed until the official lot release form is received by the manufacturer.

To date, the manufacturers participating in the pilot study have found the facsimile transmission system to operate satisfactorily and have expressed a desire to continue this method of release notification indefinitely. Other manufacturers of biological products have informed FDA that they would obtain the necessary facsimile equipment immediately if the facsimile reproduction of Form FDA 2558 were considered to be official authorization from the Director, Bureau of Biologics, for distribution of the product.

Because the facsimile transmission system will increase the efficiency of the agency's product release system, FDA has decided that receipt of a facsimile reproduction of the Official Lot Release Form FDA 2558, will be considered to be official authorization (written notification) from the Director, Bureau of Biologics, for the distribution of the biological product in interstate commerce. FDA believes that manufacturers using the fascimile transmission system and the public will benefit from the more expeditious release of biological products because of reduced storage cost to the manufacturers and increased quantities of biological products available to the public, especially those which may be in short supply.

It should be noted that use of the facsimile transmission system is entirely voluntary. The Bureau of Biologics will continue to notify those manufacturers not using the facsimile transmission system of the release of their products by telephone and will mail the original lot release forms to the manufacturers regardless of how they were notified of a product's release.

Dated: July 8, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20490 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0192]

New England Nuclear; Premarket Approval Rianen ™ (^{3}H) Estrogen Receptor Assay Kit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the RIANEN ™ (^{3}H) Estrogen Receptor Assay Kit sponsored by New England Nuclear, North Billerica, MA. After reviewing the recommendation of the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by August 13, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On October 22, 1980, New England Nuclear, North Billerica, MA, submitted to FDA an application for premarket approval of the RIANEN ™ (^{3}H) Estrogen Receptor Assay Kit, an in vitro diagnostic product used as an aid in the proper selection of treatment and management of breast cancer patients. The application was reviewed by the Clinical Chemistry Device Section of the Clinical Chemistry and Hematology Devices Panel, an FDA advisory committee, which recommended approval of the application. On June 1, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of

review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 13, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20494 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0190]

NADA's for NAS/NRC-Reviewed Sulfonamides

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that it is accepting new animal drug applications (NADA's) for generic equivalents of DESI-reviewed sulfonamide drugs.

ADDRESS: New animal drug applications may be submitted to the Food and Drug Administration, Bureau of Veterinary Medicine, (HFV-100), 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Emilio E. Viera, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the Federal Register, FDA announces its approval of an NADA submitted by International Multifoods, Inc., for a sulfamethazine-sustained release bolus. The Bureau of Veterinary Medicine has determined that the product is generically equivalent to American Cyanamid's sulfamethazine conventional oblet, which was the subject of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group, evaluation published in the Federal Register of July 17, 1970 (35 FR 11532). This notice sets forth the agency's position that Section 510.450 (21 CFR 510.450) permits approval of NADA's for products identical and similar to NAS/NRC-reviewed sulfa drugs submitted after January 1975.

Section 510.450 established a deadline for submission of NADA's for sulfonamides that were being marketed at that time and that had not been previously subject of approved applications. The regulation also required the submission of 90-day toxicity studies by sponsors of such sulfa NADA's as well as sponsors of previously approved sulfa NADA's. The purpose was to resolve a safety concern that had been raised. The agency acknowledges that it is possible to interpret Section 510.450 to have precluded action by the agency on applications submitted after January 1975. This interpretation would include applications by sponsors who wished to gain approval for marketing under provision of the DESI program. Because International Multifoods' approval is the first action on an application for a sulfonamide submitted after January 1975, the agency concludes that it is appropriate to clarify its interpretation of the regulation. Therefore, FDA advises that sponsors may submit NADA's for generic equivalents of NAS/NRC-reviewed sulfonamide drugs to the Bureau of Veterinary Medicine (HFV-100) (address above). To meet the safety and effectiveness requirements, such applicants must submit 90-day toxicity studies, or proof of authorization to use data from 90-day studies previously completed; and tissue residue studies sufficient to establish safe withdrawal periods. Bioequivalency data may also be required.

Dated: July 8, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20495 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Final Maximum Allowable Cost (MAC) Determinations for Certain Drug Products

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final Notice for Maximum Allowable Cost Determinations.

SUMMARY: In accordance with 45 CFR 19.5, the Pharmaceutical Reimbursement Board (PRB) announces the following final Maximum Allowable Cost (MAC) determinations:

Drug	MAC limit
Glutethimide, oral tablet, 500 mg	$0.0432
Procainamide HCl, oral capsule, 250 mg	0.0363
Procainamide HCl, oral capsule, 375 mg	0.0505
Procainamide HCl, oral capsule, 500 mg	0.0585
Propantheline Bromide, oral tablet, 15 mg	0.0235

These multiple source drugs are reimbursed under Medicaid, Medicare, and other programs administered by the Department, and have been identified as drugs for which significant amounts of Federal funds are expended and for which there are significant by different prices. These limits represent the maximum product cost recognized by the Department for purposes of reimbursement or purchase. These MAC limits do not apply to unit dose packaging for institutional use.

EFFECTIVE DATE: August 28, 1981.

FURTHER INFORMATION CONTACT: Mr. Charles Spalding, Executive Secretary, Pharmaceutical Reimbursement Board, 1-D-5 East Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-5403.

Background

The Pharmaceutical Reimbursement Board has been established within the Health Care Financing Administration (HCFA) to set limits on payment or reimbursement for drug products under HCFA and other HHS programs. On December 24, 1980, the Board published a notice in the Federal Register (45 FR 85159) proposing MAC limits on six drug products. The Board has received written comments concerning MAC limits on these drugs and now announces final MAC determinations for the products listed above. The following is a summary of the written comments and other material on which the Board relied in determining each MAC limit and the Board's reasons for its determinations.

In a notice of intent to set MAC limits (45 FR 29639, May 5, 1980), the Board originally identified these multiple source drugs as drugs for which significant amounts of Federal funds are expended and for which there are significantly different prices. The Food and Drug Administration (FDA) has advised the Board that there is no regulatory action, either pending or under consideration, that would be a reason for delaying or withholding the establishment of MAC limits on these drugs.

The originally proposed MAC limits on these drugs are as follows:

Glutethimide, oral tablet, 500 mg—$0.0398 per tablet
Phentermine HCl oral capsule, 30 mg—$0.0395 per capsule
Procainamide HCl, oral capsule, 250 mg—$0.0369 per capsule
Procainamide HCl, oral capsule, 375 mg—$0.0505 per capsule
Procainamide HCl, oral capsule, 500 mg—$0.0585 per capsule
Propantheline Bromide, oral tablet, 15 mg—$0.0235 per tablet

In making determinations of the lowest unit price at which each of the drugs are widely and consistently available from any formulator or labeler, the Board relies on two sources: A HCFA survey and *Drug Topics Red Book*. The HCFA survey is a summary, updated monthly, of pharmacy invoice prices obtained by HCFA under contract with IMS America. The HCFA survey price is based on the 70th percentile of invoice prices from a panel of 1,000 pharmacies nationwide. *Drug Topics Red Book* published annually and updated monthly, is a listing of advertised prices of suppliers.

As in earlier determinations, the Board has determined that MAC limits should not apply to drugs purchased in unit dose packages and used in institutions since the costs for these items often exceed the MAC limits (45 FR 70574, October 24, 1980).

General Comments

1. A hospital pharmacist commented that he was in basic disagreement with the MAC program because of "* * * its minimal chances for productivity in relation to the administrative costs in attempting enforcement." The comment states that there are other areas within the health care system where much more significant costs savings could be attained and mentions "* * * greater Federal support for pharmacy programs promoting rational drug therapy as a specific area."

The Board does not agree with the comment that the MAC program has "* * * minimal chances for productivity * * *" The Board notes that in a December 1980 General Accounting Office (GAO) report by the Comptroller General of the United States *(Programs to Control Prescription Drug Costs Under Medicaid and Medicare Could Be Strenghtened,* (HRD8136) US General Accounting Office, Dec. 31, 1980), the estimated annual savings resulting from the application of MAC limits to the Medicaid program in five States were in excess of $1.4 million. The report stated the MAC limits in the five States studied had reduced the States' costs for these drugs from 9.8 to 45.6 percent. A second evaluation by a private research firm found the savings of the MAC program from 17 to 22 times greater than the administrative costs.

The Board supports the concept of drug programs designed to promote the rational and proper use of drug products. It also believes the use of less costly but equivalent drug products is part of rational drug use and provides for more efficient use of existing funds.

2. A manufacturer's comment suggests to the Board that it "* * * take this opportunity to review the basis upon which it determines MAC prices, in order to further improve the timeliness of its price determinations. The need to keep MAC limits current is particularly acute, in light of recent effects of inflation on drug prices. Every drug named (both pioneer brand and generic versions) in the May 5 notice was the subject of inflation related price increases between late 1979 and April 1980." The comment continues that if MAC limits based upon November/December 1979 or early 1980 prices were proposed to be effective, the products would not necessarily be widely and consistently available on the effective date of the MAC limit. The comment also suggests that each manufacturer on whose product a MAC is to be based should be contacted immediately before publication of a proposal in order to ensure that the proposed price is current.

The Board believes that the combination of data sources and the opportunity for public participation in the MAC process clearly assures the timeliness of its final determinations. The value of public participation in the MAC process is that it provides the public an opportunity to make certain that the record upon which the Board relies is as timely, complete, and accurate as possible. To the extent that commenters offer market data not available at the time of the proposed MAC, the Board gives full consideration to these submissions and modifies its proposals whenever it will achieve a more accurate and equitable result. On several occasions in the past, the Board has revised proposed MAC limits or has decided not to establish MAC limits in response to public comments that the drugs were not widely and consistently available at the proposed MAC price.

The Board makes every effort to assure that the information it considers is timely and notes that it maintains updated price data for drug products under consideration for MAC limits until the close of the comment period. However, the Board believes that contact with a company after the close of the comment period and immediately before publishing information regarding a MAC limit would be improper since it elicits data that is not made available to the public for scrutiny prior to the adoption of a final MAC limit. Further, such contact would provide an advantage to the company contacted that was not enjoyed by other companies.

3. A community pharmacist commented that "* * * today, the generic manufacturers are spending more and more time in court than they are in their quality control labs it seems."

The MAC drug clearance procedures of FDA include reviews of Good Manufacturing Practices compliance and reviews of drug recall records. The Board accepts and confidently relies on the assurances of the FDA regarding the quality of marketed drug products.

Specific Comments on Drugs

Glutethimide, oral tablet, 500 mg.

The Board originaly proposed a MAC limit of $0.0398 per tablet for this product based on a selling price of $3.98 per 100 tablet package size.

During the comment period, the Board received information that indicated recent price changes had occurred for this product. The Board has taken these price changes into consideration in arriving at its final determinations of $0.0432 per tablet.

At the time of the proposed MAC limit, there were 13 suppliers whose products were advertised in the *Drug Topics Red Book* at or below the $0.0398 per tablet level. There are now 18 suppliers below the final determination of $0.0432. At the time of the proposed MAC limit, the HCFA survey showed that 70 percent of all purchases of the "all other brands" category were at or below $0.0398. The survey now shows that 70 percent of all purchases of the "all other brands" category are at or below the $0.0432 level. Small and medium size independents have purchased "all other brands" at or below the $0.0432 level. On March 5, 1981, after reviewing the record, the Board voted to increase the proposed final MAC limit on glutethimide, oral tablet, 500 mg to $0.0432 per tablet. The Board believes this price level assures wide and consistent availability of the product.

Phentermine HCl, oral capsule, 30 mg.

The Board originally proposed a MAC limit of $0.0395 per capsule for this

product based on a selling price of $3.95 per 100 capsule package size. Information received by the Board during the comment period regarding product availability and the lack of response on the part of one supplier to confirm its ability to supply the product at or below the proposed MAC limit caused the Board concern. On Febuary 3, 1981, the chairman contacted the individual Board members by phone. After reviewing the record on phentermine HCl, oral capsules, 30 mg and discussing the concern regarding the availability of the product at the proposed MAC limit, the Board voted to suspend consideration of a MAC limit on this product at this time.

Procainamide HCl, oral capsules, 250 mg, 375 mg, and 500 mg.

Only one comment was received by the Board regarding the proposed MAC limits for these three forms of procainamide HCl.

A community pharmacist commented that procainamide HCl "* * * should not be forced into a generic dispensing category because many elderly patients have been on Pronestyl ten to twelve years and to switch over to the generic product may be a tremendous problem. Bioeguivalence is not even the only subject discussed. There is a problem of psychological adjustment to another brand."

The pharmacist's comment regarding bioeguivalence is unspecific and undocumented as submitted to the Board. The Board confidently relies on the assurances of the FDA regarding quality of marketed drug products. However, if the pharmacist has substantial evidence that such problems exist that may be harmful to the public health, then he should immediately contact the FDA.

In reference to the pharmacist's comment regarding the psychological adjustment to the generic product, the Board notes that should the generic product so confuse a patient that he or she refuses to comply with the drug regimen, then the physician may properly "override" the MAC limit by certifying "brand medically necessary" on the prescription form.

Procainaminde HCl, oral capsule, 250 mg.

The Board originally proposed a MAC limit of $0.0369 per capsule for this product based on a selling price of $3.69 per 100 capsule package size. During the comment period, the Board received information that indicated recent price changes had occurred for this product. The Board has taken these price changes into consideration in arriving at its final determination of $0.0383 per capsule.

At the time of the proposed MAC limit, there were sixteen suppliers whose products were advertised in the *Drug Topics Red Book* at or below the $0.0369 per capsule level. There are now twenty suppliers at or below the final determination of $0.0383 per capsule. At the time of the proposed MAC limit, the HCFA survey showed that over 80 percent of the purchases of the "all other brands" category were at or below the proposed limit. The survey now shows that over 90 percent of all purchases of the "all other brands" category are at or below the final determination of $0.0383 per capsule. Small and medium size independent pharamacies have purchased "all other brands" at or below the final determination of $0.0383. Of the three approved manufacturers whose prices were at or below the proposed MAC limit, two had increases that brought their prices above the proposal. Both manufacturers' prices, however, are at or below the final determination of $0.0383.

On March 5, 1981, after reviewing the record, the Board voted to increase the proposed final MAC limit on procainamide HCl, oral capsules, 250 mg, to $0.0383 per capsule. The Board believes that this price level assures wide and consistent availability of the product.

Procainamide HCl, oral capsule, 375 mg.

The Board originally proposed a MAC limit of $0.0505 per capsule based on a selling price of $5.05 per 100 capsule package size. During the comment period, the Board received information that indicated recent price changes had occurred for this product. The Board has taken these price changes into consideration in arriving at its final determination of $0.0505 per capsule.

At the time of the proposed MAC limit, there were ten suppliers whose products were advertised in the *Drug Topics Red Book* at or below the $0.0505 per capsule level. The new data shows that there continued to be ten suppliers at or below the $0.0505 per capsule level. At the time of the proposed MAC limit, the HCFA survey showed that over 80 percent of the purchases of "all other brands" were at or below the proposed limit. The survey now shows that over 70 percent of the purchases are at or below the $0.0505 level. The Board believes that the 70th percentile represents a substantial percentage of the purchases in the marketplace. Small and medium size independents continued to purchase "all other brands" at or below the final determination of $0.0505 per capsule. The Board does not believe that the changes that have occurred in the marketplace for this product are sufficient to modify the original proposed MAC limit of $0.0505 per capsule.

On March 5, 1981, after reviewing the record, the Board voted to establish the proposed final MAC limit on procainamide HCl, oral capsules, 375 mg, at $0.0505 per capsule. The Board believes this price level assures wide and consistent availability of the product.

Procainamide HCl, oral capsule, 500 mg.

The Board originally proposed a MAC limit of $0.0585 per capsule, for this product based upon a selling price of $5.85 per 100 capsules package size. During the comment, the Board received information that indicated recent price changes had occurred for this product. The Board has taken these price changes into consideration in arriving at its final determination of $0.0585 per capsule.

At the time of the proposed MAC limit, there were twenty suppliers whose products were advertised in the *Drug Topics Red Book* at or below the $0.0585 per capsule level. According to the new data, there are now eighteen suppliers at or below the final determination of $0.0585 per capsule. The Board does not believe this change is significant. At the time of the proposed MAC limit, the HCFA survey showed that 80 percent of the purchases of the "all other brands" category were at or below the proposed limit. The survey continues to show 80 percent of the purchases of the "all other brands" category at or below the final determination of $0.0585 per capsule. Small and medium size pharmacies continued to purchase "all other brands" at or below the final determination of $0.0585. The Board does not believe that the changes that have occurred are sufficient to modify the original proposed MAC limit of $0.0585 per capsule.

On March 5, 1981, after reviewing the record, the Board voted to establish the proposed final MAC limit on procainamide HCl, oral capsule, 500 mg, at $0.0585 per capsule. The Board believe this price level assures wide and consistent availability of the product.

Propantheline Bromide, oral tablet, 15 mg.

A community pharmacist wrote to object to the MAC limit proposed for propantheline bromide, 15 mg tablets on the basis that the product does not represent a significant amount of Medicaid expenditures and does not seem to be worth the extra time and paperwork involved in establishing a MAC limit for this drug.

The Board believes this comment is an incomplete assessment of the Board's decisionmaking. The Board believes that it has accurately gauged market conditions before proposing MAC limits. Further, as a purchaser of drug products for various agency programs, the Board believes that it should have the same latitude as other major purchasers of multiple source products and that it has the capacity and facilities to determine what constitutes significant expenditures for Federally funded programs subject to its deliberations.

The Board originally proposed a MAC limit of $0.0235 per tablet for this product based on a selling price of $2.35 per 100 tablet package size.

During the comment period, the Board received information that indicated recent price changes had occurred for this product. The Board has taken these price changes into consideration in arriving at its final determination of $0.0235 per tablet.

At the time of the proposed MAC limit, there were twenty-four suppliers whose products were advertised in the *Drug Topics Red Book* at or below the $0.0235 per tablet level. According to the new data there are now twenty-one suppliers at or below the final determination of $0.0235 per tablet. The Board does not believe this change is significant. At the time of the proposed MAC limit, the HCFA survey showed that over 90 percent of the purchases of the "all other brands" category were at or below the proposed limit. The survey continues to show 90 percent of the purchases of "all other bands" at or below the final determination of $0.0235 per tablet. Small and medium size pharmacies continued to purchase "all other brands" at or below the final determination of $0.0235 per tablet. Because of a price increase, the product of Lederle, subsidiary of the 18th largest ethical pharmaceutical company, is no longer available at or below the $0.0235 level. The Board does not believe this change is significant in light of the continued purchasing below the $0.0235 level shown in the HCFA survey and in light of the continued availability from Purepac, the 63rd largest and McKesson, the 73rd largest ethical pharmaceutical companies. The Board does not believe that the changes that have occurred are sufficient to modify the original proposed MAC limit of $0.0235 per tablet.

On March 5, 1981, after reviewing the record, the Board voted to establish the proposed final MAC limit on propantheline bromide, oral tablet, 15 mg at $0.0235 per tablet. The Board believes this price level assures wide and consistent availability of the product.

Regulatory Burden Analysis

We have determined that this final notice does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this final notice will not change expenditures by over $100 million per year; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment. We estimate that the net effect of this notice in reducing program expenditures will be approximately $1.15 million in fiscal year 1982. This determination sets forth a specific unit price at which each of these drugs is widely and consistently available. For these reasons, we believe no Regulatory Impact Analysis is required.

In addition, this notice does not meet the criteria set forth in section 605(b) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) for preparing a regulatory flexibility analysis since we do not believe that it will result in a significant economic impact on a substantial number of small pharmacies or other business entities. The MAC process is fundamentally designed to assure wide and consistent availability of the drug products subject to MAC limits. In every case, the Board has reviewed data which has enabled the Board to determine that small and medium size pharmacies are able to acquire these drug products at or below the final MAC limits.

(Secs. 1614(b), 1861(v)(1)(A), 1902(a)(30), and 1903(i)(1) of the Social Security Act and Sec. 215 of the Public Health Services Act; 42 U.S.C. 1395f(b), 1395x(v)(1)(A), 1396a(a)(30), 1396(b)(i)(1), and 216)

Dated: May 11, 1981.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

Approved: July 8, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81–20569 Filed 7–13–81; 8:45 am]
BILLING CODE 4110–35–M

Public Health Service

Health Maintenance Organizations; Noncompliance Determination

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Determination of noncompliance and Revocation of Federal qualification.

SUMMARY: On February 27, 1981, the Office of Health Maintenance Organizations (OHMO) determined that Group Health of El Paso (GHEP), 10301 Gateway West, El Paso, Texas 79925, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintian a fiscally sound operation. On May 6, 1981, the Acting Director of OHMO notified GHEP that he was revoking GHEP's Federal qualification. Accordingly, GHEP is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1).

The OHMO notice of February 27, 1981, stated the Secretary's determination that GHEP was not in compliance with the assurance that it would maintain a fiscally sound operation. The basis for the revocation of Federal qualification was OHMO's determination that GHEP had not carried out and would not carry out the corrective action necessary to return to compliance. In addition, GHEP is in receivership pursuant to Texas State statute. The revocation of qualification became effective five working days after GHEP received the May 6 letter.

The effect of the revocation of GHEP's Federal qualification is as follows: (1) GHEP may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including GHEP in the health benefits plan offered their employees, GHEP is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of GHEP in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute

compliance with the requirements of that subpart; and (4) GHEP is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: June 30, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-20533 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Noncompliance Determination

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Determination of noncompliance and revocation of Federal qualification.

SUMMARY: On March 2, 1981, the Office of Health Maintenance Organizations (OHMO) determined that Idaho Health Maintenance Organization (Idaho HMO), 963 South Orchard, Suite B, Boise, Idaho 83705, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. On May 1, 1981, the acting Director of OHMO notified Idaho HMO that he was revoking Idaho HMO's Federal qualification. Accordingly, Idaho HMO is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1).

The OHMO notice of March 2, 1981, stated the Secretary's determination that Idaho HMO was not in compliance with the assurance that it would maintain a fiscally sound operation. The basis for the revocation of Federal qualification was OHMO's determination that Idaho HMO had not carried out and would not carry out the corrective action necessary to return to compliance. In addition, Idaho HMO is in receivership pursuant to Idaho State statute. The revocation of qualification became effective five working days after Idaho HMO received the May 1 letter.

The effect of the revocation of Idaho HMO's Federal qualification is as follows: (1) Idaho HMO may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including Idaho HMO in the health benefits plan offered their employees, Idaho HMO is not a qualified HMO for purposes of section 1310 of the act; (3) the inclusion of Idaho HMO in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) Idaho HMO is not a qualified HMO for purpose of the financial assistance programs under 42 CFR Part 110.

Section 1312 (b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: June 30, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-20534 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-85-M

Social Security Administration

Reallotment of Funds for 1981; Low Income Energy Assistance Program

AGENCY: Social Security Administration.

ACTION: Notice of intent to reallocate State allotments and amounts set aside for Indian tribes.

SUMMARY: The Commissioner of Social Security gives notice of the intent to reallocate State allotments and amounts set aside for Indian tribes under the Low Income Energy Assistance Program (LIEAP). This reallocation is authorized by Section 306(c) of the Home Energy Assistance Act of 1980 (Title III of Pub. L. 96–223), the Continuing Resolution, Pub. L. 96–369 enacted on October 1, 1980, and 45 CFR 260.108 (45 FR 66693, October 7, 1980).

Before making a final decision to reallot funds from any State or tribe, we will consider comments we receive from the public by August 13, 1981. Comments should be submitted, in writing, to: Commissioner of Social Security, P.O. Box 23367, L'Enfant Plaza, Washington, D.C. 20024.

Beginning two weeks from July 14, 1981 the public may review the comments during regular business hours at: Office of Family Assistance, 2100 Second Street, S.W., Room B–424, Transpoint Building, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Edward J. Freel, Deputy Director, Office of Policy/Energy, 2100 Second Street, S.W., Room B–424, Transpoint Building, Washington, D.C. 20201 (202) 472–2400.

SUPPLEMENTARY INFORMATION.

Program Purpose and Design

LIEAP was enacted to assist low income households offset the rising costs of home energy that are excessive in relation to household income. In order to receive funds, States and Indian tribes submitted comprehensive plans, describing how they would implement the program. Congress provided $1.75 billion for allotment to the States in fiscal year 1981. We have made quarterly grant awards to the States and tribes for the first, second and third quarters of FY 1981 based on information contained in their approved plans and reports they submitted in accordance with our regulations.

Reallotment Purpose and Design

The purpose of reallotment is to make sure that LIEAP funds do not go unused in one State or tribe if they is an unmet need in another State or tribe.

Where we determine that a portion of a State's allotment or Indian tribe's set-aside will not be needed to carry out its approved plan, we will reallot that portion to other States or tribes based on their need and ability to expend the funds in a manner consistent with the Act and LIEAP regulations.

The amounts we propose to make available for reallotment are set forth below and are based on our review of:

- Reports from the States and Indian tribes submitted under the LIEAP regulations;
- States' climatic conditions;
- Provisions in the approved plans regarding the amounts, method, timing and form of payment, amounts reserved for emergencies, and payments planned for summer cooling;
- Starting date of the program in the States and tribes.

After considering comments by the States and tribes and the public, we will publish a notice of our final determination of the funds available for reallotment and the amount by which each State and tribal allotment will be reduced or increased.

Funds Available for Reallotment

The chart below shows the States and tribes that we believe have allotments in excess of their needs, the amount of their original allotment, and the excess amount that we propose to make available for reallotment.

State	Allotment	Excess
Alaska	$9,623,855	$2,500,000
Iowa	32,674,799	4,500,000
Missouri	40,673,651	4,400,000
Montana	12,902,720	3,500,000
Nebraska	16,158,946	3,000,000
North Dakota	14,016,247	5,000,000
South Dakota	11,383,649	4,000,000
Utah	13,105,171	3,000,000
Washington	35,951,971	3,000,000
Wisconsin	82,694,479	3,500,000
Wyoming	5,247,030	2,000,000

Tribe	Set aside	Excess
Devil's Lake Sioux	$245,264	$24,921
Puyallup	232,322	127,897
Sauk-Suattle	58,636	43,318
Standing Rock	436,737	175,000
Utes	137,239	39,538
Three Affiliated Tribes	283,505	37,474

Dated: July 8, 1981.

John A Svahn,

Commissioner of Social Security.

[FR Doc. 81-20591 Filed 7-13-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N–81–1079]

National Manufactured Home Advisory Council; Meeting

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Notice of biannual meeting of the National Manufactured Home Advisory Council.

SUMMARY: This notice announces a biannual meeting of the advisory council.

FOR FURTHER INFORMATION CONTACT: Janice Ligon, Coordinator, National Manufactured Home Adivsory Council, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development (Attention: Office of Mobile Home Standards, Room 3248), 451 7th Street, S.W., Washington, D.C. 20410; Telephone (202) 755–6893.

SUPPLEMENTARY INFORMATION: The National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter "the Act"), 42 U.S.C. 5401 *et seq.*, requires the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for manufactured homes. The Act also requires that the Secretary appoint a National Manufactured Home Advisory Council composed of 24 members. The membership of the Council is selected equally from each of the following categories: (a) consumer organizations, community organizations, and recognized consumer leaders; (b) the manufactured home industry and related groups, including at least one representative of small business; and (c) government agencies including Federal, State and local governments. The purpose of the National Manufactured Home Advisory Council is to advise the Department, to the extent feasible prior to the establishment, amendment or revocation of any manufactured home construction and safety standard.

Sections 6(a) and (b) of the Charter of the National Manufactured Home Adivsory Council stipulate that members are appointed to serve two year terms which expire on August 21 of the second year of each member's appointment, unless a member is appointed to fill an unexpired term.

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. I, announcement is made of the following meeting: The National Manufactured Home Advisory Council will meet on August 4 through 7, 1981. The meetings are open to the public and will convene at 9:00 a.m. on Tuesday, Agust 4, 1981 at the Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Among other items, the Department plans to discuss and seek recommendations concerning evaluations and recommendations for improvements and clarification to the Federal Manufacture Housing Construction and Safety Standards in the following areas:

(1) Space Planning;
(2) Fire and Egress Safety;
(3) Energy;
(4) Transportation;
(5) Plumbing Systems;
(6) Electrical Systems;
(7) Mechanical Systems;
(8) Structural and Load Testing Requirements;
(9) Indoor Air Quality (Formaldehyde); and
(10) General Provisions.

The final agenda will be available at the meeting. Inquiries concerning the agenda may be made after July 20, 1981 by contacting the Office of Mobile Home Standards, HUD, at (202) 755–6893.

Authority: National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5404; and Federal Advisory Committee Act, 5 U.S.C. App. 1, sec. 10(a)(2).

Issued at Washington, D.C., July 10, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-20526 Filed 7-13-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N–81–1077]

Proposed Amendment to System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/H–7, Previous Participation Files.

EFFECTIVE DATE: The amendment shall become effective without further notice on August 13, 1981 unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–5333. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The System location, Notification procedure, Record access procedures, and Contesting record procedures sections of the Previous participation Files (HUD/H–7) are being amended to reflect the fact that the system is located in field offices as well as in Headquarters. Field offices are being added to "System location," and the words "at the appropriate location" are being substituted for "at the Headquarters location" in the sections dealing with "Notification procedure," "Record access procedures," and "Contesting record procedures."

Previously, the system was published at 45 FR 67623 (October 10, 1980). Appendix A, which lists the addresses of HUD's field offices was published at 45 FR 67626 (October 10, 1980). The notice describing Previous Participation Files (HUD/H–7) is being amended to read as follows:

HUD/H–7

SYSTEM NAME:

Previous Participation Files.

SYSTEM LOCATION:

Headquarters and field offices.

* * * * *

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

* * * * *

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., July 8, 1981.

A. J. Kliman,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81–20609 Filed 7–13–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit; Receipt of Application

Applicant: U.S. National Park Service, Virgin Islands National Park, St. Thomas, VI.

The applicant requests an amendment to his application to relocate sea turtle nests which might otherwise be washed away, to include nests of all species of sea turtles which might occur in the park: hawksbill (*Eretmochelys imbricata*), Atlantic ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*).

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8074. Interested persons may comment on this application on or before August 13, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 7, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–20578 Filed 7–13–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permits Issued for the Month of June

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the proposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235–1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

U.CA/Berkeley	0662	I	06–30–81
Indiana Bat Rec Team	2174	I	06–04–81
USFWS, REG 6	4030	I	06–16–81
Tate, Barbara	4341	I	06–02–81
Woodland Park Zoo	6765	I	06–25–81
HI Volcanoes National	6937	I	06–02–81
Allen, Joseph C.	7125	I	06–04–81
VA Wildlife Fed.	7470	I	06–26–81
Nat. Fishery Res. Lab	7546	I	06–04–81
Florida State Museum	7606	I	06–10–81
Clemson Univ.	7775	I	06–11–81
Univ of TN	7818	I	06–23–81
Ok City Zoo	7820	I	06–04–81
Gruenerwald, William	7841	I	06–04–81
Inst. For Rept. Stud	7869	I	06–10–81
Chicago Zoo Park	7879	I	06–04–81
Thompson, Richard L.	7883	I	06–26–81
Gladys Porter Zoo	7904	I	06–12–81
Ft Wayne Children Zoo	7931	I	06–05–81
Gruenerwald, William	7958	I	06–10–81

Dated: July 9, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–20575 Filed 7–13–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct specific activities with various Endangered Species:

Applicant: New York Zoological Society, Bronx, NY—PRT 2–8169.

The applicant requests a permit to export one male and one female captive-bred Andean condors (*Vultur gryphus*) to the Societe Zoologique de Granby, Granby, Quebec, Canada for enhancement of propagation.

Applicant: Western Foundation for Vertebrate Zoology, Los Angeles, CA—PRT 2–8176.

The applicant requests a permit to export and re-import museum specimens of endangered species to and from various foreign institutions for scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before August 13, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: July 8, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–20577 Filed 7–13–81; 8:45 am]

BILLING CODE 4310–55–M

Issuance of Permit for Marine Mammals

On May 29, 1981, a notice was published in the **Federal Register** (46 FR 28961), that an application had been filed with the Fish and Wildlife Service by Donald B. Siniff and John R. Tester for a permit to take up to 300 sea otters (*Enhydra lutris*) for the purpose of scientific research.

Notice is hereby given that on July 8, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 USC 1361–1407), the Fish and Wildlife Service issued a permit PRT 2–4114 to the applicants to take up to 300 sea otters subject to certain conditions set forth in the permit.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: July 9, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–20570 Filed 7–13–81; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program

NOTICE: Availability of Updated Indexes to Three of Four OCS Leasing Regions.

SUMMARY: Indexes to three OCS leasing regions (Pacific, Atlantic, and Alaska) have been published by the U.S. Geological Survey, Department of the Interior. The Gulf of Mexico Index will be available in August. It was delayed due to a temporary moratorium on government printing. Each of the updated indexes contains detailed information on the OCS leasing process and on the final 5-year OCS oil and gas leasing schedule (June 1980). Each step in the OCS leasing process is described in detail and includes a list of relevant documents for every lease sale in the given region. Following the step descriptions, ongoing support programs of the Bureau of Land Management and the U.S. Geological Survey are described. Next, information on State involvement in the leasing process is presented. Appendixes include a directory of State and Federal OCS-related contacts, Federal depository libraries, and other general OCS-related information.

EFFECTIVE DATE: Immediately.

ADDRESSES: Copies of the reports may be obtained free upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT: Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092, (703) 860–7166.

Robert R. Rioux,

Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81–20580 Filed 7–13–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

Availability of Final Supplement to the Colstrip Project Final Environmental Impact Statement (INT FES 81–25) Supplement

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of availability of final supplement to the Colstrip project final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Final Supplement to the Colstrip Project Final Environmental Impact Statement (INT FES 79–29). This supplement evaluates additional proposed corridors for the Colstrip 500 kv transmission line from near Boulder, Montana to alternative substation locations near Garrison, Montana.

SUPPLEMENTARY INFORMATION: The Final Supplement was prepared as the result of new alternatives developed in response to public concerns obtained during the centerline location process. These alternatives had not been previously considered in the Colstrip Project EIS. This supplement was prepared jointly by the Bureau of Land Management, Forest Service, and Bonneville Power Administration.

As a result of the Federal environmental studies completed, including the Draft Supplement and the public input received, the Federal agencies have identified a proposed corridor and substation site. They are the Boulder corridor in the Boulder area, the Black Mountain + AAA corridor in the Deer Lodge area, and Substation Site 3A located four miles southwest of Garrison.

The Boulder corridor leaves the designated corridor east of Boulder and goes around the north end of the Boulder Valley. The Boulder corridor crosses I–15 at the north end of the Boulder Valley, passing about three miles north of Basin. The Boulder corridor rejoins the alignment of the designated corridor northwest of Basin and continues southwest to the Berkin Flat Area. The Black Mountain + AAA corridor leaves Berkin Flat and continues west across the Continental Divide, then turns north following the foothills on the east side of the Deer Lodge Valley to near Garrison. There, the corridor turns west across I–90 and the Clark Fork River south of Garrison continuing west to the site of Substation 3A.

In addition to copies being mailed, copies of the document are available at the following locations:

U.S. Department of Agriculture, Forest Service, Planning, Programming, Budgeting, Federal Building, Missoula, Montana 59807, Telephone: (406) 329–3399, FTS 585–3399

U.S. Department of Energy, Bonneville Power Administration, P.O. Box 758, Hwy. 2 East, Kalispell, Montana 59901, Telephone: (406) 755–6202

U.S. Department of the Interior, Bureau of Land Management, Public Affairs Staff, 222 North 32nd Street, Billings, Montana 59101, Telephone: (406) 657–6561, 585–6561

Comments on the Final Supplement should be forwarded to the following official no later than August 17, 1981: Neil Morck, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, Telephone: (406) 657–6457, FTS 585–6632.

Dated: July 7, 1981.

Michael J. Penfold,

BLM Montana State Director.

[FR Doc. 81–20579 Filed 7–13–81; 8:45 am]

BILLING CODE 4310–84–M

Nevada State Office; Intensive Wilderness Inventory Units Under Appeal to the Interior Board of Land Appeals (IBLA)

The Bureau of Land Management, Nevada State Office, announced its intensive wilderness inventory protest decisions in the March 18, 1981 **Federal Register** on pages 17265–17266. The March announcement initiated a 30–day appeal period in which adversely affected persons could appeal the March protest decisions to the IBLA. The following units are currently under appeal.

Lands Identified as WSA's Under Appeal

Unit No.	Unit name	WSA acres under appeal
Elko District:		
NV-010-027	Bluebell	63,150
NV-010-033	Goshute Peak	98,440
NV-010-035	South Pequop	39,990
NV-010-109	Owyhee Canyon	17,170
NV-010-132	Little Humboldt River	40,100
NV-010-151	Rough Hills	6,300
Winnemucca District:		
NV-020-006-A/CA-020-914.	East Fork High Rock Canyon.	53,920
NV-020-007	High Rock Lake	61,035
NV-020-009/CA-020-913.	Little High Rock Canyon	52,143
NV-020-014	Fox Mountain Range	70,566
NV-020-019	Calico Mountains	65,490
NV-020-200	Selenite Mountain	30,602
NV-020-201	Mt. Limbo	22,456
NV-020-406	Tobin Range	20,301
NV-020-600	Blue Lakes	23,397
NV-020-603	South Jackson Mountains.	60,124
NV-020-606	North Jackson Mountains	25,571
NV-020-620	Black Rock Desert	333,111
NV-020-621	Pahute Peak	56,052
NV-020-622	North Black Rock Range	29,945
NV-020-637	McGee Mountain	25,406
NV-020-827	N. Fork Little Humboldt	70,498
NV-020-859/OR-3-153/OR-3-78.	Disaster Peak	10,667
Carson City District:		
NV-030-102	Clan Alpine Mountains	193,120
NV-030-104	Stillwater Range	92,053
NV-030-109	Augusta Mountains	93,200
NV-030-110	Desatoya Mountains	48,150
NV-030-122	Job Peak	91,022
NV-030-407	Gabbs Valley Range	75,440
NV-030-430	Basalt	27,560
NV-030-432	Hontoma Mine	1,570
NV-030-528A	Burbank Canyons	13,395
Ely District:		
NV-040-015	Goshute Canyon	36,050
NV-040-066/UT-050-029.	Granite Spring	23,400
NV-040-154	Park Range	46,500
NV-040-166	Riorden's Well	56,800
NV-040-197	Table Mountain	35,600
NV-040-242	Worthington Mountains	47,100
Las Vegas District:		
NV-050-0131	East Pahranagat	16,200
NV-050-0154	Medeger Pass	11,482
NV-050-0165	Lower Pahranagat Lake	3,350
NV-050-0338	Silver Peak Range North	33,900
NV-050-0350	Pigeon Spring	3,575
NV-050-0354	Queer Mountain	81,560
NV-050-0355	Bonnie Claire Flat	69,080
NV-050-0368	Porter Mine	6,089
NV-050-0369	Amargosa	12,483
NV-050-0370	Nothing Flats	9,510
NV-050-03R-22.	Gem	2,153
NV-050-0401	Mount Stirling	69,650
NV-050-0414	Pine Creek	24,000
Battle Mountain District:		
NV-060-019	Kawich	54,320 [1]
NV-060-059	Rawhide Mountain	64,380
NV-060-112	South Reveille	106,200
NV-060-142/162.	Palisade Mesa	99,550
NV-060-189/199.	Blue Eagle	59,560
NV-060-163	The Wall	36,000
NV-060-166	Grant Range	5,840
NV-060-190	Fandango	40,940
NV-060-191	Morey	20,120
NV-060-221/241.	Antelope	87,400
NV-060-428	Simpson Park	49,670
NV-060-541	Roberts	15,060

[1] This figure represents a recalculation of the WSA acreage published in the FR on 11/7/80, p. 74071 and on 11/14/80, p. 75594.

Lands Not Identified as WSA's Under Appeal

Unit No.	Unit name	Non-WSA acres under appeal
Elko District:		
NV-010-035A	South Pequop	4,700
NV-010-130	Rock Creek	37,080
NV-010-197	Hank's Creek	6,300
Winnemucca District:		
NV-020-430	Granite Mountain	20,269
NV-020-638P	Black Rock Desert	216,189
Carson City District:		
NV-030-525	East Pine Nuts	38,785
NV-030-	Virginia Mountains	72,745
Ely District:		
NV-040-015B	Goshute Canyon	55,900
NV-040-123	Martin Spring	24,800
Battle Mountain District:		
NV-060-461	South Fish Creek	104,500

All Wilderness Study Areas and all lands appealed will continue to be managed under provisions specified in the *Interim Management Policy and Guidelines for Lands Under Wilderness Review.*

Dated: July 6, 1981.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-20529 Filed 7-13-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 3, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 29, 1981.

Carol Shull,

Acting Keeper of the National Register.

CONNECTICUT

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead,* 1554 Farmington Ave.

West Hartford, *Webster, Noah, Memorial Library,* 7 N. Main St.

MICHIGAN

Baraga County

Skanee, *Arvon Township Hall*

Barry County

Hastings, *Barry County Courthouse Complex,* 220 W. State St.

Berrien County

Niles, *Chapin, Henry A., House,* 508 E. Main St.

NEW JERSEY

Passaic County

Paterson, *Thompson, Daniel, and Ryle, John, Houses,* 8 and 9 Mill St.

NEW YORK

Dutchess County

Hyde Park, *Hyde Park Railroad Station,* River Rd.

OREGON

Jackson County

Medford, *Medford Carnegie Library,* 413 W. Main St.

TENNESSEE

Shelby County

Memphis, *Lenox School,* 519 S. Edgewood Ave.

WISCONSIN

Dane County

Madison, *Bernard-Hoover Boathouse,* 622 E. Gorham St.

La Crosse County

La Crosse vicinity, *Smith Valley School,* 4130 Smith Valley Rd.

[FR Doc. 81-20205 Filed 7-13-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Contract Negotiations With Southeastern Colorado Water Conservancy District, Fryingpan-Arkansas Project, Colorado; Intent To Establish Initial Water Delivery Date and To Begin Contract Adjustment Negotiations of Charges Under the Water Service Contract

The Department of the Interior, through the Regional Director, Lower Missouri Region of the Bureau of Reclamation (Reclamation), intends to establish January 1, 1982, as the initial water delivery date for the Fryingpan-Arkansas Project. Also, Reclamation will initiate and complete contract negotiations for adjustment in the payments for water service with the Southeastern Colorado Water Conservancy District prior to initial delivery of water.

The Fryingpan-Arkansas Project is a multipurpose transmountain diversion development in south-central Colorado authorized under the Act of August 16, 1962 (76 Stat. 389). The project will provide supplemental irrigation water and water for municipal use. In accordance with the provisions of contract No. 5-07-70-W0087 (formerly No. 14-06-700-4715), the beneficiaries will reimburse their allocated share of the project costs to the United States.

The existing contract with the conservancy district allows the Secretary of the Interior, through Reclamation, to adjust the district's repayment obligation prior to initial water delivery. Reclamation intends to negotiate an amendment of contract No. 5-07-70-W0087 which would increase the rates for project water to the district. Other, less significant, provisions of the contract also will be renegotiated.

The amendatory contract will be negotiated under the authority of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), and will continue to provide for the delivery of project water for irrigation of irrigable lands, for municipal and industrial service, and for the operation, maintenance, and replacement of project works.

All meetings scheduled by Reclamation with the district for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties who have provided a written request for notification. Requests should be addressed to the Project Manager, Fryingpan-Arkansas Project Office, Bureau of Reclamation, P.O. Box 515, Pueblo, Colorado 81002. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act of September 6, 1966 (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared available to the public. Unless significant public interest is evidenced in these negotiations as gauged by the response to this notice and local news releases or announcements, the availability of the proposed form of contract for public review and comment will not be publicized through the **Federal Register** or other media. The Commissioner of Reclamation will review comments submitted and based on the number, sources, and nature of the comments, will decide whether to hold a public hearing.

For further information on the contract negotiations, please contact the Project Manager at the above address, or telephone (303) 544-5277.

Dated: July 7, 1981.

Clifford I. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 81-20509 Filed 7-13-81; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Thursday, August 13, 1981, 9:30 a.m., Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C.

The Commission will consider a report on the CITES permit system, a report on trade in cactus, a blueprint for Federal activities on international wildlife trade: FY 1982-1985 and miscellaneous other business.

For further information contact Mr. Gordon Brown, Acting Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007, telephone 202/343-7407. Opportunity will be given for oral or written presentations provided that appointments are made with Mr. Brown by 5:00 p.m., August 7, 1981.

Dated: July 9, 1981.

Gordon Brown,

Acting Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81-20587 Filed 7-13-81; 8:45 am]

BILLING CODE 4310-69-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-43 (Sub-38)]

Illinois Central Gulf Railroad Company Abandonment Between Rosedale and Greenville in Washington and Bolivar Counties, MS; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated July 8, 1981, the Commission, Appellate Division 2 found that the public convenience and necessity require or permit abandonment by the Illinois Central Gulf Railroad Company of its line of railroad between Rosedale and Greenvile in Washington and Bolivar Counties, MS, a total distance of 32.45 miles, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979). A certificate of abandonment will be issued permitting the abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificae will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20755 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 63)]

Illinois Central Gulf Railroad Company—Abandonment Between Port Gibson and Crosby and Between Harriston and Fayette, MS; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated July 9, 1981, the Commission found that the public convenience and necessity require or permit abandonment by Illinois Central Gulf Railroad Company of its lines extending from milepost 251 near Port Gibson, MS to milepost 302.6 near Crosby, MS (including Port Gibson and Crosby), and from milepost 70 at Harriston, MS to the end of the line at milepost 74 southwest of Fayette, MS, all in Jefferson, Franklin, Wilkinson,

Amite and Claiborne Counties, MS, including 55.8 miles of branch line track and 8.4 miles of side and yard track, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 ICC 91 (1979). A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company permitting their abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenue attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20630 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Taylor, and Williams.

MC-FC-79067. By decision of June 25, 1981, on appeal, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Arctic Air Transport, Inc., of Mondovi, WI (a Minnesota Corporation) of Certificates No. MC-140744 (Sub-Nos. 9, 12, 13, 16, 17 and 18), issued to Arctic Air Transport, Inc., of Mondovi, WI (a Wisconsin Corporation), authorizing general commodities; meats; and foodstuffs; from and to named points in the United States. Applicants' representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Rd., Minneapolis, MN 55424. TA lease is not sought. Transferee is not a carrier, but is affiliated with transferor.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20571 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 428]

Motor Carriers; Permanent Authority Decision; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 126555 (Sub-86) (Republication), filed June 16, 1980, published in the **Federal Register** issue of August 5, 1980 and republished this issue. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. A Decision of the Commission, Review Board Number 3, decided May 19, 1981, and served June 17, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement and cement products*, between points in TX, CO, WY, MT, SD, and ID; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the commodity description to include cement products.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20572 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-239]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 127834 (Sub-128) (Republication) filed December 15, 1980, published in the **Federal Register** issue of January 6, 1981, and republished this issue. Applicant: LIGON TRANSPORTATION COMPANY, Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided May 19, 1981 and served June 3, 1981, finds on further consideration that the performance by applicant of the service as described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between (a) Lanare, Hub, and Mentone, CA; (b) Sorrento, FL; (c) Roseville and Youngstown, IL; (d) Commerce, OK; (e) DeSoto and Nashville, NE; (f) Jordan, KY, and Spelter and Farnum, WV, on the one hand, and, on the points in the United States. Note: The purpose of this application is to substitute motor carrier for abandoned rail service. Condition: The certificate granted above, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring 5 years from the date of issuance. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the commodity description in (1) above to encompass the needs of the shipper.

MC 144955 (Sub-1) (Republication) filed February 6, 1980, published in the **Federal Register** issue of March 5, 1981, and republished this issue. Applicant: FLORIDA FAST FREIGHT, INC., P.O. Box 5177, Glencoe, AL 35905. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg, Birmingham, AL 35203. A Decision of the Commission, Review Board Number 2, decided June 2, 1981, and served June 16, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in FL and AL, on the one hand, and, on the other, points in GA, AL, and TN; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect service additionally to the states of Georgia and Alabama.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20643 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

Rerouting of Traffic; Revised I.C.C. Order No. 80 Under Service Order No. 1344

To: St. Louis Southwestern Railway Company; Little Rock & Western Railway Corporation; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company; Keota Washington Transportation Company; and Union Pacific Railroad Company.

In the opinion of Joel E. Burns, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport promptly traffic offered for movement via its lines, because of an embargo of its lines.

Rerouting authority was granted in Reroute Order No. 63, and should be extended for those carriers which have indicated that tariff modifications cannot be completed by the expiration of Reroute Order No. 63 (June 30, 1981). This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore requires this action by the Commission.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company (RI), being unable to transport promptly traffic offered for movement via its lines because of an embargo of its lines, that lines interim operators named below are authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

St. Louis Southwestern Railway Company; Little Rock & Western Railway Corporation; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company; Keota Washington Transportation Company; and Union Pacific Railroad Company.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other

railroads to which such traffic is to be rerouted, before rerouting.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted and shall furnish to such shipper the new routing provided for under this order, except when the disability requiring the rerouting occurs after the movement has begun.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-20519 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-39)]

Western Pacific Railroad Company Exemption for Contract Tariff ICC-WP-C-0003; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract and contract tariff to be filed can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By letter petition filed June 24, 1981, the Western Pacific Railroad Company (WP) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract rate tariff ICC-WP-C-0003 be made effective on a minimum of 30 days' notice. This contract tariff is a one-year renewal of a previous contract. WP requests that the contract become effective on July 1, 1981.

The contract involves the transportation of woodchips from Quincy Junction, CA (and other stations in Tariff PSFB 4489-series) to West Sacramento, CA (and other stations in Tariff PSFB 4489-series). The shipper and railroad intended to extend the prior contract (ICC-WP-4015), on one day's notice, but were unable to do so because of mail delays.

There is not provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this type of situation warrants an exemption. There is no indication that protests will be filed since this contract is a renewal of a previous contract. Because the shipper supports WP's request, a 30 day notice period is not required to protect it from abuse of market power. This action will provide WP with a degree of certainty and dependability as to the involved traffic and the revenues it generates. Under the circumstances, the contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: July 7, 1981.

By the Commission, Division 1, Commissioners Clapp, Trantum, and Taylor. Commissioner Taylor dissented.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20522 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed.

Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-4-244

Decided: July 8, 1981.

FF 556, filed June 26, 1981. Applicant: AABCO, INC., 3045 Sleepy Hollow Rd., Falls Church, VA 22042. Representative: Charles P. Magness (same address as applicant), (703) 241-0918. As a freight forwarder, in connection with the transportation of (1) *used household goods and unaccompanied baggage* and (2) *used automobiles*, between points in the U.S. (excluding HI and AK) restricted in (2) above to the transportation of import-export traffic.

MC 136636 (Sub-7), filed June 26, 1981. Applicant: MIKE'S TRUCKING, INC., Rt. 1, Chebanse, IL 60922. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting *machinery*, between points in Will County, IL, on the one hand, and, on the other, points in the U.S.

MC 146096 (Sub-3), filed June 16, 1981. Applicant: BARRY D. STROUPE TRUCKING, Rt. 2, Box 32 BA, Kings Mt., NC 28086. Representative: W. G. Reese III, 623 E. Artesia, Carson, CA 90746, (213) 538-3822. Transporting (1) *cylinder liner board*, (2) *jacquard board*, (3) *machinery and machinery parts, and* (4) astro packing, between points in the U.S., under continuing contract(s) with Shelby Baxter Corporation of Shelby, NC.

MC 156236, filed June 22, 2981. Applicant: G & L TRUCKING, INC., 165 Locke Rd., Locke, NY 13902. Representative: Roy D. Pinsky, Suite 1020—State Tower Bldg., Syracuse, NY 13202, (315) 422-2364. Transporting *fabricated metal products*, between points in the U.S., under continuing contract(s) with Triangle Steel Inc., of Ithaca, NY.

MC 156806, filed June 18, 1981. Applicant: WALTER H. DOLAN CO., d.b.a. DOLAN TRANSPORTATION, 68 Mt. Hope Ave., Bangor, ME 04401. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696-7610. Transporting *general commodities* (except classes A and B explosives), between points in ME, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC.

MC 141436 (Sub-5), filed May 18, 1981, previously noticed in the **Federal Register** issue of June 3, 1981, and republished this issue. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Harker's Wholesale Meat, Inc., and Wells Dairy, Inc., both of LeMars, IA.

Note.—The purpose of this republication is to correctly state the authority sought.

Volume No. OPY-4-246

Decided: July 8, 1981.

MC 12906 (Sub-1), filed June 16, 1981. Applicant: MINOWA TOUR & TRAVEL AGENCY, INC., 222 W. Water St., Decorah, IA 52101. Representative: Kimball H. Peterson (same address as applicant), (319) 382-4224. To engage in operation, in interstate or foreign commerce, as a broker, to arrange at Decorah, IA, for the transportation, by motor vehicles, *passengers and their baggage*, beginning and ending at points in a 125 mile radius of Decorah, IA, and extending to points in the U.S.

MC 87986 (Sub-23), filed June 26, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 S. 76th Ave., Hickory Hills, IL 60457. Representative: Terry G. Fewell, P.O. Box 4403, Chicago, IL 60606, (312) 681-8375. Transporting (1) *furniture or fixtures, and appliances*, and (2) *such commodities* as are dealt in by department, discount, and speciality stores, between points in the U.S.

MC 148906 (Sub-2), filed June 18, 1981. Applicant: REGENCY LIMOUSINE, INC., 331 Danbury Rd., Wilton, CT 06897. Representative: Philip F. Sparton, 400 Main St., Stamford, CT 06901, (203) 323-0248. Transporting *passengers and their baggage*, in charter operations, between points in Fairfield County, CT, on the one hand, and, on the other, points in NY, NJ, PA, and MA, restricted to the transportation of not more than six passengers in any one vehicle, not including the driver.

MC 154236, filed June 23, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC., d.b.a. MAMMOTH FREIGHT LINES, 6725 N. Motel Dr., Fresno, CA 93711. Representative: Edward L. Fanucchi, 2409 Merced St., Suite No. 3, Fresno, CA 93711, (209) 268-8771. Transporting *frozen foods*, between points in San Joaquin, Stanislaus, Merced, Madera, and Fresno Counties, CA, on the one hand, and, on the other, points in AZ, WA, OR, NV, ID, MT, WY, CO., NM, and UT.

[FR Doc. 81-20520 Filed 7-13-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the from of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–120

Decided: June 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 95813 (Sub-18), filed June 23, 1981. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15 North, Dillsburg, PA 17019. Representative: David Shumaker (same address as applicant), (717) 432–9617. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156612 filed June 12, 1981. Applicant: DAN PRICE TRUCKING, Rte, 3, Box 121B, Tylertown, MS 39667. Representative: Dan Price (same address as applicant), 601–684–6310. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156613, filed June 12, 1981. Applicant: A. SIEBECKE TRUCKING, 3822 Cape Horn Road, Concrete, WA 98237. Representative: Alfred Siebecke (same as applicant), (206) 826–3711. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156622, filed June 17, 1981. Applicant: THOMAS J. ROEDERER, d.b.a. BI–STATE SERVICES, 426 Fillmore St., Davenport, IA 52805. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156742, filed June 23, 1981. Applicant: DALE W. SOMERVILLE, Turnpike Road, Norwich, VT 05055. Representative: Dale Somerville (same address as applicant), 802–649–1122. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–245

Decided: July 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156846, filed June 29, 1981. Applicant: ROY BAILEY, d.b.a. BAILEY TRUCKING, 3906 Jefferson St., Sioux City, IA 51108. Representative: Roy Bailey (same address as applicant), (712) 239–2717. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–247

Decided: July 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156816, filed June 26, 1981. Applicant: UNSWORTH TRANSPORT INTERNATIONAL, INC., 1831 Pennsylvania Ave., Linden, NJ 07036. Representative: DAG S. Hedengren (same address as applicant), (201) 486–1100. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–20521 Filed 7–13–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission' regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–121

Decided: July 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 119043 (Sub-3F), filed June 18, 1981. Applicant: MELVIN L. MALBRAATEN, Route 9 Box 520, Bemidji, MN 56601. Representative: Daryl Malbraaten, Route 4, Box 80, Bemidji, MN 56601 (218) 751–2816. Transporting *lumber and wood products*, between points in MN, on the one hand, and, on the other, points in IA, SD, NE, MT, and ND, and ports of entry on the interntional boundary line between the United States and Canada in MN.

MC 134153 (Sub-3), filed June 25, 1981. Applicant: D & D TRANSPORTATION CO., INC., 1059 Empire Avenue, Camden, NJ 08103. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956 (609) 541–3055. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Alpha Company, Inc., of Philadelphia, PA, (2) Architectural Products, Inc., of Camden, NJ, (3) Brussels Steel America, of Bala Cynwyd, PA, (4) Eastern Steel & Metal Company, of Milford, CT, (5) Marlboro International Steel Company, Inc., of Morganville, NJ, (6) Imperial Wood Paneling Co., of Pennsauken, NJ, and (7) Towne & Countrie Fab., Inc., of Exton, PA.

MC 134752 (Sub-7), filed June 25, 1981. Applicant: HILL & WILLIAMS BROS., INC., 799–44th St., Marion, IA 53203. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3525. Transporting *general commodities* (except classes A and B explosives), between the facilities of International Paper Company at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 135552 (Sub-4F), filed June 11, 1981. Applicant: SCENIC TRAILS, INC., 700 North 3rd St., La Crosse, WI 54601. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424 (612) 927–8855. Over (1) *regular routes*, transporting *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, between Dubuque, IA and Rock Island, IL: (a) from Dubuque over U.S. Hwy 61 to junction U.S. Hwy 67 at Davenport, IA, then over U.S. Hwy 67 to Rock Island, and (b) from Dubuque over U.S. Hwy 61 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction IL Hwy 92, then over IL Hwy 92 to Rock Island, serving all intermediate points, and (2) *irregular routes*, transporting (a) *passengers and their baggage*, in charter and special operations, and *baggage of passengers* in separate vehicle, between those points at which service would be authorized under, (1) above, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI), (b) *passengers and their baggage*, in charter and special operations, and *baggage of passengers*, in separate vehicles, between points in Dane, Grant, Juneau, Monroe, Sauk, and Vernon Counties, WI, and Houston and Winona Counties, on the one hand, and, on the other, points in the U.S., and (c) *passengers and their baggage*, in special operations, between points in LaCrosse County, WI, on the one hand, and, on the other, points in the U.S.

MC 135762 (Sub-21F), filed June 25, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3677, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith 72902 (501) 782–1001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with S. K. Products Corporations, of Atlanta, GA.

MC 146213 (sub-12), filed June 25, 1981. Applicant: JAMES P. DOYLE d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Ste. 307, Edina, MN 55424, 612–927–8855. Transporting *food and related products*, between Chicago, IL, and points in Cass County, ND, on the one hand, and, on the other, points in the U.S.

MC 147962 (Sub-4), filed June 26, 1981. Applicant: DONDO TRUCKING, INC., 9020 South Ridgeland, Oak Lawn, IL 60453. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60453 (312) 263–2306. Transporting *chemicals and related products, metal products, and textile mill products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 148143 (Sub-10), filed June 26, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant) 417–862–7460. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148392 (Sub-4), filed June 25, 1981. Applicant: SERVICE TRANSPORT, INC., 925 Visco Dr., Nashville, TN 37210. Representative: James Clarence Evans, 1600 Third National Bank Bldg., Nashville, TN 37219 (615) 244–1440. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Memphis and Nashville, TN, over Interstate Hwy 40, (2) between Nashville and Cookeville, TN, over Interstate Hwy 40, (3) between Cookeville and Crossville, TN, over U.S. Hwy 70N, (4) between Crossville and Knoxville, TN: From Crossville over U.S. Hwy 70 to junction Interstate Hwy 40,

then over Interstate Hwy 40 to Knoxville, and return over the same route, (5) between Chattanooga and Knoxville, TN: from Chattanooga over U.S. Hwy 27 to junction U.S. Hwy 70, then over U.S. Hwy 70 to Knoxville, and return over the same route, (6) between Chattanooga, TN and Bristol, VA: from Chattanooga over Interstate Hwy 75 to Cleveland, TN, then over TN Hwy 40 to junction U.S. Hwy 411, then over U.S. Hwy 411 to Greeneville, TN, then over U.S. Hwy 11E to Bristol, and return over the same route, (7) between Knoxville and Chattanooga, TN, over U.S. Hwy 11, (8) between Nashville and Chattanooga, TN, over Interstate Hwy 24, (9) between Nashville and Sparta, TN, over U.S. Hwy 70S, (10) between McMinnville and Morrison, TN, over TN Hwy 55, (11) between McMinnville and Chattanooga, TN, over TN Hwy 8, (12) between Memphis and Chattanooga, TN, over U.S. Hwy 64, (13) between Chattanooga and Knoxville, TN: from Chattanooga over U.S. Hwy 64 to Cleveland, TN, then over U.S. Hwy 411 to Maryville, TN, then over U.S. Hwy 129 to Knoxville, and return over the same route, (14) between Chattanooga and Livingston, TN: from Chattanooga over TN Hwy 8 to junction TN Hwy 111, then over TN Hwy 111 to Cookeville, then over TN Hwy 42 to Livingston, and return over the same route, (15) between Sparta and Crossville, TN, over U.S. Hwy 70, (16) between Livingston and Monterey, TN, over TN Hwy 84, (17) between Crossville and Jamestown, TN, over U.S. Hwy 127, (18) between Spencer and Fall Creek Falls State Park, TN: from Spencer over TN Hwy 30 to unnumbered access roads, then over unnumbered access roads to Fall Creek Falls State Park, and return over the same route, (19) between Knoxville, TN and Bristol, VA, over U.S. Hwy 11E, serving all points in Washington County, VA as off-route points, (20) between Knoxville, TN and Bristol, VA, over U.S. Hwy 11W, serving all points in Hawkins County, TN as off-route points, (21) between Erwin, TN and Gate City, VA, over U.S. Hwy 23, serving all points in Washington and Sullivan Counties, TN and Scott County, VA as off-route points, (22) between Elizabethton, and Johnson City, TN, over U.S. Hwy 321, (23) between Elizabethton, TN and Bristol, VA: from Elizabethton over U.S. Hwy 19E to junction U.S. Hwy 19, then over U.S. Hwy 19 to Bristol and return over the same route, and (24) serving all intermediate points in connection with routes (1) through (23) above.

MC 148833 (Sub-8), filed June 25, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 150933, filed June 23, 1981. Applicant: CASUAL TRAVEL, INC., 801 So. Gammon Rd., Suite B, Madison, WI 53719. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, 712–323–9124. Transporting *passengers and their baggage*, in special and charter operations, between points in Dane, Grant, Green, Iowa, Jefferson, Lafayette, and Rock Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 154092 (Sub-2F), filed June 26, 1981. Applicant: SUGARLAND EXPRESS, INC., 6623 Kansas Avenue, Kansas City, KS 66111. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *petroleum, natural gas, and their products*, between Kansas City, MO, on the one hand, and, on the other, points in KS and MO. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of liquified petroleum gases, it shall be limited to a period expiring 5 year from its date of issuance.

Volume No. OPY–3–122

Decided: July 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–413 (Sub-2), filed June 19, 1981. Applicant: OCEAN–AIR INTERNATIONAL, INC., R.D. #1, Burgettstown, PA 15021. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006 (202) 833–8884. As a *freight forwarder*, in connection with the transportation of *general commodities* (except used household goods, unaccompanied baggage and used automobiles and classes A and B explosives), between points in the U.S.

MC 107012 (Sub-713) (Correction), filed May 15, 1981, published in the **Federal Register** June 2, 1981, republished as corrected in this issue. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *building materials*, between the facilities of Harris-Crestline Corporation at points in Tehama County, CA, Erie County, NY, Spokane County, WA, and Marathon County, WI, on the one hand, and, on the other, points in AK, AR, CA, CO, CT, DE, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD TN, VT, VA WA WV, WI, WY and DC. The purpose of this republication is to include the state of Missouri in the territory description.

MC 134653 (Sub-8), filed June 22, 1981. Applicant: M.C.E. TRANSPORTATION CO., INC., 1640 Penfield Rd., Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580 (716) 671–8200. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, (2) *metal products*, and (3) *building and contractors' materials*, between points in NY.

MC 146872 (Sub-3), filed June 25, 1981. Applicant: CHARLES SEATON, d.b.a. SEATON TRUCKING COMPANY, 1560 North Sandburg Village, Chicago, IL 60610. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between Chicago, IL, Linden, NJ, San Francisco, CA, points in Morris County, NJ, and Bucks County, PA, on the one hand, and, on the other, points in the U.S.

MC 147013 (Sub-7), filed June 19, 1981. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005, (202) 296–3555. Transporting *food and related products*, between points in PA and Berkeley County, WV, on the one hand, and, on the other, points in AR, LA, OK, and TX.

MC 148183 (Sub-40), filed June 24, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St. NW, Washington, DC 20004, 202–737–2188. Transporting *chemicals and related products* and *rubber and plastic products*, between points in IL, IN, MI, and OH, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, MS, NC, SC, TN, VA, and WV.

MC 151193 (Sub-12), filed June 17, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as applicant), (201) 499–3869. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with S. Gumpert Company, Inc., and American Kitchen Products Company, a subsidiary, of Jersey City, NJ.

MC 151463 (Sub-1), filed June 19, 1981. Applicant: BIGBEE

TRANSPORTATION, INC., P.O. Box 32, Columbus, MS 39701. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *metal products* (1) between Chicago, IL, Detroit, MI, Cleveland, OH, Philadelphia, PA, and points in Lake County, In, on the one hand, and, on the other, points in AL, FL, GA, IA, IN, KS, KY, MS, NE, NC, OH, OK, PA, SC, TN, TX and VA; (2) between Birmingham, AL, Chicago, IL, Gary, IN, Detroit, MI, Cleveland, OH, Memphis, TN, and points in Madison and Cook Counties, IL, Lake County, IN, Boyd County, KY, Baltimore County, MD, Cuyahoga and Trumbull Counties, OH, and Morris County, TX, on the one hand, and, on the other, points in Oktibbeha County, MS; (3) between Chicage, IL, Detroit, MI, Cleveland, OH, Pittsburgh, PA, and points in Putnam and Whiteside Counties, IL, Mahoning County, OH, and Ohio County, WV, on the one hand, and, on the other, points in Henry County, IA, Lowndes County, MS and Edgecombe County, NC.

MC 151383 (Sub-7), filed June 18, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103, (918) 583–9000. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Sooner Construction Equipment & Service Co. of Oklahoma City, OK, and McGill, Incorporated, of Tulsa, OK.

MC 156172 (Correction), filed May 27, 1981, published in the **Federal Register** issue of June 12, 1981, and republished, as corrected, this issue. Applicant: W. M. SPIEGEL SONS, INC., d.b.a. REFUSE CONTAINER TRANSPORTATION, 461 E. Clinton Street, Elmira, NY 14901. Representative: Donald C. Carmien, 15 Chenango Street, P.O. Box 1922, Binghamton, NY 13901. Transporting *hazardous waste materials*, between points in Chemung, Steuben, Yates, Schyler, Tompkins, and Tioga Counties, NY, and points in Bradford and Tioga Counties, PA, on the one hand, and, on the other, points in the U.S. Condition: To the extent that this certificate authorizes the transportation of hazardous waste materials it shall be limited in term to a period expiring 5 years from its date of issuance. The purpose of this correction is to reflect the county of Bradford, PA which was inadvertently omitted.

MC 156183 (Correction), filed May 21, 1981, published in the **Federal Register** June 12, 1981, republished as corrected in this issue. Applicant: QUICK TRANSPORTATION, INC., 1320 Elm Hill Pike, Nashville, TN 37210. Representative: Earl Douglas Ison, Jr. (same address as applicant), 615–256–3166. Transporting *general commodities* (except classes A and B explosives), between points in GA, IL, IN, KY, MI, MO, OH, and TN. The purpose of this republication is to include the State of Missouri in the territorial description.

MC 156493, filed June 12, 1981. Applicant: BOYD MESSER TRANSFER, INC., P.O. Box 19, Fulton, KS 66738. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603, 913–232–7263. Transporting *petroleum, natural gas and their products*, between points in Anderson, Bourbon, Butler, Johnson, Linn, Montgomery, and Wyandotte Counties, KS, on the one hand, and, on the other, points in Barton, Bates, Jasper, Newton, and Vernon Counties, MO. Conditon: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 156722, filed June 19, 1981. Applicant: CENTRE FOR TRAVEL, INC., 114 Hiester St., State College, PA 16801. Representative: Barry R. Diamond, 805 King St., Alexandria, VA 22314, (703) 549–8010. As a *broker*, at State College, PA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, beginning and ending at points in PA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2–119

Decided: June 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 18192 (Sub-1), filed June 16, 1981. Applicant: C. BAIN, INC., 154 Pleasant St., Lynn, MA 01901. Representative: Frederick T. O'Sullivan P.O. Box 2184, Peabody, MA 01960 (617) 535–5430. Transporting *household goods* between points in MA, NH, VT, ME, CT, RI, NY, NJ, PA, MD, DE, VA, WV, NC, OH and DC.

MC 11722 (Sub-79), filed June 17, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232 (503) 288–8141. Transporting *Food and related products*, between points in King County, WA on the one hand, and, on the other, points in MT, ID, and OR.

MC 92633 (Sub-34), filed June 11, 1981. Applicant: ZIRBEL TRANSPORT, INC., P.O. Box 933, Lewiston, ID 83501. Representative: Wm. Seehafer (same address are applicant) 208–743–6588. Transporting *lumber and wood products, pulp, paper, and related products, metal products*, and *building materials*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Samoa, CA.

MC 105733 (Sub-86), filed June 12, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box 1064–A, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW, Washington, DC 20005, 202–296–3555. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with BASF Wyandotte Corporation, of Parsippany, NJ. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 107012 (Sub-726), filed June 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with GTE Automatic Electric Incorporated, of Northlake, IL.

MC 138882 (Sub-382), filed June 12, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 142603 (Sub-50), filed June 22, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant) (413) 732–6283. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Flambeau Paper Corporation, of Park Falls, WI.

MC 148472 (Sub-3), filed June 22, 1981. Applicant: CLOVER CLUB FOODS CO.,

P.O. Box 228, Kaysville, UT 84037. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111 (801) 531–1300. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S., under continuing contract(s) with Masada Valley Daries, Inc., of Salem, UT.

MC 156282, filed June 2, 1981. Applicant: TRAVEL ASSOCIATES, INC., First Wisconsin Center, Suite 3470, 777 East Wisconsin Avenue, Milwaukee, WI 53202. Representative: George Salvat (same as applicant) (414) 276–3980. To engage in operations, in interstate and foreign commerce, as a *broker* at Milwaukee, WI, in arranging for the transportation of *passengers and their baggage*, in charter and special operations beginning and ending at points in AR, AL, CT, GA, IA, IL, IN, KN, LA, MA, MI, MN, MO, MS, ND, NE, NY, OH, OK, PA, SD, TN, TX, and WI, and extending to points in CO, FL, IL, MT, UT and WY.

MC 156473, filed June 10, 1981. Applicant: B & G TRUCKING, INC., 2685 Index, P.O. Box 206, Washougal, WA 98671. Representative: Stanley Bishoprick (same address as applicant) 206–835–8561. Transporting *building materials, metal products, lumber and wood products, forest products, and machinery*, between points in ID, WA, and OR.

MC 156482, filed June 11, 1981. Applicant: PACIFIC MOLASSES COMPANY, One California St., Suite 1500, San Francisc, CA 94111. Representative: B. L. Anderson (same address as applicant) 415–445–1475. Transporting (1) *chemicals and related products*, and (2) *food and related products*, between points in the U.S., under continuing contract(s) with (a) Wesco Technologies, Inc., of San Clemente, CA, (b) Sacramento Rendering Co., of Sacramento, CA, and Nevada Byproducts d/b/a Reno Rendering, of Reno, NV, and (c) Deist Chemical & Research Inc., of LaHabra, CA.

MC 156492, filed June 12,1981. Applicant: WAYNE C. SHIPLEY & SONS, Rte. #3, Box 89, Littlestown, PA 17340. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, 301–739–4860. Transporting *lumber and wood products*, between Baltimore, MD, on the one hand, and, on the other, points in VA, MD, PA, and DC.

MC 156602, filed June 16, 1981. Applicant: DUANE D. ZABKA, INC., 5200 East 78th Ave., Henderson, CO 80640. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264 (303) 861–4028. Transporting (1) *Food and related products* between points in the U.S., under continuing contract(s) with Twin City Distributing, Inc. of Greeley, CO, and The Pillsbury Company of Minneapolis, MN, (2) *Lumber and wood products;* between points in the U.S., under continuing contract(s) with Potlatch Corporation of Lewiston, ID, and (3) *clay, concrete, glass or stone products* between points in the U.S., under continuing contract(s) with CALCO Incorporated, of Commerce City, CO.

MC 156702, filed June 22, 1981. Applicant: LABENZ TRUCKING, INC., Box 388, Humphrey, NE 68642. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour Food Company, of Phoenix, AZ.

MC 153712, filed June 23, 1981. Applicant: J & R ENTERPRISES INCORPORATED, 21551 Brookhurst St., Huntington Beach, CA 92646. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650 (213) 863–8883. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Maxon Industries, Inc., of City of Commerce, CA.

MC 156732, filed June 22, 1981. Applicant: TRANS-HAUL, INC., 411 East Wallisville Rd., Box 755, Highlands, TX 77562. Representative: Leroy E. Firestone (same address as applicant) (713) 426–5561. Transporting *general commodities* (except classes A and B explosives), between points in Harris County, TX, on the one hand, and, on the other, points in the U.S.

MC 156733, filed June 22, 1981. Applicant: D.T.I. LTD., P.O. Box 289, Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., 1910 Juliet Ave., St. Paul, MN 55105. Transporting *General commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (1) Farmers Union Central Exchange, Inc., of St. Paul, MN; (2) Minnesota Mining and Manufacturing Company, of St. Paul, MN; (3) Getty Refining and Marketing, of Tulsa, OK; (4) Metalcote Grease and Oil Company, of St. Paul, MN; (5) Callahan Steel Supply, Inc., of Newport, MN, and (6) Mobil Oil Corporation, of Dallas, TX.

[FR Doc. 81-20574 Filed 7-13-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Notice of Ending of Extended Benefit Period in the State of Alabama

This notice announces the ending of the Extended Benefit Period in the State of Alabama, effective on July 11, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Alabama on June 22, 1980, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Alabama has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 20, 1981, and the immediately preceding 12 weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 11, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Alabama should contact the nearest Unemployment Compensation Claims Office of the Alabama Department of Industrial Relations in their locality.

Signed at Washington, D.C., on July 8, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-20587 Filed 7-13-81; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Notice of Ending of Extended Benefit Period in the State of Wisconsin

This notice announces the ending of the Exended Benefit Period in the State of Wisconsin, effective on July 11, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Wisconsin on March 23, 1980, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Wisconsin has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 20, 1981, and the immediately preceding 12 weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 11, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Wisconsin should contact the nearest District Office of the Wisconsin Department of Industry, Labor and Human Relations in their locality.

Signed at Washington, D.C., on July 8, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-20588 Filed 7-13-81; 8:45 am]
BILLING CODE 4510-30-M

Pension and Welfare Benefit Programs

(Prohibited Transaction Exemption 81-56)

Exemption From the Prohibitions for Certain Transactions Involving the Truman Arnold Distributing Company, Inc., Retirement Trust Located in Texarkana, Texas (Exemption Application No. D-2447)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the contribution of a parcel of real property and improvements thereon by the Truman Arnold Distributing Company, Inc. (the Employer) to the Truman Arnold Distributing Company, Inc. Retirement Trust (the Plan). The property will then be leased back to the Employer by the Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 15, 1981, notice was published in the **Federal Register** (46 FR 26955) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice and an accompanying statement have been provided to all interested persons in order to comply with the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the extemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution by the Employer to the Plan of a parcel of real property and the improvements thereon which are located at South Robison Road, Texarkana, Texas, and the subsequent leaseback of that property to the Employer, provided the contribution is valued at its fair market value on the date contributed and the terms of the lease are no less favorable to the Plan than terms obtainable in an arm's-length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 9th day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-20065 Filed 7-13-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 24, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 24, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Ajustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 6th day of July, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Accucast-phase, Inc. (workers)	Proctorsville, VT	6/25/81	6/22/81	TA-W-12,811	Stereo speaker systems.
Aquarius Dyeing & Finishing, Inc. (workers)	St. Johnsville, NY	6/26/81	6/23/81	TA-W-12,812	Dyed & finished fabrics.
Chrysler Corporation Parts Depot (workers)	Fullerton, CA	6/16/81	6/9/81	TA-W-12,813	Auto supply parts.
Dynamic Instrument Corp. (workers)	Hauppage, NY	6/29/81	6/25/81	TA-W-12,814	Wall plugs, adapters, converters & chargers.
Elliott Company (USWA)	Jeannette, PA	6/30/81	6/27/81	TA-W-12,815	Compressors & turbines turbo charges & plant air plant air package compressors.
General Metal Fabricators, Sanchez Enterprise Div. (OCAWU).	Erwin, TN	6/24/81	6/23/81	TA-W-12,816	Wood & coal stoves & conveyor.
Monroe Auto Equipment Company (company)	Paragould, AR	6/30/81	6/23/81	TA-W-12,817	Ride control products for autos.
New City Steel Co. (workers)	Chicago, IL	6/26/81	6/16/81	TA-W-12,818	Fabricators of steel framing for building.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Selva & Sons, Inc. (workers)	Long Island City, NY	6/25/81	6/22/81	TA-W-12,819	Women's footwear
(The) Singer Co., U.S. Sewing Products Group (workers).	Syosset, NY	5/25/81	5/21/81	TA-W-12,820	Distribution & transportation.
Sound Research, Inc. (workers)	Proctorsville, VT	6/25/81	6/22/81	TA-W-12,821	Raw speakers.
Technapac, Inc. (workers)	Clearwater, FL	6/29/81	6/24/81	TA-W-12,822	Bottle filling equipment.
Teledyne Stillman-Manufacturing (IUE)	Lakewood, NJ	6/25/81	6/16/81	TA-W-12,823	Tubular electric heating elements.
Vermont Wood Crafts, Inc. (workers)	Proctorsville, VT	6/25/81	6/22/81	TA-W-12,824	Stereo cabinets.

[FR Doc. 81-20066 Filed 7-13-81; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Delegations of Authority

AGENCY: Merit Systems Protection Board.

ACTION: Delegations of authority to the Secretary, Merit Systems Protection Board.

Pursuant to the provisions of Pub. L. 95-454 (5 U.S.C. 1205(f)), the Merit Systems Protection Board hereby amends the delegations to the Secretary that appeared in 45 FR 36566, Friday, May 30, 1980. The following delegations are added:

(k) The Secretary, with concurrence of the appropriate action office, shall prepare and/or issue orders denying untimely petitions for review which make no attempt to show good cause for extending the 30-day period.

(l) The Secretary, with concurrence of the appropriate action office, shall prepare and/or issue orders granting withdrawal of petitions for review when requested by the petitioner or the petitioner's representative.

(m) The Secretary, with concurrence of the appropriate action office, shall prepare and/or issue orders denying intervention by the Director, Office of Personnel Management, when the Director's request to intervene is not submitted to the Board within 20 days from the date of receipt by the Director of the Petition for review and when no showing that it nontheless has been submitted at the earliest practicable time is made.

(n) The Secretary, will concurrence of the appropriate action office, shall prepare and/or issue orders denying intervention by the Special Counsel when the Special Counsel's request to intervene is not submitted to the Board within 20 days from the date of receipt by the Special Counsel of the petition for review and there has been no showing that it nonetheless has been submitted at the earliest practicable time.

(o) The Secretary, with concurrence of the appropriate action office, shall prepare and/or issue orders denying interlocutory appeals which have not been certified for review by the presiding official as required by 5 CFR 1201.34.

(p) The Secretary, with concurrence of the appropriate action office, shall prepare and/or issue orders notifying parties to original jurisdiction cases of the time when a response to a pleading is due.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Room 350, Washington, D.C. 20419, (202) 632-4525.

Dated: July 7, 1981.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-20055 Filed 7-13-81; 8:45 am]

BILLING CODE 7400-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Enrico Fermi Atomic Power Plant Unit 2; Meeting

The ACRS Subcommittee on Enrico Fermi Atomic Power Plant Unit 2 will hold a meeting on July 24, 1981, Room 1046, 1717 H Street, NW, Washington, DC to review the application of Detroit Edison Company for an Operating License. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, July 24, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Detroit Edison Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20581 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348 and 50-364]

Alabama Power Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. NPF-2 and Amendment No. 2 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Units No. 1 and 2 (the facilities) located in Houston County, Alabama. The amendment was effective May 11, 1981.

The amendments were authorized by telephone on May 11, 1981 and confirmed by letter on the same date. The amendments grant temporary relief on a one-time only basis from diesel generator operability and surveillance frequency requirements to allow continued plant operation during repairs to diesel generator 1C.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the request for amendments, dated May 10, 1981, (2) Amendment No. 20 to License No. NPF-2, (3) Amendment No. 2 to License No. NPF-8, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-20583 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-524, 50-525, 50-526, 50-527]

Alabama Power Co., Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4; Notice of Withdrawal of Application for Construction Permits

By letter, dated December 5, 1980, counsel for Alabama Power Company reviewed its history of having cancelled plans for the construction of Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4 and requested withdrawal of its construction permit applications for those plants. The sites were located along the west side of the Cosa River in Chilton and Elmore Counties, Alabama. Units 1 and 2 were proposed for Chilton County and Units 3 and 4 were proposed for Elmore County. A Notice of Receipt of Application for Construction Permits and Operating Licenses was published in the **Federal Register** on November 29, 1974 (39 FR 4574).

By letter, dated February 18, 1981, applicant's counsel advised that no work had been performed at the Barton sites. The Nuclear Regulatory Commission had not issued a limited work authorization or construction permits for the Barton plants and no hearing on the matter had been held.

By "Order Permitting Withdrawal of Application for Construction Permits and Terminating Proceeding", dated June 10, 1981, the NRC's Atomic Safety and Licensing Board terminated the proceeding.

In accordance with the applicant's request and with the "Order Permitting Withdrawal of Application for Construction Permits and Terminating Proceeding" and pursuant to 10 CFR 2.107(c), notice is hereby given that the application for construction permits for the Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4 have been withdrawn and that the proceeding in this matter is terminated.

Correspondence concernng this application will continue to be maintained at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and for the next six months at the Clanton Public Library, 100 First Street, Clanton, Alabama 35045.

Dated at Bethesda, Maryland, this 7th day of July, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-20582 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389A]

Florida Power & Light Co., (St. Lucie Plant, Unit No. 2); Conferences of Counsel Concerninig Intervention of Parsons and Whitemore, Inc. Summary Judgment, Discovery and Related Issues.

July 7, 1981.

Conferences shall be held at 9:30 a.m. on July 20, 1981 ("intervention conference"), and at 9:30 a.m. on Aug. 17 and 18, 1981 ("summary judgment conference") in the Nuclear Regulatory Commission's 5th floor hearing room, in East-West Towers, 4350 East West Highway, Bethesda, Maryland.

The intervention conference will hear arguments concerning whether the petition to intervene filed by Parsons and Whitemore, Inc. should be granted. The summary judgment conference will consider whether to grant Summary Judgment concerning the existence of a situation inconsistent with the antitrust laws and it will also consider questions concerning the extent and timing of discovery.

The content of these conferences is more fully discussed in an Order issued today and available from the Public Document Room of the Nuclear Regulatory Commission, Washington, D.C.

Dated: July 7, 1981, Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

[FR Doc. 81-20584 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York (the licensee) which revised the License and Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The revisions to the license and Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements are related to (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisors, (5) Integrity of Systems Outside Containment, and (6) Iodine Monitoring.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24, 1981, (2) Amendment No. 57 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 7th day of July 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 10-20585 Filed 7-13-81; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1989; Amdt. 1]

Montana; Declaration of Disaster Loan Area

The above numbered declaration (See 46 FR 30452) is amended by extending the incidence period (time when physical damage occurred) from May 19, 1981 through June 11, 1981. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on July 27, 1981, and for economic injury until the close of business on March 1, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 26, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-20581 Filed 7-13-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1995; Amdt. 1]

Ohio; Declaration of Disaster Loan Area

The above numbered declaration (See 46 FR 34447) is amended in accordance with the President's declaration of June 16, 1981, to include Hancock, Putnam and Wyandot Counties and adjacent counties within the State of Ohio. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on August 17, 1981, and for economic injury until the close of business on March 16, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 26, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-20582 Filed 7-13-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0295]

BT Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that BT Capital Corporation (BTC), 280 Park Avenue, New York, New York 10017, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration pursuant to Section 312 of the Act and covered by §§ 107.3(g) and 107.1004(b)(4) of the Regulations governing small business investment companies (SBICs) (13 FR 107.1004 (1981)), for approval of two conflict of interest transactions falling within the scope of the above Sections of the Act and Regulations.

BTC proposes (1) to purchase 177.927 shares of common stock ($35,585) and subordinated notes ($380,000) of Findex, Inc. from an Associate of the Licensee. The Associate is Bankers Trust New York Corporation, 280 Park Avenue, New York, New York 10017 and owns 90% of BTC; (2) to purchase 127.5 shares of common stock ($25,500) and subordinated notes ($935,000) of Multi-Metal Wire Cloth, Inc., presently owned by Bankers Trust New York Corporation, an Associate of the Licensee. The proposed financings by BTC fall within the purview of § 107.1004(b)(4) of the Regulations and require a written exemption from SBA. SBA is considering a request for such exemptions.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of the publication of this Notice, submit written comments on the proposed transactions to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 8, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20550 Filed 7-13-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 763]

Claims Against Iran

This notice concerns claims of U.S. nationals against Iran within the scope of the Claims Settlement Agreement of January 19, 1981. Specifically, it addresses (1) the registration with the Department of State of claims of less than $250,000; (2) the procedures applicable to the settlement of claims of $250,000 and more; and (3) the appointment of the third-country members of the Iran-U.S. Claims Tribunal.

For further information, contact David P. Stewart, Administrator of Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C., 20520. Telephone (202) 632-5040.

1. Registration of Claims of Less Than $250,000

The Iran-U.S. Claims Tribunal established pursuant the Claims Settlement Agreement will adjudicate the claims of U.S nationals against Iran which arise out of debts, contracts, expropriations or other measures affecting property rights. Claimants with claims in the aggregate of $250,000 or more will represent themselves before the Tribunal; those with claims in the aggregate of less than $250,000 will be represented by the U.S. Government.

The Department of State previously announced that U.S. nationals with claims against Iran, in the aggregate, of less than $250,000 were required to register such claims with the Department by May 8, 1981. See Public Notice 749 of April 1, 1981 (46 FR 19893) and supplementary Public Notice 753 of May 4, 1981 (46 FR 25026). The information submitted pursuant to this registration will be used by the Department in seeking to conclude an agreement with Iran for the settlement by lump-sum payment of claims of less than $250,000.

The Department of State seeks to ensure that all eligible U.S. claimants have the fullest possible opportunity to present their claims against Iran. Accordingly, because the negotiation of an agreed settlement with Iran has not yet begun, the Department has been able to accept the small number of registrations received after May 8, 1981. In view of the timetable now projected for negotiations with Iran, the Department will continue to accept late registrations. Claimants who have not yet registered claims with an aggregate value of *less than $250,000* are urged to do so *immediately* by contacting the Office of the Legal Adviser of the Department of State by telex (89–2461 or 89–601), telegram or telephone (202) 632–5040). Completed registration forms must be submitted promptly to the Administrator of Iraninan Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520.

After the settlement negotiations have begun, it will become impossible for the Department to take into account any additional unregistered claims, and claimants who have not registered their claims by that time may be excluded from sharing in the proceeds of a lump-sum settlement and from having their claims presented to the Tribunal. The final deadline, which will be announced in the **Federal Register**, will not be earlier than July 31, 1981.

2. Procedures Applicable to Settlement of Claims of $250,000 and More

The Claims Settlement Agreement provides for a six-month period during which the United States and Iran are to promote settlement of claims by the parties directly concerned. The Agreement further states that the settlement period may be extended once for an additional three months at the request of either government. At the request of the Government of Iran, and with the concurrence of the Government of the United States, the settlement period has been *extended* to *October 19, 1981.*

Claimants whose claims in the aggregate are $250,000 or more are referred to Public Notice 753 [46 FR 25026, May 4, 1981) and Public Notice 755 (46 FR 25584, May 7, 1981) concerning procedures applicable to direct settlement of claims. The Department reported in Public Notice 753 a proposal by the Government of Iran that settlement negotiations directly with such claimants should take place in London. Iran has subsequently proposed that such negotiations take place in Vienna, Austria, instead of London, and the Department has concurred in that proposal.

Claims not settled by the parties directly concerned may be formally submitted to the Tribunal *beginning on October 20, 1981.* The last date on which claims of U.S. nationals may be submitted to the Tribunal is *January 19, 1982.* As soon as the Tribunal has determined the procedures applicable to the formal submission of statements of claim, the Department will publish an appropriate announcement in the **Federal Register.**

The Department of State will, in addition, communicate directly by mail with registered claimants on matters of general significance. Claimants who have not registered claims with the aggregate value of $250,000 or more and who wish to be included in such informational mailings should contact the Administrator of Iranian Claims.

3. Appointment of the Third-Country Members of the U.S.-Claims Tribunal

Beginning on May 8, 1981, three arbitrators appointed by the United States met at The Hague with three Iranian arbitrators to appoint the third-country members of the Tribunal. On June 9, they announced their agreement to appoint Justice Gunnar Lagergren of Sweden, Justice Pierre Bellet of France, and Justice Nils Mangard of Sweden as the remaining members of the Tribunal.

His Excellency Justice Lagergren, who has been selected as President of the Tribunal, is Marshall of the Realm of Sweden and a former President of the Court of Appeal of Western Sweden. He has been President of arbitration tribunals in a number of major public and private international law cases. He is a judge of the European Court of Human Rights at Strasbourg and a Member of the Permanent Court of Arbitration at The Hague. Justice Bellet is a former Chief Justice of the French Supreme Court. He has also been active in international arbitration and is President of the French Committee of Private International Law. Justice Mangard is a Judge of the Court of Appeal of Stockholm, Sweden. He has been the President of international arbitration tribunals in important cases. He is a Member of the International Council for Commercial Arbitration.

The three Members of the Tribunal previously appointed by the United States of America are Howard M. Holtzmann, George H. Aldrich and Richard M. Mosk. The three Members previously appointed by the Islamic Republic of Iran are Mahmoud M. Kashani, Seyyed Hossein Enayat and Shafey Shafeiei.

The Tribunal held its first series of meetings at The Hague beginning July 1 to discuss organizational questions and related matters.

Dated: July 9, 1981.

David P. Stewart,

Administrator of Iranian Claims.

[FR Doc. 81-20915 Filed 7-13-81; 8:45 am]

BILLING CODE 4710-08-M

[Public Notice 762]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its June 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: July 2, 1981.

John W. Kimball,

Director, Office of International Conferences.

U.S. Delegation to the Twenty-Sixth Session of the Subcommittee on Fire Protection, Maritime Safety Committee International Maritime Consultative Organization (IMCO), London, June 22–26, 1981

Representative

Donald J. Kerlin, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Randall F. Eberly, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Norman W. Lemley, Chief, Survival Systems Branch, Merchant Marine Technical Division, United States Coast Guard, Department of Transportation

Alexander F. Robertson, Senior Scientist, Center for Fire Research, National Bureau of Standards, Department of Commerce

Private Sector Adviser

Captain Philip Neal, American Institute of Merchant Shipping, Washington, D.C.

U.S. Delegation to the Meeting of Group B of the Preparatory Intergovernmental Committee for the Revision of the Paris Convention World Intellectual Property Organization (WIPO), Madrid, June 22–26, 1981

Representative

Michael K. Kirk, Director, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Alternate Representative

Harvey J. Winter, Director, Office of Business Practices, Department of State

Advisers

Lee J. Schroeder, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Adviser

George R. Clark, Vice President, Sunbeam Corporation

Sidney A. Diamond, Sidley and Austin, Washington, D.C.

William E. Schuyler, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.

U.S. Delegation to the International Rubber Study Group (IRSG) Commodities, London, June 22–25, 1981

Representative

Fred Siesseger, Director, Resources Policy Division, Department of Commerce

Alternate Representative

Paul Pilkauskas, American Embassy, London

Adviser

Steven Thompson, Industrial and Strategic Minerals Division, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Eric P. Bierrie, President, United Baltic Corporation, New York, New York

Thomas E. Cole, Vice President, Rubber Manufacturers Association, Washington, D.C.

Donald A. Ensminger, General Manager, Plantation Operations, Goodyear Tire and Rubber Company, Akron, Ohio

Warren Heilbron, President, Alan L. Grant Division-Imperial Commodities Corporation, New York, New York

Lawrence E. Long, Manager, Rubber Purchases, Firestone Tire and Rubber Company, Akron, Ohio

Frank J. Raniolo, President, ALCAN Rubber and Chemical, Inc., New York, New York

U.S. Delegation to the Fourteenth Session, United Nations Commission on International Trade Law (UNCITRAL), Vienna, June 19–26, 1981

Representative

Peter H. Pfund, Assistant Legal Adviser for Private International Law, Department of State

Alternate Representative

Brewster Hemenway, U.S. Alternate Representative to UNIDO, Vienna

Adviser

Professor Joseph C. Sweeney, Fordham University School of Law, New York, New York

Private Sector Adviser

Professor Howard M. Holtzmann, American Arbitration Association, New York, New York

U.S. Delegation to the United Nations Negotiating Conference on Tin (resumed session), United Nations Conference on Trade and Development (UNCTAD), Geneva, June 9–26, 1981

Representative

The Honorable, Michael B. Smith, Deputy U.S. Trade Representative, Geneva

Alternate Representatives

Ralph R. Johnson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Frederick McEldowney, Office of the U.S. Trade Representative, Geneva

Advisers

Timothy Dulaney, Office of Raw Materials and Oceans Policy, Department of the Treasury

Paul P. Pilkauskas, American Embassy, London

Charles Roh, Office of the U.S. Trade Representative, Geneva

William Sugg, International Commodities Division, Department of Commerce

Private Sector Advisers

(June 9–12)

William Bothe, National Steel Corporation, Pittsburgh, Pennsylvania

(June 22–26)

James Ferrigan, Bethlehem Steel Corporation, Bethlehem, Pennsylvania

(June 15–19)

Roy S. Somogye, Jones and Loughlin, Pittsburgh, Pennsylvania

U.S. Delegation to the Working Party on Building Economic Commission for Europe, Geneva, June 9–12, 1981

Representative

Orville Lee, Director, Building Technology Research Staff, Housing and Urban Development

Private Sector Adviser

Jasper S. Hawkins, Hawkins, Lindsey, Wilson Associates (Architects), Phoenix, Arizona

U.S. Delegation to the XIIth Inter-American Council for Education, Science and Culture (CIECC). Organization of American States (OAS), Buenos Aires, June 8–15, 1981.

Representative

The Honorable, Herbert B. Thompson, Deputy U.S. Permanent Representative to the Organization of American States, Department of State

Advisers

Maureen Bader, Administrative Officer (Secretary of Delegation), Organization of American States, Department of State

Peter P. Bielak, Education, Science, and Cultural Affairs Advisor, Organization of American States, Department of State

Howard Luck, Deputy Mission Director AID, Lima, Peru

Margarita Riva-Geoghegan, Deputy, Educational, Scientific and Cultural Affairs Adviser to the Organization of American States, Agency for International Development

Donald E. J. Stewart, International Organizations Adviser, Organization of American States, Department of State

Private Sector Adviser

Mari-Luci Jaramillo, Special Assistant to the President, University of New Mexico, Albuquerque, New Mexico

U.S. Delegation to the Conference on Airport and Route Facility Economics, International Civil Aviation Organization (ICAO), Montreal, May 19 to June 5, 1981.

Delegate

Bruce Selfon, Chief, International Aviation Division, Office of the Assistant Secretary for Policy and International Affairs, Department of Transportation

Alternate Delegates

Edward A. Corboy, Bureau of International Affairs, Civil Aeronautics Board

Joan S. Gravatt, Aviation Programs and Policy Division, Bureau of Economic and Business Affairs, Department of State

Bernard Myers, International Aviation Division, Office of the Assistant Secretary for Policy and International Affairs, Department of Transportation

Private Sector Advisers

George Howard, Chief, Aviation Economics, Port Authority of New York and New Jersey, New York, New York

William M. Hawkins, Vice President, Finance and Taxation, Air Transport Association of America, Washington, D.C.

U.S. Delegation to the Twenty-Fifth Session of the Harmonized Systems Committee of the Customs Cooperation Council (CCC), Brussels, May 18—June 5, 1981

Representative

Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission

(May 25—June 5)

Alternative Representative

Dale O. Torrence, Senior Attorney (Customs), U.S. Customs Service, Department of the Treasury

(May 18–29)

Advisers

Jo Ann Hallquist, Foreign Agricultural Service, Department of Agricultural

(May 18–29)

Ronald Heller, Nomenclature Analyst, Office of Tariff Affairs, U.S. International Trade Commission

Walter Neece, Chief, Industry and Commercial Classification Branch, Bureau of the Census, Department of Commerce

Dennis C. Sequeira, Custom Attache, U.S. Mission to the European Communities, Brussels

Private Sector Adviser
Irene W. Meister, Vice President, International American Paper Institute, Inc., New York, N.Y.

[FR Doc. 81-20528 Filed 7-13-81; 8:45 am]
BILLING CODE 4710-19-M

[Public Notice CM-8/421]

Study Group B of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on July 23, 1981 at 10:00 a.m. in Room 3524 of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with international telegraph operations.

The Study Group will discuss preparations for the meeting of CCITT Study Group VIII scheduled for October 5–16, 1981 at Geneva. It will review proposed U.S. contributions for that meeting.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangments are made in advance of the meeting. It is suggested that prior to July 23, members of the general public who plan to attend the meeting so advise Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–1007. All non-Government attendees must use the C Street entrance to the building.

Dated: July 1, 1981.

Richard H. Howarth,
Chairman, U.S. CCITT National Committee.

[FR Doc. 81-20488 Filed 7-13-81; 8:45 am]
BILLING CODE 4710-07-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Effective Date of Certain Staged Tariff Rate Reductions

On June 30, 1981, the President announced that import relief under section 203 of the Trade Act of 1974 with respect to footwear, implemented by Presidential Proclamation 4510 of June 22, 1977, would not be extended. As a result of that decision, the import relief has terminated with respect to articles entered, or withdrawn from warehouse for consumption on and after July 1, 1981. Therefore, the first stage of tariff rate modifications proclaimed in section D of Annex III to Proclamation 4707 of December 11, 1979 (44 FR 72529) for column 1 ad valorem rates of duty of 8.1%, 3.4%, and 4.8%, on items 774.50, 791.20, and 791.27, respectively, of the Tariff's Schedules of the United States became effective for articles entered, or withdrawn from warehouse for consumption, on and after July 1, 1981. Each subsequent stage shall become effective annually on the first day of July for the next seven years with the eighth and final stage becoming effective on July 1, 1988.

William E. Brock,
United States Trade Representative.
July 10, 1981.

[FR Doc. 81-20648 Filed 7-13-81; 8:45 am]
BILLING CODE 3190-01-M

VETERANS ADMINISTRATION

Consolidated Warehouse at the Veterans Administration Medical Center, Aspinwall Division, Pittsburgh, Pennsylvania; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impact that they may occur as a result of the construction of a new warehouse at the Veterans Administration Medical Center, (VAMC) Aspinwall Division, Pittsburgh, Pennsylvania.

The project proposes to consolidate the three existing warehouse spaces, which are in different locations on the medical center, into one efficient building at one easily accessed site. The proposed site is in the area of the power plant, maintenance shops, and old quarters buildings. This site would involve demolition of one to four buildings. If demolition is eliminated from this project, the warehouse will be located adjacent to these buildings in an open space.

Alternatives considered include relocation of the warehouse function to another medical center in Pittsburgh and the No Action alternative.

Development of the project will have minor impacts on the human and natural environment as they affect topography, surface runoff and erosion. In addition, construction noise, dust, fumes and visual impacts will exist during construction of the project. If buildings are demolished, solid waste will be generated which will be disposed of on local approved disposal sites. The medical center is part of an architectural set of Veterans Administration Medical Centers constructed in the Georgian Colonial Style so demolition and new construction would affect the historic character of the medical center However, the State Historic Preservation Office has determined that the buildings are not eligible for the National Register of Historic places. A determination from the Department of the Interior is pending.

Findings conclude the proposed action will not cause a significant adverse effect on the physical and human environment, and therefore does not require preparation of an Environmental Impact Statement.

Mitigation of the project's impact on the environment include erosion control measures, and on-site noise abatement methods. Compatible exterior architectural material will be provided. Historic Preservation coordination and planning will be undertaken.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: July 8, 1981.

Donald L. Custis, M.D.,
Acting Administrator.

[FR Doc. 81-20614 Filed 7-13-81; 8:45 am]
BILLING CODE 8320-01-M

Development of 13 Acres in Santa Fe, New Mexico National Cemetery; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of developing 13 gross acres in Santa Fe National Cemetery, Santa Fe, New Mexico.

The project provides for the development of the acreage in the northwest section of the existing cemetery for an estimated 6,300 gravesites. At the current usage rate of approximately 500 gravesites per year, the development will meet burial requirements through the year 1996.

The development will include clearing, grubbing, grading, drainage system, utilities, fencing, monumentation of gravesites, roads and curbs, extension of underground irrigation system, turf and landscape planting. The development will be staged to provide sufficient time for turf and landscape planting to become established.

This acreage was the last undeveloped area in the cemetery and was the only alternative considered besides the "No Action" option. It is a general policy of the VA to minimize costs where applicable and conserve by using existing space.

The "No Action" alternative would establish the continuance of existing land use patterns, with a projected cemetery closing date in January 1984. At that time the cemetery would become inactive and veterans and their survivors would utilize the limited number of gravesites at other VA cemeteries. The "No Action" alternative would not result in any significant adverse impact or loss of resources.

Development of the project will have temporary impacts on the human and natural environment affecting soil stability, air quality, water quality, noise levels, vehicular traffic and aesthetics.

This National Cemetery is eligible for listing on the National Register of Historic Places and has been nominated by the Veterans Administration for inclusion on the Register. Any exterior land or building expansion and/or modifications at the cemetery will have to comply with the National Historic Preservation Act requirements. Coordination with the appropriate Federal, State and local historic preservation officers will be required.

Mitigative measures to control adverse environmental conditions will be implemented through the construction and operational phases. All Federal, State and local codes will be adhered to and construction contract documents will include the VA construction specifications which include the Environmental Protection section.

The commitment of resources, energy and labor to implement the development of the project is irreversible and permanent once the project is in place; however, products utilized in project operations can be reclaimed and recycled. The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: July 8, 1981.

Donald L. Custis, M.D.,
Acting Administrator.

[FR Doc. 81-20613 Filed 7-13-81; 8:45 am]
BILLING CODE 8320-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Mediterranean Fruit Fly Eradication Program Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: The Animal and Plant Health Inspection Service has prepared an environmental assessment of the alternatives available for the Mediterranean fruit fly eradication program being conducted in Alameda, San Mateo, and Santa Clara Counties, California. On the basis of the assessment, the Animal and Plant Health Inspection Service has determined that no significant impact will result from the implementation of any of the identified alternatives. Therefore, an environmental impact statement (EIS) on this program will not be prepared.

FOR FURTHER INFORMATION CONTACT: Ed L. Ayers, Jr., Staff Officer, Pest Program Development Staff, PPQ, APHIS, USDA, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8745 or Wayne Granberry, Mediterranean Fruit Fly Project Headquarters, PPQ, APHIS, USDA, Ralph Berry School, 14855 Oka Street, Los Gatos, CA 95030, (408) 275–7648.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), in cooperation with the California Department of Food and Agriculture (State), intends to eradicate an outbreak of Mediterranean fruit flies (Medfly) in certain parts of California. If this outbreak is not eradicated, significant adverse effects could result to California agriculture and to the Nation through the damage caused to plant products by this plant pest and by increased control costs. This would ultimately be expected to result in substantially increased costs of plant products to consumers. Additionally, the establishment of the Medfly in California may result in action by foreign countries to restrict or prohibit the import of American agricultural products into such countries.

On April 17, 1981, APHIS published in the **Federal Register** (46 FR 22403–22404) a notice of availability of an environmental assessment based on the alternatives available for the Medfly eradication program being conducted in Santa Clara and Alameda Counties in California.

Medfly is considered to be the most destructive fruit fly in the world attacking over 200 fruit and vegetable crops. The current California eradication program consists of various components. These components have included the trapping of wild Medflies by using trimedlure to detect the presence of the pest, stripping of host fruit, the ground application of malathion bait spray, the ground application of fenthion [1], sterile Medfly release, and requiring host plant products moving out of the infested areas and immediately surrounding environs to be subjected to cold treatment or fumigation to kill the pest. Treatment will also include the aerial application of malathion bait spray should conditions warrant. The treatments are carried out by and under

[1] The use of fenthion was discontinued on February 25, 1981, since tests have shown it to be of marginal effectiveness in Santa Clara and Alameda Counties. Apparently soil type and high pH causes fenthion to undergo a rapid hydrolysis.

the control of the State with the assistance and cooperation of APHIS personnel. The pesticide treatment components of the program have been monitored by the Environmental Protection Agency (EPA) and others, and the aerial application of malathion bait, when used in the program, will also be monitored to determine direct and indirect effects on the environment.

In developing the current eradication program, a number of alternatives were available and were considered. In developing these alternatives, consideration was given to previous Medfly eradication programs. The Medfly has invaded the United States a total of eight times and has been eradicated six of those eight. The first invasion, 1910 in Hawaii, was not eradicated and Hawaii continues to be infested with Medfly. The second infestation occurred in Florida in 1929. It was eradicated using massive fruit stripping combined with ground spraying of lead arsenate, a material no longer registered for pesticide use in the United States. The third and fourth invasions of the Medfly occurred in 1956–1957 and 1962–1963, both in Florida. Both were eradicated using aerial application of malathion bait spray. The fifth outbreak in Texas in 1966 was also eradicated using aerial application of malathion bait spray. The next U.S. Medfly outbreak occurred in Los Angeles in 1975–1976. There a new technique was used involving only spot applications of malathion bait combined with the ground and aerial release of millions of steril Medflies in the infested area. The Los Angeles infestation ultimately numbered 4 larval sites and 77 adult Medflies were caught. It was the largest Medfly infestation to be successfully eradicated using the sterile Medfly technique.

The seventh and eighth Medfly infestations occurred in 1980 in Los Angeles, Santa Clara, and Alameda Counties. In both instances, the initial eradication treatment program consisted of spot applications of malathion bait and fenthion [1], soil treatments combined with stripping of fruit on the properties where larvae had been found as well as the release of millions of sterile Medflies. Although this treatment program was successful in Los Angeles and eradication was declared in December 1980, it has been successful in Santa Clara and Alameda Counties and the program in those counties is continuing. Additionally, Medfly infestations have recently occurred in San Mateo County and the eradication program has been extended to that county.

A series of alternatives to eradicate the pest are available and considered. These alternatives are:

(a) No action.

(b) Bait station application of malathion, soil treatment with fenthion [1], and release of sterile Medflies.

(c) Full-coverage foliar treatment with malathion protein bait spray using ground equipment, soil treatment with fenthion [1], and release of sterile Medflies.

(d) Fruit stripping, full-coverage foliar treatment with malathion protein bait spray using ground equipment, soil treatment with fenthion [1], and release of sterile Medflies.

(e) Aerial strip spraying with malathion protein bait spray, soil treatment with fenthion [1], and release of sterile Medflies.

(f) Fruit stripping, aerial strip spraying with malathion protein bait spray, soil treatment with fenthion [1], and release of sterile Medflies.

(g) Aerial full-coverage treatment with malathion protein bait spray, soil treatment with fenthion [1], and release of sterile Medflies.

(h) Fruit stripping, aerial full-coverage treatment with malathion protein bait spray, soil treatment with fenthion [1], and release of sterile Medflies.

(i) Soil treatment with fenthion [1], and release of sterile Medflies.

(j) The release of sterile Medflies.

Alternative (b) was used in the treatment of the 1980 infestation of Medfly in Los Angeles. Only the larval property and adjacent property were stripped and sprayed with fenthion [1]. The malathion bait was applied as bait stations until sterile Medfly shipments arrived in significant numbers. Two properties were sprayed once with fenthion [1] and six properties were sprayed with malathion bait using a hand sprayer. This infestation was eradicated and released from quarantine in December 1980.

A similar but expanded approach was used in Santa Clara and Alameda Counties from June 1980 until January 5, 1981. However, it was apparent that this alternative was not achieving eradication. Based on USDA trapping reports, wild Medflies were continuing to be captured during the fall and winter months and larvae were still present in the originaliy infested area as late as January 1981; also the infested area had grown significantly. Because of this, it was decided that alternative (d), which included massive fruit stripping and more extensive and intensive ground spraying would be put into effect in January 1981. In Santa Clara County, all properties within a 1 square mile area of each larval find were stripped of host fruit. The area stripped totaled 50.1 square miles (the 43.5 square mile core area plus 6.6 additional square miles in areas more than ½ mile from any previous larval find but adjacent to the core).

After stripping was completed on February 5, host trees on properties within the 43.5 square mile area known to be infested were sprayed with malathion bait using ground hydraulic rigs and hand sprayers. Sixty-one thousand eight hundred properties were sprayed at least three times between January 1 and mid-March. Malathion bait sprays are continuing to be applied every 10 days to these properties.

In addition, approximately 100 million sterile Medflies are being released weekly in the quarantine area.

Evaluation of the effectiveness of the current eradication effort is an ongoing project activity. There are approximately 3,000 Medfly traps in the quarantine area which are checked weekly. Collections of host fruits are being made at a rate of over 1,000 samples per week and are being held and checked weekly for a period of 3 weeks for signs of larval infestation.

The trap catches declined from November 1980 to the Spring of 1981. This decline was influenced by the colder temperatures resulting in this downward trend. Alternative (d) which includes stripping of fruit was used from December 1980 to the present to try to eradicate the Medfly in Santa Clara and Alameda Counties. Alternative (g) (aerial application) will be used because additional finds of Medfly have indicated that alternative (d) has not succeeded in eradicating the infestation.

The decision to implement any alternative to address a pest problem is dependent upon an evaluation of available data. Through such analysis, a reasoned decision can be made concerning the necessity for and appropriateness of a particular alternative. This is particularly apparent in the present Medfly situation. Of central concern is to determine whether or not the Medfly is reproducing. Since the beginning of July many Medfly larvae have been found in Santa Clara and San Mateo Counties indicating that the fly is continuing to reproduce. The decision to move from one eradication measure to the next depends upon the evaluation of such factors as the location of detection of the pest, the stage of development of the pest, the distances between detections, prevailing weather conditions, and availabilty of host material. The following which are based upon the collective expertise of

Medfly experts and private consultants of the USDA, State, and the USDA and State staffs are used to identify what particular eradication measure is required in the infested areas or when it will be necessary to move from one eradication measure to another:

(a) *Larval finds.*

(1) A finding of one or two larval infestations [2] indicates the need for increased trapping and detection efforts and will require continued localized control through ground application of pesticides.

(2) Three or more larval infestations within a single Medfly generation evidencing three district populations would indicate that reproduction is continuing and that aerial application of pesticides is necessary to prevent further reproduction.

(b) *Adult finds.*

(1) Due to the high Medfly population levels experienced in the mid-fall of 1980, some emergency of adult wild Medflies is to be expected into late winter or early spring, particularly as temperatures increase. Generally, detection of a few adult Medflies should not be cause for concern provided the ratio of sterile to wild Medflies of at least 10?:1 is maintained in each 1 square mile quadrant where a wild Medfly is detected. A caveat to the foregoing is that if 10 more more wild Medflies are detected after 720 hours at soil temperatures of 60° F or above during a single generation, this would strongly indicate that reproduction is taking place, the ratio of sterile to wild Medflies notwithstanding, and the aerial application of pesticides might be needed.

In delimiting the treatment area for aerial application, should alternative (g) be implemented, consideration would be given to the history of the infestation and the biology of the Medfly. The treatment area would, at a minimum, include the area within a 1½ mile radius of the site or sites where wild Medfly finds indicate reproduction is occurring.

It is recognized that broad-scale aerial application of pesticides has generated concern and controversy by various segments of the public. Among these concerns are:

(a) Human health issues—

(1) malathion as a carcinogen;

(2) malathion as a teratogen;

(3) malathion as a spermatogen; and

(4) hazards of pesticides to sensitive members of the population.

(b) Biology of the Medfly in California.

(c) Impact of treatment on nontarget beneficial insects, including bees.

(d) Degradation of malathion in water and soil.

These issues were addressed in the environmental assessment prepared by APHIS. When aerial application of malathion bait (alternative (g)) is undertaken public informational efforts will be expended to further advise the public of any additional precautions to be taken. To the extent possible, this will include door-to-door written notice, the holding of public meetings in the potential treatment area, and increased use of available media.

Based on the assessment, it is concluded that:

Considering the nature and amount of the pesticides involved, no significant adverse environmental effects are anticipated from the implementation of any of the program alternatives. A review of environmental effects of malathion has been made. APHIS feels that based on the properties of the malathion involved in this program, the rates of applciation, and existing toxicological data, there would be no cumulative or secondary adverse effects on the environment.

Considering the nature and amount of the pesticides involved, no significant adverse environmental effects are anticipated from the implementation of any of the program alternatives. With respect to human impacts, the toxic properties of malathion have been studies extensively. The material has a relatively low potency requiring measurably large doses to produce its toxic effects in humans. Based on proposed application rates, the amount of malathion to be introduced into the environment represents virtually no acute toxic hazard to individuals who may come in contact with the materials. Malathion and malaoxan, a metabolite, have been evaluated for their potential to induce tumors. The final interpretation of these studies by the scientists charged with reviewing this information for purposes of public safety are that neither malathion nor malaoxan is associated with tumor induction under the conditions of study. Other studies have demonstrated that administration of malathion to pregnant animals does not result in miscarriages or birth defects.

Prolonged administration of malathion has not been associated with any permanent nerve damage to animals exposed to maximum tolerated doses. There is no evidence of delayed onset toxicity subsequent to the administration of acutely toxic doses of malathion.

Malathion has been tested for allergic sensitivity. Under extreme conditions of direct application of malathion to the skin followed by covering the application area, it has resulted in skin reactions which later subside.

Employees handling malathion during its manufacture, who show a tendency for production of skin sensitivity when tested with occlusive dressings as described above, do not demonstrate these same reactions when exposed to material under normal conditions. There is no relationship to the chemical reaction with paint and any potential for malathion to cause skin damage. Under the proposed applications of malathion, no health hazard has been identified other than that which might occur in association with accidents, such as concentrated spills on workers handling concentrated materials or in the unlikely event of an aircraft accident, wherein the physical damage is far more threatening than any potential toxic hazards.

With respect to all other environmental effects of malathion, a review has also been made. It is felt that based on the properties of the malathion involved in this program, the rates of application, and existing toxicological data, there would be no cumulative or secondary adverse effects on the environment.

[2] A larval infestion is considered to exist when one or more larvae are found at one location.

It should be noted that the use of malathion in this program is at a rate which is lower than that which has been approved by EPA for public health mosquito control. Furthermore, EPA has reviewed this proposed use of malathion and, as a result of that review, has issued an exemption pursuant to Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing its use in the Medfly cooperative program in California.

Done at Washington, D.C., this 13th day of July 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine Animal and Plant Health Inspection Service.

[FR Doc. 81-20801 Filed 7-13-81; 12:18 pm]

BILLING CODE 3410-34-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 134
Tuesday, July 14, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M-322, July 9, 1981]

TIME AND DATE: 9:30 a.m., July 16, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Draft NPRM to allow carriers to charge the sum of the fares for segments on a route between two points instead of the through fare, when the sum of the segments is less. (Memo 629, OGC, BIA, BDA)
3. Docket 38470—Amendment to Part 296, Permission for Cooperative Shippers Association To Act As Agents of Direct Carriers. (Memo 118-B, OGC, BDA)
4. Docket 36244, Notice of intent of Pioneer Airways to suspend service at McCook, Kearney, Hastings and Columbus, Nebraska. (BDA, OCCR)
5. Docket EAS-759—Appeal of Bowling Green—Warren County Airport Board of the essential air service eligibility determination for Bowling Green, Kentucky. (Memo 639, OGC, OCCR, BDA)
6. Docket EAS-791—Appeal of the City of Moab, the Grand County Commission, and the Utah Air Travel Commission of the section 419(b) essential air service eligibility determination for Moab, Utah. (Memo 641, OGC, OCCR, BDA)
7. Docket EAS-634 and 37703, Essential Air Service Determination for Aguadilla, Puerto Rico and Carrier Selection for Aguadilla. (Memo 333-A, BDA, OCCR, OGC)
8. Docket EAS-555 and 34513, Petition of the Port of Astoria for determination of essential air transportation at Astoria/Seaside, Oregon. (Memo 646, BDA, OCCR, OC)
9. Dockets 39027 and 39031, Petition of Big Sky Airlines for amendment of final subsidy rate for service at Jamestown and Devils Lake, North Dakota. (Memo 426-A, BDA, OCCR, OC)
10. Docket 38744, Time limits for filing overcharge claims in international air transportation. (BDA, BIA, BCCP)
11. Commuter carrier fitness determination of Trans California Airlines, Inc. (BDA)
12. Commuter carrier fitness determination of Pinehurst Airlines, Inc. (BDA)
13. Commuter carrier fitness determination of Comair, Inc. (Memo 647, BDA)
14. Docket 32660, IATA agreements proposing major revisions in the IATA fare construction rules for international passenger services. (Memo 559, BIA, BDA, OGC)
15. Dockets 39542, 39543, 39539, Applications of Eastern, Republic and Northwest for issuance of certificates to operate between the United States and Canada. (BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1076-81 Filed 7-10-81; 3:05 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 13, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance (proposed new banks):

Northridge Bank, a proposed new bank, to be located at the southwest corner of Corbin Avenue and Nordhoff Place, Los Angeles (Northridge), California.

Lumpkin County Bank, a proposed new bank, to be located at the corner of Maple and Chestatee Streets, Dahlonega, Georgia.

First Missouri Bank of Washington, a proposed new bank, to be located at the intersection of Missouri Highway A and Highway 100, Washington, Missouri.

Applications for Federal deposit insurance (United States branches of foreign banks):

Banco Safra S.A., Sao Paulo, Brazil, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 1114 Avenue of the Americas, New York, New York.

Bank Hapoalim B.M., Tel Aviv, Israel, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 6501 Wilshire Boulevard, Los Angeles, California.

United Mizrahi Bank, Ltd., Tel Aviv, Israel, for Federal deposit insurance of deposits received at and recorded for the account of its proposed branch to be located at 727 West Seventh Street, Los Angeles, California.

Applications for consent to merge and establish branches:

United Bank & Trust Company, Hartford, Connecticut, for consent to merge, under its charter and title, with Vernon National Bank, Vernon, Connecticut, and to establish the three offices of Vernon National Bank as branches of the resultant bank.

Suffolk Franklin Savings Bank, Boston, Massachusetts, for consent to merge, under its charter and with the title "Mutual Bank for Savings," with Mutual Bank for Savings, Newton (P.O. Newton Centre, Massachusetts, and to establish the eleven offices of the Mutual Bank for Savings as branches of the resultant bank.

The Berlin City Bank, Berlin, New Hampshire, for consent to merge, under its charter and title, with Peoples National Bank of Groveton, Groveton, New Hampshire, and to establish the sole office of Peoples National Bank of Groveton as a branch of the resultant bank.

The Mason Village Savings Bank, Greenville, New Hampshire, for consent to merge, under its charter and with the title "Village Savings Bank", with Peterborough Co-Operative Bank, Peterborough, New Hampshire, and to establish the sole office of Peterborough Co-Operative Bank as a branch of the resultant bank.

American Bank and Trust Co. of Pa., Reading, Pennsylvania, for consent to merge, under its charter and title, with The Brownstown National Bank, Brownstown, Pennsylvania, and to establish the three offices of The Brownstown National Bank as branches of the resultant bank.

NorthWest Bank, Seattle, Washington, for consent to merge, under its charter and title, with Bank of Kirkland, Kirkland, Washington, and to establish the sole office of Bank of Kirkland as a branch of the resultant bank.

Request for repeal of conditions previously imposed in granting consent to merge:

Central Bank, Oakland, California.

Request for rescission of a condition imposed in granting consent to purchase bank premises:

Bank of Orchard Mesa, Grand Junction, Colorado.

Request by the Comptroller of the Currency that the Corporation, pursuant to section 10(b) of the Federal Deposit Insurance Act, assist in an examination of a national bank.

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,809–NR—First National Bank of Ursa, Ursa, Illinois
Case No. 44,832–L—Birmingham Bloomfield Bank, Birmingham, Michigan
Case No. 44,847–L—Southern National Bank, Birmingham, Alabama
Memorandum and Resolution re: Franklin National Bank, New York, New York
Memorandum and Resolution re: Bank of Enville, Enville, Tennessee

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), and (c)(6), (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Reports of committees and officers:

Report of the Director, Office of Corporate Audits:
Audit Report re: Receivership Dividend System.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 6, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1069-81 Filed 7-10-81; 9:34 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, July 13, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.
Morgan, Lewis & Bockius, Philadelphia, Pennsylvania, in connection with the liquidation of Centennial Bank, Philadelphia, Pennsylvania.
Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan (Hato Rey), Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,838–SR—The Citizens State Bank, Viola, Kansas
Memorandum and Resolution re: Gateway National Bank of Chicago, Chicago, Illinois and Guaranty Bank & Trust Company, Chicago, Illinois

Memorandum and Resolution re: Amendments to Part 328 of the Corporation's rules and regulations, entitled "Advertisement of Membership."

Memorandum and Resolution re: Amendments to the Corporation's statement of policy entitled "Applications Under Section 19 of the Federal Deposit Insurance Act."

Memorandum and Resolution re: Publication of Plan for Review of Rules, as required by the Regulatory Flexibility Act of 1980.

Memorandum proposing the appointment of an agent for service of process in the State of North Carolina.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 6, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1070-81 Filed 7-10-81; 9:43 am]

BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, July 20, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: July 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1077-81 Filed 7-10-81; 3:41 pm]

BILLING CODE 6210-01-M

5

NATIONAL SCIENCE BOARD.

(Executive Committee, acting on behalf of the Board)

DATE AND TIME: July 17, 1981, 11 a.m.

PLACE: Room 520, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

STATUS: This meeting will be closed to the public.

MATTER TO BE CONSIDERED: Recommendations to the Administration and the Congress for fiscal year 1983 and subsequent years on science and engineering education.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, 202/357–9582.

[S-1073-81 Filed 7-10-81; 1:32 pm]

BILLING CODE 7555-01-M

6

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–24]

TIME AND DATE: 9 a.m., Tuesday, July 21, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Cascade Airways, Inc., Beech 99A, N390CA, Spokane, Washington, January 20, 1981.
2. *Recommendation* to the Federal Aviation Administration regarding interference of cockpit voice levels with flightcrew speech communication.
3. *Aircraft Accident Report:* McDonnell-Douglas, Inc., DC–9–80, N1002G, Yuma, Arizona, June 9, 1980.
4. *Pipeline Accident Report:* William Pipe Line Company Gasoline Explosion and Fire, Roseville, Minnesota, April 16, 1980; *Recommendations* to the Williams Pipe Line Company, the American Petroleum Institute, the American Gas Association, and the Interstate Natural Gas Association of America.
5. *Highway Accident Report:* East Side Church of Christ Bus Skid and Overturn, U.S. Route 183, Near Luling, Texas; *Recommendations* to the Texas Department of Public Safety, the Texas Department of Highways and Public Transportation, the Federal Highway Administration, and the National Highway Traffic Safety Administration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

July 10, 1981.

[S-1074-81 Filed 7-10-81; 2:00 pm]

BILLING CODE 4910-58-M

7

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–25]

TIME AND DATE: 9 a.m., Thursday, July 23, 1981.

PLACE: NTSB Board Room National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Study:* Railroad Locomotive Safety Control Devices; *Recommendations* to the Federal Railroad Administrations.
2. *Letter* to Ms. Paula G. Morton regarding reconsideration of probable cause—Butler Aircraft, Inc., Douglas DC–7, Klamath Falls, Oregon, September 14, 1979.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

July 10, 1981.

[S-1075-81 Filed 7-10-81; 2:10 pm]

BILLING CODE 4910-58-M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Week of July 13, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Friday, July 17* (3:00 p.m.):

1. Affirmation/Discussion Session (Public Meeting)

Affirmation and/or Discussion and Vote:

a. PRM to Reduce or Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance (delayed from July 9)

b. Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM (tentative) (delayed from July 9)

ADDITIONAL INFORMATION: Affirmation of Provision of Free Transcripts to all Full Participants in Adjudicatory Proceedings scheduled for July 9 was cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

July 10, 1981.

[S-1078-81 Filed 7-10-81; 3:34 pm]

BILLING CODE 7590-01-M

9

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

[1PO401]

TIME AND DATE: 9:30 a.m., Thursday, July 16, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 7 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5926.

[S-1079-81 Filed 7-10-81; 3:57 pm]

BILLING CODE 4410-01-M

10

POSTAL SERVICE.

Board of Governors

Notice of Closed Meeting

During its July 7, 1981, meeting the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the meeting. The portion to be closed was to involve a discussion of the

Decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Governors of the United States Postal Service* v. *United States Postal Rate Commission.*

The Governors determined, pursuant to 5 U.S.C. 552b(c)(10) that the portion of the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act in that it was likely to specifically concern agency participation in a civil action or proceeding.

The Governors voting in favor of closing this portion of the meeting were: Camp, Ching, Hardesty, Hughes, Hyde, Jenkins and Sullivan. Governor Babcock was absent.

Prior to the July 7 meeting, the Board of Governors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the **Federal Register** on June 30, 1981, (46 FR 33695). On July 7, the Governors determined that the timely discharge of their responsibilities required that the portion of the meeting in question should be closed, notwithstanding the fact that the published agenda for the meeting had not stated that this portion would be closed.

The Governors determined that the public interest did not require that this portion of the meeting be open to the public, since a failure to discuss litigation strategies without the inhibitions to candor that might result from holding such a discussion in public (quite possibly with opposing counsel in attendance) would be inconsistent with the public's interest in having the Governors arrive at their Decision only after a candid analysis of how the various alternatives open to them might best be analyzed in the light of pending litigation.

In accordance with 5 U.S.C. § 552b(c)(10), the General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation.

Louis A. Cox,

Secretary.

[S-1071-81 Filed 7-10-81; 10:24 am]

BILLING CODE 7710-12-M

11

POSTAL SERVICE.

BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on July 7, 1981, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its meeting scheduled for August 4, 1981. Each of the members of the Board who were present voted in favor of closing this portion of the meeting. The meeting is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox, and Counsel to the Governors Califano.

The portion of the meeting to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies and positions in connection with collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1981.

In making the decision to schedule this matter for its August 4 meeting, the Board noted that the Postal Service hopes to reach agreement with the other parties before that time, and that, in this event, the matter will not need discussion at that meeting.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and position be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), and (9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-1072-81 Filed 7-10-81; 10:24 am]

BILLING CODE 7710-12-M

federal register

Tuesday
July 14, 1981

Part II

Department of Health and Human Services

Office of the Secretary
Food and Drug Administration

Periodic Review of Agency Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Periodic Review of Rules

AGENCY: Department of Health and Human Services (HHS), Office of the Secretary.

ACTION: Notice of plan for periodic review of rules.

SUMMARY: This notice describes the Department's plan for periodic review of rules to minimize regulatory burdens, as required by the Regulatory Flexibility Act and Executive Order 12291. This notice also invites the submission of data, information, and views to assist the Department in deciding priority order of the review.

DATE: Data, information, and views by September 15, 1981.

ADDRESSES: Addresses for submitting comments and information in response to this notice are listed at the end of the notice.

FOR FURTHER INFORMATION CONTACT: Walton Francis, Director for Policy Analysis and Research, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary, Department of Health and Human Services, Washington, D.C. 20201, (202) 245-0291, or the contact person for a specific division or agency of the Department listed at the end of this notice.

SUPPLEMENTARY INFORMATION:

Background

The Regulatory Flexibility Act, Public Law 96-354, was enacted on September 19, 1980. The Act's basic purpose is to improve Federal rulemaking by requiring agencies to analyze alternative regulatory approaches to minimize cost burdens on small businesses and other small entities.

Section 610 of the Act requires each agency to publish in the **Federal Register** a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities. The plan must provide for the review of all such agency rules existing on January 1, 1981, within ten years. The plan must also provide for the review of all such rules adopted after January 1, 1981, within ten years of their publication as final rules.

The purpose of the periodic reviews of regulations is to determine whether such rules should be continued without change, or should be amended or rescinded, to minimize any significant econmic impact of the rules upon a substantial number of small businesses, small organizations, or small governmental jurisdictions.

Similarly, the President issued Executive Order 12291 on February 17, 1981. The basic purpose of the Executive Order is to minimize unnecessary regulatory burden. Section 3 of the Executive Order requires that each agency initiate a review of its currently effective rules and determine whether these rules should be retained without change, modified, or revoked.

Both the Act and the Executive Order separately require that we publish a list of the rules that are to be proposed, including revisions of existing rules, during the succeeding twelve months. We intend to use the semiannual regulations agenda, which we publish in October and April each year, to keep our periodic review lists current. Our April agenda, which appears at page 24424 of the April 30, 1981 issue of the **Federal Register** (FR) lists several regulations under development or review that are identified as potentially having a significant economic impact on a substantial number of small entities, or as otherwise involving the possibility of reducing regulatory burdens.

Review Plan

To implement the Regulatory Flexibility Act and E.O. 12291, the operating divisions of the Department and those staff divisions which administer rules will inventory and review all regulations for the purpose of selecting those regulations that should receive early, indepth review and revision, where necessary, to reduce regulatory burdens. Existing regulations will be scheduled for review and reviewed in an order of priority established by each division, subject to Secretarial approval.

In prioritizing existing regulations for review, agencies and offices of the Department will seek to identify for earliest review those regulations for which revision will most advance the following principles:

1. Insure that all regulations are clearly within the authority delegated by law and consistent with Congressional intent.
2. Emphasize private market forces whenever feasible, rather than government mandate, when developing policies to reach desired objectives.
3. Provide maximum flexibility to State and local governments.
4. Minimize Federal, State, local, and private costs.
5. Prevent fraud, abuse, waste, and inefficiency.
6. Eliminate regulations not serving a compelling Federal interest, or reform those not implemented in the least intrusive means available.

The Department has undertaken review of three major sets of regulations in connection with activities of the President's Task Force on Regulatory Relief. These regulations have a significant impact on small entities. These reform activities already underway are:

1. Reform of new drug application procedures of the Food and Drug Administration.
2. Revision of Medicaid regulations to provide for greater flexibility and more cost-efficient administration for States.
3. Reduction of regulations involving health care certifications and surveys under the Medicare and Medicaid programs.

The Department's divisions are also preparing annual regulations plans. These plans will be a significant means for implementing the requirements of the Regulatory Flexibility Act pertaining to review of existing regulations. The plans will describe how each agency head intends to accomplish the agency's and the Department's regulatory goals through either the development of new regulations or the revision and elimination of existing regulations.

The Department's semiannual agenda will advise the public of regulations selected for review pursuant to the plans and the status of regulations under review.

In addition to reviewing specific regulations in their entirety, the Department will review groups of regulations for specific kinds of issues that cut across program lines. For example, the Deparmtent is currently reviewing all reporting and recordkeeping requirements prescribed by regulations, in order to comply with the review requirements of the Paperwork Reduction Act.

Careful review of regulations can require a significant amount of time and resources. Regulations that have been developed and amended over many years may have economic impacts that cannot be readily or hastily assessed. Therefore, a division may review only a few of its more complex regulations each year or it may review serveral less complex regulations. In deciding how much review activity can be undertaken each year, the Department will consider what is practicable and reasonable in light of its current resources and other responsibilities. Although the Department will prioritize regulations for review and provide information on the order in which they will be reviewed, establishing long range schedules with specific dates for the beginning and ending of reviews is not feasible at this time. However, the Department will meet the objective of screening all regulations that may affect small entities, reviewing those selected for priority review as soon as possible, and reviewing all others within the 10-year period required by the Act. Agencies within the Department may issue supplementary notices or take other initiatives to help implement the regulation review requirements of the Act and Executive Order 12291. The Food and Drug Administration is issuing a notice, which follows this one, announcing its plan for review of its rules to minimize regulatory burdens while maintaining an acceptable level of consumer protection.

Public Participation

In order to achieve the maximum benefit from the review and modification of existing rules, it is important that to the extent possible the more costly and burdensome rules be reviewed first. This, in turn, requires information on the potential for cost reduction. We believe that the public, especially those most affected by existing rules, is uniquely able to advise us on this potential. Accordingly, we are inviting data, information, and views to assist us in deciding priority order of review.

The Department has already received, and will continue to take, comments and information concerning the review of existing regulations from a wide range of sources. The Department already has comments on its regulations furnished to the President's Task Force on Regulatory Relief. Several States have submitted extensive suggestions directly to the Department. The Regulations Review Task Force of the Health Care Financing Administration has also solicited and received suggestions. These and other suggestions need not be resubmitted, as the Department will consider them thoroughly.

Comments will be most helpful when they clearly identify the regulation to which the comment is addressed and clearly and specifically explain why and how the regulation imposes unnecessary or disproportionately burdensome demands on those regulated, particularly small entities, adversely affects competition in the marketplace, discourages innovation or restricts improvements in productivity, creates entry barriers in an industry or restricts improvements in productivity, creates entry barriers in an industry or discourages potential entrepreneurs from introducing beneficial products and processes, or otherwise imposes unnecessary costs. The submission of information or references to information, particularly data concerning the costs of the regulation, that supports the comment is encouraged.

Comments should, wherever possible, be sent directly to the division of the Department which administers the particular rule(s) discussed. The major divisions of the Department are (1) the Office of Human Development Services which administers a broad range of social and rehabilitation services and human development services programs designed to deal with the problems of specific populations, including the elderly, children of low income families, persons with mental or physical handicaps, runaway youth, and Native Americans; (2) the Public Health Service, which stimulates and assists States and communities with the development of local health resources and the further development of education for health professions; assists with improvement of the delivery of health services to all Americans; conducts and supports research in the medical and related sciences and disseminates scientific information; protects the health of the Nation against impure and unsafe foods, drugs and cosmetics, and other potential hazards; and provides national leadership for the prevention and control of communicable disease and other public health functions; (3) the Health Care Financing Administration, which oversees the Medicare program, which provides basic health benefits to recipients of social security, and the medicaid program, which provides grants to States for medical services for the needy and medically needy; (4) the Social Security Administration, which administers the national program of contributory social insurance, the supplemental security income program for the aged, blind, and disabled, and the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969; and (5) the Office of the Secretary, which administers civil rights compliance and enforcement policies pertaining to programs of the Department as well as Departmentwide rules concerning grants and contracts.

Comments should be sent to the addressees listed below, depending on the regulations addressed. Comments may be sent to the Office of the Secretary when the responsible division is not known, or when the comment covers several regulatory areas crossing agency lines.

Health Care Financing Administration

Jodi Dunn, Director, Executive Operations, 789 E. High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, (301) 594-7952

Office of Human Development Services

Johnnie Brooks, Director, Division of Policy Coordination, Office of Policy Development, Department of Health and Human Services, 200 Independence Avenue, S.W., Room 722E, Washington, D.C. 20201, (202) 472-4415

Social Security Administration

Charles Rollins, Director, Division of Regulations, OOPP, OR, Social Security Administration, 3B4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6695

Public Health Service (other than FDA)

Robert Spencer, PHS Regulations Officer, Parklawn Building, Room 17B08, Rockville, Maryland 20857

Food and Drug Administration

See the **Federal Register** notice appearing in this issue for information on submission of comments to the FDA.

Office for Civil Rights

William Van den Toorn, Director, Office of Intergovernmental Affairs, Office for Civil Rights, Department of Health and Human Services, Room 5411, North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-0469

Office of the Secretary (other than OCR)

Glenn Kamber, Deputy Executive Secretary (Regulations), Department of Health and Human Services, Room 631-H, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-3161

(5 U.S.C. 610)

Issued in Washington, D.C. on July 8, 1981.

Richard S. Schweiker,
Secretary.

[FR Doc. 81-20531 Filed 7-13-81; 8:45 am]
BILLING CODE 4110-12-M

Food and Drug Administration

[Docket No. 81N-0200]

Review of Agency Rules

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its plan for reviewing its rules to minimize regulatory burdens while maintaining an acceptable level of consumer protection. This notice invites the submission of

data, information, and views to assist FDA in deciding priority order of the review.

DATE: Data, information, and views by September 14, 1981.

ADDRESS: Data, information, and views to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For information on rules:
Richard T. Hunt, Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480, and

For information on submitting data:
Dennis T. Strickland, Planning and Management Communications Staff (HFP–23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1527.

SUPPLEMENTARY INFORMATION: FDA is undertaking a systematic review of its rules. This review is designed to revise or revoke rules imposing significant unnecessary cost burdens and to satisfy the requirements for review in the Regulatory Flexibility Act, Pub. L. 96–354, and Executive Order 12291.

Background

On September 19, 1980, Pub. L. 96–354, the Regulatory Flexibility Act (the Act), was enacted. A provision of the Act, section 610, requires that each Federal agency publish in the **Federal Register** a plan for the periodic review of both existing and new rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. The reviews are to determine whether changes are necessary "to minimize any significant economic impact of the rules upon a substantial number of such small entities." Similarly, Executive Order 12291, issued by the President on February 17, 1981, requires in section 3 that each agency initiate a review of its currently effective rules and, applying the criteria that the Executive Order applies to the development of new rules, determine whether the agency's existing rules should be retained without change, modified, or revoked.

Elsewhere in this issue of the **Federal Register**, the Department of Health and Human Services is issuing a notice on its plan for the periodic review of rules. This notice supplements the Department plan with additional information about FDA procedures for reviewing existing rules.

FDA strongly supports the concept of a periodic review of rules as called for by the Act and the Executive Order.

Changes over the years in technology, relative costs, consumer behavior, medical practice, and industry standards and practices clearly justify the agency's reexamination of its rules in order to determine which ones need to be revised or eliminated. The agency is issuing this notice to announce its review plan and to invite public participation in its implementation.

Approach

The review of FDA rules will be a major, resource-intensive undertaking. In order for the agency to conduct the review in a thorough manner and with limited resources, it will be necessary for FDA carefully to establish priorities for the review.

The principal criteria that FDA will use in establishing its priorities are (1) the potential for cost reduction and (2) the availability of data. Based on these criteria the regulations will generally be reviewed in the following order:

1. Regulations that appear to offer the greatest opportunity for cost reduction and where data are immediately available to make an informed analysis;
2. Regulations with potential opportunities for cost-reduction but where data are not readily available but are necessary to make an informed analysis; and
3. Regulations that offer little potential cost-saving.

FDA encourages full public participation throughout this review process and in this notice specifically solicits information from the public to assist the agency in establishing its priorities under this plan.

The Plan For Reviewing Existing Rules

FDA is gathering all available information that will assist the agency in identifying the existing rules to be reviewed and establishing priorities for their review. FDA has already compiled some data on the impact of regulations as a result of economic analyses and other studies the agency has conducted over the past 5 years. The agency has also received comments on regulatory burdens in recent months, including those forwarded in response to the request of the President's Task Force on Regulatory Relief. However, FDA believes there are many more relevant information and data bases in the possession of the regulated industry, trade associations, universities, and other interested parties that can make an important contribution to the agency's determination of which regulations should be reviewed and establishing priorities for their review. FDA invites, and indeed encourages, the submission of data, information, and views on the following:

1. Identification of the specific existing regulations or groups of regulations which are perceived to be unnecessarily costly or otherwise burdensome or without significant public benefit. Respondents should, if possible, cite CFR part or section number when listing those regulations to be reviewed. If respondents identify a large category of regulations, e.g., labeling requirements, they should suggest priorities for the review of individual regulations within that category.

2. Sources of available information concerning the potential cost reductions to be derived from revising or revoking rules. Respondents should, if possible, describe the type of the data (direct costs, indirect costs, tangible benefits, etc.); the source of the data (corporate records, privately funded studies, etc.); the scope of the information (one firm, one industry, etc.); and any special sector impacts (small business, importers, private label manufacturers, etc.). The most useful information is that which isolates cost reductions or benefits attributable to modification or elimination of a specific FDA regulation, i.e., those that can separate FDA's regulatory burden from the nonregulatory costs attributable to general advances in scientific sophistication, changing production processes or different medical, legal, or societal standards. However, other cost data such as the total costs attributable both to FDA and to other factors may be of use.

Based upon its review and evaluation of any data, information, and views submitted in response to this notice along with other available data, FDA will (1) establish review priorities in each program area; and (2) combine these program priorities into an agency-wide priority list.

Conduct of Reviews

When a regulation is selected for review, the analysis will be conducted in accordance with Executive order 12291, to determine, among other things, whether "the potential benefits to society from the regulation outweigh the potential cost to society," to the extent permitted by law. The agency anticipates that the first step in any such review will be the assemblage of all relevant data on the cost and benefits of the specific regulation. The agency will request as necessary further data and information on each specific rule as it is

reviewed under this plan. The actual review of each regulation will also consider the following factors:

1. The continued need for the rule;
2. The nature of complaints or comments received concerning the rule from the public;
3. The complexity of the rule;
4. The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and to the extent feasible, with State and local governmental rules; and
5. The length of time since the rule has been evaluated or the degree to which technology, economic consideration, or other factors have changed in the area affected by the rule.

FDA will list in its semi-annual agenda of regulations, published in the **Federal Register** in April and October of each year, those rules that the agency intends to review during the succeeding 12 months. As each rule is revised or revoked, interested persons will be provided an opportunity to participate fully through rulemaking procedures.

Periodic Reconsideration

The inventory of FDA rules will change over time as a result of this review and the promulgation of new rules. Consequently, the agency believes that the list of priorities established as a result of the present priority setting effort will need periodic review and revision. The agency will review the priority list at appropriate intervals and, with input from interested parties, revise the priority order of all rules published prior to the date of the revision.

Interested persons may, on or before September 14, 1981, submit to the Dockets Management Branch (HFA–305), address above, data, information, and views in response to this notice. Submissions should be in four copies (except that individuals may submit one copy), identified with the docket number found in brackets in the heading of this document. Received submissions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 8, 1981.

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

[FR Doc. 81–20532 Filed 7–13–81; 8:45 am]
BILLING CODE 4110–03–M

V 46 JL 14 81 UMI

federal register

Tuesday
July 14, 1981

Part III

Department of Education

Law School Clinical Experience Program

DEPARTMENT OF EDUCATION

34 CFR Part 639

Law School Clinical Experience Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Law School Clinical Experience Program. These final regulations implement Title IX, Part E of the Higher Education Act of 1965, as amended by the Education Amendments of 1980. These final regulations give guidance to applicants by broadly defining the types of projects the Secretary intends to support under this program. These regulations also specify the selection criteria to be used in evaluating applications.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow, Telephone (202) 245-2347.

SUPPLEMENTARY INFORMATION: The Law School Clinical Experience Program provides assistance to accredited law schools to establish or expand their programs of clinical experience for students in the practice of law. Clinical programs are designed to instill professional responsibility and to improve learning among law students, through actual or simulated legal services to clients. Under the provisions of the Higher Education Act, prior to reauthorization, support has been provided almost solely to those programs concerned with the trial and preparation of cases. The Higher Education Act, as amended, broadens the focus of the program to include training for prospective lawyers in a wide variety of lawyering skills through simulated experiences as well as actual client services. However, consistent with the legislative history of the statute, preference in the award of funds will continue to be given to those programs providing (1) experience in the preparation and trial of actual cases, including administrative cases and the settlement of controversies outside the courtroom, and (2) service to persons who have difficulty in gaining access to legal representation.

The legislation permits the Secretary to pay up to 90 percent of the costs of projects at law schools. These final regulations permit the Secretary to establish annually a lower maximum Federal share. In implementing this provision we are establishing, in the application notice for fiscal year 1981, a maximum Federal share of 80 percent. The funding level for the Law School Clinical Experience Program is expected to be $3 million for fiscal year 1981.

These final regulations include sections on eligible parties, authorized activities, selection criteria to be used by the Secretary in evaluating applications, and eligible project costs.

Summary of Comments and Responses

In the Notice of Proposed Rulemaking published in the **Federal Register** on December 31, 1980 (45 FR 86890), the Secretary of Education invited comments on the proposed regulations to implement Title IX, Part E of the Higher Education Act of 1965, as amended. Some commenters agreed with all of the provisions of the proposed regulations. The following is a summary of the other comments received and the responses of the Department of Education.

Comment: Two commenters noted that the funding preference for programs concerned with the trial and preparation of actual cases seems to place simulation programs at a severe disadvantage and will stifle the possibility of creating new simulation programs.

Response: No change has been made in the regulations. These regulations broaden the focus of the program to include, for the first time, training for lawyers through simulated experience. However, consistent with the legislative history of the statute (S. Rept 96-733 at 73; H. Rept 96-520 at 55 on the bills in the 96th Congress enacted as the Education Amendments of 1980 (Pub. L. 96-374)), preference in the award of funds will be given to those programs providing legal experience in the preparation and trial of actual cases, including administrative cases and the settlement of controversies outside the courtroom.

Comment: One commenter asked that authorized activities be expanded to include the establishment and development of a legislative program.

Response: No change has been made in the regulations. Section 639.10(a)(2)(i) specifies that legal skills may be taught by involving the students in "judicial, administrative, executive, or legislative proceedings."

Comment: One commenter asked that the description of the program in § 639.1(b) be expanded to include volunteer legal services.

Response: No change has been made in the regulations. This section is intended to define in a general way the major activities supported under the program. Specific types of legal services are not identified.

Comment: One commenter suggested that the funding criteria be expanded to list disadvantaged children in the definition of groups served under the program.

Response: No change has been made in the regulations. Section 639.30(a)(1) gives priority to clinical programs that prepare and try actual cases and serve clients who have difficulty gaining access to legal representation. Legal services to disadvantaged children would come within this provision.

Comment: One commenter questioned whether the funding criterion relating to faculty supervision of students meant only full-time, tenure-track faculty.

Response: While faculty supervision of students is an important element of an effective clinical legal education program, these final regulations are not intended to specify how a law school should provide that supervision. The quality of the plan of supervision will be judged by a panel of field readers based solely upon its merits.

Comment: Two commenters noted that the limitation of the Federal grant to less than 90 percent of the project cost, the maximum established in the statute, would place financial hardship on a law school and might decrease the likelihood of clinical legal education being offered.

Response: No change has been made in the regulation. A major objective of this program is to increase the financial commitment of a law school to clinical legal education. Support of clinical legal education is not considered a permanent Federal responsibility. This is recognized by the statute, which authorizes the Secretary to pay "not to exceed" 90 percent of project costs. The proposed reduction of the Federal share from 90 percent in FY 1980 to 80 percent in FY 1981 mentioned in the preamble to the Notice of Proposed Rulemaking supports the program's objective.

Comment: One commenter noted that the maximum award limit of $100,000 per institution per fiscal year was an insufficient amount given the expenses of a clinical legal education program.

Response: No change has been made in the regulations. The $100,000 limit per institution is established by section 951(c) of the statute and cannot be changed by regulation.

A number of technical changes have been made in the regulations. Also, the provision on eligible costs has been revised and section 639.40(d), which prohibited paying stipends to students, has been deleted.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance No. 84.097, Law School Clinical Experience Program)

Dated: July 9, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 639 of Title 34 of the Code of Federal Regulations to read as follows:

PART 639—LAW SCHOOL CLINICAL EXPERIENCE PROGRAM

Subpart A—General

Sec.

639.1 Law School Clinical Experience Program.
639.2 Eligible parties.
639.3 Regulations that apply to the Law School Clinical Experience Program.
639.4 Definitions.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

639.10 Authorized activities.

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

639.30 How does the Secretary evaluate an application?
639.31 What selection criteria does the Secretary use?

Subpart E—What Conditions Must a Grantee Meet?

639.40 Costs.

Authority: Part E of Title IX of the Higher Education Act as amended by Pub. L. 96-374 (94 Stat. 1367, 1467; 20 U.S.C. 1134n-1134p).

Subpart A—General

§ 639.1 Law school clinical experience program.

(a) The Law School Clinical Experience Program provides assistance to accredited law schools for establishing or expanding programs of clinical experience for students in the practice of law.

(b) Expanding programs of clinical experience includes, but is not limited to, any of the following:

(1) Development of new areas of clinical experience.

(2) Increase in the number of participating students.

(3) Provision of appropriate and improved supervision.

(4) Development and implementation of new teaching techniques.

(20 U.S.C. 1134n)

§ 639.2 Eligible parties.

The following are eligible to apply:

(a) Individual law schools that have been accredited by a nationally recognized agency approved by the Secretary.

(b) A combination or consortium of accredited law schools.

(20 U.S.C. 1134n(d))

§ 639.3 Regulations that apply to the law school clinical experience program.

The following regulations apply to grants under the Law School Clinical Experience Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions); and

(b) The regulations in this Part 639.

(20 U.S.C. 1221e-3; 3474)

§ 639.4 Definitions.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in EDGAR, 34 CFR Part 77:

Applicant
Application
Award
Contract
Department
EDGAR
Grant
Project
Secretary

(b) *Definitions that apply to this part.* The following definition applies to this part:

"Simulation" is a learning exercise that examines and helps to explain a theory or concept by requiring a law student, as an active participant, to simulate the role of a lawyer confronted with a legal problem of a client (See § 639.10(b) for exclusions).

(20 U.S.C. 1134n(a))

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 639.10 Authorized activities.

(a) Authorized activities under this program include the development—through simulation, or actual experience, or both—of skills usable in the practice of law.

(1) These skills include, but are not limited to, interviewing witnesses, factual and related investigation and analysis, counseling clients, negotiating compromises, drafting documents, advocacy before legal decision-makers, and training in professional responsibility.

(2) These skills may be taught by involving the students in any one or more of the following:

(i) Judicial, administrative, executive, or legislative proceedings;

(ii) office or house counsel problems; or

(iii) factual investigation, empirical research, or policy or legal analysis.

(b) The Secretary does not fund moot court activities or student exercises of the type usually performed in courses on legal research and writing.

(20 U.S.C. 1134n(a); H. Rept. 96-520 at 55-56)

Subpart C [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 639.30 How does the Secretary evaluate an application?

(a)(1) Unless other applications are of outstanding quality, the Secretary first funds applications that propose the following activities:

(i) Preparation and trial of actual cases, including administrative cases and the settlement of controversies outside the courtroom; and

(ii) Service to persons who have difficulty in gaining access to legal representation.

(2) As used in paragraph (a)(1) of this section, the term "applications of outstanding quality" means those applications that score in the top 10 percent of all applications for which funds are available.

(b) Subject to paragraph (a) of this section, the Secretary evaluates an application on the basis of the criteria in § 639.31.

(1) The Secretary awards up to 100 possible points for these criteria.

(2) The maximum possible score for each criterion is indicated in parentheses following the title.

(c) Among applications of relatively equal quality, the Secretary may give priority to applications that:

(1) Ensure a wide geographic distribution throughout the United States of law school clinical experience programs; and (20 U.S.C. 1134o(b))

(2) Ensure that a wide variety of client groups are served.

(20 U.S.C. 1134n(a); S. Rept. 96-733 at 72-73; H. Rept. 96-520 at 55)

§ 639.31 What selection criteria does the Secretary use?

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows

the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Fiscal commitment.* (15 points)

The Secretary looks for information that shows the degree to which the institution's regular budget provides funds for its clinical legal education program.

(g) *Faculty supervision.* (20 points)

The Secretary reviews each application for information that shows the extent to which the proposed project will increase the participation of law school faculty in the supervision of students under the clinical legal education program.

(h) *Academic credits.* (10 points)

The Secretary reviews each application for information that shows that the proposed program of law school clinical experience provides for the award of academic credits to participating students.

(20 U.S.C. 1134n(a))

Subpart E—What Conditions Must a Grantee Meet?

§ 639.40 Costs.

(a)(1) The Secretary makes available funds to cover up to 90 percent of the cost of establishing and expanding a Law School Clinical Experience project, subject to the limitations and applicable cost principles in EDGAR.

(2) The Secretary annually may establish a lower maximum Federal share that may take into account the number of years that a grantee has been funded under this program.

(b) Federal funds for a particular law school or consortium of law schools may not exceed $100,000 in any fiscal year, no part of which may be used to pay for indirect costs or charges.

(c) Allowable costs are direct costs incurred in carrying out an approved project, including:

(1) Planning;

(2) Training of faculty members and salary for additional faculty members;

(3) Travel and per diem for faculty and students;

(4) Reasonable stipends for students for work in the public service performed as part of any such program at a time other than during the regular academic year;

(5) Equipment and library resources;

(6) Involving practicing lawyers in the process of training law students to perform as lawyers; and

(7) Such other items as are allowed pursuant to these regulations.

(20 U.S.C. 1134n(b) and (c))

[FR Doc. 81-20660 Filed 7-13-81; 8:45 am]

BILLING CODE 4000-01-M

federal register

Tuesday
July 14, 1981

Part IV

Department of Education

State Student Incentive Grant Program

DEPARTMENT OF EDUCATION

34 CFR Part 692

State Student Incentive Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: These regulations simplify existing rules for the State Student Incentive Grant (SSIG) Program and incorporate statutory changes made by the Education Amendments of 1980.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect August 28, 1981. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Regional Office Building 3, Room 3674, 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 472–4265.

SUPPLEMENTARY INFORMATION: On December 30, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 CFR 86304–86306).

The proposed regulations simplified the language and requirements of the existing regulations, telescoped initial and continuation awards into a single program, and otherwise conformed the regulations to changes made by the Education Amendments of 1980 (Pub. L. 96–374). Interested parties were given 45 days to submit comments and recommendations. In response to one comment, a technical adjustment was made in the regulations regarding State determination of student financial need (§ 692.41). No other comments were received.

The regulations for the SSIG program were initially published in the **Federal Register** on September 14, 1977 as Part 192 of Title 45 of the Code of Federal Regulations. As a result of the creation of the Department of Education, the regulations were recodified as Part 692 of Title 34 of the Code of Federal Regulations. In the notice of proposed rulemaking published in the **Federal Register** on December 30, 1980, the program regulations were reorganized. The following table shows where the previous regulations have been incorporated into these regulation.

Previous regulations	These regulations
(34 CFR Part 692—Formerly 45 CFR Part 192)	
§ 692.1	692.1, 692.10
692.1–1	692.3
692.2 (Definitions of "continuation award," "cost of education," "dependent student," "expected family contribution of a dependent student," "expected family contribution of an independent or self-supporting student," "half-time student," "independent student," "initial award," "National of the United States," "undergraduate student").	Deleted
692.2 (All other definitions)	692.4
692.3	Deleted (covered by the statute)
692.4(a)–(c), (e)–(h), (j)	692.21
692.4(d)	692.40
692.4(i)	Deleted (covered by section 1203 of the Act)
692.5	692.20(b)
692.6	692.40
692.7	692.41
692.8	Deleted
692.9	692.21(h)
692.10	692.21(g)

Invitation to Comment

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirements of reducing regulatory burdens, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Dated: July 9, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.069: State Student Incentive Grant Program)

The Secretary revises Part 692 of Title 34 of the Code of Federal Regulations to read as follows:

PART 692—STATE STUDENT INCENTIVE GRANT PROGRAM

Subpart A—General

Sec.

692.1 What is the State Student Incentive Grant Program?
692.2 Who is eligible to participate in the State Student Incentive Grant Program?
692.3 What regulations apply to the State Student Incentive Grant Program?
692.4 What definitions apply to the State Student Incentive Grant Program?

Subpart B—What Does the Department Assist Under This Program?

692.10 For what purposes may a State use its payments under this program?

Subpart C—How Does a State Apply To Participate in This Program?

692.20 What agreement must a State have with the Secretary?
692.21 What requirements must be met by a State program?

Subpart D—[Reserved]

Subpart E—How Does a State Select Students for Grants?

692.40 What are the requirements for student eligibility?
692.41 What standards may a State use to determine substantial financial need?

Authority: Secs. 415A–415D of Title IV of the Higher Education Act of 1965, as amended, 86 Stat. 255, 90 Stat. 2094, 91 Stat. 218, 94 Stat. 1406–1407 (20 U.S.C. 1070c–1070c–3), unless otherwise noted.

Subpart A—General

§ 692.1 What is the State Student Incentive Grant Program?

The State Student Incentive Grant Program assists States that provide grants to eligible students who attend institutions of higher education and have substantial financial need.

(20 U.S.C. 1070c–1070c–3)

§ 692.2 Who is eligible to participate in the State Student Incentive Grant Program?

(a) *State participation.*

A State that meets the requirements in §§ 692.20–692.21 is eligible to receive payments under this program.

(b) *Student participation.*

A student who meets the requirements of §§ 692.40 is eligible to receive a grant from a State under this program.

(20 U.S.C. 1070c–1)

§ 692.3 What regulations apply to the State Student Incentive Grant Program?

The following regulations apply to the State Student Incentive Grant Program:

(a) The regulations in this Part 692;

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 76 (State-Administered Programs), and in 34 CFR Part 77 (Definitions).

(c) The regulations in 34 CFR Part 604 that implement section 1203 of the Act (Federal-State Relationship Agreements).

(20 U.S.C. 1070c)

§ 692.4 What definitions apply to the State Student Incentive Grant Program?

The following definitions apply to the regulations in this part:

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Nonprofit
Secretary
State

(b) *Definitions in 34 CFR Part 668.* The following definitions in 34 CFR Part 668 apply to the regulations in this part:

Public or private nonprofit institution of higher education (§ 668.2).

Proprietary institution of higher education (§ 668.3).

Postsecondary vocational institution (§ 668.4).

Recognized equivalent of a high school diploma (§ 668.5).

Ability to benefit (§ 668.6).

One year training program (§ 668.7).

Six month training program (§ 668.8).

(c) *Other definitions that apply to this part.* The following additional definitions apply to this part:

"Academic year" means a period of time during which a full-time student is expected to complete the equivalent of one of the following:

(1) Two semesters.

(2) Two trimesters.

(3) Three quarters.

(4) Nine hundred clock hours of instruction.

"Act" means the Higher Education Act of 1965, as amended.

"Clock hour" means a period of time that is equivalent to—

(1) A 50- to 60-minute class, lecture, or recitation; or

(2) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship.

"Full-time student" means a student carrying a full-time academic workload—other than by correspondence—as measured by both of the following:

(1) Coursework or other required activities, as determined by the institution that the student attends or by the State.

(2) The tuition and fees normally charged for full-time study by that institution.

(20 U.S.C. 1070c–1070c–3)

Subpart B—What Does the Department Assist Under This Program?

§ 692.10 For what purposes may a State use its payments under the program?

A State may use its payments under this State Student Incentive Grant Program to—

(a) Make grants to students under new student grant programs; or

(b) Award or expand grants under existing student grant programs by—

(1) Making grants to eligible students;

(2) Increasing the size of grants; or

(3) Awarding grants to additional students.

(20 U.S.C. 1070c)

Subpart C—How Does a State Apply to Participate in This Program?

§ 692.20 What agreement must a State have with the Secretary?

To participate in the State Student Incentive Grant Program, a State must—

(a) Enter into an agreement with the Secretary under section 1203 of the Act (Federal-State Relationship Agreement); and

(b) For each fiscal year that it wishes to participate, submit an application that contains information that shows that the State's student grant program meets the requirements in § 692.21.

(20 U.S.C. 1070c–2(a))

(Cross-reference: See 34 CFR Part 604, Federal-State Relationship Agreements)

§ 692.21 What requirements must be met by a State program?

To receive a payment under this program for any fiscal year, a State must have a program that—

(a) Is administered by a single State agency in accordance with the Federal-State Relationship Agreement under section 1203 of the Act;

(b) Awards grants only to students who meet the eligibility requirements in § 692.40;

(c) Provides that a grant to a full-time student will not be more than $2,000 for each academic year;

(d) Provides for the selection of students to receive grants on the basis of substantial financial need determined annually by the State on the basis of standards that the State establishes and the Secretary approves.

(Cross-reference: See § 692.41.)

(e) Provides that all nonprofit institutions of higher education in the State are eligible to participate unless that participation is in violation of—

(1) The constitution of the State; or

(2) A State statute that was enacted before October 1, 1978.

(f) Provides that, with the approval of the State agency, an institution of higher education may use any proportion of the payments under this program for grants to students who are less than half-time students.

(g) Provides that—

(1) The State will pay at least 50 percent of each grant; and

(2) The amount that the State expends during a fiscal year for grants under this program represents an additional amount for grants to students attending institutions of higher education over the amount expended by the State for that purpose during the second fiscal year before the fiscal year in which the State first received funds under this program;

(h) Provides for State expenditures under the State program of an amount that is not less than—

(1) The average annual aggregate expenditures for the preceding three fiscal years; or

(2) The average annual expenditure per full-time equivalent student for those years; and

(i) Provides for reports to the Secretary that are necessary to carry out the Secretary's functions under this part.

(20 U.S.C. 1070c–2)

Subpart D—[Reserved]

Subpart E—How Does a State Select Students for Grants?

§ 692.40 What are the requirements for student eligibility?

(a) To be eligible for a grant and to receive payments under the grant, a student must—

(1)(i) Be a United States citizen or National;

(ii) Be a permanent resident of the United States;

(iii) Provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a permanent resident of the United States; or

(iv) Be a permanent resident of the Trust Territory of the Pacific Islands or of the Northern Mariana Islands;

(2) Be enrolled or accepted for enrollment at an institution of higher education;

(3) Have substantial financial need as determined annually in accordance with the State's criteria approved by the Secretary;

(4) Maintain satisfactory progress in a course of study in accordance with the standards and practices of the institution at which he or she is enrolled;

(5)(i) Not owe a refund on a grant received for attendance at that institution under the Pell Grant, Supplemental Educational Opportunity Grant, or State Student Incentive Grant programs;

(ii) Not be in default on a loan made by the institution under the National Defense Student Loan or National Direct Student Loan programs unless he or she has made arrangements, satisfactory to the institution, to repay the loan; and

(iii) Not be in default on a loan insured under the Guaranteed Student Loan or the Parent Loans for Undergraduate Students (PLUS) program received to meet the cost of attending that institution unless the Secretary (for a federally insured loan) or a guarantee agency (for a loan

insured by that guarantee agency) determines that he or she has made satisfactory arrangements to repay the loan; and

(6) File with the institution (or with the lender, in the case of a loan or a loan guarantee) a statement that the money attributable to the grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at the institution.

(b) The Secretary does not consider a National Defense Student Loan, a National Direct Student Loan, or a Guaranteed Student Loan that is discharged in bankruptcy to be in default for purposes of this section.

(20 U.S.C. 1070c–2, 1091)

§ 692.41 What standards may a State use to determine substantial financial need?

A State determines whether a student has substantial financial need on the basis of criteria it establishes that are approved by the Secretary. A State may define substantial financial need in terms of family income, expected family contribution, and relative need as measured by the difference between the student's cost of attendance and the resources available to meet that cost. To determine substantial need, the State may use:

(a) The standards for determining need promulgated by the Secretary under section 482 of the Act; or

(b) The needs analysis systems approved for campus-based Federal student assistance programs; or

(c) The State's own needs analysis system if approved by the Secretary; or

(d) A combination of these systems, if approved by the Secretary.

(20 U.S.C. 1070c–2, 1089)

[FR Doc. 81–20710 Filed 7–13–81; 8:45 am]

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Last Listing July 9, 1981

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H.J. Res. 238 / Pub. L. 97–21 To approve a Constitution for the United States Virgin Islands (July 9, 1981; 95 Stat. 105) Price: $2.

H.R. 3807 / Pub. L. 97–22 Defense Officer Personnel Management Act Technical Corrections Act (July 10, 1981; 95 Stat. 124) Price $1.75.

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Book 2 of 2 Books
Tuesday, July 14, 1981

Part V

Department of Defense

Office of the Secretary

Defense Acquisition Regulations

DEPARTMENT OF DEFENSE

32 CFR Parts 1–39

[DAC 76–25]

Defense Acquisition Regulation

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document publishes changes to the Defense Acquisition Regulation contained in the Code of Federal Regulations. The changes are the same as those in Defense Acquisition Circular 76–25. The changes consist of revisions to Section VI, Foreign Acquisitions, and related changes to other parts of the Regulation which resulted from the revisions to Section VI.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT: J. Brannan, Director, Defense Acquisition Regulatory Council, Room 3D 1028, Pentagon, Washington, D.C. 20301, Telephone 202–697–7266.

SUPPLEMENTARY INFORMATION:

Background

The Defense Acquisition Regulation (DAR) is codified in Title 32, Parts 1–39, Volumes I, II, and III, of the Code of Federal Regulations. The July 1, 1979 revision, as supplemented on July 1, 1980, is the most recent edition of that title. It reflects amendments to the 1976 edition made by Circulars 76–1 through 76–23.

The Department of Defense announced the promulgation of the 1979 CFR edition in the **Federal Register** of December 31, 1979 (44 FR 77158), and also announced at that time that subsequent amendments to the Regulation would be published in the **Federal Register.**

Defense Acquisition Circular 76–25.

This document contains amendments to the Defense Acquisition Regulation in the form of replacement pages which were included in DAC 76–25, issued October 31, 1980. The following is a summary of the amendments:

Foreign Acquisitions. The Department of Defense and several nations, particularly NATO countries, have concluded a number of agreements that anticipate the forbearance of U.S. "buy-national" laws or regulations in the acquisition of defense equipment from those nations. These agreements are classified in one of three categories: a reciprocal arrangement, an arrangement pursuant to a foreign military sale, or an arrangement pursuant to a treaty or other international agreement. Two fundamental characteristics of these agreements with respect to acquisition are (i) the waiver of the Buy American Act and "buy-national" regulations by the Department of Defense, and (ii) the promise to solicit for products from these countries. This DAC implements these agreements and provides the procedures for the solicitation and evaluation of offers of end products or components from countries which have a memorandum of understanding with the United States, an FMS/offset arrangement negotiated pursuant to a, foreign military sale, or a defense cooperation agreement. As a result of these agreements, there are three categories of products: (i) domestic products as newly defined; (ii) products from selected foreign countries granted special status (with certain exceptions) whereby they are treated as if they are domestic products, hereafter referred to as "qualifying" products; and (iii) products from all other foreign countries, hereafter referred to as "nonqualifying" products. Implementation of these agreements required additions and revisions to Section VI and to other portions of the DAR to clarify the distinctions between these three categories of products. Solicitation and evaluation procedures have been revised and appropriate clauses have been added or revised. The major changes are outlined below:

Paragraph 6–001 includes an expanded definition of "domestic end product," as well as definitions of new terms.

In view of the policy for broadening opportunities to supply DoD needs with qualifying country end products, the conditions of the Buy American Act and the Balance of Payments Program must be foreseen in the majority of solicitations. To reduce the complexity, a single clause has been developed to encompass both conditions.

The exceptions for specialty metals and chemical protective warfare clothing have been redrafted to reflect the DoD policy.

Paragraph 6–602 has been revised to state explicitly what is implied in 7–104.31(b): a contractor must reduce its price in order to receive a duty-free entry certificate if the award was based on the contractor's representation that it would be furnishing a domestic end product or component. A new paragraph has been added, stating the requirement for insertion of the duty-free entry clause for qualifying country end products and components.

Part 8 of Section VI, concerning application of the Balance of Payments Program to acquisitions for use overseas, has been modified to waive the "buy-national" restriction with respect to "qualifying countries." Balance of Payment procedures have been simplified by elimination of presolicitation evaluations. The exceptions to the Balance of Payments Program procedures listed in 6–803.2 have been revised. Another significant change in Part 8 is the raising of the dollar thresholds for Secretarial Determination and Findings (D&Fs) required for perishable subsistence purchases, nonavailability determinations, and unreasonable cost determinations to $2 million, and permitting further redelegation below the threshold of $500,000. Likewise, the dollar thresholds for 6–803.2(d)(1) and (2) have been raised for Secretarial D&Fs dealing with the acquisition of scientific and technical knowledge.

The most significant addition in Part 13 deals with the implementation of the FMS/offset arrangement agreements at 6–1310. This material directs that the solicitation and evaluation of FMS/offset arrangement country offers be done generally in the same manner as for NATO participating country offers (Part 14). Also, a sample format has been provided for processing the D&Fs necessary to waive the Buy American Act on a case-by-case basis. FMS/offset arrangement agreements are reprinted at 6–1315 for information purposes.

Part 14 sets forth in detail the solicitation procedures and the evaluation procedures to be used for qualifying country offers. Part 14 contains the list of items restricted from qualifying country offers. Each memorandum of understanding which has an effective Secretarial D&F waiving the application of the Buy American Act is reprinted in 6–1406 for information. The D&Fs are not reprinted.

For those agreements with countries which are neither members of NATO nor part of an FMS/offset arrangement, Part 15 implements "defense cooperation agreements."

Special limitations on sales commissions and contingent fees for certain FMS customers are included in new paragraphs 6–1305.6 and 7–104.107.

In summary:

6–104.5 and 6–803.1(e) specify clauses and conditions to be included in solicitations and contracts.

The former procedures in 6–103.5 on Canadian Supplies are deleted in their entirety.

Reference to purchase from Panama in Part 2 are deleted as the result of the Panama Canal Treaty of 1977 (but see 6–803.2(iv)) for purchases by and for the use of U.S. Forces in Panama.

There are four clauses which have been modified or added to the DAR:

7–104.3, Buy American Act and Balance of Payments Program, has been revised to combine the requirements of both the Buy American Act and the Balance of Payments Program.

7–104.32, Duty-Free Entry of Qualifying Country Supplies, is based on the former Duty-Free Entry for Canadian Supplies clause which has been redrafted to implement the waiver agreements with all qualifying countries.

7–104.105, Offset Arrangement, has been relocated from 6–1310 to Section VII.

7–104.106, Qualifying Country Sources as Subcontractors, required by 6–104.5 and 6–1403.3, puts contractors on notice that a qualifying country source is equally eligible for a subcontract as a domestic subcontractor and that qualifying country sources should not be discriminated against.

Because the Defense Acquisition Regulation concerns agency management, public property, and contracts, it is not necessary to issue proposed rules for public comment. Neither is it necessary to delay the effective date until 30 days after the date of publication of these rules, 5 U.S.C. 533(a) and (d). The amendments became effective on October 31, 1980.

How to Use Replacement Pages

Reproduced at the end of this document are replacement pages from DAC 76–25. The number at the top of each page (for example, 1:15) identifies the page from the Regulation which is being replaced. The number at the bottom of the page is a reference to the last appearing numbered paragraph on that page, or if none shows, on a preceding page. The vertical line in the right margin indicates where the amendment is located.

Adoption of Amendments

Therefore, the July 1, 1979 edition of the Defense Acquisition Regulation contained in 32 CFR Parts 1–39, Volumes I, II, and III, as supplemented on July 1, 1980, is amended in the DAR paragraphs indicated by substitution of the replacement pages listed in the table:

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M. S. Healy,

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GENERAL PROVISIONS

Part 2—Definition of Terms

1–201 Definitions. As used throughout this Regulation, the words and terms defined in this paragraph 1–201 shall have the meanings set forth below, unless (i) the context in which they are used clearly requires a different meaning, or (ii) a different definition is prescribed for a particular Section or portion thereof.

1–201.1 *Change Order* means a written order signed by the contracting officer, directing the contractor to make changes which the Changes clause of the contract authorizes the contracting officer to order without the consent of the contractor (see 16–103).

1–201.2 *Contract Modification* means any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of an existing contract, whether accomplished by unilateral action in accordance with a contract provision, or by mutual action of the parties to the contract. It includes (i) bilateral actions such as supplemental agreements, and (ii) unilateral actions such as change orders, orders for provisioned items, administrative changes, notices of termination, and notices of the exercise of a contract option.

1–201.3 *Contracting Officer* means any person who, either by virtue of his position or by appointment in accordance with procedures prescribed by this Regulation, is currently a contracting officer (see 1–400) with the authority to enter into and administer contracts and make determinations and findings with respect thereto, or with any part of such authority. The term also includes the authorized representative of the contracting officer acting within the limits of his authority. NOTE: Recent assignments of contract administration responsibilities have necessitated a separation of duties related to procurement, with some duties normally performed at a purchasing office and some normally performed at a contract administration office. For convenience of expression, when requiring performance of specific duties by a contracting officer, this Regulation may refer to a contracting officer at the purchasing office as the procuring contracting officer (PCO), and to a contracting officer at a contract administration office as an administrative contracting officer (ACO). Additionally, a contracting officer, responsible for the settlement of terminated contracts, may be referred to as the termination contracting officer (TCO). It is recognized that a single contracting officer may be responsible for duties in any or all of these areas, and reference in this Regulation to PCO, ACO, or TCO does not of itself require that duty be performed at a particular office or activity or restrict in any way a contracting officer in the performance of any duty properly assigned. For example, a duty specified by this Regulation to be performed by the ACO will be performed by a contracting officer at the purchasing office when contract administration or responsibility for that duty has been retained in the purchasing office in accordance with 20–703.3.

1–201.4 *Contracts* means all types of agreements and orders for the procurement of supplies or services. It includes awards and notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job orders, task orders, or task letters thereunder; letter contracts, and purchase orders. It also includes supplemental agreements with respect to any of the foregoing.

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1–201.5 *Department or Military Department* includes the Department of the Army, the Department of the Navy, the Department of the Air Force, the Defense Logistics Agency, the Defense Communications Agency, the Defense Nuclear Agency, the Defense Mapping Agency, and the National Security Agency.

1–201.6 *Department of Defense* comprises the Office of the Secretary of Defense and the Military Departments.

1–201.7 *Head of Procuring Activity* includes the chief, commander, or other official in charge of a Procuring Activity.

1–201.8 *Includes* means "includes but is not limited to"

1–201.9 *Labor Surplus Area Concern.* See 1–801.1.

1–201.10 *May* is permissive. However, the words "no person may . . ." mean that no person is required, authorized, or permitted to do the act prescribed.

1–201.11 *Negotiate and Negotiation*, when applied to the making of purchases and contracts, refer to making purchases and contracts without formal advertising.

1–201.12 *Possession* in a geographic sense includes the Virgin Islands, the Swan Islands, Guantanamo Bay, Johnston Island, American Samoa, Guam, Wake Island, Midway Island, and the guano islands but does not include Puerto Rico, leased bases, or trust territories.

1–201.13 *Procurement* includes purchasing, renting, leasing, or otherwise obtaining supplies or services. It also includes all functions that pertain to the obtaining of supplies and services, including description (but not determination) of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

1–201.14 *Procuring Activity* includes:

FOR THE ARMY:

Office of the Deputy for Materiel Acquisition, Assistant Secretary of the Army (Installations and Logistics);

Directorate of Procurement & Production, Headquarters, U. S. Army Materiel Development and Readiness Command;

U. S. Army Armament Materiel Readiness Command;
U. S. Army Armament Research and Development Command;
U. S. Army Missile Command;

U. S. Army Communications Research and Development Command;
U. S. Army Electronics Research and Development Command;
U. S. Army Communications and Electronics Materiel Readiness Command;
U. S. Army Troop Support Agency;
U. S. Army Troop Support and Aviation Materiel Readiness Command;
U. S. Army Tank-Automotive Materiel Readiness Command;
U. S. Army Tank-Automotive Research and Development Command;
U. S. Army Aviation Research and Development Command;
U. S. Army Training and Doctrine Command;
U. S. Army Test and Evaluation Command;
U. S. Army Forces Command;
U. S. Army Health Services Command;

(vii) a class set-aside of the time or service concerned has been made at some other contracting activity; or

(viii) the item will be described by "brand name or equal"

(k) Acquisition of supplies which were developed and financed in whole or in part by Canadian sources under the U.S.-Canadian Defense Development Sharing Program shall not be set aside for small business. Supplies covered by the Program shall be identified by the cognizant Department.

(L) See 6-1403.1(a)(2) regarding purchases from qualifying country sources (see 6-001) where small business set-asides are involved.

1-706.2 *Contract Authority.* Contracts for total (including) combined small business/LSA) or partial set-asides entered into by conventional negotiation (see 1-706.5(b) and 1-706.6(d) or by "Small Business Restricted Advertising" (see 1-706.5(b)) are negotiated acquisitions and shall cite as authority 10 U.S.C. 2304(a)(1) in the case of a unilateral determination (see 3-201.2(b)(ii) or 10 U.S.C. 2304(a)(17) and Section 15 of the Small Business Act in the case of a joint determination.

1-706.3 *Review, Withdrawal, or Modification of Set-Asides or Set-Aside Proposals.*

(a) Prior to issuing solicitations each individual acquisition governed by a class set-aside shall be carefully reviewed to ensure that any changes in the magnitude of anticipated requirements, specifications, delivery requirements, or competitive market conditions since the initial approval of the class set-aside are not of such material nature as to result in the probable payment of an unreasonable price by the Government or in a change in small business capability. If, prior to award of a contract involving an individual or class set-aside, the contracting officer considers that acquisition of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), he may withdraw a unilateral or joint set-aside determination by giving written notice to the small business specialist and the SBA representative, if available, stating the reasons for the withdrawal. In a similar manner, a unilateral or joint class set-aside may be modified to withdraw one or more individual acquisitions.

(b) Upon a recommendation of the Small and Disadvantaged Business Utilization Specialist that an individual acquisition or class of acquisitions, or portion thereof, be set aside the contracting officer shall promptly either:

(i) concur in the recommendation, or

(ii) disapprove, stating in writing his reasons for disapproval.

(c) If the contracting officer disapproves the recommendation of the Small and Disadvantaged Business Utilization Specialist, the case shall be promptly referred to the SBA representative (if one is assigned and available) for his review. No further appeal action will be taken by the small business specialist. If an SBA representative is not assigned or available, resolution of disagreements on set-asides between the small business specialist and the contracting officer shall be accomplished in accordance with the provisions of 1-706.3(h).

(d) All cases involving the noninitiation of a set aside, whether resulting from a joint decision of the small business specialist and the contracting officer or a determination by the contracting officer alone, require referral to the SBA representative (if one is assigned and available) for his review. The SBA representative will either concur with the decision of the contracting officer or appeal the case in accordance with the provisions of 1-706.3(e).

(e) If the contracting officer disagrees with the recommendation of the SBA representative regarding a small business set-aside for an individual acquisition (1-706.1(h)) or class of acquisitions or a portion thereof (1-706.1(i)), he shall notify the SBA representative, in writing, within 5 working days. If the SBA representative disagrees with the contracting officer regarding a withdrawal or modification of a joint or unilateral set-aside determination, the SBA representative shall be allowed 2 working days to appeal, in writing, to the chief of the contracting office for decision. The chief of the contracting office shall be allowed 7 working days to provide the SBA representative his decision, in writing, whether or not the acquisition will be set aside. Within 1 working day after receipt of a decision approving the action of the contracting officer, the SBA representative may request the contracting officer, in writing, to suspend contracting action pending a further appeal by the Administrator of SBA to the Secretary of the Department concerned. The SBA shall be allowed 15 working days after making such a written request, within which the Administrator of SBA (i) may appeal to the Secretary of the Department concerned, and (ii) shall notify the contracting officer whether the further appeal has, in fact, been taken. If notification is not received by the contracting officer within the 15-day period, it shall be deemed that the SBA request to suspend contracting action has been withdrawn and that an appeal to the Secretary was not taken. When an appeal to the Secretary concerned has been taken and the contracting officer has been notified of that fact within the 15-day period, the matter shall be forwarded, with full justification of the action taken, through normal channels, including the appropriate departmental Small Business Advisor as identified in 1-706.2, to the Secretary of the Department concerned.

Example B. DEF Company, manufacturing in a surplus area bids on a contract at $1,000. DEF Company will incur the following costs:

Direct labor	$200
Overhead	200
Purchase of materials from UVW Company, which is located in a labor surplus area but which merely distributes the materials from stocks on hand (the materials having been manufactured by UVW's supplier)	550

DEF Company does not qualify as a labor surplus area concern since its manufacturing and production costs do not exceed 50% of the contract price regardless of whether UVW's supplier manufactures in a labor surplus area.

1-801.2 *Labor Surplus Area.* The term "labor surplus area" means a geographic area which at the time of award is classified as such by the Department of Labor and listed as such by that Department in its publication "Listing of Eligible Labor Surplus Areas Under DMP No. 4A and Executive Order 10582".

1-801.3 *Small Business Concern.* See 1-701.

1-802 General Policy. Except as provided in 1-806 with respect to depressed industries, it is the policy of the Department of Defense to aid labor surplus areas (LSA) by placing contracts with LSA concerns, to the extent consistent with procurement objectives and when such contracts can be awarded at prices no higher than those obtainable from other concerns and by encouraging prime contractors to place subcontracts with LSA concerns. In carrying out this policy, and to accommodate the small business policies of Section I, Part 7, preference shall be given in the following order of priority to (i) LSA concerns which are also small business concerns, (ii) other LSA concerns, and (iii) small business concerns which are not LSA concerns. In no case will price differentials be paid for the purpose of carrying out this policy. Heads of Procuring Activities and chiefs of purchasing and contract administration offices are responsible for the effective implementation of the Labor Surplus Area Program within their respective offices. Responsibility for administration of the program may be assigned to small business specialists appointed pursuant to 1-704.3.

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1-803 Application of Policy.

(a) Within the policy set forth in 1-802, the following shall be applied to contracts which are estimated to exceed $10,000:

(i) negotiated contracts shall, where acquisition objectives permit, be awarded to labor surplus area concerns; *provided*, that in no case shall price differentials be paid for the purpose of carrying out this policy;

(ii) when appropriate, acquisitions shall be made from LSA concerns by partial set-aside procedures, in accordance with 1-706.7 or 1-804 (but no total set-aside shall be made for LSA concerns) and such set-asides shall be given preference over any small business set-aside;

(iii) each Department shall assure that information identifying LSA is disseminated promptly to contracting personnel;

(iv) when less than a complete bidders list is to be used pursuant to 2-205.4, at least a pro rata number of prospective LSA concerns shall be solicited;

(v) subcontracting with concerns in LSA shall be encouraged in accordance with 1-805;

(vi) See 6-1403.1(a)(2) regarding purchases from qualifying country sources (see 6-001) where LSA set-asides are involved.

(b) Records of the total value of all contracts in excess of $10,000 placed with LSA concerns during each fiscal year, and reports based thereon, are maintained by each Department through the Department of Defense Reporting System described in 1-110 and Section XXI, Part 1. Accordingly, each Department, in soliciting bids and proposals for any contract estimated to exceed $10,000 shall request from any offeror, or other source, any information needed to determine whether the offeror is a LSA concern. Contract files shall be documented to indicate the extent to which LSA concerns were considered and the action taken with respect thereto.

1-804 Partial Set-Asides for Labor Surplus Area Concerns.

1-804.1 *General.*

(a)(1) In accordance with the policy set forth in 1-802 and 1-803 (see also 1-706.7), a portion of each acquisition shall be set aside for LSA concerns if:

(i) the acquisition is severable into two or more economic production runs or reasonable lots; and

(ii) one or more LSA concerns are expected to qualify as LSA concerns and to have the capability to furnish a severable portion of the acquisition at a reasonable price, except that a partial set-aside shall not be made if there is a reasonable expectation that offers will be received from only two concerns with capability (one concern which will not qualify as a LSA concern and one concern which will qualify as a LSA concern) unless authorized by the Head of the Contracting Activity on a case-by-case basis. Before reaching this con-

1-903.4 *Ability to Meet Certain Minimum Standards.* Except to the extent that a prospective contractor proposes to perform the contract by subcontracting (see 1-906), acceptable evidence of his "ability to obtain" such things as resources, equipment, facilities, and personnel (see 1-903.1(i) and 1-903.2) shall normally be a commitment or explicit arrangement, which will be in existence at the time the contract is to be awarded, for the rental, purchase or other acquisition of such resources, equipment, facilities, or personnel.

1-904 Determinations of Responsibility and Nonresponsibility.

1-904.1 *Requirement.* No purchase shall be made from, and no contract shall be awarded to, any person or firm unless the contracting officer first makes an affirmative determination that the prospective contractor is responsible within the meaning of 1-902. The signing of the contract by the contracting officer constitutes such a determination; therefore, he must assure himself that the applicable requirements of 1-903 are met before signing the contract or order. When a certificate of competency has been issued, the factors covered by the certificate of competency may be accepted by the contracting officer without further inquiry. When a bid or offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a determination of nonresponsibility shall be made, signed, and placed in the file. The determination of nonresponsibility shall set forth the basis of the determination. In making a determination of responsibility or nonresponsibility for purchase or contract awards of $100,000 and over, performance data should be acquired and considered when the contracting officer deems it necessary. Supporting documents or reports, including any pre-award survey reports (see 1-905.4) and SBA certificate of competency (see 1-705.4), shall be included in the contract file.

1-904.2 *Affiliated Concerns.*

(a) Affiliated concerns (see 2-201(a)B(ii) and (b)(xvii) shall be considered as separate entities in determining whether the one of them which is to perform the contract meets the applicable standards for a responsible prospective contractor (but see 1-701.1 with respect to status as a small business concern).

(b) Notwithstanding the above, the record of performance and integrity of affiliated concern which may adversely affect the responsibility of the prospective contractor shall be considered by the contracting officer when making a determination of responsibility.

1-904.3 *Acquisitions From Concerns in Qualifying Countries.* Awards to concerns in qualifying countries are subject to this Part 9 (see 6-1403.1(b)). A Canadian firm proposed by the Canadian Commercial Corporation (CCC) as its subcontractor generally shall be accepted by the contracting officer under the provisions of 1-906 as the basis for his determination under 1-904.1. In cases where the firm proposed by CCC is so accepted, pre-award survey forms need not be completed. When the CCC proposal is not consistent with other information which may be available to the contracting officer, he shall request from CCC and any other sources whatever additional information or plant surveys he may deem necessary to make the determination of responsibility of sources proposed by CCC. Such additional data may be requested on the pre-award survey forms or on any other forms. Upon request, CCC shall be furnished an explanation of the reasons for rejection of its proposed firm.

1-905 Procedures for Determining Responsibility of Prospective Contractors.

1-905.1 *General.*

(a) Before making a determination of responsibility (see 1-904), the contracting officer shall have in his possession or obtain information sufficient to satisfy himself that a prospective contractor currently meets the minimum standards set forth in 1-903, to the extent that such standards are applicable to a specific procurement.

(b) Maximum practicable use shall be made of currently valid information on file or within the knowledge of personnel in the Department of Defense. Each Department, shall at such level and manner as it deems appropriate, maintain useful records and experience data for the guidance of contracting officers in the placement of new procurement, and shall inform its contracting officers and the other Departments of the means of access thereto. Notwithstanding this direction contract administration offices shall maintain files of information reflecting upon the ability of contractors to perform Government contracts successfully.

(c) Any purchasing office becoming aware of circumstances which, for any reason, casts doubt upon the ability of a contractor to perform contracts successfully, shall immediately advise the cognizant contract administration office. A contract administration office, upon being notified by a purchasing office of unfavorable information affecting a contractor under its cognizance, or upon developing unfavorable information during the course of contract administration activities, shall advise the purchasing offices of the other Departments. When a contract administration office is requested to perform a pre-award survey and it has been notified of the existence of unfavorable information relative to the contractor, it shall obtain the details including full supporting information. Careful and full consideration shall be given such information. If a contract administration office becomes aware of a prospective contract award to a contractor about whom unfavorable information exists and no pre-award survey has been requested, it shall (i) immediately notify the purchasing office concerned, and (ii) secure the details of such unfavorable information as if it were performing a pre-award survey and advise the purchasing office concerned. The purchasing office shall give full consideration to such advice in determining whether an award should be made.

(d) Generally, information necessary to make determinations of responsibility shall be obtained only concerning prospective contractors within range for an award.

1-905.2 *When Information Will Be Obtained.* Generally, information regarding the responsibility of a prospective contractor (including pre-award surveys (see 1-905.4) when deemed necessary) shall be obtained promptly after bid opening or receipt of proposals. However, in negotiated procurements, especially those involving research and development, such information may be obtained before the issuance of requests for proposals. Notwithstanding the foregoing, information regarding financial resources (see 1-903.1(i)) and performance capability (see 1-903.1 (ii)) shall be obtained on as current a basis as feasible with relation to the date of contract award.

1-905.3 *Sources of Information.* Information regarding the responsibility of prospective contractors shall be sought among the following sources:

(i) The Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors (see 1-601).

(iii) Each release shall state that the estimate is based on the best information available at the time of publication, the information is subject to modification, is in no way binding on the Government, and that more specific information relating to any individual item or class of items will not be furnished until the proposed procurement is synopsized in the *Commerce Business Daily* (see 1-1003), or the solicitation issued.

(iv) Each release shall contain the name and address of the purchasing office which will process the procurement.

(v) Modifications to the original release shall be publicized as expeditiously as possible, in the same manner as the original.

(vi) Each proposed release shall be coordinated with small business, public information, and public relations personnel, as appropriate.

(vii) Each release shall contain, if applicable, a statement to the effect that small business or labor surplus area set-asides may be involved in some of the procurements, and that the determination of the applicability of these factors can be made only at the time that procurement action is initiated.

(viii) Each release shall contain the name or description of the item, and the estimated quantity to be purchased by calendar quarter, fiscal year, or other period. It may also contain such additional information as the number of units last purchased, the unit price, and the name of the last supplier.

1-1007 *Commerce Business Daily Announcements.*

(a) *General.* In addition to the publication of estimates as provided in 1-1007.3, further publication, where consistent with the needs of the individual case, shall be accomplished by announcements in the *Commerce Business Daily* reflecting the fact that long-range procurement estimates have been published and are obtainable, on request, from the issuing organization.

(b) *Preparation and Transmittal.* Activities publishing long-range procurement estimates shall, in accordance with (a) above, publicize them in the *Commerce Business Daily* by forwarding to the address listed in 1-1003.9(a) an announcement reflecting the fact that a long-range procurement estimate has been published and citing the address of the office from which a copy of the estimate can be obtained. Each announcement should be prepared substantially as the following example.

> The Defense Personnel Support Center has published an estimate of equipment and footwear procurement requirements for ..... and ..... Quarters FY ..... These estimates, *which are subject to revision and are in no way binding on the Government*, may be obtained, by request, from the Defense Personnel Support Center (ATTN: Procurement and Production Directorate), 2800 South 20th Street, Philadelphia, Pennsylvania 19101.

1-1007.5 Classified Information shall be released through existing security channels in accordance with the DOD Industrial Security Regulation (DOD 5220.22R).

Part 11—Qualified Products

1-1101 General.

(a) It is sometimes necessary to test products in advance of any purchase action to determine if a product is available that will meet specification requirements. In such cases, the specification may require qualification of the product. Qualification is the entire process by which products are obtained from manufacturers or distributors, examined and tested for compliance with specification requirements, and then identified on a list of qualified products. Qualification is performed in advance and independent of any specific purchase action.

(b) A Qualified Products List (QPL) identifies the specification, manufacturer or distributor, item by part or model number or trade name, place of manufacture, and the test report involved. Suppliers whose products have successfully passed qualification and who furnish evidence thereof are eligible for award although not yet included on the QPL.

(c) Chapter IV of the Defense Standardization Manual 4120.3-M (formerly M200) is the basic instruction concerning qualified products and qualification procedures. Specifications which require a QPL are identified in the Department of Defense Index of Specifications and Standards. Copies of the Index and the Manual 4120.3-M may be purchased by the public from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) Qualifying country sources (see 6-001) are not to be precluded from the opportunity to have their supplies listed on the Qualified Products List under 1-1105.

1-1102 Responsibility for Qualification. A Federal or Military specification is the only medium for establishing a requirement for qualification. The preparing activity identified in the specification is responsible for qualification.

1-1103 Justification for Inclusion of Qualification Requirements. Subject to approval by: in the case of the Army, the Army Material Command (AMCRD-EM); in the Navy, the Chief of Naval Material; in the Air Force, Directorate of Engineering and Maintenance (AF/LGYE), Departmental Standardization Office, USAF; in the Defense Logistics Agency, the Executive Director for Purchasing; in the National Security Agency, the Director of Procurement; in the Defense Communications Agency, the Director; in the Defense Nuclear Agency, Deputy Director, Operations and Administration; and in the Defense Mapping Agency, Staff Director of Logistics; a qualification requirement may be included in a specification when one or more of the following conditions exist.

(i) The time required to conduct one or more of the examinations and tests to determine compliance with all the technical requirements of the specification will exceed 30 days (720 hours). (Use of this justification should advance product acceptance by at least 30 days (720 hours).)

(ii) Quality conformance inspection would require special equipment not commonly available.

(iii) It covers life survival or emergency life saving equipment. (See 1-1902(b)(ii).)

1-1104 Availability of Lists. Qualified products lists are intended for the use of the Government and its contractors, subcontractors, prospective bidders, and suppliers. Lists may be obtained by prospective bidders or suppliers who require these lists in furnishing supplies or services to the Government or its contractors. Lists are also available to the public upon request. When a person is provided with, or given access to, a qualified products list he should be advised as follows:

(i) the list has been prepared for use by or for the Government in the acquisition of products covered by the specification and such listing of a product is not intended to and does not connote indorsement of the product by the Department of Defense;

(ii) all products listed have been qualified under the requirements for the product as specified in the latest effective issue of the applicable specification;

(iii) the list may be revised or amended as necessary, and subject to change without notice;

(iv) the listing of a product does not release the supplier from compliance with the specification requirements; and

(v) use of the information for advertising or publicity purposes is permitted, *provided* that such publicity or advertising does not state or imply that the product is the only product of that type so qualified or that the Department of Defense in any way recommends or endorses the manufacturer's product.

1-1105 Opportunity for Qualification. Upon determination that a product is to be covered by a qualified products list, manufacturers shall be urged to submit their products for qualification and where possible shall be given sufficient time to arrange for qualification testing prior to issuance of the initial invitation for bids or request for proposals for the item as a qualified product. Appropriate notice of such determination shall be furnished to the U.S. Department of Commerce, *Commerce Business Daily*, P.O. Box 5999, Chicago, Illinois 60680, requesting publication in the daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contracts Award". The publicity given to the requirement for qualification testing shall include the following:

(i) an intention to establish a qualified products list for a product,

(ii) the specification number and nomenclature of the product, and the name and address of the office to which the request for qualification should be submitted; and

(iii) notice that in making future awards consideration shall be given only to such products as have been accepted for inclusion in a qualified products list.

Lists shall always be kept open for inclusion of products from additional suppliers, including suppliers from qualifying country sources (see 6-001).

1-1106 Clarification of Qualification Requirements. When there is any question concerning qualification requirements in a specification, the activity that prepared the specification will furnish clarification when requested by the contracting activity.

1-1107 Acquisition of Qualified Products.

1-1107.1 *General.*

(a) Whenever qualified products are to be obtained by the Government as end items, only bids or proposals offering products which are qualified for listing on the applicable Qualified Products List at the time set for opening of bids or award of negotiated contracts shall be considered in making awards.

(b) Whenever a qualified product is to be obtained by a prime contractor as a component of an end item, the prime contractor shall be required to furnish a

component which has been tested and qualified for inclusion in the applicable Qualified Products List by the time of award of the subcontract. Delay resulting from the prime contractor awaiting qualification approval by the Government of a component shall not constitute excusable delay when a previously qualified component could have been procured in time to meet the end item delivery schedule.

(c) Procurements involving qualified products shall be governed by (1) through (4) below.

(1) Synopses of proposed procurements shall be published by purchasing activities, in accordance with 1-1003, promptly upon receipt of purchase requests.

(2) The maximum time consistent with delivery requirements shall be allowed between issuance of the solicitation and the opening of bids or the award of a negotiated contract. As a minimum, however, contracting officers shall allow 30 calendar days between the dates of issuance and opening (award, in the case of negotiated contracts), *provided* that periods of less than 30 days may be set in cases of urgency when the justification for a shorter period is set forth in writing and made a part of the procurement file. In appropriate cases, advance notice of procurement involving qualified products may be given suppliers through the use of preinvitation notices. Such notices shall identify the specification requiring qualification.

(3) In procuring qualified products by formal advertising, invitations for bids will be distributed to suppliers in the same manner as if a qualified product were not involved, and will not be restricted to suppliers whose products have been qualified.

(4) Contracting officers shall forward requests from suppliers concerning qualification of products to the specification preparing activity.

1-1107.2 *Contract Provisions.*

(a) When qualified end products are to be procured, insert the provision in 7-2003.6.

(b) When qualified products are to be procured as components of end items, insert the clause in 7-2003.7.

1-1107.3 *Effect of Debarment or Suspension.* Notwithstanding any other provision of this Part, the inclusion of a product on the qualified products lists may be denied, and the qualification of a listed product may be withdrawn, by the Department concerned, without notification to the manufacturer, if the name of the manufacturer appears on the lists of debarred or ineligible bidders which are maintained pursuant to Section I, Part 6. With reference to Type B listings, the provisions of this paragraph shall be applicable only if the qualified product is in the category prescribed by the Secretary of Labor (see 1-603).

1-1108 Waiver of Qualification Requirement. When procuring a product under a specification which includes qualification requirements either for the end item or for components of the end item, such qualification requirements can be waived only by the activity that prepared the specification. In appropriate cases, when requested by the contracting officer, the preparing activity may waive qualification requirements. A notice, issued by the preparing activity, directing a waiver of the qualification requirement, constitutes adequate authorization for

(xi) *New Guinea-Australia:* Includes Australia; New Guinea; Tasmania; New Zealand and Melanesia (comprising generally the Admiralty Islands, New Ireland, New Britain, the Solomons, New Hebrides and New Caledonia).

(xii) *East Asia:* Includes the ports of the mainland and islands of East Asia from and including Thailand to and including Japan; includes the Philippines, Formosa, the Ryukyu Islands and the Bonins.

(xiii) *Hawaii-Central Pacific:* Hawaiian Islands; Wake/Marcus; and Oceania and Micronesia (comprising generally Palau, Marianas, Carolines, Gilberts, Fijis, Marquesas, Tuamotu Archipelago, etc., but excluding oceanic island possessions of South American countries).

(xiv) *Alaska and Aleutian Islands:* Includes the western coast of Canada and Alaska (including the Aleutian Islands) south of Cape Prince of Wales.

(xv) *U.S. Northwest:* Includes all Oregon and Washington ports.

(xvi) *U.S. West Coast:* Includes all California.

(xvii) *Western Mexico and Central America:* Includes the western coast of Mexico and the western coast of Central America.

(xviii) *Western South America:* Includes the western coast of South America from (and including) the Republic of Colombia to Cape Horn, and the Pacific Islands possessions of South American countries.

(xix) *Exempt Areas:*

(A) Alaska north of Cape Prince of Wales.

(B) Greenland, except Narsarssuak.

(C) Northern and eastern Canada from Goose Bay, Labrador, to Alaska.

(D) Ports and facilities under security restrictions in otherwise nonexempt areas.

(E) Antarctica.

(b) The procedures set forth below are applicable to all ocean shipments of supplies except:

(i) shipments in vessels assigned to United States Navy fleets other than the Military Sealift Command;

(ii) shipments which originate or terminate in "exempt areas" as established in (a) above;

(iii) shipments which originate and terminate in the same geographic area; *provided*, however, that supplies of the type described in 1-1402(i)(A) above shall be transported in United States-flag vessels to the extent such vessels are available at fair and reasonable United States-flag rates;

(iv) shipments aboard vessels of the Panama Canal Commission; and

(v) shipments of classified supplies where the classification prohibits the use of non-Government vessels.

1-1404 Procedures.

(a) Except for those supplies obtained for nonreimbursable contributions to foreign assistance programs for which the ocean transportation is to be provided by and at the expense of the recipient government, ocean transportation of sup-

plies owned by the Government and in the possession of either a Department, or a contractor, or subcontractor of any tier, of a Department, will be provided by the Military Sealift Command. Accordingly, any contract which may involve ocean transportation of property owned by the Government and in the possession of the contractor or any of his subcontractors (including any contract under which title to property may pass to the Government prior to shipment) shall include a clause substantially as in 7-104.19(a). Upon receipt of advice from the contracting officer, the Military Sealift Command shall take such action as may be necessary and practicable to assure proper utilization of Government vessels and private United States vessels in accordance with this Part and applicable regulations. The Commander of the Military Sealift Command or his designated representative is authorized to make any determination as to availability of United States-flag vessels required to assure such proper utilization.

(b)(1) Except as provided in paragraph (2) below, procuring activities shall include the clause in 7-104.19(b) in any contract which may involve the ocean transportation of supplies of the type described in 1-1402(i)(B) and (C). Additional provisions concerning the vessels to be used may be inserted in accordance with Departmental procedures.

(2) The contract shall include the clause in 7-104.19(c) in lieu of the clause in 7-104.19(b):

(i) when determined by the Head of a Procuring Activity, or his designee, to be necessary to assure proper implementation of the policy expressed in 1-1402; or

(ii) when the procuring activity has been instructed that particular supplies of the type described in 1-1402(i)(B) and (C) above are to be carried exclusively in private United States vessels.

1-1405 Responsibilities of the Contracting Officer. The contracting officer shall forward the applicable shipping document specified in the clauses set forth in 7-104.19(b) to the Department of the Navy (Commander, Military Sealift Command, Attn: M-5), Washington, D.C., 20390, for shipments made under arrangements by the contractor or by a Government agency other than the Military Sealift Command.

1-1406 Reserved.

1-1407 Reserved.

1-1408 Reserved.

1-1409 Construction Contracts. It is the policy of the Department of Defense to require construction contractors, including subcontractors and suppliers, engaged in overseas work to utilize United States-flag vessels to the extent that such vessels are available at fair and reasonable rates for United States-flag vessels. This policy is applicable to any supplies, materials, or equipment shipped from the United States for either the performance of the work or for incorporation in the work. To carry out this policy, the clause in 7-603.41 shall be included in any construction contract which may involve the ocean transportation of materials. Upon request of the contracting officer, the Commander, Military Sealift Command, or his representative, will furnish advice as to the availability of United States-flag vessels for any particular shipment. These requirements shall not apply to Military Assistance Program projects, Agency for International Development

1-2207 Restricted Purchase for Preservation of Domestic Industrial Base.

1-2207.1 *General Policy.* To insure the continued existence of an industrial mobilization base necessary for national defense and in the public interest, it has been determined to restrict purchases of the following items to United States or United States and Canadian manufactured products. However, if the quantity being acquired is determined to be greater than that required to maintain the U.S. defense mobilization base, offers of qualifying country end products may be accepted for such greater quantities of the items listed here and at 6-1405.

1-2207.2 *Jewel Bearings and Related Items.*

(a) *Definitions.* As used in this paragraph, the following definitions apply.

(1) *Jewel Bearing* means a piece of synthetic corundum (sapphire or ruby) of any shape, except a phonograph needle, which has one or more polished surfaces and the function of which is to provide a supporting surface or low friction contact area for revolving, oscillating or sliding parts in an instrument, mechanism, subassembly or part. A jewel bearing may be either unmounted or mounted into a ring or bushing. Examples of types of jewel bearings are: watch hole—olive, watch hole—straight, pallet stones, roller jewels (jewel pins), end-stones (caps), vee (cone) jewels, instrument rings, cup, double cups.

(2) *Related Item* means a piece of synthetic corundum (sapphire or ruby) which satisfies the following requirements:

(i) made from material produced by the Verneuil flame fusion process;

(ii) a geometric shape (other than a jewel bearing) up to a maximum of one inch in any dimension;

(iii) requires fabrication techniques to include extremely close tolerances and highly polished surfaces identical to those involved in the manufacture of jewel bearings.

A related item may be unmounted or mounted in a retaining or supporting structure. Basic shapes and terminology commonly used for related items are: window, nozzle, guide, knife edge, knife edge plate, insulator domed pin, slotted insulator, sphere, ring gauge, spacer, disc, valve seat, rod, vee groove, D-shaped insulator, notched plate.

(3) *Price List* is the official U.S. Government Price List for jewel bearings and related items produced by the William Langer Plant in Rolla, North Dakota, which is issued periodically by the General Services Administration.

(4) *Plant* means the Government-owned William Langer Plant, Rolla, North Dakota, which is operated through a contractor by the General Services Administration.

(b) *Policy.* Except as otherwise provided below, it has been determined that Defense requirements for jewel bearings must be obtained from the Plant and that related items must be obtained from a domestic source of manufacture including the Plant.

(c) *Procedures.*

(1) All contractor purchases of jewel bearings shall be made from the Plant unless it cannot meet the requirement. All contractor purchases of related items shall be made from a domestic source of manufacture, including the Plant, unless these sources cannot meet the requirement.

(2) In every solicitation and contract in which items in the Federal Supply Classes and Groups listed in (d) below, or any subassembly, component or part thereof, are specified to be delivered, insert the clause in 7-104.37, except that such clause shall not be used:

(i) in small purchases using small purchase procedures;

(ii) when the procuring contracting officer has positive knowledge that the items being procured do not contain jewel bearings or related items (the contractor's certification, as set forth in (3) below, does not in itself satisfy this requirement);

(iii) in contracts or solicitations for items both procured and used outside the United States, its possessions and Puerto Rico.

(3) In every solicitation for items in the Federal Supply Classes and Groups listed in (d) below, or any subassembly, component or part thereof, require that contractors certify, as an attachment to each proposal or bid, in the form set forth below, that the items to be supplied do or do not include jewel bearings or related items, and that if they are included, that they will be procured in accordance with the clause entitled "*Required Source for Jewel Bearings and Related Items*". Failure to submit this certification shall not render such bid or proposal nonresponsive, but the certification must be obtained from the prospective contractor prior to award. This certification is not required for research and development effort, nor is it required in categories listed in (2) above.

JEWEL BEARING AND RELATED ITEMS CERTIFICATE

This is to certify that jewel bearings and/or related items will / will not (*delete one*) be incorporated in any item covered by this proposal or bid; that if jewel bearings are required, purchase orders will be placed with the William Langer Plant, as provided in the clause entitled "*Required Source for Jewel Bearings and Related Items*"; and that if related items are required, such related items will be procured in the order of priority as follows:

1. From a domestic source, including the Plant, which manufactures such items from the basic hard material, *i.e.*, synthetic ruby or sapphire, or the like.

2. In the event that no domestic source, including the Plant, produces or will produce the required related items, then and only then, will the contractor procure such items from a foreign source.

Estimates of quantity, type, size (including tolerances), of jewel bearings and related items, plus identification of those specific items, components, or subassemblies which require jewel bearings or related items are provided as an attachment to this certificate

Date of Execution .....
Solicitation No. .....
Name .....
Title .....
Firm .....
Address .....
(End of Certificate)

(4) One copy of each affirmative certification by the contractor and its attachment identifying those specific items, components or subassemblies which contain jewel bearings or related items will be annotated with the contract number, the cognizant CAO, and date of award and forwarded by the PCO to the Plant and the ACO. The Plant will compare certification information with actual orders and notify the ACO having cognizance over the contractor if serious discrepancies exist.

(5) The ACO having cognizance over a particular contractor will conduct reviews of appropriate contractor records when information is received from the Plant of serious discrepancies between certifications and orders, or when the

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(xviii) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 (Geographic Distribution of Defense Subcontract Dollars).

(xix) when the provisions of the Buy American Act or the Balance of Payments Program apply, include the clauses in 7-103.10, 7-104.3, 7-104.32, and 7-104.106, as prescribed by 6-104.5 and 6-803.1(e).

Part II—General Provisions

SECTION I - General Provisions.

(i) such general contract provisions (contract clauses) as required by law and by this Regulation;

(ii) such additional general provisions as may be applicable to the acquisition; and

(iii) such alterations to contract provisions as are appropriate.

Part III—List of Documents, Exhibits, and Other Attachments

SECTION J - List of Documents, Exhibits, and Other Attachments.

(i) Here list all of the documents, exhibits, and other attachments that make up the invitation-for-bids package; give form number, name, date, and number of pages for each document; give type and identifier (for example, "Exhibit A"), name, and number of pages for each exhibit, appendix, or other attachment (for example, work frequency schedules, work statements, specifications, special requirements, or other documents too lengthy to be conveniently written into the invitation proper).

Part IV—General Instructions

SECTION K - Representations, Certifications, and Other Statements of Bidder.

(i) Standard Form 33, Part 2 (Representations and Certifications);

(ii) when considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition, such as improper kinds of multiple bidding, a requirement that each bidder submit with his bid the provision in 7-2003.12 concerning his affiliation with other concerns shall be included in this Section K. Failure to furnish the affidavit with the bid shall be treated as a minor informality or irregularity (see 2-405);

(iii) the clause in 7-2003.13 that provides for a preference for labor surplus area concerns shall be

included in invitations for bids that do not involve set-asides for labor surplus area concerns;

(iv) when needed for the purpose of bid evaluation, preaward surveys, or inspection, a requirement that all bidders state the place (including the street address) from which the supplies will be furnished or where the services will be performed. When it is reasonably anticipated that producing facilities will be used in the performance of the contracts, or when Government requires the information, bidders will be required to state (A) the full address of principal producing facilities (if designation of address is not feasible, a full explanation will be required), and (B) names and addresses of owner and operator if other than bidder;

(v) if the contract is for the Military Assistance Program, include the certificate in 7-2003.50;

(vi) unless the contract is exempt from the Buy American Act and the Balance of Payments Program, include the certificate in 7-2003.47;

(vii) unless exempted by 12-805 from inclusion of the Equal Opportunity clause, include the provisions in 7-2003.7-2003.14(b)(1), (2), and (3);

(viii) any requirement for prior testing and qualification of a product, when the item to be acquired is on a qualified products list (see Section 1, Part 11);

(ix) when the contract is for the acquisition of a patented item for which the Government is a licensee (1-304.3), include the provision in 7-2003.15;

(x) when shipping weights and dimensions are required to evaluate offers as to transportation costs (see 19-210), a provision substantially as in 7-2003.16 shall be included in the solicitation, except that the paragraph relating to the Government's estimated weights and dimensions may be omitted when such estimates cannot reasonably be developed and the file is documented accordingly, prior to the issuance of the solicitation. Solicitations omitting the paragraph relating to the Government's estimated weights and dimensions shall state that the failure to furnish guaranteed shipping weights and dimensions will render offers nonresponsive, unless the contracting offer determines that the shipping weights and dimensions would clearly not affect the standing of the bids. To aid in computing a reduction when the contractor exceeds the guaranteed maximum(s), the award document will show the weight(s) and dimensions used in the evaluation;

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(B) include in Section L of the solicitation a provision substantially as follows:

MINIMUM ACCEPTANCE PERIOD (1975 MAR)

Offerors allowing less than the number of calendar days specified in the "Offer" portion of SF 33 for acceptance by the Government will be rejected as nonresponsive.

(End of provision)

(xviii) when the contract is to contain a first article approval clause, the statement required by 1-1903;
(xix) any applicable notices of small business or labor surplus area set-asides (see 1-706.6 and 1-804.2);
(xx) the applicable small business size standard and product classification (see 1-701 and 1-703);
(xxi) any offer by the Government to provide Government production and research property for the performance of the contract (see Section XIII, Part 3) (see, for example, 13-202(b));
(xxii) the provision in 7-2003.10 when a "brand name or equal" item is being acquired;
(xxiii) in unusual cases, where bidders are required to have special technical qualifications due to the complexity of the equipment being acquired, or for some other special reason, a statement of such qualifications;
(xxiv) if the solicitation is to include an Industrial Preparedness Production Planning line item, the provision in 7-2003.69 will be included (see 1-2206);
(xxv) in accordance with 3-213.4, insert the Notice of Possible Standardization provision in 7-2003.38;
(xxvi) when the statement of work requires the design, development, or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72.
(xxvii) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

SECTION M - Evaluation Factors for Award.
(i) a statement of the exact basis upon which bids will be evaluated and award made, to include any Government costs or expenditures (other than bid prices) to be added or deducted, or any provisions for economic price adjustment as factors for evaluation.

(The amount of any royalty payable under the royalty-sharing provisions of a previously accepted value engineering change proposal incorporated in the solicitation will be considered in evaluating offers when the value engineering change is one of two or more acceptable alternatives under the solicitation.) See also 1-304.3.
(ii) if the solicitation contains an economic price adjustment clause, the provision in 7-2003.23(a);
(iii) when the contracting officer determines that it is necessary to consider the advantages or disadvantages to the Government that might result from making more than one award (multiple awards) (see 2-407.5(iii)), the provision in 7-2003.23(b);
(iv) discount provision (see 2-407.3);
(v) when bids (or proposals) are to be solicited f.o.b. origin only and when requirement exists for transit arrangements at transit point(s) in the United States (excluding Alaska and Hawaii) (see 19-206(a)), the provision in 7-2003.23(c);
(vi) to establish the means the Government will use in f.o.b. origin solicitations in applying transportation costs for evaluation (see 19-208.2(c)), the provision in 7-2003.23(d) (which may be modified to accommodate other methods of transportation);
(vii) when the exact destination is not known (see 19-208.4(a)), the provision in 7-2003.24(a);
(viii) when the exact destination is not known (see 19-208.4(a)), or when f.o.b. origin contracts may result (see 19-209), the provision in 7-2003.24(b);
(ix) when the supplies may be purchased f.o.b. origin (see 19-212), the provision in 7-2003.24(c);
(x) when both f.o.b. origin and f.o.b. destination bids are desired (see 19-104.2(b)), the provision in 7-2003.24(d);
(xi) any provision concerning evaluation or award peculiar to the kind of contract (for example, the provision required by 22-702.1 for laundry and drycleaning services, that required by 22-502 for mortuary services, that required by 22-600.3 and 22-600.4 for the preparation of personal property for shipment or storage and the performance of intra-area movement);
(xii) if, pursuant to 1-1504, options are to be evaluated for award, the applicable Evaluation of Options provision shall be inserted;

at the end of the statement: '(See paragraph .....** ..... of the invitation for bids)'.

* *A 30-day bid acceptance period is normal, but may be less, and in unusual circumstances a period of 60 days may be specified.*
** *Identify specific paragraph in the invitation for bids which includes the provision in (B) below.*

(B) Include a provision in the invitation for bids substantially as follows:

MINIMUM ACCEPTANCE PERIOD (1975 MAR)
Bids allowing less than the number of calendar days specified in the "Bid" portion of SF 19 (or on the reverse of SF 21 as applicable) for acceptance by the Government will be rejected as nonresponsive.
(End of provision)

(xiii) any authorized special provisions, necessary for the particular procurement, relating to such matters as progress payments (see Appendix E, E-504), patent rights (see 18-908), liquidated damages, profit limitations, or Buy American Act (see 7-2003.65);
(xiv) such general contract provisions or conditions as are required by law or by this Regulation;
(xv) any applicable wage determinations of the Secretary of Labor;
(xvi) a statement of the exact basis upon which bids will be evaluated and award made; to include any Government costs or expenditures (other than bid prices) to be added or deducted, or any provision for economic price adjustment as factors for evaluation (see 18-201). (The amount of any royalty payable under the royalty sharing provisions of a previously accepted value engineering change proposal incorporated in the solicitation will be considered in evaluating offers when the value engineering change is one of two or more acceptable alternatives under the solicitation.) See also 1-304.3.
(xvii) when considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition, such as improper kinds of multiple bidding, a requirement that each bidder submit with his bid an affidavit concerning his affiliation with other concerns. To accomplish the foregoing, the provision in 7-2003.12 shall be included in the invitation for bids. Failure to furnish the affidavit with the bid shall be treated as a minor informality or irregularity (see 2-405);
(xviii) directions for obtaining copies of any documents, such as plans, drawings, and specifications, as well as information as to charge, if any, to be made for drawings and specifications (see 16-401.2(c)(iii)(2)(B));
(xix) in accordance with 6-1104, the United States owned foreign currency provisions in 7-2003.62;
(xx) information regarding bidding material which shall include Instructions to Bidders, the Bid Form, the Contract Form, the General Provisions, any conditions, the specifications and drawings (see 1-1203);

(xxi) if the contract is to be conditioned on the availability of funds, a clear statement of such condition (see 1-318),
(xxii) a statement that prospective bidders may submit inquiries by writing or calling (*collect calls not accepted*) Mr. (*insert name and address, telephone area code, number, and extension*).
(xxiii) a statement that prospective bidders should indicate in the bid the address to which payment should be mailed, if such address is different from that shown for the bidder,
(xxiv) invitations for bids which will result in the placement of rated orders or Authorized Controlled Material Orders (see 1-307) shall contain the clause in 7-2003.22,
(xxv) unless exempted by 12-805 from inclusion of the Equal Opportunity clause—
(A) on the face page or cover sheet of the solicitation, these notices

I. NOTE THE AFFIRMATIVE ACTION REQUIREMENT OF THE EQUAL OPPORTUNITY CLAUSE WHICH MAY APPLY TO THE CONTRACT RESULTING FROM THIS SOLICITATION
II. NOTE THE CERTIFICATION OF NONSEGREGATED FACILITIES IN THIS SOLICITATION. Bidders, offerors and applicants are cautioned to note the "Certification of Nonsegregated Facilities" in the solicitation. Failure of a bidder or offeror to agree to the certification will render his bid or offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause (1975-OCT)

(B) the applicable provisions in 7-2003.14(b), (c), and (d);
(xxvi) the applicable small business size standard (see 1-701 and 1-703);
(xxvii) if, pursuant to 1-1504, options are to be evaluated for award, the applicable Evaluation of Options provision shall be inserted;
(xxviii) when the contract is for the purchase of a patented item for which the Government is a licensee (1-304.3), include the provision in 7-2003.15;
(xxix) if the contract is pursuant to the Balance of Payments Program, the procedures in 6-802 are applicable;
(xxx) except when a waiver has been granted (see 18-110) prior to solicitation, if the solicitation contains one or more items subject to statutory cost limitation, the Cost Limitation provision in 7-2003.27;
(xxxi) if a construction contract is estimated to exceed $1,000,000 or in appropriate contracts under $1,000,000, the clause set forth in 7-603.15 and a statement that the successful bidder must furnish the contracting officer within (number) days after award the items of work which he will perform with his own forces and the estimated cost of those items unless he has submitted those items with his bid;

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(lvii) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 (*"Geographic Distribution of Defense Subcontract Dollars"*);

(lviii) insert the Woman-Owned Business representation in 7-2003.80;

(lix) insert the Percent Foreign Content representation in 7-2003.81;

(lx) when Government specifications are incorporated requiring utilization of recovered materials, insert the certification in 7-2003.82;

(lxi) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

(c) Master Solicitation. A master solicitation is a document containing the text of special provisions which have been identified as being essential for carrying out the peculiar needs of a specific commodity assignment to a single contracting activity within DOD. The document is pre-positioned with potential sources who are requested to retain them for continued and repetitive use. The purpose of this technique is to simplify solicitation and award documents, to reduce the size of solicitations and awards, and concurrently to achieve time and dollar savings for both the Government and industry. The master solicitation technique involves two separate phases, the issuance of the master solicitation and the issuance of the individual solicitation/award. In addition, use of this technique to meet such peculiar requirements shall be subject to the following criteria:

(1) The master solicitation shall not be used unless repetitive purchases are anticipated.

(2) The master solicitation shall not include non-essential or infrequently used provisions.

(3) The master solicitation shall consist primarily of those locally developed provisions relating to instructions and procedures requiring repetitive use that cannot otherwise be avoided through use of DAR clauses. The master solicitation shall not include Section VII clauses; however, where the acquisition requires performance outside the U.S., Section VII clauses may be included in the master solicitation.

(4) Copies of a master solicitation shall be made available upon request.

(5) There shall be no interim changes, revisions nor amendments to the master solicitation itself. The only approved method of revising the master solicitation shall be by reissuing the entire master solicitation.

(6) Copies of contracts furnished to the contract administration activity must be complete and shall include a copy of the master solicitation unless prior arrangements have been made.

(7) The use of this technique shall be limited to those situations where it is clearly demonstrable that a substantial reduction of paperwork and simplification of the contracting process will result. Approval by the Head of the Contracting Activity is required.

2-202 Miscellaneous Rules for Solicitation of Bids.

2-202.1 *Bidding Time.*

(a) Consistent with the needs of the Government for obtaining the supplies or services, all invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to allow bidders an adequate opportunity to prepare and submit their bids. As a general rule, bidding time shall be no less than 30 calendar days. For potential sources in participating countries, see 6-1403.1(a); for sources in FMS/offset arrangement countries, see 6-1310.3(b); and for sources in defense cooperation countries, see 6-1502.1.

(b) This rule need not be observed in special circumstances; for example, where the contracting officer has valid reason to determine that bidders in the second step of two-step formal advertising can prepare and submit their bids in less than 30 calendar days, or where the urgency for the supplies or services does not permit such delay. When the contracting office is located in the United States and a prospective bidder is located at a foreign address, the mailing time associated with international air mail (see 2-203.1) shall be considered when establishing the bid opening date. For items on Qualified Products Lists, see 1-1107.1; for construction contracts, see 18-202(b); and for brand name or equal items, see 1-1206.2.

2-202.2 *Telegraphic Bids.* As a general rule, telegraphic bids will not be authorized. However, when, in the judgment of the contracting officer, the date for the opening of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms or when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized, the schedule of the invitation for bids will contain the provision in 7-2003.29.

2-202.3 *Bid Envelopes.* Postage or envelopes bearing "Postage and Fees Paid" indicia shall not be distributed with the invitation for bids or otherwise supplied to prospective bidders. To provide for ready identification and proper handling of bids, Optional Form 17, "Sealed Bid Label", obtainable from the General Services Administration, may be furnished with each bid set to provide the bidder with a means of specifically identifying his bid.

2-202.4 *Bid Samples.*

(a) *Definition.* The term "*bid sample*" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. Such samples will be used only for the purpose of determining the responsiveness of the bid and will not be considered on the issue of a bidder's ability to produce the required items.

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure acquisition of an acceptable product. It may be appropriate to require bid samples, for example, where the acquisition is of products that must be suitable from the standpoint of balance, facility of use, general "feel," color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable

(f) *Unsolicited Descriptive Literature.* If the furnishing of descriptive literature is not required by the invitation for bids, but such literature is furnished with a bid, it will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(g) See 2-404.4 for requirements with respect to restrictions on the public disclosure of descriptive literature submitted by a bidder.

2-203 Methods of Soliciting Bids.

2-203.1 *Mailing or Delivery to Prospective Bidders.* Invitations for bids (or pre-invitation notices) shall be mailed (or delivered) to a sufficient number of prospective bidders so as to elicit adequate competition and, in accordance with 1-1002.1, may be provided to others having a legitimate interest to the extent invitations for bids are available. When a contracting office is located in the United States, any solicitation sent to a prospective bidder located at a foreign address shall be sent by international air mail if security classification permits. For bidding time, see 2-202.1.

2-203.2 *Dissemination of Information Concerning Invitations for Bids.* For procedures concerning displaying of bids in a public place, information releases to newspapers and trade journals, paid advertisements, and synopsizing, see 1-1002.4, 1-1002.5, 1-1002.6, and 1-1003.

2-204 Office of Permanent Record. Each purchasing activity is the office of permanent record for every invitation for bids issued and distributed by it and for each abstract or record of bids. The file of the invitation for bids should show the distribution which was made and the date thereof.

2-205 Bidders Mailing Lists.

2-205.1 *Establishment of Lists.*

(a) Bidders mailing lists shall be established by purchasing activities to insure access to adequate sources of supplies and services except where the requirements of the purchasing office can be obtained within the local trade area through utilization of the simplified small purchases procedures (Section III, Part 6), or are nonrecurring.

(b) All eligible and qualified suppliers who have submitted bidders mailing list applications, or whom the purchasing activity considers capable of filling the requirements of a particular procurement shall be placed on the appropriate bidders mailing list. Planned producers under the Industrial Readiness Planning Program shall be included on the bidders mailing list for their planned items. See also 1-1006(b). When new prospective suppliers are placed on the bidders mailing list, they shall be notified. The issuance of a solicitation within a reasonable time may be considered appropriate notification. Those not meeting the criteria for placement on the bidders mailing list also shall be notified accordingly.

(c) Business firms listed on Bidders Mailing List (BML) will be identified by size as per 1-701. The size status should be established prior to initially listing a business firm on a purchasing activity's BML. Minority firm designation will be shown on the BML whenever noted on the SF 129 submitted by a particular firm.

(d) Bidders Mailing list Application (Standard Form 129) shall be used for obtaining information needed, as prescribed in 16-810, in the establishment and maintenance of bidders mailing lists. Supplemental information, where required, may be obtained by using DD Form 558-1 (Bidders Mailing List Application Supplement).

(e) For special instructions relative to the establishment of a Research and Development Bidders Mailing List, see ASPR Supplement No. 4, "Procedures for Submission of Applications To Be Placed on Research and Development Bidders Mailing Lists."

2-205.2 *Removal of Names from Bidders Mailing Lists.*

(a) The name of each concern failing to respond to an invitation for bids, or pre-invitation notice (see 2-205.6) may be removed from the bidders mailing list without notice to the concern but only for the item or items involved in such invitation or notice. Where a concern fails to respond to two consecutive invitations for bids or pre-invitation notices, its name shall be removed from the bidders mailing list to the extent indicated above, except that, in individual cases, concerns thus failing to respond may be retained on a bidders mailing list if such retention is considered to be in the best interest of the Government. Both actual bids and written requests for retention on the bidders mailing lists are "responses" to invitation for bids or pre-invitation notices.

(b) The names of concerns which have been (i) debarred from entering into Government contracts or (ii) otherwise determined to be ineligible to receive an award of a Government contract, including ineligibility because of suspension or

other disqualifications, shall be removed from the bidders mailing lists to the extent required by such debarment or other determination of ineligibility.

2-205.3 *Reinstatement on Bidders Mailing Lists.* Concerns which have been removed from bidders mailing lists may be reinstated upon request or new application on Standard Form 129. No concern which is debarred or ineligible shall be reinstated during the period of debarment or ineligibility.

2-205.4 *Excessively Long Bidders Mailing Lists.*

(a) *General.* To prevent excessive administrative costs of a procurement, mailing lists should be used in a way which will promote competition commensurate with the dollar value of the purchase to be made. As much of the mailing list will be used as is compatible with efficiency and economy in securing adequate competition as required by law. Where the number of bidders on a mailing list is considered excessive in relation to a specific procurement, the numbers of firms to be solicited may be reduced by any method consistent with the foregoing, including those described in (b) below and 2-205.6. The fact that less than an entire mailing list is used shall not in itself preclude furnishing of bid sets upon request made by concerns not invited to bid.

(b) *Rotation of Lists.* Mailing lists may be rotated, but to do so will require considerable judgment as to whether the size of the transaction justifies rotation. Consideration also should be given as to whether time permits utilization of the pre-invitation notice (see 2-205.6). In rotating a list, the interest of small business (see 1-702(b)(v)) and the existence of labor surplus areas (see 1-803(a)(v)) shall be considered. Whenever the rotation method is employed, the successful bidder on the previous procurement for the same or similar items and those prospective suppliers who have been added to the bidders mailing list since the last procurement shall be solicited, in addition to those bidders comprising that segment of the list selected for use in a particular procurement, except where such action would be precluded by use of the small business total set-aside procedures.

2-205.5 *Release of Bidders Mailing Lists.*

(a) The comprehensive bidders mailing list established by purchasing offices under this section shall be made available to the public upon written request made in accordance with 1-329. When it is necessary to dispatch identical information by means of electrical transmission to prospective bidders or offerors, the electrically transmitted message, when released for communications handling, shall be marked "BOOK MESSAGE--TRANSMIT A SINGLE ADDRESS MESSAGE" to preclude prospective bidders or offerors knowing the names of others solicited. However, information as to sources solicited may be made available to other Government agencies, at their specific request, and upon the condition that the list will not be made available for inspection prior to award to anyone outside the Government.

(b) When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, bidders and other having a bona fide interest in such information, will be supplied upon request with a list of all prospective bidders furnished copies of the plans and specifications.

2-205.6 *Pre-Invitation Notices.* In lieu of initially forwarding complete bid sets, the purchasing activity may send pre-invitation notices to concerns on the mailing list. The notice shall:

(i) specify the date by which bidders should return the notice in order to receive a complete bid set;

(ii) describe the requirement, or include the schedule of the invitation for bids, so as to furnish an item description and a condensation of

other essential information providing concerns with an intelligible basis for judging whether they have an interest in the acquisition; and

(iii) expressly notify concerns that if no bid is to be submitted, they should advise the issuing office in writing if future invitations are desired for the type of supplies or services involved.

Drawings, plans, and specifications normally will not be furnished with the pre-invitation notice. The return date in the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets will be sent to concerns which request them. This procedure is particularly suitable to major contracting activities where lengthy invitations for bids and long bidders mailing lists are common.

2-206 Small Business and Labor Surplus Area Set-Asides. See Section I, Parts 7 and 8.

2-207 Pre-Bid Conference. The pre-bid conference is a procedure which may be used, generally in complex acquisitions, as a means of briefing prospective bidders (e.g., acquisitions that were formerly negotiated are to be formally advertised) and explaining complicated specifications and requirements to them as early as possible after the invitation has been issued and before the bids are opened. Since the invitation for bids itself must be sufficiently clear and complete to insure that bidders are bidding on the same basis, the need for this procedure should be rare. The pre-bid conference shall never be used as a substitute for amending a defective or ambiguous invitation, and may be used only when approved at a level higher than the contracting officer. It shall be conducted in accordance with the procedure prescribed in 3-504. All interested parties, including representatives from qualifying country sources, shall be invited. (See 6-1403.1(a)(8), 6-1310.3(b), and 6-1502.1.)

2-208 Amendment of Invitation for Bids.

(a) If, after issuance of an invitation for bids but before the time for bid opening, it becomes necessary to make changes in quantity, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes shall be accomplished by issuance of an amendment to the invitation for bids, using Standard Form 30 (see 16-101), whether or not a pre-bid conference is held. The amendment shall be sent to everyone to whom invitations have been furnished and shall be displayed in the bid room.

(b) Before issuing an amendment to an invitation for bids, the period of time remaining until bid opening and the need for extending this period by postponing the time set for opening must be considered. Where only a short time remains before the time set for bid opening, consideration should be given to notifying bidders of an extension of time by telegram or telephone. Such notification should be confirmed in the amendment.

(c) Any information given to a prospective bidder concerning an invitation for bids shall be furnished promptly to all other prospective bidders, as an amendment to the invitation, whether or not a pre-bid conference is held, if such information is necessary to the bidders in submitting bids on the invitation or if the lack of such information would be prejudicial to uninformed bidders. No award shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

(b) When award is to be made by drawing by lot and the information available shows that the product of a particular manufacturer has been offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

(c) When an award is determined by drawing by lot, the names and addresses of the three witnesses and the person supervising the drawing shall be placed on all copies of the abstract of bids or otherwise recorded.

(d) In each award where preference is to be given under this Section, the contracting officer shall, prior to award, obtain from such concern a written statement that it will perform, or cause to be performed, the contract in accordance with the circumstances justifying the priority.

2-407.7 *Reserved.*

2-407.8 *Protests Against Award.*

(a) *General.*

(1) Contracting officers shall consider all protests or objections to the award of a contract, whether submitted before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest. (See 1-308(b)(i).) (See 1-703(b) for protests of small business status and 12-604(a) for protests involving eligibility under the Walsh-Healey Public Contracts Act.) An interested party wishing to protest to the Comptroller General of the United States against an award of a contract should do so in accordance with General Accounting Office Regulations, Title 4, Chapter 1, Part 20 of the Code of Federal Regulations.

(2) When a protest, before or after award, has been lodged with a higher authority or the Comptroller General and the contracting officer is requested to submit a report, the file should include:

(i) a copy of the protest;

(ii) a copy of the bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, or whose bid is being protested;

(iii) a copy of the invitation for bids including the specifications or portions thereof relevant to the protest;

(iv) a copy of the abstract of bids or relevant portions thereof;

(v) any other documents which are relevant to the protest; and

(vi) a statement signed by the contracting officer setting forth his findings, actions, and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the protest. The statement shall be fully responsive to the allegations of the protest. If the award was made after receipt of the protest, the contracting officer's report will include the determination prescribed in (b)(3).

(3) Other persons, including bidders, involved in or affected by the protest shall be given notice of the protest. They shall also be advised that they may submit their views and relevant information to the contracting officer within a specified period of time, normally within one week, and that copies of such submissions should be furnished directly to the General Accounting Office when the protest has been filed with that office.

(4) Timely action on protests is essential to avoid undue delay in procurements and to assure fair treatment to protesting firms or individuals. Accordingly, protests should be handled on a priority basis. Upon receipt of informal advice that a protest has been filed with the General Accounting Office, the contracting officer shall immediately begin compiling the information necessary for a report to that office. To expedite processing, the Departmental official who furnishes the Department's report to the General Accounting Office (GAO) should upon request of the protestor or the GAO simultaneously furnish a copy (except for classified or privileged information) to the protester, and advise the GAO that this has been done. In such cases, the protester shall be requested to furnish a copy of any comments on the administrative report directly to the General Accounting Office as well as to the contracting officer.

(5) To facilitate these submissions to the GAO, each Department shall furnish the GAO with the name, title, and telephone number of one or more officials whom the GAO may contact regarding protests.

(b) *Protests Before Award.* If award has not been made, the contracting officer may require that written confirmation of an oral protest be submitted by a specified time and inform the protester that award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded and award may be made in the normal manner unless the contracting officer, upon investigation, finds that remedial action is required, in which event such action shall be taken.

(1) In appropriate cases, notice of a protest will be given to bidders affected thereby. For example, when a protest against the making of an award is received and the contracting officer determines to withhold the award pending disposition of the protest, the bidders whose bids might become eligible for award should be informed of the protest and requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance (with consent of sureties, if any) in order to avoid the need for readvertisement. In the event of failure to obtain such extension of bids, then consideration should be given to proceeding with award under (3) below.

(2) When a protest has been received before award, the views of the Office of the Comptroller General regarding the protest should be obtained before award whenever such action is considered to be desirable. When it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make award under (3) below must be approved at an appropriate level above that of the contracting officer, in accordance with Departmental procedures. While award need not be withheld pending final disposition by the Comptroller General of a protest, a notice of intent to make award in such circumstances shall be furnished the Comptroller General, and formal or informal advice should be obtained concerning the current status of the case prior to making the award.

(C) REGULAR DEALER-MANUFACTURER (applicable only to supply contracts exceeding $10,000)

He is a ☐ regular dealer in, ☐ manufacturer of, the supplies offered.

(D) CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

(Insert the provision in 7-2003.1 in accordance with 1-115(a).)

(ii) when a request for proposals form other than SF 33 is used, a requirement for stipulation of a time within which the Government may accept the proposal;
(iii) when SF 33 is not used, the Contingent Fee clause in 7-2002.1 (if required by 1-306.1) and the following:

TYPE OF BUSINESS ORGANIZATION

The Offeror/Quoter represents and certifies as part of his proposal/quotation that: (Check all applicable boxes or blocks.)

He operates as ☐ an individual, ☐ a partnership, ☐ a nonprofit organization, ☐ a corporation, incorporated under the laws of the State of _____.

(iv) a statement requesting the prospective offeror or quoter to list the names and telephone numbers of persons authorized to conduct negotiations;
(v) where SF 33 (Solicitation, Offer, and Award) is not used, a statement that prospective offerors/quoters should indicate in the offer/quotation the address to which payment should be mailed, if such address is different from that shown for the offeror/quoter. (Contracting officers shall include this information in all resultant contracts that are to be administered by a Defense Contract Administration Services Regional Office);
(vi) unless exempted by 12-805 from inclusion of the Equal Opportunity clause, the provisions in 7-2003.14(b)(1), (2), and (3);
(vii) the clause in 7-2003.13 shall be included in Requests for Proposals that do not involve set-asides for labor surplus area concerns;
(viii) a requirement that the proposal or quotation state the intended place of performance, including the street address, and the names and addresses of owner and operator of producing facilities, if other than offeror or quoter, when it is reasonably anticipated that such facilities will be used in the performance of the contract;
(ix) if the contract is for the Military Assistance Program, the certificate in 7-2003.50;
(x) unless the contract is exempt from the Buy American Act and the Balance of Payments Program, the certificate in 7-2003.47;
(xi) a request that prospective offerors or quoters state whether, to their knowledge, the contract performance involves the acquisition of Government production

and research property, the disposal of which may be restricted by patent or other rights (see 13-307(b));
(xii) when the delivery of technical data is required, insert the provision in 7-2003.66;
(xiii) the appropriate transportation solicitation provisions as required by 2-201(a) Section K (x) through (xiv);
(xiv) (A) in accordance with 3-1203(a), insert the provision in 7-2003.67(a);
(B) in accordance with 3-1204, insert the provision in 7-2003.67(b);
(C) in accordance with 3-1213(a), insert the provision in 7-2003.67(c);
(xv) any requirement for royalty information to be furnished with the offer of quotation (see 9-110(a));
(xvi) when neither SF 33 (Solicitation, Offer, and Award) nor SF 18 (Request for Quotations) is used, insert a requirement for inclusion of "country" as part of quoter's/offeror's address;
(xvii) when the contract is for the purchase of a patented item for which the Government is a licensee (1-304.3), insert the provision in 7-2003.15;
(xviii) when the proposed acquisition consists of a partial set-aside for LSA firms (1-706.7 or 1-804.1) or a partial set-aside for small business firms (1-706.6), include the clause in 7-2003.21;
(xix) the Clean Air and Water certification in 7-2003.71;
(xx) insert the Small Disadvantaged Business Concern representation in 7-2003.74;
(xxi) insert the Woman-Owned Business representation in 7-2003.80;
(xxii) insert the Percent Foreign Content representation in 7-2003.81;

SECTION L - Instructions and Conditions, and Notices to Offerors/Quoters.

(i) when SF 33 is used, it shall be accompanied by SF 33A (Solicitation Instructions and Conditions); alternatively, SF 33A may be incorporated by reference to the form name, number and edition date;
(ii) the Late Technical Proposals provision in 7-2002.3 or the Late Proposals provision in 7-2002.4 (these replace paragraphs 7 and 8 of SF 33A);
(iii) the Order of Precedence provision in 7-2003.41 (this replaces paragraph 19 of SF 33A);
(iv) type of contract contemplated, together with type of repricing, and economic price adjustment, if any;

(v) when telegraphic offers are authorized, a provision similar to that in 7-2003.29;
(vi) permission, if any, to submit alternate offers, including alternate materials or designs (see 1-1207);
(vii) if no award will be made for less than the full quantities solicited, a statement to that effect;
(viii) if award is to be made by specified groups of items or in the aggregate, a statement to that effect;
(ix) bid guarantee, performance bond, and payment bond requirements, if any (see Section X, Part 1). If a bid bond or other form of bid guarantee is required, the solicitation shall include the provision in 7-2003.25;
(x) directions for obtaining copies of any documents, such as plans, drawings and specifications, that have been incorporated by reference (see 1-1203);
(xi) information as to requirements for a Certificate of Current Cost or Pricing Data (see 3-807);
(xii) any requirements for samples or descriptive literature (for definitions, see 2-202.4 and 2-202.5(a), respectively);
(xiii) when SF 33 is not used, consistent with 3-805.1(a)(v), notice to all offerors that award may be made without discussion of proposals;
(xiv) if the contract involves performance of services on a Government installation, the provision in 7-2003.39;
(xv) in accordance with 6-1104, the U.S.-owned foreign currency provision in 7-2003.62;
(xvi) solicitations that will result in the placement of rated orders or Authorized Controlled Material Orders (see 1-307) shall contain the clause in 7-2003.22;
(xvii) when the contract is to contain a first article approval clause, the statement required by 1-1903;
(xviii) any applicable notices of small business or labor surplus area set-asides (see 1-706 and 1-804.2);
(xix) the applicable size standard and product classification (see 1-701 and 1-703);
(xx) any offer by the Government to provide Government production and research property for the performance of the contract (see Section XIII, Part 3);
(xxi) description of the procedures to be followed in obtaining permission to use Government production and research property (see Section XIII, Parts 4 and 5);

(xxii) the provision in 7-2003.40 concerning unnecessarily elaborate proposals;
(xxiii) the provision in 7-2003.10 (suitably modified for negotiation procedures) when a "brand name or equal" item is being acquired;
(xxiv) instructions regarding the marking of information that is not to be disclosed to the public or used by the Government for any purpose other than the evaluation of the proposals or quotations (see 3-507.1);
(xxv) instructions with respect to disposition of drawings and specifications supplied with the request for proposals or request for quotations;
(xxvi) statutory cost limitation, if any;
(xxvii) if the DD Form 1423 (Contract Data Requirements List) is used, a provision that if the offeror fails to enter the required information in Blocks 25 and 26 of DD Form 1423 in accordance with instructions on the form as part of his submission and refuses to do so on request, his offer may be rejected;
(xxviii) a statement covering special technical capabilities that the offeror must possess;
(xxix) a description of any information required to support proposed prices (subcontract structure, make-or-buy program, purchasing system, royalty, and cost and price information) (see Section III, Parts 8 and 9; Section IX, Part 1; and Section XXIII);
(xxx) in accordance with 7-2003.14(a), the notice of Preaward On Site Equal Opportunity Compliance Review set forth therein;
(xxxi) when Cost/Schedule Control Systems Criteria are required (see 1-331(b)), the provision in 7-2003.43 shall be included;
(xxxii) if the solicitation is to include an Industrial Preparedness production planning line item, the provision in 7-2003.68 shall be included;
(xxxiii) in accordance with 3-213.4, insert the Notice of Possible Standardization provision in 7-2003.38;
(xxxiv) if the contract is for the acquisition of goods or services for MAP, IMET, or FMS, include the clause in 7-104.97;
(xxxv) when the statement of work requires the design, development, or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72.
(xxxvi) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

(xxviii) the provision in 7-2003.40;
(xxix) if the contract is to be conditioned on the availability of funds, a clear statement of such condition (see 1-318);
(xxx) such general contract provisions or conditions as are required by law or by this Regulation;
(xxxi) Reserved;
(xxxii) when the acquisition involves a set-aside for small business concerns, the following provision will be placed on the face of the solicitation form or on a cover sheet:

THIS IS A .....% SET ASIDE FOR SMALL BUSINESS CONCERNS.

(xxxiii) a statement that prospective offerors may submit inquiries by writing or calling (collect calls not accepted) Mr. (insert name and address; telephone area code, number, and extension);
(xxxiv) Requests for Proposals which will result in the placement of rated orders or Authorized Controlled Material Orders (see 1-307) shall contain the clause in 7-2003.22;
(xxxv) a statement requesting the prospective offeror to list the names and telephone numbers of persons authorized to conduct negotiations;
(xxxvi) if the contract is pursuant to the Balance of Payments Program, the procedures in 6-802 are applicable;
(xxxvii) in accordance with 6-1104, the provision in 7-2003.62;
(xxxviii) unless exempted by 12-805 from inclusion of the Equal Opportunity clause—
(A) on the face page or cover sheet of the solicitation, these notices:

I. NOTE THE AFFIRMATIVE ACTION REQUIREMENT OF THE EQUAL OPPORTUNITY CLAUSE WHICH MAY APPLY TO THE CONTRACT RESULTING FROM THIS SOLICITATION.
II. NOTE THE CERTIFICATION OF NONSEGREGATED FACILITIES IN THIS SOLICITATION. Bidders, offerors and applicants are cautioned to note the "Certification of Nonsegregated Facilities" in the solicitation. Failure of a bidder or offeror to agree to the certification will render his bid or offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause. (1975 OCT)

(B) the applicable provisions in 7-2003.14(b), (c), and (d);
(xxxix) the applicable small business size standard (see 1-701 and 1-703);
(xl) *Reserved;*

(xli) if pursuant to 1-1504, options are to be evaluated for award, the applicable *Evaluation of Options* provision shall be inserted;
(xlii) if 1-1503(d) applies, a conspicuous notice cautioning offerors that an offer containing an option price higher than the base price may be accepted only if such acceptance does not prejudice any other offeror; (This may be placed elsewhere so long as the notice is adjacent to the limitation as to option price.)
(xliii) any requirement for royalty information to be furnished with the offer, proposal or quotation (see 9-110(a));
(xliv) when the contract is for the purchase of a patented item for which the Government is a licensee (1-304.3), include the provision in 7-2003.15;
(xlv) a statement on the first sheet or on a cover sheet of the Request for Proposals that:

PROPOSALS MUST SET FORTH FULL, ACCURATE, AND COMPLETE INFORMATION AS REQUIRED BY THIS REQUEST FOR PROPOSAL (INCLUDING ATTACHMENTS). THE PENALTY FOR MAKING FALSE STATEMENTS IN PROPOSALS IS PRESCRIBED IN 18 U.S.C. 1001.

(xlvi) a statement of arangements to be made for inspecting the site, including designation of the person or persons, if any, with whom such arrangements may be made and who will answer questions or furnish information;
(xlvii) information which may affect performance of the work such as boring samples, original boring logs, etc.;
(xlviii) information as to what utilities the Government will furnish during construction, when the contracting officer determines that any new utilities are adequate for the needs of both the Government and the contractor (see 7-603.30);
(xlix) Reserved;
(l) Reserved;
(li) (A) in accordance with 3-1203(a), insert the provision in 7-2003.67(a);
(B) in accordance with 3-1204, insert the provision in 7-2003.67(b);
(C) in accordance with 3-1213(a), insert the provision in 7-2003.67(c);
(lii) the *Late Technical Proposals* provision in 7-2002.3, or the Late Proposals provision in 7-2002.4, (these replace paragraphs 7 and 8 of SF 22);
(liii) if international air transportation of personnel and cargo is possible during performance of the contract, the clause in 7-104.95;
(liv) the *Contingent Fee* provision in 7-2002.1 shall be substituted for paragraph 3 of SF 19-B;
(lv) the *Clean Air and Water Certification* in 7-2003.71;
(lvi) Reserved;

(lvii) when the statement of work requires the design, development or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72;
(lviii) if the contract is for the acquisition of goods or services for MAP, IMET, or FMS, include the clause in 7-104.97;
(lix) if the contract includes FMS requirements, identify the contract by clearly stamping or otherwise indicating "*FMS Requirement*" on the cover sheet of the contract;
(lx) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 ("*Geographic Distribution of Defense Subcontract Dollars*").
(lxi) when Government specifications are incorporated requiring utilization of recovered materials, insert the certification in 7-2003.82.
(lxii) when the provisions of the Buy American Act or the Balance of Payments Program apply, include the clauses in 7-104.3, 7-104.32, 7-2003.47, and 7-104.106 as prescribed in 6-104.5, 6-803.1(e).
(lxiii) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

(d) *Oral Solicitations.*

(1) Oral solicitations are authorized for small purchases (see Section III, Part 6) and for the acquisition of perishable subsistence.

(2) Oral solicitations, other than those described in (1) above, are authorized in cases where the processing of a written solicitation would delay the furnishing of the supplies or services to the detriment of the Government. Examples of such circumstances may include those listed in 3-202.2. However, oral solicitation is not to be considered justified solely because a high issue Priority Designator has been assigned to the requirement. In addition to other applicable documentation requirements (see 1-308), the record of contract actions above shall include a resume of the circumstances that justified use of an oral solicitation, item description, quantity, deliveries required, sources solicited, prices quoted (including name of individual contacted), date and time contacted, and the solicitation number (see 20-203) provided the prospective sources. Should the issuance of the resulting contractual instrument be unduly delayed, the contract file should be documented to describe the reasons for the delay and justify award based upon the oral solicitation.

(3) Use of oral solicitation does not relieve the contracting officer from complying with other applicable portions of this Regulation; e.g., the appropriate requirements of (b) above, postaward notice of offerors (see 3-508.3), price negotiation policies and techniques (Section III, Part 8), and submission of same terms and conditions to all offerors.

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(e) *Master Solicitation.* Master solicitation for negotiated contracts may be established, maintained, and utilized in accordance with 2-201(c).

3-502 Solicitation for International or Planning Purposes. See 1-309.

3-503 Methods of Soliciting Proposals.

3-503.1 *Bidders Mailing Lists.* Bidders mailing lists for negotiated contracts shall be established, maintained, and utilized in accordance with 2-205.

3-503.2 *Delivery of Solicitations to Prospective Offerors.* When a purchasing office is located in the United States, any solicitation sent to a prospective offeror located at a foreign address shall be sent by international air mail, if security classification permits.

3-504 Pre-proposal Conferences.

3-504.1 *General.*

(a) The pre-proposal conference is a procedure which may be used, generally in complex negotiated acquisitions, as a means of briefing prospective offerors after a solicitation has been issued but before offers or proposals are prepared.

(b) Such a conference permits the Government to explain or clarify complicated specifications and requirements to interested firms. It may also be used to provide an opportunity for interested firms to examine a model of the equipment being acquired, where for reasons such as security or limited quantities, such model can only be shown at a specific time and location.

3-504.2 *Procedure.*

(a) When it is determined to be in the best interests of the Government to hold a pre-proposal conference, the contracting officer shall make the necessary arrangements and shall notify all those to whom solicitations have been issued as to the time, place, and general nature of the proposed conference. Such a determination may be made as a result of questions and problems raised by prospective offerors. Adequate notice shall be given to prospective offerors, including qualifying country sources (6-001), so that all who wish to may arrange for representation. The notice shall define as explicitly as possible the nature and scope of the conference. If time permits, prospective offerors should be asked to submit any questions they may have in advance, in order to give the purchasing office time to prepare and to make the conference as fruitful as possible.

(b) The pre-proposal conference shall be conducted by the contracting officer or his representative, and attended by technical and legal personnel as appropriate.

(c) All prospective offerors shall be furnished identical information in connection with the proposed acquisition. Remarks and explanations at the conference shall not qualify the terms of the solicitation and specifications. All conferees shall be advised that unless the solicitation is amended in writing it will remain unchanged and that if an amendment is issued, normal procedures relating to the acknowledgment and receipt of solicitation amendments shall be applied. A complete record shall be made of the conference.

3-505 Amendment of Request for Proposals and Request for Quotations—Prior to Closing Date.

(a) If, after issuance of a request for proposals or quotations but before the closing date of their receipt, it becomes necessary to make a significant change in quantity, specifications, or delivery schedules, or to make any change in closing dates, or to correct a defect or ambiguity, the change shall be accomplished by issuance of an amendment to the request, whether or not a preproposal conference is held. Standard Form 30 (see 16-102.3) shall be used for amending a request for proposals. Requests for quotations may be amended by letter.

(b) When it is considered necessary to issue an amendment to a request for proposals or request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, consideration should be given to notifying offerors or quoters of an extension of time by telegram or telephone. Such notification should be confirmed in the amendment.

(c) Any information given to a prospective offeror or quoter concerning a request for proposals or request for quotations shall be furnished promptly to all other prospective offerors or quoters as an amendment to the request, whether or not a pre-proposal conference is held, if such information is necessary to offerors or quoters in submitting proposals or quotations on the request, or if the lack of such information would be prejudicial to uninformed offerors or quoters. No award shall be made on a request for proposals unless such amendment thereto has been issued in sufficient time to permit prospective offerors to consider such information in submitting or modifying their proposals.

3-506 Late Proposals and Modifications of Proposals.

(a) This paragraph does not apply to simplified small purchases made pursuant to Section III, Part 6.

(b) Offerors are responsible for submitting proposals and modifications of proposals, including final modifications at the conclusion of negotiations, so as to reach the designated Government office on time. Proposals and modifications of proposals received in the office designated in the request for proposals after the exact time specified are "late" and shall be considered only if the circumstances outlined in the provision in 7-2002.4 are applicable. Unless a specific time for receipt of proposals is stated in the request for proposals, the time for receipt shall be the time for normal close of business of the office designated for receipt of proposals on the date proposals are due.

(c) When a late proposal or modification of proposal is received and it is clear from available information that it cannot be considered for award, the Contracting Officer shall promptly notify the offeror that it was received late and will not be considered (see also 3-506(c)). Such notice need not be given where the proposed contract is to be awarded within a few days and notice pursuant to 3-508.3 would suffice. However, when a late proposal or modification of proposal is transmitted by registered or certified mail and is received before award but it is not clear from available information whether it can be considered, the offeror shall be promptly notified substantially in accordance with the notice

Part 6—Small Purchase and Other Simplified Purchase Procedures

3-600 Scope of Part. This Part sets forth simplified procedures for the procurement of supplies, nonpersonal services, and construction, the aggregate amount of which does not exceed $10,000, which are referred to in this Part as "small purchases." It also applies to certain other supplies and services. This Part does not preclude the use of bilateral purchase orders (see 3-608.4); Standard Form 19 for construction contracts (see 16-402.2 and 18-302); or a negotiated two-party formal contract for procurements not in excess of $10,000, for example where the procurement is classified or requires specific contract provision relating to technical inspection or test, specification changes, Government-furnished property, insurance, patents, price adjustments, or the like. When the total cost of services to repair Government equipment does not exceed $10,000, such services may be obtained by purchase orders or other appropriate small purchase method, regardless of the value of the Government equipment being repaired (see 3-608.2(b)(1)(viii)), except as provided in 3-608.2(b)(2). Procurements of supplies and services or construction initially estimated to exceed $10,000 shall not be made by the small purchase method, even though resulting awards do not exceed such amounts.

3-601 Purpose. The objective of the simplified purchase methods prescribed herein is to reduce administrative costs.

3-602 Definitions. As used in this Part, the following terms have the meanings set forth below.

(a) *Bulk funding concept* means a system whereby a contracting officer receives authorization from a fiscal and accounting officer to obligate funds on purchase documents against a specified lump sum of funds reserved for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document.

(b) *Mail indicia* means the official printed markings substituted for stamps, *i.e.*, "Postage and Fees Paid" and appropriate department. This includes such markings on envelopes, cards, labels, wrappers, or tags.

(c) *Local delivery* means the movement of supplies or commodities wholly within a recognized metropolitan area in which both the point of pickup and the point of delivery are located.

3-603 Policy.

3-603.1 *General.*

(a) All purchases covered by this Part shall be accomplished by negotiation and shall cite the appropriate subparagraph of 10 U.S.C. 2304(a) in accordance with Part 2 of this Section. Such purchases shall be made only when requirements cannot be satisfied by procurement in accordance with Section V. The contracting officer shall use the purchase method covered by this Part which he determines to be most suitable to the immediate requirement and most efficient and economical. Simplified procedures may be used in procurements from Government established sources, if authorized by the basic contract or concurred in by the source.

(b) Requirements aggregating more than $10,000 shall not be broken down into several purchases which are less than $10,000 merely for the purpose of permitting negotiation under the small purchase procedures authorized by this Part. Related items (such as small hardware items or spare parts for vehicles) may be included in one solicitation, and the award made on "all or none" basis. In such cases, suppliers shall be advised of this award procedure when quotations are requested.

(c) The "bulk funding" concept shall be used to the maximum extent practicable to reduce processing delays, double handling, and documentation. Bulk funding is particularly appropriate when numerous purchases using the same type of funds are to be made during a given period.

(d) Installation or activity transportation facilities may be used for delivery from local suppliers to the purchasing installation only after consideration of the following methods:

(i) supplier delivery;
(ii) common carrier;
(iii) parcel post; and
(iv) mail indicia.

(e) Inspection procedures for small purchases shall be in accordance with 14-308.

(f) The use of United States-owned foreign currency in making payments for small purchases shall be in accordance with Section VI, Part 11.

(g) Each acquisition of supplies and services which has an anticipated value not in excess of $10,000 and which is subject to the small purchase procedures set forth in this part is a small business-small purchase set-aside (1-702(c)) unless the contracting officer (i) determines there is no reasonable expectation of obtaining two or more quotations for purchases in excess of $500 or at least one quotation for purchases not in excess of $500; or (ii) is unable to obtain quotations that are, in either case, competitive with market prices in the industry and competitive in terms of quality and delivery as outlined in 3-604. In the event that the small business-small purchase set-aside is dissolved in accordance with (g)(ii), new quotes shall be solicited on an unrestricted basis. In automated contracting systems, all proposed acquisitions pursuant to small purchase procedures will be screened for reservation in accordance with the criteria in this paragraph. When source lists are maintained for acquisitions not exceeding $10,000, these source lists shall include all known small business concerns. The names of such concerns shall be obtained from the activity Small and Disadvantaged Business Utilization Specialist who, in turn, may request support from the SBA Procurement Center Representative or other Federal and private sources which maintain lists of small business concerns. Foreign concerns shall not be solicited nor awarded acquisitions reserved for small business concerns.

(h) In other acquisitions using small purchase procedures, solicitation of foreign firms located in qualifying countries (see 6-001 and 6-1043.1(a)) is not required unless determined to be in the best interests of the Government.

(i) When the acquisition is not reserved, quotations based on supplying foreign end products shall be evaluated in accordance with the procedures in 6-104.4.

3-604 Competition and Price Reasonableness.

3-604.1 *Purchases Not in Excess of $500.* Small purchases not exceeding $500 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from other than the previous supplier prior to placing a repeat order. The administra-

in 7-2003.50 and the clause in 7-2003.51 shall be inserted in the Schedule, and Clause 6 of the General Provisions (Foreign Supplies) deleted. In addition, the contractor's signature shall be obtained on DD Form 1155r.

(x) Reserved.

(xi) The clauses in 7-104.48 and 7-104.49 may be used in accordance with the provisions of 1-1208.

(xii) When the contract is for mortuary services.

(A) the following clauses shall be inserted in the Schedule—

(I) the Specification clause in 7-1201.4;

(II) the Delivery and Performance clause in 7-1201.7;

(III) the Subcontracting clause in 7-1201.8;

(IV) the Inspection clause in 7-1902.4;

(V) the Professional Requirements clause in 7-1201.11,

(VI) the Facility Requirements clause in 7-1201.12; and

(VII) the Preparation History clause in 7-1201.13;

(B) the Additional Default Provision clause in 7-1201.9 shall be inserted in the Schedule, with the following substitution for paragraph (a) and the first sentence of paragraph (b) of that clause.

(a) This clause supplements the "Termination for Default" clause of this contract

(b) The contract may be terminated for default by written notice if during the performance of this contract:

(C) The Changes clause in 7-1902.2 shall be substituted for paragraph 17 of the Additional General Provisions on DD Form 1155r.

(xiii) *Reserved.*

(xiv) When required by 6-305, the clauses in 7-104.13 and 7-104.93 shall be added.

(xv) When required by Section XII, Part 10, the clause in 7-1903.41(a) or (b) shall be added.

(xvi) When required by 19-213.2, the clause in 7-104.74 shall be added.

(xvii) In accordance with 1-330, the clause in 7-104.45(a) or 7-1912 may be inserted.

(xviii) When the contract requires the use of a Government bill of lading or mailing indicia, the clause in 7-104.85 shall be added.

(xix) When a bid guarantee is required in accordance with 10-102, the clause in 7-2003.25 shall be included together with the instructions in 10-102.4.

(xx) When performance and payment bonds are required in accordance with 10-103, pertinent instructions with regard thereto shall be added.

(xxi) *Reserved.*

(xxii) When required by 12-302, the *Contract Work Hours and Safety Standards Act* clause in 7-103.16(a) shall be added.

(xxiii) When required by 7-1903.41(d), one of the Linen Supply Service Contract clauses therein shall be added.

(xxiv) When required by 10-405, the *Insurance* clause in 7-104.65 or 7-603.10 shall be added.

(xxv) When required by 1-706.5, the *Notice of Total Small Business Set-Aside* clause in 7-2003.2 shall be added.

(xxvi) The changes authorized by 16-402.2 shall be incorporated when construction procurements are negotiated in accordance with 18-302.

(xxvii) When required by 19-208.3(a), the clause in 7-104.76 shall be added.

(xxviii) When required by 1-2207.3(c)(1)(iii), the clause in 7-104.38 shall be added.

(xxix) When required by 1-2207.4(c)(1)(iii), the clause in 7-104.46 shall be added.

(xxx) When the contract covers the procurement of goods and services for MAP, IMET, and FMS, the clause in 7-104.97 shall be added.

(xxxi) When required by 12-1302(a), insert the clause in 7-103.28.

(xxxii) If the contract is to involve materials of a hazardous nature, include the clause in 7-104.98 as prescribed by 1-323.2.

(xxxiii) When the contract involves the purchase of gas in contractor-furnished returnable cylinders and the contractor retains title to the cylinders, the clause in 7-104.60 shall be added. The clause may also be used, with appropriate modification, in contracts for other supplies under the circumstances specified in 7-104.60.

(xxxiv) In accordance with 12-807.1, insert the applicable clause in 7-103.18.

(xxxv) When the purchase order includes FMS requirements, clearly indicate "FMS Requirement" on its face and specify within the order each FMS case identifier code by line/subline item number, e.g., FMS Case Identifier GY-D-DCA.

(2) *Use as a Purchase Order of Not More than $10,000 Outside the United States, its Possessions, and Puerto Rico.* DD Form 1155 and 1155r-1, with executed contractor's acceptance when required, are authorized for negotiated purchases of not more than $10,000 when such purchases are for supplies and services procured and used outside the United States, its possessions, and Puerto Rico, *provided:*

(i) the procurement is unclassified;

(ii) no clauses covering the subject matter of any clause set forth in this Regulation, other than clauses set forth in DD Form 1155r-1, are to be used, except that—

(A) either the standard foreign Disputes clauses in 7-103.12(b) or that clause as modified in accordance with 7-103.12(c) shall be inserted in the Schedule.

(B) When the contract is translated into another language, the Schedule shall contain the provision in 7-2003.44.

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SECTION VI

FOREIGN ACQUISITIONS

6-000 Scope of Section. This Section includes restrictions and procedures affecting acquisitions of foreign-made items; restrictions on purchases from Communist countries or areas; procedures affecting acquisitions from Canadian sources; guidance on the use of duty-free entry procedures for foreign items; special guidance (including pricing guidance) for Military Assistance Program acquisitions and Foreign Military Sales; procedures to promote liaison with overseas activities and compliance with government-to-government agreements for acquisition from foreign contractors; procedures for use of U.S.-owned foreign currency for payment of contracts; and procedures for the solicitation and evaluation of offers of defense equipment which are qualifying country end products.

6-001 Definitions. As used throughout this Section, the words and terms defined in this paragraph shall have the meanings set forth below unless a different definition is prescribed for a specific Part.

6-001.1 End Products.

(a) End products means articles, materials, and supplies that are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts, but excluding installation and other services to be performed after delivery.

(b) Defense cooperation agreement country end product means an item listed in the defense cooperation country agreement and produced in that country.

(c) Domestic end product means (i) an unmanufactured end product which has been mined or produced in the United States, or (ii) an end product manufactured in the United States if the cost of its qualifying country components and its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate may be issued). A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind (i) determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (ii) as to which the Secretary concerned has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act (6-103.3).

(d) Foreign end product means an end product other than a domestic end product.

(e) FMS/offset arrangement country end product means (i) an unmanufactured end product mined or produced in a FMS/offset arrangement

country, or (ii) an end product manufactured in a FMS/offset arrangement country if the cost of its qualifying country components and its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and any duty whether or not duty is in fact paid. To obtain the waivers necessary to accord preferential treatment for a FMS/offset arrangement country end product, see the procedures at 6-1310.3(b)(1).

(f) Participating country end product means (i) an unmanufactured end product mined or produced in a participating country, or (ii) an end product manufactured in a participating country if the cost of its qualifying country components and its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and any duty whether or not duty is in fact paid.

(g) Qualifying country end product means (i) a participating country end product; (ii) a FMS/Offset arrangement country end product when the applicable Determination and Findings has been made waiving the Buy American Act restrictions; or (iii) a defense cooperation country agreement listed item.

6-001.2 Components.

(a) Components means those articles, materials, and supplies, which are directly incorporated in end products.

(b) Qualifying country component means (i) an item mined, produced, or manufactured in a participating country or in a FMS/Offset arrangement country when the applicable D&F has been made waiving the Buy American Act restrictions; or (ii) any item listed in a defense cooperation country agreement.

6-001.3 Defense equipment means any equipment, item of supply, component, or end product purchased by the Department of Defense.

6-001.4 Source (when restricted by such words as foreign, domestic, qualifying country, etc.) refers to the actual manufacturer or producer of the end product or component (product may encompass a report).

6-001.5 Countries.

(a) A defense cooperation country is a foreign country which has a defense cooperation agreement and for which a Determination and Findings was made by the Secretary of Defense waiving the Buy American Act restrictions for a list of mutually agreed items. These countries are listed at 6-1504.

(b) A FMS/offset arrangement country is a foreign country which has an offset arrangement negotiated in conjunction with a Foreign Military Sale and which arrangement provides for obtaining a waiver of the Buy American Act restrictions on a case by case basis. These countries are listed at 6-1310.1.

(c) A participating county is a NATO country which has a Memorandum of Understanding (MOU) or similar agreement with the U.S. and for which a blanket Determination and Finding was made by the Secretary of Defense waiving the Buy American Act restrictions. These countries are listed at 6-1401.

(d) Qualifying country is any country defined in (a), (b), and (c) above.

(e) United States means the States, the District of Columbia, Puerto Rico and possessions (see 1-201.12). It does not include leased bases or trust territories.

6-001.6 Offer.

(a) Defense cooperation country offer means an offer of a defense cooperation country end product including transportation to destination.

(b) Domestic offer means an offer of a domestic end product, including transportation to destination.

(c) FMS/offset arrangement country means an offer of a FMS/offset arrangement country end product, including transportation to destination.

(d) Foreign offer means an offer that is not a domestic offer. It includes transportation to destination and duty (whether or not a duty-free entry certificate may be issued).

(e) Participating country offer means an offer of a participating country end product including transportation to destination.

(f) Qualifing country offer means an offer of a qualifying country end product including transportation to destination.

6-001.7 Concern.

(a) Domestic concern means an incorporated concern incorporated in the United States or an incorporated concern having its principal place of business in the United States. (In the context of this Section, "concern" refers to a prospective or actual contractor. Thus, a contract with a foreign subsidiary or foreign branch or business office of a U.S. corporation would not be a contract with a domestic concern. Conversely, a contract executed by a foreign salesman or agent on behalf of a domestic concern would nevertheless be a contract with a domestic concern since the basic contractual and legal responsibility resides with the domestic concern.)

(b) Foreign concern means a concern that is not a domestic concern.

Part 1—Buy American Act--Supply Contracts

6-100 Scope of Part. This Part implements the Buy American Act (41 U.S.C. 10a-d) and the policies set forth in Executive Order 10582, dated 17 December 1954, with respect to supply contracts and to services which require the furnishing of end items (e.g., leasing of equipment). The Buy American Act does not otherwise apply to the purchaser of services.

6-101 Reserved.

6-102 General.

6-102.1 Buy American Act Requirements. Except as provided in 6-103, the Buy American Act requires that in the acquisition of supplies, only domestic end products shall be acquired for public use in the United States. In determining whether an end product is a domestic end product, only the end product and its components shall be considered. The Act and its implementation by E.O. 10582 and the Balance of Payments Program require the use of evaluation factors specified in 6-104.4.

6-102.2 Balance of Payments Program Requirements.

(a) The 50 percent evaluation factor in favor of domestic offers, implemented in 6-104.4, is an interim measure designed to alleviate the impact of DoD expenditures on the Nation's balance of international payments. The Department of Defense does not expect to use the 50 percent factor beyond the time when the U.S. balance of payments deficit is corrected.

(b) Although the evaluation procedures in 6-104.4 reduce overseas dollar expenditures resulting from defense acquisition at an acceptable increase in budgetary costs, this result is an average and overall result rather than one which precisely obtains in each case. This is so because, both under the Buy American Act and as a matter of administrative practicability, items are classified absolutely as "foreign" or "domestic" and varying degrees within each class are not recognized. However, deviations (see 1-109) from the evaluation procedures of 6-104.4 should be considered for acquisitions over $250,000 when it is anticipated that the low domestic offer will involve relatively substantial foreign expenditures or that the low foreign offer will involve relatively substantial domestic expenditures. Any request for such a deviation should be made sufficiently in advance of solicitation to permit the solicitation to describe the evaluation procedure that will be used. Such deviations require the advance approval of the Under Secretary of Defense Research and Engineering (USDRE) or his designee.

6-102.3 Acquisition From, Through, or For Other Government Agencies. In acquisitions from or through other Government agencies, responsibility for compliance with the Buy American Act and Balance of Payments Program evaluation procedures (see 6-104.4) is as follows:

(a) The General Services Administration has responsibility for compliance with the Buy American Act for foreign end items acquired by Defense activities from GSA stores depots, direct purchases for such activities, or purchases from a mandatory Federal Supply Schedule which does not include any domestic source for that item. Balance of Payments evaluation procedures are not applicable to these transactions.

(b) Defense activities have the responsibility for compliance with the Buy American Act and Balance of Payments evaluation procedures when they purchase a foreign end item from (i) a mandatory Federal Supply Schedule which includes a domestic end product, or (ii) a nonmandatory Federal Supply Schedule.

(c) Defense activities purchasing items of equipment and supplies for civil works projects for use in the United States by civil agencies or departments shall not apply the Balance of Payments Program 50 percent evaluation factor when evaluating offers; only the evaluation factors of the Buy American Act, as implemented by Executive Order 10582, dated 17 December 1954, shall be applied.

(d) In the case of coordinated acquisition under Section V, Part II, compliance with the Buy American Act and Balance of Payments evaluation procedures is the responsibility of the Contracting Department except when the Requiring Department specifies a foreign end product; in which case, the determination that a domestic end product is not available, including consideration of foregoing the acquisition or providing a U.S. substitute, shall be the responsibility of the Requiring Department (see 5-1106.3(b)).

6-103 Exceptions.

6-103.1 Use Outside the United States. The restrictions of the Buy American Act do not apply to articles, materials, or supplies for use outside the United States. However, the Balance of Payments Program is not so restricted. In order to uniformly implement the Balance of Payments Program worldwide, the preferences and procedures of the Buy American Act for soliciting and awarding contracts for supplies and applicable services have been extended as a matter of policy to acquisitions of supplies and applicable services for use outside the United States (see Section VI, part 8).

6-103.2 Nonavailability in the United States.

(a) The Buy American Act does not apply to (i) end products of a class or kind which the Government has determined are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (ii) components of end products manufactured in the United States or a qualifying country if the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. Certain items determined to be exempt under these exceptions are set forth in 6-105.

(b) A nonavailability determination is not required for end products or components listed in (c) below or in 6-105. Otherwise, acquisitions of foreign end products or components on the basis of nonavailability shall be made only after a determination of nonavailability has been made and the acquisition is approved:

(i) at a level above the contracting officer, if the amount involved is estimated not to exceed $25,000;

(ii) by the chief of the contracting office concerned, if the acquisition is estimated not to exceed $250,000;

(iii) by the head of the contracting activity (HCA) or his immediate deputy or in the case of the Defense Advanced Research Projects Agency (DARPA), the Director, DARPA, if the acquisition is estimated not to exceed $2 million; or

(iv) by the Secretary of the Department concerned, or his designee at a level no lower than an HCA, if the acquisition is estimated to exceed $2 million.

In making such determination, and granting such approval, the feasibility of foregoing the requirement or providing a U.S. substitute shall be considered.

(c) Acquisitions in the following categories may be made without determinations or approvals otherwise required by this 6-103.2:

(i) Spare and replacement parts, if the acquisition must be restricted to the original manufacturer or his supplier in accordance with 1-313;

(ii) Foreign drugs by the Defense Personnel Support Center where the Chief of the Division of Technical Operations, Directorate of Medical Materiel, has determined that only the requested foreign drug will fulfill the requirements;

(iii) Swords and scabbards; and

(iv) Books, pamphlets, newspapers, magazines, periodicals, and printed briefs, and films not printed in the United States and for which domestic editions are not available.

6-103.3 Unreasonable Cost or Inconsistency With the Public Interest. The restrictions of the Buy American Act and the Balance of Payments Program (see 6-102.2) do not apply when it is determined by the Secretary concerned (a) that the cost of a domestic end product would be unreasonable (see 6-104.4(b)) or (b) that acquisition of a domestic end product would be inconsistent with the public interest.

6-103.4 Scrap. Scrap generated in, collected in, and prepared for processing in the United States shall be considered as of domestic origin.

6-103.5 Reserved.

6-103.6 Reserved.

6-103.7 Commissary Resale. The provisions of the Buy American Act do not apply to supplies purchased specifically for commissary resale. However, nonsubsistence items of foreign origin purchased for resale in domestic commissaries must meet the evaluation criteria in 6-104.4.

6-104 Procedures.

6-104.1 Applicability. The following procedures apply to all contracts involving the acquisition of defense equipment including contracts exclusively for articles, materials, or supplies for use outside the United States.

6-104.2 Solicitation of Offers.

(a) Solicitations shall state that the specific information as to articles, materials, and supplies excepted from these procedures (see 6-105) is available to prospective contractors upon request. When only domestic end products are acceptable, the solicitation shall so state (e.g., see 6-104.4(d)).

(b) When quotations are obtained orally, vendors shall be informed that only domestic and qualifying country end products shall be acceptable other than those items which have been excepted either on a blanket or an individual basis (see 6-103.2 and 6-105), or the price for the offered foreign end product meets the evaluation criteria in 6-104.4.

6-104.3 Reserved.

6-104.4 Evaluation of Offers.

(a) In accordance with the Buy American Act, the Secretary of Defense has determined that where the procedures in (b) below result in the acquisition of foreign end products, the acquisition of domestic end products would be (i) unreasonable in cost or (ii) inconsistent with the public interest. (See 6-103.3.)

(b) Except as provided in this subparagraph (b) and in (d) and (f) below, offers shall be evaluated so as to give preference to domestic offers as follows:

(1) Each nonqualifying country offer of defense equipment (but see exception (ii) below) shall be adjusted for purposes of evaluation either by excluding any duty from the nonqualifying country offer and adding 50 percent of the offer (exclusive of duty) to the remainder, or by adding to the nonqualifying country offer (inclusive of duty) a factor of 6 percent of that offer, whichever results in the greater evaluated price, except that a 12-percent factor shall be used instead of the 6-percent factor if (i) the firm submitting the low acceptable domestic offer is a small business concern, or a labor surplus area concern, or both, (ii) small purchase procedures (see Section III, Part 6) are not used, and (iii) any contract award to a domestic concern which would result from applying the 12-percent factor, but which would not result from applying the 6-percent or 50-percent factor, would not exceed $100,000. If an award for more than $100,000 would be made to a domestic concern if the 12-percent factor is applied, but would not be made if the 6-percent or 50-percent factor is applied, the matter shall be submitted to the Secretary of the Department concerned for decision as to whether the award to the small business or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest. (See 6-103.3.) If the foregoing procedure results in a tie between a nonqualifying country offer, as evaluated, and a domestic offer, award shall be made on the latter. In other instances, use the tie-breaking procedures in 2-407.6. When more than one line item is offered in response to a solicitation, the appropriate factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items as to which the solicitation specifically provides that award may be made on a particular group of items.

(2) In the event that a domestic offer, a qualifying country offer, and a nonqualifying country offer compete for defense equipment, the qualifying country offer shall be evaluated without applying the price differentials of this paragraph 6-104.4, whereas the nonqualifying country offer shall be subjected to the price differentials (see Example E below). However, in the event the low domestic offer exceeds the evaluated price of the nonqualifying country offer, all foreign offers shall be evaluated as if no domestic offer was submitted (see Example F

below). In the event a qualifying country offer competes against a nonqualifying country offer and no domestic offer is submitted, they shall be evaluated on an equal basis (see Example G below).

(c) The following examples illustrate how the procedure in (b) above should be applied. Throughout these examples, "domestic offer—large" means a domestic offer which is not from a small business or labor surplus area concern, "domestic offer—small" means a domestic offer which is from either a small business concern or a labor surplus area concern or both.

EXAMPLE A

Nonqualifying Country Offer, including duty of $4,500.....$14,500
Domestic Offer—Large..... 15,100
Domestic Offer—Small..... 15,110

Award on Domestic Offer—Large. Domestic Offer—Small is out because it is not the low acceptable domestic offer. Nonqualifying Country Offer, if adjusted by the 50-percent factor, would be $14,500 less $4,500 duty, (i.e., $10,000), plus 50-percent of $10,000 (i.e., $5,000), or $15,000; but if adjusted by the 6-percent factor, it would be $14,500 plus 6 percent of $14,500 (i.e., $870), or $15,370; therefore, the 6-percent factor is added and Domestic Offer—Large is the low evaluated offer.

EXAMPLE B

Nonqualifying Country Offer, including duty of $2,000.....$12,000
Domestic Offer—Large..... 13,000

Award on Domestic Offer—Large. Nonqualifying Country Offer, adjusted by 50-percent factor, is $15,000; adjusted by 6-percent factor, it is $12,720. Therefore, Nonqualifying Country Offer is evaluated at $15,000, resulting in a tie and consequent award on the Domestic Offer—Large.

EXAMPLE C

Nonqualifying Country Offer, including duty of $3,500.....$13,500
Domestic Offer—Large..... 17,000
Domestic Offer—Small..... 15,100

Award on Domestic Offer—Small. Nonqualifying Country Offer, adjusted by 50-percent factor is $15,000; adjusted by 12-percent factor, it is $15,120. Therefore, it is evaluated at $15,120, resulting in award on the Domestic Offer—Small.

EXAMPLE D

Nonqualifying Country Offer, including duty of $70,000.....$270,000
Domestic Offer—Large..... 310,000
Domestic Offer—Small..... 302,000

Submit the case to the Secretary of the Department concerned. Nonqualifying Country Offer, adjusted by 50-percent factor is $300,000; adjusted by 12-percent factor, it is $302,400; adjusted by 6-percent factor, it is $286,200. Therefore, Domestic Offer—Small is in line for possible award only because of the bidder's small business or labor surplus area status. But since the contract award would exceed $100,000, the matter requires Secretarial decision.

EXAMPLE E

Nonqualifying Country Offer, including duty of $2,000.....$8,000
Domestic Offer - Large..... 10,500
Domestic Offer - Small..... 8,900
Qualifying Country Offer..... 8,800

Award on Qualifying Country Offer. Nonqualifying Country Offer, adjusted by 50-percent factor is 9,000; adjusted by 12-percent factor it is 8,960. Therefore, it is evaluated at $9,000. The qualifying country offer receives the award because it is evaluated without adjustment and is the lowest offer.

EXAMPLE F

Nonqualifying Country Offer, including duty of $2,000.....$8,000
Domestic Offer - Large..... 10,500
Domestic Offer - Small..... 9,500
Qualifying Country Offer 8,800

Award on Nonqualifying Country Offer. Nonqualifying Country Offer, adjusted by 50-percent factor is $9,000; adjusted by 12-percent factor it is 8,960. Therefore it is evaluated at $9,000 which is still lower than both domestic offers. Accordingly, the qualifying and nonqualifying country offers are evaluated on an equal basis as if the domestic offers had never been submitted and the award is made on the nonqualifying country offer.

EXAMPLE G

Nonqualifying Country Offer.....$10,000
Qualifying Country Offer..... 11,500

Award on Nonqualifying Country Offer. Since there is no domestic offer, the nonqualifying country and qualifying country offers are evaluated on an equal basis and the award is made on the nonqualifying country offer.

(d) Where a qualifying country offer is received for defense equipment listed in 6-1405 or 1-2207, rejection of that offer in the interest of protecting the domestic mobilization base is required except when the quantity for which the offer is made has been identified as a quantity in excess of that required to maintain the U.S. defense mobilization

base for those items. In those instances where it has been determined prior to solicitation that the item is not to be supplied from any foreign source, offerors shall be so notified in the solicitation. Where rejection of a qualifying country offer is contemplated for reasons of national interest or for mobilization base considerations and the defense equipment involved is not listed in 6-1405 or 1-2207, a copy of the proposed decision shall be forwarded to OUSDRE(AP) (International Acquisition), 10 working days in advance of issuance of the rejection.

(e) When proposed awards are submitted for Secretarial decision pursuant to (b) above, each submission shall include a copy of each offer being considered for award, the date the offer expires, including extensions, a copy of the abstract of bids or proposals, and a statement justifying the proposed awards. Submissions should be forwarded to allow 21 days for processing and Secretarial consideration, unless the nature of the item or market conditions indicate the need for processing in a shorter time.

(f) When performing the evaluation in (b) above for items for civil works activities, offers of qualifying country end products shall not be subject to the 50-percent evaluation factor of the Balance of Payments Program, but shall be subject to the 6-percent and 12-percent evaluation factors of the Buy American Act, unless a specific waiver of the Buy American Act is otherwise obtained for that acquisition through the procedures of 6-103.3.

6-104.5 Clauses. Except for simplified small purchase procedures, insert the clauses at 7-103.10, 7-104.3, 7-104.32, 7-104.106, and 7-2003.47 in accordance with the instructions for their use. If requested, the contracting officer should advise the offeror of the effect of the required clauses.

6-104.6 Reserved.

6-105 List of Excepted Articles, Materials, and Supplies. Pursuant to the Buy American Act, it has been determined that the articles, materials, and supplies listed below, when purchased as end items or components, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality. When required to be incorporated into (i) an end product or construction material manufactured in the United States, or (ii) a qualifying country end product or construction material, these items or components may be regarded as being of domestic origin. (See 6-001, or for construction material, 18-506.4).

Acetylene black
Asbestos, amosite
Bananas
Beef extract
Bismuth
Brazil nuts, unroasted
Cadmium, ores and flue dust
Calcium cyanamide
Capers
Cashew nuts
Chestnuts

Chicle
Chrome ore or chromite
Cinchona bark
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans
Coconut and coconut meat, unsweetened, in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean
Cork, wood or bark and waste
Diamonds, industrial stones
Emetine, bulk
Ergot, crude
Fair linen, alter
Fibers of the following types: Abace, agave, coir, flax, jute, and palmyra.
Goat and kid skins
Graphite, natural
Hand sewing needles
Hemp yarn
Hog bristles for brushes
Hyoscine, bulk
Ipecac, root
Leather, sheepskin, hair-type
Menthol, natural bulk
Mica
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts
Nitroguanidine (also known as picrite)
Olive oil
Olives (green), pitted or stuffed in bulk
Opium, crude
Petroleum, crude oil; unfinished oils and finished products (See definitions below)
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars
Pyrethrum flowers
Quartz crystals
Quebracho
Radium salts
Rosettes
Rubber, crude and latex
Rutile
Silk, raw
Sperm oil
Spices and herbs in bulk
Sugars, raw (Part 3 of Section VI, however, applies)
Talc, block, steatite
Tantalum
Tapioca flour and cassava
Tartar, crude; tartaric acid and cream of tartar in bulk
Tea in bulk

Thread, metallic (gold)
Tin
Vanilla beans
Venom, cobra
Wax, carnauba
Woods of the following species: Angelique, balsa, ekki, greenheart, lignum vitae, mahogany and teak

Petroleum Definitions, as used in this Part

(a) Crude oil means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products.

(b) Finished products means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(i) liquefied gases--hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(ii) gasoline--a refined petroleum distillate which by its composition, is suitable for use as a carburant in internal combustion engines;

(iii) jet fuel--a refined petroleum distillate used to fuel jet propulsion engines;

(iv) naphtha--a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(v) fuel oil--a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(vi) lubricating oil--a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(vii) residual fuel oil--a topped crude oil or viscous residuum, which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification Mil-F-859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(viii) asphalt--a solid or semisolid cementitious material, which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil;

(ix) natural gas products--liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing

in a refinery, otherwise fall within any of the definitions of products contained in (ii) through (v), inclusive, of this paragraph (b).

(c) Unfinished oils means one or more of the petroleum oils listed in (b) above, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

6-106 Buy American Act-Construction Contracts. See Section XVIII, Part 5.

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Part 2—Reserved

6-200 Reserved.

Part 3—Appropriations Act Restrictions

6-300 Scope of Part. This Part implements the Defense Appropriations Act restriction on the availability of appropriated funds for the acquisition of any article of food, clothing, cotton, wool, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, or specialty metals. However, reference should be made to the current Department of Defense Appropriations Act as a check on the current applicability of such restriction. This Part also implements the restriction on acquisition of foreign buses contained in Section 404 of Public Law 90-500 (see 6-306), and the restriction on R&D contracting with foreign sources contained in Section 744 of Public Law 92-570 (see 6-307), and the restriction for the construction of major components of the hull or superstructure of any naval vessel or the construction of any naval vessel in foreign shipyards (see 6-308). Nothing herein shall affect the applicability of the Buy American Act or the Balance of Payments Program (see Parts 1 and 8 of this Section).

6-301 Definitions. As used in this Part, the following terms have the meaning set forth below.

(a) Possessions. As used in the phrase "United States or its possessions", the term "possessions" includes Puerto Rico.

(b) United States means the States and the District of Columbia.

(c) Specialty metals means:

(i) steels where the maximum alloy content exceeds one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium;

(ii) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 percent;

(iii) titanium and titanium alloys; or

(iv) zirconium and zirconium base alloys.

6-302 Restriction. Except as provided in 6-303, there shall not be acquired supplies consisting in whole or in part of any food, clothing, cotton, wool, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, or coated synthetic fabric, which have not been grown or produced in the United States or its possessions; or specialty metals, including stainless steel flatware which have not been melted in steel manufacturing facilities located within the United States or its possessions but this does not restrict the acquisition of cotton or wool reprocessed or reused in the United States or its possessions or of foods manufactured or processed in the United States or its possessions.

6-303 Exceptions. The restriction of 6-302 does not apply to the following:

(i) acquisitions outside the United States in support of combat operations;

(ii) acquisitions by vessels in foreign waters;

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(iii) emergency acquisitions or acquisitions of perishable foods by establishments located outside the United States for the personnel attached thereto;

(iv) acquisitions of those supplies listed in 6-105 as to which the list does not make this Part expressly applicable;

(v) small purchases (for the purpose of this exception, a small purchase shall mean an acquisition action, as distinguished from a single line item, involving a total dollar amount not in excess of $10,000);

(vi) acquisitions of end items incidentally incorporating cotton, or wool, of which the estimated value is not more than 10 percent of the total price of the end item; Provided, That the estimated value does not exceed $10,000 or 3 percent of the total price of the end item, whichever is greater;

(vii) any articles of food or clothing of any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, coated synthetic fabric, or wool, as to which the Secretary concerned has determined that a satisfactory quality and sufficient quantity grown or produced in the United States or its possessions cannot be acquired as and when needed at U.S. market prices;

(viii) supplies purchased specifically for commissary resale (see 6-103.7);

(ix) purchases of specialty metals or any item incorporating specialty metals, as to which the Secretary concerned or his authorized designee has determined that a satisfactory quality and sufficient quantity melted in the United States or its possessions cannot be acquired as and when needed at U.S. market prices;

(x) purchases of specialty metals below the prime contract level for programs other than those for aircraft, missile and space systems, ships, tank-automotive, weapons and ammunition (see 7-104.93 (a)); and

(xi) purchases of specialty metals (see 7-104.93(b)) or chemical warfare protective clothing (see 7-104.13) when such purchases are necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the U.S. Government or U.S. firms under approved programs serving defense requirements or where such acquisition is in furtherance of an agreement with a qualifying country (see e.g., 6-001).

6-304 Procedures.

6-304.1 Acquisition of Food, Clothing, Woven Silk and Woven Silk Blends, Spun Silk Yarn for Cartridge Cloth, Synthetic Fabric, or Coated Synthetic Fabric, or Supplies containing Mohair or Cotton, or Specialty Metals. Except as permitted by 6-303, food, clothing (not covered by 6-304.2), woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, coated synthetic fabric, any form of mohair or cotton, or specialty metals including stainless steel flatware will be

acquired, only if grown, reprocessed, reused, melted, or produced in the United States or its possessions.

6-304.2 Acquisition of Items Containing Wool (Except Mohair).

(a) The Secretaries have determined that to the extent that application of the procedures in this subparagraph 6-304.2 results in the acquisition of any articles of wool (except mohair) not grown, reprocessed, reused, or produced in the United States or its possessions, a satisfactory quality and sufficient quantity of such articles grown, reprocessed, reused, or produced in the United States or its possessions cannot be acquired as and when needed at U.S. market prices.

(b) Offers for supplies of which wool is a part will be solicited on the following alternative bases:

(i) manufactured in the United States or its possessions from domestic wool;

(ii) manufactured in the United States or its possessions from foreign wool; and

(iii) manufactured in the United States or its possessions from a blend of (percent) domestic wool and (percent) foreign wool.

(c) Each solicitation for supplies of which wool is a component part will contain the provision in 7-2003.48. The evaluation factor will be computed in accordance with (f) below, and the amount of the factor will be inserted in place of the blank in (c) of the provision in 7-2003.48.

(d) If, on the date of opening of offers, the average market price of domestic wool of usable grades is no more than 10 percent above the average of the prices of representative types and grades of domestic wools in the wool category that includes the wool required by the specifications (see (f) below), which prices reflect the current incentive price as established by the Secretary of Agriculture, and if reasonable offers have been received for the advertised quantity offering 100-percent-domestic wools, the contract will be awarded for domestically produced articles using 100-percent-domestic wools and the procedure set forth in (e) and (f) below will be disregarded.

(e) In the evaluation of offers under this Part, an evaluation factor computed in accordance with (f) below will be added to that portion of the offered price that represents foreign wool to be furnished or used in performance of the contract, and award will be made accordingly. In the event that tie offers result from such evaluation, award will be made to the offeror proposing to furnish or use the most domestic wool.

(f) The evaluation factor to be used under (e) above will be 10 percent of the average of the following prices of representative types and grades of domestic wools within that one of the following categories which includes the wool required by the specifications. (The following prices reflect the current incentive price of $0.62 per pound grease basis converted to grade and type clean basis.)

Representative Type and Grade	Price Clean Basis per pound Dollars
Group 1—Grades 60's and finer	
Category 1—Staple, Average and Good French Combing (worsted type)	

The average of the following grades:	
Territory Original Bag Wool	
Average and Good French Combing, 64's and finer	1.7748
Graded Territory and Texas Wool	
Staple and Good French Combing, One-half Blood, 60's/62's	1.6946
Graded Fleece Wool	
Staple and Good French Combing, 64's and finer	1.7862
Staple and Good French Combing, One-half Blood, 60's/62's	1.6259
Category 2—Short Average and Good French Combing and Clothing (woolen type)	
The average of the following grades:	
Territory Original Bag Wool	
Short, French Combing and Clothing, fine (64's, not to exceed 15% of 60's/62's)	1.5801
Graded Territory and Texas Wool	
Average and Good French Combing, One-half Blood, 60's/62's	1.6145
Graded Fleece Wool	
Average and Good French Combing, 64's and finer	1.7061
Average and Good French Combing, One-half Blood, 60's/62's	1.5343
Group 2—Grades 50's-60's	
Category 3—Staple and Good French Combing (worsted)	
The average of the following grades:	
Graded Territory and Texas Wool	
Staple and Good French Combing, Three-Eighths Blood, 56's/58's	1.4656
Staple and Good French Combing, 50's/48's, One-Quarter Blood	1.3397
Graded Fleece Wool	
Staple and Good French Combing, Three-Eighths Blood, 56's/58's	1.3626
Staple and Good French Combing, 50's/48's, One-Quarter Blood	1.2710
Category 4—Average French Combing (woolen type)	
The average of the following grades:	
Graded Territory and Texas Wool	
Average French Combing, Three-Eighths Blood, 56's/58's	1.3053
Average French Combing, 50's/48's, One-Quarter Blood	1.2023
Graded Fleece Wool	
Average French Combing, Three-Eighths Blood 56's/58's	1.2137
Average French Combing, 50's/48's, One-Quarter Blood	1.0878

Group 3—Grades Below 50s

Category 5—Staple and Good French	
The average of the following grades:	
Graded Fleece Wool	
Low One-Quarter Blood, 46's, 4 inches or more in length	1.1565
Common and Braid, 44's/36's, 3 inches or more in length	1.0763

(g) See Section VI, Part 11, for procedures for using U.S.-owned foreign currency for payment of contracts for foreign-end products.

6-305 Contract Clauses. See 7-104.13 and 7-104.93.

6-306 Acquisition of Foreign Buses. Section 404 of the Act of September 20, 1968 (Public Law 90-500), the Department of Defense Appropriation Authorization Act for Fiscal year 1969, provides that:

> "No funds authorized for appropriation for the use of the Armed Forces of the United States under the provisions of this Act or the provisions of any other law shall be available for the purchase, lease, rental, or other acquisition of multipassenger motor vehicles (buses) other than multipassenger motor vehicles (buses) manufactured in the United States, except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States."

The objective of this statutory provision is to assure that only buses manufactured in the United States shall be used to satisfy requirements of United States Armed Forces located throughout the world for bus transportation, where such buses are available and where their use would not be uneconomical or contrary to the national interests of the United States. It should be applied whether the buses are purchased, leased, rented, or made available under contracts for transportation services. The use of foreign manufactured buses is authorized where the Head of the Contracting Activity determines that the use of U.S.-manufactured buses would be uneconomical or would adversely affect the national interests of the United States. However, foreign buses may be acquired without such determination in the following circumstances:

(i) When U.S.-manufactured buses are not available in time to satisfy requirements which cannot be postponed, foreign-manufactured buses may be used for a temporary period of time but not to exceed the lead time required for acquisition and delivery of U.S.-manufactured buses.

(ii) When the requirement for buses is of a temporary nature to meet a special but nonrecurring requirement or where a

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recurring requirement is sporadic and infrequent, foreign-manufactured buses may be used for the temporary periods of time not to exceed the period of time needed to meet the nonrecurring or the recurring infrequent requirement.

(iii) When foreign-manufactured buses are made available at no direct or indirect acquisition cost to the U.S. Government, foreign-manufactured buses may be used.

6-307 Restriction on R&D Contracting with Foreign Sources.

(a) Section 744 of the Defense Appropriations Act for FY 1973 (Public Law 92-570) provides that no funds appropriated for the Department of Defense are available for entering into any contract or agreement with any foreign corporation, organization, person, or other entity for the performance of research and development in connection with any weapon system or other military equipment for the Department of Defense when there is a U.S. corporation, organization, person, or other entity equally competent to carry out such research and development and willing to do so at a lower cost.

(b) The above provision does not change the rules for the selection of research and development contractors set forth in Section IV, Part 1, (see in particular 4-102 and 4-106). However, when a U.S. and a foreign source are considered equally competent, the contracting officer will make a determination as to which of the sources will provide the services required at the lowest estimated cost to the Government. Criteria for evaluating cost estimates are contained in 4-106.5.

6-308 Hull and Superstructure of Naval Vessels. Each year the Department of Defense Appropriations Authorization Act contains the Burns-Tollefson Amendment which reads:

> "Provided, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: Provided further, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards."

This Amendment is incorporated into the Department of Defense Appropriations Act each year and is located under Shipbuilding and Conversion, Navy.

Part 4—Purchases from Certain Communist Areas

6-401 General Policy. It is the general policy of the Department of Defense that supplies which originated in, were located in, or were transferred from or through the communist areas of North Korea, Vietnam, or Cuba (except supplies which have been lawfully imported into the United States, its possessions, or Puerto Rico), shall not be acquired for public use, notwithstanding the provisions of any Part of this Section, and that Government contractors and subcontractors shall not acquire for use in the performance of any Government contract or subcontract thereunder any supplies or services originating from such Communist areas.

6-402 Exceptions.

(a) Supplies from the Communist areas of North Korea, Vietnam, or Cuba may be acquired only in unusual situations; for example, in an emergency or when the supplies are not available from any other source and a substitute supply is not acceptable. For small purchases (as defined in Section III, Part 6), the contracting officer shall determine that there is need for an exception in accordance with Departmental procedures. For other than small purchases, an exception shall be approved by the Secretary of the Department concerned. Before granting an exception for other than small purchases, the Secretary concerned shall obtain the advice of the Assistant Secretary of Defense (International Security Affairs); however, such advice is not required in emergency purchases or where supplies are not available from any other source and substitute supplies are not acceptable.

(b) For procedures for using U.S.-owned foreign currency for payment of contracts for foreign end products, see Section VI, Part 11.

6-403 Procedures.

(a) With respect to contracts for supplies, services, or construction when acceptance is to take place within the United States, its possessions, or Puerto Rico, the contracting officer shall assume that any supplies not produced in the United States have been lawfully imported into the United States and, consequently, that the requirements of this Part have been met.

(b) In all contracts for supplies, services, or construction when acceptance is to take place outside the United States, its possessions, or Puerto Rico, insert the clause in 7-103.15; except that the clause need not be included as provided in 6-402.

(c) Additional restrictions pertaining to the acquisition of steel mill products containing chromium are set forth in Section VI, Part 3.

Part 5—Canadian Purchases

6-501 Mutual Canadian-American Interests. Because of the close geographical proximity of the United States and Canada and because of the mutual interest of both nations in the defense of North America, various steps have been taken during and since World War II to coordinate their economic efforts in the common defense, so as to achieve:

(i) greater integration of military production,
(ii) greater standardization of military equipment,
(iii) wider dispersal of production facilities,
(iv) establishment of supplemental sources of supply, and
(v) greater flow of defense supplies and equipment between the two countries.

Accordingly, it is DoD policy to seek the best possible coordination of the material programs of Canada and the United States and to assure Canada a fair opportunity to share in the production of military equipment and materiel involving programs of mutual interest to Canada and the United States and in the research and development connected therewith. Accomplishment of these purposes requires (i) the exemption of the restrictions of the Balance of Payment Program and the Buy American Act with respect to acquisitions for public use of supplies mined, produced, or manufactured in Canada in the manner prescribed in Parts 1 and 8 of this Section; and (ii) the Canadian Commercial Corporation, in placing contracts with Canadian or U.S. concerns, to insert suitable provisions in such contracts, obtaining for the Department of Defense the same production rights, data and information that the Department of Defense would obtain for itself pursuant to the Defense Acquisition Regulation if the Department were placing the contracts with U.S. concerns.

6-502 Agreement With the Government of Canada

(a) The agreement set forth in 6-1406.1(a) dated 27 July 1956, as amended 17 December 1956, 31 May 1957, 6 January 1961, and 15 October 1962, between the Department of Defence Production (Canada) and the Department of Defense sets forth policies and provides for the implementation of procedures with respect to all contracts for supplies and services placed with the Canadian Commercial Corporation (an agency of the Government of Canada) on or after 1 October 1956.

(b) Subsequent to the execution of the agreement referred to in (a) above, the reorganization of the Canadian Government's departments and agencies vested the contracting authority of the former Canadian Department of Defence Production in the Department of Supply and Services. Pursuant to that reorganization, the authority of the Department of Defence Production to enter into cooperative development projects under the Memorandum of Understanding (6-1406.1(b)) is vested in the Canadian Department of Industry, Trade and Commerce.

(c) This agreement (see 6-1406.1(a)) and associated enabling provisions permit Canadian firms, including Canadian Crown corporations, a fair opportunity to participate in the production of defense equipment and materiel involving defense programs of interest to both nations.

(d) A contract with a supplier or contractor located in Canada should normally be made with and administered through the Canadian Commercial Corporation. (See 6-504.2.)

(e) In connection with contracts placed with the Canadian Commercial Corporation, the Department of Supply and Services (Canada) provides without charge to the Defense Departments and Agencies, among other things, such contract administration services as cost and pricing analysis, industrial security, accountability and disposal of Government property, production expediting, compliance with Canadian labor laws, processing of termination claims and disposal of termination inventory, customs documentation, processing of disputes and appeals, and such other related contract administration functions as may be required with respect to the Canadian Commercial Corporation contract with the Canadian supplier. Additionally, in connection with such contracts, audits, when required, are performed by the Audit Services Bureau, Department of Supply and Services (Canada), and the Department of National Defence (Canada) provides inspection personnel, services and facilities, at no charge to the Defense Departments and Agencies.

6-503 Guarantee by Canadian Government. The Canadian Government guarantees to the U.S. Government all commitments, obligations, and covenants of the Canadian Commercial Corporation in connection with any contract or order issued to said Corporation by any contracting activity of the U.S. Government. The Canadian Government has likewise waived notice of any change or modification which may be made from time to time in these commitments, obligations, or covenants.

6-504 Procedures for Canadian Purchases.

6-504.1 Bidding Procedures.

(a) Solicitation of Canadian Firms.

(1) Except as provided in (2) below, Canadian firms shall be included on bidders mailing lists and comparable source lists only upon request by the Canadian Commercial Corporation. Such requests shall be forwarded by the Canadian Commercial Corporation to the activity having acquisition responsibility for the supplies or services involved.

(2) Canadian planned producers under the Industrial Readiness Planning Program shall be included on bidders mailing lists for their planned items (see 2-205.1(b)).

(3) Solicitations shall be sent directly to Canadian firms appearing on the appropriate bidders mailing lists. A complete copy of the solicitation and a listing of all Canadian firms solicited shall be sent to the Canadian Commercial Corporation, Export Supply Centre, Ottawa, Ontario, K1A-0S6, Canada.

(4) Upon request by the Canadian Commercial Corporation, solicitations shall be furnished to it even though no Canadian firms were solicited.

(5) Small purchases (see Section III, Part 6) normally should be handled directly with Canadian firms and not through the Canadian Commercial Corporation (but see 3-603.1(g)).

(b) Submission of Offers.

(1) As indicated in 6-504.2 below, the Canadian Commercial Corporation should normally be the prime contractor. In order to indicate

its acceptance of offers by individual Canadian companies, the Canadian Commercial Corporation issues a letter supporting the Canadian offer and containing the following information: name of the Canadian offeror; confirmation and endorsement of the offer in the name of the Canadian Commercial Corporation; and a statement that the Corporation shall subcontract 100 percent with the offeror.

(2) When a Canadian offer cannot be processed through the Canadian Commercial Corporation in time to meet the bid-opening requirement or the closing date for receipt of proposals, the Corporation is authorized to permit Canadian firms to submit offers directly, Provided, That the Canadian offer and the Canadian Commercial Corporation endorsement are both received by the contracting office prior to bid opening or the closing date for receipt of proposals.

(3) All formally advertised bids shall be submitted by the Canadian Commercial Corporation in terms of U.S. currency. Contracts placed as a result of such formal competitive bidding shall not be subject to adjustment for losses or gains resulting from fluctuation in exchange rates.

(4) All offers and quotations submitted by the Canadian Commercial Corporation, except those in which competition is obtained, shall be in terms of Canadian currency. However, the Corporation may, at the time of submitting the offer, elect to quote and receive payment in terms of U.S. currency; in which event, contracts arising therefrom shall provide for payment in U.S. currency and shall not be subject to adjustment for losses or gains resulting from fluctuation in exchange rates. (See 6-1406.1(a).)

6-504.2 Contracting Procedures.

(a) Individual contracts covering purchases from suppliers located in Canada, except as noted in (b) below, shall be made with the Canadian Commercial Corporation, which has offices located at the Export Supply Centre, 11 Laurier Ave., Hull, Quebec, Canada, (mail address - Canadian Commercial Corporation, Export Supply Centre, Ottawa, Ontario, K1A-0S6 Canada), and at 2450 Massachusetts Ave., N.W., Washington, D.C. 20008. Contracts should normally be awarded to and administered through the Export Supply Centre office in Hull, and all payments under such contracts awarded to the Canadian Commercial Corporation shall be made to that office. Under contracts with the Canadian Commercial Corporation, direct communication with the Canadian supplier is authorized and encouraged in connection with all technical aspects of the contract, Provided, however, That the approval of the Corporation shall be obtained on any matters involving changes to the contract.

(b) The general policy in (a) above need not be followed for purchases negotiated for experimental, developmental, or research work under 3-205 or 3-211, unless the contract is for a project under the Defense Development Sharing Program, as outlined in 6-1406.1(b); purchases negotiated under 3-202 for public exigency; purchases negotiated under 3-203 for small purchases; or purchases made by U.S. Defense activities located in the Dominion of Canada.

(c) Prices in the contracts shall identify the type of currency; i.e., United States or Canadian.

6-504.3 Termination Procedures. The Canadian Commercial Corporation will continue to administer contracts that may be terminated by the U.S. contracting officer and settle all Canadian subcontracts in accordance with the policies, practices, and procedures of the Canadian Government in the termination and settlement of Department of Defence Production (Canada) contracts (see 8-216). The U.S. agency administering the contract with the Canadian Commercial Corporation shall render such services as are required by the Canadian Commercial Corporation with respect to settlement of any subcontracts placed in the United States, including disposal of inventory. The settlement of such U.S. subcontracts shall be in accordance with this Regulation.

6-504.4 Acceptance of Canadian Supplies. Under f.o.b.-origin contracts with the Canadian Commercial Corporation where inspection has been performed by the Department of National Defence (Canada), pursuant to paragraph 6 of the Letter of Agreement (6-1406.1(a)), acceptance of supplies or services which are in accordance with the terms of the contract, shall be made by the Department of National Defence (Canada) on behalf of the Defense Departments and Agencies. Signing of the acceptance certificate on the applicable United States Department of Defense inspection and acceptance form shall be considered satisfactory evidence for payment purposes.

6-504.5 Industrial Security. Industrial Security for Canada shall be in accordance with 6-1403.4 and pursuant to the United States-Canada Industrial Security Agreement of 31 March 1952, as amended.

6-505 Contract Administration.

(a) When services are requested from the Defense Contract Administration Services on contracts to be performed in Canada, the request shall be directed to:

DCASMA, Ottawa
6th Floor, Canadian Building
219 Laurier Avenue, West
Ottawa, Ontario, Canada (K1A0S5)

(b) When contract administration is performed in Canada by Defense Contract Administration Services, the paying office activity to be named in the contract for disbursement of DoD funds (DoD Department Code: 17-Navy; 21-Army; 57-Air Force; 97-All other DoD components) whether payment is in Canadian or U.S. dollars shall be:

Disbursing Office, Defense Contract Administration
Services Region, Cleveland
1240 East 9th St., Anthony J. Celebrezze Federal Building
Cleveland, Ohio 44199

Part 6--Duty and Customs

6-601 Scope of Part.

(a) This Part sets forth policies and procedures for excepting from import duty certain supplies that are imported into the United States in connection with Defense contracts. Ordinarily, duty is payable for the importation of non-Defense supplies obtained outside the United States. Two exceptions to this rule are available to the Department of Defense: "Emergency purchases of war materials abroad" by a Military Department may be imported duty-free pursuant to Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States; and certain supplies (not including equipment) for vessels or aircraft operated by the United States may be imported duty-free pursuant to 19 U.S.C. 1309. This Part prescribes the uses and limits of these two exceptions.

(b) This Part does not deal with or affect the evaluation of offers of foreign supplies. Rules for such evaluation are in Parts 1, 3, 13, 14, and 15 of this Section. Although the procedures of this Part may require or permit duty-free entry to be accorded foreign supplies in a given case, this in itself neither precludes nor requires the inclusion of duty in evaluating an offer of such supplies.

6-602 Policy. The issuance of duty-free entry certificates in appropriate situations will result in important savings to military appropriations. Such certificates must be limited to carefully selected situations lest they result in unanticipated profits to contractors, especially under fixed-price-type contracts, and involve the Government in administrative expenses outweighing any possible savings to military appropriations. It is DoD policy to use duty-free entry certificates wherever there is reasonable assurance that advantages in the form of savings to military appropriations will outweigh the administrative and other costs of processing duty-free entry certificates and of maintaining controls to verify that the full benefit of the certificates inures to the Government. A contractor which has been awarded a fixed price-type-contract based on providing a domestic end product or component cannot subsequently furnish a foreign end product or component (including a qualifying country end product or component) and receive a duty-free entry certificate in accordance with 7-104.31(b) without an appropriate reduction in contract price.

6-603 Emergency Purchases of War Materials Abroad.

6-603.1 Definition. Any acquisition of foreign supplies constitutes "an emergency purchase of war material" if:

(i) the supplies comprise--
  (A) weapons, munitions, aircraft, vessels, or boats;
  (B) agricultural, industrial, or other supplies used in the prosecution of war or for the national defense; or
  (C) supplies, including components or equipment, necessary for the manufacture, production, processing, repair, servicing, or operation of supplies within (A) or (B) above; and

(ii) the acquisition--
  (A) is made in time of war or during a national emergency;

  (B) is made because of a shortage of domestic supply, pursuant to a decision that the supplies are necessary for the adequate maintenance of the Armed Services;
  (C) is made for the use of U.S. forces abroad or U.S. vessels in foreign waters; or
  (D) consists of captured enemy war material, materials requisitioned by U.S. forces abroad, or materials rebuilt from other materials owned by, or turned over to U.S. forces, or materials loaned or given to a Military Department of the U.S. Government under exchange agreements with foreign governments.

6-603.2 Requirements.

(a) To assure that the policy of 6-602 is carried out for emergency purchases of war materials abroad, one or both of the clauses in 6-603.3(a) and (b) shall be included in each negotiated contract in excess of $100,000 unless the minimum dollar limits in 6-603.3 (a) and (b), respectively, apply. Notwithstanding these dollar limits, either or both of the clauses in 6-603.3(a) and (b) may be inserted in any other negotiated contract where the contracting officer determines that to do so would further the policy in 6-602 and would be consistent with the limitations in (b) below, and in any such case the dollar figure in paragraphs (a) and (d) of the clause in 7-104.31(b) may be reduced appropriately.

(b) Duty-free entry certificates shall be issued as required by contracts containing any of the contract clauses described in 6-603.3. Consistent with 6-602, duty-free entry certificates may be issued in connection with any other contract for an "emergency purchase of war material" that falls within one of the following categories:

  (i) Direct purchases abroad regardless of whether title passes at point of origin or at destination in the United States, Providing, the contract states that the final price is exclusive of duty;
  (ii) Purchases abroad by a Government prime contractor under a cost-reimbursement type contract or by a cost-reimbursement type subcontractor (where no fixed-price prime or fixed-price subcontract intervenes between the purchaser and the Government), regardless of whether title passes at point of origin or at destination in the United States. If a fixed-price prime or fixed-price subcontract intervenes, the criteria stated in (iii) below should be followed; and
  (iii) Purchases abroad by a fixed-price contractor, a fixed-price subcontractor, or a cost-type subcontractor where a fixed-price prime contract, or fixed-price subcontract intervenes, provided (A) the fixed- price prime contract and, where applicable, fixed-price subcontract prices are, or are amended to be, exclusive of duty; (B) the prime contractor and, where applicable, the subcontractors concerned certify that the supplies so purchased are to be delivered to the Government or incorporated in Government-owned property or in an end product to be furnished to the Government, and that the duty will be paid if such supplies or any portion

thereof are utilized for other than the performance of the Government contract or disposed of other than for the benefit of the Government in accordance with the contract terms; and (C) such acquisition abroad is authorized by the terms of the prime contract, the applicable subcontract, or by the contracting officer. In any such case, the procedures required by the clauses in 6-603.3 and by 6-603.4 shall be followed to the extent practicable.

6-603.3 Contract Clauses.

(a) Duty-Free Entry for Specified Items. Within the limits of 6-603.2(a), the clause in 7-104.31(a) and the provision in 7-2003.49 shall be used when the contracting officer knows at the time of execution of the contract that foreign supplies (other than those for which duty-free entry is to be accorded pursuant to (c) below) on which the estimated aggregate duty exceeds $1,000, are to be imported into the United States, its possessions, or Puerto Rico, in connection with performance of the contract.

(b) Duty-Free Entry for Items Not Identified in the Contract. Within the limits of 6-603.2(a), the clause in 7-104.31(b) shall be used unless the contracting officer anticipates that, in connection with the performance of the contract, neither the prime contractor nor any first-tier subcontractor will make any purchase of foreign supplies in excess of $10,000 that would not be covered by the clauses in (a) or (c) of this paragraph.

(c) Duty-Free Entry - Qualifying Country End Products and Components. The clause in 7-104.32 shall be inserted in all contracts for supplies and in all contracts for services involving the furnishing of supplies, except that it need not be inserted in the case of simplified small purchase procedures and in contracts for supplies exclusively for use outside the United States. (See 6-104.5.)

6-603.4 Customs, Entries and Duty-Free Certificates.

(a) When a prime contract involving foreign supplies contains the clause in 7-104.31(a) or (b) and the prime contractor sends a notification of a purchase of foreign supplies under the contract to the Contract Administration Office (CAO) designated in the contract, the CAO will verify that the prime contract includes the Duty-Free Entry for Certain Specified Items clause for the items identified or the Notice of Imports--Possible Duty-Free Entry clause; and in the latter case, that the contracting officer has agreed to furnish a duty-free entry certificate for the items identified in exchange for a reduction in contract price in the amount of duty which would be payable if duty-free entry certificates were not issued pursuant to the provisions of this clause. The CAO will then forward the notification to Commander, Defense Contract Administration Services Management Area, New York, 60 Hudson Street, New York, New York 10013. The notification will be forwarded as an enclosure to the information provided in the format shown below.

To: Commander
DCASMA, New York
Attn: Transportation Officer
Contract.....issued to.....(Contractor).

Enclosed is a contractor notification of the purchase of foreign supplies. Verification has been made that:

(...) The prime contract includes DAR Clause 7-104.31(a) Duty-Free Entry for Certain Specified Items for the items identified on the enclosed notification.
(...) The prime contract includes DAR Clause 7-104.31(b) Notice of Imports--Possible Duty-Free Entry and the Contracting Officer has agreed to furnish a duty-free entry certificate for the items identified in exchange for an appropriate reduction in contract price.

The contract is expected to be completed by.....
Signature.....
Title.....

(b) When the Government agrees to execute duty-free entry certificates for supplies, in accordance with the clauses in 7-104.31, the contractor shall be notified that the foreign supplier is to include on the bill of lading (or other shipping document) the information required to be inserted on such documents as provided in the clause. Failure to include such information on the bill of lading (or other shipping document) will result in the shipment being treated as a shipment without benefit of free entry under Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States.

(c) Upon receipt of a request for duty-free entry, the designated Government representative shall promptly prepare the required Customs Forms and execute the duty-free entry certificate in accordance with (d) below and forward two copies of Customs Form 7501 and one copy of Customs Form 7501A to the District Director of Customs submitting the request.

(d) The duty-free entry certificate referred to in this paragraph shall be printed, stamped, or typed on the face of Customs Form 7501 or attached thereto in the following form:

(date).....

I certify that the acquisition of this material constituted an emergency purchase of war material abroad by the (indicate Department) and it is accordingly requested that such material be admitted free of duty pursuant to Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States.

(Name).....
(Title).....
(Title of Government representative who has been designated to execute free entry certificates for the above-named Department.
(Organization).....

6-603.5 Immediate Release Permits. Immediate release permits, executed on Customs Form 3461 (Application for Special Permit for Delivery

of Perishable and Other Articles, Immediate Delivery of Which Is Necessary), entitle all shipments qualifying as "emergency purchases" of war material abroad to be released immediately by the District Directors of Customs at the various ports of entry, prior to and pending the filing of Customs Forms 7501 and 7501A and a duty-free entry certificate. The existence of an immediate release permit on file at a port of entry does not dispense with the necessity of filing Customs Form 7501 and 7501A and appropriate duty-free entry certificates. Each Department shall designate the individuals responsible for issuance of Immediate Release Permits.

6-604 Supplies for Vessels or Aircraft Operated by the United States.

(a) Subject to the considerations set forth in 6-602, a duty-free entry certificate may be issued when "certain supplies (not including equipment)" are purchased for vessels or aircraft operated by the United States. As used in this paragraph, the term "certain supplies (not including equipment)" includes articles known as "stores", such as food, medicines and toiletries, and, in addition, all consumable articles necessary and appropriate for the propulsion, operation, and maintenance of the vessel or aircraft, such as fuel, oil, gasoline, grease, paint, cleansing compounds, solvents, wiping rags and polishes. It does not include portable articles necessary and appropriate for the navigation, operation or maintenance of the vessel or aircraft and for the comfort and safety of the persons on board, such as rope, bolts and nuts, bedding, china and cutlery, which are included in the term "equipment". The procedures to be followed in the issuance of such certificates shall be prescribed by the respective Departments.

(b) The duty-free entry certificate referred to in this paragraph shall be printed, stamped, or typed on the face of Customs Form 7501, or attached thereto, and shall be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

(date).....

I certify that the acquisition of this material constituted a purchase of supplies by the United States for vessels or aircraft operated by the United States, and is admissible free of duty pursuant to 19 U.S.C. 1309.

(Name).....
(Title).....
(Organization).....

6-605 Reserved.

Part 7--Military Assistance Program Acquisitions

6-700 Scope of Part. This part implements the Military Assistance Program portion of the Foreign Assistance Act of 1961 (Section 604, 22 U.S.C. 2354) and the policies set forth in the President's Determination under Section 604(a) of the said Act (Memorandum of October 18, 1961) and in Executive Order 10973 dated 3 November 1961.

6-701 Reserved.

6-702 Statutory Requirements.

(a) Section 604(a) of the Foreign Assistance Act of 1961 as implemented provides that funds made available under the Act shall not be used for acquisition outside the United States except:

(i) to acquire items required for military assistance which are not produced in the United States;
(ii) to make local purchases for administrative purposes;
(iii) to use local currency available for military assistance purposes; or
(iv) where the Assistant Secretary of Defense (ISA) certifies that exclusion of acquisition outside the United States would seriously impede attainment of Military Assistance Program objectives.

(b) Where a MAP order involves acquisition covered by a certification issued in accordance with (a)(iv) above, the Director of Military Assistance, Office of the Assistant Secretary of Defense (International Security Affairs), will specify in the order that the Military Department is authorized to contract offshore.

6-703 Procedures.

6-703.1 Applicability. The following procedures apply to all contracts for the Military Assistance Program (other than those excepted pursuant to 6-702) citing funds authorized by the Foreign Assistance Act of 1961, or citing funds made available under Department of Defense Appropriation Acts when it is known at the time of acquisition that the items being acquired are to fill existing Military Assistance Program orders and that DoD appropriations are to be reimbursed from Foreign Assistance Act funds. The requirements of this paragraph do not apply to issues from DoD inventories or to replenishment of such inventories.

6-703.2 Method of Purchase. Acquisition for the Military Assistance Program shall be restricted to domestic concerns and to U.S. end products as defined in 7-2003.51. Except for this restriction on solicitation, acquisition shall be made by formal advertising, wherever practicable, in accordance with the policy of 2-102.1. Subject to the limitations prescribed in Part 1 of Section III and pursuant to the authority of 10 U.S.C. 2304(a), acquisition may be effected by negotiation under any appropriate exception of 10 U.S.C. 2304(a) (see Section III, Part 2). The Foreign Assistance Act of 1961 shall not be used as authority to negotiate under 10 U.S.C. 2304(a)(17).

6-703.3 Certificate. When the acquisition is solely to fill existing Military Assistance Program orders, the solicitation shall so state. When the acquisition consists of both Military Assistance Program items and non-Military Assistance Program items, the solicitation

shall clearly designate the Military Assistance Program items. In either instance, the solicitation shall require that each offer for end products include the certificate in 7-2003.50.

6-703.4 Contract Clause. The clause in 7-2003.51 shall be inserted in all acquisitions of end products for the Military Assistance Program.

6-704 Exemption from Examination of Records Requirement.

6-704.1 General. Military Assistance Program purchases authorized to be made outside the United States under the Foreign Military Sales Act of 1968, as amended, and the Arms Export Control Act of 1976, as amended, are exempt (Executive Order No. 11223, dated 12 May 1965) from the requirement for examination of records by the Comptroller General (10 U.S.C. 2313(b) and Section 3(b), Public Law 85-804) in the following circumstances:

(i) contracts with foreign contractors (including foreign governments) to be performed outside the United States; and

(ii) contracts, and amendments and modifications thereof, entered into pursuant to Public Law 85-804 (see 17-501), Provided, That the Department concerned shall make a determination that it is impracticable to include the Examination of Records clause or to obtain compliance therewith; such determinations may be made by any officer or official authorized to approve contracts, and amendments and modifications thereof, pursuant to 17-201.

Notwithstanding the exemptions permitted above, the contracting officer, where practicable, shall include the Examination of Records clause in contracts covered in (i) above.

6-704.2 Department of Defense Audit and Records. Contracts exempted under 6-704.1(i) from the requirement for examination of records by the Comptroller General shall nevertheless include the Audit by Department of Defense clause set forth in 7-104.41 in accordance with the requirements of that paragraph. When the clause in 7-104.41(a) is used, the second sentance of paragraph (c) shall be deleted.

Part 8--Balance of Payments Program

6-800 Scope of Part.

(a) This Part implements the Department of Defense Balance of Payments Program with respect to all acquisitions of (i) services which require the furnishing of end items (e.g., leasing of equipment) and supplies required for use outside the United States, except Petroleum and Military Assistance Program acquisitions (see Section VI, Part 73) and (ii) scientific and technical knowledge, resulting in dollar expenditures outside the United States and Canada. However, the exception regarding Military Assistance Program and FMS acquisitions does not apply to 6-804. Defense requirements as to the use of U.S. flag vessels, which affect the Balance of Payments Program, are set forth in Section I, Part 14.

(b) The Balance of Payments Program is an interim measure imposed by the Department of Defense to alleviate the impact of DoD expenditures on the nation's balance of international payments. The Balance of Payments Program differs from the Buy American Act in that the former applies to acquisitions required for use outside the United States, and the latter applies only to acquisitions required for use in the United States. Nevertheless, it is the policy of the Department of Defense to implement the Balance of Payments Program using evaluation procedures similar to those which implement the Buy American Act (see 6-104 and 6-105).

6-801 Prohibition Against Fragmenting Acquisitions. As to those provisions of this Part which state dollar limitations below which exceptions permitting the purchase of foreign items may be made if certain conditions are satisfied, requirements aggregating more than any such limitations shall not be broken into separate purchases which are less than such limitations merely for the purpose of allowing such exceptions.

6-802 Real Property Construction, Repair and Maintenance. All projects for construction, repair, and maintenance of real property outside the United States must be approved in accordance with DoD Directive 7060.4(AR-37-43; AFR 85-6/AFM 86-1; NAVFACINST 7020.6). Contracts for such projects will require that specified U.S. materials will be used or that Government materials and equipment will be furnished, only when the cost of the U.S. items (including transportation and handling costs) does not exceed the cost of foreign items plus 50 percent. A differential greater than 50 percent may be used when specifically authorized in the project approval.

6-803 Supply and Applicable Service Contracts.

6-803.1 Procedure.

(a) Except as provided in 6-803.2, proposed acquisitions of supplies and applicable services for use outside the United States shall be accomplished in accordance with the evaluation procedures in (d) below.

(b) Solicitation of Offers. Solicitations shall state that the specific information as to articles, materials, and supplies excepted from these procedures (see 6-803.2) is available to prospective contractors upon request. When quotations are obtained orally, vendors shall be informed that only domestic and qualified country end products shall be acceptable other than those items which have been excepted either on

a blanket or an individual basis (see 6-803.2) or the price for the nonqualifying country end item meets the evaluation criteria in (d) below. When only domestic end products are acceptable, the solicitation shall so state (e.g., see 6-104.4(d)).

(c) Reserved.

(d) Evaluation.

(1) In accordance with the Balance of Payments Program, where these procedures result in the acquisition of foreign end products, the acquisition of domestic end products is deemed unreasonable in cost or inconsistent with the public interest. Except as provided herein and in 6-104.4(d), offers shall be evaluated so as to give preference to domestic offers as follows:

a. Each nonqualifying country offer of defense equipment (but see exception in b. below) shall be adjusted for purposes of evaluation by increasing such offer by 50 percent. If the foregoing procedure results in a tie between a nonqualifying country offer, as evaluated, and a domestic offer, award shall be made on the latter. In all other instances, use the tie-breaking procedures in 2-407.6.

b. In the event that a domestic offer, a qualifying country offer, and a nonqualifying country offer compete for defense equipment, the qualifying country offer shall be evaluated without applying the price differentials of this paragraph, whereas the nonqualifying country offer shall be subjected to the price differentials (see Example A below). However, in the event the low domestic offer exceeds the evaluated price of the nonqualifying country offer, all foreign offers shall be evaluated as if no domestic offer was submitted (see Example B below). In the event a qualifying country offer competes against a nonqualifying country offer and no domestic offer is submitted, they shall be evaluated on an equal basis (see Example C below).

(2) The following examples illustrate how the procedure in (1) above should be applied.

EXAMPLE A

Nonqualifying Country Offer	$6,000
Domestic Offer	8,900
Qualifying Country Offer	8,800

Award on Qualifying Country Offer. The nonqualifying country offer, adjusted by 50-percent factor is $9,000. The qualifying country offer receives the award because it is evaluated without adjustment and is the lowest offer.

EXAMPLE B

Nonqualifying Country Offer	$6,000
Domestic Offer	9,500
Qualifying Country Offer	8,800

Award on Nonqualifying Country Offer. Nonqualifying country offer, adjusted by 50-percent factor is $9,000. It is still lower than the

domestic offer. Accordingly, the qualifying and nonqualifying country offers are evaluated on an equal basis as if the domestic offer had never been submitted and the award is made on the nonqualifying country offer.

EXAMPLE C

Nonqualifying Country Offer	$10,000
Qualifying Country Offer	11,500

Award on Nonqualifying Country Offer. Since there is no domestic offer, the nonqualifying country and qualifying country offers are evaluated on an equal basis and the award is made on the nonqualifying country offer.

(e) Clauses. Except for simplified small purchase procedures, and as provided in 6-803.2(a) insert the clauses at 7-103.10, 7-104.3, 7-104.106, and 7-2003.47 in accordance with the instructions for their use. If requested, the contracting officer should advise the offeror of the effect of the required clauses.

6-803.2 Exceptions.

(a) Acquisitions of end products (including construction materials) and applicable services for use outside the United States should be made in the following cases without regard to the origin of the end products. In these cases, the clauses in 7-104.3, 7-104.106 and 7-2003.47 shall not be used.

(i) Treaty or Executive Agreement--acquisitions required to be made from indigenous sources pursuant to a treaty or executive agreement between governments.

(ii) Small Purchases--acquisitions by contracting officers located outside the United States, which are estimated not to exceed $10,000 in foreign cost.

(iii) Perishable Subsistence--acquisitions of perishable subsistence items when it is determined that delivery from the United States would destroy or significantly impair their quality at the point of consumption. The determination shall be made prior to acquisition by the individuals designated in (b)(1) below or their immediate deputies, except that this authority may be redelegated for acquisitions estimated not to exceed $500,000 in foreign cost. A determination is not required for the acquisition of perishable subsistence items for commissary resale.

(iv) Panamanian Products used in Panama--acquisitions of articles, materials or supplies that are mined, produced, or manufactured in Panama when acquired by, and for use of, U.S. Forces in Panama.

(v) Services. Services which do not primarily involve the acquisition of equipment or supplies.

(vi) Certain Food Items--acquisition of bananas, tea, coffee, spices, herbs, sugar, cocoa, cream of tartar, tapioca, and coconut.

(vii) Miscellaneous--acquisition of the requirements listed below, Provided, they do not duplicate or replace an existing organic service capability:
(A) all items on the list at 6-105;
(B) utilities, including gas, water, electricity, steam, sewage, refuse collection and disposal;
(C) maintenance and repair of, and acquisition of spare parts for, foreign-manufactured vehicles, equipment, machinery and system; Provided, in the case of parts, That this exception applies only if the acquisition must be restricted to the original manufacturer or his supplier in accordance with 1-313;
(D) industrial gases;
(E) brand drugs specified by the Defense Medical Materiel Board;
(F) the following bulk construction materials: sand, gravel and other soil materials, stone, concrete masonry units and fired brick;
(G) overhaul and repair of vessels, aircraft, and vehicles which are home-ported/stationed/deployed overseas and which, because of their operating commitments, cannot return to the United States or to U.S.-operated repair facilities;
(H) ice (wet or dry);
(I) books, pamphlets, newspapers, magazines, periodicals, and printed briefs and films not printed in the United States and for which there are no substitutes of U.S. origin which are intended for use in the Department of Defense Overseas Dependents' Schools; and
(J) ready-mixed asphalt and portland cement concrete Provided, That foreign cost is estimated not to exceed $10,000.

(viii) Excess and Near-Excess Foreign Currencies--acquisitions made with excess or near-excess foreign currencies when acquisition costs are in accordance with 6-1106.

(ix) Commissary Resale--purchases of subsistence items of foreign origin which are intended for resale in overseas commissary stores.

(x) Nonavailability in the United States--acquisitions as to which it is determined in advance by the individuals designated in (b) below that (A) the requirements can only be filled by foreign end products because U.S. end products are not available per se, or are not available within the time required to meet urgent military requirements directly related to maintaining combat capability, the health and safety of DoD personnel, or to protect property, and (B) that it is not feasible to forego filling the requirements or to provide a U.S. substitute for it. This authority is not intended for use in making repetitive supply acquisitions or acquisitions of total annual supply requirements of

items available in the United States but not available within the time required (for coordinated acquisition specifying a foreign end product, see 5-1106.3(b)).

(xi) Unreasonable Cost--acquisitions, other than those covered in (i) through (x) above where United States end products or services are available and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost, if so determined in advance by the individuals designated in (b) below.

(b) The individuals listed below, and the immediate deputies of those listed in (1) below, are designated to make the determinations required by (a)(iii) and (xi) above.

(1) For acquisitions estimated not to exceed $2 million in foreign cost, except that this authority may be redelegated to other individuals specifically designated for this purpose for acquisitions estimated not to exceed $500,000:

Department of the Army--
Director for Requirements and Acquisition, U.S. Army Materiel Development and Readiness Command;
Commander in Chief, U.S. Army, Europe; and DCSLOG, U.S. Army, Europe;
Commander, Eighth U.S. Army; Chief of Staff, Eighth U.S. Army;
Chief, U.S. Army Security Agency;
Commander, Corps of Engineers Command;
Commander, U.S. Army, Japan;
Department of the Navy--
Commander-in-Chief, U.S. Naval Forces, Europe;
Commander, U.S. Naval Forces, Japan;
Commander, U.S. Naval Forces, Philippines;
Chief of Naval Material;
Commander in Chief, U.S. Atlantic Fleet;
Commander, Naval Logistics Command, Pacific Fleet;
Commander, Military Sealift Command (MSC);
Commandant, U.S. Marine Corps;
Commander, Naval Facilities Engineering Command;
Commanding General, III Marine Amphibious Force;
Department of the Air Force--
Commander, U.S. Air Forces in Europe;
Commander, Pacific Air Force;
Commander, Military Airlift Command (MAC);
Commander, Air Force Logistics Command;
Commander, Air Force Systems Command;
Commander, Strategic Air Command;
Commander, Tactical Air Command;
Commander, Air Force Communications Service;
Defense Logistics Agency--Executive Director, Contracting;
Defense Communications Agency--Director.

(2) For acquisitions estimated to exceed $2 million in foreign cost--Secretary of the Department concerned.

(c) Acquisition of scientific and technical knowledge resulting in expenditures outside the United States and Canada shall be made only in the following cases:
(i) those set forth in (a)(i), (ii) and (viii) above;
(ii) when it is determined in advance, by the individuals designated in (d) below, that the requirement can only be filled by foreign end products or services and that it is not feasible to forego filling the requirement or to provide a U.S. substitute for it; and
(iii) acquisitions other than those covered in (i) and (ii) above when U.S. end products or services are available, and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost as determined by the individuals designated in (d) below.

Whenever practicable, such acquisitions shall be made on a cost-sharing basis or other arrangement designed to limit any adverse effect on the balance of payments. Policy questions concerning such arrangements should be directed to the Under Secretary of Defense for Research and Engineering.

(d) The individuals listed below (and the immediate deputies of those listed in (1) below) are designated to make the determinations required by (c)(ii) and (c)(iii) above.

(1) For acquisitions estimated not to exceed $2 million in foreign cost, except that this authority may be redelegated to individuals specifically designated for this purpose for acquisitions estimated not to exceed $100,000:

Department of the Army--
Commanding General, Army Materiel Development and Readiness Command;
Commander, Corps of Engineers Command;
Surgeon General, Army Medical Corps;
Chief of Research, Development and Acquisition;
Department of the Navy--
Chief of Naval Research;
Commander, Naval Air Systems Command;
Commander, Naval Electronics Systems Command;
Commander, Naval Sea Systems Command;
Chief, Bureau of Medicine and Surgery;
Commander, Naval Supply Systems Command;
Chief of Naval Development;
Oceanographer of the Navy;
Commander, Naval Facilities Engineering Command;
Military Sea Lift Command;
DC/S Installations and Logistics Department, Headquarters U.S. Marine Corps
Department of the Air Force--
Commander, Air Force Systems Command;
Commander, Air Force Logistics Command;

Defense Agencies--
Director, Advance Research Projects Agency;
Director, Defense Nuclear Agency;
Director, Defense Communications Agency;
Director, Defense Intelligence Agency.

(2) For acquisitions estimated to exceed $2 million in foreign cost--Secretary of the Department concerned, or the Under Secretary of Defense for Research and Engineering in the case of agencies set forth in (d)(1).

(e) Complete documentation justifying acquisitions under (a) and (c) above shall be prepared except for acquisitions made pursuant to (a)(ii) and (a)(vi). Such documentation shall be prepared by requiring activities, furnished in requests for determination submitted to the individuals listed in (b) and (d) above, and included in the contract file.

6-804 Identification of Expenditures in the United States. DoD balance of payment reporting instructions require the reporting of the amount of acquisitions of U.S. end products and services accomplished under these regulations. The following provisions are designed to facilitate such reporting by cognizant accounting and disbursing officers. It is essential in implementing these provisions that there be appropriate liaison between acquisition and accounting and disbursing personnel at each contracting activity.

(a) Except as provided in (b) below, the clause 7-104.58(a) shall be included in each contract of $10,000 that--
(i) requires the contractor to furnish U.S. end products except that the clause in 7-104.58(a) is not required if the contractor is a domestic concern and the Government will take title to the supplies to be furnished within the United States; or
(ii) in the case of a contract for construction, repair, or maintenance of real property, or for services, to be performed outside the United States, either--
(A) requires the contractor to acquire specified materials, equipment, or services from U.S. sources (whether or not the contractor is a domestic concern), or
(B) is with a contractor who is a domestic concern (whether or not specified items must be acquired from U.S. sources).

(b) In lieu of the clause specified in 7-104.58(a), the statement in 7-104.58(b) may be placed prominently on the face of each contract, purchase, or delivery order involving acquisitions of U.S. end products or services where the contracting officer considers that greater accuracy will be achieved or that inclusion of the contract clause is impracticable.

(c) To provide appropriate reporting of the balance of payments consequences of Defense acquisition for contracts of less than $10,000, the statement in 7-104.58(c) will be placed prominently on the face of each contract.

Part 9—International Agreements and Coordination

6-901 Scope of Part. This Part concerns the applicability of international agreements other than those in Parts 13 through 15 and coordination with overseas commands and activities in purchasing from foreign sources.

6-902 International Agreements.

(a) Various treaties and international agreements in effect between the United States and foreign governments, especially those with governments receiving military and economic aid under the Foreign Assistance Act of 1961, affect acquisition in foreign countries. Particular attention should be given to the provisions in these agreements which pertain to purchase procedures, contract forms and clauses, taxes, patents, technical information, facilities, and other matters relating to acquisition.

(b) Copies of international agreements are filed with the United States European Command (APO 128, New York) covering existing agreements in the United Kingdom of Great Britain and Northern Ireland, Western European countries, North Africa, and in the Middle East. Agreements with countries in the Pacific and Far East are filed with the United States Pacific Command (CINCPAC). Many of the agreements are compiled in the "United States Treaties and Other International Agreements" series (TIAS), which is published by the Department of State. Copies of this publication are normally available in overseas legal offices and U.S. diplomatic missions. In addition, Military Assistance Advisory Groups, Naval Missions, and Joint United States Military Aid Groups normally have copies of the agreements applicable to the countries concerned.

(c) In placing contracts with contractors outside the United States for performance outside the United States, contracting officers, including those in the United States, shall ascertain the existence and applicability of any international agreements and, subject to the provisions of 1-109.4, shall comply with such agreements.

6-903 Coordination With Overseas Commands and Activities. When it has been determined that an acquisition will be made from a foreign contractor, overseas contracting offices shall be utilized to the maximum practical extent. Contracting offices not within the command jurisdiction of a unified or specified command, anticipating placement of contracts with foreign contractors, shall maintain liaison with the appropriate component commander during preaward negotiations and postaward administration. Where an acquisition may result in a requirement for logistical support of contractor employees or additional Government employees in an overseas location, the contracting officer shall insure that the contract file includes documentation reflecting specific advance approval for such commitment from the appropriate component commander.

Part 10—Exclusion of Examination of Records Clause

6-1000 Scope of Part. This Part sets forth policies and procedures for exempting the requirement for the Examination of Records by Comptroller General clause in contracts with foreign contractors and foreign subcontractors.

6-1001 Statutory Requirements.

(a) In accordance with 10 U.S.C. 2313(c), the Examination of Records by Comptroller General clause may be excluded from negotiated contracts and subcontracts with foreign contractors and foreign subcontractors where:

(i) the Secretary determines, with the concurrence of the Comptroller General or his designee, that inclusion of the clause would not be in the public interest; or

(ii) when

(A) the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination, and

(B) the Secretary determines, after taking into account the price and availability of the property or services from U.S. sources, that the public interest would be best served by exclusion of the clause.

(b) A determination of the Secretary under (ii) above does not require the concurrence of the Comptroller General or his designee. However, where a determination of the Secretary under (ii)(B) is the basis for exclusion of the Examination of Records by Comptroller General clause, the statute requires that a written report be furnished to the Congress. This report, which shall explain the reasons for the determination, shall be submitted in triplicate by the Department concerned, to the Office of the Assistant Secretary of Defense (Comptroller), Attention: Director for Information Operations.

6-1002 Policy. The Examination of Records by Comptroller General clause shall be included wherever possible. Exclusion of the clause should be allowed only after the contracting officer has made all reasonable efforts to include the clause and has considered such factors as alternate sources of supply, additional cost, and time of delivery. "Foreign contractor" for purposes of this Part 10 is defined as "one that is organized or existing under the laws of a country other than the United States, its territories or possessions."

6-1003 Requests for Determinations and Findings. Request for determinations and findings for exclusion ordinarily will be initiated by the contracting officer. The report shall consist of a letter submitted through normal acquisition channels, addressed to the Secretary setting forth all the facts necessary to arrive at an appropriate determination and findings.

6-1004 Determination and Findings. The determination and findings made by the Secretary to authorize exclusion of the Examination of Records by Comptroller General clause from a contract with a foreign contractor or foreign subcontractor under 10 U.S.C. 2313(c) shall:

(i) identify the contract and its purpose, and state that it is a contract or subcontract with a foreign contractor or foreign subcontractor, or that the contractor or subcontractor is a foreign government or agency thereof;

(ii) describe the efforts that have been made to include the clause in the contract or subcontract;

(iii) state the reasons for the contractor's or subcontractor's refusal to include the clause;

(iv) describe the price and availability of the property or services from United States and other sources; and

(v) determine that it is in the public interest to exclude the clause pursuant to the provisions of 10 U.S.C. 2313(c).

Part 11—Use of U.S.-Owned Foreign Currency for Payments

6-1101 Scope of Part. This Part implements the Government's policy that U.S.-owned foreign currency be used when feasible in payment of purchases in foreign countries.

6-1102 Applicability.

(a) This Part applies to acquisitions of supplies, services, or construction for use outside the United States.

(b) This Part does not apply to acquisitions (i) funded from Special Foreign Currency Program Appropriations or (ii) made under Section VI, Part 1.

6-1103 Definitions. As used in this Part, the following terms have the meanings set forth below.

(a) U.S.-owned foreign currency means currency of a foreign country which currency is:

(i) owned by the United States;

(ii) determined excess or near-excess by the United States Department of the Treasury;

(iii) available in the country of issuance to pay obligations of the United States within that country; and

(iv) disbursed by the United States Treasury Disbursing Officer in the country concerned, either directly to the contractor or to the military disbursing officer, as appropriate.

(b) Excess foreign currency means currency that has been determined by the Department of the Treasury to be in excess of foreseeable requirements of the U.S. Government. Countries in which the United States owns excess foreign currency are listed in 6-1109(a).

(c) Near-excess foreign currency means currency that has been determined by the Department of the Treasury to be above the immediate requirements of the U.S. Government. Countries in which the United States owns near-excess foreign currency are listed in 6-1109(b).

(d) U.S. dollar content means the U.S. dollar cost to an offeror for domestic source end products or services (including costs of transportation furnished by U.S.-flag carriers) imported directly from the United States and to be used in performance of a contract, as certified by the offeror.

6-1104 Solicitation Procedure.

(a) Except as provided in (c) below, when supplies, services, or construction for use outside the United States are to be purchased, the solicitation shall contain the provision in 7-2003.62 when it can reasonably be expected that (i) contracts will be performed in whole or in part in a country in which there is U.S.-owned foreign currency, or (ii) a contractor (domestic or foreign) may be willing to accept U.S.-owned foreign currency in payment in whole or in part.

(b) Failure to state a price in U.S.-owned foreign currency, either in whole or in part, shall not in itself cause an offer to be considered nonresponsive to a solicitation.

(c) Requests for quotations for purchases described in Section III, Part 6, for delivery within a country in which there is U.S.-owned foreign currency shall be limited to be the local trade area of that

country; and, to the extent feasible within the criteria in 6-1108, shall require quotations to be stated only in the U.S.-owned foreign currency of that country.

6-1105 Evaluation of Offers.

6-1105.1 Conversion for Evaluation Purposes. For purposes of evaluation, offers expressed in whole or in part in U.S.-owned foreign currency shall be converted to show their equivalency in U.S. dollars at the rate of exchange used by U.S. disbursing officers for such currency on the date set for receipt of offers.

6-1105.2 Excess Foreign Currency Offers. Subject to 6-1105.4 and to the award limitations in 6-1106, preference for acceptance of offers in excess foreign currency or in combinations of excess foreign currency and U.S. dollars shall be in the following order, even though the offer preferred may not be the lowest in price:

(i) the lowest responsive offer in whole in an excess foreign currency. If equal low offers are received and one or more contain a U.S. dollar content which is not required to be paid in U.S. dollars, that offer which contains the greatest U.S. dollar content shall be preferred.

(ii) When the only responsive offers in excess foreign currency also contain a U.S. dollar content for which payment in U.S. dollars is required and is limited to that content, that offer which results in the lowest expenditure of U.S. dollars.

(iii) When the only responsive offers in excess foreign currency also require payment in part in U.S. dollars which are not limited to the U.S. dollar content, that offer which results in the lowest expenditure of U.S. dollars. If equal low offers are received and one or more contain a U.S. dollar content and others contain no U.S. dollar content, that offer which contains the greatest U.S. dollar content shall be preferred.

(iv) When responsive offers in combinations described in (ii) and (iii) above are received, the lowest offer evaluated under (ii) above.

(v) When responsive offers are received in U.S. dollars only, the lowest such offer. If equal low offers are received and one or more contain a U.S. dollar content, that offer which contains the greatest U.S. dollar content shall be preferred.

6-1105.3 Near-Excess Foreign Currency Offers. The lowest responsive offer in whole or in part in a near-excess foreign currency which does not exceed the lowest responsive offer in U.S. dollars shall be preferred over the U.S. dollar offer. Offers in excess foreign currency shall always be preferred over offers in near-excess foreign currency.

6-1105.4 Consideration of Combination Offers. When responsive offers received include some which are priced only in U.S. dollars and others in combinations of U.S. dollars and excess or near-excess foreign currency, a combination offer shall not be considered for award if the U.S. dollar amount of that offer exceeds the dollar amount of the lowest responsive offer in U.S. dollars only.

6-1105.5 Evaluation Table. The following table illustrates the evaluation of offers received in whole in excess foreign currency, in combinations of excess foreign currency and U.S. dollars, and in U.S. dollars only.

EVALUATION TABLE

Offers received are priced in U.S. dollars and "X" Country's rupees. Applicable exchange rate assumed for this table is 3 rupees equal 1 dollar.

Offers	In excess currency only	In combination excess currency—U.S. $	In U.S. dollars only	In U.S. dollars as converted (See 6-1105.1)	U.S. dollars content	Preference: For award	Preference: See footnote
1	360R			$120	0	1	3
				($20 + $80)			
2		60R + $80		$100	0	6	4
				($ 6 + $95)			
3		18R + $95		$101	0	None	4
				($20 + $90)			
4		60R + $90		$110	0	7	4
5			$94	$ 94	0	9	5
6	450R			$150	$50	2	3
				($20 + $90)			
7		60R + $90		$110	$90	4	4
8			$94	$ 94	$50	8	5
9	450R			$150	0	3	3
				($20 + $80)			
10		60R + $80		$100	$50	5	4

NOTES TO EVALUATION TABLE

1. All offers are assumed to be responsive.

2. The lowest offer in U.S. dollars only is $94. Therefore, $141 ($94.00 plus $47) is the maximum amount for which the contracting officer has authority to award without referral under 6-1106.2.

3. Offers 1, 6, and 9 are entirely in excess foreign currency and are given first consideration. Offer 1, being the lowest, is preferred for award. In the absence of Offer 1, Offer 6 would be preferred because it contains a U.S. dollar content of $50. In the absence of Offers 1 and 6, Offer 9 would be preferred. In accepting Offer 1, 6, or 9, the DoD Appropriation would be charged $94 (see 6-1106.1). Before Offer 6 or 9 could be accepted, they would require referral under 6-1106.2.

4. Offers 2, 3, 4, 7, and 10 are combination offers and would be given consideration in the absence of Offers 1, 6, and 9 or in the absence of Offer 1 and in case Offers 6 and 9 were not approved by higher authority

after referral under 6-1106.2. Offer 7 would be preferred over Offers 2, 3, 4, and 10 because it contains a U.S. dollar content and the part to be paid in U.S. dollars is limited to that content. In the absence of Offer 7, Offer 10 would be preferred over Offers 2, 3, and 4 because it contains a U.S. dollar content of $50, and, although the part to be paid in U.S. dollars is more than that content, it would result in the least expenditure of U.S. dollars. In the absence of Offers 7 and 10, Offer 2 would be preferred over Offers 3 and 4 because it would result in the least expenditure of United States dollars. In the absence of Offers 2, 7, and 10, Offer 4 would be preferred. Offer 3 could not be considered for award because the U.S. dollar amount ($95) exceeds the lowest offer in U.S. dollars ($94)(see 6-1105.4).

5. Offers 5 and 8 are entirely in U.S. dollars and would be given consideration in the absence of all other offers or in the absence of all other offers except 6 and 9 and in case those offers were not approved by higher authority after referral under 6-1106.2. Offer 8 would be preferred to Offer 5 because it contains a U.S. dollar content of $50.

6-1106 Awards.

6-1106.1 Basis. Award shall be made in accordance with 6-1106.2 and 6-1106.3. When unreasonable overpricing in relation to the U.S. dollar cost or the normal local foreign currency cost to non-DoD users of the same or similar items exists, the proposed acquisition shall be referred to higher authority.

6-1106.2 Awards by the Contracting Officer. The contracting officer shall have authority to award contracts as follows:

(i) to the offeror submitting the lowest responsive offer in whole or in part in excess foreign currency when that offer does not exceed the lowest responsive offer in U.S. dollars by more than 50 percent and the lowest responsive offer in U.S. dollars does not exceed $50,000; (Note: The cost to the DoD appropriation shall be the lowest responsive offer in U.S. dollars. The additional cost will be assumed by the Department of the Treasury.)

(ii) to the offeror submitting the lowest responsive offer in whole or in part in near-excess foreign currency, when that offer does not exceed the lowest responsive offer in U.S. dollars;

(iii) to the offeror submitting the lowest responsive offer entirely in U.S. dollars, Provided, That payment in U.S. dollars is authorized under 6-1108. (Where a foreign purchase is contemplated under 6-805.2(a)(ix) and is not otherwise excepted, and where payment is to be made in U.S. dollars only, the acquisition shall be made in accordance with 6-806.1.)

6-1106.3 Awards Requiring Approval by Higher Authority.

(a) The contracting officer shall refer the proposed acquisition to the appropriate official listed in (c) below when:

(i) the lowest responsive offer in excess foreign currency exceeds the lowest responsive U.S. dollar offer by more than

50 percent regardless of the U.S. dollar cost of the contract;

(ii) the lowest responsive U.S. dollar offer exceeds $50,000; or

(iii) the lowest responsive offer in near-excess foreign currency exceeds the lowest responsive offer in U.S. dollars.

(b) The contracting officer shall refer the case expeditiously describing, as a minimum, the acquisition involved; the number of offers received in each currency category; the lowest responsive offer in U.S. dollars; the date or dates the offers will expire; and recommending the offer, if any, that should be accepted.

(c) The Secretaries of the Military Departments, the Under Secretary of Defense for Research and Engineering, the Directors of Defense Agencies, and the Assistant Secretary of Defense (Comptroller), or their designees, shall determine whether a proposed acquisition described in (a) above shall be made payable in U.S.-owned foreign currency or in U.S. dollars.

6-1107 Determinations of Nonfeasibility and Contract Certifications.

(a) At the time of award, the contracting officer shall determine whether payment in U.S.-owned foreign currency is feasible.

(b) When the contracting officer determines that it is not feasible under one of the criteria in 6-1108 to use U.S.-owned foreign currency for payment of a contract, he shall execute a Contract Certification in the following format.

CONTRACT CERTIFICATION

I hereby certify that it is not feasible to make payment under this contract in the country of _____ in the amount of $_____ from U.S.-owned foreign currency for the reason stated. (Cite the applicable criterion.)

(Signature) _____
(Typed Name and Title of Contracting Officer _____)

(c) When U.S.-owned foreign currency and U.S. dollars are combined for payment of a contract, the dollar amount shown in the Contract Certification shall be that amount which is to be paid in U.S. dollars.

(d) The original and one copy of each Contract Certification shall be furnished to the disbursing officer designated to make payments under the contract; and one signed copy shall be filed with the contract. Other distribution may be made in accordance with departmental instructions.

6-1108 Criteria for Nonfeasibility Determinations. The following criteria shall be used in determining that payment of contracts in whole or in part in U.S.-owned foreign currency is not feasible:

(i) The Department of the Treasury is not holding excess or near-excess foreign currency in the country concerned.

(ii) The contract is to be awarded in a foreign country where there is U.S.-owned foreign currency but where a treaty,

executive agreement, or law of the country concerned requires payments to be made in U.S. dollars.

(iii) Responsive offers require payment in U.S. dollars in whole or in part.

(iv) The only responsive offers received require payment entirely in U.S. dollars.

(v) The acquisition is for a compelling need and of such urgency that serious injury to the U.S. Government would likely be incurred if payment in excess or near-excess foreign currency were to be insisted upon.

(vi) Offers in excess or near-excess foreign currency were unreasonably overpriced in relation to the U.S. dollar cost or the normal local foreign currency cost to non-Department of Defense users of the same or similar items or services and payment in United States dollars has been authorized by the proper authority under 6-1106.3(c).

6-1109 Excess and Near-Excess Currency Countries.

(a) The Department of the Treasury holds excess foreign currency in the following countries.

Country	Currency
Burma	Kyat
Egypt	Pound
Guinea	Franc
India	Rupee
Pakistan	Rupee

(b) The Department of the Treasury holds near-excess foreign currency in the following countries.

Country	Currency
Morocco	Dirham
Poland	Zloty
Taiwan	Taiwan Dollar
Tunisia	Dinar
Yugoslavia	Dinar

(c) Changes in the currency position of the countries in which excess and near-excess foreign currency is held are disseminated periodically by the Departments to their disbursing officers.

6-1110 Contracts With Domestic Concerns. The clause in 7-104.66 shall be included in any contract with a domestic concern (see 6-001.7(a)) when the contracting officer anticipates the contract will be performed in any U.S.-owned foreign currency country.

Part 12—Use of Local Currency in Payment of Foreign Contracts

6-1200 Policy. Consistent with 6-1101, it is the policy of the Department of Defense to price and pay contracts with foreign contractors in a manner that is fair to both parties and will not provide a windfall to either party. Generally, this means that offshore contracts with local firms will be priced and paid in local currency unless (i) there exists a Status of Forces Agreement providing for payment in U.S. currency or (ii) the use of local currency is determined to be inequitable, and the use of U.S. currency is authorized at a level above the contracting officer. An example of a situation where pricing and paying in dollars may be appropriate or necessary would be a contract requiring significant purchases in the United States. Exchange rate fluctuations in favor of the local currency, i.e., where the local currency appreciates in value in relation to the dollar, may result in violation of the Anti-Deficiency Act. To avoid this possibility, contracting officers should comply with established Departmental procedures to insure the availability of adequate dollar appropriations to cover any purchases of currency needed from time to time to make payments against the contract price even though the value of the currency should appreciate vis-a-vis the dollar.

Part 13—Acquisitions For Foreign Military Sales

6-1300 Scope of Part. This Part sets forth policies and procedures applicable to acquisitions made for the purpose of Foreign Military Sales (FMS) pursuant to the Arms Export Control Act. It does not apply to Foreign Military Sales made from inventories or stocks, to acquisitions for replenishment of inventories or stocks, or acquisitions made under DoD Cooperative Logistic Supply Support Arrangements. An FMS Agreement is an accepted Letter of Offer and Acceptance which is the document by which the U.S. Government agrees to sell defense articles and services to a foreign government or international organization.

6-1301 Applicable Statutory Provisions.

6-1301.1 Contract Authorization.

(a) Pursuant to Section 22 of the Arms Export Control Act (Public Law 90-629, as amended) the Department of Defense is authorized to enter into contracts for purposes of resale to foreign countries or international organizations.

(b) The Act provides in part that:

(1) The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the acquisition of defense articles or defense services for sale for U.S. dollars to any foreign country or international organization if such country or international organization provides the U.S. Government with a dependable undertaking (i) to pay the full amount of such contract which will assure the U.S. Government against any loss on the contract, and (ii) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due. Interest shall be charged on any net amount by which any such country or international organization is in arrears under all of its outstanding unliquidated dependable undertakings, considered collectively. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the net arrearage and shall be computed from the date of net arrearage.

(2) The President may, if he determines it to be in the national interest, issue letters of offer under Section 22 of the Arms Export Control Act, as amended, which provide for billing upon delivery of the defense article or rendering of the defense service and for payment within 120 days after the date of billing. This authority may be exercised, however, only if the President also determines that the emergency requirements of the purchaser for acquisition of such defense articles and services exceed the ready availability to the purchaser of funds sufficient to make payments on a dependable undertaking basis and submits both determinations to the Congress together with a special emergency request for authorization and appropriation of additional funds to finance such purchases under this Act.

6-1301.2 Commercial Availability. Section 38(b)(3) of the Arms Export Control Act (22 USC 2778(b)(3)) prescribes that: "No license may

be issued under this Act for the export of any major defense equipment sold under a contract in the amount of $35,000,000 or more to any foreign country which is not a member of the North Atlantic Treaty Organization, Australia, Japan or New Zealand unless such major defense equipment was sold under this Act." DoD policies and procedures with respect to commercial availability are contained in the Military Assistance and Sales Manual (DoD Manual 5105.38-M), Part III, Chapter H, entitled Commercial Availability, published by the Defense Security Assistance Agency. (See DoD Manual 5105.38-M.)

6-1302 Applicability. The Defense Acquisition Regulation shall apply to all purchases and contracts made by the Department of Defense in support of Foreign Military Sales (see 1-102).

6-1303 Preparation of DoD Offer and Acceptance, DD Form 1513.

6-1303.1 DD Form 1513 lists the items and/or services, estimated costs, the terms and conditions of sale, and provides for the foreign government's signature to indicate acceptance. (See Appendix F-200.1513.)

6-1303.2 Procedures.

(a) In connection with each Foreign Military Sale expected to involve a contract in excess of $10,000 which cannot be placed on the basis of price competition (as, for example, when the foreign customer has designated only one source as acceptable), before the Department of Defense furnishes prices for information purposes to potential foreign customers, prices, delivery and other relevant information shall be requested from the prospective source and such request shall state that it is for information for the purpose of a potential Foreign Military Sale and shall identify the customer.

(b) As a general rule on FMS programs requiring new acquisitions, the Contracting Officer should participate in the preparation of Price and Availability Data to support the tendering of the DoD Offer and Acceptance (DD Form 1513) by the U.S. Government to foreign countries and international organizations. In addition to the identification and review of sales commissions and fees (see 6-1305), the contracting officer shall request contractors to identify in advance of the DoD Offer and Acceptance any unusual provisions or deviations, particularly those proposed for the contract which could effect the prices quoted. Such unusual contractual requirements shall also be identified in the submittal of the price and availability data to the Departmental activity responsible for providing the DoD Offer and Acceptance to the foreign country. If the Departmental activity expands, modifies or does not accept such requirements, the contractor shall be advised prior to the submission of the offer to the foreign country.

6-1304 Pricing Acquisitions for Foreign Military Sales.

6-1304.1 General. When the Department of Defense undertakes purchasing for sale to a foreign country which has committed itself to bear the cost of the acquisition, the Department of Defense assumes responsibility to see to it that no more than a fair price is paid for the acquisition. Accordingly, FMS contracts shall be priced on the same principles and with the same care as are used in pricing normal defense contracts. This does not mean that prices of normal defense contracts for an item are automatically applicable to FMS contracts for the same

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item. On the contrary, application to FMS contracts of the pricing principles established by Section III, Part 8, and Section XV may require pricing results that differ from normal defense contract prices for the same item because certain kinds of costs may reasonably and allocably arise in different amounts for the former than for the latter. In this regard, known FMS requirements shall be separately identified in solicitations. (See 2-201(a) Section L, and 3-501(b) Section L).

6-1304.2 Commercial Sales to Foreign Customers. If the contractor has made sales of an item to foreign customers under comparable conditions including quantity and delivery, the pricing of FMS contracts shall be in accordance with 3-800.

6-1304.3 Cost of Doing Business With a Foreign Government or an International Organization.

(a) In pricing FMS contracts, where non-U.S. Government prices as described in 6-1304.2 do not exist, recognition should be given to costs of doing business with a foreign government or international organization (even though the form of the transaction is a defense purchase for the purpose of FMS) whenever comparable costs of doing business with the United States would be recognized in pricing normal defense contracts. Thus, recognition should be given to reasonable and allocable costs even though such costs might not be recognized in the same amounts in pricing normal defense contracts. Examples of such costs include, but are not limited to, the following:

(i) Selling Expenses (not otherwise limited by 15-205.37(c)); e.g.:
  (A) maintaining international sales and service organizations;
  (B) sales commissions and fees in accordance with 1-505.4 and 6-1305;
  (C) sales promotions, demonstrations, and related travel for the purposes of sales to foreign governments; however, such costs shall not be recovered against U.S. Government contracts for U.S. Government requirements. These expenses may be recovered provided that when required by paragraph 123.16 of the International Traffic in Arms Regulations (ITAR)(22 CFR Part 121), such promotion or demonstration has received U.S. Government approval.
  (D) configuration studies and related technical services undertaken as a direct selling effort to a foreign country.

(ii) Product Support and Postdelivery Service Expenses; e.g.:
  (A) operations or maintenance training, training or tactics films, manuals, or other related data;
  (B) technical field services provided in a foreign country related to accident investigations, weapon system problems, operations/tactics enhancement, and related travel to foreign countries.

(iii) Costs associated with the implementation of DoD offset arrangements.

(iv) Costs that are the subject of advance understanding, in accordance with the provisions of 15-107, 15-205.3 or 15-205.35, where the advance understanding places a limit on the amounts of cost that will be recognized allowable in defense contract pricing and the understanding contemplated that it will apply only to DoD contracts for the U.S. Government's own requirements (as distinguished from contracts for FMS).

(b) Costs that are not allowable under Section XV (e.g., entertainment costs) are not allowable in pricing FMS contracts. (See also 15-205.37.)

(c) The provisions of Section 203, Public Law 91-441, do not apply to contracts for Foreign Military Sales. Therefore, the ceiling limitations or the formula constraints on bid and proposal (B&P) costs incorporated in 15-205.3(d)(2)(A) and (B), and on Independent Research and Development (IR&D) costs incorporated in 15-205.35(d)(1) and (2) shall not be applicable to contracts for Foreign Military Sales. IR&D and B&P costs allowed on contracts for Foreign Military Sales shall be limited to their allocable share of the total expenditures. In pricing contracts for Foreign Military Sales, the best estimate of reasonable costs shall be used in forward pricing. Actual expenditures, to the extent that they are reasonable, shall be used in determining final cost.

(d) Pursuant to Section 21(a)(1)(A) of the Arms Export Control Act, as amended, the United States shall make appropriate charges for administrative services in order to recover the estimated cost of administration of sales made under the Arms Export Control Act.

6-1304.4 Government-to-Government Agreements. In the event a government-to-government agreement between the United States and a foreign government, for the sale, coproduction, or cooperative logistic support of a specifically defined weapon system, major end item or support item, contains language in conflict with the provisions of 6-1304.1 through 6-1304.3 above, the language of the government-to-government agreement shall prevail.

6-1305 Sales Commissions and Contingent Fees on Foreign Military Sales.

6-1305.1 Scope of This Paragraph. This paragraph 6-1305 provides policies and procedures for determining the applicability and allowability of sales commissions and contingent fees on FMS purchases. It supplements the policies contained in 6-1304.3(a)(1), 15-205.37(c) and Section I, Part 5.

6-1305.2 Policy. Sales commissions and contingent fees are allowable under defense contracts provided that, in accordance with 15-205.37(c) and 1-505, the commissions or fees are paid to a bona fide employee or a bona fide established commercial or selling agency maintained by the prospective contractor (hereinafter referred to as contractor) for the purpose of securing business. For FMS, it is extremely difficult for the Department of Defense to verify the services rendered or the value of services by bona fide employees or bona fide established commercial or selling agencies. Therefore, it is the policy of the Department of Defense that the allowable cost of sales commissions and contingent fees (as defined in 1-505.1) anticipated to be included in

FMS contracts is limited to $50,000 (see 6-1305.4) and such fees or commission shall be made known to the purchasing government prior to or in conjunction with the submission of the DoD Offer and Acceptance (DD Form 1513) to that government.

6-1305.3 DoD Offer and Acceptance Procedures.

(a) In submitting an Offer and Acceptance to a foreign government which is known to contain a sales commission or fee, the Department of Defense will include:

(i) the name and address of the sales representative;

(ii) the estimate of the proposed fee, along with a statement as to the percentage of sale involved if such fee is based on a percentage of the sale price; and

(iii) a statement indicating one of the following, whichever is applicable:
  (A) appropriate officials within the U.S. Department of Defense consider the fee to be fair and reasonable;
  (B) in the event only a portion of the proposed fee is considered fair and reasonable, a statement to this effect together with the rationale therefor; or
  (C) the U.S. Department of Defense cannot determine reasonableness of the proposed fee.

The notification in the Offer and Acceptance may also include the contractor's explanation of or justification for the proposed charge, together with any other data which may be requested by the purchasing government.

(b) The Offer and Acceptance also will include a statement to the effect that acceptance of the offer by the purchasing government, after receipt of the appropriate notification outlined above, will constitute that government's approval of the sales commission or fee involved. No fee shall be accepted by the Department of Defense if disapproved by the purchasing government.

(c) There may be occasions, as when FMS requirements are to be fulfilled by competitive acquisitions, when it is not possible to determine prior to presentation of the Offer and Acceptance whether or not the price to be paid for material or services will include sales commissions and fees. In such cases, the purchasing government will be notified (by DoD officials responsible for presentation of the Offer and Acceptance) as soon as possible if subsequent contract negotiations indicate that a sales representative's charges will be claimed by the contractor. This notification will include the information outlined in (a) above, along with an indication that the Department of Defense will determine whether or not to accept such costs as a valid charge to the contract unless contrary notification is received from the purchasing government within 30 days of the date of the notification.

(d) If in making the determination required by 1-505 and 6-1305.4 (c) the responsible contracting official determines that a sales representative is not bona fide for reasons other than reasonableness of fee, no Offer and Acceptance will be tendered pending withdrawal by the prospective contractor of the fee for such sales representative from his proposal.

6-1305.4 Applicability and Allowability of Sales Commissions or Fees.

(a) When a contracting officer is requested to obtain price and availability data from a contractor to support the tendering of an Offer and Acceptance, he shall require the contractor to identify the amount of any sales commissions or fees. Allowable costs for sales commissions or fees applicable to contracts for FMS shall not exceed $50,000 per contract (including all modifications and subcontracts thereto) for each foreign customer served by that contract. Although commissions and fees may be less than $50,000 per contract, all such commissions and fees must be justified and supported based on the criteria in 6-1305.4(b). If deviations to this policy are considered necessary, 1-109.3 shall apply. In addition, sales commissions or fees shall not be allowed for follow-on spares provided under DoD Cooperative Logistic Supply Support Arrangements.

(b) In order to provide the appropriate notice and advice regarding sales commissions and fees to a foreign government at the time an Offer and Acceptance is submitted, the contracting officer, except with respect to those contracts excluded in 1-506.3(i) and (ii), shall:

(i) require the contractor to submit a Contractor's Statement of Contingent or Other Fees (Standard Form 119) (including any such fees claimed by subcontractors);

(ii) determine under 1-505 whether a bona fide employee or agency relationship exists; (For the purposes of FMS, the definition in 1-504 of improper influence also extends to officials of the foreign government.)

(iii) require the contractor to submit a breakdown of the fee related to the services performed by the sales representative. Even though a bona fide employee or agency relationship is determined to exist, the basic test of reasonableness for the purposes of making the statement required by 6-1305.3(a)(iii), is an assessment of the services provided, or to be provided, compared to the amount of the fee. In addition to the fee breakdown of services, a comparative analysis may be made of the proposed fee/commission with recent payment for comparable services under commercial sales (non-FMS) of the same or similar items, and sales commissions and fees allowed on previous FMS sales of comparable scope and dollar amounts. In analyzing the fee, consideration should be given to whether the sale is the initial or follow-on sale because the effort for follow-on sales of additional quantities, spares and support equipment would not normally be as great as the effort for the initial sale.

(c) The PCO shall make a determination with respect to a bona fide employee or agency relationship and reasonableness of the commission or fee (i.e., one of the 6-1305.3(a)(iii) fee statements), subject to the approval of the chief of the contracting office.

6-1305.5 Contracting Procedures Relating to Sales, Commissions and Fees.

If, after notification by DoD officials responsible for presentation of the Offer and Acceptance to a foreign government as required by

6-1305.3, the foreign government disapproves the fee, or a portion of the fee, the contracting office shall notify the prospective contractor and request withdrawal of the fee for the sales representative from the proposal. Should the contractor refuse to withdraw the fee, the Department of Defense will notify the foreign government that the Department of Defense is unable to purchase the items or services from that contractor.

6-1305.6 Special Country Requests With Respect to Sales Commissions and Fees. Pursuant to DoD Manual 5105.38-M (Military Assistance and Sales Manual), Letters of Offer and Acceptance for requirements for the governments of Australia, Taiwan, Egypt, Greece, Iran, Israel, Japan, Jordon, Republic of Korea, Kuwait, Pakistan, Philippines, Saudi Arabia, Turkey, or Thailand are required to provide that all U.S. Government contracts resulting from the Letters of Offer shall prohibit the payment of sales commission and fee unless such payments have been identified and payment thereof approved in writing by the government involved before contract award. Therefore, the contracting officer shall insert the clause in 7-104.107 in all solicitations and contracts for FMS awarded on behalf of these purchasers unless such payment has been approved.

6-1306 Recovery of Nonrecurring Costs.

6-1306.1 Policy. It is the policy of the Department of Defense to recover a fair share of its investment in nonrecurring costs related to defense products, and/or a fair price for its contribution to the development of related technology, when such products are sold and when technology relating to the manufacture of the products is sold or licensed to a foreign government, international organization, foreign commercial firm, or domestic organization. Furthermore, in selected cases, it is DoD policy to recover, on behalf of a foreign government or international organization, a fair share of the nonrecurring costs for a special feature or product paid by the foreign government or international organization under a foreign military sales case when subsequent customers purchase the same specialized feature.

6-1306.2 Applicability.

(a) This policy applies to those products and technologies for which investment costs equal or exceed $5 million for any of the following:

(i) Nonrecurring research, development, test, and evaluation (RDT&E) costs to develop defense products and related technology. The determination of RDT&E costs shall be based upon the current and predecessor models of an item or equipment.

(ii) Nonrecurring production costs.

(iii) RDT&E and nonrecurring production costs for special features under a foreign military sale, when requested by the FMS customer and agreed to by the U.S. Government.

(b) In the event an end item contains one or more components which individually meet the above thresholds, recoupment will be made on a component when sold separately.

(c) In the case of product sales, if the dollar threshold is met for either nonrecurring RDT&E or production costs, recoupment for both categories of investment costs will be charged.

6-1306.3 Procedures. Charges shall be computed and assessed by the DoD officials responsible for presentation of the DD Form 1513. Such charges shall not be included in the contractor's proposed price.

6-1307 Source Selection.

(a) Purchases for FMS customers shall be implemented under normal acquisition and contract management procedures set forth in DAR and other directives. However, the FMS customer may request that a defense article or defense service be obtained from a particular prime source. In such cases, 3-210.2(xviii) provides authority to negotiate on a sole source basis. The FMS customer may also request that a sole source subcontract be placed with a particular firm. The contracting officer shall honor requests for sole source prime and subcontracts from the FMS customer as specified in the Letter of Agreement or other written direction by the military sales organization.

(b) Representatives of the FMS customer shall not be permitted to direct the deletion of names of firms from bidders mailing lists or slates of proposed A/E firms. They may, however, suggest that certain firms be included. Contracting offices shall not accept directions from the FMS customer as to source selection decisions or contract terms (other than the special contract provisions and warranties referred to in Condition A.2. of the DD Form 1513), nor shall the FMS customer be permitted to interfere with a prime contractor's placement of his subcontracts. Requests by the FMS customer for rejection of any bid or proposal shall not be honored unless the rejection is justified on the basis of reasons which would be sufficient in the case of a purchase by the Department of Defense to meet its own needs.

6-1308 Limitation of Liability. In acquisitions for FMS, the foreign purchaser shall be advised that the appropriate Limitation of Liability clause(s) (see 1-330) is included in the FMS contract (see Condition C on the DD Form 1513). If the foreign customer does not agree to assume the risk for loss or damage as provided in the clause(s) and objects to the inclusion of such clause(s) in the Offer and Acceptance, the contractor shall be so advised. The costs of necessary insurance, if any, to be obtained by the contractor to cover such risk of loss or damage shall be considered in establishing the FMS contract price of such items.

6-1309 Exercise of Options for Foreign Military Sales. The contract shall contain appropriate notice and recognition of the Government's right to exercise the option on behalf of a foreign country (see 1-1503(e), 1-1505(c)(ii), and 7-104.27(d)).

6-1310 Implementation of Offset Arrangements Negotiated Pursuant to Foreign Military Sales Agreements.

6-1310.1 Scope of Paragraph. This paragraph 6-1310 sets forth policies and procedures concerned with the fulfillment of Department of Defense offset arrangements negotiated pursuant to an FMS agreement. An "FMS/offset arrangement" is that which is negotiated pursuant to an FMS agreement wherein the Department of Defense agrees to place, on a contractual basis and consistent with the guidance in 6-1310.2(b), a certain percentage of the FMS agreement dollar value or a stated dollar objective in that country with which the FMS agreement has been negotiated. The purpose of an FMS/offset arrangement is to fulfill

commitments negotiated pursuant to an FMS agreement. Australia, Belgium, Denmark, Netherlands, Norway, and Switzerland have FMS/offset arrangements negotiated pursuant to FMS agreements. However, Belgium, Denmark, Netherlands, and Norway are also participating NATO countries and are accorded preferences under Part 14.

6-1310.2 General.

(a) Since May 4, 1978, it has been DoD policy not to enter into government-to-government offset agreements because of the inherent difficulties in negotiating and implementing such arrangements. Exceptions to this policy must be approved by the Secretary of Defense or his Deputy and will only be made when there is no feasible alternative to ensure the successful completion of FMS transactions considered to be of significant importance to the national security interests of the United States.

(b) Where authorized, offset provisions typically require the Military Departments or U.S. prime contractors, or both, to identify items for which foreign sources may obtain contracts up to a specified offset level and in accordance with the terms and conditions of the particular DoD offset agreement. Normally FMS/offset arrangements should be negotiated prior to the FMS agreement Offer and Acceptance in order that the Department of Defense and its prime contractors will have an opportunity to assess in advance the DoD's or contractor's ability to fulfill the FMS/offset arrangement, and include in the offer those DoD and contractor costs associated with such arrangements.

(c) If an exception is granted pursuant to paragraph (a) above, the policy of the Department of Defense is that the domestic concerns involved in the FMS and the foreign customer will make suitable arrangements to fulfill an FMS/offset arrangement. Only if it is determined that the FMS/offset arrangement cannot be fulfilled in this fashion will the Department of Defense seek to fulfill the offset commitments through other defense purchases. When practical, the U.S. prime contractor shall be contacted and coordination obtained prior to the Government committing the U.S. prime contractor's participation.

(d) The Defense Security Assistance Agency (DSAA) acts as the focal point within the Executive Branch for interagency coordination on offset policy in consultation with the Office of the Assistance Secretary of Defense (International Security Affairs), from which DSAA derives overall policy guidance. The Office of the Under Secretary of Defense for Research and Engineering (OUSDRE) is responsible for matters pertaining to the fulfillment of the offset portion of FMS agreements. General information regarding the existence of FMS/offset arrangements with particular countries or implementation of such arrangements may be obtained by submitting inquiries through the Departments to the Director for International Acquisition, OUSDRE(AP).

6-1310.3 Procedures.

(a) Whenever an FMS agreement involves a single major weapon system, the Department responsible for acquisition of the weapon system will be responsible for managing any resulting FMS/offset arrangement. If an FMS agreement involves the sale of items from two or more Departments, OUSDRE may either direct that one Department be responsible for coordinating the implementation of the FMS/offset arrangement, or apportion

responsibility for managing the offset program among two or more Departments. Such management includes (i) the development of special contractual provisions consistent with (c) below, (ii) the consideration of other DoD contract items for competition by foreign sources (to the extent other defense purchasing is involved or becomes necessary), and (iii) the obtaining of appropriate exemptions by the Secretary of the purchasing Department concerned from the Buy American Act under 6-103.3, the Balance of Payments Program, duty and other applicable acquisition restrictions on a purchase-by-purchase basis of defense equipment. (See sample Determination and Findings set forth in (b)(1) below for the exemption of the Buy American Act.) Even though a Military Department or Defense Agency is not responsible for the management of a certain FMS/offset arrangement, it will consider, for competitive acquisitions, offers of defense equipment from FMS/offset arrangement country sources.

(b) Solicitation of FMS/offset arrangement country sources shall be accomplished using procedures like those set forth in 6-1403.1(a) for participating countries. When soliciting sources outside the United States, international air mail shall be utilized where security classification permits. (See 2-202.1, 2-203.1 and 3-503.2.) For the purpose of evaluating an FMS/offset arrangement country offer, it shall be treated as if it were a participating country offer and evaluated in accordance with 6-1403.1(c). If after such evaluation, it is clear that the FMS/offset arrangement country offer is low or otherwise eligible for award, the contracting officer shall request from the Secretary of the Department concerned the appropriate exemptions for the acquisition as set forth in (b)(1) below. The list set forth at 6-1403 shall also apply to FMS/offset arrangement countries.

(1) To obtain an exemption under 6-103.3 of the Buy American Act, the contracting officer shall process a Determination and Findings for the signature of the Secretary of the Department or Agency concerned. The Determination and Findings shall be substantially as follows for end items or modified as necessary for components (see 6-001.2):

SERVICE OR AGENCY _____
EXEMPTION OF THE BUY AMERICAN ACT (41 U.S.C. 10a-d)
DETERMINATION AND FINDINGS

Upon the basis of the following findings and determinations which I hereby make in accordance with the provisions of DAR 6-103.3, acquisition of an _____ (FMS/offset arrangement country) _____ (describe item) _____ may be made as provided below.

FINDINGS

1. The _____ (Contracting Activity) _____ proposes to purchase _____, under contract number _____, mined, produced or manufactured in _____ (country of origin) _____. The total estimated cost of this acquisition is _____.

2. The United States Government (USG) and the Government of _____ have entered into an FMS/offset arrangement whereby the Government of

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_____ will purchase US defense articles and services and the USG, through the Department of Defense (DoD) if necessary, will offer potential DoD requirements suitable for purchases of _____ (FMS/offset arrangement country) defense items.

3. The Agreement provides that competitive offers of _____ (FMS/offset arrangement country) and products will be evaluated by the Department of Defense without imposing any price differential under the Buy American Act or Balance of Payments Program and without taking applicable U.S. customs and duties into consideration so that _____ (FMS/offset arrangement country) _____ items may better compete for sales of defense equipment to the Department of Defense. In addition, the Agreement stipulates that acquisitions of _____ (FMS/offset arrangement country) items must fully satisfy Department of Defense requirements for performance, quality, and delivery and shall cost the Department of Defense no more than would comparable U.S. source or other foreign source defense equipment eligible for award.

4. In order to achieve the above objectives, the solicitation contained the Buy American Act and Balance of Payments Program clause, (7-104.3) which states that an exemption from the application of the Buy American Act may be granted by the Secretary of the Department concerned. Offers were solicited from other sources and the offer received for an _____ (FMS/offset arrangement country end item) is found to be acceptable.

DETERMINATION

Pursuant to the Buy American Act (41 U.S.C. 10a-d), I hereby determine that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the proposed offer.

_____ (Date) _____ (Secretary of Department)

(c) To assure that the policy of 6-602 is carried out regarding the issuance of duty-free entry certificates, the contracting officer shall include the clause in 7-104.31(a) or 7-104.31(b), as appropriate, in contracts which either contribute, or are anticipated to contribute, to the fulfillment of an FMS/offset arrangement.

(d) The clause set forth at 7-104.105 shall be used in a contract when the domestic concern involved in the Foreign Military Sale has accepted responsibility for accomplishing any portion of an FMS/offset arrangement. (Paragraph (a) of the clause should be modified as necessary to state any special terms and conditions of the FMS/offset arrangement, such as competitive prices or otherwise, period of offset accomplishment, special type or nature of offset required, and so forth).

(e) When an FMS/offset arrangement program is structured to provide offset potential on a number of DoD purchases, as opposed to only within the prime FMS contracts, DoD solicitations which contemplate proposals

of FMS/offset arrangement country end products should indicate that the price evaluation of offers will be accomplished without the application of the Buy American Act or the Balance of Payments Program differentials or duty, which would otherwise be applied to the price evaluation in accordance with other Parts of this Section VI. If on the basis of such evaluation, an offeror proposing an end product from an FMS/offset arrangement country source is low, the matter will be forwarded to the Secretary of the Department for consideration as to whether it would be in the public interest to exempt the end product from the restrictions of the Buy American Act (see 6-103.3) and the Balance of Payments Program regulations. FMS/offset arrangement country sources, in competing for DoD purchases under a DoD FMS/offset program, must be responsive to the terms and conditions of DoD solicitations unless otherwise specifically provided for in the FMS/offset arrangement with the FMS/offset arrangement country. DoD contracting activities must also comply with all other laws and regulations governing foreign purchases, such as security restrictions and disclosure of information to foreign nationals. (See 6-1403.3.)

(f) In a general FMS/offset arrangement which contemplates foreign competition with U.S. sources for defense contracts (as opposed to one structured to be accomplished within the FMS prime contracts for that sale), the preferable procedure is to require the foreign government to propose, from time to time, specific defense-related items which appear susceptible to competition by companies in that country. When such proposals are made, the foreign government will include the names and addresses of the foreign sources which that foreign government considers qualified to perform the work. However, in order to ensure fulfillment of the FMS/offset arrangement within the specified time limits, the Departments are also expected to exercise initiative in seeking out items which might be suitable for such foreign competition and in making arrangements through the foreign government, if necessary, to identify suitable sources.

6-1311 Use of Government Production and Research Property on Work for Foreign Governments or International Organizations. See 13-406.

6-1312 Exclusionary Policies and Practices of Foreign Governments. All contracts for the purchase of goods or services for Military Assistance Programs (MAP), International Military Educational Training (IMET) and Foreign Military Sales (FMS) shall include the clause in 7-104.97.

6-1313 Nonapplicability of Rates Under 49 U.S.C. Section 10721 (Formerly "Section 22 Rates"). See 19-217.1.

6-1314 Reserved.

6-1315 FMS/Offset Arrangements Negotiated Pursuant to FMS Agreements. The following agreements are provided for information purposes only.

6-1315.1 Australian Memorandum of Discussion.

MEMORANDUM OF DISCUSSIONS

Against the purchase by the Government of Australia from the United States Department of Defense of major weapons systems and items of defense equipment, the U.S. Department of Defense agrees to establish the basis of an associated offset arrangement. The offset arrangement is pursuant to the discussions held in Washington on 10 April 1973

between the U.S. Department of Defense and the Australian Department of Defence. In these discussions the following principles and understandings were agreed:

1. The U.S. Department of Defense will commit itself to a combined U.S. industry and DoD offset objective of no more than 25% of the value of a major Australian order.

2. The U.S. Department of Defense and the Australian Department of Defence will look to those U.S. firms benefiting substantially from an Australian order to carry the initial and primary burden of offset implementation.

3. In the event that U.S. firms and subcontractors are unable to completely fulfill their offset objectives, the U.S. DoD will first offer Government Furnished Equipment (GFE) to Australian industry as bid opportunities and, second, if GFE items turn out to be unsuitable for either partner, select other items of defense equipment and supplies which appear to be competitively obtainable from Australian sources.

4. The DoD reserves the right, unilaterally, to select appropriate procurements for offset implementation. However, to facilitate the selection of suitable items, DoD will consult with A/DoD to identify areas of Australian industrial/technological strength.

5. DoD procurement from Australian sources will normally be competitive and be subject to two basic conditions: one, that the items of procurement fully satisfy DoD requirements for performance, quality, and delivery, and two, that the items of procurement cost DoD no more than would comparable U.S. items or other foreign items eligible for award.

6. If and when special circumstances invite it, the DoD may consider alternative means of procurement involving directed procurements or negotiated procurements, including items of Research and Development, to the extent appropriate items can be selected.

7. Procurements from Australian sources made under DoD implementation of offset arrangements will be in accord with the Armed Services Procurement Regulations (ASPR). Selective waiver of the Buy American Act and the DoD "Gold Flow" rule will be made by the DoD for those procurements in which Australian sources are solicited and evaluated to be the winning bid except for application of these differentials. Thus the DoD will authorize case-by-case exceptions of these differentials in consonance with the principles and understandings of this Memorandum of Discussions.

8. As a general rule, the DoD role in this offset agreement will begin at the time of an Australian Request for Quotation (RFQ). The time-frame for placement of orders in fulfillment of the DoD share of the U.S. offset objective will be within five years of the initial date of delivery of the items purchased against which the offset objective is measured.

9. Notwithstanding the DoD's willingness to facilitate and to assist the A/DoD and Australian industry in successfully accomplishing the purposes and understandings of the offset arrangement, it remains the basic Australian responsibility to carry out those actions to bring its sales to the U.S. defense industry market and to the DoD to successful consummation.

10. It is recognized that detailed implementing procedures for the management of offsets will be needed. These procedures necessarily involve both procurement and sales activities and they will be developed in subsequent meetings as mutually agreed.

Signed, ad referandum, this 10th day of April 1973 in Washington, D.C.

SUBMITTED:	Leonard A. Alne For the U.S. Department of Defense	Roy W.C. Davies For the Australian Department of Defence
APPROVED:	W.P. Clements, Jr.	L. Barnard, M.O.D.

6-1315.2 Swiss F-5 Agreement.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE SWISS CONFEDERATION AND THE GOVERNMENT OF THE UNITED STATES CONCERNING THE F-5 PROGRAM

1. The Government of the Swiss Confederation, acting through the Federal Military Department (hereinafter called the FMD) intends to purchase a quantity of F-5E and F-5F aircraft, with associated supporting defense articles and services, from U.S. sources through the United States Department of Defense (hereinafter called the DoD) under Foreign Military Sales procedures.

2. The goal of the Memorandum of Understanding (MOU) is to offset to the maximum extent possible the amount to be paid by the Swiss Government for the aircraft and supporting equipment set out in paragraph 1 by placing contracts on a competitive basis with Swiss industries, but in no event will the goal be less than 30%.

3. The United States Government, acting through the DoD, and the Government of the Swiss Confederation, acting through the FMD, in seeking to attain this goal, will look to those U.S. firms benefiting substantially from the Swiss purchase to carry the primary burden of offset implementations. It will be the basic responsibility of industry in each country to identify and define their capabilities and to carry out the supporting action to facilitate the industrial participation envisioned herein. During the first two years the primary burden of offset implementation will be upon Northrop, General Electric and related contractors. However, if during that period Swiss industry offers items which can meet valid U.S. defense procurement on a competitive basis, the provisions of paragraph 5 will be applicable. After such two year period representatives of the parties hereto, with appropriate representatives from the industrial sectors, will meet to review progress hereunder. Should it be apparent that the offset objectives may not be reached before the expiration of the MOU, the DoD will augment industry efforts to reach that objective by offering to Swiss industry the opportunity to provide defense articles and services under competitive solicitation procedures and in accordance with paragraph 5.

4. (A) In order to achieve the goal the DoD, contingent on the sale of the above quantities of aircraft to the Government of the Swiss Confederation, agrees to use its best efforts to have Northrop, General Electric, and other companies associated with the F-5E and F aircraft program provide Swiss industry with the opportunity to compete, on an equal basis with U.S. industry and other sources for sub-contracts. In addition, the DoD will encourage the prime contractors (Northrop and GE) to implement their plans for expansion of Swiss products in the U.S. and third-country markets.

(B) Swiss items purchased by U.S. sources (including municipalities) and Swiss items purchased by third-country sources as a result of the efforts of Northrop, GE and other U.S. contractors associated with the F-5 program will be recognized in any computation of offset amounts. The primary test will be a mutual accord as to whether or not a given sale occurred as a result of efforts arising from this offset agreement. To facilitate these computations the DoD will look primarily to the contractor to keep records adequate for this purpose.

5. The DoD agrees that in seeking to attain this goal, it will:

(A) Provide for waiver of the cost of import duties in evaluating defense prime contracts and sub-contract solicitations from Swiss industry and for the necessary duty-free entry certificates and related documentation.

(B) Emphasize that in inviting submission of selected tenders, special consideration should be given to those items for which Swiss industry can bid on a competitive basis.

(C) Use its best efforts to have technical data required for production provided to Swiss contractors on a reasonable cost basis.

(D) Facilitate the necessary export licenses required for the provision of bid package and related technical data to accomplish the above.

(E) Provide for waiver to the extent permitted under "Buy National" legislation and regulations.

6. The FMD and its organizations will use their good offices and authority to achieve the established procurement objectives. This will include, in addition to the purchase of the F-5 aircraft, the following:

(A) Direction to Swiss industry on steps to be taken by Swiss industrial firms to make known their capabilities and products which might qualify for competitive procurement by U.S. industry and, to the extent necessary, by the DoD;

(B) Advice to Swiss industry on the necessary steps they must take to coordinate their efforts in responding to U.S. offers;

(C) Assistance to Swiss industry in meeting handling requirements for classified U.S. information.

7. The FMD and the DoD will appoint project officers to monitor progress toward the objective of this MOU. These project officers will meet periodically, but not less than annually, to review the progress of this understanding and recommend such action as may appear necessary to carry out its objective.

8. At the end of every two years, representatives of the parties hereto with appropriate representatives from the industrial sectors will meet to review progress under this MOU.

9. This Memorandum of Understanding is effective on the date on which it is signed, and shall remain in effect for eight years, subject to the respective laws of the Government of the Swiss Confederation and the Government of the United States.

James R. Schlesinger	Rudolf Gnaegi
The Secretary of Defense of the United States of America	The Chief of the Federal Military Department of the Swiss Confederation
2 July 1975 (Date)	9 July 1975 (Date)

6-1316 Reserved.

Part 14 - Purchases from NATO Participating Country Sources

6-1400 Scope of Part. This Part implements the Memoranda of Understanding (MOU) between the United States and participating countries. (See 6-001.)

6-1401 Policy. In order to increase the defense capabilities of NATO through more efficient cooperation in the field of research and development, production and acquisition of defense equipment, the United States has entered into Memoranda of Understanding with Canada, the Federal Republic of Germany, the Government of Italy, the United Kingdom of Great Britain and Northern Ireland (U.K.), the Government of Norway, the Kingdom of the Netherlands, the Government of Portugal, the Government of Belgium, and the Government of Denmark. The objective of each MOU is to facilitate the defense of North America and Europe so as to achieve:

(i) greater cooperation in research, development, acquisition and production;
(ii) the most rational use of their respective industrial, economic and technological resources;
(iii) the greatest attainable military capability at the lowest possible cost;
(iv) greater standardization and interoperability of their weapon systems.

Accordingly, it is DoD policy to seek the best possible coordination of the materiel programs between the participating countries and the United States and to ensure that sources from participating countries are provided every opportunity to compete on a fair and equal basis with U.S. sources for research and development and for production contracts consistent with 6-1402(b). Accomplishment of this policy requires exemption of foreign acquisition restrictions with respect to all items of defense equipment from participating countries.

6-1402 MOUs with NATO Participating Countries.

(a) The MOUs set forth acquisition policies with respect to defense equipment from sources in participating countries.

(b) Applicability: This Part applies except where restricted by (1) provisions of U.S. National Disclosure Policy (NDP), DoD Directive 5230.11; (2) U.S. defense mobilization base requirements as specified in 1-2207, (ii); (3) U.S. laws or regulations (e.g., the annual DoD Appropriations Act, 6-300) and (4) U.S. Industrial Security Requirements.

6-1403 Procedures for Purchases from Participating Countries

6-1403.1 Solicitation Procedures

(a) Solicitation of Sources in Participating Countries.

(1) Participating country sources shall be included on bidders mailing lists and comparable source lists upon request by such sources in accordance with the procedures in 2-205. Requests of this nature should be forwarded by participating country sources to the activity having acquisition responsibility for the supplies involved.

(2) The normal criteria for soliciting and making awards under 1-700 for small business concerns and 1-800 for labor surplus area firms

shall be utilized without regard to the fact that there are potential participating country sources for the end product, except items developed under the U.S./Canadian Development Sharing Program (6-1406.1(b). Offers of a foreign end product shall not be considered on any acquisition, or part thereof, identified for the exclusive participation for such firms.

(3) Solicitations shall be sent directly to participating country sources appearing on the appropriate bidders mailing list except when restricted by 1-2207, 6-104.4(d), 6-1402(b), 6-1405 and (2) above. In addition, Canadian sources shall also be solicited through the Canadian Commercial Corporation in accordance with 6-504. When solicitation destinations are outside the United States, international airmail shall be utilized where security classification permits. (See 2-202.1, 2-203.1, 3-503.2.)

(4) Upon request, solicitations shall be furnished to the embassy or other designated place or representative of the participating country.

(5) If unusual technical or security requirements would preclude the acquisition of otherwise acceptable defense equipment from participating country sources, the need for such requirements should be specifically reviewed. Under no circumstances will unusual technical or security requirements be imposed solely for the purpose of precluding the acquisition of defense equipment from participating countries.

(6) Participating country sources shall not be automatically excluded from submitting offers because their supplies have not been tested and evaluated by a Department. Departments which find it necessary to limit solicitations to sources whose items have been service tested and evaluated by the department shall make provision for considering supplies from participating country sources which have been tested and accepted by the participating country for service use, subject to U.S. confirmatory test if necessary. Where it appears that these provisions might adversely delay service programs, the concurrence of the Department of Defense Acquisition Executive, OUSD (Research and Engineering), shall be obtained prior to exclusion of the participating country item from consideration. Sufficiency of participating country service testing should be considered on a case-by-case basis. When confirmatory tests of participating country end products are deemed necessary by the department, U.S. test and evaluation standards, policies, and procedures shall apply.

(7) Subject to 6-1402(b), industry representatives from a participating country shall be permitted to attend symposia, program briefings, prebid conferences (see 2-207 and 3-504.2), and like meetings which address U.S. defense equipment needs and requirements. When practical these meetings should be structured so as to allow attendance by representatives of participating country concerns.

(b) Submissions of Offers.

Participating country sources competing for DoD requirements must be responsive to the terms and conditions of DoD solicitations.

(c) Evaluation of Offers from Participating Country Sources.

(1) In furtherance of the objectives set forth in 6-1401, the Secretary of Defense has determined that it is inconsistent with the public interest to apply the restrictions of the Buy American Act and the Balance of Payment Program with respect to acquisition of defense equipment (for items for civil works activities see 6-104.4(f)) which is mined, produced, or manufactured in a participating country.

(2) In accordance with the above, offers of participating country end products shall be evaluated without the application of the price differentials normally applied pursuant to the Buy American Act and Balance of Payments Program requirements contained in 6-104.4 and Section VI, Part 8. This exemption shall further include the following consideration: In the event that a domestic offer, a participating country offer, and a nonqualifying country offer compete for defense equipment, the participating country offer shall be evaluated without applying the price differentials of 6-104.4, whereas the nonqualifying country offer shall be subjected to the price differentials. (See 6-104.4(e), Example E.) However, in the event that the low domestic offer exceeds the evaluated price of the nonqualifying country offer, all foreign offers shall be evaluated as if no domestic offer was submitted. (See 6-104.4(e), Example F.) In the event that a participating country offer competes against a nonqualifying country offer and no domestic offer is submitted, the participating country offer shall be evaluated on an equal basis with the nonqualifying country offer. (See 6-104.4(e), Example G.) Participating countries are listed at 6-1401 and defined at 6-001.

(3) As to any end product that is manufactured in the United States, all components from participating countries are treated as components mined, produced, or manufactured in the United States for the purpose of determining whether the end product is a domestic source end product.

(4) In keeping with the policy to enhance cooperation with the participating countries, U.S. duty-free entry shall be accorded supplies from participating countries by the issuance of duty-free entry certificates. Offers of defense equipment from participating country sources shall be evaluated without application of duty. Such duty-free entry shall be accorded whenever such supplies are acquired at a prime contract or at a subcontract level. (See also 6-602 for postaward circumstances of fixed-price-type contracts.) The resulting contract shall include the appropriate clause(s) referenced in 6-603.3.

(5) If, when evaluated in accordance with the above, an offer of a participating country end product is determined to be from the lowest, responsive, responsible offeror, the cognizant contracting officer shall normally proceed to make award to that offeror. However, there is no restriction on the authority or responsibility of the cognizant Secretary to restrict acquisitions to domestic sources or reject an otherwise acceptable offer from a participating country source in those instances

where such restriction or rejection is considered necessary for reasons of the national interest. (See 6-104.4(d).)

6-1403.2 Subcontracting with Participating Country Sources.

In reviewing prime contractor subcontracting procedures, the contracting officer shall assure that the prime contractor does not preclude participating country sources from competing for subcontracts, except when restricted by national security interest reasons or mobilization base considerations. (See 6-104.4(d) and 6-1405).

6-1403.3 Required Clause.

The clause at 7-104.106 shall be inserted in all solicitations and contracts for supplies and for services involving the furnishing of end items (e.g., leasing of equipment).

6-1403.4 Industrial Security for Participating Countries.

Required procedures designed to safeguard classified defense information which may be necessary for the performance of contracts awarded to participating country sources are set forth in the DoD Industrial Security Regulation, DoD 5220.22-R (implemented for the Army by AR 380-131; for the Navy by OPNAV Instruction 5540.8E; for the Air Force by AFR 205-4; for the Defense Logistics Agency by DLAM 8500.1; for the Defense Communications Agency by DCA Inst. 240-50-7; and for the Defense Mapping Agency by DMA Inst. 5220.22).

6-1404 Contract Administration.

When Contract Administration Services are requested on contracts to be performed in participating countries, except Canada (see 6-503), the request should be directed to the cognizant activity in accordance with DoD 4105.59-H, Section II, Part 2 (DoD Directory of Contract Administration Services Components). Contract Administration Services required with respect to DoD subcontracts placed by participating country sources, except Canada (see 6-503), in the United States will be arranged by the cognizant activity in accordance with DoD 4105.59-H, Section II, Part 2 (DoD Directory of Contract Administration Services Components).

6-1405 List of Excluded Items. The policies and procedures of this Part do not apply to offers of the following items of defense equipment unless the quantity being acquired is greater than that required to maintain the U.S. defense mobilization base. This restriction does not apply to Canadian Planned Producers (see 6-504.1(a)(2)). Items may be added to or deleted from the list from time to time. Information concerning this list may be obtained from OUSDRE(AP), International Acquisition. (See also 1-2207.)

Navy

Fuses, Safe and Arm Devices, and Similar Items

MK-13 Safe and Arm Device
MK-13 Triggering Device
MK-17 Safe and Arm Device
MK-33 Safe and Arm Device
MK-330 Fuse

MK-334 Fuse
MK-404 Fuse
MK-407 Fuse
FMU-109 Fuse

Missiles and Missile Components

AIM-7F Sparrow Missile
Guidance and Controls Section
MK-58 Rocket Motors
MK-71 Warhead Metal Parts

AIM-9L Sidewinder Missile
Guidance and Control Section
MK-36 Rocket Motors
DSU-15 Target Detector
AN/WDU-17 Warhead
MK 1 Wing and AN/BSU-32 Fins

Trident I (C-4) Missile System
Guidance and Control System
MK-5 Electronic Assemblies (EA)
MK-5 Inertial Measurement Unit Electronics (IMUE) and Monitor Component Assembly (MCA)
Backfit of Poseidon (C-3) SSBNs

Flares

MK-46 Flares, Infrared Decoy

Sonobuoys and Components

AN/SSQ-36
AN/SSQ-41B
AN/SSQ-53A
AN/SSQ-57A
AN/SSQ-62

Ship Gun Systems

MK-75 Gun Mounts

Submarine Systems

Type 18B/D Periscope System
TR 155 K 33 Transducers

Military Sealift Cargo

Ocean Transportation and Services

Air Force

MAC Commercial Airlift
GAU-8/A and 30mm Ammo

Defense Logistics Agency

Textiles - Worsted

Army

L.A.P., Manufacturing & testing of projectiles (5.56mm through 8 inch), mines, dispensers, rockets, pyrotechnic devices, grenades, demolition charges, small arms ammunition and components, fuses and components containing mechanical timing devices

TOW Missile and Launcher
2.75 Rocket Items
LAP Motor
Fin & Nozzle Assy
Stabilizer Rod
Felt Washer
Ring Charge Support
O Ring
Metal Spacer
Intervelometer
Igniter
Motor Tube
Seal Rings
Disc Charge Support
Spacer Charge Support
Lockwire
Launcher
Fin Blades
Projectile Metal Parts for Cartridge 105mm (Beehive)
Projectile M406, M107 - 155mm
Projectile M509 - 8 inch
Projectile M735
Projectile M735, Metal Parts and Cores
Projectile M718/M141
155mm Cannister, XM625, XM626:
Projectile Metal Parts for Cartridge 90mm
155mm Projectile, AT M718/M741 (RAAM): Component, Electronic Assemblies
Cartridge Case M118, M14B4
Fuse:
M1 Delay
MK-1
MK-30

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MK-38 Energizer
MK-40 Energizer
MK-54
MK-73-13
MK-339-1/Inert
MK-379
MK-393/403
MK-404
MK-407
PMU-54B
M19
M42/46
M62A2
M91A2
M84A1
M116 S&A
M118 S&A
M201A1
M213
M19E1
M223
M228
M427/M423
M494/571
M505A3 (MPTS)
M505
M509A2
M564
M565
M567 (Comp Pts/Rawk)
M577/M582
M578
M578 (Comp Pts)
M732:
Elec Head Final Assy
Detonator
Power Supply
Sleeve
Elec Timer, W/IC
M904E3
Casing Burster Warhead, M156
Fin Assy M158, M170
Adapter Booster - M147, M148
Body Assy and Base Plug, M404
Bomb, M117A1E1
Launcher Rocket 2AU 68A/A
Warhead Flechets WDU 4A/A
M18 Mine Program
Blasting Cap, Firing Device, Metal Parts, Test Sets

Laser Range Finder VVC-2 and M21 for Solid State Ballistic Computer for M60 Series Tank
Limited Light Sight
MX-9644 Image Intensifer Tube 25mm
MX-7845 Image Intensifer Tube (1st generation)
MX-8501 Image Intensifer Tube (1st generation)
BA-4386 Battery
AN/PVS-4 Night Vision Sights
AN/PVS-5 Night Vision Goggles
AN/PVS-5A Night Vision Goggles
AN/VVS-2 Viewer
AN/VSS-3 Searchlight
Common Module Program (Thermal Imaging System)
Tactical Night Vision Systems -
AN/TAS-4
AN/TAS-5
AN/TAS-6
CLLD/TAS-4
Machine Gun M240
Machine Gun M240 Spare Parts
Electronic Time Fuze XM587E2/XM724
Power Supply PS127
Fuze Setter XM36E1
Tank Thermal Sights AN/VSC-2
Night Vision Goggles AN/PVS-5A
Image Intensifer Assy MX-9916/UV
Battery, Dry BA-4386
Maintenance of idle portions of 21 GOCO facilities
Consolidated Facilities Scranton AAP
Hydraulic Turbine (Civil Works)

6-1406 Participating Country Agreements, Memoranda of Understanding and Accompanying Annexes. The following agreements, memoranda of understanding, and annexes are provided for information purposes only. Determination and Findings have been executed by the Secretary of Defense waiving the application of the Buy American Act in order to implement the MOUs contained in this Part.

6-1406.1 Canadian Agreements.

(a) Letter of Agreement With Canada.

1. This agreement applies to all contracts placed, on or after October 1, 1956, by any of the Military Departments with the Corporation. It shall remain in force from year to year until terminated by mutual consent; however, it can be terminated on the 31st day of December or the 30th day of June in any year by either party provided that six months notice of termination has been given in writing. In addition, this agreement provides for certain reciprocal arrangements

facilitating procurement by each of the parties in the country of the other.

2.(a) The Corporation agrees that it will cause all first-tier subcontracts under contracts covered by this agreement to be placed in accordance with the practices, policies, and procedures of the Government of Canada covering procurement for defence purposes; and agrees that if the aggregate profit realized under such subcontracts by any first-tier subcontractor exceeds that which is allowed by the Government of Canada under the above mentioned practices, policies, and procedures, the amount of such excess will be refunded by the Corporation to the Military Departments. They shall also be refunded by the Corporation to the Military Departments. There shall also be refunded profits on any subcontract in excess of amounts which the Minister of Defence Production (Canada) in the exercise of said practices, policies and procedures considers to be fair and reasonable, recovered by the Minister pursuant to Section 21 of the Defence Production Act (Canada) from any individual subcontractor of any tier. It is recognized that the practices, policies and procedures of the Government of Canada referred to above permit varying rates of profit not exceeding in the case of cost reimbursement type contracts 7 - 1/2 percent of estimated cost plus, in certain cases, a bonus where cost savings have been demonstrated, and not exceeding in the case of negotiated fixed price contracts 10 percent of estimated cost. For the purpose of this paragraph, the Corporation will cause to be conducted such audits in accordance with the Costing Memorandum DDP-31 of the Department of Defence Production (Canada) and such verifications of cost as are in accordance with the said practices, policies and procedures. The Corporation will render to the Military Departments its certificate that the provisions of this paragraph have been observed.

(b) Contracts for communication and transportation services, and the supply of power, water, gas and other utilities shall be excepted from the provisions of subparagraph (a) above, provided the rate or charges for such services or utilities are fixed by public regulatory bodies; and provided further the Military Departments are accorded any special rates that may be available to the Canadian Government with respect to such contracts.

(c) The Canadian Government, its Department and Agencies, including but not limited to the Corporation and Canadian Arsenals Limited, a Crown Company wholly owned by the Canadian Government, shall not be entitled to any profit on any contract or contracts covered by this agreement. Any profits which may be realised shall be returned to the Military Departments except as hereinafter provided: Before refunding profits realised from the following sources:

(i) net profits of the Canadian Government, its Departments and Agencies, as defined above, with respect to contracts and subcontracts covered by this agreement.

(ii) excess profits referred to in paragraph (a) above, and

(iii) renegotiation recoveries from subcontracts of any tier under contracts covered by this agreement, which recoveries the Military Departments would otherwise be entitled to receive in accordance with the provisions of subparagraph (a) above;

the Corporation shall be entitled to deduct any losses it may sustain with respect to contracts covered by this agreement.

(d) Interim adjustments and refunds under this paragraph 2 shall be made at such time or times as may be mutually agreed upon but at least once a year as of June 30th. Such interim adjustments shall apply only to completed contracts. The final adjustment and refund shall be made as soon as practicable after the expiration of this agreement.

(e) The profit and loss provisions of this paragraph 2 shall not apply to contracts awarded to the Corporation as the result of formal competitive bidding (initiated by Invitation for Bids).

3.(a) All contracts placed by the Military Departments with the Corporation, except those placed as the result of formal competitive bidding, shall provide for prices or cost reimbursement, as the case may be, in terms of Canadian currency, and for payment to be made in such currency. Therefore, quotations and invoices shall be submitted by the Corporation to the Military Departments in terms of Canadian currency, and such cost data, vouchers, etc., as the contracts require shall also be submitted in terms of Canadian currency. However, the Corporation may elect in respect of any of such contracts to quote, submit the said cost data, vouchers, etc., and receive payment in United States currency, in which event such contracts shall provide for payment in United States currency and shall not be subject to adjustment for losses or gains resulting from fluctuations in exchange rates.

(b) All formal competitive bids shall be submitted by the Corporation in terms of United States currency and contracts placed as a result of such formal competitive bidding shall not be subject to adjustment for losses or gains resulting from fluctuation in exchange rates.

4. The Military Departments and the Corporation shall avoid, to the extent consistent with the declared policies of the Military Departments and the Canadian Government, the making of any surcharges covering administration costs with respect to contracts placed with the Corporation by any of the Military Departments and contracts placed by the Military Departments in the United States for the Canadian Government.

5. To the extent that contracts placed with the Corporation by the Military Departments provide for the audit of costs and profits, such audit will be made without charge to the Military Departments by the Cost Inspection and Audit Division of the Treasury of Canada in

accordance with Costing Memorandum Form DDP-31 of the Department of Defence Production, Canada.

6. The Canadian Government shall arrange for inspection personnel of the Department of National Defence (Canada) to act on behalf of the Military Departments with respect to contracts placed by the Military Departments with the Corporation and with respect to subcontracts placed in Canada by United States contractors which are performing contracts for the Military Departments, and for the use of inspection facilities of the Department of National Defence (Canada) for such purposes, such personnel and facilities to be provided without cost to the Military Departments. The Military Departments shall provide and make no charge for inspection services and inspection facilities in connection with contracts placed in the United States by the Military Departments for the Canadian Government and with respect to subcontracts placed in the United States by Canadian contractors which are performing contracts for the Department of Defence Production* (Canada). The Department of National Defence (Canada) or any Military Department may provide liaison with the other's inspection personnel in connection with the foregoing. It is understood that either the Department of National Defence (Canada) or any Military Department may in appropriate cases arrange inspection by its own inspection organization in the other's country.

7. Because of the varying arrangements made by the Canadian Government and the Military Departments in furnishing Government-owned facilities (including buildings and machine tools) to contractors, it is recognized that the matter of inclusion in contract prices of charges, through amortization or otherwise, for use of such facilities will be determined in the negotiation of individual contracts. However, there shall be avoided, to the extent consistent with the policies of the Canadian Government and Military Departments, any such charges for use of Government-furnished facilities.

8.(a) The Corporation agrees that the prices set out in fixed-price type contracts covered by this Agreement will not include any taxes with respect to first-tier subcontracts; nor shall prices include custom duties to the extent refundable in accordance with Canadian law, paid upon the import of any materials, parts, or components incorporated or to be incorporated in the supplies, with respect to first-tier subcontracts.

(b) The Corporation agrees that under cost-reimbursement type contracts the Corporation shall, to the extent practicable with respect to first-tier subcontracts, exclude from its claims all taxes and to the extent refundable in accordance with Canadian Law, customs duties, paid upon the import of any materials, parts or components, incorporated or to be incorporated in the supplies and that any amounts included in such claims representing such taxes and duties shall be refunded or credited to the Military Departments.

(c) The Corporation agrees that to the extent that such taxes and duties can be reasonably and economically identified it will use its best endeavors to cause such taxes to be excluded from all subcontracts below the first tier and if found to be included to be recoverable and credited to the Military Departments.

9. The Corporation recognizes that existing law of the United States prohibits the use of the cost-plus-a-percentage-of-cost system of contracting.

10. Each contract covered by this agreement shall be deemed to include the provisions required by (i) Public Law 245, 82nd Congress of the United States (65 Stat. 700; 41 USC 153(c)) and (ii) Section 719 of Public Law 458, 83rd Congress of the United States (68 Stat. 353) or similar provisions that may be required by subsequent legislation.

(End of Agreement)

*now the Department of Supply and Services

(b) Cooperative Agreement with Canada.

MEMORANDUM OF UNDERSTANDING IN THE FIELD OF COOPERATIVE DEVELOPMENT BETWEEN THE UNITED STATES DEPARTMENT OF DEFENSE AND THE CANADIAN DEPARTMENT OF DEFENCE PRODUCTION

This Memorandum of Understanding complements the U.S.-Canadian Defence Production Sharing Program by establishing a cooperative agreement in defense research and development between the United States Department of Defense (DoD) and the Canadian Department of Defence of Production (CDDP), called the Defense Development Sharing Program.

1. Objectives:

The principle objectives of the Defense Development Sharing Program are:

a. To assist in maintaining the Defense Production Sharing Program at a high level by making it possible for Canadian firms to perform research and development work undertaken to meet the requirements of U.S. armed forces.

b. To utilize better the industrial scientific and technical resources of the United States and Canada in the interest of mutual defense.

c. To make possible the standardization and interchangeability of a larger amount of the equipment necessary for the defense of United States and Canada.

2. Description of the Program:

a. The Defense Development Sharing Program will consist of research and development projects (such program projects being here and after referred to as "projects"):

(1) which are performed by Canadian prime contractors;

(2) which are designed to meet specific DoD research and development requirements;

(3) in which the Military Department of DoD which is the United States party to the project agreement acts as the design authority; and

(4) which are jointly funded by DoD and CDDP, (Where DoD undertakes the research and development of a weapons system composed of several components, work funded by CDDP on one or more of such components will be considered to be jointly funded).

b. The Defense Development Sharing Program will not include efforts referred to in paragraph 13.

3. Funding:

The financial contribution of DoD in each project will not be less than 25 percent of the costs incurred subsequent to the date of the project agreement provided that in the case of work referred to in the parenthetical sentence of paragraph 2.a(4), the financial arrangements shall be as agreed to by DoD and CDDP in the project agreement.

4. Selection of Projects:

A proposal to initiate a project may be made by CDDP to any of the Military Departments of DoD or by any of the Military Departments of DoD to CDDP. Each proposal will contain a complete and detailed description of the scope of the project and work to be performed and of the suggested cost sharing arrangement. Projects will be selected by mutual agreement of CDDP in the Military Department of DoD concerned.

5. Project Agreements:

The specific terms and conditions of each project will be governed by a project agreement between the Military Department of DoD and CDDP. The project agreement will inter alia set forth the scope of the projects, the work to be performed, types of reports to be submitted, the time and funding schedules, and the cost of sharing arrangements.

6. Selection of Prime Contractors:

The selection of prime contractors for work to be performed under a project shall be subject to mutual agreement.

7. Contract Clauses for Projects:

The Canadian Government agencies responsible for placing and administering research and development contracts with Canadian firms, will insert suitable provisions in such contracts obtaining for DoD the same production rights, data, and information that DoD would obtain for itself if DoD were solely funding and placing the contract under its Armed Services Procurement Regulation.

8. Competitive Research and Development:

DoD will not engage in research and development which duplicate the work being carried out under any project unless DoD considers such research and development to be in the United States national interest. The appropriate DoD agency will notify CDDP before undertaking such duplicative research and development and will, if requested by CDDP, promptly enter into consultations with CDDP.

9. DoD Procurement of Researched Developed Items:

Procurement by DoD from Canadian firms of items developed in a project will be made under the Defense Production Sharing Program and in accordance with the DoD Armed Services Procurement Regulation. Pursuant to that Regulation, procurement of items developed by Canadian firms under the Defense Development Sharing Program will not be "set aside" for small business or for labor surplus areas.

10. Security:

a. Information and materials developed within projects will be considered to be jointly developed, and classification and declassification thereof will be determined jointly.

b. Classified information and materials exchanged in connection with or developed within projects will be safeguarded in accordance with the United States-Canadian Security Agreement of January 30, 1962, in the United States-Canadian Industrial Security Agreement effected by an exchange of letters dated February 6 and March 31, 1952, as amended.

11. Disclosure of Classified Information:

a. Classified information and materials received by either Government under the Defense Development Sharing Program but not developed within a project will not be disclosed or transferred to third

countries, or nationals of third countries, without the consent of the originating Government.

b. Jointly developed classified information materials will not be transferred or disclosed to any third party by either Government or nationals thereof without the consent of the other Government.

12. Sales:

a. Sales or transfers to any third party of items developed in a project containing classified information or materials will be subject to the provisions of paragraph 11.

b. Sales or transfers to NATO, Commonwealth, and SEATO countries, or nationals thereof, of jointly developed unclassified items may be made in accordance with any applicable arrangements between Canada and the United States regarding munitions control. Sales or transfers to any other third party of jointly developed unclassified items will not be made without the consent of both parties to this agreement.

c. Sales or transfers to any third party of jointly developed unclassified rights, information, or data necessary for the production of an item developed in a project will not be made without the consent of both parties to this agreement.

13. Other Research and Development Efforts not in Defense Development Sharing Program:

a. Consistent with normal DoD source selection procedures, Canadian firms may bid for DoD research and development contracts which are to be funded solely by the United States. DoD will evaluate proposals from qualified Canadian firms on a parity with proposals received from United States firms. CDDP undertakes to ensure that Canadian firms comply with DoD procurement procedures.

b. CDDP may award and solely fund research and development contracts to Canadian firms for the purpose of satisfying existing or anticipated DoD requirements. DoD and its Military Departments will not act as Design Authority for such contracts. In the event that the results of any such contract become of sufficient interest to DoD to warrant joint funding, the contract work may, upon mutual agreement, be made the subject of the Defense Development Sharing Program project.

14. Canadian Access to United States Information:

Subject to United States legislation and national policy, the Government of Canada will have access to information on the future requirements of DoD research and development programs and Canadian firms

will have the same access to DoD research and development program information as United States firms.

15. Supersession of Prior Arrangements:

This Memorandum of Understanding supersedes the memoranda between CDDP and the United States Departments of the Army, and Air Force, respectively, dated July 26, 1960 and December 22, 1961, except with respect to projects already entered into thereunder.

16. Effect and Duration:

This Memorandum of Understanding will remain inforce indefinitely, subject to modification or termination at any time by mutual agreement or to termination six months after receipt by either party of written notice of the intention of the other party to terminate it.

Charles M. Drury	Robert S. McNamara
Minister of Defence Production	Secretary of Defense
Date: 21 November 1963	Date: 16 November 1963

6-1406.2 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE PRINCIPLES GOVERNING COOPERATION IN R&D, PRODUCTION, AND PROCUREMENT OF DEFENSE EQUIPMENT (SHORT TITLE: COOPERATION ARRANGEMENT).

The Government of the United States (USG) and the Government of the United Kingdom of Great Britain and Northern Ireland (HMG), hereinafter referred to as the Governments, are developing high technology weapons systems and other advanced items of defense equipment and are seeking to achieve greater cooperation in research, development, production and procurement in these areas in order to make the most rational use of their respective industrial, economic and technological resources, to achieve the greatest attainable military capability at the lowest possible cost, and to achieve greater standardization and interoperability of their weapons systems.

The Governments already have an Arrangement dated May 1963 for Joint Military Development and the USG has certain offset arrangements with HMG against purchases by HMG of major weapons systems and items of defense equipment.

In order to further the above aims, the Governments have decided to enter into an understanding and this Memorandum sets out the guiding principles governing mutual cooperation in defense equipment production and purchasing and associated offset arrangements. This Memorandum is intended to fit into the broader context of NATO Rationalization/

Standardization and to be compatible with any NATO arrangement that might subsequently be negotiated.

SECTION A: PRINCIPLES GOVERNING RECIPROCAL DEFENSE PURCHASING

1. Each Government has established its policies for strengthening the mechanisms essential to increasing cooperation in research, development, and production and procurement of military systems. In keeping with these policies, and in the interests of enhancing their mutual security and to assist the Governments in discharging better their mutual defense obligations, it is understood that the Governments will cooperate in all respects practicable, to the end that defense equipment production and procurement efforts of the two countries be administered so as to assure the maintenance of a long term and equitable balance in reciprocal purchasing of defense equipment. This balance will be at levels to be mutually determined.

2. The following principles to facilitate these objectives have been decided upon by the Governments:

a. Both Governments will provide appropriate policy guidance and administrative procedures within their respective Defense procurement organizations to achieve and maintain the agreed-upon balance of reciprocal Defense purchases.

b. The Governments will identify and nominate for consideration by each other items of defense equipment believed suitable to satisfy their respective requirements. The Governments will decide between them, to which items of defense equipment purchases this Memorandum of Understanding (MOU) will apply and whether the items may be procured on a Government-to-Government or Government-to-Industry basis.

c. The detailed implementing procedures to be arranged will incorporate the following:

(i) Offers will be evaluated without applying price differentials under Buy-National laws and regulations consistent with national laws and regulations.

(ii) Offers will be evaluated without the cost of import duties, and provision will be made for duty-free entry certificates and related documentation.

(iii) Full consideration will be given to all qualified sources in each other's country in accordance with the policies and criteria of the purchasing office.

(iv) Offers will be required to satisfy requirements for performance, quality, delivery, and cost.

d. To facilitate production programs set up in implementation of this MOU, the Governments understand that subject to their established policies, procedures, regulations and subject to privately owned proprietary rights, each Government will, so far as it is able, release to the other and to its agents of information and technology necessary for the purposes of such facilitation.

e. The Governments, through their appropriate representative, will consult concerning any problems which may inhibit the efficient operation of this arrangement. Such consultations will be conducted on the basis of SECTION B of this MOU.

SECTION B: IMPLEMENTATION MACHINERY

1. Both Governments understand that detailed implementing procedures need to be considered and decided upon in order to carry out the provisions of this MOU. Representatives of the Governments will be appointed to develop a coordinated program of such implementing procedures, and to discuss procurement and production needs of the Governments. These representatives will meet as required.

2. The Director, Defense Security Assistance Agency, under the policy guidance of the Assistant Secretary of Defense (International Security Affairs), and in coordination with the Director, Defense Research and Engineering, the Assistant Secretary of Defense (Installations and Logistics and other DoD offices will be the focal point in the US Government for the development of an overall coordinated program of implementing procedures under this MOU. The Director, Defense Research and Engineering will be responsible for matters under this MOU touching upon research, development, test and evaluation as they relate to bilateral arrangements for joint military development. The Assistant Secretary of Defense (Installations and Logistics) will be responsible for managing procurement and production matters under this MOU on a continuing basis, in coordination with OASD(ISA), DSAA and other appropriate DoD offices.

3. The Head of Defense Sales, MOD, under the policy guidance of the Minister of State for Defence, and in consultation, as appropriate with the Chairman and members of the MOD Defence Equipment Policy Committee, will be responsible on the UK side for the development of an overall coordinated program of implementing procedures under this Memorandum of Understanding.

SECTION C: INDUSTRIAL PARTICIPATION

1. Each Government will be responsible for bringing to the attention of the defense industries within its country, the basic understanding of this MOU, together with appropriate guidance on its implementation.

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2. Implementation of this MOU will involve full industrial participating. Accordingly, the Governments will arrange that their respective procurement and requirements offices will be made familiar with the principles and objectives of this MOU. Notwithstanding the governmental procedures to facilitate implementation, it will be the basic responsibility of industry in each country to isolate, identify, and advise its Government of capabilities and to carry out the supporting actions to bring industrial participation to consummation.

SECTION D: TERMINATION

1. This MOU will be terminated on 1 January 1985 unless the Governments mutually decide otherwise.

2. If, however, either Government considers it necessary for compelling national reasons to discontinue its participation under this MOU before 1 January 1985, any proposal for termination will be the subject of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination.

SECTION E: FURTHER COOPERATION

Annexes subsequently negotiated by the responsible offices and endorsed by appropriate Governmental authorities will form an integral part of this Memorandum of Understanding.

SECTION F: EFFECTIVE DATE

This Memorandum of Understanding will come into operation upon signature by the Governments.

Signed in duplicate at London this 24th day of September 1975.

James R. Schlesinger	Roy Mason
For the Government of the United States	For the Government of the United Kingdom of Great Britain and Northern Ireland
Date 24 September 1975	

ANNEX I

Implementing Procedures for the "Memorandum of Understanding between the Government of the United States and the Government of Great Britain and Northern Ireland Relating to the Principles Governing Cooperation in R&D, Production and Procurement of Defense Equipment" of 24 September 1975.

I INTRODUCTION

On 24 September 1975 the Governments of the United States (US) and the United Kingdom (UK) signed a Memorandum of Understanding (MOU) relating to "The Principles Governing Cooperation in R&D, Production and Procurement of Defense Equipment". The purpose of this document is to set forth the agreed implementing procedures for carrying out the MOU.

II MAJOR PRINCIPLES

A. Both the US and UK will consider for their defense requirements qualified defense items (and associated services included in a procurement contract) developed and produced in the other country. It will be the responsibility of government and/or industry representatives in each country to obtain information concerning the other country's proposed developments and purchases and to respond to requests for proposals in accordance with the prescribed procurement procedures and regulations. However, the responsible governmental purchasing agencies in each country will assist sources in the other country to obtain information concerning proposed purchases, necessary qualifications and appropriate documentation. The responsible governmental purchasing agencies in each country will seek to inform themselves of the defense items which might be available from the other country to meet specific requirements.

B. Offers will be evaluated without applying price differentials under Buy-National laws and regulations.

C. Offers will be evaluated without consideration of the cost of import duties, and provision will be made for duty-free entry certificates and related documentation.

D. Full consideration will be given to all qualified industrial and/or Government sources in both the US and UK consistent with the policies and criteria of the respective purchasing agencies.

E. Offers will be required to satisfy requirements for performance, quality, delivery, continued logistic support, and cost. In preparing Invitations for Bids and Requests for Proposals, and in evaluating Offers, where applicable and consistent with national laws and regulations full consideration will be given to potential NATO savings and/or increased NATO combat capability expected to result from the procurement of items that are standardized or interoperable with those of the Allies.

III ACTION

In implementing the MOU both countries will review and, where considered necessary, revise defense policies, procedures and regulations to ensure that the principles and objectives of this MOU, which are intended to be

compatible with the broad aims of NATO Rationalization/Standardization are taken into account. In addition both countries will:

A. Ensure that their respective requirement offices are familiar with the principles and objectives of this MOU.

B. Ensure that their respective research and development offices are familiar with the principles and objectives of this MOU, which are complemented by the "Arrangements for Joint Military Development by the US and the UK" of 1963.

C. Ensure that their respective procurement offices are familiar with the principles and objectives of this MOU.

D. Ensure wide dissemination of the basic understanding of this MOU to the respective defense industries.

E. Assist industries in their respective countries to identify and advise the other government of their capabilities and assist industries in carrying out the supporting actions to maximize industrial participation.

F. Review defense items submitted as candidates for respective requirements. Indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility.

G. Make best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries.

H. Ensure that those items excluded from consideration under this MOU for reasons of protecting National requirements (for the maintenance of a defense mobilization base) are limited to a small percentage of total annual defense procurement spending. It is intended that such defense items, as well as those items which would not be qualified as a defense item under this MOU because of legally imposed restrictions on procurement from nonnational sources, should be identified as soon as possible in lists drawn up by MOD and OSD for their respective countries, and that the position should be kept under review at this level.

I. Ensure that the balance of reciprocal purchasing within the areas of this MOU takes into consideration the levels of technology involved, as well as the contractual value.

IV COUNTING PROCEDURES

The US and UK Governments will decide between them to which items of defense equipment this MOU will apply but in principle all defense items (and associated services included in a procurement contract) purchased

by either country will be counted against the goals of this MOU as long as they meet the following criteria:

A. Direct purchases by either Government from the other, including its Agencies;

B. Direct purchases by either Government from the industry of the other country;

C. Purchases by Industry from the Government or Industry of the other country in aid of Government defense contracts;

D. Purchases by a third country government from either US or UK Government or industrial sources as a direct result of effort of the other (non-supplying) country.

E. Purchases resulting from common funded projects to which the US and/or UK are contributors, to be credited in proportion to each country's financial contribution to the project, and to work carried out in each country. The applicability of such purchases to this MOU will be agreed between MOD/OSD in each case.

F. License fees, royalties and other associated income resulting from orders placed by Industry and/or Government with a licensed company in the other country.

V ADMINISTRATION

A. Each country will designate points of contact at the Ministry of Defense level and in each purchasing service/agency.

B. Country representatives will meet at agreed intervals to review progress in implementing the MOU. They will discuss development, production and procurement needs of each country and the likely areas of cooperation; agree to the basis of, and keep under review, the financial statement referred to below; and consider any other matters relevant to the MOU.

C. An annual US/UK Statement of the current balance, and long term trends, of purchases between the two countries will be prepared on a basis to be mutually agreed. Such statement will take account of any

US-UK Offset agreements in force when the MOU was signed, and will be reviewed during the meetings referred to in B above.

HOWARD M. FISH	R. Anderson
For the Government of the United States	For the Government of the United Kingdom of Great Britain and Northern Ireland
2 April 1976	2 April 1976
Date	Date

ANNEX II

MUTUAL ACCEPTANCE OF TEST AND EVALUATION

INTRODUCTION

1. In furtherance of the principles governing reciprocal Defence purchasing, as defined in the subject Memorandum of Understanding (MOU) and in accordance with the Implementing Procedures for the MOU (Annex I thereto), representatives of the US Department of Defense (DoD) and the UK Ministry of Defence (MOD) have engaged in discussions and presentations on Test and Evaluation (T&E) in Defence procurement. The discussions were aimed at facilitating the implementation of the MOU by:

a. Bringing about a thorough, mutual understanding of the two governments' policies, organizations and procedures for T&E.

b. Identifying the main differences between the two governments' organisations and procedures for T&E.

c. Determining the actions required to overcome any difficulties arising from the identified differences, in order to assure complete mutual acceptability of T&E procedures.

2. The purpose of this Annex, drawn up in accordance with Section E of the MOU, is to record the concurrence reached by the two governments concerning the mutual acceptability of their respective T&E procedures for those systems that are developed in one country and are candidates for procurement by the other. Two categories of Defence systems are considered:

a. Those still under development.

b. Those for which development is complete.

POINTS OF CONCURRENCE

3. The objective is to avoid redundant testing. Neither government will duplicate tests where acceptable data is available from the other government's official test programs.

4. Existing T&E organisations and procedures of both governments are adequate to satisfy the purposes of the MOU. Differences are not such as to justify changes being made to the present procedures of either government.

5. To achieve a more widespread understanding of the two governments' T&E organisations and procedures in the US DoD, in the UK MOD, and in the Industries of both countries, the two governments will produce guidance information necessary to meet the purpose of this Annex, including:

a. The relationship between their respective T&E organizations and procedures.

b. A US DoD-UK MOD communications matrix for initial contacts.

6. The focal point for all T&E aspects of procurement relating to development testing will be the US Program Manager or the UK Project Manager for the equipment being offered. For operational testing aspects, it will be the applicable US Services' independent operational test agency and in the UK, the Project Manager.

MUTUAL ACCEPTANCE PROCEDURES

7. All proposals for consideration of equipment of one country for procurement by the other will require a review of T&E data reflecting test conditions, test results and success criteria on a case-by-case basis. The following procedures will therefore be observed in all procurement considerations:

a. To facilitate the exchange of T&E data, a common documentation format will be adopted. This format will be similar to the US Navy's Test and Evaluation Master Plan (TEMP) as outlined in OPNAV Instruction 3960.10.

b. For systems under development, the offering government will invite participation by the other early in the T&E program. Should the other government not choose to participate in the testing, the offering Government, subject to its laws, established policies, procedures and regulations, and subject to privately owned proprietary rights, will arrange for the release to the other of information necessary for the purposes of such T&E.

c. For systems for which development is complete, the offering government will ensure, subject to its laws, established policies,

procedures and regulations, and subject to privately owned proprietary rights, that all pertinent T&E data is made available to the other.

d. Should one government adjudge the T&E which has been completed or planned by the other to be inadequate for its procurement procedures, the two governments will decide by mutual agreement on any additional testing to be carried out. Such additional testing may be conducted by either country as mutually agreed. In addition, before such additional testing commences, concurrence will be reached by the two governments regarding payment of costs, allocation of resources, scheduling and the evaluation criteria which will apply.

e. When either government releases T&E data to the other, it is understood that, in the absence of any specific agreement to the contrary, such data is made available in confidence to the receiving government for the purpose of information and evaluation within such government and for no other use.

f. Each government will mark data transmitted to the other with a legend that will indicate the country of origin and the conditions of release, that the data relates to this MOU, and that is is furnished in confidence. Where appropriate the security classification will be shown. Corresponding arrangements will be made for records of data transmitted orally.

g. Each government will make its best effort to protect data submitted in confidence by the other government. In the event of any request under domestic legislation to make available to the public such data furnished by the other government, the recipient government will take all legal steps available to it to withhold the data from disclosure.

8. In any case where agreement cannot be reached between the focal points or their Service superiors concerning the acceptability of T&E, or when it is felt that adequate data and information on T&E have not been provided, the matter will be referred to the appropriate higher authority. For the US this will be the Director Defense Test and Evaluation and for the UK this will be the appropriate Systems Controller.

William J. Perry	Sir Clifford Conford
For the Government of the United States	For the Government of the United Kingdom of Great Britain and Northern Ireland
9 October 1978	9 October 1978
Date	Date

ANNEX III

RECIPROCAL AUDITS OF CONTRACTS AND SUBCONTRACTS

I GENERAL

The US/UK Memorandum of Understanding on Co-operation Arrangements envisages the need for detailed implementing procedures to be decided upon. This Annex deals with reciprocity in the handling of auditing activity related to contracts and sub-contracts falling within the scope of the MOU.

The participating Governments recognize the mutual benefit of undertaking reciprocally for each other in their respective countries price proposal audits and contract cost audits in connection with the acquisition of defence equipment. As used in this Annex the term "audit" may include, but is not limited to, the following services including Field Pricing Support as appropriate to the contract or sub-contract concerned:

- Survey of contractor's capability;
- Pre-contract audit;
- Audit during contract performance;
- Audit after contract performance, e.g. termination, before payment of final price in respect of fixed price contract or cost type contract;
- Verification of compliance with requirements set forth by the purchasing government for accounting of contract costs or pricing;
- Verification after contract award of the currency, accuracy and completeness of data supporting a contractor's price proposal.

II PURPOSE AND SCOPE OF AUDITS

The purpose of these audits will be to examine proposed or incurred costs and supporting data in sufficient detail to enable the cognisant contracting officer to determine their acceptability during negotiations with the relevant contractor or sub-contractor.

Audits performed under the provisions of this Annex will cover all elements of cost and identify profit amounts. The auditors will use to the fullest extent possible previously available data pertinent to the intended or actual contract or sub-contract.

III AUDIT AGENCIES

The audits will be performed pursuant to the provisions of this Annex by the following agencies:

- For audits in the United States when requested by the United Kingdom Government, the Defense Contract Audit Agency (DCAA).

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- For audits in the United Kingdom when requested by the United States Government, the Accountancy Services (AS(PE)) of the Ministry of Defence.

IV AUDIT REQUEST PROCEDURES

Requests for audits will be transmitted as follows:

Requests by the United Kingdom Government:

- Cognizant Procuring Contracting Office for Acquisitions under U.S. Foreign Military Sales (FMS) procedures.
- The Director of Defense Contract Audit Agency, Cameron Station, Alexandria, Virginia 22314, for all other acquisitions.

Requests by the United States Government:

- Head of Contracts Policy, Procurement Executive, Ministry of Defence.

These requests will be transmitted with all the supporting documents and required format of the audit report.

V OPERATING RULES

Before any relevant contract action commences, representatives of each Government will consult with one another as necessary to define the goals and the scope of the audits required.

The audits will pay regard to the Government accounting conventions applicable to the supplier's business and be performed in accordance with the terms of the contract or sub-contract as required by the law and policy of the purchasing Government.

Each Government will accept auditing services performed on its behalf by the other as if it had performed those services itself as long as these reflect the particular or specific interest of the purchasing authority.

Each Government will make available to the other data pertinent to the relevant contract or sub-contract, including that associated with disclosed accounting practices, in support of the contracting officer's negotiation activity.

Applicable contracts or sub-contracts will invoke the provisions of this Annex.

Each audit report will respond to the questions contained in the request for audit and will detail any problems encountered during the

audit. The report should enable the contracting officer to evaluate independently the acceptability of the price proposals or costs.

Upon request of the contracting officer, additional information, supporting data, and explanations or clarifications will be provided to him or to his duly authorized representatives. The contracting officer will have the final authority to determine when adequate audit information has been provided for negotiation purposes.

Each Government will endeavor that in all possible cases its agencies will perform audits under the provisions of this Annex. If, due to extraordinary circumstances, a Government is unable to perform an audit, or to perform it in a reasonable time, the contracting country's agencies would have a right to perform the audit themselves.

VI PROTECTION OF INFORMATION

Each audit report will be prepared by the audit agency and submitted in confidence. No report, or data therein, will be disclosed to third parties unless the cognizant authorities of both parties and the audited supplier deem this to be appropriate. However, the contracting officer will normally release the final results of audits of sub-contractors to higher tier contractors for negotiation purposes. Specific information or extracts from the report may only be given to higher tier contractors in accordance with any directions or qualifications contained in the audit report.

Data obtained through the implementation of this Annex will receive the same protection against unauthorized disclosure as such data would normally receive under the laws and rules of the country which receives it.

VII NATIONAL SECURITY

Access to classified information involving the national security of each country will be governed by the provisions of the MOU.

William Levitt	Leonard Salthouse
United States	United Kingdom
21 June 1979	21 June 1979
(date)	(date)

6-1406.3 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF NORWAY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION AND PROCUREMENT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Government of Norway hereinafter referred to as the Governments:

- Intending to increase their respective defense capabilities through more efficient cooperation in the field of research and development, production and procurement of defense equipment, in order to:

  - Make the most cost-effective and rational use of the funds allocated to defense to the extent permitted by their national policies; and

  - Promote the widest possible use of standard or interoperable equipment; and

  - Develop and maintain an advanced technological capability for the North Atlantic Alliance, and particularly with respect to the parties to this Agreement;

- Noting that no general agreement covers harmonization of mutual procurements, although specific offset agreements have existed between them in the past; and

- Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment

have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding (MOU) sets out the guiding principles government mutual cooperation in defense equipment research and development, production and procurement.

The Government of the United States of America and the Government of Norway conclude this Memorandum of Understanding to strengthen the North Atlantic Alliance. In so doing, the Governments are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements among the individual member nations.

The two Governments agree that this Memorandum of Understanding should be incorporated in the larger context of the cooperation between Europe and North America within the Alliance.

All agreements or the relevant provisions of such agreements between the Independent European Program Group (IEPG) and the United States of America shall take precedence over this Memorandum of Understanding, assuming Norway is a party to such agreements.

ARTICLE I

Principles Governing Reciprocal Defense Cooperation

1. Both Governments intend to achieve and maintain a long-term equitable balance in their exchanges, in terms of the value of contracts and technological levels, to the maximum practicable extent consistent with their national policies. Equitable balance, in principle, shall be achieved when the two Governments have exhausted all means at their disposal to maximize defense R&D cooperation and reciprocal procurement to the extent permitted by the size and nature of each country's technological and industrial base.

2. This agreement is intended to cover areas in which possible bilateral cooperation could be achieved in conventional defense equipment research and development, production and procurement, complementing the work of the Conference of National Armament Directors (CNAD) and the Independent European Program Group (IEPG).

3. The two Governments will, consistent with the laws, regulations, and practices having the force of law of each Government, give full consideration to all requests for cooperative R&D, and to all requests for production and procurement which are intended to maximize Alliance standardization and/or interoperability.

4. The two Governments shall, in the spirit of cooperation, mutually determine the counting procedures that will apply to all items under this agreement (and associated services included in a contract) purchased either directly by the two Governments or through their relevant industries.

5. In the interests of standardization and the effective utilization of scarce resources, the two Governments shall, if possible, select qualified defense items that have been developed and produced in the other country to meet their requirements in accordance with the procedures of paragraph 9 below.

6. Each Government may propose to the other any particular item of equipment that might be suitable for use by the other Government. Indicative lists are provided in the annexes.

7. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense procurement

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organizations to facilitate achievement of the aims described in paragraph 5.

8. Barriers to procurement or coproduction of an item of defense equipment that has been developed in the other country shall be removed, insofar as laws and regulations permit. This includes the removal of customs duties and other discriminatory levies as well as the waiver of protectionist provisions.

9. Normal competitive contracting procedures shall be used in acquiring items of conventional defense equipment developed in each other's country for use by either country's defense establishment.

10. Full consideration will be given to all qualified industrial and/or Government sources in each other's country consistent with the national procurement policy and criteria. It is therefore understood that items offered shall satisfy requirements for performance, quality, delivery and cost.

11. Both Governments will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and submit a bid or proposal.

12. Each Government will ensure that the technical data packages (TDPs) made available under this MOU are not used for any purpose other than for the purpose of bidding on, and performing, a prospective defense contract without the prior agreement with those owning or controlling proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDPs be transferred to any third country or any other transferee without the prior written consent of the originating Government.

13. Both Governments will use their best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries.

14. Arrangements and procedures will be established concerning follow-on logistic support for items of defense equipment covered by this Memorandum of Understanding. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

ARTICLE II

Implementing Procedures

1. Representatives of the two Governments will be appointed to determine in detail the procedures for implementing this Memorandum of Understanding. Terms of reference will be proposed for a Norwegian-

American Committee for Reciprocal Procurement, including rules governing its work. The implementing procedures under this Memorandum of Understanding shall be an integral part thereof.

2. The Under Secretary of Defense for Research and Engineering, in coordination with the Assistant Secretary of Defense for International Security Affairs, the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics, the Director, Defense Security Assistance Agency, and other appropriate Department of Defense officials, will be the responsible authority in the United States Government for the development of implementing procedures under this Memorandum of Understanding.

3. The Director General of Armaments in the Ministry of Defense will be the responsible authority of the Government of Norway for any matter relating to the procedures for implementing this Memorandum of Understanding.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of the relevant industries within its country the basic understanding of this Memorandum of Understanding, together with appropriate implementing guidance. Both Governments will take all necessary steps so that the industries comply with the regulations pertaining to security and to safeguarding classified information.

2. Implementation of this Memorandum of Understanding will involve full industrial participation. Accordingly, the Governments will arrange to inform their respective procurement and requirements offices concerning the principles and objectives of this Memorandum of Understanding. However, primary responsibility for finding business opportunities in areas of research and development and production shall rest with the industrial participants of each country.

ARTICLE IV

Security

1. To the extent that any items, plans, specifications or information furnished in connection with the specific implementation of this Memorandum of Understanding are classified by either Government for security purposes, the other Government shall maintain a similar classification and employ measures necessary to preserve such security equivalent to those measures employed by the classifying Government throughout the period during which the classifying Government may maintain such classification.

2. The operating procedures for the implementation of the General Security of Information Agreement dated 26 February 1970 between the United States Department of Defense and the Norwegian Ministry of Defense apply to activities under this Memorandum of Understanding.

ARTICLE V

Duration

1. This agreement will remain in effect for a ten-year period following its signing, unless otherwise agreed by both Governments.

2. If, however, either Government considers it necessary for compelling national reasons to discontinue its participation under this Memorandum of Understanding before the end of the ten-year period, written notification of its intention will be given to the other Government six months in advance of the effective date of discontinuance. Such notification of intent would be a matter of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to take such actions as necessary to alleviate problems that may result from the termination. In this connection, although the Memorandum of Understanding may be terminated by the parties, any contract entered into consistent with the terms of this agreement shall continue in effect, unless the contract is terminated in accordance with its own terms.

ARTICLE VI

Administration

1. Each Government will designate points of contact at the Ministry of Defense level and in each purchasing service/agency.

2. Government representatives will meet as agreed or at the request of either Government to review progress in implementing the Memorandum of Understanding. They will discuss development, production and procurement needs of each country and the likely areas of cooperation; agree to the basis of, and keep under review, the financial statement referred to below; and consider any other matters relevant to the Memorandum of Understanding.

3. An annual United States/Norway Statement of the current balance, and long-term trends, of R&D cooperation and purchases between the two countries will be prepared on a basis to be mutually agreed. Such statement will take account of any United States-Norway offset agreements in force when the Memorandum of Understanding was signed, and will be reviewed during the meetings referred to in paragraph 2 above.

ARTICLE VII

Annexes

Annexes negotiated by the responsible offices and approved by the appropriate Government authorities will be incorporated in this Memorandum of Understanding and made an integral part thereof.

ARTICLE VIII

Implementation

1. The arrangements contained in this Memorandum of Understanding represent the understanding reached between the Government of the United States of America and the Government of Norway upon the matters referred to herein. Each Government must mutually agree to any amendment of this Memorandum of Understanding.

2. This agreement, in two original texts in the Norwegian and English languages, both texts being equally authentic, will come into effect at the date signed by both Governments.

For the Government of Norway	For the United States Government
The Minister of Defense	The Secretary of Defense
Rolf Hansen	Harold Brown
Date May 19, 1978	Date May 19, 1978

ANNEX 1

I. INTRODUCTION

On 1978 the Governments of the United States (US) and Norway signed a Memorandum of Understanding (MOU) relating to "The Principles Governing Cooperation in R&D, Production and Procurement of Defense Equipment." The purpose of this document is to set forth the agreed implementing procedures for carrying out the MOU.

II. MAJOR PRINCIPLES

A. The US Department of Defense (DoD) and the Ministry of Defence of Norway (MOD) will each consider for their defense requirements qualified defense items (and associated services included in a procurement contract) developed or produced in the other country. (See also Paragraph III of this Annex). MOD and DoD will also identify to one another, as soon as possible, those practices of their respective countries having the force of law that may potentially restrict the fulfillment of the Memorandum of Understanding and this Annex.

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B. It will be the responsibility of government and/or industry representatives in each country to obtain information concerning the other country's proposed developments and purchases and to respond to requests for proposals. However, the responsible governmental purchasing agencies in each country will assist sources in the other country to obtain information concerning proposed purchases, necessary qualifications and appropriate documentation.

III. ACTION

In implementing the MOU, DoD and MOD will review and, where considered necessary revise policies, procedures and regulations to ensure that the principles and objectives of this MOU, which are intended to be compatible with the broad aims of NATO Rationalization/Standardization, are taken into account. The DoD and the MOD agree that having taken the measures listed below, they will have fulfilled their obligation under Paragraph 1, Article I, of the MOU, to exhaust all means at their disposal to maximize defense R&D cooperation and reciprocal procurement. These measures will be utilized in a reasonable manner recognizing among other factors, delivery date requirements for supplies, the interest of security and the timely conduct of the procurement process, and requirements attendant to ensuring free and full competition for the award of contracts.

A. Ensure that their respective requirements offices are familiar with the principles and objectives of this MOU.

B. Ensure that their respective research and development offices are familiar with the principles and objectives of this MOU.

C. Ensure that their respective procurement offices are familiar with the principles and objectives of this MOU.

D. Ensure wide dissemination of the basic understanding of this MOU to the respective defense industries.

E. Ensure that, consistently with national laws and regulations, offers of defense items produced in the other country will be evaluated without applying to such offers, either price differentials under buy-national laws and regulations or the cost of import duties. Provisions will be made for duty-free entry certificates and related documentation.

F. Assist industries in their respective countries to identify and advise the other government of their capabilities and assist such industries in carrying out the supporting actions to maximize industrial participation.

G. Review defense items submitted as candidates for respective requirements. Identify requirements and proposed purchases in a timely

fashion to ensure adequate time for their respective industries to participate in the development or production procurement process.

H. Make best efforts to assist in negotiating licenses, royalties, and technical information exchanges with their respective industries.

I. Ensure that those items excluded from consideration under this MOU for reasons of protecting National requirements such as the maintenance of a defense mobilization base are limited to a small percentage of total annual defense procurement spending. It is intended that such defense items, as well as those items which would not be qualified as a defense item under this MOU because of legally imposed restrictions on procurement from non-national sources, should be identified as soon as possible in lists drawn up by MOU and OSD for their respective countries, and that the position should be kept under review at this level.

J. Ensure that the balance of reciprocal purchasing within the areas of this MOU takes into consideration the levels of technology involved, as well as the contractual value.

K. Both DoD and MOD will from time to time arrange visits by relevant personnel to the other country in order to actively explore possibilities for R&D cooperation and procurement.

IV. COUNTING PROCEDURES

The purchases to be counted against the goals of the MOU will be identified jointly by DoD and MOD. In principle (1) all items procured by the overseas Base Exchanges and Commissary Operations for resale overseas shall be counted and (2) all defense items (and associated services included in a procurement contract) purchased by DoD and MOD from the other country will be counted against the goals of the MOU as long as such purchases meet the following criteria:

A. Direct purchases by the MOD or DoD, including their respective agencies, from one another.

B. Direct purchases by either the MOD or DoD from the industry of the other country.

C. Purchases by industry from the government or industry of the other country in aid of government defense contracts.

D. Purchases by a third country government from the governments of the United States or of Norway or from industries of the two countries as a direct result of effort of the other (non-supplying) country.

E. Purchases resulting from common funded defense projects to which the United States and/or Norway are contributors, to be credited in proportion to each country's financial contribution to the project, and to work carried out in each country. The extent to which such purchases will be counted against the goals of the MOU will be agreed between MOD and DoD in each case.

F. License fees, royalties and other associated income resulting from orders placed by industry and/or DoD or MOD with a licensed company in the other country.

V. ADMINISTRATION

A. Each country will designate points of contact at the Ministry of Defence level and in each purchasing service/agency.

B. Country representatives will meet at agreed intervals to review progress in implementing the MOU. They will discuss development, production and procurement needs of each country and the likely areas of cooperation; agree to the basis of, and keep under review, the financial statement referred to below; and consider any other matters relevant to the MOU.

C. An annual United States/Norway Statement of the current balance and long-term trends, of purchases between the two countries will be prepared on a basis to be mutually agreed. Such statement will take account of any United States-Norway Offset agreements in force when the MOU was signed, and will be reviewed during the meetings referred to in B. above.

D. Quality Assurance procedures outlined in STANAG 4107 and 4108 will apply unless other provisions are mutually agreed to on any specific contract. Reimbursement for services provided shall be afforded in accordance with the National laws and regulations of each country.

United States Government For the Government of Norway

6-1406.4 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION AND PROCUREMENT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Government of the Kingdom of the Netherlands, duly represented by their Ministers of Defense:

Intending to increase their respective defense capabilities through more efficient cooperation in the fields of research and development, production and procurement in order to:

- Make the most cost-effective and rational use of the resources available for defense,

- Ensure the widest possible use of standard or interoperable equipment,

- Develop and maintain an advanced industrial and technological capability for the North Atlantic Alliance, and particularly with respect to the parties to this Memorandum of Understanding (MOU), and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment, and

Recalling that they had agreed, as members of the Alliance, to maximum cooperation in procurement as set forth in Annex A to NATO Document C-M(73)51 (revised), dated 20 August 1973,

Have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in research and development, production and procurement of conventional defense equipment.

The two Governments conclude this MOU to strengthen the North Atlantic Alliance. In so doing, the Governments are fully aware that the Independent Europe Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements. They therefore agree that in the event of a possible conflict between agreements entered into between the IEPG and the Government of the United States, and this MOU, the parties hereto will consult with a view to amending this MOU.

The two Governments further agree that this MOU should be viewed in the larger context of the cooperation between Europe and North America within the Alliance and that this cooperation will be carried out pursuant to the Mutual Defense Assistance Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands, signed 27 January 1950.

ARTICLE I

Principles Governing Reciprocal Defense Cooperation

1. Both Governments intend to facilitate the mutual flow of defense procurement, taking into consideration relative technological levels of such procurement, and consistent with their national policies. This facilitation shall be sought through the provision of opportunities to compete for procurements of defense equipment and services as well as through the coproduction of defense equipment and defense R&D cooperation.

2. This MOU is intended to cover areas in which possible bilateral cooperation could be achieved in research and development, production and procurement of conventional defense equipment, complementing the work of the Conference of National Armament Directors (CNAD) and the Independent European Program Group (IEPG).

3. The two Governments will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production and procurement which are intended to enhance standardization and/or interoperability within the Alliance.

4. In the interests of standardization and the effective utilization of scarce resources, the two Governments shall, to the extent possible, adopt qualified defense items that have been developed or produced in the other country to meet their requirements. Defense items or services are those items or services which may be procured utilizing appropriated funds of the U.S. Department of Defense or budgeted funds of the Netherlands Ministry of Defense.

5. The two Governments shall mutually determine the counting procedures to be laid down in an Annex to this MOU that will apply to all defense items and defense services purchased by them directly or through their relevent industries under this MOU.

6. Each Government shall from time to time notify the other Government of defense items that may not be acquired by the notifying Government from other than domestic sources, as well as those defense items that may be particularly suitable for acquisition by the other Government.

7. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense acquisition organization to facilitate achievement of the aims of this MOU.

8. Competitive contracting procedures shall normally be used in acquiring items of defense equipment developed or produced in each other's country for use by either country's defense establishment.

9. The detailed implementing procedures, to be agreed, will, consistent with and to the extent permitted by national laws and regulations, incorporate the following:

a. Offers or proposals will be evaluated without applying price differentials under buy national laws and regulations and without applying the costs of import duties;

b. Full consideration will be given to all qualified industrial and/or governmental resources in each other's country;

c. Offers or proposals will be required to satisfy requirements of the purchasing Government for performance, quality, delivery and costs.

10. Both Governments will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and submit a bid for proposal.

11. Each Government will ensure that the technical data packages (TDP's) made available under this MOU are not used for any purpose other than for the purpose of bidding on, and performing, a prospective defense contract without the prior agreement of those owning or controlling proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDP's be transferred to any third country or any other transferee without the prior written consent of the originating Government.

12. Both Governments will use their best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries or other owners of such rights.

13. Arrangements and procedures will, at the request of the purchasing government, be established concerning follow-on logistic support for items of defense equipment, purchased pursuant to this MOU. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

ARTICLE II

Implementing Procedures

1. Representatives of the two Governments will be appointed to determine in detail the procedures for implementing this MOU and the terms of reference for a Netherlands-U.S. Committee for Procurement Cooperation.

2. The Under Secretary of Defense for Research and Engineering, in cooperation with the Assistant Secretary of Defense for International Security Affairs, the Assistant Secretary of Defense for Manpower,

Reserve Affairs and Logistics, the Director, Defense Security Assistance Agency, and other appropriate Department of Defense officials, will be the responsible authority in the United States Government for the development of implementating procedures under this MOU.

3. The Director General for Materiel in the Ministry of Defense, in cooperation with other appropriate government authorities, will be the responsible authority of the Government of the Netherlands for the development of the implementing procedures under this MOU.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of the relevant industries within its territory the basic understanding of this MOU, together with appropriate implementing guidance. Both Governments will take all necessary steps so that the industries comply with the regulations pertaining to security and to safeguarding classified information.

2. Implementation of this MOU will involve full industrial participation. Accordingly, the Governments will arrange to inform their respective procurement and requirements offices concerning the principles and objectives of this MOU. However, primary responsibility for finding business opportunities in areas of research and development and production shall rest with the industries in each nation.

ARTICLE IV

Security

To the extent that any items, plans, specifications or information furnished in connection with the specific implementation of this MOU are classified by either Government for security purposes, the other Government shall maintain a similar classification and employ all measures necessary to preserve such security equivalent to those measures employed by the classifying Government throughout the period during which the classifying Government may maintain such classifications.

ARTICLE V

Administration

1. The Netherlands-U.S. Committee for Procurement Cooperation, referred to in Article II above, will meet as agreed or at the request of either Government to review progress in implementing the MOU. They will discuss research and development, production and procurement needs of each nation and the likely areas of cooperation; agree to the basis of, and

keep under review, the financial statement referred to below; and consider any other matters relevant to the MOU.

2. Each Government will designate points of contact at the Ministry of Defense level and in each purchasing service/agency under the Ministries of Defense.

3. An annual United States-Netherlands statement of the current balance, and long-term trends, of R&D cooperation and purchases between the two nations will be prepared on a basis to be mutually agreed. Such statement will take account of United States-Netherlands purchases of defense equipment and services and related offset agreements effected in the years from 1973 onwards and will be periodically reviewed.

ARTICLE VI

Annexes

Annexes negotiated by the responsible officials and approved by the appropriate Government authorities will be incorporated in this MOU.

ARTICLE VII

Duration

1. This MOU will remain in effect for a ten-year period and will be extended for successive five-year periods, unless the Governments mutually decide otherwise.

2. If, however, either Government considers it necessary for compelling national reasons to terminate its participation under this MOU before the end of the ten-year period, or any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of termination. Such notification of intent shall become a matter of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to take such actions as necessary to alleviate problems that may result from the termination. In this connection, although the MOU may be terminated by the Parties, any contract entered into consistent with the terms of this MOU shall continue in effect, unless the contract is terminated in accordance with its own terms.

3. The Parties hereto agree that, for the purposes of this MOU, references to the Kingdom of the Netherlands shall apply only to its territory in Europe.

ARTICLE VIII

Implementation

This MOU will come into effect on the date of the last signature.

For the Government of the Kingdom of the Netherlands	For the Government of the United States of America
The Minister of Defense	The Secretary of Defense
Willem Scholten	Harold Brown
Date August 24, 1978	Date July 25, 1978

ANNEX I

PRINCIPLES GOVERNING IMPLEMENTATION

1. INTRODUCTION

On 24 August 1978, the Governments of the United States and the Kingdom of the Netherlands signed a Memorandum of Understanding (MoU) relating to the principles governing mutual cooperation in research and development, production and procurement of defense equipment. This document sets forth the agreed implementing procedures for carrying out the MOU.

2. MAJOR PRINICPLES

A. The U.S. Department of Defense (DoD) and the Ministry of Defense of the Netherlands (MoD) will consider for their defense requirements qualified defense items and services developed or produced in the other country.

B. It will be the responsibility of government and/or industry representatives in each country to acquire information concerning the other country's proposed research, developments, and purchases and to respond to requests for proposals in accordance with the prescribed procurement procedures and regulations. However, the responsible government agencies in each country will assist sources in the other country to obtain information concerning, intended research and development, proposed purchases, necessary qualifications and appropriate documentation.

3. ACTION

DoD and MoD will review and, where considered necessary, revise policies, procedures and regulations to ensure that the principles and objectives of this MOU, which are intended to be compatible with the broad aims of NATO Rationalization/Standardization, are taken into

account. DoD and MoD agree that the following measures shall be taken, recognizing that among other factors, delivery date requirements for supplies, the interest of security and the timely conduct of the procurement process, are considerations related to insure free and full competition for the award of contracts:

A. Ensure that their respective requirements offices are familiar with the principles and objectives of this MoU.

B. Ensure that their respective research and development offices and institutes are familiar with the principles and objectives of this MoU.

C. Ensure that their respective procurement offices are familiar with the principles and objectives of this MoU.

D. Ensure wide dissemination of the basic understanding of this MoU to their respective industries producing and/or developing defense items and/or services.

E. Ensure that, consistent with national laws and regulations, offers of defense items produced in the other country will be evaluated without applying to such offers, either price differentials under buy-national laws and regulations, or the cost of import duties. Full consideration will be given to all qualified industrial and/or governmental sources in each other's country. Provisions will be made for duty-free entry certificates and related documentation to the extent that existing laws and regulations permit.

F. Assist industries in their respective countries to identify and advise the other government of their production capabilities and assist such industries in carrying out the supporting actions to maximize industrial participation.

G. Review defense items and requests for services submitted by the other country as candidates for respective requirements. Identify requirements and proposed purchases to the other country in a timely fashion to ensure that the industries of such country are afforded adequate time to be able to participate in the research and development production and procurement processes.

H. Use best efforts to assist in negotiating licenses, royalties, and technical information exchanges among their respective industries, and research and development institutes.

I. Ensure that those items and services excluded from consideration under this MoU for reasons of protecting national requirements, such as the maintenance of a defense mobilization base, are limited to a small percentage of total annual defense procurement spending. It is intended that such defense items and services, as well as those items and

services that must be excluded from consideration under this MoU because of legally imposed restrictions on procurement from non-national sources, be identified as soon as possible by the MoD and the DoD, and that such defense items and services be kept under review at this level.

J. Insure that the balance of reciprocal purchases takes into consideration the levels of technology involved, as well as the monetary value of purchase hereunder.

K. DoD and MoD will from time to time arrange visits in order to actively explore possibilities for cooperation on research and development, procurement, and logistical support.

4. COUNTING PROCEDURES

The following purchases, to be identified jointly by DoD and MoD will be included in the counting procedures:

A. Purchases of items and services funded from appropriate funds of the U.S. Department of Defense or budgeted funds of the Netherlands Ministry of Defense and which, either/are:

(1) directly purchased by the MoD or DoD from one another; or

(2) directly purchased by the MoD or DoD from the industry of the other country; or

(3) purchased by the industry of one country from the Government or industry of the other country; or

(4) purchased as a result of jointly funded defense projects to which the United States and the Netherlands are the only contributors to be credited in proportion to each other country's financial contribution to the project, and to work carried out in each country. The extent to which such purchases will be counted against the goals of the MoU will be agreed upon between MoD and DoD in each case;

(5) license fees, royalties and other associated income, when separately contracted, by industry and/or DoD or MoD with a licensor in the other country.

B. Purchases by the MoD or DoD from the industry of the other country, on behalf of other governmental departments and agencies.

C. Purchases by a third country government from the MoD or DoD or from industries of these two countries as direct result of the efforts of the government of the other country.

5. ADMINISTRATION

A. Each government will designate points of contact (procurement and logistics) at the Ministry of Defense level and in each purchasing service/agency and major acquisition activity.

B. Quality Assurance procedures outlined in STANAG 4107 and 4108 (subject to the USG reserve concerning reimbursement) will apply, unless other provisions are mutually agreed to on any specific contract. Reimbursement of services provided shall be afforded in accordance with the national laws and regulations of each country.

C. The terms of reference of the Netherlands/United States Committee of Procurement Cooperation is contained in Annex III.

For the Government of the United States of America	For the Government of the Netherlands
Dr. William J. Perry	Lt. General Hensen
Date 22 December 1978	Date 22 December 1978

(Appendices to Annex I not included)

ANNEX II

Principles Governing Logistic Support of Common Equipment

In implementing Article I, para 13, of the MoU, the two Parties shall be governed by the following:

1. When developing or procuring defense equipment, both Parties will agree upon the basis for joint follow-on logistic support in areas such as configuration control, interchangeability of spare parts/components, maintenance, conversion, storage, and spare parts provisioning, etc.

2. Arrangements and procedures will be established concerning follow-on logistic support and other forms of logistic cooperation, e.g., joint utilization of facilities.

3. In the contracting procedure for logistic support, paragraph 9 of Article I of the MoU shall apply.

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4. Both Parties will issue directives and guidelines to their respective armament and logistics agencies to achieve the described goals of this MoU.

For the Government of the United States of America	For the Government of the Netherlands
Dr. William J. Perry	Lt. General Hensen
Date 21 December 1978	Date 21 December 1978

ANNEX III

TERMS OF REFERENCES

1. The Netherlands/U.S. Committee for Procurement Cooperation (hereafter to be called "the Committee") will serve, under the direct responsibility of the authorities, listed in Article II sub 2 and 3 of the MoU respectively, as the main body in charge of the adequate implementation of the MoU.

2. In particular, the Committee will be responsible for ensuring that the guiding principles of the MoU governing the mutual cooperation in research and development, production, procurement and logistic support of conventional defense equipment are being implemented to facilitate a mutual flow of defense equipment. To this end the Committee will meet as required, but not less than annually, to review progress in implementing the MoU. In this review:

A. They will discuss research, development, production, procurement and logistic support needs of each country and the likely areas of cooperation including joint activities in those fields.

B. They will exchange information as to the way the stipulations of the MoU have been carried out and, if need be, prepare proposals for amendments of the MoU and/or its annexes.

C. They will agree to the financial statement of the current balance, give guidance for its yearly preparation and formulate conclusions from it, such conclusions to include any long term trends which may be established.

D. They will consider any other matters relevant to the MoU.

E. They will report after each meeting and advise as appropriate.

F. The Committee will alternately meet in the United States and in the Netherlands. The country in which a particular meeting will take place will provide the Chairman and the secretariat for that meeting.

For the Government of the United States of America	For the Government of the Netherlands
Dr. William J. Perry	Lt. General Hensen
Date 21 December 1978	Date 21 December 1978

6-1406.5 MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL MINISTER OF DEFENSE OF THE FEDERAL REPUBLIC OF GERMANY AND THE SECRETARY OF DEFENSE OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION, PROCUREMENT AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT.

The Secretary of Defense of the United States of America and the Federal Minister of Defense of the Federal Republic of Germany:

Intending to increase their respective defense capabilities through more efficient cooperation in the field of research and development, production, procurement and logistic support of defense equipment, in order to:

- Make the most cost-effective and rational use of the resources allocated to defense; and

- Promote the widest possible use of standard of interoperable equipment; and

- Develop and maintain an advanced technology capability for the North Atlantic Alliance, and particularly with respect to the parties to this Memorandum of Understanding; and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in conventional defense equipment research and development, production, procurement and logistic support.

The Parties hereto conclude this Memorandum of Understanding to strengthen the North Atlantic Alliance. In so doing, the Parties are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements among the individual member nations. They therefore agree

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that in the event of a possible conflict between understandings entered into between the IEPG and the Government of the United States, and this Memorandum of Understanding, the Parties hereto will consult with a view to amending this Memorandum of Understanding.

The Parties further agree that this Memorandum of Understanding should be viewed in the larger context of the cooperation between Europe and North America within the Alliance.

ARTICLE I

Principles Governing Mutual Defense Cooperation

1.1 Both Parties intend to facilitate the mutual flow of defense procurement, taking into consideration relative technological levels of such procurement, and consistent with their national policies. This facilitation shall be sought through the provision of opportunities to compete for procurements of defense equipment and services as well as through the coproduction of defense equipment and defense R&D cooperation.

1.2 This Memorandum of Understanding is intended to cover areas in which, in the view of both parties to the Agreement, bilateral cooperation could be achieved in conventional defense equipment research and development, production, procurement and logistic support. This cooperation is intended to complement the work of the Conference of National Armament Directors (CNAD) and the Independent European Program Group (IEPG).

1.3 Each Party may propose to the other any particular project that might be suitable for cooperation or for use by the other Party.

1.4 Both Parties will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production, procurement and logistic support which are intended to optimise Alliance standardization and/or interoperability.

1.5 In the interests of standardization within the Alliance and the effective utilization of scarce resources, both Parties shall, to the extent possible, select qualified defense items that have been developed and produced in the other country to meet their requirements. Necessary decisions should be taken on the basis of joint comparative trials according to criteria to be jointly established.

1.6 Both Parties will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and to submit a bid or proposal.

1.7 Both Parties will provide appropriate policy guidance and administrative procedures within their respective defense procurement organizations to facilitate achievement of the aims described herein.

1.8 The detailed implementing procedures, to be agreed, will, consistent with and to the extent permitted by national laws and regulations, incorporate the following:

a. Offers or proposals will be evaluated without applying price differentials under buy national laws and regulations and without applying the costs of import duty; customs and import duties should not be charged as far as this is admissible under current laws.

b. Full consideration will be given to all qualified industrial and/or governmental resources in each other's country;

c. Offers or proposals will be required to satisfy requirements of the purchasing Party for performance, quality, delivery and costs.

1.9 Competitive contracting procedures shall normally be used in acquiring items of conventional defense equipment developed or produced in each other's country for use by either country's defense establishment.

1.10 Both Parties will ensure that the technical data packages (TDPs) made available under this Memorandum of Understanding are not used for any purpose other than for the purpose of bidding on, and performing, a prospective defense contract without the prior agreement with those owning or controlling proprietary rights and that full protection shall be given to such proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDPs be transferred to any third country or any other transferee without the prior written consent of the originating Party.

1.11 Both Parties will undertake their best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries or other owners of such rights. The two contracting parties will mutually make available to each other, to the extent possible, all information and proprietary rights required to implement cooperation under this agreement. The two contracting parties will, to the extent feasible, seek appropriate agreement with their industries that in the interest of standardization and armaments cooperation, proprietary rights in defense-relevant information and data can be transferred by appropriate arrangements, between the industries of the two countries.

1.12 Arrangements and procedures will, at the request of the purchasing Party, be established concerning follow-on logistic support for items of defense equipment acquired pursuant to this Memorandum of Understanding.

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Both Parties will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

ARTICLE II

Implementing Procedures

2.1 The DoD and MoD will appoint representatives to determine in detail the procedures for implementing this Memorandum of Understanding and the terms of reference for a German-American Committee for Mutual Cooperation.

2.2 The Under Secretary of Defense for Research and Engineering will be the responsible authority of the United States Department of Defense for the development of implementing procedures under this Memorandum of Understanding.

2.3 The Director General of Armaments in the Ministry of Defense will be the responsible authority of the Ministry of Defense of Germany for the development of implementing procedures under this Memorandum of Understanding.

ARTICLE III

Industry Participation

3.1 Implementation of this Memorandum of Understanding will involve full industrial participation. Primary responsibility for finding business opportunities shall rest with the industries of each country.

3.2 Each Party will be responsible for calling to the attention of the relevant industries within its country the basic understanding of this Memorandum of Understanding, together with appropriate implementing guidance. Both Parties will take all appropriate implementing guidance. Both Parties will take all necessary steps so that the industries comply with the regulations pertaining to security and to safeguarding classified information.

3.3 Also, the Parties will arrange to familiarize their respective procurement and requirements offices with the principles and objectives enunciated herein.

ARTICLE IV

Security

4.1 The operating procedures for the implementation of the General Security of Information Agreement dated 23 December 1960 between the two Parties, with particular reference to industrial security, apply to activities under this Memorandum of Understanding.

4.2 To the extent that any items, plans, specifications or information furnished in connection with the specific implementation of this Memorandum of Understanding are classified by either Party for security purposes, the other Party shall maintain a similar classification and employ all measures necessary to preserve such security equivalent to those measures employed by the classifying Party throughout the period during which the classifying Party may maintain such classification.

4.3 Information that has been provided by either of the Parties to the other on condition that it remain confidential shall either retain its original classification designation, or be assigned a classification designation that shall ensure a degree of protection against disclosure equivalent to that required by the other Government. To assist in providing the desired protection, each Party will mark such information furnished with a legend indicating the origin of information, that the information relates to the MOU and Annexes thereto, and that the information is furnished in confidence.

ARTICLE V

Administration

5.1 Each Party will designate points of contact at the Ministry of Defense level and in each purchasing service/agency.

5.2 The German-American Committee for Mutual Cooperation, referred to in Article II above, will meet as agreed or at the request of either Party to review progress in implementing the Memorandum of Understanding. It will discuss development, production, procurement and logistic support needs of each country and the likely areas of cooperation; agree to the basis of, and keep under review, the financial statement referred to below; and consider any other matters relevant to this Memorandum of Understanding.

ARTICLE VI

Duration

6.1 This Memorandum of Understanding will remain in effect for a six-year period following its signing. Unless otherwise agreed by both Parties, the duration will be extended for another six years.

6.2 If, however, either Party considers it necessary for compelling national reasons to discontinue its participation under this Memorandum of Understanding before the end of the six-year period, or any extension thereof, written notification of its intention will be given to the other Party six months in advance of the effective date of discontinuance. Such notification of intent would be a matter of immediate consultation with the other Party to enable the Parties fully to

evaluate the consequences of such termination and, in the spirit of cooperation, to take such actions as necessary to alleviate problems that may result from the termination. In this connection, although the Memorandum of Understanding may be terminated by the Parties, any h contract entered into consistent with the terms of this Memorandum of Understanding shall continue in effect, unless the contract is terminated in accordance with its own terms.

ARTICLE VII

Implementation

7.1 Each Party must agree in writing to any amendment of this Memorandum of Understanding.

7.2 Details pertaining to implementation of the principles set forth herein will be set out in annexes to this Memorandum of Understanding.

7.3 Any differences of opinion over the interpretation and implementation of this Agreement and its Annexes shall be resolved by consultation between the DoD and MoD.

7.4 This Memorandum of Understanding will come into effect on the date of the last signature.

The Secretary of Defense of the United States of America	The Federal Minister of Defense of the Federal Republic of Germany
Harold Brown	Hans Apel
Date October 17, 1978	October 17, 1978

6-1406.6 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF ITALY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH, DEVELOPMENT, PRODUCTION AND PROCUREMENT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Government of Italy, hereinafter referred to as "the Governments":

Intending to increase their respective defense capabilities through more efficient cooperation in the field of research and development, production, procurement, and logistic support of defense equipment, in order to:

- Make the most cost-effective and rational use of the funds allocated to defense to the extent permitted by their national policies, assuring the most satisfactory level of reciprocal balance; and

- Promote the widest possible use of standard or interoperable equipment; and

- Develop and maintain an advanced technological capability for the North Atlantic Alliance, and particularly with respect to the parties to this Agreement;

Noting that no agreement covers harmonization of mutual procurements, although specific offset agreements have existed between them in the past, and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding (MOU) sets out the guiding principles governing mutual cooperation in defense equipment research and development, production, procurement and logistic support.

The Government of the United States of America and the Government of Italy conclude this Memorandum of Understanding to strengthen the North Atlantic Alliance.

The two Governments agree that this Memorandum of Understanding should be incorporated in the larger context of the cooperation between Europe and North American within the Alliance.

All agreements, or the relevant provisions contained therein, between the Independent European Program Group (IEPG) and the United States of America, shall take precedence over this Memorandum of Understanding, provided that Italy is a party to the specific agreement.

ARTICLE I

Principles Governing Mutual Defense Cooperation

1. Both Governments will take immediate steps to achieve and maintain an equitable balance in their exchanges, in terms of the value of contracts and technological levels, to the maximum practicable extent consistent with their national policies. An equitable balance, in principle, shall be achieved when the two Governments have implemented all practicable means at their disposal to maximize defense R&D cooperation and reciprocal procurement to the extent compatible with the nature of each country's technological and industrial base. Items procured under offset agreements by either Government with an industry of the other

will apply to the achievement of the balance contemplated by this agreement.

2. This agreement is intended to cover areas in which possible bilateral cooperation could be achieved in conventional defense equipment research and development, production, procurement, and logistic support complementing the work of the Conference of National Armament Directors (CNAD), Senior NATO Logisticians Conference (SNLC) and the Independent European Program Group (IEPG).

3. The two Governments will, consistent with their laws and regulations give full consideration to all requests for cooperative R&D and to all requests for production and procurement which are intended to maximize Alliance standardization and/or interoperability.

4. The two Governments shall, in the spirit of cooperation, mutually determine the counting procedures that will apply to all items under this agreement (and associated services included in a contract) purchased either directly by the two Governments or through their defense industries.

5. In the interests of standardization and the effective utilization of scarce resources the two Governments shall, if possible, select qualified defense items that have been developed and produced in the other country to meet their requirements in accordance with the procedures of paragraph 9 below.

6. Each Government may propose to the other any particular item of defense equipment that might be suitable for use by the other Government.

7. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense procurement organizations to facilitate achievement of the aims described in paragraph 5.

8. Barriers to procurements or coproduction of an item of defense equipment that has been developed in the other country shall be removed, insofar as laws and regulations permit, such as not applying customs duties and other discriminatory levies in evaluating bids submitted in accordance with this MOU, as well as the waiver of protectionist provisions. Defense items or services are those items or services which may be procured utilizing appropriated funds of the US Department of Defense or budgeted funds of the Italian Ministry of Defense.

9. Competitive contracting procedures normally shall be used in acquiring items of conventional defense equipment developed in each other's country.

10. Full consideration will be given to all qualified industrial and/or Government sources in each other's country consistent with the national procurement policy and criteria. It is therefore understood that items offered shall satisfy requirements for performance, quality, delivery and cost.

11. Both Governments will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and submit a bid or proposal.

12. Third party transfers of defense articles or technical data made available under this MOU, and of articles produced with such data, will be subject to the agreement of the Government that made available the defense articles or technical data, except as otherwise provided in particular arrangements between the two Governments. Each Government will base its decisions regarding requests by the other for agreement to third party transfers on its laws, regulations, and arms transfer policy. Each Government will use the same criteria for proposed transfers by the other as it uses for itself, and will not reject, solely in the pursuit of its own national commercial advantage, a request from the other for a third country transfer of such defense articles or technical data. Consistent with the above, in carrying out its own transfers to third countries, each Government shall take into consideration the extent to which a proposed transfer may[illegible]ege or infringe upon licensing arrangements whereby commercial firms in the US or Italy have granted to firms in the other country licenses for the manufacture of the articles proposed to be transferred to a third-country.

13. Each Government will ensure that the technical data packages (TDPs) made available under this MOU are not used for any purpose other than for the purpose of bidding on, and performing a prospective defense contract without the prior agreement with those owning or controlling proprietary rights and that full protection shall be given to such proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDPs be transferred to any third country or any other transferees without the prior written consent of the originating Government.

14. Both Governments will undertake their best efforts to assist in negotiating licenses, ties and technical information exchanges with their respective industries.

15. Arrangements and procedures will be established concerning follow-on logistic support for items of defense equipment covered by this Memorandum of Understanding. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

ARTICLE II

Implementing Procedures

1. Representatives of the two Governments will be appointed to determine in detail the procedures for implementing this Memorandum of Understanding. Terms of reference will be proposed for an Italian-American Committee for Mutual Cooperation, including rules governing its work. The implementing procedures under this Memorandum of Understanding shall be an integral part thereof.

2. The Under Secretary of Defense for Research and Engineering, in coordination with the Assistant Secretary of Defense for International Security Affairs, the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics, the Director, Defense Security Assistance Agency, and other appropriate Department of Defense officials, will be responsible in the United States Government for the development of implementing procedures under this Memorandum of Understanding.

3. The National Armament Director in the Ministry of Defense, in coordination with the other appropriate governmental bodies, will be the responsible authority of the Government of Italy for the development of implementing procedures under this Memorandum of Understanding.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of the defense industries within its country the basic understanding of this Memorandum of Understanding, together with appropriate implementing guidance. Both Governments will take all necessary steps so that the defense industries comply with the regulations pertaining to security and to safeguarding classified information.

2. Implementation of this Memorandum of Understanding will involve full industrial participation. Accordingly, the Governments will arrange to familiarize their respective procurement and requirements offices with the principles and objectives of this Memorandum of Understanding. However, primary responsibility for finding business opportunities in areas of research and development and production shall rest with the industrial participants of each country.

ARTICLE IV

Security

1. To the extent that any items, plans, specifications or information furnished in connection with specific implementation of this Memorandum of Understanding are classified by either Government for security

purposes, the other Government shall maintain a similar classification and employ all measures necessary to preserve such security equivalent to those measures employed by the classifying Government throughout the period during which the classifying Government may maintain such classification.

2. The operating procedures for the implementation of the General Security Information Agreement dated 4 August 1964 between the United States Department of Defense and the Italian Ministry of Defense apply to activities under this Memorandum of Understanding.

3. Information that has been provided by the GOI to the United States in confidence, or produced by the United States pursuant to a written joint arrangement with GOI requiring confidentiality, shall either retain its original classification designation or be assigned a United States classification designation that shall ensure a degree of protection against disclosure equivalent to that required by the GOI. To assist in providing the desired protection, the GOI will mark such information furnished to the US Government with a legend indicating that the information is of Italian Government origin, that the information relates to this MOU, and that the information is furnished in confidence.

ARTICLE V

Duration

1. This Agreement will remain in effect for a ten-year period following its signing. Unless otherwise agreed by both Governments, the duration will be extended for another ten years.

2. If, however, either Government considers it necessary for compelling national reasons to discontinue its participation under this Memorandum of Understanding before the end of the ten-year period, or any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of discontinuance. Such notification of intent would be a matter of immediate consultation with the other Government to enable the Government fully to evaluate the consequences of such termination and in the spirit of cooperation, to take such actions as necessary to alleviate problems that may result from the termination. In this connection, although the Memorandum of Understanding may be terminated by the parties, any contract entered into consistent with the terms of this agreement shall continue in effect, unless the contract is terminated in accordance with its own terms.

ARTICLE VI

Administration

1. Each Government will designate points of contact at the Ministry of Defense level and in each purchasing service/agency.

2. Government representatives will meet as agreed or at the request of either Government to review progress in implementing the Memorandum of Understanding. They will discuss development, production and procurement needs of each country and the likely areas of cooperation; agree to the basis of, and keep under review and promoting any corrective step, the financial statement referred to below; and consider any other matters relevant to the Memorandum of Understanding.

3. An annual United States/Italy statement of the current balance, and long-term trends of R&D cooperation and purchases between the two countries will be prepared on a basis to be mutually agreed. Such statement will take account of any United States/Italy offset agreements in force when the Memorandum of Understanding was signed and will be reviewed during the meetings referred to in paragraph 2 above.

ARTICLE VII

Annexes

Annexes negotiated by the responsible offices and approved by the appropriate Government authorities will be incorporated in this agreement and made an integral part thereof.

ARTICLE VIII

Implementation

1. The arrangements contained in this Memorandum of Understanding represent the understanding reached between the Government of the United States of America and the Government of Italy upon the matters referred to herein. Each Government must mutually agree to any amendment of this Memorandum of Understanding.

2. This agreement, in two original texts in the Italian and English languages, both texts being equally authentic, will come into effect at the date signed by both Governments.

For the United States Government	For the Government of the Italian Republic
Harold Brown	Attilio Ruffini
Date 11 September 1978	11 September 1978

6-1406.7 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH, DEVELOPMENT, PRODUCTION, PROCUREMENT AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Government of Portugal, duly represented by their Ministers of Defense:

Intending to increase their respective defense capabilities through more efficient cooperation in the field of research, development, production, procurement, and logistic support in order to:

- Make the most cost-effective and rational use of the resources available for defense,
- Ensure the widest possible use of standard or interoperable equipment,
- Develop and maintain an advanced industrial and technological capability for the North Atlantic Alliance, and particularly with respect to this Memorandum of Understanding (MOU), and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment,

Have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in research, development, production, procurement and logistic support of conventional defense equipment.

The two Governments conclude this MOU to strengthen the North Atlantic Alliance. In so doing, the Governments are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements. They therefore agree that in the event of a possible conflict between agreements entered into between the IEPG and the Government of the United States, and this MOU, the parties hereto will consult with a view to amending this MOU.

The two Governments further agree that this MOU should be viewed in the larger context of the cooperation between Europe and North America within the Alliance.

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ARTICLE I

Principles Governing Mutual Defense Cooperation

1. Both Governments intend to facilitate the mutual flow of defense procurement, taking into consideration relative technological levels of such procurement, and consistent with their national policies. This facilitation shall be sought through the provision of opportunities to compete for procurements of defense equipment and services as well as through the coproduction of defense equipment and defense R&D cooperation.

2. This MOU is intended to cover areas in which possible bilateral cooperation could be achieved in research, development, production, procurement, and logistic support of conventional defense equipment, complementing the work of the Conference of National Armament Directors (CNAD), the Independent European Program Group (IEPG), and the Senior NATO Logisticians Conference (SNLC).

3. The two Governments will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production and procurement which are intended to enhance standardization and/or interoperability within the Alliance.

4. In the interests of standardization and the effective utilization of scarce resources, the two Governments shall, to the extent possible, adopt qualified defense items that have been developed or produced in the other country to meet their requirements.

5. The two Governments shall mutually determine the counting procedures to be laid down in an Annex to this MOU that will apply to all defense items and defense services purchased by them directly or through their relevant industries under this MOU.

6. Each Government shall from time to time notify the other Government of defense items that may not be acquired by the notifying Government from other than domestic sources, as well as those defense items that may be particularly suitable for acquisition by the other Government.

7. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense acquisition organizations to facilitate achievement of the aims of this MOU.

8. Competitive contracting procedures shall normally be used in acquiring items of defense equipment developed or produced in each other's country for use by either country's defense establishment.

9. The detailed implementing procedures, to be agreed, will, consistent with and to the extent permitted by national laws and regulations, incorporate the following:

a. Offers or proposals will be evaluated without applying price differentials under buy national laws and regulations and without applying the costs of import duties;

b. Full consideration will be given to all qualified industrial and/or governmental resources in each other's country;

c. Offers or proposals will be required to satisfy requirements of the purchasing Government for performance, quality, delivery, and costs.

10. Both Governments will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and submit a bid or proposal.

11. Each Government will ensure that the technical data packages (TDP's) made available under this MOU are not used for any purpose other than for the purpose of bidding on and performing a prospective defense contract, without the prior agreement of those owning or controlling proprietary rights and that full protection shall be given to such proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDP's be transferred to any third country or any other transferee without the prior written consent of the originating Government.

12. Third party transfers of defense articles or technical data made available under this MOU, and of articles produced with such data, will be subject to the agreement of the Government that made available the defense articles or technical data, except as otherwise provided in particular arrangements between the two Governments

13. Both Governments will use their best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries or other owners of such rights.

14. Arrangements and procedures will, at the request of the purchasing government, be established concerning follow-on logistic support for items of defense equipment, purchased pursuant to this MOU. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

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ARTICLE II

Implementing Procedures

1. Representatives of the two Governments will be appointed to determine in detail the procedures for implementing this MOU and the terms of reference for a Portugal-U.S. Committee for Mutual Cooperation.

2. The Under Secretary of Defense for Research and Engineering will be the responsible authority in the United States Government for the development of implementing procedures under this MOU.

3. The Director General of Armaments and the Secretary of State for Light Industry will be the responsible authorities of the Government of Portugal for the development of implementing procedures under this MOU.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of the relevant industries within its territory the basic understanding of this MOU, together with appropriate implementing guidance. Both Governments will take all necessary steps so that the industries comply with the regulations pertaining to security and to safeguarding classified information.

2. Implementation of this MOU will involve full industrial participation. Accordingly, the Governments will arrange to inform their respective procurement and requirements offices concerning the principles and objectives of this MOU. However, primary responsibility for finding business opportunities in areas of research and development and production shall rest with the industries in each nation.

ARTICLE IV

Security

1. To the extent that any items, plans, specifications or information furnished in connection with specific implementation of this Memorandum of Understanding are classified by the furnishing Government for security purposes, the other Government shall maintain a similar classification and employ all measures necessary to preserve such security equivalent to those measures employed by the classifying Government throughout the period during which the classifying Government may maintain such classification.

2. Information that has been provided by either of the Governments to the other on condition that it remain confidential shall either retain its original classification designation, or be assigned a classification

designation, that shall ensure a degree of protection against disclosure equivalent to that required by the other Government. To assist in providing the desired protection, each Government will mark such information furnished with a legend indicating the origin of information, that the information relates to the "Memorandum of Understanding" and Annexes thereto, and that the information is furnished in confidence.

ARTICLE V

Administration

1. The Portugal-U.S. Committee for Mutual Cooperation, referred to in Article II above, will meet as agreed or at the request of either Government to review progress in implementing the MOU. They will discuss research and development, production and procurement needs of each nation and the likely areas of cooperation; agree to the basis of and keep under review, the financial statement referred to below; and consider any other matters relevant to this MOU.

2. Each Government will designate points of contact at the Ministry of Defense level and in each purchasing service/agency under the Ministries of Defense.

3. An annual United States-Portugal statement of the current balance, and long-term trends, of R&D cooperation and purchases between the two nations will be prepared on a basis to be mutually agreed.

ARTICLE VI

Annexes

Annexes negotiated by the responsible officials and approved by the appropriate Government authorities will be incorporated in this MOU.

ARTICLE VII

Duration

1. This MOU will remain in effect for a ten-year period and will be extended for successive five-year periods, unless the Governments mutually decide otherwise.

2. If, however, either Government considers it necessary for compelling national reasons to terminate its participation under this MOU before the end of the ten-year period, or any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of termination. Such notification of intent shall become a matter of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to take

such actions as necessary to alleviate problems that may result from the termination. In this connection, although the MOU may be terminated by the Parties, any contract entered into consistent with the terms of this MOU shall continue in effect, unless the contract is terminated in accordance with its own terms.

ARTICLE VIII

Implementation

This MOU will come into effect on the date of the last signature.

For the Government of the United States of America	For the Government of Portugal
The Secretary of Defense	The Minister of Defense
Harold Brown	
Date 28 March 1979	18 December 1978

ANNEX I

TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PORTUGAL CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION, PROCUREMENT, AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT, DATED 28 MARCH 1979.

PRINCIPLES GOVERNING IMPLEMENTATION

1. INTRODUCTION

On 28 March 1979, the Government of the United States and the Government of Portugal signed a Memorandum of Understanding (MoU) relating to the principles governing mutual cooperation in research and development, production, procurement, and logistic support of defense equipment. This document sets forth the agreed implementing procedures for carrying out the MoU.

2. MAJOR PRINCIPLES

2.1 The U.S. Department of Defense (DoD) and the Ministry of Defense of Portugal (MoD) will consider for their defense requirements qualified defense items and services developed or produced in the other country.

2.2 It will be the responsibility of government and/or industry representatives in each country to acquire information concerning the other country's proposed research, developments, and purchases and to respond to requests for proposals in accordance with the prescribed acquisition

procedures and regulations of the purchasing nation. However, the responsible government agencies in each country will assist sources in the other country to obtain information concerning intended research and development, proposed purchases, necessary qualifications and appropriate documentation.

3. ACTION

DoD and MoD will review and, where considered necessary, revise policies, procedures and regulations to ensure that the principles and objectives of this MoU, which are intended to be compatible with the broad aims of NATO Rationalization/Standardization, are taken into account. Recognizing that factors such as delivery date requirements for supplies, the interests of security, and the timely conduct of the contracting process are considerations, DoD and MoD agree that the following measures will be taken to ensure free and full competition for the award of contracts:

3.1 Ensure that their respective requirements offices are familiar with the principles and objectives of this MoU.

3.2 Ensure that their respective research and development offices are familiar with the principles and objectives of this MoU.

3.3 Ensure that their respective acquisition offices are familiar with the principles and objectives of this MoU.

3.4 Ensure wide dissemination of the basic understanding of this MoU to their respective defense industries.

3.5 Ensure that, to the extent permitted by national laws and regulations, offers of defense items produced in the other country will be evaluated without applying to such offers either price differentials under buy-national laws and regulations, or the cost of import duties. Provisions will be made for duty-free entry certificates and related documentation to the extent consistent with national laws and procedures.

3.6 Assist industries in their respective countries to identify and advise the other government of their production capabilities and assist such industries in carrying out the supporting actions to optimize industrial participation.

3.7 Review defense items and requests for services submitted as candidates for respective requirements. Identify requirements and proposed purchases in a timely fashion to ensure adequate time for their industries to participate in the acquisition process.

3.8 Make best efforts to assist in negotiating licenses, royalties, and technical information exchanges with their respective industries.

3.9 Permit the sales of equipment produced under license to Allied countries, and to appropriate third countries, subject to the policy outlined in Article I, paragraph 12 of the basic MoU. Each agreement for a joint development or coproduction will address transfers of items or technology to Allied or third countries.

3.10 Ensure that those items and services excluded from consideration under this MoU for reasons of protecting overriding national requirements, such as the maintenance of a defense mobilization base (Appendix 1), are limited to a small percentage of total annual defense acquisition spending. It is intended that such defense items and services, as well as those items and services that must be excluded from consideration under this MoU because of legally imposed restrictions on acquisition from non-national sources, be identified as soon as possible by the MoD and the DoD, and that such defense items and services be kept under review at this level.

3.11 Ensure that the balance of reciprocal purchasing within the areas of this MoU take into consideration the levels of technology involved, as well as the contractual value, in accordance with the policy outlined in Article I, paragraph 1 of the basic MoU.

3.12 Arrange visits between appropriate government personnel from time to time in order actively to explore possibilities for acquisition and logistic support.

4. COUNTING PROCEDURES

4.1 The purchases to be counted against the goals of the MoU will be identified jointly by DoD and MoD. In principle, all defense items or components thereof, as defined in the basic MoU, and associated services included in a procurement contract, purchased by MoD and DoD from the other country will be counted against the goals of the MoU as long as such purchases meet the following criteria:

4.1.1 Direct purchases by the MoD and DoD, including their respective agencies, one from the other.

4.1.2 Purchases by either the MoD or DoD from the industry of the other country.

4.1.3 Purchases by industry from the Government or industry of the other country in the framework of Government defense contracts.

4.1.4 Purchases by a third country government from either US or Portuguese Government or industrial sources as a direct result of commercial efforts of the other, non-supplying country.

4.1.5 Acquisitions by either country of defense items resulting from common funded projects to which the US and Portugal are contributors, to be credited in proportion to each country's financial contribution to the project, and to work carried out in each country. The extent to which such acquisitions will be counted against the goals of the MoU will be, at the time of procurement, mutually agreed between MoD and DoD on a case by case basis.

4.1.6 License fees, royalties and other associated income resulting from Orders placed by DoD or MoD and/or industry in one country with a licensed company in the other country; or in MoD-DoD transactions.

4.2 The following non-defense items also will be counted against the goals of the MoU:

4.2.1 Purchases by the MoD or DoD from the industry of the other country, on behalf of other governmental departments and agencies.

4.2.2 Purchases by a third country government from the MoD or DoD or from industries of these two countries as a direct result of the efforts of the MoD/DoD of the other country.

5. ADMINISTRATION

5.1 Each country will designate points of contact at the Ministry of Defense level.

5.2 MoD and DoD representatives will meet periodically, alternately in each country, to review the projects undertaken in implementing the MoU. They will discuss acquisition and logistic support needs of each country and the likely areas of cooperation; they will update the financial statement referred to in paragraph 5.3 below as a means of judging the progress of activity in the period under review; and they will consider other matters relevant to this MoU. Specific tasks of the representatives are:

5.2.1 Review the status of acquisitions on the basis of the data available concerning such acquisitions, in comparable terms to be agreed upon by both Parties.

5.2.2 Consider additional steps necessary to facilitate the actions called for in paragraph 3.

5.3 An annual US/Portugal statement consolidating the current balance of defense equipment acquisition and logistic support between the two countries, as well as the long term trends, will be prepared on a basis to be mutually agreed.

5.4 Quality assurance procedures outlined in STANAG 4107 and 4108 (subject to the USG reservation concerning US reimbursement) will apply

unless other provisions are mutually agreed to on any specific contract. Reimbursement for services provided shall be in accordance with national laws and regulations of each country.

5.5 This annex will come into effect on the date of the last signature.

For the Government of the United States of America	For the Government of Portugal National Armament Director & Ministry of Sec. State Industry
William J. Perry	Brig. Jose Maria da Costa Alvares Cardoso Cunha
Date 7 July 1980	12 December 1979

ANNEX II

TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PORTUGAL CONCERNING MUTUAL COOPERATION IN DEFENSE EQUIPMENT RESEARCH AND DEVELOPMENT, PRODUCTION, PROCUREMENT, AND LOGISTIC SUPPORT, DATED 28 MARCH 1979.

PRINCIPLES GOVERNING LOGISTIC SUPPORT OF COMMON EQUIPMENT

In implementing Article 1, paragraph 14 of the MoU, the two Governments shall be governed by the following:

1. When developing or procuring defense equipment, both Governments will agree upon the basis for joint follow-on logistic support in areas such as configuration control; interchangeability of assemblies, components and spare parts; maintenance; conversion; storage, spare parts provisioning; etc.

2. Arrangements and procedures for logistic support, paragraph 9, Article 1 of the MoU normally shall apply.

4. Both Governments will issue directives and guidelines to their respective armaments and logistics agencies to achieve the described goals of this MoU.

5. This annex will come into effect on the date of the last signature.

For the Government of the United States of America	For the Government of Portugal National Armament Director & Ministry of Sec. State Industry
William J. Perry	Brig. Jose Maria da Costa Alvares Cardoso Cunha
Date 7 July 1980	12 December 1979

ANNEX III

TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PORTUGAL CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION, PROCUREMENT, AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT, DATED 28 MARCH 1979.

TERMS OF REFERENCE

1. The Portugal/U.S. Committee for Mutual Cooperation (hereafter to be called "the Committee") will serve under the direct responsibility of the authorities listed in Article II, sub 2 and 3 of the MoU, respectively, as the main body in charge of the adequate implementation of the MoU.

2. In particular, the Committee will be responsible for ensuring implementation of the MoU governing the mutual cooperation in research and development, production, acquisition and logistic support of conventional defense equipment. To this end the Committee members will meet as required, but not less than annually, to review progress in implementing the MoU. In this review:

2.1 They will discuss research, development, production, acquisition, and logistic support needs of each country and the likely areas of cooperation, including joint activities in those fields.

2.2 They will exchange information as to the way the stipulations of the MoU have been carried out and, if need be, prepare proposals for amendments of the MoU and/or its annexes.

2.3 They will agree to the financial statement of the current balance, give guidance for its yearly preparation and formulate conclusions from

it, such conclusions to include any long term trends which may be established.

2.4 They will consider any other matters relevant to the MoU.

2.5 They will report after each meeting and advise as appropriate.

2.6 The Committee will alternately meet in the United States and in Portugal. The country in which a particular meeting will take place will provide the chairman and the secretariat for that meeting.

For the Government of the United States of America	For the Government of Portugal National Armament Director & Ministry of Sec. State Industry
William J. Perry	Brig. Jose Maria da Costa Alvares Cardoso Cunha
Date 7 July 1980	12 December 1979

6-1406.8 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH, DEVELOPMENT, PRODUCTION, PROCUREMENT AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Government of the Kingdom of Belgium duly represented by their Ministers of Defense:

Intending to increase their respective defense capabilities through more efficient cooperation in the fields of research, development, production, procurement and logistic support in order to:

- Make the most cost-effective and rational use of their respective resources allocated to defense,
- Promote the widest possible use of standard or interoperable equipment,
- Develop and maintain an advanced industrial and technological capability for the North Atlantic Alliance, and particularly with respect to the parties to this Memorandum of Understanding (MOU),

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment, and

Mindful of the objectives described in Art. 3 of the North Atlantic Treaty and para. 4 of the final communique of the North Atlantic Summit Council of May 1977 with regard to Alliance cooperation in view of safeguarding Western security,

Have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in research, development, production, procurement and logistic support of conventional defense equipment. The conclusion of this MOU does not preclude other specific agreements for cooperation in developing, producing, or co-producing, as appropriate, items of defense equipment.

The two Governments conclude this MOU to strengthen the North Atlantic Alliance. The two Governments further agree that this MOU should be viewed in the larger context of the cooperation within the Alliance. In so doing, the Governments are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements among the individual member nations.

The parties hereto also agree that in the event of a possible conflict between this MOU and other agreements, they will consult with a view to amending this MOU.

ARTICLE I

Principles Governing Reciprocal Defense Cooperation

1. a. Both Governments intend to facilitate the mutual flow of defense procurement for their armed forces, aiming at a long term equitable balance in their exchanges, taking into consideration the relative technological level of such procurement, and consistent with their national policies.

b. Both Governments will make their best efforts to facilitate defense R&D cooperation, coproduction of defense equipment and provision of opportunities to compete for procurement of defense services and equipment to include components, subsystems, spare parts and major systems at all technological levels.

c. A long term equitable balance will not imply an equal monetary flow of defense procurement, but will take into account each country's financial, industrial, economic and commercial possibilities.

d. In order to assess the mutual flow of defense articles and services, the two Governments will jointly determine the counting procedures to be set down in an annex to this MOU that will apply to all defense articles and defense services purchased by them directly or through their respective industries under this MOU.

2. The two Governments will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production and procurement which are intended to optimize standardization and/or interoperability within the Alliance. They will do likewise with regard to offers of services.

3. In the interests of standardization and the effective utilization of scarce resources, the two Governments will, to the extent possible, select qualified defense articles and defense services that have been developed or produced in the other country to meet their requirements, in accordance with the procedures of paragraph 7 below. Defense articles or defense services are those articles or services which may be procured utilizing appropriated funds of the U.S. Department of Defense or budgeted funds of the Belgian Ministry of Defense.

4. Each Government will from time to time notify the other Government of defense articles and services that may only be acquired by the notifying Government from domestic sources, as well as those defense articles and services that may be particularly suitable for acquisition by the other Government. Indicative lists of the latter will be provided in an annex to this MOU.

5. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense acquisition organisations to facilitate achievement of the aims of this MOU.

6. Competitive contracting procedures will normally be used in acquiring defense articles developed or produced in or defense services provided by each country for use by the other country's defense establishment.

7. The detailed implementing procedures to be agreed will, consistent with and to the extent permitted by national laws and regulations, incorporate the following:

a. Offers or proposals of defense articles produced in or defense services provided by each country will be evaluated without applying price differentials under buy-national laws and regulations, and without applying the cost of applicable import duties. In the event that either

party can no longer comply with the exemption from import duties, the parties hereto will consult with a view to amending this MOU;

b. Each country will give full consideration to all qualified sources in the other country. In addition, each country will give full consideration to all applications for qualification by sources in the other country;

c. Offers or proposals will be required to satisfy requirements of the purchasing Government concerning performance, quality, delivery and costs;

d. Provisions for duty-free certificates and related documentation;

e. Arrangements concerning quality control and audits of incurred costs and price proposals.

8. Both Governments will review defense articles and defense services submitted as candidates for their respective requirements. They will indicate requirements and proposed purchases in a timely fashion, in accordance with national regulations, to ensure adequate time for their respective industries to qualify for eligibility and to submit a bid or proposal.

9. Each Government will ensure that the technical data packages (TDP's) made available under this MOU are not used for any purpose other than for the purpose of bidding on or performing a prospective defense contract, without the prior agreement of those owning or controlling proprietary rights, and that full protection shall be given to such proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDP's be transferred to any third country or any other transferee without the prior written consent of the originating Government.

10. a. Transfers to third parties of defense articles or technical data made available under this MOU, and of articles produced with such data, will be subject to the prior written agreement of the Government that made available the defense articles or technical data, except as otherwise provided in particular arrangements between the two Governments.

b. Each Government will base its decisions regarding requests by the other for agreement to third party transfers on its laws, regulations and defense policies. Each Government will use the same criteria for proposed transfers by the other as it uses for itself, and will not reject, solely in the pursuit of its own national commercial advantage, a request from the other for a third country transfer of such defense articles or technical data. Third country transfers approved in accordance with this agreement will count in the calculation of the balance of exchanges as a purchase by the Government authorizing the transfer.

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c. Consistent with the above, in carrying out its own transfers to third countries, each Government shall take into consideration the extent to which a proposed transfer may damage or infringe upon known licensing arrangements whereby commercial firms in the US or Belgium have granted to firms in the other country licenses for the manufacture of the articles proposed to be transferred to a third country.

11. Both Governments will use their best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries or other owners of such rights. The two Governments will mutually make available to each other, to the extent possible and in a timely fashion, all information and the proprietary rights required to implement cooperation under this MOU. The two Governments will, to the extent feasible, seek appropriate agreement with their industries that in the interest of standardization and armaments cooperation, proprietary rights in defense-relevant information and data can be transferred by appropriate arrangements and on fair and reasonable terms, between the industries of the two countries.

12. Arrangements and procedures will, at the request of the purchasing Government, be established concerning follow-on logistic support for items of defense equipment covered by this MOU. Both Governments will make their defense logistic system and resources available for this purpose if required and mutually agreed.

ARTICLE II

Implementation Procedures

1. Mutually agreed implementing procedures for this MOU will be established and be a part thereof.

2. Representatives of the two Governments will be appointed as the responsible authorities for the implementation of this MOU. The Under Secretary of Defense for Research and Engineering will be the representative for the United States Government. The National Armaments Director will be the representative for the Government of Belgium.

3. The establishment of a Belgian-United States Committee for Mutual Cooperation and its rules of procedure and competence will be agreed upon in an annex to be made a part of this MOU.

4. Each Government will designate points of contact at the Ministry of Defense level and in the procurement offices under the Ministry of Defense. They will be listed in an annex to be made a part of this MOU.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of its respective industries the basic understanding of this MOU, together with appropriate implementing guidance. Both Governments will take all necessary steps so that their industries comply with the regulation pertaining to security and to safeguarding classified information.

2. Implementation of this MOU will involve maximum industrial participation. Accordingly, the Governments will arrange that their respective acquisition and requirements offices be made familiar with the principles and objectives of this MOU. However, primary responsibility for finding business opportunities in areas covered by this MOU shall rest with the industries in each country.

ARTICLE IV

Security

The General Security of Information Agreement, dated 9 August 1960 and the Agreement for Security Procedures for Industrial Operations, dated 24 July 1979, between the two Governments, apply to activities under this Memorandum of Understanding.

ARTICLE V

Annual Statement

An annual United States - Belgium statement of the current balance and long-term trends of R&D cooperation, procurement, maintenance and logistic support of defense equipment between the two nations will be prepared on a basis to be mutually agreed in an annex to this MOU and reviewed during the meetings of the Belgian - United States Committee for Mutual Cooperation, in accordance with its terms of reference.

ARTICLE VI

Annexes

Annexes negotiated by the responsible officials and approved by the appropriate government authorities will be incorporated into this MOU and become an integral part thereof as of the date of the last signature.

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ARTICLE VII

Duration

1. This MOU will remain in effect for a ten-year period. Unless the Governments mutually decide otherwise, the duration will be extended for successive five-year periods.

2. If, however, either Government considers it necessary for compelling national reasons to terminate its participation under this MOU before the end of the ten-year period, or of any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of termination. Such notification of intent shall become a matter of immediate consultation with the other Government to enable the two Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to agree upon such actions as are necessary to alleviate problems that may result from the termination.

3. Although the MOU may be terminated by the parties, any contract entered into consistent with the terms of this MOU shall continue in effect, unless the contract is terminated in accordance with its own terms.

ARTICLE VIII

Implementation

1. The agreements in this MOU represent the understanding reached between the Government of the United States of America and the Government of the Kingdom of Belgium upon the matters referred to herein. Each Government may propose amendments; both Governments must agree in writing to any amendment of this MOU.

2. Any difference of opinion over the interpretation and implementation of this MOU and its annexes will be resolved by consultation between the two Governments.

3. This MOU, in three original texts in the English, French and Dutch languages, all three texts being equally authentic, will come into effect on the date of the last signature.

For the Government of the United States of America	For the Government of the Kingdom of Belgium
The Secretary of Defense	The Minister of Defense
Harold Brown	Jose Desmarets
Date 12 December 1979	12 December 1979

6-1406.9 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH, DEVELOPMENT, PRODUCTION, PROCUREMENT AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Kingdom of Denmark duly represented by their Ministers of Defense:

Intending to increase their respective defense capabilities through more efficient cooperation in the fields of research, development, production, procurement and logistic support in order to:

- Make the most cost-effective and rational use of the resources available for defense,
- Ensure the widest possible use of standard or interoperable equipment,
- Develop and maintain an advanced industrial and technological capability for the North Atlantic Alliance, and particularly with respect to the parties to this Memorandum of Understanding (MOU), and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment,

Have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in research, development, production, procurement and logistic support of conventional defense equipment.

The two Governments conclude this MOU to strengthen the North Atlantic Alliance. In so doing, the Governments are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements. They therefore agree that in the vent of a possible conflict between agreements entered into between the IEPG and the Government of the United States, and this MOU, the parties hereto will consult with a view to amending this MOU.

The two Governments further agree that this MOU should be viewed in the larger context of the cooperation between Europe and North America within the Alliance.

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ARTICLE I

Principles Governing Mutual Defense Cooperation

1. Both Governments intend to facilitate the mutual flow of defense procurement, taking into consideration relative technological levels of such procurement, and consistent with their national policies. This facilitation shall be sought through the provision of opportunities to compete for procurements of defense equipment and services as well as through the coproduction of defense equipment and defense R&D cooperation.

2. This MOU is intended to cover areas in which possible bilateral cooperation could be achieved in research, development, production, procurement and logistic support of conventional defense equipment, complementing the work of the Conference of National Armament Directors (CNAD), the Independent European Program Group (IEPG), and the Senior NATO Logisticians Conference (SNLC).

3. The two Governments will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production and procurement which are intended to enhance standardization and/or interoperability within the Alliance.

4. In the interests of standardization and effective utilization of scarce resources, the two Governments shall, to the extent possible, adopt qualified and cost-effective defense items that have been developed or produced in the other country to meet their requirements. Defense items or services are those items or services which may be procured utilizing appropriated funds of the U.S. Department of Defense or budgeted funds of the Danish Ministry of Defense.

5. The two Governments shall mutually determine the counting procedures to be laid down in an Annex to this MOU that will apply to all defense items and defense services purchased by them directly or through their relevant industries under this MOU.

6. Each Government shall from time to time notify the other Government of defense items that may not be acquired by the notifying Government from other than domestic sources, as well as those defense items that may be particularly suitable for acquisition by the other Government.

7. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense acquisition organizations to facilitate achievement of the aims of this MOU.

8. Competitive contracting procedures shall normally be used in acquiring items of defense equipment developed or produced in each other's country for use by either country's defense establishment.

9. The detailed implementing procedures, to be agreed, will, consistent with and to the extent permitted by national laws and regulations, incorporate the following:

a. Offers or proposals will be evaluated without applying price differentials under buy national laws and regulations and without applying the costs of import duties;

b. Full consideration will be given to all qualified industrial and/or governmental resources in each other's country;

c. Offers or proposals will be required to satisfy requirements of the purchasing Government for performance, quality, delivery, and costs.

10. Both Governments will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and submit a bid or proposal.

11. Each Government will ensure that the technical data packages (TDP's) made available under this MOU are not used for any purpose other than for the purpose of bidding on and performing a prospective defense contract, without the prior agreement of those owning or controlling proprietary rights and that full protection shall be given to such proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDP's be transferred to any third country or any other transferee without the prior written consent of the originating Government.

12. Third party transfers of defense articles or technical data made available under this MOU, and of articles produced with such data, will be subject to the agreement of the Government that made available the defense articles or technical data, except as otherwise provided in particular arrangements between the two Governments.

13. Both Governments will use their best efforts to assist in negotiating licenses, royalties and technical information exchanges with their respective industries or other owners of such rights.

14. Arrangements and procedures will, at the request of the purchasing government, be established concerning follow-on logistic support for items of defense equipment, purchased pursuant to this MOU. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

ARTICLE II

Implementing Procedures

1. Representatives of the two Governments will be appointed to determine in detail the procedures for implementing this MOU and the terms of reference for a Danish-U.S. Committee for Mutual Cooperation.

2. The Under Secretary of Defense for Research and Engineering will be the responsible authority in the United States Government for the development of implementing procedures under this MOU.

3. The Armaments Director in the Ministry of Defense will be the responsible authority of the Kingdom of Denmark for the development of the implementing procedures under this MOU.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of its relevant industries the basic understanding of this MOU, together with appropriate implementing guidance. Both Governments will take all necessary steps so that the industries comply with the regulations pertaining to security and to safeguarding classified information.

2. Implementation of this MOU will involve full industrial participation. Accordingly, the Governments will arrange to inform their respective procurement and requirements offices concerning the principles and objectives of this MOU. However, primary responsibility for finding business opportunities in areas of research and development and production shall rest with the industries in each nation.

ARTICLE IV

Security

1. To the extent that any items, plans, specifications or information furnished in connection with the specific implementation of this Memorandum of Understanding are classified by the furnishing Government for security purposes, the other Government shall maintain a similar classification and employ all measures necessary to preserve such security equivalent to those measures employed by the classifying Government throughout the period during which the classifying Government may maintain such classification.

2. Information that has been provided by either of the Governments to the other on condition that it remain confidential shall either retain its original classification designation, or be assigned a classification designation, that shall ensure a degree of protection against disclosure

equivalent to that required by the other Government. To assist in providing the desired protection, each Government will mark such information furnished with a legend indicating the origin of information that the information relates to the Memorandum of Understanding and Annexes thereto, and that the information is furnished in confidence.

ARTICLE V

Administration

1. The Danish-U.S. Committee for Mutual Cooperation, referred to in Article II above, will meet as agreed or at the request of either Government to review progress in implementing the MOU. They will discuss research and development, production and procurement and logistics support needs of each nation and the likely areas of cooperation; agree to the basis of, and keep under review, the financial statement referred to below; and consider any other matters relevant to this MOU.

2. Each Government will designate points of contact at the Ministry of Defense level and in each purchasing service/agency under the Ministries of Defense.

3. An annual United States-Denmark statement of the current balance, and long-term trends, of R&D cooperation and purchases between the two nations will be prepared on a basis to be mutually agreed.

ARTICLE VI

Annexes

Annexes negotiated by the responsible officials and approved by the appropriate Government authorities will be incorporated in this MOU and made an integral part thereof.

ARTICLE VII

Duration

1. This MOU will remain in effect for a ten-year period and will be extended for successive five-year periods, unless the Governments mutually decide otherwise.

2. If, however, either Government considers it necessary for compelling national reasons to terminate its participation under this MOU before the end of the ten-year period, or any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of termination. Such notification of intent shall become a matter of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to take

such actions as necessary to alleviate problems that may result from the termination. In this connection, although the MOU may be terminated by the Parties, any contract entered into consistent with the terms of this MOU shall continue in effect, unless the contract is terminated in accordance with its own terms.

ARTICLE VIII

Implementation

This MOU will come into effect on the date of the last signature.

For the Government of the United States of America	The Kingdom of Denmark
The Secretary of Defense	The Minister of Defense
Harold Brown	Poul Sørgaard
Date 30 January 1980	Date 2 January 1980

6-1407 Reserved.

Part 15 - Purchases From Defense Cooperation Country Sources

6-1500 Scope of Part. This Part implements the defense cooperation agreements made by the United States pursuant to other than Foreign Military Sales agreements.

6-1501 Policy. In order to increase their respective defense capabilities through more efficient cooperation in the research and development, production, and acquisition of defense equipment, the United States and the Government of Israel have entered into a defense cooperation requirement (see 6-001). The purpose of this agreement is to promote the most cost-effective and rational use of defense appropriations of the United States and the defense cooperation country. Accordingly, it is Department of Defense policy to achieve the best possible coordination of the material programs between such countries and the United States and to ensure that sources in defense cooperation countries are provided the opportunity to compete on a fair and equal basis with U.S. sources for selected research and development, production and service contracts subject to the restrictions of 6-1402(b). Accomplishment of this policy requires the exemption of certain Buy National laws and foreign acquisition restrictions with respect to selected defense equipment purchased from defense cooperation country sources. For the purposes of solicitation and evaluation of such selected defense equipment, offers of Defense Cooperation country end products shall be treated as if they were participating country end products.

6-1502 Procedures for Purchases from Defense Cooperation Country Sources.

6-1502.1 Solicitation Procedures. Defense cooperation country sources shall be solicited as if they were sources from participating countries. The procedures set forth at 6-1403.1(a) shall apply.

6-1502.2 Submission of Offers. Defense cooperation country sources competing for DoD requirements must be responsive to the terms and conditions of DoD solicitations. The Buy American Act and the Balance of Payments Program restrictions are waived only for items listed in appropriate annexes to the agreements with the defense cooperation country. (See 6-1504.) However, the absence of an item from the defense equipment list is without prejudice to the authority of the Secretary to determine in any individual case that application of the restrictions of the Buy American Act and Balance of Payments Program restrictions to that item would be inconsistent with the public interest. Copies of these lists may be obtained from the Director for International Acquisition, OUSDRE(AP).

6-1502.3 Evaluation Procedures. Defense cooperation country offers shall be evaluated as if they were participating country offers. The procedures set forth at 6-1403.1(c)(2) shall apply.

6-1502.4 Other Procedures. Contracting procedures, industrial security procedures and contract administration procedures for defense cooperation country sources shall be conducted as if they were sources from participating countries. The procedures and policies set forth at 6-1403.3, 6-1404, 6-1405, and throughout this Regulation shall apply.

6-1503 Reserved.

6-1504 Defense Cooperation Country Agreements, Memoranda of Understanding and Accompanying Annexes. The following agreements, memoranda of understanding and annexes are provided for information purposes only. Determination and Findings have been executed by the Secretary of Defense waiving the application of the Buy American Act for items listed in the appropriate annexes in order to implement the agreements listed in this Part.

6-1504.1 MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF ISRAEL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN RESEARCH AND DEVELOPMENT, SCIENTIST AND ENGINEER EXCHANGE, AND PROCUREMENT AND LOGISTIC SUPPORT OF SELECTED DEFENSE EQUIPMENT.

The following Agreement is provided for information purposes only.

PREAMBLE

The Government of the United States of America and the Government of Israel, hereinafter referred to as the Governments:

Noting previous agreements on Data Exchange (signed on 22 December 1970) and the Production in Israel of U.S. Designed Defense Equipment (signed on 1 November 1971) and

Intending to increase their respective defense capabilities through more efficient cooperation in the field of research and development, in order to:

- Promote the cost-effective and rational use of funds allocated to defense to the extent permitted by their national laws and policies, and
- Mutually benefit from selected research and development programs which satisfy each nation's defense needs in a cost effective manner, and

Noting that Israel will continue to purchase large quantities of defense equipment from the United States and desiring to ameliorate the ensuing imbalance in defense trade between the two countries by affording Israeli sources improved opportunities to compete for agreed upon procurements of the U.S. Department of Defense (DoD)

have entered into this Memorandum of Agreement in order to achieve the above aims.

This Memorandum of Agreement (MOA) sets out the guiding principles governing mutual cooperations in conventional defense equipment research

and development, and procurement and logistic support of agreed upon defense supplies and services.

ARTICLE I

PRINCIPLES GOVERNING RECIPROCAL DEFENSE COOPERATION

1. The Governments intend to facilitate the accomplishment of the above-stated aims through cooperation in the research and development areas, and data exchange and scientist-engineer exchange programs, all as listed in Annex A hereto; and by affording each other's national sources improved opportunities to offer products and services identified in Annex B hereto. Items may be added to these annexes by agreement of the Governments. Items may be dropped from these annexes by either Government as its national policies require.

2. Both Governments, in the cases of purchases directly in support of the programs listed in Annex "A" and in the case of the items and services listed in Annex "B", will accord the following treatment to offers of services to be performed or supplies to be produced, in the other country:

a. These offers will be evaluated without applying price differentials resulting from Buy National laws and regulations.

b. To the extent permitted by law and regulation, these offers will be evaluated without consideration of the cost of duties and provisions will be made for duty-free certificates and related documentation.

c. Full consideration will be given to all qualified industrial and/or governmental sources of the other country for items or services listed in Annexes A and B consistent with the policies and criteria of the cognizant purchasing agencies, it being understood that such offers will be required to satisfy requirements of the purchasing organizations for performance, quality, delivery and costs.

d. The requirements of each Government's laws and regulations relating to purchases of property and services (including the requirements for obtaining competition for such purchases) shall be applicable to the implementation of this agreement.

3. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense procurement organizations to facilitate achievement of improved defense cooperations. Each Government will also be responsible for calling to the attention of the relevant industries within its country the basic understanding of this Memorandum of Agreement, together with appropriate implementing guidance.

4. Technical information, including Technical Data Packages (TDPs), furnished to the other Government or to persons in the other country for the purpose of offering or bidding on, or performing a defense contract shall not be used for any other purpose without the prior agreement of the originating Government as well as the prior agreement of those owning or controlling proprietary rights in such technical information. Each Government will ensure that full protection will be given by its officers, agents, and contractors to such proprietary, or to any privileged, protected or classified data and information they contain. Each Government will also undertake its best efforts to ensure compliance with the foregoing provisions on the part of other persons in its country. In no event shall such technical information or TDPs or products derived therefrom be transferred to any third country or any other third part transferee without the prior written consent of the originating Government.

5. Both Governments will undertake their best efforts to assist in negotiating licenses, royalties, and technical information exchanges with their respective industries, when the items in Annexes A and B require such efforts. Both Governments will also facilitate the necessary export licenses required for the submission of bids or proposals or otherwise required for the performance of Annexes A and B.

6. The transfer to third countries of material or technical information and of articles derived therefrom generated from the mutual cooperative programs included in this MOA is subject to case-by-case advance agreement of the originating Government.

7. Arrangements and procedures will be established concerning follow-on logistic support for items of defense equipment covered by this Memorandum of Agreement. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

ARTICLE II

IMPLEMENTING PROCEDURES

A joint U.S. DoD-Israel MOD committee shall be established to prepare and update the annexes and attachment hereto for approval by the appropriate authorities of each Government and to periodically review the progress of implementation. The Under Secretary of Defense for Research and Engineering, in coordination with the Assistant Secretary of Defense for International Security Affairs, the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logisitics, and other appropriate Department of Defense and State officials, will be responsible in the U.S. Government for the implementation of this MOA. The Director, General, Israel Ministry of Defense will be the responsible counterpart authority for the Government of Israel. Other duties to be

assigned this committee and the frequency of their meetings shall be further defined in Attachment 1.

ARTICLE III

SECURITY

1. To the extent that any items, plans, specifications or information furnished in connection with specific implementation of this MOA are classified by either Government for security purposes, the other Government shall maintain a similar classification and employ all measures necessary to preserve such security equivalent to those measures employed by the classifying Government throughout the period during which the classifying Government may maintain such classifications.

2. The operating procedures for the implementation of the General Security Information Agreement, dated 25 March 1963, between the Governments apply to activities under this Memorandum of Agreement.

ARTICLE IV

DURATION

1. This MOA will remain in effect for a five-year period following its signing and will be extended for successive five-year periods, if at the end of each five-year interval the Governments mutually agree to such an extension.

2. If, however, either Government considers it necessary for compelling national reasons to terminate its participation under this MOA before the end of the five-year period, or any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of termination. Such notification of intent shall become a matter of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to take such actions as necessary to alleviate problems that may result from the termination. In this connection, although the MOA may be terminated by the Parties, any contract entered into consistent with the terms of this MOA shall continue in effect, unless the contract is terminated in accordance with its own terms. Moreover, Article I, Sections 4 and 6 and Article III of this MOA will continue in full force and effect after, and notwithstanding, the expiration or termination of this MOA.

For the Government of Israel	For the United States Government
The Minister of Defense	The Secretary of Defense
E. Weizman	Harold Brown
Date 19 March 1979	Date 19 March 1979

ANNEX A

LISTING OF COOPERATIVE R&D EFFORTS

I. Development Data Exchange Program. General revitalization of existing annexes to improve exchange of development data with specific emphasis in the following areas:

(To be jointly determined by both Governments)

II. Complementary/Competitive Development Programs

(To be jointly determined by both Governments. "Competitive Development Programs" refers to programs to be conducted in one of the countries addressing defense equipment needs that the subject of development work in the other country with the objective of affording an alternate means for satisfying such needs.)

III. Scientist-Engineer Exchange Program

(To be jointly determined by both Governments)

ANNEX B

Listing of non R&D items of equipment and services covered by this MOA.

(To be jointly determined by both Governments)

ATTACHMENT 1

Membership, terms of reference for the joint U.S. DoD Israel MOD Committee, designated points of contact, and arrangements concerning implementation of the MOA.

7-103.14 *Discounts.*

DISCOUNTS (1968 JUN)

In connection with any discount offered, time will be computed from date of delivery of the supplies to carrier when acceptance is at point of origin, or from date of delivery at destination or port of embarkation when delivery and acceptance are at either of these points, or from the date the correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of delivery. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

(End of clause)

When SF 33A is used, the above clause will be substituted for subparagraph (b) of clause 9, *Discounts* (see 16-101.1(ii)).

7-103.15 *Certain Communist Areas.* In accordance with 6-403, insert the following clause.

CERTAIN COMMUNIST AREAS (1980 FEB)

(a) Unless he first obtains the written approval of the Contracting Officer, the Contractor shall not acquire for use in the performance of this contract:

(i) any supplies or services originating from sources within the communist areas of North Korea, Vietnam, or Cuba;

(ii) any supplies, however processed, which are or were located in or transported from or through North Korea, Vietnam, or Cuba.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts hereunder.

(End of clause)

7-103.16 *Contract Work Hours and Safety Standards Act—Overtime Compensation.*

(a) In accordance with 12-301 and 12-302, insert the following clause.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION (1971 NOV)

The contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight (8) hours in any calendar day or in excess of forty (40) hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight (8) hours in any calen-

day or in excess of forty (40) hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight (8) hours or in excess of his standard workweek of forty (40) hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three (3) years from the completion of the contract.

(End of clause)

(b) The following clause shall be used, in addition to the clause in (a) above, when firefighters or fireguards are to be used.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION — FIREFIGHTERS AND FIREGUARDS (1974 APR)

A workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards under the following conditions:

(i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of eight (8) hours per day in a standby or on-call status; and

(ii) If the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and

(iii) *provided* that in determining the daily and weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of eight (8) hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

(End of clause)

7-103.17 *Walsh-Healey Public Contracts Act.*

WALSH-HEALEY PUBLIC CONTRACTS ACT (1958 JAN)

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

(End of clause)

WORKMEN'S COMPENSATION AND WAR HAZARD INSURANCE OVERSEAS (1968 JUL)

(a) This clause applies if the Contractor employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to Workmen's Compensation Insurance under the Defense Base Act (42 U.S.C. 1651). On behalf of such waived employees, the Contractor, before commencing performance under this contract shall provide, and thereafter maintain, at least such Workmen's Compensation Insurance or the equivalent as may be required by the laws of the country of which such waived employees are nationals. The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act would be applicable but for the waiver, a clause similar to this paragraph (a), including this sentence, imposing on all such subcontractors a like requirement to provide such Workmen's Compensation Insurance coverage.

(b) This paragraph applies if the Contractor or any of his subcontractors employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to the War Hazards Compensation Act, as amended (42 U.S.C. 1701 et seq). On behalf of such waived employees the Contractor shall subject to reimbursement as elsewhere herein provided, afford protection the same as that provided in the War Hazards Compensation Act, except that the level of benefits shall conform to any law or international agreement controlling the benefits to which the employees may be entitled. In all other respects, the standards of the War Hazards Compensation Act shall apply; e.g., with respect to the definition of war hazard risks (injury, death, capture or detention as the result of a war hazard as defined in the Act), proof of loss, and exclusion of benefits otherwise covered by Workmen's Compensation Insurance or equivalent. Unless the Contractor elects to directly assume the liability to subcontractor employees created by this clause, the Contractor further agrees to insert in all subcontracts hereunder to which the War Hazards Compensation Act would be applicable but for the waiver, a clause similar to this paragraph (b), including this sentence, imposing on all such subcontractors a like requirement to provide War Hazard benefits.

(End of clause)

(c) When the clause in (b) above is required, the following clause shall also be inserted in the contract, but only if the Head of a Procuring Activity or his designee has decided that the contractor shall not purchase insurance against the liability described in 10-403(d)(2) (see also 10-502(c)).

REIMBURSEMENT FOR WAR HAZARD LOSSES (1968 JUL)

(a) The Contractor's costs for assuming liability for employee protection against war hazard risks pursuant to paragraph (b) of the clause of this contract entitled "Workmen's Compensation and War Hazard Insurance" shall be an allowable cost under this contract, subject to the following:

(i) The Contractor shall submit proof of loss files to support payment or denial of each claim.

(ii) As soon as practicable, but no later than one year after the expiration or termination of this contract, unless the time shall be extended by Contracting Officer, the Contractor shall, convert each claim which has not been finally settled into a suitable arrangement under which the claim can be extinguished by the Contractor with a lump sum payment. Subject to approval by the Contracting Officer, the Contractor shall thereupon obtain necessary release documents and settle the claim by lump sum arrangement, taking into account any payments previously made.

(iii) As to any potential claim which is known to, or reasonably should be within the knowledge of, the Contractor at the time of final settlement under this contract, the Contractor shall, at that time, present to the Government a full report and evaluation, indicating as to each potential claim that a reasonable investigation of the circumstances has been made, the results thereof, an evaluation of the merits, and an estimate of the amount involved should the potential claim mature into a valid obligation.

(iv) The cost of insurance against a liability reimbursable under this clause shall not be an allowable cost or otherwise recoverable under this contract.

(b) The Government may require the Contractor to assign to the Government in the manner, at the times, and to the extent directed by the Contracting Officer all right, title and interest of the Contractor to any refund, rebate or recapture arising out of any claim settlement. The Government may handle such assigned entitlements in such manner as it deems appropriate and may recover any benefits related to claim settlements.

(c) The Contractor shall, as soon as practicable after an occurrence which appears to give rise to a claim under this portion of the contract, perform such investigations as may be appropriate and promptly notify the Contracting Officer in writing of any additional amount estimated to be necessary to be obligated on account of such claim or potential claim. In addition, the Contractor shall give the Government or its representatives immediate written notice of any suit or action filed, the cost or expense of which may be reimbursable to the Contractor under this clause. The Contractor agrees to render full assistance to the Government in connection with any third party suit or claim relating to this clause or its subject matter which the Government elects to prosecute or defend in its own behalf.

(End of clause)

7-104.3 *Buy American Act and the Balance of Payments Program.* The following clause shall be inserted in all contracts not utilizing small purchase procedures for supplies and in contracts for services which require the furnishing of supplies (e.g., the leasing of equipment), in accordance with 6-103.4, 6-103.7, and 6-803.2(a)(i) - (xi).

BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (1980 OCT)

(a) This clause implements the Buy American Act (41 U.S.C. Section 10a-d) and the Department of Defense Balance of Payments Program by providing a preference to domestic end products over foreign end products except for certain foreign end products which meet the requirements for classification as qualifying country end products. For the purpose of this clause—

(i) "Components" means those articles, materials, and supplies which are directly incorporated into end products.

(ii) "Qualifying country component" means (A) an item mined, produced, or manufactured in a participating country or in an FMS/Offset arrangement country when the applicable D&F has been made waiving the Buy American Act restrictions; or (B) any item listed in a defense cooperation country agreement.

(iii) "End products" means articles, materials, and supplies which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts but excluding installation and other services to be performed after delivery.

(iv) "Domestic end product" means (A) an unmanufactured end product which has been mined or produced in the United States, or (B) an end product manufactured in the United States if the cost of its qualifying country components and its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate may be issued). A component shall also be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind (A) determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (B) as to which the Secretary concerned has determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act (6-104.4).

(v) "Foreign end product" means an end product other than a domestic end product.

(vi) "Qualifying country end product" means (A) a participating country end product; (B) an FMS/Offset arrangement country end product when the applicable Determination and Findings has been made waiving the Buy American Act restrictions; or (C) a defense cooperation country agreement listed item.

(vii) "Participating country end product" means (A) an unmanufactured end product mined or produced in a participating country, or (B) an end product manufactured in a participating country if the cost of its qualifying country components and its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and any duty whether or not duty is, in fact, paid.

(viii) "FMS/Offset arrangement country end product" means (A) an unmanufactured end product mined or produced in an FMS/offset arrangement country, or

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(B) an end product manufactured in an FMS/offset arrangement country if the cost of its qualifying country components and its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and any duty whether or not duty is, in fact, paid. To obtain the waivers necessary to accord preferential treatment for an FMS/offset arrangement country end product, see the procedures at 6-1310.3(b)(1).

(ix) "Defense Cooperation country end product" means an item listed in the defense cooperation country agreement and produced in that country.

(b) The contractor agrees that there will be delivered under this contract only domestic end products *unless*, in its offer, it specified delivery of foreign end products in the clause entitled Buy American Act and Balance of Payments Program Certificate. An offer certifying that a qualifying country end product will be supplied requires the contractor to supply a qualifying country end product or, at the contractor's option, a domestic end product. An offer based on supplying a nonqualifying country end product, if accepted, will permit the contractor to supply a product without regard to the requirements of this clause.

(c) Offers will be evaluated in accordance with the policies and procedures of Section VI.

(End of clause)

sured by the Government, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the ....." shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

(End of clause)

"In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 55-22, Army Regulation 95-20, NAVAIR Instruction 3710.1A, Defense Supply Agency Regulation 8210.1, dated 8 October 1971, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

7-104.11 *Excess Profit.*

(a) Pursuant to 10 U.S.C. 2382 and 7300 and except as provided in (b) and (c) below, any contract in an amount which exceeds or may exceed $10,000, known to be for the construction or manufacture of all or part of any complete aircraft or naval vessel, shall contain the following clause, except that the words "if this contract is in an amount which exceeds $10,000" may be inserted at the beginning of the clause in formally advertised contracts:

EXCESS PROFIT (1997 JUN)

The Contractor agrees that, unless otherwise provided by law, this contract shall be subject to all the provisions of 10 U.S.C. 2382 and 7300 and shall be deemed to contain all the agreements required by those sections; *provided* however, that this clause shall not be construed to enlarge or extend by contract the obligations imposed by those sections. The Contractor agrees to insert in the subcontracts specified in those sections either the provisions of this clause or the provisions required by those sections.

(End of clause)

(b) In any contract where only certain items or lots totaling more than $10,000 are subject to 10 U.S.C. 2382 or 7300, the foregoing clause should be modified to make the agreement of the contractor applicable only to such items or lots. In any contract where only certain items or lots totaling $10,000 or less would otherwise be subject to 10 U.S.C. 2382 or 7300, the foregoing clause should not be included in the contract even though the total amount of the entire contract exceeds $10,000.

(c) In any contract, otherwise subject to 10 U.S.C. 2382 or 7300, for scientific equipment used for communication, target detection, navigation or fire control, as designated by the Secretary, the clause prescribed in (a) above shall not be included, and the following clause shall be inserted in lieu thereof:

EXCESS PROFIT (1997 JUN)

The Secretary having designated the supplies called for by this contract to be scientific equipment used for communication, target detection, navigation, or fire control, the provisions of 10 U.S.C. 2382 and 7300 are not applicable to this contract.

(End of clause)

7-104.12 *Military Security Requirements.* Insert the following clause in all classified contracts (see 1-201.34). If the situation warrants because of the nature of the item, or the location or the conditions under which the contract is to be performed, such contract shall include a separate provision for such additional security safeguards as may be required (see paragraphs 1-103, 1-108, 1-115, and 1-116, ISR). When the Military Security Requirements clause is inserted in any contract, the contracting officer or his authorized representative shall approve and transmit a Contract Security Classification Specification (DD Form 254 and, if applicable, 254c) in accordance with 16-811 and Section VII, DoD 5220.22-R. The DD Form 254 is required in connection with all classified subcontracts unless excepted by DoD 5220.22-R.

MILITARY SECURITY REQUIREMENTS (1971 APR)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified ""Confidential," "Secret" or "Top Secret."

(b) The Contractor shall comply with (i) the Security Agreement (DD Form 441), including the attached Department of Defense Industrial Security Manual for Safeguarding Classified Information (DoD 5220.22-M); and (ii) any revisions thereto, notice of which has been furnished to the Contractor.

(c) If, subsequent to the date of this contract, the security classification or security requirements under this contract are changed by the Government as provided in this clause and the security costs or time required for delivery under this contract are thereby increased or decreased, the contract price, delivery schedule, or both and any other provision of the contract that may be affected shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause of this contract.

(d) The Contractor agrees to insert in all subcontracts hereunder which involve access to classified information provisions which shall conform substantially to the language of this clause, including this paragraph (d) but excluding the last sentence of paragraph (c) of this clause.

(End of clause)

7-104.13 *Preference for Certain Domestic Commodities.* The following clause shall be included in all contracts for the acquisition of food, clothing and textiles as identified.

PREFERENCE FOR CERTAIN DOMESTIC COMMODITIES (1980 OCT)

The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) as have been grown, reprocessed, reused, or produced in the United States, its possessions, or Puerto Rico; *Provided*, That (i) this clause shall have no effect to the extent that the Secretary has determined that a satisfactory quality and sufficient quantity of such articles cannot be acquired as and when needed at U.S. market prices; (ii) nothing herein shall preclude the delivery, under this contract, of foods which have been manufactured or processed in the United States, its possessions, or Puerto Rico; and (iii) this clause shall not apply to chemical warfare protective clothing produced in qualifying countries (see Section VI).

(End of clause)

7-104.14 *Utilization of Small Business and Small Disadvantaged Business Concerns.*

(a) In accordance with 1-707.3(a), insert the following clause.

issued in accordance with this clause. Such notice shall be furnished to the CAO immediately upon notification from the Contracting Officer that duty-free entry will be accorded the supplies. The notice shall identify (i) the foreign supplies, (ii) the country of origin, (iii) the prime contract number, and (iv) the scheduled delivery date(s).

(c) This clause shall not apply to purchases of foreign supplies in connection with this contract if (i) such foreign supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with his commercial business, and (ii) segregation of such supplies to insure use only on Government contracts containing duty-free entry provisions is not economical or feasible.

(d) The Contractor agrees to insert the substance of this clause in any first-tier subcontract hereunder in connection with which foreign supplies in excess of $10,000 may be imported by the subcontractor into the United States, its possessions, or Puerto Rico.

(End of clause)

7-104.32 *Duty-Free Entry of Qualifying Country Supplies.* The following clause shall be inserted in accordance with 6-104.5 and 6-603.3(c).

DUTY-FREE ENTRY—QUALIFYING COUNTRY END PRODUCTS AND SUPPLIES (1980 OCT)

(a) Except as otherwise approved by the Contracting Officer, no amount is or will be included in the contract price on account of duty with respect to—

(i) all end items which constitute "qualifying country end products" (as defined in 6-001) to be delivered under this contract; and

(ii) all supplies (including, without limitation, raw materials, components, and intermediate assemblies) produced or made in qualifying countries, which are to be incorporated in the end items to be delivered under this contract; *Provided*, That such end items are manufactured in the United States or in a qualifying country, except supplies imported into the United States prior to the date of this contract or, in the case of supplies imported by a first or lower tier subcontractor hereunder, prior to the date of his subcontract.

(b) The Contractor warrants that all such qualifying country supplies, for which duty-free entry is to be claimed, are intended to be delivered to the Government or incorporated in the end items to be delivered under this contract and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof (if not scrap or salvage) are diverted to nongovernmental use other than as a result of a competitive sale made, directed, or authorized by the Contracting Officer.

(d) All shipping documents submitted to customs, covering qualifying country end products or supplies for which duty-free entry is to be claimed, shall bear the following information:

(i) Government prime contract number;

(ii) identification of carrier;

(iii) the notation: "UNITED STATES DEPARTMENT OF DEFENSE DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States. Upon arrival of shipment at the appropriate part of entry, District Director of Customs, kindly release the shipments under 8.59CP and notify Commander, Defense Contract Administration Services Management Area, New York, 60 Hudson Street, New York, New York 10013, who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate";

(iv) gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(v) estimated value in U.S. dollars.

(e) The Contractor agrees to instruct the foreign supplier to prepare a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the District Director of Customs at the port of entry.

(f) The Contractor agrees to notify the Contract Administration Office (CAO) in writing of any purchase by the Contractor of qualifying country supplies that are to be imported into the United States for delivery to the Government or for incorporation in end items to be delivered to the Government under the contract. Such notice shall be furnished to the CAO immediately upon the award by the Contractor to the qualifying country supplier. The notice shall identify (i) the qualifying country, (ii) the contract number, and (iii) the scheduled delivery date(s).

(g) This clause shall not apply to purchases of qualifying country supplies in connection with this contract if (i) such qualifying country supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with his commercial business; and (ii) it is not economical or feasible to account for such supplies so as to assure that the amount of such supplies for which duty-free entry is claimed pursuant to this clause does not exceed the amount thereof purchased in connection with this contract.

(h) The Contractor agrees to insert the substance of this clause, including this paragraph (h), in all subcontracts for supplies hereunder that exceed $2,500. Each such subcontract shall require the subcontractor to identify this contract by its contract number on any shipping documents submitted to Customs covering supplies for which duty-free entry is to be claimed pursuant to this clause.

(End of clause)

7-104.33 *Inspection System.* When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I-45208 (see 14-303), insert the following clause:

INSPECTION SYSTEM (1967 AUG)

The inspection system which the Contractor is required to maintain, as provided in paragraph (c) of the "Inspection" clause of this contract, shall be in accordance with the edition of Military Specification MIL-I-45208 in effect on the date of this contract.

(End of clause)

7-104.34 *Advance Payments.* When advance payments are to be made in accordance with Appendix E, Part 4, insert the following clause.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

ADVANCE PAYMENT (1976 OCT)

(1) *Amount of Advance.* At the request of the Contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (i) without the approval of the office administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (14)(d) below) as to the financial necessity therefor, (ii) in an amount which together with all advance payments theretofore made, shall exceed the amount stated in paragraph (14)(a) below, and (iii) without a properly certified invoice or invoices.

(2) *Special Bank Account.* Until all advance payments made hereunder, and interest charges, are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (14)(b) below. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided,

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(g) Prior to approval of the first article, the acquisition of materials or components for, or the commencement of production of, the balance of the contract quantity shall be at the sole risk of the Contractor; and costs incurred on account thereof shall not be allocable to this contract (i) for the purpose of progress payments prior to approval of the first article, if this contract contains the clause entitled "Progress Payments," or (ii) for the purpose of termination settlements, if this contract is terminated for the convenience of the Government prior to approval of the first article.

(End of clause)

At the option of the contracting officer, the following paragraph may be added to the clause:

(h) The first article offered must be manufactured at the facilities in which that item is to be produced under the contract, or if the first article is a component not manufactured by the Contractor, such component must be manufactured at the facilities in which the component is to be produced for the contract. A certification by the Contractor to this effect must accompany each first article which is offered. (1974 APR)

(b) In accordance with 1-1903, insert the following clause when the Government is responsible for conducting first article approval test:

FIRST ARTICLE APPROVAL—GOVERNMENT TESTING (1969 SEP)

(a) The first article is ..... unit(s) of Lot/Item ..... and shall, within .....(—) calendar days from the date of this contract, be delivered to the Government at ..... (*set forth consignee and address*) for first article approval tests. The documentation accompanying the first article shall contain this contract number and the Lot/Item identification. The performance or other characteristics which the first article must meet, and the tests to which it will be subjected, are contained or referenced in this contract.

(b) The Contracting Officer shall, by written notice to the Contractor within .....(—) calendar days after receipt of the first article by the Government, approve, conditionally approve, or disapprove the first article. The notice of approval or conditional approval shall not relieve the Contractor from complying with all requirements of the specifications and all other terms and conditions of this contract. A notice of conditional approval shall state any further action required of the Contractor. A notice of disapproval shall cite reasons therefor.

(c) If the first article is disapproved by the Government, the Contractor may be required, at the option of the Government, to submit an additional first article for first article approval test. After each notification by the Government to submit an additional first article, the Contractor shall at no additional cost to the Government make any necessary changes, modifications, or repairs to the first article, or select another first article for testing. Such additional first article shall be furnished to the Government under the terms and conditions and within the time specified in the notification. The Government shall take action on this first article within the time limit specified in (b) above. The costs of additional first article approval tests and all costs related to such tests shall be borne by the Contractor. The Government reserves the right to require an equitable adjustment of the contract price for any extension of the delivery schedule necessitated by additional first article approval tests.

(d) If the Contractor fails to deliver any first article for test within the time or times specified, or if the Contracting Officer disapproves any first article, the Contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract, and this contract shall be subject to termination for default; *provided*, that failure of the Government in such an event to terminate this contract for default shall not relieve the Contractor of his responsibility to meet the delivery schedule for production quantities.

(e) Where the first article is not consumed or destroyed in testing, and unless otherwise provided in this contract, the Contractor (i) may deliver an approved first article as a part of the contract quantity if it meets all terms and conditions of this contract for acceptance, and (ii) shall be

responsible for removal and disposition of any first article from the Government test site at his expense.

(f) In the event the Contracting Officer does not approve, conditionally approve, or disapprove the first article within the time specified in (b) or (c) above, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates, or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided in the "Changes" clause. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(g) The Contractor shall be responsible for spare parts support and repair of the first article during any first article approval test.

(h) Prior to approval of the first article, the acquisition of materials or components for, or the commencement of production of, the balance of the contract quantity shall be at the sole risk of the Contractor, and costs incurred on account thereof shall not be allocable to this contract (i) for the purpose of progress payments prior to approval of the first article, if this contract contains the clause entitled "Progress Payments," or (ii) for the purpose of termination settlements, if this contract is terminated for the convenience of the Government prior to approval of the first article.

(End of clause)

At the option of the contracting officer, the following paragraph may be added to the clause:

(i) The first article offered must be manufactured at the facilities in which that item is to be produced under the contract, or if the first article is a component not manufactured by the Contractor, such component must be manufactured at the facilities in which the component is to be produced for the contract. A certification by the Contractor to this effect must accompany each first article which is offered.(1974 APR)

(c) In accordance with 1-1902(c), the following paragraph may be substituted for paragraph (g) of the clause in (a) above or paragraph (h) of the clause in (b) above.

(g) or (h) Prior to approval of the first article(s), the Contractor may, upon written authorization by the Contracting Officer, acquire specific materials or components or commence production to the extent essential to meet production quantity delivery requirements. Until first article approval is granted, only costs for the first article and costs incurred in accordance with such authorization shall be allocable to this contract (i) for the purpose of progress payments if this contract contains a clause entitled "Progress Payments," or (ii) for the purpose of termination settlements, if this contract is terminated for the convenience of the Government. In the event first article tests reveal deviations from contract requirements, the Contractor shall, at the location designated by the Government, make the required changes in, or replace all items manufactured under this contract, at no change in contract price. (1974 APR)

7-104.56 *Reserved.*

7-104.57 *Reserved.*,

7-104.58 *Identification of Expenditures in the United States.*

(a) In accordance with 6-804, insert the following clause.

IDENTIFICATION OF EXPENDITURES IN THE UNITED STATES (1966 OCT)

(a) On each invoice, voucher, or other request for payment under this contract, the Contractor shall identify that part of the requested payment which represents estimated expenditures in the

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(e) When the delivery schedule is in terms of specific calendar dates ((d)(1) or (d)(3) above), invitations for bids shall include one of the following paragraphs in lieu of (b) of the clauses in (b) and (c) above:

(1)(b) The foregoing delivery requirements are based on the assumption that the Government will make award by (*purchasing activity, insert calendar date*). Each delivery date in the delivery schedule set forth herein will be extended by the number of calendar days after the above date that the contract is in fact awarded. Attention is directed to paragraph 10(d) of the Solicitation Instructions and Conditions, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Therefore, in computing the available time for performance, the bidder should take into consideration the time required for notice of award to arrive through the ordinary mails. (1974 APR)

(2)(b) The foregoing delivery requirements are based on the assumption that the successful bidder will receive the notice of award by (*purchasing activity, insert calendar date*). The Government will extend each delivery date in the delivery schedule set forth herein by the number of calendar days after the above date that the Contractor receives notice of award; *provided*, that the Contractor promptly acknowledges such receipt. (1974 APR)

(f) When the delivery schedule is based on the date of receipt of a written notice of award ((d)(ii) above), paragraph (b) of the clauses in (b) and (c) above shall be deleted.

7-104.93 *Preference for Domestic Specialty Metals.*

(a) The following clause shall be included in all contracts over $10,000 that call for the delivery to the Government of an article containing specialty metals within the following six major classes of programs: aircraft, missile and space systems, ships, tank-automotive, weapons and ammunition.

PREFERENCE FOR DOMESTIC SPECIALTY METALS (MAJOR PROGRAMS) (1980 OCT)

(a) The Contractor agrees that any specialty metals (as hereinafter defined) incorporated in articles delivered under this contract will be melted in the United States, its possessions, or Puerto Rico; *Provided*, That this clause shall have no effect to the extent that (i) the Secretary or his designee has determined that a satisfactory quality and sufficient quantity of such articles cannot be acquired as and when needed at U.S. market prices; (ii) the acquisition is for a qualifying country end product; or (iii) the acquisition is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the U.S. Government or U.S. firms under approved programs serving defense requirements.

(b) For the purposes of this clause, the term "specialty metals" means:

(i) steels, where the maximum alloy content exceeds one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium;

(ii) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of ten percent (10%);

(iii) titanium and titanium alloys; or

(iv) zirconium and zirconium base alloys.

(c) The Contractor agrees to include this clause, including this paragraph (c), in every subcontract or purchase order issued hereunder unless he knows that the item being purchased contains no specialty metals.

(End of clause)

(b) The following clause shall be included in all contracts over $10,000, other than those covered by the clause in paragraph (a), calling for the delivery of an article that contains specialty metals.

PREFERENCE FOR DOMESTIC SPECIALTY METALS (1980 OCT)

(a) The Contractor agrees that any specialty metals (as hereinafter defined) furnished by it or purchased by it for direct incorporation in any article delivered to the Government under this contract shall have been melted in the United States, its possessions, or Puerto Rico; *Provided*, That this clause shall have no effect to the extent that (i) the Secretary or his designee determines that a satisfactory quality and sufficient quantity of such articles cannot be acquired as and when needed at U.S. market prices; (ii) the acquisition is for a qualifying country end product; or (iii) the acquisition is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purpose of offsetting sales made by the U.S. Government or U.S. firms under approved programs serving defense requirements.

(b) For the purpose of this clause, the term "specialty metals" means:

(i) steels, where the maximum alloy content exceeds one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent or which contains more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium;

(ii) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of ten percent (10%);

(iii) titanium and titanium alloys; or

(iv) zirconium and zirconium base alloys.

(End of clause)

7-104.94 *Capture and Detention.* In accordance with 10-406, insert the following clause.

CAPTURE AND DETENTION (1968 JUN)

(a) As used in this clause:

(1) "captured person" means any employee of the Contractor—

(i) who is assigned to duty outside the United States for the performance of this contract, and

(ii) who is found to be missing from his place of employment under circumstances that make it appear probable that his absence is due to the action of the forces of any power not allied with the United States in a common military effort, or who is known to have been taken prisoner, hostage or otherwise detained by the forces of any such power, whether or not such person is actually engaged in his employment at the time of capture, provided that at the time the person was captured and detained that the person was either:

(A) engaged in activity directly arising out of the events of his employment under this contract, or

(B) captured in an area in which the captured person was present only because such presence was required in order to perform this contract;

(2) a "period of detention" begins with the day of capture and continues until the captured person is returned to his place of employment, or to the United States, or is able to be returned to the jurisdiction of the United States, or until his death is in fact established or legally can be presumed to have occurred by evidence satisfactory to the Contracting Officer, whichever shall occur first;

(3) "United States" comprises geographically the fifty states and the District of Columbia, and

(4) "War Risk Hazards Compensation Act" refers to the statute compiled in Chapter 12 of Title 42 U.S. Code (Sections 1701 - 1717), as amended.

(b) If pursuant to an agreement entered into prior to the capture, the Contractor is obligated to pay and shall have paid benefits to a captured person, or his dependents, on account of his detention, the Government will reimburse the Contractor for such payments up to an amount which

(a) The Contractor hereby certifies, as of the date of this contract, to be in compliance with the Wage and Price Standards issued by the Council on Wage and Price Stability (6 CFR 705, Appendix, and Part 706).

(b) If it is later determined, after notice and opportunity to be heard, that the Contractor was willfully not in compliance with such standards as of the date of this contract, then this contract may be terminated in accordance with the provisions of the Termination for Default clause.

(c) Should the Government determine that termination for default would not be in the public interest, the Contractor agrees to accept an equitable reduction of the contract price or cost allowance and profit or fee, as appropriate under the circumstances.

(d) The Contractor shall require a Certification - Wage and Price Standards, limited to (a) above, as a condition of award of any first-tier subcontract which exceeds $5 million. The Contractor further agrees that should any price adjustment in subcontract prices result from the operation of this provision as to subcontracts, he will advise the Contracting Officer and an equitable adjustment of the contract price will be made. The operation of this provision in any subcontract shall not excuse the Contractor from performance of this contract in accordance with its terms and conditions. Any waiver or relaxation of the certification requirements with respect to such first-tier subcontractors can only be made by the Secretary.

(End of clause)

7-104.102 *Certification of Requests for Adjustment or Relief Exceeding $100,000.* In accordance with 1-342, insert the following clause.

CERTIFICATION OF REQUESTS FOR ADJUSTMENT OR RELIEF EXCEEDING $100,000 (1980 FEB)

(a) Any contract claim, request for equitable adjustment to contract terms, request for relief under Public Law 85-804, or other similar request exceeding $100,000 shall bear, at the time of submission, the following certificate given by a senior company official in charge at the plant or location involved:

I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief; and that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable.

_____
(Official's Name)

_____
(Title)

(b) The certification in paragraph (a) requires full disclosure of all relevant facts, including cost and pricing data.

(c) The certification requirement in paragraph (a) does not apply to:

(i) requests for routine contract payments— for example, those for payment for accepted supplies and services, routine vouchers under cost reimbursement-type contracts, and progress payment invoices;

(ii) final adjustments under incentive provisions of contracts;

(d) In those situations where no claim certification for the purposes of Section 813 has been submitted prior to the inception of a contract dispute, a single certification, using the language prescribed by the Contract Disputes Act but signed by a senior company official in charge at the plant or location involved, will be deemed to comply with both statutes.

(End of clause)

7-104.103 *Reserved.*
7-104.104 *Reserved.*

7-104.105 *Offset Arrangement.* When appropriate in accordance with 6-1310.3(d), insert a clause substantially as follows.

OFFSET ARRANGEMENT (1980 OCT)

(a) The Contractor is responsible under the contract for arranging with representatives of the Government of . . . . . .* under . . . . . .** dated . . . . . for participation by sources in . . . . . .* for a minimum of (*percentage or dollar value*) of the value of this prime contract. This offset requirement may be fulfilled either by subcontracts under this contract or through other business the Contractor may choose to place in . . . . . .* (Commercial business will not be considered for duty-free entry.) All contractual arrangements to be entered into in accordance with this clause must be submitted to the Contracting Officer for determination as to whether such arrangements fulfill the offset requirement. Special conditions relating to the offset requirement are as follows:

. . . . . .
. . . . . .

(b) The Contractor will provide the following information to the Contracting Officer within 30 calendar days after the completion of each calendar quarter during the term of the contract:

(i) subcontract or other solicitations offered to . . . . . .* industry (items, dollar value, date of solicitation, and identification of sources);

(ii) subcontract or orders placed with . . . . . .* sources—
(A) item
(B) value
(C) contracting office
(D) competitive or noncompetitive
(E) date of subcontract
(F) identification of subcontractor

(iii) status of deliveries under subcontracts placed with . . . . . .* sources.

(c) None of the provisions of this clause shall relieve the Contractor of the need to comply with the International Traffic in Arms Regulations, the Industrial Security Manual, or other laws and regulations governing foreign acquisition and disclosure of information to foreign nationals.

(d) The substance of this provision shall be placed in all subcontracts awarded to U.S. companies which appear to offer a significant opportunity for lower tier subcontracting with . . . . . .* sources under . . . . . .**

*Insert name of foreign country.
**Insert offset agreement number or other description.

(End of clause)

7-104.106 *Qualifying Country Sources as Subcontractors.* Insert the following clause in accordance with 6-104.5 and 6-803.1(e) whenever the Buy American Act and Balance of Payments Program clause at 7-104.3 is used in the solicitation or contract.

QUALIFYING COUNTRY SOURCES AS SUBCONTRACTORS (1980 OCT)

No qualifying country source (6-001), subject to the restrictions set forth in Section VI, Part 14, or U.S. source is to be precluded from competing for subcontracts.

(End of clause)

7-104.107 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the following clause.

LIMITATION ON SALES COMMISSIONS AND FEES FOR FOREIGN GOVERNMENTS (1980 OCT)

Unless the sales commission and fee have been identified and payment thereof has been approved in writing by the Government of . . . . . .* before contract award, the following provisions, as appropriate, shall apply.

(a) For firm fixed-price contracts or fixed-price contracts with economic price adjustment:

"The Contractor certifies that the contract price (including any subcontracts awarded hereunder) does not include any direct or indirect costs of sales commissions or fees for contractor sales representatives for the solicitation or promotion or otherwise to secure the conclusion of the sale of any of the supplies or services called for by this contract to the Government of . . . . . .*"

*Name of foreign country.

(b) For all other types of contracts:

"Notwithstanding any other provision of this contract, any direct or indirect costs of sales commissions or fees for contractor (or subcontractor) sales representatives for the solicitation or promotion or otherwise to secure the conclusion of the sale of any of the supplies or services called for by this contract to the Government of . . . . . .* shall be considered as an unallowable item of cost under this contract."

*Name of foreign country.

(End of clause)

7-105 Additional Clauses. The following clauses shall be inserted in fixed-price supply contracts in accordance with departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-105.1 *Alterations in Contract.*

(a)

ALTERATIONS IN CONTRACT (1949 JUL)

The following alterations have been made in the provisions of this contract.

(End of clause)

7-203.28 *Competition in Subcontracting.* In accordance with 7-104.40, insert the clause therein.

7-203.29 *Audit by Department of Defense.* Insert the clause in 7-104.41(a).

7-203.30 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the applicable clause therein.

7-203.31 *Subcontractor Cost and Pricing Data.* Insert the clause in 7-104.42(a).

7-203.32 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-203.33 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-203.34 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-203.35 *Notice of Intent to Disallow or Not Recognize Costs.* In accordance with 15-206, insert the following clause in all cost-reimbursement type and flexibly priced contracts.

NOTICE OF INTENT TO DISALLOW OR NOT RECOGNIZE COSTS (1978 AUG)

(a) Notwithstanding any other provision of the contract, the Contracting Officer may, at any time, issue to the Contractor a written notice of intent to disallow or not recognize costs. This notice will indicate the Contracting Officer's intent to take exception to specified costs being incurred, or planned for incurrence, which he has determined not to be allowable in accordance with the terms of this contract.

(b) The Contractor may, within sixty (60) days of receipt of such notification, submit a written response to the Contracting Officer, together with justification therefor, against the proposed cost exception.

(c) In the event the Contractor does not file any such written response within the sixty (60) day period in (b) above, the notice shall serve as the Contracting Officer's final decision under the provisions of the clause herein entitled "*Disputes*".

(d) The Contracting Officer shall, within sixty (60) days of receipt of any written response, either withdraw in writing the notification or issue a final decision thereon under the provisions of the clause herein entitled "*Disputes*".

(e) Failure to issue a notice pursuant to this clause shall not alter the Government's rights with respect to exception to incurred costs.

(End of clause)

7-204 Clauses To Be Used When Applicable.

7-204.1 *Clauses for Cost Reimbursement Type Supply Contracts Involving Construction Work.*

(a) In accordance with 12-106 and 18-703, insert the clauses in 7-602.23.

(b) In accordance with 7-602.20 and 7-602.24, insert the clauses therein in addition to the clause in 7-104.3.

7-204.2 *Workmen's Compensation and War Hazard Insurance Overseas.* In accordance with 10-403, insert the clauses in 7-104.2(a) and/or 7-104.2(b) depending on whether all contract employees are subject to the Defense Base Act or whether the Act has been waived as to all or part of the contract employees. Also insert the clause *Reimbursement for War Hazard Losses* in 7-104.2(c) and the schedule language at 10-502(b) and (c) according to the instructions stated in those paragraphs.

7-204.3 *Buy American Act.* In accordance with 7-104.3, insert the clause therein.

7-204.4 *Notice to the Government of Labor Disputes.* In accordance with 7-104.4, insert the clause therein.

7-204.5 *Patent Indemnity.* In accordance with 9-103, insert the clause with additional applicable provisions in 7-104.5.

7-204.6 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6.

7-204.7 *Patent Rights.* When experimental, developmental, or research work may be performed under the contract, insert the appropriate clause in 7-302.23.

7-204.8 *Reporting of Royalties.* In accordance with 9-110(d), insert the clause in 7-104.8(a).

7-204.9 *Rights in Data.* In accordance with 7-104.9 insert the appropriate clause, or clauses, therein.

7-204.10 *Quality Program.* In accordance with 14-304, insert the clause in 7-104.28.

7-204.11 *Excess Profit.* In accordance with 7-104.11, insert the appropriate clause therein.

7-204.12 *Military Security Requirements.* In accordance with 7-104.12, insert the clause therein, deleting paragraphs (c) and (d) and substituting the following:

(c) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such changes cause an increase or decrease in the estimated cost or time required for performance of this contract, the estimated cost, fee, delivery schedule, or any other provision of the contract that may be affected, shall be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause of this contract.

(d) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (d) but excluding the last sentence of paragraph (c) of this clause. (1971 APR)

7-204.13 *Preference for Certain Domestic Commodities.* In accordance with 6-305, insert the clause in 7-104.13.

7-204.14 *Gratuities.* Insert the clause in 7-104.16, except in contracts and purchase orders with foreign governments obligating solely funds other than those contained in Department of Defense appropriation acts.

7-204.15 *Priorities, Allocations, and Allotments.* In accordance with the requirements of 1-307.2, insert the clause in 7-104.18.

7-204.16 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-204.17 *Employment of Ocean-Going Vessels—Ocean Transport of Government-Owned Supplies.*

(a) In accordance with 1-1404(a), insert the clause in 7-104.19(a).

(b) In accordance with 1-1404(b)(1), insert the clause in 7-104.19(b).

(c) In accordance with 1-1404(b)(2), insert the clause in 7-104.19(c).

(d) In accordance with 1-1410, insert the clause in 7-104.19(d).

craft, or previously approved in writing by the .....* (*See footnote at end of clause.*) As to land based aircraft, "flight" shall commence with the taxi roll from a flight line and continue until the aircraft has completed the taxi roll to a flight line; as to sea planes, "flight" shall commence with the launching from a ramp and continue until the aircraft has completed its landing run and is beached at a ramp; as to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off and continue until the aircraft has returned to the ground and rotors are disengaged; and for vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device and continue until the aircraft has been re-engaged to any launching platform or device.

(iii) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defense systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

(c) If any aircraft is damaged, lost, or destroyed during flight, and if the amount of such damage, loss, or destruction exceeds one hundred thousand dollars ($100,000) or twenty percent (20%) of the estimated cost (exclusive of any fee) of this contract, whichever is less, and if the Contractor is not liable for the damage, loss or destruction pursuant to the "Government Property" clause of this contract together with paragraph (a) above, then an equitable adjustment for any resulting repair, restoration, or replacement that is required under this contract shall be made (i) in the estimated cost, delivery schedule, or both, and (ii) in the amount of any fee to be paid to the Contractor, and the contract shall be modified in writing accordingly; *provided*, in determining the amount of adjustment in the fee that is equitable, any fault of the Contractor, his employees, or any subcontractor, which materially contributed to the damage, loss, or destruction shall be taken into consideration. Failure to agree on any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(End of clause)

In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 55-22, Army Regulation 95-20, NAVAIR Instruction 3710.1A, Defense Supply Agency Regulation 8210.1, dated 8 October 1971, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

In the foregoing clause, the definition of "*aircraft*" may be appropriately modified in the Schedule if the contract covers helicopters, vertical take-off aircraft, lighter-than-air airships, or other nonconventional types of aircraft.

7-204.22 *Duty-Free Entry.*

(a) *Duty-Free Entry for Designated Items.* In accordance with 6-603.3(a), insert the clause in 7-104.31(a).

(b) *Duty-Free Entry for Items Not Identified in the Contract.* In accordance with 6-603.3(b), insert the clause in 7-104.31(b).

7-204.23 *Duty-Free Entry of Qualifying Country End Products and Supplies.* In accordance with 6-603.3, insert the clause in 7-104.32.

7-204.24 *Taxes.*

(a) *Contractor Not a Foreign Government.* In accordance with 11-403.2(c), insert the following clause.

TAXES (1960 JUL)

Any tax or duty from which the United States Government is exempt by agreement with the Government of ....., or from which the Contractor or any subcontractor hereunder is exempt under the laws of ....., shall not constitute an allowable cost under this contract.

(End of clause)

(b) *Foreign Government as Contractor.* In accordance with 11-403.2(d), insert the following clause.

TAXES (1960 JUL)

Any tax or duty from which the United States Government is exempt by agreement with the Government of ..... or from which any subcontractor hereunder is exempt under the laws of ....., shall not constitute an allowable cost under this contract.

(End of clause)

7-204.25 *Advance Payments.* When advance payments are to be made in accordance with Appendix E, Part 4, insert the appropriate clauses in 7-104.34.

7-204.26 *Frequency Authorization.* In accordance with 7-104.61, insert the clause therein.

7-204.27 *Required Source for Jewel Bearings and Related Items.* In accordance with 1-2207.2, insert the clause in 7-104.37.

7-204.28 *General Services Administration Supply Sources.* In accordance with 5-909, insert the following clause.

GENERAL SERVICES ADMINISTRATION SUPPLY SOURCES (1977 AUG)

The Contracting Officer may issue the Contractor an authorization to utilize General Services Administration supply sources for property to be used in the performance of this contract. All property acquired under such an authorization shall be subject to the provisions of the clause of this contract entitled "*Government Property*", except paragraphs (a) and (b) thereof.

(End of clause)

7-204.29 *Special Termination Costs.* In accordance with 8-712, insert the clause in 7-108.3.

7-204.30 *Interest.* In accordance with E-620, insert the clause in 7-104.39.

7-204.31 *United States Products (Military Assistance Program).* In accordance with 6-703.4, insert the clause in 7-2003.51.

7-204.32 *Value Engineering.*

(a) *Use of the Incentive and Program Requirement Clauses.* In accordance with 1-1702 and 1-1707, insert the applicable clause or clauses in 7-104.44(a) and (b), as modified in (b) or (c) below.

(b) *Cost-Plus-Incentive-Fee Contracts.* Substitute the following "Sharing" provision for paragraph (e) of the applicable clause in 7-104.44(a) and (b):

(e) *Sharing.* If a VECP submitted by the Contractor pursuant to this clause is accepted, the Contractor shall share in the savings realized by the Government in accordance with the following provisions:

(1) Instant Contract

(i) Definitions:

7-204.55 *Cost/Schedule Control Systems.* In accordance with 1-331(h) and 3-501(b) Section C (xiv), insert the clause in 7-104.87.

7-204.56 *Engineering Change Proposals (ECP's).* In accordance with 26-205, insert the clause in 7-104.89.

7-204.57 *Change Order Accounting.* In accordance with 26-205, insert the clause in 7-104.90.

7-204.58 *Time of Delivery.* Insert a clause in accordance with 7-104.92

7-204.59 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-204.60 *Preference For United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-204.61 *Submission of Commercial Freight Bills to the General Services Administration for Audit.* In accordance with 19-403.2(c), insert the following clause

SUBMISSION OF COMMERCIAL FREIGHT BILLS TO THE GENERAL SERVICES ADMINISTRATION FOR AUDIT (1976 FEB)

When transportation costs are reimbursed to the Contractor, the Contractor is required to furnish to the

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(or to the ACO if specified) individual commercial freight bills (or equivalent shipment data and evidence of payment) for transportation charges in excess of $500.00.

(End of clause)

7-204.62 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-204.63 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-204.64 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-204.65 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104 98.

7-204.66 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-204.67 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-204.68 *Offset Arrangement.* In accordance with 6-1310.3(d), insert the clause in 7-104.105.

7-204.69 *Qualifying Country Sources as Subcontractors.* In accordance with 6-1403.4, insert the clause at 7-104.106.

7-205 Additional Clauses. The following clauses shall be inserted in cost-reimbursement type supply contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-205.1 *Abrasions in Contract.* The clause in 7-105.1(a) may be inserted.

7-205.2 *Approval of Contract.* The clause in 7-105.2 may be inserted.

7-205.3 *Title and Risk of Loss.* Insert the clause in 7-103.6.

7-205.4 *Bill of Materials.* In accordance with 7-105.6, insert the clause therein.

7-205.5 *Reserved.*

7-205.6 *Stop Work Orders.* The clause in 7-105.3, if modified by changing (i) the words "the 'Termination for Convenience' clause of this contract" to "the 'Termination' clause of the contract" and (ii) the words "an equitable adjustment shall be made in the delivery schedule or contract price, or both" to "an equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected," is authorized for use in any cost-reimbursement type contract under the criteria and in accordance with the instructions in 7-105.3.

7-205.7 *Warranty of Technical Data.* In accordance with 1-324.6, insert the clause in 7-104.9(o).

order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this contract, the Contractor assumes the risk of, and shall be responsible for, any loss or destruction of or damage to the Government property, and such property (other than that which is permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (f) above.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

*(7) If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft. (*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted pursuant to 10-404(b)(2).)*

(h) *Access.* The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property.

(i) *Disposition of Government Property.* Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as provided for elsewhere in this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in paragraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or costs of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) *Removal of Government Property and Abandonment.* If the Contractor determines any Government property to be in excess of his needs under this contract, such Government property shall be disposed of in the same manner as provided by paragraph (i) above, except that the Government may abandon any Government property in place and thereupon all obligations of the Government regarding such abandoned property shall cease. The Government has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment, disposition pursuant to paragraph (i) above, nor otherwise, except for restoration or rehabilitation costs which are properly included in an equitable adjustment under paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing or in accordance with the "Manual for Military Standard Requisitioning and Issue Procedure (MILSTRIP) for Defense Contractors" (Appendix H, Armed Services Procurement Regulation).

(End of clause)

7-303.8 *Communist Areas.* In accordance with 6-403 and 7-103.15, insert the clause in 7-103.15.

7-303.9 *Notice to the Government of Labor Disputes.* Insert the clause in 7-104.4 in all contracts involving the furnishing of production of any item on the Department of Defense Master Urgency List and in any other contract of a class or kind which the Head of the Contracting Activity concerned determines to be appropriate for the use of such a clause.

7-303.10 *Limitation on Withholding of Payments.* In accordance with 7-104.21, insert the clause therein.

7-303.11 *Special Termination Costs.* In accordance with 8-712, insert the clause in 7-108.3.

7-303.12 *Subcontracts.* In accordance with 23-201.1, insert the clause in 7-104.23.

7-303.13 *Material Inspection and Receiving Report.* Insert the clause in 7-404.62.

7-303.14 *Frequency Authorization.* In accordance with 7-104.61, insert the clause therein.

7-303.15 *Quality Program.* In accordance with 14-304, insert the clause in 7-104.28.

7-303.16 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the appropriate clause therein.

7-303.17 *Ground and Flight Risk.* In accordance with 10-404, insert the clause in 7-104.10.

7-303.18 *Duty-Free Entry.* In accordance with 6-603.3, insert the clauses in 7-104.31.

7-303.19 *Duty-Free Entry of Qualifying Country End Products and Supplies.* In accordance with 6-603.3, insert the clause in 7-104.32.

7-303.20 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-303.21 *Advance Payments.* When advance payments are to be made in accordance with Appendix E, Part 4, insert the clause in 7-104.34.

7-303.22 *Workmen's Compensation and War Hazard Insurance Overseas.* In accordance with 10-403, insert the clauses in 7-104.2(a) and/or 7-104.2(b) depending on whether all contract employees are subject to the Defense Base Act or whether the Act has been waived as to all or part of the contract employees. Also insert the clause *Reimbursement for War Hazard Losses* in 7-104.2(c) and the language at 10-502(b) and (c) according to the instructions stated in those paragraphs.

7-303.23 *Progress Payments.* In accordance with E-510, insert one of the clauses in 7-104.35.

7-303.24 *Required Source for Jewel Bearings and Related Items.* In accordance with 1-2207.2, insert the clause in 7-104.37.

7-303.25 *Notice of Radioactive Materials.* In accordance with 7-104.80, insert the clause therein.

7-303.26 *Interest.* In accordance with E-620, insert the clause in 7-104.39.

7-303.27 *Competition in Subcontracting.* In accordance with 7-104.40, insert the clause therein.

7-303.28 *Audit by Department of Defense.* In accordance with 7-104.41(a), insert the clause therein.

Secretary and approved by the Contracting Officer, for in contracts with the Department of the Navy, *The Department*) When the Government has assumed liability for subcontracts, the term "*Contractor*" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to parties to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

(e) If insurance coverage or other financial protection program approved by the Secretary is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) The Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (ii) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (iii) immediately furnish to the Government copies of all pertinent papers received by the Contractor. The Government may direct, control or assist in the settlement or defense of any such claim or action. The Contractor shall comply with the Government's directions, and execute any authorizations required in regard to such settlement or defense.

(End of clause)

7-303.63 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-303.64 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-303.65 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-303.66 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-303.67 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-303.68 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-303.69 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-303.70 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-304 Additional Clauses. The following clauses shall be inserted in fixed-price research and development contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof.

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CONTRACT CLAUSES AND SOLICITATION PROVISIONS

7-304.1 *Changes*. **ON PROVISIONS**

CHANGES (1968 JUN)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; and (iii) place of inspection, delivery, or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *provided*, however, then the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(End of clause)

e the foregoing clause, the period of "thirty (30) days" within which any claim or adjustment must be asserted, may be varied in accordance with Departmental rocedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any hange order that is expected to exceed $100,000, except where the price is ased on adequate price competition, established catalog or market prices of ommercial items sold in substantial quantities to the general public, or prices set y law or regulation, the contracting officer shall require the contractor to furnish Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure the ontract includes or is modified to include a defective pricing data clause (see -104.29).

7-304.2 *Alterations in Contract*. The clause in 7-105.1(a) may be inserted.

7-304.3 *Approval of Contract*. The clause in 7-105.2 may be inserted.

7-304.4 *Bill of Materials*. In accordance with 7-105.6, the clause set forth herein may be inserted.

7-304.5 *Notice of Shipments*. The clause in 7-105.4 may be inserted.

7-304.6 *Reports of Work*. In accordance with 7-404.6, the clause set forth herein may be inserted.

7-304.7 *Liquidated Damages*. In accordance with 1-310, the clause in -105.5 may be inserted.

7-304.8 *Reserved*.

7-304.9 *Reserved*.

7-304.10 *Warranties*. In accordance with 1-324, an appropriate warranty ay be inserted.

7-304.11 *Stop Work Orders*. In accordance with 7-105.3, the clause set forth herein may be inserted.

7-304.12 *Term of Performance or Delivery Date*. Insert a clause in accordance with 1-305.5. Clauses in 7-104.92 shall be used as a guide.

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

the temporary withholding of amounts otherwise payable to the contractor for supplies delivered or services performed:

LIMITATION ON WITHHOLDING OF PAYMENTS (1969 FEB)

If more than one clause or Schedule provision of this contract authorized the temporary withholding of amounts otherwise payable to the Contractor for work performed under this contract, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or Schedule provision at that time; *provided* that this limitation shall not apply to:

(i) withholdings pursuant to any clause relating to wages or hours of employees;
(ii) withholding not specifically provided for by this contract; and
(iii) the recovery of overpayments.

(End of clause)

(b) The clause in (a) above is not required when:

(i) the contracting officer or contracting activity determines that the withholding limitation in the said clause is incompatible with the purpose of the particular withholding provisions involved; or

(ii) all of the contract clauses or Schedule provisions (in excess of one) which provide for the withholding of payments either (A) are exempt from the limitations in the clause set forth in (a) above under the proviso thereof, or (B) provide that their withholding provisions do not require any additional withholdings where the amounts required to be withheld under them are being withheld under other provisions of the contract.

If it is determined that the withholding limitation in the clause set forth in (a) above is incompatible with the purpose of particular withholding provisions, the said clause may be omitted or modified to make it inapplicable to such withholding provisions.

7-403.13 *Bills of Lading Covering Shipments To or From Contractor's Plant*. In accordance with the requirements of 19-217.1(b), insert the clause in 7-203.14.

7-403.14 *Changes to Make-or-Buy Program*. In accordance with Section III, Part 9, insert the clauses in 7-204.20.

7-403.15 *Quality Program*. In accordance with 14-304, insert the clause in 7-104.28.

7-403.16 *Flight Risks*. In accordance with 10-504, insert the clause in 7-204.21.

7-403.17 *Duty-Free Entry*. In accordance with Section VI, Part 6, insert the appropriate clause or clauses in 7-104.31.

7-403.18 *Duty-Free Entry of Qualifying Country End Products and Supplies*. In accordance with 6-603.3, insert the clause in 7-104.32.

7-403.19 *Taxes*. In accordance with 11-403, insert one of the clauses in 7-204.24.

7-403.20 *Advance Payments*. When advance payments are to be made in accordance with Appendix E, Part 4, insert the clause in 7-104.34.

7-403.21 *Workmen's Compensation and War Hazard Insurance Overseas*. In accordance with 10-403, insert the clauses in 7-104.2(a) and/or 7-104.2(b) de-

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

pending on whether all contract employees are subject to the Defense Base Act or whether the Act has been waived as to all or part of the contract employees. Also insert the clause *Reimbursement for War Hazard Losses* in 7-104.2(c) and the language at 10-502 (b) and (c) according to the instructions stated in those paragraphs.

7-403.22 *Required Source for Jewel Bearings and Related Items*. In accordance with 1-2207.2 , insert the clause in 7-104.37.

7-403.23 *General Services Administration Supply Sources*. In accordance with 5-909, insert the clause in 7-204.28.

7-403.24 *Safety Precautions for Ammunition and Explosives*. In accordance with 7-104.79, insert the clause therein.

7-403.25 *Interest*. In accordance with E-620, insert the clause in 7-104.39.

7-403.26 *United States Products (Military Assistance Program)*. In accordance with 6-703.4, insert the clause in 7-2003.51.

7-403.27 *Value Engineering*. Subject to the limitations in 1-1702, insert the appropriate clause(s) in 7-104.44, substituting the "Sharing" paragraph (e) in 7-204.32(b) or (c) for paragraph (e) of the clause in 7-104.44, as applicable.

7-403.28 *Notice of Radioactive Materials*. In accordance with 7-104.80, insert the clause therein.

7-403.29 *Non-Use of Foreign Flag Vessels Engaged in Cuban and North Vietnam Trade*. In accordance with 1-1404, insert the clause in 7-104.19 (d).

7-403.30 *New Material*. In accordance with 1-1208, insert the clause in 7-104.48.

7-403.31 *Special Termination Costs*. In accordance with 8-712, insert the clause in 7-108.3.

7-403.32 *Management Systems Requirements*. In accordance with 16-827.1, insert the clause in 7-104.50.

7-403.33 *Special Test Equipment*. Insert the clause in 7-104.26 in negotiated contracts which provide that the contractor will acquire special test equipment for the Government but do not specify the items to be acquired (see 13-306.3(c)).

7-403.34 *First Article Approval*. In accordance with Section I, Part 19, insert the appropriate clause in 7-104.55.

7-403.35 *Order of Precedence*. In accordance with 3-501(b)Sec.C(xxxi), insert the clause in 7-2003.41.

7-403.36 *United States Products and Services (Balance of Payments Program)*. In accordance with Section VI, Part 8, insert the clause in 7-2003.53.

7-403.37 *Identification of Expenditures in the United States*. In accordance with 6-807, insert the clause in 7-104.58.

7-403.38 *Reserved*.

7-403.39 *Care of Laboratory Animals*. In accordance with 7-303.44, insert the clause therein.

7-403.40 *Frequency Authorization*. In accordance with 7-104.61, insert the clause therein

7-403.41 *Material Inspection and Receiving Report* In accordance with 7-104.62, insert the clause therein

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

INDEMNIFICATION UNDER PUBLIC LAW 85-804 — COST-REIMBURSEMENT TYPE CONTRACTS (1974 APR)

(a) Pursuant to Public Law 85-804 (50 U.S.C. 1431 - 1435) and Executive Order 10789, as amended, and notwithstanding any other provision of this contract, but subject to the following paragraphs of this clause, the Government shall hold harmless and indemnify the Contractor against:

(i) claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

(ii) loss of or damage to property of the Contractor, and loss of use of such property but excluding loss of profit; and

(iii) loss of, damage to, or loss of use of property of the Government but excluding loss of profit;

to the extent that such a claim, loss or damage (A) arises out of or results from a risk defined in this contract to be unusually hazardous or nuclear in nature and (B) is not compensated by insurance or otherwise. Any such claim, loss or damage within deductible amounts of Contractor's insurance shall not be covered under this clause.

(b) The Government shall not be liable for:

(i) claims by the United States (other than those arising through subrogation) against the Contractor; or

(ii) losses affecting the property of such Contractor;

when the claim, loss or damage was caused by the willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or principal officials. For purposes of this clause, the term "*principal officials*" means any of the Contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of:

(A) all or substantially all of the Contractor's business, or

(B) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or

(C) a separate and complete major industrial operation in connection with the performance of this contract.

The Contractor shall not be indemnified under this clause for liability assumed under any contract or agreement unless such assumption of liability has been specifically authorized by the Secretary and approved by the Contracting Officer (or in contracts with the Department of the Navy, *The Department*). When the Government has assumed liability for subcontracts, the term "*Contractor*" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to parties to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

(e) If insurance coverage or other financial protection program approved by the Secretary is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) In addition to the Contractor's responsibilities under the "Insurance — Liability to Third Persons" clause of this contract, which are hereby made applicable to claims under this clause, the Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (ii) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (iii) to the extent required by the Government, permit and authorize the Government to direct, control or assist in the settlement or defense of any such claim or action. The cost of insurance (including costs in the settlement or defense of any such claim or action. The cost of insurance (including costs in the settlement or defense of any such claim or action) and self insurance), covering a risk defined in this contract as unusually hazardous or nuclear in nature shall not be reimbursed either as a direct or indirect cost except to the extent that such insurance has been required or approved under the "Insurance—Liability to Third Persons" clause hereof.

(g) "Limitation of Cost" / "Limitation of Funds" clauses of this contract do not apply to the Government's obligations under this clause. Such obligations shall be excepted from the relevant required under the "Allowable Cost" clause of this contract.

(End of clause)

7-403.58 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-403.59 *Submission of Commercial Freight Bills to the General Services Administration for Audit.* In accordance with 19-403.2(c), insert the clause in 7-104.61.

7-403.60 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-403.61 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-403.62 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-403.63 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-403.64 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-403.65 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-403.66 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-404 Additional Clauses. The following clauses shall be inserted in accordance with Departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-404.1 *Changes.*

CHANGES (1967 APR)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following:

(i) drawings, designs, or specifications;
(ii) method of shipment or packing, and
(iii) place of inspection, delivery, or acceptance.

(b) If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of the contract, an equitable adjustment shall be made

(i) in the estimated cost or delivery schedule, or both,
(ii) in the amount of any fixed fee to be paid to the Contractor, and
(iii) in such other provisions of the contract as may be affected; contract shall be modified in writing accordingly.

7-404.13 *Availability of Funds.* In accordance with 1-318, insert one of the clauses in 7-104.91.

7-404.14 *Term of Performance or Delivery Date.* When applicable, a clause in accordance with 7-104.92 may be used.

7-404.15 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-404.16 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-404.17 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-404.18 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-504.19 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-504.20 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-505 Additional Clause. The following clause shall be inserted in personal services contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-505.1 *Alterations in Contract.* In accordance with 7-105.1(a), insert the clause therein.

Part 6—Construction and Architect-Engineer Contracts

7-600 Scope of Part. This Part sets forth uniform contract clauses for use in connection with the procurement of construction (see 18-100) and of architect-engineer services for the production and delivery of designs, plans, drawings and specifications, or for supervision and inspection of construction, or both.

7-601 General. As used throughout this Part, the term "construction contract" means any contract (other than one entered into on Standard Form 19 or DD Form 1155 (*see 16-401.2, 16-402.2, and 18-302*), a letter contract, a notice of award, or a modification not effecting new procurement) which is for construction as defined in 18-101.1.

7-602 Required Clauses for Fixed-Price Construction Contracts. The following clauses shall be inserted in all fixed-price construction contracts, except as otherwise provided in this Part.

7-602.1 *Definitions.*

DEFINITIONS (1964 JUN)

(a) The term "Head of the Agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

(End of clause)

Additional definitions may be included *provided* they are not inconsistent with the foregoing clause or the provisions of this Regulation.

7-602.2 *Specifications and Drawings.*

SPECIFICATIONS AND DRAWINGS (1964 JUN)

The Contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the Contracting Officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In case of discrepancy either in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the Contracting Officer, who shall promptly make a determination in writing. Any adjustment by the Contractor without such a determination shall be at his own risk and expense. The Contracting Officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

(End of clause)

7-602.3 *Changes.*

CHANGES (1968 FEB)

(a) The Contracting Officer may, at any time, without notice to the sureties, by written order designated or indicated to be a change order, make any change in the work within the general scope of the contract, including but not limited to changes:

DISPUTES CONCERNING LABOR STANDARDS (1977 DEC)

Disputes arising out of the labor standards provisions of this contract shall be subject to the Disputes clause except to the extent such disputes involve the meaning of classifications or wage rates contained in the wage determination decision of the Secretary of Labor or the applicability of the labor provisions of this contract which questions shall be referred to the Secretary of Labor in accordance with the procedures of the Department of Labor.

(End of clause)

(b) In the case of construction contracts with a State or political subdivision thereof, in accordance with 18-703.3, preface the clauses required by (a) above with the following provision.

The Contractor agrees to comply with the requirements of the Contract Work Hours Standards Act and to insert the following clauses in all subcontracts hereunder with private persons or firms.

7-602.24 *Nondomestic Construction Material.* When a determination has been made that certain construction materials may be used without regard to country of origin, the following clause shall be included in the contract, and the excepted items shall be listed therein.

NONDOMESTIC CONSTRUCTION MATERIALS (1966 OCT)

The requirements of the clause of this contract entitled "Buy American Act" do not apply to the items set forth below:
(Insert list here)

(End of clause)

When the above clause is used, the contracting officer shall place in the contract file a copy of the signed approval; and a copy thereof shall be available for public inspection.

7-602.25 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-602.26 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

(2) Drawings and Other Data to Become Property of Government.

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF GOVERNMENT (1979 MAR)

All Designs, drawings, specifications, notes and other works developed in the performance of this contract shall become the sole property of the Government and may be used on any other design or construction without additional compensation to the Contractor. The Government shall be considered the "person for whom the work was prepared" for the purpose of authorship in any copyrightable work under Section 201(b) of Title 17, United States Code. With respect thereto, the Contractor agrees not to assert or authorize others to assert any rights nor establish any claim under the design patent or copyright laws. The Contractor for a period of three years after completion of the project agrees to furnish all retained works on the request of the Contracting Officer. Unless otherwise provided in this contract, the Contractor shall have the right to retain copies of all works beyond such period.

(End of clause)

(b) In accordance with 18-910.2 and 18-910.3, insert the appropriate clause or clauses in 7-104.9.

7-603.43 *Identification of Expenditures in the United States.* In accordance with 6-807, insert the clause in 7-104.58.

7-603.44 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

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(2) "*Safety precaution areas*" means those portions of approach-departure clearance zones and transitional zones where placement of objects incident to contract performance might result in vertical projections at or above the approach-departure clearance surfaces or the transitional surfaces.

(A) The "approach-departure clearance surface" is an extension of the primary surface and the clear zone at each end of each runway, for a distance of 50,000 feet, first along an inclined plane (glide angle) and then along a horizontal plane, both flaring symmetrically about the runway centerline extended. The inclined plane (glide angle) begins in the clear zone 200 feet past the end of the runway (and primary surface) at the same elevation as the end of the runway, and continues upward at a slope of 50:1 (one foot vertically for each 50 feet horizontally) to an elevation of 500 feet above the established airfield elevation; at that point the plane becomes horizontal, continuing at that same uniform elevation to a point 50,000 feet longitudinally from the beginning of the inclined plane (glide angle) and ending there. The width of the surface at the beginning of the inclined plane (glide angle) is the same as the width of the clear zone; thence it flares uniformly, reaching the maximum width of 16,000 feet at the end.

(B) The "approach-departure clearance zone" is the ground area under the approach-departure clearance surface.

(C) The "transitional surface" is a sideways extension of all primary surfaces, clear zones, and approach-departure clearance surfaces along inclined planes. The inclined plane in each case begins at the edge of the surface. The slope of the inclined plane is 7:1 (one foot vertically for each 7 feet horizontally), and it continues to the point of intersection with the inner horizontal surface (which is the horizontal plane 150 feet above the established airfield elevation) or the outer horizontal surface (which is the horizontal plane 500 feet above the established airfield elevation), whichever is applicable.

(D) The "transitional zone" is the ground area under the transitional surface. (It adjoins the primary surface, clear zone and approach-departure clearance zone.)

(c) The Contractor shall report to the Contracting Officer before initiating any work and shall notify him of proposed changes of locations and operations.

(d) Neither equipment nor personnel shall use any runway for purposes other than aircraft operation without permission of the Contracting Officer unless the runway is closed by order of the Contracting Officer and marked as provided in (e)(2) below.

(e)(1) The Contractor shall place nothing upon the landing areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, the Contractor shall outline those landing areas hazardous to aircraft, with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) Before entering any landing area at an airfield where flying is controlled, additional permission must be obtained every time from the control tower operator, unless the landing area is marked as hazardous to aircraft in accordance with (2) above.

(4) All vehicles which the Contractor operates in landing areas shall be identified by means of a flag on a staff attached to and flying above the vehicle. The flag shall be three feet square and shall consist of a checkered pattern of international orange and white squares of one foot on each side (except that the flag may vary up to 10 percent from each of these dimensions).

(5) Unless otherwise authorized by the Contracting Officer, all other equipment and materials in the landing areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(6) Work shall be carried on so as to leave that portion of the landing area which is available to aircraft free from hazards, holes, piles of material, and projecting shoulders that might damage an airplane tire.

(f)(1) The Contractor shall place nothing upon the safety precaution areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, all equipment and materials in safety precaution areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) All objects, placed in safety precaution areas, which project above the approach-departure clearance surface or above the transitional surface must be provided at night with a red light or red lantern.

(g) The Contractor shall keep all paved surfaces, such as runways, taxiways, and hardstands, clean at all times and, specifically, free from small stones which might damage aircraft propellers or jet aircraft.

(h) While work is actually being performed on the airfield by the Contractor, the operation of mobile equipment shall be governed by the safety provisions above. At all other times all mobile equipment shall be removed to locations approved by the Contracting Officer at a distance of at least 750 feet from the runway centerline plus any additional distance necessary to insure compliance with the other provisions of this clause.

(i) Only those trenches may be opened for which material is on hand and ready for placing therein. As soon as practicable after material has been placed and work approved, trenches shall be backfilled and compacted as required by the contract. Meanwhile all hazardous conditions shall be marked and lighted in accordance with the other provisions of this clause.

(End of clause)

* At some airfields the width of the primary surface is 1500 feet (750 feet on each side of the runway centerline). In such instances substitute the proper width in the clause.

7-606.19 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-606.20 *Reserved.*

7-606.21 *Payment of Interest on Contractor's Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-606.22 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-606.23 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-606.24 *Value Engineering.* A VE Incentive or Program Requirement clause may be included in Cost-Reimbursement Type construction contracts at the discretion of the Contracting Officer. Use 7-602.50 or 7-104.44 (as modified by 7-204.32(b) or (c)) to suit the procurement.

7-606.25 *Patent Rights.* In accordance with 9-107 and 18-908, insert the appropriate clause in 7-302.23.

7-606.26 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6.

7-606.27 *Reporting of Royalties.* In accordance with 9-110(d), insert the clause in 7-104.8(e).

7-606.28 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-606.29 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-606.30 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-606.31 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-606.32 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-606.33 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

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in the contract, or he may adjust such estimated construction contract price. When bids or proposals are not solicited or where they are unreasonably delayed, the Government shall prepare an estimate of constructing the design submitted and such estimate will be used in lieu of bids or proposals to determine compliance with the funding limitation.

(End of clause)

(b) Whenever the clause set forth in (a) above is included in a contract, the following statement shall be inserted in the description of the work to be performed by the Architect-Engineer.

The estimated construction contract price for the project described herein is $.....

The figure to be inserted in this statement is to be established at the beginning of contract negotiations by agreement between the Architect-Engineer and the Government. Such estimated construction contract price shall take into account any statutory or other limitations and exclude any allowances for Government supervision and overhead and any amounts set aside by the Government for contingencies. In negotiating the figure to be inserted, the Contracting Officer should make available to the Architect-Engineer the information upon which the Government has based its initial estimate and any subsequently acquired information which may affect the construction cost.

7-608.4 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-608.5 *Option for Supervision and Inspection Services.* The following clause may be included in any fixed-price architect-engineer contract if supervision and inspection services by the architect-engineer during construction are contemplated. The details of such services must be set out in Appendix A of the contract.

OPTION FOR SUPERVISION AND INSPECTION SERVICES (1972 APR)

At any time prior to six (6) months after satisfactory completion and acceptance of the work to be furnished hereunder, the Government at its option, may direct, by a written order, the Architect-Engineer to perform any part or all of the supervision and inspection services provided under Appendix A. Upon receipt of such direction, the Architect-Engineer shall proceed with such work and services.

(End of clause)

7-608.6 *Requirements for Registration of Designers.* The following clause shall be inserted in fixed-price architect-engineer contracts, except that it may be omitted from any contract (1) when the design is to be performed outside the United States, its possessions, or Puerto Rico, or (2) when the design is to be performed in a State or possession which does not have registration requirements for the particular field involved:

REQUIREMENTS FOR REGISTRATION OF DESIGNERS (1972 APR)

The design of architectural, structural, mechanical, electrical, civil or other engineering features of the work shall be accomplished or reviewed and approved by architects or engineers registered to practice in the particular professional field involved in a State or possession of the United States, in Puerto Rico, or in the District of Columbia.

(End of clause)

7-608.7 *Accident Prevention.* Insert the clause in 7-602.42, except in contracts where no field work is involved, substituting "Architect-Engineer" for "Contractor."

7-608.8 *Military Security Requirements.* In accordance with 7-104.12, insert the clause therein, substituting "Architect-Engineer" for "Contractor."

7-608.9 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29(a), insert the clause therein, substituting "Architect-Engineer" for "Contractor."

7-608.10 *Subcontractor Cost or Pricing Data.* In accordance with 7-104.42(a), insert the clause therein, substituting "Architect-Engineer" for "Contractor."

7-608.11 *Identification of Expenditures in the United States.* In accordance with Section VI, Part 8, insert the clause in 7-104.58, substituting "Architect-Engineer" for "Contractor."

7-608.12 *Authorization and Consent.* In accordance with 18-902.1 and 18-902.2, insert the appropriate clause in 7-103.22 or 7-302.21, substituting "Architect-Engineer" for "Contractor."

7-608.13 *Notice and Approval of Restricted Designs.* In accordance with 18-905, insert the following clause.

NOTICE AND APPROVAL OF RESTRICTED DESIGNS (1972 APR)

In the performance of this contract, the Architect-Engineer shall, to the extent practicable, make maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through Government or competitive commercial channels, or through standard or proven production techniques, methods, and processes. Unless approved by the Contracting Officer the Architect-Engineer shall not, in the performance of the work called for by this contract, produce a design or specification such as to require in this construction work the use of structures, products, materials, construction equipment, or processes which are known by the Architect-Engineer to be available only from a sole source. As to any such design or specification the Architect-Engineer shall report to the Contracting Officer giving the reason or reasons why it is considered necessary to so restrict the design or specification.

(End of clause)

7-608.14 *Patent Rights.* In accordance with 9-107 and 18-908(a), insert the appropriate clause in 7-302.23, substituting "Architect-Engineer" for "Contractor."

7-608.15 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6 in every classified contract which covers or is likely to cover classified subject matter, substituting "Architect-Engineer" for "Contractor."

7-608.16 *Alterations.* In accordance with 7-604.1, insert the clause therein.

7-608.17 *Rights in Data.* In accordance with 18-910.2 and 18-910.3, insert the appropriate clause, or clauses, in 7-104.9, substituting "Architect-Engineer" for "Contractor."

7-608.18 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83, substituting "Architect-Engineer" for "Contractor."

7-608.19 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-608.20 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-608.21 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-608.22 *Reserved.*

7-608.23 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

(iii) "Apprentices and Trainees," 7-602.23(a)(iii);
(iv) "Payrolls and Basic Records," 7-602.23(a)(iv);
(v) "Compliance With Copeland Regulations," 7-602.23(a)(v);
(vi) "Withholding of Funds" 7-602.23(a)(vi);
(vii) "Subcontracts", 7-602.23(a)(vii);
(viii) "Contract Termination - Debarment", 7-602.23(a)(viii); and
(ix) "Disputes Concerning Labor Standards", 7-602.23(a)(ix).

(b) Upon determination by the Contracting Officer that the Davis-Bacon Act is applicable to any item of work to be performed hereunder, a determination of the prevailing wage rates and the clauses referenced in paragraph (a) above shall be incorporated into the contract in their entirety by modification.

(c) No construction, alteration, or repair (including painting and decorating) of public buildings or public works shall be performed under this contract without incorporation of the wage determination and clauses required in paragraph (b) above unless the Contracting Officer authorizes the start of work because of unusual or emergency situations.

(End of clause)

7-705.6 *Management Systems Requirements.* In accordance with 16-827.1, insert the clause in 7-104.50.

7-705.7 *Improvements to Buildings or Land Owned by the Government.* When necessary to assure that Government buildings or land will not be modified in a manner detrimental to the interests of the Government, the following clause shall be inserted.

IMPROVEMENTS TO BUILDING OR LAND OWNED BY THE GOVERNMENT (1966 SEP)

(a) The Contractor shall not construct or make, at its expense, any fixed improvement to, or structural alteration in the nature of, buildings or land owned or leased by the Government, without prior written approval of the Contracting Officer.

(b) For the purpose of paragraph (a), the terms "fixed improvement" and "structural alteration" mean any improvement to or alteration in the nature of the buildings or land which, after completion, cannot be removed without substantial loss of value or damage to the premises. Such terms do not include foundations for production equipment.

(End of clause)

7-705.8 *Patent Rights.* In accordance with 9-107, insert the appropriate clause as set forth in 7-302.23.

7-705.9 *Required Source for Jewel Bearings and Related Items.* In accordance with 1-2207.2, insert the clause in 7-104.37.

7-705.10 *Changes to Make-or-Buy Program.* In accordance with 3-902.4, insert the clause in 7-204.20(a).

7-705.11 *Interest.* In accordance with E-620, insert the clause in 7-104.39.

7-705.12 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-705.13 *Advance Payments.* In accordance with Appendix E, Part 4, insert the clause in 7-104.34 but substitute paragraphs (3) and (5) from the clause in 7-204.25 for paragraph (3) and (5) of the clause in 7-104.34.

7-705.14 *General Services Administration Supply Sources.* In accordance with 7-204.28, insert the clause therein, deleting the last sentence.

7-705.15 *Order of Precedence.* In accordance with 3-501(b)Sec.C(xxxi), insert the clause in 7-2003.41.

7-705.16 *Duty-Free Entry.* In accordance with 6-603.2 and 6-603.3, insert either or both of the clauses in 7-104.31.

7-705.17 *United States Products and Services (Balance of Payments Program).* In accordance with 6-806.4, insert the clause in 7-2003.53.

7-705.18 *Identification of Expenditures in the United States.* In accordance with 6-807, insert the clause in 7-104.58.

7-705.19 *Reserved.*

7-705.20 *Insurance.* In accordance with 10-405 and 10-501, insert the clause in 7-104.65.

7-705.21 *Use of Excess and Near-Excess Currency.* In accordance with 6-1110, insert the clause in 7-104.66.

7-705.22 *Facilities Equipment Modernization.* Insert the following clause in any bilateral modification of an existing facilities contract, and in any new facilities contract, under which the Government provides modernized or replacement facilities.

FACILITIES EQUIPMENT MODERNIZATION (1976 JUL)

(a) In consideration of the Government providing, as set forth in this contract, for modernization or replacement of Government-owned equipment being used or to be used by the Contractor in the performance of Government firm-fixed-price contracts or subcontracts, or fixed-price contracts or subcontracts with economic price adjustment provisions, the Contractor agrees to return to the Government the net cost savings actually realized from the use of the modernized or replacement equipment on all such contracts or subcontracts entered into prior to the expiration of the three-year period following the date such equipment is placed in production, except (i) formally advertised contracts entered into subsequent to the date such equipment is placed in production, and (ii) contracts or subcontracts which specifically provide that they have been priced on the basis of anticipated use of such equipment.

(b)(1) The Contractor shall maintain adequate records for the implementation of this clause. The Contractor shall make such records available at its office for inspection, audit or reproduction by any authorized representative of the Contracting Officer. Within fourteen (14) months after the modernized or replacement equipment has been placed in production, the Contractor shall file with the Administrative Contracting Officer cognizant of the Government production and research property four (4) completed copies of DD Form 1651 (Industrial Equipment Modernization Program—Post Analysis Report).

(2) When the Contractor authorizes a subcontractor to use the modernized or replacement equipment, he shall require the subcontractor to maintain records, to make them and additional information available to the Contracting Officer, and to file four (4) copies of DD Form 1651, in the manner prescribed in (1) above.

(c) Records shall generally be acceptable if they are maintained for the equipment under established accounting practices and permit a fair estimation of the net cost savings realized. Net cost savings realized shall be determined by a comparison of the Contractor's cost experience in the operation of the equipment before and after modernization.

(d) Amounts due the Government under this clause shall be returned by the Contractor, as directed by the Administrative Contracting Officer by:

7-902.35 *Cost Accounting Standards.* In accordance with 3-1204, insert the clause in 7-104.83.

7-902.36 *Term of Performance or Delivery Date.* When applicable, a clause in accordance with 7-104.92 may be used.

7-902.37 *Availability of Funds.* In accordance with 1-318, insert one of the clauses in 7-104.91.

7-902.38 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-902.39 *Warranty of Technical Data.* In accordance with 1-324.6, insert the clause in 7-104.9(o).

7-902.40 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-902.41 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-902.42 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-902.43 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-902.44 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-902.45 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-902.46 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-902.47 *Limitations on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

Part 10—Stevedoring Contracts

7-1000 Scope of Part. This Part sets forth uniform contract clauses for use in stevedoring contracts as defined in 22-401. These clauses are to be used in addition to other required or applicable clauses set forth in Part 19 of this Section.

7-1001 Technical Provisions. The following clauses or appropriate revisions in accordance with 22-404 shall normally be included in all stevedoring contracts.

7-1001.1 *Scope of Contract.*

SCOPE OF CONTRACT (1964 AUG)

(a) *General.* The Contractor shall load and discharge cargoes and in connection therewith shall perform all the duties of a stevedore on any vessel which the Contracting Officer may designate at _____, upon the terms and conditions hereinafter set forth for the term of this contract, beginning _____ and ending _____; *provided*, however, that any work started before and not completed by the expiration of this contract shall be governed by the terms of this contract unless otherwise directed by the Contracting Officer.

(b) *Contractor's Duties.*

(1) *Loading.* In loading vessel, the Contractor shall remove and handle cargo from place of rest on pier or in pier shed or within the cargo assembly area; also from open-top railroad cars, trucks and trailers alongside ship; also from barges, lighters, scows, car floats and open-top railroad cars on car floats alongside ship. The Contractor shall stow said cargo in any space in the vessel, including bunker space, holds, 'tween decks, on deck, and deep tanks, in the order directed by and in a manner satisfactory to the Contracting Officer.

(2) *Discharging.* In discharging vessel, the Contractor shall remove and handle cargo from any space in the vessel, including bunker space, holds, 'tween decks, on deck, and deep tanks. The Contractor shall land said cargo at place of rest on pier or in pier shed or within the cargo assembly area; also on open-top railroad cars, trucks and trailers alongside ship; also on barges, lighters, scows, car floats and open-top railroad cars on car floats alongside ship. The Contractor shall perform such discharging in the order directed by and in a manner satisfactory to the Contracting Officer.

(3) *Handling Explosives.* In addition to (1) and (2) above, the following provisions are applicable to the loading and discharging of explosives:

(*a*) In loading explosives the Contractor shall perform all the stevedoring services necessary for the breaking-out and discharging from railroad cars, trucks and/or lighters alongside ship or from place of rest on pier, transporting to the vessel, and properly loading, stowing and normal securing and chocking in the vessel in a manner directed by applicable U.S. Coast Guard, Army, or Navy regulations.

(*b*) In discharging explosives the Contractor shall perform all stevedoring services necessary for discharging cargo from the vessel to place of rest on pier or the transporting to and loading into railroad cars, trucks and/or lighters. The Contractor shall also prepare and line the cars for handling the cargo (except the laying of new flooring) and shall brace, secure, cut bands, and lash the cargo in the cars in accordance with applicable regulations and shall place "explosive" placards on the cars prior to release, and shall close and seal all doors.

(*c*) The furnishing and preparation of gates, studs, new flooring, etc., for blocking railroad cars, as well as prefabrication of blocking in the vessel's hold, will be at the expense of the Government.

(*d*) The Contractor shall not be compensated for standby time when caused by slow-up or delay of one of his operations, which delay directly affects the other operations, such as delay in loading railroad cars, or in discharging from ship's hatches, unless such slow-up or delay was beyond the control and without the fault or negligence of the Contractor. This does not include the time required for shifting railroad cars. No standby time will be allowed unless previously approved by the Contracting Officer.

(c) *Area Requirements.* A clause similar to the following may be used when it is not known where the supplies or services will be required.

AREA REQUIREMENTS (1965 AUG)

Each item is divided into two (2) sub-items. Sub-item A is for delivery of the item to destinations East of the Mississippi River within the continental United States. Sub-item B is for delivery of the item to destinations West of the Mississippi River within the continental United States, excluding Alaska. With respect to each item, the Government shall order, except as hereinafter set forth, all the purchase requirements of .....(activity) which are for delivery to any destination East of the Mississippi River, from the Contractor awarded sub-item A, and shall order all of its purchase requirements for delivery to any destination West of the Mississippi River from the Contractor awarded sub-item B.

(End of clause)

7-1102.3 *Indefinite Quantity Contract.*

(a) *Delivery Order Limitations.* Insert the clause in 7-1102.1(a).

(b) *Indefinite Quantity.*

INDEFINITE QUANTITY (1968 AUG)

(a) This is an indefinite quantity contract for the supplies or services specified in the Schedule and for the period set forth therein. Delivery or performance shall be made only as authorized by orders issued in accordance with the "Ordering" clause of this contract. The quantities of supplies or services specified herein are estimates only and are not purchased hereby.

(b) The Contractor shall furnish to the Government, when and if ordered, the supplies or services set forth in the Schedule up to and including the quantity designated in the Schedule as the "maximum." The Government shall order the quantity of supplies or services designated in the Schedule as the "minimum."

(c) Orders issued during the effective period of this contract and not completed within that time shall be completed by the Contractor within the time specified in the order, and the rights and obligations of the Contractor and the Government respecting those orders shall be governed by the terms of the contract to the same extent as if completed during the effective period of this contract, *provided* that the Contractor shall not be required to make any deliveries under this contract after .....(date).

(d) The Government may issue orders which provide for delivery to or performance at multiple destinations.

(End of clause)

7-1102.4 *Material Inspection and Receiving Report.* Insert the clause in 7-104.62 except in negotiated subsistence acquisitions and contracts for tanker/barge shipments of bulk petroleum products.

7-1102.5 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

Part 12—Mortuary Services Contracts

7-1200 Scope of Part. This Part sets forth uniform contract clauses for mortuary services (care of remains) contracts (see Section XXII, Part 5). These clauses are to be used in addition to other required or applicable clauses set forth in Part 19 of this Section.

7-1201 Required Clauses for Other Than Port of Entry Requirements Contracts. The following clauses shall be inserted in all care of remains contracts except those for port of entry requirements.

7-1201.1 *Requirements.*

REQUIREMENTS (1968 OCT)

(a) This is a requirements contract for the supplies or services specified in the Schedule, and for the period set forth in this contract. Delivery of supplies or performance of services shall be made only as authorized by orders issued in accordance with the clause entitled "Delivery Orders and Invoices". The quantities of supplies or services specified herein are estimates only and are not purchased hereby. Except as may be otherwise provided herein, in the event the Government's requirements for supplies or services set forth in the Schedule do not result in orders in the amounts or quantities described as "estimated" or "maximum" in the Schedule, such event shall not constitute the basis for an equitable price adjustment under this contract.

(b) The Government shall order from the Contractor all the supplies, services, and transportation set forth in the Schedule which are required to be purchased by the Government activity named herein, and the Contractor shall furnish to the Government such supplies, services, and transportation as may be ordered by the Contracting Officer. The Government, however, reserves the right not to order supplies and services under this contract in instances where the body is removed from the area for medical, scientific, or other cogent reason. In the event of an epidemic or other emergency, the Contractor shall not be required to provide services in excess of the capacity of his facilities.

(End of clause)

7-1201.2 *Contract Period.*

CONTRACT PERIOD (1968 OCT)

Any contract awarded as a result of bids submitted under this invitation for Bids shall extend from ....., through .....

(End of clause)

7-1201.3 *Area of Performance.*

AREA OF PERFORMANCE (1974 APR)

(a) The area of performance is specified in Attachment 1 to this contract. This contract includes taking possession of the remains at the place where they are located, transporting them to the Contractor's place of preparation and transporting them thereafter to a place designated by the Contracting Officer. The Contractor shall not be entitled to reimbursement for transportation when both the place where the remains were located and the delivery point are within the area of performance.

(b) If remains are located outside the area of performance, the Government may call on the Contractor or obtain the services elsewhere. If the Government calls on the Contractor, the Contractor shall be paid the amount per mile indicated in the Schedule for the number of miles required to transport the remains by a reasonable route from the point where located to the boundary of the area of performance. If the Government elects to have the remains brought into the area of performance by some other means, it may require the Contractor to perform after the remains are within the area of performance.

7-1702.17 *Rights in Data.* In accordance with 7-104.9, insert the appropriate clause, or clauses, therein.

7-1702.18 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-1702.19 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-1702.20 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-1702.21 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-1702.22 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-1702.23 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-1703 Clauses To Be Used When Special Construction Charges Are Expected. Insert the following clauses in contracts with common carriers whenever it is expected that in order to secure the services and facilities it will be necessary for the Government to reimburse the contractor for, or to assume a contingent termination liability for, all or part of the costs of constructing or providing the facilities or equipment. If the necessity of paying such charges or of assuming such a liability arises subsequent to the execution of the contract, those clauses shall be included in the contract by supplemental agreement. With the exception of the clauses prescribed by 7-1703.1 and 7-1703.2, the clauses prescribed by this paragraph may be varied to meet specific requirements of an appropriate governmental regulatory body or when the basic intent is not changed.

7-1703.1 *Labor Standards for Construction Work.* Except as provided in 18-703.3 and 18-703.4 when the special construction involves construction (as defined in 18-101.1) of a public building or public work, and under 12-106 the construction labor standards are applicable (see 22-1010.2), insert the clause in 7-705.5.

7-1703.2 *Buy American — Construction Contracts.* In accordance with 7-602.20 and 7-602.24, insert the clauses therein whenever the contract involves construction (as defined in 18-101.1).

7-1703.3 *Special Construction and Equipment Charges.*

SPECIAL CONSTRUCTION AND EQUIPMENT CHARGES (1971 APR)

(a) Except to the extent provided in the clause of this contract entitled "Cancellation or Termination of Orders," the Government shall not directly reimburse the Contractor for charges based on the cost of constructing any facilities or providing any equipment unless such direct reimbursement is specifically authorized by the Contracting Officer. If, at any time, facilities or equipment for which the Government has directly reimbursed the Contractor in whole or in part are discontinued, the Contractor shall allow the Government such credit as may be appropriate for the value of the facilities or equipment attributable to the Government's contribution. The value of the facilities and equipment shall be determined on the basis of the foreseeable tenor of the facilities and equipment by the Contractor at the time there use is discontinued or on the basis of the net salvage value, whichever is greater. The Contractor shall promptly pay the Government the amount of any such credit.

(b) The amount of any direct special construction charge shall not exceed the actual costs to the Contractor, properly allocable to the services to be provided to the Government, of specially constructing or providing the facilities or equipment involved. In no event shall the amount of any direct special construction charge include costs incurred by the Contractor which are covered by a cancellation or termination liability or by the Contractor's recurring or other nonrecurring charges. The Contractor represents that in establishing his recurring charges for the services, facilities and equipment involved, he has not included in his rate base any costs for which he has been reimbursed by the Government and that depreciation charges are based only on the cost of facilities and equipment paid by the Contractor and not reimbursed by the Government. If, due to circumstances beyond the control and without the fault of the Contractor, it becomes necessary for the Contractor to incur costs for the replacement of any facilities or equipment for which direct special construction charges were assessed by the Government or for which the Contractor was reimbursed by the Government beyond that provided as a part of the Contractor's recurring charges, the Government shall assume such costs or reimburse the Contractor for such replacement costs at rates mutually acceptable to both the Government and the Contractor. Prior to incurring such costs, the Government shall have the right to terminate such service in accordance with the clause entitled "Cancellation or Termination of Orders."

(End of clause)

7-1703.4 *Title to Communication Facilities and Equipment.*

TITLE TO COMMUNICATION FACILITIES AND EQUIPMENT (1971 APR)

Notwithstanding payment by the Government of any of the Contractor's costs of constructing communication facilities and equipment, title to all contractor furnished facilities and equipment used in providing communication services ordered under this contract shall remain in the Contractor except as may be specifically provided in a CSA issued and accepted hereunder, and the Contractor shall operate and maintain all such communication facilities and equipment.

(End of clause)

7-1703.5 *Subcontracts.* In accordance with the requirements of 23-201, insert an appropriate clause entitled Subcontracts.

7-1703.6 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-1703.7 *Minority Business Enterprises.* In accordance with 1-332, insert the appropriate clause or clauses in 7-104.36.

right to examine any directly pertinent books, documents, papers, and records of the Contractor until the expiration of 3 years after final payment under this contract.

(d) This clause shall be deemed to constitute the exclusive contractual remedy of the Contractor for adjustment arising out of the decision to apply the Service Contract Act, as amended, to the work covered by this contract. Failure of the parties to reach an understanding as to such adjustment shall be considered a dispute subject to the Disputes clause of the contract.

(End of clause)

7-1903.42 *Patent Rights.* When experimental, developmental, or research work may be performed under the contract, insert the appropriate clause in 7-203.23.

7-1903.43 *Government Delay of Work.* The clause in 7-104.77 may be inserted.

7-1903.44 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-1903.45 *Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles.* In accordance with 7-104.81, insert the clause therein.

7-1903.46 *Management Systems Requirements.* In accordance with 16-827.1, insert the clause in 7-104.50.

7-1903.47 *Payment of Interest on Contractor's Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-1903.48 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-1903.49 *Availability of Funds.* In accordance with 1-318, insert one of the clauses in 7-104.91.

7-1903.50 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-1903.51 *Value Engineering.*

(a) In accordance with 1-1702, insert the appropriate clauses in 7-104.44 modified, as required, to suit the particular procurement involved.

(b) Insert additional paragraph as follows:

( ) Contractor proposals which eliminate, modify or substitute new procedures for contractually required work procedures shall qualify for instant contract savings sharing. If this is a time and material or labor-hour contract, the "effect of the proposal on the Government's cost of performance," for purposes of the instant contract sharing paragraph (e)(1) of the clause, shall be determined by (I) multiplying the time per item saved by the elimination, modification, or substitution by the labor-hour rate agreed upon for the workers involved, and then (II) multiplying the result by the number of items over which the task has been deleted, and (III) taking into account in the usual manner the Contractor's cost of developing the proposal and of implementing the change, and increased Government costs related to implementing the proposal. (The result under (I) would be the unit cost reduction for purposes of determining future acquisition savings.)

(End of clause paragraph)

7-1903.52 *Buy American Act.* In accordance with 7-104.3, insert the clause therein.

7-1903.53 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-1903.54 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-1903.55 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-1903.56 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-1903.57 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-1903.58 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

7-1903.59 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-1904 Additional Clauses for Use in Fixed-Price Service Contracts. The following clauses may be inserted in fixed price service contracts in accordance with Departmental procedures when it is appropriate to do so.

7-1904.1 *Alterations in Contract.* The clause in 7-105.1(a) may be inserted.

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7-1910.4 *Notice to the Government of Labor Disputes.* In accordance with 7-104.4, insert the clause therein.

7-1910.5 *Reserved.*

7-1910.6 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6.

7-1910.7 *Patent Rights.* When experimental, developmental or research work may be performed under the contract, insert the appropriate clause in 7-302.23.

7-1910.8 *Communist Areas.* In accordance with 6-403, insert the clause in 7-103.15.

7-1910.9 *Reporting of Royalties.* In accordance with 9-110, insert the clause in 7-104.8(a).

7-1910.10 *Rights in Data.* In accordance with 7-104.9, insert the appropriate clause, or clauses, therein.

7-1910.11 *Quality Program.* In accordance with 14-304, insert the clause in 7-104.28.

7-1910.12 *Military Security Requirements.* In accordance with 7-104.12(a), insert the clause therein with the modification specified in 7-204.12.

7-1910.13 *Gratuities.* Insert the clause in 7-104.16, except in contracts and purchase orders with foreign governments obligating solely funds other than those contained in Department of Defense Appropriation Acts.

7-1910.14 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-1910.15 *Ocean Transport of Government Owned Supplies.* In accordance with 1-1404(a), insert the clause in 7-104.19(a).

7-1910.16 *Limitation on Withholding of Payments.* In accordance with 7-104.21, insert the clause therein.

7-1910.17 *Flight Risks.* In accordance with 10-504, insert the clause in 7-204.21.

7-1910.18 *Taxes.* In accordance with 11-403.2, insert the appropriate clause in 7-204.24.

7-1910.19 *Advance Payments.* When advance payments are to be made in accordance with Appendix E, Part 4, insert the appropriate clauses in 7-104.34.

7-1910.20 *Frequency Authorization.* In accordance with 7-104.61, insert the clause therein.

7-1910.21 *Interest.* In accordance with E-620, insert the clause in 7-104.39.

7-1910.22 *Value Engineering.* In accordance with 1-1702, insert the appropriate clauses in 7-104.44, substituting the clause paragraph (e)(1)(ii) in 7-204.52(b) or (c) for paragraph (e)(1)(ii) of the clause in 7-104.44 and as modified by clause paragraph (k) in 7-1903.51.

7-1910.23 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the appropriate clause therein.

7-1910.24 *Subcontractor Cost and Pricing Data.* In accordance with 7-104.42, insert the appropriate clause therein.

7-1910.25 *Examination of Records by Comptroller General.* In accordance with 7-104.15, insert the clause therein.

7-1910.26 *Special Test Equipment.* Insert the clause in 7-104.26 in negotiated contracts which provide that the contractor will acquire special test equipment for the Government but do not specify the items to be acquired (see 13-306.3).

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7-1910.27 *Order of Precedence.* In accordance with 3-501(b)Sec.C(xxxi), insert the clause in 7-2003.41.

7-1910.28 *United States Products and Services (Balance of Payments).* In accordance with 6-806.4, insert the clause in 7-2003.53.

7-1910.29 *Identification of Expenditures in the United States.* In accordance with 6-807, insert the clause in 7-104.58.

7-1910.30 *Use of Excess and Near Excess Currency.* In accordance with 6-1110, insert the clause in 7-104.66.

7-1910.31 *Service Contract Act of 1965.* In accordance with 7-1903.41, insert the appropriate clause therein.

7-1910.32 *Convict Labor.* In accordance with Section XII, Part 2, insert the clause in 7-104.17.

7-1910.33 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-1910.34 *Management Systems Requirements.* In accordance with 16-827.1, insert the clause in 7-104.50.

7-1910.35 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-1910.36 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-1910.37 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-1910.38 *Buy American Act.* In accordance with 7-104.3, insert the clause therein.

7-1910.39 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-1910.40 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-1910.41 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-1911 Additional Clauses for Use in Cost Reimbursement Service Contracts. The following clauses may be included in cost reimbursement service contracts in accordance with Departmental procedures when it is appropriate to do so.

7-1911.1 *Alterations in Contract.* The clause in 7-105.1(a) may be inserted.

7-1911.2 *Approval of Contract.* The clause in 7-105.2 may be inserted.

7-1911.3 *Options.* Examples of option clauses appear in 7-104.27 and 7-1903.22. See Section I, Part 15, for specific instructions, prohibitions and procedures.

7-1911.4 *Stop Work Orders.* In accordance with 7-205.6, the clause prescribed therein may be inserted.

7-1911.5 *Clauses for Contracts Involving Furnishing of Supplies.* In cost reimbursement service contracts which involve the furnishing of supplies, the following clauses shall be included in addition to those prescribed by 7-1909.

Changes clause in 7-203.2;

Inspection of Supplies and Correction of Defects clause in 7-203.5; and

Walsh-Healey Public Contracts Act clause in 7-103.17.

In addition, applicable clauses in 7-1910 shall be included. Any clause applicable only to supplies or only to services shall be so labeled.

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(b) If the contractor is utilizing Cost/Schedule Control Systems which have been previously accepted, or is operating such systems under a current Memorandum of Understanding, evidence of such may be submitted in lieu of the comprehensive plan mentioned above. In such event, the Contracting Officer will determine the extent to which such systems shall be reviewed to ensure continued compliance with the criteria.

(c) The offeror shall provide information and assistance as requested by the Contracting Officer for evaluation of compliance with the cited criteria.

(d) The offeror's plan for Cost/Schedule Control Systems will be evaluated prior to contract award. Upon acceptance of the Cost/Schedule Control Systems, a description of the accepted systems will be referenced in the contract.

(e) Subcontractor selection for application of the C/SCSC will be by agreement between the prime contractor and the Government. The prime contractor will contractually require the selected subcontractors to comply with the criteria. However, demonstrations and reviews of these selected subcontractors' management systems may be performed by the procuring authority when requested by either the prime or subcontractor.

(End of provision)

7-2003.44 *Inconsistency Between English Version and Translation of Contract.* In accordance with 3-608.2(b)(2)(ii)(B), insert the following provision.

INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT (1966 APR)

In the event of inconsistency between any terms of this contract and any translation thereof into another language, the English language meaning shall control.

(End of provision)

7-2003.45 *Invoices.* In accordance with 3-608.2(d)(ix), insert the following provision.

INVOICES (1974 APR)

Contractor's invoices must be submitted before payment can be made. Contractor will be paid on the basis of his invoice which must state (1) the starting and ending dates and (2) that orders have been placed in effect for the addressees required, or (3) that the orders will be placed in effect upon receipt of payment.

(End of provision)

7-2003.46 *Notice To Supplier.* In accordance with 3-608.3(c), insert the following provision.

NOTICE TO SUPPLIER (1971 NOV)

This is a firm order ONLY if your price does not exceed the maximum free item or total price in the Schedule. Submit invoices to the Procuring Contracting Officer. If you cannot perform in exact accordance with this order WITHHOLD PERFORMANCE and notify the Contracting Officer immediately, giving your quotation.

(End of provision)

7-2003.47 *Buy American - Balance of Payments Program Certificate.* Insert the following in all solicitations and resultant contracts in which the Buy American Act and Balance of Payments Program clause at 7-104.3 is used.

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

BUY AMERICAN - BALANCE OF PAYMENTS PROGRAM CERTIFICATE (1980 OCT)

(a) The offeror hereby certifies that each end product, except the end products listed below, is a domestic end product (as defined in the clause entitled "Buy American Act and Balance of Payments Program") and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

Excluded End Products

Line Item No.	Country of Origin
_____	_____
_____	_____
_____	_____

(List as necessary)

(b) Offers will be evaluated by giving certain preferences to domestic end products and foreign qualifying country end products over foreign nonqualifying country end products. In order to obtain such preferences in the evaluation of each excluded end product listed in (a) above, it is necessary that offerors identify and certify, below, those excluded end products identified above that are qualifying country end products or they will be deemed nonqualifying country end products. Offers must certify by inserting the applicable line item numbers in the appropriate brackets:

(i) The offeror certifies that the following supplies qualify as "participating country end products" as that term is defined in the clause entitled "Buy American Act and Balance of Payments Program." [_____]
(Insert line item no.)

(ii) The offeror certifies that the following supplies qualify as "FMS/offset arrangement country end products" as that term is defined in the clause entitled "Buy American Act and Balance of Payments Program," if the Government makes the necessary waivers. [_____]
(Insert line item no.)

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(iii) The offeror certifies that the following supplies qualify as "defense cooperation country end products" as that term is defined in the clause entitled "Buy American Act and Balance of Payments Program." [ ]
(Insert line item no.)

(c) Offers will be evaluated in accordance with the policies and procedures of Section VI.

(End of certificate)

7-2003.48 *Domestic Wool Preference.* In accordance with 6-304.2, complete and insert the following clause.

DOMESTIC WOOL PREFERENCE (1980 MAR)

(a) It is Congressional policy that, in Department of Defense procurement, preference shall be given to wool grown, represented, owned, or produced in the United States, its possessions, or Puerto Rico, to the extent that articles containing such wool can be procured at and when needed at United States market prices.

(b) If, on the date of opening of bids or evaluation of proposals, the average market prices of domestic wool of usable grades (as reported by grade and type in the four issues of the Department of Agriculture "Market News" immediately preceding the date of bid opening or evaluation of proposals) is not more than 10 percent above the average of the prices (for usable grades and types) which reflect the current incentive prices established by the Secretary of Agriculture, award will be made only on bids or proposals offering domestically produced articles of which the wool component is 100 percent domestic wool, *provided* that such bids or proposals are considered responsible and otherwise acceptable.

(c) If, on the date of opening of bids or evaluation of proposals, the average market prices of domestic wool of usable grades (as reported by grade and type in the four issues of the Department of Agriculture "Market News" immediately preceding the date of bid opening or evaluation of proposals) is more than 10 percent above the average of the prices (for usable grades and types) which reflect the current incentive prices, or to the extent that the Government's requirement cannot be filled by awards based on paragraph (b) hereof, there will be added to each bid or proposal offering articles of which the wool component is 100 percent foreign wool an evaluation factor of $_____ per yard or per item, and there will be added to each bid or proposal offering articles of which the wool component is a blend of domestic and foreign wool that part of the evaluation factor which is in direct proportion to the percentage of foreign wool to be used, and award will be made to the low responsible bidder.

(d) For the purposes of (b) and (c) above, the average market prices of domestic wool of usable grades shall be the average market prices of the representative types and grades set forth in Armed Services Procurement Regulation 6-304.2(f) within that one of the categories therein set forth which includes wool which would meet the specifications, and the average of the prices which reflect the current incentive prices established by the Secretary of Agriculture shall be the average of the prices set forth in ASPR 6-304.2(f) for that category.

(e) While bids or proposals offering articles using foreign wool may be considered and evaluated, as stated above, all stages of manufacturing of wool (whether foreign or domestic) must be performed in the United States, its possessions, or Puerto Rico, as required by the contract clause entitled "Preference for Certain Domestic Commodities." This requirement is satisfied as to wool noils, represented or owned wool if the representing (i.e., garnetting or combing) and ensuing manufacture is performed in the United States, its possessions, or Puerto Rico.

(f) The Secretary has determined that, to the extent that any foreign wool is used under an award made pursuant to paragraph (c) hereof, a satisfactory quality and sufficient quantity of domestic wool cannot be procured as and when needed at United States market prices.

(End of clause)

7-2003.49 *Supplies to be Accorded Duty-Free Entry.* When the *Duty Free Entry for Certain Specified Items* clause in 7-104.31(a) is used, the following clause shall be inserted in the Schedule.

SUPPLIES TO BE ACCORDED DUTY-FREE ENTRY (1965 DEC)

In accordance with paragraph (a) of the clause hereof entitled "Duty-Free Entry for Certain Specified Items," the following supplies are hereby identified as supplies to be accorded duty-free entry: .....

(End of clause)

7-2003.50 *United States End Product Certification for Purchases in Implementation of a Military Assistance Program.* In accordance with 6-703.3, insert the following provision.

UNITED STATES PRODUCTS CERTIFICATE (MILITARY ASSISTANCE PROGRAM) (1962 DEC)

To the extent that the Government specifies the items being purchased are in implementation of the Military Assistance Program, the bidder or offeror hereby certifies that each such item furnished will be a United States end product (as defined in the contract clause entitled United States Products); that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States; and that he is a domestic concern.

(End of provision)

7-2003.51 *United States End Products Requirement for Purchases in Implementation of a Military Assistance Program.* The following clause shall be inserted in all contracts for end products for the Military Assistance Program other than those excepted pursuant to 6-702.

UNITED STATES PRODUCTS (MILITARY ASSISTANCE PROGRAM) (1962 DEC)

(a) To the extent that the Government specifies the items being purchased are in implementation of the Military Assistance Program, the Contractor agrees that there will be delivered under this contract only United States end products.

(b) For the purpose of this clause:

(i) "components" means those articles, materials, and supplies, which are directly incorporated in end products;

(ii) "end products" means those articles, materials, and supplies, which are acquired under this contract for public use; and

(iii) a "United States end product" means

(A) an unmanufactured end product which has been mined or produced in the United States, and

(B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds fifty percent (50%) of the cost of all its components. A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(End of clause)

7-2003.52 *Reserved.*

7-2003.53 *Reserved.*
7-2003.54 *Reserved.*
7-2003.55 *Reserved.*
7-2003.56 *Reserved.*

7-2003.57 *Applicability of Complete Wage Rate Decision.* In accordance with 18-704.2(f), insert the following provision.

APPLICABILITY OF COMPLETE WAGE RATE DECISION (1974 APR)

In addition to the wage rates in this solicitation, the complete decision of the Secretary of Labor contains wage rates for other classes of laborers and mechanics. Because it does not appear

7-2003.75 *Reserved.*

7-2003.76 *Identification of Restricted Rights Computer Software.* In accordance with 9-603(b), insert the following provision.

IDENTIFICATION OF RESTRICTED RIGHTS COMPUTER SOFTWARE (1977 APR)

The offeror's attention is called to the requirement in the "*Rights in Technical Data and Computer Software*" clause that any restrictions on the Government concerning use or disclosure of computer software which was developed at private expense and is to be delivered under the contract must be set forth in an agreement made a part of the contract, either negotiated prior to award or included in a modification of the contract before such delivery. Therefore, the offeror is requested to identify in his proposal to the extent feasible any such computer software which was developed at private expense and upon the use of which he desires to negotiate restrictions, and to state the nature of the proposed restrictions. If no such computer software is identified, it will be assumed that all deliverable computer software will be subject to unlimited rights.

(End of clause)

7-2003.77 *Licenses and Permits.* In accordance with 22-600.3, insert the following clause.

LICENSES AND PERMITS (1977 APR)

Offerors without necessary operating authority may submit offers, but the offerors shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits prior to award of a resultant contract and for complying with all laws, ordinances, statutes and regulations in connection with the furnishing of the services herein.

(End of clause)

7-2003.78 *Notice of Compensation for Professional Employees.* In accordance with 12-1007.3, insert the following notice.

NOTICE OF COMPENSATION FOR PROFESSIONAL EMPLOYEES (1978 JUN)

Note the provisions relating to evaluation of compensation for professional employees set forth elsewhere in this Solicitation. Failure to comply with such provisions may constitute sufficient cause to justify non-selection of a proposal. The total compensation plan required to be submitted by the offeror will be viewed as being within the purview of Public Law 87-653.

(End of notice)

7-2003.79 *Evaluation of Compensation for Professional Employees.* In accordance with 12-1007.3, insert the following provision.

EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES (1978 JUN)

(a) Total compensation (salary and fringe benefits) of professional employees under service contracts may, in some cases be lowered by recompetition of such contracts. Such lowering of compensation can be detrimental in obtaining the necessary quality of professional services needed for adequate performance of service contracts. It is, therefore, in the best interest of the Government that professional employees, as defined in 29 CFR 541, be properly and fairly compensated in such contracts. As a part of their proposals, offerors will submit a "Total Compensation Plan" (salaries and fringe benefits) for each professional employees for evaluation purposes. The Government will assess the "Total Compensation Plan" to assure that such compensation reflects a sound management approach and an understanding of the requirements to be performed. It will include an assessment of the offeror's ability to provide uninterrupted work of high quality. The total compensation proposed will be evaluated in terms of enhancing recruitment and retention of personnel and its realism and consistency with a total plan for compensation (both salaries and fringe benefits).

(b) In establishing compensation levels for professional employees, the total compensation (both salaries and fringe benefits) proposed, shall reflect a clear understanding of the requirement of the work to be accomplished and the suitability of the proposed compensation structure to obtain and retain qualified personnel to meet mission objectives. The salary rates or ranges must recognize the distinct differences in professional skills and the complexity of varied disciplines as well as job difficulty. Proposals offering total compensation levels less than currently being paid by the predecessor contractor, if any, for the same work will be evaluated, in addition to the above, on the basis of maintaining program continuity, uninterrupted work of high quality, and availability of required competent professional employees. Offerors are cautioned that instances of lowered compensation for essentially the same professional work may be considered a lack of sound management judgment in addition to indicating a lack of understanding of the requirement.

(c) Proposals which are unrealistically low or do not reflect a reasonable relationship of compensation to the professional job categories such as to impair the contractor's ability to recruit and retain competent professional employees, may be viewed as reflecting a failure to comprehend the complexity of the contract requirements. The Government is concerned with the quality and stability of the work force to be employed on this contract. The compensation data required will be used in evaluation of the offeror's understanding of the contract requirements.

(d) An assessment of the potential for adverse effect upon performance and maintenance of the required numbers of employees with requisite skills resulting from an unrealistically low compensation structure will also be made.

(End of provision)

The invoice or voucher, if proper, shall be approved by the TCO by noting thereon the following:

Payment in the amount of $_____approved.

8-213.2 *Final Payment.*

(a) *Negotiated Settlement.* Upon execution of a settlement agreement, a voucher or invoice showing the amount agreed upon, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment. A copy of the settlement agreement shall be attached to the voucher or invoice.

(b) *Settlement by Determination.* In the event of a settlement by determination:

(i) if the contractor has not appealed the determination a voucher or invoice showing the amount so determined to be due, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment; or

(ii) if the contractor has appealed the determination, a voucher or invoice showing the amount finally determined on such appeal to be due, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment. Pending determination of any appeal, an invoice or voucher pursuant to (i) above may be presented to the disbursing officer for payment, without prejudice to the rights of either party on the appeal.

(c) *Interest.* No interest shall be paid by the Government on the amount due under a settlement agreement or a settlement by determination. Interest may, however, be allowed on successful contractor appeals to the contracting officer's determination in accordance with the Payment of Interest on Contractors' Claims clause in 7-104.82.

8-214 Cost Principles. The cost principles and procedures set forth in the applicable Part of Section XV shall, subject to the general policies set forth in 8-301, (i) be used in claiming, negotiating, or determining costs relevant to termination settlements under fixed price and cost reimbursement type contracts with other than educational institutions; and (ii) be a guide for the negotiation of settlements under fixed price or cost reimbursement type contracts for experimental, developmental or research work with educational institutions (but see 15-103(iii)).

8-215 Settlement of Unadjusted Contract Changes.

(a) Prior to settlement of a completely terminated contract, the TCO shall obtain from the purchasing office a list of all unadjusted contract changes pertaining thereto. The TCO shall settle, as part of final settlement, all unadjusted contract changes after obtaining the recommendations of the purchasing office concerning such changes.

(b) When the contract has been partially terminated, any outstanding unadjusted contract changes will be handled by the purchasing office. However, delegation may be made by the PCO to the TCO.

8-216 Terminated Contracts With Canadian Commercial Corporation.

(a) The termination and settlement of contracts with the Canadian Commercial Corporation shall be effected in accordance with the provisions of (i) the Letter of Agreement between the Department of Defence Production (Canada) and the United States Department of Defense (6-1401(a)); (ii) policies in Section VI, Part 5, and Section VIII; and (iii) the Manual of Procedure on Termination of Contracts, Department of Defence Production (Canada).

(b) The termination claim of Canadian Commercial Corporation shall be submitted in the form prescribed in 8-802, and shall reflect the amount of settlements with subcontractors. The letter transmitting the claim shall certify that (i) subcontract settlements with Canadian subcontractors have been approved by the Contracts Settlement Committee of the Department of Defence Production (Canada), if required pursuant to the Manual of Procedure on Termination of Contracts, Department of Defence Production (Canada), and (ii) that disposition of inventory has been completed. The TCO shall prepare an appropriate settlement agreement pursuant to the provisions of 8-210 and 8-805.

(c) All Canadian subcontracts shall be settled by the Canadian Commercial Corporation pursuant to 6-504.3. Schedules listing serviceable or usable contractor inventory shall be submitted by the Canadian Commercial Corporation to the TCO for screening in accordance with the provisions of 24-205. Transfer instructions resulting from screening procedures shall be submitted to the Canadian Commercial Corporation for action. At the expiration of the screening period, the TCO shall advise the Canadian Commercial Corporation to proceed with disposition of contractor inventory determined to be surplus to the requirements of the Government. The settlement of Canadian subcontracts shall not be subject to approval or ratification by the TCO, except that in cases that result in a proposed negotiated settlement in excess of the total contract price of the prime contract, ratification of the proposed settlement by the United States PCO, evidenced by a contract modification increasing the contract price and obligating required additional funds shall be obtained by the TCO prior to final settlement.

(d) Termination claims submitted by United States subcontractors and suppliers normally should be referred by the Canadian Commercial Corporation to the TCO (normally DCASMA, New York) for settlement in accordance with this Section and Section XXIV. Upon completion of all settlement action, the TCO shall advise the Canadian Commercial Corporation of the amount of the net settlement agreed upon, which shall be included in the termination claim submitted pursuant to (b) above. Execution of a settlement agreement with the subcontractor shall be the responsibility of the Canadian Commercial Corporation.

8-217 Settlement of Terminated Contracts With Incentive Provisions.

(a) *FPI Contracts.* The settlement of terminated contracts containing an incentive clause shall be in accordance with the provisions of paragraph (i) of the clause in 7-108.1.

(i) *Partial Termination.* Under a partial termination of a FPI contract, the TCO shall negotiate a settlement pursuant to the termination for convenience clause, as provided in paragraph (i) of the clause in 7-108.1 and paragraph (k) of the clause in 7-108.2. The application of the incentive price revision provisions to completed items accepted by the Government, including any for which reimbur-

Part 2—Sureties

10-200 General. Every bond required or used in connection with a contract for supplies, services, or construction shall be supported by good and sufficient surety (corporate or individual) except as provided in 10-202.

10-201 Requirements of Sureties.

10-201.1 *Corporate Sureties and Cosureties.*

(a) *Corporate Sureties.* In connection with contracts for supplies, services, or construction to be delivered or performed in the United States, its possessions, or Puerto Rico:

(i) solicitations shall not require that only corporate sureties may be furnished or that a particular corporate surety be furnished, except as may be otherwise specifically provided (*e.g.*, position schedule bonds may be obtained only from corporate sureties); and

(ii) any corporate surety offered for a bond furnished the Government, or furnished pursuant to a Government contractual requirement, where the contracting officer has authority to approve the sufficiency of the surety, must appear on the Treasury Department List (TD Circular 570) and the amount of the bond must not be in excess of the underwriting limits stated in that list.

In connection with contracts to be performed in Panama, corporate Panamanian surety companies which are acceptable on bonds required by the Panama Canal Commission may be accepted in addition to the corporate sureties appearing on the Treasury List. The acceptability of Panamanian sureties shall be subject to the conditions and restrictions (including any requirement for security deposits) similar to those imposed by the Panama Canal Commission and to a determination by the contracting officer that the amount of the bond is commensurate with the underwriting capacity of the surety. For contracts to be performed in a foreign country, sureties not appearing on Treasury Department Circular 570 are acceptable if it is determined by the contracting officer that it is impracticable for the contractor to use Treasury-listed sureties.

(b) *Corporate Cosureties.* More than one corporate surety may be accepted as cosurety upon any recognizance, stipulation, bond, or undertaking in connection with contracts for supplies, services, or construction. In no case, however, shall the liability of any such cosurety exceed the maximum penal sum which it is qualified to underwrite on any one obligation. It is not necessary that each corporate surety obligate itself for the full amount of the bond. Each corporate surety may limit its liability in the bond to a specified sum. The sureties must bind themselves jointly and separately for the purpose of allowing a joint action or actions against any or all of them. Where the bond is to be executed by two or more corporate sureties, Standard Form 25 shall be used in the case of a performance bond and Standard Form 25-A in the case of a payment bond. On bonds covering supply or service contracts where the amount of the bond exceeds the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties having the required reinsurance underwriting capacity. Reinsurance may also protect bonds required to be furnished to the United States by the Miller Act (40 U.S.C. 270a - 270d) covering contracts for the construction, alteration, or repair of any public building or public work of the United States, as well as other types of Federal bonds when the amount of the bond exceeds the underwriting limitation of the corporate surety.

Such reinsurance shall not be in excess of the underwriting limitation of the reinsuring company.

(c) *Termination of Authority To Qualify as Surety.* The Treasury Department issues supplements to the Treasury Department Circular 570, notifying all Federal agencies of the termination of the authority of a specified corporate surety company to qualify as a surety on Federal bonds. Contracting activities will be notified of these supplements in accordance with the procedures of their Departments. Upon receipt of notification of termination of a company's authority to qualify as surety on Federal bonds, each contracting officer concerned shall secure new bonds with acceptable sureties in lieu of any outstanding bonds with the named company.

10-201.2 *Individual Sureties.*

(a) *Acceptability.* Individual sureties are acceptable for all types of bonds other than position schedule bonds. An individual surety shall be a citizen of the United States, except that if the contract and bond are executed in any foreign country, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or any other territory or possession of the United States, such surety need only be a permanent resident of the place of execution of the contract and bond.

(b) *Number.* If individual sureties are used, there shall be at least two responsible individuals on each bond.

(c) *Extent of Liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(d) *Justification.* The contracting officer, in evaluating bonds and consents of surety underwritten by individual sureties, must first ascertain that all documents, including the Affidavits of Individual Surety required by Instruction No. 4b on the reverse of Standard Form 24, "Bid Bond," and Instruction No. 3b on the reverse of Standard Form 25, "Performance Bond," and Standard Form 25-A, "Payment Bond," have been completely filled out and are properly executed. The contracting officer must next ascertain that each individual surety, underwriting a bond or consent of surety which increases the penal amount of a bond previously furnished, justifies his net worth "in a sum not less than the penalty of the bond" as required by Instruction No. 4 on the reverse of Standard Form 28, "Affidavit of Individual Surety." Since individual sureties are jointly and severally liable in the event of default by the principal, each individual surety must list on Standard Form 28 a net worth at least equal to the total penal amount of the bond or consent of surety. Example: If performance and payment bonds on a construction contract have penal amounts of $40,000 and $20,000, respectively, each individual surety must show a net worth of at least $60,000 to have the contracting officer accept his underwriting of such bonds. Normally net worth will be the amount indicated by the individual surety on line g, block 7, of Standard Form 28. However, the contracting officer is expected to consider all relevant information furnished by the individual surety on Standard Form 28 and make an independent determination of the individual surety's net worth based on the contracting officer's own best judgment. Example: Normally the "fair value" of real estate is a more realistic figure than the "assessed value" for taxation purposes. However, there may be situations where the reverse is true, for the purpose of determining net worth, in which case the contracting officer may determine net worth is a figure other than that entered on line g, block 7 of Standard Form 28. The contracting officer also should scrutinize closely the information entered in block 10

(i) the worker is paid or is in an approved work training program on a voluntary basis;

(ii) representatives of local union central bodies or similar labor union organizations have been consulted;

(iii) such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(iv) the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.

(d) With regard to the certification by the Attorney General to employ Non-Federal prisoners as cited in subparagraph 12-203(c)(3) above, Executive Order 11755 also provides that after notice and opportunity for hearing, the Attorney General shall revoke any such certification if he finds that the work-release program of the jurisdiction involved is not being conducted in conformity with the requirements of the order or with its intent or purpose.

12-204 Contract Clause. In accordance with this Part 2 of Section XII, insert the clause in 7-104.17.

Part 3—Contract Work Hours and Safety Standards Act

12-300 Scope of Part. This Part deals with the requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) applicable to contracts other than construction contracts as defined and covered in Section XVIII, Part 7.

12-301 Statutory Requirement. In accordance with the requirement of the Contract Work Hours and Safety Standards Act (40 U.S.C. Code 327-333), certain contracts entered into by any Department shall contain a clause to the effect that no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than eight hours in any one calendar day or 40 hours in any workweek unless such laborer or mechanic is compensated for all hours worked in excess of eight hours in any one calendar day or 40 hours in any workweek at not less than one and one half times the basic rate of pay.

12-302 Applicability. The requirement set forth in 12-301 applies, except as stated below, to all contracts (including, for this purpose, basic ordering agreements and blanket purchase agreements (see 3-410.2 and 3-605)) which may require or involve the employment of laborers or mechanics, including guards and watchmen, either by a contractor or by any subcontractor. The requirement does not apply to the following kinds of contracts:

(i) contracts (or portions thereof) to be performed in a foreign country or within territory under the jurisdiction of the United States other than the following: a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island, to the extent that such contracts (or portions thereof) may require or involve the employment of laborers or mechanics there;

(ii) contracts (or portions thereof) for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(iii) contracts (or portions thereof) for materials or articles (other than armor or armor plate) usually bought in the open market (although the requirement does apply, and the contract must so provide, with respect to any contract involving the performance of any class work which is ordinarily, and not merely occasionally or to a limited extent, performed by the Government);

(iv) contracts (or portions thereof) subject to the provisions of the Walsh-Healey Public Contracts Act (see Part 6 of this Section); and

(v) contracts of $2,500 or less in aggregate amount. In arriving at the aggregate amount involved, there must be included all property and services which would normally be grouped together in a single transaction. In the case of a basic ordering agreement or blanket purchase agreement, such amount shall be the aggregate amount of all orders estimated to be placed thereunder for one year after the

construction contract as determined by regulations of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

(e) "*Construction work*" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection and other onsite functions incidental to the actual construction.

(f) "*Contract*" means any Government contract or any Federally assisted construction contract.

(g) "*Contracting Agency*" means any Department, Agency, establishment, or instrumentality in the Executive Branch of the Government, including any wholly-owned Government corporation which enters into contracts.

(h) "*Contractor*" means, unless otherwise indicated, a prime contractor or subcontractor.

(i) "*Director, OFCCP*" means the Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority.

(j) "*Equal Opportunity Clause*" means the contract provisions as set forth in 7-103.18(a) or (b), as appropriate.

(k) "*Federally assisted construction contract*" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

(l) "*Government contract*" means any agreement or modification thereof between any contracting officer of the Department of Defense and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term "*services*," as used in this paragraph includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depository. The term "*Government contract*" does not include (i) agreements in which the parties stand in the relationship of employer and employee, and (ii) Federally assisted construction contracts, and (iii) contracts for the sale of personal property by the Government, and for the sale or purchase of real property by the Government.

(m) "*Order*" means Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), and any Executive Order amending such Order, and any other Executive Order superseding such Order.

(n) "*Prime contractor*" means any person holding a contract and any person who has held a contract subject to the Order.

(o) "*Recruiting and training agency*" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(p) "*Site of construction*" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor or other participating party meets a demand or performs a function relating to the contract or subcontract.

(q) "*Subcontract*" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee): (i) for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or (ii) under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(r) "*Subcontractor*" means any person holding a subcontract and any person who has held a subcontract subject to the Order. The term "first-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

(s) "*United States*" as used herein shall include the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

12-804 Program Responsibilities.

(a) The Secretary of Labor is responsible for the administration of Parts II and III of Executive Order No. 11246, as amended, and for the adoption of such rules and regulations and the issuance of such orders as the Secretary deems necessary and appropriate to achieve the purposes thereof. The Secretary of Labor has established within the Department of Labor an Office of Federal Contract Compliance Programs (OFCCP) under a Director who has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the Order, except the power to issue rules and regulations of a general nature.

(b) Heads of Departments or Agencies which award or administer contracts are responsible for assuring that the provisions of this Regulation are carried out within their respective components and for cooperating with and assisting the OFCCP in fulfilling its responsibilities. As used in this Part, "*Head of Department or Agency*" means the Secretary, the Under Secretary, or any Assistant Secretary of any Military Department, the Director of the National Security Agency, the Director and Deputy Director of the Defense Logistics Agency, the Director of the Defense Communications Agency, the Director of the Defense Civil Preparedness Agency, or the Director of the Defense Mapping Agency.

Part 13—Employment of the Handicapped

12-1300 Scope of Part. This Part sets forth policies and procedures for carrying out the requirements of Section 503 of the Rehabilitation Act of 1973, as amended, Public Laws 93-112 and 93-516, (hereinafter referred to as the "Act"), Executive Order 11758 of 15 January 1974, and the regulations of the Secretary of Labor (41 CFR Part 60-741 effective 17 May 1976, formerly 20 CFR Part 741).

12-1301 Policy. The Act applies to all Government contracts and subcontracts for personal property and nonpersonal services for $2,500 or more. Under the Act, Government contractors and subcontractors are required to take affirmative action to employ, and advance in employment, qualified handicapped individuals without discrimination as to their physical or mental handicap.

12-1302 Applicability.

(a) *General.* Except as otherwise provided herein, every contract, as defined in 1-201.4, for $2,500 or more or expected to exceed $2,500, shall include the clause in 7-103.28. No contracting officer, contractor, or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of this clause.

(b) *Work Outside the United States.* The requirements of the clause in 7-103.28 are waived with regard to work performed outside the United States by employees who were not recruited within the United States. For the purposes of this paragraph, the term "*United States*" includes the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) *Contracts with State or Local Governments.* The requirements of the clause in 7-103.28 in any contract or subcontract with a State or local government (or any agency, instrumentality, or subdivision thereof) shall not be applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract or subcontract.

(d) *Waivers.*

(1) The Secretary of Defense, with the concurrence of the Department of Labor, may waive any contract or subcontract from any or all of the provisions of the clause in 7-103.28 when he deems that special circumstances in the national interest so require. The Secretary of Defense, with the concurrence of the Department of Labor, may also waive groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where group waivers will

substantially contribute to convenience in administration of section 503 of the Act.

(2) Any requirement set forth in this Part shall not apply to any contract or subcontract whenever the Secretary of Defense determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security.

(3) The contracting officer shall submit requests for waiver under (1) and (2) above to the ASD (MRA&L) in accordance with Departmental procedures.

(4) In accordance with the regulations of the Department of Labor (41 CFR 60-741.3(c)), an exemption granted for a particular class of contracts or subcontracts may be withdrawn for any contract or subcontract within that class whenever such withdrawal is considered by the Department of Labor to be necessary or appropriate in order to achieve the purposes of the Act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawals shall not apply unless the withdrawal is made more than ten calendar days before the date set for the opening of the bid.

12-1303 Reserved.

12-1304 Department of Labor Notices. In accordance with the clause in 7-103.28, the ACO shall furnish to the contractor official, Department of Labor notices which state the contractor's obligations and the handicapped individual's rights under the Employment of the Handicapped program. Such notices may be obtained from the appropriate addresses listed in 12-607.

12-1305 Collective Bargaining Agreements. Whenever performance in accordance with the clause in 7-103.28 may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be advised that the Department of Labor will give them appropriate opportunity to present their views. In no event will the contracting officer or any of his representatives, engage in any discussions with representatives either of the contractor or of labor concerning any aspect of the collective bargaining agreement to which they are parties.

12-1306 Complaint Procedures. Whenever an activity receives a complaint relating to the administration of the Act, the activity shall forward the complaint, in accordance with Departmental procedures, to the ASD (MRA&L). No resolution or investigation of such complaint shall be undertaken by the activity in the absence of specific instructions from the ASD (MRA&L).

12-1307 Sanctions. Whenever the contracting officer is notified that the Department of Labor has imposed sanctions on a contractor for violations of the clause in 7-103.28, which sanctions include withholding of progress payments, termination or suspension of the contract, or debarment of the contractor, he shall take appropriate action, as soon as possible thereafter to implement the sanctions.

Part 14—Affirmative Action for Disabled and Vietnam Veterans

12-1400 Scope of Part. This Part sets forth policies and procedures for carrying out the requirements of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended, Public Law 92-540 and 93-508 (38 U.S.C. 2012), hereinafter referred to as the "Act"; Executive Order 11701 of January 24, 1973 (38 FR 2675); and the regulations of the Secretary of Labor (41 CFR Part 60-250, effective June 18, 1976, formerly 41 CFR Part 50-250).

12-1401 Policy. The Act applies to all Government contracts and subcontracts for personal property and nonpersonal services for $10,000 or more. Under the Act, Government contractors and subcontractors are required to list all suitable employment openings and to take affirmative action to employ disabled veterans and veterans of the Vietnam era without discrimination based on their disability.

12-1402 Applicability.

(a) *General.* Except as otherwise provided herein, every contract, as defined in 1-201.4, for $10,000 or more or expected to exceed $10,000, shall include the clause in 7-103.27. No contracting officer, contractor, or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of this clause.

(b) *Work Outside the United States.* The requirements of the clause in 7-103.27 are waived with regard to work performed outside the United States by employees who were not recruited within the United States. For the purposes of this paragraph, the term "United States" includes the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) *Contracts with State or Local Governments.* The requirements of the clause in 7-103.27 in any contract or subcontract with a State or local government (or any agency, instrumentality, or subdivision thereof) shall not be applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract or subcontract.

(d) *Waivers.*

(1) The Secretary of Defense, with the concurrence of the Department of Labor, may waive any contract or subcontract from any or all of the provisions of the clause in 7-103.27 when he deems that special circumstances in the national interest so require. The Secretary of Defense, with the concurrence of the Department of Labor, may also waive groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where group waivers will substantially contribute to convenience in administration of the Act.

(2) Any requirement set forth in this Part shall not apply to any contract or subcontract whenever the Secretary of Defense determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security.

(3) The contracting officer shall submit requests for waiver under (1) and (2) above to the OUSD(RE)(CPA) in accordance with Departmental procedures.

(4) In accordance with the regulations of the Department of Labor (41 CFR 60-250.3(c)) a waiver granted for a particular class of contracts or subcontracts may be withdrawn for any contract or subcontract within that class whenever such withdrawal is considered by the Department of Labor to be necessary or appropriate in order to achieve the purposes of the Act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal is made more than ten calendar days before the date set for the opening of the bids.

12-1403 Reserved.

12-1404 Department of Labor Notices. In accordance with the clause in 7-103.27, the ACO shall furnish to the contractor appropriate notices for posting when these notices are prescribed by the Director, Office of Federal Contract Compliance Programs.

12-1405 Complaint Procedures. Whenever performance in accordance with the clause in 7-103.27 may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be advised that the Department of Labor will give them appropriate opportunity to present their views. In no event will the contracting officer or any of his representatives, engage in any discussions with representatives either of the contractor or of labor concerning any aspect of the collective bargaining agreement to which they are parties.

12-1406 Complaint Procedures. Whenever an activity receives a complaint relating to the administration of the Act, the activity shall forward the complaint, in accordance with Departmental procedures, to the ASD (MRA&L) (FA). No resolution or investigation of such complaint shall be undertaken by the activity in the absence of specific instructions from the OUSD(RE)(CPA).

12-1407 Sanctions. Whenever the contracting officer is notified that the Department of Labor has imposed sanctions on a contractor for violations of the clause in 7-103.27, which sanctions include withholding of progress payments, termination or suspension of the contract, or debarment of the contractor, he shall take appropriate action, as soon as possible thereafter to implement the sanctions.

327-333), certain contracts entered into by any Department must contain a clause (see 7-602.23(a)(ii)) to the effect that no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than eight hours in any one calendar day or 40 hours in any work week unless such laborer or mechanic is compensated for all hours worked in excess of eight hours in any one calendar day or 40 hours in any work week whichever is the greater number of overtime hours at not less than one and one-half times his basic rate of pay.

18-703.2 *Department of Labor Regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15), the Secretary of Labor has issued regulations (Subtitle A, title 29, Code of Federal Regulations) providing for the administration and enforcement of these statutes in construction contracts. Each Department shall comply with the regulations, rulings, interpretations, and decisions the Department of Labor issued pursuant to the above provisions. If a question arises concerning such compliance, the Department concerned shall attempt to resolve it with the appropriate office of the Department of Labor. In any case where resolution of the question by higher authority is deemed appropriate, such question shall be submitted, for the Army, to the Labor Adviser, Office of the Assistant Secretary of the Army (Installations and Logistics); for the Navy, to the Chief of Naval Material, ATTN: Labor Relations Adviser; for the Air Force, to the Director of Contracting and Acquisition Policy, HQ USAF, ATTN: RDC, Labor Relations; for the Defense Logistics Agency, to Headquarters, Defense Logistics Agency, DLA-AF; and for the National Security Agency, to the Director of Procurement. Any such questions which are not resolved by the foregoing procedure shall be referred to DUSDRE(AP) for further action.

18-703 Contract Clauses.

18-703.1 *Clauses for General Use.* Every construction contract in excess of $2,000 for work within the United States shall include the clauses listed below. (These clauses are set forth in 7-602.23(a).)

Davis-Bacon Act (40 U.S.C. 276a to a-7)
Contract Work Hours and Safety Standards Act—Overtime Compensation.
Apprentices and Trainees.
Payrolls and Basic Records.
Compliance With Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.
Disputes Concerning Labor Standards.

18-703.2 *Overseas Contracts.* Every construction contract (a) in excess of $2,000 for work in Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, or Johnston Island shall include (i) the clause entitled Contract Work Hours and Safety Standards Act—Overtime Compensation, in 7-602.23(a)(ii); (ii) the Subcontracts clause in 7-602.23(a)(vii), except that the first sentence thereof shall be modified to refer only to the clause entitled Contract Work Hours and Safety Standards Act — Overtime Compensation, Subcontracts, and Contract Termination — Debarment, and (iii) the clause entitled Contract Termination — Debarment in 7-602.23(a)(viii) except that the clause shall be modified to refer only to the

clauses entitled Contract Work Hours and Safety Standards Act—Overtime Compensation and Subcontracts; (b) in excess of $10,000 requiring payment of minimum wages determined in accordance with the Davis-Bacon Act for work in Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll or Johnston Island shall also include the clause entitled "Apprentices and Trainees" in 7-602.23(a)(iii).

18-703.3 *Contracts With a State or Political Subdivision.* In the case of construction contracts with a State or political subdivision thereof, the contract clauses in 7-602.23(a) shall be inserted therein but shall be prefaced by the provision in 7-602.23(b).

18-704 Administration and Enforcement.

18-704.1 *Policy.*

(a) *General.* To comply with the Department of Defense policy of assuring full and impartial enforcement of the labor standards laws in the administration of construction contracts, each Department shall maintain a continuing effective enforcement program which shall include:

(i) training appropriate contract administration, labor relations, inspection, and other labor standards enforcement personnel in their responsibilities;
(ii) assuring that contractors and subcontractors are informed, prior to commencement of work, of their obligations under the labor standards provisions of their contracts;
(iii) adequate payroll and on-the-site inspections and employee interviews to determine compliance, and prompt initiation of corrective action when required;
(iv) prompt investigation and disposition of complaints;
(v) prompt submission of all reports required by this Part; and
(vi) periodic review of field enforcement activities to assure compliance with applicable regulations and instructions.

(b) *Responsibility.* The contracting officer shall ascertain that the contractor is fully informed of the labor standards provisions of the contract and of his and any subcontractor's responsibilities thereunder. In order to assure that the contractors and subcontractors fully understand the labor standards provisions in their contracts and the attendant administrative requirements, the following procedures shall be followed.

(1) *Preconstruction Letters.* Promptly after award of the contract, the contracting officer shall furnish to the prime contractor a preconstruction letter calling attention to the labor standards requirements contained in the contract which relate to (i) employment of foremen, laborers, mechanics and others, (ii) wages and fringe benefits payments, payrolls and statements, (iii) differentiation between subcontractors and suppliers, (iv) additional classifications, (v) benefits to be realized by contractors and subcontractors in keeping complete work records, (vi) penalties and sanctions for violations of labor standards provisions, and (vii) the provisions of 18-701(a) which may be of consequence in contract performance. The letter shall state that the labor standards requirements are based on the following statutes and regulations: Davis-Bacon Act; Contract Work

Part 5—Contract Administration Services for non-DoD Organizations

20-501 General. Contract administration services similar in nature to those being performed for Department of Defense organizations may be performed also for other organizations pursuant to the procedures in this part. These services include quality assurance, engineering support, production progressing, pre-award surveys, price/cost analysis, termination, property administration, plant clearance, industrial security, small business industrial labor relations, transportation, contractor payment, and equal employment opportunity contract compliance review. A more detailed listing of tasks involving most of the above services is contained in 1-406.

20-502 Procedures for Performance. Department of Defense procedures will be utilized in performing contract administration services for other than Department of Defense organizations except when otherwise agreed between such organizations and the Department of Defense. To keep the number of such agreements to a minimum, nondefense organizations should be encouraged to accept Department of Defense contract administration procedures.

20-503 United States Government Departments, Agencies and Corporations. Department of Defense contract administration services components shall, upon direct request, provide contract administration services to:

(i) the National Aeronautics and Space Administration in accordance with the DoD-NASA Agreement (DoDI 5030.42); and
(ii) other United States Government Departments and Agencies, including such Government corporations as the Civil Air Patrol, National Shipping Authority, Tennessee Valley Authority, St. Lawrence Seaway Company and the Panama Canal Commission.

20-504 Department of National Defence Production (Canada). In accordance with Section VI, Part 5, Department of Defense components shall upon direct request, provide contract administration services to the Department of National Defence Production (Canada). Performance for other Canadian Government organizations shall be in accordance with 20-503.

20-505 Foreign Governments and International Agencies.

20-505.1 *Performance of Services in the United States.* Department of Defense contract administration services components shall, on receipt of requests from the DoD Central Control Point, provide contract administration services to foreign governments and international organizations who are making direct purchases from United States producers. "Direct purchase" is the purchase of defense supplies in the United States by a foreign government or contractor or international organization in which the supplies are purchased through commercial channels for use by the foreign government or international organization.

20-505.2 *Operations of DoD Central Control Point (CCP).* Requests from foreign governments and international organizations shall be forwarded to the Defense Control Administration Services Region (DCASR), New York, N.Y., which is the designated CCP. The CCP will:

ADMINISTRATIVE MATTERS

(i) determine that the request is from a friendly foreign government or from an international agency in which the United States is a participant;

(ii) determine that the services requested are consistent with Department of Defense mutual security program policies (Questions as to eligibility of foreign governments or international organizations to receive services from DoD contract administration services components will be referred to the Assistant Secretary of Defense (International Security Affairs));

(iii) assure that the reimbursement arrangements are consistent with 20-506;

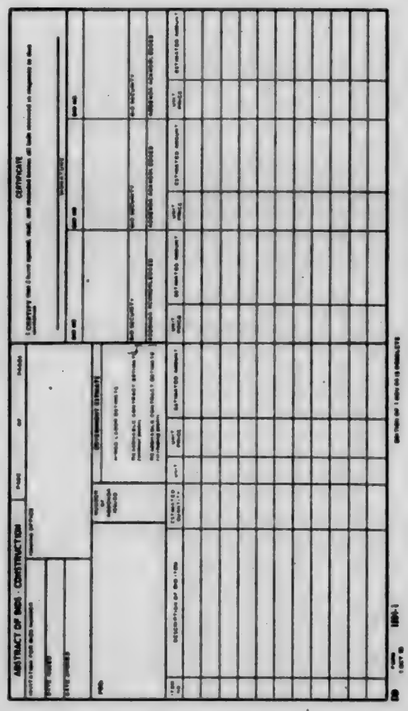
(iv) determine that the requested services can be provided, and acknowledge receipt of the request;

(v) distribute the procurement documents and related material to the cognizant contract administration services component, receive statements of costs from performing contract administration services components, bill the foreign governments or international organizations for services rendered, and distribute the remittance when received.

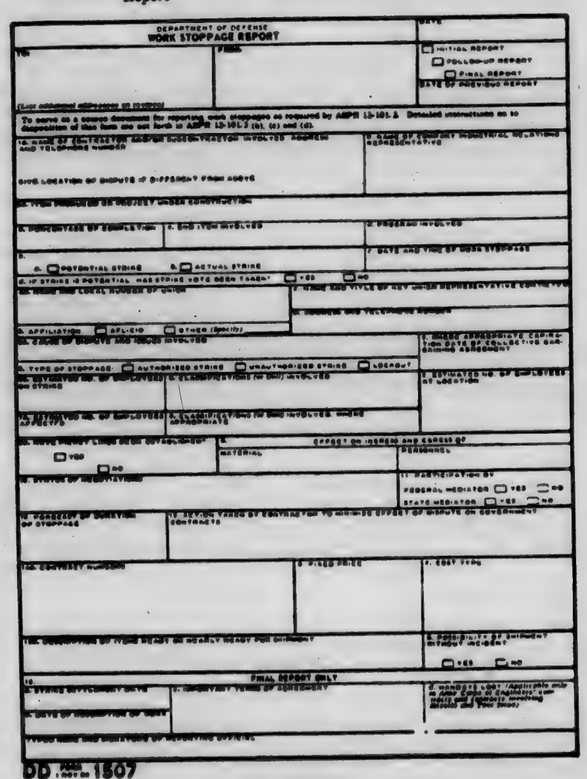
20-505.3 *Performance of Services Outside the United States.* When services are performed by Department of Defense contract administration services personnel outside the United States, the levels of technical capability and the administrative procedures, not already prescribed in existing laws or Department of Defense policies shall be in accordance with arrangements suitable and acceptable to the United States country teams or commanders of unified and specified commands, as appropriate.

20-506 Reimbursement. Reimbursement for services shall be required from non-DoD organizations covered by this part at the current standard rate determined by the Assistant Secretary of Defense (Comptroller). Although services will be performed for the Department of National Defence Production (Canada) on a non-reimbursable basis, normal charges shall be required for work performed for all other agencies of the Canadian Government. Services performed for contracts awarded by the Small Business Administration in accordance with 1-705.5 will be on a non-reimbursable basis. Requests for other exceptions to the above reimbursement policy shall be submitted to the ASD (Comptroller) for resolution or approval when it can be shown that such exceptions are in the best interests of the U.S. Government.

F-200.1601-1 *DD Form 1601-1: Abstract of Bids – Construction*

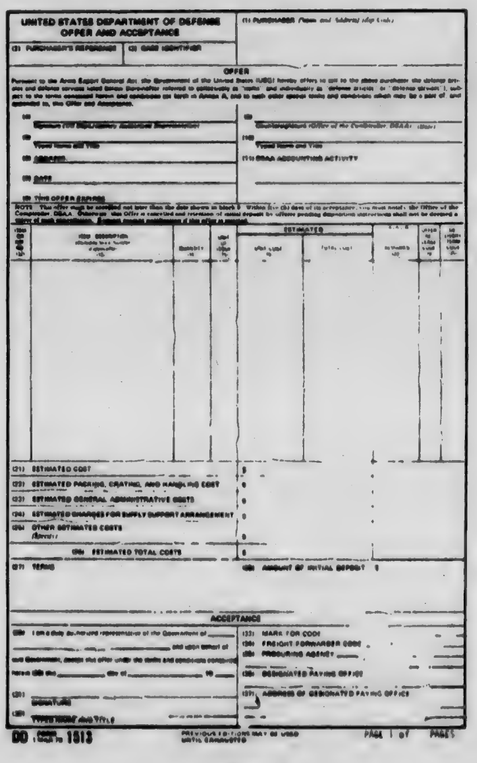


F-200.1507 *DD Form 1607: Department of Defense Work Stoppage Report*



DD FORM 1607

F-200.1513 *DD Form 1513: United States Department of Defense Offer and Acceptance*



DD FORM 1513

F-200.1513 *DD Form 1513: United States Department of Defense Offer and Acceptance (Annex A)*

GENERAL CONDITIONS Annex A

A. THE GOVERNMENT OF THE UNITED STATES:

1. Agrees to furnish such items from its Department of Defense (hereinafter referred to as "DOD") stocks and requirements, or to procure them under terms and conditions consistent with DOD regulations and procedures. When requesting that the Purchaser use DOD stock, to prevent duplicate requisitions, the most restricted precedence, and the same requisition precedence as would be used in requesting the stock. Except as otherwise requested by the Purchaser and as agreed to by the DOD, (unless the Purchaser has requested that a new invoice procedure be established and this Letter of Offer and Acceptance reflects acceptance of such designation by the DOD) the Purchaser understands that submission of the requisitions to the DOD will constitute a certification of the determination of the Designated National Distribution referred to in "DOD's Directive 2040.1" and that the Purchaser agrees that the United States shall in every respect be the owner and possessor of all contractor inventories so funded for the purposes of the Letter of Offer.

2. Advises that when the DOD procures for itself its contractors include economy off-shore sales on an occasional basis. Therefore the DOD shall, solely with respect to items being procured for the Purchaser under this Letter of Offer, request the contractor to release such particular or general sale, their provisions and restrictions deemed by the Purchaser. The DOD further agrees to exercise, upon the Purchaser's request, any rights (including termination rights) under any representation the DOD may have under any contract connected with the procurement of any items, more specifically and including those obtaining special contract provisions or warranties, or the exercise of rights under such provisions or warranties, or any other rights which the DOD may have under any contract connected with the procurement of such items, shall be delegated to the Purchaser.

3a. Shall, unless the contract is otherwise specified herein (e.g., "As is"), replace or replace at no extra cost defense articles supplied from DOD stocks which are damaged or found to be defective in respect of material or workmanship, where it is established that these deficiencies existed prior to passage of title, or found to be defective in design to such a degree that the items cannot be used at all for the purpose for which they were designed, provided notification of such defects is made within one year after delivery of the defective articles to the Purchaser. The determination of the DOD thereunder shall be final.

b. With respect to items being procured for sale to the Purchaser, the DOD agrees to consider warranties on behalf of the Purchaser presented by the manufacturer, vendor, subcontractor, or other source from which such items are procured by the DOD. Unless otherwise specified, the cost reimbursement of items to be procured, manufactured, assembled, or repaired for the Purchaser pursuant to this Letter of Offer and Acceptance shall not include any warranties in excess of those obtained by the DOD for its own account, and the DOD will not be liable either to the Purchaser or to the authorized representatives by DD Form 1513-2

(1) (a) any expenditure which increases (or might result in an increase in the "Estimated Total Cost" by reason of (i) pursuant
(2) (b) of any changes in the payment schedule(s) and
(3) (c) of any defects which might significantly affect the estimated delivery date(s)

has the failure of the Purchaser to perform any of the above obligations under subparagraphs B1 and B2 below.

c. The DOD will, however, use its best efforts to deliver items or render services for the account and at the times quested.

4. Unless excused and excluding circumstances under the supposed reasons of the United States or requests, the DOD reserves the right to cancel or suspend all or any part of this Offer and Acceptance at any time prior to the delivery of defense articles or performance of services thereunder (including shipping). The DOD shall be entitled but not reimbursement each of the supplies thereafter during the period of suspension under this paragraph.

5. Shall refund to the Purchaser any payments received hereunder which prove to be in excess of the final total cost of delivery and performance of this Offer and Acceptance and are not required to cover arrearages on other open Offers and Acceptances of the Purchaser.

6. Advises that unless otherwise provided under this Offer and Acceptance, all services performed or articles furnished under this Offer and Acceptance shall be in accordance with all applicable laws, including any duties relating to shipping, advising or otherwise providing assistance regarding conduct activities, of the United States in connection with the furnishing of these defense services.

7. Advises that in the assignment or employment of United States personnel for the performance of this Offer and Acceptance the DOD will not offer their services if, in its opinion, national interest or law.

10. Advises that notwithstanding the Purchaser's agreement in this Offer and Acceptance to which Purchaser may be or assume no responsibility for claims arising out of all activities undertaken pursuant to this Offer and Acceptance, the DOD will take such steps as may be necessary and reasonable to assist the Purchaser in the settlement or defense of any claim that may be asserted against the Purchaser or the United States. Accordingly, subject to the Purchaser's agreement to assume any and all liability for claims as mentioned above, the Purchaser authorizes the DOD to settle claims and to make final payments thereon, and to act on behalf of the Purchaser in the conduct of litigation arising out of activities undertaken pursuant to this Offer and Acceptance; provided, however, that the DOD will not settle any such claim without consulting the Purchaser and without the Purchaser's approval, unless the DOD determines that an immediate settlement is necessary in the interest of the United States, or unless a court of competent jurisdiction has entered a final judgment on such a claim.

B. THE PURCHASER:

1. Shall pay to the DOD the total cost to the DOD of the items, even if the final total cost exceeds the amounts estimated in this Offer and Acceptance.

2. Shall make payment(s) for the items by check(s) or by wire transfer payable in United States dollars to the Treasurer of the United States.

2a. Shall, if "Down" appears "cash with acceptance" items and with this Offer and Acceptance a check or order equivalent in the full amount thereof or the estimated total cost and payment with acceptance specified, or an amount sufficient to cover the approximate cost of such commitments and required for the funds in some cases thereof.

b. Agrees if "Down" specifies payment to be "cash prior to delivery," to pay to the DOD such amounts at such times as may be specified from time to time by the DOD (including any related charges set forth under "Terms") in order to meet payment requirements by articles or services to be furnished from the resources of the DOD Department of DOD. Amounts for funds due to be based on estimated requirements for which from time to time specified deliveries of articles or work to precede defense services. It is DOD policy to obtain funds 60 days in advance of the time DOD plans such deliveries or incurs such expenses on behalf of the Purchaser.

c. Agrees, if "Terms" specify pay more by "dependable undertakings" to pay to the DOD such amounts at such times as may be specified from time to time by the DOD (including any related charges set forth under "Terms") in order to meet payments as the DOD requires in connection with which items are being procured and any damages and claims that may accrue or have accrued, from transportation of contracts by the DOD because of Purchaser's default(s) of this Offer and Acceptance under paragraph B.11. However, it is DOD policy to obtain funds 30 days in advance of the time DOD plans such deliveries or incurs such expenses on behalf of the Purchaser.

d. Agrees, if "Terms" specify pay more by "dependable undertakings" to pay to the DOD such amounts at such times as may be specified from time to time by the DOD (including any related charges set forth under "Terms") in order to meet payments as the DOD requires in connection with which items are being procured and any damages and claims that may accrue or have accrued, from transportation of contracts by the DOD because of Purchaser's default(s) of this Offer and Acceptance under paragraph B.11. However, it is DOD policy to obtain funds 30 days in advance of the time DOD plans such deliveries or incurs such expenses on behalf of the Purchaser.

e. Agrees, if "Terms" specify pay more by "dependable undertakings" to pay to the DOD such amounts at such times as may be specified from time to time by the DOD (including any related charges set forth under "Terms") in order to meet payments as the DOD requires in connection with which items are being procured and any damages and claims that may accrue or have accrued, from transportation of contracts by the DOD because of Purchaser's default(s) of this Offer and Acceptance under paragraph B.11. However, it is DOD policy to obtain funds 30 days in advance of the time DOD plans such deliveries or incurs such expenses on behalf of the Purchaser.

f. Agrees, if "Terms" specify "payment on delivery," that bills may be issued as of the date(s) of delivery of the defense articles or services, or upon billing(s) of the charge(s) incurred.

g. Agrees, if "Terms" specify pay more under a Credit Agreement between the Purchaser and DOD, to pay to the DOD, on a "determinable maturities" basis, in accordance with B.2.a., above, such sums as may be in excess of the amounts funded by the Credit Agreement.

C. Agrees, that requests for funds or billings under paragraphs B.2.c. through g. above are due and are able to fall on presentation, or, if a pre-agreed date is established in the request for funds or bill on the pre-agreed date so specified, even if such pre-agreed date is not in advance of the estimated payment schedule if any, contained in this Offer and Acceptance. Without affecting Purchaser's obligations to make payments when due, the DOD may, at its option, withhold deliveries and progress payments, estimated termination or forfeiture of production of contemporary defense articles or services in support of requests for funds or bills sent to made available to the Purchaser by DOD upon request. Where appropriate, Purchaser will request alternative or revised delivery schedules to reflect withholdings of scheduled shipments/work requests in accordance with paragraph B.4. below.

D. Agrees to pay interest on any sum not assumed by which it is in arrears on payments determined by considering authorities. All of the Purchaser's rights under this Offer and Acceptance with the DOD, interest shall be calculated on a daily basis. The principal amounts of the arrearage shall be computed as the average of cumulative financial requirements of the Purchaser over total cumulative payments after quarterly billing payment due dates. The rate of interest paid shall be a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding short-term obligations of the U.S., as of the last day of the month preceding the sale arrearage and shall be computed from the date of non-payment.

DD FORM 1513 PAGE 2 of PAGES

F-200.1513

ARMED SERVICES PROCUREMENT REGULATION

F-200.1513 *DD Form 1513: United States Department of Defense Offer and Acceptance (Annex A)*—Continued

Annex A

3. Shall designate the Forwarding Agency and responsible Storing Office and address thereof to which the DOD shall submit requests for funds and bills under this Offer and Acceptance.

4. Shall furnish shipping instructions for the items with its assignment of this Offer and Acceptance. Such instructions shall include (a) Military Service Code, (b) Freight Forwarder Code, and (c) the Mark for Code, as applicable.

5. Shall be responsible for obtaining the appropriate customs clearance and customs clearances, and, except for items requested by the DOD, transportation export licenses.

6. Shall accept title to the defense articles at the mutual point of shipment (see AA. above). Purchaser shall be responsible for inventory accounting and settlement of claims against contractor carriers. Title to defense articles acquired by, passed pre-paid pass to the Purchaser on date of passed point shipment. Purchaser does not shall be used in subsequent claims to the DOD for storage, shortage, damage, freight/rate billing, item discrepancy, improper identification or improper documentation and shall be submitted by Purchaser to the DOD within $180.00 or less will not be requested for shortages, damages, or shortages. Claims received after one year from date of passage of title or billing, whichever is later, will be disallowed by the DOD, unless the DOD determines that unusual and compelling circumstances prevented timely submission of the claim.

7a. Has entered into Offer and Acceptance with respect to any or all of the items listed in this Offer and Acceptance at any time prior to the delivery of defense articles or performance of services thereunder (including shipping), it shall be responsible for all costs resulting from cancellation under this paragraph.

b. Shall, except as may otherwise be mutually agreed in writing, pay the items sold hereunder with:

(1) Per the purposes specified in the Mutual Defense Assistance Agreement, if any between the USG and the Purchaser.

(2) Per the purposes specified in any bilateral or regional defense treaty to which the USG and the Purchaser are both parties, if subparagraph (1) of this paragraph is inapplicable; or

(3) For internal security, individual self-defense, counter drug action, if subparagraphs (1) and (2) of this paragraph are inapplicable.

c. Shall not transfer title to, or possession of the defense articles, entitlements and associated support materials related thereto or other defense services including any plans, specifications, or information furnished under this Offer and Acceptance to anyone not an officer, employee or agent of the Purchaser (including transportation agencies) and shall not use or permit the use of such articles, entitlements, and services for purposes other than those authorized by the DOD, unless the prior consent of the USG has first been obtained. In the case of any defense articles, plans, specifications, or information furnished in connection with this Offer and Acceptance that is classified by the USG for security purposes, the Purchaser shall maintain a similar classification system for such articles, plans, specifications, or information as that employed by the USG. Throughout the period of this Offer and Acceptance, the Purchaser shall maintain such classification. The USG shall use its best efforts to notify the Purchaser if the classification is changed. The Purchaser will obtain, for all persons having access to it, respect for proprietary rights in any defense articles and any plans, specifications, or information furnished, whether patented or not.

C. UNDERSTANDINGS AND ASSERTIONS BY THEM:

1. It is understood by the Purchaser that the USG, in processing and furnishing the items specified in this Offer and Acceptance does so as a convenience for the benefit of the Purchaser. The Purchaser therefore agrees to indemnify and hold harmless the USG, its agents, officers, and employees from any loss and all loss or liability, whether in contract or in tort, which may arise in connection with this Offer and Acceptance, or any action or omission of personnel of the Purchaser, or which results from any damage to or destruction of (A) property of the DOD furnished to Purchaser or suppliers specifically to implement this Offer and Acceptance, or (B) property of third parties damaged by the items ordered by the Purchaser pursuant to this Offer and Acceptance, or (C) property of third parties, including the items ordered by the Purchaser pursuant to this Offer and Acceptance, or (D) property of third parties damaged by the items ordered by the Purchaser pursuant to this Offer and Acceptance, or (E) property of third parties, including the items ordered by the Purchaser pursuant to this Offer and Acceptance, or (F) property of third parties damaged by the items ordered 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D. ASSIGNMENT:

1. By accept this Offer and Acceptance the Purchaser will not later than the expiration date of the Offer and Acceptance as set forth herein, return three copies properly signed to the security assistance accounting center designated thereon, accompanied by such initial deposit or other payments as may be required by the terms of this Offer and Acceptance. In addition, Purchaser will countersign, return three copies properly signed to the U.S. Military Department or Defense Agency making the offer. When properly countersigned, one copy will be returned to Purchaser.

2. It is understood that countersignature of the Offer and Acceptance cannot proceed without a proper acceptance. Failure to comply with terms and conditions required for acceptance or, for example, delay in submission of any required initial deposit or payment of full estimated cost in the case may be may require revision or reissue of the Offer and Acceptance.

3. Unless a written request for a extension is made by the Purchaser and granted in writing by an authorized representative of the approving are U.S. Military Department or Defense Agency, this Offer and Acceptance will expire after the expiration date set forth herein.

E. DISCLOSURE:

Information attached hereto are for this reference, summarized herein and are made a part hereof as though set forth in full.

F. PUBLIC INSPECTION:

The Offer and Acceptance will be made available for public inspection to the fullest extent possible consistent with the national security of the United States.

EXPLANATORY NOTES

1. The letter or reference numbers appearing in the "ITEM NO." NO. column does not correspond with references used in Purchaser original request. However this number together with the requisition number shown should always be used as a reference in future correspondence.

2. Supplementary footnotes appear in the remarks if number of articles requested in quantities [illegible] of the standard or any subject, such the terms of Letter of Offer, after receipt of acceptance of this Letter pursuant to Section [illegible] of the Arms Export Control Act, and the Purchaser's Foreign Military Sales Order. Unless otherwise specified in the quantity and schedules it is each determined when applicable. Items not in stock or delivery from requisitioned or ordered funded "Down Disapproved" or do not to be supplied at the specified time and more prone to shipment.

3. The estimated values of supply for each item is expressed in the following codes:

A	Between Hundred
B	Five Hundred
C	Between Five Hundred-Fifty-Thousand
D	Between Fifty and Five Hundred-Fifty-Thousand
E	"Others" major items or long supply or items

*Applicable, is stated or months.

4. Conditions of the defense articles shown as the "AS ARE IT'S ARE IN WARE": column is expressed in the following codes:

AS	Items to be provided as existing conditions without repair, restoration or rehabilitation which may be required. Conditions determined by item inspection and acceptance is to each determine when applicable. Items not in stock delivery requisition is not always are to need
B	Articles of mixed conditions new, unrefined, and rehabilitated may be commingled when noted. Example repair parts commingled new and rehabilitated.
C	Serviceable defense articles.
D	Unserviceable defense articles or [illegible]
E	Unserviceable [illegible]

Subsidiary: Security administration may be shipped to non-allied. Defense articles unless otherwise advised by the Purchaser. Security administration may be shipped to non-allied. Defense articles unless otherwise advised by the Purchaser. Shipping and transportation of defense articles is normally accomplished by [illegible] Purchaser and Forwarding Agency. Unless otherwise specified in the Offer and Acceptance the Purchaser will be responsible for all costs resulting from cancellation under this paragraph.

5. Training notes

[illegible]	Annual Training Pro, are
[illegible]	Special Training designed to support purchase of U.S. equipment
[illegible]	Mobile training teams are [illegible]
[illegible]	Training [illegible]
[illegible]	[illegible] training is required as a part of the purchase.

6. For summary of defense articles see Military Assistance Program Address Directory (MAPAD)

7. The use of Offer/Release Codes "X" and "Z" will entail a charge for [illegible] Agency or charge of 15 do

DD FORM 1513 PAGE 3 of PAGES

F-200.1513

ARMED SERVICES PROCUREMENT REGULATION

F-200.1524 *DD Form 1524: Pre-Award Survey of Offeror — General*

PRE-AWARD SURVEY OF OFFEROR GENERAL	1. SERIAL NO. (For CAO Use Only)	FORM APPROVED OMB NO. 22-R0883
SECTION I - REQUEST (By Purchasing Office)		
2a. NAME AND ADDRESS OF SURVEYING ACTIVITY	2b. SOLICITATION NO.	2c. TOTAL OFFERED PRICE
	2d. TYPE OF CONTRACT	
3. NAME AND ADDRESS OF OFFEROR (Offeror represents that he ☐ is / ☐ is not a small business concern.)		
4. PLANT AND LOCATION (If different than Item 3)	5. NAME, TITLE AND PHONE (Area code and number) OF PERSON CONTACT FOR SURVEY	
6. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS) (15 CFR Part 350) — Part B ☐ IS NOT APPLICABLE ☐ IS APPLICABLE AND OFFEROR REPRESENTS HIS CLASSIFICATION AS: (Check one) ☐ MANUFACTURER ☐ REGULAR DEALER ☐ OTHER (Specify)	7. REQUESTING ACTIVITY: OFFICE'S NAME AND PHONE NUMBER (Include autovon, DATA/FTS, if available)	
8. DATE OF REQUEST	9. DATE REPORT TO BE RETURNED	10. SURVEY SHALL BE ☐ COMPLETE ☐ PARTIAL

SECTION II - DATA (By Purchasing Office)

ITEM NO. A	FEDERAL STOCK NO. AND NOMENCLATURE B		TOTAL QUANTITY D	UNIT PRICE E	DELIVERY SCHEDULE E	F	G	H	I
		SOLICITED							
		OFFERED							
		SOLICITED							
		OFFERED							
		SOLICITED							
		OFFERED							

SECTION III - FACTORS TO BE INVESTIGATED AND INVESTIGATION RESULTS (Column a for purchasing office use, columns b and c for contract administration use)

FACTORS	CAN A	SAT B	UNSAT C	FACTORS	CAN A	SAT B	UNSAT C
1. TECHNICAL CAPABILITY				9. TRANSPORTATION			
2. PRODUCTION CAPABILITY				9. PLANT SAFETY			
3. PLANT FACILITIES AND EQUIPMENT				10. SECURITY CLEARANCE			
4. FINANCIAL CAPABILITY				11. LABOR RESOURCES			
5. PURCHASING AND SUBCONTRACTING				12. PERFORMANCE RECORD			
6. ACCOUNTING SYSTEM				13. ABILITY TO MEET REQUIRED SCHEDULE			
7. QUALITY ASSURANCE CAPABILITY				14. OTHER (Explain in Remarks)			

PROVIDE A NARRATIVE EXPLANATION SUBSTANTIATING EACH ENTRY IN SECTION III, COLUMNS B AND C ABOVE.

REMARKS

OFFEROR ☐ HAS ☐ HAS NOT REQUESTED FINANCIAL ASSISTANCE FROM THE GOVERNMENT.

SECTION IV - CONTRACT ADMINISTRATION OFFICE RECOMMENDATION

1. RECOMMEND ☐ COMPLETE AWARD ☐ PARTIAL AWARD (Quantity _____) ☐ NO AWARD

2. APPROVAL — DATE

(Chairman, Preaward Survey Board) — PHONE NO.

DD Form 1524 1 APR 76 PREVIOUS EDITION IS OBSOLETE.

F-200.1524

ARMED SERVICES PROCUREMENT REGULATION

APPENDIX N — ACTIVITY ADDRESS NUMBERS

DLASSV XX	DCASPRO, GTE Sylvania 189 B Street Needham, MA 02194
DLASTE XZ	DCASPRO, Texas Instruments PO Box 6016, MS 256 Dallas, TX 75222
DLASTO U3	DCASPRO, Douglas/Rockwell 2000 North Memorial Drive Tulsa, OK 74115
DLASVC YC	DCASMA, Van Nuys 6230 Van Nuys Blvd. Van Nuys, CA 91408
DLASWK YD	DCASMA, Wichita Wichita Mid-Continent Airport Terminal Bldg. Wichita, KS 67209
DLASWS YE	DCASPRO, Westinghouse Hendy Avenue Sunnyvale, CA 94088
DLASWT Z8	DCASPRO, Grumman Aerospace Corp. Stuart, FL 33494

ARMED SERVICES PROCUREMENT REGULATION

APPENDIX N — ACTIVITY ADDRESS NUMBERS

DEFENSE CIVIL PREPAREDNESS AGENCY

DCPA01 Procurement Service Division
Defense Civil Preparedness Agency
Washington, DC 20301

DEFENSE MAPPING AGENCY

DMA400 Defense Mapping Agency
Bldg. 34, U.S. Naval Observatory
Washington, DC 20305

DMA450 Defense Mapping Agency
Inter-American Geodetic Survey
Drawer 334
Fort Clayton, Republic of Panama

DMA700 Defense Mapping Agency
Aerospace Center
3900 South Broadway
St. Louis, MO 63125

DMA800 Defense Mapping Agency
YZ Hydrographic/Topographic Center
6500 Brooks Lane
Washington, DC 20315

DMA720 Defense Mapping Agency Depot
Clearfield, UT 84016

ARMED SERVICES PROCUREMENT REGULATION

[FR Doc. 81-20360 Filed 7-13-81; 8:45 am]
BILLING CODE 3810-70-M

32 CFR Parts 1 through 39

[DAC 76-26]

Defense Acquisition Regulation

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document publishes changes to the Defense Acquisition Regulation contained in the Code of Federal Regulations. The changes are the same as those in Defense Acquisition Circular 76-26. Some of the changes include: options; use of recovered material; value engineering; equal employment compliance; price reasonableness; field pricing reports on contract price proposals; procurement management reporting system; advance payments; and uniform contract format.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT: J. Brannan, Director, Defense Acquisition Regulatory Council, Room 3D1028, Pentagon, Washington, D.C. 20301, Telephone 202-697-7266.

SUPPLEMENTARY INFORMATION:

Background

The Defense Acquisition Regulation (DAR) is codified in Title 32, Parts 1-39, Volumes I, II, and III, of the Code of Federal Regulations. The July 1, 1979 revision, as supplemented on July 1, 1980, is the most recent edition of that title. It reflects amendments to the 1976 edition made by Circulars 76-1 through 76-23.

The Department of Defense announced the promulgation of the 1979 CFR edition in the **Federal Register** of December 31, 1979 (44 FR 77158), and also announced at that time that subsequent amendments to the Regulation would be published in the **Federal Register.**

Defense Acquisition Circular 76-26.

This document contains amendments to the Defense Acquisition Regulation in the form of replacement pages which were included in DAC 76-26, issued December 15, 1980. The following is a summary of the amendments:

Options. DAR 1-1502 is revised to provide coverage concerning contracts for services which include prepriced options or renewal options for outyears. This coverage is designed to guard against "buy-in" pricing; to help insure needed continuity of operation; to allow for the possibility for contractor amortization of costs when the contractor is required to provide equipment or facilities; and to reduce turbulence in the contractor's work force.

Use of Recovered Material. DAR 1-2500.5 is revised to eliminate the requirement for a specified minimum percentage of recovered material to be used in the production of the item offered for sale to the Government.

Value Engineering. As a result of review of the coverage on Value Engineering in an effort to simplify and clarify the coverage, extensive revisions to Section I, Part 17, and related clauses in Section VII are included in this DAC.

Equal Employment Compliance. DAR 7-2003.14(b)(3) is deleted as a result of a decision by the United States Circuit Court of Appeals, Seventh Circuit, which found the provision in that paragraph to be invalid. Related changes to 2-201, 3-501 and 12-805, resulting from the deletion, are included in this DAC.

Price Reasonableness. The material in 3-604.1 with respect to considering the reasonableness of price on small purchase awards under $500 has been rearranged to more accurately state the DAR requirements on this point. Specifically, although no formal determination or documentation of reasonableness is required in such awards, the contracting officer must conclude in some manner that the price is reasonable.

Field Pricing Reports on Contract Price Proposals. The dollar threshold limitation for field pricing support in DAR 3-801.5 is increased from $250,000 to $500,000 for cost-reimbursement, cost-sharing, cost-plus-award-fee, and cost-plus-fixed-fee type contracts. In addition, other types of contract proposals are specifically cited along with their respective dollar thresholds. A revision to the waiver concept is also included in this section. Also, DAR 3-811 is revised to clarify the transmission of the price negotiation memorandum in situations where field pricing support was furnished.

DD Form 254. Changes to DAR Sections VII, XVI and Appendix F have been made to incorporate the January 1, 1978 revision of the DD Form 254.

Deliveries of Excess Quantities of Supplies. Delivery of material by Department of Defense contractors exceeding the contract requirements has resulted in unnecessary administrative costs to the Government in determining the disposition of such material. This is particularly applicable in the case of small dollar value over-shipments. To reduce the administrative costs in such instances, the clause entitled "Delivery of Excess Quantities of $100 or Less" is added to the DAR in 7-104.103. This clause will allow the Government to retain excess quantities of material up to $100 without compensating the contractor.

Accounting for Termination Costs. In response to a recommendation from the Cost Accounting Standards Board, DAR 15-205.42 is revised to require the establishment of separate cost accounts to accommodate and identify significant expenses. Reference to the revised cost principle is added to 8-203 and 8-205.

Cost Accounting Standard 416, Accounting for Insurance Costs. DAR Section X, Parts 3 and 5, and 15-205.16 are revised to incorporate the provisions of Cost Accounting Standard 416.

Common Carrier Freight Rates. DAR Section XIX is revised to incorporate the appropriate references to the Revised Interstate Commerce Act. In addition, changes are made to Section XIX to incorporate shipment requirements related to Foreign Military Sales.

Procurement Management Reporting System. DAR Section XXI, Parts 1 and 2 are extensively revised to incorporate new or revised Department of Defense requirements and the provisions of the Federal Procurement Data System. Among the more notable changes are (i) the requirement for use of the Data Universal Numbering System (DUNS) in DAR 21-112.1; and (ii) a clarification of the reporting of the extent of competition in negotiated acquisitions, in 21-126. Revised coverage also includes a solicitation provision requesting the offeror to supply his DUNS number with his offer. Related changes to Sections II and III with respect to this provision are included in this DAC. Copies of revised Forms 350 and 1057 are included in Appendix F.

Advance Payments. The changes to DAR Appendix E, Part 6, and 7-104.32 affect the interest rate to be charged on advance payments and incorporate language into Appendix E to formalize the "no bank account" advance payment procedures.

Excluded Advance Payments. Due to the rising costs caused by worldwide inflation, the dollar thresholds for exclusions in Appendix E-419 are raised from $2,500 to $10,000 and from $300 to $500, respectively.

Uniform Contract Format. Copies of revised Standard Forms 18 and 28, containing the revised Table of Contents, are included in Appendix F.

Editorial Changes. Editorial changes are included in this DAC to correct typographical and printing errors, and inconsistencies in previously published material.

Because the Defense Acquisition Regulation concerns agency management, public property, and contracts, it is not necessary to issue proposed rules for public comment. Neither is it necessary to delay the effective date until 30 days after the date of publication of these rules, 5 U.S.C. 533(a) and (d). The amendments became effective on December 15, 1980.

How to Use Replacement Pages

Reproduced at the end of this document are replacement pages from DAC 76–26. The number at the top of each page (for example, 1:25) identifies the page from the Regulation which is being replaced. The number at the bottom of the page is a reference to the last appearing numbered paragraph on that page, or if none shows, on a preceding page. The vertical line in the right margin indicates where the amendment is located.

Adoption of Amendments

Therefore, the July 1, 1979 edition of the Defense Acquisition Regulation contained in 32 CFR Parts 1–39, Volumes I, II and III, as supplemented on July 1, 1980, is amended in the DAR paragraphs indicated by substitution of the replacement pages listed in the table:

DAR paragraph	Replacement pages
Volume I	
1–304.3	1:25.
1–339	1:77–A.
1–1502	1:196, 1:197.
1–1700	1:201.
1–1701	1:201, 1:202, 1:203.
1–1702	1:203.
1–1703	1:203, 1:204.
1–1704	1:204.
1–1704.1	1:204.
1–1704.2	1:204.
1–1704.3	1:204.
1–1704.4	1:205.
1–1704.5	1:205.
1–1704.6	1:205.
1–1705	1:205.
1–1706	1:205.
1–1708.1	1:205, 1:206, 1:206–A.
1–1708.2	1:206–B
1–1707	1:206–B.
1–2500.5	1:233.
2–201	2:9, 2:11, 2:17, 2:17–A.
3–501	3:61, 3:65, 3:68, 3:68–B, 3:69, 3:70.
3–604.1	3:79.
3–606.2	3:92, 3:93.
3–801.5	3:112 through 3:114–A.
3–811	3:157.
Volume II	
7–104.2	7:30, 7:31.
7–104.12	7:52.
7–104.34	7:76–A, 7:77, 7:78–A, 7:78–B, 7:80, 7:80–A, 7:81.
7–104.44	7:94 through 7:103, 7:105.
7–104.64	7:110.
7–104.103	7:140–D.
7–108.1	7:157.
7–602.50	7:297 through 7:297–B, 7:298.
7–2003.12	7:500.
7–2003.13	7:500.
7–2003.14	7:502.
7–2003.15	7:502–B.
7–2003.16	7:503.
7–2003.17	7:503.
7–2003.18	7:503.
7–2003.19	7:504.
7–2003.20	7:505.
7–2003.21	7:506.
7–2003.23	7:507, 7:508.
7–2003.24	7:508, 7:508.
7–2003.29	7:510.
7–2003.39	7:513.
7–2003.40	7:513.
7–2003.41	7:513.
7–2003.66	7:522.
7–2003.68	7:524–B.
7–2003.69	7:524–B.
7–2003.80	7:526–C.
7–2003.81	7:526–C.
7–2003.90	7:526–E.
8–203	8:8.
8–205	8:8.
8–309	8:28.
10–301	10:17.
10–301.1	10:17.
10–301.2	10:17.
10–301.2	10:17.
10–301.3	10:17.
10–302	10:17, 10:17–A.
10–303	10:17–A, 10:17–B, 10:17–C.
10–304	10:17–C.
10–305	10:17–C.
10–306	10:17–C.
10–403	10:19.
10–501.1	10:22, 10:23.
10–502	10:24.
10–503	10:24.
10–504	10:24.
10–505	10:24.
12–205	12:29.
15–205.16	15:26 through 15:27–A.
15–205.42	15:46.
Volume III	
16–811	16:45, 16:46.
19–217	19:14.
19–217.1	19:14.
19–402	19:17, 19:18.
21–000	21:1.
21–100	21:2.
21–101	21:2.
21–102	21:2 through 21:4, 21:5.
21–103	21:5, 21:8.
21–105	21:6.
21–111	21:6.
21–111.1	21:8.
21–112.1	21:8–A, 21:8–B.
21–113	21:8–B.
21–113.3	21:9.
21–114	21:9.
21–115	21:9, 21:10.
21–115.1	21:10.
21–115.2	21:10.
21–115.3	21:10.
21–116	21:10, 21:12.
21–118	21:12.
21–119	21:12.
21–120	21:13.
21–121	21:14.
21–122	21:14, 21:15.
21–123	21:15 through 21:27.
21–126	21:19 through 21:21.
21–130	21:22.
21–132	21:22–A.
21–133	21:22–A.
21–134	21:23.
21–135	21:23.
21–136	21:23.
21–137	21:23.
21–138	21:23.
21–139	21:23.
21–140	21:23.
21–201	21:24.
21–202	21:25.
21–204	21:25–A.
21–204.2	21:25–A.
21–206	21:25–B
21–208	21:25–B, 21:25–C.
21–209	21:25–C.
21–210	21:25–C
21–211	21:25–C
E–403	E:30, E:31.
E–404	E:31.
E–407	E:32–A
E–410	E:33, E:34.
E–411	E:36.
E–413	E:36, E:36–A.
E–413.1	E:36–A, E:37.
E–414.1	E:38.
E–416	E:40.
E–419	E:41.
F–100.18	F2, F3.
F–100.28	F28.
F–100.149	F57.
F–200.254	F83, F84.
F–200.254c (deleted)	F86, F86 (removed)
F–200.350	F91
F–200.1057	F166.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
July 8, 1981.
BILLING CODE 3810-70-M

1:25 1 JULY 1976

GENERAL PROVISIONS

tory additional sources will require, in addition to data, technical assistance from the primary source, consideration should be given to the use of the leader company procurement technique (see Section IV, Part 7).

(4) As a last alternative, a design specification may be developed by the Government through inspection and analysis of the product (*i.e.*, reverse engineering), and used for competitive procurement. Reverse engineering shall not be used unless significant cost savings can be reasonably demonstrated and the action is authorized by the Head of the Procuring Activity. In the case of the Air Force this authority may be delegated to the Commanders of the Air Force Systems Command Divisions and Centers and the Air Force Logistics Command Air Logistics Centers.

1–304.3 *Purchase of Patented Items When Government is a Licensee.* Award of a contract shall not be refused to a bidder/offeror merely because he is not the owner of or a licensee under any patent involved in the procurement. If, at the time a solicitation is issued, the Government is obligated to pay royalties applicable to the proposed procurement because of a pre-existing license agreement between the Government and a patent owner, the solicitation shall so state and shall: (i) identify the patents and specify the royalty rate; and (ii) advise that an amount equal to the royalty which the Government will be required to pay under the license agreement will be added as an evaluation factor to each bid/offer unless the bidder/offeror includes in his bid/offer a statement that he is the owner of or a licensee under the patents. (See 2–201(a)Sec.K(ix) and Sec.M(i); 2–201(b)(xvi) and (xxviii); 3–501(b)Sec.K(xvii) and Sec.M(x); and 3–501(e)(xiiv).)

1–305 Time of Delivery or Performance.

1–305.1 *Scope.* This paragraph prescribes policy and procedure regarding requirements as to time of delivery or performance of contracts for supplies or services, excluding construction.

1–305.2 *General.*

(a) The time of delivery or performance is an essential element for inclusion in a contract and must be clearly set forth in invitations for bids and requests for proposals. Delivery and performance schedules shall be designed to meet the requirements of the particular procurement, with due regard to all relevant factors, and must be realistic. Delivery and performance schedules which are unreasonably tight or difficult of attainment are inimical to full competition, inconsistent with small business policies (see 1–702(b)(vi)), and may result in higher contract prices. Therefore, prior to issuing an invitation for bids or request for proposals, the contracting officer shall question any delivery requirement which appears unrealistic, and, if necessary, initiate action to make appropriate adjustments, with due attention to relevant factors such as applicable transportation factors (see Section XIX) and those listed below:

(i) urgency of need for the supplies or services;
(ii) production time (quantity, complexity of design, etc.);
(iii) market conditions;
(iv) transportation time;
(v) industry practices;
(vi) capabilities of small business concerns;
(vii) time for obtaining and evaluating bids or offers, and awarding contracts;

1–305.2

ARMED SERVICES PROCUREMENT REGULATION

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(viii) time for contractors to comply with any conditions precedent to contract performance; and
(ix) time for the Government to perform its obligations under the contract (*e.g.*, furnishing Government property to the contractor, approval of preproduction samples, and inspection).

(b) When timely delivery or performance is unusually important to the Government, liquidated damages provisions may be used as provided in 1–310.

(c) Invitations for bids and requests for proposals shall, except where clearly unnecessary, inform bidders or offerors of the basis on which their bids or proposals will be evaluated with respect to time of delivery or performance.

1–305.3 *Terms.*

(a) Delivery schedules may be expressed in terms of—
(i) specific calendar dates (*e.g.*, on or before 68 Jul 01);
(ii) specified periods from date of contract (*i.e.*, date of award or acceptance by the Government, or date shown on contract document as effective date of contract); or
(iii) specified periods from date of receipt by contractor of notice of award or acceptance by the Government (including notice by receipt of contract document executed by the Government).

The full period which the Government holds out as being available for contract performance should not be curtailed to the prejudice of the contractor by delay in giving notice of award. The clauses in 7–104.92 provide for extending the delivery schedule when notice of award is delayed.

(b) When the delivery schedule is based on the date of the contract (see (a)(ii) above and 7–104.92(b) and (c)), the contract, notice of award, acceptance of proposal, or other contract document executed by the Government shall be mailed or otherwise furnished the contractor on the day it is dated.

(c) When the delivery schedule is based on date of receipt by the contractor of notice of award (see (a)(iii) above), or when it is expressed in terms of specific calendar dates on the assumption that notice of award will be received by a specified date (see 7–104.92(d)(iii)), the notice of award, acceptance of proposal, or other contract document executed by the Government shall be sent by certified mail, return receipt requested, or shall be accompanied with a date of receipt acknowledgment card in accordance with Departmental procedures.

(d) When the *required* delivery schedule in the invitation for bids is based on date of the contract (see (a)(ii) above), a bid offering delivery based on date of receipt by the contractor of the contract or notice of award/(see (a)(iii) above)—
(i) shall be evaluated by adding five days normally required for delivery of the award through the ordinary mails; and
(ii) if the delivery date offered by the bid (computed in accordance with (i) above) is later than the delivery date required in the invitation for bids, the bid shall be considered nonresponsive and rejected; but
(iii) if award is made under (i) above, under the terms of the contract the delivery date will be the number of days, after *actual* receipt by the contractor of the notice of award, which were specified in the bid.

1–305.4 *Time of Delivery Clauses.*

Examples of time of delivery clauses for invitations for bids are set forth in 7–104.92.

1–305.4

perty. The rule stated in 1-336.3 also applies to the use of underlying air carriers by international air freight forwarders engaged in such foreign air transportation.

(b) In order that bills submitted by international air freight forwarders engaged in international air transportation may be paid upon presentation, such carriers shall submit with their bills a copy of the airway bill or manifest showing the underlying air carriers utilized with such justification certifications as they may have for the use of underlying non-certificated air carriers. Use of the prescribed certification satisfies the justification requirement.

1-337 Should Cost. Should cost is a concept of contract pricing that employs an integrated team of Government procurement, contract administration, audit and engineering representatives to conduct a coordinated, indepth cost analysis at the contractor's plant. The purpose is (i) to identify uneconomical or inefficient practices in the contractor's management and operations and to quantify the findings in terms of their impact on cost, and (ii) to develop a realistic price objective which reflects reasonably achievable economies and efficiencies. A should cost review will be made in connection with the procurement of a system or item which will require a DSARC approval, unless the contracting officer makes written determination that the potential savings to be realized do not justify the expense of such a should cost review. Such determination shall be included in the Procurement Plan (see 1-2100). Should cost reviews should also be considered in procurements when: there are future year production requirements for substantial quantities of like items; there has already been some initial production; the competitive forces are insufficient to ensure economical and efficient performance (*e.g.*, sole source); the specification is comparatively definitive and not likely to be changed; and the present and potential value of the work to be performed is substantial.

1-338 Design to Cost.

(a) Cost is a contract parameter equal in importance with technical, delivery and performance requirements throughout the design, development, production and operation of defense systems, subsystems, components and equipments. Design to cost is a concept which recognizes this principle by requiring the establishment of cost elements as management goals to achieve the best balance between life cycle cost, acceptable performance, and schedule. Cost, under this concept, is a design parameter during design and development, and a management discipline throughout the acquisition and operation of the system or equipment. Policies and procedures for the application of design to cost are contained in DODD 5000.28.

(b) The principles of design to cost shall be applied in all procurements for Major Defense Systems (DODD 5000.1) unless exempted by the Secretary of Defense. Design to cost principles shall also be applied to the acquisition of systems, subsystems, and components below the thresholds for Major Defense Systems, to the extent prescribed in DODD 5000.28, and in accordance with Departmental procedures.

(c) Design to cost considerations are essential elements of sound procurement planning under 1-2100. Such planning shall include the establishment of design to cost objectives and goals and determinations of how they are to be applied, tracked, and enforced. To be effective, the design to cost approach should

be planned at the inception of the program, should encompass all phases of the program, and should be kept current by regular reviews both at appropriate intervals and at program milestones.

(d) In solicitations and contracts including design to cost principles, consideration should be given to prescribing and tailoring the required cost, technical and schedule parameters to the particular program, and to providing the contractor with flexibility to identify unnecessary or marginally cost effective technical and schedule features susceptible to trade-offs (see DODD 4105.62). This is to facilitate product development at the lowest life cycle cost consistent with mandatory schedule and performance requirements.

(e) For the relationship of design to cost to value engineering, see 1-1707.

1-339 Energy Conservation.

(a) The Energy Policy and Conservation Act requires that Federal procurement policies governing requirements determinations and source selection decisions provide for consideration of (i) conservation of energy and (ii) the relative energy efficiency of alternative goods or services capable of satisfying the Government's needs.

(b) The energy conservation and energy efficiency criteria shall be applied in the determination of requirements and source selection decisions whenever the application of such criteria would be meaningful, practical, and consistent with agency programs and operational needs. Under this policy, energy conservation and efficiency criteria shall be considered for application along with price and other relevant factors in the preparation of solicitations, the evaluation of offers, and the selection of bids and proposals for award.

(c) With respect to the procurement of consumer products, executive agencies shall take cognizance of energy use / efficiency labels and prescribed energy efficiency standards as they become available.

1-340 Geographic Distribution of Department of Defense Subcontract Dollars. Section 836 of the 1978 DoD Appropriation Act requires DoD to render an annual report to Congress on the geographical distribution of DoD subcontract dollars. To implement this requirement, the clause in 7-104.78 shall be inserted in any contract to be awarded which is expected to exceed $500,000, or when any modification increases the aggregate amount of a contract to $500,000 or more. In the latter case, the reporting requirement will not be retroactive so as to require the reporting of subcontracts awarded prior to such a modification.

1-341 Prohibition Against Inflationary Acquisition Practices.

(a) *Authority.* Executive Order 12092, November 1, 1978 (43 F.R. 51375, November 3, 1978), requires that acquisition of personal property and services by executive agencies and military departments be accomplished at prices and wage rates which are noninflationary.

(b) *Acquisition Policy.* The Government will purchase goods and services, to the extent provided in (d) below, only from companies, as companies are defined by the published standards of the Council on Wage and Price Stability (CWPS), in compliance with wage and price standards reflected in Executive Order 12092 of November 1, 1978, and the Wage and

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projects, or to similar projects under the auspices of the Department of Defense where the recipient nation pays for or furnishes at least fifty percent of the transportation, in which event foreign-flag vessels may be used for not to exceed fifty percent of the gross tonnage for the project. The contracting officer shall comply with 1-1402(ii) relative to any Government-owned construction materials requiring ocean transportation.

1-1410 Reserved.

Part 15—Options

1-1500 Scope of Part. This Part applies to contracts for supplies and services other than for (i) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property and (ii) research and development. It does not preclude the inclusion of appropriate options in such construction and research and development contracts.

1-1501 Definition. As used in this Part, an option is a unilateral right in a contract by which, for a specified time, the Government may elect to purchase additional quantities of the supplies or services called for by the contract, or may elect to extend the period of performance of the contract.

1-1502 Applicability.

(a) Option clauses may be included in contracts if increased requirements within the period of contract performance are foreseeable, or if continuing performance beyond the original period of contract performance may be in the best interest of the Government. Because options require offerors to guarantee prices for definite periods of time with no assurance that the options will be exercised, their improper inclusion could result in prices which are unfair to either the Government or the contractor. Therefore, an option clause normally should not be included if it can reasonably be foreseen that (i) minimum economic production quantities will be required at some future date, and (ii) startup costs, production lead time, and probable delivery requirements would not preclude adequate future competition.

(b) Option clauses shall not be included in contracts, and option provisions shall not be included in solicitations, if:

(i) the supplies being purchased are readily available on the open market;

(ii) the contractor would be required to incur undue risks (*e.g.*, the price or availability of necessary materials or labor is not reasonably foreseeable);

(iii) an indefinite quantity contract or requirements contract is appropriate except that options for continuing performance may be used in such contracts;

(iv) market prices for the supplies involved are likely to change substantially; or

(v) the option quantities represent known firm requirements for which funds are available unless (A) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance, and (B) realistic competition for the option quantity is impracticable once the initial contract is awarded.

(c) In recognition of (i) the Government's need in certain service contracts for continuity of operation and (ii) the potential cost of disrupted support, options may be included in service contracts if there is an anticipated need for a similar service beyond the first contract period, but see 1-322.

(d) Solicitations normally should allow option quantities to be offered without limitation as to price, and there shall be no limitation as to price if the option quantity is to be considered in the evaluation for award pursuant to 1-1504.

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In unusual circumstances, solicitations may require that option quantities be offered at prices no higher than those for the initial quantities. Such circumstances may exist, for example, when (i) the option cannot be evaluated pursuant to 1-1504(c) or (d) because additional requirements are foreseeable but not known, and (ii) realistic competition for the option quantity is impracticable once the initial contract is awarded. However, because such limitations as to option prices tend to cause a "frontloading" of costs on the basic quantity which are transferred from the option quantity to equalize the prices offered, their improper inclusion could result in prices which are unfair to the Government should the options not be exercised. Therefore, the procedures in 1-1503(d) shall be followed.

(c) The total of the basic and option periods shall not exceed five years in the case of services, and the total of the basic and option quantities shall not exceed the requirement for five years in the case of supplies. This five year limitation shall not apply to Automatic Data Processing Equipment acquisitions; however, the basic and option periods shall not exceed the approved systems life as defined in the Federal Property Management Regulations.

1-1503 Procedures.

(a) If a contract is to contain an option clause, the solicitation must contain an appropriate option provision. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but with respect to service contracts may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised, consideration shall be given to (i) necessary lead time in order to assure continuous production and (ii) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in all cases be kept to a minimum. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option.

(b) If exercise of the option would result in increased quantities of supplies, the option may be expressed in terms of (i) percentage of specific contract line items, (ii) a number of additional units of specific contract line items, or (iii) additional numbered line items identified as the option quantity with the same nomenclature as line items initially included in the contract. If exercise of the option would result in an increase in the performance of services by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work initially used in the contract such as man hours, man years, square feet, pounds or tons handled. If exercise of the option would result in an extension of duration of the contract, the option may be expressed in terms of an extended terminal date or of an additional time period, such as days, weeks, or months.

(c) Solicitations which allow the offer of option quantities at unit prices which differ from the unit price for the basic contract quantities shall also state that varying prices may be offered for the option quantities depending on the quantities actually ordered and the date or dates when ordered. However, if the

solicitation contains an *Evaluation of Options* provision pursuant to 1-1504, it shall also specify the price at which the options will be evaluated (*e.g.*, highest option price offered or option price for specified quantities or dates).

(d) If a solicitation is to require the offering of option quantities at prices no higher than those for the initial quantities pursuant to 1-1502(c), then:

(i) the inclusion of such limitation as to option price shall be justified and documented by the contracting officer in the contract file;

(ii) the solicitation shall also include a conspicuous notice adjacent to such limitation as to option price cautioning offerors that an offer containing an option price higher than the base price may be accepted only if such acceptance does not prejudice any other offeror; and

(iii) if the option is for additional quantities of supplies, an option quantity shall not exceed 50% of the initial quantity of the same contract line item or of the line item with the same nomenclature; *provided*, however, that in unusual circumstances a greater percentage of quantity may be approved in writing by the Chief of the Purchasing Office.

(e) When it is anticipated that the Government may exercise an option to fulfill Foreign Military Sales requirements, the solicitation shall notify contractors of the Government's intent in this regard and shall identify the Foreign Military Sales requirements. The contract shall contain an additional paragraph in the option provision substantially as set forth in 7-104.27(d) which provides for the Government's right to exercise the option for Foreign Military Sales purposes (see 6-1309).

1-1504 Evaluation.

(a) Except as otherwise provided in this paragraph, solicitations containing option provisions shall state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(b) If it is anticipated that the Government may exercise the option at time of award, the solicitation shall include an *Evaluation of Options* provision substantially as set forth in 7-2003.11(a).

(c) The option quantity may be considered in the evaluation for award of a firm fixed-price contract, a fixed-price contract with economic price adjustment provisions, or such other types of contracts as may be approved by Departmental procedures, if, before issuance of the solicitation, it has been determined by the Chief of the Purchasing Office that:

(i) there is a known requirement which exceeds the basic quantity to be awarded, but either (A) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance, or (B) due to the unavailability of funds, the option cannot be exercised at the time of award of the basic quantity; *provided* that in this latter case there is reasonable certainty that funds will be available thereafter to permit exercise of the option; and

(ii) realistic competition for the option quantity is impracticable once the initial contract is awarded and hence it is in the best interests of the Government to evaluate options in order to eliminate the possi-

Part 17—Value Engineering

1-1700 Value Engineering (VE).
1-1701 Definitions.

(a) Acquisition savings means savings resulting from the application of value engineering change proposals (VECPs) to contracts awarded by the same contracting office for essentially the same unit. Acquisition savings include:

(i) Instant contract savings which are the net cost reductions on the contract under which the VECP was submitted and accepted and which are equal to the unit cost reduction multiplied by the number of units affected by the VECP, less the contractor's allowable development and implementation costs (on service contracts, the unit cost reduction is multiplied by the labor-hour rate agreed upon for the tasks involved; then the contractor's allowable development and implementation costs are subtracted from the total);

(ii) Concurrent contract savings, which are measurable net reductions in the prices of other contracts of the contracting office in existence at the time the VECP was accepted; and

(iii) Future contract savings, which are the product of the unit cost reduction under the instant contract, adjusted to consider the effects of learning, quantities, or other similar factors, multiplied by the number of units scheduled for delivery during the sharing period. If the instant contract is a multiyear contract, future contract savings include savings on all quantities funded after VECP acceptance.

(b) Collateral costs means agency costs of operation, maintenance, logistic support, or Government-furnished property.

(c) Collateral savings means those measurable net reductions resulting from the VECP in the agency's overall projected collateral costs, exclusive of acquisition savings, whether or not the acquisition cost changes.

(d) Contractor's development and implementation costs means those costs which the contractor incurred specifically in its development, testing, preparation, and submission of the VECP, as well as its costs to make the contractual changes required by Government acceptance of a VECP.

(e) Government costs means those agency costs that result directly from developing and implementing the VECP and any net increases in the cost of testing, operations, maintenance, and logistics support. They do not include the normal administrative costs of processing the VECP.

(f) Instant contract means the contract under which the VECP is submitted. It does not include increases in quantities after approval of the VECP due to contract modifications, exercise of options, or additional orders. If this is a multiyear contract, it does not include quantities funded after VECP approval. In a fixed-price contract with prospective price redetermination, the term refers to the period for which firm prices have been established.

(g) Negative instant contract savings means that the acceptance of the VECP results in:

(i) a reduction in the instant contract of the actual unit cost;

(ii) an excess of contractor's development and implementation costs as compared to the unit cost reduction multiplied by the number of units affected; and

(iii) a consequent equitable adjustment increasing the instant contract price.

These savings are not a Government cost.

(h) Net acquisition savings means acquisition savings less Government costs.

(i) Sharing period means that period that extends to the 3 years after acceptance of the first item incorporating the VECP, or the delivery schedule in effect for all affected end items on the instant contract when the VECP is accepted, whichever is longer.

(j) Unit means the item or task to which the parties agree the VECP shall apply.

(k) Unit cost reduction means the amount of the decrease in unit cost of performance (without deducting any development or implementation costs and, for future contracts, with adjustments for learning, change in quantities, or other similar factors as necessary) resulting from using the VECP. On service contracts, the unit cost reduction is equal to the costs per hour multiplied by the number of hours per line item task saved by the VECP.

(l) Value engineering change proposal (VECP) means a proposal that:

(i) requires a change to the instant contract to implement; and

(ii) results in reducing the overall projected cost to the agency without impairing essential functions or characteristics, *provided* That it does not involve a change:

(A) in deliverable quantities only;

(B) in R&D quantities or test quantities due solely to results of previous testing under the instant contract; or

(C) to the contract type only.

1-1702 General.

(a) Value engineering is the formal method by which contractors may (i) suggest contract changes which would reduce the overall cost to the Government and share in any resulting savings, or (ii) be required to establish a program to identify and submit to the Government methods of reducing costs to the Government through contract changes. Value engineering is concerned with eliminating nonessential functions or components of end-items or tasks which contribute to the cost of their being acquired, operated, or logistically supported.

(b) There are two basic value engineering (VE) approaches: (i) an incentive program in which contractor participation is voluntary, and (ii) a mandatory program in which the Government requires and pays for a specific VE program effort. In the first, contractors are responsible for developing and submitting VECPs using their own resources. The contract provides payment for these costs if a VECP is accepted. Use of the voluntary approach should not in itself increase costs to the Government. Under the second approach, the contractor must perform a VE effort of the scope and level of effort required by the Government's program plan and included as a separately priced item of work in the contract schedule. The objective of this VE program requirement is to ensure that the contractor's VE effort is applied to areas of the contract that offer opportunities for considerable savings consistent with the functional requirements of the end item of the contract.

1-1703 Policy.

(a) The Government shall provide contractors with a substantive financial incentive to develop and submit VECPs.

(b) The Government shall provide contractors with (i) objective and expeditious processing of VECPs submitted and (ii) a fair share of the savings on accepted VECPs.

(c) Subcontractors shall be encouraged to submit VECPs through incorporation of VE clauses in appropriate subcontracts.

(d) Value engineering incentive payments do not constitute profit or fee within the meaning of the limitations imposed by 10 U.S.C. 2306(d). (See 3-405.6(c)(2).)

1-1704 Clauses.

1-1704.1 *Value Engineering Clause.* The contracting officer shall include the Value Engineering Clause in 7-104.44 in every supply or service contract of $100,000 or more. The clause may be included in supply or service contracts of lesser value if the contracting officer sees a potential for significant savings. If the contracting officer chooses to use a VE clause in a contract under $100,000, the appropriate clause referred to in 1-1704.1 through 1-1704.6 shall be used. Unless authorized by the chief of the contracting office, the contracting officer shall not include the clause in the following contracts:

(i) research and development other than full-scale engineering development;

(ii) engineering services from not-for-profit organizations, architect-engineer services, and personal services;

(iii) product or component improvement unless the VE clause application is restricted to areas not covered by provisions for product or component improvement; or

(iv) standard commercial items that do not involve any special requirements and specifications (such as packaging specifications).

1-1704.2 *Value Engineering, Alternate I.* The contracting officer may require a mandatory VE effort by using the clause in 7-104.44, as changed by Alternate I, in any supply or service contract when the contracting officer considers that substantial savings to the Government may result. The VE program requirements may be specified by the Government in the solicitation or, in the case of negotiated contracting, proposed by the contractor as part of the proposal and included as a subject for negotiation.

1-1704.3 *Value Engineering, Alternate II.* If the contracting officer determines that both a VE incentive and mandatory program requirement are appropriate, the contracting officer shall include in the supply or service contract the clause in 7-104.44, as changed by Alternate II. The contracting officer shall restrict the VE program requirement in the contract schedule to well-defined areas of performance. The clause applies a VE program to the specified areas and a VE incentive to the remaining areas of the contract.

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1-1704.4 *Value Engineering, Alternate III.* When the head of the contracting activity determines the cost of computing and tracking collateral savings will exceed the benefits to be derived, the contracting officer shall include in the contract the clause in 7-104.44, as changed by Alternate III.

1-1704.5 *Value Engineering, Alternate IV.* The contracting officer may include a mandatory VE program requirement in an architect-engineer contract. However, no VE sharing provisions shall be included. The contracting officer shall use the clause in 7-104.44, as changed by Alternate IV.

1-1704.6 *Value Engineering Incentive—Construction Clause.* The contracting officer shall include the clause in 7-602.50, Value Engineering Incentive—Construction, in all fixed-price and cost-reimbursement construction contracts of $100,000 or more, other than incentive contracts. The clause may be included in fixed-price or cost-reimbursement construction contracts under $100,000 if the contracting officer sees a potential for significant savings. The contracting officer shall not include the clause in incentive-type construction contracts.

1-1705 Processing VECPs.

(a) The contracting officer shall provide the contractor prompt written notification if (i) the VECP evaluation period will exceed 45 days after receipt of the VECP by the Government (the notification shall include the estimated decision date and the reasons for the additional time required), or (ii) the VECP is not accepted (the notification shall explain the reasons for nonacceptance).

(b) The contracting officer shall cite the Value Engineering clause (see 1-1704) when modifying the contract to incorporate a VECP or when making any VE-related change.

(c) The Government's decision to accept or reject a VECP; the Government's decision as to which of the sharing rates apply when the clause in 7-104.44, as changed by Alternate II, is used; and the Government's computation of collateral costs or collateral savings are not subject to the Disputes clause.

1-1706 Sharing Arrangements. The two types of savings shared by the Government and the contractor as a result of accepted VECPs are acquisition savings and collateral savings.

1-1706.1 *Sharing of Acquisition Savings.*

(a) The sharing base for acquisition savings is the number of affected end items on contracts of the contracting office approving the VECP. The Head of the Contracting Activity (HCA) may extend the sharing base from the contracting office throughout the activity if the HCA determines in writing that it would

be more equitable or would significantly increase the contractor's incentive. The sharing base may be further expanded by the Secretary concerned. The sharing rates (Government/contractor) for acquisition savings for supplies and services are based on the type of contract, the Value Engineering clause, and the type of savings as follows:

	Incentive (Voluntary)		Program Requirement (Mandatory)	
TYPE OF CONTRACT	Instant	Concurrent and Future	Instant	Concurrent and Future
Fixed-Price (Other than Incentive)	50/50	50/50	75/25	75/25
Incentive (Fixed-Price or Cost)	*	50/50	*	75/25
Cost-Reimbursement** (Other than Incentive)	75/25	75/25	85/15	85/15

* Same ratio as the contract's cost incentive ratio.
** Includes cost-plus-award-fee contracts.

(b) Sharing on construction contracts applies only to savings on the instant contract. The sharing rates (Government/contractor) are as follows:

Fixed-Price*	45/55
Cost-Reimbursement*	75/25

* Other than incentive

(c) The contractor shall share in the savings on all affected units until the originally scheduled delivery date of the last affected unit under the instant contract or for 3 years after acceptance of the first unit incorporating the VECP, whichever is longer. For engineering development and low rate initial production contracts, the future sharing

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period shall encompass scheduled deliveries, equal in number to the quantity required over the highest 36 consecutive months of planned production, based on the Five Year Defense Program (FYDP) or other planning documentation at the time the VECP is accepted. Savings are paid through the contract under which the VECP was accepted. Within 3 months after concurrent contracts have been modified to reflect price reductions attributable to use of the VECP, the contracting officer shall modify the instant contract to provide the contractor's share of savings. On incentive contracts, the contractor's share of concurrent, future, and collateral savings shall be paid as a separate firm fixed-price contract line item on the instant contract. The contractor shall be responsible for maintaining, for 3 years after final payment on the contract under which the VECP was accepted, records adequately identifying the first delivered unit incorporating the applicable VECP.

(d) The contractor's share of future contract savings may be paid as subsequent contracts are awarded or in a lump-sum payment at the time the VECP is accepted. The contracting officer ordinarily shall make calculations as future contracts are awarded and, within 3 months after their award, modify the instant contract to provide the contractor's share of savings. Use of the lump-sum method must be agreed to by the contractor. For future acquisition savings calculated under the optional lump-sum method, the sharing base is an estimate of the number of items which will be purchased by the contracting office during the sharing period. In deciding to use the more convenient lump-sum method for an individual VECP, the contracting officer shall consider:

(i) the accuracy with which the number of items to be purchased during the sharing period can be estimated and the probability of actual production of the projected quantity;
(ii) the availability of funds for a lump-sum payment; and
(iii) the administrative expense of otherwise amending the instant contract as future contracts are awarded.

(e) The contractor's profit or fee shall be excluded when calculating the net savings on instant and future contracts.

(f) Departments shall establish procedures for funding and payment of the contractor's share of future savings.

1-1706.2 *Sharing of Collateral Savings.* The contractor's share of collateral savings is 20% of the estimated savings to be realized during an average year of use but shall not exceed (i) the contract's firm fixed-price, target price, target cost, or estimated cost at the time the VECP is accepted; or (ii) $100,000, whichever is greater.

1-1707 Relationship to Other Incentives. The Government shall offer the fullest possible range of motivation to contractors while precluding duplication of incentives. Those benefits of an approved VECP not rewardable under performance, design-to-cost, or similar incentives of the contract shall be rewarded under a Value Engineering clause. The targets of such incentives affected by the VECP shall not be adjusted because of the acceptance of the VECP.

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Part 25 - Recovered Material

1-2500 Recovered Material.

1-2500.1 Scope. This part prescribes policies and procedures regarding the use of recovered materials.

1-2500.2 Policy. The policy of the Government is to obtain items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

1-2500.3 General. Basic policy is provided in the Solid Waste Disposal Act (Public Law 89-272, October 20, 1965; 42 U.S.C. 3251 et. seq.) as amended by the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, October 21, 1976; 42 U.S.C. 6901 et. seq.), and the Office of Federal Procurement Policy Letter Number 77-1. The legislation requires Executive Agencies responsible for drafting or reviewing specifications to assure that Government specifications and standards (i) do not exclude the use of recovered materials, (ii) do not require the item to be manufactured from virgin materials, and (iii) require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item. It also requires the Administrator, Environmental Protection Agency (EPA), to prepare guidelines setting forth information on the availability, sources, and potential uses of recovered materials and associated items, including solid waste management services and recovered materials to be used as fuel.

1-2500.4 Definition. "Recovered material" means material which has been collected or recovered from solid waste.

1-2500.5 Procedures.

(a) These procedures are applicable to all acquisitions using Government specifications which require incorporation of recovered materials.

(b) Solicitations which incorporate Government specifications requiring utilization of recovered materials shall include the certification in 7-2003.82.

(c) Requirements in Government specifications for use of recovered materials may be waived by the contracting officer only after a determination that the items (i) are not available within a reasonable period of time, (ii) fail to meet performance standards set forth in specifications, or (iii) are available only at unreasonable prices.

(xviii) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 (Geographic Distribution of Defense Subcontract Dollars).
(xix) when the provisions of the Buy American Act or the Balance of Payments Program apply, include the clauses in 7-103.10, 7-104.3, 7-104.32, and 7-104.106, as prescribed by 6-104.5 and 6-803.1(e).

Part II—General Provisions

SECTION I - General Provisions.
(i) such general contract provisions (contract clauses) as required by law and by this Regulation;
(ii) such additional general provisions as may be applicable to the acquisition; and
(iii) such alterations to contract provisions as are appropriate.

Part III—List of Documents, Exhibits, and Other Attachments

SECTION J - List of Documents, Exhibits, and Other Attachments.
(i) Here list all of the documents, exhibits, and other attachments that make up the invitation-for-bids package; give form number, name, date, and number of pages for each document; give type and identifier (for example, "Exhibit A"), name, and number of pages for each exhibit, appendix, or other attachment (for example, work frequency schedules, work statements, specifications, special requirements, or other documents too lengthy to be conveniently written into the invitation proper).

Part IV—General Instructions

SECTION K - Representations, Certifications, and Other Statements of Bidder.
(i) Standard Form 33, Part 2 (Representations and Certifications);
(ii) when considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition, such as improper kinds of multiple bidding, a requirement that each bidder submit with his bid the provision in 7-2003.12 concerning his affiliation with other concerns shall be included in this Section K. Failure to furnish the affidavit with the bid shall be treated as a minor informality or irregularity (see 2-405);
(iii) the clause in 7-2003.13 that provides for a preference for labor surplus area concerns shall be

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included in invitations for bids that do not involve set-asides for labor surplus area concerns;

(iv) when needed for the purpose of bid evaluation, preaward surveys, or inspection, a requirement that all bidders state the place (including the street address) from which the supplies will be furnished or where the services will be performed. When it is reasonably anticipated that producing facilities will be used in the performance of the contracts, or when Government requires the information, bidders will be required to state (A) the full address of principal producing facilities (if designation of address is not feasible, a full explanation will be required), and (B) names and addresses of owner and operator if other than bidder;

(v) if the contract is for the Military Assistance Program, include the certificate in 7-2003.50;

(vi) unless the contract is exempt from the Buy American Act and the Balance of Payments Program, include the certificate in 7-2003.47;

(vii) unless exempted by 12-805 from inclusion of the Equal Opportunity clause, include the provisions in 7-2003.14(b)(1) and (2);

(viii) any requirement for prior testing and qualification of a product, when the item to be acquired is on a qualified products list (see Section 1, Part 11);

(ix) when the contract is for the acquisition of a patented item for which the Government is a licensee (1-304.3), include the provision in 7-2003.15;

(x) when shipping weights and dimensions are required to evaluate offers as to transportation costs (see 19-210), a provision substantially as in 7-2003.16 shall be included in the solicitation, except that the paragraph relating to the Government's estimated weights and dimensions may be omitted when such estimates cannot reasonably be developed and the file is documented accordingly, prior to the issuance of the solicitation. Solicitations omitting the paragraph relating to the Government's estimated weights and dimensions shall state that the failure to furnish guaranteed shipping weights and dimensions will render offers nonresponsive, unless the contracting offer determines that the shipping weights and dimensions would clearly not affect the standing of the bids. To aid in computing a reduction when the contractor exceeds the guaranteed maximum(s), the award document will show the weight(s) and dimensions used in the evaluation;

(B) include in Section L of the solicitation a provision substantially as follows:

MINIMUM ACCEPTANCE PERIOD (1975 MAR)

Offerors allowing less than the number of calendar days specified in the "Offer" portion of SF 33 for acceptance by the Government will be rejected as nonresponsive.

(End of provision)

(xviii) when the contract is to contain a first article approval clause, the statement required by 1-1903;

(xix) any applicable notices of small business or labor surplus area set-asides (see 1-706.6 and 1-804.2);

(xx) the applicable small business size standard and product classification (see 1-701 and 1-703);

(xxi) any offer by the Government to provide Government production and research property for the performance of the contract (see Section XIII, Part 3) (see, for example, 13-202(b));

(xxii) the provision in 7-2003.10 when a "brand name or equal" item is being acquired;

(xxiii) in unusual cases, where bidders are required to have special technical qualifications due to the complexity of the equipment being acquired, or for some other special reason, a statement of such qualifications;

(xxiv) if the solicitation is to include an Industrial Preparedness Production Planning line item, the provision in 7-2003.69 will be included (see 1-2206);

(xxv) in accordance with 3-211.4, insert the Notice of Possible Standardization provision in 7-2003.38;

(xxvi) when the statement of work requires the design, development, or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72.

(xxvii) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

(xxviii) Reserved;

(xxix) insert the solicitation provision at 7-2003.90 requesting the offeror to supply his Data Universal Numbering System (DUNS) Number with his offer.

SECTION M - Evaluation Factors for Award.

(i) a statement of the exact basis upon which bids will be evaluated and award made, to include any Government costs or expenditures (other than bid prices) to be added or deducted, or any provisions for economic price adjustment as factors for evaluation.

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(The amount of any royalty payable under the royalty-sharing provisions of a previously accepted value engineering change proposal incorporated in the solicitation will be considered in evaluating offers when the value engineering change is one of two or more acceptable alternatives under the solicitation.) See also 1-304.3.

(ii) if the solicitation contains an economic price adjustment clause, the provision in 7-2003.23(a);

(iii) when the contracting officer determines that it is necessary to consider the advantages or disadvantages to the Government that might result from making more than one award (multiple awards) (see 2-407.5(iii)), the provision in 7-2003.23(b);

(iv) discount provision (see 2-407.3);

(v) when bids (or proposals) are to be solicited f.o.b. origin only and when requirement exists for transit arrangements at transit point(s) in the United States (excluding Alaska and Hawaii) (see 19-206(a)), the provision in 7-2003.23(c);

(vi) to establish the means the Government will use in f.o.b. origin solicitations in applying transportation costs for evaluation (see 19-208.2(c)), the provision in 7-2003.23(d) (which may be modified to accommodate other methods of transportation);

(vii) when the exact destination is not known (see 19-208.4(a)), the provision in 7-2003.24(a);

(viii) when the exact destination is not known (see 19-208.4(a)), or when f.o.b. origin contracts may result (see 19-209), the provision in 7-2003.24(b);

(ix) when the supplies may be purchased f.o.b. origin (see 19-212), the provision in 7-2003.24(c);

(x) when both f.o.b. origin and f.o.b. destination bids are desired (see 19-104.2(b)), the provision in 7-2003.24(d);

(xi) any provision concerning evaluation or award peculiar to the kind of contract (for example, the provision required by 22-702.1 for laundry and drycleaning services, that required by 22-502 for mortuary services, that required by 22-600.3 and 22-600.4 for the preparation of personal property for shipment or storage and the performance of intra-area movement);

(xii) if, pursuant to 1-1504, options are to be evaluated for award, the applicable Evaluation of Options provision shall be inserted;

(lvii) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 (*"Geographic Distribution of Defense Subcontract Dollars"*).

(lviii) insert the Woman-Owned Business representation in 7-2003.80;

(lix) insert the Percent Foreign Content representation in 7-2003.81;

(lx) when Government specifications are incorporated requiring utilization of recovered materials, insert the certification in 7-2003.82;

(lxi) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

(lxii) Reserved;

(lxiii) insert the solicitation provision at 7-2003.90 requesting the offeror to supply his Data Universal Numbering System (DUNS) Number with his offer.

(c) Master Solicitation. A master solicitation is a document containing the text of special provisions which have been identified as being essential for carrying out the peculiar needs of a specific commodity assignment to a single contracting activity within DOD. The document is pre-positioned with potential sources who are requested to retain them for continued and repetitive use. The purpose of this technique is to simplify solicitation and award documents, to reduce the size of solicitations and awards, and concurrently to achieve time and dollar savings for both the Government and industry. The master solicitation technique involves two separate phases, the issuance of the master solicitation and the issuance of the individual solicitation/award. In addition, use of this technique to meet such peculiar requirements shall be subject to the following criteria:

(1) The master solicitation shall not be used unless repetitive purchases are anticipated.

(2) The master solicitation shall not include non-essential or infrequently used provisions.

(3) The master solicitation shall consist primarily of those locally developed provisions relating to instructions and procedures requiring repetitive use that cannot otherwise be avoided through use of DAR clauses. The master solicitation shall not include Section VII clauses; however, where the acquisition requires performance outside the U.S., Section VII clauses may be included in the master solicitation.

(4) Copies of a master solicitation shall be made available upon request.

(5) There shall be no interim changes, revisions nor amendments to the master solicitation itself. The only approved method of revising the master solicitation shall be by reissuing the entire master solicitation.

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(6) Copies of contracts furnished to the contract administration activity must be complete and shall include a copy of the master solicitation unless prior arrangements have been made.

(7) The use of this technique shall be limited to those situations where it is clearly demonstrable that a substantial reduction of paperwork and simplification of the contracting process will result. Approval by the Head of the Contracting Activity is required.

2-202 Miscellaneous Rules for Solicitation of Bids.

2-202.1 *Bidding Time.*

(a) Consistent with the needs of the Government for obtaining the supplies or services, all invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to allow bidders an adequate opportunity to prepare and submit their bids. As a general rule, bidding time shall be no less than 30 calendar days. For potential sources in participating countries, see 6-1403.1(a); for sources in FMS/offset arrangement countries, see 6-1310.3(b); and for sources in defense cooperation countries, see 6-1502.1.

(b) This rule need not be observed in special circumstances; for example, where the contracting officer has valid reason to determine that bidders in the second step of two-step formal advertising can prepare and submit their bids in less than 30 calendar days, or where the urgency for the supplies or services does not permit such delay. When the contracting office is located in the United States and a prospective bidder is located at a foreign address, the mailing time associated with international air mail (see 2-203.1) shall be considered when establishing the bid opening date. For items on Qualified Products Lists, see 1-1107.1; for construction contracts, see 18-202(b), and for brand name or equal items, see 1-1206.2.

2-202.2 *Telegraphic Bids* As a general rule, telegraphic bids will not be authorized. However, when, in the judgment of the contracting officer, the date for the opening of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms or when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized, the schedule of the invitation for bids will contain the provision in 7-2003.29.

2-202.3 *Bid Envelopes.* Postage or envelopes bearing "Postage and Fees Paid" indicia shall not be distributed with the invitation for bids or otherwise supplied to prospective bidders. To provide for ready identification and proper handling of bids, Optional Form 17, "Sealed Bid Label", obtainable from the General Services Administration, may be furnished with each bid set to provide the bidder with a means of specifically identifying his bid.

2-202.4 *Bid Samples*

(a) *Definition* The term "*bid sample*" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. Such samples will be used only for the purpose of determining the responsiveness of the bid and will not be considered on the issue of a bidder's ability to produce the required items.

(b) *Policy* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure acquisition of an acceptable product. It may be appropriate to require bid samples, for example, where the acquisition is of products that must be suitable from the standpoint of balance, facility of use, general "feel," color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable

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SECTION F - Deliveries or Performance.
(i) the time of delivery or performance (see 1-305);
(ii) place and method of delivery (see Section XIX);
(iii) when MILSTAMP procedures apply to shipments of supplies, a provision setting forth the obligations of the contractor under such procedures (see 19-101).

SECTION G - Contract Administration Data.
(i) accounting and appropriation data (Note: where SF 33 is used, include only data not set forth on that form);
(ii) instructions to paying offices and administrative contracting offices, including name, organization code, and telephone area code, number, and extension of contracting office representative.

SECTION H - Special Provisions.
(i) if the contract is to include option provisions, a clear statement of the provisions (see 1-1506);
(ii) if the contract is to include design-to-cost requirements, provisions in accordance with 1-338;
(iii) if 1-1503(d) applies, a conspicuous notice cautioning offerors that an offer containing an option price higher than the base price may be accepted only if the acceptance does not prejudice any other offeror (this may be placed elsewhere as long as the notice is adjacent to the limitation as to option price);
(iv) if the price negotiated is not predicated on allowability of the cost of money for facilities capital employed, the contract shall include a statement that: the cost of money for facilities capital (15-205.50) is unallowable.
(v) if the contract is to be conditioned on the availability of funds, include one of the clauses in 7-104.91;
(vi) if the contract is multiyear, the provisions required by 1-322.2(a), (b), or (f);
(vii) any progress payments provisions (see Appendix E);
(viii) any applicable Service Contract Act wage determinations of the Secretary of Labor (see Section XII, Part 10);
(ix) any special provisions relating to the Government's providing Government production and research property (see Section XIII, Part 3);
(x) when the clause in 7-104.62 is included in the contract and Appendix I, Table 2, does not list

addresses of the required special distribution recipients, the applicable names and addresses shall be included in this Section H. The contracting office issuing the contract shall reference the line item as necessary, the addresses of the status control activity/inventory manager, and, if applicable, the processing contracting office cited in the Military Interdepartmental Purchase Request (MIPR);
(xi) in accordance with 1-1208, the clause in 7-104.48 and the clause in 7-104.49;
(xii) if the contract is to contain the Safety Precautions for Ammunition and Explosives clause in 7-104.79, a specific list of any of the mandatory requirements of DoD Manual 4145.26-M that are being waived;
(xiii) when the contract is expected to contain requirements for provisioned items, include the information prescribed in 4-302.1;
(xiv) for acquisitions involving Military Assistance Program (MAP)(Grant Aid), include the MAP Record Control/Program/Directive Number identifier and special markings, if appropriate. For Foreign Military Sales (FMS) acquisitions, include the special markings, if appropriate, and specify the FMS case identifier code by line/subline item number, e.g., FMS Case Identifier GY-D-DCA. These identification entries are required to permit the contractor to comply with Appendix I-301, Block 16(12), and to facilitate collection of contract administration charges from foreign governments on FMS acquisitions.
(xv) if the contract is for supplies acquired for resale, include the clause in 7-104.88;
(xvi) if international air transportation of personnel and cargo is possible during performance of the contract, include the clause in 7-104.95;
(xvii) in accordance with 9-603(b), insert the Identification of Restricted Rights Computer Software provision in 7-2003.76;
(xviii) if the contract is to involve materials of a hazardous nature, include the clause in 7-104.98 as prescribed by 1-323.2;
(xix) when the proposed contract is to require the contractor to prepare production progress reporting in accordance with the clause in 7-104.51, the contract schedule shall contain instructions as prescribed in 25-202; and
(xx) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 (Geographic Distribution of Defense Subcontract Dollars).

Part II—General Provisions

SECTION I - General Provisions.
(i) such general contract provisions (contract clauses) as are required by law or by this Regulation;

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(iv) a statement requesting the prospective offeror or quoter to list the names and telephone numbers of persons authorized to conduct negotiations;
(v) where SF 33 (Solicitation, Offer, and Award) is not used, a statement that prospective offerors/quoters should indicate in the offer/quotation the address to which payment should be mailed, if such address is different from that shown for the offeror/quoter. (Contracting officers shall include this information in all resultant contracts that are to be administered by a Defense Contract Administration Services Regional Office);
(vi) unless exempted by 12-805 from inclusion of the Equal Opportunity clause, the provisions in 7-2003.14(b)(1) and (2);
(vii) the clause in 7-2003.13 shall be included in Requests for Proposals that do not involve set-asides for labor surplus area concerns;
(viii) a requirement that the proposal or quotation state the intended place of performance, including the street address, and the names and addresses of owner and operator of producing facilities, if other than offeror or quoter, when it is reasonably anticipated that such facilities will be used in the performance of the contract;
(ix) if the contract is for the Military Assistance Program, the certificate in 7-2003.50;
(x) unless the contract is exempt from the Buy American Act and the Balance of Payments Program, the certificate in 7-2003.47;
(xi) a request that prospective offerors or quoters state whether, to their knowledge, the contract performance involves the acquisition of Government production

and research property, the disposal of which may be restricted by patent or other rights (see 13-307(b));
(xii) when the delivery of technical data is required, insert the provision in 7-2003.66;
(xiii) the appropriate transportation solicitation provisions as required by 2-201(a) Section K (x) through (xiv);
(xiv) (A) in accordance with 3-1203(a), insert the provision in 7-2003.67(a);
(B) in accordance with 3-1204.1(a)(vii)(A), insert the provision in 7-2003.67(b);
(C) in accordance with 3-1204.1(b), insert the provision in 7-2003.67(c);
(D) in accordance with 3-1213(a), insert the provision in 7-2003.67(d);
(xv) any requirement for royalty information to be furnished with the offer of quotation (see 9-410(a));
(xvi) when neither SF 33 (Solicitation, Offer, and Award) nor SF 18 (Request for Quotations) is used, insert a requirement for inclusion of "country" as part of quoter's/offeror's address;
(xvii) when the contract is for the purchase of a patented item for which the Government is a licensee (1-304.3), insert the provision in 7-2003.15;
(xviii) when the proposed acquisition consists of a partial set-aside for LSA firms (1-706.7 or 1-804.1) or a partial set-aside for small business firms (1-706.6), include the clause in 7-2003.21;
(xix) the Clean Air and Water certification in 7-2003.71;
(xx) insert the Small Disadvantaged Business Concern representation in 7-2003.74;
(xxi) insert the Women-Owned Business representation in 7-2003.80;
(xxii) insert the Percent Foreign Content representation in 7-2003.81;

SECTION L - Instructions and Conditions, and Notices to Offerors/Quoters.
(i) when SF 33 is used, it shall be accompanied by SF 33A (Solicitation Instructions and Conditions); alternatively, SF 33A may be incorporated by reference to the form name, number and edition date;
(ii) the Late Technical Proposals provision in 7-2002.3 or the Late Proposals provision in 7-2002.4 (these replace paragraphs 7 and 8 of SF 33A);
(iii) the Order of Precedence provision in 7-2003.41 (this replaces paragraph 19 of SF 33A);
(iv) type of contract contemplated, together with type of repricing, and economic price adjustment, if any;

(v) when telegraphic offers are authorized, a provision similar to that in 7-2003.29;
(vi) permission, if any, to submit alternate offers, including alternate materials or designs (see 1-1207);
(vii) if no award will be made for less than the full quantities solicited, a statement to that effect;
(viii) if award is to be made by specified groups of items or in the aggregate, a statement to that effect;
(ix) bid guarantee, performance bond, and payment bond requirements, if any (see Section K, Part 1). If a bid bond or other form of bid guarantee is required, the solicitation shall include the provision in 7-2003.25;
(x) directions for obtaining copies of any documents, such as plans, drawings and specifications, that have been incorporated by reference (see 1-1203);
(xi) information as to requirements for a Certificate of Current Cost or Pricing Data (see 3-807);
(xii) any requirements for samples or descriptive literature (for definitions, see 2-202.4 and 2-202.5(a), respectively);
(xiii) when SF 33 is not used, consistent with 3-805.1(a)(v), notice to all offerors that award may be made without discussion of proposals;
(xiv) if the contract involves performance of services on a Government installation, the provision in 7-2003.39;
(xv) in accordance with 6-1104, the U.S.-owned foreign currency provision in 7-2003.62;
(xvi) solicitations that will result in the placement of rated orders or Authorized Controlled Material Orders (see 1-307) shall contain the clause in 7-2003.22;
(xvii) when the contract is to contain a first article approval clause, the statement required by 1-1903;
(xviii) any applicable notices of small business or labor surplus area set-asides (see 1-706 and 1-804.2);
(xix) the applicable size standard and product classification (see 1-701 and 1-703);
(xx) any offer by the Government to provide Government production and research property for the performance of the contract (see Section XIII, Part 3);
(xxi) description of the procedures to be followed in obtaining permission to use Government production and research property (see Section XIII, Parts 4 and 5);

(xxii) the provision in 7-2003.40 concerning unnecessarily elaborate proposals;
(xxiii) the provision in 7-2003.10 (suitably modified for negotiation procedures) when a "brand name or equal" item is being acquired;
(xxiv) instructions regarding the marking of information that is not to be disclosed to the public or used by the Government for any purpose other than the evaluation of the proposals or quotations (see 3-507.1);
(xxv) instructions with respect to disposition of drawings and specifications supplied with the request for proposals or request for quotations;
(xxvi) statutory cost limitation, if any;
(xxvii) if the DD Form 1423 (Contract Data Requirements List) is used, a provision that if the offeror fails to enter the required information in Blocks 25 and 26 of DD Form 1423 in accordance with instructions on the form as part of his submission and refuses to do so on request, his offer may be rejected;
(xxviii) a statement covering special technical capabilities that the offeror must possess;
(xxix) a description of any information required to support proposed prices (subcontract structure, make-or-buy program, purchasing system, royalty, and cost and price information) (see Section III, Parts 8 and 9; Section IX, Part 1; and Section XXIII);
(xxx) in accordance with 7-2003.14(a), the notice of Preaward On Site Equal Opportunity Compliance Review set forth therein;
(xxxi) when Cost/Schedule Control Systems Criteria are required (see 1-331(h)), the provision in 7-2003.43 shall be included;
(xxxii) if the solicitation is to include an Industrial Preparedness production planning line item, the provision in 7-2003.68 shall be included;
(xxxiii) in accordance with 3-213.4, insert the Notice of Possible Standardization provision in 7-2003.38;
(xxxiv) if the contract is for the acquisition of goods or services for MAP, IMET, or FMS, include the clause in 7-104.97;
(xxxv) when the statement of work requires the design, development, or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72.
(xxxvi) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.
(xxxvii) Reserved;
(xxxviii) insert the solicitation provision at 7-2003.90 requesting the offeror to supply his Data Universal Numbering System (DUNS) Number with his offer.

(xli) If pursuant to 1-1504, options are to be evaluated for award, the applicable *Evaluation of Options* provision shall be inserted;

(xlii) If 1-1503(d) applies, a conspicuous notice cautioning offerors that an offer containing an option price higher than the base price may be accepted only if such acceptance does not prejudice any other offeror; (This may be placed elsewhere so long as the notice is adjacent to the limitation as to option price.)

(xliii) any requirement for royalty information to be furnished with the offer, proposal or quotation (see 9-110(a));

(xliv) when the contract is for the purchase of a patented item for which the Government is a licensee (1-304.3), include the provision in 7-2003.15;

(xlv) a statement on the first sheet or on a cover sheet of the Request for Proposals that:

PROPOSALS MUST SET FORTH FULL, ACCURATE, AND COMPLETE INFORMATION AS REQUIRED BY THIS REQUEST FOR PROPOSAL (INCLUDING ATTACHMENTS). THE PENALTY FOR MAKING FALSE STATEMENTS IN PROPOSALS IS PRESCRIBED IN 18 U.S.C. 1001.

(xlvi) a statement of arrangements to be made for inspecting the site, including designation of the person or persons, if any, with whom such arrangements may be made and who will answer questions or furnish information;

(xlvii) information which may affect performance of the work such as boring samples, original boring logs, etc.;

(xlviii) information as to what utilities the Government will furnish during construction, when the contracting officer determines that any new utilities are adequate for the needs of both the Government and the contractor (see 7-603.30);

(xlix) Reserved;

(l) Reserved;

(li) (A) in accordance with 3-1203(a), insert the provision in 7-2003.67(a);

(B) in accordance with 3-1204, insert the provision in 7-2003.67(b);

(C) in accordance with 3-1213(a), insert the provision in 7-2003.67(c);

(lii) the *Last Technical Proposals* provision in 7-2002.3, or the Late Proposals provision in 7-2002.4, (these replace paragraphs 7 and 8 of SF 22);

(liii) if international air transportation of personnel and cargo is possible during performance of the contract, the clause in 7-104.93;

(liv) the *Contingent Fee* provision in 7-2002.1 shall be substituted for paragraph 3 of SF 19-B;

(lv) the *Clean Air and Water Certification* in 7-2003.71;

(lvi) Reserved;

(lvii) when the statement of work requires the design, development or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72;

(lviii) if the contract is for the acquisition of goods or services for MAP, IMET, or FMS, include the clause in 7-104.97;

(lix) if the contract includes FMS requirements, identify the contract by clearly stamping or otherwise indicating "*FMS Requirement*" on the cover sheet of the contract;

(lx) if the contract is expected to be $500,000 or more, include the clause in 7-104.78 ("*Geographic Distribution of Defense Subcontract Dollars*").

(lxi) when Government specifications are incorporated requiring utilization of recovered materials, insert the certification in 7-2003.82.

(lxii) when the provisions of the Buy American Act or the Balance of Payments Program apply, include the clauses in 7-104.3, 7-104.32, 7-2003.47, and 7-104.106 as prescribed in 6-104.5, 6-803.1(e).

(lxiii) for solicitations involving FMS requirements, insert the clause in 7-104.107 concerning special limitations with respect to sales commissions and fees, when required by 6-1305.6.

(lxiv) Reserved;

(lxv) insert the solicitation provision at 7-2003.90 requesting the offeror to supply his Data Universal Numbering System (DUNS) Number with his offer.

(d) *Oral Solicitations.*

(1) Oral solicitations are authorized for small purchases (see Section III, Part 6) and for the acquisition of perishable subsistence.

(2) Oral solicitations, other than those described in (1) above, are authorized in cases where the processing of a written solicitation would delay the furnishing of the supplies or services to the detriment of the Government. Examples of such circumstances may include those listed in 3-202.2. However, oral solicitation is not to be considered justified solely because a high issue Priority Designator has been assigned to the requirement. In addition to other applicable documentation requirements (see 1-308), the record of contract actions above shall include a resume of the circumstances that justified use of an oral solicitation, item description, quantity, deliveries required, sources solicited, prices quoted (including name of individual contacted), date and time contacted, and the solicitation number (see 20-203) provided the prospective sources. Should the issuance of the resulting contractual instrument be unduly delayed, the contract file should be documented to describe the reasons for the delay and justify award based upon the oral solicitation.

(3) Use of oral solicitation does not relieve the contracting officer from complying with other applicable portions of this Regulation; e.g., the appropriate requirements of (b) above, postaward notice of offerors (see 3-508.3), price negotiation policies and techniques (Section III, Part 8), and submission of same terms and conditions to all offerors.

tive cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects or has information (e.g., comparison to previous price paid, personal knowledge of the item involved) to indicate that the price may not be reasonable. In some cases, e.g., first buy of new items, action to verify may also be required to determine whether or not the price is reasonable.

3-604.2 *Purchases in Excess of $500.*

(a) Solicitation of quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area of either the purchasing or the receiving activity. If practicable, two sources not included in the previous solicitation should be requested to furnish quotations. Quotations should generally be solicited orally except for construction contracts in excess of $2,000. Written solicitations should be used when (i) the suppliers are located outside the local area, (ii) special specifications are involved, (iii) a large number of line items are included in a single proposed procurement, or (iv) obtaining oral quotations is not considered economical or possible.

(b) Reasonableness of a proposed price should be based on competitive quotations. If only one response is received, or the price variance between multiple responses reflects lack of adequate competition, a statement shall be included in the contract file setting forth the basis of the determination of fair and reasonable price. This determination may be based on a comparison of the proposed price with prices found reasonable on previous purchases, current price lists, catalogs, advertisements, similar items in a related industry, value analysis, the contracting officer's personal knowledge of the item being procured, or any other means. Written records of solicitation may be limited to notes or abstracts to show vendor or vendors contacted, prices, delivery, and any other informal historical data. If a separate form is used for documentation of price reasonableness, DD Form 1784, Small Purchase Pricing Memorandum, shall be used (see 16-813). If this form is not used, the price reasonableness statement shall be based on one or more of the criteria set forth on the form. In any case, the con-

in 7-2003.50 and the clause in 7-2003.51 shall be inserted in the Schedule, and Clause 6 of the General Provisions (Foreign Supplies) deleted. In addition, the contractor's signature shall be obtained on DD Form 1155r.

(x) Reserved.

(xi) The clauses in 7-104.48 and 7-104.49 may be used in accordance with the provisions of 1-1208.

(xii) When the contract is for mortuary services:

(A) the following clauses shall be inserted in the Schedule—

(I) the Specification clause in 7-1201.4;

(II) the Delivery and Performance clause in 7-1201.7;

(III) the Subcontracting clause in 7-1201.8;

(IV) the Inspection clause in 7-1902.4;

(V) the Professional Requirements clause in 7-1201.11;

(VI) the Facility Requirements clause in 7-1201.12; and

(VII) the Preparation History clause in 7-1201.13;

(B) the Additional Default Provision clause in 7-1201.9 shall be inserted in the Schedule, with the following substitution for paragraph (a) and the first sentence of paragraph (b) of that clause:

(a) This clause supplements the "Termination for Default" clause of this contract.

(b) This contract may be terminated for default by written notice if during the performance of this contract:

(C) The Changes clause in 7-1902.2 shall be substituted for paragraph 17 of the Additional General Provisions on DD Form 1155r.

(xiii) *Reserved.*

(xiv) When required by 6-305, the clauses in 7-104.13 and 7-104.93 shall be added.

(xv) When required by Section XII, Part 10, the clause in 7-1903.41(a) or (b) shall be added.

(xvi) When required by 19-213.2, the clause in 7-104.74 shall be added.

(xvii) In accordance with 1-330, the clause in 7-104.45(a) or 7-1912 may be inserted.

(xviii) When the contract requires the use of a Government bill of lading or mailing indicia, the clause in 7-104.85 shall be added.

(xix) When a bid guarantee is required in accordance with 10-102, the clause in 7-2003.25 shall be included together with the instructions in 10-102.4.

(xx) When performance and payment bonds are required in accordance with 10-103, pertinent instructions with regard thereto shall be added.

(xxi) *Reserved.*

(xxii) When required by 12-302, the *Contract Work Hours and Safety Standards Act* clause in 7-103.16(a) shall be added.

(xxiii) When required by 7-1903.41(d), one of the Linen Supply Service Contract clauses therein shall be added.

(xxiv) When required by 10-405, the *Insurance* clause in 7-104.65 or 7-603.10 shall be added.

(xxv) When required by 1-706.5, the *Notice of Total Small Business Set-Aside* clause in 7-2003.2 shall be added.

(xxvi) The changes authorized by 16-402.2 shall be incorporated when construction procurements are negotiated in accordance with 18-302.

(xxvii) When required by 19-208.3(a), the clause in 7-104.76 shall be added.

(xxviii) When required by 1-2207.3(c)(1)(iii), the clause in 7-104.38 shall be added.

(xxix) When required by 1-2207.4(c)(1)(iii), the clause in 7-104.46 shall be added.

(xxx) When the contract covers the procurement of goods and services for MAP, IMET, and FMS, the clause in 7-104.97 shall be added.

(xxxi) When required by 12-1302(a), insert the clause in 7-103.28.

(xxxii) If the contract is to involve materials of a hazardous nature, include the clause in 7-104.98 as prescribed by 1-323.2.

(xxxiii) When the contract involves the purchase of gas in contractor-furnished returnable cylinders and the contractor retains title to the cylinders, the clause in 7-104.60 shall be added. The clause may also be used, with appropriate modification, in contracts for other supplies under the circumstances specified in 7-104.60.

(xxxiv) In accordance with 12-807.1, insert the applicable clause in 7-103.18.

(xxxv) When the purchase order includes FMS requirements, clearly indicate "FMS Requirement" on its face and specify within the order each FMS case identifier code by line/subline item number, e.g., FMS Case Identifier GY-D-DCA.

(xxxvi) The clause in 7-104.103 may be used in accordance with instructions therein.

(2) *Use as a Purchase Order of Not More than $10,000 Outside the United States, its Possessions, and Puerto Rico.* DD Form 1155 and 1155a-1, with executed contractor's acceptance when required, are authorized for negotiated purchases of not more than $10,000 when such purchases are for supplies and services procured and used outside the United States, its possessions, and Puerto Rico, *provided:*

(i) the procurement is unclassified;

(ii) no clauses covering the subject matter of any clause set forth in this Regulation, other than clauses set forth in DD Form 1155a-1, are to be used, except that—

(A) either the standard foreign Disputes clauses in 7-103.12(b) or that clause as modified in accordance with 7-103.12(c) shall be inserted in the Schedule.

(B) When the contract is translated into another language, the Schedule shall contain the provision in 7-2003.44.

(D) A commercial warranty clause may be used in accordance with 1-324.4.

(E) When required by Section VI, Part 3, one of the clauses in 7-104.13 or 7-104.93(a) or (b) shall be added, and in purchases in excess of $2,500, the *Communist Areas* clause in 7-103.15 shall be inserted in the Schedule.

(F) The clause in 7-104.103 may be used in accordance with instructions therein.

The contracting officer may delete the Taxes clause from the DD Form 1155a-1 in purchases under $1,000 if he determines that the administrative burden of securing relief from such taxes would be out of proportion to the relief obtained, *provided*, that such clause shall be included in all contracts in support of NATO infrastructure programs involving the expenditures of funds under Section 503(b) of the Foreign Military Sales Act of 1968 (see 11-403.1(a)).

(c) *Solicitation and Evaluation of Quotations.*

(1) *General.* In using the purchase order method, competition shall be solicited in accordance with 3-604, and every effort shall be made to obtain prompt payment discounts. Written quotations may be solicited by Standard Form 18 (Request for Quotation), DD Form 1155 (Order for Supplies or Services/Request for Quotations), approved automated format, or teletype. When using the DD Form 1155 as a request for quotation, see 3-608.8 for guidance on specific entries required in certain blocks. When using a teletype as a request for quotation, general provisions applicable to the solicitation shall be incorporated by reference.

(2) *Evaluation of Quotations.* Quotations shall be evaluated inclusive of transportation charges from the shipping point of the supplier to the delivery destination. For orders exceeding $500, oral quotations shall be recorded directly on the purchase request, on an abstract sheet, or other appropriate work sheet. Except as provided under the unpriced purchase order method, quotations that are indefinite as to price or based on economic price adjustment or redetermination shall not be considered for award by the purchase order method.

(d) *Preparation and Issuance of Priced Purchase Orders.* All applicable blocks and spaces shall be completed with the required data pursuant to 3-608.8, including the following policy guidance:

(i) Supplies to be purchased will be identified in accordance with Section I, Part 12.

(ii) The quantity of supplies or services shall be specified. For bulk quantity items and those subject to shrinkage, evaporation, miscount, weight or footage variance, etc., a maximum allowable variation (normally not in excess of 10%) shall be specified in the order so that shipments in excess of the order quantity may be accepted if the reason for such excess comes within the Variation in Quantity clause of the order and the aggregate amount of the order does not exceed authorized limitations. The clause set forth in 1-325 will be used to express the permissible variation in quantity.

(iii) Purchase orders shall be issued on a fixed-price basis, except as otherwise provided under 3-608.3 and shall include any trade discounts and offered prompt payment discounts.

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(iv) Inspection of small purchase shall be in accordance with 14-308. Orders generally will provide that inspection and acceptance will be at destination and source inspection should be specified only when required by 14-305.2(c). When inspection and acceptance are to be performed at destination, advance copies of the purchase order shall be furnished to consignee(s) for material receipt purposes. Receiving reports shall be accomplished immediately upon receipt and acceptance of material to assure expeditious payment of orders and to obtain prompt payment discounts, except where the fast payment procedure is authorized.

(v) F.O.B. destination shall be specified for supplies to be delivered within the United States, except Alaska and Hawaii, unless there are valid reasons to the contrary.

(vi) The block "Deliver to F.O.B. Point BY" shall contain a definite calendar date by which delivery of supplies or performance of services is required.

(vii) The contracting officer's signature on purchase orders shall be in accordance with 20-101. Facsimile signatures may be used in the production of purchase orders by automated methods.

(viii) Distribution of copies of purchase orders and related forms shall be limited to those copies required for essential administration and transmission of contractual information.

(ix) Purchase orders for subscriptions or other charges for newspapers, magazines or other periodicals, or for other publications, for which advance payment is authorized shall contain the provision in 7-2003.45.

3-608.3 *Unpriced Purchase Order.*

(a) An unpriced purchase order is an order for supplies or services the price of which is not established at the time of issuance of the order. Contracting officers shall assure that suppliers receiving unpriced purchase orders are carefully selected.

(b) An unpriced purchase order may be used only when all of the following conditions are present:

(i) the transaction will not exceed $10,000;

(ii) it is impractical to obtain pricing in advance of issuance of the purchase order; and

(iii) the procurement is for:

(A) repairs to equipment requiring disassembly to determine the nature and extent of such repairs;

(B) sole source material for which cost cannot be readily established; or

(C) supplies or services where prices are known to be competitive but exact prices are not known.

(c) Unpriced purchase orders may be issued by using DD Form 1155 or written telecommunications media (see 3-608.10). A realistic monetary limitation, either for each line item or for the total order, shall be placed on the unpriced purchase order which shall be an obligation subject to adjustment when the firm

(ii) the preparation of independent estimates by competent technical personnel.

Occasionally, differences of opinion will exist not only on the reasonableness of cost projections but also on the accounting techniques on which they are based. In addition, it is normally not possible to negotiate a pricing result which is in strict accord with all of the opinions of all of the specialists, or even with the Government's pricing objective. Reasonable compromises are normally necessary and this fact must be understood by all members of the team. For all of these reasons audit reports or pricing recommendations by others must be considered to be advisory only. The contracting officer is responsible for the exercise of the requisite judgments and is solely responsible for the final pricing decision. When the contracting officer does not adopt audit or other specialist recommendations that have particular significance on the contract price, comments should be included in the record of the negotiation.

(e) Whenever it becomes apparent to the contracting officer that the negotiations will require the resolution of complex problems which involve items significant in amount, he shall request attendance by audit or other representatives at the negotiation meeting.

3-801.3 *Responsibility of Requirements and Other Logistics Personnel in Purchasing Offices.* Personnel other than the contracting officer, who determine type, quality, quantity, and delivery requirements for items to be purchased, can influence the degree of competition obtainable and exert a material effect upon prices. Failure to determine requirements in sufficient time to allow:

(i) a reasonable period for preparation of requests for proposals;

(ii) preparation of quotations by offerors;

(iii) contract negotiation and preparation; or

(iv) adequate manufacturing lead time,

causes delays in deliveries and uneconomical prices. Requirements issued on an urgent basis or with unrealistic delivery schedules should be avoided since they generally increase prices or restrict desired competition.

3-801.4 *Responsibility of Pricing Personnel in Purchasing Offices.*

(a) The contract pricing team available to support the PCO in the review and analysis of pricing proposals includes the price analyst, negotiator, buyer, project engineer, and liaison auditor at the purchasing office.

(b) The price analyst or negotiator supporting the contracting officer may be designated to develop a Government pricing objective prior to the negotiation. This includes the responsibility for determining the extent of advice required from other specialists, requesting, obtaining, and considering such advice, and for consolidating pricing data, including cost and price analyses, historical cost or pricing data, independent government cost estimates, economic analyses and the like. The advice and assistance of the price analyst/negotiator should always be obtained when complex pricing techniques are indicated, including the use of contract types involving the skillful balancing of price, cost and performance incentive arrangements. In many instances, he will be in the best position to conduct the price negotiation.

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3-801.5 *Responsibility of Field Pricing Support Personnel.*

(a) *Field Pricing Support.* Field pricing support involves analysis of the contractor's price proposal by any or all of the field technical and professional specialists including, but not limited to, the Plant Rep/ACO; contract auditor; price analyst; quality assurance personnel, engineers; and legal and small business specialists. The Plant Rep/ACO is the team manager for all PCO requests for field pricing support. Therefore the PCO shall send all requests for field pricing support to the cognizant field contract administration activity; generally, the Plant Representative (Plant Rep) for the Services and the Administrative Contracting Officer (ACO) for DCAS(DSA). However, there shall be no constraints on the lines of communication with the PCO/ACO and contract auditor interface.

(b) *Field Pricing Reports on Contract Price Proposals.*

(1) Prior to negotiation of a contract or modification resulting from a proposal in excess of $100,000 for firm fixed price and fixed price with provision for economic price adjustment, fixed price redeterminable (prospective), time and materials, or labor hour type of contract, interim and final price redetermination and settlement of incentive types; $250,000 for fixed price incentive, cost plus incentive fee or fixed price redeterminable (retroactive) type of contract; or $500,000 for cost reimbursement, cost sharing, cost plus award fee, or cost plus a fixed fee type of contract, when the price is based on cost or pricing data (3-807.3) submitted by the contractor, the contracting officer (PCO or ACO) or authorized representative shall request a field pricing report (which usually includes an audit review by the contract audit activity), unless information available to the contracting officer is considered adequate to determine the reasonableness of the proposed cost or price. Whenever available data is considered adequate for a reasonableness determination, the contracting officer shall document the contract file to reflect the basis of the determination. Information of the type described in (i) through (vi) below, which is often available to the contracting officer from the Plant Rep/ACO or from the Procurement Liaison Auditor (PLA), should be useful in determining the extent of any field pricing support that is needed.

(i) In-house engineering determination of level of effort required in connection with research and development or study contracts.

(ii) Audited cost information from contract awards in process, or recently negotiated contracts.

(iii) Adequately reviewed data on proposed subcontracts items which constitute the major portion of the prime contract price proposal.

(iv) Prices of standard commercial items which constitute the major portion of the prime contract price proposal.

(v) Special forward pricing formulas or rates such as for support items, or forecast overhead rates, prescribed in an existing advance agreement.

(vi) Current labor rates, overhead rates, loading factors, per diem rates, and lot data based upon actual costs and labor hours.

It should be borne in mind that no single category of information is necessarily sufficient by itself; for example, information as to rates for labor and overhead would normally require data concerning the base elements—labor hours, material costs, etc.—to which the rates apply.

(2) Ordinarily, field pricing reports should not be requested for pre-award pricing actions below the threshold specified in 3-801.5(b)(1), except in instances such as a lack of knowledge of the particular contractor, sensitive conditions, or an inability to perform an acceptable degree of price or cost analysis, and thereby establish a reasonable pricing result. Before requesting field pricing support for lower dollar offers, the contracting officer should consider utilizing price or cost analysis techniques (3-807.2) or the information cited in paragraph (1)(i) through (vi) above to establish the reasonableness of the proposed price.

(3) The PCO shall forward the request to the Plant Rep/ACO (copy to the cognizant contract audit activity) clearly stipulating specific areas for which input is required and assigning a realistic deadline for receipt of the field pricing report. The request shall be accompanied by any information, including applicable portion of the RFP and the offeror's proposal, which would be useful in the evaluation of the proposal. In sole source procurements, when the contracting officer knows in advance that field pricing support will be required, he shall provide the cognizant Plant Rep/ACO and auditor a copy of the solicitation. In addition, he may require the contractor to provide copies of his proposal direct to the Plant Rep/ACO and auditor. In this event the PCO shall, as soon as possible after receipt of the contractor's proposal, identify those specific areas for which field pricing support is required.

(4) The Plant Rep/ACO, as well as the contract auditor, will be responsible for providing a complete and accurate field pricing report to the PCO. To accomplish this end the Plant Rep/ACO must:

(i) in concert with the auditor and in consideration of his workload, establish a deadline for the auditor's input, subject to date adjustments when considered necessary (adjustments will be coordinated by the Plant Rep/ACO with the PCO and the contract auditor);

(ii) identify areas for special consideration (these are areas in addition to those specified by the PCO);

(iii) arrange for exchanges of technical and audit information and coordination between the CAS and audit activities; and

(iv) be fully responsive to a request for technical information from the auditor.

(5) The contract auditor shall treat the copy of the PCO request as a signal to arrange for and begin the audit work. He must be fully responsive to the request of the Plant Rep/ACO and he must communicate to the Plant Rep/ACO any change in audit schedule which may be required. The scope and depth of the audit, subject to time constraints, is the responsibility of the contract auditor. In addition, specific requirements in the PCO request shall be accommodated. The dollar effect of technical input vital to the audit shall be computed by the contract auditor and included in his report. The auditor's completed report shall be sent to the Plant Rep/ACO for inclusion, without change, in the field pricing report to the PCO.

(6) When providing pricing support to the PCO, the Plant Rep/ACO has primary responsibility for consolidating and evaluating the findings of the pricing team members at the contract administration and contract audit offices and for the analysis of proposed prices in consideration of, but not limited to, such factors as the need for quantities and kinds of materials included in the proposal; the need for the number and kinds of man-hours; the need for special tooling and facilities; and the reasonableness of scrap and spoilage factors. These analyses by the Plant Rep/ACO and his team shall be based on their knowledge of such factors as production, quality assurance, engineering and manufacturing practices and techniques, and information as to plant capacity, scheduling, engineering and production "know-how," Government property, make or buy considerations, and industrial security, particularly as these relate to practices of the specific prospective contractor.

(7) The contract auditor is responsible for submission of information and advice, based on his analysis of the contractor's books and accounting records or other related data, as to the acceptability of the contractor's incurred and estimated costs. The auditor shall report any denial by the contractor of access to records or cost or pricing data which the auditor considers essential to the preparation of a satisfactory report. If the auditor believes that the contractor's estimating methods or accounting system are inadequate to produce valid support for the proposal or to permit satisfactory administration of the type of contract contemplated, this shall be stated in the audit report and concurrently made known to the contractor so that he may have the opportunity of presenting his views to the PCO and Plant Rep/ACO. When the PCO determines that deficiencies in the contractor's accounting system or estimating methods are such that the proposed contract cannot be adequately priced or administered, he shall, with the advice of the contract auditor and the Plant Rep/ACO, assure that necessary corrective action is initiated prior to the award of such contract. The auditor is responsible for performing that part of reviews and cost analyses which requires access to the contractor's books and financial records supporting proposed cost or pricing data, regardless of the dollar amount involved. Only the auditor shall have general access to the books and financial records for this purpose. This does not preclude the PCO, the Plant Rep/ACO, or their technical representative from requesting any data from, or reviewing records of, the contractor (such as lists of labor operations, process sheets, etc.) necessary to the discharge of their responsibilities.

(8) The efforts of all field pricing support team members are complementary, advisory and also offer an excellent check and balance of the various analyses imperative to the PCO's final pricing decision. Therefore it is essential that there be close understanding, cooperation and communication to ensure the exchange of information of mutual interest during the period of analysis. While they shall review the data concurrently when possible, each shall render his services within his own area of responsibility. For example, on quantitative factors (such as labor hours), the auditor may find it necessary to compare proposed hours with hours actually expended on the same or similar products in the past as reflected on the cost records of the contractor. From this information he can often project trend data. The technical specialist may also analyze the proposed hours on the basis of his knowledge of such things as shop practices, industrial engineering, time and motion factors, and the contractor's plant organization and capabilities. The interchange of this information will not only prevent duplication but will assure adequate and complementary analysis.

(iii) a contractor's or subcontractor's failure to comply with applicable Cost Accounting Standards or to follow consistently his disclosed cost accounting practices has resulted, or may result in, any increased cost paid by the Government; and

(iv) a contractor's or subcontractor's proposed price changes, submitted as a result of changes made to previously disclosed or established cost accounting practices, are fair and reasonable.

3-810 Exchange of Information. In appropriate cases it is desirable to exchange and coordinate specialized information regarding a contractor between Departments, bureaus, technical services, and other procuring activities since it will provide uniformity of treatment of major issues and it may aid in the resolution of particularly difficult or controversial issues.

3-811 Record of Price Negotiation.

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared, a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the initial or revised price, including the current status of the contractor's procurement system. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see 3-807) and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required (3-807.6), the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the contracting officer in determining his total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which the contracting officer recognized in the negotiation that any cost or pricing data submitted by the contractor was inaccurate, incomplete, or non-current; the action taken by the contracting officer and the contractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the total price objective, the memorandum shall explain this difference. When field pricing support is furnished, the contracting officer shall forward copies of the memorandum to the cognizant ACO and auditor. When appropriate, information on how the advisory services can be made more effective in future negotiations with the contractor should be provided separately.

(b) As part of the requirement in (a) above, determination of the profit or fee objective, in accordance with 3-808, shall be fully documented. Since the profit objective is the contracting officer's pre-negotiation evaluation of the total

estimated profit under the proposed contract, the amounts set forth for each category of cost will probably change in the course of negotiation. Furthermore, the negotiated profit will probably vary from the profit objective, and from a detailed application of the weighted guidelines method to each element of the Contractor's Input to Total Performance as anticipated prior to negotiation. Since the profit objective is viewed as a whole rather than as its component parts, insignificant variations from the pre-negotiation profit objective, as a result of changes of the Contractor's Input to Total Performance need not be documented in detail. Conversely, significant deviations from the profit objective necessary to reach a final agreement on profit or fee shall be explained. The profit earned as a result of contract performance will generally vary from that anticipated at the time of negotiation.

(c) When the weighted guidelines method is not used because of unusual pricing situations (see 3-808.2(b)(2)), the contract file shall be documented to support the exceptions.

3-812 Disposition of Post Award Audits. An auditor's advisory report of post award reviews of cost and pricing data may result either from a specific request of a contracting officer (see 3-807.10) or from audit action initiated independent of a contracting officer's request. The contracting officer shall prepare a memorandum on each audit report indicating (1) whether defective data were submitted and relied upon and (2) the results of any contract action taken. A copy of the memorandum shall be forwarded to the auditor issuing the audit report and to the cognizant administrative contracting officer.

3-813 Preproduction and Startup and Other Nonrecurring Costs.

(a) Estimates of preproduction and startup costs include such costs as preproduction engineering, special tooling, special plant rearrangement, training programs, and such nonrecurring costs as initial rework, initial spoilage, and pilot runs.

(b) Since an offeror may propose a price which does not include all preproduction and startup or other nonrecurring costs for the purpose of obtaining the first production contract and of gaining an advantage over competitors in negotiations for future procurements, it is important to know whether the offeror intends to absorb any portion of these costs or whether he plans to recover them in connection with subsequent pricing actions under the proposed or future contracts. This information is needed in evaluating competing proposals to determine which proposal is most likely to result in the lowest overall cost to the Government, particularly where the successful offeror is likely to become, in effect, a sole source for follow on procurements (including spare parts or other support items).

(c) When it is anticipated that such costs will be a significant factor in the evaluation of proposals for the procurement of an item, the request for proposals shall require the offeror to provide the following information:

(i) an estimate of the total of such costs;

(ii) the extent to which these costs are included in the proposed price; and

(iii) the intent to absorb, or plan for recovery, of any remaining costs.

firmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The Contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

(End of clause)

7-103.29 *Clean Air and Water.* In accordance with 1-2302.2, insert the following clause.

CLEAN AIR AND WATER (1975 OCT)

(Applicable only if the contract exceeds $100,000, or the Contracting Officer has determined that orders under an indefinite quantity contract in any one year will exceed $100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1)) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by EPA, or the contract is not otherwise exempt.)

(a) The Contractor agrees as follows:

(i) to comply with all the requirements of section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq., as amended by Public Law 91-604) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251, as amended by Public Law 92-500), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the award of this contract;

(ii) that no portion of the work required by this prime contract will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date this contract was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing;

(iii) to use his best efforts to comply with clean air standards and clean water standards at the facilities in which the contract is being performed; and

(iv) to insert the substance of the provisions of this clause in any nonexempt subcontract, including this paragraph (iv).

(b) The terms used in this clause have the following meanings.

(1) The term "*Air Act*" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Public Law 91-604).

(2) The term "*Water Act*" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-500).

(3) The term "*clean air standards*" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the Clean Air Act (42 U.S.C. 1857c-5(d)), an approved implementation procedure or plan under section 111(c) or section

111(d), respectively, of the Air Act (42 U.S.C. 1857c-6(c) or (d)), or an approved implementation procedure under section 112(d) of the Air Act (42 U.S.C. 1857c-7(d)).

(4) The term "*clean water standards*" means any enforceable limitation, control, condition, prohibition, standard or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. 1342), or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. 1317).

(5) The term "*compliance*" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or an air or water pollution control agency in accordance with the requirement of the Air Act or Water Act and regulations issued pursuant thereto.

(6) The term "*facility*" means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a contractor, subcontractor, to be utilized in the performance of a contract or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are colocated in one geographical area.

(7) The term "*nonexempt contract or subcontract*" means a contract or subcontract of more than $100,000 which is not otherwise exempted pursuant to the EPA regulations implementing the Air Act and Water Act (40 CFR 15.5), as further implemented in ASPR 1-2302.4 or in FPR 1-1.2302-4 (whichever is applicable) and the procedures of the Department awarding the contract.

(End of clause)

7-104 Clauses to be used when applicable.

7-104.1 *Clauses for Fixed Price Supply Contracts Involving Construction Work.*

(a) In accordance with 12-106 and 18-703, insert the clauses in 7-602.23.

(b) In accordance with 7-602.20 and 7-602.24, insert the clauses set forth therein in addition to the clause in 7-104.3.

7-104.2 *Workmen's Compensation and War Hazard Insurance Overseas.*

(a) In accordance with 10-403(a), insert the following clause.

WORKMEN'S COMPENSATION INSURANCE (DEFENSE BASE ACT) (1980 JAN)

The Contractor before commencing performance under this contract shall provide and thereafter maintain such Workmen's Compensation insurance or security as is required by the Defense Base Act, as amended (42 U.S.C. 1651). The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act is applicable, a clause similar to this clause, including this sentence, imposing on all such subcontractors a like requirement to comply with the Defense Base Act.

(End of clause)

(b) If a contract would otherwise be subject to 10-403(a) but 10-403(d) applies to some or all of the contractor's employees by reason of waiver by the Secretary of Labor, the provisions of 10-501.1(b) and (c) apply; and the following clause shall be included in the contract (see also 10-403(e)).

WORKMEN'S COMPENSATION AND WAR HAZARD INSURANCE OVERSEAS (1968 JUL)

(a) This clause applies if the Contractor employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to Workmen's Compensation Insurance under the Defense Base Act (42 U.S.C. 1651). On behalf of such waived employees, the Contractor, before commencing performance under this contract shall provide, and thereafter maintain, at least such Workmen's Compensation Insurance or the equivalent as may be required by the laws of the country of which such waived employees are nationals. The Contractor further agrees to insert in all subcontracts hereunder to which the Defense Base Act would be applicable but for the waiver, a clause similar to this paragraph (a), including this sentence, imposing on all such subcontractors a like requirement to provide such Workmen's Compensation Insurance coverage.

(b) This paragraph applies if the Contractor or any of his subcontractors employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to the War Hazards Compensation Act, as amended (42 U.S.C. 1701 et seq). On behalf of such waived employees the Contractor shall subject to reimbursement as elsewhere herein provided, afford protection the same as that provided in the War Hazards Compensation Act, except that the level of benefits shall conform to any law or international agreement controlling the benefits to which the employees may be entitled. In all other respects, the standards of the War Hazards Compensation Act shall apply, e.g., with respect to the definition of war hazard risks (injury, death, capture or detention as the result of a war hazard as defined in the Act), proof of loss, and conclusiveness of benefits otherwise computed by Workmen's Compensation Insurance or equivalent. Unless the Contractor elects to directly assume the liability to subcontractor employees created by this clause, the Contractor further agrees to insert in all subcontracts hereunder to which the War Hazards Compensation Act would be applicable but for the waiver, a clause similar to this paragraph (b), including this sentence, imposing on all such subcontractors a like requirement to provide War Hazard benefits.

(End of clause)

(c) When the clause in (b) above is required, the following clause shall also be inserted in the contract, but only if the Head of a Procuring Activity or his designee has decided that the contractor shall not purchase insurance against the liability described in 10-403(d)(2) (see also 10-501.1(c)).

REIMBURSEMENT FOR WAR HAZARD LOSSES (1968 JUL)

(a) The Contractor's costs for assuming liability for employee protection against war hazard risks pursuant to paragraph (b) of the clause of this contract entitled "Workmen's Compensation and War Hazard Insurance" shall be an allowable cost under this contract, subject to the following:

(i) The Contractor shall submit proof of loss files to support payment or denial of each claim.

(ii) As soon as practicable, but no later than one year after the expiration or termination of this contract, unless the time shall be extended by Contracting Officer, the Contractor shall convert each claim which has not been finally settled into a suitable arrangement under which the claim can be extinguished by the Contractor with a lump sum payment. Subject to approval by the Contracting Officer, the Contractor shall thereupon obtain necessary release documents and settle the claim by lump sum arrangement, taking into account any payments previously made.

(iii) As to any potential claim which is known to, or reasonably should be within the knowledge of, the Contractor at the time of final settlement under this contract, the Contractor shall, at that time, present to the Government a full report and evaluation, indicating as to each potential claim that a reasonable investigation of the circumstances has been made, the results thereof, an evaluation of the merits, and an estimate of the amount involved should the potential claim mature into a valid obligation.

(iv) The cost of insurance against a liability reimbursable under this clause shall not be an allowable cost or otherwise recoverable under this contract.

(b) The Government may require the Contractor to assign to the Government in the manner, at the times, and to the extent directed by the Contracting Officer all right, title and interest of the Contractor to any refund, rebate or recapture arising out of any claim settlement. The Government may benefit such assignment to whatever extent it deems appropriate and may recover any benefits related to claim settlement.

(c) The Contractor shall, as soon as practicable after an occurrence which appears to give rise to a claim under this portion of the contract, perform such investigations as may be appropriate and promptly notify the Contracting Officer in writing of any additional amount estimated to be necessary to be obligated on account of such claim or potential claim. In addition, the Contractor shall give the Government or its representatives immediate written notice of any suit or action filed, the cost or expense of which may be reimbursable to the Contractor under this clause. The Contractor agrees to render full assistance to the Government in connection with any third party suit or claim relating to this clause or its subject matter which the Government elects to prosecute or defend in its own behalf.

(End of clause)

7-104.3 *Buy American Act and the Balance of Payments Program.* The following clause shall be inserted in all contracts not utilizing small purchase procedures for supplies and in contracts for services which require the furnishing of supplies (e.g., the leasing of equipment), in accordance with 6-103.4, 6-103.7, and 6-803.2(a)(i) - (xi).

BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (1980 OCT)

(a) This clause implements the Buy American Act (41 U.S.C. Section 10a-d) and the Department of Defense Balance of Payments Program by providing a preference to domestic end products over foreign end products except for certain foreign end products which meet the requirements for classification as qualifying country end products. For the purpose of this clause—

(i) "Components" means those articles, materials, and supplies which are directly incorporated into end products.

(ii) "Qualifying country component" means (A) an item mined, produced, or manufactured in a participating country or in an FMS/Offset arrangement country when the applicable D&F has been made waiving the Buy American Act restrictions; or (B) any item listed in a defense cooperation country agreement.

(iii) "End products" means articles, materials, and supplies which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts but excluding installation and other services to be performed after delivery.

ested by the Government, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the _____," shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

(End of clause)

"In the foregoing clause, insert in contracts of the Department of the Army, the Department of the Navy, the Department of the Air Force, and in contracts to be administered by the Defense Contract Administration Services the activity designated in combined regulation identified as Air Force Regulation 55-22, Army Regulation 95-20, NAVAIR Instruction 3710.1A, Defense Supply Agency Regulation 8210.1, dated 6 October 1971, subject, Requirements for Contractor Operating Procedures and Flight Crews, enclosure 1.

7-104.11 *Excess Profit.*

(a) Pursuant to 10 U.S.C. 2382 and 7300 and except as provided in (b) and (c) below, any contract in an amount which exceeds or may exceed $10,000, known to be for the construction or manufacture of all or part of any complete aircraft or naval vessel, shall contain the following clause, except that the words "If this contract is in an amount which exceeds $10,000" may be inserted at the beginning of the clause in formally advertised contracts:

EXCESS PROFIT (1957 JUN)

The Contractor agrees that, unless otherwise provided by law, this contract shall be subject to all the provisions of 10 U.S.C. 2382 and 7300 and shall be deemed to embody all the agreements required by those sections; *provided* however, that this clause shall not be construed to enlarge or extend by contract the obligations imposed by those sections. The Contractor agrees to insert in the subcontracts specified in those sections either the provisions of this clause or the provisions required by those sections.

(End of clause)

(b) In any contract where only certain items or lots totaling more than $10,000 are subject to 10 U.S.C. 2382 or 7300, the foregoing clause should be modified to make the agreement of the contractor applicable only to such items or lots. In any contract where only certain items or lots totaling $10,000 or less would otherwise be subject to 10 U.S.C. 2382 or 7300, the foregoing clause should not be included in the contract even though the total amount of the entire contract exceeds $10,000.

(c) In any contract, otherwise subject to 10 U.S.C. 2382 or 7300, for scientific equipment used for communication, target detection, navigation or fire control, as designated by the Secretary, the clause prescribed in (a) above shall not be included, and the following clause shall be inserted in lieu thereof:

EXCESS PROFIT (1957 JUN)

The Secretary having designated the supplies called for by this contract to be scientific equipment used for communication, target detection, navigation, or fire control, the provisions of 10 U.S.C. 2382 and 7300 are not applicable to this contract.

(End of clause)

7-104.12 *Military Security Requirements.* Insert the following clause in all classified contracts (see 1-201.34). If the situation warrants because of the nature of the item, or the location or the conditions under which the contract is to be performed, such contract shall include a separate provision for such additional security safeguards as may be required (see paragraphs 1-103, 1-108, 1-115, and 1-116, ISR). When the Military Security Requirements clause is inserted in any contract, the contracting officer or his authorized representative shall approve and transmit a Contract Security Classification Specification (DD Form 254) in accordance with 16-811 and Section VII, DoD 5220.22-R. The DD Form 254 is required in connection with all classified subcontracts unless excepted by DoD 5220.22-R.

MILITARY SECURITY REQUIREMENTS (1971 APR)

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential," "Secret" or "Top Secret."

(b) The Contractor shall comply with (i) the Security Agreement (DD Form 441), including the attached Department of Defense Industrial Security Manual for Safeguarding Classified Information (DoD 5220.22-M); and (ii) any revisions thereto, notice of which has been furnished to the Contractor.

(c) If, subsequent to the date of this contract, the security classification or security requirements under this contract are changed by the Government as provided in this clause and the security costs or time required for delivery under this contract are thereby increased or decreased, the contract price, delivery schedule, or both and any other provision of the contract that may be affected shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause of this contract.

(d) The Contractor agrees to insert in all subcontracts hereunder which involve access to classified information provisions which shall conform substantially to the language of this clause, including this paragraph (d) but excluding the last sentence of paragraph (c) of this clause.

(End of clause)

7-104.13 *Preference for Certain Domestic Commodities.* The following clause shall be included in all contracts for the acquisition of food, clothing and textiles as identified.

PREFERENCE FOR CERTAIN DOMESTIC COMMODITIES (1980 OCT)

The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) as have been grown, represented, manufactured, or produced in the United States, its possessions, or Puerto Rico; *Provided*, That (i) this clause shall have no effect to the extent that the Secretary has determined that a satisfactory quality and sufficient quantity of such articles cannot be acquired as and when needed at U.S. market prices; (ii) nothing herein shall preclude the delivery, under this contract, of foods which have been manufactured or processed in the United States, its possessions, or Puerto Rico; and (iii) this clause shall not apply to chemical warfare protective clothing produced in qualifying countries (see Section VI).

(End of clause)

7-104.14 *Utilization of Small Business and Small Disadvantaged Business Concerns.*

(a) In accordance with 1-707.3(a), insert the following clause.

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(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in all subcontracts for supplies hereunder that exceed $2,500. Each such subcontract shall require the subcontractor to identify this contract by its contract number on any shipping documents submitted to Customs covering supplies for which duty-free entry is to be claimed pursuant to this clause.

(End of clause)

7-104.33 *Inspection System.* When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I-45208 (see 14-303), insert the following clause:

INSPECTION SYSTEM (1967 AUG)

The inspection system which the Contractor is required to maintain, as provided in paragraph (a) of the "Inspection" clause of this contract, shall be in accordance with the edition of Military Specification MIL-I-45208 in effect on the date of this contract.

(End of clause)

7-104.34 *Advance Payments.* When advance payments are to be made in accordance with Appendix E, Part 4, insert the following clause.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 3.

ADVANCE PAYMENT (1980 DEC).

(1) *Amount of Advance.* At the request of the Contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (i) without the approval of the office administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (14)(d) below) as to the financial necessity therefor; (ii) in an amount which together with all advance payments theretofore made, shall exceed the amount stated in paragraph (14)(a) below; and (iii) without a properly certified invoice or invoices.

(2) *Special Bank Account.* Until all advance payments made hereunder, and interest charges, are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (14)(b) below. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided,

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such withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer, or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent").

[*When considered not reasonably necessary for the protection of the Government, the countersignature requirement may be waived for contractors who are financially strong, with good performance records and good past experience with regard to contract cost disallowances. In such cases, the following sentence may be added to paragraph* (2)]:

Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, insert the following paragraph instead of paragraph (2) above.*]

(2) The Contractor shall determine the estimated amount of advance payment necessary to meet the requirements of paragraph (3) hereof entitled "Use of Funds" to cover performance of the contract. This determination shall be pursuant to written instructions provided by the Administering Office (see paragraph (14)(d) hereof) relative to the (i) shortest practical period for which advance payments will be provided, (ii) format and frequency of requests for advance payments, and (iii) data required in support of each request. The estimate shall be adjusted for the amount by which actual cash expenditures for prior period performance of the contract exceeded or was less than the advance payments provided for such performance. The Contractor shall submit its estimate and supporting data in a Statement of Contractor's Request for Advance Payment to the Approving Official designated in writing by the Administering Office for advance payments. The request should be submitted sufficiently early to permit review, approval and disbursement of the required advance payment by the time the funds are actually needed by the Contractor.

(a) The Approving Official will review the Contractor's advance payment requirements to determine the reasonableness thereof, and if he or she concurs therein, the statement will be approved and forwarded to the Disbursing Office designated in the contract for payment. If the Approving Official determines that the advance payment requested by the Contractor is in excess of cash requirements for contract performance during the specified period of time, he or she will approve an amount based on such determination and forward the statement to the Disbursing Office for payment of the reduced amount. Upon any such reduction, the Approving Official will immediately notify the Administering Office in writing, with a copy to the Contractor, of the amount requested, the amount approved, and the reasons for reduction. The Administering Office will determine whether additional funds will be advanced to the Contractor.

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(b) Upon receipt of the approved statement, the Disbursing Office will draw a Treasury check payable to the Contractor for the amount authorized by the Approving Official and mail such check to the Contractor in time to be received on or about the date the funds are required for contract performance.

(3) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purpose of making payments for direct materials, direct labor, and administrative and overhead expenses required for the purpose of this contract (including, without limitation, payments incident to termination for the convenience of the Government) and properly allocable thereto in accordance with generally accepted accounting principles (subject to any applicable provision of Section XV of the Armed Services Procurement Regulation), or for the purpose of reimbursing the Contractor for such payments, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

[*In the case of a cost-reimbursement contract, insert the following paragraph instead of paragraph* (3) *above.*]

(3) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost as defined in Article ..... of this contract, or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, insert the following paragraph instead of paragraph (3) above.*]

(3) *Use of Funds.* Advance payments hereunder are to be used by the Contractor solely for the purposes of making payments for direct materials, direct labor, and administrative and overhead expenses required for the purposes of this contract (including, without limitation, payments incident to termination for the convenience of the Government) and properly allocable thereto in accordance with generally accepted accounting principles (subject to any applicable provision of Section XV of the Defense Acquisition Regulation), or for the purpose of reimbursing the Contractor for such payments, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(4) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance payments as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advances previously made and liquidated) in excess of the amount specified in paragraph 14(a). In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the office designated for contract administration signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, the last sentence of paragraph (4) above should be omitted.*]

(5) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder and interest charges, if any, shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments and interest charges are equal to (—percent) of the stated contract price of $....., or such lesser amount to which the contract price may have been reduced, plus (i) increases, if any (not resulting from any provisions for price redetermination or economic price adjustment), in the above stated contract price not exceeding, in the aggregate $..... (*Insert here not more than ten percent (10%) of stated contract price above*), and (ii) all increases in contract price resulting from any provision for price redetermination or economic price adjustment, the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments and interest charges until such advance payments and interest charges shall have been fully liquidated. If upon completion or termination of the contract, all advance payments and interest charges have not been fully liquidated the balances thereof shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

[*The percentage stated above should not be more than 95 percent. In appropriate cases, where more rapid liquidation is desirable, the following sentence may be inserted at the beginning of paragraph* (5), *with appropriate percentage specified.*]

To liquidate the principal amount of any advance payment made to the Contractor hereunder, there shall be deductions of .....percent from any and all payments made by the Government under the contracts involved.

[*In case of a cost-reimbursement contract, insert the following paragraph instead of paragraph* (5) *above.*]

(5) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder and interest charges, if any, shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments and interest charges are equal to the total estimated cost of $..... for the work under this contract (not including fixed fee, if any), or such lesser amount to which the total estimated cost under this contract may have been reduced, plus (i) increases, if any, in this total estimated cost not exceeding, in the aggregate, $..... (*Insert not more than ten percent (10%) of estimated costs stated above*), (including, without limitation, reimbursable costs incident to termination for the convenience of the Government as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments and interest charges, until such advance payments and interest charges shall have been fully liquidated. If upon completion or termination of the contract all advance payments and interest charges have not been fully liquidated, the balances thereof shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

[*In case the alternate procedure for advance payment without a bank account is to be used in accordance with E-413.1, insert the following paragraph instead of one of the above.*]

(5) *Liquidation.* The Contractor should submit cost reimbursement vouchers on a regular and frequent basis in accordance with the payment provision of this contract. The Government shall withhold payments of such vouchers due the Contractor and apply the amounts withheld against the Contractor's obligation to repay advance payments made hereunder and interest charges thereon until such advance payments and interest charges shall have been fully liquidated upon completion or termination of the contract, the balances thereof shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(6) *Interest Charge.* If required in paragraph (14)(c) below and at the daily rate therein specified, the Contractor shall pay interest to the Government upon the daily unliquidated balance of advance payments made under this contract. If the full amount of such interest is not paid by deduction or otherwise upon the completion or termination of this contract, the deficiency shall be paid by the Contractor to the Government upon demand. Interest at the daily rate specified in paragraph (14)(c) shall be computed at the end of each calendar month in the manner herein specified on the daily balance of the principal of the advance payments outstanding. Notwithstanding monthly computation, interest shall be computed for the actual number of days involved, on the basis of a 365- or 366-day year as the case may be. In determining such balance, (i) charges on account of the advance payments to the Contractor shall be made as of the date of the checks therefor, and (2) credits arising from deductions from payments to the Contractor shall be made as of the date of issue of the checks for such payments. [*For cost-reimbursement contracts, use, instead of* (2) *above.* (2) credits resulting from deductions from cost reimbursements shall be made upon the approval of the vouchers by the Disbursing Officer, as of the dates respectively upon which the Contractor presents to the Contracting Officer or his duly authorized representative full and accurate data for the preparation of each such voucher, which data as to each such voucher shall be certified by the Contracting Officer or his duly authorized representative.] Also, in determining such balance, credits arising from cash repayments to the Government by the Contractor shall be made as of the date the checks therefor are received by the Disbursing Officer. As soon as each monthly computations shall have been made, the interest charge so determined shall be deducted from any payments otherwise due to the Contractor under the contracts on which advance payments have been made. [*For cost-plus-fixed-fee contracts, use the following, instead of the next preceding sentence:* As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which may be made to the Contractor from time to time under the contract.] In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the contract price or fixed fee as the case may be. The interest shall not be compounded, and shall, subject to the provisions of paragraph (11) hereof, cease to accrue with respect to each contract upon which advance payments are outstanding hereunder, upon termination of such contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

(7) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate between the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U.S.C. 264).

(8) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder together with interest charges thereon.

(9) *Lien on Property Under Contract.* Any and all advance payments made under this contract, together with interest charges thereon, shall be secured, when made by a lien in favor of the Government, paramount to all other liens, upon th the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify by marking or segregation all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt sh shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(10) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (i) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (ii) adequate insurance against liability on account of damage to persons or property; and (iii) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder have been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, subassemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder, and (iii) furnish such certificates with respect to his insurance as the Administering Office may from time to time require.

(11) *Default Provisions.* Upon the happening of any of the following events of default, (i) termination of this contract by reason of fault of the Contractor (ii) a finding by the Administering Office that the Contractor (a) has failed to observe any of the covenants, conditions or warranties of these provisions or has failed to comply with any material provision of the contract, or (b) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, or (c) has allocated inventory to this contract substantially exceeding reasonable requirements, or (d) is delinquent in payment of taxes or of the costs of performance of this contract in the ordinary course of business; (iii) appointment of a trustee, receiver or liquidator for all or a substantial part of the Contractor's property, or institution of bankruptcy, reorganization, arrangement or liquidation proceedings by or against the Contractor; (iv) service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, or (v) the commission of an act of bankruptcy, the Government, without limiting any rights which it may otherwise have, may, in its discretion and upon written notice to the Contractor, withhold further withdrawals from the Special Bank Account and withhold further payments on this contract. Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances; (a)

withdraw all or any part of the balance in the Special Bank Account by checks payable to the office designated for contract administration signed solely by the Countersigning Agent and apply such amounts in reduction of advance payments then outstanding hereunder and in reduction of any other claims of the Government against the contractor; (b) charge interest on advance payments outstanding during the period of any such default at either (i) the published prime rate of the banking institution in which the special bank account is established, or (ii) the rate established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 STAT 97, whichever is greater; (c) demand immediate repayment of the unliquidated balance of advance payments hereunder; or (d) take possession of and, with or without advertisement, sell at public sale at which the Government may be the purchaser, or at a private sale, all or any part of the property on which the Government has a lien under this contract and, after deducting any expenses incident to such sale, apply the net proceeds of such sale in reduction of the unliquidated balance of advance payments hereunder and in reduction of any other claims of the Government against the Contractor.

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, omit references to the published prime rate of the financial institution and a special bank account in paragraph (11) above.*]

(12) *Prohibition Against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution.

(13) *Information—Access to Records.* The Contractor shall furnish to the Administering Office signed or certified balance sheets and profit and loss statements monthly, or at such other intervals as may be required, together with a monthly report on the operation of the Special Bank Account in prescribed form, and such other information concerning the operation of the Contractor's business as may be requested. The Contractor shall afford to authorized representatives of the Government proper facilities for inspection of the Contractor's books, records and accounts.

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, omit the words "together with a monthly report on the operation of the special bank account in prescribed form" beginning in the 3rd line of paragraph (13) above.*]

(14) *Designations and Determinations.*

(a) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed $..... [*or alternatively:*]

(a) *Amount.* The aggregate amount of the advance payments to be made hereunder (less the aggregate amounts paid or withdrawn pursuant to paragraph (4)) shall not exceed $..... [*This paragraph should be omitted if the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1.*]

(b) *Depository.* The bank designated for the deposit of payments made hereunder shall be .....

(c) *Interest Charge.* Interest shall be charged in the manner provided herein at either (i) the published prime rate of the banking institution in which the special bank account is established as set forth in paragraph (14)(b) above, or (ii) the rate established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 STAT 97, whichever is greater. [*In the case of advance payments made without interest insert the following:*] No interest shall be charged for advance payments made hereunder, except as provided for in paragraph (11)(b). The Contractor shall charge interest at either (i) the published prime rate of the banking institution in which the special bank account is established as set forth in paragraph (14)(b) above, or (ii) the rate established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 STAT 97, whichever is greater, on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experiment, research or development work.

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, omit "either (i) the published prime rate of the banking institution in which the special bank account is established as set forth in paragraph (14)(b) above or (ii)" and "whichever is greater" in (14)(c) above.*]

(d) *Administering Office.* The office administering advance payments is designated as .....

(15) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the Administering Office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the Administering Office, to the extent that such additional security is available.

(16) *Representations and Warranties.* To induce the making of the advance payments, the Contractor represents and warrants that—

(a) The balance sheet, the profit and loss statement and any other supporting financial statements, heretofore furnished to the Administering Office, fairly reflect the financial condition of the Contractor at the date shown on said balance sheet and the results of the operation for the period covered by the profit and loss statement, and since said date there has been no materially adverse change in the financial condition of the Contractor

(b) No litigation or proceedings are presently pending or threatened against the Contractor, except as shown in the above statements.

(c) The Contractor, apart from liability resulting from the renegotiation of defense production contracts, has no contingent liabilities not provided for or disclosed in the financial statements furnished to the Administering Office.

(d) None of the provisions herein contravenes or is in conflict with the authority under which the Contractor is doing business or with the provisions of any existing indenture or agreement of the Contractor.

(e) The Contractor has the power to enter into this contract and accept advance payments hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(f) None of the assets of the Contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent, and except as shown in the financial statements furnished by the Contractor to the Administering Office. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(g) All information furnished by the Contractor to the Administering Office in connection with each request for advance payments is true and correct.

(h) These representations and warranties shall be continuing, and shall be deemed to have been repeated by the submission of each invoice for advance payments. (MAY 1959)

(17) *Subadvances.* Substantially the following provision should be included in the contract when subadvances are contemplated:

Subject to the prior written approval of the Administering Office, funds from the Special Bank Account may be used by the Contractor to make advance payments or down payments to subcontractors and materialmen in advance of performance by the subcontractor or materialman. Bank subadvances shall not exceed ..... percent of the subcontract price or estimated cost as the case may be, and the subcontractors or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is required by the Administering Office, covenants in subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the subadvances, with Government lien thereon, and providing for a Government lien, paramount to all other liens, on all property under such subcontract, and imposing upon the subcontractor and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplementary hereto) between the Government, the Contractor and the Bank, may be considered an adequate security for such subadvance.

[In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, omit paragraph (17) above.]

(18) *Covenants.* The following are examples of some special provisions (subject to modification to adapt to the circumstances of individual cases) that may be utilized when and to the extent deemed appropriate in particular cases.

During the period of time that advance payments may be made hereunder and so long as any such advance payments remain unliquidated, the Contractor shall not, without the prior written consent of the Administering Office:

(a) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the contractor now owned or hereafter acquired by him, or permit any preexisting mortgages, liens, or other encumbrances to remain on or attach to any assets of the Contractor which are allocated to the performance of the contract and with respect to which the Government has a lien hereunder,

(b) Sell, assign, transfer, or otherwise dispose of accounts receivable, notes or claims for money due or to become due,

(c) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of his capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the Administering Office antedent to the establishment of these advance payment provisions,

(d) Sell, convey or lease all or a substantial part of his assets,

(e) Acquire for value the stock or other securities of any corporation, municipality, or governmental authority, except direct obligations of the United States;

(f) Make any advance or loan to or incur any liability as guarantor, surety, or accommodation endorser for any other firm, person, or corporation;

(g) Permit a writ of attachment or any similar process to be issued against his property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process,

(h) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to his directors, officers, or key employees in excess of existing rates of payments or of rates provided in existing agreements, in connection with which notice has been given to the Administering Office, or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder, or employ any person at a rate of compensation in excess of $..... per annum,

(i) Make any substantial change in management, ownership, or control of the corporation;

(j) Merge or consolidate with any other firm or corporation, change the type of his business or engage in any transaction outside the ordinary course of his business as presently conducted;

(k) Deposit any of his funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation;

(l) Create or incur indebtedness for borrowed money or advances other than advances to be made hereunder, except as specified herein;

(m) Make or covenant himself to make capital expenditures exceeding in the aggregate $..... ;

(n) Permit his net current assets, calculated in accordance with generally accepted accounting principles, to become less than $..... ; or

(o) Make any payments on account of the obligations listed below, except in the manner and to the extent herein provided.

(End of clause)

7-104.35 *Progress Payments.* In accordance with E-510, insert one of the following clauses:

(a) Progress Payment Clause for Other Than Small Business Concerns.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

PROGRESS PAYMENT FOR OTHER THAN SMALL BUSINESS CONCERNS (1978 JUL)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than bi-weekly in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be (i) eighty percent (80%)**(See footnote at end of clause) of the amount of the Contractor's total costs which, except as provided in (a)(2) below, shall include only those recorded costs which result, at the time of the request, from payment made by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct in-house costs, and for properly allocable and allowable indirect costs, all as shown by records maintained by the Contractor for purposes of obtaining payment under Government contracts plus (ii) the amount of progress payments which have been paid to Contractor's subcontractors and other divisions as provided in (j) below; all less the sum of previous progress payments.

knowledge and belief, the cost and pricing data submitted under (a) above is accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each subcontract hereunder which exceeds $100,000 when entered into except where the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder in excess of $100,000, the Contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST OR PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any modification made pursuant to one or more provisions of this contract which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $100,000. The requirements of this clause shall be limited to such contract modifications.

(b) The Contractor shall require subcontractors hereunder to submit, actually or by specific identification in writing, cost or pricing data under the following circumstances: (i) prior to award of any subcontract, the amount of which is expected to exceed $100,000 when entered into; (ii) prior to the pricing of any subcontract modification which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $100,000; except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor-to the Government, that to the best of their knowledge and belief the cost and pricing data submitted under (b) above is accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000 when entered into.

(End of clause)

(b) Insert the following clause in all contracts, both formally advertised and negotiated, which exceed $100,000 other than those described in (a) above:

SUBCONTRACTOR COST OR PRICING DATA—PRICE ADJUSTMENTS (1970 JAN)

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any modification made pursuant to one or more provisions of this contract which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $100,000. The requirements of this clause shall be limited to such modifications.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances: (i) prior to the award of any subcontract the amount of which is expected to exceed $100,000 when entered into; (ii) prior to the pricing of any subcontract modification which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $100,000; except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify that to the best of their knowledge and belief the cost and pricing data submitted under (b) above is accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract which exceeds $100,000.

(End of clause)

(c) The requirement for inclusion of the above clauses in contracts with foreign governments or agencies thereof may be waived in exceptional cases by the Head of a Procuring Activity, stating in writing his reasons for such determination.

7-104.43 *Reserved.*

7-104.44 *Value Engineering (VE).*

(a) In accordance with 1-1704, insert the following clause:

VALUE ENGINEERING (1980 DEC)

(a) *Applicability.* This clause applies to any Value Engineering Change Proposal (VECP) developed, prepared, and submitted by the Contractor.

(b) *Definitions.*

(1) "Acquisition savings" means savings resulting from the application of VECPs to contracts awarded by the same contracting office for essentially the same unit. Acquisition savings include:

(i) instant contract savings, which are the net cost reductions on this, the instant contract, and which are equal to the unit cost reduction multiplied by the number of units affected by the VECP, less the Contractor's allowable development and implementation costs (on service contracts, the unit cost reduction is multiplied by the labor-hour rate agreed upon for the tasks involved; then the Contractor's allowable development and implementation costs are subtracted from the total);

(ii) concurrent contract savings, which are measurable net reductions in the prices of other contracts of the contracting office in existence at the time the VECP was accepted; and

(iii) future contract savings, which are the product of the unit cost reduction under the instant contract, adjusted to consider the effects of learning, quantities, or other similar factors, multiplied by

the number of units scheduled for delivery during the sharing period. If the instant contract is a multi-year contract, future contract savings include savings on all quantities funded after VECP acceptance.

(2) "Collateral costs" means agency costs of operation, maintenance, logistic support, or Government-furnished property.

(3) "Collateral savings" means those measurable net reductions resulting from the VECP in the agency's overall projected collateral costs, exclusive of acquisition savings, whether or not the acquisition cost changes.

(4) "Contractor's development and implementation costs" means costs which the Contractor incurs specifically in its development, testing, preparation, and submission of the VECP, as well as its costs to make the contractual changes required by Government acceptance of the VECP.

(5) "Government costs" means those agency costs that result directly from developing and implementing the VECP and any net increases in the cost of testing, operations, maintenance, and logistics support. They do not include the normal administrative costs of processing the VECP.

(6) "Instant contract" means this contract, under which the VECP is submitted. It does not include increases in quantities after approval of the VECP due to contract modifications, exercise of options, or additional orders. If this is a multiyear contract, it does not include quantities funded after VECP approval. In a fixed-price contract with prospective price redetermination, the term refers to the period for which firm prices have been established. These additional quantities shall be treated as future contracts.

(7) "Negative instant contract savings" means that the acceptance of the VECP results in:

(i) a reduction in the instant contract of the actual unit cost;

(ii) an excess of contractor's development and implementation costs as compared to the unit cost reduction multiplied by the number of units affected; and

(iii) a consequent equitable adjustment increasing the instant contract price.

These savings are not a Government cost.

(8) "Net acquisition savings" means acquisition savings less Government costs.

(9) "Sharing period" means that period that extends to the 3 years after acceptance of the first item incorporating the VECP, or the delivery schedule in effect for all affected end items on the instant contract when the VECP is accepted, whichever is longer.

(10) "Unit" means the item or task to which the parties agree the VECP shall apply.

(11) "Unit cost reduction" means the amount of the decrease in unit cost of performance (without deducting any development or implementation costs and, for future contracts, with adjustments for learning, change in quantities, or other similar factors as necessary) resulting from using the VECP. On service contracts, the unit cost reduction is equal to the costs per hour multiplied by the number of hours per line item task saved by the VECP.

(12) "Value Engineering Change Proposal (VECP)" means a proposal that:

(i) requires a change to this, the instant contract, to implement; and

(ii) results in reducing the overall projected cost to the agency without impairing essential functions or characteristics, *provided* That it does not involve a change:

(A) in deliverable quantities only;

(B) in R&D quantities or test quantities due solely to results of previous testing under the instant contract; or

(C) to the contract type only.

(c) *VECP Preparation.* As a minimum, the Contractor shall include the information described in (1) through (7) below in each VECP. If the proposed change affects contractually required configuration management or similar

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procedures, the instructions in the procedures relating to format, identification, and priority assignment shall govern VECP preparation. The VECP shall include the following:

(1) A description of the difference between the existing contract requirement and the proposed requirement; the comparative advantages and disadvantages of each; a justification when an item's function or characteristics are being altered; the effect of the change on the end item's performance; and any pertinent objective test data.

(2) A list and analysis of the contract requirements that must be changed if the VECP is accepted, including any suggested specification revisions.

(3) A separate, detailed cost estimate for both the affected portions of the existing contract requirement and the VECP. The cost reduction associated with the VECP shall take into account the Contractor's allowable development and implementation costs, including any amount attributable to subcontracts under paragraph (i) of this clause. The Contractor shall also include a description and estimate of costs the Government may incur in implementing the VECP, such as test and evaluation, and operating and support costs.

(4) A projection of any effects the proposed change would have on collateral costs to the agency.

(5) A statement of the time by which a contract modification accepting the VECP must be issued in order to achieve the maximum cost reduction, noting any effect on the contract completion time or delivery schedule.

(6) Identification of any previous submissions of the VECP, including the dates submitted, the agencies and contract numbers involved, and previous Government actions, if known.

(7) Identification of the unit to which the VECP applies.

(d) *Submission.*

(1) The Contractor shall submit VECPs to the Principal Contracting Officer (PCO), unless otherwise designated in the contract. When the contract is administered by other than the contracting office, the Contractor shall submit a copy of the VECP simultaneously to the PCO and to the Administrative Contracting Officer (ACO). The PCO shall notify the Contractor of the status of the VECP within 45 calendar days after the contracting office receives it. If additional

time is required because of extenuating circumstances, the Contractor shall be notified within the 45-day period and provided the reason for the delay and the expected date of the Contracting Officer's decision. VECPs shall be processed expeditiously; however, the Government shall not be liable for any delay in acting upon a VECP.

(2) If the VECP is not accepted, the Contracting Officer shall provide the Contractor with written notification, explaining the reasons for rejection. The Contractor may withdraw, in whole or in part, any VECP not accepted by the Government within the period specified in the VECP. The Contracting Officer may require that the Contractor provide written notification before undertaking significant expenditures for VECP effort.

(e) *Acceptance.* Any VECP may be accepted in whole or in part by the Contracting Officer's award of a modification to this contract citing this clause and made either before or within a reasonable time after the contract performance is completed. If a VECP is accepted, the Contractor shall share in the net acquisition savings realized by the Government in accordance with paragraph (f) below. Until such a contract modification applies a VECP to this contract, the Contractor shall perform in accordance with the existing contract. The Contracting Officer's decision to accept or reject all or part of any VECP, and the decision as to which of the sharing rates in (f)(1) below are applicable shall be final and not subject to the Disputes clause or otherwise subject to litigation under the Contract Disputes Act of 1978.

(f) *Sharing.*

(1) Rates. The Contractor shall share in net acquisition savings at a percentage rate determined by (i) the type of contract; (ii) the Value Engineering clause or alternate clause used; and (iii) if applicable, the schedule in this contract, as follows:

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TYPE OF CONTRACT	Incentive (Voluntary)		Program Requirement (Mandatory)	
	Instant	Concurrent and Future	Instant	Concurrent and Future
Fixed-Price (Other than Incentive)	50	50	25	25
Incentive (Fixed-Price or Cost)	*	50	*	25
Cost-Reimbursement** (Other than Incentive)	25	25	15	15

* Same ratio as the contract's cost incentive ratio.
** Includes cost-plus-award-fee contracts.

(2) Computation of Net Acquisition Savings.

a. Net acquisition savings are first realized, and the Contractor shall be paid a share, when Government costs and any negative instant contract savings have been fully offset. Except in incentive contracts, Government costs, and any price or cost increases resulting from negative instant contract saving (see (f)(3)(i)), shall be offset against acquisition savings as such savings are realized on the instant contract, reductions negotiated in concurrent contracts, awards of future contracts, or agreement on a lump-sum payment for future savings (see (f)(4)). The Contractor's share of savings is computed by multiplying net acquisition savings by the appropriate Contractor's percentage sharing rate (see (f)(1)). Additional payments of the Contractor's share of net acquisition savings shall be paid to the Contractor at the time realized.

b. If this is an incentive contract, recovery of Government costs on the instant contract shall be deferred and offset against concurrent and future contract savings. The Contractor shall share in savings on the instant contract items affected through the contract incentive structure. Any negative instant contract savings shall be added to the target cost or to the target price and ceiling price, and the amount shall be offset against concurrent and future savings.

(3) Contract Adjustment and Payment. The modification accepting the VECP shall:

(i) reduce the contract price or estimated cost by the value of instant contract savings, unless this is an incentive contract for which a fixed price has not been established (regardless of contract type, when instant contract savings are negative, the contract price, target price or cost, estimated cost, or ceiling price will be increased);

(ii) specify the Contractor's dollar share per unit on future contracts, or provide the lump-sum payment;

(iii) specify the amount of any Government costs or negative instant contract savings to be offset against net acquisition savings realized from concurrent or future contract savings; and

(iv) provide the Contractor's share of any net acquisition savings under the instant contract in accordance with the following:

(A) Fixed-price contracts--add to contract price.

(B) Cost-reimbursement contracts--add to contract fee.

(4) Concurrent and Future Contract Savings.

a. Payments of the Contractor's share of concurrent and future contract savings shall be made by a modification to the instant contract in accordance with (f)(3)(iv). For incentive contracts, add shares as a separate firm-fixed-price line item on the instant contract. When sharing on future contracts is expected, the Contractor shall maintain records to identify the first delivered unit for 3 years after final payment under the instant contract. If the instant contract is for low rate initial production or an earlier life-cycle phase, the future sharing period shall encompass scheduled deliveries, equal in number to the quantity required by the highest 36 consecutive months of planned production, based on the Five Year Defense Program (FYDP) or other planning documentation at the time the VECP is accepted.

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b. When the Government wishes and the Contractor agrees, payment of the Contractor's share of future contract savings may be made in a single lump-sum payment rather than in a series of payments over time as future contracts are awarded. Under this alternate procedure, the future contract savings may be calculated when the VECP is accepted, on the basis of the Contracting Officer's forecast of the number of units that will be delivered during the sharing period. The Contractor's share shall be included in the modification incorporating the VECP into the instant contract and shall not be subject to subsequent adjustment.

c. The Contractor's share on concurrent savings shall be determined by taking the reduction in price of the concurrent contract, subtracting any Government costs or increase in instant contract price or target not yet offset, and multiplying the result by the Contractor's sharing percentages.

d. The Contractor's share on future contracts shall be determined by multiplying the number of units scheduled for delivery prior to the expiration of the sharing period times the unit cost reduction appropriate to the contract times the Contractor's sharing rate.

e. If the Government properly rejects or does not receive units on which the share is paid, the Contractor shall reimburse the Government the proportionate share of these payments.

(g) *Collateral Savings.* If a VECP is accepted, the instant contract amount shall be increased, as specified in (f)(3)(iv), by 20 percent of the projected net reduction in collateral costs determined to be realized in a typical year of use after subtracting any Government costs not previously offset. However, the Contractor's share of collateral savings shall not exceed (i) the contract's firm fixed price, target price, target cost, or estimated cost at the time the VECP is accepted, or (ii) $100,000, whichever is greater. The Contracting Officer shall be the sole determiner of the amount of collateral savings, and that amount shall not be subject to the Disputes clause. In all cases, degradation of performance, service life, or capability shall be considered in determining savings.

(h) *Relationship to Other Incentives.* Those benefits of an accepted VECP not rewardable under performance, design-to-cost (production unit cost, operating and support costs, reliability and maintainability), or similar incentives shall be rewarded under this clause. The targets of such incentives affected by

the VECP shall not be adjusted because of VECP acceptance. If this contract does not provide such incentives to surpass specified targets, the VE sharing shall apply only to the amount of achievement better than target.

(i) *Subcontracts.* The Contractor shall include appropriate VE clauses in any subcontract of $100,000 or more and may include them in subcontracts of lesser value. To compute any adjustment in the contract price under paragraph (f) above, the Contractor's VECP development and implementation costs shall include any subcontractor's development and implementation costs and any VE incentive payments to subcontractors that clearly result from the VECP. No such payment or accrual to a subcontractor will be permitted to reduce the Government's share of concurrent, future, or collateral savings.

(j) *Data.* The Contractor may restrict the Government's right to use any part of a VECP or the supporting data by making the following legend on the affected parts:

> "These data, furnished under the Value Engineering clause of Contract _____, shall not be disclosed outside the Government or duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a VECP submitted under the clause. This restriction does not limit the Government's right to use information contained in these data if it has been obtained or is otherwise available from the Contractor or from another source without limitations."

If a VECP is accepted, the Contractor hereby grants the Government unlimited rights in the VECP and supporting data, except that, with respect to data qualifying and submitted as limited rights technical data, the Government shall have the rights specified in the contract modification implementing the VECP and shall appropriately mark the data.

(End of clause)

(b) Alternate I. In accordance with 1-1704.2, if the Contracting Officer selects a mandatory VE program requirement, substitute the following in place of paragraph (a) of the basic clause:

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(a) *General.* The Contractor shall (i) engage in a VE program and submit VE progress reports as specified in the contract schedule, and (ii) submit to the Contracting Officer any resulting Value Engineering Change Proposals (VECPs). (1980 DEC)

(End of clause paragraph)

(c) Alternate II. In accordance with 1-1704.3, if the Contracting Officer selects both a VE incentive and mandatory VE program requirement, substitute the following in place of paragraph (a) of the basic clause:

(a) *Applicability.* This clause applies to any Value Engineering Change Proposal (VECP) developed, prepared, and submitted by the Contractor. For those contract line items designated in the schedule as subject to the VE program requirement, the Contractor shall (i) engage in a VE program and submit VE progress reports as specified in the schedule, and (ii) submit to the Contracting Officer any resulting VECPs. The VE incentive provisions shall apply to the remaining areas of the contract. (1980 DEC)

(End of clause paragraph)

(d) Alternate III. In accordance with 1-1704.4, when the head of the contracting activity determines that the cost of computing and tracking collateral savings will exceed the benefits to be derived, use the basic clause in 7-104.44, delete paragraph (g), and renumber the remaining paragraphs.

(e) Alternate IV. If a mandatory VE program requirement is included in an architect-engineer contract, use the clause in 7-104.44, but substitute paragraph (a) below for paragraph (a) of the basic clause, delete paragraphs (f), (g), and (h) of the basic clause, and renumber the remaining paragraphs.

(a) *General.* The Contractor shall (i) engage in a VE program and submit VE progress reports as specified in the contract schedule, and (ii) submit to the Contracting Officer any resulting Value Engineering Change Proposals (VECPs). (1980 DEC)

(End of clause paragraph)

[The next page is 7:105.]

7-104.45 *Limitation of Liability.*

(a) In accordance with 1-330, insert the following clause.

LIMITATION OF LIABILITY (1974 APR)

(a) Except for remedies expressly provided elsewhere in this contract, the Contractor shall not be liable for loss of or damage to property of the Government (excluding the supplies delivered under this contract) occurring after acceptance of the supplies delivered under this contract and resulting from any defects or deficiencies in such supplies.

(b) The foregoing limitations shall not apply when the defects or deficiencies in such supplies or the Government acceptance of such supplies resulted from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervisory or direction of:

(i) all or substantially all of the Contractor's business; or

(ii) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(iii) a separate and complete major industrial operation in connection with the performance of this contract.

(c) Notwithstanding paragraph (a) above, if the Contractor carries insurance or has established a reserve for self-insurance covering liability for damages or losses suffered by the Government through purchase or use of the contract supplies required to be delivered to the Government under the contract, the Contractor shall be liable to the Government to the extent of such insurance or reserve for self-insurance for damages or losses to property of the Government occurring after acceptance of the supplies delivered to the Government under this contract and resulting from any defects or deficiencies in such supplies.

(d) The substance of this clause, including this paragraph (d) suitably altered to reflect the relationship of the contracting parties, shall be included in all subcontracts hereunder.

(End of clause)

(b) In accordance with 1-330, in procurements of major items, insert the following clause.

LIMITATION OF LIABILITY — MAJOR ITEMS (1979 MAR)

(a) Except as provided below, and notwithstanding any other provision of this contract, the Contractor shall not be liable for loss of or damage to property of the Government (including the supplies delivered under this contract) occurring after acceptance of the supplies delivered under this contract and resulting from any defects or deficiencies in such supplies.

(b) The foregoing limitations shall not apply when the defects or deficiencies in such supplies or the Government acceptance of such supplies resulted from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervisory or direction of:

(i) all or substantially all of the Contractor's business; or

(ii) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(iii) a separate and complete major industrial operation in connection with the performance of this contract.

(c) Notwithstanding paragraph (a) above, if the Contractor carries insurance or has established a reserve for self-insurance covering liability for damages or losses suffered by the Government through purchase or use of the contract supplies required to be delivered to the Government

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under this contract, the Contractor shall be liable to the Government for damages or losses to property of the Government occurring after acceptance of the supplies delivered to the Government under this contract and resulting from any defects or deficiencies in such supplies to the extent of such insurance or reserve for self-insurance.

(d) This clause does not diminish the Contractor's obligation, to the extent otherwise arising under this contract, relating to correction, repair, replacement or other relief for any defect or deficiency in supplies delivered under this contract. If loss or damage has occurred and correction, repair, or replacement is no longer feasible or desired by the Government, the Contractor shall, as determined by the Contracting Officer:

(i) pay to the Government the amount which it would have cost the Contractor to make such correction, repair or replacement before the loss or damage occurred, or

(ii) provide other equitable relief.

(e) The provisions of this clause shall not limit or otherwise affect the Government's rights pursuant to the following listed clauses, if included in this contract:

GROUND AND FLIGHT RISKS,
GOVERNMENT PROPERTY, and
WARRANTY OF TECHNICAL DATA.

(f) In all subcontracts hereunder, except those covered by (g) below, the Contractor shall either:

(i) insert, with the advance written consent of the Contracting Officer, the substance of this clause, including this paragraph (f), suitably altered to reflect the relationship of the contracting parties; or

(ii) insert the substance of the clause in 7-104.45(a) suitably altered to reflect the relationship of the contracting parties.

(g) In subcontracts for both major items for which this clause is appropriate, and other end items for which the clause in 7-104.45(a) is appropriate, the substance of both clauses shall be included, with the advance written consent of the Contracting Officer. The Contractor shall identify high unit cost items by line item and include the following preamble to this clause:

(The provisions of this clause shall apply only to those items identified in this contract as being subject to this clause.)

(End of clause)

(c) In contracts for the purchase of both major items (see 1-330) for which the clause in (b) above is appropriate, and other contract end items for which the clause in (a) above is appropriate, the clauses in both (a) and (b) above shall be included. The Contracting Officer shall identify high unit cost items by line item and include the following preamble to the Limitation of Liability - Major Items clause:

(The provisions of this clause shall apply only to those items identified in this contract as being subject to this clause.)

7-104.46 *Required Sources for Precision Components for Mechanical Time Devices.* In accordance with 1-2207.4, insert the following clause:

REQUIRED SOURCES FOR PRECISION COMPONENTS FOR MECHANICAL TIME DEVICES (1971 AUG)

(a) For the purpose of this clause

technical operating characteristics of the proposed electromagnetic radiating device to the Contracting Officer during the initial planning, experimental, or developmental phases of contractual performance. DD Form 1494, "Application for Frequency Allocation," shall be used for this purpose and shall be prepared in accordance with instructions contained on the form.

(e) This clause including this paragraph (e), shall be included in all subcontracts which call for developing, producing, testing, or operating a device for which a radio frequency authorization is required.

(End of clause)

7-104.62 *Material Inspection and Receiving Report.* Insert the following clause in all contracts which anticipate delivery of a separate and distinct object or entity whether separately priced or not.

MATERIAL INSPECTION AND RECEIVING REPORT (1969 DEC)

At the time of each delivery of supplies or services under this contract, the Contractor shall prepare and furnish to the Government a Material Inspection and Receiving Report in the manner and to the extent required by ASPR Appendix I, "Material Inspection and Receiving Report."

(End of clause)

However, when contract administration is retained by the purchasing office, the clause is not required in the following situations unless the use of a MIRR is desired by the contracting officer:

(i) procurements effected under Section III, Part 6—Small Purchase and Other Simplified Purchase Procedures;

(ii) negotiated subsistence procurements;

(iii) procurements of fresh milk and related fresh dairy products;

(iv) contracts for which the end item is a scientific or technical report;

(v) research and development procurements not requiring the delivery of separately priced end items;

(vi) base, post, camp or station procurements;

(vii) in overseas areas when the contracting officer determines that the preparation and distribution of DD Form 250 by the contractor would be impracticable, the contracting officer shall arrange for the contractor to provide the information necessary for the preparation of the DD Form 250 by the contract administration personnel; and

(viii) procurements for services where hardware is not acquired as an item in the contract, *e.g.*, level of effort type contracts; field service type contracts, etc.

A MIRR is not required when indefinite delivery type contracts are placed by central procurement offices which authorize only base, post, camp or station activities to issue orders, *provided* that such contract and orders are not assigned for administration.

7-104.63 *Protection of Government Buildings, Equipment and Vegetation.* Insert the following clause in all contracts which involve the performance of services on a Government installation.

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PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT AND VEGETATION (1968 FEB)

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation (such as trees, shrubs, and grass) on the Government installation. If the Contractor fails to do so and damages any such buildings, equipment, or vegetation, he shall replace or repair the damage at no expense to the Government as directed by the Contracting Officer. If he fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost thereof which may be deducted from the contract price.

(End of clause)

7-104.64 *Recovery of Nonrecurring Costs on Commercial Sales of Defense Products and Technology.* In accordance with 1-2403 insert the following clause.

RECOVERY OF NONRECURRING COSTS ON COMMERCIAL SALES (1980 FEB)

(a) Definitions.

(1) *Commercial sale* means a sale to a customer (either foreign or domestic) other than the U.S. Government by a defense contractor of products, technology, material, services, and/or development or production techniques that were originally developed, improved, or produced using DOD appropriations/funds.

(2) *Domestic organization* means any U.S. nongovernmental organization or private commercial firm.

(3) *Technology* means a collection of information of any kind that can be used or adapted for use in the design, production, manufacture, utilization, or reconstruction of articles or materiel. It may take a tangible form, such as as scale model, prototype, blueprint, or an operating manual, or may take an intangible form, such as technical advice.

(4) *Nonrecurring research, development, test, and evaluation (RDT&E) costs* are those costs funded by an RDT&E appropriation to develop or improve the product or technology under consideration. This includes costs of any engineering change proposal initiated prior to date of the contract with the customer, as well as projections of such costs, to the extent additional effort applicable to the sale model or technology is necessary or planned. It does not include costs funded by either Procurement or Operations and Maintenance appropriations to improve the product.

(5) *Nonrecurring production costs* are those one-time costs incurred in support of previous production of the model specified and those costs specifically incurred in support of the total projected production run from which delivery is to be made, which would normally be expensed against a production run. These nonrecurring costs include such costs as preproduction, special tooling, special test equipment, production engineering, product improvement, destructive testing, and pilot model production, testing, and evaluation.

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(a) The Contractor hereby certifies, as of the date of this contract, to be in compliance with the Wage and Price Standards issued by the Council on Wage and Price Stability (6 CFR 705, Appendix, and Part 706).

(b) If it is later determined, after notice and opportunity to be heard, that the Contractor was willfully not in compliance with such standards as of the date of this contract, then this contract may be terminated in accordance with the provisions of the Termination for Default clause.

(c) Should the Government determine that termination for default would not be in the public interest, the Contractor agrees to accept an equitable reduction of the contract price or cost allowance and profit or fee, as appropriate under the circumstances.

(d) The Contractor shall require a Certification - Wage and Price Standards, limited to (a) above, as a condition of award of any first-tier subcontract which exceeds $5 million. The Contractor further agrees that should any price adjustment in subcontract prices result from the operation of this provision as to subcontracts, he will advise the Contracting Officer and an equitable adjustment of the contract price will be made. The operation of this provision in any subcontract shall not excuse the Contractor from performance of this contract in accordance with its terms and conditions. Any waiver or relaxation of the certification requirements with respect to such first-tier subcontractors can only be made by the Secretary.

(End of clause)

7-104.102 *Certification of Requests for Adjustment or Relief Exceeding $100,000.* In accordance with 1-342, insert the following clause.

CERTIFICATION OF REQUESTS FOR ADJUSTMENT OR RELIEF EXCEEDING $100,000 (1980 FEB)

(a) Any contract claim, request for equitable adjustment to contract terms, request for relief under Public Law 85-804, or other similar request exceeding $100,000 shall bear, at the time of submission, the following certificate given by a senior company official in charge at the plant or location involved:

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief; and that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable.

_____
(Official's Name)

_____
(Title)

(b) The certification in paragraph (a) requires full disclosure of all relevant facts, including cost and pricing data.

(c) The certification requirement in paragraph (a) does not apply to:

(i) requests for routine contract payments—for example, those for payment for accepted supplies and services, routine vouchers under cost reimbursement-type contracts, and progress payment invoices;

(ii) final adjustments under incentive provisions of contracts;

(d) In those situations where no claim certification for the purposes of Section 813 has been submitted prior to the inception of a contract dispute, a single certification, using the language prescribed by the Contract Disputes Act but signed by a senior company official in charge at the plant or location involved, will be deemed to comply with both statutes.

(End of clause)

7-104.103 *Delivery of Excess Quantities of $100 or Less.* The following clause may be inserted in contracts for supplies:

DELIVERY OF EXCESS QUANTITIES OF $100 OR LESS (1980 DEC)

The Contractor is responsible for the delivery of each item quantity within allowable variations, if any. If the Contractor delivers and the Government receives quantities of any item in excess of the quantity called for (after considering any allowable variation in quantity), such excess quantities will be treated as being delivered for the convenience of the Contractor. The Government may retain such excess quantities up to $100 in value without compensating the Contractor therefor, and the Contractor waives all right, title, or interests therein. Quantities in excess of $100 will, at the option of the Government, either be returned at the Contractor's expense or retained and paid for by the Government at the contract unit price.

(End of clause)

7-104.104 *Reserved.*

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

(e) The Contracting Officer may examine the Contractor's books, records, and other supporting data relevant to the cost of labor (including fringe benefits) and materials during all reasonable times until the expiration of three (3) years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(End of clause)

7-108 Incentive Price Revision Clauses.

7-108.1 *Firm Targets.* When in accordance with the provisions of Section III, Part 4, the fixed-price incentive contract described in 3-404.4(a) (2) is to be used, the following clause shall be made a part of the contract. As to each item which is to be subject to incentive price revision, the contract schedule shall set forth the target cost, target profit, target price.

INCENTIVE PRICE REVISION (FIRM TARGET) (1980 FEB)

(a) *General.* The supplies or services identified in the Schedule as items ..... are subject to price revision in accordance with the provisions of this clause; *provided*, that in no event shall the total final price of such items exceed ..... dollars ($.....). Any supplies or services which are to be ordered separately under, or otherwise added to, this contract, and which are to be subject to price revision in accordance with the provisions of this clause, shall be identified as such in a modification to this contract.

(b) *Definition of Cost.* For the purposes of this clause, "cost" or "costs" means allowable cost in accordance with Section XV of the Defense Acquisition Regulation as in effect on the date of this contract.

(c) *Submission of Data.* Within ..... (.....) days after the end of the month in which the Contractor has delivered the last unit of supplies and completed the services called for by those items referred to in paragraph (a) above, the Contractor shall submit, on DD Form 633 or other form as the Contracting Officer may require, (i) a detailed statement of all costs incurred up to the end of that month in performing all work under such items, (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work with respect to such items, and (iii) a list of all residual inventory and an estimate of the value thereof.

(d) *Price Revision.* Upon submission of the data required by paragraph (c) above, the Contractor and the Contracting Officer shall promptly establish the total final price in accordance with the following:

(1) On the basis of the information required by paragraph (c) above, together with any other pertinent information, there shall be established by negotiation the total final cost incurred or to be incurred for the supplies delivered (or services performed) and accepted by the Government, which are subject to price revision under this clause.

(2) The total final price shall be established by adjusting the total final negotiated cost by an amount for profit or loss determined as follows:

WHEN THE TOTAL FINAL NEGOTIATED COST IS:	THE ADJUSTMENT FOR PROFIT OR LOSS IS:
Equal to the total target cost	Total target profit.
Greater than the total target cost	Total target profit less .... percent (....%) of the amount by which the total final negotiated cost exceeds the total target cost.
Less than the total target cost	Total target profit plus .... percent (....%) of the amount by which the total final negotiated cost is less than the total target cost.

(3) The total final price of the items referred to in paragraph (a) above shall be evidenced by a modification to this contract signed by the Contractor and the Contracting Officer. Such price shall not be subject to revision notwithstanding any changes in the cost of performing the contract, with the following exceptions:

(i) insofar as the parties may agree in writing, prior to the determination of the total final price, (A) to exclude any specific elements of cost from the total final price and (B) to a procedure to provide subsequent disposition of such elements; and

(ii) to the extent any adjustment or credit is explicitly permitted or required by this or any other clause of this contract.

(4) When the Contractor fails to submit the data required by paragraph (e) above within the time required therein and it is later determined that the Government has overpaid the Contractor, the excess shall be repaid to the Government immediately. Unless repaid within thirty (30) days after the end of the data submittal period, the amount of such excess shall bear interest at the rate established in accordance with the Interest clause in DAR 7-104.30. Interest shall be computed for the period from the date the data was due to the date of repayment.

(e) *Subcontracts.* No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) *Adjustment of Payments.* Pending execution of the contract modification referred to in subparagraph (d)(3) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the target prices set forth in this contract; provided, that if at any time it appears that the then current billing prices will be substantially greater than the estimated final price in light of information provided by the Contractor in accordance with the provisions of subparagraph (g)(3) below, a reduction in the billing prices shall be negotiated. Similarly, the parties may negotiate an increase in billing prices by any or all of the difference between the target price and the ceiling price upon submission of factual data from the Contractor showing that final costs under this contract will be substantially greater than target cost. Any adjustment of billing prices shall be reflected in a modification to this contract, and shall not affect the determination of the total final price under paragraph (d) above. After execution of the contract modification referred to in subparagraph (d)(3) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the total final price and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(g) *Quarterly Limitation on Payments Statement.*

(1) This paragraph (g) shall not apply after final price revision.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contract Administration Office, with a copy to the purchasing activity and the cognizant contract auditor, a cumulative statement setting forth:

(i) the total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) the total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) that portion of the total target profit which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established, increased or decreased in accordance with the incentive profit formula set forth in (d)(2) above when the amount of costs stated under (ii) above differs from the aggregate target costs of such supplies or services; and

(iv) the total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2)(i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invo-

7-602.48 *Reserved.*

7-602.49 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-602.50 *Value Engineering Incentive--Construction.* In accordance with 1-1704.6, insert the following clause in all construction contracts of $100,000 or more except incentive contracts:

VALUE ENGINEERING INCENTIVE--CONSTRUCTION (1980 DEC)

(a) *Applicability.* This clause applies to any Contractor developed, prepared, and submitted Value Engineering Change Proposal (VECP).

(b) *Definitions.*

(1) "Contractor's development and implementation costs" means those costs incurred on a VECP before Government acceptance and those costs the Contractor incurs specifically to make the changes required by Government acceptance of a VECP.

(2) "Government costs" means those agency costs that result directly from developing and implementing the VECP and any net increases in the cost of testing, operations, maintenance, and logistic support. They do not include the normal administrative costs of processing the VECP.

(3) "Instant contract savings" means the estimated reduction in Contractor cost of performance resulting from acceptance of the VECP, minus allowable Contractor's development and implementation costs (including subcontractors' development and implementation costs). (See paragraph (g).)

(4) "Value Engineering Change Proposal (VECP)" means a proposal that:

(i) requires a change to this, the instant contract, to implement; and

(ii) results in reducing the contract price or estimated cost without impairing essential functions or characteristics, *provided* that it does not involve a change in deliverable end-item quantities only.

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(c) *VECP Preparation.* As a minimum, the Contractor shall include the information described in (1) through (6) in each VECP. If the proposed change affects contractually required configuration management procedures, the instructions in the procedures relating to format, identification, and priority assignment shall govern VECP preparation. The VECP shall include the following:

(1) A description of the difference between the existing contract requirement and that proposed, the comparative advantages and disadvantages of each, a justification when an item's function or characteristics are being altered, and the effect of the change on the end item's performance.

(2) A list of the contract requirements that must be changed if the VECP is accepted, including any suggested specification revisions.

(3) A separate, detailed cost estimate for both the affected portions of the existing contract requirement and the VECP. The cost reduction associated with the VECP shall take into account the Contractor's allowable development and implementation costs, including any amount attributable to subcontracts under paragraph (g). The Contractor shall also include a description and estimate of costs the Government may incur in implementing the VECP, such as test and evaluation and operating and support costs.

(4) A projection of any effects the proposed change would have on collateral costs to the agency.

(5) A statement of the time by which a contract modification accepting the VECP must be issued in order to achieve the maximum cost reduction, noting any effect on the contract completion time or delivery schedule.

(6) Identification of any previous submissions of the VECP, including the dates submitted, the agencies and contract numbers involved, and previous Government actions, if known.

(d) *Submissions.*

(1) The Contractor shall submit VECPs to the Resident Engineer at the worksite, with a copy to the Contracting Officer. The Contracting Officer shall notify the Contractor of the status of the VECP within 45 calendar days after the contracting office receives it. If additional time is required because of extenuating circumstances, the Contractor shall be notified within the 45-day period and provided the reason for the delay and the expected date of the Contracting Officer's decision. VECPs shall be processed expeditiously; however, the Government shall not be liable for any delay in acting upon a VECP.

(2) If the VECP is not accepted, the Contracting Officer shall provide the Contractor written notification fully explaining the reasons for rejection. The Contractor may withdraw, in whole or in part, any VECP not accepted by the Government within the period specified in the VECP. The Contracting Officer may require that the Contractor provide written notification before undertaking significant expenditures for VECP effort.

(e) *Acceptance.* Any VECP may be accepted in whole or in part by the Contracting Officer's award of a modification to this contract citing this clause. The Contracting Officer may accept the VECP, even though an agreement on price reduction has not been reached, by issuing the Contractor a notice to proceed with the change. Until a notice to proceed is issued or a contract modification applies a VECP to this contract, the Contractor shall perform in accordance with the existing contract. The Contracting Officer's decision to accept all or part of any VECP shall be final and not subject to the Disputes clause.

(f) *Sharing.*

(1) Rates. The Contractor's share of savings is determined by subtracting Government costs from instant contract savings and multiplying the result by 55 percent for fixed-price contracts and 25 percent for cost-reimbursement contracts.

(2) Payment. Payment of any share due the Contractor for use of a VECP on this contract shall be authorized by a modification to this contract to:

(i) accept the VECP;

(ii) reduce the contract price or estimated cost by the amount of instant contract savings; and

(iii) provide the Contractor's share of savings by adding the amount calculated in (f)(1) to the contract price or fee.

(g) *Subcontracts.* The Contractor shall include appropriate VE clauses in any subcontract of $50,000 or more and may include them in subcontracts of lesser value. To compute any adjustment in the contract price under paragraph (f), the Contractor's VECP development and implementation costs shall include any subcontractor's development and implementation costs that clearly result from the VECP, but shall exclude any VE incentive payments to subcontractors. The Contractor may choose any

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arrangement for subcontractor VE incentive payments, *provided* that these payments are not made from the Government's share of the savings resulting from the VECP.

(h) *Data.* The Contractor may restrict the Government's right to use any part of a VECP or the supporting data by marking the following legend on the affected parts:

> "These data, furnished under the Value Engineering Incentive--Construction clause of Contract _____, shall not be disclosed outside the Government or duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a VECP submitted under the clause. This restriction does not limit the Government's right to use information contained in these data if it has been obtained or is otherwise available from the Contractor or from another source without limitations."

If a VECP is accepted, the Contractor hereby grants the Government unlimited rights in the VECP and supporting data, except that, with respect to data qualifying and submitted as limited rights technical data, the Government shall have the rights specified in the contract modification implementing the VECP and shall appropriately mark the data.

(End of clause)

7-602.51 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-602.52 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-602.53 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-602.54 *Shop Drawings.*

(a) Insert the following clause, with the appropriate additions in (b) and (c) below.

SHOP DRAWINGS (1976 OCT)

(a) The term "*shop drawings*" includes drawings, diagrams, layouts, schematics, descriptive literature, illustrations, schedules, performance and test data, and similar materials furnished by the Contractor to explain in detail specific portions of the work required by the contract.

(b) If this contract requires shop drawings, the Contractor shall coordinate all such drawings, and review them for accuracy, completeness, and compliance with contract requirements and shall indicate his approval thereon as evidence of such coordination and review. Shop drawings submitted to the Contracting Officer without evidence of the Contractor's approval may be

(c)(1) If the bidder proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the Invitation for Bids, or such product shall be otherwise clearly identified in the bid. The evaluation of bids and the determination as to equality of the product offered shall be the responsibility of the Government and will be based on information furnished by the bidder or identified in his bid as well as other information reasonably available to the purchasing activity. CAUTION TO BIDDERS. The purchasing activity is not responsible for locating or securing any information which is not identified in the bid and reasonably available to the purchasing activity. Accordingly, to insure that sufficient information is available, the bidder must furnish as a part of his bid all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the purchasing activity to (i) determine whether the product offered meets the salient characteristics requirements of the Invitation for Bids and (ii) establish exactly what the bidder proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the purchasing activity.

(2) If the bidder proposes to modify a product so as to make it conform to the requirements of the Invitation for Bids, he shall (i) include in his bid a clear description of such proposed modifications and (ii) clearly mark any descriptive material to show the proposed modifications.

(3) Modifications proposed after bid opening to make a product conform to a brand name product referenced in the Invitation for Bids will not be considered.

(End of clause)

7-2003.11 *Evaluation of Options.*

(a) In accordance with 1-1504(b), insert a provision substantially similar to:

EVALUATION OF OPTIONS

If the Government elects to exercise an option simultaneously with award, bids or proposals will be evaluated for purposes of award on the basis of the total price for the basic quantity and the option quantity exercised with award.

(End of provision)

(b) In accordance with 1-1504(c), insert a provision substantially similar to:

EVALUATION OF OPTIONS

A. Bids and proposals will be evaluated for purposes of award by adding the total price for all option quantities to the total price for the basic quantity. Evaluation of options will not obligate the Government to exercise the option or options.

B. Any bid or proposal which is materially unbalanced as to prices for basic and option quantities may be rejected as non-responsive. An unbalanced bid or proposal is one which is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

(End of provision)

(c) In accordance with 1-1504(d), insert the following provision.

EVALUATION OF OPTIONS (1974 APR)

A. Bids and proposals will be evaluated for purposes of award by adding the total price for all option quantities to the total price for the basic quantity. The offeror's target cost for the basic and option quantities will be deemed to be the price of the basic and option quantities for purpose of evaluation. Evaluation of options will not obligate the Government to exercise the option or options.

B. Any bid or proposal which is materially unbalanced as to prices for basic and option quantities may be rejected as non-responsive. An unbalanced bid or proposal is one which is based on

prices significantly less than cost for some work and prices which are significantly overstated for other work.

(End of provision)

7-2003.12 *Affiliated Bidders.* In accordance with 2-201(a)Sec.E(ii) or 2-201(b)(xvii), insert the following clause.

AFFILIATED BIDDERS (1974 APR)

(a) Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both.

(b) Each bidder shall submit with his bid an affidavit containing information as follows:

(i) whether the bidder has any affiliates;

(ii) the names and addresses of all affiliates of the bidder; and

(iii) the names and addresses of all persons and concerns exercising control or ownership of the bidder and any or all of his affiliates, and whether as common officers, directors, stockholders holding controlling interest, or otherwise.

(End of clause)

7-2003.13 *Preference for Labor Surplus Area Concerns.* In accordance with 3-201(a)Sec.E(iii) or 3-501(b)(3)Sec.E(vii), insert the following clause.

PREFERENCE FOR LABOR SURPLUS AREA CONCERNS (1978 JUN)

This procurement is not set aside for labor surplus area concerns. However, the offeror's status as such a concern may affect entitlement to award in case of tie offers or offer evaluation in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined if those circumstances should apply, the offeror must identify below the labor surplus area in which the costs he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than fifty percent (50%) of the contract price.

....
....

Failure to identify the locations as specified above will preclude consideration of the offeror as a labor surplus area concern. Offeror agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails.

(End of clause)

7-2003.14 *Equal Opportunity.*

(a) *Pre-Award Compliance Review.* Each solicitation, (excluding construction) written or oral, for non-exempt contracts estimated to be for $1,000,000 or more shall advise bidders or offerors that prior to the award of a contract the

proposed contractor and his known first-tier subcontractors with proposed subcontracts of $1,000,000 or more shall be subject to an EEO compliance review as follows:

PRE-AWARD ON SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW (1970 AUG)

In accordance with regulations of the Office of Federal Contract Compliance, 41 CFR 60.1, effective 1 July 1966, an award in the amount of $1,000,000 or more will not be made under this solicitation unless the bidder and each of his known first-tier subcontractors (to whom he intends to award a subcontract of $1,000,000 or more) are found, on the basis of a compliance review, to be able to comply with the provisions of the Equal Opportunity clause of this solicitation.

(b) *Representations.* Insert the following provisions as applicable.

(1) When not contained on the solicitation form, the following:

7-2003.14(b)(1)(A)

(A) Certification of Nonsegregated Facilities

CERTIFICATION OF NONSEGREGATED FACILITIES (1970 AUG)

(Applicable to contracts, subcontracts, and to agreements with applicants who are themselves performing Federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause). By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin, because of habit, local custom or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES. A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

(End of provision)

7-2003.14(b)(1)(B)

(B) Previous Contracts and Compliance Reports.

36538 Federal Register / Vol. 46, No. 134 / Tuesday, July 14, 1981 / Rules and Regulations

Federal Register / Vol. 46, No. 134 / Tuesday, July 14, 1981 / Rules and Regulations 36539

PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (1973 APR)

The offeror represents that he [ ] has, [ ] has not, participated in a previous contract or subcontract subject either to the Equal Opportunity clause herein or the clause originally contained in Section 301 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114; that he [ ] has, [ ] has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (*The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.*)

7-2003.14(b)(2)

(2) Except for construction contracts, include the following provision when the contract includes the Equal Opportunity clause, if the provision is not already included on the solicitation form:

AFFIRMATIVE ACTION COMPLIANCE (1979 SEP)

The bidder (or offeror) represents that (1) he ☐ has developed and has on file, ☐ has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2) or (2) he ☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(End of provision)

(c) *Foreign Employment.* Insert the following clause in all nonexempt (see 12-808) solicitations when a contractor is required to perform in or on behalf of a foreign country.

NOTIFICATION OF VISA DENIAL (1978 SEP)

It is a violation of Executive Order 11246, as amended, for a Contractor to refuse to employ any applicant or not to assign any person hired in the United States on the basis that such individual's race, color, religion, sex, or national origin is not compatible with the policies of the country where the work is to be performed or for whom the work will be performed (41 CFR 60-1.10). Therefore, the Contractor agrees to notify the Department of State, Washington, D.C., Attention: Director, Bureau of Politico-Military Affairs, and the Director, OFCCP, when it has knowledge of any employee or potential employee being denied an entry visa to a country in which the Contractor is required to perform this contract and it believes such denial is attributable to race, religion, sex, or national origin of the employee or potential employee.

(End of provision)

(d) *Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity.* In accordance with 12-807.1 regarding affirmative action compliance requirements, insert the following provisions in all applicable solicitations involving construction in excess of $10,000. Follow this provision's parenthetical instructions by inserting the applicable construction trade(s), percentage goals and geographical description of the covered area as provided in Departmental instructions.

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (1978 SEP)

(a) The Offeror's or Bidder's attention is called to the "Equal Opportunity" and the "Affirmative Action Compliance Requirements for Construction" clauses set forth herein.

(b) The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
.....	.....	.....
(Insert goals for each year)	(Insert goals for each year)	(Insert goals for each year)

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or Federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity clause, specific affirmative action obligations required by the clause entitled "Affirmative Action Compliance Requirements for Construction" and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

(c) The Contractor shall provide written notification to the Director, OFCCP within 10 working days of award of any construction subcontract in excess of $10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

(d) As used in this Notice, and in the contract resulting from this Solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county, and city, if any.)

(End of Provision)

7-2003.15 *Patents - Government Licensee.* In accordance with 2-201(a)Sec.K(ix), 2-201(b)(xxviii), 3-501(b)(3)Sec.K(xvii), or 3-501(c)(xliv) as appropriate, insert the following provision.

PATENTS - GOVERNMENT LICENSEE (1974 APR)

The Government is obligated to pay a royalty applicable to the proposed procurement because of a license agreement between the Government and the patent owner. The patent number is ..... and the royalty rate is ..... If the offeror is the owner of, or a licensee under, the patent, he shall indicate below:

( ) Owner
( ) Licensee

If an offeror does not indicate that he is the owner or a licensee of the patent, his offer will be evaluated by adding thereto an amount equal to the royalty.

(End of provision)

7-2003.16 *Guaranteed Maximum Shipping Weights and Dimensions.* In accordance with 2-201(a)Sec.K(x), insert the following provision.

GUARANTEED MAXIMUM SHIPPING WEIGHTS AND DIMENSIONS.

Each bid (or proposal) will be evaluated to the destination specified by adding to the f.o.b. origin price all transportation costs to said destination. The guaranteed maximum shipping weights and dimensions of the supplies are required for determination of transportation costs. The bidder (or offeror) is requested to state as part of his offer the weights and dimensions. If separate containers are to be banded and/or skidded into a single shipping unit, details must be described. If delivered supplies exceed the guaranteed maximum shipping weights or dimensions, the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for evaluation purposes based on bidder's (or offeror's) guaranteed maximum shipping weights or dimensions and the transportation costs that should have been used for bid (or proposal) evaluation purposes based on correct shipping data.

OMITTED from page 7:502

If the bidder (or offeror) fails to state his guaranteed maximum shipping weight and dimensions for the supplies as requested, the Government will use the estimated weights and dimensions below for evaluation; and the Contractor agrees this will be the basis for any reduction in contract prices as provided in this clause. The Government's estimated weights (and dimensions, if applicable) are as follows: ....

(End of provision)

7-2003.17 *Freight Classification Description.* In accordance with 2-201(a)Sec.K(xi), insert the following provision.

FREIGHT CLASSIFICATION DESCRIPTION (1968 JUN)

Bidders (or offerors) are requested to indicate, below, the full Uniform Freight Classification (rail) description, or the National Motor Freight Classification description applicable to the supplies, the same as bidder (offeror) uses for commercial shipment. This description should include the packing of the commodity (box, crate, bundle, loose, setup, knocked down, compressed, unwrapped, etc.) the container material (fiberboard, wooden, etc.), nominal shipping dimensions, and other conditions affecting traffic descriptions. The Government will use these descriptions as well as other information available to it to determine the classification description most appropriate and advantageous to the Government. Bidder (offeror) understands that shipments on any f.o.b. origin contract awarded, as a result of this solicitation, will be made in conformity with the shipping classification description specified by the Government, which may be different from the classification description furnished below.

FOR FREIGHT CLASSIFICATION PURPOSES, BIDDER (OR OFFEROR) DESCRIBES THIS COMMODITY AS .....

(End of provision)

7-2003.18 *Transportation Transit Privilege Credits.* In accordance with 2-201(a)Sec.K(xii), insert the following provision.

TRANSPORTATION TRANSIT PRIVILEGE CREDITS (1968 JUN)

If the bidder (offeror) has established with regulated common carriers transit privileges which can be applied to the supplies when shipped from the original source, bidder (offeror) is invited to offer to utilize such credits to ship the supplies to the designated Government destinations under commercial bills of lading, paying all remaining transportation charges connected therewith, subject to reimbursement by the Government in an amount equal to the remaining charges but not exceeding the amount quoted by the bidder (offeror) below. Such shipments under paid commercial bills of lading will move for the account of and at the risk of the Government, after loading on carrier's equipment and acceptance by the carrier (unless, pursuant to the "Changes" clause, the office administering the contract directs use of Government bills of lading). The amount quoted below by the bidder (offeror) represents the transportation costs, in cents per 100 lb. (freight rate) for full carload/truckload shipments of the supplies from bidder's (offeror's) original source via his transit plant or point to the Government destination(s) listed below by the bidder (offeror), including the carrier's transit privilege, charge, less the applicable transit credit (*i.e.*, the amount (rate) initially paid to the carrier for shipment from original source to bidder's transit plant or point). The rate per CWT quoted will be used by the Government to evaluate the offered f.o.b. origin price unless a lower rate is applicable on the date of bid opening (or closing date specified for receipt of proposals). To have his bid (offer) evaluated on this basis, bidder (offeror) must insert below the remaining transportation charges which he agrees to pay, including any transit charges, and which are subject to reimbursement by the Government, as explained in this provision, to destinations listed in the Schedule as follow:

RATE PER CWT IN CENTS .....
TO DESTINATION .....

(End of provision)

7-2003.19 *FOB Origin (With Differentials).* In accordance with 2-201(a)Sec. E(xiii), insert the following provision.

F.O.B. ORIGIN (WITH DIFFERENTIALS)

Notwithstanding the f.o.b. origin delivery terms set forth in the "F.O.B. Origin" clause of the contract, it may be advantageous to the bidder (or offeror) to submit f.o.b. origin prices in the Schedule which include only the lowest cost to the Contractor of loading for shipment at his plant or most favorable shipping point. The cost beyond such plant or point of bringing to the place of delivery and loading, blocking, and bracing on the type vehicle specified by the Government at the time of shipment may exceed the bidder's (offeror's) lowest cost when he ships for his own account. Accordingly, bidders (or offerors) may indicate below a differential which, as explained below, may be added to the offered price, each differential to be expressed as a rate in cents for each 100 pounds (CWT) of the supplies for one or more of the options, under the clause entitled "F.O.B. Origin," which the Government may specify at the time of shipment. Such differential(s), if specified below, will be considered in the evaluation of bids (or proposals) to determine the lowest overall cost to the Government. If, at the time of shipment, the Government specifies (normally on a Government bill of lading) a mode of transportation, type of vehicle, or place of delivery for which the bidder (or offeror) has set forth a differential, the Contractor shall include the total of such differential costs (the applicable differential multiplied by the actual weight on the Government bill of lading), as a separate reimbursable item on his invoice for the supplies. Under this clause (F.O.B. Origin (With Differentials)), the Government shall have the option of performing or arranging at its own expense any transportation from Contractor's shipping plant or point to carrier's facility at the time of shipment and, whenever this option is exercised, no reimbursement shall be made by the Government based on a quoted differential. Bidder's (or offeror's) differential(s), if any, in cents for each 100 pounds for optional mode of transportation, types of vehicle, transportation within a mode, or place of delivery, specified by the Government at the time of shipment, and not included in the f.o.b. origin price indicated in the Schedule by the bidder (or offeror), is (are) as follows:

..... (*carload, truckload, less-load, wharf, floatcar, driveway, etc.*)

(End of provision)

7-2003.20 *Evaluation of Export Bids (Or Proposals).* In accordance with 2-201(a)Sec. E(xiv), insert the following provision.

EVALUATION OF EXPORT BIDS (OR PROPOSALS) (1968 JUN)

A. *Port Handling and Ocean Charges.* In evaluating bids (or proposals), port handling and ocean charges on file and published by the Military Traffic Management and Terminal Service as of the date of bid opening (or the closing date specified for receipt of proposals) and effective for the date of the expected initial shipment will be used.

B. *F.O.B. Origin, Transportation Under Government Bill of Lading.*

(1) Bids (or proposals) will be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Included in this evaluation, in addition to the f.o.b. origin price of the item, will be the inland transportation costs from the point of origin in the United States to the port of loading, port handling charges at the port of loading, and the ocean shipping costs from the United States port of loading to the overseas port of discharge (see D below). The Government may designate the mode of routing of shipment and may load from other than those ports specified for evaluation purposes.

(2) Bids (or proposals) will be evaluated on the basis of shipment through one of the ports set forth in paragraph D below, to the overseas port of discharge. Evaluation will be made on the basis of shipment through the port that will result in the lowest cost to the Government.

Ports of loading will be considered as destinations within the meaning of the term "f.o.b. destination" as that term is used in the "F.O.B. Origin" clause of this contract.

C. *F.O.B. Port of Loading With Inspection and Acceptance at Origin.*

(1) Bids (or proposals) will be evaluated on the basis of the lowest laid down cost to the Government at the overseas port of discharge via methods compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Included in this evaluation, in addition to the price to the United States port of loading (see (2) below), will be the port handling charges at the port of loading and the ocean shipping cost from the port of loading to the overseas port of discharge (see D below).

(2) Unless bids (or offers) are applicable only to f.o.b. origin delivery under Government bills of lading (see B above), bidders (or offerors) must designate, below, at least one of the ports of loading listed in paragraph D below, as their place of delivery. Failure to designate at least one of the ports as the point to which delivery will be made by the Contractor may render the bid (or offer) nonresponsive.

PLACE OF DELIVERY: .....

(*Insert at least one of the ports listed in paragraph D below.*)

D. *Ports of Loading for Bid (or Proposal) Evaluation.* Ports to be used by the Government in evaluating bids (or proposals) are as follows:

..... (*Ports*)

E. *Ports of Loading Nominated by Bidder (Offeror).* The above named ports of loading listed in D above are considered by the Government to be appropriate for this solicitation due to their compatibility with methods and facilities required to handle the cargo and types of vessels and to meet the required overseas delivery dates. Notwithstanding the foregoing, bidders (or offerors) may nominate additional ports of loading which the bidder (offeror) considers to be more favorable to the Government. The Government may disregard such nominated port(s) if, after considering the quantity and nature of the supplies concerned, the requisite cargo handling capability, the available sailings on U.S. Flag vessels, and other pertinent transportation factors, it determines that use of the nominated port(s) is not compatible with the

required overseas delivery date. United States Great Lakes ports of loading may be considered in the evaluation of bids (or offers) only for those items scheduled herein for delivery during the ice-free or navigable period as proclaimed by the authorities of the St. Lawrence Seaway (normal period is between 15 April and 30 November annually). All ports named, including those nominated by bidders (or offerors), and determined to be eligible as provided herein, will be considered in evaluating all bids (or proposals) received in order to establish the lowest laid down cost to the Government at the overseas port of discharge. All determinations will be based on availability of ocean services by United States Flag vessels only. Additional U.S. port(s) of loading nominated by bidder (or offeror), if any: .....

Bidder (or offeror) will indicate whether price(s) is (are) based on:

( ) Paragraph B, f.o.b. origin, transportation by GBL to port listed in D;
( ) Paragraph C, f.o.b. destination (*i.e.*, a port listed in D);
( ) Paragraph E, f.o.b. origin, transportation by GBL to port nominated in E; and/or
( ) Paragraph E, f.o.b. destination (*i.e.*, a port nominated in E).

(End of provision)

7-2003.21 *Eligibility for Preference as a Labor Surplus Concern.* In accordance with 2-201(a)Sec.E(xv) or 3-501(b)(3)Sec.E(xviii), insert the following clause.

ELIGIBILITY FOR PREFERENCE AS A LABOR SURPLUS CONCERN (1978 JUN)

Each offeror desiring to be considered for award as a labor surplus area (LSA) concern on the set-aside portion of this procurement, specified elsewhere in the schedule, shall indicate below the address(es) where costs incurred on account of manufacturing or production (by offeror or first tier subcontractor) will amount to more than fifty percent (50%) of the contract price

Name of Company:
Street Address:
City/County:
State:

(If more than one location is to be used, list each location and the costs to be incurred at each, stated as a percentage of the contract price.)

CAUTION: Failure to list the location of manufacture or production and the percentage, if required, of cost to be incurred at each location will preclude consideration of the offeror as a LSA concern.

(End of clause)

7-2003.22 *Rated or Authorized Controlled Material Orders.* Solicitations which will result in the placement of rated orders or authorized controlled material orders (see 1-307) shall contain the following provision.

RATED OR AUTHORIZED CONTROLLED MATERIAL ORDERS (1974 APR)

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a [ ] DX — rating; [ ] DO — rating; [ ] DMS allotment number — (*Contracting Officer check appropriate box or boxes*) in accordance with the provisions of DPS Regulation 1 and/or DMS Regulation 1.

(End of provision)

7-2003.23 *Evaluation Factors for Award.*

(a) *Evaluation of Bids Subject to Economic Price Adjustment.* In accordance with 2-201(a)Sec. M(ii), insert the following provision.

EVALUATION OF BIDS SUBJECT TO ECONOMIC PRICE ADJUSTMENT (1974 MAR)

Notwithstanding the provisions of the clause entitled "*" ....., bids shall be evaluated on the basis of quoted prices without an amount for economic price adjustment being added. Bids which provide for a ceiling lower than that stipulated, if a ceiling is stipulated in the clause, will also be evaluated on this basis but any resultant award will be made at the lower ceiling. Bids which provide for adjustment that may exceed the maximum adjustment stipulated, if a maximum is stipulated in the clause, or which limit or delete the downward adjustment, if a downward adjustment is stipulated in the clause, shall be rejected as nonresponsive.

(End of provision)

*Insert the title of the clause providing for economic price adjustment.

(b) *Evaluation of Multiple Awards.* In accordance with 2-201(a)Sec. M(iii), insert the following provision.

EVALUATION OF BIDS FOR MULTIPLE AWARDS (1978 OCT)

In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making more than one award (multiple awards). For the purpose of making this evaluation, it will be assumed that the sum of $100 would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combinations of items which result in the lowest aggregate price to the Government, including such administrative costs.

(End of provision)

(c) *Transit Arrangements.* In accordance with 2-201(a)Sec. M(v), insert the following provision.

TRANSIT ARRANGEMENTS (1968 JUN)

The lowest appropriate common carrier transportation costs, including through transit rates and charges where applicable, from bidder's (or offeror's) shipping points, via the transit point, to the ultimate destination will be used in evaluating bids (or proposals). Transit point(s) ..... Destination(s) .....

(End of provision)

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

(d) *Evaluation—F.O.B. Origin.* In accordance with 2-201(a)Sec.M(vi), insert the following provision.

EVALUATION—F.O.B. ORIGIN (1974 APR)

Land methods of transportation by regulated common carrier are normal means of transportation used by the Government for shipment within the United States (excluding Alaska and Hawaii). Accordingly, for the purpose of evaluating bids (or proposals), only such methods will be considered in establishing the cost of transportation between bidder's (or offeror's) shipping point and destination (tentative or firm, whichever is applicable), in the United States (excluding Alaska and Hawaii). Such transportation cost will be added to the bid (or proposal) price in determining the overall cost of the supplies to the Government. When tentative destinations are indicated, they will be used only for evaluation purposes, the Government having the right to utilize any other means of transportation or any other destination at the time of shipment.

(End of provision)

7-2003.24 *Evaluation Factors for Award.*

(a) *Destination Unknown.* In accordance with 2-201(a)Sec.M(vii), insert the following provision.

DESTINATION UNKNOWN (1968 JUN)

For the purpose of evaluating bids (or proposals), and for no other purpose, the final destination(s) for the supplies will be considered to be as follows:

_____

(End of provision)

(b) *F.O.B. Origin—Carload and Truckload Shipments.* In accordance with 2-201(a)Sec. M (viii), insert the following provision.

F.O.B. ORIGIN—CARLOAD AND TRUCKLOAD SHIPMENTS (1968 JUN)

The Contractor agrees that shipment shall be made in carload or truckload lots when the quantity to be delivered to any one destination in any delivery period pursuant to the contract schedule of deliveries is sufficient to constitute a carload or truckload shipment, except as may otherwise be permitted or directed, in writing, by the Contracting Officer. For bid (or proposal) evaluation purposes, the agreed weight of a carload or truckload will be the highest applicable minimum weight which will result in the lowest freight rate (or per car charge) on file or published in common carrier tariffs or tenders as of the date of bid opening (or the closing date specified for receipt of proposals). For purposes of actual delivery, the agreed weight of a carload or truckload will be the highest applicable minimum weight which will result in the lowest freight rate (or per car charge) on file or published as of date of shipment. If the total weight of any scheduled quantity to a destination is less than the highest carload/truckload minimum weight used for bid (or proposal) evaluation, the Contractor agrees to ship such scheduled quantity in one shipment. The Contractor shall be liable to the Government for any increased costs to the Government resulting from failure to comply with the above requirements.

(End of provision)

(c) *Shipping Point(s) Used in Evaluation of F.O.B. Origin Bids (or Proposals).* In accordance with 2-201(a)Sec. M(ix), insert the following provision.

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

SHIPPING POINT(S) USED IN EVALUATION OF F.O.B. ORIGIN BIDS (OR PROPOSALS) (1968 JUN)

A. If more than one shipping point or plant is designated by the bidder (or offeror) and he fails to indicate the quantity per shipping point or plant prior to bid opening (or the closing date specified for receipt of proposals), the Government will evaluate the bid (or proposal) on the basis of delivery of the entire quantity from the point or plant where cost of transportation is most favorable to the Government.

B. If the bidder (or offeror), prior to bid opening (or the closing date specified for receipt of proposals), fails to indicate any shipping point or plant, the Government will evaluate the bid (or proposal) on the basis of delivery from the plant at which the contract will be performed, as indicated in the bid or proposal. If no such plant is indicated in the bid (or proposal), then the bid (or proposal) will be evaluated on the basis of delivery from the Contractor's business address indicated on Standard Form 33 or other bid (proposal) form.

C. If the bidder (or offeror) utilizes a shipping point other than that which has been used by the Government as a basis for the evaluation of bids (or proposals), any increase of transportation costs shall be borne by the Contractor and any savings shall revert to the Government.

(End of provision)

(d) *FOB Origin and/or Destination.* In accordance with 2-201(a)Sec.M(x), insert the following provision.

F.O.B. ORIGIN AND/OR DESTINATION (1968 JUN)

Bids (Offers) are invited on the basis of both, f.o.b. origin and f.o.b. destination, and the Government will award on such basis as the Contracting Officer determines to be most advantageous to the Government. A bid (An offer) on the basis of f.o.b. origin only or f.o.b. destination only is acceptable, but will be evaluated only on the base submitted.

(End of provision)

7-2003.25 *Bid Guarantee.* The following provision shall be included in solicitations in accordance with 10-102.4.

BID GUARANTEE (1964 JUN)

Where a bid guarantee is required by the invitation for bids, failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

A bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, certain bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (a) to unsuccessful bidders as soon as practicable after the opening of bids, and (b) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

If the successful bidder, upon acceptance of his bid by the Government within the period specified therein for acceptance (sixty days if no period is specified) fails to execute such further contractual documents, if any, and give such bond(s) as may be required by the terms of the bid as accepted within the time specified (ten days if no period is specified) after receipt of the forms by him, his contract may be terminated for default. In such event he shall be liable for any cost of procuring the work which exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

(End of provision)

7-2003.26 *Reserved.*

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

7-2003.27 *Cost Limitation.* In accordance with 2-201(b)(xxx) or 3-501(c)(xxv), insert the following provision.

COST LIMITATION (1974 APR)

A bid which does not contain separate bid prices for the items identified as subject to a cost limitation may be considered nonresponsive. A bidder by signing his bid certifies that each price bid on items subject to a cost limitation includes an appropriate apportionment of all applicable estimated costs, direct and indirect, as well as overhead and profit. Bids may be rejected which (i) have been materially unbalanced for the purpose of bringing affected items within cost limitations, or (ii) exceed the cost limitations unless such limitations have been waived by the Assistant Secretary of Defense (Installations and Logistics) prior to award.

(End of provision)

7-2003.28 *Additive or Deductive Items.* In accordance with 2-201(b)(xli), insert a provision substantially as follows.

ADDITIVE OR DEDUCTIVE ITEMS (1968 APR)

The low bidder for purposes of award shall be the conforming responsible bidder offering the low aggregate amount for the first or base bid item, plus or minus (in the order of priority listed in the schedule) those additive or deductive bid items providing the most features of the work within the funds determined by the Government to be available before bids are opened. If addition of another bid item in the listed order of priority would make the award exceed such funds for all bidders, it shall be skipped and the next subsequent additive bid item in a lower amount shall be added if award thereon can be made within such funds. For example, when the amount available is $100,000 and a bidder's base bid and four successive additives are $85,000, $10,000, $8,000, $6,000 and $4,000, the aggregate amount of the bid for purposes of award would be $99,000 for the base bid plus the first and fourth additives, the second and third additives being skipped because each of them would cause the aggregate bid to exceed $100,000. In any case all bids shall be evaluated on the basis of the same additive or deductive bid items, determined as above provided. The listed order of priority need be followed only for determining the low bidder. After determination of the low bidder as stated, award in the best interests of the Government may be made to him on his base bid and any combination of his additive or deductive bid for which funds are determined to be available at the time of the award, provided that award on such combination of bid items does not exceed the amount offered by any other conforming responsible bidder for the same combination of bid items.

(End of provision)

7-2003.29 *Telegraphic Bids.* In accordance with 2-202.2, and 3-501(b)(3)Sec.L(v), insert the following provision.

TELEGRAPHIC BIDS (1964 MAR)

Telegraphic bids may be submitted in response to this Invitation for Bids. Telegraphic bids must be received in this office prior to the time specified for opening of bids. Such bids must specifically refer to this Invitation for Bid, must include the item or sub-items, quantities and unit prices for which the bid is submitted and the time and place of delivery; and must contain all the representations and other information required by the Invitation for Bids together with a statement that the bidder agrees to all the terms, conditions and provisions of the invitation. Failure to furnish, in the telegraphic bid, the representations and information required by the Invitation for Bids may necessitate rejection of the bid. Signed copies of the Invitation for Bids must be furnished in confirmation of the telegraphic bids.

(End of provision)

This provision may be modified for negotiated procurements.

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7-2003.37 *Step Two of Two-Step Formal Advertising.* In accordance with 2-503.2(ii), insert the following provision.

STEP TWO OF TWO-STEP FORMAL ADVERTISING (1974 APR)

THIS INVITATION FOR BIDS IS ISSUED PURSUANT TO TWO-STEP FORMAL ADVERTISING IN PART 5 OF SECTION II OF THE ARMED SERVICES PROCUREMENT REGULATION.

BIDS WILL BE ACCEPTED AND CONSIDERED ONLY FROM THOSE FIRMS WHO HAVE SUBMITTED ACCEPTABLE TECHNICAL PROPOSALS PURSUANT TO THE FIRST STEP OF SUCH PROCEDURES, AS INITIATED BY ..... (*Identify the Request for Technical Proposals*). ANY BIDDER WHO HAS SUBMITTED MULTIPLE TECHNICAL PROPOSALS IN THE FIRST STEP OF THIS TWO-STEP PROCUREMENT MAY SUBMIT A SEPARATE BID COVERING EACH TECHNICAL PROPOSAL WHICH HAS BEEN DETERMINED ACCEPTABLE BY THE GOVERNMENT.

(End of provision)

7-2003.38 *Notice of Possible Standardization.* In accordance with 3-213.4, insert the following.

NOTICE OF POSSIBLE STANDARDIZATION (1975 OCT)

It is possible that the products procured through this action may be established as standard and, at the option of the (..... *INSERT PROCURING DEPARTMENT*), subsequent procurements may be negotiated under authority of paragraph 3-213 of the Armed Services Procurement Regulation.

(End of provision)

7-2003.39 *Site Visit.* In accordance with 2-201(a)Sec.L(xii) or 3-501(b)(3)Sec.L(xiv), insert the following provision.

SITE VISIT (1969 OCT)

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for a claim after award of the contract.

(End of provision)

7-2003.40 *Unnecessarily Elaborate Contractor's Proposals.* In accordance with 3-501(b)(3)Sec.L(xxii) or 3-501(c)(xxviii), insert the following provision.

UNNECESSARILY ELABORATE CONTRACTOR'S PROPOSALS/QUOTATIONS (1969 OCT)

Unnecessarily elaborate brochures or other presentations beyond that sufficient to present a complete and effective proposal or quotation are not desired and may be construed as an indication of the offeror's or quoter's lack of cost consciousness. Elaborate art work, expensive paper and bindings and expensive visual and other presentation aids are neither necessary nor wanted.

(End of provision)

7-2003.41 *Order of Precedence.* In accordance with 2-201(a)Sec.L(iii) or 3-501(b)(3)Sec.L(iii), insert the following provision.

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ORDER OF PRECEDENCE (1973 APR)

In the event of an inconsistency between provisions of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule (excluding the Specifications); (b) Terms and Conditions of the solicitation, if any; (c) General Provisions; (d) other provisions of the contract, when attached or incorporated by reference; and (e) the Specifications.

(End of provision)

7-2003.42 *Royalty Information.* In accordance with 9-110(a)(3), insert the following provision.

ROYALTY INFORMATION (1961 AUG)

When the response to this solicitation contains costs or charges for royalties totaling more than $250, the following information shall be furnished with offer, proposal, or quotation on each separate item of royalty or license fee:

(i) name and address of licensor;
(ii) date of license agreement;
(iii) patent numbers, patent application serial numbers or other basis on which the royalty is payable;
(iv) brief description, including any part or model numbers of each contract item or component on which the royalty is payable;
(v) percentage or dollar rate of royalty per unit;
(vi) unit price of contract item;
(vii) number of units; and
(viii) total dollar amount of royalties.

DD Form 783, Royalty Report, is approved for use in furnishing the above information. In addition, if specifically requested by the Contracting Officer prior to execution of the contract, a copy of the current license agreement and identification of applicable claims of specific patents shall be furnished.

(End of provision)

7-2003.43 *Notice of Cost/Schedule Control Systems.* In accordance with 1-331(h), insert the following provision.

NOTICE OF COST/SCHEDULE CONTROL SYSTEMS (1974 APR)

(a) The offeror shall submit a comprehensive plan for compliance with the attached criteria (DODI 7000.2 Performance Measurement for Selected Acquisitions) for the internal Cost/Schedule Control Systems which are and/or will be operational for any contract resulting from this solicitation, and which includes the C/SCSC clause set forth in ASPR 7-104.87. The offeror shall identify his existing management systems separately from proposed modifications to meet the criteria. The plan shall:

(i) describe the management systems and their application in all major functional cost areas such as engineering, manufacturing and tooling, as related to development of the work breakdown structure, planning, budgeting, scheduling, work authorization, cost accumulation, measurement and reporting of cost and schedule performance, variance analysis, and baseline control;
(ii) describe compliance with each of the criteria, preferably by cross-referencing appropriate elements in the description of systems with the items in the checklist for C/SCSC contained in AFSCP/AFLCP 173-5, DARCOM-P 715-5, NAVMAT P-5240, Cost/Schedule Control Systems Criteria Joint Implementation Guide;
(iii) identify the major subcontractors, or major subcontracted effort in the event major subcontractors have not been selected, planned for application of the criteria;
(iv) describe the proposed procedure for administration of the criteria as applied to subcontractors.

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agree to furnish clear and convincing evidence that the data which will be so identified comes within the definition of limited rights data.

(c) The listing of a data item in paragraph (a) above does not mean that the Government considers such item to come within the definition of limited rights data.

(End of provision)

7-2003.62 *Options to Award and Pay in United States Owned Foreign Currency.* In accordance with 6-1104, insert the following provision.

OPTION TO AWARD AND PAY IN FOREIGN CURRENCY (1974 APR)

(a) Offerors are required to state their price in United States dollars. Such price may also be stated wholly in the currency of the countries listed in the Schedule, or in a combination of United States dollars and the currency of any of the listed countries.

(b) Offerors shall state separately the United States dollar content, if any, in United States dollars. The term "United States dollar content" means the United States dollar cost to an offeror for United States end products or services (including costs of transportation furnished by United States-flag carriers) imported directly from the United States and to be used in performance of a contract, as certified by the offeror.

(c) The Contracting Officer reserves the right to award to that responsive offeror willing to accept payment in whole or in part in a currency of any of the listed countries and whose offer is considered the most advantageous to the United States Government, even though the total price of the accepted offer may be more than the price of an offer received in United States dollars.

(End of clause)

7-2003.63 *Progress Payments Exclusively for Small Business.* In accordance with E-504.3, insert the following provision.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

PROGRESS PAYMENTS EXCLUSIVELY FOR SMALL BUSINESS (1974 APR)

The Progress Payments clause will be available to Small Business concerns only, and will not be included for contractors who are not Small Business concerns.

(End of provision)

7-2003.64 *Progress Payments.* In accordance with E-504.4, insert the following notice.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

PROGRESS PAYMENTS* (1974 APR)

The need for progress payments conforming to regulations (Appendix E, Armed Services Procurement Regulation) will not be considered as a handicap or adverse factor in the award of contracts. Authorized progress payments will not be a factor for evaluation of bids. The appropriate "Progress Payment" clause attached hereto will be included in the contract awarded in the manner herein provided, however, the clause shall be inoperative during the time the contractor's accounting system and controls are determined by the Government to be inadequate for segregation and accumulation of contract costs. For Small Business concerns the clause designated "Progress Payments for Small Business Concerns" (7-104.35(b)) shall be used for such Contractors. For Contractors who are not Small Business concerns, the clause designated "Progress Payments for Other Than Small Business Concerns" (7-104.35(a)) shall be used.

(End of notice)

*Do not use the last sentence of this notice for procurements mentioned in E-504.2 and E-504.3.

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7-2003.65 *Solicitation of Bids and Proposals.* The following provision shall be included in all solicitations for construction in the United States except when Standard Form 19 is used.

NOTICE REGARDING BUY AMERICAN ACT (1970 SEP)

The Buy American Act (41 U.S.C. 10a-10d) generally requires that only domestic construction material be used in the performance of this contract. Exception from the Buy American Act shall be permitted only in the case of nonavailability of domestic construction materials. A bid or proposal offering nondomestic construction material will not be accepted unless specifically approved by the Government. When a bidder or offeror proposes to furnish nondomestic construction material, his bid or proposal must set forth an itemization of the quantity, unit price, and intended use of each item of such nondomestic construction material. When offering nondomestic construction material pursuant to this paragraph, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under this paragraph will cause rejection of the entire bid.

(End of provision)

7-2003.66 *Requirement for Technical Data Certification.* In accordance with 3-501(b)(3)Sec.K(xii), insert the following provision.

REQUIREMENT FOR TECHNICAL DATA CERTIFICATION (1974 APR)

The offeror shall submit with his offer a certification as to whether he has delivered or is obligated to deliver to the Government under any contract or subcontract the same or substantially the same technical data included in his offer; if so, he shall identify one such contract or subcontract under which such technical data was delivered or will be delivered, and the place of such delivery.

(End of provision)

7-2003.67 *Cost Accounting Standards*

(a) *Disclosure Statement - Cost Accounting Practices and Certification.* In accordance with 3-1203(a) insert the following solicitation provision:

DISCLOSURE STATEMENT - COST ACCOUNTING PRACTICES AND CERTIFICATION (1978 MAR)

Any contract in excess of $100,000 resulting from this solicitation except (i) when the price negotiated is based on: (A) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (B) prices set by law or regulations; (ii) contracts awarded to small business concerns (as defined in DAR 1-701.1); or (iii) contracts which are otherwise exempt (see 4 CFR 331.30(b)) shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board, must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards exceeding the

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(b) *Cost Accounting Standards - Exemption for Contracts of $500,000 or Less.* In accordance with 3-1204.1(a)(vii)(A), insert the following provision:

COST ACCOUNTING STANDARDS - EXEMPTION FOR CONTRACTS OF $500,000 OR LESS (1978 MAR)

If this proposal is expected to result in the award of a contract of $500,000 or less, the offeror shall indicate whether the exemption to the Cost Accounting Standards clause (7-104.83(a)(1) under the provisions of 4 CFR 331.30(b)(8) is claimed. Failure to check the box below shall mean that the resultant contract is subject to the Cost Accounting Standards clause or that the offeror elects to comply with such clause.

( ) The offer hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 4 CFR 331.30(b)(8) and certifies that he has received notification of final acceptance of all deliverable items on (i) all prime contracts or subcontracts in excess of $500,000 which contain the Cost Accounting Standards clause, and (ii) all prime contracts or subcontracts of $500,000 or less awarded after January 1, 1975 which contain the Cost Accounting Standards clause. The offeror further certifies he will immediately notify the Contracting Officer, in writing, in the event he is awarded any other contract or subcontract containing the Cost Accounting Standards clause subsequent to the date of this certificate but prior to the date of any award resulting from this proposal.

(End of provision)

(c) *Cost Accounting Standards - Exemption for Modified Contract Coverage.* In accordance with 3-1204.1(b), insert the following solicitation provision:

COST ACCOUNTING STANDARDS - ELIGIBILITY FOR MODIFIED CONTRACT COVERAGE (1978 MAR)

If the offeror is eligible to use the modified provisions of 4 CFR 332 and elects to do so, he shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause (DAR 7-104.83(a)(2)) in lieu of the Cost Accounting Standards clause (7-104.83(a)(1)).

( ) The offeror hereby claims an exemption from the Cost Accounting Standards clause (DAR 7-104.83(a)(1)) under the provisions of 4 CFR 331.30(b)(2), and certifies that he is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause (DAR 7-104.83(a)(2)) because (i)

during his cost accounting period immediately preceding the period in which this proposal was submitted, he received less than $10 million in awards of CAS-covered national defense prime contracts and subcontracts, and (ii) the sum of such awards equaled less than 10 percent of his total sales during that cost accounting period. The offeror further certifies that if his status changes prior to an award resulting from this proposal he will advise the contracting officer immediately.

CAUTION: Offerors may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a contract of $10 million or more or if, during their current cost accounting period, they have been awarded a single CAS-covered national defense prime contract or subcontract of $10 million or more.

(End of provision)

(d) In accordance with 3-1213(a), insert the following provision in all solicitations containing the clause in 7-2003.67(a).

ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS (1978 MAR)

The offeror shall indicate below whether award of the contemplated contract would require, in accordance with paragraph (a)(3) of the Cost Accounting Standards clause (7-104.83(a)(1)), a change in his established cost accounting practices affecting existing contracts and subcontracts.

( ) YES ( ) NO

NOTE: If the offeror has checked "yes" above, and is awarded the contemplated contract, he will be required to comply with the *Administration of Cost Accounting Standards* clause (7-104.83(b)).

(End of provision)

7-2003.68 *Industrial Preparedness Production Planning.* In accordance with 3-501(b)(3)Sec.L(xxxii), insert the following provision:

INDUSTRIAL PREPAREDNESS PRODUCTION PLANNING (1976 APR)

This solicitation includes an item for industrial planning in support of the Industrial Preparedness Production Planning program. Offerors are cautioned to carefully review Section E of the Schedule and the attached Industrial Preparedness Program Planning Exhibit. Failure to propose on the Industrial Preparedness Production Planning line item set forth in the Schedule may result in rejection of the proposal.

(End of provision)

7-2003.69 *Industrial Preparedness Production Planning.* In accordance with 2-201(a)Sec.L(xxiv), insert the following provision:

7-2003.80 *Woman-Owned Business.* In accordance with 2-201(a)Sec.K(xviii), 2-201(b)(lviii), or 3-501(b)(3)Sec.K(xxi), insert the following provision in all solicitations except those made outside the United States.

WOMAN-OWNED BUSINESS (1978 SEP)

The offeror represents that the firm submitting this offer ( ) is, ( ) is not, a woman-owned business. A woman-owned business is a business which is, at least, 51 percent owned, controlled and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, women-owned if this information is available.

(End of provision)

7-2003.81 *Percent Foreign Content.* In accordance with 2-201(a)Sec.K(xix), 2-201(b)(lix), or 3-501(b)(3)Sec.K(xxii), insert the following provision in all solicitations except those made outside the United States.

PERCENT FOREIGN CONTENT (1978 SEP)

Approximately ---------- percent of the proposed contract price represents foreign content or effort.

(End of provision)

7-2003.82 Recovered Material. The following certification shall be inserted in solicitations as required by 1-2500.5(b):

RECOVERED MATERIAL (1979 MAR)

The Contractor certifies by signing this bid/proposal/quotation that recovered materials, as defined in DAR 1-2500.4, will be used as required by the applicable specifications.

7-2003.83 *Bid/Proposal Certification - Wage and Price Standards.* In accordance with 1-341(f)(1), insert the following provision.

BID/PROPOSAL CERTIFICATION - WAGE AND PRICE STANDARDS (1979 SEP)

(Applicable to contracts in excess of $5 million, and indefinite delivery-type contracts under which cumulative orders are expected to exceed $5 million.)

(a) By submission of this bid or offer, the bidder or offeror certifies to be in compliance with the Wage and Price Standards issued by the Council on Wage and Price Stability (6 CFR Part 705, Appendix, and Part 706).

(b) The clause entitled "Contract Certification - Wage and Price Standards," set forth elsewhere in this solicitation, shall be incorporated in any resulting contract except when waived by the Secretary.

(End of provision)

7-2003.84 *Statement of Equivalent Rates for Federal Hires.* In accordance with 12-1005.2(b)(3), insert the following provision in all solicitations for the acquisition of services to which the clause at 7-1903.41(a) applies:

RATES FOR EQUIVALENT FEDERAL HIRES (1979 SEP)

In compliance with the Service Contract Act of 1965, as amended, and the regulations of the Secretary of Labor (29 CFR Part 4), this solicitation incorporates a statement of Federal employee classes, incorporating wages paid and fringe benefits provided to each class. These Federal classes are comparable to the service employee classes expected to be employed under the contract resulting from this acquisition. (THE STATEMENT IS FOR INFORMATION ONLY).

(End of provision)

7-2003.85 *SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA).* In accordance with 12-1005.2(b)(5), insert the following provision in all solicitations for the acquisition of services to which—

(i) the clause at 7-1903.41(a) applies;

(ii) the contract resulting from this solicitation succeeds an ongoing contract for substantially the same services;

(iii) the incumbent contractor has negotiated or is negotiating a CBA with some or all of its service employees; and

(iv) all applicable Department of Labor wage determinations have been requested but not received.

SERVICE CONTRACT ACT (SCA) MINIMUM WAGES AND FRINGE BENEFITS (1979 SEP)

An SCA wage determination applicable to this work has been requested from the U.S. Department of Labor. If an SCA wage determination is not incorporated herein, the bidders/offerors shall consider the economic terms of the collective bargaining agreement (CBA) between the incumbent contractor _____ and the _____(union). Copies of the agreement can be obtained from the Contracting Officer. Pursuant to DOL Regulation, 29 CFR 4.1c, the economic terms of that agreement (or any new CBA negotiated 10 or more days prior to the opening of bids, or the commencement of the contract in the case of negotiated contracts, exercise of options, or extensions) will apply to the contract resulting from this solicitation, notwithstanding the absence of a wage determination reflecting such terms, unless it is determined, after a hearing pursuant to section 4(c) of the SCA, that they are substantially at variance with the wages prevailing in the area.

(End of provision)

7-2003.86 Reserved.
7-2003.87 Reserved.
7-2003.88 Reserved.
7-2003.89 Reserved.

7-2003.90 Data Universal Numbering System (DUNS) Number Reporting. In accordance with 2-201 and 3-501, insert the following provision.

DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER REPORTING (1980 DEC)

In the block with its name and address, the offeror should supply the Data Universal Numbering System (DUNS) Number applicable to that name and address. The DUNS Number should be preceded by "DUNS:". If the offeror does not have a DUNS Number, it may obtain one from any Dun and Bradstreet branch office. No offeror should delay the submission of its offer pending receipt of its DUNS Number.

(End of provision)

TERMINATION OF CONTRACTS

Part 2—General Principles

8–200 Scope of Part. This Part deals with:

(i) the authority of contracting officers to terminate contracts in whole or in part (A) for the convenience of the Government; and (B) in the case of cost-reimbursement type contracts for default;

(ii) duties of the contractor and the contracting officer after issuance of the notice of termination;

(iii) general procedures for the settlement of terminated contracts; and

(iv) settlement agreements.

Part 3 sets forth additional principles applicable only to fixed-price type contracts. Part 4 sets forth additional principles applicable only to cost-reimbursement type contracts. Part 6 sets forth the principles applicable to the termination of fixed-price type contracts for default.

8–201 Authority of Contracting Officers.

(a) The authority of contracting officers to terminate contracts for convenience, and for default in the case of cost-reimbursement type contracts, and to enter into settlement agreements under this Regulation is usually found in the termination clause or other provisions of the contract.

(b) Contracts shall be terminated, whether for default or convenience, only when such action is in the best interest of the Government, as determined in accordance with this Regulation. When the PCO is aware that (i) the contractor will accept a no-cost settlement, (ii) Government property was not furnished, and (iii) there are no outstanding payments, claims, or other contractor obligations, the PCO shall effect a no-cost settlement agreement in lieu of issuing a notice of termination. Otherwise, a notice of termination should be issued; however, when the price of the undelivered balance of the contract is less than $1,000, a termination for convenience should normally not be effected but the contract be permitted to run to completion. If a notice of termination has been issued, negotiation of the settlement with the contractor, including a no-cost settlement if appropriate, shall be the responsibility of the termination contracting officer (see 8–206 and 8–210.4).

(c) Special consideration will be given to small business over large business concerns when terminating contracts for the convenience of the Government. When the same item is under contract with both large and small business concerns and it is necessary to terminate for convenience part, but not all, of the units still to be delivered, the decision as to which contract or contracts to terminate shall be made by the Chief of the Purchasing Office.

8–202 Prior Notification of Significant Contract Terminations.

(a) Prior Defense Department clearance of the information release is required before any notice or any information concerning a proposed contract termination involving a reduction in employment of 100 or more contractor employees is released to a contractor. Coordination of the timing of the notice to the contractor and release of information to Congress or the public is the responsibility of each Department through its liaison point designated in (d) below. In a labor surplus area a lesser number than 100 may be significant, and if so, such information release should be similarly cleared.

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(b) The following information will be submitted to the appropriate Departmental liaison point:

(i) contract number, date, type of contract;

(ii) name of company;

(iii) nature of contract or end item;

(iv) the reasons for the termination;

(v) contract price of items terminated;

(vi) total number of contractor employees involved including the Government's estimate of the number who may be discharged;

(vii) statement of anticipated impact on the company and the community (identify); identify area labor category; whether contractor is large or small business, and include any known impact on hardcore disadvantage employment programs;

(viii) total number of subcontractors involved as well as the impact in this area, if known; and

(ix) draft (unclassified) of suggested press release of information.

(c) Clearance to release the information will be requested as soon as possible after the decision has been made to terminate a contract. Pending receipt of clearance to release, information pertinent to the termination will require "For Official Use Only" handling unless a security clearance is required.

(d) The Departmental liaison points for prior clearance to release information on significant terminations are as follows:

Army — OSA, OCLL (SACLL), ASA (I&L) (copy)
Navy — Chief of Legislative Affairs (OLA-N)
Air Force — Hq. USAF (AFLGP)
Defense Supply Agency — DSAH-PC
Defense Communications Agency — Contract Management Division (Code 260)
Defense Nuclear Agency — Chief, Office of Procurement, OATR
Defense Mapping Agency — DMA/LO

(e) Liaison offices of Departments will act promptly on the request for clearance to release information (not later than two working days after receipt) to avoid the accrual of termination costs.

(f) This reporting requirement is assigned Report Control Symbol: DD (I&L) (AR) 1412.

8–203 Notice of Termination.

(a) *General.* Contracts shall be terminated for convenience, or for default only by a written notice to the contractor (see 8–801 and 16–701). When such notice is mailed, it shall be sent by certified mail return receipt requested. The written notice shall state:

(i) that the contract is being terminated for the convenience of the Government (or for default) pursuant to the contract provisions authorizing such termination;

(ii) the effective date of termination;

(iii) the extent of termination and, if a partial termination, the portion of the contract to be continued;

(iv) recommended actions to be taken by the contractor to minimize the impact on his personnel if the termination, together with all other outstanding terminations, will result in a significant reduction in the contractor's work force (see paragraph 7 of the notice in 8–801.2); and

(v) any special instructions (e.g., see 15–205.42(f)).

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(b) *Distribution of Copies.* Simultaneously with issuance of the termination notice to the contractor a copy shall be sent to the contract administration office and to any known assignee, guarantor, or surety of the contractor.

(c) *Amendment of Termination Notice.* A notice of termination may be amended to provide for:

(i) the correction of mistakes in the notice, of a nonsubstantive nature,

(ii) addition of supplemental data or instructions, and

(iii) rescission of the notice when it has been determined that the items of work terminated had been completed or shipped prior to the contractor's receipt of the notice.

(d) *Reinstatement of Terminated Contracts.* The purchasing office may reinstate the terminated portion of a contract in whole or in part by an amendment to the notice of termination provided that it has been determined in writing that:

(i) circumstances clearly indicate a requirement for the terminated items; and

(ii) reinstatement is advantageous to the Government; *provided that* the written consent of the contractor is obtained to the reinstatement.

8–204 Methods of Settlement. Settlement of terminated cost-reimbursement type contracts and of fixed-price type contracts terminated for convenience may be effected by (i) negotiated agreement, (ii) determination by the TCO, (iii) in the case of cost-reimbursement type contracts, costing-out under vouchers using Standard Form 1034, or (iv) a combination of these methods. Every effort shall be made to reach a fair and prompt settlement with the contractor. The negotiated agreement is the most expeditious and most satisfactory method of settling termination claims and shall be used whenever feasible. Settlement by determination shall be used only when a termination claim cannot be settled by agreement.

8–205 Duties of Prime Contractor After Receipt of Notice of Termination. The contractor, after receipt of the notice of termination and except as otherwise directed by the TCO, must comply with the termination clause of the contract and the notice of termination which generally require, among other things, that the contractor:

(i) stop work immediately on the terminated portion of the contract and discontinue placing subcontracts thereunder;

(ii) terminate all subcontracts related to the terminated portion of the prime contract;

(iii) immediately advise the TCO of any special circumstances precluding the stoppage of work;

(iv) if the termination is partial, perform the continued portion of the contract and submit promptly any request for an equitable adjustment of price with respect to the continued portion of the contract, supported by evidence of any increase in the cost thereof;

(v) take such action as may be necessary, or as the TCO may direct, to protect and preserve property in the possession of the contractor in which the Government has or may acquire an interest; and, to the extent directed by the TCO, deliver such property to the Government;

TERMINATION OF CONTRACTS

(vi) promptly notify the TCO in writing of any legal proceedings against the contractor growing out of any subcontract or other commitment related to the terminated portion of the contract;

(vii) settle all outstanding liabilities and all claims arising out of termination of subcontracts, obtaining any approvals or ratifications required by the TCO;

(viii) promptly submit his own settlement proposal (see 15–205.42), supported by appropriate schedules; and

(ix) dispose of any termination inventory, as directed or authorized by the TCO.

8–206 Duties of Termination Contracting Officer After Issuance of Notice of Termination.

(a) In accordance with the termination clause in the contract and with the notice of termination, the TCO shall, among other things:

(i) direct the action required of the prime contractor including the execution of a no-cost settlement agreement (see 8–210.4) if appropriate;

(ii) examine the settlement proposal of the prime contractor and, when appropriate, the settlement proposals of subcontractors;

(iii) promptly negotiate settlement with the contractor and enter into a settlement agreement; and

(iv) to the extent that he is unable to negotiate settlement after due and diligent effort, promptly settle the contractor's claim by determination.

(b) To expedite settlement, the TCO shall seek assistance from specially qualified personnel (such as negotiating, legal, accounting, inspecting, engineering, and property disposal personnel) to:

(i) assist the TCO in dealings with the contractor;

(ii) render advice on legal and contractual matters;

(iii) conduct accounting reviews and render advice and assistance on accounting matters; and

(iv) perform the following functions with respect to the termination inventory—

(A) verify its existence;

(B) determine qualitative and quantitative allocability;

(C) make recommendations concerning serviceability and unserviceability;

(D) undertake necessary screening and redistribution; and

(E) assist the contractor in accomplishing other disposition.

(c) An initial conference shall be held with the contractor as promptly as possible to develop a definite program for effecting the settlement. Where appropriate in the judgment of the TCO, principal subcontractors should be present. The TCO shall prepare and place in the termination case file, a memorandum on the results of the conference. Topics discussed at the conference should include:

(i) general principles relating to the settlement of any termination claim, including obligations of the contractor under the termination clause of the contract;

(d) DD Form 831 (see 8-802.3, 16-702.4 and F-200.831) may be used when the total claim is less than $10,000 unless otherwise instructed by the TCO. Claims which would normally be included in a single settlement proposal, such as those based on a series of separate orders for the same item under one contract, must be consolidated wherever possible and must not be divided in such a way as to bring them below $10,000.

(e) The Schedule of Accounting Information, DD Form 546, must be submitted for each termination under a contract on which a claim for reimbursement of costs is made, except that the Schedule is not required when the Short Form Settlement Proposal, DD Form 831, is used. Although several interim proposals may be submitted, DD Form 546 need be submitted only once unless, subsequent to filing of the original form, major changes occur in the information contained therein.

8-307.2 ***Bases for Settlement Proposals.***

(a) *Inventory Basis.* Use of the inventory basis for settlement proposals is preferred. Under this basis the contractor may claim only costs chargeable or allocable to the terminated portion of the contract, and the settlement proposal must itemize separately:

(i) at purchase or manufacturing cost, each of the following metals, raw materials, purchased parts, work in process, finished parts, components, dies, jigs, fixtures, and tooling;
(ii) charges such as engineering costs, initial costs, and general administrative costs;
(iii) costs of settlements with subcontractors;
(iv) settlement expenses; and
(v) other proper charges.

An allowance for profit (see 8-303) or adjustment for loss (see 8-304(b)) must be made to complete the gross termination claim. All unliquidated advance and progress payments, and all disposal and other credits known when the proposal is submitted, must then be deducted.

(b) *Total Cost Basis.*

(1) When use of the inventory basis is not practicable or will unduly delay settlement, the total cost basis may be used if approved in advance by the TCO. The following are examples of situations where use of the total cost basis may be permitted by the TCO:

(i) if production has not commenced and the accumulated costs represent planning and preproduction or "get ready" expenses;
(ii) if the contractor's accounting system will not readily lend itself to the establishment of unit costs for work in process and finished products;
(iii) if the contract does not specify unit prices; or
(iv) if the termination is complete and involves a letter contract.

(2) When the total cost basis is used under a complete termination, all costs incurred under the contract up to the effective date of termination must be itemized and the costs of settlements with subcontractors and applicable settlement expenses must be added. An allowance for profit (see 8-303) or adjustment for loss (see 8-304(c)) must be made. The contract price for all end items which have been or are to be delivered and accepted must be deducted. All unliquidated

advance and progress payments, disposal and other credits known when the proposal is submitted, must also be deducted.

(3) When the total cost basis is used under a partial termination, the settlement proposal must not be submitted until completion of the continued portion of the contract. The settlement proposal must be prepared in accordance with (2) above except that all costs incurred to the date of completion of the continued portion of the contract must be included.

(c) *Other Basis.* Termination claims may not be submitted on any basis other than (a) or (b) above without the prior approval of the Chief of the Purchasing or Contract Administration Office.

8-308 Limitation on Settlements. The total amount payable to the contractor on account of a settlement, whether through negotiation or by determination, before deducting disposal or other credits and exclusive of settlement costs, must not exceed the contract price less payments otherwise made or to be made under the contract.

8-309 Equitable Adjustment in Unit Prices Under Fixed-Price Contracts in Cases of Partial Termination.

(a) A claim for an equitable adjustment of the price or prices specified in the contract relating to the continued portion thereof, asserted by the contractor in accordance with the provisions of the Termination clause pertaining to a partial termination, shall be forwarded to the PCO, except when the contractor is notified that negotiation authority has been delegated to the TCO pursuant to this Regulation. The claim shall be submitted on DD Form 633, Contract Pricing Proposal.

(b) When the PCO retains responsibility for negotiating an equitable adjustment of the price of the continued portion of the contract and execution of a supplemental agreement, he shall assure himself on the basis of evidence he deems proper (including coordination with the TCO), that no portion of any increase in price has been included in any termination settlement previously made or currently in process.

(c) The TCO responsible for the termination settlement shall assure himself, on the basis of evidence he deems proper (including coordination with the purchasing office), that no portion of the costs included in the equitable adjustment for the continued portion of the contract are included in the termination settlement.

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Part 3—Insurance—General

10-300 Scope of Part. This Part sets forth the general principles and policy applicable to insurance under contracts of the Department for supplies or services.

10-301 Definitions. As used in this Section X the following terms shall have the meanings set forth below:

10-301.1 *Insurance* means the protection against the risk of financial loss by the purchase of coverage from sources independent of and external to the contracter's business or by a program of self-insurance.

10-301.2 *Purchased insurance* means insurance purchased from insurers independent of and external to the contractor.

10-301.3 *Self-insurance* means the assumption or retention of the risk of loss, whether voluntarily or involuntarily, by the contractor. Self-insurance includes the deductible portion of purchased insurance. Insurance provided by captive insurers; i.e., insurers owned by or under the control of the contractor, is self-insurance except that if the captive insurer sells insurance to the general public in substantial quantities and it can be demonstrated that the charge to the contractor is based on competitive forces, then the insurance will be considered purchased insurance. This definition applies only to contracts subject to the provisions of Cost Accounting Standard (CAS) 416 or to contracts not subject to the provisions of CAS 416 when the contractor elects to establish a program of self-insurance (see 15-205.16(a)). Self-insurance is not recognized on contracts not subject to the provisions of CAS 416 unless the contractor makes such an election.

10-302 General. Contractors shall be required to carry insurance when:

(a) Insurance, either by purchase or self-coverage, is required for the various perils to which a contractor, subject to CAS 416 (see 15-205.16(a)) is exposed, and except to the extent (i) the Government pursuant to law, agrees in a contract provision to indemnify the contractor under specified circumstances and (ii) a contractor is relieved of liability for loss or damage to Government property pursuant to a contract provision. However, the right to disapprove any insurance coverage is reserved should such insurance not be in the best interest of the Government. Additionally, approval of any contractor insurance program under this Section does not constitute a determination as to the allowability of the program's cost (see 15-205.16).

(b) Contractors, whether or not their contracts are subject to CAS 416, are required by law as well as this Regulation to provide insurance for certain types of perils such as workmen's compensation. Coverage is also mandatory when commingling of property, type of operation, circumstances of ownership, or condition of the contract make it necessary for the protection of the Government. The minimum amounts of coverage required by this Regulation may be reduced when a contract is to be performed outside the United States, its possessions, and Puerto Rico. When more than one Department is involved, the Department responsible for review and approval of a contractor's insurance program shall coordinate with other interested Departments prior to taking action on significant insurance matters.

10-303 Self-Insurance.

(a) Self-insurance programs must be submitted to the administrative contracting officer for approval when it is anticipated that 50 percent or more of the self-insurance costs to be incurred at a segment will be allocable to negotiated Government contracts and the self-insurance costs at the segment for the contractor's fiscal year are expected to be $200,000 or more. The submission shall be by segment or segments of the contractor's business to which the program applies and shall include, at a minimum, the following data:

(i) description of self-insurance program including any Board of Director resolution authorizing and adopting coverages as to types of risks included and limits, with safety, loss control and legal service responsibilities clearly assigned;
(ii) if available, the Corporate Insurance Manual and organizational chart detailing insurance fiscal responsibilities;
(iii) terms regarding coverage of insurance for any Government property;
(iv) latest financial statements;
(v) any self-insurance feasibility studies and insurance market surveys reporting comparative alternatives;
(vi) loss history, premiums history and industry ratios;
(vii) formula for establishing reserves including variations on a percentage basis between losses paid and losses reserved;

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(viii) claims administration policy, practices and procedures;
(ix) how the projected average loss will be calculated;
(x) disclosure of all captive insurance company and re-insurance agreements including methods of costing.

Once approved, any major changes to the program must also be submitted for contracting officer approval. The approval of any program may be withdrawn upon a finding by the contracting officer that either (i) the program or any part thereof no longer complies with the requirements of this Section X and 15-205.16 and (ii) conditions or situations in existance at the time of approval which were a part of the basis for original approval of the program have changed to such an extent that a change in the program is determined to be necessary before it can be approved again.

(b) Programs of self-insurance covering any kind of risk may be approved when examinations of such programs indicate that their application is in the best interest of the Government. However, self-insurance for catastrophic type risks will not be recognized. Should performance of Government contracts create the risk of catastrophic losses for the contractor, the Government may, to the extent authorized by law, agree to indemnify the contractor or recognize an appropriate share of premiums for purchased insurance, or both. To qualify for a program of self-insurance, a contractor must demonstrate that he can sustain the potential losses being self-insured. Some of the factors to be considered in this determination are:

(i) soundness of financial condition, including available lines of credit;
(ii) geographic dispersion of assets so that the potential of a single loss depleting all the assets is unlikely;
(iii) history of losses as to the frequency of occurrence and the financial impact of each occurrence;
(iv) type and magnitude of risk being self-insured, such as minor coverage for the deductible portion of purchased insurance or major coverage for hazardous risks;
(v) compliance with Federal and state laws and regulations.

(c) A program of self-insurance for workmen's compensation in any jurisdiction where workmen's compensation does not completely cover employers' liability to employees may be approved only if (i) the contractor also maintains an approved program of self-insurance for any employers' liability which is not so covered or (ii) the contractor shows that the combined cost to the Government of self-insurance for workmen's compensation and purchased insurance for employers' liability will not exceed the costs of covering both kinds of risks by commercial insurance.

10-304 Notice of Cancellation or Change. When insurance is required by contract provision or in writing by the contracting officer or other approving authority, the policies evidencing purchase of such insurance shall contain an endorsement to the effect that cancellation or material change in the policies, adversely affecting the interest of the Government in such insurance, shall not be effective unless the written notice as required by the contracting officer or other approving authority is given. When the coverage is provided by self-insurance, prior approval of the administrative contracting officer is required for any change or decrease in coverage (see 10-303(a)).

10-305 Insurance Against Loss of or Damage to Government Property. Generally, a contractor is relieved of liability for loss of or damage to Government property and insurance coverage is not required. This general rule is limited by certain of the contract clauses in Sections VII and XIII. When insurance is required or approved, the insurance policies for purchased coverage or the Statement of Program Coverage (see 10-303(a)(i) for self-insurance) shall disclose the Government's interest in the property.

10-306 Procedures to be Followed in the Event of Loss of or Damage to Government Property. Upon the happening of loss of or damage to any Government property, concerning which the contractor is relieved of responsibility by contract provision, the procedure to be followed shall be as prescribed in subparagraphs (g)(4) of the clause in 7-104.24(c) and (g)(3) of the clauses in 7-203.21, 7-303.7, 7-402.25(a) and 7-901.5.

Part 4—Insurance Under Fixed-Price Contracts

10-400 Scope of Part. This Part sets forth the policy of the Departments with respect to insurance under fixed-price contracts for supplies or services.

10-401 Policy. Generally the Departments are concerned with the insurance program of a fixed price contractor only when special circumstances exist. Examples are:

(i) the contractor is engaged principally in Government works;
(ii) the contractor has a separate operation engaged principally in Government work;
(iii) Government property of substantial value is involved;
(iv) the work is performed within a Government installation;
(v) the Government desires to assume risks for which the contractor ordinarily obtains commercial insurance;
(vi) a substantial amount of work is being performed under a fixed-price incentive contract; and
(vii) adequate coverage is not available in the commercial market at a reasonable cost.

10-402 Government Property. The contractors' responsibilities for loss of or damage to Government property under fixed price contracts are set forth in the clauses in 7-104.24.

10-403 Workmen's Compensation and War Hazard Insurance Overseas.

(a) The Defense Base Act, as amended (42 U.S.C. 1651 et seq.), extends the application of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901) to various classes of employees engaged in work outside the United States, including any employee engaged (i) in the performance of a public work contract or (ii) in the performance of any contract approved or financed pursuant to the Foreign Assistance Act of 1961 other than (A) contracts approved or financed by the Development Loan Fund, or (B) contracts exclusively for the furnishing of materials or supplies. As used in this paragraph, a "*public work*" contract includes any contract for a fixed improvement or any project, whether or not fixed, involving construction, alteration, removal or repair for the public use of the United States or its allies, including projects or operations under service contracts and projects in connection with the national defense or with war activities, dredging, harbor improvements, dams, roadways, and housing, as well as preparatory and ancillary work in connection therewith at the site or on the project. When the Defense Base Act applies, the benefits of the Longshoremen's and Harbor Workers' Compensation Act are extended through operation of the War Hazards Compensation Act, as amended (42 U.S.C. 1701 et seq.), to afford protection to employees against the hazards of war risks (injury, death, capture, or detention). Under this plan, once a contract employer has provided the Workmen's Compensation coverage required by the Defense Base Act (by insurance policy or self-insurance program), his employees automatically receive War Hazard Risk protection. An employer need not insure against War Hazard Risk, however, since such war risk benefits are provided at no cost to the employer by the Bureau of Employee's Compensation, Department of Labor. The clause in 7-104.2(a) shall be included in all public work contracts to be performed outside the United States.

(b) Upon the recommendation of the Secretary concerned, the Secretary of Labor may waive the applicability of the Defense Base Act with respect to any contract, subcontract, or subordinate contract, work location, or classification of employees.

(c) Requests for waivers shall be submitted through channels (i) for the Army, to the Labor Advisor, Office of the Assistant Secretary of the Army (I&L); (ii) for the Navy, to the Chief of Naval Material; (iii) for the Air Force, to the Directorate of Procurement Policy, Headquarters USAF; (iv) for the Defense Supply Agency, to the Deputy Director, Contract Administration Services, Attn: DCAS-AF; (v) for the Defense Communications Agency, to the Chief, Contract Management Division; (vi) for the Defense Nuclear Agency, to the Chief, Office of Procurement; and (vii) for the Defense Mapping Agency, to the Staff Director of Logistics. The request for waiver shall include the following:

(i) name of contractor;
(ii) business mailing address of contractor;
(iii) contract number;
(iv) date of award;
(v) geographic location where contract will be performed;
(vi) name of insurance company providing the Defense Base Act coverage;
(vii) nationality of employees to whom waiver is to apply; and
(viii) reason for waiver.

(d) (1) If the Defense Base Act has been waived with respect to some or all of the contractor's employees in accordance with procedures set forth in (b) and (c) above, the benefits of the War Hazards Compensation Act will also have been waived as to such employees. In case of such waivers, the contractor shall provide protection against the risk of work injury or death (workmen's compensation type coverage) for the benefit of such waived employees. Insurance for this purpose as in any other case should be obtained at competitive rates in line with the policies of Section XV, particularly if there has been a waiver and the insurance has been or is to be obtained to comply with workmen's compensation or equivalent statutes of a foreign country.

(2) The contractor shall also assume liability to such waived employees and their beneficiaries for war hazard injury, death, capture or detention. At the option of the Chief of the Contracting Office, either the costs of this liability or the reasonable cost of insurance against this liability shall be allowed as a cost under the contract. If it is decided that the contractor shall not purchase insurance against this liability, the clause in 7-104.2(c) shall be included in the contract.

(e) If a contract would otherwise be subject to (a) above, but (d) applies to some or all of the contractor's employees by reason of waiver by the Secretary of Labor, the provisions of 10-501.1(b) and (c) apply, and the clause in 7-104.2(b) shall be included in the contract.

10-404 Aircraft—Ground and Flight Risk.

(a) Negotiated fixed-price type contracts for the production, modification, maintenance, or overhaul of aircraft shall, except as provided in (b) below, include the clause in 7-104.10.

(b) (1) In paragraph (b) of the clause in 7-104.10, certain of the defined terms may be modified by insertion of appropriate additional definitions in the contract in accordance with the following. The purpose of the clause is to have the Government assume risks which generally entail unusually high insurance premiums and which are not covered by the contractor's "contents," "work-in-process," or other similar insurance. It is recognized that all of the definitions prescribed in the clause may not cover all situations which should be covered if the above purpose is to be accomplished. Therefore, changes may be effected in the contract as set forth below.

(i) Since the standard definition of "*aircraft*" contemplates conventional types of winged aircraft, a modified definition is necessary if the contract covers helicopters, vertical take-off aircraft, lighter-than-air airships or other nonconventional types of aircraft. The modified definition should take into consideration that the aircraft has reached a point of manufacture comparable to that required in the standard definition;

(ii) The definition of "*in the open*" may be modified to include "hush houses," test hangers, and comparable structures, and other designated areas;

(iii) "*Contractor's premises*" shall be expressly defined and shall be limited to those locations where aircraft, as defined in the clause, may be located during and for the performance of the contract. "*Contractor's premises*" may include, but are not limited to, premises owned or leased by the contractor or premises as to which the contractor has a permit, license, or other right of use either exclusively or jointly with others, including Government airfields.

(2) The Government need not assume the risk of damage to, or loss or destruction of, aircraft, as provided by the clause, if the best estimate of premium costs which would be included in the contract price for insurance coverage for such damage, loss, or destruction at any plant or facility is less than $500. The Government shall not assume such risks if the aircraft is being acquired in connection with a Foreign Military Sale and the foreign government involved has not agreed to assume such risks. If it is determined not to assume such risks, the clause shall not be made a part of the contract, and the cost of necessary insurance to be obtained by the contractor to cover such risks shall be considered in establishing the contract price. In such cases, however, if performance of the contract is expected to involve the flight of Government-furnished aircraft, the substance of the Flight Risks clause in 7-204.21, suitably adapted for use in a fixed-price type contract, shall be used.

(3) Subparagraph (d) (iii) of the clause in 7-104.10 may be varied to provide for Government assumption of risk of transportation by conveyance on streets or highways where the contracting officer determines that such transportation is limited to the vicinity of the contractor's premises and is merely an incident to work being performed under the contract.

10-405 Work on a Government Installation.

(a) Insert the clause in 7-603.10 in all construction and architect-engineer contracts requiring work on a Government installation, and the clause in

7-104.65 in all other contracts requiring work on a Government installation. Neither clause is required, however, for contracts (i) of $10,000 or less, (ii) when only a small amount of work is required on a Government installation (*e.g.*, a few brief visits per month), and (iii) when all work on a Government installation is to be performed outside the United States, its possessions, and Puerto Rico. The coverage specified in 10-501 is the minimum insurance required and shall be included in the clause in 7-603.10 or in the contract schedule. Additional coverage and higher limits may be required by the contracting officer.

(b) The clause in 7-104.65 or the clause in 7-603.10 may also be included in contracts described in (a) (i), (ii), and (iii) above when the contracting officer considers this to be in the interest of the Government. In such contracts, if appropriate, any of the kinds of insurance listed in 10-501 may be omitted or the limits may be lowered.

10-406 Capture and Detention of Contractor Employees. The clause in 7-104.94 is authorized for use when the employees of a contractor are subject to capture and detention under circumstances which may be outside the scope of the War Hazards Compensation Act (42 U.S.C. 1701 et seq.).

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Part 5—Insurance Under Cost-Reimbursement Type Contracts

10-500 Scope of Part. This Part sets forth the policy of the Departments with respect to insurance under cost-reimbursement type contracts for supplies or services.

10-501 Policy. The types of insurance listed below, with the minimum amounts of liability indicated, ordinarily shall be required in cost-reimbursement contracts and subcontracts thereunder when the provisions of the prime contract are extended to the subcontract. (Insurance written on a single limit basis must be equal to or greater than the combined required minimums indicated.) An approved program of self-insurance, as provided in 10-303, may be substituted for any of the types of insurance ordinarily required.

10-501.1 *Workmen's Compensation and Employers' Liability Insurance.*

(a) Compliance with applicable workmen's compensation and occupational disease statutes shall be required. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational disease shall be required under the employers' liability section of the insurance policy; however, such additional insurance shall not be required when contract operations are commingled with the contractor's commercial operations so that it would be impracticable to require such coverage. Employers' liability coverage in the minimum amount of $100,000 shall be required except in states with exclusive or monopolistic funds which do not permit the writing of workmen's compensation by private insurance carriers (Nevada, North Dakota, Ohio, Washington, West Virginia, and Wyoming). The clause in 7-104.2(a) shall be included in all public work contracts as described therein to be performed outside the United States.

(b) When the clause in 7-104.2(b) is required for contractor programs of self-insurance, and the Chief of the Contracting Office determines that the contractor shall not purchase insurance against the liability described in 10-403(d)(2), the clause in 7-104.2(c) shall be inserted in the contract.

(c) Each contract containing the clause in 7-104.2(a) shall contain:

(i) the estimated cost for war hazard losses;

(ii) the clause at 7-203.4(a) appropriately limited to cover allowable war hazard cost;

(iii) the Examination of Records clause (7-104.15); and

(iv) a provision similar to the following:

> The portion of this contract providing for the Contractor to afford protection to his employees and by subcontractors to their employees against war hazard risks

> (see the clauses entitled Reimbursement for War Hazard Losses and Workmen's Compensation and War Hazard Insurance Overseas) is on a cost-reimbursement, no-fee basis, notwithstanding the basis of payment for the remainder of the contract.

(d) The estimated cost for war hazard losses will be based upon estimates arrived at in the light of experience, taking into account the number of the contractor's employees subject to protection for war hazard risks, the level of benefits applicable to such employees, location, and nature of the risks to which the contractor's employees are exposed. The amount allotted to the contract will initially be kept small as reasonably feasible. As reports are received indicating the need to increase the allotment to a particular contract, these will be evaluated and the allotment increased as necessary. When negotiating for the inclusion in a contract of provisions applicable to war hazard risks, the contracting officer may include provisions concerning the types of foreign nationals employed by the contractor, the level of benefits applicable to them, and other pertinent provisions relating to the manner in which the program will function to the benefit of all concerned. Advance agreements pursuant to 15-107 may also be advantageous with respect to the levels of proof considered acceptable to justify the contractor commencing payments and being reimbursed therefor prior to the time he is able to work out, in a proper case, lump sum settlement of his obligation.

10-501.2 *General Liability Insurance.* Bodily injury liability insurance, in the minimum limits of $300,000 per occurrence shall be required on the comprehensive form of policy; however, property damage liability insurance ordinarily shall not be required.

10-501.3 *Automobile Liability Insurance.* This insurance shall be required on the comprehensive form of policy and shall provide bodily injury liability and property damage liability covering the operation of all automobiles used in connection with the performance of the contract. At least the minimum limits of $100,000 per person and $300,000 per occurrence for bodily injury and $10,000 per occurrence for property damage shall be required.

10-501.4 *Aircraft Public and Passenger Liability Insurance.* When aircraft are used in connection with the performance of the contract, such insurance ordinarily will be considered required coverage. The minimum limits of $100,000 per person and $300,000 per occurrence for bodily injury, other than passenger liability, and a limit of $100,000 per occurrence for property damage shall be required. Passenger liability bodily injury limits of $100,000 per passenger with an aggregate equal to the total number of seats or number of passengers whichever is greater, shall be required.

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10-801.5 *Vessel Collision Liability and Protection and Indemnity Liability Insurance.* Where vessels are used in connection with the performance of the contract, such insurance shall be required whenever deemed necessary by the Department concerned.

10-802 Government Property. The contractor's responsibilities for loss of or damage to Government property under cost-reimbursement-type contracts are set forth in the clause in 7-203.21.

10-803 Aircraft-Flight Risk.

(a) Cost-reimbursement-type contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor by the Government, shall, except as provided in (b) below, include the clause in 7-204.21.

(b) In the clause, the definition of "*aircraft*" may be appropriately modified if the contract covers helicopters, vertical take-off aircraft, lighter-than-air airships, or other nonconventional types of aircraft.

10-804 Group Insurance Plans Under Cost-Reimbursement Type Contracts.

(a) Group insurance plans under cost-reimbursement contracts shall be submitted for approval to the Heads of Procuring Activities for the Department of the Army; The Chief of Naval Material for the Department of the navy: Air Force Systems Command, administrative contracting officers for the Department of the Air Force; the Director of Procurement, for the National Security Agency; the Director, for the Defense Communications Agency; the Director, for the Defense Nuclear Agency; and the Staff Director of Logistics, for the Defense Mapping Agency. For the Defense Logistics Agency such plans shall be submitted for approval to the Directors, Directorate of Contract Administration, DCASR New York (DCRN-C), DCASR Chicago (DCRI-C), or DCASR Los Angeles (DCRL-C), as appropriate. Changes in the benefits provided under an approved plan that can reasonably be expected to increase significantly the costs being charged to the Government shall be submitted as provided above for approval. Provision shall also be made for the Government to participate in all premium refunds or credits paid or otherwise allowed to the contractor, as required by 15-201.5. In determining the extent of the Government's participation in such premium refunds or credits, consideration shall be given to any special reserves and other refunds that may subsequently be paid to the contractor.

(b) The Defense Department Group Term Insurance Plan is available for use by cost-reimbursement type contractors. A contractor is eligible only if the number of covered employees is 500 or more, and (i) the contractor is wholly engaged in operations under eligible contracts, or (ii) 90 percent or more of the payroll of contractor's operations to be insured under the Plan arises under eligible contracts. Insurance policies under this plan shall be submitted for approval to the Heads of Procuring Activities, for the Department of the Army; the Chief of Naval Material, for the Department of the Navy; Air Force Systems Command, administrative contracting officers for the Department of the Air Force; the Deputy Director, Contract Administration Services, Attn: DLA-AF, for the Defense Logistics Agency; the Director of Procurement, for the National Security Agency; the Director, for the Defense Communications Agency; the Chief, Office of Procurement, for the Defense Nuclear Agency; and the Staff Director of Logistics, for the Defense Mapping Agency.

10-805 Capture and Detention of Contractor Employees. See 10-406.

12-805 Contract Clauses and Solicitation Provisions. Clause and solicitation provisions implementing the EEO program are contained at:

(i) 7-103.18(a) - Equal Opportunity clause, used with other than Federally assisted construction;
(ii) 7-103.18(b) - Equal Opportunity (Federally Assisted Construction);
(iii) 7-104.22 - Equal Opportunity Preaward Clearance of Subcontracts;
(iv) 7-603.60 - Affirmative Action Compliance Requirements for Construction;
(v) 7-607.13 - Equal Opportunity clause, used with architect - engineer services;
(vi) 7-2003.14(a) - Preaward On-Site Equal Opportunity Compliance Review;
(vii) 7-2003.14(b)(1)(A) - Certification of Nonsegregated Facilities;
(viii) 7-2003.14(b)(1)(B) - Previous Contracts and Compliance Reports;
(ix) 7-2003.14(b)(2) - Affirmative Action Compliance. used with nonconstruction affirmative action compliance programs;
(x) 7-2003.14(d) - Notice of Requirement for Affirmative Action to Ensure Equal Opportunity; and
(xi) 7-2003.14(e) - Notification of Visa Denial.

12-806 Affirmative Action Compliance Programs (AACPs).

12-806.1 *Nonconstruction.* Except as provided in 12-808, each prime contractor and each subcontractor with 50 or more employees and (i) a contract or subcontract of $50,000 or more, or (ii) Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $50,000 or more is required to develop a written AACP for each of its establishments within 120 days from the commencement of its first such Government contract or subcontract.

12-806.2 *Construction.*

(a) Construction contractors are required to meet (i) the contract provision citing affirmative action requirements covering specified geographical areas or projects and (ii) applicable requirements of 41 CFR Part 60-4.

(b) Departments shall maintain a listing of specific geographical areas that are subject to affirmative action requirements which specify goals for minorities and women in covered construction trades. Information concerning this listing and additions thereto will be provided to the principally affected contracting offices in accordance with departmental procedures. Any contracting office contemplating a construction project in excess of $10,000 within a geographical area not known to be covered by specific affirmative action goals shall request instructions prior to issuance of a solicitation. Such a request shall be forwarded through contracting channels to: Labor Advisor, OASA(RDA), for the Army; the cognizant field office of the Naval Facilities Engineering Command, for the Navy; Director of Contracting and Acquisition Policy, Headquarters USAF, for the Air Force; Executive Director for Procurement, for the Defense Logistics Agency; Director of Procurement,

for the National Security Agency; the Counsel, for the Defense Communications Agency; Director, Acquisition Management, for the Defense Nuclear Agency; Staff Director of Logistics, for the Defense Mapping Agency; and the Assistant Director for Administrative Services, for the Defense Civil Preparedness Agency.

(c) Contracting officers shall give written notice to the appropriate Assistant Regional Administrator, OFCCP, within 10 working days of award of the contract subject to these affirmative action requirements. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract; estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed. When requested by the appropriate compliance office, the contracting office shall arrange a conference among contractor, contracting activity, and compliance personnel to discuss the contractor's compliance responsibilities (see 18-704.1(b)(2).

12-807 Contracting Officer Responsibilities.

12-807.1 *Contract Provisions.* In all solicitations and contracts, except those exempted by 12-808(b) - (f), the contracting officer shall include the applicable clause(s) and solicitation provisions referenced in 12-805. (Note: By operation of the Executive Order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the Order and this Part to include such a clause whether or not it is physically incorporated in such contracts.)

12-807.2 *Determinations (Excluding Construction).*

(a) *Preaward Clearances for Contracts and Subcontracts of $1 Million or More.* Except as provided in (2)*a.* below, the contracting officer shall request the appropriate OFCCP regional office (see (1)*a.* below) to determine whether a prospective contractor is awardable prior to award of any contract, modification of an existing contract for new effort that would constitute a contract award, issuance of any basic ordering agreement, award of any indefinite delivery contract or letter contract, the estimated amount of which is or is expected to aggregate $1 million or more or to increase the aggregate value of an existing contract to $1 million or more.

(1) *Procedure for Requesting Clearances.*

a. Preward clearance for each proposed prime contract and for each known proposed first tier subcontract of $1 million or more shall be requested by the contracting officer directly from the OFCCP Regional Office(s), as will be listed from time to time in Defense Acquisition Circulars. Verbal requests shall be confirmed in writing.

rentals, transportation, and gratuities, are unallowable. (But see 15-205.10 and 15-205.43).

15-205.12 *Cost of Idle Facilities and Idle Capacity.* (CWAS)

(a) As used in this paragraph, the words and phrases defined in this subparagraph (a) shall have the meanings set forth below.

(1) *Facilities* means plant or any portion thereof (inclusive of land integral to the operation); equipment individually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the contractor.

(2) *Idle Facilities* means completely unused facilities that are excess to the contractor's current needs.

(3) *Idle Capacity* means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift basis* less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period.

*A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

(4) *Costs of Idle Facilities or Idle Capacity* are costs such as maintenance, repair, housing, rent, and other related costs, *e.g.*, property taxes, insurance, and depreciation.

(b) The costs of idle facilities are unallowable except to the extent that:

(i) they are necessary to meet fluctuations in workload; or
(ii) although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in (ii) of this subparagraph (b), costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed one year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see 15-205.42(b) and (e)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, *provided* the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

(d) Any costs to be paid directly by the Government for idle facilities or idle capacity reserved for defense mobilization production shall be the subject of a separate agreement.

15-205.13 *Fines and Penalties.* (CWAS-NA) Costs of fines and penalties resulting from violations of, or failure of the contractor to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the contract, or instructions in writing from the contracting officer.

15-205.14 *Reserved.*

15-205.15 *Fringe Benefits.* See 15-205.6(g).

15-205.16 *Insurance and Indemnification (Purchased Insurance CWAS) (Self-Insurance CWAS-NA)*

(a) Insurance by purchase or by self-insuring includes (i) coverage which the contractor is required to carry, or which is approved, under the terms of the contract, and (ii) any other coverage which the contractor maintains in connection with the general conduct of his business. Any contractor desiring to establish a program of self-insurance applicable to contracts not subject to Cost Accounting Standard (CAS) 416 must comply with the self-insurance provisions of the Standard as well as Section X of this Regulation. Approval of a contractor's insurance program in accordance with Section X does not constitute a determination as to the allowability of the program's cost. The amount of insurance costs which may be allowed is subject to the cost limitations and exclusions set forth in the following subparagraphs.

(1) Costs of insurance required or approved, and maintained, pursuant to the contract, are allowable.

(2) Costs of other insurance maintained by the contractor in connection with the general conduct of his business are allowable subject to the following limitations:

(i) types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(ii) costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(iii) the cost of casualty insurance premiums for insurance coverage in excess of acquisition cost of the insured assets is allowable *provided* the contractor has a formal written policy assuring that in the event the insured property is involuntarily converted, the new asset shall be valued at the book value of the replaced asset plus or minus adjustments for differences between insurance proceeds and actual replacement cost. If the contractor does not have such a formal written policy, the cost of premiums for insurance coverage in excess of the acquisition cost of the insured asset is unallowable.

(iv) costs of insurance for the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage and such insurance does not cover loss or

damage which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the contractor's business, or (B) all or substantially all of the contractor's operations at any one plant or separate location in which the contract is being performed, or (C) a separate and complete industrial operation in connection with the performance of the contract; and

(v) costs of insurance on the lives of officers, partners, or proprietors are allowable only to the extent that the insurance represents additional compensation. (See 15-205.6.)

(3) Actual losses are unallowable unless expressly provided for in the contract, except:

(i) minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable; and

(ii) losses incurred under the nominal deductible provisions of purchased insurance, in keeping with sound business practices, are allowable for contracts not subject to CAS 416 when the contractor elected not to establish a self-insurance program. Such contracts are not subject to the self-insurance provisions of CAS 416 (see 10-301.3). Also, for contracts subject to CAS 416, and those made subject to the self-insurance provisions of the Standard as a result of the contractor's having established a self-insurance program (see 15-205.16(a)), actual losses may be used as a basis for charges under a self-insurance program when the actual amount of losses will not differ significantly from the projected average losses for the accounting period (see 4 CFR 416.50(a)(2)(ii)).

(4) Contracts operating under a program of self-insurance must obtain approval of the program when required by 10-303(a).

(b) If purchased insurance is available, the charge for any self-insurance coverage plus insurance administration expenses shall not exceed the cost of comparable purchased insurance plus associated insurance administration expenses.

(c) Insurance provided by captive insurers (insurers owned by or under the control of the contractor) is considered self-insurance and charge therfor must comply with

the self-insurance provisions of CAS 416. However, if the captive insurer also sells insurance to the general public in substantial quantities and it can be demonstrated that the charge to the contractor is based on competitive market forces, the insurance will be considered purchased insurance.

(d) The allowability of premiums for insurance purchased from fronting insurance companies (insurance companies not related to the contractor, but who reinsure with a captive insurer of the contractor) shall not exceed the amount (plus reasonable fronting company charges for services rendered) which the contractor would have been allowed had he insured directly with the captive insurer.

(e) Self-insurance charges for risks of catastrophic losses are not allowable (see 10-303(b)).

(f) Late premium payment charges related to employee deferred compensation plan insurance, incurred pursuant to Section 4007 or Section 4023 of the Employee Retirement Income Security Act of 1974, are unallowable.

(g) Indemnification includes securing the contractor against liabilities to third persons and any other loss or damage, not compensated by insurance or otherwise. The Government is obligated to indemnify the contractor only to the extent authorized by law, which authorization is implemented in a provision of the contract, except as provided in subparagraphs (1) and (ii) of (a)(3) above.

15-205.17 *Interest and Other Financial Costs.* (CWAS-NA) Interest on borrowings (however represented), bond discounts, costs of financing and refinancing capital (net worth plus long-term liabilities), legal and professional fees paid in connection with the preparation of prospectuses, costs of preparation and issuance of stock rights, and costs related thereto, are unallowable except for interest assessed by State or local taxing authorities under the conditions set forth in 15-205.41. (But see 15-205.24.)

15-205.18 *Labor Relations Costs.* (CWAS) Costs incurred in maintaining satisfactory relations between the contractor and his employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable.

15-205.19 *Losses on Other Contracts.* (CWAS-NA) An excess of costs over income under any other contract (including the contractor's contributed portion under cost-sharing contracts), whether such other contract is of a supply, research, and development, or other nature, is unallowable.

15-205.20 *Maintenance and Repair Costs.*

(a) (CWAS) Costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows (but see 15-205.9):

(i) normal maintenance and repair costs are allowable;

(ii) extraordinary maintenance and repair costs are allowable, *provided* such are allocated to the periods to which applicable for purposes of determining contract costs. (But see 15-107.)

(b) (CWAS-NA) Expenditures for plant and equipment, including rehabilitation thereof, which, according to generally accepted accounting principles as applied under the contractor's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

15-205.21 *Manufacturing and Production Engineering Costs.* (CWAS) Costs of manufacturing and production engineering including engineering activities in connection with the following, are allowable:

(i) current manufacturing processes such as motion and time study, methods analysis, job analysis, and tool design and improvement; and

(ii) current production problems, such as materials analysis for production suitability and component design for purposes of simplifying production.

15-205.22 *Material Costs.* (CWAS)

(a) Material costs include the costs of such items as raw materials, parts, subassemblies, components, and manufacturing supplies, whether purchased outside or manufactured by the contractor, and may include such collateral items as inbound transportation and intransit insurance. In computing material costs consideration will be given to reasonable overruns, spoilage, or defective work (unless otherwise provided in any provision of the contract relating to inspection and correction of defective work). These costs are allowable subject, however, to the provisions of (b) through (e) below.

(b) Costs of material shall be suitably adjusted for applicable portions of income and other credits, including available trade discounts, refunds, rebates, allowances, and cash discounts, and credits for scrap and salvage and material returned to vendors. Such income and other credits shall either be credited directly to the cost of the material involved or be allocated (as credits) to indirect costs. However, where the contractor can demonstrate that failure to take cash discounts was due to reasonable circumstances, such lost discounts need not be so credited.

(c) Reasonable adjustments arising from differences between periodic physical inventories and book inventories may be included in arriving at costs, *provided* such adjustments relate to the period of performance of the contract.

(d) When the materials are purchased specifically for and identifiable solely with performance under a contract, the actual purchase cost thereof should be charged to the contract. If material is issued from stores, any generally recognized method of pricing such material is acceptable if that method is consistently applied and the results are equitable. When estimates of material costs to be incurred in the future are required, either current market price or anticipated acquisition cost may be used, but the basis of pricing must be disclosed.

(e) Allowance for all materials, supplies and services which are sold or transferred between any division, subsidiary or affiliate of the contractor under a common control shall be on the basis of cost incurred in accordance with this Part 2, except that when it is the established practice of the transferring organization to price interorganization transfers of materials, supplies and services at other than

Such costs may include the cost of labor and material, and related overhead attributable to such factors as—

(i) excessive spoilage resulting from inexperienced labor,
(ii) idle time and subnormal production occasioned by testing and changing methods of processing,
(iii) employee training, and
(iv) unfamiliarity or lack of experience with the product, materials, manufacturing processes and techniques.

(2) Preparatory costs are costs incurred in preparing to perform the terminated contract, including costs of initial plant rearrangement and alterations, management and personnel organization, production planning and similar activities, but excluding special machinery and equipment and starting load costs.

(3) If initial costs are claimed and have not been segregated on the contractor's books, segregation for settlement purposes shall be made from cost reports and schedules which reflect the high unit cost incurred during the early stages of the contract.

(4) When the settlement proposal is on the inventory basis, initial costs should normally be allocated on the basis of total end items called for by the contract immediately prior to termination; however, if the contract includes end items of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(5) When initial costs are included in the settlement proposal as a direct charge, such costs shall not also be included in overhead.

(6) Initial costs attributable to only one contract shall not be allocated to other contracts.

(d) *Loss of useful value of special tooling, special machinery and equipment* is generally allowable, *provided*—

(i) such special tooling, machinery or equipment is not reasonably capable of use in the other work of the contractor;
(ii) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and
(iii) the loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other Government contracts for which the special tooling, special machinery and equipment was acquired.

(e) *Rental cost under unexpired leases* are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if—

(i) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and
(ii) the contractor makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease.

There also may be included the cost of alterations of such leased property, *provided*, such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(f) (1) Settlement expenses including the following are generally allowable:

(i) accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract, and for the termination and settlement of subcontracts;
(ii) reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract; and
(iii) indirect costs related to salary and wages incurred as settlement expenses in (i) and (ii); normally, such indirect costs shall be limited to payroll taxes, fringe benefits, occupancy costs, and immediate supervision.

(2) When settlement expenses of a termination are significant, a separate cost account(s) or work order(s) shall be established to accumulate and identify these expenses separately.

(g) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor are generally allowable. An appropriate share of the contractor's indirect expense may be allocated to the amount of settlements with subcontractors, *provided*, that the amount allocated is reasonably proportionate to the relative benefits received and is otherwise consistent with 15-201.4 and 15-203(c). The indirect expense so allocated shall exclude the same and similar costs claimed directly or indirectly as settlement expenses.

15-205.43 *Trade, Business, Technical and Professional Activity Costs.* (CWAS)

(a) *Memberships.* This category includes costs of memberships in trade, business, technical, and professional organizations. Such costs are allowable.

(b) *Subscriptions.* This item includes cost of subscriptions to trade, business, professional, or technical periodicals. Such costs are allowable.

(c) *Meetings and Conferences.* This item includes cost of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information or stimulation of production. Such costs are allowable.

15-205.44 *Training and Educational Costs.*

(a) (CWAS) Costs of preparation and maintenance of a program of instruction at non-college level, including but not limited to on-the-job, classroom and apprenticeship training, designed to increase the vocational effectiveness of bona fide employees, including training materials, textbooks, salaries or wages of trainees (excluding overtime compensation which might arise therefrom), and

(i) salaries of the director of training and staff when the training program is conducted by the contractor; or
(ii) tuition and fees when the training is in an institution not operated by the contractor;

are allowable.

(b) (CWAS) Costs of part-time education, at an under-graduate or post-graduate college level, including that provided at the contractor's own facilities, are allowable only when the course or degree pursued is relative to the field in which a bona fide employee is now working or may reasonably be expected to work, and are limited to—

(i) training materials;
(ii) textbooks;
(iii) fees charged by the educational institution;

16-806 Royalty Report (Foreign and Domestic) (DD Form 783). DD Form 783 is approved for use by contractors and prospective contractors in making reports of royalty information as required by 9-110. While it is preferred that contractors use DD Form 783 (and contractor reproduction of the form is authorized), the contractor may submit the royalty information in such other form as is considered desirable by the contractor, *provided* such other form contains all of the information required by 9-110.

16-807 Report Documentation Page (DD Form 1473). This form shall be used in connection with scientific and technical reports under research and development contracts pursuant to 4-113.

16-808 Reserved.

16-809 Report of Inventions and Subcontracts (DD Forms 882). DD Form 882 is approved for optional use by contractors in reporting information required by paragraph (c) of the Patent Rights clauses set forth in 7-302.23(a) and (b).

16-810 Bidders Mailing List Application (Standard Form 129) and Bidders Mailing List Application Supplement (DD Form 558-1).

16-810.1 *General.* Standard Form 129 shall be used in connection with the establishment and maintenance of bidders lists as prescribed in 2-205 and for research and development in ASPR Supplement No. 4, "Procedures for Submission of Applications To Be Placed on Research and Development Bidders Mailing Lists." Supplemental information, where required, may be obtained by using DD Form 558-1 (Bidders Mailing List Application Supplement).

16-810.2 *Conditions for Use.*

(a) The application shall be submitted and signed by the supplier (the manufacturer or regular dealer), as distinguished from an agent of the supplier. However, suppliers are not precluded from designating, in the Standard Form 129, their agents to receive Invitations for Bids and Requests for Proposals.

(b) Pending the publication of a new edition of the form, the representation prescribed by 7-2003.74 shall be added as a fourth entry after the entry entitled "*Commerce Business Daily*" on Page 2.

16-810.3 *Item Listings for Information of Bidders.* In order to enable suppliers to indicate readily the items on which they will generally desire to submit bids or proposals, there shall be attached to Standard Form 129 forwarded to suppliers for completion, a list of items, or item groups, or an index to such listing of the items, procured by the purchasing activity maintaining the list, which are considered applicable to the supplier's type of business.

16-811 Contract Security Classification Specification (DD Form 254).

Contracting officers shall inform contractors of the security classifications and requirements assigned to the various documents, materials, tasks, subcon-

tracts, and components of the classified contract by using Contract Security Classification Specification, DD Form 254. Instructions for preparation of this form are contained in Section VII, DoD 5220.22-R. The contracting officer is the approving official for the Contract Security Classification Specification and shall insure that it is distributed in accordance with Section VII, DoD 5220.22-R.

16-812 Release and Assignment Forms.

(a) The forms set forth below are approved for use in complying with the assignment and release provisions of paragraph (f) of the compensation clauses for cost-plus-fixed-fee and cost-plus-incentive-fee contracts set forth in 7-203.4 (a) and (b). Forms differing from the approved forms may be used if the contracting officer determines that such forms meet the applicable requirements of the clause. Checks received by Department contracting officers pursuant to paragraph 2 of the assignments in (d) and (e) below shall be forwarded to the finance officer designated in the contract.

(b) Set forth herein is an approved form for the contractor's release required by paragraph (L) of the clauses in 7-203.4 (a) and (b).

CONTRACTOR'S RELEASE (JUL. 1956)

Contract No. .....

Pursuant to the terms of Contract No. ..... and in consideration of the sum of ..... Dollars ($.....) which has been or is to be paid under the said contract to .....*(Contractor's name and address)*.

(hereinafter called the Contractor) or its assignee, if any, the Contractor, upon payment of the said sum by the UNITED STATES OF AMERICA (hereinafter called the Government), does remise, release, and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor, as follows:

2. Claims, together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the said contract, which are not known to the Contractor on the date of the execution of this release and of which the Contractor gives notice in writing to the Contracting Officer within the period specified in the said contract.

3. Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said contract relating to patents.

The Contractor agrees, in connection with patent matters and with claims which are not released as set forth above, that he will comply with all of the provisions of the said contract, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

IN WITNESS WHEREOF, this release has been executed this ..... day of ..... 19.....

.....*(Contractor)*

WITNESSES .....

BY.....

TITLE.....

NOTE: In the case of a corporation, witnesses are not required, but the certificate below must be completed.

Proposals)" provision in 7-2003.20 shall be included in the solicitation. When a solicitation provides for bids or offers on the basis of f.o.b. origin only, as described in paragraph B of this provision, paragraph C and the last sentence of paragraph E shall be deleted. When a solicitation provides for bids or offers on the basis of f.o.b. destination only, as described in paragraph C of the same provision, the following shall be deleted: paragraph B, the opening phrase in paragraph C(2) "Unless bids . . . (see B above)" and the first and third blocks pertaining to origin at the end of paragraph E.

(e) The award shall specify the United States port(s) of loading which afford the lowest overall cost to the overseas destination.

19-213.2 *Military Standard Transportation Movement Procedures (MILSTAMP) Documentation and Export Releases.* A transportation Control Movement Document (TCMD) must be dispatched to the appropriate air or water clearance authority in accordance with MILSTAMP procedures, for all shipments consigned to either air or water terminal transshipment points. Additionally, an Export Release must be obtained for certain categories of supplies to be transshipped via a water port of loading to overseas destination (see 19-213.1 and 16-823). MILSTAMP procedures are designed to be compatible with Export Release procedures for controlling the movement of cargo via water and air terminals. To assure control of export traffic, the clause in 7-104.74 shall be included in contracts calling for shipments consigned to either air or water terminal transshipment points.

19-214 Place of Delivery for Shipments Originating Outside the United States. It is the policy of the Department of Defense, in furtherance of the Cargo Preference Act (46 U.S.C. 1241), to encourage and foster the American Merchant Marine. When transportation of supplies by ocean vessel will be required (see Section I, Part 14) and in the absence of specific instructions from the requiring activity, the place of delivery for shipments originating outside the United States shall be based on the known availability of United States flag vessels between the points involved.

19-215 Diversions Affecting FOB Destination Transportation Costs. To provide the measure for adjustment of shipping costs if the contracting officer directs a change in the place of delivery on f.o.b. destination contracts, the contract shall include the clause in 7-104.75.

19-216 Scheduling of Deliveries To Permit Consolidation of Shipments. The accumulation of small shipments into carload or truckload lots will result in lower transportation costs. Also, the accumulation of small shipments into less than load shipments may result in lower transportation costs. Upon review of the purchase request and in conjunction with the requiring or requisitioning activity, consideration shall be given to revising delivery schedules to provide for deliveries in larger quantities. When feasible, delivery schedules for supplies to be delivered to multiple destinations should be consolidated and the stopoff (in transit) privilege permitted under carrier's tariffs used for partial unloading at one or more points directly en route between the point of origin and the last destination.

19-217 Special Freight Rates for Transportation of Supplies. Part I of the Interstate Commerce Act makes unlawful all unjust discrimination and also prohibits the direct or indirect charging, demanding or receiving, for any service,

greater or less compensation from any person than any other for a like and contemporaneous service. However, Section 10721 of the Revised Interstate Commerce Act permits common carriers subject to the Act to provide for the carriage, storage, or handling of property free or at reduced rates when the services are provided for the United States, State or municipal Governments, and other specified organizations. Accordingly, Section 10721 allows a surface carrier to offer preferential rates to the United States for the movement of property. These rates are popularly known as Section 10721 rates.

19-217.1 *Applicability of Section 10721 Rates.* Section 10721 rates are not applicable to shipments under a fixed-price f.o.b. destination contract. Such rates are published in Government rate tenders and apply on shipments moving on Government bills of lading or on commercial bills of lading endorsed to show that such bills of lading are to be exchanged for or converted to Government bills of lading at destination after delivery to the consignee; however, for such benefits to accrue to the Government on shipments moving on other commercial bills of lading, it becomes necessary to establish that the Government pays the total transportation charges or directly and completely reimburses the party which initially bears the freight charges.

(a) In fixed-price f.o.b. origin contracts, the Government may occasionally require the contractor to prepay the freight charges to a specific destination. In such cases, the contractor would be reimbursed for the direct and actual transportation cost as a separate item in the invoice (see 19-403.2). To insure that the Government, in this type of arrangement, obtains the benefit of Section 10721 rates, when they exist, the clause in 7-103.25 shall be included in the contract.

(b) The Section 10721 preferential rates are applicable to shipments moving on commercial bills of lading under cost-type contracts, when the transportation costs are direct and allowable costs under the cost principles of Section XV. To insure that the Government receives the benefit of lower Section 10721 rates, when they exist, the clause in 7-203.14 shall be included in cost-type contracts.

(c) Section 10721 rates are not applicable on Foreign Military Sales (FMS) shipments. However, on stock fund items from a manufacturer to a depot, Section 10721 rates do apply, unless it is clear that the quantity in a specific transportation unit will be delivered to an FMS purchaser. When it is known that a portion of the material in a transportation unit will be delivered to an FMS purchaser, that portion will be shipped on a separate bill of lading and Section 10721 rates will not apply.

Part 4—Contract Administration

19-401 Traffic Management for Contract Administration. The transportation office of the contract administration office shall have access to or be furnished a copy of the contract, including modifications thereto. When the transportation data regarding f.o.b. origin contracts are insufficient for Government transportation purposes (see 19-202), the contract administration office shall obtain the data used in the evaluation of the bid or proposal from the purchasing office. This will assure that instructions to contractors result in the most efficient and economical use of carrier services and equipment. Transportation personnel are responsible for:

(i) furnishing timely routings and releases for port shipments;
(ii) monitoring shipments to provide for carload or truckload quantities when practicable;
(iii) controlling and issuing Government bills of lading and determining proper freight classification descriptions;
(iv) reviewing documentation to assure the proper distribution and validation of shipping documents;
(v) advising as to the effect proposed changes will have on transportation costs;
(vi) determining, for the contract requirements, the size and capabilities of carrier's equipment to be ordered, based on the need for special shipping arrangements for oversize and overweight or dangerous supplies;
(vii) developing information and reporting movements that may be the basis for negotiating special rates for volume movements or for rate adjustments (see 19-402);
(viii) exercising control of irregularities in packing, loading, loss and damage causes, sealing of vehicles, and documentation of weights;
(ix) providing information on use of transit arrangements;
(x) recommending prepayment, when appropriate, by contractor for f.o.b. origin shipments or parcel post (see 19-403.2 and 19-403.3);
(xi) diverting, reconsigning, tracing, and expediting shipments;
(xii) functioning to control new shipping situations or meet emergency requirements which arise during contract administration; and
(xiii) considering the capabilities of the contractors for performing the foregoing and utilizing these capabilities when appropriate; and
(xiv) utilizing routings through established consolidation stations when it is in the best interest of the Government.

19-402 Volume Movements Within the Continental United States.

(a) Volume movement means the aggregate of one or more freight shipments to move during the contract period, amounting to or exceeding 25 carloads, 25 truckloads, or 500,000 pounds, from one point of origin for delivery to one destination point or area. On FMS shipments, the aggregate will be 200,000 pounds or more.

(b) As soon as production schedules and planned destinations have been established after award, the transportation office serving the purchasing office shall review contracts and report planned volume movement in accordance with

the Military Traffic Management Regulation (AR 55-355, NAVSUP Pub 444, AFM 75-2, MCO 4600.14, DSAR 4500.3). A copy of the volume movement report shall be forwarded to the contract administration office. On FMS shipments, include destination country, foreign freight forwarder and port of embarkation (if known).

(c) The transportation office serving the contract administration office will submit required volume movement reports (see 19-401 (vii)) when:

(i) upon review of contract it is determined that no volume movement report has been submitted by the purchasing office; or
(ii) movement requirements are refined or changed to such a degree that a revised volume movement report should be submitted.

(d) Reporting of volume movements will permit a determination of the reasonableness of applicable current rates, and when appropriate, negotiation of adjusted or modified rates, in accordance with the above regulation.

19-403 Shipping Documents Covering FOB Origin Shipments.

19-403.1 *Government Bills of Lading.* Except as provided in 19-403.2, when a contract provides that supplies be delivered f.o.b. origin, with transportation costs to be paid by the Government, shipments shall be made on Government bills of lading furnished to the contractor by the contract administration office. The contracting officer shall not authorize the contractor to ship on a commercial bill of lading for conversion to a Government bill of lading unless delivery is extremely urgent and Government bills of lading are not readily available (see 16-822 and 16-823).

19-403.2 *Use of Prepaid Commercial Bills of Lading.*

(a) When economical or otherwise justified, the contracting officer or his representative may authorize the contractor to make the following f.o.b. origin freight or express shipments (if they have no security classification) at Government expense on prepaid commercial bills of lading to domestic destinations, including United States military air terminals and water terminals:

(i) shipments not exceeding 150 pounds by any form of commercial air transportation (because of restrictions imposed by air carriers, a package weighing more than 100 pounds or measuring more than 44 x 24 x 30 inches should not be tendered to a commercial air carrier unless it is known that it will be accepted;
(ii) shipments not exceeding 250 pounds by railway express or bus express (because of restrictions imposed by bus express carriers, a package weighing more than 100 pounds or measuring more than 45 x 24 x 24 inches should not be tendered to the bus express carrier unless it is known that it will be accepted;
(iii) shipments not exceeding 1,000 pounds by other common carriers; or
(iv) shipments by common carriers, other than specified in (i) and (ii) above, which can be consolidated with the contractor's own prepaid shipments for delivery to one or more destinations; *provided* that, all appropriate f.o.b. origin shipments, under one or more Government

SECTION XXI

PROCUREMENT MANAGEMENT REPORTING SYSTEM

21-000 Scope of Section. This Section prescribes uniform reports which are required to be prepared by contracting and contract administration offices in order to meet the requirements of the Federal Procurement Data System and provide management with necessary information to help formulate, change or measure the effectiveness of acquisition policy.

Part 1—Individual Procurement Action Report (DD Form 350)

21-100 Scope of Part. This Part prescribes the reporting on DD Form 350 (set forth in F-200.350) of individual actions taken in connection with the contracting for supplies and services (including construction).

This reporting requirement has been assigned Report Control Symbol: DD I&L(M) 1014.

21-101 Purpose. DD Form 350 provides essential procurement statistics on a uniform basis for required recurring and special reports to the President, the Congress, the Department of Labor, the Office of Emergency Preparedness, the General Accounting Office, the Small Business Administration, and other Federal agencies. It provides figures for measuring the extent to which goals are achieved in the Department of Defense Socio-Economic Program and Management Improvement Program, and also provides significant data for other acquisition policy and management control purposes.

21-102 Applicability and Coverage.

(a) DD Form 350 shall be prepared (*typewritten*) for each debit or credit contracting action in excess of $10,000 which is executed by a component of the Department of Defense except as indicated in (b) below. At the option of the Headquarters of the Military Departments or Defense Logistics Agency, contracting offices may submit an automated record in lieu of a DD Form 350, *provided* that the contract file reflects such information on a separate worksheet or print-out for each individual contracting action in excess of $10,000. Multiple reports may be required for a single action if:

(i) more than one type of contract is involved (see 21-129);

(ii) both the Foreign Military Sales Program and other programs are involved (see 21-123(g));

(iii) the set-aside portion of a contract is awarded by supplemental agreement to a labor surplus area or small business concern which has obtained the non-set-aside portion (see 21-115(c) and 21-125(a));

(iv) the total quantity of an item is set-aside for small business firms and a portion of the total is further set-aside for small business concerns which are also labor surplus area firms (see 1-706.7); or

(v) a prospective price redetermination contract is awarded on the basis of price competition (see 21-126(c)(5)(iii)).

(b) DD Form 350 shall not be prepared for the following contracting actions in excess of $10,000:

(1) Reserved.

(2) Orders placed against indefinite delivery type contracts entered into by the Defense Fuel Supply Center and the Military Sealift Command. The estimated value of the orders to be placed in each fiscal year against each contract shall be reported on a separate DD Form 350 and in the appropriate fiscal year by the Defense Fuel Supply Center and Military Sealift Command for their respective contracts. If an indefinite delivery type contract is awarded by the above organizations in one fiscal year but is not effective until a subsequent fiscal year, the DD Form 350 shall be submitted on 1 October of the fiscal year in which the contract is effective.

(3) Transactions which cite nonappropriated funds, such as funds belonging to the Army and Air Force Exchange and Motion Picture Services. Funds held in trust accounts for foreign governments shall be treated as appropriated funds.

(4) Transactions for leased communications placed by the Defense Communications Agency, Defense Commercial Communications Office (DECCO). These actions are covered by other reporting instructions.

(5) Transactions for purchase of land, or rental or lease of real property.

(6) Awards to GSA stock and through the GSA Consolidated Purchase Program.

(7) Transactions which involve Government bills of lading or transportation requests.

(8) Awards to individuals in support of dependents schools, *e.g.*, principals and teachers. These transactions shall be consolidated monthly and the cumulative dollar amount reported on a single DD Form 350. On this consolidated DD Form 350, enter Code 025039, Dependents School Personnel, in Item 6, and enter the appropriate activity symbol, current fiscal year and five zeros in Item 2A, and enter the number of actions involved in Item 7B. Awards to minority group members shall be consolidated separately and the cumulative dollar amount reported on a separate DD Form 350 with entry of Code A in Item 5A. On each of the consolidated forms, enter the number of awards to women in Item 9C. If none, enter *NONE*.

(9) Orders placed against indefinite delivery-type contracts entered into by the Military Traffic Management Command for stevedoring services. Orders under each such contract shall be consolidated quarterly and the cumulative dollar amount reported on a single DD Form 350.

(10) Military Airlift Command awards for international airlift services. These actions shall be reported at the end of each operating month by the issuance of one master DD Form 350 for each airlift contract. All DD Form 350 items, except Items 1A, 4, 10A, 24, 25, and 26, shall be completed on each master DD Form 350. Each master DD Form 350 shall also include an attachment which lists Items 1A, 4, 10A, 24, 25, and 26, data for individual actions against each contract.

(11) Orders placed by the U.S. Army Troop Support Agency for resale items in excess of $10,000 against Brand Name Contracts entered into by the Defense Logistics Agency and published in Supply Bulletin Series 10-500. These transactions shall be reported on TSA Form 203-R in accordance with instructions on that form. As a minimum, TSA Form 203-R shall provide for reporting

of total actions and dollar amounts monthly, categorized by place of performance, negotiation authority, and large or small business. This provision is applicable to U.S. Army Troop Support Agency activities only.

(12) Vouchers processed by the U.S. Army Procurement Agency, Europe (USAPAE), for the purchase of utilities from municipalities, such as gas, electricity, water, sewage, steam, snow removal, and garbage collection. These transactions shall be consolidated monthly and the cumulative dollar amount reported on a separate DD Form 350 for each of Item 10A Codes S111, S112, S114, S119 and S205. On these consolidated reports enter in Item 2A the activity address number of the reporting office, XX for fiscal year, and five zeros; enter in Item 6 Code 666666, European Utility Companies; and enter in Item 7B the number of actions that were consolidated. This provision is applicable only to activities under the jurisdiction of the U.S. Army Procurement Agency, Europe.

(13) Grants for basic research with educational institutions and other nonprofit organizations. (See 4-108.)

(c) Contracting Action refers to any contractual action to obtain supplies, services, or construction, which obligates or deobligates funds, except as indicated in (2) below.

(1) The term includes preliminary contractual instruments and letter contracts; definitive contracts including notices of award; purchase orders; job orders; task orders; delivery orders; contingency orders; administrative notices; communication service authorizations (CSA's); production lists; priced exhibits; and other orders against existing contracts including debit and credit actions that modify a contract, such as modifications, change orders, supplemental agreements, cancellations, and terminations.

(2) The term does not include contracts which do not obligate funds or do not name a fixed quantity, such as requirements contracts, indefinite quantity contracts, even though these may obligate funds for minimum quantities (orders against such contracts, however, are to be reported as contracting actions), requisitions, and other means of transferring supplies or services within, or between, the Departments or the contracting agencies of the Department of Defense. Indefinite delivery type contracts of the Defense Fuel Supply Center and the Military Sealift Command are an exception to this provision and shall be reported in accordance with (b)(2) above.

(d) The coverage prescribed in (a) above shall include contracting actions against:

(i) appropriated funds;

(ii) contract authorizations;

(iii) stock or other revolving funds which are replenished or reimbursed from appropriated funds;

(iv) appropriated funds transferred to the Department (such as Military Assistance Program funds); and

(v) appropriated funds obligated pursuant to the provisions of Public Law 85-804 (see 21-123).

(e) For contracts placed with the U.S. Small Business Administration pursuant to the Small Business Act - Public Law 85-536 Section 8(a) - enter in Item 6 after "Company Name" the name of the concern which will be performing under the contract and enter "SBA" after "Division Name". The address and company code shall be that of the performing concern. Also enter the PII number

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in Item 2A (*e.g.*, DAAH01-78-F0260), Code A in Item 5A, Code 4 in Item 12, Code 6 in Item 13, Code 5 in Item 15, Code J (or L if place of performance is outside the U.S.) in Item 16, Code 17B in Item 17, Code 7 in Item 18, and enter the appropriate codes for all remaining items.

21-102.1 *Coding Implementation.* The Headquarters of the Military Departments and Defense Logistics Agency may issue implementing instructions pertinent to the coding for data processing of the data elements contained herein.

21-103 Due Date and Distribution.

(a) In addition to instructions given in (b) and (c) below for contracting offices of specified departments and agencies, the following instructions are applicable to all contracting offices.

(1) For the month of September only, prescribed due dates are extended 10 additional calendar days in order to assure complete coverage of all contracting transactions occurring in the fiscal year.

(2) Corrected reports, if required, shall be distributed to all recipients of the original reports. To correct an erroneous report, two DD Forms 350 are required (see 21-109).

(3) DD Forms 350 shall be submitted as unclassified documents. If necessary, the commodity description (Item 11) and System or Equipment Code (Item 10B) may be omitted and the word "classified" inserted in lieu thereof. Similarly, the Estimated Completion Date (Item 25) may be reported as "classified" if this item requires security classification. Should further security classification of items on DD Form 350 be deemed necessary by the reporting office, a communication relating the circumstances justifying such classification shall be submitted to Directorate for Information Operations and Reports, Washington Headquarters Services, Washington, D.C. 20301, through the Departmental or Agency channels prescribed in (b) below. In no case shall the term "classified" be used in lieu of the dollar amount in Item 26.

(b) Except for the Defense Fuel Supply Center, the signed original of each DD Form 350 shall be forwarded within 3 working days after the action shown in Item 24 as shown below. For those Defense Fuel Supply Center major petroleum acquisitions which result in multiple awards, the signed original of the DD Form 350 shall be forwarded within 15 working days. (*Letter of Transmittal is not required.*)

(1) *Army* contracting offices (except for Engineer Civil Functions contracting offices) to HQDA (JDHQ-SV-W-P) Washington, D.C. 20310. Additional copies of each DD Form 350 shall be forwarded to the appropriate Head of the Contracting Activity when directed by Departmental instructions.

(2) *Army Engineer Civil Functions* contracting offices to HQDA (DAEN-PRP) Washington, D.C. 20314. An additional copy shall be sent to this addressee.

(3) *Naval* field purchasing offices to the Head of the Contracting Activity from which purchase authority was received, with the exception of the Navy Aviation Supply Office (ASO) and the Ships Parts Control Center (SPCC); ASO and SPCC to the Naval Supply Systems Command Headquarters. Heads of Contracting Activities shall edit and correct these reports and transmit them together with other DD Form 350 reports prepared by the Contracting Activity to the Headquarters, Naval Material Command, Washington, D. C. 20360, Attn:

MAT 08C14. An additional copy of DD Form 350 shall be forwarded to the Headquarters, Naval Material Command, Attn: MAT 08C2, when required by:

(i) NPD 1-403.61 as the Report After Execution of Contract; and

(ii) NPD 3-306.53(f)(3) as a report of contracting under a Class Determination and Findings.

(4) *Air Force* contracting offices as directed by HQ USAF. All contracting offices except those under AFLC and AFSC shall forward two copies to the appropriate major command headquarters staff contracting office or division. When contract items requiring provisioning actions are involved, a copy of the DD 350 shall be forwarded to the provisioning contracting office.

(5) *Defense Logistics Agency* contracting offices to Executive Director, Contracting, Defense Logistics Agency, Cameron Station, Attn: DLA-PA, Alexandria, Va. 22314.

(6) All other contracting offices of the Department of Defense shall forward the signed originals to HQDA (JDHQ-SV-W-P) Washington, D.C. 20310.

(c) Contracting offices shall prepare DD Form 350 for procurement actions in excess of $10,000 which are reportable in accordance with 21-102 and are accomplished by contract administration offices. To facilitate such reporting, the ACO within one working day after the action date shall transmit to the contracting office on whose behalf the action was taken a copy of the contractual instrument clearly annotated in the heading in large block letters as the "DD FORM 350 REPORTING COPY". The purchasing office shall prepare and submit the DD Form 350 within 3 working days after the receipt of the "REPORTING COPY."

21-104 Reserved.

21-105 Item 1A, Report Number (Current).

(a) *All Components.* Each contracting office which is identified by a separate number in the Item 5 code block shall enter a four-digit alpha-numerical number assigned consecutively starting with 0001 at the beginning of each fiscal year. This number shall be followed by a dash and the last two digits of the fiscal year. The date of the action entered in Item 24 must reflect a date within the same fiscal year as that assigned to the report number. Numbers with less than four significant digits shall be preceded by zeros; *e.g.*, the fourth report in fiscal year 1980 would be numbered 0004-80. If more than one activity within a contracting office utilizes the same reporting office code, the contracting office shall assign separate blocks of numbers to each such activity in order to prevent duplication of report numbers.

(b) *Navy.* When DD Form 350 is submitted as a Report After Execution of Contract, enter the RAE number required by NPD 1-403.53(a)(5) immediately following the report serial number.

(c) *Defense Logistics Agency.* Subsistence contracting offices of the Defense Personnel Support Center shall use two blocks of numbers:

(i) perishable subsistence actions shall begin with 0001, and

(ii) nonperishable subsistence with 5000.

21-106 Item 1B, (No title). This item is for optional use by DoD components.

21-107 Item 1C, Report Number (Previous). Enter the report number of the last previous DD Form 350 relating to the same contract.

21-108 Item 2, Contract Number. Enter only Department of Defense contract numbers in Subitem A; contract numbers for all other Federal agencies shall be entered in Subitem B. For orders under contracts awarded by other Federal Agencies (*i.e.*, GSA Federal Supply Schedule, Government Printing Office, and Veterans Administration contracts), enter the Federal Agencies' contract number in Subitem B. For orders covering direct purchases from other Federal agencies, such as Federal Prison Industries, Tennessee Valley Authority, Veterans Administration, Treasury, etc., enter the Defense delivery order number in Subitem A, *e.g.*, DAAH01-78-F0260. If entry is in Subitem A, then Subitem B must be blank, and vice versa.

(a) Subitem A(1). Activity - Enter the first six characters of the contract number which identify the activity listed in Appendix N. Activity symbols assigned prior to the initiation of Section XX, Part 2, shall be expressed as a six character symbol. For Army, the five digit fiscal station code shall be prefixed by the letter A, thus 01-002 for Anniston Army Depot shall be reported as A01002. Navy symbols of less than five digits shall be prefixed by zeros, *e.g.*, 383 for ASO shall be reported as N00383.

(b) Subitem A(2). FY - Enter the last two digits of the fiscal year in which the basic contract number was initially assigned (not the fiscal year of the immediate action), *e.g.*, 78 for fiscal year 1978. If the fiscal year is not known for contract numbers assigned prior to the initiation of Section XX, Part 2, or cannot be ascertained after a reasonable search, enter "XX".

(c) Subitem A(3). Serial No. - Enter as a five-position entry, the serial number assigned to the contract. For serial numbers assigned in accordance with Section XX, Part 2, the first character shall be type of instrument as described in 20-203.1(iii). The remaining four characters shall be the serial number assigned in accordance with 20-203.1(iv). For other contract numbers, *i.e.*, those numbered under exceptions permitted by 20-201, the serial number also shall consist of five characters, *e.g.*, 00001, 00124, 01356, 71284, etc. If a serial number has not been assigned, enter five zeros. Do not enter other supplementary procurement instrument identification numbers in Subitem A(3); such numbers shall be entered in Item 4.

(d) Subitem B. Other - For orders under contracts awarded by other Federal agencies, enter the contract number of the Federal Agency as it appears in the contractual instrument, *e.g.*, GS-00S-27773, GP-16251A, V979P-2048A, etc.

21-109 Item 3, Correction of Previously Reported DD Form 350.

(a) If it is necessary to correct an error on a previously reported DD Form 350, two DD Forms 350 are required.

(1) *Code 1 Corrected Entry.* Enter the correct data in all items. Entries in Item 1A and Item 23 shall be the same as those reported on the report being corrected, except when such items are the subject of the corrections being made.

(2) *Code 2 Reversing Entry.* Enter data in all items exactly as in the incorrect report except that the dollar amount shown in Item 25 shall be the reverse of the amount originally reported; that is, if the amount of the incorrect report was a debit, the amount of the reversing entry shall be a credit and vice versa. Entries in Item 1A and Item 23 shall always be the same as those reported on the report being corrected.

(b) The item numbers being corrected will be noted on both the reversing and correcting reports in the spaces provided.

21-110 Item 4, Modification Number and Other Identification. Enter the supplementary procurement instrument identification numbers assigned in accordance with 20-204 for letter contract modifications, orders against indefinite delivery type contracts and basic ordering agreements, contract change notifications, change orders, supplemental agreements, and other modifying actions. For those numbered under exceptions permitted by 20-201, enter the identification and number such as Mod. 35; C.O. No. 2; *etc.*

21-111 Item 5, Purchasing Office. Enter sufficient detail to establish the identity of the purchasing office submitting the report. Enter in the Item 5 code space, the number or symbol assigned to the purchasing office in accordance with DoD Procurement Coding Manual, Volume III.

21-111.1 *Item 5A, Small Disadvantaged Business Concern* **(see 1-701.2).**

(a) Enter Code A if the award was made to a small disadvantaged business concern in accordance with the representation required in 1-707.3(f).

NOTE: If Code A is entered, the contractor designated in Item 6 must be small business.

(b) Enter one of Codes B through F for all other awards.

(i) Enter Code B if there is no known small disadvantaged source. Also enter Code B for orders under contracts awarded by other Federal Agencies for which data are not readily available.

(ii) Enter Code C if there was a known small disadvantaged business concern but it was not solicited for a bid or proposal.

(iii) Enter Code D if a small disadvantaged business concern was solicited, but no bid or proposal was received from such concern, or the concern did not offer sufficient quantity to cover total requirements but received award for that portion bid on.

(iv) Enter Code E if a small disadvantaged business concern was solicited but was not awarded the contract for reasons other than those coded B, C, D, or E.

(v) Enter Code F if a small disadvantaged business concern was solicited, but was not awarded the contract for reasons other than those coded B, C, D, or E.

21-112 Item 6, Contractor Identification. Enter the complete name and office address (street, city, and state) of the concern or division of the concern involved. If the contractor is a division, enter first the name of the parent company, and then the name of the division, followed by the address of the division. For example:

Company Name:	XYZ Company
Division Name (if any):	Flight Propulsion Division
Number and Street:	1 Smith Road
City and State:	Jonesville, Ohio
Zip Code	

Enter in the Item 6 code space, the first six digits of the contractor code as shown in the Department of Defense Procurement Coding Manual, Volume II. If the contractor is not listed in the Manual, no code entry shall be made by the purchasing office. For contracts placed with the Canadian Commercial Corporation, enter "Canadian Commercial Corporation" after "Company Name" and enter the name of the concern performing under the contract after "Division Name". The address shall be that of the performing concern. The company code shall be that of the Canadian Commercial Corporation. For contracts placed with the U.S. Small Business Administration under the Small Business Act, see 21-102(e).

21-112.1 *Item 6A, DUNS CONTRACTOR ESTABLISHMENT NUMBER.* Enter the nine-position number assigned by Dun and Bradstreet, Inc., that identifies the contractor establishment receiving the award as shown in Item 6. This DUNS Contractor Establishment Number should be for the division or plant identified. For contracts placed with the Canadian Commercial Corporation, enter "20-889-1788" in Item 6A code. The DUNS Contractor Establishment Number is available from one of the following sources:

(a) The offeror's response to the solicitation;

(b) If not provided with the offer, the successful offeror shall be contacted and requested to supply his applicable nine-digit number;

(c) If not provided by the successful offeror, the Federal Procurement Data Center (FPDC) DUNS Contractor Identification File, Alphabetical Listing shall be consulted. (This listing should contain all successful offerors receiving Federal prime contract awards over $10,000 since October 1, 1978); or

(d) If this listing has no entry for the establishment, the applicable nine-digit number shall be obtained by contacting a Dun and Bradstreet, Inc., representative at the FPDC via automatically answered telecopier (facsimile) (703) 235-9710, or commercial telephone (703) 235-9603. All requests/requestors should provide the following information:

(i) Name of requesting contract office;
(ii) Contracting office location (city/town; state/country) and commercial telephone number (including area code);
(iii) Name of individual making the request;
(iv) The total number of requests, if more than one; and
(v) Contractor establishment name, street address (and/or P.O. Box), city/town, and state/country as displayed in Item 6.

Telecopier requests must provide space on the request for entering the DUNS numbers. Sender must initiate automatic 24-hour telecopies (set for 4 minutes) immediately upon hearing the tone.

(e) For foreign contractors other than the Canadian Commercial Corporation, the procedures in (c) and (d) above apply.

(f) If a DUNS number is still not available after all of the above methods are used, the report shall be submitted within the time limits required by 21-103(b) with Item 6A left blank.

21-113 Item 7, Principal Place of Performance.

(a) Enter the actual location (military installation; *e.g.*, Fort Knox, Kentucky, or the city and state, or foreign country) of the plant or place of business where the items will be produced or supplied or where the service will be performed. Principal place of performance, in general, refers to the prime contractor's final assembly point of a manufactured article, construction site, or place where a service is performed for the Government. If the location is the same as for Item 6, enter in the word "Same". Do not leave Item 7 blank. Also enter in the coding blocks, the military installation or city and state or foreign country codes shown for the contractor in the Department of Defense Procurement Coding Manual, Volume II. If the contractor's name is listed in the Manual, but for a different location than the one in Item 7, no entry shall be made in the code blocks.

(b) Regular dealers ship from stock, in which case the place of performance is the regular dealer's location. Regular dealers also ship from subcontractors who produce the items, in which case the place of performance is the subcontractor's location.

(c) If more than one location is involved, show the location involving the largest dollar amount of procurement. Do not show more than one location in Item 7. Report other locations on the reverse side or on an attached sheet.

(d) For construction contracts, report the actual site of construction.

(e) For architect/engineering contracts, report the planned site of the construction.

(f) In cases where the places of performance will be varied or unknown, enter the home office location of the contractor.

(g) Where labor surplus area set-aside preference is given, the principal place of performance shall be the city and state of the area which determined the preference.

21-113.1 *Item 7A, Reserved.*

21-113.2 *Item 7B, Reserved.*

21-113.3 *Item 7C, Multiyear Contracting.* Enter Code A if the action is a multiyear contract as defined in 1-322.1(a). Enter Code C if the action is not a multiyear contract.

21-114 Item 8, Subject to Statutory Requirements.
Code in accordance with the provisions of the contract as follows:
Code A—Subject to Walsh-Healey Act, Manufacturer: Section XII—Part 6.
Code B—Subject to Walsh-Healey Act, Regular Dealer: Section XII—Part 6.
Code C—Subject to Service Contract Act: Section XII—Part 10.
Code E—Subject to Davis-Bacon Act: 18-702.1(a).
Code Z—Not subject to above statutory requirements. Also enter Code Z for orders under contracts awarded by other Federal Agencies for which data are not readily available.

21-115 Item 9, Labor Surplus Area Preference.

(a) *Labor Surplus Area.* See 1-801.2 for definition. The Department of Labor publication "Listing of Eligible Labor Surplus Areas Under Defense Manpower Policy No. 4B and Executive Orders 10582 and 12073" defines all areas classified as labor surplus areas. If Code 2, 3, 6, 7, or 8 is entered, the entry in Item 7 must be a city which on the date of the action is located within a labor surplus area (see 21-113(g)).

(b) *Code 1.* Reserved.

(c) *Code 2.* Partial Labor Surplus Area Set-Aside Preference. (See 1-804.) Enter this code if the action was awarded to a concern in a labor surplus area, wherein preference was given under partial labor surplus set-aside procedures, except if set-aside preference resulted from a combined Small Business/Partial Labor Surplus Set-Aside as set forth in subparagraph (g) below. If Code 2 is entered, Code 1A must be entered in Item 17.

(d) *Code 3.* Labor Surplus Area - Tie Bid Preference. Enter this code if the action was awarded to a concern in a labor surplus area and tie bid preference was given.

(e) *Code 4.* Reserved.

(f) *Code 5.* Not a Labor Surplus Area Preference Award. Enter this code if the action did not involve labor surplus area preference considerations as defined for Codes 2, 3, 6, 7, or 8. Also enter this code if a Labor Surplus Area Set-Aside results in an award under Group 7 to a Small Business concern which is not located in a labor surplus area (see 1-804.2).

(g) *Code 6.* Combined Small Business/Partial Labor Surplus Area Set-Aside (see 1-706.7). Enter this code when reporting the successful labor surplus portion of a combined set-aside. (See 21-102(a)(iv)). If Code 6 is entered, Code 1B or 17A must be entered in Item 17.

(h) *Code 7.* Total Labor Surplus/Small Business Set-Aside Preference. Enter this code when reporting an award that is totally set-aside for labor surplus areas in combination solely with small business firms in such areas, in accordance with Priority 1 in Section 502(e) of Public Law 95-89. These actions are currently applicable to current awards obligating FY 77 and prior year procurement and research and development funds, and all Military Construction Appropriation funds. If Code 7 is entered, Code 1B or 17A must be entered in Item 17.

(i) *Code 8.* Total Labor Surplus Area Set-Aside Preference. Enter this code when reporting an award that is totally set-aside for labor surplus areas, but with no further preference as to whether it is to be awarded to large or small business firms, in accordance with Priority 4, in Section 502(e) of Public Law 95-89. These actions are currently applicable to current awards obligating FY 77 and prior-year contracting and research and development funds, and all Military Construction Appropriation funds. If Code 8 is used, Code 1A must be entered in Item 17.

(j) *Modifications.* If the action is a modification, the codes will be determined on the basis of the area classification at the time of such modifying action. If a supplemental agreement is used to award the partial labor surplus set-aside portion of a contract to a concern in a labor surplus area which has obtained the non-set-aside portion, separate DD Forms 350 shall be used to report the set-aside and non-set-aside portions (see 1-804.2(d)(2)).

21-115.1 *Item 9A. Affirmative Action Plan.* Enter appropriate Code "1" for *Yes*, "2" for *No*, to indicate whether the contractor certified that an affirmative action plan has been developed and is on file. Where certification is exempted (see 12-806), enter Code "3". Also enter Code "3" for orders under contracts awarded by other Federal Agencies for which data are not readily available.

21-115.2 *Item 9B. Previously Held Contracts.* Enter appropriate Code "1" for *Yes*, "2" for *No*, to indicate whether the contractor certified that there have been previous contracts subject to the written affirmative action program requirements of the rules and regulations of the Secretary of Labor. Enter Code 3 where certification is exempt or for orders under contracts awarded by other Federal Agencies for which data are not readily available.

21-115.3 *Item 9C. Woman Owned Business.* Enter appropriate Code "1" for *Yes*, "2" for *No*, to indicate whether the contractor is a woman owned business or entity. Enter Code 3 if the contractor does not complete this certification (see 7-2003.80) or if the award is an order under contract awarded by another Federal Agency for which data are not readily available.

21-115.4 *Item 9D. Consultant Services.* Enter appropriate Code "1" for *Yes*, "2" for *No*, to indicate whether the award is for consulting type services.

21-116 Item 10A, FSC or Service Code. Enter a Federal Supply Classification, a Research, Development, Test or Evaluation (RDTE) Code, or a Service Code in accordance with Volume I of the Department of Defense Procurement Coding Manual (Section I). Each DD Form 350 must contain a four-digit entry for this item. If more than one classification is applicable to the procurement action, enter the one accounting for the largest dollar volume of procurement.

(a) *Research, Development, Test, and Evaluation.* RDTE is defined in 4-101. Each DD Form 350 action for RDTE shall be assigned a code beginning with the letter "A," in accordance with Section I, Part A of the coding manual, including in general:

(i) all contracts negotiated under the authority of 10 U.S.C 2304(a)(11), Experimental, Development, or Research Work;
(ii) most but not all, contracts negotiated under 10 U.S.C. 2304(a)(5), Services of Educational Institutions,
(iii) all contracts funded by Research, Development, Test and Evaluation appropriations; and
(iv) all contracts where the purpose is for research and development even though not authorized under 10 U.S.C. 2304 (a) (5) or (11), or funded by RDT & E appropriations.

However, do not assign RDTE codes for the procurement (including rental or lease) of equipment or housekeeping supplies/services separately purchased in support of RDTE work. This exception refers to the purchase of equipment upon which RDTE work will be performed, test equipment, office equipment, structural steel plates, etc.; or services such as construction, maintenance of facilities or equipment, utilities, rental of ADP equipment, guard services, etc. Generally procurement of services or supplies that are incidental to the fulfillment of RDTE work, *but does not require contractor RDTE performance*, shall be coded in accordance with Parts B and C, Section 1 of the coding manual, even though such purchases are in support of RDTE work and RDTE funds are cited. In no case shall RDTE codes be assigned for orders under GSA Federal Supply Schedule contracts. The purchase request, as prepared by the research and development technical sections, will provide the necessary information to enable personnel preparing the DD Form 350 to properly identify the RDTE code.

(b) *Services.* All services, except RDTE actions, shall be coded in accordance with Part B, Section 1 of the coding manual. Each category is assigned a series of four-digit codes for specific types of services and construction.

(c) *Supply.* Procurement of supply items shall be assigned a Federal Supply Classification (all numeric) code from Part C, Section 1 of Volume I of the Department of Defense Procurement Coding Manual. The Department of Defense Federal Supply Classification Cataloging Handbooks H2-1, H2-2, and H2-3 also may be used as a reference in identifying the correct four-digit code.

21-117 Item 10B, System or Equipment Code.

(a) Enter the code for weapons system or equipment in accordance with Volume I of the Department of Defense Procurement Coding Manual (Section II). If a weapons system or equipment code is not applicable, enter three zeros, *i.e.*, 000.

(b) Codes in Section II are not applicable to construction, subsistence, clothing/textiles, or petroleum, and generally have been assigned to all production end items whose annual programmed procurement is $2,000,000 or more. Accordingly, if a code cannot be found for a DD Form 350 action of $2,000,000 or more, which is for an end item or a component identifiable to an end item, a specific request for a code together with the applicable DD Form 350 should be addressed to the appropriate organization specified in 21-103(b). Submission of the DD Form 350 will not be delayed pending resolution of the inquiry. This reporting requirement is not applicable to the Defense Logistics Agency.

21-118 Item 10C, DD Claimant Program Number. Enter the appropriate DDCP number that identifies the commodity described in Item 11. Claimant Program Numbers are defined in Volume I of the Department of Defense Procurement Coding Manual (Section III). If the description in Item 11 is for research and development, the objective of the research and development shall control the DDCP number to be entered; *e.g.*, if the objective of the research and development is a guided missile, enter Code A-2. If the description in Item 11 is for research that cannot be identified with a particular claimant program, enter Code S-1. Contracts for ship repair, IRAN and modification of aircraft, overhaul of engines, and like maintenance, repair or modification services shall be identified with a particular claimant program where possible. Equipment rental (including rental of electrical accounting machines or electronic data processing equipment) and utility services shall be coded S-1. If a particular claimant program cannot be identified, enter Code S-1 for services and C9E for supplies or equipment.

21-119 Item 11, Description of Commodity or Service.

(a) Enter brief description of commodity or service. Specify end use of item and model numbers where possible, *e.g.*, M-16 Rifle; B-52 Aircraft; A-4E Aircraft, Radio Set AN/FRT-51. When the description of a commodity or service is classified, enter only the word "Classified"; however, do not specify "Classified" if a code name, such as Minuteman, Polaris, Typhon, Jupiter, etc., or an identifying program number, *e.g.*, WS-107A, can be used without classifying the report.

(b) When an increase or decrease in funds is the result of price redetermination, change in fixed-fee, contract termination, engineering change, overrun, accelerated amortization, or continuation of research and development, specify the equipment or service acquired under the basic contract, such as "Price Redeter-

mination for M-60 tanks." "Termination of Contract for J-57 Engines." "Engineering Changes on Submarine SS(N)585." "Accelerated Amortization on Contract for B-4 Maintenance Platform."

21-120 Item 12, Coordinated Procurement. Enter one of Codes 1 through 8 for each contracting action.

(a) *Code 1. Procurement Agreements*—Enter this code for contracts made under agreements among the departments or other agencies for procurement of commodities or services not assigned in accordance with Section V, Part 12. (See Section V, Part 11.)

(b) *Code 2. Other Federal Agencies.* Enter this code for all procurements from or through other Federal Agencies (except General Services Administration and Small Business Administration), such as, Government Printing Office, Federal Prison Industries, National Industries for the Blind, Veterans Administration, Tennessee Valley Authority, Treasury, Agriculture, Commerce, Justice, etc. When Code 2 is entered, Code 6 shall be entered in Item 13, Code 4 in Item 14, and Code 1 or J, as appropriate, shall be entered in Item 15. Code 2 is not applicable to Defense Logistics Agency contracting offices.

(c) *Code 3. GSA Supply Schedules.* Enter this code for all procurements under GSA Federal Supply Schedule contracts (see Section V, Part 1). Also enter this code for all contracting under GSA ADP schedule contracts. For orders under Veterans Administration contracts published in GSA Federal Supply Schedules, enter Code 2. When Code 3 is entered, Item 15 shall be coded *I* or *J*, as appropriate.

(d) *Code 4. Small Business Administration.* Enter this code if the award is to the Small Business Administration pursuant to the Small Business Act - Public Law 85-536 Section 8(a) (see 21-102(e)).

(e) *Code 5. Single Department Procurement*—Enter this code only if the reporting office has a current commodity assignment to purchase a commodity listed in 5-1201.

(f) *Code 6. Defense Logistics Agency*—Enter this code for all contracts by Defense Logistics Agency centers except contracts from or through the General Services Administration and the Small Business Administration. Military Departments also shall enter this code for orders placed against indefinite delivery-type contracts awarded by Defense Logistics Agency centers except those awarded by the Defense Fuel Supply Center.

(g) *Code 7. Outside U.S.*—Enter this code for all contracts other than those classifiable as Codes 1 through 6 above made by contracting offices located outside the United States, its possessions, and Puerto Rico.

(h) *Code 8. All Other*—Enter this code for all contracts not classifiable in codes 1 through 7 above.

21-121 Item 13, Synopsis of Proposed Procurement. Enter one of the codes described below. The term "Not Applicable" shall not be used. Letter contract amendments, delivery orders against indefinite delivery type contracts, change orders, supplemental agreements, exercise of options, incremental yearly buys under multi-year contracts, and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply.

(a) *Code A. Was Synopsized*—Enter this code if a synopsis of the proposed contract was prepared and transmitted in accordance with 1-1003.9

(b) *Code E. Was Not Synopsized: Original Estimate Under $10,000*—Enter this code if the proposed contract was not synopsized because it was originally estimated to be less than $10,000.

(c) *Codes 1 Through 9. Was Not Synopsized*—Enter one of these codes to identify the permissive authority of 1-1003.1(c)(i) through (ix), which correspond with Codes 1 through 9, respectively, for not synopsizing a proposed procurement. However, Code 5 shall not be used since orders under existing contracts are to be coded the same as the basic contract. Code 6 shall be used for all contracts from or through another Government department or agency, including contracting under GSA Federal Supply Schedules. Code 6 also shall be used for orders placed against DLA schedules for proprietary (brand name) items. Code 9 shall be used for contracts in which only foreign sources were solicited.

21-122 Item 14, Kind of Procurement Action. Enter one of Codes 1 through 9 for each procurement action. With respect to modifications of existing contracts, including letter contracts designated as modifications, enter one of Codes 6 through 9, as appropriate (except see (c) below).

(a) *Code 1. Initial Letter Contract*—Enter this code when a new letter contract is executed. (For a letter contract which is designated as a modification of an existing contract, see Code 6.)

(b) *Code 2. Definitive Contract Superseding Letter Contract* — Enter this code when applicable. (For a definitive modification which supersedes a letter contract designated as a modification of an existing contract, see Code 6.)

(c) *Code 3. Definitive Contract (Including Notice of Award)* — Enter this code when the first binding document is the instrument containing all the terms and conditions of the agreement. Also enter Code 3 for a modification which is the initial citation and obligation of funds for a contract awarded in one fiscal year but not effective until a subsequent fiscal year because it was contingent on the availability of funds or for other reasons.

(d) *Code 4. Order Under Contract*—Enter this code when reporting orders or amendments to orders, against indefinite delivery type contracts or basic ordering agreements, GSA/DLA schedules, priced exhibits, production lists, job orders, task orders, and the like, where firm obligations are created by the issuance of such documents. Also enter this code for orders issued to other Federal agencies, such as, Federal Prison Industries, National Industries for the Blind, Treasury, Interior, Tennessee Valley Authority, Commerce, etc.

(e) *Code 5. Reserved.*

(f) *Code 6. Additional Work*—Enter this code when additional work is acquired by means of a modification to the basic contract or order (other than an order included in the list in (d) above), as follows:

(i) Bilateral modifications which increase the scope of work of existing contracts but are not authorized by the terms of existing contracts and do not meet the criteria of (iv) below.
(ii) Exercise of options for increased quantities or extended performance, or incremental yearly buys under multiyear contracts.

(iii) Modifications to letter contracts increasing the scope of work, including letter contracts designated as modifications and definitive modifications superseding letter contracts designated as modifications.

(iv) Modifications which are the initial citation and obligation of funds for a supplemental agreement to increase quantities or extend performance that was awarded in one fiscal year but not effective until a subsequent fiscal year because it was contingent on the availability of funds or for other reasons.

(v) When more than one DD Form 350 is required as outlined in 21-102(a) to report an initial letter contract or new definitive contract, Code 6 shall be used for the second or subsequent DD Form 350; Code 1 or 3 shall be used only for the first DD Form 350.

(g) *Code 7. Funding Action*—Enter this code for letter contract amendments and other contract modifications which do not change the scope of work of the existing contract but obligate or deobligate funds. This includes, by way of illustration, incremental funding (other than incremental yearly buys under multi-year contracts), increasing the estimated cost on cost reimbursement contracts, and repricing actions covering incentive price redetermination, and economic price adjustment. Do not use this code for a modification which is the initial citation and obligation of funds for a contract/modification awarded in one fiscal year but not effective until a subsequent fiscal year because it was contingent on the availability of funds or for other reasons (see 21-122(c) and (f)(iv)). Code 4 shall be used for all transactions under GSA/DLA schedules.

(h) *Code 8. Change Order*—Enter this code when reporting change orders issued pursuant to the "Changes" or "Differing Site Conditions"; or similar provisions of existing contracts.

(i) *Code 9. Termination or Cancellation*—Enter this code when reporting a termination or cancellation action.

21-123 Item 15, Contract Placement. Enter one of Codes 1 through 5, or Code J as appropriate, to show the method used in making the procurement. Letter contract amendments, delivery orders against indefinite delivery type contracts, change orders, supplemental agreements, provisioning order obligating documents, exercise of options, incremental yearly buys under multi-year contracts, and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply. For modifying actions made pursuant to the provisions of PL 85-804, enter code 5 in Item 15, enter code 17B (PL 85-804) in Item 17, and enter code 5 in Item 18.

(a) *Code 1. Intragovernmental*—Enter this code if the contractor in Item 6 is a Federal Government Agency other than the Department of Defense, *e.g.*, Federal Prison Industries or National Industries for the Blind; or if the procurement action is an order under a contract awarded by another Federal Agency, *e.g.*, orders under General Services Administration Federal Supply Schedules or Government Printing Office contracts. When Code 1 is entered, no entries shall be made in Items 16 through 23.

(i) Orders against contracts placed by Department of Defense purchasing offices shall not be reported as intragovernmental, but shall be reported by the ordering office in all applicable items of DD Form 350 on the basis of information to be furnished by the contracting office. The contracting office shall include in its advice to ordering agencies, specific information on the appropriate codes to be entered in Items 10A, 11, 13 and 15 through 23, as well as information customarily furnished with respect to the contractor and product or service. This subparagraph is not applicable to orders against indefinite delivery type contracts placed by the Defense Fuel Supply Center (21-102(b)(2).

(ii) Purchases from State, local and non-Federal government agencies shall not be reported as intragovernmental, but shall be classified as advertised or negotiated in Item 15, and also as nonprofit organizations in Item 16.

(b) *Code 2. Two-Step Formal Advertising*—Enter this code for new or modifying actions relating to procurement which resulted from acceptance of a bid made by a supplier in response to formal advertisement for bids following request for an evaluation of technical proposals in accordance with Section II, Part 5. When Code 2 is entered, no entries shall be made in Items 17 through 19A. Do not use this code if solicitations are restricted to small business (see (d) below).

(c) *Code 3. Other Formal Advertising*—Enter this code for new or modifying actions relating to procurement which resulted from acceptance of a bid made by a supplier in response to formal advertisement for bids, except two-step formal advertisement. When code 3 is entered, no entries shall be made in Items 17 through 19A.

(d) *Code 4. Small Business Restricted Advertising*—Enter this code for Small Business Restricted Advertising which is a form of negotiated procurement conducted in the same way as prescribed for formal advertising under Section II except that bids and awards are restricted to small business concerns (see 1-706.5(b)). When code 4 is entered, the firm in Item 6 must be a small business concern (Code J in Item 16); Code 1B or Code 17A shall be entered in Item 17, as appropriate; and Code 1 shall be entered in Item 18.

(e) *Code 5. Other Negotiated*—Enter this code for new or modifying actions relating to procurement resulting from negotiated procedures (see Section III). When code 5 is entered, the appropriate negotiation exception shall be entered in the code block for Item 17 and the appropriate code shall be entered in Items 18 through 23. Also enter this code for Labor Surplus Restricted Advertising (LSRA) (see DAC #76-15, Item II, 1 June 1978. When reporting LSRA, Code 1A must be entered in Item 17 and Code 1 or 2 in Item 18.

(f) *Code 6. Other Total Small Business Set-Aside*. Enter this Code if the solicitation/award is restricted totally to small business firms under set-aside procedures through conventional negotiation, *i.e.*, other than through Small Business Restricted Advertising (Code 4). (See 1-706.5(b)). When Code 6 is entered, the firm in Item 6 must be a small business concern (Code J in Item 16); Code 1B or 17A shall be entered in Item 17 and Code 1 or 2 shall be entered in Item 18, as appropriate.

(g) *Code J. Foreign Military Sales*. Enter this code if the procurement is known to be under Foreign Military Sales arrangements, or under any other arrangements whereby a foreign country or international organization undertakes to bear the cost of the procurement. When Code J is entered no entries shall be made in Items 16 through 22.

1. Code J will be entered for Foreign Military Sales purchases from or through other Federal agencies, *e.g.*, GSA Federal Supply Schedules, except that all awards to Small Business Administration will be reported in accordance with 21-102(e).

2. If only part of a procurement action is of the kind described above, that part (if in excess of $10,000) shall be reported on one DD Form 350, and the other part (if in excess of $10,000) shall be reported on a second DD Form 350.

21-124 Item 16, Type of Business Concern. Letter contract amendments, delivery orders against indefinite delivery type contracts, change orders, supplemental agreements, exercise of options, incremental yearly buys under multiyear contracts, and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply. However, where a modification is for procurement of additional quantities or extends the scope of work under the contract, the size of concern will be determined as of the date of the modifying action.

(a) *Awarded to Large Business Because Small Business:* Enter one of Codes A through D if the contractor is a large concern and the place of performance (Item 7) is within the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands (see DoD Procurement Coding Manual, Volume II, page v), as follows:

(i) Enter Code A when no small business source was solicited for a bid or proposal.

(ii) Enter Code B when a small business source was solicited, but no bid or proposal was received from small business, or small business did not offer sufficient quantity to cover total requirements but received award for that portion bid on.

(iii) Enter Code C when a small business source was solicited, but the low bid or proposal was not from small business, or small business was not willing to accept award of a set-aside portion of a procurement at the prices offered as determined by the price the Government would otherwise have had to pay.

(iv) Enter Code D when a small business source was solicited, but small business was not awarded the contract for reasons other than those coded A, B, or C.

(b) Enter Code J, if the award was made to a small business concern as defined in 1-701.1 and the place of performance (Item 7) was within the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands. Also see 21-102(e) for reporting 8(a) awards to Small Business Administration.

(c) Enter Code L, if the principal place of performance (Item 7) was outside the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands. See DoD Procurement Coding Manual, Volume II, page v.

(d) Enter Code M, N, or P, if the award was made to a nonprofit institution and the place of performance (Item 7) was within the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands. A nonprofit institution is defined as any corporation, foundation, trust, or institution not organized for profit, no part of the net earnings of which inure to the benefit of any

private shareholder or individual. Included are educational and scientific institutions of a nonprofit nature, and State, local, and other non-Federal government agencies. Enter Code *M* if the contractor in Item 6 is an Educational Institution, Code *N* if a hospital, and Code *P* for all other nonprofit institutions.

(e) Enter Code *R* if the award is made to an overseas firm, and the place of performance (Item 17) is within the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands.

21-125 Item 17, Negotiated Under 10 USC 2304(a) Exception. This entry applies only to negotiated procurement actions.

(a) Negotiation of original contracts and of amendments for additional quantities or services shall cite as authority for such negotiation the authority of 10 U.S.C. 2304(a), which applies as specified by the appropriate "Determination and Findings" or other required Departmental procedure. Negotiations of all other amending actions which are negotiated in accordance with the provisions of the basic contract and have not been made subject to a separate "Determination and Findings" shall cite as authority for such negotiation the authority under 10 U.S.C. 2304(a) which was cited as authority for negotiating the basic contract. If a supplemental agreement is used to award the set-aside portion of a contract to a small business concern which has obtained the non-set-aside portion, separate DD Forms 350 shall be used to report the set-aside and non-set-aside portions (see 1-706.6(d)(2)).

(b) Enter Code 1A to record negotiated actions pertaining to labor surplus area or industry set-asides. Labor Surplus Set-Aside designates a method of procurement whereby a portion of the requirement is withheld from general solicitation (either formally advertised or negotiated), and is reserved for negotiation exclusively with labor surplus area concerns as defined in 1-801.1.

(c) Enter Code 1B to record negotiated actions pertaining to small business set-asides made unilaterally by a Department of Defense contracting officer. Small Business Set-Aside designates a method of procurement whereby either the total amount or a portion of a requirement is withheld from general solicitation and is reserved exclusively for small business concerns. These procurements are considered "negotiated" regardless of whether the contract is awarded by Small Business Restricted Advertising.

(d) Enter Code 1C to record negotiated actions pertaining to major disaster area set-asides. Major Disaster Area Set-Aside designates a method of procurement whereby either the total amount or a portion of a requirement is withheld from general solicitation and is reserved exclusively for firms located in major disaster areas and is to be performed substantially within such major disaster areas.

(e) Enter Code 1E if use of authorities in Exceptions (2) through (17) of 10 U.S.C. 2304(a) is not appropriate in awarding contracts to domestic suppliers for supplies and services in support of the Balance of Payments Program pursuant to Section VI, Part 8.

(f) Enter one of the codes from 2 through 16, as appropriate, when negotiation was accomplished pursuant to 10 U.S.C. 2304(a) (2), (4), (5), (6), (7), (8), (9), (11), (12), (13), (14), (15), or (16).

(g) Enter one of the codes from 10-1 through 10-26, as appropriate, when negotiation was accomplished pursuant to 10 U.S.C. 2304(a) (10). The procurement circumstances applicable to the negotiation as described in 3-210.2 are set

forth as 10-1 through 10-18 representing (i) through (xviii). However, Negotiation Exception 10-18 pertains to purchases under Foreign Military Sales arrangement which for reporting purposes does not require an entry in Item 17; therefore, codes 10-18 will not be used. Codes 10-19 through 10-25 may be used for those procurement circumstances which are authorized in Departmental instructions and for additional procurement circumstances later approved and published in the DAR. Enter Code 10-26 if none of the procurement circumstances set forth in 3-210.2 or Departmental instructions is applicable.

(h) Enter Code 17A when reporting Joint Small Business Set-Asides pursuant to 15 U.S.C. 644 (P.L. 85-536), *i.e.*, set-asides agreed to jointly by the Small Business Administration representative and the Department of Defense contracting officer. (See definition of set-aside for Code 1B above.) Enter Code 17B when any other public law authorized the negotiation, and in the space provided specify the number of the public law or U.S. Code citation. For repurchase actions following default, where no other negotiation authority is utilized, enter Code 17B and specify the words "Repurchase Action".

21-126 Item 18, Extent of Competition in Negotiation.

(a) The purpose of this item is to provide statistics reflecting the extent and kind of competition obtained under contracts executed pursuant to the negotiation authorities of the DAR. Detailed information with respect to the presence or absence of competition in negotiated procurement is of vital importance to the Department of Defense. Information obtained from these reports is used throughout the Department for internal management purposes. Additionally, this information is provided to various Committees of the Congress on a continuing basis. It is critically important that this item receive careful attention by reporting activities to ensure its completeness and accuracy.

(b) Provision is made to record the extent of competition as follows:

(i) price competition;
(ii) design, technical, or other competition;
(iii) follow-on actions after price competition;
(iv) follow-on actions after technical or other competition;
(v) other noncompetitive actions;
(vi) catalog or market price actions; and
(vii) not considered for competition.

(c) The following contract actions are exempt from reporting the extent of competition and shall be entered as Code 7:

(i) awards for brand name items for commissary resale;
(ii) awards to nonprofit institutions;
(iii) awards to regulated monopolies for utilities where the price negotiated is based on prices set by law or regulation; and
(iv) awards made pursuant to Section 8(a), Small Business Act (15 U.S.C. 637(a)).

(d) (1) A contract shall be reported as "price competition" if offers were solicited and received from at least two responsible offerors capable of satisfying the Government's requirements wholly or partially, and the award or awards were made to the offeror or offerors submitting the lowest evaluated prices. However, a contract may also be reported as "price competition" even though only one offer is received when offers are solicited from at least two responsible offerors who normally contend for contracts for the same or similar items.

(2) Procurements shall not be reported as "price competition" where only one responsive offer was received and the solicitation was restricted to a prime contractor and his vendor for that item.

(3) Multiple awards in such areas as subsistence, clothing and equipage, and other commodities where several awards normally result from one solicitation may be reported as "price competition," even though the total quantity of the solicitation is not awarded, if in the judgment of the contracting officer there are sufficient facts to support a valid finding of "price competition."

(4) Transactions shall not be reported as "price competition" solely on the basis of the number of solicitations made. Contracting officers shall consider the content of the responses to solicitations, the procurement history of the items procured, and other relevant information, and shall exercise sound judgment in the reporting of transactions as "price competition."

(e) Design or technical competition is present when two or more qualified sources of supply are invited to submit design or technical proposals, with the subsequent contract award based primarily on this factor, rather than on a price basis. Many research and development contracts, and many initial contracts for new military weapons fall into the category of design or technical competition. If some measure of price competition is present but the contract cannot be reported as a "price competition" award consistently with (c) above, the contract should be reported as a "design, technical, or other competition" award.

(f) A follow-on contract means a new procurement (whether placed by a separate new contract or by a supplemental agreement) placed with a particular contractor to continue or augment a specific military program in instances where such placement was necessitated by prior procurement decisions. Incremental yearly buys under multi-year contracts and exercise of options shall not be included in this category, except as provided in (f)(6) below. An example of a follow-on contract is one which by force of circumstances had to be awarded to a contractor who was just completing a research and development contract in the same program. Other examples of follow-on contracts include those for support equipment, maintenance support, technical representatives or spare parts which have been awarded without competition to the contractor because he furnished the original equipment. Follow-on contracts in which the selection of the contractor at the inception of the program was on a competitive basis (*i.e.*, price or design or technical) will be reported as Code 3 or 4 as appropriate. Follow-on contracts in which the selection of the contractor at the inception of the program was on a noncompetitive basis will be reported as Code 5. Nothing in the foregoing should be construed as providing authorization for noncompetitive procurement. DAR provisions requiring either formal advertising or competitive negotiation shall be complied with.

(g) Codes 1 through 5 shall be entered as follows:

(1) Enter Code 1 when the award of the contract is based on price competition as defined in (d) above. Awards for set-aside quantities under set-aside procedures shall be included in this category. Also include actions when adequate price competition exists based on catalog or market price (see 3-807). In no case shall cost-reimbursement type contracts be coded 1.

(2) Enter Code 2 when the award of the contract is based on design, technical, or other competition as defined in (e) above. For example, this code shall be entered where evaluation was made of technical or design proposals submitted by several different firms and a determination was made to conduct further negotiations with only one of the firms. Also enter Code 2 where some measure of price competition is present but the contract cannot be reported as a "price competition" award consistently with (d) above.

(3) Enter Code 3 for procurement actions covering follow-on procurement when the original contract was awarded on the basis of price competition as described in (f) above.

(4) Enter Code 4 for procurement actions covering follow-on procurement when the original contract was awarded on the basis of design, technical, or other competition as described in (f) above.

(5) Enter Code 5 to report procurement actions where there was no competition and Codes 3, 4 and 6 do not apply, in the award and where the work involved was not a follow-on procurement reportable as Code 3 or 4 above.

(6) Enter Code 6 to report noncompetitive actions based on established catalog or market prices but which are not reportable as Code 3 or 4 above.

(7) Enter Code 7 to report contract actions exempt from reporting the extent of competition as listed in (c) above.

(h) Letter contract amendments, delivery orders against indefinite delivery type contracts, change orders, supplemental agreements, exercise of options, incremental yearly buys under multi-year contracts and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply. However, a modification pursuant to the terms of an existing contract shall not be reported as price competition (Code *1*) unless the basic contract conforms to the definition in (d) above. If a basic contract was reported as price competitive under an earlier definition but does not conform to the definition in (d) above, the modification shall be reported as Code 3, Follow-on Action After Price Competition.

21-127 Item 19, Certified Cost or Pricing Data. Enter Code A or B to identify the applicability of Public Law 87-653 to the current DD Form 350 action being reported.

(a) Enter Code *A* if pursuant to 3-807.3 the contractor was required to submit certified cost or pricing data in connection with the specific procurement action covered by the instant DD Form 350.

(b) Enter Code *B* if the contractor was not required to submit certified cost or pricing data.

21-128 Item 19A, Cost Accounting Standards Clause. Enter the following codes to identify whether or not the contract (original contract and/or modifications) being reported on DD Form 350 includes or is subject to the Cost Accounting Standards clause as required by 3-1204.

(a) Enter Code *1* if the contract includes the clause or in the case of a modification, is subject to the clause.

(b) Enter Code *2* if the contract does not include the clause or in the case of a modification, is not subject to the clause.

21-129 Item 20, Type of Contract. Enter only one of the codes in accordance with the provisions of the basic contract. (See Section III, Part 4.) Where the contract involves more than one type, the predominant type based on dollars shall be entered. However, if any non-predominant portion of a multi-type contract exceeds $500,000, a separate DD Form 350 shall be used to report each such portion of the contract. The total of the DD Forms 350 so reported shall equal the total contract action.

(a) For fixed-price contracts with redetermination clause Type A (see 7-109.2), enter Code *A*; for Type E (see 7-109.3), enter Code B.

(b) Code L shall be entered for a fixed-price incentive contract which contains performance incentive provisions as outlined in 3-407; and Code M shall be entered for an FPI contract without such performance incentive provisions. Similarly, Code V shall be entered for a cost-plus-incentive-fee contract which contains performance incentive provisions; and Code W for one which does not contain such provisions. Care shall be exercised to assure that FPI and CPIF contracts which contain only cost incentives are not coded L or V, but are coded M and W, respectively.

(c) Letter contract amendments, delivery orders against indefinite delivery type contracts, change orders, supplemental agreements, exercise of options, incremental yearly buys under multi-year contracts, and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply. Modifying actions for additional supplies and services shall be reported according to the pricing provision applicable to the modifying action. If a contract is converted from one pricing provision to another, *e.g.*, from CPFF to CPIF, the DD Forms 350 used to report this adjustment shall reflect only the amount that will be paid under the new pricing provision. When reporting original letter contracts and amendments thereto, enter the type of contract that will most likely be used when the letter contract is converted to a definitive contract.

21-130 Item 21. Subcontracting Program Plan Clause. Enter the appropriate code to indicate which subcontracting program plan clause or clauses (see 7-104.14(b), (c), and (d)) are associated with this procurement action or contract. Enter Code 1 if no subcontracting program plan clause was incorporated; enter Code 2 if only the negotiated clause (see 7-104.14(b)) was incorporated; enter Code 3 if both the negotiated clause (see 7-104.1(b)) and incentive clause (see 7-104.14(d) or any other incentive type clause with the same intent) have been incorporated; and enter Code 4 if the formally advertised clause (see 7-104.14(c)) was incorporated.

21-131 Item 22, Trade Data. The Trade Data elements shown below apply to all supply, service, and construction acquisitions, except those exempt from the Buy American Act.

(a) Subitem A. Enter the number of firms that offered foreign end products. If no firms offered foreign products, enter zero. If the number of firms offering foreign products is 9 or greater, enter 9.

(b) Enter as a two-digit code the percent of the contract award price that represents the foreign content of the item or service acquired. Enter zero as 00, 1 through 9 percent as 01 - 09, and 100 percent as 99. This information is required only from the successful offeror.

(c) Subitem C. If the evaluation factor under the Buy American Act is used and results in an award to a firm offering a domestic product, enter the percent difference between the award price and the low firm offering a foreign end product, computed before application of the Buy American Act differential; i.e., the difference divided by the price of the low firm offering a foreign end product. Enter the percentage as a whole number. If the evaluation factor under the Buy American Act is not used, enter zero.

21-132 Item 23. Enter Code 1 if the contract contains one of the clauses prescribed by 7-104.31(a), 7-104.32, or by 7-2003.49, related to the entitlement to the issuance of duty-free entry certificates. Enter Code 2 if only 7-104.31(b) is included or if no clause dealing with this matter is included.

21-133 Item 24, Date of This Action. Enter the year, month and day when a mutually binding agreement was reached. Enter each segment as a two-digit number using 01 through 12 for January through December. For example, enter 2 January 1980 as 80/01/02. This shall be the effective date for fiscal obligation purposes. As a general rule, this occurs when a notice of award or fully executed document is manually delivered or placed in the mail to the contractor. In the case of letter contracts, the date to be entered in this block is the date when the signed copy is received from the contractor. For contracts awarded in one fiscal year and not effective until a subsequent fiscal year because they are contingent on the availability of funds or for other reasons, the date shall be the date of the fund availability or the date when the contract becomes effective (see 21-122(c) and (f)). For contracts awarded under the provisions of 1-318(a), the date shall be when the contract becomes effective. The action date shall determine the fiscal year in which the DD Form 350 is reportable. Actions with dates in one fiscal year shall not be assigned report numbers in a subsequent fiscal year. Thus, for example, the first action reported by a purchasing office in fiscal year 1980 must carry an action date of 1979 October 1 or later.

21-134 Item 25, Estimated Completion Date. Enter the year and month it is estimated the work called for by the contract will be completed. Enter each segment as a two-digit number, using 01 through 12 for January through December. For example, enter 80 April as 80/04. Words such as "continuous," "indeterminate," "unknown," or "100 days after approval of first article," are not acceptable. For basic contracts, the last delivery date shall govern the entry in this item. For supplemental agreements, the entry shall be governed by the delivery date in the specific supplemental agreement rather than the delivery date of the basic contract. For engineering changes, enter the date of delivery of the last end item involved. For spare parts provisioning actions, enter the date of the last spare parts delivery. Where the estimated completion date is not affected by the action being reported, enter the date of delivery of the last end item involved.

21-135 Item 26, Total of This Action. Enter the net amount of funds obligated or deobligated by the contractual instrument being reported. If the action decreases the amount of Government obligation, also enter the symbol "CR" for credit. Do not enter the word "decrease," parentheses, or dashes. Enter whole dollars only; drop cents without rounding. For example, $25,000.10 or $25,000.90 shall be entered as $25,000.

21-136 Item 27 Reserved.

21-137 Item 28, Typed Name and Signature of Contracting Officer or Representative. Self-explanatory.

21-138 Item 29, Telephone Extension. Installations serviced by the Automatic Voice Network shall enter the AUTOVON number plus extension.

21-139 Item 30, Date Submitted.

21-140 **Remarks.** Use the reverse side of DD Form 350 or attach a separate 8½-inch x 11-inch sheet of paper to explain entries on the form.

Part 2—Monthly Procurement Summary (DD Form 1057)

21-200 Scope and Purpose of Part. This Part prescribes the reporting on DD Form 1057 (set forth in F-200.1057) of procurement actions of $10,000 or less each. This form in conjunction with DD Form 350 is used to prepare recurring and special reports as indicated in 21-101.

This reporting requirement has been assigned Report Control Symbol: DD I&L(M) 1015.

21-201 Applicability and Coverage.

(a) Reports on DD Forms 1057 shall be prepared (*typewritten*) by each purchasing office of the Department of Defense to which a reporting office code has been assigned. Separate codes may be assigned to an installation, base or activity by Volume III of the DoD Procurement Coding Manual in order to distinguish between various types of procurement, such as base and central procurement, or RDTE and non-RDTE procurement. Subject to the approval of the organizations listed in 21-202, a machine printout or other machine product containing the information on the DD Form 1057 may be submitted in lieu of the form.

(b) DD Form 1057 shall include all debit or credit procurement actions of $10,000 or less involving:

(i) appropriated funds;
(ii) contract authorizations;
(iii) stock or other revolving funds which are replenished or reimbursed from appropriated funds;
(iv) appropriated funds transferred to the Departments, such as Military Assistance Program funds; and
(v) appropriated funds obligated pursuant to provisions of Public Law 85-804 (see 21-123).

Procurement actions include definitive contracts, purchase orders, notices of award, delivery orders or calls (except those against indefinite delivery type contracts entered into by the Defense Fuel Supply Center), work orders, work requests, service orders, task orders, orders against blanket purchase agreements, imprest (petty cash) fund transactions, any other orders against existing contracts, and debit and credit actions that modify a contract, such as modifications, change orders, supplemental agreements, cancellations, and terminations.

(c) The report shall exclude actions of $10,000 or less which:

(i) involve nonappropriated funds;
(ii) are delivery orders against indefinite delivery type contracts entered into by the Defense Fuel Supply Center; Defense Fuel Supply Center shall report the estimated total cost of indefinite delivery type contracts;
(iii) are requisitions transferring supplies within and among the Departments and Agencies of the Department of Defense;
(iv) are placed by the Defense Communications Agency, Defense Commercial Communications Office (DECCO). These actions are covered by other reporting instructions;
(v) are orders on GSA stores depots;
(vi) involve Government bills of lading or transportation requests; and

(vii) are for purchase of land, or rental or lease of real property.

21-202 Due Date and Distribution.

(a) In addition to instructions given in (b) through (f) below for contracting offices of specified Departments and Agencies, the following instructions are applicable to all contracting offices.

(1) Reports shall be submitted in time to reach the recipient within three (3) working days after the close of each month. To meet this due date, contracting offices are authorized to cut off no earlier than the 25th calendar day of the month reported. For the month of September only, the due date is extended by 10 additional calendar days, but the cut-off date must be as of 30 September.

(2) Negative reports shall be submitted if a contracting office has not transacted a reportable action during the month.

(3) Letter of transmittal is not required.

(b) *Army* contracting offices shall distribute DD Form 1057 as follows.

(1) The original (except from Engineer Civil Functions contracting offices) shall be forwarded to HQDA (JDHQ-SV-W-P), Washington, D.C. 20310.

(2) Engineer Civil Functions contracting offices shall forward the original to HQDA (DAEN-PRP), Washington, D.C. 20314. A copy is not required for HQDA.

(c) Navy field contracting offices shall forward the original DD Form 1057 to the Head of the Contracting Activity from which contracting authority was received, with the exception of the Navy Aviation Supply Office (ASO) and the Ships Parts Control Center (SPCC). ASO and SPCC shall forward their reports to the Naval Supply System Command Headquarters. Heads of Contracting Activities shall review and correct the feeder reports, prepare a consolidated DD Form 1057 and submit the consolidated report to Headquarters, Naval Material Command, Washington, D. C. 20360, Attn: MAT 08C14.

(d) *Air Force* contracting offices shall forward the original DD Form 1057 to AFLC/ACOCS, Wright-Patterson AFB, Ohio 45433. Separate reports shall be submitted by each activity which has been determined to be a separate reporting office. Air Force contracting offices, except those under AFLC and AFSC shall forward one copy to the appropriate major command headquarters staff contracting office or division.

(e) *Defense Logistics Agency* contracting offices shall forward the original DD Form 1057 to Executive Director, Contracting, Defense Logistics Agency, Cameron Station, Alexandria, VA, 22314, ATTN: DLA-PA.

(f) All other contracting offices of the Department of Defense shall forward the original DD Form 1057 to HQDA (JDHQ-SV-W-P), Washington, D. C. 20310.

(g) Procurement actions of $10,000 or less which are reportable in accordance with 21-201 and are accomplished by contract administration offices shall be handled as follows:

(1) When the contractual instrument is being distributed, a copy shall be clearly annotated "DD Form 1057 Reporting Copy" and shall be forwarded to the appropriate contracting office listed in Appendix N.

(2) Contracting offices shall include data for such instruments in their reports on DD Form 1057.

21-203 Terms Used. The terms used in DD Form 1057 will, in all cases, have the same meaning as they do for the purpose of preparing DD Form 350. (See Section XXI, Part 1.)

21-204 Heading.

(a) *Reserved.*

(b) *Month Ending*—Enter the year, month and day indicating the ending date of the month reported.

(c) *Contracting Office and Mailing Address*—Enter sufficient detail to establish the identity of the contracting office submitting the report.

(d) *Reporting Office Code*—Enter the code assigned to the contracting office pursuant to Volume III of the DoD Procurement Coding Manual. This is the same code that is used for Item 5 of DD Form 350.

21-204.1 *Number of Actions.*

(a) Only transactions that obligate or deobligate funds shall be counted. Except as provided in (b) below, each call or order under a blanket purchase agreement, imprest fund, requirements type contract, or indefinite delivery indefinite quantity contract shall be counted as an action. A definite quantity indefinite delivery contract shall be counted once at the time of award, and orders under such contracts shall not be counted. If it is not possible to determine the price of an order or call when it is placed, it may be counted when the voucher is paid, but care shall be exercised to avoid double counting of such actions.

(b) For the following transactions, each voucher paid during the report period shall be counted as one action, and no other count shall be reported. (If the voucher is in excess of $10,000, the action shall be reported on DD Form 350 rather than DD Form 1057):

(i) meals and lodging;

(ii) automatic deliveries, such as, bread, milk, and ice cream,

(iii) utilities, such as, electricity, gas, and telephone.

(Headquarters, Naval Facilities Engineering Command, will submit consolidated reports on utilities contracts for all Naval Shore Establishments).

21-204.2 *Dollar Value.* All dollar amounts shall be entered in whole dollars. Do not enter cents. For example, $2,510.10 or $2,510.90 shall be reported as $2,510. Do not enter $2,510.00 or $2,510.-. If the net amount is a decrease, enter the symbol "CR" immediately following the amount to signify a credit entry. Do not enter parentheses or dashes. whole dollar. (Do not enter cents.) For example, $2,510.50 shall be reported as $2,511; $1,834.49 shall be reported as $1,834. If the net amount is a decrease, enter the symbol "*CR*" following the amount to signify a credit entry.

21-205 Section A, All Procurement Actions of $10,000 or less.

(a) Enter on Lines 1 through 4 the number and value of actions of $10,000 or less according to type of contractor (*i.e.*, small business, large business, educational and nonprofit institutions), and for work outside the U.S., according to whether the actions were advertised or negotiated.

(b) Report on Line 5*a* orders under GSA Federal Supply Schedules. Orders under Veterans Administration contracts published in GSA Federal Supply Schedules shall be reported on Line 5*b*.

(c) Report on Line 5*b* purchases from or through other Federal agencies.

(d) Report on Line 6 transactions involving Foreign Military Sales (see 21-123(g)).

(e) Enter on Line 7 the totals of Lines 1 through 6.

(f) Purchases from overseas exchange and educational services (*e.g.*, European-Korean Exchange Systems) shall be reported on line 4b of Section A and line 6 of Section B.

21-206 Section B, Negotiated Actions.

(a) Enter the number and dollar amount of negotiated actions of $10,000 or less according to the authority of 10 U.S.C. 2304(a) which was used. The totals of Lines 1 through 17 in Section B shall equal the sums of the entries on Lines 1*b*, 2*b*, 3*b*, and 4*b* in Section A.

(b) Enter on line 3A the number and dollar value of actions of $10,000 or less which were negotiated under 10 U.S.C. 2304(a)(3) and are small business-small purchase set-asides in accordance with 1-702(c) and 3-603.1(g).

(c) Enter on line 3B the number and dollar value of actions of $10,000 or less which were negotiated under 10 U.S.C. 2304(a)(3) and are not small business-small purchase set-asides in accordance with 1-702(c) and 3-603.1(g).

(d) The following provision is applicable only to U.S. Army Troop Support Agency Activities. In lieu of separately tabulating nonfood/food transactions for commissary resale items that are reportable under negotiation authority 10 U.S.C. 2304(a)(8) and (9), a ratio of the total shall be reported as follows:

(1) Enter 26% of the total actions on Line 8 and 74% on Line 9.

(2) Enter 37% of the total dollar value on Line 8 and 63% on Line 9.

21-207 Section C, Research Development, Test and Evaluation Actions. (These actions are also reported in Sections A and B). Enter the number and dollar amount of actions of $10,000 or less for research, development, test and evaluation work on Lines 1 through 4. Do not include purchases of supplies or services that are incidental to the fulfillment of RDTE work but do not require contractor RDTE performance (see 21-116(a)).

21-208 Section D, Competition in Negotiated Actions.

(a) In order to better represent competitive award data within DoD, certain contract actions of the types specified in 21-126(c) are exempt from reporting under this Section D and are to be separately identified in line 3 of this section.

(b) Enter on line 1 the number and dollar amount of those negotiated actions considered for competition that were determined to be price competitive in accordance with the criteria set forth in 21-126(d) and 21-126(g)(1).

(c) Enter on line 2 the number and dollar amount of those negotiated actions considered for competition that were determined not to be price competitive.

(d) Enter on line 3 the number and dollar amount of those negotiated actions meeting the requirements of 21-126(c) which are exempt from reporting under this Section D.

(e) Enter on line 4 the sums of entries on lines 1, 2, and 3 of Section D. The line 4 totals shall equal the totals on line 18 of Section B.

21-209 Section E, Small Disadvantaged Business Actions (see 1-707.3).

(a) Enter on line 1 the number and dollar amount of awards made to small disadvantaged business concerns that were made through the Small Business Administration pursuant to the Small Business Act - Public Law 85-536, Section 8(a). Entries on this line shall also be reflected on line 17B of Section B.

(b) Enter on line 2 the number and dollar amount of awards made directly to small disadvantaged business concerns.

(c) Enter on line 3 the sums of the entries on lines 1 and 2 of Section E.

21-210 Section F, Women-Owned Business Actions (see 7-2003.80).

(a) Enter on line 1 the number and dollar amount of those awards shown in Section A, Line 2, that were made to women-owned business concerns.

(b) Enter on line 2 the number and dollar amount of those awards shown in Section A, line 1, that were made to women-owned buisness concerns.

(c) Enter on line 3 the sums of entries on lines 1 and 2 of Section F.

21-211 Adjustments. Revised DD Form 1057 reports shall not be submitted; but the amounts of corrections or adjustments, if required, shall be included in the report for the following month. If the correction or adjustment results in a net reduction of either action or dollar amounts, enter the symbol "*CR*" following the amount to signify a credit entry.

Part 3—Report of Individual Contract Profit (DD Form 1499)

21-300 Scope and Purpose of Part. This part prescribes the reporting on DD Form 1499 (F-200.1499) of cost and profit plans on contract actions of $500,000 or more, negotiated by specified contracting offices. The form provides a basis for analyzing profit patterns and weighted guidelines objectives on defense contracts. As used in this part, the term *cost* includes target cost as well as estimated cost, and the term *profit* includes fee.

21-301 Applicability. DD Form 1499 shall be prepared by each contracting office of the—

(i) Army Materiel Development and Readiness Command, Ballistic Missile Defense Systems Command, Defense Supply Service, Washington, and U.S. Army Corps of Engineers;

(ii) Air Force Logistics and Systems Commands; and

(iii) Naval Air, Sea, and Electronic Systems Commands, Naval Facilities Engineering Command, Naval Regional Contracting Office, Philadelphia. The form also shall be prepared by the following Navy activities of the Naval Supply Systems Command: Navy Aviation Supply Office, Philadelphia; Navy Ships Parts Control Center, Mechanicsburg; and Naval Regional Contracting Office, Long Beach. Contracting offices located outside the United States, its possessions, and Puerto Rico, under the jurisdiction of the above-mentioned commands, are exempt from this reporting requirement.

21-302 Coverage.

(a) A DD Form 1499 shall be prepared by the contracting offices described in 21-301 for each negotiation of a contractual agreement involving a separate cost and profit that together total $500,000 or more. This negotiated total may agree, but not necessarily, with the amount obligated by the contractual instrument. The instrument may be a new definitive contract, an indefinite delivery-type contract, the definitization of a letter contract, or order under a basic ordering agreement, a supplemental agreement, or any other action in which the contracting officer and contractor negotiate an estimated cost and profit. If, in connection with a fixed-price-type contract or contract modification, the contracting officer requires the contractor to submit cost or pricing data pursuant to 3-807.3, a DD Form 1499 shall be prepared showing the contracting officer's best estimate of cost and profit.

(b) If more than one profit rate applies to a negotiation and the amount for each rate is $500,000 or more, a separate DD Form 1499 shall be used to report data for each rate. If the dollar amount for any profit rate of a multirate negotiation is less than $500,000, the data for the amount below $500,000 shall not be reported. If the separation of a contract into different rates produces no portion of $500,000 or more, a report on DD Form 1499 shall not be submitted.

(c) If any reportable negotiation includes a cost or cost-sharing portion or a firm fixed-price portion not reportable pursuant to (a) above, that portion shall not be reported on DD Form 1499. If the application of this provision fragments

E-315.10 In cases involving several contracts or subcontracts, including contracts or subcontracts relatively minor in relation to dollar amounts of other contracts involved, the processing of certificates of eligibility should not be delayed pending determinations concerning the relatively minor contracts. When any office within a procuring activity has on hand information concerning the substantial preponderance of amount of contracts with which it is concerned, its action concerning the certificate of eligibility should be completed without awaiting information on which to make determinations or recommendations concerning minor contracts. Basically, in situations involving numerous contracts, the determination as to eligibility should be founded upon the need of the prospective borrower's operation in the defense production program, and if his operation is considered necessary for performance of substantial preponderance of his contracts, it usually should be unnecessary to make determinations concerning the eligibility of any particular minor contracts.

E-315.11 When a contracting officer or other person within a procuring activity responsible for processing requests for certificates of eligibility has reason to believe that an application for loan guarantee has been filed or is about to be filed, relating to a contract or subcontract within his cognizance, he should, without awaiting request for a certificate of eligibility or request for information bearing on issuance of a certificate of eligibility, initiate the completion and transmittal of such information and certificate to the appropriate office within his Department, for forwarding to the contract financing office within the Department.

Part 4—Advance Payments

E-400 Scope of Parts—References. This Part covers policy and procedure for advance payments on prime contracts, including advance payments on subcontracts under all types of prime contracts. It applies to all advance payments hereafter authorized pursuant to any legislation or other authority, except as provided in E-419. It is to be applied in conformity to the policies stated in Part 2. Paragraphs E-000, E-001, E-002, E-003, E-100, E-103, E-104, E-107.2, and E-107.3 are also applicable to advance payments.

E-400.1 *Advance Payments on Subcontracts.* The policies, standards and procedures of this Part 4 are applicable to advance payment to subcontractors under all prime contracts, including fixed-price types and cost-reimbursement types of prime contracts. For the prime contractor to receive advances for or to be reimbursed for such advance payments, it is required that the prime contract make provision for advance payments conforming to those regulations, with appropriate provision for advance payments by the prime contractor to subcontractors or suppliers. See paragraph (17) of the clause in 7-104.34.

E-401 Types of Contracts That May Have Advance Payments. Advance payments may be made on any approved type of contract as defined in 1-201.4.

E-402 Advance Payments in Addition to Progress Payments. Where necessary and in accordance with these regulations, advance payments may be authorized in addition to progress payments on the same contract. See E-508.

E-403 Interest.

(a) Interest will be charged on all advance payments hereafter authorized at either (i) the published prime rate of the banking institution (Depository) in which the special bank account (E-413) is established, or (ii) the rate established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 STAT 97, whichever is greater. It will be a floating interest rate (non-fixed) depending on the prime rate of the Depository which is subject to fluctuations and the semiannual determination by the Secretary of the Treasury under Public Law 92-41. The prime rate and the changes therein during the month will be obtained from the Depository on the last business day of each month. Interest will be computed at the end of each month upon the daily unliquidated balance of advance payments at the applicable daily interest rate. However, advance payments may be approved without interest when in connection with (i) cost type contracts with nonprofit educational or research institutions for experimental, research and development work; (ii) nonprofit contracts in the dependents' medical care program; (iii) contracts solely for the management and operation of Government-owned plants; (iv) cost type contracts with governments or instrumentalities thereof; or (v) unusual cases when specifically authorized by the Under or Assistant Secretary responsible for the comptroller function. In this connection, contracts for acquisition of facilities at cost, for

Government ownership, in combination with or in contemplation of supply contracts or subcontracts, will be treated as ordinary profit contracts requiring interest on advance payments.

(b) Contracts with interest-free advance payments hereafter authorized should provide that the contractor will charge interest in accordance with the above paragraph on advances to subcontractors, and that interest charged on such will be credited to the account of the Government. However, interest need not be charged on advances on cost-reimbursement contracts with nonprofit educational or research institutions for experimental, research, or development work.

(c) Interest on advance payments will not be allowed as cost under any cost-reimbursement contract nor cost-reimbursement subcontract thereunder, and no such contract or subcontract may provide for allowance of such interest as an item of cost.

E-404 Standards—Amounts—Need.

(a) Advance payments should be used sparingly and care should be taken to see that advances outstanding are sufficient for but do not exceed the actual reasonable requirements for the contracts. The amount of the advance payment in any case should be based upon an analysis of the cash flow required under the contract, and as a general rule should not exceed the interim cash needs arising during the reimbursement cycle.

(b) Generally, except for (i) cost type contracts with nonprofit educational or research institutions for experimental, research and development work, and (ii) contracts solely for the management and operation of Government-owned plants, advance payments should not be authorized unless no other means of adequate financing is available to the contractor (not including loans or credit (i) at excessive interest rates or other exorbitant charges, or (ii) from agencies of the Government outside the Department of Defense), and the amount of the authorization is predicated upon use of the contractor's own working capital to the extent possible.

E-405 Statutory Requirements. The authorizing statutes (E-103) apply equally to negotiated contracts and to contracts awarded or to be awarded by formal advertising. It is required for all advance payments, that—

(i) the contractor give adequate security (E-413);

(ii) the advance payments shall not exceed the unpaid contract price;

(iii) the making of advance payments is in the public interest, as determined by the authorized official concerned (E-406 and E-406.1), when the action is pursuant to the authority of Title 10 U.S.C. Section 2307;

(iv) the making of advance payments will facilitate the national defense, as determined by the authorized official concerned (E-406 and E-406.1), when the action is pursuant to P.L. 85-804, and Executive Order No. 10789; and

(v) a provision providing for such payments where it is estimated that it will result at some time in unliquidated advance payments exceeding $25 million; such a provision shall not be inserted in any contract unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed payments and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such payments. For purposes of this Section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

E-406 Responsibility—Delegation of Authority. Except as provided in E-406.1, the responsibility and authority for making findings and determinations with respect to advance payments, and in each case for approval of contract provisions for advance payments, or for approval of the terms and conditions thereof, shall be in the Under or Assistant Secretary responsible for the comptroller function in each Military Department, or the authorized deputy of either of them. However, no agreement for advance payments shall be entered into by any such designated authorities without the prior written coordination of the Office of the Director of Defense Research and Engineering if the effect of such agreement, whether alone or in combination with other agreements between the Department of Defense and the contractor for payments, other than partial, progress, or other payments specifically provided for in contracts at the time such contracts were initially entered into would be to provide the contractor at any time with unliquidated balances of these payments in excess of $25,000,000. The Government may not be committed, in any manner directly or indirectly to make an advance payment without the approval of the Under or Assistant Secretary responsible for the comptroller function, or the authorized deputy of either of them (or in appropriate cases, of a person to whom advance payment approval authority has been delegated in accordance with E-406.1), and no procurement involving advance payments may become final until such approval is obtained.

E-406.1 *Delegation of Authority.* The authority in each case to make findings and determinations with respect to advance payments and to approve contract provisions for advance payments, or to authorize the terms and conditions thereof, may be delegated within each Department no further than, to the Comptroller of the Army (and an alternate within his office) in the Department of the Army; to the Director of Contract Financing (and an alternate within his office) in the Department of the Navy; to the Assistant for Banking and Contract Financing, Office of the Assistant Secretary of the Air Force (Financial Management); and to the Comptroller, Defense Logistics Agency, or an alternate responsible to him. For other Departments (1-201.5), this delegation of advance payment authority may be only to the Comptroller of the Agency, or an alternate responsible to him. However, to the extent deemed necessary or prudent and efficient under exceptional circumstances, further delegations of this advance payment authority may be made with the approval of the Director of Defense Research and Engineering.

E-407 Public Law 85-804—Formally Advertised Contracts.

(a) Pursuant to Public Law 85-804, and Executive Order No. 10789, as amended, the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force are authorized to make advance payments under contracts heretofore or hereafter made, without regard to other provisions of law relating to contracts, including advance payments under contracts awarded on competitive bids after formal advertising, and to amend such contracts to provide for advance payments. No contract or amendment or modification of any contract shall be entered into under the authority of this Act which would provide for unliquidated advance payments in an amount in excess of $25,000,000, unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed obligation and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such obligation. For purposes of this Section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period. Furthermore, no agreement for advance payments shall be entered into by any officials of the above designated Departments under the authority of this Public Law without the prior written coordination of the Office of the Under Secretary of Defense Research and Engineering if the effect of such agreement, whether alone or in combination with other agreements between the Department of Defense and the contractor for unusual progress or advance payments, would be to provide the contractor at any time with unliquidated balances of these payments in excess of $25,000,000.

(b) Pursuant to the above statute and executive order (as well as 10 U.S.C. 2307) and subject to these regulations, advance payments may be granted at or after awards of contracts made on competitive bids after formal advertising (as well as on negotiated contracts) notwithstanding the absence of provision for or with regard to advance payments in the invitations for bids. Bids will be rejected if they are conditioned, qualified, or limited in such way that binding awards can be made only with provision for advance payments. Bids shall not be treated as nonresponsive because they contain, or are accompanied by or supplemented by request for advance payments or other indication that advance payments are desired or needed, so long as the advance payment aspect is not a condition,

qualification or limitation of the bid. In the cases mentioned in the previous sentence, or if the need for advance payments becomes apparent in the course of inquiry as to whether the necessary funds will be available for performance by the prospective contractor, (i) the award may be made with provision for advance payments, in conformity with these regulations, or (ii) the award may be made without provision for advance payments if the prospective contractor is determined to be a responsible contractor and advance payments are considered not necessary, or (iii) the award may be denied because funds for performance are not otherwise available to the prospective contractor and the making of advance payments has been declined in accordance with these regulations.

E-407.1 *Special Contract Provisions.* All contracts providing for advance payments under the authority of the above-cited Act (Public Law 85-804) and Executive Order shall:

(i) make reference to the Act and Executive Order; and

(ii) include appropriate clauses required by the Act and Executive Order (17-102), or by other applicable regulations. See 7-104.15 and 7-402.7.

E-407.2 *Data.* Complete data shall be maintained by each Department as to all contracts and amendments to contracts relating to advance payments made pursuant to the above-cited Act (Public Law 85-804) and Executive Order.

E-408 Uses of Advance Payments. Advance payments are last in the general order of preferences stated in E-209. Subject to the provisions of these regulations, advance payments are considered useful and appropriate for (i) cost type contracts with nonprofit educational or research institutions for experimental, research and development work (E-404); (ii) contracts solely for the management and operation of Government-owned plants (E-404); (iii) contracts for acquisition of Government production and research property under facilities contracts (see 13-101.11); (iv) contracts involving operations so remote from a financing institution that the financing institution could not be expected to provide suitable administration of a guaranteed loan; (v) contracts of such highly classified nature that the Department considers it undesirable for national security to permit assignment of claims under the contract; (vi) rare but essential contracts of those contractors, unusually weak or overextended financially, in those cases in which performance may be better fostered and risks of financial loss most effectively minimized by very close control of funds and supervision of performance by personnel of the Department concerned; (vii) contracts for the financing of which a financing institution will not (A) assume a reasonable portion of the risks under a guaranteed loan, or (B) provide funds except at excessive interest rates or other exorbitant charges; and (viii) exceptional cases in which the utilization of advance payments will be more beneficial to the interest of the Government than any other available method of financing. Circumstances will occur, especially on contracts with small business concerns, in which advance payments will be more beneficial to the interest of the Government and more suitable to the situation of the contractor than other methods of contract financing. If, incident to a bid or proposal, or after award of a contract, an otherwise qualified contractor is found to require advance payments, there should be no hesitation in recommending to higher authority that advance payments be established.

E-409 Standards for Advance Payment Determinations—All Contracts. It is not required for the granting of advance payments that the contractor be the sole or only source or prospective source for the required supplies or services. Important practical factors include comparative prices, urgency of supply schedules, and the time and expense involved in arranging other sources or in reletting contracts. The governing principles and standards for decision as to whether to make or approve the necessary determinations for advance payments are those set forth in this paragraph and E-202 through E-212, E-404, E-405, E-407, and E-408. Affirmative recommendations should be made in favor of granting advance payments when (i) advance payments are necessary to supplement other funds or credit available to a contractor or prospective contractor, (ii) the contractor or prospective contractor is otherwise qualified as a responsible contractor (1-903.1, 2-407, E-211), (iii) there will be a benefit to the Government from performance prospects or other practical advantages, and (iv) the case is within one or more of the categories described in E-408. These recommendations should be approved unless the responsible contract financing office (E-212), or the Under or Assistant Secretary or other official concerned (E-406 and E-406.1), considers that under all the relevant circumstances the making of advance payments would be unreasonable or imprudent or would involve undue risks of monetary loss to the Government, or would otherwise fail to conform to these regulations.

E-410 Findings, Determinations, and Authorization. The following is the standard text of findings, determinations, and authorization (E-412(vi)) for use in establishing advance payments.

FINDINGS, DETERMINATIONS, AND AUTHORIZATION FOR ADVANCE PAYMENTS

FINDINGS

(DEC. 1980)

1. I hereby find that:

a. The ..... (*Procuring Activity*) and ..... (*Contractor*) (propose to enter) into negotiated (formally advertised) Contract No. ....., (dated .....).

Summary of the specific facts and significant circumstances concerning the contract and Contractor, which, together with the other findings, will clearly support the determinations below:]

b. Advance payments (in an amount not to exceed $..... at any time outstanding) (in aggregate amount not exceeding $....., less the aggregate amounts repaid, or withdrawn by the Government) are required by the Contractor in order to perform under the contract. Such amount does not exceed the unpaid contract price, nor the estimated interim cash needs arising during the reimbursement cycle.

c. The advance payments are necessary for prompt and efficient performance of the contract, which will be of benefit to the Government.

d. The proposed advance payment clause contains appropriate provisions for the protection of the Government, as security for the advance payments. These include provision that all payments will be deposited in a special bank account, and that the United States will have a paramount lien upon (1) the credit balance in the special bank account, (2) any supplies contracted for, and (3) any material or other property acquired for performance of the contract (Advance payment bond is required.) Such security is deemed to be adequate.

[*In case the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1, insert the following paragraph instead of d. above.*]

d. The proposed advance payment clause contains appropriate provisions for the protection of the Government, as security for advance payments. These include provisions that the outstanding advance payments will be liquidated from cost reimbursements as they become due the contractor, and the United States will have a paramount lien upon (1) any supplies contracted for and (2) any material or other property acquired for performance of the contract. (Advance payment bond is required.) Such security is deemed to be adequate.

e. Within the meaning of applicable regulations, no means of adequate financing other than by advance payments are available to the Contractor, and the amount designated above is predicted upon the use of the Contractor's own working capital to the extent possible in performing the contract.

f. The Contractor is a nonprofit (educational) (and) (research) institution, and the contract is for (experimental) (,) (research and development) work.

g. The contract is solely for the management and operation of a Government-owned plant.

h. The following unusual facts and circumstances favor the making of advance payments to the Contractor without interest:

[*Recitation of pertinent facts and circumstances*]

DETERMINATIONS

2. Upon the basis of the foregoing findings, I hereby determine that the making of the proposed advance payments with interest at the rate established by the Secretary of the Treasury pursuant to Public Law 92-41, 85 STAT 97 , on the unliquidated balance of such advance payments (without interest except as provided by the proposed advance payment clause) (is in the public interest) (will facilitate the national defense).

AUTHORIZATION

3. Such advance payments, of which (the amount at any one time outstanding) (the aggregate amount, less the aggregate amounts repaid, or withdrawn by the Government), shall not exceed $....., are hereby authorized pursuant to (10 U.S.C. 2307, as amended) (The Act of August 28, 1958, as amended, Public Law 85-804, 72 Stat. 972, amended by 87 Stat. 615 (1973), and Executive Order No. 10789, as amended), upon (terms and conditions substantially as contained in the proposed advance payment clause of which copy (or outline) is annexed hereto) (the following terms and conditions:)

(All prior advance payment authorizations with respect to Contract No. ..... are hereby superseded.)

.....(*Name typed*)

.....(*Title of authorized official*)

Instructions:

1. On requests for advance payment provisions, this document will be prepared, in final form for signature of an authorized official (E-406), by such office as may be designated by the procedures of each Department. It will include such of the paragraphs set out above as are appropriate. (See below.)

2. Words and expressions in parentheses and blank spaces in the above paragraphs indicate choices of language, depending upon the facts pertinent to a particular request. Forms will *not* be prepared in advance which include all of the above paragraphs and all of the alternate language. Each "Findings, Determinations, and Authorization" will be prepared separately to include only those paragraphs and those words (including statutory references) which are pertinent to the particular request.

3. Each such "Findings, Determinations, and Authorization" must include paragraphs 1.a., 1.b., 1.c., 1.d., 2 and 3. Paragraph 1.e will not be included in the case of cost type contracts with a nonprofit educational or research institution for experimental, research and development work, or in the case of contracts solely for the management and operation of Government-owned plants. Paragraph 1.f., 1.g., or 1.h., as appropriate, will be included if the advance payments are to be made without interest to the contractor. The last sentence of paragraph 3 will be included if any advance payments have previously been authorized for the contract. The numbering and lettering of the paragraphs in the completed "Findings and Determinations" will then run consecutively, based on the paragraphs actually used.

4. Modifications to adapt to special facts and circumstances are permitted.

5. 10 U.S.C. 2307 normally will be the statutory authority cited for the advance payment. The Act of August 28, 1958, and Executive Order No. 10789 are reserved for extraordinary situations not falling within the purview of 10 U.S.C. 2307.

E-411 Application for Advance Payment. The contractor's application for advance payment, whether incident to the making of a contract or by way of amendment or supplemental agreement for advance payments under an existing contract, may be in the form of a letter request or other writing. The application should refer to the contract or proposed contract under which advance payments are requested, and should include or be accompanied or supported by—

(i) Cash flow forecast (E-214(f), E-214.1, E-214.2) (limited to estimated cash flow for the contract or contracts to be financed by advance payments when the contracts are of the kinds mentioned in E-408(i) or E-408(ii));

(ii) Proposed amount of advance payments;

(iii) Name and address of bank suggested as depository for the advance payment special account (this item is not applicable where the alternate method of advance payments under E-413.1 below is to be used);

(iv) Except for contracts mentioned in E-408(i) and E-408(ii), description of efforts made to obtain private financing, including guaranteed loan; and

(v) Such other information and data (E-214) as may be appropriate under the circumstances of the case for the purposes outlined in E-214 (of which, ordinarily, information concerning reliability, technical capability, and adequacy of accounting system and controls should be sufficient for contracts mentioned in E-408(i) and E-408(ii).

E-412 Action by Contracting Officer—Approval. After such investigation as may be appropriate, and analysis of the request and information submitted by the contractor, the contracting officer should transmit to the appropriate office within his Department, with such number of copies as may be required within the Department:

(i) Date and identifying symbol of the approval of the award, citation of the appropriation available, type of contract, dollar amount of contract, the items to be supplied, and schedule of deliveries or performance, status of performance and deliveries, if any contemplated profit or fee, and (unless excepted by instructions of the Department concerned) copy of contract, if available;

(ii) The request and information furnished by the contractor;

(iii) Report of investigation, including past dealings with the contractor, and comment on the character and responsibility of the contractor, technical ability, and plant capacity;

(iv) Comment on (A) the need for the advance payments for performance of the contract, and (B) the benefits to the Government from the contemplated contract performance;

(v) Proposed advance payment contract provisions or supplemental agreement, including proposed security provisions, unless those are to be provided by the contract financing office or other office;

(vi) The appropriate findings, determination and authorization (E-410) (for signature by the approving authority), unless those are to be provided by the contract financing office or other office;

(vii) Recommendation that the advance payment be approved; and

(viii) Justification of proposal, if any, for waiver of interest charge (E-403).

E-412.1 *Action by Contracting Officer—Disapproval.* If the contracting officer determines that the requested advance payment should be disapproved, the contractor's request, information submitted, report of investigation (if any), and statement of reasons for adverse determination should be sent forward immediately to the appropriate contract financing office (E-212). This information may be useful in connection with existing or prospective arrangements for other financing, and for such further action as may be appropriate to enhance uniform application of these regulations.

E-413 Security—Supervision—Covenants.

(a) The advance payment agreement, under any applicable statute, should provide for deposit of all payments into special bank accounts, unless the alternate method of advance payments under E-413.1 below is to be used, and should include suitable covenants to protect the Government's interest. Advance payments under such authorization should be limited to the contractor's financial needs, and withdrawals from the special bank accounts provided therefor should be closely supervised. The terms governing advance payments should include as security, in addition to or in lieu of the requirements for an advance payment bond or other security, provision for a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited, and upon the material and other property acquired for performance of the contract, except to the extent that the Government has valid title thereto.

(b) Because of the variations in circumstances of individual cases, no fixed rule can be prescribed for determining adequacy of security in a particular case. The minimum security will be that required by the provisions of approved contract forms, supplemented by such further provisions and arrangements, if any, as may be considered appropriate for the protection of the Government under the circumstances of each case. Advance payment bonds usually will not be required. When and to the extent deemed necessary and appropriate special security provisions will be required, such as, for example, personal or corporate endorsements or guarantees, pledges of collateral, subordination or standby of other indebtedness, and controls or limitations on profit distributions, salaries, bonuses or commissions, rentals and royalties, capital expenditures, creation of liens, debt retirement or stock retirement, and creation of additional obligations.

E-413.1 *Alternate Procedure for Advance Payments Without a Special Bank Account.* In view of the nonprofit position of educational and certain research institutions and the Government objective of strengthening the research capabilities of these institutions, advance payments in reasonable amounts will be made, when prudent and practical, on experimental, research and development contracts with such institutions by interest-free advance payment arrangements, without the use of either special bank accounts or letters of credit. The advance payments will be periodically made directly to the institutions under the procedure described below:

(a) The contract clause set forth in 7-104.34 for advance payments will be used; however, in lieu of the requirements relative to a special bank account, there will be provisions for advance payments directly to the contractor to meet its contractual cash needs for the shortest practical periods of time to cover contract performance. The contractor shall periodically determine its cash requirements for performance of pool contracts and submit a statement (request) for an advance payment, in an acceptable format with supporting information as prescribed by the administering office, to the Administrative Contracting Officer or other designated approving official who will determine the necessity for the advance payment. If the approving official concurs with the amount of advance payment requested by the contractor, the request will be promptly approved and forwarded to the designated disbursing office for payment. In the event that the approving official determines that the amount of advance payments requested for the specified period is in excess of the contractor's need for such period, the request will be approved and forwarded to the disbursing office for payment of only that amount determined by the approving official to be needed by the contractor. The approving official will act promptly, in

accordance with contract or pool agreement terms and departmental procedures, to resolve any disagreement on the unapproved portion of the request for an advance payment.

(b) The contractor shall submit cost reimbursement vouchers under its contracts being financed by advance payments to the therein designated disbursing office on at least a monthly basis. The proceeds from the payments that would otherwise be due the contractor under such vouchers will be applied in liquidation of the outstanding advance payments. If the payments due exceed the outstanding advance payments, the proceeds will first be applied to fully liquidate the outstanding advance payments and the remaining balance due will be paid to the contractor. The amount otherwise due the contractor under such cost reimbursement vouchers should never exceed the outstanding advance payments under normal operations, except upon implementation and/or termination of an advance payment arrangement. This is because all of the financing under the applicable contracts is provided under the advance payment arrangement and there is always a time lag in submission of vouchers for materials and/or services previously provided by the contractor.

(c) The advance payments will be requested, approved, and paid based on estimates. There will be a variance between the contractor's estimated and actual cash requirements for each period. These variances represent over or under financing by the Government and could become significant. Consequently, these variances must be identified and taken into consideration with each new request for an advance payment. This is a joint responsibility of the contractor and the approving official.

E-414 Forms of Contract Provisions and Supplemental Agreements. The approved forms for agreement covering advance payment special bank accounts, and approved forms of advance payment contract provisions and supplemental agreements for use in connection with the several types of approved contracts are set out below. Variations from the approved forms of contract provisions for advance payments should be made only when necessary in exceptional circumstances, with the approval of the person having authority to approve the particular advance payment contract involved. With regard to variations, it is recognized, for example, that there may be exceptional circumstances in which it will be beneficial to the Government to modify E-414.1(b) and the second sentence of paragraph (7) of the clause in 7-104.34.

E-414.1 *Form of Agreement for Special Bank Account.* For all advance payments substantially the following form of agreement will be used for the special bank account or accounts:

36586 Federal Register / Vol. 46, No. 134 / Tuesday, July 14, 1981 / Rules and Regulations
Federal Register / Vol. 46, No. 134 / Tuesday, July 14, 1981 / Rules and Regulations 36587

AGREEMENT FOR SPECIAL BANK ACCOUNT (DEC. 1980)

AGREEMENT entered into this ..... day of ....., 19....., between the UNITED STATES OF AMERICA, hereinafter called the Government, represented by the Contracting Officer executing this Agreement, ..., a corporation under the laws of the State of ....., hereinafter called the Contractor, and ....., a banking corporation under the laws of ....., located at ....., hereinafter called the Bank.

RECITALS

(a) Under date of ....., 19....., the Government and the Contractor entered into Contract(s) No. ....., or a Supplemental Agreement thereto, providing for the making of advance payments to the Contractor. Copy of such advance payment provisions has been furnished to the Bank.

(b) Said Contract or Supplemental Agreement requires that amounts advanced to the Contractor thereunder be deposited in a Special Bank Account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U.S.C. 264), separate from the Contractor's general or other funds; and, the Bank being such a bank, the parties are agreeable to so depositing said amounts with the Bank.

(c) This Special Bank Account shall be designated "*(Name of Contractor)*, ... *(Department)*, Special Bank Account."

COVENANTS

In consideration of the foregoing, and for other good and valuable considerations, it is agreed that—

(1) The Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the Contractor, which lien shall be superior to any lien or claim of the Bank with respect to such account.

(2) The Bank will be bound by the provisions of said contract or contracts relating to the deposit and withdrawal of funds in the above Special Bank Account, but shall not be responsible for the application of funds withdrawn from said account. After receipt by the Bank of written directions from the Contracting Officer, or from the Administering Office designated in the advance payment contract mentioned above, or from the duly authorized representative of the Contracting Officer or the Administering Office, the Bank shall act thereon and shall be under no liability to any party hereto for any action taken in accordance with the said written directions. Any written directions received by the Bank through the Contracting Officer upon Department of the ..... stationery and purporting to be signed by, or by the direction of ....., or his duly authorized representative, shall, in so far as the rights, duties and liabilities of the Bank are concerned, be conclusively deemed to have been properly issued and filed with the Bank by the Department of the .....

(3) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to such Special Bank Account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of this Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify ..... *(Administering Office)*.

(5) The Bank will advise the Government of its published prime interest rate and the changes therein during the month on the last business day of each month so long as this Special Bank Account remains in existence. (This covenant will not be included in Special Bank Account Agreements covering interest-free advance payments.)

IN WITNESS WHEREOF the parties thereto have caused this agreement to be executed as of the day and year first above written.

(Signatures and Official Titles)

E-414.2 *Advance Payment Provisions.* Approved contract provisions for advance payments, with directions for use where appropriate, are in 7-104.34.

E-415 Pooled Advance Payments—General. Advance payments are sometimes useful and convenient for financing the performance of more than one contract, under a single advance payment agreement. Such an agreement is called an advance payment pool agreement. An advance payment pool agreement may be entered into as a separate agreement for advance payments, or may be incorporated initially in a contract for supplies or services, or added to such a contract by amendment or supplement. Advance payment pool agreements are especially convenient for the financing of cost type contracts with nonprofit educational or research institutions for experimental, or research and development work, when several contracts or a series of contracts require financing by advance payments. When advance payments are appropriate, pooled advance payments may also be used to finance performance of other types of contracts held by a single contractor. They may be established without regard to the number of appropriations involved, and regardless of the fact that contracts affected may be those of more than one purchasing office, procuring activity, or Military Department. If more convenient or otherwise preferable, there also may be more than one advance payment pool agreement in force at the same time with a single contractor, designed separately to finance contracts of the Military Departments respectively concerned, or of one or more procuring activities respectively. Advance payment pool agreements may be established under either or both of the statutes mentioned in E-103.

E-415.1 *Distinction Between Pool Contracts and Designated Pool Contracts.* An advance payment pool agreement may cover a broad area of a contractor's financial needs rather than piecemeal segments related to separate contracts. A pool arrangement is based upon the contractor's financing requirements for a group of Government contracts to be performed at the same time. The monetary requirements for the group of contracts are considered in fixing the maximum dollar amount for the advance payment pool agreement. Advances are not made on each separate contract, but can be made on and charged against one or more large, long term contracts, so as to supply the monetary requirements for smaller contracts included in the advance payment pool. A contract to which the advance payments are charged is called a designated pool contract. All other contracts linked to the pool agreement are called the pool contracts.

E-416 Advance Payments Pool Agreements—Special Features. The principal features distinguishing an advance payment pool agreement from an advance payment provision affecting only a single contract are—

(i) The advance payment pool agreement specifies a "designated pool contract" or two or more "designated pool contracts," and provides for substitution from time to time of new or different contracts as the "designated pool contract(s);"

(ii) When there is only one designated pool contract, all advance payments are charged against that designated pool contract. When there is more than one designated pool contract, each advance payment made is charged against one of the designated pool contracts, except that when the foregoing is not possible, the advance must be allocated specifically by amounts to two or more designated pool contracts;

(iii) Liquidation of advance payments is geared to the stated contract price, or total estimated cost, if applicable, of the "designated pool contract(s);"

(iv) The advance payment pool agreement either lists other contracts as "pool contracts," or provides for inclusion of other contracts as "pool contracts" by reference to the advance payment pool agreement in such contracts, and provides for the subsequent inclusion of other contracts as "pool contracts;"

(v) All payments under all of the pool contracts, including designated pool contracts, are made into the advance payment Special Bank Account, except in those cases where the alternate procedure for advance payments without a bank account is to be used in accordance with E-413.1 and, in such cases, payments otherwise due the contractor under pool contracts are applied in liquidation of the outstanding advance payments; and

(vi) The appropriate provisions of the advance payment clause are made applicable to all pool contracts, including the designated pool contracts.

E-417 Liquidation—Designated Pool Contracts—Administering Office. It is imperative for each advance payment pool that effective arrangements be made to insure that there will not be overpayments, and that timely liquidation is accomplished against each designated pool contract. For each pool agreement, there must be a single administering office, and to the greatest extent possible there should be only one finance office or disbursing office for all of the contracts affected by the pool, especially those contracts which are designated pool contracts.

E-418 Pooled Advance Payments—Understandings. Pooled advance payments affecting contracts of more than one Military Department necessarily require agreement by those concerned with a given case. The following guidance is provided.

(a) There should be no single exclusive procedure for establishing an advance payment pool agreement. Requests for pooled advance payments may be initiated at the level of the contracting officer, or chief of a procuring activity, or at Departmental headquarters.

(b) When the advance payment pool is to affect contracts of more than one Department, the authorizing Department ordinarily would be the one having preponderant interest in the contractor's backlog of unfinished contracts, along the lines of E-306. Possible exceptions to the preponderance principle are cases in which it would be more convenient to use a relatively large long term contract of a nonpreponderant Department as the "designated pool contract," or where it is fairly expected that preponderance will shift during the term of the advance payment pool agreement.

(c) Inclusion of contracts of another Department in an advance payment pool arrangement, either as "pool contracts" or as a "designated pool contract," requires approval of the contract financing office of each Department concerned. This may be accomplished by concurrence in provisions of the pool agreement permitting inclusion of contracts of another Department, or by separate approvals in connection with the addition of such contracts to the advance payment pool

(d) Situations may occur in which the remaining payments available on all pool contracts are not sufficient to liquidate outstanding advance payments. These circumstances will not affect the normal practice by which the net amount payable by or to the Government on each separate contract is determined by offsetting mutual debits and credits of the Government and the contractor respectively arising under each separate contract. For advance payments that remain outstanding after adjustment for debits and credits under each separate contract, amounts realized from the special pool bank account, from property covered by the advance payment lien, and from any other recoveries available for liquidation of advance payments should be applied first to liquidation of the remaining outstanding advance payments, ratably in proportion to the amount of unliquidated advance payments outstanding on each contract respectively. If there is only one open designated pool contract, the entire advance payment loss should fall on that contract. If there is more than one open designated pool contract on which advance payments remain outstanding after adjustment for debits and credits under each separate contract, the advance payment loss (insofar as contracts of two or more Military Departments are involved) will fall on all of those designated pool contracts, ratably in proportion to the amount of unliquidated advance payments outstanding on each contract respectively.

(e) Records will not be maintained to show separately the amount of advance payments invested in each one of the separate pool contracts. The keeping of such records is unnecessary, and would not be consistent with the purposes of pooled advance payments to provide necessary contract financing in such way as to minimize administrative effort and inconvenience of contractors and the Government.

E-419 Excluded Advance Payments. These regulations do not apply to advance payments for:

(i) extension or connection of public utilities for military installations, as authorized by Military Construction Authorization Acts;

(ii) authorized insurance premiums, including insurance of official motor vehicles in foreign countries, and expenses of investigations in foreign countries, as authorized by Section 603 of the Department of Defense Appropriation Act, 1960 (73 Stat. 378) or by other legislation authorizing payments for such expenses;

(iii) rentals, as authorized by Section 606 of the Department of Defense Appropriation Act, 1960 (73 Stat. 378) or by 31 U.S.C. 529i (69 Stat. 314) or by other legislation specifically authorizing advance payment of rent;

(iv) tuition, as authorized by 31 U.S.C. 529i (69 Stat. 314);

(v) subscriptions to publications, as authorized by 31 U.S.C. 530;

(vi) small purchases of goods or services in foreign countries, when the purchase price does not exceed $10,000 or equivalent amount of applicable foreign currency and advance payment of the purchase price or of a part thereof is required by and made in compliance with the laws or ministerial, i.e., governmental, regulations of the foreign country concerned, as authorized by 31 U.S.C. 529i (69 Stat. 314); or

(vii) advertising for military recruitment in high school and college publications not to exceed $500.00 under any single contract

DEFENSE CONTRACT FINANCING REGULATIONS

Part 5—Progress Payments Based on Costs

E-500 Scope. This Part provides uniform policies, procedures, and forms for progress payments based on costs.

E-500.1 *References.* Paragraphs E-000, E-001, E-002, E-003, E-100, E-105, E-106, E-107, and all of Part 2 apply to all progress payments, whether based on costs or on a percentage or stage of completion.

E-500.2 *Exclusions.* This Part does not apply to (i) cost-reimbursement type contracts, except as to progress payments to subcontractors and suppliers thereunder (E-514), or (ii) contracts for construction (as defined in 10-101.6), or for shipbuilding or ship conversion, alteration or repair, when such contracts provide for progress payments based on a percentage or stage of completion.

E-500.3 *Contract Coverage.* Except as provided in E-500.2 above, this Part applies to all contracts (1-201.5) providing for progress payments. This Part applies to new procurement, to contract changes concerning progress payments, and to existing contracts whenever consistent therewith. However, a provision for unusual progress payments not specifically provided for in a contract at the time such contract was initially entered into and which may result in unliquidated unusual progress payments exceeding $25,000,000 shall not be inserted in a contract unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such proposed payments and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees and neither House of Congress has adopted, within such 60-day period, a resolution disapproving such payments. For purposes of this Section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period. In addition, no agreement for payments, other than partial, progress, or other payments specifically provided for in contracts at the time such contracts were initially entered into, shall be entered into without the prior written coordination of the ODDR&E if the effect of such agreement, whether alone or in combination with other agreements between the Department of Defense and the contractor for such payments, would be to provide the contractor at any time with unliquidated balances of these payments in excess of $25,000,000.

E-501 Percentage or Stage of Completion. Progress payments based on a percentage or stage of completion will be confined to contracts for construction (10-101.6), shipbuilding and ship conversion, alteration or repair. For all other contracts, including any separate contracts for engines, machinery, equipment or other components for ships, the only types of progress payment provisions will be those based on costs, as authorized herein. However, on existing contracts which provide for progress payments based on a percentage or stage of completion, it is not required that provision for progress payments based on costs be substituted in connection with future amendments, supplements or modifications, if such substitution is found impracticable.

E-502 Obligations. Nothing in these regulations shall be construed to authorize payment of more than the amount obligated on a contract.

APPENDIX F

ILLUSTRATIONS OF STANDARD AND DEPARTMENT OF DEFENSE FORMS REFERENCED IN ASPR

F-000 Scope. This Appendix contains illustrations of Standard and Department of Defense forms referenced in this Regulation.

Part 1—Standard Forms

F-100 Scope of Part. Standard Forms referenced in this Regulation are illustrated in this Part in numerical order to provide a ready source of reference. The subparagraph numbers correspond with the Standard Form numbers—thus, Standard Form 18 appears as F-100.18.

STANDARD FORMS

F-100.18 *Standard Form 18: Request for Quotations*

REQUEST FOR QUOTATIONS
(THIS IS NOT AN ORDER)

1 REQUEST NO	2 DATE ISSUED	3 REQUISITION/PURCHASE REQUEST NO	4 CERTIFIED FOR NATIONAL DEFENSE UNDER BDSA REG. 2 AND/OR DMS REG. 1 RATING
5 ISSUED BY		6 DELIVER BY (Date)	
		7 DELIVERY ☐ FOB DESTINATION ☐ OTHER (See Schedule)	
FOR INFORMATION CALL (Name and tel. no.) (No collect calls)			
8 TO (NAME AND ADDRESS INCLUDING ZIP CODE)		9 DESTINATION (Consignee and address including ZIP code)	

10 PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE ON OR BEFORE CLOSE OF BUSINESS _____ (Date) SUPPLIES ARE OF DOMESTIC ORIGIN UNLESS

OTHERWISE INDICATED BY QUOTER. THIS IS A REQUEST FOR INFORMATION, AND QUOTATIONS FURNISHED ARE NOT OFFERS. IF YOU ARE UNABLE TO QUOTE, PLEASE SO INDICATE ON THIS FORM AND RETURN IT. THIS REQUEST DOES NOT COMMIT THE GOVERNMENT TO PAY ANY COSTS INCURRED IN THE PREPARATION OF THE SUBMISSION OF THIS QUOTATION, OR TO PROCURE OR CONTRACT FOR SUPPLIES OR SERVICES.

SCHEDULE

11 ITEM NO	12 SUPPLIES/SERVICES	13 QUANTITY	14 UNIT	15 UNIT PRICE	16 AMOUNT

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	E	Inspection and Acceptance	
	F	Deliveries or Performance	
	G	Contract Administration Data	
	H	Special Provisions	
		PART II - GENERAL PROVISIONS	
	I	General Provisions	
		PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS	
	J	List of Documents, Exhibits and other Attachments	
		PART IV - GENERAL INSTRUCTIONS	
	K	Representations, Certifications and other Statements of Offerors	
	L	Instructions and Conditions and Notices to Offerors	
	M	Evaluation Factors for Award	

17 PRICES QUOTED INCLUDE APPLICABLE FEDERAL, STATE AND LOCAL TAXES

DISCOUNT FOR PROMPT PAYMENT _____ % 10 CALENDAR DAYS _____ % 20 CALENDAR DAYS _____ % 30 CALENDAR DAYS _____ % _____ CALENDAR DAYS

NOTE: Reverse must also be completed by the quoter.

18 NAME AND ADDRESS OF QUOTER (Street, city, county, State and ZIP Code)	19 SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION	20 DATE OF QUOTATION
	21 SIGNER'S NAME AND TITLE (Type or print)	22 TELEPHONE NO.

10-113 Exemption approved by NARS 6/20/80 STANDARD FORM 18 (Rev. 10-83) Prescribed by GSA FPR (41 CFR) 1-16.202

STANDARD FORMS

F-100.18 *Standard Form 18: Request for Quotations—Continued*

REPRESENTATIONS AND CERTIFICATIONS

The Quoter represents and certifies as part of his quotation that: (Check or complete all applicable boxes or blanks.)

1. SMALL BUSINESS
He ☐ is, ☐ is not, a small business concern. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is quoting on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.) If the quoter is a small business concern and is not the manufacturer of the supplies offered, he also represents that all supplies to be furnished hereunder ☐ will, ☐ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

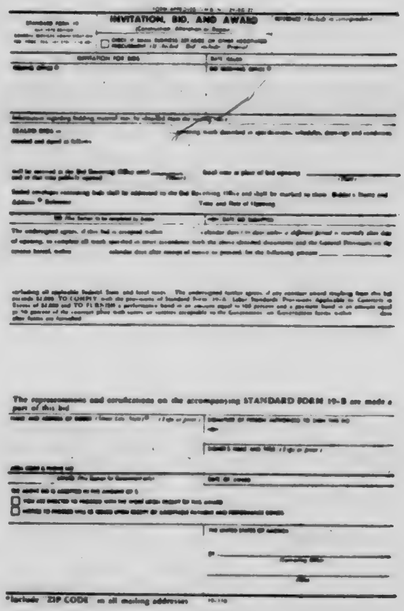
2. MINORITY BUSINESS ENTERPRISE
He ☐ is, ☐ is not, a minority business enterprise. A minority business enterprise is defined as a "business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American-Aleuts.

3. REGULAR DEALER-MANUFACTURER (Applicable only to supply contracts exceeding $10,000.)
He is a ☐ regular dealer in, ☐ manufacturer of, the supplies offered.

4. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION (Applicable only to quotations in excess of $10,000.)
(a) By submission of this quotation, the quoter certifies, and in the case of a joint quotation, each party thereto certifies as to its own organization, that in connection with this procurement:
(1) The prices in this quotation have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other quoter or with any competitor;
(2) Unless otherwise required by law, the prices which have been quoted in this quotation have not been knowingly disclosed by the quoter and will not knowingly be disclosed by the quoter prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other quoter or to any competitor; and
(3) No attempt has been made or will be made by the quoter to induce any other person or firm to submit or not to submit a quotation for the purpose of restricting competition.
(b) Each person signing this quotation certifies that:
(1) He is the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or
(2)(i) He is not the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.
(c) This certification is not applicable to a foreign quoter submitting a quotation for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.
(d) A quotation will not be considered for award where (a)(1), (a)(2), or (b) above, has been deleted or modified. Where (a)(2) above, has been deleted or modified, the quotation will not be considered for award unless the quoter furnishes with his quotation a signed statement which sets forth in detail the circumstances of the disclosure and the head of the Agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

STANDARD FORM 18 BACK (Rev. 8-77)

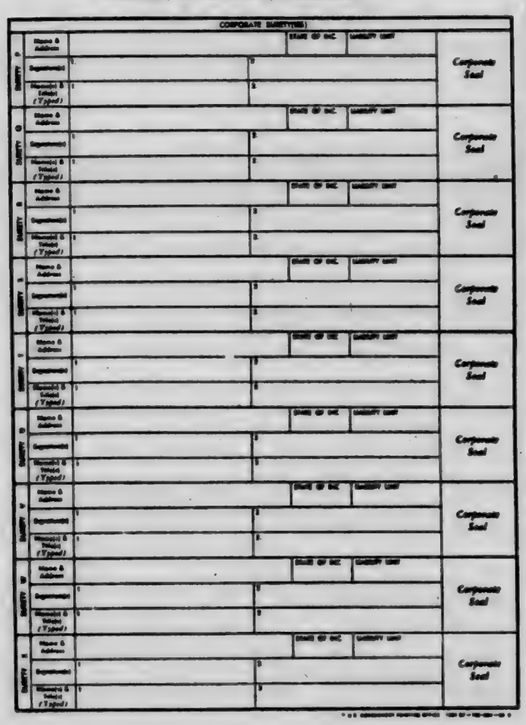
F-100.19 *Standard Form 19: Invitation, Bid, and Award (Construction, Alteration or Repair).* (See 16-401.1(i)).



F-100.19

ARMED SERVICES PROCUREMENT REGULATION

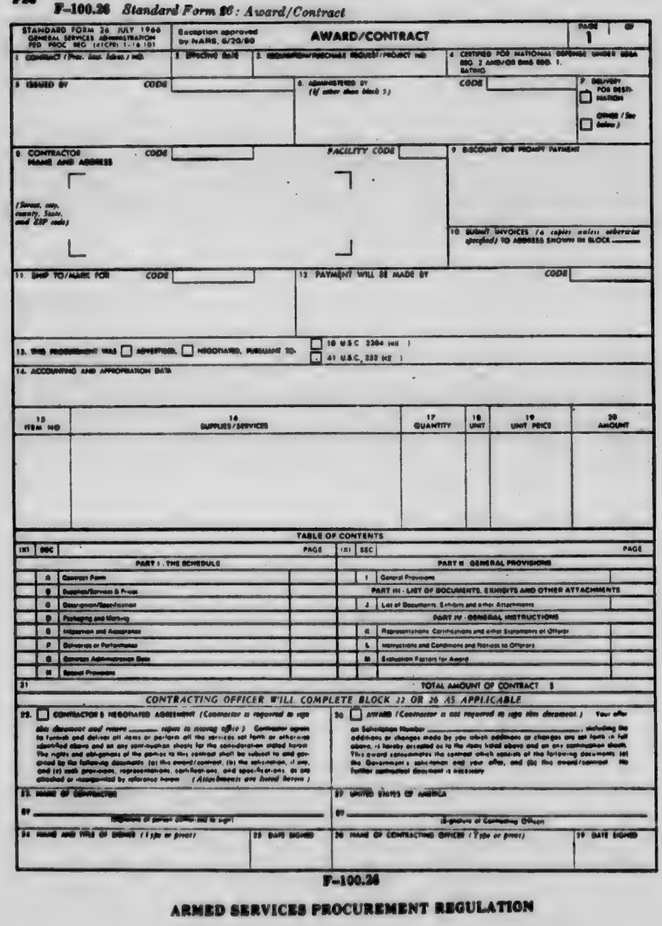
F-100.25-B *Standard Form 25-B: Continuation Sheet (For Standard Forms 24, 25 and 25-A)*—Continued



F-100.25-B

ARMED SERVICES PROCUREMENT REGULATION

F-100.26 *Standard Form 26: Award/Contract*



F-100.26

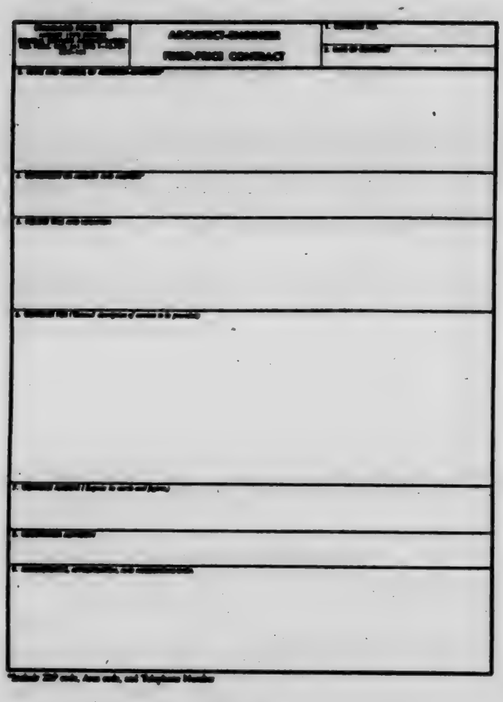
ARMED SERVICES PROCUREMENT REGULATION

F-100.149 Reserved.

F-100.149

ARMED SERVICES PROCUREMENT REGULATION

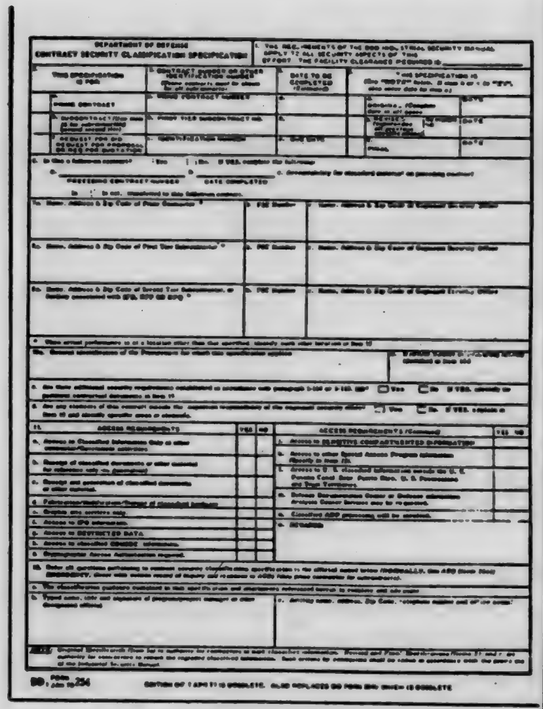
F-100.252 *Standard Form 252: Architect-Engineer Fixed-Price Contract.*


ARCHITECT-ENGINEER
FIXED-PRICE CONTRACT

F-100.252

ARMED SERVICES PROCUREMENT REGULATION

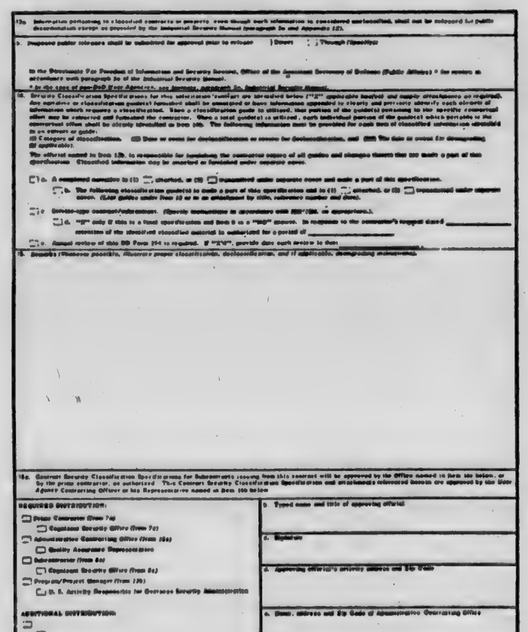
F-200.254 *DD Form 254: Contract Security Classification Specification*


DEPARTMENT OF DEFENSE
CONTRACT SECURITY CLASSIFICATION SPECIFICATION

F-200.254

ARMED SERVICES PROCUREMENT REGULATION

F-200.254 *DD Form 254: Contract Security Classification Specification*— Continued

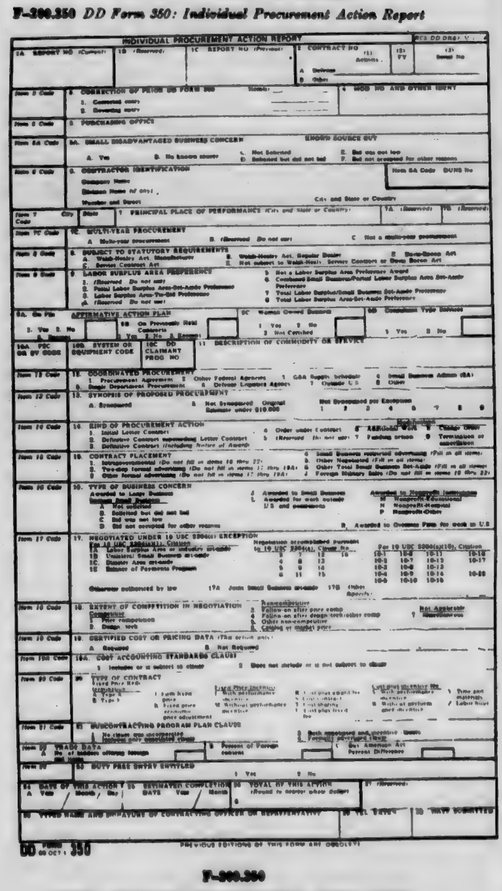


[The next page is F87]

F-200.254

ARMED SERVICES PROCUREMENT REGULATION

F-200.350 *DD Form 350: Individual Procurement Action Report*


INDIVIDUAL PROCUREMENT ACTION REPORT

F-200.350

ARMED SERVICES PROCUREMENT REGULATION

F195

1 JULY 1976

DEPARTMENT OF DEFENSE FORMS

F-200.883 *DD Form 882: Report of Inventions and Subcontracts (Pursuant to "Patent Rights" Contract Clause)*—Continued

INSTRUCTIONS TO CONTRACTOR

Three items are applicable to the use of numerous ENTRIES and TOTALS, appears in the Contracting Officer's (a) a description of compliance with required inventions identification and disclosure procedures, and (c) any requested redesignations on Subcontracts having a Patent Rights clause awarded during the reporting period which has not been previously reported.

A FINAL report is due within 3 months after completion of the contract work and shall include (a) a listing of all Subject Inventions required to be disclosed to be reported, and (b) any required information on Subcontracts awarded having a Patent Rights clause which has not been previously reported.

Reverse side of DD Form 882, 1 OCT 75

F-200.883

ARMED SERVICES PROCUREMENT REGULATION

F196

DAC 876-26 15 DECEMBER 1980

DEPARTMENT OF DEFENSE FORMS

F-200.1057 *DD Form 1057: Monthly Procurement Summary of Actions $10,000 or Less*

MONTHLY PROCUREMENT SUMMARY OF ACTIONS $10,000 OR LESS

REPORT CONTROL SYMBOL DD-M(AR)1057

FUNCTIONAL OFFICE AND MAILING ADDRESS | MONTH ENDING | REPORTING OFFICE CODE

CATEGORY	NUMBER OF ACTIONS	DOLLAR VALUE	CATEGORY	NUMBER OF ACTIONS	DOLLAR VALUE
SECTION A - ALL PROCUREMENT ACTIONS			SECTION B - NEGOTIATION AUTHORITY 10 U.S.C.		
1. WITH LARGE BUSINESS FIRMS TOTAL			1. SECTION 2304(a)(1)		
a. ADVERTISED			a. Labor Surplus Area or Industry Set Aside		
b. NEGOTIATED			b. Small Business Set Aside (Unrestricted)		
2. WITH SMALL BUSINESS FIRMS TOTAL			c. Section 8(a) Awards		
a. ADVERTISED			d. Guarantee of Payments Program		
b. NEGOTIATED			2. SECTION 2304(a)(2)		
3. WITH EDUCATIONAL AND NON-PROFIT INSTITUTIONS TOTAL			3. SECTION 2304(a)(3)		
a. ADVERTISED			a. RESERVED FOR SMALL BUSINESS		
b. NEGOTIATED			b. NOT RESERVED FOR SMALL BUSINESS		
4. FOR WORK OUTSIDE THE U.S. TOTAL			4. SECTION 2304(a)(4)		
a. ADVERTISED			5. SECTION 2304(a)(5)		
b. NEGOTIATED			6. SECTION 2304(a)(6)		
5. WITH GOVERNMENTAL AGENCIES TOTAL			7. SECTION 2304(a)(7)		
a. GSA Federal Supply Schedules					
b. Other Federal Agencies			8. SECTION 2304(a)(8)		
6. FOREIGN MILITARY SALES TOTAL			9. SECTION 2304(a)(9)		
7. TOTAL (Lines 2+3+4+5+6)			10. SECTION 2304(a)(10)		
			11. SECTION 2304(a)(11)		
			12. SECTION 2304(a)(12)		
			13. SECTION 2304(a)(13)		
SECTION C - RESEARCH, DEVELOPMENT, TEST AND EVALUATION ACTIONS			14. SECTION 2304(a)(14)		
1. LARGE BUSINESS FIRMS			15. SECTION 2304(a)(15)		
2. SMALL BUSINESS FIRMS			16. SECTION 2304(a)(16)		
3. EDUCATIONAL AND NON-PROFIT INSTITUTIONS			17. SECTION 2304(a)(17)		
4. TOTAL (Lines 1+2+3)			a. Small Business Set Aside (Joint)		
			b. Other		
			18. TOTAL (Lines 2 thru 17)		
SECTION E - SMALL DISADVANTAGED BUSINESS ACTIONS					
1. TOTAL (Line 2a+2b)					
2. DIRECT			SECTION D - COMPETITION IN NEGOTIATED ACTIONS		
3. TOTAL (Lines 1+2)			1. PRICE COMPETITION		
			2. OTHER NEGOTIATED		
			3. NOT CONSIDERED FOR COMPETITION		
SECTION F - WOMEN OWNED BUSINESS			4. TOTAL (Lines 1+2+3)		
1. SMALL BUSINESS					
2. LARGE BUSINESS					
3. TOTAL (Lines 1+2)					

REMARKS (Continue on separate sheet)

DATE SUBMITTED	TYPED NAME AND SIGNATURE	TELEPHONE NUMBER

DD FORM 1057 EDITION OF 1 OCT 79 IS OBSOLETE

F-200.1057

ARMED SERVICES PROCUREMENT REGULATION

[FR Doc. 81-20001 Filed 7-13-81; 8:45 am]

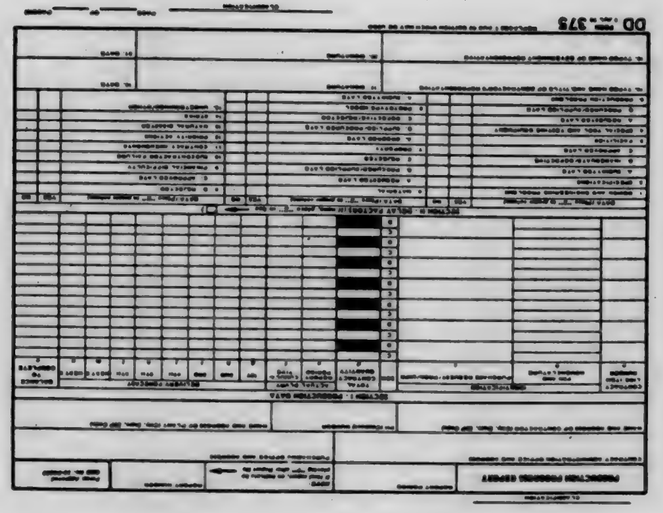
BILLING CODE 3810-70-C

F92

1 JULY 1976

DEPARTMENT OF DEFENSE FORMS

F-200.375 *DD Form 375: Production Progress Report*



DD Form 375

F-200.376

ARMED SERVICES PROCUREMENT REGULATION

32 CFR Parts 1 through 39

[DAC 76-27]

Defense Acquisition Regulation

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document publishes changes to the Defense Acquisition Regulation contained in the Code of Federal Regulations. The changes are the same as those in Defense Acquisition Circular 76-27. Some of the changes include: termination of the Wage and Price Regulatory Program; debarment and suspension of subcontractors; automatic data processing contracting; fast payment procedures; rights in commercial computer software; liability for shipping loss or damage; allowance of costs for long-term leases; shipment or storage of personal property; Department of Defense precious metals program; and deferment proposals. In addition to these changes, there is included material concerning the Simplified Research Contract Procedures.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: J. Brannan, Director, Defense Acquisition Regulatory Council, Room 3D1028, Pentagon, Washington, D.C. 20301, Telephone 202-697-7266.

SUPPLEMENTARY INFORMATION:

Background

The Defense Acquisition Regulation (DAR) is codified in Title 32, Parts 1-39, Volumes I, II, and III, of the Code of Federal Regulations.

The July 1, 1979 revision, as supplemented on July 1, 1980, is the most recent edition of that title. It reflects amendments to the 1976 edition made by Circulars 76-1 through 76-23.

The Department of Defense announced the promulgation of the 1979 CFR edition in the **Federal Register** of December 31, 1979 (44 FR 77158), and also announced at that time that subsequent amendments to the Regulation would be published in the **Federal Register.**

Defense Acquisition Circular 76-27.

This document contains amendments to the Defense Acquisition Regulation in the form of replacement pages which were included in DAC 76-27, issued May 15, 1981. The following is a summary of the amendments:

Termination of the Wage and Price Regulatory Program. In conformance with Executive Order 12288, dated January 29, 1981, which terminated the Wage and Price Regulatory Program, DAR 1-341, which implemented the program, is canceled. The clauses at 7-2003.83 and 7-104.101, concerning compliance with the program, and related paragraphs in DAR Section VII are deleted. In addition to these changes, the most recent list of noncompliant contractors has been rescinded.

Debarment and Suspension of Subcontractors. DAR Section I, Part 6 is revised to confirm and clarify the Department of Defense policy that debarment and suspension procedures apply to subcontractors.

Automatic Data Processing (ADP) Contracting. Part 11 is added to Section IV of the DAR to provide comprehensive guidance to DoD personnel with respect to contracting procedures for ADP equipment, software, maintenance services, and support services. The coverage incorporates in one document existing guidance contained in the Federal Property Management Regulations, the Federal Procurement Regulations, Department of Defense Directives and Instructions, and related Departmental implementation. Associated changes are made in other sections of the DAR as appropriate. NOTE: Two new General Services Administration Regulations regarding the acquisition of ADPE became effective January 15, 1981. They are published in the **Federal Register,** Volume 46, No. 2, January 5, 1981. (46 FR 1196 and 46 FR 1213).

Fast Payment Procedures. The coverage in DAR 3-606 and the related changes in 7-104.84 are revised to incorporate provisions for overseas shipments and to clarify the information to be submitted by contractors with invoices and DD Form 250.

Rights in Commercial Computer Software. DAR Section IX and the related clauses in 7-104.9 are revised to authorize the use of a special Restricted Rights Legend for commercial computer software. Related changes are included in the coverage concerning Government use of such software.

Liability for Shipping Loss or Damage. Paragraph (c) of the clause at DAR 7-1601.14 is revised with regard to the liability for loss of or damage to military goods during shipment.

Allowance of Cost for Long-Term Leases. DAR 15-205.9 and 15-205.34 are revised to reinstate the "grandfather" clause, similar to the one which appeared in the DAR (ASPR) from December 31, 1969 (Revision 6) to September 1, 1978 (DAC 76-17), for application to leases as originally provided in ASPR Revision 6. It should be noted that when lease costs are allowed under the grandfather provision the asset values may not be included in computation of facilities capital cost of money.

Shipment or Storage of Personal Property. DAR 22-602.1 is revised to authorize substitution of "MTMC Pamphlet 5512, dated October 12, 1978," for "Federal Specification PPP-B-560" for shipping containers.

DoD Precious Metals Program. DAR 24-204.4 is revised to recognize the Defense Property Disposal Precious Metals Recovery Office in Colts Neck, New Jersey, as the single DoD control point for precious metal reporting. The coverage also is revised to provide for the disposition of all precious metals, not just silver and gold material, when it is determined that recovery is not feasible.

Deferment Proposals. Appendix E (E-614) is revised to incorporate language to clarify existing policy relative to deferment proposals and to be consistent with E-623 which sets forth the responsibility of the contract financing office for acting on such proposals.

Editorial Changes. Editorial changes are included in this DAC to correct typographical errors or administrative oversight, and to provide other editorial corrections.

Test of the Short Form Research Contract. The Defense Acquisition Regulatory (DAR) Council, on January 17, 1980, approved a two-year test of a Short Form Research Contract (SFRC) for awards to educational institutions and nonprofit organizations whose primary purpose is the conduct of scientific research, when the basis of award is an unsolicited proposal. DD Form 2222 (Test), 1 Jan 80; the Simplified Research Contract Procedures (DAR Section IV, Part 10); and the SFRC Contract Clauses (DAR Section VII, Part 22), established for the purpose of the test are included as part of this DAC, but not in the form of replacement pages in the Regulation.

Neither the SFRC nor the accompanying contract procedures are intended to provide new policy coverage or guidance on the use of research contracts versus grants for educational institutions and/or nonprofit organizations. The SFRC test coverage does, however, present a significant departure from current DoD research contracting procedures by providing for:

Unilateral awards when unsolicited proposals receive favorable technical evaluation;

Use of a one-page contract document through incorporation by reference of the proposal and general provisions;

Consolidation of all applicable contract clauses and provisions for educational institutions and other qualifying nonprofit organizations into the newly established test, DAR Section VII, Part 22.

It is believed that use of the SFRC will enhance the use of unsolicited proposals and provide a more consistent approach and format for DoD research contracting with educational institutions and other nonprofit organizations. For this reason, use of the SFRC by all DoD contracting activities is mandatory for applicable contracts during the two-year test period. A special instrument identification code (DAR 20-203.1(iii)) for SFRCs has been assigned as follows: "K Short Form Research Contract." Use of the Basic Agreements with educational institutions and nonprofit organizations, as prescribed by DAR 4-118.5, is suspended during the test period. The SFRC is also exempt from the Uniform Contract Format prescribed by DAR 3-501.

At the end of the first year of the test, all DoD contracting activities will be requested to report on implementation of the SFRC. Any necessary changes or adjustments to the SFRC format, procedures or contract provisions will be made at that time.

DD Form 2222 (Test), 1 Jan 80, may be reproduced for local use pending receipt of the form through normal form distribution channels.

Because the Defense Acquisition Regulation concerns agency management, public property, and contracts, it is not necessary to issue proposed rules for public comment. Neither is it necessary to delay the effective date until 30 days after the date of publication of these rules, 5 U.S.C. 533 (a) and (d). The amendments became effective on May 15, 1981.

How to Use Replacement Pages

Reproduced at the end of this document are replacement pages from DAC 76-27. The number at the top of each page (for example, 1-9) identifies the page from the Regulation which is being replaced. The number at the bottom of the page is a reference to the last appearing numbered paragraph on that page, or if none shows, on a preceding page. The vertical line in the right margin indicates where the amendment is located.

Adoption of Amendments

Therefore, the July 1, 1979 edition of the Defense Acquisition Regulation contained in 32 CFR Parts 1-39, Volumes I, II, and III, as supplemented on July 1, 1980, is amended in the DAR paragraphs indicated by substitution of the replacement pages listed in the table:

DAR paragraph	Replacement pages
Volume I	
1-112	1:10, 1:11.
1-201.14	1:17, 1:18.
1-201.29	1:19.
1-201.37	1:20.
1-341	1:77-A, 1:77-B.
1-600	1:90.
1-601.1	1:90.
1-601.3	1:90.
1-601.4	1:91.
1-603	1:91, 1:92.
1-604.1	1:93, 1:94.
1-605	1:95.
1-605.1	1:96.
1-701.1	1:105.
1-704.3	1:122-D.
1-1502	1:197.
3-603.1	3:78.
3-606.1	3:83.
3-807.7	3:128.
3-1100.1	3:173.
3-1100.2	3:173.
Sect. IV, Part 10 (Reserved).	4:49.
4-1100	4:50.
4-1101	4:50, 4:51.
4-1102	4:51.
4-1102.1	4:51.
4-1102.2	4:52.
4-1102.3	4:52.
4-1102.4	4:52.
4-1102.5	4:52.
4-1102.6	4:52.
4-1102.7	4:52.
4-1102.8	4:53.
4-1102.9	4:53.
4-1102.10	4:53.
4-1102.11	4:53.
4-1102.12	4:53.
4-1102.13	4:53.
4-1102.14	4:54.
4-1102.15	4:54.
4-1102.16	4:54.
4-1102.17	4:54.
4-1103	4:54.
4-1103.1	4:54, 4:55, 4:56.
4-1103.2	4:56.
4-1104	4:56.
4-1104.1	4:57 through 4:59, 4:60.
4-1104.2	4:60.
4-1104.3	4:60, 4:61.
4-1104.4	4:61, 4:62, 4:63.
4-1104.5	4:63, 4:64.
4-1104.6	4:64, 4:65.
4-1104.7	4:65, 4:66.
4-1104.8	4:66.
4-1104.9	4:66.
4-1104.10	4:66, 4:67, 4:68.
4-1104.11	4:68.
4-1104.12	4:68.
4-1104.13	4:68, 4:69, 4.70.
4-1104.14	4:70.
4-1104.15	4:70.
4-1105	4:70.
4-1106	4:70.
5-900	5:38.
5-903	5:39.
6-001.7	6:3.
6-803.1	6:33.
6-1306.1	6:56.
6-1406.1	6:81.
6-1406.2	6:90.
6-1406.3	6:90, 6:101.
6-1406.4	6:108.
6-1406.5	6:113.
6-1406.6	6:121.
6-1406.9	6:143.
Volume II	
7-104.3	7:33.
7-104.9	7:35 through 7:36-C, 7:45.
7-104.20	7:57.
7-104.32	7:76, 7:76-A.
7-104.84	7:128-F through 7:130.
7-104.101	7:140-B, 7:140-C.
7-204.67	7:205.
7-303.69	7:241.
7-403.65	7:266.
7-504.19	7:271.
7-603.62	7:314-D.
7-606.33	7:332.
7-608.24	7:342-A.
7-705.35	7:369.
7-902.46	7:391.
7-1601.14	7:429.
7-1702.22	7:439.
7-1903.42	7:455.
7-1903.59	7:456.
7-2003.83	7:526-D.
7-2102.23	7:538.
Sect. VII, Part 22 (Reserved).	7:538-A.
7-2300	7:539.
7-2301	7:539.
7-2302.1	7:539.
7-2302.2	7:540.
8-216	8:22.
9-202.2	9:29, 9:29-A.
9-202.3	9:33.
9-601	9:56.
9-602	9:57.
9-603	9:57.
9-605	9:56, 9:59.
12-1007.3	12:44-E.
13-301	13:9.
15-205.9	15:23.
15-205.34	15.33-A 15.36.
Volume III	
16-303	16:16.
21-109	21:7.
21-111.1	21:8.
21-116	21:12.
21-126	21:20.
21-204.2	21:25-A.
22-602.1	22:22.
24-204.4	24:12.
24-205.8	24:21, 24:22.
E-614	E:74.
I-401	I:20.

Dated: July 8, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

BILLING CODE 3810-70-M

requirements of Federal agencies, and provide all levels of management with data on which to formulate procurement policy as well as to determine the extent of adherence to prescribed policy. Basic to the preparation of all these regular and special reports, so far as they affect individual contracting officers, is DD Form 350 (Individual Procurement Action Report) (Section XXI, Part 1). Each item of this form enters into the preparation of reports furnished the President, the Congress, and other Federal agencies, and is used for management purposes within the Department of Defense. The accuracy, completeness, and timeliness of these reports are fully dependent on the careful preparation and prompt submission of DD Form 350.

1-111 Reports of Suspected Criminal Conduct, Noncompetitive Practices, Kickbacks, and Other Procurement Irregularities.

1-111.1 *Reporting Procedures.* Reports of suspected criminal conduct, noncompetitive practices, kickbacks, and other procurement irregularities shall be made by each Department in accordance with procedures set forth in Part 6 of this Section.

1-111.2 *Noncompetitive Practices.*

(a) Unless bids or proposals are genuinely competitive, contract prices tend to be higher than they should be. If the Secretary concerned or his representative considers that any bid received after formal advertising evidences a violation of the antitrust laws, he is required by 10 U.S.C. 2305(d) to refer such bids to the Attorney General for appropriate action. Similarly, evidence of such violations in negotiated procurements should be referred to the Attorney General. Practices which are designed to eliminate competition or restrain trade and which may evidence possible violations of such laws include collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, sharing of the business, identical bids, etc.

(b) Reports of identical or equal bids or proposals should not be submitted automatically, but only where there is some reason to believe that those bids or proposals may not have been arrived at independently. Such reports should be accompanied by conformed copies of the bid or proposal, other contract documents, and supporting data. The report should set forth:

(i) the noncompetitive pattern or situation under consideration;

(ii) purchase experience in the same product or service for a reasonable period of time (one or more years) prior to the receipt of the bids or proposals under consideration, including unit and total contract price and abstract of bids;

(iii) community of financial interest among bidders, insofar as is known;

(iv) the extent, if any, to which specification requirements or patents restrict competition;

(v) information which may be available with respect to the pricing system employed in bids or proposals believed to reflect noncompetitive practices; and

(vi) any other information deemed pertinent.

(c) The reports required by this paragraph do not satisfy the reporting requirement contained in 1-114.

1-111.3 *Subcontractor Kickbacks.* The Anti-Kickback Act (41 U.S.C. 51) prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, commission, compensation, gift, or gratuity to the prime contractor or any higher tier subcontractor or to any officer, partner, employee, or agent of the prime contractor, of any higher tier subcontractor, as an inducement or acknowledgment for the award of a subcontract or order. The Act further provides that the amount of any such fee, commission, or compensation, or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid by the subcontractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. It also creates a conclusive presumption that the cost of any such prohibited payment has been included in the price of the subcontract or order and ultimately borne by the Government. The Act provides for the recovery on behalf of the United States action, or by set-off of moneys otherwise owing to the subcontractor either by the United States directly or by the prime contractor. The Act imposes criminal penalties on any person who knowingly, makes or receives, directly or indirectly, any such prohibited payment.

1-111.4 *Contractor Gratuities to Government Personnel.*

(a) The right of a contractor to proceed under the contract may be terminated if it is found, after notice and hearing, that the contractor, or his agent or other representative, offered or gave any gratuity, such as entertainment or a gift, to an officer, official, or employee of the Government to obtain a contract or favorable treatment in the awarding, amending, or making of determinations concerning the performance, of a contract.

(b) To constitute a violation under the Gratuities clause (7-104.16) three elements must be present:

(i) the contractor must have a contract which contains the Gratuities clause;

(ii) the contractor, his agent, or other representative must have offered or given a gratuity to an officer, official, or employee of the Government; and

(iii) the gratuity must have been offered or given with the intent to obtain a contract or favorable treatment in the awarding or amending, or the making of determinations concerning the performance, of a contract (in this respect, intent generally must be inferred because an admission is rarely obtainable).

A lack of any of these elements will cause an action taken by the Government pursuant to the Gratuities clause to fail. Procedural requirements for gratuities hearings are set out in Appendix D.

1-112 Federal Property Management Regulations, Federal Procurement Regulations, and GSA Regulations Relating to Acquisition of Supplies and Services. Except for acquisition of ADPE under delegation of contracting authority from GSA, all policy and procedural matters of Federal Procurement Regulations and General Services Administration Regulations applicable to the Department of Defense within the scope of this Regulation are as set forth herein. Changes will be

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implemented through the DAR system. The applicable DoD Directives covering the assignments of responsibility for the purchasing of specific supplies under Interagency Purchase Assignment will be incorporated by reference in this Regulation. For DoD implementation of Federal Supply Schedules, see Section V, Part 1.

1-113 Standards of Conduct.

1-113.1 *Government Personnel.* All governmental personnel engaged in procurement and related activities shall conduct business dealing with industry in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof. See AR600-50, for the Army; SECNAV Instr. 5370.2E of 29 November 1967, for the Navy; AFR 30-30, for the Air Force; DLAR 5500.1, for the Defense Logistics Agency; DCA Inst. 220-50-1, for the Defense Communications Agency; DNA Inst. 5500.7A, for the Defense Nuclear Agency; and DMA Inst. 5500.1, for the Defense Mapping Agency.

1-113.2 *Organizational Conflicts of Interest.*

(a) Appendix G—Rules for the Avoidance of Organizational Conflicts of Interest sets out some of the more essential policy considerations of the Department of Defense with respect to relationships with non-Federal institutions. Specifically, Appendix G describes examples of various organizational conflicts of interest which might come into being, and rules for avoidance of such conflicts; and it provides that action must be taken to avoid placing a contractor in a position where his judgment might be biased or where he would have an unfair competitive advantage within the scope and intent of the rules. However, the Appendix cannot of itself impose any obligations on the contractor; such obligations must be imposed by a contract clause designed to carry out the intent of the Appendix. Furthermore, potential contractors must be advised in the solicitation as to the extent of applicability of the rules, and must be given an opportunity to negotiate on the terms of the clause and its application.

(b)(1) The contracting officer is responsible for applying the rules in the Appendix to contracts under his cognizance and shall determine whether each proposed procurement is subject to the Appendix.

(2) If the contracting officer initially determines with respect to a particular procurement that a potential conflict of interest exists, he shall, before issuing the solicitation, prepare a written analysis justifying his recommendation to contract with either no restraint, partial restraint, or strict hardware exclusion provisions, including a statement as to which of the four rules (or other conflict of interest not stated in the rules) he considers applicable, and where appropriate a recommended solicitation notice and clause designed to avoid the organizational conflict of interest. This analysis and recommendation shall be reviewed by the Head of the Procuring Activity who shall examine the circumstances for benefits and detriments to both the Government and potential contractors, and who shall either approve, modify or reject the contracting officer's recommendation to contract with either no restraint, partial restraint or strict hardware exclusion provisions. In the event the Head of the Procuring Activity modifies, or rejects the con-

tracting officer's recommendation, he shall document his decision. A standard form of solicitation notice or clause is not prescribed in this Regulation since such notices and clauses must be especially adapted to apply the principle of the rules to the specific facts of each contractual situation. The clause shall spell out the specific extent of any future restrictions on the contractor. The restrictions of the proposed clause shall also have a specific time period of effectiveness. As a general rule, the time effectiveness of any clause which excludes the contractor from participation in subsequent procurement shall have a fixed term of reasonable duration as appropriate, except that where Rule 1 of Appendix G is involved the exclusion shall be permanent. A fixed term of reasonable duration is measured by the time required to avoid the circumstance of unfair competitive advantage. This is variable; for example, it may run to the date of award of the first production contract or for a stated period of time. (See Rules 2 and 3 of Appendix G.) In no event shall an exclusion be stated in the clause without a specific date, or an event certain, terminating the effectiveness of the exclusion except where Rule 1 is involved.

(3) The contracting officer shall include his recommendations and the Head of the Procuring Activity's determination, together with the written analysis, in the negotiation file or record. The approved solicitation notice and proposed clause shall then be included in the solicitation, together with a clear statement that the proposed clause and the application of the Appendix are subject to negotiation.

(4) In no case shall the clause included in a solicitation or in a contract (including letter contracts) pursuant to this paragraph 1-113.2 defer the determination of the application of the Appendix to a time after the contract has been awarded.

(5) When a contract contemplates a Rule 4 situation, it is incumbent on the contracting officer to assure himself that the agreement called for by Rule 4 is in fact executed, and that copies thereof are made available to the Government.

(c) The contracting officer shall not impose restrictions under the Appendix in follow-on procurements on any prospective contractor in the absence of a specific contractual agreement with that contractor. If, during the effective period of any restriction, procurement responsibility for the system or item involved is transferred from the procuring activity which imposed the restriction that activity shall notify the transferee of the restriction and send it a copy of the contract under which it was imposed.

(d) The Departments shall maintain, in accordance with Departmental procedures, and for an appropriate period of time as determined by the circumstances, a record of all solicitation notices and of all clauses incorporated in contracts pursuant to this paragraph 1-113.2.

1-114 Reporting of Identical Bids.

(a) *General.* Executive Order 10936 dated 24 April 1961, as implemented by the Department of Justice, requires a report to be submitted to the Attorney General on each formally advertised procurement (including small business restricted advertising) over $10,000 which involves identical bids. Identical bids are two or more bids for the same line item which:

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Military District of Washington, U.S. Army;
U.S. Army, Europe;
National Guard Bureau;
Office of the Chief of Engineers;
U.S. Army Communications Command;
Office of The Surgeon General;
U.S. Army Western Command;
Military Traffic Management Command;
U.S. Army Ballistic Missile Defense Organization; and
Assistant Chief of Staff for Automation and Communications.

FOR THE NAVY:
Headquarters, Naval Material Command;
Office of Assistant Deputy Chief of Naval Material
for Contracts and Business Management;
Naval Air Systems Command;
Naval Data Automation Command;
Naval Electronic Systems Command;
Naval Facilities Engineering Command;
Naval Sea Systems Command;
Naval Supply Systems Command;
Office of Naval Research;
Navy Aviation Supply Office;
Military Sealift Command;
Ships Parts Control Center;
United States Marine Corps; and
Installations and Logistics Department,
Headquarters, U.S. Marine Corps.

FOR THE AIR FORCE:
HQ USAF, Director of Contracting and Acquisition Policy;
Air Force Logistics Command;
Air Force Systems Command;
Strategic Air Command;
Tactical Air Command;
Air Force Communications Command;
Military Airlift Command;
Air Training Command;
Pacific Air Forces;
United States Air Forces in Europe; and
Alaskan Air Command.

FOR THE DEFENSE LOGISTICS AGENCY:
Office of the Deputy Director for Contract
Administration Services;
Office of the Executive Director, Procurement
and Production;
Defense Supply Centers; and
Defense Personnel Support Center;
Office of Deputy Commander for Subsistence and
Commander, Subsistence Field Activities.

FOR THE DEFENSE COMMUNICATIONS AGENCY:
Headquarters, Defense Communications Agency; and
Defense Commercial Communications Office.

FOR THE DEFENSE NUCLEAR AGENCY:
Headquarters, Defense Nuclear Agency.

FOR DEFENSE MAPPING AGENCY:
Headquarters, Defense Mapping Agency, Logistics Office.

FOR THE NATIONAL SECURITY AGENCY:
Headquarters, National Security Agency.

FOR THE DEFENSE SUPPLY SERVICE--WASHINGTON:
Director, Defense Supply Service--Washington

It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

1-201.15 *Secretary* means the Secretary, the Under Secretary, or any Assistant Secretary of any Military Department. Secretary shall also include the Director and Deputy Director of the Defense Supply Agency, the Director of the Defense Communications Agency, the Director, Defense Nuclear Agency, the Director, Defense Mapping Agency, and the Director of the National Security Agency, except to the extent that any law or executive order limits the exercise of authority to persons at the Secretarial level. In the latter situation, such authority shall be exercised by the Assistant Secretary of Defense (Installations and Logistics).

1-201.16 *Shall* is imperative.

1-201.17 *Small Business Concern*. See 1-701.1.

1-201.18 *Supplemental Agreement* means any contract modification which is accomplished by the mutual action of the parties. (See 16-103.)

1-201.19 *Supplies* means all property except land or interest in land. It includes public works, buildings, and facilities; ships, floating equipment, and vessels of every character, type, and description, together with parts, and accessories thereto; aircraft and aircraft parts, accessories, and equipment; machine tools; and the alteration or installation of any of the foregoing. "Supplies" as used in this Regulation is synonymous with "property" as described in 10 U.S.C. 2303(b).

1-201.20 *United States*, when used in a geographic sense, means the States and the District of Columbia.

1-201.21 *Construction*. See 18-101.1.

1-201.22 *Classified Procurement* is that which requires access to classified information ("Confidential, Secret or Top Secret") either to submit a bid or proposal, or to perform the contract; see 1-320.

1-201.23 *Designee*, as used, for example, in the phrase, "Head of a Procuring Activity or his designee", may include one or more officials.

1-201.24 *Purchasing Office* means the office which awards or executes a contract for supplies or services and performs post-award functions not assigned to a contract administration office.

1-201.25 *Contract Administration Office* means the office which performs assigned functions related to the administration of contracts, and assigned pre-award functions.

1-201.26 *Assignment of Contract Administration* means that process whereby identified functions, duties, or responsibilities related to the administration of

contract are assigned either by this Regulation or by individual assignment to a contract administration office.

1-201.27 *Transfer of a Contract* means that process whereby all future responsibility for a contract held by an individual or office is transferred, in writing by proper authority, to another office to take action necessary to carry out the responsibility transferred.

1-201.28 *Local Purchase* means the authorized purchase of materials, supplies and services by an installation for its own use or the use of an installation or activity logistically supported by it. Local purchase is not limited to the immediate geographical area in which the purchasing installation is located.

1-201.29 *Automatic Data Processing Equipment* (*ADPE*) means:

(i) Digital and Analog Computer components and systems, irrespective of type of use, size, capacity or price;

(ii) all peripheral, auxiliary, and accessorial equipment used in support of Digital and/or Analog Computers, either cable connected, or "self standing" and whether selected or acquired with the computers or separately;

(iii) Punched Card Machines (PCM) and systems used in conjunction with or independently of Digital or Analog Computers; and

(iv) Digital and Analog Terminal and Conversion equipment that is acquired solely or primarily for use with a system which employs a Computer or Punched Card Machines.

1-201.30 *Paying Office* means the office which makes payments under the contract.

1-201.31 *Supporting Contract Administration* means the performance by another contract administration office of specific contract administration functions as required by the office to which the contract has been assigned for administration.

1-201.32 *Standard Dating Technique*. When it is necessary to insert the date on any contractual document or required report, it shall be written using seven characters in the following order: year (two digits), month (three letters), and day (two digits). For example, July 6, 1968, would be entered on contractual documents and required reports as "68 JUL 06."

1-201.33 *Exhibit* means a document attached to a procurement instrument, referenced by its capital letter identifier in a line or subline item in the procurement instrument Schedule, which establishes deliverable requirements in the attached document as an alternative to establishing an extensive list of line or subline items in the procurement instrument Schedule; see 20-305.

1-201.34 *Classified Contract* is any contract that requires or will require access to classified information by the contractor or his employees in the performance of the contract. A contract may be a classified contract even though the contract document is not classified.

1-201.35 *Data* means recorded information, regardless of form or characteristic.

1-201.36 *Technical Data* means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document

research, experimental, developmental or engineering work; or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design type documents; or computer printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications and related information, and documentation related to computer software. Technical data does not include computer software or financial, administrative, cost and pricing, and management data, or other information incidental to contract administration.

1-201.37 *Reserved*.

1-201.38 *Computer Program* means a series of instructions or statements in form acceptable to a computer, designed to cause the computer to execute an operation or operations. Computer programs include operating systems, assemblers, compilers, interpreters, data management systems, utility programs, sort-merge programs, and ADPE maintenance/diagnostic programs; as well as applications programs such as payroll, inventory control, and engineering analysis programs. Computer programs may be either machine-dependent or machine-independent, and may be general-purpose in nature or designed to satisfy the requirements of a particular user.

1-201.39 *Automatic Data Processing System* (*ADPS*) means an interacting assembly of procedures, processes, methods, personnel, communications, and automatic data processing equipment to perform a series of data processing operations--a combination of automatic data processing resources and automatic data systems.

1-201.40 *Offer* means *bid* where the procurement is advertised, and *proposal* where the procurement is negotiated.

1-201.41 *Major Systems Acquisition* is an acquisition specifically designated by the Secretary of Defense / Deputy Secretary of Defense under the procedures set forth in Department of Defense Directive Number 5000.1, and such other systems as designated by the Secretaries of the Military Departments.

perty. The rule stated in 1-336.3 also applies to the use of underlying air carriers by international air freight forwarders engaged in such foreign air transportation.

(b) In order that bills submitted by international air freight forwarders engaged in international air transportation may be paid upon presentation, such carriers shall submit with their bills a copy of the airway bill or manifest showing the underlying air carriers utilized with such justification certifications as they may have for the use of underlying non-certificated air carriers. Use of the prescribed certification satisfies the justification requirement.

1-337 Should Cost. Should cost is a concept of contract pricing that employs an integrated team of Government procurement, contract administration, audit and engineering representatives to conduct a coordinated, indepth cost analysis at the contractor's plant. The purpose is (i) to identify uneconomical or inefficient practices in the contractor's management and operations and to quantify the findings in terms of their impact on cost, and (ii) to develop a realistic price objective which reflects reasonably achievable economies and efficiencies. A should cost review will be made in connection with the procurement of a system or item which will require a DSARC approval, unless the contracting officer makes written determination that the potential savings to be realized do not justify the expense of such a should cost review. Such determination shall be included in the Procurement Plan (see 1-2100). Should cost reviews should also be considered in procurements when: there are future year production requirements for substantial quantities of like items; there has already been some initial production; the competitive forces are insufficient to ensure economical and efficient performance (*e.g.*, sole source); the specification is comparatively definitive and not likely to be changed; and the present and potential value of the work to be performed is substantial.

1-338 Design to Cost.

(a) Cost is a contract parameter equal in importance with technical, delivery and performance requirements throughout the design, development, production and operation of defense systems, subsystems, components and equipments. Design to cost is a concept which recognizes this principle by requiring the establishment of cost elements as management goals to achieve the best balance between life cycle cost, acceptable performance, and schedule. Cost, under this concept, is a design parameter during design and development, and a management discipline throughout the acquisition and operation of the system or equipment. Policies and procedures for the application of design to cost are contained in DODD 5000.28.

(b) The principles of design to cost shall be applied in all procurements for Major Defense Systems (DODD 5000.1) unless exempted by the Secretary of Defense. Design to cost principles shall also be applied to the acquisition of systems, subsystems, and components below the thresholds for Major Defense Systems, to the extent prescribed in DODD 5000.28, and in accordance with Departmental procedures.

(c) Design to cost considerations are essential elements of sound procurement planning under 1-2100. Such planning shall include the establishment of design to cost objectives and goals and determinations of how they are to be applied, tracked, and enforced. To be effective, the design to cost approach should

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be planned at the inception of the program, should encompass all phases of the program, and should be kept current by regular reviews both at appropriate intervals and at program milestones.

(d) In solicitations and contracts including design to cost principles, consideration should be given to prescribing and tailoring the required cost, technical and schedule parameters to the particular program, and to providing the contractor with flexibility to identify unnecessary or marginally cost effective technical and schedule features susceptible to trade-offs (see DODD 4105.62). This is to facilitate product development at the lowest life cycle cost consistent with mandatory schedule and performance requirements.

(e) For the relationship of design to cost to value engineering, see 1-1707.

1-339 Energy Conservation.

(a) The Energy Policy and Conservation Act requires that Federal procurement policies governing requirements determinations and source selection decisions provide for consideration of (i) conservation of energy and (ii) the relative energy efficiency of alternative goods or services capable of satisfying the Government's needs.

(b) The energy conservation and energy efficiency criteria shall be applied in the determination of requirements and source selection decisions whenever the application of such criteria would be meaningful, practical, and consistent with agency programs and operational needs. Under this policy, energy conservation and efficiency criteria shall be considered for application along with price and other relevant factors in the preparation of solicitations, the evaluation of offers, and the selection of bids and proposals for award.

(c) With respect to the procurement of consumer products, executive agencies shall take cognizance of energy use / efficiency labels and prescribed energy efficiency standards as they become available.

1-340 Geographic Distribution of Department of Defense Subcontract Dollars. Section 836 of the 1978 DoD Appropriation Act requires DoD to render an annual report to Congress on the geographical distribution of DoD subcontract dollars. To implement this requirement, the clause in 7-104.78 shall be inserted in any contract to be awarded which is expected to exceed $500,000, or when any modification increases the aggregate amount of a contract to $500,000 or more. In the latter case, the reporting requirement will not be retroactive so as to require the reporting of subcontracts awarded prior to such a modification.

1-341 Reserved.

1-342 Certification of Requests for Adjustment or Relief Exceeding $100,000.

(a) Section 813 of the 1979 Department of Defense Appropriation Authorization Act, Public Law 95-485, requires the certification of contract claims, requests for equitable adjustment to contract terms, requests for relief under Public Law 85-804, and similar requests exceeding $100,000. This certification must be signed by a senior company official in charge at the plant or location involved. Although the law only requires submission of the certification with requests exceeding $100,000, even if the requirement is not set forth in the contract, the clause contained in 7-104.102 shall be inserted in all contracts expected to exceed $100,000 in value.

(b) Submission of the Section 813 certification is required in addition to any certification required by the Truth in Negotiations Act and by 3-807.

(c) Section 6(c) of the Contract Disputes Act, Public Law 95-563, also requires the certification of claims. The Section 813 certification described above is due when the claim or request for relief is first asserted to the Government. However, the certification under the Contract Disputes Act is due only after a dispute has come into being and the contractor submits a written claim for the purpose of obtaining a contracting officer's decision. A single certification, using the language prescribed by the Contract Disputes Act but signed by a senior company official in charge at the plant or location involved, can be used to comply with both statutes in those situations where the first assertion of a claim or request for relief coincides with the inception of a contract dispute.

Part 4—Procurement Responsibility and Authority

1-400 Scope of Part. This Part deals with the procurement responsibility and authority of (i) the Head of a Procuring Activity, (ii) purchasing offices, (iii) contract administration offices, and (iv) contracting officers, and with the appointment of contracting officers. This Part also imposes limitations upon the authority to enter into and administer contracts. For the purpose of this Part, the term "contracting officer" does not include authorized representatives of the contracting officer.

1-401 Responsibility of Each Procuring Activity. Except as otherwise prescribed by procedures of each respective Department, the Head of a Procuring Activity is responsible for the procurement of supplies and services under or assigned to the procurement cognizance of his activity.

1-402 Authority of Contracting Officers. Contracting officers at purchasing offices (see 1-201.24) are authorized to enter into contracts for supplies or services on behalf of the Government, and in the name of the United States of America, by formal advertising, by negotiation, or by coordinated or interdepartmental procurement; and when authorized by 20-703 to administer such contracts, in accordance with this Regulation. This authority is subject to the requirements prescribed in 1-403 and 1-404 and any further limitations, consistent with this Regulation, imposed by the appointing authority. Contracting officers at contract administration offices (see 1-201.25) are, except as provided in 20-703.3, authorized to perform the applicable contract administration functions (see 1-406) and to perform additional procurement functions when delegated by the purchasing office.

1-403 Requirements To Be Met Before Entering Into Contracts. No contract shall be entered into unless all applicable requirements of law and of this Regulation, and all other applicable procedures, including business clearance and approval, have been met.

1-404 Special Requirements To Be Met Before Entering Into Negotiated Contracts. In addition to the requirements in 1-403, no negotiated contract shall be entered into until the determinations and findings required by Section III, Parts 3 and 4, with respect to the circumstances justifying negotiation and with respect to any use of a special method of contracting have been made.

1-405 Selection, Appointment, and Termination of Appointment of Contracting Officers. The selection, appointment, and termination of appointment of contracting officers shall be made only by the Secretary of the Department, the Head of a Procuring Activity, or their designees.

1-405.1 *Selection.*

(a) *Considerations.* In selecting contracting officers, the appointing authority shall consider experience, training, education, business acumen, judgment, character, reputation, and ethics.

(b) *Evaluation of Experience, Training, and Education.* In considering experience, training, and education, the following shall be evaluated:

(i) experience in a Government procurement office, commercial procurement, or related fields;

(ii) formal education or special training in business administration, law, accounting, or related fields;

propriety, the Chief of the Purchasing Office shall take one or more of the following actions, or other action, as may be appropriate:

(i) if an award has not been made or bid or offer has not been accepted, determine whether the bid or offer should be rejected;

(ii) if an award has been made or bid or offer has been accepted, take action to enforce the covenant in accordance with its terms; i.e., as the best interest of the Government may appear, annul the contract without liability or recover the amount of the fee involved;

(iii) consider the bidder's or offeror's future eligibility as a contractor; or

(iv) consider referring the case to the Department of Justice.

1-508.4 *Reports.* A report shall be made in accordance with 1-608 when the Chief of the Purchasing Office recommends referral to the Department of Justice under 1-508.3(iv).

1-509 Preservation of Records.

(a) Each Department shall preserve as a permanent record for enforcement or report purposes the original executed copy of any representation and completed Standard Form 119, or statement in lieu of form, together with a record of any other pertinent data, including data as to action taken. There shall be no regular retirement of any Standard Form 119 maintained in this record by any procuring activity. However, in any case where the receipt of a new Standard Form 119 makes previously received information obsolete, the obsolete information may be destroyed.

(b) The second copy of Standard Form 119, or statement in lieu of form, shall be filed with and shall remain a part of the contract file.

Part 6—Debarment, Ineligibility, and Suspension

1-600 Scope of Part.

(a) This Part prescribes policies and procedures relating to the debarment and suspension of bidders, offerors, contractors, subcontractors, and other firms and individuals, and to ineligibility of bidders and offerors under section 1(a) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(a)).

(b) For the purpose of this Part, the authorized representatives of the Secretaries are:

(i) in the Army, an Assistant Judge Advocate General;

(ii) in the Navy, the Chief of Naval Material;

(iii) in the Air Force, the Deputy Chief of Staff, Research, Development and Acquisition;

(iv) in the Defense Logistics Agency, the Counsel;

(v) in the National Security Agency, The Director;

(vi) in the Defense Communications Agency, the Counsel;

(vii) in the Defense Nuclear Agency, the Director; and

(viii) in the Defense Mapping Agency, the Counsel.

1-601 Establishment and Maintenance of Records and Lists of Firms or Individuals Debarred, Ineligible or Suspended.

1-601.1 *General.* Each Department shall maintain a record of firms and individuals which it has debarred or suspended. As provided in this Part, contract awards of any character, including sales, will not be made to and bids or proposals will not be solicited from, and subcontracts will not be approved or consented to for listed firms and individuals.

1-601.2 *Information Contained in Departmental Records.* Each Departmental record shall show as a minimum the following information:

(i) names and addresses of those firms or individuals debarred, ineligible, or suspended (names will be set forth in alphabetical order with appropriate cross reference where more than one name is involved in a single action),

(ii) basis of authority for each action and a brief description of the violation charged,

(iii) extent of restrictions imposed; and

(iv) termination date for each debarred listing.

1-601.3 *Joint Consolidated List.* The Department of the Army is responsible for the issuance of a Joint Consolidated List (DA Circular 715-1; NAVMAT P-4386; AFR 70-23, MCO 4386.2J; DLA Regulation 4105.3; DCAI 260-145-3; DNAI 4105.1 of firms and individuals debarred, declared ineligible, or suspended under 1-603. The authorized representative for the Army (see 1-600(b)) shall be furnished by the authorized representative of each of the other Departments, not later than the third day of each month, the information set forth in 1-601.2, including additions, deletions, or modifications of information previously furnished, necessary for issuance of the Joint Consolidated List which shall be a composite of the information provided by the Departments. Each Department shall be responsible for determining the number of copies of the Joint Consolidated List required and for distributing the list within the Department. The Department of the Army will furnish copies to the Deputy Under Secretary of Defense for Research and Engineering (Acquisition Policy).

1-601.4 *Protection of Records.* Records relating to debarment and suspension shall be protected to prevent inspection of the contents by personnel who are not required to have access to such information. The reports made pursuant to 1-608 and all related internal correspondence shall be marked "For Official Use Only" unless the information warrants a security classification. The Joint Consolidated List shall not be considered part of the records relating to debarment and suspension which require protective markings.

1-601.5 *Limitation.* No firm or individual will be listed on a consolidated list for causes or under conditions other than those set forth in this Part.

1-601.6 *Inquiries from Debarred, Ineligible, or Suspended Individuals and Firms.*

(a) *Debarred and Suspended Firms and Individuals.* All inquiries relating to debarred or suspended firms and individuals shall be referred or forwarded to the authorized representative of the Secretary concerned.

(b) *Ineligible or Disqualified Firms or Individuals.* Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition, as shown on the consolidated list, and requesting that the inquirer communicate with the Wage and Hour Division, Department of Labor, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20210.

1-602 Reserved.

1-603 Grounds for Listing and Treatment To Be Accorded Listed Concerns.

(a) A firm or individual may be listed for any of several reasons. The particular reason for listing determines the consequences thereof. The various types of listing and the treatment to be accorded each type are set forth below:

Type A includes debarments in any of the following categories:

(i) those listed by the Comptroller General pursuant to section 3 of the Walsh-Healey Public Contracts Act (41 U.S.C. 37) for violating the requirements of that Act;

(ii) those listed by the Comptroller General pursuant to section 3 of the Davis-Bacon Act (40 U.S.C. 276a-2(a)) for violating the requirements of that Act; and

(iii) those which the Secretary concerned or his authorized representatives has determined to debar for any of the causes and under all of the conditions set forth in 1-604.

Contracts shall not be awarded to, nor bids or proposals solicited from, nor invitations for bids or requests for proposals furnished to, concerns which are listed as Type A and which are debarred because of Walsh-Healey or Davis-Bacon violations (categories (i) and (ii) above). Contracts shall not be awarded to, nor bids or proposals solicited from nor invitation for bids or requests for proposals furnished to, nor subcontracts be approved for, concerns which are listed as Type A within category (iii) above, unless the Secretary concerned or his authorized representative determines it to be in the interest of the Government to make an exception for a particular procurement action, or unless the listing indicates that the debarment is not to apply to sales contracts or to procurement contracts (see 1-606).

Type B includes concerns which the Secretary of Labor has determined to be ineligible because they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1(a) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(a)). Under that Act, procurement contracts in excess of $10,000 shall not be awarded the concerns under Type B listings for those materials, articles, or equipment with respect to which the concern has been found to be ineligible. However, contracts in any amount may be awarded, and bids or proposals may be solicited, for commodities with respect to which the concern has not been declared ineligible. In connection with ineligibility under the Walsh-Healey Act (Type B listing only), the name of an individual may be listed as affiliated with an ineligible firm. This listing is intended only to prevent such individuals from evading ineligibility merely by changing their business names and addresses. It does not prohibit other firms in which such individuals have an interest, and which are qualified manufacturers or regular dealers from receiving contracts subject to the Walsh-Healey Public Contracts Act.

Type C includes concerns which the appropriate Secretary, pursuant to section 3(b) of the Buy American Act (41 U.S.C. 10b(b)), has found to have failed to comply with the "Buy American Act" clause required for construction contracts (see 18-510). Contracts for the construction, alteration, or repair of public buildings or public works in the United States or elsewhere shall not be awarded to concerns under Type C listings nor shall bids or proposals for such work be solicited from such concerns. However, concerns under Type C listings may be awarded contracts and may be solicited for bids or proposals for other than the construction, alteration, or repair of public buildings or public works, unless listed under Type A.

Type D includes concerns which have been suspended under the conditions set forth in 1-605. Concerns under Type D listings shall not be awarded contracts or solicited for bids or proposals, or be approved for subcontracts subject to 1-603(c), except when the Secretary concerned or his authorized representative determines it to be in the best interest of the Government to make an exception for a particular procurement or where the listing indicates that the suspension does not apply to sales contracts or to procurement contracts (see 1-606).

Type E includes concerns which have been reported by the Secretary of Labor to have violated labor standards provisions of any of the following statutes: Anti-Kickback Act (48 Stat. 948) as amended (40 U.S.C. 276c); Contract Work Hours Standards Act (76 Stat. 357-360); National Housing Act (53 Stat. 804) as amended (12 U.S.C. 1703); Hospital Survey and Construction Act (60 Stat. 1040); Federal Airport Act (60 Stat. 170) as amended (49 U.S.C. 1101); Housing Act of 1949 (63 Stat. 413) (42 U.S.C. 1441); School Survey and Construction Act of 1950 (64 Stat. 967) (20 U.S.C. 251); Federal Civil Defense Act of 1950 (64 Stat. 1245) as amended; Defense Housing and Community Facilities and Services Act of 1951 (65 Stat. 293) as amended (42 U.S.C. 1591); and Area Redevelopment Act of 1961 (75 Stat. 47). Concerns under Type E listings shall not be awarded contracts which are subject to any of the foregoing statutes.

Type F includes concerns which have been debarred by the appropriate Secretary or the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity for noncompliance with the Equal Opportunity clause. Concerns under Type F listings may not be awarded contracts or be solicited for bids.

(b) Administration of current contracts in all phases may be continued, notwithstanding the listing of a contractor, unless otherwise directed by the Secretary concerned or his authorized representative. However, payment of all or part of funds due or to become due may be withheld when such action is determined to be in the best interest of the Government by the Secretary concerned or his authorized representative.

(c) When a listed concern is proposed as subcontractor, the contracting officer should decline to consent to or approve subcontracting with such concern in any instance in which consent or approval is required of the Government before the subcontract is placed (see 7-104.23 and 7-203.8), unless the Secretary or his authorized representative determines such placement to be in the best interest of the Government.

1-604 Administrative Debarment of Firms or Individuals (Type A). The Secretary of each Department, or his authorized representative (see 1-600(b)), except as limited below, is authorized to debar in the public interest a firm or an individual for any of the causes and under all of the conditions set forth below. Debarment of a firm or individual shall operate to debar such firm or individual throughout the Department of Defense. Placing the name of an individual or firm on the consolidated list will be for the purpose of protecting the interest of the Government and not for punishment.

1-604.1 *Causes for Debarment.* The following are causes for debarment:

(i) conviction by or a judgment obtained in a court of competent jurisdiction for—

(A) commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract, or any subcontract thereunder;

(B) violation of the Federal antitrust statutes arising out of submission of bids or proposals to the Government; or

(C) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor or subcontractor.

If the conviction or judgment is reversed on appeal, the debarment shall be removed upon receipt of notification thereof. The foregoing does not necessarily require that a firm or individual be debarred. The decision to debar is discretionary; the seriousness of the offense and all mitigating factors should be considered in making the decision to debar.

(ii) clear and convincing evidence of violation of contract provisions of a contract with the Government as set forth below, when the violation is of a character so serious as to justify debarment action—

(A) willful failure to perform in accordance with the specifications or delivery requirements in a contract (including violation of the Buy American Act with respect to other than construction contracts);

(B) a history of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts; *provided*, that such failure or unsatisfactory performance is within a reasonable period of time preceding the determination to debar. (Failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis for debarment.);

(C) violation of the contractual provision against contingent fees; or

(D) violation of the Gratuities clause, as determined by the Secretary in accordance with the provisions of the clause.

(iii) for other cause of such serious and compelling nature, affecting responsibility as a Government contractor, or subcontractor, as may be determined by the Secretary of the Department concerned to justify debarment; or

(iv) debarment for any of the above causes by some other executive agency of the Government. (Such debarment may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts obtained by the original debarring agency.)

1-604.2 *Period and Scope of Debarment.*

(a) *Period of Debarment.* All debarments shall be for a reasonable specified period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment shall not exceed three years. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment. Prior to the expiration of the debarment period, the Department or Agency which imposed the debarment should review all the facts and circumstances relating to the debarment. The debarment shall be removed at the expiration of the specified period unless it is determined that debarment for an additional period is required in order to protect the Government's interest. However, a debarment shall not be extended for an additional period solely on the basis of the facts and circumstances on which the initial debarment action was based. When debarment for an additional period is considered necessary, notice of the proposed debarment shall be furnished to the individual or firm concerned in accordance with 1-604.3. The debarment of an individual or firm may be modified by reducing the period thereof when the circumstances justify such action. With respect to debarment for violation of the Equal Opportunity clause (Type F), the debarment shall be removed prior to the expiration of the debarment period by the Secretary who imposed the debarment upon receipt of satisfactory evidence that corrective action has been taken.

(b) *Scope of Debarment.*

(1) Debarment may include all known affiliates of a concern or individual. Business concerns are considered affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or a third controls or has the power to control both.

(2) A decision to include known affiliates in a proposed debarment is an individual determination which must be made on a case by case basis.

(3) The fraud or criminal conduct of an individual may be imputed to the business firm with which he is connected when the impropriety involved was performed in the course of official duty or with the knowledge or approval of the business firm.

1-604.3 *Notice of Debarment.*

(a) The firm or individual and its known affiliates concerned shall be furnished with a written notice of the proposed debarment, stating as a minimum:

(i) the fact that debarment is being considered;

(ii) the reasons for the proposed debarment; and

(iii) the period of time to be afforded to present information for consideration.

Information in opposition to a proposed debarment may be presented in person, in writing, or through representation. The period of time to be afforded to present information for consideration shall be limited to 30 days unless the subject of the proposed debarment requests additional time. When no additional time is requested, the debarment determination, including notice to the firm or individual and known affiliates involved, shall be completed within 90 days. If the subject of the proposed debarment requests additional time to present information, the 90 day period shall be extended commensurately. When no suspension is in effect under 1-605, the notice of proposed debarment shall state that no contracts will be awarded pending the debarment determination. If debarment is effected, the firm or individual shall be notified in writing within 10 days after determination of debarment has been made. This notice shall:

(i) reference the earlier notice of proposed debarment;

(ii) specify the reasons for debarment;

(iii) state the period of debarment, including effective dates; and

(iv) advise that the debarment is effective throughout the Department of Defense.

If, following the notice of proposed debarment, a determination is made that debarment will not be effected, the firm or individual shall be notified in writing accordingly.

(b) Copies of the notice of debarment and of any removals from debarment prior to termination of the specified period shall be furnished to the General Services Administration.

(c) The notices referred to in (a) and (b) above shall be sent by certified mail return receipt requested.

1-605 Suspension of Firm or Individual. Suspension of a contractor, subcontractor, bidder, or offeror is a drastic action which must be based upon adequate evidence rather than mere accusation. In assessing adequate evidence, consideration should be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations, and inferences which may be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, inspection reports, and correspondence. Placing the name of an individual or firm on the consolidated list will be for the purpose of protecting the

interest of the Government and not for punishment. Suspension is an administrative determination which may be modified when determined to be in the interest of the Government.

1-605.1 *Causes for Suspension.* The Secretary or his authorized representative (see 1-600(b)) may, in the interest of the Government, suspend a firm or individual:

(i) suspected, upon adequate evidence, of—

(A) commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract or subcontract;

(B) violation of the Federal antitrust statutes arising out of the submission of bids and proposals to the Government; or

(C) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a Government contractor or subcontractor.

(ii) for other cause of such serious and compelling nature, affecting responsibility as a Government contractor, or subcontractor, as may be determined by the Secretary of the Department concerned to justify suspension.

Suspension of a firm or individual by the Secretary or his authorized representative shall operate to suspend such firm or individual throughout the Department of Defense.

1-605.2 *Period and Scope of Suspension.*

(a) *Coordination with Department of Justice.* Upon suspension, notice shall be furnished in accordance with 1-605.3. Except as provided in (b) below, when a request for a hearing is received, the formal advice of the Department of Justice shall be solicited concerning the possible impact of release of evidentiary material on possible civil or criminal action against the firm or individual. (If such advice is orally given, a request will be made that the Department of Justice promptly confirm it in writing.) Based upon this advice, the Secretary or his authorized representative shall determine whether, and to what extent, a hearing should be held.

(1) If a hearing is granted, it will be held not later than 20 days after receipt of the request. The Secretary or his authorized representative shall promptly decide after the hearing whether to continue or terminate the suspension and notify the firm or individual accordingly.

(2) If it is determined, based upon the advice received from the Department of Justice, that to hold a hearing would adversely affect possible civil or criminal prosecution against the firm or individual, this determination will be reduced to writing and made a part of the formal record. Notice shall then be furnished to the firm or individual within 20 days after receipt of the request for a hearing that substantial interests of the Government would be prejudiced if a hearing were held but that any information or argument in opposition to the suspension may be presented in person, in writing, or through representation. Any information or argument submitted will be promptly considered by the Secretary or his authorized representative and, if such action is deemed warranted, the suspension shall be terminated.

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b. Manufacturing Industries

1. Food Canning and Preserving Industry—For food canning and preserving, the number of employees of the concern and its affiliates must not exceed 500 persons, exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

2. Refined Petroleum Products—Any concern bidding on a contract for a refined petroleum product other than Paving mixtures and blocks, Asphalt felts and coatings, Lubricating oils and greases, or Products of petroleum and coal, not elsewhere classified, is classified as small if (i)(i) its number of employees does not exceed 1,500 persons; (ii) it does not have more than 50,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and (iii) the product to be delivered in the performance of the contract will contain at least 90% components refined by the bidder from either crude oil or bona fide feed stocks: *Provided*, however, that a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: And, *provided further*, that the exchange of products for products to be delivered to the Government will be completed within 90 days after expiration of the delivery period under the Government contract and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District as that in which the small refinery is located; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph. The proviso that the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feedstocks contemplates that, in accomplishing such refining, the bidder will utilize his own employees and facilities which he owns or obtains under a bona fide lease as distinguished from any other arrangement having the same effect as a lease. The proviso permitting a concern which meets the requirements in subdivision (1)(i) and (ii) of this paragraph to furnish the product of a refinery not qualified as a small business if such product is obtained pursuant to a bona fide exchange agreement which meets prescribed requirements, contemplates that the product

exchanged by the bidder for the product to be furnished, shall have been refined by the bidder utilizing only his own employees and his own facilities or facilities obtained through a bona fide lease.

3. Pneumatic Tires—For passenger cars, motorcycles, truck, bus, and off-the-road pneumatic tires, a concern is classified as small when bidding on a contract for the above listed items: *Provided*, that (i) the value of the above types of pneumatic tires which it manufactured in the United States during the preceding calendar year is more than 50% of the value of its total worldwide manufacture, (ii) the value of these pneumatic tires which it manufactured worldwide during the preceding calendar year was less than 5% of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than 10% of the total value of such products manufactured or otherwise produced or sold in the United States during said period. This section does not apply to acquisitions for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, is considered for size standard purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes.

4. Passenger Cars—A company is classified as small if it is bidding on a contract for passenger cars: *Provided*, that (i) the value of the passenger cars which it manufactured or otherwise produced in the United States during the preceding calendar year is more than 50% of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars which it manufactured or otherwise produced during the preceding calendar year was less than 5% of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10% of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

5. Rebuilding of Machinery on a Factory Basis—Any concern bidding on a contract for the rebuilding of machinery or equipment on a factory basis is classified as small business *provided*, the purpose of the rebuilding is to restore such machinery or equipment to as serviceable and as like new condition as possible and the number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item. The size standard is not limited to concerns who are manufacturers of the original item but is applicable to all bidders or offerors. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

6. Fluid Milk — Any concern bidding on a contract for fluid milk classified in SIC Code 2026 is small if its number of employees, exclusive of home delivery routemen, does not exceed 500 persons.

7. Manufacturing Industries Listed in 1-701.5 — For a product classified within an industry listed in 1-701.5, the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

8. Manufacturing Industries Not Listed in 1-701.5 — For a product classified within an industry not set forth in this paragraph or in 1-701.5, the number of employees of the concern and its affiliates must not exceed 500 persons.

(vii) participate in determinations concerning responsibility of a prospective contractor (see 1-904) whenever small business concerns are involved;

(viii) participate in the evaluation of a prime contractor's small business, labor surplus, and small disadvantaged business subcontracting plans;

(ix) review and make appropriate recommendations to the contracting officer on any proposal to furnish Government owned facilities to a contractor if such action may hurt the small business program;

(x) assure that participation of small business concerns is accurately reported;

(xi) bring to the attention of the Department Director or Staff Director for Small and Disadvantaged Business Utilization possible contracting opportunities in labor surplus area;

(xii) make available to SBA copies of solicitations when so requested;

(xiii) when a bid from a small business, small disadvantaged business or labor surplus area firm has been rejected for nonresponsiveness or nonresponsibility, upon request, aid, counsel and assist that firm in understanding requirements for responsiveness and responsibility so that the firm may be able to qualify for future awards;

(xiv) participate in government-industry conferences to assist small business, small disadvantaged business and labor surplus area concerns, including Business Opportunity/Federal Procurement Conferences, Minority Business Enterprises Procurement Seminars, and Minority Business Opportunity Committee meetings;

(xv) advise potential suppliers how they can obtain information about formal advertising and negotiated acquisitions and that they can subscribe to the Commerce Business Daily as a source of information on proposed acquisitions;

(xvi) brief his commander at least once quarterly concerning the status of the installation's small business, small disadvantaged business utilization and labor surplus area programs in relation to goals and objectives established by higher headquarters;

(xvii) participate in the development, implementation and review of automated contracting systems to assure that the interests of small business, small disadvantaged business and labor surplus area firms are fully considered with particular reference to 1-702(b)(v), 1-706.1(d) and 1-706.3;

(xviii) assist program managers as early as possible in the development cycle of major system acquisitions and system programs as pertains to the small business programs;

(xix) assist contracting officers in establishing criteria for and determining acceptability of small business and small disadvantaged business concerns subcontracting plans submitted by prime contractors;

(xx) assure that the installation's small business, small disadvantaged business and labor surplus area business programs are frequently publicized in the appropriate media;

(xxi) assure that the organization maintains a list of products and services which have been placed on repetitive small business set-aside;

(xxii) provide small business, small disadvantaged business and labor surplus area firms information regarding assistance available from Federal agencies such as the Small Business Administration, Office of Minority Business Enterprise, Bureau of Indian Affairs, Office of Economic Development, National Science Foundation, Department of Labor and others including state, trade and other associations;

(xxiii) be responsible for establishing an education and training program for personnel whose duties and functions affect the activity's small business, small disadvantaged business and firms located in labor surplus areas;

(xxiv) recommend to his Commander the activity small business and disadvantaged business utilization overall goals and goals to be placed on subordinate contracting offices; and

(xxv) participate in interagency programs relating to small business, small disadvantaged business and labor surplus area matters as authorized by the Director of SADBU.

In unusual circumstances, solicitations may require that option quantities be offered at prices no higher than those for the initial quantities. Such circumstances may exist, for example, when (i) the option cannot be evaluated pursuant to 1-1504(c) or (d) because additional requirements are foreseeable but not known, and (ii) realistic competition for the option quantity is impracticable once the initial contract is awarded. However, because such limitations as to option prices tend to cause a "frontloading" of costs on the basic quantity which are transferred from the option quantity to equalize the prices offered, their improper inclusion could result in prices which are unfair to the Government should the options not be exercised. Therefore, the procedures in 1-1503(d) shall be followed.

(e) The total of the basic and option periods shall not exceed five years in the case of services, and the total of the basic and option quantities shall not exceed the requirement for five years in the case of supplies. This 5-year limitation shall not apply to automatic data processing equipment, software, and maintenance services; however, the basic option periods shall not exceed the approved systems life as defined in 4-1102.

1-1503 Procedures.

(a) If a contract is to contain an option clause, the solicitation must contain an appropriate option provision. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but with respect to service contracts may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised, consideration shall be given to (i) necessary lead time in order to assure continuous production and (ii) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in all cases be kept to a minimum. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option.

(b) If exercise of the option would result in increased quantities of supplies, the option may be expressed in terms of (i) percentage of specific contract line items, (ii) a number of additional units of specific contract line items, or (iii) additional numbered line items identified as the option quantity with the same nomenclature as line items initially included in the contract. If exercise of the option would result in an increase in the performance of services by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work initially used in the contract such as man hours, man years, square feet, pounds or tons handled. If exercise of the option would result in an extension of duration of the contract, the option may be expressed in terms of an extended terminal date or of an additional time period, such as days, weeks, or months.

(c) Solicitations which allow the offer of option quantities at unit prices which differ from the unit prices for the basic contract quantities shall also state that varying prices may be offered for the option quantities depending on the quantities actually ordered and the date or dates when ordered. However, if the

solicitation contains an *Evaluation of Options* provision pursuant to 1-1504, it shall also specify the price at which the options will be evaluated (*e.g.*, highest option price offered or option price for specified quantities or dates).

(d) If a solicitation is to require the offering of option quantities at prices no higher than those for the initial quantities pursuant to 1-1502(c), then:

(i) the inclusion of such limitation as to option price shall be justified and documented by the contracting officer in the contract file;

(ii) the solicitation shall also include a conspicuous notice adjacent to such limitation as to option price cautioning offerors that an offer containing an option price higher than the base price may be accepted only if such acceptance does not prejudice any other offeror; and

(iii) if the option is for additional quantities of supplies, an option quantity shall not exceed 50% of the initial quantity of the same contract line item or of the line item with the same nomenclature; *provided*, however, that in unusual circumstances a greater percentage of quantity may be approved in writing by the Chief of the Purchasing Office.

(e) When it is anticipated that the Government may exercise an option to fulfill Foreign Military Sales requirements, the solicitation shall notify contractors of the Government's intent in this regard and shall identify the Foreign Military Sales requirements. The contract shall contain an additional paragraph in the option provision substantially as set forth in 7-104.27(d) which provides for the Government's right to exercise the option for Foreign Military Sales purposes (see 6-1309).

1-1504 Evaluation.

(a) Except as otherwise provided in this paragraph, solicitations containing option provisions shall state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(b) If it is anticipated that the Government may exercise the option at time of award, the solicitation shall include an *Evaluation of Options* provision substantially as set forth in 7-2003.11(a).

(c) The option quantity may be considered in the evaluation for award of a firm fixed-price contract, a fixed-price contract with economic price adjustment provisions, or such other types of contracts as may be approved by Departmental procedures, if, before issuance of the solicitation, it has been determined by the Chief of the Purchasing Office that:

(i) there is a known requirement which exceeds the basic quantity to be awarded, but either (A) the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance, or (B) due to the unavailability of funds, the option cannot be exercised at the time of award of the basic quantity; *provided* that in this latter case there is reasonable certainty that funds will be available thereafter to permit exercise of the option; and

(ii) realistic competition for the option quantity is impracticable once the initial contract is awarded and hence it is in the best interests of the Government to evaluate options in order to eliminate the possi-

Part 6—Small Purchase and Other Simplified Purchase Procedures

3-600 Scope of Part. This Part sets forth simplified procedures for the procurement of supplies, nonpersonal services, and construction, the aggregate amount of which does not exceed $10,000, which are referred to in this Part as "small purchases." It also applies to certain other supplies and services. This Part does not preclude the use of bilateral purchase orders (see 3-608.4); Standard Form 19 for construction contracts (see 16-402.2 and 18-302); or a negotiated two-party formal contract for procurements not in excess of $10,000, for example where the procurement is classified or requires specific contract provision relating to technical inspection or test, specification changes, Government-furnished property, insurance, patents, price adjustments, or the like. When the total cost of services to repair Government equipment does not exceed $10,000, such services may be obtained by purchase orders or other appropriate small purchase method, regardless of the value of the Government equipment being repaired (see 3-608.2(b)(1)(viii)), except as provided in 3-608.2(b)(2). Procurements of supplies and services or construction initially estimated to exceed $10,000 shall not be made by the small purchase method, even though resulting awards do not exceed such amounts.

3-601 Purpose. The objective of the simplified purchase methods prescribed herein is to reduce administrative costs.

3-602 Definitions. As used in this Part, the following terms have the meanings set forth below.

(a) *Bulk funding concept* means a system whereby a contracting officer receives authorization from a fiscal and accounting officer to obligate funds on purchase documents against a specified lump sum of funds reserved for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document.

(b) *Mail indicia* means the official printed markings substituted for stamps, *i.e.*, "Postage and Fees Paid" and appropriate department. This includes such markings on envelopes, cards, labels, wrappers, or tags.

(c) *Local delivery* means the movement of supplies or commodities wholly within a recognized metropolitan area in which both the point of pickup and the point of delivery are located.

3-603 Policy.

3-603.1 *General.*

(a) All purchases covered by this Part shall be accomplished by negotiation and shall cite the appropriate subparagraph of 10 U.S.C. 2304(a) in accordance with Part 2 of this Section. Such purchases shall be made only when requirements cannot be satisfied by procurement in accordance with Section V. The contracting officer shall use the purchase method covered by this Part which he determines to be most suitable to the immediate requirement and most efficient and economical. Simplified procedures may be used in procurements from Government established sources, if authorized by the basic contract or concurred in by the source.

(b) Requirements aggregating more than $10,000 shall not be broken down into several purchases which are less than $10,000 merely for the purpose of per-

mitting negotiation under the small purchase procedures authorized by this Part. Related items (such as small hardware items or spare parts for vehicles) may be included in one solicitation, and the award made on "all or none" basis. In such cases, suppliers shall be advised of this award procedure when quotations are requested.

(c) The "bulk funding" concept shall be used to the maximum extent practicable to reduce processing delays, double handling, and documentation. Bulk funding is particularly appropriate when numerous purchases using the same type of funds are to be made during a given period.

(d) Installation or activity transportation facilities may be used for delivery from local suppliers to the purchasing installation only after consideration of the following methods:

(i) supplier delivery;

(ii) common carrier;

(iii) parcel post; and

(iv) mail indicia.

(e) Inspection procedures for small purchases shall be in accordance with 14-308.

(f) The use of United States-owned foreign currency in making payments for small purchases shall be in accordance with Section VI, Part 11.

(g) Each acquisition of supplies and services which has an anticipated value not in excess of $10,000 and which is subject to the small purchase procedures set forth in this part is a small business-small purchase set-aside (1-702(c)) unless the contracting officer (i) determines there is no reasonable expectation of obtaining two or more quotations for purchases in excess of $500 or at least one quotation for purchases not in excess of $500; or (ii) is unable to obtain quotations(s) that are, in either case, competitive with market prices in the industry and competitive in terms of quality and delivery as outlined in 3-604. In the event that the small business-small purchase set-aside is dissolved in accordance with (g)(ii), new quotes shall be solicited on an unrestricted basis. In automated contracting systems, all proposed acquisitions pursuant to small purchase procedures will be screened for reservation in accordance with the criteria in this paragraph. When source lists are maintained for acquisitions not exceeding $10,000, these source lists shall include all known small business concerns. The names of such concerns shall be obtained from the activity Small and Disadvantaged Business Utilization Specialist who, in turn, may request support from the SBA Procurement Center Representative or other Federal and private sources which maintain lists of small business concerns. Foreign concerns shall not be solicited nor awarded acquisitions reserved for small business concerns.

(h) In other acquisitions using small purchase procedures, solicitation of foreign firms located in qualifying countries (see 6-001 and 6-1043.1(a)) is not required unless determined to be in the best interests of the Government.

mand utilizing the blanket purchase agreement shall conduct the necessary review. In addition, the contracting office which entered into the blanket purchase agreement shall also review and update, as required, each blanket purchase agreement at least annually.

3-606 Fast Payment Procedure.

3-606.1 *General.* The fast payment procedure is designed to reduce lead time to consignees and to improve supplier relations by expediting payment for small purchases. The procedure provides for payment for supplies based on the contractor's submission of an invoice which constitutes a representation that the supplies have been delivered to a post office, common carrier or point of first receipt by the Government, and that the contractor agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase agreements. Consignees shall notify the contracting office as soon as possible of supplies not received, damaged in transit, or not conforming to specifications of the purchase order.

3-606.2 *Conditions for Use.* When the conditions set forth below are present, the fast payment procedure should be used to the maximum extent possible, provided such use is consistent with the other conditions of the purchase. Use of the fast payment procedure would not be indicated, for example, in small purchases by posts, camps, and stations when material being purchased is destined for use at such activities and contract administration will be performed by the contracting office of such activities.

(i) Individual orders do not exceed $10,000, except that for purchases of (*a*) brand name commissary resale subsistence and (*b*) commercial type medical supplies for direct shipment overseas, the procedure may be used without limitation (see 7-104.84).

(ii) Title to the supplies will vest in the Government (A) upon delivery to a post office or common carrier for mailing or shipment to destination, or (B) upon receipt by the Government when the shipment is by means other than the post office or common carrier.

(iii) Supplier agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements.

3-606.3 *Preparation and Execution of Orders.*

(a) Orders shall be issued on Order for Supplies or Services/Request for Quotations (DD Form 1155), except that calls against blanket purchase agreements shall be issued in accordance with 3-605.5. Orders may be either priced or unpriced.

(b) Purchase orders or blanket purchase agreements using fast payment procedures shall include:

(i) a requirement for the supplies to be shipped transportation or postage prepaid;

(ii) a requirement that invoices be submitted direct to the finance or other office designated in the order, or in the case of unpriced purchase orders, to the contracting officer (see 3-608.3(c));

(iii) the following statement on consignee's copy: *Consignee's Notification to Contracting Activity of Nonreceipt, Damage, or Nonconformance.* The consignee shall notify the contracting office promptly after specified date of delivery in the purchase order, of supplies not

received, damaged in transit, or not conforming to specifications of the purchase order. Unless extenuating circumstances exist, such notification should be made not later than 60 days after specified date of delivery;

(iv) when DD Form 1155 is not used, the clause in 7-104.84(a);

(v) a requirement that outer shipping containers shall be marked "FAST PAY."

3-606.4 *Responsibility for Collection of Debts.* The contracting officer shall be primarily responsible for collecting debts resulting from failure of contractors to properly replace, repair, or correct supplies lost, damaged, or not conforming to purchase requirements (see E-602 and E-603).

3-607 Imprest Fund Method.

3-607.1 *General.* An imprest fund is a cash fund of a fixed amount established through an advance of funds, without appropriation charge, to an authorized imprest fund cashier to effect immediate cash payments of relatively small amounts for authorized purchases of supplies and nonpersonal services.

3-607.2 *Establishment of Imprest Funds.*

(a) *Authority.* Commanders of installations and of activities with purchasing authority are authorized to approve the establishment of imprest funds. The number of imprest funds at an installation shall be kept to a minimum and one imprest fund should be sufficient in most instances. Exceptions to this general rule may be justified for isolated activities when the location of the established fund is not readily accessible.

(b) *Amount of Imprest Funds.* The amount of each fund shall be established on the basis of the estimated monthly payments therefrom and the need for replenishment without undue administrative burden, but shall not exceed $5,000. A review shall be made at least quarterly to insure that the fund is not in excess of actual needs, and necessary adjustments shall be made.

(c) *Imprest Fund Cashiers.*

(1) Imprest fund cashiers must be appointed by the head of an installation or activity to make authorized cash payments for materials and nonpersonal services, maintain custody of funds, and file periodic vouchers to account for and replenish the imprest fund. An imprest fund cashier should be established at a convenient location on the installation or activity for the purpose of making payments to vendors or carriers, *e.g.*, in "Central Receiving." Disbursing officers and individuals responsible for originating, approving, and processing requirements are not eligible for appointment as imprest fund cashiers. Exceptions to this rule may be granted by the major headquarters exercising control over the installation or activity. In no event shall an imprest fund cashier have access to or control of more than one imprest fund.

(2) Each appointment and termination of appointment shall be approved by the head of the installation or activity. After approval, administrative orders signed by the appropriate authority shall be issued. Appointment orders shall contain the following:

(i) name of individual and duty station;

(ii) identification of disbursing station for which the cashier will act, including the accounting number assigned thereto;

(iii) specific duties to be performed;

the offeror and the Government which are part of the proposal.

Firm .....
Name .....
Title .....
Date of Execution ..... ***

(End of certificate)

* Describe the proposal, quotation, request for price adjustment or other submission involved, giving appropriate identifying number (*e.g.*, RFP No. .....)

** The effective date shall be the date when price negotiations were concluded and the contract price was agreed to. The responsibility of the contractor is not limited by the personal knowledge of the contractor's negotiator if the contractor had information reasonably available at the time of agreement, showing that the negotiated price is not based on accurate, complete and current data.

*** This date should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed to.

(b) Because the certificate pertains to "cost or pricing data," it does not make representations as to the accuracy of the contractor's judgment on the estimated portion of future costs or projections. It does, however, apply to the data upon which the contractor's judgment is based. This distinction between fact and judgment should be clearly understood.

(c) Whenever a Certificate of Current Cost or Pricing Data is required, the applicable clause in 7-104.29 shall be included in the contract.

(d) Although Cost or Pricing Data were requested in the solicitation, a Certificate of Current Cost or Pricing Data shall not be requested in connection with the award of any contract of any dollar value where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(e) The exercise of an option at the price established in the initial negotiation in which certified cost or pricing data were used, does not require re-certification.

(f) Negotiated final pricing actions such as total final price agreements under fixed price incentive and redeterminable contracts, final overhead rate settlements under cost type contracts, or partial termination settlement agreements under any type of contract are contract modifications for which certified cost or pricing data are required. A certificate shall be submitted as soon as practicable after agreement is reached on the amount of the modification. That certificate is required when the amount of the total final price agreement exceeds $100,000 or partial termination settlement agreement plus the estimate to complete exceeds $100,000.

(g) A Certificate of Current Cost or Pricing Data is not a substitute for examination and analysis of the contractor's proposal.

(h) Data supplied during negotiation of an advance agreement and FPRA's (see 15-107 and 3-807.8) will not be certified at the time of agreement. When an advance agreement is used in partial support of a later contractual action which does require certification, the price proposal certificate will cover both the data

originally supplied to support the advance agreement referenced on the DD Form 633 and all data required to update the specific price proposal data to the time of agreement on the contract price.

3-807.7 *Adequate Price Competition, Catalog or Market Prices and Prices Set by Law or Regulation.* For the purpose of paragraphs 3-807 and 15-205.22(e), the terms "adequate price competition", "established catalog or market prices of commercial items sold in substantial quantities to the general public", and "prices set by law or regulations" shall be construed in accordance with the following general guidelines.

(a) *Adequate Price Competition.*

(1) Price competition exists if offers are solicited and (i) at least two responsible offerors, (ii) who can satisfy the requirements, (iii) independently contend for a contract to be awarded to the responsive and responsible offeror submitting the lowest evaluated price, (iv) by submitting priced offers responsive to the expressed requirements of the solicitation. Whether there is price competition for a given procurement is a matter of judgment to be based on evaluation of whether each of the foregoing conditions is satisfied. Generally, in making this judgment, the smaller the number of offerors, the greater the need for close evaluation.

(2) If the foregoing conditions (i) through (iv) are met, price competition shall be presumed to be "adequate" unless it is determined that:

(i) the solicitation was made under conditions that unreasonably deny to one or more known and qualified offerors an opportunity to compete;

(ii) the low competitor has such a determinative advantage over the other competitors that he is practically immune to the stimulus of competition in proposing a price (*e.g.*, a determinative advantage because substantial costs, such as start up or other nonrecurring expenses, have already been absorbed in connection with previous sales, thus placing the competitor in a preferential position); or

(iii) the lowest final price is not reasonable and this finding is supported by an enumeration of the facts upon which it is based; *provided*, that such finding is approved at a level above the contracting officer.

(3) A price is "based on" adequate price competition if it results directly from such competition or, if price analysis (not cost analysis) shows clearly that the price is reasonable in comparison with current or recent prices for the same or substantially the same items procured in comparable quantities under contracts awarded as a result of adequate price competition (*e.g.*, (i) exercise of an option in a contract for which there was adequate price competition if the option price has been determined to be reasonable in accordance with 1-1505(d) and (ii) an item normally is procured competitively but in a particular situation only one offer is solicited or received, and the price clearly is reasonable in comparison with recent purchases of comparable quantities for which there was adequate price competition).

(4) Prices based on adequate price competition exempt offerors from the requirements for submission and certification of cost or pricing data. (*But see 3-1200 for CAS requirements.*)

Part 11–Acquisition of Automatic Data Processing Equipment

3–1100 Contractor Acquisition of Automatic Data Processing Equipment (ADPE).

3–1100.1 *General.*

(a) This paragraph 3–1100 is applicable to all ADPE, as defined in 4–1102.1, except as components of end items to be delivered to the Government.

(b) If ADPE is purchased for the account of the Government or if title to the ADPE will pass to the Government, the acquisition must be approved as required by Section XIII.

3–1100.2 *Review of Decision To Lease.*

(a) If the total cost of leasing the ADPE is to be allocated to one or more Government contracts requiring the negotiation or determination of costs, the contracting officer shall, prior to approval of the proposed lease agreement:

(i) require the contractor to submit a request for leasing ADPE in writing. Such request shall be in accordance with 3–1100.3;

(ii) survey the Defense Supply Agency (DSAH-LSR) for availability of excess ADPE which could be issued as GFP (see 13–301) and which would fulfill the contractor's requirements (including timely availability and technical compatibility);

(iii) determine whether, under 15–205.48, leasing is the appropriate method of acquisition from the Government's standpoint;

(iv) consider whether the ADPE should be leased under a Federal Supply Schedule Contract (see Section V, Part 9);

(v) if the rental of ADPE through a commercial contract is authorized, require the contractor to include a provision in the rental contract stating that the Government will have the initial option to utilize any purchase or other benefits earned through rental payments; and

(vi) obtain approval of the ADPE leasing arrangement as provided by 4–1104.13(a)(2).

(b) If the total cost of leasing ADPE in a single plant, division, or cost center exceeds $500,000 per year and 50 percent or more of the total cost is to be allocated to Government contracts requiring the negotiation or determination of costs, the administrative contracting officer should arrange for:

(i) an initial review and an annual review thereafter of the contractor's ADPE system for the purpose of evaluating, under 15–205.48, his existing ADPE capability and the need to continue leasing, irrespective of whether the term of the lease was renewed or otherwise extended by the contractor (see 3–1100.3 for documentation required; and

(ii) submission by the contractor to the ACO of any proposed lease of a new ADPE system and any proposed major changes to an existing system, for advance determination of the validity of the stated requirement and the reasonableness of leasing and resulting cost. (See 3–1100.3 for documentation required.)

(A "*major change*" is any addition or substitution of ADPE which will have an annual cost in excess of $50,000.) After the initial review and after each annual review, and also after review of any proposed lease of a new ADPE system or major change, the ACO should either enter into an advance understanding with the contractor pursuant to 15–107, to provide a basis for concurrence in the proposed lease, or in the alternative notify the contractor of the Government's nonconcurrence and of consequent cost disallowance contemplated under 15–205.48. The Government shall approve or disapprove submissions of contractor data in a timely manner.

(c) In implementing the above, technical ADP assistance will be provided as necessary to the contracting officer by the Department having the preponderance of interest with the contractor.

3–1100.3 *Contractor Documentation for ADPE Acquisition.*

The documentation specified by this section is required only when the total cost of leasing is to be reimbursed under one or more Government contracts or the total annual cost of leasing exceeds $500,000 and 50 percent or more is charged to Government contracts. The documentation is acceptable in the same format used by the contractor to make ADPE decisions. When the documentation has previously been submitted to DCAA, a copy of that submission may be used or, if it is voluminous, reference to the submission is acceptable. Documentation previously submitted does not have to be resubmitted; only updated as necessary. The contractor's request for approval of a proposed lease agreement or to justify his leasing decisions under 15–205.48(d)(3) shall, as a minimum, consist of the following supporting data, prepared prior to acquisition.

(1) Inventory and analysis of utilization of existing installed ADPE:

a. List each computer component by manufacturer, type, and model number.

b. Give location of ADP system.

c. Furnish acceptance date(s) by component.

d. Give type of ownership, i.e., leased, purchased, Government-furnished, lease back.

e. Furnish operational use by component for the past 12 calendar months. Also show nonproductive use separated into categories: preventive maintenance and remedial maintenance for the Central Processing Unit components which affect the ADPE system for the same period.

f. Identify and describe each data system supported; indicate computer time for each system and the related contract(s) or task(s) involved.

Part 10— RESERVED

This Part reserved pending approval of a test of the Short Form Research Contract (SFRC). (See Item XVI, DAC #76-27, dated 15 May 1981.

Part 11— Automatic Data Processing (ADP) Contracting

4–1100 Scope of Part. This Part sets forth policies and procedures for the contracting by the Department of Defense of automatic data processing equipment, software, maintenance services, certain other contractual ADP support services, and supplies as defined in 4–1102. In addition, 4–1104.13(c) identifies policies and procedures related to reporting requirements for excess ADP equipment in the possession of contractors.

4–1101 Policy.

(a) Public Law 89–306, 40 USC 759, authorizes and directs the Administrator of General Services to provide for the economic and efficient purchase, lease, and maintenance of automatic data processing equipment (ADPE) by Federal agencies subject to fiscal and policy control of the Office of Management and Budget (OMB). The statute specifically provides that the authority conferred upon the Administrator of General Services shall not be construed as to impair or interfere with the determination by agencies of their individual requirements or the use made of ADPE or components thereof by any agency. Under this authority, the General Services Administration (GSA) has promulgated regulations pertaining to the availability of Federal sharing and reutilization of ADP resources, and for the contracting for Government-wide automatic data processing equipment, software, maintenance services and supplies.

(b) The OSD and Departments, in turn, have issued regulations regarding the selection, acquisition, and reutilization of requirements for ADP equipment, software, maintenance services, certain other contractual ADP support services, and supplies. These regulations establish the selection and acquisition approvals that are required before contracting actions can be initiated.

(c) The GSA authority set forth in 4–1101(a) does not extend to—

(1) ADP equipment, specifically designed (not configured) and/or physically incorporated as a part of a tactical weapon or space system.

(2) Items especially designed or manufactured for the Government under a development contract.

(3) Software specifically developed for (1) and (2) above.

(4) Contractor-acquired ADP items unless:
(i) leased and full lease costs are paid by the Government under one or more ADP service contracts, or
(ii) purchased by an ADP service contractor for the account of the Government or for which title will pass to the Government.

(5) Any contractual ADP support services as defined in 4-1102.

(d) In addition, the GSA has established through regulation, blanket delegations of authority, as set forth in 4-1103.1(b), for DoD to contract for ADP. These blanket delegations of authority do not require an agency procurement request (APR) (see 4-1102.3) or a specific GSA delegation of procurement authority (DPA) (see 4-1102.7).

4-1102 Definitions. The following definitions apply only to the contracting for automatic data processing equipment, software, maintenance services, contractual ADP support services and supplies for the DoD as set forth in this Part and elsewhere in the DAR.

4-1102.1 *Automatic Data Processing Equipment (ADPE).* General purpose, commercially available, mass-produced automatic data processing components and the equipment systems created from them, regardless of use, size, capacity or price, that are designed to be applied to the solution or processing of a variety of problems or applications and are not specially designed (rather than configured) for any specific application. This definition includes:

(a) Digital, analog, or hybrid computer equipment; and/or

(b) Auxiliary or accessorial equipment such as plotters, communications terminals, tape cleaners, tape testers, data conversion equipment, source data automation recording equipment (optical character recognition devices, paper tape typewriters, magnetic tape cartridge typewriters, and other data acquisition devices), etc., to be used in support of digital, analog, or hybrid computer equipment either cable connected, wire connected, or self-standing, and whether selected or acquired with a computer or separately; and/or

(c) Punched card accounting machines (PCAM) used in conjunction with or independently of digital, analog, or hybrid computers.

4-1102.2 *Contractual ADP Support Services.* All services excluding hardware maintenance, timesharing services and systems software support, but including systems analysis, programming, software and/or data conversion, service bureau, teleprocessing, and other nonpersonal services.

4-1102.3 *Agency Procurement Request (APR).* A request by a DoD Component for GSA to contract for ADPE, software, or maintenance services, or for GSA to delegate the authority to contract for these items. It includes the applicable Request for Proposals (RFP), Invitation for Bids (IFB), or Request for Quotations (RFQ), and amendments thereto, and other pertinent information regarding the proposed contract. When the APR is submitted before preparation of the solicitation, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided in lieu of the RFP, IFB, or RFQ. In such instances, the software requirements shall include the software as defined in 4-1102.14 below, software in the public domain, and any additional software. However, applications programs to be developed either in-house or by contract shall not be included in the APR.

4-1102.4 *Reserved.*

4-1102.5 *Competitive Contracting.* Competitive contracting means that the Government's requirements are set forth in the form of data systems specifications or equipment performance requirements, a combination thereof, or other unrestrictive specifications which allow full competition and are devoid of bias toward either a specific product or a specific offeror.

4-1102.6 *Data Systems Specifications.*

(a) The delineation of the objectives which the system is intended to accomplish; and

(b) The data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files, and record content, the volumes of data, the processing frequencies, timing, and such other facts as may be necessary to provide for a full description of the system.

4-1102.7 *Delegation of Procurement Authority (DPA).* A written notification from GSA to a DoD Component granting authority to contract for ADPE, software, or maintenance services beyond the thresholds established in 4-1103.1(b).

4-1102.8 *Desirable Features.* Those contractual conditions and technical specifications which are established by the Government but which do not have to be offered in order to be responsive to the specific solicitation. When set forth in a solicitation, the desirable features, individually or collectively, may be offered at the discretion of the offeror.

4-1102.9 *Equipment Performance Requirements.* A statement of those hardware factors such as cycle time, computing speed, tape read or write speed, printer speed, size of memory, expandability (modularity), and related software, which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications involved in that equipment.

4-1102.10 *Lowest Overall Cost.* The least expenditure of funds over the systems or items life, price and other factors considered. Lowest overall cost shall include but shall not be limited to such elements as personnel, purchase price or rental, maintenance, site preparation and installation, programming, training, and telecommunications, as applicable.

4-1102.11 *Maintenance Services.* Those examination, testing, repair, or part replacement functions performed to:

(a) Reduce the probability of ADPE malfunction (commonly referred to as "preventive maintenance");

(b) Restore a component of ADPE which is not functioning properly to its proper operating status (commonly referred to as "remedial maintenance"); and

(c) Modify the ADPE in a minor way (commonly referred to as "field engineering change" or "field modifications").

4-1102.12 *Mandatory Requirements.* Those contractual conditions and technical specifications which are established by the Government as being the minimum requirements for the Government. When set forth in a solicitation, the mandatory requirements must be met by an offer in order for such offer to be considered responsive to the solicitation.

4-1102.13 *Noncompetitive Procurement.* A noncompetitive procurement ("sole source procurement") means that the Government's requirements are set forth in the form of necessary specifications which are so restrictive that there is only one known supplier capable of satisfying the Government's requirement. Contracts based on specific make and model specifications/purchase descriptions fall in this category, notwithstanding the existence of adequate price competition.

4-1102.14 *Software.* Commercially available proprietary computer programs and routines used to extend the capabilities of ADPE. This category of software innludes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

4-1102.15 *Supplies.* Consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

4-1102.16 *Systems or Items Life.* A forecast or projection of the period of time which begins with the installation of the systems or items, and ends when the need for such systems or items has terminated. Systems or items life is established by the Government on the basis of requirements and is usually set forth in the solicitation. Systems or items life is not synonymous with actual life of the equipment.

4-1102.17 *Tactical Weapons Systems.* For the purpose of this Part, tactical weapons system is defined as an instrument of combat, either offensive or defensive, used to destroy, injure or threaten the enemy. It consists of the total entity that is an instrument of combat which may incorporate in itself a complex assembly of functional parts; e.g., F-15 aircraft, FBM submarine, M60 tank, Minuteman Missile.

4-1103 Procurement Authority. This paragraph prescribes the conditions under which ADP procurement authority is vested in the General Services Administration or the Department of Defense.

4-1103.1 *General Services Administration (GSA).* The GSA has the exclusive authority to provide for the contracting for automatic data processing equipment, software, maintenance service, supplies, and certain other contractual ADP support services, as defined in 4-1102, unless the contract is within the exceptions set forth in 4-1101(c). Consequently, unless the acquisition is within such exceptions, the provisions of the GSA regulations shall apply in the event of conflict with this Part.

(a) Delegation of Procurement Authority (DPA). When a requirement exists for ADPE, software, or maintenance services, as defined in 4-1102, an Agency Procurement Request (APR) must be submitted to the GSA prior to the initiation of any contract action, unless the requirement meets the exceptions set forth below. In response to an APR, the GSA may contract or issue a DPA. For the procedures to be followed in submitting the APR, see 4-1104.1.

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(b) Exceptions. ADP contracts may be made without the prior approval of the GSA under the following conditions:

(1) Automatic Data Processing Equipment. Except for contracts involving the GSA ADP Fund (see 4-1104.14), excess leased ADPE or the acquisition of hardware monitors for measuring computer system performance, DoD may contract for ADPE without prior approval of GSA, *provided* that at least one of the following conditions is met.

(i) the contract will occur by placing a delivery order against an applicable GSA requirements contract;

(ii) the contract will occur by placing a delivery order against a GSA schedule contract, *provided* that:

a. the order is placed under the terms and conditions of the contract;

b. the order is within the maximum order limitation (MOL) of the applicable contract;

c. when an ADTS/ADP schedule contract is utilized, the total purchase price of the item(s) covered by the order does not exceed $300,000 (Note: Even though the item(s) are to be rented or leased, the purchase price shall be used to determine if the dollar value of the order falls within the $300,000 threshold); and

d. the requirements set forth in 4-1104.4 on the use of GSA schedule contracts for ADP are met; or

(iii) the value of the contract does not exceed:

a. $300,000 purchase price or $7,500 basic monthly rental charges for competitive procurement; or

b. $50,000 purchase price or $1,500 basic monthly rental charges for noncompetitive procurements.

(2) Software. Except for software available through the Federal Software Exchange Center (FSEC), DoD may contract for software, including software performance monitoring packages, for use with ADPE without approval of GSA or the Federal Computer Performance Evaluation and Simulation Center (FEDSIM), *provided* that at least one of the following conditions is met:

(i) the contract will occur by placing a delivery order against an applicable GSA requirements contract;

(ii) the contract will occur by placing a delivery order against an applicable nonmandatory ADTS/ADP Schedule contract under the terms and conditions of that contract;

(iii) the total value of the contract for the specific software package(s) does not exceed $10,000 annual lease charges, excluding maintenance, or $10,000 purchase price; or

(iv) the software is provided by the original equipment manufacturer and is not separately priced from the ADPE.

(3) Maintenance Services. The DoD may contract for maintenance services without approval of GSA when:

(i) such services are available from a nonmandatory ADTS/ADP Schedule contract under the terms and conditions of that contract; or

(ii) the maintenance charges do not exceed $100,000 annually for a fully competitive procurement, or $50,000 annually for a sole source procurement.

4-1103.2 *Department of Defense (DoD).* The DoD has authority to contract for ADPE, software, maintenance services, supplies, and certain other contractual ADP support services covered in 4-1101(c)(1) through (5). Additionally, the DoD has the authority to obtain ADP resources outside the scope of definitions provided in 4-1102.

4-1104 Contracting Procedures. This paragraph sets forth the procedures for performing ADP contracting when procurement authority is vested in the GSA. Prior to issuance of the solicitation, the contracting officer shall insure that the delegation of procurement authority has been obtained.

4-1104.1 *General.*

(a) Contracts requiring GSA approval shall be initiated by the submission of 4 copies of the agency procurement request (APR) and other applicable documents to the General Services Administration (CDS), Washington, D. C. 20405. The APR shall contain the name and telephone number of an individual within the DoD component who shall act as the point of contact with GSA. The APR shall include:

(1) Copies of the proposed solicitation, if available. If the solicitation document is not available, the specifications of the ADPE configuration that is to be acquired shall be included. The description should reflect the estimated number of central processing units, storage devices and controllers, terminals, other peripheral devices and communications devices.

(2) Estimated dollar value of the contract.

(3) Estimated system or item life.

(4) Location (city and state) of the data processing facilities involved.

(5) Fiscal quarter during which the solicitation is expected to be released to industry for contract action.

(6) Unique software, maintenance and support requirements, if any.

(7) A statement or other evidence which indicates that a performance evaluation has been made of currently installed ADP system(s), when applicable, to ensure that the proposed contract represents the lowest overall cost alternative for meeting the agency's data processing needs.

(8) Evidence that site construction/modification is, or is not, required. One of the following statements shall be used for this purpose:

(i) *The acquisition of this equipment will not require site construction or modification by GSA;* or

(ii) *The acquisition of this equipment will require construction or modification by GSA which must be completed by (date).*

(9) A statement that the need to acquire ADPE or ADP systems has been documented as required by Federal Property Management Regulations 101-35.2.

(10) A statement that ADP resources available from the sharing and reutilization programs have been screened and no ADP resources are available to satisfy the user's requirements.

(11) A justification, if applicable, to support either a contemplated noncompetitive acquisition or use of a specific make and model purchase description. This justification must address:

(i) the intended use or application of the equipment;

(ii) the critical installation schedule(s) or unique features and/or mandatory requirements, dictated by the intended use, that limit the acquisition to one source of supply or a specific make and model (the overriding necessity of these competition-limiting requirements shall be clearly identified);

(iii) the fact that no other known or probable source of supply exists for the required equipment, if a sole source procurement is contemplated (the justification also shall elaborate on the steps taken which led to this conclusion);

(iv) the existence of patent, copyright, or other limitations; and

(v) the practical factors which preclude the development of specifications and/or the requirement for competition.

(12) The ADP and Telecommunications Requirements checklist as prescribed by OSD and Department regulations.

(b) In response to an APR, GSA will either:

(1) Delegate to the DoD authority to contract;

(2) Delegate to the DoD the authority to contract and provide for GSA participation in the contracting to the extent deemed necessary under the circumstances; or

(3) Provide for the contracting by GSA, or otherwise obtain the requirement on behalf of the DoD.

(c) A copy of the APR and the GSA response shall be made a part of the contract file.

(d) When the DoD is authorized to contract for ADPE, software, ADPE maintenance services, and certain other contractual ADP support services, 2 copies of the solicitation and any subsequent amendments thereto that change the specifications, evaluation criteria, or installation date, shall be forwarded to the

General Services Administration (CDS), Washington, D. C. 20405 as soon as available, but in no event shall the documents arrive later than 8 workdays before the proposed date of issuance to industry. GSA will notify DoD of the date of receipt of the solicitation as soon as it is received. However, if timely issuance of the solicitation is critical to the DoD component mission accomplishments, copies of the solicitation may be forwarded to GSA concurrently with issuance to the industry, provided the specifications have been previously reviewed by industry and the resultant comments evaluated. Amendments to all solicitations which are clearly administrative in nature, or are for clarification purposes, need not be forwarded to GSA until the dates the amendments are sent to industry. In addition, one copy of all contracts and subsequent modifications thereto shall be forwarded to GSA when they are issued. Also, a list of commercial prices shall be forwarded for each separately identified and priced component, special feature, and software package included in the contract that is not listed on an ADP Schedule contract of the vendor selected.

(e) When GSA acquires ADPE or related items for DoD, the contracting is a joint endeavor. In this case DoD shall:

(1) Submit documentation to include the DoD requirements, systems or items life, the technical specification, and justification to support negotiated contracting;

(2) Prepare the technical portion of the solicitation and define any unique requirements;

(3) Provide necessary technical personnel (and contracting personnel, if desired) as members of the contract negotiating team;

(4) Prepare a selection plan and submit it to the GSA contracting officer prior to issuance of the solicitation;

(5) Evaluate proposals from a technical point of view and arrange for offerors' oral presentations, when appropriate;

(6) Provide copies of correspondence to the GSA contracting officer when authorized to communicate directly with offerors;

(7) Determine the technical capability of the items offered to meet the requiring activity's requirements, technical specifications, and systems or items life. This responsibility shall include the determination of whether proposals are technically acceptable or unacceptable. The results of these determinations shall be transmitted to the GSA contracting officer to enable the contracting officer to take appropriate action with the offerors;

(8) Select the lowest overall cost item(s) and transmit this information with the necessary supporting documentation to the GSA contracting officer. In the event a conclusive judgment cannot be made on the basis of lowest overall cost, a determination and findings to this effect shall be prepared before any other factors are used as a basis for selection;

(9) Provide the following administrative information to the GSA contracting officer along with the data required in (8) above:

(i) finance data (e.g., paying office, and fund citation);

(ii) contract distribution list and addresses; and

(iii) identity of assigned contracting officer within the requiring activity;

(10) Assist the GSA contracting officer in debriefing offerors, when debriefings are requested;

(11) If required, place the delivery order(s);

(12) Accomplish any other task not included above which will further the joint contracting objective or expedite completion of the contract action at the DoD's discretion and with GSA concurrence; and

(13) Administer the contract in accordance with the terms and conditions thereof.

4-1104.2 *Timesharing and Systems Software Support Services.* GSA Form 2068 (Request for ADP Services) shall be submitted for GSA timesharing and systems software support services but need not be submitted for any contractual ADP support services, as defined in 4-1102.2.

4-1104.3 *Specifications.* Data systems specifications are the preferred method for expressing the user's requirements in solicitation documents. The data systems specifications may be augmented with equipment characteristics and elements of performance when necessary to reflect the user's needs. If data systems specifications cannot be used to describe the user's complete requirement, other types set forth below may be used. However, to minimize limitations on competition, other types of specifications or purchase descriptions shall be used in the order of precedence as listed below:

(i) equipment performance requirements;

(ii) plug-to-plug compatible purchase descriptions;

(iii) brand name or equal purchase description;

(iv) specific make and model purchase description. (This type of purchase description limits competition to the extent that its use shall be deemed a noncompetitive procurement and must be justified.)

4-1104.4 *Schedule Contracts.* FSS Schedule contracts and ADTS/ADP Schedule contracts are provided by the Federal Supply Service (FSS) and the Automated Data and Telecommunications Service (ADTS), GSA, respectively.

(a) FSS/FSC Group 70 ADPE Item Schedule Contracts.

(1) A limited number of ADPE (FSC Group 70) items are available under Federal Supply Service (FSS) Schedule contracts. These items shall be contracted for in accordance with the terms and conditions of the particular contract and the applicable policies and procedures at 5-102 through 5-106. For each contract for ADPE from this source, the requirement shall be synopsized in accordance with 4-1104.6 and the contract file documented with the results of the synopsis action. If affirmative response is received (other than from FSS sources) and the FSS Schedule is used, the contract file shall be documented to include the method of acquisition; e.g., lease or purchase, with evidence that the use of the FSS Schedule is the lowest overall cost alternative, price and other factors considered. As a minimum, the other factors to be considered shall be the continued availability of spare parts and maintenance services for the ADPE items.

(2) The contract file shall also be documented with an appropriate justification for noncompetitive procurements.

(3) Use of the FSS Schedule does not waive applicable acquisition planning requirements. Necessary privacy approvals shall be obtained before acquiring ADPE from FSS Schedule contracts, when applicable.

(4) To the extent specific mandatory provisions of the pertinent FSS Schedule contract apply to the specific requirement to be ordered, the item(s) shall be contracted for in accordance with procedures applicable to the FSS Schedule contracts, notwithstanding the above.

(b) Nonmandatory ADTS/ADP Schedule Contracts. A large number of items of ADPE, software, and maintenance services are available under nonmandatory ADTS/ADP Schedule contracts, subject to the following:

(1) General. Nonmandatory ADTS/ADP Schedule contracts are not awarded on a competitive basis; therefore, competition shall be obtained unless sole source procurement is authorized. Requirements shall be synopsized in accordance with 4-1104.6; however, publication of contract award information in the Commerce Business Daily (CBD), as set forth in 1-1005, is not required when an order is placed against an ADTS/ADP Schedule contract. If ADPE, software, or maintenance services are procured under an ADP Schedule at other than lowest price available under any ADTS/ADP Schedule contract, the action shall be justified. A copy of the justification and supporting data shall be submitted to GSA if procurement was conducted under specific delegation of procurement authority. In addition, the availability of items under the ADTS/ADP Schedule contract shall not preclude or otherwise impede contracting for components, including peripheral equipment or components for augmenting an existing system from a number of different sources, if this action will be in the best interests of the Government. Suitable equipment must be considered whether or not this equipment is on an ADTS/ADP Schedule contract.

(2) Use of Nonmandatory ADTS/ADP Schedule contracts for the initial acquisition of ADPE. A delivery order may be placed against the ADTS/ADP Schedule contract under terms of the contract, *provided* that:

(i) the ordering activity has the necessary procurement authority;

(ii) the dollar value of the order does not exceed $300,000 and is within the maximum order limitation (MOL) of the applicable ADTS/ADP Schedule contract; and

(iii) the contract file is documented with the results of the synopsis action required in 4-1104.6 and evidence that use of the ADTS/ADP Schedule contract, including the method of acquisition (e.g., lease or purchase), results in the lowest overall cost to the Government, price and other

factors considered. As a minimum, the other factors to be considered shall be continued availability of maintenance services and spare parts for the ADPE item.

(3) Use of Nonmandatory ADTS/ADP Schedule contracts for the continued lease or rental of an installed central processing unit (CPU). ADTS/ADP Schedule contracts may be used for the continued lease or rental of installed equipment and software except that a specific delegation of procurement authority must be obtained from GSA before issuing an order to renew the lease of a CPU when the current price to purchase under the schedule exceeds $300,000 and when available from a source other than the ADTS/ADP Schedule contract. Requirements for continued lease of an installed CPU shall be synopsized.

(4) Use of Nonmandatory ADTS/ADP Schedule contracts for the conversion from lease to purchase of installed ADPE. A specific delegation of procurement authority pursuant to 4-1103 must be obtained from GSA before issuing an order to purchase ADPE with an aggregate list purchase price of more than $300,000 when identical; i.e., specific make and model or suitable substitute equipment is available from a source other than the schedule contracts. Requirements shall be synopsized. The contract file shall be documented with an appropriate justification when ADPE item is contracted for on a noncompetitive basis.

(5) When alternate sources of supply are not expected to be available, the synopsis may be in the form of a notice to contract, without developing a solicitation package and due date. If no affirmative responses are received from potential offerors by the due date for responses to the notice, the contract file shall be so documented and no further use of the CBD is required. If affirmative responses (other than sources available under the ADTS/ADP Schedule contract) are received, and it is determined that the use of the ADTS/ADP Schedule contract is in the best interest of the Government, further synopsizing of the contract action is not required.

4-1104.5 *Requirements Contracts.* GSA makes selected ADPE and software available through requirements contracts. When ADPE and software which satisfy requirements are available from GSA requirements contracts, this source shall be the primary source of supply in accordance with the provisions of the contracts. Copies of the contracts are distributed to recipients of the ADTS/ADP Schedule for FSC Group 70, Part 1. Additional copies are available from the

General Services Administration, 8BRC, Building 41, Denver Federal Center, Denver, Colorado 80225. Some of these requirements contracts specify that GSA is responsible for the allocation of ADPE or software. In these cases, authorization shall be obtained from GSA (CDP), Washington, D. C. 20405, before placing an order. ADPE or software which is functionally similar to that on a requirements contract shall not be acquired from another source until the activity (i) documents the contract file as to why the requirements contract could not be used, and (ii) obtains a delegation of procurement authority from GSA, unless the contract falls within the exceptions noted under 4-1103.1(b).

4-1104.6 *Publicizing Contract Actions.*

(a) To ensure that appropriate competition is obtained, synopses of proposed contracts for ADPE, software, and maintenance services shall be publicized in the Commerce Business Daily (CBD) in accordance with the provisions of Section I, Part 10. Notwithstanding exception under 1-1003.1(c)(v), a requirement which may result in an order against an ADTS/ADP Schedule contract shall be synopsized when ADPE requirements referred to in 4-1104.4(b) exceed $35,000. Synopsis is not required when placing orders against ADTS/ADP Schedule contracts in any amount, for maintenance services and software. However, the existence of an ADTS/ADP Schedule contract shall not preclude or waive the requirement for maximum practicable competition in obtaining ADPE maintenance and software.

(b) The GSA centralized Bidders Mailing List (BML) for Federal Supply Classification (FSC) Group 70 shall be used for competitive ADPE and software and ADPE maintenance service procurements over $50,000. Each addressee on the BML must be informed that he must request, in writing, copies of the solicitation if he desires to compete. DoD Components shall obtain the GSA BML by a written request to the General Services Administration (8FSS), Building 41, Denver Federal Center, Denver, Colorado 80225. The request shall include the applicable class and BML code number(s), listed below:

7010-0001	ADPE Configuration
7020-0001	ADP Central Processing Unit (CPU, Computer), Analog
7021-0001	ADP Central Processing Unit (CPU, Computer), Digital
7022-0001	ADP Central Processing Unit (CPU, Computer), Hybrid
7025-0001	Memory-Magnetic Storage

7025-0002	Magnetic Tape Subsystems
7025-0003	Magnetic Disk Subsystems
7025-0004	Printers, High Speed (ADP)
7025-0005	Paper Tape Devices
7025-0007	Interactive Display
7025-0008	Interactive Graphics
7025-0009	Interactive Hard Copy
7025-0010	Other ADP Input/Output and Storage Devices
7030-0001	Operating System
7030-0002	Application Programs
7030-0003	Data Base Management Programs
7030-0004	Other Software
7035-0001	ADP Accessorial Equipment
7040-0001	Punched Card Equipment
7045-0002	ADP Support Equipment
7050-0001	ADP Components

The GSA BML may be used for subsequent contracting for items in the class and BML code, *provided* the solicitation is released to industry within 90 days following receipt of the BML in question.

(c) FPR Section 1-4.1107-3(b) shall be cited as the authority for the request. For further information concerning the above classes, DoD Components should contact General Services Administration (CDP), Washington, D. C. 20405.

(d) To contract for ADP maintenance services, agencies shall obtain the GSA maintenance BML by written request to the Office of Customer Service and Support, GSA location which serves the requesting activity. FPR 1-4.1107-3(d) shall be cited as the authority for requesting this BML.

(e) Copies of the complete solicitation shall be forwarded to all known active bidders and those who respond affirmatively as a result of paragraphs (a), (b), and (d) above.

4-1104.7 *Restrictions on the Use of Simulation in the ADPE Contracting Process.* The restrictions on the use of computer system simulation for ADPE contracting are set forth below.

(a) A simulation input definition format shall not be used as the only means of describing data processing requirements in solicitation documents. Any such format shall be accompanied by a narrative description of the ADP objectives and workload and any available application logic diagrams.

(b) Solicitations shall not be structured in such a way as to require offerors to use a specific computer system simulator in order to offer, but where offerors submit computer simulation as part of the offer, they shall be required to describe clearly the simulation used and the make and model of the computer on which the simulation was run.

(c) Offers shall not be considered to be nonresponsive or unacceptable solely on the basis of simulation results.

4-1104.8 *Software Contracts.* The contracting for computer software shall be consistent with Section IX, Parts 2, 5, and 6. In addition, contracting officers shall strive to:

(i) avoid restrictive clauses that limit the use of the software to a specific system, installation or organization;

(ii) incorporate a clause that will permit other Government agencies to obtain the software under the contract being negotiated;

(iii) obtain additional quantity discounts, should any other Government agency acquire the same software under the contract in question; and

(iv) ensure that the vendor is contractually obligated to support and maintain the software in subsequent years.

4-1104.9 *Contracting for ADP Supplies.* ADP supplies as defined in 4-1102 shall be contracted for in accordance with the following procedures.

(a) EDP tape and instrumentation tape—The provisions of 5-102 apply.

(b) Tabulating machine cards—The provisions of 5-102 apply.

(c) Marginally punched continuous forms—The provisions of 5-601 apply.

(d) Other ADP supplies—The provisions of 5-102 and 5-103 apply in the event the supplies are included in mandatory or nonmandatory Federal Supply Schedules.

4-1104.10 *Methods of Acquisition and Evaluation of ADPE.*

(a) Methods of Acquisition. The method chosen for a given ADPE acquisition shall be that which offers the greatest advantage to the Government, subject to the type of funds available and other circumstances which pertain to each situation. A lease-purchase analysis shall be made and documented to support the selected method of acquisition. Maximum use shall be made of the following four methods of acquisition.

(1) Purchase.

(2) Lease: Vendor retains title to the equipment throughout the systems life.

(3) Lease with Option to Purchase (LWOP): A method of acquisition whereby the Government leases the ADPE with options to purchase.

(4) Lease to Ownership Plan (LTOP): A method whereby title to ADPE transfers to the Government after payment of rental over a specified period in accordance with applicable funding statutes.

(b) Evaluation Factors.

(1) To enable an offerer to prepare a proposal or quotation, the solicitation shall contain all the evaluation factors that are to be considered. In addition to the mandatory requirements, desirable features shall be included where applicable. When desirable features are included in a solicitation, their value to the Government shall be expressed in dollars as an evaluation factor.

(2) Conversion rental credits (those credits proposed by a contractor for the reduction or termination of monthly lease charges for equipment already installed but which is to be replaced) applicable to installed ADPE during the period of conversion to new equipment, when parallel systems are in operation, shall not be considered as an evaluation factor in the contracting for ADPE. Conversion rental credits are not the same as, and should not be confused with, purchase option credits (those credits which accrue to the Government under contracts awarded for lease and which contain an option to purchase). The latter, when applicable, are to be considered in the evaluation.

(3) Evaluation of offers shall be based on the systems life cost and shall, among other factors, consider the following:

(i) residual value of ADPE;

(ii) present value of money (discounted for the systems life); and

(iii) maintenance cost.

The net evaluated cost resulting from the application of all factors shall be used in determining the lowest overall cost alternative.

(c) Small Purchase. When the aggregate amount of any one requirement for ADPE, software, and maintenance services does not exceed $10,000, it shall be accomplished in accordance with Section III, Part 6, except that FSC Group 70 items which are available under FSS Schedule contracts for FSC Group 70 items will be subject to this Part 11; however, existing

mandatory ordering provisions representing contractual obligations of the Government will not be disturbed. In addition, monetary thresholds applicable to agency procurement authority are reflected in the ADTS/ADP Schedule contract provisions. The requirement for synopsizing prior to placing an order under a schedule contract applies to ADPE requirements which exceed $35,000.

4-1104.11 *Source Selection.* Proposal evaluation and source selection of ADPE, software, maintenance, and certain other contractual ADP support services shall be in accordance with OSD and Department procedures. A selection plan shall be prepared prior to issuance of the solicitation documents, and a copy shall be retained in the contract file.

4-1104.12 *Sole Source Contracting Documentation.* The following documents, clearly marked "sole source procurement," shall be forwarded to the General Services Administration (CDPSD), Washington, D. C. 20405, for each sole source acquisition of ADPE, if the dollar value involved is between $10,000 and $50,000:

(i) a copy of the contract; or

(ii) a copy of the purchase/delivery order issued against an ADTS/ADP Schedule contract.

4-1104.13 *Defense Contractors.*

(a) When either of the two conditions of 4-1101(c)(4) apply, then:

(1) Contracting procedures of 4-1104 through 4-1104.12 apply, as supplemented herein. (When the two conditions, referred to above, do not apply, see 3-1100 and 13-301(h).)

(2) Defense contractors shall submit requests for all methods of acquisition for ADPE software, maintenance services, and supplies to the Administrative Contracting Officer for processing and approval in accordance with OSD and Department procedures.

(b) The following procedures are applicable when leased ADPE is used on Government contract work and the total cost of leased ADPE is absorbed by the Government under a cost-reimbursement type contract.

(1) The contracting officer shall require the contractor to include a provision in the rental contract stating that the Government will have the initial option to utilize any purchase credits or other benefits earned through rental payments.

(2) When leased ADPE is used on Government contract work under a cost-reimbursement type contract and less than 100 percent of the cost of the equipment is absorbed by the Government, the contracting officer should obtain for the Government, when possible, the right to accrued purchase credits, if the contractor elects not to exercise his purchase option. Accordingly, negotiation objectives for cost-reimbursement type contracts shall include the following when less than 100 percent of the cost of the equipment is absorbed by the Government.

(i) the contractor should be encouraged to incorporate in his ADP equipment lease the right to assign accrued purchase credits to the Government;

(ii) the contracting officer should obtain for the Government, if possible, the right of first refusal on accrued purchase credits if the contractor elects not to exercise his purchase option; and

(iii) a 60-day advance notice should be provided to the Government when the contractor intends to terminate his ADP equipment lease if the Government has been granted rights to accrued purchase credits.

(3) If the Government has been granted rights to purchase credits in accordance with (b) above and the contractor elects not to exercise his purchase option, the ADPE shall be reported through DoD reutilization channels as provided in paragraph (c) below.

(4) If the Government elects to exercise the option to purchase ADPE leased by the contractor, the applicable provisions in this Part 11 relating to the acquisition of ADPE shall apply to the exercise of the option as if the Government was the initial lessee.

(c) Excess ADPE, software, and associated spare parts in the possession of contractors, whether leased or Government-owned, will be reported regardless of the procurement authority under which they were acquired. Accordingly, ADPE, software, and associated spare parts acquired under any of the authorities set forth in 4-1101 are subject to the reporting requirements of DAR Section XXIV and Defense ADPE Reutilization

Manual DOD 4160.19M. ADPE, software, and associated spare parts with an initial acquisition cost below $1,500 are subject to special excess screening procedures in DOD Manual 4160.19M.

4-1104.14 *ADP Fund.*

(a) The GSA ADP Fund is a revolving fund available for financing the purchase and, under certain circumstances, lease of ADP equipment and/or software. When approved by GSA, the ADP fund may be used to obtain maintenance services for ADPE leased from GSA through the ADP fund.

(b) When evaluation of offers indicates purchase as the lowest overall cost alternative, but the funds committed to the purchase are inadequate or are not of the proper type, the contracting officer shall notify the requiring or other Department-designated activity of the savings to be realized if items are purchased rather than leased. This activity, upon insuring that funds are not available, shall make an inquiry to GSA for the use of the ADP fund. If the ADP fund is not available, this activity shall notify the contracting officer that the ADP fund is not available and that the next lowest overall cost alternative should be selected.

(c) If the GSA ADP Fund is used, the activity shall negotiate and execute a payback arrangement with the GSA.

4-1104.15 *Contract Clauses.* In addition to the other clauses required by DAR, the clauses in 7-2202 shall be used in all solicitations and contracts for ADP equipment, software, maintenance services, supplies, and certain other contractual ADP support services when GSA has delegated procurement authority either by DPA or by regulation.

4-1105 Conflicts Between DAR and DPA. When contracting for ADPE, software, maintenance services, supplies, and certain other contractual ADP support services under a DPA from the GSA, the provisions of the delegation shall take precedence over any conflicting provisions of the DAR and shall not be processed as a deviation from DAR.

4-1106 Acquisition Assistance. Assistance in any phase of the contracting process covered by this Part may be obtained by contacting:

ARMY:

U.S. Army Computer Systems Selections
and Acquisition Agency
Alexandria, VA 22331

HQ DA DAAC-ZK
The Pentagon
Washington, DC 20310

NAVY:

ADP Selection Office
Washington, DC 20376

Naval Data Automation Command
Washington Navy Yard
Washington, DC 20374

AIR FORCE:

Air Force Computer Acquisition Center
Hanscom AFB, MA 01731

HQ USAF (AF/RDC)
Washington, DC 20330

DEFENSE LOGISTICS AGENCY:

DLA-PP
Cameron Station
Alexandria, VA 22314

Part 8—Procurement of Utility Services Using GSA Area Contracts

5-800 Applicability. This Part is not applicable to the procurement of utility services outside the United States.

5-801 General. The General Services Administration enters into areawide contracts with various utility suppliers for the furnishing of utility services (including electricity, natural and manufactured gas distributed by pipes, stream, sewerage, and water) to Federal agencies located within the service areas of such suppliers. GSA areawide contracts provide that the utility supplier, upon execution of a Government order in the form of an authorization prescribed by the contract, will furnish, without further negotiation, the services involved in accordance with such of the supplier's rate schedules as are applicable to such services and subject to all the provisions of the areawide contract.

5-802 Distribution of Lists and Copies of GSA Areawide Utility Contracts. Upon request, GSA will furnish to Federal agencies a list of GSA areawide public utility contracts showing in each case the kind of utility service, the serving utility, and the area served. GSA also will make available to Federal agencies, upon request, a copy of any areawide contract. Each contract includes the specimen order form authorizing service connection, disconnection, or change. Requests should be made to the Public Utilities Division, Transportation and Communications Service, General Services Administration, Washington, D.C. 20405.

5-803 Department of Defense Use of GSA Area Contracts.

(a) DoD activities in areas covered by a GSA areawide contract shall procure utility services thereunder, unless it is determined that more advantageous competing services are available; however, when it is in the best interests of the Government, DoD activities may negotiate special rates or special services under a GSA areawide contract or under a separate contract. In determining whether it is in the best interests of the Government to negotiate special rates or special services, consideration should be given to (i) the area contract rates viewed in light of the magnitude of the service required, (ii) any unusual characteristics of the service required, (iii) any special equipment or facility requirements, (iv) any special technical contract provisions required, and (v) any other special circumstances.

(b) When, pursuant to (a) above, a DoD activity determines to procure utility services under a separate contract rather than under a GSA areawide contract, the utility services shall be procured in accordance with Supplement 5 to this Regulation. Such separate contracts shall be reported, upon execution, to the Public Utilities Division, Transportation and Communications Service, General Services Administration, Washington, D.C. 20405.

5-804 Ordering Under Area Contracts. When utility services are procured under GSA area contracts, the method of ordering prescribed in the appropriate GSA Public Utility Schedule shall be used. The form prescribed for ordering may be modified to satisfy fiscal and administrative requirements of the Department concerned, and to contain such additional contract provisions as may be necessary, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034. Where GSA area contracts do not contain the Gratuities clause (7-104.16), the clause shall be included in the order form.

Part 9—Use of GSA Supply Sources by Prime Contractors

5-900 Scope. This Part prescribes policies and procedures for contracting officers regarding the use of General Services Administration (GSA) supply sources (*i.e.*, items available through Federal Supply Schedule contracts, GSA Nonmandatory ADTS/ADP Schedule contracts, GSA ADP Requirements contracts, and from GSA stock) by contractors in performing certain Government contracts. The term *contractor* as used in this Part, unless the context otherwise requires, includes subcontractors who qualify in accordance with the provisions of 5-902(b). (The use of GSA sources by grantees is not authorized.) This Part is applicable to the procurement of supplies to be delivered in the United States, its possessions, or Puerto Rico.

5-901 Policy.

(a) It is the policy of the General Services Administration to make GSA supply sources available to all eligible users in order to promote greater economy and efficiency in Government procurement programs.

(b) To the extent provided in this Part, the policy is applicable to contractors working wholly or substantially on cost-reimbursement contracts.

5-902 Authorization to Contractors.

(a) When the contracting officer determines that it is in the best interest of the Government to do so, the Department shall authorize in writing its prime contractors and, where appropriate, their subcontractors to utilize GSA supply sources in performing Government contracts. Authorizations to subcontractors shall be issued through, and subject to the approval of, the prime contractor. Each authorization (prime or sub) shall be supported by a written finding of the facts which are the basis for the determination to issue the authorization. Such findings shall be retained in Departmental contract files.

(b) The authorization to utilize GSA supply sources may be issued only where a Department deems it advisable for a contractor to utilize GSA supply sources in performing:

(i) Government cost-reimbursement contracts; and

(ii) other types of negotiated contracts where a Department determines that a substantial dollar portion of the contractor's contracts are of a Government cost-reimbursement nature.

(c) Subject to the criteria set forth in subparagraph (b) of this paragraph 5-902, a Department may include in its written authorizations such limitations or conditions as it deems necessary in the public interest. For example, it may choose to:

(i) authorize purchases from GSA supply sources of any overhead supplies, but no production supplies; or

(ii) limit any authorization requirement to use GSA sources to a specific dollar amount, leaving the contractor free to make smaller purchases from any source he chooses; or

(iii) restrict the authorization to certain plants or facilities or to specific contracts.

The terms and conditions which the Department may impose are not limited to the foregoing examples.

(d) In determining whether to issue such an authorization, consideration should be given, but not necessarily limited to, the following factors:

(i) the administrative cost of placing orders with Government sources, and the program impact of delay factors, if any;

(ii) lower cost of purchased items;

(iii) suitability of items available through GSA supply sources;

(iv) delivery factors such as cost and time; and

(v) recommendations of prime contractors.

(e) Each authorization issued under this Part shall:

(i) cite the number of the contract or contracts involved;

(ii) specify the Military Standard Requisitioning and Issue Procedures (MILSTRIP) and include the DoD Activity Address Code (DLAH 4140.1, AR 725-60-1, MCO P4420.2H, CG 364, AFM 75-6, NAVSUP PUB 5544) to which the authorization applies; and

(iii) whenever practicable, contain a limit upon the period of effectiveness of the authorization.

(f) The authorizing Department shall request a DoD activity address code from the service point (see Section I of Introduction to DODAAD. The request shall be in writing and shall contain the in-the-clear address(es) to which mail, freight, and billing documents are to be directed by GSA for the contractor. Address changes shall also be submitted in writing by the authorizing Department as well as deletions when contracts are terminated.

(g) The contracting officer shall be responsible for insuring that prime contractors and subcontractors comply with the terms of their authorizations and for insuring that supplies and services obtained from GSA sources of supply are properly used.

5-903 Orders Under Federal Supply Schedule Contracts, GSA Nonmandatory ADTS/ADP Schedule Contracts, and GSA ADP Requirements Contracts.

(a) Orders placed by Government contractors under Federal Supply Schedule contracts shall be placed in accordance with the provisions of the applicable Federal Supply Schedule and the authorization issued to the contractor. Each order shall be accompanied by a copy of the authorization (unless a copy was previously furnished to the Federal Supply Schedule contractor).

(b) In the event a Federal Supply Schedule contractor refuses to honor an order placed by a Government contractor in accordance with Departmental authorization, the contracting officer shall promptly report the facts and circumstances to the General Services Administration, Federal Supply Service, Office of Customer Service and Support-FF, Washington, D. C. 20406.

(c) Orders under GSA nonmandatory ADTS/ADP Schedule contracts and GSA ADP Requirements contracts shall be placed in accordance with the provisions of the applicable contract and 4-1102.4(b) and 4-1104.5, respectively.

5-904 Orders for GSA Stock. Orders placed by Government contractors with GSA shall be placed in accordance with the authorization, using the MILSTRIP format.

5-905 Furnishing Information to Contractors. The contracting officer shall assist the contractors which they have authorized to use GSA supply sources in

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obtaining pertinent Federal Supply Schedules and the GSA Supply Catalog, and shall furnish them with any other desired information. Such schedules and catalogs may be obtained by submitting a completed GSA Form 457, FSS Publications Mailing List Application, in accordance with the instructions on the form. GSA Form 457 may be obtained from the GSA regional office serving the area in which the requesting activity is located.

5-906 Form of Authorization to Contractors.

SUBJECT: Authorization to Purchase from GSA Supply Sources.

..... (Contractor's Name)

..... (Address)

1. You are hereby authorized to utilize GSA supply sources in performing Contract No. ..... for the Department of ..... as follows:

The purchasing of property for acquisition under Contract No. ..... which is available for purchase by Government agencies either directly from the General Services Administration stock or under Federal Supply Schedules, subject to the limitations set forth herein.

2. a. Purchase Orders Under Federal Supply Schedule Contracts. Orders will be placed in accordance with the terms and conditions of the attached Federal Supply Schedule and this authorization. A copy of the authorization shall be attached to the order (unless a copy was previously furnished to the Federal Supply Schedule contractor) and the order shall contain the following statement:

This order is placed pursuant to written authorization dated ....., (*.....). In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

b. Requirement for Items in the GSA Stock Catalog. Orders will be placed in accordance with the Military Standard Requisitioning and Issue Procedures (MILSTRIP) and this authorization. Bills are not issued by GSA until after shipment has been made and should be paid promptly. Any adjustments necessary will be made by GSA.

3. Other provisions.

4. This authority hereby granted is not transferable or assignable.

5. The DoD Activity Address Directory (DODAAD) (DLAH 4140.1, AR 725-60-1, MCO P4420.2H, CO 364, AFM 75-6, NAVSUP PUB 5544)** Activity Address Code to which this Authorization applies is ..... .

6. This authorization expires ..... .

(Contracting Officer) .....

*Insert "a copy of which is attached", or "a copy of which which you have on file", or other suitable language, as appropriate.

**The sponsoring service (see Section I, Introduction to the DODAAD) assumes responsibility for maintaining and controlling all activity address codes utilized in the issues of authority.

5-907 Payment for GSA Shipments. Bills for GSA shipments are not rendered by GSA until after shipment has been made. Receipt of billing is construed as sufficient evidence of delivery to establish Government liability and to provide a basis for payment. Accordingly, agencies should direct their contractors to make payments promptly upon receipt of billings.

5-908 Title. Title to all property acquired from GSA supply sources shall vest in either the Government or the contractor in accordance with the provisions of the "*Government Property*" clause of the contract.

5-909 Contract Clause. Insert the clause set forth in 7-204.28 in all cost-reimbursement type contracts under which the contractor may acquire supplies for the account of the Government. The last sentence of the clause shall be deleted in the case of facilities contracts.

FOREIGN ACQUISITIONS

(d) Qualifying country is any country defined in (a), (b), and (c) above.

(e) United States means the States, the District of Columbia, Puerto Rico and possessions (see 1-201.12). It does not include leased bases or trust territories.

6-001.6 Offer.

(a) Defense cooperation country offer means an offer of a defense cooperation country end product including transportation to destination.

(b) Domestic offer means an offer of a domestic end product, including transportation to destination.

(c) FMS/offset arrangement country means an offer of a FMS/offset arrangement country end product, including transportation to destination.

(d) Foreign offer means an offer that is not a domestic offer. It includes transportation to destination and duty (whether or not a duty-free entry certificate may be issued).

(e) Participating country offer means an offer of a participating country end product including transportation to destination.

(f) Qualifing country offer means an offer of a qualifying country end product including transportation to destination.

6-001.7 Concern.

(a) Domestic concern means an incorporated concern incorporated in the United States or an unincorporated concern having its principal place of business in the United States. (In the context of this Section, "concern" refers to a prospective or actual contractor. Thus, a contract with a foreign subsidiary or foreign branch or business office of a U.S. corporation would not be a contract with a domestic concern. Conversely, a contract executed by a foreign salesman or agent on behalf of a domestic concern would nevertheless be a contract with a domestic concern since the basic contractual and legal responsibility resides with the domestic concern.)

(b) Foreign concern means a concern that is not a domestic concern.

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Part 1--Buy American Act--Supply Contracts

6-100 Scope of Part. This Part implements the Buy American Act (41 U.S.C. 10a-d) and the policies set forth in Executive Order 10582, dated 17 December 1954, with respect to supply contracts and to services which require the furnishing of end items (e.g., leasing of equipment). The Buy American Act does not otherwise apply to the purchaser of services.

6-101 Reserved.

6-102 General.

6-102.1 Buy American Act Requirements. Except as provided in 6-103, the Buy American Act requires that in the acquisition of supplies, only domestic end products shall be acquired for public use in the United States. In determining whether an end product is a domestic end product, only the end product and its components shall be considered. The Act and its implementation by E.O. 10582 and the Balance of Payments Program require the use of evaluation factors specified in 6-104.4.

6-102.2 Balance of Payments Program Requirements.

(a) The 50 percent evaluation factor in favor of domestic offers, implemented in 6-104.4, is an interim measure designed to alleviate the impact of DoD expenditures on the Nation's balance of international payments. The Department of Defense does not expect to use the 50 percent factor beyond the time when the U.S. balance of payments deficit is corrected.

(b) Although the evaluation procedures in 6-104.4 reduce overseas dollar expenditures resulting from defense acquisition at an acceptable increase in budgetary costs, this result is an average and overall result rather than one which precisely obtains in each case. This is so because, both under the Buy American Act and as a matter of administrative practicability, items are classified absolutely as "foreign" or "domestic" and varying degrees within each class are not recognized. However, deviations (see 1-109) from the evaluation procedures of 6-104.4 should be considered for acquisitions over $250,000 when it is anticipated that the low domestic offer will involve relatively substantial foreign expenditures or that the low foreign offer will involve relatively substantial domestic expenditures. Any request for such a deviation should be made sufficiently in advance of solicitation to permit the solicitation to describe the evaluation procedure that will be used. Such deviations require the advance approval of the Under Secretary of Defense Research and Engineering (USDRE) or his designee.

6-102.3 Acquisition From, Through, or For Other Government Agencies. In acquisitions from or through other Government agencies, responsibility for compliance with the Buy American Act and Balance of Payments Program evaluation procedures (see 6-104.4) is as follows:

(a) The General Services Administration has responsibility for compliance with the Buy American Act for foreign end items acquired by Defense activities from GSA stores depots, direct purchases for such activities, or purchases from a mandatory Federal Supply Schedule which does not include any domestic source for that item. Balance of Payments evaluation procedures are not applicable to these transactions.

Part 8--Balance of Payments Program

6-800 Scope of Part.

(a) This Part implements the Department of Defense Balance of Payments Program with respect to all acquisitions of (i) services which require the furnishing of end items (e.g., leasing of equipment) and supplies required for use outside the United States, except Petroleum and Military Assistance Program acquisitions (see Section VI, Part 7), and Foreign Military Sales (see Section VI, Part 13) and (ii) scientific and technical knowledge, resulting in dollar expenditures outside the United States and Canada. However, the exception regarding Military Assistance Program and FMS acquisitions does not apply to 6-804. Defense requirements as to the use of U.S. Flag vessels, which affect the Balance of Payments Program, are set forth in Section I, Part 14.

(b) The Balance of Payments Program is an interim measure imposed by the Department of Defense to alleviate the impact of DoD expenditures on the nation's balance of international payments. The Balance of Payments Program differs from the Buy American Act in that the former applies to acquisitions required for use outside the United States, and the latter applies only to acquisitions required for use in the United States. Nevertheless, it is the policy of the Department of Defense to implement the Balance of Payments Program using evaluation procedures similar to those which implement the Buy American Act (see 6-104 and 6-105).

6-801 Prohibition Against Fragmenting Acquisitions. As to those provisions of this Part which state dollar limitations below which exceptions permitting the purchase of foreign items may be made if certain conditions are satisfied, requirements aggregating more than any such limitations shall not be broken into separate purchases which are less than such limitations merely for the purpose of allowing such exceptions.

6-802 Real Property Construction, Repair and Maintenance. All projects for construction, repair, and maintenance of real property outside the United States must be approved in accordance with DoD Directive 7060.4(AR-37-43; AFR 85-6/AFM 86-1; NAVFACINST 7020.6). Contracts for such projects will require that specified U.S. materials will be used or that Government materials and equipment will be furnished, only when the cost of the U.S. items (including transportation and handling costs) does not exceed the cost of foreign items plus 50 percent. A differential greater than 50 percent may be used when specifically authorized in the project approval.

6-803 Supply and Applicable Service Contracts.

6-803.1 Procedure.

(a) Except as provided in 6-803.2, proposed acquisitions of supplies and applicable services for use outside the United States shall be accomplished in accordance with the evaluation procedures in (d) below.

(b) Solicitation of Offers. Solicitations shall state that the specific information as to articles, materials, and supplies excepted from these procedures (see 6-803.2) is available to prospective contractors upon request. When quotations are obtained orally, vendors shall be informed that only domestic and qualified country end products shall be acceptable other than those items which have been excepted either on

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a blanket or an individual basis (see 6-803.2) or the price for the nonqualifying country end item meets the evaluation criteria in (d) below. When only domestic end products are acceptable, the solicitation shall so state (e.g., see 6-104.4(d)).

(c) Reserved.

(d) Evaluation.

(1) In accordance with the Balance of Payments Program, where these procedures result in the acquisition of foreign end products, the acquisition of domestic end products is deemed unreasonable in cost or inconsistent with the public interest. Except as provided herein and in 6-104.4(d), offers shall be evaluated so as to give preference to domestic offers as follows:

a. Each nonqualifying country offer of defense equipment (but see exception in b. below) shall be adjusted for purposes of evaluation by increasing such offer by 50 percent. If the foregoing procedure results in a tie between a nonqualifying country offer, as evaluated, and a domestic offer, award shall be made on the latter. In all other instances, use the tie-breaking procedures in 2-407.6.

b. In the event that a domestic offer, a qualifying country offer, and a nonqualifying country offer compete for defense equipment, the qualifying country offer shall be evaluated without applying the price differentials of this paragraph, whereas the nonqualifying country offer shall be subjected to the price differentials (see Example A below). However, in the event the low domestic offer exceeds the evaluated price of the nonqualifying country offer, all foreign offers shall be evaluated as if no domestic offer was submitted (see Example B below). In the event a qualifying country offer competes against a nonqualifying country offer and no domestic offer is submitted, they shall be evaluated on an equal basis (see Example C below).

(2) The following examples illustrate how the procedure in (1) above should be applied.

EXAMPLE A

Nonqualifying Country Offer	$6,000
Domestic Offer	8,900
Qualifying Country Offer	8,800

Award on Qualifying Country Offer. The nonqualifying country offer, adjusted by 50-percent factor is $9,000. The qualifying country offer receives the award because it is evaluated without adjustment and is the lowest offer.

EXAMPLE B

Nonqualifying Country Offer	$6,000
Domestic Offer	9,500
Qualifying Country Offer	8,800

Award on Nonqualifying Country Offer. Nonqualifying country offer, adjusted by 50-percent factor is $9,000. It is still lower than the

6-1305.4 Applicability and Allowability of Sales Commissions or Fees.

(a) When a contracting officer is requested to obtain price and availability data from a contractor to support the tendering of an Offer and Acceptance, he shall require the contractor to identify the amount of any sales commissions or fees. Allowable costs for sales commissions or fees applicable to contracts for FMS shall not exceed $50,000 per contract (including all modifications and subcontracts thereto) for each foreign customer served by that contract. Although commissions and fees may be less than $50,000 per contract, all such commissions and fees must be justified and supported based on the criteria in 6-1305.4(b). If deviations to this policy are considered necessary, 1-109.3 shall apply. In addition, sales commissions or fees shall not be allowed for follow-on spares provided under DoD Cooperative Logistic Supply Support Arrangements.

(b) In order to provide the appropriate notice and advice regarding sales commissions and fees to a foreign government at the time an Offer and Acceptance is submitted, the contracting officer, except with respect to those contracts excluded in 1-506.3(i) and (ii), shall:

(i) require the contractor to submit a Contractor's Statement of Contingent or Other Fees (Standard Form 119) (including any such fees claimed by subcontractors);

(ii) determine under 1-505 whether a bona fide employee or agency relationship exists; (For the purposes of FMS, the definition in 1-504 of improper influence also extends to officials of the foreign government.)

(iii) require the contractor to submit a breakdown of the fee related to the services performed by the sales representative. Even though a bona fide employee or agency relationship is determined to exist, the basic test of reasonableness for the purposes of making the statement required by 6-1305.3(a)(iii), is an assessment of the services provided, or to be provided, compared to the amount of the fee. In addition to the fee breakdown of services, a comparative analysis may be made of the proposed fee/commission with recent payment for comparable services under commercial sales (non-FMS) of the same or similar items, and sales commissions and fees allowed on previous FMS sales of comparable scope and dollar amounts. In analyzing the fee, consideration should be given to whether the sale is the initial or follow-on sale because the effort for follow-on sales of additional quantities, spares and support equipment would not normally be as great as the effort for the initial sale.

(c) The PCO shall make a determination with respect to a bona fide employee or agency relationship and reasonableness of the commission or fee (i.e., one of the 6-1305.3(a)(iii) fee statements), subject to the approval of the chief of the contracting office.

6-1305.5 Contracting Procedures Relating to Sales, Commissions and Fees.

If, after notification by DoD officials responsible for presentation of the Offer and Acceptance to a foreign government as required by

6-1305.3, the foreign government disapproves the fee, or a portion of the fee, the contracting office shall notify the prospective contractor and request withdrawal of the fee for the sales representative from the proposal. Should the contractor refuse to withdraw the fee, the Department of Defense will notify the foreign government that the Department of Defense is unable to purchase the items or services from that contractor.

6-1305.6 Special Country Requests With Respect to Sales Commissions and Fees. Pursuant to DoD Manual 5105.38-M (Military Assistance and Sales Manual), Letters of Offer and Acceptance for requirements for the governments of Australia, Taiwan, Egypt, Greece, Iran, Israel, Japan, Jordon, Republic of Korea, Kuwait, Pakistan, Philippines, Saudi Arabia, Turkey, or Thailand are required to provide that all U.S. Government contracts resulting from the Letters of Offer shall prohibit the payment of sales commission and fee unless such payments have been identified and payment thereof approved in writing by the government involved before contract award. Therefore, the contracting officer shall insert the clause in 7-104.107 in all solicitations and contracts for FMS awarded on behalf of these purchasers unless such payment has been approved.

6-1306 Recovery of Nonrecurring Costs.

6-1306.1 Policy. It is the policy of the Department of Defense to recover a fair share of its investment in nonrecurring costs related to defense products, and/or a fair price for its contribution to the development of related technology, when such products are sold and when technology relating to the manufacture of the products is sold or licensed to a foreign government, international organization, foreign commercial firm, or domestic organization. Furthermore, in selected cases, it is DoD policy to recover, on behalf of a foreign government or international organization, a fair share of the nonrecurring costs for a special feature or product paid by the foreign government or international organization under a foreign military sales case when subsequent customers purchase the same specialized feature.

6-1306.2 Applicability.

(a) This policy applies to those products and technologies for which investment costs equal or exceed $5 million for any of the following:

(i) Nonrecurring research, development, test, and evaluation (RDT&E) costs to develop defense products and related technology. The determination of RDT&E costs shall be based upon the current and predecessor models of an item or equipment.

(ii) Nonrecurring production costs.

(iii) RDT&E and nonrecurring production costs for special features under a foreign military sale, when requested by the FMS customer and agreed to by the U.S. Government.

(b) In the event an end item contains one or more components which individually meet the above thresholds, recoupment will be made on a component when sold separately.

(c) In the case of product sales, if the dollar threshold is met for either nonrecurring RDT&E or production costs, recoupment for both categories of investment costs will be charged.

will have the same access to DoD research and development program information as United States firms.

15. Supersession of Prior Arrangements:

This Memorandum of Understanding supersedes the memoranda between CDDP and the United States Departments of the Army, and Air Force, respectively, dated July 26, 1960 and December 22, 1961, except with respect to projects already entered into thereunder.

16. Effect and Duration:

This Memorandum of Understanding will remain in force indefinitely, subject to modification or termination at any time by mutual agreement or to termination six months after receipt by either party of written notice of the intention of the other party to terminate it.

Charles M. Drury Minister of Defence Production Date: 21 November 1963	Robert S. McNamara Secretary of Defense Date: 16 November 1963

6-1406.2 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE PRINCIPLES GOVERNING COOPERATION IN R&D, PRODUCTION, AND PROCUREMENT OF DEFENSE EQUIPMENT (SHORT TITLE: COOPERATION ARRANGEMENT).

The Government of the United States (USG) and the Government of the United Kingdom of Great Britain and Northern Ireland (HMG), hereinafter referred to as the Governments, are developing high technology weapons systems and other advanced items of defense equipment and are seeking to achieve greater cooperation in research, development, production and procurement in these areas in order to make the most rational use of their respective industrial, economic and technological resources, to achieve the greatest attainable military capability at the lowest possible cost, and to achieve greater standardization and interoperability of their weapons systems.

The Governments already have an Arrangement dated May 1963 for Joint Military Development and the USG has certain offset arrangements with HMG against purchases by HMG of major weapons systems and items of defense equipment.

In order to further the above aims, the Governments have decided to enter into an understanding and this Memorandum sets out the guiding principles governing mutual cooperation in defense equipment production and purchasing and associated offset arrangements. This Memorandum is intended to fit into the broader context of NATO Rationalization/

Standardization and to be compatible with any NATO arrangement that might subsequently be negotiated.

SECTION A: PRINCIPLES GOVERNING RECIPROCAL DEFENSE PURCHASING

1. Each Government has established its policies for strengthening the mechanisms essential to increasing cooperation in research, development, and production and procurement of military systems. In keeping with these policies, and in the interests of enhancing their mutual security and to assist the Governments in discharging better their mutual defense obligations, it is understood that the Governments will cooperate in all respects practicable, to the end that defense equipment production and procurement efforts of the two countries be administered so as to assure the maintenance of a long term and equitable balance in reciprocal purchasing of defense equipment. This balance will be at levels to be mutually determined.

2. The following principles to facilitate these objectives have been decided upon by the Governments:

a. Both Governments will provide appropriate policy guidance and administrative procedures within their respective Defense procurement organizations to achieve and maintain the agreed-upon balance of reciprocal Defense purchases.

b. The Governments will identify and nominate for consideration by each other items of defense equipment believed suitable to satisfy their respective requirements. The Governments will decide between them, to which items of defense equipment purchases this Memorandum of Understanding (MOU) will apply and whether the items may be procured on a Government-to-Government or Government-to-Industry basis.

c. The detailed implementing procedures to be arranged will incorporate the following:

(i) Offers will be evaluated without applying price differentials under Buy-National laws and regulations consistent with national laws and regulations.

(ii) Offers will be evaluated without the cost of import duties, and provision will be made for duty-free entry certificates and related documentation.

(iii) Full consideration will be given to all qualified sources in each other's country in accordance with the policies and criteria of the purchasing office.

(iv) Offers will be required to satisfy requirements for performance, quality, delivery, and cost.

POINTS OF CONCURRENCE

3. The objective is to avoid redundant testing. Neither government will duplicate tests where acceptable data is available from the other government's official test programs.

4. Existing T&E organisations and procedures of both governments are adequate to satisfy the purposes of the MOU. Differences are not such as to justify changes being made to the present procedures of either government.

5. To achieve a more widespread understanding of the two governments' T&E organisations and procedures in the US DoD, in the UK MOD, and in the Industries of both countries, the two governments will produce guidance information necessary to meet the purpose of this Annex, including:

a. The relationship between their respective T&E organizations and procedures.

b. A US DoD-UK MOD communications matrix for initial contacts.

6. The focal point for all T&E aspects of procurement relating to development testing will be the US Program Manager or the UK Project Manager for the equipment being offered. For operational testing aspects, it will be the applicable US Services' independent operational test agency and in the UK, the Project Manager.

MUTUAL ACCEPTANCE PROCEDURES

7. All proposals for consideration of equipment of one country for procurement by the other will require a review of T&E data reflecting test conditions, test results and success criteria on a case-by-case basis. The following procedures will therefore be observed in all procurement considerations:

a. To facilitate the exchange of T&E data, a common documentation format will be adopted. This format will be similar to the US Navy's Test and Evaluation Master Plan (TEMP) as outlined in OPNAV Instruction 3960.10.

b. For systems under development, the offering government will invite participation by the other early in the T&E program. Should the other government not choose to participate in the testing, the offering Government, subject to its laws, established policies, procedures and regulations, and subject to privately owned proprietary rights, will arrange for the release to the other of information necessary for the purposes of such T&E.

c. For systems for which development is complete, the offering government will ensure, subject to its laws, established policies,

procedures and regulations, and subject to privately owned proprietary rights, that all pertinent T&E data is made available to the other.

d. Should one government adjudge the T&E which has been completed or planned by the other to be inadequate for its procurement procedures, the two governments will decide by mutual agreement on any additional testing to be carried out. Such additional testing may be conducted by either country as mutually agreed. In addition, before such additional testing commences, concurrence will be reached by the two governments regarding payment of costs, allocation of resources, scheduling and the evaluation criteria which will apply.

e. When either government releases T&E data to the other, it is understood that, in the absence of any specific agreement to the contrary, such data is made available in confidence to the receiving government for the purpose of information and evaluation within such government and for no other use.

f. Each government will mark data transmitted to the other with a legend that will indicate the country of origin and the conditions of release, that the data relates to this MOU, and that is is furnished in confidence. Where appropriate the security classification will be shown. Corresponding arrangements will be made for records of data transmitted orally.

g. Each government will make its best effort to protect data submitted in confidence by the other government. In the event of any request under domestic legislation to make available to the public such data furnished by the other government, the recipient government will take all legal steps available to it to withhold the data from disclosure.

8. In any case where agreement cannot be reached between the focal points or their Service superiors concerning the acceptability of T&E, or when it is felt that adequate data and information on T&E have not been provided, the matter will be referred to the appropriate higher authority. For the US this will be the Director Defense Test and Evaluation and for the UK this will be the appropriate Systems Controller.

William J. Perry	Sir Clifford Cornford
For the Government of the United States	For the Government of the United Kingdom of Great Britain and Northern Ireland
9 October 1978	9 October 1978
Date	Date

ARTICLE VII

Annexes

Annexes negotiated by the responsible offices and approved by the appropriate Government authorities will be incorporated in this Memorandum of Understanding and made an integral part thereof.

ARTICLE VIII

Implementation

1. The arrangements contained in this Memorandum of Understanding represent the understanding reached between the Government of the United States of America and the Government of Norway upon the matters referred to herein. Each Government must mutually agree to any amendment of this Memorandum of Understanding.

2. This agreement, in two original texts in the Norwegian and English languages, both texts being equally authentic, will come into effect at the date signed by both Governments.

For the Government of Norway	For the United States Government
The Minister of Defense	The Secretary of Defense
Rolf Hansen	Harold Brown
Date May 19, 1978	Date May 19, 1978

ANNEX 1

I. INTRODUCTION

On 19 May 1978 the Governments of the United States (US) and Norway signed a Memorandum of Understanding (MOU) relating to "The Principles Governing Cooperation in R&D, Production and Procurement of Defense Equipment." The purpose of this document is to set forth the agreed implementing procedures for carrying out the MOU.

II. MAJOR PRINCIPLES

A. The US Department of Defense (DoD) and the Ministry of Defence of Norway (MOD) will each consider for their defense requirements qualified defense items (and associated services included in a procurement contract) developed or produced in the other country. (See also Paragraph III of this Annex). MOD and DoD will also identify to one another, as soon as possible, those practices of their respective countries having the force of law that may potentially restrict the fulfillment of the Memorandum of Understanding and this Annex.

B. It will be the responsibility of government and/or industry representatives in each country to obtain information concerning the other country's proposed developments and purchases and to respond to requests for proposals. However, the responsible governmental purchasing agencies in each country will assist sources in the other country to obtain information concerning proposed purchases, necessary qualifications and appropriate documentation.

III. ACTION

In implementing the MOU, DoD and MOD will review and, where considered necessary revise policies, procedures and regulations to ensure that the principles and objectives of this MOU, which are intended to be compatible with the broad aims of NATO Rationalization/Standardization, are taken into account. The DoD and the MOD agree that having taken the measures listed below, they will have fulfilled their obligation under Paragraph 1, Article I, of the MOU, to exhaust all means at their disposal to maximize defense R&D cooperation and reciprocal procurement. These measures will be utilized in a reasonable manner recognizing among other factors, delivery date requirements for supplies, the interest of security and the timely conduct of the procurement process, and requirements attendant to ensuring free and full competition for the award of contracts.

A. Ensure that their respective requirements offices are familiar with the principles and objectives of this MOU.

B. Ensure that their respective research and development offices are familiar with the principles and objectives of this MOU.

C. Ensure that their respective procurement offices are familiar with the principles and objectives of this MOU.

D. Ensure wide dissemination of the basic understanding of this MOU to the respective defense industries.

E. Ensure that, consistently with national laws and regulations, offers of defense items produced in the other country will be evaluated without applying to such offers, either price differentials under buy-national laws and regulations or the cost of import duties. Provisions will be made for duty-free entry certificates and related documentation.

F. Assist industries in their respective countries to identify and advise the other government of their capabilities and assist such industries in carrying out the supporting actions to maximize industrial participation.

G. Review defense items submitted as candidates for respective requirements. Identify requirements and proposed purchases in a timely

fashion to ensure adequate time for their respective industries to participate in the development or production procurement process.

H. Make best efforts to assist in negotiating licenses, royalties, and technical information exchanges with their respective industries.

I. Ensure that those items excluded from consideration under this MOU for reasons of protecting National requirements such as the maintenance of a defense mobilization base are limited to a small percentage of total annual defense procurement spending. It is intended that such defense items, as well as those items which would not be qualified as a defense item under this MOU because of legally imposed restrictions on procurement from non-national sources, should be identified as soon as possible in lists drawn up by MOD and OSD for their respective countries, and that the position should be kept under review at this level.

J. Ensure that the balance of reciprocal purchasing within the areas of this MOU takes into consideration the levels of technology involved, as well as the contractual value.

K. Both DoD and MOD will from time to time arrange visits by relevant personnel to the other country in order to actively explore possibilities for R&D cooperation and procurement.

IV. COUNTING PROCEDURES

The purchases to be counted against the goals of the MOU will be identified jointly by DoD and MOD. In principle (1) all items procured by the overseas Base Exchanges and Commissary Operations for resale overseas shall be counted and (2) all defense items (and associated services included in a procurement contract) purchased by DoD and MOD from the other country will be counted against the goals of the MOU as long as such purchases meet the following criteria:

A. Direct purchases by the MOD or DoD, including their respective agencies, from one another.

B. Direct purchases by either the MOD or DoD from the industry of the other country.

C. Purchases by industry from the government or industry of the other country in aid of government defense contracts.

D. Purchases by a third country government from the governments of the United States or of Norway or from industries of the two countries as a direct result of effort of the other (non-supplying) country.

E. Purchases resulting from common funded defense projects to which the United States and/or Norway are contributors, to be credited in proportion to each country's financial contribution to the project, and to work carried out in each country. The extent to which such purchases will be counted against the goals of the MOU will be agreed between MOD and DoD in each case.

F. License fees, royalties and other associated income resulting from orders placed by industry and/or DoD or MOD with a licensed company in the other country.

V. ADMINISTRATION

A. Each country will designate points of contact at the Ministry of Defence level and in each purchasing service/agency.

B. Country representatives will meet at agreed intervals to review progress in implementing the MOU. They will discuss development, production and procurement needs of each country and the likely areas of cooperation; agree to the basis of, and keep under review, the financial statement referred to below; and consider any other matters relevant to the MOU.

C. An annual United States/Norway Statement of the current balance and long-term trends, of purchases between the two countries will be prepared on a basis to be mutually agreed. Such statement will take account of any United States-Norway Offset agreements in force when the MOU was signed, and will be reviewed during the meetings referred to in B. above.

D. Quality Assurance procedures outlined in STANAG 4107 and 4108 will apply unless other provisions are mutually agreed to on any specific contract. Reimbursement for services provided shall be afforded in accordance with the National laws and regulations of each country.

United States Government For the Government of Norway

6-1406.4 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION AND PROCUREMENT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Government of the Kingdom of the Netherlands, duly represented by their Ministers of Defense:

keep under review, the financial statement referred to below; and consider any other matters relevant to the MOU.

2. Each Government will designate points of contact at the Ministry of Defense level and in each purchasing service/agency under the Ministries of Defense.

3. An annual United States-Netherlands statement of the current balance, and long-term trends, of R&D cooperation and purchases between the two nations will be prepared on a basis to be mutually agreed. Such statement will take account of United States-Netherlands purchases of defense equipment and services and related offset agreements effected in the years from 1973 onwards and will be periodically reviewed.

ARTICLE VI

Annexes

Annexes negotiated by the responsible officials and approved by the appropriate Government authorities will be incorporated in this MOU.

ARTICLE VII

Duration

1. This MOU will remain in effect for a ten-year period and will be extended for successive five-year periods, unless the Governments mutually decide otherwise.

2. If, however, either Government considers it necessary for compelling national reasons to terminate its participation under this MOU before the end of the ten-year period, or any extension thereof, written notification of its intention will be given to the other Government six months in advance of the effective date of termination. Such notification of intent shall become a matter of immediate consultation with the other Government to enable the Governments fully to evaluate the consequences of such termination and, in the spirit of cooperation, to take such actions as necessary to alleviate problems that may result from the termination. In this connection, although the MOU may be terminated by the Parties, any contract entered into consistent with the terms of this MOU shall continue in effect, unless the contract is terminated in accordance with its own terms.

3. The Parties hereto agree that, for the purposes of this MOU, references to the Kingdom of the Netherlands shall apply only to its territory in Europe.

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ARTICLE VIII

Implementation

This MOU will come into effect on the date of the last signature.

For the Government of the Kingdom of the Netherlands	For the Government of the United States of America
The Minister of Defense	The Secretary of Defense
Willem Scholten	Harold Brown
Date August 24, 1978	Date July 25, 1978

ANNEX I

PRINCIPLES GOVERNING IMPLEMENTATION

1. INTRODUCTION

On 24 August 1978, the Governments of the United States and the Kingdom of the Netherlands signed a Memorandum of Understanding (MoU) relating to the principles governing mutual cooperation in research and development, production and procurement of defense equipment. This document sets forth the agreed implementing procedures for carrying out the MOU.

2. MAJOR PRINICPLES

A. The U.S. Department of Defense (DoD) and the Ministry of Defense of the Netherlands (MoD) will consider for their defense requirements qualified defense items and services developed or produced in the other country.

B. It will be the responsibility of government and/or industry representatives in each country to acquire information concerning the other country's proposed research, developments, and purchases and to respond to requests for proposals in accordance with the prescribed procurement procedures and regulations. However, the responsible government agencies in each country will assist sources in the other country to obtain information concerning, intended research and development, proposed purchases, necessary qualifications and appropriate documentation.

3. ACTION

DoD and MoD will review and, where considered necessary, revise policies, procedures and regulations to ensure that the principles and objectives of this MOU, which are intended to be compatible with the broad aims of NATO Rationalization/Standardization, are taken into

F. The Committee will alternately meet in the United States and in the Netherlands. The country in which a particular meeting will take place will provide the Chairman and the secretariat for that meeting.

For the Government of the United States of America	For the Government of the Netherlands
Dr. William J. Perry	Lt. General Hensen
Date 21 December 1978	Date 21 December 1978

6-1406.5 MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL MINISTER OF DEFENSE OF THE FEDERAL REPUBLIC OF GERMANY AND THE SECRETARY OF DEFENSE OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH AND DEVELOPMENT, PRODUCTION, PROCUREMENT AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT.

The Secretary of Defense of the United States of America and the Federal Minister of Defense of the Federal Republic of Germany:

Intending to increase their respective defense capabilities through more efficient cooperation in the field of research and development, production, procurement and logistic support of defense equipment, in order to:

- Make the most cost-effective and rational use of the resources allocated to defense; and

- Promote the widest possible use of standard or interoperable equipment; and

- Develop and maintain an advanced technology capability for the North Atlantic Alliance, and particularly with respect to the parties to this Memorandum of Understanding; and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in conventional defense equipment research and development, production, procurement and logistic support.

The Parties hereto conclude this Memorandum of Understanding to strengthen the North Atlantic Alliance. In so doing, the Parties are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements among the individual member nations. They therefore agree

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that in the event of a possible conflict between understandings entered into between the IEPG and the Government of the United States, and this Memorandum of Understanding, the Parties hereto will consult with a view to amending this Memorandum of Understanding.

The Parties further agree that this Memorandum of Understanding should be viewed in the larger context of the cooperation between Europe and North America within the Alliance.

ARTICLE 1

Principles Governing Mutual Defense Cooperation

1.1 Both Parties intend to facilitate the mutual flow of defense procurement, taking into consideration relative technological levels of such procurement, and consistent with their national policies. This facilitation shall be sought through the provision of opportunities to compete for procurements of defense equipment and services as well as through the coproduction of defense equipment and defense R&D cooperation.

1.2 This Memorandum of Understanding is intended to cover areas in which, in the view of both parties to the Agreement, bilateral cooperation could be achieved in conventional defense equipment research and development, production, procurement and logistic support. This cooperation is intended to complement the work of the Conference of National Armament Directors (CNAD) and the Independent European Program Group (IEPG).

1.3 Each Party may propose to the other any particular project that might be suitable for cooperation or for use by the other Party.

1.4 Both Parties will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production, procurement and logistic support which are intended to optimize Alliance standardization and/or interoperability.

1.5 In the interests of standardization within the Alliance and the effective utilization of scarce resources, both Parties shall, to the extent possible, select qualified defense items that have been developed and produced in the other country to meet their requirements. Necessary decisions should be taken on the basis of joint comparative trials according to criteria to be jointly established.

1.6 Both Parties will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and to submit a bid or proposal.

10. Full consideration will be given to all qualified industrial and/or Government sources in each other's country consistent with the national procurement policy and criteria. It is therefore understood that items offered shall satisfy requirements for performance, quality, delivery and cost.

11. Both Governments will review items submitted as candidates for respective requirements. They will indicate requirements and proposed purchases in a timely fashion to ensure adequate time for their respective industries to qualify for eligibility and submit a bid or proposal.

12. Third party transfers of defense articles or technical data made available under this MOU, and of articles produced with such data, will be subject to the agreement of the Government that made available the defense articles or technical data, except as otherwise provided in particular arrangements between the two Governments. Each Government will base its decisions regarding requests by the other for agreement to third party transfers on its laws, regulations, and arms transfer policy. Each Government will use the same criteria for proposed transfers by the other as it uses for itself, and will not reject, solely in the pursuit of its own national commercial advantage, a request from the other for a third country transfer of such defense articles or technical data. Consistent with the above, in carrying out its own transfers to third countries, each Government shall take into consideration the extent to which a proposed transfer may damage or infringe upon licensing arrangements whereby commercial firms in the US or Italy have granted to firms in the other country licenses for the manufacture of the articles proposed to be transferred to a third-country.

13. Each Government will ensure that the technical data packages (TDPs) made available under this MOU are not used for any purpose other than for the purpose of bidding on, and performing a prospective defense contract without the prior agreement with those owning or controlling proprietary rights and that full protection shall be given to such proprietary rights, or to any privileged, protected, or classified data and information they contain. In no event shall the TDPs be transferred to any third country or any other transferees without the prior written consent of the originating Government.

14. Both Governments will undertake their best efforts to assist in negotiating licenses, ties and technical information exchanges with their respective industries.

15. Arrangements and procedures will be established concerning follow-on logistic support for items of defense equipment covered by this Memorandum of Understanding. Both Governments will make their defense logistic systems and resources available for this purpose as required and mutually agreed.

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ARTICLE II

Implementing Procedures

1. Representatives of the two Governments will be appointed to determine in detail the procedures for implementing this Memorandum of Understanding. Terms of reference will be proposed for an Italian-American Committee for Mutual Cooperation, including rules governing its work. The implementing procedures under this Memorandum of Understanding shall be an integral part thereof.

2. The Under Secretary of Defense for Research and Engineering, in coordination with the Assistant Secretary of Defense for International Security Affairs, the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics, the Director, Defense Security Assistance Agency, and other appropriate Department of Defense officials, will be responsible in the United States Government for the development of implementing procedures under this Memorandum of Understanding.

3. The National Armament Director in the Ministry of Defense, in coordination with the other appropriate governmental bodies, will be the responsible authority of the Government of Italy for the development of implementing procedures under this Memorandum of Understanding.

ARTICLE III

Industry Participation

1. Each Government will be responsible for calling to the attention of the defense industries within its country the basic understanding of this Memorandum of Understanding, together with appropriate implementing guidance. Both Governments will take all necessary steps so that the defense industries comply with the regulations pertaining to security and to safeguarding classified information.

2. Implementation of this Memorandum of Understanding will involve full industrial participation. Accordingly, the Governments will arrange to familiarize their respective procurement and requirements offices with the principles and objectives of this Memorandum of Understanding. However, primary responsibility for finding business opportunities in areas of research and development and production shall rest with the industrial participants of each country.

ARTICLE IV

Security

1. To the extent that any items, plans, specifications or information furnished in connection with specific implementation of this Memorandum of Understanding are classified by either Government for security

6-1406.9 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE PRINCIPLES GOVERNING MUTUAL COOPERATION IN THE RESEARCH, DEVELOPMENT, PRODUCTION, PROCUREMENT AND LOGISTIC SUPPORT OF DEFENSE EQUIPMENT.

PREAMBLE

The Government of the United States of America and the Kingdom of Denmark duly represented by their Ministers of Defense:

Intending to increase their respective defense capabilities through more efficient cooperation in the fields of research, development, production, procurement and logistic support in order to:

- Make the most cost-effective and rational use of the resources available for defense,
- Ensure the widest possible use of standard or interoperable equipment,
- Develop and maintain an advanced industrial and technological capability for the North Atlantic Alliance, and particularly with respect to the parties to this Memorandum of Understanding (MOU), and

Seeking to improve the present situation and to strengthen their military capability and economic position through the further acquisition of standard or interoperable equipment,

Have entered into this Memorandum of Understanding in order to achieve the above aims.

This Memorandum of Understanding sets out the guiding principles governing mutual cooperation in research, development, production, procurement and logistic support of conventional defense equipment.

The two Governments conclude this MOU to strengthen the North Atlantic Alliance. In so doing, the Governments are fully aware that the Independent European Program Group (IEPG) wants to enhance equipment collaboration by more comprehensive and systematic arrangements. They therefore agree that in the event of a possible conflict between agreements entered into between the IEPG and the Government of the United States, and this MOU, the parties hereto will consult with a view to amending this MOU.

The two Governments further agree that this MOU should be viewed in the larger context of the cooperation between Europe and North America within the Alliance.

ARTICLE I

Principles Governing Mutual Defense Cooperation

1. Both Governments intend to facilitate the mutual flow of defense procurement, taking into consideration relative technological levels of such procurement, and consistent with their national policies. This facilitation shall be sought through the provision of opportunities to compete for procurements of defense equipment and services as well as through the coproduction of defense equipment and defense R&D cooperation.

2. This MOU is intended to cover areas in which possible bilateral cooperation could be achieved in research, development, production, procurement and logistic support of conventional defense equipment, complementing the work of the Conference of National Armament Directors (CNAD), the Independent European Program Group (IEPG), and the Senior NATO Logisticians Conference (SNLC).

3. The two Governments will, consistent with their relevant laws and regulations, give the fullest consideration to all requests for cooperative R&D, and to all requests for production and procurement which are intended to enhance standardization and/or interoperability within the Alliance.

4. In the interests of standardization and effective utilization of scarce resources, the two Governments shall, to the extent possible, adopt qualified and cost-effective defense items that have been developed or produced in the other country to meet their requirements. Defense items or services are those items or services which may be procured utilizing appropriated funds of the U.S. Department of Defense or budgeted funds of the Danish Ministry of Defense.

5. The two Governments shall mutually determine the counting procedures to be laid down in an Annex to this MOU that will apply to all defense items and defense services purchased by them directly or through their relevant industries under this MOU.

6. Each Government shall from time to time notify the other Government of defense items that may not be acquired by the notifying Government from other than domestic sources, as well as those defense items that may be particularly suitable for acquisition by the other Government.

7. Both Governments will provide appropriate policy guidance and administrative procedures within their respective defense acquisition organizations to facilitate achievement of the aims of this MOU.

8. Competitive contracting procedures shall normally be used in acquiring items of defense equipment developed or produced in each other's country for use by either country's defense establishment.

7-104.4 *Notice to the Government of Labor Disputes.* Insert the following clause in all contracts involving the furnishing or production of any item on the Department of Defense Master Urgency List and in any other contract of a class or kind which the Head of the Procuring Activity concerned determines to be appropriate for the use of such a clause.

NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (1980 SEP)

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential labor dispute, the subcontractor shall immediately notify his next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

(End of clause)

7-104.5 *Patent Indemnity.* In accordance with 9-103 and 9-103.1, insert the following clause.

PATENT INDEMNITY (1975 JUN)

If the amount of this contract is in excess of $10,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

(End of clause)

(a) In accordance with 9-103.1(b) and 9-103.3, add one of the following sentences:

The foregoing shall not apply to the following:
(Specifically identify the items to be excluded from the Patent Indemnity clause.) (1964 SEP)

or

The foregoing shall apply only to the following:
(Specifically identify the items to which the Patent Indemnity clause applies.) (1964 SEP)

(b) In accordance with 9–103.4, insert the following clause.

WAIVER OF INDEMNITY (1968 JAN)

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents identified as listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

(End of clause)

7–104.6 *Filing of Patent Applications.* In accordance with 9–106, insert the following clause.

FILING OF PATENT APPLICATIONS (1969 DEC)

(a) Before filing or causing to be filed a patent application in the United States disclosing any subject matter of this contract, which subject matter is classified "Secret" or higher, the Contractor shall, citing the thirty (30) day provision below transmit the proposed application to the Contracting Officer for determination whether, for reasons of national security, such application should be placed under an order of secrecy or sealed in accordance with the provisions of 35 U.S.C. 181–18 or the issuance of a patent should be otherwise delayed under pertinent United States statutes or regulations; and the Contractor shall observe any instructions of the Contracting Officer with respect to the manner of delivery of the patent application to the United States Patent Office for filing, but the Contractor shall not be denied the right to file such patent application. If the Contracting Officer shall not have given any such instructions within thirty (30) days from the date of mailing or other transmittal of the proposed application, the Contractor may file the application.

(b) The Contractor shall furnish to the Contracting Officer, at the time of or prior to the time when the Contractor files or causes to be filed a patent application in the United States disclosing any subject matter of this contract, which subject matter is classified "Confidential," a copy of such application for determination whether for reasons of national security, such application should be placed under an order of secrecy or the issuance of a patent should be otherwise delayed under pertinent United States statutes or regulations.

(c) Where the subject matter of this contract is classified for reasons of security, the Contractor shall not file, or cause to be filed in any country, other than in the United States as provided in (a) and (b) of this clause, an application or registration for a patent disclosing any of said subject matter without first obtaining written approval of the Contracting Officer.

(d) When filing any patent application coming within the scope of this clause, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter, and shall also promptly furnish to the Contracting Officer the serial number, filing date, and name of country of any such patent application. When transmitting the application to the United States Patent Office, the Contractor shall by separate letter identify by agency and number the contract or contracts which require security classification markings to be placed on the application.

(e) The substance of this clause shall be included in all subcontracts which cover or are likely to cover classified subject matter.

(End of clause)

7–104.7 *Contract Schedule Subline Items Not Separately Priced.* In accordance with 20–304.2(c)(ii) and at the option of the contracting officer, the following clause may be inserted.

CONTRACT SCHEDULE SUBLINE ITEMS NOT SEPARATELY PRICED—WITHHOLDING OF BILLING AND PAYMENT (1976 NOV)

If the unit price of any contract subline or exhibit subline item contained in the Schedule of this contract is not separately priced ("NSP" entered as the unit price column) and the unit price for such subline item is included within the unit price of a related subline item, payment shall not be made nor shall the Contractor invoice the Government for any portion of a contract line item or exhibit line item which contains a "NSP" subline until the total quantity of all related contract sublime items or exhibit sublime items have been delivered and accepted. This clause is not applicable to Technical Data.

(End of clause)

7–104.8 *Reporting and Refund of Royalties.*
(a) In accordance with 9–110(d), insert the following clause.

REPORTING OF ROYALTIES (FOREIGN) (1966 OCT)

(a) If this contract is in an amount which exceeds fifty thousand United States dollars ($50,000), the Contractor shall report in writing to the Contracting Officer, during the performance of this contract the amount of royalties paid or to be paid by the Contractor directly to others in the performance of this contract. The Contractor shall also (i) furnish in writing any additional information relating to such royalties as may be requested by the Contracting Officer, and (ii) insert a provision similar to this clause in any subcontract hereunder which involves an amount in excess of the equivalent of fifty thousand United States dollars ($50,000).

(b) The term "royalties" as used herein refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like for the use of or for rights in patents or patent applications.

(End of clause)

(b) In accordance with 9–111, insert the following clause.

REFUND OF ROYALTIES (1966 FEB)

(a) The contract price includes certain amounts for royalties payable by the Contractor or subcontractors or both, which amounts have been reported to the Contracting Officer.

(b) The term "royalties" as used in this clause refers to any costs or charges in the nature of royalties, license fees, patent or license amortization costs, or the like, for the use or for rights in patents and patent applications in connection with the performance of this contract or any subcontract hereunder.

(c) The Contractor shall furnish to the Contracting Officer, before final payment under this contract, a statement of royalties paid or required to be paid in connection with the performance of this contract and subcontracts hereunder together with the reasons therefor.

(d) The Contractor will be compensated for royalties reported under (c) above only to the extent that such royalties were included in the contract price and are determined by the Contracting Officer to be properly chargeable to the Government and allocable to the contract. Therefore, to the extent that any royalties which are included in the contract price are not in fact paid by the Contractor or are determined by the Contracting Officer not to be properly chargeable to the Government and allocable to the contract, the contract price shall be reduced. Repayment or credit to the Government shall be made as the Contracting Officer directs.

(e) If, at any time within three (3) years subsequent to final payment under this contract, the Contractor for any reason is relieved in whole or in part from the payment of the royalties included in the final contract price as adjusted pursuant to paragraph (d) above, the Contractor

shall promptly notify the Contracting Officer of that fact and shall reimburse the Government in a corresponding amount.

(f) The substance of this clause, including this paragraph (f), shall be included in any subcontract in which the amount of royalties reported during negotiation of the subcontract exceeds two hundred and fifty dollars ($250).

(End of clause)

7–104.9 *Rights in Data and Computer Software.*
(a) *Basic Data Clause.* In accordance with 9–203 and 9–603, insert the following clause.

RIGHTS IN TECHNICAL DATA AND COMPUTER SOFTWARE (1981 MAY)

(a) *Definitions.*

(1) *Technical Data* means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental or engineering work; or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design type documents; or computer printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications and related information and computer software documentation. *Technical data* does not include computer software or financial, administrative, cost and pricing, and management data or other information incidental to contract administration.

(2) *Computer* - a data processing device capable of accepting data, performing prescribed operations on the data, and supplying the results of these operations; for example, a device that operates on discrete data by performing arithmetic and logic processes on these data, or a device that operates on analog data by performing physical processes on the data.

(3) *Computer Software* - computer programs and computer data bases.

(4) *Computer Program* - a series of instructions or statements in a form acceptable to a computer, designed to cause the computer to execute an operation or operations. Computer programs include operating systems, assemblers, compilers, interpreters, data management systems, utility programs, sort-merge programs, and ADPE maintenance/diagnostic programs, as well as application programs such as payroll, inventory control, and engineering analysis programs. Computer programs may be either machine-dependent or machine-independent, and may be general-purpose in nature or designed to satisfy the requirements of a particular user.

(5) *Computer Data Base* - a collection of data in a form capable of being processed and operated on by a computer.

(6) *Computer Software Documentation* - Technical data, including computer listings and printouts, in human-readable form which (i) documents the design or details of computer software, (ii) explains the capabilities of the software, or (iii) provides operating instructions for using the software to obtain desired results from a computer.

(7) *Unlimited Rights* means rights to use, duplicate, or disclose technical data or computer software in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(8) *Limited Rights* means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data be (a) released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture, or in the case of computer software documentation, for preparing the same or similar computer software, or (c) used by a party other than the Government, except for:

(i) emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work, *provided* that the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(ii) release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above.

(9) *Restricted Rights* apply only to computer software, and include, as a minimum, the right to:

(i) use computer software with the computer for which or with which it was acquired, including use at any Government installation to which the computer may be transferred by the Government;

(ii) use computer software with a backup computer if the computer for which or with which it was acquired is inoperative;

(iii) copy computer programs for safekeeping (archives) or backup purposes;

(iv) modify computer software, or combine it with other software, subject to the provision that those portions of the derivative software incorporating restricted rights software are subject to the same restricted rights.

In addition, any other specific rights not inconsistent therewith listed or described in this contract or described in a license or agreement made a part of this contract.

(10) *Commercial Computer Software* - Computer software which is used regularly for other than Government purposes and is sold, licensed or leased in significant quantities to the general public at established market or catalog prices.

(b) *Government Rights.*

(1) *Unlimited Rights.* The Government shall have unlimited rights in:

(i) technical data and computer software resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) computer software required to be originated or developed under a Government contract, or generated as a necessary part of performing a contract;

(iii) computer data bases, prepared under a Government contract, consisting of information supplied by the Government, information in which the Government has unlimited rights, or information which is in the public domain;

(iv) technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance, except technical data pertaining to items, components, processes, or computer software developed at private expense (but see (2)(ii) below);

(v) technical data or computer software prepared or required to be delivered under this or any other Government contract or subcontract and constituting corrections or changes to Government-furnished data or computer software;

(vi) technical data pertaining to end-items, components or processes, prepared or required to be delivered under this or any other Government contract or subcontract, for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data, *e.g.*, specification control drawings, catalog sheets, envelope drawings, etc.);

(vii) manuals or instructional materials prepared or required to be delivered under this contract or any subcontract hereunder for installation, operation, maintenance or training purposes;

(viii) technical data or computer software which is in the public domain, or has been or is normally released or disclosed by the Contractor or subcontractor without restriction on further disclosure; and

(ix) technical data or computer software listed or described in an agreement incorporated into the schedule of this contract which the parties have predetermined, on the basis of subparagraphs (i) through (viii) above, and agreed will be furnished with unlimited rights.

(2) *Limited Rights.* The Government shall have limited rights in:

(i) technical data, listed or described in an agreement incorporated into the Schedule of this contract, which the parties have agreed will be furnished with limited rights; and

(ii) unpublished technical data pertaining to items, components or processes developed at private expense, and unpublished computer software documentation related to computer software that is acquired with restricted rights, other than such data as may be included in the data referred to in (b)(1)(i), (v), (vi), (vii), and (viii). The word *unpublished*, as applied to technical data and computer software documentation, means that which has not been released to the public nor been furnished to others without restriction on further use or disclosure. For the purpose of this definition, delivery of limited rights technical data to or for the Government under a contract does not, in itself, constitute release to the public.

Limited rights shall be effective provided that only the portion or portions of each piece of data to which limited rights are to be asserted pursuant to (2)(i) and (ii) above are identified (for example, by circling, underscoring, or a note), and that the piece of data is marked with the legend below in which is inserted:

A. the number of the prime contract under which the technical data is to be delivered,

B. the name of the Contractor and any subcontractor by whom the technical data was generated, and

C. an explanation of the method used to identify limited rights data.

LIMITED RIGHTS LEGEND

Contract No. _____.

Contractor: _____

Explanation of Limited Rights Data Identification Method Used

_____ _____ _____ _____

_____ _____ _____ _____.

These portions of this technical data indicated as limited rights data shall not, without the written permission of the above Contractor, be either (a) used, released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or, in

the case of computer software documentation, for preparing the same or similar computer software, or (c) used by a party other than the Government, except for: (i) emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work, *provided* that the release or disclosure hereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above. This legend, together with the indications of the portions of this data which are subject to such limitations shall be included on any reproduction hereof which includes any part of the portions subject to such limitations.

(3) *Restricted Rights.*

(A) The Government shall have restricted rights in computer software, listed or described in a license or agreement made a part of this contract, which the parties have agreed will be furnished with restricted rights, *provided*, however, notwithstanding any contrary provision in any such license or agreement, the Government shall have the rights in (a)(9)(i) through (iv). Such restricted rights are of no effect unless the computer software is marked by the Contractor with the following legend:

RESTRICTED RIGHTS LEGEND

Use, duplication or disclosure is subject to restrictions stated in Contract No. _____ with _____(*Name of Contractor*)_____.

and the related computer software documentation includes a prominent statement of the restrictions applicable to the computer software. The Contractor may not place any legend on computer software indicating restrictions on the Government's rights in such software unless the restrictions are set forth in a license or agreement made a part of this contract prior to the delivery date of the software. Failure of the Contractor to apply a restricted rights legend to such computer software shall relieve the Government of liability with respect to such unmarked software.

(B) Notwithstanding (A) above, commercial computer software and related documentation developed at private expense and not in public domain may, if the Contractor so elects, be marked with the following Legend:

RESTRICTED RIGHTS LEGEND
Use, duplication, or disclosure by the Government is subject to restrictions as set forth in paragraph (b)(3)(B) of the Rights in Technical Data and Computer Software clause in DAR 7-104.9(a).

_____
(Name of Contractor and Address)

When acquired by the Government, commercial computer software and related documentation so legended shall be subject to the following:

(i) Title to and ownership of the software and documentation shall remain with the Contractor.

(ii) Use of the software and documentation shall be limited to the facility for which it is acquired.

(iii) The Government shall not provide or otherwise make available the software or documentation, or any portion thereof, in any form, to any third party without the prior written approval of the Contractor. Third parties do not include prime contractors, subcontractors and agents of the Government who have the Government's permission to use the licensed software and documentation at the facility, and who have agreed to use the licensed software and documentation only in accordance with these restrictions. This provision does not limit the right of the Government to use software, documentation, or information therein, which the Government may already have or obtains without restrictions.

(iv) The Government shall have the right to use the computer software and documentation with the computer for which it is acquired at any other facility to which that computer may be transferred; to use the computer software and documentation with a backup computer when the primary computer is inoperative; to copy computer programs for safekeeping (archives) or backup purposes; and to modify the software and documentation or combine it with other software, *provided* that the unmodified portions shall remain subject to these restrictions.

(v) If the Contractor, within sixty (60) days after a written request, fails to substantiate by clear and convincing evidence that computer software and documentation marked with the above

Restricted Rights Legend are commercial items and were developed at private expense, or if the Contractor fails to refute evidence which is asserted by the Government as a basis that the software is in the public domain, the Government may cancel or ignore any restrictive markings on such computer software and documentation and may use them with unlimited rights. Such written requests shall be addressed to the Contractor as identified in the Restricted Rights Legend.

(4) No legend shall be marked on, nor shall any limitation or restriction on rights of use be asserted as to, any data or computer software which the Contractor has previously delivered to the Government without restriction. The limited or restricted rights provided for by this para-

(v) any contract under which construction and architectural drawings and specifications are the only deliverable items;

(vi) any contract for commercial items when the only deliverable data is such an item, or would be packaged or furnished with such items in accordance with customary trade practices; or

(vii) any contract for items containing material which, by virtue of its potentially dangerous nature, requires controls to assure adequate safety to life and property, when the only deliverable data is the Material Safety Data Sheet (MSDS) submitted in compliance with Federal Standard 313A and the clause in 7-104.98, and when such clause is included in the contract.

(c) *Technical Data Warranty.*

(1) In accordance with 1-324.6, the following clause may be inserted.

WARRANTY OF TECHNICAL DATA (1976 NOV)

(a) Technical data means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental or engineering work; or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design type documents; or computer printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information, and documentation related to computer software. Technical data does not include computer software or financial, administrative, cost and pricing, and management data, or other information incidental to contract administration.

(b) Notwithstanding inspection and acceptance by the Government of technical data furnished under this contract and notwithstanding any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that all technical data delivered under this contract will at the time of delivery conform with the specifications and all other requirements of this contract. The warranty period shall extend for three (3) years after completion of the delivery of the line item of data (as identified in DD Form 1423) of which the data forms a part; or any longer period specified in the contract.

(c) The Contractor agrees to notify the Contracting Officer in writing immediately of any breach of the above warranty which the Contractor discovers within the warranty period.

(d) The following remedies shall apply to all breaches of the above warranty *provided* that the Government notifies the Contractor of the breach in writing within the warranty period.

(1) Within a reasonable time after the Contracting Officer notifies the Contractor of a breach of warranty, he may:

(i) by written notice, direct the Contractor to correct or replace at his expense the nonconforming technical data promptly; or

(ii) if he determines that the Government no longer has a requirement for correction or replacement of the data, or that the data can be more reasonably corrected by the Government, inform the Contractor by written notice that the Government elects a price or fee adjustment in lieu of correction or replacement.

(2) If the Contractor refuses or fails to comply with a direction under (1) (i) above, the Contracting Officer may, within a reasonable time of such refusal or failure:

(i) by contract or otherwise, correct or replace the nonconforming technical data and charge the Contractor the cost occasioned to the Government thereby; or

(ii) elect a price or fee adjustment in lieu of correction or replacement.

(e) The remedies set forth in this clause represent the exclusive means by which the rights conferred on the Government by this clause may be enforced.

(f) The provisions of this clause apply anew to that portion of any technical data which is corrected or furnished in replacement under (d)(1)(i) above.

(End of clause)

(2) In accordance with 1-324.6(b), the following provision may be inserted in firm fixed-price contracts as paragraph (d)(3) of the Warranty of Technical Data clause set forth above.

(3) In addition to the remedies specified under (1) and (2) above, the Contractor shall be liable to the Government for all damages sustained by the Government as a result of breach of the warranty specified in this clause; however, the additional liability under this subparagraph (3) shall not exceed 10% of the total contract price. If the breach of the warranty specified in (b) of this clause is with respect to data supplied by an equipment subcontractor, the limit of the prime contractor's liability shall be 10% of the total subcontract price in the case of a firm fixed-price subcontract, 75% of the total subcontract fee in the case of a cost-plus-fixed-fee or cost-plus-award-fee subcontract, or 75% of the total subcontract target profit or fee in the case of a fixed-price or cost-plus-incentive-type contract. The additional liability specified in this paragraph (3) shall not apply:

(i) with respect to the requirement under Category II or I of MIL-D-1000, *provided* that the data furnished by the Contractor was current, accurate at time of submission and did not involve a significant omission of data necessary to comply with such requirements; or

(ii) with respect to specific defects as to which the Contractor discovers and gives written notice to the Government before the error is discovered by the Government.

(3) In accordance with 1-324.6(b), the following provision may be inserted in fixed-price-incentive contracts as paragraph (d)(3) of the Warranty of Technical Data clause in 7-104.9(c).

(3) In addition to the remedies specified under (d)(1) and (2) above, Contractor shall be liable to the Government for all damages sustained by the Government as a result of breach of the warranty specified in this clause; however, the additional liability under this subparagraph (3) shall not exceed 75% of the target profit. If the breach of the warranty specified in (b) of this clause is with respect to data supplied by an equipment subcontractor, the limit of the prime contractor's liability shall be 10% of the total subcontract price in the case of a firm fixed-price subcontract, 75% of the total subcontract fee in the case of a cost-plus-fixed-fee or cost-plus-award-fee subcontract, or 75% of the total subcontract target profit or fee in the case of a fixed-price or cost-plus-incentive-type contract. Damages due the Government under the provisions of this warranty shall not be considered as an allowable cost. The additional liability specified in this paragraph (3) shall not apply:

(i) with respect to the requirement under Category II or I of MIL-D-1000, *provided* that the data furnished by the Contractor was current, accurate at time of submission and did not involve a significant omission of data necessary to comply with such requirements; or

(ii) with respect to specific defects as to which the Contractor discovers and gives written notice to the Government before the error is discovered by the Government.

(p) *Restrictive Markings on Technical Data.* In accordance with 9-202.3(c)(2), insert the following clause.

RESTRICTIVE MARKINGS ON TECHNICAL DATA (1975 MAR)

(a) The Contractor shall have, maintain, and follow throughout the performance of this contract, procedures sufficient to assure that restrictive markings are used on technical data required to be delivered hereunder only when authorized by the terms of the "Rights in Technical Data and Computer Software" clause of this contract. Such procedures shall be in writing. The Contractor shall also maintain a quality assurance system to assure compliance with this clause.

(b) As part of the procedures, the Contractor shall maintain (1) records to show how the procedures of (a) above were applied in determining that the markings are authorized, as well as (2) such records as are reasonably necessary to show pursuant to (d)(8) of the "Rights in Technical Data and Computer Software" clause that restrictive markings used in any piece of technical data delivered under this contract are authorized.

7-104.20 *Utilization of Labor Surplus Area Concerns.*

(a) In accordance with 1-805.3(a), insert the following clause.

UTILIZATION OF LABOR SURPLUS AREA CONCERNS (1978 JUN)

(a) It is the policy of the Government to award contracts to labor surplus area concerns which have agreed to perform substantially in labor surplus areas, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business and Small Disadvantaged Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (i) labor surplus area concerns which are also small business concerns, (ii) other small business concerns, and (iii) other labor surplus area concerns.

(End of clause)

(b) In accordance with 1-805.3(b), insert the following clause.

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (1978 JUN)

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Labor Surplus Area Concerns" clause, and (iii) administer the Contractor's Labor Surplus Area Subcontracting Program;

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concerns;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the "Utilization of Labor Surplus Area Concerns" clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) For subcontracting purposes, a "labor surplus area concern" is a concern that has agreed to perform substantially in labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production in such areas amount to more than 50% of the price of such contract.

(c) The Contractor further agrees, with respect to any subcontract hereunder which is in excess of $500,000 and which contains the clause entitled "Utilization of Labor Surplus Area Concerns" that he will insert provisions in the subcontract which will conform substantially to the language of this clause, including this paragraph (c), and that he will furnish the names of such subcontractors to the Contracting Officer.

(End of clause)

7-104.21 *Limitation on Withholding of Payments.*

(a) Except as provided in (b) below, the following clause shall be inserted in contracts which include more than one clause or Schedule provision authorizing the temporary withholding of amounts otherwise payable to the contractor for supplies delivered or services performed.

LIMITATION ON WITHHOLDING OF PAYMENTS (1958 SEP)

If more than one clause or Schedule provision of this contract authorizes the temporary withholding of amounts otherwise payable to the Contractor for supplies delivered or services performed, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or Schedule provision at that time; *provided*, that this limitation shall not apply to—

(i) withholdings pursuant to any clause relating to wages or hours of employees;

(ii) withholdings not specifically provided for by this contract; and

(iii) the recovery of overpayments.

(End of clause)

(b) The clause in (a) above is not required when:

(i) the contracting officer or the procuring activity determines that the withholding limitation in the said clause is incompatible with the purpose of the particular withholding provisions involved; or

(ii) all of the contract clauses or Schedule provisions (in excess of one) which provide for the withholding of payments either (A) are exempt from the limitations in the clause set forth in (a) above under the proviso thereof, or (B) provide that their withholding provisions do not require any additional withholdings where the amounts required to be withheld under them is being withheld under other provisions of the contract.

If it is determined that the withholding limitation in the clause in (a) above is incompatible with the purpose of particular withholding provisions, the said clause may be omitted or modified to make it inapplicable to such withholding provisions.

7-104.22 *Equal Opportunity Pre-Award Clearance of Subcontracts.* Insert the following clause in all contracts containing a "Subcontracts" clause prescribed by 23-201 (see also 23-201.4).

issued in accordance with this clause. Such notice shall be furnished to the CAO immediately upon notification from the Contracting Officer that duty-free entry will be accorded the supplies. The notice shall identify (i) the foreign supplies, (ii) the country of origin, (iii) the prime contract number, and (iv) the scheduled delivery date(s).

(c) This clause shall not apply to purchases of foreign supplies in connection with this contract if (i) such foreign supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with his commercial business, and (ii) segregation of such supplies to insure use only on Government contracts containing duty-free entry provisions is not economical or feasible.

(d) The Contractor agrees to insert the substance of this clause in any first-tier subcontract hereunder in connection with which foreign supplies in excess of $10,000 may be imported by the subcontractor into the United States, its possessions, or Puerto Rico.

(End of clause)

7-104.32 *Duty-Free Entry of Qualifying Country Supplies.* The following clause shall be inserted in accordance with 6-104.5 and 6-603.3(c).

DUTY-FREE ENTRY—QUALIFYING COUNTRY END PRODUCTS AND SUPPLIES (1980 OCT)

(a) Except as otherwise approved by the Contracting Officer, no amount is or will be included in the contract price on account of duty with respect to—

(i) all end items which constitute "qualifying country end products" (as defined in 6-001) to be delivered under this contract; and

(ii) all supplies (including, without limitation, raw materials, components, and intermediate assemblies) produced or made in qualifying countries, which are to be incorporated in the end items to be delivered under this contract; *Provided*, That such end items are manufactured in the United States or in a qualifying country, except supplies imported into the United States prior to the date of this contract or, in the case of supplies imported by a first or lower tier subcontractor hereunder, prior to the date of his subcontract.

(b) The Contractor warrants that all such qualifying country supplies, for which duty-free entry is to be claimed, are intended to be delivered to the Government or incorporated in the end items to be delivered under this contract and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof (if not scrap or salvage) are diverted to non-governmental use other than as a result of a competitive sale made, directed, or authorized by the Contracting Officer.

(c) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of qualifying country end products as to which the shipping documents bear the notation specified in paragraph (d) below, except as the Contractor may otherwise agree.

(d) All shipping documents submitted to customs, covering qualifying country end products or supplies for which duty-free entry is to be claimed, shall bear the following information:

(i) Government prime contract number;

(ii) identification of carrier;

(iii) the notation: "UNITED STATES DEPARTMENT OF DEFENSE DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States. Upon arrival of shipment at the appropriate port of entry, District Director of Customs, kindly release the shipments under 8.59CP and notify Commander, Defense Contract Administration Services Management Area, New York, 60 Hudson Street, New York, New York 10013, who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate";

(iv) gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(v) estimated value in U.S. dollars.

(e) The Contractor agrees to instruct the foreign supplier to prepare a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the District Director of Customs at the port of entry.

(f) The Contractor agrees to notify the Contract Administration Office (CAO) in writing of any purchase by the Contractor of qualifying country supplies that are to be imported into the United States for delivery to the Government or for incorporation in end items to be delivered to the Government under the contract. Such notice shall be furnished to the CAO immediately upon the award by the Contractor to the qualifying country supplier. The notice shall identify (i) the qualifying country, (ii) the contract number, and (iii) the scheduled delivery date(s).

(g) This clause shall not apply to purchases of qualifying country supplies in connection with this contract if (i) such qualifying country supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with his commercial business; and (ii) it is not economical or feasible to account for such supplies so as to assure that the amount of such supplies for which duty-free entry is claimed pursuant to this clause does not exceed the amount thereof purchased in connection with this contract.

(h) The Contractor agrees to insert the substance of this clause, including this paragraph (h), in all subcontracts for supplies hereunder that exceed $2,500. Each such subcontract shall require the subcontractor to identify this contract by its contract number on any shipping documents submitted to Customs covering supplies for which duty-free entry is to be claimed pursuant to this clause.

(End of clause)

7-104.33 *Inspection System.* When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I-45208 (see 14-303), insert the following clause:

INSPECTION SYSTEM (1967 AUG)

The inspection system which the Contractor is required to maintain, as provided in paragraph (c) of the "Inspection" clause of this contract, shall be in accordance with the edition of Military Specification MIL-I-45208 in effect on the date of this contract.

(End of clause)

7-104.34 *Advance Payments.* When advance payments are to be made in accordance with Appendix E, Part 4, insert the following clause.

Any change, addition, or deletion to this clause is subject to the prior approval requirements outlined in Appendix E, Part 2.

ADVANCE PAYMENT (1976 OCT)

(1) *Amount of Advance.* At the request of the Contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (i) without the approval of the office administering advance payments (hereinafter called the "Administering Office" and designated in paragraph (14)(g) below) as to the financial necessity therefor; (ii) in an amount which together with all advance payments theretofore made, shall exceed the amount stated in paragraph (14)(a) below; and (iii) without a properly certified invoice or invoices.

(2) *Special Bank Account.* Until all advance payments made hereunder, and interest charges, are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor and by marked for deposit only in a Special Bank Account with the bank designated in paragraph (14)(b) below. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided.

(ii) for any change to cost accounting practices proposed in accordance with paragraph (a)(4)(B) or (a)(4)(C) of the clause entitled "Cost Accounting Standards" or with paragraph (a)(3) or (a)(5) of the clause entitled "Disclosure and Consistency of Cost Accounting Practices" not less than sixty (60) days (or such other date as may be mutually agreed to) prior to the effective date of the proposed change; or

(iii) for any failure to comply with an applicable Cost Accounting Standard or to follow a disclosed practice as contemplated by paragraph (a)(5) of the clause entitled "Cost Accounting Standards" or with paragraph (a)(4) of the clause entitled "Disclosure and Consistency of Cost Accounting Practices" within sixty (60) days (or such other date as may be mutually agreed to) after the date of agreement of such noncompliance by the Contractor.

(b) Submit a cost impact proposal in the form and manner specified by the cognizant Contracting Officer within sixty (60) days (or such other date as may be mutually agreed to) after the date of determination of the adequacy and compliance of a change submitted pursuant to (a)(i), (ii), or (iii) above.

(c) Agree to appropriate contract and subcontract amendments to reflect adjustments established in accordance with paragraphs (a)(4) and (a)(5) of the clause entitled "Cost Accounting Standards" or with paragraphs (a)(3), (a)(4), and (a)(5) of the clause entitled "Disclosure and Consistency of Cost Accounting Practices."

(d) When the subcontract is subject to either the clause entitled "Cost Accounting Standards" or the clause entitled "Disclosure and Consistency of Cost Accounting Practices" so state in the body of the subcontract and/or in the letter of award. Self-deleting clauses shall not be used.

(e) Include the substance of this clause in all negotiated subcontracts containing either the clause entitled "Cost Accounting Standards" or the clause entitled "Disclosure and Consistency of Cost Accounting Practices." In addition within thirty (30) days after award of such subcontract submit the following information to the Contractor's cognizant Contract Administration Office for transmittal to the Contract Administration Office cognizant of the subcontractor's facility.

(1) Subcontractor's name and subcontract number.
(2) Dollar amount and date of award.
(3) Name of Contractor making the award.
(4) A statement as to whether the subcontractor has made or proposes to make any changes to

accounting practices that affect prime contracts or subcontracts containing the Cost Accounting Standards clause or Disclosure and Consistency of Cost Accounting Practices clause because of the award of this subcontract unless such changes have already been reported. If award of the subcontract results in making a Cost Accounting Standard(s) effective for the first time, this shall also be reported.

(f) For negotiated subcontracts containing the clause entitled "Cost Accounting Standards", require the subcontractor to comply with all Standards in effect on the date of final agreement on price as shown on the subcontractor's signed certificate of current cost or pricing data or date of award whichever is earlier.

(g) In the event an adjustment is required to be made to any subcontract hereunder, notify the Contracting Officer in writing of such adjustment and agree to an adjustment in the price or estimated cost and fee of this contract, as appropriate, based upon the adjustment established under the subcontract. Such notice shall be given within thirty (30) days after receipt of the proposed subcontract adjustment, or such other date as may be mutually agreed to, and shall include a proposal for adjustment to such higher tier subcontract or prime contract as appropriate.

(h) When either the Cost Accounting Standards clause or the Disclosure and Consistency of Cost Accounting Practices clause and this clause are included in subcontracts, the term "Contracting Officer" shall be suitably altered to identify the purchaser.

(End of clause)

7-104.84 *Fast Payment Procedure.*

(a) In accordance with 3-606.3, the following clause shall be used in small purchases:

FAST PAYMENT PROCEDURE (1981 MAY)

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's delivery to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

(b) *Responsibility for Supplies.* Title to the supplies shall vest in the Government upon delivery to a post office or common carrier for shipment to the specific destination. If shipment is by means other than post office or common carrier, title to the supplies shall vest in the Government

upon delivery to the point of first receipt by the Government. Notwithstanding any other provision of the purchase order, the Contractor shall assume all responsibility and risk of loss for supplies (i) not received at destination, (ii) damaged in transit, or (iii) not conforming to purchase requirements. The Contractor shall either replace, repair, or correct such supplies promptly at his expense, *provided* instructions to do so are furnished by the Contracting Officer within ninety (90) days from the date title to the supplies vests in the Government. (one hundred eighty (180) days for overseas shipments).

(c) *Preparation of Invoice.*

(1) Upon delivery of supplies to a post office, common carrier, or in shipments by other means, the point of first receipt by the Government, the Contractor shall prepare an invoice in accordance with Clause 3 of the General Provisions of Purchase Order, except that invoices under a blanket purchase agreement shall be prepared in accordance with the provisions of the agreement. All invoices shall also be prominently marked "Fast Pay."

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The cost of parcel post insurance will not be paid by the Government. If transportation charges are separately stated on the invoice, the Contractor agrees to retain related paid freight bills or other transportation billings paid separately for a period of three (3) years and to furnish such bills to the Government when requested for audit purposes.

(3) In the event this order requires the preparation of a Material Inspection and Receiving Report (DD Form 250), the Contractor has the option of either preparing the DD Form 250 or including the following information on the invoice, in addition to that required in (c)(1) above: (A) a statement in prominent letters "NO DD 250 PREPARED"; (B) shipment number; (C) mode of shipment; and (D) at line item level, (i) National Stock Number and/or manufacturer's part number, (ii) unit of measure, (iii) Ship-To-Point, (iv) Mark-For-Point if in contract, and (v) MILSTRIP document number if in contract. When a DD Form 250 is not required, the invoice will include the following information: (i) Ship-To-Point, (ii) Mark-For-Point and MILSTRIP document number if in contract, as well as the information in (c)(1) above. In all cases where no DD Form 250 is prepared, a copy of the invoice will be included in each shipment.

(d) *Certification of Invoice.* The Contractor agrees that the submission of an invoice to the Government for payment is a certification that the supplies for which the Government is being billed have been shipped or delivered in accordance with shipping instructions issued by the ordering officer, in the quantities shown on the invoice, and that such supplies are in the quantity and of the quality designated by the cited purchase order.

(End of clause)

(b) In accordance with 3-606.2, the following clause shall be used in contracts and delivery orders for (1) brand name commissary resale subsistence and (2) commercial type medical supplies for direct shipment overseas:

FAST PAYMENT PROCEDURE (1981 MAY)

(a) *General.* This is a fast payment contract or order. Invoices will be paid on the basis of the Contractor's delivery to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

(b) *Responsibility for Supplies.* Title to the supplies shall vest in the Government upon delivery to a post office or common carrier for shipment to the specific destination. If shipment is by means other than post office or common carrier, title to the supplies shall vest in the Government upon delivery to the point of first receipt by the Government. Notwithstanding any other provision of the contract or order, the Contractor shall assume all responsibility and risk of loss for supplies (i) not received at destination, (ii) damaged in transit, or (iii) not conforming to purchase requirements. The Contractor shall either replace, repair, or correct such supplies promptly at his expense, *provided*, instructions to do so are furnished by the Contracting Officer within ninety (90) days from the date title to the supplies vests in the Government (one hundred eighty (180) days for overseas shipments).

(c) *Preparation of Invoice.*

(1) Upon delivery of supplies to a post office, common carrier, or in shipments by other means, the point of first receipt by the Government, the Contractor shall prepare an invoice in accordance with the terms of this contract or order, except that invoices under a blanket purchase agreement shall be prepared in accordance with the provisions of the agreement. All invoices shall also be prominently marked "Fast Pay."

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The cost of parcel post insurance will not be paid by the Government. If transportation charges are separately stated on the invoice, the Contractor agrees to retain related paid freight bills or other transportation billings paid separately for a period of three (3) years and to furnish such bills to the Government when requested for audit purposes.

(3) In the event this order requires the preparation of a Material Inspection and Receiving Report (DD Form 250), the Contractor has the option of either preparing the DD Form 250 or including the following information on the invoice, in addition to that required in (c)(1) above: (A) a statement in prominent letters "NO DD 250 PREPARED"; (B) shipment number; (C) mode of shipment; and (D) at line item level, (i) National Stock Number and/or manufacturer's part number, (ii) unit of measure, (iii) Ship-To-Point, (iv) Mark-For-Point if in contract, and (v) MILSTRIP document number if in contract. When a DD Form 250 is not required, the invoice will include the following information: (i) Ship-To-Point, (ii) Mark-For-Point and MILSTRIP document number if in contract, as well as the information in (c)(1) above. In all cases where no DD Form 250 is prepared, a copy of the invoice will be included in each shipment.

(d) *Certification of Invoice.* The Contractor agrees that the submission of an invoice to the Government for payment is a certification that the supplies for which the Government is being billed have been shipped or delivered in accordance with shipping instructions issued by the ordering officer, in the quantities shown on the invoice, and that such supplies are in the quantity and of the quality designated by the cited contract or order.

(e) *Fast Pay Container Identification.* All outer shipping containers shall be marked "FAST PAY".

(End of clause)

7-104.85 *FOB Origin — Bills of Lading.* F.O.B. origin contracts shall include one of the following clauses in accordance with 19-403.3(b) and (c).

(a) *F.O.B. Origin — Government Bills of Lading and Prepaid Postage.* In accordance with 19-403.3(c), F.O.B. origin contracts, except those utilizing the Fast Payment Procedure clause, shall include the following clause:

F.O.B. ORIGIN — GOVERNMENT BILLS OF LADING AND PREPAID POSTAGE (1977 DEC)

F.O.B. origin shipments shall be made on Government bills of lading or, if the supplies are mailable, via the U.S. Postal Service or a foreign postal system as appropriate, with postage costs prepaid by the Contractor. Any direct charge for postage costs will be listed as a separate item on invoices for the supplies shipped. Use of agency official indicia mail by contractors is not authorized. Quantities will not be divided into mailable lots for the express purpose of avoiding movement by other modes of transportation. In the absence of other arrangements, Government bills of lading can be obtained by completing and submitting DD Form 1659, "Application for United States Government Bill of Lading / Export Traffic Release". Unless otherwise directed, the Contractor shall address overseas parcel post to the ultimate consignee in care of a designated Army, Air Force, or Navy (fleet) post office and not to, or in care of a transportation officer, or other activity at a CONUS water or aerial terminal for transshipment.

(End of clause)

handling, manufacture, packaging, transportation, storage, inspection or disposal of, or any other use which will involve exposure to such hazardous material as defined in Federal Standard No. 313A ("Material Safety Data Sheet, Preparation and Submission of"). For safety precautions for ammunition and explosives, see 1-323.1.

HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (1977 OCT)

(a) As used in this clause, *hazardous material* shall be as defined in Federal Standard No. 313A ("Material Safety Data Sheet, Preparation and Submission of"), in effect on the date of this contract.

(b) The Contractor shall prepare and submit Material Safety Data Sheet (Form OSHA-20 (DoD)) in accordance with Federal Standard No. 313A for all hazardous material, whether or not listed in Appendix A of the Standard, delivered pursuant to this contract or for which performance of work, use, handling, manufacture, packaging, transportation, storage, inspection or disposal of, or any other use after delivery to the Government designated destination will involve exposure to hazardous materials or items containing such materials. Material Safety Data Sheets shall be submitted five (5) days prior to delivery of the material.

(c) The requirements of this clause, or any act or failure to act by the Government in surveillance or enforcement of this clause, shall not affect or relieve the Contractor of any responsibility or liability for the safety of Government or Contractor personnel or property, or of any subcontractor or vendor personnel.

(d) Nothing contained in this clause shall relieve the Contractor from complying with applicable federal, state, and local laws, codes, ordinances and regulations (including the obtaining of licenses and permits) in connection with hazardous material in the performance of this contract.

(e) *Government's rights in data furnished under this contract with respect to hazardous material:*

(i) The Government shall have the right to use, duplicate and disclose any data to which this clause is applicable for the purpose of apprising personnel of the hazards to which they may be exposed in using, handling, packaging, transporting, or disposing of hazardous materials and for medical treatment of those affected by such material, and to have others use, duplicate, and disclose such data for the Government for such purposes.

(ii) Such data shall not be duplicated, or disclosed, or released outside the Government, in whole or in part for any procurement or manufacturing purpose, if the following legend is marked on each piece of data to which this clause is applicable:

"This is furnished under United States Government Contract No. ..... and shall not be used, duplicated or disclosed for any procurement or manufacturing purpose without the permission of ..... This legend shall be marked on any reproduction hereof."

(End of legend)

(iii) The Contractor shall not place the legend set forth above or any other restrictive legend on any data which the Contractor or any subcontractor previously delivered to the Government without limitations or which should be delivered without limitations under the conditions prescribed by the "*Rights in Technical Data and Computer Software*" clause of ASPR 7-104.9(a).

(iv) Notwithstanding any other provision of this contract providing for rights in data, the rights of the Government to use, duplicate, and disclose data furnished pursuant to the requirements of this clause shall be as provided by this clause. The Government is not precluded from using similar or identical data acquired from other sources.

(f) The Contractor shall insert this clause, including this paragraph (f), with appropriate changes in the designation of the parties, in any subcontract of any tier (including purchase designations or purchase orders) hereunder which involves hazardous material.

(End of clause)

7-104.99 *Notice of Intent to Disallow or Not Recognize Costs.* Insert the clause in 7-203.35 in all fixed-price incentive contracts and contracts providing for price redetermination.

7-104.100 *Certificate of Conformance.* In accordance with 14-306(c), insert the following clause.

CERTIFICATE OF CONFORMANCE (1979 MAR)

Unless required otherwise in the contract or by the CAO, the Contractor is required to deliver the supplies to be furnished hereunder with a "Certificate of Conformance." In no case shall the Government's right to inspect supplies under the inspection provisions of this contract be prejudiced. The Contractor signed certificate shall be attached to or included on the top copy of the DD 250 or 1155 copies distributed to the payment office. When acceptance is at destination, a copy of the signed certificate shall also be attached to or entered on copies of the DD 250, DD 1155, or other appropriate documents accompanying the shipment. This certificate shall read as follows: "I hereby certify that on _____ (Date) the _____ (Contractor's Name) provided the supplies called for by Contract No. _____ via _____ (Carrier) on _____ (Bill of Lading or Shipping Document) in accordance with all applicable requirements for shipment. I further certify that the supplies are of the quality specified and are in all respects in conformance with the contract requirements, including specifications and/or drawings, preservation, packaging, packing and marking requirements; physical item identification (part number), and in the quantity shown on this, or the attached acceptance document."
Date of Execution: _____
Signature _____
Title _____

(End of Clause)

7-104.101 Reserved.

7-104.102 *Certification of Requests for Adjustment or Relief Exceeding $100,000.* In accordance with 1-342, insert the following clause.

CERTIFICATION OF REQUESTS FOR ADJUSTMENT OR RELIEF EXCEEDING $100,000 (1980 FEB)

(a) Any contract claim, request for equitable adjustment to contract terms, request for relief under Public Law 85-804, or other similar request exceeding $100,000 shall bear, at the time of submission, the following certificate given by a senior company official in charge at the plant or location involved:

I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief; and that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable.

_____
(Official's Name)

_____
(Title)

(b) The certification in paragraph (a) requires full disclosure of all relevant facts, including cost and pricing data.

(c) The certification requirement in paragraph (a) does not apply to:

(i) requests for routine contract payments—for example, those for payment for accepted supplies and services, routine vouchers under cost reimbursement-type contracts, and progress payment invoices;

(ii) final adjustments under incentive provisions of contracts;

(d) In those situations where no claim certification for the purposes of Section 813 has been submitted prior to the inception of a contract dispute, a single certification, using the language prescribed by the Contract Disputes Act but signed by a senior company official in charge at the plant or location involved, will be deemed to comply with both statutes.

(End of clause)

7-104.103 *Delivery of Excess Quantities of $100 or Less.* The following clause may be inserted in contracts for supplies:

DELIVERY OF EXCESS QUANTITIES OF $100 OR LESS (1980 DEC)

The Contractor is responsible for the delivery of each item quantity within allowable variations, if any. If the Contractor delivers and the Government receives quantities of any item in excess of the quantity called for (after considering any allowable variation in quantity), such excess quantities will be treated as being delivered for the convenience of the Contractor. The Government may retain such excess quantities up to $100 in value without compensating the Contractor therefor, and the Contractor waives all right, title, or interests therein. Quantities in excess of $100 will, at the option of the Government, either be returned at the Contractor's expense or retained and paid for by the Government at the contract unit price.

(End of clause)

7-104.104 *Reserved.*

7-204.58 *Cost/Schedule Control Systems.* In accordance with 1-331(h) and 3-501(b) Section C (xiv), insert the clause in 7-104.87.

7-204.56 *Engineering Change Proposals (ECP's).* In accordance with 26-205, insert the clause in 7-104.89.

7-204.57 *Change Order Accounting.* In accordance with 26-205, insert the clause in 7-104.90.

7-204.58 *Time of Delivery.* Insert a clause in accordance with 7-104.92.

7-204.59 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-204.60 *Preference For United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-204.61 *Submission of Commercial Freight Bills to the General Services Administration for Audit.* In accordance with 19-403.2(c), insert the following clause

SUBMISSION OF COMMERCIAL FREIGHT BILLS TO THE GENERAL SERVICES ADMINISTRATION FOR AUDIT (1976 FEB)

When transportation costs are reimbursed to the Contractor, the Contractor is required to furnish to the

General Services Administration — FZATR
Chester A. Arthur Building
Washington, D.C. 20406

(or to the ACO if specified) individual commercial freight bills (or equivalent shipment data and evidence of payment) for transportation charges in excess of $500.00.

(End of clause)

7-204.62 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-204.63 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-204.64 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-204.65 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-204.66 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-204.67 *Reserved.*

7-204.68 *Offset Arrangement.* In accordance with 6-1310.3(d), insert the clause in 7-104.105.

7-204.69 *Qualifying Country Sources as Subcontractors.* In accordance with 6-1403.4, insert the clause at 7-104.106.

7-205 Additional Clauses. The following clauses shall be inserted in cost-reimbursement type supply contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-205.1 *Alterations in Contract.* The clause in 7-105.1(a) may be inserted.

7-205.2 *Approval of Contract.* The clause in 7-105.2 may be inserted.

7-205.3 *Title and Risk of Loss.* Insert the clause in 7-103.6.

7-205.4 *Bill of Materials.* In accordance with 7-105.6, insert the clause therein.

7-205.5 *Reserved.*

7-205.6 *Stop Work Orders.* The clause in 7-105.3, if modified by changing (i) the words "the 'Termination for Convenience' clause of this contract" to "the 'Termination' clause of the contract" and (ii) the words "an equitable adjustment shall be made in the delivery schedule or contract price, or both" to "an equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected," is authorized for use in any cost-reimbursement type contract under the criteria and in accordance with the instructions in 7-105.3.

7-205.7 *Warranty of Technical Data.* In accordance with 1-324.6, insert the clause in 7-104.9(o).

Secretary and approved by the Contracting Officer, for all contracts with the Department of the Navy, *The Department*). When the Government has assumed liability for subcontracts, the term "*Contractor*" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to persons to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

(e) If insurance coverage or other financial protection program approved by the Secretary is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) The Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (ii) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (iii) immediately furnish to the Government copies of all pertinent papers received by the Contractor. The Government may direct, control or assist in the settlement or defense of any such claim or action. The Contractor shall comply with the Government's directions, and execute any authorizations required in regard to such settlement or defense.

(End of clause)

7-303.63 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-303.64 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-303.65 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-303.66 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-303.67 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-303.68 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-303.69 *Reserved.*

7-303.70 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-304 Additional Clauses. The following clauses shall be inserted in fixed-price research and development contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof.

7-304.1 *Changes.*

CHANGES (1968 JUN)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; and (iii) place of inspection, delivery, or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(End of clause)

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted, may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure the contract includes or is modified to include a defective pricing data clause (see 7-104.29).

7-304.2 *Alterations in Contract.* The clause in 7-105.1(a) may be inserted.

7-304.3 *Approval of Contract.* The clause in 7-105.2 may be inserted.

7-304.4 *Bill of Materials.* In accordance with 7-105.6, the clause set forth therein may be inserted.

7-304.5 *Notice of Shipments.* The clause in 7-103.4 may be inserted.

7-304.6 *Reports of Work.* In accordance with 7-404.6, the clause set forth therein may be inserted.

7-304.7 *Liquidated Damages.* In accordance with 1-310, the clause in 7-105.5 may be inserted.

7-304.8 *Reserved.*

7-304.9 *Reserved.*

7-304.10 *Warranties.* In accordance with 1-324, an appropriate warranty may be inserted.

7-304.11 *Stop Work Orders.* In accordance with 7-105.3, the clause set forth therein may be inserted.

7-304.12 *Term of Performance or Delivery Date.* Insert a clause in accordance with 1-305.5. Clauses in 7-104.92 shall be used as a guide.

INDEMNIFICATION UNDER PUBLIC LAW 85-804 — COST-REIMBURSEMENT TYPE CONTRACTS (1974 APR)

(a) Pursuant to Public Law 85-804 (50 U.S.C. 1431 - 1435) and Executive Order 10789, as amended, and notwithstanding any other provision of this contract, but subject to the following paragraphs of this clause, the Government shall hold harmless and indemnify the Contractor against:

(i) claims (including reasonable expenses of litigation or settlement) by third persons (including employees of the Contractor) for death, personal injury, or loss of, damage to, or loss of use of property;

(ii) loss of or damage to property of the Contractor, and loss of use of such property but excluding loss of profit; and

(iii) loss of, damage to, or loss of use of property of the Government but excluding loss of profit;

to the extent that such a claim, loss or damage (A) arises out of or results from a risk defined in this contract to be unusually hazardous or nuclear in nature and (B) is not compensated by insurance or otherwise. Any such claim, loss or damage within deductible amounts of Contractor's insurance shall not be covered under this clause.

(b) The Government shall not be liable for:

(i) claims by the United States (other than those arising through subrogation) against the Contractor; or

(ii) losses affecting the property of such Contractor;

when the claim, loss or damage was caused by the willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or principal officials. For purposes of this clause, the term "*principal officials*" means any of the Contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of:

(A) all or substantially all of the Contractor's business, or

(B) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or

(C) a separate and complete major industrial operation in connection with the performance of this contract.

The Contractor shall not be indemnified under this clause for liability assumed under any contract or agreement unless such assumption of liability has been specifically authorized by the Secretary and approved by the Contracting Officer (or in contracts with the Department of the Navy, *The Department*). When the Government has assumed liability for subcontracts, the term "*Contractor*" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to parties to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to his obligations to subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

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(e) If insurance coverage or other financial protection program approved by the Secretary is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) In addition to the Contractor's responsibilities under the "Insurance — Liability to Third Persons" clause of this contract, which are hereby made applicable to claims under this clause, the Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (ii) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (iii) to the extent required by the Government, permit and authorize the Government to direct, control or assist in the settlement or defense of any such claim or action. The cost of insurance (including self insurance), covering a risk defined in this contract as unusually hazardous or nuclear in nature shall not be reimbursed either as a direct or indirect cost except to the extent that such insurance has been required or approved under the "Insurance—Liability to Third Persons" clause hereof.

(g) "Limitation of Cost" / "Limitation of Funds" clauses of this contract do not apply to the Government's obligations under this clause. Such obligations shall be excepted from the release required under the "Allowable Cost" clause of this contract.

(End of clause)

7-403.58 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-403.59 *Submission of Commercial Freight Bills to the General Services Administration for Audit.* In accordance with 19-403.2(c), insert the clause in 7-304.61.

7-403.60 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-403.61 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-403.62 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-403.63 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-403.64 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-403.65 *Reserved.*

7-403.66 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-404 Additional Clauses. The following clauses shall be inserted in accordance with Departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-404.1 *Changes.*

CHANGES (1967 APR)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following:

(i) drawings, designs, or specifications;
(ii) method of shipment or packing; and
(iii) place of inspection, delivery, or acceptance.

(b) If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(i) in the estimated cost or delivery schedule, or both;
(ii) in the amount of any fixed fee to be paid to the Contractor; and
(iii) in such other provisions of the contract as may be affected, contract shall be modified in writing accordingly.

7-504.13 *Availability of Funds.* In accordance with 1-318, insert one of the clauses in 7-104.91.

7-504.14 *Term of Performance or Delivery Date.* When applicable, a clause in accordance with 7-104.92 may be used.

7-504.15 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-504.16 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-504.17 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-504.18 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-504.19 *Reserved.*

7-504.20 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-505 Additional Clause. The following clause shall be inserted in personal services contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof in such contracts.

7-505.1 *Alterations in Contract.* In accordance with 7-105.1(a), insert the clause therein.

Part 6—Construction and Architect-Engineer Contracts

7-600 Scope of Part. This Part sets forth uniform contract clauses for use in connection with the procurement of construction (see 18-100) and of architect-engineer services for the production and delivery of designs, plans, drawings and specifications, or for supervision and inspection of construction, or both.

7-601 General. As used throughout this Part, the term "construction contract" means any contract (other than one entered into on Standard Form 19 or DD Form 1155 (*see 16-401.2, 16-402.2, and 18-302*), a letter contract, a notice of award, or a modification not effecting new procurement) which is for construction as defined in 18-101.1.

7-602 Required Clauses for Fixed-Price Construction Contracts. The following clauses shall be inserted in all fixed-price construction contracts, except as otherwise provided in this Part.

7-602.1 *Definitions.*

DEFINITIONS (1964 JUN)

(a) The term "Head of the Agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

(End of clause)

Additional definitions may be included *provided* they are not inconsistent with the foregoing clause or the provisions of this Regulation.

7-602.2 *Specifications and Drawings.*

SPECIFICATIONS AND DRAWINGS (1964 JUN)

The Contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the Contracting Officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In case of discrepancy either in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the Contracting Officer, who shall promptly make a determination in writing. Any adjustment by the Contractor without such a determination shall be at his own risk and expense. The Contracting Officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

(End of clause)

7-602.3 *Changes.*

CHANGES (1968 FEB)

(a) The Contracting Officer may, at any time, without notice to the sureties, by written order designated or indicated to be a change order, make any change in the work within the general scope of the contract, including but not limited to changes:

program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractors noncompliance.

(i) A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

(j) The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

(k) The Contractor shall not enter into any subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

(l) The Contractor shall carry out such sanctions and penalties for violation of this clause and of the Equal Opportunity clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of this clause and Executive Order 11246, as amended.

(m) The Contractor, in fulfilling its obligations under this clause shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph (g) of this clause, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or this clause, the Director shall proceed in accordance with 41 CFR 60-4.8.

(n) The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (*e.g.*, mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

(o) Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (*e.g.*, those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

(End of clause)

7-603.61 ***Geographic Distribution of Defense Subcontract Dollars.*** **In accordance with 1-340, insert the clause in 7-104.78.**

7-603.62 *Reserved.*

7-604 Additional Clauses. The following clauses shall be inserted in contracts when it is desired to cover the subject matter thereof in such contracts.

7-604.1 ***Alterations in Contract.*** **(See 16-401.1(viii).) The following clause may be used if applicable, in negotiated contracts when Standard Form 23 is not used:**

ALTERATIONS (1964 JAN)

The following alterations were made in this contract before it was signed by the parties hereto.
(End of clause)

7-604.2 ***Approval of Contract.*** **The contract clause in 7-103.2 may be inserted.**

7-604.3 ***Layout of Work.*** **The following clause is authorized for use in construction contracts when appropriate.**

LAYOUT OF WORK (1968 JAN)

The Contractor shall lay out his work from Government established base lines and bench marks indicated on the drawings and shall be responsible for all measurements in connection therewith. The Contractor shall furnish, at his own expense, all stakes, templates, platforms, equipment, tools, and materials and labor as may be required in laying out any part of the work from the base lines and bench marks established by the Government. The Contractor will be held responsible for the execution of the work to such lines and grades as may be established or indicated by the Contracting Officer. It shall be the responsibility of the contractor to maintain and preserve all stakes and other marks established by the Contracting Officer until authorized to remove them. If such marks are destroyed, by the Contractor or through his negligence, prior to their authorized removal, they may be replaced by the Contracting Officer at his discretion. The expense of replacement will be deducted from any amounts due or to become due the Contractor.
(End of clause)

(2) "*Safety precaution areas*" means those portions of approach-departure clearance zones and transitional zones where placement of objects incident to contract performance might result in vertical projections at or above the approach-departure clearance surface or the transitional surface.

(A) The "approach-departure clearance surface" is an extension of the primary surface and the clear zone at each end of each runway, for a distance of 50,000 feet, first along an inclined plane (glide angle) and then along a horizontal plane, both flaring symmetrically about the runway centerline extended. The inclined plane (glide angle) begins in the clear zone 200 feet past the end of the runway (and primary surface) at the same elevation as the end of the runway, and continues upward at a slope of 50:1 (one foot vertically for each 50 feet horizontally) to an elevation of 500 feet above the established airfield elevation; at that point the plane becomes horizontal, continuing at that same uniform elevation to a point 50,000 feet longitudinally from the beginning of the inclined plane (glide angle) and ending there. The width of the surface at the beginning of the inclined plane (glide angle) is the same as the width of the clear zone; thence it flares uniformly, reaching the maximum width of 16,000 feet at the end.

(B) The "approach-departure clearance zone" is the ground area under the approach-departure clearance surface.

(C) The "transitional surface" is a sideways extension of all primary surfaces, clear zones, and approach-departure clearance surfaces along inclined planes. The inclined plane in each case begins at the edge of the surface. The slope of the inclined plane is 7:1 (one foot vertically for each 7 feet horizontally), and it continues to the point of intersection with the inner horizontal surface (which is the horizontal plane 150 feet above the established airfield elevation) or the outer horizontal surface (which is the horizontal plane 500 feet above the established airfield elevation), whichever is applicable.

(D) The "transitional zone" is the ground area under the transitional surface. (It adjoins the primary surface, clear zone and approach-departure clearance zone.)

(c) The Contractor shall report to the Contracting Officer before initiating any work and shall notify him of proposed changes of locations and operations.

(d) Neither equipment nor personnel shall use any runway for purposes other than aircraft operation without permission of the Contracting Officer unless the runway is closed by order of the Contracting Officer and marked as provided in (e)(2) below.

(e)(1) The Contractor shall place nothing upon the landing areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, the Contractor shall outline those landing areas hazardous to aircraft, with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) Before entering any landing area at an airfield where flying is controlled, additional permission must be obtained every time from the control tower operator, unless the landing area is marked as hazardous to aircraft in accordance with (2) above.

(4) All vehicles which the Contractor operates in landing areas shall be identified by means of a flag on a staff attached to and flying above the vehicle. The flag shall be three feet square and shall consist of a checkered pattern of international orange and white squares of one foot on each side (except that the flag may vary up to 10 percent from each of these dimensions).

(5) Unless otherwise authorized by the Contracting Officer, all other equipment and materials in the landing areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(6) Work shall be carried on so as to leave that portion of the landing area which is available to aircraft free from hazards, holes, piles of material, and projecting shoulders that might damage an airplane tire.

(f)(1) The Contractor shall place nothing upon the safety precaution areas without authorization of the Contracting Officer.

(2) Unless otherwise authorized by the Contracting Officer, all equipment and materials in safety precaution areas shall be marked with red flags by day, and with electric, battery-operated, low-intensity red flasher lights by night.

(3) All objects, placed in safety precaution areas, which project above the approach-departure clearance surface or above the transitional surface must be provided at night with a red light or red lantern.

(g) The Contractor shall keep all paved surfaces, such as runways, taxiways, and hardstands, clean at all times and, specifically, free from small stones which might damage aircraft propellers or jet aircraft.

(h) While work is actually being performed on the airfield by the Contractor, the operation of mobile equipment shall be governed by the safety provisions above. At all other times all mobile equipment shall be removed to locations approved by the Contracting Officer at a distance of at least 750 feet from the runway centerline plus any additional distance necessary to insure compliance with the other provisions of this clause.

(i) Only those trenches may be opened for which material is on hand and ready for placing therein. As soon as practicable after material has been placed and work approved, trenches shall be backfilled and compacted as required by the contract. Meanwhile all hazardous conditions shall be marked and lighted in accordance with the other provisions of this clause.
(End of clause)

* At some airfields the width of the primary surfaces is 1500 feet (750 feet on each side of the runway centerline). In such instances substitute the proper width in the clause

7-606.19 ***Limitation on Sales Commissions and Fees for Foreign Governments.*** **In accordance with 6-1305.6, insert the clause in 7-104.107.**

7-606.20 ***Reserved.***

7-606.21 ***Payment of Interest on Contractor's Claims.*** **In accordance with 1-333, insert the clause in 7-104.82.**

7-606.22 ***Cost Accounting Standards.*** **In accordance with 3-1204, insert the clauses in 7-104.83.**

7-606.23 ***Capture and Detention.*** **In accordance with 10-406, insert the clause in 7-104.94.**

7-606.24 ***Value Engineering.*** **A VE Incentive or Program Requirement clause may be included in Cost-Reimbursement Type construction contracts at the discretion of the Contracting Officer. Use 7-602.50 or 7-104.44 (as modified by 7-204.32(b) or (c)) to suit the procurement.**

7-606.25 ***Patent Rights.*** **In accordance with 9-107 and 18-908, insert the appropriate clause in 7-302.23.**

7-606.26 ***Filing of Patent Applications.*** **In accordance with 9-106, insert the clause in 7-104.6.**

7-606.27 ***Reporting of Royalties.*** **In accordance with 9-110(d), insert the clause in 7-104.8(a).**

7-606.28 ***Privacy Act.*** **In accordance with 1-327.1, insert the clause in 7-104.96.**

7-606.29 ***Preference for Domestic Specialty Metals.*** **In accordance with 7-104.93, insert the applicable clause therein.**

7-606.30 ***Exclusionary Policies and Practices of Foreign Governments.*** **In accordance with 6-1312, insert the clause in 7-104.97.**

7-606.31 ***Hazardous Material Identification and Material Safety Data.*** **In accordance with 1-323.2(b), insert the clause in 7-104.98.**

7-606.32 ***Geographic Distribution of Defense Subcontract Dollars.*** **In accordance with 1-340, insert the clause in 7-104.78.**

7-606.33 *Reserved.*

7-608.24 *Reserved.*

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(i) credits to, or adjustment of the prices of, the related contracts, subcontracts, or purchase orders benefiting from the use of the modernized or replacement equipment; or

(ii) payment to the Government through the Contracting Officer having cognizance of the Government production and research property; or

(iii) such other means as may be mutually agreed to.

(End of clause)

7-705.33 *Aircraft, Missile, and Space Vehicle Accident Reporting and Investigation.* In accordance with 7-104.81, insert the clause therein.

7-705.34 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-705.35 *Notice of Radioactive Materials.* In accordance with 7-104.80, insert the clause therein.

7-705.36 *Procurement of Miniature and Instrument Ball Bearings.* In accordance with 1-2207.3, insert the clause in 7-104.38.

7-705.37 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-705.38 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-705.39 *Term of Performance or Delivery Date.* When applicable, a clause in accordance with 7-104.92 may be used.

7-705.40 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-705.41 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-705.42 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-705.43 *Reserved.*

7-705.44 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-705.45 *Reserved.*

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7-902.38 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-902.39 *Term of Performance or Delivery Date.* When applicable, a clause in accordance with 7-104.92 may be used.

7-902.40 *Availability of Funds.* In accordance with 1-318, insert one of the clauses in 7-104.91.

7-902.41 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-902.42 *Warranty of Technical Data.* In accordance with 1-324.6, insert the clause in 7-104.9(a).

7-902.43 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-902.44 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-902.45 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-902.46 *Reserved.*

7-902.47 *Limitations on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

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Part 10—Stevedoring Contracts

7-1000 Scope of Part. This Part sets forth uniform contract clauses for use in stevedoring contracts as defined in 22-401. These clauses are to be used in addition to other required or applicable clauses set forth in Part 19 of this Section.

7-1001 Technical Provisions. The following clauses or appropriate revisions in accordance with 22-404 shall normally be included in all stevedoring contracts.

7-1001.1 *Scope of Contract.*

SCOPE OF CONTRACT (1964 AUG)

(a) *General.* The Contractor shall load and discharge cargoes and in connection therewith shall perform all the duties of a stevedore on any vessel which the Contracting Officer may designate at ——— upon the terms and conditions hereinafter set forth for the term of this contract, beginning ——— and ending ———; *provided*, however, that any work started before and not completed by the expiration of this contract shall be governed by the terms of this contract unless otherwise directed by the Contracting Officer.

(b) *Contractor's Duties.*

(1) *Loading.* In loading vessel, the Contractor shall remove and handle cargo from place of rest on pier or in pier shed or within the cargo assembly area; also from open-top railroad cars, trucks and trailers alongside ship; also from barges, lighters, scows, car floats and open-top railroad cars on car floats alongside ship. The Contractor shall stow said cargo in any space in the vessel, including bunker space, holds, 'tween decks, on deck, and deep tanks, in the order directed by and in a manner satisfactory to the Contracting Officer.

(2) *Discharging.* In discharging vessel, the Contractor shall remove and handle cargo from any space in the vessel, including bunker space, holds, 'tween decks, on deck, and deep tanks. The Contractor shall load said cargo at place of rest on pier or in pier shed or within the cargo assembly area; also on open-top railroad cars, trucks and trailers alongside ship; also on barges, lighters, scows, car floats and open-top railroad cars on car floats alongside ship. The Contractor shall perform such discharging in the order directed by and in a manner satisfactory to the Contracting Officer.

(3) *Handling Explosives.* In addition to (1) and (2) above, the following provisions are applicable to the loading and discharging of explosives:

(a) In loading explosives the Contractor shall perform all the stevedoring services necessary for the breaking-out and discharging from railroad cars, trucks and/or lighters alongside ship or from place of rest on pier, transporting to the vessel, and properly loading, stowing and normal securing and chocking in the vessel in a manner directed by applicable U.S. Coast Guard, Army, or Navy regulations.

(b) In discharging explosives the Contractor shall perform all stevedoring services necessary for discharging cargo from the vessel to place of rest on pier or the transporting to and loading into railroad cars, trucks and/or lighters. The Contractor shall also prepare and line the cars for handling the cargo (except the laying of new flooring) and shall brace, secure, cut bands, and lash the cargo in the cars in accordance with applicable regulations and shall place "explosive" placards on the cars prior to release, and shall close and seal all doors.

(c) The furnishing and preparation of gates, studs, new flooring, etc., for blocking railroad cars, as well as prefabrication of blocking in the vessel's hold, will be at the expense of the Government.

(d) The Contractor shall not be compensated for standby time when caused by slow-up or delay of one of his operations, which delay directly affects the other operations, such as delay in loading railroad cars, or in discharging from ship's hatches, unless such slow-up or delay was beyond the control and without the fault or negligence of the Contractor. This does not include the time required for shifting railroad cars. No standby time will be allowed unless previously approved by the Contracting Officer.

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7-1601.12 *Vans.*

VANS (1970 MAY)

Vans used in transporting unpacked and uncrated furniture shall be of the closed type and shall be supplied with sufficient clean pads, covers, and any other equipment to protect personal property adequately during transit and delivery. Vehicles used in transporting containerized personal property may be of the open type *provided*, a weatherproof tarpaulin is used to protect the shipment.

(End of clause)

7-1601.13 *Drayage.*

DRAYAGE (1977 APR)

(a) Drayage under the Schedules of Items in this contract shall include all outbound or inbound hauling of loose articles, containerized shipments and empty Government containers within the area of performance as defined in the clause entitled "Contract Areas of Performance." Each area includes the Contractor's facility, storage warehouse other than Contractor's facility, frequently used air and surface transportation terminals, military installation shipping offices and ocean or river terminals/piers. The price of each item of service includes drayage within the area awarded, unless otherwise provided in the item.

(b) Repositioning of empty Government containers within the contractual area of performance, shall be as directed by the Contracting Officer or his designated representative at no additional cost to the Government.

(End of clause)

7-1601.14 *Liability.*

LIABILITY (1980 JUL)

(a) "Article" means any shipping piece or package and its contents.

(b) If notified within one (1) year after delivery that the owner has discovered loss of or damage to his property, the Contractor agrees to indemnify the owner for loss of or damage to the owner's property which arises from any cause while it is in the Contractor's possession as follows:

(i) *Non-negligent Damage.* The Contractor shall indemnify owners for any loss of or damage to their property which results from any cause, other than the Contractor's negligence, at a rate not to exceed sixty cents ($.60) per pound per article.

(ii) *Negligent Damage.* When loss or damage is caused by the negligence of the Contractor, he shall be liable for the full cost of satisfactory repair or for the current replacement value of the article. The Contractor shall make prompt payment to the owner of the property for any loss or damage for which the Contractor is liable.

(c) In the absence of evidence or supporting documentation which places liability on a carrier or another contractor, the destination contractor will be presumed to be liable for loss or damage of which it is timely notified.

(End of clause)

7-1601.15 *Erroneous Shipments.*

ERRONEOUS SHIPMENTS (1977 APR)

(a) It shall be the responsibility of the Contractor at his expense to have articles of personal property which he inadvertently packed with goods of other than the rightful owner forwarded to the rightful owner by the quickest means of transportation, as selected by the Contracting Officer.

(b) Further, it shall be the responsibility of the Contractor to insure that all shipments have been stenciled correctly. When a shipment is forwarded to an incorrect address due to incorrect stenciling by the Contractor or his personnel, the shipment shall be returned with the least possible delay to its rightful owner by a mode of transportation selected by the Contracting Officer. The Contractor shall be liable for all costs incurred including charges for preparation, drayage and transportation.

(c) It shall be the responsibility of the Contractor to deliver to the designated air or surface terminal all pieces of a shipment, in one lot, at the same time. Pieces of one lot not included in delivery and remaining at Contractor's facility after the departure of the original shipment shall be forwarded to the owner with the least possible delay by a mode of transportation selected by the Contracting Officer or his designated representative. The Contractor shall be liable for all additional transportation costs incurred in excess of what it would have cost the Government had the entire lot been shipped at the same time.

(End of clause)

7-1601.16 *Additional Marking Instructions.*

ADDITIONAL MARKING INSTRUCTIONS (1970 MAY)

(a) All containers of professional books, papers or equipment shall be stenciled "Professional Books, Papers, Equipment" and their weights shall be shown separately on packing lists.

(b) Unaccompanied baggage containers shall be marked as such.

(End of clause)

7-1601.17 *Weight Certificates.*

WEIGHT CERTIFICATES (1970 MAY)

A weight certificate, in triplicate, from a certified scale or weighmaster shall be submitted to the transportation officer for all outbound shipments.

(End of clause)

7-1601.18 *Report of Lost/Damaged Material.*

REPORT OF LOST/DAMAGED MATERIAL (1977 APR)

It shall be the responsibility of the Contractor when making delivery to prepare a separate report listing all articles lost or damaged and describing such loss or damage. This report will be forwarded to the transportation officer within seven (7) working days after the delivery of the goods.

(End of clause)

7-1601.19 *Subcontracting.*

SUBCONTRACTING (1970 MAY)

The Contractor shall not subcontract without the prior written approval of the Contracting Officer. The facilities of any approved subcontractor shall meet the minimum standards required by this contract.

(End of clause)

7-1601.20 *Additional Services.*

ADDITIONAL SERVICES (1977 APR)

Additional services not included in the schedule, but required for satisfactory completion of services ordered under this contract shall be provided at a rate not in excess of the rate for like services as contained in applicable Military Rate Tenders or in the absence of a Military Rate Tender, applicable tariff in effect at time of order.

(End of clause)

7-1702.17 *Rights in Data.* In accordance with 7-104.9, insert the appropriate clause, or clauses, therein.

7-1702.18 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-1702.19 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-1702.20 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-1702.21 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-1702.22 *Reserved.*

7-1702.23 *Limitation on Sales Commissions and Fees for Foreign Governments.* **In accordance with 6-1305.6, insert the clause in 7-104.107.**

7-1703 Clauses To Be Used When Special Construction Charges Are Expected. Insert the following clauses in contracts with common carriers whenever it is expected that in order to secure the services and facilities it will be necessary for the Government to reimburse the contractor for, or to assume a contingent termination liability for, all or part of the costs of constructing or providing the facilities or equipment. If the necessity of paying such charges or of assuming such a liability arises subsequent to the execution of the contract, these clauses shall be included in the contract by supplemental agreement. With the exception of the clauses prescribed by 7-1703.1 and 7-1703.2, the clauses prescribed by this paragraph may be varied to meet specific requirements of an appropriate governmental regulatory body or when the basic intent is not changed.

7-1703.1 *Labor Standards for Construction Work.* Except as provided in 18-703.3 and 18-703.4 when the special construction involves construction (as defined in 18-101.1) of a public building or public work, and under 12-106 the construction labor standards are applicable (see 22-1010.2), insert the clause in 7-705.5.

7-1703.2 *Buy American — Construction Contracts.* In accordance with 7-602.20 and 7-602.24, insert the clauses therein whenever the contract involves construction (as defined in 18-101.1).

7-1703.3 *Special Construction and Equipment Charges.*

SPECIAL CONSTRUCTION AND EQUIPMENT CHARGES (1971 APR)

(a) Except to the extent provided in the clause of this contract entitled "Cancellation or Termination of Orders," the Government shall not directly reimburse the Contractor for charges based on the cost of constructing any facilities or providing any equipment unless such direct reimbursement is specifically authorized by the Contracting Officer. If, at any time, facilities or equipment for which the Government has directly reimbursed the Contractor in whole or in part are discontinued, the Contractor shall allow the Government such credit as may be appropriate for the value of the facilities or equipment attributable to the Government's contribution. The value of the facilities and equipment shall be determined on the basis of the foreseeable reuse of the facilities and equipment by the Contractor at the time their use is discontinued or on the basis of the net salvage value, whichever is greater. The Contractor shall promptly pay the Government the amount of any such credit.

(b) The amount of any direct special construction charge shall not exceed the actual costs to the Contractor, properly allocable to the services to be provided to the Government, of specially constructing or providing the facilities or equipment involved. In no event shall the amount of any direct special construction charge include costs incurred by the Contractor which are covered by a cancellation or termination liability or by the Contractor's recurring or other nonrecurring charges. The Contractor represents that in establishing his recurring charges for the services, facilities and equipment involved, he has not included in his rate base any costs for which he has been reimbursed by the Government and that depreciation charges are based only on the cost of facilities and equipment paid by the Contractor and not reimbursed by the Government. If, due to circumstances beyond the control and without the fault of the Contractor, it becomes necessary for the Contractor to incur costs for the replacement of any facilities or equipment for which direct special construction charges were assumed by the Government or for which the Contractor was reimbursed by the Government beyond that provided as a part of the Contractor's recurring charges, the Government shall assume such costs or reimburse the Contractor for such replacement costs at rates mutually acceptable to both the Government and the Contractor. Prior to incurring such costs, the Government shall have the right to terminate such service in accordance with the clause entitled "Cancellation or Termination of Orders."

(End of clause)

7-1703.4 *Title to Communication Facilities and Equipment.*

TITLE TO COMMUNICATION FACILITIES AND EQUIPMENT (1971 APR)

Notwithstanding payment by the Government of any of the Contractor's costs of constructing communication facilities and equipment, title to all contractor furnished facilities and equipment used in providing communication services ordered under the contract shall remain in the Contractor except as may be specifically provided in a CSA issued and accepted hereunder, and the Contractor shall operate and maintain all such communication facilities and equipment.

(End of clause)

7-1703.5 *Subcontracts.* In accordance with the requirements of 23-201, insert an appropriate clause entitled Subcontracts.

7-1703.6 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-1703.7 *Minority Business Enterprises.* In accordance with 1-332, insert the appropriate clause or clauses in 7-104.36.

right to examine any directly pertinent books, documents, papers, and records of the Contractor until the expiration of 3 years after final payment under this contract.

(d) This clause shall be deemed to constitute the exclusive contractual remedy of the Contractor for adjustment arising out of the decision to apply the Service Contract Act, as amended, to the work covered by this contract. Failure of the parties to reach an understanding as to such adjustment shall be considered a dispute subject to the Disputes clause of the contract.

(End of clause)

7-1903.42 *Patent Rights.* When experimental, developmental, or research work may be performed under the contract, insert the appropriate clause in 7-302.23.

7-1903.43 *Government Delay of Work.* The clause in 7-104.77 may be inserted.

7-1903.44 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-1903.45 *Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles.* In accordance with 7-104.81, insert the clause therein.

7-1903.46 *Management Systems Requirements.* In accordance with 16-827.1, insert the clause in 7-104.50.

7-1903.47 *Payment of Interest on Contractor's Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-1903.48 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-1903.49 *Availability of Funds.* In accordance with 1-318, insert one of the clauses in 7-104.91.

7-1903.50 *Capture and Detention.* In accordance with 10-406, insert the clause in 7-104.94.

7-1903.51 *Value Engineering.*

(a) In accordance with 1-1702, insert the appropriate clauses in 7-104.44 modified, as required, to suit the particular procurement involved.

(b) Insert additional paragraph as follows:

( ) Contractor proposals which eliminate, modify or substitute new procedures for contractually required work procedures shall qualify for instant contract savings sharing. If this is a time and material or labor-hour contract, the "effect of the proposal on the Contractor's cost of performance," for purposes of the instant contract sharing paragraph (e)(1) of the clause, shall be determined by (i) multiplying the time per item saved by the elimination, modification, or substitution by the labor-hour rate agreed upon for the workers involved, and then (ii) multiplying the result by the number of items over which the task has been delayed, and (iii) taking into account in the usual manner the Contractor's cost of developing the proposal and of implementing the change, and increased Government costs related to implementing the proposal. (The result under (i) would be the unit cost reduction for purposes of determining future acquisition savings.)

(End of clause paragraph)

7-1903.52 *Buy American Act.* In accordance with 7-104.3, insert the clause therein.

7-1903.53 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-1903.54 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-1903.55 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-1903.56 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-1903.57 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-1903.58 *Reserved.*

7-1903.59 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-1904 Additional Clauses for Use in Fixed-Price Service Contracts. The following clauses may be inserted in fixed price service contracts in accordance with Departmental procedures when it is appropriate to do so.

7-1904.1 *Alterations in Contract.* The clause in 7-105.1(a) may be inserted.

7-2003.80 *Woman-Owned Business.* In accordance with 2-201(a)Sec.K(xviii), 2-201(b)(lviii), or 3-501(b)(3)Sec.K(xxi), insert the following provision in all solicitations except those made outside the United States.

WOMAN-OWNED BUSINESS (1978 SEP)

The offeror represents that the firm submitting this offer ( ) is, ( ) is not, a woman-owned business. A woman-owned business is a business which is, at least, 51 percent owned, controlled and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, women-owned if this information is available.

(End of provision)

7-2003.81 *Percent Foreign Content.* In accordance with 2-201(a)Sec.K(xix), 2-201(b)(lix), or 3-501(b)(3)Sec.K(xxii), insert the following provision in all solicitations except those made outside the United States.

PERCENT FOREIGN CONTENT (1978 SEP)

Approximately ---------- percent of the proposed contract price represents foreign content or effort.

(End of provision)

7-2003.82 Recovered Material. The following certification shall be inserted in solicitations as required by 1-2500.5(b):

RECOVERED MATERIAL (1979 MAR)

The Contractor certifies by signing this bid/proposal/quotation that recovered materials, as defined in DAR 1-2500.4, will be used as required by the applicable specifications.

7-2003.83 *Reserved.*

7-2003.84 *Statement of Equivalent Rates for Federal Hires.* In accordance with 12-1005.2(b)(3), insert the following provision in all solicitations for the acquisition of services to which the clause at 7-1903.41(a) applies:

RATES FOR EQUIVALENT FEDERAL HIRES (1979 SEP)

In compliance with the Service Contract Act of 1965, as amended, and the regulations of the Secretary of Labor (29 CFR Part 4), this solicitation incorporates a statement of Federal employee classes, incorporating wages paid and fringe benefits provided to each class. These Federal classes are comparable to the service employee classes expected to be employed under the contract resulting from this acquisition. (THE STATEMENT IS FOR INFORMATION ONLY).

(End of provision)

7-2003.85 *SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA).* In accordance with 12-1005.2(b)(5), insert the following provision in all solicitations for the acquisition of services to which—

(i) the clause at 7-1903.41(a) applies;

7-2102.5 *Misplaced Material.* If the contract involves work on or adjacent to a navigable stream, insert the clause in 7-603.32.

7-2102.6 *Signal Lights.* If the contract involves the use of marine equipment, insert the clause in 7-603.33.

7-2102.7 *Military Security.* In accordance with 7-104.12, insert the clause set forth therein in contracts involving classified facilities except in those contracts to be performed outside the United States, its possessions and Puerto Rico.

7-2102.8 *Identification of Employees.* In accordance with 7-603.34, insert the clause set forth therein where identification is required for security or other reasons.

7-2102.9 *Interest.* In accordance with E-620, insert the clause in 7-104.39.

7-2102.10 *Examination of Records by Comptroller General.* In accordance with 7-104.15, insert the clause therein in negotiated contracts in excess of $10,000.

7-2102.11 *Utilization of Small Business Concerns.* In accordance with 1-707.3(a), insert the clause in 7-104.14(a).

7-2102.12 *Small Business Subcontracting Program.* In contracts which may exceed $500,000 and which contain the clause in 7-104.14(a), insert the following clause:

SMALL BUSINESS SUBCONTRACTING PROGRAM (1976 OCT)

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors, including suppliers, under this contract. In this connection, the Contractor shall designate an individual to (i) maintain liaison with the Government on small business matters, and (ii) administer the Contractor's Small Business Subcontracting Program.

(b) Notwithstanding the instructions on DD Form 1140-1, prior to completion of the contract and as soon as the final information is available, the Contractor shall submit a one-time completed DD Form 1140-1 to the Government addressees prescribed thereon. The DD Form 1140-1 shall show the prime contract number in lieu of identifying a quarterly report period. This subparagraph (b) is not applicable if the Contractor is a small business concern.

(c) The Contractor further agrees (i) to insert the "*Utilization of Small Business Concerns*" clause in subcontracts which offer substantial subcontracting opportunities, and (ii) to insert in each such subcontract exceeding $500,000 a clause conforming substantially to the language of this clause except that subcontractors shall submit DD Form 1140-1 direct to the Government addressees prescribed on the Form. The Contractor will notify the Contracting Officer of the name and address of each subcontractor that will be required to submit a report on DD Form 1140-1.

(End of clause)

7-2102.13 *Utilization of Minority Business Enterprises.* In accordance with 1-332.2, insert the clause in 7-104.36(a).

7-2102.14 *Minority Business Enterprises Subcontracting Program.* In accordance with 1-332.2, insert the clause in 7-104.36(b).

7-2102.15 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-2102.16 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-2102.17 *Convict Labor.* In accordance with Section XII, Part 2, insert the clause in 7-104.17.

7-2102.18 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the appropriate clause therein.

7-2102.19 *Audit by Department of Defense.* In accordance with 7-104.41, insert the clause therein.

7-2102.20 *Subcontractor Cost or Pricing Data.* In accordance with 7-104.42, insert the appropriate clause therein.

7-2102.21 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-2102.22 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-2102.23 *Reserved.*

Part 22—Reserved

This Part reserved pending approval of a test of the Short Form Research Contract (SFRC). (See Item XVI, DAC #76-27, dated 15 May 1981.

Part 23—Automatic Data Processing (ADP) Contracting

7-2300 Scope of Part. In accordance with 4-1104.5, this Part sets forth additional uniform contract clauses for use in connection with automatic data processing (ADP) contracting when procurement authority is delegated by GSA. (See Section IV, Part 11.)

7-2301 Reserved.

7-2302 Clauses to Use When Applicable.

7-2302.1 *Limitation of Liability.* The following clause shall be used in all solicitations and contracts for ADPE, software, ADP maintenance services, ADP supplies, and certain other contractual ADP support services unless the contracting officer determines that a higher degree of protection is in the best interest of the Government.

WARRANTY EXCLUSION AND LIMITATION OF DAMAGES (1981 MAY)

Except as expressly set forth in writing in this agreement, or except as provided in the clause entitled "Commitments, Warranties, and Representations," if applicable, and except for the implied warranty of merchantability, there are no warranties expressed or implied. In no event will the Contractor be liable to the Government for consequential damages as defined in the Uniform Commercial Code, Section 2-715, in effect in the District of Columbia as of January 1, 1973; i.e., consequential damages resulting from the seller's breach include:

(a) Any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) Injury to person or property proximately resulting from any breach of warranty.

(End of clause)

7-2302.2 *Contractor Representation.* The following clause shall be used in all solicitations and contracts for ADPE when the Government's requirement is set forth in the form of a data system specification and the value of the contract is expected to exceed $100,000.

CONTRACTOR REPRESENTATION (1981 MAY)

Unless the Contractor expressly states otherwise in his proposal, where functional requirements are expressly stated as part of the requirements of this solicitation, the Contractor, by responding, represents that in its opinion the system proposed is capable of meeting those requirements. However, once the functions have been demonstrated or put to use on the delivered system, Contractor responsibility under this clause ceases. In the event of any inconsistency between the detailed specifications and the functional specification contained in the solicitation, the former will control.

(End of clause)

The invoice or voucher, if proper, shall be approved by the TCO by noting thereon the following:

Payment in the amount of $.....approved.

8–213.2 *Final Payment.*

(a) *Negotiated Settlement.* Upon execution of a settlement agreement, a voucher or invoice showing the amount agreed upon, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment. A copy of the settlement agreement shall be attached to the voucher or invoice.

(b) *Settlement by Determination.* In the event of a settlement by determination:

(i) if the contractor has not appealed the determination a voucher or invoice showing the amount so determined to be due, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment; or

(ii) if the contractor has appealed the determination, a voucher or invoice showing the amount finally determined on such appeal to be due, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment. Pending determination of any appeal, an invoice or voucher pursuant to (i) above may be presented to the disbursing officer for payment, without prejudice to the rights of either party on the appeal.

(c) *Interest.* No interest shall be paid by the Government on the amount due under a settlement agreement or a settlement by determination. Interest may, however, be allowed on successful contractor appeals to the contracting officer's determination in accordance with the Payment of Interest on Contractors' Claims clause in 7–104.82.

8–214 Cost Principles. The cost principles and procedures set forth in the applicable Part of Section XV shall, subject to the general policies set forth in 8–301, (i) be used in claiming, negotiating, or determining costs relevant to termination settlements under fixed price and cost reimbursement type contracts with other than educational institutions; and (ii) be a guide for the negotiation of settlements under fixed price or cost reimbursement type contracts for experimental, developmental or research work with educational institutions (but see 15–103(iii)).

8–215 Settlement of Unadjusted Contract Changes.

(a) Prior to settlement of a completely terminated contract, the TCO shall obtain from the purchasing office a list of all unadjusted contract changes pertaining thereto. The TCO shall settle, as part of final settlement, all unadjusted contract changes after obtaining the recommendations of the purchasing office concerning such changes.

(b) When the contract has been partially terminated, any outstanding unadjusted contract changes will be handled by the purchasing office. However, delegation may be made by the PCO to the TCO.

8–216 Terminated Contracts With Canadian Commercial Corporation.

(a) The termination and settlement of contracts with the Canadian Commercial Corporation shall be effected in accordance with the provisions of (i) the Letter of Agreement between the Department of Defence Production (Canada) and the United States Department of Defense (6–1401(a)); (ii) policies in Section VI, Part 5, and Section VIII; and (iii) the Manual of Procedure on Termination of Contracts, Department of Defence Production (Canada).

(b) The termination claim of Canadian Commercial Corporation shall be submitted in the form prescribed in 8–802, and shall reflect the amount of settlements with subcontractors. The letter transmitting the claim shall certify that (i) subcontract settlements with Canadian subcontractors have been approved by the Contracts Settlement Committee of the Department of Defence Production (Canada), if required pursuant to the Manual of Procedure on Termination of Contracts, Department of Defence Production (Canada), and (ii) that disposition of inventory has been completed. The TCO shall prepare an appropriate settlement agreement pursuant to the provisions of 8–210 and 8–805.

(c) All Canadian subcontracts shall be settled by the Canadian Commercial Corporation pursuant to 6–504.3. Schedules listing serviceable or usable contractor inventory shall be submitted by the Canadian Commercial Corporation to the TCO for screening in accordance with the provisions of 24–205. Transfer instructions resulting from screening procedures shall be submitted to the Canadian Commercial Corporation for action. At the expiration of the screening period, the TCO shall advise the Canadian Commercial Corporation to proceed with disposition of contractor inventory determined to be surplus to the requirements of the Government. The settlement of Canadian subcontracts shall not be subject to approval or ratification by the TCO, except that in cases that result in a proposed negotiated settlement in excess of the total contract price of the prime contract, ratification of the proposed settlement by the United States PCO, evidenced by a contract modification increasing the contract price and obligating required additional funds shall be obtained by the TCO prior to final settlement.

(d) Termination claims submitted by United States subcontractors and suppliers normally should be referred by the Canadian Commercial Corporation to the TCO (normally DACSR, Cleveland) for settlement in accordance with this Section and Section XXIV. Upon completion of all settlement action, the TCO shall advise the Canadian Commercial Corporation of the amount of the net settlement agreed upon, which shall be included in the termination claim submitted pursuant to (b) above. Execution of a settlement agreement with the subcontractor shall be the responsibility of the Canadian Commercial Corporation.

8–217 Settlement of Terminated Contracts With Incentive Provisions.

(a) *FPI Contracts.* The settlement of terminated contracts containing an incentive clause shall be in accordance with the provisions of paragraph (i) of the clause in 7–108.1

(1) *Partial Termination.* Under a partial termination of a FPI contract, the TCO shall negotiate a settlement pursuant to the termination for convenience clause, as provided in paragraph (i) of the clause in 7–108.1 and paragraph (k) of the clause in 7–108.2. The application of the incentive price revision provisions to completed items accepted by the Government, including any for which reimbur-

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(1) technical data resulting directly from performance of experimental, developmental, or research work which was specified as an element of performance in a Government contract or subcontract;

(2) technical data necessary to enable others to manufacture end-items, components and modifications, or to enable them to perform processes, when the end-items, components, modifications or processes have been, or are being, developed under Government contracts or subcontracts in which experimental, developmental or research work was specified as an element of contract performance, except technical data pertaining to items, components or processes developed at private expense;

(3) technical data prepared or required to be delivered under any Government contract or subcontract and constituting corrections or changes to Government-furnished data;

(4) technical data pertaining to end-items, components or processes, prepared or required to be delivered under any Government contract or subcontract, for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(5) manuals or instructional materials prepared or required to be delivered under a Government contract or subcontract for installation, operation, maintenance or training purposes; and

(6) technical data which is in the public domain or has been or is normally released or disclosed by the contractor or subcontractor without restriction on further disclosure. "In the public domain" means available to the public without copyright or other restriction of any kind.

(c) *Limited Rights Technical Data.* Except as provided in (b) above, unpublished technical data pertaining to items, components or processes developed at private expense will be acquired with limited rights, provided that the data is identified as limited rights data in accordance with paragraph (b)(2) of the clause in 7–106.9(a). Unpublished, as applied to technical data and computer software documentation, means that which has not been released to the public nor been furnished to others without restriction on further use or disclosure.

(It should be clearly understood that the above statement of policy is a recital of rights to be acquired in technical data. Neither the foregoing statement of data rights policy, nor its implementing paragraph (b)(1) and (2) of the clause in 7–104.9(a), establishes data requirements for a particular contract. It should also be noted that technical data pertaining to items, components or processes developed at private expense may be called for, required, or otherwise furnished under (b)(1), (3), (4), (5) and (6) above and, as such, it will be acquired with unlimited rights. Contract clauses and the schedule establish the form and type of data to be furnished; the categories into which such technical data fall, determine the rights to be obtained by the Government to use or publish such data.)

(d) *Predetermination of Rights in Technical Data.*

(1)(a) When the Government needs technical data with unlimited rights, any data which the offeror intends to deliver with limited rights pursuant to (c) above should be identified prior to contract award, if feasible, and an agreement with respect thereto shall be incorporated in the contract. This procedure is called predetermination of rights in technical data.

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(b) The procedure may be initiated by the contracting officer or an offeror during the negotiation of a negotiated contract. In order to be productive, the procedure should apply only to that technical data for which rights may practicably be identified. Although the agreement may also cover technical data to be delivered with unlimited rights, in no case shall the procedure be used to require the contractor to furnish, with unlimited rights, data which he is entitled to furnish with limited rights under the policy in (c) above. The contracting officer shall consult his counsel as fully as possible in determining whether to use the procedure and in connection with the various steps of the procedure.

(2) Any agreements reached shall be incorporated in the Schedule of the contract directly or by reference and shall describe specifically the technical data which may be furnished with limited rights pursuant to (c) above. The contracting officer may, however, review the data asserted to be limited rights data to determine whether to invoke the procedures of (f) below to negotiate to purchase unlimited rights in any of the data, or adopt some alternative such as to:

(i) delete or modify the requirement for the data in which the Government would need unlimited rights if it were ordered, or

(ii) modify the specifications so as not to require or permit the use of the item, component or process covered by the limited rights data, or

(iii) include a contractual option to acquire unlimited rights.

(3) When the predetermination of rights in data procedure is to be used, include the provision in 7-2003.61 in the Request for Proposals.

(4) If completion of predetermination proves impracticable before award, or if contractual requirements relating to design or data items are changed during the course of a contract, an appropriate provision shall be included in the contract, requiring the contractor to complete the identification of limited rights with respect to that data listed in the solicitation for which predetermination was proposed, or to identify limited rights data relating to the changed requirements.

(e) *Subcontracts.* It is the policy of the Department of Defense that prime contractors and higher-tier subcontractors shall not use their power to award subcontracts as economic leverage to acquire rights in the technical data of their subcontractors for themselves. Accordingly, a subcontractor who would have the right pursuant to (c) above to furnish technical data with limited rights, may furnish such limited rights data directly to the Government rather than through the prime contractor.

(f) *Specific Acquisition of Unlimited Rights in Technical Data.*

(1) Notwithstanding (c) above or any other provision of this Part, the Government may acquire unlimited rights in any limited rights technical data by means of negotiation with an individual contractor or subcontractor, or as a part of a competition among several contractors or subcontractors. Such individual negotiation or competition may be conducted either by the Government, or upon Government request by the prime contractor or higher-tier subcontractor. Such unlimited rights in technical data shall be stated in the contract schedule as a separate item and shall be separately priced. Unlimited rights in technical data shall not be acquired under this paragraph unless it is determined after a finding upon a documented record that:

(i) there is a clear need for reprocurement of the item, component or process to which the technical data pertains;

(c) *Marking of Technical Data.*

(1) Technical data delivered to the Government pursuant to any contract requirement shall be marked with the number of the prime contract, except as provided in 9-605(b), and the name of the contractor and any subcontractor who generated the data. Each piece of data submitted with limited rights shall also be marked with:

(i) the authorized restrictive legend,

(ii) an indication (for example, by circling, underscoring, or a note) of that portion of the piece of data to which the legend is applicable, and

(iii) an explanation of the indication used to identify limited rights data.

The Government shall include such identifying markings on all reproductions thereof, unless the Government cancels such markings pursuant to (c)(2), (d)(3) or (d)(4) below.

(2) The contractor has the responsibility to assure that no restrictive markings are placed on technical data except in accordance with the "Rights in Technical Data and Computer Software" clause in 7-104.9(a). Copyright notices as specified in Title 17 United States Code, Sections 401 and 402, are not considered "restrictive markings." When the clause in 7-104.9(a) is required by 9-203(a), the "Restrictive Markings on Technical Data" clause in 7-104.9(p) shall also be included in the contract. The contractor's procedures required by this clause shall be reviewed periodically by the Contract Administration Office. In addition to the rights afforded to the Government by the clause in 7-104.9(p), the following actions are available to insure proper marking of technical data:

(i) The procedures in paragraph (d), "Removal of Unauthorized Markings," of the clause in 7-104.9(a) may be invoked if the contractor fails to follow procedures required by the clause in 7-104.9(p) or fails to correct deficiencies within a specified time.

(ii) Failure to follow proper marking procedures may also be deemed to render technical data nonconforming and subject to 14-406 and to withholding of payments under the "Technical Data—Withholding of Payments" clause.

(iii) When a pre-award survey is requested by the purchasing office, the quality assurance review shall include as an item of special inquiry an examination of the prospective contractor's procedures for complying with the "Restrictive markings on Technical Data" clause.

(iv) The contractor's procedures for complying with the "Restrictive Markings on Technical Data" clause shall be reviewed when holding post-award conferences pursuant to Section I, Part 18.

(d) *Unmarked or Improperly Marked Technical Data.*

(1) The Government shall have the right to require the contractor to furnish clear and convincing evidence of the propriety of any restrictive markings used by the contractor on data furnished to the Government under contract.

PATENTS, DATA, AND COPYRIGHTS

Part 6—Rights in Computer Software Acquired Under Contract

9-600 Scope of Part

(a) This Part sets forth the policies, instructions, and procedures pertaining to the acquisition of rights to use, duplicate, and disclose computer software. For the purpose of this Part, computer software consists of computer programs and computer data bases. This Part 6 shall apply to computer programs and computer data bases exclusively. Computer software documentation relating to a computer program or a computer data base is "*technical data*" to which Part 2 is applicable.

(b) This Part relates only to the rights to be acquired in software and not to the establishment of requirements. For information concerning requirements for and the acquisition of computer software, see Part 5 and the following:

DoD Directive 4105.55, "*Selection and Acquisition of Automatic Data Processing Resources*," May 19, 1972.

DoD Directive 5000.19-L, Volume II, "*Acquisition Management Systems and Data Requirements Control List.*"

DoD Instruction 4105.65, "*Acquisition of Automatic Data Processing Computer Programs and Related Services*," June 29, 1970.

(c) Rights in computer software acquired under GSA authorized ADP Schedule Pricelist contracts are governed by the terms of those contracts.

9-601 Definitions. For the purpose of this Part, the following terms have the meanings indicated:

(a) *Data* - See 9-201(a).

(b) *Technical Data* - See 9-201(b).

(c) *Computer* - A data processing device capable of accepting data, performing prescribed operations on the data, and supplying the results of these operations; for example, a device that operates on discrete data by performing arithmetic and logic processes on the data, or a device that operates on analog data by performing physical processes on the data.

(d) *Computer Software* - Computer programs and computer data bases.

(e) *Computer Program* - A series of instructions or statements in a form acceptable to a computer, designed to cause the computer to execute an operation or operations. Computer programs include operating systems, assemblers, compilers, interpreters, data management systems, utility programs, sort-merge programs, and ADPE maintenance/diagnostic programs, as well as applications programs such as payroll, inventory control, and engineering analysis programs. Computer programs may be either machine-dependent or machine-independent, and may be general-purpose in nature or be designed to satisfy the requirements of a particular user.

(f) *Computer Data Base* - A collection of data in a form capable of being processed and operated on by a computer.

(g) *Computer Software Documentation* - Technical data, including computer listings and printouts, in human-readable form which (i) documents the design or details of computer software, (ii) explains the capabilities of the software, or (iii) provides operating instructions for using the software to obtain desired results from a computer.

(h) *Unlimited Rights* - See 9-201(d).

(i) *Limited Rights* - See 9-201(e).

(j) *Restricted Rights* apply only to computer software, and include, as a minimum, the right to:

(i) use computer software with the computer for which or with which it was acquired, including use at any Government installation to which the computer may be transferred by the Government;

(ii) use computer software with a backup computer if the computer for which or with which it was acquired is inoperative;

(iii) copy computer programs for safekeeping (archives) or backup purposes; and

(iv) modify computer software, or combine it with other software, subject to the provision that those portions of the derivative software incorporating restricted rights software are subject to the same restricted rights;

and in addition, any other specific rights not inconsistent therewith listed or described in the contract or described in a license or agreement made a part of the contract.

(k) *Commercial Computer Software* - Computer software which is used regularly for other than Government purposes and is sold, licensed or leased in significant quantities to the general public at established market or catalog prices.

9-602 Policy.

(a) The Government shall have unlimited rights in:

(1) computer software resulting directly from or generated as part of the performance of experimental, developmental, or research work specified as an element of performance in a Government contract or subcontract;

(2) computer software required to be originated or developed under a Government contract, or generated as a necessary part of performing a contract;

(3) computer data bases, prepared under a Government contract, consisting of (i) information supplied by the Government, (ii) information in which the Government has unlimited rights, or (iii) information which is in the public domain;

(4) computer software prepared or required to be delivered under this or any other Government contract or subcontract and constituting corrections or changes to Government-furnished software; or

(5) computer software which is in the public domain or has been or is normally furnished by the contractor or subcontractor without restriction.

(b) When the Government has unlimited rights in computer software in the possession of a contractor, no payment will be made for rights of use of such software in performance of Government contracts or for the later delivery to the Government of such computer software, *provided* however, that the contractor shall be entitled to compensation for converting the software into the prescribed form for reproduction and delivery to the Government.

(c) It is Department of Defense policy to acquire only such rights to use, duplicate, and disclose computer software developed at private expense as are necessary to meet Government needs. Such rights should be designed to allow the Government flexibility while, at the same time, adequately preserving the rights of the contractor. Computer software developed at private expense may be purchased or leased. Restrictions may be negotiated with respect to the right of the Government to use, duplicate, or disclose computer programs or computer

data bases developed at private expense. As a minimum, however, the Government shall have the rights in 9-601(j)(i) through (v).

(d) Patented or copyrighted computer software will not be subject to any agreement prohibiting the Government from infringing a patent or copyright. Title 28, United States Code, Section 1498 provides that the Government is liable only for reasonable compensation for use of a patented invention or for infringement of copyright. However, see 9-411.

(e) When computer software is developed at private expense and acquired with restricted rights, the associated computer software documentation will be acquired with limited rights to the extent provided in Part 2 of this Section, and will not be used for preparing the same or similar computer software.

(f) Commercial computer software and related documentation developed at private expense may be leased, or a license to use may be purchased, by the Government subject to the restrictions in paragraph (b)(3)(B) of the clause in 7-104.9(a).

9-603 Procedures.

(a) Except as provided in 7-104.9(n)(2), any computer program or computer data base to be purchased under a contract shall be listed on the *Contract Data Requirements List* (DD Form 1423). Also, if a contract requires the conversion of data to machine-readable form, the editing or revision of existing programs or data bases, the writing of implementation programs, or the preparation of computer software documentation, the products of this work, if required to be delivered, shall be included on the DD Form 1423.

(b) The "*Rights in Technical Data and Computer Software*" clause in 7-104.9(a) shall be included in every contract under which computer software may be originated, developed, or delivered. That clause establishes the circumstances under which the Government secures unlimited rights in both technical data and computer software, limited rights in technical data, and restricted rights in computer software. In negotiated contracts where the clause in 7-104.9(a) is required, the provision in 7-2003.76 shall be included in the solicitation.

(c) Contracts under which computer software developed at private expense is procured or leased shall explicitly set forth the rights necessary to meet Government needs and restrictions applicable to the Government as to use, duplication and disclosure of the software. Thus, for example, such software may be needed, or the owner of such software will only sell or lease it, for specific or limited purposes such as for internal agency use, or for use in a specific activity, installation or service location. In any event, the contract must clearly define any restrictions on the right of the Government to use such computer software, but such restrictions will be acceptable only if they will permit the Government to fulfill the need for which such software is being procured. The recital of restrictions may be complete within itself or it may reference the contractor's license or other agreement setting forth restrictions. If referencing is employed, a copy of the license or agreement must be attached to the contract. The minimum rights of 9-603(c) are provided in the *Rights in Technical Data and Computer Software* clause, and need not be included in the recital.

(d) When computer software developed at private expense is modified or enhanced as a necessary part of performing a contract, only that portion of the resulting product in which the original product is recognizable will be deemed to be computer software developed at private expense to which restricted rights may attach.

(e) The scope of the restrictions on or, conversely, the scope of the use which the Government is permitted to make of such software shall be taken into account in determining the reasonableness of the contract price for the computer software.

9-604 Deviations. All requests for deviations from this Part 6 shall be submitted to the ASPR Committee in accordance with the procedures in 1-109.3.

9-605 Computer Software Subject to Restricted Rights.

(a) Because of the widely-varying restrictions which are likely to be encountered in the purchase or lease of computer software developed at private expense, a standard recital setting forth specific restrictions and rights suitable for all cases is not feasible. If the standard set of restrictions and rights set forth in 9-602(f) for commercial computer software is not appropriate, personnel are urged to consult counsel in any case in which the proposed contractor requests the Government to accept other restrictions on the use of such software.

(b) To apprise user personnel of the restrictions on use, duplication or disclosure agreed to by the Government with respect to such software sold or leased to the Government, the contractor is required to place the following legend on such software:

RESTRICTED RIGHTS LEGEND
Use, duplication or disclosure is subject to
restrictions stated in Contract No.....
with ..... (*Name of Contractor*).

For commercial computer software and documentation, the contract number may be omitted and replaced by "paragraph (b)(3)(B) of the Rights in Technical Data and Computer Software clause in DAR 7-104.9(a)", and the contractor's address added. The Government shall include the same restrictive markings on all its reproductions of the computer software unless the Government cancels such markings pursuant to the procedures in 9-606.

(c) A statement setting forth the restrictions imposed on the Government to use, duplicate, and disclose computer software subject to restricted rights is required to be prominently displayed in human-readable form in the computer software documentation. The reference to the Rights in Technical Data and Computer Software clause in the Restricted Rights Legend on commercial computer software and documentation satisfies this requirement.

(d) Except as provided in (b) above, computer programs, computer data bases, and computer software documentation delivered to the Government pursuant to a contract requirement must be identified with the number of the prime contract and the name of the contractor.

(e) All markings, (notice, legends, identifications, etc.) concerning restrictions on the use, duplication, or disclosure of computer software required or authorized by the terms of the contract under which delivery is made are required to be in human-readable form that can be readily and visually perceived and, in addition may be in machine-readable form as appropriate and feasible under the circumstances. Such markings shall be affixed by the contractor to the computer software prior to delivery of the software to the Government.

(f) The human-readable markings may be applied to card decks, magnetic tape reels, or disc packs. This may be, in the case of a card deck, on a notice card even though the cards of the deck do not contain printed material; in the case of a card deck packaged in a container intended as a permanent receptacle for the cards, on the container; in the case of a tape, on the tape reel or on the surface of the leader and trailer of the tape; and in the case of a disc pack, on the hub of the disc.

9-606 Unmarked or Improperly Marked Computer Software.

(a) No restrictive markings shall be placed upon computer software unless restrictions are set forth in the contract prior to delivery of the software. Copyright notices as specified in Title 17, United States Code, Sections 401 and 402 are not considered "restrictive markings". The Government may require the contractor to identify the contractual provision setting forth such restrictions before accepting computer software with restrictive markings. If computer software is received with restrictive markings, and there is a question whether it is authorized by the contract to be furnished with restricted rights, it shall be used subject to the asserted restrictions pending written inquiry to the contractor. If no response to an inquiry has been received within 60 days, or if the response fails to identify the restrictions set forth in the contract, the cognizant Government personnel shall cancel or ignore the markings, notify the contractor accordingly in writing, and thereafter use the software with unlimited rights.

(b) Computer software received without a restrictive legend shall be deemed to have been furnished with unlimited rights. However, the contractor may request permission to place restrictive markings on such software at his own expense, and the Government may so permit, if the contractor establishes that the markings are authorized by the contract and demonstrates that the omission was inadvertent. Failure of the contractor to mark such computer software prior to delivery to the Government shall relieve the Government of liability for any use, duplication or disclosure of such computer software.

(c) If computer software authorized by the contract to be furnished with restrictions is received with restrictive markings not in the form prescribed by the contract, the software should be used in accordance with the restrictions provided for in the contract and the contractor shall be required by written notice to correct the markings to conform with those specified in the contract. If the contractor fails to correct the markings within 60 days after notice, Government personnel may correct the markings, and so notify the contractor.

9-607 Contracts With Foreign Sources to be Performed Outside the United States. (See 9-206.)

12-1005.10 *Termination.* See paragraph (i) of 7-1903.41(a).

12-1005.11 *Cooperation With the Department of Labor.* The contracting officer shall cooperate with representatives of the Department of Labor in the examination of records, interviews with service employees, and all other aspects of investigations undertaken by the Department of Labor. When requested, agencies shall furnish to the Administrator any available information with respect to contractors, subcontractors, their contracts, and the nature of the contract services. Violations apparent to the contracting agency and complaints received shall be promptly referred in writing to the appropriate regional office of the Department of Labor. In no event shall complaints by employees be disclosed to the employer.

12-1006 **Hearings.** A successor contractor's obligation (see 12-1001(ii)) cannot be avoided unless it is found after a hearing that such bargained for wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality. Such hearings may be requested by any interested party, including the contractor, a union, or the contracting agency.

12-1007 **Procedures for Evaluating Professional Employee Compensation for Service Contracts.**

12-1007.1 *Purpose.* The Service Contract Act of 1965, as amended, was enacted to ensure that blue collar and some white collar workers are fairly compensated by contractors providing contract services to the Government. It does not apply, however, to professional employees. This subpart provides policies and procedures to be used when contracting for services which include a meaningful number of professional employees not covered under the Service Contract Act.

12-1007.2 *Policy.* It is the policy of the Federal Government that all service employees, including professional employees, employed by contractors providing services to the U.S. Government be fairly and properly compensated.

12-1007.3 *Applicability.* The provisions in 7-2003.78 and 7-2003.79 shall apply when all of the following conditions are present:

(i) the principal purpose of the proposed contract is to furnish services in the United States;

(ii) the proposed contract will be negotiated;

(iii) there are a meaningful number of professional employees who will be employed by the contractor to perform the service; and

(iv) the proposed contract will be in excess of $250,000.

12-1007.4 *Definition of Professional Employee.* The term "professional" is not restricted to the traditional professions of law, medicine, and theology. It includes those professions that have a recognized status and that are based on the acquirement of professional knowledge through prolonged study. Title 29, Part 541, Code of Federal Regulations, defines the term "professional employee" and provides a listing of occupations generally considered to be held by professionals.

Upon notification of availability by DIPEC, a DD Form 1419 will be submitted to DIPEC for each item accepted by the requestor. However, if DIPEC does not have the item available, or cannot furnish the item within the time specified by the requestor, DIPEC will furnish a statement of nonavailability including a certificate number. This statement will be the official Certificate of Nonavailability and will confirm that the plant equipment item has been screened against the idle inventory.

(h) The proposed acquisition of automatic data processing equipment as defined in 1-201.29 shall be: (i) submitted through the Administrative Contracting Officer to Headquarters, Defense Logistics Agency, ATTN: Defense ADP Resource Office (DARO), Cameron Station, Alexandria, VA 22314, in accordance with DOD Manual 4160.19; and (ii) approved in accordance with 4-1104.13(a)(2).

13-302 Securing Approval for Facilities Projects.

(a) The Secretaries of the Military Departments or their designees and the Directors of Defense Agencies may approve requests for Government-owned facilities projects if—

(i) the facilities projects that are funded from procurement appropriations will be approved on a location basis and shall not exceed $5 million for all property efforts (expansion, modernization, rehabilitation, etc.) during 1 fiscal year;

(ii) it is a research and development-funded project that will not exceed $1 million; or

property may be agreed upon and allowed (but see 15-107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, effect of any increased maintenance charges or decreased efficiency due to age and the amount of depreciation, if any, previously charged to Government contracts or subcontracts.

(j) Cost Accounting Standard (CAS) 404 *Capitalization of Tangible Assets* is applicable to those assets which are acquired by means of a "capital lease" as defined in Statement of Financial Accounting Standard No. 13 (FAS-13), Accounting for Leases, promulgated by the Financial Accounting Standards Board (FASB). Compliance with CAS 404 and FAS-13 requires that such leased assets (captial lease) be treated as purchased assets; *i.e.*, be capitalized and the capitalized value of such assets be distributed over their useful lives as depreciation charges, both for financial and cost accounting purposes. Therefore, any leased assets whether leased prior to, on, or after 1 January 1977, which are capitalized prior to, on, or after 1 January 1977 under the provisions of FAS-13, are subject to the provisions on depreciation for tangible capital assets enunciated in this cost principle (15-205.9) — they are not subject to the provisions on rental costs set forth in 15-205.34. Existing leases entered into prior to 1 January 1977, which the contractor elects not to capitalize until 1 January 1981 as provided in FAS-13 will be subject to the provisions of rental costs set forth in 15-205.34 (1 July 1976) until such date as they are capitalized. The provisions of this paragraph (15-205.9(j)) apply whether or not the contractor is subject to CAS 404. The standards of Financial Accounting and Reporting set forth in FAS-13 are incorporated into this cost principle and shall govern in the application of this principle except when the provisions of subparagraphs (1), (2), and (3) set forth below conflict with the standards in FAS-13. In this event, the provisions of subparagraphs (1), (2), and (3) below shall govern.

(1) *Sales and Leaseback.* Rental costs under a sale and leaseback arrangement shall be allowable only up to the amount the contractor would be allowed had he retained title to the property.

(2) *Leases Between Related Parties.* Capital leases for all real and personal property which is leased from any division, subsidiary, or affiliate of the contractor under common control shall be subject to the provisions of this paragraph 15-205.9(j). If it is determined that the terms of the lease have been significantly affected by the fact that the lessee and lessor are related, the depreciation charges shall not be allowed in excess of those which would have occurred if the lease contained terms consistent with those found in a lease between unrelated parties.

(3) Assets acquired under leases which the contractor must capitalize in accordance with FAS-13 shall not be treated as purchased assets for contract costing purposes if the leases are covered by the provisions of 15-205.34(f).

15–205.10 ***Employee Morale, Health, Welfare and Food Service and Dormitory Costs and Credits.*** **(CWAS)**

(a) Employee morale, health and welfare activities are those services or benefits provided by the contractor to its employees to improve working conditions, employer-employee relations, employee morale and employee performance. Such activities include house publications, health or first-aid clinics, recreation, employee counseling services and, for the purpose of this paragraph 15–205.10, food and dormitory services. Food and dormitory services include operating or furnishing facilities for cafeterias, dining rooms, canteens, lunch wagons, vending machines, living accommodations or similar types of services for the contractor's employees at or near the contractor's facilities.

(b) Except as limited by (c) below, the aggregate of costs incurred on account of all activities mentioned in (a) above, less income generated by all such activities is allowable to the extent that the net amount is reasonable.

(c) Losses from the operation of food and dormitory services may be included as cost incurred under (b) above, only if the contractor's objective is to operate such services on a break-even basis. Losses sustained because food services or lodging accommodations are furnished without charge or at price or rates which obviously would not be conducive to accomplishment of the above objective, are not allowable, except that a loss may be allowed to the extent the contractor can demonstrate that unusual circumstances exist (*e.g.*, (i) where the contractor must provide food or dormitory services at remote locations where adequate commercial facilities are not reasonably available or (ii) where it is necessary to operate a facility at a lower volume than the facility could economically support) such that, even with efficient management, operation of the services on a break-even basis would require charging inordinately high prices or prices or rates higher than those charged by commercial establishments offering the same services in the same geographical areas. Cost of food and dormitory services shall include an allocable share of indirect expenses pertaining to these activities.

(d) In those situations where the contractor has an arrangement authorizing an employee association to provide or operate a service such as vending machines in the contractor's plan, and retain the profits derived therefrom, such profits shall be treated in the same manner as if the contractor were providing the service (but see (e)).

(e) Contributions by the contractor to an employee organization, including funds set over from vending machine receipts or similar sources, may be included as cost incurred under (b) above only to the extent that the contractor demonstrates that an equivalent amount of the costs incurred by the employee organization would be allowable if incurred by the contractor directly.

15–205.11 ***Entertainment Costs.*** **(CWAS-NA)** Costs of amusement, diversion, social activities and incidental costs relating thereto, such as meals, lodging,

lowable to the extent that such costs are incurred pursuant to a well managed recruitment program. When the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) Cost of help-wanted advertising is unallowable if the advertising:

(1) is for other than for personnel required for the performance of obligations under a defense contract (see 15–205.1); (CWAS-NA)

(2) does not describe specific positions or classes of positions; (CWAS-NA)

(3) is excessive in relation to the number and importance of the positions, or in relation to the practices of the industry; (CWAS)

(4) includes material that is not relevant for recruitment purposes, such as extensive illustrations or descriptions of the company's products or capabilities; (CWAS-NA)

(5) is designed to "pirate" personnel from another defense contractor; (CWAS-NA) and

(6) includes color (in publications). (CWAS)

(c) (CWAS-NA) Costs of excessive salaries, fringe benefits and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another defense contractor, or in excess of the standard practices in the industry, are unallowable.

(d) (CWAS-NA) Relocation costs incurred incident to recruitment of new employees are subject to 15–205.25. When such costs have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government. However, costs of travel to an overseas location shall be considered travel costs in accordance with 15–205.46 and not relocation costs for the purpose of this subparagraph, if (i) dependents are not permitted at that location for any reason, and (ii) such costs do not include costs of transporting household goods.

15–205.34 ***Rental Costs (Including Sale and Leaseback of Property).*** **(CWAS)**

(a) This paragraph 15–205.34 is applicable to the cost of renting or leasing property, real and personal, acquired under "operating leases" as defined in Statement of Financial Accounting Standards No. 13 (FAS–13), Accounting for Leases, promulgated by the Financial Accounting Standards Board (FASB), except automatic data processing equipment (ADPE). (See 15–205.48.) Compliance with 15–205.9(j) requires that assets acquired by means of "capital leases" as defined in the aforementioned (FAS–13) shall be treated as purchased assets; *i.e.*, be capitalized and the capitalized value of such assets be distributed over their useful lives as depreciation charges (but see (f) below).

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(b) Rental costs under operating leases are allowable to the extent that the rates are reasonable at the time of the decision to lease in light of such factors as rental costs of comparable property, if any, and market conditions in the area, the type, life expectancy, condition, and value of property leased, alternatives available, and other provisions of the agreement.

(c) Rental costs under a sale and leaseback arrangement shall be allowable only up to that amount the contractor would be allowed had he retained title to the property.

(d) Charges in the nature of rent between any divisions, subsidiaries, or organization under common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, facilities capital cost of money, and maintenance (excluding interest or other unallowable costs pursuant to Section XV); *provided* that no part of such costs shall duplicate any other allowed costs. However, rental cost of personal property, which is leased from any division, subsidiary, or affiliate of the contractor under common control, which has an established practice of leasing the same or similar property to unaffiliated lessees shall be allowed in accordance with (b) above.

(e) The allowability of rental costs under unexpired leases in connection with terminations is treated in 15–205.42(e).

(f) Rental costs under leases entered into prior to March 1, 1970, are allowable for the remaining term of the lease (excluding options not exercised prior to March 1, 1970) to the extent they would have been allowable under 15–205.34 dated January 1, 1969.

15–205.35 ***Independent Research and Development Costs.***

(a) ***Definitions.*** A contractor's independent research and development effort (IR&D) is that technical effort which is not sponsored by, or required in performance of, a contract or grant and which consists of projects falling within the following three areas: (i) basic and applied research, (ii) development, and (iii) systems and other concept formulation studies. IR&D effort shall not include technical effort expended in the development and preparation of technical data specifically to support the submission of a bid or proposal. For the purposes of this paragraph:

(c) DD Form 783 (Royalty Report (Foreign and Domestic)) is approved for use as the separate schedule required by DD Form 633.

16–206.2 ***Contract Pricing Proposal Supporting Schedules*** may be devised by contracting offices to require such supporting data to the foregoing forms as is considered necessary and reasonable through knowledge of industry, company or commodity practices.

16–207 Reserved.

16–208 Weighted Guidelines Profit/Fee Objective (DD Form 1547).

16–208.1 ***General.*** Weighted Guidelines Profit/Fee Objective (DD Form 1547) is to be used, as appropriate, to facilitate calculation of the Weighted Guidelines Profit/Fee Objective (see 3–808.2).

16–208.2 ***Conditions for Use.*** DD Form 1547 may be used in conjunction with the Record of Price Negotiation required by 3–811(b), *provided* that the rationale used in assigning the various rates is fully documented.

PROCUREMENT FORMS

Part 3—Purchase and Delivery Order Forms

16-300 Scope of Part. This Part prescribes forms for use (i) when purchases are authorized or required to be made by the purchase order or imprest fund method, (ii) as delivery orders, and (iii) as order against basic ordering agreements.

16-301 Receipt for Cash—Subvoucher (Standard Form 1165). Standard Form 1165 may be used in connection with procurements by the imprest fund (petty cash) method in accordance with 3-607.

16-302 Purchase Order — Invoice — Voucher (Standard Form 44). Standard Form 44 is authorized for use to accomplish small purchases in accordance with 3-608.9.

16-303 Order for Supplies or Services/Request for Quotations, (DD Forms 1155, 1155r, 1155e-1, and 1155c-1). Order for Supplies or Services/Request for Quotations, DD Form 1155 series, shall be used to accomplish small purchases in accordance with 3-608 and 16-402 and Blanket Purchase Agreements in accordance with 3-605, and may be used to place calls against Blanket Purchase Agreements in accordance with 3-605.5 and orders against basic ordering agreements in accordance with 3-410.2(a). Pending revision of the 1 MAR 1978 edition of DD Form 1155r, the *Fast Payment Procedure* clause in 7-104.84 shall be substituted for paragraph 15 of the form.

PROCUREMENT MANAGEMENT REPORTING SYSTEM

21-108 Item 2, Contract Number. Enter only Department of Defense contract numbers in Subitem A; contract numbers for all other Federal agencies shall be entered in Subitem B. For orders under contracts awarded by other Federal Agencies (*i.e.*, GSA Federal Supply Schedule, Government Printing Office, and Veterans Administration contracts), enter the Federal Agencies' contract number in Subitem B. For orders covering direct purchases from other Federal agencies, such as Federal Prison Industries, Tennessee Valley Authority, Veterans Administration, Treasury, etc., enter the Defense delivery order number in Subitem A, *e.g.*, DAAH01-78-F0260. If entry is in Subitem A, then Subitem B must be blank, and vice versa.

(a) Subitem A(1). Activity - Enter the first six characters of the contract number which identify the activity listed in Appendix N. Activity symbols assigned prior to the initiation of Section XX, Part 2, shall be expressed as a six character symbol. For Army, the five digit fiscal station code shall be prefixed by the letter A, thus 01-002 for Anniston Army Depot shall be reported as A01002. Navy symbols of less than five digits shall be prefixed by zeros, *e.g.*, 383 for ASO shall be reported as N00383.

(b) Subitem A(2). FY - Enter the last two digits of the fiscal year in which the basic contract number was initially assigned (not the fiscal year of the immediate action), *e.g.*, 78 for fiscal year 1978. If the fiscal year is not known for contract numbers assigned prior to the initiation of Section XX, Part 2, or cannot be ascertained after a reasonable search, enter "XX".

(c) Subitem A(3). Serial No. - Enter as a five-position entry, the serial number assigned to the contract. For serial numbers assigned in accordance with Section XX, Part 2, the first character shall be type of instrument as described in 20-203.1(iii). The remaining four characters shall be the serial number assigned in accordance with 20-203.1(iv). For other contract numbers, *i.e.*, those numbered under exceptions permitted by 20-201, the serial number also shall consist of five characters, *e.g.*, 00001, 00124, 01356, 71284, etc. If a serial number has not been assigned, enter five zeros. Do not enter other supplementary procurement instrument identification numbers in Subitem A(3); such numbers shall be entered in Item 4.

(d) Subitem B. Other - For orders under contracts awarded by other Federal agencies, enter the contract number of the Federal Agency as it appears in the contractual instrument; *e.g.*, GS-00S-27773, GP-16231A, V979P-2048A, etc.

21-109 Item 3, Correction of Previously Reported DD Form 350.

(a) If it is necessary to correct an error on a previously reported DD Form 350, two DD Forms 350 are required.

(1) *Code 1 Corrected Entry.* Enter the correct data in all items. Entries in Item 1A and Item 24 shall be the same as those reported on the report being corrected, except when such items are the subject of the corrections being made.

(2) *Code 2 Reversing Entry.* Enter data in all items exactly as in the incorrect report except that the dollar amount shown in Item 25 shall be the reverse of the amount originally reported; that is, if the amount of the incorrect report was a debit, the amount of the reversing entry shall be a credit and vice versa. Entries in Item 1A and Item 24 shall always be the same as those reported on the report being corrected.

PROCUREMENT MANAGEMENT REPORTING SYSTEM

(b) The item numbers being corrected will be noted on both the reversing and correcting reports in the spaces provided.

21-110 Item 4, Modification Number and Other Identification. Enter the supplementary procurement instrument identification numbers assigned in accordance with 20-204 for letter contract modifications, orders against indefinite delivery type contracts and basic ordering agreements, contract change notifications, change orders, supplemental agreements, and other modifying actions. For those numbered under exceptions permitted by 20-201, enter the identification and number such as Mod. 35; C.O. No. 2; *etc.*

21-111 Item 5, Purchasing Office. Enter sufficient detail to establish the identity of the purchasing office submitting the report. Enter in the Item 5 code space, the number or symbol assigned to the purchasing office in accordance with DoD Procurement Coding Manual, Volume III.

21-111.1 *Item 5A, Small Disadvantaged Business Concern* (see 1-701.2).

(a) Enter Code A if the award was made to a small disadvantaged business concern in accordance with the representation required in 1-707.3(f).

NOTE: If Code A is entered, the contractor designated in Item 6 must be small business.

(b) Enter one of Codes B through F for all other awards.

(i) Enter Code B if there is no known small disadvantaged source. Also enter Code B for orders under contracts awarded by other Federal Agencies for which data are not readily available.

(ii) Enter Code C if there was a known small disadvantaged business concern but it was not solicited for a bid or proposal.

(iii) Enter Code D if a small disadvantaged business concern was solicited, but no bid or proposal was received from such concern, or the concern did not offer sufficient quantity to cover total requirements but received award for that portion bid on.

(iv) Enter Code E if a small disadvantaged business concern was solicited but the low bid or proposal was not from such firm.

(v) Enter Code F if a small disadvantaged business concern was solicited, but was not awarded the contract for reasons other than those coded B, C, D, or E.

PROCUREMENT MANAGEMENT REPORTING SYSTEM

(i) all contracts negotiated under the authority of 10 U.S.C. 2304(a)(11), Experimental, Development, or Research Work:

(ii) most but not all, contracts negotiated under 10 U.S.C. 2304(a)(5), Services of Educational Institutions;

(iii) all contracts funded by Research, Development, Test and Evaluation appropriations; and

(iv) all contracts where the purpose is for research and development even though not authorized under 10 U.S.C. 2304 (a) (5) or (11), or funded by RDT & E appropriations.

However, do not assign RDTE codes for the procurement (including rental or lease) of equipment or housekeeping supplies/services separately purchased in support of RDTE work. This exception refers to the purchase of equipment upon which RDTE work will be performed, test equipment, office equipment, structural steel plates, etc.; or services such as construction, maintenance of facilities or equipment, utilities, rental of ADP equipment, guard services, etc. Generally procurement of services or supplies that are incidental to the fulfillment of RDTE work, *but does not require contractor RDTE performance*, shall be coded in accordance with Parts B and C, Section 1 of the coding manual, even though such purchases are in support of RDTE work and RDTE funds are cited. In no case shall RDTE codes be assigned for orders under GSA Federal Supply Schedule contracts. The purchase request, as prepared by the research and development technical sections, will provide the necessary information to enable personnel preparing the DD Form 350 to properly identify the RDTE code.

(b) *Services.* All services, except RDTE actions, shall be coded in accordance with Part B, Section I of the coding manual. Each category is assigned a series of four-digit codes for specific types of services and construction.

(c) *Supply.* Procurement of supply items shall be assigned a Federal Supply Classification (all numeric) code from Part C, Section I of Volume I of the Department of Defense Procurement Coding Manual. The Department of Defense Federal Supply Classification Cataloging Handbooks H2-1, H2-2, and H2-3 also may be used as a reference in identifying the correct four-digit code.

21-117 Item 10B, System or Equipment Code.

(a) Enter the code for weapons system or equipment in accordance with Volume I of the Department of Defense Procurement Coding Manual (Section II). If a weapons system or equipment code is not applicable, enter three zeros, *i.e.*, 000.

(b) Codes in Section II are not applicable to construction, subsistence, clothing/textiles, or petroleum, and generally have been assigned to all production end items whose annual programmed procurement is $2,000,000 or more. Accordingly, if a code cannot be found for a DD Form 350 action of $2,000,000 or more, which is for an end item or a component identifiable to an end item, a specific request for a code together with the applicable DD Form 350 should be addressed to the appropriate organization specified in 21-103(b). Submission of the DD Form 350 will not be delayed pending resolution of the inquiry. This reporting requirement is not applicable to the Defense Logistics Agency.

21-118 Item 10C, DD Claimant Program Number. Enter the appropriate DDCP number that identifies the commodity described in Item 11. Claimant Program Numbers are defined in Volume I of the Department of Defense Procurement Coding Manual (Section III). If the description in Item 11 is for research and development, the objective of the research and development shall control the DDCP number to be entered; *e.g.*, if the objective of the research and development is a guided missile, enter Code A-2. If the description in Item 11 is for research that cannot be identified with a particular claimant program, enter Code S-1. Contracts for ship repair, IRAN and modification of aircraft, overhaul of engines, and like maintenance, repair or modification services shall be identified with a particular claimant program where possible. Equipment rental (including rental of automatic data processing equipment (as defined at 4-1102.1)) and utility services shall be coded S-1. If a particular claimant program cannot be identified, enter Code S-1 for services and C9E for supplies or equipment.

21-119 Item 11, Description of Commodity or Service.

(a) Enter brief description of commodity or service. Specify end use of item and model numbers where possible, *e.g.*, M-16 Rifle; B-52 Aircraft; A-4E Aircraft, Radio Set AN/FRT-31. When the description of a commodity or service is classified, enter only the word "Classified"; however, do not specify "Classified" if a code name, such as Minuteman, Polaris, Typhon, Jupiter, etc., or an identifying program number, *e.g.*, WS-107A, can be used without classifying the report.

(b) When an increase or decrease in funds is the result of price redetermination, change in fixed-fee, contract termination, engineering change, overrun, accelerated amortization, or continuation of research and development, specify the equipment or service acquired under the basic contract, such as "Price Redetermination Exception 10-1 through 10-18 representing (i) through (xviii). However, Negotiation Exception 10-18 pertains to purchases under Foreign Military Sales arrangement which for reporting purposes does not require an entry in Item 17; therefore, codes 10-18 will not be used. Codes 10-19 through 10-25 may be used for those procurement circumstances which are authorized in Departmental instructions and for additional procurement circumstances later approved and published in the DAR. Enter Code 10-26 if none of the procurement circumstances set forth in 3-210.2 or Departmental instructions is applicable.

(h) Enter Code 17A when reporting Joint Small Business Set-Asides pursuant to 15 U.S.C. 644 (P.L. 85-536), *i.e.*, set-asides agreed to jointly by the Small Business Administration representative and the Department of Defense contracting officer. (See definition of set-aside for Code 1B above.) Enter Code 17B when any other public law authorized the negotiation, and in the space provided specify the number of the public law or U.S. Code citation. For repurchase actions following default, where no other negotiation authority is utilized, enter Code 17B and specify the words "Repurchase Action".

21-126 Item 18, Extent of Competition in Negotiation.

(a) The purpose of this item is to provide statistics reflecting the extent and kind of competition obtained under contracts executed pursuant to the negotiation authorities of the DAR. Detailed information with respect to the presence or absence of competition in negotiated procurement is of vital importance to the Department of Defense. Information obtained from these reports is used throughout the Department for internal management purposes. Additionally, this information is provided to various Committees of the Congress on a continuing basis. It is critically important that this item receive careful attention by reporting activities to ensure its completeness and accuracy.

(b) Provision is made to record the extent of competition as follows:

(i) price competition;
(ii) design, technical, or other competition;
(iii) follow-on actions after price competition;
(iv) follow-on actions after technical or other competition;
(v) other noncompetitive actions;
(vi) catalog or market price actions; and
(vii) not considered for competition.

(c) The following contract actions are exempt from reporting the extent of competition and shall be entered as Code 7:

(i) awards for brand name items for commissary resale;
(ii) awards to nonprofit institutions;
(iii) awards to regulated monopolies for utilities where the price negotiated is based on prices set by law or regulation; and
(iv) awards made pursuant to Section 8(a), Small Business Act (15 U.S.C. 637(a)).

(d) (1) A contract shall be reported as "price competition" if offers were solicited and received from at least two responsible offerors capable of satisfying the Government's requirements wholly or partially, and the award or awards were made to the offeror or offerors submitting the lowest evaluated prices. However, a contract may also be reported as "price competition" even though only one offer is received when offers are solicited from at least two responsible offerors who normally contend for contracts for the same or similar items.

(2) Procurements shall not be reported as "price competition" where only one responsive offer was received and the solicitation was restricted to a prime contractor and his vendor for that item.

(3) Multiple awards in such areas as subsistence, clothing and equipage, and other commodities where several awards normally result from one solicitation may be reported as "price competition," even though the total quantity of the solicitation is not awarded, if in the judgment of the contracting officer there are sufficient facts to support a valid finding of "price competition."

(4) Transactions shall not be reported as "price competition" solely on the basis of the number of solicitations made. Contracting officers shall consider the content of the responses to solicitations, the procurement history of the items procured, and other relevant information, and shall exercise sound judgment in the reporting of transactions as "price competition."

(e) Design or technical competition is present when two or more qualified sources of supply are invited to submit design or technical proposals, with the subsequent contract award based primarily on this factor, rather than on a price basis. Many research and development contracts, and many initial contracts for new military weapons fall into the category of design or technical competition. If some measure of price competition is present but the contract cannot be reported as a "price competition" award consistently with (d) above, the contract should be reported as a "design, technical, or other competition" award.

(f) A follow-on contract means a new procurement (whether placed by a separate new contract or by a supplemental agreement) placed with a particular contractor to continue or augment a specific military program in instances where such placement was necessitated by prior procurement decisions. Incremental yearly buys under multi-year contracts and exercise of options shall not be included in this category, except as provided in (h) below. An example of a follow-on contract is one which by force of circumstances had to be awarded to a contractor who was just completing a research and development contract in the same program. Other examples of follow-on contracts include those for support equipment, maintenance support, technical representatives or spare parts which have been awarded without competition to the contractor because he furnished the original equipment. Follow-on contracts in which the selection of the contractor at the inception of the program was on a competitive basis (*i.e.*, price or design or technical) will be reported as Code 3 or 4 as appropriate. Follow-on contracts in which the selection of the contractor at the inception of the program was on a noncompetitive basis will be reported as Code 5. Nothing in the foregoing should be construed as providing authorization for noncompetitive procurement. DAR provisions requiring either formal advertising or competitive negotiation shall be complied with.

(g) Codes 1 through 7 shall be entered as follows:

(vii) are for purchase of land, or rental or lease of real property.

21-202 Due Date and Distribution.

(a) In addition to instructions given in (b) through (f) below for contracting offices of specified Departments and Agencies, the following instructions are applicable to all contracting offices.

(1) Reports shall be submitted in time to reach the recipient within three (3) working days after the close of each month. To meet this due date, contracting offices are authorized to cut off no earlier than the 25th calendar day of the month reported. For the month of September only, the due date is extended by 10 additional calendar days, but the cut-off date must be as of 30 September.

(2) Negative reports shall be submitted if a contracting office has not transacted a reportable action during the month.

(3) Letter of transmittal is not required.

(b) *Army* contracting offices shall distribute DD Form 1057 as follows.

(1) The original (except from Engineer Civil Functions contracting offices) shall be forwarded to HQDA (JDHQ-SV-W-P), Washington, D.C. 20310.

(2) Engineer Civil Functions contracting offices shall forward the original to HQDA (DAEN-PRP), Washington, D.C. 20314. A copy is not required for HQDA.

(c) Navy field contracting offices shall forward the original DD Form 1057 to the Head of the Contracting Activity from which contracting authority was received, with the exception of the Navy Aviation Supply Office (ASO) and the Ships Parts Control Center (SPCC). ASO and SPCC shall forward their reports to the Naval Supply System Command Headquarters. Heads of Contracting Activities shall review and correct the feeder reports, prepare a consolidated DD Form 1057 and submit the consolidated report to Headquarters, Naval Material Command, Washington, D.C. 20360, Attn: MAT 08C14.

(d) *Air Force* contracting offices shall forward the original DD Form 1057 to AFLC/ACOCS, Wright-Patterson AFB, Ohio 45433. Separate reports shall be submitted by each activity which has been determined to be a separate reporting office. Air Force contracting offices, except those under AFLC and AFSC shall forward one copy to the appropriate major command headquarters staff contracting office or division.

(e) *Defense Logistics Agency* contracting offices shall forward the original DD Form 1057 to Executive Director, Contracting, Defense Logistics Agency, Cameron Station, Alexandria, VA, 22314, ATTN: DLA-PA.

(f) All other contracting offices of the Department of Defense shall forward the original DD Form 1057 to HQDA (JDHQ-SV-W-P), Washington, D.C. 20310.

(g) Procurement actions of $10,000 or less which are reportable in accordance with 21-201 and are accomplished by contract administration offices shall be handled as follows:

(i) When the contractual instrument is being distributed, a copy shall be clearly annotated "DD Form 1057 Reporting Copy" and shall be forwarded to the appropriate contracting office listed in Appendix N.

(2) Contracting offices shall include data for such instruments in their reports on DD Form 1057.

PROCUREMENT MANAGEMENT REPORTING SYSTEM

21-203 Terms Used. The terms used in DD Form 1057 will, in all cases, have the same meaning as they do for the purpose of preparing DD Form 350. (See Section XXI, Part 1.)

21-204 Heading.

(a) *Reserved.*

(b) *Month Ending*—Enter the year, month and day indicating the ending date of the month reported.

(c) *Contracting Office and Mailing Address*—Enter sufficient detail to establish the identity of the contracting office submitting the report.

(d) *Reporting Office Code*—Enter the code assigned to the contracting office pursuant to Volume III of the DoD Procurement Coding Manual. This is the same code that is used for Item 5 of DD Form 350.

21-204.1 *Number of Actions.*

(a) Only transactions that obligate or deobligate funds shall be counted. Except as provided in (b) below, each call or order under a blanket purchase agreement, imprest fund, requirements type contract, or indefinite delivery indefinite quantity contract shall be counted as an action. A definite quantity indefinite delivery contract shall be counted once at the time of award, and orders under such contracts shall not be counted. If it is not possible to determine the price of an order or call when it is placed, it may be counted when the voucher is paid, but care shall be exercised to avoid double counting of such actions.

(b) For the following transactions, each voucher paid during the report period shall be counted as one action, and no other count shall be reported. (If the voucher is in excess of $10,000, the action shall be reported on DD Form 350 rather than DD Form 1057):

(i) meals and lodging;

(ii) automatic deliveries, such as, bread, milk, and ice cream;

(iii) utilities, such as, electricity, gas, and telephone.

(Headquarters, Naval Facilities Engineering Command, will submit consolidated reports on utilities contracts for all Naval Shore Establishments).

21-204.2 *Dollar Value.* All dollar amounts shall be entered in whole dollars. Do not enter cents. For example, $2,510.10 or $2,510.90 shall be reported as $2,510. Do not enter $2,510.00 or $2,510.-. If the net amount is a decrease, enter the symbol "CR" immediately following the amount to signify a credit entry. Do not enter parentheses or dashes.

21-205 Section A, All Procurement Actions of $10,000 or less.

(a) Enter on Lines 1 through 4 the number and value of actions of $10,000 or less according to type of contractor (*i.e.*, small business, large business, educational and nonprofit institutions), and for work outside the U.S., according to whether the actions were advertised or negotiated.

(b) Report on Line 5a orders under GSA Federal Supply Schedules. Orders under Veterans Administration contracts published in GSA Federal Supply Schedules shall be reported on Line 5b.

SERVICE CONTRACTS

22-601.2 *Additional Services and Excess Requirements.*

(a) *Excess Requirements.* Excess requirements are those services which exceed the contractors' capabilities available under contracts. When excess requirements exist, they may be obtained by using small purchase procedures (see Section III, Part 6).

(b) *Additional Services.* Additional services include, but are not limited to, attempted pickups or deliveries, handling in and out, hoisting or lowering of articles, drayage to or from residence outside area of performance, extra long carry, carrying of pianos or organs, reweighing, waiting time, special packaging, loading or unloading of railroad cars to include bracing and blocking and unbracing and unblocking as required. At the option of the contracting officer, additional services may be obtained by:

(i) inclusion as items within the contract; *provided*, they are not used in the evaluation of bids (see 22-602(b)); and

(ii) using small purchase procedures (see Section III, Part 6).

Prices for additional services may be predetermined with the contractor or negotiated on a case by case basis.

(c) *Ordering of Additional Services.* Additional services other than attempted pickup or delivery will be performed by the contractor only upon authorization of the contracting officer regardless of the method of purchase. To the maximum extent possible, additional services required incident to an order should be identified prior to placement of the order or during the premove survey when applicable.

22-601.3 *Contract Distribution.* In addition to the distribution requirements of 20-401, one copy of each contract will be furnished as follows:

(a) CONUS Personal Property Shipping Activities forward to the MTMC Personal Property Office having jurisdiction over the respective activity. These offices are: Commander, Military Traffic Management Command, Eastern Area, ATTN: MTE-PP, Bayonne, New Jersey 07002; and Commander, Military Traffic Management Commander, Western Area, ATTN: MTW-PP, Oakland, California 94626.

(b) Personal Property Shipping Activities in the European and Pacific areas forward to the appropriate Military Traffic Management Commander Field Office. Other overseas personal property shipping activities forward to Commander, Military Traffic Management Command, ATTN: MT-PPQ, Washington, D.C. 20315.

22-602 Schedule Formats.

(a) The following schedules shall be inserted in all solicitations for the preparation of personal property for shipment or storage and performing intra-city or intra-area movement. When a requirement does not exist for an item or sub-item in a schedule, that item or sub-item number, in its proper numerical sequence, will be indicated and the statement "No Requirement" added.

(b) Within Schedules I (Outbound) and II (Inbound), item numbers have been reserved to permit the contracting officer to include additional items as may be required by local conditions. Overseas activities, except those in Alaska and Hawaii, may modify the schedules when necessary to conform with local trade practices and country (including political subdivisions thereof) laws and regula-

tions. All generic terminology, schedule and item numbers in proper sequence shall follow those contained in the basic format. All other modifications, other than (c) below, of schedule format will be processed as a request for deviation in accordance with 1-109.

(c) When it is determined to be in the best interest of the Government to have both outbound and inbound services within a given area of performance furnished by the same contractor, the contracting officer may modify the schedule format to combine both services in a single schedule; however, items shall follow the same sequential order as in the basic format.

22-602.1 *Schedule of Items.*

(NOTE: Wherever FED SPEC PPP-B-580 containers are specified in this Schedule, containers listed in MTMC Pamphlet 55-12, dated 12 October 1978, may be substituted.)

SCHEDULE I

OUTBOUND SERVICES

Item 1. *Complete Service—Outbound (HHGs).* Services shall include premove survey, servicing of appliances, disassembly of furniture if required, preliminary packing, inventorying, tagging, wrapping, padding, packing and bracing of household goods in Government owned and furnished shipping containers (*Shipping Container FED SPEC PPP-B-580 or Air Cargo*) at owner's residence, or at Contractor's facility when ordered by the Contracting Officer, properly securing and sealing for shipment, weighing, obliterating old markings, marking, strapping, and drayage of the container within area of performance. Service shall include loading of shipments on line-haul carrier's equipment at the Contractor's facility. When containers will not accommodate all articles of any one lot, loose articles shall be packed in the said containers. Before any over-packed articles are placed therein. Overflow articles which require packing and containerization shall be paid for under *Item 3*.

Area _____.

	Est Annual Qty	Unit	Unit Price	Total
a. At owner's residence:				
(1) Container, FED SPEC PPP-B-580	_____	GCWT	_____	_____
(2) Air Cargo Container	_____	GCWT	_____	_____
b. At Contractor's Facility:				
(1) Container, FED SPEC PPP-B-580	_____	GCWT	_____	_____
(2) Air Cargo Container	_____	GCWT	_____	_____

(*Repeat a. and b. above for additional areas as needed.*)

Item 2. *Outbound (HHGs From Non-Temporary Storage).* Service shall be the same as *Item 1* except that: (i) household goods shall be picked up at a non-temporary storage facility and transported to Contractor's facility; or (ii) household goods shall be delivered to Contractor's facility; and (iii) premove survey, servicing of appliances, preliminary packing and accessorial services shall not be provided. Overflow articles requiring containerization will be paid for under *Item 3*.

Area _____.

	Est Annual Qty	Unit	Unit Price	Total
a. Pickup by Contractor:				
(1) Container, FED SPEC PPP-B-580	_____	GCWT	_____	_____
(2) Air Cargo Container	_____	GCWT	_____	_____
b. Delivered to Contractor:				
(1) Container, FED SPEC PPP-B-580	_____	GCWT	_____	_____
(2) Air Cargo Container	_____	GCWT	_____	_____

(*Repeat a. and b. above for additional areas as needed.*)

Item 3. *Complete Service-Outbound (HHGs-Overflow Articles and HHGs Shipments Requiring Other Than PPP-B-580 or Air Cargo Containers).* Service shall be the same as Item 1 or Item 2 except that the loose articles may be drayed to Contractor's facility when ordered by the Contracting Officer for containerization in Government-approved, Contractor-furnished containers.

Area _____.

24-204 Scrap.

24-204.1 *General.* Scrap need not be itemized on inventory schedules if (i) the material is physically segregated in the contractor's plant, and (ii) the contractor submits a statement describing the material generally, setting forth its approximate cost, and giving such other information as may be necessary for the plant clearance officer to determine whether the property is scrap. Promptly after the submission of inventory schedules, by the contractor, the plant clearance officer shall review, or cause to be reviewed the contractor's treatment of any items of contractor inventory as scrap. The review shall include a careful examination of the inventory schedules and, in appropriate cases, physical inspection of the property involved. Prior to authorizing disposal of items as scrap, the plant clearance officer shall obtain such approval as may be required.

24-204.2 *Pre-Inventory Scrap Determinations.* The contractor may request the plant clearance officer to make a pre-inventory scrap determination of inventory considered by the contractor to be without value except as scrap. These pre-inventory scrap determinations shall be based on on-site surveys. If the contractor's scrap recommendation is approved, the contractor may make a single descriptive entry on an inventory schedule covering that property and indicating its approximate total cost. If the plant clearance officer determines that any of the property listed by the contractor as scrap is serviceable, usable, or salvable, the contractor shall, in accordance with this determination, submit appropriate inventory schedules. If the determination is made subsequent to the submission of a scrap inventory schedule, the contractor shall be required to submit revised inventory schedules in proper form.

24-204.3 *Segregation.* Property determined to be scrap shall be segregated by the contractor to the extent necessary to assure the highest net proceeds. In appropriate cases, when approved by the plant clearance officer, these sales may be consolidated with the contractor's sales of scrap generated from his other work and, in such cases, the scrap warranty required by 24-204.5 may be waived at the discretion of the plant clearance officer.

24-204.4 *Contractor's Approved Scrap Procedure.*

(a) When a contractor has an approved scrap procedure, certain property may be routinely disposed of in accordance with that procedure and not processed under this Section. Production scrap, as defined in 24-101.20, and production spoilage, may be disposed of through the contractor's approved scrap procedure. In addition, worn, broken, mutilated, or otherwise rejected parts excess to overhaul and repair contracts, may be similarly processed with the approval of the plant clearance officer.

(b) A plant clearance case shall not be established for property which is disposed of through the contractor's approved scrap procedure.

(c) The contractor's scrap and salvage procedures, particularly the sales aspects thereof, shall be reviewed by the plant clearance officer prior to its approval by the property administrator. The plant clearance officer shall assure that the procedure contains adequate requirements for inspection and examination of items to be disposed as scrap. When the contractor's approved scrap procedure does not require physical segregation and disposition of Government- owned from contractor-owned scrap, care shall be exercised to assure that a contract change, which generates a large quantity of property, does not result in an inequitable return to the Government. In these cases, a determination shall be made as to whether separate disposition of Government scrap would be appropriate.

(d) Scrap, other than that disposed of through the contractor's approved scrap procedure, shall be reported on appropriate inventory schedules for disposition in accordance with the provisions of this Section.

(e)(1) Silver, gold, platinum, palladium, rhodium, iridium, osmium and ruthenium; scrap bearing such metals; and items containing recoverable quantities thereof will be reported to the Defense Property Disposal Precious Metals Recovery Office (DPDM-R), NWS Earle, Colts Neck, New Jersey, 07722, for disposition instructions.

(2) Precious metals shall be packaged in nonporous, smooth containers in a manner to prevent loss through leakage or damage to the containers. (Glass containers shall *not* be used.) Grindings or sweepings shall not be packaged in paper or wooden containers as loss occurs due to adhesion of particles. Containers shall be marked to show the type of precious metals contained therein.

(3) The shipping document shall indicate the net weight of each item to the nearest ounce (troy or avoirdupois). Shipment shall be made by the most economical means available, consistent with adequate safeguards to prevent loss or theft.

(4) When the determination is made that precious metal recovery is not feasible, the material in (e)(1) above shall be disposed of through normal procedures. The sales return shall not be less than the scrap value of the precious metal(s) contained therein.

24-204.5 *Scrap Warranty.*

(a) If contractor inventory is sold as scrap, including sale to the holding contractor, a scrap warranty in the form outlined in DD Form 1639, Scrap Warranty, shall be included as a special condition of sale, unless the requirement is waived pursuant to (d) below.

screening requirements (see 24-205.1(d)), subject to departmental screening only (see 24-205.1(f)), or contractor inventory which is residual to other required screening, may be subjected to local screening for a period of 15 days prior to the donation screening period provided in 24-207(d) and prior to disposition by sale or abandonment. If duplicate requirements are received, Government activities will have precedence. The feasibility or extent of local area screening shall be determined by the plant clearance officer, based on considerations of quantity, condition and value of the property, and the estimated cost of effecting transfer.

24-205.7 *Packing, Crating, and Handling Services.* The contract administration office shall be responsible for obtaining packing, crating, and handling services. To accelerate plant clearance, appropriate data must be furnished by the transferee and shall be cited in the transfer or shipping document. The document shall not be forwarded to the contract administration office unless the required packing, crating, and handling funding data are furnished, except that funds for movement of IPE under the direction and control of DIPEC will be furnished directly by that Center (see 24-205.1(a)). Funding data for termination inventory shall not be cited since costs for such inventory are included in the contractor's settlement proposal.

24-205.8 *Procedures for Automatic Data Processing Equipment (ADPE).*

(a) Those items of ADPE as defined in 1-201.29 (regardless of FSC) which are Government-owned or which are leased by the contractor under terms which provide to the Government an option to purchase or other residual interests (including the right to use until expiration of the lease) will be reported to the Defense Logistics Agency, ATTN: Defense ADP Resource Office (DARO), Cameron Station, Alexandria, VA 22314, on Standard Form 120, "Report of Excess Personal Property" (original and four copies). Normally the time required for acquisition studies required to select replacement equipment makes it possible to project the anticipated release date 180 days before the equipment is available for transfer. ADPE should be reported as soon as it is possible to project the release date. The following minimum reporting schedule shall, however, apply.

(1) Government-owned ADPE will be reported upon receipt of notice of complete termination or when it is determined that the property will no longer be needed on the contract. The release date assigned will be the last day of the plant clearance period or 90 days after the property becomes inactive. In the event of changes in release date, revised reports will be submitted.

(2) Leased ADPE, the total cost of which is charged to one or more cost-reimbursement type contracts, will be reported when it is determined that the property will no longer be needed on the contracts, or a major portion thereof. To preclude unnecessary lease costs, the release date established shall not extend ADPE on rental beyond the date it can be released to the lessor. Prompt reporting of leased ADPE is necessary in order to afford an opportunity to reutilize the property and protect the Government's equity.

(b) With respect to leased equipment, the total cost of which is charged to one or more cost-reimbursement type contracts, a quotation shall be requested from the lessor projecting the reduced price at which the equipment may be purchased based on accumulated rental credits through the anticipated release

date. A copy of this quotation should be attached to the Standard Form 120, but submission of the Standard Form 120 should not be delayed pending receipt of this information. If it is not available at that time, it should be provided when received.

(c) The following information will be reported on Standard Form 120:

(i) a complete list of each equipment item, identified by manufacturer's series and model number, and modifications and attachments applied to each component, including identification number if Government-owned; indicate type of maintenance contract, contractor, and monthly cost;

(ii) a separate attachment, showing the time in service for each component, average utilization (hours per month) and average downtime per month for the 12-month period immediately preceding the report (if appropriate, a narrative description of any history of repeated equipment failure shall be included);

(iii) a list of compilers and other software packages (such as executive routines), engineering drawings and maintenance manuals available with the equipment; and

(iv) in the instances of a complete equipment configuration, information regarding power and air conditioning requirements.

(d) The Defense ADP Resource Office (DARO) shall control ADPE reported excess. Shipments shall be made upon receipt of requests approved by DARO.

24-206 Sale of Surplus Contractor Inventory.

24-206.1 *General.*

(a) It is the Department of Defense policy that when surplus contractor inventory is to be disposed of by means of sale, such sale will be conducted by the contractor in possession in accordance with procedures provided in this Section. The contractor is required to use his best efforts to sell contractor inventory in the manner, at the times, to the extent, and at the prices approved by the plant clearance officer. The contractor is not required to extend credit to any purchaser.

(b) Surplus contractor inventory included in the contractor's inventory schedules which has not been utilized or donated under 24-205, or retained at cost pursuant to 24-202, shall be sold in accordance with 24-206.2 at any time after notification by the plant clearance officer that screening has been accomplished. Any such purchase, retention, or sale shall be subject to the approval of the plant clearance officer.

(c) *Description of Property.* Description of property must be adequate for identification by prospective bidders. Accuracy is essential and commercial terminology desirable. The original manufacturer and brand name shall be included, if appropriate. When property is boxed or packaged, information as to type of packaging shall be included.

(d) *Condition.* Condition shall be stated as "used" or "unused" and shall not be described as new. If unused property is still in manufacturer's original containers, a statement to that effect shall be included. Appropriate qualifying statements shall supplement the basic noun description, *i.e.*, "well preserved," "some surface rust," "repairs required," etc. Condition codes shall not be used. Because

E-610.7 *Assignments — Provision Against Set-Off — Limitations.* When a contract contains a clause permitting assignment, with provision against reduction or set-off as set out in the last sentence of paragraph (a) of the clause in 7-103.8, and the contractor's claims under the contract have been assigned to a financing institution under the Assignment of Claims Act of 1940, as amended, and the assignment has not been released by the assignee, the effect to the statute mentioned is ordinarily to prevent application of payments due under the assigned contract to liquidate or reduce indebtedness of the contractor to the Government arising independently of the assigned contract. However, it is sometimes proper to effect collection despite such an assignment, as for example, when there is no loan outstanding in connection with the assignment and the arrangements between the contractor and the assignee are such that no loan is contemplated, or when there is no firm commitment for financing or when the amount of the loan secured and expected to be secured by the assignment pursuant to a firm commitment of the financing institution is less than the amount due and payable on the contract. Diligent effort should be made to ascertain the pertinent facts, from the assignee, the debtor, or otherwise. When appropriate, there should be withholding and application in reduction of the debt, to the extent that the assigned payments are not necessary to cover the loans or advances secured by the assignment, or to be secured incident to projected need for borrowings, and pursuant to a firm commitment of the financing institution. In doubtful cases the question as to the amount, if any, to be withheld should be referred to higher authority, or to the General Accounting Office when appropriate.

E-610.8 *Assignments — Absence of Provision Against Set-Off.* In some cases the contractor's claims have been assigned to a financing institution under the Assignment of Claims Act of 1940, as amended, but without the contract provision against reduction or setoff set out in paragraph (a) of the clause in 7-103.8, or equivalent provision. In such cases despite the assignment, net amounts due under the assigned contract should be withheld and applied to liquidate indebtedness of the contractor to the Government even though arising independently of the assigned contract, to the extent that such other indebtedness existed at the time written notice of the assignment was received by the Government, even though such debt was not matured so as to be due and payable at the time of such notice.

E-611 Transfer to Contract Financing Office. Transfer of the debt case will be made to the contract financing office (i) upon receipt of a contractor's deferment request or (ii) upon the expiration of 45 days without full collection after the date of initial demand whether or not postponement has been requested. Debt cases under contracts terminated for default shall be transferred to the contract financing office of the Procuring Department (E-212). Debt cases transferred to the contract financing office of the Procuring Department under contracts terminated for default shall not include that portion of a debt related to actions where a disbursing officer has primary responsibility (E-602). All debt cases where the disbursing officer has primary responsibility shall be transferred to the contract financing office of the disbursing office's Department. Other types of debt cases shall be transferred to the contract financing office or other office of the Department which first determines an amount to be due in accordance with the regulations of that Department.

Deferment requests will be forwarded as soon as possible to the contract financing office of the Department concerned. Such requests shall be supported by adequate identifying and explanatory information, including relevant

memoranda and correspondence, accounting data, amounts and dates of any collections, name and location of disbursing office and if applicable the assignee, date of filing of appeal, information on hand concerning financial condition of the contractor, and recommendations for action on the deferment request. For those debt cases transferred upon expiration of 45 days without full collection action, minimum supporting information and documentation will be provided in accordance with E-603.3.

E-611.1 *Small Amounts.* The transfers required by E-611 above, will not be made for amounts less than $200.00. However, it is incumbent on contracting officers and disbursing officers to effect collection whenever and by such means as are practicable. (See E-603.)

E-612 Deferment Request Data — Appeal Pending. The information to support a request for deferment of payment when the debt is disputed and timely appeal has been filed pursuant to the "Disputes" clause may be confined to material sufficient to provide understanding of the contractor's financial condition.

E-613 Deferment Request Data — No Appeal Pending. The information to support a request for deferment of payment when there is no appeal pending pursuant to the "Disputes" clause should be sufficient to provide understanding of the contractor's financial condition, and should also cover the contractor's contract backlog, projected cash receipts and requirements, the feasibility of immediate payment, and the probable effect of enforcement of full immediate payment on the contractor's operations.

E-614 Deferment Standards — Appeals. Appeals by contractors will not suspend or delay collection action. However, pending the resolution of appeals, deferments will be governed exclusively by the special standards set out in this paragraph E-614. In order to minimize the possibility of overcollections, requested deferments pending the outcome of appeals may be granted by the contract financing office (E-212), when the contractor enters into agreement acceptable to the contract financing office as reasonably assuring diligent prosecution of the appeal and full payment of any amount determined due upon decision of the appeal or upon further negotiations without such decision, with interest on such amount at the rate and for the period mentioned in E-608(2) above. Agreement on interest may include the adjustment provisions authorized by E-618, below. Collateral security, or other provisions to assure payment, shall be consistent with the circumstances of each case. To avoid possible undue hardship to small business concerns or those contractors who are financially weak, deferments pending the outcome of appeals may be granted on such terms and conditions as may be deemed reasonable by the contract financing office, notwithstanding financial weakness of the contractor and notwithstanding its inability to furnish good collateral security. These deferments shall provide for termination of the deferment by the contract financing office upon violation of the agreement or upon failure of the contractor diligently to pursue its appeal.

E-615 Deferment Standards — No Appeal Pending. When appeal is not pending, or has been resolved, the contract financing office (E-212) may make arrangements for deferral of payments when the contractor cannot pay at once in full, or when full immediate collection would seriously impair the contractor's ability to continue operations or to perform contracts or subcontracts for the national defense. Such agreements shall include such covenants and security as may be prudent and feasible under the circumstances, shall be limited to the shortest

TABLE 1

STANDARD DISTRIBUTION

With Shipment *	4
Consignee (*via mail*)	2
(*For Navy procurement, copies will be priced*)	
(For Grant Aid/Foreign Military Sales, consignee copies are not required).	
Contract Administration Office	1
(Forward direct to address in Block 10 except when addressee is a DCASR, DCASD, or DCASO, and a Certificate of Conformance (see I-301, Block 21(c)A(4)) or the Alternate Release Procedures (see I-301, Block 21(c)A(2)) is involved, and acceptance is at origin; then, forward through the Authorized Government Representative.)	
Purchasing Office	1
Payment Office **	4
(Forward direct to addressee in Block 12 except (i) when addressee in Block 10 is a DCASR, DCASD, or DCASO and Payment Office in Block 12 is a DCASR do not make distribution; (ii) when addressee in Block 12 is HQ AFCMD attach only one copy to the required number of copies of the contractor's invoice; (iii) when acceptance is at destination and a Navy Finance Office will make payment, forward to destination; and (iv) when a Certificate of Conformance (see I-301, Block 21(c)A(4)) or the Alternative Release Procedures (see I-301, Block 21(c)A(2)) is involved and acceptance is at origin, forward the copies through the Authorized Government Representative.)	
ADP Point for CAO (*Applicable to Air Force only*)	1
(When an AFPRO is specified as the administering activity in Block 10, or HQ AFCMD is cited as Payment Office in Block 12, send *one* copy to HQ AFCMD immediately upon signature. If submission of delivery data is being made by mechanical means, distribution of this hard copy need not be made to HQ AFCMD.)	

*Attach as follows:

Type of Shipment	*Location*
Carload or truckload:	Affix to the shipment where it will be readily visible and available upon receipt.
Less-than-carload or truckload:	Affix to container number one, or container bearing lowest number.
Mail, including parcel post:	Attach to outside or include in the package. Include a copy in each additional package of multipackage shipments.
Pipeline or tank car:	Forward with consignee copies.

**Payment by DCASRs will be based on the source acceptance copies of DD Forms 250 forwarded to the Contract Administration Office except in those rare instances where distribution will be made to DCASR Payment Offices in accordance with the above distribution schedule.

TABLE 2

SPECIAL DISTRIBUTION

Art Required	*Address*	*Number of Copies*
Each: Navy Status Control Activity, Army, Air Force, DSA Inventory Control Manager.	Address specified in the contract.	1 Each addressee
Quality Assurance Representative	Address specified by the assigned Quality Assurance Representative.	1
Transportation Office issuing GBL (attach to GBL memorandum copy).	CAO address unless otherwise specified in the contract.	1
Purchasing Office other than office issuing contract.	Address specified in the contract.	1
Foreign Military Sales Representative.	Address specified in the contract.	0
Military Assistance Advisory Group (Grant Aid Shipments).	U.S. Military Advisory Group, Military Attache, Mission, or other designated agency address as specified in the contract.	1
Army Foreign Military Sales/ Military Assistance Program (Grant Aid)	Commander US Army Security Assistance Center ATTN: DRSAC-OP 3rd Street and "M" Avenue, Bldg 54 New Cumberland Army Depot New Cumberland, PA 17070	1
Air Force On shipments of new production of aircraft and missiles, class 1410 missiles, 1510 aircraft (fixed wing, all types), 1520 aircraft (rotary wing), 1540 gliders, 1550 target drones.	Air Force Logistics Command Aerospace Vehicle Distribution Office (MCNAPV) Wright-Patterson AFB, Ohio 45433	1
When above items are delivered to aircraft modification centers.	A. F. Plant Representative Office	1
Foreign Military Sales/ Military Assistance Program (Grant Aid) shipments to Canada.	National Defence Headquarters Ottawa, Ontario Canada K1A OK4 Attn: DPSUP33	1
Other Than Canada	Address specified in the contract.	1

[FR Doc. 81-20546 Filed 7-13-81; 8:45 am]
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36712 **Money Market Certificates** DIDC seeks comments on establishing ceiling rates for 26-week money market certificates of $10,000 minimum denomination.

36792 **Rescissions and Deferrals** OMB releases cumulative report. (Part II of this issue)

36692 **National Security** ITC implements regulations on classification, declassification and safeguarding of information.

36709 **Harbors—National Defense** Commerce/MA clarifies final rule on control and utilization of ports during a period of war or national emergency.

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36784 **Grant Programs—Handicapped** NSF notifies recipients of federal financial assistance to comply with provisions for nondiscrimination against handicapped.

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Presidential Documents

Title 3—

The President

Executive Order 12313 of July 13, 1981

Specification of Hostage Return Date Under Hostage Relief Act of 1980

By the authority vested in me as President of the United States of America by sections 101(2)(A) and 205(b)(1) of the Hostage Relief Act of 1980 (Public Law 96-449; 94 Stat. 1967, 1972; 5 U.S.C. 5561 note) (the "Hostage Act"), it is hereby ordered, for the purposes of these sections of the Hostage Act, that January 21, 1981, is specified as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, and were no longer under foreign control.

Ronald Reagan

THE WHITE HOUSE,
July 13, 1981.

[FR Doc. 81-20921
Filed 7-14-81; 10:56 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 135
Wednesday, July 15, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Orange County and a portion of Los Angeles County in California from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas quarantined.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantines imposed due to exotic Newcastle disease concerning only two premises, neither of which is owned by a small entity.

Therefore, this amendment releases a portion of Orange County and a portion of Los Angeles County in California from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(c)(2), relating to the State of California, the following premises are removed: (i) Jack Schafer, 6441 Cosa Verdi Drive, Cypress, Orange County; and (ii) Jack Schafer, 12005 South Street, Artesia, Los Angeles County.

Accordingly, paragraph (c)(2) is removed and reserved.

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) Removed and Reserved.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Also, the emergency nature of this amendment makes it impracticable to comply with E.O. 12291.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment.

Done at Washington, D.C., this ninth day of July 1981.

J. K. Atwell,
Deputy Administrator, Veterinary Services.

[FR Doc. 81-20691 Filed 7-14-81; 8:45 am]
BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado—12); Order No. 156]

High-Cost Gas Produced From Tight Formations; Colorado; Recommendation of Areas for Designation as Tight Formations; Correction

July 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule in Docket No. RM79–76 (Colorado—12) that appeared on page 31253 in the **Federal Register** of June 15, 1981 (46 FR 31253). This action amends a reference to the state in which the Corcoran and Cozzette Formations are located.

FOR FURTHER INFORMATION CONTACT: Leslie J. Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8307.

The following corrections are made in the final rule in FR Doc. 81–17689, as it appeared on page 31254 of the issue of June 15, 1981.

1. The first sentence of **Supplementary Information** is amended to read as follows: "The Commission hereby amends § 271.703(d) of its regulations to include the Corcoran and Cozzette Formations in Colorado as designated tight formations eligible for incentive pricing under § 271.703."

2. The sentence preceding the rule is amended by adding "and (34)" after (33).

3. Insert a new paragraph (34) after § 271.703(d)(33)(ii), to read as follows:

* * * * *

(34) *Corcoran Formation in Colorado.* RM79–76 (Colorado—12).

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20638 Filed 7–14–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Part 271

[Order No. 152; Docket No. RM79–76 (Colorado—7)]

High-Cost Gas Produced From Tight Formations; Correction

July 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the reference to the Dakota Formation as the reference was issued by the Commission in its final rule issued on June 3, 1981 and as it appeared in the **Federal Register** on June 9, 1981, at 46 FR 30489.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8307.

The following correction is made in FR Doc. 81–17077, appearing on page 30489 of the issue of June 9, 1981.

1. On page 30490, paragraph (28) of § 271.703(d) is removed and paragraph (26) is added to read as follows:

* * * * *

(28) *The Dakota Formation in Colorado.* RM79–76 (Colorado—7).

(i) *Delineation of formation.* The Dakota Formation is found in La Plata and Archuleta Counties, Colorado, underlying Township 34 North, Ranges 6 through 8 West (North of the Ute Line), Sections 1 through 18; Township 34 North, Range 9 West (North of the Ute Line), Sections 1 through 12; Township 34½ North, Range 9 West (North of the Ute Line), Sections 31 through 36; Township 35 North, Ranges 6 through 8 West, Sections 1 through 36; and Township 35 North, Range 9 West, Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36.

(ii) *Depth.* The Dakota Formation is defined as that formation, the top of which varies in depth from 7500 feet to 8000 feet and the bottom of which is defined by the top of the Morrison Formation.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20640 Filed 7–14–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Part 271

[Docket No. RM79–76 (Colorado—8); Order No. 150]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation; Correction

July 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the references to the delineation of the Sanastee Formation and the Dakota Formation as the references were issued by the Commission in its final rule issued June 3, 1981, and as they appeared in the **Federal Register** on June 9, 1981, at 46 FR 30491.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8307.

The following correction is made in FR Doc. 81–17079, appearing on page 30491 of the issue of June 9, 1981.

1. On page 30491, § 271.703(d)(27)(i) is corrected to read as follows:

* * * * *

(i) *Delineation of formation.* The Sanastee Formation is found in La Plata and Archuleta Counties, Colorado, underlying Township 34 North, Ranges 6 and 7 West (South of the Ute Line), Sections 1 through 36; and Township 34 North, Ranges 8 and 9 West (South of the Ute Line), Sections 1 through 24.

* * * * *

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20639 Filed 7–14–81; 8:45 am]

BILLING CODE 6450–85–M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

National Security Information; Executive Order 12065; Implementing Regulations

AGENCY: International Trade Commission.

ACTION: Final rule.

SUMMARY: This regulation implements Executive Order No. 12065, 3 CFR 190 (1978 Compilation), and the Information Security Oversight Office Directive No. 1, 43 FR 46280 (Oct. 5, 1978), relating to the classification, declassification, and safeguarding of national security information. The order increases openness in Government by limiting the classification and accelerating the declassification of national security information, while providing improved protection against unauthorized disclosure of information that requires protection in the interest of national security.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Terry P. McGowan, Acting Director, Office of Administration, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0463.

SUPPLEMENTARY INFORMATION: The sections in this regulation follow the format of the directive. This regulation has been reviewed by the Information Security Oversight Office in accordance with section 5–401 of Executive Order No. 12065.

19 CFR Part 201 is amended by adding Subpart F to read as follows:

Subpart F—National Security Information

Sec.

201.42 Purpose and scope.

201.43 Program.

201.44 Procedures.

Authority: Executive Order No. 12065, National Security Information, June 28, 1978, 3 CFR 190 (1978 compilation); Information Security Oversight Office, Directive No. 1, National Security Information, October 2, 1978, 43 FR 46280 (Oct. 5, 1978).

§ 201.42 Purpose and scope.

The following regulation supplements Executive Order No. 12065, National Security Information, June 28, 1978, as it applies to the Commission.

§ 201.43 Program.

The Director of Administration is designated as the official of the Commission who is responsible for implementation and oversight of information security programs and procedures, including ensuring conformity with the provisions of Executive Order No. 12065. He shall chair a committee, composed of himself and representatives of the offices of the Secretary and General Counsel, that will act on all suggestions and complaints with respect to the Commission's administration of the program. All questions, suggestions, and complaints regarding all elements of the information security program shall be directed to the Director of Administration.

§ 201.44 Procedures.

(a) *Mandatory declassification review.* (1) Requests for declassification and release of national security information in the custody of the Commission shall be directed to the Secretary. Requests must reasonably describe the information that is desired to be declassified. All requests for declassification submitted pursuant to the Freedom of Information Act shall be processed in accordance with the provisions of that act and the applicable regulations of the Commission (19 CFR 201.17–.21).

(2) Because the Commission does not have original classification authority and national security information in its custody has been classified by another Federal agency, the Secretary shall refer all requests for mandatory declassification review of classified information to the originating Federal agency along with his recommendations. Requests for declassification shall be referred and the requester advised within 60 days of receipt of a properly filed request.

(b) *Safeguarding.* All classified materials shall be delivered to the Secretary, or whoever is designated to act in the absence of the Secretary, immediately upon receipt at the Commission. In the event that the Secretary or his designee is not available to receive the materials, they shall be delivered to the Executive Liaison and Special Advisor for Trade Agreements and secured, unopened, in the combination safe located in his office until the Secretary or his designee is available. Under no circumstances shall classified materials that cannot be delivered to the Secretary or his designee be stored other than in the designated safe. Access to classified materials at the Commission shall be limited to officers and employees of the Commission on the basis of a favorable determination of trustworthiness and a need to know.

(c) *Reproduction.* "Top Secret" documents may not be reproduced without the consent of the originating agency unless otherwise marked by that agency. "Secret" and "Confidential" documents may not be reproduced without the permission of the Secretary, and are subject to any limitations imposed by the originator. Reproduced copies shall be subject to the same controls as the original document. The Secretary shall establish a system of recording the number and distribution of copies reproduced from the original documents. Reproduction for the purposes of mandatory review shall not be restricted.

(d) *Storage.* All classified material shall be stored in the GSA-approved combination safe located at the Commission. The combination shall be changed as required by section IV–F–5–a of Information Security oversight Office Directive No. 1. The combination shall be known only by the Secretary, Director of Administration, General Counsel, and other persons possessing an appropriate security clearance.

(e) *Employee education.* The Director of Administration shall establish for all employees who have been granted a security clearance an information security education program that will advise them of the handling, reproduction, and storage procedures for these materials. The education program will also enable employees to familiarize themselves with the Order and applicable directives of the Information Security Oversight Office. New employees will be instructed in these procedures as they enter employment with the Commission.

(f) *Agency terminology.* The use of the terms "Top Secret," "Secret," and "Confidential" shall be limited to material classified for national security purposes.

By order of the Commission.

Issued: July 10, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–20702 Filed 7–14–81; 8:45 am]

BILLING CODE 7020–02–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning August 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after August 1, 1981, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208 (the "Act"). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2,

1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before July 1, 1981. (29 CFR 2610 (1980), 45 FR 84907, 45 FR 75858, 45 75209, 45 FR 82172, 46 FR 3510, 46 FR 16665, 46 FR 18312, 46 FR 28765).

On June 15, 1981, the PBGC last published rates for plans that terminate on or after July 1, 1981 (46 FR 31257). At this time, changes in the financial and annuity markets have necessitated a decrease in the rates used by the PBGC to value benefits. Accordingly, this notice changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after August 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish a notice in the Federal Register, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no notice will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after August 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Rate Set 26 and adding Rate Set 27 of Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used To Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
26	7-1-81	8-1-81	10.50	1.0975	1.0650	1.0400	7	8
27	8-1-81		10.25	1.0950	1.0625	1.0400	7	8

* * * * *

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, 1298, (1980) (29 U.S.C. 1302, 1341, 1344, 1362))

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-20841 Filed 7-14-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Park and Preserve

AGENCY: National Park Service, Interior.

ACTION: Deferral of effective date of final rule with request for comments.

SUMMARY: The National Park Service is further postponing the effective date of a final rule concerning protection of the humpback whales in Glacier Bay National Park and Preserve which was last postponed until July 15, 1981 (46 FR 28846). This final rule was published in the Federal Register on December 30, 1980 (45 FR 85741). The reason for this new postponement is that the National Park Service is still trying to determine the correct 1976 entry level for small boats in Glacier Bay. The interim rule published on May 15, 1980 (45 FR 32234), which is currently in effect, restricts entries to 520 during the whale season (June 1 to August 31). The final rule published on December 30, 1980 revised this number to 330. To date this season, the entry level for small vessels is running below the 330 level.

DATES: The new effective date for this final rule is September 1, 1981. Comments on this new effective date must be received on or before August 10, 1981.

ADDRESS: Written comments should be sent to Associate Director, Management and Operations, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Rangers Activities and Protection, National Park Service, Washington, D.C. 20240, Telephone: (202) 343-4874.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20714 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Republic of South Africa

AGENCY: Postal Service.

ACTION: Final international express mail rates; Republic of South Africa.

SUMMARY: Pursuant to its authority under 39 U.S.C. Section 407, the Postal Service will institute Custom Designed and On Demand Services with the Republic of South Africa as indicated in the tables below.

EFFECTIVE DATE: Both services will commence July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Martin R. Anker, (202) 245-4418.

SUPPLEMENTARY INFORMATION: On June 9, 1981, the Postal Service published for comment in the Federal Register, 46 FR 30505, a notice proposing new Custom Designed and On Demand Services with the Republic of South Africa. The notices invited written data, views, or arguments concerning the rates and new service. However, no comments were received.

The proposal offered rates and service for mail weighing up to only 33 pounds, whereas it should have but inadvertently failed to include mail weighing up to 44 pounds. The Postal Service is, therefore, adding to the table the omitted rates for pieces weighing from 34 to 44 pounds. As amended, the Postal Service adopts the rates of postage for Custom Designed and On Demand International Express Mail Service to the Republic of South Africa set out in the following amended table (designated Table 19 for inclusion as a separate country entry in the International Mail Manual, incorporated by reference 39 CFR 10.1).

In consideration of the foregoing, the Postal Service adds Table 19 to the International Mail Manual as follows: (39 U.S.C. 401, 403, 404(2), 407, 410(a)), Universal Postal Convention, Rio de Janeiro, 1979, T.I.A.S. No. 9972, Art. 6.)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

Table 19.—*Republic of South Africa, International Express Mail*

Custom designed service[1] [2]		On demand service[2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.09	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.59	32	160.50

Table 19.—*Republic of South Africa, International Express Mail*—Continued

Custom designed service[1] [2]		On demand service[2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
33	173.00	33	165.00
34	177.50	34	169.50
35	182.00	35	174.00
36	186.50	36	178.50
37	191.00	37	183.00
38	195.50	38	187.50
39	200.00	39	192.00
40	204.50	40	196.50
41	209.00	41	201.00
42	213.50	42	205.50
43	218.00	43	210.00
44	222.50	44	214.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-20825 Filed 7-14-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD-FRL 1873-1]

Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans; Notice of Reconsideration and Temporary Partial Stay of Regulations; Request for Public Comment on Extending Stay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Reconsideration and Temporary Partial Stay of Regulations; Request for Comment on Extending Stay.

SUMMARY: By the administrative order which appears below, EPA is partially and temporarily staying those regulations relating to the construction of new stationary sources of air pollution and modifications to existing sources which appear at 40 CFR 51.24, 52.21, Appendix S to Part 51, 51.18, and 52.24. Specifically, EPA is staying the requirement in those regulations that certain vessel emissions are to be included in determinations of whether a proposed stationary source or modification would emit a particular pollutant in "major" or "significant" amounts. EPA is also staying the requirement that a physical or operational limitation on emissions capacity must be federally enforceable in order to be taken into account in any such determination. The temporary partial stay shall be in effect for ninety (90) days. During this period EPA will decide whether these regulations should be stayed pending completion of the reconsideration process and, if so, under what conditions. This notice also establishes a thirty (30)-day public comment period on these questions.

DATES: The effective date of the temporary partial stay is the date of signature of this notice. Comments must be received by August 14, 1981.

ADDRESSES: *Comments.* Comments should be submitted (in triplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, S.W. Washington, D.C. 20460. Attention: Docket No. A-81-23.

Docket. EPA has established a docket for this proceeding. It bears Docket No. A-81-23. The docket is an organized and complete file of all significant information submitted to or otherwise considered by EPA during this proceeding. The contents of the docket will serve as the record in the case of judicial review under Section 307(b) of the Clean Air Act, 42 U.S.C. 7607(b). The docket is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Michael Trutna, New Source Review Section, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711; 919-541-5591; FTS-629-5591.

SUPPLEMENTARY INFORMATION:

A. Introduction

In August 1980, EPA extensively revised its regulations concerning the construction of new stationary sources and modifications in response to *Alabama Power Company* v. *Costle*, 636 F.2d 323 (1979).[1] See 45 FR 52676 (August 7, 1980). Five sets of regulations resulted from those revisions. One set, 40 CFR 51.24, specifies the elements of an approvable state program for preconstruction review for prevention of significant deterioration of air quality (the "Part 51 PSD regulations"). Another set, 40 CFR 52.21 (the "Part 52 PSD regulations"), delineates the federal program for PSD preconstruction review, which program currently applies in most states. Another set, 40 CFR 51.18(j), specifies the elements of an approvable state program for preconstruction

[1] EPA further amended certain of those regulations in September 1980. 45 FR 59874 (September 11, 1980).

review for nonattainment purposes. It elaborates on Section 173 of the Act. The fourth set, 40 CFR Part 51, Appendix S, embodies EPA's "Emissions Offset Interpretative Ruling." The fifth set, 40 CFR 52.24, embodies the construction moratorium for certain nonattainment areas.

Numerous persons have petitioned the Court of Appeals for the D.C. Circuit to review various provisions of those PSD and nonattainment regulations. Some of them have also petitioned EPA to reconsider many of those provisions. In response to the petitions to the D.C. Circuit and EPA, the Agency has decided to reconsider and temporarily stay the requirements that (1) certain vessel emissions are to be included in determinations of whether a proposed marine terminal would emit a particular pollutant in "major" or "significant" amounts and (2) a physical or operational limitation on emissions capacity must be federally enforceable in order to be taken into account in any such determination. The temporary stay shall be in effect for ninety (90) days. During this period, the Agency will take public comment on whether the stay should remain in effect until completion of the reconsideration process and, if so, under what conditions. The discussion which follows describes the affected provisions, the reasons for reconsideration and the temporary stay, and the effect of the temporary stay.

B. Vessel Emissions

1. *Background.* Typically, a marine terminal consists of docks and storage structures. Vessels move to and from, and stay at, the terminal. Air pollutants emanate mainly from the storage structures and the vessels. For example, storage tanks containing liquid petroleum products emit substantial amounts of volatile organic compounds. Similarly, vessels carrying such products also emit those pollutants, particularly when loading or unloading. The vessels, however, also emit sulfur dioxide. The sulfur dioxide comes from the combustion of fuel in the internal power plants of the vessels. Power is needed, not only for movement, but also for such dockside activities as loading and unloading.

Whether the five sets of PSD and nonattainment regulations apply to a marine terminal and then to a particular pollutant from the terminal depends greatly on the scope of the term "stationary source." In general, the five sets of regulations aim their substantive requirements only at "major stationary sources" and "major modifications."[2] Furthermore, four of the five sets[3] aim their substantive requirements only at those pollutants regulated under the Act which the new "major stationary source" or "major modification" would emit in "major" or "significant" amounts, depending on the regulations in question.[4] Finally, all five sets define "major stationary source," "major modification" and "significant" in terms of rates of emissions from the "stationary source" in question. The Part 52 PSD regulations, for instance, define "major stationary source" as any "stationary source" with the potential to emit 100 tons or more per year of any pollutant regulated under the Act or 250 tons or more per year, depending on source type. 45 FR 52735 (§ 52.21(b)(1)).

2. *Provisions at Issue.*

In revising the PSD and nonattainment regulations in August 1980, EPA defined "stationary source" as "any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Act." *See, e.g.*, 45 FR 52736 (§ 52.21(b)(5)). The Agency then defined "building, structure, facility, or installation" for PSD purposes, and "building, structure, or facility" for nonattainment purposes,[5] as:

> All of the pollutant-emitting *activities* which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person, (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "major Group" (*i.e.*, which have the same first two-digit code) as described in the *Standard Industrial Classification Manual.* 1972 . . . . [*See, e.g.*, 45 FR 52736 (§ 52.21(b)(6)) (emphasis added).]

EPA applied those new definitions to marine terminals and vessel emissions in the preamble to the revisions. The Agency stated that it intended "stationary source":

> To encompass the activities of a marine terminal and those dockside activities *that would serve the purposes of the terminal directly and would be under the control of its owner or operator.* The term "dockside activities" means those activities in which the ships would engage while docked at the terminal. [45 FR 52696 (1st column) (emphasis added).]

EPA added that a determination of whether a particular dockside activity would directly serve the purposes of a terminal and would be under the control of its owner or operator would depend on the circumstances of the specific case. *Id.* EPA indicated, however, that it would presume that the activity of loading or unloading a vessel would in every case directly serve the purposes of a terminal and that such an activity would be under the control of the owner or operator of the terminal to a substantial extent, since no loading or unloading could occur without the consent or the owner or operator. *Id.*

3. *Industry Challenge.* TATX Terminals Corporation petitioned the D.C. Circuit for review of the definition of "stationary source" in the five sets of PSD and nonattainment regulations to the extent that the definition, as interpreted by EPA, requires vessel emissions to be included in quantifying the emissions of a marine terminal for applicability purposes. GATX has also petitioned EPA to reconsider and stay the definition to that extent.

In its challenge to the definition, GATX contends that EPA exceeded its statutory authority in requiring the inclusion of vessel emissions, since vessels are mobile sources. GATX also contends that EPA acted arbitrarily and capriciously. One argument it makes is that the regulations, which would impose on a terminal owner or operator liability for the failure of a vessel that it does not own or operate to observe the control requirements in a PSD permit, are unfair and irrational in that respect, because the owner or operator would have little control, if any, over the behavior of such vessel even while docked. Another argument is that the case-by-case review of new marine terminal projects, which the regulations now contemplate, will unduly burden interstate and foreign commerce, because it will cause permit conditions for the control of vessel emissions to vary widely from terminal to terminal.

GATX further contends that EPA violated the procedural requirements of the Clean Air Act by failing to give adequate notice at the proposal stage that it might require the inclusion of vessel emissions. In support, GATX points out that (1) shortly before EPA proposed its revisions to the PSD and nonattainment regulations, the Agency informed the D.C. Circuit in *Alabama Power* that the regulations then in effect did not require the inclusion of vessel emissions for applicability purposes at all; (2) the definition of "stationary source" which EPA proposed in September did not vary materially from the definition of that term in those pre-existing PSD and nonattainment regulations; and (3) EPA gave no signal at any time during the rulemaking that it was thinking of requiring the inclusion of vessel emissions.

4. *Reconsideration.* EPA has decided to reconsider the definition of "stationary source" insofar as it requires the inclusion of vessel emissions for applicability purposes. EPA agrees that the issues of whether to include vessel emissions for applicability purposes and then to what extent deserve greater ventilation than they have had. A few commenters during the rulemaking did raise the basic issue of how vessel emissions are to be taken into account for new source review. Their comments, however, were general in nature and directed largely to the inclusion of vessel emissions in assessing the air quality impact of a marine terminal. EPA would benefit, therefore, from comment on a specific approach to the inclusion of vessel emissions for applicability purposes. For instance, the degree of control that an independent terminal owner or operator would have over dockside vessel activities and the effects of preconstruction review of those activities on interstate and foreign commerce especially deserve further examination. EPA plans to formulate a specific approach to vessel emissions and propose it as soon as possible. At that time, it will solicit comment from the public.

5. *Temporary Stay.* In response to GATX's petitions, EPA has also decided to stay temporarily the definition of "stationary source" in the PSD and nonattainment regulations to the extent that it requires the inclusion of vessel emissions for applicability purposes, and to request comment on whether the stay should be extended for the duration of the reconsideration process. There is a substantial likelihood that the Agency ultimately will change the current approach materially. In addition, the current approach, absent a stay, would impose significant regulatory burdens on the construction and modification of marine terminals. Finally, the exclusion of vessel emissions from applicability determinations during this short-term stay will not frustrate substantially the long-term goals of the PSD and nonattainment regulations.

The following example illustrates the effect of the stay. Suppose that a proposed marine terminal consisting only of docks and storage facilities would emit volatile organic compounds in "major" amounts, but no other pollutant in "significant" amounts. Suppose further that the vessels while docked at the terminal would emit sulfur dioxide in "major" amounts from just the activities of loading and unloading. Under the stay, the Part 52 PSD regulations would require "best available control technology" (BACT) and an assessment of air quality impact only for the volatile organic compounds, since the "stationary source" in question would emit only that pollutant in "significant" amounts. In contrast, if the terminal were itself to emit sulfur dioxide in "significant" amounts, the Part 52 PSD regulations would require BACT for the units which would emit the sulfur dioxide but not for the vessels. Also, in such a case, the regulations would require the assessment of air quality impact to include, not only the sulfur dioxide emissions from the terminal, but also the sulfur dioxide emissions from the vessels to the extent that they were quantifiable and would impact the same area as the sulfur dioxide emissions from the terminal. *See generally* 45 FR 52740 (§§ 52.21(j)–(k)).

C. Federal Enforceability

1. *Background and Provisions at Issue.* As noted above, each of the five sets of PSD and nonattainment regulations aim their substantive requirements at new "major stationary sources" and "major modifications." Each set defines "major stationary source" as any "stationary source" which would have the "potential to emit" certain amounts of pollution. *See, e.g.*, 45 FR 52735 [§ 52.21(b)(1)]. Each then defines "potential to emit" as:

> The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design *if the limitation or the effect it would have on emissions is federally enforceable* . . . [*See, e.g.*, 45 FR 52738 (§ 52.21(b)(4)) (emphasis added).]

Finally, the regulations each define "federally enforceable" to refer to:

> All limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.18 and 40 CFR 51.24. [*See, e.g.*, 45 FR 52737 (§ 52.21(b)(17)).]

In effect, those definitions of "potential to emit" and "federal enforceability" require one, in calculating the "potential to emit" of a proposed source for a particular pollutant, to assume that the source would emit the pollutant at the maximum rate that the source could physically emit it, unless the source would be subject to a limitation on its operation which EPA could enforce directly. For example, suppose that a company plans to operate a proposed source only 16 hours per day. Suppose further that the source would emit a particular pollutant in "major" amounts if it were operated 24 hours per day at its maximum physical capacity, but not if it were operated only 16 hours per day at that capacity. Under the definitions of "potential to emit" and "federal enforceability," one must assume, notwithstanding the company's plans, that it would operate the source 24 hours per day, unless the company has obtained either a permit issued by the state under the state implementation plan (SIP) which permit specifically prohibits operations in excess of 16 hours per day, or some other such legal constraint.

The definition of "major modification" in each of the five sets of PSD and nonattainment regulations also contains requirements for federal enforceability. Each set defines "major modification" in general as any change at a major stationary source which would result in a "significant net emissions increase" of any pollutant regulated under the Act. *See, e.g.*, 45 FR 52735 (§ 52.21(b)(2)). Each set defines "net emissions increase," in turn, as the amount by which the sum of (1) the increase in "actual" emissions from the proposed change and (2) any contemporaneous and otherwise creditable increases and decreases in "actual" emissions at the source exceeds zero. *See, e.g.*, 45 FR 52736 (§ 52.21(b)(3)). Next, since a proposed addition of a new emit at a source has yet to produce emissions, each set of the regulations provides that the "actual" emissions of any such change equals its "potential to emit". *See, e.g.*, 45 FR 52737 (§ 52.21(b)(21)(iv)). The definition of "potential to emit," of course, contains a requirement for federal enforceability. Finally, each of the regulations provides that a contemporaneous decrease in emissions

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[2] For example, the Part 52 PSD regulations require only new "major stationary sources" and "major modifications" that would be located in "clean air" areas to have a PSD permit before construction begins. 45 FR 52738 (§ 52.21(i)).

[3] The construction moratorium, 40 CFR 52.24, simply restricts the construction of a project; it does not require the application of control technology and assessments of air quality impact for the various emissions from the project.

[4] For example, the Part 52 PSD regulations require an applicant for a PSD permit for a "major stationary source" to show that the "stationary source" would have "best available control technology" (BACT) for just those pollutants regulated under the Act that the "stationary source" would emit in "significant" amounts. 45 FR 52740 (§ 52.21(j)).

[5] EPA defined "installation" for nonattainment purposes as "an identifiable piece of process equipment." *See, e.g.*, 45 FR 52744 (§ 51.18(j)(1)(ii)).

is creditable only to the extent that it "is *federally enforceable* at and after the time that actual construction on the particular change begins". *See, e.g., id.* (§ 52.21(b)(3)(vi)(*b*)) (emphasis added).

2. *Industry challenge.* Several parties have petitioned the Court of Appeals for the D.C. Circuit to review the requirement for federal enforceability in the definitions of "potential to emit" and "net emissions increase." Some of them have also petitioned EPA to reconsider the requirement. Before both the Court and EPA, the petitioners contend mainly that the requirement is arbitrary and capricious, since it is redundant. They point out that in general each SIP already prohibits construction of a new "major stationary source" or "major modification" without a PSD or nonattainment permit. Accordingly, any company which builds a project that emits, or has the potential to emit, pollution in excess of the applicable thresholds without first obtaining a permit would be in violation of the law and therefore subject to enforcement action by EPA. For this reason, these petitioners assert that there is no need for EPA to require companies to obtain legal limitations which are enforceable by EPA in order to avoid the need for a PSD or nonattainment permit.

3. *Reconsideration.* EPA has decided to reconsider the requirement for federal enforceability. The issues of whether to imposes the requirement and under what terms deserve further ventilation in view of the substantial doubts that petitioners have raised about its necessity. EPA plans to formulate a specific proposal on the issue of federal enforceability and to solicit comment on it as soon as possible.

4. *Temporary Stay.* EPA has also decided to stay temporarily the federal enforceability requirement, and to request comment on whether the stay should be extended for the duration of the reconsideration process. The arguments advanced by petitioners are persuasive, and EPA believes that there is a substantial likelihood that the requirement will be altered after EPA has reconsidered it. Accordingly, the Agency believes it is highly likely that it will decide to extend the stay for the duration of the reconsideration process, after receiving public comment on this question. In the interim, a stay will relieve industry from the burden of having to transform physical and operational limitations on the design of a project into specific restrictions in permits or SIP revisions. Finally, there should be no significant adverse impact on air quality while the rules are stayed. New major stationary sources and major modifications must still have a PSD or nonattainment permit before construction begins, or in some cases adhere to the construction moratorium.

5. *Calculation of "potential to emit" under the stay.* In calculating "potential to emit" under the stay, one must now refer to the fundamental physical and operational design of the proposed project. For example, if a company plans for the full useful life of a project to operate it no more than a certain number of hours per day or to use a fuel with a certain sulfur content, one is to assume now that the project would not exceed those limitations in calculating "potential to emit." However, if a company does not obtain a permit for a new project, and than operates it in excess of a critical limitation in its design, such that the project actually emits a regulated pollutant in "major" amounts, the company would be in violation of the law and hence subject to appropriate enforcement action.

D. Miscellaneous

EPA, under subsection (u) of the Part 52 PSD regulations has delegated the authority to administer those Part 52 regulations to some states. Each delegate state must now administer the Part 52 PSD regulations as now stayed. By contrast, in staying the requirements for federal enforceability and the inclusion of vessel emissions, EPA does not intend to change the status of any state-adopted program for new source review which it has already approved under Section 110 of the Clean Air Act. However, while the stay remains in effect, EPA will not disapprove any state-submitted program for new source review, or any revision to such a program, on the grounds that it fails to embody the now stayed requirements.

EPA regards the issuance of the temporary partial stay as "nationally applicable" "final action" within the meaning of Section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1). Any petition for review of the temporary partial stay must be filed, therefore, with the U.S. Court of Appeals for the D.C. Circuit on or before September 14, 1981.

EPA does not, however, regard the temporary partial stay as the "*promulgation* or *revision* of regulations" within the meaning of Section 307(d)(1)(I) of the Act, 42 U.S.C. 7607(d)(1)(I) (emphasis added). The temporary stay is merely an administrative order providing equitable relief for 90 days. As discussed above, during this period the Agency will decide whether to extend the stay until completion of the reconsideration process, after considering any public comments which are received on this matter. The notice and comment requirements of Section 307(d) and the requirement of Section 317 for an economic impact assessment, therefore, do not apply to the issuance of the stay.

In any event, the Section 307(d) requirements, as well as the notice and comment requirements of Section 4 of the Administrative Procedure Act (the "APA"), 5 U.S.C. 553, do not apply for other reasons. First, meeting either set of requirements would be "contrary to the public interest" within the meaning of Section 4(b)(B) of the APA, 5 U.S.C 553(b)(B). The Agency has carefully considered this matter, and has concluded that there is a significant likelihood that it will relax the regulatory burdens imposed by these regulations at the end of the reconsideration process. Accordingly, it is highly likely that the Agency will decide to extend the stay until it has completed its reconsideration of these regulations, after receiving public comment on the stay question. The likelihood that the Agency will relax the regulations is sufficiently high that it is contrary to the public interest not to stay the provisions for the short period of time necessary to complete the public notice and comment process on the question of extending the stay. Second, meeting those notice and comment requirements would be "unnecessary" within the meaning of that section, since the stay is of short duration (90 days) and the public will have an opportunity to comment on whether the stay should be extended. Moreover, the public will have an opportunity during reconsideration of the provisions in question to comment on any changes to those provisions and on the effective date of the changes. *See* Clean Air Act § 307(d)(1)(N), 42 U.S.C. 7607(d)(1)(N). For the same reasons and because the temporary stay "relieves a restriction" within the meaning of Section 4(d) of the APA, 5 U.S.C. 553(d), EPA finds that it has good cause to make it immediately effective.

Under Executive Order 12291, EPA must judge whether an action it takes is a "major rule" and therefore subject to the requirement of a Regulatory Impact Analysis. This temporary stay is not a "major rule," because it is temporary and lifts current regulatory burdens.

This temporary partial stay has been submitted to the Office of Management and Budget for review under Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. § 605(b), EPA hereby certifies that the temporary partial stay will not have a significant adverse impact on small entities.

(Sec. 101(b)(1), 110, 160–169, 171–178, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7401(b)(1), 7410, 7470–79, 7501–08 and 7601(a)); Section 129(a) of the Clean Air Act Amendments of 1977 (Pub. L. No. 95–95, 91 Stat. 685 (August 7, 1977)))

Dated: July 7, 1981.

Anne M. Gorsuch,

Administrator.

A. *Vessel Emissions.* I hereby stay the following definitions of "stationary source," "building," "structure," "facility," and "installation" to the extent that they encompass the activities of vessels:

1. 40 CFR 51.24(b)(5)–(6), 45 FR 52731 (August 7, 1980);
2. 40 CFR 52.21(b)(5)–(6), 45 FR 52736;
3. 40 CFR Part 51, Appendix S, § II(A)(1)–(2), 45 FR 52741–42;
4. 40 CFR 51.18(j)(2)(i)–(ii), 45 FR 52743–44; and
5. 40 CFR 52.24(f)(1)–(2), 45 FR 52746.

The purpose of this partial stay of the definitions listed above is to suspend the requirement in 40 CFR 51.24, 52.21, Part 51 (Appendix S), 51.18 and 52.24 that certain vessel emissions are to be included in determining whether a source or modification would emit (or emits) a particular pollutant in "major" or "significant" amounts pending reconsideration of that requirement.

B. *Federal Enforceability.* I hereby stay the following provisions:

1. The second sentence of the definition of "potential to emit" in the following provisions to the extent that the sentence requires a physical or operational limitation on emissions capacity to be federally enforceable in order to be taken into account in calculating "potential to emit":
   a. 40 CFR 51.24(b)(4), 45 FR 52730–31;
   b. 40 CFR 52.21(b)(4), 45 FR 52737;
   c. 40 CFR Part 51, Appendix S, § II(A)(4), FR 52742;
   d. 40 CFR 51.18(j)(1)(iv), 45 FR 52744; and
   e. 40 CFR 52.24(f)(4), 45 FR 52746.
2. The clause in the definition of "net emissions increase" at 40 CFR:
   a. 51.24(b)(3)(vi)(*b*), 45 FR 52730;
   b. 52.21(b)(3)(vi)(*b*), 45 FR 52736;
   c. Part 51, Appendix S, § II(A)(7)(v)(*b*), 45 FR 52742;
   d. 51.18(j)(1)(vii)(*e*)(*2*), 45 FR 52744; and
   e. 52.24(f)(7)(v)(*b*), 45 FR 52747.
3. The definition of "federally enforceable" at 40 CFR:
   a. 51.24(b)(17), 45 FR 52732;
   b. 52.21(b)(17), 45 FR 52737;
   c. Part 51, Appendix S, § II(A)(15), 45 FR 52742;
   d. 51.18(j)(1)(xvii), 45 FR 52745; and
   e. 52.24(f)(15), 45 FR 52747–48.

C. *Miscellaneous.* In issuing this partial stay, I do not intend to change the status of any state-adopted program for new source review which EPA has approved under Section 110 of the Clean Air Act. I do intend, however, to affect 40 CFR 52.21, even where EPA under subsection (u) of those regulations has delegated authority to a state to administer them. In such a case, the state may require no more than EPA could under the regulations as stayed.

This temporary partial stay applies immediately, and expires ninety (90) days from this date.

Dated: July 7, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-20710 Filed 7-14-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 52

[A-1-FRL 1868-4]

Approval and Promulgation of Implementation Plans; Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 15, 1980 New Hampshire submitted a revision to its State Implementation Plan (SIP) to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead and to amend the state's ambient air quality standards. EPA published a proposed approval of this revision on May 4, 1980 (46 FR 24967). No letters of comment were received during the public comment period ending on June 3, 1981. Today EPA is approving this revision.

EFFECTIVE DATE: August 14, 1981.

ADDRESSES: Copies of the SIP revisions are available for public inspection during normal business hours at the following locations: Air and Hazardous Materials Division, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203; Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301; the Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW, Washington, DC 20460; and the Office of the Federal Register, Room 8401, 1100 L Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Hanisch, Chief, Mobile Source Section, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223–5630.

SUPPLEMENTARY INFORMATION: On May 4, 1981 (46 FR 24967) EPA proposed approval of a revision to the New Hampshire SIP which would attain and maintain the NAAQS for lead and would amend the state's ambient air quality standards to conform to the NAAQS. The SIP revision and EPA's reasons for approving it were explained in the Notice of Proposed Rulemaking, cited above, and will not be repeated here.

No public comments have been received on the Notice of Proposed Rulemaking cited above and EPA is now taking final action to approve the revision.

Final Action:

After evaluation of the State's submittal, the Administrator has determined that the New Hampshire revision meets the requirements of the Clean Air Act 40 CFR Part 51. Accordingly, this revision is approved as a revision to the New Hampshire Implementation Plan.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7610)

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF THE IMPLEMENTATION PLAN

Subpart EE—New Hampshire

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In Section 52.1520, paragraph (c) is amended by adding paragraph (18) as follows:

§ 52.1520 Identification of plan.

(c) * * *

(18) A plan to attain and maintain the National Ambient Air Quality Standard for lead and to amend the state's air quality standards was submitted on April 15, 1980. A letter further explaining the state procedures for review of new major sources of lead emissions and confirming the use of reference methods was submitted on December 9, 1980 by the Director of the Air Resources Agency.

[FR Doc. 81-20066 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1862-3]

Florida State Implementation Plan; Revised Limits for New Nitric and Sulfuric Acid Plants and New Portland Cement Plants

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulation has submitted pursuant to the requirements of the Clean Air Act. The revisions provide limits on visible emissions from new nitric and sulfuric acid plants and mass emissions from new Portland cement plants which are consistent with Federal new source performance standards (NSPS). This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective September 14, 1981.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs, Branch (see EPA Region IV address below). Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005

Department of Environmental Regulation, Twin Tower Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32302

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On July 16, 1976, the State of Florida submitted a SIP revision that consists of revised regulations for visible emissions from new nitric and sulfuric acid plants and revised particulate emission limits for new Portland cement plants.

The revisions in Florida regulations 17-2.04(8) (g) and (b) change the allowable visible emissions for new nitric and sulfuric acid plants from "no visible emission" to "no visible emissions which exhibit 10 percent opacity or greater," as required by Federal NSPS.

The revisions also change the State's particulate emission limits for new Portland cement plants (17-2.04(b)(f)) from the rate presently allowable based on the process weight table to the emission limitations of NSPS for Portland cement plants (0.3 lb. per ton of kiln feed for kiln emissions and 0.1 lb. per ton of kiln feed for the clinker cooler).

Both environmental and economic impacts of these rule changes will be minimal. However, the changes will eliminate the confusion of double standards by making the State rules consistent with NSPS, and this will facilitate administrative procedures and enforcement actions.

Action

EPA is today approving these revisions in the Florida plan. This is being done without prior proposal because the changes are not of material significance. The public should be advised that this approval action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it serves merely to make Florida's regulations for certain new sources consistent with applicable Federal new source standards.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan of the State of Florida was approved by the Director of the Federal Register on July 1, 1980.

(Section 110 of the Clean Air Act, as amended (42 USC 7410))

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

In § 52.520, paragraph (c) is amended by adding paragraph (28) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(28) Revised limits on visible emissions from new sulfuric and nitric acid plants and mass particulate emission limits new Portland cement plants, submitted on July 16, 1976, by the Department of Environmental Regulation.

[FR Doc. 81-20058 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-4-FRL-1862-4]

North Carolina: Redesignation of Carteret and Forsyth Counties for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces the redesignation of Carteret and Forsyth Counties, North Carolina from unclassifiable to attainment for particulate matter. This change is based on eight consecutive calendar quarters of air quality data showing attainment. this action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective September 14, 1981.

ADDRESSES: Written comments should be addressed to Walter Bishop of the EPA Region IV Air Programs Branch (address below). Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

Air Planning and Environmental Standards Branch, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT: Walter Bishop at the EPA Region IV address above or call 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 9019), the Administrator designated Carteret and Forsyth Counties, North Carolina unclassifiable for particulate matter.

The designation of Carteret County was based on data from the Source Street monitoring site in Morehead City. This site was determined to be biased and was, with EPA's concurrence, deleted from the State's particulate monitoring network in 1976. A new site was established on Myrtle Street in Morehead City. Data gathered at the latter site have shown no violation of any particulate standard since January 1977. On December 30, 1980, the State asked that the designation of Carteret County be changed to attainment. EPA is today granting this request.

The original designation of Forsyth County was based on three quarters of data from the Ridge Avenue site in Winston-Salem, which began operation in January 1977. The State requested on December 30, 1980, that the area be redesignated attainment, submitting data from the site for calendar years 1978 and 1979. The data show no violations of any particulate standard. Accordingly, EPA is granting the State's request for redesignation to attainment.

Since the Agency views as noncontroversial and routine any redesignation to attainment made on the basis of eight consecutive calendar quarters of data showing attainment, EPA is today changing the Section 107 attainment status designation of Carteret and Forsyth Counties from unclassifiable to attainment for particulate matter without prior proposal. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the designation of two areas to attainment, and imposes no regulatory requirement on anyone.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

(Section 107 of the Clean Air Act (42 U.S.C. 7407).)

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.334, the TSP table is revised by changing the entries for Carteret County and Forsyth County to read as follows:

§ 81.334 North Carolina

NORTH CAROLINA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
*	*	*	*	*
Carteret County			X	
*	*	*	*	*
Forsyth County			X	
*	*	*	*	*

* * * * *

[FR Doc. 81-20708 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL-1868-1]

Ohio: Designation of Areas for Air Quality Planning Purposes

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: This rulemaking changes the air quality attainment designation relative to the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS) for Defiance County, Ohio. On March 9, 1981 (46 FR 15745), the U.S. Environmental Protection Agency (EPA) proposed to change the TSP nonattainment designation for Richland Township to attainment, thus making all of Defiance County attainment. Public comments were solicited and none were received. This notice announces EPA's final rulemaking.

EFFECTIVE DATE: This final rulemaking becomes effective August 14, 1981.

ADDRESSES: Copies of the redesignation request, the Notice of Proposed Rulemaking (46 FR 15745), and EPA's evaluation are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978, EPA designated Defiance County as nonattainment of the primary NAAQS for TSP (43 FR 8962, 9023). EPA amended the designation on October 5, 1978 (43 FR 45993, 46012) retaining the primary nonattainment designation for those areas of Richland Township not within the City of Defiance, revising the designation of the City of Defiance to secondary nonattainment, and making the remainder of Defiance County attainment. Because the primary nonattainment designation included the area surrounding General Motors Corporation's (GM) Central Foundry located in Richland Township, GM petitioned on November 20, 1978 to revise the designation for Richland Township to attainment.

To redesignate an area from nonattainment to attainment, the most recent eight calendar quarters of data must show no violations of the NAAQS. To support its redesignation request, GM submitted nine quarters of TSP monitoring data for the period July 1977 to September 1979. These data were collected from GM's monitoring network located around its Central Foundry. EPA reviewed GM's request and asked Ohio EPA to review the designation. On February 1, 1980, Ohio EPA recommended that the designation be revised to secondary nonattainment because there were violations of the secondary standard for TSP within the most recent eight calendar quarters of monitoring data. No violations of the primary standard were found during the last eight quarters of data.

Therefore, based upon the ambient air monitoring data, and Ohio EPA's recommendation, on March 19, 1980 (45 FR 17596) EPA proposed to redesignate Richland Township, excluding the City of Defiance, from primary nonattainment to secondary nonattainment for TSP. Public comments were solicited.

On April 29, 1980, GM submitted public comments on the proposed redesignation and repeated its request that Richland Township be reclassified as attainment of both the primary and secondary NAAQS for TSP. To support its request, GM submitted two additional quarters of TSP monitoring data on April 29, 1980 and an additional quarter of data on August 7, 1980.

EPA reviewed GM's request and asked Ohio EPA to review the designation. On October 28, 1980, Ohio EPA recommended that all of Defiance County, including Richland Township, be reclassified to attainment for TSP. This recommendation is based on the TSP monitoring data submitted by GM and is supported by monitoring data collected by Ohio EPA from its monitoring site in the City of Defiance. The combined data shows no violations of the TSP primary and secondary standard within the most recent eight calendar quarters of data for Richland Township. Therefore, based upon the TSP ambient monitoring data submitted by GM and Ohio EPA, and on Ohio EPA's recommendation, EPA on March 9, 1981 (46 FR 15745) proposed to redesignate Richland Township to attainment of the NAAQS for TSP.

Interested parties were given until April 8, 1981 to comment on the redesignation. No public comments were received. Therefore, pursuant to Section 107 of the Clean Air Act, EPA approves the redesignation as proposed in the March 9, 1981 Notice of Proposed Rulemaking. This redesignation will result in all of Defiance County being classified as attainment. The redesignation is effective (30 days from publication).

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This Final Rulemaking is issued under the authority of section 107 of the Clean Air Act as amended (42 U.S.C. 7407).

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP" the entry for Defiance County is amended as follows:

§ 81.336 Ohio.

Ohio—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio Counties:				
Defiance				X.
.	.	.	.	.

[FR Doc. 81-20707 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 122

[EN-FRL 1870-6]

Consolidated Permit Regulations; NPDES Application Requirements; Suspension Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule.

SUMMARY: This action suspends the requirement in EPA's consolidated permit regulations that effluent testing data be submitted by applicants for renewal of National Pollutant Discharge Elimination System (NPDES) permits no later than June 30, 1981, or, in some cases, the permit expiration date. The suspension is necessary to alleviate problems arising from constraints on laboratory capacity and to allow permit applicants to adjust to relaxation of testing requirements in the application form before submitting this information.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT: Gail S. Goldberg or Tom Laverty, Office of Water Enforcement and Permits (EN-336), Washington, D.C. 20460; (202) 426-7035.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued final consolidated permit regulations and the consolidated permit application forms, including the NPDES permit application forms (Forms 1, 2b, and 2c) under the Clean Water Act (45 FR 33290). These regulations (40 CFR Part 122.53(c)(2)) establish deadlines for the submission by industrial dischargers of the results of sampling and analysis of effluents.

The consolidated permit regulations and NPDES Form 2c (Items V and VI) require that existing industrial dischargers submit, in their applications for permit renewal, quantitative and qualitative information for certain pollutants discharged or used or produced at their facilities. 40 CFR 122.53(d) (7), (9), and (10). Section 122.53(d)(7) requires the submission of quantitative data obtained through analysis of the applicant's discharge, and in some cases, qualitative data for specified pollutants. Section 122.53(d)(9) requires that the applicant list the toxic pollutants it uses or expects to use or manufacture during the next five years. Section 122.53(d)(10) requires that the applicant include descriptive information on pollutants it has reason to believe will exceed certain values over the next five years.

The table in § 122.53(c)(2) establishes deadlines for submitting this information. Footnote (2), which applies to applicants whose existing permits expire between December 1, 1980, and May 31, 1981, authorizes the State or EPA permit program director (the "Director") to extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) to no later than June 30, 1981. Footnote (3) to the table, which applies to applicants whose existing permits expire after December 1, 1980, authorizes the Director to extend the deadline for submitting the application for renewal to no later than the expiration date of the existing permit.

The Administrator has concluded that these deadlines for submitting effluent data should be suspended. Today's suspension will allow permit applicants to adjust to changes in the testing requirements before submitting the required information. In addition, this suspension will alleviate problems which may have occurred on a local or regional basis due to a shortage of laboratory testing capacity.

Elsewhere in today's **Federal Register**, EPA is proposing to revise footnotes (2) and (3) of the table in § 122.53(c)(2) to extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) from June 30, 1981, to September 30, 1981. To provide immediate relief to permit applicants while public comment on the proposed rule is being received, EPA is suspending footnote (2) and the portion of footnote (3) which restricts the Director's authority to extend the NPDES application deadline to no later than the permit expiration date, but only as that restriction applies to the submission of information required by § 122.53(d) (7), (9), and (10) (Items V and VI of Form 2c). Thus, the Director may extend the deadline for submitting this data beyond June 30, 1981, and may do so without a request by the applicant. The Director may not extend the deadline for submitting the information required in the remaining portion of the application beyond the permit expiration date.

Permit writers should limit any extensions for submitting this effluent information to no later than the September 30, 1981 deadline proposed elsewhere in today's **Federal Register**. Extensions beyond the deadline finally promulgated will be ineffective because compliance with the more stringent Federal requirement will be required in any event. Moreover, prompt submission of this information by the proposed deadline will be required in order to allow EPA and States to issue permits which reflect the best available technology economically achievable (BAT) and the best conventional pollutant control technology (BCT) and which provide for meeting the July 1, 1984 statutory deadline. It should be noted that some facilities have already submitted complete applications and in such cases no extension will be necessary.

Compliance with Executive Order 12291. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it merely suspends deadlines for submitting effluent data, thus providing greater flexibility to permit applicants. Moreover, it imposes no additional requirements or costs and meets none of the other criteria established in the Executive Order for a major rule.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Clean Water Act, 33 USC § 1251 *et seq.*)

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

Accordingly, 40 CFR Part 122 is suspended until further notice as set forth below:

§ 122.53 [Amended]

1. Footnote (2) to the table in 40 CFR § 122.53(c)(2) is suspended until further notice.

2. In footnote (3) to the table in 40 CFR § 122.53(c)(2), the portion which restricts the Director's authority to extend the

application deadline no later than the permit expiration date as that restriction applies to the submission of data required by § 122.53(d)(7), (9), and (10) is suspended until further notice. Thus, during the suspension, footnote (3) effectively reads as follows:

[3] The Director may grant permission to submit an application later than this date but (except for infromation required by paragraph (d)(7), (9), and (10) of this action) no later than the expiration date of the permit.

[FR Doc. 81-20088 Filed 7-14-81; 8:45 am]
BILLING CODE 6560-03-M

40 CFR Parts 123 and 124

[SWH-FRL 1859-3]

Consolidated Permit Regulations: the Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Interim final revision to rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today revising its Consolidated Permit Regulations to specify new procedures for public participation in hazardous waste permitting and to make these procedures applicable to State hazardous waste permit programs. This revision implements recent amendments to the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The revision is being promulgated as an interim final regulation, but the Agency solicits public comments by the date specified below.

DATES: Effective date: July 15, 1981. Comment date: This revision is promulgated as an interim final rule. Comments must be submitted by August 31, 1981.

ADDRESS: Comments should be addressed to Robert Brook, Office of Water Enforcement and Permits (EN-336), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert Brook, Office of Water Enforcement and Permits (EN-336), (202) 755-0750.

SUPPLEMENTARY INFORMATION:

I. Authority

These revisions are issued under the authority of Sections 2002(a), 3005, 3006 and 7004(b) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §§ 6912(a), 6925, 6926 and 6974(b).

II. Amendments to the Statute and Implementing Revisions to the Regulations

On October 21, 1980, Congress passed the Solid Waste Disposal Act Amendments of 1980, P.L. 96-482 ("the RCRA Amendments") which amended the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976. Included in the amendments were additions to Section 7004(b) regarding public participation in the issuance of RCRA permits by both EPA and the States. EPA is today promulgating revisions to its Consolidated Permit Regulations to reflect these new requirements.

EPA promulgated Consolidated Permit Regulations on May 19, 1980 (45 FR 33290, codified at 40 CFR Parts 122-124). These regulations establish basic permit requirements for five programs, including the hazardous waste permit program under RCRA. Part 122 of the regulations includes basic requirements for EPA-Administered permit programs; Part 123 establishes requirements for State programs operated in lieu of the Federal program; and Part 124 establishes procedures to be followed in making permit decisions for the programs covered by the Consolidated Permit Regulations. While the May 19, 1980 Part 124 regulations provided generally for public participation in the permit process, revisions are necessary to include the specific requirements added by Public Law 96-482.

Section 28 of the RCRA Amendments adds several requirements for public participation in the permit issuance process to Section 7004(b) of the statute. First, the amendments require that the Agency provide notice of its intent to issue a RCRA permit in major local newspapers of general circulation and broadcast such notice over local radio stations. The May 19, 1980 Consolidated Permit Regulations currently provide that public notice for major RCRA permits be given in a daily or weekly newspaper within the area affected by the facility (§ 124.10(c)(2)). Therefore, EPA is revising § 124.10(c)(2) to require that notice of draft permits be published in major daily or weekly newspapers of general circulation and broadcast over local radio stations.

In addition, a new Section 7004(b)(2)(B) specifies that the public comment period for permits shall be at least 45 days. The May 19, 1980 regulations provided that the comment period for draft RCRA permits would be at least 30 days. Therefore, EPA is revising § 124.10(b)(1) to require comment periods on draft permits of at least 45 days.

Amended Section 7004(b)(2)(B) of RCRA also requires that a notice of intent to issue a permit be sent to each unit of local government which has jurisdiction over the area in which a facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility. Section 124.10(c)(1) of the May 19, 1980 regulations lists persons that must receive notice of a draft permit for all programs (RCRA, NPDES, UIC, 404, and PSD), as well as program specific requirements for public notice (such as notice requirements applicable only to the NPDES program). EPA is adding a new § 124.10(c)(1)(ix) to specify those units of local government and State agencies that must receive notice of draft RCRA permits. EPA interprets the requirement to send notice to units of local government to include governments of the local town, municipality or county.

The statutory amendments also provide: "If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit and a request for a hearing, or if the Administrator determines on his or her own initiative, he or she shall hold an informal hearing * * *" (Section 7004(b)(2)(B), as amended). Under new Section 7004(b) of the statute, the Administrator is also required to schedule the hearing at a location convenient to the nearest population center to the proposed facility and to give public notice of the date, time and subject matter of the hearings. Section 124.12(a) of the May 19, 1980 regulations provided that an informal hearing will be held if anyone requests a hearing and the Director finds a significant degree of public interest in a draft permit, or if the Director decides in his or her discretion to schedule a hearing. The regulation is therefore being revised to require that, for RCRA permits only, a hearing be held in any case where written notice of opposition to a draft permit and a request for a hearing are received within 45 days of public notice of the preparation of a draft RCRA permit.

The Agency intends that the requirement to hold an informal hearing apply to cases when the Agency has tentatively decided to issue a permit and written a draft permit containing draft conditions and also when the Agency has tentatively decided to deny a permit application and has issued a notice of intent to deny under § 124.6(b). Section 124.6(b) states that a notice of intent to deny is a type of draft permit that follows the same procedures as other draft permits. In addition, § 122.3 defines "draft permit" to include notices of intent to deny. Thus, new § 124.12(a) states that hearings will be granted upon request if written notice of opposition and a request for a hearing is received after public notice of a draft permit, which includes decisions to grant or deny a permit. Though the amendments to Section 7004(b) of RCRA refer only to hearings after receipt of a notice of opposition to the Agency's intention to issue a permit, EPA interprets Congress' intent concerning public participation in the permit process to also require a mandatory informal hearing upon request when the Agency has issued notice that it intends to deny a permit application. In addition, § 124.12(a) is being revised to include the requirement of new Section 7004(b)(2)(B) that RCRA hearings be held whenever possible at a location convenient to the nearest population center to the proposed facility.

Section 28 of the RCRA Amendments also requires that the date, time, and subject matter of the hearing be given in the required public notice for the hearing. Section 124.10(d)(2) of the May 19, 1980 regulations provided that the public notice for a hearing contain the date, time, place and description of the nature and purpose of the hearing. Therefore, revision to the regulations is unnecessary to incorporate this statutory change.

Finally, amended Section 7004(b)(2)(B) of the statute specifies that no State program may be authorized under Section 3006 unless the State program provides for the notice and hearing now required by the RCRA Amendments. Section 123.7(a) of the May 19, 1980 regulations requires that States seeking authorization of RCRA programs under Section 3006 of RCRA have legal authority to implement specific provisions of the Consolidated Permit Regulations and administer the State provisions in accordance with the specified provisions. Among the provisions specified as requirements for State RCRA programs are the provisions for public notice in § 124.10(b) and (c) and for public hearings in § 124.12(a). Since today's revisions modify §§ 124.10(b), (c) and 124.12(a), the revisions are applicable to States seeking interim and final authorization by virtue of § 123.7(a). States seeking interim authorization under Section 3006 must meet the requirements of amended §§ 124.10(b)(1), (c)(1)(ix), (c)(2)(ii) and 124.12(a); § 123.120(d) has been amended to reflect this. Substantial equivalence to these revised Part 124 provisions is not sufficient for interim authorization because amended Section 7004(b) of RCRA specifically provides that EPA cannot authorize a State program under Section 3006 unless the State program provides for the notice and hearing of Section 7004(b).

III. Interim Final Promulgation

EPA is promulgating these revisions to Parts 123 and 124 as interim final regulations. Because the revisions merely incorporate in the regulations the new requirements for public participation contained in Section 7004(b) of RCRA, prior notice and comment is unnecessary.

In addition, the revisions must be effective immediately to put States on notice that their programs for both interim and final authorization must contain the required procedures. Because States will soon begin preparing their applications for Phase II Interim Authorization, there is good cause for promulgating the revisions as interim final regulations, with a comment period following promulgation.

IV. Effective Date

Section 3010 of RCRA provides that EPA's hazardous waste regulations (and revisions thereto) promulgated under Sections 3002 through 3005 will take effect six months after promulgation. The purpose of this requirement is to allow persons handling hazardous waste sufficient lead time to comply with major new regulatory requirements. The revisions promulgated today are not the type of major revisions to the RCRA regulations that Congress had in mind when it provided for a six-month delay between promulgation and the effective date. These revisions impose requirements on EPA and States, rather than on the public generally or the regulated community. The revisions are procedural and impose no substantive requirements on any party. No additional lead time should be necessary to comply with these regulations because the amendments do not significantly change the procedures for public participation.

For the foregoing reasons, EPA is promulgating these revisions as interim final regulations, effective immediately. To afford the public an opportunity to participate in this rulemaking, EPA will accept comments until August 31, 1981. All comments will be considered in developing the final regulation.

V. Economic, Environmental and Regulatory Impacts

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement to develop a Regulatory Impact Analysis. the Agency has determined that this regulation is not major because it does not meet any of the criteria of Section 1(b) of Executive Order 12291. The regulation is procedural and makes relatively minor changes to already existing procedures for public participation in the issuance of RCRA permits. The practical effect of the changes will be to establish a mandatory duty to hold informal public hearings for draft permits upon request, rather than in the Agency's discretion, to allow additional time for public comment on draft permits and to require that notice of the draft permit be sent to specified parties. The regulation does not meet the Section 1(b) criteria because it will not have an annual effect on the economy of $100 million or more, or cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

B. The Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, all "notice and comment" rulemaking which is proposed after January 1, 1981, or as in this comment" rulemaking which is proposed after January 1, 1981, or as in this case, promulgated as interim final, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

This regulation is procedural and imposes only minor additional requirements on Federal and State government for public participation in the permit process. The regulation will have no additional impact or effects on small business or entities involved in the permit issuance process.

Accordingly, I hereby certify that this interim final regulation will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: July 8, 1981.

Anne M. Gorsuch,

Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 123.129 is amended by revising paragraph (d) to read as follows:

§ 123.129 Additional program requirements for interim authorization for Phase II.

* * * * *

(d) State programs shall have requirements for permitting which are substantially equivalent to the provisions listed in §§ 123.7 (a) and (b), except that States must have requirements equivalent to §§ 124.10 (b)(1), (c)(1)(ix), (c)(2)(ii) and 124.12(a).

2. Section 124.10 is amended by revising paragraph (b)(1) and adding new paragraph (c)(1)(ix) and revising (c)(2) to read as follows:

§ 124.10 Public notice of permit actions and public comment period.

* * * * *

(b) *Timing (applicable to State programs, see § 123.7).*

(1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment. For RCRA permits only, public notice shall allow at least 45 days for public comment. For EPA-issued permits, if the Regional Administrator determines under 40 CFR Part 6, Subpart F that an Environmental Impact Statement (EIS) shall be prepared for an NPDES new source, public notice of the draft permit shall not be given until after a draft EIS is issued.

* * * * *

(c) * * *

(1) * * *

(ix) For RCRA permits only: (A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (B) To each State agency having any authority under State law with respect to the construction or operation of such facility.

(2) (i) For major permits and NPDES and 404 general permits, publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the **Federal Register;**

Note.—The Director is encouraged to provide as much notice as possible of the NPDES or 404 draft general permit to the facilities or activities to be covered by the general permit.

(ii) for all RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

3. In § 124.12, paragraph (a) is revised to read as follows:

§ 124.12 Public hearings.

(a) *(Applicable to State programs, see § 123.7).* (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s); (2) The Director may also hold a public hearing at his or her discretion, whenever for instance, such a hearing might clarify one or more issues involved in the permit decision; (3) For RCRA permits only, (i) the Director shall hold a public hearing whenever he or she receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under § 124.10(b)(1); (ii) whenever possible the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility; (4) Public notice of the hearing shall be given as specified in § 124.10.

* * * * *

[FR Doc. 81-20711 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 162

[PH-FRL-1883-4; OPP 250011C]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Temporary Exemption of Nonliquid Swimming Pool Chemicals From Child-Resistant Packing Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: This notice grants a nonrenewable 270-day exemption from the child-resistant packaging requirements for nonliquid swimming pool chemicals in the 1-quart/2-lb and 2- to 7-gallon size range, which contain as active ingredients lithium hypochlorite, calcium hypochlorite, and/or one or more of the isocyanurate derivatives. This exemption was granted upon the request of several registrants who submitted supporting evidence to the agency.

DATES: This temporary exemption becomes effective on July 15, 1981, and expires on April 22, 1982. All nonliquid swimming pool chemicals in the 1-quart/2-lb and 2- to 7-gallon size released for shipment on or after April 22, 1982 which are subject to 40 CFR 162.16 must be in special packaging.

FOR FURTHER INFORMATION CONTACT: Rosalind L. Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 307, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7180).

SUPPLEMENTARY INFORMATION: EPA issued final regulations, published in the **Federal Register** of March 9, 1979 (44 FR 13022), which require certain toxic pesticides to be in special, i.e., child-resistant, packaging after March 9, 1981. The regulations provide that exemptions from compliance may be requested on a case-by-case basis for specific products for which special packaging is not technically feasible. The regulations further provide that any such exemption decision will be published in the **Federal Register** and will be applicable to any product with identical or substantially similar composition and intended uses. The regulations allow for the specification of a time schedule for the exemption.

I. Background

Several manufacturers of nonliquid calcium hypochlorite, lithium hypochlorite, and/or isocyanurate derivative swimming pool chemicals have requested technical feasibility exemptions from the special packaging regulation 40 CFR 162.16. There are three requests in the 1-quart/2-lb size range and eight requests in the 2- to 7-gallon size range.

II. Grounds for Exemption

A. One-Quart/2-lb Size

The three registrants seeking exemption on technical feasibility grounds for the 1-quart/2-lb size presented the following evidence, which was confirmed in a telephone survey by EPA conducted in March 1981:

Prior to the March 9, 1981 date for compliance with the regulations, they agreed to buy from a packaging manufacturer a one quart "open head pail" package which would meet the child-resistant effectiveness protocol for the special packaging regulations. The registrants expected the one quart package to meet the protocol because an identical design in a larger size had already done so. However, the one quart size has failed to meet the protocol, and its manufacturer is redesigning it. Because of their expectation that this one quart conainer would meet the protocol, the registrants made no effort to explore alternative packaging sources, and it appears that there are no other packaging manufacturers who produce or plan to produce a one quart child resitant open head pail suitable for pesticides of this type. The registrants now find that despite their efforts to comply with the March 9, 1981 deadline, they are unable to do so. They have requested a 3-6 month exemption in order to comply with the regulations.

B. Two- To Seven-Gallon Size

The eight registrants requesting an exemption on technical feasibility grounds for the 2- to 7-gallon sizes presented the following evidence, which was confirmed in a telephone survey by EPA conducted in March, 1981:

Special packaging in the 2- to 7-gallon range was not presently available in sufficient quantities to meet their production needs. This unavailability was due to: (1) the difficulty of designing a package capable of meeting the child-resistant effectiveness protocol of EPA and the Consumer Product Safety Commission which would also comply with Department of Transportation safe transport standards, (2) the fact that two of the designs and/or the related data which did meet these requirements were owned by private companies and were not available for general use, and (3) the difficulty of designing a container which would not be corroded by the registrants' products. These products generate a considerable amount of highly corrosive chlorine gas, as they contain more than 39 percent available chlorine. EPA estimates that 30-60 percent of the producers of swimming pool products in this size who produce approximately 250,000-500,000 units annually, still need special packaging. There are three designs which are available. The manufacturers of these three designs could not meet the total demand immediately, and a lead time is required. The length of the exemption requested by the product companies is 2-12 months. The packaging companies requested 2-9 months based on problems with the stage of design development, production gear up, lead time delivery schedule, and availability of materials.

III. Conclusion

The one quart/2 lb size of swimming pool chemicals are granted a 270-day exemption from the special packaging regulation because the manufacturers did make a timely commitment to purchase a special packaging design which it was reasonable to expect would pass the child-resistant effectiveness protocol in time for the March 9, 1981 compliance deadline.

The 2- to 7-gallon size of nonliquid swimming pool chemicals are also granted a 270-day exemption from the special packaging regulations. In so doing, EPA acknowledges the technical difficulty of designing a special package which would meet the safety testing requirements of EPA/CPSC and the DOT and would also not cause excessive corrosion with the registrants' products, and the need for a sufficient lead time to permit packaging manufacturers to produce enough special packages to meet the demand of these registrants.

The 270-day exemption granted by EPA will permit registrants and packaging manufacturers to resolve their technical feasibility problems, ensure that the packages meet the child-resistant effectiveness protocol of EPA/CPSC, and provide adequate supplies of the package. Should it appear during the exemption period that the packaging manufacturers will be unable to meet any of these constraints, the pesticide registrants will be compelled to seek alternative sources of special packaging, so that they will be in compliance by the end of the 270-day period. If they cannot find special packaging in the size and/or style they want, they will have to change sizes and/or styles.

IV. Exemption

A 270-day exemption from 40 CFR 162.16 is granted for: Nonliquid swimming pool chemicals in the 1-quart/2-lb, and 2- to 7-gallon size range which contain as active ingredients one or more of the following: sodium dichloro-s-triazinetrione, trichloro-s-triazinetrione, sodium dichloro-s-triazinetrione dihydrate, potassium dichloro-s-triazinetrione, mono(trichloro)tetra-monopotassium dichloro)-penta-s-triazinetrione (these 5 are commonly referred to as the isocyanurate derivatives); lithium hypochlorite; and calcium hypochlorite. This exemption is effective July 15, 1981 and will expire April 22, 1982. Products released for shipment on or after this date must be in special packaging.

However, the agency expects industry to begin using the special packaging in the event it becomes available prior to April 22, 1982. This exemption is nonrenewable.

Dated: June 26, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20699 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

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41 CFR Part 15-15

[AS-FRL-1882-6]

Contract Cost Principles for Nonprofit Organizations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule establishes cost principles for nonprofit organizations. The cost principles are for the allowability of Independent Research and Development (IR&D) costs, and Bid and Proposal (B&P) costs in EPA contracts. The Office of Management and Budget issued Circular A-122, entitled "Cost Principles for Nonprofit Organizations" on June 27, 1980. The circular did not include a principle for IR&D or B&P costs, which were left to the discretion of individual agencies.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, Procurement and Contracts Management Division (PM-214). Attention: Edward Murphy, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-6030.

SUPPLEMENTARY INFORMATION: The Agency has not invited public comment on this rule since the cost principles which the Agency is adopting are identical to the principles set forth in 41 CFR 1-15.2.

Roy N. Gamse,

Acting Assistant Administrator for Planning and Management.

Accordingly, the following part is added as 41 CFR Part 15-15:

PART 15-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.

15-15.000 Scope of part.

Subpart 15-15.6—Contracts with nonprofit organizations.

15-15.601 Scope of subpart.
15-15.605 Selected costs.
15-15.605-3 Bidding costs.
15-15.605-35 Research and development costs.

Authority: 40 U.S.C. 471.

§ 15-15.000 Scope of part.

This part contains general cost principles and procedures for the negotiation and administration of fixed-price, cost-reimbursement, and other types of contracts, the pricing of contracts and contract modifications whenever cost analysis is performed, and the determination, negotiation, or

allowance of cost when such action is required by a contract clause:

Subpart 15–15.6—Contracts with Nonprofit Organizations

§ 15–15.601 Scope of subpart.

This subpart provides principles for determining the costs applicable to contracts performed by non-profit organizations. The cost principles are in addition to those established by the Office of Management and Budget in Circular No. A–122 dated June 27, 1980.

§ 15–15.605 Selected costs.

§ 15–15.605–3 Bidding costs.

Bidding costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting period shall be allowable in the current period to the EPA contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

§ 15–15.605–35 Research and development costs.

(a) Basic research for the purpose of this Subpart 15–15.6 is that type of research which is directed toward increase of knowledge of science. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this Subpart 15–15.6 consists of that type of effort which (1) normally follows basic research, but may not be severable from the related basic research, (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materials, processes, methods, devices, and techniques, and (3) attempts to "advance the state-of-the-art." Applied research does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as hereinafter provided.

(b) "Development" is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(c) A contractor's independent research and development is that research and development which is not sponsored by a contract, grant, or other arrangement.

(d) A contractor's costs of independent research as defined in paragraphs (a) and (c) of this section shall be allowable as indirect costs (subject to paragraph (h)), provided they are allocated to all work of the contractor.

(e) Costs of Contractor's independent development, as defined in paragraphs (b) and (c) of this section (subject to paragraph (h)), are allowable to the extent that such development is related to the product line for which the EPA has contracts, provided the costs are reasonable in amount and are allocated as indirect costs to all work of the contractor on such product lines. In cases where a contractor's normal course of business does not involve production work, the cost of independent development is allowable to the extent that such development is related and allocated as an indirect cost to the field of effort of EPA research and development contracts.

(f) Independent research and development costs shall include an amount for the absorption of their appropriate share of indirect and administrative costs, unless the contractor, in accordance with his accounting practices consistently applied, treats such costs otherwise.

(g) Research and development costs (including amounts capitalized), regardless of their nature, which were incurred in accounting periods prior to the award of a particular contract, are unallowable except where allowable as precontract costs (See OMB Circular No. A–122 dated June 27, 1980, Attachment B, page 20).

(h) The reasonableness of expenditures for independent research and development should be determined in light of all pertinent consideration such as previous contractor research and development activity, costs of past programs and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominately or substantially with the EPA. Advance agreements as described in 41 CFR 1–15.107 are particularly important in this situation. In recognition that cost sharing of the contractor's independent research and development program may provide motivation for more efficient accomplishment of such program, it is desirable in some cases that the EPA bear less than an allocable share of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement: (1) review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects; (2) agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the EPA; (3) an agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

[FR Doc. 81–20708 Filed 7–14–81; 8:45 am]

BILLING CODE 6560–38–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–37

[FPMR Amdt. F–50]

Utilization and Management of Telecommunications Services

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This final rule updates GSA procedures for submitting revised Standard Form 145, Telephone Service Request, and related information.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Analysis Division (202–566–0194).

SUPPLEMENTARY INFORMATION: Supplies of revised Standard Form 145, Telephone Service Request (Revised 8–80), may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Stock number 7540–00–577–5830 should be included on the requisition for Standard Form 145.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

1. The title of Subpart 101–37.3 is changed to reflect the correct title as follows:

Subpart 101–37.3—Ordering, Using, and Managing Telecommunications Services

2. Section 101–37.301 is revised to read as follows:

§ 101–37.301 General.

(a) This subpart provides policies for ordering telecommunications services from GSA, using locally provided services, and managing special services and equipment.

(b) This subpart generally provides guidelines for ordering and using administrative type day-to-day communications. This subpart also covers use and management policies concerning such special applications as FTS identification symbols, toll-free services, and listening-in devices. Major system changes and new installations are covered in Subpart 101–37.2.

3. Section 101–37.302(a) is revised to read as follows:

§ 101–37.302 General requirements.

(a) *Advance notice.* To allow leadtime for planning and scheduling of work, telecommunications service requests, orders, and installation and building plans should be submitted to the address designated by the GSA regional office serving the agency location as far as possible in advance of the date the service is desired. If necessary, the GSA regional office will provide advice and assistance in completing service request forms and installation plans.

* * * * *

4. Sections 101–37.303(a) and (b) are revised to read as follows:

§ 101–37.303 Telephone service.

(a) *Form for ordering service.* Standard Form 145, Telephone Service Request (Revised 8–80), is to be used by Federal agencies for ordering telephone service from GSA-operated or -managed telephone systems. Federal agencies shall forward all requests for telephone service to the address designated by the GSA regional office.

(b) *Preparation of orders.* GSA regional offices will provide guidance and assistance to agencies on the preparation and submission of the Standard Form 145.

5. Sections 101–37.309–1 and 101–37.309–2(a) are revised to read as follows:

§ 101–37.309–1 General.

The General Services Administration assigns each Federal agency authorized to use the FTS intercity voice network an FTS identification symbol consisting of two letters and four digits. The FTS identification symbol is required only when making an FTS intercity call from a commercial telephone and authorizes the FTS operator to complete the call. GSA will revise these FTS identification symbols periodically to assist agencies in ensuring that only authorized personnel have them. These symbols will be distributed by the GSA Central Office to heads of agencies or their designated control personnel. GSA will not distribute these symbols to other agency personnel.

§ 101–37.309–2 Agency responsibility.

(a) Each agency shall issue the FTS identification symbol to only those FTS users who are authorized to place FTS calls from commercial telephones to FTS intercity voice network telephones. FTS operators will not accept these intercity calls unless the caller furnishes a valid FTS identification symbol and the FTS telephone number being called. Restricted issuance of the FTS identification symbol is essential since its use is considered certification that these calls are official.

* * * * *

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: June 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–20715 Filed 7–14–81; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Parts 345, 346 and 347

Port Control and Utilization During a Period of War or National Emergency

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule clarification.

SUMMARY: On February 13, 1979, the Maritime Administration (MarAd) published a final rule revising Chapter XIX of Title 32A, Code of Federal Regulations (CFR). The purpose was to provide comprehensive regulations for the control and utilization of ports during a period of war or national emergency.

As the result of action by the Office of the Federal Register, on July 1, 1980, the Maritime Administration published a notice in the **Federal Register** transferring its National Shipping Authority regulations from Title 32A to Title 46 of the CFR. Former 32A CFR Parts 1901, 1902, and 1903 became 46 CFR Parts 345, 346, and 347.

During negotiations of contracts pursuant to the regulations now published in 46 CFR Parts 346 and 347, MarAd determined that some clarification is needed with respect to the contract provisions concerning the period when these regulations are applicable and the time for required performance by the Federal Port Controllers and Terminal Operators. Amendments to section 2 of Part 345, sections 2–4 of Part 346, and section 3 of Part 347 are made to provide such clarification.

EFFECTIVE DATE: February 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John M. Pisani, Director, Office of Port and Intermodal Development, Maritime Administration, Washington, D.C. 20230 (202) 377–4123.

Accordingly, amendments are made to Parts 345, 346 and 347 of 46 CFR, as follows:

PART 345—RESTRICTIONS UPON THE TRANSFER OR CHANGE IN USE OR IN TERMS GOVERNING UTILIZATION OF PORT FACILITIES

Sec. 2 [Amended].

1. Section 2 of Part 345 is amended by substituting the phrase "war or national emergency" for the phrase "civil defense or national emergency."

2. Section 2 of Part 346 is amended by inserting the words "war or" before the term "national emergency" in paragraph (b).

PART 346—FEDERAL PORT CONTROLLERS

3. Section 3 of Part 346 is revised, to read as follows:

Sec. 3 Standby agreements.

The Director, NSA, may negotiate the standard form of service agreement, specified in section 4, with port authorities on a standby basis, prior to the declaration of a war or national emergency. In such cases, the contractor accepts the obligation to maintain a qualified incumbent in the position specified in Article 1 of the service agreement and to be prepared to furnish the resources specified in Articles 4 and 5. An agreement executed on a standby basis shall become operational upon the declaration of war or national

emergency. An agreement executed after the declaration of war or national emergency shall be operational upon execution.

4. Section 4 of Part 346 is amended by revising Article 12 of the Service Agreement, to read as follows:

Sec. 4 Service agreements.

* * * * *

Article 12. *Effective Date, Implementation, Duration and Termination*

(a) This agreement is effective as of the day and year set forth above.

(b) (1) if entered into on a standby basis, this agreement shall be operational as of the day and year when the United States notifies the contractor that the services specified in this agreement are required during a period of war or national emergency, *Provided* that during the standby period, the contractor will carry out the obligation specified in paragraph (a) of Article 2. No compensation will accrue to the contractor during the standby period.

(2) if entered into during a period of war or national emergency, this agreement shall be operational when executed.

(c) Unless sooner terminated, the agreement shall extend until 6 months after termination of the emergency.

(d) This agreement may be terminated upon thirty (30) days' written notice by either party to the other party hereto: *Provided, however,* That, notwithstanding any such termination, the contractor shall, at the option of the United States, continue to be responsible for the completion of any work which the contractor is performing on the effective date of termination. Termination or expiration of this agreement shall neither affect nor relieve any liability or obligation that may have accrued prior thereto.

(e) This agreement may be amended, modified or supplemented in writing at any time by mutual consent of the parties hereto. This agreement may not be amended, modified or supplemented otherwise than in writing.

PART 347—OPERATING CONTRACT

5. Section 3 of Part 347, the Terminal Operating Contract, is amended as follows:

Sec. 3 [Amended].

(a) By inserting the word "Article" before the number in each captioned paragraph and,

(b) By revising Article 3 of the Terminal Operating Contract to read as follows:

Article 3. *Effective Date, Implementation, Duration and Termination*

(a) This agreement is effective as of the day and year set forth above.

(b) (1) if entered into on a standby basis, this agreement shall be operational as of the day and year when the United States notifies the contractor that the services specified in this agreement are required during a period of war or national emergency: *Provided,* That during the standby period, the contractor will carry out the obligation specified in paragraph (a) of Article 2. No compensation will accrue to the contractor during the standby period.

(2) if entered into during a period of war or national emergency, this agreement shall be operational when executed.

(c) Unless sooner terminated, this agreement shall extend until 6 months after the termination of the emergency.

(d) This agreement may be terminated upon thirty (30) days' written notice by either party to the other party hereto: *Provided, however,* That, notwithstanding any such termination, the operator shall, at the option of the United States, continue to be responsible for the completion of any work which the operator is performing on the effective date of termination. Termination or expiration of this agreement shall neither affect nor relieve any party of any liability or obligation that may have accrued prior thereto.

(e) This agreement may be amended, modified or supplemented in writing at any time by mutual consent of the parties hereto. This agreement may not be amended, modified or supplemented otherwise than in writing.

Authority: The Defense Production Act of 1950 as amended (50 App. U.S.C. 2061 *et seq.*); The Federal Civil Defense Act of 1951, as amended (50 App. U.S.C. 2251 *et seq.*); Reorganization Plans No. 1 of 1958 (72 Stat. 1799) and No. 1 of 1973 (87 Stat. 1089); E. O. 11490 (34 FR 17567, CFR 1966–1970 Comp. p. 820) and E. O. 11921 (41 FR 2484, 3 CFR 1970 Comp.); and Department of Commerce Organization Order 10–8 (38 FR 19707, July 26, 1978).

Dated: July 7, 1981.

By order of the Assistant Secretary for Maritime Affairs.

Robert J. Patton, Jr.

Secretary, Maritime Administration.

[FR Doc. 81–20007 Filed 7–14–81; 8:45 am]

BILLING CODE 3510–15–M

Proposed Rules

Federal Register
Vol. 46, No. 135
Wednesday, July 15, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 83

Screwworms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to relieve restrictions no longer deemed necessary to prevent the spread of screwworms (myiasis) in the United States. Surveillance activity indicates that screwworm infestation no longer occurs in the United States. The effect of this action would be to remove regulations no longer considered necessary for the control of recurring screwworm infestations and to identify recurring screwworm infestations as a disease not known to exist in the United States rather than a disease which is endemic to the United States.

DATE: Comments on or before September 14, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Floyd E. Smith, USDA, APHIS, VS, Room 733, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8233.

SUPPLEMENTARY INFORMATION: This proposed rule is the result of the scheduled review of 9 CFR Part 83, to meet the requirements of Executive Order 12291 and in compliance with the Regulatory Flexibility Act (Pub. L. 95–354). This proposed rule has been reviewed in conformance with Executive Order 12291 and has been classified not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of less than $100,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the purpose of this document is to relieve restrictions on the interstate movement of livestock from certain portions of the States of Arizona, California, New Mexico, and Texas.

The effect of the proposed rule would be to eliminate the requirements for certification by a State or Federal inspector or veterinarian, or an accredited veterinarian that the livestock, prior to there movement from such areas into any other State except those in the controlled zone, were inspected by him within 72 hours before such movement and found to be free of screwworms and free of open wounds, or if open wounds were found, they were adequately treated with a permitted pesticide as specified in the regulations. The livestock from these areas moving into the controlled zone (defined as the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, the Commonwealth of Puerto Rico and the United States Virgin Islands) currently must be accompanied by a certification by an inspector or veterinarian, as specified above, that they are free of screwworm infestation within the 72 hours prior to such movement and that they have been sprayed with or dipped in a permitted pesticide.

The groups affected by this proposed rule would include certain livestock owners and shippers, pesticide manufacturers and retailers, and State and Federal inspectors and accredited veterinarians. However, the impact will not be significant on any of these groups. For example, in the 39 affected counties of Texas, where the vast majority of interstate movements into the controlled zone originate, there are approximately 153,000 cattle owners and over one million cattle; in 1980 only about 48,000 cattle were shipped from Texas into the controlled zone, requiring certification and treatment. There are an average of 10 cattle per shipment. Therefore, even assuming that every shipment was owned by a different livestock owner, at most 4,800 such owners were affected, or approximately 3 percent of all owners in those counties. The average cost of certification and treatment per animal is $2.00.

There were only approximately 1,500 livestock moved from the affected areas in Arizona, California, and New Mexico into the controlled zone during 1980. Given the average of 10 animals per shipment, only approximately 150 livestock owners were affected in those States. This is a very insignificant proportion of all livestock owners in those areas. The proposed rule would benefit all of the affected owners and shippers, since treatment of these animals would no longer be required if they are not affected by screwworms.

However, there are approximately 100 accredited veterinarians involved in examining and providing certification for these livestock. These veterinarians would be adversely affected by this proposed rule since they would no longer be able to collect fees for this service. Nevertheless, the number of veterinarians affected is not significant and the loss of the fees would not constitute a significant economic impact since these veterinarians would normally have to examine and test the animals for other diseases prior to interstate shipment in any case.

The permitted pesticides are manufactured by only four chemical firms, none of which can be classified as a small business. Furthermore, the pesticides are used for treatment of many different pests, other than screwworms, such as ticks and fleas. Therefore, the elimination of treatments for screwworms should have no appreciable effect on the many retailers that sell those pesticides.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; and secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141), the

Animal and Plant Health Inspection Service is considering amending Part 71 and removing Part 83 of the regulations governing interstate transportation of animals and animal products. This proposed rulemaking would amend 9 CFR Part 71, to reflect the change in status of recurring screwworm infestations to a disease not known to exist in the United States and to remove Part 83 from Title 9, Code of Federal Regulations (9 CFR).

Screwworms are obligated parasites of all warmblooded animals. The larve feed in wounds of living warmblooded animals causing severe tissue damage and oftentimes death if untreated.

A Federal program to eradicate the pest from the southeastern part of the country using the sterile fly technique was successful in 1958 to 1959. Another campaign to free the southwestern States was declared successful in 1964 to 1965; however, migrations of wild flies from Mexico continued to reinfest the United States in spite of a barrier of sterile flies maintained along the common border between the two countries. The Government of Mexico and the United States entered into a Cooperative Agreement in 1972 to eradicate screwworms from Mexico down to the Isthmus of Tehuantepec and there reestablish the barrier.

The joint program has succeeded to the point that recurring screwworm infestations have been eliminated from the United States and infestations in Mexico have been pushed sufficiently far south to provide protection to the United States.

Currently, Part 83 states that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas, as designated in paragraphs (a), (b), (c), and (d) of section 83.2 (9 CFR, § 83.2). This amendment would remove the restrictions presently imposed on these areas.

Also, § 71.3(a) identifies "screwworms" as a disease endemic to the United States. Any animals or poultry affected by such diseases are not permitted to be moved interstate. The Department maintains surveillance for screwworm infestations in the United States. During Fiscal Year 1980, only two cases of screwworms occurred in the country. To date, during Fiscal Year 1981, only three cases involving five animals have occurred in this country. These cases were individual and isolated and no further cases occurred following treatment with sterile flies, the Screwworm Adult Suppression System (SWASS), and animal and herd treatment.

This proposed action would remove Part 83 from Title 9, Code of Federal Regulations and would delete the word "screwworms" from § 71.3(a) and would add the word "screwworms" to § 71.3(b), thereby identifying "screwworms" as a disease not known to exist in the United States. Animals and poultry affected by such diseases are also prohibited from moving interstate. The change simply would reflect the fact that screwworm infestations are no longer considered by the Department to be endemic to the United States.

Part 71 of the regulations contains general provisions relating to the interstate transportation of animals (including poultry) and animal products. Section 71.3 generally prohibits the interstate movement of diseased animals and poultry with certain limited exceptions not applicable to screwworms. Section 71.3(f) requires anyone that transports livestock interstate to exercise "reasonable diligence" to ascertain whether such animals or poultry are affected with any contagious, infectious, or communicable disease, or have been exposed to the contagion or infection of such disease. . . ."

If Part 83 were eliminated, the only requirement would be for shippers to exercise "reasonable diligence" to determine whether animals being shipped are affected with screwworms. Inspection and certification by inspectors or veterinarians would no longer be required.

Furthermore, Part 71 does not specify which pesticides are to be used in the treatment of screwworm infestation; it does not specify the method or procedures to be employed for proper treatment of livestock for screwworms; and it does not require the supervision of an inspector or accredited veterinarian. All of these requirements are found in § 83.8 of the current regulations.

These differences between Part 71 and Part 83 can be viewed as a lessening of the regulatory burden on livestock owners and shippers. However, if outbreaks of screwworms become widespread once more, the lack of strict procedures to control them could result in severe losses for these same owners and shippers. The applicable laws and regulations (9 CFR 71.2), however, do provide the Secretary with authority to issue quarantines, if he deems them necessary. Such quarantines should be adequate to control any outbreaks of screwworms.

Accordingly, Parts 71 and 83, Title 9, Code of Federal Regulations, would be amended in the following respects:

PART 71—GENERAL PROVISIONS

§ 71.3 [Amended]

1. In § 71.3(a), the word "screwworms" would be deleted.

2. In § 71.3(b), the word "screwworms" would be added after the term "vesicular exanthema," and before the words "and glanders."

PART 83—SCREWWORMS

PART 83—[REMOVED]

3. 9 CFR Part 83—Screwworms, would be removed in its entirety.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this ninth day of July 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-20882 Filed 7-14-81; 8:45 am]

BILLING CODE 3410-34-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0020]

Ceiling Rates for 26-Week Money Market Certificates

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed rulemaking.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") is considering amending its rule relating to the establishment of interest rate ceilings for $10,000 minimum denomination money market certificates ("MMCs") (12 CFR 1204.104). The Committee requests comments on the following proposals: (1) To permit the interest rate ceiling on MMCs to be determined by the higher of (a) the rate for 26-week U.S. Treasury bills established immediately prior to the date of deposit or (b) the average of the rates for 26-week U.S. Treasury bills for the eight weeks immediately prior to the date of deposit; and (2) to permit the ceiling rate on an MMC to vary weekly during the term of the deposit. The Committee also requests comments on

the creation of a new short-term deposit instrument.

DATE: Comments must be received by August 10, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposed rules to Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. All material submitted should include the Docket Number D-0020 and will be available for inspection and copying upon request, except as provided in § 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT: Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798); Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202/452-3711); F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4261); Rebecca Laird, Senior Associate Counsel, Federal Home Loan Bank Board (202/377-6446); or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880).

SUPPLEMENTARY INFORMATION: Under current regulations of the Committee, the maximum interest rate that may be paid on MMCs by Federally insured depository institutions is indexed to the rate (auction average on a discount basis) for 26-week U.S. Treasury bills established immediately prior to the date of the deposit ("Bill rate").[1] Such bills normally are auctioned on Monday and the interest rate ceiling based on the Bill rate is effective the following day (12 CFR 1204.104). This ceiling rate is effective through the end of the day on which 26-week U.S. Treasury bills are next auctioned.

[1] Current ceiling rates for MMC's are as follows:

Auction average	Maximum per cent
Commercial Banks	
7.50 percent or below	7.75
Above 7.50 percent	(1)
Mutual Savings Banks and Savings and Loan Associations	
7.25 percent or below	7.75
Above 7.25 percent, but below 8.50 percent	(2)
8.50 percent, but below 8.75 percent	9
8.75 percent or above	(1)

[1] Bill rate plus one-quarter of one percent.
[2] Bill rate plus one-half of one percent.

Under the Committee's first proposal, depository institutions would be permitted to offer MMCs with a fixed interest rate ceiling indexed to the higher of (1) the rate for 26-week U.S. Treasury bills established and announced under the existing procedure, or (2) a moving average of the rate established for 26-week U.S. Treasury bills at the auctions held during the eight weeks immediately prior to the date of deposit. The average Bill rate for the eight week period would be determined weekly and would be announced simultaneously with the current Bill rate for 26-week U.S. Treasury bills. For purposes of determining the applicable interest rate ceiling for MMCs the rate schedule contained in 12 CFR 1204.104 would continue to be used for the average Bill rate as well as the single Bill rate. Depository institutions could then determine which of the rates should apply as the ceiling rate for new MMC deposits. The alternative methods of calculating MMC interest ceilings would enable banks and thrift institutions to be more competitive with money market mutual funds ("MMMFs") throughout an interest rate cycle. The most rapid periods of MMMF growth generally have occured in declining rate environments when the existing assets in a MMMF's portfolio allow it to offer a yield that is frequently more attractive than current market rates. With the alternative methods of calculating the MMC rate ceiling, however, depository institutions could based their MMC rate on an average of past Treasury bill rates, and thus offer yields more competitive with MMMFs during periods of declining rates. In an environment of rising rates, depository institutions generally have an advantage since they are offering current market rates while existing MMMF assets lock them into lower yields for a short period of time. Since commercial banks and thrift institutions would have the option of indexing MMC rate ceilings to the current Treasury bill rate, they would retain this yield advantage during periods of rising rates. Since this proposal is simply a modification of an existing instrument, the Committee expects the shifting of deposits from lower-cost accounts to be minimized. The Committee therefore requests comment on the proposed alternative method of determining the interest rate ceiling for MMCs and specifically requests comment on the period of time on which to base the average.

The Committee also requests comments on a proposal to allow depository institutions to vary the rate of interest paid on outstanding MMC deposits weekly. Under current rules, the ceiling rate of interest paid on an MMC may not be increased during the 26-week period without imposition of an early withdrawal penalty. The Committee is considering amending its rules to permit depository institutions to offer a floating rate MMC where the interest rate ceiling would be allowed to fluctuate weekly during the term of the deposit. The ceiling rate would be determined weekly by the most recently announced rate for 26-week U.S. Treasury bills. Accordingly, a depository institution could pay interest on an MMC at a rate varying weekly, with the result that a depositor could obtain a return on his or her MMC that reflects market changes. Additionally, a floating rate MMC would offer flexibility and the resulting benefits of the instrument may help institutions attract funds that they would not have attracted otherwise. The Committee requests comment on the concept of a floating rate ceiling on MMCs, and the operational impact that adoption of such a rule may have on depository institutions.

Additionally, the Committee requests comment on the creation of a new short-term time deposit having characteristics similar to some MMMFs. Such an account, for example, could have a maturity of 91 days and bear interest at a rate indexed to the rate (auction average on a discount basis) for 13-week Treasury bills. A minimum denomination requirement for the initial deposit could be established, and additional deposits with no minimum denomination requirement could be permitted. Withdrawals could be permitted after expiration of perhaps a seven day notice period after the funds have remained on deposit for the initial maturity period. Comment is sought on the desirability of permitting depository institution's to offer accounts with such characteristics, including comment on the appropriate method of determining the interest rate ceiling, minimum denomination requirements for initial deposits, additional deposits and withdrawals from the account, and the maturity period for the account.

The Committee does not believe that these proposals will increase the regulatory burden on depository institutions, but that these proposals will enhance the ability of depository institutions, particularly small institutions, to compete effectively for funds. In view of the potential benefits that could be derived from these proposed actions on the part of both depository institutions and their customers, the Committee has determined that it is appropriate to

provide a thirty-day comment period on this matter. Accordingly, comments on these proposals should be submitted by August 10, 1981.

By order of the Committee. July 9, 1981.

Gordon Eastburn,

Acting Executive Secretary.

[FR Doc. 81-20704 Filed 7-14-81; 8:45 am]

BILLING CODE 4910-35-M

CIVIL AERONAUTICS BOARD

14 CFR Part 223

[EDR-426; Docket No. 39794; Dated July 10, 1981]

Foreign Air Carriers; Free and Reduced-Rate Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposes a rule under which it may modify or withdraw the exemption granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates, where the Board finds it in the public interest.

DATES: Comments by: August 14, 1981. Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

Request to be put on the Service List by: July 27, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39794, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428; 202-673-5203.

SUPPLEMENTARY INFORMATION: Part 223 of the Board's regulations contains rules governing the granting by U.S and foreign air carriers of free or reduced rate transportation to, among others, travel agents and other transportation-related professionals. In ER-1149, 44 FR 52173, September 7, 1979, we amended Part 223 to permit U.S. and foreign air carriers to offer travel agents unrestricted free transportation in connection with familiarization tours (14 CFR 223.2(f)). In so doing we concluded that "there (were) no public interest reasons to limit the type of promotional incentives carriers offer travel agents and others who promote air transportation." More recently in ER-1181, 45 FR 46797, July 11, 1980, we expanded the categories of persons eligible for free or reduced rate transportation under Part 223 to include all persons engaged in promoting transportation and their immediate families when such transportation was undertaken for a promotional purpose (14 CFR 223.2(l)). One consideration in our decision to expand the scope of Part 223 was our view that it was in the industry's economic interest to have travel agents and other transportation-related professionals take trips that would put them in a better position to sell the product.

In permitting foreign air carriers to take advantage of the promotional benefits afforded by Part 223, we fully expected foreign governments to extend similar privileges to U.S. carriers. Therefore, §§ 223.2(f) and 223.2(l) exempt all foreign air carriers from the provisions of section 403 of the Act and Part 221 of our regulations to the extent necessary to provide free or reduced-rate air transportation for promotional purposes. We now realize, however, that some foreign governments may choose to restrict the promotional opportunities of U.S. carriers notwithstanding the liberal transportation privileges available to their flag carriers under our rules. Indeed, we understand that at least one foreign government has recently discouraged U.S. carriers from offering free promotional air transportation to the United States at the same time that its flag carrier is offering comparable services in the opposite direction. The effect of this action has been to place U.S. carriers at a competitive disadvantage in marketing their services.

In these circumstances, we perceive a public need for procedures to make clear that reciprocity must exist before foreign air carriers may offer free or reduced-rate transportation under §§ 223.2(f) and 223.2(l). We are therefore amending Part 223 to provide that the transportation privileges conferred by these sections on foreign air carriers may be modified or withdrawn by the Board at any time that it finds such action is in the public interest. Sections 204 and 416 of the Act clearly provide the legal basis for this action.

The proposed rule, if adopted, will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354, which took effect January 1, 1981. The rule would merely provide the Board with the flexibility needed to respond quickly to actions which are inconsistent with the aviation policies of the United States and absent further Board action in specific cases imposes no additional burden on small entities. The preceding discussion contains the reasons for the Board's action, the objectives of the legal basis for the rule. There are no duplicative, overlapping or conflicting Federal rules.

In light of the possible economic inequities involved, and in order to ensure that U.S. carriers obtain the benefit of this rule as soon as possible, we are allowing 30 days for comments.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 223, *Free and Reduced-Rate Transportation*, by adding a new paragraph (m) to § 223.2 to read:

§ 223.2 Persons to whom free and reduced rate transportation may be furnished.

* * * * *

(m) The exemptions granted to any foreign air carrier by paragraphs (f) and (l) of this section may be modified or terminated by the Board at any time without hearing as the public interest may require.

(Secs. 204, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 92 Stat. 1731, 1732, (49 U.S.C. 1324, 1386))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20700 Filed 7-14-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 399

[PSDR-65D; Docket No. 37444; Dated: July 10, 1981]

International Cargo Rate Flexibility Policy

AGENCY: Civil Aeronautics Board.

ACTION: Extension of comment period.

SUMMARY: The CAB has proposed a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. The CAB now extends the period for public comments, in response to a request by counsel for the Electronics Shippers.

DATE: Comments due: July 23, 1981.

ADDRESSES: Twenty copies of comments should be sent to Docket 37444, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: John H. Kiser, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5218.

SUPPLEMENTARY INFORMATION: The Board proposed in PSDR-65 (45 FR 3594, January 18, 1980) to adopt a policy permitting U.S. and foreign air carriers greater flexibility in changing cargo rates in international air transportation. In PSDR-65C (46 FR 34347; July 1, 1981), the Board released a certain staff memorandum on this subject and reopened the comment period until July 16, 1981, to allow further public comments.

On July 9, 1981, counsel for the Electronics Shippers requested a 1-week extension of the comment period, until July 23. He stated that the Electronics Shippers' comments must be coordinated with and approved by 14 different clients, and that it was unlikely that he could obtain and coordinate all the necessary suggestions and approvals by July 16.

In view of the brevity of the requested extension and the importance of obtaining the Electronics Shippers' views on this matter, I find good cause to grant the request.

Accordingly, under authority delegated by the Board in 14 CFR 385.30(d), the time for filing comments in Docket 37444 is extended to July 23, 1981.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; (49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504))

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 81-20699 Filed 7-14-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Survey of Foreign Direct Investment in U.S. Fish and Seafood Processing Industries

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Proposed rule; extension of comment period.

SUMMARY: At 46 FR 34812, July 6, 1981, the Bureau of Economic Analysis proposed a document relating to a Survey of Foreign Direct Investment in U.S. Fish and Seafood Processing Industries. That document asked for comments not later than July 15, 1981. This document extends that comment period by 22 days, to August 6, 1981.

DATE: Comments are now due on or before August 6, 1981.

ADDRESS: Written comments should be addressed to the U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230. All comments in response to this notice will be available for public inspection from 8:00 a.m. to 4:00 p.m. in room 608, 1401 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523-0657.

Charles A. Waite,

Acting Director, BEA.

[FR Doc. 81-20700 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-06-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Commonwealth of Massachusetts, Department of Public Utilities: Notice of Request for Declaratory Order; Extension of Time for Comments

18 CFR Part 292

[Docket No. RM 79-55]

July 6, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Request for written comments; extension of comment period.

SUMMARY: On May 6, 1981, the Commission issued a Notice of Request for Declaratory Order (Docket No. RM79-55) (46 FR 26353, May 12, 1981). The comment period is being extended at the request of the Municipal Electric Authority of Georgia and the National Rural Electric Cooperative Association.

DATE: Comments must be submitted on or before August 5, 1981.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20697 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 209

Service Charges for Allotments of Pay to Savings Accounts of Federal Civilian Employees

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Extension of comment period.

SUMMARY: On May 22, 1981 (46 FR 27969), the Department of the Treasury published a Notice of Proposed Rulemaking to increase the service charge for allotments of pay to savings accounts of Federal civilian employees who are employed within the United States. Title 31 U.S. Code, Section 492 requires that employing agencies be reimbursed by recipient financial organizations for the additional cost of sending allotments requested by employees. The comment period established in that notice is hereby extended to October 6, 1981.

DATES: The proposed effective date is changed from October 4, 1981 to January 31, 1982. Comments on this proposal must be received by October 6, 1981.

ADDRESS: Comments should be addressed to the Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Mr. John MacArthur, Government Accounting Systems Staff, Bureau of Government Financial Operations, Room 412, Treasury Annex, Department of the Treasury, Washington, D.C. 20226 (202/566-8374).

SUPPLEMENTARY INFORMATION: The May 22, 1981 notice requested that written comments be submitted to the Bureau of Government Financial Operations by July 10, 1981. This deadline has been extended until October 8, 1981, to allow more time for full public participation.

W. E. Douglas,
Commissioner.

[FR Doc. 81-20701 Filed 7-14-81; 8:45 am]
BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1871-1]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This document proposes approval of three state implementation plan revisions as required by conditional approval of the Iowa State Implementation Plan. These revisions relate to control methods for emissions of particulate matter.

DATE: Public comments should be received by September 14, 1981.

ADDRESSES: The proposed revisions and support material are available at the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64104; the Iowa Department of Environmental Quality, Henry A Wallace Building, 900 East Grand, Des Moines, Iowa and the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S. W., Washington, D. C. Comments should be addressed to Daniel J. Wheeler, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64104.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816 374-3791.

SUPPLEMENTARY INFORMATION: The State of Iowa has submitted plans required by Part D of the Clean Air Act, as amended, to meet the primary and secondary National Ambient Air Quality Standards (NAAQS). In the final rulemaking on these plans (see 45 FR 14561, March 6, 1980 and 46 FR 22368, April 19, 1981) EPA conditionally approved several portions of the state's submission including two portions relating to fugitive dust controls and one relating to emission limits for fuel burning sources of particulates. One condition requires that the state submit an enforcement procedures manual describing source categories and appropriate measures to be required under the state's fugitive dust control regulation as it applies to sources in primary nonattainment areas by February 1, 1981, and as it applies to sources in secondary nonattainment areas by June 1, 1981. Another condition requires a demonstration, by February 1, 1981, relating to maintenance of standards, that the fugitive dust control rule will remain in effect once an area was redesignated from nonattainment to attainment. The third requires a demonstration that the particulate limits affecting fuel burning sources require affected sources to install reasonably available control technology (RACT). The demonstration was required by February, 1, 1981, for sources in primary nonattainment areas and by July 1, 1981, for sources in secondary nonattainment areas. The process to meet these conditions has taken significantly longer than expected due to the change in composition of the state rulemaking body. On January 1, 1981, the Iowa Air Quality Commission, along with all the other speciality commissions, was replaced by the Iowa Enviromental Quality Commission. The process of familiarizing the new commissioners with the air pollution control program and the expanded scope of the new commission have delayed consideration of these new rules. It now appears that the revised rules will be submitted during July. EPA believes the state has made, and is continuing to make, a reasonable effort to comply with this condition and EPA believes that this schedule demonstrates substantial compliance with the deadline. If the revised rules are not submitted on schedule, EPA will reevaluate this determination and take appropriate action

The State of Iowa has submitted proposed state implementation plan (SIP) revisions to meet the conditions. The drafts of these revisions were submitted by the Department of Environmental Quality on March 18, 1981. The public hearing on the revision was held in Des Moines, Iowa on April 7, 1981. Two of the proposed revisions are expected to be adopted at the May. meeting of the Iowa Environmental Quality Commission and are expected to be formally submitted by June 15, 1981. The third is expected to be formally submitted in July 1981.

EPA is proposing approval based on the draft submission because it believes the final submission will be substantially similar to the draft. Should the final submission differ significantly from the draft being made available for public comment today, then EPA will repropose action based on the final submission.

The proposed enforcement procedures manual describes various categories of dust sources within both primary and secondary nonattainment areas. The document identifies the major categories as grain processing and mineral processing. The document further references control techniques for unloading, transfer, storage and loading of products, plant roads and mining operations. The document does not contain details on each of the 19 control methods presented, but rather references a technical guidance document previously published by EPA. EPA believes the manual is adequate to explain to both enforcement personnel and plant owners what is required of a source subject to the state regulation requiring dust control on stationary sources.

The second condition concerns the rule relating to fugitive dust. The rule appears to be worded such that it applies only in nonattainment areas and that if an area is redesignated then the rule no longer applies. The state has proposed to add an additional paragraph requiring that any reasonable precautions implemented pursuant to the nonattainment area provisions shall remain in effect if the nonattainment area is redesignated to either attainment or unclassified after March 6, 1980. EPA believes this revision will satisfy the conditions of approval.

The third condition required a demonstration by February 1, 1981, that the state rules relating to particulate emissions from fuel burning sources require sources to install RACT. The state is in the process of meeting the requirement for RACT by revising the existing emission limits. The state's proposed revision applies to existing fuel burning sources of particulate matter in or significantly affecting particulate nonattainment areas. Under existing rules these sources are limited to 0.60 pounds of particulates per million BTUs of heat input, or to a lesser limit based on boiler size and stack height. The state's evaluation shows that this limit is still appropriate for sources of less than 250 million BTU per hour heat input. The state proposed a limit of 0.30 pounds per million BTU for sources of 500 million BTU per hour heat input or larger and a limit of 0.40 pounds per million for sources between 250 and 500 million BTUs per hour heat input.

An exception to the above is proposed by the state for the Iowa Public Service Company's George Neal Station Unit 1, which cannot meet the limit of 0.30 pounds per million BTU in spite of a sophisticated control system. The State has submitted information to demonstrate that Neal 1 already has RACT. The State has proposed that the limit for this unit be set at 0.50 pounds per million BTU. EPA specifically solicits comments on what emission limit represents RACT for Unit 1.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709, January 27, 1981.) This rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action would only approve state actions. It would impose no new requirements.

This action is proposed under the authority of Sections 110, 172 and 301 of the Clean Air Act as amended (42 U.S.C. 7410, 7502 and 7601(a)).

Date: May 18, 1981.

William W. Rice,
Acting Regional Administrator.

[FR Doc. 81-20693 Filed 7-14-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 85

[EN-FRL 1842-8]

Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines; Exclusion and Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would simplify the application requirements under which manufacturers of new motor vehicles and new motor vehicle engines may obtain exemptions from the prohibitions of section 203(a) of the Clean Air Act. Section 203(a) prohibits the introduction into commerce of new motor vehicles and new motor vehicle engines which are not covered by a certificate of conformity with Federal emission requirements. This section also prohibits manufacturers, dealers and others from removing or rendering inoperative emission controls installed on motor vehicles or motor vehicle engines either before or after sale to ultimate purchasers. The current regulations allow any person to apply for a testing exemption from these prohibitions. In addition, the present regulations allow manufacturers to obtain pre-certification exemptions to cover uncertified vehicles or engines that are retained under the control of the manufacturer and not leased or sold. If a manufacturer wishes to sell or lease these uncertified vehicles or engines, however, it must obtain a testing exemption. Much less information is required in an application for a pre-certification exemption than in an application for a testing exemption. Remarks from manufacturers have indicated that the current application requirements for both types of exemptions are too burdensome. This proposal would eliminate much of that burden for manufacturers and greatly reduce the administrative cost for EPA. No adverse environmental impacts are anticipated. This proposed rule was described in the Notice of Intent published on April 13, 1981, 46 FR 21628, concerning EPA's efforts to reduce the regulatory burden on the motor vehicle industry.

DATE: Written comments must be received no later than September 14, 1981.

ADDRESSES: Written comments should be submitted to: Docket No. EN-81-9, Central Docket Section (A-130), Environmental Protection Agency, Washington, D.C. 20460. All comments received before the close of business on September 14, 1981 will be considered.

FOR FURTHER INFORMATION CONTACT: John Guy, Investigation/Imports Section, Manufacturers Operations Division (EN-340), Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9413.

SUPPLEMENTARY INFORMATION: Under section 203(b)(1) of the Clean Air Act (Act), the Administrator of EPA is authorized to exempt motor vehicles and motor vehicle engines from the prohibitions of section 203(a) for purposes of "research, investigations, studies, demonstrations, or training, or for reasons of national security." The Administrator is given broad discretion to determine the "terms and conditions * * * necessary" to exempt vehicles and engines for these purposes. On September 10, 1974, 39 FR 32808, regulations were promulgated at 40 CFR Part 85, Subpart R, to provide for a program by which any manufacturer could apply for and receive exemptions to cover vehicles or engines used for the purposes mentioned above. These regulations were amended on March 3, 1980, 45 FR 13733, to extend the availability of exemptions under section 203(b)(1) to individuals and other non-manufacturers.

Since the exemption regulations were first promulgated, manufacturers have been able, with few exceptions, to furnish all required information and comply with the terms and conditions under which exemptions are typically granted. However, remarks have been received from some manufacturers that the present exemption requirements are excessively burdensome. It has also been stated that extensive procedures and controls are unnecessary in view of the civil penalties to which a manufacturer is subject for introducing into commerce uncertified vehicles or engines, or for removing emission controls from certified vehicles or engines. While the Agency has permitted manufacturers to submit one application which covers multiple testing programs, manufacturers still believe that it is unnecessarily burdensome to supply all of the required information for each test program they intend to conduct. One domestic manufacturer has suggested that the regulations provide an unfair advantage for foreign manufacturers who are able to conduct much of their development effort outside of the United States where it is not necessary to obtain EPA exemptions.

EPA has reviewed the exemption regulations to consider the manufacturers' remarks and the administrative issues associated with these requirements. As a result of that review, EPA has determined that, for manufacturers only, the amount of specific information required in an exemption application can be significantly reduced without reducing the level of compliance with the conditions of the exemption program. No changes are proposed in the application requirements by which non-manufacturers obtain exemptions.

We believe that the changes proposed in this NPRM will reduce the administrative burden of the exemption program on manufacturers by about two-thirds. This will save manufacturers, as a group, more than 1,000 work hours per year.

Proposed Changes—Testing Exemptions

Under the current regulations, any person desiring a testing exemption must submit, in advance, detailed information concerning such factors as the technical nature of each test, the maximum number of vehicles or engines in each test program, the fraction of total sales represented (in the case of a manufacturer) by those vehicles or engines, the site of each test, the duration of each test, the ownership arrangement of all vehicles or engines in each test program and the intended final disposition of all vehicles or engines. In addition, an explanation as to how vehicle identification or engine serial numbers and test results will be recorded is also required.

This proposed regulation would eliminate, for manufacturers, many of these reporting requirements. EPA proposes these changes in response to manufacturers' needs for flexibility to facilitate the operation of numerous test fleets, the exchange of vehicles or engines from one test fleet to another and the quick establishment of field testing programs when problems are found that affect in-use vehicles or engines. These situations tend to compound the administrative burdens imposed by the current exemption requirements. These situations have not arisen with non-manufacturers, nor have any remarks about any burden associated with the exemption requirements been received from non-manufacturers. Non-manufacturers typically have one small test fleet of less than 25 vehicles or engines. We do not believe that the present exemption requirements pose any significant burden to non-manufacturers; however, we welcome comments on this issue.

EPA believes it is necessary to have more information about a non-manufacturer's testing program so that the Agency can be assured that the purpose of the test program is consonant with those purposes described under section 203(b)(1) of the Act, namely research, investigations, demonstrations or training. We have been approach by some non-manufacturers who wanted exemptions for purposes other than those listed in the Act, such as installing uncertified engines in an entire fleet for the sole purpose of reducing fuel expenditures or selling uncertified vehicles to generate funds to support certification efforts. We have not had similar requests from manufacturers of new motor vehicles or new motor vehicle engines.

The proposed testing exemption alternative for manufacturers would be added at § 85.1705(f). Under this proposal, a manufacturer would no longer have to submit most of the specific details about each test program that are currently required by § 85.1705. The proposed regulation would allow a manufacturer to request comprehensive, yearly testing exemptions which would cover an anticipated number of test vehicles and/or engines. The manufacturer would furnish only the information required by paragraph (a)(1) and (d)(2) of the existing § 85.1705, along with a description of the record-keeping and control procedures that will be employed to assure that the vehicles or engines are used for purposes consistent with section 203(b)(1) of the Act.

Testing exemptions, for both manufacturers and non-manufacturers, will continue to be granted subject to the terms and conditions of a memorandum of exemption as currently required by § 85.1706.

Proposed Changes—Pre-certification Exemptions

The current regulation regarding pre-certification vehicle and engine exemptions (§ 85.1705(h)) is applicable only to manufacturers and requires the advance submittal of a minimal amount of information. Specifically, manufacturers must submit a statement setting forth the general nature of the fleet activities, the number of vehicles or engines involved, and a demonstration that adequate record-keeping procedures for control purposes will be employed.

The proposed regulation allows vehicles or engines used for pre-certification purposes (as defined by § 85.1702(a) (3) and (4)) to be exempted, without application to EPA, if the manufacturer complies with the record-keeping and labeling conditions which are currently found in the memorandum of exemption issued to a manufacturer when its application for a pre-certification exemption is approved. Under this proposal, manufacturers would no longer be required to sign a memorandum of exemption to cover vehicles or engines exempted for pre-certification purposes.

Beyond these requirements, we believe that the remaining requirements of the regulations, the prohibitions of section 203(a) of the Act and the penalties of section 205 should be sufficient to deter manufacturers from introducing into commerce vehicles or engines that are not covered by a certificate of conformity or an exemption. Furthermore, we believe that the proposed requirements will afford EPA with adequate monitoring capabilities.

To distinguish better between the requirements for pre-certification exemptions and testing exemptions, a separate section, § 85.1706, is proposed for pre-certification exemption requirements.

Proposed Changes—Miscellaneous

To avoid confusion with the requirements for testing exemptions it is proposed that paragraph (g) of § 85.1705 regarding display vehicles and engines be placed in its own section entitled § 85.1707—Display exemption.

Certain additional changes in the numbering and referencing system of Subpart R are necessary to accommodate the changes described in this proposal.

Note.—Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), requires EPA to determine whether a rule it intends to issue is a major rule and to prepare a Regulatory Impact Analysis (RIA) for every major rule. Section 1(b) of the Order defines a "major rule" as any "regulation" (as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action is not a "major rule" requiring preparation of an RIA. It will not have any detrimental effect on the economy; it will not cause any increase in prices; and it will not have any adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign companies. The revision of exemption requirements as proposed in this rulemaking will reduce the affected industry's cost of compliance with Subpart R of 40 CFR Part 85 and significantly reduce the related paperwork.

Environmental Impact Statement

This proposed regulation should have no adverse environmental effects. Accordingly, no environmental impact statement will be prepared.

Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The procedures proposed by this rulemaking will reduce the burden, including costs, of compliance with exemption requirements for small manufacturers. In any case, this NPRM will not affect a substantial number of small businesses, because motor vehicle and motor vehicle engine manufacturers are nearly all large businesses. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: July 8, 1981.

Anne M. Gorsuch,

Administrator.

Accordingly, it is proposed that 40 CFR Part 85, Subpart R be amended as follows:

(Secs. 203(b)(1) and 301 of the Clean Air Act (42 U.S.C. 7522(b)(1) and 7601))

1. In § 85.1704, we propose that paragraphs (b) and (c) be revised to read as follows:

§ 85.1704 Who may request an exemption.

* * * * *

(b) Any manufacturer may request a national security exemption under § 85.1708.

(c) For manufacturers, vehicles or engines for pre-certification or export purposes are exempt without application, subject to the provisions of § 85.1706 and § 85.1709, respectively.

2. In § 85.1705, we propose that paragraphs (d)(3) and (h) be removed; that paragraph (g) be redesignated as § 85.1707—Display exemption; and that paragraph (f) be revised to read as follows:

§ 85.1705 Testing exemption.

* * * * *

(d) * * *

(3) [Removed] * * *

(f) A manufacturer of new motor vehicles or new motor vehicle engines may request a testing exemption to cover any vehicles and/or engines intended for use in test programs planned or anticipated over the course of a subsequent one-year period. Any manufacturer requesting such an exemption shall furnish the information required by paragraphs (a)(1) and (d)(2) of this section along with a description of the record-keeping and control procedures that will be employed to assure that the vehicles and/or engines are used for purposes consistent with section 203(b)(1).

§§ 85.1706 through 85.1709 [Redesignated as §§ 85.1706 through 85.1711]

3. We propose that existing §§ 85.1706 through 85.1709 be amended by renumbering them as §§ 85.1706 through 85.1711, respectively.

4. We propose a new § 85.1706 to read as follows:

§ 85.1706 Pre-certification exemption.

(a) Any pre-certification vehicle or pre-certification vehicle engine, defined by § 85.1702(a) (3) or (4), is exempt from section 203(a) if the manufacturer complies with the following terms and conditions:

(1) The manufacturer shall create, maintain, and make available at reasonable times for review or copying by appropriate EPA employees records which provide each vehicle identification or engine serial number, indicate the use of the vehicle or engine on exempt status, and indicate the final disposition of any vehicle or engine removed from exempt status; and

(2) The manufacturer shall permanently affix to each vehicle on engine or exempt status in a readily visible portion of the engine compartment (on a readily visible portion of a heavy-duty engine or in a readily accessible position on a motorcycle) a label which cannot be removed without destruction or defacement and which states in the English language, in block letters and numerals of a color that contrasts with the background of the label, the following information:

(i) The label heading: Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement and family identification;

(iv) Model year of vehicle or engine; and

(v) The statement: THIS VEHICLE OR ENGINE IS EXEMPT FROM THE PROHIBITIONS OF SECTIONS 203(a)(1), (3) and (4) OF THE CLEAN AIR ACT, AS AMENDED.

[FR Doc. 81-20660 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 122

[EN-FRL 1870-7]

Consolidated Permit Regulations; NPDES Application Requirements; Duration of Certain NPDES Permits

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule

SUMMARY: This proposed rule would revise a portion of the application requirements in the consolidated permit regulations to provide a three-month extension of the deadline for National Pollutant Discharge Elimination System (NPDES) permittees to submit certain testing information. This time extension is appropriate because it would allow applicants to adjust to relaxations in the testing requirements and it would provide relief to applicants having difficult because of local or regional shortages in laboratory testing capacity.

This proposed rule would also revise the requirement that all NPDES permits issued or expiring after June 30, 1981 include any more stringent effluent limitations necessary to meet the July 1 1984 deadline in the Clean Water Act. The June 30, 1981 date would be replaced by a December 31 1982 date. This revision would provide permitting authorities with greater flexibility for issuing permits designed to meet the 1984 deadline.

DATE: Comments must be submitted on or before August 14, 1981.

ADDRESSES: Send written comments to J. William Jordan, Permits Division, (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Gail S. Goldberg or Tom Laverty, Office of Water Enforcement and Permits (EN-336), 401 M St. S.W., Washington, D.C. 20460, (202) 426-7035

SUPPLEMENTARY INFORMATION: On May 19, 1980, at 45 FR 33290, EPA issued final consolidated permit regulations and the consolidated permit application forms, including the NPDES permit application forms under the Clean Water Act. Those regulations and NPDES Form 2c require that existing industrial dischargers include in their applications for permit renewal, quantitative and qualitative data for certain pullutants discharged, used, or produced at the facility. 40 CFR 122.53(d)(7), (9), and (10). The regulations further require that all permits issued after June 30, 1981 to facilities in the NPDES primary industry categories (listed in Appendix A to 40 CFR part 122) contain effluent limitations reflecting the best available technology economically achievable (BAT) and the best conventional pollutant control technology (BCT), as appropriate.

I. Submission of Effluent Data

Industrial facilities are scheduled to submit their NPDES permit renewal

applications in accordance with the table in 40 CFR 122.53(c)(2). A permittee with an NPDES permit expiring between December 1, 1980 and May 31, 1981 must submit a complete application 90 days before its permit expires. Footnote (2) to the table, however, authorizes the NPDES Program Director (the "Director"), upon written request by the applicant, to extend the deadline for submitting the information required by § 122.53(d)(7), (9), and (10) for up to six months or June 30, 1981, whichever is earlier. A permittee with an NPDES permit expiring on or after June 1, 1981 must submit its renewal application 180 days before its permit expires. Footnote (3), however, authorizes the Director to extend the deadline for submitting the application up to the permit expiration date.

Elsewhere in today's **Federal Register**, EPA is temporarily suspending footnote (2) and portions of footnote (3) to this table, to allow time for public comment and final action on this proposal. This proposed rule would extend the deadline for submitting the information required by § 122.53(d)(7),(9), and (10) from June 30, 1981 to September 30, 1981. This proposed rule would also eliminate the requirement that applicants request the extension and state the reasons for the request in writing. The purpose of this proposed revision is to allow applicants to adjust to changes in the testing requirements of the application form before submitting the requested information and to provide relief to applicants who may be having difficulty in meeting the June 30, 1981 deadline because of local or regional laboratory capacity constraints. EPA particularly invites comments on the length of the proposed extension.

II. Issuance of BAT/BCT Permits

The consolidated permit regulations require that any NPDES permit issued after June 30, 1981 to a discharger in a primary industry category contain effluent limitations to meet the BAT and BCT requirements of sections 301(b)(2)(A), (C), (D), (E), and (F) of the Clean Water Act. 40 CFR § 122.62(c)(2). Similarly, 40 CFR § 122.64(a) requires that any such permit which expires after June 30, 1981 include BAT/BCT effluent limitations. This proposed revision would replace the June 30, 1981 deadline with a December 31, 1982 deadline. Thus, Directors would be authorized to issue short-term BPT permits which expire no later than December 31, 1982 to dischargers in primary industries. Such permits, if issued after June 30, 1981, would not be required to include the reopener clause contained in § 122.62(c)(1). Permits expiring after December 31, 1982 would be issued to primary industry dischargers only if they include effluent limitations and compliance schedules to meet the BAT/BCT requirements of sections 301(b)(2)(A), (C), (D), (E), and (F) of the Act. This revision is necessary to coordinate the issuance of BAT/BCT permits with the proposed revised requirements for the submission of effluent data under 40 CFR 122.53(d). Moreover, it would authorize NPDES States that do not have State legal provisions comparable to 5 U.S.C. 558(c) (which administratively extends expiring Federal permits pending issuance of renewal permits) to issue short-term BPT permits until BAT permits can be written and issued. EPA does not recommend the use of short-term permits by EPA regions or States which do have legal provisions comparable to 5 U.S.C. 558(c), because their resources could be best used to prepare BAT permits.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This proposed regulation is not major because, if issued, it would enable industrial applicants to obtain extensions for submission of required information and to provide permit writers greater flexibility in issuing BAT/BCT permits. Therefore, this proposal would impose no additional costs and meets none of the other criteria established in the Executive Order for a major rule.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Regulatory Flexibility Act

EPA also has determined, pursuant to the Regulatory Flexibility Act, that this amendment, if promulgated, will not have a significant economic impact on on a substantial number of small entities. To the extent that small businesses are affected by the NPDES application and permit requirements of the consolidated permit regulations, this amendment will either leave unchanged or lessen the economic impact on them.

(Clean Water Act, 33 U.S.C. 1251 *et seq.*)

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

Accordingly, 40 CFR Part 122 is proposed to be amended as set forth below.

§ 122.53 [Amended]

1. In 40 CFR § 122.53(c)(2), footnotes (2) and (3) of the table are deleted and replaced by a new footnote (2), which applies to all permits expiring after December 1, 1980, to read as follows:

[2] The deadline for submitting information required by paragraphs (d)(7), (9), and (10) of this section is in no event earlier than September 30, 1981. The Director may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the expiration date.

§ 122.62 [Amended]

2. 40 CFR § 122.62(c)(2) is revised to read as follows:

(c) * * *

(2) *After December 31, 1982,* any permit issued shall include effluent limitations and a compliance schedule to meet the requirements of sections 301(b)(2)(A), (C), (D), (E), and (F) of CWA, whether or not applicable effluent limitations guidelines have been promulgated or approved. These permits need not incorporate the clause required by paragraph (c)(1) of this section.

§ 122.64 [Amended]

3. 40 CFR 122.64(a) is revised to read as follows:

(a) On or before December 31, 1982 any permit issued to a discharger in a primary industry category (see Appendix A):

(1) shall meet one of the following conditions:

(i) Expire on December 31, 1982;

(ii) Incorporate effluent standards and limitations applicable to the discharger which have been promulgated or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of CWA; or

(iii) Incorporate effluent limitations to meet the requirements of sections 301(b)(2) (A), (C), (D), (E), and (F) of CWA.

(2) Shall not be written to expire after December 31, 1982 unless the discharger has submitted to the Director the information required by § 122.53(d)(7)(ii).

* * * * *

[FR Doc. 81-20897 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-30-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[No. 38622]

Petition of New Jersey Transit Corporation To Exempt Mass Transportation Services

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking (exemption).

SUMMARY: Under 49 U.S.C. 1608(f), the Commission has authority to exempt from former part II of the Interstate Commerce Act the mass transportation services provided by a state or local public body or provided to the state or local public body by contract. New Jersey Transit Corporation, Transport of New Jersey, and Maplewood Equipment Company have petitioned for a partial exemption, primarily covering rate and service matters. The Commission proposes to grant it because it appears consistent with the § 1608(f) criteria.

DATE: Comments of interested persons will be due on or before August 14, 1981.

ADDRESS: An original and fifteen copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 1608(f),[1] a state or local public body may petition the Commission for an exemption from the Interstate Commerce Act for mass transportation services provided by the state or local body or provided to the state or local body by contract. The section states further that the Commission shall grant the exemption unless the Commission finds that (A) the public interest would not be served by such exemption, (B) the exemption requested would result in an undue burden on interstate or foreign commerce, or (C) the mass transportation services, including rates, proposed to be exempt are not subject to regulation by any state or local public agency.[2]

In a petition filed April 6, 1981, New Jersey Transit Corporation, Transport of New Jersey, and Maplewood Equipment Company petitioned for partial exemption under section 1608(f). New Jersey Transit is the body charged under the New Jersey Public Transportation Act of 1979 with responsibility for establishing and providing for the operation and improvement of public transportation in New Jersey. It contracts for interstate and intrastate mass transportation services with motor bus carriers throughout the state, and regulates the fares, schedules, routes, and services of the contracting carriers and of Transport of New Jersey and Maplewood Equipment Company.

Transport of New Jersey is a wholly owned subsidiary of New Jersey Transit, and Maplewood is a wholly owned subsidiary of Transport. Together they operate about 55 interstate bus routes under operating authority obtained from the Interstate Commerce Commission. All three parties appear to be instrumentalities of New Jersey and, accordingly, appropriate petitioners under § 1608(f).

Petitioners request, both for themselves and for any carriers which contract with New Jersey Transit for the provision of services, an exemption from all of former part II of the Interstate Commerce Act, including but not limited to changes in fares; increases, curtailments or abandonment of service; insurance requirements; financial filing requirements; and regulation of service adequacy. Exemption is not requested for charter and special services, acquisitions or mergers, or with respect to issuance or transfer of operating rights (except for transfers between Transport and Maplewood) or removal of restrictions on operating rights.

Petitioners state that exemption would be in the public interest because it would eliminate regulatory duplication where interstate service is involved. They state further that New Jersey law and Urban Mass Transportation Administration requirements protect the public by requiring that New Jersey Transit hold public hearings prior to any change in fares or substantial curtailment of services.

Petitioners' rationale appears to have merit, and we tentatively conclude that exemption is warranted for services provided by petitioners and for contracted services which are actually subject to the jurisdiction of New Jersey Transit. A full exemption to any carrier contracting with New Jersey Transit may be excessive, as some contracting carriers may do only a small portion of their total business with that body. See H. Rep. No. 95-1797, 95th Cong., 2nd Sess. 79, *reprinted in 1978* U.S. Code Cong. & Ad. News 6683, 6748 which suggests that the Commission may wish to restrict an exemption so as to preclude an intercity bus carrier from being completely deregulated through the expediency of signing a contract with a local public body.

Accordingly, we propose to add the following rule at 49 CFR 1047.2:

§ 1047.3 Mass Transportation Service Exemption under 49 U.S.C. 1608(f).

Mass transportation services provided by Transport of New Jersey and Maplewood Equipment Company and mass transportation services provided to the New Jersey Transit Corporation under contract are exempt from the provisions of former Part II of the Interstate Commerce Act, except that the exemption does not apply to those provisions governing: (a) charter and special services; (b) acquisitions or mergers; (c) issuance or transfer of operating rights (except between Transport and Maplewood); and (d) removal of restrictions on operating rights. Mass transportation services shall be defined as single-line, regular-route commuter operations and incidental package express service.

We request the public to comment on whether the exemption would meet the criteria of section 1608(f) as enumerated above and whether the exemption is clearly drafted. Comments should also focus on the following issues: (1) Should present collective ratemaking activities by petitioners be modified in any respect if a partial exemption is granted? (2) Should the exemption extinguish incidental charter authority now held by petitioners? (3) What adverse effect, if any, would an exemption have on competing private carriers? (4) What should be the duration of any exemption granted? Although the matters raised in this notice do not appear to affect significantly the quality of the human environment or the conservation of resources, or small business, comments on these issues are welcome also, and a copy of this decision will be forwarded to the Chief Counsel for Advocacy, Small Business Administration.

Authority: 49 U.S.C. 1608(f).

Decided: July 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissented with a separate expression. Acting Chairman Alexis did not participate.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, dissenting

The draft notice does not go far enough in returning state transportation matters to New Jersey. I believe the Commission should have sought public comment on broader exemption of the involved traffic.

[FR Doc. 81-20756 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

[1] This section is part of the Urban Mass Transportation Act of 1964, as amended by the Federal Public Transportation Act of 1978.

[2] If an exemption is granted, the public body continues to be subject to Federal law governing safety, collective bargaining and other employee-employer relations. The Commission also retains authority to amend or revoke the exemption.

Notices

Federal Register
Vol. 46, No. 135
Wednesday, July 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Agency Decisional Processes; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 9:30 a.m., Friday, July 31, 1981 at the office of Ginsburg, Feldman, Weil & Bress; 1700 Pennsylvania Avenue, NW; Suite 300; Washington, D.C.

The Committee will meet to reconsider its draft recommendation on separation of functions and staff communications with decisionmakers in agency proceedings and to review comments received on the proposed recommendation. The proposed recommendation appears at 46 FR 26487 (May 13, 1981).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Charles R. Pouncy, staff attorney, Administrative Conference of the United States, 2120 L Street N.W., Washington, D.C., (202–254–7065). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.
July 9, 1981.

[FR Doc. 81–20019 Filed 7–14–81; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Finding of No Significant Impact Vegetation Management Program for Site Preparation and Conifer Release, Douglas County, Oregon; Umpqua National Forest, Diamond Lake Ranger District

An Environmental Assessment that discusses the Vegetation Management Program for site preparation and conifer release on 3,583 acres of plantations on Diamond Lake Ranger District has been prepared. The proposed project will be implemented from 1981 to 1983. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Douglas County, Oregon. No flood plains or wetlands are affected by this project. The report is available for public review at the Diamond Lake Ranger District and the Umpqua National Forest Office in Roseburg, Oregon.

This project will use the herbicide 2,4-D aerially applied on 347 acres for site preparation, and may be considered to have effects which are of national concern.

The range of alternative methods considered included chemical, mechanical, manual biological, thermal, combinations, and no action.

Based on the analysis and evaluation described in the environmental assessment for this project, it is my decision to adopt the alternative using the following methods and treatment schedule:

	Percent	Year of planned accomplishment	Acres
Site Preparation			
Chemical methods	30		
Aerial application glyphosate		1981	251
Ground application glyphosate		1981	127
		1982	35
Aerial application velpar		1982	19
Ground application velpar			
Mechanical methods	30		
Trakmac slashing		1981	305
Trakmac planting spots		1981	118
Manual methods	0		
Biological methods	0		
Mechanical and thermal methods	11		
Tractor pile and burn		1981	160
Chemical and Thermal methods	27		
Aerial application glyphosate brown and burn		1981	54
Aerial application picloram and 2,4-D, brown and burn		1982	347
Manual chemical and thermal methods	2		
Hand tool slashing chemically treat stumps and burn (picloram and 2,4-D) ground		1982	25
No action	0		
Total	100		
Release			
Chemical methods	57		
Aerial application glyphosate		1981	664
		1982	664
Ground application glyphosate		1981	236
		1982	237
Aerial application velpar		1982	112
Ground application velpar		1982	179
Ground application dalpon, atrazine and 2,4-D		1982	6
Mechanical methods	6		
Trakmac slashing		1983	125
Manual methods	7		
Hand tool slashing		1983	111
Hand pulling		1982	39
Biological methods	0		
Thermal methods	0		
Combinations	0		
No action	0		
Total	100		

These methods and treatments, with specified mitigation measures and monitoring, provide the best combination of physical, biological, social and economic benefits and is considered to be the environmentally preferable alternative.

I have determined, based on the environmental analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) all chemicals are approved by EPA for the proposed use; (b) application of chemicals will comply with applicable EPA labels, State and Federal law, Forest Service policies and the current R-6 Environmental Statement dealing with vegetative management; (c) treatment with chemical, mechanical or hand methods will have only slight and temporary effect on the ecosystems in the treatment areas; (d) physical and biological effects are limited to the areas of planned treatment; and (e) there are no irreversible or irretrievable resource commitments or losses.

Project implementation may take place immediately after the date of this decision.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: July 2, 1981.
R. D. Swartzlender,
Forest Supervisor.
[FR Doc. 81–20012 Filed 7–14–81; 8:45 am]
BILLING CODE 3410–11–M

Office of the Secretary

Members of Performance Review Boards

AGENCY: Department of Agriculture.
ACTION: Notice.

SUMMARY: This document amends the list of Performance Review Board members published April 20, 1981, 46 FR 22629 and 22630.

EFFECTIVE DATE: Upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250 (202–447–2830).

John R. Block,
Secretary of Agriculture.
July 9, 1981.

The membership of the Department of Agriculture's Performance Review Boards is amended by deleting the names of James H. Starkey, William T. Cherry, J. B. Penn, Thomas C. Nelson, and Weldon B. Denny and adding the following names:

1. Seeley G. Lodwick
2. William G. Lesher
3. G. William Hoagland
4. Frank W. Naylor, Jr.
5. Clarence L. Tardy
6. Thomas Hammer
7. Everett G. Rank, Jr.
8. Alan T. Tracy
9. Mary E. Carter
10. Raymond A. Pugh
11. John W. Bode
12. Kenneth R. Hook
13. A. James Barnes
14. Paul M. Howard
15. Mary C. Jarratt
16. John B. Crowell, Jr.
17. Richard Cannon
18. John E. Ford
19. Mildred E. Thymian
20. Martin F. Fitzpatrick
21. Kenneth A. Gilles
22. Raymond M. Housley

[FR Doc. 81–20043 Filed 7–14–81; 8:45 am]
BILLING CODE 3410–01–M

CIVIL AERONAUTICS BOARD

Schedule for Awarding SES Bonuses

The Civil Aeronautics Board plans to award bonuses to Senior Executive Service members on or about July 28, 1981.

For further information contact: Wilma Kriviski, Acting Director, Office of Human Resources, Civil Aeronautics Board, (202) 673–6140.

Wilma J. Kriviski,
Acting Director.
[FR Doc. 81–20098 Filed 7–14–81; 8:45 am]
BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Cordage From Cuba; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.
ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on cordage from Cuba. This merchandise is covered by the embargo on trade with Cuba which has been in effect since February 7, 1962. As a result, the Department has tentatively determined to continue the countervailing duty rate established by the Department of the Treasury. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 23, 1954, the Department of the Treasury published a notice in the **Federal Register**, T.D. 53534 (19 FR 4560), imposing countervailing duties on dutiable cordage from Cuba.

This order was subsequently modified by T.D. 54650, published in the **Federal Register** on August 2, 1958 (23 FR 5873), limiting the imposition of countervailing duties to cordage which the Cuban government considered "baler twine" or "binder twine". Normally, these two types of twine as defined in the Tariff Schedules of the United States (TSUS) are free of duty and would have been excluded from countervailing duties under section 303 of the Tariff Act of 1930 ("the Tariff Act"); however, not all the Cuban product meets the description for "binder twine and baler twine" contained in headnote 1(e) of Schedule 3, Part 2 of the TSUS. Therefore, T.D. 54650 limits the countervailing duty order to cordage considered by the Cuban government to be baler or binder twine, but which does not meet the definition for "binder twine and baler twine" in the TSUS.

On January 1, 1980, title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the countervailing duty order on cordage from Cuba.

Scope of the Review

Merchandise covered by this review is cordage which the Cuban government considers "binder twine and baler twine," but which does not meet the definition contained in the TSUS. Normally, binder twine and baler twine, as defined by the TSUS, enter under item number 315.20 of the TSUS. The merchandise under consideration here is currently classifiable under item number 315.25 of the TSUS.

Preliminary Results of Review

As a result of our review, we preliminarily conclude that the merchandise has not been imported into the United States since 1962. This merchandise is covered by the embargo on all trade with Cuba, in effect since February 7, 1962 (27 FR 1085).

Therefore, the Department has tentatively determined to continue the countervailing duty rate of 2.488¢ established by T.D. 53534 for future entries of this merchandise. The Department intends to instruct the Customs Service to apply this rate as a cash deposit of estimated countervailing duties on future entries if the embargo on trade with Cuba is terminated. There are no known unliquidated entries of this merchandise.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may

request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative view, and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 10, 1981.

[FR Doc. 81-20009 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Notice of Agency decision to close out files pertaining to certain claims filed under Title IV, Outer Continental Shelf Lands Act Amendments of 1978, as amended (Title IV).

SUMMARY: Notice is given that the Agency has closed out the files with regard to the following claims brought under Title IV, and will take no further action in their regards because the claimants have failed to respond in timely fashion to notices of deficiencies in the claims as filed.

Claim Numbers and Dates of Filing

FCF-11-79 February 26, 1979.
FCF-23-79 No claim filed (five-day report only).
FCF-25-79 March 2, 1979.
FCF-34-79 No claim filed (five-day report only).
FCF-45-79 No claim filed (five-day report only).
FCF-46-79 May 7, 1979.
FCF-48-79 No claim filed (five-day report only).
FCF-49-79 No claim filed (five-day report only).
FCF-57-79 June 22, 1979.
FCF-62-79 No claim filed (five-day report only).
FCF-64-79 No claim filed (five-day report only).
FCF-70-79 August 6, 1979.
FCF-81-79 No claim filed (five-day report only).
FCF-06-81 No claim filed (five-day report only).
FCF-08-81 No claim filed (five-day report only).

ADDRESS: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan at the above address (telephone: 202-254-8350).

SUPPLEMENTARY INFORMATION: Title IV (43 USC 1841) established the Fishermen's Contingency Fund from which the Secretary of Commerce is authorized to compensate commercial fishermen for damage to, or loss of, fishing gear and for any resulting economic loss due to activities related to oil and gas exploration, development, and production on the Outer Continental Shelf.

In pertinent parts, the regulations implementing Title IV (50 CFR 296) declare as follows. A claim brought under Title IV must contain certain specified information (50 CFR 296.7(e)). The Chief, Financial Services Division, National Marine Fisheries Service (Chief, FSD), is authorized initially to decide whether a claim contains this information, or so much of it as is thought necessary to process the claim (50 CFR 296.7(e), 296.8(b)(1)). If the Chief, FSD, finds that the claim is incomplete, the claimant must be notified in writing of any deficiencies (50 CFR 296.8(b)(3)(i)). Thereafter, a claimant has 60 days in which to correct the deficiency. If the claimant does not so do within 60 days, the claim is not eligible for compensation unless the Chief, FSD, extends the 60-day period (50 CFR 296.8(b)(3)(ii)). The General Counsel is authorized to review any determination by the Chief, FSD, with regard to a deficiency. If the General Counsel finds that a claim has been abandoned by reason of the claimant's having failed to respond in timely fashion to a notice of deficiency from the Chief, FSD, the General Counsel "may close the file without further action under . . . Part 296" (50 CFR 296.8(d)(1)).

With regard to each of the above claims, the claimant failed to respond to a notice of deficiency within 60 days and, in some cases, within 20 or 30 additional days unilaterally granted by the Chief, FSD. Therefore, the General Counsel has found that these claims have been abandoned within the meaning of 50 CFR 296.8(d)(1), has closed the files on them, and will take no further action in their regard.

Signed at Washington, D.C., this 10th day of July, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20705 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-22-M

Northern Anchovy Fishery

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of preliminary determination of estimated spawning biomass and optimum yield for 1981-82 season.

SUMMARY: This notice announces the preliminary determination of estimated spawning biomass and optimum yield for the northern anchovy fishery (*Engraulis mordax*) in the U.S. fishery conservation zone for the 1981-82 fishing season. The optimum yield has been determined by application of the formula in the fishery management plan (FMP) for the northern anchovy fishery. A final determination will be announced on or about August 1, 1981.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Alan W. Ford, Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731: Telephone (213) 548-2575.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and Southwest Fisheries Center, National Marine Fisheries Service (NMFS), the Regional Director has made a preliminary determination that the spawning biomass of northern anchovy (central subpopulation) is estimated to be 2,803,000 short tons. This preliminary determination is based on Administrative Report Number LJ-81-17, Southwest Fisheries Center, NMFS. The report documents the method used to estimate the 1981 spawning biomass of the central subpopulation of northern anchovies. The biomass estimate is based on the anchovy larva abundance measured by four egg and larvae surveys. This method of biomass estimation has been used each year since implementation of the FMP and provides the historical data series for establishing annual harvest quotas.

Applying the formula in the FMP to calculate optimum yield (OY), NMFS has made a preliminary determination for the 1981-82 fishing season that: (1) the OY is 420,700 short tons, (2) the Domestic Annual Harvest capacity is 371,885 short tons, and (3) the total allowable level of foreign fishing (TALFF) is 48,815. The TALFF may be subject to revision due to a recent submission of a joint venture application.

As specified in the FMP the preliminary announcement has been made in consultation with the Pacific Fishery Management Council (Council) and a summary of the information on which the estimates are based has been provided to the Council.

The Administrative Report cited above is under review, and a final determination of OY, harvest quotas, and TALFF, if any, will be announced on or about August 1, 1981.

Dated: July 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19682 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Cotton Apparel From the Republic of the Philippines

July 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton playsuits in part of Category 337 (non-traditional), produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1981, at a level of 37,560 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of cotton textile products in Category 337pt., produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 337pt. during the same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 337pt. in excess of 37,560 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1980. Import charges during the January-April 1981 period have amounted to 16,300 dozen. As the data become available, charges will also be made for the period which began May 1, 1981 and extends to the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

July 9, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 16, 1981, and for the twelve-month period beginning on January 1, 1979, and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 337pt.,[1] produced or manufactured in the Philippines, in excess of 37,560 dozen.[2]

Textile products in Category 337pt., which have been exported to the United States prior to January 1, 1981, shall not be subject to this directive.

Textile products in Category 337pt. which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-20004 Filed 7-14-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Level of Restraint for Certain Man-Made Fiber Textile Products from India

July 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the designated

[1] In Category 337, all T.S.U.S.A. numbers except 382.0020, 382.0073, and 382.3320.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Charges for the period January-April 1981 have amounted to 16,300 dozen.

consultation level established for other man-made fiber furnishings, such as lace or net bedding, blankets, sheets and bedspreads (among others), in Category 666, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1981, from 2 million square yards equivalent (256,410 pounds) to 8 million square yards equivalent (1,025,641 pounds).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India provides consultation levels for certain categories of textile products, such as Category 666, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. At the request of the Government of India, the Government of the United States has agreed to increase the level for man-made fiber textile products in Category 666 to 1,025,641 pounds during the agreement year which began on January 1, 1981.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the Federal Register (45 FR 83647) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool and man-made fiber textile products, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 666, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981, in excess of the increased level of 1,025,641 pounds.

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 16, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 9, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 666, produced or manufactured in India, in excess of 1,025,641 pounds.[1]

The actions taken with respect to the Government of India and with respect to imports of man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-20886 Filed 7-14-81; 8:45 am]
BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any entries after December 31, 1981.

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 81–3]

Glass Coffee Decanters; Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition requesting that all glass coffee decanters/pots be required to carry an additional warning label, cautioning users that the pots may fail in a sudden or catastrophic manner, even if the decanters/pots have not been struck against a solid object. The Commission is taking this action because available information does not support a finding that glass coffee decanters/pots present an unreasonable risk of injury and that a mandatory standard is necessary to address the risk. This decision is based on the fact that the injury data do not indicate a severe or frequent problem associated with the hazard of spontaneous breakage of glass coffee decanters/pots. Further, the Commission believes that an additional warning label, as proposed by the petitioner, is inappropriate because there are no additional precautions that can be recommended to avoid a potential "spontaneous" failure.

ADDRESS: Copies of the petition and the staff's briefing materials on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:
Elaine A. Tyrrell, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6557.

SUPPLEMENTARY INFORMATION:

1. Background

Section 10 of the Consumer Product Safety Act (CPSA) provides that any interested person may petition the CPSC to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the Federal Register.

On January 21, 1981, the Commission received a letter and attachments from John Fiske Brown, registered professional engineer of John Fiske Brown Associates, Forensic Engineers. Mr. Brown expressed concern regarding the injury potential associated with glass coffee decanter/pot failures

(Petition CP 81–3). Mr. Brown stated that the warning labels currently affixed to such items advise users to avoid the condition of "boiling dry" and "impact", but fail to warn of sudden breakage even without impact occurring. He stated his belief that the use of glass is only marginally safe for carrying unheated liquids and that it is unacceptable for carrying hot liquids. In this context, Mr. Brown attached a two-page listing of glass characteristics entitled, "Safety Aspects of Glass Coffee Pots." Mr. Brown also attached a listing of Commission consumer complaints entitled, "Glass Coffee Pot Breakage" that illustrate several patterns of glass coffee pot breakage, including pots which reportedly "exploded".

Therefore, Mr. Brown requested that all glass coffee decanters/pots carry an additional cautionary label which would read, "Warning: May fail in a sudden and catastrophic manner, even if no impact occurs."

2. Commission Decision Regarding the Petition

To address the issues presented by the petition, the Commission staff provided economic and marketing information, prepared a hazard analysis of injury data available from all available Commission data sources associated with glass coffee decanters/pots; sought information on any existing voluntary standards which would be applicable to these products, and assessed the need/appropriateness of labeling or special information and education materials to address the hazard of concern to the petitioner. The staff noted that a variety of terms are used to refer to the type of product described in the petition. Therefore, in the discussion below, several different terms have been used.

Economic and Marketing Information on Glass Coffee Decanters/Carafes

The Commission staff gathered information on the types, prices, and quantities of glass coffee decanters and carafes used by consumers. It was noted that glass coffee decanters and carafes are one subset of a wide variety of apparatus available for brewing and serving coffee. For the sake of discussion, the staff categorized glass coffee decanters/carafes according to those used with automatic drip coffeemakers (ADC's), those used with non-automatic coffeemakers, and those used as coffee servers. Prices for replacement and extra decanters/carafes for the ADC's and non-automatic coffeemakers generally range from $6.00 to $9.00, whereas the retail price ranges for carafes used as coffee servers were higher ($25.00 to $45.00), as these items were usually more decorative or made from more expensive materials.

Reportedly, 45–50% of the households in the U.S. (some 39.7 to 44.2 million) have an ADC, and almost all ADC's for consumer use have glass carafes. Comparable data are not available for the other two categories of glass coffee decanters/carafes. However, the Commission staff estimated that, based on the available data and professional judgment, there may be a total of some 80 to 150 million glass coffee decanters/carafes in use by consumers and that 70 to 80 million households (80 to 90% of the total households) have at least one such item.

Hazard Analysis of the Available Injury/Death Data Associated with Glass Coffee Decanters/Pots

The Commission staff estimated that over a two-year period (1978–1980), 17,000 persons were treated in hospital emergency rooms for injuries associated with all types of coffee and tea containers. Further, less than 5% or 775 of these injuries (258 per year) were found to be associated with the "spontaneous" breakage of glass coffee or tea containers. Nearly all of these 775 victims were treated and released from hospital emergency rooms for lacerations received from broken glass. Approximately one percent of these injuries were scald burns requiring hospitalization.

Among the nearly 500 in-depth investigations reviewed, the Commission staff stated that 7 were associated with the breakage of glass coffee pots. In 6 of these cases, the victims were pouring liquid when the glass pot "exploded", "broke", or "shattered". In the remaining case, the victim was a six-year-old bystander who sustained a first-degree scald burn when the pot his father was using "exploded". The Commission staff also found that 49 consumer complaints over a two-year period (including the incidents reported by the petitioner), were associated with the glass breakage hazard. Of these, nearly half reported no injury due to the "spontaneous" breakage of the coffee or tea pot. When an injury was reported, scald burns were reported most frequently. Although the respondents in these cases stated that the pots usually contained hot water when they broke, some indicated that either cold or no water was in the pot when it broke.

Based on an estimate of 80 to 150 million glass coffee decanters/carafes in use by consumers, the staff estimates that there is a likelihood of one injury per year from the "spontaneous" breakage of glass coffee pots for every 300,000 to 580,000 such items in use in the country.

Available Voluntary Standards Related to Glass Coffee Decanters/Pots

From a library search for applicable voluntary standards, the Commission staff did not find any which specifically addressed the heat-induced breakage of glass coffee decanters.

The staff stated that the type of breakage described in the petition can result from a combination of factors the most critical of which is probably due to thermal stress from uneven heating. Glass objects in general can have relatively large residual stresses built in (due to shape, the shaping process used in manufacture, and heating/cooling history), but the addition of more stress due to use and heat can result in sudden fracture as noted by the petitioner.

Need/Appropriateness of Labeling or Special Information and Education Materials

The Commission staff provided an assessment of the need/appropriateness of labeling or special information and education materials to address the hazard of concern to the petitioner.

The staff stated that the primary function of a warning label was to apprise the consumer of the existence of a hazard and the steps he should take to avoid the hazardous condition. For example, the wording most frequently found on warning labels affixed to glass coffee pots appears below:

To Avoid Breakage:

- Do Not Boil Dry or Heat Pot When Empty
- Do Not Use if Cracked or Scratched
- Do Not Clean With Materials That Scratch
- Do Not Use in High Flame or on Open Electric Elements (or on Open Electric Element Use a Trivet)
- Do Not Bump

The hazard pattern of "spontaneous" failure, as stated by the petitioner, does not appear on the warning labels affixed to glass coffee pots. Such a label, as proposed by the petitioner, would indicate that a hazard may exist, but it could not provide any cautionary steps the consumer should take to avoid the condition. The hazard of "spontaneous" failure is unpredictable and there are no precautions that can be recommended to avoid the condition. Thus, the Commission believes that the consumer's best protection is probably to follow the manufacturer's instructions when using the product.

Other Information Related to the Issues of Petition CP 81-3

In response to the petitioner's statements regarding existing warning labels affixed to glass coffee pots, the Commission staff made limited observations of the glass coffee pots currently available in the Montgomery County, Maryland area. In general, the staff noted that the cautionary or warning statements are printed in an instruction booklet which is packaged with the product. In few cases, the warning label is printed directly on the glass pots, sometimes in two languages, and refers to conditions in addition to those of "boiling dry" and "impact," as stated by the petitioner.

In an attempt to determine if there were standard labeling practices among the manufacturers of glass coffee pots, particularly in regard to the cautionary statements noted to exist on many such items, the Commission staff contacted trade associations and spoke with Mr. Thomas D. McGee, Professor, Materials Science and Engineering Department, Iowa State University. No information was found to indicate that there are standard labeling practices being followed by manufacturers. Further, it was learned that the American Glassware Association, the trade association which presumably would have represented this segment of glassware manufacturing, disbanded more than a year ago.

The Commission staff also received a letter of comment from Professor McGee, regarding the petitioner's two-page attachment, "Safety Aspects of Glass Coffee Pots". Although Professor McGee concurred with several of the points in the petitioner's attachment, he stated that no one knows how to produce and maintain flawless glass (as suggested by the petitioner to obtain "higher practical strengths" in glass). Professor McGee stated that research to neutralize the effect of flaws has resulted in some success, but the "problem for top-of-the-stove ware is more difficult than for ordinary use."

The Commission has carefully considered the issues raised by the petitioner as well as the injury and technical data/information submitted by the staff and has concluded that glass coffee decanters/pots do not present an unreasonable risk of injury and that mandatory labeling as requested by the petitioner is not necessary to address the risk. Based on an estimate of 80 to 150 million glass coffee decanters/carafes in use by consumers, the Commission estimates that there is a likelihood of one injury per year occurring from the "spontaneous" breakage of glass coffee pots for every 300,000 to 580,000 such items in use in the country. Further, the Commission believes that the additional warning label, as proposed by the petitioner, to apprise consumers of potential "spontaneous" failure is inappropriate because there are no additional precautions that can be recommended to avoid the condition.

Dated: July 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-20750 Filed 7-14-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

Privacy Act of 1974; Addition of a System of Records

AGENCY: Defense Intelligence Agency.

ACTION: Addition of a system of records

SUMMARY: The Defense Intelligence Agency proposes to add a new system of records to its inventory of records subject to the Privacy Act of 1974. The system notice for this system is set forth below.

DATE: The new system will become effective August 14, 1981, unless public comment is received which results in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Helen E. Shuford, Chief, Administrative Branch (RTS-1G), Defense Intelligence Agency, B112 Cafritz Building, Washington, DC 20301: Telephone (202) 694-1040.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency inventory of system of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*) have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6628) January 21, 1981.

FR Doc. 81-16661 (46 FR 29984) June 4, 1981.

A new system report as required by Title 5, United States Code, Section 552a (o) was submitted on June 12, 1981.

July 9, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

L-DIA 0335

SYSTEM NAME:

Alcohol and Drug Abuse Reporting Program.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is diagnosed as an alcohol/drug abuser by a physician and subsequently enrolled in a bona fide treatment program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee intake and follow-up records, initial interview forms, counselor observations and impressions of employee's behavior and rehabilitation progress, copies of medical consultation and procedures performed, results of bio-chemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority of Title 10, United States Code, Section 133d, the secretary of Defense has established the Defense intelligence Agency as a separate agency of the Department of Defense under his direction and charged the Director of Defense Intelligence Agency with the responsibility of maintaining necessary and appropriate records. (See Department of Defense Directive 5105.21).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSES OF SUCH USES:

Blanket "routine uses" identified at the beginning of this Component's listing of systems do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein be

confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 United States Code, Section 1175 and Title 42 United States Code, Section 4582. These statutes take precedence over the Privacy Act of 1974, (5 U.S.C. 552a) in regard to accessibility of such records may only be disclosed to:

Medical personnel to the extent necessary to meet a bona fide medical emergency.

Government personnel for the purpose of obtaining benefits to which the patient is intitled.

Qualified personnel for the purpose of conducting scientific research, management of financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, aduit or evaulation, or otherwise disclose identities in any manner.

A court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore.

Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Deparmtent of Defense, The Department of State, and the Office of Personnel Management.

POLICIES AND PARACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders. (manual)

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabients. They are accessible only to authorized personnel all of whom are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are maintained in the Personnel Office, and destroyed two year after termination of the case.

SYSTEM MANGER(S) AND ADDRESS:

Deputy Assistant Director of Personnel, Defense Intelligence Agency, Washington, D.C. 20301

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to you, submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. Include in your request your full name, current address, current telephone number and social security number or date of birth. Requests can be mailed to the address indicated above or personally delivered to room 3E-233, Pentagon, Washington, D.C.

RECORD ACCESS PROCEDURES:

All requests for copies of your records must be in writing. Include in your request your full name, current address, telephone number and social security number or date of birth. Also, state that whatever cost is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered ot room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the intitial determination concerning his or her request, may file a request for administrative review of that determination. These requests must be in writing and filed within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide any additional material to support his or her appeal. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Interviews, personal history statements, abstracts or copies of perinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers from counselors and/or clinical directors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-20656 Filed 7-14-81; 8:45 am]

BILLING CODE 3810-70-M

Privacy Act of 1974; Notice of Amendment of a System Notice

AGENCY: Defense Intelligence Agency.

SUMMARY: The Defense Intelligence Agency proposes to amend a system notice for a system of records subject to the Privacy Act of 1974. This amendment is designed to clarify the routine uses for the records in this system of records. The specific change is set forth below.

DATE: This notice will be amended as indicated on August 14, 1981 unless public comments which result in a contrary determination are received.

ADDRESSES: Comments should be sent to Mrs. Helen E. Shuford, Chief, Administrative Services Branch (RTS-1C), Defense Intelligence Agency, B-112 Cafritz Building, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mrs. Helen E. Shuford, Chief, Administrative Service Branch (RTS-1C) Defense Intelligence Agency. Telephone 202/695-1040.

SUPPLEMENTARY INFORMATION: On June 4, 1981, at 46 FR 29984 a proposed amendment to the routine uses for system LDIA 0819, entitled: "DIA Financial Management" was published. Subsequently it was determined that the routine uses as published did not clearly reflect the uses to which records from this file are put. Therefore, the change set forth below is proposed. The Defense Intelligence Agency inventory of system of records notices as required by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896, *et seq.*) has been published at:

FR Doc. 81-897 (46 FR 6628) January 21, 1981.

FR Doc. 81-16661 (46 FR 29984) June 4, 1981.

This amendment does not fall within the purview of 5 U.S.C. 552a(o) which requires an altered system report.

July 9, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

CHANGES

LDIA 0819

System Name:

DIA Financial Management

Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses:

Delete last sentence and insert:

"Information may be disclosed to the Departments of State, Treasury, and Justice; the General Accounting Office, the Office of Personnel Management and, in the case of former employees, to their current employers."

LDIA 0619

SYSTEM NAME:

DIA Financial Management

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE FOR EACH USE:

Information is used to determine the eligibility for waiver of erroneous payment and remission of indebtness. To support claims of the United States Government for the collection of erroneous payments made. To process employee's claims of payroll problems. Information may be disclosed to the Departments of State, Treasury, and Justice; the General Accounting Office, the Office of Personnel Management and, in the case of former employees, to their current employers."

* * * * *

[FR Doc 81-20067 Filed 7-14-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Navy

Privacy Act of 1974; Addition of a System of Records

AGENCY: Department of the Navy (DON).

ACTION: Addition of a system of records notice.

SUMMARY: The Department of the Navy is adding a system of records notice to its inventory of systems or records subject to the Privacy Act of 1974.

DATE: The proposed action will be effective without further notice on August 14, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*), have been published in the Federal Register at:

FR Doc. 81-597 (46 FR 0696) January 21, 1981.

FR Doc. 81-3277 (46 FR 9693) January 29, 1981.

FR Doc. 81-10892 (46 FR 21226) April 9, 1981.

FR Doc. 81-13603 (46 FR 25337) May 6, 1981.

FR Doc. 81-14676 (46 FR 27370) May 19, 1981.

FR Doc. 81-16085 (46 FR 28693) May 29, 1981.

The Navy submitted a new system report for this system under the provisions of 5 U.S.C 552a (o) on June 11, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

July 9, 1981.

N11012

SYSTEM NAME:

Navy Personnel Billeting System (NPBS)

SYSTEM LOCATION:

Navy Regional Data Automation Center, San Diego (NARDAC), Naval Air Station, North Island, San Diego, California 92135.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All bachelor military (officers and enlisted) and bachelor civilian personnel requesting berthing currently or in the future at a command where this system is installed may be covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's social security number, name, duty station, forwarding address and home address

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy responsible for the management of a BEQ/BOQ complex. The system is used for reporting status of berthing availability, furniture and maintenance associated with a BEQ/BOQ complex.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy reports.

RETRIEVABILITY:

Name and/or SSN.

SAFEGUARDS:

Access to computer room, software and storage media requires special positive identification cleared through security department. System access from remote terminals is controlled by codes used site ID's.

RETENTION AND DISPOSAL:

An individual's reservation record is maintained on disk for six months and is then system deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Regional Data Automation Center, Requirements Analysis and Design Division, Code 41, Building 334, Naval Air Station, North Island, San Diego, California 92135.

NOTIFICATION PROCEDURES:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies in the form of navy messages and/or travel orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-20068 Filed 7-14-81; 8:45 am]

BILLING CODE 3810-71-M

Availability of Indexes of Final Dispositions of Complaints of Wrong Submitted Pursuant to Article 138, Uniform Code of Military Justice (UCMJ) and Reports of Wrong Submitted Pursuant to Article 1106, U.S. Navy Regulations, 1973

On May 16, 1978, at 43 Federal Register 21030, the Department of the Navy published information concerning the availability of indexes of final dispositions of Complaints of Wrong submitted pursuant to Article 138 of the Uniform Code of Military Justice (10 U.S.C. 938) and Reports of Wrong submitted pursuant to Article 1106, *U.S. Navy Regulations, 1973.* Inasmuch as some of that information has become outdated, the third and fourth paragraphs of the May 16, 1978, notice are hereby cancelled. The following current information is provided in substitution:

Internally reproduced copies of the index are available at $3.80 per copy, the direct cost of duplication. This price is subject to change as the result of the addition of new pages in the future. Each additional page will add $.10, the direct cost of its duplication, to the price of the index.

Copies of the index can be obtained by writing to the following address: Judge Advocate General (Code 13), Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332.

Additionally, internally reproduced copies of individual complaint files are available at the aforementioned office at $.10 per page, the direct cost of duplication.

For further information contact: Head, Military Affairs Branch, Administrative Law Division, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, Virginia 22332.

Dated: July 8, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-20069 Filed 7-14-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

Intergovernment Advisory Council on Education; Meeting

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Intergovernmental Advisory Council of Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: July 30-31, 1981.

ADDRESS: July 30—Holiday Inn Capitol, 550 C Street SW., Washington, D.C. 20024.

July 31—Gallaudet College, Ely Center, Multi-Purpose Room, 7th and Florida Avenue NE., Washington, D.C. 20002.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 (202) 245-9248.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations relating to education.

The meeting of the Council is open to the public but a portion will be closed on July 31.

The Policy, Priorities, and Agenda Committee will meet at 2:00 p.m. on July 30 in the Mercury Room of the Capitol Holiday Inn to discuss papers entitled *General Mission and Alternative Specific Roles of the Council* and *Alternative Criteria and a Range of Some Possible Initital Selections for the Council's Work Program.* The Rules, Procedures and Budget Committee will meet at 2:00 p.m. on July 30 in the Gemini Room of the Capitol Holiday Inn to discuss papers entitled *General Mission and Alternative Specific Roles of the Council* and *Relative Policy, Fiscal and Administrative Independence of the Council: Issues and Alternatives.*

The meeting of the full Council will begin at 9:00 a.m. and conclude at 4:30 p.m. on July 31, 1981, in the Multi-Purpose Room, Ely Center at Gallaudet College. The proposed agenda includes: presentations by Secretary T. H. Bell on goals and mission of the Department of Education, Under Secretary William C. Clohan on Block Grants, and Deputy Under Secretary John H. Rodriguez on Organization of the Department; discussion of Council contracted papers on *General Mission and Alternative Specific Roles of the Council; Alternative Criteria and a Range of Some Possible Initial Selections for Coucil's Work Program;* and *Relative Policy, Fiscal and Administrative Independence of the Council: Issues and Alternatives.*

The meeting will be closed to the public from 3:00 p.m. to 4:00 p.m. to discuss personnel issues. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) of Section 552(c) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c) (2) and (6)). Discussion of personnel issues will touch upon matters which would constitute a serious invasion of privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within 14 days of the meeting.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Rm. 4027, Washington, D.C. 20202 from the hours of 8:30 a.m. to 5:00 p.m.

Signed at Washington, D.C., on July 10, 1981.

John H. Rodriguez,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 81-20717 Filed 7-14-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Mabee Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: July 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Produceres Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, telephone number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On May 1, 1981, the OE published notification in the Federal Register that it executed a Consent Order with Mabee Petroleum Corporation (Mabee) of Midland, Texas on April 20, 1981, 46 FR 24622 (1981). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Mabee pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Mabee refunded the sum of $435,308 by certified

check made payable to the United States Department of Energy on May 11, 1981. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

The following persons submitted notices of claim to the OE: Cities Services Company, Mobil Oil Corporation, The Commonwealth of Massachusetts.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to received the $435,308, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on July 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refund and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refund should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 8th day of July, 1981.

Robert D. Gerring,

Director, Porgram Operations Division.

[FR Doc. 81-20618 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. EF81-2021 and EF81-2011]

Bonneville Power Administration; Filing

July 9, 1981.

Take notice that on June 24, 1981, pursuant to Delegation Order No. 0204-33, as amended and supplemented, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy filed for Commission review of Rate Order Nos. BPA-5 and BPA-4, which confirmed, approved and placed into effect as of July 1, 1981, on an interim basis the Bonneville Power Administration's Transmission Rate Schedules FPT-2, ET-2, UFT-2, IR-1, Wholesale Power Rate Schedules PF-1, IP-1, MP-2, CF-1, CE-1, NR-1, NF-1, RP-1, FE-1, SI-1, and the General Rate Schedule Provisions setting forth the terms and conditions of service under the foregoing rate schedules.

The transmission rate schedules previously in effect on an interim basis were: FPT-1, UFT-1 and ET-1. the wholesale rate schedules previously in effect were: EC-8, EC-9, IP-2, MF-2, F-7, F-8, J-2 and H-6.

The new rate schedules constitute Bonneville's first transmission rate increase and first wholesale power rate increase since the passage of the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501) on December 5, 1980.

Pursuant to the Bonneville Project Act (Pub. L. 75-329 as amended), the Federal Columbia River Transmission System Act (Pub. L. 93-454), the Reclamation Project Act of 1939 (Pub. L. 85-611 as amended), the Flood Control Act of 1944 (Pub. L. 78-534), Section 2 of the Grand Coulee Third Powerhouse Authorization (Pub. L. 88-448 as amended) and the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501), the BPA Administrator conducted a revised power repayment study to determine the revenue necessary to recover the cost of producing, purchasing, and transmitting the electric power BPA markets, to repay investments as required by statute, and to recover other costs associated with the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). The study showed a need for a 78.5 percent increase in total revenues over the repayment study period, excluding revenues required to cover the cost of acquiring investor-owned utility exchange resources. Total revenues needed will be met by the increase in transmission rates approved by Rate Order No. BPA-5 and the increase in wholesale rates approved by Rate Order No. BPA-4.

BPA prepared a Cost-of-Service Analysis the most recent version of which shows that revenues under the three transmission rate schedules need to be increased an average of 43 percent in order to recover the allocated costs of providing transmission service.

According to the Assistant Secretary, the existing transmission rate schedules would produce revenues of approximately $30,154,000 in fiscal year 1982. The new transmission rates would produce approximately $43,000,000 during that year (an increase of approximately 41%).

The cost of the utility exchange resources have not yet been determined. BPA will acquire that power at the average system cost of the seller which will be determined using a methodology currently being developed.

According to the Assistant Secretary, the existing wholesale power rate schedules would produce revenues of approximately $599,846,000 in fiscal year 1982. The new wholesale rate schedules would produce approximately $1,057,000,000 during that year (an increase of approximately 76%).

Combined, the existing wholesale power and transmission rate schedules would produce revenues of approxumately $630,000,000 in fiscal year 1982, assuming average water conditions. The new wholesale power and transmission rates would produce approximately $1,100,000,000 during that year (an increase of 74%) under these same conditions excluding revenues associated with the exchange costs. BPA expects the cost of the exchange resources to fall between $350 million and $500 million. The cost of the exchange purchases has not been determined because the methodology for that determination requires a separate review process and separate approval by the FERC.

BPA stated that present revenues are inadequate for a number of reasons. Since the lasst time rates were adjusted, there have been significant cost increases, including the addition of new programs required by the Regional Act. According to BPA, the cost increases include substantial increases in the construction cost of nuclear power plants from which BPA has acquired power generation capability, other purchase power costs, interest costs, and the costs to operate, maintain and construct new Federal generation and transmission facilities. BPA stated that these cost increases have not been matched by revenue increases. BPA further stated that revenues from the 1979 rate levels have been less than forecasted. BPA also stated that new programs add substantial costs and include funding for the Regional Planning Council, fish and wildlife, local government assistance, load forecasting, increased public involvement, system planning, energy conservation, and new resources.

The new schedules are applicable to all of Bonneville's power customers and to all of Bonneville's transmission customers. These rates and provisions will be effective on an interim basis from July 1, 1981 through June 30, 1982, or until the FERC confirms and approves them or substitute rates on a final basis. Approval is requested for a period not to exceed 5 years subject to the authority of the BPA Administrator to propose an adjustment of these rates to the extent allowed by contract during the 5-year period as may be necessary to assure sufficient revenue to meet annual operating expenses and timely repayment of the Federal investment. It is presently anticipated that rate modifications will be needed during 1982 after BPA's new transmission policy has been formulated. It is requested the Commission allow the rates to go into effect, subject to refund, pending the Commission's final decision.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1981. Protests will be considered by the Commission determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20729 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-588-000]

Dayton Power & Light Co.; filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 2, 1981, The Dayton Power and Light Company (DP&L) tendered for filing an executed Service Agreement For Partial Requirements And/Or Transmission Wheeling Service To Municipalities For Resale (Service Agreement) between DP&L and the City of St. Marys, Ohio.

The proposed Sevice Agreement permits the City of St. Marys to receive partial requirements and transmission wheeling service from DP&L under its FERC Electric Tariff, Original Volume No. 2. The previous service agreement between DP&L and the City of St. Marys, under which the City of St. Marys received service purusant to DP&L FERC Electric Tariff Original Volume No. 1, is superseded.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed Service Agreement to become effective June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20730 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-589-000]

Florida Power & Light Co.; Filing

July 9, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) tendered for filing on July 1, 1981, the following tariff sheets as part of its FPC Electric Tariff, Original Volume No. 1 applicable to six municipal customers and seven rural electric cooperatives: Seventh Revised Sheet No. 5, Fifth Revised Sheet No. 6, Fifth Revised Sheet No. 7, Fifth Revised Sheet No. 8, and Fifth Revised Sheet No. 9 and First Revised Sheet No. 9A.

FPL also tendered for filing First Revised Sheet Nos. 4, 5 and 6 to the Florida Power & Light Company Interchange Transmission Service Tariff With Interchange Transmission Service Rate Schedule Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service), and D (Firm Service).

FPL also tendered for filing the following: Proposed Amendment No. 2 to the November 19, 1979 Agreement to Provide Specified Firm Power Electric Service between Florida Power & Light Company and Seminole Electric Cooperative, Inc.; Proposed Amendment No. 1 to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and the Utilities Commission of the City of New Smyrna Beach, Florida, executed on January 28, 1977; and Proposed Amendment No. 2 to the Contract Between Florida Power & Light Company and Jacksonville Electric Authority for Transmission of Power and Energy in the Implementation of the Power Sale Agreement Between Jacksonville Electric Authority and Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; and Southern Company Services, Inc., executed February 14, 1980.

FPL proposes to place the revised tariff sheets and amendments into effect on September 1, 1981, although the Company will voluntarily defer implementation until January 1, 1982. Additionally, FPL requests inclusion of CWIP in rate base pursuant to Section 2.16(b) of the Commission's regulations. FPL asserts that it is in financial distress and that it requires relief from additional CWIP in rate base. FPL states that without rate relief its earnings show a negative rate of return and will not cover dividend obligations. All of the above-listed rate schedules and contract amendments are also being filed with rates that reflect the inclusion of additional construction work in progress in the rate base. FPL requests an expedited hearing on the CWIP issue.

FPL states that the proposed rates would increase revenues from wholesale sales by approximately $49 million with CWIP in rate base for the 12 month period ending September 30, 1982, and approximately $39 million without CWIP in rate base.

FPL is also requesting a waiver under Section 35.14(10) of the Commission's Regulations to include certain capacity costs in purchased power in its wholesale fuel adjustment clause.

According to FPL, appropriate portions of this filing have been served upon FPL's wholesale customers and the Florida Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20731 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-579-000]

Iowa Power & Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on June 26, 1981, tendered for filing a Joint Dispatch Data Exchange Agreement (Agreement) and Amendments thereto, between Iowa Power, Iowa-Illinois Gas and Electric

Company (Iowa-Illinois), Iowa Public Service Company (Public Service), Iowa and Iowa Electric Light and Power Company (Iowa Electric). The Agreement is dated March 29, 1978, Amendment No. 1 is dated August 1, 1979, and Amendment No. 2 is dated December 23, 1980.

The Agreement relates to implementation and operation of a central data exchange facility for the purpose of coordinating the Utilities respective interests in operational control of jointly owned electric power generating facilities. Amendment No. 1 revises Exhibit A of the Agreement allows Interstate to become a party to the Agreement. Amendment No. 2 revises Exhibit A of the Agreement and allows Iowa Electric to become a party to the Agreement.

Iowa Power requests that the Commission waive its prior notice requirements and accept the Agreement for filing with a retroactive effective date of March 29, 1978, Amendment No. 1 with a retroactive effective date of August 1, 1979, and Amendment No. 2 with a retroactive effective date of December 23, 1980.

Copies of this filing were served upon each affected party and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20732 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP79-8-007, et al.]

Kansas-Nebraska Natural Gas, Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

July 13, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before July 27, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
6/22/81	Consolidated Gas Supply Corp.	RP72-157-044	Report.
6/26/81	Kansas-Nebraska Natural Gas Co.	RP79-8-007	Report.
6/29/81	Kansas-Nebraska Natural Gas Co.	RP78-10-004	Report.
6/30/81	Eastern Shore Natural Gas Co.	RP72-134	Report.
6/30/81	Natural Gas Pipe Line Co. of America.	RP80-11-008	Report.
7/2/81	Tennessee Gas Pipeline Co.	RP81-38-002	Report.

[FR Doc. 81-20733 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-590-000]

Missouri Power & Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Missouri Power & Light Company (MPL) on July 6, 1981, tendered for filing a proposed Electric Service Agreement between MPL and the City of Owensville, Missouri (Owensville).

MPL states that the Agreement, approved by Ordinance No. 142 of the City of Owensville, Missouri, supersedes the Electric Service Agreement between MPL and Owensville entered into on December 15, 1980. MPL proposes that the new Agreement become effective on October 1, 1981. The new Agreement eliminates some provisions which were agreed to but have not been implemented because the city government of Owensville has made changes in the manner in which areas of new electrical load will be served. The new Agreement will provide for reduced capacity to the city of 8512 kVa from the existing capacity of 18,312.5 kVa. The new Agreement eliminates an additional point of delivery agreed to in the December 1980 Agreement but which has not been constructed. The term of the Agreement is for twelve years with automatic renewal for successive two-year periods unless terminated by either party. Termination may not occur during the first ten years of the Agreement's term. Thereafter, termination by either party may occur with two years' notice. Under the new agreement, the City will have no equipment purchase requirement upon termination at its election. The minimum charge under the new Agreement is $4,450.00 per month, a reduction from the $6,250.00 per month provided in the December 1980 Agreement due to the fact that previously agreed-upon facilities will not be constructed. The new Agreement requires the City to give MPL six (6) months' advance written notice of any proposed new municipal use or resale which will result in a 1 MW addition or more to the load. The new Agreement was entered into to provide Owensville with the necessary capacity to meet the anticipated growth of the City over the term of the Agreement.

Copies of the filing were served upon MPL's jurisdictional customers and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20734 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-65-000]

National Fuel Gas Supply Corp.; Investigatory Conference

July 10, 1981.

Take notice that on July 23, 1981, at 1:00 p.m., the Staff of the Federal Energy Regulatory Commission will convene a conference to explore potential rate discrimination and other issues arising from a tariff charge filed by National Fuel Gas Supply Corporation in this docket. This conference will be held in compliance with the Commission's order of June 19, 1981, directing the Staff to hold a conference for the purpose of investigating National Fuel's filing.

The conference will be held at a hearing room in the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Participation in the conference will be limited to the Staff, National Fuel, authorized intervenors in this docket, customers of National Fuel, interested state commissions, and representatives of interested consumer groups. Participation in the conference will not be deemed to authorize intervention as a party to this proceeding. Authorization for intervenor status must be sought in accordance with the provisions of § 1.8 of the Commission's Rules of Practice and Procedure.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20735 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-16-001]

National Fuel Gas Supply Corp.; Proposed Tariff Change

July 10, 1981.

Take notice that on July 2, 1981, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Thirty-Sixth Revised Sheet No. 4, proposed to be effective August 1, 1981.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to Article 17 (PGA) of the General Terms and Conditions and Article V of its Stipulation and Agreement in Docket No. RP80-95. National further states that Thirty-Sixth Revised Sheet No. 4 reflects an increase in National's rates of 34.85¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20736 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-204-004]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that on July 1, 1981, Natural Gas Pipeline Company of America, (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume 2. Natural states that the proposed changes will make effective certain changes pursuant to an amendment dated March 1, 1981, to Rate Schedule X-111, a transportation and exchange agreement dated December 29, 1978, between Natural and Colorado Interstate Gas Company (CIG). An effective date of March 1, 1981 was requested.

Copies of this filing were mailed to CIG.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20737 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-585-000]

New York State Electric & Gas Corp.; Filing

July 13, 1981.

The filing Company Submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on June 29, 1981, tendered for filing proposed changes in its FERC Rate Schedules Nos. 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by about $18,300 based on the 12 month period ended April 30, 1981.

Pursuant to an order authorizing a temporary rate increase, adopted by the Public Service Commission of the State of New York (P.S.C.) on May 20, 1981 in NYSEG's current major rate case, NYSEG made a filing of revised leaves to Schedule P.S.C. No 115—Electricity, which were allowed to become effective June 1, 1981. This increase was based upon the assertion the NYSEG's Mortgage Indenture coverage requirements would not be attained during the fall and winter of 1981-82 unless interim relief was granted and thus, NYSEG would have been unable to issue the long term debt required for its construction program. The P.S.C. approved the temporary rate increase subject to refund. Rate Schedule P.S.C. No. 115 is incorporated in the previously noted FERC schedules.

NYSEG has filed with its jurisdictional customers, copies of this proposed notice, the filing letter, the pertinent revenue effect schedules and applicable tariff leaves.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are avilable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20738 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER77-5 and E-8152]

Otter Tail Power Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on June 15, 1981, Otter Tail Power Company (Otter Tail) submitted for filing a response to a letter of deficiency, issued by the Office of Electric Power Regulation, concerning

Otter Tail's filing in compliance with Commission No. 93.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 27, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20739 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-582-000]

Pacific Gas and Electric Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PGandE) on July 1, 1981, tendered for filing the following contract amendments:

1. Amending Agreement to the Agreement for the Sale Electric Power and Energy to Bureau of Electricity, Department of Public Utilities, City of Alameda. Dated April 22, 1981.

2. Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Healdsburg. Dated May 5, 1981.

3. Amending Agreement to the Agreement for the Sale of Electric Power and Energy to City of Lodi. Dated April 15, 1981.

4. Amending Agreement to the Agreement for the Sale of Electric Power and Energy to City of Lompoc. Dated April 8, 1981.

5. Amending Agreement to the Agreement for the Sale of Electric Power and Energy to City of Santa Clara. Dated June 9, 1981.

6. Amending Agreement to the Agreement for Sale of Electric Capacity and Energy by Pacific Gas and Electric Company to City of Ukiah. Dated June 17, 1981.

These amendments are submitted for inclusion in PGandE's FPC Electric Tariff, Original Volume No. 2. The above amendments shall hereinafter be referred to as "Agreements." PGandE is filing the Agreements because the Cities have requested that their original Agreements be amended in order to accomodate the delivery of Northwest Energy to the Cities, under the terms of the Northern California Power (NCPA)—PGandE Interruptible Transmission Service Agreement which has been filed July 1, 1981.

Additionally, the Amending Agreement (Agreement) for City of Healdsburg (City) provides for all Power Requirements of the City to be obtained from PGandE, under the terms and conditions of the Agreement. The Agreement also provides for the conversion of the City's facilities from 12 kv to 60 kv capacity. This conversion took place in June 1974 and service is not being charged under the terms of this Agreement.

Rates for the NCPA member cities will continue to be those rates contained in Rate Schedule R-1 of PGandE's FPC Electric Service Tariff, Original Volume No. 2. Section 2 of said schedule is the basis for the voltage discount which will now apply to the City.

PGandE requests an effective date of July 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon each of the Cities and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20740 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-583-000]

Pacific Gas & Electric Co.; Filing

July 13, 1981

The filing Company submits the following:

Take notice that on July 1, 1981, Pacific Gas and Electric Company (PG & E) tendered for filing a contract dated April 14, 1981, entitled "Interruptible Transmission Service Contract Between Pacific Gas and Electric Company and Northern California Power Agency" (Contract) and Resolution No. 81-25 Northern California Power Agency, dated May 15, 1981, with attached NCPA Service Schedule and Certificate of Accuracy.

PG & E requests an effective date of July 1, 1981 and therefore requests Waiver of the Commission's notice requirements.

The Contract provides that, to the extent that there is unused capacity available on PG & E's share of the Pacific Northwest-Southwest intertie, and PG & E determines it has transmission capacity available of PG & E's system, PG & E shall offer to provide non-firm transmission service for Northern California Power Agency (NCPA) on an interruptible basis, to any member of NCPA which has executed a Service Schedule for such service.

The rates for interruptible transmission service shall be the sum of:

(a) Any applicable transmission energy losses plus

(b) A service charge of 1 mil/kWh on all energy delivered to NCPA cities plus

(c) A spinning reserve charge calculated on either an hourly or daily basis.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20741 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-584-000]

Pacific Gas & Electric Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG&E) on July 1, 1981 tendered for filing a signed letter agreement dated June 25, 1981 stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A (Contract) between the Western Area Power Administration (Western) and PG&E dated July 31, 1967.

The letter agreement further defers review of certain rates and charges pursuant to Article 32 of the Contract from July 1, 1981, to December 31, 1981. Review of these rates was first deferred from April 1, 1981, to July 1, 1981, pursuant to a letter agreement dated January 27, 1981.

The January 27, 1981, letter agreement was filed with and accepted by FERC in FERC Docket No. ER81-245-000. The rates and charges, review of which is deferred by the June 25, 1981, letter agreement, are provided under the following articles:

Article 22(c)(i)—Sales from Capacity Account, Article 22(c)(2)(ii)—Sales from Energy Account No. 2, Article 28(b)(1), (28)(b)(2), 28(b)(3)—Meter Rental.

The parties have agreed to further deferment of the April 1, 1981, rate review date to allow the parties sufficient time to complete their joint review of the rates in a more thorough manner.

The proposed effective date for the June 25, 1981, letter agreement is the date of filing hereof. Pacific requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20742 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

Docket No. CP79-84-004

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on June 30, 1981 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

First Revised Sheet No. 1712
Second Revised Sheet No. 1733
Second Revised Sheet No. 1741
Second Revised Sheet No. 1749
Second Revised Sheet No. 1759
First Revised Sheet No. 1812
First Revised Sheet No. 1813
Second Revised Sheet No. 1834
Second Revised Sheet No. 1842

Panhandle states that such changes are made to amend Rate Schedules TS-4 and TS-5 for the transportation and storage of natural gas on behalf of various Panhandle customers, with ANR Storage Company. Specifically such changes are made to reflect ISD's increased transportation charges as provided for by the Commission's Order of November 28, 1980 in Docket No. RP81-8. Panhandle proposes that these sheets become effective May 1, 1981.

A copy of this filing has been served on the various Panhandle customers involved in the service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20743 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-592-000]

Public Service Co. of Indiana, Inc.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on July 8, 1981, tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc., Southern Indiana Gas and Electric Company, United States of America and Indiana Statewide Rural Electric Cooperative, Inc. a Fourth Supplemental Agreement to become effective September 2, 1981.

Said Supplemental Agreement increases the demand charge for Short Term Power from 60¢ per kilowatt per week to 85¢ per kilowatt per week.

Copies of the filing were served upon Southern Indiana Gas and Electric Company, Indiana Statewide Rural Electric Cooperative, Inc. and the Public Service Commision of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 1981. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20718 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-590-000]

Public Service Co. of Oklahoma; Cancellation

July 10, 1981.

The filing Company submits the following:

Take notice that on June 29, 1981, the Public Service Company of Oklahoma (PSO) tendered for filing a Notice of Cancellation of FERC Rate Schedule 209, between PSO and Southwestern Power Administration. PSO proposes an effective date of September 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20719 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-587-000]

San Diego Gas & Electric Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that San Diego Gas & Electric Company (SDG&E), on July 2, 1981, tendered for filing a FERC Electric Tariff under which SDG&E will sell and deliver nonfirm energy to any electric utility for resale in accordance with SDG&E's Service Schedule, SDG&E–1. SDG&E requests that the filing be made effective on July 1, 1981. Due to the nature of this rate for nonfirm energy, it cannot be predicted when sales will be initiated.

Cost support for the proposed rate schedule was included with the filing.

Copies of the filing were served on potential resale customers of SDG&E, and on the State Regulatory Commissions of California, New Mexico, and Arizona.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20720 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI72-295-001 et al.]

Superior Oil Company (Successor in Interest to Canadian Superior Oil (U.S.) Ltd.); Redesignation

July 13, 1981.

Take notice that on June 19, 1981, The Superior Oil Company (Successor in Interest to Canadian Superior Oil (U.S.) Ltd.), of Post Office Box 1521, Houston, Texas 77001, filed an application in Docket No. CI72–295–001, *et al.*, to amend certain certificates currently held by Canadian Superior Oil (U.S.) Ltd., to show The Superior Oil Company as certificate holder, to redesignate certain rate schedules, and to substitute The Superior Oil Company for Canadian Superior Oil Company (U.S.) Ltd., as a party in any pending proceedings before the Commission.

Effective February 28, 1981, Canadian Superior Oil Company (U.S.) Ltd., conveyed and transferred to Applicant all of its oil and gas properties and assets, together with all rights, privileges, obligations and responsibilities incident thereto.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20721 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-581-000]

Tapoco, Inc.; Filing

July 10, 1981.

The filing Company submits the following:

Take notice that on June 29, 1981, Tapoco, Inc. (Tapoco) tendered for filing documents relating to an amendment to the 1962 Agreement among Tapoco, The Tennessee Valley Authority (TVA), the Aluminum Company of America (Alcoa) and Nantahala Power and Light Company (Nantahala) commonly referred to as the New Fontana Agreement.

Tapoco states that this amendment reduces the 6 MW of assumed losses provided for in the Agreement to 4,099 kw, thereby providing Nantahala and Tapoco jointly with an additional 1,901 kw of entitlements. Tapoco requests that the above-mentioned amendment become effective as of May 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protestes should be filed on or before July 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. PLumb,

Secretary.

[FR Doc. 81-20722 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 2, 1981, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Sixtieth Revised Sheet No. 14
Sixtieth Revised Sheet No. 14A
Sixtieth Revised Sheet No. 14B
Sixtieth Revised Sheet No. 14C
Sixtieth Revised Sheet No. 14D
Fourth Revised Sheet No. 14E

These sheets are being issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge; Section 23, Purchased Gas Cost Adjustment and Section 26, Louisiana First Use Tax (LFUT) Adjustment. These sheets are also being issued pursuant to Article IX, Transportation Tracker, and Article XI Staten Island LNG Facility, of the Stipulation and Agreement in RP78–87 approved by Commission Order issued April 4, 1980.

The changes proposed consist of:

(1) Changes in the DCA Commodity Surcharges pursuant to Section 12.4, mentioned above;

(2) PGA Adjustments of $.081/dth reduction in the demand component of rates and an increase of 65.77¢/dth in the commodity component based on increases in the projected cost of gas purchased from producer and pipeline suppliers and an increase in the Account 191 balance as of May 31, 1981, pursuant to Section 23;

(3) Projected Incremental Pricing Surcharges for the period August, 1981 through January, 1982, pursuant to Section 23;

(4) A LFUT Adjustment Surcharge pursuant to Section 26 to clear the May 31, 1981 balance in the Deferred LFUT Account. In accordance with the Commission's order issued June 29, 1981, in Docket No. TA81–2–17, Texas Eastern has not included a current adjustment in its proposed rates for August 1, 1981, since the U.S. Supreme Court has found the tax to be unconstitutional and has enjoined collection of the tax;

(5) Increases in the T&C by Others Adjustments to reflect increased projected transportation and compression costs and the estimated July 31, 1981 balance in the Deferred Transportation Cost Account pursuant to the provisions of Article IX of the RP78–87 Stipulation and Agreement; and

(6) A reduction to the Rate Schedule SS rates to reflect tthe decrease in actual costs incurred in operating and maintaining the Staten Island LNG Facility for the 12 month period ended February 28, 1981, pursuant to the provisions of Article XI of the RP78–87 Stipulation and Agreement.

The proposed effective date of the above tariff sheets is August 1, 1981.

The changes proposed include costs associated with gas which Texas Eastern is importing from Canada pursuant to the certificate granted to Texas Eastern by order issued June 10, 1981, in Docket No. CP79–332, *et al.* According to footnote 1 of § 154.38(d)(4) of the Commission's regulations these new pipeline supplies cannot be reflected in rate changes filed pursuant to Texas Eastern's PGA clause without prior Commission approval. Accordingly, to the extent required Texas Eastern has requested such approval and waiver of such Commission regulations as may be necessary for Texas Eastern to recover the costs of the gas which it is importing from Canada by means of the Purchase Gas Adjustment clause in its tariff on file with the Commission. In particular, Texas Eastern requested the Commission to grant the approval necessary to allow the imported gas to be reflected in Texas Eastern's PGA clause to the same extent that "wellhead purchases, field purchases . . . ." may be reflected in a pipeline's PGA clause. Such approval is sought by Texas Eastern not only with respect to the instant PGA filing but also to subsequent PGA filings which Texas Eastern may make. The granting of this approval and any necessary waiver permitting Texas Eastern to reflect the cost of the imported volumes in filings made in its PGA clause is consistent with the recent action taken by the Commission with respect to volumes of gas imported from Canada by other pipelines. *See* Ordering Paragraph (D) of the order issued December 15, 1980, in *Transcontinental Gas Pipe Line Corporation*, Docket No. CP80–372.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20723 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-003]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 2, 1981, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fifty-ninth Revised Sheet No. 14
Fifty-ninth Revised Sheet No. 14A
Fifty-ninth Revised Sheet No. 14B
Fifty-ninth Revised Sheet No. 14C
Fifty-ninth Revised Sheet No. 14D

Texas Eastern states that the sole purpose of the above tariff sheets is to eliminate from Texas Eastern's rates the current adjustment for the Louisiana First Use Tax (LFUT) which became effective on February 1, 1981.

Texas Eastern states that this filing is made pursuant to Order Directing Pipelines To Cease Collection Of The First Use Tax From Their Customers, Terminating Tracking Of The First Use Tax And Requiring The Filing Of Revised Rate Tariff Sheets issued June 29, 1981. This order was issued in light of the fact that on June 15, 1981, the Supreme Court issued its decree implementing its May 26, 1981 opinion in *Maryland v. Louisiana*, Original No. 83, finding that the LFUT is unconstitutional and enjoining the State of Louisiana from collection of the LFUT. Accordingly, Texas Eastern proposes in accordance with the Commission's orders and in light of the decision of the Supreme Court to remove the LFUT current adjustment from its rates effective May 1, 1981. Such tariff sheets are filed subject to the express condition that they are subject to the Supreme Court's decision in *Maryland v. Louisiana* becoming final and nonappealable and the collection of the LFUT being permanently enjoined. Further, they are subject to the Commission's order issued June 29, 1981, becoming final and nonappealable. Further, in the event the State of Louisiana is lawfully permitted to collect the LFUT as provided in the current Louisiana law for periods after May 1, 1981, these tariff sheets will not become effective until the date on which the State of Louisiana is not permitted to collect such tax.

The proposed effective date of the above tariff sheets is May 1, 1981.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30724 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-121]

United Gas Pipe Line Co.; Drafting Conference and Informal Settlement Conference

July 10, 1981.

Take notice that on July 16, 1981, at 10:30 a.m., there will be a drafting conference pertaining to a tentative agreement which, among other things, reserves certain issues for subsequent resolution and on August 11, 1981, at 10:00 a.m. until 12:00 p.m., and from 1:00 p.m. until 5:00 p.m., there will be an informal settlement conference regarding the reserved issues. The meeting place for these conferences will be at the offices of the Securities Exchange Commission, 500 North Capitol Street, N.W., Room 776, Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30725 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-589-000]

West Texas Utilities Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 6, 1981, West Texas Utilities Company (WTU) submitted for filing two executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and the City of Sonora executed under WTU's FERC Electric Tariff, Original Volume No. 1. The changes provide for the establishment of a new delivery point and the decrease in stated maximum contract demand at the existing delivery point.

WTU states that copies of the filing have been sent to the public Utility Commission of Texas and the City of Sonora.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30726 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-591-000]

Wisconsin Power and Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 6, 1981, Wisconsin Power and Light Company (WPL) tendered for filing an amendment and supplement to the power pool agreement dated June 10, 1981 between the Madison Gas & Electric Company, Wisconsin Public Service Corporation and WPL. WPL states that this is an amendment and supplement to the three company power pool agreement originally dated July 26, 1973.

WPL requests a proposed effective date of June 10, 1981, and therefore, requests a waiver of notice requirement of the Commission's regulations. WPL states that a copy of the amendment and supplement to the power pool agreement and the filing have been provided to the Madison Gas & Electric Company, Wisconsin Public Service Corporation, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30727 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of June 12 through June 19, 1981

During the week of June 12 through June 19, 1981, the appeals and applications for exception on other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 9, 1981.

List of Cases Received by The Office of Hearings and Appeals

[Week of June 12 through June 19, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 9, 1981	American Federation of Government Employees, Lakewood, Colorado.	BAA-0691	Appeal of OMB Circular No. A-76. If granted: A cost comparison study prepared pursuant to OMB Circular No. A-76 by DOE's Albuquerque Operations Office would be reviewed.
June 15, 1981	Laketon Asphalt Refining, Inc., Washington, D.C.	BFA-0684	Appeal of an Information Request Denial. If granted: The May 14, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Laketon Asphalt Refining, Inc. would receive access to certain DOE information.
June 15, 1981	Plateau, Inc., Washington, D.C.	BFA-0692	Appeal of an Information Request Denial. If granted: The April 30, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Plateau, Inc. would receive access to certain DOE information.
June 16, 1981	Young Refining, Inc., Washington, D.C.	BFA-0693	Appeal of an Information Request Denial. If granted: The May 7, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Young Refining, Inc. would receive access to certain DOE information.
June 16, 1981	James W. Mayo, Bethesda, Maryland	BFA-0695	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the Department of Energy would be rescinded, and James W. Mayo would receive access to certain DOE information.
June 17, 1981	Barkett Oil Company, McLean, Virginia	BRS-0167	Request for Stay. If granted: Barkett Oil Company would receive a stay of its obligation to file responses to the Notices of Probable Violation pending a determination to transfer the proceedings to the Department of Justice.
June 17, 1981	Office of Special Counsel, Washington, D.C.	BRZ-0105	Request for Interlocutory Order. If granted: The factual findings specified in the Office of Special Counsel's motion would be deemed admitted by Texaco, Inc. (Case No. DRO-0199).
June 18, 1981	Central Sales, Miamisburg, Ohio	BEE-1666	Exception from the Reporting Requirements. If granted: Central Sales would not be required to file form EIA-9A ("No. 2 Distillate Price Monitoring Report").
June 18, 1981	Taylor Oil Company, Washington D.C.	BEG-0058	Request for Special Redress. If granted: The Administrative Litigation Division of the Office of General Counsel would not be permitted to participate in an enforcement proceeding involving the Taylor Oil Company (Case No. BRO-1284).
June 18, 1981	Western Oil Sales Company, Seattle, Washington.	BEE-1667	Exception from the Reporting Requirements. If granted: Western Oil Sales Company would not be required to file the EIA form relating to sales of diesel fuel.
June 12, 1981	Charter Oil Company, Jacksonville, Florida.	BYX-0218	Supplemental Order. If granted: The May 4, 1981 Decision and Order (Case No. DXE-2108) issued to Charter Oil Company by the Office of Hearings and Appeals would be amended to reflect certain adjustments which were not included in the previous calculation of the appropriate level of exception relief.
June 12, 1981	Miller & Chevalier, Washington, D.C.	BFA-0690	Appeal of Information Request Denial. If granted: The May 11, 1981 Information Request issued by the Deputy General Counsel for Regulation would be rescinded, and Miller & Chevalier would receive access to certain DOE information.

Notices of Objection Received

[Week of June 15 to June 19]

Date	Name and Location of Applicant	Case No.
June 15, 1981	Little America Refining Co., Inc., Washington, D.C.	DEX-0005.
June 15, 1981	Little America Refining Co., Washington, D.C.	DEX-0116

[FR Doc. 81-20617 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1862-7]

California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waiver of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

SUMMARY: This notice announces that California does not need a waiver of Federal preemption to enforce certain amendments to its new motor vehicle pollution control program because these amendments fall within the scope of California regulations covered by a previously granted waiver. The amendments, applicable to new heavy-duty engines, extend the emission standards for 1980–1982 model year heavy-duty engines to include model year 1983, and delay the more stringent 1983 and subsequent model year heavy-duty engine emission standards for one year until model year 1984. Since the changes are included within the scope of a previous waiver, a public hearing to consider them is unnecessary. However, if any party asserts an objection to these findings on or before August 14, 1981, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a Section 209(b) waiver determination and that I should reconsider my findings. Otherwise these findings will become final at the expiration of this 30-day period.

DATES: Any objection to the findings in this notice must be filed on or before August 14, 1981; otherwise, at the expiration of this 30-day period these findings will become final. Upon receipt of any timely objection EPA will consider holding a public hearing which will be announced in a subsequent **Federal Register** notice.

ADDRESSES: Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Copies of the above standards and procedures at issue in this notice, as well as those documents used in arriving at this decision, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the U.S. Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street SW., Washington, D.C. 20460 (Docket EN–81–5). Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 95512.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 7543(a) ("Act"), provides:

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of Section 209(a) for any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (A) the determination of the State is arbitrary and capricious, (B) the State does not need the State standards to meet compelling and extraordinary conditions, or (C) the State standards and accompanying enforcement procedures are not consistent with Section 202(a) of the Act.

As previous waiver decisions have explained, State standards or enforcement procedures are not consistent with Section 202(a) if there is inadequate lead time to permit the development of the technology necessary to meet those requirements, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and State test procedures impose inconsistent certification requirements.[1] California is the only State which meets the Section 209(b)(1) eligibility criteria for receiving waivers.

Once California has received a waiver of Federal preemption for its standards and enforcement procedures for a class of vehicles, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject class of vehicles without the necessity of receiving a further waiver of Federal preemption.[2] If California acts to change a previously waived standard or accompanying enforcement procedure, the change may be included within the scope of the previous waiver if it does not cause California's standards, in the aggregate, to be less protective of public health and welfare than applicable Federal standards, does not cause California's requirements to be inconsistent with Section 202(a) of the Act, and raises no new issues affecting the Administrator's previous waiver determinations.[3]

II. Discussion

On August 19, 1980, CARB notified EPA [4] that it had amended its "California Exhaust Emission Standards and Test Procedures for 1982 and Subsequent Model Heavy-Duty Engines and Vehicles"[5] so as to extend the current 1980 exhaust emission standards one year through model year 1983 which, in effect, postpones the model year 1983 standards until model year 1984. The California exhaust emission standards at issue (prior to this amendment) were, for model years 1980–1982, 1.0/25/6.0 grams per brake-horsepower-hour hydrocarbons, carbon monoxide and hydrocarbons plus oxides of nitrogen, respectively (g/Bhp-hr HC/CO/HC+NO_x),[6] and, for model year 1983, 0.5/25/4.5 g/Bhp-hr/HC/CO/HC+NO_x. The amendment which is the subject of this waiver request would extend the 1.0/25/6.0 g/Bhp-hr HC/CO/HC+NO_x (or 25/5 g/Bhp-hr CO/HC+NO_x) standard through 1983 and would postpone the application of the 0.5/25/4.5 g/Bhp-hr HC/CO/HC+NO_x standard until 1984.[7]

In its letter, CARB stated its belief that the changes caused by the amendment were included within the scope of a waiver of Federal preemption that EPA already granted to California.[8] I agree with CARB's belief that these changes are included within the scope of a previous waiver because they are merely changes to existing standards or enforcement procedures covered by a waiver; they do not cause the California standards, in the aggregate, to be less protective than applicable Federal standards; they do not cause California's requirements to be inconsistent with Section 202(a) of the Act; and they present no new issues affecting EPA's previous determinations with regard to California's standards and enforcement procedure.

EPA waived Federal preemption for California to enforce its 1980–1982 model year and 1983 and subsequent model year heavy-duty exhaust emission standards on June 22, 1977.[9] On May 22, 1980, CARB held a public hearing in response to requests from various heavy-duty engine and vehicle manufacturers to reconsider the 1983 California heavy-duty engine exhaust emission standards. The manufacturers were concerned about the ramifications of the Federal enactment of new transient test procedures [10] for heavy-duty engines which are to go into effect beginning with model year 1984.[11] The manufacturers stated that inadequate lead time existed for conversion of facilities to perform transient testing, for development of Federal engines based on transient procedures, and for simultaneous development of California engines based upon the "steady-state" test procedures.[12] Since the manufacturers considered it likely that California would adopt the new Federal transient cycle test procedures,[13] the manufacturers were concerned that the 1983 California engines would be certified for only one year.[14] The manufacturers thus claimed that performing separate certification tests for model year 1983 for engines already certified in earlier model years would be unnecessary and costly and that the availability of product lines in California could be severely limited in model year 1983 due to higher priority of the Federal program.[15] Based on these arguments and CARB findings that the one year extension would have no measureable effect on air quality, CARB decided to grant a one-year extention of its 1980–1982 model year standards to ease the manufacturers' burdens for model year 1983.[16]

CARB's postponement of the former 1983 model year standard leaves in effect the 1980–1982 model year standards for one additional model year. Although this postponement lessens the stringency of the 1983 model year standards covered by previous waivers of Federal preemption, the amended standards which would be in effect for model year 1983 remain at least as, or more, stringent than the corresponding Federal standards,[17] precisely as was the case in model years preceding 1983. Therefore, the postponement does not affect California's determination that its own standards are at least as protective as Federal standards. Additionally, EPA found CARB's existing standards to be technologically feasible when it previously granted California a waiver of Federal preemption.[18] Extending the standards one additional year presents no new issues of technological feasibility because the manufacturers can use the same technology they already have developed for model years 1980–1982 in model year 1983. Thus, no new technology is required to meet the 1983 standards. This amendment also raises no new issues affecting the previous waiver determinations. Therefore, the amendment is included within the scope of the previous waiver for California's 1980–1982 and 1983 and subsequent model year heavy-duty engine exhaust emission standards and test procedures.

III. Findings and Decision

Accordingly, the amendment to California's 1980–1982 and 1983 and subsequent model year heavy-duty engine exhaust emission standards and test procedures is within the scope of the waiver previously granted for these regulations. This finding will become final August 14, 1981, unless a *bona fide* objection is filed.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation (as defined in the Executive Order) that is likely to result in:

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[1] *See, e.g.*, 43 FR 32182 (July 25, 1978).

[2] *See* 43 FR 36670, 36680 (1978).

[3] *See* 44 FR 61090, 61099–61101 (1979); *see also*, letter from Marvin B. Durning, Assistant Administrator for Enforcement, Environmental Protection Agency (EPA), to Thomas C. Austin, Executive Officer, California Air Resources Board (CARB), March 8, 1979.

[4] Letter from Gary Rubenstein, Deputy Executive Officer, CARB, to Douglas M. Costle, Administrator, EPA. August 19, 1980 (hereinafter "CARB August 19, 1980 Letter").

[5] Title 13, California Administrative Code, Section 1956.7, as amended May 22, 1980.

[6] The California standard for 1980–1982 actually provides for two sets of standards: California affords the manufacturer the option of showing compliance with the 1.0/25/6.0 g/Bhp-hr HC/CO/HC+NO_x set of standards or a 25/5 g/Bhp-hr CO/HC+NO_x set of standards for each engine family. The amendment at issue continues this option through model year 1983. Hereinafter, whenever I refer to the 1980–1982 standard, I am referring to the two alternative sets of standards.

[7] In its August 19, 1980 letter, CARB stated that it is studying plans to adopt new standards and test procedures for 1984 based upon the new Federal standards and test procedures (45 FR 4136 (January 21, 1980)). *See* also note 13, *infra*, and accompanying text.

[8] CARB August 19, 1980 Letter. For a discussion of the waiver CARB was referring to, see note 13, *infra*, and accompanying text.

[9] 42 FR 31637 (June 22, 1977). On the same date, but in a separate decision, EPA also waived Federal preemption for California to enforce its 1979 model year heavy-duty engine emission standards on the condition that California also adopt additional alternative standards and test procedures. *See* 42 FR 31639 (June 22, 1977). *See also* 43 FR 20549 (May 12, 1978) wherein EPA determined that the condition that EPA established in the June 22, 1977, waiver was satisfied.

[10] At present, both California and Federal regulations provide for model engine exhaust emission testing which subjects the engine to a sequence of steady-state (i.e., unchanging) speed and torque combinations which recently have been found by EPA to have little relationship to actual patterns of use. 45 FR 4136, 4136 (January 21, 1980). The new transient test procedures adopted by EPA for 1984 and later model years, employ, in laboratory tests, a dynamometer (a computer-based controller) and emission sampling apparatus. By properly controlling the dynamometer, the engine can be subjected to conditions which more closely simulate the operation of an engine in a vehicle on the road, thereby obtaining more representative emission test results. *See* 45 FR 4136, 4137–4139 (January 21, 1980).

[11] *See* CARB August 19, 1980 Letter.

[12] *Id.*

[13] On January 21, 1981, by Resolution 81–1, CARB adopted the Federal transient cycle test procedures, to be applied to 1984 and subsequent model year heavy-duty engines, as an optional set of test procedures. CARB also adopted, in the same resolution, optional exhaust emission standards for heavy-duty engines of the same model years to be applied to those engines tested under the optional transient cycle test procedures. *See* Memorandum to Docket EN–81–5 from Michael Chernekoff, Memorandum of Telephone Conversation with Rod Summerfield, CARB, dated February 23, 1981. *See also* note 6, *supra*.

[14] The model year 1980–1982 engines are to be certified to the less stringent standards using the steady-state procedures, the model year 1983 engine would have to be certified to the more stringent standards using the steady-state tests, and the model year 1984 engine would be certified again to the more stringent, but this time using the new transient test procedure. *See* CARB August 19, 1980 Letter.

[15] *Id.*

[16] *See* State of California, Air Resources Board, Resolution 80–34, May 22, 1980.

[17] The Federal standards for 1980–1983 model year gasoline-fueled and diesel-fueled heavy-duty engines are 1.5/25/10 g/Bhp-hr HC/CO/HC+NO_x. An alternative standard, to be selected at the manufacturer's option, is 5.0/25 g/Bhp-hr HC+NO_x/CO. 40 CFR 86.080–10, 86.080–11. Note that California's primary standard is more stringent than the Federal counterpart, but that the California and Federal alternative standards are identical.

[18] *See* note 9, *supra*.

(1) an annual effect on the economy of $100 million or more;

(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this waiver determination does not constitute a major rule. The likely effects, if any, on the economy, or otherwise, of this determination will be a cost savings to consumers, Government agencies and industries affected, and a beneficial effect on competition (both foreign and domestic), employment, investment, productivity, and innovation.

Accordingly, a Regulatory Impact Analysis is not being prepared for this waiver determination.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under Section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting flexibility analysis addressing the impact of this action on small business entities.

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-20082 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

[OPP-50537A; PH-FRL-1882-3]

Ciba-Geigy Corp.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 100-EUP-1, issued to Ciba-Geigy Corp. for use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxy-acetyl)alanine methyl ester on potatoes to evalute control of early and late blight.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 5, 1981 (45 FR 25138), announcing that Ciba-Geigy Corp., Greensboro, NC 27409, had been issued an extension of an experimental use permit for use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester. Ciba-Geigy has requested that the permit be amended to add the State of Ohio (24 acres). All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: July 2, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20048 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL 1883-2]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On February 20, 1981, Anafuel Unlimited (Anafuel) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a proprietary fuel known as Petrocoal which consists of up to 12 percent, by volume, of methanol, up to six percent of certain four-carbon alcohols, by volume, in the presence of a proprietary inhibitor of not less than 0.023 grams per gallon (gpg) and not more than 0.033 gpg in unleaded gasoline. The Administrator of EPA has until August 19, 1981 (date of receipt of the application) to grant or deny a waiver.

Notice of receipt of this application appeared in the Federal Register on April 13, 1981 (46 FR 21695).

Because of the proprietary nature of Petrocoal and because of EPA's desire to render a determination on the maximum amount of data, Anafuel agreed to provide a reasonable amount of the premixed fuel Petrocoal for test purposes provided the prospective tester executed a confidentiality agreement with Anafuel.

Public docket EN-81-6 was established for this waiver request and the comment period, for receipt of any comments or test data, closed on May 26, 1981.

However, problems were encountered by Anafuel in supplying Petrocoal to those parties who requested it. Therefore, EPA will accept comments submitted no later than July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 472-6367.

Dated: June 19, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-20051 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

[OPP-50539; PH-FRL-1882-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36838-EUP-4. Albany International. Controlled Release Division. 110 A Street, Needham Heights. MA 02194. This experimental use permit allows the use 33.5 pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate control of artichoke plume moth mating. A total of 240 acres are involved. The program is authorized only in the State of California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredients in or on artichokes has been established. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

464-EUP-70. Dow Chemical U.S.A., Agricultural Products Department, P.O. Box 1706, Midland, MI 48640. this experimental use permit allows the use of 2,000 pounds of the herbicide triclopyr on non-cropland to evaluate control of weeds. A total of 2,000 acres are involved. The program is authorized only in the States of Colorado, New Mexico, Oklahoma, and Texas. The experimental use program is effective from May 1, 1981 to May 1, 1983. (Robert Taylor, PM 25, Rm. 412E, CM#2, (703-557-7066))

3125-EUP-176. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of 187.5 pounds of the biological insect growth regulator 2-chloro-N[[[4-(trifluoromethoxy(Phenyl]amino]carbonyl]-b
enzamide on forest to evaluate control of gypsy moth larvae. A total of 3,000 acres are involved. The program is authorized only in the State of Pennsylvania. The experimental use program is effective from April 24, 1981 to April 24, 1982, this permit is being issued with the limitation that none of the material will enter the food/chain. (Franklin Gee, PM 17, RM. 401,CM#2, (703-557-7028))

20954-EUP-15. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 16.6 pounds of the pheromone gossyplure on cotton to evaluate control of the pink bollworm. A total of 240 acres are involved the program is authorized only in the States of Arizona and California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). (Franklin Gee, Pm 17, Rm. 401, CM#2, (703-557-7028))

20954-EUP-16. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 9.3 pounds of the pheromone gossyplure on cotton to evaluate control of the pink bollworm. A total of 200 acres are involved the program is authorized only in the States of Arizona and California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

20954-EUP-17. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 9.3 pounds of the pheromone gossyplure on cotton to evaluate control of the pink bollworm. A total of 200 acres are involved the program is authorized only in the States of Arizona and California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). This permit and the two above will use the same active ingredients, but different formulations. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. it is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended. (7 U.S.C. 136))

Dated: July 2, 1981.

Douglas D. Campt

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20050 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-3500/3; PH-FRL-1882-2]

Rotenone; Completion of Pre-RPAR Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has concluded that available data do not indicate that rotenone presents a risk of unreasonable adverse effects to man or the environment. The Agency has therefore removed rotenone from its list of suspect chemicals.

FOR FURTHER INFORMATION CONTACT: Thomas Miller, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Room 711, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202 (703-557-7420).

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136(a) et seq, requires that all pesticides which are sold and distributed in the United States must be registered in accordance with the statutory standard for registration set forth in FIFRA. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment", which is defined to mean "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." Under the regulations issued pursuant to FIFRA, the Agency has developed an administrative review process in order to gather risk and benefit information about pesticides which appear to pose adverse health or environmental effects. This process, which has been designated the Rebuttable Presumption Against Registration (RPAR) process, (see 40 CFR 162.11) allows participation by all interested groups and culminates in a regulatory decision about a pesticide.

The Agency placed rotenone on the RPAR review list because of evidence that rotenone posed the potential of meeting or exceeding certain of the 40 CFR 162.11 risk criteria. Specifically, with regard to oncogenicity, a 1973 study that indicated potential oncogenicity has protocol deficiencies, and attempts to duplicate its results have failed. More recent testing and scientific review of rotenone do not suggest the likelihood of oncogenicity or any other significant adverse effect of concern. Therefore, on the basis of the available data, the Agency has concluded that rotenone has not met or exceeded the RPAR risk criteria, and that the issuance of a Rebuttable Presumption Against Registration is not warranted. Therefore, the Agency is concluding its review of rotenone as an RPAR candidate, but will initiate negotiations to effect certain label changes to reduce the risks attributable to the uses of rotenone. The U.S. Fish and Wildlife Service is currently performing or plans to perform studies to further characterize the potential of rotenone to produce adverse effects. Therefore, the Agency will not require the generation of certain additional data pursuant to the authority of section 3(c)(2)(B) of FIFRA.

Dated: June 23, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-20049 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-429, 81-430 File Nos. BPH-800508AA, BPH-800527AI]

HLD & M Communications, and Ronald Smith; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 26, 1981.

Released: July 8, 1981.

In re Applications of HLD & M COMMUNICATIONS Cape Charles, Virginia, Reg: 96.1 MHz, Channel 241, 50 KW (H&V), 499 feet. BC Docket No. 81–429, File No. BPH–800508AA; RONALD SMITH, Cape Charles, Virginia, Reg: 96.1 MHz Channel 241, 50 KW (H&V), 500 feet, BC DOCKET NO. 81–430 File No. BPH–800827AI; For Construction Permit for a New FM Station.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by HLD & M Communications (HLD & M) and Ronald Smith (Smith).

2. *HLD & M.* Analysis of the financial data submitted by HLD & M reveals that $261,986 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	37,323
Equipment cash purchase	111,988
Land (five months lease payments)	2,500
Miscellaneous costs	57,000
Three months operating costs	53,175
Total	$261,986

HLD & M plans to finance construction and operation with $2,000 in existing capital and $410,000 from a loan from D.C. National Bank (Washington, D.C.). The balance sheet submitted as part of the HLD & M amendment filed August 11, 1980 does not fully comply with the requirements of Item 2(a), Section III since it is undated and does not clearly establish whether there are any current and/or long-term liabilities. Further, the "bank loan commitment letter" submitted with the same amendment is not a commitment but a indication that the bank would "be interested in pursuing this matter with the intention of providing financing." Compliance with Paragraph 4(e), Section III has not been shown.[1] Therefore, no funds have been shown as available to HLD & M. A financial issue will be specified.

3. Section 1.1301 *et seq.* of the Rules requires applicants with antennas over 300 feet in heights to submit the environment narrative statement described in Section 1.1311. Although HLD & M has submitted such a statement for its tranamitter site described in its tendered application, it has failed to provide such a statement for its amended move of 2.49 miles to the site described in its amendment filed June 13, 1980.

4. HLD & M has also erred in its response to Table 1, Section II (Percent of Ownership of Partnership). The list provided accounts for only 90% of HLD & M, showing the following principles with the listed percentages: James Hudson (13.95%), Keith Seay (3.15%), Willie Leftwich (13.95%), Chester Davenport (13.95%), and Early D. Monroe, Jr. (45%). HLD & M will be required to file amendments of the above-referenced items with the presiding Administrative Law Judge.

5. Data submitted by the applicant indicates that there might be a significant difference in the size of the areas and populations which would receive service from the proposals.[2] Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accure to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issue specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to HLD & M Communications:

(a) The source and availability of funds to meet anticipated costs; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to construct and operate the proposed FM facility.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. It is further ordered, That HLD & M file the following amendments with the presiding Administrative Law Judge:

(a) An amended response to Table 1, Section II;

(b) An amended response and narrative statement as required by Item 17, Section V–B; and

(c) An amended response to Item 14, Section V–B with a good copy of Exhibit E–2.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311 (a)(2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–20060 Filed 7–14–81; 8:45 am]

BILLING CODE 6712–01–M

[1] This paragraph requires applicants relying on loans or extensions of credit from financial institutions to submit copies by which these institutions have indicated their willingness to provide such funds including the amount of the loan or credit, terms or payment or repayment of loan, collateral or security required, rate of interest to be charged, and any attendant special requirements.

[2] HLD & M has not provided a complete answer to Item 14, Section V–B on either the square miles or the population within its proposed 1 mV/m contour. Although it lists the population of Northampton County as 15,300, the exhibit provided on its amendment filed June 13, 1980 is not sufficiently clear and we cannot therefore make a determination which cities and counties lie within the proposed 1 mV/m contour. We will order the applicant to amend both its response to this item and to provide a good copy of Exhibit E–2, filing both with the presiding Administrative Law Judge. Smith lists its proposed 1 mV/m contour as containing 1174 square miles and 540,710 population.

FEDERAL MARITIME COMMISSION

[Docket No. 81–45]

Pacific Lumber & Shipping Company, Inc., et al., v. Star Shipping A/S; Filing of Complaint and Assignment

Notice is given that a complaint filed by Pacific Lumber & Shipping Company, Inc., et al. against Star Shipping A/S was served July 2, 1981. Complainant alleges that respondent has violated section 14 third and fourth and section 16 of the Shipping Act, 1916 in regard to handling of cargo damages or loss claims.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81–20059 Filed 7–14–81; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and DFDS Seaways (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and DFDS Seaways (Bahamas), Ltd., c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–20060 Filed 7–14–81; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and Scandinavian Seaways (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and Scandinavian Seaways (Bahamas), Ltd., c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–20061 Filed 7–14–81; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and Scandinavian Seaways (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and United Steamship Company (Bahamas) Limited, c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–20062 Filed 7–14–81; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Scandinavian World Cruises (Bahamas) Ltd. and United Steamship (Bahamas) Ltd.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Scandinavian World Cruises (Bahamas) Limited and United Steamship Company (Bahamas) Limited, c/o Scandinavian World Cruises, 1441 Port Blvd., Port of Miami, Miami, Florida 33132.

Dated: July 9, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–20063 Filed 7–14–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 7, 1981.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690: Walter E. Heller, International Corporation, Chicago, Illinois (real estate appraisals; United States): To engage through a *de novo* subsidiary, Abacus Realty Appraisers, Inc., in the following activity: performing appraisals of all types of real estate (e.g. residential, commercial and industrial) wherever located in the United States, primarily for outside customers, wherever located, and for banking and nonbanking affiliates of the applicant, pursuant to § 225.4(a)(14) of Regulation Y. These activities would be conducted from offices in Chicago, Illinois, serving the entire United States. Comments on this application must be received not later than August 5, 1981.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Security Pacific Corporation, Los Angeles, California (leasing and servicing activities; United States): To engage through its subsidiary, Security Pacific Finance Corp. in leasing and servicing activities with respect to personal property and equipment and real property. These activities would be conducted from existing offices of Security Pacific Finance Corp. in Cherry Hill, New Jersey; Irvine, California; Pasadena, California; and San Diego, California, serving the United States.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20000 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Brenton Banks, Inc.; Acquistion of Bank

Brenton Banks, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Community Holding Company, Knoxville, Iowa, and thereby acquire indirect control of The Community National Bank & Trust Company of Knoxville, Knoxville, Iowa. The factors that are considerd in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20001 filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of The Fort Bend National Bank of Richmond, Richmond, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20003 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3 (a) (3) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (3)) to acquire 100 percent of the voting shares of the successor by consolidation to Peoples State Bank of East Tawas, East Tawas, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20002 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

NCNB Corp.; Acquisition of Bank

NCNB Corporation, Charlotte, North Carolina, has applied for the Board's approval under section 3 (a) (3) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (3)) to acquire 81.5 percent or more of the voting shares of The First National Bank of Lake City, Lake City, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20007 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Perry Bancshares, Inc.; Formation of Bank Holding Co.

Perry Banchshares, Inc., Perry, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to be become a bank holding company by acquiring 80 percent or more of the voting shares of Perry State Bank, Perry, Missouri. The factors that are considered in acting on the application are set forth in section 3 (c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20008 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Shawmut Corp.; Acquisition of Bank

Shawmut Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First Melville Bancorp, Inc., New Bedford, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Shawmut Bancorporation, Boston, Massachusetts, is also engaged in the following nonbank activity: commercial finance. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20006 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Society Corp.; Acquisition of Bank

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 54.1 per cent or more of the voting shares of Lancaster National Bank, Lancaster, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 4, 1981. Any comment of the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-20670 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of First National Bank of Stafford, Houston, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20004 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

V & V Holding Co.; Formation of Bank Holding Co.

V & V Holding Company, Lander, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.86 per cent of the voting shares of Central Trust Company, Lander, Wyoming, a bank holding company with respect to Central Bank and Trust, Lander, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

V & V Holding Company, Lander, Wyoming, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through Central Trust Company, Lander, Wyoming in the activities that may be performed or carried on by a trust company. These activities would be performed from offices of Applicant's subsidiary in Lander, Wyoming, and the geographic area to be served in Freemont County, Wyoming. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonable be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than August 4, 1981.

Board of Governors of the Federal Reserve System, July 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 20005 Filed 7-14-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Statistical Standards for Evaluating Intermediary Performance During Fiscal Year 1981

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice with comment period.

SUMMARY: This is HCFA's annual notice containing statistical standards to be used for evaluating the performance of fiscal intermediaries in the administration of the Medicare program

for fiscal year 1981. The standards are based on available statistical data contained in routine intermediary reports and consist of measures of timeliness and cost of an intermediary's Medicare operations.

The evaluation of an intermediary consists of two steps. First, we determine whether the intermediary meets broad performance criteria dealing with general administration of its Medicare operations. If the intermediary meets the general criteria, we will measure its performance against statistically derived numerical standards in specific areas. We will consider the results of evaluations using the criteria and standards whenever we make, renew or terminate an intermediary agreement; assign or reassign providers to an intermediary; or designate regional or national intermediaries.

We are publishing this notice as final in order to avoid further delay in the use of the standards in fiscal year 1981 evaluations. When we published the statistical standards for fiscal year 1980 (45 FR 42184, June 23, 1980), we provided a formal comment period but received only one response. In view of this, and because the intermediary community has participated in the development of the fiscal year 1981 standards, we do not believe a formal notice of proposed rulemaking is necessary in this case. However, if interested parties wish to comment, we will accept the comments and consider them as we develop future standards.

EFFECTIVE DATE: July 15, 1981. To assure consideration, comments should be received by September 14, 1981.

ADDRESSES: Please address your comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave. S.W., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO–13–GNC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave. S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, 301–594–8190.

SUPPLEMENTARY INFORMATION:

Background

Under section 1816 of the Social Security Act, organizations and agencies participate in the administration of Part A (Hospital Insurance) of the Medicare program under contract with the Secretary. These agencies or organizations are known as fiscal intermediaries, and they perform actual bill processing and benefit payment functions. Providers of services submit claims to these intermediaries, which determine whether the services are covered under Medicare and determine reasonable costs. The intermediaries then reimburse the providers on behalf of the beneficiaries.

We evaluate the performance of intermediaries annually using performance criteria contained in 42 CFR 421.120 and statistical standards published in accordance with 42 CFR 421.122 (45 FR 42174, June 23, 1980). The evaluation itself is a two-step process. The first step (i.e., the performance criteria) provides the major thrust for assessing intermediary performance. Intermediaries must first pass performance criteria in the areas of bill processing, provider reimbursement, beneficiary services, fiscal management, and general administration. We require satisfactory performance in *all* areas of operations described by the performance criteria. If performance is unsatisfactory, we may initiate adverse administrative action. If performance is satisfactory, we undertake the second step of the evaluation. This step is based on the application of the statistical standards contained in this notice.

We consider the results in any determinations concerning:

- The making, renewing or terminating of agreements with intermediaries;
- Assignment or reassignment of providers to intermediaries; and
- Designation of regional or national intermediaries for classes of providers.

Statistical Standards

As required by 42 CFR 421.122, we are publishing statistical standards for evaluating the performance of Medicare intermediaries during the Federal Government's fiscal year 1981 (October 1, 1980 through September 30, 1981). We will use these standards to evaluate intermediary performance in three major areas: unit cost of claims processing, timeliness of claims processing, and timeliness of settling provider cost reports. As was the case in fiscal year 1980, we will evaluate the overall "quality" of intermediary performance for fiscal year 1981 by the performance criteria listed in 42 CFR 421.120. In the meantime, we are continuing to develop statistical standards for this category of performance.

We have modified the fiscal year 1980 evaluation system for use in measuring intermediary performance for fiscal year 1981. We will measure each of three major areas (unit cost, timeliness of claims processing, and timeliness of provider cost report settlement) individually and not collectively, as we did in fiscal year 1980. We will assign a starting score of 100 to each of the three areas, and we will subtract points from the starting score for intermediary performance that does not meet the levels set by the standards. The new method of assessment of points will allow for a more equitable comparison of intermediary performance because intermediaries that are similar in performance will have similar scores. This was not necessarily true in the 1980 scoring system because of the pass-fail mechanism of awarding points.

An intermediary must achieve a score of 75 points in each of the major areas to pass. If an initial score of 75 or better is attained in a statistical area, bonus points will be awarded for levels of performance exceeding the standards. Failure to achieve a minimum score of 75 in any of the three statistical areas will result in an overall assessment of unsatisfactory performance for the statistical standards phase of the evaluation process.

To promote the best possible performance, we set all of the statistical standards at levels of achievement reached by 50 percent of the intermediaries in prior years. However, the minimum passing score of 75 points is representative of the level of achievement reached by 85 percent to 90 percent of the intermediaries and is intended to identify inefficient intermediaries.

The three major areas collectively contain 15 standards by which each intermediary will be evaluated in fiscal year 1981 (see attachment A). We assigned each of the 15 standards a weight between 0 and 1, and we will multiply points received in any of these standards by the weight of the standard before we apply them to the starting score. We will use the bonus point concept in the standards to provide an incentive to the intermediaries to exceed the standards as much as possible. Because there is only one standard in the unit cost area, it has been assigned a weight of one. In the other statistical areas, the individual standards carry weights according to their relative importance within the statistical area to beneficiaries, providers, and governmental record-keeping requirements. We derived these weights on the basis of our experience in the claims process and after consultation with the intermediary community.

There are 8 standards in the area of claims processing timeliness: 2 each for inpatient hospital, outpatient hospital, skilled nursing facility (SNF), and home health agency (HHA) claims. We assigned relatively equal weights to the standards for each type of claim because we believe each is equally important. We set the standards at different levels for each type of claim to reflect the varying difficulties of processing each type of claim and the actual achieyements reached by intermediaries in these areas. All 8 standards are based on a level of achievement reached by about 50 percent of the intermediaries, and all have been given a weight between 0 and 1.

There are 6 standards in the area of cost report settlement timeliness: 2 each for hospitals, SNFs, and HHAs. We assigned relatively equal weights to the SNF and HHA cost report standards, and slightly higher weights to the hospital cost report standards. This reflects the relative importance of each to the effective and efficient administration of the Medicare program. As with claims processing, we set the standards at different levels for different types of cost reports to reflect the varying difficulties encountered by intermediaries in processing each type and the actual achievements reached by intermediaries in these areas. All 6 standards are based on a level of achievement reached by about 50 percent of the intermediaries, and all have been given a weight between 0 and 1.

Unit Cost

We based the standard for unit cost of claims processing on fiscal year 1979 data adjusted to reflect the effect of inflation and increased productivity estimated to occur through fiscal year 1981. These estimates are based on fiscal year 1981 budgets submitted by intermediaries. Intermediaries routinely take productivity and inflation factors into account when submitting their budgets. In the calculation of unit cost per claim, we define the numerator "cost" as the intermediary's Medicare fiscal year 1981 administrative costs. These costs exclude nonrecurring costs and costs related to provider reimbursement, provider audit, Professional Standards Review Organization (PSRO) and Health Maintenance Organization (HMO) activities, and State premium taxes, where applicable. For Blue Cross Plans, the numerator includes a share of Blue Cross Association administrative support costs. These data will be derived from the final Interim Expenditure Report (Form HCFA–1527) filed for fiscal year 1981. We define the denominator "claim" as the intermediary's total number of processed claims for fiscal year 1981 as correctly reported on its Intermediary Workload Report (Form HCFA–1566).

We developed a formula using multiple regression analysis to adjust the intermediary's unit cost for signficant measurable factors that are not within the intermediary's control in order to allow for a more equitable comparison with the standard. Regression analysis is a statistical tool that is used to identify variables (such as differing salary levels between geographic areas) that impact significantly upon a given measure (such as unit cost) and to quantify the extent of such impact. In studying Medicare Part A unit costs, we used this method to examine several hundred variables with potential impact upon unit costs. The regression analysis identified four of these factors as being significant: a geographical salary index, the inverse claims volume, the ratio of inpatient and HHA bills to the total bills processed, and the ratio of SNF and "other" bills to the total bills processed (see below for further definitions of these terms). All four of these factors were determined to be beyond the control of the intermediaries.

Using the formula we developed, we will adjust each intermediary's unit cost for fiscal year 1981 for the effect of noncontrollable factors V_1 through V_4 as follows: Adjusted Unit Cost Per Claim = (Unit Cost Per Claim) − $3.58 \times (V_1 - 1.00) - 2.07 \times (V_2 - .063) - 1.78 \times (V_3 - .374) - 6.60 \times (V_4 - .070)$.

The intermediary's values for the noncontrollable variables are defined as follows:

V_1 = An index value based on Life Office Management Association (LOMA) data on average starting salaries for clerk-typists employed by the insurance industry in 1979 (see Attachment C);

V_2 = Inverse Monthly Claims Volume (12 times 1,000 divided by the number of claims reported as processed during fiscal year 1981 on the Intermediary Workload Report);

V_3 = Ratio of Inpatient Hospital and Home Health Agency Claims Processed to Total Claims Processed (based on fiscal year 1981 claims processed data reported on the Intermediary Workload Report); and

V_4 = Ratio of Skilled Nursing Facility and Other (column vi of the Intermediary Workload Report) Claims Processed to Total Claims Processed (based on fiscal year 1981 claims processed data reported on the Intermediary Workload Report).

Timeliness of Claims Processing

For the claims processing timeliness standards, we define the processing period as the length of time in calendar days from the date of initial receipt of the claim by the intermediary to the date of receipt of the processed claim by HCFA. We determine the percent of claims processed within a specific time frame as follows. Using the universe of processed claims passing the intermediary's edits during fiscal year 1981 and required to be sent to HCFA, we will divide the number of claims processed within the specific time frame by the total number of claims processed and then multiply by 100.

Our analyses show the major noncontrollable factor affecting claims timeliness to be the proportion of claims by type. Therefore, instead of trying to adjust a single set of standards for these proportions, we have established standards by type of claim according to the following definitions:

- Inpatient hospital claims—HCFA–1453 forms submitted by hospitals.
- Skilled Nursing Facility claims—HCFA–1453 forms submitted by SNFs.
- Home Health Agency claims—HCFA–1487 forms submitted by HHAs.
- Outpatient claims—HCFA–1483 forms (Provider Billing for Medical and Other Health Service Claims) submitted by providers.

Timeliness of Provider Cost Report Settlement

There are two measures of timeliness of provider cost report settlement for each type of provider. The first is the percentage of provider cost reports with provider accounting fiscal years ending during the Federal Government's fiscal year 1980 that are settled by the end of the Federal Government's fiscal year 1981 (percent of fiscal year 1980 cost reports settled by the end of fiscal year 1981). The second is the percentage of cost reports with provider accounting fiscal years ending during the Federal Government's fiscal year 1979 that are settled by the end of the Federal Government's fiscal year 1981 (percent of fiscal year 1979 cost reports settled by the end of fiscal year 1981).

Analyses reveal the major noncontrollable factor affecting provider cost report settlement timeliness to be the proportion of providers by type. We take this factor into account by the setting of standards for each type of provider.

The cost report fiscal year ending date determines the amount of time available to the intermediary for processing the cost report. Because of this, we developed a formula to adjust intermediaries' actual performance in this area for the noncontrollable factor of cost report fiscal year ending dates in fiscal year 1980. However, adjustments for fiscal year 1979 cost reports were not indicated because of the mitigating effect of the extra length of time.

We calculate the adjusted percentage of fiscal year 1980 cost reports settled by the end of fiscal year 1981 for each type of provider by multiplying the intermediary's actual percentage of settled fiscal year 1980 cost reports by its adjustment factor. The adjustment factor is the ratio of 100 percent to a weighted average of the percentage of cost reports with ending dates during each quarter of fiscal year 1980:

Adjustment factor (hospitals) = 100.0 divided by ((percentage of hospital cost reports with ending dates in October–December 1979) + (.875 x percentage of hospital cost reports with ending dates in January–March 1980) + (.75 x percentage of hospital cost reports with ending dates in April–June 1980) + (.625 x percentage of hospital cost reports with ending dates in July–September 1980)).

We compute the adjustment factors for SNF cost reports and HHA cost reports the same way, except that we use SNF and HHA cost report data, respectively, instead of hospital cost report data. An example might be as follows: an intermediary settles 33.3 percent of its fiscal year 1980 HHA cost reports by the end of the fiscal year 1981 and has the following distribution of HHA cost report ending dates:

	Percent
October to December 1979	0
January to March 1980	0
April to June 1980	100
July to September 1980	0

Applying the above formula to these percentages, the adjustment factor for this example is 1.33 and the intermediary's adjusted percentage of FY 1980 HHA cost reports settled is 44.4 percent.

Scoring

We will evaluate each intermediary with respect to the 15 standards in fiscal year 1981. As previously explained, each of the three major statistical areas (unit cost of claims processing, timeliness of claims processing, and timeliness of provider cost report settlement) will be evaluated individually. There is one standard for unit cost, 8 for claims timeliness, and 6 for the timeliness of provider cost report settlements. Unsatisfactory performance in any of the three major statistical areas will result in an overall assessment of unsatisfactory performance for the statistical standards.

The starting score for each of the three statistical areas is 100 points. Each individual standard has a formula used to calculate points based on the intermediaries' performance for that standard. In addition, each standard carries a weight between 0 and 1 relative to its importance within its statistical area. The calculated points are multiplied by that weight before being applied to the starting score. Attachment A lists the standards for fiscal year 1981, the point scoring formulas for the standards, and each standard's weight.

If an intermediary exactly meets each of the standards within a statistical area, it will achieve the starting score of 100 points. For performance better or worse than the set standards, the point scoring formulas and the standards' weights will be used to subtract points or establish potential bonus points for the statistical areas. For performance below the standard, calculated points (after multiplying by the weight) are substracted from the starting score of 100. An intermediary with a score of 74 or less is performing unsatisfactorily in the statistical area and is not eligible for bonus points in that area. The use of bonus points is intended to help further distinguish between various levels of acceptable performance by intermediaries whose overall performance in an area is passing. We will not use bonus points in an area to help an intermediary whose performance does not achieve a passing score in that area. An intermediary that acquires 75 or more points is then eligible to accumulate bonus points. An intermediary can possibly accumulate more than 100 points in any of the statistical areas. Attachment B contains examples of how the scoring will be accomplished.

We intend the scoring methodology to provide incentives to intermediaries to perform as well as possible. The graded assessment of points for performance below a standard will allow HCFA to distinguish more easily between various levels of deficient performance in order to determine whether and to what extent adverse action should be taken. The bonus points will make it easier to distinguish between various levels of acceptable performance as one consideration in the awarding of future work.

Attachment C is a table showing the salary index (variable V_j in the cost adjustment formula) for current intermediaries. With this information and the definitions provided above, intermediaries should be able to track their individual performance with respect to the standard for the adjusted unit cost per claim. In addition, throughout the evaluation period, HCFA will provide intermediaries with information on their performance relative to each of the 15 standards in Attachment A.

(Sections 1102, 1816 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395h, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: April 6, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 26, 1981.

Richard S. Schweiker,

Secretary.

Attachment A.—*Statistical Standards and Relative Points for Evaluating Medicare Intermediaries for Fiscal Year 1981*

Area	Standard	Scoring formula[1]	Weight
Unit cost of claims processing:			
1. Average adjusted unit cost per claim	$4.07	50 ($4.87—PERF)	1.00
Timeliness of claims processing:			
1. Inpatient—percent processed in 30 days	92.5	1.5 (PERF—92.5)	.15
2. Inpatient—percent processed in 60 days	99.0	4.0 (PERF—99.0)	.10
3. Outpatient—percent processed in 30 days	90.0	0.5 (PERF—90.0)	.15
4. Outpatient—percent processed in 60 days	99.0	4.0 (PERF—99.0)	.10
5. SNF—percent processed in 30 days	80.0	1.0 (PERF—80.0)	.15
6. SNF—percent processed in 60 days	95.0	2.5 (PERF—95.0)	.10
7. HHA—percent processed in 30 days	82.5	1.0 (PERF—82.5)	.15
8. HHA—percent processed in 60 days	95.0	5.0 (PERF—95.0)	.10
Timeliness of cost report settlement:[2]			
1. Hospital—percent of FY 1980 cost reports settled by end of FY 1981	90.0	0.6 (PERF—90.0)	.25
2. Hospital—percent of FY 1979 cost reports settled by end of FY 1981	100.0	6.0 (PERF—100.0)	.15
3. SNF—percent of FY 1980 cost reports settled by end of FY 1981	92.5	0.6 (PERF—92.5)	.20
4. SNF—percent of FY 1979 cost reports settled by end of FY 1981	100.0	2.5 (PERF—100.0)	.10
5. HHA—percent of FY 1980 cost reports settled by end of FY 1981	100.0	1.0 (PERF—100.0)	.20
6. HHA—percent of FY 1979 cost reports settled by end of FY 1981	100.0	12.5 (PERF—100.0)	.10

[1] The variable "PERF" refers to the intermediary's actual performance for the standard. The coefficients in the scoring formulas (e.g., 50 for unit cost) are set so that intermediaries performing at the 85th—90th percentile level would lose 25 points. As an example, the 90th percentile of unit costs is $4.57. $4.07 − $4.57 = −.50, which is then multiplied by a factor of 50. This results in a loss of 25 points (−.50 × 50 = −25).

[2] Adjusted for fiscal year ending dates.

Attachment A.—*Statistical Standards and Relative Points for Evaluating Medicare Intermediaries for Fiscal Year 1981*—Continued

Area	Standard	Scoring formula[1]	Weight
Timeliness of cost report settlement:[2]			
1. Hospital—percent of FY 1980 cost reports settled by end of FY 1981	90.0	0.6 (PERF—90.0)	.25
2. Hospital—percent of FY 1979 cost reports settled by end of FY 1981	100.0	6.0 (PERF—100.0)	.15
3. SNF—percent of FY 1980 cost reports settled by end of FY 1981	92.5	0.6 (PERF—92.5)	.20
4. SNF—percent of FY 1979 cost reports settled by end of FY 1981	100.0	2.5 (PERF—100.0)	.10
5. HHA—percent of FY 1980 cost reports settled by end of FY 1981	100.0	1.0 (PERF—100.0)	.20
6. HHA—percent of FY 1979 cost reports settled by end of FY 1981	100.0	12.5 (PERF—100.0)	.10

[1] The variable "PERF" refers to the intermediary's actual performance for the standard. The coefficients in the scoring formulas (e.g., 50 for unit cost) are set so that intermediaries performing at the 85th—90th percentile level would lose 25 points. As an example, the 90th percentile of unit costs is $4.57. $4.07 − $4.57 = −.50, which is then multiplied by a factor of 50. This results in a loss of 25 points (−.50 × 50 = −25).

[2] Adjusted for fiscal year ending dates.

Attachment B.—Example of Scoring Statistical Standards

Area	Standard	Performance	Subtraction (−) bonus (+) points[1]	Weight	weighted subtraction (−) bonus (+) points	Area score
Unit cost:						
1. Adjusted unit cost	$4.07	$4.39	−16.0	1.00	−16.0	84
Timeliness of claims processing:						
1. Inpatient—30 days	92.5%	89.5%	−4.5	.15	−0.6	.....
2. Inpatient—60 days	99.0%	98.9	−0.4	.10	0.0	.....
3. Outpatient—30days	90.0%	91.7	+0.9	.15	+0.1	.....
4. Outpatient—60 days	99.0%	98.4	−2.4	.10	−0.2	104.3
5. SNF—30 days	80.0%	81.7	+1.7	.15	+0.3	.....
6. SNF—60 days	95.0%	97.7	+6.8	.10	+0.7	.....
6. HHA—30 days	82.5%	95.8	+13.3	.15	+2.0	.....
7. HHA—60 days	95.0%	98.9%	+19.5	.10	+2.0	.....
Timeliness of cost report settlement:						
1. Hospitals—FY 1980 reports	90.0%	67.8%	−13.3	.25	−3.3	.....
2. Hospitals—FY 1979 reports	100.0%	90.4%	−57.6	.15	−8.6	.....
3. SNF—FY 1980 reports	92.5%	95.0%	+1.5	.20	+0.3	[2]70.4
4. SNF—FY 1979 reports	100.0%	100.0%	0.0	.10	0.0	.....
5. HHA—FY 1980 reports	100.0%	53.7%	+46.3	.20	−9.3	.....
6. HHA—FY 1980 reports	100.0%	99.9%	−93.8	.10	−8.4	.....

[1] See Attachment A for appropriate formula.

[2] No bonus points may be awarded because intermediary's timeliness score is below passing level of 75.

Attachment C—*Life Office Management Association Data on Average Starting Salaries for Clerk-Typists Employed By Insurance Companies in August 1979*

Intermediary	Salary index (V_j)
Alabama B/C	0.953
Arkansas B/C	.950
Arizona B/C	.987
Los Angeles, California B/C	1.112
Oakland, California B/C	1.092
Colorado B/C	1.043
Connecticut B/C	.982
Delaware B/C	.978
District of Columbia B/C	1.069
Florida B/C	.938
Atlanta, Georgia B/C	1.039
Columbus, Georgia B/C	.929
Idaho B/C	.958
Chicago, Illinois B/C	1.102
Indiana B/C	.969
Des Moines, Iowa B/C	.961
Sioux City, Iowa B/C	.939
Kansas B/C	.963
Kentucky B/C	.954
Louisiana B/C	.947
Maine B/C	.929
Maryland B/C	1.025
Massachusetts B/C	1.068
Michigan B/C	1.091
Minnesota B/C	1.003
Mississippi B/C	.949
Kansas City, Missouri B/C	.984
St. Louis, Missouri B/C	.994
Montana B/C	.949
Nebraska B/C	.969
New Hampshire/Vermont B/C	.930
New Jersey B/C	1.058

Attachment C—*Life Office Management Association Data on Average Starting Salaries for Clerk-Typists Employed By Insurance Companies in August 1979*—Continued

Intermediary	Salary index (V_j)
New Mexico B/C	.963
Albany, New York B/C	1.007
Buffalo, New York B/C	1.008
New York, New York B/C	1.124
Rochester, New York B/C	1.032
Syracuse, New York B/C	1.000
Utica, New York B/C	.949
North Carolina B/C	.895
North Dakota B/C	.945
Cincinnati, Ohio (HCC) B/C	.981
Cleveland, Ohio B/C	1.045
Columbus, Ohio B/C	.974
Toledo, Ohio B/C	1.023
Oklahoma B/C	.977
Oregon B/C	1.028
Allentown, Pennsylvania B/C	.977
Harrisburg, Pennsylvania B/C	1.002
Philadelphia, Pennsylvania B/C	1.030
Pittsburgh, Pennsylvania B/C	1.025
Wilkes-Barre, Pennsylvania B/C	.915
Rhode Island B/C	.936
South Carolina B/C	.933
Chattanooga, Tennessee B/C	.928
Memphis, Tennessee B/C	.960
Texas B/C	1.021
Utah B/C	.973
Richmond, Virginia B/C	.972
Roanoke, Virginia B/C	.953
Washington/Alaska B/C	1.084
Charleston, West Virginia B/C	.936
Parkersburg, West Virginia B/C	.936
Wheeling, West Virginia B/C	.936

Attachment C—*Life Office Management Association Data on Average Starting Salaries for Clerk-Typists Employed By Insurance Companies in August 1979*—Continued

Intermediary	Salary index (V_j)
Milwaukee, Wisconsin B/C	1.025
Wyoming B/C	.957
Puerto Rico (Jacksonville) B/C	.939
Aetna—California	1.139
Aetna—Connecticut	1.028
Aetna—Florida	.956
Aetna—Illinois	.984
Aetna—Massachusetts	.980
Aetna—Nevada	1.029
Aetna—Pennsylvania	1.030
Aetna—Washington	1.084
Cooperative De Seguros	.769
Hawaii Medical Service	1.000
HCFA—ODR	1.025
Kaiser	1.052
Mutual of Omaha	.969
Nationwide	.974
Prudential	.955
Travelers—Michigan	1.091
Travelers—New York	1.124

[FR Doc. 81-20642 Filed 7-14-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-81-651]

Office of the Area Manager, Baltimore Area Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Katharine K. Nikkel, Director, Management and Budget Division, Office of Regional Administration, Philadelphia Regional Office, Department of Housing & Urban Development, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597–2908.

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are

unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager.
2. Director, Housing Division.
3. Director, CPD Division.
4. Area Counsel.

This designation supersedes the designation effective 08/07/79.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Thomas R. Hobbs,
Area Manager, Baltimore Area Office.

Harry W. Staller,
Acting Regional Administrator, Region III.

[FR Doc. 81-20620 Filed 7-14-81; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. D-81-652]

Office of the Service Office Supervisor, Charleston, West Virginia; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Service Office Supervisor is designating officials who may serve as Acting Service Office Supervisor during the absence, disability, or vacancy in the position of the Service Office Supervisor.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Katharine K. Nikkel, Director, Management and Budget Division, Office of Regional Administration, Philadelphia Regional Office, Department of Housing and Urban Development, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, phone 215-597-2906. (This is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Service Office Supervisor during the absence, disability, or vacancy in the position of the Service Office Supervisor, with all the powers, functions, and duties redelegated or assigned to the Service Office Supervisor: Provided, that no official is authorized to serve as Acting Service Office Supervisor unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy for Development, Housing Division.
2. Deputy for Management, Housing Division.

This designation supersedes the designation effective January 1, 1979.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Carl A. Smith,
Supervisor, Charleston, West Virginia Service Office.

Harry W. Staller,
Acting Regional Administrator, Region III.

[FR Doc. 81-20622 Filed 7-14-81; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. D81-649]

Office of the Area Manager, Pittsburgh Area Office Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability of vacancy in the position of the Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Katharine K. Nikkel, Director, Management and Budget Division, Office of the Regional Administration, Philadelphia Regional Office, Department of Housing & Urban Development, Curtis Building, 6th & Walnut Streets, Philadelphia, PA. 19106. Phone Number: 215/597-2906 (This is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager
2. Director, Housing Division
3. Director, Community Planning and Development Division
4. Area Counsel

This designation supersedes the designation effective January 1, 1979.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Harry W. Staller,
Acting Regional Administrator, Region III.

William R. Costello,
Acting Area Manager, Pittsburgh Area Office.

[FR Doc. 81-20624 Filed 7-14-81; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. D-81-650]

Office of the Area Manager, Philadelphia Area Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Katharine K. Nikkel, Director, Management and Budget Division, Philadelphia Regional Office, Department of Housing and Urban Development, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-2906.

DESIGNATION: Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager, with all the powers, functions, and duties redelegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all proceeding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager.
2. Area Counsel.
3. Director, Housing Division.
4. Director, Community Planning & Development Division.
5. Director, Fair Housing & Equal Opportunity Division.
6. Deputy Director, Multifamily Housing Development.
7. Deputy Director, Housing Management.
8. Deputy Director, Single Family Housing Development.
9. Deputy Director, Community Planning & Development Division.

This designation supersedes the designation effective June 7, 1979.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Harry W. Staller,
Acting Regional Administrator, Region III.

W. Oliver Leggett,
Area Manager, Philadelphia Area Office.

[FR Doc. 81-20623 Filed 7-14-81; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. D-81-653]

Office of the Area Manager, Washington, D.C., Area Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence, disability, or vacancy in the position of the Area Manager.

EFFECTIVE DATE: This designation is effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Katharine K. Nikkel, Director, Management and Budget Division, Office of Regional Administration, Philadelphia Regional Office, Department of Housing and Urban Development, Curtis Building, 6th and Walnut Streets, Philadelphia, PA. 19106, telephone number 215-597-2904 (This is not a toll free number).

Designation of Acting Area Manager for Washington, D.C. Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Manager during the absence, disability, or vacancy in the position of Area Manager, with all the powers, functions, and duties delegated or assigned to the Area Manager: *Provided,* That no official is authorized to serve as Acting Area Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Area Manager.
2. Area Counsel.
3. Director, Housing Division.
4. Director, Community Planning & Development.
5. Director, Fair Housing & Equal Opportunity.

(This designation supersedes the designation effective June 27, 1975.)

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Terry C. Chisholm,
Area Manager, Washington, D.C. Area Office.

Harry W. Staller,
Acting Regional Administrator.

[FR Doc. 81-20621 Filed 7-14-81; 8:45 am]
BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-81-1078]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective August 14, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Executive Emergency Cascade Alerting System (HUD/DEPT-74). It contains limited information about HUD employees who have been appointed to HUD's executive emergency teams. the system is maintained for the purpose of permitting rapid alerting of the team members in case of a national emergency. Appendix A, which lists the addresses of HUD's offices was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on June 5, 1981.

HUD/DEPT-74

SYSTEM NAME:

Executive Emergency Cascade Alerting System.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current HUD employees who have been designated as executive emergency team members.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records are comprised of the employee's name, office and home telephone numbers, only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained under the authority of Executive Order No. 11490.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Individual name.

SAFEGUARDS:

Distribution of team lists and access to team lists is restricted to authorized personnel.

RETENTION AND DISPOSAL:

These records are retained and disposed of in accordance with officially approved mandatory standards contained in HUD Handbooks 2225.6 (HUD Records Schedules) and 2228.2 (General Records Schedules).

SYSTEM MANAGER AND ADDRESS:

Director, Emergency Preparedness Staff
Office of Administrative Services
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

NOTIFICATION PROCEDURE:

For information assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES.

Subject individuals.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., July 9, 1981.

Albert J. Kliman,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-20064 Filed 7-14-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-29125]

Coal Lease Offering by Sealed Bids

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, Corner 20th and Arapahoe Street, Denver, CO 80205. Notice is hereby given that certain resources hereinafter described in La Plata County, Colorado, will be offered for lease by sealed bid of $25.00 or more per acre to the qualified bidder submitting the highest bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 P.M., August 11, 1981, in Conference Room, 5th floor. (Above address) No bids received after 1:00 P.M. will be considered.

Coal Offered: The coal resource to be offered is limited to a maximum of 835,000 tons of coal recoverable by underground mining methods from the Menafee # 1 formation coal seam under the following lands located approximately 4½ miles southwest of Hesperus, Colorado:

T. 35 N., R. 11 W., NMPM
Sec. 31: N½NE¼SE¼
Sec. 32: SW¼

La Plata County, Colorado, containing 180 acres more or less. The coal quality is as follows: Btu—13,400 per ton; Sulfur—7%, Ash—4.2%; 2.4% moisture and averages 5.8 feet in thickness. The coal is classified as high volatile "B" bituminous.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3. per acre and a royalty payable to the United States of 8% of the value of coal mined by underground methods. The value of the coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Detailed Statement and of the proposed coal lease are available at the Colorado State Office of the Bureau of Land Management, Public Room, Main Floor, Corner of 20th and Arapahoe, Denver, Colorado.

All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in the Public Room, Main Floor, Corner of 20th and Arapahoe, Denver, Colorado.

Alvah Q. Whitledge,

Leader, Montrose Team Branch of Adjudication.

[FR Doc. 81-20079 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[N-29324]

Nevada; Realty Action Corrected Exchange of Public and Private Lands in Douglas and Clark Counties

July 7, 1981.

FR Doc. 81-16510, appearing on Page 29770 of the issue of Wednesday, June 3, 1981 and the correcton thereto appearing in the June 22, 1961 issue on page 32319 are hereby further modified with respect to the legal description of the lands to be disposed of:

Mount Diablo Meridian, Nevada

T. 13 S., R. 71 E.,
Sec. 9, Lots 6, 9, 12 and 14, SE¼SE¼SE¼NW¼, S½S½SW¼NE¼, S½SW¼SE¼NE¼, E½E½NE¼SW¼;

comprising 86.65 acres of public land.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-20080 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[N-31788]

Nevada; Realty Action Noncompetitive Sale of Public Lands in Lander County, Nevada

July 7, 1981.

The following described lands have been examined and identified as suitable for disposal by direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value:

Mount Diablo Meridian, Nevada

T. 18 N., R. 45 E.,
Sec. 20, SE¼NW¼NE¼NW¼SW¼, S½NE¼NE¼NW¼SW¼, NE¼NW¼SE¼NW¼SW¼, W½NE¼SE¼NW¼SW¼, NE¼NE¼SE¼NW¼SW¼;

containing 4.375 acres.

The sale will take place on approximately September 15, 1981. The lands are being sold to Andrew P. Kaltenbach, the owner of Frontier Tavern and owner of the improvements on the tract for sale. The Frontier Tavern provides a variety of services to the public, including a cafe-tavern-store, service station, and motel. Because of its location, it is important that the business be self-sufficient. The 4.375-acre parcel is the smallest amount of land which contains the following improvements necessary to keep the Frontier Tavern operating as a self-sustained business: trailer spaces for employees, a portion of a parking lot, a sewage system and a garbage dump. Fair market value of the land has been determined to be $3,750.00.

The proposed sale is consistent with the Bureau's planning system. Public interest will be served, as the sale will assist the economy of the area by satisfying local government and private needs for land identified for disposal.

The sale of this tract has been discussed with the Board of Lander County Commissioners.

The following conditions will be applicable to the sale:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights including, but not limited to, those rights for highway purposes granted to the Nevada State Highway Department, its successors or assigns, under the Act of November 9, 1921, 42 Stat. 212. (Nev-033433 and Nev-042798).

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior (BLM 320). Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-20081 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[W-74746]

Wyoming; Order Providing for Opening of Land

July 2, 1981.

1. By order dated October 3, 1980, the Federal Energy Regulatory Commission vacated the lands withdrawn for Power Project No. 765, insofar as it affects the 100-foot-wide right-of-way located in the following described lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 119 W.,
Sec. 6, S½SE¼.
T. 14 N., R. 120 W.,
Sec. 24, NE¼NE¼.

The lands are located in Uinta County, Wyoming.

2. By virture of the authority contained in Section 204 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 16 U.S.C. 818) and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526) as amended, it is ordered that at 10:00 a.m. on August 24, 1981, the land described above will be relieved of the restrictions imposed by the provisions of Section 24 of the Federal Power Act, supr, and the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

3. The State of Wyoming has not exercised the preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-20082 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

[W-74747]

Wyoming; Invitation for Coal Exploration License, Sparrow Coal, Inc.

Sparrow Coal, Inc. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following described land in Lincoln and Sublette Counties, Wyoming:

Sixtl. Principal Meridian, Wyoming

T. 33 N., R. 115 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, N½S½, SW¼SW¼, S½SE¼;
Sec. 8, All;
Sec. 9, E½, SW¼NW¼, SW¼;
Sec. 10, All;
Sec. 15, All;
Sec. 16, All;
Sec. 21, All;
Sec. 22, All.
T. 34 N., R. 115 W.,
Sec. 5, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½;
Sec. 8, All;
Sec. 9, S½, NW¼;
Sec. 10, SW¼;
Sec. 15, W½;
Sec. 16, All;
Sec. 17, All;
Sec. 18, lots 1, 2, 3, 4, E½;
Sec. 20, E½;
Sec. 21, All;
Sec. 22, All;
Sec. 27, All;
Sec. 28, All.
T. 35 N., R. 115 W.,
Sec. 31, lots 3, and 4.
T. 34 N., R. 116 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, NE¼;
Sec. 23, All;
Sec. 24, All.
T. 35 N., R. 116 W.,
Sec. 13, W½;
Sec. 14, All;
Sec. 23, All;
Sec. 24, W½;
Sec. 25, NW¼NW¼, E½SW¼;
Sec. 26, N½, SW¼, W½SE¼;
Sec. 27, E½;
Sec. 34, All;
Sec. 35, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 36, E½, E½W½, SW¼NW¼, W½SW¼.

Containing 24,701.71 acres.

All of the coal in the above lands consists of unleased Federal coal. The purpose of the exploration program is to determine, by drilling, the location, extent, and quality of the coal beds that occur between known occurrences at the Deadman Mine, The Blind Bull Mine and the Kleinstick (Cottonwood) Mine within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-74747): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001 and the Regional Forester, Intermountain Region (Region 4), U.S. Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of July 20, 1981, and in the **Federal Register.** Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Sparrow Coal, Inc. no later than August 14, 1981. The written notice should be sent to the following addresses: Sparrow Coal, Inc., P.O. Box 5989, Helena, Montana 59604, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P. O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2-1(d)(1).

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-20085 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Proposed United States World Heritage Nomination; Cahokia Mounds State Historic Site, Ill.

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The Department of the Interior, through the National Park Service, announces the identification of Cahokia Mounds State Historic Site in

Illinois as a proposed U.S. World Heritage nomination. This property was selected from a list of potential U.S. nominations published in the Federal Register on April 14, 1981 (46 FR 21630). A draft nomination document will be prepared for the site, and will subsequently be evaluated by the Federal Interagency Panel for World Heritage.

DATES: The Federal Interagency Panel for World Heritage will meet in November 1981 to review the accuracy and completeness of the draft nomination document, and to make recommendations to the Secretary of the Interior. Subject to this review and necessary approvals, the Secretary, or his designee, will transmit a nomination to the United Nations Educational, Scientific and Cultural Organization (UNESCO), through the Department of State, such that it is received by UNESCO no later than December 31, 1981, for evaluation during 1982. If approved, notice of U.S. World Heritage nomination will be published in the Federal Register in December 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A Ritsch, Acting Associate Director, Recreation Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–4462).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural heritage, ratified by the United States and 58 other nations as of this date, establishes a means through which natural and cultural properties of outstanding universal value to mankind may be recognized and protected. Sites are identified and nominated by participating nations for inclusion on the World Heritage List, which currently includes 85 properties. The 21-member nation World Heritage Committee judges the nominations against established criteria, which were published in a January 13, 1981, Federal Register notice (46 FR 3075). The country nominating a site for inclusion on the World Heritage List assumes responsibility for taking appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation, rehabilitation, and transmission to future generations of the property it nominates.

The Department of the Interior, through the National Park Service, implements its responsibilities under the World Heritage Convention in accordance with the statutory mandate of Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470a–1, a–2). On January 13, 1981, the Department announced its interpretive guidelines for implementing the World Heritage Convention in accordance with this new legislative mandate. These guidelines (46 FR 3073) will remain in effect until formal program rules are published.

In the United States, the Secretary of the Interior is responsible for implementing provisions of the World Heritage Convention, including preparation of U.S. nominations to the World Heritage List. Recommendations on the proposed nominations are made by the Federal Interagency Panel for World Heritage, which includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; and the Department of State.

Proposed United States World Heritage Nomination

The cultural property listed below has been identified as a proposed U.S. nomination to the World Heritage List. The identification of this Site as a proposed nomination indicates that a draft nomination document will be prepared for the property. This document will subsequently be evaluated by the Federal Interagency Panel for World Heritage when it convenes in November 1981, at which time a decision on whether to nominate it to the World Hertiage List will be made. A brief description of the Site and the World Heritage criteria that it appears to satisfy are provided.

Illinois

Cahokia Mounds State Historic Site

Cahokia Mounds State Historic Site, located in southwestern Illinois eight miles northeast of St. Louis, Missouri, is the site of a major prehistoric Indian settlement, and encompasses approximately 1300 acres. It contains the largest earthen mound in North America, and is recognized as the fountainhead of Mississippian culture, which flourished from 600 A.D. to 1100 A.D. As center of the Mississippian culture, Cahokia Mounds exerted considerable influence throughout the southeast, midsouth, and midwest. *Criteria*: (ii) it has exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts, or townplanning and landscaping; (iii) it bears a unique or at least exceptional testimony to a civilization which has disappeared; and (iv) it is an outstanding example of a type of structure which illustrates a significant stage in history.

Dated: July 9, 1981.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81–20071 Filed 7–14–81; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights; Daniel Boone National Forest

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Findings on Greenwood Land and Mining Company's request for a determination of valid existing rights to conduct underground coal mining operations in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky.

SUMMARY: The Greenwood Land and Mining Company is seeking a determination that its underground coal mining operations on Federal lands in the Daniel Boone National Forest are not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1227(e). Specifically, Greenwoood Land and Mining Company has requested the Director of OSM to determine that the company has "valid existing rights" under that section of the Act. The Director is giving notice of these findings determining valid existing rights and requesting public comments thereon. These findings will be subject to public comment for a period of 30 days. At the end of the public comment period, these findings will become the final decision of OSM, unless otherwise ordered by the Director.

DATE: Interested persons may submit written comments on these findings. Comments must be received on or before August 14, 1981.

ADDRESSES: Written comments should be addressed to the Director, Office of Surface Mining, U.S. Department of the Interior, Room 233, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, with one copy to the Acting Regional Director, Office of Surface Mining, Region II, U.S. Department of the Interior, 530 Gay Street, S.W., Knoxville, Tennessee 37902. Copies of the Greenwood Land and Mining Company's "Request for Determination Pursuant to Section 522(d) of the Surface Mining Control and Reclamation Act of 1977" are available for inspection in the OSM Region II, Knoxville, Tennessee, and in Room 153, South Interior Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Acting Regional Director, Region II, Office of Surface Mining, 530 Gay Street, S.W., Knoxville, Tennessee 37902, (615) 971–5100; or Carl Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343–4225.

SUPPLEMENTARY INFORMATION: Section 522 of the Surface Mining Control and Reclamation Act of 1977 prohibits "surface coal mining operations" on Federal lands within the boundaries of any national forest, subject to "valid existing rights" and another exemption not relevant here. The term "surface coal mining operations" is defined in Section 701(28) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1291(28)) and 30 CFR 700.5 and includes the surface impacts incident to underground coal mining operations. The term "valid existing rights" is defined at 30 CFR 761.5, as modified by the February 26, 1980, opinion of the District Court for the District of Columbia. In re: Permanent Surface Mining Regulation Litigation. No. 79–1114, Slip Opinion at p. 17–18.

By letter dated March 9, 1981, the Greenwood Land and Mining Company requested of the Office of Surface Mining, Region II, a determination of valid existing rights for their underground mining activities on Federal lands in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky. Greenwood Land and Mining Company's request was filed with the Regional Director in which the lands involved are located (Region II) pursuant to informal procedures previously prepared by OSM to implement 30 CFR 761.4(a)(2).

The Director has made findings that Greenwood Land and Mining Company does have valid existing rights and, subject to public comment, proposes to issue a letter-decision similar to that which appears below. This decision would mean that compatibility determinations under Section 522(e)(2) would be unnecessary in order for Greenwood to mine in areas where Greenwood has been determined to have valid existing rights. The determination of valid existing rights will also exempt those specified areas from any petition to designate Federal lands in the Daniel Boone National Forest as unsuitable for all underground coal mining. All of Section 522 concerns the designation of lands unsuitable for mining. Under Section. 522(e) and 30 CFR 761.11, those operations with valid existing rights are exempt from the Congressionally mandated prohibitions in Section 522(e); under Section 522(a)(6), and 30 CFR 762.13(e) lands where substantial financial and legal commitments were made in coal mining operations are exempt from designation by the petition process outlined in Section 522(c). The relationship between these two phases is discussed in the preamble to the permanent regulations, 44 FR 14991 (March 13, 1979). There it is made clear that valid existing rights is a greater property right than significant financial and legal commitments:

First, OSM decided that the VER phrase must be distinguished from the definition of substantial legal and financial commitments . . . in order for property owners to qualify for VER and thereby mine in the prohibited areas of Section 522(e), they must have a property interest in the mine that is even greater than the substantial legal and financial commitments needed to mine despite a designation by petition under Section 522(a). Thus, OSM believes that VER must be more than "significant investments, that have been made on the basis of a long-term coal contract, in powerplants, railroads, coal preparation, extraction, handling and storage facilities, and other capital intensive activities," as substantial legal and financial commitments is defined in Section 762.5.

Therefore, a finding of valid existing rights will also include a finding of substantial financial and legal commitments, and thereby exempt those areas with VER from further consideration for designation as unsuitable for mining. However, any finding of valid existing rights and significant financial and legal commitments will in no way affect the responsibility of Greenwood to comply with the permitting and performance standards requirements of the interim and permanent Federal lands programs, 30 CFR Part 211 and 30 CFR Part 740, respectively.

OSM is in the process of obtaining additional information in order to determine the physical extent of the valid existing rights claimed by Greenwood. OSM is considering basically two alternatives in delineating the exact extent of the VER: (1) have VER over the surface area affected by the face-up and support activities incident to the underground mining; or (2) have VER cover those areas (including surface overlying underground workings) contemplated to be affected under the operating plans submitted to the Forest Service prior to August 3, 1977.

The geographical extent of the VER should be as precisely defined as feasible. OSM considers that Greewood's valid existing rights should have the same geographical extent as the mining Greenwood contemplated and was committed to on August 3, 1977. OSM will work closely with the Forest Service and Greenwood to secure complete documentation. The degree of difficulty in determining geographical limits will be a function of the amount of information on each mine required by Forest Service operating plans during the involved period.

Because the geographical limits of VER will depend on the evidence available, OSM has decided to reserve the right to use either or both of these alternatives in defining the extent of Greenwood's VER. Again, the Office is not unmindful of the fact that as a result of limited State and Federal regulation prior to the passage of the Act, some of which was discussed above, there is a limited amount of information relevant to a precise definition of the extent of VER. While the second alternative is preferable and precise geographical limits will be determined wherever possible, there may be cases where such a determination is impossible. In those cases, the first alternative would have to be used.

Finally, pursuant to 30 CFR 761.5(b) OSM's findings include a determination of VER for haul roads serving the mines and existing as of August 3, 1977. This determination would not extend to new roads constructed after that date. The following letter-decision reflects the Director's findings. It will be forwarded by OSM to the addressee at the expiration of the 30-day public comment period unless otherwise ordered by the Director, and it will thereby become effective.

Dated: July 10, 1981.

J. Steven Griles,

Acting Director.

Mr. Rudolph L. Ennis,

Suite 2021 United American Plaza, Knoxville, Tenn.

Re: Greenwood Land and Mining Company

Dear Mr. Ennis: I have reached a final decision on your request of March 9, 1981, written on behalf of your client, Greenwood Land and Mining Company, for certain determinations pursuant to Section 522(e) of the Surface Mining Control and Reclamation Act of 1977, relating to Greenwood's underground mining activities on Federal

lands in the Daniel Boone National Forest in Pulaski and McCreary Counties, Kentucky. Our analyses and determination of the existence of valid existing rights for Greenwood's mining operations are described below:

Legal Requirements

Section 522(e) of the Act states:

After the enactment of this Act and subject to valid existing rights, no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted . . . (2) on any Federal lands within the boundaries of any national forest (proviso omitted. . . .

Further, 30 CFR 761.5(a) defines "valid existing rights: as

(a) Except for haul roads.

(1) Those property rights in existence on August 3, 1977, that were created by a legally binding conveyance, lease, deed, contract or other document which authorizes the applicant to produce coal by a surface coal mining operation; and

(2) The person proposing to conduct surface coal mining operations on such lands either

(i) Had been validly issued on or before August 3, 1977, all State and Federal permits necessary to conduct such operations on those lands, or

(ii) Can demonstrate to the regulatory authority that the coal is both needed for, and immediately adjacent to, an on-going surface coal mining operation for which all permits were obtained prior to August 3, 1977;

(b) For haul roads, valid existing rights means:

(1) A recorded right of way, recorded easement, or a permit for a coalhaul road recorded as of August 3, 1977, or

(2) Any other road in existence as of August 3, 1977 . . .

The "all permits" requirement of 30 CFR 761.5(a)(2)(i) was later modified by an opinion rendered by Judge Flannery in *In re Permanent Surface Mining Regulation Litigation*, No. 79-1114, February 26, 1980, such that ". . . a good faith attempt to obtain all permits before the August 3, 1977, cut-off date should suffice for meeting the all permits test." Slip opinion at 17–18.

Greenwood has not requested a determination under 30 CFR 761.5(a)(2)(ii). As a result, the company will qualify for valid existing rights if it possesses a valid conveyance, lease or other document (30 CFR 761.5(a)(1)) and all required permits for operation or can show a good faith attempt to secure all permits prior to August 3, 1977 (30 CFR 761.5(a)(2)(i)). For haul roads, the company will possess valid existing rights on roads which were existing, which were under permit, or which were covered by a recorded easement as of August 3, 1977 (30 CFR 761.5(b)).

Conveyance of Right to Mine

The land within the scope of Greenwood's request was once owned by William J. O'Brien, Jr. As a result of condemnation proceedings, O'Brien conveyed the involved tracts of land to the United States by two deeds dated September 20 and October 30, 1937, respectively. The mineral interests, however, were reserved to O'Brien in perpetuity. He conveyed these to Kentucky Land Shares, Inc., by deed of February 28, 1938, and Greenwood in turn received them by deed dated October 20, 1974.

The aforementioned documents conveyed to Greenwood the right to the coal under these Federal lands and they contemplated that the coal would be removed by underground methods. The deeds from O'Brien to the United States specifically provided for the mining of coal subject to the rules and regulations prescribed by the United States Department of Agriculture. The regulations stated in the deed of severance include special requirements for the conduct of underground coal mining operations. Greenwood has therefore satisfied the first element of the valid existing rights test.

All Permits Test

The next question is whether on August 3, 1977, Greenwood possessed all permits required to conduct mining operations, or had made a good faith effort to obtain such permits prior to that date.

As of August 3, 1977, three permits or authorizations were required to mine private coal on Federal lands in the Daniel Boone National Forest. First, the operator was required to have its mine plan approved by the Forest Service, United States Department of Agriculture. Second, the operator was required to have a license from the Kentucky Department of Mines and Minerals. Third, the operator was required to have a National Pollutant Discharge Elimination System (NPDES) permit.

Greenwood began submitting operating plans to the Forest Service before the 1974 conveyance from Kentucky Lands Shares, Inc., was consummated. By June of 1976, Greenwood had submitted plans to the U.S. Forest Service for all the involved operations.

In December 1975 the Forest Service approved the plan for Mine No. 1. On June 11, 1975, Kentucky's Department of Mines and Minerals issued a license to operate the mine. On June 10, 1975, Greenwood applied for a NPDES permit for this site. That permit was issued on September 23, 1977.

The No. 5 mines *viz* 5, 5a, 5b, 5c, and 5d, are in fact one mine. Each "mine" is a different face-up directed at the same seam of coal. All the openings will eventually join underground and form one large single operation. The operation has been assigned one Mine Safety and Health Administration identification number. Multiple openings were contemplated in the original mine plan which was submitted to the Forest Service in April of 1976. The plan was approved in October 1977. Mine No. 5 was licensed by Kentucky's Department of Mines and Minerals on April 5, 1976. Greenwood applied for a NPDES permit on November 1, 1976, and it was granted on September 23, 1977. Additional approvals and permits have been obtained simultaneously with each new opening subsequent to the initial entry.

A possible issue could be raised concerning the No. 5 mines. Specifically, it could be argued that each opening is a separate operation for which a separate valid existing rights determination would have to be made. If this argument is adopted, the latest openings possibly would not meet the all permits portion of the valid existing rights test, as some of the permits and licenses associated with openings 5a through 5d were applied for or obtained after the passage of the Act. However, as further discussed below, OSM believes that Greenwood is entitled to valid existing rights to the same geographical extent as the mining Greenwood contemplated and was committeed to on August 3, 1977. Furthermore, in pending litigation Greenwood challenges the Forest Service's mine plan approval requirements. *Greenwood Land and Mining Company* v. *Bob Bergland et al.*, Civil Action No. 76-62 (E.D. Ky.). This action was filed on November 16, 1976. By decision dated October 23, 1978, the district court upheld the Forest Service's right to require Greenwood to submit plans prior to commencing operations. That decision has been appealed by Greenwood. This litigation goes to the very heart of the "all permits" test. It raises the question of whether one of the "permits" is validly required. The time for the running of the all permits test is tolled by this litigation, as it would be unfair to penalize an operator for not having all permits required when the operator is in the process of making a substantial legal commitment to determine if a major part of the asserted permit requirement is valid.

An operating plan for Mine No. 6 was submitted to the Forest Service in June 1976, and the plan was approved in October 1976. A NPDES permit for this mine was applied for in October 1976, and it was issued on October 28, 1977. A license to operate Mine No. 6 was issued on June 16, 1976, by the Kentucky Department of Mines and Minerals.

In view of the foregoing, Greenwood has established that it either had all permits required to operate its No. 1, No. 5 and No. 6 mines as of August 3, 1977, or it had made a good faith effort to obtain all the required permits. The company has therefore satisfied the second element of the valid existing rights test.

Conclusion

On consideration of the information supplied to OSM by Greenwood, I conclude that the company has "valid existing rights" with respect to these three operations.

Greenwood has asked that it be determined to have valid existing rights for "later" No. 5 mines, i.e., future openings subsequent to 5d. This raises the question of the precise extent of Greenwood's valid existing rights. The findings at this time are limited to the existing openings and additional information should be sought. Specifically, Greenwood should obtain and submit to OSM copies of the operating plans Greenwood should obtain and submit to OSM copies of the operating plans Greenwood submitted to the Forest Service prior to August 3, 1977. Two alternatives for delineating the exact extent of Greenwood's valid existing rights are: (1) have valid existing rights cover only the surface area affected by the face-up and support activities incident to the underground mining; or (2) have valid existing rights cover only those areas (including surface overlying underground workings) contemplated to be affected under the operating plans submitted to the Forest Service prior to August 3, 1977. The selection of one or the other alternative will have to await results of an analysis of the additional materials. This approach conforms to that followed in the Mower Lumber Company valid existing rights determination (45 FR 61798 (1980)).

To the extent Greenwood has valid existing rights, it will not need to seek a determination of compatibility with values pursuant to Section 522(e)(2) of the Act and 30 CFR 761.12(c) with respect to these mines. Further, these mines will be exempt from any petitions or other action under Section 522 of the Act to designate Federal lands in the Daniel Boone National Forest as unsuitable for mining. Greenwood will still have to comply with the permitting and performance standards requirements of the interim and permanent Federal lands programs in 30 CFR Part 211 and 30 CFR Part 740, respectively.

Sincerely yours,

Andrew V. Bailey,

Acting Director.

[FR Doc. 81-20097 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-05-M

Bureau of Land Management

[Group 514]

California; Filing of Plat of Survey

July 2, 1981.

1. A plat of survey of the following described land accepted May 28, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on August 26, 1981.

Mount Diablo Meridian, California

T. 29 N., R. 2½ W.
Sections 6, 7, 18, 19, 30, and 31 totaling 127.91 acres
T. 28½ N., R. 3 W.
Sections 1, 2, and 3 totaling 56.78 acres
T. 29 N., R. 3 W.

2. The plats represent the dependent resurvey of the west boundary of T. 29 N., R. 2 W., and the survey of the north boundary and the subdivisional lines of T. 29 N., R. 2½ W.; the dependent resurvey of a portion of the north boundary of T. 28 N., R. 3 W., and the survey of the south, east and north boundaries, the subdivision and meander lines of T. 28½ N., R. 3 W.; and the dependent resurvey of the east boundary and a portion of the south boundary and the metes-and-bounds survey of Parcel 1, Section 34, of T. 29 N., R. 3 W.

3. The public lands listed above are open to the operation of the public land laws, subject to any valid existing rights, and the requirements of applicable law, rules and regulations.

4. The area surveyed is located in Tehama and Shasta Counties, approximately eight miles from Red Bluff, California, and is accessible by way of paved and dirt roads. The area is drained by creeks and ravines which flow into the Sacramento River. The area is low mountainous and bottom land ranging in elevation from about 300 feet to about 850 feet above sea level. Timber consists of oak and pine. Undergrowth consists of scattered chaparral.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E–2841, Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records & Data Management.

[FR Doc. 81-20010 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on August 18, 1981.

The meeting will begin at 9:30 a.m. at the Cedar City District Office, 1579 North Main, Cedar City, Utah 84720. The agenda will include a discussion on the FY 82 Annual Work Plan, a powerline right-of-way application, wilderness, current planning efforts and an update on past items.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 11:00 a.m. or file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by August 17, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Morgan S. Jensen,

District Manager.

July 6, 1981.

[FR Doc. 81-20011 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

Casper District Office; Western Powder River Basin Management Framework Plan Bighorn Coal Company's Emergency Lease Application

The Casper, Wyoming, District Office of the Bureau of Land Management (BLM) has reviewed and made a final decision regarding an amendment to the Western Powder River Basin Management Framework Plan (MFP). The decision is to further consider issuing an emergency lease in order to prevent a bypass on the following described federal coal land:

Sixth Principal Meridian, Wyoming

T. 57 N., R. 84 W.,
Section 14: SW¼NE¼ containing 40 acres
Section 23: S½NE¼ containing 80 acres
Section 24: W½W½ containing 190 acres
Section 24: W½NW¼ containing 80 acres
Total—390 acres

These tracts of federal coal are adjacent to present mining operations and should be further considered for leasing to prevent bypassing federal coal. It is not practical or economical to return and mine bypassed coal at a later time.

The public was first notified of the amendment and the prodecures in the **Federal Register** Vol. 45, No. 116, page 41079. Public participation opportunities were provided in the following ways: (1) A draft MFP and EA was distributed for public review in January 1981, with a 90-day public review and comment period. (2) A public hearing was held on April 15, 1971 in Sheridan, Wyoming.

A 30-day protest period begins from the date of this notice. During that time, any person who participated in the planning process and has an interest which may be adversely affected by the decision may protest the approval of this amendment. Once approved, the lands will be further considered for leasing accordance with Title 43 Code of Federal Regulation, Subpart 3425.

For further information, contact Don Whyde at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper Wyoming 82601, phone (307) 265–5550, ext. 5101.

Robert E. Wilber,

District Manager.

[FR Doc. 81-20025 Filed 7-14-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 26, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14656F, filed June 30, 1981. Authorization sought for purchase by Overland Motor Express, Inc. d/b/a Boulder-Denver Truck Lines, Inc., 5880 Valmont, Boulder, CO 80301 of the operating rights of Frederic A. Bethke d/b/a Bethke Truck Lines, P.O. Box 56, Gilcrest, CO 80623 and, in turn, control of those rights by Joe F. Enright and Donald F. Enright. Representatives: Lee E. Lucero, 450 Capitol Life Center, East 16th Grant St., Denver, CO 80203 for Transferee and Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80203 for Transferor. Operating rights sought to be purchased are Certificate No. MC–82944 and subs thereunder providing for the transportation of general commodities with the usual exceptions over designated routes between Denver, CO and Ft. Collins, Greeley, Pueblo and Ault, CO serving all intermediate points and the off-route points of Manitou, Kersey, and the facilities of Eastman Kodak Company near Windsor, CO. Additional transportation of general commodities with the unusual exceptions between Platteville, CO and a 10 mile radius on the one hand, and, on the other points in CO. Applicant has filed for temporary authority under section 11349. (Hearing site: Denver, CO.)

MC–F–14590F, filed June 30, 1981. Transferee: BD TRUCKING CO., P.O. Box 817, Ripon, CA 95366. Transferor: BIGGE DRAYAGE CO., P.O. Box 1657, San Leandro, CA 94577. Representative: James H. Gulseth, HAGARTY, POUGIALES, LOUGHRAN & GULSETH, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Involves a transfer of MC–43716 (Sub 13) intact. MC–43716 (Sub 13) authorizes transportation of *Ship Propellers* having a diameter of 8 feet or more and incidential parts between points in CA, on the one hand, and, on the other, points in OR and WA. No temporary application under 49 U.S.C. 11349 has been filed. Transferee is a wholly owned subsidiary of transferor holding authority acquired in No. MC–FC–77640 and operating under MC–145734.

MC–F–14651F, filed June 17, 1981. MATUSZKO TRUCKING, INC. (Matuszko) (19 Ball Lane, North Amherst, MA 01059)—PURCHASE—ARROW TRANSPORTATION CO., INC. (Arrow) (485 Prospect Street, Pawtucket, RI 02860). Representative: Donald M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Matuszko seeks authority to purchase the interstate operating rights and property of Arrow. Carl T. Matuszko and Theodore C. Matuszko equal stockholders of Matuszko, seek authority to acquire control of said rights and property through the transaction. Matuszko seeks to purchase the operating rights of Arrow issued in Docket No. MC–107558 and sub-numbers thereunder, authorizing the transportation, as a motor common carrier, of (1) *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between New York, NY, and Boston, MA, serving all intermediate points, and the off-route points of Attleboro, MA; from New York over U.S. Hwy 1 via New Haven, CT to Boston (also from New Haven over U.S. Hwy 5 to junction Alternate U.S. Hwy 5 then over Alternate U.S. Hwy 5 to junction U.S. Hwy 5, then over Hwy 5 to junction Alternate U.S. Hwy 5, then over Alternate U.S. Hwy 5 to junction U.S. Hwy 5 then over Alternate U.S. Hwy 5 to junction U.S. Hwy 5, then over U.S. Hwy 5 to Springfield, MA, and then over U.S. Hwy 20 to Boston), and return over the same route, (b) between New York, NY, and Winsted, CT, serving all intermediate points; from New York over U.S. Hwy 1 to Bridgeport, CT, then over CT Hwy 110 (formerly CT Hwy 8) to junction CT Hwy 8, near Shelton, CT, and then over CT Hwy 8 to Winsted, and return over the same route; (c) between Boston, MA, and New Bedford, MA, serving all intermediate points and the off-route points of East Freetown, MA, and those within five miles of Boston, MA; from Boston over MA Hwy 138 to Taunton, MA, and then over MA Hwy 140 to New Bedford, and return over the same route; from Boston, over MA Hwy 28 to junction U.S. Hwy 44, then over U.S. Hwy 44 to Middleboro, MA, then over MA Hwy 105 to Lakeville, MA, then over MA Hwy 18 to junction MA Hwy 140, and then over MA Hwy 140 to New Bedford, and return over the same route; (d) between Providence, RI, and Provincetown, MA, serving all intermediate points, and the off-route points of Newport, RI, those in RI within ten miles of Providence and those within Barnstable County, MA; from Providence over U.S. Hwy 6 to Provincetown, and return over the same route; from Providence over U.S. Hwy 6 to Buzzards Bay, MA, then over MA Hwy 28 to Orleans, MA, then over U.S. Hwy 6 to Provincetown, and return over the same route; (e) between Providence, RI, and junction CT Hwy 84 and U.S. Hwy 1, for operating convenience only, serving no intermediate points; from Providence over RI Hwy 3 to RI-CT State line and then over CT Hwy 84 to junction U.S. Hwy 1, and return over the same route; and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Stamford, CT, and New Brunswick, NJ, serving all intermediate points and off-route points in Morris, Passaic Bergen, Hudson, Essex, Union, Somerset, Mercer, Middlesex and Monmouth Counties, NJ, Westchester County, NY, and those in that part of CT west of a line beginning at the CT-NY State line and extending south through Stamford, CT, to Long Island Sound, including Stamford, CT, and the off-route point of Toms River, NJ; from Stamford over U.S. Hwy 1 to New Brunswick, and return over the same route; Restriction: The operations authorized under the commoditie description next-above are restricted to traffic originating at or destined to the plant site of Ciba-Geigg Corporation at Toms River, NJ; (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points within 10 miles of the State House, Boston, MA, and (b) between Providence, RI, on the one hand, and, on the other, points in RI within 15 miles of Providence, RI, (4) *cotton piece goods, and rags* from New Bedford, MA, to New York, NY, (5) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk), (a) between New York, NY, on the one hand, and, on the other, points in Nassau County, NY, (b) from New York, NY, to points in Suffolk County, NY, restricted to the furnishing of an overhead service between the indicated points and points on carrier's presently authorized routes in CT, MA, and RI; (6) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in MA (except those in Hampshire, Bershire, and Franklin Counties), (7) *meats, meat products, and meat byproducts* (except liquid commodities in bulk, in tank vehicles) as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, Boston, MA, to Florence, NJ, and (8) *toilet preparations*, from Lakewood, NJ., to Providence and East Providence, RI, restricted to the transportation of traffic moving between the plant site and storage facilities of Speidel-A Textron Company. Matuszko is authorized to operate as a contract carrier pursuant to permits issued in MC–143214 and sub-numbers thereunder.

Note.—An application for temporary authority has been filed.

[FR Doc. 81–20630 Filed 7–14–81; 8:45 am]

BILLING CODE 7035–01–M

[No. AB–1 (Sub-No. 113)F]

Chicago and North Western Transportation Company—Abandonment Between Oelwein, IA and Randolph, MN; Findings

July 10, 1981.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided July 10, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit the abandonment by The Chicago and North Western Transportation Company of a line of railroad extending from railroad milepost 354.3 near Oelwein, IA to milepost 457.2 near Dodge Center, MN, from milepost 459.0 north of Dodge Center to milepost 496.9 near Randolph, MN, and from milepost 1.2 at Hayfield, MN to milepost 5.2 at Waltham, MN, a total of 144.8 miles traversing Fayette, Bremer, Chickasaw, Howard and Mitchell Counties in Iowa, and Mower, Dodge, Goodhue, Rice and Dakota Counties in Minnesota. Abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to The Chicago and North Western Transportation Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 C.F.R. § 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–20632 Filed 7–14–81; 8:45 am]

BILLING CODE 7035–01–M

[No. 38649]

Gray Moving & Storage Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner, Gray Moving & Storage, Inc., a motor contract carrier, has requested exemption from the requirements in 49 U.S.C. 10702, 10761, and 10762 that it file with the Commission schedules of rates and charges. In lieu of filing rate schedules, petitioner would provide a copy of its contract (with rates attached) upon request. The sought relief is provisionally granted.

DATES: Comments are due within 15 days. The sought relief will become effective 30 days from the date of publication of this notice in the **Federal Register**, unless, in response to comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: An original and six copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The operation for which petitioner seeks exemption from the tariff filing requirements is the nationwide transportation of household goods, as defined by the Commission, under contract(s) with Stearns-Roger Engineering Corporation of Glendale, CO. The Commission granted this operating authority in *Gray Moving & Storage, Inc., Extension—Glendale, Co.* (not printed), served June 1, 1981.

Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant relief to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Petitioner states that the administrative and financial burden of complying with the rate filing requirements would necessitate higher rate levels than if it were allowed instead simply to incorporate rules and rates into its contract as an appendix. Petitioner offers to provide a copy of the complete contract with Stearns-Roger to interested parties upon request.

Petitioner's request is a legitimate one. With petitioner willing to make the rate information available to the limited number of persons who will be interested, we see no reason to deny the carrier and the shipper the savings to be realized from a tariff filing exemption.

This arrangement will stand approved unless we receive, within 15 days, comments showing sufficient reason why the petition should be denied, and we withdraw this exemption.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: July 8, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis and Gilliam. Commissioner Alexis did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20003 Filed 7-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 119]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Sheffer.

Agatha L. Mergenovich,
Secretary.

MC 1540 (Sub-No. 17)X, filed March 9, 1981, previously noticed in the **Federal Register** of March 24, 1981, republished as follows: Applicant: P & J FURNITURE DELIVERY, INC., RD 10, Box 468, York, PA 17404. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead certificate. This Board previously broadened the commodity descriptions, expanded one-way authority to allow for two-way operations, deleted a named facilities restriction and a service restriction, and broadened specified points with county-wide authority. Applicant also sought to broaden points in a mileage radii to points in the appropriate counties. The Board did not publish as to that part of the application, contending that the restriction removal rules did not allow for the expansion of mileage radii territory descriptions to counties. Because of a recent Commission decision allowing for the expansion of mileage radii territorial descriptions, to counties, the Board has decided to renotice the application. Notice is hereby given that applicnt seeks to substitute "points in York, Adams, Cumberland, Lancaster, Lebanon, and Dauphin Counties, PA" for York, PA and points in that part PA within 25 miles of York appearing in the lead certificate, sheets 1 and 2.

MC 3419 (Sub-13)X, filed July 1, 1981. Applicant: THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 1375 Euclid Avenue, 201 Stouffer Building, Cleveland, OH 44115. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 9, 10, 11, and 12 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) allow servce at all intermediate points between named points in OH, in the lead and Sub-No. 1 and Cincinnati, OH and Louisville, KY, in Sub-No. 11; (3) remove the facilities limitations in Sub-Nos. 10 and 11; (4) replace authority to serve off-route points in connection with specified routes with county-wide authority in connection with all of the regular routes in the above sub numbers: within 15 miles of Detroit, MI, within 10 miles of Akron, Canton, Cincinnati, Columbus, Dayton, Dover, Toledo, Youngstown, and Warren, OH and Indianapolis, IN;

within 8 miles of Elyria, OH; within 6 miles of Hamilton, OH; within 5 miles of Chillicothe, Fremont, Mansfield, Marion, Sandusky, Springfield, and Zanesville, OH; Fort Wayne and Richmond, Indiana, and Parkersburg and Wheeling, WV; within 3 miles of Marietta, Alliance, Ashland, Bowling Green, Bucyrus, East Liverpool, Findlay, Fostoria, Galion, Lancaster, Lorain, Massillon, Mt. Vernon, Piqua, Shelby, Steubenville, Troy Washington Court House, Wooster, and Middletown, OH; within 2 miles of Carrollton, Kent, Marysville, McConnellsville, Norwalk, Orrville, Ravenna, Salem, Tiffin, and Wadsworth, OH; facilities at Romeo, MI; and the intersection of Westport Road and Murphy Lane, Jefferson County, Near Louisville, KY, with points in Ashland, Athens, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Holmes, Huron, Jefferson, Knox, Licking, Lorain, Lucas, Madison, Mahoning, Medina, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Ottawa, Pickaway, Portage, Preble, Richland, Ross, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union Warren, Washington, Wayne, and Wood Counties, OH; Livingston, Macomb, Monroe, Oakland, St. Clair Washtenaw, and Wayne Counties, MI; Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, and Westmoreland Counties, PA; Boone, Campbell, Clark Jefferson, Kenton, and Madison Counties, KY; Adams, Allen, Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby, Wayne, and Wells Counties, IN; Davidson County, TN; and Brook, Hancock, Marshall, Pleasants, Wirt, and Wood Counties, WV; and (5) remove the following restrictions: (a) in the lead, "the service authorized herein shall be subject to the conditions that the carrier shall not render any transportation service (1) between Toledo, Ohio, points within 10 miles of Toledo, and points on U.S. Highway 24 intermediate to Toledo, Ohio, and Fort Wayne, IN, on the one hand, and on the other, Fort Wayne, points within five miles of Fort Wayne, or any other points in Indiana authorized to be served in common with its affiliate Motor Express, Inc. of Indiana; and (2) between Cincinnati, OH, and Indianapolis, IN through or over any combination of its authorized routes"; and (b) in Sub-No. 9, "said operations are restricted (1) against the transportation of shipment moving between Pittsburg, PA, on the one hand, and, on the other, points in OH located on and north of a line from Bridgeport, OH, over U.S. Highway 250 to junction unnumbered highway near New Pittsburg, OH, thence north over unnumbered highway to junction OH Highways 301 and 302 near Lattasburg, OH, thence over OH Highway 301 to Pennfield, OH thence over OH Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to Toledo, Ohio, and (2) to the transportation of shipments moving to, from, or through Wheeling, WV".

MC 36473 (Sub-81)X, filed June 25, 1981. Applicant: CENTRAL TRUCK LINES, INC., 3825 Henderson Blvd., P.O. Box 18464, Peninsula Station, Tampa, FL 33679. Representative: John C. Bradley, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 35, 36, 37, 38, 41, 42, 44, 45, 46, 49, 50, 51, 52, 54, 56, 57, 59, 62, 63, 64, 65, 68, 69, 71, 76, 77, 80, certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commdities (except classes A and B explosives)" in all of the above authorities except Sub-No. 46; (b) feed, pecans, groceries, frozen citrus juices, frozen citrus juice concentrates, and frozen citrus fruits to "food and related products" in the lead and Sub-No. 46; (c) paper and paper products to "pulp, paper, and related products" in Sub-No. 56; (2) authorize service to all intermediate points along described regular routes in the lead and Sub-Nos. 35, 38, 41, 44, 49, 54, 57; (3) delete joinder only restriction in Sub-No. 51, 52, 56, 59, 62, 65, and 76; (4) eliminate the restriction limiting service to pick-up only in Sub-No. 46; (5) remove restriction limiting service to transportation of shipments moving to or from points west of Marianna, FL, in its authorized intermediate point service in Sub-No. 57; (6) delete restriction limiting service to the transportation of shipments between named points in GA and OH in Sub-No. 76; (7) broaden off route points to counties: Avondale, GA with DeKalb County, GA; Kathleen, Galloway, Conway, Gay, Felicia, Carney Grove, Sand Gully, Inglis, Montverde, and Silver Springs, FL with Polk, Orange, Hernando, Citrus, Levoy, Lake, and Marion Counties, FL; Winter Haven, FL, with Polk County, FL; Atlanta, Macon, and Valdosta, GA, and five, three and two miles thereof, respectively with Fulton, Bibb and Lowndes Counties, GA; Jacksonville, FL, and five miles thereof, with Duval County, FL; Ocala, FL, and five miles thereof, with Marion County, FL, Orlando, FL, and three miles thereof, with Orange County, FL; Tampa, FL, and five miles thereof, with Hillsborough County, FL; Barnesville and Perry, GA, with Lamar and Houston Counties, GA; Plant City, Lakeland, Auburndale, and Haines City, FL, with Hillsborough, and Polk Counties, FL; Forest Park, and Morrow, GA, with Clayton County, GA; Peoria, Doctors Inlet, Camp Blanding and Kingsley Park, FL, with Clay County, FL; Miami Beach and Palm Beach with Dade and Palm Beach Counties, FL; Fruitland Park, Howey in the Hills, and Montverde, FL, with Lake County, FL; Dinsmore, FL, with Jacksonville County, FL; Rutland and Perry, GA, with Bibb and Houston Counties, GA, in the lead; Atlanta, GA, and 15 miles thereof, with Fulton County, GA, in Sub-No. 36; Merritts Island and Cocoa Beach, FL, with Brevard County, FL, in Sub-No. 37; Brooker, FL, with Bradford County, FL, in Sub-No. 42; Bunnell, FL, with Flagler County, FL, in Sub-No. 45; Forest City, FL, with Orange County, FL, in Sub-No. 46; Aries, Clyattsville, and Moody Field, GA, with Sumter and Lowndes Counties, GA, in Sub-No. 49; Angel City, FL, with Brevard County, FL, in Sub-No. 54; Bayou La Batre, Coden, and Mobile, AL, and seven miles within Mobile, with Mobile County, AL; New Orleans, LA, and seven miles thereof, with Orleans Parish, LA; Robertsdale, Lillian, Daphne, Fairhope, Silverhill, and Foley, AL, with Baldwin County, AL; Goulding, New Warrington, Fort Barrancas, and Pensacola, FL, with Escambia County, FL; Graceville and Vernon, FL with Jackson and Washington Counties, FL, in Sub-No. 57; Miami and West Palm Beach, FL, with Dade and Palm Beach Counties, FL, in Sub-No. 62; West Palm Beach, Orlando, and Edgar, FL, with Palm Beach, Orange, and Putnam Counties, FL, in Sub-No. 65; Albany, Columbus, Fort Benning, GA, with Dougherty, Muscogee Counties, GA; Akron, OH, and 25 miles thereof with Summit, Medina, Portage, Stark, and Wayne Counties, OH, in Sub-No. 76; Cuyahoga County, OH, except Cleveland with Cuyahoga County, OH; Kent, OH, and five miles thereof, with Portage County, OH; Akron, OH, and 10 miles thereof with Summit County, OH, in Sub-No. 77.

MC 41849 (Sub-46)X, filed June 30, 1981. Applicant: KEIGHTLEY BROTHERS, INC., 3675 Chouteau Avenue, St. Louis, MO 63110. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 43F certificate to (1) broaden the commodity description from coal, in bulk, in dump vehicles to "commodities in bulk"; and (2) remove

the restriction limiting service "as to KS, to traffic destined to points in KS, or originating at points in KS on and east of US Hwy 169," from its nonradial authority between points in several States.

MC 50935 (Sub-38)X, filed June 20, 1981. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Road, Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge Rd., Suite 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its lead and sub-Nos. 11F, 12F, 16F, 18F, 19F, 20F, 22F, 23F, 27F, 29F, 30F, 31F, 32F, 33F, 35F, and 36F, certificates to (1) broaden its commodity descriptions: in the lead and all of the above sub-numbers, to "food and related products", from malt beverages, soft drinks, beverage compounds malt beverages in barrels, beverages carbonated beverages, alcoholic beverages, and wine (except in buld); and in the lead and Sub-No. 35F, to "such commodities as are dealt in and used by manufacturers of containers", from empty beverage containers and cases, empty barrels, and malt beverage containers; (2) replace cities and facilities with county or city-wide authority: in the lead, Flint, MI, with Genesee and Saginaw Counties, MI; Alliance, OH, with Stark, Portage, Mahoning, and Columbiana Counties, OH; Canton, OH, with Stark, Carroll, Tuscarawas, and Summit Counties, OH; Fostoria, OH, with Seneca, Wood, and Hancock Counties, OH; Steubenville, OH, with Jefferson County, OH; and Youngstown, OH, with Mahoning and Trumbull Counties, OH; in Sub-No. 16F, facilities at Peoria, IL, with Peoria, Woodford, and Tazewell Counties, IL; Saginaw, MI, with Saginaw and Bay Counties, MI; in Sub-No. 18F, facilities at: La Crosse, WI, with La Crosse County, WI; Newport, KY, with Kenton and Campbell Counties, KY, and Hamilton County, OH; Evansville, IN, with Vanderburgh County, IN; in Sub-No. 19F, facilities in Houston County, GA, with Houston County, GA; in Sub-No. 20F, Drayton Plains, MI, with Oakland, Wayne, and Macomb Counties, MI; in Sub-No. 22F, facilities at Pontiac, MI, with Pontiac, MI; in Sub-No. 30F, Plainfield, IL, with Will County, IL; Lincoln Park and Lansing, MI, with Lincoln Park, MI and Ingham and Eaton Counties, MI; in Sub-No. 31F, facilities at or near Detroit, MI, with Detroit, MI; in Sub-No. 32F, Perrysburg, OH, with Wood and Lucas Counties, OH; in Sub-No. 33F, Newport, KY, with Kenton and Campbell Counties, KY and Hamilton County, OH; in Sub-No. 35F, Perry, GA, with Houston County, GA; and in Sub-No. 36F, Hammondsport, NY, with Steuben County, NY; (3) change one-way to radial authority between specified cities and counties in the US; and (4) remove the "via Chicago" restriction and "across Lake Michigan by ferry" and "across Lake Michigan" restrictions in the lead certificate.

MC 57667 (Sub-31)X, filed June 22, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2845 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-No. 23F certificate to (1) broaden the commodity description from (1) building materials when also construction material to "building and construction materials"; (2) building materials when also iron and steel articles as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276 to "building materials and metal products"; (3)(a) construction, telephone and powerline materials when also iron and steel articles as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, and (b) construction, telephone and powerline materials when also structural steel, pipe or commodities, the transportation of which by reason of size and weight require the use of special equipment to "construction, telephone and powerline materials, metal products, pipe and those commodities which because of their size or weight require the use of special handling or equipment"; (4) machines, other than farm, maximum 5,000 pounds each, when also commodities which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment to "machinery and those commodities which because of their size or weight require the use of special handling or equipment and commodities which do not require special handling or equipment when moving in the same shipment on the same bill of lading as commodities which because of their size or weight require the use of special handling or equipment"; (5) machines, other than farm, maximum 5,000 pounds each, when commodities which by reason of size or weight, require special handling or the use of special equipment, and commodities (except commodities in bulk, motor vehicles, motor vehicles cabs and bodies, Classes A and B explosives and boats), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment to "machinery and commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (except Classes A and B explosives), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (6) machines, other than farm, maximum 5,000 pounds each when also machinery (except in bulk), which by reason of size or weight, require special handling or the use of special equipment and machinery which does not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as machinery, which by reason of size or weight requires special handling or the use of special equipment to "machinery and commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (except Classes A and B explosives) which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading, as commodities, which by reason of size or weight requires special handling or the use of special equipment"; (7) irrigation supplies when also (A) commodities which by reason of size or weight require special handling or the use of special equipment and commodities (except Classes A and B explosives), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; or (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; or (C) pipe and pipe fittings (except iron and steel), and or (D) construction materials to "irrigation supplies, commodities which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the

use of special equipment, metal products, pipe and pipe fittings and construction materials"; (8) irrigation supplies when also (A) commodities (except commodities in bulk), which by reason of size or weight, require special handling or machinery, boilers, storage tanks and parts therefor; structural steel, and contractors outfits, and supplies requiring special equipment or rigging which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; or (B) pipe (except commodities in bulk, and iron and steel), and or (C) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) to "irrigation supplies, commodities which because of their size or weight require
the use of special handling or equipment, machinery, boilers, storage tanks and parts therefor, commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special equipment, pipe and metal products"; (9) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds when also commodities, the transportation of which because of size or weight requires the use of special equipment to "bulk and service station equipment and commodities which because of their size or weight requires the use of special handling or equipment"; (10) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, when also machinery, the transportation of which by reason of size or weight requires the use of special equipment to "bulk and service station equipment and machinery"; (11) bulk and service station equipment, when also machines, other than farms, maximum 5,000 pounds, each to "bulk and service station equipment and machinery"; (12) (1) irrigation and sprinkling systems, and (2) parts and accessories for the commodities in (1) above, when also pipe and pipe fittings (except iron and steel commodities in bulk), which are also construction materials and supplies to "machinery, metal products, pipe and pipe fittings and construction materials and supplies"; (13) (1) irrigation and sprinkling systems, and (2) parts and accessories for commodities in (1) above when also (A) pipe and pipe fittings and (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 to "machinery, metal products, pipe and pipe fittings"; (14) (1) irrigation and sprinkling systems, and (2) parts and accessories for the commodities named in (1) above when also (A) commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (except commodities in bulk, motor vehicles, motor vehicle cabs and bodies, Classes A and B explosives and boats), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment, and (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) to "machinery, metal products, commodities which by reason of size or weight, require special handling or the use of special equipment and commodities (except Classes A and B explosives), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment"; (15) oil-well castings, pipe and supplies when also construction materials (except commodities in bulk), and iron and steel articles, as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except mining and construction materials, equipment and supplies and commodities in bulk) to "Mercer commodities, construction materials and metal products"; (16) oil-well casings, pipe and supplies when also (A) commodities which by reason of size or weight, require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (B) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) to "machinery, metal products, commodities which by reason of size or weight, require special handling or the use of special equipment and commodities (except Classes A and B explosives), which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment"; (17) oil-well casings, pipe and supplies when also pipe (except commodities in bulk, and iron and steel) to "Mercer commodities and pipe"; (18) oil-well casings, pipe, and supplies when also (A) iron and steel articles as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (B) pipe and pipe fittings (except iron and steel); and (C) construction materials (except commodities in bulk) to "Mercer commodities, metal products, pipe and pipe fittings and construction materials"; (II) remove restrictions "except in bulk"from paragraphs (7), (9), (10), (12), (16), (18), (19), (20), (21) and (22); "except North Platte, Ogallala and Chappell" from paragraphs (3), (4), (5), and "other than farm, maximum 5,000 pounds each" from (6), (9) and (10); "each article to weigh a maximum of 5,000 pounds from paragraph (13), (14) and (15); "except motor vehicles, motor vehicle cabs and bodies and boats" from paragraphs (9) and (18); "except mining and construction materials, equipment and supplies" from pargaraph (19); and "except iron and steel" from (11), (12), (21) and (22).

MC 76574 (Sub-4)X, filed June 29, 1981. Applicant: ARMSTRONG TRANSFER AND STORAGE CO., INC., 3927 Winchester Rd., Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods and furniture and fixtures".

MC 119399 (Sub-149)X, filed June 25, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Keith R. McCoy (Same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 10, 20, 29, 67, 69, 90F, 94F, 99F, 110F, 120F, 124F, 129F, 137F, 138F, and 140F certificates to: (1) expand commodity descriptions as follows: (a) in Sub-No. 10 from roofing materials to "building materials" (b) in Sub-Nos. 20 and 67 from insulating materials to "building materials"; (c) in Sub-No. 29 from dry fertilizer to "chemicals and related products"; (d) in Sub-No. 94F from agricultural pesticides to "chemicals and related products"; (e) in Sub-Nos. 69 and 137F from paper and paper products to "pulp, paper and related products; (f) in Sub-No. 90F from automotive parts to "transportation equipment and machinery"; in Sub-No. 110F from plastic articles to "rubber and plastic products" in Sub-No. 120F from livestock feeders to "machinery"; in Sub-No. 124F from adhesives, metal

articles, building materials and plastic articles to "building materials, chemicals and related products, rubber and plastic products and metal products"; in Sub-No. 129F, from furniture parts to "furniture and fixtures"; in Sub-No. 138F from glass to "clay, concrete, glass or stone products"; and in Sub-No. 140F from copper rods, cathodes, bars and molybdenum concentrates to "metallic ores and metal products"; (2) remove plantsite restrictions in Sub-Nos. 29, 69, 99F, 110F, 120F, 124F and 137F; (3) authorize county-wide authority as follows: (a) in Sub-Nos. 10, 20, and 67 from Joplin, MO to Cherokee County, KS, Jasper, and Newton Counties, MO; (b) in Sub-No. 29 from Kansas City, MO to Johnson, Leavenworth, and Wyandotte Counties, KS; Cass, Clay, Jackson, and Platte Counties, MO; (c) in Sub-Nos. 69 and 110F from Muskogee, OK to Cherokee, Muskogee, and Wagoner Counties, OK; (d) in Sub-No. 94F from Los Angeles, CA to Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, CA; from Denver, CO to Adams, Arapahoe, Douglas, and Jefferson Counties, CO; from Orlando, FL to Orange and Seminole Counties, FL; from St. Joseph, MO to Doniphan County, KS; Andrew, Buchanon and Clinton Counties, MO; from Lubbock, TX to Lubbock County, TX; from North Kansas City, MO to Johnson, Leavenworth, and Wyandotte Counties, KS, Cass, Clay, Jackson, and Platte Counties, MO; (e) in Sub-Nos. 120F and 124F from Pittsburg, KS to Cherokee and Crawford Counties, KS; (f) in Sub-No. 124F from Garden Gove, CA to Los Angeles, Orange, San Bernardino, and Riveside Counties, CA; from Atlanta, GA to Clayton, Cobb, Dekalb, and Fulton Counties, GA; from Kewanee, IL to Bureau and Henry Counties, IL; from Union City, TN to Obion County, TN; (g) in Sub-No. 129F from Carthage, MO to Jasper County, MO; and (h) in Sub-No. 137F from Herty, TX to Angelina County, TX; and from Sheldon, TX to Harris County, TX; (4) eliminate miscellaneous bulk, and equipment restrictions in Sub-Nos. 10, 20, 69F, 110F, 124F, 137F and 138F; (5) eliminate the exceptions of service to AK and HI in Sub-No. 90, 120, 124, 138; (6) authorize radial service in lieu of existing one-way authority between the counties named above and numerous points throughout the U.S., in Sub-Nos. 10, 20, 29, 67, 69, 94, 99, 120, and 129; (7) remove a restriction prohibiting the transportation of traffic moving to or from points in Mexico through ports of entry in TX on the U.S.-Mexico international boundary in Sub-No. 90.

MC 120999 (Sub-2)X, filed July 1, 1981. Applicant: O. W. BROWN AND J. N. BROWN, d.b.a. BROWN BROTHERS TRUCK LINE, Des Arc, AR 72040. Representative: Joe N. Brown (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) authorize service at all intermediate points along described regular routes in AR, under the general commodity portions of its authority; and (2) delete the restriction limiting service to that of commodities consigned to or from Des Arc, AR, only and no service shall be performed between any other points, in the first portion of its general commodity authority.

MC 134035 (Sub-50)X, filed June 22, 1981. Applicant: DOUGLAS TRUCKING COMPANY, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 7, 12, 13, 19, 20, 21F, 24F, 25F, 26F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, 37F, 38F, 39F, 40F, 41F, 42F, 43F, 44F, 45F, and 47 certificates to (1) broaden its commodity descriptions: in the lead, to "clay, concrete, glass or stone products", from glass containers; in Sub-No. 3, to "clay, concrete, glass or stone products, and pulp, paper and related products", from glass containers and closures, and corrugated boxes; in Sub-No. 4, to "furniture and fixtures, rubber and plastic products, metal products, and pulp, paper and related products", from display racks, plastic and fiberglass mannequins, hangers, and clothing display carriers and bags; in Sub-No. 7, to "electrical equipment and related products", from electronic equipment, parts and supplies; in Sub-No. 12, to "building materials, metal products and machinery", from builders supplies; in Sub-No. 19, to "transportation equipment and machinery" from truck beds, truck bodies, attachments for truck beds or bodies, and winches; in Sub-Nos. 20 and 28F, to "rubber and plastic products" from plastic enclosures and lids and attachments for such enclosures, and plastic containers; in Sub-No. 25F, to "building materials, metal products and machinery" from doors, door trucks and threshold hardware; in Sub-No. 26F, to "transportation equipment and machinery" from truck and trailer parts (except tubes and windshields); in Sub-No. 29F, to "rubber and plastic products" from plastic containers; in Sub-No. 29F, to "chemicals and plastics, roving and yarn" from polyester resin, in drums and fiber glass roving and yarn; in Sub-Nos. 33F and 36F, to "machinery, metal products and chemicals" from welders, welder parts, welder systems and welding compounds and material and supplies used in manufacture and distribution thereof; in Sub-No. 34F, to "filters and machinery" from air filters, oil filters, and fuel filters; in Sub-No. 35F, to "machinery, and chemicals and related products" from vacuum cleaners, vacuum attachments, vacuum tools, vacuum parts and vacuum cleaning compounds; in Sub-No. 36F, to "rubber and plastic products, and materials, equipment and supplies used in the manufacture and distribution thereof" from plastic insulating materials and materials and supplies used in the manufacturing and distribution thereof; in Sub-No. 37F, to "metal products" from metal containers and container accessories; in Sub-No. 41F, to "clay, concrete, glass, or stone products, and materials, equipment and supplies used in the manufacture and distribution thereof" from flat glass, and materials, equipment and supplies (except in bulk) used in the manufacture and distribution thereof; in Sub-No. 42F, to "tools and machinery" from hand tools, drill presses, vises and bench grinders; in Sub-No. 43F, to "general commodities (except Classes A and B explosives)" from general commodities (with exceptions); and in Sub-No. 47, to "transportation equipment and machinery" from truck beds, truck bodies, truck and trailer parts and tool boxes; (2) remove facility restrictions in Sub-Nos. 19, 20, 21F, 28F, 30F, and 38F, and replace cities and facilities with county-wide authority: in the lead, Navarro County, TX and Shelby County, TN for Corsicana, TX and Memphis, TN; in Sub-No. 3, Navarro County, TX and Orleans Parrish, LA for Corsicana, TX and New Orleans, LA; in Sub-No. 4, Los Angeles County, CA for Los Angeles, CA; in Sub-No. 7, Los Angeles County, CA for Compton, CA; in Sub-No. 12, Los Angeles County, LA and Elkhart County, IN for City of Industry, CA and Elkhart, IN; in Sub-No. 13, Los Angeles County, CA for Los Angeles, CA; in Sub-No 19, Harris County, TX for Houston, TX; in Sub-No. 20, Dallas County, TX for facilities at Dallas, TX; in Sub-No. 21F, Dauphin County, PA for Harrisburg, PA; Dallas and Harris Counties, TX for Dallas and Houston, TX; Denver County, CO for Denver, CO; Cook County, IL for Chicago, IL; Shelby County, TN for Collierville, TN; Los Angeles, Santa Clara and San Francisco Counties, CA for Los Angeles, San Jose and San Francisco, CA; Salt Lake County, UT for Salt Lake City, UT; Multnomah County, OR for Portland, OR; and King County, WA for Seattle, WA; Northumberland

County, PA for Herdon, PA; and Los Angeles County, CA for Los Angeles, CA; in Sub-No. 24F, Rutherford County, TN for Murfreesboro, TN; Cook County, IL for Chicago, IL; Harris, Dallas and Bexar Counties, TX for Houston, Dallas and San Antonio, TX; Los Angeles, San Francisco and San Mateo Counties, CA, for Los Angeles, San Francisco and San Mateo, CA; Marion County, IN for Indianapolis, IN; King County, WA for Seattle, WA; Multnomah County, OR for Portland, OR; Los Angeles and San Francisco Counties, CA, for Los Angeles and San Francisco, CA; Maricopa and Pima Counties, AZ for Phoenix and Tucson, AZ; and Clark County, NV for Las Vegas, NV; in Sub-No. 25F, Los Angeles County, CA for City of Industry, CA; Winston County, AL for Double Springs, AL; Denver County, CO for Denver, CO; Sumpter County, GA for Americus, GA; Harvey County, KS for Newton, KS; Snyder, Bucks, and Philadelphia Counties, PA for Sellingsgrove, Cornwells Hts, and Philadelphia, PA; Elkhart County, IN for Elkhart, IN; Bexar County, TX for San Antonio, TX; and King County, WA for Seattle, WA; in Sub-No. 26F Montgomery County, AL for Montgomery, AL; Lake County, IN for East Chicago, IN; Summit, Ross and Cuyahoga Counties, OH for Akron, Frankfort and Cleveland, OH; Wayne and Muskegon Counties, MI for Detroit and Muskegon, MI; Maricopa County AZ for Tempe, AZ; Los Angeles, San Diego and Alameda Counties, CA for Los Angeles, San Diego and San Leandro, CA; Dallas and Harris Counties, TX for Dallas and Houston, TX; Fulton County, GA for Atlanta, GA; Jackson County, MO for Kansas City, MO; Multnomah County, OR for Portland, OR; and King County, WA for Seattle, WA; in Sub-No. 28F, Dallas County, TX for Dallas, TX; St. John the Baptist Parrish for Reserve, LA; Hinds County, MS for Jackson, MS; and Shelby County, TN for Collierville, TN; in Sub-No. 29F, Los Angeles County for Gardena, Hawthorne and San Gabriel, CA; in Sub-No. 30F, Maricopa County, AZ for Phoenix, AZ; San Bernadino County, CA for Redlands, CA; Walton and Greene Counties, GA for Monroe and Union Point, GA; Montgomery and Jasper Counties, IN for Crawfordsville and Rensselaer, IN; Wapello County, IA for Ottumwa, IA; Lawrence County, PA for New Castle, PA; Navarro and Medina Counties, TX for Corsicana and Hondo, TX; in Sub-No. 31F, Los Angeles County, CA for Pacoima, CA; in Sub-No. 32F, Whitfield and Rabun Counties, GA for Dalton and Rabun Gap, GA; York County, ME for Sanford, ME; Mercer County, NJ for Trenton, NJ; Lehigh and Delaware Counties, PA for Fogelsville and Marcus Hook, PA; Rockbridge County, VA for Glasgow, VA; Maricopa County, AZ for Phoenix, AZ; Los Angeles County, CA for Norwalk, CA; Clark County, NV for Las Vegas, NV; Bernalillo County, NM for Albuquerque, NM; Multnomah County, OR for Portland, OR; Dallas and Tarrant Counties, TX for Dallas and Ft. Worth, TX; and King County, WA for Seattle, WA; in Sub-No. 33F, Los Angeles County, CA for City of Industry and Santa Fe Springs, CA; in Sub-No. 34F, Los Angeles County, CA for Los Angeles, CA; Middlesex County, NJ for Edison, NJ; Cuyahoga County, OH for Cleveland, OH; Dallas and Harris Counties, TX for Dallas and Houston, TX; in Sub-No. 35F, Cuyahoga County, OH for Bedford, Chagrin Falls and Cleveland, OH; Richland County, OH for Bellville, OH; Sandusky County, OH for Fremont, OH; Union County, OH for Marysville, OH; Andrews County, TX for Andrews, TX; and Orange County, FL for Orlando, FL; in Sub-No. 36F, Howard and Tarrant Counties, TX for Big Spring and Fort Worth, TX; in Sub-No. 37F, Taylor, Tarrant and Harris Counties, TX for Abilene, Fort Worth and Houston, TX; Philadelphia County, PA for Philadelphia, PA; in Sub-No. 38F, Allegheny County, PA for Pittsburgh, PA; in Sub-No. 39F, Los Angeles County, CA for Los Angeles, CA; Fulton County, GA for Atlanta, GA; Philadelphia County, PA for Philadelphia, PA; Jasper County, IA for Colfax, IA; Ada County, ID for Boise, ID; Queens County, NY for Astoria, NY; Allegheny County, PA for Pittsburgh, PA; Pitkin County, CO for Snowmass, CO; St. Louis, MO and Jackson County, MO for St. Louis and Kansas City, MO; Montgomery County, MD for Rockville, MD; Philadelphia County, PA for Philadelphia, PA; Cuyahoga County, OH for Cleveland, OH; Orleans Parrish, LA for New Orleans, LA; Maricopa County, AZ for Phoenix, AZ; San Francisco County, CA for San Francisco, CA; and Orange County, FL for Orlando, FL; in Sub-No. 40F, Nez Perce County, ID for Lewiston, ID; and Butte County, CA for Oroville, CA; in Sub-No. 41F, Navarro County, TX for Corsicana, TX; and in Sub-No. 42F, Los Angeles County, CA for Van Nuys, CA; (3) change one-way to radial authority between the above-named counties and various specified points in the U.S., in the lead and Sub-Nos. 3, 4, 7, 12, 13, 19, 20, 21F, 25F, 26F, 28F, 29F, 31F, 32F, 35F, and 37F; and (4) eliminate: the commodities in bulk, in tank vehicles, exceptions, and those because of their size or weight require special equipment, wherever they appear; the AK and HI exceptions, in Sub-Nos. 19, 20, 30F, 36F, 38F, 40F, 41F, 42F, 44F, and 45F; and the originating at and/or destined to restriction, in Sub-Nos. 4, 7, 12, 13, and 33F.

MC 134645 (Sub-49)X, Filed June 29, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 35F Certificate to (1) broaden the commodity descriptions to (a) "food and related products" from meat, meat products, meat by-products and articles distributed by meat-packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 in part (1); (b) "textile mill products and plastic products" from materials and supplies used in the manufacture of stuffed toys in part (2); (c) "fabricated metal products" from cocks, valves and related parts in part (3a); (d) "primary metal products" from steel castings in part (3b); and (e) "non-metallic minerals" from clay in part (3c); (2) remove the except hides and commodities in bulk restrictions; (3) eliminate except AK and HI restriction; (4) remove the plantsite restrictions; (5) change its one-way to radial authority; and (6) replace cities with county-wide authority as follows: Long Prairie with Todd County, MN; Lawrence with Essex County, MA; Janesville with Rock County, WI; Chanhassen with Carver County, MN; Eden Valley with Stearns County, MN; Sartell with Benton County, MN; McMinnville with Warren County, TN; Chealis with Lewis County, WA; and Anniston with Calhoun County, AL.

MC 143453 (Sub-2)X, Filed June 19, 1981. Applicant: HORSELESS CARRIAGE CARRIERS, INC., 61 Iowa Street, Paterson, NJ 07503. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 1 certificate, which authorizes the transportation of antique automobiles and classic cars, in secondary movements, in truckaway service, between points in the U.S., to (1) broaden the commodity description to "transportation equipment, including, specifically, antique and classic cars," and (2) remove the (a) exception precluding service in AK and HI, and (b) the "in secondary movements, in truckaway service" language.

MC 144929 (Sub-7)X, Filed June 26, 1981. Applicant: B & J TRUCKING INC., Frontage Rd., Route 3, Piedmont, SC 29673. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 4F, and 5F permits to (1) broaden its commodity descriptions: in the lead and Sub-Nos. 2F and 5F, to "petroleum, natural gas and their products, textile mill products, chemcials and related products, and rubber and plastic products and materials and supplies used in the manufacture and distribution, of chemicals and related products", from textiles, adipic acid, resein plasticizers, insecticides, bleach assistant compounds, food preserving compounds, chemicals, feed supplements, rubber preservatives, accelerators, plastic granules, heat transfer agents and media, agricultural chemicals and materials and supplies used in the manufacture and distribution thereof; and in Sub-No. 4F, to "chemicals and related products, petroleum, natural gas and their products, and rubber and plastic products", from terephthalic acid, empty containers and container chassis in reverse direction, having a prior or subsequent movement by water, and plastic pellets; (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above authority; and (3) eliminate the in bulk and commodites in bulk exceptions, in all of the above authority.

MC 146743 (Sub-6)X, Filed July 2, 1981. Applicant: YAGER TRUCKING, INC., 1116 Gum Avenue, Woodland, CA 95695. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its lead and Sub-No. 4F certificates to (1) broaden the commodity descriptions from (a) beer and wine to "food and related products" in the lead; (b) canned food to "food and related products" in Sub-No. 4; (2) delete plantsite restrictions and replace cities with counties: (a) in the lead, Solano County, CA, for Fairfield, CA; Los Angeles County, CA, for Azusa and Los Angeles, CA; Santa Clara County, CA, for San Jose and Saratoga CA; Madera County, CA, for Madera, CA; (b) in Sub-No. 4, Walla Walla County, WA, for Walla Walla, WA; Umatilla County, OR, for Milton-Freewater, OR; and Maricopa County, AZ, for Phoenix, AZ; and (3) replace one-way authority with radial authority between the counties named above and points in OR, WA, AZ, and CA.

MC 147644 (Sub-10)X, filed June 26, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Ln., Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 6F, 7F, and 8 certificates to (1) broaden the commodity description (a) by removing "except in bulk" restrictions in Sub-No. 5F; (b) from wine and brandy to "food and related products", from pallett stretch-wrap machinery to "machinery", and from ceramic decanters to "clay, concrete, glass or stone products," in Sub-No. 6F; (c) from sugar, in packages, to "food and related products, in Sub-No. 7F (part 2); (2) change its one-way to radial authority in Sub-No. 6F and Sub-No. 5F; (3) eliminate the "except AK and HI" restriction in Sub-No. 5F; and (4) change cities to county-wide authority as follows: (a) Bardstown, KY to Nelson County, KY; Paducah, KY to McCracken, Graves, Marshall, and Livingston Counties, KY, and Massac and Pope Counties, IL; Columbia, SC to Richland, Lexington, and Calhoun Counties, SC; Owensboro, Frankfort, and Louisville, KY, Dundalk, MD, Boston, MA, and Lawrenceburg, IN to Daviess, Franklin, Oldham, Jefferson, and Bullitt Counties, KY, and Spencer, Clark, Floyd and Harrison Counties, IN, Anne Arundel and Baltimore Counties, MD, Essex, Middlesex, Norfolk, Suffolk, and Plymouth Counties, MA, and Dearborn County, IN, Boone County, KY, and Hamilton County, OH; and Baton Rouge, LA to East Baton Rouge, West Baton Rouge, Livingston, Ascension, and Iberville Parishes, LA in Sub-No. 5F; (b) Louisville, Bardstown, Covington, and Paducah, KY to Oldham, Jefferson, Bullitt, Nelson, Kenton, McCracken, Graves, Marshall, and Livingston Counties, KY, Clark, Harrison, and Floyd Counties, IN, and Hamilton County, OH; Louisville, KY to Oldham, Jefferson, and Bullitt Counties, KY, and Clark, Harrison, and Floyd Counties, IN; Los Angeles, CA to Los Angeles, Ventura, and Orange counties, CA; and Bardstown, KY to points in Nelson County, KY in Sub-No. 6F; (c) Atlanta and Columbus, GA, Las Vegas, NV, Cincinnati, OH, and Columbia SC to DeKalb, Clayton, Fulton, Cobb, Muscogee, Chattahoochie, Harris, Talbot, and Marion Counties, GA, Lee and Russell Counties, AL, Clark County, NV, Hamilton, Clermont and Butler, Counties, OH, Boone, Kenton, and Campbell Counties, KY, and Richland, Lexington and Calhoun Counties, SC; Grammercy, LA to St. James and St. John the Baptist Parishes, LA; and Evansville and Indianapolis, IN, Louisville, KY, and Cincinnati, OH to Vandenburgh, Warick, Posey, Marion, Hancock, Johnson, Morgan, Hendricks, Boone, Hamilton, Shelby, Clark, Harrison, and Floyd Counties, IN, Henderson, Boone, Kenton, Campbell, Oldham, Jefferson, and Bullitt Counties, KY, and Hamilton, Clermont, Butler and Warren Counties, OH in Sub-No. 7F; and (d) Kansas City and St. Louis, MO, and Cincinnati, OH to Platte, Clay, Jackson, Cass, Clinton, Buchanan, St. Louis, Jefferson, and St. Charles Counties, MO, and Johnson, Wyandotte, and Leavenworth Counties, KS, and Madison, St. Clair and Monroe Counties, IL, and Phoenix and Tuscon, AZ, Little Rock, AR, Harahan, Lafayette, and Shreveport, LA, and Amarillo, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, Odessa, and San Antonio, TX to points in Maricopa, Pinal, and Pima Counties, AZ, Pulaski, Lonoke, Saline, and Faulkner Counties, AR, Jefferson, Lafayette, Caddo, Bossier, DeSoto, St. Martin, Vermillion, Orleans, and St. Charles Parishes, LA, and Potter, Randall, San Patrico, Kleberg, Dallas, Tarrant, Collin, Denton, Rockwall, Kaufman, Ellis, Johnson, Parker, Wise, Hood, El Paso, Harris, Ft. Bend, Brazoria, Galveston, Atascosa, Medina, Comal, and Kendall Counties, TX in Sub-No. 8F.

MC 153208 (Sub-2)X, filed June 19, 1981. Applicant: WORTH TRANSPORT COMPANY, 857 Matzinger Road, Toledo, OH 43612. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead Certificate to remove all exceptions to its general commodities authority, except classes A and B explosives; and to delete the facility limitation at Toledo, OH.

[FR Doc. 81-20031 Filed 7-14-81; 8:45 am]
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[Volume No. OPY-4-VOL-249]

Permanent Authority Decisions; Decision-Notice

Decided: July 9, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher and Williams. Fisher not participating.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 146496 (Sub-9), filed June 24, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis (same address as applicant), (404) 452–1744. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

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[Volume No. OPY-4-VOL-248]

Permanent Authority Decisions; Decision-Notice

Decided: July 9, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Fisher not participating.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 138926 (Sub-2), filed June 26, 1981. Applicant: GENCOM, INC., R.R. #4, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Transporting *food and related products*, (1) between points in Saline County, MO, on the one hand, and, on the other, points in the U.S., and (2) between the facilities of Banquet Food Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146496 (Sub-7), filed June 24, 1981. Applicant: JOSEPH MOVING &

STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis (same address as applicant), (404) 452–1744. Transporting *paint and paint related products*, between points in the U.S., under continuing contract(s) with Sherwin Williams Company of Morrow, GA.

MC 146496 (Sub-6), filed June 24, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis (same address as applicant), (404) 452–1744. Transporting *general commodities* (except classes A and B explosives), Between points in the U.S., under continuing contract(s) with Handy City Division, W. R. Grace and Company, of Atlanta, GA.

MC 150906, filed July 1, 1981. Applicant: NORMAN R. ALRED, JR., Rt. 1, Box 116, Branford, FL 32008. Representative: Norman R. Alred, Jr. (same address as applicant), (904) 935–1743. Transporting *lime, gypsum, fertilizer, and sand*, between points in FL, on the one hand, and, on the other, points in GA.

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[Volume No. OPY–2–123]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 8, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication and applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members, Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 64373 (Sub-15), filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, 216–652–2789. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 64373 (Sub-18), filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 133863 (Sub-5), filed June 25, 1981. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151453 (Sub-2), filed June 18, 1981. Applicant: HERMAN O. ALBRITTON, d.b.a. HERMAN O. ALBRITTON TRUCKING, Route #2, Box 219, Butler, GA 31006. Representative: Herman O. Albritton (same as applicant) (912) 862–3859. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81–20781 Filed 7–14–81; 8:45 am]
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[Volume No. OPY–5–101]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 8, 1981.

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Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 112989 (Sub-145), filed June 18, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747–1283. Transporting *household appliances*, between Salt Lake City, UT, on the one hand, and, on the other, points in ID, NV, and WY.

MC 143959 (Sub-3), filed June 22, 1981. Applicant: ALL-PRO TRANSPORT LINES, INC., 8900 N.W. 79th Avenue, Miami, FL 33166. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138, (305) 754–5506. Transporting *general commodities* (except household goods as defined by the Commission, and Classes A and B explosives), between points in FL.

MC 144969 (Sub-36), filed June 18, 1981. Applicant: WHEATON CARTAGE COMPANY, Third & "G" Streets, Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400 Ext. 2414. Transporting *printing machinery* between the facilities of Royal Zenith Corporation and its suppliers at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145299 (Sub-1), filed June 22, 1981. Applicant: KEY LEASING, INC., 1423 Jefferson, Naperville, IL 60540. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *appliances* between points in the U.S., under continuing contract(s) with Amana Refrigeration, Inc., of Amana, IA.

MC 146148 (Sub-20), filed June 23, 1981. Applicant: B–RIGHT TRUCKING CO., 7087 W. Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products* between points in the U.S., under continuing contract(s) with Pacesetter Steel Service, Inc., of Marietta, GA.

MC 146689 (Sub-13), filed June 19, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Drive, Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *confectionery* between points in the U.S., under continuing contract(s) with Just Born, Inc., of Bethlehem, PA.

MC 147949 (Sub-6), filed June 22, 1981. Applicant: ROEDER CARTAGE COMPANY, INCORPORATED, 175 Mumaugh Rd., Lima, OH 45804. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting (1) *ores and minerals*, and (2) *chemicals and related products*, between points in IN, IL, KY, MI, NY, OH, PA, TN, VA, WV, and WI.

MC 150339 (Sub-33), filed June 19, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Campbell Soup Company of Camden, NJ.

MC 151168 (Sub-3), filed June 18, 1981. Applicant: STEPHEN W. KETCHUM d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 151798, filed June 23, 1981. Applicant: DIVERSIFIED FREIGHT HANDLERS, INC., P.O. Box 60623, Fairbanks, AK 99706. Representative: Peter Stepovich (same address as applicant), (907) 456–4774. Transporting *general commodities* (except classes A and B explosives), (a) between Fairbanks and Livengood, AK over AK Hwy 2, (b) between Fairbanks and Delta Junction, AK over AK Hwy 2, serving Ft. Greely as an off-route point, and (c) between Fairbanks and Cantwell, AK over AK Hwy 3, serving all intermediate points in (a), (b), and (c) above.

MC 153328 (Sub-9), filed June 19, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63701, (314) 335–6636. Transporting (1) *pulp, paper and related products* and (2) *printed matter*, between points in Riverside County, CA, Middlesex County, CT, Stephens County, GA, Cook, De Kalb, and Iroqnois Counties, IL, Adams County, IA, Hardin County, KY, Lenawee County, MI, Dunklin County, MO, Bergen County, NJ, Lake County, OH, Douglas County, OR, and Lamar County, TX.

MC 155688 filed June 22, 1981. Applicant: JOHN BYRUM ROUNTREE, JR., Rt. 1 Box 100, Gatesville, NC 27938. Representative: Robert C. Jenkins, P.O. Box 188, Ahoskie, NC 27910, (919) 332–4730. Transporting *lumber* between

points in Gates and Hertford Counties, NC, on the one hand, and, on the other, points in MD, VA, and DC.

MC 156578, filed June 24, 1981. Applicant: C. R. HOLDREN & SONS, INC., Route 3, Box 187, Bedford, VA 24523. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703–629–2816. Transporting (1) *fertilizer*, between points in Henrico County, VA, on the one hand, and, on the other, points in MD, NC, and WV; (2) *petroleum products and chemicals and related products*, between Baltimore, MD, on the one hand, and, on the other, points in VA; and (3) *general commodities* (except classes A and B explosives), between points in Albermarle, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Franklin, Halifax, Nelson, Pittsylvania, Prince Edward, and Roanoke Counties, VA, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, IN, KY, MD, MI, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and DC.

MC 156699, filed June 22, 1981. Applicant: GENE OWENS, d.b.a. O & B TRANSPORTATION CO., 12311 Chapman St., Suite 106, Garden Grove, CA 92640. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, 213–863–8883. Transporting (1) *lumber and wood products*, between points in OR, WA and ID, on the one hand, and, on the other, points in CA. (2) *foodstuffs*, between points in Orange County, CA on the one hand, and, on the other, points NV, WA, and OR; and (3) *furniture and fixtures*, between points in Orange County, CA on the one hand, and, on the other, points in NV, AZ, OR and VA.

[FR Doc. 81–20732 Filed 7–14–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Applications

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–136

The following applications were filed in Region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, Pa 19106.

MC 146328 (Sub-II–3TA), filed July 6, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by laboratory supply houses (except commodities in bulk)* between Allegheny County, PA, on the one hand, and, on the other, points in OH for 270 days. Supporting shipper: Fisher Scientific Co., 711 Forbes Ave., Pittsburgh, PA 15259.

MC 140302 (Sub-2–2TA), filed July 6, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Rd., Curtis Bay, MD 21225. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Sand, in bulk*, from Gore, VA, to Mountaintop, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Certainteed Corp.—Insulation Div., P.O. Box 860, Valley Forge, PA 19482.

MC 103837 (Sub-2–3TA), filed June 30, 1981. Applicant: ANTHRA-TRANS, INC., R.D. 3, Moscow, PA 18144. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Coal*, from Northumberland and Sullivan Counties, PA to points in CT, MA, ME, NH, NJ, NY, RI and VT. An underlying ETA seeks 120 days authority. Supporting shippers: United States Coal Co., P.O. Box 8782, Boston, MA 02114; Lijoma Sales, Inc., P.O. Box 1112, Torrington, CT 06790; The Reading Anthracite Coal Co., 200 Mahantongo St., Pottsville, PA 17901.

MC 150762 (Sub-II–2TA), filed July 1, 1981. Applicant: BENN & NOLT CARRIERS, INC., 1523 E. Newport St., Lititz, PA 17543. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Modular homes* from Pine Grove, PA to points in PA, NY, NJ, DE, MD, WV, VT, CT, MA, ME and NH. Supporting shipper: Apeco Corporation—Newport Homes Division, Route 443, Pine Grove, PA 17963.

MC 69695 (Sub-II–1TA), filed July 1, 1981. Applicant: RAY L. BRANDT TRUCKING CO., 460 W. Philadelphia St., York, PA 17404. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Ground limestone*, in bulk in tank vehicles, from York, PA to Falling Waters, WV for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: White Pigment Co., York, PA 17405.

MC 140889 (Sub-II–18TA), filed July 6, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. *Contract, irregular: metal and glass products* from facilities of Philips Industries, Inc. in Snyder Co., PA to facilities of Philips Industries, Inc. in Wood Co., WI, under continuing contract(s) with Philips Industries, Inc., Dayton, OH for 270 days. Shipper: Philips Industries, Inc., 4801 Springfield St., P.O. Box 943, Dayton, OH 45401.

MC 156885 (Sub-II–1TA), filed July 1, 1981. Applicant: CHARLES E. FOULKE & SONS, INC., 2215 N. Rockhill Road, Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Stone and Sand Screenings*, in bulk, in dump vehicles, from Rock Hill, Bucks County, PA to points in NJ. Supporting shipper: The General Crushed Stone Co., P.O. Box 231, Easton, PA 18042.

MC 156860 (Sub-II–1TA), filed July 6, 1981. Applicant: GREAT AMERICAN VAN & STORAGE, INC., 4807 Eisenhower Ave., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St., Wash., DC 20006. *Used household goods in containers and unaccompanied baggage*, between pts. in DC, DE, MD, NC, VA and WV, for 270 days. Supporting shippers: Coastal Cartage Co., P.O. Box 3403, Norfolk, VA 23514; Bailey Foreign Freight Forwarding, Inc., P.O. Box 998, Hyattsville, MD 20783; F. W. Myers (Atlantic) & Co., Inc., 17 Commerce St., Baltimore, MD 21206.

MC 156596 (Sub-II–1TA), filed July 6, 1981. Applicant: GUNTHER'S LEASING TRANSPORT, INC., 8350 Capel Dr., Pasadena, MD 21122. Representative: Mark Gunther (same as applicant). Contract, irregular: *Garments, both finished and raw materials and all accessories needed to finish said garmets*, between Eldersburg, MD and Jacksonville, FL, and between Eldersburg, MD and El Paso, TX, for 270 days. Under continuing contract with London Fog, Eldersburg, MD. An underlying ETA seeks 120 days authority. Supporting shipper: London Fog, Londontown, Blvd., Eldersburg, MD 21784.

MC 156508 (Sub-II–1TA), filed July 1, 1981. Applicant: MICHAEL L. McKONLY, d.b.a. McKONLY TRUCKING, 506 S. 16th St., Columbia, PA 17512. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602. Contract, irregular—(1) *Piece goods in roll form and cartons in the original piece, trim and other materials incidental to manufacturing children's clothing and children's clothing* between the facilities of Kahn Lucas Lancaster In., Columbia, PA, on the one hand, and, on the other, points in NY, VA, NC, SC, AL and GA; (2) *rough iron castings* from the facilities of U.S. Lock & Hardware Co. at Columbia and Myerstown, PA to points in CT, ME, MA, NH, NJ, NY, RI, VT, DE, DC, MD, OH, PA, VA, WV, AL, FL, GA, KY, MS, NC, SC, TN, IL, IN, MI, MN, WI, LA; (3) *used and surplus aircraft parts* from points in VA, NC, GA, AL, TX, OK, LA, AR, SC, KY, TN and FL to the facilities of William P. Strube, Inc. at Marietta, PA; and (4) *food products* between points in VT, MA, RI, ME, NH, WI, MN, OK, LA, AR, MO, IA, CT, NJ, NY, DE, DC, MD, OH, PA, VA, WV, AL, FL, GA, KY, NC, SC, TN, IL, IN, TX, MS, for the account of P. K. Ford Co. of Baltimore MD; under continuing contract(s) with Kahn Lucas Lancaster, Inc., U.S. Lock & Hardware Co., William P. Strube, Inc., and P. K. Food Co. An underlying ETA seeks 120 days authority. Supporting shippers: Kahn Lucas Lancaster, Inc., 423 Ave. H, Columbia, PA 17512; U.S. Lock & Hardware Co., 166 Bridge St., Columbia, PA 17512; William P. Strube, Inc., 629 W. Market St., Marietta, PA 17547; P. K. Food Co., 8360 Old Philadelphia Rd., Baltimore, MD 21237.

MC 107012 (Sub-II–177TA) filed July 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Such commodities as are dealt in or used by retail stores* from Boston, MA; Charlotte, NC; and Jersey City, NJ to Milwaukee, WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Milwaukee Stores Car Association, 1818 N. Commerce St., Milwaukee, WI 53212.

Note.—Common control may be involved.

MC 109446 (Sub-II–11TA), filed July 6, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Metal products and (2) materials, equipment and supplies used in the manufacture, installation and distribution of the commodities in (1) above (except commodities in bulk)* between Lorain County, OH, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: TRW, Inc., Nelson Division, 28th Street & Toledo Ave., Lorain, OH 44055.

MC 156843 (Sub-II–1TA), filed June 30, 1981. Applicant: PETERS BROTHERS, INC., 37 Penn St., Lenhartsville, PA 19534. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Meat and meat products* between Dakota City, NE and Robesonia, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Associated Grocers, Inc., Robesonia, PA 19551.

MC 150339 (Sub-2–43TA), filed July 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract: irregular: Seamless steel tubing*, from Baltimore, MD to points in TX, under continuing contract(s) with American Seamless Tubing Co., Inc., 1920 Benhill Avenue, Baltimore, MD 21228 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): American Seamless Tubing Co., Inc., 1920 Benhill Avenue, Baltimore, MD 21226.

MC 150339 (Sub-2–44TA), filed July 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract: irregular: Gray ductile, malleable iron castings, scrap metals, and various iron and steel products*, between Savannah, GA, Baltimore, MD, Elizabeth, Newark, and Camden, NJ, New York, NY, Philadelphia, PA, Newport News, Portsmouth, and Norfolk, VA, on the one hand, and on the other, points in MD, VA, NC, MI, OH, IN, SC, GA, and FL, under continuing contract(s) with TUPY American Foundry Corp., P.O. Box 4245, Lancaster, PA 17604 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): TUPY American Foundry Corp., P.O. Box 4245, Lancaster, PA 17604.

MC 150339 (Sub-2–45TA), filed July 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular; General commodities, except household goods as defined by the Commission, and classes A and B explosives*, between Newport News, VA, and points in the United States, under continuing contract(s) with Williamsburg Packaging Corp., 815 Chapman Way, Newport News, VA 23602 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Williamsburg Packaging Corp., 815 Chapman Way, Newport News, VA 23602.

MC 151707 (Sub-II–15TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). *Contract: Irregular; General commodities, except classes A and B explosives and household goods*, between points in the U.S., under continuing contract(s) with MTD Products, Inc. Supporting shipper: MTD Products, Inc., 979 S. Conwell, Willard, OH 44890.

MC 151707 (Sub-II–16TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). *Contract:* Irregular: *Electrical Equipment, materials and supplies used in the manufacture thereof* between Croswell, MI, and points in the U.S., under continuing contract(s) with Paramount Industries, Inc. Supporting shipper: Paramount Industries, Inc., P.O. Box 257, Croswell, MI 48422.

MC 151707 (Sub-II–17TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St. (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). *Contract:* Irregular: *General Commodities, except Classes A & B Explosives and Household Goods*, between points in the U.S., under continuing contract(s) with Amway Corp. Supporting shipper: Amway Corp., 7575 E. Fulton Rd., Ada, MI 49355.

MC 151707 (Sub-II-18TA), filed June 30, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., (15th Floor), Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). *Contract:* Irregular: *Cleaning and Scouring Compounds, Soaps, and Detergents* between points in the U.S. east of and including the states of MT, ID, UT, and AZ, under continuing contract(s) with The Korex Co. Supporting shipper: The Korex Co., 50000 W. Pontiac Trail, Wixom, MI 48096.

MC 153561F (Sub-II-1TA), filed July 1, 1981. Applicant: SPINNAKER, INC., Box 127, Bethel, PA 19507. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW, Washington, DC 20036. Transporting *such commodities as are dealt in or used by grocery stores and food business houses*, between points in CT, IL, NJ, NY, OH, PA, WI and St. Louis, MO, and its commercial zone, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA, RI, VA, WV, WI and DC. Supporting shippers: Nestle Enterprises, Inc., P.O.B. 132, White Plains, NY 10605; Hersey Chocolate Co., Div. of Hershey Foods Corp., 19 E. Chocolate Ave., Hershey, PA 17033.

MC 138714 (Sub-II-7TA), filed July 1, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, DC 20005. *Contract;* irregular: *building supplies, and materials and supplies used in the manufacture and distribution thereof*, between Fredericksburg, VA, and points in its commercial zone, on the one hand, and, on the other, points in and east of MS, TN, KY, IL and WI, under continuing contract(s) with General Products Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Products Co., P.O. Box 7387, Fredericksburg, VA 22401.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 531 (Sub-5-11TA), filed July 1, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Liquid Chemicals, petroleum, and petroleum products in bulk, in tank vehicles*, from Santa Fe Springs, CA to: Atlanta, GA; Henry, IL, Bedford, Toledo, and Yorkville, OH; Dallas, Houston and Texas City, TX; Deepwater and Toms River, NJ; North Tonawanda and Schenectady, NY. Supporting shipper: Ferro Corporation, Productol Chemical Division, Santa Fe Springs, CA 90670.

MC 114737 (Sub-5-2TA), filed July 1, 1981. Applicant: O & A TEX-PACK EXPRESS, INC., 1313 Avenue E, Lubbock, Texas 79401. Representative: Timothy J. Herman, Attorney at Law, 522 First Federal Plaza, Austin, Texas 78701. Common; regular. *General Commodities (Except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)*, to, from and between points on and along the following regular routes: Between Farwell, TX, and Sweetwater, TX, serving all intermediate points: From Farwell over U.S. Highway 84 to Sweetwater, and return over the same route. Between Swetwater, TX, and Dallas, TX, serving all intermediate points: From Sweetwater over U.S. Highway 80 to Dallas, and return over the same route. Between Sweetwater, TX, and Roswell, NM, serving all intermediate points: From Sweetwater over Texas Highway 70 to junction U.S. Highway 277, thence over U.S. Highway 277 to San Angelo, TX, thence over U.S. Highway 67 to Barnhart, TX, thence over Texas Highway 163 to Ozona, TX, thence over U.S. Highway 290 to junction U.S. Highway 80 (also from Ozona, TX, over U.S. Highway 290 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction U.S. Highway 80 at Pecos, TX), thence over U.S. Highway 80 to El Paso, TX, thence over U.S. Highway 80 to Las Cruces, NM, thence over U.S. Highways 70 and 62 to Alamogordo, NM, thence over U.S. Highway 70 to Roswell, and return over the same routes. Between Roswell, NM, and Pecos, TX, serving all intermediate points: From Roswell over U.S. Highway 285 to Pecos, and return over the same route. Between Roswell, NM, and Farwell, TX, serving all intermediate points: From Roswell over U.S. Highway 70 to Farwell, and return over the same route. Between Pecos, TX, and Sweetwater, TX, serving all intermediate points: From Pecos over U.S. Highway 80 to Sweetwater, and return over the same route. Between Lubbock, TX, and junction U.S. Highways 87 and 290 to Fort Stockton, TX, serving all intermediate points: From Lubbock over U.S. Highway 87, to Lamesa, TX, thence over Texas Highway 349 to Rankin, TX, thence over U.S. Highway 67 to junction U.S. Highway 290, and return over the same route. Between El Paso, TX, and Carlsbad, NM, serving all intermediate points: From El Paso over U.S. Highways 62 and 180 to Carlsbad, and return over the same route. Between Roswell, NM, and Lubbock, TX, serving all intermediate points: From Roswell over U.S. Highway 380 to junction New Mexico Highway 125, thence over New Mexico Highway 125 to the New Mexico-Texas State lines, thence over Texas Highway 125 to junction Texas Highway 116, thence over Texas Highway 116 to Lubbock, and return over the same route. From Roswell over U.S. Highway 380 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction New Mexico Highway 83 to the New Mexico-Texas State line, thence over Texas Highway 83 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lubbock, and return over the same route. Service authorized above as of off-route points (a) points in that part of Texas bounded by a line beginning at Farwell, TX, and extending over U.S Highway 84 to Sweetwater, TX, thence over U.S. Highway 70 to junction U.S. Highway 277, thence over U.S. Highway 277 to Sonora, TX, thence over U.S. Highway 290 to junction U.S. Highway 80, thence over U.S. Highway 80 to the Texas-New Mexico State line, (b) points in Curry, DeBaca, Roosevelt, Lincoln, Chaves, Dona Ana, Otero, Eddy, and Lea Counties, NM. Restricted to the transportation of packages or articles each weighing not more than 100 pounds. Supporting shipper: Twenty-Seven.

MC 125000 (Sub-5-1TA), filed May 30, 1981. Applicant: CHARLES D. BALDWIN d.b.a. BALDWIN TRUCKING, 7702 Broadway, Amarillo, TX 79108. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. *Pipe, metal products and machinery*, between points in CO, KS, MT, ND, NM, OK, TX, UT and WY. Supporting shippers: Public Steel, Inc., Box 2444, Amarillo, TX 79105; Panhandle Pipe and Steel, FM 1551, Borger, TX 79997; Big M Pipe & Steel Company, 1701 N.E. Third Street, Amarillo, TX 79106; Smith Equipment, Rt. 2, Box 10C, Marlow, OK 73055; Santa Fe Energy, Inc., Amarillo, TX.

MC 139629 (Sub-5-1TA), filed July 1, 1981. Applicant: BOOTH REFRIGERATED LINES, INC., 1306 16th Avenue, Central City, NE 68826. Representative: Mr. James F. Crosby, James F. Crosby & Associates, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. *Food and related products*, between the facilities of Prime Meat Processors, Inc. of Omaha, NE, on the one hand, and, on the other, pts in AL, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NC, OH, OK, PA, SC, TN, TX, and VA. Supporting shipper: Prime Meat Processors, Inc., 5146 North 90th Street, Omaha, NE 68134.

MC 147348 (Sub-5-5TA), filed July 1, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in by wholesale, retail and variety discount stores (except in bulk)*, from the facilities of Colgate-Palmolive Company, at Kansas City, KS, to all points in AR.

MC 147348 (Sub-5-6TA), filed July 1, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in by wholesale, retail and variety discount stores (except in bulk)*, from the facilities of J. Weingarten Company, at Houston, TX, to the facilities of J. Weingarten Company, at points in AR.

MC 154488 (Sub-5-4TA), filed July 1, 1981. Applicant: JOE T. LASLEY d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr. (same as above). Contract; Irregular, *Lumber* from points in AR on the one hand to points in TX on the other hand under continuing contract with Cox Lumber Company, Hot Springs, AR. Supporting shipper: Cox Lumber Company, P.O. Box 1219, Hot Springs, AR 71901.

MC 154488 (Sub-5-5TA), filed July 1, 1981. Applicant: JOE T. LASLEY, d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr. (same as above); Contract; Irregular, *Steel having prior water or rail movement* from Memphis, TN on the one hand to the facilities of American Transportation Corporation, Conway, AR on the other hand under continuing contract with American Transportation Corporation. Supporting shipper: American Transportation Corporation, Highway 65 South, Conway, AR 72032.

MC 154728 (Sub-5-2TA), filed July 1, 1981. Applicant: HARVEY G. ALLEN d.b.a. ALLEN TRUCKING COMPANY, 11603 Kerry Lane, Mabelvale, AR 72103. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Utility poles and pole line hardware* between points in MS, LA, OK, AR, and MO, on the one hand and, on the other, points and places in the states of LA, AR, TX, OK, KS, IA and MO (restricted to movements originating at or destined to the facilities of Arkansas Electric Cooperatives, Inc., and its customers). Supporting shipper: Arkansas Electric Cooperatives, Inc., 8000 Scott Hamilton Drive, Little Rock, AR 72209.

MC 111740 (Sub-5-2TA), filed July 2, 1981. Applicant: OIL TRANSPORT COMPANY, P.O. Drawer 2679, Abilene, TX 79604. Representative: Jerry Matthews (same as above). *Petroleum products in bulk in tank vehicles* from Ector, Midland, Howard, and Lubbock Counties, TX to points in NM. Supporting shippers: Exxon Co., USA, 800 Bell St., Houston, TX; Gulf Oil Co., P.O. Box 2140, Houston, TX.

MC 120114 (Sub-5-1TA), filed July 2, 1981. Applicant: COLDIRON LINES, INC., 5325 South Madera, Oklahoma City, OK 73129. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Clay ground (drilling mud)* from Big Horn County, WY to points in OK. Supporting shipper: NL Baroid, NL Industries, Box 1675, Houston, TX 77001.

MC 142672 (Sub-5-28TA), filed July 2, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Bananas*-From Gulfport, MS and Charleston, SC-To points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA and WV. Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645.

MC 146782 (Sub-5-1TA), filed July 2, 1981. Applicant: OASIS LINES, INC., 805 North Cage St., Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Food and related products*, between points in the U.S. Supporting Shippers: Export Traders, Inc., 8800 NW 112th St., Kansas City, MO 64153; Ohio Pure Foods, Inc., 661 Waterloo, Akron, OH 44314; and Frozen Foods, Inc., P.O. Box 31, Rocky Ford, CO 81067.

MC 155417 (Sub-5-2TA), filed July 2, 1981. Applicant: BUR-COLD EXPRESS, INC., P.O. Box 3192, Brownsville, TX 78520. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Food or kindred products*, between points in Cameron and Hidalgo Counties, TX on the one hand, and, on the other, points in the Chicago, IL commercial zone. Supporting shipper: Booth Fisheries Corp., Brownsville, TX.

MC 156840 (Sub-5-1TA), filed July 2, 1981. Applicant: JAMES E. STRICKLIN d.b.a. STRICKLIN TRUCKING COMPANY, 108 College, Arcadia, MO 63621. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Building materials*, between points in AR, IL, LA, MS, MO and TX. Supporting shipper: Georgia Pacific Corporation; Hazelwood, MO.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20737 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC 142 (Sub-1)]

Removal of Restrictions From Authorities of Motor Carriers of Property, Correction

AGENCY: Interstate Commerce Commission.

ACTION: Reappointment of Employee Board Members—Correction.

SUMMARY: On January 15, 1981(46 FR 3532), the ICC published notice of establishment of a special Restriction Removal Employee Board.

On June 11, 1981 (46 FR 32352), June 22, 1981 the ICC voted to reappoint the following employees to serve as members of the Restriction Removal Board for terms of six months each: Howell I. Sporn, Chairman, Jane Alspaugh, and Mark S. Shaffer.

The name of Board member Jane Alspaugh has been changed to Jane Alspaugh Ewing because of her marriage on June 7, 1981 to Richard T. Ewing, Jr. Effective with this publication, all decisions will be issued the names of Sporn, Ewing and Shaffer.

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office, (202) 275-7440, or Edward E. Guthrie, (202) 275-7891.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20754 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29254F]

Somerset Railroad Corporation; Construction and Operation of a Line of Railroad in Niagara County, NY

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of meeting to advise public of progress to date on supplement to the environmental impact statement

(EIS) being prepared in the above-entitled proceeding.

SUMMARY: The ICC's Energy and Environment Branch is, with the assistance of an independent third party consultant, Tera Corporation, engaged in preparing a supplement to the final EIS previously issued by the Commission in connection with Somerset Railroad Corporation's application to construct and operate a line of railroad in Niagara County, NY. Interested members of the public will be briefed by staff from ICC and Tera Corporation on the progress which has been made to date toward completion of this supplement. After this presentation there will be an opportunity for the public to comment on the scope and content of the supplement.

DATE: July 30, 1981 at 7:30 p.m.

ADDRESS: Niagara County Community College, Intersection of State Highways 31 and 429, Cambria, NY.

FOR FURTHER INFORMATION CONTACT: Phillis Johnson-Ball, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, Washington, DC 20423; Tel. (202) 275-7916.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20753 Filed 7-14-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-203-11]

Bolts, Nuts, and Large Screws of Iron or Steel; Investigation and Hearing

AGENCY: International Trade Commission.

ACTION: Upon its own motion and on the basis of a petition filed on June 30, 1981, on behalf of the United States Fastener Manufacturing Group, the United Steel Workers of America, the International Association of Machinists and Aerospace Workers, the United Automobile, Aerospace and Agricultural Implement Workers of America, and the Industrial Union Department of the AFL-CIO, the Commission on July 9, 1981, instituted investigation No. TA-203-11 under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (l)(3)) for the purpose of gathering information in order that it might advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of import relief presently in effect with respect to lag screws or bolts, bolts (except mine-roof bolts) and bolts and their nuts imported in the same shipment, nuts, and screws having shanks or threads over 0.24 inch in diameter, all the foregoing of iron or steel, provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States (TSUS). Relief in the form of temporary duty increases described in items 923.50, 923.51, 923.52, and 923.53 of the Appendix to the TSUS is provided for in Presidential Proclamation 4632 (issued January 4, 1979, 44 FR 1697). Import relief presently in effect with respect to such merchandise is scheduled to terminate at the close of business on January 5, 1982, unless extended by the President.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: David Coombs, Investigator, telephone 202-523-1376, U.S. International Trade Commission, Room 344, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: *Public hearing ordered.* A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t., on Thursday, September 10, 1981, in the Hearing Room U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington no later than the close of business on Friday, August 21, 1981.

Prehearing procedure. To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business on Wednesday, September 2, 1981. Copies of prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with § 201.12(d) of the Commission's rules of practice and procedure (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs.

A prehearing conference will be held on Tuesday, August 25, 1981, at 10:00 a.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined above.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Issued: July 10, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-20877 Filed 7-14-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-89]

Certain Apparatus for the Continuous Production of Copper Rod; Approval of Settlement Agreements

ACTION: Approval of settlement agreements.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved the settlement agreements entered into by Southwire Company and Fried. Krupp GmbH and Krupp International, Inc. on April 10, 1981.

SUPPLEMENTARY INFORMATION: As a result of a complaint filed by Southwire Company on July 29, 1980, and amended on August 1, 1980, and August 5, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) the Commission instituted an investigation to determine whether section 337 is being violated by reason of infringement of U.S. Letters Patent 4,129,170. A notice of investigation was published in the **Federal Register** on August 13, 1980 (45 FR 53923).

On April 21, 1981, Krupp G.m.b.H., Krupp International Inc., Southwire Co., and the Commission investigative attorney filed a joint motion for an order approving the settlement agreements entered into by Southwire and Krupp on April 10, 1981. The Commission sought comments on the proposed settlement agreements through notice published in the **Federal Register** on May 15, 1981 (46 FR 26943). No comments were received in response to that notice. On July 2, 1981, the Commission approved the settlement agreements.

Copies of the Commission's Action and Order and all non-confidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0359.

Issued: July 6, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-20874 Filed 7-14-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-105]

Certain Coin-Operated Audiovisual Games and Components Thereof (viz Rally-X and PAC Man); Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge John J. Mathias as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: July 9, 1981.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 81-20876 Filed 7-14-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-64]

Certain High-Voltage Circuit Interrupters and Components Thereof

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

AUTHORITY: 19 U.S.C. 1337; 19 CFR 210.51

SUPPLEMENTARY INFORMATION: On April 22, 1981, Westinghouse Electric Corp. (Westinghouse), complainant in this investigation, filed a motion to terminate the investigation. The investigation has been suspended since October 4, 1979, pending the outcome of a reissue proceeding in the Patent and Trademark Office (PTO) involving U.S. Letters Patent 3,291,947 (the '947 patent), the patent which is the subject of the investigation. The reissue application was rejected by the PTO because it found the claims of the patent invalid after examining newly discovered prior art. That decision was affirmed by the U.S. Court of Customs and Patent Appeals.

Westinghouse now intends to file a continuation application of the rejected reissue application. Westinghouse filed the motion to terminate because the '947 patent is scheduled to expire on December 13, 1983. Westinghouse claims that so much of the time remaining before the expiration of the '947 patent will be taken by the continuation application process and completion of the Commission investigation that any relief granted by the Commission will be rendered ineffective.

The parties responding to Westinghouse's motion to terminate have indicated agreement with termination of the investigation with prejudice, as has Westinghouse. Since the investigation has been suspended since October 4, 1979, this motion was not considered by the administrative law judge and, therefore, no recommended determination has been filed.

On July 6, 1981, the Commission voted to terminate investigation No. 337-TA-64 with prejudice. Termination of the investigation was based on the motion of the complainant and concurrence of other parties to the investigation.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission order. Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56)

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 telephone 202-523-1641.

Issued: July 7, 1981.

By order of the Commission.

Kenneth R. Mason
Secretary.

[FR Doc. 81-20873 Filed 7-14-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-107]

Certain Ultrafiltration Membrane Systems and Components Thereof, Including Ultrafiltration Membranes; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 19, 1981, and was amended on June 10, 1981, and July 1, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Amicon Corporation at 25 Hartwell Avenue, Lexington, Mass. 02173, Romicon, Inc. and Comex, Inc., both at 100 Cummings Park, Woburn, Mass. 01801. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain ultrafiltration membrane systems and components thereof, including ultrafiltration membranes, into the United States, or in their sale, by reason of the alleged infringement by said ultrafiltration membranes of claims 1, 2, 3, 5, and 6 of U.S. Letters Patent 3,615,024, and by reason of the alleged contributory and induced infringement by said ultrafiltration membrane systems and components thereof, including ultrafiltration membranes, of claims 1, 2, 3, 5, 6, 7, and 8 of U.S. Letters Patent 3,526,588, and all of the claims of U.S. Letters Patent 3,541,005. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry efficiently and economically operated in the United States.

The complainants request that, during the pendency of the investigation, the Commission issue both a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and a temporary cease and desist order, and, after a full investigation, issue both an exclusion order, prohibiting importation of said articles into the United States for the lives of the patents in issue, and a cease and desist order.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 2, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe that there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain ultrafiltration membranes systems and components thereof,

including ultrafiltration membranes, into the United States, or in their sale, by reason fo the alleged infringement by said ultrafiltration membranes of claims 1, 2, 3, 5, or 6 of U.S. Letters Patent 3,615,024, or by reason of the alleged contributory and induced infringement by said ultrafiltration membranes systems and components thereof, including ultrafiltration membranes, of claims 1, 2, 3, 5, 6, 7, or 8 of U.S. Letters Patent 3,526,588, or any one or all of the claims of U.S. Letters Patent 3,541,005, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) for the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Romicon, Inc., 100 Cummings Park, Woburn, Mass. 01801
Comex, Inc., 100 Cummings Part, Woburn, Mass. 01801
Amicon corp., 25 Hartwell Avenue, Lexington, Mass. 02173

(b) the respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Aktieselskabet De Danske Sukkerfabrikker (DDS), Postboks 119, DK–4900 Nakskov, Denmark
Niro Atomizer, Inc., 9165 Rumsey Rd., Columbia, Md. 21045
General Dairy Equipment, 434 Stinson Boulevard, Minneapolis, Minn. 55413

(c) Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Robert S. Budoff, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0113.

Issued: July 6, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81–20675 Filed 7–14–81; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 337–TA–94]

Certain Wet Motor Circulating Pumps and Components Thereof; Grant of Leave To Review Orders No. 13 and 15 and of Affirmance of Orders No. 13 and 15

AGENCY: International Trade Commission.

ACTION: Grant of application for review of Orders No. 13 andf 15 and affirmance of Orders No. 13 and 15.

SUMMARY: Notice is hereby given that on the basis of an application for review of Orders No. 13 and 15 filed by parties respondent Grundfos A.S. and Grundfos Pumps Corp. (Motion 94–22), the Commission has granted the application for review and affirmed the presiding officer's denial of Motion No. 94–9 but for reasons different than those given in Orders No. 13 and 15.

AUTHORITY: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.60(b) (19 CFR 210.60(b)) of the Commission's *Rules of Practice and Procedure.*

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Taco, Inc., the Commission instituted investigation No. 337–TA–94 on December 31, 1980, to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of importation into and sale in the United States of certain wet motor circulating pumps and components thereof. Complainant Taco alleges that the accused wet motor circulating pumps infringe claims 1, 2, 3, 6, 8, 15, 19, and 20 of U.S. Letters Patent 3,264,653 and that respondents have misappropriated Taco's trade secrets. Notice of the Commission's investigation was published in the **Federal Register** on December 31, 1980, 45 FR 86564.

Respondents Grundfos A.S. and Grundfos Pumps Corp. moved on April 17, 1981, for a protective order to limit discovery on individuals who are directors, officers or employees of respondent companies to knowledge they have gained or possess as directors, officers or employees of the named respondent companies and not from any other company which they might serve. The presiding officer denied the motion (Orders No. 13 and 15), but granted respondent's leave to file an interlocutory appeal with the Commission.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1693.

Issued: July 8, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81–20672 Filed 7–14–81; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 104–TAA–4]

Steel Units for Electrical Transmission Towers From Italy

AGENCY: International Trade Commission,

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On April 21, 1967, the U.S. Department of the Treasury (Treasury) published in the **Federal Register** (32 FR 6274) a notice of final countervailing duty determination and suspension of liquidation of duties stating that it had determined that exports from Italy of galvanized fabricated structural steel units for the erection of electrical transmission towers benefited from bounties or grants within the meaning of section 303 of the Tariff Act of 1930. Accordingly, imports into the United States of such merchandise from Italy were subject to countervailing duties.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the U.S. Department of Commerce (Commerce). On May 13, 1980, Commerce published a notice in the **Federal Register** (44 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

On March 27, 1980, the U.S. International Trade Commission received a request from counsel for Societa Anonima Electtrificazione S.p.A, Milano, Italy, for an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 with respect to steel units for electrical transmission towers from Italy. A request for such an investigation was also received from the Delegation of the Commission of the European Communities on March 28, 1980. In accordance with section 104(b)(3) of the Act, the Commission notified the Department of Commerce of its receipt of a request for an investigation.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has conducted its first annual administrative review of the countervailing duty order on U.S. imports from Italy of galvanized fabricated structural steel units for the erection of electrical transmission towers. As a result, Commerce, in the **Federal Register** of April 28, 1981 (46 FR 23782), preliminarily determined that the net subsidy conferred on such merchandise is 18 lire per kilogram. On the basis of that determination, the United States International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act of 1979, is instituting an investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports from Italy of the merchandise covered by the countervailing duty order if the order were to be revoked. Galvanized fabricated structural steel units for the erection of electrical transmission towers are currently provided for under Tariff Schedules of the United States (TSUS) items 653.00, if imported complete or substantially complete; 652.94, if made up into a series of sections; or other items including but not necessarily limited to 609.84, 646.54, 646.65, 646.70, 646.72, 657.25 and 923.51, if imported as individual pieces.

Commerce reported that it would issue a final determination in this case after analysis of issues received in written comments or at a hearing. However, no hearing was requested and no written comments had been received by the deadline for their submission to Commerce, May 28, 1981. Commerce's final determination as to the most current level of subsidies will be made as soon as possible.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Quay Williams, Office of Industries, (202–523–0341), Howard Gooley, Office of Economics, (202–523–1175), or Robert Eninger, Office of Investigations, (202–523–0312).

SUPPLEMENTARY INFORMATION:

Public hearing. The Commission will hold a public hearing in connection with this investigation on October 7, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) on October 2, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on September 30, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before September 30, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules of practice and procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analysis, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

Written submissions. Any person may submit to the Commission on or before September 30, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8 (1980). All written submissions, except confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data". Confidential submissions must conform with the requirements of § 201.6 of the rules of practice and procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules of practice and procedure (19 CFR 207.20, 44 FR 76458).

Issued: July 10, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81–20678 Filed 7–14–81; 8:45 am]
BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

AAG/A Order No. 71–81]

Privacy Act of 1974; Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to modify a system of records (Civil Division Case File System, Justice/CIV–001) maintained by the Civil Division.

The Civil Division Case File System is a system of records for which public notice was published in Volume 45, Number 213 of the **Federal Register** on October 31, 1980, consistent with provisions of 5 U.S.C. 552a(e)(4). However, the system will be amended to include records on employee time devoted to the litigation of cases and to other work activities. The following sections of the notice have been revised to reflect this change: "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system * * *," "Retrievability," "Safeguards," "Retention and disposal," and "Record source categories." The system will be further amended to include the storage of selected data, extracted from each case file, on magnetic tapes. The "Categories of records in the system" and "Storage" sections of the notice have been revised to reflect this change.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period

in which to comment, and the Office of Management and Budget (OMB), which has oversight responsibility under the act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before September 14, 1981, the system will be implemented without further notice in the **Federal Register**. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: July 1, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

Justice/CIV-001

SYSTEM NAME:

Civil Division Case File System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any and all parties involved in the cases handled by the Civil Division will have identifying data contained in this system. Any employees of the Civil Division, Department of Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The main record of the system is the official case file which is retained on each case under the jurisdiction of the Civil Division except for those cases for which files are maintained in the Civil Division Case File System: Field Office, Customs Litigation, Commerical Litigation Branch and the Office of Alien Property File System, and constitutes the official record of the Department of Justice. All record material relating to a case is retained in the file. Each case is assigned a number comprised of the category designation for the subject matter, the code number for the judicial district where the action originated, and the number of cases of that category which have arisen in that district.

(2) Alphabetical and numerical indices are utilized as a means of access to the proper file by the cross-referencing of the names of all parties to a suit with the file number. Forms CV-54 and carbon-interleaf index cards are used in these indices.

(3) An automated record of selected data which has been extracted from each case file is maintained on magnetic diskettes and magnetic tapes in order to follow the progress of all Division cases and to obtain statistical data for monthly and fiscal reports.

(4) An automated record, maintained on magnetic diskettes and tapes, contains the names of employees and the allocation of their time according to the kind of work activity and the case on which the work was performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 CFR 0.77 (f) and 28 U.S.C. 552 and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the F.B.I. and the United States Attorneys' Offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an apporpriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60.

Any record pertaining to the allocation of employee time to specific cases or other work activities may be used by responsible Civil Division employees as a basis (1) for preparing budget estimates, requests, and justifications; (2) for determining the effective allocation of staff and other resources; (3) for an automated record of the status of individual cases; and (4) for evaluating employee performance.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) The case files utilize standard file jackets and are retained in electronic, rotary power files; or in standard file cabinets. (2) The alphabetical and numerical index cards are retained in standard file cabinets. (3) Automated records are maintained on magnetic diskettes and magnetic tapes. (4) Automated records on employee time use are maintained on magnetic diskettes and magnetic tapes.

RETRIEVABILITY:

The files must be retrieved by file number. The file number can be ascertained from the alphabetical index if the name of any party to the suit is known. Automated case records can be retrieved by Department of Justice case number, plaintiffs name, defendant's name, or Civil division attorney's name. Automated employee time-use records are retrievable by employee name, Department of Justice case number, case caption, type of case, and kind of work activity.

SAFEGUARDS:

Information contained in the system is unclassified. However, only attorneys who have their names recorded in the File Unit can be issued a case file. Minimal information about a case is provided from the various indices to telephone callers, since there is a problem with indentifying the identity of a caller. If a party desires detailed information, he is referred directly to the attorney of record.

Automated employee time-use records are safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized informtion. Access to employee time-use records is limited to Civil division employees needing access to those records to perform their official duties. Individual employees have access to their personal records through regular reports or through requests.

RETENTION AND DISPOSAL:

When a case file is closed by the responsible attorney, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged. Automated employee time-use records constitute a cumulative resource file for which there are no plans to delete records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for information concerning the cases of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request." The request should include the file number and/or the names of any litigants known to the requestor. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above. Requests may also be made by telephone. In such cases the caller will be referred to the attorney of record. The attorney, in turn, may require an official written request.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state, what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put onto docket and index cards. Information on employee time use in obtained through time records submitted by Civil Division employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-20018 Filed 7-14-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, July 31, 1981 from 9:30 a.m.–5:00 p.m., Saturday, August 1, 1981 from 9:00 a.m.–5:00 p.m. and on Sunday, August 2, 1981 from 9:00 a.m.–1:00 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on Friday, July 31 from 9:30 a.m.–5:00 p.m. and on Saturday, August 1, 1981 from 9:00 a.m.–12:45 p.m. Topics for discussion will include Program Review/Guidelines for the State Arts Agencies, Dance, Composers, Theater and Museum Programs and policy committee reports.

The remaining sessions of this meeting on Saturday, August 1, 1981 from 12:45 p.m.–5:00 p.m. and on Sunday, August 2, 1981 from 9:00 a.m.–1:00 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

July 10, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-20044 Filed 7-14-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

All Recipients of Federal Assistance From Paralyzed Veterans of America, et al. v. William French Smith, et al.

In the case of *Paralyzed Veterans of America, et al. v. William French Smith, et al.*, United States District Court, Central District of California, No. 79–1979 WPG, the Honorable William P. Gray ordered the National Science Foundation to notify all recipients of federal financial assistance from the National Science Foundation that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. section 794), even though the National Science Foundation has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the National Science Foundation may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Charles H. Herz,

General Counsel.

[FR Doc. 81-20063 Filed 7-14-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Shoreham Nuclear Power Station Unit 1; Postponement

The ACRS Subcommittee on Shoreham Nuclear Power Station Unit 1 scheduled for July 21, 1981 has been postponed indefinitely. Notice of this meeting was published July 8 (46 FR 35398).

Dated: July 9, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20744 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

The Cleveland Electric Illuminating Co.; Receipt of Antitrust Information

The Cleveland Electric Illuminating Company on behalf of itself and as agent for the four other owners of the Perry Nuclear Power Plant, Units 1 and 2, submitted antitrust information in connection with the owners' plans to operate two boiling water reactors in Lake County, Ohio. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice. The results of any reevaluations that are requested will also be published in the Federal Register and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 21, 1981.

Dated at Bethesda, Maryland, this 9th day of July 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20745 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-39, and Amendment No. 64 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illionis. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications by removing the rod bow penalty from the equation used to calculate the radial peaking factor limit, $F^N \simeq_H$.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1981, as supplemented by letter dated June 5, 1981, (2) Amendment Nos. 67 and 64 to License Nos. NPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2800 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-20746 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), pursuant to the Initial Decision dated April 18, 1979, and the Supplemental Initial Decision dated May 26, 1981, respectively, of the Atomic Safety and Licensing Board, and pursuant to Commission Order dated June 29, 1981, has issued Amendment No. 2 to Facility Operating License No. NPF-9 to the Duke Power Company for its McGuire Nuclear Station, Unit 1. The license amendment authorizes operation of the McGuire Nuclear Station, Unit No. 1 at reactor core power levels not in excess of 3411 megawatts thermal (100% of rated power) in accordance with the provisions of the license, as amended, and the Technical Specifications and the Environmental Protection Plan. The McGuire Nuclear Station, Unit 1, is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina. This amendment is effective as of its date of issuance.

The Initial Decision and the Supplemental Initial Decision are subject to review by the Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by the Atomic Safety and Licensing Appeal Board in connection with the Initial Decision and the Supplemental Initial Decision may be reviewed by the Commission.

The application for this licensing actien which is included as part of the applications for an operating license for McGuire Nuclear Station, Unit No. 1, complies with the standards and the requirements of the Act and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. The application for the license, which includes Amendment No. 2 complies with the standards and requirements of the Act and the Commission's regulations.

Prior public notice of this licensing action was given in, "Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" (39 FR 20833–34; June 14, 1974). Hearings were held in connection with admitted contentions with respect to the operating license applications on March 28–31, April 1, 19–22, 1977; August 22–24, 30–31, 1978; and February 24–27, March 3–6, 10–13, 17–19, 1981, and an Initial Decision and a Supplemental Initial Decision issued, respectively, on April 18, 1979 and May 26, 1981.

For further details in respect to this action, see (1) Amendment No. 2 to Facility Operating License NPF-9; (2) Amendment No. 1 to Facility Operating License NPF-9 w/revised pages to Technical Specifications, Appendix A, dated June 19, 1981; (3) Facility Operating License NPF-9 w/Technical Specifications, Appendix A & Environmental Protection Plan, Appendix B, NUREG-0759 Revision 1, dated June 12, 1981; (4) License NPF-9 for Fuel Loading and Zero Power Testing complete with Technical Specifications (NUREG-0759) dated January 23, 1981; (5) Amendment No. 1 to License NPF-9 for Fuel Loading and Zero Power Testing, dated January 28, 1981; (6) Amendment No. 2 to License NPF-9 for Fuel Loading and Zero Power Testing, dated April 2, 1981; (7) the report of the Advisory Committee on Reactor Safeguards, dated April 12, 1978; (8) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated March 1978 (NUREG-0422) and Supplements 1 through 5; (9) the Final Safety Analysis Report and Amendments thereto; (10) the Final Environmental Statement, dated May 30, 1974 and supplements thereto; (11) the Floodplain Aspects of the McGuire Nuclear Plant Site, dated September 3, 1980; (12) the Initial Decision, dated April 18, 1979; (13) the Supplemental Initial Decision, dated May 26, 1981; and (14) Commission Order dated June 29, 1981.

Items 1 through 6 and 11 are available upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Item 7 is included as Appendix B to Supplement No. 1 of item 6. Copies of items 6 and 10 may be purchased at current rates from

the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 8th day of July 1981.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-20747 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Plant, Unit No. 4 (the facility) located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment extends the Unit 4 operating interval from six to eight effective full power months from January 13, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 27, 1981, (2) Amendment No. 62 to License No. DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-20748 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et. al.; Issuance of Amendment To Facility Operating License and Granting of Relief From ASME Section XI Inservice Inspection and Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company and The Western Massachusetts Electric Company (the licensees), which revised Technical Specifications for operation of Millstone Nuclear Power Station (the facility) located in Waterford, Connecticut. The amendment is effective as of the the date of issuance.

The amendment revises the Technical Specifications to incorporate the inservice inspection and testing programs requirements of ASME Code Class 1, 2 and 3 and removes outmoded requirements.

Relief is granted, on an interim basis, pending completion of a more detailed review, from compliance with certain inservice inspection and testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level or quality of safety.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment and the letter granting relief. Prior public notice of this action was not required since neither this amendment nor the granting of this relief involves a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1978, and the requests for relief dated May 1, 1981 (two letters), (2) Amendment No. 70 to License No. DPR-65, and (3) the Commission's related letter dated July 1, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-20749 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[OFPP Policy Letter 81-2]

Policy Guidance for the Labor Surplus Area Program

Correction

In FR Doc. 81-16704 appearing on page 30225 in the issue of Friday, June 5, 1981, make the following correction:

On page 30225, first column, the last word in the second line of paragraph "3." reading "sit-specific" should have read "site-specific".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 12, 1981, at 1:00 p.m., the Winston-Salem Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 609, Federal Building, 251 North Main Street, Winston-Salem, North Carolina, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Durham Technical Institute, Durham, North Carolina, should be discontinued, as provided in 38 CFR 21.4207, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Charles W. Wickes,

Acting Director, Veterans Administration Regional Office, 251 North Main Street, Winston-Salem, North Carolina 27102.

July 7, 1981.

[FR Doc. 81-20684 Filed 7-14-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 135
Wednesday, July 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
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Federal Deposit Insurance Corporation	4, 5
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Occupational Safety and Health Review Commission	8

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, July 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

TIME AND DATE: 10 a.m., Friday, July 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S1091-81 Filed 7-13-81; 10:29 am]

BILLING CODE 6357-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

FCC to hold a closed Commission meeting, Thursday, July 16, 1981.

The Federal Communications Commission will hold a closed meeting on the subjects listed below on Thursday, July 16, 1981, following the open meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Proposed Commission Regulations for a Merit Pay System.

Hearing—1—Further action in the Faulkner Radio, Inc., license renewal proceeding (Docket Nos. 20910-15).

Hearing—2—Application for Review of a Review Board Decision in the Memphis, Tennessee, DPLMRS proceeding (Docket Nos. 20871 and 20938).

Hearing—3—Request that the Commission review Decision and Supplemental Decision, issued by the Review Board in the John Lamar Hill, Compton, California, FM radio proceeding involving an application for a construction permit to relocate KJLH(FM)'s transmitter site (Docket No. 20756).

Hearing—4—Conditional Petition for Approval of "Distress Sale" in the Tupelo, Mississippi AM radio renewal proceeding (Docket No. 21430).

Broadcast—1—Educational FM station interference to reception of TV Channel 6.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 9, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S1093-81 Filed 7-13-81; 2:27pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

FCC to hold open Commission meeting, Thursday, July 16, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 16, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Preparations of 1985 ITU Space WARC. *Summary:* The Commission intends to consider the establishment of an Advisory Committee to assist in the preparations for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. The first session of the Conference is scheduled for 1985.

General—2—*Title:* In re petition for Reconsideration by RadioCall, Inc. (RM-2364) for amendment of Parts 2, 22, 73, and 74 of the FCC's Rules and Regulations. *Summary:* RadioCall, Inc., has filed a petition for reconsideration of the Commission's action denying RadioCall's petition for reallocation of UHF-TV Channel 17 in Hawaii. RadioCall proposes that this channel (488-494 MHz) be used by common carriers for control and repeater operations in the State of Hawaii. Channel 17 is not currently being used in Hawaii. The item before the Commission discusses the merits of these actions.

General—3—*Title:* Petitions requesting that the Commission amend or relax its rules concerning a variety of digital computing devices. *Summary:* The Commission will discuss the merits of the following petitions: (A) Atari's and Williams Electronics' requests to reclassify coin-operated electronic arcade games as commercial computing devices instead of their present, more stringent, residential categorization; (B) General Electric's request to exempt medical diagnostic equipment using digital circuitry from rules limiting interference potential of computing devices; (C) CBEMA's request to relax rules prohibiting operation of computing equipment prior to FCC certification or verification for devices in development, design or preproduction stages.

General—4—*Title:* Waiver of Part 15, Subpart D to operate a low power communication device on 2.5 and 6.0 MHz to identify individual cows in a dairy herd. Request filed by Dairy Systems on December 9, 1980. *Summary:* The Commission will consider the subject request to operate low power communication devices on 2.5 and 6.0 MHz for the purpose of improving the management of dairy herds.

General—5—*Title:* Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. *Summary:* The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80-739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This Notice of Inquiry considers frequency allocations for the portion of radio spectrum from 1215 MHz through 40.5 GHz.

General—6—*Title:* Provide for Commission's Fiscal Year 1983 OMB Budget. *Summary:* This item presents the Federal Communications Commission's proposed Fiscal Year 1983 budget submission to the Office of Management and Budget.

Private Radio—1—*Title:* Memorandum Opinion and Order addressing RM-3703. *Summary:* The Commission will consider the petition filed by Communications Marketing Services, Inc., which requests amendment of Part 90 of the Rules to mandate High Speed Selective Signalling on Part 90 licensees.

Private Radio—2—*Title:* Notice of Proposed Rule Making to provide for the use of automatic aviation weather reporting systems at certain airports. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making proposing to amend Part 87 to provide for the use of automatic weather reporting systems at airports with no control tower and airports with only a part-time control tower. These automatic reporting systems are designed to provide pilots with such aeronautical information as the wind, weather, visibility, altimeter setting and other pertinent information.

Common Carrier—1—*Title:* Bell System Procurement Practices (CC Docket No. 80-53); RM 3381 Bell Operating Company Procurement. *Summary:* The Commission will consider a proposal submitted by the Bell System companies in response to the Final Decision in Docket No. 19129. That decision, among other things, ordered the Bell System to submit changes in procurement practices that would ensure that Bell operating companies would not be biased toward Western Electric in equipment purchasing.

Common Carrier—2—*Title:* Western Union Telegraph Company's (WU) Petition for Reconsideration and Motion to Vacate the Commission's order in complaints TS 8-77 and 15-77, 80 FCC 2d 198 (1980); *ITT World Communications Inc.* v. *WU*, E-80-16; RCA Global Communications, Inc.'s Petition for Interconnection, ENF-80-3; Western Union International, Inc.'s Petition for Interconnection, ENF-80-5; *RCA Global Communications, Inc.* v. *WU*, Nos. E-80-28 and E-80-29; *Western Union International, Inc.* v. *WU*, E-80-39. *Summary:* The Commission will consider several petitions and formal complaints all of which raise the general question of the extent to which WU is or should be obligated to interconnect its domestic Telex and TWX networks with the international Telex networks of the international record carriers. Among the issues to be considered are (1) whether the Commission should vacate or reconsider its July 1980 order which found WU to be under a § 201(a) obligation to interconnect at all historic gateways since 1976, and that its Miami interconnection practices violated § 202(a), (2) whether WU should be obligated to interconnect at new IRC points of operation, and (3) whether WU should be obligated to provide its tariffed subscriber line service to the IRCs.

Cable Television—1—"Joint Petition for Partial Reconsideration" (CSR-1671, CSR-1672) filed April 8, 1981, by The Standard Corporation and by Communications Investment Corporation. The Standard Corporation and Communications Investment Corporation seek partial reconsideration of the Commission's decision in *The Standard Corporation*, FCC 81-88, 85 FCC 2d (1981), partially granting the corporations' requested tax certificates.

Assignment and Transfer—1—*Title:* Application to transfer 100% control of Grinnell Communications Corporation, licensee of station WDTN-TV, Dayton, Ohio from the Trustees of the Iowa College (Grinnell College) to Hearst Broadcasting Corporation. *Summary:* The Commission will consider a petition to deny the application filed jointly by the Dayton Chapter of the Ohio Black Political Assembly and the Ministerial Economic Development Association of Dayton.

Renewal—1—*Title:* Application for renewal of license of Station WDIZ-FM, Winter Park, Florida. *Summary:* The Commission considers the short-term license renewal application of Station WDIZ-FM, Winter Park, Florida, filed by Shamrock Development Corporation.

Renewal—2—*Title:* Application for renewal of license of Station KHVH, Honolulu, Hawaii. *Summary:* The Commission considers the short-term license renewal application of Station KHVH, Honolulu, Hawaii, filed by KHVH, Inc.

Renewal—3—*Title:* Applications for renewal of licenses of eight non-commercial educational television stations licensed to the University of North Carolina. *Summary:* The Commission considers the goals and timetables submitted by the University of North Carolina, licensee of eight non-commercial educational television stations located throughout North Carolina.

Aural—1—*Title:* Waivers of small amounts of interference received by noncommercial educational FM applicants. *Summary:* The Commission considers delegating authority to the Chief of the Broadcast Bureau to waive small amounts of interference received by educational FM applicants where justified.

Aural—2—*Title:* Application of Plough Broadcasting Company, Inc. to add nighttime operation at limited-time AM station WJJD, Chicago, Illinois; and waiver of certain rules for acceptance of applications proposing unlimited-time operation on U.S. Class I-A channels with limited-time stations assigned. *Summary:* The Commission considers applicant's request for waiver of Sections 73.21(a)(2)(ii)(C) and 73.37(e)(2) of the Rules, and the Bureau's recommendations for other rule waivers in situations involving Class I-A channels with limited-time stations assigned.

Aural—3—*Title:* Notice of apparent liability for forfeiture and letter by direction of Commission in re applications for license to cover construction permit (File No. BLH-801219AI) and for modification of construction permit (BMPH-810325AL) of Equivox, Incorporated, permittee of KRMQ(FM), Provo, Utah. *Summary:* The FCC considers the above applications and an informal objection alleging construction and automatic program test operation with unauthorized facilities at substantial variance from construction permit.

Broadcast—1—*Title:* Amendment of Section 73.682 of the Commission's Rules to Permit the Transmission of Program Related Signals in the Vertical Blanking Interval of the Standard Television Signal. *Summary:* The FCC will consider whether to adopt a Report and Order in BC Docket No. 78-308 permitting the transmission of source identification (SID) signals in the vertical blanking interval of the TV video signal.

Broadcast—2—*Title:* Memorandum Opinion and Order, Clear Channel Broadcasting in the AM Broadcast Band. *Summary:* The Commission will consider Midwest Television's application for review of the Broadcast Bureau's dismissal of its petition for reconsideration in Docket No. 20642.

Complaints and Compliance—1—*Title:* Petition for reconsideration filed by Washington Magazine, Inc., publisher of *The Washingtonian*, of the Commission's action in *Washington Magazine, Inc.*, 84 FCC 2d 130 (1980). *Summary:* Washington Magazine Inc., filed a petition for reconsideration of the Commission's action denying its request for an order prohibiting on-air announcements of *The Dial* by five noncommercial educational stations. Petitioner alleges that the on-air announcements are false and misleading, and that funds raised by the stations for public broadcasting are being used to subsidize *The Dial*.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 9, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1094-81 Filed 7-13-81; 2:28 pm]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, July 20, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors

pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S 1085–81 Filed 7–13–81; 2:30 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 20, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), (9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First Bank of Natchitoches and Trust Company, a proposed new bank, to be located at 228 Keyser Street, Natchitoches, Louisiana.

The Family Bank and Trust, a proposed new bank, to be located at the intersection of Granite Street and Route 3, Allenstown, New Hampshire.

Citizens Bank of Manitowoc, a proposed new bank, to be located at 3600 Calumet Avenue, Manitowoc, Wisconsin.

Applications for consent to merge and establish branches:

The Independent Bank and Trust Company, Willimantic, Connecticut, for consent to merge, under its charter and title, with The Norwich State Bank and Trust Company, Norwich, Connecticut, and to establish the three offices of The Norwich State Bank and Trust Company as branches of the resultant bank.

Manly State Bank, Manly, Iowa, for consent to merge, under its charter and with the title "First State Bank," with The Citizens Savings Bank, Hanlontown, Iowa, and to establish the sole office of The Citizens Savings Bank as a branch of the resultant bank.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(9) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6) and (c)(9)(A)(ii)).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,849–L—Peoples Banking Company, Boston, Georgia

Case No. 44,858–SR—Bank of Lake Helen, Lake Helen, Florida

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Reports of committees and officers:

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority; Foreclosure Bids

Memorandum re: Reports Required Under Delegated Authority; Release of Collateral Security for Fair Market Value

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S1086 Filed 7–13–81; 2:31 pm]

BILLING CODE 6714–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

July 8, 1981.

TIME AND DATE: 10 a.m., Wednesday, July 15, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Secretary of Labor ex rel. Johnny Chacon v. Phelps Dodge Corporation, WEST 79–349–DM. (Issues include whether violation of Section 105(c) of the Act occurred.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S 1083–81 Filed 7–13–81; 2:03 pm]

BILLING CODE 6820–13–M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Friday, July 17, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemption (9)(B).

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357–1100.

[S1080–81 Filed 7–13–81; 8:55 am]

BILLING CODE 7535–01–M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 32992, June 25, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on July 30, 1981.

CHANGES IN THE MEETING: This meeting has been *rescheduled for July 29, 1981, at 10 a.m.*

Dated: July 13, 1981.

[S1087–81 Filed 7–13–81; 2:51 pm]

BILLING CODE 7600–01–M

federal register

Wednesday
July 15, 1981

Part II

Office of Management and Budget

Budget Recissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Recissions and Deferrals

July 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of July 1, 1981 of 165 rescission proposals and 119 deferrals contained in the first eleven messages for FY 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, April 27, and June 8 and 19, 1981.

Congressional action has been completed on the 155 rescission proposals contained in the first nine special messages for FY 1981. Ten rescission proposals, totaling $435.1 million, contained in the tenth and eleventh special messages are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the president as of July 1, 1981, while Attachment A shows the history and status of each rescission proposed during FY 1981.

As of July 1, 1981, $3,744.8 million in 1981 budget authority was being deferred from obligation and another $7.1 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
Thursday, February 19, 1981 (Part II, Vol. 46,No. 33)
Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)
Monday, March 23, 1981 (Part III, Vol. 46, No. 55)
Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)
Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)
Thursday, June 11, 1981 (Part IV, Vol. 46, No. 112)
Wednesday, July 1, 1981 (Part IV, Vol. 46, No. 126)

David A. Stockman,
Director.

TABLE A.—*Status of 1981 rescissions*

[In millions of dollars]

	Amount
Recissions proposed by the President	$16,331.3
Rescission proposals withdrawn	−1,142.4
Accepted by the Congress	[1] −11,715.1
Rejected by the Congress	[2] −3,038.7
Pending before the Congress	435.1

[1] Of the $12,250.9 million identified in Attachment A (page 18) as rescinded by the Congress in action on the Administration's proposals, $535.8 million exceeded the amounts proposed for rescission. This amount excludes the $535.8 million not proposed by the Administration.
[2] Of the $15,706.8 million identified in Attachment A (page 18) as made available, $1,142.4 million was released when the related proposals were withdrawn and $11,525.6 million was subsequently rescinded. In addition, as noted in footnote (e) on page 19, $189.5 million related to a recission of Temporary Employment Assistance funds (R81-92) was not withheld.

TABLE A.—*Status of 1981 deferrals*

[In millions of dollars]

	Amount
Deferrals proposed by the President	$8,906.2
Routine Executive releases (−4,812.3 million) and adjustments (+19.4 million) through July 1, 1981	−4,792.9
Overturned by the Congress	−361.4
Currently before the Congress	[1] 3,751.9

[1] This amount includes $7.1 million in outlays for a Department of the Treasury deferral (D81-199).

BILLING CODE 3111-01-M

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 07/07/81 18:45

AS OF JULY 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env. Quality and Office of Env. Quality							
Council on Env. Quality and Office of Env. Quality							
BA	R81- 38	708	708	3 17 81	708	708a	5 18 81
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81- 34	1,500	1,500	1 29 81	1,500	1,500a	3 26 81
Office of Science and Technology Policy							
Salaries and expenses							
BA	R81- 39	595	595	3 17 81	595	595a	5 18 81
EXECUTIVE UFFICE OF THE PRESIDENT TOTAL BA		2,803	2,803		2,803	2,803	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R81- 40	110,000	110,000	3 17 81	40,000	110,000b	5 18 81
Disaster Relief							
Disaster relief							
BA	R81- 41	8,000	8,000	3 17 81	8,000	8,000a	5 18 81
International Development Assistance							
Sahel development program							
BA	R81- 42	2,000	2,000	3 17 81	1,500	2,000b	5 18 81
Inter-American Foundation							
Inter-American Foundation							

PAGE 2 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 07/07/81 18:45

AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 43	138		3 17 81	138	138a	5 18 81
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		120,138			49,638	120,138	
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs BA	R81- 44	1,500		3 17 81		1,500	5 18 81
Rural Electrification Administration							
Rural communication development fund BA	R81- 45	16,341		3 17 81			
BA	R81- 45A	-341		4 27 81	16,000	16,000a	5 18 81
Farmers Home Administration							
Rural development planning grants BA	R81- 46	2,000		3 17 81		2,000	5 18 81
Rural community fire protection grants BA	R81- 47	1,500		3 17 81		1,500	5 18 81
Rural housing supervisory assistance grants BA	R81- 48	500		3 17 81	500	500a	5 18 81
Rural housing insurance fund BA	R81-119	316,000c		3 17 81	150,000	316,000b	5 18 81
Agricultural credit insurance fund BA	R81-120	88,850c		3 17 81	50,000	88,850b	5 18 81
Rural development insurance fund BA	R81-121	160,000c		3 17 81		160,000	5 18 81

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Forest Service							
Construction and land acquisition BA	R81-160		20,000	6 19 81			
DEPARTMENT OF AGRICULTURE TOTAL BA		586,350	20,000		216,500	586,350	
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs BA	R81- 49	342,350		3 17 81	187,850	342,350b	5 18 81
Regional Development Programs							
Regional development programs BA	R81- 50	21,000		3 17 81	21,000	21,000a	5 18 81
United States Travel Service							
Salaries and expenses BA	R81- 51	41		3 17 81	41	41a	5 18 81
National Oceanic and Atmospheric Administration							
Operations, research, and facilities BA	R81- 1	30,493d		1 15 81		30,493	2 13 81
BA	R81-123	36,493		3 19 81	23,640	36,493b	4 28 81
Construction BA	R81- 52	9,000		3 17 81	11,000	9,000b	5 18 81
Coastal energy impact fund BA	R81- 53	40,000		3 17 81		40,000	5 18 81
Science and Technical Research							
Scientific and technical research and services							

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 54	3,370		3 17 81	3,370	3,370a	5 18 81
National Telecommun. and Info Administration								
Salaries and expenses								
	BA	R81- 55	313		3 17 81	163	313b	5 18 81
Public telecommun. facil., plan. and construction								
	BA	R81- 2	4,000d		1 15 81		4,000	2 13 81
	BA	R81-124	25,717		3 19 81	6,000	25,717b	4 28 81
Maritime Administration								
Research and development								
	BA	R81- 56	2,500		3 17 81	2,500	2,500a	5 18 81
DEPARTMENT OF COMMERCE TOTAL	BA		515,277			255,564	515,277	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Elementary and secondary education								
	BA	R81- 4	52,150d		1 15 81		52,150	2 13 81
	BA	R81-126	982,385		3 19 81	462,646	982,385b	4 28 81
School assistance in federally affected areas								
	BA	R81- 3	148,000d		1 15 81		148,000	2 13 81
	BA	R81-125	66,500		3 19 81	33,250	66,500b	4 28 81
Equal educational opportunities								
	BA	R81- 57	73,253		3 17 81	97,563	73,253b	5 18 81
Office of Special Education and Rehab. Services								
Education for the handicapped, gifted and talented								
	BA							

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
		R81- 58	267,938		3 17 81	76,819	267,938b	5 18 81
Rehabilitation services and handicapped research								
	BA	R81- 59	22,323		3 17 81	12,126	22,323b	5 18 81
Office of Vocational and Adult Education								
Vocational and adult education								
	BA	R81- 5	11,862d		1 15 81		11,862	2 13 81
	BA	R81-127	238,777		3 19 81	132,565	238,777b	4 28 81
Office of Postsecondary Education								
Student financial assistance								
	BA	R81-161		14,800	6 19 81			
Student loan insurance								
	BA	R81- 6	78,728d		1 15 81		78,728	2 13 81
	BA	R81-128	103,270		3 19 81		103,270	4 28 81
Higher and continuing education								
	BA	R81- 7	30,989d		1 15 81		30,989	2 13 81
	BA	R81-129	49,239		3 19 81	33,970	49,239b	4 28 81
College housing loans								
	BA	R81- 60	14,550		3 17 81	14,271	14,550b	5 18 81
Office of Educational Research and Improvement								
Libraries and learning technologies								
	BA	R81- 61	42,750		3 17 81	12,250	42,750b	5 18 81
Institute of museum services								
	BA	R81- 62	12,357		3 17 81		12,357	5 18 81
School improvement programs								
	BA	R81- 63	36,606		3 17 81	37,843	36,606b	5 18 81

AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF EDUCATION								
TOTAL BA			2,231,677	14,800		913,303	2,231,677	
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply R&D- operating expenses	BA	R81- 8	25,026d		1 15 81		25,026	2 13 81
	BA	R81-130	126,609		3 19 81			
	BA	R81-130A	-327		4 27 81	82,511	126,282b	4 28 81
Energy supply R&D- plant and capital equip.	BA	R81- 9	3,650d		1 15 81		3,650	2 13 81
	BA	R81-131	7,967		3 19 81	2,500	7,967b	4 28 81
Fossil energy research and development	BA	R81- 10	25,450d		1 15 81		25,450	2 13 81
	BA	R81-132	65,932		3 19 81	53,036	65,932b	4 28 81
Fossil energy construction	BA	R81- 64	246,900		3 17 81	89,400	246,900b	5 18 81
Energy production demo. and distribution	BA	R81- 65	12,649		3 17 81	10,348	12,649b	5 18 81
Energy conservation	BA	R81- 11	47,800d		1 15 81		47,800	2 13 81
	BA	R81-133	306,045		3 19 81	153,180	306,045b	4 28 81
Energy information administration	BA	R81- 66	13,443		3 17 81	13,700	13,443b	5 18 81
Economic regulation	BA	R81- 67	33,155		3 17 81	17,167	33,155b	5 18 81

AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Geothermal resources development fund	BA	R81- 68	22,066		3 17 81	21,982	22,066b	5 18 81
Alternative fuels production	BA	R81- 69	300,000		3 17 81	300,000	300,000a	5 18 81
Departmental Administration								
Departmental administration	BA	R81- 70	11,500		3 17 81	11,500	11,500a	5 18 81
DEPARTMENT OF ENERGY								
TOTAL BA			1,247,865			755,324	1,247,865	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health services	BA	R81- 12	8,057d		1 15 81		8,057	2 13 81
	BA	R81-134	11,616		3 19 81	49,776	11,616b	4 28 81
Indian health facilities	BA	R81- 71	8,871		3 17 81	3,916	8,871b	5 18 81
Centers for Disease Control								
Preventive health services	BA	R81- 13	27,000d		1 15 81		27,000	2 13 81
	BA	R81-135	38,520		3 19 81	54,381	38,520b	4 28 81
National Institutes of Health								
National Cancer Institute	BA	R81- 14	13,565d		1 15 81		13,565	2 13 81
	BA	R81-136	17,986		3 19 81	10,785	17,986b	4 28 81
National Heart, Lung, and Blood Institute								

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 15	10,324d		1 15 81		10,324	2 13 81
	BA	R81-137	11,120		3 19 81	9,950	11,120b	4 28 81
National Institute of Dental Research								
	BA	R81- 16	302d		1 15 81		302	2 13 81
	BA	R81-138	700		3 19 81		700	4 28 81
Nat. Inst. of Arth., Metab. and Diges. Diseases								
	BA	R81- 17	3,232d		1 15 81		3,232	2 13 81
	BA	R81-139	3,943		3 19 81	2,113	3,943b	4 28 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke								
	BA	R81- 18	2,031d		1 15 81		2,031	2 13 81
	BA	R81-140	4,388		3 19 81	997	4,388b	4 28 81
Nat. Inst. of Allergy and Infectious Diseases								
	BA	R81- 72	1,088		3 17 81		1,088	5 18 81
Nat. Inst. of General Medical Sciences								
	BA	R81- 73	18,682		3 17 81	1,571	18,682b	5 18 81
Nat. Inst. of Child Health and Human Develop.								
	BA	R81- 19	3,285d		1 15 81		3,285	2 13 81
	BA	R81-141	4,119		3 19 81	2,694	4,119b	4 28 81
National Eye Institute								
	BA	R81- 20	2,353d		1 15 81		2,353	2 13 81
	BA	R81-142	3,856		3 19 81	2,137	3,856b	4 28 81
Nat. Inst. of Environmental Health Sciences								
	BA	R81- 21	3,258d		1 15 81		3,258	2 13 81
	BA	R81-143	2,179		3 19 81	3,630	2,179b	4 28 81
National Institute of Aging								

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 22	588d		1 15 81		588	2 13 81
	BA	R81-144	1,593		3 19 81	377	1,593b	4 28 81
Research resources								
	BA	R81- 23	10,561d		1 15 81		10,561	2 13 81
	BA	R81-145	3,714		3 19 81	6,623	3,714b	4 28 81
National Library of Medicine								
	BA	R81- 24	341d		1 15 81		341	2 13 81
	BA	R81-146	341		3 19 81		341	4 28 81
Office of the Director								
	BA	R81- 25	360d		1 15 81		360	2 13 81
	BA	R81-147	360		3 19 81		360	4 28 81
Alcohol, Drug Abuse, and Mental Health Admin.								
Const. and renovation, St. Elizabeths Hospital								
	BA	R81- 74	1,030		3 17 81	1,500	1,020b	5 18 81
Alcohol, drug abuse, and mental health								
	BA	R81- 26	67,140d		1 15 81		67,140	2 13 81
	BA	R81-148	98,370		3 19 81	112,244	98,370b	4 28 81
Health Resources Administration								
Health resources								
	BA	R81- 27	78,683d		1 15 81		78,683	2 13 81
	BA	R81-149	131,751		3 19 81	158,189	131,751b	4 28 81
Office of Assistant Secretary for Health								
Salaries and expenses								
	BA	R81- 75	30,724		3 17 81	38,270	30,724b	5 18 81
Health Care Financing Administration								

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Payments to health care trust funds								
	BA	R81- 76	8,693		3 17 81	6,520	8,693b	5 18 81
Program management								
	BA	R81- 77	6,992		3 17 81	7,494	6,992b	5 18 81
Social Security Administration								
Refugee assistance								
	BA	R81- 78	25,100		3 17 81	41,805	25,100b	5 18 81
Human Development Services								
Grants to states for social services								
	BA	R81-162		100,000	6 19 81			
Human development services								
	BA	R81- 28	10,000d		1 15 81		10,000	2 13 81
	BA	R81-150	10,100		3 19 81	13,500	10,100b	4 28 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL	BA		686,906	100,000		530,472	686,906	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
	BA	R81- 79	5,099,104		3 17 81	5,446,818	5,099,104b	5 18 81
Congregate services program								
	BA	R81- 29	10,000d		1 15 81		10,000	2 13 81
	BA	R81-151	10,000		3 19 81	10,000	10,000a	4 28 81
Solar Energy and Energy Conservation Bank								
Assistance for solar and conserv. improvements								
	BA	R81- 80	121,000		3 17 81	121,000	121,000a	5 18 81

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Community Planning and Development								
Planning assistance								
	BA	R81- 81	34,976		3 17 81	34,976	34,976a	5 18 81
Rehabilitation loan fund								
	BA	R81- 82	110,857		3 17 81	110,857	110,857a	5 18 81
Urban development action grants								
	BA	R81-163		130,000	6 19 81			
Community development grants								
	BA	R81-164		50,000	6 19 81			
Neighborhoods, Vol. Assoc. and Consumer Prot.								
Housing counseling assistance								
	BA	R81- 83	6,000		3 17 81	3,000	6,000b	5 18 81
Neighborhood self-help devel. program								
	BA	R81- 84	8,119		3 17 81	8,119	8,119a	5 18 81
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL	BA		5,400,056	180,000		5,734,770	5,400,056	
DEPARTMENT OF THE INTERIOR								
Office of Water Research and Technology								
Salaries and expenses								
	BA	R81- 85	11,800		3 17 81	5,900	11,800b	5 18 81
United States Fish and Wildlife Service								
Construction and anadromous fish								
	BA	R81- 86	2,500		3 17 81	2,500	2,500a	5 18 81
National Park Service								
Urban park and recreation grants								

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 87	35,000		3 17 81	19,000	35,000b	5 18 81
Land and water conservation fund BA	R81- 88	250,000		3 17 81	90,000	250,000b	5 18 81
Historic preservation fund BA	R81- 89	8,000		3 17 81	6,500	8,000b	5 18 81
Construction (trust fund) BA	R81- 90	15,500		3 17 81	12,000	15,500b	5 18 81
Office of Surface Mining Reclam. and Enforcement							
Regulation and technology BA	R81- 91	1,954		3 17 81	3,154	1,954b	5 18 81
Office of the Solicitor & Office of the Secretary							
Youth conservation corps BA	R81- 35	38,194		3 10 81	34,000	38,194b	5 11 81
DEPARTMENT OF THE INTERIOR TOTAL BA		362,948			173,054	362,948	
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance BA	R81- 92	234,475e		3 17 81	234,475	45,000b	5 18 81
DEPARTMENT OF LABOR TOTAL BA		234,475			234,475	45,000	
DEPARTMENT OF STATE							

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Bureau of Refugee Programs							
Migration and refugee assistance BA	R81- 93	22,500		3 17 81	17,500	22,500b	5 18 81
Bureau for International Narcotics Matters							
International narcotics control BA	R81- 94	3,100		3 17 81	12,785	3,100b	5 18 81
DEPARTMENT OF STATE TOTAL BA		25,600			30,285	25,600	
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							
Urban mass transportation fund BA	R81- 95	24,700		3 17 81	20,700	24,700b	5 18 81
Research and Special Programs Administration							
Cooperative automotive research BA	R81- 96	11,500		3 17 81	11,500	11,500a	5 18 81
DEPARTMENT OF TRANSPORTATION TOTAL BA		36,200			32,200	36,200	
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development BA	R81- 97	1,245,500		3 17 81	974,500	1,245,500b	5 18 81
DEPARTMENT OF THE TREASURY							

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TOTAL BA		1,245,500			974,500	1,245,500	
ENVIRONMENTAL PROTECTION AGENCY							
Salaries and expenses							
BA	R81-165		6,200	6 19 81			
Res. and dev. (pollution and abatement)							
BA	R81- 98	149		3 17 81	499	149b	5 18 81
BA	R81-156		56,300	6 8 81			
Abatement control and compliance							
BA	R81- 99	1,253		3 17 81	4,853	1,253b	5 18 81
BA	R81-157		43,700	6 8 81			
Construction grants							
BA	R81-100	1,700,000		3 17 81	1,700,000	1,700,000a	5 18 81
BA	0000						
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA		1,701,402	106,200		1,705,452	1,701,402	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development							
BA	R81-101	4,500		3 17 81	4,500	4,500a	5 18 81
BA	0000						
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							

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AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
TOTAL BA		4,500			4,500	4,500	
VETERANS ADMINISTRATION							
Construction, major projects							
BA	R81-102	162,160		3 17 81	162,160	162,160a	5 18 81
BA	0000						
VETERANS ADMINISTRATION TOTAL BA		162,160			162,160	162,160	
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs							
BA	R81-103	3,207		3 17 81			
BA	R81-103A	-3,007		4 23 81	5,187	200b	5 18 81
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA	R81-104	1,500		3 17 81	1,500	1,500a	5 18 81
Community Services Administration							
Community services program							
BA	R81- 30	6,000d		1 15 81		6,000	2 13 81
BA	R81-152	6,000		3 19 81	16,915	6,000b	4 28 81
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105	95,000		3 17 81	35,000g	95,000b	5 18 81

AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Federal Mediation and Conciliation Service								
Salaries and expenses	BA	R81-106	687		3 17 81		687	5 18 81
Federal Mine Safety and Health Review Commission								
Salaries and expenses	BA	R81- 31	163d		1 15 81		163	2 13 81
	BA	R81-153	186		3 19 81	273	186	4 28 81
Federal Trade Commission								
Salaries and expenses	BA	R81-107	226		3 17 81	226	226a	5 18 81
Marine Mammal Commission								
Salaries and expenses	BA	R81-108	4		3 17 81		4	5 18 81
Merit Systems Protection Board								
Office of the special counsel	BA	R81-109	210		3 17 81	210	210a	5 18 81
National Consumer Cooperative Bank								
Investment in Nat. Consumer Cooperative Bank	BA	R81- 36	59,849		3 10 81		59,849	5 11 81
Self-help development and technical assistance	BA	R81- 37	29,990		3 10 81	16,990	29,990b	5 11 81
National Foundation on the Arts and Humanities								
National Endowment for the Arts: sal. & expen.	BA	R81-158		6,650	6 8 81			
National Endowment for the Human.: sal. & expen.	BA							

AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
		R81-159		7,417	6 8 81			
National Science Foundation								
Research and related activities	BA	R81-110	66,000		3 17 81	46,000	66,000b	5 18 81
	BA	R81-110A	f		4 27 81			
Science and engineering activities	BA	R81-111	16,000		3 17 81	10,000	16,000b	5 18 81
	BA	R81-111A	f		4 27 81			
Occupational, Safety, and Health Review Comm.								
Salaries and expenses	BA	R81-112	39		3 17 81	54	39b	5 18 81
Office of Fed. Insp. for the Alaska Nat. Gas Sys.								
Salaries and expenses	BA	R81-113	445		3 17 81	445	445a	5 18 81
Pennsylvania Avenue Development Corporation								
Salaries and expenses	BA	R81-114	60		3 17 81		60	5 18 81
Postal Service								
Payment to the Postal Service Fund	BA	R81- 32	250,000d		1 15 81		250,000	2 13 81
	BA	R81-154	250,000		3 19 81	250,000	250,000a	4 28 81
Selective Service System								
Salaries and expenses	BA	R81-115	1,940		3 17 81	1,940	1,940a	5 18 81
Small Business Administration								

PAGE 18 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 07/07/81 18:45

AS OF JULY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Salaries and expenses								
	BA	R81-116	1,405		3 17 81	700	1,405b	5 18 81
Tennessee Valley Authority								
Tennessee Valley Authority fund								
	BA	R81- 33	177,000d		1 15 81		177,000	2 13 81
	BA	R81-117	500		3 17 81		500	5 18 81
	BA	R81-155	177,000		3 19 81	85,500	177,000b	4 28 81
Water Resources Council								
Water resources planning								
	BA	R81-118	5,000		3 17 81	5,000	5,000a	5 18 81
OTHER INDEPENDENT AGENCIES TOTAL	BA		1,145,404	14,067		475,940	1,145,404	
OFF-BUDGET FEDERAL ENTITIES								
Department of Agriculture								
Rural electr. and telephone revolving fund								
	BA	R81-122	187,000c	0	3 17 81			
	BA	R81-122A	f	0	4 27 81		187,000	5 18 81
TOTAL	BA		15,896,261	435,067		12,250,940	15,706,786	

NOTE: This report does not include Congressionally-initiated rescissions.

FOOTNOTES

a. These funds were made available for obligation on the date shown in the column to the right. Subsequently, the funds were rescinded by the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

b. These funds were made available for obligation on the date indicated in the column to the right. Subsequently, the amount listed in the column to the left was rescinded by PL 97-12.

c. This amount represents a proposed reduction in authority to incur obligations for direct loans.

d. This rescission proposal was withdrawn on February 13, 1981.

e. The amount withheld totals $45,000,000, which is $189,479,000 less than the amount proposed for rescission.

f. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying the original report. This change did not affect amounts proposed for rescission.

g. This amount represents a rescission of 1982 funds.

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs									
	BA	D81- 79	10,000		3 10 81				10,000
International Security Assistance									
Foreign military credit sales									
	BA	D81- 23	659,250		12 2 80	-659,250			
Economic support fund									
	BA	D81- 24	1,984,500		12 2 80	-1,570,900			413,600
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		2,653,750			-2,230,150			423,600
DEPARTMENT OF AGRICULTURE									
Foreign Assistance Programs									
Expenses, P.L. 480, for. assist. prog., Agric.									
	BA	D81-107	28,000		6 19 81				28,000
Soil Conservation Sevice									
Watershed and flood prevention operations									
	BA	D81-108	11,000		6 19 81				11,000
Forest Service									
Timber salvage sales									
	BA	D81- 1	16,481		10 1 80				
	BA	D81- 1A		237	6 19 81				16,718
Expenses, brush disposal									
	BA	D81- 2	37,342		10 1 80				
	BA	D81- 2A		3,228	4 27 81				40,570

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
DEPARTMENT OF AGRICULTURE								
TOTAL BA		92,823	3,465					96,288
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U.S. expositions.								
BA	D81- 3	2,867		10 1 80				
BA	D81- 3A		184	1 15 81				3,051
Minority Business Development Agency								
Minority business development								
BA	D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
BA	D81- 42	30,493a		2 13 81	-30,493			
Construction								
BA	D81- 4	10,230		10 1 80	-5,239			4,991
Promote and develop fishery products and research								
BA	D81-105	5,000		4 27 81	-2,500	-2,500a		
National Telecom and Information Admin.								
Public telecom facilities, plan. & constr.								
BA	D81- 43	4,000b		2 13 81	-4,000			
Maritime Administration								
Ship construction								
BA	D81- 80	92,000		3 10 81		-55,000a		37,000
DEPARTMENT OF COMMERCE								
TOTAL BA		147,990	184		-42,232	-57,500		48,442
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
BA	D81- 27	1,125,000		1 15 81				1,125,000
Procurement activities								
BA	D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation								
RDT&E Activities								
BA	D81- 6	46,500		10 1 80	-46,500			
Military Construction								
Military construction (medical facilities)								
BA	D81- 25	111,300		12 2 80	-111,300			
Military construction, all services								
BA	D81- 7	6,983		10 1 80				
BA	D81- 7A		600,344	12 2 80	-559,490		1,134	48,971
Family Housing, Defense								
Family housing, Defense								
BA	D81- 8	18,651		10 1 80	-18,651			
BA	D81- 28	1,992		1 15 81				1,992
DEPARTMENT OF DEFENSE-MILITARY								
TOTAL BA		1,450,126	600,344		-875,641		1,134	1,175,963
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
BA	D81- 81	10,000		3 10 81				
BA	D81- 81A		57,600	6 19 81				67,600
Operation and maintenance, general								
BA	D81-109	30,000		6 19 81				30,000
Flood control, Mississippi River & tributaries								
BA	D81-110	5,000		6 19 81				5,000
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
BA	D81- 9	667		10 1 80	-136c			

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
	BA	D81- 9A		147	1 15 81	-18		136	796
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			45,667	57,747		-154		136	103,396
DEPARTMENT OF EDUCATION									
Office of Elem. and Secondary Education									
Elementary and secondary education	BA	D81- 45	52,150b		2 13 81	-52,150			
School assist. in federally affected areas	BA	D81- 44	148,000b		2 13 81	-148,000			
Office of Vocational and Adult Education									
Vocational and adult education	BA	D81- 46	11,862b		2 13 81	-11,862			
Office of Postsecondary Education									
Student loan insurance	BA	D81- 47	78,728b		2 13 81	-78,728			
Higher and continuing education	BA	D81- 48	30,989b		2 13 81	-30,989			
Higher education facilities loan and ins.	BA	D81- 82	25,000		3 10 81		-25,000a		
DEPARTMENT OF EDUCATION TOTAL BA			346,729			-321,729	-25,000		
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Operating expenses	BA	D81- 29	5,000		1 15 81	-5,000			
	BA	D81- 29A		5,000	3 10 81		-10,000a	5,000	
Plant and capital equipment	BA	D81- 30	12,000		1 15 81	-12,000			

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
Energy Programs									
Fossil energy R&D	BA	D81- 51	25,450b		2 13 81	-25,450			
Fossil energy construction	BA	D81- 33	42,000		1 15 81				
	BA	D81- 33A		163,000	3 10 81				
	BA	D81- 33B		e	4 27 81	-132,000			73,000
Energy supply R&D-operating expenses	BA	D81- 31	23,860		1 15 81				
	BA	D81- 49	25,026b		2 13 81	-48,886			
Energy supply R&D-plant and capital equip.	BA	D81- 32	3,690		1 15 81				
	BA	D81- 50	3,650b		2 13 81	-7,340			
Energy conservation	BA	D81- 34	10,450		1 15 81				
	BA	D81- 52	47,800b		2 13 81	-58,250			
Strategic Petroleum Reserve	BA	D81- 83	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY TOTAL BA			206,926	168,000		-288,926	-10,000	5,000	81,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D81- 53	8,057b		2 13 81	-8,057			
Centers for Disease Control									
Preventive Health Services	BA	D81- 54	27,000b		2 13 81	-27,000			
National Institutes of Health									
National Cancer Institute	BA	D81- 55	13,865b		2 13 81	-13,865			
Nat. Heart, Lung, and Blood Institute									

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
BA	D81- 56	10,324b		2 13 81	-10,324			
Nat Institute of Dental Research								
BA	D81- 57	302b		2 13 81	-302			
Nat. Inst of Arth , Metab., and Digest. Dis.								
BA	D81- 58	3,232b		2 13 81	-3,232			
Nat. Inst. of Neuro. and Commun. Dis. and Stroke								
BA	D81- 59	2,031b		2 13 81	-2,031			
Nat. Inst. of Child Health and Human Development								
BA	D81- 60	3,285b		2 13 81	-3,285			
National Eye Institute								
BA	D81- 61	2,353b		2 13 81	-2,353			
Nat Inst. of Environ. Health Sciences								
BA	D81- 62	3,258b		2 13 81	-3,258			
National Institute of Aging								
BA	D81- 63	588b		2 13 81	-588			
Research Resources								
BA	D81- 64	10,561b		2 13 81	-10,561			
National Library of Medicine								
BA	D81- 65	341b		2 13 81	-341			
Office of the Director								
BA	D81- 66	360b		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration								
Alcohol, drug abuse & mental health								
BA	D81- 67	67,140b		2 13 81	-67,140			
Construction & renovation, St. Elizabeths Hospital								
BA	D81- 10	10,698		10 1 80				10,698
Health Resources Administration								
Health resources								
BA	D81- 68	78,683b		2 13 81	-78,683			
Office of Assistant Secretary for Health								
Special foreign currency program								

PAGE 7 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
BA	D81- 11	8,000		10 1 80				
BA	D81- 11A		1,118	4 27 81				9,118
Social Security Administration								
Refugee assistance								
BA	D81-112	35,000		6 19 81				35,000
Limitation on administrative expenses								
BA	D81-104	8,004		3 19 81				8,004
Human Development Services								
Grants to states for social & child welfare serv.								
BA	D81-111	20,000		6 19 81				20,000
Human development services								
BA	D81- 69	10,000b		2 13 81	-10,000			
White House Conference on Children and Youth								
BA	D81- 12	562		10 1 80	-562			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		323,344	1,118		-241,642			82,820
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program								
BA	D81- 70	10,000b		2 13 81	-10,000			
Policy Development and Research								
Research and technology								
BA	D81- 84	5,000		3 10 81				5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		15,000			-10,000			5,000
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
Acquisition, construction and maintenance									
	BA	D81-113	2,600		6 19 81				2,600
Oregon and California grant lands									
	BA	D81- 71	1,849		2 13 81				
	BA	D81- 71A		71	6 19 81				1,920
Bureau of Reclamation									
Construction program									
	BA	D81-114	21,430		6 19 81				21,430
General investigations									
	BA	D81-115	570		6 19 81				570
Heritage Conservation and Recreation Service									
Land and water conservation fund									
	BA	D81- 13	30,000		10 1 80				30,000
National Park Serivice									
Construction									
	BA	D81-116	14,720		6 19 81				14,720
Geological Survey									
Surveys, investigations and research									
	BA	D81-117	6,000		6 19 81				6,000
Exploration of National Petroleum Res. in Alaska									
	BA	D81- 35	10,710		1 15 81	-7,960			2,750
Payments from proceeds, sale of water									
	BA	D81- 14	41		10 1 80				41
Bureau of Mines									
Drainage of anthracite mines									
	BA	D81- 15	765		10 1 80				
	BA	D81- 15A		226	6 19 81				991
DEPARTMENT OF THE INTERIOR TOTAL	BA		88,685	297		-7,960			81,022
DEPARTMENT OF JUSTICE									

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
General Administration									
Salaries and expenses									
	BA	D81- 85	7,485		3 10 81		-3,165e		4,320
Federal Prison System									
Buildings and facilities									
	BA	D81- 16	15,750		10 1 80				
	BA	D81- 16A		4,050	1 15 81				19,800
Salaries and expenses									
	BA	D81- 86	4,385		3 10 81		-4,385e		
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance									
	BA	D81- 87	670		3 10 81				670
DEPARTMENT OF JUSTICE TOTAL	BA		28,290	4,050			-7,550		24,790
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance									
	BA	D81- 36	76,699		1 15 81				
	BA	D81- 36A		652,488	3 10 81				729,187
DEPARTMENT OF LABOR TOTAL	BA		76,699	652,488					729,187
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund									
	BA	D81- 37	15,000		1 15 81				
	BA	D81- 37A		20,000	6 19 81				35,000

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
DEPARTMENT OF STATE								
TOTAL BA		15,000	20,000					35,000
DEPARTMENT OF TRANSPORTATION								
Office of the Secretary								
Transportation planning, res. and dev.								
BA	D81- 88	1,040		3 10 81	-1,040			
Federal Aviation Administration								
Various activities								
BA	D81- 72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)								
BA	D81- 17	133,823		10 1 80				
BA	D81- 17A		240,603	12 2 80	-14,893			
BA	D81- 17B		d	3 10 81		-30,000a	6,250	335,783
Federal Highway Administration								
Trust fund share of other highway programs								
BA	D81- 89	21,500		3 10 81				
BA	D81- 89A		e	4 27 81	-3,765			17,735
Federal Railroad Administration								
Railroad research and development								
BA	D81- 90	383		3 10 81				383
Rail service assistance								
BA	D81- 91	80,341		3 10 81	-5,000	-40,000a		35,341
Northeast corridor improvement program								
BA	D81- 92	125,000		3 10 81				125,000
Urban Mass Transportation Administration								
Urban mass transportation fund								
BA	D81- 93	210,000		3 10 81	-210,000			
Research and Special Programs Administration								

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
Research and special programs								
BA	D81- 94	3,100		3 10 81	-1,000			2,100
DEPARTMENT OF TRANSPORTATION								
TOTAL BA		578,590	240,603		-235,698	-70,000	6,250	519,745
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D81- 18	111,773		10 1 80	-2,160		258	109,871
O	D81- 19	5,485		10 1 80				
O	D81- 19A		5,209	12 2 80	-3,959			
O	D81- 19B		51,062	2 13 81	-57,302		6,606	7,101
Bureau of the Mint								
Construction of mint facilities								
BA	D81- 20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY								
TOTAL BA		117,503			-7,890		258	109,871
TOTAL O		5,485	56,271		-61,261		6,606	7,101
Veterans Administration								
Medical care								
BA	D81- 95	29,389		3 10 81		-29,389a		
Medical and prosthetic research								
BA	D81- 96	1,690		3 10 81		-1,690a		
Medical admin. and misc. operating expenses								
BA	D81- 97	515		3 10 81		-515a		
Construction, major projects								
BA	D81- 98	183,493		3 10 81		-85,965a		97,528

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
Veterans Administration								
TOTAL BA		215,087				-117,559		97,528
OTHER INDEPENDENT AGENCIES								
Board for International Broadcasting								
Grants and expenses								
BA	D81-106	1,370		4 27 81	-1,370			
Community Services Administration								
Community services program								
BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency								
Emergency planning, preparedness, and mobilization								
BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission								
Salaries and expenses								
BA	D81- 74	163b		2 13 81	-163			
General Services Administration								
Office of Inspector General								
BA	D81- 99	444		3 10 81	-444			
Allowances and office staff for former Presidents								
BA	D81-100	8		3 10 81	-8			
Consumer information center								
BA	D81-101	50		3 10 81	-50			
Intelligence Community Staff								
Intelligence Community Staff								
BA	D81- 38	2,000		1 15 81	-800			1,200
International Communication Agency								
Salaries & expenses								

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
BA	D81- 75	1,500		2 13 81		-350a		1,150
Acquisition & construction of radio facilities								
BA	D81- 76	1,252		2 13 81				
BA	D81- 76A		12,074	4 27 81				13,326
National Consumer Cooperative Bank								
Self-help development fund								
BA	D81- 39	13,133		1 15 81	-13,133			
National Foundation on the Arts & Humanities								
National endowment for the arts: sal. & expen.								
BA	D81-118	25,356f		6 19 81	-12,000			13,356
Nat. endowment for the human.: sal. and expen.								
BA	D81-119	20,460g		6 19 81	-5,000			15,460
Pennsylvania Avenue Development Corporation								
Land acquisition and development								
BA	D81- 40	30,896		1 15 81				30,896
Postal Service								
Payment to the Postal Service fund								
BA	D81- 77	250,000a		2 13 81	-250,000			
Small Business Administration								
Business loan and investment fund								
BA	D81- 41	57,500		1 15 81				
BA	D81- 41A		55,900	3 10 81		-73,400a		40,000
Surety bond guarantees revolving fund								
BA	D81-102	6,000		3 10 81	-6,000			
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D81- 22	17,000		10 1 80	-17,000			
BA	D81- 26	15,800		12 2 80				15,800
BA	D81- 78	177,000b		2 13 81	-177,000			
OTHER INDEPENDENT AGENCIES								
TOTAL BA		626,012	67,974		-489,048	-73,750		131,188

PAGE 14 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 07/07/81 17:45

AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNTS IN THOUSANDS OF DOLLARS: AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 7-01-81
TOTAL BA		7,098,231	1,816,270		-4,761,070	-361,359	12,778	3,744,840
TOTAL O		5,485	56,271		-61,261		6,606	7,101

NOTE: This report does not include Congressionally-initiated deferrals.

FOOTNOTES

a. This amount was disapproved by the Congress in the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

b. These funds were proposed for rescission from January 15, 1981 until January 30, 1981 when the rescission proposal related to these funds is listed in Attachment A.

c. This amount was released before the special message containing the deferral was transmitted to the Congress.

d. This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds.

e. This report was transmitted solely to reflect technical adjustments to the previous report.

f. This amount excludes the effect of a release totaling $12 million made prior to the transmittal of the special message.

g. This amount excludes the effect of a release totaling $5 million made prior to the transmittal of the special message

END OF REPORT

[FR Doc. 81-20795 Filed 7-14-81; 8:45 am]

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Wednesday, July 15, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 19 through July 25, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

32590 6-24-81 / U.S. type 31—burley tobacco; Sales of burley tobacco in untied form; comments by 7-24-81

Commodity Credit Corporation—

32591 6-24-81 / Tobacco loan program; proposed price support for baled burley tobacco; comments by 7-24-81

Rural Electrification Administration—

27344 5-19-81 / Proposed rescission of REA Bulletin 60-6: Construction operation and maintenance of electric lines on lands administered by the Forest Service; comments by 7-20-81

CIVIL AERONAUTICS BOARD

26381 5-26-81 / Reports of ownership of stock and other interests and reports of stock ownership of affiliates of air carriers; comments by 7-21-81

26383 5-26-81 / Wet lease agreements, proposal to liberalize regulation; comments by 7-21-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

33350 6-29-81 / Interim Plan for the Management of Atlantic Groundfish; management measures; comments by 7-24-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

32596 6-24-81 / Wyoming; high-cost gas produced from tight formations; comments by 7-20-81

ENVIRONMENTAL PROTECTION AGENCY

30116 6-5-81 / Approval and promulgation of implementation plans; Ohio; comments by 7-20-81

32271 6-22-81 / Approval and promulgation of State implementation plans; revision to the Virgin Island implementation plan; comments by 7-22-81

32272 6-22-81 / Commonwealth of Virginia; section 107—attainment status designations; comments by 7-22-81

27363 5-19-81 / Hazardous waste and hazardous waste management; availability of information; comments by 7-20-81

31903 6-18-81 / Ohio; approval and promulgation of implementation plans; comments by 7-20-81

27333 5-19-81 / State underground injection control programs; comments by 7-20-81

32272 6-22-81 / Status for West Virginia; proposed redesignation of attainment; comments by 7-22-81

FEDERAL COMMUNICATIONS COMMISSION

32281 6-22-81 / Federal-State Joint Board; order inviting comments and suggested information request, appendix B; reply comments by 7-20-81

26513 5-13-81 / FM broadcast station in Coxsackie, N.Y.; proposed changes in table of assignments; reply comments by 7-20-81

26509 5-13-81 / FM broadcast station in Delta, Colo., proposed changes in table of assignments; reply comments by 7-20-81

26511 5-13-81 / FM broadcast station in Sandpoint, Idaho; proposed changes in table of assignments; reply comments by 7-20-81

30153 6-5-81 / FM broadcast station; table of assignments; Rayville, La.; comments by 7-20-81

26514 5-13-81 / FM broadcast station in Minot, N. Dak., proposed changes in table of assignments; reply comments by 7-20-81

31292 6-15-81 / Memphis, Tenn. added to the table of assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service; reply comments by 7-21-81

28681 5-28-81 / Operation of TV stations by remote control comments by 7-20-81

22911 4-22-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR-TV; reply comments by 7-20-81

31290 6-15-81 / Use of the Subsidiary Communications Authorization for Utility Load Management; reply comments by 7-23-81

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

30369 6-8-81 / Records management, standard and optional forms; comments by 7-23-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

18996 3-27-81 / Caffeine; deletion from list of substances generally recognized as safe (GRAS) for use as an added ingredient; comment period extended to 7-20-81

[*See also* 45 FR 69637, 12-23-80. Corrected at 46 FR 24593, 5-1-81 and 46 FR 31020, 6-12-81]

23266 4-24-81 / Microwave ovens; radiation leakage compliance measurement instrument requirements and test conditions; reopening of comment period; comments by 7-23-81

[*See also* 45 FR 29307, 5-2-80]

LIBRARY OF CONGRESS

Copyright Office—

30649 6-10-81 / Compulsory License for cable systems; comments by 7-24-81

SECURITIES AND EXCHANGE COMMISSION

32879 6-25-81 / Amendment of exemptive regulations for primary distribution of securities issued by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank; comments by 7-24-81

SMALL BUSINESS ADMINISTRATION

32259 6-22-81 / Standards of conduct; comments by 7-22-81

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Federal Aviation Administration—

27710 5-21-81 / Rulemaking petitions; summary and disposition; comments by 7-20-81

Research and Special Programs Administration—

29973 6-4-81 / Transportation of hazardous materials; conversion of individual exemptions into regulations of general applicability; comments by 7-20-81

TREASURY DEPARTMENT

Internal Revenue Service—

27723 5-21-81 / Exclusion for certain cost-sharing payments, comments by 7-20-81

28677 5-28-81 / Income tax; use of property to satisfy a pecuniary bequest; comment by 7-20-81

27357 5-19-81 / Voluntary withholding from annuity payments; comments by 7-20-81

VETERANS ADMINISTRATION

28679 5-28-81 / Time limit for a veteran to submit mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting graduation requirements; comments by 7-27-81

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30073 6-5-81 / Cotton fiber and processing tests; comments by 8-1-81

35264 7-8-81 / Tennessee Valley Federal milk order; recommended decision on proposed amendments to tentative marketing agreement and order; comments by 7-30-81

Animal and Plant Health Inspection Service—

28860 5-29-81 / Importation of mares over 731 days of age into the U.S. from countries affected with contagious equine metritis (CEM) when specific requirements to prevent them introducing CEM into the U.S. are met; comments by 7-28-81

Commodity Credit Corporation—

35520 7-9-81 / General regulations governing 1979 and subsequent crops peanut warehouse storage loans and handler operations; comments by 7-28-81

Farmers Home Administration—

28330 5-26-81 / Emergency loans, insured; comments by 7-27-81

Federal Grain Inspection Service—

28170 5-26-81 / United States standards for hay and straw; comments by 7-27-81

Rural Electrification Administration—

28170 5-26-81 / Public information; Appendix A—REA Bulletins Specification for filled telephone cables with expanded insulation, PE89; comments by 7-27-81

CIVIL AERONAUTICS BOARD

29282 6-1-81 / Airlines; terminations, suspensions, and reductions of service; comments by 7-31-81

29727 6-3-81 / Extension of fare flexibility to Micronesia and American Samoa; comments by 7-30-81

29719 6-3-81 / "Joint fares" for flights using two or more carriers; statement of general policy; comments by 7-31-81

29285 6-1-81 / Standard Foreign Fare Level methodology; statements of general policy; reply comments by 7-30-81

COMMERCE DEPARTMENT

International Trade Administration—

23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81

COMMODITY FUTURES TRADING COMMISSION

33293 6-29-81 / Domestic exchange—traded commodity options pilot program; comments by 7-29-81

CONSUMER PRODUCT SAFETY COMMISSION

31901 6-18-81 / Omnidirectional citizens band base station antennas; comments by 7-31-81

[Originally published at 44 FR 53676, 9-14-81]

28665 5-28-81 / Standards for the flammability of clothing textiles and vinyl plastic film; comments by 7-27-81

DEFENSE DEPARTMENT

Army Department—

33057 6-26-81 / Personal privacy and rights of individuals regarding personal records; comments by 7-27-81

Office of the Secretary—

34351 7-1-81 / Implementation of the Civilian Health and Medical Services; comments by 7-31-81

ENERGY DEPARTMENT

29242 6-1-81 / Weatherization assistance for low-income persons; comments by 7-31-81

Economic Regulatory Administration—

31216 6-12-81 / Powerplant and Industrial Fuel Use of 1978; proposed revision of final rules; comments by 7-27-81

Federal Energy Regulatory Commission—

35119 7-7-81 / Pennsylvania; high-cost gas produced from tight formations; comments by 7-29-81

ENVIRONMENTAL PROTECTION AGENCY

33059 6-26-81 / Air quality planning areas: Alabama; redesignation for Etowah County; comments by 7-27-81

33269 6-29-81 / Exemption from requirement of a tolerance for boiled linseed oil (final rule); comments by 7-28-81

34353 7-1-81 / Exemption from requirement of a tolerance for cross-link nylon-type encapsulating polymer; comments by 7-31-81

29292 6-1-81 / Kansas application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 7-31-81

35126 7-7-81 / Motor vehicle pollution control; waiver of oxides of nitrogen (NO_x) emission standards; comments by 7-30-81

31677 6-17-81 / New motor vehicles; emission control system warranties; comments by 7-30-81

21789 4-14-81 / Standards of performance for new stationary sources; VOC fugitive emission sources; synthetic organic chemical manufacturing industry; comments by 7-31-81

33336 6-29-81 / State implementation plan; Wash.; control of Volatile Organic Compound (VOC) emissions for source categories covered by Group II of the VOC Control Techniques Guidelines; comments by 7-29-81

33333 6-29-81 / State Implementation Plan; West Va.; test method for prevention and control of air pollution from emission of volatile organic compounds from bulk gasoline terminals (Regulation XXIII); comments by 7-29-81

31279 6-15-81 / Virginia application for interim authorization, Phase I; Hazardous Waste Management Program; comments by 7-30-81

28873 5-29-81 / Water pollution, effluent limitations guidelines and new source performance standards; coal mining point source category; comments by 7-28-81

[*See also* 46 FR 3130, 1-13-81]

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35063 7-10-81 / Eligibility and scope of financing loan policies and operations; comments by 7-28-81

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29735 6–9–81 / Mill Creek and Mountain Lake Wilderness Study Areas, Princeton, W. Va., 7–22–81; Pearisburg, Va., 7–23–81

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33350 6–29–81 / Interior Plan for the Management of Atlantic Groundfish; Management Measures; 7–20, Hyannis, Mass.; 7–21, New Bedford, Mass.; 7–22, Galilee, Rhode Island, and 7–23–81, Hauppauge, N.Y.

32468 6–23–81 / Tijuana River Estuarine Sanctuary, Imperial Beach, Calif., 7–23–81

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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35072 7–6–81 / ED—Special Educational Programs for students whose families are engaged in migrant and other seasonal farmwork—High School Equivalency Program and College Assistance Program

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35227 7–7–81 / Justice/LEAA—Prison Industries Enhancement Certification Program; extension of deadline for receipt of program applications to 9–30–81

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Highlights

36825 **Military Assistance for Yugoslavia** Presidential determination.

36864 **Banks, Banking** DIDC requests comments on whether to increase interest rates for passbook savings accounts.

Federal Home Loan Banks

36828 FHLBB rescinds policy on advances to refinance maturing borrowings from non-FHLBB sources.

36828 FHLBB amends rules governing use of interest-rate futures markets by certain institutions.

36833, 36862 **Credit Unions** NCUA seeks to relieve restriction rule on share and share certificate accounts. (2 documents)

36840 **Federal Trade** FTC modifies "hiatus" and "posting and reporting" provisions for games of chance in the food retailing and gasoline industries.

37004 **Water Transportation** DOT/CG proposes rules on inland navigation. (5 documents) (Part II of this issue)

36860 **Hazardous Materials** DOT/RSPA delays certain compliance dates for standards on intermodal portable tanks.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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36843, 36865 **Prisoners** Justice issues and proposes rules on inmate grievance procedures. (2 documents)

36930 **Regulatory Flexibility—Environment** EPA discloses plan for review of its existing regulations.

36873 **Highway Safety** DOT/NHTSA terminates portion of rule on fields of direct view for trucks, buses, and multipurpose passenger vehicles.

36841 **Customs** Treasury/Customs provides new standards for certain car, compartment and package seals.

36874 **Historic Preservation** ACHP announces proposed memo on protection of historic and cultural properties affected by the northern tier oil pipeline project.

36948 **Oil and Gas** Interior/BLM announces first lease sale of lands in the National Petroleum Reserve in Alaska.

36948 **Livestock** Interior/BLM announces availability for review and comment of proposed rangeland management policy statement.

36850 **Radio and TV Broadcasting** FCC modifies procedures for processing broadcast applications.

36985 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Presidential Determination No. 81–11 of July 8, 1981

International Military Education and Training for Yugoslavia

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (the Act):

I hereby find pursuant to section 620(f) of the Act that the furnishing of assistance to Yugoslavia under chapter 5 of part II of the Act is vital to the security of the United States, that Yugoslavia is not controlled by the international Communist conspiracy, and that such assistance will further promote the independence of Yugoslavia from international communism.

Pursuant to section 614(a)(1) of the Act—

(a) I hereby determine that the furnishing of such assistance to Yugoslavia is important to the security interests of the United States; and

(b) I hereby authorize the furnishing of such assistance to Yugoslavia without regard to section 620(f) of the Act in the amount of an additional $41,000 in the fiscal year 1981 and $130,000 in the fiscal year 1982, subject to the authorization and appropriation of the necessary funds.

This determination shall be reported to the Congress, and none of the funds provided for herein shall be furnished to Yugoslavia until fifteen days have elapsed after notifications of reprogramming of fiscal year 1981 appropriations have been furnished to the Congress in accordance with section 634A of the Act and the Joint Resolution on Continuing Appropriations (Public Law 96–536).

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, July 8, 1981.

[FR Doc. 81–20980
Filed 7–14–81; 4:25 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 46, No. 136
Thursday, July 16, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 672; Valencia Orange Reg. 671, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 17–23, 1981, and increases the quantity of such oranges that may be so shipped during the period July 10–16, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective July 17, 1981, and the amendment is effective for the period July 10–16, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on July 14, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 908.922 is added as follows:

§ 908.972 Valencia Orange Regulation 672.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 17, 1981, through July 23, 1981, are established as follows:

(1) District 1: 400,000 cartons;
(2) District 2: 400,000 cartons;
(3) District 3: Unlimited cartons.

2. § 908.971 Valencia Orange Regulation 671 (46 FR 35629), is hereby amended to read:

§ 908.971 Valencia Orange Regulation 671.

* * * * *

(1) District 1: 450,000 cartons;
(2) District 2: 450,000 cartons;
(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 15, 1981

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–21605 Filed 7–15–81; 11:20 am]
BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Designation of Port of Entry for Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment adds Charleston, West Virginia to the Service list of ports of entry for aliens arriving by aircraft. United States Customs has designated Charleston, West Virginia as a port of entry for civil aircraft, listing it as a port of entry under 19 CFR 101.3(b) (1980 edition). Under the Immigration and Nationality Act the Attorney General may designate as a port of entry for aliens arriving by aircraft any port legally designated as a port of entry for civil aircraft.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT:
For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633–3048
For specific information: Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633–2725

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 100.4(3) adds

Charleston, West Virginia to the Immigration and Naturalization Service's list of "Ports of entry for aliens arriving by aircraft." The United States Customs Service lists Charleston, West Virginia as a port of entry in 19 CFR 101.3(b) (1980 edition). The Secretary of the Treasury is authorized under 49 U.S.C. 1509 (b) & (c) to designate, and to apply regulations to, ports of entry to the United States for civil aircraft and the merchandise they carry. Section 239 of the Immigration and Nationality Act of 1952, 8 U.S.C. 1229, authorizes the Attorney General to designate as ports of entry for aliens any legally designated port of entry for civil aircraft.

United States Customs designated Charleston, West Virginia, as a port of entry on July 1, 1973, according landing rights to private aircraft at Kanahwa County Airport. Approximately 20 private aircraft per month arrive at that airport, transporting primarily Canadian businessmen. Consequently, the Service is designating Charleston, West Virginia, Kanahwa Airport, as a port of entry for aliens.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this amendment is a notice of agency organization.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This amendment is exempt from sections 2 and 3 of Executive Order 12291 of February 17, 1981, under section 1(a)(3) of that order.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

In § 100.4(c)(3) add in numerical sequence:

§ 100.4 Field service.

* * * * *

District No. 4—Philadelphia, Pa.

Charleston, West Virginia, Kanahwa, Airport

* * * * *

(Secs. 103; 239; 8 U.S.C. 1103, 1229)

Dated: July 13, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-20882 Filed 7-15-81; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 531

[No. 81-381]

Federal Home Loan Bank Advances

July 2, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: In order to provide greater flexibility to the Federal Home Loan Banks to consider advances applications from members to replace maturing borrowings from sources other than the Banks, the Board has rescinded 12 CFR 531.1(f) and instead has directed the Banks to consider such replacement advances at the Banks' discretion, with special emphasis on pricing and commitment fees, as may be necessary to discourage those advances.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION PLEASE CONTACT: Harold L. Levi, Associate General Counsel, Office of General Counsel, ((202) 377-6432), Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On May 22, 1980, in connection with amendments granting more liberal borrowing authority to insured institutions, the Board changed its prior longstanding policy prohibiting advances to refinance maturing borrowings from sources other than Federal Home Loan Banks. 45 FR 36361; May 30 1980. The policy adopted in 1980 provided that advances may be made to refinance such borrowings only if the member had obtained a prior commitment from the Bank and had paid a commitment fee for the refinancing advance. The Board has now determined that such a fixed policy is not sufficiently flexible and has rescinded it in order to provide the Banks discretion to make replacement advances. However, the Board has directed the Banks, through the adoption of a policy directive on July 2, 1981, to place special emphasis on pricing and commitment fees in order to discourage those advances.

The Board finds that observance of the notice and public comment procedures and delay of effective date required pursuant to 12 CFR 508.12 and 508.14, and 5 U.S.C. 553 (b) and (d), respectively, would be unnecessary and contrary to the public interest because this amendment pertains to a general statement of policy and relieves a current restriction.

§ 531.1 [Amended]

Accordingly, the Federal Home Loan Bank Board hereby rescinds § 531.1(f) of Part 531, Subchapter B, Chapter V of Title 12, Code of Federal Regulations.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-20884 Filed 7-15-81; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Parts 545, 563 and 571

Futures Transactions

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board is amending its regulation and policy statement governing use of interest-rate futures markets by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, so that institutions more effectively may protect their operations against interest-rate risks. Major changes include permitting use of any futures contract designated by the Commodity Futures Trading Commission and based upon a security in which the institution has authority to invest, permitting institutions to engage in futures transactions that reduce their net interest-rate risk exposure, eliminating eligibility requirements for engaging in futures transactions, eliminating the regulatory position limit on futures transactions, extending coverage of the regulation governing futures transactions to State-chartered institutions as well as Federal associations, and providing general principles governing accounting for gains and losses on futures contracts.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Kelsey, Office of Policy and Economic Research (202-377-6914), Robert Losey, Office of Federal Savings and Loan Insurance Corporation (202-377-6620), or Peter Barnett, Office of General Counsel (202-377-6445), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Proposed Amendments

On April 23, 1981, the Board proposed amendments to its regulation (12 CFR 545.29) and policy statement (12 CFR 571.12) governing use of interest-rate futures markets by institutions the

accounts of which are insured by the Federal Savings and Loan Insurance Corporation. *See,* Board Resolution No. 81-207; 46 FR 24579 (May 1, 1981). The Board's proposal was intended to give institutions greater flexibility in using interest-rate futures than was permitted under existing regulatory guidelines, taking into account developments in the expanding interest-rate futures markets, the deregulation of the liabilities of insured institutions and the increased volatility of interest rates.

The Board received approximately 75 comment letters from the Federal Home Loan Banks, savings and loan association trade groups, insured institutions, commodity futures exchanges, commodity futures brokers and dealers, accounting firms and other interested persons. Almost all commenters supported the liberalization of regulatory guidelines for interest-rate futures transactions; however, some commenters suggested modification of particular aspects of the Board's proposal as discussed below.

Authorized Transactions

The Board proposed to revise existing limits on the types of interest-rate futures transactions authorized for insured institutions. The existing regulations provide that institutions may engage only in GNMA futures transactions (interest-rate futures transactions based on mortgaged-backed securities guaranteed by the Government National Mortgage Association) and limit permissible transactions to those which can be matched directly against: (1) Firm commitments, which are defined as commitments to make, purchase, issue or deliver mortgage loans or mortgage-related securities; or (2) anticipated reinvestments in mortgages and mortgage-related securities of expected mortgage repayments over the forthcoming 12-month period.

The proposal would have eliminated the restriction that the only futures positions permitted were those matched directly against firm commitments or against anticipated reinvestment of mortgage repayments. Instead, insured institutions would have been permitted to engage in interest-rate futures transactions to hedge operations against the risk of unanticipated changes in interest rates. Hedging would have included interest-rate futures transactions intended as temporary substitutes for, or as opposite positions to, cash market transactions or positions, except that long positions would not have been permitted unless they were used to offset short positions.

Commenters supported liberalizing the restrictions of the existing regulations on the types of interest-rate futures transactions permitted for institutions; however, many commenters suggested that the Board permit institutions to engage in transactions that would have been prohibited under the proposal. In particular, most commenters suggested that the Board permit institutions to take various long positions.

In undertaking to amend its regulations governing interest-rate futures transactions by insured institutions, it is the intent of the Board to permit institutions to engage in futures transactions that reduce the net interest-rate risk exposure arising from an institution's asset and liability structure. Net interest-rate risk exposure is the volatility in an institution's earnings that can arise from the mismatching of the effective maturities of assets and liabilities. At the same time, the Board desires to prohibit institutions from engaging in transactions which would increase their net interest-rate risk exposure.

Upon consideration, the Board has determined not to define permitted transactions in terms of whether they "hedge" specific aspects of an institution's operations against unanticipated changes in interest rates. The matching of futures market positions and cash market positions does not, by itself, ensure that the net interest-rate risk exposure of an institution will be reduced. In addition, even though they do not lower a firm's overall risk exposure, many transactions not permitted under the final regulation are sometimes referred to as "hedges" by futures market participants. Therefore, the final regulation permits insured institutions to engage in interest-rate futures transactions that reduce the net interest-rate risk exposure of the institution. These include, but are not limited to, short futures positions used:

(i) To protect against the risk resulting from forward commitments to originate or purchase mortgages or mortgage-related securities;

(ii) To protect the value of mortgage loans or other investments held in portfolio;

(iii) To fix liability costs; and

(iv) To protect against other risks resulting from a maturity imbalance between assets and liabilities.

With regard to long positions, the Board continues to believe that the risk inherent in the typical savings and loan association's asset and liability structure would not be lessened, and most probably would be increased, by long positions in the futures market. Because the asset and liability structure of the typical insured institution exposes the institution to losses when interest rates rise unexpectedly, and because long futures positions pose similar risks, long positions normally should be viewed as compounding the interest-rate risk inherent to the savings and loan industry. However, those institutions which engage in mortgage banking operations may find it desirable to use long positions when they have contracted to sell mortgages not yet originated or to issue mortgage-related securities to be based upon mortgages not yet originated. Although the asset and liability structure of the typical insured institution reduces the risk associated with this type of mortgage banking activity, this risk reduction may not be sufficient either because of the extent of the mortgage banking activities, or because the benefits from the risk reduction may be spread over several accounting periods while the effects on earnings of the mortgage banking activity may be concentrated in one period.

Accordingly, the Board has decided to permit long futures positions to be taken in connection with forward commitments to sell mortgages not yet originated or to issue mortgage-related securities to be based upon mortgages not yet originated. However, these long futures positions are permitted and may be maintained only to the extent that an institution's short forward commitments exceed 10 percent of long-term assets. Long-term assets are those fixed interest rate assets having remaining terms to maturity in excess of five years. The 10 percent threshhold requirement is set at a level at which changes in the earnings from an institution's long-term asset portfolio approximately will offset losses on the 10 percent of short commitments which are not permitted to be covered by long futures positions under this regulation.

Many commenters who suggested that long positions be permitted did so in the context of "spreading." Spreading is the simultaneous purchase and sale of futures contracts, covering different interest-bearing securities or having different delivery dates, with the expectation that price and yield relationships between the two positions will change so as to result in a profit when the two positions are subsequently offset. The Board has determined that spreading does not come within the context of the futures activities that are being authorized under this regulation. Spreading is undertaken primarily in the expectation of a profit; it is not generally intended to

reduce, and may increase, net interest-rate risk exposure. While some spreading techniques may reduce net interest-rate risk exposure, these techniques are substitutes for the short positions permitted by the Board, and institutions may achieve the same effective risk reduction without spreading under the final regulation.

The Board notes that the provisions of this regulation arise in large part from the current asset and liability structure of the savings and loan industry. It recognizes that many institutions will be changing their operating methods and restructuring their balance sheets in the coming years, and that futures transactions not now authorized, including the use of spreading techniques, may well be appropriate in the future. The Board will monitor changes in the industry and how futures transactions can be used in connection with those changes, and will review its regulation accordingly.

Eligibility Requirements

The Board proposed to eliminate the threshhold eligibility requirements of the existing regulations which provide that an institution meet the following, unless waived by the Board, before it may engage in interest-rate futures transactions:

(1) The net-worth requirements of 12 CFR 563.13(b);

(2) A ratio of scheduled items to assets not exceeding 2.5 percent; and

(3) Appraised losses offset by specific loss reserves to the extent required under 12 CFR 563.17–2.

Commenters supported elimination of eligibility requirements, and in this respect the final regulation is adopted as proposed.

Eligibility requirements were imposed at a time when the futures market in interest rates had been recently established, and the consequences of participation by insured institutions were uncertain. The Board has determined that it is not necessary to specify these requirements as a prerequisite to engaging in futures transactions that reduce an institution's net interest-rate risk exposure. Limiting futures transactions to those appropriate for savings and loans for this purpose provides the assurance of safe and sound operations intended by the eligibility requirements and is in keeping with the current deregulation evidenced by the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 132, and recent Board actions. Moreover, institutions most in need of the interest-rate risk protection afforded by the futures market could have been precluded from engaging in futures transactions if the eligibility requirements of the existing regulation had been retained.

Authorized Contracts

The Board proposed to permit insured institutions to use U.S. Department of the Treasury ("Treasury") bills, notes and bond futures contracts in addition to GNMA futures contracts. In response to the Board's solicitation of comments on the appropriateness of the proposed contracts and whether transactions in additional interest-rate futures contracts should be authorized, many commenters suggested that the Board not specify the particular contracts in which institutions could trade. Some commenters suggested that the Board permit futures transactions in any contract designated for trading by the Commodity Futures Trading Commission ("CFTC") to take into account newly designated contracts without amendment of the regulation. The Board agrees that the regulation should be flexible enough to avoid the need for amendment as the CFTC designates new contracts. Therefore, the final regulation permits institutions to engage in interest-rate futures transactions using any interest-rate futures contract that is designated by the CFTC and is based upon a security in which the institution is authorized to invest.

Position Limit

The existing regulations limit an institution's gross futures position to an amount equal to its net worth. To permit greater flexibility in using the interest-rate futures markets to reduce net interest-rate risk from operations, the Board proposed to permit institutions to maintain open futures positions up to an amount equal to 85 percent of assets. The Board solicited comments on alternative means of imposing position limits or whether any position limit should be imposed. While few commenters thought that a limit equal to 85 percent of assets was overly-restrictive, several commenters pointed out that hedge ratios between cash market positions and standardized futures contracts would reduce the effective futures position available under the limit in certain circumstances.

Upon consideration, the Board has decided to eliminate the position limit from the final regulation. The Board intended the position limit to be a generous check against superfluous futures transactions. However, because the final regulation limits futures transactions to those which reduce the net interest-rate exposure of institutions, and the position limit raises technical questions that, if taken into account, would complicate the regulation unnecessarily, this check has been deleted. Further, the Board believes that the extent of an institution's use of futures transactions is unique to the needs of the institution and is properly left with management as a business, rather than regulatory, decision.

Board of Directors' Authorization

The proposed regulation required specific authorization from its board of directors before an institution could engage in futures transactions. The proposal would have required the adoption of written policies and internal control procedures with respect to futures transactions and specification of the personnel authorized to engage in futures trading, along with their duties, responsibilities and position limits.

The Board continues to believe that it is essential for institutions to formulate a strategy for futures trading that relates such activity to the legitimate business of the institution and for the board of directors to endorse the strategy. The final amendments, therefore, are adopted essentially as proposed, but require additionally that the board of directors set a position limit for the institution's futures activity. In addition, the final regulation clarifies the Board's intent with respect to an institution's internal control mechanisms and requires that the board of directors review the position limit, all outstanding contract positions and unrealized gains and losses on outstanding contracts, at each regular meeting.

Recordkeeping Requirements

In a manner similar to existing regulations, the proposal specified the recordkeeping requirements for an insured institution engaging in interest-rate futures transactions. These included: (1) a register of all outstanding futures contracts; (2) for each futures contract outstanding, the purpose for which the contract was entered into and the cash market transaction(s) or position(s) matched; and (3) retention of the records specified in (1) and (2) for all closed-out futures transactions for a period of two years.

Because meaningful records are necessary to provide examiners with a basis for evaluating futures transactions, the Board is adopting this aspect of the final regulation essentially as proposed. Consistent with other changes in the final regulation, the manner in which corresponding cash and futures market records must be kept has been clarified. These clarifications are intended to assure that an institution's records document the net interest-rate risk to which the institution is exposed and how the futures positions taken reduce this risk. The records must include a schedule of the assets and liabilities for which the institution is reducing the net interest-rate risk exposure.

Accounting

The Board proposed to allow institutions to utilize hedge, sometimes referred to as deferral, accounting for their futures transactions. This was supported by most commenters who discussed accounting. As was the case when the proposal was made, neither the American Institute of Certified Public Accountants nor the Financial Accounting Standards Board is expected to adopt guidelines in this area in the near future. Therefore, because of the need for an accounting treatment consistent with the purpose of the futures transactions permitted by the final regulations, the Board is adopting the principle of hedge accounting as proposed. The final regulations make certain clarifying amendments in the proposed accounting provisions and provide greater technical detail in stating the rules.

The purpose of the futures transactions permitted by the final regulation is to reduce the net interest-rate risk associated with an institution's cash market transactions. Hedge accounting recognizes and reflects this basic intent by relating the accounting for futures transactions to the cash market position with which it is matched. For interest-rate futures contracts matched with assets or liabilities carried at cost, gains or losses on the futures contracts shall be deferred and amortized over the expected life of the corresponding assets or liabilities rather than recognized immediately. It should be understood, and the regulation has been amended to so provide, that futures contracts matched with assets carried at the lower of cost or market are to be accounted for in the same manner as the corresponding asset, that is, the gains or losses on the futures contract are to be considered in the periodic adjustment to the carrying value of the asset. The Board intends to issue further clarification and detail with respect to accounting for futures transactions as necessary.

The Board specifically requested comment on whether an institution should be permitted to choose between a market value accounting method or hedge accounting with respect to its futures transactions. Most commenters who responded recommended not permitting this choice because of the potential for abuse. Accordingly, the final regulation requires the use of hedge accounting and does not permit the institution to choose its accounting method.

The Board intends to monitor the development by the accounting profession of accounting rules for futures contracts and will review the accounting provisions of the regulation once generally accepted accounting principles have been established.

Application to all Insured Institutions

As a result of the potential growth in the volume of interest-rate futures transactions by insured institutions, the expansion of the types of instruments traded, and the increased interest-rate risk faced by all insured institutions, the Board proposed to apply the regulation governing interest-rate futures transactions directly to all insured institutions. The Board's existing regulation governing mortgage-futures transactions (12 CFR 545.29) applies only to Federal associations. By a separate policy statement (12 CFR 571.12), the Board has urged all insured institutions to comply with the requirements applicable to Federal associations. While the legal authority of State-chartered institutions to engage in interest-rate futures transactions may be derived from State law, the Board, through the Federal Savings and Loan Insurance Corporation, has the authority to promulgate rules and regulations for insured institutions to assure that all insured institutions have safe financial policies and management. Speculative activity in interest-rate futures can pose a serious threat to the safety and soundness of insured institutions. Therefore, the final amendments apply to interest-rate futures transactions of all insured institutions to assure that such transactions are used to reduce the net interest-rate risk exposure and to provide uniformity in examination and enforcement for all insured institutions.

"Grandfathering" of Existing Positions and Transition Period

When the Board proposed to amend the regulations governing interest-rate futures transactions, it intended that the amended regulations would apply prospectively only. Two commenters suggested that the Board expressly state how outstanding positions not permitted under the amended regulation will be treated. The Board agrees with this suggestion and, in addition, desires to provide for a transition period between existing regulatory requirements and the amendments adopted today. Accordingly, the final regulation provides that until August 3, 1981, institutions may continue to engage in interest-rate futures transactions as authorized immediately prior to the effective date of the final regulation. Institutions holding interest-rate futures contracts entered into before August 3, 1981, that would not be permitted pursuant to the final regulation will be permitted to continue to hold those contracts, provided that the contracts were authorized when entered into and are not renewed.

Service Corporations

On April 23, 1981, the Board adopted final regulations governing the service corporation investments of Federal savings and loan associations. *See*, Board Resolution No. 81–208; 46 FR 24526 (May 1, 1981). These amendments clarified the authority of service corporations to engage in futures transactions without prior Board approval by expressly referencing 12 CFR 545.29 governing futures transactions by Federal associations and exempting service corporations from the eligibility and notice requirements applicable to Federal associations. Consistent with the final regulation adopted today, the Board amends 12 CFR 545.9–1 to reference expressly 12 CFR 563.17–4 and to exempt service corporations from notice requirements. The Board notes, however, that service corporations may apply to the Board for broader approval to engage in futures transactions on a case-by-case basis.

Options

A few commenters recommended that the Board include in the futures regulation authority for associations to trade on the GNMA options market currently being developed by the Chicago Board Options Exchange. While the Board agrees that options trading by insured institutions is an activity that should be considered, the Board believes that options trading would be addressed more appropriately in a separate regulation.

Final Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following final regulatory flexibility analysis.

1. *Reasons and objectives underlying the rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Issues raised by comments on the Initial Regulatory Flexibility Analysis.* The Board did not receive any

comments on the Initial Regulatory Flexibility Analysis.

3. *Alternatives to the rule.* The basic regulatory requirements included in the rule are limitations on the types of futures transactions permitted; a written policy endorsed by the institution's board of directors; maintenance of records of futures transactions, including the corresponding cash market positions and the purpose of the interest-rate futures transactions; establishment of internal control mechanisms; periodic review by the board of directors of the position limit and all outstanding contract positions; and providing monthly notice to the District Director-Examinations. These requirements, together with monitoring by the supervisory staff, are minimally necessary requirements to ensure that futures trading is undertaken in a safe and sound manner. It would not be possible to eliminate or modify these requirements for smaller entities and still expect them to engage in futures trading in a reasonable manner.

Information requirements contained in this regulation have been approved by the Office of Management and Budget under OMB Number 3060–0031.

Because there is a present need to afford institutions greater protection against volatile interest rates and because the proposal generally reduces regulatory burdens and relieves existing restrictions, the Board is making the final regulations effective on July 10, 1981.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 545, 563 and 571, Subchapters C and D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise paragraph (c)(20) of § 545.9–1 to read as follows:

§ 545.9–1 Service corporations.

* * * * *

(c) *Permitted activities.* A service corporation in which a Federal association may invest is permitted to engage in the following activities:

* * * * *

(20) Engaging in interest-rate futures transactions subject to the provisions of § 563.17–4 of this Chapter, but not subject to any notification requirements thereof;

* * * * *

2. Revise § 545.29 to read as follows:

§ 545.29 Interest-rate futures transactions.

A Federal association may engage in interest-rate futures transactions in compliance with § 563.17–4 of this Chapter.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

3. Add a new § 563.17–4, to read as follows:

§ 563.17–4 Futures transactions.

(a) *Definitions.* As used in this section, the following definitions apply unless the context otherwise requires:

(1) *Interest-rate futures contract.* A transferable agreement to make or take delivery of a standardized amount of an interest-bearing security, of standardized minimum quality grade, during a month specified in the agreement, under terms and conditions established by an exchange designated and regulated by the Commodity Futures Trading Commission.

(2) *Interest-rate futures transaction.* Purchase or sale of an interest-rate futures contract.

(3) *Long position.* The holding of an interest-rate futures contract to take delivery of securities.

(4) *Mortgage-related securities.* Securities based on and backed by mortgages, including mortgage-backed securities guaranteed by the Government National Mortgage Association ("GNMAs"), Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the insured institution or in which the institution is authorized to invest.

(5) *Offset.* To cancel an obligation to make or take delivery of securities under an interest-rate futures contract. A futures contract to purchase securities is offset by a futures contract to sell securities of the same type for the same delivery month. A futures contract to sell securities is offset by a futures contract to purchase securities of the same type for the same delivery month.

(6) *Short position.* The holding of an interest-rate futures contract to make delivery of securities.

(b) *Permitted transactions.* To the extent that it has legal power to do so, an insured institution may engage in interest-rate futures transactions to reduce its net interest-rate risk exposure as provided in this paragraph (b). For purposes of this section, net interest-rate risk exposure is the volatility in an institution's earnings that can arise from the mismatching of the effective maturities of assets and liabilities. An insured institution may enter into short positions that are appropriate for reducing its net interest-rate risk exposure. An insured institution may enter into long positions, other than those that offset short positions, only under the following conditions:

(1) The futures position must be matched against a firm forward commitment to sell mortgages not yet originated or to issue mortgage-related securities to be based on mortgages not yet originated. For purposes of this paragraph (b), a firm forward commitment is a written commitment obligating the seller to make delivery, and the buyer to take delivery, of mortgage loans not yet originated or mortgage-related securities to be based on mortgages not yet originated, at a price and on or before a date specified in the commitment; and

(2) The futures position may be entered into and maintained only to the extent that the institution's firm forward commitments exceed 10 percent of long-term assets with fixed interest rates. For purposes of this section, long-term assets are those having remaining terms to maturity in excess of five years.

Until August 3, 1981, insured institutions may continue to engage in interest-rate futures transactions as authorized immediately prior to July 10, 1981. Institutions with interest-rate futures positions entered into before August 3, 1981, that are not permitted under this paragraph (b), will be permitted to continue to hold those futures contracts: *Provided,* That the interest-rate futures transactions were authorized when entered into and the contracts are not renewed.

(c) *Authorized contracts.* An insured institution may engage in interest-rate futures transactions using any interest-rate futures contracts designated by the Commodity Futures Trading Commission and based upon a security in which the institution has authority to invest.

(d) *Board of directors' authorization.* Prior to engaging in interest-rate futures transactions, an institution's board of directors must authorize such activity. In authorizing futures trading, the board of directors shall consider any plan to engage in interest-rate futures transactions, shall endorse specific written policies, and shall require the establishment of internal control procedures. Policy objectives must be specific enough to outline permissible contract strategies, taking into account price and yield correlations between assets or liabilities and the interest-rate futures contracts with which they are matched; the relationship of the strategies to the institution's operations; and how such strategies reduce the institution's net interest-rate risk exposure. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to futures transactions, identify personnel authorized to engage in futures transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

(e) *Notification.* An institution engaging in interest-rate futures transactions shall notify the District Director-Examinations of the Federal Home Loan Bank District in which it is located that it is engaging in such transactions. The institution shall report its gross outstanding long and short interest-rate futures positions on the Federal Home Loan Bank Board Monthly Report.

(f) *Recordkeeping requirements.* An institution engaging in interest-rate futures transactions shall maintain records of such transactions sufficient to document how the transactions reduce the net interest-rate risk exposure of the institution in accordance with the following requirements:

(1) *Contract register.* The institution shall maintain a contract register adequate to identify and control all interest-rate futures contracts and including, at a minimum, the type and amount of each contract, the maturity date of each contract, the cost of each contract, the dollar amount and description of the asset or liability with which the futures contract is matched, and the date and manner in which a contract is closed out. Such register shall be prepared in a manner sufficient to indicate at any time the institution's total outstanding long and short interest-rate futures positions.

(2) *Other documentation.* The institution shall maintain, as part of the documentation of its interest-rate futures strategy, a schedule of the assets and the liabilities for which net interest-rate risk exposure is being reduced and the purpose of each contract entered into.

(3) *Maintenance of records.* The records designated in this paragraph (f) shall be maintained for all futures transactions closed-out during the preceding two years.

(g) *Accounting.* (1) *Purchase or sale.* Upon the initial purchase or sale of an interest-rate futures contract, a memorandum entry of the information specified in subparagraph (f)(1) of this section shall be made and appropriate margin accounts shall be established.

(2) *Gains and losses.* Gains and losses on interest-rate futures contracts shall be accounted for as follows:

(i) Gains and losses on futures contracts that are matched with assets or liabilities to be carried at cost shall be deferred and included in measurement of the dollar basis of the asset acquired or the liability incurred and amortized over the estimated life of the asset or liability as an adjustment to interest income or interest expense.

(ii) Gains and losses on futures contracts that are matched with existing assets or liabilities carried at cost shall be deferred and included in measurement of the dollar basis of the asset or liability and amortized over the estimated remaining life of the asset or liability as an adjustment to interest income or interest expense. If the asset or liability is sold or otherwise disposed of, the unamortized gain or loss shall be recognized in income.

(iii) Gains and losses on futures contracts that are matched with existing asset positions carried at the lower of cost or market shall be deferred and recognized in determining the lower of cost or market adjustment of the corresponding asset at the end of each reporting period, or upon sale or disposition of the corresponding asset.

PART 571—STATEMENTS OF POLICY

4. Amend Part 571 by removing § 571.12, to read as follows:

§ 571.12 Mortgage-futures transactions. [Rescinded effective July 10, 1981]

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Sec. 402, 403, 407, Stat. 128, 1257, 1260, as amended (12 U.S.C. 1725, 1728, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

July 2, 1981.

[FR Doc. 81–20799 Filed 7–15–81; 8:45 am]

BILLING CODE 6720–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operation of Federal Credit Unions; Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board is taking action to further deregulate share and share certificate accounts. Under its final rule, the NCUA Board is (1) removing the dividend ceiling on share certificates with maturities of 4 years or more and establishing a schedule for the phase-out of the ceilings on shorter maturities; (2) removing the 12% "cap" on the dividend ceiling on share certificates with maturities up to 4 years; and (3) permitting money market certificates to have maturities of six months or more. The changes are prospective; that is, they do not apply to existing share certificates.

EFFECTIVE DATES: The Board's actions are effective August 1, 1981, except for the removal of the 12% cap, which is effective June 29, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Dan Gordon, Senior Financial Economist, Office of Policy Analysis, or Robert M. Fenner, Deputy General Counsel, at the above address, or telephone (202) 357–1080 (Mr. Gordon) or 357–1030 (Mr. Fenner).

SUPPLEMENTARY INFORMATION: On April 22, 1981, the National Credit Union Administration Board issued a proposed rule to phase out dividend ceilings on share certificates beginning with maturities greater than five years and to eliminate the 12% cap that has applied to the dividend ceiling on share certificates other than money market certificates (the ceiling has been indexed to the average 2½ year yield on U.S. Treasury securities, but subject to a 12% maximum). Many of the comments received on the proposal suggested that the NCUA Board reevaluate its strategy with the objective of more rapidly phasing out the dividend rate ceilings on all accounts.

The NCUA Board agrees that if Federal credit unions are to develop a more stable source of long-term funds and avoid imbalances in their liability structure, they must have the flexibility to design share and share certificate accounts that will appeal to interest sensitive account holders. They must be able to both offer terms which are competitive with the yields available on long-term money market instruments and provide share accounts which can effectively compete with money market funds.

To accomplish these objectives, the NCUA Board has (1) removed the 12% cap, effective June 29, 1981; (2) removed the dividend ceiling altogether on share certificates with maturities of 4 years or

more, effective August 1, 1981; and (3) permitted money market certificates to have any maturity of 6 months or more, effective August 1, 1981. As has previously been the case, in no event may the maturity of a share certificate exceed 6 years.

The Board has also adopted a schedule for the phase-out of dividend ceilings on share certificates with maturities less than four years. Effective August 1, 1982, the dividend ceiling on share certificates with maturities of 3 years or more will be removed. The maximum dividend rate on share certificates with maturities of less than 3 years will equal the average 2 year yield for United States Treasury securities at the time the certificate is issued. On August 1, 1983, the dividend ceiling will be removed on all share certificates with maturities of 2 years or more, and the ceiling rate on shorter maturities will equal the 52 week Treasury bill rate at the time the certificate is issued. On August 1, 1984 all dividend ceilings on share certificates with maturities of 1 year or more will be removed, and the ceiling on shorter maturities will equal the 13 week Treasury bill rate. In the fifth stage, on August 1, 1985, all ceilings on share certificates will be removed. (The 6 year maximum maturity will remain in effect at all stages.) This schedule and other changes described above are set forth in revised § 701.35(h). Also, Section 701.35(g) has been amended to clarify that the requirement of a fixed dividend rate applies only to certificates that are subject to a dividend ceiling. Thus, when the ceiling is lifted for a particular maturity, Federal credit unions are free, if they choose, to offer floating rate certificates.

These changes will provide sufficient flexibility for a Federal credit union to compete for interest sensitive funds and provide management with an opportunity to design an intermediate term share certificate and a large share certificate which can offer an attractive alternative to money market funds. This action will also provide credit unions with the opportunity to offer competitive returns on long-term share certificates and thus attract funds to the longer maturities. This would help to offset the current trend toward further shortening of credit union liability maturities.

The increase in the dividend ceiling on share certificate accounts will permit credit unions to compete effectively for member savings and provide competitive returns for IRA/Keogh accounts and public unit accounts. Inasmuch as these accounts are simply forms of share certificate accounts, they are subject to the general provisions of § 701.35(h)(2). Therefore, subsection (h)(3) is redundant and is eliminated from the final rule.

In making the above changes, the Board has also deleted § 701.35(a)(3)(ii) which established, for notice-type share certificates, a 90 day minimum notice period and a requirement of "regular" additions. Notice-type share certificates are subject to a specified minimum period of advance notice of withdrawal; if the required notice is given, withdrawal may be made without a penalty. These certificates will continue to be permitted, but the minimum notice period will be the same as the minimum maturity for other share certificates, i.e., 14 days (see § 701.35(d)(1)). The Board views this as a technical change, inasmuch as Federal credit unions are presently permitted to offer 14 day, automatically renewing share certificates to which additions can be made at any time without extending the maturity. Such an account is not significantly different from a 14 day notice account and therefore the provisions of § 701.35(a)(3)(ii) were inconsistent and ineffectual. (Federal credit unions will remain free to establish by contract a notice period longer than 14 days and a requirement of regular additions, if they choose to offer a notice type account.)

Lastly, with respect to its final rules, the Board has amended certain references contained in §§ 701.38 and 742 to correspond to the revised § 701.35.

Concurrent with the adoption of these final rules, the NCUA Board has issued for comment certain additional, proposed changes to the share and share certificate rules. The proposed changes, which are intended to further relieve regulatory restrictions and enhance the competitive capabilities of Federal credit unions, are being published under separate cover.

It should be understood by Federal credit unions that the Board's decision in deregulating share and share certificate accounts an in proposing other actions does not compel Federal credit unions to alter the rates, terms or conditions on which they presently offer share certificates. Instead, it is the Board's intent to permit management to make its own decisions on the appropriate terms to be offered to its membership. The Board strongly recommends that management carefully evaluate the potential effects on earnings and other aspects of the credit union's financial condition prior to altering the terms offered on share certificate accounts.

Regulatory Flexibility Act

The NCUA Board certifies that these rules will not have a significant economic impact on a substantial number of small credit unions because the rules will increase management flexibility and enhance competitive position. Therefore, a regulatory flexibility analysis is not required pursuant to 5 U.S.C. 605(b).

Comment Period

The NCUA Board is providing a comment period of less than 60 days on some of the proposed changes to the existing rules since the changes would relieve regulatory burdens. In addition, a longer period is not in the public interest as it would unnecessarily delay consideration of regulatory changes to improve Federal credit union asset-liability management.

Effective Date

The final rule is being made effective in less than 30 days because it relieves restrictions.

By order of the National Credit Union Administration Board on the 10th of July, 1981.

Beatrix Fields,

Acting Secretary to the Board.

(12 U.S.C. 1757(6), 1766(a))

§ 701.35 [Amended]

1. Section 701.35(a)(3) is revised to read as follows:

(a) * * *

(3) Share Certificate Account means an account that will earn dividends at a contracted rate if held for a stated qualifying period and on which a penalty may be assessed for any premature withdrawal.

2. The introductory text of § 701.35(g)(1) is revised as follows:

* * * * *

(g) * * *

(1) For any account that is subject to a maximum dividend rate pursuant to (h) of this section, the dividend rate paid on the account, if specified or contracted for in advance, shall:

(a) * * *

3. Section 701.35 (h) is revised to read as follows:

* * * * *

(h) *Maximum Dividend Rate.*

A Federal credit union may pay a maximum dividend, expressed as an annual rate, as follows:

(1) 7% on a share or share draft account.

(2) On a share certificate account, the following schedule shall apply:

(i) Effective June 29, 1981, the maximum dividend rate shall equal the greater of 9½% or the average 2½ year yield for United States Treasury securities as most recently announced prior to the date of issuance of the certificate. Effective August 1, 1981, there shall be no dividend ceiling for share certificates with a qualifying period of 4 years or more;

(ii) Effective August 1, 1982, there shall be no dividend ceiling on share certificates with qualifying periods of 3 years or more. For share certificates with qualifying periods of less than 3 years, the maximum dividend rate shall equal the greater of 9½% or the average 2 year yield for United States Treasury securities as most recently announced prior to the date of issuance of the certificate;

(iii) Effective August 1, 1983, there shall be no dividend ceiling on share certificates with qualifying period of 2 years or more. For share certificates with qualifying periods of less than 2 years, the maximum dividend rate shall equal the greater of 9½% or the rate on 52 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate;

(iv) Effective August 1, 1984, there shall be no dividend ceiling on share certificates with qualifying period of 1 year or more. For share certificates with qualifying periods of less than 1 year, the maximum dividend rate shall equal the greater of 9½% or the rate on 13 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate;

(v) Effective August 1, 1985, there shall be no dividend ceiling on share certificates.

(3) Notwithstanding subsection (h)(2) of this section, Federal credit unions may pay any rate determined by market conditions on share certificate accounts of $100,000 or more.

(4) To the extent that (h)(2) of this section would impose a lower maximum dividend rate, a Federal credit union may pay, on share certificates of $10,000 or more having a fixed term of 26 weeks or more, up to a rate equaling one quarter percent above the rate on 26 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate. In the case of a rate determined pursuant to this subsection, however, compounding of dividends is not permitted and the dividend rate may be rounded off only by rounding down.

§ 701.38 [Amended]

4. Section 701.38(a)(3) is amended by removing the reference to "Section 701.35(c)(1) and Section 701.35(g)" and inserting "Section 701.35(d)(1) and 701.35(h)" in lieu thereof.

§ 742.2 [Amended]

5. Section 742.2(c)(1) is amended by removing the reference to "12 CFR 701.35(a)(2)" and inserting "12 CFR 701.35(a)(3)" in lieu thereof.

[FR Doc. 81-20775 Filed 7-15-81; 8:45 am]

BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Leverage for Section 301(d) Licensees

Correction

In FR Doc. 81-19284 appearing on page 34309 in the issue of Wednesday, July 1, 1981, make the following correction:

On page 34310, in the fifth and sixth lines from the bottom of column one, "* * * § 107.201 reads as follows:" and "107.201 is revised * * *" should have read "* * * 107.201(a) reads as follows:" and "107.201(a) is revised * * *" respectively.

BILLING CODE: 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-4; Amdt. 39-4161]

Airworthiness Directives; Aerospatiale Model AS350 Helicopter

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons Airworthiness Directive (AD) No. 81-09-06 dated April 23, 1981, which was previously made effective to all known operators of Aerospatiale Model AS350 helicopters by individual priority mail letter. This AD required initial and repetitive inspections for wear of the vertical shaft splines of the bevel gear in the main gearbox in all Aerospatiale Model AS350 helicopters equipped with Bevel Gear Module, P/N 350A32.0300.00, –.01, or –.02. This action was needed to prevent loss of mechanical drive between the bevel gear module and the epicyclic module of the main transmission and a subsequent emergency landing. Since publication of AD 81-09-06, new information regarding applicability has been established; therefore this action further revises AD No. 81-09-06 to delete inspection requirements for certain helicopter configurations.

DATES: Effective July 23, 1981, to all persons except those persons to whom it was made immediately effective by priority mail AD No. 81-09-06 dated April 23, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service document [TELEX No. 22316] may be obtained from Aerospatiale Helicopter Division, Service Department, Boite Postale 13, 13722 Marignane (France), or Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

A copy of TELEX No. 22316 dated December 24, 1980, is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C., or at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, of Wilbur F. Wells, Helicopter Policy and Procedures Staff, ASW-211, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 1689, For Worth, Texas 76101, telephone (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: An emergency landing occurred recently which was caused by failure of the mechanical drive components between the bevel gear module and the epicyclic module of the main transmission installed on an Aerospatiale Model AS350 helicopter. It was determined that excessive wear of the splines of the vertical bevel gear in the main transmission preceded this failure. The French Official Services (DGAC) issued a telegraphic AD dated December 24, 1980, requiring initial and repetitive checks for wear of this spline. This was followed by FAA priority mail AD No. 81-01-05 dated January 2, 1981, prescribing essentially the same action effective upon receipt to all known United States operators of Aerospatiale Model AS350 helicopters. However, this inspection was subsequently found to be ineffective due to mismatch of the corresponding wear areas when check in the gound static condition. This priority mail AD was then superseded by a new priority mail AD, No. 81-09-06, dated April 23, 1981, which required initial and repetitive disassembly inspections to determine actual wear and serviceability of the vertical shaft splines. This AD was effective upon

receipt to all known United States operators of Aerospatiale Model AS350 helicopters. This condition still exists and the AD, further revised to exempt helicopters with improved transmission components, is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective for all persons.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Societe National Industrielle Aerospatiale. Applies to Model AS350 series helicopters certificated in all categories which have Bevel Gear Module P/N 350A32.0300.00 or –.01 installed, except bevel gear modules which include nitrided shaft P/N 350A32.3107.23 or –.24. (Bevel Gear Module P/N 350A32.0300.02 includes nitrided shaft, P/N 350A32.3107.23 or –.24 and is exempt from this application.)

Compliance required as follows, unless already accomplished:

a. For bevel gear modules with 580 or more hours' time in service since new or last overhaul, comply within 20 hours' time in service after the effective date of this AD, or

b. For bevel gear modules with less than 580 hours' time in service since new or last overhaul on the effective date of this AD, comply prior to accumulation of 600 hours' time in service, and

c. Thereafter at intervals not to exceed 300 hours' time in service.

To prevent loss of mechanical drive between the bevel gear module and the epicyclic module of the main transmission gearbox, inspect the bevel gear module for wear in accordance with procedures specified in paragraph EE of Aerospatiale TELEX Service No. 05.05 (TELEX No. 22316) dated December 24, 1980, or paragraph BB of Aerospatiale TELEX Service No. 05.06 as it applies to measuring actual spline wear, or other FAA approved equivalent.

If the maximum wear depth at the level of the step on the spline exceeds 1.0 mm (0.039 inch) or if the distance between two rods of 6.35 mm (.250 inch) exceeds 72.2 mm (2.84 inches), the bevel gear module must be replaced with a serviceable module before further flight.

Report defects to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium. Reporting approved by the Office of Management and Budget under OMB No. 04–R0174.

Special flight permits may be issued in accordance with FAR 21.197 and FAR 21.199 to fly aircraft to a base where this AD can be accomplished.

Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

Note.—Aerospatiale TELEX 22316, paragraph EE, is as follows:

EE. Remove main rotor mast and sun gear according to Work Cards 65 13 401 and 65 30 404. Check the wear of vertical shaft splines either by mold print, [maximum wear depth at the level of the step, 1 mm (0.039 inches)] or by measurement of distance between two rods of 6.35 mm diameter. Distance between two opposite rods shall be less than 72.2 mm.

If the value obtained by either one of the above methods is out of limit, return bevel gear module to an approved repair station.

This amendment becomes effective July 23, 1981, for all persons except those to whom it was made immediately effective by priority mail AD No. 81–09–06 dated April 23, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on July 1, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-20701 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 80–ASW–54; Amdt. 39–4163]

Airworthiness Directives; Swearingen Models SA226–T, SA226–AT, and SA226–TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD). Chafing between the stiffeners riveted to the inside of the lower wing-to-fuselage aerodynamic fairing and the lower fuselage pressure vessel skin results in deterioration of the antiabrasion teflon caterpillar grommets bonded to the stiffeners, fracture of the stiffeners, and damage to the pressure vessel. The AD requires inspection, repair of damaged areas, and modification of the structure to prevent recurrence. Swearingen Service Bulletin SB53–006 issued November 24, 1980, refers to this subject.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commenter felt that the timing of the inspection was too restrictive. An engineering evaluation indicated that relief could not be granted.

DATE: Effective August 15, 1981. Compliance required as prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from the Director of Product Support, Swearingen Aviation Corporation, P.O. Box 32486, San Antonio, Texas 78284.

These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection, repair of damaged areas, and modification of the structure to prevent recurrence of Swearingen Model SA226–T, SA226–AT, and SA226–TC airplanes was published in the **Federal Register** (45 FR 84075).

The AD is needed because inspection of four Swearingen Model SA226–TC airplanes revealed worn and damaged pressure vessels. Chafing between the stiffeners riveted to the inside of the lower wing-to-fuselage aerodynamic fairing and the lower fuselage pressure vessel skin resulted in deterioration of the antiabrasion teflon caterpillar grommets bonded to the stiffeners, fracture of the stiffeners, and damage to the pressure vessel. The order in which the failures occurred is not known. On three airplanes, damaged areas up to 8 by ⅛ inches have been found on the left and right sides of the lower fuselage pressure vessel skin between F.S. 332 and 347. This unsafe condition could result in decompression and is likely to exist or develop on other airplanes of the same lower wing-to-fuselage fairing type design. The AD requires inspection, repair of damaged areas, and modification of the structure to prevent recurrence. Swearingen Service Bulletin SB53–006 issued November 24, 1980, refers to this subject.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commenter felt that the timing of the inspection was too restrictive. An engineering evaluation indicated that relief could not be granted.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Swearingen: Applies to Swearingen Models SA226–T, S/N T201 through T275 and T277 through T291; SA226–AT, S/N AT001 through AT074; and SA226–TC, S/N TC201 through TC407 airplanes certificated in all categories. Compliance required within the next 200 hours' time in service, after the effective date of this AD, unless Swearingen Bulletin SB53–006 issued November 27, 1980, has been accomplished. (Airworthiness Docket No. 80–ASW–54.)

Inspect the lower wing-to-fuselage aerodynamic fairing stiffeners, the attached grommets, and the lower fuselage pressure vessel skin for deterioration, wear, or damage. Repair any damaged areas and modify the structure in accordance with Swearingen Service Bulletin SB53–006 issued November 24, 1980, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

This amendment becomes effective August 15, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on July 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-20767 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80–GL–52]

Designation of Transition Area; Ortonville, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Ortonville, Minnesota, in order to accommodate a non-directional radio beacon (NDB) Runway 34 instrument approach procedure into the Ortonville Municipal Airport, Ortonville, Minnesota, which was established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 12004 of the **Federal Register** dated February 12, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ortonville, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Ortonville, Minnesota

That airspace extending upward from 700' above the surface within 6.5 miles of the Ortonville Municipal Airport (latitude 45°18'05" N, longitude 96°25'25" W), extending south 3 miles either side of the 162° bearing from Ortonville Municipal Airport from 6.5 to 8.5 miles, and that airspace extending upward from 1200' above the surface from 45°57'00" N, 97°01'00" W counterclockwise along the 26.5 mile arc of the Wahpeton, North Dakota, Airport to the Minnesota State Line; thence south along the Minnesota State Line; to 44°33'00" N, excluding that portion that overlies the Ortonville Municipal Airport 700-foot transition area; thence west to 44°33'00" N, 96°45'00" W; thence northwest to 44°41'00" N, 96°50'00" W, thence counterclockwise along the 26-mile arc of the Watertown, South Dakota, VOR to the Watertown 086° radial; thence west to the 14.5 mile point on the Watertown 086° radial; thence counterclockwise on the 14.5 mile arc of the Watertown VOR to the Watertown 001° radial; thence north to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 26, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-20703 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-10]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the transition area for the Ely Airport—Yelland Field, Ely, Nevada so as to provide additional controlled airspace for aircraft executing an instrument approach procedure to the Ely Airport—Yelland Field Airport utilizing the Ely, Nevada VORTAC.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On June 4, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area for Ely, Nevada (46 FR 29949). Redesignation of this transition area will provide controlled airspace for protection of instrument operations at Ely Airport—Yelland Field, Ely, Nevada.

Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the Federal Register on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) redesignates the transition area at Ely, Nevada. This transition area provides protection for instrument operations at Ely Airport—Yelland Field, Ely, Nevada, increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Aministrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, October 1, 1981, as follows:

Ely, Nevada

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, Nevada VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 16.5 miles northwest; within 3.5 miles each side of the Ely VOR 014° radial, extending from the VOR to 14.5 miles northeast; and that airspace extending upward from 1200 feet above the surface within a 22-mile radius of the Ely VOR; within 7 miles northeast and 10 miles southwest of the Ely VOR 335° radial, extending from the 22-mile radius area to 38 miles northwest of the Ely VOR; and within 5 miles east and 7.5 miles west of the Ely VOR 014° radial, extending from the 22-mile radius area to 24.5 miles north of the Ely VOR.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on July 1, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-20702 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-46]

Designation of Transition Area; Delaware, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Delaware, Ohio, to accomodate a new instrument approach into Delaware Municipal Airport, Delaware, Ohio, which was established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 932 of the Federal Register dated January 5, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Delaware, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Delaware, Ohio

That airspace extending upward from 700' above the surface within an 8-mile radius of the Delaware Municipal Airport (Latitude 40°16'46" N, Longitude 83°08'22" W) excluding that portion overlying the Maryville, Ohio, and Columbus, Ohio, transition areas.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 26, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-20700 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-32]

Designation of Transition Area; Mt. Gilead, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Mt. Gilead, Ohio, in order to accommodate a new instrument approach into Morrow County Airport, Mt. Gilead, Ohio, which was established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 76693 of the Federal Register dated November 20, 1980, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mt. Gilead, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Mt. Gilead, Ohio

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Morrow County Airport (Latitude 40°31'35" N, Longitude 82°51'00" W) excluding that portion that overlaps the Marion, Ohio, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 26, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-20708 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-34]

Designation of Transition Area; Norwalk, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Norwalk, Ohio, in order to accommodate a new instrument approach into Huron County Airport, which was established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 80831 of the Federal Register dated December 8, 1980, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Norwalk, Ohio. Interested persons were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Norwalk, Ohio

That airspace extending upward from 700' above the surface within a 6-mile radius of the center of Huron County Airport, Norwalk, Ohio (latitude 41°14'40" N. longitude 82°33'03" W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 26, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-20799 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 419

[Document No. 78100042]

Games of Chance in Food Retailing and Gasoline Industries; Amendment of Trade Regulation Rule To Modify Posting and Reporting Provision

AGENCY: Federal Trade Commission.

ACTION: Trade regulation rule amendment.

SUMMARY: The Federal Trade Commission issues an amendment to the Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries which modifies paragraph (e), commonly known as the "Posting and Reporting Provision." As originally promulgated, the provision required each participating retail outlet to post, at the conclusion of each game, a complete list of the names and addresses of all consumers redeeming winning game pieces and the amount of each prize won. The winners list also displayed the total number of game pieces distributed, the total number of prizes in each category which were available, and the total number of prizes in each category which were awarded. Further, a copy of the winners list was required to be sent to the Federal Trade Commission.

The amendment modifies the Posting and Reporting Provision so that each participating retail outlet is required to post only those names and addresses of consumers who redeemed winning game pieces in that store. The posted information regarding the number of game pieces distributed and the number of prizes available and awarded remains unchanged. The requirement to forward a copy of a complete winners list to the Federal Trade Commission has been eliminated, but game promoters are required to retain this information for three years and make it available to the Commission upon reasonable request.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT:
Noble F. Jones, Consumer Protection Specialist, Federal Trade Commission, Cleveland Regional Office, Suite 500, The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114. Telephone: (216) 522–4207.

SUPPLEMENTARY INFORMATION: The amendment has previously been submitted to Congress for review in accordance with Section 21 of the Federal Trade Commission Improvements Act of 1980. Under that section, a rule becomes effective unless both Houses of Congress disapprove the rule within ninety (90) calendar days of continuous session after the rule is submitted. This period has now concluded. The Commission has determined that the amendment will become effective thirty (30) days after the publication of this notice. Accordingly, effective August 17, 1981, the Commission amends Subchapter D, Trade Regulation Rules of 16 CFR, Chapter I, by revising § 419.1(e) to read as follows:

§ 419.1 The Rule.

* * * * *

(e) Fail to post clearly and conspicuously at the conclusion of each game in each individual retail outlet which used the game:

(1) The names and addresses of all persons who redeemed a prize in the individual participating retail outlet, and the amount or value of each prize;

(2) The total number of game pieces distributed in all participating retail outlets;

(3) The total number of prizes in each category or denomination which were made available in all participating retail outlets; and

(4) The total number of prizes in each category or denomination which were awarded in all participating retail outlets.

The information required by paragraphs (e) (2), (3), and (4) of this section, as well as a complete list of the names and addresses of winners of a game, is required to be retained in the records of the game promoter for a period of not less than three (3) years. Upon reasonable request, such information shall be made immediately available to the Commission and its staff for inspection.

* * * * *

By direction of the Commission, dated July 6, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-20805 Filed 7-15-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 419

[Document No. 78100041]

Games of Chance in Food Retailing and Gasoline Industries; Amendment of Trade Regulation Rule To Modify Hiatus Provision

AGENCY: Federal Trade Commission.

ACTION: Trade Regulation Rule Amendment.

SUMMARY: The Federal Trade Commission issues an amendment to the Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries which will modify paragraph (f), commonly known as the "Hiatus Provision." As originally enacted, the provision required that no new game could be promoted or used without a break in time between the new game and any game previously used equivalent to the duration of the game previously used. The amendment limits the length of the hiatus to thirty (30) days or the duration of the previous game, whichever is less.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT:
Noble F. Jones, Consumer Protection Specialist, Federal Trade Commission, Cleveland Regional Office, Suite 500, The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114. Telephone: (216) 522–4207.

SUPPLEMENTARY INFORMATION: The amendment has previously been submitted to Congress for review in accordance with Section 21 of the Federal Trade Commission Improvements Act of 1980. Under that section, a rule becomes effective unless both Houses of Congress disapprove the rule within ninety (90) calendar days of continuous session after the rule is submitted. This period has now concluded. The Commission has determined that the amendment will become effective thirty (30) days after the publication of this notice. Accordingly, effective August 17, 1981, the Commission amends, Subchapter D, Trade Regulation Rules of 16 CFR Chapter I, by revising § 419.1(f) to read as follows:

§ 419.1 The Rule.

* * * * *

(f) Promote or use any new game without a break in time between the new game and any game previously employed in the same retail establishment equivalent to the duration of the game previously employed, or 30 days, whichever is less.

By direction of the Commission dated July 6, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-20804 Filed 7-15-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 18 and 24

[T.D. 81-165]

Acceptance of Customs Seals; New Seal Standards

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide new standards for car, compartment, and package seals used in sealing openings, packages, conveyances, or articles requiring the security provided by such sealing. In addition, a new, less restrictive procedure to obtain Customs acceptance of those seals has been adopted. This action is being taken to (1) establish uniform comprehensive seal standards, and (2) simplify the procedure which makes Customs-accepted seals available for use in domestic and international commerce.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT:
Allard P. D'Heur, Cargo Processing Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5354).

SUPPLEMENTARY INFORMATION:

Background

All imports entering the United States come under Customs custody and control. Customs assures the collection of lawful duties and taxes on imported merchandise, submission of necessary documents, and compliance with other legal requirements by requiring that Customs bonds be furnished as security by importers, carriers, and other members of the importing community. Certain merchandise imported *in bond* is required to be sealed or the package, compartment, or car in which the merchandise is entered must be sealed to protect its integrity. Various seals have been approved by Customs for that purpose.

In accord with former procedures, manufacturers wishing to have car, compartment, or package seals approved by Customs had to send an application for approval along with a sample of the seal to Customs Headquarters for examination and testing. Customs technical personnel would perform various tests to determine that the seal met Customs standards suitable to the intended use of the seal. Approved seals then were made available to qualified purchasers from either the manufacturer or any of the district directors of Customs.

Notice of Suspension of Seal Approval

Because it had been determined that Customs standards for the approval of seals for Customs use no longer reflected current security technology, by a notice published in the Federal Register on January 12, 1978 (43 FR 1806), Customs announced that it would not consider new applications for the approval of seals until new standards were adopted. The notice stated that after adoption of new standards, seals which had been approved might be subject to retesting and reapproval at a later date. The notice also informed the public that Customs was reviewing its technical standards and requirements for approval of all types of Customs seals and invited public participation in establishing revised standards and requirements.

Both of the comments received in response to the notice suggested standards for Customs seals, with one comment devoted almost entirely to "high-security" seals.

Final Rule

The notice of suspension of Customs approval of new applications for seals was premised on the need for more stringent seal standards.

Since the publication of that document, however, Customs has revised its policy concerning desirable characteristics for seals. After considering various new standards, Customs has determined that its seal standards should be based upon existing international guidelines developed by the Customs Cooperation Council ("CCC").

The CCC, an intergovernmental organization made up of 89 nations with Headquarters in Brussels, Belgium, deals exclusively with customs matters. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity and harmony between the customs systems of its member nations. The CCC guidelines were set forth in the June 11, 1968, Recommendation of the Customs Cooperation Council concerning Customs Sealing Systems in connection with the International Transport of Goods, and Annex 2 of the Customs Convention on the International Transit of Goods ("ITI Convention" of June 7, 1971). The standards which are the subject of this amendment are substantially in accord with those international guidelines.

In addition, Customs future acceptance of seals will be based on a manufacturer's attestation that the seals meet or exceed the performance standards described in the amendment rather than by Customs testing of individual seals. If testing is required, it will be performed by the manufacturer or by a private laboratory. Manufacturers will be required to send Customs the seal attestation and, if deemed necessary by Customs, the test record.

Finally, all Customs approvals of seals which already have been granted will be rescinded 150 days after the date of publication of this document in the Federal Register, and no further Customs tests or direct Customs approvals of seals (as opposed to Customs acceptance of seals the standards of which are attested to by a manufacturer) will occur. Manufacturers of any seal already approved by Customs under the previous procedure will have 120 days from the effective date of this document to attest to

Customs that the seal meets or exceeds the new standards.

Inapplicability of Executive Order 12291 and Regulatory Flexibility Act

It has been determined that these amendments do not meet the criteria for a "major rule" specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analyses were required, and none have been prepared for this regulatory project.

In addition, the provisions of section 3 of the Regulatory Flexibility Act requiring regulatory flexibility analyses (5 U.S.C. 603, 604) are not applicable to the amendments because, as noted above, a notice document was issued prior to January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulation

Parts 18 and 24, Customs Regulations (19 CFR Parts 18, 24), are amended as set forth below.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. Section 18.4(a)(2) is amended by removing the word "valid" in the first sentence.

2. Section 18.4(d) is revised to read as follows:

§ 18.4 Sealing conveyances and compartments; labeling packages; warning cards.

* * * * *

(d) The seals to be used in sealing conveyances, compartments, or packages must meet Customs standards provided in § 24.13a of this chapter, and may be obtained in accordance with § 24.13 of this chapter.

(R.S. 251, as amended, secs. 552, 553, 46 Stat. 742, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1552, 1553, 1624))

PART 24—CUSTOMS ACCOUNTING AND FINANCIAL PROCEDURE

1. Paragraph (a), the first sentence of paragraph (c), and paragraph (d) of § 24.13 are revised to read as follows:

§ 24.13 Car, compartment, and package seals; kind, procurement.

(a) Customs seals accepted pursuant to § 24.13a of this chapter shall be used in sealing openings, packages, conveyances, or articles requiring the security provided by such sealing.

* * * * *

(c) Carriers of merchandise or their commercial associations or comparable representatives approved by the district director of Customs (see paragraph (f) of this section) shall manufacture or purchase quantity supplies of in-bond and in-transit seals accepted by Customs pursuant to the provisions of § 24.13a of this chapter. * * *

(d) The manufacturer or supplier shall ship the seals to the consignee named in the order and shall advise the district director for the Customs district to which the seals are shipped as to the kind and quantity of seals shipped, the name of the port (where required), serial numbers, and symbol number (where required) stamped thereon, the name and address of the consignee, and the date of shipment.

2. The section heading and § 24.13a are revised to read as follows:

§ 24.13a Car, compartment, and package seals; and fastenings; standards; acceptance by Customs.

(a) *General standards.* The seals and fastenings, together, shall

(1) Be strong and durable;

(2) Be capable of being affixed easily and quickly;

(3) Be capable of being checked readily and identified by unique marks (such as a logotype) and numbers;

(4) Not permit removal or undoing without breaking, or tampering without leaving traces;

(5) Not permit use more than once; and

(6) Be made as difficult as possible to copy or counterfeit.

(b) *Seal specifications.* (1) The shape and size of the seal shall be such that any identifying marks are readily legible.

(2) Each eyelet in a seal shall be of a size corresponding to that of the fastening used, and shall be positioned so that the fastening will be held firmly in place when the seal is closed.

(3) The material used shall be sufficiently strong to prevent accidental breakage, early deterioration (due to weather conditions, chemical action, etc.) or undetectable tampering under normal usage.

(4) The material used shall be selected with reference to the sealing system used.

(c) *Fastening specifications.* (1) The fastening shall be strong and durable and resistant to weather and corrosion.

(2) The length of the fastening used shall not enable a sealed aperture to be opened or partly opened without the seal or fastening being broken or otherwise showing obvious damage.

(3) The material used shall be selected with reference to the sealing system used.

(d) *Identification marks.* (1) If the seal is to be purchased and used by U.S. Customs, the seal or fastening, as appropriate, shall be marked to show that it is a U.S. Customs seal by application of the words "U.S. Customs" and a unique identification number on the seal.

(2) If the seal is to be used by private industry (i.e., a shipper, manufacturer, or carrier), it must be clearly and legibly marked with a unique company name (or logotype) and identification number.

(e) *Customs acceptance.* Seals will be considered as acceptable for use and/or purchase by U.S. Customs as soon as the manufacturer attests that the seals have been tested and meet or exceed the standards provided in paragraphs (a) through (d) of this section, and will continue to be considered acceptable until such time as it is demonstrated that they do not meet the standards. A manufacturer may attest to the qualification of a specific seal, or to an entire product line of seals as of a certain date. Any addition of a seal to a group would require specific acceptance of that seal by Customs.

(f) *Testing.* All testing of seals deemed necessary before Customs acceptance will be done by the manufacturer or by a private laboratory, and not by Customs. However, Customs reserves the right to test, or to have tested, seals that have been accepted by Customs.

(g) *Records.* The manufacturer's attestation that a seal meets or exceeds the standards specified in this section and, if deemed necessary by Customs, the seal test record shall be sent to the Director, Office of Inspection, Cargo Processing Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229.

(R.S. 251, as amended, secs. 552, 553, 46 Stat. 742, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1552, 1553, 1624))

William T. Archey,
Commissioner of Customs.

Approved: May 27, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81-20865 Filed 7-15-81; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Parts 0 and 40

[Order No. 950-81]

Office of Inmate Grievance Procedure; Certification Methods for Inmate Grievance Procedures

AGENCY: Department of Justice.
ACTION: Final rule.

SUMMARY: On January 12, 1981, the Attorney General issued a final rule [Attorney General Order No. 924-81, FR Doc. 81-1528, appearing at 46 FR 3843, January 16, 1981] promulgating minimum standards for inmate grievance procedures, (28 CFR Part 40, Subpart A), establishing methods of certifying such procedures, and creating an Office of Inmate Grievance Procedures, (28 CFR Part 40, subpart B, and § 0.18) as required by "The Civil Rights of Institutionalized Persons Act." That rule was to become effective thirty legislative days after publication. On March 6, 1981, Attorney General Order No. 935-81 [FR Doc. No. 81-7592, appearing at 46 FR 16100, March 11, 1981] deferred to March 30, 1981 the effective dates of those parts of Attorney General Order No. 924-81 which established methods of certification and an Office of Inmate Grievance Procedures under the terms of the "Civil Rights of Institutionalized Persons Act." At the same time, Attorney General Order No. 935-81 gave notice that the minimum standards for inmate grievance procedures promulgated by Attorney General Order No. 924-81 would be subjected to further review in accordance with the President's memorandum to agency heads of January 29, 1981, and that revisions would be proposed for public comment, if necessary. Subsequently, the effective date of the portions of Attorney General Order No. 924-81 deferred until March 30, 1981 by Order No. 935-81 (28 CFR Part 40, Sub Part B, and § 0.18), were further deferred to June 30, 1981 by Attorney General Order No. 937-81 [FR Doc. 81-8993, appearing at 46 FR 19935, April 2, 1981].

The Attorney General has determined that the minimum standards for inmate grievance procedures and the methods for certification should be revised. He has consequently proposed revised standards and new procedures by a concurrent order [Attorney General Order No. 949-81 published in the Proposed Rules Section of this Federal Register on which he has invited public comment. By this order he withdraws the Department's regulations (which never became effective) on methods for certification and on the Office of Inmate Grievance Procedures.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Pearlman, Office of General Counsel, Bureau of Prisons, Room 706, 320 First Street, N.W., Washington, D.C. 20534 (202-724-3062).

Accordingly, to prevent the confusion which would result from permitting the Department's regulations on methods of certification from going into effect while new procedures likely to be adopted have been submitted for public comment and by the authority vested in me as Attorney General by 42 U.S.C. 1997, 28 U.S.C. 509, 510, and 5 U.S.C. 301, it is hereby ordered that the following provisions of Attorney General Order No. 924-81 are removed:

Part 40, Subpart B [Removed]

1. Part 40, Subpart B to Title 28, Code of Federal Regulations is removed.

§ 0.18 [Removed]

2. Section 0.18 to Part 0 of Title 28 Code of Federal Regulations is removed.

Dated: July 10, 1981.
William French Smith,
Attorney General.

[FR Doc. 81-20774 Filed 7-15-81; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-104]

Root River, Wis.; Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: At the request of the City of Racine, Wisconsin, the Coast Guard is revising the regulations for the Main and State Street bridges across the Root River, Racine, Wisconsin. Scheduled closed periods during morning, afternoon, and evening rush hours for the Main Street bridge will be replaced by a requirement that the draws open at fixed 20 minute intervals throughout the day only if vessels are waiting to pass. Morning and afternoon closed periods on the State Street bridge will be removed during the navigation season. Also, both bridges will require a two hour advance notice to effect an opening during the winter months. This change is being made to accommodate an increase in vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, United States Coast Guard, 1240 East Ninth Street, Cleveland, Ohio 44199 (216) 522-3993.

SUPPLEMENTARY INFORMATION: On August 25, 1980, the Coast Guard published a Proposed Rule (45 FR 56364) and on September 29, 1980, a correction (45 FR 64177), concerning this amendment. The Commander, Ninth Coast Guard District, also published these proposals as a Public Notice dated September 15, 1980. Interested persons were given until September 26, 1980 and October 15, 1980, respectively, to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Project Attorney, Lt. M. E. Reeves, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of Comments

Two commentors had no objection and one requested that commercial vessels be passed through the draw of the Main Street bridge, upon signal, even though the closed periods are in effect. The Coast Guard has determined that this is a reasonable request and has included commercial vessels in § 117.660(d), which lists vessels to be passed through the draws at any time.

Previously, the bridge was permitted to remain closed for up to 40 minutes during specified periods. By eliminating restriction on the passage of commercial vessels, these regulations reduce the maximum delay for non-commercial vessels during the boating season to only 20 minutes, and the advance notice requirement is limited to months when there is little vessel traffic. For these reasons, the economic impact of these regulations is expected to be minimal.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulation (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. Because the notice of proposed rulemaking was issued before January 1,

1981, these regulations are exempt from the Regulatory Flexibility Act (94 Stat. 1164 (5 U.S.C. 601–612)). However, the requirements of the Act have been taken into consideration, and for the reasons discussed above these regulations are not expected to have significant economic impact on small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraph (a), (d), and (e) of § 117.660 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.660 Root River, Racine, Wisconsin, Main Street and State Street Bridges.

(a) The draws shall open on signal, except as follows:

(1) Main Street Bridge.

(i) From April 1 through December 1 from 6 a.m. to 6 p.m. the draw need open only on signal every 20 minutes (on the hour, 20 minutes after the hour, and 20 minutes before the hour). The draw shall remain open long enough during these periods of time to allow all awaiting vessels to safely pass.

(ii) From December 2 through March 31 the draw shall open on signal if at least two hours notice is given.

(2) State Street Bridge. From October 16 through April 30 the draw shall open on signal if at least two hours notice is given.

* * * * *

(d) The draws shall open as soon as possible for public vessels of the United States, state or local government vessels engaged in public safety or law enforcement activities, commercial vessels and vessels in distress even though the closed periods as specified in paragraphs (a) (1) and (2) of this section are in effect.

(e) The owner of or agency controlling these bridges shall keep a copy of these regulations conspicuously posted both upstream and downstream, either on the bridges or elsewhere in such a manner that it can be easily read from an approaching vessel at all times, with instructions stating exactly how notice is to be given to the authorized representative of the bridge owner to effect an opening during the periods of closure specified in paragraphs (a) (1) and (2) of this section.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Henry H. Bell,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 81–20982 Filed 7–15–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW–10–FRL–1671–6]

Hazardous Waste Management Programs: Phase I Interim Authorization for Oregon

AGENCY: Environmental Protection Agency, Region X.

ACTION: Final rule: Approval of State Program.

SUMMARY: The State of Oregon has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Oregon to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Oregon will be subject to the State of Oregon's hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal Program unless: (1) The State fails to obtain final authorization by the deadline specified in Section 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: David Hanline, Waste Management Branch M/S 520, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101; (206) 442–1280 or FTS 399–1280.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to grant Phase I Interim Authorization to the State of Oregon for its hazardous waste management program. In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which became effective on November 19, 1980, were provisions for a transitional phase during which States could be granted interim program authorization provided that State programs were determined to be substantially equivalent to the Federal program. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

On September 16, 1980, the State of Oregon applied to EPA for Phase I interim authorization of its hazardous waste management program. On October 16, 1980, EPA issued in the **Federal Register** (45 FR 68693) a notice of the public comment period on the State's application. All comments received during this period have been noted and considered, as discussed below. Continuing discussions between the State and EPA resulted in a request from the State on January 13, 1981, to extend the review period of the application in order that certain authorities and activities not documented in the September 16 application could be submitted for EPA's consideration. This material was received by EPA on February 5, 1981. An announcement of the public comment period for the additional material was published in the **Federal Register** on February 20, 1981 (46 FR 13242). However, no public comments were received on this additional material.

I. EPA's Major Concerns

In reviewing Oregon's interim authorization application, EPA raised several concerns about whether Oregon's hazardous waste management program was substantially equivalent to the Federal program. After careful consideration of these points, EPA has determined that while some of them represent discrepancies between the corresponding aspects of the State and Federal programs, none constitutes a significant gap in Oregon's ability to properly manage hazardous wastes during the interim period. Following is a discussion of these points and EPA's basis for determining that they ought not to preclude Phase I interim authorization.

1. Universe of Wastes Regulated

In considering the universe of hazardous wastes regulated under Oregon's program, three issues were highlighted as potential problem areas—Oregon's exclusion of wastes from the leather tanning industry and the primary aluminum industry from regulation; Oregon's exemption of shipments under 2,000 lbs. from manifest, recordkeeping, and reporting requirements; and Oregon's exemption from regulation under the hazardous waste program of

radioactive materials which may also be defined as "hazardous."

First, in the **Federal Register** of October 30, 1980 (45 FR 72024), EPA excluded wastes from the leather tanning industry from the hazardous waste listing (the constituent of concern being trivalent chromium). Also, the October 30 amendments suspend the listing of wastes from the primary aluminum industry from the Federal regulations, since primary aluminum reduction falls under the exclusion for "extraction, beneficiation, and processing of ores and minerals" provided by the Solid Waste Disposal Act Amendments of 1980, Pub. L. 96–482.

Second, even with the exemptions from the manifesting, recordkeeping, and reporting requirements for shipments under 2,000 lbs., Oregon's rules still require that the waste go to hazardous waste facilities. Applicable rules also specify requirements for packaging waste and labeling containers for shipment. Furthermore, waste management facilities in Oregon are required to report all receipts of hazardous waste whether or not the wastes are subject to manifest requirements.

Third, Oregon's hazardous waste management program does not control radioactive wastes, regardless of any other "hazardous" properties of the wastes. Authority for regulation of radioactive wastes rests with the State Department of Energy and the Health Division. However, EPA is not aware of any wastes in Oregon which are radioactive and would also be defined as hazardous for some other reason.

2. Interim Status Standards (ISS)—Unlicensed Facilities

With the exception of facilities utilizing surface impoundments, Oregon does not at present require hazardous waste licenses of on-site treatment and storage facilities. However, through its generator requirements, Oregon does require compliance by such facilities with standards substantially equivalent to the ISS.

Furthermore, generators cannot store hazardous waste for longer than six months without approval from the State. This approval is based on whether there is a potential for reuse or recycling within a reasonable time frame. In their interim authorization application, the State agreed to seek voluntary compliance by firms with all of the ISS. Furthermore, the State agreed to undertake compliance inspections of facilities which returned Part A permit applications, but are unlicensed in Oregon, on a bi-yearly basis.

3. Interim Status Standards—Licensed Facilities

Licenses are required of disposal facilities, offsite treatment and storage facilities, and facilities utilizing surface impoundments for management of hazardous wastes, and Oregon has sufficiently broad authority to apply the ISS to these facilities. Certain requirements included in the ISS were not specified in Oregon's rules, however, and were not included in existing licenses. In response to EPA's concerns, the State has modified these licenses to incorporate standards substantially equivalent to the ISS. Furthermore, the State has committed to include the ISS in all new, renewed, and modified licenses issued after September 1, 1980.

II. Response to Public Comments

After an announcement in the **Federal Register** on October 16, 1980 (45 FR 68693), a public hearing was held on Oregon's application in Portland on November 17, 1980. At this time, it was decided that the comment period would remain open until November 24, 1980. Comments were received from representatives of industry. Most of the commenters did not address the specific requirements for authorization of State programs, nor how Oregon's program compared to the Federal program. Rather, commenters were mainly concerned about the possibility of having duplicative State and Federal programs, which had the potential for confusion and increased burden on those regulated.

While EPA is sympathetic to these concerns, they do not get at the heart of the issue at hand—whether Oregon's program, which would operate in lieu of the Federal program, is substantially equivalent to the Federal program. In the absence of an authorized program in Oregon, EPA's approach to minimize duplication and confusion would have been to encourage the State to enter into a Cooperative Arrangement with EPA so that the State would help to administer the Federal program to the maximum extent feasible. This approach would have maximized and thus maintained direct contact between the State and regulated industry until authorization could be granted. Clearly, EPA's decision to grant Phase I authorization will go further to eliminate the potential for duplication and confusion.

Other comments focused on the problems faced by States in keeping abreast of regulatory changes at the Federal level, suggesting it would be better to allow a State program with a history of real-world application to operate during the interim authorization period until the Federal program gained greater stability. While there is merit to this argument, particularly considering the complexity of the Federal program as it has appeared in numerous issues of the **Federal Register**, it too, begs the fundamental question of whether the State's program is substantially equivalent to the Federal program.

A more pointed comment focused on a requirement in the Federal regulations that in landfilling, ignitable wastes must be treated, rendered, or mixed so that the resulting waste no longer meets the characteristic of ignitability (40 CFR 265.312). It was felt by this commenter that the principal hazardous waste disposal site in the area did not at the time have the capability to incinerate or otherwise treat ignitable waste. On-site storage would be necessary for some time, which would cause an increased potential for adverse environmental impacts and safety problems, as well as the need for a storage permit. The commenter concluded that interim authorization should therefore be granted since there is no similar requirement in effect at the State level. Consequently, the problems which were noted would not arise.

This concern is one which was brought to EPA's attention by many generators and landfill operators commenting on the Federal regulations of May 19, 1980, in which the requirement first appeared. In response to this concern, on February 20, 1981 (46 FR 13492), EPA amended this requirement, suspending it for liquid ignitable wastes in containers until May 19, 1981. The preamble to the February 20 amendment gives considerable detail on this topic. EPA extended this suspension on June 29, 1981 (46 FR 33502). As a consequence of the suspension, the issue raised relative to interim authorization in Oregon has been addressed.

Finally, two commenters in support of granting interim authorization to Oregon emphasized that in some respects the universe of hazardous wastes regulated under Oregon's program is more stringent than that regulated by the Federal program. Examples noted were a broader corrosivity characteristic and certain small generator cut-offs which are more restrictive. Such areas of relatively greater stringency do suggest a comprehensive definition of hazardous wastes in Oregon. EPA's conclusion that the discrepancies between Oregon's definition of hazardous wastes and the Federal definition of hazardous wastes do not comprise significant gaps in the universe of wastes regulated in Oregon, has led EPA to judge Oregon's definition

of hazardous waste to be substantially equivalent to the Federal universe.

III. Decision

EPA has reviewed the State of Oregon's complete application for Phase I interim authorization and has determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123, Subpart F. In accordance with Section 3006(c) of RCRA, the State of Oregon is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Oregon will be subject to the State of Oregon's hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless: (1) The State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for case by EPA.

IV. Compliance With Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major regulations". A "major regulation" is defined as "any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

EPA's decision to approve Oregon's Phase I hazardous waste program is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Oregon. In the absence of this decision, persons handling hazardous waste in Oregon would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Oregon hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation."

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974.

Dated: May 20, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-20803 Filed 7-15-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-4-FRL 1872-2]

Hazardous Waste Management Program; Phase I Interim Authorization for Tennessee

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Final rule: Approval of State Program.

SUMMARY: The State of Tennessee has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act (RCRA) and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Tennessee to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Tennessee will be subject to the State of Tennessee hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless: (1) The State fails to obtain final authorization by the deadline specified in section 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Douglas C. McCurry, Residuals Management Branch, U.S. EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone (404) 881–3016.

SUPPLEMENTARY INFORMATION:

I. Background

In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency interim authorization if its program is substantially equivalent to the Federal program. During interim authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The interim authorization program will be implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Tennessee submitted its draft application for Phase I interim authorization on September 8, 1980. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration. The State subsequently made revisions to its application for Phase I interim authorization in order to clarify those aspects of its program which had been questioned during the EPA review.

On October 30, 1980, Tennessee submitted to EPA a final application for Phase I interim authorization under RCRA. EPA Headquarters and Regional personnel conducted an analysis of Tennessee's hazardous waste program. The following issues were raised by the review teams:

(a) Tennessee's hazardous waste legislation limits the ability of the State program officials to inspect generators.

(b) The State statutues do not permit the State to share proprietary information with EPA.

(c) The State's universe of waste is not identical of EPA's.

(d) The State's delisting procedures are not substantially equivalent.

(e) The Attorney General does not provide assurances that the State will not oppose citizen intervention in the enforcement process on the grounds that the State will adequately represent the interest of the citizen.

(f) The State statutes and regulations do not provide for inspection of transporter facilities.

(g) Tennessee's regulations covering Interim Status Standards are not as detailed and stringent as EPA's regulations at 40 CFR Part 265.

On February 3, 1981, the State addressed these seven issues. Issues, (c), (d), (f), and (g) were adequately resolved in the State's response as follows:

(c) The State provides adequate and effective management of clerical wastes, certain radioactive wastes, and used crankcase oil through other State standards. The permanent regulations, which remove these exclusions, are scheduled to become effective March 2, 1981. The agricultural waste exemption requires a legislative change. The State committed to seeking this change in the next legislative session.

(d) The Memorandum of Agreement will include a commitment from the State to obtain EPA's concurrence on delisting petitions until the State's permanent regulations, which revise delisting procedures, become effective.

(f) The Public Service Commission and the State DPH documented that the PSC has authority to inspect motor carrier facilities.

(g) The State committed to evaluating compliance of facilities based on permanent regulations which will be more detailed than the existing emergency regulations.

It was the position of EPA Regional and Headquarters review teams that the State program was not substantially equivalent on issues (a), (b), and (e).

(a) The State demonstrated that it could inspect only generators who (1) fail to notify, (2) notify falsely, or (3) treat, store, or dispose of hazardous waste. The State failed to provide assurance that it had authority to conduct periodic generator inspections and to inspect generator records as necessary for compliance monitoring. The State must have authority to inspect generators who have properly notified but refuse to consent to an inspection to be substantially equivalent to 40 CFR 123.128(g) (2)(i), (ii) and (3).

(b) The State agreed to take all reasonable steps to obtain the consent to release proprietary information to EPA. However, EPA did not accept this policy as substantially equivalent to 40 CFR 123.132, which requires that "any information obtained or used in the administration of the State program shall be available to EPA upon request without restriction."

(e) EPA determined that Tennessee's scheme for public participation in the State enforcement process was not substantially equivalent to the requirements of either subsections (i) or (ii) of 40 CFR 123.128(f)(2). Tennessee's law provides a conditional right to intervene in civil actions to citizens whose interests are not adequately represented by existing parties. The State Enforcement Authority did not provide assurances that efforts to intervene would not be opposed on the grounds that the State adequately represents the interest of the citizen.

On February 13, 1981, Tennessee requested that EPA stay consideration of the application submitted on October 30, 1980, so that the application may be amended to include revisions in State legislation likely to be enacted in the 1981 session of the Tennessee General Assembly.

On February 17, 1981, EPA granted the State's request for a stay of EPA's decision process until June 17, 1981. A notice was published in the **Federal Register** on February 24, 1981. This 120-day period was to allow the State 90 days to amend the application and 30 days for EPA to complete the review of Tennessee's application.

Permanent regulations to replace the expired emergency regulations were effective March 2, 1981. The Tennessee General Assembly enacted amendments to the Tennessee Hazardous Waste Management Act, Public Acts 1981, Chapter 174, which became effective on April 22, 1981. On May 28, 1981, the State submitted an amended application package to EPA.

The amended application adequately resolved all the issues raised by EPA review teams as follows:

(a) The State is authorized under TCA 53–6307, as amended April 22, 1981, to conduct periodic generator inspections and to inspect generator records as necessary for compliance monitoring in accordance with 40 CFR 123.128(g) (2)(i), (ii) and (3).

(b) The State has authority, in TCA 53–6309, as amended April 22, 1981, to provide any information obtained or used in the administration of the State program to EPA upon request without restriction in accordance with 40 CFR 123.132.

(c) The State's permanent hazardous waste regulations, which became effective on March 2, 1981, removed the exclusions of clerical waste, certain radioactive wastes, and used crankcase oil. The legislative exemption of agricultural waste was amended April 22, 1981, and is now substantially equivalent to 40 CFR 261.4 and 262.51. The State has committed in the Authorization Plan to modify their hazardous waste regulations accordingly.

(d) The State's permanent regulations, effective March 2, 1981, contain substantially equivalent delisting procedures.

(e) A hybrid procedure for public participation in the State enforcement process was provided. Tennessee Rules of Civil Procedure allow citizens to intervene unless their interests are adequately represented by the parties. The Tennessee Attorney General provided an assurance that intervention will not be opposed on that ground unless intervention would impair or impede the ability to conduct the litigation. The Authorization Plan contains a commitment to seek further legislative change clarifying the rights of private citizens to intervene in pending judicial enforcement actions.

(f) TCA 53–6307, as amended April 22, 1981, provides authority for the inspection of transporter facilities. Also, the Tennessee PSC has authority to inspect motor carrier facilities.

(g) The State's permanent regulations, effective March 2, 1981, contain Interim Status Standards that are substantially equivalent to the Federal regulations at 40 CFR Part 265.

II. Response to Public Comments

On November 28, 1980, a notice was published in the **Federal Register** (45 FR 79118), giving the public until January 5, 1981, to comment on the State's application. EPA also held a public hearing in Nashville, Tennessee, on December 29, 1980. Several requests were received to extend the comment period. A notice appeared in the **Federal Register** on January 16, 1981 (46 FR 3924), to reopen the comment period until January 30, 1981, to allow further public comment on the State's application.

The oral and written comments received at the public hearing and written comments received during the comment period are summarized below along with EPA's responses.

Seven people presented oral comments at the public hearing. Their comments and EPA's responses are presented below:

Comment: Two speakers supported the granting of interim authorization to the State.

EPA Response: No response needed.

Comment: Two speakers supported the granting of interim authorization to the State, but expressed concern with EPA's requirement that the State provide unlimited access to proprietary information because of the possible abrogation of the rights of private

organizations to protect such information. The speakers were especially concerned that RCRA does not expressly require States seeking interim authorization to submit to EPA information obtained by the State pursuant to its own statutory authority.

EPA Response: While the State must provide information to EPA upon request, all claims of confidentiality made to the State will be subject to formal decision by EPA to determine whether they are entitled to confidential treatment under Federal regulations at 40 CFR Part 2 which implements the Trade Secrets Act and the Freedom of Information Act. If EPA determines the information is not entitled to confidential treatment, EPA will notify the holder of the claim of its decision at least ten (10) days prior to release. The holder may initiate court review of that decision.

Comment: A speaker endorsed the State's application but expressed concern that the application included a commitment in the Authorization Plan to seek legislative changes regarding generator inspection authority which is presently limited to "those areas and operations which might reasonably be expected to generate hazardous waste * * *." The commenter opined that investigation should be confined to those areas of the facility which are involved with hazardous wastes.

EPA Response: At the time of the public hearing, that portion of the State's statute concerning "areas subject to inspection" was substantially equivalent to the inspection authority of EPA for interim authorization.

On April 22, 1981, the Tennessee General Assembly amended TCA 53–6307 to remove the limitation on areas of a facility that may be inspected. The amendment to TCA 53–6307 now provides authority for the State to "investigate hazardous waste generators as often as deemed necessary" without limitation.

Comment: Another speaker expressed support for the principle of State delegation but not for the principle of "paper" delegation. Specifically, the speaker was concerned that the State does not have substantially equivalent laws and regulations, adequate technical and support staff, and increased operating budget.

EPA Response: Federal law (RCRA) requires that EPA grant interim authorization only if the State's statutes and regulations provide substantially equivalent authority to carry out the program as described in 40 CFR Subpart F.

EPA agrees that at the time of the public hearing, Tennessee statutes and regulations were not substantially equivalent. Based on Public Acts 1981, Chapter 174, which amended Tennessee's Hazardous Waste Management Act, EPA has determined that the State's statutes and regulations are now substantially equivalent to the Federal program.

EPA has also determined that Tennessee's staff and budget are adequate for Phase I interim authorization.

Comment: One speaker recommended that the State receive interim authorization only with the following provisions: (1) The public have an opportunity to review and comment on the revisions to Tennessee's hazardous waste regulations that were made at the request of the Solid Waste Disposal Control Board on December 12, 1980; (2) the State obtain adequate authority to inspect generators and release proprietary information to EPA; (3) the State require testing as a delisting procedure; and (4) the State guarantee public intervention and participation in the enforcement process.

EPA Response: The Tennessee Attorney General has stated that the State's regulations have been lawfully adopted, which would include compliance with all State public hearing requirements. A copy of the revised proposed regulations is available for public review at the Division of Solid Waste Management Office in Nashville.

The issues on Tennessee's delisting, authority to inspect generators, release of information, and public participation are covered previously in this notice.

Comment: A speaker supported the State's request for interim authorization, however, expressed concern about Section 11 of the State's regulations—Standards for Treatment, Storage, and Disposal Facilities—which are being rewritten. The speaker requested that the public be allowed to review and comment on this section of Tennessee's regulations.

EPA Response: Section 5 of Tennessee's hazardous waste regulations which became effective on March 2, 1981, are substantially equivalent for Phase I. As stated in the previous comment concerning public participation, there has been Attorney General certification with State requirements for adoption of regulations which include public participation requirements.

In addition to the comments received at the public hearing, written comments were received from four (4) organizations during the comment period. These written comments and EPA's responses are summarized as follows:

Comment: One commenter questioned whether Tennessee is legally entitled to interim authorization based on the criteria that a State has to have an effective State hazardous waste program in existence as of August 17, 1980.

EPA's Response: EPA interprets the word "program" to mean enabling legislation only. (From **Federal Register** dated May 19, 1980, page 33387.) Although EPA does not require States to have more than legislative authority in place, it does require all aspects of the State program to be "substantially equivalent" to the Federal program by the time interim authorization is actually granted. Tennessee is in compliance with these requirements in that it had enacted enabling legislation before August 17, 1980.

Comment: One commenter expressed concern over the regulations governing the transportation of hazardous wastes. In particular, he was concerned that the EPA, U.S. Department of Transportation, and State regulations be uniform so as to minimize the difficulties that interstate transporters would face. The commenter requested that States which receive interim authorization be required to comply with a general provision which would allow that a carrier who was in compliance with the Federal requirements be deemed in compliance with State requirements as well.

Finally, with regard to any subsequent changes in the rules affecting rail carriers, the commenter requested that the State be required to amend its regulations accordingly.

EPA's Response: EPA shares the commenter's concerns regarding the interstate movement of hazardous wastes. Tennessee's permanent hazardous waste regulations and the regulations of the Tennessee Public Service Commission require transporters in any mode to comply with standards nearly identical to the Federal standards which is the requirement for Phase I interim authorization.

Comment: Two commenters supported the State's application. One of these commenters expressed the following concerns:

(1) EPA had inappropriately forecast the denial of Tennessee's application in its December 23, 1980 letter to the Commissioner prior to the public hearing and the close of the public comment period.

(2) It is inappropriate for EPA to begin development of a Cooperative Arrangement with Tennessee prior to receipt of all public comments on the State's application.

(3) EPA denial of interim authorization to the State based on issues requiring statutory changes would repudiate the intent of RCRA in establishing the "interim authorization" program.

(4) The State of Arkansas in Region VI was granted interim authorization even though the application contained a planned legislative change to allow release of information to EPA without restriction.

EPA Response: (1) Region IV's policy is to provide maximum assistance to the States in obtaining interim authorization. A part of this assistance is to provide written comments on the application package prior to the public hearing in order to give the States an opportunity to make revisions that could be the determining factor in whether or not the State receives interim authorization. Our comments to Tennessee were related to statutory and regulatory deficiencies that could not be impacted by public comments.

(2) The Cooperative Arrangement is a mechanism to allow EPA to continue funding of Tennessee's hazardous waste program under Subtitle C of RCRA while the State continues to work toward interim authorization. Cooperative Arrangements are designed to avoid duplicative Federal and State activities, to maximize efficient use of State and EPA resources, to minimize the disruption of existing State programs, and to reduce confusion to the regulated community.

(3) Section 3006(c) of RCRA authorizes EPA to grant interim authorization to existing State programs if evidence submitted shows the State program to be substantially equivalent to the Federal program.

Regulations at 40 CFR § 123, Subpart F, establish requirements for interim authorization of State hazardous waste programs. At the time the public hearing was held, Tennessee's application failed to provide substantial equivalence as required in 40 CFR 123.128(f)(2) on public participation requirements, 40 CFR 123.128(g)(1), (2)(i)(ii), and (3) on requirements for compliance evaluation programs, and 40 CFR 123.132 on Sharing of Information. Public Acts 1981, Chapter 174 amended Tennessee's Hazardous Waste Management Act. The State subsequently amended the application for interim authorization and EPA has determined the State program to be substantially equivalent to the Federal program.

(4) Arkansas' Attorney General provided assurance to EPA Region VI that the State would release proprietary information to EPA without restriction. At the time the public hearing was held, Tennessee's Attorney General had not provided such assurance. TCA 53–6309, as amended April 22, 1981, authorized the State to release proprietary information to EPA without restriction. EPA has determined that the State's amended application for interim authorization is substantially equivalent to the Federal program.

Comment: A commenter supported the State's application for interim authorization and stated that the seven issues addressed by EPA in its December 23, 1980 letter to the Commissioner should not be a basis for denial of interim authorization.

EPA Response: The seven issues are addressed in this notice under *Final Application.*

III. Decision

EPA has reviewed the State of Tennessee's complete application for Phase I interim authorization and has determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123 Subpart F. In accordance with Section 3006(c) of RCRA, the State of Tennessee is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Tennessee will be subject to the State of Tennessee hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless: (1) The State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

IV. Compliance With Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis of "major regulations." A "major regulation" is defined as "any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

EPA's decision to approve Tennessee's Phase I hazardous waste program is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Tennessee. In the absence of this decision, persons handling hazardous waste in Tennessee would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Tennessee hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation."

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 26, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-20802 Filed 7-15-81; 8:45 am]

BILLING CODE 6560-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order

[A-7596]

Arizona; Withdrawal for Phoenix Mountain Preserve and the City of Phoenix

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws lands within the City of Phoenix and the Phoenix Mountain Preserve from appropriation under the mining laws, and reserves them for protection of valuable public recreation and open space resources for a period of 20 years.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751;

43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, minerals in the following described lands, the surface of which was patented under the Stockraising Homestead Act, are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, for protection of valuable public recreation and open space resources.

Gila and Salt River Meridian

T. 2 N., R. 3 E.,
Sec. 3, lots 15 and 16;
Sec. 12, lots 1 to 4, inclusive, W½NE¼, and W½NW¼.
T. 3 N., R. 3 E.,
Sec. 17, lot 1;
Sec. 20, lot 1;
Sec. 26, lot 1, SW¼SE¼, and E½SE¼;
Sec. 34, NE¼NW¼;
Sec. 35, SE¼NE¼ and E½SE¼.
T. 2 N., R. 4 E.,
Sec. 4, lots 3 to 6, inclusive, and lots 9 to 12, inclusive;
Sec. 5, lot 1, SE¼NE¼, and SE¼SE¼;
Sec. 6, lots 1 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 17, lots 1 to 3, inclusive, lots 6 to 9, inclusive, and lot 12.
T. 3 N., R. 4 E.,
Sec. 30, SE¼SW¼ and W½SE¼;
Sec. 31, lots 1, 2, 4 to 9, inclusive, and SE¼NE¼.

The areas described contain 2,537.06 acres in Maricopa County.

2. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Dated: July 9, 1981

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-20821 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 73

[Gen. Docket No. 79-137; FCC 81-276]

Commission Organization and Radio Broadcast Services; Revised Procedures for the Processing of Broadcast Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The *Second Report and Order* in General Docket No. 79-137 revises the procedures by which broadcast applications are processed. In order to expedite the processing of such applications, the Commission staff is being delegated authority to dispose of certain petitions to deny and "drop-out" agreements. In addition, the Commission is making other procedural changes concerning issuance of cut-off lists, publication of local notice and ascertainment of community needs.

EFFECTIVE DATE: July 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Robert A. Hayne, Broadcast Bureau, (202) 632-6485.

Second Report and Order

In the matter of: Revised Procedures for the Processing of Broadcast Applications; Amendment of Parts 0 and 73 of the Commission's Rules.

Adopted: June 16, 1981.
Released: June 30, 1981.
By the Commission.

Introduction and Background

1. It has been nearly two years since we adopted our initial *Report and Order* in this proceeding, *Revised Processing of Broadcast Applications*, 72 FCC 2d 202, 45 RR 2d 1220 (1979) (June 18, 1979, 44 FR 34947). The Docket was not terminated in order to permit a further opportunity to review the procedural revisions adopted in light of practical experience, to allow for further dialogue with the public and broadcast industry, and to make other procedural changes implicit in such an overall revision of our broadcast processing procedures. We have now undertaken that examination and conclude that some further revisions are appropriate.

2. Although we have made much progress in expediting the processing of broadcast applications, which is the goal of this proceeding, further advances are needed if the Broadcast Bureau is to reach its goal, which we officially endorse, of substantially reducing the average processing time for grant, dismissal, or designation for hearing of all broadcast applications. Processing time is a function of the number of applications on hand, staff size, and management and procedural tools. Since staff size cannot match the yearly growth in numbers of applications filed, processing these applications within a reasonable period of time depends upon managerial and processing reforms. These reforms include revision of application forms, introduction of computerized processing aids, improved managerial techniques, and our ongoing analysis of the utility and efficacy of the procedural rules in Part 73 of the Commission's Rules.[1] This document deals only with our procedural rules. Reforms in other areas have been announced in other proceedings or are presently in developmental stages.

3. As noted in Paragraph 3 of the *Report and Order, supra*, the Administrative Procedure Act exempts rules of procedure and practice from its notice and comment rulemaking requirements. 5 U.S.C. 553(b)(A). For that reason, because this phase of the proceeding draws on the earlier filed informal comments as well as on actual experience with the 1979 revisions, and because of the urgency of expedited application processing, we will not solicit a further round of comments on the matters discussed herein and will make the changes effective immediately upon publication in the **Federal Register**.

Acceptance and Cut-Off List Procedures

4. Presently, Sections 73.3571, 73.3572 and 73.3573 of our Rules provide for a cut-off date at least 30 days after publication in the **Federal Register**. Cut-off lists which announce a date certain for the filing of competing applications and petitions to deny are administrative tools which assist us in the transaction of our business. However, allowing a built-in lag time of some 15 days between Commission release of cut-off lists and the cut-off date specified therein in order to ensure that the list will appear in the **Federal Register** at least 30 days prior to this cut-off date is both inefficient and wasteful of processing time. In addition, recent experience has shown that a 15-day lead time is not always sufficient (i.e., it takes longer than 15 days for the notice to appear in the **Federal Register**). Therefore, we will amend our Rules to make the 30-day cut-off period run from the Commission release of the cut-off list, and will eliminate **Federal Register** publication, which is not required by the Communications Act. It is our experience that an interested party is alerted by a combination of an applicant's local publication of notice of filing (§ 73.3580 of the Rules) and the Commission public notice of the cut-off list and not the publication in the **Federal Register**. This change will cut approximately two weeks from the present length of time between the receipt of and action on an application.

Local Notice

5. For an application to be accepted for filing and placed upon a cut-off list, § 73.3580 of our Rules requires that an applicant submit proof of local publication of notice of filing. This publication now occurs following the tendering of the application. This necessitates an amendment to a pending application. It takes approximately one month after tendering the application to effect the amendment. Furthermore, this amendment is not always promptly associated with the application further delaying our processing. While we believe that local notice is a valuable administrative tool in informing the public of the pendency of an application, the one-month delay in our current procedure should be eliminated. Consequently, our local notice requirement will be modified to provide for certification of this notice as part of the original application when tendered.

Pre-Acceptance Engineering Review

6. It has been customary for the staff to perform a thorough engineering review (taking from two to eighty hours depending on the type of application and the issues involved) before an application is accepted for filing and placed on a cut-off list. Seriously defective applications, or those lacking appropriate waiver requests, are returned to the applicant. With respect to other engineering defects, the staff, usually after considerable study, sends a deficiency letter to the applicant.[2] The applicant then submits an amendment to the application. This procedure has contributed to a less than optimum quality of engineering by effectively shifting the burden of thorough technical analysis from the applicant and his hired consultant to the Commission's expert staff. Sending a deficiency letter requesting information clearly called for in our Rules or the application form has caused inordinate delays in the overall processing of applications. This is unfair to other applicants waiting to have their well-prepared applications studied and could also make our turnaround goals unattainable. Therefore, we are directing the staff to return clearly deficient applications.[3] We believe that this will encourage an optimum quality of engineering at the date of tendering. This potentially strict procedure is also necessitated by the fact that we are somewhat abbreviating the pre-acceptance engineering review of FM and TV applications by the staff. The staff will make similar adjustments with respect to AM applications. Our experience indicates that significantly fewer TV and commercial FM applications contain a serious technical defect than is true of AM applications. We believe that this is largely because of the existence of TV and commercial FM table of assignments for allocation purposes. Abbreviating the FM and TV studies would enable the staff, as needed, to devote its resources to a number of complex engineering matters. Moreover, once an application is placed on a cut-off list, it is clearly subject to engineering scrutiny by all interested parties. This procedure fosters a public role in error detection and elimination. This would also enable the subsequent staff engineering review to focus on the substance of any objection based upon engineering. If a significant engineering defect is subsequently detected, Section 73.3564 of the Rules permits the return of the application as having been improperly accepted. We will monitor the results of this abbreviated processing procedure and may further modify or discontinue it based on experience.

Delegations on Petitions to Deny

7. Although we are hereby encouraging a greater role for "private attorneys general" in engineering matters, the caveats expressed in our previous *Report and Order* concerning minute attacks on trivial matters apply equally here. We do not wish the petition to deny process to become simply a device to delay the processing of applications for new service. We recognize that considerable time is added to the application processing time if the staff is required to prepare an agenda item for our consideration. If the staff could act in those instances, as they do now for informal objections, where no new or novel issues are raised, the processing of applications could be accelerated. An abundance of precedent concerning petitions to deny applications for construction permits already exists, and rarely in recent years have such petitions raised issues which could not have been more easily and expeditiously disposed of at the staff level. We deem it appropriate, therefore, to amend the delegations of authority in Section 0.281 of the Rules to allow the Chief, Broadcast Bureau to act on all petitions to deny applications that do not involve license renewal, assignment or transfer if the petitions do not raise new or novel issues. Petitions which do raise new or novel issues will continue to be referred to the Commission in accordance with § 0.281(b)(10) of the Rules.

"Drop-Out Agreements"

8. We also feel that dispositions of "drop-out" agreements between mutually exclusive applicants are more easily and expeditiously considered at staff level. Drop-out agreements obviate the mutually exclusive situation and lead to a prompt institution of broadcast service. Presently, § 0.281(a)(16) of the Rules requires the staff to refer to the Commission all agreements to amend or dismiss mutually exclusive applications which contemplate depriving a community of a proposed broadcast facility. The basis for our concern is Section 307(b) of the Communications Act which requires us to make a "fair, efficient and equitable distribution" of broadcast facilities. However, under § 73.3525(c)(1), if withdrawal of an application would "unduly impede achievement" of Section 307(b) objectives, the dismissing applicant is required to publish and invite other parties to file for the facility. Again, there is ample precedent establishing how Section 307(b) of the Act is to be applied to drop-out agreements and the requirement of publication. Consequently, we are deleting § 0.281(a)(16) of the Rules. Instead, such agreements which involve a determination which cannot be made under outstanding precedent will be referred to the Commission pursuant to § 0.281(b)(10) of the Rules.

Ascertainment

9. In a related matter pertaining to a revision of FCC Form 301, we announced that we are shifting the filing and review of the Ascertainment of Community Problems showing to the final licensing stage (FCC Form 302) for both contested and uncontested commercial television applications. This would completely remove Ascertainment from the comparative hearing process and require only the eventual permittee to do such a survey. For the reasons discussed in the related Order revising FCC Form 301, we feel that changing the point in the overall processing procedure when the Ascertainment is reviewed will lessen the burden on our staff and the applicants, and expedite the processing of applications. As a corollary, we are hereby ordering that further pursuit of all outstanding Ascertainment issues now in hearing be terminated unless those issues involve questions of misrepresentation. In addition, we believe there is no logical reason to have different Ascertainment filing requirements for commercial and noncommercial applicants. Therefore, we are hereby changing the

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[1] In *Reregulation of Radio and TV Broadcasting*, 72 FCC 2d 534 (1979), the Commission removed all broadcast procedural rules from Part 1 and placed them in a new § 73.3000 series in Part 73.

[2] In the case where a deficient application is mutually exclusive with another application, deficiency letters are generally not sent. Instead, appropriate issues are designated or amendments required in the hearing designation order.

[3] Examples of this would include raising the nighttime RSS limit of an existing station, substantial prohibited overlap, insufficient information to determine an antenna pattern, a Class IV station increasing nighttime efficiency when overlap already exists and a short-spaced proposal with no waiver request.

Ascertainment filing requirement for noncommercial applicants to the final licensing stage (FCC Form 341). In this regard, Forms 340 and 341 will be changed to reflect this decision in due course.

10. The foregoing represents the fruits of our latest review of the broadcast application process. We anticipate that these changes will further reduce the time it takes to process applications. As indicated at the outset, other analyses are in progress and will be forthcoming. In the meantime, we will continue to keep this Docket open to encourage both dialogue with the public and the broadcast industry and further suggestions for reform. The Appendix contains the rule changes adopted herein.

11. Authority for adoption of the amendments set out in the attached Appendix is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). For the reasons recited in Paragraph 3 above, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

12. Accordingly, it is ordered, effective July 13, 1981, that Parts 0 and 73 of the Rules are amended as set out in the Appendix hereto.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307. Federal Communications Commission.)

William J. Tricarico,

Secretary.

1. Section 0.281 of the Commission's Rules is amended by removing Section 0.281(a)(16).

2. Section 0.281(b)(1) of the Commission's Rules is revised to read as follows:

§ 0.281 Authority delegated.

(b) * * *

(1) Petitions to deny directed against AM, FM, and TV applications for renewal or assignment of license or transfer of control, when such petitions are timely filed and properly lie as a matter of law. Other petitions and informal objections will be referred to the Commission only if they contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

* * * * *

3. Section 73.3571(c) of the Commission's Rules is revised to read as follows:

§ 73.3571 Processing of AM broadcast station applications.

* * * * *

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number determines the order in which the staff's work is begun on a particular application or group of conflicting applications. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after release) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and/or petitions to deny the listed applications must be filed.

* * * * *

4. Section 73.3572(c) of the Commission's Rules is revised to read as follows:

§ 73.3572 Processing TV broadcast and TV translator station applications.

* * * * *

(c) Applications for TV stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after release) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and/or petitions to deny the listed applications must be filed.

* * * * *

5. Section 73.3573(d) of the Commission's Rules is revised to read as follows:

§ 73.3573 Processing FM broadcast and FM translator station applications.

* * * * *

(d) Applications for FM broadcast stations will be processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and will be drawn by the staff for study, the lowest file number first. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the FCC will periodically release a Public Notice listing applications which have been accepted for filing and announcing a date (not less than 30 days after release) on which the listed applications will be considered available and ready for processing and by which all mutually exclusive applications and/or petitions to deny the listed applications must be filed.

* * * * *

6. In § 73.3580, (c), the introductory text of (f), and (f)(2) are revised to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

* * * * *

(c) An applicant who files an application or amendment thereto which is subject to the provisions of this Section, must give a notice of this filing in a newspaper. Exceptions to this requirement are applications for renewal of AM, FM and TV station licenses, applications for International broadcast stations, TV and FM translator stations, FM booster stations; and applicants subject to Paragraph (e) of this Section. The local public notice must be completed within 30 days of the tendering of the application. In the event the FCC notifies the applicant that a major change is involved requiring the applicant to give public notice pursuant to §§ 73.3571, 73.3572, 73.3573 or 73.3578, this filing notice shall be given in a newspaper immediately following this notification.

* * * * *

(f) The notice required by Paragraphs (c) and (d) of this section shall contain, when applicable, the following information, except as otherwise provided in Paragraphs (d)(1) and (2) and (e) of this section in regard to renewal applications:

(1) * * *

(2) The purposes for which the application was or will be filed (such as, construction permit, modification, assignment or transfer of control).

* * * * *

[FR Doc. 81-20639 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-318; RM-3549]

FM Broadcast Station in Greenville, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 269A to Greenville, Illinois, in response to comments filed by Robert Gaffner. This assignment could provide Greenville with a first local commercial broadcast service. Additionally, such action reverses the earlier Report and Order herein which terminated the proceeding at the request of the initial proponent Charles N. Cutler.

DATE: Effective September 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Greenville, Illinois), BC Docket No. 80-318, RM-3549.

Memorandum Opinion and Order

Adopted: June 29, 1981.

Released: July 7, 1981.

1. On May 19, 1981, the Commission adopted a *Report and Order*, 45 FR 30517, published June 9, 1981, terminating the above-captioned proceeding in response to a request for dismissal by Charles N. Cutler ("petitioner").

2. Petitioner had initially proposed the assignment of FM Channel 269A to Greenville, Illinois, as that community's first FM assignment. In supplementary comments filed August 18, 1980, it requested that its petition be dismissed for the reasons set forth therein. We subsequently granted this request since it appeared that no other party had indicated an interest in the Greenville assignment.

3. It has recently come to our attention that there was indeed another interest in the proposed assignment. Specifically, in response to our *Notice*, comments were filed by Robert Gaffner stating that he would apply for the Greenville channel, if assigned. However, a search of our files did not disclose this filing. Rather than delay this assignment by commencement of a new proceeding to recognize this interest, we are, in our own motion, reconsidering the action contained in the above-referenced *Report and Order*.

4. Greenville (population 4,632),[1] is located in Bond County (population 14,012), approximately 80 kilometers (50 miles) east of St. Louis, Missouri. It has no local commercial service.

5. In view of the expressed interest and the fact Greenville could obtain a first local commercial FM station, we believe the channel should be assigned.

6. Accordingly, it is ordered, that effective September 8, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Greenville, Ill	269A

7. It is further ordered, that the *Report and Order* in this proceeding is reversed.

8. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

9. For further information regarding the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20900 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-29; RM-3680]

FM Broadcast Station in Osceola, Iowa; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 296A to Osceola, Iowa, in response to a petition filed by M. W. Jack Beaman. The assignment could provide Osceola with a first local aural service.

DATE: Effective September 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Osceola, Iowa), BC Docket No. 81-29, RM-3680.

Report and Order—Proceeding Terminated

Adopted: June 29, 1981.

Released: July 8, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10781, published February 4, 1981, proposing the assignment of FM Channel 296A to Osceola, Iowa, as that community's first FM assignment, in response to a petition filed by M. W. Jack Beaman ("petitioner"). Petitioner filed comments reaffirming his intent to file for the channel if assigned. No comments opposing the proposal were received. The assignment can be made in compliance with the applicable minimum distance separation requirements of Section 73.207.

2. Osceola (population 3,124),[1] seat of Clarke County (population 7,561), is located approximately 64 kilometers (40 miles) south of Des Moines, Iowa. This community has no local aural broadcast service.

3. Petitioner has submitted information with respect to Osceola which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of FM Channel 296A to Osceola, Iowa. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural service.

5. Accordingly, it is ordered, that effective September 8, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Osceola, Iowa	296A

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

[1] Population figures are taken from the 1970 U.S. Census.

[1] Population data are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20888 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-585; RM-3631]

FM Broadcast Station in Varnado, La.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 224A to Varnado, Louisiana, in response to a petition filed by Northlake Audio, Inc. The assignment could provide Varnado with a first local aural broadcast service.

DATE: Effective September 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Varnado, Louisiana), BC Docket No. 80-585, RM-3631.

Report and Order—Proceeding Terminated

Adopted: June 29, 1981.

Released: July 7, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 67399, published October 10, 1980, in response to a petition filed by Northlake Audio, Inc. ("petitioner"), proposing the assignmend of Channel 224A to Varnado, Louisiana, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Varnado (population 320), in Washington Parish (population 41,987),[1] is located approximately 144 kilometers (90 miles) north of New Orleans, Louisiana. It currently has no local aural service. Our *Notice* inadvertently excluded the condition that Channel 224A could be assigned to Varnado provided there is a site restriction of at least 2.1 kilometers (1.3 miles) west of the community to avoid short-spacing to Station WQST (Channel 223), in Forest, Missouri.

3. In support of its proposal, petitioner submitted information with respect to Varnado which is persuasive as to its need for a first FM assignment.

4. In view of the expressed interest in the allocation of Channel 224A to Varnado, Louisiana, and the demonstration of need for the service, we believe that the public interest would be served by grant of the requested assignment.

5. Accordingly, it is ordered, that effective September 8, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Varnado, Louisiana	224A

6. Authority for the adoption of the amendment herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20889 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-502; RM-3423]

FM Broadcast Station in Spokane, Wash.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 280A to Spokane, Washington, in response to a petition filed by Thomas Read d/b/a/ Read Broadcasting. The assignment could provide Spokane with an eighth FM station.

DATE: Effective September 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Spokane, Washington), BC Docket No. 80-502, RM-3423.

Report and Order—Proceeding Terminated

Adopted: June 29, 1981.

Released: July 9, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 55238, published August 19, 1980, proposing the assignment of FM Channel 280A to Spokane, Washington, at the request of Thomas W. Read d/b/a Read Broadcasting ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Tri-County Broadcasting filed a letter of opposition claiming that the proposed assignment of Channel 280A to Spokane would preclude Newport, Washington, from receiving an FM channel assignment. Subsequently, this matter was resolved and the Commission has proposed the assignment of Channel 285A to Newport (see BC Docket No. 81-332, 46 FR 27720, published May 21, 1981).

2. Spokane, a city of 170,516, is located in the extreme eastern part of the State near the Idaho border. The city, a trading, shopping and transportation center for an agricultural region containing over one million people, is served by nine AM stations and seven FM stations.

3. Petitioner has submitted information with respect to Spokane which is persuasive as to its needs for an additional FM assignment. Petitioner submitted alternative channel information for two precluded communities as requested in the *Notice*.[1]

4. We believe that the public interest would be served by the assignment of FM Channel 280A to Spokane, Washington. An interest has been shown for its use, and such an assignment would provide the community with an FM station which would render local aural broadcast service. As stated in the *Notice*, in view of the petitioner's willingness to compete with the Class C stations in Spokane, intermixture is not an obstacle to this assignment.

5. The Canadian Government has given its concurrence in the assignment of Channel 280A to Spokane, Washington.

[1] Petitioner states that Channel 237A is available for assignment to Wilbur, Washington, and that Channel 296A is available for Priest River, Idaho.

6. Accordingly, it is ordered, that effective September 8, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Spokane, Wash	225, 229, 251, 255, 260, 280A, 289, and 300.

7. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20901 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-503; RM-3587]

FM Broadcast Station in Ladysmith, Wisconsin; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class A FM Channel 224A to Ladysmith, Wisconsin, in response to a petition filed by Ruth Nelson of Flambeau Broadcasting Company. The assignment could provide Ladysmith with a second local FM broadcast service.

DATE: Effective September 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ladysmith, Wisconsin), BC Docket No. 80-503, RM-3587.

Report and Order—Proceeding Terminated

Adopted: July 6, 1981

Released: July 9, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 55239, published August 19, 1980, in response to a petition filed by Ruth Nelson of Flambeau Broadcasting Company ("petitioner"), licensee of Station WLDY (AM), Ladysmith, Wisconsin, proposing the assignment of FM Channel 224A to Ladysmith, as that community's second FM assignment. Petitioner filed comments and reply comments, in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Ladysmith (population 3,674),[1] in Rusk County (population 14,238), is located approximately 169 kilometers (105 miles) northeast of Minneapolis-St. Paul, Minnesota. It is presently served by full-time AM Station WLDY and FM Station WWIB (Channel 279).

3. In our *Notice*, we indicated that Channel 224A could be assigned to Ladysmith, Wisconsin, provided the transmitter site is located 6.4 kilometers (3.9 miles) southeast of the community, to avoid short-spacing to Station WSCD (Channel 225) in Duluth, Minnesota. In its comments, petitioner disputes our site restriction calculations. It indicates that, according to studies completed by its consulting engineer, a site restriction of (0.90 kilometers) 0.56 miles southeast of the Ladysmith post office would be sufficient to meet all mileage separation requirements.

4. Our engineering calculations in this instance are based on the distance from the center of Ladysmith to the transmitter site of Station WSCD (Channel 225), in Duluth, which is approximately 162 kilometers (101 miles). § 73.207 of the Commission's rules requires a minimum distance separation between the assignments of a Class A and a first adjacent Class C of 166 kilometers (105 miles). Petitioner's study utilized a different reference point for Ladysmith, which explains its misunderstanding of our computations. Had petitioner used the one listed in the Index to the *National Atlas of the United States of America* (1970), this discrepancy would not have occurred. In any event, as we previously found, a site restriction of approximately 6.3 kilometers (3.9 miles) southeast of the center of the city is required for this proposed assignment.

5. Petitioner has submitted information with respect to Ladysmith which is persuasive as to its need for a second FM channel assignment. As indicated in our *Notice*, the assignment herein will create intermixture of a Class A with a Class C facility. However, as noted above, petitioner has reaffirmed its willingness to apply for the Class A assignment, notwithstanding the possible competitive advantage that may accrue to the Class C operation. Since grant of the instant proposal could provide Ladysmith with a second local FM broadcast, service, we believe it would be in the public interest to assign FM Channel 224A to that community.

6. A preclusion study indicates that communities in nine Michigan counties having populations greater than 1,000 would be precluded from the use of co-channel 224A only, as a result of the proposed assignment.

7. The Canadian Government has given its concurrence to the assignment of Channel 224A to Ladysmith, Wisconsin.

8. Authority for the adoption of the amendment contained herein appears in section 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

9. Accordingly, it is ordered, that effective September 4, 1981, § 73.202(b) of the Commission's rules, the FM Table of Assignments is amended with regard to the following community:

City	Channel Nos.
Ladysmith, Wisconsin	224A, 279

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20902 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-492; RM-3606]

FM Broadcast Station in Casper, Wyo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channels 279 and 295 to Casper, Wyoming, in response to a petition filed by Daniel A. Roberts. These

[1] Population data are taken from the 1970 U.S. Census.

[1] Population figures are taken from the 1970 U.S. Census.

assignments could provide Casper with its third and fourth FM broadcast stations.

DATE: Effective September 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Casper, Wyoming), BC Docket No. 80-492, RM-3606.

Report and Order—Proceeding Terminated

Adopted: June 29, 1981.

Released: July 8, 1981.

1. Before the Commission is a Notice of Proposed Rule Making, 45 FR 63533, published September 25, 1980, proposing the assignment of FM Channels 279 and 295 to Casper, Wyoming, as that community's third and fourth FM assignments, at the request of Daniel A. Roberts ("petitioner"). No comments opposing the proposed assignments were received. Petitioner filed comments reaffirming his intention to apply (specifically for Channel 279) for the channel, if assigned. In addition, KVWO, Inc., licensee of WUUY, and KLEN(FM) in Cheyenne, Wyoming, filed comments in support of the proposal and stated it intends to apply for a channel, if assigned. Broadmoor Broadcasting Corp. also filed comments stating that it intends to apply for a channel if assigned.

2. Both channels can be assigned to Casper in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. Casper (population 39,361),[1] the seat of Natrona County (population 51,264), is located approximately 224 kilometers (140 miles) northwest of Cheyenne, Wyoming. The community is served locally by three full-time AM stations, FM Station KAWY (Channel 233) and has two applications pending for a second FM station (Channel 238).

4. We believe the public interest would be served by the assignment of FM Channels 279 and 295 to Casper, Wyoming. Interest has been shown for their use, and such assignments would provide the community with two additional FM stations for a generally underserved area. It has been shown that the preclusion impact is insignificant.

[1] Population data are taken from the 1970 U.S. Census.

5. Accordingly, it is ordered, that effective September 8, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Casper, Wyo.	233, 238, 279, 295

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-20000 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation, (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the moving expense schedules for displaced persons in the States of New Mexico, Oregon, Pennsylvania and Virginia.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: John Murnane, Relocation Assistance Division, Office of Right-of-Way (202-426-0156); or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday-Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, governing agency implementation of the Act, 41 CFR Part 101-6, provide in § 101-6.105-1 that moving expense schedules maintained by the respective State highway departments shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the FHWA to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semi-annually. The purpose of this amendment is to revise the current schedule, which was published on January 29, 1981 (46 FR 9803) to reflect changes in the moving expense schedules that have been made by the following States:

Table I—Personalty—New Mexico, Oregon, Pennsylvania and Virginia.
Table II—Mobile Homes—New Mexico and Pennsylvania.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that this action will have only minimal impact on the affected States and public and will not have a significant economic impact on a substantial number of small entities. Accordingly, neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportuntity for comment are not required under DOT regulatory policies and procedures because it is not anticipated that such action would result in the receipt of useful information. Because the moving expense schedules are maintained by the respective State highway departments, the FHWA finds good cause to make these amendments effective on the date that the changes become effective in the States making them. Accordingly, these amendments are effective on July 1, 1981.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants,

benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

(42 U.S.C. 4601 *et seq;* 41 CFR 101-6.105-1; 49 CFR 25.153)

Issued on: July 1, 1981.

L. P. Lamm,

Executive Director.

Tables I and II to Appendix A of Part 25 are revised to read as set forth below:

Appendix A—Table I—Personalty

State	Occupant provides furniture: Number of rooms of furniture 1	2	3	4	5	6	7	8	9	10	Occupant does not provide furniture: First room	Each additional room
Alabama [1]	90	140	190	240	290	300					(*)	(*)
Alaska	75	150	200	250	275	300					15	15
Arizona	50	100	150	200	250	300					25	15
Arkansas	70	110	150	190	230	270	300				40	30
California	75	100	150	200	250	300					25	15
Colorado	120	180	240	300							30	20
Connecticut	50	90	140	170	230	260	300				15	15
Delaware	60	100	140	180	220	260	300				25	15
District of Columbia	100	135	170	210	250	290	300				35	15
Florida	75	120	165	210	255	300					25	25
Georgia	100	140	180	220	260	300					40	10
Guam	48	85	120	168	205	240	300				10	10
Hawaii	65	100	135	175	215	255	295	300			45	30
Idaho	60	100	140	180	220	260	300				20	10
Illinois	50	100	150	200	250	300					25	15
Indiana	50	100	150	200	250	300					25	15
Iowa	75	140	195	240	275	300					30	12
Kansas	60	120	180	240	300						30	10
Kentucky	65	130	195	260	300						35	25
Louisiana	60	100	140	180	220	260	300				40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	100	150	200	250	300						20	10
Massachusetts	60	130	150	190	225	250	275	300			25	15
Michigan	65	130	180	240	300						50	10
Minnesota	75	150	200	250	300						30	15
Mississippi	100	150	200	250	300						50	25
Missouri	50	100	150	200	250	300					25	10
Montana	60	100	140	180	220	260	300				35	20
Nebraska	50	100	150	200	250	300					30	10
Nevada	50	100	150	200	250	300					25	15
New Hampshire	100	150	190	230	270	300					25	15
New Jersey	80	140	195	245	300						25	15
New Mexico [2]	158	235	300								(*)	(*)
New York	80	130	175	215	250	275	300				25	15
North Carolina	70	110	160	210	260	300					40	30
North Dakota	75	125	150	200	250	275	300				30	15
Ohio	50	100	150	200	250	300					30	10
Oklahoma	95	135	175	215	255	300					40	15
Oregon	75	150	225	300							25	25
Pennsylvania	90	140	200	250	300						30	30
Puerto Rico	75	120	165	210	255	300					25	25
Rhode Island	70	140	210	250	275	300					25	10
South Carolina	105	160	220	300							30	10
South Dakota	100	150	200	250	300						50	15
Tennessee	75	100	150	200	250	300					25	15
Texas	95	135	175	215	255	300					50	25
Utah	75	100	130	155	180	210	240	270	300		25	15
Vermont	100	150	190	230	270	300					25	15
Virginia	60	105	150	195	240	285	300				40	10
Virgin Islands	105	150	195	240	275	300					35	35
Washington	100	150	200	250	300						25	25
West Virginia [3]	60	100	140	180	220	260	300				25	10
Wisconsin	80	150	210	260	300						50	20
Wyoming	60	120	180	240	280	300					40	20

[1] Furnished units including sleeping rooms. Occupant does not own furniture.—First room $30; 2 rooms $50; 3 rooms $75; 4 rooms $95; 5 rooms $120; 6 rooms 140; each additional room $15.

[2] Furnished units including sleeping rooms. Occupant does not own furniture.—First room $88; 2 rooms $129; 3 rooms $160; 4 rooms $193; 5 rooms $224; 6 rooms $256; 7 rooms $288; 8 rooms $300. To a maximum of $300.

[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

[4] See end of table.

Table II.—*Mobile Homes*

State	Miles (kilometres): More than	But not more than	Area—square feet (square metres): More than	But not more than	Width—feet (metres): More than	But not more than	Allowance dollars
Alabama			0 (0)	200 (18.6)			165
			200 (18.6)	400 (37.2)			225
			400 (37.2)	600 (55.8)			285
			600 (55.8)				300
Alaska	(*)						300

Table II.—*Mobile Homes*—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Arizona			0 (0)	300 (27.9)			150
			300 (27.9)	400 (37.2)			200
			400 (37.2)	500 (46.5)			250
			500 (46.5)				300
Arkansas					0 (0)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
California [1]					0 (0)	8 (2.4)	(*)
					8 (2.4)		
Colorado [2]							(*)
Connecticut [2]					0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
Delaware			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Florida	(*)						300
Georgia			0 (0)	400 (37.2)			125
			400 (37.2)	500 (46.5)			185
			500 (46.5)	600 (55.8)			245
			600 (55.8)				300
Guam			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			160
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Hawaii			0 (0)	300 (27.9)			130
			300 (27.9)	400 (37.2)			160
			400 (37.2)	500 (46.5)			210
			500 (46.5)	600 (55.8)			240
			600 (55.8)	700 (65.1)			270
			700 (65.1)				300
Idaho			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Illinois	0 (0)	24 (38.6)			0 (0)	8.5 (2.6)	100
					8.5 (2.6)	10.5 (3.2)	150
					10.5 (3.2)	12.5 (3.8)	200
					12.5 (3.8)		250
	24 (38.6)	50 (80.5)			0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	200
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Indiana					0 (0)	8.5 (2.6)	150
					8.5 (2.6)	10.5 (3.2)	185
					10.5 (3.2)	12.5 (3.8)	250
					12.5 (3.8)		300
Iowa	0 (0)	25 (40.2)			0 (0)	8 (2.4)	130
					8 (2.4)	10 (3)	150
					10 (3)	12 (3.7)	180
					12 (3.7)		220
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	170
					10 (3)	12 (3.7)	200
					12 (3.7)		300
Kansas			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			160
			400 (37.2)	600 (55.8)			240
			600 (55.8)				300
Kentucky [4]					0 (0)	8 (2.4)	285
					8 (2.4)		300
Louisiana					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
Maine					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Maryland			0 (0)	200 (18.6)			110
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			165
			600 (55.8)	800 (74.4)			195
			800 (74.4)	1,000 (93)			220
			1,000 (93)	1,200 (111.6)			250
			1,200 (111.6)				300

Table II.—*Mobile Homes*—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Massachusetts			0 (0)	200 (18.6)			80
			200 (18.6)	400 (37.2)			140
			400 (37.2)	600 (55.8)			200
			600 (55.8)				300
Michigan					0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	230
					10 (3)	12 (3.7)	260
					12 (3.7)		300
Minnesota [4]					0 (0)	8 (2.4)	200
					8 (2.4)		300
Mississippi			0 (0)	300 (27.9)			200
			300 (27.9)	400 (37.2)			250
			400 (37.2)				300
Missouri			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
Montana [4]					0 (0)	10 (3)	150
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	225
					14 (4.3)		275
Nebraska			0 (0)	400 (37.2)			100
			400 (37.2)	600 (55.8)			150
			600 (55.8)	800 (74.4)			200
			800 (74.4)	1,000 (93)			250
			1,000 (93)				300
Nevada			0 (0)	400 (37.2)			150
			400 (37.2)	500 (46.5)			200
			500 (46.5)	600 (55.8)			250
			600 (55.8)				300
New Hampshire	(*)						300
New Jersey			0 (0)	200 (18.6)			100
			200 (18.6)	400 (37.2)			150
			400 (37.2)	600 (55.8)			200
			600 (55.8)	800 (74.4)			250
			800 (74.4)				300
New Mexico [4, 5]	0 (0)	20 (32.2)			0 (0)	8.5 (2.6)	205
					8.5 (2.6)	10.5 (3.2)	275
					10.5 (3.2)	12.5 (3.8)	300
					12.5 (3.8)		300
	20 (32.2)	50 (80.5)			0 (0)	8.5 (2.6)	243
					8.5 (2.6)	10.5 (3.2)	300
					10.5 (3.2)		300
New York			0 (0)	300 (27.9)			150
			300 (27.9)	500 (46.5)			200
			500 (46.5)	700 (65.1)			250
			700 (65.1)				300
North Carolina [4, 6]					0 (0)	12 (3.7)	200
					12 (3.7)		300
North Dakota			0 (0)	200 (18.6)			125
			200 (18.6)	400 (37.2)			175
			400 (37.2)	600 (55.8)			225
			600 (55.8)	800 (74.4)			275
			800 (74.4)				300
Ohio [4]	0 (0)	10 (16)	0 (0)	320 (29.8)			130
			320 (29.8)	500 (46.5)			150
			500 (46.5)	840 (78.1)			170
			840 (78.1)	1,120 (104.2)			205
			1,120 (104.2)				250
	10 (16)	25 (40.2)	0 (0)	320 (29.8)			135
			320 (29.8)	500 (46.5)			155
			500 (46.5)	840 (78.1)			190
			840 (78.1)	1,120 (104.2)			228
			1,120 (104.2)				275
	25 (40.2)	50 (80.5)	0 (0)	320 (29.8)			145
			320 (29.8)	500 (46.5)			165
			500 (46.5)	840 (78.1)			200
			840 (78.1)	1,120 (104.2)			250
			1,120 (104.2)				300
Oklahoma					0 (0)	10 (3)	250
					10 (3)		300
Oregon			0 (0)	200 (18.6)			100
			200 (18.6)	600 (55.8)			200
			600 (55.8)				300
Pennsylvania	(*)						300
Rhode Island					0 (0)	8 (2.4)	225
					8 (2.4)	10 (3)	250
					10 (3)	12 (3.7)	275
					12 (3.7)		300
South Carolina [4]					0 (0)	10 (3)	175
					10 (3)	12 (3.7)	200
					12 (3.7)	14 (4.3)	250
					14 (4.3)		300
South Dakota	(*)						300
Tennessee [4]					0 (0)	10 (3)	100
					10 (3)		150

Table II.—*Mobile Homes*—Continued

State	Miles (kilometres)		Area—square feet (square metres)		Width—feet (metres)		Allowance dollars
	More than	But not more than	More than	But not more than	More than	But not more than	
Texas					0 (0)	8.5 (2.6)	175
					8.5 (2.6)	10.5 (3.2)	235
					10.5 (3.2)	12.5 (3.8)	270
					12.5 (3.8)		300
Utah [4]	0 (0)	10 (16)			0 (0)	8 (2.4)	140
					8 (2.4)	10 (3)	145
					10 (3)	12 (3.7)	165
					12 (3.7)		200
	10 (0)	25 (40.2)			0 (0)	8 (2.4)	145
					8 (2.4)	10 (3)	155
					10 (3)	12 (3.7)	175
					12 (3.7)		225
	25 (40.2)	50 (80.5)			0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	160
					10 (3)	12 (3.7)	190
					12 (3.7)		250
Vermont [7]	(*)						300
Virginia			0 (0)	200 (18.6)			150
			200 (18.6)	400 (37.2)			200
			400 (37.2)	800 (55.6)			250
			800 (55.6)	800 (74.4)			300
Washington	(*)						300
West Virginia			0 (0)	300 (27.9)			100
			300 (27.9)	450 (41.9)			150
			450 (41.9)	950 (51.2)			225
			950 (51.2)				300
Wisconsin					0 (0)	8 (2.4)	150
					8 (2.4)	10 (3)	200
					10 (3)	12 (3.7)	250
					12 (3.7)		300
Wyoming [4]					0 (0)	8.5 (2.6)	135
					8.5 (2.6)	10.5 (3.2)	165
					10.5 (3.2)	12.5 (3.8)	210
					12.5 (3.8)		300

[1] Width to 8' (2.4 m) Length 40' (12.2 m) $200; Length 40' (12.2 m) $300. Width over 8' (2.4 m) Length 40' (12.2 m) $300; Length 40'+ (12.2 m) $300.
[2] Under 8' (2.4 m) x 40' (12.2 m)—Unskirted $150; Over 8' (2.4 m) x 40' (12.2 m)—$300.
[3] Plus $50 for expendable trailer.
[4] $300 for double trailer.
[5] Escort fee included.
[6] Personality Only, Width—Under 10 feet (3 m), $60; 10 feet (3 m) $70; 12 feet (3.7 m) and over $100; Doubles $175.
[7] $50 for extras.
[8] All trailers.
[9] All mobile homes.

[FR Doc. 81-20712 Filed 7-15-81; 8:45 am]
BILLING CODE 4910-23-M

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-167; Amdt. No. 173-48]

Intermodal Portable Tanks; Delay of Certain Compliance Dates

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; delay of certain compliance dates.

SUMMARY: This final rule amends § 173.32a of the Hazardous Materials Regulations by extending the time for modifying, rerating and remarking as IM portable tanks those portable tanks built under DOT exemptions, in order to provide sufficient time for these designated approval agencies to develop their implementing procedures. Also, the Associate Director for HMR will issue a general notice to exemption holders of portable tanks delaying the termination date for new construction of tanks from April 30, 1981 to September 30, 1981. In addition, this final rule provides an extension from September 1, 1981, to October 1, 1981, of the notification date before which owners or manufacturers of portable tanks operating under a DOT exemption must advise the Associate Director of HMR of the reasons such tanks cannot meet the IM 101 or IM 102 specifications.

EFFECTIVE DATE: This amendment is effective July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202–755–4906) or Joseph T. Horning (202–426–2075), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the MTB published a final rule under Docket HM–167 (46 FR 9880) which authorized the use of two new packaging specifications for portable tanks. The major thrust of the rulemaking was to provide a specification packaging and a means for certifying the packaging in place of applying for and operating under an exemption. The final rule provided for the marking of certain portable tanks with IM specification identifications if they were built before May 1, 1981, under the terms of a DOT exemption.

At the time the final rule was issued, MTB anticipated a quick response from agencies who desired to become designated approval agencies. Presently, only the American Bureau of Shipping and Lloyd's Register Industrial Services have been designated as approval agencies. Several other organizations have applied for approval agency status and they may be issued authorizations in the near future. In order to provide sufficient time for these designated approval agencies to develop their implementing procedures, the Associate Director for HMR will issue a general notice to exemption holders of portable tanks affected by this rule delaying the termination date for new construction under exemptions from April 30, 1981, to September 30, 1981. MTB believes this delay will provide portable tank manufacturers with sufficient time to obtain certification for new construction from an authorized approval agency. Additionally, MTB is extending the date for owner/manufacturer certification of portable tanks from before September 1, 1981, to before October 1, 1981.

This rulemaking is exempt from the reporting requirements of Executive Order 12291 because it is not considered "major" as defined in the order and only involves extension of the compliance dates specified in the rule issued under Docket HM–167, which is already in effect.

In consideration of the foregoing, § 173.32a is amended to read as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

In § 173.32a, the introductory text of paragraph (e) and paragraph (e)(3) are revised to read as follows:

§ 173.32a Approval of Specification IM portable tanks.

* * * * *

(e) *Approval of IM portable tank under DOT exemption.* The owner or manufacturer of an IM portable tank constructed before October 1, 1981, which is covered by the provisions of a DOT exemption, shall examine the tank and its design to determine if it meets the requirements of an IM 101 or IM 102 specification portable tank.

* * * * *

(3) If an IM portable tank covered by an exemption cannot meet the appropriate requirements specified in paragraph (e)(1) of this section, the owner or manufacturer of the portable tank shall advise the Associate Director for HMR before October 1, 1981, giving the reasons why the necessary modification cannot be made. After reviewing this notification, the Associate Director for HMR may authorize the tank to be remarked (certified) as a DOT specification IM 101 E**** or IM 102 E**** (with the asterisks replaced by the DOT exemption number).

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that since these changes in compliance dates do not impose additional requirements, this document will not result in a "major rule" under the terms of Executive Order 12291, is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), and does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, DC on July 7, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-20580 Filed 7-15-81; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations; Northwest Atlantic Ocean; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final rule; Correction.

EFFECTIVE DATE: July 16, 1981.

SUMMARY: This notice corrects an oversight in a final rule published March 4, 1980 (45 FR 14045) in which two prohibited species codes were omitted. This action corrects that omission by adding species codes for the striped bass and the weakfish.

FOR FURTHER INFORMATION CONTACT: David S. Crestin, Chief, International and Oceanic Fisheries Branch, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, (617) 281–3600.

Date: July 13, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR 611.9 is corrected by adding to Appendix I the following species codes, common names and scientific names:

§ 611.9 Reports and recordkeeping.

* * * * *

Appendix 1.—*Species Codes*

A. Atlantic Ocean Fishes (including the Gulf of Mexico)

* * * * *

406	Bass, striped	*Morone saxatilis*
418	Weakfish	*Cynoscion regalis*

* * * * *

[FR Doc. 81-20681 Filed 7-15-81; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 136
Thursday, July 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operation of Federal Credit Unions; Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The National Credit Union Administration Board proposes to relieve certain restrictions on Federal credit union share and share certificate accounts. The Board proposes to permit Federal credit unions to (1) offer money market share accounts; (2) increase the dividend ceiling on regular share accounts; (3) establish their own premature withdrawal penalties on share certificate accounts; and (4) establish a divident rate on money market certificate of up to the higher of 25 basis points above the current 26 week Treasury bill rate or 25 basis points above an eight week moving average of the 26 week rate.

DATES: Comments on the proposal to allow a money market share certificate rate based on a moving average of the 26 week Treasury bill rate and comments on the proposal to increase the dividend ceiling on regular shares are due August 10, 1981. Comments on the proposed rules to make the premature withdrawal penalty permissive and to authorize a money market share account are due September 7, 1981.

ADDRESS: Send comments to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G St, NW, Washington, DC, 20456.

FOR FURTHER INFORMATION CONTACT: Dan Gordon, Senior Financial Economist, Office of Policy Analysis, or Robert M. Fenner, Deputy General Counsel, at the above address, or telephone (202) 357–1090 (Mr. Gordon) or 357–1030 (Mr. Fenner).

SUPPLEMENTARY INFORMATION:

Background

At its meeting of June 29, 1981, the NCUA Board adopted certain final rules to relieve restrictions on Federal credit union share and share certificate accounts. Specifically, the Board (1) eliminated the dividend ceiling on share certificates with maturities of 4 years or more and established a schedule for the phaseout of the ceilings on certificates of shorter maturities, (2) removed the 12% "cap" on the dividend ceiling on share certificates with maturities of less than 4 years, and (3) authorized money market certificates to have maturities of 6 months or more. The final rules, which are being published separately from these proposed rules, are effective August 1, 1981, except the removal of the 12% cap, which is effective June 29, 1981. The final rules are designed to enable Federal credit unions to improve asset-liability management and pay a competitive and fair rate of return to their member-savers. The Board also determined, at its June 29 meeting, to issue for comment certain *proposed* changes to the share and share certificate rules, as set forth in this document. Any final rules that result from the proposed changes will complement the above changes and further the same goals.

Proposed Rule

The proposed changes involve (1) removal of the mandatory minimum premature withdrawal penalty; (2) an increase in the dividend ceiling on regular share accounts; (3) the authorization of a money market share account; and (4) alteration of the dividend ceiling on money market share certificates.

Withdrawal Penalties

Existing regulations require a Federal credit union to impose a penalty of at least a 90 day loss of dividends on the amount prematurely withdrawn from share certificates with maturities of less than one year, and a 180 day loss of dividends from share certificates with maturities in excess of one year. If the dividends actually earned on the amount withdrawn since the date of opening or renewal of the account are less than the 90 day or 180 day figure, than the dividends earned are the minimum penalty. In any event, stiffer penalties are permitted if properly contracted for and disclosed. The function of this requirement is to reduce the volatility of share certificate accounts.

The minimum penalty, however, imposes a control on Federal credit unions that may more properly be a management decision. Therefore, the Board requests comment on whether it should remove the requirement and permit Federal credit unions to establish penalty provisions at their own discretion. If this proposal were adopted, Federal credit unions could permit their share certificate account holders to withdraw some or all of the balances in the account prior to maturity. It is of course important to recognize that if *no* penalty provisions are established, a member would have immediate access to all or a part of the funds held in the share certificate.

Regular Share Account Dividend Ceiling

The Board proposes an increase in the ceiling rate on regular share accounts by 500 basis points. Any final change in the regular share ceiling rate may, of course, be a different amount. The Board requests comment on whether an increase would provide Federal credit unions with the opportunity to induce interest sensitive funds from higher cost, but less liquid, share certificates and other investments into regular share accounts, and whether it would encourage small savers to maintain their existing regular share accounts. The Board requests comment on the amount of increase, if any, that will best enable Federal credit unions to enhance their share flows, protect their earnings and provide a fair rate of return to regular shareholders.

Money Market Share Account

The Board also proposes to permit Federal credit unions to offer a new account with terms closely equivalent to money market funds. The money market share account (MMSA) would have no maturity nor would it have a dividend ceiling. Therefore, the yield on this account could vary in any way specified by the credit union. As proposed, the MMSA would be subject to a $10,000 minimum denomination. The Federal credit union would be authorized to permit an unlimited number of withdrawals from such an account. The credit union could, however, impose its own limits. (It may wish to impose limits because of consequences that would otherwise follow under Regulation D; an account that is accessible by draft or debit card, or that is subject to more than three telephone or preauthorized transfers per month, is considered a "transaction account" subject to reserve requirements.) This proposed account is designed to enable credit unions to more effectively compete with money market funds and similar highly liquid, market rate investments.

As proposed, an MMSA would receive the dividend rate on regular shares when the balance in the account declined below the minimum denomination. An alternative approach would be to attempt, by regulation, to prohibit withdrawals which reduce MMSA balances below the minimum denomination. However, unless the Board imposes a mandated withdrawal penalty on this account, the member would have the option to close the MMSA when the balance declined below the minimum denomination and open a regular share account with the proceeds. Subsequently, when the balance in the regular share account reached the minimum denomination of the MMSA, the member could redeposit the funds into an MMSA. Thus, the option to permit the dividend rate on regular shares to be paid when balances decline below the minimum denomination simply avoids an administrative burden.

Money Market Share Certificate Dividend Ceiling

The Board also proposes a revision in the ceiling on money market certificates. At its meeting on June 25, 1981, the Depository Institutions Deregulation Committee (DIDC) issued a proposed rule, with a 30 day comment period, that would establish a ceiling rate on 26-week money market certificates (MMCs) equal to the greater of (1) the current 26-week Treasury bill rate plus 25 basis points (this is the present ceiling), or (2) a moving average of 26 week Treasury bill rates over the previous eight weeks plus 25 basis points. Although the DIDC's rules do not affect Federal credit unions, the NCUA Board is proposing a similar revision to its rules. The objective of this proposal is to improve the competitiveness of the MMC vis-a-vis the rates offered by money market mutual funds (MMMFs). During periods of declining money market interest rates, the quoted yield on MMMF shares is more attractive than the MMC yield since the MMMF yields tend to lag behind other market rates. Conversely, the quoted MMMF yield is less attractive than the MMC yield during periods of rising market rates.

The proposed alternative method of calculating MMC ceilings will enable Federal credit unions to remain more competitive with MMMF yields throughout the interest rate cycle. The most rapid periods of MMMF growth generally have occurred in declining rate environments when the existing assets in an MMMF's portfolio allow it to offer a yield that is as much as 300 to 500 basis points greater than current MMC rates. With the alternative methods of calculating the MMC yield, however, Federal credit unions could base the current MMC rate on an average of past Treasury bill auction rates, and thus offer yields competitive with MMMFs during periods of declining rates. In an environment of rising rates, Federal credit unions generally have a yield advantage since they are offering current market rates while existing MMMF assets lock them into lower yields for a short period of time. Since Federal credit unions would retain the option of tying MMC rates to the current Treasury bill auction, they would retain this yield advantage during periods of rising rates.

Any final action on these proposed revisions will complement other Board actions and permit a balanced approach to deregulation. Again, the proposals are intended to provide Federal credit unions an opportunity to effectively compete for member savings and obtain an efficient distribution of liabilities of various maturities. The proposals are also intended to permit Federal credit unions to establish terms consistent with the competitive requirements of the marketplace without further intervention by the NCUA Board. The Board of course welcomes comment on any alternative methods of accomplishing these objectives.

It should be understood by Federal credit unions that the Board's decision in deregulating share and share certificate accounts and in proposing other actions does not compel Federal credit unions to alter the rates, terms and conditions on which they presently offer share certificates. Instead, it is the Board's intent to permit management to make its own decisions on the appropriate terms to be offered to its membership. The Board strongly encourages management to carefully evaluate the potential effects on earnings and other aspects of the credit union's financial condition prior to altering the terms offered on share certificate accounts.

Regulatory Flexibility Act

The NCUA Board certifies that these proposed rules, if adopted, would not have a significant economic impact on a substantial number of small credit unions because the rules would increase management flexibility and enhance competitive position. Therefore, an initial flexibility analysis is not required pursuant to 5 U.S.C. 605(b).

Comment Period

The NCUA Board is providing a comment period of less than 60 days on some of the proposed changes to the existing rules since the changes would relieve regulatory burdens. In addition, a longer period is not in the public interest as it would unnecessarily delay consideration of regulatory changes to improve Federal credit union asset-liability management.

By order of the National Credit Union Administration Board on the 10th of July, 1981.

Beatrix Fields,
Acting Secretary to the Board.

§ 701.35 [Amended]

1. Section 701.35(d)(3)(i) is proposed to be revised to read:

* * * * *

(d) * * *

(3) * * *

(i) The Board of Directors may establish a penalty to be imposed for early withdrawal of principal from a share certificate account.

2. Section 701.35(e)(2) and § 701.35(f) are proposed to be removed.

3. Section 701.35(h)(1) is proposed to be revised to read as follows:

* * * * *

(h) * * *

(1) 12% on share accounts

4. Section 701.35(h)(4) is proposed to be revised to read as follows:

* * * * *

(h) * * *

(4) To the extent that (2) above would impose a lower maximum dividend rate, a Federal credit union may pay, on share certificates of $10,000 or more having a fixed term of 26 weeks or more, up to a rate equaling the higher of one quarter per cent above the rate on 26 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate or one quarter percent above the average rate on 26 week Treasury bills over the eight weeks prior to the date of issuance of the certificate. In the case of a rate determined pursuant this subsection, however, compounding of dividends is not permitted and the dividend rate may be rounded off only by rounding down.

5. A new § 701.35(h)(5) is proposed to be added as follows:

* * * * *

(h) * * *

(5) On a money market share account with a minimum denomination of $10,000 or more there will be no dividend ceiling. Money market share accounts with balances below $10,000 will receive the dividend rate on regular shares.

(12 U.S.C. 1757(6), 1766(9))

[FR Doc. 81-20776 Filed 7-15-81; 8:45 am]

BILLING CODE 7535-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D—0021]

Adjustment of Interest Rates on Savings Accounts

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed rulemaking.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") is required to vote, by September 30, 1981, on increasing the interest rate payable on passbook savings accounts. The Committee is seeking guidance on whether to increase the passbook rate and, if so, to what level.

DATE: Comments should be received on or before August 10, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning this matter to Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW, Washington, D.C. 20220. All material submitted should include the Docket Number D-0021.

FOR FURTHER INFORMATION CONTACT: Allan Schott, Attorney-Advisor, Department of the Treasury (202) 566-6798; Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202) 452-3711; Rebecca H. Laird, Senior Associate Counsel, Federal Home Loan Bank Board (202) 377-6446; David Ansell, Attorney, Office of the Comptroller of Currency (202) 447-1880; Randall J. Miller, Jr., Acting Director, Office of Policy Analysis, National Credit Union Administration (202) 357-1090; and F. Douglas Birdzell, Counsel, or Kathy A. Johnson, Attorney, Federal Deposit Insurance Corporation (202) 389-4261 or 389-4364.

SUPPLEMENTARY INFORMATION: Section 205(a) of the Depository Institutions Deregulation Act of 1980, (12 U.S.C. 3504(a)) ("Act") requires the Committee to vote, by not later than September 30, 1981, on whether to raise the rates on passbook savings and similar accounts by at least one-quarter of one percentage point. At its meeting on June 25, 1981, the Committee decided to seek public comment to guide it in its deliberations. A proposal put forth at the June 25 meeting was to raise the rates on passbook savings deposits by five percentage points, thus increasing the maximum permissible rates payable by commercial banks and thrift institutions to 10¼ percent and 10½ percent, respectively. It should be emphasized that this proposal represents one of many possible options and should not be regarded as representing a consensus or commitment of the Committee.

The Committee is interested in receiving responses to the following questions:

1. Should the interest rates payable on passbook savings accounts be increased and, if so, to what level?

2. Should the rates on ATS (Automatic Transfer Service) and NOW (Negotiable Order of Withdrawal) accounts also be adjusted?

3. What would be the impact of rate adjustments, such as a five percentage point or lesser increase, with regard to the earnings and costs to depository institutions? Responses should address long run, as well as immediate effects on depository institutions.

4. Any other comments or observations on this matter that would provide guidance to the Committee.

In soliciting comments, the Committee is concerned that Congress intent to provide equitable treatment for small savers be carried forth. However, it is equally concerned that this objective be achieved with a minimum of disruption to depository institutions.

The Regulatory Flexibility Act (5 U.S.C. 601; *et. seq.*) requires the Committee to consider the impact of this action on small entities. In this regard, it is the Committee's view that the proposal would not impose any additional reporting or recordkeeping requirements. Furthermore, no alternatives to the proposal were considered because the Committee is under a statutory mandate to consider this matter. Any action taken by the Committee to adjust the rate on passbook accounts coud affect all Federally insured depository institutions. An increase in rates could be viewed as beneficial because it will enhance the capability of small depository inatitutions to compete for deposit funds. However, there may be some negative impact because of increased costs to depository institutions.

All comments should be received by August 10, 1981.

By order of the Committee, July 9, 1981.

Gordon Eastburn,

Acting Executive Secretary.

[FR Doc. 81-20830 Filed 7-15-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-33]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Model SA315B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections and replacement as necessary of certain Eastern Rotorcraft Corporation (ERC) cargo hook clevis lugs, installed on SNIAS Model SA315B helicopters, equipped with ERC cargo hook assemblies in accordance with Supplemental Type Certificate (STC) SH1735SW. The proposed AD is needed to prevent inflight failure of the cargo hook assembly which could result in release of the external load and cause the loss of the helicopter.

DATE: Comments must be received on or before August 14, 1981

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-33, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

Aerospatiale Service Information may be obtained from Technical Support Department, Aerospatiale Helicopter Corp., 2701 Forum Drive, grand Prairie, Texas 75051.

These documents may also be examined at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

There have been several reports of "H" frame support leg, P/N 12579-1, fatigue cracks and one report of the support leg failing, allowing the "H" frame and external load to separate from the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require repetitive inspections and replacement as necessary of ERC cargo hook clevis lugs, P/N 12579-1, installed on SNIAS Model SA315B helicopters, equipped with ERC cargo hook assemblies in accordance with STC SH1735SW.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Model SA315B helicopters, equipped with Eastern Rotorcraft Corporation (ERC) cargo hook assemblies, P/N 17112-4, Serial Numbers 1 through 103, in accordance with Supplemental Type Certificate (STC) SH1735SW, certificated in all categories (Airworthiness Docket No. 81-ASW-33).

Compliance required as indicated.

To prevent possible failure of the ERC cargo hook support legs, P/N 12579-1, due to fatigue cracks, accomplish the following, unless already accomplished, within the next 100 hours' time in service after the effective date of this AD:

a. Accomplish a magnetic particle inspection of the lugs, P/N 12579-1, for suspension assemblies, P/N 17112-4, which have accumulated 1,000 lifts or 12 calendar months of service, whichever occurs first, in accordance with Aerospatiale Helicopter Corporation Service Bulletin No. SB315-05, dated March 11, 1981, or an FAA approved equivalent.

b. If one lug is found to have cracks, remove and replace all four lugs in accordance with Aerospatiale Helicopter Corporation Service Bulletin No. SB315-04, dated January 20, 1961, or an FAA approved equivalent.

c. If no lugs are cracked, reinstall and accomplish magnetic particle inspections at intervals of 1,000 lifts or 12 calendar months, whichever ocurs first, as required by paragraph a of this AD.

d. These inspections are no longer required after compliance with Aerospatiale Helicopter Corporation Service Bulletin No. SB315-04.

e. The helicopter may be flown in accordance with FAR 21.197 to a base where inspections can be performed.

f. For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of lifts may be determined by multiplying each helicopter's hours' time in service by the operator's fleet average lifts per hour for the helicopter type.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85)

The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on July 1, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-20786 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-10-81]

Mortgage Subsidy Bonds; Temporary Income Tax Regulations; Cross-Reference

Correction

In FR Doc. 81-18339, appearing at page 34348 in the issue for July 1, 1981, the CFR cite in the headings which now reads "26 CFR Parts 1 and 6" should read as set forth above, "26 CFR Part 1".

BILLING CODE 1501-01-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 40

[Attorney General Order No. 949-81]

Standards for Inmate Grievance Procedures

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The "Civil Rights of Institutionalized Persons Act," Pub. L. 96-247, requires that the Attorney General promulgate minimum standards for inmate grievance procedures and establish a method of certifying such procedures. The following rule fulfills these requirements.

DATE: Comments are due on or before August 17, 1981.

ADDRESS: Comments should be sent to: Michael Pearlman, Office of General Counsel, Room 760, 320 First Street, N.W., Washington, D.C. 20534 (202-724-3062).

FOR FURTHER INFORMATION CONTACT: Michael Pearlman, Office of General Counsel, Room 760, 320 First St., N.W., Washington, D.C. 20534 (202-274-3062).

SUPPLEMENTARY INFORMATION: "The Civil Rights of Institutionalized Persons Act," Pub. L. 96-247, 94 Stat. 349 ("the Act"), grants the Attorney General authority to initiate and to intervene in civil actions against states and their political subdivisions to protect the federal rights of institutionalized persons. It also encourages the protection of constitutional rights of adults in correctional facilities by encouraging the development and implementation of administrative

mechanisms for the resolution of prisoner grievances within institutions.

The Act requires that the Attorney General develop standards sufficient for certification of the prisoner grievance mechanisms in adult correctional and detention facilities. States and their political subdivisions voluntarily may submit plans for grievance mechanisms to the Attorney General for such certification. A court may continue, for a period up to 90 days, a case filed pursuant to 42 U.S.C. 1983 by an adult confined in a correctional or detention facility in order to require that adult to exhaust administrative remedies that the Attorney General or the court determines are in substantial compliance with the standards promulgated by the Attorney General. Such continuances should only occur if the issues raised in the action pursuant to 42 U.S.C 1983 reasonably can be expected to be resolved by the grievance mechanism.

Section 7, of the Act, to be codified at 42 U.S.C. 1997e, requires that the standards for grievance mechanisms provide for an advisory role for employees and prisoners in the formulation, implementation, and operation of the mechanism; specific time limits for written replies to grievances including explanations of decisions; priority processing of emergency grievances; safeguards to prevent reprisals against grievants; and independent review of grievance decisions "by a person or other entity not under the direct supervision or direct control of the institution."

The Act also requires that the Attorney General develop a certification procedure to determine whether grievance procedures submitted to the Attorney General are in substantial compliance with the standards he has promulgated.

Proposed standards were published on November 28, 1980 (45 FR 79095). After the receipt of comments, a final rule was published on January 16, 1981 (46 FR 3843). Pursuant to the Act, the standards set forth in the final rule became effective on March 9, 1981, thirty legislative days after final publication. By Order dated March 6, 1981, however, the effective dates of those parts of the rule that established methods of certification of inmate grievance procedures and an Office of Inmate Grievance Procedure Certification (28 CFR Part 40, Subpart B), were deferred until March 30, 1981. In the same Order, the Attorney General gave notice of his intent to review and, if necessary, revise the part of the rule that became effective on March 9, 1981. Subsequently, by Order dated March 30, 1981, the Attorney General deferred until June 30, 1981 the effective dates of the parts of the rule that had been deferred until March 30, 1981.

This publication incorporates proposed changes in the standards for inmate grievance procedures. Comments will be accepted for 30 days following the date of publication.

After review of the law and regulations, the Attorney General certifies that the proposed rules, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), will not have a significant impact on a substantial number of small entities. Further, the Attorney General has determined that the proposed standards do not constitute a "major rule" within the meaning of Executive Order 12291.

For the reasons set forth in the preamble and under the authority of Pub. L. 96-247, 94 Stat. 349 (42 U.S.C. 1997) the Attorney General proposes to amend part 40 of Title 28, Code of Federal Regulations as follows.

Dated: June 30, 1981.

William French Smith,

Attorney General.

By revising Subpart A and by adding new Subpart B to read as follows:

PART 40—STANDARDS FOR INMATE GRIEVANCE PROCEDURES

Subpart A—Minimum Standards for Inmate Grievance Procedures

Sec.

40.1 Definitions.
40.2 Adoption of procedures.
40.3 Communication of procedures.
40.4 Accessibility.
40.5 Applicability.
40.6 Remedies.
40.7 Operation and decision.
40.8 Emergency procedure.
40.9 Reprisals.
40.10 Records—nature; confidentiality.
40.11 Evaluation.

Subpart B—Procedures for Obtaining Certification of a Grievance Procedure

40.12 Submissions by applicant.
40.13 Notice of intent to apply for certification.
40.14 Review by the Attorney General.
40.15 Conditional certification.
40.16 Full certification.
40.17 Denial of certification.
40.18 Reapplication after denial of certification.
40.19 Suspension of certification.
40.20 Withdrawal of certification.
40.21 Contemplated change in certified procedure.
40.22 Notification of court.
40.23 Significance of certification.

Authority: Pub. L. 96-247, 94 Stat. 349 (42 U.S.C. 1997).

Subpart A—Minimum Standards for Inmate Grievance Procedures

§ 40.17 Definitions.

For the purposes of this part—

(a) "Act" means the Civil Rights of Institutionalized Persons Act, Pub. L. 96-247, 94 Stat. 349 (42 U.S.C. 1997).

(b) "Applicant" means a state or political subdivision of a state that submits to the Attorney General a request for certification of a grievance procedure.

(c) "Attorney General" means the Attorney General of the United States or the Attorney General's designees.

(d) "Grievance" means a written complaint by an inmate on the inmate's own behalf regarding a policy applicable within an institution, a condition in an institution, an action involving an inmate of an institution, or an incident occurring within an institution. The term "grievance" does not include a complaint relating to a parole decision.

(e) "Inmate" means an individual confined in an institution for adults, who has been convicted of a crime.

(f) "Institution" means a jail, prison, or other correctional facility, or pretrial detention facility that houses adults and is owned, operated, or managed by or provides services on behalf of a State or political subdivision of a State.

(g) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Substantial compliance" means that there is no omission of any essential part from compliance, that any omission consists only of an unimportant defect or omission, and that there has been a firm effort to comply fully with the standards.

§ 40.2 Adoption of procedures.

Each applicant seeking certification of its grievance procedure for purposes of the Act shall adopt a written grievance procedure. Inmates and employees shall be afforded an advisory role in the formulation and implementation of a grievance procedure adopted after the effective date of these regulations, and shall be afforded an advisory role in reviewing the compliance with the standards set forth herein of a grievance procedure adopted prior to the effective date of these regulations.

§ 40.3 Communication of procedures.

The written grievance procedure shall be distributed to all employees and inmates of the institution. Additionally, each inmate and employee shall, upon arrival at the institution, receive an oral explanation of the procedure, including the opportunity to have questions regarding the procedure answered orally. The written procedure shall be available in any language spoken by a significant portion of the institution's population, and appropriate provisions shall be made for those not speaking those languages, as well as for the impaired and the handicapped.

§ 40.4 Accessibility.

Each inmate shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification, or other administrative or legislative decision to which the inmate may be subject. The institution shall ensure that the procedure is accessible to impaired and handicapped inmates.

§ 40.5 Applicability.

The grievance procedure shall be applicable to a broad range of complaints and shall state specifically the types of complaints covered and excluded. At a minimun, the grievance procedure shall permit complaints by inmates regarding policies and conditions within the jurisdiction of the institution or the correctional agency that affect them personally, as well as actions by employees and inmates, and incidents occurring within the institution that affect them personally. The grievance procedure shall not be used as a disciplinary procedure.

§ 40.6 Remedies.

The grievance procedure shall afford a successful grievant a meaningful remedy. Although available remedies may vary among institutions, a reasonable range of meaningful remedies in each institution is necessary.

§ 40.7 Operation and decision.

(a) *Initiation.* The procedure for initiating a grievance shall be simple and include the use of a standard form. Necessary materials shall be freely available to all inmates and assistance shall be readily available for inmates who cannot complete the forms themselves. Forms shall not demand unnecessary technical compliance with formal structure or detail, but shall encourage a simple and straightforward statement of the inmate's grievance.

(b) *Inmate and employee participation.* The institution shall provide a role for employees and inmates in the operation of the system in such a manner as to promote the credibility and use of grievance procedure. At a minimum, some employees and inmates shall be permitted to participate in an advisory capacity in the disposition of grievances challenging general policy and practices and to review the effectiveness and credibility of the grievance procedure. In any instance in which inmates and employees are afforded an advisory role in the disposition of an individual grievance, the opportunity for such participation shall occur before the adjudication of the grievance; such participation may, however, consist of a review of those policy questions developed in the course of the grievance that are subject to inmate and employee advice, submitted without identification of any individuals. No inmate shall participate in the resolution of any other inmate's grievance over the objection of the grievant.

(c) *Investigation and consideration.* No inmate or employee who appears to be involved in the matter shall partcipate in any capacity in the resolution of the grievance.

(d) *Reasoned, written responses.* Each grievance shall be answered in writing at each level of decision and review. The response shall state the reasons for the decision reached and shall include a statement that the inmate is entitled to further review, if such is available, and shall contain simple directions for obtaining such review.

(e) *Fixed time limits.* Responses shall be made within fixed time limits at each level of decision. Time limits may vary between institutions, buy expeditious processing of grievances at each level of decision is essential to prevent grievances from becoming moot. In all instances grievances must be processed from initiation to final disposition in less than 90 days, unless the grievant agrees in writing to an extension for a fixed period. Expiration of a time limit at any stage of the process shall entitle the grievant to move to the next stage of the process, unless the grievant has agreed in writing to an extension of the time for a response.

(f) *Review.* The grievant shall be entitled to review by a person or other entity, not under the institution's supervision or control, of the disposition of all grievances, including alleged reprisals by an employee against an inmate. A request for review shall be allowed automatically without interference by administrators or employees of the institution and such review shall be conducted without influence or interference by administrators or employees of the institution.

§ 40.8 Emergency procedure.

The grievance procedure shall contain special provision for responding to grievances of an emergency nature. Emergency grievances shall be defined, at a minimum, as matters regarding which disposition according to the regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate. The grievance procedure shall state specifically the matters that will be reviewed under the emergency procedure. Emergency grievances shall be forwarded immediately, without substantive review, to the level at which corrective action can be taken. The procedure for resolving emergency grievances shall provide for expedited responses at every level of decision. The emergency procedure shall also include review by a person or entity not under the supervision or control of the institution.

§ 40.9 Reprisals.

The grievance procedure shall prohibit reprisals against inmates for their use of the procedure. "Reprisal" means any action or threat of action against an inmate based on the inmate's use of or participation in the grievance procedure. Each inmate must be given written assurance that use of or participation in the grievance mechanism will not result in formal or informal reprisal against the inmate. An inmate shall be entitled to pursue through the grievance procedure a complaint that a reprisal occurred against the inmate.

§ 40.10 Records—nature; confidentiality.

(a) *Nature.* Records regarding the filing and disposition of grievances shall be collected and maintained systematically by the institution. Such records shall be preserved for at least three years following final disposition of the grievance. At a minimum, such records shall include aggregate information regarding the numbers, types and dispositions of grievances, as well as individual records of the date of and the reasons for each disposition at each stage of the procedure.

(b) *Confidentiality.* Records regarding the participation of an individual in grievance proceedings shall not be available to staff or other inmates, except to the extent that access for clerical processing of the records is necessary. Such records shall not be available to individuals participating in parole decisions. Records of any testimony or evidence received in connection with a grievance proceeding shall not be made available to staff or other inmates, except to the extent that acccess for clerical processing is

necessary or as hereafter provided. Such records shall not be available to individuals participating in parole decisions. Consistent with ensuring confidentiality, staff who are participating in the disposition of a grievance shall have access to records essential to the resolution of the grievance.

§ 40.11 Evaluation.

The grievance procedure shall contain a plan for periodic evaluation reports, at least annually, of the performance of the grievance procedure. At a minimum, such evaluation shall report on the inmates' use of the grievance procedure, including year to year trends in inmate use of the grievance procedure, information regarding types of grievances filed, types of remedies granted, implementation of remedies, numbers and types of emergency grievances, and the average time for disposition of standard and emergency grievances. The evaluation report shall include recommendations for improvements in the grievance procedure. The evaluation report shall also contain information regarding the costs generated or saved by compliance with 42 U.S.C. 1997e. Evaluation reports shall be reviewed by a person or entity not under the supervision or control of the institution with specific reference to compliance with the standards set forth in §§ 40.2 through 40.10 of this chapter. Such evaluation and review shall be submitted promptly after their completion to the Attorney General.

Subpart B—Procedures for Obtaining Certification of a Grievance Procedure

§ 40.12 Submissions by applicant.

An application for certification shall be submitted to the Office of the Associate Attorney General, Department of Justice, Main Justice Building, Washington, D.C. 20530, and shall contain the following:

(a) *Written statement*—A written statement describing the grievance procedure, including a brief description of the institution or institutions covered by the procedure, with accompanying plans for or evidence of implementation in each institution.

(b) *Instructional materials*—A copy of the instructional materials for inmates and employees regarding use of the grievance procedure together with a description of the manner in which such materials are distributed, a description of the oral explanation of the grievance procedure, including the circumstances under which it is delivered, and a description of the training provided to employees and inmates in the skills necessary to operate the grievance procedure.

(c) *Form*—A copy of the form used by inmates to initiate a grievance and to obtain review of the disposition of a grievance.

(d) *Information regarding past performance*—For a procedure that has operated for more than one year at the time of the application, the applicant shall submit information regarding the number and types of grievances filed over the preceding year, the dispostion of the grievances with sample responses from each level of decision, the remedies granted, evidence of compliance with time limits at each level of decision, and a description of the role of inmates and employees in the formulation, implementation, and operation of the grievance procedure.

(e) *Plan for collecting information*—For a procedure that has operated for less than one year at the time of the application, the applicant shall submit a plan for collecting the information described in paragraph (d) of this section.

(f) *Assurance of confidentiality*—A description of the steps taken to ensure the confidentiality of records of individual use of or participation in the grievance procedure.

(g) *Evaluation.*—A description of the plans for periodic evaluation of the grievance procedure, including identification of the group, individuals or individual who will conduct the evaluation and identification of the person or entity not under the control or supervision of the institution who will review the evaluation, together with two copies of the most recent evaluation, if one has been performed.

(h) *Public participation*—A list of all local agencies, interested persons and groups that have received a copy of the grievance procedure submitted to the Attorney General.

§ 40.13 Notice of intent to apply for certification.

The applicant shall publish notice of its intent to request certification in the vicinity of each institution to be covered by the application. The notice shall invite comments regarding the grievance procedure and direct them to the Attorney General. A similar notice shall be posted within each institution to be covered by the appplication.

§ 40.14 Review by the Attorney General.

The Attorney General shall review and respond to each application as promptly as the circumstances, including the need for independent investigation and consideration of the comments of agencies, and interested groups and persons, permit.

§ 40.15 Conditional certification.

If, in the judgment of the Attorney General, a grievance procedure that has been in existence less than one year is at the time of application in substantial compliance with the standards promulgated herein, the Attorney General shall grant conditional certification for one year of until the applicant satisfies the requirements of section 40.16, whichever period is shorter.

§ 40.16 Full certification.

If, in the judgment of the Attorney General, a grievance procedure that has been in existence longer than one year at the time of application is in substantial compliance with the standards promulgated herein, full certification shall be granted. Such certification shall remain in effect unless and until the Attorney General finds reasonable cause to believe that the grievance procedure is no longer in substantial compliance with the minimum standards and so notifies the applicant in writing.

§ 40.17 Denial of certification.

If the Attorney General finds that the grievance procedure is not in substantial compliance with the standards promulgated herein, the Attorney General shall deny certification and inform the applicant in writing of the area or areas in which the grievance procedure or the application is deemed inadequate.

§ 40.18 Reapplication after denial of certification.

An applicant denied certification may resubmit an application for certification at any time after the inadequacy in the application or the grievance procedure is corrected.

§ 40.19 Suspension of certification.

(a) *Reasonable belief of non-compliance.* If the Attorney General has reasonable grounds to believe that a previously certified grievance procedure may no longer be in substantial compliance with the minimum standards, the Attorney General shall suspend certification. The suspension shall continue until such time as the deficiency is corrected, in which case certification shall be reinstated, or until the Attorney General determines that substantial compliance no longer exists, in which case, except as provided in paragraph (b) of this section, the Attorney General shall withdraw

certification pursuant to § 40.20 of this part.

(b) *Defect may be readily remedied; good faith effort.* If the Attorney General determines that a grievance procedure is no longer in substantial compliance with the minimum standards, but has reason to believe that the defect may be readily corrected and that good faith efforts are underway to correct it, the Attorney General may suspend certification until the grievance procedure returns to compliance with the minimum standards.

(c) *Recertification after suspension pursuant to paragrpah (a).* The Attorney General shall reinstate the certification of an applicant whose certification was suspended pursuant to paragraph (a) of this section upon a demonstration in writing by the applicant that the specific deficiency on which the suspension was based has been corrected or that the information that caused the Attorney General to suspend certification was erroneous.

(d) *Recertification after suspension prusuant to paragraph (b).* The Attorney General shall reinstate the certification of an applicant whose certification has been suspended pursuant to paragraph (b) upon a demonstration in writing that the deficiency on which the suspension was based has been corrected.

(e) *Notification in writing of suspension or reinstatement.* The Attorney General shall notify an applicant in writing that certification has been suspended or reinstated and state the reasons for the action.

§ 40.20 Withdrawal of certification.

(a) *Finding of non-compliance.* If the Attorney General finds that a grievance procedure is no longer in substantial compliance with the minimum standards, the Attorney General shall withdraw certification, unless the Attorney General concludes that suspension of certification under § 40.19(b) of this part is appropriate.

(b) *Notification in writing of withdrawal of certification.* The Attorney General shall notify an applicant in writing that certification has been withdrawn and state the reasons for the action.

(c) *Recertification after withdrawal.* An applicant whose certification has been withdrawn and who wishes to receive recertification shall submit a new application for certification.

§ 40.21 Contemplated change in certified procedure.

A proposed change in a certified procedure must be submitted to the Attorney General thirty days in advance of its proposed effective date. The Attorney General shall review such proposed change and notify the applicant in writing before the effective date of the proposed change whether such change will result in suspension or withdrawal of the certification of the grievance procedure.

§ 40.22 Notification of court.

The Attorney General shall notify in writing the Chief Judges of the United States Court of Appeals and of the United States District Court(s) within whose jurisdiction the applicant is located of the certification, suspension of certification, withdrawal of certification and recertification of the applicant's grievance procedure. The Attorney General shall also notify the court of the certification status of any grievance procedure at the request of the court or any party in an action by an adult inmate pursuant to 42 U.S.C. 1983.

§ 40.23 Significance of certification.

Certification of a grievance procedure by the Attorney General shall signify only that on the basis of the information submitted, the Attorney General believes the grievance procedure is in substantial compliance with the minimum standards. Certification shall not indicate approval of the use or application of the grievance procedure in a particular case.

[FR Doc. 81-20773 Filed 7-15-81; 8:45 am]
BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1883-8]

Proposed Rulemaking for the State of Idaho; State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA proposes to make revisions to Idaho's State Implementation Plan (SIP) which are necessary for EPA to assume a temporary role of managing the Idaho State air program. EPA proposes to: (1) revise the SIP to authorize EPA to issue pre-construction and operating permits; (2) promulgate as part of the SIP certain rules which were recently submitted to EPA by the State and to rescind certain other rules which conflict with the Clean Air Act (hereinafter, "the Act"), and (3) recognize source specific permits issued by the State pursuant to the rules proposed for promulgation by EPA.

DATE: Comments are due by August 17, 1981.

ADDRESSES: Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Comments received on this proposal, copies of materials submitted to EPA, and proposed regulations may be examined during normal business hours at the following locations:

Central Docket Section (#10A-80-2), Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street S.W., Washington, D.C. 20460

Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

Idaho Operations Office, Environmental Protection Agency, 422 W. Washington Street, Boise, Idaho 83702

FOR FURTHER INFORMATION CONTACT: Michael J. Shultz, Coordination & Planning Section, M/S 625, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1226, FTS: 399-1226.

SUPPLEMENTARY INFORMATION: EPA proposes to promulgate as part of the Idaho SIP certain rules which are necessary to operate an air pollution control program for the State of Idaho, as well as the authority to issue certain permits associated with such a program. Additionally, EPA proposes to rescind certain rules from the approved SIP and recognize certain permits which have been issued by the State. These actions are set out in greater detail in the sections entitled "Plan Revisions" and "Other Actions"

This rulemaking is necessary because the State of Idaho no longer has the resources to run an air program. The Idaho Legislature, in its 1981 session, cut all funding for a State operated air program. Termination of the Idaho air program on June 30, 1981 (end of the State's fiscal year) was confirmed in an April 30, 1981 letter from the Administrator of the Idaho Department of Health and Welfare (IDHW), Division of Environment (DOE), to the EPA Region 10 Administrator. In this April 30, letter, the Administrator of DOE also requested EPA to operate an air pollution control program in the State of Idaho.

As a consequence of these actions, the Idaho SIP no longer conforms to the requirements of the Act since the State can no longer assure that it will have adequate personnel funding and

authority to carry out the SIP. The EPA Administrator is required by Section 110(c) of the Act to revise a SIP where it has become inadequate to comply with the requirements of the Act. This rulemaking sets out those measures which will be taken by the Administrator to revise and carry out the Idaho SIP.

I. Background

On January 15, 1980, the State of Idaho submitted extensive revisions to its SIP in response to requirements in the Act. Additional revisions were submitted on March 7, 1980, August 8, 1980, October 27, 1980, December 23, 1980, and February 5, 1981. EPA approved the transportation control plan portion of the Boise carbon monoxide attainment plan in a final rulemaking published in the **Federal Register** on October 23, 1980 (45 FR 70252). However, EPA review of the remaining revisions to the State's plan revealed numerous deficiencies. Most deficiencies were noted in those portions of the submittal relating to Part D (nonattainment plan) requirements of the Act. Because the State is no longer able to correct these deficiencies, EPA is proposing to take no action on the Part D nonattainment plans adopted by the State. Consequently, all action proposed by EPA today is for purposes of satisfying requirements of Section 110 of the Act with the exception of Section 110(a)(2)(I) which concerns Part D requirements.

It is important to note that until approvable Part D plans are in place for designated nonattainment areas in the State, the construction moratorium referred to in Sections 110(a)(2)(I) of the Act remains in effect. The moratorium applies to major new stationary sources and major modifications to existing sources in all designated nonattainment areas in the State.

II. Plan Revisions

A. Authority to issue Permits

As noted in a preceding section, EPA has been requested by IDHW to continue an air pollution program for the State of Idaho. In order to do so, it will be necessary for the Administrator in some instances to issue preconstruction and operating permits. The Administrator has been provided the authority to issue such permits by Section 110(c) of the Act. EPA proposes to promulgate as a part of the Idaho SIP the authority to issue the permits required by Sections 1–1003 and 1–1901 of the Idaho rules. EPA proposes to add to the SIP Section 1–1002.76 in order to include the Administrator of EPA or the Administrator's authorized delegate within the definition of Department, Director and Administrator as provided in the regulations.

B. Proposed Regulations

EPA is proposing to promulgate in 40 CFR Part 52 the followng regulations which, except as noted, were adopted after public hearing by the State of Idaho. Copies of these regulations are available at the locations noted in a preceding section and have been filed in the docket established for this rulemaking.

1–1002 Definitions.
1–1002.04 Air Pollution Source Permit.
1–1002.17 Certificate of Registration.
1–1002.19 Commence Construction or Modification.
1–1002.21 Construction.
1–1002.30 Equivalent Air-Dried Kraft Pulp.
1–1002.31 Existing Source.
1–1002.33 Fuel-Burning Equipment.
1–1002.34 Fugitive Dust.
1–1002.35 Hot-Mix Asphalt Plant.
1–1002.36 Incinerator.
1–1002.38 Industrial Process.
1–1002.39 Kraft Pulping.
1–1002.43 Malfunction.
1–1002.44 Modification.
1–1002.46 Multiple Chamber Incinerator.
1–1002.47 New Source.
1–1002.51 Opacity.
1–1002.52 Open Burning.
1–1002.55 Pilot Plant.
1–1002.56 Portable Hot-Mix Asphalt Plant.
1–1002.59 Process or Process Equipment.
1–1002.60 Process Weight.
1–1002.61 Process Weight Rate.
1–1002.62 Salvage Operations.
1–1002.67 Source.
1–1002.68 Source Operation.
1–1002.71 Stationary Source.
1–1002.77 Wigwam Burner.
1–1002.78 Administrator.[1]
1–1003 Registeration and Permit Procedures for Stationary Sources (except 1–1003.03(a)(3)).
1–1005 Reporting.
1–1008 Circumvention.
1–1009 Total Compliance.
1–1010 Sampling and Analytical Procedure.[2]
1–1051 Air Pollution Emergency Regulation.
1–1052 Episode Criteria.
1–1053 Public Notification.
1–1054 General Rules.
1–1055 Specific Emergency Episode Abatement Plans for Point Sources.
1–1151 Rules for Control of Open Burning.
1–1152 General Restrictions.
1–1153 Categories of Allowable Burning.
1–1201 Visible Emissions.
1–1203 General Restrictions on Visible Emissions From Wigwam Burners.
1–1251 Rules for Control of Fugitive Dust.
1–1252 General Rules.
1–1301 Fuel Burning Equipment—Particulate Matter.
1–1329 Particulate Matter—New Equipment Process Weight Limitations.
1–1330 Particulate Matter—Existing Equipment Process Weight Limitations.
1–1351 Rules for Sulfur Content of Fuels.
1–1352 Definitions as Used in this Regulation.
1–1353 Residual Fuel Oils.
1–1354 Distillate Fuel Oil.
1–1355 Coal.
1–1501 Rules for Control of Incinerators.
1–1502 Emission Limits.
1–1503 Design Standards.
1–1504 Exceptions.
1–1601 Rules for Control of Hot-Mix Asphalt Plants.
1–1602 Emission Limits.
1–1604 Multiple Stacks.
1–1605 Fugitive Dust Control.
1–1651 Rules for Control of Kraft Pulping Mills.
1–1652 Statement of Policy.
1–1653 General Rules.
1–1657 Recovery Furnace Particulate Standards.
1–1658 Lime Kiln Standards.
1–1659 Smelt Tank Standards.
1–1662 Exceptions.
1–1901 Rules for Air Pollution Source Permits.
1–1902 Procedure for Issuing Permits.
1–1903 Additional Limitations.

C. Regulations Which Are Proposed for Rescission From the Approved SIP

EPA is proposing for the reasons stated below to rescind the following regulations from the SIP:

Regulation A, Section 2, Q—Emission Standard—Definition. The definition is not consistent with Section 302(k) of the Act in that it does not restrict emissions "on a continuous basis," thereby permitting the use of supplementary control systems (SCS).

Regulation A, Section 2, A—Ambient Air Quality Standards (General)—This provision conflicts with the definition of ambient air found at 40 CFR 50.1.

Regulation A, Section 6—Scheduled Maintenance (shutdown)—This provision is inconsistent with the criteria set out in 42 FR 21472 (April 27, 1977). EPA will utilize these Federal Register criteria in determining compliance with emission standards.

III. Other Actions—Permits

IDHW has issued permits pursuant to Section 1–1003 ("Registration and Permit Procedures for Stationary Sources," hereinafter "pre-construction permits,") and Section 1–1901 ("Rules for Air Pollution Source Permits," hereinafter "operating permits"). All State issued pre-construction permits will continue to be recognized by EPA. In addition, a number of the operating permits issued by the State were submitted for EPA approval along with the State's SIP submittal. EPA will interpret all operating permits in a fashion consistent with State intent as expressed in the "General Provisions" section of each permit. In other words, the applicable requirements of the regulations which are not specifically addressed in a permit will continue to apply to the permitted source.

Barring evidence that an operating permit will result in violation of applicable air quality standards or other requirements of the Act, all operating permits issued pursuant to the State regulation proposed for promulgation by EPA will remain in effect until they expire. EPA will examine at that time the terms of each permit in view of the applicable requirements.

Call for Comments

Interested parties are invited to comment on all aspects of this proposed rulemaking. Comments will be included in the docket that has been established pursuant to Section 307(d) of the Act. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by August 17, 1981 will be considered by EPA in its final decision on whether to promulgate the proposed revision.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator must certify that the promulgation of a SIP revision pursuant to Section 110 will not have a significant economic impact on a substantial number of small entities. This action allows EPA to implement certain aspects of the State's air program. As such it creates no new requirements which are not already contained in state law. Accordingly, I hereby certify that the proposed rule (if promulgated) will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not judged to be major, since it is merely a promulgation of action taken by the State, and as such, establishes equivalent requirements and no new burdens on the regulated community.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110, 307 of the Clean Air Act (42 U.S.C. 7410, 7607))

Dated: July 8, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-20665 Filed 7-15-81; 8:45 am]

BILLING CODE 6560-38-M

[1] EPA proposes to add this provision in order to allow the EPA Administrator to act for the Director of the Department of Health and Welfare where called for in the regulations proposed for federal promulgation.

[2] EPA proposes to change this provision to rely on those procedures found in 40 CFR Part 60.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Docket No. 80-739]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

AGENCY: Federal Communications Commission.

ACTION: Announcement of correction to the Second Notice of Inquiry.

SUMMARY: This document announces the correction of an error made in printing the Proposed and Existing Frequency Allocation Tables in Appendix A of the Second Notice of Inquiry regarding frequency allocations and radio treaty matters, the text of which was not printed in the **Federal Register** due to publication costs. However, a public notice as printed on June 17, 1981 (46 FR 31693).

ADDRESS: Interested parties may obtain a copy of both the Notice of Inquiry and the errata through the FCC Press Office, Room 202, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas, Office of Science and Technology, 1919 "M" Street, NW., Washington, D.C. 20554, (202) 653–8171.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-20660 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2, 21, 87 and 90

[Gen. Docket No. 79-188; RM-3247]

Amendment of the Commission's Rules To Allocate Spectrum for, and To Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of Digital Communications Services; Order Extending Time for Filing Replies to Oppositions to Petitions for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing replies to opposition to petitions for reconsideration of final rule.

SUMMARY: the Commission extends the date for filing replies to oppositions to the petitions for reconsideration of the first Report and Order in docket 79–188 allocating spectrum for Digital Termination systems and establishing the Digital Electronic Message Service using DTS. The extension is granted pursuant to a request, and affords additional time to analyze certain technical issues.

DATES: Replies to oppositions to the petitions for reconsideration shall be filed on or before August 7, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Policy and Management Staff, Office of Science and Technology, Room 7002 (202) 653–8100.

In the matter of amendment of Parts 2, 21, 87 and 90 of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to, the Use of Radio in Digital Termination Systems for the Provision of Digital Communications Services, General Docket No. 79–188, Rm–3247.

Adopted: July 8, 1981.

Released: July 9, 1981.

1. On July 2, 1981 the Local Digital Distribution Company ("LDD"), by its attorneys, pursuant to § 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, filed a request to extend the time for filing replies to August 7, 1981 to oppositions to Petitions for Reconsideration in the above-captioned matter (46 FR 30391; 6–8–81)[1]. Replies to such oppositions are currently due on or before July 9, 1981, pursuant to §§ 1.429(g), 1.4(i), and 1.4(g).

2. LDD cites NASA's Opposition to LDD's Petition for Reconsideration as evidence of NASA's desire to arrive at a mutually satisfactory set of technical parameters to accommodate the operation of passive environmental sensors and of digital termination systems (DTS). Accordingly, contends LDD, additional time is required to explore the various technical issues that must be resolved before such accommodation can be reached. LDD states that a grant of additional time would serve the public interest by allowing LDD greater opportunity to fully explore technical alternatives, which in turn would assure an efficient use of Commission resources.

3. We recognize that the set of issues raised by LDD is rather complex and requires detailed technical analyses for the Commission to adequately respond

[1] Editorial note: The petition for reconsideration was submitted for publication in the Notices section of the **Federal Register.**

to those issues. In this regard, it is particularly noteworthy that NASA and LDD both appear ready and willing to work towards development of a mutually satisfactory set of technical parameters that would allow passive sensors and DTS to share the frequencies between 10.6 and 10.68 GHz. Granting the extension of approximately one month would allow time for meaningful discussions between NASA and LDD (and other interested parties like Satellite Business Systems which also filed an Opposition dealing with the same technical issues LDD addressed). Any resolution that comes out of these discussions would be in the public interest, and aid the Commission in the allocation of its limited resources.

4. We note approvingly that LDD in its request (and also in its Petition for Reconsideration) recommends that acceptance of license applications not be delayed. We wish to avoid as well, however, any delays in filing DTS applications that may ensue because of the unresolved technical issues raised in the petitions for reconsideration. Further, we perceive that no party will be adversely impacted by a grant of the extension of time. Having received no objections in this matter, the request for extension of time to August 7, 1981 on or before which replies must be filed to the petition for reconsideration is granted.

5. Therefore, it is ordered, pursuant to § 0.241(d) of the Commission's rules and regulations, THAT the date for filing replies to the Oppositions to the First Report and Order in the above-captioned proceeding is extended for a period of 29 days from July 9, 1981. Therefore, replies to Oppositions must now be filed on or before August 7, 1981.

Federal Communications Commission.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-20807 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket 74-14; Notice 23]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public hearing.

SUMMARY: The purpose of this notice is to announce that the National Highway Traffic Safety Administration will hold a public hearing on August 5, 1981, concerning the automatic restraint requirements of Safety Standard No. 208, *Occupant Crash Protection*. On April 9, 1981, the Secretary of Transportation published a notice of proposed rulemaking seeking comment on a series of alternative amendments to the existing automatic restraint requirements (46 FR 21205). The comment closing date for that proposal was May 26, 1981. Comments submitted in response to this proposal include specific requests for an opportunity to present further information and oral testimony. The Administrator has determined that it is in the public interest to allow interested persons an opportunity to present further factual information and statements concerning the issues raised in the notice of proposed rulemaking, prior to final decision. Participants at the the public hearing announced hereby will be allowed to make written and/or oral statements or supplement previous comments.

DATE: The public hearing will be held August 5, 1981.

ADDRESS: The public hearing will be held at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. The hearing schedule will be from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: The April 9, 1981, notice of proposed rulemaking to amend the automatic restraint requirements of Safety Standard No. 208 included three major proposed alternatives:

I. That the sequence of compliance with the automatic restraint requirements be changed so that small cars would be required to comply on September 1, 1982, mid-size cars on September 1, 1983, and large cars on September 1, 1984;

II. That all car sizes would be required to comply with the automatic restraint requirements on March 1, 1983; and

III. That the automatic restraint requirements of Safety Standard 208 be rescinded entirely.

In addition, the Department proposed that, under both the first and second alternatives, the automatic restraint requirements be amended so that such restraints would not be required in the front center seating position.

Written submissions received by the NHTSA in response to this notice of proposed rulemaking were extremely diverse, and ranged from comments in total support of automatic restraint systems to comments adamantly opposed to any mandatory requirements for automatic restraints.

The issue of mandatory automatic restraints has been debated in NHTSA rulemaking proceedings and at public hearings on this same subject for the several years since the standard was first issued in 1977. The agency calls particular attention to the previous Notices published on June 14, 1976 (41 FR 24070) and March 24, 1977 (42 FR 15935) and urges that persons making presentations at this time seek to present information and argumentation which have not been discussed or made available previously. In addition, the agency notes that some comments to date contain little factual material or data, and consist largely of conclusionary assertions. The agency is interested in obtaining all available supplemental information and substantiating data for the full range of opinions expressed in response to the notice of proposed rulemaking.

The agency at this time intends to limit the hearing to one day, but reserves the right to continue the hearing on August 6, 1981, if necessary. If this occurs, persons scheduled to make presentations will be notified in advance.

The presiding officials reserve the right to ask questions of all persons making presentations. No opportunity will, however, be afforded for parties to question other participants.

Persons wishing to make oral presentations at the public hearing should contact Mr. Nelson by July 24, 1981, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of each planned oral presentation should also be submitted to Mr. Nelson by that date. Persons whose presentations will include slides, motion pictures, or other visual aids should submit copies of them for the record at this meeting.

Persons making oral presentations are requested but not required to submit 25 written copies of the full text of their presentation to Robert Nelson not later than the beginning of the hearing on August 5, 1981. Persons who wish to make a written but not an oral presentation should submit their written comments by the close of business on August 7, 1981. Copies of all written statements will be placed in Docket 74-14; Notice 22 of the NHTSA Docket Section in Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. (20590) (Docket hours: 8 a.m. until 4 p.m.). A verbatim transcript of the public hearing will be prepared and also placed in the NHTSA docket as soon as possible after the hearing. A schedule of the persons making oral presentations at the hearing will be available at the Departmental Auditorium on the morning of August 5, 1981.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on July 9, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-20549 Filed 7-9-81; 3:48 pm]

BILLING CODE 4910-59-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 70-7; Notice 10]

Fields of Direct View

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates the portion of the agency's November 6, 1978, rulemaking on Standard No. 128, *Fields of Direct View*, that proposed requirements for trucks, buses, and multipurpose passenger vehicles. The agency has determined that the relatively small safety benefits associated with the proposal are substantially outweighed by the consumer and manufacturer costs imposed by the standard

DATE: The date of the termination is July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Kaehn, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1351)

SUPPLEMENTARY INFORMATION: On November 6, 1978 (43 FR 51677), the agency issued a notice proposing a new Federal motor vehicle safety standard, Standard No. 128, Fields of Direct View. The notice, which applied to passenger cars, trucks, buses and multipurpose passenger vehicles (MPV's), proposed limits on the maximum permissible size of obstructions in the field of view of the driver, a minimum field of view for the driver through the windshield and light transmittance requirements for the windshield.

On January 2, 1981 (46 FR 40), the agency issued a final rule establishing field of direct view requirements of passenger cars. In response to nine petitions for reconsideration, the agency has announced its intention to revoke that rule because the relatively small safety benefits of the standard are far outweighed by the costs imposed on manufacturers and consumers (46 FR 21203, April 9, 1981).

The comments submitted on the proposed rule for trucks, buses, and MPV's indicated that the cost of the rule for those vehicles would be far greater than for passenger cars. For example, all the school bus manufacturers said that they would have to redesign completely the front end of conventional school buses to meet the proposed ground target requirements. Final-stage vehicle manufacturers, many of which are small businesses, said that the cost of compliance would be excessive since they produce, in low volumes, vehicles with a great variety of cab and seating configurations that would be affected by the proposed standard.

The information provided in response to the notice also raised questions about the possible benefits of the rule and the appropriateness of the proposed requirements for trucks, buses, and MPV's. After reviewing that information, the agency has concluded that the potential costs associated with the proposed requirements far outweigh the uncertain safety benefits of the proposal. In addition, the agency has concluded that additional research would be necessary for the agency to identify appropriate performance requirements for trucks, buses, and MPV's. The agency is therefore terminating this proposed rulemaking action.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued: July 7, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-20548 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 46, No. 136
Thursday, July 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Agreement Regarding the Proposed Crude Oil Pipeline of the Northern Tier Pipeline Company

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: This notice provides information about and invites comments on a proposed Programmatic Memorandum of Agreement providing for the identification and protection of historic and cultural properties that may be affected by the Northern Tier Pipeline project.

DATE: Comments must be submitted on or before August 17, 1981.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas F. King, Director, Office of Cultural Resource Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005. Telephone: 202–254–3974.

SUPPLEMENTARY INFORMATION: The Council proposes to execute a Programmatic Memorandum of Agreement pursuant to Section 800.6 of its regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Department of the Interior, Bureau of Land Management, and the State Historic Preservation Officers of the States of Washington, Idaho, Montana, North Dakota, and Minnesota, regarding the Northern Tier Pipeline project. The Bureau of Land Management is the lead Federal agency for this project and is responsible for complying with Section 106 of the National Historic Preservation Act by ensuring that historic and cultural properties are identified and considered in accordance with 36 CFR Part 800. The Bureau of Land Management has requested that the Council execute a Programmatic Memorandum of Agreement on the grounds that the magnitude of the project, the number of States and agencies involved, and the repetitious nature of the project's impact on cultural properties make impractical compliance with Section 106 by the non-programmatic means set out in 36 CFR Section 800.4. The proposed Programmatic Memorandum of Agreement will provide for cultural properties by requiring advance planning which will identify anticipated types of properties and, for each type, establish a management strategy. The intent of this advance planning is to reduce the time needed to develop managment strategies as properties are encountered during construction, thus expediting the pipeline project. Copies of the proposed Programmatic Memorandum of Agreement are available from the Council. Interested parties are encouraged to obtain a copy and submit comments.

Dated: July 10, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81–20888 Filed 7–15–81; 8:45 am]
BILLING CODE 4510–10–M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Establishment of Committee

Congress is currently considering legislation to amend the Untied States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), to provide that the Secretary of Agriculture establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service with respect to the efficient and economical implementation of the Act. The advisory committee would consist of not more than twelve members representing the interests of all segments of the grain industry and would be governed by the provisions of the Federal Advisory Committee Act. Members of the advisory committee would serve without compensation except that members will, while away from their homes or regular places of business in the performance of service, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under § 5703 of Title 5, United States Code.

With the assumption that the amendment will be enacted by Congress and will require that members of the advisory committee be appointed not later than 30 days after the date of enactment, arrangements need to be made to establish the committee. Persons interested in serving on this advisory committee or wishing to submit names of individuals to be considered for appointment on the advisory committee should contact, in writing, Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 3, 1981, and furnish the following information: Name, home address, employer, occupation and title, and major source of income.

The final selection of committee members will be made by the Secretary.

Dated: July 13, 1981.

Kenneth A. Gilles,
Administrator.

[FR Doc. 81–20879 Filed 7–15–81; 8:45 am]
BILLING CODE 3410–02–M

Forest Service

Colorado Hill-Zaca Silver Mine, Toiyabe National Forest, Alpine County, Calif.; Intent To Conduct Environmental Assessment Pursuant To Possible Preparation of an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the USDA Forest Service has initiated an environmental assessment for a proposed Colorado Hill-Zaca silver mine on the Carson City Ranger District of the Toiyabe National Forest near Markleeville, Alpine County, California. Because of uncertainties concerning the need of an environmental impact statement (EIS) for the proposed project, notice is being filed at this time to inform other Federal agencies and as a part of the A–95 process. In the event the environmental assessment results in a finding of no significant impact and an EIS is not needed, a "cancellation notice" will be issued.

The proposed project is located within an area which has a history of mining activity. The Forest Service prepared a land management plan and EIS in 1974 which acknowledged the probability of mining in this area of the National Forest. Under the General Mining Law of 1872, California Silver, Inc. has a legal right to mine subject to reasonable environmental controls. California Silver, Inc. has submitted to the Forest Service a conceptual mine development plan and notice of intention to operate. Copies of the plan and notice are available for review at the Toiyabe Supervisor's Office, 111 North Virginia Street, Reno, Nevada.

Scoping of the assessment and development of a preliminary plan for the project are currently ongoing. Meetings with various Federal, State and local officials, as well as with interdisciplinary teams, have been conducted for purposes of preliminary identification of issues, concerns, and alternatives. Input from public meetings prior to this date will become part of the public participation record. Additional meetings are planned with state and county officials. A "briefing statement" is being mailed to potentially interested or affected publics. Formal public hearings required by the state will be conducted during or before December 1981.

Some preliminary issues identified are socio-economics, visual management, cultural resources, water quality, noise, public safety, engineering and structural designs. Alternatives involve mining methods, mill site locations and processes, tailings pond locations, service and haul roads, and water and power sources. Copies of "briefing information" are available from the Toiyabe National Forest headquarters or Carson City Ranger District.

Intentions are to complete joint Federal and State of California environmental documents (environmental assessment (EA) as required by NEPA and environmental impact report (EIR) as required by the California Environmental Protection Act) which will be available for review during or before January 1982. The earliest date for startup of the mining operation is late 1982.

The responsible official is Frank J. Ferrarelli, Forest Supervisor, Toiyabe National Forest, Reno, Nevada, 89501.

Written comments and suggestions concerning this analysis should be sent to:

Forest Supervisor, Toiyabe National Forest, 111 No. Virginia St., Room 601, Reno, NV 89501, (702) 784–5331
District Ranger, Carson City R.S., 1536 S. Carson St., Carson City, Nevada, 89301, (702) 882–2766
County Planner, Alpine County, P.O. Box 103, Markleeville, CA 96120, (916) 694–2255.

Additional information may also be obtained from the above offices.

Dated: July 9, 1981.

Frank J. Ferrarelli,
Forest Supervisor.

[FR Doc. 81–20832 Filed 7–15–81; 8:45 am]
BILLING CODE 3410–11–M

Office of the Secretary

Federal Crop Insurance Corporation; Organization, Functions, and Delegations of Authority

SUMMARY: This notice amends the Organization, Functions, and Delegations of Authority of the Federal Crop Insurance Corporation appearing in 41 FR 28332 *et seq.*, July 9, 1976, by changing the position titles of the Manager and Deputy Manager to Chairman of the Corporation and President, respectively, and by conforming the structure of the Board of Directors to reflect changes made in the membership thereof by the Federal Crop Insurance Act of 1980, Pub. L. 96–365

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), was amended by the Federal Crop Insurance Act of 1980 to increase the Board of Directors of the Federal Crop Insurance Corporation from five to seven members. It is necessary to amend the Organization, Functions, and Delegations of Authority notice of the Federal Crop Insurance Corporation to reflect this change. In addition, the Corporation is presently undergoing a reorganization, part of which is to change the position titles of the Manager and Deputy Manager to Chairman of the Corporation and President, respectively. In order to provide for the proper delegations of authority within the Corporation, it is necessary to designate the positions of Chairman of the Corporation and President immediately. When the planned reorganization of the Corporation is completed, a new notice will be issued to incorporate these changes and to correctly reflect the structure of the Corporation and the delegations of authority.

Wayne A. Fletcher, Acting Manager of the Federal Crop Insurance Corporation, has determined that this notice is not a major rule as defined by Executive Order No. 12291, and is exempt from the provisions of the Order as a regulation related to agency management.

The notice of Organization, Functions, and Delegations of Authority of the Federal Crop Insurance Corporation appearing in 41 FR 23443 *et seq.*, June 10, 1976, was published inadvertently, and is hereby repealed.

Accordingly, the Organization, Functions, and Delegations of Authority of the Federal Crop Insurance Corporation appearing in 41 FR 28332 *et seq.*, July 9, 1976, is hereby amended as follows:

1. Subpart A is amended to read as follows:

Subpart A—Organization

* * * * * *

Sec. 3. *Management.* The management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Chairman of the Corporation is its chief executive officer, appointed by and holding office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board of Directors, the Chairman of the Corporation is responsible for the general supervison and direction of all activities of the Corporation.

Sec. 4. *Board of Directors.* The Federal Crop Insurance Act, as amended, provides that the Board of Directors shall consist of the manager of the Corporation (herein called the Chairman of the Corporation), the Under Secretary of Agriculture for International Affairs and Commodity Programs, the Under Secretary of Agriculture for Small Community and Rural Development, one person experienced in the crop insurance business who is not otherwise employed by the Federal Government, and three active farmers who are not otherwise employed by the Federal Government and who are policyholders. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

Sec. 5. *Offices of the Corporation.* The principal office of the Federal Crop Insurance Corporation is composed of the Office of the Chairman of the Corporation and various division and staff offices. The Office of the Chairman of the Corporation and other components of the principal office are located in Washington, D.C., 20250 (in the South Agriculture Building of the U.S. Department of Agriculture) except that the National Service Office and the Actuarial Division are located at Kansas City, Missouri, 64141.

(1) *Office of the Chairman of the Corporation.* The Office of Chairman of the Corporation is composed of the Chairman and immediate staff, including

a President. Within established policies and regulations, the Chairman of the Corporation is responsible for the executive direction, coordination, and control of the Corporation's programs and activities, the determination of goals and objectives, and the approval of plans, methods and procedures proposed or used.

* * * * *

2. Subpart A, Section 6, is amended by deleting the word "Manager" in the first sentence, sixth line, and substituting the words "Chairman of the Corporation".

3. Subpart C, Section 8, is amended by deleting the word "Manager" in the first and second sentences, ninth and tenth lines, and substituting the words "Chairman of the Corporation" in both instances.

4. Subpart C, Section 8(a), is amended by deleting the word "Manager" in the ninth line and substituting the words "Chairman of the Corporation".

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved for the Federal Crop Insurance Corporation:

Dated: July 9, 1981.

Seeley G. Lodwick,

Under Secretary for International Affairs and Commodity Programs.

Dated: July 10, 1981.

Approved:

John R. Block

Secretary of Agriculture.

[FR Doc. 81-20778 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Caney Creek Watershed, Tex.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, 101 South Main Street, Temple, Texas 76501, telephone (817) 774–1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Caney Creek Watershed, Fannin and Grayson Counties, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure concerns a plan for providing watershed protection and flood prevention by the installation of three planned floodwater retarding structures within the Caney Creek Watershed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: June 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-20781 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

Chapman's Pond R.C. & D. Measure, Conn.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Philip H. Christensen, State Conservationist, Soil Conservation Service, Route 44A, Mansfield Professional Park, Storrs, Connecticut 06268, telephone 203–429–9361.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chapman's Pond R.C. & D. Measure, Middlesex County, Connecticut.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Philip H. Christensen, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to acquire 345 acres for a public water based fish and wildlife development. the land purchase includes 280 acres of upland woodlands for watershed protection and habitat preeservation, and 65 acres of wetlands, surrounding a 60 acre pond (Chapman's Pond). The Nature Conservancy will manage the area for use as a fish and wildlife refuge, area of botanic study, and passive recreation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Philip H. Christensen, The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: July 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-20786 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

Cub Creek Water Based Recreation Development R.C. & D. Measure, Nebr.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Albert E. Sullivan, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall N., P.O. Box 82502, Lincoln, Nebraska 68501, telephone 402–471–5300.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cub Creek Water Based Recreation Development RC&D Measure, Keya Paha County, Nebraska.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Albert E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water based recreation. The planned works of improvement include tree planting, swimming beach development, picnic shelters, picnic tables, access roads, parking areas, hiking trails, campsites, and playground facilities.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Albert E. Sullivan. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: July 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-20784 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

Hoopersville Road; Critical Area Treatment R.C. & D. Measure, Md.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hoopersville Road Critical Area Treatment RC&D Measure, Dorchester County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment in an area adjacent to Hoopersville Road on the Chesapeake Bay. The planned works of improvement include 300 feet of rock riprap and critical area seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resources Projects.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-20784 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

Lake Mitchell Public Water-Based Recreation R.C. & D. Measure, S. Dak.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street, S.W., Huron, South Dakota 57350, telephone 605–352–8651, extension 333.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Mitchell Public Water-Based Recreation RC&D Measure, Davidson County, South Dakota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert D. Swenson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns works of improvement in three general categories at 22 sites adjacent to Lake Mitchell. One involves the preparation of sites and the placement of properly designed basic facilities for outdoor recreation. These basic facilities include such items as group shelters, vault toilets, picnic tables, grills, camp pads, water hydrants, playground equipment, walks and trails, boat docks, a boat ramp, swimming beach areas, a bathhouse, signs, and facilities providing mobility and recreation opportunities for the handicapped.

The second category involves treatments and developments designed to protect the soil, plant, and water resources. These involve traffic control gates, fencing, parking lots, access roads and surfacing (gravel), changes in and improvement of access road approaches, culverts, parking barriers, diversion terraces, and the shaping, seeding, and

mulching of areas disturbed by construction.

Category three includes measures and treatments which will further protect the natural resources, but which primarily enhance the visual esthetics and wildlife use. This includes obstruction removal—generally dead, damaged, and decadent trees and shrubs; select thinning of overstocked planted tree stands; pruning dead material from remaining stands; thinning and select clearing of dog-hair stands for Siberian elm, peachleaf willow, cottonwood, and shrub willow reproduction; shaping, seeding, and mulching of abusively used areas; and the landscape planting of adapted trees and shrubs for beautification and wildlife value. The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert D. Swenson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the Federal Register.

Dated: July 2, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-20702 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

Lovejoy Pond Watershed, Maine

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Authorization of Federal Assistance in the Installation of Works of Improvement.

FOR FURTHER INFORMATION CONTACT:
Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Building, University of Maine, Orono, Maine 04473, telephone 207–866–2132

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Lovejoy Pond Watershed, Maine.

Dated: July 6, 1981.

Norman A. Berg,

Chief.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

[FR Doc. 81-20770 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

West End Critical Area Treatment R.C. & D. Measure, Tex.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, 101 South Main, Temple, Texas 76501, telephone 817–744–1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the West End Critical Area Treatment R.C. & D. Measure, Austin County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of soil erosion control practices on privately owned land. The treatment will consist of shaping, filling, grass plantings, diversions, fencing, and grade stabilization structures to control gully erosion on 13 sites involving about 203 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the Federal Register.

Dated: June 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-20730 Filed 7-15-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Ideal Fishing Float Company, Inc., 20th & Franklin Streets, Richmond, Virginia 23226, producer of fishing tackle (accepted June 22, 1981); (2) Sterlingwale Corporation, 168 Stevens Street, Fall River, Massachusetts 02722, producer of corduroy fabric (accepted June 23, 1981); (3) Fisher Stoveworks, Inc., P.O. Box 1029, Hayden Lake, Idaho 83835, producer of stoves (accepted June 23, 1981); (4) Muebles R. Leon, P.O. Box 788, Guaynabo, Puerto Rico 00657, producer of wood furniture (accepted June 23, 1981); (5) Pilgrim Sportswear, Inc., 350 Fifth Avenue, Suite 5301, New York, New York 10001, producer of children's shirts, pants & playwear (accepted June 26, 1981); (6) D. Siedmann's & Sons, Inc., 5th & Courtland Streets, Philadelphia, Pennsylvania 19140, producer of knitted headwear, dickies, leg warmers & mufflers (accepted June 26, 1981); (7) Voltronics Corporation, West Street, East Hanover, New Jersey 07936, producer of trimmer capacitors (accepted June 29, 1981); (8) Brauer Knitting Company, 34 Ludwig Street, Little Ferry, New Jersey 07643, producer of knit fabric (accepted June 29, 1981); (9) Genie Toys, Inc., 4100 Forest Park Boulevard, St. Louis, Missouri 63108, producer of stuffed toys (accepted June 29, 1981); (10) Norman Sportswear, Inc., 520 West Pico Boulevard, Los Angeles, California 90015, producer of men's shirts and leisure suits (accepted July 1, 1981); (11) Styl-Rite Optics, Inc., 31–85 Whitestone Parkway, Flushing, New York 11354, producer of eyeglass frames (accepted July 1, 1981); (12) OMB Associates, Inc., 44 Broad Street, Nashua, New Hampshire 03060, producer of luggage; cosmetic & tote bags; women's jackets & vests; and vinyl picnic backets & coolers (accepted July 2, 1981); (13) Richmond Instruments Company, P.O. Box 179, Richmond, Michigan 48062, producer of automotive electronic test equipment, circuit boards & wire harnesses (accepted July 2, 1981); (14) Janet Knitting Mills, Inc., 155 Van Wagenen Avenue, Jersey City, New Jersey 07306, producer of women's & children's sweaters (accepted July 7, 1981); (15) The Meeker Company, 7th and School Streets, Joplin, Missouri 64801, producer of leather billfolds, purses, cigarette pouches & handbags (accepted July 7, 1981); and (16) Florod Corporation, 3341 W. El Segundo Boulevard, Hawthorne, California 90250, producer of parts for integrated circuits (accepted July 7, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business July 27, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review of clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-20827 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-24-M

National Oceanic and Atmospheric Administration

Issuance of Permit

On April 27, 1981, Notice was published in the Federal Register (46 FR 23514) that an application had been filed with the National Marine Fisheries Service by the National Zoological Park, Smithsonian Institution, Washington, D.C. 20008, to take California sea lions (*Zalophus californianus*) for the purpose of scientific research.

Notice is hereby given that on July 10, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit to the National Zoological Park, subject to certain conditions set forth therein.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 10, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20888 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On June 3, 1981, Notice was published in the Federal Register (46 FR 29739) that an application had been filed with the National Marine Fisheries Service by Dr. Thomas F. Albert, Department of Veterinary Science, University of Maryland, College Park, Maryland 20742 for a permit to collect specimen materials from subsistence hunted or beached/stranded individuals from the following species for scientific research:

60 bowhead whales (*Balaena mysticetus*)
15 gray whales (*Eschrichtius robustus*)
30 beluga whales (*Delphinapterus leucas*)
60 bearded seal (*Erignathus barbatus*)
100 ringed seal (*Phoca hispida*)

Notice is hereby given that on July 8, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a permit for the above taking to Dr. Thomas F. Albert, subject to certain conditions set forth therein. Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such permit: 1) was applied for in good faith; 2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and 3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 8, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20889 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-22-M

Modification of Permit No. 321

On May 18, 1981, Notice was published in the Federal Register (46 FR 27153) that a request for a modification of Permit No. 321 had been received by the National Marine Fisheries Service From Knie's Kinderzoo, 8640 Rapperswil, Switzerland.

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 321 issued to Knie's Kinderzoo on March 12, 1981 (46 FR 17072) was modified in the following manner:

A new Section A–2 was added as follows:

"2. The Holder is authorized to take a second bottlenose dolphin (*Tursiops truncatus*) by the means described in the application."

This modification became effective on July 8, 1981.

The modification and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region,

9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: July 8, 1981

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20887 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Artiszoo (P262).

b. Address: Royal Zoological Society "Natura Artis Magistra" Plantage Kerklaan 38–40, Amsterdam, Netherlands.

2. Type or Permit: Public Display.

3. Name and Number of Animals: California sea lions (Zalophus californianus), 2.

4. Type of Take: Capture for public display, if available, California sea lions will be taken from rehabilitated beached/stranded stocks.

5. Location of Activity: California.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before August 17, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with the National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes: i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Ministry of Culture, Recreation and Social Welfare of the Netherlands have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 8, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20884 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant: a. Name: Department of Vertebrate Zoology, National Museum of Natural History. (P6H)

b. Address: Smithsonian Institution, Washington, D.C.

2. Type of Permit: Scientific Research/Scientific Purposes, Importation and Exportation.

3. Name and Number of Animals: Unspecified numbers of all species of cetaceans, marine carnivores, and sirenians any age, both sexes.

4. Type of Take: Taken legally in the country of origin for scientific purposes. No animals will be taken for the purposes of importation by the Applicant.

5. Location of Activity: Worldwide.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235 and the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, on or before August 17, 1981.

Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 8, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20883 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Modification

Notice is hereby given that Dr. Richard H. Lambertsen, Woods Hole, Massachusetts, requested a modification to Permit No. 336 issued to them under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) on May 19, 1981.

Dr. Lambertsen requests additional authority to import cetacean specimen materials from animals taken legally under laws of Norway and Denmark.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 17, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices;

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930.

Dated: July 9, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20885 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent 4,249,177: Target Discrimination Apparatus. Filed May 3, 1979, patented February 3, 1981. Not available NTIS.

Patent 4,249,411: Zero-G Massmeter. Filed May 31, 1979, patented February 10, 1981. Not available NTIS.

Patent 4,251,738: Balanced Input Zero Differential Detector. Filed August 10, 1978, patented February 17, 1981. Not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application: 6–169,577: Electrical Augmentation of Detonation Wave. Filed July 17, 1980.

Patent Application: 6–217,282: Void Filler Foam Fire Suppression System. Filed December 16, 1980.

Patent Application: 6–228,966: Low Noise Remote Optical Fiber Sound Detector. Filed January 21, 1981.

Patent 4,215,631: Sealed Pyrotechnic Delay. Filed February 25, 1971, patented August 5, 1980. Not available NTIS.

Patent 4,249,422: Apparatus and Process for Determining the Composition of Fluid-Filled Cavities. Filed October 22, 1979, patented February 10, 1981. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–4, Washington, DC 20546

Patent 4,239,057: Pressure Control Valve. Filed July 13, 1979, patented December 16, 1980. Not available NTIS.

Patent 4,240,290: Skin Friction Measuring Device for Aircraft. Filed August 7, 1979, patented December 23, 1980. Not available NTIS.

Tennessee Valley Authority, Division of Law, Muscle Shoals, AL 35660

Patent 4,238,459: Chemical Beneficiation of Phosphatic Limestone and Phosphate Rock with alpha-Hydroxysulfonic Acids. Filed June 18, 1979, patented December 9, 1980. Not available NTIS.

[FR Doc. 81-20702 Filed 7-15-81; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Inventions and Patents, National Technical Information Service, Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S. W., Washington, DC 20324

Patent 4,249,823: Windscreen Angular Deviation Measurement Device. Filed October 16, 1979, patented February 10, 1981. Not available NTIS.

Patent 4,251,741: High Power Pulser. Filed February 8, 1979, patented February 17, 1981. Not available NTIS.
Patent 4,251,765: Aircraft Electrical System Tester. Filed February 7, 1979, patented February 17, 1981. Not available NTIS.
Patent 4,251,786: Stepped-Rod Ferrite Microwave Limiter Having Dynamic Range and Optimal Frequency Selectivity. Filed July 6, 1979, patented February 17, 1981. Not available NTIS.
Patent 4,252,937: Polyaromatic Ether-Keto-Sulfones and Their Synthesis. Filed June 8, 1979, patented February 24, 1981. Not available NTIS.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Service Division Federal Buidling, Science and Education Administration, Hyattsville, MD 20782

Patent 4,259,862: Process for Improving Baking Properties of Unbleached Flour. Filed Janaury 19, 1979, patented March 31, 1981. Not available NTIS.

U.S. Department of Energy, Office of the Assistant General, Counsel for Patents (GC-42), 1000 Independence Avenue, N.W., Washington, DC 20585

Patent Application 6-129,299: Drift Tube Suspension for High Intensity Linear Accelerators. Filed March 11, 1980.
Patent 4,220,856: Method of Analysis of Asbestiform Minerals by Thermoluminescence. Filed November 3, 1978, patented September 2, 1980. Not available NTIS.
Patent 4,221,166: Apparatus for Forming Targets. Filed January 24, 1979, patented September 9, 1980. Not available NTIS.
Patent 4,221,610: Method for Homogenizing Alloys Susceptible to the Formation of Carbide Stringers and Alloys Prepared Thereby. Filed February 24, 1978, patented September 9, 1980. Not available NTIS.
Patent 4,221,995: Linear Motor Drive System for Continuous-Path Closed-Loop Position Control of an Object. Filed July 24, 1978, patented September 9, 1980. Not available NTIS.
Patent 4, 222,011: Stokes Injected Raman Capillary Waveguide Amplifier. Filed October 3, 1978, patented September 9, 1980. Not available NTIS.
Patent 4,223,084: Alkali Metal Protective Garment and Composite Material. Filed May 10, 1979, patented September 16, 1980. Not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent Application 6-227,160: Tick Cell Lines. Filed January 22, 1981.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application 6-203,012: Louvre Buffer Fire Prevention System. Filed November 3, 1980.
Patent Application 6-216,460: Elastomeric Sway Bracing and Ejector System. Filed December 15, 1980.
Patent Application 6-230,187: A Holographic Optical Article and Process. Filed February 2, 1981.
Patent Application 6-230,201: Heterojunction-Diode Transistor EBS Amplifier. Filed February 2, 1981.
Patent Application 6-235,305: Polynitroethyl Thionocarbonates and Method of Preparation. Filed February 17, 1981.
Patent 4,209,766: Transducer. Filed September 15, 1964, patented June 24, 1980. Not available NTIS.
Patent 4,215,428: Time Ratio Controlled Inverter. Filed March 3, 1971, patented July 29, 1980. Not available NTIS.
Patent 4,235,679: High Performance Solar Still. Filed January 15, 1979, patented November 25, 1980. Not available NTIS.
Patent 4,239,012: Homing Torpedo Control Apparatus. Filed December 18, 1960, patented December 16, 1980. Not available NTIS.
Patent 4,244,350: Solar Energy Heat-Storage Tank. Filed March 26, 1979, patented January 13, 1981. Not available NTIS.
Patent 4,245,223: Self-Multiplexing Antenna Employing Orthogonal Beams. Filed May 2, 1977, patented January 13, 1981. Not available NTIS.
Patent 4,248,854: Production of Antibody Toward Asbestos and Immunoassay Therewith. Filed August 27, 1979, patented February 3, 1981. Not available NTIS.
Patent 4,249,421: Method To Determine the Shear Absorption of a Rubberlike Material. Filed October 22, 1979, patented February 10, 1981. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent 4,014,796: Insoluble Polyelectrolyte and Ion-Exchange Hollow Fiber Impregnated Therewith. Filed April 4, 1974, patented March 29, 1977. Not available NTIS.
Patent 4,211,354: Method for Alleviating Thermal Stress Damage in Laminates. Filed April 6, 1978, patented July 8, 1980. Not available NTIS.
Patent 4,227,096: Microwave Integrated Circuit for Josephson Voltage Standards. Filed Augut 31, 1978, patented October 7, 1980. Not available NTIS.
Patent 4,229,182: Recovery of Aluminum from Composite Propellants. Filed September 29, 1978, patented October 21, 1980. Not available NTIS.
Patent 4,236,383: Solar Energy Receiver for a Stirling Engine. Filed April 6, 1979, patented December 2, 1980. Not available NTIS.
Patent 4,239,057: Pressure Control Valve. Filed July 13, 1979, patented December 16, 1980. Not available NTIS.
Patent 4,240,256: Phase-Angle Controller for Stirling Engines. Filed January 31, 1979, patented December 23, 1980. Not available NTIS.
Patent 4,240,601: Method for Observing the Features Characterizing the Surface of a Land Mass. Filed May 30, 1979, patented December 23, 1980. Not available NTIS.
Patent 4,241,308: Digital Numerically Controlled Oscillator. Filed December 29, 1978, patented December 23, 1980. Not available NTIS.
Patent 4,242,496: Process for the Preparation of Fluorine Containing Crosslinked Elastomeric Polytriazine and Product So Produced. Filed April 9, 1979, patented December 30, 1980. Not available NTIS.
Patent 4,244,857: Curing Agent for Polyepoxides and Epoxy Resins and Composites Cured Therewith. Filed August 30, 1979, patented January 13, 1981. Not available NTIS.
Patent 4,245,085: The 1,2,4-Oxadiazole Elastomers. Filed April 9, 1979, patented January 13, 1981. Not available NTIS.
Patent 4,248,001: Molten Salt Pyrolysis of Latex. Filed April 27, 1978, patented January 20, 1981. Not available NTIS.

[FR Doc. 81-20783 Filed 7-15-81; 8:45 am]
BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

July 8, 1981.

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group meeting published in the **Federal Register**, Volume 46, No. 117, Thursday June 18, 1981 has been cancelled.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-20818 Filed 7-15-81; 8:45 am]
BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Cancellation of Intent To Prepare a Draft Environmental Impact Statement for a Proposed Dredge and Fill Operation by the State of Alabama

AGENCY: Army Corps of Engineers, DOD.

ACTION: Cancellation of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The US Corps of Engineers, Mobile District, based on continuing environmental review, has cancelled its intent to prepare a draft environmental impact statement for a permit application for a propoosed dredge and fill operation by the State of Alabama, Department of Mental Health for the construction of a barge canal and appurtenances for unloading facilities on the Black Warrior River, Tuscaloosa County, Alabama. Comments received from Federal and State agencies during the scoping process revealed that the proposed action would have no significant environmental impacts and that an environmental assessment was sufficient for NEPA compliance. This cancellation supersedes the previous Notice of Intent to Prepare a DEIS for this proposed action which was published on 28 September 1979, Wednesday, 44 FR 55410.

Dated: July 6, 1981.

Ronald A Krizman,

LTC, Corps of Engineers, Acting Commander and Acting District Engineer.

[FR Doc. 81-20787 Filed 7-15-81; 8:45 am]
BILLING CODE 3710-GR-M

Cancellation of Intent To Prepare a Draft Supplement Environmental Impact Statement (DSEIS) for a Proposed Cooperative Aquatic Plant Control Program for the State of Alabama

AGENCY: Army Corps of Engineers, DOD.

ACTION: Cancellation of intent to prepare a draft supplement environmental impact statement (DSEIS).

SUMMARY: The US Army Corps of Engineers, Mobile District, has cancelled its intent to prepare a draft supplement environmental impact statement for a proposed cooperative aquatic plant control program for the State of Alabama. An environmental assessment for the proposed action revealed that the proposed aquatic plant control program, environmental setting, impacts, and alternatives are not significantly different from those discussed in the previously coordinated Final Environmental Impact Statement (FEIS) for the Aquatic Plant Control Program in the Mobile District, which was filed with the EPA on 16 October 1978 and the FEIS for the Black Warrior and Tombigbee Rivers, Alabama (Maintenance), which was filed with the CEQ on 16 April 1976. This cancellation supersedes the previous Notice of Intent to Prepare a DSEIS for this proposed action which was published on 10 June 1981, Wednesday, 46 FR 30680.

Date: July 9, 1981.

Ronald A Krizman,

LTC, Corps of Engineers, Acting Commander and Acting District Engineer.

[FR Doc. 81-20826 Filed 7-15-81; 8:45 am]
BILLING CODE 3710-GR-M

Intent; The Albuquerque District, Corps of Engineers Intends To Prepare a Draft Environmental Impact Statement (DEIS) on a Proposal To Reduce Flood Damages From the Santa Fe River, Santa Fe, N. Mex.

AGENCY: Army Corps of Engineers, Albuquerque District, DOD.

ACTION: Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Proposed Action and Alternative Solutions.* The purpose of proposed action is to reduce damage and disruption of activities caused by flooding of the Santa Fe River through the city of Santa Fe with coincident preservation and enhancement of biological, recreational and aesthetic resources or qualities. Alternative measures that have been developed during continuing Advanced Engineering and Design Phase I studies consist of the replacement of bridges, construction of low walls to retain flood flows within the channel and parkway, channel and dam modification, tributary dam construction and no action. These measures differ from the authorized plan of constructing a dam on the Santa Fe River, bridge replacement, and modifying a 6300-foot reach of Arroyo Mascaras. Phase I studies will culminate in the recommendation of a plan that best satisfies the community's needs and desires.

2. *Public Involvement Process.* Since the initiation of Advanced Engineering and Design studies, coordination has been accomplished with both public and private concerns having jurisdiction or an interest in land and resources in the Santa Fe River basin. This includes the city of Santa Fe, the State of New Mexico, the Public Service Company of New Mexico, the Santa Fe Canyon Association, the United States Fish and Wildlife Service and the United States Forest Service. A public meeting was held on 6 March 1979 with numerous subsequent individual or group meetings. A formal public meeting is scheduled for August 1981 at which time all affected or interested federal, state, and local agencies, affected Indian tribes, and other interested private organizations and parties will be invited to participate. Subsequent to this public meeting will be the initiation of Stage 3 studies which will utilize workshops to narrow the range of plans that most closely satisfy community needs and desires. The product of Stage 3 studies will be the submission of a Phase I General Design Memorandum, which will recommend a specific plan of action, and an accompanying DEIS. Federal, state, and local input in the development of an EIS will be obtained by a combination of agency coordination, workshops, and, if necessary, public meetings. All interested parties will be invited to submit comments on the DEIS when it is circulated for field level review.

The project is being coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1972 (72 Stat. 563) (Pub. L. 85-624) and the Endangered Species Act of 1973, as amended (87 Stat. 884) (Pub. L. 93-205). Consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Officer and the National Park Service will be initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89-655), and the Preservation of Historic and Archeological Data (88 Stat. 174) (Pub. L. 93-291).

3. *Significant Issues to be Analyzed.* Significant issues to be analyzed in depth in the development of the DEIS include the impact of the action on biological systems, proposed area plans, recreational opportunities, cultural features, aesthetic qualities and community activities. Also, if necessary, the development of mitigative measures will be undertaken.

4. *Public Review.* The presently estimated date that the draft Phase I General Design Memorandum and the DEIS will be circulated for public review is June 82.

5. *Further Information.* Questions regarding the study and DEIS may be directed to: Mr. Mark Sifuentes, USAED, Albuquerque, P.O. Box 1580, Albuquerque, NM 87103, Phone: Comm (505) 766-3577, FTS 474-3577.

Dated: July 10, 1981.

Richard D. Blum,

Chief, Construction Operations Division.

[FR Doc. 81-20822 Filed 7-15-81; 8:45 am]
BILLING CODE 3710-KK-M

Intent To Prepare a Draft Environmental Impact Statement for Development and Production Phase, Mobile Bay Gas Field, Mobile, Ala.

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. *Description of Proposed Action:* The proposed action is to prepare a DEIS relative to a permit application by Mobil Oil Exploration and Producing Southeast, Inc., for proposed

construction, maintenance, operation, and eventual removal of structures and appurtenances required to develop, produce, transport, and treat natural gas from the lower Mobile Bay Field. This includes wells, platforms, pipelines, treating facility, and sulfur depot.

2. *Alternatives to the Proposed Action:* In responding to this permit application, the US Army Corps of Engineers has available three alternatives. These are: issue the permit, issue the permit with conditions, or deny the permit. Alternatives to the proposed action to be considered would be associated with the proposed drilling program, platforms, pipelines, gas treating facility, sulfur depot, base of operations, mitigation plans, emergency operations, and other development and production related alternatives.

3. *Description of the Scoping Process:* Public participation in this program has been lively and continuous since announcement of initial drilling plans in 1973. Two public hearings have been held, one in October 1973 and the other in April 1979, in connection with permit applications. Two EIS's have been completed for the program (January 1976, December 1980) with numerous comments being received from agencies, environmental groups, and other interests. The applicant has conducted an extensive program of meetings and tours for agencies and the public. Additionally, news media in the regional and local area has published significant amounts of information on the program.

The DEIS will undergo the public review process as required by the National Environmental Policy Act. Significant issues to be addressed will be possible impacts of the proposed action and alternatives to the Mobile Bay estuarine area and surrounding wetlands and the risks of blowouts. A public hearing will be held upon completion of the DEIS. A notice informing the public as to time and location will be issued at least 30 days prior to such hearings.

4. *Scoping Meeting:* No additional scoping meetings are scheduled.

5. *DEIS Preparation.* It is estimated that the DEIS will be available to the public in November 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. James B. Hildreth, PD–EE, US Army Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Dated: July 7, 1981.

Ronald A. Krizman,

Lt. Col., CE, Acting Commander and Acting District Engineer.

[FR Doc. 81-20836 Filed 7-15-81; 8:45 am]

BILLING CODE 3710-CR-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act (NEPA) Amendments to the DOE NEPA Guidelines

AGENCY: Department of Energy.

ACTION: Notice of proposed amendments to the Guidelines adding to and modifying the list of typical classes of action in Section D.

On the basis of experience gained since the issuance of the Department's NEPA Guidelines, the Department of Energy proposes to revise Section D of the Guidelines by adding 11 new typical classes and by modifying 3 existing typical classes of action. Public comment is invited on this proposal. Pending final adoption or rejection of the proposed changes, the Department of Energy will utilize the proposed typical classes of action on an interim basis.

COMMENTS BY: August 17, 1981.

ADDRESS COMMENTS TO: Dr. Robert J. Stern, at the address listed below.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, Director, NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, Forrestal Building, Room 4G–064, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–4600

Stephen H. Greenleigh, Esq., Assistant General Counsel for Environment, Forrestal Building, Room 6D–033, 1000 Independence Avenue, S.W., Washington, D.C. 20858, (202) 252–6947

SUPPLEMENTARY INFORMATION:

A. Background. On March 28, 1980 (45 FR 20694), the Department of Energy published in the **Federal Register** final DOE NEPA Guidelines for implementing the procedural provisions of the NEPA as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508). The Guidelines are applicable to all organizational units of the Department except the Federal Energy Regulatory Commission which is not subject to the supervision or direction of the other parts of the Department of Energy. Section D of the Department's NEPA Guidelines identifies typical classes of Department of Energy actions which normally require environmental assessments but not necessarily environmental impact statements, actions which normally require environmental impact statements, or actions which require neither environmental assessments nor environmental impact statements. These classes of actions were identified pursuant to 40 CFR 1507.3(b)(2). Section A.3.(d) of the Guidelines provides that the Department of Energy may add actions to or remove actions from the categories in Section D based on experience gained during the implementation of the CEQ regulations and the Guidelines.

Based on the experience gained operating under the CEQ regulations and the Guidelines, the Department proposes to add 11 new typical classes of action and modify 3 existing typical classes of action. Pursuant to Section C.8 of the Guidelines, the proposed changes are being published for public review.

B. Proposed Changes to Section D of the Department of Energy NEPA Guidelines. This notice proposes to revise Section D of the Department's guidelines and add or modify the typical classes of actions.

C. Comments. Comments concerning the proposed changes to Section D of the Department's NEPA guidelines should be submitted to Dr. Stern as indicated in the "address" section of this notice and should be identified on the outside of the envelope as: "Changes to Section D of DOE's NEPA Guidelines." Two copies should be submitted.

Pending final adoption or rejection of the proposed changes, the Department of Energy will utilize the proposed typical classes of action on an interim basis.

July 9, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

Proposed Changes to Section D.—*Department of Energy NEPA Guidelines*

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Generally Applicable to all of DOE		
General Plant Projects such as road and parking area resurfacing, modifications to heating-ventilating-air conditioning systems, minor alterations of existing buildings, and other similar projects where: (1) the projects are located within previously developed areas and will not affect environmentally sensitive areas such as floodplains, wetlands, archeological sites, and critical habitats; and (2) the projects are not part of a proposed action that is or may be the subject of an EA or EIS.	DOE actions which enable or result in engineering development activities, i.e. detailed design, development, fabrication, and test of energy system prototypes. (NOTE: Changes existing class of action by adding the word "fabrication.").	DOE actions which are expected to result in the construction and operation of a large scale project. (NOTE: Modifies an existing class of action by substituting "large scale project" for "full-scale energy system project.")
Installation of meteorological towers and associated activities to assess potential wind energy resources where the installation has no impacts on environmentally sensitive areas such as archeological sites, critical habitats, etc., and where the installation does not prejudice future site selection decisions for large wind turbines.		
Classes of Actions Applicable to Power Marketing Administrations (PMA)		
Emergency repair of transmission lines including replacement or repair of damaged equipment as well as the removal and replacement of downed transmission lines.	Construction and operation of wind resource, low-head hydro, and solar energy pilot projects.	
Additions or modifications to transmission facilities which do not affect the environment beyond the previously developed facility area, including tower modifications, changing insulators, replacement of poles and crossarms, and similar actions.	The allocation of power resources to customers in a manner differing from existing contractual arrangements.	
Grant or denial of requests for multiple use of DOE transmission line rights-of-way, such as grazing permits and crossing agreements including electric lines, water lines, and drainage culverts.	Implementation of an erosion control program that is systemwide.	
Execution of contracts for the short-term or seasonal allocation of excess power resources to customers who can receive these resources over existing transmission systems.		
The renewal of existing power contracts in kind.		
Classes of Actions Applicable to Nuclear Waste Management Program		
	The demonstration or implementation of intermediate-depth burial of low-level waste at DOE sites.	DOE actions resulting in the site selection, construction, or operation of major treatment, storage and/or disposal facilities for transuranic and high level nuclear waste and/or spent nuclear fuel such as spent fuel storage facilities and geologic repositories. (NOTE: Clarifies an existing class of action.)

[FR Doc. 81-20856 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Economics Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Economics Task Group of the Committee on Arctic Oil and Gas Resources will meet in July 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Economics Task Group meeting follows:

The fourth meeting of the Economics Task Group will be held on Wednesday, July 22, 1981, starting at 9:00 a.m., in the 26th Floor Conference Room, Hamilton International Oil Company, 1600 Broadway, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review of the revised computer runs on economics.
3. Discussion of the Task Group's draft report.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–6383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on July 8, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

July 8, 1981.

[FR Doc. 81-20857 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP81-12-000]

State of Mississippi, Section 107 NGPA Determination, Tomlinson Interests, Inc., Charles W. Cavanaugh No. 1 Well; Preliminary Finding

March 30, 1981.

On February 13, 1981, the State of Mississippi Oil and Gas Board (Mississippi) filed with the Commission notice of its determination that Tomlinson Interests, Inc.'s Charles W. Cavanaugh No. 1 Well (JD No. 81–17507) qualifies as a "high-cost natural gas" well under section 107 of the natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301 *et seq.*). The Commission published notice of the Mississippi determination in the **Federal Register** on March 5, 1981.

Although Mississippi did not cite the applicable subsection under section 107 for which the well was determined to be eligible,[1] review of the record submitted

[1] There are five categories of high cost gas established in section 107(c). They are: Gas produced from a well spudded on or after February 19, 1977 from a completion location below 15,000 feet (section 107(c)(1)); gas produced from geopressured brine (section 107(c)(2)); occluded gas

Continued

with the determination would indicate that the well is being qualified under section 107(c)(1), natural gas produced from a well spudded on or after February 19, 1977 from a completion location below 15,000 feet.

In order to qualify as "deep high-cost gas" under section 107(c)(1), the surface drilling of the well must have begun on or after February 19, 1977. As is the case in section 103 of the NGPA, which carries the same requirement as to surface drilling, if a well was drilled and abandoned and then re-entered, it is the original spud date that is controlling for compliance with the statutory requirement as to surface drilling, not the re-entry date. Thus if a well was drilled and abandoned prior to February 19, 1977, and re-entered after that date, its spud date would be prior to the February 19, 1977 date, and it would not qualify under either section 103 or section 107(c)(1) of the NGPA.[2]

Review of the record in this case reveals that drilling of the subject well was begun on June 10, 1972, and that the well was plugged and abandoned on August 24, 1972. The applicant re-entered the well on March 31, 1980, and completed it to depths of 15,910 to 15,924 feet. Mississippi recognized the fact that the well was a re-entry well and the applicant argued that re-entry was necessary because drilling a new well on the proration unit created "a real danger of communication between high pressure zones" in the old well. The technical advisability of re-entry notwithstanding, the fact that the subject well was spudded prior to the February 19, 1977 date provided in section 107(c)(1) precludes it from qualification as a "deep high-cost gas" well under that section.

Accordingly, the Commission hereby makes a preliminary finding that there is not substantial evidence in the record to support Mississippi's determination that Tomlinson Interests Inc.'s Charles W. Cavanaugh No. 1 Well qualifies under section 107(c)(1) of the NGPA. Mississippi's determination is hereby reversed.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-20629 7-15-81; 8:45 am]

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produced from coal seams (section 107(c)(3)); gas produced from Devonian shale (section 107(c)(4)); and gas which the Commission has determined to be high-cost (section 107(c)(5)). To date, the Commission has only determined that gas produced from tight formations and section 108 gas subject to designated production enhancement techniques are high-cost under section 107(c)(5).

[2] See "Final Finding on Well Category Determination," Docket No. GP80-80, issued July 16, 1980.

[Docket No. CP81-376-000]

Columbia Gas Transmission Corp.; Application

July 14, 1981.

Take notice that on June 15, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-376-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Eastern Shore Natural Gas Company (Eastern Shore) pursuant to a sales agreement dated April 30, 1981, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes an off-system sale of up to 20,000 dekatherms equivalent of natural gas per day on a best-efforts basis to Eastern Shore. Applicant requests authorization for a term ending either on April 29, 1982, or at such later date as either of the parties may give 30 day's written notice to terminate.

Applicant states that the price Eastern Shore would pay for all gas delivered by Applicant would be the higher of Applicant's Zone 6 SR rate in effect at the time of Eastern Shore's purchase or the maximum lawful price established in Section 102 of the Natural Gas Policy Act of 1978.

Applicant states that the natural gas proposed for sale herein would be delivered at a point of interconnection between Applicant and Eastern Shore located in Chester County, Pennsylvania, which is presently under construction and would be in service July 15, 1981.

Applicant indicates that the volumes of gas proposed for sale are in excess of Applicant's current market requirements and would become a part of Eastern Shore's pipeline supply to be used in meeting its market supply. Applicant explains that an excess has occurred as a result of increase in supply, slower rate of growth and conservation.

It is asserted that any revenue in excess of Applicant's base commodity purchased gas costs would be credited to Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petiton to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is rquired by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20630 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-85-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 10, 1981

JD NO	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION			
-A L MERANDEN & MORRIS CANNAN	RECEIVED: 06/10/81 JAS TX		
0137124 F-03-026694 4232130991	ASHWOOD (7770 FRIO)	365.0	HOUSTON PIPE LINE
-ADA OIL EMPLOMATION CORP	102-4 ETHEL SIMMONS GAS UNIT #1 6		
0137130 F-03-027044 4228730638	GIDDINGS	383.3	PHILLIPS PETROLEU
0137171 F-03-029422 4247730365	GIDDINGS	146.0	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION	RECEIVED: 06/10/81 JAS TX		
0137475 F-08-035085 4247532153	SCOTT (DELAWARE)	10.0	TRANSWESTERN PIPE
0137965 F-03-038945 4219938736	GIDDINGS (AUSTIN CHALK)	20.0	
-AMERICAN QUASAR PETROLEUM CO	RECEIVED: 06/10/81 JAS TX		
0137537 F-08-033045 4249530858	ERCHFIELD S (FUSSELMAN)	0.0	
-AMOCO PRODUCTION CO	RECEIVED: 06/10/81 JAS TX		
0137550 F-06-035824 4240131084	BLOCKER/COTTON VALLEY WELL NO 1	315.0	UNITED GAS PIPE L
0137550 F-06-035824 4240131084	BLOCKER/COTTON VALLEY WELL NO 1	315.0	UNITED GAS PIPE L
0137551 F-06-035822 4220330805	BLOCKER/COTTON VALLEY/	380.0	UNITED GAS PIPE L
0137551 F-06-035825 4220330805	BLOCKER/COTTON VALLEY/	380.0	UNITED GAS PIPE L
0137546 F-8A-035622 4221532918	LEVELLAND	16.4	AMOCO PRODUCTION
0137547 F-8A-035621 4221532919	LEVELLAND	12.4	AMOCO PRODUCTION
0137546 F-8A-035620 4221933001	LEVELLAND	15.7	AMOCO PRODUCTION
0137549 F-8A-035623 4221932065	LEVELLAND	11.0	AMOCO PRODUCTION
0137544 F-08-035814 4200232415	FASKEN (PENN)	95.3	AMOCO PRODUCTION
0137545 F-08-035815 4222732216	COAHOMA NORTH (FUSSEL)	0.7	GETTY OIL CO
-ANDERSON PETROLEUM INC	JOHNSONS CHAPEL (CANYON	0.1	CITIES SERVICE OI
0137147 F-7C-028024 4210532500	RECEIVED: 06/10/81 JAS TX		
0137147 F-7C-028024 4210532500	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
0137139 F-7C-027466 4210532179	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
-ANDOVER OIL COMPANY	CANYON SAND	7.0	ANDERSON PIPELINE
0137374 F-04-033558 4221531053	CANYON SAND	7.0	ANDERSON PIPELINE
-APACHE CORP	RECEIVED: 06/10/81 JAS TX		
0137536 F-10-035794 4248330475	LACY (8 7200)	100.0	TRANSCONTINENTAL
0137537 F-10-035800 4248330628	RECEIVED: 06/10/81 JAS TX		
-APACHE CORPORATION	STILES RANCH (MORROW)	670.0	ARKANSAS LOUISIAN
0137643 F-10-014201 4248330532	STILES RANCH (MORROW)	670.0	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY	RECEIVED: 06/10/81 JAS TX		
0137349 F-04-013132 4221531061	STILES RANCH (GRAXITE WA	0.0	ARKANSAS-LOUISIAN
0137597 F-01-015962 4231131373	RECEIVED: 06/10/81 JAS TX		
0137598 F-01-015963 4231131456	TCHASCO (X)	805.0	TENNESSEE GAS PIP
0137822 F-04-032916 4213134277	S CAPPANA (QUEEN CITY 59	800.0	ARCO OIL & GAS CO
0137518 F-04-032674 4213134971	CAPPANA S (QUEEN CITY 59	300.0	HOUSTON PIPELINE
0137503 F-04-035721 4213134969	MAGIST RANCH (WILCOX BAS	433.0	NATURAL GAS PIPEL
	MAGIST RANCH (1100 SAND)	350.0	TENNESSEE GAS PIP
	MAGIST RANCH (750)	37.0	NATURAL GAS PIPEL
	RECEIVED: 06/10/81 JAS TX		
	ETHEL SIMMONS GAS UNIT #1 6		
	RECEIVED: 06/10/81 JAS TX		
	JOHN NEWMAN #2		
	RECEIVED: 06/10/81 JAS TX		
	BARSTOW 32 AC 1		
	PAUPBACH NO 1		
	RECEIVED: 06/10/81 JAS TX		
	HARRIS #1-92		
	RECEIVED: 06/10/81 JAS TX		
	AKINS-REEVES GAS UNIT WELL		
	AKINS-REEVES GAS UNIT WELL		
	AMIS GAS UNIT WELL NO 1		
	AMIS GAS UNIT WELL NO 1		
	LEVELLAND UNIT #775		
	LEVELLAND UNIT #776		
	MAY-MONTGOMERY UNIT #71		
	MAY-MONTGOMERY UNIT #72		
	PIDLAND FARMS X #4		
	TEXAS LAND & PORT CO AR/AB		
	W C WEIR B #13		
	RECEIVED: 06/10/81 JAS TX		
	AUSTIN C PILLSPAUGH AL 3-12		
	AUSTIN C MILLSPAUGH AL 3-12		
	IRA CARSON B 4-8		
	IRA CARSON P 4-8		
	RECEIVED: 06/10/81 JAS TX		
	CRAIN-GRIFFITH L #16		
	RECEIVED: 06/10/81 JAS TX		
	STILES #1-A		
	STILES #6-24		
	RECEIVED: 06/10/81 JAS TX		
	STILES #3-SC		
	RECEIVED: 06/10/81 JAS TX		
	F C CHESTNUT UNIT A #2		
	GOUGER GAS UT 4 #3U		
	M C TORRINGTON ESTATE I #31		
	MAGIST GAS UNIT 7 WELL #3		
	MAGIST RANCH 124 WELL #2		
	JAR. FOSTER #64		

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JOB NO	DATE	API NO	DIST	SEC	LAT	WELL NAME
8137122	F-04-026536	4221530029		103		SWALLOW GAS UNIT 86-UT
-ART MACHIN & ASSOCIATES INC				RECEIVED: 06/18/81 JA: TX		
8137192	F-06-030748	4218330448		103		FAY BARDWELL #1
-B D K PRODUCTION CO INC				RECEIVED: 06/18/81 JA: TX		
8137160	F-03-029949	4205130779		102-4		BERNA UNIT WELL NO 1
-BARRON KIDD				RECEIVED: 06/18/81 JA: TX		
8137535	F-08-035796	4232530914		103		NANCE #1
-BASE PETROLEUM				RECEIVED: 06/18/81 JA: TX		
8137560	F-01-035853	4205500000		108		CARL EKLUND A NO 1
-BASS ENTERPRISES PRODUCTION CO				RECEIVED: 06/18/81 JA: TX		
8137341	F-08-033065	4230130267		103		BASS N C GUTHRIE ET AL NO 1
-BILL J GRAHAM				RECEIVED: 06/18/81 JA: TX		
8137353	F-08-033171	4210960000		108		TXL - 9 83
-BLOCKER EXPLORATION CO				RECEIVED: 06/18/81 JA: TX		
8137360	F-06-033222	4200100000		102-4		WILLIAM R CADY ETAL #1 (#91666)
-BONANZA PETROLEUM INC				RECEIVED: 06/18/81 JA: TX		
8137439	F-02-034556	4217531183		103		WHITFIELD #1
-BRUNER OIL & GAS INC				RECEIVED: 06/18/81 JA: TX		
8137090	F-7B-024681	4214330580		102-4		J E CLAYTON NO 1 42-143-30580
8137091	F-7B-024762	4214330584		102-4		J E CLAYTON NO 1A 42-143-30584
8137082	F-7B-024771	4214330483		102-4		MARIE CLAYTON NO 1 42-143-30483
8137092	F-7B-024783	4214300000		102-4		MARVIN C JONES 1-A
8137093	F-7B-024784	4214330493		102-4		MARVIN JONES NO 1 42-143-30493
8137087	F-7B-024776	4214330594		102-4		R D ARMSTRONG NO 1 42-143-30594
8137084	F-7B-024775	4209330705		102-4		ROGERS NO 1 API 42-093-30705
8137085	F-7B-024774	4214330513		102-4		T C ROBINSON #1 API 42-143-30513
8137088	F-7B-024779	4214300000		102-4		T W BROWN
8137089	F-7B-024780	4214300000		102-4		T W BROWN #1
8137083	F-7B-024772	4214330373		102-4		TUNNEL NO 1 API 42-143-30373
8137086	F-7B-024777	4214300000		102-4		TUNNELL NO 4 DD
8137094	F-7B-024785	4214330427		102-4		WRIGHT NO 1 42-143-30427
-BURNS PETROLEUM				RECEIVED: 06/18/81 JA: TX		
8137431	F-09-034374	4207700000		103		GARRETT B #3
8137432	F-09-034377	4250334249		103		QUISENBERRY #1
-C & K PETROLEUM INC				RECEIVED: 06/18/81 JA: TX		
8137291	F-08-032526	4233531790		103		V T MCCABE A NO 1-L
8137290	F-08-032525	4233531790		103		V T MCCABE A NO 1-U
-CAL-TEX OIL CO				RECEIVED: 06/18/81 JA: TX		
8137035	F-10-007379	4225300000		108		E B JOHNSON (C1196) WELL NO 3
-CARTER ENERGY CORP				RECEIVED: 06/18/81 JA: TX		
8137443	F-09-034613	4249731973		103		ROSIE BOAZ GAS UNIT #3
-CASHCO ENERGY CORPORATION				RECEIVED: 06/18/81 JA: TX		
8137224	F-03-031749	4218530246		102-4		W H PROCK NO 1
-CASSELL OIL CO				RECEIVED: 06/18/81 JA: TX		
8137438	F-7B-034552	4204931653		102-4		TISCHLER A NO 2
8137438	F-7B-034533	4204931653		103		TISCHLER A NO 2
8137433	F-7B-034385	4204931654		102-4		TISCHLER NO 1
8137433	F-7B-034385	4204931654		103		TISCHLER NO 1
-CHAMPLIN EXPLORATION INC				RECEIVED: 06/18/81 JA: TX		
8137137	F-03-027408	4228730582		103		KNOX #1
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 06/18/81 JA: TX		
8137163	F-06-029078	4248100000		103		BAILEY SHEPPARD NO 5
8137163	F-06-029078	4248100000		107-TF		BAILEY SHEPPARD NO 5

FIELD NAME	PROD	PURCHASER
DONNA (6850)	180.0	TENNESSEE GAS PIP
WILLOW SPRINGS (TRAVIS P	180.0	UNITED GAS PIPELI
CALDWELL	73.0	FERGUSON CROSSING
SPRABERRY (TREND AREA)	35.3	PHILLIPS PETROLEU
SALT FLAT FIELD	0.4	PHILLIPS PETROLEU
WHEAT (DELAWARE)	9.0	PHILLIPS PETROLEU
GERALDINE (FORD)	0.0	CONTINENTAL OIL C
PRAIRIE LAKE SW (RODESSA	730.0	SEAGULL PIPELINE
MARSHALL (2620)	70.0	UNITED GAS PIPELI
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
WILDCAT/BYRNES	75.0	CORONADO TRANSMIS
WILDCAT/BYRNES	75.0	CORONADO TRANSMIS
BRYNES (DUFFER)	0.0	CORONADO TRANSMIS
BRYNES (DUFFER)	0.0	CORONADO TRANSMIS
WILDCAT/BYRNES	75.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
BYRNES (DUFFER)	0.0	CORONADO TRANSMIS
WATSON	7.5	FAGADAU ENERGY CO
YOUNG COUNTY REGULAR	60.0	SOUTHWEST GAS PIP
JAMESON N (ELLENBURGER)	10.0	
JAMESON N (STRAWN)	16.0	
PANHANDLE HUTCHINSON CCU	21.7	PHILLIPS PETROLEU
BECKSVILLE (BEND CONGLOM	182.0	LONE STAR GAS CO
IOLA (GEORGETOWN) FIELD	0.0	
BROWN COUNTY REGULAR	25.9	ODESSA NATURAL CO
BROWN COUNTY REGULAR	25.9	ODESSA NATURAL CO
BROWN COUNTY REGULAR	21.5	ODESSA NATURAL CO
BROWN COUNTY REGULAR	21.5	ODESSA NATURAL CO
GIDDINGS (AUSTIN CHALK)	0.0	
EASCO E	365.0	HYDROCARBON TRANS
EASCO E	365.0	HYDROCARBON TRANS

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JOB NO	DATE	API NO	DIST	SEC	LAT	WELL NAME
8137216	F-04-031571	4235531630		102-4		G P WARDNER NO 150
8137216	F-04-031571	4235531630		103		G P WARDNER NO 150
8137326	F-04-032934	4235500000		103		J H HARVEY NO 1
8137263	F-03-032213	4205131117		102-2		JACK C COWEN NO 1
8137263	F-03-032213	4205131117		103		JACK C COWEN NO 1
8137533	F-02-035792	4246900000		108		MCFADDIN B NO 1
8137534	F-02-035793	4246900000		108		MCFADDIN B NO 2
-CHARLES L WALKER				RECEIVED: 06/18/81 JA: TX		
8137154	F-08-028315	4200332161		102-4		FISHER 5 #2
8137426	F-08-034301	4200332506		102-4		FISHER 6 #1
8137426	F-08-034301	4200332506		103		FISHER 6 #1
8137468	F-08-034956	4200332490		102-4		FISHER 9 #1
8137468	F-08-034956	4200332490		103		FISHER 9 #1
-CHEVRON U S A INC				RECEIVED: 06/18/81 JA: TX		
8137202	F-03-031164	4235130336		102-4		H B FUNCHESS JR #1
8137584	F-8A-035928	4241531660		103		SACROC UNIT 20-11
8137583	F-8A-035927	4241531656		103		SACROC UNIT 34-10
8137585	F-8A-035929	4241531654		103		SACROC UNIT 36-7
8137191	F-09-030672	4218130696		103		7500 SAND UNIT #34-5
8137190	F-09-030664	4218130697		103		7500 SAND UNIT #44-2
-CIG EXPLORATION INC				RECEIVED: 06/18/81 JA: TX		
8137409	F-10-033941	4248300000		108		R W BROWN NO 1
-CITIES SERVICE COMPANY				RECEIVED: 06/18/81 JA: TX		
8137580	F-03-035914	4214930713		102-2		CHERRY A NO 2 (LEASE NO 13365)
8137579	F-03-035913	4214930792		102-2		CHERRY A NO 3 (LEASE NO 13365)
8137417	F-08-034171	4213533465		103		MOSS GRAYBURG/SAN ANDRES #108
8137418	F-08-034172	4213533464		103		MOSS GRAYBURG/SAN ANDRES #214
8137376	F-10-033590	4217900000		108		PERKINS E #2
-CLAYTON W WILLIAMS JR				RECEIVED: 06/18/81 JA: TX		
8137205	F-03-031230	4205100000		102-2		GIESENSCHLAG-WUENSCHER #1
8137260	F-03-032196	4205100000		102-2		HERMAN SCHULTZ #1
-CLEMCO INC				RECEIVED: 06/18/81 JA: TX		
8137211	F-01-031496	4216331862		103		HENDERSON LTH ENTER NO 1
-COASTAL OIL & GAS CORP				RECEIVED: 06/18/81 JA: TX		
8137297	F-10-032682	4237530742		103		RIVINS 1742RC
8137489	F-10-035324	4237530895		103		RIVINS 3702RC
8137493	F-10-034784	4237530762		103		RIVINS 5506 S
8137298	F-10-032683	4237530717		103		RIVINS 8040 RC
8137606	F-10-036019	4237530829		103		MASTERSON A 8403P
8137604	F-10-036018	4237530831		103		MASTERSON A 8408RC
8137477	F-10-035152	4237530752		103		MASTERSON D 1401RC
8137495	F-10-035496	4237530832		103		MASTERSON 8347RC
-COLA PETROLEUM INC				RECEIVED: 06/18/81 JA: TX		
8137582	F-7C-035914	4238331640		103		GORDON 136 #2
8137583	F-7C-035830	4238331731		103		LEONA 166 #2
8137581	F-7C-035915	4246131626		103		PRICE 29 #2
8137474	F-7C-035079	4238331630		103		WOACH 164 #1
-COLLIER DIAMOND C OILS INC				RECEIVED: 06/18/81 JA: TX		
8137488	F-04-035312	4247932211		103		G A COX NO 2 RRC ID #76472
8137484	F-04-035259	4247931958		103		G A COX NO 4 RRC ID #82020
-COLUMBIA GAS DEVELOPMENT CORP				RECEIVED: 06/18/81 JA: TX		
8137413	F-03-034084	4228730777		102-2		LINDEN & FRANK FOLERS NO 1
-COMINCO AMERICAN INC				RECEIVED: 06/18/81 JA: TX		

FIELD NAME	PROD	PURCHASER
STRATTON	115.0	TENNESSEE GAS PIP
STRATTON	115.0	TENNESSEE GAS PIP
AGUA DULCE	0.0	TENNESSEE GAS PIP
GIDDINGS	444.0	FERGUSON CROSSING
GIDDINGS	444.0	FERGUSON CROSSING
MCFADDIN	6.7	TENNESSEE GAS PIP
KAY CREEK	16.0	TENNESSEE GAS PIP
BLOCK A-34 SOUTH (YATES)	9.5	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	10.8	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	10.8	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	15.1	PHILLIPS PETROLEU
BLOCK A-34 (SAN ANDRES)	15.1	PHILLIPS PETROLEU
LONG PRAIRIE (13450)	1460.0	VALERO TRANSMISSI
KELLY SNYDER	82.0	EL PASO NATURAL G
KELLY SNYDER	143.0	EL PASO NATURAL G
KELLY SNYDER	116.0	EL PASO NATURAL G
SHERMAN	15.3	LONE STAR GAS CO
SHERMAN	23.0	LONE STAR GAS CO
LOTS RANCH (MORROW UPPER	14.0	COLORADO INTERSTA
GIDDINGS (AUSTIN CHALK -	72.3	
GIDDINGS (AUSTIN CHALK -	12.6	
COWDEN SOUTH	0.3	ODESSA NATURAL CO
COWDEN SOUTH	9.0	ODESSA NATURAL CO
PANHANDLE EAST	7.9	COLTEXO CORP
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
PEARSALL (AUSTIN CHALK)	250.0	TGP INC
PANHANDLE (RED CAVE)	4.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	6.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	57.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	38.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	6.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	1.0	COLORADO INTERSTA
PANHANDLE (RED CAVE)	38.0	COLORADO INTERSTA
CALVIN (DEAN)	0.0	UNION TEXAS PETRO
CALVIN (DEAN)	19.1	UNION TEXAS PETRO
CALVIN (DEAN)	0.0	UNION TEXAS PETRO
CALVIN (DEAN)	31.0	UNION TEXAS PETRO
LAS TIENDAS (OLMOS)	28.0	DELHI GAS PIPELIN
LAS TIENDAS (OLMOS)	0.0	DELHI GAS PIPELIN
GILCINGS (AUSTINCHALK)	0.0	PHILLIPS PETROLEU

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LSE NO	API NO	DIST	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8137264	F-10-032215	4242100000	108 CATOR NO 1	TEXAS HUGOTON (BROWN DCL	4.0	DIAMOND SHAMROCK
8137262	F-10-032208	4219500000	108 COLLARD NO 1	HANSFORD (HEPLER)	6.0	NORTHERN NATURAL
8137265	F-10-032222	4242100000	108 GASSAWAY-BURLEY AC 1	TEXAS HUGOTON (BROWN DCL	18.0	DIAMOND SHAMROCK
-CONOCO INC			RECEIVED: 06/18/81 JA: TX			
8137540	F-10-075837	4206500000	108 BURNETT NO 46A	WEST PANHANDLE	15.0	CITIES SERVICE GA
8137539	F-10-035806	4206500000	108 BURNETT NO 59A	WEST PANHANDLE	15.0	CITIES SERVICE GA
8137333	F-79-033012	4243331103	103 F E SCOGGINS #6 ID #84185	ASPERMONT LAKE (CANYON S	0.4	CITIES SERVICE OI
8137366	F-08-033410	4238900000	108 FORD GERALDINE UNIT #155 IC #21021	GERALDINE FORD	0.3	EL PASO NATURAL G
8137538	F-10-035805	4206500000	108 GIRTHA MCCONNELL NO 1	WEST PANHANDLE	21.0	CITIES SERVICE GA
8137282	F-08-032418	4213533511	103 GIST UNIT #128 ID #19373	FOSTER	3.7	ODESSA NATURAL CO
8137193	F-08-030809	4213533489	103 GIST UNIT #132 ID #19373	FOSTER	3.7	ODESSA NATURAL CO
8137615	F-10-036038	4206500000	10P S B BURNETT - G AC 10	CARSON - HUTCHINSON	2.2	PHILLIPS PETROLEU
8137614	F-10-036036	4206500000	108 S B BURNETT - G AC 14	CARSON - HUTCHINSON	0.2	PHILLIPS PETROLEU
8137613	F-10-036035	4206500000	108 S B BURNETT - G NO 17	CARSON - HUTCHINSON	10.5	PHILLIPS PETROLEU
8137617	F-10-036040	4206500000	108 S B BURNETT - G NO 6	CARSON - HUTCHINSON	1.2	PHILLIPS PETROLEU
8137616	F-10-036039	4206500000	10R S B BURNETT - G NO 9	CARSON - HUTCHINSON	3.0	PHILLIPS PETROLEU
8137618	F-10-036041	4206500000	10P S B BURNETT G - NO 2	CARSON - HUTCHINSON	3.0	PHILLIPS PETROLEU
8137123	F-08-026569	4200300000	108 W H BONER A #12 IC #01663	FUHRMAN - MASCHO	0.8	PHILLIPS PETROLEU
8137339	F-78-033044	4243331114	103 W Z RUTHERFORD-F-81	FRANKIRK E (PALO PINTO)	28.1	CITIES SERVICE OI
-CORDOVA RESOURCES INC			RECEIVED: 06/18/81 JA: TX			
8137303	F-78-032714	4213300000	102-4 REBA CADE NO 2 IC AC 78573	PIONEER N (CADDO)	0.0	ODESSA NATURAL CO
8137304	F-78-032715	4213300000	102-4 SOOTER NO 2 WELL ID NO 90132	PIONEER N (CADDO)	0.0	ODESSA NATURAL CO
8137304	F-78-032715	4213300000	103 SOOTER NO 2 WELL ID NO 90132	PIONEER N (CADDO)	0.0	ODESSA NATURAL CO
-CORPUS CHRISTI LEASEHOLDS INC			RECEIVED: 06/18/81 JA: TX			
8137228	F-04-031874	4200700000	102-4 STATE TRACT 78 NO 1	GOOSE ISLAND SOUTH (N-4	0.0	CENTRAL POWER & L
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 06/18/81 JA: TX			
8137498	F-02-035327	4278300210	102-4 STATE TRACT 659-L SW/4 WELL #1-U	SIX SIXTY (4200) FIELD	0.0	HOUSTON PIPELINE
-CPC EXPLORATION INC			RECEIVED: 06/18/81 JA: TX			
8137146	F-03-027796	4205130728	102-4 RRC #1 WELL RRC # 13000	CALDWELL (AUSTIN CHALK)	108.0	FERGUSON CROSSING
-CRB OIL & GAS INC			RECEIVED: 06/18/81 JA: TX			
8137320	F-01-032884	4217730683	102-4 JACKSON NO 1	PEACH CREEK (AUSTIN CHAL	146.0	CLAJON GAS CO
-CUMMINS & WALKER OIL CO INC			RECEIVED: 06/18/81 JA: TX			
8137369	F-04-033464	4224900000	103 NOLLKAMPER AC 1	WADE CITY (2700 N)	110.0	VALERO GATHERING
8137368	F-04-033465	4224900000	103 STECH GAS UNIT AC 1	WADE CITY (2700 N)	110.0	VALERO GATHERING
-D L BISHOP			RECEIVED: 06/18/81 JA: TX			
8137112	F-7C-025680	4210500000	103 WEGER UNIT #511 RRC #05562	WEGER (SAN ANDRES)	0.1	J L DAVIS
-D L DORLAND			RECEIVED: 06/18/81 JA: TX			
8137258	F-08-032098	4222732143	102-4 EDWARDS M M G #1 - 26042	DORLAND (FUSSELMAN)	24.0	GETTY OIL CO
-D W VAREL			RECEIVED: 06/18/81 JA: TX			
8137450	F-09-034753	4249700000	103 ROY C COFFEE GU WELL #2	BOONSVILLE (BEND CONGL G	299.3	NATURAL GAS PIPEL
-DALLAS TRUST CO			RECEIVED: 06/18/81 JA: TX			
8137188	F-7B-030435	4236332463	102-2 BRAASON-JEFFRIES UNIT AC 1	SANTO EAST (3800 CONGL)	613.6	SOUTHWESTERN GAS
8137188	F-7B-030435	4236332463	103 BRAASON-JEFFRIES UNIT AC 1	SANTO EAST (3800 CONGL)	613.6	SOUTHWESTERN GAS
-DAVIS OIL COMPANY			RECEIVED: 06/18/81 JA: TX			
8137485	F-01-035262	4212731910	102-4 M E STUMBERG #1	CATARINA FARMS (OLMOS)	54.0	VALERO TRANSMISSI
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 06/18/81 JA: TX			
8137552	F-10-035826	4235700000	10R PHILO BUTLER NO 2	TWIN	2.0	NORTHERN NATURAL
-EDWIN L COX			RECEIVED: 06/18/81 JA: TX			
8137038	F-02-015464	4212330966	102-4 ANGERSTEIN #3-L	COTTONWOOD CREEK SOUTH (	180.0	LONE STAR GAS CO
8137039	F-02-017126	4212330995	102-4 BUEHRIG #5-F	COTTONWOOD CREEK SOUTH (	30.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY			RECEIVED: 06/18/81 JA: TX			
8137229	F-10-031887	4208726023	10R BETENBOUGH A #1	PANHANDLE EAST	15.0	EL PASO NATURAL G
8137161	F-7C-028979	4243515207	108 DEFFERY A #2	SONORA (CANYON UPPER)	15.0	EL PASO NATURAL G

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LSE NO	API NO	DIST	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8137162	F-7C-028981	4243587102	10R DEBERRY A #8	SONORA CANYON UPPER GAS	15.0	EL PASO NATURAL G
8137644	F-10-019318	4235730914	103 PARNELL #1	PARSELL MORROW UPPER	548.0	EL PASO NATURAL G
8137364	F-7C-03330	4241316880	10R SHEEN A #2 FIELD SALE	FORT MCKAVITT (CANYON)	27.0	EL PASO NATURAL G
8137196	F-7C-030872	4243519227	108 THOMSON 62 #1	SONORA CANYON UPPER	20.0	EL PASO NATURAL G
-ELF AQUITAINE INC			RECEIVED: 06/18/81 JA: TX			
8137781	F-04-032710	4247932619	102-2 CARR #5	CARR (LOBO 10100) PROPOS	180.0	UNITED TEXAS TRAN
-ENERGY RESERVES GROUP INC			RECEIVED: 06/18/81 JA: TX			
8137448	F-7C-034567	4238331716	103 OWEN D CHILDRESS #2	CALVIN (DEAN)	23.0	UNION TEXAS PETRO
8137574	F-7C-035880	4238331844	103 VESTER HUGHES #16	SPRABERRY (TREND AREA)	18.7	EL PASO NATURAL G
-ENRE CORP			RECEIVED: 06/18/81 JA: TX			
8137359	F-7A-033216	4213331570	103 COOPER #1 (14706)	SITTERLE (3800)	6.0	BENGAL GAS TRANSM
8137358	F-7B-033214	4242931961	103 ELLIOTT A #3 (80032)	CAL-M (BEND CONGL)	785.0	BENGAL GAS TRANSM
-ENSERCH EXPLORATION INC			RECEIVED: 06/18/81 JA: TX			
8137511	F-09-035751	4249732023	103 A E ALBRIGHT A AC 2	BOONSVILLE	187.0	LONE STAR GAS CO
8137225	F-03-031771	4221300000	10R REN HEARNE NO 5	OPELIKA	6.0	LONE STAR GAS CO
8137510	F-08025730	4228900000	108 BESSIE ALBRITTON A AC 1	RED OAK	15.0	LONE STAR GAS CO
8137506	F-05-035728	4228900000	108 FRANK LEGALLEY NO 1	RED OAK	19.0	LONE STAR GAS CO
8137508	F-05-035727	4228900000	108 JAMES DONAHOE NO 1	RED OAK	21.0	LONE STAR GAS CO
8137504	F-05-035723	4228900000	108 O D VERCHER AC 1	RED OAK	17.0	LONE STAR GAS CO
8137505	F-05-035724	4228900000	108 R A PORTER NO 1	RED OAK	16.0	LONE STAR GAS CO
8137509	F-05-035729	4228900000	108 R M BELGER NO 1	RED OAK	13.0	LONE STAR GAS CO
8137507	F-05-035726	4228900000	108 T E HARCROW UNIT 1 NO 1	RED OAK	0.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP			RECEIVED: 06/18/81 JA: TX			
8137077	F-02-024112	4202531154	103 JOYCE NOLEN NO 1-T 87967	BLANCONIA (4810)	300.0	UNITED GAS PIPELI
-ESTATE OIL & GAS CORP			RECEIVED: 06/18/81 JA: TX			
8137047	F-05-020657	4216130547	103 C N WILLIFORD GAS UNIT NO 1	REED (TRAVIS PEAK)	347.0	TEXAS UTILITIES F
-EXXON CORPORATION			RECEIVED: 06/18/81 JA: TX			
*8137572	F-06-023864	4240130831	102-3 ARNETTE G GREGORY #1	OAK HILL N W (COTTON VAL	450.0	ARMCO STEEL CORP
*8137571	F-04-035883	4204730842	103 D J SULLIVAN B 47 (09357)	CARL PETERS (E-3)	14.6	ARMCO STEEL CORP
8137395	F-10-033763	4239330762	103 FLOWERS TRUST 2 U	MENDOTA NW (DOUGLAS LO)	43.0	TRANSWESTERN PIPE
8137396	F-08-033789	4237133199	103 FORT STOCKTON UNIT #617	FT STOCKTON (YATES LOWER	21.0	NUECES CO
8137557	F-08-035844	4237133316	103 FT STOCKTON UNIT #1526	FT STOCKTON (YATES LOWER	27.0	NUECES CO
8137394	F-08-033785	4200332549	103 FULLERTON CLEARFORK UNIT #1125	FULLERTON	15.0	PHILLIPS PETROLEU
8137447	F-08-034720	4200332568	103 FULLERTON CLEARFORK UNIT #1217	FULLERTON	20.0	PHILLIPS PETROLEU
8137395	F-08-033786	4200332486	103 FULLERTON CLEARFORK UNIT #2631	FULLERTON	15.0	PHILLIPS PETROLEU
8137331	F-08-032966	4210332400	103 J B TUBB A/C 1 #237L	SAND HILLS (TUBB)	8.0	EL PASO NATURAL G
8137399	F-08-033796	4210332423	103 J B TUBB A/C 1 #241L	SAND HILLS (TUBB)	19.0	EL PASO NATURAL G
8137398	F-08-033795	4210332425	103 J B TUBB A/C 1 #241U	SAND HILLS (MCKNIGHT)	15.0	EL PASO NATURAL G
*8137113	F-06-025722	4236530866	102-3 J C BROWN #2	CARTHAGE (COTTON VALLEY)	500.0	ARMCO STEEL CORP
8137454	F-09-034794	4247532064	103 JOHN M WILSON TRUSTEE D #5	RHODA WALKER (CANYON 590	6.0	CLAJON GAS CO
*8137594	F-04-035975	4227331408	103 K R ALAZAN 341 (88056)	MADERO (M-48)	730.0	ARMCO STEEL CORP
*8137564	F-04-035875	4227331434	102-4 K R ALAZAN 346-F (90318)	ALAZAN (I-43 S)	146.0	ARMCO STEEL CORP
*8137570	F-04-035882	4227331473	103 K R ALAZAN 353-C (91173)	MADERO EAST (J-69)	730.0	ARMCO STEEL CORP
*8137569	F-04-035881	4227331473	103 K R ALAZAN 353-T (90586)	MADERO EAST (J-92)	548.0	ARMCO STEEL CORP
*8137566	F-04-035878	4227331490	103 K R ALAZAN 357 (92271)	MADERO (J-24)	730.0	ARMCO STEEL CORP
*8137572	F-04-035884	4227331466	102-4 K R CANELO 43-F (09702)	CANELO (F-80)	25.0	ARMCO STEEL CORP
*8137608	F-04-036022	4227331480	103 K R CHILTIPIN 88 (92365)	HINOJOSA NORTH (E-95)	1600.0	ARMCO STEEL CORP
*8137481	F-04-035203	4227331510	102-4 K R LOS SAUCES 5 (09733)	BISHOP EAST (H-71)	47.0	ARMCO STEEL CORP
*8137568	F-04-035880	4226130544	103 K R SAN JOSE DE LA PARRA 28-D	CALANDRIA (H-79)	365.0	ARMCO STEEL CORP
*8137382	F-04-033719	4226131871	103 K R SAN JOSE DE LA PARRA 31-D	CALANDRIA (8600 FRIO)	1100.0	ARMCO STEEL CORP
*8137383	F-04-033716	4226130571	103 K R SAN JOSE DE LA PARRA 31-F	CALANDRIA (I-45)	900.0	ARMCO STEEL CORP
*8137563	F-04-035874	4226130580	103 K R SAN JOSE DE LA PARRA 33-F	CALANDRIA (4850)	770.0	ARMCO STEEL CORP
*8137567	F-04-035879	4227331809	103 K R STRATTON T-43-C (09770)	STRATTON (R-2 UPPER SD)	32.0	ARMCO STEEL CORP

JD NO	ST AT	API NO	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8137561	F-04-035471	4227330553	103	K R VISNAGA 15-F (78639)	YEARY (I-96)	292.0	ARMCO STEEL CORP
*8137377	F-04-033665	4227331257	103	KING RANCH ALAZAN 317 (82220)	MADERO (J-24)	600.0	ARMCO STEEL CORP
*8137390	F-04-033754	4227331307	103	KING RANCH ALAZAN 318 (82294)	ALAZAN NORTH (J-36)	1460.0	ARMCO STEEL CORP
*8137461	F-04-034075	4227331345	102-A	KING RANCH ALAZAN 331-D	MINCHOSA N (G-08)	50.0	ARMCO STEEL CORP
*8137391	F-04-033741	4227331385	103	KING RANCH ALAZAN 339 (86027)	MADERO EAST (J-69)	550.0	ARMCO STEEL CORP
*8137459	F-04-034073	4227331194	102-A	KING RANCH BORREGOS M-13-E	ESCONDIDO CREEK (20-I-1)	150.0	ARMCO STEEL CORP
*8137460	F-04-034074	4227331281	102-A	KING RANCH CORREGOS M-18-E	ESCONDIDO CREEK (20-I-1)	80.0	ARMCO STEEL CORP
*8137381	F-04-033707	4227331164	102-A	KING RANCH BORREGOS M-9-ED (88950)	ESCONDIDO CREEK (20-I-1)	15.0	ARMCO STEEL CORP
*8137390	F-04-033694	4227331470	103	KING RANCH BORREGOS 555-C (90585)	BORREGOS (J-33)	168.0	ARMCO STEEL CORP
*8137384	F-04-033718	4227331388	102-A	KING RANCH CANELO 40-C (86725)	CANELO (H-07)	200.0	ARMCO STEEL CORP
*8137379	F-04-033690	4227331245	103	KING RANCH LAGUNA LARGA 17 (86718)	EL PAISANO (V-4)	163.0	ARMCO STEEL CORP
*8137389	F-04-033757	4227331262	102-A	KING RANCH RANCHO PLOMO 19	BIG CAESAR W	1.0	ARMCO STEEL CORP
*8137066	F-04-023075	4224930924	103	KING RANCH TIJERINA J-134 (82226)	T-C-B	365.0	ARMCO STEEL CORP
8137467	F-04-034938	4204736881	103	MCGILL BROS 460 (IC PENDING)	KELSEY DEEP (ZONE 18-E)	350.0	TRUNKLINE GAS CO
8137558	F-04-035845	4200332642	103	MEANS SAN ANDRES UNIT #1674	MEANS	20.0	PHILLIPS PETROLEU
8137487	F-04-035289	4200332535	103	MEANS/SAN ANDRES/ UNIT #2260	MEANS	35.0	PHILLIPS PETROLEU
*8137378	F-04-033695	4226130502	102-A	MRS S K EAST 108 (90066)	RITA (N-34)	120.0	ARMCO STEEL CORP
*8137565	F-04-035677	4226130564	102-A	MRS S K EAST 111-C (91689)	RITA NE (J-57)	803.0	ARMCO STEEL CORP
*8137573	F-04-035846	4226130568	102-A	MRS S K EAST 112 (91114)	RITA (J-90)	1039.0	ARMCO STEEL CORP
*8137593	F-04-035954	4226130583	102-A	MRS S K EAST 115-F (89690)	RITA NE (J-71)	180.0	ARMCO STEEL CORP
*8137607	F-04-036020	4226130592	103	MRS S K EAST 119-F (92279)	RITA N E (I-70)	650.0	ARMCO STEEL CORP
8137230	F-04-032804	4226130429	102-A	MRS S K EAST 94-C (91940)	RITA (9-B&C II)	183.0	NATURAL GAS PIPEL
8137397	F-10-033793	4229530850	103	NORTH FOLLETT GU-2 #2L	FOLLETT (MORROW UPPER)	750.0	TRANSWESTERN PIPE
8137116	F-10-026270	4235700000	108	PERRYTON GAS UNIT-1 #1	PERRYTON (NOVI LOWER)	20.8	TRANSWESTERN PIPE
*8137562	F-04-035873	4235531544	103	PITA ISLAND GU #2 WELL #4	PITA ISLAND (J-55)	1172.0	ARMCO STEEL CORP
*8137385	F-04-033720	4204730663	102-A	RJK JR TR LOS MUERTOS 26 (82504)	EL AZUL (H-42)	360.0	ARMCO STEEL CORP
*8137387	F-04-033722	4248930578	103	RJK JR TR STILLMAN PASTURE 36-F	TORCILLA (I-31)	548.0	ARMCO STEEL CORP
8137559	F-AA-035846	4216532001	103	ROBERTSON CLFK UNIT #6203	ROBERTSON N (CLFK 7100)	30.0	PHILLIPS PETROLEU
8137448	F-AA-034727	4216531975	103	ROBERTSON CLFK UNIT #9601	ROBERTSON N (CLFK 7100)	38.0	PHILLIPS PETROLEU
*8137388	F-04-033734	4226130407	103	SANTA FE RANCH PULA PASTURE 16	STILLMAN	480.0	ARMCO STEEL CORP
8137408	F-20-033904	4226130596	103	SARITA OIL & GAS UNIT 157-F (86793)	SARITA (11 A&B E)	110.0	NATURAL GAS PIPEL
8137407	F-04-033902	4226130601	102-A	SARITA OIL & GAS UNIT 159-D	SARITA (16-K W)	730.0	NATURAL GAS PIPEL
8137267	F-04-032234	4204730886	103	SCOTT AND MOPPER 38	SCOTT AND MOPPER (7600'	550.0	TENNESSEE GAS PIP
*8137386	F-04-033725	4227331391	103	SEELIGSON 21-H UNIT 2106-E (87804)	ZONE 21-B TREND	169.0	ARMCO STEEL CORP
*8137049	F-06-021353	4234730354	103	TRAWICK GAS UNIT 5 #3	TRAWICK (TRAVIS PEAK)	560.0	ARMCO STEEL CORP
*8137048	F-06-021352	4234730406	103	TRAWICK GAS UNIT 8 #3	TRAWICK (TRAVIS PEAK)	700.0	ARMCO STEEL CORP
*8137065	F-20-022981	4204730367	103	VIBORAS FIELD G U #1 V-80-G (81673)	VIBORAS	402.0	ARMCO STEEL CORP
8137288	F-08-032448	4249500000	108	W A MCCUTCHEN B #12C	KEYSTONE (MCKEE)	6.0	SID RICHARDSON GA
*8137076	F-06-024099	4248130757	102-3	WILLIAM MICKLE TCCK #1	OAKHILL NW (COTTON VALLE	450.0	ARMCO STEEL CORP
-F L LIVINGSTON				RECEIVED: 06/18/81 JA: TX			
8137283	F-08-031188	4249500000	108	J B WALTON #14 (83258	KERMIT FIELD	12.0	CABOT CORP
-FAGADAU ENERGY CORP				RECEIVED: 06/18/81 JA: TX			
8137434	F-7B-034397	4242532775	102-A	FAGADAU ENERGY CORP BROWN WELL NO 1	FOUR J (CONGL 3650)	0.0	
8137434	F-7B-034397	4242932779	103	FAGADAU ENERGY CORP BROWN WELL NO 1	FOUR J (CONGL 3650)	0.0	
-FISHER-WEBB INC				RECEIVED: 06/18/81 JA: TX			
8137592	F-7B-035953	4244131712	103	RODE A NO 3	LAKE ABILENE (4000)	50.0	FORT CHADBOURNE C
8137611	F-04-034010	4.35531585	102-A	STATE TRACT 59 NO 1	CHAKE ISLAND SOUTH (J-2	1100.0	HOUSTON PIPELINE
8137636	F-7B-036090	4244131718	103	WELLS NO 3	LAKE ABILENE (4000)	50.0	FORT CHADBOURNE C
-FOREST OIL CORPORATION				RECEIVED: 06/18/81 JA: TX			
8137058	F-04-021451	4247900000	102-A	PURPHY-BROOKS GAS UNIT WELL NO 2	PITA N W (VICKSBURG)	1000.0	CHANNEL INDUSTRIE
8137293	F-04-032557	4247932676	102-3	ROSA E DE BENEVIDES NO 1	WILDCAT	720.0	HOUSTON PIPE LINE
-G M LENNERTZ				RECEIVED: 06/18/81 JA: TX			
8137312	F-06-032735	4236500000	108	A J REED NO 1-L 20322	CARTHAGE (TRAVIS PEAK)	20.5	UNITED GAS PIPELI

JD NO	ST AT	API NO	S SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GAGE & CO				RECEIVED: 06/18/81 JA: TX			
8137239	F-09-032033	4223733238	103	G W ACREE #2 (20503)	RUSMAG SE (CONGL 4900)	0.0	LONE STAR GAS
8137491	F-09-035394	4223733237	103	TOM BERRY B #1	MARYETTA SE (CONGL)	0.0	SOUTHWESTERN GAS
-GENE POWELL				RECEIVED: 06/18/81 JA: TX			
8137476	F-06-035128	4236503057	107-TF	JOHN W WALTON GAS UNIT WELL #1	BETHANY (COTTON VALLEY)	120.0	TENNESSEE GAS PIP
-GENESIS PETROLEUM CORP				RECEIVED: 06/18/81 JA: TX			
8137283	F-03-032422	4232100000	103	STATE TRACT 310 NO 1-L	OLIVER POINT S (3950)	365.0	DOW CHEMICAL USA
-GEODYNAMICS OIL & GAS				RECEIVED: 06/18/81 JA: TX			
8137466	F-03-034923	4205131073	102-2	J MYVL #1	CALDWELL (AUSTIN CHALK)	50.0	CHAMPLIN PETROLEU
8137281	F-03-032407	4205131186	102-2	KAZMIR UNIT NO 1	GIDDINGS (AUSTIN CHALK)	95.0	CLAJON GAS CO
8137435	F-03-034009	4205131368	102-2	PATTERSON D #1	STONE CITY (AUSTIN CHALK	64.0	CLAJON GAS CO
-GEORGE S GALBRAITH				RECEIVED: 06/18/81 JA: TX			
8137342	F-78-033079	4241733269	103	W H MCKELVAIN #1	INDIANA KNOLL (CONGL)	20.0	DELHI GAS PIPELIN
-GETTY OIL COMPANY				RECEIVED: 06/18/81 JA: TX			
8137209	F-03-031488	4205100000	102-2	D A NOVOSAD #1	GIDDINGS (AUSTIN CHALK)	123.0	FERGUSON CROSSING
8137210	F-03-03148*	4205130758	102-2	GIESENSCHLAG #1	GIDDINGS (AUSTIN CHALK)	0.5	FERGUSON CROSSING
8137494	F-8A-035485	4216531646	103	GMK (SAN ANDRES) AC 505	GMK (SAN ANDRES)	2.0	PHILLIPS PETROLEU
8137119	F-06-026458	4236531069	103	PENNA-SIKES #3	CARTHAGE	367.0	DELHI GAS PIPELIN
8137119	F-06-026458	4236531069	107-TF	PENNA-SIKES #3	CARTHAGE	367.0	DELHI GAS PIPELIN
8137135	F-03-027225	4205130810	102-2	R H KNOLLE WELL #1	GIDDINGS (AUSTIN CHALK)	72.0	FERGUSON CROSSING
8137135	F-03-027225	4205130810	103	R H KNOLLE WELL #1	GIDDINGS (AUSTIN CHALK)	72.0	FERGUSON CROSSING
-GLEN G SWARTS				RECEIVED: 06/18/81 JA: TX			
8137061	F-7B-022723	4242932365	102-A	E J THOMPSON 33 WELL#2	BPETCHS CONGL	131.4	LONE STAR GAS CO
-GOLDKING PRODUCTION COMPANY				RECEIVED: 06/18/81 JA: TX			
8137148	F-02-027637	4229732242	102-A	PATRICIA CROCKER AC 1	MIKESKA N (WILCOX 10300)	270.0	VALLEY GAS TRANSM
-GRACE PETROLEUM CORPORATION				RECEIVED: 06/18/81 JA: TX			
8137305	F-06-032717	4234730476	102-A	JOPLING NO 1	GARRISON	200.0	
-GULF OIL CORPORATION				RECEIVED: 06/18/81 JA: TX			
8137071	F-03-023668	4215731041	103	R A WOLTERS ET AL B AC 28	THOMPSON SOUTH	300.0	UNITED TEXAS TRAN
8137605	F-03-035018	4204130442	103	W F ODOM UNIT I WELL NO 1	KURTEN (WOODBINE)	35.0	PRODUCERS GAS CO
8137635	F-03-036089	4204130451	103	W F ODOM UNIT II WELL NO 1	KURTEN (AUSTIN CHALK)	35.0	PRODUCERS GAS CO
8137343	F-08-033892	4210332306	103	W N WADDELL ET AL AC 1153	SAND HILLS (JUDKINS)	134.0	M & T GATHERING
8137345	F-08-033106	4210332294	103	W N WADDELL ET AL AC 1164	SAND HILLS (JUDKINS)	336.0	M & T GATHERING
-GUNN OIL CO				RECEIVED: 06/18/81 JA: TX			
8137197	F-8A-031116	4226930893	102-A	GUNN OIL CO -- J J GIBSON 2-1	TOM (B CONGL)	0.0	PALO DURO PIPELIN
8137197	F-8A-031116	4226930853	103	GUNN OIL CO -- J J GIBSON 2-1	TOM (B CONGL)	0.0	PALO DURO PIPELIN
-H L HUFFMAN				RECEIVED: 06/18/81 JA: TX			
8137368	F-7C-032760	4241330972	103	R L HENDERSCN NO 3-K WELL	DOVE CREEK FIELD CANYON	73.0	CRA INC
-HANSON MINERALS CO				RECEIVED: 06/18/81 JA: TX			
8137097	F-02-025014	4212330880	103	FROEHLICH GAS UNIT #1-T	MEYERSVILLE S E (MV II-B	172.5	TEXAS EASTERN TRA
8137070	F-02-023407	4212330958	103	W H RUSCHHAUPT GAS UNIT #1	MEYERSVILLE E (MASSIVE I	182.5	TEXAS EASTERN TRA
-HENDERSON CLAY PRODUCTS INC				RECEIVED: 06/18/81 JA: TX			
8137111	F-06-025665	4240130953	102-6	E B ALFORD NO 1	OAKHILL (COTTON VALLEY)	365.0	DELHI GAS PIPELIN
8137111	F-06-025665	4240130953	107-TF	E B ALFORD NO 1	OAKHILL (COTTON VALLEY)	365.0	DELHI GAS PIPELIN
8137400	F-06-035967	4240130721	102-0	J MCWILLIAMS WELL #1 RRC #80228	CYRIL (COTTON VALLEY) FI	50.0	HENDERSON CLAY PR
-HNG OIL COMPANY				RECEIVED: 06/18/81 JA: TX			
8137483	F-7C-035209	4243532416	103	ASKEW & GLIPP 55 #4 (91516)	SAWYER (CANYON)	17.2	INTRATEX GAS CO
8137483	F-7C-035209	4243932416	107-TF	ASKEW & GLIPP 55 #4 (91516)	SAWYER (CANYON)	17.2	INTRATEX GAS CO
8137482	F-03-035207	4224331422	102-A	BLAUN PAETZ #7	STOWELL EAST (STEWART)	25.5	WINNIE PIPELINE C
8137482	F-03-035207	4224331422	103	BLAUN PAETZ #7	STOWELL EAST (STEWART)	25.5	WINNIE PIPELINE C
8137478	F-04-035167	4235531497	103	CHAPMAN HEIRS A 113 #20-U	ARNOLD DAVID (9400)	116.0	HOUSTON PIPELINE
8137588	F-04-038943	4235531369	102-A	CHAPMAN HEIRS A 114-2	ARNOLD DAVID (10400C)	2024.0	HOUSTON PIPELINE
8137588	F-04-038943	4235931369	103	CHAPMAN HEIRS A 114-2	ARNOLD DAVID (10400C)	2024.0	HOUSTON PIPELINE

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JD NO	DA AT	API NO	L SEC CAT	WELL NAME
8137526	F-7C-035768	4240332437	103	DAVID 109 #6
8137526	F-7C-035768	4240332437	107-TF	DAVID 109 #6
8137589	F-08-035945	4237132613	103	FITZGERALD 17 #2 79901
8137590	F-08-035946	4247331866	103	FULLER 125 #1 25452
8137371	F-04-033468	4247932813	102-2	HIRSCH EST 1766 #1 ID #91289
8137371	F-04-033468	4247932813	103	HIRSCH EST 1766 #1 ID #91289
8137170	F-10-029404	4221131186	102-4	HOOVER 52 #1 89018
8137170	F-10-029404	4221131186	103	HOOVER 52 #1 89018
8137455	F-04-034798	4250331152	102-2	LAUREL OSCAR M #3 (89435)
8137455	F-04-034798	4250331152	103	LAUREL OSCAR P #3 (89435)
8137471	F-08-035008	4243130609	103	MCDONALD 170 #1
8137296	F-7C-032590	4241330853	103	NIXON 190-1 (86278)
8137296	F-7C-032590	4241330853	107-TF	NIXON 190-1 (86278)
8137479	F-08-035171	42389309e3	102-2	SABINE STATE 12 #2 77696
8137479	F-08-035171	4238930963	103	SABINE STATE 12 #2 77696
8137445	F-7C-034676	4243532415	103	VANDERSTUCKEN 21 #2 (91379)
8137445	F-7C-034676	4243532415	107-TF	VANDERSTUCKEN 21 #2 (91379)
8137415	F-04-034086	4247932594	102-2	VAQUILLAS RANCH 136 #1
8137415	F-04-034086	4247932594	103	VAQUILLAS RANCH 136 #1
8137414	F-04-034085	4247932858	102-2	VAQUILLAS RANCH 136-A #1
8137414	F-04-034085	4247932858	103	VAQUILLAS RANCH 136-A #1
8137402	F-04-033848	4250331248	102-2	VELA EMILIANO #1
8137402	F-04-033848	4250331248	103	VELA EMILIANO #1
8137392	F-04-033747	4250331134	102-2	VELA SERAPIO HEIRS #2
8137392	F-04-033747	4250331134	103	VELA SERAPIO HEIRS #2
8137317	F-03-032830	4224331382	103	W M STOEGER #4
-HORIZON OIL & GAS CO OF TEXAS			RECEIVED: 06/18/81 JA: TX	
8137231	F-10-032018	4219500000	108	#1 ELODGETT (803656)
8137232	F-10-032019	4235700000	108	#1 POPE (803957)
8137235	F-10-032023	4235700000	108	#2 CLEMENT (803035)
8137233	F-10-032020	4235730205	108	#3 CLEMENT (803905)
8137236	F-10-032024	4219500000	108	BUZZARD (OIL) #1-144 (802253)
8137234	F-10-032022	4219530199	108	ETTER - BUZZARD A (803855)
8137237	F-10-032025	4235730209	108	WASHER (803904)
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 06/18/81 JA: TX	
8137405	F-7C-033884	4245130647	102-4	HOBLIT-JACOBS ET AL #3C
8137405	F-7C-033884	4245130647	103	HOBLIT-JACOBS ET AL #3C
8137404	F-7C-033870	4245130647	102-4	HOBLIT-JACOBS ET AL #3T
8137404	F-7C-033870	4245130647	103	HOBLIT-JACOBS ET AL #3T
-HUGHES & HUGHES			RECEIVED: 06/18/81 JA: TX	
8137626	F-03-036073	4228700000	103	MAE #2 UNIT
-HUMBLE EXPLORATION CO INC			RECEIVED: 06/18/81 JA: TX	
8137896	F-03-024d86	4229730717	102-2	ANNABELLE SCHOTTS - 13448
8137096	F-03-024686	4229730717	103	ANNABELLE SCHOTTS - 13448
8137852	F-03-021873	4247730325	102-2	CATHY MITCHELL #1 - 12584
8137852	F-03-021873	4247730325	103	CATHY MITCHELL #1 - 12584
8137274	F-03-032267	4214930789	102-4	MONA RUSSELWHITE #1 91660
8137274	F-03-032267	4214930789	103	MONA RUSSELWHITE #1 91660
8137102	F-03-025317	4214930645	102-2	MYRTLE E MATTINGLY - 13196
8137102	F-03-025317	4214930645	103	MYRTLE E MATTINGLY - 13196
8137051	F-03-021775	4214930376	102-2	PRISCILLA #1 - 12615
8137051	F-03-021775	4214930376	103	PRISCILLA #1 - 12615
8137053	F-03-022376	4228730370	102-2	SANDY #1 - 11992
8137053	F-03-022376	4228730370	103	SANDY #1 - 11992

FIELD NAME	PROD	PURCHASER
SAWYER (CANYON)	54.8	INTRATEX GAS CO
SAWYER (CANYON)	54.8	INTRATEX GAS CO
PERRY BASS/DEVONIAN/	247.3	INTRATEX GAS CO
RHODA WALKER (CANYON 590	18.3	CLAJON GAS CO
BIG COWBOY	110.0	HOUSTON PIPELINE
BIG COWBOY	110.0	HOUSTON PIPELINE
MEMPHILL-HOOVER (18850)	274.0	PALO DURO PIPELIN
MEMPHILL-HOOVER (18850)	274.0	PALO DURO PIPELIN
LAS OVEJAS (WILCOX 9100)	75.1	HOUSTON PIPELINE
LAS OVEJAS (WILCOX 9100)	75.1	HOUSTON PIPELINE
CREDO E (CISCO UPPER)	81.0	PHILLIPS PETROLEU
SAWYER/CANYON/	2.9	INTRATEX GAS CO
SAWYER/CANYON/	2.9	INTRATEX GAS CO
AYLESWORTH (CHERRY CANYO	92.3	INTRATEX GAS CO
AYLESWORTH (CHERRY CANYO	92.3	INTRATEX GAS CO
SAWYER/CANYON	36.5	INTRATEX GAS CO
SAWYER/CANYON	36.5	INTRATEX GAS CO
CARR (WILCOX)	361.6	HOUSTON PIPELINE
CARR (WILCOX)	361.6	HOUSTON PIPELINE
CARR (WILCOX)	46.1	HOUSTON PIPELINE
CARR (WILCOX)	46.1	HOUSTON PIPELINE
ROLETA (8150)	46.3	HOUSTON PIPELINE
ROLETA (8150)	46.3	HOUSTON PIPELINE
ROLETA (8500)	570.0	HOUSTON PIPELINE
ROLETA (8500)	570.0	HOUSTON PIPELINE
STOWELL S (ENGLIN)	86.0	WINNIE PIPELINE C
HORIZON - CLEVELAND	4.5	NORTHERN NATURAL
HORIZON - CLEVELAND	4.3	NORTHERN NATURAL
HORIZON - CLEVELAND	1.8	NORTHERN NATURAL
HORIZON - CLEVELAND	3.3	NORTHERN NATURAL
HORIZON - CLEVELAND	4.4	NORTHERN NATURAL
HORIZON - CLEVELAND	9.8	NORTHERN NATURAL
HORIZON - CLEVELAND	2.0	NORTHERN NATURAL
ALLEN HILL (STRAWN A)	113.8	LONE STAR GAS CO
ALLEN HILL (STRAWN A)	113.8	LONE STAR GAS CO
ALLEN HILL (STRAWN B)	45.8	LONE STAR GAS CO
ALLEN HILL (STRAWN B)	45.8	LONE STAR GAS CO
GIDDINGS (AUSTIN CHALK)	458.8	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	59.8	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	59.8	PHILLIPS PETROLEU
GIDDINGS	100.8	PHILLIPS PETROLEU
GIDDINGS	100.8	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK GA	1259.8	PHILLIPS PETROLEU
GIDDINGS AUSTIN CHALK GA	1259.8	PHILLIPS PETROLEU
GIDDINGS - BUDA	161.8	PHILLIPS PETROLEU
GIDDINGS - BUDA	161.8	PHILLIPS PETROLEU
GIDDINGS	121.8	PHILLIPS PETROLEU
GIDDINGS	121.8	PHILLIPS PETROLEU
GIDDINGS	148.9	PHILLIPS PETROLEU
GIDDINGS	148.9	PHILLIPS PETROLEU

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JD NO	DA AT	API NO	L SEC CAT	WELL NAME
-IFA ENTERPRISES			RECEIVED: 06/18/81 JA: TX	
8137456	F-7C-034824	4223531555	103	ETHEL E AULT ET AL #2
-IKE LOVELADY INC			RECEIVED: 06/18/81 JA: TX	
8137372	F-7C-035471	4243532417	102-4	WEST NO 1L WELL
-INDEPENDENT EXPLORATION CO			RECEIVED: 06/18/81 JA: TX	
8137632	F-7b-036094	4236731730	102-4	ARMAND JONES #1 IC NO 89489
8137168	F-01-029340	4250731295	102-2	I T PRYOR 80-1
8137172	F-01-029461	4250731240	102-2	KRIST HUBERT #1
-INTERNATIONAL OIL & GAS CORP			RECEIVED: 06/18/81 JA: TX	
8137078	F-7C-024382	4210531804	103	UNIVERSITY 3-1
-J B PRODUCTION CO			RECEIVED: 06/18/81 JA: TX	
8137446	F-7C-034694	4239931538	103	RICHARD B MEIAZE NC 1
-J B TERRELL JR			RECEIVED: 06/18/81 JA: TX	
8137527	F-7b-035770	4215131057	103	ARLIE CASSLE #2 ID #15505
8137528	F-7b-035760	4215131159	103	MOLLY TOLER SOUTH #2 ID 15610
8137498	F-7b-035679	4215131160	103	R O ROBERTSON #1 ID #16957
-JACK WORSHAM			RECEIVED: 06/18/81 JA: TX	
8137591	F-10-035952	4223330904	103	BURNETT #6-122
-JAMES K ANDERSON INC			RECEIVED: 06/18/81 JA: TX	
8137631	F-7C-036082	4239931837	102-4	DAVENPORT NO 1
-JCO PIPE & SUPPLY INC			RECEIVED: 06/18/81 JA: TX	
8137273	F-10-032258	4206500000	108	SAILER 03326 WELL #2 DOCKET F
8137272	F-10-032257	4206500000	108	SAILOR 03326 WELL #3
8137271	F-10-032256	4206500000	108	SAILOR 03326 WELL #4
8137270	F-10-032255	4206500000	108	SAILOR 03326 WELL #5
8137269	F-10-032254	4206500000	108	SAILOR 03326 WELL #6
8137268	F-10-032253	4206500000	108	SAILOR 03326 WELL #8
-JOE W ELSBURY JR			RECEIVED: 06/18/81 JA: TX	
8137457	F-03-034868	4219931378	102-4	DOTY JACKSON B WELL #4
-JOHN DEETER			RECEIVED: 06/18/81 JA: TX	
8137042	F-04-019174	4235531455	102-4	RIVERS ESTATE NO 1 WELL
-JOHN L COX			RECEIVED: 06/18/81 JA: TX	
8137251	F-08-032055	4231732247	103	ELIZABETH MEEK #1 RRC#26323
8137254	F-7C-032058	4246131625	103	H F NEAL ESTATE #3 (RRC #07736)
8137253	F-08-032057	4231732239	103	J C EPLEY #1-X (RRC #26187)
8137248	F-7C-032050	4246131621	103	J R STEWART #1 (RRC #08689)
8137242	F-7C-032047	4246131666	103	LYNCH 7 #1 (RRC #08567)
8137245	F-08-032046	4231732234	103	MABEE RANCH #5 (RRC #257045)
8137249	F-08-032052	4231732249	103	MABEE 13 #1 (RRC #26195)
8137250	F-7C-032054	4246131657	103	MCGILL B #2 (RRC #08537)
8137247	F-7C-032048	4238331765	103	ROCKER B P #15-X (RRC #05173)
8137246	F-7C-032047	4238331753	103	ROCKER B P #5-X (RRC #05173)
8137244	F-08-032045	4243130819	103	ROSS FOSTER #2 (RRC #29792)
8137243	F-08-032044	4243130820	103	ROSS FOSTER B#2 (RRC #25793)
8137241	F-7C-032041	4246131605	103	WANDA HANKS #3 (RRC #08347)
8137252	F-7C-032056	4246131635	103	WANDA HANKS #4 RRC #08347
8137240	F-7C-032040	4238331663	103	WOLTERS EST B #2 (RRC #08313)
-JOHN R THOMPSON OPERATING INC			RECEIVED: 06/18/81 JA: TX	
8137352	F-02-033194	4202531226	103	H H MICKMAN NO 1-C
8137351	F-02-033193	4202531226	103	H H MICKMAN NO 1-T
-JOY PETROLEUM CORP			RECEIVED: 06/18/81 JA: TX	
8137637	F-AA-036124	4216500000	103	SANDY L #2
-J3 OIL CO INC			RECEIVED: 06/18/81 JA: TX	

FIELD NAME	PROD	PURCHASER
ARDEN S (CANYON SD LO)	168.1	ESPERANZA PIPELIN
INTERSTATE (ELLENBURGER)	365.0	
BUCKNER (STRAWN)	98.0	EMPIRE PIPELINE C
PRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
PRYOR EAST (OLMOS)	0.0	VALERO TRANSMISSI
PERNER RANCH (DEVONIAN)	959.0	DELMI GAS CORP
URBAN (MILES)	0.0	ODESSA NATURAL CO
VELTA (CANYON)	40.0	PALO DURO PIPELIN
KEELER-WIMBERLY (CANYON	28.0	PALO DURO PIPELIN
KEELER-WIMBERLY (CANYON	17.0	PALO DURO PIPELIN
PANHANDLE	0.0	PANHANDLE EASTERN
MYRNA LYNN (GARDNER)	18.0	UNION TEXAS PETRO
PANHANDLE	16.0	GETTY OIL CO
PANHANDLE	16.0	GETTY OIL CO
PANHANDLE	16.0	GETTY OIL CO
PANHANDLE	16.0	GETTY OIL CO
PANHANDLE	16.0	GETTY OIL CO
PANHANDLE	16.0	GETTY OIL CO
JACKSON DOTY (VEGUA A SD	100.0	ARCO OIL & GAS CO
VICKSBURG (8750)	400.0	HOUSTON PIPE LINE
SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	10.0	ALPINE OIL CO
BENEDUM (FUSSELMAN)	12.0	EL PASO NATURAL G
SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
LACAFF (DEAN)	10.0	NORTHERN NATURAL
MABEE	0.0	
MCGILL (SPRABERRY)	10.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
CONGER (PENN)	10.0	NORTHERN NATURAL
CONGER (PENN)	10.0	NORTHERN NATURAL
MCGILL (SPRABERRY)	10.0	PHILLIPS PETROLEU
MCGILL (SPRABERRY)	5.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL G
PEEVILLE NORTH (2660)	110.0	HOUSTON PIPELINE
PEEVILLE NORTH (2700)	50.0	HOUSTON PIPE LINE
CHAPPPON NORTH (STRAWN)	8.0	PHILLIPS PETROLEU

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JOB NO	JA NT	WELL NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137442	F-02-034588	4239131300	102-4	HYNES MINERAL TRUST A #2	REFUGIO-FOX (5420 SAND)	0.0	UNITED GAS PIPELI
8137442	F-02-034588	4239131300	103	HYNES MINERAL TRUST A #2	REFUGIO-FOX (5420 SAND)	0.0	UNITED GAS PIPELI
8137338	F-02-033051	4239131374	102-4	HYNES MINERAL TRUST B #1	REFUGIO-FOX (5200)	0.0	UNITED GAS PIPELI
8137338	F-02-033051	4239131374	103	HYNES MINERAL TRUST B #1	REFUGIO-FOX (5200)	0.0	UNITED GAS PIPELI
-K K OIL CO			RECEIVED: 06/18/81 JA: TX				
8137115	F-7C-026154	4238300000	103	UNIVERSITY THOMASCA #4	WEGER NORTH GRAYBURG	0.0	BIG LAKE GASOLINE
-K L H OIL & GAS INC			RECEIVED: 06/18/81 JA: TX				
8137486	F-7B-035265	4206932582	103	MOORE ESTATE #1	CHAMBERS (CONGL) FIELD	201.0	ODESSA NATURAL CO
-KAMLOK INC			RECEIVED: 06/18/81 JA: TX				
8137355	F-03-035206	4224500000	103	ADAMS & MAGGARTY WELL NO 10	BIG HILL WEST (MARG 7600	265.0	TEXAS EASTERN TRA
-KBD			RECEIVED: 06/18/81 JA: TX				
8137142	F-7B-027677	4213300000	108	MCCRACKEN #4 RRC#14247	PENA (RANGER)	0.0	ODESSA NATURAL CO
-KEITH D GRAHAM			RECEIVED: 06/18/81 JA: TX				
8137403	F-03-035864	4205131271	102-2	CANATELLA UNIT #1	GIDDINGS (AUSTIN CHALK)	85.4	CHAMPLIN PETROLEU
-KERR-MCGEE CORPORATION			RECEIVED: 06/18/81 JA: TX				
8137286	F-10-032440	4223330836	103	PITTS NO 113	PANHANDLE (HUTCHINSON)	18.0	GETTY OIL CO
-L & B OIL CO INC			RECEIVED: 06/18/81 JA: TX				
8137176	F-7C-029767	4226700000	102-4	AWBREY KOTHMANN #2	KOTHMANN RANCH (STRAWN 1	34.0	PRESSURE TRANSPOR
-L M YOUNG			RECEIVED: 06/18/81 JA: TX				
8137555	F-7B-035842	4206932475	102-4	W B CHAMBERS C (92669)	CHAMBERS (CONGL)	208.0	ODESSA NATURAL CO
-LADD PETROLEUM CORPORATION			RECEIVED: 06/18/81 JA: TX				
8137037	F-7B-013497	4236731246	103	STANLEY UNIT NO 3-C	TOTC (LINE M-1)	80.0	LONE STAR GAS CO
-LANKFORD OIL CO			RECEIVED: 06/18/81 JA: TX				
8137625	F-7C-036072	4210532345	107-TF	OZONA TOWNSITE NO 2	OZONA (CANYON)	183.0	INTRATEX GAS CO
-LARIO OIL & GAS COMPANY			RECEIVED: 06/18/81 JA: TX				
8137441	F-08-034574	4237133175	103	STATE BREEN #2	MESA VISTA/WICHITA ALBAN	46.7	DELHI GAS PIPELIN
-LEAR PETROLEUM CORPORATION			RECEIVED: 06/18/81 JA: TX				
8137226	F-03-031795	4218530256	102-2	LEAR #1 M BELL	IOLA (SUBCLARKSVILLE)	547.0	PRODUCERS GAS CO
-LEON GAINES OPERATOR			RECEIVED: 06/18/81 JA: TX				
8137350	F-09-023145	4267700000	108	REX GATES 18613	MATSON	1.5	FEGADEU ENERGY CO
-LONGHORN RESOURCES INC			RECEIVED: 06/18/81 JA: TX				
8137357	F-7B-033212	4236731252	103	NEWBERRY #1-T (91397)	MOBY DICK (MARBLE FALLS)	219.0	SOUTHWESTERN GAS
-M & B OIL & GAS PROPERTIES INC			RECEIVED: 06/18/81 JA: TX				
8137309	F-04-032763	4247932798	102-4	RAY ADAMS NO 2	ADAMS SOUTH	164.0	VALERO TRANSMISSI
-M R JOHNSON JR			RECEIVED: 06/18/81 JA: TX				
8137064	F-09-022683	4236300000	103	GREGG-FINLEY 181	GENESIS (3050)	60.0	SUN GAS GATHERING
-MADERA R F			RECEIVED: 06/18/81 JA: TX				
8137336	F-7B-033044	4205932582	103	FLEMING O #1 ID-15358	PUTNAM NORTH (DUFFER)	72.5	BENGAL GAS TRANSM
8137335	F-7B-033043	4205932636	103	FLEMING O #2 ID-15358	PUTNAM NORTH (DUFFER)	9.7	BENGAL GAS TRANSM
-MARALO INC			RECEIVED: 06/18/81 JA: TX				
8137046	F-7B-020501	4235530775	102-2	WHITESIDE 66-1	GROUP 3 (SADDLE CREEK)	11.0	PALO DURO PIPELIN
-MARK IV ENERGY			RECEIVED: 06/18/81 JA: TX				
8137565	F-01-03331	4249330619	103	MILTON C BUTLER #1 06619	SUTIL (AUSTIN)	73.0	CLAJON GAS CO
-MARSHALL EXPLORATION INC			RECEIVED: 06/18/81 JA: TX				
8137165	F-7B-029221	4236332369	102-4	BAKER #1	BRAASON N (BIG SALINE)	185.0	SOUTHWESTERN GAS
8137165	F-7B-029221	4236732369	103	BAKER #1	BRAASON N (BIG SALINE)	185.0	SOUTHWESTERN GAS
8137075	F-7B-023983	4236332303	102-4	DUNAWAY #1	BRAASON N (UPPER CONGLOM	110.0	SOUTHWESTERN GAS
8137075	F-7B-023983	4236332303	103	DUNAWAY #1	BRAASON N (UPPER CONGLOM	110.0	SOUTHWESTERN GAS
8137074	F-7B-023971	4236332047	102-4	MARWELL #1	BRAASON N (BIG SALINE)	550.0	SOUTHWESTERN GAS
8137074	F-7B-023971	4236232047	103	MARWELL #1	BRAASON N (BIG SALINE)	586.0	SOUTHWESTERN GAS
8137073	F-7B-023969	4236332217	102-4	J B DAVIS #1	BRAASON N (BIG SALINE)	1850.0	SOUTHWESTERN GAS
8137073	F-7B-023969	4236332217	103	J B DAVIS #1	BRAASON N (BIG SALINE)	1850.0	SOUTHWESTERN GAS
8137141	F-66-027641	4236531698	103	SPRACLEY #1-UT	BELLE BOWER (TRAVIS PEAK	490.0	UNITED GAS PIPELI

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JOB NO	JA NT	WELL NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARTIN OIL & GAS CO			RECEIVED: 06/18/81 JA: TX				
8137121	F-03-026484	4205130644	102-4	LEO HEIN LEASE NO 12964	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8137501	F-03-035716	4205130626	102-4	PITTS-RUNYAN NO.1 WELL	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8137502	F-03-035717	4205130681	102-4	WALSH NO 1 WELL LEASE NO 13427	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-MCCARRICK GOUGER & MITCHELL			RECEIVED: 06/18/81 JA: TX				
8137275	F-02-032279	4229700000	102-4	JAMES D SULLIVAN NO 6	MAXINE EAST (6800)	0.0	NATURAL GAS PIPEL
-MCCOMMONS OIL COMPANY			RECEIVED: 06/18/81 JA: TX				
8137306	F-09-032721	4223732076	103	BALLOW #1	JACK COUNTY (REG GAS)	43.8	SOUTHWESTERN GAS
-MCCORMICK OPERATING CO			RECEIVED: 06/18/81 JA: TX				
8137167	F-08-029234	4231732203	102-4	B LILLARD #1	J L M (MISSISSIPPIAN)	85.0	NORTHERN NATURAL
8137167	F-08-029234	4231732203	103	B LILLARD #1	J L M (MISSISSIPPIAN)	85.0	NORTHERN NATURAL
8137449	F-08-034738	4231732233	102-4	FRED NO 1	J L P (MISSISSIPPIAN)	20.0	NORTHERN NATURAL
8137449	F-08-034738	4231732233	103	FRED NO 1	J L P (MISSISSIPPIAN)	20.0	NORTHERN NATURAL
-MEADCO PROPERTIES			RECEIVED: 06/18/81 JA: TX				
8137492	F-7C-035434	4223531464	102-2	#1 UT-11 RRC ID #08581	ELA SUGG (CISCO)	1.0	CRA INC
8137493	F-7C-035435	4223531609	102-2	#2 CRAVENS 20 RRC ID #08752	ELA SUGG (CISCO)	14.6	NORTHERN NATURAL
-MESA PETROLEUM			RECEIVED: 06/18/81 JA: TX				
8137629	F-7C-036077	4210531995	108	HOOVER #1-10	OZONA	16.0	DELHI GAS PIPELIN
8137628	F-7C-036076	4210531929	108	HOOVER #1-48	OZONA	16.0	DELHI GAS PIPELIN
8137630	F-7C-036078	4210531924	108	MILLSPAUGH #3-38	OZONA (CANYON SAND)	9.0	DELHI GAS PIPELIN
8137627	F-7C-036075	4210531923	108	MOODY #2-33	OZONA/CANYON SAND	12.0	DELHI GAS PIPELIN
8137221	F-7C-031597	4210531986	108	MOODY 2-39	OZONA (CANYON SAND)	2.5	DELHI GAS PIPELIN
8137220	F-7C-031596	4210532043	108	MOODY 3-37	OZONA (CANYON SAND)	7.0	DELHI GAS PIPELIN
-MGF OIL CORP			RECEIVED: 06/18/81 JA: TX				
8137500	F-08-035690	4231732175	103	BLOCKER A #1	SPRAYBERRY (TREND AREA)	33.3	PHILLIPS PETROLEU
-MITCHELL ENERGY CORPORATION			RECEIVED: 06/18/81 JA: TX				
8137041	F-09-016839	4223788888	108	C A LAWRENCE #1 28719	BOONSVILLE (BEND CONGL G	8.8	NATURAL GAS PIPEL
8137179	F-09-030146	4249700000	108	C A LAWRENCE #1 28719	BOONSVILLE (BEND CONGL G	8.8	NATURAL GAS PIPEL
8137332	F-7B-032994	4236700000	108	D M WEBB #1	RENO (CONGLOMERATE)	0.0	SOUTHWESTERN GAS
8137159	F-09-028869	4249700000	108	DAISY TAYLOR A #17 12098	ALVORD (CADDO CONGL)	5.0	NATURAL GAS PIPEL
8137623	F-7B-036056	4236700000	108	F O BALLARD #1 70496	PCOLVILLE SW (MARBLE FAL	1.1	SOUTHWESTERN GAS
8137577	F-09-035908	4249700000	108	HAZEL COBB #1 28604	BOONSVILLE (BEND CONGL G	11.8	NATURAL GAS PIPEL
8137219	F-09-031592	4249700000	108	HUDSON-KING #2 77671	BOONSVILLE (BEND CONGL G	10.0	NATURAL GAS PIPEL
8137620	F-09-036048	4249730000	108	HUTCHINSON -E-/KATIE 17762	MORRIS (CONSOLIDATE CONG	6.1	UPHAM OIL & GAS C
8137621	F-09-036053	4249700000	108	I L ROBINSON #1 43271	MILES-JACKSON (CADDO)	11.2	NATURAL GAS PIPEL
8137222	F-7B-031634	4236300008	108	L O MCKEE #1 64078	GRAFORD (BEND CONGL)	12.0	SOUTHWESTERN GAS
8137624	F-7B-036059	4236300000	108	L O MCKEE #1 64078	GRAFORD (BEND CONGL)	10.5	SOUTHWESTERN GAS
8137158	F-09-028638	4249731933	103	MABLL WALKER #2	RHOPE (ATOKA)	180.0	NATURAL GAS PIPEL
8137622	F-09-036054	4249700000	108	MATHIS-GREGORY GU #1 29128	BOONSVILLE (BEND CONGL G	7.9	NATURAL GAS PIPEL
8137576	F-09-035906	4223700000	108	ROBERTSON-DEATS #1 16622	J R CLAYTON RANCH (CADDO	1.0	SOUTHWESTERN GAS
8137195	F-09-030464	4249731859	103	T C W B #25	CAP YATES (CONSOLIDATED	20.0	NATURAL GAS PIPEL
8137218	F-09-031590	4249700008	108	W H HOBBS #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8137619	F-09-036045	4249700000	108	WIRT DAVIS #1 34723	BOONSVILLE (BEND CONGL G	11.8	NATURAL GAS PIPEL
8137180	F-09-030147	4223700000	108	Z H BORDEN C #1 21341	DUNES (CONGLOMERATE)	7.0	CITIES SERVICE GA
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 06/18/81 JA: TX				
8137259	F-7C-032063	4240330256	103	BANNER ESTATE NO 7	BROOM-BASSETT (STRAWN)	547.0	EL PASO NATURAL G
8137634	F-10-036087	4242100000	108	BRADLEY B NO 1	TEXAS HUGOTON	18.2	PHILLIPS PETROLEU
8137515	F-08-035748	4246131731	103	HARDWICKE-UNIVERSITY SEC 48 #10	MCELROY	32.9	PHILLIPS PETROLEU
8137516	F-08-035749	4246131730	103	HARDWICKE-UNIVERSITY SEC 48 #12	MCELROY	43.8	PHILLIPS PETROLEU
8137633	F-10-036084	4221130416	108	LESTER B URSCHEL NO 14	CANADIAN/NE/DOUGLAS	15.9	PIONEER NATURAL G
-MOBIL PRODUCING TEXAS & NEW MEXICO			RECEIVED: 06/18/81 JA: TX				
8137473	F-7C-035079	4215130001	102-4	BRUCE COX UNIT NO 1	ALKALI CREEK SW (FLIPPEN	11.5	
8137488	F-02-035179	4239131427	103	F B ROOKE & SONS NO B-1	LA ROSA WEST (3900 SD)	67.5	UNITED GAS PIPELI

OPERATOR	DISTRICT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MONSANTO COMPANY						RECEIVED: 06/18/81 JA: TX			
8137238	F-05-032025	4221330872		102-4		VIRGIL HAMMOCK WELL NO 1	EUSTACE (SMACKOVER) FIEL	0.0	LONE STAR GAS CO
-MORAN EXPLORATION INC						RECEIVED: 06/18/81 JA: TX			
8137603	F-7C-036004	4223530195		108		ROCKER B E #8	SPRABERRY (TREND AREA)	13.4	NORTHERN NATURAL
-MORMAC OIL & GAS CO						RECEIVED: 06/18/81 JA: TX			
8137201	F-04-031156	4235531656		102-4		A P REGMUND NO 1-C	FARENTHOLD N (5500)	180.0	NUE-WELLS PIPELIN
8137199	F-04-031154	4235531656		102-4		A P REGMUND NO 1-T	FARENTHOLD N (VICKSBURG	180.0	NUE-WELLS PIPELIN
8137286	F-04-031301	4224931279		102-4		CHARLES W MUIL NO 1	CAPTAIN LUCEY (5320)	180.0	NUE-WELLS PIPELIN
-MUELLER ENGINEERING CORP						RECEIVED: 06/18/81 JA: TX			
8137319	F-02-032808	4229700003		108		FREEBORN 2-C	RAMIRENA SW(4000/	18.0	VALLEY GAS TRANSM
-MWJ PRODUCING COMPANY						RECEIVED: 06/18/81 JA: TX			
8137148	F-08-028124	4217300008		103		TXL 25 A 1-X	SPRABERRY TREND AREA	59.0	EL PASO NATURAL G
-NATURAL ENERGY PRODUCTION CO						RECEIVED: 06/18/81 JA: TX			
8137059	F-09-022454	4223700000		103		ACREE #1 (19713)	RUS-MAG N (ATOKA CONGL C	44.0	LONE STAR GAS CO
8137099	F-09-025083	4223700000		103		COOPER #1	JACK COUNTY REGULAR	0.0	CITIES SERVICE GA
8137100	F-09-025094	4249200000		103		J D CRAFT #1 (19970)	WISE COUNTY REGULAR	0.0	NATURAL GAS PIPEL
8137057	F-09-022451	4249700000		103		J NEWTON MAXWELL #1 (86270)	BOONSVILLE (BEND CONGL G	256.0	NATURAL GAS PIPE
8137058	F-09-022452	4249700000		103		NELLIE FLOWERS #1 (23231)	ALVORD (ATOKA CONGL)	150.0	TEXAS UTILITIES F
8137055	F-09-022438	4249700000		103		OTIS RITCHEY #1 (79044)	BOONSVILLE (BEND CONGL G	131.0	LONE STAR GAS CO
8137056	F-09-022439	4249700000		103		SAM ACOLA C #1 (86768)	BOONSVILLE (BEND CONGL G	18.0	LONE STAR GAS CO
8137098	F-09-025091	4249700000		103		WHEELER #1 (19971)	WISE COUNTY REGULAR	0.0	CITIES SERVICE GA
8137054	F-09-022437	4249700000		103		WOLFENBARGER #1 (21878)	BOONSVILLE (BEND CONGL G	172.0	NATURAL GAS PIPE
-NICO ENERGY CORP						RECEIVED: 06/18/81 JA: TX			
8137175	F-03-029661	4285100000		102-2		WHITENER B NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8137175	F-03-029661	4285100000		103		WHITENER B NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 06/18/81 JA: TX			
8137451	F-08-030772	4222732207		102-4		FLANAGAN #2 (26152)	RED DRAW (FUSS) FIELD	100.0	PHILLIPS PETROLEU
-NUCORP ENERGY INC						RECEIVED: 06/18/81 JA: TX			
8137416	F-01-034162	4217730395		103		RUDLOCK VACCINATING SERVICE #05847	PILGRIM (AUSTIN CHALK)	28.0	TIPPERARY GATHERI
-O H & R E CALLICOTT						RECEIVED: 06/18/81 JA: TX			
8137108	F-7B-02554R	4236731277		103		SADIE SKIDMORE #5023	WEATHERFORD SW (STRAWN)	120.0	BUCKNER GAS CO
8137109	F-7B-025549	4236731277		103		SADIE SKIDMORE #5023	WEATHERFORD SW (STRAWN)	120.0	BUCKNER GAS CO
-OILWELL OPERATORS INC						RECEIVED: 06/18/81 JA: TX			
8137344	F-10-033100	4217900000		108		MELTON A #3 02909	PANHANDLE	12.0	PIONEER NATURAL G
-OJB INC						RECEIVED: 06/18/81 JA: TX			
8137330	F-7C-032940	4210500000		103		PIERCE-HENDERSON 7-4	OZONA (CANYON SAND)	146.0	VALERO TRANSMISSI
8137338	F-7C-032940	4210500000		107-TF		PIERCE-HENDERSON 7-4	OZONA (CANYON SAND)	146.0	VALERO TRANSMISSI
-ORIGINALA INC						RECEIVED: 06/18/81 JA: TX			
8137499	F-09-035682	4223733015		103		WILLIE RUTH RICHARDS ETAL #18	CARY MAG N (5180)	29.0	TEXAS UTILITIES F
-PANCAKE-WATTS						RECEIVED: 06/18/81 JA: TX			
8137578	F-7B-035912	4204932531		103		EDINGTON #1 (92549)	PALO DAVIS (DUFFER)	288.0	SOUTHWEST GAS PIP
-PARADOX PETROLEUM CO						RECEIVED: 06/18/81 JA: TX			
8137036	F-10-008415	4239300000		103		#1-29 CHRISTIE-TIPPS	RED DEER CREEK (GRANITE	180.0	TRANSWESTERN PIPE
-PARAFFINE OIL CORP						RECEIVED: 06/18/81 JA: TX			
8137261	F-02-032206	4205731033		102-4		P H WELDER A NO 2	CHRISTINA (G-11)	90.0	SEAGULL PIPELINE
8137261	F-02-032206	4205731033		103		P H WELDER A NO 2	CHRISTINA (G-11)	90.0	SEAGULL PIPELINE
8137289	F-02-032524	4205731040		102-4		P H WELDER B NO 9-U	KATIE WELDER (L-1)	10.0	FLORIDA GAS TRANS
8137276	F-02-032375	4205730962		102-4		P H WELDER D NO 1-U	KATIE WELDER (N-8)	10.0	SEAGULL PIPELINE
8137276	F-02-032375	4205730962		103		P H WELDER D NO 1-U	KATIE WELDER (N-8)	10.0	SEAGULL PIPELINE
8137375	F-02-033551	4205731016		102-4		P H WELDER D NO 3-U	KATIE WELDER (N-1)	16.0	SEAGULL PIPELINE
8137375	F-02-033551	4205731016		103		P H WELDER D NO 3-U	KATIE WELDER (N-1)	16.0	SEAGULL PIPELINE
-PEND OREILLE OIL & GAS CO						RECEIVED: 06/18/81 JA: TX			
8137418	F-02-033954	4229732521		102-4		C S NELSON TRUST ET AL #3	LIMES (WILCOX 10900) FIE	0.0	TRANSCONTINENTAL

OPERATOR	DISTRICT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PENNZOIL PRODUCING COMPANY						RECEIVED: 06/18/81 JA: TX			
8137194	F-04-030847	4250531148		107-DP		A TREVINO NO 1	FANCANGO (WILCOX 15500)	546.0	
8137444	F-04-034622	4250531027		102-4		JENNINGS NO 38	JENNINGS W (WILCOX 7700)	238.0	NATURAL GAS PIPEL
8137292	F-06-032550	4206730325		103		OAKLAND CORPORATION NO 2	KILDARE (COTTON VALLEY)	750.0	TEXAS EASTERN TRA
8137292	F-06-032550	4206730325		107-TF		OAKLAND CORPORATION NO 2	KILDARE (COTTON VALLEY)	750.0	TEXAS EASTERN TRA
-PHILCON DEVELOPMENT CO						RECEIVED: 06/18/81 JA: TX			
8137311	F-10-032795	4221131290		103		HUMPHREYS #3	HUPPHREYS (DOUGLAS)	274.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 06/18/81 JA: TX			
8137133	F-10-027217	4223300000		108		COCKRELL RANCH #53	PANHANDLE HUTCHINSON	8.4	GETTY OIL CO
8137105	F-10-025515	4223330742		103		DUBOISE #3	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8137496	F-08-035648	4208363240		103		EMBAR-B #41 (012769)	EMBAR (PERMIAN)	2.2	EL PASO NATURAL G
8137464	F-08-034904	4213533519		103		GS ADOBE #2405 (18713)	GOLDSMITH (5600)	18.6	EL PASO NATURAL G
8137106	F-10-025546	4223330870		103		INGERTON C #3	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
8137107	F-10-025547	4234130584		103		JARVIS #2	PANHANDLE MOORE	0.8	EL PASO NATURAL G
8137131	F-10-027135	4242100000		108		JUDD A #1	STRATFORD	21.0	TRANSWESTERN PIPE
8137136	F-10-027587	4217930759		103		LEHMAN #4	PANHANDLE GRAY	14.0	
8137189	F-10-030507	4242100000		108		LENORA #1	TEXAS HUGOTON	20.4	PANHANDLE EASTERN
8137257	F-08-032074	4249530508		108		MCCABE #47	HALLEY	3.6	EL PASO NATURAL G
8137280	F-08-032375	4249530509		108		MCCABE #48	HALLEY	2.7	EL PASO NATURAL G
8137279	F-08-032376	4249530510		108		MCCABE #49	HALLEY	3.0	EL PASO NATURAL G
8137278	F-08-032377	4249531026		108		MCCABE #50	HALLEY	2.0	EL PASO NATURAL G
8137546	F-7C-033121	4246102373		108		N PEMBROOK & #32-81	SPRABERRY (TREND AREA)	4.3	NORTHERN NATURAL
8137256	F-06-032072	4213506435		108		N PENWELL #117	PENWELL	1.1	EL PASO NATURAL G
8137307	F-08-032725	4200304614		108		UNIVERSITY ANCRE.S #46	EMBAR (PERMIAN)	17.2	EL PASO NATURAL G
8137472	F-10-035064	4217900000		108		WHEAT #7	PANHANDLE GRAY	0.0	
-PICKARD OIL CO / J W KIRK INC						RECEIVED: 06/18/81 JA: TX			
8137462	F-02-034689	4217531402		103		UTLEY NO 1	MELROSE (7700)	0.0	UNITED GAS PIPE L
-POST PETROLEUM COMPANY INC						RECEIVED: 06/18/81 JA: TX			
8137294	F-10-032965	4223330858		105		KIRK 866 BIT	SHIRLEY (CLEVELAND)	0.0	NORTHERN NATURAL
-PRO OIL 80-1 LTD						RECEIVED: 06/18/81 JA: TX			
8137118	F-7C-026357	4245170626		102-2		PRO OIL GLASS #1	S S R (CANYON UPPER) FIE	300.0	ODESSA NATURAL CO
-QUEST PETROLEUM INC						RECEIVED: 06/18/81 JA: TX			
8137521	F-09-032895	4223700000		103		JACKIE WORTHINGTON NO 1	BOONESVILLE (BEND-CONGL)	500.0	SOUTHWESTERN GAS
-QUINTANA PETROLEUM CORP						RECEIVED: 06/18/81 JA: TX			
8137419	F-02-034264	4217531384		102-4		F O MARSHALL #1	PETERS CREEK - YEGUA	182.0	UNITED GAS PIPELI
-QUINTEX PETROLEUM CORP						RECEIVED: 06/18/81 JA: TX			
8137126	F-03-026853	4203931521		102-4		J PRICE NO 2 WELL - U	ARCOLA (6750 FRIO) (PROP	588.0	TENNGASCO
8137127	F-03-026854	4203931521		103		J PRICE WELL NO 2	ARCOLA (7300 FRIO)	376.0	TENNGASCO
-R A W ENERGY CORP						RECEIVED: 06/18/81 JA: TX			
8137166	F-7B-029225	4236731950		102-4		WILMITE 1-T	TOTC(BEND CONGL 5350)	250.0	NATURAL GAS PIPEL
-R H ENGELKE						RECEIVED: 06/18/81 JA: TX			
8137198	F-02-031149	4229931176		103		JOHN H HENNETT B AC 2	LA SALLE	209.1	TENNESSEE GAS PIP
-R H SIEGFRIED INC						RECEIVED: 06/18/81 JA: TX			
8137361	F-09-033270	4249700000		103		R L MORRIS-A-NO 22	CHICO WEST (CADDO CONGL	196.0	NATURAL GAS PIPEL
-R L BURNS CORP						RECEIVED: 06/18/81 JA: TX			
8137532	F-7C-035781	4243530988		108		MAYER 1 NO 2	SAWYER (CANYON)	19.5	VALERO TRANSMISSI
8137295	F-7C-032568	4243530981		108		MAYER 49 NO 2	SAWYER (CANYON) FIELD	17.8	VALERO TRANSMISSI
-R LACY INC						RECEIVED: 06/18/81 JA: TX			
8137469	F-06-034957	4236531068		103		PARRON WELL NO 1 RRC #10238	CARTHAGE (TRAVIS PEAK 64	3.0	ARKANSAS LOUISIAN
8137367	F-06-033455	4236500000		108		J W COOKE WELL #1 RRC #29750	CARTHAGE (UPPER PETTIT)	13.0	NATURAL GAS PIPEL
8137470	F-06-034958	4236531017		103		ROQUEMORE WELL NO 3 RRC# 10252	CARTHAGE (TRAVIS PEAK 64	4.0	ARKANSAS LOUISIAN
-R M MILL						RECEIVED: 06/18/81 JA: TX			
8137518	F-09-035758	4250334200		103		ALLAR 1-A #20849	ECONOMO E MARBLE FALLS C	18.0	LONE STAR GAS CO

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OPERATOR NO	OPERATOR	WELL NO	D	SEC	CAT	WELL NAME
-REALITOS ENERGY CORP						RECEIVED: 06/18/81 JA: TX
8137177	F-02-029945	4223531436		102-4		GUADALUPE SANCHEZ AC 1
-REPUBLIC GAS GATHERING SYSTEMS INC						RECEIVED: 06/18/81 JA: TX
8137101	F-05-025248	4229530461		103		JACK PHILLIPS #2
8137101	F-05-025248	4229530461		107-TF		JACK PHILLIPS #2
-ROBERT P LAMMERTS						RECEIVED: 06/18/81 JA: TX
8137067	F-03-023088	4214900000		102-2		#1 REINSON ET AL
-ROCKWOOD RESOURCES INC						RECEIVED: 06/18/81 JA: TX
8137587	F-03-035941	4208931154		102-4		M ROSENBERG A NO 1
-ROY E KIRSEY						RECEIVED: 06/18/81 JA: TX
8137155	F-08-028345	4238931058		107-DP		LINDSAY 325 NO 1 WELL
-S K TUTHILL & B J BARBEE						RECEIVED: 06/18/81 JA: TX
8137187	F-09-030280	4250334019		102-4		LYNCH UNIT NO 1
8137187	F-09-030280	4250334019		103		LYNCH UNIT NO 1
-SAGE ENERGY CORP						RECEIVED: 06/18/81 JA: TX
8137452	F-08-034777	4213533398		103		TXL O #4 RRC #25748 #4
-SAMEDAN OIL CORPORATION						RECEIVED: 06/18/81 JA: TX
8137599	F-03-035965	4222530362		102-4		DELL LAND COMPANY D #1
8137319	F-04-032861	4270230146		102-2		STATE TRACT 818L AC F-2
8137328	F-04-032937	4270230153		102-2		STATE TRACT 818L NO F-3
8137329	F-04-032938	4270230150		102-2		STATE TRACT 818L AO H-1A
8137327	F-04-032934	4270207596		102-2		STATE TRACT 902-S NC E-1
-SAXET OIL CORPORATION						RECEIVED: 06/18/81 JA: TX
8137586	F-08-035932	4230100000		108		WHEAT A/C 126 WELL NO 2
-SAXON OIL COMPANY						RECEIVED: 06/18/81 JA: TX
8137325	F-7C-032929	4246131650		103		MANKS NO 2
8137429	F-7C-034330	4246131693		103		MANKS NO 4
8137347	F-08-033123	4231732286		103		HUFFAKER NO 1
8137324	F-7C-032928	4217331098		103		LANE UNIT B NC 1
8137348	F-08-033124	4231732207		103		ROLLOW NO 1
8137428	F-7C-034329	4238331836		103		WEATHERBY F NO 5
-SCANDRILL CO						RECEIVED: 06/18/81 JA: TX
8137329	F-09-027850	4250333971		103		KURK NO 6
-SCHKADE BROS DRILLING CO						RECEIVED: 06/18/81 JA: TX
8137595	F-7B-035958	4213332720		103		EDWARD MILLER #1 (16641)
8137596	F-7B-035959	4213332720		103		EDWARD MILLER #2 (16641)
-SEELY OIL CO						RECEIVED: 06/18/81 JA: TX
8137458	F-7B-034878	4241733598		103		MCFARLANE A #1 - ID 892218
-SHAH EXPLORATION CO INC						RECEIVED: 06/18/81 JA: TX
8137437	F-09-034490	4250300000		103		SHAH HINSON D
8137436	F-09-034489	4250300000		103		SHAH YCA 890-E
-SHELL OIL CO						RECEIVED: 06/18/81 JA: TX
8137512	F-08-035745	4213500000		108		E HARPER UNIT NO 335
8137513	F-05-035746	4210300000		108		MCCLINTIC UNIT AC 82
8137069	F-08-023506	4247537757		103		SEALY SMITH FOUNDATION NO 154
-SHILLELAGH CORP						RECEIVED: 06/18/81 JA: TX
8137316	F-7B-032821	4242932724		103		LEDBETTER #2 RRC # 16745
-SIMPSON-PANN OIL PRODUCERS						RECEIVED: 06/18/81 JA: TX
8137602	F-7C-036000	4210533267		103		J M BAGGETT EST ET AL A #5-2
8137602	F-7C-036000	4210533267		107-TF		J M BAGGETT EST ET AL A #5-2
-SOUTHLAND ROYALTY CO						RECEIVED: 06/18/81 JA: TX
8137117	F-08-026337	4213500000		103		MIDLAND FARMS #10
8137132	F-7C-027152	4238300000		108		O F BOYD A #2-44

FIELD NAME	PROD	PURCHASER
WILDCAT-PROPOSED MORALES	185.0	TENNESSEE GAS PIP
PERSONVILLE N/COTTON VAL	250.0	DELHI GAS PIPELIN
PERSONVILLE N/COTTON VAL	250.0	DELHI GAS PIPELIN
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
CECIL NOBLE (10400)	0.0	TENNESSEE GAS PIP
WILDCAT	54.7	
GRAHAM E (CADDO) FIELD	60.0	SOUTHWESTERN GAS
GRAHAM E (CADDO) FIELD	60.0	SOUTHWESTERN GAS
COWDEN (NORTH DEEP)	22.9	PHILLIPS PETROLEU
PT TRINIDAD NE (GEORGETO	40.0	LONE STAR GAS CO
SAMEDAN FRIO	1500.0	EL PASO NATURAL G
SAMEDAN FRIO	1500.0	EL PASO NATURAL G
SAMEDAN FRIO	1500.0	EL PASO NATURAL G
SAMEDAN FRIO	350.0	EL PASO NATURAL G
WHEAT	2.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	11.3	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	11.3	PHILLIPS PETROLEU
BREEDLOVE EAST	13.9	PHILLIPS PETROLEU
CALVIN (DEAN)	25.6	UNION TEXAS PETRO
BREEDLOVE EAST	28.5	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	24.1	PHILLIPS PETROLEU
NAPECO (MISS)	17.9	SUN GAS GATHERING
FOSTER (MARBLE FALLS)	18.0	ODESSA NATURAL CO
FOSTER (MARBLE FALLS)	18.0	ODESSA NATURAL CO
MCFARLANE (MISS)	108.0	DELHI GAS PIPELIN
YOUNG COUNTY REGULAR	2.0	GAS ASSOCIATED SY
YOUNG COUNTY REGULAR	2.0	GAS ASSOCIATED SY
HARPER	1.0	PHILLIPS PETROLEU
MCELROY	0.8	PHILLIPS PETROLEU
MONAHANS (CLEAR FORK)	30.0	EL PASO NATURAL G
STEPHENS COUNTY REGULAR	227.0	LONE STAR GAS CO
ADAMS-BAGGETT RANCH (CAN	212.7	VALERO TRANSMISSI
ADAMS-BAGGETT RANCH (CAN	212.7	VALERO TRANSMISSI
NORTH COWDEN	50.0	AMOCO PRODUCTION
CALVIN	9.3	UNION TEXAS PETRO

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OPERATOR NO	OPERATOR	WELL NO	D	SEC	CAT	WELL NAME
-SOUTHWESTERN GAS EXPLORATION						RECEIVED: 06/18/81 JA: TX
8137068	F-7B-023241	4236731063		103		C G TALBOT #4
-SPINDLETOP OIL & GAS CO						RECEIVED: 06/18/81 JA: TX
*8137334	F-7B-033037	4236732006		103		HARRIS NO 1
8137174	F-7B-029653	4236731920		102-4		HUTCHESON 1-T (92318)
8137174	F-7B-029653	4236731920		103		HUTCHESON 1-T (92318)
8137178	F-7B-030057	4236731845		102-4		MATHIS 1-T
8137178	F-7B-030057	4236731845		103		MATHIS 1-T
-STRINGER OIL & GAS						RECEIVED: 06/18/81 JA: TX
8137542	F-08-035809	4231732280		103		R C BAILEY NO 1 (26397)
8137541	F-08-035808	4231732262		103		W S GIBBS NO 1 (26403)
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 06/18/81 JA: TX
8137421	F-6E-034290	4218300000		108		A BACLE NO 1
8137529	F-04-035776	4242731423		103		A MCKINNEY NO 29
8137528	F-01-035775	4218500000		108		C KNOBLOCH NO 39
8137531	F-01-035778	4218500000		108		C KNOBLOCH NO 41
8137530	F-01-035777	4218500000		108		C KNOBLOCH NO 52
8137310	F-8A-032793	4221932949		103		CENTRAL LEVELLAND UNIT #171-A
8137425	F-6E-034296	4218300000		108		EDDIE MITCHELL NO 2
8137422	F-6E-034291	4240100000		108		FINNEY NO 1
8137424	F-6E-034295	4218300000		108		G S MATTOX NO 1
8137601	F-02-035997	4239100000		108		HEARD J F B NC 8
8137523	F-7B-032913	4243330995		103		I S MCMILLIN A/C 2 #9
8137169	F-04-029358	4235531520		102-4		MCCANN STATE UNIT A NO 4
8137259	F-04-032164	4235500000		102-4		STATE TRACT 423 NO 10
8137423	F-6E-034292	4246900000		108		WEBB NO 5
-SUNDANCE OIL CO						RECEIVED: 06/18/81 JA: TX
8137040	F-05-018174	4229300000		102-3		#1 N E SHORTER - IC #84331
-SUPERIOR OIL CO						RECEIVED: 06/18/81 JA: TX
8137125	F-04-026719	4221500000		108		F I JOHNSON #4
8137120	F-04-026474	4221531008		103		F I JOHNSON NO 10
8137173	F-03-029512	4201530443		107-DP		WOODS PETROLEUM GAS UNIT NO 1
-TANA OIL & GAS CORP						RECEIVED: 06/18/81 JA: TX
8137156	F-02-028406	4229700000		102-4		BURNS NO 1
-TAUBERT & STEED						RECEIVED: 06/18/81 JA: TX
8137227	F-09-031798	4249731885		102-4		DAVENPORT 1 I D #89563
-TEE OPERATING CO						RECEIVED: 06/18/81 JA: TX
8137134	F-02-027224	4223931517		102-2		KLEKAR NO 1
8137134	F-02-027224	4223931517		103		KLEKAR NO 1
8137079	F-03-024483	4215731034		102-2		WELLS FARGO NO 1
8137079	F-03-024483	4215731034		102-4		WELLS FARGO NO 1
8137095	F-03-024824	4215731040		102-2		WENZEL WELL NO 1
8137095	F-03-024824	4215731040		103		WENZEL WELL NC 1
-TEMAGAMI OIL & GAS INC						RECEIVED: 06/18/81 JA: TX
8137354	F-03-033173	4205130696		102-2		HOWARD-TYLER UNIT NC 1
-TERRELL OIL CO						RECEIVED: 06/18/81 JA: TX
8137519	F-7B-035759	4215131060		103		BONDS AND GRIFFIN #1 A I D #16633
-TETRA PETR INC & CROUCH PETR CO						RECEIVED: 06/18/81 JA: TX
8137406	F-10-033867	4219500000		103		WILMETH-BROCK #1
-TEX-STAR PETROLEUM						RECEIVED: 06/18/81 JA: TX
8137554	F-7C-035840	4239931752		103		ALDRIDGE #4 (085552)
-TEXACO INC						RECEIVED: 06/18/81 JA: TX
8137314	F-08-032805	4243130935		103		L B COPE #1

FIELD NAME	PROD	PURCHASER
BUCK RANCH (STRAWN)	0.0	SOUTHWESTERN GAS
SPRINGTOWN (5500)	250.0	LONE STAR GAS CO
SPRINGTOWN (5500)	180.0	LONE STAR GAS CO
SPRINGTOWN (5500)	180.0	LONE STAR GAS CO
SPRINGTOWN (CONYN)	45.0	LONE STAR GAS CO
SPRINGTOWN (CONYN)	45.0	LONE STAR GAS CO
SPRABERRY (TREND AREA)	4.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	5.0	PHILLIPS PETROLEU
EAST TEXAS	1.0	WARREN PETROLEUM
SUN/F-1-M4950	2.0	TRANSCONTINENTAL
DARST CREEK (BUDA)	1.0	PHILLIPS PETROLEU
DARST CREEK (BUDA)	0.8	PHILLIPS PETROLEU
DARST CREEK (BUDA)	1.0	PHILLIPS PETROLEU
LEVELLAND	4.9	AMOCO PRODUCTION
EAST TEXAS	1.0	WARREN PETROLEUM
EAST TEXAS	0.1	PARADE CO
EAST TEXAS	0.4	WARREN PETROLEUM
GRETA (L-15)	16.7	UNITED TEXAS TRAN
FRANKIRK NE (CANYON)	4.5	CITIES SERVICE CO
ARNOLD-DAVID	213.0	TRANSCONTINENTAL
RED FISH BAY	931.0	UNITED GAS PIPELI
EAST TEXAS	0.5	UNITED GAS PIPE L
FARRAR S E (BOSSIER SAND	0.0	DELHI GAS PIPELIN
MONTE CHRISTO FIELD	12.0	FLORIDA GAS TRANS
MONTE CHRISTO (9000)	0.0	
NEW ULM	0.0	COLUMBIA GAS TRAN
CLAY WEST - UNDESIGNATED	1100.0	EL PASO NATURAL G
CRAFTON NORTH (CADDO CON	346.8	TEXAS UTILITIES F
STEWART (6030) FIELD	365.0	LONE STAR GAS CO
STEWART (6030) FIELD	365.0	LONE STAR GAS CO
PECAN GROVE (7950) FIELD	300.0	
PECAN GROVE (7950) FIELD	300.0	
WILDCAT FIELD	0.0	LONE STAR GAS CO
WILDCAT FIELD	0.0	LONE STAR GAS CO
CALDWELL (AUSTIN CHALK)	37.0	CLAJON GAS CO
VELTA (CANYON) FIELD	76.0	PALO DURO PIPELIN
HANSFORD (MORROW UPPER)	109.5	NORTHERN NATURAL
BURNEY (GRAY)	109.0	UNION TEXAS PETRO
CONGER SW (PENN)	277.0	

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JC NO	JA PKT	PRT NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137287	F-08-032447	4207532209	103	STATE OF TEXAS FW #2	WAR-WINK S (WOLFCAMP)	253.0	
-TEXAS AMERICAN OIL CORP			RECEIVED: 06/18/81 JA: TX				
8137556	F-08-035843	4232930922	103	BAUMANN NO 1 RRC #26549	AZELEA (DEVONIAN)	1.3	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 06/18/81 JA: TX				
8137517	F-03-035753	4205131177	102-2	BOHACEK #2	GIDDINGS (AUSTIN CHALK)	481.0	CLAJON GAS CO
8137401	F-03-033844	4205131176	102-2	BOHACEK #4	GIDDINGS (AUSTIN CHALK)	292.0	CLAJON GAS CO
8137400	F-03-033843	4205130881	102-2	BUGG #4	GIDDINGS (AUSTIN CHALK)	110.0	CLAJON GAS CO
8137497	F-08-035647	4235531791	103	EDWIN PARKS #19	DIXON (ODOM LIME)	138.0	SUN GAS CO
8137412	F-03-034062	4205131245	102-2	LAMM A #3	GIDDINGS (AUSTIN CHALK)	474.0	CLAJON GAS CO
8137223	F-03-031687	4205131113	102-2	STERN #1	GIDDINGS (AUSTIN CHALK)	547.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP			RECEIVED: 06/18/81 JA: TX				
8137128	F-05-027029	4216130606	102-4	CAPPS #1	REED N (COTTON VALLEY LI	588.0	
8137128	F-05-027029	4216130606	107-TF	CAPPS #1	REED N (COTTON VALLEY LI	588.0	
8137144	F-08-027755	4237100000	103	CHAMPLIN CITIES SERVICE #2-L	PUTNAM (WOLFCAMP)	325.0	NORTHERN NATURAL
8137143	F-08-027754	4237100000	103	CHAMPLIN CITIES SERVICE #2-U	PUTNAM (WICHITA-ALBANY)	349.0	NORTHERN NATURAL
8137145	F-08-027756	4237100000	103	CHAMPLIN CITIES SERVICE #3	PUTNAM (WICHITA-ALBANY)	325.0	NORTHERN NATURAL
8137208	F-06-031409	4207330359	102-4	DIXON A #1-X	WHITE OAK CREEK (TRAVIS	0.4	DELMI GAS PIPELIN
8137208	F-06-031409	4207330359	103	DIXON A #1-X	WHITE OAK CREEK (TRAVIS	0.4	DELMI GAS PIPELIN
8137204	F-06-031206	4207330342	102-4	DIXON C #1	WHITE OAK CREEK (TRAVIS	1000.0	DELMI GAS PIPELIN
8137204	F-06-031206	4207330342	103	DIXON C #1	WHITE OAK CREEK (TRAVIS	1000.0	DELMI GAS PIPELIN
8137207	F-06-031407	4207330316	102-4	DORRIS #1	COON CREEK (RODESSA)	0.1	DELMI GAS PIPELIN
8137207	F-06-031407	4207330316	103	DORRIS #1	COON CREEK (RODESSA)	0.1	DELMI GAS PIPELIN
8137213	F-05-031512	4228930315	102-4	GAIL KING #2	BEAR GRASS (COTTON VALLE	0.2	DELMI GAS PIPELIN
8137213	F-05-031512	4228930315	103	GAIL KING #2	BEAR GRASS (COTTON VALLE	0.2	DELMI GAS PIPELIN
8137363	F-02-033316	4228531556	103	HANCOCK #4-3	PROVIDENT CITY FIELD	0.0	TEXAS EASTERN TRA
8137063	F-05-022845	4229330487	102-4	HEATON #1	OAKS (COTTON VALLEY LIME	750.0	
8137063	F-05-022845	4229330487	103	HEATON #1	OAKS (COTTON VALLEY LIME	750.0	
8137164	F-05-029208	4216130450	102-4	JACKSON B #1	REED (BOSSIER SAND)	100.0	DELMI GAS PIPELIN
8137164	F-05-029208	4216130450	107-TF	JACKSON B #1	REED (BOSSIER SAND)	100.0	DELMI GAS PIPELIN
8137212	F-06-031510	4207330302	102-4	LEWIS A #1	COOA CREEK (RODESSA)	0.1	DELMI GAS PIPELIN
8137212	F-06-031510	4207330302	103	LEWIS A #1	COOA CREEK (RODESSA)	0.1	DELMI GAS PIPELIN
8137214	F-06-031513	4207330337	103	MCCLENDON GAS UNIT #1-S	WHITE OAK CREEK (RODESSA	0.1	DELMI GAS PIPELIN
8137110	F-06-025580	4207330378	102-2	T D LITTLE #1	WILDCAT	500.0	
8137110	F-06-025580	4207330378	103	T D LITTLE #1	WILDCAT	500.0	
8137045	F-06-019719	4240130843	103	YOUNGBLOOD A #1	PONE (TRAVIS PEAK GAS)	0.0	
-TEXFEL PETROLEUM CORP			RECEIVED: 06/18/81 JA: TX				
8137080	F-7B-024641	4244100000	103	WESSELS B #1	AUDAS-GRAHAM (CAPPS LIME	996.0	UNION TEXAS PETRO
-THOMAS D COFFMAN INC			RECEIVED: 06/18/81 JA: TX				
8137299	F-03-032685	4216930824	102-2	MAJOVSKY NO 2 101183	GIDDINGS (AUSTIN CHALK)	18.5	CLAJON GAS CO
-TORREYANA OIL CORP			RECEIVED: 06/18/81 JA: TX				
8137523	F-8A-035764	4207931147	103	C S DEAN A #2	SLAUGHTER	240.0	AMOCO PRODUCTION
8137524	F-8A-035765	4207931175	103	C S DEAN A #3	SLAUGHTER	215.4	AMOCO PRODUCTION
8137525	F-8A-035766	4207931354	103	C S DEAN A 4	SLAUGHTER	220.0	AMOCO PRODUCTION
8137060	F-8A-022565	4207931147	103	C S DEAN A#2	SLAUGHTER	240.0	AMOCO PRODUCTION
-TRANS-AMERICAN DEVELOPMENT CORP			RECEIVED: 06/18/81 JA: TX				
8137266	F-7B-032230	4204900000	108	MIKLAR-MCCLEERY #1 WELL (RRC#85889)	BROWN COUNTY REGULAR (PA	5.5	SIOUX PIPELINE CO
8137300	F-7B-032690	4204900000	108	TADC #1 GARRETT-CLARK (I D #84761)	BROWN COUNTY REGULAR (PA	6.3	SIOUX PIPELINE CO
8137277	F-7B-032376	4204900000	108	WAYNE-HOWARD #1 (ID#154456)	BROWN COUNTY REGULAR	5.1	SIOUX PIPELINE CO
-TRANSIERRA EXPLORATION CORP			RECEIVED: 06/18/81 JA: TX				
8137522	F-7B-035762	4213330186	108	PLOWMAN AND VINES NC 1	EASTLAND COUNTY REGULAR	36.0	LONE STAR GAS CO
-TRAVELERS OIL CO			RECEIVED: 06/18/81 JA: TX				
8137521	F-10-035761	4206530854	103	BURNETT C #3 91517	WEST PANHANDLE	4.0	PHILLIPS PETROLEU
-TROJAN OIL PRODUCTION & SERVICES IN			RECEIVED: 06/18/81 JA: TX				

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JC NO	JA PKT	PRT NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137427	F-7C-034314	4239931437	103	E H DEAN #1 (08268)	BIG ED (GARDNER LIME)	10.0	LONE STAR GAS CO
-TSPI INC			RECEIVED: 06/18/81 JA: TX				
8137420	F-10-034270	4223330993	103	PEANUT NO 1	PANHANDLE HUTCHINSON COU	110.0	PANHANDLE PRODUCI
8137430	F-10-034361	4223330959	103	PEANUT NO 2	PANHANDLE HUTCHINSON COU	110.0	PANHANDLE PRODUCI
-U S OPERATING INC			RECEIVED: 06/18/81 JA: TX				
8137062	F-03-022728	4228730525	102-2	DEBBIE NO 1 (12554)	GIDDINGS (AUSTIN CHALK)	100.0	PGP GAS PRODUCTS
8137062	F-03-022728	4228730525	103	DEBBIE NO 1 (12554)	GIDDINGS (AUSTIN CHALK)	100.0	PGP GAS PRODUCTS
8137157	F-03-028631	4228730684	102-2	SUZANNE NO 1	GIDDINGS (AUSTIN CHALK)	200.0	PGP GAS PRODUCTS
-UNION TEXAS PETROLEUM			RECEIVED: 06/18/81 JA: TX				
8137356	F-7C-033209	4223531442	103	FARPAR 45-10 #1	ROCK PEN (CANYON) CANYON	36.2	CRA INC
-V F NEUHAUS			RECEIVED: 06/18/81 JA: TX				
8137302	F-04-032712	4242731456	103	DON CAMERON ET AL UNIT #3-A	LA COPITA (VICKSBURG Z S	360.0	FLORIDA GAS TRANS
-VANDERBILT RESOURCES CORPORATION			RECEIVED: 06/18/81 JA: TX				
8137081	F-02-029735	4246931486	102-4	NEUPANN NO 1	BULLOCKS CHURCH (3700) P	100.0	INTRASTATE GATHER
-VORTT EXPLORATION CO INC			RECEIVED: 06/18/81 JA: TX				
8137151	F-7B-028195	4236300000	102-4	BENIE H PEAK UNIT I NC 1	MINERAL WELLS S (STRAWN	150.0	SOUTHWESTERN GAS
8137183	F-7B-030233	4236332476	102-4	BENIE H PEAK UNIT II #1	MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
8137150	F-7B-028194	4213300000	102-4	FRED BROWN NO 3	MANGUM NORTH (3200)	365.0	SOUTHWESTERN GAS
8137152	F-7B-028196	4236300000	102-4	GOREE-HICKS UNIT NC 1	MINERAL WELLS S (STRAWN	150.0	SOUTHWESTERN GAS
8137149	F-7B-028193	4236300000	102-4	H BUCHANAN UNIT #1	MINERAL WELLS S (CONGL)	0.0	SOUTHWESTERN GAS
8137185	F-7B-030236	4236332429	102-4	H GLOVER UNIT I #1	MINERAL WELLS (STRAWN A)	0.0	SOUTHWESTERN GAS
8137184	F-7B-030234	4236332427	102-4	HELTON TERRY UNIT I #1	MINERAL WELLS (STRAWN A)	0.0	SOUTHWESTERN GAS
8137182	F-7B-030232	4236332344	102-4	RHODES - GREEN UNIT II #1	MINERAL WELLS S (R-G CON	0.0	SOUTHWESTERN GAS
8137181	F-7B-030231	4236332428	102-4	SQUIRES HEIRS UNIT I #1	MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
8137186	F-7B-030241	4236332455	102-4	W T DUNAWAY UNIT I #1	MINERAL WELLS (STRAWN A)	0.0	SOUTHWESTERN GAS
8137153	F-7B-028197	4213300000	102-4	WRIGHT-ROPER NO 1	MAGNUP N (BEND LOWER)	180.0	SOUTHWESTERN GAS
-W A MONCRIEF JR			RECEIVED: 06/18/81 JA: TX				
8137215	F-7B-031346	4236730845	108	WINSTEAD NO 1	WEATHERFORD SW (STRAWN)	9.9	SOUTHWESTERN GAS
8137217	F-7B-031574	4236730179	108	WINSTON #2 (U)	ALEDO SE (1200 STRAWN) W	5.5	SOUTHWESTERN GAS
-W L BRUCE OPERATOR			RECEIVED: 06/18/81 JA: TX				
8137104	F-10-025378	4234100000	108	RESER #3 RRC#03709	PANHANDLE FIELD	0.0	PHILLIPS PET CO
8137103	F-10-025377	4234100000	108	RESER #5 RRC#03709	PANHANDLE FIELD	0.0	PHILLIPS PET CO
-W L PULS			RECEIVED: 06/18/81 JA: TX				
8137313	F-03-032800	4224531441	103	JOSIE ENGLIN #2	STOWELL S (ENGLIN)	0.0	WINNIE PIPELINE C
-W R EDWARDS JR			RECEIVED: 06/18/81 JA: TX				
8137514	F-10-035747	4223300000	103	BEARKILLER #1	PANHANDLE HUTCHINSON	93.0	PANHANDLE PRODUCI
8137575	F-10-035891	4223300000	103	SANFORD ESTATE #16	PANHANDLE HUTCHINSON	98.0	PANHANDLE PRODUCI
8137114	F-10-026055	4223330821	103	SANFORD ESTATES A11	PANHANDLE HUTCHINSON COU	0.0	
-WAGNER & BROWN			RECEIVED: 06/18/81 JA: TX				
8137370	F-7C-033467	4210533143	103	ROY #1-7	OZONA (CANYON SAND)	365.0	NORTHERN NATURAL
8137370	F-7C-033467	4210533143	107-TF	ROY #1-7	OZONA (CANYON SAND)	365.0	NORTHERN NATURAL
-WALTER EXPLORATION INC			RECEIVED: 06/18/81 JA: TX				
8137284	F-09-032428	4249700000	108	MCKAMY UNIT NO 1 ID #43252	BCONSVILLE (BEND CONGL G	11.0	NATURAL GAS PIPEL
8137285	F-09-032430	4249700000	108	MCKAMY UNIT NO 2 ID #43253	BCONSVILLE (BEND CONGL G	2.0	NATURAL GAS PIPEL
-WARRIOR MANAGEMENT & PENINSULA			RECEIVED: 06/18/81 JA: TX				
8137362	F-04-033274	4235531588	102-4	MANLEY ALMA NO 1	MOBIL-DAVID (BASAL ANDER	1000.0	HOUSTON PIPE LINE
8137362	F-04-033274	4235531588	103	MANLEY ALMA NO 1	MOBIL-DAVID (BASAL ANDER	1000.0	HOUSTON PIPE LINE
-WES-TEX DRILLING COMPANY			RECEIVED: 06/18/81 JA: TX				
8137340	F-7B-033063	4235330919	103	COMPTON #2	JNM (CANYON)	200.0	SUN OIL CO
-WILSON ENERGY INC			RECEIVED: 06/18/81 JA: TX				
8137200	F-7C-031155	4210500000	103	MAGGIE NEAL #5	WEGER (NORTH)	15.0	BIG LAKE GASOLINE
8137138	F-7C-027431	4210500000	103	UNIVERSITY 1 #5	FARPER (SAN ANDRES)	18.0	BIG LAKE GASOLINE
8137463	F-7C-034893	4210500000	103	UNIVERSITY 2 C #3	FARPER (SAN ANDRES)	182.0	BIG LAKE GASOLINE

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JD NO	JD NAT	FILL NAME	FRCD	PURCHASER
-WINDSOR PRODUCING CO				
8137611	F-03-036032	GIDDINGS AUSTIN CHALK (G	36.5	P&P GAS PRODUCTS
8137611	F-03-036037	GIDDINGS AUSTIN CHALK (G	36.5	P&P GAS PRODUCTS
8137612	F-03-036034	GIDDINGS (AUSTIN CHALK)	109.5	P&P GAS PRODUCTS
8137612	F-03-036034	GIDDINGS (AUSTIN CHALK)	109.5	P&P GAS PRODUCTS
8137612	F-03-036034	GIDDINGS (AUSTIN CHALK)	109.5	P&P GAS PRODUCTS
8137610	F-03-03602	GIDDINGS (AUSTIN CHALK)	109.5	P&P GAS PRODUCTS
8137610	F-03-03602			
-JW GRUENEWALD & ASSOC INC		PANHANDLE (RED CAVE)	43.7	COLORADO INTERSTA
8137373	F-10-034RE			
-ZENITH EXPLORATION COMPANY		BERRY (FRIO) FIELD	266.0	TRANSCONTINENTAL
8137609	F-01-036024			

Current Purchasers: 8137334 EMPIRE P L CORP; for all other control numbers preceded by (*) the additional purchaser is E I DUPONT DE NEMOURS & CO

BILLING CODE 6450-85-C

JD NO	JD NAT	FILL NAME	SEC CAT	RECEIVED: 06/18/81	JA: TX
-WINDSOR PRODUCING CO					
8137611	F-03-036032	B J STORK #2	102-2		
8137611	F-03-036037	B J STORK #2	103		
8137612	F-03-036034	FRANCES #1	102-2		
8137612	F-03-036034	FRANCES #1	103		
8137610	F-03-03602	LOWERY #1	102-2		
8137610	F-03-03602	LOWERY #1	103		
				RECEIVED: 06/18/81	JA: TX
-JW GRUENEWALD & ASSOC INC					
8137373	F-10-034RE	MASTERSON G #17R	103		03839
-ZENITH EXPLORATION COMPANY				RECEIVED: 06/18/81	JA: TX
8137609	F-01-036024	ESTHER BERRY NO 6	103		

Current Purchasers: 8137334 EMPIRE P L CORP; for all other control numbers p

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 31, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary

[FR Doc. 81-20849 Filed 7-15-81; 8:45 am]
BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-W B OSBORN JR (OPERATOR)						RECEIVED: 06/16/81 JA: KS			
8137867	K80-0898	1509300000		108	ER	MODIE #2	HUGOTON	19.2	CITIES SERVICE GA
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALMCO INC						RECEIVED: 06/16/81 JA: OH			
8137638		3410322475		103		ALBERS #1	GRANGER	20.0	
8137638		3410322475		107	TF	ALBERS #1	GRANGER	20.0	
-AMERICAN WELL MANAGEMENT						RECEIVED: 06/16/81 JA: OH			
8137639		3412725121		103		PARKER WOODS #2A	HOPEWELL	18.0	
-APPALACHIAN PETROLEUM CORP						RECEIVED: 06/16/81 JA: OH			
8137640		3412122337		107	DV	WALLACE HANSON #3	JACKSON	3.5	EAST OHIO GAS CO
-BELDEN & BLAKE CORPORATION						RECEIVED: 06/16/81 JA: OH			
8137643		3415123494		103		J SCHUMACHER #2-341083	MARLBORO	36.5	EAST OHIO GAS CO
8137641		3415122858		103		W & C BUCHER #2-34837	SUGARCREEK	36.5	EAST OHIO GAS CO
8137641		3415122858		107	TF	W & C BUCHER #2-34837	SUGARCREEK	36.5	EAST OHIO GAS CO
8137642		3415123485		103		W & M WENTLING COMM #1-341074	SUGARCREEK	36.5	EAST OHIO GAS CO
8137642		3415123485		107	TF	W & M WENTLING COMM #1-341074	SUGARCREEK	36.5	EAST OHIO GAS CO
-BUCKHORN OIL COMPANY INC						RECEIVED: 06/16/81 JA: OH			
8137654A		3407523054		103		CONNER #1	RICHLAND	20.0	COLUMBIA GAS TRAN
8137654B		3407523054	D	107	TF	CONNER #1	RICHLAND	20.0	COLUMBIA GAS TRAN
8137655A		3407523079		103		CONNER #2	RICHLAND	20.0	COLUMBIA GAS TRAN
8137655B		3407523079	D	107	TF	CONNER #2	RICHLAND	20.0	COLUMBIA GAS TRAN
-CARBONIT EXPLORATION INC						RECEIVED: 06/16/81 JA: OH			
8137658		3411122058		103		BLAIR #1	WASHINGTON TOWNSHIP	0.0	TEXAS EASTERN TRA
8137657		3411122059		103		KNOWLTON #1 A (NORTH)	WASHINGTON TOWNSHIP	0.0	TEXAS EASTERN TRA
8137656		3411122028		103		KNOWLTON #1 B SOUTH	WASHINGTON TOWNSHIP	0.0	TEXAS EASTERN TRA
8137660		3411122286		103		RALPH L PARKS (EAST) #1	BETHEL TOWNSHIP	0.0	TEXAS EASTERN TRA
8137659		3411122285		103		RALPH L PARKS #1 WEST	BETHEL TOWNSHIP	0.0	TEXAS EASTERN TRA
-CLARENCE SHERMAN						RECEIVED: 06/16/81 JA: OH			
8137840		3415723565		103		HUPPICH #1	AUBURN	20.0	
8137841		3415723586		103		HUPRICH #2	AUBURN	20.0	
8137842		3415723587		103		HUPRICH #3	AUBURN	20.0	
-COLUMBIA GAS TRANSMISSION CORP						RECEIVED: 06/16/81 JA: OH			
8137661		3415520162		108		TCO CONLEY UNIT #1 720044	NORTHERN DIST STE OF OHI	20.0	COLUMBIA GAS TRAN
-CRYSTAL ENERGY						RECEIVED: 06/16/81 JA: OH			
8137662		3408322857		103		CHARLES MERLYN STEVENS #1	JELLOWAY	36.0	
8137663		3410322491		103		KENNETH & ELLEN BREYLEY #1	SPENCER	36.0	
8137663		3410322491		107	TF	KENNETH & ELLEN BREYLEY #1	SPENCER	36.0	
-CYCLOPS CORP						RECEIVED: 06/16/81 JA: OH			
8137664		3403124096		103		C PEW #6	KLEAR	50.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAVID SHAFER OIL PRODUCERS INC						RECEIVED: 06/16/81 JA: OH			
8137838		3415320947		103		R C FIRESTONE #4-A	BATH	5.0	EAST OHIO GAS CO
8137839		3415320949		103		RAYMOND C FIRESTONE #2-D	BATH	5.0	EAST OHIO GAS CO
-DOMESTIC OIL & GAS CO						RECEIVED: 06/16/81 JA: OH			
8137665		3403123916		103		FRITZ #1 3916	BLISSFIELD	3.0	COLUMBIA GAS TRAN
8137665		3403123916		107	TF	FRITZ #1 3916	BLISSFIELD	3.0	COLUMBIA GAS TRAN
8137666		3403124077		107	TF	MEAK #1 4077	BLISSFIELD	3.0	
-DORAN & ASSOCIATES INC						RECEIVED: 06/16/81 JA: OH			
8137667		3407522952		103		ABE G YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137667		3407522992		107	TF	ABE G YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137668		3407522994		103		ALBERT D MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137668		3407522994		107	TF	ALBERT D MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137671		3407523043		103		ALBERT J YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137671		3407523043		107	TF	ALBERT J YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137672		3407523053		103		ELI D YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137672		3407523053		107	TF	ELI P YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137673		3407523067		103		EMANUEL D MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137673		3407523067		107	TF	EMANUEL D MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137669		3407522995		103		PAUL FREY #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137669		3407522995		107	TF	PAUL FREY #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137670		3407522996		103		WYMAN RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8137670		3407522996		107	TF	WYMAN RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL & DEV CORP						RECEIVED: 06/16/81 JA: OH			
8137675A		3415123415		103		E GARAUX ET AL #1	SANDY TWP	5.0	
8137675B		3415123415	D	107	TF	E GARAUX ET AL #1	SANDY TWP	5.0	
8137676A		3415123416		103		E GARAUX ET AL #3	PIKE	5.0	
8137676B		3415123416	D	107	TF	E GARAUX ET AL #3	PIKE	5.0	
8137677A		3415123417		103		GARAUX #4	PIKE	5.0	
8137677B		3415123417	D	107	TF	GARAUX #4	PIKE	5.0	
-EARTH RESOURCES EXPL DEV CORP						RECEIVED: 06/16/81 JA: OH			
8137674A		3415123414		103		GARAUX #2	PIKE	5.0	
8137674B		3415123414	D	107	TF	GARAUX #2	PIKE	5.0	
-EDCO DRILLING & PRODUCING INC						RECEIVED: 06/16/81 JA: OH			
8137685		3403123789		103		BL-1A CONNER	JEFFERSON	18.0	
8137684		3403123725		103		BL-2A BICKLE	JEFFERSON	18.0	
8137680		3403122956		103		DW-1A HUGG	JEFFERSON	18.0	NATIONAL GAS & OI
8137682		3403122985		103		DW-2A ALLEN	BETHLEHEM	18.0	NATIONAL GAS & OI
8137683		3403123109		103		DW-2A HUFF	JEFFERSON	18.0	NATIONAL GAS & OI
8137688		3411923935		103		DW-2A LANE	CASS	18.0	NATIONAL GAS & OI
8137686		3403123938		103		DW-2A MOORE	CASS	18.0	NATIONAL GAS & OI
8137687		3411923932		103		DW-3A LANE	CASS	18.0	NATIONAL GAS & OI
8137689		3411923993		103		DW-4A LANE	CASS	18.0	NATIONAL GAS & OI
8137690		3411924033		103		DW-7A LANE	CASS	18.0	NATIONAL GAS & OI
8137681		3403122986		103		DW/1A ALLEN	BETHLEHEM	18.0	NATIONAL GAS & OI
8137678		3403122882		103		ED-#1 FINLAY	BETHLEHEM	18.0	NATIONAL GAS & OI
8137679		3403122942		103		RO-#1 MIKESELL	PERRY	18.0	NATIONAL GAS & OI
-EDLICO INC						RECEIVED: 06/16/81 JA: OH			
8137691A		3408923831		103		OHIO AGRICULTURAL EXT CAMP INC #1	EDEN	20.0	COLUMBIA GAS TRAN
8137691B		3408923831	D	107	TF	OHIO AGRICULTURAL EXT CAMP INC #1	EDEN	20.0	COLUMBIA GAS TRAN
8137692A		3408923833		103		YOUNG #1	EDEN	20.0	COLUMBIA GAS TRAN
8137692B		3408923833	D	107	TF	YOUNG #1	EDEN	20.0	COLUMBIA GAS TRAN
-ENERGY RECOVERY CO						RECEIVED: 06/16/81 JA: OH			
8137698		3411925922		103		JACKSON #1	HOPEWELL	18.0	

JOB NO	JA WT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137694		3411925506		103		MADDEN #1	HOPEWELL	24.0	
8137694		3411925506		107-TF		MADDEN #1	HOPEWELL	24.0	
8137693		3411925478		103		TURNER #3	LICKING	15.0	
-ENNEY OILFIELD RENTAL CO				RECEIVED: 06/16/81 JA: OH					
8137703		3411922424		108		BLACKFORD #2		2.6	NATIONAL GAS
8137713		3411922499		108		BOETCHER #1		3.0	NATIONAL GAS
8137697		3411922349		108		DRUPH #1		1.6	NATIONAL GAS
8137702		3411922417		108		FORSYTHE - WHITMIRE #1		3.1	NATIONAL GAS
8137710		3411922465		108		FOSTER #1		3.0	NATIONAL GAS
8137701		3411922416		108		FRICK #1		12.8	NATIONAL GAS
8137706		3411922441		108		GIBBS #1		2.1	NATIONAL GAS
8137705		3411922438		108		GIBBS #2		2.6	NATIONAL GAS
8137714		3411922503		108		HOUK #1		0.7	NATIONAL GAS
8137698		3411922380		108		HOUK #2		2.1	NATIONAL GAS
8137711		3411922466		108		HOUK #3		1.8	NATIONAL GAS
8137717		3411922726		108		J STAKER #1		3.5	NATIONAL GAS
8137696		3411922257		108		L DIETRICK #1		6.5	NATIONAL GAS
8137704		3411922423		108		L DIETRICK #2		1.6	NATIONAL GAS
8137716		3411922668		108		LEE JOHNSON #1		2.8	NATIONAL GAS
8137712		3411922468		108		MCCUTCHEON #3		0.8	NATIONAL GAS
8137718		3411922754		108		MCCUTCHEON HOUK #1		1.2	NATIONAL GAS
8137708		3411922445		108		MCCUTCHEON 4		4.2	NATIONAL GAS
8137707		3411922442		108		MYERS #3		2.8	NATIONAL GAS
8137709		3411922446		108		MYERS #5		2.0	NATIONAL GAS
8137715		3411922560		108		PARFITTER #1		6.8	NATIONAL GAS
8137699		3411922408		108		R STAKER #3		2.3	NATIONAL GAS
8137700		3411922409		108		R STAKER #4		23.1	NATIONAL GAS
8137719		3411922771		108		SPILLMAN #1		4.7	NATIONAL GAS
-FRANKLIN GAS & OIL CO INC				RECEIVED: 06/16/81 JA: OH					
8137724		3415122986		103		BETTY L NOFSINGER NC 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137724		3415122986		107-RT		BETTY L NOFSINGER NC 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137722		3415122937		103		CHARLES GONTER NO 1	SUGAR CREEK	18.0	COLUMBIA GAS TRAN
8137722		3415122937		107-RT		CHARLES GONTER NO 1	SUGAR CREEK	18.0	COLUMBIA GAS TRAN
8137721		3415122826		103		GEORGE W WERSTLER NC 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137721		3415122826		107-RT		GEORGE W WERSTLER NC 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137727		3415123166		103		GEORGE W WERSTLER NO 2	BETHLEHEM	25.0	COLUMBIA GAS TRAN
8137727		3415123166		107-TF		GEORGE W WERSTLER NC 2	BETHLEHEM	25.0	COLUMBIA GAS TRAN
8137720		3415122766		103		H A MUSKOPF NO 1	SUGAR CREEK	22.0	COLUMBIA GAS TRAN
8137720		3415122766		107-RT		H A MUSKOPF NO 1	SUGAR CREEK	22.0	COLUMBIA GAS TRAN
8137728		3415123341		103		JOHN & REBA REGULA NO 1	SUGAR CREEK	0.0	COLUMBIA GAS TRAN
8137728		3415123341		107-TF		JOHN & REBA REGULA NO 1	SUGAR CREEK	0.0	COLUMBIA GAS TRAN
8137723		3415122985		103		MARGARET R MAXFIELD NO 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137723		3415122985		107-RT		MARGARET R MAXFIELD NO 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137726		3415123119		103		MARY REGULA & JOHN REGULA NO 1	BETHLEHEM	25.0	EAST OHIO GAS CO
8137726		3415123119		107-TF		MARY REGULA & JOHN REGULA NO 1	BETHLEHEM	25.0	EAST OHIO GAS CO
8137725		3415122987		103		SHELDON L BATES UNIT NO 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
8137725		3415122987		107-RT		SHELDON L BATES UNIT NO 1	BETHLEHEM	36.5	COLUMBIA GAS TRAN
-GIANT PETROLEUM CORPORATION				RECEIVED: 06/16/81 JA: OH					
8137729		3400721657		103		MOORE #2	ROME	20.0	EAST OHIO GAS CO
-GREEN GAS COMPANY				RECEIVED: 06/16/81 JA: OH					
8137730		3403520981		103		V TUMA NO 1	OLMSTEAD	0.5	EAST OHIO GAS CO
-HORTIN & HUFFMAN				RECEIVED: 06/16/81 JA: OH					
8137737		3407522135		108		CHARLES & MARY LOU BEACER #1		5.0	EAST OHIO GAS CO

JOB NO	JA WT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137734		3400523171		108		D & C DAVIES #1		2.0	COLUMBIA GAS TRAN
8137738		3407522137		108		DAVID & WILMA HEFFELFINGER #1		2.0	EAST OHIO GAS CO
8137736		3407522080		108		FORREST MUTCHLER #1		30.0	EAST OHIO GAS CO
8137739		3407522135		108		FRED & EVELYN CLARK #1		2.0	COLUMBIA GAS TRAN
8137735		3400523225		108		LARRY G & BARBARA S HOOVER #1		10.0	COLUMBIA GAS TRAN
8137741		3409921155		108		RALPH MALMSBERRY #1		20.0	EAST OHIO GAS CO
8137740		3408322568		108		ROBERT K & TRUDY KAUFFMAN #1		4.0	COLUMBIA GAS TRAN
-JACOBSON EXPLORATION				RECEIVED: 06/16/81 JA: OH					
8137742A		3407522861		103		FIRE BAUGH #7	PRAIRIE	0.0	COLUMBIA GAS TRAN
81377428		3407522861	D	107-TF		FIRE BAUGH #7	PRAIRIE	0.0	COLUMBIA GAS TRAN
-JAMES R BERNHARDT				RECEIVED: 06/16/81 JA: OH					
8137644		3410322164		107-TF		ALBERS WELL #1	GRANGER	7.0	COLUMBIA GAS TRAN
8137648		3410322277		107-TF		ALBERS WELL #2	GRANGER	7.0	COLUMBIA GAS TRAN
8137649		3410322278		107-TF		ALBERS WELL #3	GRANGER	7.0	COLUMBIA GAS TRAN
8137646		3410322268		107-TF		BROWN WELL #1	GRANGER	7.0	COLUMBIA GAS TRAN
8137653		3410322503		107-TF		BURNSKILL WELL #1	GRANGER	7.0	COLUMBIA GAS TRAN
8137652		3410322449		107-TF		L ALBERS WELL #1	GRANGER	7.0	
8137647		3410322269		107-TF		P & S D CHRISTOPHER #1	GRANGER	7.0	COLUMBIA GAS TRAN
8137645		3410322151		107-TF		STROUP-BETHEL WELL #1	GRANGER	7.0	COLUMBIA GAS TRAN
8137650		3410322324		107-TF		STROUP-BETHEL WELL #2	GRANGER	7.0	COLUMBIA GAS TRAN
8137651		3410322360		107-TF		TURNER #1	GRANGER	7.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED: 06/16/81 JA: OH					
8137744		3415320857		103		BELL #3	NORTHAMPTON	148.0	
8137745		3415320866		103		BELL #4	NORTHAMPTON	135.0	
8137748		3415320919		103		DEVAN VALE ACRES INC #1	NORTHAMPTON	150.0	
8137749		3415320920		103		DEVAN VALE ACRES INC #2	NORTHAMPTON	170.0	
8137747		3415320918		103		FEUCHT #1	NORTHAMPTON	316.0	
8137750		3415720922		108		HARDWIDGE #1		6.4	EAST OHIO GAS CO
8137743		3405921146		108		LUCAS #1		6.4	EAST OHIO GAS CO
8137746		3415320917		103		PAPA #1	NORTHAMPTON	200.0	
8137751		3415721466		108		ROMIG #1		6.3	EAST OHIO GAS CO
8137752		3415723559		103		ZURCHER #2	ZURCHER	110.0	
-LAKE REGION OIL INC				RECEIVED: 06/16/81 JA: OH					
8137753		3407522405		107-TF		BETH AMY #1	MECHANIC	20.0	COLUMBIA GAS TRAN
8137755		3407522740		107-TF		C V STRAITS #1	MECHANIC	15.0	COLUMBIA GAS TRAN
8137756		3410322325		107-TF		JAMES & PERIANNE ST VINCENT #1	SPENCER	10.0	COLUMBIA GAS TRAN
8137754		3407522423		107-TF		JOHN W CUSTUS #1	MECHANIC	15.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED: 06/16/81 JA: OH					
8137760		3411924600		103		GERALD E MCHENRY #1	SALEM	15.0	
8137760		3411924600		107-RT		GERALD E MCHENRY #1	SALEM	15.0	
8137758		3411924551		103		LOUIS J KOLB #1	MADISON	15.0	
8137758		3411924551		107-RT		LOUIS J KOLB #1	MADISON	15.0	
8137761		3411924601		103		MARGARET R KNICELY #1	SALEM	15.0	
8137761		3411924601		107-RT		MARGARET R KNICELY #1	SALEM	15.0	
8137757		3411924510		103		MILDRED ROSS ETAL #1	CASS	14.0	
8137757		3411924510		107-RT		MILDRED ROSS ETAL #1	CASS	14.0	
8137759		3411924555		103		MILDRED ROSS ETAL #2	CASS	15.0	
8137759		3411924555		107-RT		MILDRED ROSS ETAL #2	CASS	15.0	
8137762		3411924773		103		W H PICKENS #1	SALEM	15.0	
8137762		3411924773		107-RT		W H PICKENS #1	SALEM	15.0	
-MB OPERATING CO INC				RECEIVED: 06/16/81 JA: OH					
8137781		3415123173		103		W & T GUY #1	SUGAR CREEK	32.9	REPUBLIC STEEL CO
8137781		3415123173		107-TF		W & T GUY #1	SUGAR CREEK	32.9	REPUBLIC STEEL CO

JOB NO	DA EXT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137776A		3415123161		103		BIRCHER #1	NIMISHILLEN	10.2	REPUBLIC STEEL CO
P137776B		3415123161	D	107	TF	BIRCHER #1	NIMISHILLEN	10.2	REPUBLIC STEEL CO
8137794		3415123260		103		BROEMSON UNIT #1	NIMISHILLEN	6.6	REPUBLIC STEEL CO
8137794		3415123260		107	TF	BROEMSON UNIT #1	NIMISHILLEN	6.6	REPUBLIC STEEL CO
8137785A		3415123220		103		BROWN UNIT #1-A	NIMISHILLEN	5.5	REPUBLIC STEEL CO
8137785B		3415123220	D	107	TF	BROWN UNIT #1-A	NIMISHILLEN	5.5	REPUBLIC STEEL CO
8137786A		3415123221		103		CARPER FARM UNIT #1	NIMISHILLEN	8.0	REPUBLIC STEEL CO
8137786B		3415123221	D	107	TF	CARPER FARM UNIT #1	NIMISHILLEN	8.0	REPUBLIC STEEL CO
8137789A		3415123231		103		CARPER UNIT #1	NIMISHILLEN	7.3	REPUBLIC STEEL CO
8137789B		3415123231	D	107	TF	CARPER UNIT #1	NIMISHILLEN	7.3	REPUBLIC STEEL CO
8137798		3415123278		103		CLINE UNIT #1	BETHLEHEM	9.1	REPUBLIC STEEL CO
8137798		3415123278		107	TF	CLINE UNIT #1	BETHLEHEM	9.1	REPUBLIC STEEL CO
8137783		3415123181		103		COCHRAN UNIT #1	LAKE	23.7	REPUBLIC STEEL CO
8137783		3415123181		107	TF	COCHRAN UNIT #1	LAKE	23.7	REPUBLIC STEEL CO
8137772		3415123155		103		D & B MILLMONE #1	BETHLEHEM	29.2	REPUBLIC STEEL CO
8137772		3415123155		107	TF	D & B MILLMONE #1	BETHLEHEM	29.2	REPUBLIC STEEL CO
8137769		3415123151		103		D HARTLINE #1	SUGAR CREEK	54.8	REPUBLIC STEEL CO
8137769		3415123151		107	TF	D HARTLINE #1	SUGAR CREEK	54.8	REPUBLIC STEEL CO
U137793A		3415123257		103		DEAL UNIT #1-A	BETHLEHEM	45.6	REPUBLIC STEEL CO
8137793B		3415123257	D	107	TF	DEAL UNIT #1-A	BETHLEHEM	45.6	REPUBLIC STEEL CO
8137790A		3415123232		103		ENTERPRISE ACRES #1	NIMISHILLEN	9.1	REPUBLIC STEEL CO
8137790B		3415123232	D	107	TF	ENTERPRISE ACRES #1	NIMISHILLEN	9.1	REPUBLIC STEEL CO
8137763A		3415122983		103		FLINTKOTE CO #14	NIMISHILLEN	14.6	REPUBLIC STEEL CO
8137763B		3415122983	D	107	TF	FLINTKOTE CO #14	NIMISHILLEN	14.6	REPUBLIC STEEL CO
8137764A		3415123041		103		FLINTKOTE CO #17	MARLBORO	6.6	REPUBLIC STEEL CO
8137764B		3415123041	D	107	TF	FLINTKOTE CO #17	MARLBORO	6.6	REPUBLIC STEEL CO
8137778A		3415123170		103		FLINTKOTE CO #19	MARLBORO	11.0	REPUBLIC STEEL CO
8137778B		3415123170	D	107	TF	FLINTKOTE CO #19	MARLBORO	11.0	REPUBLIC STEEL CO
8137779A		3415123171		103		FLINTKOTE CO #20	NIMISHILLEN	5.5	REPUBLIC STEEL CO
8137779B		3415123171	E	107	TF	FLINTKOTE CO #20	NIMISHILLEN	5.5	REPUBLIC STEEL CO
8137799A		3415123279		103		FLINTKOTE CO UNIT #18	MARLBORO	32.9	REPUBLIC STEEL CO
8137799B		3415123279	D	107	TF	FLINTKOTE CO UNIT #18	MARLBORO	32.9	REPUBLIC STEEL CO
8137800		3415123295		103		FLINTKOTE UNIT #16	PLAIN	21.9	REPUBLIC STEEL CO
8137800		3415123255		107	TF	FLINTKOTE UNIT #16	PLAIN	21.9	REPUBLIC STEEL CO
8137801		3415123256		103		G BURGER UNIT #1-A	NIMISHILLEN	11.0	REPUBLIC STEEL CO
8137801		3415123256		107	TF	G BURGER UNIT #1-A	NIMISHILLEN	11.0	REPUBLIC STEEL CO
8137767		3415123186		103		GRABLE UNIT #1	LAKE	21.9	REPUBLIC STEEL CO
8137767		3415123186		107	TF	GRABLE UNIT #1	LAKE	21.9	REPUBLIC STEEL CO
8137780		3415123172		103		J & D DILLON #1	SUGAR CREEK	36.5	REPUBLIC STEEL CO
8137780		3415123172		107	TF	J & D DILLON #1	SUGAR CREEK	36.5	REPUBLIC STEEL CO
8137766A		3415123085		103		J C STEINER UNIT #3	LAKE	11.0	REPUBLIC STEEL CO
8137766B		3415123085	D	107	TF	J C STEINER UNIT #3	LAKE	11.0	REPUBLIC STEEL CO
8137795		3415123261		103		KIBLER UNIT #1	NIMISHILLEN	9.1	REPUBLIC STEEL CO
8137795		3415123261		107	TF	KIBLER UNIT #1	NIMISHILLEN	9.1	REPUBLIC STEEL CO
P137774		3415123158		103		L & K GOFF #1	BETHLEHEM	29.2	REPUBLIC STEEL CO
8137774		3415123158		107	TF	L & K GOFF #1	BETHLEHEM	29.2	REPUBLIC STEEL CO
8137770		3415123152		103		L & M FRANKS #1	BETHLEHEM	58.4	REPUBLIC STEEL CO
8137770		3415123152		107	TF	L & M FRANKS #1	BETHLEHEM	58.4	REPUBLIC STEEL CO
8137796		3415123271		103		LAHR UNIT #1	BETHLEHEM	27.3	REPUBLIC STEEL CO
8137796		3415123271		107	TF	LAHR UNIT #1	BETHLEHEM	27.3	REPUBLIC STEEL CO
8137768		3415123127		103		LAKE-MARL UNIT #3	LAKE	4.4	REPUBLIC STEEL CO
8137768		3415123127		107	TF	LAKE-MARL UNIT #3	LAKE	4.4	REPUBLIC STEEL CO
8137784		3415123150		103		LAUTZENHEISER UNIT #1-A	BETHLEHEM	80.3	REPUBLIC STEEL CO
8137784		3415123150		107	TF	LAUTZENHEISER UNIT #1-A	BETHLEHEM	80.3	REPUBLIC STEEL CO

JOB NO	DA EXT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137775		3415123160		103		MARTIG UNIT #1	MARLBORO	11.0	REPUBLIC STEEL CO
8137775		3415123160		107	TF	MARTIG UNIT #1	MARLBORO	11.0	REPUBLIC STEEL CO
8137782		3415123174		103		MERRY UNIT #1	SUGAR CREEK	45.6	REPUBLIC STEEL CO
8137782		3415123174		107	TF	MERRY UNIT #1	SUGAR CREEK	45.6	REPUBLIC STEEL CO
8137792		3415123235		103		RAMSEY #1	NIMISHILLEN	7.3	REPUBLIC STEEL CO
8137792		3415123235		107	TF	RAMSEY #1	NIMISHILLEN	7.3	REPUBLIC STEEL CO
8137791A		3415123234		103		SCHULZ #1	NIMISHILLEN	14.6	REPUBLIC STEEL CO
8137791B		3415123234	D	107	TF	SCHULZ #1	NIMISHILLEN	14.6	REPUBLIC STEEL CO
8137787		3415123222		103		SHAMMO UNIT #1	NIMISHILLEN	4.4	REPUBLIC STEEL CO
8137787		3415123222		107	TF	SHAMMO UNIT #1	NIMISHILLEN	4.4	REPUBLIC STEEL CO
8137765A		3415123071		103		SHILLING UNIT #1	PERRY	131.4	REPUBLIC STEEL CO
8137765B		3415123071	D	107	TF	SHILLING UNIT #1	PERRY	131.4	REPUBLIC STEEL CO
8137773		3415123157		103		STUDER UNIT #1	BETHLEHEM	36.5	REPUBLIC STEEL CO
8137773		3415123157		107	TF	STUDER UNIT #1	BETHLEHEM	36.5	REPUBLIC STEEL CO
8137771		3415123154		103		V & D BOUGHMAN #1	SUGAR CREEK	36.5	REPUBLIC STEEL CO
8137771		3415123154		107	TF	V & D BOUGHMAN #1	SUGAR CREEK	36.5	REPUBLIC STEEL CO
8137777		3415123162		103		VAUGHN UNIT #1	SUGAR CREEK	51.1	REPUBLIC STEEL CO
8137777		3415123162		107	TF	VAUGHN UNIT #1	SUGAR CREEK	51.1	REPUBLIC STEEL CO
8137797		3415123272		103		WADE UNIT #1	BETHLEHEM	36.5	REPUBLIC STEEL CO
8137797		3415123272		107	TF	WADE UNIT #1	BETHLEHEM	36.5	REPUBLIC STEEL CO
8137788A		3415123227		103		WHITLOW #1	NIMISHILLEN	11.0	REPUBLIC STEEL CO
8137788B		3415123227	D	107	TF	WHITLOW #1	NIMISHILLEN	11.0	REPUBLIC STEEL CO
-OXFORD OIL CO				RECEIVED: 06/16/81 JA: CH					
8137802A		3407522945		103		MARGARET MILLER #5	PRAIRIE	10.0	
8137802B		3407522945	D	107	TF	MARGARET MILLER #5	PRAIRIE	10.0	
-PEDBECO INC				RECEIVED: 06/16/81 JA: CH					
8137803A		3408923805		103		MAWKE #1	EDEN	20.0	COLUMBIA GAS TRAN
8137803B		3408923805	D	107	TF	MAWKE #1	EDEN	20.0	COLUMBIA GAS TRAN
-PENWIN JOINT VENTURE				RECEIVED: 06/16/81 JA: CH					
8137807		3411924497		108		PARKER #1		3.3	COLUMBIA GAS TRAN
8137805		3411924490		108		PARKER #2		3.3	COLUMBIA GAS TRAN
8137804		3411924488		108		PARKER #3		3.3	COLUMBIA GAS TRAN
8137806		3411924456		108		PARKER #4		3.3	COLUMBIA GAS TRAN
8137811		3411924550		108		PARKER #5-A		3.3	COLUMBIA GAS TRAN
8137808		3411924506		108		PARKER #6		3.3	COLUMBIA GAS TRAN
8137809		3411924520		108		PARKER #7		3.3	COLUMBIA GAS TRAN
8137810		3411924521		108		PARKER #8		3.3	COLUMBIA GAS TRAN
-PETROLEUM ENERGY DEVELOPMENT CORP				RECEIVED: 06/16/81 JA: CH					
8137812		3416922476		103		PAMER JOHN #1	CANNAN	30.0	
-PHILLIPS ENERGY CORPORATION				RECEIVED: 06/16/81 JA: CH					
8137813		3409321064		107	RT	GRAFTON MONOR FARM #1	EATON	10.0	COLUMBIA GAS TRAN
8137814		3409321065		107	RT	GRAFTON MONOR FARM #2	EATON	10.0	COLUMBIA GAS TRAN
8137815		3409321066		107	RT	GRAFTON MONOR FARM #3	EATON	10.0	COLUMBIA GAS TRAN
-POMINEX INC				RECEIVED: 06/16/81 JA: CH					
8137821		3409922472		103		ESTHER KOUBA UNIT #1	FREEDOM	6.0	K S T OIL & GAS C
8137821		3409922472		107	TF	ESTHER KOUBA UNIT #1	FREEDOM	6.0	K S T OIL & GAS C
8137816		3409920649		103		FRANK FOSTER #1	FREEDOM	5.0	K S T OIL & GAS C
8137816		3409920649		107	TF	FRANK FOSTER #1	FREEDOM	5.0	K S T OIL & GAS C
8137817		3409922284		103		FRANK FOSTER #4	FREEDOM	5.0	K S T OIL & GAS C
8137817		3409922284		107	TF	FRANK FOSTER #4	FREEDOM	5.0	K S T OIL & GAS C
8137818		3409922358		103		H & I ENTERPRISES UNIT #1	FREEDOM	6.0	K S T GAS & OIL C
8137818		3409922358		107	TF	H & I ENTERPRISES UNIT #1	FREEDOM	6.0	K S T GAS & OIL C
8137819		3409922359		103		H & I ENTERPRISES UNIT #2	FREEDOM	6.0	K S T OIL & GAS C
8137819		3409922359		107	TF	H & I ENTERPRISES UNIT #2	FREEDOM	6.0	K S T OIL & GAS C

JD NO	DA PT	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137820		3409922360		103		M & I ENTERPRISES UNIT #3	FREEDOM	6.0	K S T OIL & GAS C
8137820		3409922360		107-TF		M & I ENTERPRISES UNIT #3	FREEDOM	6.0	K S T OIL & GAS C
-PONDEROSA OIL COMPANY				RECEIVED: 06/16/81 JA: CM					
8137822		3407522981		103		JERRY D KLINE WELL #1	SALT CREEK	0.0	COLUMBIA GAS TRAN
8137822		3407522981		107-TF		JERRY D KLINE WELL #1	SALT CREEK	0.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY				RECEIVED: 06/16/81 JA: CM					
8137827		3404520600	N	108		BLANCHE KIMMEL #1		10.0	COLUMBIA GAS TRAN
8137826		3404520603		108		CLYDE BAUMAN #1		10.0	COLUMBIA GAS TRAN
8137828		3404520611		108		G OREN & J YOUNG #1		10.0	COLUMBIA GAS TRAN
8137825		3404520601		108		ORA RICKETTS		10.0	COLUMBIA GAS TRAN
8137823		3404520557		108		RAY WILLIAMS #1		10.0	COLUMBIA GAS TRAN
8137824		3404520608		108		WILLARD WALSER #1		10.0	COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC				RECEIVED: 06/16/81 JA: CM					
8137831		3407521882	D	103		BERNARD #1	HARDY TOWNSHIP	20.0	COLUMBIA GAS TRAN
8137829		3407521866	D	103		EVERHART #1	HARDY TOWNSHIP	20.0	COLUMBIA GAS TRAN
8137830		3407521881	D	103		KNAPP #1	HARDY TOWNSHIP	20.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM V LTD				RECEIVED: 06/16/81 JA: CM					
8137833		3407522347		107-RT		SWARTZENTRUBER #1	PAINT	5.0	COLUMBIA GAS TRAN
8137832		3407522342		107-TF		YODER #1	PAINT	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 06/16/81 JA: CM					
8137835		3416326540		103		BENEDICT INC #6	MADISON	4.0	
8137834		3416320534		103		BEREA SANDSTONE	MADISON	5.2	
-SCHWANCO INC				RECEIVED: 06/16/81 JA: CM					
8137837		3415123105		103		ATWATER CLUBS INC - SPUMLER #1	LAKE	20.0	EAST OHIO GAS CO
8137837		3415123105		107-TF		ATWATER CLUBS INC - SPUMLER #1	LAKE	20.0	EAST OHIO GAS CO
8137836		3410322192		103		TRAMONTE #1	SHARON	20.0	COLUMBIA GAS OF O
8137836		3410322192		107-TF		TRAMONTE #1	SHARON	20.0	COLUMBIA GAS OF O
-SMYTHCO INC				RECEIVED: 06/16/81 JA: CM					
8137844		3410322187		103		ECKART #2	SHARON	20.0	COLUMBIA GAS OF O
8137844		3410322187		107-TF		ECKART #2	SHARON	20.0	COLUMBIA GAS OF O
-STEVENS GAS CO				RECEIVED: 06/16/81 JA: CM					
8137845		3408720226	D	108		EVA M STEVENS #1		1.5	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC				RECEIVED: 06/16/81 JA: CM					
8137846		3415123570		103		STUKIS-ERVIN #1	SANDY	0.0	EAST OHIO GAS CO
-UNIVERSAL EXPLORATION				RECEIVED: 06/16/81 JA: CM					
8137847		3410322539		103		SMITH UNIT #1	GUILFORD	75.0	
8137847		3410322539		107-TF		SMITH UNIT #1	GUILFORD	75.0	
-VIKING RESOURCES CORP				RECEIVED: 06/16/81 JA: CM					
8137853		3415123477		103		BOWLING UNIT #1	PARIS	30.0	
8137853		3415123477		107-TF		BOWLING UNIT #1	PARIS	30.0	
8137851		3415123450		103		BOYER - VINSON UNIT #2	PARIS	30.0	
8137851		3415123450		107-TF		BOYER - VINSON UNIT #2	PARIS	30.0	
8137852		3415123453		103		BOYER-VINSON UNIT #1	PARIS	30.0	
8137852		3415123453		107-TF		BOYER-VINSON UNIT #1	PARIS	30.0	
8137848		3415123447		103		FEHN UNIT #1	PARIS	30.0	
8137848		3415123447		107-TF		FEHN UNIT #1	PARIS	30.0	
8137850		3415123506		103		STONEHILL UNIT #1	PARIS	30.0	
8137850		3415123506		107-TF		STONEHILL UNIT #1	PARIS	30.0	
8137849		3415123448		103		WALKER UNIT #1	PARIS	30.0	
8137849		3415123448		107-TF		WALKER UNIT #1	PARIS	30.0	
8137850		3415123449		103		WALKER UNIT #2	PARIS	30.0	
8137850		3415123449		107-TF		WALKER UNIT #2	PARIS	30.0	
-W E SNRIDER CO				RECEIVED: 06/16/81 JA: CM					

JD NO	DA PT	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137843		3408923944		103		HAROLD MCDONALD #1	FRANKLIN	3.0	NEWZANE GAS CO
-WATERCO INC				RECEIVED: 06/16/81 JA: CM					
8137865		3410322204		103		PAPIK #1	GRANGER	20.0	COLUMBIA GAS TRAN
8137865		3410322204		107-TF		PAPIK #1	GRANGER	20.0	COLUMBIA GAS TRAN
8137866		3410322207		103		PAPIK #2	GRANGER	20.0	COLUMBIA GAS TRAN
8137866		3410322207		107-TF		PAPIK #2	GRANGER	20.0	COLUMBIA GAS TRAN
-WILLIAM F HILL				RECEIVED: 06/16/81 JA: CM					
8137732		3407522985		103		EDGAR R JOHNSTON #1	RICHLAND	7.0	
8137731		3407522680		107-TF		ELEANOR B MOSTUTLER #1	HARDY	6.0	
8137733		3407522997		107-TF		RICHARD FOWLER #1	KILLBUCK	7.0	
-WOA INC & MELLENCO INC				RECEIVED: 06/16/81 JA: CM					
8137862		3410322334		103		BRAINARD-LEATHERMAN #3	GRANGER	20.0	COLUMBIA GAS TRAN
8137862		3410322334		107-TF		BRAINARD-LEATHERMAN #3	GRANGER	20.0	COLUMBIA GAS TRAN
8137856		3410322099		103		FRANKS #1	SHARON	0.0	COLUMBIA GAS OF O
8137856		3410322099		107-TF		FRANKS #1	SHARON	0.0	COLUMBIA GAS OF O
8137855		3410322098		103		FRANKS #2	SHARON	20.0	COLUMBIA GAS OF O
8137855		3410322098		107-TF		FRANKS #2	SHARON	20.0	COLUMBIA GAS OF O
8137857		3410322141		103		LANG #2	GRANGER	20.0	COLUMBIA GAS OF O
8137857		3410322141		107-TF		LANG #2	GRANGER	20.0	COLUMBIA GAS OF O
8137858		3410322162		103		LEATHERMAN #1	GRANGER	20.0	COLUMBIA GAS TRAN
8137858		3410322162		107-TF		LEATHERMAN #1	GRANGER	20.0	COLUMBIA GAS TRAN
8137860		3410322270		103		LEATHERMAN #2	GRANGER	20.0	COLUMBIA GAS TRAN
8137860		3410322270		107-TF		LEATHERMAN #2	GRANGER	20.0	COLUMBIA GAS TRAN
8137859		3410322177		103		MCILVRIED #2	GRANGER	20.0	COLUMBIA GAS OF O
8137859		3410322177		107-TF		MCILVRIED #2	GRANGER	20.0	COLUMBIA GAS OF O
8137863		3410322354		103		MIHALIK-HOLCOMB #1	GRANGER	20.0	COLUMBIA GAS TRAN
8137863		3410322354		107-TF		MIHALIK-HOLCOMB #1	GRANGER	28.0	COLUMBIA GAS TRAN
8137861		3410322273		103		NOTEBAERT #1	BRUNSWICK HILLS	0.0	COLUMBIA GAS OF O
8137861		3410322273		107-TF		NOTEBAERT #1	BRUNSWICK HILLS	0.0	COLUMBIA GAS OF O
8137864		3410322364		103		SMITH #1	GRANGER	20.0	
8137864		3410322364		107-TF		SMITH #1	GRANGER	20.0	
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AN-SON CORPORATION				RECEIVED: 06/16/81 JA: OK					
8137869	09294	3503920368		102-4		GOLDIE #1	EAST CLINTON	2081.0	PRODUCERS GAS CO
8137880	09293	3501702702		103		KENNY #1	WILDCAT	639.0	DELMI GAS PIPE LI
-ANDOVER OIL COMPANY				RECEIVED: 06/16/81 JA: OK					
8137882	09328	3501700000		103		WEMMULLER #2-1		180.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED: 06/16/81 JA: OK					
8137873	07938	3504721901		102-4		MABEL ESTILL #1	HILLSDALE	73.0	PANHANDLE EASTERN
-CROUCH PETROLEUM COMPANY				RECEIVED: 06/16/81 JA: OK					
8137871		3502520167		108-ER		STAFFORD #1	TOPEKA	0.0	WESTERN GAS INERS
-DECK OIL CO				RECEIVED: 06/16/81 JA: OK					
8137881	09336	3502502034		108		HAMES TRUST #1-A	MICWELL N W	16.2	PANHANDLE EASTERN
-GRACE PETROLEUM CORPORATION				RECEIVED: 06/16/81 JA: OK					
8137870	09492	3512120730		102-2		ORBISON 1-11		219.0	
-HARPER OIL COMPANY				RECEIVED: 06/16/81 JA: OK					
8137891	7663	3504321078		102-0		CARPENTER #1	WILDCAT	140.0	DELMI GAS PIPELIN
8137890	09052	3504321101		102-4		PORTER #1	WILDCAT	55.0	OKLAHOMA NATURAL
-JONES & PELLOW OIL CO				RECEIVED: 06/16/81 JA: OK					
8137878	09348	3508121111		103		CARPENTER 22-1	OLIVETT	73.0	SERVICE DRILLING
-L & T OIL & GAS INC				RECEIVED: 06/16/81 JA: OK					

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FIELD NAME	PROD	PURCHASER	
SOONER TREND	159.0	CONOCO	
NORTHWEST YUKON	0.0	DELHI GAS PIPELIN	
PUTNAM	0.0	PANHANDLE EASTERN	
PUTNAM	490.0	PANHANDLE EASTERN	
YUKON FIELD - SW/4 SW/4	0.0	CONOCO OIL CO	
NORTH MUSTANG S/2 NE/4 S	400.0	MOBIL OIL CO	
WEST SHATTUCK	137.0	TRANSWESTERN PIPE	
SOONER TREND	50.0	WELLHEAD ENTERPRI	
EAST BILLINGS	250.0		
NORTH MUSTANG	120.0	PHILLIPS PETROLEU	
NORTH MUSTANG	120.0	PHILLIPS PETROLEU	
ROGERS	36.0	DIAMOND-S GAS SYS	
WOODY	30.0	BOOMER PIPELINE I	
WCOCY	180.0	BOOMER PIPELINE I	

OPERATOR	API NO	SEC TWP RGE	SPEC CAT	WELL NAME	
0137868	09197	3507322761	103	HARRISON NO 3	
-L G WILLIAMS OIL COMPANY INC			RECEIVED: 06/16/81		JA: OK
0137872	06622	3501721368	102-2	(ESCO) LEHMAN 20-2	
0137869	07322	3504321050	102-4	GORE #10-1	
0137887	04668	3504320961	102-4	GORE 3-1	
-LONG ROYALTY CO			RECEIVED: 06/16/81		JA: OK
0137885	07097	3501700000	103	DENNEY #1	
0137884	07095	3501700000	103	REIMAUER #2	
-MAPCO PRODUCTION COMPANY			RECEIVED: 06/16/81		JA: OK
0137888	09155	3504520850	103	SCHOENMALS NO 2	
-P-T LTD 88			RECEIVED: 06/16/81		JA: OK
0137874	08922	3504722319	103	SEMRAD #35-1	
-PCH CORP			RECEIVED: 06/16/81		JA: OK
0137879	09304	3510321048	103	JIM #1	
-PORTS OF CALL OIL CO			RECEIVED: 06/16/81		JA: OK
0137875	09296	3501721846	103	KAPLAN NO 2-1	
0137883	09299	3501700000	103	SHADE NO 12-2	
-SIMEX CORP			RECEIVED: 06/16/81		JA: OK
0137876	09439	3513121642	102-2	DENEGAR #2	
-URBAN ENERGY CO			RECEIVED: 06/16/81		JA: OK
0137877	09288	3510522673	103	YIRSA NO 2	
0137886	0896	3510522758	103	YIRSA NO 4	

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 31, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 101–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20850 Filed 7–15–81; 8:45 am]

BILLING CODE 6450–85–M

JD NO	DATE RCT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ADOBE OIL & GAS CORPORATION		RECEIVED: 06/18/81 JA: PA							
8138071	7357	3706324420		103		CREEKSIDE WATER COMPANY #1	ERNEST	20.0	PEOPLES NATURAL G
-ANGERMAN ASSOCIATES INC		RECEIVED: 06/17/81 JA: PA							
8137917	7693	3706324256		103		A REBOVICH #2 IND-24256	W PA - UPPER DEVONIAN SA	20.0	PEOPLES NATURAL G
8137914	7690	3712921312		103		ADAM M RESSLAR #1 WES-21312	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137894	7670	3706324047		103		ALAN P HOVIS ET AL #3 - IND-24047	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137893	7669	3706324048		103		ALAN P HOVIS ET AL #4 - IND-24048	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137895	7671	3706324046		103		ALLEN P HOVIS ET AL #2 - IND-24046	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137896	7672	3706324040		103		ALLEN P HOVIS ETAL #1 - IND-24040	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137955	7733	3705120221		103		BASEL V BREEDING #1 - FAY-20221	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137923	7700	3712921361		103		GERT F OBER ESTATE #1 WES-21361	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137947	7724	3706324563		103		BERTHA C BEALS #2 IND-24563	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137949	7727	3706324105		103		C RAYMOND GLASSER #2 IND-24105	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137921	7698	3712921259		103		CARPEN C PERNA #1 WES-21259	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137940	7717	3712921341		103		CARRIE S COLE #3 - WES-21341	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137941	7718	3712921342		103		CARRIE S COLE #4 - WES-21342	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8137931	7708	3706324166		103		CHARLES KENNEDY #2 IND-24166	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137930	7707	3706324167		103		CHARLES KENNEDY #3 IND-24167	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137919	7695	3712921216		103		CLARISSA I POUNDS #3 WES-21216	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137907	7683	3712921370		103		DAVID M WELLS #2 WES-21370	W PA - UPPER DEVONIAN SA	20.0	PEOPLES NATURAL G
8137905	7681	3706325227		103		DOROTHEA BOWMAN #3 IND-25227	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137906	7682	3706375331		103		DOROTHEA BOWMAN #4 IND-25331	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137942	7719	3712921101		103		E R COST #4 - WES-21101	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8137943	7720	3712921220		103		E R COST #5 - WES-21220	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137939	7716	3706324165		103		EDNA I HENRY #3 IND-24165	W PA - UPPER DEVONIAN SA	50.0	PEOPLES NATURAL G
8137934	7711	3706324275		103		EDNA I HENRY #4 IND-24275	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137980	7676	3706324569		103		EMIL K ABEL #2 IND-24569	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137981	7677	3706324570		103		EMIL K ABEL #3 IND-24570	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137920	7697	3706324616		103		ERNEST E PIERCE #1 IND-24616	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137927	7704	3712521171		103		ETTA S MITCHELL #1 WAS-21171	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137946	7723	3706324431		103		FEDERAL LABS #1 IND-24431	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137898	7674	3706324649		103		FILHERT E JOBE #1 - IND-24649	W PA UPPER DEVONIAN SAND	25.0	PEOPLES NATURAL G
8137953	7731	3712921240		103		FLORENCE M BURKLEY #1 - IND-21240	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137952	7730	3712921226		103		GEORGE G BURKLEY #1 - WES-21226	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137954	7732	3706324333		103		GEORGE M BROWN #3 IND-24333	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137911	7687	3712921308		103		GOLDIE B SILLAMAN #1 WES-21308	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137957	7735	3706324387		103		HARRY E BEATTY #2 - IND-24387	W PA UPPER DEVONIAN SAND	15.0	PEOPLES NATURAL G
8137922	7699	3706324227		103		HARRY F ORR #2 IND-24277	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137944	7721	3706324225		103		J A DIXON #7 - IND-24225	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137904	7680	3706325442		103		J CLOID RINN #2 IND-25442	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137908	7684	3706324257		103		JENNIE E WALLACE #4 IND-24257	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G

JD NO	DATE RCT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137956	7734	3712921235		103		JOHN R BRACKEN #1 - WES-21235	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137948	7725	3712521177		103		JOSEPH BARR #1 WAS-21177	NOTTINGHAM-UPPER DEVONIA	15.0	PEOPLES NATURAL G
8137929	7706	3712921304		103		JOSEPH KOVALIK #4 WES-21304	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137932	7709	3712921229		103		JOSEPH M KAHL #5 WES-21229	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137936	7713	3712921231		103		JOSEPH WILSON #1 WES-21231	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137909	7685	3712921410		103		L MYRTLE WADDLE #3 WES-21410	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137892	7668	3706324039		103		MALVIN P WHITE #3 - IND-24039	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137910	7686	3706324535		103		MARY E STRITTMATTER #4 IND-24535	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137926	7703	3706324232		103		MUSSER FORESTS #4 IND-24232	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137925	7702	3706324238		103		MUSSER FORESTS #5 IND-24238	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137899	7675	3706324394		103		MUSSER FORESTS INC #2 - IND-24394	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137918	7694	3706324250		103		N DEWITT RAY #5 IND-24299	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137951	7729	3706324178		103		NORMAN CLAWSON #3 - IND-24178	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137935	7712	3706324433		103		NORMAN W CLAWSON #4 - IND-24433	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137912	7688	3712921369		103		PHILLIP SHEPLER #5 WES-21369	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137902	7678	3706324567		103		RAYMOND E ANDERSON #1 #IND-24567	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137903	7679	3706324568		103		ROSS H ANKENY #2 IND-24568	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137897	7673	3706324451		103		ROSS H ANKNEY #1 - IND-24457	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137945	7722	3706324223		103		ROY M EWING #2 - IND-24223	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8137913	7689	3706324163		103		RUSSELLVILLE COAL CO IND-24163	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137938	7715	3700522230		103		S G & A J DUNMIRE #2 ARM-22230	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137933	7710	3712921306		103		T ARTHUR MIMLER #3 WES-21306	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137950	7728	3712921245		103		T M GERHARD #2 WES-21245	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137924	7701	3700522235		103		NAT'L KITTANNING BANK AR-22235	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8137916	7692	3706324429		103		WILLIAM C REPINE #2 IND-24429	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137915	7691	3706324430		103		WILLIAM C REPINE #3 IND-24430	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8137928	7705	3706324268		103		WILLIAM LIGHTCAP #4 IND-24268	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8137937	7714	3712921441		103		WILLIAM WILLARD #3 WES-21441	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
-ARTHUR L HUFFMAN		RECEIVED: 06/18/81 JA: PA							
8138087	7819	3705900000		108		S A COEN WELL #1	GILMORE	3.6	PEOPLES NATURAL G
-BARON CREST INC		RECEIVED: 06/17/81 JA: PA							
8137963	7636	3706322250		108		ALVIN CRAIG #1	MCINTYRE	13.2	PEOPLES NATURAL G
8137962	7635	3706322253		108		DICK CRAIG #1	MCINTYRE	11.9	PEOPLES NATURAL G
8137964	7637	3706322311		108		LAWTON #2	ERNEST	7.3	PEOPLES NATURAL G
8137958	3372	3706322332		108		LIZZIE #1	MCINTYRE	7.7	PEOPLES NATURAL G
8137959	3373	3706322333		108		LIZZIE #2 (D G WERTZ)	MCINTYRE	7.7	PEOPLES NATURAL G
8137960	3374	3706322334		108		LIZZIE #3 (D G WERTZ)	MCINTYRE	7.7	PEOPLES NATURAL G
8137961	7634	3706322252		108		MCQUOWN #2	ERNEST	9.5	PEOPLES NATURAL G
8137965	7638	3706322326		108		RUSSELL CRAIG #2	MCINTYRE	4.3	PEOPLES NATURAL G
8137966	7639	3706322327		108		RUSSELL CRAIG #3	MCINTYRE	10.9	PEOPLES NATURAL G
-BEREA OIL AND GAS CORPORATION		RECEIVED: 06/17/81 JA: PA							
8137967	6885	3712328494		102-2		F & E NICHOLS #1	WILDCAT	20.0	COLUMBIA GAS TRAN
8137968	6886	3712328495		102-2		M J WOJTOWICZ UNIT #1	WILDCAT	20.0	COLUMBIA GAS TRAN
-BOYD & SHRIVER		RECEIVED: 06/17/81 JA: PA							
8137969	2096	3706323113		108		432 - BYLER	N MAHONING	12.0	CONSOLIDATED GAS
8137970	2115	3706323137		108		434 - MARSHALL	N MAHONING	12.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP		RECEIVED: 06/17/81 JA: PA							
8137971	7497	3703921115		102-2		JOHN ROBERTS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8137972	7498	3703920966		102-2		RUDOLPH MION #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
-CABOT OIL & GAS CORP		RECEIVED: 06/18/81 JA: PA							
8138073	7843	3703921147		102-2		MARION HAMILTON #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8138072	7842	3703921117		102-2		PHILIP WHEELING #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
-CARL E MCCALL		RECEIVED: 06/18/81 JA: PA							

JOB NO	JA KT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8138115	7748	3703125900		108		CARL MCCALL #1	PORTER	2.6	PEOPLES NATURAL G
-CASTLE GAS CO INC				RECEIVED: 06/17/81 JA: PA					
8137974	7646	3706325550		103		A CHUNORK #3 C-703 IND-25550	YOUNG	60.0	INDUSTRIAL ENERGY
8137973	7645	3706325473		103		CLAIR BROWN # 3 C-696 IND-25473	GRANT TOWNSHIP	55.0	COLUMBIA GAS TRAN
8137979	7651	3706326011		103		FERO P RICE # 1 C-659 IND-26011	GREEN TOWNSHIP	45.0	COLUMBIA GAS TRAN
8137980	7652	3706325517		103		HARRY A SHEARER #1 C-575 IND-25517	WHITE TOWNSHIP	50.0	PEOPLES NATURAL G
8137981	7653	3706325518		103		HARRY A SHEARER #2 C-576IND-25518	WHITE TOWNSHIP	50.0	PEOPLES NATURAL G
8137976	7648	3706325103		103		HARRY E NEESE # 3 C-610 IND-25103	YOUNG TOWNSHIP	55.0	PEOPLES NATURAL G
8137975	7647	3706325724		103		J E MILL #2 C-491 IND-25724	WHITE TOWNSHIP	50.0	COLUMBIA GAS TRAN
8137977	7649	3706325102		103		J K NICELY # 1 C-608 IND - 25102	YOUNG TOWNSHIP	55.0	PEOPLES NATURAL G
8137978	7650	3706325610		103		J K NICELY # 2 C-705 IND-25610	YOUNG TOWNSHIP	55.0	PEOPLES NATURAL G
8137982	7654	3706325390		103		STANLEY WALLS #1 C-627 IND-25390	GREEN TOWNSHIP	45.0	COLUMBIA GAS TRAN
-CHARLES A POPE				RECEIVED: 06/18/81 JA: PA					
8138137	7845	3703100000		108		SMICK WELL	REDBANK TOWNSHIP	1.0	PEOPLES NATURAL G
8138139	7847	3703100000		108		WOLFGANG WELL	REDBANK TOWNSHIP	1.0	PEOPLES NATURAL G
8138138	7846	3703100000		108		WYNCOOP WELL	REDBANK TOWNSHIP	1.0	PEOPLES NATURAL G
-CLARENCE E LOUDEN JR				RECEIVED: 06/18/81 JA: PA					
8138113	7815	3700800000		108		PEART NO 2 LP-20	OSCAR-ECHO	2.0	PEOPLES NATURAL G
8138112	7814	3700501456		108		PEART NO 3 LP-25	OSCAR-ECHO	10.0	PEOPLES NATURAL G
8138111	7813	3708521566		108		PEART NO 4 LP-26	OSCAR-ECHO	11.0	PEOPLES NATURAL G
8138114	7816	3700500000		108		TRUST NO 2 LP-13	OSCAR-ECHO	1.5	PEOPLES NATURAL G
8138110	7812	3708501589		108		W EVERETT BECK #1 2735	OSCAR-ECHO	4.0	PEOPLES NATURAL G
-COLLETTA M LINGENFELTER				RECEIVED: 06/17/81 JA: PA					
8138063	7553	3708500000		108		SAGER NO 2	MAYPORT	2.6	COLUMBIA GAS TRAN
8138062	7552	3700500000		108		SAGER NO 3	MAYPORT	2.6	COLUMBIA GAS TRAN
8138061	7551	3700500000		108		SAGER NO 4	MAYPORT	2.6	COLUMBIA GAS TRAN
-D L MCKEEVER				RECEIVED: 06/18/81 JA: PA					
8138121	7788	3712900000		108		C O WYLIE #24423	PINE RUN	1.5	PEOPLES NATURAL G
8138119	7786	3712900000		108		CHARLOTTE SMITH #28956	PINE RUN	1.5	PEOPLES NATURAL G
8138118	7785	3712920454		108		E L SHUSTER # 4524	LATROBE	3.5	PEOPLES NATURAL G
8138125	7792	3712900000		108		J C WYLIE #34738	PINE RUN	1.5	PEOPLES NATURAL G
8138122	7789	3712900000		108		J C WYLIE #34739	PINE RUN	1.5	PEOPLES NATURAL G
8138124	7791	3712900000		108		J KLINGENSMITH #34741	PINE RUN	1.5	PEOPLES NATURAL G
8138116	7783	3712934736		108		J SCOTT #34736	PINE RUN	1.5	PEOPLES NATURAL G
8138117	7784	3712933220		108		J W ELLWOOD #33220	PINE RUN	0.9	PEOPLES NATURAL G
8138127	7794	3712900000		108		J W ELLWOOD #34735	PINE RUN	0.9	PEOPLES NATURAL G
8138128	7787	3712902642		108		J W ELLWOOD #34740	PINE RUN	2.8	PEOPLES NATURAL G
8138126	7793	3712900000		108		M SILVIS #34737	PINE RUN	0.9	PEOPLES NATURAL G
8138123	7790	3712900000		108		WATSON #31419	PINE RUN	1.5	PEOPLES NATURAL G
-DALE M CAMPBELL				RECEIVED: 06/18/81 JA: PA					
8138078	7802	3712920853		108		LESTER W ALBRIGHT NO 1	ARMBRUST - GREENSBURG	17.2	STANDARD STEEL CO
8138076	7753	3712921884		108		PAUL E DOMASKY NO 1	ARMBRUST - GREENSBURG	10.4	STANDARD STEEL CO
8138077	7754	3712921244		108		SIEGFRIED J MUSHO NO 1	ARMBRUST - GREENSBURG	8.5	STANDARD STEEL CO
8138075	7752	3712920912		108		WILLIAM G SMAIL NO 1	ARMBRUST - GREENSBURG	7.6	PEOPLES NATURAL G
8138074	7751	3712921357		108		WILLIAM G SMAIL NO 2	ARMBRUST - GREENSBURG	7.6	PEOPLES NATURAL G
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L				RECEIVED: 06/17/81 JA: PA					
8137997	7587	3706321805		108		B LYDIC B587-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8137998	7588	3706322139		108		E LYDIC B587-2	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8137985	7513	3706320410		108		B PETERMAN B55-1	ARMSTRONG TWP	9.2	PEOPLES NATURAL G
8137986	7514	3706320731		108		B PETERMAN B55-2	ARMSTRONG TWP	9.2	PEOPLES NATURAL G
8137987	7515	3706321077		108		B PETERMAN B55-3	ARMSTRONG TWP	9.2	PEOPLES NATURAL G
8137984	7512	3706320547		108		C J & L L PETERMAN B46-1	ARMSTRONG TWP	8.7	PEOPLES NATURAL G
8138002	7592	3706323783		108		D MILL & F L SMITH B596-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G

JOB NO	JA KT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8137999	7589	3706321822		108		D W SIMPSON B588-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8137992	7582	3700520959		108		E CORNMAN B583-1	BOGGS	3.1	PEOPLES NATURAL G
8138003	7593	3706323827		108		E L STREAMS B597-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8137993	7583	3700520977		108		E MILLER HEIRS B584-1	WAYNE	3.7	PEOPLES NATURAL G
8137994	7584	3700521241		108		E MILLER HEIRS 584-2	WAYNE	3.7	PEOPLES NATURAL G
8137988	7572	3712500000		108		J L SUMNEY B660-1	NOTTINGHAM TWP	1.9	PEOPLES NATURAL G
8138005	7595	3700520361		108		J MARTIN B542-1	WAYNE	4.7	PEOPLES NATURAL G
8138000	7590	3706321852		108		J SIMPSON B589-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8138001	7591	3706322841		108		J STEFFY (ANITA SPITH) B590-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8138004	7594	3706322293		108		J STEFFY (W CORNMAN) B645-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8138006	7596	3700500000		108		L MARTIN B543-1	WAYNE	4.7	PEOPLES NATURAL G
8137991	7581	3700520927		108		L MARTIN B543-2	WAYNE	4.3	THE PEOPLES NATUR
8137983	7511	3706320361		108		R M & Z P SNYDER B45-1	ARMSTRONG TWP	9.2	PEOPLES NATURAL G
8137995	7585	3700521684		108		R N MOORE B643-1	WAYNE	4.8	PEOPLES NATURAL G
8138007	7597	3706321709		108		R PINO B586-1	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8137996	7586	3706321968		108		R PINO B586-2	SOUTH MAHONING	7.6	PEOPLES NATURAL G
8137989	7579	3712500000		108		S B MORRIS ET AL B666-1	WEST PIKE RUN	2.6	PEOPLES NATURAL G
8137990	7580	3712500000		108		S B MORRIS ET AL B666-2	WEST PIKE RUN	2.6	PEOPLES NATURAL G
-DAVID GAON AND SPENCER STILLMAN				RECEIVED: 06/18/81 JA: PA					
8138081	7823	3708520187		102-2		ROSEN #1	GREENE	20.0	
8138083	7821	3708520187		103		ROSEN #1	GREENE	20.0	
8138082	7824	3708520204		102-2		ROSEN #3	GREENE	0.0	
8138084	7822	3708520204		103		ROSEN #3	GREENE	0.0	
-EDWARD G KRIEBEL GAS CO				RECEIVED: 06/17/81 JA: PA					
8138050	7448	3706320448		108		ED KELLICK #1	WASHINGTON TOWNSHIP	0.3	PEOPLES NATURAL G
8138054	7605	3700500000		108		GLACIAL SAND & GRAVEL #2	EAST FRANKLIN	1.6	PEOPLES NATURAL G
8138053	7604	3700520198		108		GLACIAL SAND & GRAVEL #3	EAST FRANKLIN	1.6	PEOPLES NATURAL G
8138052	7603	3700500000		108		GLACIAL SAND & GRAVEL #4	EAST FRANKLIN	1.6	PEOPLES NATURAL G
8138051	7602	3700500000		108		GLACIAL SAND & GRAVEL #5	EAST FRANKLIN	1.6	PEOPLES NATURAL G
8138055	7606	3700520205		108		GLACIAL SAND AND GRAVEL #1	EAST FRANKLIN	1.6	PEOPLES NATURAL G
8138049	7330	3706324782		108		KELLICK #4	ARMSTRONG TWP	14.2	PEOPLES NATURAL G
-ENERGY PRODUCTION CO				RECEIVED: 06/17/81 JA: PA					
8138009	7485	3706325864		103		A PIZARIK NO 1	NOLO MOUNTAIN	32.0	COLUMBIA GAS TRAN
8138008	7482	3706325825		103		B F OLIVER NO 1	NOLO MOUNTAIN	73.6	COLUMBIA GAS TRAN
-ENERGY PRODUCTION CO				RECEIVED: 06/18/81 JA: PA					
8138079	7488	3706326048		103		M B STEPHENS NO 5	NOLO MOUNTAIN	141.9	COLUMBIA GAS TRAN
-FELMONT OIL CORPORATION				RECEIVED: 06/17/81 JA: PA					
8138015	7612	3702120086		103		MARTIN L BEARER #1 F-276	DRISCOLL HOLLOW	0.0	
8138014	7611	3702120087		103		MARTIN L BEARER #2 F-277	DRISCOLL HOLLOW	0.0	
8138013	7610	3702120089		103		MARTIN L BEARER #4 F-279	DRISCOLL HOLLOW	0.0	
8138012	7609	3702120090		103		MARTIN L BEARER #5 F-280	DRISCOLL HOLLOW	0.0	
8138011	7608	3702120094		103		MARTIN L BEARER #6 F-288	DRISCOLL HOLLOW	0.0	
8138016	7615	3706325549		103		RUSSELL E FOX #3 F-271	SOUTH PINE	0.0	COLUMBIA GAS TRAN
8138017	7614	3706325868		103		WILLIS R GRIFFITH #3 F-281	SOUTH PINE	0.0	COLUMBIA GAS TRAN
-FLOYD A GEARHART AND STANLEY K ODEL				RECEIVED: 06/17/81 JA: PA					
8138020	6786	3703120841		102-2		ALBERT H ELLIOTT #1	LICKING TOWNSHIP	73.0	COLUMBIA GAS OF P
8138019	6713	3703120756		102-2		CATHERINE CONNER #1 CLA-20796	TOBY TOWNSHIP	114.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED: 06/17/81 JA: PA					
8138018	7474	3706325935		103		EARL M FULMER #2	MONTGOMERY TOWNSHIP	28.5	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED: 06/18/81 JA: PA					
8138080	7462	3712920756		108		LULU POOL #2	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED: 06/18/81 JA: PA					
8138128	7796	3706325612		103		CLAYTON SUNDERLAND #1	CANOE	200.0	T W PHILLIPS GAS

OG NO	DATE MT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8138141	7618	3706324423		103		R & P COAL CO #2	YOUNG	200.0	T W PHILLIPS GAS
-JAMES DRILLING CORP				RECEIVED: 06/17/81 JAI PA					
8138033	7416	3712920452		108		ALBERT GEORGE WELL #1	DERRY	8.0	PEOPLES NATURAL G
8138034	7617	3712920503		108		ALBERT GEORGE WELL #2	DERRY	7.5	PEOPLES NATURAL G
8138035	7618	3712920531		108		ALBERT GEORGE WELL #3	DERRY	7.0	PEOPLES NATURAL G
8138046	7641	3700520265		108		HENRY YEAGER WELL #1	COWANSHANNOCK	2.5	PEOPLES NATURAL G
8138036	7620	3706320888		108		J E LINTNER WELL #1	BURRELL	3.5	PEOPLES NATURAL G
8138037	7621	3706321014		108		J E LINTNER WELL #2	BURRELL	7.0	PEOPLES NATURAL G
8138040	7624	3706321302		108		LEWIS DUDASH WELL #1	YOUNG	2.5	PEOPLES NATURAL G
8138039	7623	3706320504		108		MICHAEL PFAFF WELL #1	DERRY	2.5	PEOPLES NATURAL G
8138045	7633	3706321300		108		MIKE PRYMAK WELL #1	YOUNG	7.0	PEOPLES NATURAL G
8138041	7625	3706331301		108		MIKE PRYMAK WELL #2	YOUNG	8.0	PEOPLES NATURAL G
8138043	7631	3706321237		108		R & P COAL CO WELL #6	YOUNG	7.0	PEOPLES NATURAL G
8138044	7632	3706321292		108		R & P COAL CO WELL #7	YOUNG	13.0	PEOPLES NATURAL G
8138042	7626	3712920524		108		R E WHITE WELL #1	DERRY	4.0	PEOPLES NATURAL G
8138032	7615	3712920530		108		ROCCO DELIA WELL #1	DERRY	6.5	PEOPLES NATURAL G
8138048	7643	3712920420		108		VINCENT MAKOVICS WELL #1	ROSTRAVER	3.0	PEOPLES NATURAL G
8138047	7642	3712920434		108		VINCENT MAKOVICS WELL #2	ROSTRAUER	8.0	PEOPLES NATURAL G
8138038	7622	3712920465		108		W A STONEMAN WELL #1	ROSTRAUER	8.7	PEOPLES NATURAL G
-JAMES DRILLING CORP				RECEIVED: 06/18/81 JAI PA					
8138088	7619	3712920515		108		J J JOHNSTON WELL #1	DERRY	7.0	PEOPLES NATURAL G
8138089	7627	3706321178		108		R & P COAL CO WELL #1	YOUNG	13.0	PEOPLES NATURAL G
8138090	7628	3706321182		108		R & P COAL CO WELL #2	YOUNG	9.5	PEOPLES NATURAL G
8138091	7629	3706321168		108		R & P COAL CO WELL #3	YOUNG	10.5	PEOPLES NATURAL G
8138092	7630	3706321194		108		R & P COAL CO WELL #4	YOUNG	13.0	PEOPLES NATURAL G
-JOHN E SAUL				RECEIVED: 06/18/81 JAI PA					
8138149	7776	3706324039		103		ELMO TRAVIS #1	WEST MAHONING	0.0	PEOPLES NATURAL G
8138143	7774	3706325448		103		ELMO TRAVIS #1 (51A)	WEST MAHONING	0.0	PEOPLES NATURAL G
8138146	7777	3706324332		103		ELMO TRAVIS #2	WEST MAHONING	0.0	PEOPLES NATURAL G
8138144	7775	3706322367		103		JOHN E SAUL #1 (17A)	WAYNE	0.0	PEOPLES NATURAL G
8138142	7773	3700522255		103		M C WILSON #1	WAYNE	0.0	PEOPLES NATURAL G
8138148	7772	3700521515		108		PAULINE DEFORNO #1	SOUTH BEND	0.0	PEOPLES NATURAL G
8138147	7771	3700521585		108		RUSSELL V LEE #1	KISKIMINETAS	0.0	PEOPLES NATURAL G
8138149	7778	3712920971		108		WALTER H GROSSMEIR #1	VANDERGRIFT	0.0	PEOPLES NATURAL G
-KEYSTONE ENERGY RESOURCES				RECEIVED: 06/18/81 JAI PA					
8138103	7746	3706325950		103		ADAMCHICK #1	CHARLES ADAMCHICK	58.4	COLUMBIA GAS TRAN
8138102	7745	3706325949		103		ADAMCHICK #3	CHARLES ADAMCHICK	41.9	COLUMBIA GAS TRAN
8138101	7744	3706325630		103		ADAMCHICK #6	CHARLES ADAMCHICK	35.6	COLUMBIA GAS TRAN
8138100	7743	3706325631		103		ADAMCHICK #7	CHARLES ADAMCHICK	43.8	COLUMBIA GAS TRAN
8138104	7768	3706325974		103		BARNES #1	THOMAS BARNES	73.5	COLUMBIA GAS TRAN
8138093	7736	3706325986		103		DUNLAP #1	WARREN DUNLAP	36.5	COLUMBIA GAS TRAN
8138099	7742	3706325945		103		LUKCIK #1	JOHN R LUKCIK	69.7	COLUMBIA GAS TRAN
8138098	7741	3706325946		103		LUKCIK #2	JOHN R LUKCIK	77.6	COLUMBIA GAS TRAN
8138097	7740	3706325947		103		LUKCIK #3	JOHN R LUKCIK	43.8	COLUMBIA GAS TRAN
8138096	7739	3706325931		103		LUKCIK #4	JOHN R LUKCIK	51.1	COLUMBIA GAS TRAN
8138095	7738	3706325996		103		STREAMS #5	DONALD W STREAMS	40.8	COLUMBIA GAS TRAN
8138094	7737	3706325968		103		STREAMS #6	DONALD STREAMS	60.4	COLUMBIA GAS TRAN
-KRIEBEL WELLS 80				RECEIVED: 06/17/81 JAI PA					
8138056	7491	3706325976		103		GREENLEE #3	GRANT	30.0	
8138057	7492	3706325925		103		MEYER #1	MARION CENTER	30.0	
-LAKE ERIE #1				RECEIVED: 06/17/81 JAI PA					
8138059	6733	3704921073		103		LOUIS BECK #80-10 PA PER ERI-21073	CONNEAUT	0.0	COLUMBIA GAS TRAN
-LAUREL ENERGY CORP				RECEIVED: 06/17/81 JAI PA					

OG NO	DATE MT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8138060	7554	3700522412		103		KIMMELL #1 ARM-22412	COWANSHANNOCK	32.0	PEOPLES NATURAL G
-MERIDIAN OIL & GAS ENT INC				RECEIVED: 06/17/81 JAI PA					
8138064	7601	3706321557		108		C R WRIGHT WELL #1	YOUNG	4.0	PEOPLES NATURAL G
-MERIDIAN OIL & GAS ENT INC				RECEIVED: 06/18/81 JAI PA					
8138129	7600	3706321670		108		J LENTZ WELL #1	YOUNG	2.5	PEOPLES NATURAL G
-MONROE RESOURCES LTD				RECEIVED: 06/17/81 JAI PA					
8138065	7366	3712328593		102-2		JAMES GOURLEY #4	LOTTSVILLE	40.0	COLUMBIA GAS TRAN
-MRS JUNE SHANER SWITZER				RECEIVED: 06/18/81 JAI PA					
8138155	7828	3700520413		108		ADDISON #1	RED BANK TOWNSHIP	2.5	COLUMBIA GAS TRAN
8138160	7838	3703120039		108		C D DECKER #3	PORTER TOWNSHIP	5.0	COLUMBIA GAS TRAN
8138154	7826	3700520308		108		COPENHAVER #1	MAHONING TOWNSHIP	2.1	COLUMBIA GAS TRAN
8138159	7834	3703120100		108		FOWKES #1	PORTER TOWNSHIP	1.0	MANLEY & BIRD
8138157	7830	3703120134		108		MCCLURE #2	PORTER TOWNSHIP	3.5	COLUMBIA GAS TRAN
8138156	7829	3703120159		108		MCCLURE #3	PORTER TOWNSHIP	1.5	COLUMBIA GAS TRAN
8138158	7833	3703120083		108		WHITE #1	PORTER TOWNSHIP	1.5	COLUMBIA GAS TRAN
-NESE ENERGY				RECEIVED: 06/18/81 JAI PA					
8138130	7747	3712921747		103		NESE #1	DERRY	68.4	THE PEOPLES NATUR
-PEACOCK/DOVERSPIKE GAS VENTURE - 79				RECEIVED: 06/17/81 JAI PA					
8138067	7556	3700522408		103		BEAM #1 ARM-22408	WAYNE	10.0	PEOPLES NATURAL G
8138068	7559	3706325050		103		SOULCHIN #4 IND-25050	WHITE	18.0	PEOPLES NATURAL G
-R C ERNST				RECEIVED: 06/17/81 JAI PA					
8138010	7640	3701920690		108		EMMET C RICE #1		0.9	PEOPLES NATURAL G
-R C KLINGENSMITH				RECEIVED: 06/18/81 JAI PA					
8138105	7782	3700500000		108		OSCAR GEORGE # 1	ROARING RUN	1.4	PEOPLES NATURAL G
-RANNUFF OIL & GAS CO				RECEIVED: 06/18/81 JAI PA					
8138140	7797	3705900000		108		HANNAH LOHR #1	ALEPPO	4.6	PEOPLES NATURAL G
-RAYMOND H PHILLIPS MARY JUNE PHILLI				RECEIVED: 06/18/81 JAI PA					
8138131	7806	3705900000		108		MOORE WELL #3504	WAYNE	1.2	PEOPLES NATURAL G
8138136	7811	3705900000		108		TENNANT WELL #1286	WAYNE	1.2	PEOPLES NATURAL G
8138132	7807	3705900000		108		TENNANT WELL #1494	WAYNE	1.2	PEOPLES NATURAL G
8138135	7810	3705900000		108		TENNANT WELL #1516	WAYNE	1.1	PEOPLES NATURAL G
8138133	7808	3705900000		108		TENNANT WELL #1659	WAYNE	1.2	PEOPLES NATURAL G
8138134	7809	3705900000		108		ZIMMERMAN WELL #1816	WAYNE	1.2	PEOPLES NATURAL G
-SWISSVALE OIL & GAS CO				RECEIVED: 06/18/81 JAI PA					
8138153	7770	3700500000		108		MCKELVEY WELL #1	BRADDOCK - SWISSVALE	5.4	PEOPLES NATURAL G
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 06/17/81 JAI PA					
8138066	7644	3704921185		102-2		ORBANEK/REWERS UNIT	MCKEAN	30.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO				RECEIVED: 06/17/81 JAI PA					
8138069	7598	3706325550		102-2		OCTA NUPP #5	MONTGOMERY	0.0	COLUMBIA GAS TRAN
8138070	7599	3706325990		103		OCTA NUPP #3 IND-25990	MONTGOMERY	43.8	COLUMBIA GAS TRAN
-VINCENT KUTCH				RECEIVED: 06/17/81 JAI PA					
8138058	7655	3706321065		108		HOLMES #1	CRETE CHURCH	8.0	PEOPLES NATURAL G
-VINCENT KUTCH				RECEIVED: 06/18/81 JAI PA					
8138106	7798	3706321581		108		HOLMES #2	CRETE CHURCH	10.0	PEOPLES NATURAL G
8138107	7799	3706321752		108		HOLMES #3	CRETE CHURCH	15.0	PEOPLES NATURAL G
8138108	7800	3706322093		108		HOLMES #4	CRETE CHURCH	7.0	PEOPLES NATURAL G
8138109	7801	3706323312		108		HOLMES #5	CRETE CHURCH	7.0	PEOPLES NATURAL G
-W B SHANER				RECEIVED: 06/18/81 JAI PA					
8138152	7781	3712920827		108		MIODUSZEWSKI #1	BLAIRSVILLE 7-1/2 QUAD	16.9	PEOPLES NATURAL G
8138151	7780	3712920889		108		MIODUSZEWSKI #2	BLAIRSVILLE 7-1/2 QUAD	16.9	PEOPLES NATURAL G
8138150	7779	3712921102		108		MIOLUSZEWSKI #3	BLAIRSVILLE 7-1/2 QUAD	16.9	PEOPLES NATURAL G
-WALLACE M HAUPT JR				RECEIVED: 06/17/81 JAI PA					
8138027	7763	3712920873		108		ALEX & ALBERT MOZA NO 1	CRABTREE	3.0	PEOPLES NATURAL G

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	FIELD NAME	PROD	PURCHASER
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	CRABTREE	1.3	PEOPLES NATURAL G
	CRABTREE	15.7	PEOPLES NATURAL G
	CRABTREE	5.4	PEOPLES NATURAL G
	CRABTREE	3.8	PEOPLES NATURAL G
	CRABTREE	9.2	PEOPLES NATURAL G
	CRABTREE	8.8	PEOPLES NATURAL G
	CRABTREE	5.1	PEOPLES NATURAL G
	CRABTREE	6.2	PEOPLES NATURAL G
	CRABTREE	5.7	PEOPLES NATURAL G
	CRABTREE	5.3	PEOPLES NATURAL G
	ARMBRUST	7.9	PEOPLES NATURAL G
	ARMBRUST	10.4	PEOPLES NATURAL G
	LOUCHRINGER	* 18.5	COLUMBIA GAS TRAN

8138022	7756	3712920052	108		AMANDUS F STOUP NO 1	
8138025	7761	3712920650	108		ANDREW & JOHN ROSKOVENSKY NO 1	
8138024	7763	3712920656	108		CLARENCE M SAXMAN NO 1	
8138023	7759	3712920052	108		CLARENCE M SAXMAN NO 2	
8138030	7766	3712920597	108		JAMES V CAVALIER NO 1	
8138029	7765	3712920617	108		JAMES V CAVALIER NO 2	
8138026	7762	3712900000	108		JAMISON COAL NO 1	
8138028	7764	3712920271	108		L M ULCRY NO 1	
8138031	7767	3712900000	108		W Z DILLON NO 1	
8138021	7757	3712920247	108		WILLIAM W WELLS NO 1	
-WALLACE H HAUPT JR					RECEIVED: 06/10/81 JA: PA	
8138006	7756	3712900000	108		BERNARD REDLICH NO 1	
8138005	7755	3712921326	108		BERNARD REDLICH NO 2	
-WILLIAM E VALENSON					RECEIVED: 06/10/81 JA: PA	
8138161	7803	3700300000	108		LOUCHRINGER	

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission before July 31, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OSC lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservior
- 102–5: New reservior on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20851 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-390-000]

Northern Natural Gas Co., Division of InterNorth, Inc., Application

July 14, 1981.

Take notice that on June 22, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-390-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 36 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of South Dakota, Minnesota, Iowa, Nebraska, and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide natural gas service to persons who have granted Applicant right-of-way easements to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume [1] industrial, commercial and residential customers.

Applicant proposes to install and operate 36 delivery stations in South Dakota, Minnesota, Iowa, Nebraska, and Kansas for deliveries of gas to be resold by Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples) from Peoples's presently authorized contract demand.

Applicant more fully describes the 36 proposed small volume sale measuring stations including location, estimated peak day and annual sales and use as follows:

Peoples Natural Gas Company, Division of InterNorth, Inc.

Right-of-way grantor	Location of facilities, county-State	Estimated sales—1,000 ft³ Peak day	Estimated sales—1,000 ft³ Annual	Primary end-use	Estimated facility costs
Ahlert, Jeffrey L	St. Louis-MN	2.0	200	Res. Heat	$1,800
Bowers, Howard	Gundy-IA	42.0	3,530	Crop Dryer	2,120
Buelt, Leonard	Mower-MN	15.0	526	Crop Dryer	2,120
Deters, Albert F	Houston-MN	32.0	1,425	Crop Dryer	2,120
Drake, Mark M	Jackson-IA	1.0	90	Res. Heat	1,640
Eason, Thomas	Dodge-NE	36.0	1,782	Irrigation	2,010
Eastman, Bertha	Black Hawk-IA	2.0	139	Res. Heat	1,480
Haye, John F. (#1)	Burt-NE	10.8	858	Irrigation	2,340
Haye, John F. (#2)	Burt-NE	10.8	850	Irrigation	2,340
Henry, Robert	Benton-MN	3.0	300	Res. Heat	1,350
Jantzen, Ernest J	Jefferson-NE	24.8	1,250	Irrigation	1,420
Jensen, Raymond D	Moody-SD	30.0	1,582	Crop Dryer	1,870
Jansen, Robert	O'Brien-IA	2.0	186	Res. Heat	1,640
Johnson, Philip J	Saunders-NE	2.0	200	Res. Heat	1,920
Kenkel, Jack	Shelby-IA	1.7	330	Com. Heat	1,580
Knebel, Clifford E	Steams-MN	14.0	780	Crop Dryer	1,870
Lage, Orville D	Wayne-NE	11.6	810	Irrigation	2,290
Lahr, James H	Delaware-IA	1.0	136	Res. Heat	1,520
Larson, Ronald	Saunders-NE	17.0	1,530	Irrigation	2,290
Lax, Albert C	Brown-MN	46.0	280	Crop Dryer	1,950
Lewis, William L	Finney-KS	48.0	8,640	Irrigation	940
Logeman, Lavern	Burt-NE	22.6	1,680	Irrigation	2,340
McNamara, Dan	Renville-MN	20.0	380	Crop Dryer	1,640
Mundhenke, Floyd	Clark-SD	30.0	1,592	Crop Dryer	2,140
Ohrtman, Richard	Sac-IA	36.0	1,425	Crop Dryer	1,970
Pate, Tom	Stevens-KS	1.5	180	Res. Heat	780
Peterson, T. L./Doland	Spink-SD	160.0	2,800	Crop Dryer	5,200
Recker, Lyle	Fayette-IA	9.0	497	Crop Dryer	2,130
Smith, George W	Jones-IA	1.5	173	Res. Heat	1,470
Syverson, Robert G	Redwood-MN	69.0	1,816	Crop Dryer	1,950
Vice, Louise M. (#1)	Stafford-KS	36.0	4,590	Irrigation	2,110
Vice, Louise M. (#2)	Stafford-KS	36.0	4,590	Irrigation	2,130
Wessel, Ralph	Butler-IA	28.0	2,520	Farrowing	2,020
West, Alan	Meeker-MN	40.0	2,080	Crop Dryer	1,420
Whitehead, Roy	Meade-KS	22.0	2,900	Irrigation	1,350
Wright, Richard	Fayette-IA	3.0	330	Crop Dryer	2,120
Totals, all projects		865.5	52,859		$88,490

[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

Applicant estimates the cost of the proposed facilities to be $69,490 which would be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20841 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-388-000]

Northwest Canadian Gas Sales Co.; Application

July 14, 1981.

Take notice that on June 19, 1981, Northwest Canadian Gas Sales Company (Applicant), 136 East South Temple, Salt Lake City, Utah 84111, filed in Docket No. CP81-388-000 an application pursuant to the Alaska Natural Gas Transportation Act of 1976 (ANGTA) and Sections 3 and 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to import and to sell natural gas for resale in lieu of Northwest Alaskan Pipeline Company (Northwest Alaskan), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it is a subsidiary of Northwest Energy Company formed for the purpose of purchasing and selling Canadian natural gas as part of the first phase of construction of the Alaska Natural Gas Transportation System (ANGTS). It is further submitted that Northwest Alaskan also a subsidiary of Northwest Energy Company and the contracting party for Canadian gas, would assign those contracts to Applicant.

Applicant states that on Janaury 11, 1980, as modified June 13, 1980, in Docket No. CP78-123, *et al.*, Northwest Alaskan was authorized to import from Pan-Alberta Gas, LTD. (Pan-Alberta) up to 300,000 Mcf of gas per day for resale to Pacific Interstate Transmission Company (Pac-Interstate): and on April 28, 1980, as modified June 20, 1980, in Docket No. CP78-123, *et al.*, Northwest Alaska was authorized to import up to 800,000 Mcf of gas per day for resale to Northern Natural Gas Company, a Division of Internorth, Inc. (Northern), Panhandle Eastern Pipe Line Company (Panhandle) and United Gas Pipe Line Company (United).

Applicant asserts that Northwest Alaskan entered into contracts with Pan-Alberta, Pac-Interstate, Northern, Panhandle and United pursuant to which Northwest Alaskan may assign or transfer its contractual rights and obligations to an affiliate.

Applicant states that upon execution of the assignment of contracts between Northwest Alaskan and Applicant. Northwest Alaskan would have assigned its rights as buyer under contracts dated March 9, 1978, as amended, for the purchase of 1,040,000,000 Mcf of natural gas per day from Pan-Alberta to Applicant.

Applicant further states that upon the execution of assignment of contracts between Northwest Alaskan and Applicant, Northwest Alaskan would have assigned its right as seller of the imported gas to Applicant under the following contracts:

(1) With Pac-Interstate dated March 9, 1978, as amended, for the resale of up to 240,000 Mcf of gas per day;

(2) With Northern dated March 24, 1978, as amended, for the resale of up to 200,000 Mcf of gas per day;

(3) With Panhandle dated April 14, 1978, as amended, for the resale of up to 150,000 Mcf of gas per day;

(4) With United dated March 9, 1978, as amended, for the resale of up to 450,000 Mcf of gas per day;

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20842 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI61-1162-001, etc.]

Odeco Oil & Gas Co. (Formerly Ocean Production Co.); Corporate Name Change

July 13, 1981.

Take notice that on May 27, 1981, Odeco Oil & Gas Company (Applicant), P.O. Box 61780, New Orleans, Louisiana 70161, filed an application in Docket Nos. CI61-1162-001, *et al.*, to amend the certificates currently held by Ocean Production Company so as to substitute Applicant as certificate holder and to redesignate the rate schedules in the name of the Applicant.

By Certificate of Amendment of Certificate of Incorporation, effective May 6, 1981, Ocean Production Company changed its name to Odeco Oil & Gas Company.

The various dockets and rate schedules are listed in the attached appendix.

Notice is hereby given that all certificates, rate schedules and pending applications and proceedings as listed in the attached Appendix are redesignated to reflect the corporate name change from Ocean Production Company to Odeco Oil & Gas Company, effective May 6, 1981.

Kenneth F. Plumb,

Secretary.

Appendix—Odeco Oil & Gas Company, Formerly: Ocean Production Company, Name Change Effective 5/6/81

Rate schedule No.	Certificate docket No.	Purchaser
4	CI61-1162-001	Transcontinental Gas Pipe Line Corp.
5	CI61-1469	Do.
6	CI61-1708	Do.
8	CI68-1408	Do.
10	CI69-670	Do.
11	CI70-913	Do.
12	CI75-94	Do.
13	CI76-184	Tennessee Gas Pipeline Co.
14	CI76-187	Do.
16	CI77-251	United Gas Pipe Line Co.
17	CI77-735	Trunkline Gas Co.
18	CI77-731	Michigan Wisconsin Pipe Line Co.
19	CI78-436	Do.
20	CI78-777	Do.
21	CI78-932	Transcontinental Gas Pipe Line Corp.
22	CI78-986	Columbia Gas Transmission Corp.
23	CI78-1100	Tennessee Gas Pipeline Co.
24	CI78-702	Tennessee Gas Pipeline Co.
25	CI79-135	Trunkline Gas Co.
26	CI79-160	Transcontinental Gas Pipe Line Corp.
27	CI70-727	Do.
28	CI78-361	Do.
29	CI79-557	Michigan Wisconsin Pipe Line Co.
30	CI80-60	Do.
31	CI80-247	Do.
32	CI80-254	Do.
33	CI80-259	Do.
34	CI81-183-000	Tennessee Gas Pipeline Co.
35	CI81-218-000	Michigan Wisconsin Pipe Line Co.
36	CI81-219-000	Do.

[FR Doc. 81-20843 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-393-000]

Southern Natural Gas Co.; Application

July 14, 1981.

Take notice that on June 24, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-393-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon in place approximately 1,578 feet of 10¾-inch pipeline with appurtenances, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon in place that portion of its 10-inch Columbus tap line that extends from mile post 2.670 located in the vicinity of Applicant's Phenix City No. 1 Meter Station, in Phenix City, Russell County, Alabama, to mile post 2.969 located at Applicant's Columbus No. 1 Meter Station, in Columbus, Muscogee County, Georgia, a distance of approximately 1,578 feet. Applicant states that the portion of the 10-inch Columbus tap line to be abandoned has been utilized by Applicant to transport gas to Gas Light Company of Columbus. Applicant states that it is necessary to abandon such line due to physical deterioration resulting from age.

Applicant further states that it can continue to serve Gas Light Company of Columbus at the Columbus No. 1 Meter Station by virtue of its existing 12-inch Columbus tap loop line. It is stated that the proposed abandonment would not result in any termination or reduction of service currently conducted at the Columbus No. 1 Meter Station nor affect the daily design capacity of Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20844 Filed 7-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-367-000]

Transcontinental Gas Pipe Line Corp.; Application

July 14, 1981.

Take notice that on June 10, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-367-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas attributable to production from Ship Shoal Area Block 84, offshore Louisiana, for the account of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement with Northern dated May 6, 1981, it would receive at the interconnection of the Ship Shoal 84 facilities with Applicant's Southeast Louisiana Gathering System located in Ship Shoal Blocks 70 and 72 up to 50,000 dekatherm (dt) equivalent per day and redeliver thermally equivalent quantities less gas retained for compressor fuel and line loss make-up to Faustina Pipeline Company (Faustina) for Northern's account at the interconnection of Applicant's and Faustina's facilities located in St. James Parish, Louisiana.

Applicant asserts that Northern would initially pay Applicant 8.5 cents per dt equivalent for all gas transported and delivered to Faustina for Northern's account. Applicant further asserts that such rate is composed of the following two components:

(a) 5.0 cents—Applicant's standard rate for interruptible offshore transportation on its Southeast Louisiana Gathering System (for up to 50 miles)
(b) 3.5 cents—Applicant's standard onshore production area interruptible transportation rate (for up to 100 miles)
Total 8.5 cents

Applicant states that it would initially retain 0.6 percent of the gas received at the Ship Shoal 84 receipt point for compressor fuel and line loss make-up.

Applicant states that the transportation service provided by Applicant would be interruptible at its sole discretion and would be conditioned upon the availability of sufficient capacity to provide the service without detriment or disadvantage to Applicant's existing customers. Applicant further states that the agreement would be in effect commencing with the date of initial gas flow under the Northern-Faustina sales agreement through October 26, 1983.

It is stated that Northern is seeking authority to sell up to 100,000 Mcf of natural gas per day to Faustina on a limited term and best-efforts basis. The service proposed herein, it is stated, would provide for a secondary delivery point for the delivery of gas by Northern to Faustina.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20845 Filed 7-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP77-435-003]

Transcontinental Gas Pipe Line Corp.; Amendment to Application

July 14, 1981.

Take notice that on June 16, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-435-003 pursuant to Section 7(c) of the Natural Gas Act an amendment to its pending application filed in the instant docket on June 10, 1977,[1] so as to authorize the transportation of gas from two additional sources and from a new point of receipt, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it is presently transporting for United Gas Pipe Line Company (United) in accordance with the provisions of a transportation agreement between Applicant and United dated May 20, 1977, up to 90,000 Mcf of natural gas per day produced from Vermilion area Block 22, offshore Louisiana, and East Cameron Blocks 36 and 39, offshore Louisiana, pursuant to temporary authority. Such gas is delivered into Applicant's Central Louisiana Gathering System onshore in the Pecan Island area, Vermilion Parish, Louisiana, through facilities jointly owned by Applicant, Florida Gas Transmission Company and Sea Robin Pipeline Company. It is said that Applicant redelivers equivalent quantities to or for the account of United at the interconnections between Applicant's and United's systems located in Victoria County, Texas, Acadia Parish, Louisiana, and Starks, Calcasieu Parish, Louisiana, and the interconnection between Applicant's system and the system of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. located near Crowley, Acadia Parish, Louisiana.

By this amendment, Applicant proposes to transport gas from two additional producing sources in Vermilion area Blocks 37 and 40, offshore Louisiana. Applicant states it would receive the gas produced from Vermilion Block 37 at an additional point of receipt on its Central Louisiana Gathering System in Vermilion Block 25 by means of pipeline facilities jointly owned by Applicant, United and Southern Natural Gas Company. Applicant asserts it would receive gas produced from Vermilion Block 40 at the Pecan Island delivery point.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20846 Filed 7-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ST80-260-001]

Transok Pipe Line Co.; Application for Approval of Rates

July 14, 1981.

Take notice that on June 9, 1981, Transok Pipe Line Company (Applicant), P.O. Box 3008, Tulsa, Oklahoma 74101, filed in Docket No. ST80-260-001 an application pursuant to Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) and Section 284.123(b)(2) of the Commission's regulations thereunder for approval of its rates for the transportation of natural gas on behalf of Michigan Wisconsin Pipe Line Company (Mich-Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to increase the transportation rate approved in Docket No. ST80-260 of 18.15 cents per million Btu to 23.2 cents per million Btu. Applicant asserts that the original gas transportation agreement was amended on April 27, 1981, to provide contractual authority to restructure Applicant's transportation rates so that Applicant could increase or restructure its transportation fee at any time and in such amounts as required by it so long as such rates were "fair and equitable" within the meaning of Section 311(a) of the NGPA in the event of a change in the costs of gathering, transporting and redelivering the gas on behalf of Mich-Wis. Applicant asserts that according to its most recent cost of service study there has been an increase in overall system costs in the backbone transmission system, increases in operation and maintenance costs due to inflation, increased capital costs arising from a refinancing of long-term debt which matured in late 1980, and an increase in the cost of the common equity component of capitalization.

It is submitted that the annual estimated deliveries of gas for the calendar year 1981 by Applicant for Mich-Wis was 6.132 trillion Btu or an average daily delivery of 16.8 billion Btu. Furthermore, Applicant asserts that the parties have added 3 wells to the agreement and intend to add additional wells in the near future.

It is asserted that presently Applicant and Mich-Wis have only one point of system interconnection for the redelivery of transportation volumes. Applicant avers that due to the redelivery capability at this point coupled with the on-going system expansion work by Mich-Wis to effect its own transportation of a portion of the total volumes, the balancing of takes from all wells committed to the agreement would continue to yield an average of 16.8 billion Btu per day translating into a yearly average approximately 3.76 percent of Applicant's total estimated deliveries of gas all of which is reflected in the service data filed in Docket No. ST81-181-000 currently pending before the Commission.

Applicant contends that the proposed rate is fair and equitable as it is the same transportation rate which Applicant would charge for transporting volumes through its integrated pipeline facilities on behalf of United Gas Pipe Line Company and Southern Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20847 Filed 7-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-387-000]

United Gas Pipe Line Co.; Application

July 14, 1981.

Take notice that on June 19, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-387-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for First Energy Corporation (FEC), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that pursuant to a transportation agreement dated April 28, 1981, Applicant would transport up to 3,000 Mcf of gas per day for a primary term of 10 years for the account of FEC from Maxie and Pistol Ridge Fields, Forrest County, Mississippi.

Applicant indicates that in accordance with the terms of the agreement, Applicant would receive the gas at a mutually agreeable point on its 12-inch line, Forrest County, Mississippi. Applicant explains that it would transport and redeliver an equivalent quantity of gas, less 2.3 percent for fuel and company used gas, to First Chemical Corporation (FCC) for FEC's account in the Bayou Cassotte Area near Pascagoula, Jackson County, Mississippi. Applicant states that it would receive and redeliver the gas through existing facilities.

Applicant asserts that FCC would pay United for gas transported under said transportation agreement an amount per Mcf equal to Applicant's jurisdictional rate in effect from time to time in Applicant's Northern Rate Zone less any amount included in such jurisdictional rate which is attributable to fuel and unaccounted for gas. Applicant further asserts that the current jurisdictional rate exclusive of the cost of gas utilized in Applicant's operation is 28.12 cents per Mcf in Applicant's Northern Rate Zone.

Any person desiring to be heard or to make protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20848 Filed 7-15-81; 8:45 am]
BILLING CODE 6450-85-M

Office of Special Counsel

Pennzoil Co.; Action on Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Pennzoil Company (Pennzoil), executed on January 18, 1981 and published for comment in 46 FR 8101 on January 26, 1981, as a final order of DOE. The

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Consent Order resolves all civil issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions set forth in the Consent Order, for the period March 6, 1973 through December 31, 1980. To remedy any violations that may have occurred during the period, Pennzoil has agreed to refunds totalling $10 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Two comments, one of which was filed after the end of the thirty-day comment period, were received. OSC has considered both comments and determined that the Consent Order should be made final with the following modifications: (1) the bank reduction component has been deleted by the parties as discussed further herein; (2) a provision, ¶503, requiring Pennzoil to move to dismiss itself from litigation to which it is a party has been added; and (3) a technical correction was necessary, as noted below. The Consent Order, as modified, was made effective as an order of the DOE on July 9, 1981 by execution of the modified Consent Order.

FOR FURTHER INFORMATION CONTACT:

Leslie Wm. Adams, Deputy Solicitor, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633–9165.

Copies of the Consent Order may be received free of charge by written request to: Pennzoil Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue SW., Room 1E–190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the **Federal Register** at page 8101, announcing the execution of a Consent Order between Pennzoil and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Pennzoil's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period March 6, 1973 through December 31, 1980 (the audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. To resolve the issues raised by OSC's audit of Pennzoil and to remedy any violations that may have occurred during the audit period, Pennzoil has agreed to remedies consisting of $10 million in cash payments and a reduction of its unreported increased costs for motor gasoline to $30 million.

3. The $10 million cash payment has two components. First, within thirty days after the effective date of the Consent Order, Pennzoil will remit $3 million to OSC for distribution by DOE's Office of Hearings and Appeals pursuant to special refund procedures established in accordance with the provisions of 10 CFR Part 205, Subpart V. Pursuant to these provisions, OSC will petition OHA for the implementation of special refund procedures to evaluate refund claims submitted to OHA by persons who believe they may have been overcharged by Pennzoil during the audit period. Second, within sixty days after the effective date of the Consent Order, Pennzoil will refund $3.5 million to the Defense Fuel Supply Center and 3.5 million to its electric utility customers.

4. Effective December 31, 1980, Pennzoil will reduce its "bank" of unrecovered increased costs for motor gasoline to $30 million with $15 million of that restricted in use, e.g., for price maintenance purposes as provided for in the Regulations.

5. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Pennzoil's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Pennzoil. The Consent Order also provides that Pennzoil has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Pennzoil, or a finding by OSC, of a violation of any federal petroleum price and allocation statutes or regulations.

Modifications to the Consent Order

After careful consideration of the comments received in response to the Notice of Proposed Consent Order and further negotiations with Pennzoil pursuant to ¶ 901 of the Consent Order, the following modifications to the proposed Consent Order have been made: (1) the bank reduction component has been deleted; (2) a provision, ¶ 503, has been added requiring Pennzoil to move to dismiss itself as a party to *Exxon et al.* v. *DOE*, consolidated case No. CA–3–78–0586–W (N.D. Texas); and (3) a technical correction was made.

The bank reduction remedy, as more fully stated below, is an appropriate method of resolving outstanding compliance issues. Where the remedy is to take effect so close to the date of decontrol, the remedy's prospective impact is diminished or eliminated, and, therefore, the parties have determined that it should no longer be included as a component in this Consent Order. These modifications are discussed in greater detail below in response to specific comments.

Comments Received

As noted above, OSC received two comments on the proposed Pennzoil Consent Order. These comments, submitted by the Transportation Group and the National Consumer Law Center, were addressed generally to all nine of the Consent Orders published for comment on January 26, 1981. While neither comment specifically addressed the Pennzoil Consent Order, both raised issues pertinent to, or commented on features present in, this Consent Order.

The Transportation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major consumers of refined petroleum products. The Transportation Group indicated in its comments its approval of OSC's enforcement efforts and the settlement process that resulted in the Consent Orders announced in the January 26, 1981 **Federal Register** notices. The organization also expressed the following concerns regarding the nine Consent Orders: OSC should endeavor to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore; and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. In its enforcement actions, the Department attempts to identify individual purchasers or classes or types of purchasers, to the maximum extent possible, and to implement restitutionary remedies.

The audits, however, do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons. First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies that provide some form of restitution, wherever possible. In order to achieve an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicates that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC has contacted the public service commissions for the states in which the recipient utilities are located as well as a number of utilities themselves. The commissions have assured OSC that utilities receiving refunds will be required to pass those refunds through to their customers. It has been determined that the utility customers will receive the benefit of the refunds by operation of fuel adjustment clauses in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, as a direct credit to customers. OSC has also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

Finally, The Transportation Group's comment with regard to the bank reduction remedy, that it is compromised and rendered meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, also submitted comments that were addressed generally to all nine Consent Orders published for comment on January 26, 1981. The NCLC's comments, however, raise several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information . . . is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complians that the Consent Orders and **Federal Register** notices are "extremely skimpy on relevant detail. . . ." The DOE regulations, at 10 CFR 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that, with the exception of the matters explicitly excluded from the settlement in the Consent Order, it settles and finally resolves "all civil and administrative disputes, claims and causes of action by DOE . . . against Pennzoil . . . relating to Pennzoil's compliance with the federal petroleum price and allocation regulations. . . ." Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Pennzoil has violated any Federal petroleum price or allocation regulation, it would be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and **Federal Register** notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. The NCLC seeks renegotiation of the agreement to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: the legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlements, OSC has determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. OSC had intended this bank reduction to serve the dual purpose of satisfying the alleged cost violations and to place some limitations on the refiner's prospective pricing of covered products. Accordingly, in negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. That reduction may have even exceeded the reduction in costs necessary for a satisfactory resolution of the outstanding cost issues. However, decontrol pre-empts the intended prospective impact of such bank reductions on the firm's pricing: If the bank reduction were to take place while gasoline were still under controls,

the reduction in the banks of costs available to support prices would have placed a restriction on the company's ability to increase prices. The end of the Consent Order period, December 31, 1980, is so close to the month of decontrol, January 1981, that the reduction has been substantially deprived of its ability to restrain prices in the intervening period by virtue of the company's anticipation of the effect of the bank reduction on its pricing practices. Since the bank reduction will not have the intended prospective effect, and since the Consent Order resolves all outstanding matters, obviating the need to address the amount of costs available to justify selling prices in the future, OSC has determined to eliminate the bank reduction provision, ¶ 404, from the Consent Order. This modification does not indicate that the bank reduction is inappropriate in light of the disputes raised, but only that in light of the absence of any prospective effect on the company there is no prospective benefit to be derived from including such a provision in the order. Because the elimination of this provision does not alter the effect of the Consent Order, we have determined that the modification does not require that we provide an opportunity to file additional comments.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points, two of which are pertinent to this Consent Order, concerning the settlements' cash components. The NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers, and state and local government entities that purchased petroleum products in their proprietary capacities. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that might have occurred.

With respect to those Consent Orders, including this one, that provide for payment to the U.S. Treasury of any unclaimed or undistributed funds from the claims or from the DOE-administered special refund proceedings, the NCLC contends that the payment of settlement funds into the Treasury is illegal. The NCLC has previously filed similar comments to other Consent Orders which contend that payments to the U.S. Treasury pursuant to settlements are in excess of DOE's authority because there is no express statutory authorization or requirement for payment to the U.S. Treasury. We disagree with the assertion that payments to the U.S. Treasury are legitimate remedies only if their is express statutory authorization or permission. Treasury payments are entirely opposite in the context of resolution of civil and administrative disputes relating to the refiner's compliance with the DOE regulations. As we stated in response to the comment filed by NCLC to the Sun Company, Inc. Consent Order, "[t]he use of a Treasury payment reflects DOE's inability to determine a more appropriate distribution mechanism in the circumstances of this case and our belief that this payment is an appropriate enforcement remedy." 45 FR 80348 (December 4, 1980). Under these Consent Orders, only unclaimed or undistributed funds are subject to payment to the Treasury; furthermore, any such payments will be made only after the funds have been held for a period of time pending distribution in claims or refund proceedings. Moreover, in this instance, payment to the Treasury is an explicitly stated, but not exclusive, option for the disposition of any undistributed funds, since the Consent Order provides in ¶ 402 that "Pennzoil and OSC [may] agree to an alternative disposition of such funds." In any event, particularly in light of the restitution provided for by other remedies in the Consent Orders, OSC believes that the payment of undistributed funds to the Treasury is a reasonable and legal disposition of funds that could otherwise be left in limbo indefinitely.

In addition to deleting the bank reduction component, the parties agree to add a provision requiring Pennzoil to remove to dismiss itself as a party to *Exxon et al.* v. *DOE*, consolidated case No. CA-3-78-0598-W (N.D. Texas). This provision, which simply makes a previously implicit part of the settlement explicit, has been inserted as ¶ 503 and has, consequently, necessitated the renumbering of ¶¶ 503 and 504 in the proposed Consent Order as ¶¶ 504 and 505, respectively, in the modified Consent Order.

Finally, a technical correction to the Consent Order should be noted. In the last sentence of ¶ 601, the correct date is January 1, 1981, rather than January 1, 1980.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Pennzoil should be made final with the modifications discussed above, effective upon execution of the Consent Order, as modified.

Issued in Washington, D.C., July 9, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-20865 Filed 7-15-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL 1955-8]

Plan for Periodic Review of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Plan for periodic review of regulations.

SUMMARY: The Regulatory Flexibility Act requires that EPA periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This plan describes how EPA will perform this review.

DATE: Comments solicited in this plan are due by September 14, 1981.

ADDRESS: Comments should be submitted to the following address: U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attn: David Sahr (PM-223).

FOR FURTHER INFORMATION CONTACT: For information on EPA's implementation of the Regulatory Flexibility Act, please contact David Sahr at (202) 287-0776.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1980, the Regulatory Flexibility Act Pub. L. No. 96-354 codified at 5 USC 601 et seq., became law. This law requires that Federal agencies take into account how their regulations affect "small entities," including small businesses, small Governmental jurisdictions and small organizations. For regulations proposed after January 1, 1981, the Agency must either prepare a Regulatory Flexibility Analysis or certify that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Section 602 requires that EPA issue an *Agenda of Regulations* identifying rules the Agency is developing that are likely to have a significant economic impact on a substantial number of small entities. EPA published its most recent Agenda on April 27, 1981 at 46 FR 23692.

Section 610 of the Regulatory Flexibility Act mandates that Federal agencies review existing regulations. It requires that EPA publish a plan in the **Federal Register** explaining how it will review those of its existing regulations which have or will have a significant economic impact on a substantial number of small entities. Regulations in effect on January 1, 1981 must be review within ten years of that date. Regulations that become effective after January 1, 1981 must be reviewed within ten years of the publication date of the final rule. Section 610(c) requires that EPA publish annually in the **Federal Register** a list of rules it will review during the succeeding 12 months. The list must describe the rule, explain the need for it, give the legal basis for it, and invite public comment.

Criteria for Review of Existing Regulations

The purpose of the review is to determine whether existing rules should be left unchanged, or whether they should be revised or rescinded in order to minimize significant economic impacts on a substantial number of small entities. In deciding whether change is necessary, the Regulatory Flexibility Act establishes several factors that EPA will consider:

(1) whether the rule is still needed;

(2) what type of complaints or comments were received concerning the rule from the public;

(3) the complexity of the rule;

(4) how much the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) how long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

Plan for Periodic Review of Rules

EPA will screen its existing regulations to identify the regulations that may have a significant economic impact on a substantial number of small entities. In deciding whether a regulation imposes significant impacts, EPA will look at such factors as high annualized investment costs for pollution control, the extent of reporting or recordkeeping burden, the relationship of pollution control costs to sales, and the anticompetitive effects of a regulation on small businesses.

After identifying the regulations that may have significant impacts on a substantial number of small entities, EPA will review these regulations based on available information (e.g. from EPA data, public comments). The result of a review will be a decision (1) to revise the regulation, (2) to rescind the regulation or (3) to leave the regulation unchanged.

To help us select the regulations which should be reviewed first, we welcome any suggestions from the public. If any member of the public thinks that specific existing regulations have a significant impact on a substantial number of small entities (especially if the regulation has a disproportionately negative effect on small relative to large entities), we would appreciate receiving suggestions that we review those regulations. We suggest that comments be given in the following format:

Title
Authorizing statute and Code of Federal Regulations (CFR) citation
Description of economic effects on small entities, especially on the commenting person or organization
Recommendations for changes

We would also welcome any additional detailed comments or data.

When EPA promulgates new regulations for which it prepares a Regulatory Flexibility Analysis because of significant economic impact on a substantial number of small entities, it will indicate in the preamble to the final regulation when it will review the regulation.

The mechanics of EPA's periodic review are as follows:

- Starting in October 1981, EPA will list regulations to be reviewed during the succeeding 12 months under the Regulatory Flexibility Act in a special section in its *Agenda of Regulations* and will ask for public comment on the need to revise each regulation listed.
- After considering public comments and other available data, the Agency will announce the result of its review in the subsequent April Agenda or no later than the next October Agenda. The result will consist either of a decision not to change the regulation, to revise the regulation or to rescind the regulation. EPA will explain the basis of its decision.
- Regulations to be revised will enter the normal process of regulation development.

Executive Order 12291 and the Vice President's Task Force on Regulatory Relief

Sections 2 and 3(i) of Executive Order 12291 require that agencies initiate reviews of existing regulations to determine whether the benefits of the regulation to society outweigh the costs. EPA has already initiated reviews in three regulatory programs. In reviewing the regulations listed below, the Agency will consider alternatives that will minimize any significant impacts on small entities.

Best Conventional Pollutant Control Technology. CWA 301, 304. 40 CFR Parts 405–409, 411, 412, 418, 422, 424, 425, 427, 432. These rules set limits for discharge of conventional pollutants into navigable waters.

Hazardous Waste Management. RCRA 3001, 3002, 3003, 3004. 40 CFR Parts 122–124, 260–262, 264–267. These rules regulate the generation, handling, treatment, storage and disposal of hazardous wastes.

General Pretreatment Regulations. CWA 301, 304, 307. 40 CFR Part 403. These rules control the discharge from industrial sources into publicly owned treatment works (POTW's) and include requirements for State and local programs. This review may also entail some consideration of the related *Electroplating Pretreatment Regulations.* CWA 307. 40 CFR Part 413. These rules limit the discharge of toxic metals from electroplating operations into publicly owned treatment works.

The Agency may decide to amend this plan for review of regulations under the Regulatory Flexibility Act after we develop procedures for reviewing additional regulations under the Executive Order.

The Vice President's Task Force on Regulatory Relief has suggested that regulated industries and organizations write directly to Federal agencies to identify regulations that need review or revision. EPA is presently summarizing the many comments it has received. Several comments have addressed the particular problems of small entities. The Agency will use these comments in setting priorities for its review of regulations under the Regulatory Flexibility Act.

Dated: July 9, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-20871 Filed 7-15-81; 8:45 am]
BILLING CODE 6560-26-M

[OPTS-59052A; TSH-FRL 1962-8]

Polymeric Sulfonated Azo Dye; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On May 26, 1981, EPA received an application for a test marketing exemption (TM–81–13) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). Notice of receipt of the application was published in the **Federal Register** of June 18, 1981 (46 FR 91938). The manufacturer claimed all information, except production volume and exposure estimates, as confidential business information.

EPA has determined that the manufacturer's test marketing of the substance identified generically as a polymeric sulfonated azo dye will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application but subject to the restrictions specified in this notice.

EFFECTIVE DATE: This exemption is effective on July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–335, 401 M St., SW., Washington, DC 20460, (202–755–1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 26, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to process a new chemical substance for test marketing purposes. The substance is described generically as a polymeric sulfonated azo dye. This substance had been manufactured in the submitter's laboratory several years ago for research and development purposes. The submitter wants to process the substance now for test marketing purposes. A **Federal Register** notice published on June 18, 1981 (46 FR 91938) announced receipt of this application (TM–81–13) and requested comment on the apporpriateness of granting the exemption. The Agency did not receive any comments concerning the application. The manufacturer claimed all information, except production volume and exposure estimates, as confidential business information pursuant to section 14 of TSCA.

In the application, the submitter states it will process 100 grams of this substance and will test market the substance for a period of six months. The application states that the substance under the exemption application would be processed in the submitter's laboratory. Only one person will be exposed to the PMN substance and that person will wear protective gloves and goggles. The submitter states further that it expects to test market the processed dye to one customer and that the use of the dye will involve one operator. The operator will be exposed to a solution containing less than one percent concentraion of the azo dye. There will be no consumer esposure to the PMN substance since the final article will have the subject dye incorporated into it in such a way that the ultimate user cannot come in contact with the dye.

Agency reviewers raised little or no concern that adverse health or environmental effects may be caused by the processing or use of the substance as described in the test marketing exemption application.

Because of the low level of concern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption from the premanufacture reporting requirements for purpose of test marketing the polymeric sulfonated azo dye in the manner described in the exemption application.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of processing and quantities processed in each batch and must make these records available to EPA upon request.

3. The volume of the new substance processed may not exceed the quantity of 100 grams described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of six months commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application. Worker protection measures specified in the application (gloves and goggles during processing) must be observed.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 9, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–20004 Filed 7–15–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–59052B; TSH–FRL 1882–]

Polymeric Sulfonated Azo Dye, Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On May 26, 1981, EPA received an application for a test marketing exemption (TM–81–14) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). Notice of receipt of the application was published in the **Federal Register** of June 18, 1981 (46 FR 91938). The manufacturer claimed all information, except production volume and exposure estimates, as confidential business information.

EPA has determined that the manufacturer's test marketing of the substance identified generically as a polymeric sulfonated azo dye will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application but subject to the restrictions specified in this notice.

EFFECTIVE DATE: This exemption is effective on July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–335, 401 M St., SW., Washington, D.C. 20460, (202–755–1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of sectin 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 26, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to process a new chemical substance for test marketing purposes. The substance is described generically as a polymeric sulfonated azo dye. This substance had been manufactured in the submitter's laboratory several years ago for research and development purposes. The submitter wants to process the substance now for test marketing purposes. A **Federal Register** notice published on June 18, 1981 (46 FR 91938) announced receipt of this application (TM–81–14) and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application. The manufacturer claimed all information, except production volume and exposure estimates, as confidential business information pursuant to section 14 of TSCA.

In the application, the submitter states it will process 100 grams of this substance and will test market the substance for a period of six months. The application states that the substance under the exemption application would be processed in the submitter's laboratory. Only one person will be exposed to the PMN substance and that person will wear protective gloves and goggles. The submitter states further that it expects to test market the processed dye to one customer and that use of the dye will involve one operator. The operator will be exposed to a solution containing less than one percent concentration of the azo dye. There will be no consumer exposure to the PMN substance since the final article will have the subject dye incorporated into it in such a way that the ultimate user cannot come in contact with the dye.

Agency reviewers raised little or no concern that adverse health or environmental effects may be caused by the processing or use of the substance as described in the test marketing exemption application.

Because of the low level of conern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption from the premanufacture reporting requirements for purpose of test marketing the polymeric sulfonated azo dye in the manner described in the exemption application.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of processing and quantities processed in each batch and must make these records available to EPA upon request.

3. The volume of the new substance processed may not exceed the quantity of 100 grams described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of six months commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application. Worker protection measures specified in the application (gloves and goggles during processing) must be observed.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 9, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–20005 Filed 7–15–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL COMMUNICATIONS COMMISSION

Beaumont, Texas, Office To Close

July 10, 1981.

On July 15, 1981, the Federal Communications Commission's Beaumont, TX, office will close. All operator examination and licensing public service and enforcement services for the Beaumont area will be provided by the Commission's Houston office, located at: New Federal Office Building, 515 Rusk Avenue, Room 5636, Houston, TX 77002 Phone (713) 226–5624.

Radio Operator Examinations will be scheduled each month in the Houston area. Appointments may be made by

calling or submitting the application form to the Houston office.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 81-20980 Filed 7-15-81; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket Nos. 81-423, 81-424, File Nos. 21499-CD-P2-80, 20986-CD-P-2-80]

Danny Ray Boyer, d/b/a Central Mobilfone and Mobile Phone of Texas, Inc.; Application; Memorandum Opinion and Order

Adopted June 19, 1981.

Released July 9, 1981.

In re Applications of Danny Ray Boyer d/b/a/ Central Mobilfone, for authority to establish a new two-way station operating on base station frequencies 454.225 MHz and 454.250 MHz operating in the DPLMRS at Bridgeport, Texas, CC Docket No. 81-423, File No. 21499-CD-P-2-80; Mobile Phone of Texas, Inc., for authority to establish a new two-way station operating on base station frequencies 454.225 MHz and 454.250 MHz operating in the DPLMRS at Bridgeport, Texas, CC Docket No. 81-424, File No. 20986-CD-P-2-80.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Danny Ray Boyer d/b/a Central Mobilfone (Central) and Mobile Phone of Texas, Inc. (Mobile Phone). A Petition to Dismiss or Deny the Central application was filed by Mobile Phone. Responsive pleadings have been filed.

2. The following issues have been raised for our consideration:

a. Whether the Central application should be dismissed for failure to comply with the Commission's cutoff rule, § 22.31(b) of the Commission's Rules.

b. Whether Central has demonstrated sufficient need for the proposed facilities.

3. *Cutoff rule.* Mobile Phone contends that an application (File No. 20527-CD-P-2-80) filed by >Jim >Bob >Measures >d/b/a Mobilfone (Measures) is mutually exclusive with Mobile Phone's above-captioned application and that the sixty-day cutoff period for filing relates back to the Measures application and, therefore, because the Central application was not filed within the sixty-day cutoff period as determined from the Measures application, the Central application is cutoff and must be returned as unacceptable for filing.

4. We find Mobile Phone's argument that Central is cutoff from comparative consideration to be without merit. On June 12, 1980, the Bureau found that the above-mentioned Measures application was not electrically mutually exclusive with Mobile Phone's application and we granted the Measures application. Therefore, Central's sixty-day filing period did not begin until the public notice of the Mobile Phone application.[1] Central filed its application within this period and therefore its application is entitled to be considered mutually exclusive with Mobile Phone's application. See § 22.31(b), 47 CFR § 22.31(b).[2]

5. *Need.* Mobilfone also argues that Central has not demonstrated a need for the proposed facility because it failed to provide the Commission with a description of the methodology used in conducting its survey and also failed to show that respondents to the survey were informed of the rates, nature and reliability of the proposed service or the necessity of obtaining regulatory approval. In amendments to its application, Central has supplied this information. Therefore we find that Central has demonstrated an adequate need showing for the proposed facility.

6. Because both Central and Mobile Phone plan to serve the same area on the same frequency, the applications of Central and Mobile Phone are electrically mutually exclusive, and, therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

7. Accordingly, it is ordered that the petition to deny by Mobile Phone of Texas, Inc. is denied.

8. Further, it is ordered, Pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Danny Ray Boyer d/b/a/ Central Mobilfone, File No. 21499-CD-P-2-80 and Mobile Phone of Texas, inc., File No. 20986-CD-P-2-80 are designated for a hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 39 dBu contours, based upon the standards set forth in § 22.504(a) of the Commission's Rules [3] and to determine and compare the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

9. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

10. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

11. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

12. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,
Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-20980 Filed 7-15-81; 8:45 am]
BILLING CODE 6712-01-M

[1] See Commission Public Notice Report No. 20-A dated June 17, 1980.

[2] Mobile Phone of Texas filed its application (File No. 20986-CD-P-2-80) on February 7, 1980. The Commission's Public Notice (No. 3) listed this filing on February 20, 1980. On April 21, 1980 Central filed its mutually exclusive application.

[3] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limit of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

[Report No. A-27]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: July 10, 1981.

Cut-off-date: August 19, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after August 19, 1981. An application in order to be considered with any application appearing on the attached list or with any application on file by the close of business on August 19, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on August 19, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on August 19, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

Appendix

BPH-791227AA (KSHI), Zuni, New Mexico, Zuni Communications Authority, Has: 90.9 MHz; Channel No. 215DS, ERP: .01 kW; HAAT: ft. (lic) Req: 90.0 MHz; Channel No. 215D, ERP: .089 kW; HAAT: −250 ft.

BPH-801114AD (New), Whiteriver, Arizona, Apache Radio Broadcasting Corp., Req: 88.1 MHz; Channel No. 201A, ERP: .630 kW; HAAT: 600 ft.

BPH-801118AK (WAJX), Titusville, Florida, Brevard Broadcasting Inc., Has: 98.3 MHz; Channel No. 252A, ERP: 3 kW; HAAT: 230 ft. (lic), Req: 98.3 MHz; Channel No. 252A, ERP: 2 kW; HAAT: 355 ft.

BPH-801118AL (WVIN-FM), Bath, New York, Genkar, Inc, Has: 98.3 MHz; Channel No. 252A, ERP: 1.7 kW; HAAT: 390 ft. (lic), (Hammondsport, New York), Req: 98.3 MHz; Channel No. 252A, ERP: 2 kW; HAAT: 347 ft., (Bath, New York)

BPH-801201AH (KGEE), Monahans, Texas, Monahans Broadcasting Company, Req: 99.9 MHz; Channel No. 260C, ERP: 100 kW; HAAT: 540 ft.

BPH-801209AL (WKZR), Milledgeville, Georgia, WMVG, Inc., Has: 102.3 MHz; Channel No. 272A, ERP: 3 kW; HAAT: 160 ft. (lic), Req: 102.3 MHz; Channel No. 272A, ERP: 3 kW; HAAT: 300 ft.

BPH-801222AE (WIMA-FM), Lima, Ohio, The WIMA Broadcasting Corp., Has: 102.1 MHz; Channel No. 271B, ERP: 23 kW; HAAT: 240 ft. (lic), Req: 102.1 MHz; Channel No. 271B, ERP: 7 kW; HAAT: 1111 ft.

BPH-810123AO (New), Staunton, Virginia, First Capital Communications, Inc., Req: 99.7 MHz; Channel No. 259B ERP: 16 kW; HAAT: 400 ft.

BPH-810126AC (New), Bridge City, Texas, Cecil W. Hubbard, Req: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 230.1 ft., (Allocated to Nederland, TX.)

BPH-810204AE (New), Lockhart, Texas, Arcatel, Inc., Req: 94.7 MHz; Channel No. 234C, ERP: 100 kW; HAAT: 1098 ft.

BPH-810204AF (New), Snowmss Village, Colorado, Pitkin County Broadcasters, Inc., Req: 103.9 MHz; Channel No. 280A, ERP: 3 kW; HAAT: −763 ft.

BPH-810205AK (WYSH-FM), Clinton, Tennessee, Clinton Broadcasters, Inc., Has: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 ft. (lic), Req: 95.3 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 300 ft.

BPH-810211AD (New), Pierre, South Dakota, Robert E. Ingstad, Jr., Req: 92.7 MHz; Channel No. 224A, ERP: 3 kW; HAAT: 274.4 ft.

BPH-810212AA (New), Eagle, Colorado, High County Broadcasting, Inc., Req: 101.5 MHz; Channel No. 268C, ERP: 35.8 kW; HAAT: 2210 ft.

BPH-810217AA (New), Ticonderoga, New York, Cawley Broadcasting Co., Req: 103.9 MHz; Channel No. 280A, ERP: 1.54 kW; HAAT: 383 ft.

BPH-810218AE (New), Camden, Maine, Argonaut, Broadcasting, Inc., Req: 102.5 MHz; Channel No. 273B, ERP: 9.5 kW; HAAT: 1110 ft.

BPH-810223AE (WNBR), Wildwood, New Jersey, Jersey Cape Broadcasting Corporation, Has: 100.7 MHz; Channel No. 264B, ERP: 3.5 kW; HAAT: 85 ft. (lic), Req: 100.7 MHz; Channel No. 264B, ERP: 20 kW; HAAT: 280 ft.

BPH-810223AR (KUUL), Madera, California, Madera Wireless Co., Inc., Has: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 180 ft. (lic), Req: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 300 ft.

BPH-810226AC (New), Clarksville, Virginia, Athens Broadcasting Corporation, Req: 98.3 MHz; Channel No. 252A, ERP: 3 kW; HAAT: 220.4 ft.

BPH-810227AB (New), Buckhannon, West Virginia, Radio Station WBUC, Inc., Req: 93.5 MHz; Channel No. 228A, ERP: 3 kW; HAAT: 132 ft.

BPH-810227AC (New), Ilion, New York, Paradise B/C Comm. Systems, Inc., Req: 105.5 MHz; Channel No. 288A, ERP: 3 kW; HAAT: 300 ft., (Allocated to Little Falls, NY.)

BPH-810302AK (New), Earl Park, Indiana, Sandra Sue & Francis E. Hertel, Req: 98.3 MHz; Channel No. 252A, ERP: 3 kW; HAAT: 299.9 ft., (Allocated to Fowler, IN.)

BPH-810304AC (KIVE), Glendive, Montana, Christian Enterprises, Inc., Has: 96.5 MHz; Channel No. 243C, ERP: 100 kW; HAAT: 30 ft. (lic), Req: 96.5 MHz; Channel No. 243C, ERP: 90 kW; HAAT: 493 ft.

BPH-810305AA (WEKZ-FM), Monroe, Wisconsin, Green County Broadcasting Corp., Has: 93.7 MHz; Channel No. 229B, ERP: 15 kW; HAAT: 180 ft. (lic), Req: 93.7 MHz; Channel No. 229B, ERP: 45 kW; HAAT: 532.7 ft.

BPH-810308AF (KSON-FM), San Diego, California, KSEA, Inc., Has: 97.3 MHz; Channel No. 247B, ERP: 50 kW; HAAT: 215 ft. (lic), Req: 97.3 MHz; Channel No. 247B, ERP: 50 kW; HAAT: 442 ft.

BPH-810309AF (KNBQ), Tacoma, Washington, Tribune Publishing Company, Has: 97.3 MHz; Channel No. 247C, ERP: 100 kW; HAAT: 370 ft. (lic), Req: 97.3 MHz; Channel No. 247C, ERP: 100 kW; HAAT: 785 ft.

BPH-810309AI (WIYD-FM), Palatka, Florida, Hall Broadcasting Company, Has: 99.9 MHz; Channel No. 260C, ERP: 50 kW; HAAT: 180 ft. (lic), Req: 99.9 MHz; Channel No. 260C, ERP: 100 kW; HAAT: 900 ft.

BPH-810309AJ (KASE), Austin, Texas, KVET Broadcasting Company, Inc., Has: 100.7 MHz; Channel No. 264C, ERP: 98 kW; HAAT: 510 ft. (lic), Req: 100.7 MHz; Channel No. 264C, ERP: 100 kW; HAAT: 1190 ft.

BPH-810310AA (New), Memphis, Missouri, Samuel Berkowitz, Req: 96.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 300 ft.

BPH-810316AP (New), Fruita, Colorado, Jan-Di Broadcasting, Inc., Req: 99.9 MHz; Channel No. 260C, ERP: 100 kW; HAAT: 1384 ft.

BPH-810323AH (New), Colusa, California, Affinity Communications, Inc., Req: 107.5 MHz; Channel No. 298B, ERP: 27.8 kW; HAAT: 633 ft., (Allocated to Williams, CA)

BPH-810324AH (WQVA), Mechanicsburg, Pennsylvania, West Shire B/Cing. Co., Has: 93.5 MHz; Channel No. 228A, ERP: .53 kW; HAAT: 740 ft. (lic), Req: 93.5 MHz; Channel No. 228A, ERP: .525 kW; HAAT: 720 ft.

BPH-810324AI (New), Santa Fe, New Mexico, Siesta Communications Corp., Req: 104.1 MHz; Channel No. 281C, ERP: 100 kW; HAAT: 87 ft.

BPH-810327AJ (KZZB), Beaumont, Texas, Security B/Cing. of Beaumont, Inc., Has: 95.1 MHz; Channel No. 236C, ERP: 60 kW; HAAT: 220 ft. (lic), Req: 95.1 MHz; Channel No. 236C, ERP: 100 kW; HAAT: 551 ft.

BPH-810331AG (New), Defiance, Ohio, Defiance Broadcasting Co., Req: 98.1 MHz; Channel No. 251B, ERP: 50 kW; HAAT: 500 ft.

BPH-810403AA (KAAK), Great Falls, Montana, Feder Communications Corporation, Has: 98.9 MHz; Channel No. 255C, ERP: 28 kW; HAAT: 500 ft. (lic), Req: 98.9 MHz; Channel No. 255C, ERP: 100 kW; HAAT: 488 ft.

BPH-810403AC (new), Rogers City, Michigan, Alpine Broadcasting Company, Req: 97.7 MHz; Channel No. 249A, ERP: 3 kW; HAAT: 300 ft.

BPH-810406AC (new), De Soto, Missouri, Jeffco Broadcasting Company, Req: 100.1 MHz; Channel No. 261A, ERP: 3 kW; HAAT: 300 ft.

BPH-810408AA (KBGC-FM), Merkel, Texas, Big Country Broadcasting Company, Req: 102.3 MHz; Channel No. 272A, ERP: .398 kW; HAAT: 714 ft.

BPH-810408AB (WXNC), Henderson, North Carolina, Bible Broadcasting Network, Inc., Has: 92.5 MHz; Channel No. 223C, ERP: 15.5 kW; HAAT: 260 ft. (lic), Req: 92.5 MHz; Channel No. 223C, ERP: 50 kW; HAAT: 584 ft.

BPH-810410AE (WBMP), Elwood, Indiana, The Heart of Hoosierland Co., Inc., Has: 101.7 MHz; Channel No. 269A, ERP: 3 kW; HAAT: 140 ft. (lic), Req: 101.7 MHz; Channel No. 269A, ERP: 3 kW; HAAT: 300 ft.

BPH-810410AF (new), Coffeyville, Kansas, The Midwest Broadcasting Co., Inc., Req: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 300 ft.

BPH-810410AG (new), Ellsworth, Maine, Acadia Broadcasting Company, Req: 94.3 MHz; Channel No. 232A, ERP: 1.17 kW; HAAT: 441 ft.

BPH-810415AC (KVRN-FM), Sonora, Texas, Sonora Broadcasting Co., Inc., Has: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 28 ft. (lic), Req: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 300 ft.

BPH-810415AE (KBOS), Tulare, California, KBOS, Inc., Has: 94.9 MHz; Channel No. 235B, ERP: .770 kW; HAAT: 2,650 ft. (lic), Req: 94.9 MHz; Channel No. 235B, ERP: 10.4 kW; HAAT: 847 ft.

BPH-810417AC (KSAS), Liberty, Missouri, Southwest Radio Enterprises, Inc., Has: 106.5 MHz; Channel No. 293C, ERP: 100 kW; HAAT: 630 ft. (lic), Req: 106.5 MHz;

Channel No. 293C, ERP: 100 kW; HAAT: 1,200 ft.

BPH–810617AD (new), Henderson, Tennessee, Wolfe Communications, Inc., Req: 95.9 MHz; Channel No. 240A, ERP: 3 kW; HAAT: 300 ft.

BPH–810420AD (new), Roy, Utah, Margarette Kathelene Wamsley, Req: 107.9 MHz; Channel No. 300C, ERP: 45.6 kW; HAAT: 2,359 ft.

BPH–810421AB (new), West Jordan, Utah, Robert R. Busch, Req: 102.7 MHz; Channel No. 274C, ERP: 100 kW; HAAT: 1,036 ft.

BPH–810423AD (new), Albuquerque, New Mexico, Hispanic Owners, Inc., Req: 103.3 MHz; Channel No. 277C, ERP: 22.4 kW; HAAT: 4,110 ft.

BPH–810423AQ (WJYN), Nashville, Tennessee, Sudbrink B/Cting of Nashville, Inc., Has: 105.9 MHz; Channel No. 290C, ERP: 100 kW; HAAT: 410 ft. (lic), Req: 105.9 MHz; Channel No. 290C, ERP: 100 kW; HAAT: 1,241 ft.

BPH–810424AC (WBGR–FM), Paris, Kentucky, WBGR Broadcasting, Inc., Has: 98.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 105 ft. (lic), Req: 98.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 300 ft.

BPH–810424AE (new), Columbia, Missouri, Columbia FM, Inc., Req: 101.7 MHz; Channel No. 269A, ERP: 3 kW; HAAT: 300 ft.

BPH–810427AG (new), Paxton, Illinois, Plowshare Broadcasting, Inc., Req: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 ft.

BMPH–800918AB (WGCV), Port St. Joe, Florida, North Florida Broadcasting Corp., Has: 93.5 MHz; Channel No. 228A, ERP: 2kW; HAAT: 130 ft. (CP), Req: 93.5 MHz; Channel No. 228A, ERP: .980 kW; HAAT: 530 ft.

BPED–791226AI (WGEV), Beaver Falls, Pennsylvania, Geneva College, Has: 88.3 MHz; Channel No. 202D, TPO: .01 kW (lic), Req: 91.3 MHz; Channel No. 217A, ERP: .149 kW; HAAT: 232 ft.

BPED–791226CC (KLSE–FM), Rochester, Minnesota, Minnesota Public Radio, Inc., Has: 91.7 MHz; Channel No. 219C, ERP: 100 kW; HAAT: 590 ft. (lic) (Rushford, Minnesota), Req: 91.7 MHz; Channel No. 219C, ERP: 100 kW; HAAT: 1,087 ft. (Rochester, Minnesota)

BPED–791228AW (KVSC), St. Cloud, Minnesota, St. Cloud State University, Has: 88.5 MHz; Channel No. 203DS, ERP: .01 kW; HAAT: Req: 88.1 MHz; Channel No. 201C ERP: 5.17 kW; HAAT: 132 ft.

BPED–791231AL (WQNA), Springfield, Illinois, Capital Area Vocational Center, Has: 89.9 MHz; Channel No. 210DS, ERP: .01 kW; HAAT: ft. (lic) Req: 88.3 MHz; Channel No. 202A, ERP: .408 kW; HAAT: 95 ft.

BPED–791231BZ (WBSU), Brockport, New York, State University of New York, Req: 88.9 MHz; Channel No. 206A, ERP: .128 kW; HAAT: 151 ft.

BPED–800201AJ (WLFC), Findlay, Ohio, Findlay College, Has: 88.3 MHz; Channel No. 202DS, ERP: .01 kW; HAAT: ft. (lic), Req: 88.3 MHz; Channel No. 202A, ERP: .156 kW; HAAT: 100 ft.

BPED–800616BB (KIEA), Ethete, Wyoming, Wind River Indian Educ. Ass'n., Inc., Req: 88.7 MHz; Channel No. 209A, ERP: 2.588 kW; HAAT: 81 ft.

BPED–801020AM (WSMC–FM), Collegedale, Tennessee, Southern Missionary College, Inc., Has: 90.7 MHz; Channel No. 214C, ERP: 100 kW; HAAT: 550 ft. (lic), Req: 90.5 MHz; Channel No. 213C, ERP: 100 kW; HAAT: 550 ft.

BPED–801021AA (WCCE), Buies Creek, North Carolina, Campbell University, Inc., Has: 90.1 MHz; Channel No. 211A, ERP: 3 kW; HAAT: 105 ft. (lic), Req: 88.5 MHz; Channel No. 203A, ERP: 3 kW; HAAT: 300 ft.

BPED–801031AQ (KKED–FM), Corpus Christi, Texas, South Texas Educ. B/Cting Council, Req: 90.3 MHz; Channel No. 212C, ERP: 100 kW; HAAT: 802.3 ft.

BPED–801205AN (WMOS), Bath, Maine, Bath Board of Education, Has: 91.5 MHz; Channel No. 218D, TPO: .01 kW (lic), Req: 95.3 MHz; Channel No. 237D, TPO: .01 kW

BPED–810119AB (KXPR), Sacramento, California, California State Univ., Sacramento, Has: 88.9 MHz; Channel No. 285B, ERP: 23 kW; HAAT: 660 ft. (lic), Req: 90.9 MHz; Channel No. 215B, ERP: 32 kW; HAAT: 600 ft.

BPED–810121AC (KTXT–FM), Lubbock, Texas, Texas Tech University, Has: 91.9 MHz; Channel No. 220DS, ERP: .01 kW; HAAT: ft. (lic), Req: 88.1 MHz; Channel No. 201C, ERP: 18.5 kW; HAAT: 342.2 ft.

BPED–810123AD (new), Bufaula, Oklahoma, Oklahoma Education Television Auth., Req: 88.9 MHz; Channel No. 210C, ERP: 100 kW; HAAT: 1,185 ft.

BPED–810123AP (WOFR), Glen Falls, New York, Bd. of Trustees of Adirondack College, Has: 91.9 MHz; Channel No. 220D, TPO: .01 kW; (lic), (Glen Falls, New York), Req: 92.1 MHz; Channel No. 221D, ERP: .015 kW; HAAT: −140 ft. (Glen Falls, New York)

BPED–810126AG (KYDZ), Cody, Wyoming, Park County School District #6, Has: 90.1 MHz; Channel No. 211D, TPO: .01 kW; (lic), Req: 90.1 MHz; Channel No. 211A, ERP: .150 kW; HAAT: −460 ft.

BPED–810202AM (new) Cherry Hill, New Jersey, Bd. of Educ. of Twnsr. of Cherry Hill, Req: 89.5 MHz; Channel No. 208A, ERP: .100 kW; HAAT: 113 ft.

BPED–810204AA (WNJC–FM), Senatobia, Mississippi, Northwest Mississippi Jr. College, Has: 90.1 MHz; Channel No. 211C, ERP: 16 kW; HAAT: 390 ft. (lic), Req: 88.9 MHz; Channel No. 205C, ERP: 19.9 kW; HAAT: 378 ft.

BPED–810331AJ (WJCR), Washington, Pennsylvania, Washington & Jefferson College, Has: 88.3 MHz; Channel No. 202DS, ERP: .01 kW; HAAT: ft. (lic), Req: 92.1 MHz; Channel No. 221D, TPO: .01 kW.

BPED–800823AF (WHRS–FM), West Palm Beach, Florida, South Florida Public Telecommunications, Has: 90.7 MHz; Channel No. 214, ERP: 34 kW; HAAT: 195 ft. Req: 90.7 MHz; Channel No. 214, ERP: 25 kW; HAAT: 350 ft.

[FR Doc. 81-20888 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-425, 81-426, File Nos. BPH-800409AG, BPH-800811AG]

Hal Robert Heywood et al.; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: June 24, 1981.

Released: July 10, 1981.

In re Applications of Hal Robert Heywood, Douglas H. Hanson and Armando E. Maldonado d/b/a Cal-Mex Broadcasting Co., Calexico, California, Req: 97.7 MHz, Channel 249, 3kW (H&V), 300 feet, BC Docket No. 81–425, File No. BPH–800409AG; Rafael M. Santos and D. Andrew Leptich d/b/a Hispanic Broadcasting Company, Calexico, California, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 190 feet, BC Docket No. 81–426, File No. BPH–800811AG; For Construction Permit for a New FM Station.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) the above-captioned mutually exclusive applications filed by Cal-Mex Broadcasting Co. (Cal-Mex) and Hispanic Broadcasting Company (Hispanic) and (ii) a motion to dismiss filed by Cal-Mex against Hispanic and a reply by Cal-Mex.[1]

2. *Cal-Mex.* Analysis of the financial data submitted by Cal-Mex reveals that $107,706 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$20,530
Equipment payments	7,166
Building	16,000
Miscellaneous costs	12,000
Three months operating costs	51,990
Total	107,706

This estimate is tentative since Cal-Mex has not provided the itemization of first quarter expenses in compliance with Item 1(b), Section III. Cal-Mex plans to finance construction and operation with $45,000 in new capital, $80,000 in direct loans, and $1,000 in current liquid assets. The financial agreement for new capital calls for each of the three principals to commit $15,000 within fifteen days of receipt of the construction permit. Principals Heywood and Maldonado have shown sufficient liquid assets to meet their commitments; principal Hanson, however, has shown only $8,455 available liquid assets to meet his commitment. Although his non-liquid assets are substantial when compared to the commitment, no plan for the liquidation of such assets has been submitted. Therefore, total funds available as new capital totals $38,455. We will accept Cal-Mex's figure of $55,988 as the net available from the proposed loan from United California Bank, although one might have reason to believe that Cal-Mex applied a one year standard rather than the three month standard in determining its loan repayment costs. Since the applicant has shown $95,543 available to meet a requirement of $107,706, a financial issue will be specified.

3. *Hispanic.* Analysis of the financial data submitted by Hispanic reveals that $121,345 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment cash purchase	$79,168
Land lease payment	1,000
Building	12,000
Miscellaneous costs	13,000
Three months operating costs	16,177
Total	121,345

While Hispanic has provided a rudimentary breakdown of an equipment purchase plan, it has failed to document this with a letter and/or a proposal from a radio equipment company. Therefore, our analysis is based on cash purchase of all equipment. Hispanic plans to finance construction and operation with $72,000 in estimated advertising sales and an unspecified net available from a direct loan for $100,000 from Mexican American National Bank.[2] However, we cannot allow reliance on projected revenue earnings. The financial standard adopted in 1978 requires applicants to demonstrate the ability to construct the station and operate for three months, without relying upon advertising or other revenues to meet the costs. See *Financial Qualification Standard for Aural Broadcast Applicants*, 69 FCC 2d 407 (1978). Hispanic has also failed to comply with Paragraph 4(e), Section III by failing to have its bank letter specify rate of interest, terms of repayment, and by failing to provide the statement of guarantees required by Mexican American National Bank. Further, Hispanic is apparently ineligible to receive a loan from the bank since the bank stipulated that the loan "will only be made to a corporation organized by Rafael Santos and D. Andrew Leptich and both must be principal stockholders." Hispanic has filed as a general partnership under terms of an agreement signed by both principals June 30, 1980. Therefore, Hispanic has shown no funds available to meet a requirement of $121,345. A financial issue will be specified.

4. Cal-Mex has moved to dismiss Hispanic's application on grounds that the Hispanic application was "substantially incomplete" when filed and therefore should have been dismissed pursuant to Section 73.3566(a) of the Rules. Cal-Mex's motion focuses on both the faulty certification of the Hispanic application and an apparent misrepresentation in the preparation of various sections and exhibits. There is not question that Hispanic erred in its certification, predating the application prior to the preparation and attachment of the sections and/or exhibits. Principal Santos certified the application as "true, complete, and correct" on May 15, 1980, well in advance of the dating of the balance sheets (June 25), the signing of the Partnership Agreement (June 30), and the signing of Engineering Section V–B (July 30). However, the Commission has stated that Section 73.3566 has no applicability in cases of improper verification and that such applications may be amended *nunc pro tunc* and considered accepted when tendered for filing. *Muskingum Broadcasting Co.*, FCC 60–270, 19 RR 1151 (1960). The rationale here and in *Johnston Broadcasting Co. v. FCC*, 85 US App. DC 40, 175 F2d 351, 4 RR 2138 (1949) (is that, while not waiving the requirement, the Commission would, where consistent with the rules, allow *nunc pro tunc* amendment to cure a defective verification. See also *Communications Gaithersburg, Inc.*, 60 FCC 2d 537, 548 (1976). Hispanic's error does not rise to the level of dismissal. However, to remedy this deficiency, Hispanic will be required to file an amended Section I, Page 2 with the presiding Administrative Law Judge.

5. We do not agree with the Cal-Mex allegation that Hispanic's application is "substantially incomplete." The Hispanic application meets criteria established in previous Commission decisions in that all six sections and most of the required exhibits were furnished with the tendered application. Dismissal of applications not "patently violative" of the rules would thus deprive the public of a choice of applicants for a given broadcast facility. *K & L Communications, Inc., supra*, note 1, at 1988.

6. Finally, in dealing with the alleged misrepresentation by Hispanic in the preparation of the application and supporting exhibits, we acknowledge that the biographical statement of Mr. Leptich is poorly worded and thus lends itself to the inference that the application was prepared by Mr. Leptich and members of his college class. However, as Mr. Santos' affidavit correctly states, the narrative of the Leptich biographical material does not credit either Mr. Leptich or any members of his college class. The narrative states that the Hispanic application was "prepared for the requirements of a Senior Project in business administration." Mr. Santos' affidavit states that he prepared the application, supporting therefore the response provided on Page 2 of the application. We do not find the inference taken by Cal-Mex sufficient to make an issue of deliberate misrepresentation. Therefore, no character issue will be specified.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Cal-Mex Broadcasting Co:

(a) the source and availability of additional funds over and above the $95,543 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

[1] Pursuant to the Commission's decision in *K & L Communications, Inc.*, 70 FCC 2d 1987, 45 RR 2d 187 (1974), the Cal-Mex petition will be treated as an informal objection and will be disposed of by the staff.

[2] Hispanic has claimed but not documented possible reliance on loans for minority broadcasters from the Small Business Administration, Minority Investment Corporation, and/or the National Association of Broadcasters.

2. To determine with respect to Hispanic Broadcasting Company:

(a) the source and availability of funds to meet anticipated costs; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to construct and operate the proposed facility.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

10. It is further ordered, That Hispanic Broadcasting Company will file a new certification of its application with the presiding Administrative Law Judge.

11. It is further ordered, That the motion to dismiss filed by Cal-Mex Broadcasting Co. to the grant of the Hispanic Broadcasting Company application is denied.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursunat to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of th is Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-20978 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-434, 81-435; File Nos. BPH-810102AA, BP-810403AD]

Wayne D. Tisdale and Wishek Broadcasting, Inc., Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: July 1, 1981.

Released: July 10, 1981.

In re Applications of Wayne D. Tisdale, Sisseton, South Dakota, Req: 1330 kHz, 1 kW, Day, BC Docket No. 81-434, File No. BP-810102AA; Wishek Broadcasting, Inc., Wishek, North Dakota, Req: 1330 kHz, 500 W, Day, BC Docket No. 81-435, File No. BP-810403AD; For Construction Permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations.

2. Both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Since the proposals are for different communities, an issue must be specified to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service.

3. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

4. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

5. It is further ordered, that pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in the rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-20977 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-427, 81-428; File Nos. BPH-800714AM, BPH-801107AF]

R. E. Watkins, Jr. et al.; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: June 24, 1981.

Released: July 13, 1981.

In re Applications of R. E. Watkins, Jr. & Patrick G. Blanchard d.b.a. Columbia County Broadcasters, Martinez, Georgia, Req: 94.3 MHz, channel No. 232A, 3.0 kW (H&V), 300 feet, BC Docket No. 81-427, File No. BPH-800714AM; C S R A Broadcasters, Inc., Martinez, Georgia, Req: 94.3 MHz, Channel No. 232A, 3 kW (H&V), 305 feet, BC Docket No. 81-428, Filed No. BPH-801107AF.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by R. E. Watkins, Jr. and Patrick G. Blanchard d.b.a. Columbia County Broadcasters (Columbia) and C S R A Broadcasters, Inc. (C S R A) for a construction permit for a new FM station.

2. *Columbia.* The applicant has published local notice of the filing of its application as required by § 73.3580(c) of the Commission's Rules. However, it has failed to comply with § 73.3580(f)(9) which requires that the local notice include a statement that a copy of the application is on file for public inspection at a specific address in the community. To remedy this deficiency, Columbia will be required to republish local notice of its application containing this additional information and to file a statement of publication with the presiding Administrative Law Judge.

3. An analysis of the financial data submitted by Columbia reveals that $81,259 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$43,459
Buildings	3,000
Miscellaneous	7,800
Operating expenses (three months)	27,000
Total	81,259

Columbia plans to finance construction and operation costs with a net loan of $35,200 from the First National Bank & Trust Company and with $38,000 from the two partners. This bank letter is no longer valid, and the time of commitment having been less than one year we are unable to apply our policy stated in *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812, released January 16, 1981, in which we gave a presumption of validity to bank loan commitments of a year or more even if the term of the loan had expired. As for the contribution by the partners, it appears from the balance sheets provided by the applicant that R.E. Watkins, Jr. will be able to meet his commitment of $19,000 and that Mr. Patrick G. Blanchard cannot. We are assuming that since both partners are half owners of the partnership, that each one is supposed to supply 50% of $38,000. If the partners intended otherwise, it is not apparent from the application. A financial issue will be specified.

4. It is apparent that Columbia has violated Sections 1.1225 and 1.1227(e) of the Commission's ex parte rules. On December 10, 1980, former Chairman Charles Fetris received a letter from then Senator Herman E. Talmadge, concerning the application of Columbia County Broadcasters. This was apparently in response to a telephone call make by one of the applicant's partners, Mr. R.E. Watkins, Jr. or Mr. Partick C. Blanchard. On January 6, 1981, the FCC Congressional Liasion Office received an inquiry letter from Senator Thurmond regarding Columia's application, and attached thereto was a letter written to Thurmond on December 12, 1980, by Mr. R. E. Watkins, Jr. Watkins' letter explained that Columbia had filed a construction permit application on July 10, 1980, and that competing applications from Wayne Communications and C S R A Broadcasters, Inc. had been filed for the same channel assigned to Martinex, Georgia.[1] Watkins stated that no one external to Columbia County could have as strong a record as reputable community leaders as he and Patrick Blanchard, and he requests that Thurmond help them obtain the license; . . . "We understand the FCC doesn't like to be pressured, however, we need your help." Section 1.1225 of the Rules prohibits any person from soliciting or encouraging another to make an ex parte presentation[2] to decision-making Commission personnel when the applicant is involved in a restricted proceeding. Sections 1.1203(b)(2) and 1.1223 of the Rules established that application proceedings are restricted from the day on which public notice of the filing of a mutually exclusive application is given. It is apparent that the partners of Columbia have solicited Senatorial assistance and intercession on their behalf, after mutually exclusive applications had been filed. Accordingly, an ex parte issue will be specified.

5. *C S R A.* Columbia proposes independent programming while C S R A proposes to duplicate some of the programming of its commonly-owned station, WGAC. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted will be limited to evidence cocerning the benefits to be derived from the proposed duplication which would offset its inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360, 10 RR 2d 114 (1967).

6. Since no determination has been reached that the antenna proposed by C S R A would not constitute a menace to air navigation, an issue regarding this matter is required.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would received FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such area, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Columbia County Broadcasters

(a) the source and availability of additional funds over and above the $19,000 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether Columbia has violated Section 1.1225(a) or Section 1.1227(e) of the Commission's Rules and, if so, what effect such conduct has on Columbia's qualifications to be a Commission licensee.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by CSRA would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Columbia file a statement with the presiding Administrative Law Judge demonstrating compliance with the public notice requirement of § 73.3580(f).

10. It further ordered, That the FAA is made a party on the proceeding.

11. It is further ordered, That in the event that the application of CSRA Broadcasters, Inc., is granted, George Beasley, the majority stockholder will divest himself of his interest in one of seven FM stations so as to be in compliance with Section 73.240 of the Commission's Rules.

12. It is further ordered, That in the event the application of CSRA Broadcasters, Inc., is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, the applicant will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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[1] Wayne Communications filed its construction permit application on August 26, 1980 and it was returned for dismissal on December 10, 1980. C S R A Broadcasters, Inc. filed its application on November 7, 1980. Consequently, both competing applications were filed prior to the solicitations by Columbia.

[2] Ex parte presentation is defined in Section 1.1201(g) of the Rules: (1) Any written presentation made to decision-making personnel by any person which is not served on the parties to the proceeding. (2) Any oral presentation, made to decision-making commission personnel by any other person, without advance notice to the parties to the proceeding and opportunity for them to be present.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-20879 Filed 7-15-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-41; Transmittal No. 242; FCC 81-298]

RCA American Communications, Inc.; Revisions to Tariff F.C.C. Nos. 1 and 2

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order terminating proceeding.

SUMMARY: The Federal Communications Commission concludes an investigation into proposed tariff revisions filed by RCA American Communications, Inc. (RCA Americom). See 46 FR 12842 (2-18-81) and FR 25559 (5-7-81). The Commission finds the proposed revisions unlawful and will not allow them to become effective because RCA Americom has failed to demonstrate that the proposed revisions are reasonable and not unduly discriminatory within the meaning of sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b), 202(a). The revisions proposed a scheme for allocating transponders on the carrier's Cable Net II satellite under which permanent customers would be leased an additional transponder on Cable Net II once that service is transferred to one of the carrier's larger capacity replacement satellites.

DATE: Effective June 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carl E. Douglas, Common Carrier Bureau, (202) 632-0917.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: June 30, 1981.

Released: July 6, 1981.

By the Commission: Commissioners Fogarty and Jones absent.

1. We instituted this proceeding to investigate revisions to Tariff F.C.C. Nos. 1 and 2 filed by RCA American Communications, Inc. (RCA Americom) under the above-captioned transmittal. *RCA American Communications, Inc.*, 84 FCC 2d 781 (1981) (Designation Order). The revisions, now scheduled to become effective July 6, 1981 after a five-month suspension, would implement an allocation plan for domestic satellite transponders under which permanent customers of RCA Americom's Cable Net II satellite would be leased an additional transponder, presumably on the carrier's SATCOM I satellite.[1] Having examined the proposed revisions in light of the comments submitted by parties to this investigation, we find that RCA Americom has failed to show that the revisions are just, reasonable, and not unduly discriminatory within the meaning of Sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201, 202(a).[2] For this reason, we will not allow the revisions to become effective.

Background

2. Since 1976, RCA Americom has been operating a satellite system that provides video, message, and private line services for commercial, government, and broadcast users. The system currently consists of three satellites—SATCOMS I and II, and Comstar D-2.[3] SATCOM II is used by government and private line users. The usable transponders on SATCOM I and Comstar D-2 on the other hand, have been leased almost entirely by cable television (CATV) programmers and resellers who offer their services through a network of receive-only earth stations. RCA Americom calls these cable satellites "Cable Net I" and "Cable Net II", respectively, and the demand for transponder capacity on them currently exceeds supply.[4]

3. RCA Americom now plans to launch a replacement for SATCOM III around October 1981. This replacement is scheduled to become operational shortly thereafter, and at that time, RCA Americom's Cable Net I customers will be switched to it.[5] The nine customers on Comstar D-2 will be transferred to SATCOM IV after its December 1981 launch (which will then become Cable Net II), and under the proposed revisions each of them would be able to lease an additional or "bonus" transponder once the transfer is completed.[6]

4. Initially, RCA Americom attempted to justify its proposal as a reasonable means of establishing a second cable network. Although the carrier did not seriously dispute the discriminatory nature of the scheme, it claimed that awarding a bonus transponder to existing customers would act as an incentive for them to begin video distribution on Cable Net II. RCA Americom assumed, in turn, that this would induce cable systems to invest in earth stations capable of receiving signals from the satellite, thereby helping to achieve the carrier's goal of establishing a second cable network.

5. In the Designation Order, we questioned whether RCA Americom's goal was an appropriate criterion under sections 201(b) and 202(a), 47 U.S.C 201(b), 202(a), for allocating scarce common carrier facilities.[7] We observed that the carrier had failed to adequately justify the discrimination inherent in the plan and noted that its representations in this regard were generalized and conclusory. For example, we indicated that even if we were to accept its argument that the creation of a second cable network was a valid business pursuit, RCA Americom needed to provide a sufficient explanation for its claim that the award of an additional transponder to its Comstar D-2 customers would in fact achieve this result. We stated also that the carrier would have to substantiate its decision to favor its present Cable Net II customers over other potential customers. We instituted this investigation, therefore, to give the carrier an opportunity to support and demonstrate the reasonableness of its proposed allocation plan. As such, the burden of introducing evidence and the burden of proof were placed on RCA Americom.

Overview of Comments

6. In its direct case, RCA Americom argues that we have mischaracterized the purpose of its proposed allocation scheme. It insists that establishing a second cable network is not the basis for the plan. Rather, the carrier states that its goal simply is to achieve full utilization of its Cable Net II transponders. In addition, RCA Americom claims that the bonus allocation scheme will give due recognition to those customers who bore substantial risks of uncertainty in starting Cable Net II. And these goals, it states, are clearly reasonable within the meaning of section 201(b) and 202(a) of the Act.

7. As we understand its argument, the carrier perceives that despite the growing list of potential customers seeking transponder space, its Cable Net II is not yet a viable satellite. Few cable systems are currently accessing the satellite, and, absent, a sufficient quantity of attractive programming, RCA Americom believes that Cable Net II will fail. Allocating a bonus transponder to its existing customers would, according to the carrier, increase the quantity of programming which in turn should attract more cable systems and presumably assure the full utilization of the satellite.

8. Current Cable Net II customers who would receive an extra transponder under the carrier's plan fully support the proposed scheme. Echoing RCA Americom's arguments, these parties state that the majority of cable systems own earth stations capable of receiving signals from only one satellite at a time, and most of these antennas are now oriented towards the primary cable satellite, Cable Net I. To encourage cable systems to invest in a second earth station, which then could be used to access Cable Net II, RCA Americom has been forced to design an allocation plan reasonably calculated to make Cable Net II more attractive.

9. Thus, HBO, Showtime, and Spanish assert that multiple transponders on the same satellite are critical for programming on a nationwide basis. With two transponders, programmers would be able to deliver the same program at the same local time to different time zones, and as such, would be able to more effectively compete with the broadcast networks. Programmers with multiple transponders would also be able to deliver to the same earth station different programs targeted to the specific demographics of various audiences, thereby maximizing the total number of viewers. These parties also maintain that they would be less likely to fully utilize Cable Net II with only one transponder.

10. On the other hand, opponents of the plan vigorously dispute RCA Americom's justification. Post-Newsweek argues, for example, that selecting particular customers cannot be legitimate conduct for a common carrier under the Communications Act and that, in any event, boosting the competitive posture of current Cable Net II customers does not guarantee that the potential viability of Cable Net II itself will be enhanced. Similarly, EMI, TCS, and Utopia submit that if the full utilization of transponders is truly the carrier's only goal, it should allocate the available transponders to any of the more than fifty entities presumed to be on the waiting list. These potential customers, they insist, would undoubtedly make full use of any available space.

11. As to the preference given existing Cable Net II customers, RCA Americom finds justification in the fact that these customers bore the financial risks of uncertainty following the loss of the carrier's SATCOM III satellite. Since the prospects for Cable Net II are now presumed brighter, RCA Americom believes these customers are entitled to profit from that risk.

12. Opponents strenuously argue, however, that rewarding customers for risk-taking has never been a legitimate objective under the Act. In Post-Newsweek's view, RCA Americom has offered no evidence that these customers have performed any services warranting special consideration. Others maintain that the so-called risks taken by these customers were merely business choices and therefore undeserving of any preferred treatment. In any event, states Utopia, due recognition was accorded present Cable Net II customers when only they were allowed to participate in the lottery for two available transponders on Cable Net I.[8]

Discussion

13. In determining whether RCA Americom has sustained its burden of justifying the proposed scheme, we accept the proposition that carriers should be afforded wide discretion to design marketing strategies that are reasonably calculated to meet legitimate business needs. *See e.g., MCI Telecommnications Corp.*, 81 FCC 2d 568 (1980).[9] This is especially true in cases such as this one since the Communications Act is silent on the specific question of how carriers may allocate limited facilities. *RCA American Communications, Inc.* 84 FCC 2d 781; *MCI Telecommunications Corp.*, 81 FCC 2d at 1572; *Lottery Decision*, 79 FCC 2d at 334. The Act merely requires

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[1] As noted in the Designation Order, a transponder is a device on a satellite that receives signals from an earth station (uplink) in one frequency, amplifies them, and then sends the signals back to earth where an earth station (downlink) picks them up and relays them to a cable system or television station for distribution. *See Western Union Telegraph Company* 65 FCC 2d 99, 97 fn. 3 (1977). For a more detailed description of the transmission of video signals by satellite, *see e.g.*, Preliminary Report on Prospects for Additional Networks by the Federal Communications Commission Network Inquiry Special Staff, released March 1980.

[2] RCA Americom has submitted a direct case, to which responsive comments supporting the proposed revisions have been filed by Home Box Office, Inc. (HBO), National Christian Network, Inc. (NCN), Showtime Entertainment (Showtime), Southern Satellite Systems, Inc. (Southern), Spanish International Network, Inc., (Spanish), and jointly by Trinity Broadcasting Network, Inc., and Rainbow Communications, Inc. (TBN and RCI). Comments opposing the proposed revisions have been filed by Eastern Microwave Inc. (EMI), Fine Arts Satellite Network, Inc. (Fine Arts), Post-Newsweek Stations, Inc. (Post-Newsweek), The TM Communications, Co. (TMC), Total Communications Systems (TCS), United Video, Inc. (United), and jointly by Utopia Video Corp., Thomas Ashley, and John Andariese (Utopia). Black Entertainment Network has filed a motion to accept its late-filed comments. We deny its motion, however, since its comments were received too late to be considered.

[3] Eleven transponders on Comstar D-2 are being leased temporarily from the American Telephone Telegraph Company. RCA Americom entered into the lease agreement with AT&T after it lost contact with SATCOM III shortly after its launch in December 1979. The lease agreement with AT&T is due to expire on December 31, 1981.

[4] Since a great many earth stations are oriented toward Cable Net I, capacity on that satellite is particularly valued. It enables the programming offered by cable distributors to be caried by local cable systems throughout the continental United States.

[5] In July 1980, after transponder space on Cable Net I became available, RCA Americom held a lottery among its Cable Net II customers for two vacant transponders. See *RCA American Communications, Inc.*, 79 FCC 2d 331 (1980) (*Lottery Decision*), review pending *sub nom Spanish International Network v. FCC*, Case No. 80-1911 *et al.*, (D.C. Cir.). United and Warner Amex Satellite Entertainment Co. won the lottery and were then transferred to Cable Net I.

[6] SATCOM IV will have twenty-two transponders devoted full-time to video transmission. After the nine Cable Net II customers have been transferred to SATCOM IV there will presumably be thirteen other transponders available.

[7] Section 201(b) requires, inter alia, that:

[A] 11 charges, practices, classifications, and regulations for and in connection with such communications service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful . . . .

Section 202(a) makes it:

. . . Unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communications service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

[8] *Lottery Decision*, 79 FCC 2d 331 (1980).

[9] See also *RCA American Communications, Inc.*, FCC 81-194 (released May 14, 1981) review pending *sub nom. Spanish International Network v. FCC*, Case No. 80-1911 *et al.* (D.C. Circuit), where we recognized a carrier's business needs as a relevant factor in Section 201 and 202 findings of reasonableness. (Para. 26). There, we determined that a 1976 contract in which RCA Americom had agreed to provide notice of any activity which might preclude Satellite Equipment Leasing Company (SEL) from leasing two transponders on SATCOM I and an opportunity to lease those transponders as part of its consideration for SEL's willingness to assume the financial risk of building a transmit/receive earth station near Atlanta, was not unlawful. We concluded that the limited preference resulting from the bilateral contract was not unreasonable because, *inter alia*, it promoted development of the domestic satellite industry, expanded service available to the public and tended to stabilize the then economically insecure RCA Americom. We are unable to find any convincing evidence in this record that similar benefits will flow from the allocation scheme proposed by RCA Americom in its tariff revisions.

that any allocation plan be reasonable under Sections 201(b) and 202(a). Nor for that matter do we dispute the carrier's contention that its proposed scheme must be viewed within the context of a dynamic, high-risk industry. In other words, our evaluation of the record here must take into account the particular characteristics and circumstances relating to the present domestic satellite market. See generally, *Metrock Corp.*, 73 FCC 2d at 805. And, given the present demand for RCA Americom transponders, we must balance the interests of existing and potential customers against the carrier's interest in offering competitive services. *See, e.g., RCA American Communications, Inc.*, Docket No. 80-766, 81-255 (released May 26, 1981).[10]

14. Turning first to the merits of RCA Americom's justification for its scheme, we note that the carrier no longer claims that its allocation plan is designed to create a second cable network. Rather, the real objective, says RCA Americom, is simply to make the most efficient use of its transponders. However, even if this latter goal is assumed to be both a legitimate business interest which the carrier is entitled to pursue and consistent with the Act, RCA Americom has once again failed to show how the plan is reasonably calculated to achieve the stated result. Simply awarding an additional transponder to existing customers does not insure that these customers will make full use of them; nor does it ensure that these customers will continue to use the transponders through the useful life of the satellite. Indeed, as RCA Americom admits, existing customers remain free to resell the very transponder the plan is designed to reward them. See generally, *Resale and Shared Use*, 60 FCC 2d 261 (1976), *recon, granted in part*, 62 FCC 2d 588 (1977).

15. Nor has RCA Americom shown why its goal of increasing the quantity of Cable Net II programming, which it considers essential to efficient transponder utilization and the satellite's success in the marketplace, cannot be achieved without discriminating in favor of existing customers. Moreover, since competition encourages and rewards the efficient use of facilities, increasing the level of competition on Cable Net II might well serve as a greater incentive for efficient transponder utilization.[11]

16. RCA Americom insists that its intention is not to favor some customers over others but only to give due recognition to the risks its Cable Net II customers have undertaken. Assuming for the moment that recognition of risk is a reasonable and legitimate basis for the allocation of scarce resources, RCA Americom's argument is not compelling in this case. The "risk" here appears only to be a business decision by the affected customers to lease transponders on Comstar D-2. Additionally, there is no evidence that the decision to lease space was motivated by any expectation of compensation in the form of an additional transponder at some future time. Whether these decisions entailed any risk is questionable, moreover, given the lack of alternative sources of supply at the time the service request was made as well as the outstanding obligations of these users to their own customers.

17. In any event, as explained, we cannot ignore our statutory obligation to weigh the overall facts of record. To repeat, there is no dispute that other potential customers stand ready, willing, and able to take this service, and have for some time competed for space on an RCA Americom satellite. In light of this apparent demand, RCA Americom has not demonstrated how its proposed allocation scheme is needed to insure efficient utilization of its satellite facilities which it claims to be the primary objective of this plan. Under all these circumstances, as well as the statutory requirement that carriers provide service on reasonable terms, we judge that the needs of these potential customers outweigh the marginal concerns for rewarding existing customers.

18. Indeed, in balancing the relative interests of the various parties, we observe that RCA Americom admits that it will not be injured financially by any decision reached in this proceeding. Because there are apparently more than fifty entities seeking transponder space, the carrier should have sufficient customers for all of its available transponders regardless of the allocation method employed.

19. Nor do we perceive harm to existing Cable Net II customers by our decision to reject the proposed allocation scheme. These customers would, in any event, retain their present number of transponders once the transfer to SATCOM I is completed. They will be receiving, therefore, exactly what they bargained for when they originally leased transponder space with RCA Americom. Moreover, since many of these present customers already lease several transponders on Cable Net I, our action here would in no way deprive them of any of the benefits and advantages currently enjoyed by leasing multiple transponders albeit on a different satellite. And of course, these parties are not being excluded from participating in any future impartial allocation plan that RCA Americom devises.

20. Potential customers, by contrast, would be adversely affected were we to permit the proposed revisions to become effective. Many of them are new companies preparing to enter the satellite distribution market for the first time. Because there is a need to secure initial programming and construct earth stations, the costs of such preparations are substantial. Extended delays in securing transponders could irreparably harm their ability to enter the market altogether since these companies would be unable to recover any of their initial investment until after they have obtained transponder space. With as many as thirteen transponders becoming available on Cable Net II, many of these companies apparently view this as their final opportunity to obtain an available transponder in the RCA Americom system. In our view, the interests of these potential customers in having an impartial allocation plan in the near term, on balance, currently outweigh the carrier's stated business needs.

21. For all these reasons, RCA Americom has failed to demonstrate the lawfulness of its bonus allocation plan within the meaning of section 201(b) and 202(a) of the Act and, therefore, the proposed tariff revisions will not be allowed to become effective.

22. Accordingly, it is ordered, pursuant to § 61.36 of the Rules, 47 CFR 61.36 and Sections 4 (i) and (j) of the Act, 47 U.S.C. 4 (i) and (j), That the tariff pages submitted under Transmittal No. 242 will be returned to RCA Americom Communications, Inc.[12]

23. It is further ordered, that this proceeding in Docket No. 81-41 is hereby terminated.

24. It is further ordered, that a copy of this order be published in the Federal Register.

25. It is further ordered, that this order is effective on adoption.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-19867 Filed 7-15-81; 8:45 am]

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[10] Although it does not dispute that demand for its transponders currently exceeds their availability, RCA Americom contends that with the recent number of authorizations granted by the Commission *(Assignment of Orbital Locations of Space Stations in the Domestic Fixed-Satellite Service*, 84 FCC 2d 584 (1980)), the shortfall is only temporary and will not survive the launch of these new facilities. While we recognize that the current market imbalance may improve because of these authorizations, we are reluctant to judge RCA Americom's proposed tariff revisions on that basis alone. Moreover, in a separate action, RCA Americom has raised similar arguments in support of its request either to be relieved of the requirement to tariff its transponder allocation procedures or to impose the same requirement on all domestic satellite licensees. See Public Notice, Report No. I-046, released May 6, 1981. We intend to consider that request in the very near future and believe it will provide a more appropriate forum to evaluate RCA Americom's contentions as well as domestic satellite licensees' allocation procedures in general.

[11] RCA Americom's comments, as well as those of existing customers, devote a great deal of attention to the claim that the proposed allocation scheme will enhance the attractiveness of the Cable Net II satellite by promoting program diversity. The argument here appears to be that the promotion of RCA Americom's business goals is inextricably linked to the offering of a wide array of programming from its satellite. Even if it is assumed that these existing customers will offer greater diversity than at present, there is countervailing evidence that the opposing petitioners would seek the same end. Under these circumstances, we find insufficient evidence that the obvious discrimination would be justified.

[12] Section 61.36 of our Rules requires the Commission to return tariff publications to the carrier only when the tariff is rejected for cause. Here, since we are finding the proposed revisions unlawful within the five-month suspension period, the practical effect of our action is the same.

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Wasington, D.C. 20573, on or before July 27, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3930-B.

Filing party: John C. Barnett, Assistant Chief, Leases and Operating Agreements Division, The Port of New York and New Jersey, One World Trade Center, New York, New York 10068.

Summary: Agreement No. T-3930-B, between the Port Authority of New York and New Jersey (Port) and Universal Maritime Service Corp. (Universal), supplements the parties' basic agreement providing for Universal's lease of the Red Hook Container Terminal, Brooklyn, New York. The purpose of Agreement No. T-3930-B is to provide for the purchase and installation of an additional container crane at the facility and to set forth the equipment rental payable to the Port for Unviversal's use of the crane. The actual letting of the crane is provided for under the terms of Agreement No. T-3930-B, which was noticed in the June 16, 1981, Federal Register (Vol. 46, No. 115; pp. 3151-2).

Agreement No. 10378-1.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, NW., Washington, D.C. 20006.

Summary: Agreement No. 10378-1 modifies the basic agreement between Trailer Marine Transport Corporation (TMT) and Naviera Central, S.A. (Naviera Central) which provides that TMT acts as general agent for Naviera Central. The purpose of the modification is to add Naviera Central's corporate affiliate, Naviera Continental, S.A. to the existing agency arrangement and thereby to provide for its agency representation in the United States by TMT. By Order of the Federal Maritime Commission.

Dated: July 13, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-20634 Filed 7-15-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

I.C.B. Holding, N.V., Intercontinental Bank Holding Co.; Formation of Banking Holding Companies

I.C.B. Holding, N.V., Oranjestad, Netherlands Antilles, and Intercontinental Bank Holding Company, Miami, Florida ("IBHC"), have each applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies. I.C.B. Holding, N.V. has applied to acquire 79.8 per cent or more of the voting shares of IBHC, and IBHC has applied to acquire 80 per cent or more of the voting shares of Intercontinental Bank, Miami, Florida. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20691 Filed 7-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Louisiana; Application

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by Public Law 93-153, the Texas Gas Transmission Corporation has applied for a 20" natural gas pipeline right-of-way that will cross the following lands:

T. 12 S., R. 4 W.,
Sec. 19, 30 and 31.
T. 12 S., R. 5 W.,
Sec. 36
T. 13 S., R. 5 W.,
Sec. 1.

The pipeline will convey natural gas across 3.48 miles of the Lacassine National Wildlife Refuge, Cameron Parish, Louisiana.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so on or before August 17, 1981 and send their names

and addresses to the Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW, Atlanta, Georgia 30303.

Walter O. Stieglitz,

Regional Director.

[FR Doc. 81-20883 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Exxon Company U.S.A., Unit Operator of the South Timbalier Block 54 Federal Unit Agreement No. 14-08-0001-3444, submitted on July 2, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 54 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 9, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20815 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Federal Unit Agreement No. 14-08-001-3915, submitted on June 12, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Bay Marchand Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 8, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20798 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4523, Block 235, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 8, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20796 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle/CATCO Federal Unit Agreement No. 14-08-0001-2021, submitted on July 6, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Grand Isle/CATCO Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 9, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-20798 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Expansion of the Sierra Blanca Ski Area; Intent to Prepare an Environmental Impact Statement

June 26, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Indian Affairs, Department of the Interior, will prepare an environmental impact statement (EIS) for proposed expansion of the Sierra Blanca Ski Area. Consideration of expansion is for 2,240 acres comprising Sections 27, 33, 34, and the south half of Section 28, Township 10 South, Range 11 East, N.M.P.M., (New Mexico Principal Meridian).

A range of expansion and management alternatives will be considered. One alternative will be no expansion or further development of the ski area. Analysis of the alternatives must determine whether impacts adverse to the area would be sustained by development and expansion. The major issues regarding expansion of the ski area were identified during production of a Master Plan for the Sierra Blanca Ski Area and an Environmental Analysis Report, Proposed Land Transfer and Expansion, Sierra Blanca Ski Area, Lincoln County, New Mexico for the Mescalero Apache Tribe and during scoping conducted for the Lincoln National Forest Master Plan environmental statement. Therefore, a separate scoping process is not planned for preparation of the Environmental Impact Statement.

The estimated release date of the draft environmental impact statement is January 1982. June 1982 is estimated as the release date of the final environmental impact statement.

Sidney L. Mills, Area Director, Albuquerque Area Office, Albuquerque, New Mexico, is the responsible official.

Questions and written comments and suggestions about the study and environmental impact statement should be directed to William C. Allan, Area Environmental Quality Specialist, Field Administrative Office, Environmental Quality Services, 500 Gold Avenue SW, P.O. Box 2088, Albuquerque, New Mexico 87107, telephone number (505) 766-3374.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 209 DM 8

Roy H. Sampsel,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-20771 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Alaska State Office; Redelegation of Authority; Corrections

In FR Doc. 80-1907 appearing on pages 4473 and 4474 in the Federal Register of Tuesday, January 22, 1980, the following changes should be made.

1. On page 4474, under 1.b. Chief, Minerals Section delete §§ 2.5(b) and 2.5(c); under 1.c. Chief, Land Section after § 2.3(c) and §§ 2.5(b) and 2.5(c).

Dated: June 29, 1981.

Fred Wolf,

Associate State Director.

[FR Doc. 81-20767 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Realty Action—Exchange; Public Lands

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 16 S., R. 19 E., Willamette Meridian, Crook Co., Oregon,
Sec. 10, SE¼NE¼, E½NE¼SW¼, N½SE¼;
Sec. 12, W½SW¼;
Sec. 17, SE¼SE¼;
Sec. 18, Lots 1 and 2, NE¼, E½NW¼;
Sec. 19, Lot 4.

In exchange for these lands the Federal Governmental will acquire scattered tracts of non-Federal land in:

T. 16 S., R. 19 E., Willamette Meridian, Crook Co., Oregon.
Sec. 21, SE¼SE¼;
Sec. 23, NE¼, S½.

The purpose of the exchange is to acquire private land for use in Federal grazing and recreation programs in the Prineville District. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with Crook County and State of Oregon government officials. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

A portion of the above described public land may be withdrawn from the exchange proposal with a similar amount of private land if the final cultural resource study provides information that would prohibit disposal.

The public lands will be exchanged subject to any valid existing rights including rights-of-way, easements and leases of record prior to title transfer.

The private lands contain a reservation of an undivided 1/16 interest in all minerals including oil and gas. The private lands will be accepted with this reservation and the federal lands will be transferred with all minerals including oil and gas subject to the adjustment necessary to equalize land values.

Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Prineville District Office of the Bureau of Land Management, 185 East 4th Street, Prineville, Oregon 97754.

For a period of 60 days interested parties may submit comments to the District Manager of the Prineville District.

Paul W. Arresmith,

District Manager.

[FR Doc. 81-20770 Filed 7-15-81; 8:45 am]

BILLING CODE 4310-02-M

Realty Action, Noncompetitive Sale—I-17737; Public Land in Jefferson County, Idaho

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Boise Meridian

T. 7 N., R. 36 E.,
Sec. 14, SE¼NW¼.

The above described land, comprising 40 acres, is being offered as a direct, non-competitive sale to Reese Sanders, owner of an adjoining tract.

In 1942, Mr. Sanders signed an exchange of use agreement with the Taylor Grazing Service (the Grazing Service merged with the General Land Office to form the Bureau of Land Management in 1946). This agreement committed the Grazing Service to exchange the ownership of the subject public land to Mr. Sander for ownership of a stock driveway across his public land holdings. The agreement authorized Mr. Sanders to fence off and make exclusive use of the 40 acre tract until the exchange was processed. The exchange was never processed and Mr. Sanders has been under the impression that the land has been in his family's possession since 1942.

A direct sale to Mr. Sanders would resolve a complicated situation. The subject parcel is an isolated 40 acre tract with no legal access to the land. The lands have not been used and are not required for any federal purpose. Disposal of this tract would best serve the public interest. The sale is consistent with the Bureau's planning system.

Sale of this land will be at fair market value. The land will not be offered for sale at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.

2. A reservation to the United States for all minerals.

3. Those rights granted by oil and gas lease, I–8605, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development. Permittee would not be liable for compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease, I–8605, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

Detailed information concerning the sale is available for review at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho.

For a period of 45 days interested parties may submit comments to the District Manager of the Idaho Falls District. Any adverse comment will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. The required payment shall then be requested of Mr. Sanders. The payment, in full, is in accordance with 43 CFR 1822.1–2.

Dated: July 8, 1981.

O'dell A. Frandsen,
District Manager.

[FR Doc. 81–20769 Filed 7–15–81; 8:45 am]
BILLING CODE 4310–84–M

Wilderness Planning To Be Included in Transition Management Framework Plan; Musselshell Breaks and Terry Badlands

July 7, 1981.

SUMMARY: The Miles City District, Bureau of Land Management, is preparing the New Prairie and Jordan-North Rosebud Transition Management Framework Plans (FR Doc 80–15476 published May 21, 1980, pp. 34075–34076) to include sections addressing multiple use planning recommendations dealing with two wilderness study areas identified in the Bureau of Land Management Wilderness Inventory. These areas are the Musselshell Breaks (MT–024–677) and the Terry Badlands (MT–024–684). The environmental impacts of decisions recommended in the appropriate sections of the MFP will be included in the Lewistown/Miles City Districts, BLM, Wilderness Planning Amendment/Environmental Impact Statement (FR Doc 14532 pub May 13, 1981, pp. 26564–26565).

SUPPLEMENTARY INFORMATION: The purpose of including recommended decisions dealing with the suitability or unsuitability for wilderness designation of the Musselshell Breaks and the Terry Badlands in the Jordan-North Rosebud and New Prairie Management Framework Plan is to improve upon the Department's timetable to make available to multiple use or to recommend wilderness designation of these areas in a timely manner.

Decisions recommended in the MFP will result in preliminary suitability or unsuitability recommendations which will be forwarded to the Secretary of the Interior. The Secretary will make final recommendations to the President who will send them to Congress. Congress will make the final decision on whether either of the areas, or portions of the areas, will be designated as wilderness. The planning process will not determine how the study areas will be managed. If the areas or area are not designated as wilderness, they will be managed according to recommendations in the MFP. A wilderness management plan would be prepared for each wilderness area after designation by Congress.

The study areas are located in the Miles City District. The 44,500 acres Terry Badlands Unit is located two miles north of the town of Terry in Prairie County. the Musselshell Breaks are located on the east side of the Musselshell River in Garfield County and contains, 8,050 acres.

A number of issues were raised during public meetings on wilderness during 1979 and during MFP scoping meetings in 1980. Major issues include a concern that wilderness designation will interfere with or eliminate grazing on public lands. There is also the concern that wilderness designation will eliminate or heavily restrict the use of motor vehicles for grazing management, recreation use and minerals exploration. Economic issues include the concern that wilderness will decrease local private land values as well as the value of federal grazing leases for loan purposes.

In order to properly analyze and consider the issues, a multidisciplinary team will be used. Resource skills will include wildlife biology, outdoor recreation, soil science, hydrology, range management, minerals and geology, wilderness, lands, economics, and sociology.

The following criteria published in the December 19, 1980, **Federal Register**, Vol. 45, No. 246 (Draft Wilderness Study Policy), will be used in the planning process.

a. Requirements for areas recommended as suitable for wilderness designation.

b. Public comment.

c. Local and regional socioeconomic values.

d. Consistency with other plans.

e. Impacts on other resources.

f. Impacts on wilderness.

g. Evaluation of wilderness values.

h. Diversity of the National Wilderness Preservation System.

These criteria will be used to determine the level of analysis required for each issue, assist in formulating alternatives, identifying the preferred alternative, and in estimating the effects of the alternatives.

Michael J. Penfold,
State Director.

[FR Doc. 81–20769 Filed 7–15–81; 8:45 am]
BILLING CODE 4310–84–M

Arizona; Notice of Transfer of Public Lands To the State of Arizona

July 9, 1981.

Notice is hereby given that the lands described below will be transferred to the State of Arizona pursuant to the Colorado River Basin Salinity Control Act of June 24, 1974, 88 Stat. 269; 43 U.S.C. 1573(a)(2). This notice is a supplement to an earlier notice dated September 10, 1980, which identified 10,587.49 acres of land to be transferred to the State in compensation for lands taken for the Salinity Control Project. Some of the lands in this second notice were identified in the September 10, 1980 notice but have been included herein because they have been assigned new legal descriptions. An estimated 17,000 acres comprise the total lands to be transferred to the State.

Gila and Salt River Meridian, Arizona

Cibola Area, Yuma County

T. 1 N., R. 23 W.
Sec. 20, Lots 5 and 6;
Sec. 21, Lots 1, 2, 3, 4, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 29, Lots 1, 2, 3, NE¼NE¼;
Sec. 30, Lot 5;
Sec. 31, Lots 2, 3, 4, 5, 6, 7, 8, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 32, SW¼NE¼, S½NW¼, N½S½.
T. 1 N., R. 24 W.
Sec. 22, Lots 2 and 3;
Sec. 25, Lots 6, 7, 9, 11, 15, 16, 19, 20, E½SW¼, SW¼SE¼.
Comprising 1,449.585 acres.

Ehrenberg East Area, Yuma County

T. 3 N., R. 22 W.
Sec. 15, Lot 10.
Comprising 31.36 acres.

Ehrenberg South Area, Yuma County

T. 3 N., R. 22 W.
Sec. 15, Lot 15;
Sec. 21, Lots 1, 4, 5, 8, SE¼SE¼;
Sec. 22, Lots 2, 3, 4, 7, 8;
Sec. 27, Lots 2, 3, 6, 7;
Sec. 28, Lots 6, 9, 10, 13, E½NE¼;
Sec. 33, Lot 3;
Sec. 34, Lots 11, 12, 14,.
Comprising 584.42 acres.

South Yuma Mesa Area, Yuma County

T. 10 S., R. 23 W.
Sec. 6, Lots 4, 11, 14, 15, 16, 17, SW¼NW¼NE¼, SW¼NE¼NW¼, E½,SW¼NW¼, W½SE¼NW¼, E½NW¼SW¼;
Sec. 7, Lots 5, 6, 8, 9, 10, 12, SW¼NE¼ NW¼, E½NW¼NW¼, NW¼SE¼ NW¼;
Sec. 17 S½N½N½, N½SW¼NE¼, E½SW¼SW¼NE¼, SE¼NE¼, N½NE¼SE¼NW¼, NW¼SE¼NW¼, SE¼SE¼NW¼, SW¼NW¼, S½;
Sec. 18, Lots 5, 6, 7, 8, 9, 11, SE¼NE¼NE¼, S½NW¼NE¼, S½NE¼, S½NE¼NW¼, SE¼NW¼NW¼, SE¼NW¼, NW¼NE¼SW¼, NW¼SE¼SW¼, E½SW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼, SE¼SW¼, SE¼;
Sec. 19 Lots 3, 4, 5, 6, 7, 8, E½, E½W½;
Sec. 21, NW¼;
Sec. 29, W½W½;
Sec. 30, Lots 1, 2, 5, 6, 8, 10, 12, 14, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 31, Lots 5, 7;
Sec. 32, Lots 1, 3, 6, 7, 9, N½NE¼.
T. 10 S., R. 24 W.
Sec. 1, Lots 1, 2, S½NE¼, N½NW¼SE¼, E½SE¼;
Sec. 12, E½;
Sec. 13, E½NE¼, S½SW½, SE¼;
Sec. 14, S½SE¼;
Sec. 22, Lots 7, 9, 11, NE¼SE¼;
Sec. 23 NE¼, E½NE¼NW¼, E½NE¼NW¼NE¼NW¼, E½SW¼NE¼NW¼, SE¼NW¼NE¼NW¼, NE¼SW¼NW¼, S½NW¼SW¼NW¼, S½SW¼NW¼, SE¼NW¼, S½;
Sec. 24, All;
Sec. 25, Lots 1, 3, 4, 6, 8, NE¼, N½NW¼;
Sec. 26, Lots 1, 2, 4, 7, 8, NE¼NE¼;
Sec. 27, Lot 1.
Comprising 5,941.49 acres.

The total of the four (4) areas is 8,006.855 acres.

This transfer is to compensate the State of Arizona for State lands acquired by the Bureau of Reclamation under the above cited authority. The acquisition of the State lands is to enhance and protect the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligation under the agreement with the Republic of Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico).

The lands to be transferred to the State of Arizona will be subject to a reservation to the United States for rights-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890; 26 Stat. 392; 43 U.S.C. 945; and will be subject to all existing rights-of-way or record and any other existing valid rights of record. The purpose of the notice is to allow any persons asserting a claim to the lands to file notice at the Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073. Such claim must be filed within 30 days from date of first publication indicated below.

Note.—First publication: July 15, 1981. To be published once each week for three consecutive weeks in the Yuma Daily Sun & Sentinel.

Clair M. Whitlock,
State Director.

[FR Doc. 81–20817 Filed 7–15–81; 8:45 am]
BILLING CODE 4310–84–M

Book Cliffs Known Recoverable Coal Resource Area of Carbon and Emery Counties, Utah; Coal Unsuitability Criteria; Meeting

July 9, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting and public comment period.

SUMMARY: Notice is hereby given that the coal unsuitability criteria (43 CFR Part 3460) have been applied to unleased Federal coal lands in a portion of the Book Cliffs Known Recoverable Coal Resource Area (KRCRA) of Carbon and Emery Counties, Utah. A public comment on the preliminary unsuitability recommendations is provided during the period July 24 through August 24, 1981 with a public meeting on July 27, 1981. The public meeting will be in the Carbon County Courthouse, Price, Utah at 7:30 p.m.

The coal area being considered is within the Price River and Range Creek Planning Units of the Bureau of Land Management's Moab District.

CONTACT: Gene Nodine, District Manager, Bureau of Land Management, 125 West 2nd South, P.O. Box 970, Moab, Utah 84532; (801) 259–6111.

BACKGROUND: The Price River and Range Creek Planning Units lie within the Uinta-Southwestern Utah Coal Region. The next target date for coal leasing in this region is December 1983.

The unsuitability criteria were applied only to those unleased Federal coal lands which had been designated as having high or moderate potential for coal development. Of the 29,489 acres which have not been leased, 24,445 were subject to criteria application.

Coal reserves of the Book Cliffs KRCRA are amenable only to underground mining methods. Therefore, with the application of exceptions and exemptions to Criteria 2, 3, 4 and 11, the only land found unsuitable was 40 acres under Criterion 1. Criteria 12 and 14 were not applied due to a lack of data.

A draft brochure, which summarizes the preliminary unsuitability recommendations, is available to the public from the "contact" address above or at the Price River Resource Area Office, 900 North 700 East, Price, Utah 84501. Final Recommendations will be

presented in a brochure to be available about September 15, 1981. Individuals who wish to receive the final brochure should request same from the "contact" indicated above.

Kenneth V. Rhea,
Acting District Manager.

[FR Doc. 81-20031 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-84-M

Designation of Public Lands for Off-Road Vehicle Use; Correction

In FR DOC. 79-30478 appearing on page 56747 in the issue of Tuesday October 2, 1979, number 7 of the third column change "T 33 S., R 6 W." to read "T 35 S., R 6 W."

Dated: July 8, 1981.

Wayne A. Boden,
Acting District Manager.

[FR Doc. 81-20023 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-84-M

Notice of Intent to Prepare Egan Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of Intent to prepare the Egan Resource Management Plan.

SUMMARY: The Ely District, Bureau of Land Management will be preparing a Resource Management Plan for the 3,800,000 acres public land in the Egan Resource Area. The Egan Resource Area is located in portions of White Pine, Nye and Lincoln Counties in east-central Nevada. The public is invited to participate.

This planning effort will follow the Resource Management Planning Process. The regulations for the planning system appear in Title 43 Part 1600 of the Code of Federal Regulations (43 Part CFR 1600). Of special note is the fact that a plan developed under this planning process will incorporate its Environmental Impact Statement.

The *Egan Resource Management Plan* will be a comprehensive land-use plan. It will identify allowable resource uses, areas of critical environmental concern, resource goals, program constraints, and the management practices needed to achieve these goals. The preliminary range of alternatives to be examined will span from no action, to resource protection to resource development. The final range of alternatives will be developed starting in July of 1982. The plan is scheduled to be completed by November of 1983.

The first step is the planning process will be the development of problems and issues affecting the Egan Resource Area. The issue identification phase will focus the direction of the *Egan Resource Management Plan.* The Ely District anticipates that the resources subject to planning will be Recreation, Range Management, Fire Management, Energy Development, Mining, Wild Horses, Forestry, and the Protection of Endangered Plants, Animals and Unique Areas of Natural History (this list is not inclusive). A brochure titled "Identifying Problems and Issues Affecting the Egan Resource Area" is available, and may be obtained by contacting the Ely District Office at the address below.

Disciplines represented on the Egan Interdisciplinary Planning Team will be Economics, Forestry, Range Management, Geology, Recreation, Wilderness, Cultural Resources, Fire Management, Engineering, Wildlife Realty, Sociology, Visual-Resources, Natural History, Wild Horses, and Watershed.

As dates for public participation events are scheduled, notices will be mailed to persons on the Egan Resource Management Plan mailing list. Other notices will be placed in the local news media and radio station. Interested persons wishing to participate in the planning process should contact the Ely District Office.

FOR FURTHER INFORMATION CONTACT:
Mr. Mark Goeden, Acting Manager, Egan Resource Area, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301 (702/289-4865).

Date signed: July 9, 1981.

George W. Cropper,
Acting District Manager.

[FR Doc. 81-20030 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-84-M

Oil and Gas Lease Sale in National Petroleum Reserve—Alaska

The Bureau of Land Management announces December 16, 1981 at Fairbanks, Alaska, as the date and place of the first oil and gas lease sale of lands in the National Petroleum Reserve in Alaska. Pursuant to Pub. L. 96-514, the Department of the Interior's Fiscal Year 1981 Appropriations Act, as amended, authorization was given to lease for oil and gas within the National Petroleum Reserve in Alaska, formerly the Naval Petroleum Reserve #4. The Appropriations Act specified that the lands will be leased by competitive procedures. The recommended 1.5 million acres to be offered in the first sale will be identified October 1 in conjunction with release of the final Environmental Assessment. The notice of sale, which will finalize the 1.5 million acres to be offered, will be posted in November. Specific sale and lease procedures also will be announced later.

Curtis V. McVee,
State Director—Alaska.

[FR Doc. 81-20029 Filed 7-15-81; 8:45 am]
BILLING CODE 4311-84-M

Rangeland Management Policy Statement; Availability for Review and Comment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Rangeland Management Policy Statement Available for Review and Comment.

SUMMARY: The Bureau of Land Management proposes to revise its policy for managing livestock use on the public rangelands through the grazing environmental impact statement process. This proposed policy statement is the result of a review of the existing rangeland management policy and the development of a selective management category approach to the preparation of grazing environmental impact statements. The intent of the proposed policy is to make the Bureau of Land Management's program for regulating livestock use on the public rangelands more efficient and cost effective. It was designed to comply with the existing court schedule for completion of grazing environmental impact statements and to establish priorities for the investment of appropriated funds and available management capabilities.

DATE: Comments must be received on or before September 4, 1981.

ADDRESS: Comments should be addressed to: Director (220), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Paul Leonard, Chief, Division of Rangeland Management, (202) 343-5841.

SUPPLEMENTARY INFORMATION: The proposed rangeland management policy is part of the continuing effort by the Bureau of Land Management to develop and refine a rangeland management program which is both realistic in terms of its funding and management capabilities and responsive to the changing needs of the rangeland resources and their users.

Through implementation of the proposed policy, the Bureau of Land Management would prepare grazing environmental impact statements based on the grouping of allotments into management categories according to similar resource, economic, and social criteria. Criteria for grouping allotments would be developed through preplanning and scoping meetings at the District level, approved by the Bureau State Director, and made available for public comment before being applied. Other provisions of the proposed policy would affect the Bureau's current inventory program and its strategy for reaching land-use and grazing management decisions. Briefly, the Bureau would no longer conduct vegetation production inventories and propose forage allocations prior to the development of a land-use plan and the associated environmental impact statement. The Bureau would collect general soil mapping and ecological range site data of sufficient detail to arrive at estimated production potential and range condition of allotments. Those data would be used during the planning/environmental impact statement process to group allotments within an environmental impact statement area into management categories and to determine land-use allocations and resource objectives. After the environmental impact statement and land-use plan were made final, the Bureau would conduct production inventories or monitoring studies on those allotments where adjustments in grazing may be necessary. That information would be the basis for grazing use decisions. Grazing use decisions would be issued by management category and as the information necessary to make and support those decisions was collected.

The Bureau of Land Management would continue to reach land-use and grazing management decisions through a rational planning and decisionmaking process. Public involvement in all stages of the process would be encouraged to make full use of the knowledge and experience of those involved or interested in proper management of the rangelands for multiple use and sustained yield.

Copies of the proposed rangeland management policy statement are available from the Director (220), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240, and from Bureau's State and District Offices.

Dated: July 13, 1981.

Robert F. Burford,
Director, Bureau of Land Management.

[FR Doc. 81-20034 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-84-M

Realty Action; Recreation and Public Purpose Lease on Public Lands Near Black Rapids, Alaska

The following described lands have been identified as suitable for lease under the Recreation and Public Purposes Act of June 14, 1926 (43 U.S.C. 869, et seq.), as amended.

Legal Description and Acreage

E½E½NW¼SW¼NW¼ and W½W½ NE¼SW¼NW¼. Section 25, T17S R10E, Fairbanks Meridian—5.0+

The subject lands are intended to be leased to the State of Alaska, Department of Transportation and Public Facilities for a sanitary landfill in the Black Rapids area. The sanitary landfill will be open to the public and will be maintained by the Department of Transportation and Public Facilities. The lease has been discussed with the State of Alaska, Department of Environmental Conservation and a permit has been issued. The public interest would be served by leasing this land for a sanitary landfill.

The terms and conditions of the lease are:

The lease would be issued for 15 years, with a minimal annual rental of $10.00.

The sanitary landfill will exclude the Trans-Alaska Pipeline System right-of-way.

The access road corridor to the landfill will be 50 feet wide (25' of centerline) and will exclude any portion of the Trans-Alaska Pipeline System right-of-way, except at the agreed upon crossing.

The entrance of the access road to the sanitary landfill will be posted for the public use and benefit.

The lessee will adhere to all stipulations attached to the land report, and the terms and conditions of 43 CFR 2912.1-1 and 2912.4-1.

Copies of the Environmental Assessment (EAO-105), land report, and construction stipulations can be viewed at the BLM Fairbanks District Office on Fort Wainwright.

For a period of 30 days from the date of last publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Bureau.

Carl D. Johnson,
District Manager.

[FR Doc. 81-20018 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-84-M

[Serial Number A-17000(b)]

Arizona; Notice of Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A-17000(b).

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified September 14, 1981. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Managers, Yuma District Office, Bureau of Land Management, 2450 Fourth Avenue, Yuma, Arizona 85364 (602-726-6300) and Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix Arizona 85017 (602-241-2854).

4. On or before September 14, 1981, all persons who wish to submit comments on the above classification may present their views in writing to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by either District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in the proposed classification are located in Yuma County, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Gila and Salt River Meridian, Arizona

Application A-17000(b)

T. 6 N., R. 19 W.,

Sec. 1, Lots 1–8, S½N½, S½; (5)
Sec. 4, Lots 1–8, S½N½, S½; (5)
Sec. 5, Lots 1–8, S½N½, S½; (5)
Sec. 6, Lots 1–11, S½NE¼, SE¼NW¼, E½SW¼, SE¼; (5)
Sec. 7, Lots 1–4, E½W½, E½; (5)
Sec. 8, All; (5)
Sec. 9, All; (5)
Sec. 12, All. (5)
T. 7 N., R. 19 W.,
Sec. 3, Lot 1, SE¼NE¼, E½SE¼; (1), (2), (3), (5), (9)
Sec. 10, E½E½; (1), (2), (3), (5), (9)
Sec. 15, All; (1), (2), (3), (5), (9)
Sec. 17, All; (5), (9)
Sec. 18, Lots 1, 2, 3, 4, E½SW¼, E½; (5), (7)
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½; (5), (7)
Sec. 20, All; (5), (9)
Sec. 21, All; (5)
Sec. 24, All; (5), (9)
Sec. 25, All; (5), (9)
Sec. 28, All; (5)
Sec. 29, All; (5), (11)
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½; (5)
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½; (5)
Sec. 32, All; (5)
Sec. 33, All; (5)
Sec. 36, All; (5), (11)
T. 8 N., R. 19 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, N½SW¼, NW¼SE¼; (3), (5)
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½; (5), (6), (10)
Sec. 4, Lots 6, 7, 8; (5), (6)
Sec. 9, Lots 4, 5, 6, 7, SW¼SE¼, E½E½; (5), (6), (10)
Sec. 10, All; (5), (9)
Sec. 11, All; (3), (5), (9)
Sec. 14, All; (3), (5), (9)
Sec. 15, All; (5), (9)
Sec. 20, Lots 5, 6, 7; (4), (5), (6)
Sec. 21, Lot 1, SW¼NW¼, W½SW¼, E½W½, E½; (4), (5), (6), (10)
Sec. 22, All; (5), (9)
Sec. 23, All; (3), (5), (9)
Sec. 26, All; (3), (4), (5), (9)
Sec. 27, All; (3), (4), (5), (9)
Sec. 28, N½, N½NE¼SW¼, N½SE¼, NE¼SW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼; (4), (5), (10)
Sec. 34, E½E½, NW¼NE¼, N½SW¼ SW¼NE¼, N½SW¼NE¼, N½SE¼ SW¼NE¼, NE¼NW¼, E½E½NW¼ NW¼, W½NE¼NW¼NW¼; (1), (2), (3), (5), (6), (9)
Sec. 35, All; (4), (5), (10)

The total acreage described above in application A–17000(b) is approximately 23,660.04 acres of public land.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

References

Rights-of-Way

(1) Arizona Public Service, P.O. Box 21666, Station 3172, Phoenix, AZ 85036 AR–05991, AR–10121.
(2) Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, PHX–083964, AR–033720.
(3) Bureau of Reclamation, Arizona Project Office, 201 N. Central Ave. Phoenix, AZ 85073, PHX–066400, AR–05944, A–7316.
(4) Atchison-Topeka & Santa Fe R.R., Santa Fe Railway Company, 80 E. Jackson Blvd., Room 235, Chicago, Il 60604, PHX–068665.

Grazing Lessee

(5) Keith W. Pierson, Route 1, Box 176, Blythe, CA 92225.

Range Improvements

(6) Res. Boundary Fence, #0671.
(7) Res. Boundary Fence, #1781.
(8) Highway Junction Well, #1841.

Oil and Gas Leases and Applications

(9) Mormac Oil & Gas, Suite 100, Mormac Building, 321 Texan Trail, Corpus Christi, TX 78411, A–11139, A–11285, A–11286, A–11287.
Tipparary Oil and Gas Corp., Box 3179, Midland, TX 79712, A–11288, A–11290, A–11291.
(10) J. Charles Hollimon, Suite 620, 909 N-E. Loop 410, San Antonio, TX 78209, A–15362.
(11) James M. Chudnow, 1516 W. Bryn Mawr, Chicago, IL 60660, A–16602 (Apln).

7. Right-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: July 6, 1981.

H. M. Bruce,

District Manager.

[FR Doc. 81–20739 Filed 7–15–81; 8:45 am]
BILLING CODE 4310–84–M

[Serial No. A–17000(c)]

Arizona; Notice of Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A–17000(c).

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified September 14, 1981. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602–241–2854).

4. On or before September 14, 1981, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa and Yavapai Counties, Arizona and are descried as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Gila and Salt River Meridian, Arizona

Application A–17000(c)

T. 6 N., R. 4 W.,
Sec. 11, NE¼, NE¼NW¼, NE¼SE¼; (1), (5), (28)
Sec. 12, NW¼, E½SE¼. (5), (26), (28)
T. 7 N., R. 4 W.,
Sec. 3, Lots 3, 4, SW¼NW¼, NW¼SW¼, N½N½SW¼SW¼; (5), (27), (28)
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½; (5), (27)
Sec. 5, Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼NW¼, NE¼SW¼, S½SW¼, S½NW¼SW¼, SE¼; (5), (15), (27)
Sec. 7, E½NE¼, NE¼SE¼; (5)
Sec. 8, All; (5), (26)
Sec. 9, W½SW¼; (5), (26), (28)
Sec. 20, NW¼NE¼, SE¼NE¼; (5)
Sec. 21, W½SW¼, W½NE¼SW¼, NW¼SE¼SW¼. (1), (2), (6), (25)
T. 7 N., R. 5 W.,
Sec. 5, Lots 5, 6, 7. (7), (12)
T. 8 N., R. 4 W.,
Sec. 19, S½S½ Lot 1, Lots 2, 3, 4, SE¼NW¼, SW¼NE¼, S½SE¼NE¼, E½SW¼, SE¼; (5)
Sec. 20, W½SW¼NW¼, W½E½SW¼ NW¼, W½SW¼, SE¼SW¼, S½NE¼SW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, SE¼SE¼NW¼ NE¼, S½S½NE¼NE¼, E½E½SW¼ NE¼, W½SE¼NE¼, NE¼SE¼NE¼, W½E¼SE¼, SW¼SE¼, S½NW¼SE¼, E½NE¼NW¼SE¼; (5), (26)
Sec. 21, N½N½, N½S½NW¼, N½SW¼NE¼, W½NW¼SE¼NE¼, E½SE¼SE¼, S½SE¼NE¼SE¼; (5), (26)
Sec. 22, S½S½NW¼SW¼, SW¼SW¼, E½SW¼, S½S½SE¼NW¼, S½S½SW¼NE¼, S½SW¼SE¼NE¼, E½SE¼NE¼, SE¼NE¼SE¼, S½SE¼, SE¼SE¼; (5), (26)
Sec. 23, S½NW¼NW¼NW¼, S½NW¼NW¼, NE¼NW¼NW¼, NE¼NW¼, S½NW¼, E½; (5), (9), (13), (14), (26)
Sec. 24, SW¼, W½SE¼, W½NE¼SE¼, W½SE¼SE¼; (9), (13), (26)
Sec. 25, NW¼, NW¼SW¼, NW¼NE¼, NW¼NE¼NE¼; (5), (15), (26)
Sec. 26, N½, N½S½, SW¼SW¼ Less PMS 4284, SE¼SW¼, SW¼SE¼, N½SE¼SE¼ (5), (14), (15), (17)
Sec. 27, All less PMS 4284; (5), (16), (23), (24), (26)
Sec. 28, All; (5), (16), (22), (26)
Sec. 29, All; (5), (26)
Sec. 30, Lots 1–6, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼; (5), (19), (21)
Sec. 33, NW¼NE¼NE¼NE¼, W½E½NE¼, W½NE¼, NW¼; (5), (15)
Sec. 34, N½NE¼NE¼, N½SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, E½E½NW¼NE¼, NW¼NE¼NW¼NE¼, N½NW¼NW¼NE¼, N½NE¼NW¼. (5), (15), (20)
T. 8 N., R. 5 W.,
Sec. 23, E½E½; (10), (11), (26)
Sec. 24, Lots 2, 3, 4, 5, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼; (1), (3), (5), (10), (11), (26), (29)
Sec. 25, Lot 1, 2, 3, 4, W½E½, W½; (1), (2), (11), (26)
Sec. 26, NE¼NE¼, NE¼SE¼. (4), (11), (18), (26)

The total acreage described above in application A–17000(c) is approximately 10,421.10 acres of public land.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or right-of-way on the pubic lands described in Paragraph 5 above:

References

Rights-of-Way

(1) Mountain States Telephone & Telegraph Company, R/W Department, 3033 North 3rd Street, Room 806–A, Phoenix, AZ 85012, AR–034626, A–4441.
(2) Arizona Public Service, P.O. Box 21666, Station 3172, Phoenix, AZ 85036, AR–07526, AR–030524.
(3) Romanus LaMont, Box F–3, Wickenburg, AZ 85358, A–11923.
(4) William Bunney, et al., 10331 Coggins Drive, c/o Norris and Case P.C., Sun City, AZ 85351, A–10196.

Grazing Leases

(5) Joseph J. Pike, Route 1, Box 274, Redwood Valley, CA 95470.
(6) Gregg & Dee Ann Gibbons, Ten X Ranch, P.O. Box 397, Rillito, AZ 85246.
(7) Harold & Jean Butz James, Route 5, Box 891, Prescott, AZ 86301.
(8) Robert K. and Elizabeth S. Park, Box 1100, Wickenburg, AZ 85358.
(9) Starcrest, Inc., c/o Stanleigh Megargee, P.O. Box 1237, Wickenburg, AZ 85358.
(10) Harold C. Heine, P.O. Box 1491, Wickenburg, AZ 85358.
(11) Harold F. Park, Diamond P. Ranch, Wickenburg, AZ 85358.

Range Improvements

(12) Fence, #G–C–78.
(13) Fence, #0671.
(14) Fence, #0790.
(15) Fence, #0933.
(16) Pipeline, Trough, #1050.
(17) Fence, #1692.
(18) Corral, Pipeline, Trough, #1767.
(19) Reservoir, #1999.
(20) Fence, #2011.
(21) Corral, #2171.
(22) Corral, #2407.
(23) Well, Pipeline, Windmill, #4149.
(24) Exclosure, #4591.

Oil and Gas Leases and Applications

(25) Pioneer Production Corp., P.O. Box 2542, Amarillo, TX 79189, A–14542.
(26) Irex Overthrust Acreage Partners, 1670 Broadway, Suite 3301, Denver, CO 80202, A–14743, A–14954.
(27) Energy Reserves Group, P.O. Box 1407, Denver, CO 80201, A–15015.
(28) Vernon Taylor III, 1670 Denver Club Building, Denver, CO 80202, A–15433, A–15438, A–15441, A–15442, A–15443.
(29) Patrick Petroleum Corp. of Michigan, 950 17th Street, Suite 1655, Denver, CO 85202, A–15544.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: July 6, 1981.

William K. Barker,

District Manager.

[FR Doc. 81–20701 Filed 7–15–81; 8:45 am]
BILLING CODE 4310–84–M

[Colorado 31716]

Colorado: Realty Action Noncompetitive Sale of Public Lands in Garfield County

July 7, 1981.

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($20,000).

Sixth Principal Meridian,

T. 7 S., R. 96 W.,
Sec. 28, Lot 19.

The tract described contains 1.25 acres in Garfield County.

The sale of this land will be held on approximately the 15th day of September, 1981. The lands are being offered as a direct, non-competitive sale to Mr. Ralph Hubbell, the owner of the adjoining tract and improvements on the sale tract, who unintentionally occupied and developed the tract as a full-time rural residence site under the mistaken belief that the area occupied was a part of a private land parcel he purchased. Disposal by direct sale to Mr. Hubbell rather than by public auction, will legalize his occupancy of the parcel, preserve his residence site, protect his equity investment in his home and other improvements on the land and avoid an undue hardship if he were required to remove or dispose of his improvements. Sale will resolve an unauthorized use.

The described parcel is part of a public land tract. It is bounded on the north by Colorado State Highway 82 and the approved right-of-way therefor, which effectively separates it from practical uses with the public lands north of the highway. The parcel has not been used, and is not suitable for, nor needed for management by another Federal department or agency. Disposal would best serve the public interest. The sale will be consistent with the Bureau of Land Management's planning for the lands. Disposal would have no adverse impact on local planning and zoning. The Garfield County Commissioners have not objected to sale of the land.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be reserved to the United States.

3. The sale of this land will be subject to all valid existing rights, including the right-of-way for Colorado State Highway 82 as approved by Bureau of Land Management decision under Serial No. Colorado 16822.

4. The sale of the land will be subject to a provision guaranteeing a continuation of access across the northeast corner of Lot 19 to adjacent private lands to the east. This can be done by an agreement between Mr. Hubbell and the adjacent landowner, or by a reservation in the patent.

Detailed information concerning the sale, including environmental assessment report and land report, is available for review at the Bureau of Land Management, Glenwood Springs Resource Area Office, P.O. Box 1009,

50629 Highways 6 & 24, Glenwood Springs, Colorado 81601.

For a period of 45 days from date of this notice, interested parties may submit comments to the State Director, (930), Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

George C. Francis
State Director.

[FR Doc. 81-20758 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-84-M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing a Commission on Fiscal Accountability of the Nation's Energy Resources.

The purpose of the Commission will be to advise the Secretary concerning the accountability for mineral related revenues generated from Federal and Indian lands.

To complete its mission the Commission will:

(a) Examine the allegations of waste and loss in mineral royalty revenues due the Federal government, States, Indian tribes, and allottees;

(b) Evaluate past, present, and planned efforts to improve the Department's royalty management system; and

(c) Recommend improvements in the internal controls of the royalty management program.

Further information regarding the Committee may be obtained from a member of the Office of Financial Management, Department of the Interior, 343-4701.

The certification of establishment is published below.

Certification

I hereby certify that the Commission on Fiscal Accountability of the Nation's Energy Resources is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 43 U.S.C. 1457, the Minerals Leasing Act of 1920 (30 U.S.C. 191, 30 U.S.C. 226) and the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337, 1338).

Dated: July 10, 1981.
James G. Watt,
Secretary of the Interior.

[FR Doc. 81-20756 Filed 7-15-81; 8:45 am]
BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statues and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-118

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156615, filed June 29, 1981. Applicant: WESTERN REFRIGERATED EXPRESS, 3804 NE Highcrest Rd, #306, Minneapolis, MN 55421. Representative: Glenn L. Christensen (same address as applicant), (612) 788-1431. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156864, filed June 30, 1981. Applicant: ARTHUR L. ROCHE, d.b.a. SHAMROCK SALES, 2000 Santa Cruz, Anaheim, CA 92805. Representative: (same as applicant) (714) 634-1230. As a *broker* of *general comodities* (except household goods), between points in the U.S.

Volume No. OPY-3-119

Decided: July 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153724, filed June 5, 1981. Applicant: BUFFALO DOWNTOWN DUMP TRUCK SERVICE & SUPPLIES, INC., 113 Gillette Ave., Buffalo, NY 14214. Representative: Paul Harrison (same address as applicant) (716) 886-0237. (A) As a *broker* of *general commodities* (except household goods), and (B) transporting, (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (4) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPI-200

Decided: July 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Member Parker participating in part.)

MC 154460 (Sub-1), filed June 16, 1981. Applicant: Q CARRIERS, INC., 14066 Rutgers Street, N.E., Prior Lake, MN 55372. Representative: Randall D. Quiring (same address as applicant), (612) 445-8718. Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156731, filed June 22, 1981. Applicant: NATIONAL FREIGHT, INC., 1506 14th Ave., S.W., Decatur, AL 35601. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy., Birmingham, AL 35209, (205) 942-9116. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156750, filed June 22, 1981. Applicant: SEYMOUR KAPLAN, 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as applicant) (703) 734-2810. As a *broker of general commodities* (except houshold goods), between points in the U.S.

MC 156760, filed June 22, 1981. Applicant: ALVIN A. STEGMAN d.b.a. STEGMAN TRUCKING COMPANY, Box 485, Bucklin, KS 67834. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverges and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156811, filed June 26, 1981. Applicant: RUSSELL H. OSTERHOUT, d.b.a. PACIFIC FREIGHT SERVICES, 13824 Wayland Grove Ct., Poway, CA 92064. Representative: William R. Daly, 4340 Vandever Ave., Suite S, P.O. Box 20521, San Diego, CA 92120, (714) 282-7337. As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 156820, filed June 26, 1981. Applicant: SOUTHEASTERN MICHIGAN BROKERAGE COMPANY, 559 N. Cedar Street, Imlay City, MI 48444. Representative: Douglas John Kazal (same address as applicant), (313) 724-6402. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156870, filed June 29, 1981. Applicant: JOSEPH BOYKO, 1505 Cedar Ave., Scranton, PA 18505. Representative: Joseph Boyko (same address as applicant), (717) 342-9354. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-250

Decided: July 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 152056 (Sub-4), filed June 30, 1981. Applicant: RHETT BUTLER TRUCKING, INC., Rt. 6, Box 83, Andalusia, AL 36420. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-255

Decided: July 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 156937, filed June 24, 1981. Applicant: J. P. MCGRENRA, d.b.a. LOUGHLIN'S LONG HAUL, 1123 Stratford Ave., Melrose Park, PA 19126. Representative: J. P. McGrenra (same address as applicant), (215) 635-0992. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-256

Decided: July 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 154987, filed March 20, 1981, and previously noticed in the Federal Register, Issue of April 14, 1981, and republished this issue. Applicant: KEY MOVING & STORAGE, INC., 2312 Lapeer Road, Flint, MI 48503. Representative: Robert H. Reiss, 12714 Joseph Dr., Grand Blanc, MI 48439, (313) 233-5641. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (4) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, and (5) as a *broker of general commodities* (except household goods), between points in the U.S.

Note.—The purpose of this republication is to correctly reflect the commodity description.

[FR Doc 81-20857 Filed 7-15-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 9, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer

to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

FINDINGS:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. (Williams not participating.)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–4–251

MC 148866 (Sub-4), filed June 29, 1981. Applicant: GILBERT F. & RAYMOND L. GUSTAFSON d.b.a. G & R GUSTAFSON TRANSPORT, 102 No. Giffin St., Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 So. LaSalle St., Chicago, IL 60603 (312) 236–0548. Transporting (1) *rubber and plastic products*, (2) *pulp, paper and related products*, and (3) *printed matter*, between points in Cook, Will, and Kankakee Counties, IL, Cumberland and Morris Counties, NJ, Morgan County, GA, and Tulare County, CA, on the one hand, and, on the other, points in the U.S.

MC 152706 (Sub-3), filed July 1, 1981. Applicant: MIDWEST OIL TRANSIT, INC., 4902 W. 86th St., P.O. Box 68123, Indianapolis, IN 46268. Representative: Robert B. Hebert, 777 Chamber of Commerce Bldg., 320 No. Meridian St., Indianapolis, IN 46204 (317) 639–4511. Transporting *petroleum and coal products*, between Indianapolis, IN, on the one hand, and, on the other, Chicago, IL, St. Louis, MO, Cincinnati, OH, Louisville, KY, and points in Allen County, OH.

MC 155016, filed June 30, 1981. Applicant: BRANDON CLEMENTS, d.b.a. BRANDON CLEMENTS TRUCKING CO., P.O. Box 797, Waverly, VA 23890. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229 (804) 282–3809. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Commonwealth Wood Preservers, Inc., of Newport News, VA.

MC 155136, filed June 26, 1981. Applicant: RED TRAIL TRANSPORT, INC., Box 997, Beach, ND 58621. Representative: Charles E. Johnson, P.O. Box 2578, Bismark, ND 58502 (701) 258–8550. Transporting *Mercer commodities*, between points in ND, SD, MT, WY, CO, UT, KS, NE, OK, NM, LA, and TX.

MC 156876, filed June 30, 1981. Applicant: VLM TRUCKING, INC., 35 Scudder St., Garfield, NJ 07026. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *clay, concrete, glass, or stone products*, between points in Bergen County, NJ, on the one hand, and, on the other, points in McKean County, PA.

Volume No. OPY–4–252

MC 76266 (Sub-150), filed June 26, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 So. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *metal products*, between the facilities of Anaconda Ericsson Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 113666 (Sub-197), filed June 30, 1981. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant) (412) 295–2181. Transporting *metal and metal products*, between points in the U.S.

MC 139126 (Sub-2), filed June 30, 1981. Applicant: SOUTHERN CALIFORNIA MOTOR DELIVERY, INC., 633 So. Maple Ave., P.O. Box 756, Montebello, CA 90640. Representative: Wm. S. Aylmer (same address as applicant) (213) 685–6255.Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA and NV.

MC 139906 (Sub-162), filed June 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A., Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 141516 (Sub-8), filed June 29, 1981. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, ME 04988. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101 (207) 773–5651. Transporting *food and related products*, between points in and east of MN, IA, NE, KS, OK and TX.

MC 142548 (Sub-3), filed July 1, 1981. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247, Millsboro, DE 19966. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113 (215) 365–5141. Transporting *food and related products*, between Chicago, IL, New York, NY, Camden, NJ, points in Altantic, Burlington, Cumberland, Gloucester and Salem Counties, NJ, Duplin County, NC, and points in DE, MD, VA and DC, on the one hand, and, on the other, points in the U.S.

MC 146666 (Sub-3), filed July 1, 1981. Applicant: EDWARD R. CORCORAN d.b.a. CORCORAN TRUCKING, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran (same address as applicant) (406) 245–6065. Transporting *meat by-products and packinghouse products*, between points in MT, on the one hand, and, on the other, AZ, CA, CO, NM and TX.

MC 156856, filed June 26, 1981. Applicant: GULF COAST DELIVERY SERVICE, INC., 1499 No. Post Oak, Suite 101, Houston, TX 77055. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024 (713) 827–1407. Transporting *Mercer commodities*, between points in Aransas, Austin, Brazoria, Brooks, Calhoun, Cameron, Chambers, Colorado, Fayettee, Ft. Bend, Galveston, Hardin, Hidalgo, Jackson, Jefferson, Jim Wells, Kenedy, Kleberg, Lavaca, Liberty, Lee, Matagorda, Montgomery, Nueces, Orange, Refugio, San Patricio, Victoria, Waller, Washington, Wharton, and Willacy Counties, TX, and points in LA.

Volume No. OPY–4–253

FF–557, filed June 25, 1981. Applicant: MOVER'S INTERNATIONAL, INC., 18800 Hwy 99, Suite 12, Lynnwood, WA 98036. Representative: Robert H. Johnson (same address as applicant) (206) 775–3888. As a freight forwarder, in connection with the transportation of *general commodities*, between points in the U.S.

MC 156837, filed June 29, 1981. Applicant: BOB'S NEVADA TOURS, INC. 100 "E" St., Santa Rosa, CA 95404. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108 (415) 986–8696. To engage in operations in interstate or foreign commerce, as a broker, at San Francisco and Santa Rosa, CA, in arranging for the transportation, by motor vehicles, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Alameda, Contra Costa, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Santa Clara, and Sonoma Counties, CA, and extending to points in the U.S.

MC 156847, filed June 23, 1981. Applicant: ATOM EXPRESS COMPANY, 495 Broadwell Dr., Nashville, TN 37220. Representative: J. R. St. John (same address as applicant) (615) 832–5501. Transporting *general commodities* (except classes A and B explosives), between points in AL, TN, OH, MI. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

Volume No. OPY–4–254

MC 19227 (Sub-255), filed June 29, 1981. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant) (305) 634–2661. Transporting *turbines and turbines parts*, between points in Charleston County, SC, on the one hand, and, on the other, points in the U.S.

MC 28517 (Sub-9), filed June 29, 1981. Applicant: FARNEY TRUCK SERVICE, INC., 1947 N.W. Savier, Portland, OR 97209. Representative: Michael D. Crew, 205 Riviera Plaza, 1618 S.W. First, Portland, OR 97201 (503) 221–1529. Transporting (1) *pulp, paper and related products*, (2) *chemicals* (3) *machinery*, and (4) *plastic and plastic products*, between points in OR and WA.

MC 34027 (Sub-18), filed June 29, 1981. Applicant: GREETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting (1) *fabricated metal products*, and (2) *machinery*, between points in Marion County, IA, on the one hand, and, on the other, points in OH, MI, IN, IL, WI, KY, TN, MO, IA, MN, NE, KS, ND, and SD.

MC 59117 (Sub-83), filed July 1, 1981. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, OK 74301. Representative: Tom Kretsinger, 20 East Franklin, Liberty, OK 64068 (816) 781–6000. Transporting *commodities in bulk and in containers*, between the facilities of The Carborundum Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 93147 (Sub-26), filed July 1, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., P.O. Box 846, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103 (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), between the facilities of International Paper Co. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121517 (Sub-18), filed June 29, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *building and construction materials*, between points in Lincoln County, OK, on the one hand, and, on the other, points in the U.S.

MC 125687 (Sub-26), filed June 26, 1981. Applicant: EASTERN STATES TRANSPORTATION PA, INC., 1060 Layfayette St., York, PA 17405. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, D.C. 20005 (202) 783–3524. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastics products*, and (3) *containers and container closures*, between points in ME, VT, NH, on the one hand, and, on the other, points in MA, CT, RI, NY, PA, NJ, MD, DE, and DC.

MC 126667 (Sub-6), filed June 30, 1981. Applicant: BRUSH HILL TRANSPORTATION COMPANY, 109 Norfolk St., Dorchester, MA 02124. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, D.C. 20005 (202) 783–3524. Transporting *passengers and their baggage*, in the same vehicle with passenagers, in round-trip charter and special operations, beginning and ending at points in MA, and extending to points in the U.S., including AK but excluding HI.

MC 129537 (Sub-56), filed June 30, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 408 No. Morgan St., Tampa, FL 33602 (813) 229–6155. Transporting *textile mill products*, between points in Mobile, Baldwin, and Escambia Counties, AL, on the one hand, and, on the other, points in the U.S. (except FL, GA, MS, AR, LA, TX, OK, and NM).

MC 144667 (Sub-24), filed June 29, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Timberline Pipe Corporation, of Pueblo, CO.

MC 150937, filed June 29, 1981. Applicant: R & R DISTRIBUTING, INC., 1355 Abbott St., Salinas, CA 93901. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213) 945–2745. Transporting *rubber and plastic products*, between points in Los

Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 151087 (Sub-7), filed June 29, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Highway, Harvey, IL 60426. Representative: Leonard R. Kofkin, 30 S. La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Extruded Metals, an Indianhead Company, of Belding, MI

MC 152447, filed June 26, 1981. Applicant: OPIES' MILK HAULERS, INC., Highway 52 West, P.O. Box 89, Eldon, MO 65026. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102, (314) 635–7166. Transporting *commodities in bulk*, between the facilities Hubinger Company, in Lee County, IA, Hancock, IL, and Clark County, MO, on the one hand, and, on the other, points in the U.S.

MC 153957, filed June 30, 1981. Applicant: SCA SERVICES OF KENTUCKY, INC., 200 Highrise Dr., P.O. Box 19380, Louisville, KY 40219. Representative: Robert E. Lee (same address as applicant), (502) 969–2355. Transporting (1) *hazardous wastes*, and (2) *sludges*, between points in KY, OH, IL, IN, TN, NC, SC, WI, MI, ME, VT, NH, MA, CT, RI, NJ, NY, PA, WV, MD, DE, VA, MS, AL, FL, GA, and DC. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

MC 156167, filed June 30, 1981. Applicant: KEVIN STUBBS, Sherman, ME 04776. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Patten Veneer Products, Inc., of Patten, ME, Katahdin Forest Products Co., of Oakfield, ME, and Old Town Lumber Company, of Old Town, ME.

MC 156877, filed June 29, 1981. Applicant: WHITED TRANSPORTATION COMPANY, a corporation, P.O. Box 593, Paramount, CA 90723. Representative: Miles L. Kavaller, 315 South Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting (1) *such commodities* as are dealt in or used by home improvement stores, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Butler-Johnson Corporation-Los Angeles, of North Long Beach, CA, and Butler-Johnson Corporation-San Jose, of San Jose, CA.

MC 156887, filed June 29, 1981. Applicant: ANTIQUE CAR CARRIERS, INC., 186 S. Prospect Ave., Bergenfield, NJ 07621. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transportating *antique and classic cars*, between points in the U.S.

[FR Doc. 81–20809 Filed 7–15–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions: Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practices, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applicants may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The upopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this conpliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–120

Decided: July 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153724 (Sub-1), filed June 5, 1981. Applicant: BUFFALO DOWNTOWN DUMP TRUCK SERVICE & SUPPLIES, INC. 113 Gillette Ave. Buffalo, NY 14214. Representative: Paul Harrison (same address as applicant) (716) 754–4353. Transporting *coke, graphite, scrap, carbon and graphite electrodes*, between points in Niagara and Erie Counties, NY and Elk County, PA, on the one hand, and, on the other, points in PA, OH, IL, IN, NJ, NC, SC, MD, and DE.

Volume No. OPI–199

Decided: July 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker participating in part.)

MC 2900 (Sub-448), filed June 22, 1981. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. SOMERS, Jr. (same address as applicant) (904) 353–3111. Transporting *chemicals and related products* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Exxon Chemical Americas, of Houston, TX.

MC 35320 (Sub-660) (republication), filed May 18, 1981, previously noticed in the **Federal Register** issue of June 11, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745–7263. Transportation *general commodities* (except classes A and B explosives), between points in Lincoln County, OK, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations. The purpose of this republication is to indicate Lincoln County, OK as the correct base territorial description, in lieu of Lincoln County, OH.

MC 46281 (Sub-3), filed June 29, 1981. Applicant: HAL MOTOR EXPRESS, 45 Enterprise Ave., Secaucus, NJ 07094. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in NY, PA, DE, NJ, and MD.

MC 75840 (Sub-166), filed June 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222, (205) 323–6721. Transportation *roofing materials and supplies*, between points in Jefferson County, AL, on the one hand, and, on the other, points in FL.

MC 107151 (Sub-30), filed June 19, 1981. Applicant: H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103. Representative: Donald L. Sand (same address as applicant) (406) 245–4153. Transportation *liquid commodities in bulk*, between points in MT, ND, SD, WY, CO, UT, ID, and WA. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 108340 (Sub-38), filed June 29, 1981. Applicant: HANEY TRUCK LINE, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave. Portland, OR 97210, (503) 228–3755. Transportation *general commodities* (except classes A and B explosives), between points in OR and WA, on the one hand, and, on the other, points in NV, AZ, NM, UT, CO, and WY.

MC 110391 (Sub-3), filed June 23, 1981. Applicant: CHESTER A. DEYOUNG, d.b.a. DEYOUNG TRANSFER & STORAGE, 214 East Park Street, Livingston, MT 59047. Representative: Chester A. DeYoung (same address as applicant) (406) 222–1990 or 222–1965. *Over regular routes*, transporting *general commodities* (except classes A and B explosives), between Livingston, MT, and West Yellowstone, MT, from Livingston over U.S. Hwy 10 to junction U.S. Hwy 191, then over U.S. Hwy 191 to West Yellowstone, and return over the same route, serving all intermediate points.

MC 113271 (Sub-80), filed June 12, 1981. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452–6415. Transporting *salt*, between points in UT, on the one hand, and, on the other, points in Missoula County, MT.

MC 116280 (Sub-28), filed June 22, 1981. Applicant: W. C. MCQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *printed matter* and *pulp, paper and related products*, between points in Upshur County, WV, on the one hand, and, on the other, points in IN, OH, PA, WV, MD, NY, NJ, DE, and VA.

MC 116300 (Sub-88), filed June 22, 1981. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *Mercer commodities* (1) between points in AL, AR, FL, LA, MS, OK, and TX, and (2) between points in AL, AR, FL, LA, MS, OK, and TX, on the one hand, and, on the other, points in CA, CO, GA, IL, IN, KS, KY, MI, MO, MT, NE, NM, NC, ND, OH, PA, SC, SD, TN, UT, VA, WV and WY.

MC 128290 (Sub-20), filed June 17, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30330, (404) 434–3381. Transporting *textile mill products*, between points in VA, on the one hand, and, on the other, points in the U.S.

MC 131021 (Sub-1), filed June 23, 1981. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt in or used by mail order houses and department stores, between points in the U.S., under continuing contract(s) with Hayes Half Size Fashions, Inc., division of Lane Bryant, Inc., of Indianapolis, IN.

MC 133811 (Sub-6), filed June 22, 1981. Applicant: H. E. McCONNELL AND H. E. McCONNELL, JR., d.b.a. McCONNELL & SON TRUCKING COMPANY, 5117½ East Broadway, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd Street, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *roofing granules*, between points in Pulaski County, AR, on the one hand, and, on the other, points in TX.

MC 138550 (Sub-2), filed June 26, 1981. Applicant: W. SMITH CARTAGE CO., INC., 7013 Sands Road, Crystal Lake, IL 60014. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except classes A and B explosives), between those points in IL on and north of U.S. Hwy 136, on the one hand, and, on the other, points in IN, IA, MI, MO and WI.

MC 142310 (Sub-37), filed June 22, 1981. Applicant: H. O. WOLDING, INC., P.O. Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by grocery stores, food processing houses, and variety stores, between points in the U.S.

MC 142711 (Sub-4), filed June 29, 1981. Applicant: BERRYMAN TRANSFER & STORAGE COMPANY, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603, (312) 782–6880. Transporting *metal products*, between the facilities of Alumax, Inc., its divisions, subsidiaries, and affiliates at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143730 (Sub-7), filed June 22, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Dr., New Castle, DE 19270. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102, (215) 735–2707. Transporting *such commodities* as are dealt in or used by industrial maintenance supply houses, between points in the U.S., under continuing contract(s) with Cello Corporation, of Havre de Grace, MD.

MC 146990 (Sub-7), filed June 26, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526, (304) 562–3460. Transporting *metal products*, between points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, TN, VA, WV, and DC.

MC 147571 (Sub-3), filed June 16, 1981. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Armory Drive, South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company of St. Louis, MO, and its subsidiaries, Foodmakers, Inc. of Landiego, CA, Steak Mate, Inc., of Morgan Hill, CA, and Van Camp Seafood Company of St. Louis, MO.

MC 148281 (Sub-15), filed June 24, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *ceramic tile*, between points in OH, TX, FL, AZ, CA, CO, and WA, on the one hand, and, on the other, points in the U.S.

MC 149330 (Sub-1), filed June 22, 1981. Applicant: DUNBAR ARMORED SECURITY, INC., 32 Belmont St., Hartford, CT 06106. Representative: George W. Dunbar, Jr. (same address as applicant), (203) 246–6605. Transporting *coin and currency*, between points in the U.S., under continuing contract(s) with The First National Bank of Boston, of Boston, MA, The Banking Center and Colonial Bank, both of Waterbury, CT, United Bank & Trust, Hartford National Bank and Connecticut Bank and Trust Co., all of Hartford, CT.

MC 155031, filed June 22, 1981. Applicant: KRAMER'S & HOUSTON TOWING SERVICE, a partnership, 1617½ E. Mulberry, Fort Collins, CO 80524. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *wrecked or disabled motor vehicles*, between points in AZ, CO, ID, KS, MT, NE, NV, MN, OK, TX, UT and WY.

MC 156490, filed June 12, 1981. Applicant: JACKSON FREIGHT LINES, INC., 29 Norman Dr., Bloomfield, CT 06002. Representative: Charles W. Jackson, Jr., 29 Norman Dr., Bloomfield, CT 06002, (203) 278–8196, (203) 242–3124. Transporting (1) *alcoholic beverages*, (2) *alcoholic liquors*, and (3) *wine*, between points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, KY, OH, IN, IL, MI, WI, TN, MS, AL, GA, FL, SC, NC, and DC.

MC 156741, filed June 22, 1981. Applicant: ALABAMA FARM BUREAU SERVICES, INC., 3340 Fitzpatrick Ave., Montgomery, AL 36108. Representative: Terry P. Wilson, 428 So. Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with The BF Goodrich Company of Akron, OH, and Lee Tire and Rubber Company of Conshohocken, PA.

MC 156810, filed June 26, 1981. Applicant: DONALD ZIMMER TRUCKING, INC., P.O. Box 41, Echo, MN 56237. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. In foreign commerce only, transporting *potash*, between points in IA, MN, ND, SD, and WI, on the one hand, and, on the other, the ports of entry on the international boundary line between the U.S. and Canada at points in MT, ND, and MN.

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Decided: July 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 4242 (Sub-93), filed June 18, 1981. Applicant: PITTSBURGH-FAYETTE EXPRESS, INC., Fourth & Main St., Belle Vernon, PA 15012. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in IN, MD, MI, NY, OH, PA, VA, and WV.

MC 12872 (Sub-2), filed June 9, 1981. Applicant: BLUE BIRD WORLD TRAVEL, INC., 502 North Barry St., Orlean, NY 14760. Representative: Charles A. Webb, Suite 1111, 1828 L St., NW., Washington, D.C. 20036, (202) 296–2929. As a *broker*, at points in the U.S., in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 27903 (Sub-23), filed June 17, 1981. Applicant: CHARLES W. KARPER, INC., 40 Industrial Dr., P.O. Box H, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal containers and container ends, between points in Frederick County, VA, on the one hand, and, on the other, points in Franklin, Adams, York, Lancaster, Cumberland, Dauphin, Philadelphia, Montgomery, Chester, Delaware and Berks Counties, PA.

MC 35602 (Sub-5), filed June 25, 1981. Applicant: BETTENDORF TRANSFER, INC., Rt. 2, Box 261, River Falls, WI 54022. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 5495, (414) 722–2848. Transporting *food and related products*, between the facilities of McCormick & Co. and its subsidiaries, at Minneapolis, MN, Baltimore, MD, and points in CA, on the one hand, and, on the other, points in the U.S.

MC 59223 (Sub-13), filed June 19, 1981. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 W. 37th St., New York City, NY 10018. Representative: Kenneth M. Piken, 95—25 Queens Blvd., Rego Park, NY 11374. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with (a) R. H. Macy & Co., Inc., of New York, NY, its divisions, affiliates and subsidiaries, and (b) The May Department Stores Co., of St. Louis, MO.

MC 92733 (Sub-3), filed June 23, 1981. Applicant: DORAL TRANSPORT COMPANY, 2800 Hamburg Turnpike, Lackawanna, NY 14218. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036, (202) 296–2900. Transporting *metal products, clay, concrete, glass or stone products, pulp, paper and related products, printed matter, lumber and wood products, machinery, and carbon electrodes*, (a) between ports of entry on the international boundary line between the United States and Canada on the Niagara River, in NY, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, and (b) between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 95813 (Sub-19), filed June 26, 1981. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15N, Dillsburg, PA 17019 Representative: David Shumaker (same address as applicant), 717–432–9617. Transporting (1) clay, concrete, glass or stone products, and (2) lime, limestone and limestone products, between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 99882 (Sub-4), filed June 18, 1981. Applicant: Y. G. TRUCKING, INC., 742 Garden Wood, Greenville, OH 45331. Representative: Stephen J. Habash, 100 E. Broad St. Columbus, OH 43215. Transporting (1) *General commodities* (except classes A and B explosives), between Pittsburgh, PA, Dallas, TX, Chicago, IL, St. Louis, MO, points in Knox, Henderson, and Giles Counties, TN, Union County, KY, Payne County, OK, Storey County, NV, OH, IN, and MI, on the one hand, and, on the other, points in the U.S. and (2) *general commodities*, between points in Huron County, OH, on the one hand, and, on the other, points in OH. Condition (1): To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance. (2): Issuance of a certificate here is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC–99882 Sub-No. 3, issued June 29, 1979.

MC 99443 (Sub-1), filed June 23, 1981. Applicant: CURRIER'S EXPRESS INC., 30 Lowell Jct. Road, Andover, MA 01810. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 241–8296. Transporting *general commodities* (except classes A and B explosives) between points in MA, on the one hand, and, on the other, points in ME, RI, NH, CT, and VT.

MC 106222 (Sub-67), filed June 24, 1981. Applicant: WALLACK FREIGHT LINES, INC., 65 Court St., Copiague, NY 11726. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *general commodities* (except classes A and B explosives), between New York, NY and points in Suffolk County, NY, on the one hand, and, on the other, points in CT, DE, MA, NJ, NY, PA, and RI.

MC 111432 (Sub-16), filed June 17, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703, (217) 753–3925. Transporting *petroleum products*, between points in the U.S., under continuing contract(s) with J. D. Streett & Co., Inc., of Maryland Heights, MO.

MC 125433 (Sub-476), filed June 29, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant) (801) 973–4242. Transporting *general commodities* (except classes A and B explosives and hazardous waste), between points in the U.S.

MC 144513 (Sub-19), filed June 22, 1981. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 148143 (Sub-9), filed June 22, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), (417) 862–7460. Transporting *food and related products*, between the facilities used by Banquet Foods Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151173 (Sub-6), filed June 18, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Century Commodity Brokers, Inc., of Jonesboro, GA.

MC 153163, filed June 17, 1981. Applicant: HOWARD D. AND BEVERLY J. SCROGGINS d.b.a. CROSSROADS CHARTER COACHES, Rt. 4, Box 158–A, Joplin, MO 64801. Representative: Howard D. Scroggins (same address as applicant), (417) 781–9222. Transporting *passengers and their baggage*, in special and charter operations in round-trip pleasure tours, beginning and ending at points in Newton County, MO.

MC 154563, filed June 22, 1981. Applicant: WESTBROOK TRUCKING, INC., 600 S. Davis, Clovis, NM 88101. Representative: Lynn Westbrook, Sr., 1421 E. 21st St., Clovis, NM 88101, 505–763–7677. Transporting *meats, meat products, meat by-products, and articles distributed by meat packing houses*, between points in the U.S., under continuing contract(s) with Clovis Packing, Inc., of Clovis, NM.

MC 154652 (Sub-1), filed June 26, 1981. Applicant: PENNCO TRUCKING, INC., P.O. Box 129, Cumberland, PA 17070. Representative: Dixie C. Newhouse, 1329 Pensylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *General commodities* (except classes A and B explosives), between points in Dauphin, Perry, Cumberland, Franklin, Adams, York, Lancaster, Lebanon and Berks Counties, PA.

MC 156752, filed June 22, 1981. Applicant: MEL'S TRUCKING & BRAKE SERVICE, INC., 209 Sycamore Road, Vestal, NY 13850. Representative: Donald C. Carmien, 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13901, (607) 772–6993. Transporting *petroleum and related products*, (1) between Philadelphia, PA, and points in NJ, on the one hand, and, on the other, points in Broome, Cortland, and Tioga Counties, NY, (2) between points in Broome County, NY, on the one hand, and, on the other, points in Susquehanna, Bradford, Pike, Sullivan, and Wayne Counties, PA, and (3) between points in Chemung County, NY, on the one hand, and, on the other, points in Susquehanna, Bradford, Pike, Sullivan, and Wyoming Counties, PA.

MC 156772, filed June 25, 1981. Applicant: OLDENBERG & SON, INC., 2319 Cline Ave., Gary, IN 46406. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *wrecked, disabled and replacement vehicles*, between points in IL, IN, IA, KY, MI, OH, and WI.

MC 156782, filed June 25, 1981. Applicant: JACKWIC, INC., 1206 Sunset Dr., Thomasville, GA 31792. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1785. Transporting *rubber and plastic products*, between points in Bibb and Thomas Counties, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 156793, filed June 25, 1981. Applicant: EAST COAST CARTAGE, INC., 10 Otis Street, Westboro, MA 01581. Representative: Harold R. Rudnick (same address as applicant), (617) 366–9601. Transporting *food and related products* as is dealt in by grocery and food business houses, between points in ME, NH, CT, VT, RI, MA, NY, PA, NJ, DE, MD, OH, VA, WV, SC, NC, GA, and FL.

[FR Doc. 81–20874 Filed 7–15–81; 8:45 am]

BILLING CODE: 7035–01–M

[Volume No. 120]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its

requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 64373 (Sub-16)X, filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to broaden the commodity description from cotton mill machinery to "commodities which, because of size or weight, require the use of special equipment or special handling," in connection with its service between points in GA, SC, and that part of NC on and west of Highway 21.

MC 73666 (Sub-9)X, filed June 16, 1981. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, CT 06850. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6 and 7F certificates to (A) remove all restrictions in its general commodities authority "except classes A and B explosives" in the lead docket and Sub-Nos. 5 and 6; and broaden its other commodity descriptions: lead certificate, to "contractors' materials from contractor's materials and supplies when their transportation is incidental to that of size and weight commodities, and to "transportation equipment" from boats; and Sub-No.7, to "food and related products" from malt beverages; (B) broaden the territorial description in the regular-route portion of the lead certificate to authorize county-wide authority in place of the specified off-route points, as follows: New Haven County, CT (Bradford, New Haven, and Milford, CT), Essex County, NJ (Newark, NJ), and Fairfield County, CT (Bethel, Ridgefield, and New Canaan, CT); and (C) broaden the irregular route portions of its authority to authorize county-wide authority for the named city points: lead certificate, Fairfield County, CT (Norwalk, CT and points within 15 miles of Norwalk); Sub-No. 6, Essex County, NJ (Newark, NJ); and Sub-No. 7, Hillsborough County, NH (Merrimack, NH), and Hartford and New Haven Counties, CT (Hartford, Wallingford, West Haven, and Orange, CT).

MC 93236 (Sub-3)X, filed June 22, 1981. Applicant: BONDY CARTAGE LIMITED, P.O. Box 420, Windsor, Ontario, Canada N9A 6L7. Representative: John P. McMahon, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its MC–93236 and Sub-No. 2X to (1) broaden the commodity description (a) in MC–93236 from general commodities (usual exceptions) to general commodities, except classes A and B explosives, and (b) in MC–93236 (Sub-No. 2)X from motor vehicle parts to "transportation equipment, metal products, machinery, lumber and wood products, instruments and photographic goods, textile mill products, rubber and plastic products, clay, concrete, glass or stone products, furniture and fixtures, and chemicals and related products"; (2) remove restrictions in Sub-No. 2X (a) against commodities in bulk, in tank vehicles and (b) in foreign commerce only; and (3) change ports of entry on the international boundary line between the United States and Canada at Detroit, MI, in MC–93236, to Wayne County, MI.

MC 98079 (Sub-6)X, filed June 29, 1981. Applicant: MILLER BROS, INC., 305 N. 8th Ave., Greeley, CO 80631. Representative: Jack B. Wolfe, 1600 Sherman St. No. 665, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives), in both certificates; (2) eliminate the restriction limiting service to traffic having a prior or subsequent movement by rail, in Sub-No. 3F; (3) broaden the territorial authority which authorizes service at specified or prohibits intermediate point service to authorize service at all intermediate points on its described regular routes between (a) Denver, CO and facilities located at or near Buckeye, CO, and (b) Denver, CO and Ault, CO, in Sub-No. 4F; (4) replace existing city-wide service with county-wide authority: Ft. Collins and Greeley, CO, with Larimer and Weld Counties, CO, in Sub-No. 3F; and, (5) replace off-route authority with county-wide authority: Loveland, Ft. Collins, Wellington, Livermore and Red Feather Lakes, CO, with Larimer County, CO, in Sub-No. 4F.

MC 107478 (Sub-89)X, filed June 2, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Drive, Post Office Box 20006, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant seeks to remove restrictions from its Sub 12, 13, 15, 18, 22, 23, 25, 27, 29, 33, 34G, 35, 37F, 38F, 39F, 40F, 42F, 43F, 45F, 48F, 49F, 50F, 54F, 55F, 56F, 57F, 59F, 63F, 65F, 68F, 69F, 70F, 71F, 72F, 73F, 75F, 76F, 77F, 78F, 79F, 80F, and 81 F certificates, its E1, E12, E19, E20, and E22 letter notices, and MC–7640, Sub-Nos. E1, E2, E3, E4, and E5 letter notices of Barnes Truck Line, Inc., (acquired in MC–F–10522), (A) to broaden the commodity descriptions to (1) "food and related products" from (a) canned goods, pickles and mustard, in containers, and coffee in Sub-No. 12, (b) dairy products and fruit drinks in Sub-No. 13, (c) fruit and vegetable crystals in Sub-No. 15, (d) dairy products (except in bulk, in tank vehicles) and Sub-No. 25, (e) flour, in bulk, in Sub-No. 29, (f) juice and beverages (except in bulk and except frozen), in Sub-No. 72F, (g) malt beverages in Sub-No. 75F, and (h) dog food in Sub-No. 77F, (2) "lumber and wood products" from (a) veneer, plywood, and finished lumber in Sub-No. 12, (b) wood dimension stock in Sub-No. 12, (c) compressed wood logs, lumber (with exceptions), and laminated modular panels in Sub-No. 23, (d) lumber, landscape timbers, and pallets in Sub-No. 33F, (e) lumber, in Sub-Nos. 12 and 39F and Barnes E1 and E4, (f) fibreboard and fibreboard products in Sub-No. 45F, (g) fibreboard, particleboard, and plywood in Sub-No. 45F and Barnes E3 (h) lumber and particleboard in Sub 45F, (i) particleboard, fibreboard, and built-up woods in Sub 54F, and (j) lumber (except plywood and veneers), in Old Dominion E22 and Barnes E1 and E4, (3) "farm products, food and related products, tobacco products, and textile mill products" from agricultural commodities in Sub-No. 12, (4) "building materials, lumber and wood products, pulp, paper, and related products, and metal products" from asphalt and asbestos roofing and siding, building paper, plaster, wallboard, sheathing, lime, metal lath, paint, and plasterboard in Sub-No. 12, (5) "chemicals and related products, farm products, and food and related products" from cottonseeds, seeds, feeds, fertilizer, cottonseed meal, and hulls in Sub-No. 12, (6) "chemicals and related products" from fertilizer in Sub-No. 12, (7) "farm products, lumber and wood products, building materials, and textile mill products" from lumber, brick, cotton, and cottonseed in Sub-No. 12, (8) "furniture and fixtures, lumber and wood products, pulp, paper, and related products, metal products, and rubber and plastic products" from new furniture, beverage cases, and wooden boxes, crates, and reels in Sub-Nos. 12 and 18, and Old Dominion E1, (9) "pulp, paper, and related products" from (a) paper and paper articles in Sub-No. 12 and Old Dominion E20, (b) paper and paper products in Sub-No. 23, (c) woodpulp in Sub-No. 23, (d) paper and paper products (except in bulk) in Sub-No. 56F, and (e)(1) paper and paper products and woodpulp and (2) materials, equipment and supplies used in the manufacturing and distribution of those commodities, in Sub-No. 69F. (10) "building materials and lumber and wood products" from (a) roofing, siding, and roofing and siding materials in Sub-No. 12, and (b) roofing, building, and insulating materials (except iron and steel articles and commodities in bulk), in Sub-No. 27, (11) "metal products, rubber and plastic products, and clay, concrete, glass, and stone products" from pipe, tubing, and fittings in Sub-Nos. 12 and 18 and Old Dominion E12, (12) "textile mill products" from wool, wool tops, noils, and wool waste (carded, spun, woven and knitted), in Sub-Nos. 12 and 29, (13) "machinery" from agricultural machinery in Sub-Nos. 22 and 70F, (14) "metal products" from (a) iron and steel and iron and steel articles in Sub-Nos. 23 and 34G, and Old Dominion E19, (b) iron and steel bars and rods in Sub-No. 23, (c) metal cans in Sub-No. 37F, (d) iron and steel articles in Sub-Nos. 42F, 43F, 48F, 50F, 59F, 63F, 65F, and 68F, (e) copper rods in Sub-No. 49F, (f) steel wire mesh in Sub-No. 57F, and (g) part (1) fabricated metal products (except ordnance) in Sub-No. 79F, (15) "pulp, paper and related products and lumber and wood products" from (a) lumber, flakeboard, pulpboard, sheets, boards, millwork, particleboard, and plywood in Sub-No. 23 and (b) paper, paper products, and composition board in Sub-No. 23, (16) "building materials" from insulating materials in Sub-No. 23, (17) "pulp, paper, and related products and waste or scrap materials" from waste paper in Sub-No. 23 above, (18) "furniture and fixtures" from furniture in Sub-No. 35, (19) "clay, concrete, glass, and stone products" from (a) asbestos cement pipe and pipe couplings, fittings and accessories (except commodities in bulk), in Sub-No. 38F and (b) stone, concrete cast stone, prestressed and precast concrete, and prestressed and precast concrete products in Sub-No. 55F, (20) "containers" from containers (except tank and hopper containers), in Sub-No. 40F, (21) "coal and coal products, metal products, lumber and wood products, and petroleum, natural gas, and their products" from charcoal, charcoal briquettes, hickory and wood chips, charcoal products, portable grills, grill accessories, and charcoal lighter fluid in starters (except commodities in bulk) in Sub-No. 71F, (22) "rubber and plastic products and metal products" from part (1), plastic pipe, pipe fittings, valves, and hydrants, in Sub-No. 73F. (23) "rubber and plastic products" from plastic articles in Sub-No. 76F (24) "machinery" from (a) electrical storage batteries in Sub-No. 78F, (b) material-handling equipment, machinery (except electrical), and electrical machinery, equipment, and supplies in Sub-No. 80F, and (c) agricultural machinery, implements, and machinery parts in Barnes E2 and E5, and (25) "pulp, paper, and related products and machinery" from paper, paper products, and machinery in Sub-No. 81F, (b) to authorize radial in place of existing one-way authority in all Sub-Nos. and E letter notices; (C) to replace origin and destination point authority (including facilities) with city and county wide authority (1) in Sub-No. 12 (a) from Dandridge, TN and Charleston, SC (and points within 15 miles of Charleston) to Jefferson County, TN and Charleston, Berkeley, and Dorchester Counties, SC, (b) from Ehrardt, SC to Bamberg and Colleton Counties, (c) from Port Wentworth, GA (and points within 7 miles thereof) to Effingham and Chatham Counties, GA and Jasper County, SC, (d) from Lake Wales, FL to Polk County, (e) from Augusta and Savannah, GA to Columbia, Richmond, and Chatham Counties, GA and Aiken, Edgefield, Jasper, and Beaufort Counties, SC, (f) from St. Stephens, SC to Berkeley and Williamsburg Counties, (g) from Georgetown, SC (and points within 5 miles thereof) to Georgetown County, (h) from Varnville and Walterboro, SC, Conover, Hickory, High Point, Lenoir, Lincolnton, Marion, Mebane, Newton, Statesville, and Winston-Salem, NC, and Bassett, Galax, Martinsville, and Stanleytown, VA to Hampton and Colleton Counties, SC, Alamance, Alexander, Burke, Caldwell, Catawba, Davidson, Davie, Forsyth, Guilford, Iredell, Lincoln, McDowell, Orange, Randolph, Stokes, and Yadkin Counties, NC, and Patrick, Henry, Grayson, and Carroll Counties, VA, (i) from New York, NY, Concord, Albemarle, and Greensboron NC, and Chattanooga, TN to New York, NY, Rockingham, Randolph, Davidson, Forsyth, Guilford, Stanly, and Cabarrus Counties, NC, Hamilton, Sequatchie, and Marion Counties, TN, and Dade, Walker, and Catoosa Counties, GA, (j) from Johnsonville, SC and Mobile, AL to Florence and Williamsburg Counties, SC and Mobile and Baldwin Counties, AL (k) from Bennettsville, SC and Greenville, MS to Marlboro County, SC, Washington County, MS, and Chicot County, AR, (l) from Kansas City, MO and Jamestown, SC to Cass, Johnson, Jackson, Clay, and Platte Counties, MO, Johnson, Leavenworth, and Wyandotte Counties, KS, and Georgetown and Berkeley Counties, SC, (m) from Spartanburg and Woodruff, SC to Spartanburg and Laurens Counties, SC (n) from Dover, DE, Artesia and Roswell, NM, Greer, SC, and Abingdon, VA to Kent County, DE, Chaves and Eddy Counties, NM, Greenville and Spartanburg Counties, SC, and Washington County, VA, and (o) from Jacksonville and Jacksonville Beach, FL to Nassau, Duval, Clay, and St. Johns Counties, FL (2) in Sub-No. 13 from High Point, NC to Randolph, Davidson, Forsyth and Guilford Counties, NC (3) in Sub-No. 15 from Lake Wales, FL and Charleston, SC (and points within 15 miles of Charleston) to Polk County, FL and Charleston, Berkeley, and Dorchester Counties, SC, (4) in Sub-No. 18 from Philadelphia, PA, Providence, RI, and Corning, NY to Philadelphia, PA, Bristol, Kent, and Providence Counties, RI, Bristol County, MA, and Steuben County, NY, (5) in Sub-No. 22 from Tarboro, NC to Edgecombe County, NC (6) in Sub-No. 23 (a) from Baltimore, MD and Faison and Burgaw, NC to Baltimore, MD, and Duplin, Sampson, and Pender Counties, NC, (b) from Catawba, SC, and points within 5 miles thereof, and Dover, DE to York, Chester, and Lancaster Counties, SC and Kent County, DE, (c) from Farmville, NC to Greene and Pitt Counties, NC, (d) from facilities at Franklin, VA to Franklin, VA (e) from Moncure, NC to Chatham and Lee Counties, NC (f) from facilities at or near Spring Hope, NC to Nash County, NC (g) from Waverly, VA to Sussex County, VA, (h) from Ambridge, PA to Allegheny and Beaver Counties, PA (i) from Williamstown Junction NJ to Camden County, NJ, (j) from Riegelwood and Cape Fear, NC to New Hanover, Brunswick, Columbus, and Pender Counties, NC (k) from, Plymouth, NC to Bertie, Washington, and Martin Counties, NC (1) from Askin and Morehead City, NC to Craven and Carteret Counties, NC (m) from Wilmington, NC to Brunswick and New Hanover Counties, NC (n) from facilities at Frankfort, IN and Tarboro, NC to Clinton County, IN and Nash and Edgecombe Counties, NC, and (o) from facilities at Plymouth, NC to Bertie,

Washington, and Martin Counties, NC, (7) in Sub-No. 25 from Spartanburg, SC to Spartanburg County, SC; (8) in Sub-No. 27 from facilities in Granville County, NC to Granville County, NC; (9) in Sub-No. 29 (a) from North Chelmsford, Boston, East Weymouth, West Millbury, and Lawrence, MA and Baltimore, MD to Rockingham County, NH, Middlesex, Norfolk, Suffolk, Essex, Plymouth, and Worcester Counties, MA, and Baltimore, MD, and (b) from Muirkirk and Baltimore, MD and Washington, DC to Prince Georges County, MD, and Baltimore, MD, and Washington, DC, (10) in Sub-No. 33F from Kinsale, VA to Westmoreland County, VA; (11) in Sub-No. 37F from Tampa, FL and Charlotte, NC to Pinellas, Hillsborough, and Pasco Counties, FL, Mecklenberg, Gaston, Lincoln, Union, and Cabarrus Counties, NC and York and Lancaster Counties, SC; (12) in Sub-No. 38F from facilities at Ambler, PA to Montgomery and Philadelphia Counties, PA (13) in Sub-No. 39F from Milford, VA to Caroline County, VA (14) in Sub-No. 40F from Cambridge, Fruitland, and Hurlock, MD, Hanover, PA, Winchester, VA, and Wilson, NC to Adams and York Counties, PA, Winchester, VA, Dorchester, Talbot, and Wicomico Counties, MD, and Wilson County, NC; (15) in Sub-No. 42F from named facilities at Aliquippa and Pittsburgh, PA to Beaver, Washington, Westmoreland, and Allegheny Counties, PA (16) in Sub-No. 43F from Carnegie, PA to Allegheny County, PA; (17) in Sub-Nos. 45F and 54F from Towanda, PA to Bradford County, PA; (18) in Sub-No. 48F from Buffalo, NY, Cleveland, Canton, Elyria, Warren, Massillon, and Youngstown, OH, Sharon, PA, and Ferndale, MI to Niagara and Erie Counties, NY, Cuyahoga, Geauga, Lake, Portage, Summit, Medina, Lorain, Stark, Trumbull, Mahoning, and Wayne Counties, OH, Mercer County, PA, and Macomb, Oakland, and Wayne Counties, MI; (19) in Sub-No. 49F from Abingdon, VA, Eden and Tarboro, NC, and Watkinsville, GA to Washington County, VA, Rockingham and Edgecombe Counties, NC and Oconee County, GA (20) in Sub-No. 50F from Atlanta and Marietta, GA to Fulton, De Kalb, Cobb, Clayton, Henry, Gwinnett, and Douglas Counties, GA; (21) in Sub-No. 55F from Raleigh, NC to Johnston and Wake Counties, NC; (22) in Sub-No. 56F from facilities at or near Ticonderoga, NY to Essex, Washington, and Warren Counties, NY and Addison County, VT; (23) in Sub-No. 57F from Mt. Airy, NC to Surry County, NC and Patrick and Carroll Counties, VA; (24) in Sub-No. 59F from facilities at or near Perth Amboy, NJ to Union, Middlesex, and Monmouth Counties, NJ; (25) in Sub-No. 63F from facilities at or near Clairton, Dequesne, Fairless, Homestead, Dravosburg, Johnstown, McKeesport, McKees Rocks, and Vandergrift, PA, and Cleveland and Lorain, OH to Washington, Allegheny, Bucks, Westmoreland, Indiana, Cambria, Somerset, and Armstrong Counties, PA, Mercer and Burlington Counties, NJ, and Lake, Lorain, Summit, Medina, and Cuyahoga Counties, OH; (26) in Sub-No. 65F from facilities at Youngstown, Trumball and Mahoning Counties, OH and Lawrence and Mercer Counties, PA (27) in Sub-No. 66F from Bagdad, Brackenridge, and West Leechburg, PA and New Castle, IN to Henry County, IN and Butler, Allegheny, Westmoreland, and Armstrong Counties, PA, (28) in Sub-No. 69F from facilities at or near Trinity, MS to Lowndes County; (29) in Sub-No. 72F from Bradenton, FL to Manatee County, FL; (30) in Sub-No. 73F from facilities at Colfax, NC to Forsyth and Guilford Counties, NC; (31) in Old Dominion E20 from Plymouth, NC to Washington, Martin, and Bertie Counties, NC; (32) in Old Dominion E21 from Wilmington, NC to New Hanover and Brunswick Counties, NC; and (33) in Barnes E2 from Baltimore, MD to Baltimore, MD; (D) to remove restrictions excepting Alaska and Hawaii in Sub-Nos. 69F, 73F, 76F, 78F, 79F, and 80F, (E) to remove restrictions limiting transportation to traffic originating at and/or destined to named facilities in Sub-Nos. 22, 48F, and 54F; and (F) in Sub-No. 23 remove the restriction against the transportation of traffic originating at Franklin or Norfolk, VA, or points within 20 miles thereof, and destined to Baltimore, MD or Philadelphia, PA or points within 5 miles thereof and, conversely, traffic originating at the said Baltimore-Philadelphia points and destined to the said Virginia points; against the transportation of shipments originating at Farmville, NC and destined to points in described destination territory; and against transportation of furniture from 5 South Carolina cities to Raleigh, NC; and (G) in Sub-No. 12 remove the restriction against combination with other operation rights contained therein and against joining authority for the handling of traffic moving to or from points in South Carolina other than those within 15 miles of Charleston, SC or to or from Augusta, GA, or to or from North Carolina.

Note.—Applicants authority to tack will be governed by 49 CFR 1042.10(b).

MC 108962 (Sub-8)X, filed June 30, 1981. Applicant: MIDWEST SPECIALIZED HAULERS, INC., P.O. Box 753, Dubuque, IA 52001. Representative: Walter Keal, P.O. Box 322, Cuyahoga Falls, OH 44222. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) replace one-way authority with radial authority between points in MN and WI, and, points in the U.S. (with exceptions); and (2) remove the except AK and HI restriction.

MC 115826 (Sub-603)X, filed June 29, 1981. Applicant: W.J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203. Applicant seeks to remove restrictions from its Sub-No. 584F certificate to (1) broaden the commodity description of oils, cleaning and washing compounds, wax, textile softeners, fire-proofing compounds, fatty acids and chemicals, and materials and supplies used in the manufacture and distribution of the commodities named, to "chemicals and related products, petroleum, natural gas and their products, and materials and supplies used in the manufacture and distribution thereof"; (2) replace facilities at Santa Fe Springs and Los Angeles, CA, Cincinnati, OH, Lock Haven, PA, Mauldin, SC, and Linden, NJ, with Ventura, Orange and Los Angeles Counties, CA; Hamilton, Butler, and Clermont Counties, OH and Campbell, Kenton and Boone Counties, KY; Clinton County, PA; Greenville, County, SC; and Union and Middlesex Counties, NJ; (3) remove the in bulk restriction and (4) remove the restriction "except AK and HI".

MC 117548 (Sub-5)X, filed June 17, 1981. Applicant: M & M TANK LINES OF VIRGINIA, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 818 Connecticut Avenue, NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead No. MC–117548, and Sub-Nos. 2 and 4 certificates and No. MC–123067 (Sub-Nos. 35, 73, and 111) certificates, granted pursuant to MC–F–11656, to (a) broaden the commodity description in No. MC–117548 and Sub–No. 2, and No. MC–123067 (Sub-No. 35), from liquid petroleum products, in tank trucks, liquid asphalt in bulk, and liquefied petroleum gas, in bulk, to "petroleum products"; in No. MC–123067 (Sub-Nos. 73 and 111) from chemicals, in bulk, dry chemicals, in bulk, and dry salt, in bulk, to "chemicals and related products"; in No. MC-123067 (Sub-No. 35), from liquid products, in bulk, in tank vehicles, to "liquid products"; in No. MC-117548 (Sub-No. 4), from pulverized and crushed limestone and silica sand materials (except in bulk) to "ores and minerals" and from premixed building materials (except in bulk) to "building materials"; and (b) change one-way authority to radial authority between specified States located throughout the eastern portion of the U.S.; (c) remove ex-rail restrictions; and (d) replace specific point authority with countywide authority wherever they appear in the above described certificates as follows: Buchanan with Botetourt County, VA, Hollins with Roanoke County, VA, and Wilmington with New Hanover County, NC.

MC 120126 (Sub-4)X, filed June 30, 1981. Applicant: HARRIET TRANSPORT, INC., 63 Conway Street, P.O. Box D-620, New Bedford, MA 02742. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in MC-61019, acquired in MC-FC-78962, to (1) broaden the commodity descriptions to (a) "general commodity (except classes A and B explosives)" from general commodity with exceptions, in part (1); (b) "food and related products" from fresh, frozen smoked, or salted fish, in barrels, boxes or paper cartons, in part (2), fish (including shell fish), processed fish, fish livers, fish oils and fish scrap, in containers, in parts (3) and (4), and, cranberries, in part (7); (c) "containers" from empty fish containers, in part (5); and (d) "food and related products, and materials and supplies used in the sale or distribution of food and related products" from malt beverages, in containers, and advertising matter used in connection with the sale or distribution of malt beverage; (2) allow service at all intermediate points on its regular route authority between New York, NY and New Bedford, MA, Boston, MA and Philadelphia, PA, and Barnstable County, MA and Providence, RI; (3) remove the "for delivery only" and "pick-up only" restrictions and the restriction limited to the pick-up only of fresh fish, including shell fish, processed fish, and fish other than frozen or in hermetically sealed containers; (4) change its one-way regular route to two-way authority between NY and MA, MA and PA, and MA and RI, and its one-way irregular route to radial authority between points in the northeastern portions of the U.S.; (5) replace off-route points on the regular route authority with county-wide authority as follows: Pawtucket with Providence County, RI and Taunton and Brockton with Bristol and Plymouth Counties, MA; and (6) replace cities with county-wide authority on the irregular route authority as follows: New Bedford, Fairhaven and Fall River with Bristol Counties, MA; Providence and Pawtucket with Providence, Bristol, and Kent Counties, RI; Newark with Essex County, NJ; and New London and Hartford with New London and Hartford Counties, CT.

MC 123872 (Sub-127)X, filed May 12, 1981, published in the Federal Register of June 3, 1981, and republished as follows: Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 104F, 116F and 118 certificates to (1) broaden the commodity descriptions from (a) cellulose wadding and padding, paper products, and extruded plastic foam and film to "textile mill products, pulp, paper, and related products, printed matter, and rubber and plastic products", in Sub-No. 116F, and (b) plastic articles to "rubber and plastic products," in Sub-No. 118; (2) eliminate (a) the bulk exceptions in all certificates, and (b) the "in tank vehicles" and "in vehicles equipped with mechanical refrigeration" restrictions, in Sub-No. 104F; (3) eliminate the restriction: restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., and revise the territorial description authorizing non-radial service between points in 27 States to read between the facilities of Kraft, Inc., at points in the named 27 States, on the one hand, and, on the other, points in the named 27 States, in Sub-No. 104F; and (4) authorize county-wide, radial authority to replace existing city-wide, one-way service: between Hartford, Middlesex, and Tolland Counties, CT (for East Hartford, CT), Grenada County, MS (for Grenanda, MS), Caldwell County, NC (for Patterson, NC) and Northumberland and Lancaster Counties, PA (for Paxinos and Lititz, PA), and the western U.S., in Sub-No. 116F. The purpose of this republication is to notice Hartford, Middlesex, and Tolland Counties, CT, for East Hartford, CT, in Sub-No. 116F, and the elimination of the restriction and revision of the territorial description as described in (3) above, in Sub-No. 104F.

MC 124824 (Sub-8)X, filed June 29, 1981. Applicant: EXPRESSWAY, INC., 1105 St. Louis Ave., Louisville, KY 40210. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3F, 5F, and 7F certificates to (1) broaden its commodity descriptions: in Sub-Nos. 1 and 7F, from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; in Sub-No. 3F, from cosmetics and toilet preparations, articles and sundries, and equipment and supplies used in connection with the sale thereof (except in bulk), to "such commodities as are dealt in or used by manufacturers and distributors of cosmetics and toilet preparations, articles, and sundries"; in Sub-No. 5F part (1) from radios, television sets, phonographs, sound recorders, sound players, amplifiers, loudspeakers, electric games, and electric toys, to "such commodities as are dealt in or used by manufacturers or distributors of radios, television sets, phonographs, sound recorders, sound players, amplifiers, loudspeakers, electric games, and electric toys"; (2) remove the facility restriction in Sub-No. 3F; and change one-way to radial authority between: in Sub-No. 3F, between Springdale, OH, and points in KY; and in Sub-No. 5F, between Louisville, KY, and described points in KY and IN; and (3) eliminate: in Sub-No. 1, the weight restriction; and Sub-No. 3F, the originating at and destined to restriction.

MC 127187 (Sub-No. 57)X, filed June 22, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 66, Savage, MN 55378. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 1, 12, 13, 15, 16, 19, 21, 23, 26, 29, 32, 33, 38, 39, 43, 46, 47, 48, 49, 50 and 53 certificates to (1) broaden its commodity descriptions (a) in portions of Sub 1 and portions of Sub-Nos. 16, 21, 23, 29, 38, 39, 50, from animal and poultry feeds, feed ingredients and animal and poultry feed ingredients, dry animal feed, dry poultry feed, dry animal feed ingredients and dry poultry feed ingredients to "farm products"; (b) in portions of Sub-Nos. 1, 13, 43 and 47 from dry fertilizer, dry fertilizer ingredients, dry urea, fertilizer, fertilizer ingredients, fertilizer materials to "farm products and chemicals and related products"; (c) in a portion of Sub 1, from grain augers, steel buildings, storage bins, grain dryers and corn cribs, knocked down and in sections and component parts, materials and supplies, fixtures and accessories used in the construction and erection thereof to "farm products, machinery and metal products"; (d) in Sub-No. 15, from limestone and dicalcium phosphate to "farm products"; (e) in a portion of Sub-No 16 from dog and cat food and milk replacer and dried molasses to "farm products and food and related products"; (f) in Sub-No. 19, 21, 48, 49

and 53 from agricultural chemicals to "chemicals and related products"; (g) in Sub-No. 26 from lumber to "lumber and wood products"; (h) in Sub-No. 32 from dolomite and dolomite products to "ores and minerals, and clay, concrete, glass and stone products"; and (i) in Sub-No. 33 from dry corn and soybean products to "farm products and food and related products"; (2) remove restrictions in Sub-Nos. 1, 12, 16, 19, 21, 33, 38, 39, 46, 49, 50 and 53 against the transportation of commodities in bulk, in tank vehicles; liquid commodities in bulk, in tank vehicles; in bulk; and liquids in bulk, in tank or hopper type vehicles; (3) replace facilities restrictions with city-wide and/or county-wide authority (a) in Sub-No. 1, part (D), Sioux City, IA with Woodbury and Plymouth Counties, IA, (b) in Sub-No. 1, part (E), Omaha, NE with Douglas, Sarpy and Washington Counties, NE; (c) in Sub-No. 1, part (F), York and Columbus, NE, Sioux Falls, SD and Hull, IA with York and Platte Counties, NE, Minnehaha County, SD and Sioux County, IA, (d) in Sub-No. 12 East Grand Forks, Crookston, Moorhead and Renville, MN with Polk, Clay and Renville Counties, MN; (e) in Sub-No. 15, Weeping Water, NE with Cass County, NE; (f) in Sub-No. 16, part (1), Belmond, IA with Wright County, IA and in Sub-No. 16, part (3), Owatonna, MN with Steele County, MN; (g) in Sub-No. 21, Des Moines, Clinton, Fort Dodge, Clarence, Muscatine, Sergeant Bluff, Sheldon and Mason City, IA with Polk, Warren, Madison, Dallas, Clinton, Webster, Cedar, Muscatine, Woodbury, O'Brien and Cerro Gordo Counties, IA; (h) in Sub-No. 23, Emporia, KS with Lyon County, KS; (i) in Sub-No. 29, Culbertson, MT with Roosevelt County, MT; (j) in Sub-No. 33, North Kansas City, MO with Clay County, MO; (k) in Sub-No. 43, Mason City, IA with Cerro Gordo County, IA; (4) remove the facilities restrictions (a) in Sub-No. 1, paragraph (I) restricting service against the transportation of traffic from Port Cargill, MN; (b) in Sub-No. 19 restricting service from Muscatine, IA to the facilities of the Monsanto Company; (5) remove originating at or destined to restrictions in Sub-Nos. 1, 19, 26, 33, and 38F; (6) replace a specified port of entry on the International Boundary line between the U.S. and Canada in MN with all ports of entry in MN; (7) remove a restriction to interstate commerce only in Sub-No. 1; (8) remove restriction in Sub-No. 19 limiting service to points in the provinces of Alberta, Saskatchewan and Manitoba, Canada; and (9) remove the restriction in Sub-No. 21 against the transportation of traffic originating at points in IL and NE within the commercial zone of the named IA points in that certificate.

MC 129788 (Sub-21)X, filed May 22, 1981 and noticed in the Federal Register of June 11, 1981, republished as corrected in this issue. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 6, and 17 certificates to (1) broaden its commodity descriptions from malt beverages and related advertising materials, to "food and related products", in the lead and Sub-Nos. 2 and 6; (2) replace cities with county-wide authority: in the lead and Sub-No. 6, Newport, KY, with Campbell and Kenton Counties, KY, and Hamilton County, OH; in the lead, South Bend, IN with Elkhart and St. Joseph Counties, IN, and Berrien and Cass Counties, MI; Sheboygan, WI with Sheboygan County, WI; in the lead Sub-No. 6, Peoria, IL with Peoria, Tazewell and Woodford Counties, IL; in Sub-No. 2, Galesburg, IL with Knox and Warren Counties, IL; Macomb, IL with McDonough County, IL; Rock Island, IL with Rock Island County, IL and Scott County, IA; in the lead Sub-Nos. 2 and 6, Rockford, IL with Boone, Ogle, and Winnebago Counties, IL; and Bloomington, IL with McLean County, IL; in the lead Sub-No. 17, Milwaukee, WI with Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties, WI; and Detroit, MI with Macomb, Monroe, Oakland, Washtenau, and Wayne Counties, MI; and in Sub-No. 6, Evansville, IN with Posey, Vanderburgh, and Warrick Counties, IN, and Henderson County, KY; and (3) change its one-way to radial authority between points in the above-named counties and specified cities in Wisconsin, Illinois, Indiana, Michigan, Kentucky, and Missouri, in the lead and Sub-Nos. 2 and 6. The purpose of this republication is to correct the proposed territorial modification in Sub-No. 6.

MC 138880 (Sub-3)X, filed July 2, 1981. Applicant: RED RIVER TRANSPORT & DEVELOPMENT CO., INC. d.b.a. AIR FREIGHT EXPRESS, P.O. Box 1535, St. Paul, MN 55111. Representative: Richard P. Anderson, 502 First National Bank Bldg. Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 2(M1)F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities" (except classes A and B explosives) and (2) broaden the territorial description by substituting county-wide authority for city wide authority airports as follows: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN (Airport in or near Minneapolis, MN) and Douglass County, WI (for Superior, WI).

MC 139312 (Sub-13)X, filed June 22, 1981. Applicant: NORTHEAST TRUCK BROKERS OF TEXAS, INC., 2501 North Cage, P.O. Box 826, Pharr, TX 78577. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its Sub-No. 11F Certificate (1) by broadening its commodity description from frozen food to "food and related products" and (2) by authorizing radial in lieu of one-way operations between points in CA and TX, and, points in the United States; and (3) delete exception to AK, HI, CA, and TX.

MC 143988 (Sub-18)X, filed June 17, 1981. Applicant: JAMES W. TATE d.b.a. JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 6, 7 and 12 certificates to: (1) broaden the commodity descriptions from specified foodstuffs such as bananas and frozen pasteries to "food and related products" in Sub-Nos. 1, 3F, 4F, and 6F; (2) broaden the commodity description from general commodities (with the usual exceptions) to general commodities (except classes A and B explosives) in Sub-No. 7F and 12F; (3) remove the facilities limitations in Sub/Nos. 3F, 4F, 6F, 7F and 12F and replace with country-wide authority as follows: In Sub-No. 1, Gulfport, MS, with Harrison County, MS; in Sub-No. 3F, Little Rock, AR, with Pulaski County, Ar; in Sub-No. 4F, plantsite at Belvidere, IL with Belvidere, IL; in Sub-No. 6X, plantsite at Memphis, TN with Memphis, TN; in Sub-No. 7F, Fort McCoy, WI, Camp Ripley, MN, Grand Forks AFB, ND, Minot AFB, ND, Ellsworth AFB, SD, Offutt AFB, NE, Fort Leavenworth, KS, McConnell AFB, KS and Fort Hood, TX with La Crosse and Monroe Counties, WI, Crow Wing and Morrison Counties, MN, Ward, Renille, and Grand Forks Counties, ND, Meade and Pennington Counties, SD, Omaha, NE, Leavenworth, Johnson, Wyandotte, Sedgwick and Butler Counties, KS, and Coreyell, Bell and McLennan Counties, TX; in Sub-No. 12F, Fort Sam Houston, Randolph AFB, Lackland AFB, Kelley AFB, Fort Bliss, Red River Army Depot at Texarkana, Corpus Christi Naval Air Station, NAS, Department of Defense facility at Kingsville, Goodfellow AFB, and Naval Auxiliary Air Station at Beeville, all in Texas with Atascosa, Bee, Bexar, Bowie, Comal, El Paso, Guadalupe, Hudspeth, Kleberg, Medina, Nuece, San Patricio, Tom Green and Wilson Counties, TX and Dona Ana and Otero Counties, NM (4) expand existing one way authority in Sub-Nos. 1, 3F, 4F, 6F, 7F, and 12F to radial authority between various combinations of points in the U.S.

Note.—Certificate No. MC-143988 (Sub-No. 7F) served November 12, 1980, incorrectly relects Camp Ripley, MN as Camp Riley, WI.

MC 145720 (Sub-3)X, filed June 25, 1981. Applicant: STORE WIDE DELIVERY CO., INC., 2820 16th Street, North Bergen, NJ 07047. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in its Sub-No. 2 permit by broadening its territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 146050 (Sub-5)X, filed May 18, 1981 and noticed in the Federal Register of June 11, 1981, republished as corrected in this issue. Applicant: ALPHA & OMEGA TRANSPORT, INC., P.O. Box 19309, Airport Station, Charlotte, NC 28219. Representative: Eirc Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW. Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 2F certificates to (1) broaden the commodity description from hospital supplies, drugs, and health care products, and materials and supplies used in the manufacture of the commodities above (except in bulk), to "chemicals and related products, and medical, dental, hospital, and health care products, supplies, equipment, instruments and furnishings"; (2) remove facilities limitations at Rocky Mount, NC, Altavista, VA, and North Chicago, IL and replace with Edgecombe and Nash Counties, NC, Campbell and Pittsylvania Counties, VA, and Lake and Cook Counties, IL, and (3) remove the restriction against transportation to AK and HI in its radial authority between the above points and points in the U.S. The purpose of this republication is to correct certain proposed territorial modifications.

MC 146479 (Sub-13)X, filed June 17, 1981. Applicant: HARRISON CARRIERS, INC., P.O. Box 367, Harrison, NY 10528. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Applicant seeks to remove restriction in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, and 11F certificates to (1) broaden the commodity description in Sub-No. 10F from (a) plastic and plastic articles (except plastic pipe), and (b) materials and supplies used in the manufacture and distribution of the commodities in (a) above (except commodities in bulk, in tank vehicles) to "such commodities as are dealt in by a manufacturer or distributor of paper, plastic, rubber, or paper products, plastic products, or rubber products"; in Sub-Nos. 3F and 9F from sporting goods, and sports apparel and materials and supplies used in the manufacture, distribution and sale of such commodities, to "such commodities as are dealt in by a manufacturer or distributor of sporting goods, sports wear, and recreational and leisure products"; in Sub-Nos. 5F and 7F from beverages, fruit, fruit products, condiments and related materials and supplies, to "such commodities as are dealt in by a manufacturer or distributor of beverages, food, or related products"; in Sub-No. 2F from light bulbs, lamps, lighting fixtures and materials, equipment and supplies used in the manufacture and distribution of such commodities, to "such commodities as are dealt in by a manufacturer or distributor of electrical and related products"; in Sub-No. 1F from footwear, handbags, accessories, and materials and equipment and supplies used in the manufacture and distribution of such commodities, to "such commodities as are dealt in by a manufacturer or distributor of wearing apparel and related accessories", (2) remove the "in bulk and in tank vehicles" restrictions, in the lead and Sub-Nos. 1F, 2F, 3F, 5F, 7F, 8F, 10F, and 11F, (3) replace one-way authority with radial authority in Sub-No. 10F, (4) remove the commodity exceptions, in Sub-Nos. 9F, 10F and 11F, (5) remove the AK and HI exceptions, in Sub-Nos. 2F, 3F, 5F, 6F, 7F, 8F, 9F, 10F and 11F, (6) eliminate the facilities restrictions, in the lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F, 6F and 7F, (7) remove the restriction against service at points in Mammondsport and Naples, NY and Denver, CO, in Sub-No. 7F and Delaware, IL in Sub-No. 10F, (8) remove the originating at and/or destined to restrictions, in Sub-Nos. 1F, 3F, and 5F and (9) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: hampshire and Hampden Counties, MA (for Easthampton and Westfield, MA), Onondaga County, NY (for Syracuse, NY), Dauphin County, PA (for Harrisburg, PA), Cook County, IL (for Des Plaines, IL), Mecklenburg County, NC (for Charlotte, NC), Dallas and Bexar Counties, TX (for Irving and San Antonio, TX), Dubuque County, IA (for Dubuque, IA), Muskingum County, OH (for Zanesville, OH), Jefferson County, KY (for Louisville, KY), Los Angeles County, CA (for Torrance, CA), Shelby County, TN (for Memphis, TN), and Orange County, FL (for Orlando, FL), in the lead; Middlesex and Mercer Counties, NJ (for South Brunswick and Hightstown, NJ), in Sub-No. 2F; Hampden County, MA (for East Longmeadow and Springfield, MA) and Albany County, NY (for Voorheesville, NY), in Sub-No. 4F; Sutter County, CA (for Yuba City, CA), Grays harbor County, WA (for Markham, WA), Burlington County, NJ (for Bordentown, NJ), Erie County, PA (for North East, PA) and Kenosha, County, WI (for Kenosha, WI), in Sub-No. 5F.

MC 148409 (Sub-3)X, filed June 30, 1981. Applicant: CGR TRUCK LINES, INC., 221 Carolina Ave. E., Memphis, TN 38126. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions from its Sub-No. 2 certificate to (1) broaden the commodity description from feed, feed ingredients, feed supplements, molasses, meals, fertilizers, fertilizer ingredients, caustic soda, sulphuric acid and solvents to "chemicals and related products, feed, feed ingredients, feed supplements, molasses and meal"; (2) remove the "in bulk" restriction; and (3) broaden Helena and Blytheville, AR to Phillips and Mississippi Counties, AR.

MC 152218 (Sub-2)X, filed June 23, 1981. Applicant: OHIO PIGGYBACK TRANSPORTATION, INC., 2660-A Fisher Rd., Columbus, OH 43204. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 3 common carrier authority, acquired in to MC-FC 78818, to (1) broaden the commodity description to "general commodities (except Classes A and B explosives)" from general commodities (usual exceptions); and (2) remove restriction against the transportation of traffic having a prior or subsequent movement by rail or water.

[FR Doc. 81-20573 Filed 7-15-81; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-32]

Atchison, Topeka and Santa Fe Railway Co.; Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois and Oakland, California. The operation of these trains

requires the use of the tracks and other facilities of Burlington Northern Inc. (BN). A portion of the BN tracks between Chicago and Galesburg, Illinois, are temporarily out of service because of a derailment. An alternate route is available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Chicago, Illinois and a connection with Burlington Northern Inc. (BN), at Galesburg, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 5:00 p.m., July 3, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 6, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 81-20672 Filed 7-15-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-58)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the national Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council.

DATE AND TIME: August 3, 1981, 8:30 a.m. to 5 p.m.; August 4, 1981, 8:30 a.m. to 5:30 p.m.; August 5, 1981, 8 a.m. to 12 noon.

ADDRESS: Scripps Institution of Oceanography, Conference Room, Marine Biology Building, La Jolla, California 92093.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Dr. William A. Nierenberg and is composed of twenty members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history, as they relate to NASA's activities.

The meeting will be closed to the public from 10 a.m. to 12 noon on August 5, 1981, for a discussion of qualifications of candidates for membership on the Council. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6) it has been determined that this session should be closed to the public. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Council members and other participants). Visitors will be requested to sign a visitor's register.

Type of meeting

Open—except for a closed session as noted in the agenda below.

Agenda

August 3, 1981

8:30 a.m.—Introduction.
8:45 a.m.—Overview: Administration Guidelines and NASA Strategy.
9:15 a.m.—Space and Life Science.
12:30 p.m.—Aeronautics.
3 p.m.—Space Technology and Energy.
5 p.m.—Adjourn.

August 4, 1981

8:30 a.m.—Space and Terrestrial Applications.
11 a.m.—Council Report to NASA.
12:30 p.m.—Where do we go in earth orbital activities?
5:30 p.m.—Adjourn.

August 5, 1981

8 a.m.—NASA's Long Range goals.
10 a.m.—Membership issues (Closed Session).
12 noon—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

July 10, 1981.

[FR Doc. 81-20707 Filed 7-15-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-59)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the forthcoming meeting of the NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee.

DATE AND TIME: August 10-14, 1981, 8:30 a.m.-4:30 p.m. and August 15, 1981, 8:30 a.m.-12 noon.

ADDRESS: Room 2101, Urey Hall, Reveille Campus, University of California-San Diego, La Jolla, California 92093.

FOR FURTHER INFORMATION CONTACT: Mrs. Diane M. Mangel, National Aeronautics and Space Administration, Code SL-4, Washington, DC 20546 (202/755-3728).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Solar System Exploration Committee was established under the NASA Advisory Council to translate the scientific strategy developed by the Committee on Planetary Exploration (COMPLEX) into a realistic, technically sound sequence of missions consistent with that strategy and with resources expected to e available for solar system exploration. The committee will report its findings to the Council and to NASA. The committee is chaired by Dr. John E. Naugle and is composed of four other members of the Council and its standing committees, who will meet with about 9 other invited participants and certain NASA personnel. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons, including committee members and invited meeting participants). Visitors will be requested to sign a visitor's register.

Type of Meeting:

Open.

Agenda

August 10, 1981

8:30 a.m.—Program Status.
1 p.m.—Review of Draft Report.

August 11, 1981

8:30 a.m.—Mission Priorities Programmatic Considerations.

August 12, 1981

8:30 a.m.—Review of Draft Report.
1 p.m.—Mission Sequences.

August 13, 1981

8:30 a.m.—Review of Draft Report.
1 p.m.—Mission Sequences.

August 14, 1981

8:30 a.m.—Preparation of Draft Report.
1 p.m.—Conclusions and Recommendations.

August 15, 1981

8:30 a.m.—Conclusions and Recommendations.
12:00 noon—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

July 8, 1981.

[FR Doc. 81-20798 Filed 7-15-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-60)]

National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Commercial spacecraft missions have been identified which require delivery to orbits not attainable by the Space Shuttle alone. Many of these spacecraft include a commercially avialable Spinning Solid Upper Stage (SSUS) as one propulsive element. NASA may, at a later time, use SSUS with NASA spacecraft. This finding of no significant impact is published in recognition of NASA responsibilities associated with launch of a variety of spacecraft that include this common element.

Spinning Solid Upper Stages are being developed by McDonnell Douglas as a commercial venture. These are solid propellant spin stabilized stages available in two sizes: one containing about 2000 kg of propellant and the other containing about 3400 kg. SSUS vehicles will be manufactured and tested in existing facilities, assembled at the Eastern Launch Site in Florida, and launched into earth orbit inside the cargo bay of the Space Shuttle. After separation from the Orbiter, the SSUS will burn its solid propellant motor at approximately 300 km altitude to place spacecraft into geosynchronous transfer orbit. Some of the SSUSs will be carried aloft by the Delta during the transition period from expendable launch vehicles to the Space Shuttle. Approximately 190 launches of the smaller SSUS (SSUS-D for Delta class spacecraft) and approximately 8 launches of the larger SSUS (SSUS-A for Altlas Centaur class spacecraft) are anticipated during the 10-year period 1981-1992.

Alternatives considered include the Delta and Atlas Centaur expendable launch vehicles and the Inertial Upper Stage (IUS). Delta and Atlas Centaur will be phased out as the Space Shuttle becomes operational and are not therefore considered significant alternatives. The SSUS was selected over the IUS because it can perform the required missions at lower cost (IUS is much larger and its performance and cost are excessive for these missions). SSUS environmental impact is less than IUS.

The SSUS environmental impact has been examined and compared to the IUS. Since it has been determined that no IUS Environmental Impact Statement (EIS) is required and SSUS impact is less, no EIS is required for SSUS. For comparison, the large and small SSUSs are only 28% and 16% the size of the smallest IUS. SSUS will eject approximately 40,000 kg/yr of solid rocket motor combustion products all above 300 km, compared to 100,000 kg/yr projected for IUS when it was environmentally evaluated. A single Shuttle launch will eject 1,000,000 kg/flight, below 40 km, of similar products. SSUS will have no significant impact on the space environment because the combustion products will diffuse throughout the vastness of space.

SSUS will have no impact on the air, land, water or noise environment because it is used only in space, no new facilities are required, and it uses only small quantities of hydrazine (6 kg of hydrazine—0.06% that in the Shuttle Orbiter). Neither fabrication nor use of SSUS will have a significant biological impact. There are no known socio-economic impacts.

DATE: Comments must be received in writing on or before August 17, 1981.

ADDRESS: National Aeronautics and Space Administration, Code MUI-12, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. M. D. Kitchens, 202-755-3166.

SUPPLEMENTARY INFORMATION: NASA has examined the impact of SSUS on the environment. (Reference: NASA Headquarters Memorandum dated September 18, 1979, from the Director, Expendable Launch Vehicles, Office of Space Transportation Systems to the Director, Management Support Office; IUS Environmental Determination 43 FR 59419 dated December 20, 1978.)

Conclusion: SSUS will have no short or long term impact on the environment. No EIS is required.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

July 10, 1981.

[FR Doc. 81-20799 Filed 7-15-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-29]

Reports, Recommendations; Availability

Recently released by the Board are the following accident reports and related safety recommendations:

Aircraft: *Florida Commuter Airlines, Inc., Douglas DC-3, N75KW, Grand Island, Bahamas, September 12, 1980 (NTSB-AAR-81-5).*—Recommendation issued April 2 to the Federal Aviation Administration:

Require all aircraft used in revenue passenger operations which are not presently required to be equipped with an approved weather detection device under 14 CFR Part 121 or 14 CFR Part 135 to have an appropriate airborne weather detection device that is in satisfactory operating condition when flight

under IFR or night VFR conditions is anticipated and current weather reports indicate that thunderstorms or other potentially hazardous weather conditions that can be detected with an airborne weather detection device may reasonably be expected along the route to be flown. (A–81–35).

Aircraft: *Georgia-Pacific Corporation, Cessna 500 Citation, N501GP, Mercer County Airport, Bluefield, West Virginia, January 21, 1981 (NTSB–AAR–81–9).*—Recommendations issued June 23 to the Federal Aviation Administration:

Require Cessna to include in the appropriate sections of all Citation aircraft flight manuals the portion on page IV–3 of the manufacturer's aircraft operating manual which pertains to landing on slippery runways. (A–81–65)

Require Cessna to include in the appropriate sections of all Citation aircraft flight manuals a warning that solid ice, snow, or slush corrected landing distances may not be adequate in operations. (A–81–66)

Through advisory circulars and/or operations bulletins, emphasize and reinforce in the training curricula for a least all turbojet initial and recurrent phases the limitations and the hazards that may be encounterred when landing on slippery runways. (A–81–67)

Review and require revisions as appropriate of manufacturer's aircraft flight manuals to include sufficient slippery runway condition correction factor information or require an appropriate warning that landing distances under slippery runway conditons are unknown. (A–81–68)

Highway: *Multiple-Vehicle Collisions and Fire in Fog, Interstate 15, Near San Bernardino, California, November 10, 1980 (NTSB–HAR–81–2).—Recommendations issued June 23 to—*

National Highway Traffic Safety Administration: Consider the circumstances of this and other similar limited-visibility accidents and develop a strategy such as that recommended in H–71–17 for inclusion in Highway Safety Program Standard No. 4, "Driver Education," to inform motorists faced with adverse, limited-visibility driving conditions about the safest actions to take to protect themselves from injury. (H–81–26)

In developing the new standard related to Rear Underride Protection as proposed in NHTSA Docket No. I–11, Notice 07, of January 8, 1981, incorporate the specification modifications submitted by Safety Board letter dated April 18, 1961, to the Docket. (H–81–27)

Initiate (through an appropriate demonstration project) a program and procedures for minimizing the likelihood of catastrophic chain-reaction collisions on high-speed, multilaned highways in adverse weather or visibility conditions; such program to consider, among others, requirements to: (1) segregate heavy vehicles from light vehicles by assigned use of lanes whenever safe speed is below posted speed; (2) forbid overtaking and passing by heavy vehicles; (3) use of four-way flashers by all vehicles; (4) prohibit stopping on the traveled portion of highways (unless conditions will not permit otherwise); and (5) evacuate stopped vehicles under certain conditions. (H–71–17) (This reiterated recommendation is still in "open" status.)

State of California: Encourage the California Highway Patrol to extend its communication facilities throughout the State and to monitor National Weather Service or local or regional weather forecasting services regularly to obtain advance warning of weather changes that may seriously affect traffic movement and to provide adequate leadtime for implementing contingency plans. (H–81–28)

Identify areas throughout the State having a high potential for experiencing adverse weather conditions (fog, snow, sand, or dust storms, etc.) that may seriously affect major highway routes and/or traffic corridors. Develop contingency plans similar to the Riverside plan for those areas to warn and to guide traffic through affected areas, to redeploy personnel resources, and to notify other government agencies should weather conditions reach the plan implementation threshold. (H–81–29)

Evaluate accidents involving vehicles transporting loads of aluminum and other metal products to determine if such accidents and any attendant injuries could be prevented or their severity reduced by requiring such products to be secured so as to meet the securement requirements for steel products contained in Title 13 of the California Administrative Code. (H–81–30)

Marine: *Collision of Panamanian Bulk Carrier M/V SEADANIEL with German Containership M/V TESTBANK, Mississippi River Gulf Outlet, Near Shell Beach, Louisiana, July 22, 1980 (NTSB–MAR–81–8).*—Recommendations issued June 29 to—

Owners of TESTBANK: Whenever possible, considering the various requirements for vessel safety and ports of call, require that containers with dangerous cargo carried on your vessels be stowed as near the centerline as possible, if "on-deck" stowage is utilized. (M–81–36)

U. S. Coast Guard: In conjunction with the Materials Transportation Bureau and the National Cargo Bureau, Inc., conduct an evaluation of the requirement for the stowage of containerized dangerous cargo and, if practicable, require that "on-deck" containerized dangerous cargo be stowed as close to the centerline as possible. (M–81–37)

If stowage of containerized dangerous cargo near centerline is found to be practical, bring such a requirement to the attention of the appropriate IMCO subcommittee for adoption on the international level. (M–81–38)

Conduct an analysis of Mississippi River Gulf Outlet Canal traffic and economics to determine if restricting major vessel traffic to one-way operation for designated time periods and in particular locations during dangerous cargo transit is warranted. (M–81–39)

Materials Transportation Bureau: In conjunction with the U.S. Coast Guard and the National Cargo Bureau, Inc., conduct an evaluation of the requirement for the stowage of containerized dangerous cargo and, if practicable, require that "on-deck" containerized dangerous cargo be stowed as close to the centerline as possible. (M–81–40)

National Cargo Bureau, Inc.: In conjunction with the U.S. Coast Guard and the Material Transportation Bureau, conduct an evaluation of the requirement for the stowage of containerized dangerous cargo and, if practicable, require that "on-deck" containerized dangerous cargo be stowed as close to the centerline as possible. (M–81–41)

Railroad: *Derailment of Amtrak Passenger Train No. 21, the Inter-American, on the Illinois Central Gulf Railroad, Springfield, Illinois, October 30, 1980 (NTSB–RAR–81–5).*—Recommendations issued June 23 to—

Illinois Central Gulf Railroad: Take immediate action to determine that train and engine service employees of the Alton District are fully conversant with and comply with timetable speed restrictions and the various color-light signal aspects that can be displayed at Iles and K.C. Junction.(R–81–61)

Increase the frequency with which train and engine service employees are instructed and examined on the rules, timetable, and bulletin instructions. (R–81–62)

Erect speed limit signs as provided for in its rules, and/or provide milepost references in its timetable to indicate the limits of restricted speed sections on the Alton District at Springfield, Illinois. (R–81–63)

Reduce the allowable speed for passenger trains between Laurel Street and K.C. Junction to a speed that is consistent with the restrictions north of Laurel Street and at the N & W crossing as well as the possibility that a train may have to reduce speed to 10 mph at K.C. Junction. (R–81–64)

In cooperation with the National Railroad Passenger Corporation (Amtrak), develop and execute a program of surveillance of passenger train operations on the Alton District, including on-board determination of how engine crews comply with signal aspects, speed restrictions, and ICG Rule 34, as well as routine monitoring of locomotive speed recorder tapes. (R–81–65)

Require that appropriate division officers determine that enginemen who have been restricted because of impaired vision have obtained proper corrective eyeglasses and fully understand the nature of their restriction before they are allowed to continue in service. (R–81–66)

National Railroad Passenger Corporation: In cooperation with the Illinois Central Gulf Railroad, develop a program of close surveillance of the operation of its trains on ICG's Alton District which includes the compliance of train crews with speed restrictions and signal aspects, as well as the monitoring of locomotive speed recorder tapes. (R–81–67)

Make route and schedule studies to determine that Amtrak trains can be safely operated over the ICG's Alton District on the existing schedules. (R–81–68)

Federal Railroad Administration (FRA): Conduct a safety review of the Alton District of the Illinois Central Gulf Railroad to determine whether existing track and signal features, existing training of employees, and the enforcement of the operating rules and timetable are adequate for the safe operation of passenger trains over this district. (R–81–69)

Railroad: *Head-on Collision Between Baltimore & Ohio Railroad Company Train No. 88 and the Brunswick Helper 7803–7545 Near Germantown, Maryland, February 9, 1981 (NTSB–RAR–81–6).*—Recommendations issued June 23 to—

Baltimore & Ohio Railroad Company: Establish a train reporting procedure at Rocks and similar locations, that will enable each train dispatcher and the tower operator, in advance and to the rear of the train, to have a record of the times trains pass the reporting point. (R–81–70)

Evaluate the workloads carried by the Old Main Line and the Baltimore Terminal dispatchers to determine if they are manageable. If either is not, adjust the workloads so that each dispatcher has a manageable assignment. (R–81–71)

Redesign the Baltimore train dispatcher's office to provide facilities based on good human engineering principles and to eliminate the current distractions and uncomfortable environment. (R–81–72)

Upgrade the radio system to eliminate the marginal coverage area between Barnesville and Gaithersburg. (R–81–73)

Federal Railroad Administration: Establish regulations that would require all trains operating on main track to be equipped with an operable radio. (R–79–73) (This reiterated recommendation is still in "open" status.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

July 10, 1981.

[FR Doc. 81–20718 Filed 7–15–81; 8:45 am]

BILLING CODE 4910–59–M

NUCLEAR REGULATORY COMMISSION

Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement; Statement of Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Revision of Criterion 29f.

SUMMARY: In a Federal Register document published on January 23, 1981 (46 FR 7540–7546, FR Doc. 81–2428), the NRC published Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement. As published at 46 FR 7544, Col. 1, Criterion 29f. which states "ban on major construction prior to completion of the aforementioned stipulations," is inaccurate. This document corrects the text of Criterion 29 by revising paragraph f. to read as follows:

"f. A ban on major construction prior to completin of the written environmental analysis stipulated in Criterion 31."

FOR FURTHER INFORMATION CONTACT: John F. Kendig, Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–9891.

Dated at Washington, D.C. this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–20881 Filed 7–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–458 and 50–459]

Gulf States Utilities Co., Cajun Electric Power Cooperative; Receipt of Antitrust Information

Gulf States Utilities Company, on behalf of itself and Cajun Electric Power Cooperative, has filed antitrust information for their application for operating licenses for the River Bend Station, Units 1 and 2. This information was filed pursuant to Part 2.101 of the Commission Rules and Regulations and is in connection with the owners' plans to operate two boiling water reactors in West Feliciana Parris, Louisiana. The application contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The remainder of the application for operating licenses is currently undergoing acceptance review. Following docketing, a notice will be published in the Federal Register.

Following completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice. The results of any reevaluations that are requested will also be published in the Federal Register and copies sent to the Washington and local public document rooms.

A copy of the application for operating licenses and the antitrust information submitted are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and in the local public Document Rooms at the Audubon Library, West Feciliana Branch, Ferdinand Street, St. Francisville, Louisiana and at the Louisiana State University, Government Document Department, Baton Rouge, Louisiana.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicant's activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 14, 1981.

Dated at Bethesda, Maryland, this 30th day of June 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81–20882 Filed 7–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–382]

Louisiana Power & Light Co.; Availability of Safety Evaluation Report; Waterford Steam Electric Station, Unit 3

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report relating to the proposed operation of the Waterford Steam Electric Station, Unit 3, to be located in St. Charles Parish, Louisiana. Notice of receipt of the application by the Louisiana Power & Light Company to operate the Waterford Steam Electric Station, Unit 3 was published in the Federal Register on January 2, 1979 (44 FR 125).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana for inspection and copying. The report (Document No. NUREG–0787) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and by GPO deposit account holders by calling (301) 492–9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555, Attn: Publications Sales Manager.

Dated at Bethesda, Maryland, this 9th day of July, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81–20983 Filed 7–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–281]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR–37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operations for the Surry Power Station, Unit No. 2, (the facility) located in Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment provides a one time 60 day extension for the visual inspection surveillance requirement for inaccessible snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendent. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 7, 1981, (2) Amendment No. 72 to License No. DPR–37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–20984 Filed 7–15–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review; Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of P.L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Revisions

• Economics and Statistics Service
Eggs, chicken and turkey surveys
Weekly, monthly, quarterly, annually
State or local governments/farms
Chicken, egg & turkey prod., testing agencies of poultry
SIC: 025, 964
Small businesses or organizations
Agricultural research and services: 74,967 responses; 11,148 hours; $600,000 Federal cost; 14 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

Provides data to prepare various estimates of production, disposition and income derived from eggs, chickens and turkeys. These estimates are prepared on a State and National basis. The comprehensive series of surveys keeps the poultry industry abreast of current status and coming changes.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (no change)

• Bureau of the Census
Atomic Energy Products and Services
MA–38Q
Annually
Businesses or other institutions
Manufacturers of atomic energy products
SIC: 349, 331, 339, 344, 355, 382, 356, 381, 281, 286
Small businesses or organizations
Other advancement and regulation of commerce: 130 responses; 130 hours; $3,315,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

This survey was begun in 1957 on an annual basis to provide data on shipments, exports, and unfiled orders for atomic energy products. The primary users of these data are Government agencies. The Bureau of Industrial Economics and Department of Energy use the data to analyze changes and forecast long-term growth in the industry.

• International Trade Administration
Exceptions to the Order Requirement
EAR 372.6(C)
On occasion
Businesses of other institutions
Commercial exporters
SIC: Multiple
Other advancement and regulation of commerce: 2,000 responses; 500 hours; $71,500 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

An applicant for an export license must have received an order from his foreign customer before submitting an application. However, if no order has been received, the Office of Export Administration will consider granting a waiver of the order requirement where the applicant is able to show that an exception is warranted.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Department of the Air Force
Community Response to Air Force Noise
Nonrecurring
Individuals or households
Individual households
Department of Defense—Military: 650 responses; 435 hours; $82,000 Federal cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

(Air installation compatability use zones) testing validity of air installation compatibility use zones predicted noise exposure contours. Present noise indexes (LDN) are based on best available judgments. Noise contours are used in land acquisition and operations planning. Present indexes will be tested and new methods for combining noise exposures and community reactions could result.

Extensions (no change)

• Departmental and Others
Contract Data Status Report
Monthly
State or local governments/businesses or other institutions
Businesses having Government contracts
SIC: 372
Small businesses of organizations
Multiple functions: 192 responses; 1,536 hours; $560,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Provides F–15 program, functional, and data managers with the current status of all contractual data deliveries. At least monthly, an in-house report is generated by the data manager to identify all late contractual data submittals, total number of data submittals, and the percentage of contractual data submitted late, how many contractual data submittals were due but not submitted, and percentage of late data approval actions.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5930

New

• Office of Postsecondary Education
Application for State Student Incentive Grant Program
ED 1288
Annually
State or local governments
State agencies
SIC: 941
Higher education: 57 responses; 171 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Completed application shows States qualification for Federal funds, specifying matching and maintenance of effort capability, methods of determining student financial need, and extent of institutional eligibility. With its signed assurances, the document commits the State to administer the Fed. funds and State matching in compliance with the statute. Data are used in program mgmt.

• Office of Special Education and Rehabilitative Services
FY 1981 Financial/performance report for the incentive grant program (P.L. 94–142, section 619)
ED 716–1, 716–2
Annually
State or local governments
State education agencies
SIC: 821
Elementary, secondary, and vocational education:
116 responses; 145 hours; $2,900 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To collect data on the incentive grant program, authorized by section 619 of the Education for All Handicapped Children Act of 1975 (P.L. 94–142), for monitoring activities and to prepare the annual congressional report.

• Office of Postsecondary Education

Title I, ESEA, section 143, migrant education interstate and intrastate programs
ED 362–3
Annually
State or local governments
State education agencies/local education agencies
SIC: 941
Higher education: 40 responses; 200 hours; $48,500 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Grants are needed for State education agencies (that may apply individually or cooperatively) to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant activities. Reports on accomplishments are required by Edgar and OMB A–102.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7486

- Centers for Disease Control

Medical needs for laboratory precision
Nonrecurring
Businesses or other institutions
Physicians in AMA
SIC: 801
Health: 2,400 responses; 600 hours; $75,285 Federal cost; 6 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The purpose of this study is to provide data to establish a target for precision of laboratory results that is adequate for medical care without being unrealistically stringent. Physicians will be asked what laboratory results would prompt them to act in given hypothetical situations.

- Alcohol, Drug Abuse, and Mental Health Administration

Natural history of homocystinuria
Nonrecurring
Businesses or other institutions
Physicians for one or more homocystinuric patients
SIC: 801
Health: 150 responses; 75 hours; $5,410 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The goal of this survey is to obtain standardized information about the natural history of homocystinuria due to cystthionine B-synthase deficiency, taking into account genetic heterogeneity and the effect of various treatments. The results should permit more rational and better treatment of these patients.

- Office of Assistant Secretary for Health

Pilot study of the 1981–1982 visual acuity impairment supplement (to the national health interview survey)
Nonrecurring
Individuals or households
A sample of households in three SMSAS in the NHIS sample
Health: 2,700 responses; 810 hours; $177,343 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The pilot study will be used to determine the feasibility of conducting a full scale study on visual acuity impairments. The data are needed to ascertain the extent of etiology of eye pathologies in the population and to develop prevalence estimates.

- Health Resources Administration

National study of internal medicine manpower (NASIMM)
Nonrecurring
Businesses or other institutions
1976 cohort of internal med. resi. & fellow in pract., etc.
SIC: 801
Health: 2,768 responses; 1,403 hours; $270,000 Federal cost; 3 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The data will be used to analyze the types of residences in which practicing physicians obtained their graduate medical education and the relationship between the characteristics of that training program and the profiles of their current practice.

- Health Care Financing Administration

Hospice Statements of Reimbursements
HCFA–278, 278Q, 279, 279Q, 280, 280Q
Quarterly, annually
Businesses or other institutions
Medical and psycho-social care for terminally ill persons
SIC: 808
Small businesses or organizations
Health: 150 responses; 2,724 hours; $51,647 Federal cost; 3 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The cost reports will be used by HCFA's Office of Direct Reimbursement to ensure proper and timely payments to the hospice facilities. ODR will perform desk reviews of the cost reports and prepare interim payments and final settlements for hospice reimbursements.

- Social Security Administration

Radio Program Evaluation Study
SSA–4711 BK (5–81)
Nonrecurring
Businesses or other institutions
Radio station program directors
SIC: 483
Small businesses or organizations
General retirement and disability insurance: 1,250 responses; 195 hours; $90,000 Federal cost; 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

The Social Security Administration annually invests over $300,000 in radio public information programs. Information is needed to assess program distribution effectiveness and actual station use. Information will be used for a cost benefit analysis of program effectiveness and for program distribution and design improvement if warranted.

Revisions

- Office of Assistant Secretary for Health

Health Maintenance Organization National Data
Reporting requirements
PHS–6080
Monthly, quarterly
Businesses or other institutions
All federally qualified health maintenance organ. in U.S.
Small businesses or organizations
Health: 536 responses; 10,720 hours; $103,362 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The NDRR provides OHMO staff information required to effectively monitor and evaluate the progress and effectiveness of the HMO program and to provide technical assistance to HMOs as appropriate. This ensures the protection of the Federal investment and enrolled members of HMOs. Additionally, the NDRR provides statistical data required for continued regulation.

Extensions (No Change)

- Alcohol, Drug Abuse, and Mental Health Administration

Client Data Reporting System—Outpatient and Partial Care Services
ADM 569–1, ADM 569–2, ADM 569–3A, ADM 569–3B, ADM 569–4, ADM 569–5, ADM 569–6A, ADM 569–6B
Nonrecurring
Businesses or other institutions
Mental health facilities
SIC: 808
Health: 1,500 responses; 3,984 hours; $83,000 Federal cost; 8 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Data from these surveys will provide national estimates describing the MH recipients of outpatients and partial care programs in speciality MH organizations. These Data permit consideration of such issues as equity or difference in service delivery to various target group populations in ambulatory settings.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Agency Clearance Officer—Robert G. Masarsky—202–755–5184)

New

- Government National Mortgage Association

Application for Approval as a Mortgage-Backed Securities Issuer
HUD 1701
On occasion
Businesses or other institutions
Mortgage bankers
SIC: 616
Small businesses or organizations
Mortgage credit and thrift insurance: 130 responses; 97 hours; $2,720 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

To provide a form for use by applicants proposing to become mortgage backed securities issuers to summarize their business background and experience. The information is necessary in order for GNMA to determiine whether the applicant meets all GNMA eligibility requirements contained in CFR Part 3903.

DEPARTMENT OF THE INTERIOR

(Agency Clearance Officer—Vivian A. Keado—202–343–6191)

Extensions (No Change)

- Bureau of Land Management

Actual Grazing Use Record
4130–5
Annually
Individuals or households/farms
Ranchers permitted to graze livestock on the public lands
SIC: 021
Conservation and land management: 15,000 responses; 7,500 hours; $28,125 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Provide uniform format for permittees to provide actual livestock grazing use information in accordance with sections 3 and 15 of the Taylor Grazing Act of 1934 and section 402 of the Federal Land Policy and Management Act of 1976.

DEPARTMENT OF TRANSPORTATION

(Agency Clearance Officer—John Windsor—202–426–1887)

New

- Urban Mass Transporation Administration

Environmental Assessments
UMTA 5620.1
Nonrecurring
State or local governments
Public and private mass transportation agencies
SIC: 411
Ground transportation: 25 responses; 2,500 hours; $6,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Environmental assessments are required for UMTA funded project if a decision has been made not to prepare an environmental impact statement and the project cannot be classified as a categorical exclusion. Environmental assessments determine whether an EIS or finding of no significant impact shall be prepared.

- Coast Guard

Recreational Boat Manufacturer Identification Number
On occasion
Businesses or other institutions
Manufacturers building rec. boats for use or sale in U.S.A.
SIC: 373
Water transportation: 699,600 responses; 70,500 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

46 U.S.C. 1454, 1456 and implementing regulations require the establishment of a boat standards compliance program. The Coast Guard is required to establish a method for identifying specific boat manufacturers so that an effective compliance program may be maintained.

- Federal Railroad Administration

Records of Results of Tests (of Railroad Signal Systems)
Monthly, quarterly, semiannually, annually, biennially, other—see SF83
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 1,912,618 responses; 121,478 hours; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The Signal Inspection Act, 49 U.S.C. 26, and Code of Federal Regulations, Title 49, Section 236 requires carriers to inspect and test their signal systems and record the results thereof. These records are examined by FRA safety inspectors to insure compliance, by the carriers, of Federal safety regulations.

- Coast Guard

Various International Agreement Safety Certificates
CG–3347, 3347A, 4359, 4359A, 4761, 967, 969, 979A, ship pass and ship safety cert.
Annually, biennially
Businesses or other institutions
Owners/operators of merchant vessels engaged in intern. voy.
SIC: 441
Water transportation: 4,668 responses; 1,875 hours; $55,468 Federal cost; 10 forms; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Required by the adoption of the International Convention for the Safety of Life at Sea. These forms are evidence of compliance with this convention for U.S. vessels on international voyages. Without the appropriate certificates, a U.S. vessel would be detained in foreign ports. See E.O. 12234 of September 3, 1980.

- Research and Special Programs Administration

Exemption Holder Recordkeeping Files
Annually
Individuals or households/State or local governments/businesses or other ins
State and loc. gov. agncs., shippers and carriers of haz. Mater.
SIC: All
Small businesses or organizations
Other transportation: 2,000 responses; 2,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Needed by the MTB to evaluate the level of safety maintained by holders of exemptions for shipments made under the terms of an exemption.

- Research and Special Programs Administration

Application To Become a Party To An Exemption
Nonrecurring
Individuals or households/State or local governments/businesses or other ins
State and loc. gov. agncs., shipper and carriers of hazard. mat.
SIC: 919, 401, 421, 451, 281, 282, 283, 374, 371, 443
Small businesses or organizations
Other transportation: 300 responses; 300 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

To allow applicants to be included in exemptions previously granted or applied for rather than applying for a separate exemption which would entail duplicating of material previously submitted to the MTB.

- Research and Special Programs Administration

Application for exemption
Nonrecurring
Individuals or households/State or local governments/businesses or other ins
State and local government agencies wishing to ship hazard materials
SIC: 919, 401, 421, 451, 281, 282, 283, 374, 371, 443
Small businesses or organizations

Other transportation: 400 responses; 2,000 hours; $250,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

Needed to obtain information from shippers and carriers of hazardous materials and container manufacturers who wish to obtain an exemption from the hazardous materials regulations. Used by staff of MTB to evaluate requests to determine if they are to be granted or denied.

• Research and Special Programs Administration
Application for Exemption Renewal
Biennially
Individuals or households/State or local governments/businesses or other ins
State and local government agencies shippers and carriers of hazard materials.
SIC: All
Small Businesses or organizations
Other transportation: 1,000 responses; 1,000 hours; $70,000 Federal cost; 1 form; not applicable under 3504 (h)
Mahesh Podar, 202–395–7340

Needed to obtain safety analysis from exemption holders who wish to renew their exemption. Used by staff of MTB to evaluate the renewal request to determine if exemption should be renewed or renewal request denied.

Revisions

• Federal Railroad Administration
Hours of Service of Railroad Employees
On occasion
Businesses or other institutions
Railroads operating equipment on general rail. sys. tracks
SIC: 401
Ground transportation: 24,000,000 responses; 3,284,000 hours; $255,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The Hours of Service Act as amended, PL–94–348 requires carriers to maintain records of employees hours of service and to make monthly reports of excess service to fra. Information maintainted and reported by carriers will serve as a basis for monitoring their compliance with regulations.

Reinstatements

• Federal Railroad Administration
Remotely Controlled Railroad Switch Operation Log
On occasion
Businesses or other institutions
Railroads Operating Equipment on general rail. system tracks
SIC: 401
Ground transportation: 3,600,000 responses; 300,000 hours; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The recordkeeping requirement for remotely controlled switches contained in 49 CFR, part 218.30 of the "Blue Signal Regulations" substantiates the fact that the railraod is utilizing such switches in the prescribed manner to provide blue signal protection for workmen in accordance with the regulation.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Comptroller of the Currency
Notification of Acquisition or Use of Computer Systems
Nonrecurring
Businesses or other institutions
Businesses planning to install national banking system
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 125 responses; 32 hours; $1,250 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The OCC is charged with assuring safe and sound operation of the national banking system. Since banks automating records for the first time may not be aware of the requisite controls and contractual considerations necessary to maintain safe and sound data processing operations, advance notice of intent to automate is required.

• Comptroller of the Currency
Survey of Commercial bank Small Business Lending Practices
Nonrecurring
Businesses or other institutions
Federal insured commercial banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 250 responses; 1,000 hours; $114,230 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The lack of behavioral or statistical data on whether commercial banks are meeting the credit needs of small business is the motivation for this personal interview survey. The results of this survey will be combined with other information to produce a report for the Congress as mandated under title IV (Sec. 404) of P.L. 96–302

Revisions

• Internal Revenue Service
Excise Taxes
720
Quarterly
Businesses or other institutions
Taxes due from retailers and manufacturers on sale of artl.
SIC: 501, 503, 504, 505, 508, 371, 631, 641, 478, 444
Small businesses or organizations
Central fiscal operations: 381,200 responses; 689,858 hours; $770,186 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 720 is used to report excise taxes due from retailers and manufacturers on the sale or manufacture of various articles, to report taxes on facilities and services, and taxes on certain products and commodities (gasoline, lubricating oil, etc.). It enables IRS to monitor excise tax liability for various categories on a single form, and to collect the tax quarterly in compliance with the law and regulations (IRC section 6011).

Extensions (Burden Change)

• Comptroller of the Currency
Report of Internation Activity
CC 7610–02
On occasion
Businesses or other institutions
Nat'l banks with foreign branch or Edge Act Corp.
Other advancement and regulation of commerce: 180 responses; 90 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report provides notice that a national bank has opened, closed or relocated a foreign branch or subsidiary, or an Edge Act Corp. or has made a permissible foreign investment.

• Bureau of Government Financial Operations
Combined Analysis of U.S. Treasury Time-Deposit Open-Account and U.S. Treasury's General Account
TFS 5910
Quarterly
Businesses or other institutions
Commercial and stock savings banks
Sic: 602 603
Central fiscal operations: 876 responses; 1,314 hours; $3,309 Federal cost; 1 form; not applicable under 3504(h)
Devin Broderick, 202–395–6880

These forms are used by banks that are providing services contracted for by the Treasury Department. The reports that are provided enable us to determine the actual expense incurred by the banks in providing the services and the amount the banks should be reimbursed.

• Comptroller of the Currency
Offering Document
On occasion
Businesses or other instititions

National banks
Small businesses or organizations
Other advancement and regulation of commerce: 25 response; 375 hours; $2,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Disclosure document of bank securities offerings of $500,000 or less (within a 12-month period immediately preceding the commencement of offering).

• Comptroller of the Currency
Abbreviated Offering Circular
None
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 35 responses; 700 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Disclosure document for offerings of securities of between $50,000 and $2,000,000 requires less information than offering circular.

Comptroller of the Currency
Offering Circular
None
On occasion
Businesses or other institutions
National banks in existence and in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 25 responses; 1,000 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The offering circular is the disclosure document used by a bank making a public offering of its own securities. It includes all material facts relating to the bank and the securities being offered.

• Bureau of Government Financial Operations
Claim for Amounts Due in the Case of a Deceased Owner of Mutilated Currency
TFS 5287
On occasion
Individuals or households
General submitting claims for reimbrse. damaged monies
Central fiscal operations: 36 responses; 36 hours; $237 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form (TFS 5287) is used when Treasury has to determine ownership in cases where the lawful or legal owner of damaged currency is deceased.

• Bureau of Government Financial Operations
Pre-employment Education Reference
TFS 5488
On occasion
Businesses or other institutions
Businesses listed under item 23 in SF–171
SIC: 822 824
Small businesses or organizations
Central fiscal operations: 189 responses; 95 hours; $115 Federal cost; 1 form; not applicant under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Used to obtain educational data on applicant being considered for employment with the Department of Treasury, Bureau of Government Financial Operations, in order to make a comparative evaluation of his/her qualifications with the position requirements.

• Bureau of Government Financial Operations
Preemployment Job Reference
TFS 5489
On occasion
Individuals or households
Private or Gov't having qual. & fitness as detrm. SF–171.
Central fiscal operations: 639 responses; 315 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to obtain information relating to work experience, qualification and fitness of applicants being considered for employment with the Department of Treasury, Bureau of Government Financial Operations in order to make a comparative evaluation of his/her qualifications with the position requirements

• Internal Revenue Service
Application for extension of time to file US Income Tax Return
2350
On occasion
Individuals or households
Individuals qualfor DS. or income earned abroad
Central fiscal operations: 22,594 responses; 15,955 hours; $66,932 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 2350 is used to request an extension of time to file in order to meet the bona fide residence or physical presence tests required to gain the benefits permitted under 26 U.S.C. 911. The information furnished is used to determine if the extension should be granted.

• Comptroller of the Currency
Notice of exempt transaction
None
On occasion
Businesses or other institutions
National bank
SIC: 602
Small businesses or organizations
Other Advancement and regulation of commerce: 60 responses; 30 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Generally a one page notice which is used to support banks' exemption from offering circular requirements for transactions that are not public offerings of securities.

• Internal Revenue Service
US information return for distributions in liquidation during calendar year 1099L
Nonrecurring
Businesses or other institutions
Liquidating Corporations
SIC: all
Central fiscal operations: 378,000 responses; 134,946 hours; $73,824 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used when the corporation liquidates, to report distributions (IRC section 6043). The information is used by IRS to verify reporting compliance on the part of the recipient.

Extensions (no change)

• Bureau of Alcohol, Tobacco and Firearms
Consent of surety
ATF F 1533 (5000.18)
On occasion
Businesses or other institutions
Distilled spirits, wine, beer and tobacco manufacturers
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,000 responses; 2,000 hours; $1,610 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Permittees who handle materials such as alcohol are liable for the tax attached to that alcohol. For this reason they carry bonds which cover specific liabilities. When the terms of a bond are to be changed or extended the "consent of surety" is filed, which legally binds the bonding company to the new terms.

• Bureau of Alcohol, Tobacco and Firearms
Drawback bond-ds and wine
ATF F 2738 (5100.32)
On occasion
Businesses or other institutions
Exporters of distilled spirits and wine
SIC: 208

Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $225 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Secures payment of tax on distilled spirits or wine shipped w/o payment of tax for export when a drawback claim on taxes has been refunded. If it is found the spirits/wines were not exported or no evidence of exportation, the form secures payment to the U.S. of taxes erroneously refunded. Describes the exporter surety company, amount and coverage of bond, and conditions the exporter and surety company must adhere to and pay tax to the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Bond manufacturer of cigarette papers and tubes
ATF F 2102 (5210.1)
On occasion
Businesses or other institutions
Manufacturers
SIC: 211
Small businesses or organizations
Federal law enforcement activities: 10 responses; 10 hours; $25 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Federal taxes attach to cigarette papers and tubes. Manufacturers of these products are bonded so as to protect the Federal taxes attached to them. The surety ensures payment of the Federal taxes.

• Bureau of Alcohol, Tobacco and Firearms
Bond user of specially denatured alcohol or rum
ATF F 1480 (5150.20)
On occasion
Businesses or other institutions
Miscellaneous manufacturers and laboratories
SIC: 399
Small businesses or organizations
Federal law enforcement activities: 2,639 responses; 2,639 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Authorized specially denatured alcohol users receive alcohol free of tax. This bond, however, must be executed in order to ensure taxpayment should a liability be incurred due to misuse of the alcohol.

• Bureau of Alcohol, Tobacco and Firearms
Continuing export bond-distilled spirits and wine
ATF F 2735
On occasion
Businesses or other institutions
Exporters of distilled spirits and wines
SIC: 206
Small businesses or organizations
Federal law enforcement activities: 500 responses; 500 hours; $200 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Bond is necessary to secure payment of taxes on continuing shipments of spirits or wine until actually exported from the U.S. Describes the person (other than a DSP's proprietor), surety company, and the particular conditions of the bond. If the shipment is not lawfully exported, the form secures payment of tax due the U.S. Government.

• Bureau of Alcohol, Tobacco and Firearms
Tax deferral bond—distilled spirits (Puerto Rico)
ATF F 5110.5 0
On occasion
Businesses or other institutions
Importers
SIC: 206
Small businesses or organizations
Federal law enforcement activities: 100 responses; 100 hours; $135 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Bond secures payment of tax on distilled spirits brought into the U.S. from Puerto Rico without payment of Internal Revenue tax. Bond describes person importing spirits, the surety company, amount and type of bond and the conditions under which the surety company and principal are required to adhere to and pay the U.S.

• Comptroller of the Currency
Written Procedures for Futures and Forward Placement Contracts
None
Nonrecurring
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 200 responses; 2,000 hours; $4,808 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

All national banks engaging in futures contracts and/or forward placement contracts are required by banking circular #79 to submit a statement of policy to the Regional Administrator of National Banks for their respective region.

• Bureau of Government Financial Operations
Owner's Affidavit Partial Destruction of Mutilated Currency
TFS 5283
On occasion
Individuals or households/businesses or other institutions
Public submitting claims for damaged U.S. currency
SIC: 881
Central fiscal operations: 1,080 responses; 540 hours; $7,098 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Currency Operations Division requests owners of partially destroyed currency, to complete and have notarized affidavit form 5283 for each claim submitted when substantial portions of the notes are missing.

• Comptroller of the Currency
Salary Survey
NA
Annually
Businesses or other institutions
Nat'l banks assets exceeding $100 million
SIC: 602
Other advancement and regulation of commerce: 124 responses; 496 hours; $7,889 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These forms are used to record necessary and pertinent salary and benefit information from national banks who voluntarily participate in this specialized salary survey. Information developed is critical to the calculation and maintenance of the OCC compensation program involving salary structure relationships and merit pay percentages.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Revisions

• Registration or Amendments Under Part 297 of the Economic Regulations of the Civil Aeronautics Board
297A
Nonrecurring
Businesses or other institutions
Foreign indirect air carriers
SIC: 471
Small businesses or organizations
Air transportation: 15 responses; 45 hours; 1 form; NPRM under 3504(h)
Paula Daigneault, 202–395–7340

This regulation would relieve foreign indirect air carriers from the provisions of the Federal Aviation Act which prevent them from organizing charter/tours or consolidating freight in interstate and overseas air transportation (see attached NPRM—docket 39744, dated June 25, 1981).

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

New

• Renewal Application Audit Form for Commercial TV Broadcast Stations
FCC 303–C
Other—see SF83
Businesses or other institutions
5% of the commercial TV licensees coming up for renewal
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 3 responses; 494 hours; $683 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

In accordance with the new system implemented, the Commission will randomly select 5% of all TV commercial licensees coming up for renewal sending this audit form in place of the short renewal form. The data will be reviewed by lawyers, engineers and analysts to determine whether the applicant is qualified and has served the public interest.

• Application for Renewal of License for Commercial and Noncommercial AM, FM or TV Broadcast Station
FCC 303–S
Other-See SF83
Businesses or other institutions
All licen. of comm., non-comm. and auxil. broadcast stations
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 3,162 responses; 264 hours; $3,634 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required when applying for renewal of license for broadcast stations. This form must be filed not later than the first day of the fourth calendar month prior to the expiration date of the license sought to be renewed unless the licensee is one of those randomly selected to be audited.

• Renewal Application Audit Form for Noncommercial Educational AM, FM, and TV Broadcast Station
Other-See SF83
Businesses or other institutions
5 percent of the noncomm. AM, FM and TV licen. coming up for renewal
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 22 responses; 836 hours; $555 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

In accordance with the new system implemented, the commission will randomly select 5 percent of all AM, FM and TV noncommercial licensees coming up for renewal, sending this audit form in place of the short renewal form. The data will be reviewed by lawyers, engineers and analysts to determine whether the applicant is qualified and has served the public interest.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

Revisions

• National Science Foundation Grant Applications
NSF–4, 98A, 921, 1030, 1030A
Other-See SF83
Individuals or households/State or local governments/businesses or other ins
Universities, univ. consortia, nonprofit and other res. organ.
SIC: 822
Small businesses or organizations
General science and basic research: 27,000 responses; 3,240,000 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The National Science Foundation initiates and supports fundamental and applied research in all the scientific disciplines, science, education and research policy. This support is made through grants, contracts, and other agreements awarded to universities, university consortia, nonprofit, and other research organizations.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Extensions (No Change)

• Supplemental Qualifications Statements
1170
On occasion
Individuals or households
Federal employment applicants
Central personnel management: 150,000 responses; 100,000 hours; $2,445,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Used to obtain detailed information from applicants for Federal positions which enables determinations of eligibility. Usually supplements information obtained on SF 171 and SF 171–A.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Rule 30b–1, Reports to Stockholders of Management Investment Companies
Semiannually
Businesses or other institutions
All management investment companies
Small businesses or organizations
Other advancement and regulation of commerce: 2,120 responses; 636,000 hours; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 30D–1 under the investment Company Act prescribes the minimum content of reports to shareholders which management investment companies must send at least semiannually. There is no required format for these reports.

• Form N–2, Registration Statement Under the Securities and Company Acts for Closed-End Management Investment Companies
1716
On occasion, annually
Businesses or other institutions
Closed-end management investment companies
Other advancement and regulation of commerce: 130 responses; 80,000 hours; $71,082 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form N–2 is the registration statement used by closed-end management investment companies to register as investment companies under the investment Company Act and to register their securities for sale to public under the Securities Act. It is used to update the 1940 Act registration statement annually and also contains the prospectus, urities.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–20886 Filed 7–15–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22127; 70–6614]

Arkansas Power & Light Co. and Mississippi Power & Light Co.; Proposal by Public Utility Subsidiary To Sell Interest in Generating Station and Related Facilities to an Associate Public Utility Company

July 9, 1981.

Arkansas Power & Light Company ("AP&L"), P.O. Box 551, Little Rock,

Arkansas 72203 and Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39205, each a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 9(a), 10, 12(d) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

MP&L proposes to purchase from AP&L a 25% undivided ownership share of the Independence Steam Electric Station ("Independence"), a coal-fired electric generating station located near Newark, Arkansas consisting of two 815 Mw units. AP&L's present 56.5% interest in Independence will be reduced to 31.5% upon consummation of the proposed transaction. The other participants in Independence are Arkansas Electric Cooperative Corporation (35%), City Water & Light Plant of the City of Jonesboro, Arkansas (5%), City of Conway, Arkansas (2%), City of West Memphis, Arkansas (1%) and City of Osceola, Arkansas (0.5%) (collectively with AP&L, the "Participants").

AP&L will sell the 25% ownership share in Independence to MP&L at its book cost at the time of sale (including, but substituting in place of allowance for funds used during construction, AP&L's "cost of money"). As was the case with all sales to the Participants, the cost of money portion of the price will be calculated on a monthly basis starting from when expenditures were first made using AP&L's monthly marginal cost of capital.

In addition, AP&L will charge MP&L, as it did those Participants who were not originally applicants for the certificate of environmental compatibility and need, for an allocable share of its uncapitalized planning, licensing, design and construction costs for Independence. Such charge will be at the rate of $50,000 per percent of MP&L's 25% ownership share, an aggregate of $1,250,000, which sum will be payable at the closing.

Assuming the closing occurs in September, 1981, AP&L estimates that MP&L would pay AP&L approximately $79.9 million in respect of its 25% ownership share in Independence. In recognition of the fact that AP&L will not be liable for any actual taxes in the near future due to its earnings situation and its participation in the Middle South consolidated tax return, AP&L and MP&L will agree that the amount of the purchase price for Independence to be paid by MP&L at the closing will be reduced by an amount equal to AP&L's deferred taxes with respect to such sale and that MP&L will pay such amounts to AP&L at such later date or dates as AP&L actually pays such federal income taxes. Therefore, actual payment due from MP&L to AP&L at the closing will be approximately $70.5 million. AP&L intends to apply the proceeds of the sale directly or indirectly to finance its construction program.

Rather than making a cash payment at the closing for the portion of Independence comprising the pollution control facilities MP&L will, commencing with the date on which AP&L shall have expended certain deposited funds, pay 56.5% of the ongoing construction costs for such facilities until the expenditures of AP&L and MP&L with respect to such facilities are in the ratio of their respective ownership shares in Independence. Thereafter AP&L and MP&L will bear their respective ownership shares of construction costs for pollution control facilities.

The Operating Agreement provides that AP&L will manage, control, operate and maintain Independence on behalf of the Participants and that AP&L and the Participants will share in the actual operating costs incurred by AP&L in proportion to their respective ownership shares. The Operating Agreement also provides that each Participant, in accordance with its ownership share, will pay AP&L on a monthly basis for its otherwise unrecovered administrative expenses not charged directly to Independence or any other AP&L plant.

AP&L presently owns 100% of the coal handling facilities located at the Independence site and intended for use in connection with Independence's operation and is proposing to arrange to transfer them to an affiliated entity under financing arrangements which are the subject of a separate filing with this Commission (File No. 70-6804).

In the event such transfer is not arranged prior to the closing, AP&L will sell MP&L a 50% undivided ownership interest in the coal handling facilities at a cost equal to 50% of its book cost at the time of sale (including, but substituting in place of AFUDC, AP&L's cost of money). In such event MP&L would pay approximately $20 million for its 50% interest in the coal handling facilities. If AP&L has transferred its interest in the coal handling facilities to an affiliated entity prior to the closing or if such transfer is imminent, AP&L will transfer and assign 50% of its interest in the affiliated entity to MP&L in consideration of MP&L assuming 50% of AP&L's liabilities with respect to such affiliated entity. In such event MP&L would not be obligated to make a cash payment to AP&L for the interest being acquired.

The application-declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 3, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20809 Filed 7-15-81; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Freeport-McMoran, Inc., Common Stock, $1 Par Value (File No. 7-7973).

Houston Oil Trust, Units of Beneficial Interest, No Par Value (File No. 7-5974)

Richardson-Vicks, Inc., Common Stock, No Par Value (File No. 7-5975).

Seagull Pipeline Corporation, Common Stock, $.10 Par Value (File No. 7-5976).

Teco Energy, Inc., Common Stock, $1 Par Value (File No. 7-5977).

Warner Communications, Inc., Common Stock, $1 Par Value (File No. 7-5978).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are are invited to submit on or before July 31, 1981 written data, views, and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 81-20810 Filed 7-15-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 10, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Nabisco Brands Incorporated, Common Stock, $2 Par Value (File No. 7-5972).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 31, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20812 Filed 7-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17926; File No. SR-MCC-81-4]

Midwest Clearing Corp.; Proposed Rule Change By; Self-Regulatory Organizations

Relating to the system establishing categories of MCC Participants used in the allocation process or automatic lending of securities.

Comments requested on or before August 6, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on July 6, 1981, the Midwest Clearing Corporation filed with the Secruities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit coments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the Midwest Clearing Corporation's *Automatic Stock Loan Priority Ranking System.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The description of the MCC Automatic Stock Loan Priority Ranking System provided is in response to the request of the Commission Staff (the Commission's letter dated December 29, 1980 to Albert Anderson) that Midwest Clearing Corporation file a proposed rule change pursuant to Section 19(b)(3)(A) of the Act, providing a more detailed description of the system establishing categories of MCC participants used in the allocation process of automatic lending of securities. The established categories will encourage participants to utilize one account settlement in the MST System thereby making MCC more competitive.

The proposed rule change is consistent with Section 17A of the Act in that the categories established by MCC will encourage greater utilization of the MST System, especially in the area of trade recording and settlement of securities transactions. This utilization of the MST System will result in the prompt and accurate clearance and settlement of securities transactions, and will foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in futherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 6, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 9, 1981.

George A. Fitzsimmons,

Secretary.

Exhibit A.—MCC Automatic Stock Loan Priority Ranking System

The following represents the categories of MCC participants which will be used in the allocation process of automatic lending of securities. The criteria distinguishing the various categories is described within.

Stock loans will be established first by utilizing level I participants. If the securities needed are not available from participants in level I, levels II through VI would be utilized in that sequence. Within each priority level, the method to determine the lending participants will be based on a "first-in first-out" sequence utilizing the securities available for loan with a date representing the longest established loan free position.

Level I: MSE/MCC Specialist Accounts, MSE/MCC Market Maker Accounts
Level II: Blank
Level III: MCC participant account utilizing trade recording (Note I) and settlement (Note II) services. (See Note III)
Level IV: Blank (See Note III)
Level V: Blank
Level VI: All remaining MCC participants (e.g., accounts without trade recording (Note I), accounts with trade recording but not settlement (Note II))

Notes

Note I: Trade Recording—the recording of trades representing transactions which have taken place in a recognized market system and which are recorded in the clearing agency for purpose of comparison and/or settlement.

Note II: Settlement is defined as: settling long or short value positions under MCC's Continuous Net Settlement (CNS) System and subsequent activity (DDI—transfers—deposits—withdrawals—etc.) resulting from the settlement of recorded trades regardless of market place origin.

Note III: Participant accounts assigned priority level III will be reassigned to priority level IV if the cumulative value of loans generated within the account provides an economic benefit to the participant in the form of interest savings or interest income sufficient to assure that MCC's net charges to the participants are competitive with those of other clearing agencies. Costs of competitive clearing agencies will be determined periodically as appropriate as will the quality of stock loans necessary to assure the comparability of MCC's charges.

[FR Doc. 81-20813 Filed 7-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22126; 70-6617]

Southern Co., et al.; Proposed Issuance and Sale of Common Stock in Connection With Employee Stock Ownership Plan

July 10, 1981.

In the matter of The Southern Company, 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346; Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Company Services, Inc., and Southern Electric Generating Company.

The Southern Company ("Southern"), a registered holding company, and its above-named subsidiary companies have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Southern proposes to issue and sell up to a maximum of $35,000,000 in value of its authorized but unissued shares of common stock, par value $5 per share, in order to provide common stock to fund The Employee Stock Ownership Plan of the Southern Company System ("Plan") for the Plan year 1980, including any reinvestment of cash dividends on such stock by direct purchases of common stock from Southern. Southern intends to apply the proceeds it receives from the sale of the additional common stock for further equity investments as authorized by this Commission (File No. 70-6549) and as may be hereafter so authorized for other coporate purposes.

The application-declaration states that in order to encourage and assist employees of Southern's subsidiaries to acquire ownership of Southern's common stock and thereby promote in the employees a strong interest in the successful operation of The Southern Company System, Southern Company Services, Inc., Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Electric Generating Company (the "Employing Companies") have adopted the Plan, effective January 1, 1976. The Employing Companies will be entitled to an additional 1% investment tax credit which they otherwise would not be able to claim. In addition the Employing Companies may elect to make further contributions of common stock or cash in an annual amount of up to ½ of 1% of their qualified investment in property to the extent that such contributions are matched for that year by voluntary contributions by Plan participants for their own accounts. Thus, in effect, money that would otherwise be paid in taxes is used to provide employees with an ownership interest in Southern.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 10, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20814 Filed 7-15-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Questech Capital Corporation; Notice of Issuance of a License To Operate as a Small Business Investment Company

[License No. 02/02-0415]

On November 21, 1980, A Notice was published in the **Federal Register** (45 FR 77218) stating that Questech Capital Corporation, 11 Hanover Square, New York, New York 10005, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business December 8, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on June 26, 1981, issued License No. 02/02-0415 to Questech Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: July 9, 1981

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20853 Filed 7-15-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 01/01-0314]

Vadus Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by Vadus Capital Corporation (Vadus), Three Center Plaza, Suite 506, Boston, Massachusetts 02108, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders are as follows:

Peter A. Brooke, 111 Devonshire St., Boston, MA 02109—Chairman of the Board
G. Kenneth Macrae, 39 Court of Cobblestone, Northbrooke, IL 60062—President, Director
Joost E. Tjaden, Three Center Plaza, Boston, MA 02108—Treasurer, Director
Kenneth J. Novack, 376 Newton St., Brookline, MA 02184—Secretary, Director
Piet J. van de Ven, 12 Venstraat 5271 TV, St. Michielsgestel, Netherlands—Director
M.P.J.H. van Doorne, De Wolfsberg, Haagend 65, 5751 AZ Deurne, Netherlands—14 percent
Ms. M.P.M. Hohmann-van Doorne, Julianastraat 26, 5751 JX Deurne, Netherlands—14 percent
Ms. J.W.Th. van Doorne, Julianastraat 26, 5751 JX Deurne, Netherlands—14 percent
Petrus J.G. van Doorne, Geldropseweg 25, 5731 AA Mierlo, Netherlands—14 percent
Hubert J.M.M. van Doorne, Julianastraat 10, 575 I JX Deurne, Netherlands—14 percent
Martinus P.A. van Doorne, Fleix Timmermanslaan 5, 5644 RN Eindhoven, Netherlands—10 percent
Petrus H.J. van Doorne, Vesaliuslaan 25 5644 HJ Eindhoven, Netherlands—10 percent
Wilhelmus J.M. van Kortvoortbaan 3, 2230 Schilde, Belgium—10 percent
Investments Orange Nassau, Inc., Three Center Plaza Boston, MA 02109—Investment Advisor.

The Applicant, a Delaware corporation, will begin operations with $1,000,000 paid-in capital and paid-in surplus. Vadus will conduct its activities principally within the six New England states and the Gulf Coast states.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may on or before July 31, 1981 submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 8, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20852 Filed 7-15-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 146—Airborne Automatic Direction Finding Equipment; Meeting

Correction

In FR Doc. 81-20324 appearing on page 36032 in the issue of Monday, July 13, 1981; third column, first paragraph, seventh line, " * * * July 19-30, 1981 * * *" should read " * * * July 29-30, 1981 * * *".

BILLING CODE 1505-01-M

Federal Highway Administration

Environmental Impact Statement: Los Angeles County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Los Angeles County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to alleviate traffic congestion in the Santa Monica Boulevard corridor (State Route 2) from the San Diego Freeway (Route 405) to Fairfax Avenue by the selection and implementation of one or more of the following alternatives:

A. *Transportation System Management.* This Alternative may include improvements such as:
One Way Operations.
Improved Bus Service and Signal Preemption.
Park and Ride.
Bus Bays.
Bicycle and Pedestrian Facilities.

B. *Highway Capacity Improvements.* This alternative may include improvements such as:
Widen the Highway.
Widen Highway—for exclusive HOV lanes.
Improve Parallel Facilities.

C. *Operational Improvement.* This alternative may include such alternatives as:
Upgrade Signals.
Channelization (turning pockets, etc.).

D. *Transit.* This alternative may include such alternatives as:
Extend the Wilshire Rail Starter Line west along Santa Monica Boulevard.

E. *No Project.* This alternative includes maintenance and operation of the existing facility essentially "as is", with such minor safety improvements as may be warranted from time to time.

No scoping meetings have been scheduled at this time. Meetings will be scheduled to encourage affected parties to identify crucial issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued On: July 10, 1981.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 81-20620 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration; Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes August 17, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8658-N	Waters Associates, Inc., Milford, MA	49 CFR 100-199, with exceptions	To manufacture, mark, and sell specially designed packages (chromatographic columns not exceeding 60 ml each) for shipment of limited quantities of flammable liquids. (Modes 1, 2, 3, 4, 5).
8659-N	The Goodyear Tire & Rubber Company, Akron, OH.	49 CFR 173.224	To authorize shipment of diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent in DOT Specification MC-310, 311, or 312 tank motor vehicle. (Mode 1).
8660-N	Hach Company, Ames, IA	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.25(a)(2).	To authorize shipment of certain small quantities of Class B poisonous liquids and solids, excepted from labeling, when packaged in specially designed containers. (Mode 1).
8661-N	Ethyl Corporation, Baton Rouge, LA	49 CFR 173.119(m)	To authorize shipment of a flammable liquid, n.o.s., which is also a poison B liquid in DOT Specification 51 portable tanks. (Modes 1, 2, 3).
8662-N	Sigma-Aldrich Corporation, St. Louis, MO.	49 CFR 172.400, 172.402(a)(2), 172.402(e)(3), 172.402(a)(4), 172.500(a), 172.504(a), 173.25(a).	To authorize shipment of certain small quantities of Class B poisonous liquids, flammable liquids, flammable solids, oxidizers and corrosive materials in specially designed packagings exempt from labeling and flammable solids from placarding requirements. (Modes 1, 2, 4).
8663-N	Goex, Incorporated, Cleburne, TX	49 CFR 173.86	To authorize shipment of black powder, manufactured in a foreign country, in DOT Specification 12H fiberboard boxes overpacked in DOT Specification 15A wooden boxes, without being classified in accordance with 173.86. (Mode 1).
8664-N	Spectrix Corporation, Houston, TX	49 CFR 173.242, 173.266(b)(2), 173.266(b)(3).	To author shipment of small quantities of nitric acid, sulfuric acid and sodium hydroxide in non-DOT specification packaging described as sample preservation kits. (Modes 1, 4).
8665-N	Bethlehem Steel Corporation, Bethlehem, PA.	49 CFR 173.245, 173.246	To authorize short distance transportation of waste, sulfuric acid, ferrous chloride solution and spent hydrochloric acid, classed as corrosive materials, in rubber lined cargo tank similar to DOT Specification MC-312 except for bottom outlet variations. (Mode 1).
8667-N	Federal Emergency Management Agency, Washington, DC.	49 CFR 173.389(a)(3), 173.389(b)(2)(ii)	To authorize transportation of steel encapsulated sources containing Type B quantities of Cesium 137, contained in calibrated radiological instruments which do not meet all current testing requirements. (Modes 1, 3, 4).
8668-N	Millipore Corporation, Bedford, MA	49 CFR 173.119	To authorize shipment of pyroxylin solution, classed as a flammable liquid, in non-DOT specification 20 liter capacity drums. (Modes 1, 2, 4).
8669-N	Blacksburg Aviation, Incorporated, Blacksburg, VA.	49 CFR 107 Appendix B, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4).
8670-N	Oriole Chemical Carriers, Inc., Baltimore, MD.	49 CFR 172.101, 172.203(a), 172.328(a)(e), 172.334(b)(d).	To authorize the transportation of sodium hydroxide and potassium hydroxide in MC-312 cargo tanks which display only one identification number for materials which require identical emergency response treatment. (Mode 1).
8671-N	Allied Chemical Corporation, Morristown, NJ.	49 CFR 173.119(a)(23)	To authorize shipment of various flammable liquids in non-DOT specification polyethylene bottles of 1000 ml capacity overpacked in DOT Specification 12A fiberboard boxes. (Modes 1, 2, 3, 4, 5)
8672-N	Rheem Manufacturing Company, Jefferson, LA.	49 CFR 173.115-10(a)(1)	To authorize a one time shipment of 583-30 gallon drums meeting DOT Specification 17C but improperly embossed "DOT-17E" to contain organophosphorus pesticide, liquid, Class B poison. (Mode 1).
8674-N	Gulf Chemicals Company, Overland Park, KS.	49 CFR 172.182(2)	To authorize shipment of nitro-carbo-nitrate in a concrete mixer lined with cold tar epoxy. (Mode 1).
8676-N	Southwest Aviation, Inc., Las Cruces, NM.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4).
8677-N	International Mineral & Chemical Corporation, Allentown, PA.	49 CFR 173.65	To authorize shipment of a high explosive, Class A in non-DOT specification 5 gallon capacity polyethylene pails. (Mode 1).
8678-N	Compagnie Francaise De materiel Ferroviaire, Paris, France.	49 CFR 173.315(a)	To authorize shipment of various flammable and nonflammable (refrigerant) compressed gases in IMCO Type V portable tanks. (Modes 1, 2, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 2, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-20600 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period July 30, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transporation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
2709-X	Hercules, Incorporated, Wilmington, DE.	2709
3121-X	U.S. Department of Defense, Washington, DC.	3121
3367-X	Air Products and Chemicals, Incorporated, Allentown, PA.	3367
3569-X	NL McCullough/NL Industries, Incorporated, Houston, TX[1].	3569
4262-X	Schlumberger Well Services, Houston, TX.	4262
5022-X	United Technologies Corporation, Sunnyvale, CA.	5022
5022-X	The Boeing Company, Seattle, WA.	5022
5600-X	Ozark-Mahoning Company, Tulsa, OK.	5600
5676-X	FMC Corporation, Philadelphia, PA.	5676
5945-X	Air Products and Chemicals, Incorporated, Allentown, PA.	5945
6016-X	Livingston Medical Products, Co., Modesto, CA.	6016
6122-X	Pennwalt Corporation, Buffalo, NY[2].	6122
6126-X	Dow Chemical Company, Midland, MI.	6126
6228-X	Air Products and Chemicals, Incorporated, Allentown, PA.	6228
6267-X	Alden Leeds, Inc., South Kearny, NJ[3].	6267
6658-X	U.S. Department of Energy, Washington, DC.	6658
6702-X	Dow Chemical Company, Indianapolis, IN.	6702
6712-X	Air Products and Chemicals, Incorporated, Allentown, PA.	6712
6759-X	Hercules, Incorporated, Wilmington, DE.	6759
6798-X	Allied Chemical, Morristown, NJ.	6798
6810-X	U.S. Department of the Interior, Amarillo, TX.	6810
6824-X	George-Pacific Corporation, Montebello, CA.	6824
6984-X	Explo-Midwest Inc., Joplin, MO	6984
7035-X	Owens-Illinois (Plastic Products Division), Toledo, OH.	7035
7603-X	Air Products and Chemicals, Incorporated, Allentown, PA.	7603
7716-X	Kinepak, Inc., Lawrenville, TX[4]	7716
7846-X	Air Products and Chemicals, Incorprorated, Allentown, PA.	7846
8012-X	Bigner Schmid-Laurent, Paris, France.	8012
8012-X	United Tank Containers, Incorporated, New York, NY.	8012
8046-X	Degussa, Frankfurt, West Germany.	8046
8055-X	American Cyanamid Company, Wayne, NJ.	8055
8131-X	National Aeronautics and Space Administration, Washington, DC.	8131
8178-X	National Aeronautics and Space Administration, Washington, DC.	8178
8194-X	Pennwalt Corporation, Buffalo, NY.	8194
8197-X	Container Corporation of America, Plastics Div., Wilmington, DE.	8197
8213-X	Trailmaster Tanks, Incorporated, Fort Worth, TX.	8213
8215-X	Olin Corporation, East Alton, IL	8215
8228-X	Bureau of Alcohol, Tobacco and Firearms, Washington, DC	8228
8239-X	Westinghouse Electric Corporation, Horseheads, NY.	8239
8249-X	Lawrence Packaging Supply Corporation, Newark, NJ	8249
8253-X	Allied Drum Service, Incorporated, Louisville, KY.	8253
8280-X	Bayonne Barrel and Drum Company, Newark, NJ.	8280
8497-X	Roper Plastics, Inc., New York, NY[5].	8497

[1] To authorize water as an additional mode of transportation.

[2] To renew and to add additional packaging with handholes.

[3] To renew and allow an additional package to contain 30 pounds of oxidizing chemicals in a polyethylene bottle.

[4] To renew, authorize water as an additional mode of transportation and to increase the net weight of the plastic pouches, containing ammonium nitrate, not to exceed 30 pounds.

[5] To authorize shipment of methyl alcohol solution or mixture, classed as a flammable liquid as an additional commodity.

Application No.	Applicant	Parties to exemption
4453-P	Mining Services International Corporation, Salt Lake City, UT.	4453
5520-P	Oxy Metal Industries Corporation, Morenci, MI.	5520
6657-P	Gases & Arc Supply Company, Pueblo, CO.	6657
6694-P	Compagnie des Containers Reservoirs, Paris, France.	6694
6763-P	Pool Water Products, Garden Grove, CA.	6763
7259-P	Hooker Chemical Company, Houston, TX.	7259
7891-P	Aldrich Chemical Company, Milwaukee, WI.	7891
7891-P	Sigma Chemical Company, St. Louis, MO.	7891
7915-P	US Department of Defense, Washington, DC.	7915
8116-P	Environmental Resources Associates, South Chicago Heights, IL.	8116
8116-P	Illinois Environmental Protection Agency, Springfield, IL.	8116
8354-P	VTG, Hamburg, Germany	8354
8465-P	Allied Flexible Products, Inc., Helena, AL.	8465
8489-P	CIBA-GEIGY Corporation, Ardsley, NY[1].	8489
8564-P	Burke Ramo Corporation, Westlake Village, CA.	8564
8613-P	Steere Tank Lines, Inc., Dallas, TX.	8613
8627-P	Petrolite Corporation, St. Louis, MO.	8627
8655-P	Digital Equipment Corporation, Northborough, MA[2].	8655
8655-P	Sperry Univac Defense Systems, St. Paul, MN.	8655
8678-P	Eurotainer, Paris, France	8678

[1] To be added as a party to the exemption and to authorize para-nitro toluence sulfonic acid classed as a corrosive solid as an additional commodity.

[2] To request party status and to add water as an additional mode of transportation.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 2, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-20689 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 18, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A–220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Super Drive-Ins, Inc., 314 Wilhagen Road, Nashville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 9, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 9th Avenue, South, Nashville, Tennessee.

[FR Doc. 81-20704 Filed 7-15-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 13, 1981, at 10 a.m., the Muskogee Station Committee on Educational Allowances shall at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled at Aircraft Service Company, 1500 South 135 East Avenue, Tulsa, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: July 8, 1981.

Ray E. Smith,

Director, VA Regional Office, 125 South Main Street, Muskogee, OK 74401.

[FR Doc. 81-20634 Filed 7-15-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 136
Thursday, July 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, July 21, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Budget Categories, Plans, Programs and Priorities
Enforcement Matter

* * * * *

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 a.m., Tuesday, July 21, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Contract Market Designation application by the Chicago Board of Trade in Certificates of Deposit.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6374.

[S–1084–81 Filed 7–14–81; 3:40 pm]

BILLING CODE: 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, July 13, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven day's notice to the public, of a memorandum and resolution re: Amendments to the Corporation's statement of policy entitled "Applications Under Section 19 of the Federal Deposit Insurance Act."

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1089–81 Filed 7–14–81; 11:14 am]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, July 13, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a request by an insured State nonmember bank for relief from adjustment for violations of Regulation Z (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1090–81 Filed 7–14–81; 11:13 am]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, July 21, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits. FOIA Appeal.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–1093–81 Filed 7–14–81; 3:27 pm]

BILLING CODE 6715–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., July 21, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C., 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10387: Rate agreement between the Pacific/Australia-New Zealand Conference and Karlander Kangaroo Line—Request for hearing.
2. Agreement No. 10412: Space chartering agreement between Societe Ivoirienne de Transport Maritime and Farrell Lines, Inc.
3. Agreement No. 10405: New York Ocean Freight Forwarder Discussion Group.
4. Proposed Rulemaking—Time Limit for Filing of Overcharge Claims.
5. Petition of Sea-Land for rulemaking to Promulgate Filing Requirements for Publication of Per-Container Rates in the U.S. Foreign Commerce.

Portion closed to the public:

1. Sea-Land Service, Inc., v. United States of America—Petition for certiorari re standing of Department of Justice to seek appellate review of Commission orders.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1001–81 Filed 7–14–81; 2:54 pm]

BILLING CODE 6730–01–M

6

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2:15 p.m., Monday, July 27, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Latchet Hook Kits (Docket No. 742).
   b. Video Display Systems II (Docket No. 743).
5. Investigations 731–TA–69/78 [Preliminary] (Sodium Gluconate from Belgium, Denmark, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxemburg, The Netherlands, and the United Kingdom)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 525–0161.

[S–1002–81 Filed 7–14–81; 3:15 pm]

BILLING CODE 7020–02–M

7

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., July 15, 1981.

PLACE: Conference Room 500, 2000 L Street, N.W. Washington, D.C. 20268.

STATUS: Closed briefing.

MATTERS TO BE CONSIDERED: The Commission has scheduled a staff briefing on the matter of the Governors', U.S. Postal Service, remand on June 29, 1981, of the Commission's Recommended Decision Upon Reconsideration in Docket R80–1 (Postal Rate and Fee Changes, 1980) dated June 4, 1981. The briefing may lead to a requirement for a meeting which could be closed to the public by majority vote pursuant to 5 U.S.C. § 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–1003–81 Filed 7–13–81; 4:16 pm]

BILLING CODE 7715–01–M

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federal register

Thursday
July 16, 1981

Part II

Department of Transportation

Coast Guard

Annexes I–V to Inland Navigation Rules

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 84

[CGD 81-008]

Annex I to Inland Navigation Rules—Positioning and Technical Details of Lights and Shapes

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing regulations setting out the positioning and technical details for the vessel navigation lights and shapes prescribed by the Inland Navigational Rules Act of 1980. This Act goes into effect on most United States inland waters on December 24, 1981, and this proposal would give the details needed by a vessel to comply with this law. The intended effect of the proposed regulation is the enhancement of a mariner's ability to detect and identify vessels at night.

DATE: Comments must be received on or before September 14, 1981.

ADRESSES: Comments should be submitted to Commandant (G-CMC/44) (CGD 81-008), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, between the hours of 7 a.m. and 5 p.m. Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81-008, give the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

The Inland Navigational Rules Act of 1980 (Pub. L. 96-591) became law on December 24, 1980, and goes into effect one year from that date. The effective date for the Great Lakes will be set after consultation with the Canadian Coast Guard. The Inland Rules in this new law unify and consolidate the several sets of navigation rules now used on United States inland waters. As required by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the new Inland Rules parallel as closely as possible the International Navigation Rules. This latter body of rules uses a format with the technical and special requirements contained in four annexes.

While the main body of the Inland Rules is statutory, the more flexible regulatory route was chosen for the technical annexes. Section 3 of the Inland Navigational Rules Act requires the Secretary of the Department in which the Coast Guard is operating to establish four annexes, including Annex I, Positioning and Technical Details of Lights and Shapes. Section 3 goes on to say "These annexes shall be as consistent as possible with the respective annexes to the International Regulations."

The proposed Annex I is based on Annex I to 72 COLREGS, but has been changed to reflect the special conditions found on United States inland waters. The proposal also incorporates minor amendments to Annex I to 72 COLREGS which are not is process but have not yet become effective.

Annex I would supplement the Inland Navigation Rules covering lights and shapes by specifying the vertical and horizontal positioning and spacing of lights, details of location of direction indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations, screens for sidelights, color and dimensions of shapes, color of lights, intensity of lights, horizontal and vertical sectors, and details of the optional maneuvering light.

The proposed Annex I would incorporate the pending 72 COLREGS amendment to the definition of "height above the hull" which clarifies that the height should be measured beneath the light in question. The proposal defines "practical cut-off", a term used but not defined in Annex I to the COLREGS, separately for lights used on vessels under 20 meters in length and for lights use on larger vessels. The definitions used for the two vessel classes reflect the characteristics of the lights suitable for the two size ranges.

Section 84.03 prescribes vertical positioning and spacing of lights. The minimum requirements for masthead light height and spacing have been reduced from that specified in 72 COLREGS to account for the low bridges over inland waterways. The reduced heights and spacings would not detract from the mariners ability to detect and assess another vessel at night because the distance at which other vessels are first encountered on inland waters is generally much less than on the open ocean. The heights were not in all cases reduced as much as the Rules of the Road Advisory Committee (RORAC) recommended. In those cases where RORAC recommendations were not adopted by the proposal, the recommended heights were not supported by any need (construction or operational constraints), and would make the lights more difficult to see. Adoption of the RORAC recommended heights in these cases would also depart from the legislative mandate to be as consistent as possible with Annex I to 72 COLREGS.

The section would also permit the sidelights to be carried higher than is allowed by 72 COLREGS. It is important for the sidelights of towing vessels pushing ahead to be seen over their barges because Western Rivers towboats are not required to carry masthead lights when towing. 72 COLREGS calls for the sidelights to be displayed no higher than three-quarters the height of the forward masthead light above the hull. The vertical separation between masthead light and sidelights would commonly be at least 3 meters under this requirement. The proposed minimum separation for the Inland Rules is 1 meter. The one-half meter separation advocated by RORAC was not adopted by this proposal because that distance would not always allow the sidelight and masthead light to be distinguished. If the two lights are close together in the line of sight, the much brighter masthead light would obscure the sidelight.

Section 84.03(d) prescribes the vertical positioning for masthead light or optional all-round light for vessels less than 12 meters in length. This paragraph also contains a requirement for screening of the masthead or all-round light if the light would otherwise interfere with the operator's night vision. A frequent complaint of operators of small open boats is that the bright white navigation light, especially the stern pole-mounted all-round light, illuminates the interior of the boat, and reflects off the inside of the windshield, substantially degrading night vision. To combat this problem, operators sometime extinguish the light or cover it or otherwise mask it to reduce the glare. A much safer solution is a screen installed to limit the vertical dispersion of the light so that is does not illuminate the boat's interior. RORAC did not favor this requirement (based on cost considerations), but such screens are not used on some boats and we believe the benefits far outweigh the minimal cost. The requirement only comes into play if glare is a problem. If masthead light and sternlight are used instead of the optional all-round light, there is normally no glare problem.

The proposal also incorporates a pending change to 72 COLREGS permitting a towing vessel having forward and after masthead lights to display the additional masthead lights for towing (Rule 24(a)) on either the forward or after mast. 72 COLREGS now requires them to be on the forward mast.

Section 84.03(f) of the proposal adopts a pending amendment to 72 COLREGS. The amendment would allow greater flexibility in the placement of masthead lights.

Section 84.03(h) has been reserved to continue the parallel construction with the 72 COLREGS format.

Several pending editorial amendments to Annex I to 72 COLREGS have also been incorporated in this section, as well as throughout the proposed Annex.

Section 84.05 prescribes the horizontal positioning and spacing of lights. As with the vertical positioning and spacing, the proposed Annex I to the Inland Rules has been made more flexible than 72 COLREGS to accommodate the special characteristics of inland waterways vessels and the shorter distances at which vessels are first encountered. A pending 72 COLREGS Annex I amendment has been incorporated which requires that the special lights for a vessel restricted in its ability to maneuver be placed at least 2 meters off centerline when those special lights are positioned between the forward and after masthead lights. This is so they do not interfere with the use of the two masthead lights as a range.

Section 84.07 gives the details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations. Inland Rules 26(c) and 27(b) contain the requirements for these special purpose lights. This section is identical to the corresponding 72 COLREGS Annex I section.

Section 84.09 gives the requirements for screens for sidelights. This section incorporates the 72 COLREGS pending amendment relaxing the requirement for screens for sidelights used on vessels less than 20 meters in length. The parallel 72 COLREGS section provides that external screens need not be fitted for combined sidelights using a lamp with a single vertical filament and a very narrow division between the green and red sectors. The lenses in such lights are typically glued together, and with a vertical filament (which is parallel to the line of division between the green and red lenses), the changeover in color as you move across the sector boundary appears instantaneous. RORAC was not in favor of this special provision for vertical filament combined sidelights because of their preference for automotive-type lamps, but the provision is being retained in this proposal because removing it would impose a cost with no benefit. Screens are not required for such lights designed to meet 72 COLREGS requirements and are not now commonly used. Installing a screen on a vertical filament combined sidelight would not improve its performance, but of course would increase its cost.

Section 84.11 gives the color and dimensions of day shapes, and is identical to the 72 COLREGS requirements.

Section 84.13 sets out the color specifications (chromaticity) for the white, green, red, and yellow lights prescribed by the Inland Rules. This section is identical to the 72 COLREGS requirements.

Section 84.15 follows the 72 COLREGS Annex I section for intensity of lights. Intensity requirements are given in candelas for corresponding ranges of visibility.

Section 84.17 gives the requirements for horizontal sectors of lights, that is, it prescribes the intensity of light emitted in a horizontal plane at every point within the sector where the light should be visible and the rate the intensity should drop off at the ends of the sectors (cut-off). The section is essentially the same as 72 COLREGS with the addition of a non-obscuration requirement for the optional Great Lakes all-round light (Rule 23(d)).

Section 84.19 prescribes vertical sectors for lights, or how far above and below the horizontal a light should be visible. This section is essentially the same as 72 COLREGS.

Section 84.21 is the same as the corresponding 72 COLREGS provision and recognizes that non-electric navigation lights will probably not be able to meet the standards for electric lights, but nevertheless permits their use.

Section 84.23 gives the location for the optional maneuvering light (Rule 34(b)). The minimum vertical spacing requirement is less than that in 72 COLREGS because of inland waterways bridge clearances and the close distances at which other vessels are first encountered.

Section 84.25 refers the reader to other regulations setting out enforcement procedures.

Annex I would provide the technical and performance specifications needed to comply with the configuration and range requirements set out in the statutory Inland Navigation Rules. This Annex would be applied only to vessels operating solely on United States inland waters. Vessels using International Rules waters must comply with Annex I to 72 COLREGS, and need not be concerned with the requirements of the proposed Annex I, even while they operate on inland waters. Rule 1(b)(ii) of the new Inland Rules states that "All vessels complying with the construction and equipment requirements of the International Regulations are considered to be in compliance with these Rules." The proposed Annex I would impact only on vessels operating exclusively on inland waters.

Incorporation by Reference

The material listed in the Appendix at the end of these regulations would be incorporated by reference. If subsequent changes to the material incorporated are considered, the changes will be published in the **Federal Register** for comment before final action by the Coast Guard.

The material incorporated by reference will be maintained on file at the Library of the Office of the Federal Register, Room 8301, 1100 L Street, N.W., Washington, DC 20408, and is available for inspection and copying at Coast Guard Headquarters, Room 4407, 2100 2nd Street, S.W., Washington, DC 20593. A copy of the material may be purchased at the address listed in the Appendix.

Approval by the Director of the Federal Register for the incorporation by

reference of material listed in the Appendix has been requested.

Regulatory Analysis

These proposed regulations are considered nonsignificant under guidelines set out in the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). A draft regulatory evaluation may be obtained form the office listed under "Addresses".

The proposed regulations are considered to be non-major under Executive Order 12291, and therefore a Regulatory Impact Analysis has not been prepared. Because these regulations were required by statute to be as consistent as possible with Annex I to 72 COLREGS, alternatives were restricted. Within this framework of uniformity, requirements have been tailored considering existing practice to minimize costs to the maritime industry while maintaining navigation and public safety, a balance that involves the least net cost to society.

The Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601) requires an analysis of the impact of proposed regulations on small businesses and other small entities. These proposed regulations would primarily affect companies which manufacture navigation lights and shapes, with some effects on vessels which operate on the inland waters of the United States. The proposal would not overlap, duplicate, or conflict with any existing Federal regulation.

The Inland Navigational Rules Act of 1980 (Pub. L. 96-591) prescribes the configuration and visibility of lights and shapes used on vessels operating exclusively on United States inland waters. These requirements cannot become fully effective until these proposed regulations specifying positioning and technical details are published as a final rule.

There are about ten to fifteen United States manufacturers of navigation lights. Most of the manufacturers make one or a few models of navigation lights for small vessels out of a much larger line of equipment for boats. A few of the manufacturers dominate the industry. These proposed regulations would not apply directly to manufacturers of navigation lights but rather would specify the technical characteristics of the lights prescribed for vessels by statute. The manufacturer is free to design and produce lights in whatever manner he or she finds most efficient. The vessel operator is ultimately responsible for carrying proper navigation lights and decides which model lights will be successful either by purchasing them directly or indirectly through the vessel manufacturer. The divergent preferences of vessel operators for navigation light qualities unrelated to those specified in these proposed regulations should ensure a place for a variety of navigation light manufacturers.

Certainly most manufacturers of navigation lights would feel obligated to provide vessel operators with lights meeting legal requirements. United States navigation light manufacturers have already adapted to some extent to the proposed regulations. The Inland Navigational Rules Act of 1980 requires the Secretary of Transportation to establish these technical annexes and also requires them to be as consistent as possible with Annex I to the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), which became effective in 1977. During the process of implementing this annex, the known navigation light manufacturers were consulted directly or through industry trade associations. Their input was incorporated into implementation procedures in order to minimize the burden on the manufacturers.

Navigation lights conforming to Annex I to 72 COLREGS would also conform to the proposed Annex I to the Inland Navigation Rules. Navigation lights conforming to the more general and less comprehensive existing inland waters performance requirements may or may not comply with the proposed Annex I. Modifications to bring them into conformance would involve details rather than radical changes.

These proposed regulations would not impose any direct requirements on manufacturers of vessels, but they would probably attempt to provide their customers with vessels complying with the legal requirements for navigation lights. To do this, they must select navigation lights which meet the technical performance requirements of Annex I to the Inland Navigation Rules and they must position the lights properly, which is something they should be doing already. The difference would be in some of the positioning dimensions. The impact of this would be minimal, especially since this proposed Annex I has been developed to accommodate many existing inland navigation light positioning practices.

This proposed Annex I would impose responsibility for proper navigation lights on the small businesses operating vessels such as fishermen and charter boat operators. The impact of this proposed rule is best analyzed for two classes of vessel—those existing when the rule goes into effect and those which are built after the effective date of the rule. Rule 36 of the Inland Navigation Rules gives exemptions for existing vessels from various provision of Annex I. These exemptions are for four years, nine years, or permanent, depending on the size of vessel and the particular provision. Permanent exemptions are given to small (less than 20 meters in length) existing vessels from most or all of the Annex I technical requirements if those vessels are in compliance with existing rules. Larger vessels have permanent or nine year exemptions from requirements which could be potentially costly if vessel alterations were required on short notice.

New vessels would have to comply with all of the provisions of Annex I. As required by the Inland Navigational Rules Act of 1980, the proposed Annex I is as consistent as possible with Annex I to 72 COLREGS, but some important differences have been incorporated. These differences resulted primarily from the special conditions on United States inland waterways, and reflect existing navigation light positioning practices. For this reason, and as already discussed, vessel manufacturers would not be significantly affected by these proposed rules. Navigation lights conforming to the proposed Annex I are now readily available at competitive prices. Any price difference in the navigation lights themselves would be insignificant compared to the price of a new vessel. This proposal would have virtually no impact on a small entity's ability to acquire or operate a new vessel.

For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulation would not have a significant impact on a substantial number of small entities.

This proposal would not affect the old Part 84 (Towing of barges) of Title 33, Code of Federal Regulations, which was recently renumbered to be Part 163 (see 46 FR 28153, 26 May 1981). Parts 80 through 99 of Title 33 are being reorganized in response to the Inland Navigational Rules Act of 1980, which repeals the authority for many of the regulations in these Parts, and which calls for the publication of new regulations.

For the reasons established in the preamble, the Coast Guard proposes to add a new Part 84 of Title 33, Code of Federal Regulations, to read as follows:

PART 84—ANNEX I: POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

Sec.

84.01 Definitions.
84.03 Vertical positioning and spacing of lights.
84.05 Horizontal positioning and spacing of lights.
84.07 Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.
84.09 Screens for sidelights.
84.11 Shapes.
84.13 Color specification of lights.
84.15 Intensity of lights.
84.17 Horizontal sectors.
84.19 Vertical sectors.
84.21 Intensity of non-electric lights.
84.23 Maneuvering light.
84.25 Approval [Reserved].

Authority: Sec. 3, Pub. L. 96-591; 49 CFR 1.46(n)(14).

§ 84.01 Definitions.

(a) The term "height above the hull" means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

(b) The term "practical cut-off" means—

(1) For vessels less than 20 meters in length, 67 percent of the minimum required intensity. In addition, for practical cut-off to be reached, the intensity must decrease to 10 percent of minimum required intensity by 20 degrees outside of the horizontal sector prescribed in Rule 21, and

(2) For vessels 20 meters or more in length, 10 percent of the minimum required intensity.

(c) The term "Rule" or "Rules" means the Inland Navigation Rules contained in Sec. 2 of the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 94 Stat. 3415, December 24, 1980) as amended.

§ 84.03 Vertical positioning and spacing of lights.

(a) On a power-driven vessel of 20 meters or more in length the masthead lights shall be placed as follows:

(1) the forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 5 meters, and, if the breadth of the vessel exceeds 5 meters, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 6 meters;

(2) when two masthead lights are carried the after one shall be at least 2 meters vertically higher than the forward one.

(b) The vertical separation of the masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 meters from the stem when viewed from water level.

(c) The masthead light of a power-driven vessel of 12 meters but less than 20 meters in length shall be placed at a height above the gunwale of not less than 2.5 meters.

(d) The masthead light, or the all-round light described in Rule 23(c), of a power-driven vessel of less than 12 meters in length shall be carried at least one meter higher than the sidelights, and shall be suitably screened if necessary to prevent interference with the helmsman's vision.

(e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light, provided if carried on the aftermast the lowest after masthead light shall be at least 2 meters vertically higher than the forward masthead light.

(f)(i) The masthead light or lights prescribed in Rule 23(a) shall be so placed as to be above and clear of all other lights and obstructions except as described in subparagraph (ii).

(ii) When it is impracticable to carry the all-round lights prescribed in Rule 27(b)(i) below the masthead lights, they may be carried above the after masthead light(s) or vertically in between the forward masthead light(s), provided that in the latter case the requirement of § 84.05(c) shall be complied with.

(g) The sidelights of a power-driven vessel shall be placed at least one meter lower than the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h) [Reserved]

(i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

(1) on a vessel of 20 meters in length or more such lights shall be spaced not less than 1 meter apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 meters above the hull;

(2) on a vessel of less than 20 meters in length such lights shall be spaced not less than 1 meter apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 meters above the hull;

(3) when three lights are carried they shall be equally spaced.

(j) The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be a height above the sidelights not less than twice the distance between the two vertical lights.

(k) The forward anchor light prescribed in Rule 30(a)(i), when two are carried, shall not be less than 4.5 meters above the after one. On a vessel of 50 meters or more in length this forward anchor light shall be placed at a height of not less than 6 meters above the hull.

§ 84.05 Horizontal positioning and spacing of lights.

(a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one quarter of the length of the vessel but need not be more than 50 meters. The forward light shall be placed not more than one half of the length of the vessel from the stem.

(b) On a power-driven vessel of 20 meters or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

(c) When the lights prescribed in rule 27(b)(i) are placed vertically between the forward masthead light(s) and the after masthead light(s) these all-round lights shall be placed at a horizontal distance of not less than 2 meters from the fore and aft centerline of the vessel in the athwartship direction.

§ 84.07 Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations.

(a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26(c)(ii) shall be placed at a horizontal distance of not less than 2 meters and not more than 6 meters away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26(c)(i) and not lower than the sidelights.

(b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27(d)(i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 meters, from the lights or shapes prescribed in Rule 27(b)(i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27 (b)(i) and (ii).

§ 84.09 Screens for sidelights.

The sidelights of vessels of 20 meters or more in length shall be fitted with mat black inboard screens and meet the

requirements of §84.17. On vessels of less than 20 meters in length, the sidelights, if necessary to meet the requirements of § 84.17, shall be fitted with mat black inboard screens. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

§ 84.11 Shapes.

(a) Shapes shall be black and of the following sizes:

(1) A ball shall have a diameter of not less than 0.6 meter;

(2) A cone shall have a base diameter of not less than 0.6 meter and equal to its dimater;

(3) A cylinder shall have a diameter of at least 0.6 meter and a height of twice its diameter;

(4) A diamond shape shall consist of two cones (as defined in paragraph (a)(2) of this section) having a common base.

(b) The vertical distance between shapes shall be at least 1.5 meter.

(c) In a vessel of less than 20 meters in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

§ 84.13 Color specification of lights.

(a) The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each color by the International Commission on Illumination (CIE).

(b) The boundaries of the area for each color are given by indicating the corner co-ordinates, which are as follows:

(1) White:						
x	0.525	0.525	0.452	0.310	0.310	0.443
y	0.382	0.440	0.440	0.348	0.283	0.382
(2) Green:						
x	0.028	0.009	0.300	0.203	.....	.....
y	0.385	0.723	0.511	0.356	.....	.....
(3) Red:						
x	0.680	0.660	0.735	0.721	.....	.....
y	0.320	0.320	0.265	0.259	.....	.....
(4) Yellow:						
x	0.612	0.618	0.575	0.575	.....	.....
y	0.382	0.382	0.425	0.406	.....	.....

§ 84.15 Intensity of lights.

(a) The minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

where

I is luminous intensity in candelas under service conditions,

T is threshold factor 2×10^{-7} lux,

D is range of visibility (luminous range) in the light in nautical miles,

K is atmospheric transmissivity. For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

(b) A selection of figures derived from the formula is given in Table 84.15(b).

Table 84.15(b)

Range of visibility (luminous range) of light in nautical miles (D)	Light in candelas (I)[1]
1	0.9
2	4.3
3	12
4	27
5	52
6	94

[1] Luminous intensity of light in candelas for K=0.8.

§ 84.17 Horizontal sectors.

(a)(1) In the forward direction, sidelights as fitted on the vessel shall show the minimum required intensities. The intensities shall decrease to reach practical cut-off between 1 and 3 degrees outside the prescribed sectors.

(2) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 percent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.

(b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights prescribed in Rule 30, which need not be placed at an impracticable height above the hull, and the all-round white light described in Rule 23(d), which may not be obscured at all.

§ 84.19 Vertical sectors.

(a) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels shall ensure that:

(1) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(2) at least 60 percent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b) In the case of sailing vessels the vertical sectors of electric lights as fitted shall ensure that:

(1) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;

(2) at least 50 percent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c) In the case of lights other than electric lights these specifications shall be met as closely as possible.

§ 84.21 Intensity of non-electric lights.

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in § 84.15.

§ 84.23 Maneuvering light.

Notwithstanding the provisions of § 84.03(f), the maneuvering light described in Rule 34(b) shall be placed approximately in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minmum height of 1 meter vertically above the forward masthead light, provided that it shall be carried not less than 1 meter vertically above or below the after masthead light. On a vessel where only one masthead light is carried the maneuvering light, if fitted, shall be carried where it can best be seen, not less than 1 meter vertically apart from the masthead light.

§ 84.25 Approval. [Reserved]

(Sec. 3, Pub. L. 96–591; 49 CFR 1.40(n)(14))

Dated: June 11, 1981.

K. G. Wiman,

Rear Admiral, Coast Guard, Acting Chief, Office of Marine Environment and Systems.

Appendix to Part 84—Annex I—Material Approved for Incorporation by Reference

Editorial Note.—The following appendix will appear in the Finding Aids section of Title 33, Parts 1 to 199, Code of Federal Regulations.

Material approved for incorporation by Reference

[33 CFR Chapter I—Coast Guard, Department of Transportation]

	33 CFR
International Commission on Illumination (CIE). 4, Av. du Recteur—Poincare 75 782 PARIS CEDEX 16, FRANCE. Colors of Light Signals, Publication CIE no. 2.2 (TC–1.6) 1975	84.13

[FR Doc. 81–20866 Filed 7–15–81; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 85

[CGD 81–006]

Annex II to Inland Navigation Rules—Additional Signals for Fishing Vessels Fishing in Close Proximity

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing regulations providing trawlers and purse seiners with standardized signals to indicate specific fishing operations. The use of these signals would not be mandatory, but permissive. The proposed Annex II to the Inland Rules is identical to Annex II to the International Navigation Rules.

DATES: Comments must be received on or before October 14, 1981.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/44) (CGD 81–006), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, between the hours of 7 a.m. and 5 p.m. Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81–006, give the specific section of the proposal to which the comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

The Inland Navigational Rules Act of 1980 (Pub. L. 96–591) became law on December 24, 1980, and goes into effect one year from that date, except for the Great Lakes. The effective date for the Great Lakes will be set after consultation with the Canadian Coast Guard. The Inland Rules in this new law unify and consolidate the several sets of navigation rules now used on United States inland waters. As required by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the new Inland Rules parallel as closely as possible the International Navigation Rules. This latter body of rules uses a format with the technical and special requirements contained in four annexes.

While the main body of the Inland Rules is statutory, the more flexible regulatory route was chosen for the technical annexes. Section 3 of the Inland Navigational Rules Act requires the Secretary of the Department in which the Coast Guard is operating to establish four annexes, including Annex II, Additional Signals for Fishing Vessels Fishing in Close Proximity. Section 3 states "These annexes shall be as consistent as possible with the respective annexes to the International Regulations."

Annex II would provide trawlers and purse seiners with standardized light signals to indicate when they are setting their nets, hauling their nets, when a net has come fast on an obstruction, when pair trawling, and when hampered by purse seine gear. The use of these signals would be voluntary. The proposed Annex II to the Inland Rules would be identical to Annex II to the International Rules. These signals would aid vessels fishing in groups to coordinate their movements.

Regulatory Evaluation

These proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). A draft regulatory evaluation of the proposal has not been prepared since its impact is expected to be minimal because use of the specified light signals would be voluntary. This proposed regulation would have minimal energy, environmental, and economic impacts.

The proposed regulations are considered to be non-major under the criteria of Executive Order 12291, and therefore a Regulatory Impact Analysis has not been prepared. Because these regulations were required by statute to be as consistent as possible with Annex II to 72 COLREGS, alternatives were restricted. By adopting without change the international Annex for application to our inland waters, the full benefit of uniformity is retained. No existing special lights would be made obsolete by these regulations, nor would this proposal require new lights to be installed. For these reasons, benefits are maximized at the least net cost to society.

The Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96–354, September 19, 1980) requires an analysis of the impact of proposed regulations on small businesses, organizations, and small governmental jurisdictions. The proposed regulation would merely make available to commercial fishermen standardized light signals by which they could indicate their activity to nearby fishing vessels. The use of these light signals is entirely voluntary. The proposed regulations would not overlap, duplicate, or conflict with any other rules. For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulation would not have a significant impact on a substantial number of small entities.

For the above reasons, the Coast Guard proposes to add a new Part 85 of Title 33, Code of Federal Regulations, to read as follows:

PART 85—ANNEX II, ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

Sec.

85.1 General.

85.3 Signals for trawlers.

85.5 Signals for purse seiners.

Authority: Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14).

§ 85.1 General.

The lights mentioned herein shall, if exhibited in pursuance of Rule 26(d), be placed where they can best be seen. They shall be at least 0.9 meter apart but a lower level than lights prescribed in Rule 26(b)(i) and (c)(i). The lights shall be visible all around the horizon at a distance of at least 1 mile but at a lesser distance from the lights prescribed by these Rules for fishing vessels.

§ 85.3 Signals for trawlers.

(a) Vessels when engaged in trawling, whether using demersal or pelagic gear, may exhibit:

(1) when shooting their nets: two white lights in a vertical line;

(2) when hauling their nets: one white light over one red light in a vertical line;

(3) when the net has come fast upon an obstruction: two red lights in a vertical line.

(b) Each vessel engaged in pair trawling may exhibit:

(1) by night, a search light directed forward and in the direction of the other vessel of the pair;

(2) when shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in paragraph (a) above.

§ 85.5 Signals for purse seiners.

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occulation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

(Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14))

Dated: May 27, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81–20967 Filed 7–15–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 86

[CGD 81–009]

Annex III to Inland Navigation Rules—Technical Details of Sound Signal Appliances

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing regulations setting out the technical details for the vessel sound signal appliances prescribed by the Inland Navigational Rules Act of 1980. This Act goes into effect on most United States inland waters on December 24, 1981, and this proposal would give the details needed by a vessel to comply with this law. The intended effect of the proposed regulation is to ensure that mariners on United States inland waters will be able to hear the sound signals of other vessels at appropriate distances and will be able to judge the approximate size of the other vessel by the tones of its whistle.

DATE: Comments must be received on or before September 14, 1981.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/44) (CGD 81–009), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, between the hours of 7 a.m. and 5 p.m. Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81–009, give the specific section of the proposal to which the comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

The Inland Navigational Rules Act of 1980 (Public Law 96–591) became law on December 24, 1980, and goes into effect one year from that date, except for the Great Lakes. The effective date for the Great Lakes will be set after consultation with the Canadian Coast Guard. The Inland Rules in this new law unify and consolidate the several sets of navigation rules now used on United States inland waters. As required by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the new Inland Rules parallel as closely as possible the International Navigation Rules. This latter body of rules uses a format with the technical and special requirements contained in four annexes.

While the main body of the Inland Rules is statutory, the more flexible regulatory route was chosen for the technical annexes. Section 3 of the Inland Navigational Rules Act requires the Secretary of the Department in which the Coast Guard is operating to establish four annexes, including Annex III, Technical Details of Sound Signal Appliances. Section 3 goes on to say "These annexes shall be as consistent as possible with the respective annexes to the International Regulations."

The proposed Annex III is based on Annex III to 72 COLREGS, but has been changed in response to problems with the 72 COLREGS Annex III, and to reflect the special situation of the inland waters towboats. The problems in Annex III to 72 COLREGS are being discussed by the Inter-Governmental Maritime Consultative Organization (IMCO) and changes are expected to result, but would not become effective for at least several years. Many of the changes from Annex III to 72 COLREGS proposed for the Inland Rules were generated by the IMCO discussions. The Coast Guard intends to propose to IMCO that certain provisions of the international Annex III be made consistent with the proposed Annex III for United States inland waters.

Section 86.01 gives the fundamental frequency limits for sound signals, and the frequency range in which sound signal intensity may be measured to determine range of audibility. The upper limit for fundamental frequency would be lowered from that specified in 72 COLREGS and the frequencies that could be measured to determine audibility would be expanded. These changes are being proposed to reduce hearing impairment on the source vessel, and to more accurately reflect audibility ranges. The changes would impact (for the better) primarily on vessels less than 75 meters in length which have higher frequency sound signals and lower required audibility ranges. The 72 COLREGS Annex III does not now adequately recognize the importance of the higher frequency component for these smaller vessels. Even though the higher frequencies do not carry as far as the low, the human ear is more sensitive to them, and for shorter distances, the higher frequencies are relatively more easily heard. The changes would allow a reduction in overall sound intensity while requiring the same audibility range, with the result being less hearing impairment on the source vessel. This is especially important on small vessels where it is difficult to separate the sound signal appliance (whistle) from the listening post by a substantial distance.

Section 86.03 assigns fundamental frequency ranges to different size vessels, with the longer vessels having lower tone whistles. The upper frequency limit for vessels between 12 and 20 meters long would be reduced from that in Annex III to 72 COLREGS, which may preclude the use of the smallest and highest pitched hand-held gas-operated whistles by vessels over 12 meters in length. Whistles used on vessels less than 12 meters in length are not covered by this proposed Annex III or by Annex III to 72 COLREGS. Rule 33 requires only that such small vessels ". . . be provided with some other means of making an efficient sound signal", which of course includes, but is not limited to, those whistles which are acceptable for larger vessels.

Section 86.05 gives the sound pressure levels in dB for each class of vessel. The measurement of sound pressure level would be changed (as discussed above) to account for the variation of propagation and hearing sensitivity characteristics with frequency. For each class of vessel, alternative minimum sound pressure levels have been given depending upon the frequencies being measured.

Section 86.07 covers directional properties of whistles and has been changed from 72 COLREGS so as not to penalize a whistle for having a louder than minimum required intensity in the forward direction.

Section 86.09 concerns positioning of whistles and § 86.11 provides that widely separately whistles shall not be sounded simultaneously. Both of these sections are the same as the corresponding 72 COLREGS Annex III provisions.

Section 86.13 prescribes the rule for combined whistle systems. The corresponding 72 COLREGS provision has been rewritten to make clear that the multiple horn whistles used on many Western Rivers towboats are acceptable and are treated as a single whistle.

Section 86.15 is not found in Annex III to 72 COLREGS. This section permits towing vessels to use a whistle appropriate for the length of their longest tows, even when they are not towing or are pushing shorter tows.

Subpart B of the proposed Annex III contains the rules for bells and gongs and is the same as the corresponding 72 COLREGS provisions.

Annex III would provide the technical and performance specifications needed to comply with the sound signal requirements set out in the statutory Inland Navigation Rules. This Annex would be applied only to vessels operating solely on United States inland waters. Vessels using International Rules waters must comply with Annex III to 72 COLREGS, and need not be concerned with the requirements of the proposed Annex III, even while they operate on inland waters. Rule 1(b)(ii) of the new Inland Rules states that "All vessels complying with the construction and equipment requirements of the International Regulations are considered to be in compliance with these Rules."

Regulatory Analysis

These proposed regulations are considered to be nonsignificant under guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). A draft regulatory evaluation prepared under this order may be obtained from the office listed under "Addresses".

The proposed regulations are considered to be non-major under the criteria of Executive Order 12291, and therefore a Regulatory Impact Analysis has not been prepared. Because these regulations were required by statute to be as consistent as possible with Annex III to 72 COLREGS, alternatives were restricted. Within this framework of uniformity, requirements have been tailored considering existing practice to minimize costs to the maritime industry while maintaining navigation and public safety, a balance that involves the least net cost to society.

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601) requires an analysis of the impact of proposed regulations on small businesses and other small entities. The proposed regulation would primarily affect manufacturers of sound signals and vessels. Owners and operators of vessels would be legally responsible but in practice they would normally rely on the vessel and sound signal appliance manufacturers to comply with the construction requirements. These proposed regulations would not apply to the many manufacturers of vessels less than 12 meters in length and the many manufacturers of sound signal appliances intended for use on such vessels. The proposal would not overlap, duplicate, or conflict with any other existing Federal regulations.

There are only one or two known United States manufacturers of whistles used on large vessels and several others making whistles, portable and fixed, for use on smaller vessels. The proposed requirements for bells and gongs would have minimal or no impact on the manufacturers of those appliances. The proposed regulation was developed with the input of the larger vessel sound signal appliance industry and we do not foresee any adverse impacts on that industry. Some manufacturers of whistles used on small vessels may choose to produce sound signal appliances exclusively for vessels less than 12 meters in length rather than become involved with the technical requirements contained in this proposed rule. However, because the great bulk of recreational boats are less than 12 meters in length, the economic impact of this should not be significant.

Some manufacturers of vessels are small businesses but the economic impact of these regulations on vessel manufacturers would be minimal or nonexistent. Their normal obligation would be limited to installing appropriate sound signal appliances in the proper locations. This they already do.

For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulation would not have a significant impact on a substantial number of small entities.

This proposal would not affect the old Part 86 (Interpretive rulings—inland rules) of Title 33, Code of Federal Regulations, which was recently renumbered to be Part 94 (see 46 FR 28153, May 26, 1981). Parts 80 through 99 of Title 33 have been reorganized in response to the Inland Navigational Rules Act of 1980, which repeals the authority for many of the regulations in these Parts, and which calls for the publication of new regulations.

For the reasons established in the preamble, the Coast Guard proposes to add a new Part 86 of Title 33, Code of Federal Regulations, to read as follows:

PART 86—ANNEX III: TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

Subpart A—Whistles

Sec.

86.01 Frequencies and range of audibility.
86.03 Limits of fundamental frequencies.
86.05 Sound signal intensity and range of audibility.
86.07 Directional properties.
86.09 Positioning of whistles.
86.11 Fitting of more than one whistle.
86.13 Combined whistle systems.
86.15 Whistle characteristics for towing vessels.

Subpart B—Bell or Gong

86.21 Intensity of signal.
86.23 Construction.
86.25 Approval. [Reserved]

Authority: Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14).

Subpart A—Whistles

§ 86.01 Frequencies and range of audibility.

The fundamental frequency of the signal shall lie within the range 70–525 Hz. The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 140–1200 Hz (±1 percent) and

which provide the sound pressure levels specified in § 86.05.

§ 86.03 Limits of fundamental frequencies.

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

(1) 70–200 Hz, for a vessel 200 meters or more in length;

(2) 130–350 Hz, for a vessel 75 meters but less than 200 meters in length;

(3) 250–525 Hz, for a vessel less than 75 meters in length.

§ 86.05 Sound signal intensity and range of audibility.

A Whistle on a vessel shall provide, in the direction of maximum intensity of the whistle and at a distance of 1 meter from it, a sound pressure level in at least one ⅓-octave band within the range of frequencies 140–1200 Hz (±1 percent) of not less than the appropriate figure given in Table 86.05.

Table 86.05

Length of vessel in meters	⅓-octave band level at 1 meter in dB referred to 2×10^{-5} N/m^2	For frequencies Hz	Audibility range in nautical miles
200 or more	145	140–200	2
	143	200–1200	
75 but less than 200	140	140–200	1.5
	138	200–1200	
20 but less than 75	130	250–700	1.0
	125	700–1200	
12 but less than 20	120	250–700	.5
	115	700–1200	

Note.—The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90 percent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centered on 250 Hz and 63 dB in the octave band centered on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

§ 86.07 Directional properties.

The sound pressure level of a directional whistle shall be not more than 4 dB below the sound pressure level specified in § 86.05 in any direction in the horizontal plane within ±45 degrees of the forward axis. The sound pressure level of the whistle in any other direction in the horizontal plane shall not be more than 10 dB less than the sound pressure level specified for the forward axis, so that the range of audibility in any direction will be at least half the range required on the forward axis. The sound pressure level shall be measured in that one-third octave band which determines the audibility range.

§ 86.09 Positioning of whistles.

(a) When a directional whistle is to be used as the only whistle on the vessel, it shall be installed with the maximum intensity directed straight ahead.

(b) A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstrutions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB(A) and so far as practicable should not exceed 100 dB(A).

§ 86.11 Fitting of more than one whistle.

If whistles are fitted at a distance apart of more than 100 meters, they shall not be sounded simultaneously.

§ 86.13 Combined whistle systems.

(a) A combined whistle system is a number of whistles (sound emitting sources) operated together. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle.

(b) The whistles of a combined system shall—

(1) Be located at a distance apart of not more than 100 meters,

(2) Be sounded simultaneously,

(3) Each have a fundamental frequency different from those of the others by at least 10 Hz, and

(4) Have a tonal characteristic appropriate for the length of vessel which shall be evidenced by at least two-thirds of the whistles in the combined system having fundamental frequencies falling within the limits prescribed in § 86.03, or if there are only two whistles in the combined system, by the higher fundamental frequency falling within the limits prescribed in § 86.03.

Note.—If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in § 86.11 is likely to have a zone of greatly reduced signal level, a combined whistle system should be fitted so as to overcome this reduction.

§ 86.15 Towing vessel whistles.

A power-driven vessel normally engaged in pushing ahead or towing alongside may, at all times, use a whistle whose characteristic falls within the limits prescribed by § 86.03 for the longest customary composite length of the vessel and its tow.

Subpart B—Bell or Gong

§ 86.21 Intensity of signal.

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at 1 meter.

§ 86.23 Construction.

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of more than 20 meters in length, and shall be not less than 200 mm for vessels of 12 to 20 meters in length. The mass of the striker shall be not less than 3 percent of the mass of the bell. The striker shall be capable of manual operation.

Note.—When practicable, a power-driven bell striker is recommended to ensure constant force.

§ 86.25 Approval. [Reserved]

(Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14))

Dated: June 11, 1981.

K. G. Wiman,

Rear Admiral, U.S. Coast Guard Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-20868 Filed 7-15-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 87

[CGD 81-007]

Annex IV to Inland Navigation Rules—Distress Signals

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing regulations designating signals to be used exclusively for indicating distress and need of assistance. These signals would be used by vessels navigating on United States inland waters, but are almost identical to those designated for use on international waters.

DATE: Comments must be received on or before October 14, 1981.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44) (CGD 81-007), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, between the hours of 7 a.m. and 5 p.m. Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81–007, give the specific section of the proposal to which the comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

The Inland Navigational Rules Act of 1980 (Pub. L. 96–591) became law on December 24, 1980, and goes into effect one year from that date, except for the Great Lakes. The effective date for the Great Lakes will be set after consultation with the Canadian Coast Guard. The Inland Rules in this new law unify and consolidate the several sets of navigation rules now used on United States inland waters. As required by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the new Inland Rules parallel as closely as possible the International Navigation Rules. This latter body of rules uses a format with the technical and special requirements contained in four annexes.

While the main body of the Inland Rules is statutory, the more flexible regulatory route was chosen for the technical annexes. Section 3 of the Inland Navigational Rules Act requires the Secretary of the Department in which the Coast Guard is operating to establish four annexes, including Annex IV, Distress Signals. Section 3 states "These annexes shall be as consistent as possible with the respective annexes to the International Regulations."

Annex IV would provide mariners on inland waters with a variety of standardized signals to be used exclusively for indicating distress and need of assistance. The mariner would be free to choose from the number of different signals listed. The proposed Annex IV to the Inland Rules contains all of the signals listed in Annex IV to the International Rules, and in addition lists what is commonly called the strobe light.

This addition is proposed in response to the widespread use of strobe lights to indicate distress and need of assistance, both on inland and international waters. Strobe lights are also now used for other purposes, such as to attract attention. The proposed rule specifies the characteristic of the strobe signal to indicate distress; other uses of strobe lights would have to adopt different signal characteristics. The proposed characteristic to indicate distress is 50–70 flashes per minute. This characteristic was chosen because the small "personal" strobe lights used most frequently in man-overboard situations have this simply produced characteristic. Other available characteristics include higher and slower flash rates, a number of flashes followed by an off period, etc.

Regulatory Evaluation

These proposed regulations are considered to be nonsignificant under the guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of May 22, 1980), and to be non-major under the critieria of Executive Order 12291. Since the impact of this proposal is minimal and involves the least net cost to society, a DOT regulatory evaluation and a Regulatory Impact Analysis have not been prepared. Because the enabling legislation requires these regulations to conform as consistently as possible with the distress signals established by the 72 COLREGS, the Coast Guard was limited in the type of signals it could consider. Since more than twelve alternative signals are listed, users will not be required to purchase special equipment. The same breadth of acceptable signals minimizes any energy, environmental, or economic impacts which may arise from the regulations, while the establishment of a full set of standard signals will enhance the probability of prompt acceptance by users.

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601) requires an analysis of the impact of proposed regulations on small businesses and other small entities. The proposed regulation would merely make available to the mariner a number of standardized and exclusive signals to indicate distress and need of assistance, and would not impose any costs or burdens on the public. The proposed regulations would not overlap, duplicate, or conflict with any other rules. For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulation would not have a significant impact on a substantial number of small entities.

This proposal would not affect the existing Part 87 of Title 33, Code of Federal Regulations, which is in the process of being renumbered to be Part 81. Parts 80 through 99 of Title 33 are being reorganized as a result of the Inland Navigational Rules Act of 1980, which repeals the authority for many of the regulations in these Parts, and which calls for the publication of new regulations. The renumbering is being accomplished in other rulemaking and will be completed before this proposal is issued in final form.

For the above reasons, the Coast Guard proposes to add a new Part 87 of Title 33, Code of Federal Regulations, to read as follows:

PART 87—ANNEX IV, DISTRESS SIGNALS

Sec.

87.1 Need of assistance.

87.3 Exclusive use.

87.5 Supplemental signals.

Authority: Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14).

§ 87.1 Need of assistance.

The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

(a) A gun or other explosive signal fired at intervals of about a minute;

(b) A continuous sounding with any fog-signalling apparatus;

(c) Rockets or shells, throwing red stars fired one at a time at short intervals;

(d) A signal made by radiotelegraphy or by any other signaling method consisting of the group ... — — — ... (SOS) in the Morse Code;

(e) A signal sent by radiotelephony cosisting of the spoken word "Mayday";

(f) The International Code Signal of distress indicated by N.C.;

(g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.);

(i) A rocket parachute flare or a hand flare showing a red light;

(j) A smoke signal giving off orange-colored smoke;

(k) A slowly and repeatedly raising and lowering arms outstretched to each side;

(l) The radiotelegraph alarm signal;

(m) The radiotelephone alarm signal;

(n) Signals transmitted by emergency position-indicating radio beacons;

(o) A high intensity white light flashing at regular intervals from 50 to 70 times per minute.

§ 87.3 Exclusive use.

The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

§ 87.5 Supplemental signals.

Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

(a) A piece of orange-colored canvas with either a black square and circle or other appropriate symbol (for identification from the air);

(b) A dye marker.

(Sec. 3, Public Law 96–591; 49 CFR 1.46(n)(14)).

Dated: May 27, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environmental and Systems.

[FR Doc. 81–20089 Filed 7–15–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 88

[CGD 80–158]

Annex V to Inland Navigation Rules—Pilot Rules

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing regulations to supplement the new statutory Inland Navigation Rules. These supplemental rules primarily concern navigation lights for special applications. The rules are not new, but have been rewritten to make them easier to read and understand, and are being reissued under the new authority of the Inland Navigational Rules Act of 1980.

DATE: Comments must be received on or before September 14, 1981.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/44) (CGD 80–158), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, between the hours of 7 a.m. and 5 p.m. Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 80–158, give the specific section of the proposal to which the comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

The Inland Navigational Rules Act of 1980 (Pub. L. 96–591) became law on December 24, 1980, and goes into effect one year from that date, except for the Great Lakes. The effective date for the Great Lakes will be set after consultation with the Canadian Coast Guard. The Inland Rules in this new law unify and consolidate the several sets of navigation rules now used on United States inland waters. As required by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the new Inland Rules parallel as closely as possible the International Navigation Rules. This latter body of rules uses a format with the technical and special requirements contained in four annexes.

While the main body of the Inland Rules is statutory, the more flexible regulatory route was chosen for the technical annexes. This allows the Coast Guard to deal with special problems and situations more easily and quickly than if an exclusively statutory approach had been taken. In addition, because the new Inland Rules parallel 72 COLREGS as closely as possible, they do not contain provisions dealing with several special and local situations encountered on United States inland waters.

Following the adoption of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), the Coast Guard assigned the task of developing proposed revisions to the Inland Rules to its Rules of the Road Advisory Committee (RORAC), a body representing a cross-section of maritime interests that used, or were familiar with, the United States' various inland waterway systems. RORAC anticipated the need for supplemental rules to provide the flexibility to deal with special inland waters situations. They recommended supplemental rules that would be regulatory in form, be contained in a fifth annex to the Inland Rules, and be taken largely from the existing regulatory pilot rules. The existing pilot rules have been in 33 CFR Parts 80, 90, and 95, but those Parts were recently renumbered to Parts 93, 97, and 95 respectively. The scope of the proposed pilot rules is severely cut from that of the pilot rules now in use, because most of the provisions are either covered by the new Inland Rules or are simply outdated.

Some of the existing pilot rules that RORAC recommended be retained are not included in this proposal. This is in keeping with the new Administration's policy of eliminating as many regulations as possible. The RORAC endorsed regulations that would not be reissued under new authority are redundant, duplicative, or overlapping, or require behavior of a good seamanship or common sense nature. Some of them are too vague for the mariner to know exactly what is required, and yet there is a civil penalty of up to $5000 for every violation. If a need for any of these regulations is demonstrated in the future, they can be added then. The pilot rules that RORAC recommended be retained that are not in this proposal include the following existing regulations:

1. A provision which forbids the display of any light that would interfere with a vessel's navigation lights and the improper use of searchlights (33 CFR 80.24(c), 80.34, and 80.36). Rule 20(b) of the new Inland Rules requires the prescribed lights to be exhibited from sunset to sunrise, and states that "no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout." This Rule makes retention of the pilot rules in question unnecessary. Directing searchlights in a manner that would interfere with the vision of persons on another vessel is so obviously an act of negligence that it does not need repetition in a rule. If the offending party is licensed, suspension and revocation proceedings can be instituted under 46 CFR 5.01–30.

2. A provision which specified details of the lighting and placement of buoys marking floating plant moorings (33 CFR 80.29). § 62.25–35 of Subchapter C—Aids to Navigation, Title 33, Code of Federal Regulations, deals with special purpose buoys, including floating plant moorings. This section will be revised in a separate rulemaking (CGD 78–159). A regulation on floating plant mooring buoys is not within the scope of navigation rules.

3. A provision stating:

> Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant. (33 CFR 80.31a)

Vessels are not likely to intentionally run over objects in waterways, and would be liable, notwithstanding this regulation, for any damage caused negligently. In addition, suspension and revocation proceedings may be instituted against a wrongdoer's license or document. Enforcement of the anchorage portion of the rule could subject a mariner or recreational boater of a $5000 civil penalty for unknowingly anchoring between a dredge and a stick in the water one-half mile away.

4. A provision requiring that vessels passing floating plants "reduce their speed sufficiently to insure the safety of both the plant and themselves", and that machinery be stopped while passing over mooring lines (33 CFR 80.27). Rule 6 of the new Inland Rules requires vessels to proceed at a safe speed. In addition, 33 CFR Part 162, Inland Waterways Navigation Regulations, and 33 CFR Part 207, Navigation Regulations, prescribe specific speed limits for waterways. Suspension and revocation proceedings can be instituted against the license or document of an operator piloting his vessel negligently.

5. A provision stating:

> Vessels whose draft permit shall keep outside of the buoys marking the end of mooring line of floating plant working in channels. (33 CFR 80.28)

This provision is a statement of good seamanship. A vessel would ordinarily not risk fouling its propellers in mooring lines, given a less risky alternative. But in this case the alternative may be the risk of running aground. The Coast Guard believes the operator should decide which alternative is best given the circumstances of the specific case.

6. A provision prohibiting the unnecessary obstruction of a channel by a dredge or floating plant (33 CFR 80.30). Rule 9(g) of the new Inland Rules prohibits vessels anchoring in a narrow channel "if the circumstances of the case admit." 33 CFR Part 162, Inland Waterways Navigation Regulations, and 33 CFR Part 207, Navigation Regulations, prescribe specific rules for vessels anchoring or mooring in channels subject to obstruction.

7. A provision requiring floating plants to clear a channel if necessary for the passenger of a vessel, upon "ample notice in advance of the time" the vessel expects to pass. The rules and regulations mentioned in the last paragraph would cover most cases. In the event the channel cannot be kept clear, provision is made with special or temporary regulations.

The following table lists the proposed substantive pilot rules and the corresponding existing regulations in the Inland Rules, Western Rivers Rules, and Great Lakes Rules. These latter regulations will automatically become void when the Inland Navigational Rules Act of 1980 becomes effective.

Title 33, Code of Federal Regulations

Proposal		Inland	Great Lakes	Western River
§ 88.05	Copy of rules	§ 80.13(b)	§ 90.15(b)	§ 95.23.
§ 88.07	Cross signals	§ 80.2	§ 90.3	§ 95.09(a).
§ 88.09	Exemption from light and shape requirements when operating under bridges.	§ 80.40		§ 95.75.
§ 88.11	Law enforcement vessels	§ 80.45	§ 90.46	§ 95.80.
§ 88.13	Lights on barges at bank or dock	§ 80.18(h)		§ 95.38.
§ 88.15	Lights on dredge pipelines	§ 80.23	§ 90.27	§ 95.57.
		§ 80.23a	§ 90.27a	§ 95.57a.

Regulatory Evaluation

These proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). A draft regulatory evaluation of the proposal has not been prepared since its impact is expected to be minimal. The proposed regulations are not new, and are being rewritten to make them easier to read and understand. The regulations are being reissued under the new authority of the Inland Navigational Rules Act of 1980. Many other of the existing pilot rules will not be carried over under this new authority.

The proposed regulations are considered to be non-major under the criteria of Executive Order 12291, and therefore a Regulatory Impact Analysis has not been prepared. The costs of maintaining a copy of the navigation rules on board are minimal. No new costs are imposed by the requirements for lighting on certain barges and on floating pipelines, and these lighting requirements are necessary to ensure the free flow of commerce on inland waterways. The other requirements in this proposal impose no costs on the public. For these reasons, the regulatory alternative represented by this proposal involves the least net cost to society.

The Regulatory Flexibility Act (94 Stat. 1164, Public Law 96–354, September 19, 1980) requires an analysis of the economic impact of proposed regulations on small businesses, organizations, and small governmental jurisdictions. The proposed regulations would not overlap, duplicate, or conflict with any other rules. For the reasons noted in the Executive Order discussion, pursuant to § 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulation would not have a significant impact on a substantial number of small entities.

This proposal would not affect the old Part 88 (72 COLREGS: Interpretative rules) of Title 33, Code of Federal Regulations, which was recently renumbered to be Part 82 (see 46 FR 28153, 28 May 1981). Parts 80 through 90 of Title 33 are bing reorganized in response to the Inland Navigational Rules Act of 1980, which repeals the authority for many of the regulations in these Parts, and which calls for the publication of new regulations.

For the above reasons, the Coast Guard proposes to add a new Part 88 of Title 33, Code of Federal Regulations, to read as follows:

PART 88—ANNEX V, PILOT RULES

Sec.
88.01 Purpose and applicability.
88.03 Definitions.
88.05 Copy of rules.
88.07 Cross signals.
88.09 Temporary exemption from light and shape requirements when operating under bridges.
88.11 Law enforcement vessels.
88.13 Lights on barges at bank or dock.
88.15 Lights on dredge pipelines.

Authority: Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14).

§ 88.01 Purpose and applicability.

This part applies to all vessels operating on United States inland waters and to United States vessels operating on the Canadian waters of the Great Lakes to the extent there is no conflict with Canadian law.

§ 88.03 Definitions.

The terms used in this part have the same meaning as defined in the Inland Navigational Rules Act of 1980.

§ 88.05 Copy of rules.

The operator of each self-propelled vessel 12 meters or more in length shall carry on board and maintain for ready reference a copy of the Inland Navigation Rules.

§ 88.07 Cross signals.

No person may use what is known among mariners as "cross signals", that is, answering one blast with two, or answering two blasts with one.

§ 88.09 Temporary exemption from light and shape requirements when operating under bridges.

A vessel's navigation lights and shapes may be lowered if necessary to pass under a bridge.

§ 88.11 Law enforcement vessels.

(a) Law enforcement vessels may display a flashing blue light when engaged in direct law enforcement activities. This light shall be located so that it does not interfere with the visibility of the vessel's navigation lights.

(b) The blue light described in this section may be displayed by law enforcement vessels of the United States and the States and their political subdivisions.

§ 88.13 Lights on barges at bank or dock.

(a) The following barges shall display at night and, if practicable, in periods of restricted visibility the lights described in paragraph (b) of this section—

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 60 meters.

(3) Barges moored in groups more than two barges wide or to a maximum width of over 25 meters.

(4) Every barge not moored parallel to the bank.

(b) Barges described in paragraph (a) shall carry two unobstructed white lights of an intensity to be visible for at least one mile on a clear dark night, and arranged as follows.

(1) On a single moored barge, lights shall be placed on the two corners farthest from the bank.

(2) On barges moored in group formation, a light shall be placed on each of the upstream and downstream ends of the group, on the corners farthest from the bank.

(3) Any barge in a group, but projecting from it toward the channel, shall be lighted as a single barge.

(c) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(d) Barges moored in will-illuminated areas of the Illinois River north of Brandon Lock and Dam at Joliet, Ill., are exempt from the lighting requirements of this section. These areas are as follows:

Chicago Sanitary Ship Canal

(1) Mile 293.2 to 293.9—Material Service Corp.
(3) Mile 295.2 to 296.1—Material Service Corp. and Commonwealth Edison Co.
(5) Mile 297.5 to 297.8—Pure Oil Docks.
(7) Mile 298 to 298.2—Ceco Steel Docks.
(9) Mile 298.6 to 298.8—Lemont Manufacturing Co.
(11) Mile 299.3 to 299.4—Mechmar Development Co.
(13) Mile 299.8 to 300.5 (Stephen Street Bridge)—Tri-Central Oil Co.
(15) Mile 303 to 303.2—North American Car Corp.
(17) Mile 303.7 to 303.9—Hannah Inland Waterways Transportation Co.
(19) Mile 305.7 to 305.8—Publicker Chemical Co.
(21) Mile 310.7 to 310.9—Shell Oil Co.
(23) Mile 311 to 311.2—General American Tank Storage Terminal.
(25) Mile 312.5 to 312.6—Trumbull Asphalt Co.
(27) Mile 313.8 to 314.2—Lake River Oil Terminal.
(29) Mile 314.6—Waterways Terminals, Inc.
(31) Mile 314.8 to 315.3—Commonwealth Edison Co. and Material Service Corp.
(33) Mile 315.7 to 316—Sanitary District Rock.
(35) Mile 316.8—Whitewater Petroleum Terminal Co.
(37) Mile 316.85 to 317.05—Hughes Oil Co.
(39) Mile 217.5—Socony Vacuum Oil Co.
(41) Mile 318.4 to 318.9—Commonwealth Edison Co.
(43) Mile 318.7 to 318.8—Bell Oil Co.
(45) Mile 320 to 320.3—Globe Fuel & Humble Oil.
(47) Mile 320.6—American Sugar Refining Co., South Branch of Chicago River and Chicago River.
(49) Mile 322.3 to 322.4—Commonwealth Edison Co.
(51) Mile 322.8—Time, Inc.
(53) Mile 322.9 to 327.2.

Calumet Sag Channel

(61) Mile 316.5—Marine Oil Co. unloading piers

Little Calumet River

(71) Mile 321.2—Pump house outfall.
(73) Mile 322.3—South bank.

Calumet River

(81) Mile 328.5 to 328.7—Cargill Grain Elevator.
(83) Mile 329.2 to 329.4—Continental Grain Elevator.
(85) Mile 330, west bank to 330.2
(87) Mile 331.4 to 331.6—Rail to Water Transfer Co.
(89) Mile 332.2 to 332.4—Dundee Cement Co.
(91) Mile 332.6 to 332.8—Material Service Corp.

§ 88.15 Lights on dredge pipelines.

Dredge pipelines that are floating or supported on trestles shall display the following lights at night and in periods of restricted visibility.

(a) One row of yellow lights. The lights must be—

(1) Flashing 50 to 70 times per minute,
(2) Visible all around the horizon,
(3) Visible for at least 2 miles on a clear dark night,
(4) Not less than 2 and not more than 3.5 meters above the water,
(5) Approximately equally spaced, and
(6) Not more than 10 meters apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's length and course.

(b) Two red lights at each end of the pipeline, including the ends in a channel where the pipeline is separated to allow vessels to pass (whether open or closed). The lights must be—

(1) Visible all around the horizon, and
(2) Visible for at least 2 miles on a clear dark night, and
(3) One meter apart in a vertical line with the lower light at the same height above the water as the flashing yellow light.

(Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14))

Dated: June 24, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 81–20870 Filed 7–15–81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Vol. 46 No. 137
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federal register

Friday
July 17, 1981

Highlights

37049 **Child Day Care Services** HHS/Sec'y postpones effective date of child day care regulations until 1-2-82 and requires applicable State and local standards be met for Federal funding.

37056 **Federal Home Loan Banks** FHLBB proposes to allow member banks to pay interest on demand deposits.

37017 **National School Lunch Program** USDA/FNS delays implementation and compliance dates for meat alternate equivalencies for certain schools.

37048 **Motor Vehicle Safety** EPA establishes carbon monoxide emission standards for several 1982 model year light-duty vehicles.

37054 **Marketing Agreements** USDA/AMS requests comments on Federal Marketing Order programs for fruits, vegetables, and specialty crops.

37020 **Banks and Banking** DIDC phases out ceiling rates on all time deposits.

37232 **Surface Mining** Interior/SMREO amends regulations on disposal of excess spoil. (Part III of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

37040 **Securities** SEC amends commodity transaction regulations on net capital requirements for brokers and dealers.

37065, 37068, 37072, 37086 **Handicapped** HUD/Sec'y, DOD/Sec'y, CAB and Commerce notifies recipients of Federal financial assistance to comply with nondiscrimination provisions. (4 documents)

37072 **Grant Programs—Higher Education** ED announces list of approved need analysis systems that institutions must use in making awards to students during 1981–1982.

37100 **Comprehensive Employment and Training** Labor/ETA lists organizations that have submitted preapplications for Federal assistance for fiscal year 1982 funds under migrant and other Seasonally Employed Farmworker Programs.

37115 **Trade** Trade Representative issues notice on the U.S. Generalized System of Preferences.

37051 **Marine Resources—Seafood** Commerce/NOAA imposes size limit for surf clams harvested in mid-Atlantic surf clam management area.

37059 **Endangered and Threatened Wildlife** Interior/FWS proposes to revise rules on ivory trade.

37029 **Laboratories** Commerce/Sec'y amends National Voluntary Laboratory Accreditation Program procedures.

37046 **Postal Service** PS issues regulations on postage due mail addressed to U.S. Government agencies.

37152 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

37063 **Agriculture—Meat** USDA/ERS plans to discontinue publication of weekly retail prices and farm to retail price spreads for beef and pork.

37023 **Patents** NASA revises Patent Waiver Regulations.

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37090 Interior
37114 OPM

37149 **Sunshine Act Meetings**

Separate Parts of This Issue

37152 **Part II, Labor/ESA**
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Rules and Regulations

Federal Register
Vol. 46, No. 137
Friday, July 17, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210

National School Lunch Program; Meat Alternate Equivalencies

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of delay in full implementation and compliance date.

SUMMARY: This notice announces a delay in full implementation of the meat alternate equivalencies for cooked dry beans or peas, eggs and cottage cheese used to meet the meal pattern requirements of the National School Lunch Program regulations (7 CFR Part 210) published at 45 FR 32502, May 16, 1980. Reports from food manufacturers of difficulties in meeting the new requirement and the Department's intent to review the meat alternate equivalencies have prompted the Department to delay implementation another year.

DATE: Schools which purchase products from manufacturers who cannot comply with the equivalencies set out in the table found in § 210.10 are exempt from the July 1, 1981 compliance date until July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Room 4122, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, or by telephone: 202–447–9069.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 9(b) of the National School Lunch Act, the Department has established minimum nutritional requirements for lunches served in the National School Lunch Program. One required component is meat or a meat alternate. The Department has by regulation determined that certain quantities of meat alternates such as cooked dry beans or peas, eggs and cottage cheese can be used to satisfy the meat requirement.

Prior to the final rules published on May 16, 1980 (45 FR 32502), one-half cup of cooked dry beans or peas, one large egg, or two ounces of cottage cheese were considered equal to a two ounce portion of cooked lean meat. The new equivalencies, published after the receipt and analysis of extensive public comment, changed the meat alternate equivalencies. Under the new rule, one-half cup of cooked dry beans or peas, one large egg and two ounces of cottage cheese are equivalent to one ounce of meat. The final rules also allowed the combination of more than one meat alternate to meet the required amounts.

The preamble to the final rules fixed the implementation date for the new meat alternate equivalencies at the start of the 1980–81 school year (July 1, 1980). Because of anticipated administrative and operational hardships for schools using commercially prepared products, schools could apply to State agencies for exemptions until their food supplier could alter manufacturing techniques to accord with the new equivalencies. The exemptions were available until July 1, 1981, and only to schools whose suppliers could not quickly comply with the new equivalencies.

As the July 1, 1981 deadline draws near, the Department has received several requests from schools and food manufacturers concerning a further delay in implementation. Some manufacturers have encountered difficulties in reformulating their products to comply with the equivalencies.

Further, the Department will soon conduct a review of the nutritional requirements for all child nutrition programs, of which the equivalencies are a part. In light of the increasing need to undertake efforts to reduce the cost of complying with the regulations for the child nutrition programs, the Department will review the nutritional requirements for possible cost-cutting revisions.

In light of these developments, and in response to the requests voiced by manufacturers of products for the school lunch program, the Department is delaying implementation of the new equivalencies for schools served by food manufacturers unable to comply with the new equivalencies. For the 1981–82 school year, schools and institutions supplied by food manufacturers who cannot comply with the new equivalencies may consider a one-half cup of cooked dry beans or peas, one large egg, or two ounces of cottage cheese to be equal to a two ounce portion of cooked lean meat. Adjustments shall be made where appropriate for age/grade groups I, II, III, and V.

Accordingly, those schools which purchase products from manufacturers who cannot comply with the equivalencies set out in the table in § 210.10 are exempt from the July 1, 1981 compliance date until July 1, 1982.

(Catalog of Federal Domestic Assistance No. 10.555)

(Sec. 9, Pub. L. 79–396, 60 Stat. 233, (42 U.S.C. 1758(a))

Signed in Washington, D.C. on July 10, 1981.

G. William Hoagland,
Administrator, Food and Nutrition Service.

[FR Doc. 81–21032 Filed 7–16–81; 8:45 am]
BILLING CODE 3410–30–M

Animal and Plant Health Inspection Service

7 CFR Part 331

Mediterranean Fruit Fly

Correction

In FR Doc. 81–20800 appearing on page 36148 in the issue of Tuesday, July 14, 1981; third column, under **DATES**, the effective date should have read "July 14, 1981."

BILLING CODE 1505–01–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 313, Amdt. 1; Lemon Regulation 314]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 19–25, 1981, and increases the quantity of lemons that may be shipped during the period July 12–18, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 19, 1981, and the amendment is effective for the period July 12–18, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on July 14, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.614 is added as follows:

§ 910.614 Lemon Regulation 314.

The quantity of lemons grown in California and Arizona which may be handled during the period July 19, 1981, through July 25, 1981, is established at 300,000 cartons.

2. Section 910.613 Lemon Regulation 313 (46 FR 35630) is revised to read as follows:

§ 910.613 Lemon Regulation 313.

The quantity of lemons grown in California and Arizona which may be handled during the period July 12, 1981, through July 18, 1981, is established at 375,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–21193 Filed 7–16–81; 12:10 pm]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis (CEM); Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Boone County in Missouri from the areas quarantined because of contagious equine metritis (CEM). Surveillance activity indicates that CEM no longer exists in the area quarantined.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, 6505 Belcrest Road, Room 738, Hyattsville, MD 20782, 301–436–8433.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." Also, the emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action, which releases the Federal quarantine for CEM, affects only one premises owned by one entity located in Boone County in the State of Missouri. Therefore, this amendment releases a portion of Boone County in Missouri from the areas quarantined because of CEM. The restrictions pertaining to the interstate movement of horses from quarantined areas contained in 9 CFR Part 75.5, as amended, will no longer apply to the released area.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

1. In § 75.7(b)(1), relating to the State of Missouri, paragraph (i)(A), the premises of Barr Trak Farm, Inc., Boone County, is removed. Accordingly, paragraph (i) relating to Boone County is removed and reserved.

§ 75.7 Areas quarantined.

* * * * *

(b) * * *

(1) * * *

(i) (Reserved)

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), 37 FR 28464, 28477; 38 FR 19141)

This amendment relieves restrictions no longer deemed necessary to prevent the spread of CEM from certain areas which have been determined to be free of CEM. This amendment should be made effective immediately in order to permit affected persons to move equidae interstate from such area without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment at this time.

Done at Washington, D.C., this 14th day of July 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81–20870 Filed 7–16–81; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF ENERGY

10 CFR Part 781

Patent Licensing Regulations

AGENCY: Department of Energy.

ACTION: Notice of Effect of Pub. L. No. 96–517 on 10 CFR 781, DOE Patent Licensing Regulations.

SUMMARY: Pub. L. No. 96–517 provides a statutory basis for the licensing of federally owned inventions, including inventions owned by the Department of Energy (DOE). To implement the invention licensing authority of Pub. L. No. 96–517, the General Services Administration (GSA) has amended the Federal Property Management Regulations, 41 CFR 101–4.1, effective July 1, 1981 (46 FR 29955, June 4, 1981).

This notice is to advise that, effective July 1, 1981, DOE will license its patents pursuant to the amended 41 CFR 101–4.1, and in addition, pursuant to DOE's patent licensing regulations, 10 CFR 781 (45 FR 73446, November 4, 1980), to the extent that the DOE regulations are not inconsistent with Pub. L. No. 96–517 or 41 CFR 101–4.1. DOE will revise 10 CFR 781 to formally implement 41 CFR 101–4.1 after the amended 41 CFR 101–4.1 becomes a final rule.

FOR FURTHER INFORMATION CONTACT: Robert J. Marchick, Department of Energy, Washington, D.C. 20585, 202/252–2806.

Signed at Washington, D.C. on this 10th day of July 1981.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81–20005 Filed 7–16–81; 8:45 am]

BILLING CODE 6450–01–M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Parts 1200, 1201, 1202, 1203

Change of Agency Address and Delegation of Authority

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Amendment of final rules.

SUMMARY: The Committee has amended its regulations regarding organization and procedure, availability of information, and public observation of meetings to indicate that the principal offices of the Committee have been moved from the Federal Reserve Building to the Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. The Committee has also delegated certain authority to the Policy Director of the Committee, and has established procedures for the review of any action taken pursuant to such delegation.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION: On March 26, 1981, the Secretary of the Treasury was elected Chairman of the Depository Institutions Deregulation Committee, succeeding the Chairman of the Board of Governors of the Federal Reserve System in that capacity. In conjunction with this change, the principal offices of the Committee have been moved from the Federal Reserve Building to the Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. The regulations have been amended accordingly.

A new provision has also been added to the existing regulations delegating authority to the Policy Director of the Committee to act on requests for Committee action and reconsideration of action already taken by the Committee. The new provision also provides for the review of any action taken pursuant to such delegation. The new provision is § 1201.7. The existing § 1201.7 is redesignated § 1201.8.

Pursuant to the provisions of Subsection 553(b)(A) of Title 5 of the United States Code, the Committee has determined that the provisions of Section 553, relating to notice and public participation and to deferred effective dates, are not applicable and are not being followed since the amendments are of a procedural nature.

Title 12 of the Code of Federal Regulations, Chapter XII, is amended as follows:

PART 1201—RULES OF ORGANIZATION AND PROCEDURE

Sections 1201.3, 1201.6(b), 1201.7, 1202.4(b), 1203.4(c), 1203.4(d), 1203.6(d), 1203.12(b) are revised and a new § 1201.8 is added, all to read as follows:

§ 1201.3 Offices.

The principal offices of the Committee are in the Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. The Committee's regular business hours are from 9:00 a.m. to 5:30 p.m. Monday through Friday; but such business hours may be changed from time to time.

§ 1201.6 Procedure for regulations.

* * * * *

(b) Public Participation—The usual method of public participation in the rulemaking process is through the written submission of data, views, or arguments. They should be sent to the Executive Secretary of the Committee, The Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Such material will be made available for inspection and copying upon request, except as provided in Part 1202 of this chapter regarding availability of information.

* * * * *

§ 1201.7 Delegation of authority.

(a) *Policy Director.* The Policy Director of the Committee shall have the authority to deny (1) a request for Committee action, and (2) a request for reconsideration of Committee action.

(b) *Review of Action.* Any action taken by the Policy Director pursuant to § 1201.7(a) shall be subject to review by the Committee only if such review is requested by a voting member of the Committee, either on the member's initiative or on the basis of a petition for review by the person whose request was denied. Any such petition for review must be received by the Executive

Secretary of the Committee not later than the tenth day after the date of such denial.

§ 1201.8 Amendments.

Except as otherwise provided by law, any of these rules may be altered, amended, or repealed, or new rules may be adopted at any meeting of the Committee by a majority vote of the voting members of the Committee.

PART 1202—RULES REGARDING AVAILABILITY OF INFORMATION

§ 1202.4 Records available to the public upon request.

* * * * *

(b) *Obtaining Access to Records.* Records of the Committee subject to this section are available for public inspection or copying during regular business hours on regular business days at the office of the Executive Secretary of the Committee, The Department of the Treasury, 15th Street, and Pennsylvania Avenue, NW., Washington, D.C. 20220. Every request for access to such records shall be submitted in writing to the Executive Secretary of the Committee, The Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Such request shall state the name and address of the person requesting such access, shall clearly indicate whether such request is an initial request or an appeal from a denial of information requested pursuant to the Freedom of Information Act, and shall describe such records in a manner reasonably sufficient to permit identification without difficulty.

* * * * *

PART 1203—RULES REGARDING PUBLIC OBSERVATION OF MEETINGS

§ 1203.4 Meetings open to public observation.

* * * * *

(c) The agency will maintain a complete electronic recording adequate to record fully the proceedings of each meeting or portion of a meeting open to public observation. Cassettes will be available for listening in the office of the Executive Secretary of the Committee, and copies may be ordered for $5 per cassette by telephoning or by writing the office of the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

(d) The agency will maintain mailing lists of names and addresses of all persons who wish to receive copies of agency announcements of meetings open to public observation. Requests for announcements may be made by telephoning or by writing the office of the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

§ 1203.6 Public announcements of meetings.

* * * * *

(d) Public announcements required by this section will be posted at the office of the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220, and may be made available by other means or at other locations as may be desirable.

* * * * *

§ 1203.12 Procedures for inspection and obtaining copies of transcriptions and minutes.

* * * * *

(b) Requests for copies of transcripts, recordings or transcriptions of recordings, or minutes described in § 1203.11(c) of this part shall specify the meeting or the portion of the meeting desired and shall be submitted in writing to the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Copies of documents identified in minutes may be made available to the public upon request under the provisions of Part 1202 of this chapter (Rules Regarding Availability of Information).

By Order of the Committee, June 26, 1981.

Gordon Eastburn,

Acting Executive Secretary.

[FR Doc. 81-20096 Filed 7-16-81; 8:45 am]

BILLING CODE 4810-25-M

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12 CFR Part 1204

[Docket No. D-0019]

Phaseout of Ceiling Rates on All Time Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rules.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has established a schedule for the orderly phaseout and ultimate elimination of interest rate ceilings on all time deposits at commercial banks and thrift institutions. Under the schedule, which is effective August 1, 1981, interest rate ceilings will be completely eliminated according to a step-by-step procedure based upon the original maturity of new time deposits. Ceilings will be eliminated first for deposits having an original maturity of 4 years or more. The minimum maturity for deposits without any rate ceiling will be reduced by one year during each of the next four years until, on August 1, 1985, all interest rate ceilings on all categories of time deposits will be eliminated. As part of its phaseout plan, the Committee also removed the existing "cap" on the ceiling rate for 2½ years or more small saver certificates ("SSCs"), but retained the current ceilings, which are determined by the average 2½-years yield on U.S. Treasury securities, and retained the current minimum ceilings. During the phaseout period, the ceiling rate for new time deposits with certain maturities will be indexed to the yields for U.S. Treasury securities with comparable maturities. For those deposits with indexed ceiling rates, a ¼ percentage point differential in favor of thrifts will be maintained for the first two years of the phaseout period, but will be removed entirely for all new deposits issued on or after August 1, 1983, which are covered by the schedule. The new rules do not change the terms or rates of any existing time deposits or passbook-type savings accounts.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4281), Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281), Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798), Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880).

SUPPLEMENTARY INFORMATION: On March 31, 1981, the Committee requested public comment on two proposals to help accomplish the Committee's statutory objective of an orderly phaseout and ultimate elimination of interest rate ceilings on all time and savings deposits by April 1, 1986 (See 46 FR 20155). The first proposal was intended to further deregulation in the short run by removing the "cap" applicable to interest rate ceilings on 2½ years or more small saver certificates (SSCs). Under the proposal, an interest rate ceiling would continue to apply, but the current cap of 11¾ percent for commercial banks and 12 percent for mutual savings banks and savings and loan associations would be eliminated. As proposed, the ceiling would continue to be determined by the average 2½-year yield on U.S. Treasury securities. The second proposal was intended to further deregulation in the long term by completely eliminating the rate ceilings on deposits beginning with those of longer maturities, or by indexing the interest rate ceilings on such deposits to a market rate. The Committee also requested comments on any other plans for deregulating interest rate limitations.

In response to its request, the Committee received more than 700 written comments from depository institutions, trade associations, Federal instrumentalities and individuals. In summary, the comments varied greatly and produced no consensus on how a deregulation plan should be structured.

With respect to the proposal to eliminate the cap on SSCs, slightly more than one-half of the relevant comments opposed the proposal, with thrifts and their trade groups generally opposed, and banks and their trade groups generally in favor of the proposal. Many of the respondents who favored eliminating the caps were of the view that it would have a positive impact on all depository institutions by providing a competitive longer-term instrument. These respondents felt that an uncapped SSC could attract new deposits, which could be reinvested profitably by depository institutions.

Those opposing the proposal argued that the circumstances that originally caused the regulatory agencies to establish the caps had not changed. Some respondents maintained that removing the caps would result in a sharp rise in the ceiling rate, would not increase deposits appreciably, would increase the cost of funds to institutions and would exacerbate earnings pressures at thrift institutions.

With regard to the proposal to phaseout interest rate limitations by maturity, approximately 30 percent of those comments favored the proposed schedule, and about 30 percent opposed any decontrol. The remaining respondents found the concept of a schedule acceptable, but were of the view that the proposed schedule was either too fast (15 percent) or too slow (25 percent). Respondents favoring no decontrol or a slower pace for decontrol, primarily thrift institutions, argued that more time was needed to adjust asset portfolios. Moreover, they maintained that deregulation would mean a higher cost of funds and lower earnings at a time when thrifts were unable to absorb them. Suggestions on how to "slow" the process of deregulation included delaying the start of the phaseout period for two or three years and beginning the phaseout with longer maturity deposits, such as eight years. Those favoring the proposed schedule or suggesting a faster pace for deregulation, generally commercial banks, indicated that, while it would be desirable to allow all institutions time to adjust their asset portfolios, market events do not permit such a delay in the process of deregulation. In addition, some respondents suggested that the schedule should begin with shorter maturity deposits, since they felt that deposits with a 5-year maturity could not be attracted without a substantial premium, and complete deregulation should be achieved before 1986.

With respect to the issue of whether ceiling rates should be eliminated completely or indexed to some market rate during the phaseout, the Committee received more than 240 comments, a majority of which favored indexing. Some of the respondents favoring the indexing approach maintained that, in the absence of regulated ceilings, there would be greater potential for irrational, as well as predatory pricing. Those respondents supporting the complete elimination of ceilings argued that indexing could be confusing to depositors, and that a rate ceiling becomes, in effect, the rate that is offered by depository institutions. In addition, it was noted that, at the end of the period when ceiling rates were indexed, the Committee would have to eliminate the ceilings in any case, and it would be better to start now, gradually, rather than eliminating them all at once.

The Committee also received a number of suggestions on alternative methods of deregulation. These proposals included the establishment of a short-term deposit instrument that could improve the competitive position of depository institutions in competing with instruments offered by non-depository institutions.

After considering all of the comments, the Committee established a four-year schedule that will result in the complete elimination of interest rate ceilings on all time deposits. The phaseout plan adopted by the Committee is as follows:

Step 1 (August 1, 1981)

1. Eliminate all rate ceilings on all new time deposits with an original maturity of 4 years or more.

2. Index rate ceilings for new time deposits with an original maturity of 2½ years to 4 years to the average 2½ year yield on U.S. Treasury securities and retain the 25 basis point differential between commercial banks and thrift institutions. The interest rate ceiling for thrifts will be the average Treasury yield, and the rate ceiling for commercial banks will be the average Treasury yield less 25 basis points.

Step 2 (August 1, 1982)

1. Eliminate rate ceilings on all new time deposits with an original maturity of 3 years or more.

2. Index rate ceilings for new 2 to 3 year time deposits to the average 2 year yield on U.S. Treasury securities and retain the differential, as described in step 1 above.

Step 3 (August 1, 1983)

1. Eliminate rate ceilings on all new time deposits with an original maturity of 2 years or more.

2. Index rate ceilings for new 1 to 2 year time deposits to the rate for 1 year Treasury securities without a differential between commercial banks and thrift institutions.

Step 4 (August 1, 1984)

1. Eliminate rate ceilings on all new time deposits with an original maturity of 1 year or more.

2. Index rate ceilings for new time deposits with a maturity of less than 1 year to the rate for 13-week Treasury securities without a differential between commercial banks and thrift institutions.

Step 5 (August 1, 1985)

1. Eliminate rate ceilings on all time deposits.

The new rules apply only to new time deposits issued on or after each of the relevant dates; the rates payable on existing time and savings deposits are unaffected by the new rules. Moreover, ceiling rates for new time deposits with maturities other than those specified in the phaseout schedule on each of the relevant implementation dates will remain unchanged unless specifically acted upon in the future by the Committee. For example, on August 1, 1981, the maximum interest rate payable on time deposits (except for MMCs, governmental units and IRA/Keogh Plans) will be as follows:

Original maturity	Commercial banks	Thrift institutions
4 years or more	No limit	No limit.
2½–4 years	2½ year treasury yield[1] less 25 basis points.	2½ year treasury yield.[1]
1–2½ years	6 Percent	6½ Percent.
90 Days–1 year	5¾ Percent	6 Percent.
14–89 Days	5¼ Percent	No separate account category.

[1] On June 22, 1981, the Treasury yield for 2½ year securities was 14.35 percent.

In taking this action, the Committee concluded that the phaseout plan is necessary to provide meaningful deregulation and to provide depository institutions and their customers with a specific schedule so that they may better

plan their asset and liability strategies in anticipation of an environment without interest rate ceilings. Nonetheless, the Committee emphasized that it would monitor the phaseout schedule at least annually, in light of economic conditions and with due regard for the safety and soundness of depository institutions, and that it would alter the phaseout schedule, by hastening the phaseout, by deferring implementation of certain steps, or by taking other action, whenever conditions indicate that such action is warranted.

As is currently provided, interest may be compounded and there is no minimum denomination for any time deposit (except for the $10,000 money market certificates ("MMCs"), which are not affected immediately by the new rules). Until August 1, 1983, the effective date for ceiling rates that are indexed to an average Treasury yield will be determined as is currently the procedure for SSCs (See 12 CFR 1204.106). Under these procedures, the average Treasury yield is determined bi-weekly, and the effective date of the ceiling rate is the first day after the new yield is announced. For example, the rate for SSCs is established bi-weekly, normally on Monday, with the ceiling rate effective on Tuesday. On August 1, 1983, the ceiling rate will be established weekly, as is currently the procedure for MMCs (See 12 CFR 1204.104).

The Committee also discussed the adequacy of the existing early withdrawal penalty with respect to the phase out plan and determined to take no action to change that penalty. Accordingly, the existing early withdrawal penalty, as well as all other rules regarding the payment of interest on deposits, will continue to apply to all time deposits. The Committee emphasized that if the current penalty is not adequate to deter early withdrawals from new time deposits with original maturities of 4 years or more, it would consider changing the penalty.

Finally, with respect to SSCs, the existing minimum ceiling of 9.25 percent and 9.50 percent for banks and thrifts, respectively, will remain unchanged; thus, regardless of how low the yield for 2½ Treasury securities might be, banks and thrifts would be able to pay up to those rates for deposits with maturities between 2½ years and 4 years. However, because the ceiling rate on SSCs will, in effect, be superseded by the ceiling rate on the new 2 year deposit category, the SSC rule will expire on August 1, 1982.

The Committee also considered the proposal to phase out interest rate ceilings in terms of its impact on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In this regard, the Committee's action does not impose any new regulatory burden, or increase any new reporting or recordkeeping requirements. Rather, this action eliminates regulatory restrictions on the maximum interest rate payable for certain time deposits on August 1, 1981, and eliminates all such limitations by the end of the phaseout period. Thus, small entities that are depositors generally should benefit from the Committee's action since they will be able to earn higher interest on their time deposits. Small entities that are depository institutions could have increased operating expenses as a result of this action, because it is likely that they will be paying higher interest rates on certain time deposits; however, their competitive position *vis-a-vis* non-depository institution competitors should be enhanced by their ability to offer higher rates on time deposits.

The statute creating the Committee requires the ultimate elimination of interest rate ceilings on time deposits. The Committee considered several alternatives to accomplish this objective; an analysis of these alternatives is available from the Executive Secretary of the Committee. In the Committee's view, the plan that was adopted provides the greatest flexibility for all depository institutions during the phaseout period, without having a disproportionately adverse impact on any particular size of depository institution.

Since the Committee's action relieves a restriction, deferral of the effective date pursuant to 5 U.S.C. 553(d) is not necessary. Furthermore, because of the public nature of the meeting where the rule was adopted and the press release issued the day following that meeting, adequate notice of the Committee's action has been given to the public. Accordingly, the Committee finds that good cause exists under § 1201.6 of the DIDC's regulations for making the effective date less than 30 days from date of publication in the **Federal Register**.

Pursuant to its authority under Title II of Pub. L. 96–221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of Federally insured commercial banks, savings and loan associations, and mutual savings banks, effective August 1, 1981, the Committee amends Part 1204—Interest on Deposits (12 CFR Part 1204) as follows:

1. Section 1204.106 is revised to read as follows:

§ 1204.106 Time deposits of less than $100,000 with maturities of 2-1/2 years to less than 4 years.

(a) A commercial bank may pay interest on any non-negotiable time deposit with an original maturity of 2½ years to less than four years at a rate not to exceed the higher of one-quarter of one percent below the average 2½-year yield for U.S. Treasury securities as determined and announced by the U.S. Department of the Treasury immediately prior to the date of deposit, or 9.25 percent (except as provided in 12 CFR 217.7(g) and in 12 CFR 329.6(b)(6)). Such announcement is made by the U.S. Department of the Treasury every two weeks. The average 2½-year yield will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit.

(b) A mutual savings bank or savings and loan association may pay interest on any non-negotiable time deposit with an original maturity of 2½-years to less than 4 years at a rate not to exceed the higher of the average 2½-year yield for U.S. Treasury securities as determined and announced by the U.S. Department of the Treasury immediately prior to the date of deposit, or 9.5 percent. Such announcement is made by the U.S. Department of the Treasury every two weeks. The average 2½-year yield will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit.

(c) This section expires August 1, 1982.

2. A new section, § 1204.115, is added to read as follows:

§ 1204.115 Phaseout schedule of interest rate ceilings by maturity for all time deposits of less than $100,000.

A commercial bank, mutual savings bank or savings and loan association may pay interest on time deposits of less than $100,000 at rates not to exceed the rates set out below. Where the ceiling rate for a deposit with an original maturity of more than one year is indexed to the average yield on Treasury securities, the applicable rate ceiling is determined and announced every two weeks by the Department of the Treasury. The effective date for the rate ceiling is the first day after the day the average yield on Treasury securities is announced. The applicable ceiling rate will be rounded to the nearest 5 basis points by the U.S. Department of the Treasury. Where the ceiling rate for a deposit is indexed to the rate for a particular Treasury security (auction average on a discount basis), the rate is established and announced each week ("Bill rate"). The effective date for the rate ceiling is the first day after the day the rate is announced. The rate paid on all such time deposits cannot exceed the ceiling rate in effect on the date of deposit.

Original maturity	Commercial banks	Mutual savings banks and savings and loan
(a) Effective Aug. 1, 1981—		
(1) 4 years or more.	No limit	No limit.
(2) 2½ years to less than 4 years.	See Section 106 (12 CFR 1204.106).	
(b) Effective Aug. 1, 1982—		
(1) 3 years or more.	No limit	No limit.
(2) 2 years to less than 3 years.	Average yield for 2 year Treasury securities less ¼ percentage point (Average yield for 2 year U.S. Treasury securities for governmental units and IRA/Keogh depositors).	Average yield for 2 year Treasury securities.
(c) Effective Aug. 1, 1983—		
(1) 2 years or more.	No limit	No limit.
(2) 1 year to less than 2 years.	Bill rate (52-week)	Bill rate (52-week).
(d) Effective Aug. 1, 1984—		
(1) 1 year or more.	No limit	No limit.
(2) less than 1 year.	Bill rate (13-week)	Bill rate (13-week).
(e) Effective Aug. 1, 1985—		
(1) All time deposits.	No limit	No limit.

By Order of the Committee, July 7, 1981.

Gordon Eastburn,

Acting Executive Secretary.

[FR Doc. 81-20097 Filed 7-16-81; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

Patent Waiver Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Final regulations.

SUMMARY: The National Aeronautics and Space Administration (NASA) has revised its Patent Waiver Regulations. The intended effect is to bring them into conformity with the requirements of Pub. L. 96–517 and implementing policies, procedures, and guidelines therefore, as set forth in OMB Bulletin No. 81–22 dated June 30, 1981; and to maintain continuity in contractor rights under Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

EFFECTIVE DATE: July 1, 1981.

ADDRESS: General Counsel, Code G, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Robert F. Kempf, 202–755–3932.

SUPPLEMENTARY INFORMATION: As of July 1, 1981, Pub. L. 96–517 (35 U.S.C. 200–211; 94 Stat. 3019–3027) revises Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457) with respect to the disposition of rights to inventions made under any grant, contract, or cooperative agreement with a nonprofit organization or small business firm. Accordingly, conforming amendments are made to this subpart to reflect that fact. In particular § 1245.100 "Scope" and § 1245.101 "Applicability" are amended to make it clear that this subpart applies only to inventions that are subject to provisions of 42 U.S.C. 2457, and not to 35 U.S.C. 200 et seq., Pub. L. 96–517 (35 U.S.C. 211; 94 Stat. 3027) also repeals section 305(g) of the National Aeronautics and Space Act of 1958, as of July 1, 1981, which section forms the basis for NASA's present Licensing Regulations (14 CFR 1245.1), and new regulations for the licensing of "Federally-owned inventions" are to be issued under the authority of 35 U.S.C. 208, 94 Stat. 3024. In order to maintain continuity in contractor rights under this subpart, the license to the contractor set forth in the current NASA Licensing Regulations (14 CFR 1245.204(a)), which license will not be within the scope of the regulations to be promulgated under 35 U.S.C. 208, is expressly provided for in § 1245.108 of this revision rather than by reference.

Pub. Law. 96–517 (35 U.S.C. 205; 94 Stat. 3023) also authorizes all Federal agencies to withhold from disclosure to the public information disclosing a subject invention for a reasonable time in order for patent applications to be filed, and implementing procedures are to be included in Government-wide regulations outside the scope of this subpart. Therefore, former § 1245.106(c), relating to similar subject matter, is deleted by this revision. A new § 1245.106(c) is added to provide administrative ease for petitioners who wish to designate additional countries when waiver of foreign rights have been granted. In addition, § 1245.109(b)(7) has been amended to clarify the fact that invention utilization reports are not required after the term of the patent has expired.

Finally, as a transitional provision for existing contracts under Section 305 of the Space Act, new § 1245.118 enables petitioners to obtain, upon request, application of the basic tenets of Pub. L. 96–517 to any reported invention made on or after July 1, 1981, in the performance of work under a NASA contract (except for contracts for the operation of a Government-owned research or production facility) awarded prior to July 1, 1981 to a nonprofit organization or small business firm.

Additional minor amendments have been made to increase clarity and provide for an improved reading and understanding of the regulations.

Other than the foregoing revisions to conform this subpart to the requirements of Pub. L. 96–517, and minor amendments to increase clarity, this revised subpart does not change any rights enuring to either the Government or to a NASA contractor. The revised Patent Waiver Regulations are hereby adopted and shall become effective on July 1, 1981.

Effective Date: The provisions of this subpart supplants the NASA Patent Waiver Regulations (NASA Management Instruction 5109.2) of November 3, 1977 (37 FR 57449–57454) as follows:

(a) This subpart will apply to all petitions for waiver based on a contract executed on or after July 1, 1981;

(b) Any petition subject to the provisions of § 1245.105 and pending on June 30, 1981 will continue to be considered under the NASA Patent Regulations of November 3, 1977;

(c) Any petition subject to the provisions of § 1245.105 and received on or after July 1, 1981, will be considered under these newly revised NASA Patent Waiver Regulations except as provided by (d) below;

(d) The license to the contractor granted by § 1245.108 shall apply to all inventions reported after July 1, 1981. Subpart 1 of Part 1245 is revised to read as follows:

Subpart 1—Patent Waiver Regulations

Sec.

1245.100 Scope.
1245.101 Applicability.
1245.102 Definitions and terms.
1245.103 Policy.
1245.104 Advance waivers.
1245.105 Waiver after reporting inventions.
1245.106 Waiver of foreign rights.
1245.107 Reservations.
1245.108 License to contractor.
1245.109 Revocation and voidability of waivers.
1245.110 Content of petitions.
1245.111 Submission of petitions.

Sec.

1245.112 Notice of proposed Board action and reconsideration.
1245.113 Hearing procedure.
1245.114 Findings and recommendations of the Board.
1245.115 Action by the Administrator.
1245.116 Filing of patent applications and reimbursement of costs.
1245.117 Publication and record of decisions.
1245.118 Transitional provisions.

Authority: 42 U.S.C. 2457.

Subpart 1—Patent Waiver Regulations

§ 1245.100 Scope.

This subpart prescribes regulations for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

§ 1245.101 Applicability.

The provisions of this subpart apply to all inventions made or which may be made under conditions enabling the Administrator to determine that the rights therein reside in the Government of the United States under section 305(a) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(a)). The provisions do not apply to inventions made under any contract, grant, or cooperative agreement with a non-profit organization or a small business firm that are afforded the disposition of rights as provided in 35 U.S.C. 200–204, 94 Stat. 3019–3023, except as provided in § 1245.118.

§ 1245.102 Definitions and terms.

As used in this subpart:

(a) "Contract" means any actual or proposed contract, agreement, understanding, or other arrangement with the National Aeronautics and Space Administration (NASA) or another Government agency on NASA's behalf, including any assignment, substitution of parties or subcontract executed or entered into thereunder, and including NASA grants awarded under the authority of 42 U.S.C. 1891–1893.

(b) "Contractor" means the party who has undertaken to perform work under a contract or subcontract.

(c) "Invention" includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(d) "Made," when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(e) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(f) "Board" means the NASA Inventions and Contributions Board established by the Administrator of NASA within the Administration under section 305(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(f)).

(g) "Chairperson" means Chairperson of the NASA Inventions and Contributions Board.

(h) "Petitioner" means a contractor or prospective contractor who requests that the Administrator waive rights in an invention of class of inventions made or which may be made under a NASA contract. In the case of an identified invention, the petitioner may be the inventor(s).

(i) "Government agency" includes any executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(j) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(k) "Administrator" means the Administrator of the National Aeronautics and Space Administration or the Administrator's duly authorized representative.

§ 1245.103 Policy.

(a) In implementing the provisions of section 305(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(f)), and in determining when the interests of the United States would be served by waiver of all or any part of the rights of the United States in inventions made in the performance of work under NASA contracts, the Administrator will be guided by the objectives set forth in the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451–2477) and by the basic policy of the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887–16892). The President's statement of Government Patent Policy regarding the disposition of rights has been authorized by Congress (35 U.S.C. 210(c); 94 Stat. 3027). Among the most important goals are to provide incentives to foster inventiveness and encourage reporting of inventions made under NASA contracts, to provide for the widest practicable dissemination of new technology resulting from NASA programs, and to promote early utilization, expeditious development, and continued availability of this new technology for commercial purposes and the public benefit. In applying this regulation both the need for incentives to draw forth private initiatives and the need to promote healthy competition in industry must be weighed.

(b) Several different situations when waiver of all or any part of the rights of the United States may be requested are prescribed in §§ 1245.104–1245.106. Under § 1245.104, advance waiver of rights to any or all of the inventions which may be made under a contract may be requested prior to the execution of the contract, or within 30 days after execution of the contract. Waiver of rights to an identified invention made and reported under a contract may be requested under any of these provisions even though a request under a different provision was not made, or if made, was not granted. Waiver of foreign rights under § 1245.106 may be requested concurrently with domestic rights or independently.

(c) With respect to inventions which may be or are made or conceived in the course of or under contracts for research, development, or demonstration work awarded by NASA on behalf of the Department of Energy (DOE) or in support of a DOE program, on a reimbursable basis pursuant to agreement between DOE and NASA, the waiver policy, regulations, and procedures of DOE will be applied. (See § 1245.110(e), § 1245.111(b).)

§ 1245.104 Advance waivers.

(a) The provisions of this section apply to petitions for waiver of domestic rights to any or all of the inventions which may be made under a contract. The petitions may be submitted by the contractor prior to its execution of the contract or within 30 days thereafter.

(b)(1) The Board shall recommend to the Administrator that waiver of domestic rights to any or all of the inventions which may be made under the NASA contract involved be granted when the Board makes each of the findings of paragraphs (c) and (d) of this section and concludes that the interest of the United States would be served thereby. The waiver shall apply to inventions reported under the terms of the contract and which are designated at the time of reporting as being an invention on which the waiver recipient intends to file or has filed a U.S. patent application.

(2) When the Board is unable to make one or more of the findings to support a waiver under paragaph (c) of this section as to the contract but nevertheless finds that exceptional circumstances exist so that the public interest would best be served by a waiver of rights to any or all of the inventions which may be made under the contract, the Board shall recommend to the Administrator that waiver be granted (conditions of paragraph (d) of this section are not relevant to the Board's findings under this paragraph). A finding of exceptional circumstances shall be accompanied by a discussion of the rationale. Examples of exceptional circumstances would include:

(i) A contract where participation of the contractor may only be secured through the grant of waiver and such contractor is deemed essential to a NASA program objective;

(ii) A contract having as the principal objective the application of aerospace related technology to other uses in accordance with an established NASA program and where the grant of waiver would materially advance this objective; or,

(iii) Where the contract requires significant cost participation by the contractor, such as cost sharing, cost matching, cost limitation (direct or indirect), participation in kind, or recoupment commitments. In the case of an invention which is identified prior to execution of the contract, exceptional circumstances may also be found where waiver is a necessary incentive to call forth risk capital and expense to bring the invention to practical or commercial application and where either (A) the contractor has established substantial equities at its own expense in the development of the invention; or, (B) the grant of advance waiver will significantly advance the availability of the invention to the general public.

(c)(1) It is not a principal purpose of the contract to create, develop, or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations.

(2) It is not a principal purpose of the contract to explore into fields which directly concern the public health, public safety, or public welfare.

(3) The contract is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and acquisition of exclusive rights at the time of contracting would not likely confer on the petitioner a preferred or dominant position.

(4) The contract is not for services of the petitioner for (i) the operation of a Government owned research or production facility; or (ii) coordinating and directing the work of others.

(d)(1) The purpose of the contract is to build upon existing knowledge or technology, to develop information, products, processes, or methods for use by the Government.

(2) The work called for by the contract is in a field of technology in which the petitioner has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) and either (i) the work is directly related to an area in which the petitioner has an established nongovernmental commercial position; or (ii) the commercial position of the petitioner is not sufficiently established, but a special situation exists such that the public interest in the availability of inventions would best be served by a waiver of rights to the petitioner. The special situations include, but are not limited to the following:

(A) A newly formed company having a definite program for establishing a nongovernmental commercial position in the field of the contract or in an area directly related thereto.

(B) An established company lacking an established nongovernmental commercial position in the field of the contract or a directly related field, but having established plans and programs for achieving such a position.

(e) When a petition for waiver is submitted under paragraph (a) of this section, prior to contract execution, it will be processed expeditiously so that a decision on the petition may be reached prior to execution of the contract. However, if there is insufficient time or insufficient information is presented, or for other reasons which do not permit a recommendation to be made without unduly delaying execution of the contract, the Board will inform the contracting officer that no recommendation has been made and the reason therefor. The contracting officer will then notify the petitioner of the Board's action.

(f) After notification by the contracting officer under paragraph (e) of this section, the petitioner may, upon its execution of the contract, or within 30 days, request the Board to reconsider the matter under paragraph (b) of this section either on the record or with any additional statements submitted in support of the original petition.

(g) A waiver granted pursuant to a petition submitted under this section shall apply only to those inventions reported under the terms of the applicable contract and which are designated at the time of reporting as being an invention on which the petitioner intends to file or has filed a U.S. patent application. The waiver shall extend to the claimed invention of any division or continuation of the patent application filed on the reported invention provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(h) A waiver granted pursuant to a petition submitted under this section shall extend to any contract changes, modifications, or supplemental agreements, so long as the purpose of the contract or the scope of work to be performed is not substantially changed.

§ 1245.105 Waiver after reporting inventions.

(a)(1) The provisions of this section apply to petitions for waiver of domestic rights to identified inventions which have been reported to NASA and to which a waiver of rights has not been granted pursuant to § 1245.104. A petition for waiver under this section should be filed promptly after the reporting of the invention to NASA, and must be submitted prior to the filing by NASA of a U.S. patent application claiming the reported invention.

(2) A waiver granted under this section shall extend to the claimed invention of any division or continuation of that patent application filed on the reported invention provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(b) The Board shall recommend to the Administrator that waiver of domestic rights to an identified invention be granted where the Board makes all of the findings below and concludes that the interest of the United States would be served thereby:

(1) The invention is not directly related to a governmental program for creating, developing, or improving products, processes, or methods for use by the general public at home or abroad.

(2) The invention is not likely to be required by governmental regulations

for use by the general public at home or abroad.

(3) The invention does not directly concern the public health, public safety, or public welfare.

(4) The invention is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights in the invention would not likely confer on the petitioner a preferred or dominant position.

Provided, that the Board also finds in view of the petitioner's plans and intentions to bring the invention to practical application, and the activities of the Government, the incentives provided by waiver will increase the likelihood that the benefits of the invention would be readily available to the public at an early date.

(c) If the Board is unable to make one of the findings to support a waiver under paragraph (b) (1) through (4) of this section, the Board may nevertheless recommend that waiver of domestic rights be granted by the Administrator if the Board further finds that such waiver is a necessary incentive to call forth risk capital and expense to bring the invention to practical application, or that the Government's contribution to the invention is small compared to that of the contractor.

§ 1245.106 Waiver of foreign rights.

(a) The Board will consider the waiver of domestic and foreign rights concurrently when so requested by the petitioner in accordance with § 1245.110(d). Where the Board makes the findings necessary to support a waiver of domestic rights, the petitioner will normally be granted the right to secure patents in any country in which it elects to file provided that the grant of such right is consistent with the economic interests of the United States. The Board may also recommend the grant of only foreign rights, in accordance with the guidelines of paragraph (b) of this section, when the interests of the United States will best be served.

(b) The Board will also consider a separate request for the waiver of the right to secure a patent in any country in which the petitioner elects to file as to an identified invention when requested by the petitioner in accordance with § 1245.110(d). Waiver of such foreign rights will normally be granted in countries in which the Administrator does not desire to file an application for patent provided that the grant of such rights is consistent with the economic interests of the United States.

(c) The petition for foreign rights must designate those countries in which the petitioner elects to file and secure patents. The Board will normally grant the right to secure patents in the designated countries provided the criteria set forth in paragraphs (a) and (b) of this section are satisfied. If, subsequent to the granting of the petition for foreign rights, the contractor requests and designates additional countries in which it wishes to secure patents, the Chairperson may grant such request, in whole or in part, without further action by the Board.

§ 1245.107 Reservations.

(a) For any particular invention, each waiver of domestic or foreign rights granted shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the U.S. Government or any agency thereof, any foreign government under any existing or future treaty or agreement with the United States, or States and/or domestic municipal governments unless the Administrator determines, based upon a recommendation of the Board, that it would not be in the public interest to acquire the license for States and/or domestic municipal governments.

(b) For any particular invention, each waiver of domestic rights granted shall be subject to the reservation by the Administrator of the right to require the granting of a nonexclusive or exclusive license for the practice of the invention to any responsible applicant on terms that are reasonable under the circumstances:

(1) Unless the waiver recipient, its licensees, or assigns have taken effective steps within 3 years after a U.S. patent issues on the invention to bring the invention to the point of practical application and thereafter continue to work the invention and make its benefits reasonably accessible to the public; or

(2) Unless within 3 years after a U.S. patent issues on the invention, the waiver recipient, its licensee, or its assigns have made the invention available for licensing royalty-free or on terms that are reasonable in the circumstances; or

(3) To the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health, safety, or welfare needs, or for other public purposes stipulated in the contract.

(c) For any particular invention, each waiver granted for domestic or foreign rights shall be subject to the reservation by the Administrator of the right to require refund of any amounts received as royalty charges on the waived invention in procurements for or on behalf of the Government and to provide for that refund in any instrument transferring rights to any party in the waived invention.

(d) For any particular invention, each waiver granted for domestic or foreign rights shall be subject to any other reservations called for by the Administrator on the grant of the petition.

(e) The waiver recipient shall be given an opportunity to show cause before the Board why it should not be required to grant a license under paragraph (b) of this section or why it should retain the principal or exclusive rights as provided by waiver for a further period of time.

§ 1245.108 License to contractor.

(a) Each contractor reporting an invention is granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on the invention and in any resulting patent in which the Government acquires title. The license extends to the contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the contractor is a part and includes the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. The license and right is transferable only with the approval of the Administrator except when transferred to the successor of that part of the contractor's business to which the invention pertains.

(b) The contractor's domestic license may be revoked or modified by the Administrator to the extent necessary to achieve the earliest practical application of the invention under an exclusive or partially exclusive license to be granted under the NASA Patent Licensing Regulations (14 CFR 1245.2). This license shall not be revoked in that field of use and/or the geographical areas in which the contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Administrator to the extent the contractor, its licensees, or its domestic affiliates have failed to achieve practical application in that foreign country.

(c) Before revocation or modification of the license, the contractor shall be allowed 30 days (or any other time as may be allowed by the Administrator for good cause shown by the contractor) after the notice to show cause why the license should not be revoked or modified. The contractor shall have the right to appeal, under the NASA Patent Licensing Regulations (14 CFR 1245.2), any decision concerning the revocation or modification of its license.

§ 1245.109 Revocation and voidability of waivers.

(a) If the waiver recipient fails to file a domestic or foreign patent application on any waived invention within the prescribed time periods, or decides not to continue prosecution of any such patent application, or to pay any of the required maintenance fees, or for any reason decides not to retain title to any patent application or any patent issued thereon, the waiver recipient shall notify the Chairperson and shall, upon request, convey to NASA the entire right, title, and interest in the invention, and to any corresponding patent application or patent. The conveyance shall be made by delivering to the Chairperson duly executed instruments (prepared by the Government) and, if applicable, any other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention and any corresponding patent application. In addition, any waiver of rights (domestic or foreign) shall be voidable as set forth in paragraphs (b) through (d) of this section.

(b) For any particular invention, each waiver of domestic rights shall be voidable at the option of the Administrator unless:

(1) Within 6 months from the date of reporting an invention under a contract subject to a waiver granted under § 1245.104, or 6 months from the date of the granting by the Administrator of a waiver pursuant to § 1245.105, or longer periods as may be approved by NASA for good cause shown, the waiver recipient causes an application for U.S. Letters Patent to be filed disclosing and claiming the invention and shall include as the first paragraph of the specification following the abstract, the statement:

> The invention described herein was made in the performance of work under NASA Contract No. ——— and is subject to the provisions of Section 305 of the National Aeronautics and Space Act of 1958 (72 Stat. 435; 42 U.S.C. 2457).

(2) Within 2 months after the filing or within 2 months after the date of the grant of waiver if the patent application previously has been filed, the waiver recipient delivers to the Chairperson a copy of the application including the filing date and serial number.

(3) Within 6 months after the filing, or within 6 months after the grant of waiver if a patent application has been previously filed, the waiver recipient delivers to the Chairperson a duly executed and approved instrument prepared by the Government, fully confirmatory of all the rights to which the Government is entitled, and provide the Administrator an irrevocable power to inspect and make copies of the patent application.

(4) The waiver recipient furnishes to the Chairperson a copy of the patent within 2 months after the patent is issued on such application.

(5) The waiver recipient notifies the Chairperson not less than 30 days before the expiration of the initial response period for any action required by the Patent and Trademark Office of any decision not to continue prosecution of the application and delivers to the Chairperson executed instruments granting the Government a power of attorney to prosecute the application.

(6) The waiver recipient grants any license which the Administrator may require under § 1245.107.

(7) The waiver recipient files a utilization report with the Board, upon NASA's written request, not more often than annually. The report shall set forth in detail the steps taken by the waiver recipient or its transferee regarding the progress, development, application, and commercial use being made and that is intended to be made of the waived invention. No such utilization report need be submitted after the term of the patent has expired.

(8) The waiver recipient notifies the Chairperson in not less than 60 days prior to any transfer of prinicipal rights in the invention to any party, and submits a statement of the transferee's development and commercialization plans to bring the invention to practical application. The statement should accompany the notification or it may be submitted in not less than 30 days prior to the transfer of rights. The statement must show to the Board's satisfaction that the property rights in the transferee will increase the likelihood that the benefits of the invention would be made readily available to the public at an early date.

(9) The waiver recipient complies with any other terms and conditions called for by the Administrator with respect to the grant of the petition.

(c) For any particular invention, each waiver granted shall be voidable at the option of the Administrator if a patent claiming such invention is held, in a final determination, to have been used in violation of the antitrust laws in any suit, action, or proceeding brought before a properly constituted authority authorized to hear such matter.

(d) For any particular invention, waiver of foreign rights as to any foreign country shall be voidable at the option of the Administrator unless:

(1) A patent application is filed in the country within 6 months from the date a corresponding U.S. application is filed, or 6 months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where the filing has been prohibited for security reasons, or longer periods as may be approved by the Administrator;

(2) The waiver recipient furnishes to the Chairperson the identifying serial number and filing date of each foreign patent application filed promptly upon receipt thereof; and, upon request, a copy of an English version of the foreign application without additional compensation and a copy of the foreign patents;

(3) The waiver recipient delivers to the Chairperson a duly executed and approved instrument prepared by the Government, fully confirmatory of all the rights herein reserved by the Government; and

(4) The waiver recipient, in the event it elects not to continue prosecution of any foreign application filed on the invention or if it intends to abandon a foreign patent by the nonpayment of a maintenance tax, notifies the Chairperson within sufficient time to allow assumption of prosecution by the Government, or payment of the maintenance tax, respectively, and delivers to the Chairperson the executed instruments as are necessary to vest in the Administrator title thereto, including an instrument of assignment.

§ 1245.110 Content of petitions.

(a) *General contents and forms.* Forms which may be used in petitioning for waiver and for filing utilization reports are available from the NASA Inventions and Contributions Board, Code NB, National Aeronautics and Space Administration, Washington, D.C. 20546. Each request for waiver of domestic or foreign rights under § 1245.104, § 1245.105, or § 1245.106 shall be by petition to the Administrator and shall include:

(1) An identification of the petitioner, its place of business and address, and if the petitioner is represented by counsel, the name, address, and telephone number of the counsel;

(2) An identification by number of the pertinent NASA contract or proposed contract;

(3) The nature and extent of the rights desired and a citation to the section under which the petition is submitted; and

(4) The signature of the petitioner or its authorized representative, and date of signature.

(b) *Petitions for advance waiver under § 1245.104.* In addition to the information specified in paragraph (a) of this section, each petition for waiver under § 1245.104 shall include:

(1) A copy of the statement of work of the pertinent NASA contract or proposed contract;

(2) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the contract and the petitioner as specified in § 1245.104 and, if applicable, whether exceptional circumstances of § 1245.104(b) and/or special situations under § 1245.104(d)(2) are present; and

(3) The date of contractor's execution of the contract if the petition is filed subsequent to contract execution.

(c) *Petitions for waiver for identified inventions under § 1245.105.* A separate petition shall be submitted for each identified invention except as provided by § 1245.105(a)(2). In addition, to the information specified in paragraph (a) of this section, the petition shall include:

(1) The full names of all inventors;

(2) A statement whether a patent application has been filed on the invention, together with a copy of the application if filed; or, if not filed, a complete description of the invention;

(3) If a patent application has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 102 or a statement that no bar is known to petitioner to exist;

(4) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the invention as specified in § 1245.105 (b) or (c);

(5) Where principal rights in the waived invention are to be transferred to another party, a statement identifying the party and its relationship to the petitioner; and

(6) Where the petitioner(s) is the inventor(s), a statement in writing from the contractor that the contractor will not request waiver of rights and authorization of the contractor.

(d) *Petitions for waiver of foreign rights under § 1245.106.* A petition for waiver of foreign rights may accompany any part of a petition for waiver of domestic rights under either § 1245.104 or § 1245.105, or a petition for foreign rights may be submitted independently of any request for domestic rights under § 1245.106(b). In addition to the information specified in paragraph (a) of this section, petition for waiver of foreign rights shall include, where feasible, a denomination of the foreign countries in which petitioner elects to secure or intends to file patent applications, and its plans and intentions to practice and/or license the invention in these countries.

(e) *Petitions for waiver under § 1245.103(c).* Contents of the petition shall normally be as prescribed by the other Government agency, and petitioner may use any forms provided by the agency.

§ 1245.111 Submission of petitions.

(a) Petitions for advance waiver of domestic rights under § 1245.104 or advance waiver of foreign rights under § 1245.106 presented prior to contract execution must be submitted to the contracting officer. Any petitions submitted by organizations selected for negotiation of a contract will be processed and forwarded to the Board for consideration as specified in the NASA Procurement Regulations (41 CFR 18–9.109–6(e)). All other petitions shall be submitted directly to the NASA Inventions and Contributions Board, Mail Code NB, National Aeronautics and Space Administration, Washington, D.C. 20546.

(b) Any waiver petitions submitted under § 1245.103(c) should be forwarded to the appropriate NASA field installation patent counsel for transmittal to DOE for processing.

(c) Any request for waiver by a nonprofit organization or small business firm under § 1245.117(d) shall be submitted to the Chairperson, Inventions and Contributions Board.

§ 1245.112 Notice of proposed Board action and reconsideration.

(a) *Notice.* Except as provided by § 1245.104(e) the Board will notify the petitioner, through the contracting officer for petitions for advance waiver prior to contract execution, and directly for all others:

(1) Whether it proposes to recommend to the Administrator that the petition be:

(i) Granted in the extent requested;

(ii) Granted in an extent different from that requested; or

(iii) Denied.

(2) Of the reasons for any recommended action adverse to or different from the waiver of rights requested by the petitioner.

(b) *Request for reconsideration and statements required.*

(1) If, under paragraph (a) of this section, the Board notifies the petitioner that the Board proposes to recommend action adverse to or different from the waiver requested, the petitioner may, within the period as the Board may set, but not less than 15 days from the notification, request reconsideration by the Board.

(2) If reconsideration has been requested within the prescribed time, the petitioner shall, within 30 days from the date of the request for reconsideration, or within any other time as the Board may set, file statement setting forth the points, authorities, arguments, and any additional material on which it relies.

(3) Upon filing of the reconsideration statement by the petitioner, the petition will be assigned for reconsideration by the Board upon the contents of the petition, the record, and the reconsideration statement submitted by the petitioner.

(4) The Board, after its reconsideration, will promptly notify the petitioner of its proposed recommendation to the Administrator. If the Board's proposed action is adverse to, or different from, the waiver requested, the petitioner may request an oral hearing within the time as the Board has set.

§ 1245.113 Hearing procedure.

(a) If the petitioner requests an oral hearing within the time set, under § 1245.112(b)(4), the Board shall set the time and place for the hearing and shall notify the petitioner.

(b) Oral hearings held by the Board shall be open to the public and shall be held in accordance with the following procedures:

(1) Oral hearings shall be conducted in an informal manner, with the objective of providing the petitioner with a full opportunity to present facts and arguments in support of the petition. Evidence may be presented through means of witnesses, exhibits, and visual aids as are arranged for by the petitioner. Petitioner may be represented by any person including its attorney. While proceedings will be ex parte, members of the Board and its counsel may address questions to witnesses called by the petitioner, and the Board may, at its option, enlist the aid of technical advisors or expert witnesses. Any person present at the hearing may make a statement for the record.

(2) A transcript or equivalent record of the proceeding shall be arranged for by the Board. The petitioner shall submit for the record a copy of any exhibit or visual aid utilized during the hearing.

§ 1245.114 Findings and recommendations of the Board.

(a) *Findings of the Board.* The Board shall consider the petition, the NASA contract, if relevent, the goals cited in § 1245.103(a), the effect of the waiver on the objectives of the related NASA programs, and any other available facts and information presented to the Board by an interested party. The Board shall then determine and make, if applicable, each of the specific findings of fact required by § 1245.104, § 1245.105, or §1245.106 under which the petition was submitted. The Board shall document its findings.

(b) *Recommendation of the Board.* (1) Except as provided in § 1245.104(e), after making the findings of fact, the Board shall formulate its proposed recommendation to the Administrator as to the grant of waiver as requested, the grant of waiver upon terms other than as requested, or denial of waiver.

(2) If the Board proposes to recommend, initially or upon reconsideration or after oral hearing, that the petition be granted in the extent requested or, in other cases, where the petitioner does not request reconsideration or a hearing during the period set for the action, or informs the Board that the action will not be requested, or fails to file the required statements within the prescribed time, the Board shall transmit the petition, a summary record of hearing proceedings, if applicable, its findings of fact, and its recommendation to the Administrator.

§ 1245.115 Action by the Administrator.

(a) After receiving the transmittal from the Board, the Administrator shall determine, in accordance with § 1245.103, whether or not to grant any waiver of rights to the petitioner. A waiver under § 1245.104(b)(2) will be granted only when the Board so recommends.

(b) In the event of denial of the petition by the Administrator, a written notice of such denial will be promptly transmitted by the Board to the petitioner. The written notice will be accompanied with a statement of the grounds for denial.

(c) If the waiver is granted by the Administrator, the petitioner shall be sent an original and one copy of an instrument of waiver confirmatory of the conditions and reservations of the waiver grant for its execution. The petitioner shall return the executed copy to the Chairperson within 30 days from the grant of waiver. Failure to return the copy within the prescribed time may result in revocation of the waiver of rights granted. Before the action is taken, notice shall be given to petitioner so that it may show cause before the Board why the waiver should not be revoked.

§ 1245.116 Filing of patent applications and reimbursement of costs.

(a) In order to protect the interests of the Government and the petitioner in inventions, a petitioner may file United States patent applications for such inventions prior to the Administrator's determination on a petition for waiver. If an application on an identified invention is filed during the pendency of the petition, or within 60 days prior to the receipt of a petition, NASA will reimburse the petitioner for any reasonable costs of the filing and patent prosecution that may have occurred, *Provided:*

(1) Similar patent filing and prosecution costs are not normally reimbursed to the petitioner as direct or indirect costs chargeable to Government contracts;

(2) The petition is ultimately denied with respect to domestic rights, or with respect to foreign and domestic rights, if both are requested; and

(3) Prior to reimbursement, petitioner assigns the application to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration.

§ 1245.117 Publication and record of decisions.

The findings of fact and recommendations made to the Administrator by the Board with respect to each petition for waiver shall be recorded by the Board and made available to the public. In addition, selected findings and recommendations of the Board shall be published annually.

§ 1245.118 Transitional provisions.

As to any invention made on or after July 1, 1981, in the performance of work under a contract (except for a contract for the operation of a Government-owned research or production facility), awarded prior to July 1, 1981, with a nonprofit organization or small business firm (as defined in 35 U.S.C. 201, 94 Stat. 3019 and NASA's implementing regulations, NASA PR 9.108), the Administrator may grant waiver of title without further consideration of the findings in § 1245.105 provided the contractor requests the waiver either at the time of reporting or within a reasonable period thereafter as the Board may set, as requested by the contractor. Any waiver so granted will be subject to:

(a) The reservation of § 1245.107(a);

(b) The march-in rights and provisions for preference for United States industry of 35 U.S.C. 203, 204, (94 Stat. 3022, 3023);

(c) The special provisions for nonprofit organizations of 35 U.S.C. 202(c)(7) (94 Stat. 3021); and

(d) The conditions for revocation and voidability of § 1245.109.

The foregoing reservations and conditions will be set forth in the Instrument of Waiver.

A. M. Lovelace,
Acting Administrator.

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BILLING CODE 7510–01–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Parts 7a, 7b, and 7c

Amendment to the National Voluntary Laboratory Accreditation Program Procedures

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

ACTION: Final rule.

SUMMARY: This document amends the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Parts 7a, 7b, and 7c) in two primary ways. First, it adds the current general and specific criteria for accrediting laboratories to the NVLAP procedures in the Code of Federal Regulations. Second, it eliminates separate Laboratory Accreditation Criteria Committees for each product area in favor of one Advisory Committee to advise DOC on program and policy issues. Workshops with public participation will be convened to provide technical assistance in each product area for which a laboratory accreditation program (LAP) is developed.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, NVLAP Coordinator, Office of Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–2054.

SUPPLEMENTARY INFORMATION:

Background

The NVLAP procedures were published in the Federal Register on February 25, 1976 (41 FR 8163–8166, 15

CFR Part 7, which has been redesignated 15 CFR Part 7a), pursuant to 15 U.S.C. 272, and Part VI of Reorganization Plan No. 3 of 1946. Optional procedures for use by other Federal agencies (15 CFR Part 7b) and for use by private sector organizations (15 CFR Part 7c) were published in the **Federal Register** on March 9, 1979 and April 25, 1979, respectively.

Three LAPs covering thermal insulation materials, freshly mixed field concrete, and carpet have been established and are fully operational. A single set of criteria for these LAPs was published in the **Federal Register** on January 23, 1980 (45 FR 5572–5600) and is the criteria being formally added to the NVLAP procedures.

NVLAP was developed to provide national recognition, upon request, to laboratories found competent to perform tests in product areas where such recognition is needed. DOC believes that the criteria used in conferring this national recognition should be as uniform as possible among the various product areas for which accreditation is granted. The use of uniform criteria will promote consistent assessment of applicant laboratories regardless of the product area. Similarly, laboratories seeking accreditation in more than one area will not be faced with different and possibly conflicting criteria. Uniform criteria should also serve to minimize accreditation costs to the laboratories and the likelihood of confusion in administering the program.

DOC realizes that changes in the uniform language of the criteria may be necessary in the future as the scope of NVLAP broadens to include other areas of testing, but believes these changes are likely to be few in number. For this reason, DOC believes that separate Criteria Committees for each new LAP are no longer needed.

To receive the benefit of the knowledge, experience, and expertise of individuals involved in accreditation or the operation of laboratories, this amendment calls for the establishment of a single National Laboratory Accreditation Advisory Committee (Advisory Committee). Its activities will include providing advice on: the accreditation process; amendments to the language of the uniform criteria; the changing needs of testing laboratories and industry; and all related aspects of testing laboratory accreditation on both the national and international levels.

In the past, an individual Criteria Committee for each LAP also served as a source of technical advice. In order to continue to receive this essential advice, DOC plans to hold open workshops for newly proposed LAPs.

Comments on the Proposed Amendment

The proposed amendment was published in the **Federal Register** on January 27, 1981 (46 FR 8910–8919) inviting comments by March 30, 1981. Written comments were received from 14 respondents. These comments are part of the public record which is available for inspection and copying in DOC's Central Reference and Records Inspection Facility (CRRIF) Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230. A summary and analysis report of the comments and the DOC response to these comments has been prepared and is also available for inspection and copying at DOC's CRRIF. The principle concerns raised by these comments and DOC's response are set forth below.

Criteria. Four respondents opposed the use of one set of criteria for accrediting all types of testing laboratories under NVLAP, and opposed the apparent abandonment of "specific criteria" for laboratories in different product areas. DOC believes that these concerns stem largely from semantic rather than substantive differences. When these respondents refer to "specific" or "individual" criteria for each test method or group of test methods, they appear to be referring to what DOC calls supplemental information. DOC will continue to develop and furnish to applicants for accreditation supplemental information describing detailed technical considerations for each test method that is within a LAP.

Three respondents offered suggestions for revising certain paragraphs of the criteria. This amendment does not alter the substantive language of those final criteria in any way; therefore, the criteria have not been changed. The Advisory Committee created by this amendment will be asked to review these suggestions and to recommend changes in the criteria, as appropriate.

One respondent recommended that a section be included that recognizes the availability of criteria documents of voluntary standards organizations, and also stated that such criteria shall be used unless the Secretary determines that they are unsatisfactory. When NVLAP was initiated, no single criteria document was suitable. If DOC were to use substantially different criteria for each LAP based on private sector criteria for individual products, the training of assessors and staff to implement the many different criteria would become more expensive and difficult. Moreover, a laboratory which was participating in more than one LAP would have to be judged in different ways if different criteria were used. Such multiple interpretation of competence is not desirable.

Composition of the Advisory Committee. One respondent suggested that representation on the Advisory Committee should be as broad as possible. Another respondent indicated that membership on the Advisory Committee would be denied to representatives of academia and consultants. The exclusion of representatives of academia, private consultants, and consumers was inadvertent. Accordingly, § 7a.6(b) of the proposed amendment has been revised to include such representation.

Other Issues. One respondent suggested that the statement under § 7a.19(a)(2), "Accreditation for certain test methods may also require participation in proficiency testing programs * * *", needs to be strengthened by requiring proficiency testing. DOC agrees that proficiency testing is an important tool for auditing a laboratory's performance, but for some test methods there are no useful or practical ways to conduct a proficiency testing program. The present wording maintains flexibility and is retained.

Two respondents expressed concern about the limiting effect of §§ 7a.8(c)(3), 7b.8(c)(3), and 7c.8(c)(3) regarding a laboratory's prerogative to advertise its accredited status. One respondent suggested adding the following note to these paragraphs:

> **Note.**—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services.

In order to clarify the advertising limitations of these paragraphs, a note to this effect has been added.

One respondent asserted that the words "no action" in § 7a.19(d) (2) and (3) are too strong and that DOC should reserve the right to recommend that new standards or changes to existing standards be developed. These paragraphs do not prevent DOC from recommending to a particular standards writing body the development or modification of one or more of its standards. Therefore, no change is made.

One respondent suggested that §§ 7a.11(d), 7b.11(d), and 7c.11(d) should be amended by adding at the end of the second sentence the clause, "and one of its key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest." DOC agrees, and the suggestion has been added in substance.

One respondent expressed concern about the adequacy of resources available to NBS to carry out its assigned mission of evaluating laboratories. DOC believes that the adoption of this amendment to the NVLAP procedures would not result in any significant additional responsibilities for NBS and may actually reduce overall program costs.

Amendment

This rulemaking amends the NVLAP procedures and the Code of Federal Regulations to include the uniform general and specific criteria that must be met by a testing laboratory in order to receive NVLAP accreditation. These criteria are essentially those published in the **Federal Register** on January 23, 1980 (45 FR 5572–5600) as the final criteria for accrediting laboratories that test thermal insulation materials, freshly mixed field concrete, and carpet, with minor editorial changes. Section 7a.19, *General and Specific Criteria for Accrediting Testing Laboratories,* is added to the Part 7a procedures to provide an overall description of the criteria along with requirements and limitations placed on DOC and testing laboratories relevant to the criteria. Sections 7a.20 through 7a.30 are added setting forth the actual general and specific criteria. Sections 7a.7, 7b.7, and 7c.7, *Development and Recommendation of Criteria for Accrediting Testing Laboratories,* are deleted.

Sections 7a.3, 7b.3, and 7c.3 are amended by revising the definitions for Advisory Committee, general criteria, and specific criteria.

Sections 7a.4(b)(5), 7b.4(b)(5), and 7c.4(b)(4) are revised to allow the party requesting a LAP to include in the request recommendations for amendments to the criteria. Sections 7a.4(h)(3), 7a.5(a), 7b.5, and 7c.5 are revised to allow DOC to take the appropriate action needed to make amendments to the criteria when deemed to be in the public interest. Sections 7a.4(h)(3)(i), 7b.5(a), and 7c.5(a) were further revised to require the Secretary to consult the Advisory Committee in addition to the requestor of any proposed amendments to the criteria. This was originally intended, but not specified, in the proposed amendment. Sections 7a.16, 7b.16, and 7c.16, *Amendment or Revision of Criteria,* are deleted.

Since publication of separate criteria for each individual LAP will no longer be required under this amendment, §§ 7a.8, 7b.8, and 7c.8, *Publication of Proposed Criteria,* are changed to sections entitled, *Announcement of the Establishment of a LAP.* This revision requires that a notice of the establishment of a LAP be published in the **Federal Register** after notice of the final finding of need (under Part 7a procedures) or after notice of the request for a LAP (under Parts 7b or 7c procedures) has been published. This notice will include the list of available test methods for that LAP, application instructions for accreditation in specific test methods included in the LAP, and descriptions of the accreditation process and proficiency testing programs.

Sections 7a.10, 7b.10, and 7c.10, *Establishment of Fees and Charges,* are changed so that the notice announcing the fees will be published in the **Federal Register** in a separate notice at the time of the announcement of the establishment of a LAP.

Under § 7a.6, *Establishment and Functions of a National Laboratory Accreditation Advisory Committee,* the composition and functions of the new Advisory Committee are set forth.

Sections 7a.8(c)(3), 7b.8(c)(3), and 7c.8(c)(3) were amended by the addition of a note clarifying advertising limitations; and §§ 7a.11(d), 7b.11(d), and 7c.11(d) were amended to recognize the importance of minimizing conflicts of interest of evaluators and examiners.

Several other sections of the procedures are amended to reflect editorial revisions such as changing "Criteria Committee" to "Advisory Committee," deleting references to "establishment of criteria", changing the referenced paragraph numbers to the appropriate numbers under this amendment, and making other editorial changes in the present procedures such as mailing addresses.

Part 7a Procedures. Under this amendment, the major steps involved in establishing a laboratory accreditation program (LAP) under the Part 7a procedures are:

1. DOC receives a formal request to establish a LAP;
2. DOC contacts other parties which may have an interest in or be affected by the proposed LAP;
3. DOC decides on the priority of the request;
4. DOC publishes in the **Federal Register** for public comment a preliminary finding of need for the proposed LAP;
5. If there is substantial support for establishing the LAP, DOC publishes a final finding of need. If not, a withdrawal of the preliminary finding is published;
6. Workshops are arranged to receive expert advice needed to implement the LAP;
7. DOC publishes in the **Federal Register** a notice of the establishment of the LAP and invites interested laboratories to apply for accreditation.

Part 7b and 7c Procedures. Similarly, for the optional procedures for use by Federal agencies (15 CFR Part 7b) and the optional procedures for use by private sector organizations (15 CFR Part 7c), the major steps are:

1. A Federal agency (Part 7b) or qualified private sector organization (Part 7c) requests a LAP and cites the basis upon which it determined the need;
2. DOC contacts other parties which may have an interest in or be affected by the proposed LAP;
3. DOC decides on the priority of the request;
4. DOC publishes in the **Federal Register** the request for the LAP asking that any comments regarding the need for the LAP be directed to the requestor with a copy forwarded to DOC;
5. If after a 60 day period both DOC and the requestor agree to proceed, workshops may be arranged to acquire expert advice needed to implement the LAP; and
6. DOC publishes in the **Federal Register** a notice of the establishment of the LAP and invites interested laboratories to apply for accreditation.

Existing LAP's

The LAPs which were established before the issuance of these amended procedures shall be treated as if their establishment has already been formally announced under § 7a.8 or § 7b.8 of the amended procedures as applicable.

Classification

In accordance with Executive Order 12291, the Office of Productivity, Technology, and Innovation has determined that the amendment set forth below is not a major rule that would require a regulatory impact analysis.

Effect on Small Entities (Regulatory Flexibility Act)

The change made by this final rule—adding uniform criteria to the procedures—should be of some benefit to small laboratories by fostering consistent assessment and by minimizing accreditation costs. The change to substitute one overall Advisory Committee for separate LAP Criteria Committees will have little, if any, effect on small entities. None of the other changes will have any significant impact on small entities. Accordingly, in issuing the final rule, I also certify that it will not have a significant adverse

economic impact on a substantial number of small entities.

Dated: July 14, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

For the reasons set out in the preamble, Parts 7a, 7b, and 7c of Title 15 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Parts 7a, 7b, and 7c is amended to read as follows:

Authority: Sec. 2, 31 Stat. 1449, as amended (15 U.S.C. 272); Reorganization Plan No. 3 of 1946, Part VI.

PART 7a—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM: GENERAL

2. Section 7a.3 is amended by revising paragraphs (c), (f), and (g) to read as follows:

§ 7a.3 Definitions.

* * * * *

(c) The term "Advisory Committee" means the National Laboratory Accreditation Advisory Committee appointed by the Secretary under § 7a.6.

* * * * *

(f) The term "general criteria" means those characteristics and qualifications generally expected of a laboratory which engages in the testing of products under consideration. See § 7a.19.

(g) The term "specific criteria" means those characteristics of a laboratory which pertain to its use of specific test methods in producing test data. See § 7a.19.

3. Section 7a.4 is amended by revising paragraphs (b)(3) and (b)(4)(ii), adding paragraph (b)(5), and revising paragraphs (f)(1), (h)(3), and (i)(3) to read as follows:

§ 7a.4 Finding of need to accredit testing laboratories.

* * * * *

(b) * * *

(3) Text of a test method, if not included in the applicable standard identified in paragraph (b)(2) of this section;

(4) * * *

(ii) The number of users of testing laboratories that it is believed will desire services of testing laboratories accredited to serve the product identified in paragraph (b)(1) of this section; and

(5) When deemed necessary, recommendations for amendments to the general and specific criteria referenced in § 7a.19 of these procedures.

* * * * *

(f) * * *

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 5317, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection at that location.

* * * * *

(h) * * *

(3) The identification of any amendment to the criteria in these procedures (see § 7a.5(a)), the adoption of which would benefit the public interest.

(i) If any amendments are so identified, the Secretary shall decide, after consultation with the requestor and the Advisory Committee, whether to propose the amendments to the criteria referenced in § 7a.19. If the decision is to propose one or more amendments, the Secretary shall decide upon the precise language, propose the amendment(s) by publication in the **Federal Register**, and make a final determination following the procedures of 5 U.S.C. 553, before the LAP is actually established.

(ii) In making these decisions the Secretary shall consider the following:

(A) The needs and scope of the program of the requestor;

(B) The needs and scope of the user population;

(C) Compatibility with the existing criteria referenced in § 7a.19; and

(D) The nature and content of other relevant public and private sector laboratory accreditation systems.

(iii) No amendment to the criteria referenced in § 7a.19 will be issued unless the Secretary determines that compliance with, and implementation of, the amendment is feasible, practical, and consistent with the public interest.

(i) * * *

(3) The standards and test methods are such that the evaluation of a laboratory can be accomplished by using the accreditation criteria referenced in § 7a.19; and

* * * * *

4. Section 7a.5 is amended by revising paragraph (a) to read as follows:

§ 7a.5 Statement of the basis for a preliminary finding of need.

* * * * *

(a) Whether an amendment to these procedures to modify the existing general or specific criteria referenced in § 7a.19, to establish additional general or specific criteria, or to establish other conditions for accrediting testing laboratories would benefit the public interest;

* * * * *

5. Section 7a.6 is revised to read as follows:

§ 7a.6 Establishment and functions of a National Laboratory Accreditation Advisory Committee.

(a) The Secretary shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) and appoint the Chairman and members thereto following the filing of a charter setting forth the purpose and nature of this Committee.

(b) The Advisory Committee will be composed of members who are qualified by their training and experience in the field of accreditation or the operations of testing laboratories. The composition of the Committee will be approximately as follows:

(1) One-third from Federal, State and local governments;

(2) One-third from testing laboratories (independent, corporate, and academic); and

(3) One-third from users of testing laboratories, academia, consultants, and consumers.

(c) The establishment and functioning of this Advisory Committee formed and utilized by the Secretary under these procedures shall be governed by the applicable provisions of the Federal Advisory Committee Act (Pub. L. 92-463, dated October 6, 1972). Persons selected to serve on this Advisory Committee may be paid travel expenses and per diem, provided authorized travel is involved.

(d) This Advisory Committee will function solely in an advisory capacity with functions to include the following:

(1) Assessing the future and continuing role of NVLAP and laboratory accreditation in terms of the changing requirements of industry and commerce;

(2) Informing NVLAP of the technical requirements of testing laboratories and industry;

(3) Advising on the necessity and implementation of proposed amendments to the general and specific criteria referenced in § 7a.19;

(4) Evaluating the interaction of other laboratory accreditation systems with NVLAP; and

(5) Reviewing and giving recommendations on the development of international accreditation activities and assessing the impact of such activities on NVLAP.

(e) The Advisory Committee shall meet periodically as called upon by DOC or may be consulted through periodic mailings from DOC.

(f) DOC may supplement the Advisory Committee by holding informal public workshops for the specific product or LAP under consideration. All interested parties, as well as the Advisory Committee, will be invited to participate. Information sought will include:

(1) Precision and accuracy expectations for test methods;

(2) Proficiency testing approaches;

(3) Materials and protocols for assessing a laboratory's performance; and

(4) The generation of supplemental information to tailor the criteria to the test methods of the particular LAP.

§ 7a.7 [Removed].

6. Section 7a.7 is removed in its entirety.

7. Section 7a.8 is revised to read as follows:

§ 7a.8 Announcement of the establishment of a LAP.

(a) After publication of the final finding of need for a specific LAP under § 7a.4(g), a notice of any change in the status of the request or a notice announcing the formal establishment of the LAP will be published in the **Federal Register**.

(b) A notice announcing the formal establishment of the LAP will contain the following:

(1) The list of test methods for which accreditation is available in the particular LAP;

(2) Instruction for making application for accreditation by laboratories testing the product involved, including what information must be provided in the request for an application; and

(3) A description of the accreditation process and the specific proficiency testing programs which may be required for particular test methods.

(c) This notice will also require that each testing laboratory that desires to be accredited in this program must agree to conditions that include but are not limited to the following:

(1) Be examined and audited initially and on a continuing basis;

(2) Pay accreditation fees and charges; and

(3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein, or in any other way which might convey the concept of product certification by the Department of Commerce.

Note.—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.

8. Section 7a.9 is revised to read as follows:

§ 7a.9 Coordination with Federal agencies.

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies that have an interest in any may be impacted by the LAPs carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials at policy making levels within those agencies. These coordination efforts will include opportunities for representatives designated by those agencies to serve on the Advisory Committee established by the Secretary under § 7a.6 and to participate in any public workshops held by DOC (described in § 7a.6(f)).

9. Section 7a.10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 7a.10 Establishment of fees and charges.

(a) The Secretary, using the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), or any similar financial arrangement for this program, shall establish fees and charges for examining, assessing, and accrediting testing laboratories. The fees and charges established by the Secretary, which may be revised when the Secretary deems it appropriate to do so, shall be in amounts calculated to enable the self-sufficiency of this program.

(b) When the Secretary publishes the notice announcing the formal establishment of a LAP referred to in § 7a.8, the Secretary shall simultaneously publish a separate notice in the **Federal Register** setting forth the schedule of fees that will be charged testing laboratories that request accreditation for a specific product area. The schedule of fees will go into effect thirty (30) days after the day it is published.

* * * * *

10. Section 7a.11 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 7a.11 Participation of testing laboratories.

(a) Any testing laboratory desiring to be accredited in a LAP announced under § 7a.8 will notify DOC of its desire by requesting an application pursuant to the provisions of the above-mentioned notice § 7a.8(b)(2)).

* * * * *

(c) In order to be accredited for one or more test methods under any LAP, an applicant must meet the general and specific criteria referenced in § 7a.19.

(d) Upon receipt by the National Bureau of Standards of a laboratory's written application for accreditation, including the fees and charges specified in paragraph (b) of this section, the National Bureau of Standards, on behalf of the Secretary, shall arrange by contract or shall itself conduct the examination of the laboratory in accordance with the requirements of the Secretary. In all cases when testing laboratories are examined, the National Bureau of Standards shall assure that the personnel used by the contractor or by itself possess the necessary professional and technical qualifications to assess the laboratory in the product area being evaluated. One of the key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest. If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report is prepared by a contractor, the National Bureau of Standards, before making payment to the contractor or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

* * * * *

11. Section 7a.12 is revised to read as follows:

§ 7a.12 Reference to accredited status.

Except as limited under § 7a.8(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical, and trade publications: "Accredited by the Department of Commerce, National Voluntary Laboratory Accreditation Program for (appropriate wording as authorized by the Secretary's notification under § 7a.11(e))."

12. Section 7a.13 is amended by revising paragraph (d) to read as follows:

§ 7a.13 Revocation or termination of accreditation of a testing laboratory.

* * * * *

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated, or which has withdrawn

its application prior to being accredited, may reapply and be accredited if it meets the applicable general and specific criteria referenced in § 7a.19, and agrees also to meet the conditions set out under § 7a.8(c) and the provisions of § 7a.12.

13. Section 7a.14 is amended by revising paragraphs (c)(1) and (e) to read as follows:

§ 7a.14 Cessation of accreditations.

* * * * *

(c) * * *

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 5317, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection at that location.

* * * * *

(e) If the Secretary ceases to accredit testing laboratories that serve a specific product as provided for in this section, the Secretary shall withdraw the accreditations previously issued to all those testing laboratories serving that product. Any testing laboratory whose accreditation has been withdrawn by the Secretary under this paragraph may seek to be accredited to serve a different specific product for which there is a LAP under these procedures, and may be so accredited if it meets the general and specific criteria referenced in § 7a.19 and if it agrees to meet the conditions set out under § 7a.8(c) and the provisions of § 7a.12.

* * * * *

14. Section 7a.15 is amended by revising paragraph (a) to read as follows:

§ 7a.15 Refund of fees and charges.

(a) If a testing laboratory withdraws its application for accreditation after it has submitted the required examination fees and provides written notice to the Secretary of such withdrawal prior to the issuance of an accreditation or the denial thereof, the testing laboratory will be refunded such fees except for the application fee, if any, and for any other costs that have been incurred relative to its application.

* * * * *

§ 7a.16 [Removed].

15. Section 7a.16 is removed in its entirety.

16. Section 7a.17 is amended by revising paragraph (a) to read as follows:

§ 7a.17 User information and reports.

(a) For each established LAP, the Secretary will publish in a quarterly report all actions regarding such matters as accreditations, revocations, the establishment of fees and charges, and any amendments or revisions to the general and specific criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

* * * * *

17. Part 7a is amended by adding § 7a.19 to read as follows:

§ 7a.19 General and specific criteria for accrediting testing laboratories.

(a)(1) Laboratories which request accreditation for one or more LAPs established under Parts 7a, 7b, or 7c will be accredited on the basis of their conformance to the general criteria set out in §§ 7a.20 through 7a.24 and the specific criteria set out in §§ 7a.26 through 7a.30.

(2) Accreditation for certain test methods may also require participation in proficiency testing programs described in the notice announcing the formal establishment of a LAP under § 7a.8(b)(3) (or under §§ 7b.8(b)(3) or 7c.8(b)(3) as applicable).

(b) In each of the sections identified in paragraph (a)(1) of this section as setting out criteria, the first paragraph (paragraph (a)) states the criterion itself. The remaining paragraphs of each of those sections set forth implementing requirements which laboratories must meet to ensure, or to enable assessment of, conformance with the criterion.

(c) Compliance with the general and specific criteria and other conditions established by the Secretary, and accreditation under these procedures, shall in no way relieve testing laboratories from the necessity of also observing and complying with any existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to the operation of such laboratories, including consumer protection and antitrust laws.

(d) In carrying out the activities authorized by this section—

(1) No action will be taken to develop further criteria that would prohibit the accreditation of a testing laboratory solely on the basis of that laboratory's association or nonassociation with manufacturing, distributing or vending organizations, or because the testing laboratory is a foreign firm;

(2) No action will be taken under this program to develop a product standard, a test method standard, or a comparable administrative rule;

(3) No action will be taken under this program to modify a product standard, a test method standard, or a comparable administrative rule where such a standard or rule is in existence; and

(4) The Secretary, under this program, will not ask for or accept confidential business data, trade secrets, or other proprietary information.

(e) General criteria include information and characteristics that should be obtainable from or found in reputable testing laboratories. They include general information about a laboratory (e.g., name, address, ownership, management structure); professional and ethical business practices that must exist for accreditation (e.g., agreement to adopt certain policies); and the maintenance of a quality control manual (e.g., written procedures and information addressing the control of staff, physical plant, operational processes, testing control procedures, and quality assurance) for use by laboratory staff in the laboratory. For initial and continued accreditation, each applicant shall provide, in writing, information in response to the provisions of §§ 7a.20 through 7a.25.

(f) Specific criteria state requirements for accreditation which relate to individual test methods. The specific criteria are designed so that they may be applied to all test methods in any NVLAP activity without having to be changed each time a test method is added or revised. Because "universal" language is used, some portions of the specific criteria may not be applicable to all test methods. This is why the words, "as applicable," are used in several places in the specific criteria. Supplemental information will be sent to each applicant laboratory showing how the specific criteria relate to each of the test methods for which accreditation is sought. This information identifies those sections of the specific criteria that are not applicable, indicates how those sections which are applicable are to be interpreted and implemented, and describes the conduct of an on-site examination and the subsequent assessment process. In essence, this information tailors the specific criteria to the particular characteristics of individual test methods. It will not extend the criteria into new areas and will be revised, as necessary, each time any test method is revised. The provisions of the specific criteria are contained in §§ 7a.26 through 7a.30.

18. Sections 7a.20 through 7a.30 are added to 15 CFR Part 7a to read as follows:

§ 7a.20 General criterion: Organizational structure.

(a) *Criterion G1.* The laboratory has a legally identifiable organizational structure that enables it to develop and maintain a testing capability to perform satisfactorily the functions for which accreditation is sought.

(b) *Organization description.* The laboratory shall submit a description of its organization including—

(1) The name and full address of the laboratory which is seeking accreditation;

(2) If the laboratory is part of a larger organization, the complete legal name and address of that larger organization;

(3) The ownership and management structure of the laboratory, including the names and positions of its principal officers and board of directors;

(4) An outline or organizational chart identifying all key management and supervisory positions in each relevant operating, support, and service unit in the laboratory's functional organization, and defining at least those reporting relationships that are relevant to this accreditation request;

(5) A position description, including the required qualifications, of the person who has technical responsibility for the laboratory in the testing area(s) for which accreditation is sought; and

(6) A general description of the laboratory, including its facilities and scope of operation.

(c) *Changes in organization.* The laboratory shall submit a statement of any fundamental changes related to the provisions of paragraph (b) of this section within 30 calendar days of such changes.

§ 7a.21 [Reserved]

§ 7a.22 General criterion: Professional and ethical business practices.

(a) *Criterion G2.* The laboratory is operated in accordance with generally accepted professional and ethical business practices.

(b) *Statement of ethical practices.* The laboratory shall agree in writing that as a minimum it will be its policy to—

(1) Perform the tests for which accreditation is sought in accordance with the designated test methods, and to report and explain deviations from those test methods in its test reports;

(2) Assure that reported values accurately reflect measured data;

(3) Limit test work to that for which competence and capacity are available;

(4) Treat test data, records, and reports as proprietary information;

(5) Repond to and attempt to resolve complaints contesting test results;

(6) Be capable of performing each test for which it is accredited according to the latest version of each test method within one year after its publication or within another time limit specified by the Department of Commerce (DOC);

(7) Maintain an independent decisional relationship between itself and its clients, affiliates, or other organizations, so that the laboartory's capacity to render test reports objectively and without bias is not adversely affected; and

(8) Return to DOC its certificate of accreditation for possible revision or other action should it become unable to conform to any of these general and specific criteria for accreditation.

(c) *Ascertainment of compliance.* Ordinarily, compliance with this criterion will be assessed when a complaint or other evidence, which is received by DOC, questions the accredited laboratory's compliance with this criterion.

§ 7a.23 [Reserved]

§ 7a.24 General criterion: Quality control system.

(a) *Criterion G3.* The laboratory maintains a quality control system to help assure the technical integrity of its work.

(b) *Documentation of quality control system.* The laboratory's quality control system must include a quality control manual or a laboratory operations control manual containing written procedures and information in response to the applicable requirements of the specific criteria. The procedures and information may be explicitly contained in the manual or may be referenced so that their location in the laboratory is clearly identified. The written procedures and information must be adequate to guide a testing technician (who is deemed qualified by the National Bureau of Standards (NBS) or by an NBS contractor) in conducting the tests in accordance with the test methods for which accreditation is sought.

(c) *Availability of quality control documentation.* The laboratory shall have a current copy of its quality control manual or laboratory operations control manual available in the laboratory for use by laboratory personnel, and shall make the manual available for DOC review and audit.

(d) *Definitions.* For NVLAP purposes the terms "quality control manual" and "laboratory operations control manual" are understood as follows:

(1) A quality control manual consists of general guidelines for the quality control of the laboratory's method of operation; specific information is provided for portions of individual test methods whenever specifics are needed to comply with the criteria or otherwise support the laboratory's operations; and

(2) A laboratory operations control manual consists of specific procedures and information for each test method responding to the applicable requirements of the specific criteria.

§ 7a.25 [Reserved].

§ 7a.26 Specific criterion: Personnel requirements.

(a) *Criterion S1.* The laboratory is staffed by personnel who are competent to perform the tests for which accreditation is sought.

(b) *Assurance of staff competence.* The laboratory shall assure the competency of its staff through the observation and/or examination of each relevant staff member in the performance of each test method or part thereof that each member is assigned to perform. Staff members who perform relatively simple tests at field locations with limited on-site supervision must annually pass an examination supplied by DOC. The observations at the laboratory must be conducted at intervals not exceeding one year by one or more individuals judged qualified by the person who has technical responsibility for the laboratory. In lieu of an annual observation or examination, current approval of staff members by DOC-recognized certification or licensing organizations in areas of competence encompassing these test methods is acceptable.

(c) *Description of training program.* The laboratory shall make available the description of its training program for assuring that new or untrained staff will be able to perform tests properly and uniformly to the requisite degree of precision and accuracy.

(d) *Personnel records.* The laboratory shall maintain in its personnel files—

(1) A record, including dates and results, of the observation or examination of performance for each test method or part thereof which each staff member is assigned to perform;

(2) Certification of competence, if any, from recognized outside agencies; and

(3) A listing of training courses completed.

§ 7a.27 [Reserved].

§ 7a.28 Specific criterion: Facilities, equipment, and procedures.

(a) *Criterion S2.* The laboratory's facilities, equipment, and procedures are appropriate for accreditation.

(b) *Description of equipment and facilities.* The laboratory shall maintain a list of its facilities and equipment required for each test method for which accreditation is sought, and, as applicable, a description of those facilities and equipment including—

(1) Sufficient identification of test instruments to allow correlation with calibration records;

(2) Schematics, drawings, diagrams or photographs of equipment and facilities for demonstrating conformance with the requirements of the test method; and

(3) A description of environmental or sample conditioning equipment and facilities showing how compliance with the requirements of the test method is measured and maintained.

(c) *Calibration, verification, and maintenance.* The laboratory shall provide evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each test method for which accreditation is sought, through the following:

(1) A description of the procedures used in calibrating, verifying, and maintaining the test equipment and facilities, including, as applicable—

(i) Calibration and verification equipment or services used;

(ii) Reference standards and materials used;

(iii) Measurement assurance, collaborative reference, or other programs in which the laboratory participates;

(iv) Routine maintenance; and

(2) Calibration and verification records including, as applicable—

(i) Equipment description or name;

(ii) Name of manufacturer;

(iii) Model, style, and serial number, or other identification;

(iv) Equipment variables subject to calibration and verification;

(v) Range of operation and range of calibration and verification;

(vi) Resolution of the instrument and allowable error tolerances on readings;

(vii) Calibration or verification schedule (intervals);

(viii) Date and result of last calibration or verification and date of the next calibration or verification;

(ix) Name of laboratory person or outside service providing the above calibration or verification; and

(x) Traceability to NBS or other authority as required.

(d) *Supplementary test method plan.* The laboratory shall maintain a test plan supplementing each test method for which accreditation is sought which includes, as applicable, instructions for—

(1) Equipment maintenance and verification checks;

(2) Specimen selection, handling, and disposal;

(3) Data collection, analysis and reporting;

(4) Quality control checks and audits; and

(5) Any subcontractors performing part of the test and a description of how the laboratory assures the required precision and accuracy.

Note.—The intent of this paragraph is to allow subcontractors to perform common repetitive tasks, such as making slides or taking pictures, which are required by certain test methods. However, only laboratories having the measuring equipment by which final test data are obtained can be accredited. If data obtained using one test method in this accreditation program are used as input data for a second test method, or if the test procedures for one test method affects the results obtained in a second test method, a laboratory seeking accreditation for the second method must also be accredited for the first method. An accredited laboratory may not present final test data to a client as data from an accredited laboratory unless the final test data actually were obtained from an accredited laboratory.

(e) *Evidence of conformance.* The laboratory shall maintain, as applicable, documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought.

§ 7a.29 [Reserved].

§ 7a.30 Specific criterion: Records of operations.

(a) *Criterion S3.* The laboratory maintains records of its operations.

(b) *Test reports and related information.* The laboratory shall maintain records of those testing activities associated with each test method for which accreditation is sought, including the following:

(1) Test reports containing, as applicable—

(i) Name and address of the laboratory;

(ii) Pertinent dates and identifying numbers;

(iii) Name of client;

(iv) Description and identification of the specimen (including, as necessary, location of the batch, lot, or project of the sampled material from which the specimen was taken);

(v) An appropriate title;

(vi) Identification of the test method, procedure, or specification;

(vii) Known deviations, additions to, or exclusions from the test method;

(viii) Measurements, examinations, derived results, and identification of test anomalies;

(ix) If necessary, a statement as to whether or not the test results comply with the requirements of product or project specifications;

(x) Signature of person having technical responsibility for the test report; and

(xi) All items required by the test method;

(2) Data generated during testing if not included in the test report, such as raw data, calculations, tables, graphs, sketches, and photographs; and

(3) Specimen control forms which document the receipt, handling, storage, shipping, and testing of specimens or a written description of the procedures and separate records that are maintained to control these operations.

(c) *Example test report.* The laboratory shall make available to DOC, upon request, a typical completed test report with the name of the client and source of any product deleted.

(d) *Standards and similar documents.* The laboratory shall have copies of applicable standards and other documents referred to or used in performing each test method for which accreditation is sought.

(e) *Quality control records.* The laboratory shall maintain records of its quality control checks and audits for monitoring its test work including—

(1) Records of audit sampling of the test results; and

(2) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(f) *Complaints.* The laboratory shall maintain a file of written complaints and disposition thereof.

(g) *Retention of records.* The laboratory shall retain records required by these general and specific criteria for a minimum of three years or for any longer period of time specified by Federal, State, or local requirements or other contractual requirements.

PART 7b—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM: FEDERAL GOVERNMENT

19. Section 7b.3 is amended by revising paragraphs (c), (f), and (g) to read as follows:

§ 7b.3 Definitions.

* * * * *

(c) The term "Advisory Committee" means the National Laboratory Accreditation Advisory Committee appointed by the Secretary under § 7a.6 of 15 CFR Part 7a.

* * * * *

(f) The term "general criteria" means those characteristics and qualifications generally expected of a laboratory which engages in the testing of products under consideration. See § 7a.19 of 15 CFR Part 7a.

(g) The term "specific criteria" means those characteristics of a laboratory which pertain to its use of specific test methods in producing test data. See § 7a.19 of 15 CFR Part 7a.

20. Section 7b.4 is amended by revising paragraphs (b)(5) and (e)(3) to read as follows:

§ 7b.4 Request to establish a laboratory accreditation program (LAP).

* * * * *

(b) * * *

(5) When deemed necessary, recommendations for amendments to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a;

* * * * *

(e) * * *

(3) The standards and test methods are such that the evaluation of a laboratory can be accomplished by using the accreditation criteria referenced in § 7a.19 of 15 CFR Part 7a; and

* * * * *

21. Section 7b.5 is revised to read as follows:

§ 7b.5 Amendment of criteria used to accredit laboratories.

(a) If one or more amendments are recommended under § 7b.4(b)(5), the Secretary shall decide, after consultation with the requesting Federal agency and the Advisory Committee, whether to propose any amendments to the criteria referenced in § 7a.19 of 15 CFR Part 7a. If the decision is to propose one or more amendments, the Secretary shall decide upon the precise language, propose the amendment(s) by publication in the **Federal Register**, and make a final determination following the procedures of 5 U.S.C. 553, before the LAP is actually established.

(b) In making these decisions the Secretary shall consider the following:

(1) The needs and scope of the program of the requesting Federal agency;

(2) The needs and scope of the user population;

(3) Compatibility with the existing criteria referenced in § 7a.19; and

(4) The nature and content of other relevant public and private sector laboratory accreditation systems.

(c) No amendment to the criteria referenced in § 7a.19 will be issued unless the Secretary has determined that compliance with and implementation of the amendment is feasible, practical, and consistent with the public interest.

22. Section 7b.6 is revised to read as follows:

§ 7b.6 Establishment and functions of a National Laboratory Accreditation Advisory Committee.

(a) The Secretary shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) under the provisions of § 7a.6 of 15 CFR Part 7a.

(b) This Advisory Committee will function solely in an advisory capacity pursuant to § 7a.6 (d) and (e).

§ 7b.7 [Removed].

23. Section 7b.7 is removed in its entirety.

24. Section 7b.8 is revised to read as follows:

§ 7b.8 Announcement of the establishment of a LAP.

(a) After publication of the request for a LAP for a specific product under § 7b.4(c), a notice of any change in the status of the request or a notice announcing the formal establishment of the LAP will be published in the **Federal Register.**

(b) A notice announcing the formal establishment of a LAP will contain the following:

(1) The list of test methods for which accreditation is available in the particular LAP;

(2) Instructions for making application for accreditation by laboratories testing the product involved, including what information must be provided in the request for an application; and

(3) A description of the accreditation process and the specific proficiency testing programs which may be required for the particular product area.

(c) This notice will also require that each testing laboratory that desires to participate in this program must agree to conditions that include but are not limited to the following:

(1) Be examined and audited initially and on a continuing basis;

(2) Pay accreditation fees and charges; and

(3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers and packaging or the contents therein, or in any other way which might convey the concept of product certification by the Department of Commerce.

Note.—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.

25. Section 7b.9 is revised to read as follows:

§ 7b.9 Coordination with Federal agencies.

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies (other than the requesting agency) that have an interest in and may be impacted by the LAPs carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials within those agencies. The coordination efforts will include opportunities for representatives designated by those agencies to serve on the Advisory Committee established by the Secretary under § 7a.6 and to participate in any public workshops held by DOC (described in § 7a.6(f)).

26. Section 7b.10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 7b.10 Establishment of fees and charges.

(a) The Secretary, using the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), or any similar financial arrangement for this program, shall establish fees and charges for examining, assessing, and accrediting testing laboratories. The fees and charges established by the Secretary, which may be revised when the Secretary deems it appropriate to do so, shall be in amounts calculated to enable the self-sufficiency of this program.

(b) When the Secretary publishes the notice announcing the formal establishment of a LAP referred to in § 7b.8, the Secretary shall simultaneously publish a separate notice in the **Federal Register** setting forth the schedule of fees that will be charged testing laboratories that request accreditation for test methods in a specific LAP. The schedule of fees will go into effect thirty (30) days after the day it is published.

* * * * *

27. Section 7b.11 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 7b.11 Participation of testing laboratories.

(a) Any testing laboratory desiring to be accredited in a LAP announced under § 7b.8 will notify DOC of its desire by requesting an application pursuant to the provisions of the above-mentioned notice (§ 7b.8(b)(2)).

* * * * *

(c) In order to be accredited for one or more test methods under any LAP, an applicant must meet the general and specific criteria referenced in § 7a.19.

(d) Upon receipt by the National Bureau of Standards of a laboratory's written application for accreditation and the fees and charges specified in paragraph (b) of this section, the National Bureau of Standards, on behalf of the Secretary, shall arrange by contract or shall itself conduct the examination of the laboratory in accordance with the requirements of the Secretary. In all cases when testing laboratories are examined, the National Bureau of Standards shall assure that the personnel used by the contractor or by itself possess the necessary professional and technical qualifications to assess the laboratory in the product area being evaluated. One of the key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest. If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report is prepared by a contractor, the National Bureau of Standards, before making payment to the contractor or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

* * * * *

28. Section 7b.12 is revised to read as follows:

§ 7b.12 Reference to accredited status.

Except as limited under § 7b.8(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical, and trade publications: "Accredited by the Department of Commerce, National Voluntary Laboratory Accreditation Program for (appropriate wording as authorized by the Secretary's notification under § 7b.11(e))."

29. Section 7b.13 is amended by revising paragraph (d) to read as follows:

§ 7b.13 Revocation or termination of accreditation of a testing laboratory.

* * * * *

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated, or which has withdrawn its application prior to being accredited, may reapply and be accredited if it meets the applicable general and specific criteria referenced in § 7a.19, and agrees also to meet the conditions set out under § 7b.8(c) and the provisions of § 7b.12.

30. Section 7b.15 is amended by revising paragraph (a) to read as follows:

§ 7b.15 Refund of fees and charges.

(a) If a testing laboratory withdraws its application for accreditation after it has submitted the required examination fees and provides written notice to the Secretary of such withdrawal prior to the issuance of an accreditation or the denial thereof, the testing laboratory will be refunded such fees except for the application fee, if any, and for any other costs that have been incurred relative to its application.

§ 7b.16 [Removed].

31. Section 7b.16 is removed in its entirety.

32. Section 7b.17 is amended by revising paragraph (a) to read as follows:

§ 7b.17 User information and reports.

(a) For each established LAP, the Secretary will publish in a quarterly report all actions regarding such matters as accreditations, revocations, the establishment of fees and charges, and any amendments or revisions to the general and specific criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

* * * * *

33. Part 7b is amended by adding § 7b.19 to read as follows:

§ 7b.19 General and specific criteria for accrediting testing laboratories.

Laboratories which request accreditation for one or more LAPs established under this Part 7b will be accredited on the basis of their conformance to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a.

PART 7c—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM: PRIVATE SECTOR ORGANIZATIONS

34. Section 7c.3 is amended by revising paragraphs (d), (g), and (h) to read as follows:

§ 7c.3 Definitions.

* * * * *

(d) The term "Advisory Committee" means the National Laboratory Accreditation Advisory Committee appointed by the Secretary under § 7a.6 of 15 CFR Part 7a.

* * * * *

(g) The term "general criteria" means those characteristics and qualifications generally expected of a laboratory which engages in the testing of products under consideration. See § 7a.19 of 15 CFR Part 7a.

(h) The term "specific criteria" means those characteristics of a laboratory which pertain to its use of specific test methods in producing test data. See § 7a.19 of 15 CFR Part 7a.

35. Section 7c.4 is amended by revising paragraphs (b)(4) and (f)(3) to read as follows:

§ 7c.4 Request to establish a laboratory accreditation program (LAP).

* * * * *

(b) * * *

(4) When deemed necessary, recommendations for amendments to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a;

* * * * *

(f) * * *

(3) The standards and test methods are such that the evaluation of a laboratory can be accomplished by using the accreditation criteria referenced in § 7a.19; and

* * * * *

36. Section 7c.5 is revised to read as follows:

§ 7c.5 Amendment of criteria used to accredit laboratories.

(a) If one or more amendments are recommended under § 7c.4(b)(4), the Secretary shall decide, after consultation with the requesting organization and the Advisory Committee, whether to propose any amendments to the criteria referenced in § 7a.19 of 15 CFR Part 7a. If the decision is to propose one or more amendments, the Secretary shall decide upon the precise language, propose the amendment(s) by publication in the **Federal Register**, and make a final determination following the procedures

of 5 U.S.C. 553, before the LAP is actually established.

(b) In making these decisions the Secretary shall consider the following—

(1) The needs and scope of the program of the requesting organization;

(2) The needs and scope of the user population;

(3) Compatibility with the existing criteria referenced in § 7a.19; and

(4) The nature and content of other relevant public and private sector laboratory accreditation systems.

(c) No amendment to the criteria referenced in § 7a.19 will be issued unless the Secretary has determined that compliance with and implementation of the amendment is feasible, practical, and consistent with the public interest.

37. Section 7c.6 is revised to read as follows:

§ 7c.6 Establishment and functions of a National Laboratory Accreditation Advisory Committee.

(a) The Secretary shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) under the provisions of § 7a.6 of 15 CFR Part 7a.

(b) This Advisory Committee will function solely in an advisory capacity pursuant to § 7a.6 (d) and (e).

§ 7c.7 [Removed].

38. Section 7c.7 is removed in its entirety.

39. Section 7c.8 is revised to read as follows:

§ 7c.8 Announcement of the establishment of a LAP.

(a) After publication of the request for a LAP for a specific product under § 7c.4(c), a notice of any change in the status of the request or a notice announcing the formal establishment of the LAP will be published in the **Federal Register.**

(b) A notice announcing the formal establishment of the LAP will contain the following:

(1) The list of test methods for which accreditation is available in the particular LAP;

(2) Instructions for making application for accreditation by laboratories testing the product involved, including what information must be provided in the request for an application; and

(3) A description of the accreditation process and the specific proficiency testing programs which may be required for the particular product area.

(c) This notice will also require that each testing laboratory that desires to participate in this program must agree to conditions that include but are not limited to the following:

(1) Be examined and audited initially and on a continuing basis;

(2) Pay accreditation fees and charges; and

(3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers and packaging or the contents therein, or in any other way which might convey the concept of product certification by the Department of Commerce.

Note.—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.

40. Section 7c.9 is revised to read as follows:

§ 7c.9 Coordination with Federal agencies.

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies that have an interest in and may be impacted by the LAPs carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials at policy making levels within those agencies. These coordination efforts will include opportunities for representatives designated by those agencies to serve on the Advisory Committee established by the Secretary under § 7a.6 and to participate in any public workshops held by DOC (described in § 7a.6(f)).

41. Section 7c.10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 7c.10 Establishment of fees and charges.

(a) The Secretary, using the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), or any similar financial arrangement for this program, shall establish fees and charges for examining, assessing, and accrediting testing laboratories. The fees and charges established by the Secretary, which may be revised when the Secretary deems it appropriate to do so, shall be in amounts calculated to enable the self-sufficiency of this program.

(b) When the Secretary publishes the notice announcing the formal establishment of a LAP referred to in § 7c.8, the Secretary shall simultaneously publish a separate notice in the **Federal Register** setting forth the schedule of fees that will be charged testing laboratories that request accreditation for test methods in a specific LAP. The schedule of fees will go into effect thirty (30) days from the day it is published.

* * * * *

42. Section 7c.11 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 7c.11 Participation of testing laboratories.

(a) Any testing laboratory desiring to be accredited in a LAP announced under § 7c.8 will notify DOC of its desire by requesting an application pursuant to the provisions of the above-mentioned notice (§ 7c.8(b)(2)).

* * * * *

(c) In order to be accredited for one or more test methods under any LAP, an applicant must meet the general and specific criteria referenced in § 7a.19.

(d) Upon receipt by the National Bureau of Standards of a laboratory's written application for accreditation and the fees and charges specified in paragraph (b) of this section, the National Bureau of Standards, on behalf of the Secretary, shall arrange by contract or shall itself conduct the examination of the laboratory in accordance with the requirements of the Secretary. In all cases where testing laboratories are examined, the National Bureau of Standards shall assure that the personnel used by the contractor or by itself possess the necessary professional and technical qualifications to assess the laboratory in the product area being evaluated. One of the key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest. If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report is prepared by a contractor, the National Bureau of Standards, before making payment to the contractor or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

* * * * *

43. Section 7c.12 is revised to read as follows:

§ 7c.12 Reference to accredited status.

Except as limited under § 7c.8(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical, and trade publications: "Accredited by the Department of Commerce, National

Voluntary Laboratory Accreditation Program for (appropriate wording as authorized by the Secretary's notification under § 7c.11(e))."

44. Section 7c.13 is amended by revising paragraph (d) to read as follows:

§ 7c.13 Revocation or termination of accreditation of a testing laboratory.

* * * * *

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated, or which has withdrawn its application prior to being accredited, may reapply and be accredited if it meets the applicable general and specific criteria referenced in § 7a.19, and agrees also to meet the conditions set out under § 7c.8(c) and the provisions of § 7c.12.

45. Section 7c.14 is amended by revising paragraphs (a) and (e) to read as follows:

§ 7c.14 Cessation of accreditations.

(a) The Secretary may cease the accreditation of testing laboratories that serve a specific product upon finding that there is no longer a need to accredit such laboratories. An action to cease such accreditations shall start with the publication in the **Federal Register** of a preliminary finding that the LAP is no longer needed. Such notice shall set forth the Secretary's reasons for such preliminary finding and shall, as a minimum, address those relevant items listed in § 7c.4(b) which form the basis of need for establishing a LAP under provisions of Part 7c, as well as those items which formed the basis for the need as stated by the requesting private sector organization.

* * * * *

(e) If the Secretary ceases the accreditation of testing laboratories that serve a specific product as provided for in this section, the Secretary shall withdraw the accreditations previously issued to all those testing laboratories serving that product. Any testing laboratory whose accreditation has been withdrawn by the Secretary under this paragraph may seek to be accredited to serve a different specific product under these procedures, and may be so accredited if it meets the general and specific criteria referenced in § 7a.19 and if it agrees to meet the conditions set out under § 7c.8(c) and the provisions of § 7c.12.

§ 7c.16 [Removed].

46. Section 7c.16 is removed in its entirety.

47. Section 7c.17 is amended by revising paragraph (a) to read as follows:

§ 7c.17 User information and reports.

(a) For each established LAP, the Secretary will publish in a quarterly report all actions regarding such matters as accreditations, revocations, the establishment of fees and charges, and any amendments or revisions to the general and specific criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

* * * * *

48. Part 7c is amended by adding § 7c.19 to read as follows:

§ 7c.19 General and specific criteria for accrediting testing laboratories.

Laboratories which request accreditation for one or more LAPs established under this Part 7c will be accredited on the basis of their conformance to the general and specific criteria referenced in §7a.19 of 15 CFR Part 7a.

[FR Doc. 81-21039 Filed 7-10-81; 8:45]
BILLING CODE 3510-12-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17927; File No. S7-874]

Net Capital Requirements for Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its uniform net capital rule to conform Appendix B to the rule relating to commodity transactions, to certain recent amendments adopted by the Commodity Futures Trading Commission ("CFTC") to its net capital rule. The amendments will affect particularly those brokers and dealers who are also registered with the CFTC as futures commission merchants ("BD–FCMs"). These amendments relate to the treatment of undermargined accounts, debit/deficit accounts and collateral used to secure receivables.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Steven L. Molinari, 272–2383.

SUPPLEMENTARY INFORMATION: The CFTC recently adopted amendments to its net capital rule regarding the treatment of undermargined accounts, debit/deficit accounts and collateral used to secure receivables.[1] The CFTC received a number of comments to the proposed amendments which are discussed in its adopting release.[2]

On February 20, 1981, the Commission proposed for public comment amendments to its uniform net capital rule regarding the treatment of undermargined accounts, debit/deficit accounts and collateral used to secure receivables.[3] These amendments mirror the amendments adopted by the CFTC and will affect Appendix B to the Commission's uniform net capital rule relating to commodity transactions. The Commission received no comments in response to the proposed amendments.

The amendments appear to the Commission to be reasonable modifications to the present uniform net capital rule to moderate imprudent extensions of credit by BD–FCMs in connection with transactions in commodities and commodity futures and have been adopted by the Commission.

Undermargined Accounts

The first amendment will shorten the period within which a BD–FCM may offset charges to net capital for undermargined customer commodity futures accounts with current calls for margin. At present, when such an account becomes undermargined, the BD–FCM must take a charge to net capital for the amount the account is undermargined only after four business days (assuming a margin call has been issued). The amendment will lower this period to three business days.[4]

[1] 45 FR 70416 (December 1, 1980). In this release, the CFTC also adopted an amendment to its net capital rule which eliminates the "aggregate indebtedness" method of computing a firm's net capital. The Commission has solicited comment on the feasibility of eliminating this method in Securities Exchange Act Release No. 17208 (October 9, 1980) although no rule amendment was proposed at that time. These amendments will in no way affect the CFTC's elimination of the "aggregate indebtedness" concept from the CFTC's net capital rule.

[2] *Id.*

[3] Securities Exchange Act Release No. 17564 (February 20, 1981) (46 FR 14749); 22 SEC Docket 161.

[4] Originally, the rule gave a five day period before a deduction was required. The rule provided that the period should be lowered in stages, first to four business days beginning in 1981, and to three business days beginning in 1983. The amendment accelerates the adoption of the three day standard by one and one-half years.

Debit/Deficit Accounts

The second amendment relates to unsecured commodity futures or option accounts consisting of a ledger balance and open trades, which, when combined, liquidate to a deficit, or which contain a debit ledger balance only. The present rule requires a charge to net capital, to be offset by margin calls outstanding one business day or less. The BD–FCM must collect the deficit or debit balance by the close of the second business day following the adverse market movement giving rise to the situation before the charge must be made. The amendment will accelerate the time period, requiring the charge to be taken as of the close of business the day following the day on which the market movement caused the debit/deficit account.

Valuation of Collateral

The third amendment to Appendix B relates to the value of collateral securing any loan, advance or other form of receivable arising out of commodity-related transactions. At present, collateral may be valued at 100% of its market value for purposes of determining whether the receivable is secured. The amendment will require the BD–FCM to consider the receivable secured only after making the percentage deductions ("haircuts") required if the collateral were owned by the BD–FCM. Under a related amendment, the value attributed to any non-cash item deposited with the BD–FCM to margin, guarantee or secure a commodity futures account, will be the lesser of (A) the value attributable to the asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of the asset reduced by the appropriate haircut.

Statutory Basis and Competitive Considerations

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly Section 15(c)(3), 15 U.S.C. 78*o*(c)(3), thereof, hereby amends paragraphs (a)(3)(ii), (a)(3)(xii), (a)(3)(xiii) and (a)(3)(xviii) of Rule 15c3–1b (17 CFR 240.15c3–1b) as set forth below.

It appears to the Commission that no burden will be imposed on competition by adoption of these amendments. If there is any burden on competition, it is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Text of Amendment

Accordingly, 17 CFR Part 240 is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

By revising paragraphs (a)(3)(ii), (a)(3)(xii), (a)(3)(xiii) and (a)(3)(xviii) of § 240.15c3–1b as follows:

§ 240.15c3–1b Adjustments to net worth and aggregate indebtedness for certain commodities transactions (Appendix B to 17 CFR 240.15c3–1.

(a) * * *

(3) * * *

(ii) Deduct any unsecured commodity futures or option account containing a ledger balance and open trades, the combination of which liquidates to a deficit or containing a debit ledger balance only: *Provided, however,* Deficits or debit ledger balances in unsecured customers', non-customers' and proprietary accounts, which are the subject of calls for margin or other required deposits need not be deducted until the close of business on the business day following the date on which such deficit or debit ledger balance originated;

* * * * *

(xii) Deduct for undermargined customer commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding three business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements on such accounts, then deduct the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding three days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided,* To the extent a deficit is deducted from net worth in accordance with paragraph (a)(3)(ii) of this Appendix B, such amount shall not also be deducted under this paragraph (a)(3)(xii). In the event that an owner of a customer account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this paragraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in paragraph (c)(2)(vi) or (c)(2)(vii) of § 240.15c3–1 this chapter;

(xiii) Deduct for undermargined non-customer and omnibus commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding two business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then deduct the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding two days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided,* To the extent a deficit is deducted from net worth in accordance with paragraph (a)(3)(ii) of this Appendix B such amount shall not also be deducted under this paragraph (a)(3)(xiii). In the event that an owner of a non-customer or omnibus account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this paragraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in paragraph (c)(2)(vi) or (c)(2)(vii) of § 240.15c3–1 of this chapter;

* * * * *

(xviii) A loan or advance or any other form of receivable shall not be considered "secured" for the purposes of paragraph (a)(3) of this Appendix B unless the following conditions exist:

(A) The receivable is secured by readily marketable collateral which is otherwise unencumbered and which can be readily converted into cash: *Provided, however,* That the receivable will be considered secured only to the extent of the market value of such collateral after application of the percentage deductions specified in

paragraph (a)(3)(ix) of this Appendix B; and

(B)(*1*) The readily marketable collateral is in the possession or control of the broker or dealer; or

(*2*) The broker or dealer has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the readily marketable collateral within the meaning of the laws of the State in which the readily marketable collateral is located.

* * * * *

Regulatory Flexibility Act Considerations

Pursuant to 5 U.S.C. 601 *et seq.*, notice was published on February 20, 1981, that the Chairman of the Commission had certified that the proposed amendments to Rule 15c3–1, if adopted, would not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. No comments were received concerning the certification.

Therefore, the Commission does not believe that the amendments adopted herein will have a significant impact on small, or any other, broker-dealers.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 9, 1981.

[FR Doc. 81–20873 Filed 7–15–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 80F–0455]

Indirect Food Additives: Polymers; Textiles and Textile Fibers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 7-(2*H*-naphtho[1,2-*d*]triazol-2-yl)-3-phenylcoumarin as an optical brightener in polyethylene terephthalate fibers intended to contact dry food. This action is in response to a petition filed by Albany International Corp.

DATES: Effective July 17, 1981, objection by August 17, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 5, 1980 (45 FR 80593), FDA announced that a petition (FAP 1B3535) had been filed by Albany International Corp., P.O. Box 1062, Buffalo, NY 14240, proposing that the food additive regulations be amended to provide for the safe use of 7-(2*H*-naphtho[1,2-*d*]triazol-2-yl)-3-phenylcoumarin as an optical brightener in polyester fibers intended to contact dry food.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch, Food and Drug Administration, (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 177 is amended in § 177.2800(d)(5)(ii) by inserting alphabetically a new item in the list of substances, to read as follows:

§ 177.2800 Textiles and textile fibers.

* * * * *

(d) * * *

(5) * * *

List of substances	Limitations
* * *	* * *
(ii) * * *	
7-(2*H*-naphtho[1,2-*d*]triazol-2-yl)-3-phenylcoumarin (CAS Reg. No. 3333–62–8) having a melting point of 250° to 251° C and a nitrogen content of 10.7 to 11.2 percent.	For use only as an optical brightener in polyethylene terephthalate fibers specified in paragraph (d)(5)(ii) of this section at a level not to exceed 0.035 percent by weight of the finished fibers.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 17, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 17, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–20941 Filed 7–16–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject To Certification; Lincomycin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co. providing for the safe and effective intramuscular use of a lower concentration lincomycin hydrochloride injection for the treatment of swine.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (34–025) providing for the safe and effective intramuscular use of a 25-milligram per milliliter (mg/mL) lincomycin hydrochloride injectable in addition to an existing approval for a 50 and 100 mg/mL injectable for the treatment of swine for arthritis and mycoplasma pneumonia. The supplemental NADA is approved and the regulations are amended to reflect the approval.

This action provides for use of an additional concentration of drug, a lower concentration, and does not affect the currently approved conditions of use of the drug as reflected in the regulations in 21 CFR 522.1260(e)(2). In accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplemental NADA does not require reevaluation of the safety and effectiveness data in the parent application.

A freedom of information summary, as defined in 21 CFR 514.11(e)(2), need not be filed prior to publication of this approval.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

§ 522.1260 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.1260 *Lincomycin injection* is amended in paragraph (a) by removing the final period and adding the phrase "or that each immediate container may contain 100 milliliters of solution containing 25 milligrams of lincomycin per milliliter."

Effective date: July 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 9, 1981.

Myron C. Rosenberg,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–20794 Filed 7–16–81; 8:45 am]

BILLING CODE 4110–83–M

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject To Certification; Selenium Disulfide Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Happy Jack, Inc., providing for use of a selenium disulfide suspension on dogs as a shampoo and agent for removing skin debris.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Happy Jack, Inc., P.O. Box 475, Snow Hill, NC 28580, filed an NADA (121–556) providing for use of a selenium disulfide suspension on dogs as a cleansing shampoo and as an agent for removing skin debris associated with dry eczema and nonspecific dermatoses.

This application concerns a product similar to one reviewed by the National Academy of Sciences/National Research Council (NAS/NRC), approval of which is reflected in the regulations in 21 CFR 524.2101. This application is approved on the basis of generic equivalence to the NAS/NRC reviewed product. It conforms to the NAS/NRC panel recommendations published in the **Federal Register** of September 5, 1970 (35 FR 14168). The Bureau of Veterinary Medicine has determined that bioequivalence data are not required for this product. The NADA is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.2101 by revising paragraph (b)(2) to read as follows:

§ 524.2101 Selenium disulfide suspension.

* * * * *

(b) * * *

(2) See Nos. 011536, 015563, 017135, and 023851 in § 510.600(c) of this chapter for use as in paragraph (c)(2)(ii) of this section.

* * * * *

Effective date: July 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 7, 1981.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–20636 Filed 7–16–81; 8:45 am]

BILLING CODE 4110–83–M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bacitracin Zinc; NAS/NRC Update

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the regulation for bacitracin zinc to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as probably effective as a result of a National

Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the products, and subsequently moved into the effective category by the agency. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: David P. Ducharme, Bureau of Veterinary Medicine (HFV-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2280.

SUPPLEMENTARY INFORMATION: The NAS/NRC reviews of these products were published in the **Federal Register** of July 17, 1970 (35 FR 11531) and August 5, 1970 (35 FR 12490). In these documents, the Academy classified these products as probably effective for faster gains and feed efficiency in poultry. The Academy further stated the claims for growth promotion or stimulation are disallowed. Claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions." FDA agreed with the Academy's findings, except the agency concluded that the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency." The agency further concluded that antibiotics that carry the claim for growth promotion and feed efficiency, and that were judged as probably effective for those claims by the Academy, can be moved into the effective category if the claim is rephrased to "For increased rate of weight gain and improved feed efficiency."

The Academy's announcements were issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act (the act).

The Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110, responded to the notice by submitting an NADA (96-452) providing information in accordance with the requirements of section 512 of the act (21 U.S.C. 360b) and the NAS/NRC notices. The new animal drug application was approved by a regulation published in the **Federal Register** of April 5, 1976 (41 FR 14367). Subsequently, ownership of the subject NADA was transferred to A. L. Laboratories, Inc., 452 Hudson Terrace, Englewood Cliffs, NJ 07632, by a notice published in the **Federal Register** of April 5, 1977 (42 FR 18617). The regulations reflecting this approval established a new entry for the drug in 21 CFR 558.78. The new entry did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approval for identical products in poultry need not include certain types of efficacy data required for approval by § 514.111(a)(5)(i) (21 CFR 514.111(a)(5)(i)) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

§ 558.78 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.78 *Bacitracin zinc* is amended in the table in paragraph (e)(1) by adding the footnote reference "[1]" for items (i)2 and (ii)2 and by adding at the end of the section the footnote "[1] These conditions are NAS/NRC reviewed and deemed affective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency or similar data and safety information."

Effective date. This regulation shall be effective July 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 7, 1981.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-20835 Filed 7-16-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 259

Preference in Employment

June 24, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau is amending 25 CFR Part 259 by revising § 259.1(e) to continue the application of Indian preference to persons of the Osage Tribe of Oklahoma, who are at least one-quarter degree Indian ancestry, whose rolls were closed by an act of Congress. This is in the best interest of the individuals employed and those seeking employment, who are descendants of the Osage Tribe.

The amendment will extend the expired date of January 17, 1981, for three years to permit the tribe to organize and to establish current membership standards. The extended period of time is necessary so as not to deny persons who received reference based on the quarter-degree standard. The quarter-degree standard will remain applicable for three years or until the Tribe has formally organized and established membership standards, whichever comes first.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Irene Fischer, Division of Personnel Management, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20240, telephone number (202) 343-5547.

SUPPLEMENTARY INFORMATION: The authority to issue regulations is vested in the Secretary of the Interior and has been redelegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

On January 17, 1978 (43 FR 2393-4), the Bureau of Indian Affairs published a final rule to add a new Part 259, Preference in Employment, to Subchapter W, Miscellaneous Activities, of Chapter I, Title 25 of the Code of Federal Regulations. Subsection 259.1(e) specifies the date of January 17, 1981, as the final date for making appointments of persons of one-quarter degree Indian ancestry. The time limit is hereby extended for three years from the date of publication in the **Federal Register.**

Osage Tribal persons, who are employed by the Bureau of Indian Affairs and who received preference in any previous appointment, will continue to be preference eligibles so long as they are continuously employed.

The Bureau of Indian Affairs is waiving, pursuant to 5 U.S.C. 553(b)(B), the proposed rulemaking requirements because of the minor effect of this document, except to extend the time limit to the persons of Osage Indian blood. Since this rulemaking document corrects previously published material, the 30 days deferred effective date is dispensed with under the provisions of 5 U.S.C 553(d)(3). Accordingly, these regulations will become effective July 17, 1981.

The primary author of this document is Mercedes Lewis, Personnel Staffing Specialist, Division of Personnel Management, Bureau of Indian Affairs, telephone number 202, 343-9308.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14.

The Department of the Interior has determined that this document does not have a significant economic effect on a substantial number of small entities. This rule affects only persons of the Osage Tribe of Indians.

Section 259.1(e) of Subchapter W, Miscellaneous Activities of Chapter I, Title 25 of the Code of Federal Regulations, Part 259, Preference in Employment, is hereby revised to read as follows:

§ 259.1 Definitions.

* * * * *

(e) For three (3) years or until the Osage Tribe has formally organized, whichever comes first, effective July 17, 1981, a person of at least one-quarter degree Indian ancestry of the Osage Tribe of Indians, whose rolls were closed by an act of Congress.

* * * * *

Roy H. Sampsel,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-20827 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-02-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1151

Federal Contracting Policies; General Statement

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule (statement of policy).

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) amends its regulations to reflect adoption of a general policy statement relating to Federal contracting. The procurement process is a highly detailed one, requiring actions on a regular basis and a clear delineation of authorities to key officials. The amendment designates the officials responsible for procurement activity for purposes of the Federal Property and Administrative Services Act. The ATBCB will approve the objective of all contracts and approval of a special committee is necessary before a sole source procurement can be entered.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Laurinda Steele, Office of Policy, Planning and Budget Development, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Washington, D.C. 20201, (202) 245-1601 voice or TDD.

SUPPLEMENTARY INFORMATION: Pursuant to Section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as ATBCB) established at its meeting on May 5, 1981, policies relating to procurement by Federal contracts and grants.

The Federal Property and Administrative Services Act, 40 U.S.C. 471 et seq., 41 U.S.C. 251-260, established contract policies applicable to Federal civilian agencies. The statute authorizes two methods of procurement, formal advertising and negotiation. Competition is to be strived for in both methods. The procurement process is a highly detailed one, requiring actions on a regular basis and a clear delineation of authorities to key officials.

The ATBCB has, due to its institutional structure location, as well as resource limitations, procurement administrative support service provided by the agency's through which ATBCB funds are disbursed.

According to previous ATBCB practice, the Chairperson has served as the "head of the agency" and the Executive Director as the "head of the procuring activity" for procurement purposes. This policy statement continues those practices. The ATBCB approves the objectives of contracts.

The ATBCB is most concerned with sole source procurements. The ATBCB strongly supports competition in the procurement process. Accordingly, the ATBCB is adopting a policy that sole source procurement shall be processed only after approval to do so has been given by a majority vote of the members of the Budget and Planning Committee and the Chairperson. Among the members, the Budget and Planning Committee has lead responsibility for financial issues.

Since these are general statements of policy of the ATBCB, the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. 5 U.S.C. 553.

Part 1151 is amended by adding § 1151.4 as follows:

§ 1151.4 Federal procurement policies.

(a) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars the Chairperson shall act as the "Head of the Agency" or "Agency Head" for administrative determinations.

(b) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars, the Executive Director is delegated authority to act as "Head of the Procuring Activity" and to designate appropriate subordinate officials. The Executive Director may enter all contracts on behalf of the Board or may delegate that responsibility.

(c) The ATBCB will approve the specific objective of all procurements in excess of $10,000 before they are awarded and reserves the right, as warranted, to impose limitations applicable to particular procurements.

(d) The ATBCB will enter into a sole source procurement only after approval to do so has been given by a majority vote of the members of the Budget and Planning Committee and the Chairperson.

(e) Paragraphs (c) and (d) of this section do not apply to basic Administrative procurements, such as purchase/rental of equipment, printing, stenographic services, etc., regardless of amount of said procurement.

(29 U.S.C. 792; Pub. L. 93–112 as amended by Pub. L. 95–002)

Mason H. Rose,

Chairperson.

July 6, 1981.

[FR Doc. 81–20601 Filed 7–10–81; 8:45 am]

BILLING CODE 4000–07–M

VETERANS ADMINISTRATION

38 CFR Ch. I

Continuance in Effect of All Current Regulations and Other Formal Issues and Confirmation of Issues Promulgated by or Pursuant to the Authority of Previous Administrator Max Cleland and Acting Administrators Rufus H. Wilson and Donald L. Custis, M.D., To Become Effective After Termination of Their Appointments

AGENCY: Veterans Administration.

ACTION: Continuance in effect of all current regulations.

SUMMARY: All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of previous Administrator Max Cleland and Acting Administrators Rufus H. Wilson and Donald L. Custis, M.D., to become effective on a date subsequent to the termination of their appointments are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked.

DATE: This issue is effective July 15, 1981.

FOR FURTHER INFORMATION CONTACT:
Nancy McCoy (202) 389–3770.

Robert P. Nimmo,

Administrator.

[FR Doc. 81–21175 Filed 7–10–81; 11:20 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR Part 111

Postage Due Mail Addressed to U.S. Government Agencies

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule deletes the exception from postage due regulations which has required postage due mail to federal government agencies to be delivered and the postage due to be added to the agency's official mail bill. This change will apply to such mail the same rules that apply to other postage due mail: (1) postage must be fully prepaid on all mail at the time of mailing; (2) mail deposited without prepayment of sufficient postage will be delivered to the addressee subject to payment of the deficient amount at the time of delivery, or if refused, will be returned to the sender or otherwise disposed of; and (3) mail deposited without any postage affixed will be returned to the sender without any attempt to deliver.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. George Thomas, (202) 245–4512.

SUPPLEMENTARY INFORMATION: On May 15, 1981, the Postal Service published for comment in the **Federal Register** proposed changes in section 146.4 of the Domestic Mail Manual as described above (46 FR 26792–26793). Written views were received from three commenters, of which two were federal agencies and one was a non-government mailer.

As a general matter, the Postal Service believes that mail for government agencies should be treated like other mail, absent compelling reasons for different treatment. The postage to be paid is the same, and the interest of efficient administration is generally served by uniform rules.

One of the federal agency comments stated that all part-paid mail addressed to an agency should be returned to the sender with no effort made by the Postal Service to deliver it to the addressee. The other agency comment agreed, except for part-paid official metered mail which it said may contain critical or time-sensitive information or material. This mail, the comment said, should be delivered, but the agency should not have to pay the postage at the time of delivery. It recommended that the Government Revenue Automated Accounting System (GRAAS) for official metered mail be used to keep track of amounts owed on part-paid official metered mail and that quarterly bills could be sent to agencies that owe money to the Service. GRAAS, which is a system for reporting the amount of postage set in a meter licensed for use by a Government agency, does not cover all agencies and does not lend itself to the collection of postage due, which is generally detected only at the office of delivery. Since the daily amounts of postage due for part-paid mail are likely to be small, the cost of additional paperwork necessary to incorporate these amounts into GRAAS might well exceed the amounts owed.

For small volumes of mail, we assume that most agencies would be able to make postage due payments from agency imprest funds. One of the comments said that few government addressees have any kind of imprest cash fund. We have difficulty accepting that an agency could not arrange for sufficient funds to be available if receipt of postage due mail is considered important. Imprest funds are customarily used by agencies to reduce excess paperwork by eliminating purchase orders and related documents, individual certified vouchers, and payment by Treasury check for small amounts, such as amounts for local travel expenses and for travel advances. Most, if not all, agencies incur some travel expenses on occasion and have need for cash funds to pay these and other such small expenses. Moreover, if making cash payments for part-paid mail were a substantial problem for federal agencies, we would have expected an outcry from more than one out of the more than two hundred agencies authorized in 137.231 of the Domestic Mail Manual to use Federal Government mail. For an agency which anticipates large volumes of part-paid mail, the option is available under 146.34 of the Domestic Mail Manual to make postage due payments by advance deposits at the post office.

We are reluctant to depart from the general rule on part-paid mail so that it would be returned to sender with no attempt at delivery on the basis of the recommendation of one agency comment with partial support from one other agency. The standard postage-due regulation would permit these and any other agencies of like mind to refuse all part-paid mail. The standard rule provides each addressee the option to refuse the mail or choose to pay the deficient postage and have it delivered. We think that agencies should be given that choice.

One of the federal commenters said that an exception should be made for part-paid mail addressed to military service members and their families overseas, because most of this mail is delivered by Unit Mail Clerks who do not have financial accounts for collecting and accounting for postage due. While this suggestion may have some merit, and we will look into the matter separately, it is outside the scope of this rulemaking, which deals only with unpaid and part-paid mail addressed to Federal agencies.

The non-government commenter agreed that the special provisions on postage due mail for government agencies should be deleted. He suggested, however, that the provisions of section 146.41 dealing with the handling of mail for which the stamp has fallen off after cancellation should be clarified. The commenter posed the case of a two-ounce sealed letter marked First Class, which should bear 35 cents postage, but which arrives at a delivery office showing signs that one stamp has fallen off. The commenter was not satisfied that the language of the regulation would assure that the canceled stamp and the missing stamp would be assumed to equal 35 cents and the mail treated as fully prepaid. In order to avoid confusion on this matter, we are amending the final rule to spell out unambiguously our intention that, where the cancellation marks on a piece of mail indicate that a stamp or stamps were affixed but have fallen off, the piece will be handled, in the absence of contrary evidence, as if the correct postage for the class and weight of the piece had been applied.

Upon consideration of all the comments, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

Part 146—Prepayment and Postage Due

Revise 146.4 to read as follows:

146.4 When Not Collected

.41 Stamps Lost Off Mail. When it is apparent from the impression of a cancellation that a postage stamp or stamps have been wholly or partially lost, the piece will be handled, in the absence of contrary evidence, as if correct postage had been paid for the class and weight of the piece.

.42 Registered Mail. Registered mail, except that endorsed to show that it was registered in transit, will be delivered without collection of postage due. Postage due will be collected on matter registered at other than the mailing office.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–20008 Filed 7–10–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL–1870–8]

South Carolina: Air Quality Surveillance Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency today approves the air quality surveillance plan revision submitted by South Carolina on March 10, 1980. The revision updates South Carolina's State Implementation Plan (SIP) to meet EPA requirements set forth in 40 CFR Part 58 (44 FR 27558, May 10, 1979).

The revision includes a commitment to update their monitoring network and utilize all required quality assurance methods to ensure data accuracy. The revision also includes provisions for emergency episode monitoring. Since the revision meets all EPA requirements, EPA is approving it. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective on August 17, 1981.

ADDRESSES: Written comments should be addressed to Wally Warren of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the material submitted by South Carolina may be examined during business hours at the following locations:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. 20005

Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201

FOR FURTHER INFORMATION CONTACT:
Denise W. Pack, Environmental Protection Agency, Region IV, at the above address, 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27556) EPA promulgated ambient air quality monitoring and data reporting regulations. These regulations satisfy the requirements of Section 110(a)(2)(c) of the Clean Air Act by requiring ambient air quality monitoring and data reporting for purposes of State Implementation Plans (SIP). At the same time, EPA published guidance to the States regarding the information which must be adopted and submitted to EPA as a SIP revision. Such revisions are to provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and local air monitoring stations (SLAMS) to measure ambient concentrations of those pollutants for which standards have been established in 40 CFR Part 50.

The State of South Carolina responded by submitting to EPA on March 10, 1980 a plan for air quality surveillance. Their plan provides for the establishment of a SLAMS network, proper siting of monitors, and quality assurance of the data collected. The network will be reviewed annually for needed modifications. The SLAMS network descriptions will be available for public inspection and will contain information such as location, operation schedule, and sampling and analysis method.

Action

EPA is today approving the air quality surveillance plan submitted by South Carolina. This is being done without prior proposal because the changes are considered to be noncontroversial and of limited impact. The public should note that this approval action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities.

This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan of the State of South Carolina was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: July 12, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart PP—South Carolina

Section 52.2120 is amended by adding paragraph (c)(15) as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(15) Air quality surveillance plan revision to satisfy the requirements of 40 CFR Part 58, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.

[FR Doc. 81-20998 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 86

[EN-FRL 1858-1]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for several 1982 model year light-duty vehicles belonging to engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). This action has the effect of allowing the manufacturers in question to produce the vehicles receiving waivers under the higher CO emission standard of 7.0 grams per vehicle mile (g/mi). The manufacturers of the engine families for which I have denied waivers must still produce their vehicles under the statutory CO standard of 3.4 g/mi.

EFFECTIVE DATE: July 12, 1981.

ADDRESS: Information relevant to this rule, including the document embodying my decision on the waiver applications in question, is contained in Public Docket EN-81-6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of the decision document may also be obtained by contacting the Manufacturers Operations Division at the above address.

FOR FURTHER INFORMATION CONTACT: Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the "statutory standard" for CO, of 3.4 g/mi.

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light/duty vehicles for which I have granted waivers. General Motors Corporation (GM), Jaguar/Rover/Triumph, Inc. (Jaguar), a subsidiary of BL Cars Limited, Ford Motor Company (Ford), Lotus Cars, Ltd. (Lotus) and Nissan Motor Co., Ltd. (Nissan) each submitted applications for certain light-duty vehicle models for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by waiver applications, and my decision to grant or deny the waiver applications appear in a decision available in the Public Docket and Manufacturers Operations Division as stated above. In that decision, I have granted waivers covering the following vehicle models (considered as engine families for purposes of that decision) for the model year in question:

Manufacturer	Engine family	Model year
Ford Motor Company	2.3 Liter (L)	1982
	2.3L	1982
	4.2/5.0L	1982
	5.8L	1982
General Motors Corporation	1.8L	1982
	2.5L/throttle body fuel injected (TBFI).	
	3.8L/turbocharged (TC)	1982
	4.1L/fuel injected (FI)	1982
	5.0/5.7L/FI	1982
BL Cars Limited	4.2L/FI	1982
Lotus Cars, Ltd	2.0L	1982
	2.2L	1982
	2.2L/TC	1982
	4.0L	1982
Nissan Motor Company, Ltd.	90 CID (Cubic Inch Displacement).	1982
	120 CID	1982

For reasons discussed in the decision on the applications received, I have determined that the public interest benefits from granting these waiver requests from manufacturers with substantial economic problems outweigh the potential environmental benefits from denying these waivers. Information submitted in support of these waiver requests established that it is essential to provide these manufacturers with sufficient production flexibility to improve the competitiveness of these models under current market conditions by waiving the 3.4 g/mi statutory CO standard. A waiver could provide the manufacturers with the flexibility to improve fuel economy or driveability, or decrease costs without increasing the risk of noncompliance with EPA's emission requirements.

In addition, I have denied the waiver requests for the engine families listed below because the manufacturer failed to establish that they were incapable of meeting the statutory standard, even considering cost, driveability and fuel economy.

I have concluded that information submitted in support of these requests failed to establish that effective emission control technology will be unavailable to enable these engine families and configurations to meet the 3.4 g/mi statutory CO emission standard. The engine families are produced by a manufacturer not experiencing financial difficulties, and thus not able to establish that the flexibility provided by granting its requested waivers is essential to its ability to successfully market engine families, which available data show are capable of meeting the statutory CO emission standard, even considering cost, driveability and fuel economy.

Once I have decided to grant the waiver applications for the engine families listed above, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. The Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking would be impracticable and unnecessary.

I find that good cause exists to make this rule effective immediately since it would avoid the possibility of forcing the affected manufacturers to delay introducing their 1982 model year vehicles into commerce because they must wait to receive certificates of conformity for these models until this rule becomes effective.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or,

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Nissan indicated that granting its request could result in cost savings of only about $30 per affected vehicle sold in the 1982 model year. Because these engine families represent only a small portion of the 1982 model year fleet, denying these requests will not have an annual effect of $100 million on the economy or cause a major increase in costs. For those engine families granted waivers, Ford, Jaguar, and GM indicated cost savings to the consumer or manufacturer could potentially result. Because these waiver grants, along with those for Lotus, reduce costs for the manufacturers affected, they will not have an adverse effect on the economy.

Since this action has the effect of reducing the regulatory burden on domestic manufacturers, it is unlikely to have an adverse effect on employment, investment, or productivity. Finally, two of these applicants, GM and Ford, are predominantly United States-based enterprises; therefore, this action should not adversely affect the ability of these manufacturers to compete with predominantly foreign-based enterprises. In addition, Jaguar and Lotus are very low-volume manufacturers, and granting their waiver requests will have an insignificant effect on domestic manufacturers.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The CO emission standards established by this notice directly affect only five large manufacturers and thus do not affect a substantial number of small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a).

Dated: July 12, 1981.

Anne M. Gorsuch,

Administrator.

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family	Model year
American Motors Corporation.	151 CID	1982
	258 CID	1982
BL Cars, Ltd	215 CID	1982
	326 CID	1982
	4.2 liter/fuel injected	1982
Chrysler Corporation	1.6 liter	1982
	1.7 liter	1982
	2.2 liter	1982
	2.6 liter	1982
	3.7 liter	1982
	5.2 liter/2-V	1982
	5.2 liter/4-V	1982
Excalibur Motors, Ltd	305 CID	1982
Ford Motor Company	1.6 liter	1982
	2.3 liter/turbocharged	1982
	2.3 liter	1982
	3.3 liter	1982
	3.8 liter/V-6	1982
	4.2/5.0 liter	1982
	5.8 liter	1982
General Motors Corporation.	1.6 liter	1982
	1.8/2.0 liter	1982
	1.8 liter/fuel injected	1982
	2.5 liter/throttle body fuel injected.	1982
	2.8 liter/173 CID-2V	1982
	3.0/3.8 liter/231 CID-2V	1982
	3.8 liter/turbocharged	1982
	4.1 liter/fuel injected	1982
	5.0/5.7 liter fuel injected	1982
Lotus Cars, Ltd	2.0 liter	1982
	2.2 liter	1982
	2.2 liter/turbocharged	1982
	4.0 liter	1982
Subaru of America, Inc	1.6 liter	1982
	1.8 liter	1982
Toyota Motor Company, Ltd.	86.6 CID	1982
Volkswagen of America	1.7 liter/feedback carburetor.	1982

* * * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a))

[FR Doc. 81-20997 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 71, 1392, and 1396

Day Care Regulations; Postponement of Effective Date

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services amends its regulations to postpone the effective date of its child day care regulations until January 2, 1982, and is requiring that applicable State and local standards be met for Federal funding of child day care services provided from July 1, 1981 until January 2, 1982.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Allen N. Smith, Acting Director, Day Care Division, Administration for Children, Youth and Families, Room 5754 of the Donohoe Building, 400 6th Street, S.W., Washington, D.C. 20201, (202) 755–8774.

SUPPLEMENTARY INFORMATION:

Background

On March 19, 1980, the Department published final regulations setting forth conditions that child day care services provided to children outside their own homes must meet in order to qualify for HHS funds. (45 FR 17870; Corrected 45 FR 46808 (July 11, 1980) and 45 FR 54765 (August 18, 1980).) These regulations were principally based on Section 2002(a)(9) of the Social Security Act which authorizes the Secretary to establish requirements for child day care services.

These regulations replaced the modified version of 1968 Federal Interagency Day Care Requirements (FIDCR) which formerly applied to most HHS-funded day care. Most of the provisions of the new regulations were to become effective October 1, 1980 with the remaining provisions to become effective on April 1, 1981. (45 CFR 71.66.) However, Congress postponed implementation of the regulations. The October 1, 1980 joint resolution, providing continuing appropriations for the first 10 weeks of FY 1981, included a provision (Section 124 of Pub. L. 96–369) prohibiting the Department from using funds under the continuing appropriation to:

> Implemen[t] requirements imposed by section 2002 (a)(9) of the Social Security Act or by any regulations promulgated by the Department to carry out this section, to the extent that such requirements would not otherwise be applicable under State or local law.

Before the expiration of the continuing resolution, Congress took additional steps to delay the imposition of the new Federal day care requirements. Section 1001 of the Omnibus Reconciliation Act of 1980, enacted on December 5, 1980 (Pub. L. 96–499), added a new subparagraph (D) to Section 2002(a)(9) of the Social Security Act, providing that:

> The requirements imposed by this paragraph [section 2002(a)(9)] or by any regulations promulgated by the Department of Health and Human Services to carry out this paragraph shall be inapplicable to child day care services provided after June 30, 1980 and prior to July 1, 1981 which meet applicable standards of State and local law.

As of July 1, 1981 the provisions of Section 2002(a)(9) again apply. Absent any further action by the Congress or the Secretary, the Department's March 1980 day care regulations would become effective on July 1, 1981.

Summary of NPRM

On June 3, 1981, the Department published a Notice of Proposed Rulemaking (46 FR 29732). We proposed to postpone the effective date of the Department's child day care regulations until January 2, 1982 and to require that applicable State and local standards be met for Federal funding of child day care services provided from July 1, 1981 until January 2, 1982.

We proposed to take this action in light of the Administration's recently proposed "block grant" legislation; to avoid imposing potentially costly implementation burdens on the States pending possible enactment of the legislation; and to allow further review of the regulations by the Department. A postponement of the effective date of the day care regulations would also give the Department and the Congress sufficient time to review the results of each State's assessment of current practices in child day care programs funded under title XX. (Under Section 1001(c) of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), the Department is required to assist each State in conducting a systematic assessment of current practices in day care programs funded under title XX of the Social Security Act and to provide a summary report of the results of such assessments to the Congress.)

Response to the NPRM

The Department received 8 letters in response to the NPRM. Five letters (one from a national organization representing for-profit child day care providers, one from a State department of social services, and three from local provider agencies and organizations) supported the proposal. These commentors were primarily concerned with the potential cost burdens of implementing the March 1980 HHS day care regulations. Three letters (one county day care council and two representing the views of 9 national child welfare and advocacy organizations) objected to the proposal. These commentors took the position that Federal regulations are needed to assure minimal levels of health, safety and quality for children in federally funded day care programs. They strongly endorsed immediate implementation of the March 1980 regulations.

We agree that there are potential cost burdens in implementing the March 1980 day care regulations. We also believe that standards for child day care services are needed. We have proposed a postponement of the Department's March 1980 day care regulations in order to give the Department and Congress time to further evaluate the standards actually being met by the States. We anticipate that the State assessment will provide helpful information in this regard.

Provisions of the Final Rule

For the reasons discussed above, the Department is:

(1) Postponing the effective date of the HHS March 1980 Day Care Regulations until January 2, 1982;

(2) Requiring that, as a condition of Federal funding during the period July 1, 1981 until January 2, 1982, day care services provided to children outside their own homes must meet applicable local and State standards; and

(3) Revising the regulations to incorporate the provisions of Pub. L. 96–499 for the period July 1, 1980 through June 30, 1981.

We have revised several sections in Title 45 of the Code of Federal Regulations to carry out this rule.

45 CFR 71.66(a) is revised to specify the new effective date of January 2, 1982. This section also postpones until July 1, 1982 the training requirements in § 71.12 and § 71.32 and the requirement in § 71.36 and § 71.40 that day care homes inform parents about and refer them to health and social services. This additional 6-month period was permitted in Part 71 to allow States some additional time to implement these specific new requirements. We are continuing that policy in these revisions.

45 CFR 71.66(b) is revised to specify that States must make a showing satisfactory to the Secretary by January 2, 1982 if they wish to request an extension of the effective date of the group composition requirements. We recognize that this date of January 2, 1982 may cause problems for some States. Therefore, we are preparing and will issue, if needed, a simplified certification that States may use to request an extension for a limited period after January 2, 1982. This limited extension would permit States to prepare a full factual showing if a longer extension is necessary.

With respect to the title IV–A social service program and the title IV–B child welfare services program we are revising § 1392.10, Training and § 1392.18, Child care services.

In 45 CFR 1392.10 we are revising the effective dates in paragraphs (a)(3) and (b)(2). This will require that States establish and implement a training plan for child day care givers that meets the requirements of 45 CFR Part 71 by July 1, 1982. Again, the 6-month delay parallels the current regulations and is identical to the change we have made in 45 CFR Part 71.

In § 1392.18, we have specified the new effective date in a new paragraph § 1392.18(c)(iii) and incorporated the provisions of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) i.e., that effective July 1, 1980, FFP is available for the costs of out-of-home child day care services if the services meet applicable State and local standards. Pub. L. 96–499 uses the phrase "applicable standards of State and local law". In these regulations we have used the term "applicable State and local standards". We believe this term is consistent with the intent of the statutory language and is consistent with our usage in previous regulations and policy issuances.

We are making two changes in the regulations for the title XX program that parallel the above changes. Regarding child day care standards, 45 CFR 1396.42(e) is revised to incorporate the new effective date and to incorporate the provisions of Pub. L. 96–499.

Section 1396.66 regarding training is revised to incorporate the July 1, 1982 date by which the State must establish and implement a training plan for child day care givers.

Waiver of Delayed Effective Date

The Department finds that there is good cause for not providing the customary 30-day delayed effective date for this rule in order to insure continuation of the State and local standards now in effect and avoid the disruption that would be caused by requiring States to implement new rules, particularly in light of proposed "block grant" legislation.

Regulatory Flexibility Act

The Secretary certifies that this rule will not have a significant impact on a substantial number of small entities. Day care centers and homes have been meeting State and local standards as a condition for receipt of Federal financial participation since June 30, 1980. This rule will continue these standards in effect until January 2, 1982.

Executive Order 12291

Since this rule will continue the State and local standards already in effect, it is considered a non-major regulation under Executive Order 12291, and a regulatory impact analysis is not required.

(Sec. 2002(a)(9)(B) of the Social Security Act; 42 U.S.C. 1397a(a)(9)(B))

Dated: July 2, 1981.

Dorcas R. Hardy,
Assistant Secretary for Human Development Services.

Approved: July 7, 1981.

Richard S. Schweiker,
Secretary.

PART 71—HHS DAY CARE REQUIREMENTS

The Department of Health and Human Services revises the following sections of Title 45 of the Code of Federal Regulations as follows:

1. Section 71.66 (a), (b), and (b)(1) are revised to read as follows:

§ 71.66 Effective date.

These regulations are effective on January 2, 1982 except that—

(a) The training requirements in § 71.12 and § 71.32 and the requirements in § 71.36 and § 71.40 that day care homes inform parents about and refer them to health and social services, will become effective on July 1, 1982; and

(b) For any State, the January 2, 1982 effective date of the group composition requirements at § 71.24 and § 71.44 may be extended for not more than two years upon a showing satisfactory to the Secretary that substantial numbers of HHS funded children are receiving care in centers that meet group composition requirements less stringent than the requirements in § 71.24 and § 71.44 and that additional time is needed to meet those requirements within the State. The showing must—

(1) Be made to the Secretary by the State agency by January 2, 1982; and

* * * * *

PART 1392—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

2. In § 1392.10, paragraphs (a)(3) and (b)(2) are revised to read as follows:

§ 1392.10 Training.

(a) * * *

(3) Notwithstanding 45 CFR 235.62, 235.63 and 235.64, effective July 1, 1982, establish and implement a training plan for child day caregivers that meets the requirements of 45 CFR Part 71.

(b) * * *

(2) The state agency shall, effective July 1, 1982, establish and implement a training plan for child day caregivers that meets the requirements of 45 CFR Part 71.

3. In § 1392.18, paragraph (c)(2)(ii) is revised and renumbered paragraph (c)(2)(iii), and a new paragraph (c)(2)(ii) is added to read as follows:

§ 1392.18 Child care services.

* * * * *

(c) * * *

(2) * * *

(ii) Effective July 1, 1980, FFP is available for the costs of out-of-home child day care services if the services meet applicable State and local standards.

(iii) Effective January 2, 1982, FFP is available for the costs of out-of-home child day care services only if the services meet the requirement prescribed in 45 CFR Part 71.

* * * * *

PART 1396—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

4. In § 1396.42, paragraph (e) is revised to read as follows:

§ 1396.42 Child care standards.

* * * * *

(e) Notwithstanding the provisions of paragraphs (a)(2)(ii), (b), (c), and (d) of this section—

(1) Effective July 1, 1980, FFP is available in the costs of out of home child day care services provided under a services plan if the services meet applicable State and local standards.

(2) Effective January 2, 1982, FFP is available in the costs of out of home child day care services provided under a services plan only if the services meet the requirements prescribed in 45 CFR Part 71.

5. Section 1396.66 is revised to read as follows:

§ 1396.66 Training of title XX child day caregivers.

Notwithstanding § 1396.61, effective July 1, 1982, the State agency shall establish and implement a training plan for child day caregivers that meets the requirements of 45 CFR Part 71.

[FR Doc. 81–21654 Filed 7–16–81; 8:45 am]
BILLING CODE 4110–92–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule.

SUMMARY: The surf clam/ocean quahog fishery regulations are amended by emergency action taken under the authority of the Magnuson Act. This action, while in effect, constitutes an amendment to the fishery management plan for surf clams and ocean quahogs. The amendment imposes a 5½ inch size limit for surf clams harvested in the mid-Atlantic surf clam management area. The size limit will help to protect the resource from short-term overexploitation, and optimize the yield-per-recruit and total productivity of the resource.

EFFECTIVE DATE: July 26, 1981 through August 28, 1981, for 45 days duration, unless terminated earlier.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, or Frank Grice, Chief, Management Division, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617–281–3600.

SUPPLEMENTARY INFORMATION: Section 305(e)(2) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) permits the Secretary of Commerce (Secretary) upon finding that an emergency exists involving any fishery resource, to promulgate emergency regulations to amend any regulations which implement an existing fishery management plan. Such regulations remain in force and effect for up to 45 days and, while effective, constitute an amendment to the plan. They may be repromulgated for an additional 45-day period if necessary.

The Assistant Administrator for Fisheries, NOAA, acting on behalf of the Secretary, has determined that an emergency exists with respect to the surf clam fishery. In response to this determination, NOAA issues an emergency rule which imposes a minimum size limit of 5½ inches on surf clams and, while in effect, amends the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP).

The surf clam resource is beginning to show strong signs of recovery from previously low populations to levels which can support increased harvest allocations. Resource recovery is first manifested by the appearance of dense concentrations of small clams. However, small clams produce less yield-per-bushel than large clams and are limited in the type of food product that can be made from their meats.

Landings of small surf clams began in late 1980 as the industry identified areas containing small clams, and the harvest has increased as more operators find they must harvest small clams or fail in competition with those who are taking small clams. Small clams are generally more densely distributed, so the rate of harvest has increased markedly. Recognizing the potential problems associated with the increasing rate of harvest, processors have become concerned that the fishery may be closed for a lengthy period to keep the harvest within preestablished quota limits, and so have increased current rates of processing still higher to build their product reserves. Under the present situation, a resource emergency exists because so many clams are being taken at suboptimal size that the overall surf clam spawning potential may be reduced and thus hamper the rebuilding of the surf clam resource as intended in the FMP.

Surf clams less than 5½ inches have a lower yield and value than those of 5½ inches or greater length. A regulation prohibiting the harvest of small surf clams will require all clam fishermen to fish in a way which will optimize the use of the resource. The industry has indicated that this is the type of situation where regulation is crucial to help it achieve what is clearly in its collective interest.

The size limit, which has been requested by industry, is identical to the proposed size limit included in Amendment No. 3 to the FMP, as prepared by the Mid-Atlantic Fishery Management Council (Council). That amendment has been adopted by the Council and has been submitted for approval by the Secretary.

However, the Secretary will not be able to act on the Council's amendment quickly enough to address the immediate situation, and so these emergency regulations have been developed at the request of industry and the Council.

Fishing for surf clams requires exploratory fishing. When a surf clam bed has been located, it is difficult to ensure that the vessel will not stray or overshoot the area containing clams of preferred size, and possibly take quantities of small clams. Discarding such clams would be wasteful and inefficient. Therefore, the regulation provides for an initial tolerance to avoid waste and inefficiencies. Ten percent of all cages, or at least one cage, on board the vessel or in the operation's possession can be reserved by an operator from inspection by the enforcement officer. Vessel operators can thus segregate in the reserved cages small clams taken by accident or while exploring for beds. Such clams will not count against the operator.

In the course of fishing, a proportion of the harvest of clams runs smaller than the size being sought. Extensive sorting to eliminate any clams smaller than the size limit would be difficult, expensive, and inefficient. Therefore, a second tolerance for small clams is allowed from those cages which have not been reserved from inspection. It is not unreasonable to expect operators to keep their small clam harvest at a level less than 10 percent of their general harvest. Based on the assumption that a bushel of clams at the minimum size contains 75 clams, and that a cage contains 32 bushels, the second tolerance allows as many as 10 percent, or 240, of the clams in any cage to be less than 5½ inches. Thus, if an enforcement officer is able to count more than 240 clams smaller than 5½ inches from any of the cages not reserved by the operator, he may charge a violation under the regulation. Enforcement of this regulation will be primarily at the time of landing, or within processing or handling facilities.

While in effect, this amendment to the regulations effectively amends Section XIII–3 of the FMP.

Classification

The Acting Administrator, NOAA, has determined that this action is not a major rule under E.O. 12291 and does not require a regulatory impact analysis. The Federal paperwork burden, as defined by 44 U.S.C. 3501 *et seq.*, is not increased for any level of business. The Regulatory Flexibility Act is not applicable because the emergency rule has not been published as a notice of proposed rulemaking.

Dated: July 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

For the reasons set out in the preamble, 50 CFR Part 652 is amended as follows:

1. The authority citation for Part 652 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 652.7, a new paragraph (j) is added to read as follows:

§ 652.7 Prohibitions.

* * * * *

(j) No person shall possess onboard any vessel or shall land any surf clams in violation of the size limit provision contained at section 652.25.

3. A new § 652.25 is added to Part 652 to read as follows:

§ 652.25 Mid-Atlantic area surf clam size limit.

(a) A minimum size limit for surf clams of 5½ inches in length is imposed on the Mid-Atlantic Area fishery with the following exceptions:

(1) Ten percent of all cages, to the nearest whole cage on board the vessel (or at least one cage), can be withheld by the operator from inspection by an enforcement officer; and

(2) As many as ten percent of, or 240, clams in each inspected cage may be less than 5½ inches.

(b) Length is measured at the longest dimension of the surf clam.

[FR Doc. 81–21031 Filed 7–16–81; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 46, No. 137
Friday, July 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

Study of Marketing Orders for Fruits, Vegetables and Specialty Crops

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Request for data and other information on marketing orders for fruits, vegetables and specialty crops.

SUMMARY: Members of the public are invited to submit data and other information to the Department about the Federal Marketing Order programs for fruits, vegetables, and specialty crops. The information will be used as part of the Department's review of these programs being conducted at the request of the Presidential Task Force on Regulatory Relief.

DATE: Comments should be submitted by August 1, 1981.

ADDRESS: Send comments to Dr. Richard Heifner, U.S. Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue, SW., South Building, Room 3083, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Heifner at the address above (202/447–4016).

SUPPLEMENTARY INFORMATION: Under the authority of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the Secretary of Agriculture has established 47 fruit, vegetable, and specialty crop marketing orders. A marketing order is a legal instrument which is binding upon handlers of the commodity concerned within the specified production area covered by the order. These orders usually authorize regulation of the volume or quality of agricultural commodities marketed. Other activities under these orders include the standardization of containers or pack, and the funding of research and market development projects. The 47 marketing orders regulate the marketing of 33 commodities produced in 37 States.

Marketing order regulations affect the marketing of commodities by imposing one or a combination of the following controls: (a) grade and size limitations; or (b) rate-of-flow limitations; or (c) quantity limitations. Grade and size limitations establish minimum requirements for the quality of the commodity sent to market. Rate-of-flow marketing orders specify the flow of produce to market, evening out the amount marketed from week-to-week. Quantity controls limit the amount of produce sent to market, and divert excess supply to other uses.

USDA is in the process of conducting a thorough review of fruit, vegetable and speciality crop marketing order regulations, at the request of the Presidential Task Force on Regulatory Relief. The review will focus on the economic efficiency of such marketing orders. Specifically, a study team will assemble and review available knowledge regarding the merits and shortcomings of marketing orders, taking into account current economic conditions and philosophy. The team will identify legislative and administrative options available and assess these various options. The first phase of the study entails reviewing the origins and history of marketing orders and the economic arguments for and against such orders. As part of this part of the project, the study team will review completed and ongoing studies. Later, in its consideration of the options for the future, the study team plans to assess the impacts of the alternatives.

The study will be conducted by Richard Heifner, staff economist with USDA's Agricultural Marketing Service in Washington, D.C., who serves as chairman; Walter Armbruster, Associate Managing Director, Farm Foundation, Oak Brook, Ill.; Edward Jesse, an agricultural economist with USDA's Economics and Statistics Service, University of Wisconsin, Madison; Glenn Nelson, Professor of Agricultural and Applied Economics, University of Minnesota, St. Paul; and Carl Shafer, Professor of Agricultural Economics, Texas A&M University, College Station.

Seven advisors will aid the team in its study. Advisors of the study team include: Charles Brader, Director of the Fruit and Vegetable Division of USDA's Agricultural Marketing Service in Washington, D.C.; Olan Forker, Chairman of the Department of Agricultural Economics, Cornell University, Ithaca, N.Y.; Marshall Godwin and Allen Paul, economists with USDA's Economics and Statistics Service in Washington, D.C.; Ted Moriak, an economist with USDA's Office of Budget, Planning and Analysis in Washington, D.C.; Donald Ricks, Professor of Agricultural Economics, Michigan State University, East Lansing; and Tim Wallace, Extension Economist on Policy and Research, University of California, Berkeley.

In order to make its project most effective, the team wishes to ensure that all relevant information is considered. Therefore, it seeks statistical data, reports, studies, economic analyses, and other similar information for its review and for its use in evaluating marketing orders and the probable effects of following the different options.

Studies, economic analyses, statistical data and reports regarding the effects of marketing order on production, costs of marketing, farm prices and income levels and income stability, product quality, wholesale and retail prices, consumer product knowledge, the range of product choice and numbers of growers and handlers in the industry are particularly requested. In addition, studies and analyses assessing alternatives to marketing orders are especially sought.

Documents exceeding ten pages in length should be accompanied by a summary.

Dated: July 13, 1981.

Mildred Thymian,
Administrator.

[FR Doc. 81–20051 Filed 7–16–81; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Increase in Payment Rates for Services With Respect to Reserve Tonnage Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to increase the rates of payment to raisin handlers for receiving, storing, fumigating, and handling reserve tonnage raisins during and beyond the crop year of acquisition, and to persons furnishing boxes and bins containing reserve tonnage raisins held beyond the crop year of acquisition. The proposal is based upon a recommendation of the Raisin Administrative Committee, which works with the Department in administering the marketing agreement and order program for California raisins.

DATE: Comments must be received by July 31, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a non-major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 19 handlers.

J. S. Miller, has determined that a comment period of less than 60 days is warranted so the Committee can begin paying raisin handlers and other persons soon for those services at the increased rates.

Information collection (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such OMB clearance has been obtained.

To initiate the proposed rate increases, it is necessary to amend § 989.401(a)(1), (b), and (c) of Subpart—Schedule of Payments (7 CFR 989.401; 45 FR 11461). This action would be taken under § 989.66(f) of the marketing agreement and Order No. 989 (7 CFR 989), both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This proposed action would increase handler payment rates for: (1) Receiving, storing, fumigating, and handling reserve tonnage raisins during the crop year of acquisition from $29 to $32.50 per ton; and (2) holding reserve tonnage raisins beyond the crop year of acquisition from $1.45 to $1.62 per ton for each month of the three-month period ending November 30, and from 75 cents to 84 cents per ton each month of the next nine months.

The proposal also would increase the box rental rates that the Committee pays to persons who furnish storage containers in which reserve tonnage raisins are held beyond the crop year of acquisition. The increased rates are as follows: (1) For boxes with a capacity of less than 1,000 pounds the rate is increased from one and two-thirds cents per day, not to exceed a total payment of 50 cents per box per year, to two and one-half cents per day, not to exceed a total payment of 75 cents per box per year. (2) For bins with a capacity of 1,000 pounds or more the rate is increased from thirteen and one-third cents per day per bin, not to exceed a total of $4 per bin per year, to twenty cents per day per bin, not to exceed a total of $6 per bin per year.

Funds to pay these costs are deducted from proceeds from the sale of reserve tonnage raisins held by handlers for the account of the Committee. Net proceeds from such sales are remitted to equity holders in the reserve pool.

The proposal to revise § 989.401(a)(1), (b), and (c) of Subpart—Schedule of Payments (7 CFR 989.401; 45 FR 11461) is as follows:

Subpart—Schedule of Payments

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition—(1) Receiving, storing, fumigating, and handling.* Each handler shall, beginning June 11, 1981, of the 1980–81 crop year, be compensated at the rate of $32.50 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentage, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

* * * * *

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of $1.62 per ton per month, or any part thereof, for each month of the three-month period ending November 30, and 84 cents per ton per month, or any part thereof, for each month of the next nine months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

(c) *Payment of rental on boxes and bins containing raisins held beyond the crop year of acquisition.* Payment of rental on boxes and bins containing reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph Each handler, producer, dehydrator, and other person who furnishes boxes or bins in which such raisins are held for the account of the Committee on August 15 and the following September 1 shall be compensated for the use of such boxes and bins. The rate of compensation shall be: For boxes, two and one-half cents per day, not to exceed a total payment of 75 cents per box per year, per average net weight of raisins in a sweatbox, with equivalent rates for raisins in boxes other than sweatboxes; and for bins, twenty cents per day per bin, not be exceed a total of $6 per bin per year. For purposes of this paragraph, "box" means any container with a capacity of less than 1,000 pounds and "bin" means any container with a capacity of 1,000 pounds or more. The average weight of raisins in each type of box shall be the industry average as computed by the Committee for the box in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the boxes on the succeeding September 1.

* * * * *

Dated: July 14, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81–21008 Filed 7–16–81; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 1030

Milk in the Chicago Regional Marketing Area; Proposed Temporary Revision of Shipping Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal that the supply plant shipping requirements under the

Chicago Regional Federal milk order be decreased temporarily for the months of September, October and November 1981. This action was requested by cooperative associations representating a majority of producers supplying the market to prevent uneconomic shipments of milk from the production area to distributing plants.

DATE: Comments are due on or before July 31, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the potential need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for September 1981 would be modified. The initial request for the action was received on June 26, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the months of September, October and November 1981.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 not later than July 31, 1981. Please submit two copies of the document filed. The period for filing views is being somewhat limited to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during September. Further, the proposed change provides some reduction of pooling standards and will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submission made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are the supply plant shipping percentages set forth in § 1030.7(b) that are applicable during the months of September, October and November. It has been requested that they be changed temporarily for 1981 as follows:

Month	Percentage		
	Present	Request	Point change
September	30	20	−10
October	35	25	−10
November	35	25	−10

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by up to 10 percentage points during the months of September through March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely to qualify a supply plant for pooling under the order.

The cooperative associations requesting the temporary revision indicate that their producer receipts during the fall period are expected to be approximately 10 percent over last year. They contend that with an increased supply of milk in the market and without a corresponding increase in demand, there will be a reduced need for supply plant milk at distributing plants for Class I use. Thus, the cooperatives ask that the shipping requirements be reduced 10 percentage points for the months of September, October and November 1981.

Because of the increased supplies, it may be appropriate to reduce the pool supply plant shipping percentages for these months. The proposed reduction in shipping percentages could prevent uneconomic movements of milk merely for purposes of pool plant qualification. Also, the reduction could assure that producers who have been regularly associated with the fluid market can continue to share in the pool proceeds of the market.

Signed at Washington, D.C., on: July 13, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81–20960 Filed 7–16–81; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 524

[No. 81–389]

Payment of Interest on Member Deposits

July 9, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing an amendment to the Regulations for the Federal Home Loan Bank System to allow the payment of interest on demand deposits held by the Federal Home Loan Banks. The regulatory change has been requested by the banks in order to enhance their ability to serve the thrift industry. Payment of interest will allow member institutions to make their funds more productive.

DATE: Comments must be received by August 17, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel ((202) 377–6457), at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to amend its Regulations for the Federal Home Loan Bank System to allow the payment of interest on demand deposits held at the Federal Home Loan Banks. Under current regulations, the Banks may accept demand deposits but are not authorized to pay interest on these accounts. 12 CFR 524.4(a).

The regulatory change has been requested by the Banks in order to enhance their ability to serve the thrift industry. Demand deposit accounts traditionally have been offered to member institutions to facilitate the payment of advances and the processing of negotiable instruments. Demand deposit programs will take on added importance as the Federal Home Loan Banks implement their authority to process and settle negotiable instruments. The ability to pay interest on these accounts will contribute to the acceptability of these new programs. Payment of interest will also allow member institutions to make their funds more productive.

The prohibition against the payment of interest on demand deposits is not dictated by statute. The Federal Home Loan Bank Act generally authorizes the Board to determine the conditions on which the Federal Home Loan Banks may accept deposits. 12 U.S.C.A. 1431(e)(1) (West Supp. 1981). The restriction imposed by § 524.4(a) is similar to limitations on commercial banks.

See Federal Reserve Act § 19, 12 U.S.C.A. § 371a (West Supp. 1981). Even this prohibition, however, has been severely eroded with the recent authorization of automatic transfer systems and NOW accounts. *See* Consumer Checking Equity Act, title III, Pub. L. No. 96–221, 94 Stat. 145 (1980). Removal of the existing regulatory prohibition will better enable the Federal Home Loan Banks to carry out their statutory responsibilities and enhance their viability as depositories for thrift institutions.

Regulatory Flexibility

The proposed amendment will impose no new regulatory burden on the general public and will not result in any increase in paperwork. The proposed rule will not have a disproportionate effect on small institutions. The objectives and legal basis to the amendment are discussed elsewhere in the preamble. The amendment does not overlap, duplicate, or conflict with any existing Federal rule.

Because there is a present need to consider implementation of the changes proposed and because the proposed amendment would reduce a regulatory burden, the Board has determined to limit the comment period to 30 days.

Accordingly, the Board proposes to amend Part 524, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 524—OPERATIONS OF THE BANKS

1. Revise § 524.4 to read as follows:

§ 524.4 Deposits from members.

Banks may accept demand and time deposits from members, reserving the right to require notice of intention to withdraw any part of time deposits. Rates of interest paid on all deposits shall be set by the Banks' board of directors (or, between regular meetings thereof, by a committee of directors selected by the board) or by the Bank President, if so authorized by the board. Unless otherwise specified by the board, a Bank President may delegate to any officer or employee of the Bank any authority he possesses under this section.

(Section 17 of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–21035 Filed 7–16–81; 8:45 am]

BILLING CODE 6720–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–1886–3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: On May 4, 1981, the U.S. Environmental Protection Agency proposed to disapprove the State of Ohio's Sulfur Dioxide (SO_2) State Implementation Plan (SIP) for Lucas County (46 FR 24966). On June 5, 1981 (46 FR 30116) EPA extended the public comment period to July 20, 1981. In response to the Ohio Environmental Protection Agency's request the public comment period is again being extended an additional 45 days to September 3, 1981.

DATE: Comments must be received on or before (Thursday) September 3, 1981. If possible, please send an original and four copies.

ADDRESS: Comments should be submitted to: Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio at (312) 886–6088.

Dated: July 9, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81–20955 Filed 7–16–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 65

[EN–5–FRL–1884–4]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Proposed Delayed Compliance Order for the Andersons, Toledo, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an order under Section 113(d)(1), (4) of the Clean Air Act, 42 U.S.C. 7401 *et seq.* (the Act), requiring The Andersons to bring its grain ship loadout spouts at Toledo, Ohio into compliance with Regulations AP–3–07, AP–3–08, and AP–3–12, parts of the federally approved Ohio Implementation Plan. The date for final compliance established by the order is April 15, 1982. If the order is issued by EPA, it would insulate the source from further federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms. The purpose of this notice is to invite the public to comment and to offer an opportunity to request a public hearing on the proposed order.

DATE: Written comments and requests for a public hearing must be received on or before August 17, 1981.

All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: A copy of the order may be received upon request. Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Pamela Rekar, Air Enforcement Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 886–6829.

SUPPLEMENTARY INFORMATION: The Andersons operate a grain terminal elevator at Toledo, Ohio. The proposed order addresses emissions for the seven (7) ship loadout spouts at this facility, which are subject to Ohio SIP Rules AP–3–07, AP–3–08, and AP–3–12 as approved by EPA on April 15, 1974. 39 FR 13542, 40 CFR 52.1873. The regulations govern the emissions of particulate matter and are parts of the federally approved State Implementation Plan. The order requires final compliance with the regulations by April 15, 1982, and the source has consented to its terms. The source has agreed to meet the order's increments during the period of this informal rulemaking and the source has satisfied particular increments contained in the order.

The proposed order satisfies the applicable requirements of Section 113(d) of the Act. If the order is issued, the source's compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Pursuant to the provisions of Order 12291, 46 FR 13193 (Feb. 19, 1981), I have determined that this action is not a proposed "rule," as defined by Order 12291, because it is not of general applicability nor does it have future effects. Furthermore, even if it were a rule it is not a "major rule," defined as Order 12291, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. Final action on the order will be published in the **Federal Register**. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, Part 65, to include a Federal delayed compliance order issued under Section 113(d)(1), (4) to The Andersons.

Dated: June 18, 1981.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

[FR Doc. 81-20979 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–436; RM–3772]

FM Broadcast Station in Natchitoches, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule making.

SUMMARY: This action proposes to assign Channel 240A to Natchitoches, Louisiana, as its second FM Channel assignment, in response to a petition from Ben Barron. The proposal could provide Natchitoches with a third commercial service.

DATES: Comments must be filed on or before September 8, 1981, and reply comments must be filed on or before September 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 6, 1981.

Released: July 9, 1981.

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Natchitoches, Louisiana), BC Docket No. 81–436, RM–3772.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making[1] filed by Ben Barron ("petitioner") which seeks the assignment of FM Channel 272A to Natchitoches, Louisiana, as a second FM assignment to the Community. Supporting comments were filed by the petitioner who stated an intent to apply for the channel, if assigned.

2. Natchitoches (population 15,074), the seat of Natchitoches County (population 35,219)[2] is located 352 kilometers (220 miles) northwest of New Orleans, Louisiana. Present aural service includes full-time AM Station KNOC, FM Station KDBH (Channel 294A), and noncommercial FM Station KNWD (Channel 219).

3. Petitioner asserts that Natchitoches is a growing community with numerous civic, governmental, educational, charitable and business groups. The petitioner further states that demographic documents show a need for an additional broadcast facility.

4. In a recent ruling, Channel 272A was assigned as a substitute channel to Boyce, Louisiana (BC Docket No. 81–100, RM–3763). However, we have determined that another channel (Channel 240A) is available for assignment to Natchitoches, thus we have substituted Channel 240A for consideration herein.

5. A site restriction of 12 kilometers (7.5 miles) north of the city is necessary. Petitioner has indicated that it would apply for the channel with the site restriction indicated. Petitioner should demonstrate that a city grade signal can be provided over the entire community from the restricted site.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the following community:

City	Channel No.	
	Present	Proposed
Natchitoches, Louisiana	249A	249A, 240A

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continued interest is required before a channel will be assigned.

8. Interested parties may file comments on or before September 8, 1981, and reply comments on or before September 28, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation requuired by the Commission.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504, and 73.606(b) of the Commission's Rules.* 46 FR 11549, published February 9, 1981.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments (See § 1.420(d) of the Commission's Rules)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicabe procedures set out in§§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-20956 Filed 7-16-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Revision of Special Rule for the African Elephant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to revise the special rule for the African elephant (*Loxodonta africana*) by requiring that raw ivory imported into the United States by marked, and by eliminating the current prohibitions against certain domestic activities. The proposal, by focusing the Service's efforts on control of the international aspects of the ivory trade, would better serve the conservation of the African elephant. The proposal will also bring the United States regulations into line with the international system agreed to by the Parties to CITES.

DATES: Comment from the public must be received by August 20, 1981, to be assured consideration.

ADDRESSES: Submit written comments to Director (WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials received in response to this proposal will be available for public inspection during normal working hours at the Federal Wildlife Permit Office, Room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–1937.

SUPPLEMENTARY INFORMATION:

Background

The African elephant is listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 13, 1973, TIAS 8249, hereinafter referred to as CITES or the Convention. The effective date of the listing was February 4, 1977. A CITES permit or certificate issued by the country of export or re-export is necessary in order to export, re-export or import, the African elephant (including its parts and derivatives).

On May 12, 1978, the Service determined the African elephant to be a Threatened species under the Endangered Species Act of 1973, (16 U.S.C. 1531 *et seq.*) hereinafter referred to as the Act, and promulgated a special rule, still in effect, which makes it illegal for any person to take, import or export, ship in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any African elephant or to possess illegally taken elephant items except as provided by the special rule (43 FR 20504). Under the special rule, a special purpose permit may be issued to authorize any of the activities otherwise prohibited. Such permits generally apply to items already in the United States. The prohibition against importation does not apply to items originating in and exported or re-exported from a country that is a CITES Party under Article IV of CITES. Re-exportation may be from a country that is not a CITES Party only where such items enter the non-Party country while in transit to the United States and remain in customs control and in an unaltered condition.

While not currently reflected in Service regulations, section 9(c)(2) of the Act provides an exemption for any importation of fish or wildlife which is not listed as endangered but which is listed in Appendix II to CITES, if such importation is traded in accordance with CITES, meets certain licensing, reporting, and designated port requirements where applicable, and is not made in the course of a commercial

[1] *Public Notice* of the petition was given on November 3, 1980. Report 1254.

[2] Population data are taken from the 1970 U.S. Census.

activity. Therefore, this proposal would not apply to importations of African elephant parts or products which satisfy the above provisions.

Since the adoption of the special rule, the Service has experienced difficulty in properly implementing its requirements, in particular, assuring that a shipment of ivory which had originated in a CITES Party country had not entered a non-Party country, and if it had, remained in Customs control while in transit. In addition, questions have been raised about the effectiveness in terms of conserving African elephant populations, of spending scarce manpower and dollar resources on controls aimed at the interstate sale of worked ivory. At the same time, bills have been introduced in Congress to ban all elephant and elephant product imports, or to require the Service to make findings on the conservation programs of African countries or the control programs of re-exporting countries before allowing any importations.

The Parties to CITES have discussed the problems of trade in elephant ivory at a meeting ot the Technical Expert Committee of CITES in January of 1980. Recommendations from this group were taken up by the Third Conference of the Parties to CITES in New Delhi, India, in March of 1981. The Parties issued a resolution dealing with elephant ivory trade in which certain restrictions additional to those imposed by CITES itself were recommended to the Parties. The text of that resolution is shown below:

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Third Meeting of the Conference of the Parties, New Delhi (India), 25 February to 8 March 1981

Draft Resolution of the Conference of the Parties [1]

Trade In African Elephant Ivory

Considering that the status of the African elephant (*Loxodonta africana*) and the volume of international trade in its ivory justified the inclusion of this species in Appendix II of the Convention at the first meeting of the Conference of the Parties (Berne, 1976);

Conscious of the fact that, due to the increasing monetary value of ivory, illegal trade activities have reached a significant level, that ivory is frequently traded with inadequate documentation, and that States which are not Party to the Convention play a special role in this trade;

Recalling Resolution Conf. 2.6, adopted by the Conference of the Parties at its second meeting (San Jose, 1979), which recommends the use of the options provided by Article XIV of the Convention to apply stricter domestic measures and direct contacts between Management Authorities when it is suspected that an Appendix II species is traded in a manner detrimental to the survival of the species or in contravention of the laws of any country involved in the transaction;

Noting the positive results experienced by a number of Parties having applied stricter domestic measures for ivory trade, in accordance with the provisions of Article XIV;

The Conference of the Parties To the Convention Recommends:

(a) That any imports, exports or re-exports of African elephant ivory by a Party be authorized only if the Party is satisfied that the ivory was legally acquired in the country of origin;

(b) That the term "raw ivory" include all whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for "worked ivory."

The term "worked ivory" shall cover all items made of ivory for jewelry, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

(c) That permits or certificates for raw ivory be accepted only if they mention the actual country or origin;

(d) That relevant information be exchanged among Parties, and between Parties and the Secretariat, and if there is any doubt concerning the validity of an ivory export permit or re-export certificate, a copy of the document be submitted to the Management Authority concerned for clarification;

(e) That each tusk or piece of raw ivory be marked by means of punch-dies using the following formula: Country of origin ISO code of two letters, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g., KE 127/8114).

This number to be placed at the "lip mark," in the case of whole tusks, and indicated with a flash of colour;

(f) That Parties do not accept raw ivory which is not clearly marked;

(g) That Parties make every effort to encourage wider participation in the Convention by States trading in ivory, which are not yet Party to Convention;

(h) That where possible Parties adopt domestic measures whereby importers, exporters or re-exporters of raw ivory would be subject to a license to conduct such trade, unless such trade is only conducted by the Party itself.

The Service feels that any action it takes to regulate trade in the African elephant should conform to the action by the CITES Parties, because regulation of trade requires international cooperation, and CITES is the only existing mechanism that provides it.

In addition, the Service's experience with the restrictions on interstate commerce in the rules published in May of 1978 has indicated that the restriction is burdensome, ineffective, and unnecessary. The Service is convinced that the maximum effectiveness for control of ivory trade can be obtained by putting its enforcement effort into restrictions dealing with imports.

A study commissioned by the Service, and the discussions by the CITES Parties, which includes a number of invory exporting nations, indicate that the primary problem with the trade in elephant ivory and its effect on wild elephants is the poaching and smuggling of ivory in its raw form. The Parties decided that the best way to control this problem was to put additional restrictions, particularly marking requirements, on the trade in raw elephant ivory. As long as the country which imports ivory for the purpose of carving is abiding by these controls, wild elephant populations should benefit from restrictions that limit the trade to a controlled legal marketing. Restrictions on ivory which has been carved or worked have proven to be highly impractical and difficult to enforce effectively, especially marking or tracing the origin of individual items of worked ivory.

The first recommendation of the Parties in relation to the elephant ivory trade was that Parties authorize imports, exports or re-exports only if they are satisfied that the ivory was legally acquired in the country of origin. For raw ivory, this would be accomplished by adhering to the recommendations that permits or certificates accompanying such ivory mention the actual country of origin and that each tusk or piece of raw ivory be marked in accordance with the procedure set forth in the recommendation. In addition, it was recommended that the Parties license traders of raw ivory. The recommendation that importing countries be satisfied as to the legality of acquisition in the country of origin was left general. Given the difficulties of tracing the origin of individual items of worked ivory, the Service believes that the best method for meeting this recommendation is to accept imports only from CITES Parties. Pursuant to CITES and to the recommendation on ivory trade, it incumbent on each Party to assure that appropriate documentation is available with each shipment which it accepts to show that the ivory was legally acquired in the country of origin. The Conference of the Parties also issued recommendations dealing with documentation acceptable from non-Party countries, which follows the pattern established by this country, and sets stricter standards for such non-Party documentation. Under the provisions of CITES, an exporting Party may only issue its export permit after being satisfied that the ivory was legally acquired in its country. If that ivory is shipped to a second Party country and then re-exported to the United States, the re-export certificate from the second country certifies to us that the import was in accordance with the requirements of CITES. This means that the import would have been under documents from, in this case, a Party nation which had already certified as to the legal acquisition of the ivory. On the assumption that CITES Parties will live up to their obligations under the Treaty, the U.S. can accept these shipments. Although another CITES Party could accept shipments of raw or worked ivory from non-Party countries, and require that equivalent documentation be issued from these countries, the U.S. will urge other CITES Parties to accept shipments only from CITES Parties. This would restrict world trade in ivory to those countries that have legally obligated themselves to follow the provisions of CITES.

Data from the U.S. Annual Report for CITES for 1979 indicate that the United States received approximately six tons of raw ivory, including trophy shipments, during that year. The latest figures on the world trade in raw ivory indicate that this amount is less than one percent of such trade. The U.S. also received approximately 3,000,000 items of elephant products of various types, mostly worked ivory in 1979. Since there was no requirement in the past to record such shipments by weight, there is no way to tell how many tusks this amount of trade represented. Recommendations have been made by the Third Conference of the CITES Parties to change the reporting of such trade in order to show the weight, in the case of ivory. Estimates of the U.S. trade in the study commissioned by the Service indicate that the U.S. accounts for less than five percent of the total trade in ivory in the world.

The existing regulations require that trade be through a chain of CITES nations and that interstate commerce in elephant products be done only pursuant to a permit.

Description of the Proposed Rule

The proposed rule will completely replace the existing special rule on African elephants. Certain requirements of the existing rules will be dropped. These include the requirement for permits for interstate commerce in African elephants and their products, and the requirement that imports have not passed through any non-CITES country.

Live elephants may be imported from any country, provided that they have CITES documentation, or equivalent documentation from a non-CITES country, as required in 50 CFR Part 23 (rules implementing CITES).

Imports of raw ivory, as defined in the proposal, will be accepted only if they originated in a CITES Party and are being imported from a CITES Party. In addition, the documentation accompanying the shipment must clearly show the country of origin, and the ivory must be marked as specified in the proposal. The Service is aware that there may be imports of unmarked raw ivory from existing stores or even from CITES Parties which have not yet implemented the marking system recommended by the Parties. Therefore, for a period of one year, the Service will allow such shipments provided the legality of the export from the CITES country of origin can be shown, and the ivory is marked prior to final entry for consumption or re-export.

Imports of worked ivory, as defined in the proposal, and all other elephant products, such as hair and skin, will be accepted only from CITES Parties, with appropriate CITES documentation.

Persons who are in the business of importing or exporting raw ivory must also be licensed by the Service. The licensing required by 50 CFR Part 14 will suffice for those purpose, and anyone having such a license will not have to obtain an extra license. Information presently available to the Service indicates that there will be few, if any, persons in this category. The Service requests specific information on this point. Depending on information received, the Service will consider requiring such persons to also obtain licenses.

Exports of live elephants or elephant products, including ivory, will not be covered by this proposal. They require CITES re-export certificates, under 50 CFR Part 23.

It has been determined that this proposal is not a major rule under Executive Order 12291, and does not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act, and does not require an environmental impact statement under the National Environmental Policy Act.

Accordingly, it is proposed to remove 50 CFR 17.40(e) in its entirety, and substitute the following:

§ 17.40 **Special rules—mammals.**

* * * * *

(e) African elephant (*Loxodonta africana*). (1) Except as provided in paragraphs (e)(2), (e)(3), and (e)(4) of this section, it is unlawful to import any part or product of an African elephant.

(2) *Raw Ivory.* The prohibition against import referred to in paragraph (e)(1) of this section shall not apply to raw ivory which (i) has originated in the wild in a country that is a Party to the Convention which has not taken a reservation as to raw ivory; and (ii) is being imported under appropriate documentation, as required by 50 CFR Part 23, from a country that is a Party to the Convention which has not taken a reservation as to raw ivory and clearly shows the country of origin in the wild of the raw ivory; and (iii) is legibly marked by means of punch-dies using the following formula: country of origin represented by two letters as designated by the two-letter code established by the International Organization for Standardization, followed by the registration number assigned to the raw ivory by the country of origin, the last two digits of the year of registration and the weight of the raw ivory in kilograms and, in the case of whole tusks, such mark is placed on the lip mark area and indicated by a flash of color which serves as a background for such mark; except that for a period of one year from the effective date of this rule, this paragraph (e)(2)(iii) shall not apply to raw ivory which is imported without such marking, provided that the Service ascertains that the ivory was legally exported from the country in which the raw ivory originated in the wild and that such country is a Party to the Convention, and that the importer marks the ivory as directed by the Service, prior to final entry.

(3) *Parts or Products of African Elephant Other Than Raw Ivory.* The prohibiton referred to in paragraph (e)(1) of this section shall not apply to any parts or products of African elephants, except raw ivory, which are being imported from a country that is a Party to the Convention which has not taken a reservation as to such parts or products, under appropriate documentation as required by 50 CFR Part 23.

(4) *Definitions.* For purposes of this section "Convention" shall mean the Convention of International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

"Lip Mark Area" shall mean that area of a whole African elephant tusk where the tusk emerges from the elephant's skull and which is usually denoted by a prominent ring of staining on the tusk in its natural state.

[1] Revised by a drafting group of the Technical Expert Committee, on the basis of Doc. 3.10 page 32 (TEC/4) and Com. 3.13.

"Raw Ivory" shall mean any whole African elephant tusk polished or unpolished in any from whatsoever, and all pieces thereof except for worked ivory.

"Worked Ivory" shall mean any item made from raw ivory for jewelry, adornment, art, utility, or musical instruments (including whole tusks where the whole surface has been carved), provided such item is clearly recognizable as such and is in a form requiring no further carving, crafting or manufacture to effect its purpose.

Dated: June 8, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20980 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 46, No. 137

Friday, July 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Economic Research Service

Discontinuance of Weekly Retail Prices and Farm to Retail Price Spreads for Beef and Pork

Notice is hereby given that the Economic Research Service plans to discontinue publication of weekly retail prices and weekly farm to retail price spreads for beef and pork effective September 1, 1981. Publication of farm to retail price spreads for beef and pork will continue on a monthly basis, however, as a normal part of market basket statistics on farm to retail price spreads. This cost-reduction measure is designed to save almost $100,000 annually.

Members of the public wishing to comment may submit their views in writing to the Director, National Economics Division, Economic Research Service, Room 246, GHI Building, USDA, Washington, D.C. 20250. The comment period will close August 14, 1981.

Done at Washington, D.C. this 14th day of July, 1981.

Kenneth R. Farrell,

Acting Administrator.

[FR Doc. 81-21030 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-18-M

Forrest Service

Tower Mountain Study Huron-Manistee National Forests Wexford County, Michigan; Environmental Impact Statement; Cancellation Notice

A draft environmental impact statement for the Tower Mountain Study was distributed to the public and filed with the Environmental Protection Agency on January 14, 1981.

The environmental impact statement process is being terminated because public response and analysis of the demand for ski area development indicate that there is no urgent need for an immediate change in the present management of the area.

The work done by Barton-Aschman Associates, Inc., determined that terrain and other environmental factors make alpine skiing on Tower Mountain feasible. However, it also showed current demand does not justify allocation of Tower Mountain to ski area development prior to completion of the Forest Land and Resource Management Plan in 1983.

The findings of Barton-Aschman Associates, Inc., will be incorporated into the Land and Resource Management Plan for the Huron-Manistee National Forests which will consider the issues and concerns involved in the allocation of the 880 acre Tower Mountain area. The plan will be developed according to the Secretary's regulations pursuant to the National Forest Management Act of 1976 (36 CFR Part 219). It will be completed in January 1983, in accordance with the Notice of Intent published in **Federal Register** Vol. 44, No. 239, p. 71441, December 11, 1979.

Pending completion of the Land and Resource Management Plan for the Huron-Manistee National Forests, the Forest Supervisor will continue existing management of the 880 acre study area. The area will be available for public use providing damage does not occur. Off-road vehicle use will continue to be allowed under the existing Forest ORV policy. All existing systems roads will be open for normal vehicle travel. Traditional dispersed recreational use such as hiking, hunting, mushroom gathering, primitive camping, and winter sports will continue to be allowed. Major timber activities will continue to be deferred pending allocation of the area in the Forest Land and Resource Management Plan.

July 8, 1981.

James L. Hagemeier,

Acting Director, Planning, Programming, and Budgeting.

[FR Doc. 81-20833 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et seq.); week ended July 10, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases, a final order without further proceedings.

Date filed	Docket No.	Description
July 10, 1981	39799	Arrow Airways, Inc., P.O. Box 52-2230, General Airport Facility, Miami, Florida 33152. Application of Arrow Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authorization to provide scheduled air transportation of persons, property and mail. Between the coterminal points Miami, Florida; New York, New York and San Juan, Puerto Rico; and The coterminal points within the countries of Argentina (Buenos Aires); Brazil (Rio de Janeiro and Sao Paulo); Colombia (Barranquilla, Bogota and Cali); and the Dominican Republic (Santo Domingo). Conforming Applications, motions to modify scope, and Answers may be filed by August 7, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21006 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-61; Docket 37554]

Establishment of the Standard foreign Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of July, 1981.

The International Air Transportation Competition Act (IATCA), Pub L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating cost per available seat mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and subsequent Order 81-5-45 established the currently effective two-month SFFL applicable through July 31, 1981.

In establishing the SFFL for the two-month period commencing August 1, 1981 we have projected nonfuel costs based on the year ended March 31, 1981, and have adjusted fuel prices to reflect the experienced monthly rate of fuel cost escalation.

Our calculations measure inflation from October 1, 1979, to September 1, 1981, the midpoint of the August-September projection period, for the three ratemaking entities: Atlantic, Latin America, and Pacific. The four-month average of February-May fuel cost increases produces the following rate of escalation: .81 cents per gallon in the Atlantic; 2.49 cents per gallon in Latin America; and 1.09 cents per gallon in the Pacific. However, in order to give greater emphasis to May's prices, we have based our current fuel projection on the mean of the four month average and the May increase in each entity. Weekly fuel prices reported to us indicate that fuel prices have leveled off, and that an adjustment to our usual methodology is required to achieve realistic results. The resulting projections are fuel prices of 118.57 cents in the Atlantic, 117.15 cents in Latin America, and 122.76 cents in the Pacific at September 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 40.51 percent in the Atlantic, 40.63 percent in Latin America, and 27.21 percent in the Pacific, over the October 1, 1979 level (see Appendix A.). This results in increases over the last two-month SFFL of 5.26 percent, 3.04 percent, and 2.70 percent, respectively.

We calculated both a two-month and a four-month SFFL effective June 1, 1981 in Order 81-5-45. The four-month period continues through September 30, 1981, and carriers whose filings utilized the higher four-month figures may not rely upon the increases permitted by this Order. The next four-month SFFL along with the usual two-month projection, will be effective October 1, 1981.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective August 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.4051
Latin America	1.4063
Pacific	1.2721

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor, [2]

Secretary.

[FR Doc. 81-20999 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

[2] All Members Concurred.

[Order 81-7-63; Docket 38808]

Application of Empire Airlines, Inc; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-7-63).

SUMMARY: The Board is proposing to award unrestricted air route authority at Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Dayton, Ohio, Detroit, Mich., Indianapolis, Ind., and Pittsburgh, Pa.; to Empire Airlines, under show-cause procedures.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 31, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38808. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Empire Airlines; the mayor of and airport manager of each city referred to in the objection; and the state aeronautical commission of the state in which such city is situated.

FOR FURTHER INFORMATION CONTACT: Arthur B. Wells, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5352.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-63 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-7-63 to that address.

By the Bureau of Domestic Aviation: July 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21001 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-67]

Fitness Determination of Executive Helicopters, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-67, Order to Show Cause.

SUMMARY: The Board is proposing to find that Executive Helicopters, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 30, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-67.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-67 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-67 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21002 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33362, 38977, 38976]

Former Large Irregular Air Service Investigation; Applications of Overseas National Airways, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the applications of Overseas National Airways, Inc., Dockets 38976 and 38977 has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., July 10, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-21004 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39634]

U.S.-London Case (1982); Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on September 22, 1981, at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., July 10, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-21003 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[81-7-64]

Air Florida; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause (81-7-64).

SUMMARY: The Board is proposing to award air route authority at Grand Rapids, Michigan to Air Florida under expedited show-cause procedures.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions of the above order shall file, by July 31, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39075. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Air Florida; the Mayor and Airport Manager of Grand Rapids, Michigan, and the Michigan Aeronautics Commission, Department of Transportation.

FOR FURTHER INFORMATION CONTACT: Carolyn S. Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5459.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-64 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-7-64 to that address.

By the Bureau of Domestic Aviation: July 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21000 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39705]

Westair Jet Fitness Investigation; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 23, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 9, 1981.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 81-21005 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

Nondiscrimination on the Basis of Handicap; Notice to All Recipients of Federal Financial Assistance From the Board

AGENCY: Civil Aeronautics Board.

ACTION: Notice to all recipients of Federal financial assistance from the Board.

SUMMARY: The CAB issues a notice concerning the handicapped. The notice is required by the United States District Court of the Central District of California.

DATES:

Adopted: July 13, 1981.
Effective: July 19, 1981.

FOR FURTHER INFORMATION CONTACT: About this notice—David Schaffer, Office of the General Counsel, Rules & Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442; about a specific instance of discrimination—Consumer Assistance Division, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-6047.

SUPPLEMENTARY INFORMATION: In the case of *Paralyzed Veterans of America, et. al. Plaintiffs, v. William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the Civil Aeronautics Board to notify all recipients of federal financial assistance from the Board that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), even though the Board has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

"No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Effective June 3, 1977, the Department of Health, Education and Welfare issued

final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the Board may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21098 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Colorado Advisory Committee to the Commission will convene at 2:30 p.m., on August 13, 1981 and will end at 2:30 p.m., on August 15, 1981, at Colorado State University, Fort Collins, Colorado 80522. The purpose of this meeting is to attend and record information from the police-community relations conference in connection with Colorado SAC project 916.23.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Minoru Yasui, 1150 South Williams, Denver, Colorado 80210, (303) 722-0455 or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202, (303) 327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 10, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21105 Filed 7-16-81; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Amendment of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Maine Advisory Committee of the Commission originally scheduled for July 23, 1981, at Augusta, Maine, (FR Doc. 81-19576 on page 34612) has been cancelled.

Dated at Washington, D.C., July 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20079 Filed 7-16-81; 8:45 am]

BILLING CODE 6335-01-M

Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 3:00 p.m., on August 17, 1981, at the Civic Arena, 100 North 4th Street, Meeting Room D, St. Joseph, Missouri 64501. The purpose of this meeting is to conduct program planning for FY 1982 and the regional SAC conference.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Joanne Collins, 4030 Bellefontaine, Kansas City, Missouri 64130, (816) 861-6604, or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 758-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 10, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21104 Filed 7-16-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exemption of Foreign Air Carriers From Customs Duties and Taxes; Request for Finding of Reciprocity (Saudi Arabia)

Notice is hereby given that the Department of Commerce is undertaking to determine pursuant to sections 300 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317 (1976)), and section 4221 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4221 (1976)), whether the Government of Saudi Arabia allows customs and tax exemptions to aircraft of U.S. registry in connection with international commercial operations substantially reciprocal to those exemptions granted to aircraft of foreign registry under the aforementioned statutes. The basis of this undertaking is a request on behalf of Saudi Arabian Airlines for a finding of such reciprocity.

The aforementioned statutes provide exemptions from payment of import duties and certain internal revenue taxes on the import or purchase of supplies in the United States for aircraft of foreign registry, in connection with their international commercial operations. "Supplies" as used in this context includes a wide range of articles used by aircraft in international operations, including fuel and lubricants, spare parts, consumable supplies, and ground handling and support equipment. These exemptions apply upon a finding by the Secretary of Commerce, or his designee, and notification of such finding to the Department of Treasury, that the country in question allows, or will allow, "substantially reciprocal privileges" to aircraft of U.S. registry with respect to imports or purchases of such supplies in that country.

Interested parties are invited to submit their views and comments in writing concerning this matter to Joseph F. Dennin, Deputy Assistant Secretary for Finance, Investment and Services, Room 4312, U.S. Department of Commerce, Washington, D.C. 20230. All submissions should be made in five copies and should be received no later than thirty (30) days from the date of this notice.

Copies of all written comments received will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, in the Freedom of Information Records Inspection Facility, International Trade Administration, Room 3102, Department of Commerce, Washington, D.C.

It is suggested that those desiring additional information contact Jay Dowling, Industry Programs Division, Office of International Services, Room 2204, Washington, D.C. 20230, or call (202) 377-5086.

Raymond J. Waldmann,

Assistant Secretary for International Economic Policy.

[FR Doc. 81-20077 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-25-M

Canned Tomatoes and Canned Tomato Concentrates From Italy; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On April 21, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to canned tomatoes and canned tomato concentrates from Italy. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. The Department received no comments. Therefore, the Department is revoking this order on the grounds that the subsidy practices cited in the final determination have been terminated. The merchandise remains covered by the order on tomato products from the European Communities.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Josephine A. Russo, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-1168).

SUPPLEMENTARY INFORMATION:

Procedural Background

A notice of "Final Countervailing Duty Determination," T.D. 68-112, was published in the **Federal Register** of April 19, 1968 (33 FR 6011) imposing countervailing duties on canned tomatoes and canned tomato concentrates from Italy. On August 22, 1979 a notice of "Final Countervailing Duty Determination" was published in the **Federal Register** (44 FR 49248) regarding exports of tomato products from the European Communities ("the EC"). On April 21, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order on canned tomatoes and canned tomato concentrates from Italy (46 FR 22775).

Scope of the Review

Imports covered by this review are canned tomatoes and canned tomato concentrates, currently classifiable under item numbers 141.65 and 141.66 of the Tariff Schedules of the United States (TSUS).

The preliminary results of the review stated that the imported merchandise no longer benefited from subsidies from the Government of Italy and that entries of this merchandise were covered by a subsequent countervailing duty order on tomato products from the EC. The International Trade Commission found no injury by reason of the EC subsidies and we revoked the order on tomato products from the EC on October 20, 1980. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of Italy. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department hereby revokes the countervailing duty order concerning canned tomatoes and canned tomato concentrates from Italy (T.D. 68-112) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 21, 1981. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to August 22, 1979, the effective date of the order on tomato products from the EC. Since any entries of Italian canned tomatoes and canned tomato concentrates only received subsidies under the programs of the EC since that date, entries made on or after August 22, 1979, through December 31, 1979, will be liquidated in accordance with the EC order. The revocation on tomato products from the EC required liquidation of all entries made on or after January 1, 1980 without regard to countervailing duties. Consequently, the Department will instruct Customs officers to proceed with liquidation of all such entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 without regard to countervailing duties.

We are discontinuing the practice of updating the table in Annex III to Part 355 of the Commerce Regulations. Instead, interested parties may contact the Director of the Office of Compliance, International Trade Administration, for copies of the updated list of countervailing duty orders.

This revocation, administrative review, and notice are in accordance with sections 751 (a)(1), and (c) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 14, 1981.

[FR Doc. 81-21027 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-25-M

Refrigerators, Freezers, Other Refrigerating Equipment and Parts From Italy; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of administrative Review of Countervailing Duty Order.

SUMMARY: On April 27, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on refrigerators, freezers, other refrigerating equipment and parts from Italy. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were given an opportunity to submit written or oral comments. We received no comments. Therefore, we have determined the net amount of the subsidy to be the full value of the rebates for these products under Italian Law 639.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 28, 1973, a final countervailing duty determination on refrigerators, freezers, other refrigerating equipment and parts from Italy, T.D. 73-85, was published in the **Federal Register** (38 FR 8057).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commrce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date.

On April 27, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of administrative Review of Countervailing Duty Order" on refrigerators, freezers, other refrigerating equipment and parts from Italy (46 FR 23512). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are refrigerators, freezers, other refrigerating equipment and parts imported directly or indirectly from Italy (see Appendix A). These imports are currently classifiable under item numbers 661.35 and 661.37 of the Tariff Schedules of the United States.

The review covered the period January 1, 1980 through December 31, 1980, and was limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the final determination.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. The stated purpose of Italian Law 639 is to rebate customs duties and certain indirect taxes on the export of products containing iron and steel. No evidence was presented in this case to demonstrate the requisite linkage between the incidence of customs duties and certain indirect taxes on various inputs of this merchandise and the amount of the rebates.

Therefore, we determine that the rates of net subsidy conferred upon producers exporting to the united States for the period January 1, 1980 through December 31, 1980, are those listed in Appendix A.

The U.S. Customs Service shall assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980.

The provisions of T.D. 73–85 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Custom Service shall assess countervailing duties in the amount set forth in T.D. 73–85 on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980.

In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of refrigerators, freezers, other refrigerating equipment and parts entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980. Liquidation shall continue to be suspended on entries made on or after April 3, 1980, until the Department is notified of a determination by the ITC.

Further, as required by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties at the rates listed in Appendix A on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of May, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 14, 1981.

Appendix A

Complete refrigerators (cabinets, chests, and refrigerated counters, refrigerated display cases, water coolers and the like)—45 lire/kg

Insulated cold cabinets (unequipped), isothermal cabinets, ice-cream storage cabinets, and the like—20 lire/kg

Refrigerating apparatus and components thereof, fixed on a common baseplate, including freezers and parts—45 lire/kg

[FR Doc. 81–21039 Filed 7–16–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA

SUMMARY: Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will meet to review status reports on the development of fishery management plans; consider foreign fishing applications, if any, and conduct other fishery management business.

DATES: The public meetings will convene on Wednesday, August 5, 1981, at approximately 10:30 a.m., and adjourn at approximately 5 p.m.; reconvene on Thrusday, August 6, 1981, at approximately 8:30 a.m., and adjourn at approximately noon.

ADDRESS: The public meetings will take place at the Innisbrook Resort, Harstan I and II Rooms, Tarpon Springs, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center—Suite 881; 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: July 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–21033 Filed 7–16–81; 8:45 am]

BILLING CODE 3510–22–M

Office of the Secretary

Non-Discrimination on the Basis of the Handicapped in Programs or Activities Receiving Federal Assistance

The Department of Commerce (DOC) gives notice that, until such time as it has adopted and published its own specific implementing regulations, it will operate in accordance with the regulations developed by the Department of Health, Education, and Welfare, the agency responsible for promulgating general regulations to implement the provisions of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

NOTICE TO ALL RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF COMMERCE

In the case of *Paralyzed Veterans of America, et al. Plaintiffs,* v. *William French Smith, etc., et al.,* United States District Court, Central District of California, No. 79–1979 WPG, the Honorable William P. Gray ordered the Department of Commerce to notify all recipients of federal financial assistance from the Department of Commerce that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the Department of Commerce has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the Department of Commerce may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Malcolm Baldridge,

Secretary of Commerce.

[FR Doc. 81–21186 Filed 7–16–81; 10:48 am]

BILLING CODE 3510–BP–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: July 17, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On February 13, 1981 and April 3, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 12225 and 46 FR 20258) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1981:

Class 7210

Cover, Bed

68" x 96" Size 1

7210–00–NIB–0013	White
7210–00–NIB–0010	Dark Cardinal
7210–00–NIB–0002	Pimento
7210–00–NIB–0003	Spanish Yellow
7210–00–NIB–0004	Gold Brown
7210–00–NIB–0005	Emerald
7210–00–NIB–0006	Indian Orange
7210–00–NIB–0007	Mosstone
7210–00–NIB–0008	Burnt Orange
7210–00–NIB–0009	Bluebird

76" x 105" Size 2

7210–00–NIB–0014	White
7210–00–NIB–0015	Dark Cardinal
7210–00–NIB–0016	Pimento
7210–00–NIB–0017	Spanish Yellow
7210–00–NIB–0018	Gold Brown
7210–00–NIB–0019	Emerald
7210–00–NIB–0020	Indian Orange
7210–00–NIB–0021	Mosstone
7210–00–NIB–0022	Burnt Orange
7210–00–NIB–0023	Bluebird

60" x 90" Size 3

7210–00–NIB–0024	White
7210–00–NIB–0025	Dark Cardinal
7210–00–NIB–0026	Pimento
7210–00–NIB–0027	Spanish Yellow
7210–00–NIB–0028	Gold Brown
7210–00–NIB–0029	Emerald
7210–00–NIB–0030	Indian Orange
7210–00–NIB–0031	Mosstone
7210–00–NIB–0032	Burnt Orange
7210–00–NIB–0033	Bluebird

SIC 7349

Janitorial Service (including Grounds Maintenance)
Federal Building and Courthouse, 1340 West 6th Street
Food & Drug Administration Building, 1521–33 West Pico Boulevard
Los Angeles, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81–20973 Filed 7–16–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 19, 1981.

ADDRESS: Committee for Purchase From the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 3990

Pallet, Material Handling: 3990–00–222–1051

SIC 9199

Administrative Services
(Includes mail room operations, mail distribution operations, and related recording, reporting, training, and advisory services)
Environmental Protection Agency at the following locations:
Waterside Mall Complex, Washington, D.C.
Marfair Building, Washington, D.C.
Crystal Mall Complex, Arlington, Virginia
Beltsville Research Laboratory, Beltsville, Maryland
9100 Brookville Road, Silver Spring, Maryland
6110 Executive Boulevard, Rockville, Maryland

C. W. Fletcher,

Executive Director.

[FR Doc. 81–20972 Filed 7–16–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletions from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1981 a service provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 19, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following service from Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 7641

Furniture Rehabilitation, Monterey, California, plus 10-mile radius, including

Fort Ord, San Francisco, California, and the counties of Alameda, Contra Costa, San Mateo, and Santa Clara

C. W. Fletcher,

Executive Director.

[FR Doc. 81-20071 Filed 7-16-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 10-18 August 1981

Place: Naval Postgraduate School, Monterey, California

Time: 0800-1700 hours, 10-18 August 1981 (Closed)

Proposed Agenda: The ASB 1981 Summer Study participants will hold classified discussions of briefings they have received and will develop their report on "Equipping the Army in 1990-2000." Specifically, the study addresses these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C^3 contribute most to efficient, integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Roger W. Mickelson,

Colonel, GS, Executive Director.

[FR Doc. 81-20063 Filed 7-16-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Decision to Construct a New Naval Regional Medical Center at San Diego, California

Decision

The Navy will construct a replacement for the existing San Diego Regional Medical Center (NRMC) at a site to the North and East of existing NRMC structures in Balboa Park, described in the Navy's supplemental EIS as the Balboa Park West site.

Description of Activity

A Final Supplemental Environmental Impact Statement (FSEIS) has been completed in compliance with the National Environmental Policy Act (NEPA) for the proposed construction of a new NRMC in the San Diego, California area.

The need for a new NRMC in San Diego became apparent as a result of a 1972 Master Plan which indicated significant problem areas with the existing facility. Among these were:

- earthquake hazard due to failure to meet current seismic codes
- failure to meet fire protection and other life safety codes
- current NRMC is functionally obsolete
- inadequate site use and circulation patterns
- building structure and safety defects unacceptable to hospital accreditation agencies.

After several years of study and several reports, in July 1978 a Draft Environmental Impact Statement (DEIS) was prepared for construction of a new NRMC facility at a site adjacent to the existing NRMC in Balboa Park, referred to as the Florida Canyon site. A public hearing was held in March 1979 and a Final Environmental Impact Statement (FEIS) was filed with EPA in October 1979 and circulated to the public.

The Military Construction Authorization Act of 1980 (P.L. 96-125) gave the Secretary of the Navy authority to acquire by condemnation or otherwise, all right, title, and interest of the City of San Diego to the Florida Canyon property needed for the location of the new NRMC.

The Secretary's decision to construct the NRMC at the Florida Canyon site appeared in the December 14, 1979 **Federal Register**. In January 1980 a court hearing was held and the court recognized the Navy's title and granted limited possession of the 36 acres required in Florida Canyon.

In the Spring of 1980, as a result of continuing geotechnical exploration, an earthquake fault was discovered at the Florida Canyon site. This fault was in a North-South direction and directly influenced the planning of the proposed NRMC at the Florida Canyon site.

In accordance with Section 205 P.L. 96-4181, the Navy prepared a report which was submitted to Congress by the Secretary of the Navy on 5 December 1980. As required, this report compared the Helix Heights site, a previously considered alternative, to the Florida Canyon site. Secretary Hidalgo concluded that Florida Canyon was still the Navy's preferred alternative and indicated the reasoning for that choice.

To remedy the problems at the existing NRMC facility, as previously discussed, a new complex consisting of a 560 bed acute care hospital, a 200 bed light care facility, and out-patient clinics all including normal administrative and support services is required. The complex will also include certain military base and hospital support facilities, i.e., unaccompanied personnel quarters, recreation facilities, parking, and Naval School of Health Sciences. It is important to note that most of these facilities are not normally associated with a civilian hospital.

As a result of extensive investigation of the fault in Florida Canyon, the Navy has redesigned the principal facilities and determined that they will be placed on the west-upper-portion of the Florida Canyon Property. The facilities will be separate, relatively uncomplicated, low-rise buildings similar to the original plans for the Florida Canyon site. The buildings will range from three to five stories in height and will be constructed, for the most part, below Park Boulevard, which, with extensive landscaping, substantially reduce the visibility of the buildings from the public view on Park Boulevard.

A Supplemental Environmental Impact Statement was prepared and filed with the Environmental Protection Agency, (DSEIS March 27, 1981 and FSEIS June 5, 1981).

Alternatives Considered

The Navy has carefully reviewed numerous potential alternatives. Not only were 20 potential sites reviewed, but the analysis considered 12 objectives and several crucial criteria which played a part in determining the final preferred alternative and site location.

As required, the Navy considered the no action alternative, along with the potential of postponing action. Due to the immediate need to correct critical problems at the NRMC it was determined that prompt action to build the hospital was necessary.

After careful analysis it was concluded that the alternative of the Navy and CHAMPUS combining to provide the necessary care is most economic and beneficial to secure the full range of health care benefits.

A crucial question was whether or not the Navy medical facilities should be a single or a split operation. The Navy's analysis shows that the split operation costs more and is less efficient than the single site operation. It was estimated, for example, that a split site operation would result in a loss of about 60,000 person-hours of training time each year. It was determined that a single site for the NRMC was most advantageous to the Navy. The Florida Canyon site permits single site operation, even if a national emergency should require expansion of the facility. The limited area of the Helix Heights site would not do this and any expansion would have to be located elsewhere.

The Navy has considered several potential alternative sites over the past eight years and considered numerous factors and criteria. The supplemental EIS reviewed 20 site alternatives addressing four major criteria: (1) accessibility of the site to the beneficiary population, (2) physical limitations in terms of buildable acreage, (3) cost of property acquisition, and (4) potential delay in land assembly.

Reasonable design alternatives were discussed in great detail and three alternative sites seriously considered: Helix Heights, Balboa Park East and Balboa Park West. The Balboa Park East and West sites would both utilize portions of the previously considered Florida Canyon site. These three alternatives, their environmental consequences and the issues they raise are thoroughly discussed in chapters 3 and 4 of the supplemental EIS.

Environmental Impacts and Mitigative Measures

The environmental impacts of locating the hospital at the Balboa Park West site and the mitigative measures related thereto are set forth extensively in the supplemental EIS. All practicable means to minimize environmental harm have been adopted.

Basis for Decision

The FSEIS discusses the environmental impacts of construction of the NRMC at the Helix Heights, Balboa Park East and Balboa Park West site in detail.

Balboa Park East is clearly the least desirable site from an environmental point of view considering the loss of 27 acres of near-natural vegetation and habitat, the loss of the streambed in Florida Canyon and the influence of the geological fault.

The Helix Heights alternative will create a 75 percent increase in traffic on Market Street. There will be loss of 56 acres of open space, a 5 acre park, 14 acres of semi-natural vegetation, a 3 acre community garden and 7 acres of private land. Much of the site is privately owned and it is estimated it would take over 18 months to assemble the land needed. Also a new design would be necessary, adding to the delay and cost. A two year delay would add over 20% to the total cost by inflation alone.

An additional factor favoring the selection of Balboa Park West over Helix Heights is the current availability of access roads which the FSEIS indicates are not now available at Helix Heights and which would require significant expenditures of money beyond the cost of the hospital facility itself. It is estimated that use of the Helix Heights site would require major highway changes estimated to cost $30 million.

The Balboa Park West alternative involves a potential 9 percent increase in traffic on Park Boulevard. There is also a similar less of 14 acress of semi-natural vegetation.

The Balboa Park West site and Helix Heights were considered to be environmentally preferable to the Balboa Park East site. The Navy has balanced its national defense mission, as well as economic and technical considerations in determining that the Balboa Park West site is the overall superior location for construction of the replacement NRMC.

There can be no question that there is a need for a new NRMC in San Diego. Its location has been studied and considered by the Navy and U.S. General Accounting Office for several years in numerous reports.

The most recent GAO report dated April 23, 1981 reviews the Helix Heights and Florida Canyon sites and concludes:

"We believe that the Navy's December 5, 1980 decision to locate its medical center in Florida Canyon is still appropriate."

The GAO report in part bases its conclusion on the "potential flexibility associated with peacetime uses of Building 26." The Navy is studying the potential uses of Building 26 beyond the obvious need to retain it for contingency purposes. The advantages associated with a single site operation and the ability to fully utilize Building 26 with its mothballed current surgical and medical capacity available in time of national emergency are major factors contributing to the selection of the Balboa Park West site.

As the FSEIS indicates, the expansion potential at the Balboa Park site is considerably more flexible than at the Helix Heights site. If in times of national emergency or significant local disaster additional space was necessary, as occurred in WW II, Balboa Park could be temporarily utilized by the Navy to provide medical service on a significantly expanded scale.

Recognizing that the land at Balboa Park is now fully available to the Navy as a result of previous condemnation proceedings, one must recognize and consider that had that not been the case, the fact that the land at Helix Heights is currently in multiple ownership would require far greater time to resolve than the single ownership of the land in Balboa Park. Thus, the fact that the land is currently available to the Navy in Balboa Park and would be several months away from resolution at Helix Heights is a factor which weighs in favor of the Balboa Park West site.

Not the least of the factors which must be weighed as part of this decision is the opinion of the potential users of the proposed facility. Approximately 25% of the population of the San Diego area are eligible to use the NRMC. The vast Majority of the comments received by potential users favored the Balboa Park site. This was due to central location, a park setting which was considered conducive to recovery and a multitude of personal preferences. These comments must be given equal consideration with those who oppose the Balboa Park site for their personal reasons.

After a thorough review of the complete Supplemental EIS, the public comments, the April 1981 GAO report and numerous previous studies, it is determined that the NRMC should be constructed at the Balboa Park West site.

Conclusions

The public controversy surrounding this decision has been fully considered along with the contents of the FSEIS and its related documents. In view of possible mitigation of potential impacts it is determined that the advantages of construction of the NRMC at the Balboa

Park West site outweigh the disadvantages and that the immediate construction of the NRMC at the Balboa Park West site is in the best interest of the Navy.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-21187 Filed 7-16-81; 10:48 am]

BILLING CODE 3810-71-M

Office of the Secretary

Notice to all Recipients of Federal Financial Assistance

AGENCY: Defense.

ACTION: Notice.

SUMMARY: In the case of *Paralyzed Veterans of America, et al. Plaintiffs,* v. *William French Smith, etc., et al.,* United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the Department of Defense to notify all recipients of Federal financial assistance from the Department of Defense that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the Department of Defense has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive Federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of Federal financial assistance from that agency (45 CFR Part 85). Recipients of Federal financial assistance from the Department of Defense may look to the HEW regulations for guidance as to their obligation under Section 504 of the Rehabilitation Act.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), The Pentagon, Room 3E318, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Jerald Anderson, Deputy Director for Compliance, 202-697-4854.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 13, 1981.

[FR Doc. 81-20777 Filed 7-16-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant

AGENCY: Department of Education.

ACTION: Notice of approved need analysis systems.

SUMMARY: The Secretary of Education announces the list of approved need analysis systems that institutions of higher education must use in making awards to students during the award year 1981-82 under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

FOR FURTHER INFORMATION CONTACT: John A. McGonigal, Campus Based Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245-9720.

SUPPLEMENTARY INFORMATION:

General

Section 674.13 of the National Direct Student Loan Program Regulations (34 CFR 674.13), § 675.13 of the College Work-Study Program Regulations (34 CFR 675.13), and § 676.13 of the Supplemental Educational Opportunity Grant Program Regulations (34 CFR 676.13) approve the use of certain need analysis systems and methods of determining expected family contributions for dependent and independent students. They also set forth procedures for an annual review and approval by the Secretary of other need analysis systems for both dependent and independent students for use in those programs. In order to be approved for dependent student calculations, a system must generate expected parental contributions (within $50 of the benchmark figures published by the Secretary for those cases) for at least 75 percent of the sample cases. The benchmark figures for the 1981-82 award year were published in the Federal Register of December 23, 1980, (45 FR 84768). For independent students, a system that was not specifically included in the regulations must produce expected family contributions which include all financial resources available to the applicants and which increase incrementally as the family's financial strength increases. The approved methods and systems are as follows:

1. The Income Tax System (dependent students only);
2. The method of calculating student eligibility indices used in the Pell Grant Program (34 CFR 690);
3. The method which produces the expected family contribution on the Student Eligibility Report;
4. The system of need analysis published by the American College Testing Program;
5. The system of need analysis published by College Scholarship Service;
6. The system of need analysis published by Financial Analysis Service;
7. The system of need analysis published by Functional Solutions Incorporated;
8. The system of need analysis published by G. E. White Associates;
9. The system of need analysis published by Graduate and Professional School Financial Aid Service;
10. The system of need analysis published by the Illinois State Scholarship Commission;
11. The system of need analysis published by Information & Communications, Incorporated—SAFE System;
12. The system of need analysis published by the Pennsylvania Higher Education Assistance Agency;
13. The system of need analysis published by Systems Research Incorporated—Student Aid Management (SAM) system;
14. The system of need analysis published by Victor Business Products.

(20 U.S.C. 1087dd, 42 U.S.C. 2753, and 20 U.S.C.1070b-1)

(Catalog of Federal Domestic Assistance No. 84.007, Supplemental Educational Opportunity Grant Program; 84.033, College Work-Study Program; and 84.038, National Direct Student Loan Program)

Dated: July 10, 1981.

T. H. Bell,

U.S. Secretary of Education.

[FR Doc. 81-20082 Filed 7-16-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Long Island Lighting Co.

[ERA Docket No. 81-CERT-010]

Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On June 12, 1981, Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of up to 11,000,000 dekatherms (approximately 11,000,000 Mcf) of natural gas. This gas is estimated to displace the use of approximately 1,350,000 barrels of residual fuel oil (1.5 percent sulfur) and 90,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Electric Plant in Island Park, New York, and 360,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant in Glenwood Landing, New York, between the effective date and December 31, 1981. The eligible seller of the natural gas is Equitable Gas Company and the natural gas will be transported by Texas Eastern Transmission Corporation. Notice of that application was published in the **Federal Register** (46 FR 33360, June 29, 1981), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed LILCO's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the use of Natural Gas to Displace fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that LILCO's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 13, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-21024 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-015]

Public Service Electric & Gas Co.; Application for Certification of the use of Natural Gas To Displace Fuel Oil

Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, filed an application on June 30, 1981, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at eight of its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests certification is approximately seven billion cubic feet. This volume is estimated to displace the use of approximately 1,057,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 28,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (bcf)	Estimated oil displacement (000 bbl)	
		0.3 percent sulfur No. 6 oil	0.2 percent sulfur No. 2 oil or 0.1 percent sulfur kerosene
1. Bergen Generating Station, Ridgefield, N.J.	3.8	472	.....
2. Essex Generating Station, Newark, N.J.	0.1	.....	14
3. Hudson Generating Station, Jersey City, N.J.	2.7	417	.....
4. Kearney Generating Station, Kearney, N.J.	.....	.....	.....
5. Linden Generating Station, Linden, N.J.	.....	.....	.....
6. Sewaren Generating Station, Sewaren, N.J.	1.1	168	.....
7. Edison Generating Station, Edison, N.J.	0.1	.....	14
8. Mercer Generating Station, Trenton, N.J.	.....	.....	.....
Totals	7.8	1057	28

The eligible seller is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219. The gas will be transported by the Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001.

Public Service has in effect certifications by the ERA which authorizes purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount (bcf per year)	Remarks (effective)
80-CERT-028	1	Sept. 17, 1980
80-CERT-044	2	Jan. 19, 1981
81-CERT-006	2	Apr. 3, 1981
81-CERT-008	7.3	June 24, 1981
81-CERT-009	10.7	June 24, 1981

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before July 27, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's

interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on July 13, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-21025 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

Mapco, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Mapco, Inc. of Tulsa, Oklahoma. This Proposed Remedial Order charges Mapco with pricing violations in the amount of $340,367.04 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period January 1, 1974 through June 30, 1978 in the State of Oklahoma.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before August 3, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 1st day of July, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-20908 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4591-000]

City of Las Cruces, New Mexico; Application for Preliminary Permit

July 14, 1981.

Take notice that the City of Las Cruces, New Mexico (Applicant) filed on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4591 known as the Caballo Dam Project located on the Rio Grande in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph Camunes, Mayor; City of Las Cruces; Post Office Drawer CLC; Las Cruces, New Mexico 88004.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Caballo Dam and Reservoir and would consist of: (1) a 12-foot diameter steel tunnel liner in the existing outlet works; (2) a bifurcation and gate control house; (3) an 11.5-foot diameter penstock, 50 feet long; (4) a powerhouse containing new generators with a rated capacity of 5,596 kW; (5) a tailrace; (6) a switchyard; (7) two miles of transmission line; and (8) appurtenant works. The Applicant estimates that the average annual energy output would be 18,400,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Competing Applications—This application was filed as a competing application to Project No. 3663 filed on December 12, 1980, by the Sequoia Energy Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4591. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20910 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4818-000]

City of Santa Rosa, California; Application for Preliminary Permit

July 13, 1981.

Take notice that the City of Santa Rosa (Applicant) filed on June 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4818 known as the Deer Creek Hydroelectric Project located on Deer Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Broydon J. Riha, City Engineer/Public Works Director, P.O. Box 1678, Santa Rosa, California 95402.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 13,000-foot long conduit; (3) a 1,000-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 2,500 kW; and (5) a 12.5-kV, 10-mile long transmission line connecting the project to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the annual energy output to be 15.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental report, obtaining agreements with the Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—This application was filed as a competing application to North Valley Land Corporation's Project No. 4637 filed on May 8, 1981, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in Accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any coments, protest, or petition to intervene must be received on or before August 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20911 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4592-000]

El Paso Electric Co.; Application for Preliminary Permit

July 14, 1981.

Take notice that the El Paso Electric Company (Applicant) filed on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4592 known as the Caballo Dam Project located on the Rio Grande in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald G. Isbell; Vice-President; El Paso Electric Company; Post Office Box 982; El Paso, Texas 79960.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Caballo Dam and Reservoir and would consist of: (1) a 12-foot diameter steel tunnel liner in the existing outlet works; (2) a bifurcation and gate control house; (3) an 11.5-foot diameter penstock, 50 feet long; (4) a powerhouse containing new generators with a rated capacity of 5,596 kW; (5) a tailrace; (6) a switchyard; (7) two miles of transmission line; and (7) appurtenant works. The Applicant estimates that the average annual energy output would be 18,400,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Competing Applications—This application was filed as a competing application to Project No. 3663 filed on December 12, 1980, by the Sequoia Energy Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4592. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20012 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4287-000]

Georgetown Divide Public Utility District; Application for Preliminary Permit

July 14, 1981.

Take notice that Georgetown Divide Public Utility District (Applicant) filed on March 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)] for Project No. 4287 known as the Lower South Fork American River Project located on the South Fork American River in El Dorado County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles F. Gierau, General Manager, Georgetown Divide Public Utility District, P.O. Box 338, Georgetown, California 95634.

Project Description—The proposed project would consist of one of three alternatives as follows:

Alternative 1: (a) Coloma Reservoir with a storage capacity of 13,000 acre-feet formed by a 162-foot high dam on the South Fork American River; (b) a 6,570-kW capacity powerhouse at the dam discharging into the river; (c) a 24,000-foot long tunnel from the left bank of Coloma Reservoir to (d) Indian Creek Reservoir with a storage capacity of 6,600 acre-feet formed by a 125-foot high dam on Weber Creek; (e) a 21,300-foot long pipeline and tunnel from Indian Creek Reservoir to; (f) Kanaka Valley Forebay with a storage capacity of 2,600 acre-feet formed by a 110-foot high dam; (g) a 5,750-foot long tunnel, pipeline and penstock from the forebay to; (h) the 55,800-kW capacity Salmon Falls Power Plant discharging into the South Fork American River.

Alternative 2: (a) Coloma Dam, Reservoir and Powerhouse would be similar to Alternative 1; (b) a 40,000-foot long pipeline from the right bank of Coloma Reservoir to; (c) Black Rock Reservoir with a storage capacity of 6,000 acre-feet formed by a 145-foot high dam; (d) a 19,800-foot long tunnel from Black Rock Reservoir to; (e) a 250 acre-foot storage capacity forebay on Pilot Creek; (f) a 3,750-foot long pipeline and penstock from the forebay to: (g) the 55,800-kW capacity Pilot Hill Power Plant discharging into Folsom Reservoir.

Alternative 3: (a) Coloma Dam and Reservoir would be similar to Alternative 1; (b) a 24,500-kW capacity powerhouse at the dam discharging into the river; (c) Salmon Falls Reservoir with a storage capacity of 70,000 acre-feet formed by a 240-foot high dam on the South Fork American River; (d) a 41,600-kW capacity powerhouse 200 feet downstream from the dam discharging into the river.

Alternatives 1 and 2 would have an annual average output of 285,000 MWh and Alternative 3 would have an average annual output of 280,000 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the project. Applicant's Project Study Plan states that subsurface investigations have already been conducted at the Coloma and Salmon Falls dam sites and that these results will be used wherever possible. Exploratory drilling will not be conducted at the sites of Alternatives 1 and 2 unless the preliminary feasibility study verifies Alternative 1 or 2 more feasible than Alternative 3. No new road construction would be required to conduct the proposed studies. Applicant estimates that the studies and preparation of a license application would cost $825,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20013 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4659-000]

Independence County, Arkansas; Application for Preliminary Permit

July 13, 1981.

Take notice that Independence County, Arkansas (Applicant) filed on May 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4659 known as the White River Lock and Dam No. 3 Project located on the White River in Independence County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Pearson; Independence County Judge; County Courthouse; Batesville, Arkansas 72501.

Project Description—The proposed project would consist of: (1) the existing Lock and Dam No. 3 (the dam is 31 feet high with a crest length of 757 feet, the lock is 147 feet long and 36 feet wide); (2) a reservoir of negligible storage capacity; (3) a new powerhouse, adjacent to Lock No. 3, containing new generators with a rated capacity of 10,000 kW; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant facilities. The owner of Lock and Dam No. 3 is the Arkansas College. The Applicant estimates that the average annual energy output would be 37,668,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to that of Arkansas Power and Light Company's Project No. 4016 filed on January 11, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4659. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20014 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4727-000]

Lawrence A. Gamble; Application for Preliminary Permit

July 13, 1981.

Take notice that Lawrence A. Gamble (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4727 known as the Grist Mill Project located on Souadabscook River in the town of Hampden, Penobscot County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Marguerite L. Gamble, 20 Western Avenue, Hampden, Maine 04444.

Project Description—The project would consist of: (1) an existing 12-foot high, 60-foot long stone and split granite dam; (2) a reservoir with negligible storage capacity; (3) a water passage consisting of a siphon or an 8-foot diameter, 25-foot long penstock; (4) a powerhouse containing either a single 250 or two 100-kw turbine-generator units; (5) a transmission line; and (6) appurtenant facilities. The project would be operated run-of-the-river and would generate up to 1,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $1,350.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 17, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 16, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comment, Protest, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20015 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2998-001]

Massachusetts Bay Power Co.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 14, 1981.

Take notice that the Massachusetts Bay Power Company filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its Centennial Island Project No. 2998-001 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980. [1] The proposed project would be located on the Concord River in the City of Lowell, Middlesex County, Massachusetts. Correspondebce with the Applicant should be directed to: Mr. Robert Yelton, Massachusetts Bay Power Co., 184 High Street, Boston, Massachusetts 02110.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a 15-foot high, 320-foot long, masonry and concrete dam with 8-inch high flashborads; (2) a reservoir with negligible storage capacity and a surface area of 20 acres at elevation 99.5 feet m.s.l.; (3) a 2,300-foot long, 36-foot wide, 8-foot deep canal with masonry side walls; (5) a new 80-foot long, 20-foot wide tailrace canal; (6) a 12-kV transmission line; and (7) appurtenant facilities. The project would generate up to 3,500,000 kWh annually.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 29, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be recieved on or before August 31, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 2998. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20016 Filed 7-16-81; 8:45 am]
BILLING CODE 6450-85-M

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

[Docket Nos. ER81-450-000, ER81-461-000]

Missouri Edison Co.; Order Accepting for Filing and Suspending Revised Rates, Requiring Refiling, Waiving Notice, Consolidating Proceedings, and Establishing Procedures

Issued July 10, 1981.

On May 12, 1981, Missouri Edison Company (Missouri) filed increased rates for firm power service to the City of Clarksville, Missouri (Clarksville), its only wholesale customer.[1] The proposed rates would result in increased revenues of approximately $24,200 (18.34%) for the twelve-month test period ending December 31, 1980. The primary purpose of the instant submittal is to pass through to Clarksville Missouri's allocable portion of increased rates to Missouri filed by Union Electric Company (Union) in Docket No. ER81-450-000.[2] Missouri has requested an effective date to coincide with its increased purchased power costs from Union.[3]

Notice of Missouri's filing was issued on May 21, 1981, with responses due on or before June 8, 1981. On May 18, 1981, Clarksville filed a protest claiming that a 19% increase in rates would be a burden to Clarksville's citizens, but raising no substantive issues with respect to Missouri's cost of service. Clarksville has not requested internevor status in these proceedings.

Discussion

In *Union Electric Company*, Docket No. ER81-450-000, order issued July 2, 1981, the Commission ordered summary disposition with respect to several cost of service issues.[4] These determinations will reduce the purchased power costs from Union which Missouri seeks to pass through to Clarksville. As a result, the summary dispositions should be reflected in the currently proposed rates. Moreover, the revenue impact of these adjustments to Missouri's rates is significant in relation to the requested increase. Thus, Missouri will be required to file revised rates, within 30 days of the Commission's acceptance of Union's compliance days of the Commission's acceptance of Union's compliance rates, to reflect reduced purchased power costs resulting from the summary dispositions ordered in Docket No. ER81-450-000.

Our analysis of the instant submittal indicates that Missouri's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the increased rates for filing, as modified by this order, and we shall suspend them as directed below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We note that approximately 68% of the proposed increase represents the pass-through of increased purchased power costs attributable to Union's rates, and that Union's rates have been suspended for one day and set for hearing. Under these circumstances, we believe it appropriate to suspend Missouri's rates so that the effective date will coincide with that applicable to Union's rates. Such a suspension and the imposition of a refund obligation should adequately protect any affected ratepayers pending the outcome of a hearing. We further find that good cause exists to waive the notice requirements in order to accomplish this objective. Accordingly, we shall suspend Missouri's rates to become effective on July 9, 1981, subject to refund.

Because common questions of law and fact are presented in this docket and in Docket No. ER81-450-000, we shall consolidate these proceedings for purposes of hearing and decision.[6]

The Commission also notes that Missouri's proposed rates are based upon a 12-CP demand allocation, but include an 80% minimum billing demand ratchet. Missouri's use of this demand ratchet should be addressed as an issue in these proceedings.[7]

The Commission orders:

(A) Waiver of the notice requirements is hereby granted.

(B) Missouri's revised rates are hereby accepted for filing, as modified by paragraph (C) below, and are suspended to become effective on July 9, 1981, subject to refund pending hearing and decision.

(C) Within thirty (30) days of the Commission's acceptance for filing of Union's summary disposition compliance rates in Docket No. ER81-450-000, Missouri shall file revised rates to reflect reduced purchased power costs resulting from the summary dispositions ordered in Docket No. ER81-450-000.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of Missouri's rates for service to Clarksville.

(E) Docket Nos. ER81-450-000 and ER81-461-000 are hereby consolidated for purposes of hearing and decision.

(F) The administrative law judge previously designated to preside in Docket No. ER81-450-000 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-461-000 with the existing proceeding. Such procedures shall include the submission of testimony and exhibits by Missouri to support its filing in Docket No. ER81-461-000.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20017 Filed 7-16-81; 8:45 am]
BILLING CODE 6450-85-M

[1] Designated as: Missouri Edison Company, Supplement No. 4 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 3).

[2] Missouri is a wholly-owned distribution subsidiary of Union and receives 100% of its requirements from Union.

[3] Missouri requests a July 7, 1981 effective date, the same date originally requested by Union. However, Union's submittal was suspended for one day from 60 days after filing to become effective on July 9, 1981, subject to refund.

[4] Summary disposition was granted with respect to the inclusion of deferred income taxes in rate base, a post-test year adjustment to reflect wage increases, and interest synchronization.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-508, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-483 (August 22, 1980) (one day suspension).

[6] By order dated August 1, 1980, Missouri was permitted to intervene in Docket No. ER81-450-000 by the presiding administrative law judge.

[7] Union's rates for service to Missouri do not include such a ratchet. *See* Opinion No. 94, Docket No. ER77-614, issued September 2, 1980, in which the Commission affirmed an initial decision requiring Union to eliminate the demand ratchet from its rates.

[Docket No. CP81-377-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

July 14, 1981.

Take notice that on June 15, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-377-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to Texas Eastern Transmission Corporation (Texas Eastern) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Eastern on a best-efforts basis up to 50,000 Mcf of natural gas per day pursuant to a gas sales agreement dated June 1, 1981, for a term ending October 31, 1983.

It is stated that Applicant would deliver or cause to be delivered natural gas to Texas Eastern at any one or any combination of the following delivery points: (1) the existing points of interconnection between Texas Eastern's and Columbia Gas Transmission Corporation's (Columbia) pipelines in St. Landry Parish, Louisiana; (2) the existing points of interconnection between Texas Eastern's and Applicant's pipelines at Stark's, Calcasieu Parish, Louisiana; and (3) any other points mutually agreeable to the parties hereto. It is stated that deliveries by Columbia at St. Landry Parish, Louisiana, would consist of volumes in excess of that required to complete the exchange authorized by the Commission in its order issued November 9, 1979, in Docket No. CP79-145.

Applicant indicates that it is currently negotiating with Trunkline Gas Company (Trunkline) to provide for an additional delivery point at the existing point of interconnection between Texas Eastern's and Trunkline's pipelines at Ragley, Allen Parish, Louisiana.

Applicant states that Texas Eastern would pay Applicant for gas delivered at a price which would be the higher of the then currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's then effective Zone 1 commodity rate under its Rate Schedule

CD–1. Applicant states that the proposed sale would be contingent upon Applicant's ability to meet its existing general system volume requirements. In instances when Applicant cannot provide total requested deliveries to its off-system customers due to the volume demand of its general system requirements then Applicant would apply any excess volumes in a *pro rata* manner subject to pipeline operational considerations to those off-system customers, it is stated.

Applicant states that its customers would receive direct benefits from refunds attributable to off-system sales revenues accomplished by the revenue treatment proposed herein.

Applicant asserts that its currently effective rates are the result of a settlement agreement in Docket No. RP80–88 which provides for the Sales Refund Obligation (SRO) in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is submitted that Section III of the Stipulation and Agreement in Docket No. RP80–88 requires that Applicant refund to its customers the fixed cost component of its commodity rate for any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is further asserted that under the proposed revenue treatment, Applicant would refund by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate.

Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80–88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from those sales. Applicant requests specific authorization be granted for its proposed treatment of revenues.

Applicant explains that it is experiencing a surplus resulting from active acquisition efforts, reduced market requirements and high deliverability requirements of new gas purchase contracts. The proposed sale would, it is stated, enable Applicant to better manage its overall gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20940 Filed 7–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4644–000]

Stephens & Thompson Paper Co.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

July 13, 1981.

Take notice that the Stephens and Thompson Paper Company filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its Stephens and Thompson Project No. 4644 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Battenkill River in Washington County, New York. Correspondence with the Applicant should be directed to: Mr. Lawrence Myers, President; Stephens and Thompson Paper Company; Greenwich, New York 12834.

Project Description—The proposed project would consist of: (1) a reinforced concrete dam, varying in height from 5 feet to 12 feet with a crest length of 212 feet; a 50–foot section of the dam contains (2) a gatehouse structure with three vertical slide gates; (3) a power canal 1,754 feet long with a 360-foot section bordered by concrete wingwalls, a 475-foot section lined with rock, and a 919-foot earth lined section; (4) a reinforced concrete diversion dam at the end of the power canal, 21 feet high and 85 feet long, containing (5) one vertical slide waste gate, and (6) an intake structure consisting of a trash rack with six vertical slide gates; leading to (7) a 200-foot long penstock which tapers to a 9-foot diameter; (8) a powerhouse 142 feet by 65 feet containing two Francis turbines with the smaller turbine driving a 1,000 kW generator, the larger turbine/wood grinding unit has been retired from service; and (9) appurtenant works.

Applicant proposes to: (1) rebuild the larger turbine/wood grinding unit by installing 2 new higher capacity runners giving the turbine a 3,000 HP rating; (2) install a new 2,250 kW generator; (3) install 70 feet of 34.5 kV transmission line; and (4) build a new substation containing one 500 kVA transformer. The total generating capacity of the proposed project would be 3,250 kW. Applicant estimates the average annual energy output of the proposed project would be 19,422,381 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should

[1] Pub. Law 96–294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 26, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 24, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4644. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20918 Filed 7–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Project Nos. 4597–000, 4629–000]

Weber-Box Elder Conservation District and Utah Municipal Power Agency; Application for Preliminary Permit

July 13, 1981.

Take notice that Weber-Box Elder Conservation District (WB) and Utah Municipal Power Agency (UM) (Applicants) filed on April 28, 1981 and May 6, 1981, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project Nos. 4597 (WB) and 4629 (UM) known as the Pineview Hydro Project located on the Ogden River in Weber County, Utah. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Edward H. Southwick, General Manager, Weber-Box Elder Conservation District, 1483 Wall Avenue, Ogden, Utah 84404 (WB), and Mr. Grant Whitehead, Chaiman, Utah Municipal Power Agency, P.O. Box 418, Payson, Utah 84651 (UM).

Project Description—The proposed project would utilize the Bureau of Reclamation's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 980 kW (WB), or 4,500 kW (UM); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be between 4,700,000 kWh and 6,200,000 kWh (WB) or 9,000,000 kWh (UM).

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of two years (WB) or three years (UM), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $50,000 (WB) or $40,000 (UM).

Competing Applications—These applications were filed as competing applications to Utah Hydro Corporation's application for Project No. 3543 filed on October 8, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20919 Filed 7–16–81; 8:45 am]

BILLING CODE 6450–85–M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between the United States of America and the European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 50 nanocuries of plutonium-236 to be used to investigate plutonium behavior in acid soils in Scotland.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S-EU-691 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: July 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-21083 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Publication of the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal.

SUMMARY: The Western Area Power Administration's (Western) Boulder City Area Office (BCAO) announced in an April 9, 1981, letter to all contractors and interested parties that the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal (Proposed Criteria) were tentatively scheduled for publication in the **Federal Register** on June 29, 1981, and that a public comment forum at which to gather formal comments concerning the Criteria was tentatively scheduled for September 11, 1981. As a result of requests by the States of Arizona and Nevada to delay publication in the Federal Register to permit the continuation of discussions concerning the Proposed Criteria, Western believes it is in the interest of all parties to set September 11, 1981, as the date for publication of the Proposed Criteria in the **Federal Register**. A formal comment forum will be announced at the time the Proposed Criteria are published.

ADDRESS: Any comments and questions concerning this notice should be submitted to: Mr. R. A. Olson, Area Manager, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293-8115.

SUPPLEMENTARY INFORMATION: Western's BCAO has engaged in an informal public involvement process since September 1978 to develop a marketing plan for the power resources in the Boulder City Area. The Federal projects involved are the Boulder Canyon Project, Parker-Davis Project, and the Central Arizona Project (Navajo Generating Station).

Since the initial informal public information forums (Forum) in September 1978, the BCAO held Forums in November 1979, February 1980, and May 1980 to explain the characteristics of the resources, power marketing alternatives, and to discuss issues raised as a result of previous Forums. The BCAO then mailed a preliminary draft of the Criteria in July 1980 to all contractors and intreested parties and held a Forum to discuss the preliminary draft Criteria in August 1980. As a result of the numerous comments received, the BCAO mailed a second draft Criteria in December 1980 to all contractors and interested parties.

Comments received concerning the second draft Criteria were reviewed; and by letter dated April 9, 1981, to all contractors and interested parties, a tentative date for publication of the Proposed Criteria in the **Federal Register** was announced.

Letters received from the Arizona Power Authority dated June 18, 1981, and from the Division of Colorado River Resources, State of Nevada, dated June 30, 1981, have requested additional time for further discussions to resolve differences concerning the Proposed Criteria. Western believes that the publication of the Proposed Criteria on September 11, 1981, is reasonable and that the additional time requested will be useful to all parties.

Issued in Golden, Colorado, July 9, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-21080 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AHS-FRL-1884-5]

Announcement of Fuel Economy Retrofit Device Evaluation for "V-70 Vapor Injector"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "V-70 Vapor Injector" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On September 20, 1980, the EPA received a request from Mr. Richard Ploch for evaluation of a fuel-saving device termed "V-70 Vapor Injector." This device is claimed to "give a minimum of 10% savings in gasoline." The device consists of an aerator which supplies a vaporized liquid fuel additive to the carburetor PCV inlet line.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the V-70 Vapor Injector Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-12 consisting of 85 pages including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650

Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in the application. The evaluation of the "V-70 Vapor Injector" was based on that information. The Applicant was sent two letters requested additional information and test data. EPA did not receive a response to either letter from the Applicant. The EPA is still required to complete the evaluation based on the available information and publish the result of this evaluation.

The Applicant submitted insufficient test data to demonstrate that the "V-70 Vapor Injector" would improve fuel economy. EPA testing of similar devices failed to show a fuel economy benefit. The explanations in the application of how the device improves fuel economy were incomplete. Additional information concerning the device and the "V-70 Vapor Fuel Additive" were repeatedly requested but to no avail. Without this information, no conclusions as to the safety of the device or its effect on unregulated emissions, could be made. Based on the information provided by the Applicant, there was no technical basis to support any claims for a fuel economy improvement or emissions reduction with the "V-70 Vapor Injector."

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobil Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-20978 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-26-M

[ER-FRL-1887-3]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of July 6, 1981 to July 10, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from July 17, 1981 and will end on August 31, 1981. The 30-day review period for final EIS's as calculated from July 17, 1981 will end on August 17, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: July 14, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

CORRECTION: SCS: Revised Draft—Wheeling Creek Watershed Project, Greene and Washington Counties, Pennsylvania and Ohio and Marshall Counties, West Virginia—published in the July 10, 1981 **Federal Register** — published with erroneous status of final, should be revised draft — comment period will terminate on August 24, 1981 (EIS Order #810521)

Army Corps of Engineers

Draft—North Bay Aqueduct Construction, Permit, Solano County, California (EIS Order #810531)

Draft—Bodega Bay Navigational Improvement, Sonoma County, California (EIS Order #810534)

Draft—Gowanus Creek Channel Navigation Improvement, Kings County, New York (EIS Order #810552)

Draft—Texas City Channel Modification, Galveston County, Texas; the review period for this EIS has been extended until September 4, 1981 (EIS Order #810545)

Final—Caroline Beach Erosion Control/Wave Protection, New Hanover County, North Carolina (EIS Order #810540)

Final—Cabin Creek Demonstration Reclamation Project, Kanawha County, West Virginia (EIS Order #810454)

Final—Grand Haven Harbor Modification, Ottawa County, Michigan (EIS Order #810445)

Draft Supplement—Mankato-N. Mankato-Le Hillier, TH-60 Bridge, Blue Earth and Nicollet Counties (EIS Order #810544)

Department of Commerce

EDA: Draft—International Trade Center Complex, Harlem, New York; the review for this EIS has been extended until September 2, 1981 (EIS Order #810548)

Department of Energy

Final—Solvent Refined Coal-I, Demonstration Project, Daviess County, Kentucky (EIS Order #810550)

Department of Housing and Urban Development

Draft—Indian Creek Development, Mortgage Insurance, Dougherty County, Georgia (EIS Order #810536)

Draft—Westlake Housing Development, Mortgage Insurance, Salt Lake County, Utah (EIS Order #810535)

Department of the Interior

BLM: Draft—Westside Salem Timber Management Plan, Oregon; the review period for this EIS has been extended until September 9, 1981 (EIS Order #810546)

BLM: Final—Coal Slurry Pipeline Transportation Project, Wyoming, South Dakota, Colorado, Nebraska, Kansas, Oklahoma, Arkansas and Louisiana (EIS Order #810539)

BLM: Final Supplement—Colstrip Project Transmission Line Right-of-Way, Deer Lodge, Jefferson, Powell

and Silver Bow Counties, Montana (EIS Order #810543)

EXTENSION: BLM: Draft—Norton Sound OCS Oil and Gas Lease Sale #57, Alaska—published **Federal Register** June 26, 1981—the review period has been extended until October 16, 1981 (EIS Order #810487)

Department of Transportation

FAA: Draft Supplement—Metropolitan Washington Airport Policy, Arlington, Fairfax and Loudon Counties, Virginia (EIS Order #810547)

FHWA: Draft—North Thomasville Bypass Construction, Thomas County, Georgia; the review period for the above EIS has been extended until September 2, 1981 (EIS Order #810549)

FHWA: Draft—US 52/I–77 Connector, Surry County, North Carolina (EIS Order #810537)

FHWA: Draft—North-South Coors Boulevard and Coors Road Connection, Bernalillo County, New Mexico (EIS Order #810532)

FHWA: Final—Palo Verde Corridor Improvements, Pima County, Arizona (EIS Order #810533)

FHWA: Final—GA–55/US 82 Improvement, Richland to Dawson, Stewart, Webster, Terrell, Sumter, Lee and Dougherty Counties, Georgia (EIS Order #810542)

Civil Aeronautics Board

Final—John Wayne Airport Permissive Authorization, Orange County, California (EIS Order #810541)

Environmental Protection Agency

EPA4: Draft—Big Bend Unit 4, NPDES Permit, Hillsborough County, Florida; the review period for this EIS has been extended until September 2, 1981 (EIS Order #810538)

CORRECTION: EPA8: Final—Durango Area Wastewater Management Plan, La Plata County, Colorado—should have appeared in Notice of Availability published in the July 10, 1981 **Federal Register**—the review period will terminate on August 10, 1981 (EIS Order #810553)

General Services Administration

Final—Queens Federal Building, Consolidation, New York (EIS Order #810551)

[FR Doc. 81–21009 Filed 7–16–81; 8:45 am]
BILLING CODE 6560–37–M

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A–104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during May 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A–104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing the document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: July 14, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81–21010 Filed 7–16–81; 8:45 am]
BILLING CODE 6560–37–M

[TSH–FRL 1884–1; OPTS–51276]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by August 16, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51276]" and the specific PMN number, should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–300	Carrie Berlin	202–426–8816	E–221
81–301	George Bagley	202–426–2601	E–210

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by EPA:

PMN 81–300

Close of Review Period. September 15, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Mid-Atlantic region, U.S.

Standard Industrial Classification Code—2869.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: alkylated cyclohexane.

Use. Claimed confidential business information. Generic use provided: dispersive use that will release less than 50 kg to the environment per year with potential exposure to chemical industry employees and to consumers as part of a formulated product.

Production Estimates. Claimed confidential business information:

Physical/Chemical Properties

Density (liquid)—0.9–1.1 gm/cc.

Solubility at 25°C, 95% ethanol—>10 gm/l.

Boiling point—50–100°C (20 mm Hq).

Refractive index at 20°C—1.4000–1.5000.

Flash point—100–200°F (TCC).

Toxicity Data

LD_{50} (rat)—2.0 ml/kg.

Skin sensitization (guinea pig)—Nonsensitizer.

Skin irritation—Slight.

Ames *Salmonella*/Microsome test—No mutagenic activity.

Exposure. No data were submitted. The submitter states that the new chemical will be manufactured in a closed reactor. Worker exposure is not anticipated.

Environmental Release/Disposal. No data were submitted. The manufacturer claims that release of materials is anticipated to be minimal if at all; that if disposal is required, it will be by incineration.

PMN 81–301

Close of Period. September 15, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: substituted benzene sulfide sulfonic acid.

Use. Brightener for copper plating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

Dated: July 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81–20988 Filed 7–16–81; 8:45 am]
BILLING CODE 6560–31–M

[PH–FRL–1884–2; PP OG2343/T315]

Ethephon; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the plant growth regulator ethephon [(2-chlorothyl) phosphonic acid] in or on the raw agricultural commodity cottonseed at 0.5 part per million (ppm).

DATE: This temporary tolerance expires July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Project Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 15, 1980 (45 FR 68462) that GAF Corp., 140 West 51st St., New York, NY 10002, had requested establishment of a temporary tolerance for residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on cottonseed at 0.5 ppm.

GAF Corp. has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (1529–EUP–3) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. GAF Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires July 22, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: July 2, 1981.

Douglas D. Campt,

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81–20952 Filed 7–16–81; 8:45 am]
BILLING CODE 6560–32–M

[A–2–FRL–1884–3]

Prevention of Significant Deterioration of Air Quality (PSD); Determinations of PSD Non-applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between January 8, 1981, and April 3, 1981, the U.S. Environmental Protection Agency, Region II issued determinations of non-applicability relative to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676) for thirteen sources. These determinations of PSD Non-applicability are final actions under the Clean Air Act.

DATE: These determinations are effective on July 17, 1981. (See supplemental information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the EPA has made non-applicability determinations for the following sources:

Name of applicant	Type of source	Approximate location	Date of final action
Towne of Smithville	New housing-unit development	Atlantic County, N.J.	Jan. 8, 1981
Loctite Puerto Rico, Inc	New boiler and monomer adhesive manufacturing process.	Sabana Grande, P.R	Do.

Name of applicant	Type of source	Approximate location	Date of final action
Millipore Corp	Expansion of filter media manufacturing plant.	Cidra, P.R	Do.
Arenes Proceseda, Inc	New sand processing plant	Vega Alta, P.R	Jan. 29, 1981.
Columbian Chemical Co	New Selas furnence	Monmouth Junction, P.R	Feb. 4, 1981.
Phillips Petroleum Co	New sulfur recovery unit	Guayama, P.R	Do.
Sun Oil Company of Yabucoa	New crude oil tank and naphtha storage tank.	Yabucoa, P.R	Feb. 12, 1981.
Virgin Islands Department of Public Works.	Three new modular incinerators	St. Croix, V.I	Mar. 30, 1981.
	Three new modular incinerators	St. Thomas, V.I	Do.
Roche Products, Inc	New valium manufacturing facilities.	Manati, P.R	Mar. 11, 1981.
Arawak Paving Co	New asphalt concrete plant	Hamilton Township, N.J	Mar. 16, 1981.
Virgin Islands National Park	Three new modular incinerators	St. John, V.I	Mar. 30, 1981.
A.E. Stone, Inc	New drum-mix asphalt plant	Pleasantville, N.J	Apr. 3, 1981.
Puerto Rico Asphalt Co	New drum-mix asphalt plant	Aguadilla, P.R	Do.

This notice contains only a list of the sources which have received PSD non-applicability determinations. Copies of these determinations and related materials are available for public inspection at: Environmental Protection Agency, Region II Office, Permits Administration Branch, 26 Federal Plaza, Room 432, New York, New York 10278; 212–264–4711.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by September 15, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: July 1, 1981.

Richard T. Dewling, Ph.D.,

Acting Regional Administrator.

[FR Doc. 81–20065 Filed 7–16–81; 8:45 am]

BILLING CODE 6560–30–M

[TSH–FRL–1883–1; OPTS–59053A]

Silicone Polyol; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On May 29, 1981, EPA received an application for an exemption from the requirements of section 5(a) of the Toxic Substances Control Act (TSCA) to permit the manufacture of a chemical substance for test marketing purposes. The submitter claimed its identity, chemical identity, use, and process information confidential. The Test Marketing Exemption (TME) number assigned to the substance is TM–81–15. The substance is generically identified as silicone polyol. The notice of receipt of the exemption application was published in the Notice section of the **Federal Register** of June 25, 1981.

EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted the submitter an exemption from the TSCA premanufacture reporting requirements for the test marketing of the substance in the manner described in the application but subject to the restrictions specified in this notice.

EFFECTIVE DATE: This exemption is effective on July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Jones, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemcial substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 29, 1981 EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. The submitter claimed its identity, chemical identity, use and process information as confidential and therefore the substance for which the exemption application was submitted is generically identified as silicone polyol. The notice of receipt of the exemption application and the request for comment on the appropriateness of granting the exemption was published in the Notice section of the **Federal Register** of June 25, 1981. The Agency received no comment concerning the application.

In the application, the submitter states he will produce 2,900 kg of the substance and will test market the substance for a period not to exceed one year. Manufacturing and processing will take place over a 3-day period, 4–6 hours a day, and will potentially expose no more than 33 people to skin or eye contact with the substance. The use (claimed confidential) of the substance will take place over a 45-day period, 12 hours a day, and will potentially expose no more than 10 people. Workers use protective clothing to minimize contact with the PMN substance. The submitter states there will be no consumer exposure to the substance and that there will be no more than 500 kg released to the environment.

Agency reviewers raised little or no concern for health or environmental effects that may be caused by the manufacture or use of the substance as described in the test marketing exemption application.

Because of the low level of concern regarding the toxicity of the substance and low human exposure and environmental release during the test marketing, EPA has determined that the substance will not present an unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the submitter. Accordingly, EPA grants the submitter an exemption from the premanufacture reporting requirements for purposes of test marketing the silicone polyol in the manner described in the exemption application.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of production and the quantities produced in each batch and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 2,900 kg described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a one-year period comencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical substance should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 9, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–20064 Filed 7–16–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL RESERVE SYSTEM

Broad National Bancorporation; Formation of Bank Holding Co.

Broad National Bank, Newark, New Jersey, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Broad National Bank, Newark, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispte and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20042 Filed 7–16–81; 8:45 am]

BILLING CODE 6210–01–M

Citicorp; Proposed Retention of Citicorp Banking Corporation

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Banking Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Citicorp Banking Corporation, Wilmington, Delaware.

Applicant states that the subsidiary would establish branches in Nassau, Bahamas, and Luxembourg to engage in the following activities: accepting funds in dollars or foreign currency in wholesale money markets, i.e., in amounts over $100,000; making commercial loans in amounts over $100,000; placing funds with and making loans and advances to subsidiary and affiliated organizations; foreign exchange transactions; and other activities constituting commercial banking outside the United States.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 2, 1981.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20043 Filed 7–17–81; 8:45 am]

BILLING CODE 6210–01–M

First State Financial Corp.; Formation of Bank Holding Company

First State Financial Corporation, Larned, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank & Trust Company, Larned, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–20044 Filed 7–17–81; 8:45 am]

BILLING CODE 6210–01–M

Lake Area Bancshares, Inc.; Formation of Bank Holding Company

Lake Area Bancshares, Inc., Hawthorne, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Lake Area State Bank, Hawthorne, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1981. Any comment on an application that

requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30945 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

Rupp Bancshares, Inc.; Formation of Bank Holding Company

Rupp Bancshares, Inc., Hayes, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.5 percent or more of the voting shares of Farmers National Bank, Victoria, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30946 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

SC Bancorp; Formation of Bank Holding Company

SC Bancorp, Douney, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Douney, Douney, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30947 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corporation of New York; Acquisition of Bank

United Bank Corporation of New York, Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Rondout National Bank, Kingston, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-30948 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Matthew H. Lewis, District Director, Newark District Office, East Orange, NJ.

DATE: The meeting will be held from 1 p.m. to 3 p.m., Wednesday, August 12, 1981.

ADDRESS: The meeting will be held at the Glassboro State College, Student Center, Rm. 203, Glassboro, NJ 08028.

FOR FURTHER INFORMATION CONTACT: Joan A. Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Newark District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30930 Filed 7-16-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1060]

Handicapped; Notice to all Recipients of Federal Financial Assistance From Department of Housing and Urban Development (HUD) Regarding Compliance with Section 504, Rehabilitation Act of 1973

AGENCY: Department of Housing and Urban Development, Office of the Secretary.

ACTION: Notice.

SUMMARY: HUD is giving notice to all recipients of Federal financial assistance under HUD programs that they are required to comply with Section 504 of the Rehabilitation Act of 1973 even though HUD has not yet issued final regulations implementing Section 504.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office in your jurisdiction.

SUPPLEMENTARY INFORMATION: This Notice is given pursuant to an order entered by the United States District Court, Central District of California in *Paralyzed Veterans of America, et al. Plaintiffs* v. *William French Smith, et al.*, United States District Court, Central District of California, No. CV-78-1979 WPG directing HUD to publish in the Federal Register a notice addressed to all recipients of Federal financial assistance from HUD. The purpose of the Notice is to advise such recipients of Federal financial assistance from HUD that they are required to comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), even though HUD has not yet issued final regulations implementing Section 504, and that they may look to the HEW regulation (45 CFR Part 84) for guidance. The text of the Notice as set forth below was prescribed by the Court's Order.

Notice to all recipients of Federal Financial Assistance From Department of Housing and Urban Development

In the case of *Paralyzed Veterans of America, et al. Plaintiffs*, v. *William French Smith, et al.*, United States District Court, Central District of California, No. CV-79-1979 WPG, the Honorable William P. Gray ordered the Department of Housing and Urban Development to notify all recipients of federal financial assistance from the Department of housing and urban Development that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), even though the Department of Housing and Urban Development has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

"No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 C.F.R. Part 84). Recipients of federal financial assistance from the Department of Housing and Urban Development may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Issued at Washington, D.C., on July 15, 1981.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 81-21082 Filed 7-16-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-81-1080]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective August 16, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is Government Property on Personal Charge Files. It will contain information about HUD employees who have government-owned property charged to them. The system is used to formally document the temporary issuance of government-owned property on personal charge to HUD employees. The records establish the basis for accountability of government property during temporary issuances. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 45 FR 67608 (October 10, 1980). Appendix A, which lists the addresses of HUD's Offices, was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Director of the Office of Management and Budget on June 5, 1981.

HUD/DEPT-73

SYSTEM NAME:

Government Property on Personal Charge Files.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former HUD employees to whom HUD has issued government property on personal charge.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records are comprised of a copy of each receipt for government property on a charge, and a property receipt control register. The following date will be included in the records: Name of employee, office telephone number, room number and location, organization symbol, custody receipt and property pass number, description of property, certificate of receipt and responsibility, dates of issuance, return due, follow-up, extension, and return and signature of chargeable employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 40 U.S.C. Sec. 483.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records will be stored in card files and file folders.

RETRIEVABILITY:

Individual name.

SAFEGUARDS:

Files are kept in a secured cabinet, with access limited to authorized personnel.

RETENTION OF DISPOSAL:

These records are disposed of in accordance with the Mandatory General Records Schedules contained in HUD Handbook 2228.2, General Records Schedules.

SYSTEM MANAGER AND ADDRESS:

Chief, Property and Supply Branch, Facilities Operations Division, Office of Administrative Services, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURES:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Individuals to whom property is charged.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., July 13, 1981.

Albert J. Kliman,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-20932 Filed 7-16-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Privacy Act of 1974; Revision and Update of System of Records Notice

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise an existing system of records. The records system being revised is titled "Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3" and was previously published in the **Federal Register** on June 7, 1978 (43 FR 24748). The records system is being updated to reflect the current organizational assignment of the ethics counselor function, and to add five new routine uses which are compatible with the purposes for which the system is maintained. The revised system notice is published in its entirety below.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments of these proposed changes can be addressed to the Department Privacy Act Officer, Officer of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. If no comments are received, the system will be implemented without further notice in the **Federal Register**. Comments receive on or before August 17, 1981 will be considered.

Dated: July 8, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior

INTERIOR/OS-3

SYSTEM NAME:

Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3

SYSTEM LOCATION:

(1) Office of the Assistant Secretary—Policy, Budget and Administration, Interior, 18th and C Streets, N.W., Washington, D.C. 20240; (2) Bureau and Office of Ethics Counselors, Deputy Ethics Counselors, and Assistant Ethics Counselors. (A list may be obtained from the Deputy Agency Ethics Official, Office of the Assistant Secretary—Policy, Budget and Administration.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present or past Department employees required to file financial interests or disclosure statements as required by in 5 CFR Part 734, 43 CFR Part 20, or 30 CFR Part 706; and, present or past Department employees subjected to remedial or disciplinary action for conflicts of interest or other ethics violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains confidential statements of employment and financial interests (forms DI–212, DI–212A, DI–213, or DI–278) for present or past Interior Department employees required to file such statements. Contains Public Disclosure Statements of Known Financial Interest (forms DI–211 and DI–211B) for present or past incumbents in positions required to file such statements. Contains Public Financial Disclosure Reports required by the Ethics in Government Act of 1978 (form SF–278) for present or past incumbents in positions required to file such statements. Also contains records of conflict of interest decisions and appeals, analysis of financial holdings, employee statements, bureau or office comments, and supervisor comments on present or past employees, as requested by the bureau or office counselors or as needed by the Designated Agency Ethics Official.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 7301; (2) 16 U.S.C. 1912; (3) 30 U.S.C. 1211; (4) 42 U.S.C. 6392; (5) 43 U.S.C. 1743; (6) 43 U.S.C. 1684; (7) Executive Order No. 11222, 18 U.S.C. 201 note; (8) 5 CFR Parts 734 and 738; and (9) 43 CFR Part 20.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (a) to review employee financial interests and determine employee compliance or non-compliance with applicable conflict of interest statutes and regulations, and to effect remedial and disciplinary action where non-compliance is ascertained; (b) to record the fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and that he or she is in compliance with such specific legislation or regulations; (c) to provide the public with access to, and to adequately control access to, financial disclosure reports which must by statute be made available to the public; and (d) to provide an adequate system of records for Departmental auditors performing compliance audits within the Department.

Disclosures outside of the Department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (3) to federal, state, tribal, territorial or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (4) to a federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (5) to the Office of Personnel Management to perform oversight reviews; (6) to the public for only those records covered by specific statutes requiring their public disclosure; (7) to appropriate federal, state, tribal, territorial, local or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing, implementing, or administering a statute, rule, regulation, program, facility, order, lease, license, contract, grant, or other agreement; (8) to a federal, state, tribal, territorial, local or foreign agency, or an organization, or an individual when reasonably necessary to obtain information or assistance relating to an audit, investigation, trial, hearing, preparation for trial or hearing, or any other authorized activity or the Department; (9) to an appropriate federal, state, tribal, territorial, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (10) to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; and (11) to a foreign government pursuant to an international treaty, convention, or executive agreement entered into by the United States.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

For confidential statements of employment and financial interests, DI–212, DI–212A, and DI–213, and for public disclosure statements, DI–211 and DI–211B:

STORAGE:

Maintained in file folders and word processing equipment storage media.

RETRIEVABILITY:

For each bureau and office, information is filed alphabetically by position or employee name.

SAFEGUARDS:

Maintained in locked file cabinets in locked rooms; manual files, standard passworded files on word processor, and software are accessible to authorized persons only.

RETENTION AND DISPOSAL:

Disposal will be made two years after an employee leaves a position requiring the filing of the statement.

For Public Disclosure Statements of Known Financial Interest, SF–278; and Confidential Supplement Form DI–278:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by bureau, alphabetically by employee name in the Office of the Assistant Secretary—Policy, Budget and Administration.

SAFEGUARDS:

Maintained in locked file cabinets or in locked rooms; manual files, standard passworded files and software are accessible to authorized persons only.

RETENTION AND DISPOSAL:

Disposal will be made six years after the year of receipt unless needed in an ongoing investigation.

SYSTEM MANAGER AND ADDRESS:

Designated Agency Ethics Official, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURES:

Inquiries may be addressed to the System Manager identified above, or to the appropriate Bureau or Office Ethics Counselor. (A list of Ethics Counselors can be obtained from the System Manager.) (See 43 CFR 2.60 for procedures on making inquiries.)

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager, identified above, or to the appropriate Bureau or Office Ethics Counselor. (A list of Ethics Counselors can be obtained from the System Manager.) The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor (A list may be obtained from the System Manager) and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Present Department employees who are, or past Department employees who were, required to file financial interest statements, and Department bureaus and offices.

[FR Doc. 81-20772 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[FES 81-26]

Energy Transportation Systems, Inc. (ETSI), Proposed Coal Slurry Pipeline From Wyoming to Louisiana; Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Publication of the Final Environmental Impact Statement (EIS) on the Energy Transportation Systems Incorporated coal slurry pipeline proposal; Establishment of a 30-day public comment period.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on ETSI's proposed coal slurry pipeline. The proposed pipeline would originate in the Eastern Powder River region of Wyoming and cross Nebraska and Kansas to delivery points in Oklahoma, Arkansas, and Louisiana.

The proposed action would involve construction and operation of a 1828-mile coal slurry transportation project. The project would comprise three coal slurry preparation plants, a water supply system (Niobrara County, Wyoming, well field) a 1664-mile main slurry pipeline and slurry pump stations, nine dewatering plants; and ancillary facilities such as transmission lines microwave towers. The EIS also assesses the following alternatives: two pipeline routes (a route serving an alternative set of markets and a Colorado route bypassing Nebraska), three transportation modes (pipeline plus barge, all railroad, and railroad plus barge), four water sources (a well field in Crook County, a combined well field involving well fields in Niobrara and Crook Counties; treated wastewater from South Dakota, and the Oahe Reservior in South Dakota), and two processing alternatives (coal cleaning and water discharge).

DATES: Written comments should be forwarded no later than August 17, 1981, to ETSI EIS Project Leader, Bureau of Land Management, Office of Special Projects, 555 Zang Street, 3rd Floor East, Denver, Colorado 80228.

Limited copies of the EIS may be obtained from the above address.

Copies of the EIS are available for public review at various libraries along the proposed project route and at the following BLM locations:

—Office of Information
—Office of Special Projects
Bureau of Land Management, Interior Building, 18th & C Streets NW., Washington, D.C. 20240
Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-20804 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: F. M. Driscoll, Lexington Pheasantry, Kelso, WA 98626.

The applicant requests a permit to import one pair of captive-bred brown-eared pheasants (*Crossoptilon mantchuricum*) and one pair of captive-bred white-eared pheasants (*C. crossoptilon*) from Mr. Jack Schuitman,

London, Ontario, Canada, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8179. Interested persons may comment on this application on or before August 17, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 14, 1981.

Steve Funderburk,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–20060 Filed 7–16–81; 8:45 am]
BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: Jean H. Pfaff, Sea Islands Veterinary Hospital, Charleston, SC.

The applicant requests a permit to receive and possess endangered and threatened birds brought to the Sea Islands Veterinary Hospital for rehabilitation and enhancement of survival purposes. Rehabilitated birds will be released to the wild.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8145. Interested persons may comment on this application on or before August 17, 1981 publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 10, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–20059 Filed 7–16–81; 8:45 am]
BILLING CODE 4310–55–M

Geological Survey

General Mining Order, Withdrawal of Proposal to Develop an Order for Environmental Protection and Reclamation Standards for Uranium Exploration and Mining on Federal and Indian Permits, Leases, and Contracts

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice to withdraw proposal for general mining order for uranium exploration and mining—environmental and reclamation procedures.

SUMMARY: The November 28, 1980, notice in the **Federal Register** concerning this Order solicited suggestions by interested parties regarding uniform environmental and reclamation requirements for uranium exploration and mining on Federal and Indian lands.

In view of the comments received, site-specific procedures on a case-by-case basis will provide better environmental and reclamation procedures than an order of national scope. Consequently, we have decided not to proceed with the Order.

ADDRESS: Any comments or inquiries should be addressed to: Charles L. Sours, Chief, Branch of Rules and Procedures, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Robert W. Cracknell, (703) 860–7506, (FTS) 928–7506.

Dated: July 9, 1981.

John J. Dragonetti,

Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81–20064 Filed 7–16–81; 8:45 am]
BILLING CODE 4310–31–M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. ES–15444]

Availability for Public Review of a Mining and Reclamation Plan Proposed by the Greenwood Land and Mining Co. for Underground Mining of Federal Coal on the Daniel Boone National Forest, Kentucky

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Availability for public review of a proposed underground mining and reclamation plan.

SUMMARY: Pursuant to paragraph 211.5 of Title 30 and paragraph 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an application from the Greenwood Land and Mining Co. to mine coal from Federal lease No. ES–15444. A brief description of the location of the lease area follows:

State: Kentucky
County: McCreary

Legal: Forest Service Tract #54 (409.25 acres) Located about 2 miles east of Parkers Lake, Kentucky, at approximate latitude 36°51'30" and longitude 84°25' (Wiborg 7½ minute quadrangle).

The proposed mining operation would extend an existing underground mine now operating on land adjacent to the Federal lease area. Construction on the existing underground mine commenced in late spring of 1975. In accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the operator resubmitted his request for authorization to mine to the State of Kentucky in November of 1978. Kentucky permit No. 274–5004 was issued to Greenwood Land and Mining Co. for the operation, effective January 5, 1979.

The proposed extension of the existing mining operation involves the removal of approximately 256,000 tons of Federally-owned coal acquired under Federal coal lease ES–15444. Mining of the Federal coal would occur over a 12-month period

The mining and reclamation plan submitted by Greenwood for the Federal coal lease has been determined to be sufficiently complete to permit the responsible Federal agencies to conduct a detailed technical analysis. This notice of apparent completeness is issued to inform the public of the availability of the mine plan for review and comment.

Simultaneous with the public review period, the Office of Surface Mining (OSM) will prepare a Technical Analysis (TA) to determine if the proposed plan satisfies applicable requirements of SMCRA. The TA will include an environmental assessment (EA). During the TA/EA process, it is possible that OSM may request additional information from the applicant. Any supplementary information obtained would also be available for public inspection.

Pursuant to 30 CFR 211.5(b), no action with respect to approval of the plan will be taken by the Regional Director for a period of 30 days after publication of this notice. Also, prior to issuing a final decision on the proposed plan, the Office of Surface Mining will issue a Notice of Pending Decision in accordance with 30 CFR 211.5(c)(2).

The proposed mine plan submitted by Greenwood Land and Mining Co. is available for public review at the Office of Surface Mining, Region II, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee, 37902, and at the Forest Supervisor's Office, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky, 40391. All comments must be addressed to the Regional Director, Office of Surface Mining, Region II, at the above Knoxville address.

FOR FURTHER INFORMATION CONTACT: Joe Maddox or Willis Gainer, Office of Surface Mining, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee, 37902 (Phone: (615) 971–5100).

Dated: July 14, 1981.

Andrew V. Bailey,

Acting Director.

[FR Doc. 81–21011 Filed 7–16–81; 8:45 am]
BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Continental Emsco Company, P.O. Box 359, Dallas, Texas 75221.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

(i) Fibercast Company, a Delaware Corporation.

1. Parent corporation and address of principal office: Cotter & Company, 2740 Clybourn Ave., Chicago, IL 60614.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(i) (a) General Power & Equipment Co.
(b) Lawn Chief Manufacturing.
(c) Wheeler Manufacturing, 203 Jandice, Cary, IL 60013.
(ii) (d) General Paint Co., 201 Jandice, Cary, IL 60013.

1. Parent corporation and address of principal office: Harris Steel Group Inc., 1 First Canadian Place, P.O. Box 163, Suite 6455, Toronto, Ontario M5X 1C7.

2. Wholly-owned subsidiaries which will participate in operations and States (or Provinces) of incorporation:

(i) J. Harris Transportation Services Limited—incorporated in the Province of Ontario.
(ii) VSL Canada Ltd.—incorporated under the Laws of Canada.
(iii) Epoxicote Rebar Inc.—incorporated in the Province of Ontario.
(iv) Laurel Steel Products Limited—incorporated in the Province of Ontario.
(v) Fisher & Ludlow Limited—incorporated in the Province of Ontario.
(vi) Frankel Steel Limited—incorporated under the Laws of Canada.
(vii) Quecor Steel Ltd.—incorporated under the Laws of Canada.
(viii) Second Manufacturing Limited—incorporated in the Province of Ontario.

1. Parent corporation and address of principal office: Jewel Companies, Inc., Diversified Retailers, O'Hare Plaza, 5725 East River Rd., Chicago, IL 60631.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

(a) Sav-On-Druga, Inc., 1500 Anaheim Blvd., Anaheim, CA 92805.
(b) Jewel Far East, Ltd., 28 Wellington Street, 2nd Floor, Central Hong Kong.
(c) Mass Feeding Corporation, First Federal Office Plaza, 1699 East Woodfield Road, Schaumburg, IL 60193.
(d) Osco Drug, Inc., 1818 Swift Drive, Oak Brook, IL 60521.
(e) Osco Drug Northwest, Inc., 601 Sixth Street, S.W., Great Falls, MT 59404.
(f) Osco-Drug of Michigan, Inc., c/o The Corporation Company, 615 Griswold Street, Detroit, MI 48226.
(g) The Park Corporation, Jewel Park, Barrington, IL 60010.
(h) Specialties, Inc., 121 Industrial Drive, Beaver Dam, WI 53916.
(i) White Hen Egg Farms, Inc., O'Hare Plaza, 5725 N. East River Road, Chicago, IL 60631.

3. *Divisions:*

(a) Brigham's 30 Mill Street, Arlington, MA 02174.
(b) Buttrey Food Stores, 601 Sixth Street, S.W., Box 5008, Great Falls, MT 59403.
(c) Direct Marketing Division, Jewel Park, Barrington, IL 60010.
(d) Eisner Food & Agency Stores, 301 E. Wilbur Heights Road, Champaign, IL 61820.
(e) Jewel Food Stores, 1955 West North Avenue, Melrose Park, IL 60160.
(f) Jewel T. Discount Grocery, Jewel Park, Barrington, IL 60010.
(g) Star Market Company, 625 Mt. Auburn Street, Cambridge, MA 02138.
(h) White Hen Pantry, 666 Industrial Drive, Elmhurst, IL 60126.

1. Parent corporation and address of principal office: Mobil Corporation, 150E. 42nd Street, New York, New York 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation.

Container Corporation of America—Delaware
Montgomery Ward & Co., Inc.—Illinois
American Delivery Service Company—Delaware
Jefferson Stores, Inc.—Delaware
Jefferson Ward Stores, Inc.—Delaware
Standard T Chemical Company, Inc.—Delaware
Mobil Oil Corporation—New York
Arnold Oil Corporation—Delaware
Danna Oil Corporation—Delaware
Easternoil Corporation—Delaware
Goodling, Inc.—Delaware
James K. Horne, Inc.—Delaware
Langie Fuel Service, Inc.—New York
Marico, Inc.—Delaware
Pasadena Chemical Corporation—Delaware
E. Robison, Inc.—New York
The Home Oil Company—Connecticut
The Valley Coal Company—Delaware
W. F. Hall Printing Company—Delaware
Chicago Rotoprint Company—Illinois
Hall of Mississippi, Inc.—Delaware
Hall of Tennessee, Inc.—Delaware
W. F. Hall Printing Company of Georgia, Inc.—Delaware

1. Monogram Industries, Inc., 1299 Ocean Avenue, Suite 900, Santa Monica, California 90401.

2. Wholly-owned subsidiaries which will participate in the operations, and their States of Incorporation.

American Pneumatic Tool Co. (California)
Cornell Manufacturing Company (New York)
Argo Metals Corp. (New York)
Spaulding Fibre Company, Inc. (New Hampshire)
Spaulding Fibre of Canada, Ltd. (Canada)
Glastic Corporation of Canada, Ltd. (Canada)
Ring Brothers Corporation (California)
Ring Brothers Management Corporation (California)
Monosolar, Inc. (California)

1. Parent corporation and address of principal office: Noranda Aluminum, Inc., Suite 325, 23200 Chagrin Boulevard, Cleveland, OH 44122.

2. Wholly-owned subsidiaries which will participate in the operations, and States of Incorporation:

(i) Norandex, Inc. (a Delaware corporation)
(ii) Norandal USA, Inc. (a Delaware corporation)

1. Parent corporation and address of principal office: Pantry Pride Supermarkets, 6500 North Andrews Ave., Fort Lauderdale, FL 33309.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

(i) Footwear Services, Inc.—Pennsylvania.

(ii) Rozenco Coffee—Pennsylvania.
(iii) Waverly Tea—Pennsylvania.
(iv) Boulevard Beverage—Pennsylvania.

1. Parent corporation and address of principal office: Prime Tanning Co., Inc., Berwick, Maine 03901.

2. Wholly-owned subsidiary which will participate in the operations, and State(s) of Incorporation: The Blueside Companies, Inc.—Missouri.

1. Parent corporation and address of principal office: Victaulic Company of America, 3100 Hamilton Blvd., South Plainfield, NJ 07080.

2. Wholly-owned subsidiary, which will participate in the operations, and State of Incorporation: Victaulic Company of Canada Ltd. (Canada), 65 Worcester Road, Rexdale, Ontario, Canada M9W 5N7.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20036 Filed 7-16-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 10, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell, Member Dowell not participating.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-5-102

MC 8989 (Sub-225), filed June 1, 1981. Published initially in the **Federal Register** on June 16, 1981. Applicant: HOWARD SOBER, INC., 5810 Moeller Rd., P.O. Box 216, Fort Wayne, IN 46808. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601, (312) 332-5016. Transporting *transportation equipment* between points in the U.S. This application is republished to show the correct territory requested.

MC 19868 (Sub-4), filed June 26, 1981. Applicant: GALLAGHER TRUCKING CO., P.O. Box 134, Blue Bell, PA 19422. Representative: John A. Gallagher (same address as applicant), 215-389-6112. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, VA, and DC.

MC 107328 (Sub-4), filed June 22, 1981. Applicant: MEADOWS VAN & STORAGE, INC., 320 Montevue Lane, P.O. Box 1023, Frederick, Md 21701. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave. P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *household goods* between points in Berkeley, Morgan, Monroe, and Jefferson Counties, WV, Loudon County, VA, Montgomery, Howard, Frederick, Carroll, Garrett, Allegany, and Washington Counties, MD, and Franklin, York, and Adams Counties, PA, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN, and AL.

MC 113459 (Sub-146), filed June 29, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: J. Michael Alexander, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, 214-339-4106. Transporting (1) *commodities which because of their size or weight require the use of special handling or equipment;* (2) *mercer commodities;* (3) *machinery;* (4) *metal products,* and (5) *transportation equipment,* between points in AK, AR, AZ, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, MT, ND, NE, NM, NV, OH, OK, PA, SD, TN, TX, UT, WI, WV, and WY on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, ID, ME, MD, MA, NM, NJ, NY, NC, OR, RI, SC, VA, and WA.

MC 117399 (Sub-8), filed June 26, 1981. Applicant: LEE E. CHAMP, INC., 809 West 10th St., Junction City, KS 66441. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *food and related products,* between points in Johnson County, KS, on the one hand, and, on the other, Denver, CO.

MC 118138 (Sub-8), filed June 26, 1981. Applicant: BENEFIELD BROTHERS, INC., P.O. Box 2087, Terre Haute, IN 47802. Representative: Garry M. Blaker (same address as applicant), 812-232-3572. Transporting *baking powder,* between points in Vigo County, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KS, KY, LA, MI, MS, MO, NE, OH, OK, TN, and TX.

MC 129908 (Sub-80), filed June 25, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S. W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, 405-787-6660. Transporting (1) *rubber and plastic products,* and (2) *machinery,* between points in Johnson and Douglas Counties, KS and Washoe County, NV, on the one hand, and, on the other, points in AL, CA, DE, FL, GA, IL, IN, KS, KY, MO, MI, MS, NC, NJ, NV, NY, OH, PA, SC, TN, VA, WI, and WV.

MC 135869 (Sub-31), filed June 19, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: Wiliam J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320-6100. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pool products and supplies, between points in the U.S., under continuing contract(s) with Preferred Pool Products, of Upland, CA.

MC 136019 (Sub-2), filed June 22, 1981. Applicant: ARTUS TRUCKING CO., INC., Tomkins Tidewater Terminal, Building 20, Jacobus Avenue and Lincoln Hwy., Kearny, NJ 07032. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374, (212) 275-1000. Transporting *pulp, paper and related products* and *printed matter,* between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, VA, and DC.

MC 138658 (Sub-7), filed June 19, 1981. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, KS 67552. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9829. Transporting *Mercer commodities* and *iron and steel articles,* between points in the U.S., under continuing contract(s) with James H. Cross, d.b.a. Valley Research and Development Co., of LaJunta, CO.

MC 140869 (Sub-18), filed June 26, 1981. Applicant: KERRI TRUCKING, INC., 240 S. River St., Hackensack, NJ 07601. Representative: David L. Olsen, 19 Sturr Drive, Florida, NY 10921, (914) 651-7449. Transporting *such commodities* as are dealt in by grocery and food business houses, hardware stores, and discount houses, between points in the U.S., under continuing contract(s) with the Clorox Corporation, of Oakland, CA.

MC 143559 (Sub-2), filed June 19, 1981. Applicant: MODERN TRANSPORTATION SERVICES, INC., 8192 Newington Rd., Newington, VA 22122. Representative: Joan Pascavage (same address as applicant), (703) 550-7344. Transporting *household goods* between points in AL, CT, DE, FL, GA, KY, MD, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 143898 (Sub-2), filed June 22, 1981. Applicant: DONALD BUEHRING, 6860 Clairville Rd., Oshkosh, WI 54901. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703, (608) 256-0606. Transporting *minerals, chemicals, fertilizer, and animal feed,* between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corp., of Mundelein, IL.

MC 144848 (Sub-5), filed June 23, 1981. Applicant: I & L TRUCKING, INC., Star Route, Utica, OH 43080. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting (1) *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, glassware, and packaging products, between the facilities of Owens-Illinois, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY-5-103

MC 146329 (Sub-11), filed May 27, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *storage tanks, silos, and bins,* between points in Marathon County, WI, Hardin County, IA, Van Wert County, OH, Marion County, FL, and Northumberland County, PA, on the one hand, and, on the other, points in the U.S.

MC 149378 (Sub-4), filed May 1, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837, (201) 494-8765. Transporting (1) *such commodities* as are dealt in by grocery, hardware and drug business houses, (2) *cleaning and building maintenance supplies,* (3) *swimming pool, spa, and hot tub products,* and (4) *chemicals,* between points in the U.S., under continuing contract(s) with the Purex Corp., of Toledo, OH.

MC 151979, filed June 19, 1981. Applicant: RONALD V. BOLLINGER, d.b.a. BOLLINGER TRUCKING, P.O. Box 238, Route 1, Eleva, WI 54738. Representative: Lyle J. Black, 310 Water St., Eau Claire, WI 54701, (715) 835-6196. Transporting (1) *lumber and wood products,* (2) *building products* (except those in (1)), and (3) *carpeting,* between points in the U.S., under continuing contract(s) with Westerly Enterprises, doing business as Plywood Minnesota, of Eau Claire, WI.

MC 152238 (Sub-14), filed June 25, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING CO., INC., P.O. Box 286, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436-2269. Transporting *metal and metal products,* between points in the U.S., under continuing contract(s) with Soule's Steel Co., Mill Division, of Carson, CA.

MC 152286 (Sub-2), filed June 25, 1981. Applicant: NEAL TRANSPORT, INC., 4481 Pineview Dr., P.O. Box 21, Powder Springs, GA 30073. Representative: Philip L. Martin, 2220 Parklake Dr., NE., Suite 115, Atlanta, GA 30345, (404) 939-9494. Transporting *such commodities* as are dealt in or used by producers of bakery products, between points in the U.S., under continuing contract(s) with Country Home Bakery, Inc., of Atlanta, GA.

MC 152849 (Sub-5), filed June 25, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Ave., P.O. Drawer BC, Reserve, LA 70084. Representative: Harry M. England (same address as applicant), (504) 536-1191. Transporting *such commodities* as are dealt in or used by manufacturers of containers, glassware, and packaging products, between points in the U.S., under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH.

MC 153399, filed June 22, 1981. Applicant: GREEN RIVER LINES, INC., R.R. 1, Walnut, IL 61376. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 737-1030. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Bureau, LaSalle, and Lee Counties, IL, and extending to points in the U.S. (including AK, but excluding HI).

MC 154478, filed June 26, 1981. Applicant: MARION F. WULF, d.b.a. THE CIRCUIT RIDE, Rural Rt. 1, Box 57, Eagle, NE 68347. Representative: Michael R. Johnson, 711 Stuart Bldg., Lincoln, NE 68508, 402-474-0711. Transporting *passengers and their baggage,* in charter operations, beginning and ending at points in Lancaster County, NE, and extending to points in the U.S.

MC 156029, filed May 18, 1981. Applicant: TRANSPORT ENTERPRISES, INC., 400 Broadway, Freehold, NJ 07728. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575-7700. Transporting *such commodities* as are dealt in or used by

manufacturers of drugs and toilet preparations, between points in the U.S., under continuing contract(s) with E. R. Squibb & Sons, Inc., of New Brunswick, NJ.

MC 156068 (Sub-1), filed June 22, 1981. Applicant: A. VIENS TRANSPORT LIMITED, 338 14th Ave., Richelieu, Province of Quebec, Canada J3L 3V2. Representative: Adrien R. Paquette, 200 St. James St., Suite 900, Montreal, Province of Quebec, Canada H2Y 1M1, (514) 842–1864. Transporting *lumber*, in foreign commerce only, between the ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, MA, MD, NC, MI, ME, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, and WV.

MC 156679, filed June 22, 1981. Applicant: LEXCO, INC., 111 Poyott Rd., Lake in the Hills, IL 60102. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726–6525. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jensen-Souders Associates, Inc., of Itasca, IL, and CHX Tire and Auto Supply, Inc., of Addison, IL.

MC 156758, filed June 19, 1981. Applicant: C. D. COTNER TRUCKING CO., 5701 Wormack St., Pine Bluff, AR 71602. Representative: C. D. Cotner (same address as applicant), (501) 247–1721. Transporting *rubber tires*, between Oklahoma City, OK, on the one hand, and, on the other, points in Jefferson and Pulaski Counties, AR.

MC 156759, filed June 19, 1981. Applicant: WILLIE Z. JACKSON, d.b.a. JACKSON TRUCKING CO., 211 Milwaukee Place, Danville, CA 94526. Representative: Willie Z. Jackson (same address as applicant), (415) 838–9059. Transporting (1) *metal products*, (2) *chemicals and related products*, and (3) *refractories*, between facilities used by Kaiser Aluminum & Chemical Corporation, at those points in the U.S. in and west of CO, LA, MT, OK, TX (except AL and HI), and WY, on the one hand, and, on the other, those points in the U.S. in and west of CO, LA, MT, OK, TX, and WY (except AL and HI).

MC 156779, filed June 18, 1981. Applicant: PRAIRIE JAYS CHARTER BUS, INC., 606 Belmont, Champaign, IL 61820. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217–753–3925. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations between points in Ford, Vermilion, Edgar, Douglas, Piatt, McLean, Champaign, Macon and Coles Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 156788, filed June 25, 1981. Applicant: J–S CARRIERS, INC., 188 Lafayette St., Chicopee, MA 01020. Representative: James Stanek (same address as applicant), 413–536–7866. Transporting *plastics*, between points in Providence County, RI, on the one hand, and, on the other, St. Louis, MO.

MC 156809, filed June 26, 1981. Applicant: DOUGLAS IRVING WELU, d.b.a. WELU'S TRUCKING, P.O. Box 8, Milroy, MN 56263. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *potash* in foreign commerce only, between points in IA, MN, ND, SD, and WI, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in MT, ND, and MN.

MC 156818, filed June 29, 1981. Applicant: CURRY ICE & COAL, INC., R.R. #2, Box 229A, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *coal*, between points in Macoupin, Jefferson and Sangamon Counties, IL, on the one hand, and, on the other, points in IN, MO, and KY, and (2) *clay, concrete, or stone products*, between points in Macoupin, Montgomery, Sangamon, Logan, Mason, Menard, and McLean Counties, IL, on the one hand, and, on the other, points in MO and IN.

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MC 118838 (Sub-86), filed June 26, 1981. Applicant: GABOR TRUCKING, INC., R.R. #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St. Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Processed Minerals, Inc., of Hutchinson, KS.

MC 129908 (Sub-81), filed June 25, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, 405–787–6660. Transporting (1) *metal products* and (2) *machinery*, between the facilities used by The Essex Group, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 139018 (Sub-3), filed June 18, 1981. Applicant: GUNTER BROTHERS, INC., 19060 Frager Rd., Kent, WA 98031. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *food and related products* between points in CA, WA, ID, and OR, on the one hand, and, on the other, points in CA, WA, and OR.

MC 140889 (Sub-20), filed June 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44096. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781–1600. Transporting *metal products* between points in the U.S., under continuing contract(s) with Electroline Manufacturing Co., and Electroline Corporation, both of Cleveland, OH.

MC 142059 (Sub-174), filed June 16, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant), (815) 729–3808. Transporting *general commodities* (Except classes A and B explosives), between the facilities of Scott Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143518 (Sub-1), filed June 26, 1981. Applicant: GREAT AMERICAN TRANSPORTATION, INC., 215 Crawford St., Fitchburg, MA 01420. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, 703–442–8330. Transporting (1) *textile mill products*, (2) *pulp, paper and related products*, and (3) *rubber and plastic products*, between points in MA on the one hand, and, on the other, points in and east of WI, IL, KY, TN, MS, LA and TX.

MC 144449 (Sub-7), filed June 22, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 536–1923. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Style-Rite Manufacturing Company, of Cleburne, TX.

MC 146689 (Sub-14), filed June 25, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Drive, Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Trenton International Warehouse, of Trenton, NJ.

MC 147989 (Sub-6), filed June 29, 1981. Applicant: JOE S. BOWEN, INC., Highway 264, P.O. Box 262, Springdale, AR 72764. Representative: John C. Everett, 140 East Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846–2185. Transporting *meat and meat by-products*, (1) between points in TX on the one hand, and on the other, points in MT, UT, MO, NE, MD, CO, PA, MS, and LA, (2) between points in CO, on the one hand, and, on the other, points in MS and TX, and (3) between points in Louisa and Black Hawk Counties, IA, and Marion County, IN, on the one hand, and, on the other, points in OK and TX.

MC 148018 (Sub-6), filed June 25, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, OH 43605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with D & B Supply, Inc., of Caldwell, ID, and Wilbur Ellis Company, Inc., of Portland, OR.

MC 148209, filed June 25, 1981. Applicant: MARRIOTT-RIDDLE, INC., P.O. Box 409, Green Forest, AR 72638. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, 501–521–8121. Transporting *new furniture*, between points in Boone and Washington County, AR, on the one hand, and, on the other, points in the U.S.

MC 150339 (Sub-35), filed June 26 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant) (301) 673–7151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. Bell & Company, Inc., of Elkridge, MD.

MC 150939 (Sub-20), filed June 25, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting *closures, glassware, packaging products, container components*, and *scrap materials*, between points in the U.S. under contract(s) with Owens-Illinois, Inc. of Toledo, OH.

MC 151859, filed June 26, 1981. Applicant: P.B.M. COACHES, INC., 1010 6th Ave., South, Lake Worth, FL 33460. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Broward, Palm Beach, Martin, St. Lucie, and Indian River Counties, FL, and extending to points in the U.S.

MC 156539, filed June 25, 1981. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. 30 West, Fort Wayne, IN 46808. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, 210–423–3595. Transporting *iron and steel articles*, between points in the U.S. under continuing contract(s) with Joslyn Stainless Steel of Ft. Wayne, IN, and Vulcraft, Division of Nucor. of St. Joe, IN.

[FR Doc. 81–20040 Filed 7–16–81; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–37 (Sub-No. 11F)]

Oregon-Washington Railroad & Navigation Co.—Abandonment—and Discontinuance of Service, by Union Pacific Railroad Co. In Columbia and Garfield Counties, WA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 13, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permits the abandonment by the Oregon-Washington Railroad & Navigation Company (OWR&N) and discontinuance of service by the Union Pacific Railroad Company (UP) on a line of railroad known as the Pomeroy Branch, extending from railroad milepost 0.00 near Starbuck to the end of the line at railroad milepost 30.18 near Pomeroy, a distance of 30.18 miles in Columbia and Garfield Counties, WA. A certificate of public convenience and necessity permitting abandonment was issued to the Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on applicants, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–20039 Filed 7–16–81; 8:45 am]
BILLING CODE 7035–01–M

[I.C.C. Order No. P–33]

Passenger Train Operation

To: Chicago and North Western Transportation Company

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Inc. A portion of the BN tracks between Chicago and Council Bluffs, Iowa, are temporarily out of service because of a washout. An alternate route is available via Chicago and North Western Transportation Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thrity days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 USC § 562(c)), Chicago and North Western Transportation Company (CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Chicago, Illinois, and a connection with Burlington Northern Inc. (BN), at Council Bluffs, Iowa.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no

agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as herefter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:00 noon, July 4, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 8, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 81-20035 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 39 (SDM)]

St. Louis Southwestern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the St. Louis Southwestern Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 39 SDM. The Commission on June 30, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 39 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20037 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 12 SDM]

Southern Pacific Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Pacific Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 SDM. The Commission on July 1, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 12 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20036 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc 81-16351, appearing at page 32340, in the issue of Monday, June 22, 1981 make the following correction:

On page 32342, column 2, paragraph MC 149114 (Sub-1-4TA), filed for National Transportation Service Co., line 13, add "NY" between "NJ" and "FL".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Dow Chemical Co.; Action on Application

Dow Chemical (DOW) has applied to the Drug Enforcement Administration (DEA) for registration as an importer of bulk dextropropoxyphene, a narcotic substance listed in Schedule II of the Controlled Substances Act. Notice of Dow's application was published in the Federal Register, Volume 46, page 8799 on January 27, 1981. Pursuant to the provisions of 21 CFR 1311.42, other applicants for similar registration and current manufacturers of bulk dextropropoxyphene were given until February 27, 1981, to file comments, objections and requests for a hearing with respect to Dow's application. One set of objections was received in response to the notice of application. This was filed on behalf of Ganes Chemicals, Inc.

Dextropropoxyphene, the substance for which Dow has sought registration to import was classified as a Schedule IV narcotic drug on June 17, 1980; see 45 FR 42264 (June 24, 1980). Subsequently, as a result of action taken by the United Nations Commission on Narcotic Drugs which placed dextropropoxyphene in Schedule II of the Single Convention on Narcotic Drugs, 1961, bulk dextropropoxyphene was place in Schedule II of the Controlled Substances Act; see 45 FR 48881 (July 22, 1980).

Prior to the above listed scheduling actions, dextropropoxyphene had been classified as a Schedule IV non-narcotic drug. As a Schedule IV non-narcotic substance, Dow had imported bulk dextropropoxyphene and distributed it for over five (5) years in the United States.

Several other United States firms had manufactured bulk dextropropoxyphene as a Schedule IV non-narcotic. In addition to Dow's application as an importer, two other firms applied for registration as a manufacturer of bulk dextropropoxyphene when it was reclassified as a Schedule II narcotic. These firms were Eli Lilly and Company and Ganes Chemical Company; see Federal Register, Volume 46, page 8799 (January 27, 1981).

The classification of bulk dextropropoxyphene (non-dosage forms) as a Schedule II narcotic and all dosage forms of dextropropoxyphene as a Schedule IV narcotic was a unique scheduling action by DEA. It created numerous problems of a complex nature. One of these problems concerned the registration as Schedule II manufacturers and importers of the firms who were previously registered only as Schedule IV manufacturers and importers of bulk dextropropoxyphene. Registration as a Schedule II manufacturer or importer of bulk dextropropoxyphene was required by September 22, 1980; see 45 FR 48881 (July 22, 1980).

The publication in the Federal Register of these firms' application,

submission by the firms of information in support of their applications, installation by the firm of additional security required for a Schedule II substance and completion of the required DEA investigation to determine the firm's adequacy for registration under Section 303 of the Controlled Substances Act could not be accomplished by the September 22, 1980, deadline for registration. Rather than require the firms to cease all operations regarding the manufacture and importation of bulk dextropropoxyphene until they were properly registered, and thus create vast shortages of the supply of dextropropoxyphene for medical uses, DEA informally agreed to allow each of the applicants to operate as usual until action was taken on their applications.

Formal notification of this agreement was sent by a letter from DEA, dated December 31, 1980, to each of the applicants (Eli Lilly, Ganes & Dow). These agreements were considered by DEA to be the fairest and most equable way to treat each applicant during the proceedings concerning their applications.

DEA has considered Dow's application and the objection filed by Ganes, it has determined that Dow has failed to make a substantive showing to support its registration as an importer of bulk dextropropoxyphene pursuant to the provisions of Section 1002(a) of the Controlled Substances Import and Export Act, Title 21, United States Code, Section 952(a). DEA has notified Dow of this determination and given them the opportunity to either withdraw their application or to submit additional information in support of it. In either case, Dow's authority to import dextropropoxyphene has been terminated.

Title 21, Code of Federal Regulations, 1301.71(c) provides, in pertinent part, that when physical security controls become inadequate as a result of a controlled substance being transferred to another schedule, such security must be upgraded accordingly. Dow Chemical Company's existing Schedule II security controls became inadequate when dextropropoxyphene, in bulk quantities, became a Schedule II narcotic substance. Ordinarily, Dow would be required to upgrade its security controls in order to properly safeguard bulk quantities of dextropropoxyphene. However, in view of the facts and circumstances mentioned above, it appears unlikely that Dow will be handling large quantities of dextropropoxyphene in the future.

Accordingly, Dow will be authorized to store its current inventory of dextropropoxyphene under its existing Schedule II security and will be further permitted to distribute such inventory under its current DEA registrations. This authorization will expire on December 31, 1981. After that date, no further distribution of dextropropoxyphene will be permitted and no bulk quantities of this substance should be stored at Dow's facility.

Dated: July 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-20033 Filed 7-16-81; 8:45 am]

BILLING CODE 4410-09-M

Washington Wholesale Drug Exchange, Inc.; Denial of Applications

On May 21, 1980, the Administrator of the Drug Enforcement Administration [DEA] issued an Order to Show Cause proposing to deny the pending applications of Washington Wholesale Drug Exchange, Inc. [Respondent], for renewal of its DEA Certificate of Registration, PW0169905, as a distributor of controlled substances in Schedules II through V, and for a new registration as an exporter of controlled substances in Schedules III through V. The Respondent filed a response to the Order to Show Cause in which response the Respondent provided a statement of facts it believed justified its retention of its registration. The Respondent did not request a hearing in this matter and the Administrator has concluded that the Respondent has waived its opportunity for such a hearing. The Respondent's statement has been considered as part of the record of this proceeding.

After reviewing this record, the Administrator finds that on April 3, 1973, Albert Pearlman, a principal stockholder and chairman of the board of the Respondent corporation, was convicted of violating Title 21, United States Code, Section 841(a)(1), a felony offense relating to controlled substances. The record also shows that in applications filed or executed on March 22, 1976, November 9, 1976, and April 10, 1979, the Respondent falsely denied that any officer or stockholder had been convicted of a felony offense relating to controlled substances. In one instance, the application dated November 9, 1978, an examination of the application shows that the Respondent had orginally entered an affirmative response to the question concerning convictions but had subsequently scratched that response out and had substituted a negative response. The conviction of an official of a corporate registrant provides the basis for the denial or revocation of a DEA registration under 21 U.S.C. 823 and 824. The material falsification of an application for such registration is a separate basis for revocation of a DEA registration.

The Administrator further finds that the Respondent failed to maintain effective controls against the diversion of controlled substances and that as a result of such failure suffered significant losses of Schedule II narcotic and non-narcotic controlled substances. The record also shows that the Respondent failed to report excessively large and suspicious orders of controlled substances to the DEA and that it failed to maintain complete and accurate records relating to the controlled substances it distributed. Accountability audits conducted by DEA personnel in 1978 and 1979 revealed significant shortages and overages, with one shortage as high as 34.5 percent. The maintenance of complete and accurate records by registrants is essential if the integrity of the closed system of distribution mandated by the Controlled Substances Act is to remain viable.

The past history of the Respondent firm is such that it leads to a conclusion that future compliance with the law and the regulations cannot be reasonably anticipated. Over the past several years, the Respondent has been the subject of an informal administrative hearing, it has received numerous verbal admonishments concerning the security and recordkeeping violations discussed above, and it has been the subject of a civil proceeding in which it paid a monetary penalty under 21 U.S.C. 842.

In consideration of all of the foregoing facts and circumstances, the Administrator has concluded that the Respondent's registration to handle controlled substances is not consistent with the public interest and that its applications should be denied.

Accordingly, pursuant to the authority vested in the Attorney General under Sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, as redelegated to the Administrator of the Drug Enforcement Administration, it is the Administrator's decision that Washington Wholesale Drug Exchange, Inc.'s applications for registration as a distributor of controlled substances, and its application for registration as an exporter under 21 U.S.C. 958, must be, and they hereby are, denied. The Respondent shall be given thirty days from the date it receives this Order to dispose of its inventory of controlled substances in a lawful and regular manner.

Dated: July 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-20834 Filed 7-16-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Comprehensive Employment and Training Act; Migrant and Seasonal Farmworker Program; Submission of Preapplications for Federal Assistance for Fiscal Year 1982

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists organizations that have submitted Preapplications for Federal Assistance for Fiscal Year (FY) 1982 funds under the Migrant and Other Seasonally Employed Farmworkers Program authorized by Section 303 of the Comprehensive Employment and Training Act (CETA).

FOR FURTHER INFORMATION CONTACT: Lindsay L. Campbell, Director, Office of Farmworker and Rural Employment Programs, Room 6308, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-6128.

SUPPLEMENTARY INFORMATION: On May 5, 1981, a notice was published in the **Federal Register**, pursuant to 20 CFR 689.202, announcing State Planning Estimates of funds expected to be available for Migrant and Seasonal Farmworker programs under Section 303 of CETA for FY 1982 (46 FR 25161). Eligible applicants were invited to submit Preapplications for Federal Assistance by June 15, 1981 and Funding Requests by July 15, 1981.

The organizations listed below submitted Preapplications to the Department within the June 15, 1981 postmark deadline. No determination has been made as to the legal eligibility of the applicants listed. Determinations of eligibility will be made when the Funding Requests (proposals) are received.

Applicants which have submitted Preapplications and are not listed below should contact the Office of Farmworker and Rural Employment Programs at the address provided above.

Region I

Connecticut

New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103

Maine

Penobscot Consortium Prime Sponsor, P.O. Box 1136, Bangor, Maine 04401
Tribal Governor's, Inc., 93 Main Street, Orono, Maine 04473

Massachusetts

New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103

New Hampshire

New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103
Southwestern Community Services, Inc., 40 Mechanic Street, Keene, New Hampshire 03431

Rhode Island

New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103

Vermont

Central Vermont Community Action Council, Inc., 15 Ayers Street, Barre, Vermont 05641
New England Farmworker's Council, 6 Frost Street, Springfield, Massachusetts 01103

Region II

New Jersey

Farmworkers Corporation, Inc., 36 W. Landis Avenue, Vineland, New Jersey 08360

New York

Rural New York Farmworker Opportunities, Inc., 339 E. Avenue, Suite 305, Rochester, New York 14604
County of Suffolk Consortium, Veterans, Memorial Highway, Hauppauge, New York 11788

Puerto Rico

Commonwealth of Puerto Rico, 505 Munoz Rivera Avenue, Hato Rey, Puerto Rico 00918

Region III

Delaware

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Delmarva Rural Ministry, 2nd Floor, Blue Hen Mall, Dover, Delaware 19901

Maryland

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Delmarva Rural Ministry, 2nd Floor, Blue Hen Mall, Dover, Delaware 19901

Pennsylvania

Rural New York Farmworker Opportunities, Inc., 339 East Avenue, Suite 305, Rochester, New York 14604

Virginia

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Migrant and Seasonal Farmworkers Commission, c/o Christopher Newport College, 50 Shoe Lane, Newport News, Virginia 23606
Delmarva Rural Ministry, 2nd Floor, Blue Hen Mall, Dover, Delaware 19901

West Virginia

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33316, Raleigh, North Carolina 27606
Intercounty Health, Inc., 126 East Martin Street, Martinsburg, West Virginia 25401

Region IV

Alabama

Alabama Migrant and Seasonal Farmworkers Council, Inc., 335 Dexter Avenue, Montgomery, Alabama 36104
Alabama Council of Farmworkers and Human Resources Development, 214 N. Main Street, Tuskegee, Alabama 36803
Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

Florida

Florida Department of Education, Knott Building, Tallahassee, Florida 32304
National Council of LaRaza, 1725 I Street, N.W., Suite 200, Washington, D.C. 20006
Corsortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

Georgia

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606
Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

Kentucky

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210

Mississippi

Mississippi Delta Council for Farmworkers Opportunities, Inc., 1005 State Street, Clarksdale, Mississippi 38614
Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

North Carolina

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 3315, Raleigh, North Carolina 27606

South Carolina

Office of The Governor, 1800 Julian Place, Columbia, South Carolina 29204

Tennessee

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210
Upper Cumberland Human Resources Agency, P.O. Box 2669, Cookeville, Tennessee 38501

Region V

Illinois

Illinois Migrant Council, 202 South State Street, Chicago, Illinois 60604

Indiana

PDP, Inc., 2511 E. 46th Street, Suite T-4, Indianapolis, Indiana 46205
Indiana Office of Occupational Development, 150 W. Market Street, 7th Floor, Indianapolis, Indiana 46204

Michigan

Michigan Economics for Human Development, 908 W. Jefferson Street, Grand Ledge, Michigan 48837

Minnesota

Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56302

Ohio

LaRaza Unida de Ohio, P.O. Box 1048, Bowling Green, Ohio 43402

Wisconsin

United Migrant Opportunity Services, Inc., 809 W. Greenfield Avenue, Milwaukee, Wisconsin 53204

Region VI

Arkansas

Arkansas Council of Farmworkers, Inc., P.O. Box 4241, Asher Station, Little Rock, Arkansas 72214

Louisiana

Evangeline Community Action, Inc., 403 W. Magnolia, Ville Platte, Louisiana 70586
Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303
Motivation Education and Training of Louisiana, P.O. Box 781, Jennings, Louisiana 70545
Southern Mutual Help Association, Inc., P.O. Box 850, Jeanerette, Louisiana 70544

New Mexico

Home Education Livelihood Programs, 3423 Central, N.E., Albuquerque, New Mexico 87106

Oklahoma

ORO Development Corporation, 1104 Classen Drive, Oklahoma City, Oklahoma 73103
SER/Jobs for Progress, Inc., 709 E. 21st Street, Wichita, Kansas 67214

Texas

SER-Jobs for Progress, Inc., 8585 N. Stemmons Freeway, Suite 401, Dallas, Texas 75247
Colonias Del Valle, Inc., P.O. Box 907, San Juan, Texas 78589
Motivation Education and Training, Inc., P.O. Box 1749, Cleveland, Texas 77327

Region VII

Iowa

Proteus Adult Training, Inc., P.O. Box 727; Visalia, California 93279

Kansas

ORO Development Corporation, 1104 Classen Drive, Oklahoma City, Oklahoma 73103
Harvest America Corporation, 2 Gateway Center, Suite 215, Kansas City, Kansas 66101
SER/Jobs for Progress, Inc., 709 E. 21st Street, Wichita, Kansas 67214

Missouri

Rural Missouri, Inc., 1108 Missouri Boulevard, Jefferson City, Missouri 65101
Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

Nebraska

Nebraska Association of Farmworkers, P.O. Box 1459, North Platte, Nebraska 69101

Region VIII

Colorado

Colorado Council on Migrant and Seasonal Agricultural Workers and Their Families, Inc., 7905 W. 44 Avenue, Wheatridge, Colorado 80033

Montana

Montana Farmworker Council, Inc., c/1 DCA/CSD, Capitol Station, Helena, Montana 59620
Employment and Training Division, Capitol Station, Helena, Montana 59601
California Human Development Corporation, P.O. Box 10, Windsor, California 95492

North Dakota

North Dakota Rural Development Corporation, P.O. Box 1930, Grand Forks, North Dakota 58201

South Dakota

Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56302
South Dakota—Balance of State, South Dakota Department of Labor, Pierre, South Dakota 57501.

Utah

Utah Migrant Council, 12E. Center Street, Midvale, Utah 84047

Wyoming

Northwestern Community Action Program of Wyoming, Inc., P.O. Box 431, Worland, Wyoming 82401
Wyoming Farmworker Council, Inc., P.O. Box 935, Worland, Wyoming 82401

Region IX

Arizona

Portable Practical Education Prep., Inc., 806 E. 46th Street, Tucson, Arizona 85713
Mopportunities, Inc., 302 S. 23rd Avenue, Phoenix, Arizona 85009
Center for Employment Training, 425 S. Market Street, San Jose, California 95113

California

Center for Employment Training, 425 S. Market Street, San Jose, California 95113
Central Valley Opportunity Center, Inc., P.O. Box 2307, Merced, California 95344
California Human Development Corporation, P.O. Box 10, Windsor, California 95492
Proteus Adult Training, Inc., P.O. Box 727, Visalia, California 93279
Pilipino Bayanihan Agricultural Education Project, Inc., 7 S. California Street, Stockton, California 95202
County of Kern, 1415 Truxtun Avenue, Bakersfield, California 93301
Council for the Spanish Speaking, 142 S. Aurora Street, Stockton, California 95202
Campesinos Unidos, Inc., P.O. Box 203, Brawley, California 92227

Hawaii

State of Hawaii, 825 Mililani Street, Honolulu, Hawaii 96813

Nevada

Center for Employment Training, 807 North Main Street, Las Vegas, Nevada 89101

Region X

Idaho

Idaho Migrant Council, Inc., 715 South Capitol Blvd., Suite 405, Boise, Idaho 83702

Oregon

California Human Development Corporation, P.O. Box 10, Windsor, California 95492

Washington

Northwest Rural Opportunities, 804 Decatur Avenue, Sunnyside, Washington 98944

Signed in Washington, D.C. this 9th day of July 1981.

William J. Kacvinsky,

Acting Administrator, Office of National Programs.

[FR Doc. 81-21013 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Idaho

This notice announces the ending of the Extended Benefit Period in the State of Idaho, effective on July 18, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Idaho on February 17, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Idaho has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 27, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 18, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Idaho should contact the nearest State Employment Office of the Idaho Department of Employment in their locality.

Signed at Washington, D.C., on July 13, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-21012 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on August 4, 1981 starting at 10:00 am in rooms N5437 A, B, C, D, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Approval of Minutes of May 18, 1981
III. New Evaluation Program for Federal Agencies
IV. Revised Articles of Organization
V. Special Emphasis on Safety and Health Programs for Federal Employees
VI. Committee Reports
A. Standing Committee on Federal Safety and Health Conferences
1. Plans for the 38th Annual Federal Safety and Health Conference
B. Standing Committee on Field Councils
1. Field Federal Safety and Health Council Achievement Awards for 1980
VII. New Business
VIII. Adjournment.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business July 30, 1981, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business July 30, 1981. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Richard P. Wilson, Acting Director, Office of Federal Agency Programs, Department of Labor, OSHA, Bicentennial Building, 600 E Street, N.W., Suite 500, Washington, D.C. 20210, telephone (202) 376-3005.

Signed at Washington, D.C., this 13th day of July, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-21014 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-11,175]

King-Seeley Thermos Co.; Fabricators Division, Utica, Mich. Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 6, 1980 in response to a worker petition received on September 29, 1980 which was filed by the United Papermakers Union on behalf of the workers at the Fabricators Division of King-Seeley Thermos Company, Utica, Michigan.

A negative determination applicale to the petitioning group of workers was issued on March 24, 1981 (TA-W-8737). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21022 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-10,475]

Midway Spring & Wire Co., Mt. Clemens, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a worker petition received on August 19, 1980 which was filed by the United Automobile, Aerospace, and Agricultural Implement Workers of America on behalf of the workers at Midway Spring and Wire Company, Mt. Clemens, Michigan.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21016 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9,621]

Revere Copper Products, Inc., Rome Division, Rome, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 28, 1980 in response to a worker petition received on July 17, 1980 which was filed by Mechanics Educational Society of America on behalf of the workers at Revere Copper Products, Inc., Rome Division, Rome, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21015 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,722]

P.R. Parts & Systems, Inc.; Trenton, Mich., Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1980 in response to a worker petition received on July 16, 1980 which was filed on behalf of the workers at P.R. Parts and Systems, Inc., Trenton, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 6th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21017 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,917]

Bethlehem Steel Corp., Johnstown, Pa., Conemaugh & Backlick Railroad, Johnstown, Pa.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 15, 1980 in response to a worker petition received on December 5, 1980 which was filed by the United Steelworkers of America on behalf of the workers of the Bethlehem Steel Corporation, Johnstown, Pennsylvania and Conemaugh and Backlick Railroad, Johnstown, Pennsylvania.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,911). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated

Signed in Washington, D.C. this 8th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistant.

[FR Doc. 81-21019 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,880]

Falcon Coat & Suit Co., Inc., Richmond Hill, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1980 in response to a worker petition received on December 5, 1980 which was filed on behalf of the workers of Falcon Coat and Suit Co., Inc., Richmond Hill, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,024). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 9th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21018 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,492]

Saywood Sportswear, New York, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 16, 1981 in response to a worker petition received on March 5, 1981 which was filed by the International Ladies' Garment Workers' Union on behalf of the workers of Saywood Sportswear, Inc., New York, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not been issued (TA-W-11,847). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 9th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21021 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,969]

Van Heusen Co., Aquadilla, Puerto Rico; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980 in response to a worker petition received on December 23, 1980 which was filed on behalf of the workers at the Aquadilla, Puerto Rico plant of the Van Heusen Company.

An active certification covering the petitioning group of workers was in effect at the time the Aquadilla plant closed on April 30, 1981 (TA-W-5075). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of July 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21020 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATE: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by August 10, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTAL INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the June 7, 1979 **Federal Register**. Additional information was published in the July 31, 1980 **Federal Register**, page 51004.

The following is an amendment to the application described in the **Federal Register** July 31, 1980, page 51006 and approved December 9, 1980.

The application received is:

1. *Applicant.* Gerald L. Kooyman, Scripps Institution of Oceanography, Physiological Research Laboratory, University of California-San Diego, La Jolla, California 92093.

2. *Activity for Which Permit Requested.* Take (capture, release, and recapture) up to 20 adult Weddell seals; take blood, organ and skeletal samples from up to 10 seals. Import blood, organ and skeletal samples into the U.S.A.

3. *Location.* McMurdo Sound, Antarctica.

4. *Dates.* September 1, 1981 to February 28, 1982.

Authority to take this action has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-20987 Filed 7-16-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Comanche Peak Steam Electric Station Units 1 and 2; Meeting Postponement

The ACRS Subcommittee on Comanche Peak Steam Electric Station Units 1 and 2 scheduled for July 22, 1981 has been postponed indefinitely. Notice of this meeting was published July 6 (46 FR 34876).

Dated: July 14, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20981 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal System; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on August 4, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC to review Task A-45, "Shutdown Decay Heat Removal Requirements."

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, August 4, 1981, 1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: July 14, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20982 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Program Management and Plan; Meeting

The ACRS Subcommittee on Program Management and Plan will hold a meeting on August 5, 1981, Room 1167, 1717 H Street, NW, Washington, DC. The purpose of the meeting is to discuss draft copy of the Department of Energy (DOE) document dealing with "Program Management Plan for the Conduct of Research, Development and Demonstration Activities" that was prepared by DOE in response to Pub. L. 96-567, "Nuclear Safety Research, Development, and Demonstration Act of 1980". Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 5, 1981, 8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the DOE Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 14, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20983 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Susquehanna Steam electric Station, units 1 and 2; Addition

The ACRS Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2 will hold a meeting on July 23, 1981, Room 1046, 1717 H Street, NW, Washington, D.C. to discuss the Pennsylvania Power and Light Company's request for an Operating License. Notice of this meeting was published July 7 (46 FR 35231).

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. However, portions of this meeting may be closed to the public to prevent disclosure of safeguards information which is specifically exempted from disclosure by Section 147 of the Atomic Energy Act, 42 U.S.C. 2167 (Sunshine Act Exemption (3)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, July 23, 1981, 8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Pennsylvania Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Garry Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 3 to the Sunshine Act, 5 U.S.C. 552b(c)(3).

Dated: July 13, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-20984 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

Alabama Power Co. (Joseph M. Farley Nuclear Plant, Unit No. 1); Order for Confirming Licensee Commitments on Post-TMI Related Issues

I

Alabama Power Company (the licensee) is the holder of Facility Operating License No. NPF-2, which authorizes the operation of the Farley Nuclear Plant, Unit No. 1 (the facility) at steady-state power levels not in excess of 2652 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site near the city of Dothan, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among

these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated January 14, February 5, February 9, February 13, February 23, and February 23, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20986 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Attachment: NUREG–0737, Available in NRC Public Document Room.

[Docket No. 50-261]

Carolina Power and Light Co., (H. B. Robinson Steam Electric Plant, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR–23, which authorizes the operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) at steady-state power levels not in excess of 2300 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Darlington County, South Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI 2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, as supplemented December 31, 1980, February 17, February references Feburary 26, March 2, and March 3, 1981, and the stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

[1] Attachment: NUREG–0737, Available in NRC Public Document Room.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20988 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co., (Zion Station, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR–39 and DPR–48, which authorize the operation of the Zion Station, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 3250 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in near Zion, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated July 25, 1980, December 15, 1980, December 31, 1980, January 23, 1981, January 30, 1981, February 24, 1981, February 27, 1981, March 17, 1981, April 1, 1981, April 10, 1981, April 13, 1981, and July 2, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. the licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG.0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear

[1] Attachment: NUREG–0737, Available in NRC Public Document Room.

Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20087 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–237, 50–249, 50–254, 50–265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Provisional Operating License No. DPR–19 and Amendment No. 54 to Facility Operating License No. DPR–25, issued to Commonwealth Edison Company, which revised the licenses for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, respectively, located in Grundy County, Illinois. The Commission has also issued Amendment No. 73 to Facility Operating License No. DPR–29 and Amendment No. 66 to Facility Operating License No. DPR–30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the licenses for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois.

The amendments authorize operation of Dresden Units No. 2 and 3 and Quad Cities 1 and 2 with one recirculation loop out of service. The amendments add 8 license conditions to each license requiring a power level of safety for operation with one recirculation loop out of service.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 30, 1981, (2) Amendment No. 63 to Provisional Operating License No. DPR–19, Amendment No. 54 to Facility Operating License No. DPR–25, Amendment No. 73 to Facility Operating License No. DPR–29 and Amendment No. 66 to Facility Operating License No. DPR–30, and (3) the Commission's related Safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois for Dresden 2 and 3, and at the Moline Public Library, 504–17th Street, Moline, Illinois for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of July, 1981

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–20088 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Co. of New York (Indian Point Station, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Consolidated Edison Company of New York (the licensee) is the holder of Facility Operating License No. DPR–26, which authorizes the operation of Indian Point Unit No. 2 (the facility) at steady-state power levels not in excess of 2758 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737, was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

[1] Attachment: NUREG–0737 Available in NRC Public Document Room.

III

The licensee's submittals dated February 26, May 12, and July 1, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

1. The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. The licensee has agreed to the requirements of Item 1.A.1.1, "Shift Technical Advisor." As stated in the clarification of this item, the shift technical advisor (STA) is to be "available for duty on each operating shift when a plant is being operated in Modes 1–4 for a PWR." This clarifies the requirement in the February 11, 1980 Confirmatory Order that the STA be "on shift."

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20089 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al. (Beaver Valley Power Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company, (the licensees) are the holders of Facility Operating License No. DPR–66, which authorizes the operation of the Beaver Valley Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 2652 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Beaver County, Pennsylvania.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 17, 1980, December 31, 1980, April 1, 1981, and July 1, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant

[1] Attachment: NUREG–0737, Available in NRC Public Document Room.

modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20990 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co. (Turkey Point Plant, Unit Nos. 3 and 4); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Florida Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR–31 and DPR–41 which authorize the operation of the Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) at steady-state power levels not in excess of 2200 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Dade County, Florida.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 26, 1980, March 2, May 1, and June 25, 1981, the references stated therein, which are incorporated herein by reference committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

[1] Attachment: NUREG- 0737, Available in NRC Public Document Room.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20991 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–315 and 50–316]

Indiana and Michigan Electric Co. (Donald C. Cook Nuclear Plant, Units No. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Indiana and Michigan Electric Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR–58 and DPR–74, which authorize the operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 (the facilities) at steady-state power levels not in excess of 3350 and 3391 megawatts thermal respectively, for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Barrien County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated January 8, February 9 and March 6, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20992 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737, Available in NRC Public Document Room.

[Docket No. 50-286]

Power Authority of the State of New York (Indian Point Station, Unit No. 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes the operation of Indian Point Unit No. 3 (the facility) at steady-state power levels not in excess of 3025 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 30, 1980 and February 27, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

1. The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. The licensee has agreed to the requirements of Item 1.A.1.1., "Shift Technical Advisor." As stated in the clarification of this item, the shift technical advisor (STA) is to be "available for duty on each operating shift when a plant is being operated in Modes 1-4 for a PWR." This clarifies the requirement in the February 11, 1980 Confirmatory Order that the STA be "on shift."

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY THAT the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the ORDER.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20993 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Attachment: NUREG-0737, Available in NRC Public Document Room.

[Docket No. 50-272]

Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Public Service Electric and Gas Company (the licensee) is the holder of Facility Operating License No. DPR-70, which authorizes the operation of Salem Nuclear Generating Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 3338 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Salem County, New Jersey.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 15, 1980, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20994 Filed 7-10-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Attachment: NUREG-0737, Available in NRC Public Document Room.

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co. (Surry Power Station, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-32 and DPR-37, which authorize the operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 2441 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Surry County, Virginia.

II

Following the accident at Three Mile Island, Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the offical studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirments are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 30, 1980,

[1] Attachment: NUREG-0737 Requirements, Available in NRC Public Document Room.

January 19, February 27, May 29, and July 6, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–20986 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR–24, and Amendment No. 57 to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments update reactor coolant system temperature and pressure operating curves for Unit 2 and revise reactor vessel materials surveillance capsule removal schedules for both units.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 31, 1981, (2) Amendment Nos. 51 and 57 to License Nos. DPR–24 and DPR–27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–20990 Filed 7–16–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Adoption of an Amendment to an Existing Routine Use

AGENCY: Office of Personnel Management.

ACTION: Notice; adoption of an amendment to a routine use for an existing system of records.

SUMMARY: The purpose of this document is to announce adoption of an amendment to existing routine use "m" for the Office's General Personnel Records System (OPM/GOVT–1). This routine use will permit a governmental component access to information when it is needed in the pursuit of such governmental entity's lawful, statutory, administrative, or investigative purpose of such an agency.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: John Sanet, Work Force Records Management Branch (202) 254–0790.

SUPPLEMENTARY INFORMATION: The Office proposed an amendment to an existing routine use for its General Personnel Records system on May 15, 1981 (46 FR 26960). During the comment period, two members of the public raised concerns about the District of Columbia Government being "routinely provided information on Federal employees without their consent" as that occurrence would not be consistent with the intent of the Privacy Act of 1974. While the Office recognized a valid concern about records of Federal employees as expressed in these two letters, the purpose of the proposed amendment did not alter the District of Columbia Government's status as a *potential* routine user. As stated in the existing routine use "m" published at 45 FR 78417, the District of Columbia Government was already listed as a potential routine user.

The District of Columbia Government's relationship with the Federal Government over the years has been one of close cooperation, with the employees of the District of Columbia under the personnel authorities of the Federal Government for several purposes such as retirement, service computation, and leave accrual. As with all Privacy Act routine uses, disclosure of information is not mandatory, but is permissive depending on the recordkeeper's determination that the disclosure is compatible with the purposes for which it is collected. The Office assures that the District of Columbia Government, along with the other possible routine users, will face close scrutiny before any information is disclosed pursuant to the routine use.

One comment submitted by the Department of Health and Human Services suggested that the language of the proposed amendment be slightly revised to reflect that an agency itself might initiate a transfer of information to the receiving agency. The Office has determined that the revision would be appropriate.

Accordingly, the routine use is adopted as it appears below.

OPM/GOVT–1

System name:
General Personnel Records

* * * * *

Routine use of records maintained in the system including catgegories of users and the purposes of such users:

* * * * *

m. To disclose to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant, or other benefit by the requesting agency; or the lawful statutory, administrative or investigative purpose of the agency to the extent that the information is relevant and necessary to the receiving agency's action on the matter.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81–20930 Filed 7–16–81; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC), Generalized System of Preferences (GSP) Subcommittee; Acceptance for Review of Petitions to Modify the List of Articles Receiving Duty-Free Treatment; Public Hearings—Timetable; Articles Being Considered for Designation as Eligible Articles for Purposes of the GSP

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The purpose of this notice is (1) to announce the acceptance for review of petitions to modify the list of articles eligible to receive duty-free treatment under the Generalized System of Preferences (GSP) (accepted petitions are described in Annex I to this notice); (2) to announce the timetable in effect for public hearings to consider all petitions accepted for review and to announce deadlines for receipt of briefs and statements filed by interested parties in connection with those public hearings; and (3) to announce the list of articles to be sent by the United States Trade Representative to the United States International Trade Commission for probable economic effect advice with respect to designating articles as eligible for GSP. That list is contained in Annex II to this notice.

I. Deadline for Receipt of Requests to Participate in the Public Hearings

The GSP Subcommittee of the TPSC invites submissions to be made in support of or in opposition to any petition contained in Annex I of this notice. However, all such submissions should conform to 15 CFR 2007, particularly Parts 2007.0, 2007.1(1), 2007.1(2), and 2007.1(3).

Requests to present oral testimony in connection with public hearings announced in 46 FR 22841 (April 21, 1981), accompanied by twenty copies in English of all written briefs or statements, should be received by the Chairman of the GSP Subcommittee of the Trade Policy Staff Committee (TPSC), Office of the United States Trade Representative, 600 Seventeenth Street, N.W., Room 516, Washington, D.C. 20506, not later than the close of business Thursday, September 3, 1981. Oral testimony before the GSP Subcommittee will be limited to 5-minute presentations and should summarize or supplement information contained in longer briefs or statements submitted for the record. Rebuttal briefs or statements will be accepted if submitted in twenty copies in English within one week after the close of the hearings (but in no case later than close of business Friday, September 25, 1981).

Parties not wishing to appear at the hearings also may submit written briefs or statements in twenty copies in English in connection with articles under consideration in the public hearings, provided that such submissions are filed by September 25 and conform with the regulations cited above.

Hearings will begin at 10:00 a.m. on Monday, September 14, in Room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Street, N.W.), Washington, D.C., and will continue on that and subsequent days until all witnesses have been heard.

II. Acceptance of Petitions for Review

Notice is hereby given of acceptance for review of petitions requesting modification of the list of articles eligible to receive duty-free treatment under the GSP, as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066–2071, 19 U.S.C. 2461–2465). These petitions were submitted, and will be reviewed, pursuant to regulations codified at 15 CFR, Part 2007 (42 FR 45532, September 9, 1977).

1. Requests for "Graduation" of Countries

As part of this and future product reviews, a special effort will be made to include on the GSP list products of special export interest to low income beneficiary countries, including certain agricultural and handicraft articles. In addition all requests to add or remove products to or from the list of articles eligible for GSP duty-free treatment will be evaluated in accordance with the recently implemented "graduation" policy. In considering GSP eligibility for products, limitations on GSP benefits will be considered for the more economically advanced beneficiary developing countries in specific products where it is determined that they have demonstrated international

competitiveness. This approach will help to ensure that a greater share of GSP benefits is reserved for less competitive beneficiaries. Three criteria will be taken into account when any such "graduation" action is considered: the development level of individual beneficiary countries, their competitive position in the product concerned and the overall economic interests of the United States. The GSP Subcommittee will review information for the relevant United States industry as enumerated in 15 CFR 2007.1(5) when considering the removal of any beneficiary developing country from GSP eligibility with respect to a specific product already designated or from proposed GSP eligibility with respect to a petition requesting the designation of an item.

Product designations announced at the conclusion of the review process, therefore, may be made on a differentiated basis. This means that certain beneficiary developing countries may not be designated for GSP benefits on certain products even though those countries are not excluded statutorily under the competitive need provisions set forth in section 504(c)(1) of the Trade Act of 1974 as amended. Similarly, with respect to product removals, it is possible to withdraw GSP treatment from only certain beneficiary developing countries rather than to remove the product entirely from GSP coverage. The competitive need limitations of the program will continue to apply to countries remaining eligible for GSP treatment with respect to particular products.

The implementation of this policy is designed to provide increased opportunities for less developed, less competitive beneficiary developing countries to benefit from GSP duty-free treatment. In accordance with overall U.S. trade policy toward developing countries, this action is designed also to promote continued graduation of more advanced developing countries from GSP benefits in products where it is determined that they have demonstrated competitiveness. Over time, such action should provide a more balanced distribution of GSP benefits among developing countries by helping to shift more of the program's benefits to the less competitive developing countries.

For additional information on this policy, reference should be made to the Report to the Congress on the First Five Years' Operation of the U.S. Generalized System of Preferences (GSP), transmitted by the President of the United States on April 17, 1980. A copy is available for inspection at the GSP Information Center, Office of the United States Trade Representative, 600 Seventeenth Street, NW., Room 516, Washington, D.C. 20506, or further information may be obtained by calling the GSP Information Center at (202) 395-6971.

2. Information Subject to Public Inspection

Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10. It is requested that parties submitting briefs or statements containing confidential information clearly indicate on the cover page of each of the twenty copies submitted and on each page within the document, where appropriate, that such confidential material is included. Non-confidential summaries of all confidential material must be submitted in twenty copies in English at the same time that confidential submissions are filed.

The hearings will be open to the public, and transcripts of the hearings will be made available for public inspection or purchase from the reporting company.

3. Communications

All communications with regard to these hearings should be addressed to: Secretary, GSP Subcommittee, Office of the United States Trade Representative, 600 Seventeenth Street, NW., Room 516, Washington, D.C. 20506. The telephone number of the Secretary of the GSP Subcommittee is (202) 395-6971. Questions may also be directed to any member of the staff of the GSP Information Center.

Acceptance for review of the petitions listed in Annex I does not indicate any opinion with respect to a disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for reviews by the GSP Subcommittee and the TPSC, and that such reviews will take place.

III. List of Articles Which May Be Considered for Designation as Eligible Articles for Purposes of the GSP and On Which the United States International Trade Commission Will Be Asked to Provide Advice

1. In conformity with sections 502(a) and 131(a) of the Trade Act of 1974 as amended (19 U.S.C. 2463(a) and 2151(a)), notice is hereby given that the articles listed in Annex II of this notice may be considered for designation as eligible articles for purposes of the GSP. The articles are identified by reference to five-digit numbers of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) and consist of all articles in such listed item numbers except as limited by the addition of two-digit statistical suffixes of the Tariff Schedules of the United States Annotated (1981) and by footnote descriptions. The Tariff Schedules of the United States Annotated (1981) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20404 and also is available for inspection at any field office of the U.S. Customs Service or the Department of Commerce. A list giving informal abbreviated descriptions of the articles contained in the TSUS items identified in this notice is available upon written request from the Secretary, GSP Subcommittee, at the address previously noted.

An article which is determined to be import sensitive in the context of the GSP cannot be designated as an eligible article. Recommendations with respect to the eligibility of any listed article will be made after public hearings have been held and advice has been received from the U.S. International Trade Commission on the probable effects of GSP designation on industries producing like or directly competitive articles and on consumers.

2. Advice of the United States International Trade Commission

On behalf of the President and in accordance with sections 503(a) and 131(a) of the Trade Act of 1974 as amended, the U.S. International Trade Commission is being furnished with a list of the articles published in Annex II for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles, and on consumers, of the designation of such articles as eligible articles for purposes of the GSP.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

BILLING CODE 3190-01-M

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
		Shellfish, fresh, chilled, frozen, prepared or preserved (including pastes and sauces):	
		[Clams]	
		Crabs:	
		Crabmeat:	
		Prepared or preserved (including pastes and sauces):	
81-1	114.20	In airtight containers	Andean Group 2/
		Leather, in the rough, partly finished, or finished:	
		[Chamois; patent; upholstery leather]	
		Other:	
		Calf and kip:	
		[Upper; lining]	
		Other:	
81-2	121.40	Not fancy	do.
		[Pig and hog]	
		Other:	
		Not fancy:	
		[Vegetable-tanned goat and sheep, in the rough; buffalo; reptilian]	
		Other:	
81-3	121.61	Bovine	Government of Brazil
		[Goat and kid]	
81-4	121.63	Other	do.
		Vegetables, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared or preserved):	
		Beans:	
		Lima beans:	
		[If entered during the period from June 1 to October 31, inclusive, in any year]	
81-5	135.12	If entered during November in any year	Government of Jamaica

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ Petitions submitted on behalf of five member countries--Bolivia, Colombia, Ecuador, Peru, and Venezuela.

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Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Vegetables, fresh, chilled, or frozen, etc. (con.):	
		Beans (con.):	
		Lima beans (con.):	
81-6	135.14	If entered during the period from December 1 in any year to the following May 31, inclusive	Government of Jamaica
81-7	135.16	Other than lima beans	do.
		Cucumbers:	
81-8	135.92pt.	If entered during the period from March 1 to April 30, inclusive, in any year	Government of Honduras
		Eggplant:	
81-9	136.20	If entered during the period from April 1 to November 30, inclusive, in any year	Government of Jamaica
81-10	136.22	Other	do.
		Lettuce:	
81-11	136.60	If entered during the period from June 1 to October 31, inclusive, in any year	do.
81-12	136.61	Other	do.
81-13	137.10	Peppers	do.
81-14	137.50	Squash	do.
		Tomatoes:	
81-15	137.63	If entered during the period from November 15, in any year, to the last day of the following February, inclusive	do., Egyptian Export Promotion Center, Egypt
		Yams, and sweet potatoes:	
		[Yams, fresh or chilled]	
81-16	137.89	Other	Government of Jamaica
		Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):	
		[Broccoli, cauliflower, and okra; kidney beans, frozen; rutabagas; yucca]	
		Other:	
		[Bamboo shoots or water chestnuts, frozen]	
		Other:	
		Frozen:	
		[Asparagus]	
81-17	138.4250pt.	Mixtures of pea pods and sliced water chestnuts	D.B. Berelson & Co., San Francisco, CA

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Vegetables, dried, desiccated, or dehydrated, whether or not reduced in size or reduced to flour (but not otherwise prepared or preserved):	
		Dried, desiccated, or dehydrated:	
81-18	140.40	Onions	Government of Chile, Egyptian Export Promotion Center, Egypt
		Reduced to flour:	
		[Garlic]	
81-19	140.65	Onions	Government of Chile
		[Potatoes]	
81-20	140.75pt.	Other, except tomato flour	Andean Group
		Vegetables (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (except vegetables in subpart B of part 8 of Schedule 1 of the Tariff Schedules of the United States):	
		[Beans; cabbage; chickpeas or garbanzos; black-eye cowpeas; onions; peas; pimientos; tomatoes; water chestnuts]	
		Other:	
		[Packed in salt, in brine, or pickled]	
		Other:	
81-21	141.82	Carrots in airtight containers	Government of Jamaica
81-22	141.87	Sweet ginger	do.
		Mushrooms, fresh, or dried, or otherwise prepared or preserved:	
81-23	144.12	Dried	Government of Korea
		Berries, fresh, or prepared or preserved:	
		Frozen:	
81-24	146.76	Strawberries	Government of Chile
		Mangoes, fresh, or prepared or preserved:	
		Fresh:	
		[If entered during the period from November 1 in any year, to the following April 30, inclusive]	
81-25	148.00	If entered at any other time	Government of Jamaica, Lincoln Diversified Systems, Inc., Fort Lauderdale, FL

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Melons, fresh, or prepared or preserved:	
		Fresh:	
		Cantaloupes:	
		[If entered during the period from August 1 to September 15, inclusive, in any year]	
		[If entered during the period from December 1, in any year, to the following March 31, inclusive]	
81-26	148.17	If entered at any other time	Andean Group, Government of Jamaica
		Papayas, fresh, or prepared or preserved:	
81-27	148.60	Fresh	do.
		Pineapples, fresh, or prepared or preserved:	
		Fresh:	
81-28	148.93	In crates	do.
81-29	148.98	Prepared or preserved	Andean Group, Government of Thailand
	or 148.9820	or In airtight containers	Government of Mexico
		Mixtures of two or more fruits, prepared or preserved:	
81-30	150.02	In airtight containers and not containing apricots, citrus fruits, peaches or pears	Government of Jamaica, Government of the Philippines
		Fruit peel, crude, dried, or otherwise prepared or preserved:	
		[Crude, dried, or in brine]	
		Otherwise prepared or preserved:	
81-31	152.30	Orange	Government of Jamaica

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Fruit pastes and fruit pulps:	
		[Apricot; cashew apple, mamey colorado, sapodilla, soursop and sweetsop; fig, guava, mango, tamarind, orange, papaya, banana and plantain]	
		Other:	
		[Strawberry]	
81-32	152.7640	Other	Andean Group
		All jellies, jams, marmalades, and fruit butters:	
		Currant and other berry:	
81-33	153.0420	Strawberry	do.
81-34	154.90	Mixtures of two or more kinds of candied, crystallized, or glace nuts, fruit, or vegetable substances	Government of Jamaica
		Mint leaves:	
		[Crude or not manufactured]	
81-35	161.57	Other	do.
		Pepper:	
		Capsicum or cayenne or red:	
81-36	161.84	Ground	do.
		Pimento (allspice):	
81-37	161.88	Ground	do.
		Brandy:	
		[Pisco and singani; slivovitz]	
		Other:	
		In containers each holding not over 1 gallon:	
81-38	168.78	Valued over $13 per gallon	Egyptian Vineyards Company, Egypt
81-39	169.04	Ethyl alcohol for beverage purposes	Andean Group, Government of Jamaica

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Edible preparations not specially provided for (including prepared meals individually packaged):	
		[Of gelatin]	
		Other:	
		[Containing over 5.5 percent by weight of butterfat and not packaged for retail sale]	
		Other:	
		[Wheat gluten]	
		Other:	
81-40	183.01	Pancake flour and other flour mixes; refrigerated (including frozen) doughs	Andean Group
		Sponges, marine:	
81-41	190.85	Grass, velvet, or yellow	Egyptian Export Promotion Center, Egypt
81-42	222.50	Blinds, shutters, curtains, screens and shades, all the foregoing, of unspun fibrous vegetable materials, with or without their hardware	Government of Jamaica
		Woven or knit fabrics (except pile or tufted fabrics), of textile materials, coated or filled with rubber or plastics material, or laminated with sheet rubber or plastics:	
81-43	355.65 or 355.6510	Of vegetable fibers or Of cotton	Government of Brazil do.

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Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Floor coverings of pile or tufted construction, of textile materials:	
		In which the pile was inserted or knotted during weaving or knitting:	
		With pile not hand-inserted and not hand-knotted:	
		[Of cotton; of coir; of jute]	
		Other:	
		[Chenille]	
		Wilton (including brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description:	
		[Of wool, of man-made fibers]	
		Other:	
81-44	360.4640	Imitation oriental	Caesarea-Glenoit Industries, Ltd., Israel
81-45	360.4645	Other	do.
		[Lace or net bedding, whether or not ornamented, and other bedding, ornamented]	
		Other bedding, not ornamented:	
		[Of vegetable fibers; of wool, of silk, of man-made fibers]	
81-46	363.90	Other	Andean Group
		Tapestries, including hand-worked petit-point and other needle-point tapestries, all the foregoing of textile materials:	
		[Gobelin and other hand-woven tapestries fit only for use as wall hangings, and valued over $20 per square foot]	
		Other:	
		Of vegetable fibers:	
		Jacquard-figured:	
		Not pile construction:	
		Of cotton:	
81-47	364.07pt.	Certified and hand-loomed folklore products	do.

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Articles not specially provided for, of textile materials:	
		[Lace or net articles, whether or not ornamented, and other articles ornamented]	
		Other articles, not ornamented:	
		Of vegetable fibers, except cotton:	
		[Knit; pile or tufted construction]	
		Other:	
		[Of coir; of jute]	
		Other:	
81-48	387.35pt.	Baskets, of sisal	Government of Kenya
		Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of Schedule 4 of the Tariff Schedules of the United States:	
		[Anthracene having a purity of 30% or more by weight]	
		[Carbazole having a purity of 65% or more by weight]	
		[Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above]	
		[Phthalic anhydride]	
		[Styrene]	
		[All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate]	
		Other:	
		Halogenated hydrocarbons:	
81-49	402.56	Benzyl chloride (α,-Chlorotoluene)	Aromaticos Petroquimicos, S. de R.L., Mexico
		[Benzotrichloride (α,α,α,-Trichlorotoluene); chlorobenzenes, mono-, di-, and tri-; chlorinated biphenyl]	
		Other:	
81-50	402.80	Products provided for in the Chemical Appendix to the Tariff Schedules	do.
	or	or	
	402.80pt.	Benzyl dichloride (α,α,-dichlorotoluene)	do.

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Cyclic organic chemical products, etc. (con.):	
		Other (con.):	
		Alcohols, phenols, ethers (including epoxides and acetals), aldehydes, ketones, alcohol peroxides, ether peroxides, ketone peroxides, and their derivatives:	
		[Alkyl cresols; alkyl phenols; 6-Chloro-m-cresol [OH=1]; naphthols; 2-naphthol-3, 6-disulfonic acid and its salts; nitrophenols; resorcinol]	
		Other:	
81-51	403.45	Alcohols	Aromaticos Petroquimicos, S. de R.L., Mexico
	or	or	
	403.45pt.	Benzyl alcohol	do.
		Halogenated, sulfonated, nitrated, or nitrosated derivatives of phenols or phenol-alcohols:	
		[Products provided for in item number 403.52]	
		Other:	
81-52	403.56pt.	Tetrabromobisphenol A	Ameribrom Inc., Israel
		[Amines and their derivatives]	
		Amines having one or more oxygen functions, and their derivatives:	
		[Products provided for in item numbers 404.92 through 405.03]	
		Other:	
81-53	405.08pt.	D(-)-para-hydroxy-phenylglycine	Kaneka America Corporation, New York, NY

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		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Cyclic organic chemical products, etc. (con.):	
		Other (con.):	
		Other nitrogen-function compounds (except those in which the only nitrogen function is a nitro ($-NO_2$) or a nitroso (-NO) group, or an ammonium salt of an organic acid) and their derivatives:	
		[Benzonitrile; diazoaminobenzene (1,3-Diphenyl-triazene); toluene-diisocyanates (unmixed)]	
		Other:	
		Nitrile function compounds:	
		[Products provided for in item number 405.56]	
		Other:	
81-54	405.60pt.	Benzene acetonitrile	Aromaticos Petroquimicos, S. de R.L., Mexico
		Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):	
81-55	406.28	2-Mercaptobenzothiazole, sodium salt (2-Benzothiazolethiol, sodium salt)	Government of Mexico
		[2-Pyridinecarboxaldehyde; and vinylcarbazole, mono]	
		Other:	
81-56	406.36	4-Aminoantipyrine; 2-Amino-6-methoxybenzothiazole; 2-Amino-6-methylbenzothiazole; Aminomethylphenylpyrazole (Phenylmethylaminopyrazole); 3-(5-Amino-3-methyl-1-H-pyrazol-1-yl)benzenesulfonic acid; 5-Amino-3-phenyl-1,2,4-thiadiazole (3-phenyl-5-amino-1,2,4-thiadiazole); Amino-J-pyrazolone; 3-Amino-1-(2,4,6-trichlorophenyl)-5-prazolone; 4-[[4,6-Bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-di-tert-butyl-phenol; Benzointetrahydropyranyl ether; 2-sec-Butyl-4-tert-butyl-6-(benzotriazol-2-yl)phenol;	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Cyclic organic chemical products, etc. (con.):	
		Other (con.):	
		Heterocyclic compounds and their derivatives, etc. (con.):	
		Other (con.):	
	406.36 (con.)	2-tert-Butyl-4-methyl-6-(5-chlorobenzotriazol-2-yl)-phenol; p-Chloro-2-benzylpyridine; 4-Chloro-3-(3-methyl-5-oxo-2-pyrazolin-1-yl)benzene-sulfonic acid; 1-(m-Chlorophenyl)-3-methyl-2-pyrazolin-5-one; p-Chloropyrazolone; 2,4-Di-tert-butyl-6-(benzo-triazol-2-yl)phenol; 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol; 1-(2',5'-Dichlorophenyl)-3-methyl-2-pyrazolin-5-one; 2,3,-Dichloro-6-quinoxaline-carbonyl chloride; 1,4-Dimethyl-6-hydroxy-3-cyanpyridone-2; 6-Ethoxy-2-benzothiazolethiol; 1-(o-Ethylphenyl)-3-methyl-2-pyrazolin-5-one; 2-Hydroxybenzoxazole (Benzoxazolone); 2-Hydroxy-3-carbazolecarboxylic acid; 2-Hydroxy-3-carbazolecarboxylic acid, sodium salt; Iminodibenzyl(10,11-dihydro-5H-dibenz[b,f]azepine); 5-Imino-3-methyl-1-(m-sulfophenyl)pyrazole; 5-Imino-3-methyl-1-phenyl-pyrazole; Indoline; Isoquinoline; 3-Methylbenzo[f]quinoline; 3-Methylbenzothiazole-2-hydrazone; 2,4-Methylcarboxypyrazolic acid; 2-Methyl-5-ethylpyridine;	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)			
		Cyclic organic chemical products, etc. (con.): Other (con.): Heterocyclic compounds and their derivatives, etc. (con.): Other (con.):	
	406.36 (con.)	2-Methylindoline; 2-Methylmercaptobenzimidazole; 1-Methyl-2-phenylindole; Methyl phenylpyrazolone; Methylpyrazine; 2,4-Methylpyrazolic acid; 8-Methylquinoline; 3-Methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-Tolyl methyl pyrazolone); 2-Phenylbenzimidazole; p-Phenylimidazole; 2-Phenylimidazole; 2-Phenylindole; 4-Phenylmorpholine; 4-Phenylpropylpyridine; p-Phenylpyridylacetic acid, methyl ester; Picolinic acid; Primuline base; Pyrazole (3-carboxy-1-4-sulphophenylpyrazol-5-one); 2,5-Pyridinedicarboxylic acid; Tetramethylpyrazine; 1,9-Thianthrenedicarboxylic acid; Thioxanthen-9-one (Thioxanthone); 1-(2,4,6-Trichlorophenyl)-3-aminopyrazolone; 2-(Trifluoromethyl)phenothiazine; 2,3,5-Triphenyltetrazolium chloride; dl-Tryptophan; and Xanthen-9-one	Government of Mexico

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)			
		All other products, by whatever name known, not provided for in subpart A or C of part 1, schedule 4 of the Tariff Schedules of the United States, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of this subpart or in subpart A of part 1 of schedule 4 of the Tariff Schedules of the United States:	
81-57	406.64	Acetone	Government of Mexico
81-58	406.84	Fumaric acid	"GADOT" Aromatics Development (GADIV) Ltd., Israel
		Products suitable for medicinal use, and drugs: Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States: Drugs: [Products provided for in item numbers 410.68 through 411.28] Other: Anti-infective agents: Antibiotics:	
81-59	411.64	Penicillin G salts	Andean Group
		Drugs primarily affecting the central nervous system, except alkaloids and their derivatives: Antidepressants, tranquilizers, and other psychotherapeutic agents: [Products provided for in item number 412.30] Other:	
81-60	412.34 or 412.34pt.	Products provided for in the Chemical Appendix to the Tariff Schedules or Amitriptyline-hydrochloride	Plantex, Ltd., New York, NY do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Mixtures not specially provided for: [Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas] Other: [Pesticides]	
81-61	432.25	Other	Andean Group
81-62	436.00	Any of the products provided for in subpart A of part 3 of schedule 4 of the Tariff Schedules of the United States, when imported in ampoules, capsules, jubes, lozenges, pills, tablets, troches, or similar forms, including powders put in medicinal doses	do.
		Enzymes and ferments:	
81-63	437.47	Yeast (except dried brewers' yeast)	Government of Mexico, Government of Panama
		Oils, distilled or essential, including terpeneless oils:	
81-64	452.28	Grapefruit	Government of Jamaica
81-65	452.34	Lemon	Andean Group
81-66	452.44	Orange	Government of Jamaica
81-67	455.04	Pectin	Government of Mexico
		Magnesite:	
81-68	522.61	Crude	Government of Turkey
		Ferralloys: Ferrochromium:	
81-69	606.22	Not containing over 3 percent by weight of carbon	do., Government of Zimbabwe
81-70	606.42	Ferrosilicon chromium	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Strands, ropes, cables, and cordage, all the foregoing, of wire, whether or not cut to length, and whether or not fitted with hooks, swivels, clamps, clips, thimbles, sockets, or other fittings or made up into slings, cargo nets, or similar articles: Not fitted with fittings and not made up into articles: Not covered with textile or other nonmetallic material: Wire strand: [Of nickel; of stainless steel; of copper] Other: Of iron or steel (except stainless):	
81-71	642.1110	Of brass plated wire	Republic of Korea, TrefilARBED, Inc., New York, NY
		Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal: Of iron or steel: Columns, pillars, posts, beams, girders, and similar structural units: Not in part of alloy iron or steel: [Cast-iron (except malleable cast-iron) articles, rough or advanced]	
81-72	652.94	Other	Government of Brazil
		In part of alloy iron or steel:	
81-73	652.95	In part of stainless steel	do.
81-74	652.96	Other	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		— Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio broadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:	
		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof:	
		[Television apparatus and parts thereof]	
		Other:	
		[Solid-state (tubeless) radio receivers]	
		[Low-power radiotelephonic transceivers operating on frequencies from 49.82 to 49.90 megahertz]	
		Other:	
81-75	685.27	Citizens Band (CB) radio tranceivers (except hand-held)	General Electric Company, Syracuse, NY, Radio Shack and A & A International, Inc., Fort Worth, TX
		Record players, phonographs, record changers, turntables, and tone arms, and parts of the foregoing:	
		[Tone arms and parts thereof]	
81-76	685.36	Other	Government of Korea
		Luggage and handbags, whether or not fitted with bottle, dining, drinking, manicure, sewing, traveling, or similar sets; and flat goods:	
		Of leather:	
		Luggage and handbags:	
		[Of reptile leather]	
		Other:	
		[Handbags]	
81-77	706.13	Other	Government of Argentina, Government of Brazil, Government of Romania

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Luggage and handbags, etc. (con.):	
		Of unspun fibrous vegetable materials:	
81-78	706.17pt.	Flat goods, of rattan or of palm leaf	Andean Group, Government of Jamaica, Government of the Philippines
		Of textile materials (except yarns, of paper), whether or not ornamented:	
		Wholly or in part of braid:	
		[Of cotton]	
81-79	706.2045	Of other textile materials	Government of the Philippines
		[Of reinforced or laminated plastics]	
		Of other materials:	
		[Handbags; flat goods, of metal]	
		Other:	
		[Flat poods]	
		Other:	
81-80	706.6235 2/	Luggage	Cyprus Embassy-Trade Centre, New York, NY
		Dolls, and parts of dolls including doll clothing:	
		[Doll clothing imported separately]	
		Other:	
		Dolls (with or without clothing):	
81-81	737.2205	Stuffed	Ad Hoc Group of Domestic Producers and Importers of stuffed dolls and stuffed doll parts, New York, NY Guatemala Export Promotion Center, Government of the Philippines
81-82	737.2240	Parts of dolls	Ad Hoc Group of Domestic Producers and Importers of stuffed dolls and stuffed doll parts, New York, NY Guatemala Export Promotion Center, Government of the Philippines

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ This item is being considered for addition to the U.S. Generalized System of Preferences for all beneficiary developing countries except for the Republic of Korea, Taiwan, Hong Kong, and Mexico.

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Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)	
		Fountain pens, including stylographic pens and ball-point pens and ball-point pencils, and combination pens and pencils:	
81-83	760.0520	Ball-point pens and ball-point pencils	Drafton Ltd., Israel
		Tires, and tubes for tires, of rubber or plastics:	
		Pneumatic tires:	
81-84	772.48	Bicycle	Government of India
		Tubes:	
81-85	772.57	Bicycle	do.
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences	
		Headwear, of vegetable fibers, of unspun fibrous vegetable materials, of real horsehair, of paper yarn, or of any combination thereof:	
		[Of cotton, flax, or both]	
		Other:	
		Headwear other than caps:	
		Sewed, whether or not blocked or trimmed:	
		Of straw:	
81-86	702.25	Not blocked and not trimmed	The United Hatters, Cap and Millinery Workers International Union, AFL-CIO; The U.S. Hat and Cap Industry Trust Fund
		Blocked or trimmed:	
81-87	702.28	Valued not over $15 per dozen	do.
81-88	702.30	Valued over $15 per dozen	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No./ Country	Article	Petitioner
		C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences. 2/	
		Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of Schedule 4 of the Tariff Schedules of the United States:	
		[Anthracene having a purity of 30% or more by weight]	
		[Carbazole having a purity of 65% or more by weight]	
		[Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above]	
		[Phthalic anhydride]	
		[Styrene]	
		[All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate]	
		Other:	
		Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):	
81-89	406.20 (Israel)	Ethoxyquin (1,2-Dihydro-6-ethoxy-2,2, 4-trimethylquinoline)	Monsanto Company, Washington, D.C.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No./ Country	Article	Petitioner
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.2/		
		Aromatic or odoriferous compounds including flavors, not marketable as cosmetics, perfumery, or toilet preparations, and not mixed, and not containing alcohol: Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of Schedule 4 of the Tariff Schedules of the United States:	
81-90	413.24 (Republic of Korea)	Saccharin	The Sherwin-Williams Company, Cleveland, OH
		Synthetic plastics materials: Vinyl resins: Polyvinyl acetate and vinyl resins containing by weight 50 percent or more of derivatives of vinyl acetate:	
81-91	445.42 (Taiwan)	Polyvinyl alcohol resins	Air Products and Chemicals Inc., Allentown, PA

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No./ Country	Article	Petitioner
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.2/		
		Hand tools (including table, kitchen, and household implements of the character of hand tools) not specially provided for, and metal parts, thereof: [Hammers and sledges, with or without their handles; crowbars, track tools, and wedges, all the foregoing of iron or steel; drilling, threading, and tapping tools, and parts thereof; chisels, gimlets, gouges, planes, and other cutting tools, and parts thereof; pencil sharpeners and lead and crayon pointers, and parts thereof; screwdrivers]	
		Other hand tools and parts thereof: [Agricultural or horticultural tools and parts thereof]	
		Other: Of iron or steel: [Cast-iron hatters' irons, and tailors' irons]	
		Other: [Table, kitchen, and household implements; other edged hand tools]	
81-92	651.4760pt. (Republic of Korea, Taiwan)	Caulking guns	Collier Industries, Inc., Colliers, WV
		Articles of iron or steel, not coated or plated with precious metal: [Cast-iron articles, not alloyed] Other articles: [Of tin plate] Other: [Paper clips] Other:	
81-93	657.25pt. (Singapore)	Ring binder elements	United States Ring Binder, Inc., New Bedford, MA

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No./ Country	Article	Petitioner
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.):2/		
81-94	661.1205 (Singapore)	Air pumps, vacuum pumps and air or gas compressors (including free-piston compressors for gas turbines); fans and blowers; all the foregoing, whether operated by hand or by any kind of power unit, and parts thereof: Compressors, and parts thereof: Refrigeration and air conditioning: 1/4 HP and under	Tecumseh Products Company Tecumseh, MI
81-95	683.10pt. (Taiwan)	Storage batteries and parts thereof: Lead acid type storage batteries rated from 2 to 28 ampere hours	Yuasa-General Battery Corporation, Reading, PA, Exide Corporation, Philadelphia, PA
81-96	683.70 (Taiwan)	Portable electric lamps with self-contained electrical source, and parts thereof: Flashlights and parts thereof	Union Carbide Corporation, New York, NY
81-97	684.5050pt. (Taiwan)	Electric instantaneous or storage water heaters and immersion heaters; electric soil heating apparatus, and electric space heating apparatus; electric hair dryers, hair curlers, and other electric hair dressing appliances; electric flatirons; electro-thermic kitchen and household appliances; electric heating resistors other than those of carbon; all the foregoing and parts thereof: [Flatirons; toasters, waffle irons, skillets, ovens, stoves, coffee makers and other portable electro-thermic kitchen and household appliances] Other: [Cooking stoves and ranges, and parts thereof; furnaces, heaters, and ovens, and parts thereof] Other: [Hair dressing appliances; electro-thermic kitchen and household appliances (nonportable)] Other: Tubular electrical heating elements	Precision Tubular Heater, Corp. Franklin, TN

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No./ Country	Article	Petitioner
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.):2/		
81-98	727.29 (Taiwan, Yugoslavia)	Furniture, and parts thereof, not specially provided for: Of wood: [Bent-wood furniture, and parts thereof] Other: Chairs: [Folding] Other: [Of teak] Other	Keller Manufacturing Company, Inc., Corydon, IN
81-99	727.40 (Taiwan, Yugoslavia)	Parts of furniture	do.
81-100	734.05 (Taiwan)	Bagatelle, billiard, and pool equipment (except tables), and parts thereof: Balls	Orange Products, Chatham, NJ
81-101	755.30 (Malta)	Alcohol, gas, kerosene, or other mantles, treated with metallic oxides or other chemicals	The Coleman Company, Wichita, KA
81-102	770.30pt. (Republic of Korea)	Expanded, foamed, or sponge rubber or plastics, and articles not specially provided for wholly or almost wholly of such rubber or plastics: Not flexible: Fish floats, of polyvinyl chloride	The Housatonic Ever-Float Company, Inc. Shelton, CT
81-103	770.80pt. (Republic of Korea)	Flexible: [Of polyurethane; of cellulose; of natural rubber] Other: Fish floats, of polyvinyl chloride	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named below are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		D. Petition to determine an eligible article as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.	
81-104	791.28	Leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear: [Patent leather] Other: [Uppers] Other	Florsheim Shoe Company, Chicago, IL

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

ANNEX II

TSUS or TSUSA Item	TSUS or TSUSA Item	TSUS or TSUSA Item	TSUS or TSUSA Item
114.20	141.87	355.65	452.28
121.40	144.12	360.4640	452.34
121.61	146.76	360.4645	452.44
121.63	148.00	363.90	455.04
135.12	148.17	364.07 pt. 4/	522.61
135.14	148.60	387.35 pt. 5/	606.22
135.16	148.93	402.56	606.42
135.92 pt. 1/	148.98	402.80	642.1110
136.20	150.02	403.45	652.94
136.22	152.30	403.56 pt. 6/	652.95
136.60	152.7640	405.08 pt. 7/	652.96
136.61	153.0420	405.60 pt. 8/	685.27
137.10	154.90	406.28	685.36
137.50	161.57	406.36	706.13
137.63	161.84	406.64	706.17 pt. 9/
137.89	161.88	406.84	706.2045
138.4250 pt. 2/	168.78	411.64	706.6235
140.40	169.04	412.34	737.2205
140.65	183.01	432.25	737.2240
140.75 pt. 3/	190.85	436.00	760.0520
141.82	222.50	437.47	772.48
			772.57

1/ Only fresh cucumbers entered during the period from March 1 to April 30, inclusive, in any year.

2/ Only mixtures of pea pods and sliced water chestnuts.

3/ Only other vegetables, reduced to flour, except tomato flour.

4/ Only certified and hand-loomed jacquard-figured cotton tapestries.

5/ Only sisal baskets.

6/ Only tetrabromobisphenol A.

7/ Only D(-)-para-hydroxyphenylglycine.

8/ Only benzene acetonitrile.

9/ Only flat goods of rattan or of palm leaf.

[FR Doc. 81-21128 Filed 7-16-81; 8:45 am]
BILLING CODE 3190-01-C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11854; 812-4890]

Alex. Brown Cash Reserve Fund, Inc.; Filing of Application

July 9, 1981.

In the matter of Alex. Brown Cash Reserve Fund, Inc., 11 Greenway Plaza, Suite 1919, Houston, Texas 77046 (812-4890).

Notice is hereby given that Alex. Brown Cash Reserve Fund, Inc. ("Applicant"), an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on June 5, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that a registration statement on Form N-1 registering shares of its common stock under the Securities Act of 1933 has been filed with the Commission but has not yet become effective. Applicant further states that it is a "money market" fund, designed as an investment vehicle for institutions that wish to invest short-term cash reserves. Applicant further states that, in accordance with the prospectus contained in the aforementioned registration statement, Applicant's investment objective is to provide investors with preservation of capital, liquidity and, consistent with such objectives, the highest possible level of current income by investing in high quality money market instruments.

Applicant represents that it will invest exclusively in the following types of money market instruments: (i) securities issued or guaranteed as to principal and interest by the United States Government or by its agencies or instrumentalities; (ii) certificates of deposit, time or savings deposits, and bankers' acceptances of domestic commercial banks and savings banks which, as of their latest published reports, have total assets in excess of $1.5 billion; (iii) certificates of deposit and time or savings deposits which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; (iv) commercial paper, including variable amount master notes, rated at the time of purchase A-1 by Standard and Poor's Corporation ("S&P") or Prime-1 by Moody's Investors Service, Inc. ("Moody's"), or if not rated are of comparable quality to rated instruments of the foregoing quality as determined by Applicant's board of directors; and (v) repurchase, reverse repurchase, and delayed delivery agreements pertaining to the above securities, subject to certain restrictions as set forth in Applicant's prospectus.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant states that experience indicates that two qualities are helpful in attracting investors to a fund such as Applicant: (1) stability of principal and (2) a steady flow of investment income. Applicant asserts that by maintaining a portfolio of high quality money market instruments, it can offer these characteristics to investors. Applicant further represents that, according to its investment adviser, AIM Advisors, Inc., experience in the management of other investment companies has demonstrated that there will normally be a negligible discrepancy between prices determined under the amortized cost method and those determined through a market valuation method. Applicant represents that its board of directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant, and will reflect the fair value of such securities.

Applicant expressly consents to issuance of the requested order on the basis of the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by Applicant's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, if Applicant's $1.00 amortized cost price per share from the net asset value per share as determined by using available market quotations, and the maintenance or records of such review.[1]

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its

Continued

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, Applicant's board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where Applicant's board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in any easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which Applicant's directors determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

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BILLING CODE 8010-01-M

discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 11855; 812-4881]

Intercapital Income Securities Inc., et al.; Filing of Application

July 9, 1981.

Notice is hereby given that InterCapital Liquid Asset Fund Inc., InterCapital High Yield Securities Inc., InterCapital Tax-Exempt Securities Inc., InterCapital Industry-Valued Securities Inc., InterCapital Tax-Free Daily Income Fund Inc., InterCapital Dividend Growth Securities Inc., InterCapital Natural Resource Development Securities Inc., Active Assets Money Trust, Active Assets Tax-Free Trust, and Active Assets Government Securities Trust, (Five World Trade Center, New York, New York 10048 (812-4881)) all open-end, diversified management investment companies, and InterCapital Income Securities Inc., a closed-end, diversified management investment company ("Funds"), all of which are registered under the Investment Company Act of 1940 ("Act"); and John R. Haire (collectively "Applicants"), filed an application on June 1, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Act declaring that Mr. Haire, a director or trustee of each of the Funds, shall not be deemed to be an interested person of the Funds, as defined in Section 2(a)(19) of the Act, solely by reason of his position as a director of Washington National Corporation ("WNC"), which has three wholly-owned subsidiaries registered as broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Mr. Haire is a director of WNC, a publicly-held life insurance complex, and two of its wholly-owned life insurance subsidiaries, Anchor National Life Insurance Company ("Anchor National") and Washington National Life Insurance Company of New York ("Washington National"). According to the application, WNC has two other wholly-owned subsidiaries, Washington National Equity Company ("Washington Equity") and Anchor National Financial Services Inc. ("Anchor Financial"), each of which is registered as a broker-dealer under the Exchange Act. Applicants further state that Anchor Financial has a wholly-owned subsidiary, ANFS, Inc. ("ANFS") which is registered as a broker-dealer under the Exchange Act. According to the application, ANFS operates solely in New York.

Applicants represent that the three broker-dealer subsidiaries of WNC function primarily as adjuncts to the insurance operations of the WNC complex, marketing mutual funds and variable annuities. Applicants state that Anchor Financial and ANFS conduct a general securities business on a fully disclosed basis through a non-affiliated broker-dealer but that such securities business is limited to accomodating the clients of the dually-licensed insurance agents or registered representatives thereof for occasional securities transactions and that such securities business is not solicited. Applicants further represent that the Funds have never transacted any business with Washington Equity, Anchor Financial, or ANFS and that these broker-dealers do not act as market makers in any securities nor as underwriters. The Funds undertake that they will not transact any business with Washington Equity, Anchor Financial or ANFS so long as Mr. Haire remains a director or trustee of the Funds.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. The term "affiliated person" of another person is defined by Section 2(a)(3) to include any person directly or indirectly controlling, controlled by, or under common control with, such other person or any director of such other person. Section 2(a)(9) of the Act defines "control" to mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.

Applicants state that because Mr. Haire is a director of WNC, he might be deemed to control Washington Equity, Anchor Financial and ANFS, the broker-dealer subsidiaries of WNC and, thus, be considered an interested person of the Funds. Applicants further state that Mr. Haire might be deemed to be controlled by WNC and, thus, be considered to be an affiliated person of Washington Equity, Anchor Financial and ANFS by reason of his being under the common control of WNC. According to the application, this would also cause Mr. Haire to be considered an interested person of the Funds.

Section 6(c) of the Act provides in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or approrpriate in the public interest and consistent with the protection of investors.

Applicants contend that Mr. Haire does not exercise a controlling influence over Washington Equity, Anchor Financial or ANFS by reason of his being a director of WNC. Applicants state that Mr. Haire does not in any way participate in the day-to-day operations of WNC or its broker-dealer subsidiaries. According to the application, Mr. Haire is not an officer of WNC nor of any of its operating subsidiaries. Applicants state he is, however, chairman of the board of directors of a non-operating subsidiary, Anchor Corporation, formerly an investment adviser.[1] Applicants further state that Anchor Corporation remains in existence solely for purposes of performing certain administrative contractual obligations and conducting certain litigation.

Applicants also contend that Mr. Haire is not controlled by WNC. Applicants state that Mr. Haire receives no compensation for serving as a member of the boards of WNC, Anchor National and Washington National. Applicants further state that Mr. Haire receives an annual salary from Anchor Corporation which will continue until August 31, 1983, pursuant to a service contract but that this salary is in no way dependent on his remaining a director of WNC. According to the application, Mr. Haire's present full time occupation is serving as president and chief executive officer of the Council for Financial Aid to Education, a not-for-profit corporation promoting financial aid to education. Applicants further state that Mr. Haire also serves as a member of the board of Bowne Company.

Applicants submit that it would be misleading to shareholders and unfair to Mr. Haire to identify him as an interested director or trustee of the Funds since such a designation, they contend, implies the existence of an actual or potential conflict of interest which, Applicants claim, does not in fact exist. Applicants assert that because of Mr. Haire's personal stature and the removal of any possibility that the Funds will do business with any of the broker-dealer subsidiaries of WNC, Mr. Haire will be in a position to act independently on behalf of the Funds and their respective shareholders without any possible impairment arising out of his affiliation with WNC.

Accordingly, Applicants believe it would be in the Funds' and their shareholders' best interests to have Mr. Haire's status as a disinterested director or trustee clearly acknowledged and that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unles the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20928 Filed 7-16-81; 8:45 am]

BILLING CODE 8010-01-M

[1] Anchor Corporation was, until August 10, 1979, a registered investment adviser under the Investment Advisers Act of 1940.

[Release No. 11856; 812-4823]

Mathers and Co., Inc. and Mathers Fund, Inc.; Filing of Application

July 9, 1981.

In the matter of Mathers and Company, Inc. and Mathers Fund, Inc., 125 S. Wacker Drive, Suite 2410, Chicago, Illinois 60606 (812-4823).

Notice is hereby given that Mathers and Company, Inc. ("Adviser"), an investment adviser registered under the Investment Advisors Act of 1940, and Mathers Fund, Inc. ("Fund"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act") (collectively, the "Applicants"), filed an application on February 13, 1981, and an amendment thereto on July 2, 1981, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 15(f)(1)(A) of the Act in connection with a proposed transfer of control of the Adviser. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Adviser was organized as a corporation under the laws of Illinois in 1968, the successor to a business founded by Thomas N. Mathers in 1961. The application states that the Adviser renders investment advisory services on a discretionary and non-discretionary basis to some 43 clients, primarily of an institutional nature, including the Fund. Applicants state that as of December 31, 1980, the aggregate market value of assets under management by the Adviser exceeded $933 million, of which $212 million, or 21%, consisted of net assets of the Fund. The application indicates that 12,700 shares of the Adviser's common stock are issued and outstanding presently. Applicants state that Mr. Mathers owns 93% of such common stock and the remaining 7% is owned by four individuals who act as officers and directors of the Adviser. According to the application, all but one of the Adviser's officers, directors and shareholders have been employed by and actively involved in the Adviser's operations for more than ten years.

The application states that the Fund has six directors, three of whom are "interested persons" of the Adviser as defined in Section 2(a)(19) of the Act. Applicants represent that the current investment advisory agreement between the Fund and the Adviser was approved by the Fund's shareholders in 1977, and annually thereafter by the Fund's directors in accordance with the provisions of the Act. Under the agreement, the Adviser provides continuous investment advisory services and management to the Fund as well as office space, equipment, personnel (except non-affiliated directors) and clerical and bookkeeping services for managing the Fund's assets.

According to the application, all of the 11,813 shares of the Adviser's common stock Mr. Mathers owns is subject to a stock redemption and repurchase agreement ("Agreement") which obligates the Adviser to repurchase them at a fixed price of $64.55 per share upon his death. Applicants represent that to fund any such repurchase, the Adviser maintains a life insurance policy on Mr. Mathers' life which has a face value of $800,000 and would provide approximately $763,000 aggregate insurance benefits were Mr. Mathers to die currently. The application states that the Agreement also provides continuing options exercisable during the ten year period following Mr. Mathers' retirement or other termination of employment (i) to the Adviser to purchase from Mr. Mathers and (ii) to Mr. Mathers to sell to the Adviser, as many of such shares as either desires. Applicants state that payment for the shares purchased pursuant to the exercise of either option may be made, at the Adviser's sole discretion, in annual installments over a period of up to six years without interest, provided that the minimum amount of any annual installment will be $150,000 and that all unpaid installments will become payable within thirty days after the Adviser receives the insurance proceeds from the insurance policy it maintains on Mr. Mathers' life. The Adviser states that it believes that payment to Mr. Mathers of the above minimum annual installment will have no material adverse effects on its operation or cash flow, because Mr. Mathers will not then be receiving the substantial compensation he receives currently.

The application states that Mr. Mathers is 66 years old and has taken several steps to provide for an orderly transition of the Adviser's management and control following his retirement or death. According to the application, Mr. Mathers and the Adviser desire to continue implementation of this transitional process at this time by reducing Mr. Mathers' voting interest in the Adviser from 93% to 10%, primarily to avoid potential disruption which could result from an untimely assignment and termination under the Act of the Fund's advisory agreement upon either Mr. Mathers' death or his retirement coupled with exercise of the options pursuant to the Agreement. To this end, the Adviser proposes that it will amend its articles of incorporation to (i) increase its authorized common shares from 20,000 to 125,000, and (ii) reduce the par value of the common stock from $3.50 to $0.01 per share. Subsequently, the Adviser proposes to issue a total of 105,430 additional common shares pro rata to its current common shareholders other than Mr. Mathers at a price equal to their par value (i.e., $1,054.30).

Applicants represent that the proposed transaction will not result in any significant changes in the operation of the Adviser. The application states that Mr. Mathers will continue as chairman, a director and an employee of the Adviser and as chairman and director of the Fund. Because consummation of the proposed transaction will result in an assignment of the advisory agreement between the Adviser and the Fund, Applicants state that a new identical investment advisory agreement to become effective upon termination of the existing advisory agreement was submitted to and approved by the Fund's directors in February 1981, and by its shareholders in April 1981.

Section 15(f)(1) of the Act provides, in relevant part, that:

> [A]n investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . ., if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company . . . or (ii) interested persons of the predecessor investment adviser . . . and (B) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

Applicants desire to obtain the benefit afforded by Section 15(f)(1) of the Act in order to ensure that the Fund, its shareholders and the Adviser are insulated from liability in connection with the proposed transfer of control in the Adviser. The Applicants, however, will not fulfill the first condition of Section 15(f)(1)(A) because, after the proposed transaction, only 50% of the Fund's directors will not be interested persons of the Adviser. Applicants state that compliance with the 75% non-interested director requirement of Section 15(f)(1)(A) would necessitate either adding six new non-interested directors to the Fund's current board of six, or reducing the number of interested directors from the current level of three to one, or some combination of these two options. Applicants submit that restructuring the Fund's board in such a manner would impose an undue burden on the Fund and would not accomplish a useful purpose. The application states that the Fund currently has three directors, constituting 50% of its board, who are not interested persons of the

Adviser, although the Fund meets the requirements of Section 10(d) of the Act which permits it to have only one non-interested director of the Adviser on its board.

In further support of the application, Applicants note that Section 15(f)(4) of the Act provides a specific exemption from the 75% non-interested director requirement of Section 15(f)(1)(A) of the Act. This exemption pertains to transactions in which control of an investment adviser is transferred to one or more affiliated persons of the adviser, provided that the transferees are natural persons and owned in the aggregate more than 25% of the adviser's voting securities for at least six months prior to the transfer. The application states that although the proposed transaction will be effected through the issuance of new shares rather than the transfer of previously outstanding shares and the persons to whom the shares will be issued currently own less than 25% of the Adviser's voting securities, considerable continuity of management and operational control will exist following the transaction because three of the four persons acquiring control have managed and been employed by the Adviser for more than ten years.

Applicants further submit that with respect to Section 15(f)(1)(B), although they are not requesting a Commission determination with respect to this provision, the proposed transaction will not impose an unfair burden on the Fund because after the transaction the Adviser will provide the same advisory services using the same techniques and personnel as before the transaction. In addition, Applicants represent that the terms of the advisory contract and the Adviser's compensation will remain the same.

Applicants undertake that they will each use their best efforts to ensure that (i) during the period until Mr. Mathers retires or terminates his employment with the Adviser, at least three directors (50%) of the Fund will be persons who are not "interested persons" of the Adviser, and (ii) promptly following Mr. Mathers' retirement or termination of employment, he will be replaced as a director of the Fund by an individual who is not an "interested person" of the Adviser, and the Fund will maintain this ratio of non-interested directors for a three year period, subject to vacancies created by death, resignation and the like, which vacancies Applicants undertake to use their best efforts to fill promptly and in any event within 120 days of the creation thereof with other qualified individuals. Applicants further undertake that until the expiration of the three year period following Mr. Mathers' retirement or termination of employment, they will use their best efforts to cause the successor to the position on the Fund's board of directors currently held by Mr. Mathers, and the successors to any position on the Fund's board currently held by persons who are not "interested persons" of the Adviser, in each case to be selected, proposed for election and elected in the manner provided for in Section 16(b) of the Act.

The Adviser undertakes that for two years following the proposed transaction, the Fund's investment advisory fee will not be increased by the Adviser. The Adviser also undertakes that it will maintain the existing or a comparable life insurance policy on Mr. Mathers' life, providing aggregate life insurance benefits equal to the lesser of the approximately $763,000 aggregate life insurance benefits currently payable, or the maximum amount then potentially payable to Mr. Mathers upon exercise of his outstanding options under the Agreement plus any unpaid installments from prior exercises of such options.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commisson.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21007 Filed 7-16-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Chipola Oil Corp.; Order of Suspension of Trading

July 13, 1981.

It appearing to the Securities and Exchange Commission that as a result of an Order by a United States District Court and the unavailability of the securities of Chipola Oil Corporation ("Chipola") to complete and settle transactions, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Chipola.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 1:00 p.m. on July 13, 1981, and terminate at midnight on July 22, 1981.

By the Commission.

George A. Fitzimmons,

Secretary.

[FR Doc. 81-21007 Filed 7-16-81; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Development and Use of Mallard-Fox Creek Area in North Alabama; Record of Decision

AGENCY: Tennessee Valley Authority.

ACTION: Notice is hereby given in accordance with the National Environmental Policy Act (NEPA) and Section 5.4.8 of TVA's implementing procedures, 45 Fed. Reg. 54511-15 (1980), that TVA has decided to adopt the preferred alternative identified in TVA's final environmental impact statement (EIS), "Proposed Development and Use of Mallard-Fox Creek Area in North Alabama," made available to the public on May 23, 1980. TVA has decided to: (1) execute a memorandum of agreement with the State of Alabama to make available approximately 1,500 acres for long-term wildlife management and recreation uses, and (2) designate the remaining 450 acres for future industrial development.

FOR FURTHER INFORMATION CONTACT: Dr. Mohamed T. El-Ashry, Assistant Manager of Natural Resources (Environment), 215 Natural Resources Building, Norris, Tennessee 37828, or call TVA's Citizen Action Office toll free: 1-800-362-0250 (in Tennessee) or 1-800-251-0242 (in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Virginia, Missouri, and Arkansas).

SUPPLEMENTARY INFORMATION: In 1978 TVA received requests from two industries to make available for industrial development portions of the Mallard-Fox Creek area. Subsequently, both of the industries have withdrawn their requests. Mallard-Fox Creek is an approximately 1,950-acre area on Wheeler Reservoir near Decatur, Alabama, which has been in TVA's custody in whole or in part since 1933. Although TVA's land use forcasts have projected that this land would eventually be used for industrial development, the entire area has been used on an interim basis by the State of Alabama as a wildlife management area under a 60-day revocable land use permit from TVA since 1959.

After release of a revised draft EIS for public review and comment on November 28, 1979, TVA made available to the public a final EIS, "Proposed Development and Use of Mallard-Fox Creek Area in North Alabama," on May 23, 1980. This EIS identified the preferred alternative as designating approximately 1,500 acres of the area for long-term wildlife management and recreation uses and approximately 450 acres for industrial development.

The EIS evaluated the potential impacts associated with industrial development on approximately 450 of the 1,950 total acres available ans specifically the impacts associated with conveyance of approximately 44 acres to the Amoco Chemicals Corporation for a terminal barge facility and railroad spur. After release of the final EIS Amoco withdrew its proposal. Prior to the release of any portion of the 450-acre area, TVA will conduct an environmental review of the proposed use in accordance with NEPA and TVA's implementing procedures.

Alternatives Considered

The following alternatives were considered by TVA in reaching its decision: (1) no action, (2) committing all 1,950 acreas to long-term wildlife management and recreation uses, (3) committing all 1,950 acreas to industrial development, and (4) committing part of the 1,950 acres to long-term wildlife management and recreation uses and part to industrial development.

The environmentally preferable alternative has been identified as number 2—committing all 1,950 acres to long-term wildlife management and recreation uses.

Basis for Decision

As a corporate agency of the United States, TVA's statutory responsibilities include the generation of electrical power, flood control, navigation improvement, and agricultural and industrial development in the seven State Tennessee Valley region. As a regional resource agency, TVA is committed to development of the resources of the Tennessee Valley region in a manner that will create economic opportunities and at the same time protect and enhance the environment. This requires consideration of the benefits to be derived from economic development and preservation and improvement of the region's physical resources.

The central issue identified in TVA's final EIS and confronting TVA is a conflict between important land uses—industrial development and preservation of wildlife areas. The preferred alternative represents a reasonable balance of both uses and TVA has decided to implement that alternative.

Population growth in north Alabama has intensified the need for both industrial development and preservation of wildlife/open-space areas. The commitment of approximately 450 acres will partially meet the need for waterfront industrial property. Commitment of the remaining 1,500 acres for long-term wildlife management and recreation uses will preserve and facilitate the State's ability to improve an important wildlife/open-space area in north Alabama.

The 450-acre area designated for industrial development is especially sutiable for that use. This area is in the eastern portion of Mallard-Fox Creek and is adjacent to existing industrial uses. The principal labor force, rail access, and primary highways in the region also lie to the east. The bulk of the 450 acres (383 acres) was acquired for and is owned by TVA's power program. Accordingly, TVA is committed to its bondholders and ratepayers to dispose of any power property not needed for power purposes for fair market value. In contrast, TVA reservoir properties (all of the nonpower property in the Mallard-Fox Creek area) are acquired with appropriated funds and under certain circumstances may be made available for public use at no charge. Finally, most of the wetlands in the area are outside the 450 acres designated for industrial development.

Commitment of 1,500 acres to long-term wildlife management and recreational uses will provide a stable land base which is necessary for proper resource managment and enhancement of public-use opportunities. Under the existing 60-day land use permit from TVA, the State's ability to improve the area has been restricted. State policy prohibits expenditure of State funds for capital improvements on lands over which the State has less than 30 years tenure. TVA contemplates the State's continuation of the current level of management for 10 years and the State's completion and implementation of a plan, to be reviewed and approved by TVA, for enhanced management of the area thereafter. If the State fails to implement a satisfactory management plan, control of the land will revert to TVA at the end of the 10-year period. The decision to allow the current level of management to continue for 10 years is in response to comments submitted by the State that it presently lacks the resources to intensify management.

In addition to the preferred alternative being a reasonable compromise between conflicting land uses, this alternative also more closely reflects the proposed designation of the area that resulted from a coordinated planning effort among TVA, the Alabama Department of Conservation and Natural Resources, industrial development groups, and three substate regional planning agencies. This effort, which was begun in 1970, designated all of the area east of Fox Creek for industrial development.

Environmental Consequences

The environmental consequences associated with the preferred alternative and the other alternatives are discussed in detail in TVA's final EIS. Essentially, any of the industrial development alternatives would result in the withdrawal of land from an area presently managed for wildlife and recreation uses and committing it to industrial development. This would have an adverse effect on the wildlife and associated public uses presently occurring on the industrial area as specific industries move onto the site. While some of the wildlife species inhabiting the industrial area would be able to continue to to do so in reduced numbers, most mobile organisms would vacate the area as it is developed.

Because of carrying capacity and territoriality of species, many of these organisms would be lost. Counterbalancing this impact is the improvement which will result in the region's economic base as new industries move into the area designated for development. This will create new jobs, raise personal income in the area, and increase spending in the region. Designating the entire area for long-term wildlife management and recreational uses would significantly decrease these socioeconomic benefits.

W. F. Willis,

General Manager.

[FR Doc. 81-20009 Filed 7-16-81; 8:45 am]

BILLING CODE 6120-01-M

WATER RESOURCES COUNCIL

Synthetic Fuels Development for Upper Colorado Region Water Assessment; Correction

AGENCY: Water Resources Council.

ACTION: Notice of correction.

SUMMARY: This notice corrects the 13a assessment of water for synfuels development in the Upper Colorado Region, published in the Vol. 46, No. 128 **Federal Register** on July 6, 1981, page 35054. Under Section II. E, "Economic and Social Effects," page 35055, the first paragraph should read: "A synthetic fuels production of nearly 3 million barrels per day would reduce hydroelectric power revenues by $13 million annually."

Dated: July 13, 1981.

Gerald D. Seinwill,

Acting Director.

[FR Doc. 81-20075 Filed 7-16-81; 8:45 am]

BILLING CODE 6410-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 137
Friday, July 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Equal Employment Opportunity Commission	1
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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 am (eastern time), Tuesday, July 21, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: *Open*—

1. Freedom of Information Act Appeal No. 81-6-FOIA-26-ME, concerning a request for Management Review Group instructions, case memorandum, and charge files analysis.
2. Freedom of Information Act Appeal No. 81-4-FOIA-10-NO, concerning a request for documents from an ADEA Case file.
3. Freedom of Information Act Appeal No. 81-5-FOIA-15-DE, concerning the investigator's narrative report in the requestor's closed age discrimination charge file No. 081-80-8296.
4. Recommended FY 1981 contracts for age discrimination charge processing.
5. Justification for proposed requirements for computer services for modification of EEOC's Commission Accounting System.
6. Final Interpretations of Age Discrimination in Employment Act (Part 1625)
7. Proposed modification to a contract for expert witness services needed in connection with a court case.
8. Report on Commission Operations by the Executive Director.

Closed to the public—

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva L. McCall, Executive Officer, Executive Secretariat, at (202) 634-6458.

This Notice Issued July 14, 1981.

[S-1097-81 Filed 7-15-81; 10:15 am]

BILLING CODE 6570-06-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, July 23, 1981.

PLACE: 1700 G Street, NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Proposed Move of the FHLBank of Little Rock to the Dallas SMSA
Change of Corporate Title—First Federal Savings & Loan Association of Charlotte County, Punta Gorda, Florida
Waiver of Restriction—Thomas Sung, et al., New York, New York
Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—First Federal Savings & Loan Association of San Diego, San Diego, California (Mutual) *into* Coast Federal Savings & Loan Association, Los Angeles, California (Mutual)
Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Security Savings & Loan Association (Mutual), Florence, South Carolina *into* Security Federal Savings & Loan Association (Mutual), Columbia, South Carolina
Increase in Accounts of an Insurable Type (Merger)—Cherokee Savings & Loan Association, Murphy, North Carolina (non-FSLIC insured, nonmember) *into* Haywood Savings & Loan Association, Waynesboro, North Carolina

No. 516, July 15, 1981.

[S-1098-81 Filed 7-15-81; 10:05 am]

BILLING CODE 6720-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, July 22, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Final Regulation establishing Section 701.21-6B of the NCUA Rules and Regulations: adjustable rate mortgage loans.
3. Final Regulation amending Section 701.21-6 of the NCUA Rules and Regulations: real estate lending including use of due on sale clause.
4. Final Regulation deregulating Sections 701.21-1, 21-2, 21-3 of the NCUA Rules and Regulations: lending policies, amortization including variable rate consumer loans, and lines of credit.
5. Final Regulation deregulating Section 701.21-7 of the NCUA Rules and Regulations: loan participations.
6. Proposed Regulation—Part 748 of the NCUA Rules and Regulations regarding minimum security devices and procedures.
7. Final Regulation revising Part 721 of the NCUA Rules and Regulations: insurance and group purchasing activities.
8. Delegation of authority concerning special assistance under Section 208 of the Federal Credit Union Act.
9. Reports of action taken under delegations of authority.
10. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 11:00 a.m., Wednesday, July 22, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Charter application. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1100-81 Filed 7-15-81; 4:32 pm]

BILLING CODE 7535-01-M

4

[NM-81-26]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 10 a.m., Friday, July 24, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800

Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: *Program Review:* Improvements to Accident Data System and OMB Field Study.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

July 15, 1981.

[S–1089–81 Filed 7–15–81; 3:14 pm]

BILLING CODE 4910–58–M

5

[NM–81–27]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 1:30 p.m., Friday, July 24, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Closed under Exemption 2 of the Government in the Sunshine Act.

MATTER TO BE CONSIDERED: FY 1982 and 1983 Program and Personnel Review.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

July 15, 1981.

[S–1089–81 Filed 7–15–81; 3:14 pm]

BILLING CODE 4910–58–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: W of July 20.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Monday, July 20

2 p.m. 1. Budget Session (open/closed status to be determined)

Tuesday, July 21

2 p.m. 1. Budget Session (open/closed status to be determined)

Wednesday, July 22

2 p.m. 1. Budget Session (open/closed status to be determined)

Thursday, July 23

10 a.m. 1. Budget Session (open/closed status to be determined)

3:30 p.m. 1. Affirmation/Discussion Session (public meeting)

Affirmation and/or Discussion and Vote:

a. Revisions to Honicker Petition Response

b. Disposition of Petition of the Shoreham Opponents Coalition (SOC) to Institute Proceedings on Whether Good Cause Exists to Extend the Completion Date of Shoreham Nuclear Power Station, Unit 1

c. Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM (delayed from July 17, 1981)

ADDITIONAL INFORMATION: Affirmation of PRM to Reduce or Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance has been rescheduled for July 16, 1981, at 3:15 p.m.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

July 10, 1981.

[S–1088–81 Filed 7–14–81; 4:22 pm]

BILLING CODE 7590–01–M

V. 46 No. 137 Fri. July 17, 1981 U.S.

federal register

Friday
July 17, 1981

Part II

Department of Labor

Employment Standards Administration
Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska: AK81–5110	Apr. 10, 1981.
District of Columbia: DC81–3040	June 5, 1981.
Florida:	
FL81–1185	Feb. 13, 1981.
FL81–1260	July 6, 1981.
FL81–1240	June 5, 1981.
FL81–1190	Mar. 6, 1981.
FL80–1083	Nov. 21, 1980.
FL80–1088	Aug. 1, 1980.
Georgia: GA81–1211	Apr. 24, 1980.
Kentucky:	
KY80–1089	Aug. 15, 1980.
KY80–1094	Aug. 22, 1980.
KY80–1093	Aug. 22, 1980.
KY80–1101	Aug. 29, 1980.
KY80–1090	Aug. 22, 1980.
KY80–1096	Aug. 22, 1980.
KY80–1097	Aug. 22, 1980.
KY80–1095	Aug. 22, 1980.
Maryland: DC31–3040	June 5, 1981.
Louisiana: LA81–4046	July 6, 1981.
Montana:	
MT81–5114	May 8, 1981.
MT81–5115	May 8, 1981.
MT81–5116	May 8, 1981.
New York:	
NY81–3018	Mar. 27, 1981
NY81–3022	Apr. 3, 1981
NY81–3023	Apr. 3, 1981
NY81–3024	Apr. 3, 1981
Virginia: DC81–3040	June 5, 1981
Washington: WA81–5126	July 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being supeseded.

Florida:	
FL79–1057 (FL81–1266)	May 25, 1979.
FL80–1084 (FL81–1270)	Apr 25, 1980
Illinois: IL79–3039 (IL81–3043)	May 11, 1979.
Minnesota:	
MN80–2031 (MN81–2048)	May 23, 1980
MN80–2032 (MN81–2048)	May 23, 1980

MN80–2033 (MN81–2044)	May 30, 1980
MN80–2034 (MN81–2047)	June 6, 1980
MN80–2035 (MN81–2046)	June 13, 1980.
New York:	
NY80–3041 (NY81–3046)	July 7, 1980.
NY80–3045 (NY81–3046)	July 25, 1980.
NY80–3048 (NY81–3045)	July 25, 1980.
North Carolina: NC80–1033 (NC81–1266)	Jan. 18, 1980.
Oklahoma: OK80–4082 (OK81–4056)	July 18, 1980.
Pennsylvania:	
PA79–3006 (PA81–3027)	Mar. 30, 1979.
PA80–3012 (PA81–3043)	Feb. 15, 1980.
PA80–3033 (PA81–3049)	Oct. 3, 1980.
PA80–3056 (PA81–3049)	Oct. 3, 1980.
PA80–3058 (PA81–3047)	Oct. 3, 1980.

Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

CT81–3014—Hartford County, Connecticut, dated February 27, 1981 in 46 FR 14632—Residential Construction

Signed at Washington, D.C., this 10th day of July 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510–27–M

Modification Page 1

DECISION NUMBER AK81-5110 Mod. #7
(46 FR 21526 - April 10, 1981)

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Glaziers	$19.92	1.10	1.25		.25
Painters					
Areas 2 and 3					
Brush; Roller; Sign	22.00	1.30	2.00		.25
Paper and Vinyl; Swing Stage; Taper/Drywall; Structural Steel	22.40	1.30	2.00		.25
Spray; Sandblast; Pot Tender	22.60	1.30	2.00		.25
Epoxy and Tar Applicator	23.00	1.30	2.00		.25
Steeplejack and Tower	23.80	1.30	2.00		.25
Residential painter	13.20	1.30	2.00		.25

Modification Page 2

DECISION NO. DC81-3040 - MOD. #2
DISTRICT OF COLUMBIA; MARYLAND-MONTGOMERY AND PRINCE GEORGES, AND D.C. TRAINING SCHOOL; VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA, ARLINGTON AND FAIRFAX COUNTIES
(46 FR 30290 dtd 6/5/81)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	14.38	.86	1.57		.03
GLAZIERS	12.73	.71	.80		.05
LATHERS	13.56	.80	.50		.03
PAINTERS (EXCLUDING FAIRFAX CO.)					
Brush, spray, paperhangers, tapers	13.52	.96	1.10		.08
Steel, sandblasting, swing stage, power brushing	14.02	.96	1.10		.08
ROOFERS:					
Composition	13.42	.74	.65		.10
Slate, tile mopmen, waterproofer, sprayers, sprandrel and ironite	14.08	.74	.65		.10
Material handlers (only to supply materials and to prepare decks for new roofs or repairs)	9.06	.74	.65		.10
TERRAZZO AND MOSAIC WORKERS	13.93	.80	1.57		.04
TILE SETTERS	13.93	.80	1.57		.04
TRUCK DRIVERS:					
Boom trucks	10.26	.74	.425	e+f	
Small dump, water sprinkler, grease and oil	9.99	.74	.425	e+f	
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	10.10	.74	.425	e+f	
Trailers, low boys, tractor pulls	10.32	.74	.425	e+f	
Helpers	9.83	.74	.425	e+f	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	10.43	.74	.425	e+f	
Mechanics	10.16	.74	.425	e+f	

Modification Page 3

HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES: BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	14.70	.80	.70		.12
GROUP II	14.39	.80	.70		.12
GROUP III	13.88	.80	.70		.12
GROUP IV	12.78	.80	.70		.12
GROUP V	9.69	.80	.70		.12
GROUP VI	15.68	.80	.70		.12

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP I - 35 ton cranes & above, tower & climbing cranes, derricks, concrete boom pump, drill rigs (equivalent to L & Double L), mole

GROUP II - Backhoes, cableways, cranes, cherry pickers, elevating graders, hoists, paving mixers, power shovels, tunnel shovels, batch plants, shields, tunnel mining machines, gradalls, front end loaders, 3½ cu. yds. and above, power driven wheel scoops and scrapers (50 cu. yd. struck capacity or above), rail tamper, draglines, boomcat, mucking machines, graders in tunnels, pile driving engines

GROUP III - Front end loaders below 3½ cu. yds., boom trucks, hydraulic backhoes ½ yd. capacity or below rubber or track mounted, tug boats, power driven wheel scoops and scrapers, blade graders, motor graders, bulldozers, trenching machines, concrete mixer, speed swing pettibone, ballast regulator, concrete pump, mechanic, welder, mechanic welder, shotcrete machine, Hoe-ram, locomotive (standard, narrow gauge), tuggers

GROUP IV - High lifts above 10 feet, boilers (skeleton), asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders, air compressors, welding machines, pumps, generators, well points, deep wells, hydraulic pumps, elevators, freeze units, tunnel motorman or dinky operator, roller, conveyors, well drilling machines, grout pump, fireman

GROUP V - Fork lifts, ditch witch, bobcat 1/3 cu. yd. and below, space heaters, mechanic helpers, sweepers, assistant engineers, oilers

GROUP VI - Master machanic

Modification Page 4

DECISION NUMBER FL81-1185 - MOD. #3 (46 FR 12406-12407 - February 13, 1981) Dade County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers	12.80	1.13	1.10		.15
Plumbers & Pipefitters	14.06	1.02	1.30		.15
Roofers					
Composition	12.88	.83	.35		.02
Kettleman	9.68	.83	.35		.02
Sprinkler Fitters	13.90	.85	1.20		.13
DECISION NUMBER FL81-1260 - MOD. #1 (46 FR 34968-34969 - July 6, 1981) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties Florida					
Change:					
Sprinkler Fitters	13.90	.85	1.20		.13
Add:					
Ironworkers	11.88	.80	.90	.65	.05

Modification Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NUMBER FL81-1240 - MOD. #1 (46 FR 30248-30249 - June 5, 1981) Duval County, Florida					
Change:					
Painters	11.05	.70	.60		
Sprinkler Fitters	13.90	.85	1.20		.13
DECISION NUMBER FL81-1190 - MOD. #3 (46 FR 15643-15644 - March 6 1981) Palm Beach & Martin Counties Florida					
Change:					
Roofers					
Roofers	12.90	.40	.50		.015
Pot Fireman/Mixer	9.03	.40	.50		.015
Sheet Metal Workers	12.55	.70	.72		.04
Sprinkler Fitters	13.90	.85	1.20		.13
DECISION NUMBER FL80-1083 - MOD. #2 (45 FR 77275 - November 21, 1980) Leon County, Florida					
Change:					
Sprinkler Fitters	13.90	.85	1.20		.13

Modification Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. FL80-1088 - MOD. #4 (45 FR 51400 - August 1, 1980) Orange County, Florida					
Change:					
Boilermakers	12.90	1.375	1.20		.04
Bricklayers, Stonemasons, Marble Masons, Plasterers, Tile & Terrazzo Workers, & Cement Masons	10.95	.50	.40		.10
Electricians	12.76	.55	3% +.61		1%
Ironworkers	11.88	.80	.90	.65	.05
Millwrights	12.67	.70	.70		.10
Painters					
Brush	9.65	.50	.50		.06
Spray, Paperhangers, & Sandblasters	10.15	.50	.50		.06
Plumbers	12.23	.75	.62	.50	.12
DECISION #GA81-1211 - Mod. #1 (46 FR 23381 - April 24, 1981) Barrow, Clarke, Elbert, Greene, Hart, Jackson, Madison, Morgan, Newton, Oconee, Oglethorpe, & Walker Counties, Georgia					
CHANGE:					
Walker County to Walton County, Georgia.					

Modification Page 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1089 - MOD. #6 (45 FR 54613 - August 15, 1980) Warren County, Kentucky					
Change:					
Bricklayers, Stonemasons, Marble Masons, Tile Setters & Terrazzo Workers	11.05	.60	.40		
Cement Masons & Plasterers	12.50				
Painters					
Brush & Roller	11.10	.60	.60		.10
Spray & Drywall Finishing	11.35	.60	.60		.10
Structural Steel, Swing Stage Chair & Motor Stage	11.45	.60	.60		.10
Paperhangers	11.60	.60	.60		.10
Sandblasting	11.85	.60	.60		.10
DECISION NO. KY80-1094 - MOD. #6 (45 FR 46278-46280 - August 22, 1980) Henderson County, Kentucky					
Change:					
Bricklayers, Stonemasons, Marble Masons, Plasterers, Tile Setters & Terrazzo Workers	11.55	.60	.40		

Modification Page 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1093 - MOD. #5 (45 FR 56287-56290, August 22, 1980) Boone, Campbell, Kenton & Pendleton Counties, Ky.					
Change:					
Lathers	15.42		1.10		.075
DECISION NO. KY80-1101 - MOD. #6 (45 FR 57919-57921 - August 29, 1980) McCracken County, Ky.					
Change:					
Ironworkers	13.35	.65	1.05		.05
DECISION NO. KY80-1090 - MOD. #6 (45 FR 56280-56283 - August 22, 1980) Hardin, Jefferson & Meade Counties, Ky.					
Change:					
Electricians	16.14	1.00	3% +1.61		1%
Elevator Constructors					
Mechanics	14.61	1.345	.95	a + b	.035
Helpers	10.23	1.345	.95	a + b	.035
Marble, Tile & Terrazzo Finishers	10.75				

Modification Page 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1096 - MOD. #6 (45 FR 56283-56285 - August 22, 1980) Franklin County, Kentucky					
Change:					
Bricklayers & Stonemasons	13.30	.60	.50		
Carpenters	13.40	.80	1.00		.05
Marble, Tile & Terrazzo Workers	12.15	.60	.50		
Millwrights & Piledrivermen	13.90	.80	1.00		.05
DECISION NO. KY80-1097 - MOD. #6 (45 FR 56274-56275 - August 22, 1980) Fayette County, Kentucky					
Change:					
Bricklayers & Stonemasons	13.30	.60	.50		
Carpenters	13.40	.80	1.00		.05
Marble, Tile & Terrazzo Workers	12.15	.60	.50		
Millwrights & Piledrivermen	13.90	.80	1.00		.05
DECISION NO. KY80-1095 - MOD. #5 (45 FR 56276-56278 - August 22, 1980) Boyd County, Kentucky					
Change:					
Bricklayers & Stonemasons	14.67	.60	1.00		.02
Sheet Metal Workers	15.275	1.535	1.08		.12

Modification Page 10

DECISION NO. LA81-4046 - MOD. #1
(46 FR 34974 - July 6, 1981)
Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Pars., Louisiana

CHANGE DESCRIPTION OF WORK TO READ:
Highway Projects (does not include building structures in rest area projects & airports in Bossier, Caddo, Calcasieu, Jefferson & Orleans Parishes)

DECISION NO. MT81-5114 Mod. #5
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters					
Area 1					
Carpenters	$11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Plumbers					
Area 2	16.20	.90	1.10		.17

Modification Page 11

DECISION NO. MT81-5115 Mod. #5
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers; Marble Masons					
Area 7	$13.60	.90	.75		
Carpenters					
Area 1					
Carpenters	11.55	.90	1.25	.50	.06
Millwrights	12.55	.90	1.25	.50	.06
Piledrivermen	11.80	.90	1.25	.50	.06
Carpenters					
Area 2					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Carpenters					
Area 3					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Carpenters					
Area 4					
Carpenters	11.77	.90	1.25	.75	.06
Millwrights	12.02	.90	1.25	.75	.06
Piledrivermen	12.02	.90	1.25	.75	.06
Carpenters					
Area 5					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.62	.90	1.25	.50	.06
Piledrivermen	11.73	.90	1.25	.50	.06
Carpenters					
Area 6					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Carpenters					
Area 7					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Carpenters					
Area 8					
Carpenters	12.08	.90	1.25		.06
Millwrights	13.08	.90	1.25		.06
Piledrivermen	12.23	.90	1.25		.06

Modification Page 12

DECISION NO. MT81-5115 Mod. #5 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters					
Area 9					
Carpenters	$12.98	.90	1.25		.04
Millwrights	13.48	.90	1.25		.04
Piledrivermen	13.48	.90	1.25		.04
Carpenters					
Area 10					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Plumbers					
Area 2	16.20	.90	1.10		.17
Truck Drivers*					
Dump Trucks:					
7 yds. or less	10.43	1.23	.61		
Over 7 yds. to and inc. 10 yds.	10.68	1.23	.61		
Over 10 yds. to and inc. 15 yds.	10.84	1.23	.61		
Over 15 yds. to and inc. 20 yds.	10.98	1.23	.61		
Pickup driver hauling materials	10.43	1.23	.61		
Flat Trucks:					
Less than 2 ton factory rating	10.43	1.23	.61		
2-5 tons	10.58	1.23	.61		
5-8 tons	10.68	1.23	.61		
Semi & 4-Wheel Trailers	10.68	1.23	.61		
Service Trucks & A-Frame Trailers	10.43	1.23	.61		
House Movers	10.52	1.23	.61		
Roofers; Waterproofers					
Area 3	12.25	.75	.60		
Area 1	12.94		.25		

*See Jurisdictional Area on following Page

Modification Page 13

DECISION NO. MT81-5115 - Mod. #5 (Cont'd)

TRUCK DRIVERS

JURISDICTIONAL AREA

All of Gallatin, Park, and Sweet Grass Counties; that portion of Madison County east of Montana Highway #287; that portion of Broadwater County south of U. S. Highway #12; in full detail starting with Montana #287 at the Idaho Line, then north following highway to where it meets U.S. Highway #10; then north to connect with the Broadwater County Line and continues until it meets a straight line drawn between Boulder, Montana and Townsend, Montana. Follow this line to Townsend and then follow U. S. Highway #12 east until you meet the Wheatland County Line, follow the Wheatland County Line and then follow this County Line south to the State Line, follow the State Line west to where it meets Montana Highway #287.

Modification Page 14

DECISION NO. MT81-5116 Mod. #4
(46 FR 25953 - May 8, 1981)

Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Counties.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers; Marble Masons					
Area 5	$13.60	.90	.75		
Carpenters					
Area 1					
Carpenters	11.55	.90	1.25	.50	.06
Millwrights	12.55	.90	1.25	.50	.06
Piledrivermen	11.80	.90	1.25	.50	.06
Carpenters					
Area 2					
Carpenters	11.77	.90	1.25	.75	.06
Millwrights	12.02	.90	1.25	.75	.06
Piledrivermen	12.02	.90	1.25	.75	.06
Carpenters					
Area 4					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.62	.90	1.25	.50	.06
Piledrivermen	11.73	.90	1.25	.50	.06
Carpenters					
Area 5					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Carpenters					
Area 6					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Carpenters					
Area 7					
Carpenters	12.88	.90	1.25		.04
Millwrights	13.48	.90	1.25		.04
Piledrivermen	13.48	.90	1.25		.04
Carpenters					
Area 8					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrvermen	11.68	.90	1.25	.50	.06
Plumbers					
Area 1	16.20	.90	1.10		.17

Modification Page 15

DECISION NO. MT81-5116 Mod. #4 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Gallatin County					
Dump Trucks:					
7 yds. or less	$10.43	1.23	.61		
Over 7 yds. to and inc. 10 yds.	10.68	1.23	.61		
Over 10 yds. to and inc. 15 yds.	10.84	1.23	.61		
Over 15 yds. to and inc. 20 yds.	10.98	1.23	.61		
Pickup driver hauling materials	10.43	1.23	.61		
Flat Trucks:					
Less than 2 ton factory rating	10.43	1.23	.61		
2-5 tons	10.58	1.23	.61		
5-8 tons	10.68	1.23	.61		
Semi & 4-Wheel Trailers	10.68	1.23	.61		
Service Trucks & A-Frame Trailers	10.43	1.23	.61		
House Movers	10.52	1.23	.61		
Roofers					
Area 3	12.25	.75	.60		

Modification Page 16

DECISION NO. NY81-3018 -
Mod. #2
(46 FR 19174 - March 27,1981)
Albany,Rensselaer,Saratoga & Schenectady Counties, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Description of Work does not include Water Well Drilling					
DECISION NO. NY81-3022 - Mod. #1 (46 FR 20437-April 3, 1981) Onondaga County, New York					
Change:					
CARPENTERS, Heavy & Highway	11.52	.85	1.20		.025
CEMENT MASONS, Building	12.45	.80	1.60		
ELECTRICIANS					
Elbridge & Skaneateles	15.65	1.20	3%+ .75		.17
Remainder of County					
Electricians	14.70	.97	3%+1.70		.08
Cable Splicers	15.80	.97	3%+1.70		.08
PAINTERS					
Boatswain Chair	12.52	.80	1.28		.05
Bridge	12.57	.80	1.28		.05
Swing	12.42	.80	1.28		.05
Brush & Roller, Wallcovering	11.77	.80	1.28		.05
Structural Steel	12.37	.80	1.28		.05
Sandblasting	12.62	.80	1.28		.05
Spray, Epoxy Application	12.27	.80	1.28		.05
Taping	12.02	.80	1.28		.05
ROOFERS	14.40	1.00	2.00		
SPRINKLER FITTERS	15.55	.95	1.40		.08
LABORERS, Heavy & Highway					
CLASS A	9.69	.75	1.60	a	
CLASS B	9.89	.75	1.60	a	
CLASS C	10.09	.75	1.60	a	
CLASS D	10.29	.75	1.60	a	
POWER EQUIPMENT OPERATORS					
Heavy & Highway					
GROUP I	12.99	1.35	1.45	a	.15
GROUP II	12.55	1.35	1.45	a	.15
GROUP III	11.31	1.35	1.45	a	.15
GROUP IV	10.21	1.35	1.45	a	.15

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DECISION NO. NY81-3022 - Mod. #1 (CONT'D)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

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DECISION NO. NY81-3022 - Mod. #1 (CONT'D)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Dey, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DECISION NO. NY81-3023 - Mod. #1
(46 FR 20432 - April 3, 1981)
Saint Lawrence County, New York

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, MASONS, TILE & TERRAZZO WORKERS	13.20	.70	.70		.02
CARPENTERS					
Carpeters & Soft Floor Layers	12.72	.60	1.15	a	.005
Millwrights	12.97	.60	1.15	a	.005
Piledrivermen	12.87	.60	1.15	a	.005
Heavy & Highway	11.82	.60	1.15		.025
CEMENT MASONS					
Heavy & Highway	11.95	.70	.70		
PLUMBERS & STEAMFITTERS	13.92	.92	.50		.05
ROOFERS	14.40	1.00	2.00		
SPRINKLER FITTERS	15.55	.95	1.40		.08
LABORERS					
Heavy & Highway					
CLASS A	9.79	.60	1.30	f	
CLASS B	9.99	.60	1.30	f	
CLASS C	10.19	.60	1.30	f	
CLASS D	10.39	.60	1.30	f	
POWER EQUIPMENT OPERATORS					
Heavy & Highway					
GROUP 1	12.99	1.35	1.45	a	.15
GROUP 2	12.55	1.35	1.45	a	.15
GROUP 3	11.31	1.35	1.45	a	.15
GROUP 4	10.21	1.35	1.45	a	.15

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DECISION NO. NY81-3023 - Mod. #1 (CONT'D)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

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DECISION NO. NY81-3023 - Mod. #1 (CONT'D)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DECISION NO. NY81-3024 - Mod. #3
(46 FR 20442 - April 3, 1981)
Bronx, Kings, Queens, New York,
& Richmond Counties, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS	15.75	1½%+a	7½%+b	8½%+c	1%
ELEVATOR CONSTRUCTOR	13.21	1.195	.82+d	e+f	.035
ELEVATOR CONSTRUCTOR HELPER	9.91	1.195	.82+d	e+f	.035
ELEVATOR CONSTRUCTOR HELPER (PROBATIONARY	6.605		/		
MODERNIZATION & REPAIR					
ELEVATOR CONSTRUCTOR	11.23	1.195	.82+d	e+f	.035
HELPER	8.42	1.195	.82+d	e+f	.035
HELPER(PROBATIONARY	5.615				
LABORERS					
Asphalt Laborers	12.40	1.30	1.55	h	
Asphalt Rakers	12.76	1.30	1.55	h	
Asphalt Tampers	12.41	1.30	1.55	h	
LABORERS (Highway)					
Form Setters	13.65	1.30	1.55	h	
Pavers & Curb Setters	14.68	1.30	1.55	h	
Rammermen	14.21	1.30	1.55	h	
Puddlers, Concrete Rakers	12.16	1.30	1.55	h	
MARBLE SETTERS					
Cutters & Setters	13.35	1.21	1.71	j	
Carvers	13.50	1.21	1.71	j	
Polishers	13.03	1.21	1.71	j	
Crane Operator	11.35	1.21	1.71	j	
PAINTERS					
Brush & Roller	12.00	1.14	6%+1.20	3%	
Spray & Scaffold	14.57	1.14	6%+1.20	3%	
Fire Escapes	13.71	1.14	6%+1.20	3%	
PLUMBERS					
NY, Bronx	14.06	3.19	2.65	1.05	.20
Richmond	13.70	2.60	2.11	1.05	.35
TILE SETTERS	12.675	1.15	1.10		
TILE SETTERS HELPERS	11.21	1.005	.77		

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DECISION NO. WA81-5126 - Mod #1
(46 FR 35029 - July 6, 1981)
Statewide Washington

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
AREA 1:					
Carpenters Piledriver; Saw Filer; Stationary Power Wood-Working Tool Operator	$15.66	.96	1.20		.10
Boom Men; Carpenters Working on Burned, Charred, Creosoted, or Similarly Treated Material	15.81	.96	1.20		.10
Piledriver (Creosoted Material)	15.91	.96	1.20		.10
Millwrights and Machine Erectors	16.06	.96	1.20		.10
	16.16	.96	1.20		.10

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See below
DECISION NUMBER: FL81-1269 DATE: Date of Publication
Supersedes Decision No: FL79-1087 dated May 25, 1979 in 44 FR 30569
DESCRIPTION OF WORK: Residential Construction Projects includes single family homes and apartments up to and including four stories

Clay, Duval, Flagler, Nassau Putnam & St. Johns Counties, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C Mechanics	$6.82				
Bricklayers	7.00				
Carpenters	6.63				
Cement Masons	6.31				
Drywall Hanger	8.00				
Drywall Finisher	10.00				
Electricians	8.24				
Glaziers	6.63				
Insulation Installers	5.79				
Ironworkers	9.00				
Laborers:					
Unskilled	4.08				
Mason Tenders	5.00				
Pipelayers	5.41				
Plasterers' Tenders	4.75				
Lathers	8.50				
Painters	5.60				
Plasterers	8.00				
Plumbers & Pipefitters	7.95				
Roofers	6.86				
Sheet Metal Workers	7.68				
Soft Floor Layers	6.44				
Tile Setters	8.97				
Truck Drivers	4.24				
POWER EQUIPMENT OPERATORS					
Backhoe	6.05				
Bulldozer	5.28				
Crane	8.88				
Grader	6.00				
Loader	5.00				
Pan	5.63				
Roller	4.90				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Broward
DECISION NUMBER: FL81-1270 DATE: Date of Publication
Supersedes Decision Number: FL80-1064 dated April 25, 1980 in 45 FR 28060
DESCRIPTION OF WORK: Building Construction (does not include single family homes or apartments of four stories or less) Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$13.79	.70	1.19		.06
Boilermakers	13.90	1.375	1.20		.04
Bricklayers, Cement Masons, Marble Setters, Stonemasons Tile & Terrazzo workers	11.55	.73	.65		.03
Carpenters & Soft Floor Layers	11.35	.90	.55		.08
Electricians					
Zone I - (East of a line running north & south from point where the east edge of Conservation Area 2 meets State Highway #84					
Electricians	13.86	.65	3% +.50		1%
Cable Splicers	14.68	.65	3% +.50		1%
Zone II - (Rest of County)					
Electricians	14.36	.65	3% +.50		1%
Cable Splicers	15.18	.65	3% +.50		1%
Elevator Constructors					
Mechanics	12.84	1.195	.95	a + b	.035
Helpers	8.99	1.195	.95	a + b	.035
Glaziers	10.24	.58	.40		
Ironworkers	12.80	1.13	1.10		.15
Laborers (Permit Value $500,000 & over)					
Air Tool Operators, Mason Tenders, Mortar Mixers, Pipelayers	8.50	1.12	.50		
Plasterers' Tenders	8.68	1.12	.50		
Unskilled Laborers	8.40	1.12	.50		
Laborers (Permit Value up to $500,000)					
Air Tool Operators, Mason Tenders, Mortar Mixers, Pipelayers	6.80	1.07	.50		
Plasterers' Tenders	6.98	1.07	.50		
Unskilled Laborers	6.70	1.07	.50		

FL81-1270 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	11.10	.90	.55		.06
Millwrights	12.67	.70	.70		.10
Painters					
Brush	10.15	.55	.60		.07
Drywall Tapers, Paperhanger	10.35	.55	.60		.07
Spray, Sandblaster	10.65	.55	.60		.07
Piledrivermen	11.75	.70	.70		.10
Plasterers	11.55	.73	.65		.03
Plumbers & Pipefitters					
Commercial	13.40	.85	.95		.15
Industrial	14.40	.85	.95		.15
Refrigeration & A/C Mechanic					
Units of over 10 tons	13.69	1.23	1.15		.15
Units under 10 tons	10.21	1.23	1.15		.15
Roofers					
Roofers	10.18	.50	.20	.90	
Kettlemen	9.30	.50	.20	.90	
Sheet Metal Workers	12.41	.75	.74		.11
Sprinkler Fitters	13.90	.85	1.20		.13
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Group I	12.39	.64	.80		.17
Group II	12.24	.64	.80		.17
Group III	11.74	.64	.80		.17
Group IV	11.29	.64	.80		.17
Group V	11.14	.64	.80		.17
Group VI	10.79	.64	.80		.17
Group VII	10.54	.64	.80		.17
Group VIII	10.44	.64	.80		.17
Group IX	10.04	.64	.80		.17

FL81-1270 cont.

POWER EQUIPMENT CLASSIFICATION DEFINITIONS

Group I - All Tower Cranes (must have 2 operators; mobile, rail, climbers, static mount), cranes with boom length 250 ft. & over (with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader

Group II - All cranes with boom length 150 ft. & over (with or without jib; friction, hydro, electric or otherwise), cranes 150 tons & over with boom length less than 250 ft., gantry & overhead cranes

Group III - Cranes with boom length less than 150 ft.(with or without jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes, clam shell, shovel, backhoe, gradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway

Group IV - Boring & drilling machine, concrete pumping machine (all types) batching plant (on job sites), inside elevator, forklift (with vertical lift of over 20')

Group V - Locomotive operator, motor mixing pump (all types), winch truck, A-frame truck, grease truck operator, front end loader, bulldozer,pan, motor grader, forklift

Group VI - Trenching & ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor

Group VII - Utility operator (any combination of equipment up to & including four pieces of equipment listed in group VIII), Welding machines (3-4)

Group VIII - Pump(s) or any combination over 2½", compressors or any combination over 125 CFM, generator(s) or any combination over 5 KW

Group IX - Oiler, fuel truck driver, mechanic helper, boom hauling truck driver

FOOTNOTES:
a. Six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day
b. 8% of basic hourly rate for employee who has worked in business more than five years; 6% for employees who have worked in business less than five years

UNLISTED CLASSIFICATIONS needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTY: SANGAMON
DECISION NUMBER: IL81-2043 DATE: Date of Publication
Supersedes Decision No. IL79-2038, dated May 11, 1979 in 44 FR 27871
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.49	1.00	1.26		
BOILERMAKERS	15.20	1.275	1.50		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons	13.85	.95	1.15		.02
CARPENTERS:					
Commercial Building:					
Carpenters; Lathers; & Soft Floor Layers	14.62	.75	.55		.08
Millwrights; & Piledrivermen	15.12	.75	.55		.08
Residential:					
Housing - 1 & 2 Family Dwellings (except buildings ((High Rise)) or steel concrete construction)	10.23	.75	.55		.08
CEMENT MASONS	14.58		1.20		.05
ELECTRICIANS:					
Commercial Building:					
Electricians & Cable Splicers	15.92	.55	3%+.70		.1%
Residential not to exceed 3 Floors	9.75	.55	3%+.40		.5%
ELEVATOR CONSTRUCTORS:					
Mechanics	15.42	1.345	.95	a&b	.035
Helpers	70%/JR	1.345	.95	a&b	.035
Helpers (Prob.)	50%/JR				
GLAZIERS	13.49	.45	.30		.02
IRONWORKERS	15.10	.55	1.05		.08
MARBLE SETTERS; Terrazzo Workers; & Tile Setters	13.85	.95	1.15		.02
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
Marble & Tile Finishers	14.30				
Terrazzo Finishers; & Terrazzo Floor Machine Ops.	14.65				
Terrazzo Base Machine Ops.	15.05				
PAINTERS:					
Brush	12.45	.60	.30		25.00p/yr
Sandblasting	12.95	.60	.30		25.00p/yr
Spray	13.20	.60	.30		25.00p/yr
Rollers; Taping	13.45	.60	.30		25.00p/yr

DECISION NO. IL81-2043

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$16.26	1.00	1.00		.01
PLUMBERS; Pipefitters; & Steamfitters	16.13	.60	1.43		.07
ROOFERS	14.93	1.00			
SHEET METAL WORKERS:					
Commercial Building	15.84	.75+c	1.28		.04
Residential	10.30	.75	1.28		.04
SPRINKLER FITTERS	15.31	.95	1.40		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; & G-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of regular rate to vacation pay credit for employee who has worked in business more than 5 years and 6% of regular hourly rate for employee who has worked in business less than 5 years
b. 7 Paid Holidays: A through G
c. 3% of gross earnings to SASMI

DECISION NO. IL81-2043

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED	$13.30	.65	.90		.05
SEMI-SKILLED	13.50	.65	.90		.05
SKILLED	13.65	.65	.90		.05

LABORERS:

UNSKILLED All Sewer Workers plus Depth Pay; Asphalt Plant Laborers; Bankman on Floating Plant; Batch Dumpers; Carpenter Tenders; Cleaning Lumber; Cofferdam Workers plus depth pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Driving of Stakes; Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Fire Shop Laborers; Flagmen; Form Handlers; Gravel Box Men, Dumpmen & Spotters; Janitors; Laborers w/de-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip-Rap Men; Rod & Chainmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading & Carrying Lath; Unloading & Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers

SEMI-SKILLED Asphalt Workers with Machine; Asphalt Raker & Layers; Cement Handlers; Cement Silica; Fly Ash; Line & Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle Tar Men; on Concrete Paving, Placing, Cutting & Typing of Reinforcing; Signal Man on Crane; Tank Cleaners; Tunnel Tenders in Free Air

SKILLED Air Tamping Hammerman; Caisson Workers plus depth pay; Concrete Burning Machine Operator; Concrete Saw Operator; Coring Machine Operator; Curb Asphalt Machine Operator; Gunnite Nozzle Men; Jackhammer & Drill Operators; Laborers handling Masterplate or similar materials; Laborers tending Masons with hot material or where foreign materials are used for wet concrete or handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scaleman, Portable or Temporary Plant; Screenman on Asphalt Pavers; Steel Form Setters (Street & Highway); Vibrator Operators; Cutters, Burners & Torchmen.

DECISION NO. IL81-2043

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
CLASS I	$14.75	.85	.95		.05
CLASS II	13.10	.85	.95		.05
CLASS III	11.50	.85	.95		.05

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autugrade Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sidboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Firemen; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines

CLASS III: Air Compressor*; Air Compressors, Truck or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver 1 (man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL81-2043

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.30	$1.00	$46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Minnesota **COUNTIES:** Blue Earth, Fairbault, Freeborn & Mower

DESCRIPTION NUMBER: MN81-2045 **DATE:** Date of Publication

Supersedes Decision No.: MN80-2031 dated May 23, 1980 in 45 FR 35139

DESCRIPTION OF WORK: Building Construction (Including Residential), Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.68	.60	1.00		.15
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS:					
Blue Earth County Bricklayers, Stonemasons & Blocklayers	11.505	.74	.76	.61	
Mower County & that part of Freeborn Co., East of a Line running North & South from Geneva to Gordon & the City of Blooming Prairie: Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Caulkers & Cleaners	12.525	.70	.25		
Fairbault & Remainder of Freeborn County Bricklayers, Stonemasons, Tuck-Pointers & Blocklayers	11.95	.70	.50		
CARPENTERS:					
Building:					
Blue Earth County					
N.W. Portion of Co.	11.50				
Remainder of County	12.32	.50			
Freeborn & Fairbault Cos. Carpenters, Millwrights & Piledrivermen	11.02	.60	.60		
Mower County	12.22				
Site Preparation, Excavating & Incidental Paving: Carpenters & Piledrivermen					
Blue Earth County	7.32	.30			
Fairbault, Freeborn & Mower Cos.	8.48				

DECISION NO. MN81-2045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Building:					
Blue Earth County Cement Masons and Plasterers	12.05				
Mower Co. & that part of Freeborn Co., East of a line running North & South from Geneva to Gordon: Cement Masons and Plasterers	11.25	.70	.25		
Fairbault Co., & Remainder of Freeborn Co.: Cement Masons & Plasterers	11.00	.70	.50		
Site Preparation, Excavation & Incidental Paving:					
Blue Earth County	10.10				
Fairbault Co.; Freeborn Co.; (West of a line running North & South from Geneva to Gordonsville)	9.43	.42	.25		
Mower Co. & Remainder of Freeborn County	9.50	.35	.25		
ELECTRICIANS:					
Blue Earth & Fairbault Counties					
Jobs outside the Mankato City Area less than $75,000	14.53	.70	3%+.44	10½%	.07
Jobs within a 5 mile radius of Mankato $75,000 & over	12.29	.70	3%+.44	10½%	.07
Freeborn & Mower Cos. $75,000 or more	14.27	.70	3%+.43	9%	.07
$75,000 or less & Residential	11.36	.70	3%+.43	9%	.07

DECISION NO. MN81-2045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Blue Earth County	$13.16	1.195	.82	a	.035
GLAZIERS:					
Blue Earth County	10.00				
Remainder of Counties	11.85				
IRONWORKERS	14.80	.95	.90		.04
LABORERS:					
General Laborers & Carp. Tender	9.85	.50	.15		
Mason Tenders & Vibrator Oprs.	9.95	.50	.15		
Mortar Mixers	10.00	.50	.15		
MARBLE-TILE-TERRAZZO WORKERS:					
Marble Setters	12.355	.655	.53		
Terrazzo Workers	12.82	.64	.25		
Tile Setters	12.30	.62	.50		
Marble Setters' Finishers	11.40	.62	.50		
Tile Setters Finishers	11.45	.62	.50		
PAINTERS:					
Mower County					
Brush & Roller	11.45	.37	.45		.08
Spray	11.95	.37	.45		.08
Remainder of Counties					
Brush & Roller	12.27	.75	.35		.09
Taper	12.47	.75	.35		.09
Structural Steel & Spray	13.02	.75	.35		.09
PLUMBERS & STEAMFITTERS:					
Blue Earth County	13.27	.53			.05
Remainder of Counties	14.81	.50	.60		.05
ROOFERS:					
Mower County	12.30		.20		
Remainder of Counties	13.32	.65			
SHEET METAL WORKERS	12.69	.60	.77		.07
SPRINKLER FITTERS	15.10	.95	1.40		.08
TRUCK DRIVERS	9.85				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 8% BHR for over 5 years service & 6% BHR for under 5 years service as vacation pay. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day & Day after Thanksgiving

DECISION NO. MN81-2045 MINN-12-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING					
CLASS 1	9.90	.50	.15		
CLASS 2	10.00	.50	.15		
CLASS 3	10.05	.50	.15		
CLASS 4	10.15	.50	.15		
CLASS 5	10.30	.50	.15		
CLASS 6	10.35	.50	.15		
CLASS 7	10.40	.50	.15		

CLASS 1 - Unskilled Laborers; Bricklayers & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Stonemason Tender

CLASS 2 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch trucks); Cement Handler (Bulk or Bag) Chain Saw Shoveler; Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumper (Wagon, Truck Jackhammerman; Joint Sawyer, Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy Tunnel Laborer (Atmospheric Pressure)

CLASS 3 - Bituminous Tamper

CLASS 4 - Bituminous Raker; Floater & Utility Man; Caisson work; Cofferdam

CLASS 5 - Nozzleman (Gunite)

CLASS 6 - Pipelayer (Sewer, Water & Gas) Laser Beam

CLASS 7 - Powderman - Tunnel Miner

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: LANDSCAPE & SODLAYER	$ 6.35	.50	.15		

DECISION NO. MN81-2045

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr
CLASS 1	$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

CLASS 1 - Helicoptor Operator: Truck & Crawler Cranes with 300' of Boom and over, including jib.
CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.
CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.
CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.
CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimster); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.
CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.
CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator;Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)
CLASS 9 - Mechanical Space Heater (temporary Heat); Oiler or Greaser; Elevator Operator

DECISION NO. MN81-2045

MINN-6-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
CLASS 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05

GROUP 1 - Helicopter Pilot
GROUP 2 - Crane with over 135' Boom, excluding Jib, Dragline and/or other similar Equipment w/Shovel Type Controls 3 cu. yds. & over Mfg. rated capacity
GROUP 3 - Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick Dragline and/or similar Equipment with Shovel Type Control up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Oper. (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing Earthwork & Bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole, Op., incl. Power Supply, Mucking Mach., incl. Mucking Operations Conway or similar type, Refrigeration Plant Engineer, Tandem, Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op., 100 HP & over
GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled Traveling Soil Stabilizer
GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welders, Multiple machines, such as Air Compressor, Welding Machines, Generators, Pumps or Crane Crane Oilers, Paving Breaker or Tamping Machine Op., (power-driven-mighty might or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper Capacity, Pipeline Wrapping, Cleaning or Bending Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller, 8 Tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tire Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power take-off, Tractor Op., over 50HP without Power Take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismatling or Repair Mechanic

DECISION NO. MN81-2045

POWER EQUIPMENT OPERATOR: (CONT'D)

GROUP 6 - Air Compressor Op. 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. & Spreader Oper., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray, Concrete Mixer Op. 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (motor Patrol, Gunite Op. Gunall, Lead Greaser on Truck or Rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-Propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD 6 or similar HP with power take-off)
GROUP 7 - Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self Prop. Vib. Packer Op., Sheep Foot Roller, Tractor Op. 50 HP or less w/o Power Take-Off, Truck Crane Oiler

DECISION NO. MN81-2045

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fairbault County					
GROUP 1	$9.72	.65	.65		
GROUP 2	9.27	.65	.65		
GROUP 3	9.17	.65	.65		
GROUP 4	8.97	.65	.65		
Blue Earth County					
GROUP 1	10.32	.65	.65		
GROUP 2	9.87	.65	.65		
GROUP 3	9.77	.65	.65		
GROUP 4	9.57	.65	.65		
Freeborn & Mower Counties					
GROUP 1	10.85	.65	.65		
GROUP 2	10.40	.65	.65		
GROUP 3	10.30	.65	.65		
GROUP 4	10.10	.65	.65		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck Train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operator); Tandem Axle

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman, Tractor Operator (Wheel type used for any purpose) Pilot Car Driver, Self-Propelled Packer; Slurry Operator; Single Axle Trucks

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Olmsted
DECISION NUMBER: MN81-2048 DATE: Date of Publication
Supersedes Decision NO. MN80-2032 dated May 23, 1980 in 45 FR 35145
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.68	.60	1.00		.15
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS: Bricklayers; Stonemasons; Cement Blocklayers; Pointers; Caulkers & Cleaners	12.525	.70	.25		
CARPENTERS: Building	11.40	.60	.60		
Site Preparation. Excavation & Incidential Paving Carpenters & Piledrivermen	7.88	.50	.20		
CEMENT MASONS: Building	11.25	.70	.25		
Site Preparation, Excavation & Incidential Paving	10.35				
ELECTRICIANS: $75,000 or more	14.27	.70	3%+.43	9%	.07
Under $75,000 & Residential	11.36	.70	3%+.43	9%	.07
GLAZIERS	12.26			.30	
IRONWORKERS	14.80	.95	.90		.04
LABORERS: BUILDING CONSTRUCTION General Laborer; Carpenter Tender; Flagman; Power Buggy Operator Mason Tender; Drill Runner; Vibrator Operator Rebar Laborer	9.85	.50	.15		
Mortar Mixer; Air Actuated Tool	9.95	.50	.15		
Plasterer Tender	10.00	.50	.15		
Nozzleman	10.10	.50	.15		
LATHERS	10.25	.50	.15		
MARBLE SETTERS	10.50				
PAINTERS:	12.355	.655	.53		
Brush & Roller	11.45	.37	.45		.08
Spray	11.95	.37	.45		.08
Structural Steel	11.70	.37	.45		.08

DECISION No. MN81-2048

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$12.55				
PLUMBERS & STEAMFITTERS	14.81	.50	.60		.05
ROOFERS	12.30		.20		
SHEET METAL WORKERS	12.69	.60	.77		.07
SPRINKLER FITTERS	15.10	.95	1.40		.08
TILE SETTERS	13.50				
TRUCK DRIVERS	9.85				

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. MN81-2048 MINN-12-LAB

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 9.90	.50	.15		
CLASS 2	10.00	.50	.15		
CLASS 3	10.05	.50	.15		
CLASS 4	10.15	.50	.15		
CLASS 5	10.30	.50	.15		
CLASS 6	10.35	.50	.15		
CLASS 7	10.40	.50	.15		

CLASS 1 - Unskilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Stonemason Tender.
CLASS 2 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or bag) Chain Saw Shoveler; Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumper (Wagon. Truck Jackhammerman; Joint Sawyer, Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric Pressure).
CLASS 3 - Bituminous Tamper
CLASS 4 - Bituminous Raker; Floater & Utility Man; Caisson Work; Cofferdam
CLASS 5 - Nozzleman (Gunite)
CLASS 6 - Pipelayer (Sewer, Water & Gas) Laser Beam
CLASS 7 - Powderman - Tunnel Miner

LABORERS: LANDSCAPE & SODLAYER	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
	$ 6.35	.50	.15		

DECISION NO. MN81-2048 MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

CLASS 1 - Helicoptor Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.
CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.
CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.
CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.
CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief Licensee.
CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.
CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator;Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)
CLASS 9 - Mechanical Space Heater (temporary Heat); Oiler or Greaser; Elevator Operator

DECISION No. MN81-2048

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
GROUP 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over mfg. rates capacity

GROUP 3 - Cableway Op., Concrete Mixer, Stationary Plant over 34E,Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. mfg. rates capacity, Dredge Operator or Engineer, Dredge Op.,(Power),FE Loader 5 CY & over, Grader or Motor Patrol Finishing Earth & Bituminous, Locomotive Crane Op., Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl, mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op., (Boom Type) Truck Crane Op., Tugboat Op., 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op.,Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over. Self-Propelled Traveling Soil Stabilizer

GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yd., Hoist Engineer, Hydraulic Tree Planter Launcherman, Locomotive all type, Mechanic or Welder, Multiple machines, such as Air Compressors, Welding Machines, Generators, Pump or Crane Oilers, Paving Breaker or Tamping Machines Op., (Power-Driven - Mighty Might or similar type), Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Machine, Over 6" Op., Pugmill Op., Roller, 8 tons & over, Rubber Tired Farm Tractor, Backhoe, Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op.,

DECISION NO. MN81-2048

POWER EQUIPMENT OPERATORS: (CONT'D)

Tractor Op., over D2, TD6 or similar HP with Power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Tournapull Opr., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

GROUP 6 - Air Compresor Op. 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist, & Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach, Op., Spray., Concrete Mixer Op. 14S and under, Concrete Op.,(Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op., (up to & inc. 1 cu. yd.), Grader Op. (motor patrol), Gunite Op. Gunall, Lead Greader on Truck or Rack, Loader Op., Power Actuated Augers and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-Propelled Chip Spreader, Shouldering Mach Op., Stump Chipper Op., Tractor Op., (D2, TD6 or similar HP with power take - off).

GROUP 7 - Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper,Mech.Space Heater; Oiler, Self-Prop. Vib. Packer Op., Sheep Foot Roller, Tractor, Op., 50 HP or less w/o power take-off, Truck Crane Oiler.

DECISION NO. MN81-2048

MINN-55-TD

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.85	.65	.65		
GROUP 2	10.40	.65	.65		
GROUP 3	10.30	.65	.65		
GROUP 4	10.10	.65	.65		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Minnesota COUNTIES: See Below*
DECISION NUMBER: MN81-2044 DATE: Date of Publication
Supersedes Decision No. MN80-2033 dated May 30, 1980 in 45 FR 36759
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

*COUNTIES: Anoka, Carver Hennepin, Scott, Dakota, Ramsey, & Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 14.68	.60	1.00		.15
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS & STONEMASONS	11.66	.655	.93	.80	
CARPENTERS:					
Building					
S. W. Portion of Scott Co.	12.32	.50			
Remainder of Cos. & Scott Co.					
Millwrights	11.91	.80	.60	.60	.02
Carpenters & Pildrivermen	11.66	.80	.60	.60	.02
Soft Floor Layers	11.33	.81	.74	.65	.02
Site Preparation, Excavation & Incidental Paving	10.13	.80	.60		
CEMENT MASONS:					
Building	12.43	.60	.60		
Site Preparation, Excavation & Incidental Paving	10.13	.60	.60		
ELECTRICIANS:					
Building					
Hennepin & Scott Cos. & Twps. of Anoka & Pridley in Anoka County	13.75	5%	8½%	11%	.75
Remainder of Anoka County & Remaining Counties	13.30	.65	3%+.40	7.5%	.05
Residential					
Carver, Hennepin & Scott Cos; Twps. of Anoka, Pridley, Crow & Ramsey in Anoka County: Construction of all new family dwellings up to & including 4-plexes; and to all residential remodeling, rewiring & repairing in apartment buildings up to & including a 400 ampere service. This is limited to 3 floor occupied as living quarters floors, & non-elevator apartment buildings.	10.31	.48	3%	7%	3/4of 1%

DECISION No. MN81-2044

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dakota, Ramsey, Washington Cos. & Remainder of Anoka Co., Construction of all new family dwellings up to & including 4-plexes, townhouses of 4 or less contiguous units; and to all residential remodeling, rewiring & repairing except that any single apartment project including a change of main service entrance shall not exceed 8 living units or 400 amps.	$ 9.88	.60	3%	7%	3/4 of 1%
ELEVATORS CONSTRUCTORS:					
Constructors	13.16	1.195	.82	a	.035
GLAZIERS	11.48	.40		.30	
IRONWORKERS	14.80	.95	.90		.04
LATHERS:					
Anoka, Carver & Hennepin Cos.	12.45	.50	1.00		.01
Washington; Dakota & Ramsey Cos.	12.49		.50	.70	.01
MARBLE SETTERS	12.355	.655	.53		
MARBLE FINISHERS	11.40	.62	.50		
TERRAZZO WORKERS	12.82	.64	.25		
TERRAZZO FINISHERS	12.10				
TILE SETTERS	12.30	.62	.50		
TILE FINISHERS	11.45	.62	.50		
PAINTERS:					
Dakota, Ramsey & Washington Cos:					
Brush & Drywall Finisher	10.84	.55	.25		.12
Structural Steel & Spray	11.44	.55	.25		.12
Remaining Counties:					
Brush & Roller	12.01	.63	.50		.13
Structural Steel & Spray	12.61	.65	.50		.13
PLASTERERS:					
Dakota, Ramsey Washington Cos.	11.10	.70	.50	.65	.01
Remaining Counties	11.55	.50	.45		.02

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Dakota, Ramsey & Washington Cos.:					
Plumbers	$13.32	.71	.63	1.52	.09
Pipefitters & Steamfitters	13.45	.58	.63	1.52	.09
Plumbers & Steamfitters & P/F Remaining Counties:					
Plumbers	12.84	.70	.63	2.00	.05
Steamfitter & Pipefitters	14.54	.71	1.13	1.50	.07
ROOFERS	14.15	.98	.50		.05
SHEET METAL WORKERS:					
Dakota, Ramsey & Washington Cos.	14.31	.79	1.12		.08
Remaining Counties	14.48	.52	1.22		.08
SPRINKLER FITTERS	15.93	.95	1.40		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Day After Thanksgiving

FOOTNOTE:

a. Employer contributes 8% Basic Hourly Rate for over 5 years service, 6% Basic Hourly Rate for under 5 years as Vacation Pay; 7 Paid Holidays A through G

DECISION No. MN81-2044

MINN-27-LAB-1

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 9.90	.60	.60	.40	
CLASS 2	9.95	.60	.60	.40	
CLASS 3	10.00	.60	.60	.40	
CLASS 4	10.05	.60	.60	.40	
CLASS 5	10.15	.60	.60	.40	
CLASS 6	10.20	.60	.60	.40	
CLASS 7	10.25	.60	.60	.40	
CLASS 8	10.30	.60	.60	.40	
CLASS 9	10.40	.60	.60	.40	

CLASS 1 - Common Laborer, Steel hoist handler (erection); Power Buggy Opr., Carpenter Tender, Earth Dumpman, Flagman
CLASS 2 - Reinforced Steel Handler
CLASS 3 - Men handling cement 2 hours per day (Bulk or Sack, excluding Mortar Mixer; Mason Tender; Concrete Joint Saw Opr., Demolition & Wrecking Laborer
CLASS 4 - Hot tar caulker & corker; Laborers on swing stage line scaffold (excl. "patent" scaffolding); Automatic Tamper Opr., Chipping Hammer Setter & Driver on Heavy Building, Excavation, Jackhammer Men
CLASS 5 - Underground work
CLASS 6 - Pipelayer
CLASS 7 - Caisson work, Underpinning
CLASS 8 - Nozzlemen
CLASS 9 - Dynamite Men, Power for Blasting purposes

LABORERS: LANDSCAPE & SODLAYERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
	$ 6.35	.50	.15		

DECISION No. MN81-2044

MINN-9-LAB

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
CLASS 1	$ 9.85	.60	.60	.40	
CLASS 2	9.95	.60	.60	.40	
CLASS 3	10.00	.60	.60	.40	
CLASS 4	10.10	.60	.60	.40	
CLASS 5	10.15	.60	.60	.40	
CLASS 6	10.20	.60	.60	.40	
CLASS 7	10.25	.60	.60	.40	
CLASS 8	10.28	.60	.60	.40	
CLASS 9	10.30	.60	.60	.40	
CLASS 10	10.48	.60	.60	.40	
CLASS 11	10.48	.60	.60	.40	

CLASS 1 Unskilled Laborer, Drill Runner Helper, Powder Monkey, Rein. Steel Lab.; Rein Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler
CLASS 2 Laborer, wrecking & Demolition; Bit. Batchermen (Stationary Plant); Bricklayer Tender; Cement Handler; Cement Coverman (Batch trucks); Compaction Equip. Shoveler, Batchermen Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer, Curb Setter (Stone or Precast Conc.) Kettleman (BIT. or lead); Service connection maker; Power Buggy; Joint Sawer; Squeeze man (Bit. Brick or Block); Stabilizing Batchermen (Stationary Plant); Stonemasons Tender; Drill Runner (Heavy, incl. Churn Drill)
CLASS 3 Chainsaw Man. Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer' Pipe Handler; Pipe Derrickman (Triped, manual)
CLASS 4 Buttom Man (Sewer, Water or Gas Trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric Pressure) Underpinning Work, Caisson Work, other work more than 8' below level of manual work Open ditch work

DECISION No. MN81-2044

LABORERS: (CONT'D)

CLASS 5 - Bituminous Tamper; Pipelayers; Sand Cushion & Bedmaker
CLASS 6 - Cement Gun (1¼ & over); Leadman
CLASS 7 - Nozzlemen (Gunite)
CLASS 8 - Brick or Block Paving Setter
CLASS 9 - Bituminous Raker, Floater & Utility Man
CLASS 10 - Tunnel Man (Air pressure); Tunnel Miner
CLASS 11 - Powderman

DECISION No. MN81-2044

MINN-62-TD

TRUCK DRIVERS: BUILDING, SITE PREPARATION EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.90	.65	.65		
GROUP 2	10.45	.65	.65		
GROUP 3	10.35	.65	.65		
GROUP 4	10.15	.65	.65		

GROUP 1 - Driver (Hauling machinery for employer's own use, including opr., of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GRUOP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Opr.,), Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman,Tractor Opr., (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Opr., Single Axle Trucks.

DECISON NO. MN81-2044

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

CLASS 1 - Helicoptor Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.
CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.
CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.
CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.
CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.
CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.
CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Firman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)
CLASS 9 - Mechanical Space Heater (temporary Heat); Oiler or Greaser; Elevator Operator

DECISION No. MN81-2044

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.22	.95	.60		.05
GROUP 2	14.22	.95	.60		.05
GROUP 3	13.76	.95	.60		.05
GROUP 4	13.61	.95	.60		.05
GROUP 5	13.51	.95	.60		.05
GROUP 6	11.97	.95	.60		.05
GROUP 7	11.32	.95	.60		.05

GROUP 1 - Helicopter Pilot
GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu.yds. & over Mfg. rates capacity
GROUP 3 - Cableway Op.,Concrete Mixer,Stationary Plant over 34E, Derrick,Dragline and/or similar equip.with shovel type control up to 3 CYs mfg.rates capacity, Dredge Opr. or Engineer, Dredge Opr.(Power), FE Loader 5 CY & Over, Grader or Motor Patrol Finishing Earth & Bituminous, Locomotive Crane Opr., Master Mechanic, Mixer (paving) Concrete Paving Opr., Road Mole Opr., incl. power supply, Mucking Machine., incl. Mucking Operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Opr., (Boom Type), Truck Crane Opr., Tugboat Opr., 100 HP & over
GROUP 4 - Dual Tractor Opr., Elevating Grader Opr., Pumpcrete Opr., Scraper Opr., Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer
GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Opr., Crushing Plant Opr., or Gravel Washing, Crushing and Screening Plant Opr., Dope Machine Opr., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Opr., Loader Opr., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Opr., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or Bending Machine Opr., Power Plant Engineer., Power Actuated Horizontal Boring Machine, over 6" Opr., Pugmill Opr., Roller., 8 tons or over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Opr., Tie Tamper & Hallast Machine Opr., Tractor Opr., over D2, TD6 or similar HP with power take-off, Tractor Opr., over 50 HP wihtout power take-bff, Trenching Machine Opr., (sewer, water, gas) Turnapull Opr., (or similar type) well point installation, dismantling or repair mechanic

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POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP 6 - Air Compressor Opr., 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Opr., Concrete Dist. & Spreader Opr., Finishing Machine Longitudinal Opr., Joint Mach. Opr., Spray Concrete Mixer Opr., 14S and under, Concrete Opr., (Mult. Blade), Curb Machine Opr., Fine Grade Opr., Form Trench Digger, Front End Loader Opr., (up to & incl. 1 cu. yd), Grader Opr., (Motor Patrol), Gunnite Opr., Gunall, Lead Greader, on truck on rack, Loader Opr., Power Actuated Augers and Boring Machine Opr., Power Actuated Jacks Opr., Pump Opr., Roller Opr., Self-Propelled Chip Spreader, Shouldering Machine Opr., Stump Chipper Opr., Tractor Opr., (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, Switchman, Conveyor Opr. Deckhand, Fireman, Tank Car Heater Opr., Gravel Screening Plant Opr., Greaser Laverman, Mechanic Helper, Mechanic Space Heater, Oiler, Self-Propeller Vibrator Packer Opr., Sheep Foot Roller, Tractor Opr., 50 HP or less w/o Power take-off, Truck Crane Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: *See Below
DECISION NUMBER: MN81-2047 — DATE: Date of Publication
Supersedes Decision No. MN80-2034 dated June 6, 1980 in 45 FR 38241
DESCRIPTION OF WORK: Building (Including Residential), Construction Projects

*Benton, Sherburne & Stearns	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.68	.60	1.00		.15
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS & STONEMASONS	11.80		.25	1.00	
CARPENTERS:					
Building Construction					
Southern tip of Sherburne					
Millwrights	11.91	.80	.60	.60	.02
Carpenters and Piledrivermen	11.66		.60	.60	.02
Soft Floor Layers	11.33	.81	.74	.65	.04
Cities of Little Rock & Skaja in Benton County					
Carpenters	11.45				
Stearns Co., Remainder of Benton & Sherburne Counties					
Carpenters & Piledrivermen	11.58	.60		.75	
Soft Floor Layers	7.50			a	
Site Preparation, Excavation & Incidental Paving:					
Benton & Stearns Counties					
Sherburne County (Portion that lies west of Hwy. #169	10.17	.50		.75	
Remainder of Sherburne County	9.97				
CEMENT MASONS:					
Building Construction					
Benton & Sterns Counties					
Cement masons & Plasterers	11.95		.25		
Sherburne County					
Cement Masons	12.43	.60	.60		
Plasterers	11.55	.50	.45		.02
Site Preparation, Excavation & Incidential Paving					
Sherburne County	10.13	.60	.60		
Benton & Stearns Counties	9.90			.25	

a - One week paid vacation

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS.					
Benton & Stearns Cos.; Twps. of Haven, Palmer, Santiago, Becker & Clear Lake in Sherburne County:					
Jobs under $75,000	14.53	.70	3%+.44	10½%	.07
Jobs over $75,000	12.29	.70	3%+.44	10½%	.07
Remainder of Sherburne County:	13.30	.65	3%+.40	7.5%	.05
GLAZIERS	11.47	.40			
IRONWORKERS	14.80	.95	.90		.04
LABORERS:					
Building Construction					
Stearns & Bentcn Counties:					
General Laborers, Demolition & Wrecking; Concrete Joint Saw Opr.; Signal Men	9.65	.50	.15		
Power Buggy Operators	9.70	.50	.15		
Mortar Mixers; Plasterer Tenders	9.75	.50	.15		
Jackhammer Man	9.80	.50	.15		
Underground; Caisson; Cofferdam & Tunnel work	9.90	.50	.15		
Dynamite Man & Pipelayers	9.95	.50	.15		
Sherburne County:					
Common, Carpenter Tender	9.90	.60	.60		.40
Wrecking & demolition	10.00	.60	.60		.40
Vibrator Opr; Jackhammermen; Mortar Mixers	10.05	.60	.60		.40
Underground Work	10.15	.60	.60		.40
Pipelayers	10.20	.60	.60		.40
Caisson Work - Underpinning	10.25	.60	.60		.40
LATHERS:					
Benton & Stearns Counties	12.45	.50	1.00		.01
MARBLE SETTERS	$2.355	.655	.53		

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Eastern 2/3 of Sherburne County:					
Brush, Roller & Paperhangers	$12.01	.65	.50		.13
Spray, Structural Steel & Sandblasting	12.61	.65	.50		.13
Benton, & Stearns Counties & the Remainder of Sherburn County:					
Brush	9.08	.50	.40		.11
Structural Steel	10.08	.50	.40		.11
Spray	10.08	.50	.40		.11
PLUMBERS & STEAMFITTERS:					
Sherburne County:					
Plumbers Eastern ½ of County	12.84	.70	.63	2.00	.05
Steamfitters Eastern ½ of County	14.54	.71	1.13	1.50	.07
Benton & Stearns Cos. & the Western ½ of Sherburne Co.:					
Plumbers & Steamfitters	13.17	.70	.63		.06
ROOFERS:	11.87	.98	.30		.05
SHEET METAL WORKERS	11.66	.52	.72		.08
SPRINKLER FITTERS	15.10	.95	1.40		.08
TRUCK DRIVERS - Building	9.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING					
LABORERS					
Sherburne County					
CLASS 1	$ 9.85	.60	.60	.40	
CLASS 2	9.95	.60	.60	.40	
CLASS 3	10.00	.60	.60	.40	
CLASS 4	10.10	.60	.60	.40	
CLASS 5	10.15	.60	.60	.40	
CLASS 6	10.20	.60	.60	.40	
CLASS 7	10.25	.60	.60	.40	
CLASS 8	10.28	.60	.60	.40	
CLASS 9	10.30	.60	.60	.40	
CLASS 10	10.48	.60	.60	.40	
CLASS 11	10.48	.60	.60	.40	

CLASS 1 Unskilled Laborer, Drill Runner Helper, Powder Monkey, Rein. Steel Lab., Rein. Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler

CLASS 2 Laborer, wrecking & Demolition; Bit. Batchermen (Stationary Plant); Bricklayer Tender; Cement Handler; Cement Coverman (Batch trucks); Compaction Equip. Shoveler, batcherman Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer, Curb Setter (Stone or Precast Conc.) Kettleman (BIT. or lead); Service connection maker; Power Buggy; Joint Sawer; Squeeze man (Bit. Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemasons tender; Drill Runner (Heavy, including Churn Drill)

CLASS 3 Chainsaw Man, Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer' Pipe Handler; Pipe Derrickman (Triped, Manual)

CLASS 4 Bottom Man (Sewer, Water or Gas trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric pressure) Underpinning Work, Caisson Work, Other work more than 8' below level of manual work Open ditch Work

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LABORERS: (CONT'D)

CLASS 5 - Bituminous Tamper; Pipelayers; Sand Cushion & Bedmaker
CLASS 6 - Cement Gun (1¼ & over); Leadman
CLASS 7 - Nozzleman (Gunite)
CLASS 8 - Brick or Block Paving Setter
CLASS 9 - Bituminous Raker, Floater & Utility Man
CLASS 10 - Tunnel Man (Air pressure); Tunnel Miner
CLASS 11 - Powderman

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING					
Benton & Stearns Counties					
CLASS 1	$9.35	.55	.50	.40	
CLASS 2	9.40	.55	.50	.40	
CLASS 3	9.45	.55	.50	.40	
CLASS 4	9.50	.55	.50	.40	
CLASS 5	9.85	.55	.50	.40	
CLASS 6	9.75	.55	.50	.40	
CLASS 7	9.80	.55	.50	.40	
CLASS 8	9.85	.55	.50	.40	

CLASS 1 - Bricklayer Tender, Carpenter, Drill Runner Helper, Laborers Wrecking & Demolition, Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender, Stone Mason Tenders; Unskilled Laborers

CLASS 2 - Form Setter (Municipal Type Curb & Sidewall, Form Setter (Pavement)

CLASS 3 - Coverman(Batch Trucks);Cement Handler(Bulk or Bag); Chain Saw Man;Compaction Equipment (Hand Operated);Concrete Mixer (1 Bag); Concrete Shoveler Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (wagon, truck, etc.); Jackhammer, Joint Sawer, Kettleman (Bituminous or Lead); Mortar Mixers, Paving Buster, Power Buggy, Tunnel Laborer (Atmospheric pressure)

CLASS 4 - Bituminous Raker, Floater & Utility Man;. Caisson work, Cofferdam

CLASS 5 - Leadman

CLASS 6 - Gunite

CLASS 7 - Pipelayer (Sewer, Water & Gas)

CLASS 8 - Powderman, Tunnel Miner

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: LANDSCAPE & SODLAYERS	$6.35	.50	.15		

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION					
CLASS 1	$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

CLASS 1 - Helicoptor Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.

CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.

CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.

CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.

CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.

CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.

CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.

CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator;Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)

CLASS 9 - Mechanical Space Heater (temporary Heat); Oiler or Greaser; Elevator Operator

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POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sherburne Co. (South of the Northern Boundary of T-33-N & East of the Western Boundary of R-27-W					
GROUP 1	$14.22	.95	.60		.05
GROUP 2	14.22	.95	.60		.05
GROUP 3	13.76	.95	.60		.05
GROUP 4	13.61	.95	.60		.05
GROUP 5	13.51	.95	.60		.05
GROUP 6	11.97	.95	.60		.05
GROUP 7	11.32	.95	.60		.05
Stearns Co. (East of the Western Right-of-Way of Minn. Hwy. #15); **Benton Co.** (East of the Western Right-of-Way of Hwy. #10) & Remainder of **Sherburne Co.**					
GROUP 1	13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
GROUP 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05
Remainder of **Benton & Stearns Cos.**					
GROUP 1	12.37	.95	.60		.05
GROUP 2	12.37	.95	.60		.05
GROUP 3	11.59	.95	.60		.05
GROUP 4	11.43	.95	.60		.05
GROUP 5	11.34	.95	.60		.05
GROUP 6	10.36	.95	.60		.05
GROUP 7	9.92	.95	.60		.05

POWER EQUIPMENT OPERATORS:
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

CLASSIFICATIONS:

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity

GROUP 3 - Cableway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge opr.(Power),FE Loader 5 CY & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole, Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op.,Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven-Mighty might or similar type,) Pick-up sweeper, 1 cu. yd. & over Hopper capacity Pipeline wrapping, cleaning or bending machine Op., Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & Ballast mach. op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op., (or similar type) well point installation, dismantling or repair mechanic

GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op., spray, concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motor patrol), gunite op. gunall, lead greader on truck or rack, loader op., power actuated Augers and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, Shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman, conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller,tractor op. 50 HP or less w/o power take-off, truck crane oiler

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TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sherburne County					
GROUP 1	$10.90	.65	.65		
GROUP 2	10.45	.65	.65		
GROUP 3	10.35	.65	.65		
GROUP 4	10.15	.65	.65		
Benton & Stearns Counties					
GROUP 1	9.72	.65	.65		
GROUP 2	9.27	.65	.65		
GROUP 3	9.17	.65	.65		
GROUP 4	8.97	.65	.65		

GROUP 1 - Driver (Hauling machinery for employer' own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Minnesota COUNTIES: *See Below
DECISION NUMBER: MN81-2046 DATE: Date of Publication
Supersedeas Decision No.: MN80-2035 dated June 13, 1980 in 45 FR 40456

DESCRIPTION OF WORK: Building Construction (Including Residential) Construction Projects
*Counties: Carlton, Cook , Itasca, Koochiching, Lake, and St. Louis

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.50	.70	.75		.01
BOILERMAKERS	13.87	1.375	1.10		
BRICKLAYERS:					
Bricklayers & Stonemasons:					
Koochiching County	12.55	.60	.50		
Cook, Lake & Carlton Counties & all that part of St. Louis County South of line between township 54 & 55 to 2 miles north of Cotton	13.16	.50	.30		
Itasca County & the northern half of St. Louis County	13.075	.40	.30		
CARPENTERS:					
Building Construction: Koochiching County & Cities of Ashe Lake, Crane Lake, Kebetogama & Kinmount in St. Louis County	11.44	.50			
Cook County; Cities of Alborn, Arnold, Barlett, Birch, Brockston, Canyon, Clinton, Culver, Duluth, Floodwood, Cowan, Island, Kelsey, Lakewood, Meadowlands, Munger, Palmers, Payne, Praist, ShawTaff in St. Louis County & Southern portion of Lake County					
Carpenters, Piledrivermen & Soft Floor Layers	11.35	.50	.50	.75	
Millwrights	11.57	.50	.50	.75	
Carlton County:					
Carpenters & Piledrivermen	11.50	.50	.40	.50	
Millwrights	11.64	.50	.40	.50	
Cities of Ball Club, Bass Lake, Big Fork, Blackberry Bovey, Bowstring, Calument Cohasset, Colerain, Deer River, Dora, Lake, Dunbar, Effie, Grand Rapids, Inger Marble, Marcell, Max, Pomroy, Spring Lake, Square Lake, Suomi, Talmoon, Warba & Wirt in Itasca County	11.44	.40	.50	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Cities of Allen, Aurora, Babbit, Britt, Biwabik, Buyck, Casco, Central, Lakes, Cook, Cusson, Ely, Embarrass, Eveleth, Florenton, Forbes, Gilbert Hoyt Lakes, Indington, Iron Junction, Makinen, McComber, Masaba, Mountain Iron, Ridge, Sax, Sherman Corners, Sherwood, Skibo, Soudon, Tower, Virginia, Wahlsten Winton & Zim in St. Louis & Northern portion of Lake County Carpenters, Soft Floor Layers, and Tile Setters	11.64	.50	.50	.30	
Cities of Goodland, Keewatin, Nashwauk, Pengilly, Sawan River, Togo & Wawina in Itasca County & Cities of Bengal, Beer Lake Buhl Chrisholm, Gheen, Greaney, Hibbing, Kelly, Lake, Nett Lake, Orr Riley, Side Lake, Silica & Tovola in St. Louis County: Carpenters & Soft Floor Layers	11.84	.50		.30	
Site Preparation, Excavation & Incidental Paving: Lake, Cook, Carlton, Itasca & St. Louis Counties	8.28	.30		.30	
Koochiching County	7.32	.30			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Building Construction: Koochiching County:					
Cement Masons & Plasterers	12.20	.60	.50		
Itasca Co. and the Northern portion of St. Louis County, North of White Face River:					
Cement Masons	12.25	.40			
Plasterers	12.95	.40			
Cook, Lake, Carlton Counties & the City of Duluth in St. Louis County:					
Cement Masons	12.645	.40			
Plasterers	12.50	.40		.45	
ELECTRICIANS:					
Cook, Lake, Carlton, Counties the southerly 12 townships of Itasca County including Harris, Feely, Blackberry, Spang, Goodland, Sago & Wawina & all of the southerly part of County bounded on the north by the lines of Kelsey Township extended east & west in St. Louis	13.32	5%	10%	11%	3%
Koochiching County, Itasca County, (except that section south of a line extending east and west of the south line of Grand Rapids & Trout Lake Township), Northern part of St. Louis County bounded by the South Line of Ellsburg Township extended past and west.	13.12	5%	6%+1.00	11%	1½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
St. Louis & Lake Counties: Constructors	$10.31	.75	.35	8%+a	.02
GLAZIERS: Cook, Lake, St. Louis, Carlton, Koochiching Counties	9.60	.40	.40	b	
IRONWORKERS:	12.30	.50	.90	1.00	.02
LABORERS: BUILDING CONSTRUCTION Carlton, Cook, Lake, St. Louis Co. South of T-55-N, including the City of Duluth: Common Laborers	9.85	.50	.45	.50	
Mortar Mixers, Carpenters & Mason Tender, Jackhammer & Vibrator Operator	9.95	.50	.45	.50	
Itasca & Koochiching Counties and north of T-55-N, including Cities of Hibbing, Chisolm, & Buhl in St. Louis County Common Laborer	10.40	.50	.15		
Carpenters & Mason Tender, Mortar Mixer, Bricklayer Tender and Jackhammer	10.50	.50	.15		
Pipelayer (non-metallic)	10.75	.50	.15		
LATHERS: St. Louis & Lake Counties	12.85	.40			
MARBLE, TILE & TERRAZZO WORKERS: St. Louis Co. (City of Duluth) Marble & Tile Setter	12.33	.40	.30		
Remainder of Counties & Remainder of St. Louis County Marble Setters	12.355	.655	.53		
Tile Setters	12.30	.62	.50		
Marble Finishers	11.40	.62	.50		
Tile Finishers	11.45	.62	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush, Tapers & Rollers Spray, Structural Steel, Tapers & Paperhangers	$10.81	.40	.40		.11
	11.41	.40	.40		.11
PLUMBERS & STEAMFITTERS: Koochiching County	13.325	1.25	1.00		
Cook & Carlton Counties & Southern half of St. Louis & Lake Counties	12.46	.40	.75	1.50	.05
Itasca County & Northern portions of St. Louis & Lake Counties	14.30	.76	1.02	1.25	.05
ROOFERS: Cook, Lake, Carlton Counties & Southern half of St. Louis County					
Roofers	13.63	.40	.35		
2nd Roofers	13.38	.40	.35		
Kettlemen	13.18	.40	.35		
Itasca & Koochiching Counties, the Northern half of St. Louis County					
1st Roofer	11.42	.52	.96		
2nd Roofer	11.09	.52	.96		
SHEET METAL WORKERS: Cook, Lake, Carlton Counties & Southern half of St. Louis County	13.99	.50	.66		.04
Itasca and Koochiching Counties, the Northern half of St. Louis County	12.59	.52	.96		.06
TRUCK DRIVERS: Building Construction: Koochiching County	10.40				
Itasca County	10.40				

FOOTNOTES:

a. Employer contributes 4% Basic Hourly Rate for over 5 years service, 2% of Basic Hourly Rate for 6 months to 5 years service as Vacation Pay Credit. Six (6 Paid Holidays, New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

b. 2 weeks vacation

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MINN-10-LAB

LABORERS: Counties of Itaska and St. Louis Counties North of T-55 Site Preparation, Excavation & Incidental Paving:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$10.23	.50	.15	.25	
CLASS II	10.33	.50	.15	.25	
CLASS III	10.48	.50	.15	.25	
CLASS IV	10.53	.50	.15	.25	
CLASS V	10.58	.50	.15	.25	
CLASS VI	10.63	.50	.15	.25	
CLASS VII	10.73	.50	.15	.25	
CLASS VIII	10.83	.50	.15	.25	

CLASS I - Unskilled-Laborer, Laborers, Wrecking & Demolition; Bricklayer Tender, Drill Runner Helper, Pipehandler (water, gas cast iron); Salamander Heater & Blower Tender; Carpenter Tender; Stonemasons' Tender

CLASS II - Bituminous Shoveler, Bottom Man (sewer, water or gas trench), Cement Handler (bulk or bag); Chain Saw Man, Compaction Equipment (hand Opr.,); Concrete Mixer Opr., (1 bag), Concrete Shoveler, Tamper & Puddler (paving) Concrete Vibrator, Conduit Layers (w/o wiring); Dumper (wagon, truck etc.), Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer Man & Paving Busters, Kettlemen (Bituminous or lead), Mortar Mixer, Power Buggy, Joint Drawer, Tunnel Laborer (atmospheric pressure)

CLASS III - Bituminous Tamper, Cofferdam Work, Caisson Work

CLASS IV - Drill Runner (Heavy, including churn drill)

CLASS V - Bituminous Raker, Floater, Utility Men, Pipelayers (sewer water, gass); Leadsman (Gunnite)

CLASS VI - Nozzleman (Gunite)

CLASS VII - Powderman

CLASS VIII - Tunnel Miner

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MINN-13-LAB

LABORERS Site preparation, Excavation & Incidental Paving Koochiching County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	8.70	.50	.15		
CLASS 2	8.80	.50	.15		
CLASS 3	8.85	.50	.15		
CLASS 4	8.95	.50	.15		
CLASS 5	9.05	.50	.15		
CLASS 6	9.10	.50	.15		
CLASS 7	9.15	.50	.15		
CLASS 8	9.20	.50	.15		

CLASS 1 - Skilled Laborers, Bricklayers & Carpenters Tenders; Drill Runner Helper; Laborers Wrecking & Demolition, Pipe Handler (Water, Gas, Cast Iron), Salamander Heater, & Blower Tender, Stonemasons Tender

CLASS 2 - Bituminous Shoveler, Bottom Man, (Sewer, Water or Gas Trench), Cement Coverman (Batch Trucks); Cement Handler (Bulk or Bag), Chain Saw Man, Compaction Equipment (Hand Operated), Concrete Mixer (1 bag); Concrete Shoveler, Tamper & Puddler (paving), Concrete Vibrator, Conduit Layers (w/o wiring), Drill Runner (heavy, Incl. Churn Driver Dumper) (wagon truck, etc.); Jackhammerman, Joint Sewer, Kettlemen (Bituminous or Lead), Mortar Mixer; Paving Buster; Power Buggy; Tunnel Laborer (atmospheric pressure)

CLASS 3 - Form Setters (Municipal type curb & Sidewalk) Form Setter (pavement)

CLASS 4 - Bituminous Tamper, Caisson Work & Cofferdam

CLASS 5 - Bituminous Raker, Floater, & Utility Man; Leadman

CLASS 6 - Nozzleman (Gunite)

CLASS 7 - Pipelayer, (Sewer, Water & Gas)

CLASS 8 - Powderman, Tunnel Miner

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MINN-14-LAB

LABORERS - SITE PREPARATION EXCAVATION & INCIDENTAL PAVING Cook, Lake, Carlton & St. Louis Counties South of T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.68	.50	.45	.50	
CLASS II	9.78	.50	.45	.50	
CLASS III	9.93	.50	.45	.50	
CLASS IV	9.98	.50	.45	.50	
CLASS V	10.03	.50	.45	.50	
CLASS VI	10.08	.50	.45	.50	
CLASS VII	10.18	.50	.45	.50	
CLASS VIII	10.28	.50	.45	.50	

CLASS I - Unskilled Laborers, Laborers, Wrecking & Demolition; Bricklayer Tender, Drill Runner Helper, Pipehandler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Carpenter Tender, Stonemasons Tender
CLASS II - Bituminous Shoveler, Bottom Man, (Sewer Water or Gas Trench), Cement Handler (bulk or bag); Chain Saw Man, Compaction Equipment (Hand Operated); Concrete Mixer Operator (1 bag), Concrete Shoveler, Tamper & Puddler (paving) Concrete Vibrator, Conduit Layers (w/o wiring); Dumper (wagon, truck, etc.), Formsetter (municipal type curb & side walk)Formsetter (pavement); Jackhammer Man & Paving Busters, Kettleman (Bituminous or Lead), Mortar Mixer; Power Buggy, Joint Drawer, Tunnel Laborer (atmospheric pressure)
CLASS III - Bituminous Tamper, Cofferdam Work, Caisson Work
CLASS IV - Drill Runner (heavy, including Churn Drill)
CLASS V - Bituminous Raker, Floater & Utility Man, Pipelayers (sewer, water, gas), Leadman (Gunite)
CLASS VI - Nozzleman (Gunite)
CLASS VII - Powderman
CLASS VIII - Tunnel Miner

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: LANDSCAPE & SODLAYERS	$ 6.35	.50	.15		

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MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

CLASS 1 - Helicoptor Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.
CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.
CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.
CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.
CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.
CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Compleco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.
CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)
CLASS 9 - Mechanical Space Heater (temporary Heat); Oiler or Greaser; Elevator Operator

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SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Cook , Lake & St. Louis Cos					
GROUP 1	$14.22	.95	.60		.05
GROUP 2	14.22	.95	.60		.05
GROUP 3	13.76	.95	.60		.05
GROUP 4	13.61	.95	.60		.05
GROUP 5	13.51	.95	.60		.05
GROUP 6	11.97	.95	.60		.05
GROUP 7	11.32	.95	.60		.05
Koochiching Co. (East of a north-south line from the Canadian border to Pelland to Big Fall & MINN HWY 86) Itasca Co. (East of the western right of way of MINN HWY 86.)					
GROUP 1	13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
GROUP 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05
Remainder of Koochiching & Itasca Cos.					
GROUP 1	12.37	.95	.60		.05
GROUP 2	12.37	.95	.60		.05
GROUP 3	11.59	.95	.60		.05
GROUP 4	11.43	.95	.60		.05
GROUP 5	11.34	.95	.60		.05
GROUP 6	10.36	.95	.60		.05
GROUP 7	9.92	.95	.60		.05

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POWER EQUIPMENT OPERATORS:
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

CLASSIFICATIONS:

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity

GROUP 3 - Cableway Opr., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Opr., or Engineer, Dredge Opr.(Power), FE Loader 5 CY & Over, Grader or Motor Patrol Finishing Earth & Bituminous, Locomotive Crane Opr., Master Mechanic, Mixer (paving) Concrete Paving Opr., Road Mole Opr., incl. power supply, Mucking Machine, incl. Mucking Operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Opr., (Boom Type), Truck Crane Opr., Tugboat Opr., 100 HP & over

GROUP 4 - Dual Tractor Opr., Elevating Grader Opr., Pumcrete Opr., Scraper Opr., Struck Capacity 32 cu. yds. & over, Self-Propelled, Traveling Soil Stabilizer

GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Opr., Crushing Plant Opr., or Gravel Washing, Crushing and Screening Plant Opr., Dope Machine Opr., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Opr., Loader Opr., over 1 cu. yds. Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Opr., (power-driven - Mighty Might or similar type), Pick-Up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wramming, Cleaning or Bending Machine Opr., Power Plant Engineer, Power Actuated Horizontal Boring Machine, over 6" Opr., Pugmill Opr., Roller, 8 Tons & Over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Opr., Tie Tamper & Ballast Machine Opr., Tractor Opr., Over D2, TD6 or similar HP with Power Take-Off, Tractor Opr., over 50 HP without Power take-off, Trenching Machine Opr., (sewer, water, gas) Turnapull Opr., (or Similar type) Well Point Installation, Dismatling or Repair Mechanic

GROUP 6 - Air Compressor Opr., 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Opr., Concrete Dist. & Spreader Opr., Finishing Machine Longitudinal Float Opr., Joint Machine Opr., Spray, Concrete Mixer Opr., 14S and under, Concrete Opr., (Hult. Blade), Curb Machine Opr., Fine Grade Opr., Form Trench Digger, Front End Loader Opr., (up to & incl. 1 cu. yd.), Grader Opr., (Motor Patrol), Gunite Opr., Gunall, Lead Greader on Truck or Rack, Loader Opr., Power Actuated Augars and Boring Machine Opr., Power Actuated Jacks Opr., Pump Opr., Roller Opr., Self-Propelled Chip Spreader, Shouldering Machine Opr., Stump Chipper Opr., Tractor Opr., (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, Switchman, Conveyor Opr., Deckhand, Fireman, Tank Car Heater Opr., Gravel Screening Plant Opr., Greaser Leverman, Mechanic Helper, Mechanic Space Heater, Oiler, Self-Prop., Vibrator Packer Opr., Sheep Foot Roller, Tractor Opr., 50 HP or less w/o power take-off, Truck Crane Oiler

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TRUCK DRIVERS:

BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cook, Lake, Carlton & St. Louis Cos.					
GROUP 1	$10.90	.65	.65		
GROUP 2	10.45	.65	.65		
GROUP 3	10.35	.65	.65		
GROUP 4	10.15	.65	.65		
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING					
Itasca & Koochiching Cos.					
GROUP 1	9.72	.65	.65		
GROUP 2	9.27	.65	.65		
GROUP 3	9.17	.65	.65		
GROUP 4	8.97	.65	.65		

Group 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck Train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas Oil Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete, Slurry Driver

GROUP 3 - Bituminous Distributors; Bituminous Distributor(1-Man Operation); Tandem Axle

GORUP 4 - Bituminous Distributors Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman, Tractor Operator (Wheel Type used for any purpose) Pilot Car Driver, Self-Propelled Packer; Slurry Operator; Single Axle Trucks

SUPERSEDEAS DECISION

STATE: NEW YORK COUNITES: NASSAU & SUFFOLK
DECISION NO. NY81-3048 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3041 dated July 7, 1980 in 45 FR 45801
DESCRIPTION OF WORK: Building, Residential(includes single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.70	1.21	2.31		
BOILERMAKERS	16.34	5%	15%	7%	.02
BRICKLAYERS	12.67	1.33	3.98		.03
CARPENTERS					
Nassau County (except that part South of the Southern State Parkway West of Seaford Creek, also Smithtown Islip line on the East, Long Island Sound on the North and Middle Island RR track on the South					
Carpenters, Millwrights, Piledrivers, Soft Floor Layers, Acostical, Drywall					
Residential (under two stories)	11.50	1.50	.65	.15	.05
Building	13.40	1.50	1.49	.95	.06
Heavy & Highway	13.45	1.50	1.49	.95	.06
Remainder of Nassau County					
Building, Residential, Heavy & Highway	13.35	1.85	1.78	.95	.05
Suffolk County					
Residential (2 stories & under)	11.50	1.33	.71	.05	.06
Building	13.40	1.33	1.71	.90	.06
Heavy & Highway	13.45	1.33	1.71	.90	.06
CEMENT MASONS	12.10	2.04	1.67		.09
DIVERS	15.69	1.875	1.78	1.03	.05
ELECTRICIANS					
Building	15.80	7%+.25	18½%	8½%	
Wiring of single or multiple family dwellings & apartments up to and including 2 stories	10.30	10%	16½%	7%	7/10%
Installation of television receivers, radio receivers, record players, and associated apparatus and antenna and home appliances and closed circuit TV and multiple outlet distribution systems, sound and					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
intercommunication systems and commercial electro-mechanical devices and appliances where such work is not part of an electrical contract	9.57			a	
ELEVATOR CONSTRUCTORS	13.21	1.195	.82+b	c	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.91	1.195	.82+b	c	.035
ELEVATOR CONSTRUCTORS' HELPER (PROBATIONARY)	6.605				
MODERNIAZATION & REPAIR ELEVATOR CONSTRUCTORS	11.23	1.195	.82+b	c	.035
MODERNIAZATION & REPAIR ELEVATOR CONSTRUCTORS' HELPERS	8.42	1.195	.82+b	c	.035
MODERNIAZATION & REPAIR ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	5.615				
GLAZIERS	13.75	.66	1.91	.67	.01
IRONWORKERS					
Structural	12.95	1.86	4.45	1.85	.11
Ornamental Finisher	12.62	1.21	3.55	1.00	.14
LABORERS, Building	10.34	1.29	1.43	1.00	
MARBLE SETTERS					
Cutters & Setters	13.35	1.21	1.71	d	
Carvers	13.50	1.21	1.71	d	
Polishers	13.03	1.21	1.71	d	
Crane Op. Derrickmen, & Marble Finishers	11.35	1.21	1.71	d	
PAINTERS					
Suffolk County					
Basic	11.95	3.22	1.00		.21
Scaffold work and Rolling Scaffold 18' and over, Spraying	13.40	3.22	1.00		.21
Structural Steel & Sandblasting	14.86	3.22	1.00		.21

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Nassau County (Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream)					
Painters	12.00	9½%	6%+1.20	3%	
Spray & Scaffold	14.57	9½%	6%+1.20	3%	
Fire escaps	13.71	9½%	6%+1.20	3%	
Nassau County (Remainder of County)					
Painters	10.82	1.59	1.90	.70	.05
Spray, Open Steel, Swinging Scaffold, Rolling Scaffold 18' or over	12.37	1.59	1.90	.70	.05
Sandblasting	13.92	1.59	1.90	.70	.05
PAPERHANGERS	12.18	10%	8%	15%	
PLUMBERS					
Nassau County					
Building, Heavy & Highway	13.77	1.10	1.54	1.13	.25
Residential	10.53	1.00	1.40	1.00	
Jobbing (repair to present plumbing systems that does not change the existing roughing or any minor alterations job where the change to the existing roughing does not have a labor cost in excess of $1,500,000)	9.00	.81	1.01	.75	.15
Sufflok County	14.15	1.57	2.30	1.30	.37
ROOFERS					
Slate & Tile	11.07	.55	1.40	2.00	
Waterproofer	11.23	1.52	2.74	2.00	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	12.135	3%+.90	4%+1.20	3%+.75	1%+.03
SPRINKLER FITTERS & STEAM FITTERS	14.43	2.75	1.12	1.00	.07
STONE DERRICKMEN & RIGGERS	14.62	2.23	1.51	1.50	.01
STONEMASONS	14.00	.75	1.00		
TERRAZZO WORKERS	13.38	1.32	1.50		
TERRAZZO FINISHERS	12.07	1.21	1.50		
TILE SETTERS	12.675	1.15	1.10		
TILE SETTERS FINISHERS	11.21	1.055	.77		
TRUCK DRIVERS					
Building					
Ready-mix concrete, sand, gravel, asphalt, & bulk cement	9.37	1.212	1.852	e	
Euclids & Turnapulls	9.225	1.212	1.852	e	
Heavy					
Euclids & Turnapulls	9.325	1.212	1.852	e	
High rise	9.94	1.212	1.852	e	
WELDERS receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii))					

FOOTNOTES:

a. Paid Holidays: New Year's Day, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas, the anniversary of the employee's date of employment, and the employee's birthday

All employees whose continuous service credid began prior to April 1 of the current year shall be entitled to a vacation of one (1) week, and the employee whose continuous service credit started prior to October 1 of the preceding year shall be entitled to a vacation of two (2) weeks. Employees who on March 31 of the current year have continuous service credit of six (6) years or more with the Company shall be entitled to a vacation in accordance with the following schedule:

6 years but less than 7 years	2 weeks and 1 day
7 years but less than 8 years	2 weeks and 2 days
8 years but less than 9 years	2 weeks and 3 days
9 years but less than 10 years	2 weeks and 4 days
10 years but less than 15 years	3 weeks
15 years but less than 25 years	4 weeks
25 years and over	5 weeks

An employee shall be paid for absence due to personal illness, personal injury, or death in the immediate family at his basic rate for a period of five (5) days in any calendar year.

b. Employer contributes $8/day

c. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Armitice Day, Thanksgiving Day, Friday after Thanksgiving & Christmas Day

d. Paid Holiday: One half day's pay for Labor Day

e. Employer contributes $4.00 per day to a Security Fund.

For each 15 days worked with the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year

LABORERS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete & curb form setters, asphalt rakers	9.50	10%	13%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers & smoothers, asphalt tampers	9.30	10%	13%	.75+a	
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers & setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, asphalt plant (batcher & hopper men), all other unskilled laborers	8.90	10%	13%	.75+a	

Footnote:
Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day, and Election Day, provided the employee worked or shows up for work on the scheduled day before and the scheduled day after the holiday.

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt spreader	14.18	8%+.25	2.00	a	.15
Backhoe, dragline, gradall, piledriver, shovel	14.455	8%+.25	2.00	a	.15
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	14.355	8%+.25	2.00	a	.15
Bending machine, generator (small), vibrator (1 to 5) dinky locomotive	13.005	8%+.25	2.00	a	.15
Boiler, bulldozer, compressor (on crane), compressor (pile work), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than steel), pump (double action diaphram), pump (gypsum), pump (hydraulic), pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	14.05	8%+.25	2.00	a	.15
Boom truck, crane (crawler or truck), conveyor-multi plant engineer, stone spreader (self-propelled)	14.205	8%+.25	2.00	a	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), tree tamper, welding machine	13.755	8%+.25	2.00	a	.15
Crane and boom truck (setting structural or stone)	14.58	8%+.25	2.00	a	.15

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION (CON'T)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bulldozer (use for excavation), fireman, loading machine, powerboom, scoop (carry-all scraper) vac-all	13.63	8% .25	2.00	a	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	14.555	8% .25	2.00	a	.15
Compressor (structural steel)	14.155	8% .25	2.00	a	.15
Concrete saw or cutter, mixer (with skip), mixer (2 small, with or without skip), pump (up to 3 inches), tractor caterpiller or wheel	13.255	8% .25	2.00	a	.15
Crane with clam shell bucket	14.455	8% .25	2.00	a	.15
Crane, crawler or truck: Boom lengths of 100' (including jib) but less than 150'	14.705	8% .25	2.00	a	.15
Boom lengths of 150' (including jib) but less than 250'	14.955	8% .25	2.00	a	.15
Boom lengths of 250' (including jib) but less than 350'	15.205	8% .25	2.00	a	.15
Boom lengths of 350'	15.705	8% .25	2.00	a	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	13.950	8% .25	2.00	a	.15
Dredge	14.33	8% .25	2.00	a	.15
Elevator, forklift, hoist (1 drum)	14.38	8% .25	2.00	a	.15
Forklift (walk-behind, power operated)	14.17	8% .25	2.00	a	.15
Grader	13.78	8% .25	2.00	a	.15
Hoist (2 and drum)	14.43	8% .25	2.00	a	.15
Hoist (multiple platform)	17.05	8% .25	2.00	a	.15
Mechanical compactors (hand operated), trench machine (hand)	12.63	8% .25	2.00	a	.15
Hoist tandem platform	15.43	8% .25	2.00	a	.15
Hydra-hammer, ridge cutter	13.17	8% .25	2.00	a	.15
Lead engineer	15.655	8% .25	2.00	a	.15
Loading machine (with capacity of 10 yds. or over)	13.63	8% .25	2.00	a	.15
Oiler, stump chipper	12.655	8% .25	2.00	a	.15
Power buggies	12.88	8% .25	2.00	a	.15

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION (CON'T)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roller, trench machine	14.255	8%+.25	2.00	a	.15
Scoop, carry-all, scraper in tandem	13.63	8%+.25	2.00	a	.15
Sideboom tractor (used in tank work)	14.715	8%+.25	2.00	a	.15
Stripping machine	13.68	8%+.25	2.00	a	.15
Tank work	14.48	8%+.25	2.00	a	.15
Tower crane (engineer)	15.01	8%+.25	2.00	a	.15
Tower crane (oiler)	12.505	8%+.25	2.00	a	.15
Welding machine, structural steel	13.755	8%+.25	2.00	a	.15

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnote:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Veterans' Day

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	14.18	8%+.25	2.00	a	.15
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	14.550	8%+.25	2.00	a	.15
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	14.405	8%+.25	2.00	a	.15
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	11.93	8%+.25	2.00	a	.15
Boiler	13.68	8%+.25	2.00	a	.15
Boring machine (post holes)	14.12	8%+.25	2.00	a	.15
Bulldozer, concrete finishing machine, conveyor, curb machine, (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 in. or over), pump (hydraulic), pump (jet), pump (submersible), pump (well point), roller (5 tons and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding & burning	13.37	8%+.25	2.00	a	.15
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	13.905	8%+.25	2.00	a	.15
Compressor (2 or more in battery)	13.60	8%+.25	2.00	a	.15
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	14.065	8%+.25	2.00	a	.15
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	12.995	8%+.25	2.00	a	.15
Loading machine, with bucket capacity of 10 yds. or over	14.155	8%+.25	2.00	a	.15
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra-hammer, mixer (with skip), mixer (2 small with or without skip), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	12.28	8%+.25	2.00	a	.15
Dredge	14.015	8%+.25	2.00	a	.15
Generator (small)	11.965	8%+.25	2.00	a	.15
Grader	13.585	8%+.25	2.00	a	.15
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting & structural steel), trench machine	14.385	8%+.25	2.00	a	.15
Mechanic	11.985	8%+.25	2.00	a	.15
Mechanical compactors (machine drawn), roller (over 5 tons)	13.72	8%+.25	2.00	a	.15
Oiler, root cutter, stump chipper, tower crane (oiler, track tamper (2 engineers, each)	11.97	8%+.25	2.00	a	.15
Portable heaters	13.545	8%+.25	2.00	a	.15
Power boom	12.425	8%+.25	2.00	a	.15
Pump (concrete)	13.64	8%+.25	2.00	a	.15
Scoop (carry-all, scraper in tandem), tower crane (engineer)	14.805	8%+.25	2.00	a	.15
Tractor (caterpillar or wheel)	11.755	8%+.25	2.00	a	.15

FOOTNOTE: a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day provided employee works the day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ESSEX
DECISION NO. NY81-3046 DATE: DATE OF PUBLICATION
Supersedes Decision no. NY80-3045 dated July 25, 1980 in 45 FR 49817
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PALSTERERS, STONE MASONS, TILE & TERRAZZO WORKERS	13.12	.70	.70	a	.02
CARPENTERS					
Carpenters & Soft Floor Layers	12.72	.60	1.15	b	.005
Millwrights	12.97	.60	1.15	b	.005
Pildrivermen	12.87	.60	1.15	b	.005
Carpenters & Piledrivers, Heavy & Highway	11.82	.60	1.15		.025
CEMENT MASONS, Heavy & Highway	11.95	.70	.70		
ELECTRICIANS					
Portion East of State Highway 28N and South of a line following the Tahawus-Schroon River Road (County Highway 73) from State Highway 73, East on 73 to State Highway 22 near Ticonderoga, North on 22 to and including Crown Point	14.80	.80	3%+.80	c	.05
Newcomb and Minerva Twps. South and West of State Highway 28N, not including Tahawus	13.20	.70	3%+1.45		.03
Remainder of County:					
Zone 1 - 20 mile radius from Plattsburg and Saranac Lake					
Electricians	13.20	.80	3%+ .65	d	1%
Cable Splicers	13.50	.80	3%+ .65	d	1%
Zone 2 - beyond a 20 mile radius from Plattsburg and Saranac Lake					
Electricians	13.40	.80	3%+ .65	d	1%
Cable Splicers	13.70	.80	3%+ .65	d	1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
Twps. of Ticonderoga, Crown Point, North Hudson, Schroon, Minerva, Newcomb, Tahawus, and the town of Port Henry	9.55	.50	.40		
Remainder of County	10.13		.20	e	.01
IRONWORKERS					
Structural, Ornamental, Reinforcing, Machinery Mover, Rodman, Rigger, Fence Erector, and Stone Derrickman	13.40	.75	1.60		.04
Sheeter	13.65	.75	1.60		.04
Sheeter, Bucker-up	13.525	.75	1.60		.04
LABORERS, Building					
Common Laborers and self propelled equipment op.	9.20	.70	.80	f	
Concrete or plaster pump operator, all men working on building demolition and wrecking	9.35	.70	.80	f	
Sandblasters on construction clean-up, Drillers, Wagon Jack or wagon Drill operator, Metal form and curb setter, asphalt raker, tail or screw man on paving machine	9.50	.70	.80	f	
Acetylene torch operator on demolition work and cutting of pipes, blasters	9.65	.70	.80	f	
PAINTERS					
Twps. of Ticonderoga, Crown Point North Hudson, Schroon, Minerva, Newcomb, Tahawus, and the town of Port Henry	9.55	.50	.40		
Bridges, Structural Steel and Iron, Swing Scaffold, Bosun Chair, Water Towers, Tanks, Flagpoles, Window Jacks	9.95	.50	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Sandblasting and Waterblasting, Spray	10.10	.50	.40		
Roller (Handle extention over 6')	9.80	.50	.40		
Remainder of County	10.13		.20	e	.01
Brush Spray Cup, Paperhanging, Taping, Structural Steel, Swing Scaffold Boatswain Chair, Hanging Scaffold, and Sandblasting	10.68		.20	e	.01
Seamless Floor Material	10.38		.20	e	.01
PLUMBERS & STEAMFITTERS	13.00	.90	1.20		.10
ROOFERS					
Roofers	12.00	1.37	.40		.04
Pitch and Asbestos	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.57	1.00	1.34	g	.07
SPRINKLER FITTERS	15.55	.95	1.40		.08
WELDERS receive rate prescribed for craft performing operation to which welding is incidental					

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: B, C, and D, provided the employee has been on the payroll 5 days prior to the holiday and he reports to work the day following the holiday.

b. Paid Holidays: B, D, and E, provided the employee is on the payroll the week before the holiday and works the day following the holiday.

c. Paid Holiday: E

d. Paid Holidays: B, C, D, E, and F

e. Paid Holidays: An employee shall have 2 consecutive hours off in which to vote on Election Day, B, C, d, and F

f. Paid Holidays: B and D, provided the employee has been employed on any day of the week before the holiday.

g. The last 2 hours off with pay on the 1st Tuesday after the 1st Monday in November provided they are working on a job beyond 50 miles from the shop.

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.99	.70	1.00	1	
CLASS B	10.19	.70	1.00	1	
CLASS C	10.39	.70	1.00	1	
CLASS D	10.59	.70	1.00	1	

FOOTNOTE:
1. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, provided the employee has worked the day before and after the holiday.

CLASSIFICATION DEFINITIONS

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill dactor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, Wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.93	1.15	1.25	a	.15
GROUP 2	12.01	1.15	1.25	a	.15
GROUP 3	12.16	1.15	1.25	a	.15
GROUP 4	12.41	1.15	1.25	a	.15
GROUP 5	12.82	1.15	1.25	a	.15
GROUP 6	13.02	1.15	1.25	a	.15
GROUP 7	13.18	1.15	1.25	a	.15

POWER EQUIPMENT OPEARTORS: BUILDING CONSTRUCTION CLASSIFICATIONS

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant operators, seeding and mulching machines, generators, temporary light plants, concrete pump, belterete power pack(belterete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar, Murphy type diesel generator-belterete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	13.09	1.25	1.45	a	.15
GROUP II	12.65	1.25	1.45	a	.15
GROUP III	11.41	1.25	1.45	a	.15
GROUP IV	10.31	1.25	1.45	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated,(gradall or similar) fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over) head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed,he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer,blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressor (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled),monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.39	.65	.85	a	
CLASS 2	9.44	.65	.85	a	
CLASS 3	9.49	.65	.85	a	
CLASS 4	9.64	.65	.85	a	
CLASS 5	9.79	.65	.85	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Tahnksgiving Day, Christmas Day, privided the employee has worked the working day before and after the holiday.

CLASS 1
Warehouseman, yardman, truck helpers, pickups, panel trucks, flatboy material trucks(straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumperete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY81-3045
Supersedes Decision no. NY80-3048 dated July 25, 1980 in 45 FR 49827
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects.

COUNTY: NIAGARA
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.85	1.32	1.40		.07
BOILERMAKERS	14.80	1.275	1.975		.03
BRICKLAYERS					
North Tonawanda					
Bricklayers & Stone Masons	14.93	1.00	2.25		
Terrazzo Workers & Tile Setters	14.55	1.00	2.25		
Marble Setters	14.645	1.00	2.25		
Remainder of County					
Bricklayers & Stone Masons	14.15	1.50	1.02		
Marble Masons, Terrazzo Workers & Tile Setters	13.90	1.50	1.02		
CARPENTERS					
North Tonawanda					
Carpenters, Millwrights Piledrivermen & Soft Floor Layers	14.03	1.95	2.05		
Remainder of County					
Carpenters & Soft Floor Layers	10.80	1.69	1.65		.025
Millwrights	10.90	1.69	1.65		.025
Carpenters & Piledrivermen Heavy & Highway	10.23	1.69	1.65	a	.025
CEMENT MASONS	15.26	1.00			
On Swinging Scaffold or Exterior Scaffold over 42' High	15.51	1.00			
ELECTRICIANS					
Electricians	15.43	1.60	3%+1.00		4%
Cable Splicers	16.97	1.60	3%+1.00		4%
ELEVATOR CONSTRUCTORS	14.12	1.195	.82	b+c	.03
ELEVATOR CONSTRUCTORS' HELPERS	9.88	1.195	.82	b+c	.03
ELEVATOR CONSTRUCTORS' HELPERS PROBATIONARY	7.06				
GLAZIERS	12.89	.80	1.05		.30
IRONWORKERS					
Structural, Ornamental & Reinforcing	12.96	1.07	1.02		
Sheeter	14.27	1.07	1.02		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
Twps. of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson					
Brush	12.205	1.375	.40		.11
Cranes, Steel, Tanks, Towers, Stacks, Bridges, Flag Poles, Radio & TV Towers	12.705	1.375	.40		.11
Sandblasting, Swing Stages, Scaffold, Epoxy, Spray, Bosun Chair	12.455	1.275	.40		.11
Bridges 35' high or in depth of 35' from road level	13.87	1.375	.40		.11
Remainder of County					
Brush	11.91	1.80	1.90		.01
Spray, Steel, Steeple Jack, Swing Scaffold, Sandblasting	12.91	1.80	1.90		.01
Bridge-crossing the Niagara River	13.905	1.80	1.90		.01
PLUMBERS & STEAMFITTERS	14.08	1.005	1.44		.25
ROOFERS					
Composition, Damp Waterproofers, Sprayers, Asphalt Mastic, Wood Block Floor Workers, Steep Roofers & Siders	13.06	1.09	1.50		.02
Slate, Tile Asbestos & Precast Tile	13.21	1.09	1.50		.02
SHEET METAL WORKERS	13.25	1.33	1.16		.10
SPRINKLER FITTERS	13.39	.85	1.75		.06
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a. Paid Holidays: Memorial Day and Labor Day

b. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

c. Employer contributes 8% of the basic hourly rate for 5 years or more of service and 6% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; HEAVY, HIGHWAY, BUILDING CONSTRUCTION					
NIAGARA COUNTY: EXCEPT THE CITY OF NORTH TONAWANDA					
GROUP I	9.91	2.35	1.55		
GROUP II	10.41	2.35	1.55		
GROUP III	10.11	2.35	1.55		
GROUP IV	10.91	2.35	1.55		

LABORERS: HEAVY, HIGHWAY, BUILDING CONSTRUCTION

GROUP I
Laborers

GROUP II
Form setter, wagon drill op., road finishers, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III
Potman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill tenders, mortar mixers, men working from swinging scaffold bosun chair, suspended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power

GROUP IV
Blasters

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; ROCK TUNNEL FREE AIR CONSTRUCTION					
NIAGARA COUNTY: EXCEPT NORTH TONAWANDA					
GROUP I	9.61	1.75	1.30		
GROUP II	9.51	1.75	1.30		
GROUP III	10.46	1.75	1.30		
GROUP IV	9.76	1.75	1.30		
GROUP V	9.86	1.75	1.30		
GROUP VI	10.26	1.75	1.30		
GROUP VII	9.76	1.75	1.30		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I
Driller, shaft driller

GROUP II
Chucker, mucking machine tender, shaft muckers

GROUP III
Nipper, car pusher (tramer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV
Blasters

GROUP V
Rodman

GROUP VI
Laborer & top man

GROUP VII
Burning torch on demolition work

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.16	1.10	1.35	a	.15
GROUP II	10.36	1.10	1.35	a	.15
GROUP III	7.94	1.10	1.35	a	.15
GROUP IV	8.95	1.10	1.35	a	.15
GROUP V	8.59	1.10	1.35	a	.15
GROUP VI	11.095	1.10	1.35	a	.15
GROUP VII	11.66	1.10	1.35	a	.15

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, all repair work or maintenance work under the supervison of a master mechanics, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, scraper (either double or single bowl), CMI grading machine, truck mounted concrete pumps, self-propelled riding vibrators, kolman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, forklifts and hoist which lift higher than 25 feet, trenchers when excavation over 6 feet in depth, post drivers (except truck mounted, postdrivers), concrete mixers 1 yard and over, concrete planers.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement busters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed 4 yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing employee works the day before and the day after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	12.75	1.25	1.65	a	.15
GROUP II	11.83	1.25	1.65	a	.15
GROUP III	9.31	1.25	1.65	a	.15
GROUP IV	10.45	1.25	1.65	a	.15
GROUP V	8.94	1.25	1.65	a	.15
GROUP VI	13.57	1.25	1.65	a	.15

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanic, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pumps, self-propelled riding vibrators, holman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, fork-lifts and hoist which lift higher than 25 feet.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement busters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ¼ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing employee works the day before and the day after the holiday.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: See Below*
DECISION NUMBER: NC81-1268 DATE: Date of Publication
Supersedes Decision No. NC80-1033 dated January 18, 1980 in 45 FR 3867
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

*Avery, Buncombe, Haywood, Henderson, Jackson, McDowell, Madison, Mitchell, Transylvania, and Yancey Counties

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	$5.27				
BRICKLAYER	7.25				
CARPENTER	6.14				
CARPET LAYER	5.39				
CEMENT MASON	5.42				
DRYWALL FINISHER	7.06				
DRYWALL HANGER	6.00				
ELECTRICIAN	8.25				
GLAZIER	5.00				
INSULATION INSTALLER	7.00				
LABORERS:					
UNSKILLED	3.50				
ASPHALT RAKER	4.50				
LUTEMAN	4.75				
MORTAR MIXER	3.75				
PAINTER	5.84				
PLUMBER & PIPEFITTER	6.50				
ROOFER	5.09				
SHEET METAL WORKER	5.88				
SOFT FLOOR LAYER	5.39				
TRUCK DRIVER	3.94				
WELDER - RATE FOR CRAFT					
POWER EQUIPMENT OPERATORS:					
BACKHOE	5.30				
BULLDOZER	5.00				
CRANE	6.00				
LOADER	4.75				
PAN	3.89				
PAVER	4.50				
ROLLER	4.00				
SCRAPER	3.89				
SCREED	4.50				
TRACTOR	5.25				
GRADER	5.15				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTIES: Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers
DECISION NO. OK81-4056 DATE: Date of Publication
SUPERSEDES DECISION NO. OK80-4062 dated July 18, 1980 in 45 FR 48446
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.19	.75	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-STONEMASONS:					
Tulsa, Delaware, Ottawa, Craig, Mayes and Rogers Counties	12.49	.70	.40	.33	.06
CARPENTERS:					
Area I	11.58	.55	.75		.07
Area II	9.62	.50	.40		
MILLWRIGHTS-PILEDRIVERMEN:					
Area I	11.88	.55	.75		.07
Area II	9.87	.50	.40		
CARPENTERS-MILLWRIGHTS-PILEDRIVERMEN AREA DEFINITIONS					
AREA I - Tulsa, Creek, Craig, Rogers and Mayes Counties					
Area II - Delaware and Ottawa Counties					
CEMENT MASONS:					
Cement Masons	12.29		.40		.16
Power tool operator	12.54		.40		.16
ELECTRICIANS:					
Electricians	14.35	.63	3%+.61		.10
Cable splicers	14.60	.63	3%+.61		.10
ELEVATOR CONSTRUCTORS		1.195	.82	a+b	.035
ELEVATOR CONSTRUCTORS' HELPER	70%JR	1.195	.82	a+b	.035
GLAZIERS:					
Area I	12.62	.70	.30		.01
Area II	11.84				
GLAZIERS AREA DEFINITIONS					
AREA I - Tulsa, Creek, Mayes, and Rogers Counties					
AREA II - Craig, Delaware, and Ottawa Counties					
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
Group I	8.85	.25	.40		
Group II	9.15	.25	.40		
Group III	9.25	.25	.40		
Group IV	9.70	.25	.40		

LABORERS CLASSIFICAION DEFINITIONS:

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading & unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning when the man is directly tenders; and common laborers

GROUP II
All machines tool operators; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher laborer; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar & plastor mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale man on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signalmen and cutting torch operators in connection with laborers work; concrete grader

GROUP III
Wagon drill operator

GROUP IV
Powderman or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	$10.10				.01
LINE CONSTRUCTION:					
Lineman	12.50		3%		4%
Cable splicers	13.25		3%		4%
Hole digger operator	11.33		3%		4%
Heavy equipment operator (pole or cat equivalent)	11.33		3%		4%
Jackhammerman	9.35		3%		4%
Line truck (winch operator)	10.27		3%		4%
Powderman	11.33		3%		4%
Groundman	8.34		3%		4%
Truck driver (flat bed ton and half and under)	8.91		3%		4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Craig, Ottawa and Delaware Counties).					
Brush, roller, tapers and paperhangers	$10.82		.50		
Spray, steamclean, sandblast & pot tenders	11.32		.50		
PAINTERS (Tulsa, Creek, Rogers & Mayes Counties):					
Brush	12.85		.60		.10
Highwork & stage	13.25		.60		.10
Spray and sandblasting	13.85		.60		.10
Hot or bituminous	14.15		.60		.10
Sheetrock handtools	12.85		.60		.10
Sheetrock power tools	13.85		.60		.10
PIPEFITTERS	13.77	.65	.75		.08
PLASTERERS	10.10				.01
PLUMBERS	13.77	.65	.75		.08
POWER EQUIPMENT OPERATORS:					
GROUP I	13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 300' of boom or over (including jib)
GROUP II - All crane type equipment with 100-200' of boom (including jib)
GROUP III - All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV - Sideboom (booms 30' and over); Guy Derrick
GROUP V - Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant op.; pilodriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operation 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VI
Fork lift (35' & over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader op. of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with a Frame; roller, all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyer operator-duel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large whirleys when & if required; operator for rotary drilling machines when operated from console or machines

GROUP VIII
Permanent elevator-building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. & under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer op.; fuelman; truck crane oiler driver or crane oiler; conveyor op.-single-continuous belt bulk handling; asphalt lay machine back end man;

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70		.03
*Plus 6 paid holidays - New Years Day; Memorial Day; July 4th; Labor Day; Thanksgiving and Christmas Day					
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	14.02	.90	.60		
TERRAZZO WORKERS AND TILE LAYER FINISHERS	11.63	.90			
TERRAZZO WORKERS' FLOOR MACHINE OPERATOR	11.80	.90			
TERRAZZO WORKERS' BASE MACHINE OPERATOR	12.10	.90			
TILE LAYERS	14.02	.90	.60		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (DELAWARE CO.)					
Group I	$ 7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				
TRUCK DRIVERS (TULSA, CREEK, CRAIG, MAYES AND ROGERS COUNTIES):					
Group I	10.48				
Group II	10.53				
Group III	10.63				
Group IV	10.63				
Group V	10.63				

TRUCK DRIVERS CLASSIFICATION DEFINITION (DELAWARE COUNTY)

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yds.
GROUP V - Ready-mix concrete trucks 3 yards and over

TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS (TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES)

GROUP I - Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.
GROUP II - 3 tons or 4 yards up to but not including 4 tons or 6 yards
GROUP IV - Ready mix concrete truck
GROUP V - Tractor-trailer and similar equipment

FOOTNOTES:
a - 1st 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate.
b - Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Franklin
DECISION NO.: PA81-3027 DATE: Date of Publication
Supersedeas Decision No.: PA79-3006 dated March 30, 1979, in 44 FR 19099.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.26	1.12	.90		.01
Bricklayers	11.52	.95	.72		.02
Carpenters	12.25	6½%	8%	10%	
Cement Masons	11.33	.80	.80		
Electricians	13.56	.65	3%+.67		½%
Ironworkers	14.265	1.49	1.46		.045
Laborer	10.06	10%	9%		
Line Construction:					
Linemen	14.23	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Groundmen	8.54	.60	3%		3/8%
Painter	9.60	.45	.15		
Plumbers	13.80	1.02	1.00		.11
Roofers	9.00	.60	.45		
Sheet metal workers	11.66	1.44	1.18		.14
POWER EQUIPMENT OPERATORS:					
Bulldozers	14.475	1.05	1.15		.09
Backhoe	14.625	1.05	1.15		.09
Cranes	14.625	1.05	1.15		.09
Loaders	14.475	1.05	1.15		.09
Fork Lift	14.475	1.05	1.15		.09
Welders - Rate of Craft					
"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."					

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: *See Below
DECISION NO.: PA81-3043 DATE: Date of Publication
Supersedeas Decision No.: PA80-3012, February 15, 1980, in 45 FR 10595
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories)

*Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.12	.95	1.85		
BOILERMAKERS	14.93	5%	7%+1.12		.02
BRICKLAYERS					
ZONE 1	14.11	1.00	2.11		.01
ZONE 2	14.85	1.00	2.30		
ZONE 3	14.21	.95	1.10	2.00	
ZONE 4	13.02	1.00	1.49		.02
ZONE 5	14.965	1.18	1.50		.04

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Armstrong, Indiana, Remainder of Fayette and Westmoreland Counties.

ZONE 2 - Allegheny County; Washington County Twps: Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham, Peters, Robinson, Smith & Union.

ZONE 3 - Beaver County.

ZONE 4 - Butler County.

ZONE 5 - Twps, in Fayette of Jefferson & Washington; Westmoreland County, Twp of Rostraver; Remainder of Washington County.

CARPENTERS					
ZONE 1	13.75	6½%	8%	10%	
ZONE 2	12.25	6½%	8%	10%	

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland Counties

ZONE 2 - Indiana County

DECISION NO. PA81-3043	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
ZONE 1	14.37	1.01	2.30		
ZONE 2	17.33				

AREA COVERED BY CEMENT MASON ZONES

ZONE 1 - Allegheny, Armstrong, Butler, Fayette, Indiana, Washington, Westmoreland Counties.

ZONE 2 - Beaver County

ELECTRICIANS					
ZONE 1	14.95	1.55	3%+.50		.10
ZONE 2	15.07	6%	6%	1.00	1½%
ZONE 3	15.60	3½%	3%+1.30		1½%

AREA COVERED BY ELECTRICIAN ZONES

ZONE 1 - Allegheny, Armstrong, Fayette, Indiana, Washington, Westmoreland

ZONE 2 - Beaver County

ZONE 3 - Butler County

ELEVATOR CONSTRUCTORS	11.635	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	8.14	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.82				
GLAZIERS	12.44	1.02	1.35	1.23	.02
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING	14.24	1.20	2.61		.07

DECISION NO. PA81-3043	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 1					
CLASS 1	12.04	9%	9%		
CLASS 2	12.17	9%	9%		
CLASS 3	12.30	9%	9%		
CLASS 4	12.57	9%	9%		
CLASS 5	12.79	9%	9%		
ZONE 2					
CLASS 1	12.00	9%	9%		
CLASS 2	12.13	9%	9%		
CLASS 3	12.27	9%	9%		
CLASS 4	12.53	9%	9%		
CLASS 5	12.73	9%	9%		
ZONE 3					
CLASS 1	11.91	9%	9%		
CLASS 2	12.05	9%	9%		
CLASS 3	12.18	9%	9%		
CLASS 4	12.45	9%	9%		
CLASS 5	12.63	9%	9%		

CLASSIFICATION DEFINITIONS
LABORERS ZONES

CLASS 1 - Laborer, Carryable pumps, west brick buggy or similar non-self-propelled vibrator operators walk behind forklift or similar, stripper and mover of forms, cement finishers, footers, window cleaner, all material conveyor (regardless of power used including starting and stopping)

CLASS 2 - West brick buggy or similar (self-propelled), power sheelbarrows buggies, walk behind forklift or similar, (self-propelled) wagon drill tender, drill runner, drill runners' tender (including drill mounted on truck, track or similar), blaster's tender, all operators of compacting equipment, pipe layers, burner, jackhammer man-concrete buster

CLASS 3 - Hod carrier, scaffold builder, bell and bottom man or furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used), concrete saw operator, wagon drill operator

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CLASSIFICATION DEFINITIONS
LABORERS ZONES CONT'D

CLASS 4 - Gunnite Nozzleman

CLASS 5 - Blaster

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Beaver, Butler, Washington, Westmoreland

ZONE 3 - Armstrong, Fayette & Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPING:					
Landscape laborer to include general landscaping work and driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job	7.79	12%	10%		
Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work	8.21	12%	10%		
LEADBURNERS	10.75	.40	.25	c	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
ZONE 1					
Lineman	15.65	.60	3%		3/8%
Winch Truck Operator	10.91	.60	3%		3/8%
Groundman	9.33	.60	3%		3/8%
ZONE 2					
Lineman, Dynamite man, heavy equipment operator	13.37	.55	3%		3/8%
Winch Truck Operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Fayette, Indiana, Washington and Westmoreland

ZONE 2 - Butler County

MARBLE SETTERS					
ZONE 1	13.42	1.00	2.00		
ZONE 2	14.21	.95	1.10	2.00	.01
ZONE 3	12.97	.90	2.00		.01
ZONE 4	12.05	.75	1.00		.01
ZONE 5	14.965	1.18	1.50		.04

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Allegheny, Butler, Westmoreland, Charleroi Twp. in Washington County

ZONE 2 - Beaver County

ZONE 3 - Fayette County, Jefferson and Washington Twps.

ZONE 4 - Eastern part of Indiana County

ZONE 5 - Remainder of Washington & Fatette Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	13.16	6%	6%	25%	½%
PAINTERS:					
ZONE 1					
COMMERCIAL - shall include schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush	14.58	.90	1.00		.03
Paperhangers	14.58	.90	1.00		.03
Spray	15.08	.90	1.00		.03
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, furnances, machinery corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, officers & hospital, both interior and exterior					
Brush	15.23	.90	1.00		.03
Spray	15.73	.90	1.00		.03
PAINTERS:					
ZONE 2					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush	9.95	1.10	.60	1.50	
Spray	10.47	1.10	.60	1.50	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
INDUSTIRAL - shall include sewage treatment plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, officers & hospital, both interior and exterior					
Brush	11.85	1.10	.60	1.50	
Roller	12.30	1.10	.60	1.50	
PAINTERS:					
ZONE 3					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush & Roller	14.25	.75	1.50		
Spray	15.25	.75	1.50		
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior					
Brush & Roller	14.75	.75	1.50		
Spray	15.75	.75	1.50		

DECISION NO. PA81-3043	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 4					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush & Roller	9.85	.65	.40		.05
Spray	10.975	.65	.40		.05
PAINTERS:					
ZONE 5					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings,					
Brush	11.50	.95	1.10	1.00	2%
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skelton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, office & hospital, both interior and exterior					
Brush	13.15	.95	1.10	1.25	2%

DECISION NO. PA81-3043	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 6					
COMMERCIAL - shall include stores, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings					
Brush	11.74	1.10	1.10		.02
Spray	12.24	1.10	1.10		.02
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, office & hospital, both interior and exterior					
Brush	12.59	1.10	1.10		.02
Spray	13.09	1.10	1.10		.02

ARE COVERED BY PAINTERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Beaver County

ZONE 3 - Butler County

ZONE 4 - Fayette County, Remainder of Washington County

ZONE 5 - Twps. and Borough of Jefferson, Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union Nottingham, Carrol, Fallowfield, Somerset, North Bethlehem, Centerville Brmugh & California in Washington County

ZONE 6 - Armstrong, Indiana, Westmoreland Counties

DECISION NO. PA81-3043	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	15.575	1.05	1.15		.09
CLASS I-A	15.825	1.05	1.15		.09
CLASS I-B	16.075	1.05	1.15		.09
CLASS I-C	16.325	1.05	1.15		.09
CLASS II	15.375	1.05	1.15		.09
CLASS III	13.69	1.05	1.15		.09
CLASS III-A	14.19	1.05	1.15		.09
CLASS IV	12.73	1.05	1.15		.09
CLASS V	12.42	1.05	1.15		.09
CLASS V-A	12.52	1.05	1.15		.09
CLASS V-B	13.67	1.05	1.15		.09
CLASS V-C	13.42	1.05	1.15		.09

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Austin-Western or similar type under 25 Ton, Austin-Western or similar type 25 ton or over; auto grader (CMI or similar); backhoe; batch plant - when conveyors are used for direct feeding or discharge, batch plant - no coveyors for direct feeding or discharge; cableway; caisson drill, central mix plant; cranes (excluding overhead) (truck or crawler type); cranes - tower (mobile); cranes - tower (stationary) (climbing type); cranes - tower (climbing type); cranes - hydraulic self-contained wagon crane - over 18 ton; derrick-traveler (self-propelled); derrick (all types); derrick boats; dragline; dredge; engineer-maintenance; franki or similar type pile driver; gradall (remote control or otherwise; helicopter (when used for erection purposes); helicopter hoist operators (when used for erection purposes); hi-lift 4 yds. or over; hoist-hod (2 cages up to 10 floors; hoist-single cage with Chicago boom attached; hoist (50 ft. or over) (stacks, stoves, stoves or furnaces); hoist (slipform jobs; hop-to or similar type with 180° swing; hop-to or similar type with 360° swing; kocal; koehring scooper; metro chip harvester or similar type; mix mobile or similar type; mucking machine (tunnel); multiple bow machines; pile driver (sonic or similar type); post driver - guard rail (truck mounted); post driver - guard rail (skid type); pumpkrete - mobile or similar type; quad nine; shovels (all types); slip form paver (CMI or similar)1 tractors - boom mounted (all types); tractors (all types with hydraulic backhoe attached); tug boat and whirley

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS I-A - Austin-Western or similar type under 25 ton with jib; Austin-Western or similar type 25 ton or over with jib; cranes (boom or mast 100 ft. or over to & including 150 ft. (truck or crawler type); cranes - mobile (any type 15 ton or over placed on any bldg. structure; hoist-hod (2 cages over 10 floors)

CLASSI-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. truck or crawler type)

CLASS I-C - Cranes (boom or mast over 200 ft.)

CLASS II - Asphalt plant operator; athey loader; auger - truck tractor mounted; back filling machine; boat - material or personnel carrying (powered); boat - job work (inboard or outboard); bull-dozer; cable layer; compactor with blade; compressor (1) and air tugger (1) (combination); compressor (1) and gunite machine (1) (combination); concrete belt placer; crane - overhead; crushing & screening plants; drill - Davey or similar type; drill - core (truck or skid mounted); drill - well & core (truck mounted); elevator (new buildings); euclid loader; excavating equipment (all other); forklift-lull or similar; grader; grader-elevating; greaser-equipment (head); hi-lift - less than 4 yds; hoist - one drum (4 floors or over); hoist - hod (buildings 4 floors or more); hoist - (2 drums or more in one unit); jumbo operator; locomotive; lift slab machine (hydraulic); mixer - paving; mucking machine; pipe cleaning machine; refrigeration plant (used for constr. jobs i.e., cooling, concrete & holding banks); ross carrier (or similar type); scoop (single bowl) (self-powered & tractor drawn); spreader - concrete, asphalt and stone; tower mobile (hoisting or lower material); trencher; well point systems; compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW); pumps (1½" discharge or less) (4 to 5 within reasonable distance); pumps (3) (over 1½ discharge) (within reasonable distance); welding machines (4 to 6 within reasonable distance) (other than electrically driven); elevator (when used for alterations & remodeling all bldgs); grout pump (10 H.P. or over); paver operator - asphalt (spreader); pumpkrete or similar type (not self-propelled); pumpkrete machine operator (stationary); tire repairman (when assigned to job); welder (repairman)

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS III - Ballast regulator; boiler; boring machine; broom, power (except push type); compressor - single (over 65 CFM; compressor (over 125 CFM and air pump); compressor (1) and sand blasting machine (1) (combination); conveyor over 1 and up to 3 units (regardless of power used); crane (carry); curb builder (self propelled); drills - well and horizontal truck mounted; forklifts (ridden or self-propelled); form line machine; generator (over 5 KW); hoists (monorail) (regardless of power used); hoist one drum (regardless of power used); hoist roof (regardless of power used); huck machine or similar type; mixer concrete (regardless of power used); mixer mortar - over 10 cu. ft. (regardless of power used); pavement breaker (self-propelled or ridden); pipe dream; plant, private or industrial air or steam valve; pump (over 1½" discharge regardless of power used); roller; saw (concrete); soil stabilizer (pump type); spray cure machine (power driven); steam jenny (or similar type); stone crusher; stone spreader self-propelled; syphon (steam or air); tractors (when used for snaking and hauling); truck, (winch) truck or hydraulic boom (when hoisting & placing); tube finisher (CMI or similar type); tugger; welding machine single (300 amp or over) (other than electrically driven); compressors (2); generators (2); mortar machine over 10 cu. ft. and single unit conveyor; pumps (1½" discharge or less) (2 to 3); pumps (over 1½" discharge (2) in bank) (within reasonable distance); welding machines (2 to 3) (other than electrically driven)

CLASS III-A - Conveyors 4 units or more

CLASS IV - Compressor - 65 cubic ft. or under (regardless of power used); conveyors one (1) unit (regardless of power used); heaters - up to and including 6; jack motor hydraulic (single type) power driven; ladavator; mixer mortar (10 cubic ft. or under); mulching machine; pin puller (powered); pulverizer; pump - 1½"discharge or less; seeding machine; spreader side delivery shoulder (attachment); tie tamper (multiple heads); tractor farm (when used for landscaping); water blaster

CLASS V - Brakeman; deckhand; helicopter oiler; mechanic

CLASS V-A - Truck crane; oiler & fireman

CLASS V-B - Oiler on truck crane 50-ton up to but not incl. 100-ton

CLASS V-C - Oiler truck crane 100 ton and over

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	15.18	5.5%	10%		4%
PLASTERERS					
ZONE 1	13.04	.85	1.55		
ZONE 2	12.40				.01
ZONE 3	13.10				.01

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Allegheny, Armstrong, Fayette, Butler, Westmoreland and Washington County

ZONE 2 - Beaver County

ZONE 3 - Indiana County

PLUMBERS:					
ZONE 1	15.00	1.28	2.05		.05
ZONE 2	15.33	.80	1.70		.08
ZONE 3	15.05	1.05	1.80		.07
ZONE 4	13.36	1.07	1.22	.75	.27

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Beaver County

ZONE 2 - Butler County

ZONE 3 - Allegheny, Armstrong, Counties; Twp. of Charleroi in Washington County

ZONE 4 - Fayette, Indiana, Westmoreland and remainder of Washington County

ROOFERS	15.96	.77	1.50		.16
SHEET METAL WORKERS	13.75	1.12	1.66		.23

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS					
ZONE 1	12.94	.81	1.08	1.08	.06
ZONE 2	12.25	6½%	8%	10%	

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland

ZONE 2 - Indiana County

SPRINKLER FITTERS					
ZONE 1	15.70	.95	1.40		.04
ZONE 2	15.56	.95	1.40		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Armstrong, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland

STEAMFITTERS					
ZONE 1	15.20	1.35	1.44		.27
ZONE 2	13.36	1.07	1.22	.75	.21
ZONE 3	15.00	1.28	2.05		.05
ZONE 4	15.07	.80	1.30		.08

AREA COVERED BY STEAMFITTERS ZONES

ZONE 1 - Allegheny, Armstrong, remainder of Washington County, Fayette, Indiana, Westmoreland Counties

ZONE 2 - Twp. of Charleroi in Washington County

ZONE 3 - Beaver County

ZONE 4 - Butler County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STONEMASONS					
ZONE 1	13.23	1.00	3.60		.01
ZONE 2	12.97	.90	2.00		.01
ZONE 3	13.85	.90	2.00		
ZONE 4	14.31	.95	1.10	2.00	
ZONE 5	13.82	1.00	1.49		.02
ZONE 6	14.965	1.18	1.50		.04

AREA COVERED BY STONEMASONS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Armstrong, Indiana, Remainder of Fayette and Westmoreland Counties

ZONE 3 - Twps., in Washington County, Cross Creek, Hanover, Jefferson Mt. Pleasant, Nottingham, Peters, Robinson, Smith and Union

ZONE 4 - Beaver County

ZONE 5 - Butler County

ZONE 6 - Twps; in Fayette of Jefferson & Washington, Westmoreland County, Twp

TERRAZZO WORKERS					
ZONE 1	13.80	1.00	2.25		.01
ZONE 2	14.21	.95	1.10		
ZONE 3	12.05	.75	1.00		.01
ZONE 4	12.97	.90	2.00		.01

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AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Allegheny, Butler, Washington, Westmoreland

ZONE 2 - Beaver County

ZONE 3 - Indiana County

ZONE 4 - Fayette County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS					
ZONE 1	13.25	1.00	2.65		.01
ZONE 2	14.21	.95	1.10	2.00	
ZONE 3	12.05	.75	1.00		.01
ZONE 4	12.97	.90	2.00		.01

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Allegheny, Butler, Washington, Westmoreland

ZONE 2 - Beaver County

ZONE 3 - Indiana County

ZONE 4 - Fayette County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS 1	11.86	9.7%	7.1%	a	
CLASS 2	11.91	9.7%	7.1%	a	
CLASS 3	11.93	9.7%	7.1%	a	
CLASS 4	12.01	9.7%	7.1%	a	
CLASS 5	12.20	9.7%	7.1%	a	
CLASS 6	12.03	9.7%	7.1%	a	
CLASS 7	12.18	9.7%	7.1%	a	

CLASSIFICATIONS DEFINITIONS

CLASS 1 - Service truck (pickup, jeep, buses, station wagon, panel truck, escort vehicle, including fuel and water trucks)

CLASS 2 - Dump and flat top (including fuel and water trucks, fork lift in wagehouse or job site storage area and single axle trucks with power tailgate); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products two man operation, bottomen)

CLASS 3 - Transit mix, single axle

CLASS 4 - Transit mix, tandem

CLASS 5 - Heavy duty tractor and trailer with low bed, 6 to 16 wheels and pole trailer and wide load

CLASS 6 - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including fuel and water, tandem axle truck with mixer, driver towing equipment

CLASS 7 - Winch truck and form truck

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WELDERS - Rate of craft

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Inependence Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer Contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Paid Holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

d. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive month.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Elk, Forest, McKean, and Warren

DECISION NUMBER: PA81-3049 DATE: Date of Publication

Supersedes Decision No. PA80-3033 dated October 3, 1980, in 45 FR 65891.

DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Elk County	$14.12	.93	1.85		
Forest County	14.69	.55	1.50		.02
McKean & Warren Counties	12.85	1.32	1.40		.07
BOILERMAKERS	14.93	5%	7%+1.12		.02
BRICKLAYERS, CEMENT MASONS & STONEMASONS:					
Elk, McKean and Warren Cos.	13.15	.80	1.10		
Forest County	14.30	1.00	1.15		.05
CARPENTERS & SOFT FLOOR LAYERS:					
Elk, Forest, all of McKean County except Kane and Bradford	12.25	6½%	8%	10%	
McKean County; Townships of Kane & Bradford; Warren County in its entirety	12.35	6%	8%	10%	1/2%
ELECTRICIANS:					
Elk, Forest and Warren Counties	14.55	1.20	3%+1.75	1.00	.06
McKean County	11.25	.60	3%+.40		1%
GLAZIERS:					
Forest & Warren Cos.	12.34	.60	.80		.01
Elk County	12.44	1.02	1.35	1.23	.02
IRONWORKERS:					
Forest & Warren Cos.	14.50	1.85	1.51		.15
Elk and McKean Cos.	13.59	1.22	1.67		.04

DECISION NO. PA81-3049	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (loading and unloading), concrete pitman, puddler, mason tender	12.00	9%	8%		
Mechanical tamper (power) powered wheelbarrows and buggies and worklifts, sweepers and similar, mortar mixer, ball bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper drill runner's helper (includes drill mounted truck, track or similar), sheeters and shores, vibrator operators, power tamper torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar scaffold builder for plasterers regardless of height, hod carrier, plasterer tender, form cleaning machine operator, plasterer applicating and or pump machine operator,					

DECISION NO. PA81-3049	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (CONT'D)					
paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tools)	12.25	9%	8%		
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder driller (cable tools)	12.80	9%	8%		
Wrecking Laborers	12.00	9%	8%		
Low Burner	12.25	9%	8%		
Jackhammer Operator	12.25	9%	8%		
High Burner	13.05	9%	8%		
High Burner Helper	12.75	9%	8%		
LEADBURNERS	10.75	.40	.25	*	.01
LINE CONSTRUCTION:					
Linemen, Dynamite man, Heavy equipment operator	13.37	.55	3%		3/8 of 1%
Winch truck operator	9.38	.55	3%		3/8 of 1%
Groundman	8.97	.55	3%		3/8 of 1%
MARBLE SETTERS:					
Elk, McKean and Warren Cos.	12.10	.70	.50		
MILLWRIGHTS:					
Elk, Forest & McKean County	13.16	6%	5%	25%	5%
Warren County	12.65	6%	8%	10%	5%
PAINTERS:					
Elks, Forest & Warren Cos; Townships in McKean County, Natmore, Hamlin, Hamilton, Sergent and Norwich					
Commercial:					
Brush and Roller	14.25	.75	1.50		
Spray	15.25	.75	1.50		
Industrial:					
Brush & Roller	14.75	.75	1.50		
Spray	15.75	.75	1.50		
Remainder of McKean County					
Brush & Roller	12.30				
Spray	13.45				

DECISION NO. PA81-3049	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	15.18	5.5%	10%		.5%
PLASTERERS:					
Elk, McKean and Warren Cos.	12.10	.70	.60		
PLUMBERS & STEAMFITTERS					
Elk County	13.36	1.07	1.22	.75	.27
Forest County:					
Contracts under $10,000	8.93	.95	1.30		.15
Contracts over $10,000	13.75	.95	1.30		.15
McKean & Warren Counties	16.52	.98	.55		.04
POWER EQUIPMENT OPERATORS					
CLASS 1	14.625	1.05	1.15		.09
CLASS 1-A	14.875	1.05	1.15		.09
CLASS 1-B	15.125	1.05	1.15		.09
CLASS 1-C	15.375	1.05	1.15		.09
CLASS 2	14.475	1.05	1.15		.09
CLASS 3	12.60	1.05	1.15		.09
CLASS 3-A	13.10	1.05	1.15		.09
CLASS 4	11.95	1.05	1.15		.09
CLASS 5	10.90	1.05	1.15		.09
CLASS 6	11.20	1.05	1.15		.09
CLASS 6-A	11.30	1.05	1.15		.09
CLASS 6-B	11.45	1.05	1.15		.09
CLASS 6-C	12.20	1.05	1.15		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type under 25 ton, austin-western similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), Cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oil to be discussed at per job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types) when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 1 CONT'D - control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago boom attached hoist (50 ft. or over) stacks, stoves or furnances) hoist (slipform jobs hop to or similar type with 150 swing hop to or similar type with 350 swing local touring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment) mix mobile or similar type, mucking machine (tunnel), multiple tool machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any duty, structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, Hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. +$.50) (truck or crawler type), engineer [illegible]

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), Bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings), forklift loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (more), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more),

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 2 CONT'D - hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving mixing machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding tanks), rose carrier (or similar type), scoop (single boom) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance) generators electric (7) (over.) 5 KW up to 20 KW), pumps (4½" discharge or less) (4 to 5 (over.) 5 KW up to 20 KW), pumps (4½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 4½" discharge) (within reasonable distance) (other than electrically driven), grout pump (40 P.S.I. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpcrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned to), welder (repairman)

CLASS 3 - Boiler, compactor (ride on or self-propelled), compressor (over 225 CFM and air pump), compressor (2) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-coil & horizontal truck mounted, forklifts (ride on or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or driven), pipe ream, roller, saw (concrete), soil stabilizer (pug type), stone and stone spreader self-propelled, tractors (when used for erecting and hauling), tube finisher (dill or similar type), tugger, truck, (winch) trucks or hydraulic hoes (when hoisting & placing), (The following machines shall be considered minor) compressors (2) generators (2) mortar machine over 10 cu. ft., and single unit conveyor, pumps (4½" discharge or less (2 to 3), pumps (over 4½" discharge (4 in bank) (within reasonable distance), welding machine (4 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 55 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (mono-rail) (regardless of power used) mixer roof (regardless of power used), muck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 4½" discharge regardless of power used) spray curb machine (power driven) stone jenny (or similar type) sypmon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 55 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 5 jack motor hydraulic (single type) power driven elevator, mixer mortar, (10 cubic ft. or under), mulching machine, pot roller (no prod) pulverizer, pump - 4½" discharge or less, seeding machine, spreader side delivery, chuck (attachment) tie tamper (multiple heads) tractor, farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 5-A - Brake man, fire hand, helicopter signalman, oiler, mechanic helper

CLASS 5-B - Crane truck oiler & fireman

CLASS 5-C - Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 5-D - Oiler - Truck crane 100 ton and over

DECISION NO. PA81-3049	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Elk and Forest Cos.	15.96	.77	1.50		.16
McKean and Warren Cos.	10.95	.65	.45	.15	
SHEET METAL WORKERS	12.60	1.02	1.56		.21
SPRINKLER FITTERS	13.56	.93	1.40		.08
TILE SETTERS AND TERRAZZO WORKERS:					
Elk, McKean and Warren Cos.	12.10	.70	.50		
Forest County	14.30	1.00	1.15		.05
Welders - rate of craft					

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Lawrence & Mercer
DECISION NO.: PA81-3067 DATE: Date of Publication
Supersedes Decision No. PA80-3058 dated October 3, 1980, in 45 FR 65898.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation Projects (does not include single family homes or apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.69	.55	1.50		.02
BOILERMAKERS	14.93	5%	7%+1.12		.02
BRICKLAYERS & STONEMASONS:					
Mercer County	12.83	.85	1.38		.02
Lawrence County	13.82	1.00	1.49		.02
CARPENTERS:					
Lawrence County	13.75	6½%	8%	10%	
Mercer County	13.87	1.34	1.50		.07
CEMENT MASONS:					
Lawrence County	15.64				
Mercer County: Townships of Greene, Sugar Grove, Salem, Sandy Creek, Deer Creek, French Creek, Mill Creek, New Vernon, Perry, Fairview, Lake, Sandy Lake, Worth, Jackson, Wolf Creek, Pine, Liberty and Findley. Also included are portions of the following townships determined by a line running in a north-western direction from the center of the southern border of Springfield Township north by a line running east to north west from Southern border of Otter Creek Township to approximately the center of the Western boundary of West Salem township, Springfield, Coolspring, Otter Creek, Hempfield and West Salem	13.82	1.00	1.49		.02
Remainder of Mercer County	14.37	1.01	2.30		
ELECTRICIANS	15.07	6%	6%	1.00	.1%
ELEVATOR CONSTRUCTORS	13.70	1.19%	.82	b+c	.03%
ELEVATOR CONSTRUCTORS HELPERS		1.19%	.32	b+c	.03%

DECISION NO. PA81-3047	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTOR'S HELPERS (PROB.)	50%JR				
GLAZIERS	13.76	.85	1.00		
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING	14.25	.75	1.30		.09
LABORERS: Laborers, carryable pumps, west brick buggy or similar, vibrator operators walk behind fork lift or similar (non self-propelled) stripper & mover or forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	12.00	9%	9%		
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill runners's helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man concrete buster	12.13	9%	9%		
Hod Carrier, scaffold builder bell and bottom man on furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder and pump operators and concrete saw operator, wagon drill operators	12.27	9%	9%		

DECISION NO. PA81-3047	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (CONT'D) Gunnite nozzleman	$12.56	9%	9%		
Blaster	12.73	9%	9%		
LANDSCAPING: Landscape laborer to include general landscaping work and driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job	7.79	12%	10%		
Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work	8.21	12%	10%		
LEAD BURNERS	10.75	.40	.25	a	.01
LINE CONSTRUCTION: Lineman, dynamite man, heavy equipment operator	13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
MARBLE SETTERS: Lawrence County	13.82	1.00	1.49		.02
Mercer County	13.56				
MILLWRIGHTS: Lawrence County	13.16	6%	6%	25%	4%
Mercer County	15.255				
PAINTERS: Commercial - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings: Brush & Roller	14.25	.75	1.50		
Spray	15.25	.75	1.50		

DECISION NO. PA81-3047	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: CONT'D Industrial - shall include sewage treatment plants, water works or authorities, and power plants, all skelton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices and hospital, both interior and exterior: Brush & Roller	14.75	.75	1.50		
Spray	15.75	.75	1.50		
PILEDRIVERMEN: Lawrence	15.18	5.5%	10%		½%
Mercer County	14.66	1.34	1.50		.07
PLASTERERS: Lawrence County	15.99				.01
Mercer County: Townships of Greene, Sugar Grove, Salem, Sandy Creek, Deer Creek, French Creek, Mill Creek, New Vernon, Perry, Fairview, Lake, Sandy Lake, Worth, Jackson, Wolf Creek, Pine, Liberty and Findley. Also included are portions of the following townships determined by a line running in a north-western direction from the center of the southern border of Springfield Township north by a line running east to north west from southern border of Otter Creek Township to approximately the center of the Western					

DECISION NO. Pa81-3047	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: CONT'D boundary of West Salem township, Springfield, Coolspring, Otter Creek, Hempfield and West Salem	13.82	1.00	1.49		.02
Remainder of Mercer County	13.26	.93	2.13		
PLUMBERS & STEAMFITTERS: Lawrence	15.00	1.28	2.05		.05
Mercer County	15.00	.70	1.30		.05
ROOFERS	13.70	.85	.90		.02
SHEET METAL WORKERS: Lawrence	12.60	1.02	1.56		.21
Mercer County	14.14	.75	.83		.06
SOFT FLOOR LAYERS: Lawrence County	12.30	.80	.98	.58	.05
Mercer County	12.28	1.29	1.35		.05
SPRINKLER FITTERS	15.56	.95	1.40		.08
TERRAZZO WORKERS & TILE SETTERS: Lawrence County/	13.82	1.00	1.49		.02
Mercer County	15.255				

Welders - Receive rate for craft

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 6 paid Holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Paid Holiday: A through F, plus the Friday after Thanksgiving Day.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

DECISION NO. PA81-3047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I	$15.575	1.05	1.15		.09
CLASS I-A	15.825	1.05	1.15		.09
CLASS I-B	16.075	1.05	1.15		.09
CLASS I-C	16.325	1.05	1.15		.09
CLASS II	15.375	1.05	1.15		.09
CLASS III	13.69	1.05	1.15		.09
CLASS III-A	14.19	1.05	1.15		.09
CLASS IV	12.73	1.05	1.15		.09
CLASS V	12.42	1.05	1.15		.09
CLASS V-A	12.52	1.05	1.15		.09
CLASS V-B	12.67	1.05	1.15		.09
CLASS V-C	13.42	1.05	1.15		.09

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Austin-Western or similar type under 25 Ton, Austin-Western or similar type 25 ton or over; auto grader (CMI or similar); backhoe; batch plant - when conveyors are used for direct feeding or discharge, batch plant - no coveyors for direct feeding or discharge; cableway; caisson drill, central mix plant; cranes (excluding overhead) (truck or crawler type); cranes - tower (mobile); cranes - tower (stationary) (climbing type); cranes - tower (climbing type); cranes - hydraulic self-contained wagon crane - over 13 ton; cranes - hydraulic self-contained wagon crane - 18 ton or less; derrick-traveler (self-propelled); derrick (all types); derrick boats; dragline; dredge; engineer-maintenance; franki or similar type pile driver; gradall (remote control or otherwise); helicopter (when used for erection purposes); helicopter assist operators (when used for erection purposes); hi-lift 4 yds. or over; hoist-hod (2 cages up to 10 floors); hoist-single cage with Chicago boom attached; hoist (50 ft. or over) (stacks, stoves or furnaces); hoist (slipform jobs); hop-to or similar type with 180° swing; hop-to or similar type with 360° swing; kocal; koehring scooper; metro chip harvester or similar type; mix mobile or similar type (with self-loading attachment); mix mobile or similar type; mucking machine (tunnel); multiple bowl machines; pile driver (sonic or similar type); post driver - guard rail (truck mounted); post driver - guard rail (skid type); pumpkrete - mobile or similar type; quad nine; shovels (all types); tractors (all types with hydraulic backhoe attached); tug boat and whirley

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS I-A - Austin-Western or similar type under 25 ton with jib; Austin-Western or similar type 25 ton or over with jib; cranes (boom or mast 100 ft. or over to & including 150 ft. (truck or crawler type); cranes - mobile (any type 15 ton or over) placed on any bldg. structure; hoist-hod (2 cages over 10 floors)

CLASS I-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. truck or crawler type)

CLASS I-C - Cranes (boom or mast over 200 ft.)

CLASS II - Asphalt plant operator; athey loader; auger - truck tractor mounted; back filling machine; boat - material or personnel carrying (powered); boat - job work (inboard or outboard); bulldozer; cable layer; compactor with blade; compressor (1) and air tugger (1) (combination); compressor (1) and gunite machine (1) (combination); concrete belt placer; crane - overhead; crushing & screening plants; drill - Davey or similar type; drill - core (truck or skid mounted); drill - well & core (truck mounted); elevator (new Buildings); euclid loader; excavating equipment (all other); forklift-hull or similar; grader; grader-elevating; grader-equipment (rear); hi-lift - less than 4 yds; hoist - one drum (1 floors or over); hoist - hod (buildings 4 floors or more); hoist - (2 drums or more in one unit); jumbo operator; locomotive; 1 ft slab machine (hydraulic); mixer - pay on; mucking machine; pipe cleaning machine; refrigeration plant (used for constr. jobs i.e., cooling, concrete & building earth); rock carrier (or similar type); scoop (single boom) (self-powered & tractor train); spreader - concrete, asphalt and stone; tower mobile (hoisting or lowering material); trencher; well point systems; compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW); pumps (4" discharge or less) (4 to 5 within reasonable distance); pumps (3) (over 4" discharge) (within reasonable distance); welding machines (4 to 5 within reasonable distance) (other than electrically driven); elevator (when used for alterations & remodeling all kinds); grout pump (10 H.P. or over); paver operator - asphalt (spreader); pumpkrete or similar type (not self-propelled); pumpcrete machine operator (stationary); tire repairer (when assigned to job); welder (repairman)

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS III - Ballast regulator; boiler; boring machine; broom, power (except push type); compressor - single (over 55 CFM); compressor (over 125 CFM and air pump); compressor (1) and sand blasting machine (1) (combination); conveyor over 3 and up to 3 units (regardless of power used); crane (carry); curb builder (self propelled); drills - well and horizontal truck mounted; forklifts (ridden or self-propelled); form line machine; generator (over 5 KW); hoists (monorail) (regardless of power used); hoist one drum (regardless of power used); hoist roof (regardless of power used); huck machine or similar type; mixer concrete (regardless of power used); mixer mortar - over 10 cu. ft. (regardless of power used); pavement breaker (self-propelled or ridden); pipe dream; plant, private or industrial air or steam valve; pump (over 1½" discharge regardless of power used); roller; saw (concrete); soil stabilizer (pump type); spray cure machine (power driven); steam jenny (or similar type); stone crusher; stone spreader self-propelled; syphon (steam or air); tractors (when used for snaking and hauling); truck or hydraulic boom (when hoisting & placing); tube finisher (CMI or similar type); tugger; welding machine single (300 amp or over) (other than electrically driven); compressors (2); generators (2); mortar machine over 10 cu. ft. and single unit conveyor; pumps (1½" discharge or less) (2 to 3); pumps (over 1½" discharge (2) in bank) (within reasonable distance); welding machines (2 to 3) (other than electrically driven)

CLASS III-A - Conveyors 4 units or more

CLASS IV - Compressor - 55 cubic ft. or under (regardless of power used); conveyors one (1) unit (regardless of power used); heaters - up to and including 6; jack motor hydraulic (single type) power driven; ladavator; mixer mortar (10 cubic ft. or under); mulching machine; pin puller (powered); pulverizer; pump - 1½" discharge or less; reeling machine; spreader side delivery shoulder (attachment); tie tamper (multiple heads); tractor farm (when used for landscaping); water planter

CLASS V - Brakeman; deckhand; helicopter oiler; mechanic

CLASS V-A - Truck crane; oiler & fireman

CLASS V-B - Oiler on truck crane 50-ton up to but not incl. 100-ton

CLASS V-C - Oiler truck crane 100 ton and over

[FR Doc. 81-20728 Filed 7-16-81; 8:45 am]
BILLING CODE 4510-27-C

DECISION NO. PA81-3047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS 1	$11.86	9.7%	7.1%	a	
CLASS 2	11.91	9.7%	7.1%	a	
CLASS 3	11.93	9.7%	7.1%	a	
CLASS 4	12.01	9.7%	7.1%	a	
CLASS 5	12.20	9.7%	7.1%	a	
CLASS 6	12.03	9.7%	7.1%	a	
CLASS 7	12.18	9.7%	7.1%	a	

CLASSIFICATIONS DEFINITIONS

CLASS 1 - Warehouseman, chauffeur & ambulance drive, service truck (pickup, jeep, busses, station wagon, panel truck, escort vehicle, including fuel and water trucks)

CLASS 2 - Dump and flat top (including fuel and water trucks, fork lift in warehouse or job site storage area and single axle trucks with power tailgate); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products two man operation, bot men)

CLASS 3 - Transit mix, single axle

CLASS 4 - Transit mix, tandem

CLASS 5 - Heavy duty tractor and trailer with low bed, 5 to 16 wheels and pole trailer and wide load

CLASS 6 - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including mixer, drivers towing equipment

CLASS 7 - Winch truck and form truck

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

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federal register

Friday
July 17, 1981

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining; Disposal of Excess Spoil

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816 and 817

Surface Mining; Disposal of Excess Spoil

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rules.

SUMMARY: OSM is amending 30 CFR 715.15 (interim program), 816.71 and 817.71 (permanent program) to allow controlled gravity transport of excess spoil from an actively mined upper bench to an existing lower bench where the lower highwall meets the upper bench with no intervening natural slope, provided that spoil is not placed on the downslope of the lower bench.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240 (202–343–4022).

SUPPLEMENTAL INFORMATION: In response to questions raised by the Virginia Surface Mining Reclamation Association, OSM on August 11, 1980, at 45 FR 53183, proposed to revise 30 CFR 715.15, 816.71 and 817.71 to allow controlled gravity transport of excess spoil from actively mined upper benches to pre-existing lower benches whose highwalls meet the upper benches with no intervening natural slope. Specific requirements were proposed to ensure, among other things, that no spoil would be placed on the downslopes of the lower benches. The rationale for proposing these rules and for the specific proposed requirements is expressed in the preamble to the proposed rules, at 45 FR 53185.

A comment period of 30 days was provided, which closed on September 10, 1980. A public hearing on the proposed rules was held on August 29, 1980, at the Main Interior Building, 18th & C Streets, N.W., Washington, D.C. No comments were presented at this public hearing.

These rules revise the interim and permanent performance standards. The permanent program performance standards, including these revisions, are being reviewed with regard to Secretary Watt's goals of eliminating excessive, burdensome or counterproductive regulations and of more effectively and efficiently implementing the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Further revisions in the permanent program performance standards may occur.

Differences between the final and proposed rules are discussed below in the responses to written and oral comments that were received.

1. One commenter asserted that "any procedure such as the one proposed which allows for the disposal of excess spoil must deal with the basic problem of determining how much spoil is excess." The commenter proposed that the operator be required to include in the permit application computations of how much spoil is necessary to return to approximate original contour (AOC) and how much spoil is excess. The intent of the proposed rules was to require the operator to demonstrate, prior to regulatory authority approval of use of gravity transport method, that sufficient spoil will remain on the upper bench for the purposes of eliminating the highwall and return to AOC. *See* proposed 30 CFR 715.15(a)(15)(B)(ii), 816.71(o)(2)(B) and 817.71(o)(2)(B). To make this obligation clearer, however, the final rules require that regulatory authority approval of use of the gravity transport method may not be given unless the operator demonstrates that only spoil unnecessary for elimination of the highwall and return of the upper bench to AOC will be moved by gravity transport. *See* final 30 CFR 715.15(a)(15)(A), 816.71(o)(1), and 817.71(o)(1). OSM expects that operator compliance with this provision will entail computation by the operator of the amount of spoil necessary for return to AOC.

The commenter also suggested that the operator include in the permit application a schedule of dumping the excess spoil in order to facilitate the role of the regulatory authority and its inspectors in ensuring that only spoil in excess of that necessary for return to AOC is disposed of on the lower bench. OSM rejects this suggestion. The Secretary does not believe that imposition of this requirement is justified by the marginal increase in ease of enforcement the requirement could attain.

2. One commenter urged OSM to require the operator to specify in the permit application specific gravity transport points and require the regulatory authority to approve these points as a permit condition. The proposed regulations required regulatory authority determination of where these points should be. OSM has accepted the comment to the extent of requiring operator determination of where the points will be and regulatory authority approval of the points selection.

3. Another commenter pointed out that the proposed regulations did not require the operator to handle the spoil in a timely manner when it was dumped onto the lower bench. The Secretary believes that the general spoil handling requirements (30 CFR 816.100/817.100 contemporaneous reclamation), reinforced by the concurrent compaction requirement of final 30 CFR 715(a)(15)(B), 816.71(o)(2)(D) and 817.71(o)(2)(D), address this issue. Therefore, the suggestion has been rejected.

4. Several commenters indicated that the proposed regulations did not consider specific mining operations such as augering and second-cut mining on previously mined areas. The proposed regulations, though, address the disposal of excess spoil regardless of the type of mining operation from which that excess spoil is generated. If an augering operation or a second-cut operation on a previously mined area were to generate spoil in excess of that necessary to eliminate the highwall and return the area to AOC, then that excess spoil may well be considered for disposal by gravity transport.

5. Several commenters questioned the reference in the preamble of the proposed rules to an experimental practice allowing the use of spoil "lanes" or "chutes" for gravity transport of excess spoil where a natural slope intervenes between the two involved benches. These commenters feel that the utility of this practice has already been demonstrated and is not appropriately the subject of further experimental practice. These comments have been rejected because SMCRA prohibits gravity transport of spoil over the natural slope between benches. See comment response 10.

6. Several commenters suggested that the gravity transport method should be allowed with respect to benches created after August 3, 1977, the date of enactment of SMCRA. They argued that many benches created after that date are legal and in accord with applicable surface mining regulations. OSM acknowledges that benches have been created and legally abandoned after enactment of SMCRA. The final regulations allow use of the gravity transport method with respect to these benches if all other conditions are met.

7. One commenter suggested that the safety berm be constructed only on the "solid portion" of the lower bench because placing additional material on the "fill" portion of existing benches may contribute to instability. The commenter also stated that dumping of material onto the lower bench prior to construction of the berm may be necessary to enable construction of the safety berm where insufficient material exists on the lower bench. The final rule requires that the safety berm be constructed on the solid portion of the lower bench. *See* 30 CFR 715.15(a)(15)(B)(v), 816.71(o)(2)(E) and 817.71(o)(2)(E).

The intent of these rules is that the safety berm on the lower bench will usually be constructed prior to gravity transport of materials to this bench. In the event insufficient material is available to construct the berm, however, sufficient spoil may be gravity transported to the lower bench to construct the berm. The Secretary accepts this recommendation and the regulation has been amended to reflect this. *See* final 30 CFR 715.15(a)(15)(B)(v), 816.71(o)(2)(E) and 817.71(o)(2)(E).

8. One commenter questioned whether OSM should limit the source of the spoil that is transported to the lower bench. This commenter suggested that the source of the materials for reclamation of various benches in a multiple seam mining operation should be up to the discretion of the operator, so long as the requirements of the regulations are met. OSM does not believe that these or any of the other regulations governing the disposal of excess spoil require an operator to use specific materials on specific fill sites.

If, as in the example presented by this commenter, multiple seams are being mined, the spoil from the first (upper) seam may be transported to the second (middle) bench and down to the next bench (lowest) and so on, provided that *all* the requirements of these regulations are met, including, specifically, the requirement of 30 CFR 715.15(a)(15)(B)(i), 816.71(o)(2)(A) and 817.71(o)(2)(A) and the requirement that the lower benches onto which spoil is placed by gravity transport have been legally abandoned. *See* comment response 6.

9. Several commenters stated that the proposed regulations unnecessarily require safety berms on the lower bench in all instances. These commenters reason that, since the operator is responsible, in any event, for spoil placed on the downslope, the operator necessarily will take precautions to prevent this. One commenter asserted that safety berms are not the only means of preventing material from moving downslope off the lower bench and that the regulatory authority should be given the discretion to approve alternate means. This commenter did not, however, provide any examples of effective alternate means. The Secretary has not accepted these comments as the proposed rules indicate such berms are necessary to protect public safety. However, the specific type or method of construction of the safety berm is left to the operator, thereby allowing flexibility in meeting these requirements.

10. One commenter felt that the proposed regulations unreasonably restrict use of the gravity transport method to upper benches that meet lower benches with no intervening natural slopes. The commenter reasoned that, in most cases, more environmental damage would be caused by constructing the roads, berms, etc., needed to haul material to a lower bench by vehicle than would be caused by controlled gravity transport. SMCRA, however, prohibits the placing of spoil on the downslope, and OSM interprets this as preventing gravity transport of spoil where the natural slope intervenes between the upper and lower bench. *See* preamble to the proposed gravity transport regulations at 45 FR 53184, col. 1 (Aug. 11, 1980).

11. Several commenters objected to the requirement in the proposed regulations that "all excess spoil on the lower solid bench" must be rehandled. These commenters requested that this statement be clarified to insure that the operator is not required to rehandle existing spoil on the lower benches. OSM agrees that existing spoil that has been placed legally on the lower bench does not have to be rehandled in all instances. Such spoil must, however, be rehandled if necessary to insure the stability of the fill. *See* final 30 CFR 715.15(a)(15)(B)(iv), 816.71(o)(2)(D) and 817.71(o)(2)(D).

12. OSM made two other changes in the wording of the proposed rules based on the general comments and its review of the proposed rules.

a. The phrase "* * * and, as such, is subject to all requirements of the regulations, including but not limited to, topsoil handling, hydrologic, revegetation and coal processing wastes requirements" was deleted from 30 CFR 715.15(a)(15)(B)(vi), 816.71(o)(2)(F) and 817.71(o)(2)(G). This phrase is unnecessary because it duplicates the existing mandate of the interim and permanent regulations that disturbed and affected areas are subject to these requirements. "Disturbed area" was substituted for "affected area" in 30 CFR 715.15(a)(15)(B)(vi) because the former but not the latter phrase is defined in the interim regulations.

b. The requirement of removing the safety berm was clarified. The proposed rules indicated that the berm must be removed "during final grading operations." This was not meant to require removal as the last step in grading. The rules were revised by replacing the word "during" with "by" in 30 CFR 715.15(a)(15)(B)(v), 816.71(o)(2)(E) and 817.71(o)(2)(F) to indicate that the berm could be removed during the period of grading as soon as safe handling methods would allow its removal.

13. One commenter recommended that the regulations be promulgated as proposed. OSM accepts this comment except for the revisions referred to in the previous responses to comments.

Determinations Under Executive Order 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

OSM has examined these final rules according to the criteria of Executive Order 12291 (February 17, 1981) and determined that they do not constitute major rules. The economic impact of the rules is expected to be small, though beneficial to coal operators and consumers, because of the limited applicability of the rules.

The rules have also been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and OSM has determined that the final rules will not have a significant impact on a substantial number of small entities. The final rules are expected to reduce the regulatory burden on small coal operators by allowing a previously prohibited means of spoil disposal when it is more economical.

OSM has determined that adoption of the final rules does not constitute a major federal action that would significantly affect the quality of the human environment. The rules are, therefore, exempt from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

PART 715—GENERAL PERFORMANCE STANDARDS

30 CFR 715.15(a) is amended by adding a new subparagraph (15) as follows:

§ 715.15 Disposal of excess spoil.

(a) General requirements. * * *

(15) Disposal of excess spoil from an upper actively mined bench to a lower pre-existing bench by means of gravity transport is permitted provided that:

(i) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the spoil to be disposed of by gravity transport is not necessary for elimination of the highwall and return of the upper bench to approximate original contour;

(ii) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(A) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(B) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should spoil accidentally move down-slope of the lower bench;

(C) The excess spoil is placed only on solid portions of the lower pre-existing bench;

(D) All excess spoil on the lower solid bench, including that spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench shall consist of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a long term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except to ensure stability of the fill.

(E) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The safety berm must be removed by the operator by final grading operations;

(F) The area of the lower bench used to facilitate the disposal of excess spoil is considered a disturbed area.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS: SURFACE MINING ACTIVITIES

30 CFR 816.71 is amended by adding paragraph (o) as follows:

§ 816.71 Disposal of excess spoil: General requirements.

* * * * *

(o) Disposal of excess spoil from an upper actively mined bench to a lower pre-existing bench by means of gravity transport is permitted provided that:

(1) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the spoil to be disposed of by gravity transport is not necessary for elimination of the highwall and return of the upper bench to approximate original contour;

(2) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(i) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(ii) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should spoil accidentally move downslope of the lower bench;

(iii) The excess spoil is placed only on solid portions of the lower pre-existing bench;

(iv) All excess spoil on the lower solid bench, including that spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench shall consist of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a long-term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except to ensure stability of the fill;

(v) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The safety berm must be removed by the operator during final grading operations;

(vi) The area of the lower bench used to facilitate the disposal of excess spoil is considered an affected area.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS: SURFACE MINING ACTIVITIES

30 CFR 817.71 is amended by adding paragraph (o) as follows:

§ 817.71 Disposal of underground development waste and excess spoil: General requirements.

* * * * *

(o) Disposal of excess spoil from an upper actively mined bench to a lower pre-existing bench by means of gravity transport is permitted provided that:

(1) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the spoil to be disposed of by gravity transport is not necessary for elimination of the highwall and return of the upper bench to approximate original contour;

(2) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(i) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(ii) Only underground development waste and spoil in excess of that necessary to eliminate the highwall and return the upper bench to the approximate original contour may be placed on the lower solid bench;

(iii) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should spoil accidently move down slope of the lower bench;

(iv) The excess spoil is placed only on solid portions of the lower pre-existing bench;

(v) All excess spoil on the lower solid bench, including that spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench shall consist of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, and graded to allow surface and subsurface drainage to the compatible with the natural surroundings to ensure a long term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except to ensure stability of the fill.

(vi) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The safety berm must be removed by the operator by final grading operations;

(vii) The area of the lower bench used to facilitate the disposal of excess spoil is considered an affected area.

Dated: June 15, 1981.

Approved:

William P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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37279 **Mortgage Insurance** HUD/FHC proposes regulatory requirements for FHA insured mortgage loan at a negotiated interest rate.

37488 **Handicapped—Nondiscrimination** DOT issues interim final rules and requests comments on mass transit services for handicapped persons.

37297 USDA/Sec'y notifies recipients of Federal financial assistance to comply with nondiscrimination provisions.

37252 **Grant Programs—Agriculture** USDA proposes to establish policy and guidance for administration of grants and cooperative agreements.

37484 **Grant Programs—Libraries** ED issues final rules for Library Research and Demonstration Program. (Part III of this issue)

37470 **Grant Programs—Higher Education** ED proposes regulations for Institutional Aid Programs. (Part II of this issue)

37250 **Oil and Gas Leasing** Interior/BLM partially lifts moratorium on issuance of noncompetitive oil and gas leases for Federal lands acquired for military or naval purposes.

37239 **Aliens** Justice/INS rescinds travel restriction regulations placed on Iranian Nationals.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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37418 **Iran** State provides supplemental information on filing of claims against Iran.

37308 **Natural Gas** DOE/EIA publishes alternative fuel price ceilings and incremental price threshold for high cost natural gas.

37247 **Motor Vehicle Safety** EPA establishes nitrogen oxides emission standards for several 1982 model year light-duty diesel vehicles.

37287 **Air Pollution Control** EPA proposes performance standards and monitoring requirements for new or modified kraft pulp mills.

37283 **Surface Mining** Interior/SMREO reproposes regulations on disposal of excess spoil.

37294, 37296 **Agriculture—Peanut** USDA/CCC announces determination of support levels and loan and purchase program differentials for 1981 crop peanut. (2 documents)

37432 **Income Taxes** Treasury requests public comment on new "model" income tax treaty.

37303 **Minority Businesses—Financial Assistance** Commerce/MBDA seeks applications under its General Business Services Program to operate one project within the Detroit Standard Metropolitan Statistical Area.

37244 **Pensions** PBGC prescribes contents and procedures for notice of termination for multiemployer plans.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Termination of California Desert Grape Reg. 1]

Grapes Grown in a Designated Area of Southeastern California; Termination of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action terminates quality, container, inspection and packing holiday regulation for grapes grown in Southeastern California effective July 15, 1981. Due to weather and crop conditions the commercial season for these grapes will be completed by that date.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of grapes grown in a designated area of Southeastern California. This marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the California Desert Grape Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that termination of the regulation will tend to effectuate the declared policy of the act.

Termination of the regulatory requirements would permit utilization of grapes remaining in the vineyards after the regular commercial harvest has ended. Such grapes, some of which would not meet current requirements, are expected to be sold locally, and not in major commercial markets. The committee reports that the 1981 desert grape season is ending sooner than expected due to hot weather and because the crop was smaller than anticipated. Unless terminated, these regulatory requirements would remain in effect until August 15, 1981.

After consideration of all relevant matters presented, including the recommendation of the committee, and other available information, it is hereby found that the continued regulation of the 1981 California desert grape crop no longer tends to effectuate the declared policy of the act, and the current requirements should be terminated effective July 15, 1981.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date of termination until 30 days after publication thereof in the **Federal Register** (5 U.S.C. 553), in that: (1) the time intervening between the date when information upon which this action is based became available and the time when this termination action must become effective in order to effectuate the declared policy of the act is insufficient; (2) the recommendation and supporting information in regard to termination of the regulation were promptly submitted to the Department after a meeting of the committee on July 7, 1981; and (3) this final rule terminates handling requirements for fresh desert grapes.

Therefore, the provisions of § 925.300 California Desert Grape Regulation 1 (46 FR 24145) are hereby terminated effective July 15, 1981.

§ 925.300h [Removed]

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 15, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-21671 Filed 7-17-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends a portion of the pooling standards for distributing plants and the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Based on available information concerning the market's current supply conditions, it is necessary to suspend the provisions in question to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market. The suspension is for the months of July and August 1981.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: Issued June 22, 1981; published June 25, 1981 (46 FR 32874). Notice of Hearing: Issued June 22, 1981; published June 25, 1981 (46 FR 32873).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this

document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on the timely basis necessary to include July 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that Grade A dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon Marketing Area.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 32874) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. A cooperative association filed comments supporting the suspension. A limited number of producers commented in opposition to the suspension.

After considering all relevant material, including the proposal in the notice, comments received and other available information, it is hereby found and determined that for the months of July and August 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1135.7, paragraph (a)(2) in its entirety.
2. In § 1135.13 (f)(3), (4) and (5), the words "and 70 percent in others months."

Statement of Consideration

This action makes inoperative for July and August 1981 (1) the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes and (2) the provisions limiting the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The present order provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70 percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months.

These provisions, which became effective under the new order on July 1, were adopted for the purpose of facilitating the pooling of producer milk supplies that are available to meet the fluid needs of the market. The provisions were based on evidence developed at a public hearing that was completed in February 1980. On the basis of available information it is clear that current marketing conditions are substantially different from those existing at the time the provisions in question were proposed.

An indication of the changed market situation is the present upsurge in the market's milk supplies due to a substantial increase in milk production by producers in the major supply area (Idaho) for the market. For example, milk production in Idaho is up over 9 percent for the first 5 months of 1981 compared to the same months in 1980. This follows nearly a 15 percent increase in milk production during the first 5 months of 1980 from the comparable period in 1979.

Because of this recent buildup in the availability of milk supplies for the market, Mountain Empire Dairymen's Association, Inc. and Dairymen's Creamery Association, Inc., who represent a large majority of the producers associated with the market, requested that a hearing be held to consider on an emergency basis certain proposals to relax these pooling provisions. The basis of their request was that because of the present buildup in milk supplies the pooling provisions in question will prevent them from pooling under the new order the milk of some of their members who are regularly associated with the market. Consequently, a notice of hearing was issued on June 22, 1981 (46 FR 32873) to consider the cooperatives' request on an emergency basis at a public hearing to begin on July 15, 1981 in Boise, Idaho.

In view of the urgency of the marketing situation concerning the market's current supply conditions, immediate action is necessary to assure that producers associated with the market will have their milk pooled and priced under the order. However, there is insufficient time to resolve the pooling problem for July and August 1981 on an emergency amendatory basis. Accordingly, this temporary suspension is warranted since it is the only practicable means of assuring producer status of certain dairy farmers associated with the market for July and August 1981 pending the completion of the hearing proceeding.

The suspension was supported by one of the two cooperatives that requested the emergency hearing primarily for the same reasons set forth in its request for emergency amendatory action. Consequently, support for the suspension is widespread since this cooperative represents a substantial number of the producers supplying the market.

A limited number of producers commented in opposition to the suspension. Their views centered on the contention that pooling the increased milk production will reduce the blend price under the order. This argument should not be an overriding consideration. As noted, the marketing situation relative to milk supplies available to the market has changed and the suspension is warranted under the changed circumstances.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of certain producers associated with the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1981.

Effective date: Upon July 21, 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on July 15, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81–21068 Filed 7–17–81; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

1981—Crop Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1446.33 and 1446.34 (Loan and Purchase Rates). Adjustments in national support levels for quota and additional peanuts are published each year in the **Federal Register** and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations each time a change is made in the loan rates, the national support level for quota and additional peanuts will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop peanuts but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: David L. Kincannon, (ASCS) Price Support and Loan Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as "not major." This rule has been classified as "not major" since it does not have an annual effect on the economy of $100 million or more. We have determined that it is impracticable for the Commodity Credit Corporation (CCC) to follow the public rulemaking requirement of Secretary's Memorandum 1955 and 5 U.S.C. with respect to this rule since this action makes no substantive change but merely deletes the national loan rates previously published in the Code of Federal Regulations. Previously, national loan rates for quota and additional peanuts were published in the **Federal Register** as proposed rules and final rules, then were later codified in the Code of Federal Regulations. Effective with 1981-crop peanuts, support rates will appear only as notices in the **Federal Register**. The loan and purchase rates previously appearing in §§ 1446.30 through 1446.37 remain applicable to the appropriate crop years.

Final Rule

§§ 1446.33 and 1446.34 [Removed]

Accordingly, §§ 1446.33 and 1446.34 of Title 7 are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1421, 1441c, 1445))

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–21039 Filed 7–17–81; 8:45 am]

BILLING CODE 3410–05–M

7 CFR Part 1446

1981—Crop Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1446.38 through 1446.40 (Loan and Purchase Rates). Adjustments in loan and purchase rates for differences in type, quality, location, and other factors for peanuts eligible for price support are published each year in the **Federal Register** and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations each time a change is made in the loan schedules, the annual crop year loan schedules will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop peanuts but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Gypsy S. Banks, (ASCS) Price Support and Loan Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as "not major." This rule has been classified as "not major" since it does not have an annual effect on the economy of $100 million or more. We have determined that it is impracticable for the Commodity Credit Corporation (CCC) to follow the public rulemaking requirement of Secretary's Memorandum 1955 and 5 U.S.C. with respect to this rule since this action makes no substantive change but merely deletes the loan and purchase rates previously published in the Code of Federal Regulations; however, previously, loan and purchase rates were published in the **Federal Register** as proposed rules and final rules. The same loan schedules were later codified in the Code of Federal Regulations. Effective with 1981-crop peanuts, support rates will appear only as notices in the **Federal Register**. The material previously appearing in §§ 1427.100 through 1427.105 remain in full force and effect as to the crop years to which it is applicable.

Final Rule

§§ 1446.38 through 1446.40 [Removed]

Accordingly, §§ 1446.38 through 1446.40 of Title 7 are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1421, 1441c, 1445))

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–21038 Filed 7–17–81; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 211

Aliens And Nationality; Removal of Restrictions; Iranian Nationals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The revision deletes language which requires a returning lawful permanent resident alien who has traveled to, in or through Iran to receive permission from the Secretary of State for such travel, before a waiver of certain entry documents may be granted. Rescission of this restriction was inadvertently omitted from the rule published May 8, 1981, which rescinded most restrictions on Iranian nationals.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information contact: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536, Telephone (202) 633–3048.

For Specific Information contact: Michael J. Heilman, General Attorney, Immigration and Naturalization

Service, 425 Eye Street, N.W., Washington, DC 20536, Telephone (202) 633–2620.

SUPPLEMENTARY INFORMATION: On May 8, 1981, rules were published at 46 FR 25597 rescinding most of the restrictions placed on Iranian nationals as a result of the taking of the American hostages and the break in diplomatic relations. In those rules, rescission of the restriction in 8 CFR 211.1(b)(3) was inadvertently omitted. Therefore, this rule rescinds this restriction which requires a returning lawful permanent resident alien who has traveled to, in, or through, Iran to receive permission from the Secretary of State for such travel before a waiver of certain entry documents may be granted.

This final rule is not within the requirements of Executive Order 12291 because the rule is issued with respect to a foreign affairs function of the United States and is exempt under section 1(a)(2) of the Order.

Compliance with 5 U.S.C. 553 as to notice and delayed effective date is not required because the rule involves a foreign affairs function and it is not in the public interest to delay promulgation.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that promulgation of this final rule will not have a significant economic impact because the rule simply removes restrictions which were previously imposed during the Iranian crisis.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS: WAIVERS

Section 211.1(b)(3) is revised to read as follows:

§ 211.1 Visas.

* * * * *

(b) * * *

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I–151 or I–551, or reentry permit may, upon application on Form I–193, be granted a waiver of that requirement. If the returning resident alien is not presenting Form I–151 or I–551 because he has lost it, a Form I–90, (application for a replacement Form I–151) in duplicate, may be filed with the district director having jurisdiction over the port of entry who may in his discretion grant or deny without appeal a waiver of the required immigrant visa, reentry permit or Form I–151, by an immigrant alien who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year; filing the I–90 will serve not only as an application for replacement but also as an application for waiver of passport and visa without the necessity of a separate filing of Form I–193. An alien who is granted a waiver under this part upon presentation of Form I–90 shall, after admission into the United States, comply with the requirements of § 284.1(c) of this chapter.

* * * * *

(Secs. 103, 211; 8 U.S.C. 1103, 1181)

Dated: July 15, 1981.

Doris M. Meissner,

Acting Commissioner.

[FR Doc. 81–21098 Filed 7–17–81; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Denmark

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document extends to Denmark the prohibitions previously placed on the importations into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). This action is necessary to protect the livestock of the United States from such disease.

DATES: The foregoing amendment shall become effective July 14, 1981, except for horses then in transit to the United States from Denmark (i.e., loaded aboard a commercial carrier and en route to the United States). Comments must be received on or before September 18, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 870, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 821, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION: This emergency action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impractical for the agency to follow the procedures in Executive Order 12291 with respect to this action.

Dr. M. J. Tillery, Director, National Program Planning Staffs, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action because importation of horses from Denmark, a country affected with contagious equine metritis (CEM), must be restricted in order to protect the livestock of the United States from the introduction and dissemination of CEM.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because only 50 horses have been imported into the United States from Denmark since January 1, 1980.

On September 9, 1977 (42 FR 45895), a prohibition was placed on the importation into the United States of certain horses from England, Ireland, and France and the importation into the United States of certain horses that have been in such countries within the 60 days immediately preceding their export to the United States because of the existence of CEM in such countries. On September 16, 1977 (42 FR 48327–48328), the prohibition was extended to include Australia and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man); on November 30, 1978 (43 FR 56876), it was extended to include Belgium and the Federal Republic of Germany; on October 12, 1979 (44 FR 58896–58897), it was extended to include Italy; and on July 1, 1980 (45 FR 45888–45889), it was extended to include Japan.

On December 8, 1977 (42 FR 63384–63385), an amendment extended the specified period as a condition for entry of such horses which have been in countries infected with CEM listed under § 92.2(i) of Title 9, Code of Federal Regulations from 60 days to 12 months. This action was taken to protect the livestock of the United States against the introduction and dissemination of CEM, a communicable disease of horses, into the United States. CEM has now been found to exist in Denmark, and prohibitions on the importation of certain horses from or that have been in that country within 12 months immediately preceding their export to the United States are hereby placed in effect. The same restrictions that now apply to horses from Australia, Ireland, France, Japan, the United Kingdom, Belgium, Italy, and the Federal Republic of Germany are hereby placed on the importation of certain horses from or that have been in Denmark.

Accordingly, § 92.2(i)(1) of Title 9, Code of Federal Regulations, is revised to read as follows:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i)(1) Except as provided in paragraph (i)(2) of this section notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from the following listed countries and the importation of all horses which have been in any such country within the 12 months immediately preceding their export to the United States is prohibited because of the existence of CEM in such countries: Australia, Belgium, Denmark, Ireland, Italy, Japan, Federal Republic of Germany, France, and the United Kingdom (England, Scotland, Northern Ireland, Wales, and the Isle of Man).

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 14th day of July, 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81–20988 Filed 7–17–81; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–CE–14–AD; Amdt. 39–4168]

Airworthiness Directives; Cessna Model P210N Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive 81–01–04 (Amendment 39–4007) and adopts a new AD applicable to Cessna Model P210N (Serial Numbers P21000001 through P21000690) airplanes. AD 81–01–04 required increased fuel enrichment to prevent engine detonation damage and resulted in less than the originally published airplane performance. This superseding AD, which is applicable to the airplanes affected by AD 81–01–04 as well as those produced subsequent thereto, requires additional engine and airplane modifications. These actions will result in restoring the originally published airplane performance and assure an improved engine detonation margin, thereby restoring the original level of safety.

DATE: Effective July 27, 1981. Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Single-Engine Customer Care Service Information Letter SE81–35 dated May 29, 1981, and Supplement No. 1 dated June 29, 1981, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685–9111.

Copies of the Service Information Letter and supplement are also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and/or Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, ACE–214, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2229, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–7927.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 81–01–04 Amendment 39–4007, AD 80–19–16 Amendment 39–3944, and AD 80–19–07 Amendment 39–3912, applicable to certain serial numbers of Cessna Model P210N airplanes, required initial and repetitive inspection of the engine, engine and airplane modifications and restricted fuel leaning. Subsequent to these actions, the manufacturer undertook additional investigations involving the detonation problem associated with these ADs. The results of these investigations identified additional powerplant installation design and operational changes that would restore engine and airplane performance as well as further reduce the possibility of engine detonation.

The new design changes include installation of a redesigned turbocharger as well as revision of fuel flow, engine timing and manifold pressure parameters and limits. The associated operational changes include different leaning procedures and observance of the new fuel flow and manifold pressure parameters and limits.

Instructions for accomplishing the latest manufacturer's findings are contained in Cessna Single-Engine Customer Care Service Information Letter SE81–35 and SE81–35 Supplement No. 1. Since the condition described herein is likely to exist in other airplanes of the same type design, the FAA has determined that compliance with the manufacturer's instructions is necessary in the interest of safety. Accordingly, to accomplish this, a new AD is being issued, superseding AD–81–01–04 and applicable to Cessna Model P210N (S/Ns P21000001 through P21000690) airplanes, making compliance with the aforementioned service letter and supplement mandatory.

Because an unsafe condition is the basis for this action and additional information from the public is unlikely to develop from normal rulemaking procedures, it appears that notice and

public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest, and good cause exists for making the Amendment effective in less than thirty (30) days after the date of publication in the **Federal Register**.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Cessna: Applies to Model P210N (Serial Numbers P21000001 through P21000690) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To further reduce the possibility of engine detonation and improve the airplane climb performance within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Perform the engine and airplane modifications in accordance with Cessna Single-Engine Customer Care Service Information Letter SE81–35 dated May 29, 1981, and SE81–35 Supplement No. 1 dated June 29, 1981.

(B) Install the cabin pressurization sonic nozzle identified as Cessna Assembly Part Number 2150001–11 in accordance with the aircraft service manual.

Note.—This part, previously required by Airworthiness Directive (AD) 81–01–04, was installed on all airplanes manufactured subsequent to the airplane serial numbers included in AD 81–01–04.

(C) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program Office, FAA Central Region, Room 236, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4285.

Cessna Single-Engine Customer Care Service Letter SE81–35, applicable to this AD, recommends compliance by November 1, 1981.

This AD supersedes AD 81–01–04, Amendment 39–4007.

This Amendment becomes effective July 27, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on July 10, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–21059 Filed 7–17–81; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–NW–39–AD; Amdt. 39–4165]

Airworthiness Directive: Boeing Model 747 Series Freighter, Special Freighter and Convertible Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair of the crew compartment overhead hatch on Boeing Model 747 Series Freighter, Special Freighter, and Convertible airplanes which have an upper deck crew service door on the right side of the airplane only. The AD is prompted by a report of a fractured rack pin assembly which caused the hatch to jam in the closed position. This action is necessary to insure the availability of the overhead hatch in the event of an emergency evacuation.

DATES: Effective date July 28, 1981. Compliance is required within the next 90 days after the effective date of this AD.

ADDRESSES: The Boeing Alert Service Bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Donald E. Gonder, Airframe Branch, ANW–120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a fractured rack pin assembly which caused the crew compartment overhead hatch to jam in the closed position. Examination of 1,006 uninstalled rack pin assemblies at Boeing revealed 176 assemblies with cracked pins or cracked tubular shanks. It is believed that the cracks were caused by incorrect manufacturing procedures. Inability to open the crew compartment overhead hatch would impede emergency evacuation of the airplane. This is particularly true of airplanes with only one upper deck crew service door for which the hatch is a required exit and no alternate escape route to the main deck is provided. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection of the rack pin assemblies used on the crew compartment overhead hatch and replacement of those assemblies found cracked.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

BOEING: Applies to all Model 747 series airplanes, certificated in all categories, listed in Boeing Alert Service Bulletin No. 747–52A2180 Revision 1, or later FAA approved revision.

Compliance is required as indicated unless already accomplished.

To prevent jamming of the crew compartment overhead hatch, accomplish the following:

A. Within 90 days of the effective date of this AD, magnetic particle inspect Rack Pin Assemblies P/N's H759–47, –49, –51, –93 used on the crew compartment overhead hatch assemblies in accordance with Boeing Alert Service Bulletin No. 747–52A2180, Revision 1, or later FAA approved revisions.

B. Unless previously inspected, any Rack pin assemblies, P/N's H759–47, –49, –51, –93, installed after the effective date of this AD must be magnetic particle inspected prior to installation in accordance with Boeing Alert Service Bulletin No. 747–52A2180, Revision 1, or later FAA approved revisions.

C. Rack pin assemblies found to be crack free may be suitably identified as directed by Boeing Alert Service Bulletin No. 747–52A2180 Revision 1, or later FAA approved revisions and returned to service.

D. Rack pin assemblies found to be cracked are to be discarded.

E. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

F. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and FAR 21.199.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on July 8, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–20923 Filed 7–17–81; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–ASW–17]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Baton Rouge, Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Baton Rouge, La. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the False River Airport, New Roads, La. This amendment is necessary to provide controlled airspace since a nondirectional radio beacon (NDB) is being installed approximately 5.5 miles south of the False River Airport and a review of the designated controlled airspace for aircraft executing instrument approach procedures to the Ryan Airport revealed it is not adequate.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 18, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 27127) stating that the Federal Aviation Administration proposed to alter the Baton Rouge, La., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, October 1, 1981, as follows:

Baton Rouge, Louisiana

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ryan Airport (latitude 30°31'57" N., longitude 91°08'59" W.), and within 4.5 miles each side of the northwest localizer course extending from the 9-mile radius area to 14 miles northwest of the airport; and within 4 miles north and 7 miles south of the northeast localizer course extending from the 9-mile radius area to 10.5 miles northeast of the airport; and within a 6.5-mile radius of the False River Airport (latitude 30°42'55" N., longitude 91°28'43" W.) and within 2 miles each side of 325° radial of the Baton Rouge VORTAC extending from the 6.5-mile radius area to 10 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on July 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–20922 Filed 7–17–81; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–CE–22]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Kimball, Nebraska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Kimball, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Kimball, Nebraska, Municipal Airport, utilizing the Kimball Nondirectional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules. (VFR).

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Kimball Municipal Airport, Kimball, Nebraska, is being established utilizing the Kimball NDB as a navigational aid. The establishment of an intrument approach procedure based on this approach aid entails the designation of a

transition area at Kimball, Nebraska, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 28071 and 28072 of the **Federal Register** dated May 11, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kimball, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT September 29, 1981, by adding the following new transition area:

Kimball, Nebraska

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Kimball Municipal Airport, Kimball, Nebraska, (latitude 41°11'20" N, longitude 103°40'11" W) and 3 miles either side of the 133° bearing of the Kimball NDB (latitude 41°11'30" N, longitude 103°40'09" W) extending from 6 miles to 8.5 miles southeast of the NDB.

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on July 9, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-20035 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 239, 270, and 274

[Release Nos. 33-6326, IC-11850, AS-294, File No. S7-885]

Standardization of Financial Statement Requirements in Management Investment Company Registration Statements and Reports to Shareholders

Correction

In FR Doc. 81-20597 appearing at page 36120 in the issue for Tuesday, July 14, 1981, in the middle column on page 36120, the effective date paragraph should have read as follows:

EFFECTIVE DATE: Effective July 14, 1981 for filings with the Commission or transmissions to shareholders made by management investment companies after October 4, 1981.

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2673

Termination for Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes the contents and procedures for a Notice of Termination which must be filed by terminated multiemployer plans under Title IV of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The notice is needed because when a multiemployer plan terminates either by plan amendment or by mass withdrawal of employers, the PBGC may have to act to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the multiemployer insurance system. The effect of the rule is to enable the PBGC to obtain certain necessary information relating to the plan termination.

EFFECTIVE DATE: This part is effective on the later of 30 days after date of publication in the **Federal Register** or receipt of approval from the Office of Management and Budget of the reporting requirements contained in this part, as required by the Paperwork Reduction Act (44 U.S.C., Chapter 35). Upon receipt of OMB approval, PBGC will publish announcement of that approval in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; 202-254-4862.

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208, (the "Multiemployer Act"), became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974. (The Act as amended is hereafter referred to as "ERISA".)

In the Multiemployer Act, Congress established new requirements governing the termination of multiemployer plans. Those requirements took effect on September 26, 1980 and are different from the rules that apply to single-employer plan terminations.

Under section 4041A(a) of ERISA, termination of a multiemployer plan occurs when (1) a plan amendment is adopted which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become an individual account plan, or (2) every employer has either withdrawn from the plan (within the meaning of section 4203) or ceased to have an obligation to contribute to the plan. The situations described in (2) are said to constitute a "mass withdrawal" under ERISA.

In addition to the general rules defining withdrawal, section 4203 contains special rules in that regard for the construction, entertainment and trucking industries. There may be instances in those industries where no employer has technically withdrawn from the plan under the special rules of section 4203, but all the same the plan has terminated. This is because section 4041A(a)(2) provides that termination occurs when all employers cease to have an obligation to contribute to the plan. Thus, when that happens, a plan terminates even though employers may not have withdrawn for the purposes of section 4203.

Under section 4041A(f)(2) of ERISA, Congress authorized PBGC to establish reporting requirements for terminated multiemployer plans, which the PBGC considers appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the PBGC. This regulation sets forth those requirements.

Section 2673.2(a) of the regulation provides that a Notice of Termination shall be filed with the PBGC by a terminated multiemployer plan when the plan has terminated either by plan amendment or by mass withdrawal. The PBGC has determined that this reporting requirement is appropriate to protect the interests of plan participants and beneficiaries and to prevent unreasonable loss to the PBGC.

In the case of termination by plan amendment, when a plan either ceases crediting of service by a specified date or changes to an individual account plan, the adoption of the amendment may indicate that the plan is experiencing financial difficulties. Potentially, that may prove adverse both for the interest of plan participants and the multiemployer insurance system. A plan that terminates pursuant to plan amendment must provide the PBGC with the basic information required under § 2673.3(a) of the rule. That section requires that the notice include only an identification of the plan, a copy of the plan's most recent Form 5500 and the date it terminated.

On the other hand, in the case of termination by mass employer withdrawal, all contributions to the plan will have ceased. Plan participants may be exposed to benefit cutbacks or suspensions under section 4281, and there may be problems involved in withdrawal liability reallocation under sections 4211 and 4219.

In that situation, it is important that the PBGC receive prompt notice of a termination as well as information on the plan's financial situation. Section 4041A(d) of ERISA provides that in the event of a mass withdrawal, benefits are subject to reduction or suspension in accordance with section 4281. The appointment of a trustee may be necessary. Section 4042(b)(2)(B) of ERISA expressly authorizes the PBGC to petition a Federal district court for the appointment of a trustee for any multiemployer plan which must reduce benefits under section 4041A(d). Pending the appointment, there could be a significant risk of loss to both plan participants and the multiemployer insurance program.

For those reasons, § 2673.3(b) of the regulation requires that a plan terminated by mass withdrawal provide information necessary for the PBGC to make an initial determination of the risk of loss to the insurance system and plan participants. To minimize the reporting burden on plans, § 2673.3(d) provides that any information that is contained in the plan's most recent Form 5500, which is submitted as part of the notice, need not otherwise be duplicated in the submission to the PBGC.

Section 2673.3(b)(8) requires that, in the case of a mass withdrawal termination where plan assets are not sufficient to pay vested benefits, the notice include the name and address of any employer who contributed to the plan within three plan years prior to the date of termination. This information is necessary because the Act contains special rules on withdrawal liability which apply to any employer who withdraws either in a plan year in which substantially all employers withdraw or pursuant to an agreement among substantially all employers to withdraw from the plan. ERISA sections 4209(c) and 4219(c)(1)(D). Further, there is a rebuttable presumption that the withdrawal was pursuant to an agreement when all or substantially all employers withdraw from a plan within the three plan year period preceding the date of termination. ERISA sections 4209(d) and 4219(c)(1)(D). Therefore in order to calculate withdrawal liability under the Act, it may be necessary to have information on employers who contributed to the plan within such three year period.

The time for filing a notice (§ 2673.2(c) of the rule) is tied to the date of plan termination as established by section 4041A(b) of ERISA.

PBGC previously announced that multiemployer plans could file Form 5310 (Notice of Intent to Terminate) when that form was finalized. 44 FR 43405, 43407 (1979). This rule supersedes that instruction, and multiemployer plans will not use form 5310 to provide a notice of termination to the PBGC.

Under section 3(b) of Executive Order 12291, the Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of the Order, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation. (5 U.S.C. 601(2)).

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations is amended by adding new Part 2673, as follows:

PART 2673—NOTICE OF TERMINATION FOR MULTIEMPLOYER PLANS

Sec.

2673.1 Purpose and scope.
2673.2 Requirement of notice.
2673.3 Contents of notice.
2673.4 Date of filing.

Authority: Secs. 4002(b)(3) and 4041A(f)(2), Pub. L. 93-406, as amended by secs. 403(1) and 103, Pub. L. 96-364, 94 Stat. 1208, 1302 and 1216 (1980) (29 U.S.C. 1302 and 1341a).

§ 2673.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe pursuant to section 4041A(f)(2) of the Act, for multiemployer plans the contents of and procedures for filing a Notice of Termination.

(b) *Scope.* This part applies to a termination of a multiemployer plan covered under section 4021(a) of the Act, when the plan has terminated:

(1) Pursuant to a plan amendment which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become an individual account plan; or

(2) Because every employer has either withdrawn from the plan (within the meaning of section 4203 of the Act) or has ceased to have any obligation to contribute to the plan.

§ 2673.2 Requirement of notice.

(a) *General.* A Notice of Termination shall be filed with the PBGC by a multiemployer plan when a plan has terminated:

(1) Pursuant to a plan amendment which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become an individual account plan; or

(2) Because every employer either has withdrawn from the plan (within the meaning of section 4203 of the Act) or has ceased to have any obligation to contribute to the plan.

(b) *Who shall file.* The plan sponsor or a duly authorized representative acting on behalf of the plan sponsor shall sign and file the Notice.

(c) *When to file.*

(1) For a termination pursuant to a plan amendment, the Notice shall be filed with the PBGC no later than thirty days after the date on which the amendment is adopted or thirty days

after the date on which the amendment takes effect, whichever is later.

(2) For a termination that results from a withdrawal of all employers, or a cessation of the obligation of all employers to contribute, the Notice shall be filed with the PBGC no later than thirty days after the date on which the last employer withdrew from the plan or thirty days after first day of the first plan year for which no employer contributions were required under the plan, whichever is earlier.

(d) *How and where to file.* The Notice may be sent by mail or submitted by hand during normal working hours to the Office of Program Operations, Division of Case Classification and Control (542), Pension Benefit Guaranty Corporation, Room 5300A, 2020 K Street, NW., Washington, D.C. 20006.

§ 2673.3 Contents of notice.

(a) *Information to be contained in notice.* Except to the extent provided in paragraph (d) of this section, each Notice shall contain:

(1) The name of the plan;

(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any;

(3) The name, address, and telephone number of the person who will administer the plan after the date of termination, if other than the plan sponsor;

(4) A copy of the plan's most recent Form 5500 (Annual Report Form), including schedules; and

(5) The date of termination of the plan.

(b) *Information to be contained in a notice involving a mass withdrawal.* In addition to the information contained in paragraph (a) and except as provided in paragraph (d), the following information shall be contained in a Notice filed by a plan which has terminated because every employer has either withdrawn from the plan or ceased to have an obligation to contribute to the plan.

(1) A copy of the plan document in effect 5 years prior to the date of termination and copies of any amendments adopted after that date.

(2) A copy (or copies) of the trust agreement (or agreements), if any, authorizing the plan sponsor to control and manage the operation and administration of the plan.

(3) A copy of the most recent actuarial statement and opinion (if any) relating to the plan.

(4) A statement of any material change in the assets or liabilities of the plan occurring after either the date of the actuarial statement referred to in item (5) or the date of the plan's Form 5500 submitted as part of the Notice.

(5) Complete copies of any letters of determination issued by the Internal Revenue Service relating to the establishment of the plan, any letters of determination relating to the disqualification of the plan and any subsequent requalification, and any letters of determination relating to the termination of the plan.

(6) A statement whether the plan assets will be able to pay all benefits in pay status during the 12-month period following the date of termination.

(7) If plan assets on hand are sufficient to satisfy all nonforfeitable benefits under the plan, and if the plan sponsor intends to distribute such assets, a brief description of the proposed method of distributing the plan assets.

(8) If plan assets on hand are not sufficient to satisfy all nonforfeitable benefits under the plan, the name and address of any employer who contributed to the plan within 3 plan years prior to the date of termination.

(c) *Certification.* As part of the Notice, the plan sponsor or duly authorized representatives shall certify that all information and documents submitted pursuant to this section are true and correct to the best of the plan sponsor's or representative's knowledge and belief.

(d) *Avoiding duplication.* Information described in paragraphs (a) and (b) of this section need not be supplied if it duplicates information contained in Form 5500 or a schedule thereof, which a plan submits as part of the Notice.

(e) *Additional information.* In addition to the information described in paragraphs (a) and (b) of this section, the PBGC may require the submission of any other information which the PBGC determines is necessary for review of a Notice of Termination.

§ 2673.4 Date of filing.

Any notice or document required to be filed under the provisions of this part shall be deemed filed on the date of the postmark stamped on the cover, in which the document is mailed, provided that:

(a) The postmark was made by the United States Postal Service; and

(b) The document was mailed postage prepaid, properly packaged and addressed to the PBGC.

If the conditions stated in both paragraphs (1) and (2) are not met, the document is considered filed on the date it is received by the PBGC. Documents received after regular business hours are considered filed on the next regular business day.

Issued at Washington, D.C. on this 1st day of July 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-21680 Filed 7-17-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-150]

Drawbridge Operation Regulations; Savannah River, Clyo, Georgia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Seaboard Coast Line Railroad Company, the Coast Guard is amending the regulations governing the operation of the Seaboard Coast Line Railroad Drawbridge across the Savannah River at Clyo, Georgia, to require that the draw open on signal from 6:00 a.m. to 11:00 a.m., and from 12:00 noon to 3:00 p.m., and that the draw open at all other times if at least three hours notice is given. Radiotelephones will be installed in the bridge tender's house for waterborne communications. By granting this request, the Seaboard Coastline is relieved of the responsibility of providing full-time drawtenders while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 19, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (OAN), Room 1008, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350-4108.

SUPPLEMENTARY INFORMATION: On 28 November 1980, the Coast Guard published a proposed rule (45 FR 79103) concerning this amendment. The Commander, Seventh Coast Guard District also published this proposal as a public notice dated 1 December 1980. Interested persons were given until 29 December 1980 and 2 January 1981, respectively, to submit comments.

Drafting Information

The principal persons involved in drafting this amendment are: Lieutenant (Junior Grade) Jane L. Hamilton, Bridge Administration Officer, Office of Aids to Navigation, and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of Comments

One letter was received which supported the proposal. The draw is presently required to open on signal at all times. This change is being made because there are limited requests for openings during the periods in which advance notice is required. From 1971 through 1979, an average of one draw opening occurred every three days from 3 p.m. to 6 a.m. The bridge owner has agreed to install and maintain radiotelephones at the bridge site and the dispatcher's office in Savannah.

A notice of proposed rulemaking concerning this amendment was first published on March 1, 1974 (39 FR 7948). This would have required 12 hours advance notice for openings from 11 a.m. to 12 a.m. and 3 p.m. to 6 p.m. Owing to substantial opposition from marine interests, the Coast Guard did not implement this proposal, but chose instead to monitor vessel traffic on the waterway to accumulate data on its usage. As a result, the advance notice requirement was reduced to three hours in the most recent proposal. This generated no opposition from marine interests. The bridge owner's obligation to provide radiotelephone communications should reduce any inconvenience to vessels resulting from the three hour advance notice requirement. This final rule represents a careful balancing of the needs of both rail and waterborne commerce. It is not anticipated to have any significant adverse economic impact.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since their impact is expected to be minimal. Because the notice of proposed rulemaking was issued before January 1, 1981, these regulations are exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act have been taken into consideration, and these regulations are not expected to have a significant economic effect on small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (h)(12-a) immediately after paragraph (h)(12) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(h) * * *

(12-a) Savannah River, mile 60.9, Seaboard Coastline Railroad Bridge, Clyo, Georgia. The draw shall open on signal from 6:00 a.m. to 11:00 a.m. and from 12:00 noon to 3:00 p.m. At all other times the draw shall open on signal if at least three hours notice is given. VHF radiotelephone communications will be maintained at the bridge tender's house and the dispatcher's office in Savannah, Georgia.

* * * * * *

(33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 22, 1981.

R. C. Branham,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 81-21178 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 692

State Student Incentive Grant Program

Correction

In FR Doc. 81-20716, appearing at page 36342, on Tuesday, July 14, 1981, in the first column, in the "EFFECTIVE DATE:" paragraph, in the third line "August 28, 1981." should be corrected to read "45 days after publication in the Federal Register."

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1946-7]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1982 Model Year Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation revises the oxides of nitrogen (NO_x) emission standard for 1982 model year light-duty vehicles belonging to a diesel engine family to be manufactured by General Motors Corporation (GM) for which I have granted a waiver from the standard otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). I have determined that this GM engine family qualifies under the statutory criteria for waiver of the NO_x standard in model year 1982. Specifically, GM has demonstrated that a waiver is necessary for this engine family because the only available emission control technology with the potential for achieving sufficient NO_x reductions results in unacceptable engine wear. GM has also demonstrated that it meets the public health, fuel economy, and long-term air quality benefit criteria of the Act. This rule has the effect of setting an interim NO_x standard at the most stringent level that will still permit GM to market this diesel engine family in model year 1982.

EFFECTIVE DATE: August 19, 1981.

ADDRESS: Information relevant to this rule, and the decision document itself, are contained in Public Docket EN-81-4 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and are available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document from the Manufacturers Operations Division by contacting Deborah Schloss as noted below.

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 gram per vehicle mile (g/mi).

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any class or category of light-duty diesel vehicles or engines for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject light-duty diesel classes for those model years for which I have granted waivers.

General Motors Corporation (GM) has submitted a request for a waiver for one of its diesel engine families for the 1982–1984 model years. The statutory criteria, my determinations with respect to the vehicle models covered by the waiver application, and my decision on the waiver application for the 1982 model year only are available in the Public Docket and from the Manufacturers Operations Division as stated above. (I will consider GM's request for model years 1983 and 1984 in a subsequent decision.) In that decision, I grant a waiver covering the following engine family for the 1982 model year:

Manufacturer	Engine family (liters)
GM	4.3

Having decided to grant the waiver application, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1982 model year vehicles of this engine family to exceed 1.5 g/mi. The public has received an opportunity to comment on the waiver application at issue, and I have considered those comments in making the decision which requires the promulgation of this rule. For this reason, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

In addition, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim NO_x emission standard established by this rulemaking only directly affects GM, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it grants a waiver request for one model produced by one manufacturer, and is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The applicant, GM, indicated that if EPA granted the waiver, it would be able to market its diesel frontwheel-drive vehicles. Granting this waiver averts losses for GM that might have resulted if the waiver were denied and GM could not market these vehicles. GM also stated that a waiver would enable it to improve its competitiveness with foreign vehicles that have traditionally dominated the high-fuel economy market, the market in which this model is intended to compete. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: July 12, 1981.

Anne M. Gorsuch,

Administrator.

40 CFR Part 86 is amended as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks and 1977 and Later Model Year New Heavy-Duty Engines

40 CFR 86.082–8(a)(1)(iii), is revised to read as follows:

§ 86.082–8 Emissions standards for 1982 model year light-duty vehicles.

(a) * * *

(1) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 model year engine families shall not exceed the prescribed levels:

Manufacturer	Engine family	Standard (g/mi)
General Motors Corp.	5.7 liter (L)	1.5
	1.6L	1.5
	4.3L	1.5
Daimler-Benz AG	2.4L	1.25
	3.0L naturally aspirated (NA).	1.5
	3.0L turbocharged (TC).	1.5
AB Volvo	2.4L NA	1.5
Peugeot	2.3L–TC–XD2S	1.5
Volkswagen AG	1.6L–NA–2250 pound inertia weight class (LW).	1.3
	2.0L–NA–3000 LW	1.5
	1.6L–TC–2250 LW	1.3
	1.6L–TC–2500 LW	1.4
	2.0L–TC–3000 LW	1.5
Nissan Motor Company.	1.6L–NA–2750 LW	1.4
	1.6L–NA–2500 LW	1.4
	1.6L–TC–2750 LW	1.4
	2.8L	1.5
Isuzu Motors Ltd	1.8L	1.5

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a) (Supp. I 1977))

[FR Doc. 81–21110 Filed 7–17–81; 8:45 am]

BILLING CODE 6560–33–M

40 CFR Part 180

[PP 1E2479/R336; PH–FRL–1887–1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; S-Propyl Dipropylthiocarbamate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide *S*-Propyl dipropylthiocarbamate in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This regulation was requested by Stauffer Chemical Co. This regulation will establish the maximum permissible level for residues of *S*-Propyl dipropylthiocarbamate in or on peanut hulls.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Written objection may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 22, 1981 (46 FR 27974) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804 had submitted a pesticide petition (1E2479) to the EPA. The petition proposed that the Administrator, establish a tolerance for the herbicide *S*-Propyl dipropylthiocarbamate in or peanut hulls at 0.1 part per million.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. Tolerances of 0.1 part per million on peanuts, peanut forage, and peanut hay were established in August 1967. Elanco Product Company has submitted an amendment to EPA to add the application of a tank mix of trifluralin and *S*-Propyl dipropylthiocarbamate to peanuts in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During the review of this application it was determined that a tolerance for residues of *S*-Propyl dipropylthiocarbamate in peanut hulls would be required to cover expected residues in that commodity. A related document (PP 1E2480/R337) establishing a tolerance in peanut hulls for trifluralin appears elsewhere in this issue of the **Federal Register.**

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure to humans.

The metabolism of *S*-Propyl dipropylthiocarbamate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of *S*-Propyl dipropylthiocarbamate at 0.1 ppm in a variety of commodities. Thus, based on the above information, it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health.

Any person adversely affected by this regulation may, on or before August 19, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 20, 1981.

(Sec. 408(e) 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: July 6, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.240 is revised to read as follows:

§ 180.240 S-Propyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for the herbicide *S*-Propyl dipropylthiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Corn, fodder	0.1
Corn, forage	0.1
Corn, fresh (inc. sweet) (K-CWHR)	0.1
Corn, grain	0.1
Peanuts	0.1
Peanut, forage	0.1
Peanut, hay	0.1
Peanut, hulls	0.1
Potatoes	0.1
Soybeans	0.1
Soybean, forage	0.1
Soybean, hay	0.1
Sweet potatoes	0.1

[FR Doc. 81–21085 Filed 7–17–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PP 1E2480/R337; PH–FRL–1886–7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Trifluralin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide and plant growth regulator trifluralin in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This regulation was requested by Elanco Products Co. This regulation will establish the maximum permissible level for residues of trifluralin in or on peanut hulls.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 22, 1981 (46 FR 27975) that Elanco Products Co., a Division of Eli Lilly and Co., PO Box 1750, Indianapolis, IN 46206 had submitted a pesticide petition (1E2480) to the EPA. The petition proposed that the Administrator, propose a tolerance for the herbicide and plant growth regulator trifluralin (alpha, alpha, alpha-trifluoro-2,6-dinitro-*N*, *N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity peanut hulls at 0.1 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. A tolerance of 0.05 ppm in or on peanuts for trifluralin was establish on March 8, 1968. The petitioner has submitted an amendment to EPA to add an application of tank mix of trifluralin and *S*-Propyl dipropylthiocarbamate to peanuts in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During a review of this application it was determined that a tolerance for residues of trifluralin in peanut hulls would be required to cover expected residues in that commodity. A related document (PP 1E2479/R336) establishing a tolerance for *S*-Propyl dipropylthiocarbamate in or on peanut hulls appears elsewhere in this issue of the **Federal Register.**

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure for humans.

The metabolism of trifluralin is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of trifluralin

ranging from 0.05 ppm to 2.0 ppm in a variety of raw agricultural commodities. Thus, based on the above information it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health, and the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before August 19, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 20, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: July 6, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.207 is amended by alphabetically inserting the raw agricultural commodity "peanut, hulls" to read as follows:

§ 180.207 Trifluralin; tolerances for residues.

* * * * *

Commodity	Part per million
* * * * *	
Peanut, hulls	0.1
* * * * *	

[FR Doc. 81-21109 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

Oil and Gas Leasing; Noncompetitive Leasing of Acquired Military Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Lifting of moratorium.

SUMMARY: The Department of the Interior is partially lifting its November 1, 1979 moratorium on the issuance of noncompetitive oil and gas leases for Federal lands acquired for military or naval purposes, and on the receipt of applications for such leases. The lifting of moratorium applies to all such lands except those lands in which applications were filed prior to September 21, 1978. Those lands remain under the moratorium.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Jeffrey Zabler, Division of Onshore Energy Resources, Bureau of Land Management, (202) 343-7722.

SUPPLEMENTARY INFORMATION: On November 1, 1979, a moratorium was imposed on the issuance of noncompetitive oil and gas leases for the approximately 6.6 million acres of Federal land acquired for military or naval purposes. 44 FR 64085 (November 6, 1979). Consistent with that moratorium, the application of 43 CFR Part 3110 to such lands was suspended and no noncompetitive lease applications were accepted for such lands. That moratorium is hereby rescinded and, accordingly, the applicability of 43 CFR Part 3110 to all acquired military lands, except those for which applications were filed prior to September 21, 1978, is restored as of August 10, 1981. Processing of all lease applications for such lands filed on or after September 21, 1978, and before November 1, 1979, will resume immediately.

All military lands on which there are applications filed prior to September 21, 1978, will remain under moratorium. Descriptions of those lands under such applications will be posted at the State offices of the BLM which have jurisdiction. Arrangements may be made with the appropriate BLM State office for obtaining copies of the lists at cost.

Over-the-counter oil and gas lease applications may be accepted for filing beginning with the start of business of Monday, August 10, 1981. For the first fifteen working days, until close of business on Friday, August 28, 1981, all such applications received in the proper Bureau of Land Management State office (see 43 CFR 1821.2-1) shall be considered as simultaneously filed as of the close of business on August 28, 1981. Priority, to the extent of conflicts between offers, shall be determined by public drawings.

During the simultaneous filing period, the provisions of 43 CFR 3112.6-1(c), which prohibit multiple filings in the simultaneous oil and gas leasing program, will be fully applicable to the filing of over-the-counter offers for acquired military lands. However, during this filing period, individuals and entities which filed a lease offer on or after September 21, 1978, and before November 1, 1979, are entitled to submit a new offer for the same land without violating this regulation.

Envelopes containing applications for these lands should be prominently marked "Acquired Military Land Lease offer." Envelopes so marked shall not be opened until the close of the filing period on August 28, 1981.

Garrey E. Carruthers,

Assistant Secretary for Land and Water Resources.

July 14, 1981.

[FR Doc. 81-21135 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 191 and 192

[Amdt. 191-3 and 192-38; Docket PS-68]

Transportation of Natural and Other Gas by Pipeline; Reports of Leaks and Federal Safety Standards

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the natural gas leak reporting requirements for pipeline companies of Part 191 by changing the addressee for written reports, and also amends Part 192 by deleting the requirements of § 192.17. Filing of inspection and maintenance plans, to reflect an amendment to the Natural Gas Pipeline Safety Act of 1968 (NGPSA) made by section 105 of the Pipeline Safety Act of 1979 (Pub. L. 96-129, November 30, 1979).

DATE: Effective date of this final rule is July 20, 1981.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, Chief, Standards Division, Office of Pipeline Safety Regulation,

Department of Transportation, Washington, D.C. 20590 (202) 426-2392.

SUPPLEMENTARY INFORMATION:

Leak Reporting

In § 191.7, the addressee for written reports required by Part 191 is the "Director, Office of Pipeline Safety." To comport with current DOT organization responsibilities, the addressee for such written reports is changed to "Chief, Information Systems, Division, Transportation Programs Bureau". This new addressee is also to be used to obtain copies of report forms. Section 191.19, Report Forms, is amended accordingly.

Further, a correction in the reporting form number shown in § 191.9(a) is made.

Inspection and Maintenance Plans

While the Pipeline Safety Act of 1979 left intact the NGPSA requirement for operators of gas pipeline facilities to prepare, maintain, and carry out plans for inspection and maintenance of their facilities, § 105 of the Act deleted the requirement for the filing of such plans with Federal or State agencies. For this reason, § 192.17, which to this time sets out the requirement and procedures for filing of inspection and maintenance plans, is deleted by this final rule.

Because of the deletion of § 192.17, MTB gives notice by this final rule that—

1. Operator compliance with existing §§ 192.603(b) and 192.605 regarding the establishment, administration, and essentials of operating and maintenance plans will be viewed by MTB as the means of complying with the NGPSA requirements for the preparation, maintenance, and carrying out of inspection and maintenance plans for gas pipeline facilities.

2. MTB will follow the procedures established by Section 13 of the NGPSA for requiring revisions to operator plans established under §§ 192.603(b) and 192.605 of the regulations.

In consideration of the foregoing, Parts 191 and 192 of Title 49, Code of Federal Regulations are amended as follows:

§ 191.7 [Amended]

1. By removing from § 191.7, each place that it appears, the words, "Director, Office of Pipeline Safety" and inserting in lieu thereof "Chief, Information Systems Division, Transportation Programs Bureau".

§ 191.9 [Amended]

2. In § 191.9(a), the form number "7100.2" is corrected to read "7100.1".

3. By removing from § 191.19 the words "Office of Pipeline Safety" and inserting in lieu thereof "address given in § 191.7".

§ 192.17 [Removed]

4. By removing and reserving § 192.17 from the table of sections and Subpart A of Part 192.

(49 U.S.C. 1671 et seq.; 49 U.S.C. 1804; 49 CFR 1.53 and Appendix A to Part 1)

Issued in Washington, D.C., on January 28, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-21301 Filed 7-17-81; 8:57 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 46, No. 138
Monday, July 20, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3015

Uniform Federal Assistance Regulations

AGENCY: Department of Agriculture (USDA).

ACTION: Proposed rules.

SUMMARY: This proposes to replace USDA's individual agency regulations on administration of grants and cooperative agreements through issuance of Department-wide policies and standards. Issuances of these regulations will effect uniformity in policy and standardization of guidance for all USDA Agencies providing assistance through grants and cooperative agreements and will eliminate the confusion, duplication, and complexity of the existing assistance systems and regulations now in place. Additionally, this proposes to implement the audit requirement governing State and local governments and Indian Tribal governments that are recipients of Federal assistance.

DATE: Comments must be received on or before September 3, 1981.

ADDRESS: Send comments to Peter Ben Ezra, Department of Agriculture, Office of Operations and Finance, Accounting Systems and Grants Management Division, Room 3200, Auditors Building, 14th and Independence Ave., S.W., Washington, D.C. 20250. The public may review the comments received in Room 3200 from 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Larry Wilson, Deputy Director, Finance, Office of Operations and Finance, USDA, Room 131–W, Administration Building, Washington, D.C. 20250. (Telephone (202) 447–7161.)

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. Although this proposal will directly affect recipients of Federal assistance from agencies administered by the Department of Agriculture, this proposal does not involve a substantial issue of fact or law, and it is unlikely to have a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, it will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Public Law 96–354 (5 U.S.C. 601). This determination is based on the fact that these proposed rules publicly implement the policies already published by the Office of Management and Budget (OMB) in Circulars A–102, A–110, A–87, A–21 and A–122, as well as OMB Guidance or Implementation of the Federal Grant and Cooperative Agreement Act of 1977 (43 FR 36860, August 18, 1978). In addition, USDA Federal assistance will be provided to recipients pursuant to the authorities and restrictions in program statutes and USDA authorizations and appropriations acts. However, since this proposal would establish USDA-wide policy and guidance relating to grants and cooperative agreements, it has been determined that a 45-day comment period is warranted. This will give commentors time to evaluate and assess the merits of this proposal.

Background

Public Law 95–224, the "Federal Grant and Cooperative Agreement Act of 1977", and the implementing guidance and study issued by OMB, underline the need for providing uniform policy and standardization of guidance for all assistance programs administered within the Department. In line with the recommendations in the study report of Pub. L. 95–224, on June 30, 1980, a Presidential memorandum assigned to OMB the responsibility for establishing and directing a program to improve Federal assistance management. That memorandum also directed the Heads of Executive Departments and Selected Agencies to (1) fully cooperate with the Director of OMB; (2) designate an official or unit to act as a focal point for coordinating internal assistance-related policies and procedures, and to work with other agencies and the public; and (3) ensure that the management of assistance programs meets the performance standards to be developed by OMB.

On July 29, 1980, the Secretary of Agriculture responded to this Presidential directive by designating the Assistant Secretary for Administration as the USDA focal point for coordinating internal assistance related policies and procedures, and to work with other agencies and the public. The Deputy Director, Finance, has been designated the internal coordinator for the daily operations dealing with USDA assistance programs.

Consolidation of this responsibility into one USDA organizational unit will eliminate the confusion, duplication, and complexity now found in the individual agency systems and regulations. USDA is legally responsible for approximately 100 Federal assistance programs. All of these programs and related activities are the result of specific authorizations and funding regulations. There are at least 59 general Federal policies and administrative requirements that apply to these programs on a broad but selective basis. USDA programs cover a broad spectrum of activities, encompassing direct payments, grants, cooperative agreements, subsidies, loans, loan guarantees, insurance, services, information, and property donation. In the past, policy has been to direct agencies, through internal administrative regulations, to implement USDA, OMB, and other guidance agencies' policies and directives through issuance of individual agency assistance regulations or directives. Thirteen (13) USDA Agencies currently issue Federal assistance regulations or directives covering each of their programs.

Additionally, the Inspector General Act of 1978 (Public Law 95–452) places all responsibility for audits with the Inspector General. Therefore, the audit requirements set forth in subpart I implement Attachment P of Circular A–102 and are applicable to all Federal assistance provided by USDA agencies to State and local governments and Indian Tribal governments. Attachment P requires that all such entities that are recipients of Federal assistance have an organization-wide financial and compliance audit at least once every two years. The audits are to be performed by independent State or local government auditors or independent public accountants, under arrangements by the recipients. It is intended that a single audit of each of these entities will meet the needs of all parties concerned and that no additional requirements to perform or obtain audits be placed upon the recipients, except as prescribed by law. The audits are to be performed in accordance with a standard guide published by the General Accounting Office, compliance supplements approved by OMB, and audit standards established by the Comptroller General and American Institute of Certified Public Accountants. Attachment P also establishes a cognizant audit agency structure. This means that each State department, local government, Indian Tribal government, or subdivision of such entities, that receives Federal assistance, is assigned to a Federal audit agency which will act on behalf of all Federal audit agencies in dealing with the audit requirements of Circular A–102 concerning a specific recipient organization. Attachment P does not limit authority of Federal agencies to make additional audits of recipient organizations as they deem necessary.

Purpose

This proposal will standardize Federal assistance policy USDA-wide. This part contains regulations that apply to almost all of USDA's grants and cooperative agreements. Part 3015 primarily implements OMB Circulars A–102 and A–110, which are two of the most important OMB Circulars for standardizing grants and cooperative agreements, and specifies the principles for determining allowable costs under USDA grants and cooperative agreements. Additionally, this part establishes uniform audit requirements and policy for State and local governments and Indian Tribal governments that receive Federal assistance from USDA, in accordance with Attachment P of Circular A–102.

Benefits Derived From Using Part 3015

1. Increased public participation in USDA-wide policies and guidance.

2. Rather than having each USDA awarding agency issue its own implementation of policies, Part 3015 should be a much faster and more efficient way of putting a new policy into effect. Organizations that receive grants or cooperative agreements from more than one USDA awarding agency should particularly benefit because the policies in Part 3015 take effect on the same day for all USDA affected programs. Additionally, newly established USDA programs should be able to start operations sooner and with less cost because most of the grants and cooperative agreements administration policies they will need to apply will already have been legally promulgated.

3. Consolidating USDA-wide policies in Part 3015 will reduce, and in many cases, eliminate the need for individual program regulations and directives to implement USDA-wide Federal assistance policies. This reduces the total amount of material recipients and applicants must contend with.

4. Each agency in USDA now implements Federal assistance policies separately. This sometimes results in misinterpretations and unnecessary differences in the ultimate rules that apply to recipients and applicants. In contrast, if we consolidate Federal assistance policies in Part 3015, the policies apply directly. Most of the policies would require little, or no further implementation, in individual USDA agency regulations or directives. This would ensure more uniformity in the application of Federal assistance policies.

5. Part 3015 will be a readily available document of public record where all interested parties can find the great majority of the administrative rules for USDA grants, cooperative agreements, and subgrants.

6. Improvements in audit of Federally assisted programs.

7. Improved audit coordination and increased reliance on audits made by State or local governments.

8. Requirements to insure that audits are made on an organization-wide basis rather than a grant-by-grant basis for Federal assistance provided to State and local governments and Indian Tribal governments.

Matters on Which Comments Are Invited

USDA invites comments on:

—Its proposal to consolidate Federal assistance policies and directives applicable to all USDA grants and cooperative agreements into Part 3015.

—The manner in which the proposed rules are expressed.

—Specific policies which should be expanded upon or included in this proposal.

The address and deadline for submitting comments are in the opening sections of this preamble.

John Schrote,
Deputy Assistant Secretary for Administration.

Approved: July 15, 1981.

Richard E. Lyng,
Deputy Secretary of Agriculture.

Accordingly, the Department of Agriculture proposes a new Part 3015 of Title 7 of the Code of Federal Regulations as follows:

PART 3015—UNIFORM FEDERAL ASSISTANCE REGULATIONS

Subpart A—General

Sec.

3015.1 Purpose and scope of this part.
3015.2 Applicability.
3015.3 Conflicting policies and deviations.
3015.4 Special restrictive terms.

Subpart B—Cash Depositories

3015.10 Physical segregation and eligibility.
3015.11 Separate bank accounts.
3015.12 Moneys advanced to recipients.
3015.13 Minority and women owned banks.

Subpart C—Bonding and Insurance

3015.15 General.
3015.16 Construction and facility improvement.
3015.17 Fidelity bonds.
3015.18 Source of bonds.

Subpart D—Record Retention and Access Requirements

3015.20 Applicability.
3015.21 Retention period.
3015.22 Starting date of retention period.
3015.23 Microfilm.
3015.24 Access to records.
3015.25 Restrictions to public access.

Subpart E—Waiver of "Single" State Agency Requirements

3015.30 Waiver of "single" State agency requirements.

Subpart F—Grant Related Income

3015.40 Scope.
3015.41 General program income.
3015.42 Proceeds from sale of real property and from sale of equipment and supplies acquired for use.
3015.43 Royalties and other income from a copyrighted work.
3015.44 Royalties or equivalent income earned from patents or from inventions.
3015.45 Other program income.
3015.46 Interest earned on advances of grant funds.

Subpart G—Cost-Sharing or Matching

3015.50 Scope.
3015.51 Acceptable contributions and costs.
3015.52 Qualifications and exceptions.
3015.53 Valuation of donated services.
3015.54 Valuation of donated supplies and loaned equipment or space.
3015.55 Valuation of donated equipment, buildings, and land.
3015.56 Appraisal of real property.

Subpart H—Standards for Financial Management Systems

Sec.

3015.60 Scope.
3015.61 Financial management standard.

Subpart I—Audits

3015.70 Audits of State, local, and Indian Tribal governments.
3015.71 Definitions.
3015.72 Authority.
3015.73 Audit arrangement and requirements.
3015.74 Scope of audit tests.
3015.75 Reporting requirements.
3015.76 Subrecipient standards.
3015.77 OIG cognizant agency responsibilities.
3015.78 [Reserved]
3015.79 Audits of institutions of higher education, hospitals, and other nonprofit organizations.

Subpart J—Financial Reporting Requirements

3015.80 Scope and applicability.
3015.81 General.
3015.82 Financial status report.
3015.83 Federal cash transactions report.
3015.84 Request for advance or reimbursement.
3015.85 Outlay report and request for reimbursement for construction programs.

Subpart K—Monitoring and Reporting Program Performance

3015.90 Scope.
3015.91 Monitoring by recipients.
3015.92 Performance reports.
3015.93 Significant developments.
3015.94 Site visits.
3015.95 Waivers, extensions and enforcement actions.

Subpart L—Payment Requirements

3015.100 Scope.
3015.101 General.
3015.102 Payment methods.
3015.103 Withholding payments.
3015.104 Requesting advances or reimbursements.
3015.105 Payments to subrecipients.

Subpart M—Programmatic Changes and Budget Revisions

3015.110 Scope and applicability.
3015.111 Cost principles.
3015.112 Approval procedures.
3015.113 Programmatic changes.
3015.114 Budgets—General.
3015.115 Budget revisions.
3015.116 Construction and nonconstruction under the same grant, subgrant, or cooperative agreement.

Subpart N—Grant and Subgrant Closeout, Suspension and Termination

3015.120 Closeout.
3015.121 Amounts payable to the Federal government.
3015.122 Violation of terms.
3015.123 Suspension.
3015.124 Termination.
3015.125 Applicability to subgrants.

Subpart O [Reserved]

3015.130 [Reserved]

Subpart P [Reserved]

3015.140 [Reserved]

Subpart Q—Application for Federal Assistance

3015.150 Scope and applicability.
3015.151 Authorized forms.
3015.152 Preapplication for Federal assistance.
3015.153 Notice of preapplication review action.
3015.154 Application for Federal assistance (non-construction programs).
3015.155 Application for Federal Assistance (construction programs).
3015.156 Applicaiton for Federal Assistance (short form).
3015.157 Authorized form for non-governmental organizations.

Subpart R—Property

3015.160 Scope and applicability.
3015.161 Additional requirements.
3015.162 Title to real property, equipment and supplies.
3015.163 Real property.
3015.164 Statutory exemptions for equipment and supplies.
3015.165 Rights to require transfer of equipment.
3015.166 Use of equipment.
3015.167 Replacement of equipment.
3015.168 Disposal of equipment.
3015.169 Equipment management requirements.
3015.170 Damage, loss or theft of equipment.
3015.171 Unused Supplies.
3015.172 Federal share of real property, equipment and supplies.
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Authority: 5 U.S.C. 301.

Subpart A—General

§ 3015.1 Purpose and scope of this part.

(a) This part establishes USDA-wide uniform requirements for the administration of grants and cooperative agreements and sets forth the principles for determining costs applicable to activities assisted by USDA grants and cooperative agreements. This part contains rules that apply to almost all of USDA's grants and cooperative agreements. It primarily implements OMB Circulars A–102 and A–110, which are two of the Office of Management and Budget's (OMB) most important Circulars for standardizing the administration of grants and cooperative agreements and specifies the set of principles for determining allowable costs under USDA grants and cooperative agreements as set forth in OMB Circulars A–87, A–21, and A–122. Additionally, this part establishes uniform audit requirements and policy for State and local governments and Indian Tribal governments that receive Federal assistance from USDA.

(b) These rules supersedes and take precedence over any individual USDA agency regulations and directives dealing with the administration of grants and cooperative agreements to the extent such regulations and directives are inconsistent with this part, unless such inconsistency is based on a statutory provision or an exemption has been obtained from OMB. Definitions for the terms used in this part are set forth in Appendix A. Definitions for the implementation of standard audit requirements for State and local governments and Indian Tribal governments are contained in subpart I—Audits.

(c) The purpose of this part is to simplify, standardize, and improve the administration of USDA grants and cooperative agreements.

(d) Responsibility for developing the material for this part and in keeping it up-to-date is assigned to the Office of the Deputy Director, Finance, a component of the Office of Operations and Finance (O&F), which reports to the Assistant Secretary for Administration.

§ 3015.2 Applicability.

(a) *Grants and cooperative agreements.* This part applies to USDA grants and cooperative agreements. For each substantive provision in this part, either the words of the provision itself or other words in the same subpart tell whether the provision applies to subgrants. Exemptions to this part may be applicable to certain kinds of recipients. (See paragraph (d) of this section.)

(b) *Terminology applicable to this part.* This part's substantive rules are the same for grants and cooperative agreements. Many of the rules are also the same for subgrants. Therefore, certain simplified terminology is used in the text. Specifically in all portions of this part:

(1) Each provision that applies to "grants" also applies to "cooperative agreements," even though the latter term does not appear in the provisions.

(2) Each provision that applies to "recipients of a grants" applies to "recipients of cooperative agreements," even though the latter term does not appear in the provision.

(3) The term "recipient" refers equally to recipients of grants and recipients of cooperative agreements.

(4) The term "awarding agency" refers equally to a USDA agency that awards a grant and to one that awards a cooperative agreement.

(5) The term "subgrant" refers equally to certain awards under grants and to the same kinds of awards under cooperative agreements.

(c) *Public institutions of higher education and hospitals.* Grants, cooperative agreements and subgrants awarded to institutions of higher education and hospitals operated by a government are subject only to the provisions of this part that apply to non-governmental organizations.

(d) *Recipients to which this part does not automatically apply.* This part does not apply to the kinds of recipients listed below unless other conditions set forth in the grant, cooperative agreement, or subgrant make all or specified portions apply:

(1) foreign governments or organizations,

(2) international organizations, such as the United Nations,

(3) agencies or instrumentalities of the Federal government, and

(4) individuals.

(e) *Collaborative arrangements.* (1) Where permitted by the terms of the award, a recipient may enter into collaborative arrangements with other organizations to jointly carry out activities with grant or cooperative agreement funds. In this kind of situation, the arrangement between the recipient and each collaborating organization is subject to the rules in this part that apply to subgrants awarded by the recipients.

(2) This paragraph (e) does not apply to arrangements where the organizations receive an award jointly. In this case, they are not a recipient and subrecipient but, as the award notice states, joint recipients.

§ 3015.3 Conflicting policies and deviations.

(a) *Statutory provisions.* Federal statutes that apply to some USDA grant programs may contain provisions that conflict with this part. Those statutory provisions take precedence over this part.

(b) *Nonstatutory provisions.* USDA awarding agencies occasionally develop grant provisions that are inconsistent with this part. USDA attempts to keep these provisions to a minimum by internal procedures that require these provisions to be justified to appropriate officials of USDA and OMB. If the conflicting provisions are of long-term and general applicability, O&F may require that the awarding agency (i) publish the conflicting provision as a notice in the **Federal Register** and (2) give the public an opportunity to comment before making the regulations final.

(c) *Nonstatutory provisions-subgrants.* If a provision of a subgrant conflicts with this part, the recipient is considered as violating the provisions of the grant, unless the subgrant provision is authorized in writing, by the awarding agency.

§ 3015.4 Special restrictive terms.

(a) Occasionally an awarding agency, or a recipient awarding a subgrant, may find that a particular recipient:

(1) Is financially unstable,

(2) Has a history of poor performance, or

(3) Has a management system that does not meet the standards in this part.

In these cases the awarding agency may impose special conditions that are more restrictive than otherwise permitted by this part. If so, the awarding agency must tell the recipient in writing why it is imposing the special conditions and what corrective action is needed.

(b) When an awarding agency imposes a special grant condition under paragraph (a) of this section, the awarding agency, through O&F, shall notify OMB and other interested parties.

(c) When a recipient imposes a special restrictive subgrant condition under paragraph (a) of this section, it must notify the awarding agency, giving full particulars. The awarding agency, through O&F, shall then notify OMB and other interested parties.

(d) A special restrictive grant or subgrant condition under paragraph (a) of this section is considered consistent with this part.

Subpart B—Cash Depositories

§ 3015.10 Physical segregation and eligibility.

Except as provided in section 3015.11, awarding agencies shall not impose grant or subgrant conditions which:

(a) Require the recipient to use a separate bank account for the deposit of grant or subgrant funds, or

(b) Establish any eligibility requirements for banks or other financial institutions in which recipients deposit grant or subgrant funds.

§ 3015.11 Separate bank accounts.

A separate bank account shall be required when applicable letter of credit agreements provide that funds will not be drawn until the recipient's checks are presented to the bank for payment.

§ 3015.12 Moneys advanced to recipients.

Any moneys (public moneys as defined in Treasury Circular 176, as amended), advanced to recipients which are subject to the control or regulation of the United States or any of its officers, agents, or employees must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

§ 3015.13 Minority and women-owned banks.

Consistent with the national goal of expanding opportunities for minority business enterprises, recipients, and subrecipients are encouraged to use minority and women-owned banks. Upon request, awarding agencies will furnish a listing of minority and women-owned banks to recipients.

Subpart C—Bonding and Insurance

§ 3015.15 General.

In administering grants, subgrants, and cooperative agreements, recipients shall observe their regular requirements and practices with respect to bonding and insurance. No additional bonding and insurance requirements, including fidelity bonds, shall be imposed by the provisions of the grant, subgrant, or cooperative agreement except as provided in §§ 3015.16 through 3015.18.

§ 3015.16 Construction and facility improvement

(a) *Scope.* This section covers requirements for bid guarantees, performance bonds, and payment bonds when the recipient will contract or subcontract for construction or facility improvement (including alterations and renovations of real property) under a grant or subgrant.

(b) *Bids and contracts or subcontracts of $100,000 or less.* Unless otherwise required by law, the recipient shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds

(c) *Bids and contracts or subcontracts exceeding $100,000.* Unless otherwise required by law, the recipient may follow its own regular policy and requirements if the USDA awarding agency has decided that the Federal government's interest will be adequately protected. If this decision has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to 5 percent of the bid price;

(2) a performance bond on the part of the contractor for 100 percent of the contract price; and

(3) A payment bond on the part of the contractor for 100 percent of the contract price.

§ 3015.17 Fidelity bonds.

(a) If the recipient is not a unit of government, the awarding agency may require the recipient to carry adequate fidelity bond coverage where the absence of coverage for the grant-supported activity is considered as creating an unacceptable risk.

(b) If the subrecipient is not a unit of government, the awarding agency or the recipient may require that the subrecipient carry adequate fidelity bond coverage where the absence of coverage for the subgrant-supported activity is considered as creating an unacceptable risk.

§ 3015.18 Source of bonds.

Any bonds required under § 3015.16(c) (1) through (3) or § 3015.17 shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223). A list of these companies is published annually by the Department of the Treasury in its Circular 570.

Subpart D—Record Retention and Access Requirements

§ 3015.20 Applicability.

(a) This subpart applies to all financial and programmatic records, supporting documents, statistical records and other records of recipients, which are:

(1) Required to be maintained by the provisions of a USDA grant or cooperative agreement, or

(2) Otherwise reasonably considered as pertinent to a USDA grant or cooperative agreement.

(b) This subpart does not apply to the records of contractors and subcontractors under grants, subgrants and cooperative agreements. For a requirement to place a provision concerning those records in certain kinds of contracts, see subpart S.

§ 3015.21 Retention period.

(a) Except as provided in paragraphs (b) and (c) of this section, records shall be kept for 3 years from the starting date specified in § 3015.22.

(b) If any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the 3-year period, the records shall be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is later.

(c) In order to avoid dual recordkeeping, awarding agencies may make special arrangements with recipients to keep any records which are continuously needed for joint use. The awarding agency shall request a recipient to transfer records to its custody when the awarding agency decides that the records possess long-term retention value. When the records are transferred to or maintained by the awarding agency the 3-year retention requirement shall not apply to the recipient.

§ 3015.22 Starting date of retention period.

(a) *General.* The retention period starts from the date of the submission of the final expenditure report or where USDA grant support is continued or renewed at annual or other intervals, the 3-year retention period for the records of each funding period starts on the day the recipient submits to USDA its annual or final expenditure report for that period. If an expenditure report has been waived, the 3-year retention period starts on the day the report would have been due. Exceptions to this paragraph are contained in paragraphs (b) through (d) of this section.

(b) *Equipment records.* The 3-year retention period for the equipment records required by subpart R starts from the date of the equipment's disposition, replacement, or transfer at the direction of the awarding agency.

(c) *Records for income transactions after grant or subgrant support.* (1) In cases where USDA requires that program income (as defined in Appendix A) be applied to costs incurred after expiration or termination of grant or subgrant support, the 3-year retention period for those cost records starts from the end of the recipient's fiscal year in which the costs are incurred.

(2) Where USDA requires the disposition of copyright royalties or other program income earned after expiration or termination of grant or subgrant support, the 3-year retention period for those income records starts from the end of the recipient's fiscal year in which the income was earned. (See subpart F, § 3015.44.)

(d) *Indirect cost rate proposals, cost allocation plans, etc.* (1) *Applicability.* This paragraph applies to the following types of documents and their supporting records:

(i) Indirect cost rate computations or proposals;

(ii) Cost allocation plans; and

(iii) Any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(2) *If submitted for negotiation.* If the Federal government requires submission of the proposal, plan, or other computation for negotiation of the rate chargeable for particular costs, then the 3-year retention period for the plan, proposal or other computation and the supporting records starts from the date of such submission.

(3) *If not submitted for negotiation.* If the Federal government does not require submission of the proposal, plan, or other computation for negotiation of the rate chargeable for particular costs, then the 3-year retention period for the proposal, plan, or other computation and the supporting records starts from the end of the fiscal year covered by such proposal, plan or other computation.

§ 3015.23 Microfilm.

Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

§ 3015.24 Access to records.

(a) *Records of recipients.* USDA and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the recipient which are pertinent to a specific USDA award in order to make audit, examination, excerpts, and transcripts.

(b) *Records of subrecipients.* USDA and the Comptroller General of the United States, and the recipient, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the subrecipient which are pertinent to a specific USDA grant or cooperative agreement, in order to make audit, examination, excerpts, and transcripts.

(c) *Expiration of right of access.* The rights of access in this section shall not be limited to the required retention period but shall last as long as the records are kept.

§ 3015.25 Restrictions to public access.

Unless required by law, no awarding agency shall impose grant or subgrant conditions which limit public access to records covered by this subpart, except when the awarding agency determines that such records must be kept confidential and would have been excepted from disclosure pursuant to USDA's "Freedom of Information" regulations if the records had belonged to USDA (7 CFR 1.1–1.16).

Subpart E—Waiver of "Single" State Agency Requirements

§ 3015.30 Waiver of "single" State agency requirements.

The Intergovernmental Cooperation Act of 1968 authorizes Federal agencies to waive "single" State agency requirements on request of the Governor or other duly constituted State authorities.

(a) *Approval authority.* The awarding agency has approval authority for waiver requests, and shall handle them as quickly as feasible. Approval should be given whenever possible.

(b) *Refusal procedures.* When it is necessary to refuse a request for waiver of the "single" State agency requirements under the Intergovernmental Cooperation Act of 1968, the awarding agency shall, through O&F, advise OMB that the request cannot be granted. Such advice should indicate the reasons for the denial of the request. Notification, through O&F, to OMB shall occur prior to informing the State of the refusal.

Subpart F—Grant Related Income

§ 3015.40 Scope.

This subpart contains policies and requirements related to program income and interest and other investment income earned on advances of grant funds.

§ 3015.41 General program income.

(a) *Applicability.* This section applies to "general program income" as defined in Appendix A.

(b) *Use.* (1) General program income shall be retained by the recipient and used in accordance with one or a combination of the alternatives in paragraphs (c), (d), and (e) of this section, as follows: The alternative in paragraph (c) may always be used by recipients and must be used if neither of the other two alternatives is permitted by the provisions of the grant award. The alternatives in paragraph (d) or (e) may be used only if expressly permitted by the provisions of the grant award. In specifying alternatives that may be used, the provisions of the grant award may distinguish between income earned by the recipient and income earned by subrecipients and between the sources, kinds, or amounts of income.

(2) The provisions of a subgrant award may restrict the use of general program income earned by the subrecipient to only one or some of the alternatives permitted by the provisions of the grant, but the alternative in paragraph (c) of this section shall always be permitted.

(c) *Deduction alternative.* (1) Under this alternative, the income is used for allowable costs of the project or program. If there is a cost-sharing or matching requirement, costs supported by the income may not count toward satisfying that requirement. Therefore, the maximum percentage of Federal cost-sharing is applied to the net amount determined by deducting the income from total allowable costs and third party in-kind contributions. The income shall be used for current costs unless the awarding agency authorizes the income to be used in a later period.

(2) To illustrate this alternative, assume a project in which the recipient incurs $100,000 of allowable costs and receives no thirty party in-kind contributions. If the recipient earns $10,000 in general program income and this alternative applies, that $10,000 must be deducted from the $100,000 before applying the maximum percentage of Federal cost-sharing. If that percentage is 90 percent, the most that could be paid to the recipient would therefore be $81,000 (90 percent times $90,000).

(d) *Cost-sharing or matching alternative.* (1) Under this alternative, the income is used for allowable costs of the project or program but, in this case, the costs supported by the income may count toward satisfying a cost-sharing or matching requirement. Therefore, the maximum percentage of Federal cost-sharing is applied to total allowable costs and third party in-kind contributions. The income shall be used for current costs unless the awarding agency authorizes its use in a later period.

(2) To illustrate this alternative, assume the same situation as in paragraph (c)(2) of this section. Under this alternative, the 90 percent maximum percentage of Federal cost-sharing would be applied to the full $100,000, and $90,000 could therefore be paid to the recipient. (It should be noted that if $20,000 of general program income is earned, only $80,000 could be paid, since a grant cannot pay for costs which have been supported by general program income.)

(e) *Additional costs alternative.* Under this alternative, the income is used for costs which are in addition to the allowable costs of the project or program but which nevertheless further the objectives of the Federal statute under which the grant was made. Provided that the costs supported by the income further the broad objectives of that statute, they need not be of a kind that would be permissible as charges to Federal funds. Examples of purposes for which the income may be used are:

(1) Expanding the project or program.

(2) Continuing the project or program after grant or subgrant support ends.

(3) Supporting other projects or programs that further the broad objectives of the statute.

(4) Obtaining equipment or other assets needed for the project or program or for other activities that further the statute's objectives.

§ 3015.42 Proceeds from sale of real property and from sale of equipment and supplies acquired for use.

The following kinds of program income shall be governed by subpart R of this part:

(a) Proceeds from the sale of real property purchased or constructed under a grant or subgrant.

(b) Proceeds from the sale of equipment and supplies created or purchased under a grant or subgrant and intended primarily for use in the grant or subgrant-supported project or program rather than for sale or rental.

§ 3015.43 Royalties and other income earned from a copyrighted work.

(a) This section applies to royalties, license fees, and other income earned by a recipient from a copyrighted work developed under the grant or subgrant. Income of that kind is covered by this section whether a third party or the recipient acts as the publisher, seller, exhibitor, or performer of the copyrighted work. In some cases the recipient incurs costs to earn the income but does not charge these costs to USDA grant funds, to required cost-sharing or matching funds, or to other program income. Costs of that kind may be deducted from the gross income in order to determine how much must be treated as program income.

(b) The provisions of the grant award govern the disposition of income subject to this section. If the provisions of the grant award do not treat this kind of income, there are no USDA requirements governing the disposition. A recipient is not prohibited from imposing requirements of its own on the disposition of this kind of income which

is earned by its subrecipients provided those requirements are in addition to, and not inconsistent with, any requirements imposed by the provisions of the grant award.

§ 3015.44 Royalties or equivalent income earned from patents or from inventions.

Disposition of royalties or equivalent income earned on patents or inventions arising out of activities assisted by a grant or subgrant shall be governed by determinations made or agreements entered into in accordance with 35 U.S.C. 202 through 204. If the determination or agreement does not provide for the disposition of the royalties or equivalent income, the disposition shall be in accordance with the recipient's own policies.

§ 3015.45 Other program income.

(a) This section applies to program income not treated elsewhere in this part which subsequently results from an activity supported by a grant or subgrant but which does not accrue until after the period of grant or subgrant support. An example is proceeds from the sale or rental of a residual inventory of merchandise created or purchased by a grant-supported workshop during the period of support.

(b) The provisions of the grant award govern the disposition of income subject to this section. If the provisions do not treat this kind of income, there are no USDA requirements governing the disposition. A recipient may impose requirements of its own on the disposition of this kind of income which is earned by its subrecipients provided those requirements are in addition to and not inconsistent with any requirements imposed by the provisions of the grant award.

§ 3015.46 Interest earned on advances of grant funds.

(a) Except when exempted by Federal statute (see paragraph (b) of this section for the principal exemption), recipients shall remit to the Federal government any interest or other investment income earned on advances of USDA grant funds. This includes any interest or investment income earned by subrecipients and cost-type contractors on advances to them that result from advances of USDA grant funds to the recipient. Unless the recipient receives other instructions from the responsible USDA awarding agency, the recipient shall remit the amount due by check or money order payable to the awarding agency. This requirement may not be administratively waived.

(b) In accordance with the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), States, as defined in the Act, shall not be accountable to the Federal government for interest or investment income earned by the State itself, or by its subrecipients, where this income is attributable to grants-in-aid, as defined in the Act.[1]

(c) Recipients are cautioned that they are subject to the provisions of subpart L for minimizing the time between the transfer of advances and their disbursement. Those provisions apply even if there is no accountability to the Federal government for interest or other investment income earned on the advances.

Subpart G—Cost-Sharing or Matching

§ 3015.50 Scope.

This subpart contains rules reflecting Federal requirements for cost-sharing or matching. These rules apply whether cost-sharing or matching is required by Federal statute, awarding agency regulations, or by other provisions established by the specific grant agreement.

§ 3015.51 Acceptable contributions and costs.

A cost-sharing or a matching requirement may be satisfied after qualifications and exceptions are met in § 3015.52 and by satisfying either or both of the following:

(a) Allowable costs incurred by the recipient or by any subrecipient under the grant or subgrant. This includes allowable costs supported by non-Federal grants or by cash donations from non-Federal third parties.

(b) The value of third party in-kind contributions applicable to the same period when a cost-sharing or matching requirement applies.

§ 3015.52 Qualifications and exceptions.

(a) *Costs supported by other Federal grants.* (1) A cost-sharing or a matching requirement shall not be met by costs supported by another Federal grant, except as provided by Federal statute. This exception however, does not apply to costs supported by general program income earned from a contract awarded under another Federal grant.

(2) For the purpose of this part, funds provided under General or Countercyclical Revenue Sharing Programs (31 U.S.C. 1221 et seq. and 42 U.S.C. 6721 et seq.) are not considered Federal grants. Therefore, allowable costs supported by these funds may be used to satisfy a cost-sharing or a matching requirement.

(b) *Costs or contributions applied towards other Federal cost-sharing requirements.* Recipient costs or the value of third party in-kind contributions shall not count towards satisfying a cost-sharing or matching requirement of a USDA grant if they are or will be counted towards satisfying a cost-sharing or matching requirement of another Federal grant, a Federal procurement contract, or any other award of Federal funds.

(c) *Costs financed by general program income.* Costs financed by general program income as defined in Appendix A shall not count towards satisfying a cost-sharing or matching requirement of a USDA grant supporting the activity unless the provisions of the grant award expressly permit the income to be used for cost-sharing or matching purposes. (This is the alternative for use of general program income described in § 3015.42).

(d) *Services or property financed by income earned by contractors.* Contractors under a grant or subgrant may earn income from the activities carried out under the contract in addition to the amounts earned from the party awarding the contract. No costs of services or property supported by this income may count toward satisfying a cost-sharing or matching requirement unless other provisions of the grant award expressly permit this kind of income to be used to meet the requirement.

(e) *Records.* In order to count cost and third party in-kind contributions towards satisfying a cost-sharing or a matching requirement, there must be verification and accurate documentation from the records of recipients or cost-type contractors. These records shall show how the value placed on third party in-kind contributions was decided. Special standards and procedures for calculating these contributions are discussed in paragraph (f) of this section. Volunteer services, to the extent possible, shall be supported by the same pay procedures and rates employed by the organization when paying for similar work performed by its personnel.

(f) *Special standards for third party in-kind contributions.* (1) *Contributions to recipients or cost-type contractors.* A third party in-kind contribution to a recipient or cost-type contractor may count towards satisfying a cost-sharing or matching requirement only where, if the recipient or cost-type contractor were to pay for it, the payment would be an allowable cost. Furthermore, if the payment would be an indirect cost to that recipient or contractor, cost-sharing or matching credit may be given only if the recipient or contractor has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of third party in-kind contributions.

(2) *Contributions to fixed-price contractors.* A third party in-kind contribution to a fixed-price contractor may count towards satisfying a cost-sharing or matching requirement only if it results in:

(i) An increase in the services or property provided under the contract (without additional cost to the recipient or subrecipient), or

(ii) A cost savings to the recipient or subrecipient.

§ 3015.53 Valuation of donated services.

(a) *Volunteer services.* Unpaid services provided to a recipient by an individual shall be valued at rates consistent with the rates normally paid for similar work in the recipient organization. If there is no similar work in the recipient organization, the rate of pay for volunteer services should be consistent with those regular rates paid for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.

(b) *Employees of other organizations.* When an employer, other than a recipient or cost-type contractor, furnishes the services of an employee without cost to perform the employee's normal line of work, the services shall be valued at the employee's regular rate of pay, exclusive of the employer's fringe benefits and overhead cost. If the services are in a different line of work, paragraph (a) of this section shall apply.

§ 3015.54 Valuation of donated supplies and loaned equipment or space.

(a) If a third party donates supplies, the contributors shall not exceed the cost of the supplies to the donor or the market value of the supplies, at the time of the donation, whichever is less.

(b) If a third party donates the use of equipment or space in a building but retains the title, the contribution shall be valued at the fair rental rate of the equipment or space.

§ 3015.55 Valuation of donated equipment, buildings, and land.

When a third party donates equipment, buildings or land, and the title is given to the recipient, the treatment of this donated property shall depend upon the purpose of the grant or subgrant as follows:

(a) *Awards for capital expenditures.* If the purpose of the grant or subgrant is to assist the recipient in acquiring property, such as equipment, buildings, and land, then the market value of that property at the time of donation may be counted as cost-sharing or matching.

(b) *Other awards.* If the nature of the grant or subgrant is not for the purpose of acquiring property, the following rules shall apply:

(1) If approval is obtained from the awarding agency, the market value at the time of donation of the equipment or buildings and the fair rental rate of the donated land may be counted as cost-sharing or matching. In the case of a subgrant, the provisions of the USDA grant should require that the approval be obtained from the awarding agency as well as the recipient. In all cases, the approval may be given only if a purchase of the equipment or rental of the land would be approved as an allowable direct cost.

(2) If approval is not obtained under paragraph (b)(1) of this section, no amount shall be counted for donated land. Instead, only depreciation or use allowances may be counted for donated equipment and buildings and treated as costs incurred by the recipient. They are computed and allocated (usually as indirect costs) in accordance with the cost principles specified in subpart T of this part. They will thus be handled in the same way as depreciation or use allowances for purchased equipment and buildings. The amount of depreciation or use allowances for donated equipment and buildings is based on the property's market value at the time it was donated.

§ 3015.56 Appraisal of real property.

In some cases, it will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In these cases, the awarding agency must require that the market value or fair rental rate be set by an independent appraiser (or by a representative of the U.S. General Services Administration, if available) and that the value or rate be certified by a responsible official of the party to which the property or its use is donated. This requirement must also be imposed by the recipient on subgrants.

Subpart H—Standards for Financial Management Systems

§ 3015.60 Scope.

This subpart contains standards for financial management systems of recipients. No additional financial management standards or requirements shall be imposed by awarding agencies. Awarding agencies may, however, provide recipients with suggestions and assistance on establishing or improving financial management systems when such assistance is needed or requested.

§ 3015.61 Financial management standards.

These standards shall be met by recipients and subrecipients in managing their financial management systems.

(a) *Financial reporting.* Complete, accurate, and current disclosure of the financial results of each USDA sponsored project or program shall be maintained in accordance with the financial reporting requirements set forth in the grant or subgrant. When a USDA awarding agency requires reporting on an accrual basis, the recipient shall not be required to establish an accrual accounting system, but shall develop such accrual data for its reports on the basis of an analysis of the documentation on hand.

(b) *Accounting records.* The source and application of funds shall be readily identified by the continuous maintenance of updated records. Records, as such, shall contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, outlays, and income. When the recipient is a governmental entity, the records shall also contain liabilities.

(c) *Internal control.* Effective control over and accountability for all USDA grant or subgrant funds, real and personal property assets shall be maintained. Recipients shall adequately safeguard all such property and shall ensure that it is used solely for authorized purposes. In cases where projects are not 100 percent Federally funded, recipients must have effective internal controls to assure that expenditures financed from non-Federal funds are properly chargeable to the grant supported project.

(d) *Budgetary control.* The actual and budgeted amounts for each grant or subgrant shall be compared. If appropriate, or required by the awarding agency, financial information shall be related to performance and unit cost data. When unit cost data is required, estimates based on available documentation may be accepted whenever possible.

(e) *Advance payments.* There shall be specific procedures established to minimize the time elapsing between the advance of Federal grant or subgrant funds and their subsequent

[1] "State" is defined in the Act to include any agency or instrumentality of a State, and the definition does not exclude a hospital or institution of higher education which is such an agency or instrumentality. "Grant-in-aid" is defined in the Act to exclude payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private. (42 U.S.C. 4201)

disbursement by the recipient. When advances are made by a letter-of-credit method, the recipients shall make drawdowns as close as possible to the time of making the disbursements. This same procedure shall be followed by recipients who advance cash to subrecipients to ensure that timely fiscal transactions and reporting requirements are conducted.

(f) *Allowable costs.* Established procedures shall be used for determining the reasonableness, allowability, and a allocability of costs in accordance with the cost priniciples prescribed by subpart T of this part and the provisions of the grant award.

(g) *Source documentation.* Accounting records shall be supported by source documentation. These documentations include, but are not limited to, cancelled checks, paid bills, payrolls, contract and subgrant award documents.

(h) *Audit resolution.* A systematic method shall be employed by each recipient to assure timely and appropriate resolution of audit findings and recommendations.

Subpart I—Audits

§ 3015.70 Audits of State, local and Indian Tribal governments.

(a) Sections 3015.70 through 3015.77 of this subpart implement the audit requirements for government organizations contained in the following documents which are incorporated in this subpart by reference:

(1) OMB Circular A–102, Attachment P, dated October 22, 1979, and any subsequent revisions;

(2) Standards for Audit of Governmental Organizations Programs, Activities and Functions issued by the Comptroller General of the United States in 1981 (GAO Standards), and any subsequent revisions;

(3) Generally Accepted Auditing Standards issued by the American Institute of Certified Public Accountants (AICPA);

(4) Guidelines for Financial and Compliance Audits of Federally Assisted Programs issued by the General Accounting Office (GAO) in February 1980, and any subsequent revisions;

(5) Compliance supplements issued by OMB on August 18, 1980, and any subsequent revisions; and

(6) Federal cognizant audit agency assignments issued by OMB on October 6, 1980, and any subsequent revisions.

(b) All of the requirements contained in paragraphs (a)(1) through (5) must be met by the recipients before an audit can be accepted as a Federal audit by the respective cognizant audit agencies referenced in paragraph (a)(6).

(c) Under OMB Circular A–102, Attachment P, OMB has established uniform audit requirements for State, local and Indian Tribal governments, or their subdivisions that receive financial assistance form USDA. Attachment P requires recipients and subrecipients of USDA financial assistance to arrange for independent audits of financial operations, including compliance with certain provisions of Federal laws and regulations and to assure that audits are made on an organization-wide basis rather than on a grant-by-grant basis. Such organization-wide audits are to determine whether:

(1) Financial operations are conducted properly;

(2) Financial statements are presented fairly;

(3) Recipients and subrecipients are complying with the laws and regulations that affect the expenditures of Federal funds;

(4) Recipients and subrecipients have established internal procedures to meet the objectives of Federal assisted programs; and

(5) Recipients and subrecipients are providing accurate and reliable financial information to the Federal government.

If the recipients or subrecipients fail to arrange for the required audits or fail to assure that an acceptable audit is performed, the respective cognizant audit agencies may arrange for the performance of the required audits. If the cognizant audit agencies arrange for the required audits because of these circumstances, the recipients and/or subrecipients shall reimburse the respective cognizant audit agencies for the cost of these organization-wide audits.

(d) Unless specifically required by law or approved by OMB, USDA or other Federal agencies shall not impose any additional audit requirements on recipients or subrecipients. Audit requirements in USDA regulations for assistance programs administered in cooperation with State, local and Indian Tribal governments shall be limited to requiring compliance with Attachment P and this subpart, except as may be (1) required by law or (2) authorized by the Inspector General, USDA.

(e) State, local and Indian Tribal governments for whom OMB has assigned USDA as the "cognizant audit agency" shall apply the audit requirements in this subpart:

(f) State, local and Indian Tribal governments that receive financial assistance from USDA and have been assigned a cognizant audit agency other than USDA shall follow the audit requirements established by the respective cognizant audit agency. If the designated cognizant audit agency has not established Attachment P audit requirements or if OMB has not designated a cognizant audit agency, these units of government shall follow the audit requirements contained in OMB Circular A–102, Attachment P, and this subpart.

§ 3015.71 Definitions.

(a) "Cognizant audit agency" means the Office of Inspector General (OIG) or other designated audit organizations of the Federal agencies that OMB has identified in the **Federal Register** as having the audit responsibility for Attachment P, Circular A–102. In those instances where OMB designates USDA as the cognizant audit agency, OIG will act for the Department and recipients shall communicate with the appropriate OIG Regional Inspector General for Auditing about all matters concerning compliance with Circular A–102, Attachment P.

(b) "OIG" means the Office of Inspector General, United States Department of Agriculture.

(c) "Organization-wide audit" means an audit which encompasses all financial operations and all funds (regardless of source) of the audited entity, and which will satisfy the needs of all interested parties for audited financial information.

(d) "Regional Inspector General" means the OIG official in the United States Department of Agriculture who is responsible for audit-related matters in one of the designated regions covered by a Regional Audit Office.

(e) "Recipient" means a State department, local government, an Indian Tribal government or a subdivision of such entities that receive Federal assistance directly from the Federal government. It does not include State or local institutions of higher education or hospitals, which are covered by Circular A–110 and § 3015.79 of this subpart.

(f) "Subrecipient" means a State department, local government, an Indian Tribal government or a subdivision of such entities that receive Federal assistance indirectly (through a recipient) from the Federal government.

§ 3015.72 Authority.

(a) *Authority.* The Inspector General Act of 1978 (Public Law 95–452) established OIG's audit authority. The Act includes, among other powers, the authority to have access to all records, reports, audits, reviews, documents, papers, recommendations or other material related to USDA assistance programs administered by recipient and subrecipient organizations. The provisions of Circular A–102, Attachment P, or this subpart do not limit the OIG's authority to make audits of recipient and subrecipient organizations. However, if the recipients and subrecipients arrange for independent audits that meet the requirements in this subpart, OIG shall rely on those audits and any additional work shall build upon the work already done.

(b) *Memorandum of understanding.* OIG plans to use a memorandum of understanding as a tool to document agreement on (1) the working relationships between the recipient, the independent auditor and OIG and (2) the responsibilities of each party, in carrying out the organization-wide audits required by Attachment P and this subpart. There may be instances where a written agreement is inappropriate, but where one is used, it shall be consistent with this subpart and shall be changed only with the consent of all parties to the agreement.

§ 3015.73 Audit arrangements and requirements.

(a) *Arrangements.* (1) State, local and Indian Tribal governments shall use their own procedures to arrange for and prescribe the scope of independent audits, provided that such audits comply with the requirements set forth in Circular A–102, Attachment P, and this subpart. (NOTE: It is not intended that audits required by this subpart be separate and apart from audits performed in accordance with State and local laws. To the extent feasible, the audit work required by this subpart should be done in conjunction with those audits).

(2) Small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts awarded for audits required by this subpart (see paragraph 16 of Attachment P, Circular A–102).

(3) In arranging for audits, recipients shall coordinate proposed audit plans and related procurement documents with the appropriate Regional Inspector General prior to executing the contractual documents. The purpose of coordinating the proposed audit plans and related procurement documents is to enable the Regional Inspectors General to provide timely technical assistance and assure that satisfactory audit coverage is planned.

(4) Provisions shall be included in audit contracts requiring the audit organization to retain audit working papers for a minimum of three years from the date of the audit report unless the auditor is notified in writing by OIG of the need to extend the retention period. The audit contracts shall also contain a provision which requires the audit organizations to provide the workpapers to OIG and GAO upon request.

(b) *Requirements.* (1) All audits shall be performed in accordance with the GAO Standards for Audit of Government Organizations, Programs, Activities, and Functions; generally accepted audit standards established by the AICPA; GAO Guidelines for Financial and Compliance Audits of Federally Assisted Programs; OMB approved compliance supplements and other compliance supplements developed in accordance with OMB policies.

(2) At a minimum, the audits shall include examinations of the systems of internal control established to ensure compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of recipients and subrecipients.

(3) These examinations shall determine:

(i) If controls over the accounting for revenues, expenditures, assets, and liabilities are proper and effective;

(ii) If the audited entity's financial statements are presented fairly in accordance with generally accepted accounting principles;

(iii) If the Federal financial reports (including Financial Status Reports, Cash Transactions Reports, and claims for advances and reimbursements) contain accurate and reliable financial data and are presented in accordance with the terms of applicable agreements and in accordance with subpart J of this part; and

(iv) If Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

§ 3015.74 Scope of audit tests.

(a) To achieve the above purposes, a representative number of charges to the Federal awards shall be tested. The tests must be representative of (1) the universe of all Federal awards received, and (2) all cost categories that materially affect the awards. The tests are to determine if the charges:

(i) Were necessary and reasonable to properly administer the program or project;

(ii) Conformed to any limitations or exclusions in the award;

(iii) Received consistent accounting treatment and were applied uniformly to both Federally and non-Federally assisted activities;

(iv) Were net of applicable credits;

(v) Excluded costs properly chargeable to other Federally assisted programs;

(vi) Were properly recorded and supported by source documents;

(vii) Were approved in advance, if subject to prior approval in accordance with OMB Circular A–87 and this part;

(viii) Were incurred in accordance with competitive purchasing procedures if covered by Attachment O of Circular A–102 and subpart S of this part; and

(ix) Were allocated equitably to the benefiting activities, including non-Federal activities.

(b) The use of statistical sampling is a particularly appropriate technique for testing the charges to Federal awards and determining the impact of the results of the tests. OIG prefers the use of this technique unless it is not feasible. Where statistical sampling techniques are not used, the reasons should be documented in the audit working papers.

(c) Because charges that a subrecipient incurs are a part of the universe of the total Federal charges the recipient incurs, subrecipient charges should be tested to the extent necessary for the auditor to be able to make the required determinations. Where subrecipients are audited separately by independent public accounting forms or State or local government audit groups, the recipient's auditor will rely on the subrecipient audits to the extent possible, providing those audits meet the requirements of Attachment P and this subpart.

(d) It is inappropriate to limit the audit scope of a recipient in a way that excludes an audit of material expenditures of the recipient or its subrecipients.

(e) Audits shall be made annually but not less frequently than every two years, and shall cover the period beginning immediately after the end of the period covered by the previous audit.

(f) The auditor shall promptly notify and request guidance from OIG upon becoming aware of irregularities in the operations of the recipient or sub-recipient organizations. Matters that auditors shall consider as irregular include conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

§ 3015.75 Reporting requirements.

(a) Audit reports shall include:

(1) Financial statements, including footnotes, of the recipient or subrecipient organization being audited.

(2) Auditors' comments on the financial statements which shall:

(i) Identify the statements examined and the period covered;

(ii) Identify by awarding agency, the various programs under which the recipient or subrecipient received Federal funds and the amounts of the individual awards received;

(iii) State that the audit was done in accordance with the GAO and AICPA Standards; the Guidelines for Financial and Compliance Audits of Federally Assisted Programs; OMB approved compliance supplements and other compliance supplements developed in accordance with OMB policies; and

(iv) Express an opinion as to whether the financial statements were fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.

(3) Auditors' comments on compliance and internal control which shall:

(i) Include comments on weaknesses in any non-compliance with the system of internal control, separately identifying material weaknesses;

(ii) Identify the nature and impact of any noted instances of non-compliance with the terms of agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements and reports. The auditor shall explain the impact in terms that are meaningful and relative to the total universe, or defined subuniverse of Federal charges such as estimates of the dollar value or rates of non-compliance with the particular audit universe; and

(iii) Contain an expression of positive assurance with respect to compliance with the requirements for tested items and negative assurance for untested items.

(4) Comments on the accuracy and completeness of financial reports and claims submitted to Federal agencies for advances or reimbursement.

(5) Comments on corrective action that the recipient or subrecipient has taken or planned.

(b) Recipient organizations shall provide the number of copies of final reports needed by the Regional Inspectors General for proper distribution of the reports to the other audit agencies concerned and program officials.

(c) The auditor shall retain audit working papers and reports for a minimum of three years from the date of the audit report unless OIG notifies the auditor in writing of the need to extend the retention period. The auditor, upon request, shall provide or make the working papers available to the OIG and the GAO or their designees.

§ 3015.76 Subrecipient standards.

(a) Recipients shall require subrecipients to comply with this subpart. Recipients shall not routinely transmit copies of the subrecipient audit reports to OIG. The recipient shall arrange for its auditor to review the subrecipient reports and incorporate the results into the recipient's audit report. The recipient's auditor shall state in the audit report the amount of funds at the subrecipient level that were audited by the subrecipients' auditors and make any pertinent comments concerning those audits. Questioned costs at the subrecipient level shall be contingent liabilities as far as the recipient is concerned and the auditor should report them as such, when appropriate.

(b) Individual subrecipient audit reports must be evaluated for quality by the recipient's auditor and must meet the requirements of these regulations before being accepted by the recipient. The recipient shall retain all subrecipient audit reports on file and make them available to OIG and GAO officials or their designees upon request.

§ 3015.77 OIG cognizant agency responsibilities.

As a cognizant audit agency, OIG shall be responsible for:

(a) Obtaining or making quality assessment reviews of the audit work of non-Federal auditors and providing the review results to other interested audit agencies. (When a non-Federal auditor is responsible for auditing recipients that have different cognizant audit agencies and it is practicable to do so, OIG shall arrange for a single quality assessment review);

(b) Assuring that all recipient audit reports affecting Federally assisted programs are received, reviewed, and distributed to the proper audit agencies. These agencies (including OIG) are responsible for distributing audit reports to their respective program officials;

(c) Advising the recipient and the auditor of significant inadequacies found in an audit and the actions needed to correct the inadequacies. If the auditor fails to take corrective action, OIG shall notify the recipient organization and the appropriate audit agencies of the facts and OIG's recommendations. OIG shall refer to appropriate professional bodies major inadequacies or repetitive substandard audit work;

(d) Assuring that satisfactory audit coverage is provided in a timely manner and in accordance with the provisions of Circular A–102, Attachment P, and this subpart;

(e) Providing technical advice and acting in a liaison capacity with Federal agencies, independent auditors, and recipient organizations, including providing technical assistance in arranging for audit services;

(f) Maintaining a followup system on audit findings and investigative matters to assure that audit findings are resolved;

(g) Informing other affected audit agencies of disclosed irregularities. These agencies shall in turn inform appropriate officials in their agencies. OIG shall inform State or local government law enforcement and prosecuting authorities of irregularities that fall within their jurisdiction; and

(h) Assuring that necessary audits are performed of indirect cost rate proposals submitted by governmental units for which USDA is cognizant under the provisions of OMB Circular A–87.

§ 3015.78 [Reserved]

§ 3015.79 Audits of institutions of higher education, hospitals and other non-profit organizations.

(a) *Non-Federal audits.* Recipients that are not governments shall comply with the requirements concerning non-Federal audits in OMB Circular A–110, including amendments to those requirements published in the **Federal Register** by OMB. A summary of the main provisions follows:

(1) Each recipient must have itself audited by non-Federal auditors at least once every two years;

(2) The recipient's auditors must meet the standards of independence set forth in the GAO Standards; and

(3) The audit is to be a financial and compliance audit performed on an organization-wide basis, in accordance with GAO Standards and Guidelines with appropriate sampling of grant related transactions. Awarding agencies may not impose grant-by-grant (or subgrant-by-subgrant) audit requirements except as may be prescribed by law.

(b) *Federal audit responsibilities.* (1) Audits of Federal contracts and assistance programs at institutions of higher education are performed periodically by the Federal agencies designated as cognizant audit agencies in OMB Circular A–88. In addition, OIG may perform audits of USDA programs at Land Grant Institutions from time to time. Such audits shall be coordinated in advance with the cognizant audit agency and shall to the extent possible, not duplicate work done by the Federal cognizant audit agency, or by independent auditors in accordance with Circular A–110.

(2) OIG reserves the right to perform audits of USDA assistance programs at other nonprofit organizations as determined by OIG to be necessary. In performing such audits, OIG shall rely to the extent feasible on audit work performed by other Federal and non-Federal auditors.

Subpart J—Financial Reporting Requirements

§ 3015.80 Scope and applicability.

(a) The subpart prescribes requirements and forms for receipts to report financial information to USDA and to request grant payments when a letter of credit is not used.

(b) This subpart need not be applied by recipients in dealing with their subrecipients. Recipients are encouraged not to impose on subrecipients more burdensome requirements than USDA imposes on them.

§ 3015.81 General.

(a) Except as provided in paragraphs (d) and (e) of this section, recipients shall use only the forms specified in § 3015.82 through § 3015.85, and such other forms as may be authorized by OMB for:

(1) Submitting grant financial reports to awarding agencies, or

(2) Requesting grant payments when letters of credit or automatic prescheduled treasury check advances are not used.

(b) Recipients shall follow all applicable standard instructions issued by OMB for use in connection with the forms specified in § 3015.82 through § 3015.85. Awarding agencies may not issue substantive supplementary instructions that conflict with this subpart or impose additional requirements on recipients without the approval of O&F and OMB. However, awarding agencies may shade out or instruct the recipient to disregard any line item that the awarding agency finds unnecessary for its decision-making purposes.

(c) Recipients shall not be required to submit more than one original and two copies of the forms required under this subpart.

(d) Awarding agencies may provide computer outputs to recipients to expedite or contribute to the accuracy of reporting. Awarding agencies may accept the required information from recipients in machine readable form or computer printouts instead of prescribed formats.

(e) When an awarding agency determines that a recipient's accounting system does not meet the standards for financial management systems contained in subpart H of this part, it may require more frequent financial reports or more detail (or both) upon written notice to the recipient (without regard to § 3015.4) until such time as the standards are met.

(f) Awarding agencies may waive any report required by this subpart, if not needed.

(g) Awarding agencies may extend the due date for any financial report upon receiving a justified request from the recipient. The recipient should not wait until the due date if an extension is to be requested, but should submit the request as soon as the need becomes known. Failure by a recipient to submit a report by its due date may result in severe enforcement actions by USDA. These may include withholding of further grant payments, suspension or termination of the grant, etc. Therefore recipients are urged to submit reports on time.

§ 3015.82 Financial status report.

(a) *Form.* Recipients shall use Standard Form 269, Financial Status Report, to report the status of funds for all nonconstruction projects or programs.

(b) *Accounting basis.* Each recipient shall report program outlays and program income on the same accounting basis, i.e., cash or accrual, which it uses in its accounting system.

(c) *Frequency.* The awarding agency may prescribe the frequency of the report for each project or program. However, the report shall not be required more frequently than quarterly except as provided in sections 3015.4, 3015.81(e), or by statute. If the awarding agency does not specify the frequency of the report, it shall be submitted annually. Upon expiration or termination of the grant or cooperative agreement, if a period of time remains not covered by a periodic report (i.e., a quarterly, semi-annual or annual report), a final report shall be required.

(d) *Due date.* When reports are required on a quarterly or semiannual basis, they shall be due 30 days after the reporting period. When required on an annual basis, they shall be due 90 days after the end of the grant or agreement period. In addition, final reports as defined in § 3015.82(c) shall be due 90 days after the expiration or termination of grant or agreement support.

(e) *Final reports.* (1) Final reports (i.e., the last report submitted) must not show any unpaid obligations. (2) if the recipient will still have unpaid obligations when the final report is due, the recipient shall submit a provisional final report (showing the unpaid obligations) by the due date, and a true final report when all obligations have been paid. When submitting a provisional final report, the recipient shall tell the awarding agency when it expects to submit a true final report.

(3) As provided in § 3015.81(f), awarding agencies may waive provisional final reports.

§ 3015.83 Federal cash transactions report.

(a) *Form.* (1) For grants or cooperative agreements paid by letters of credit (or Treasury check advances) through any USDA payment office, the recipient shall submit to USDA a Standard Form 272, Federal Cash Transactions Report, and, when necessary, its continuation sheet, SF 272a. Recipients under the Regional Disbursing Office (RDO) system shall not be required to submit a SF 272. For these recipients, awarding agencies shall use information contained in the Request for Payment to monitor recipient cash balances and to get disbursement information. (2) The SF 272 will be used by USDA to monitor cash advanced to recipients and to obtain disbursement or outlay information from recipients for each grant or cooperative agreement. The format of the report may be adapted, as appropriate, when reporting is to be accomplished with the assistance of automatic data processing equipment, provided that the identical information is submitted.

(b) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(c) *Cash in hands of subrecipients or contractors.* When considered necessary and feasible by the responsible USDA awarding agency, recipients may be required to:

(1) Show in the "Remarks" section of the report the amount of cash advances exceeding three days needs in the hands of their subrecipients or contractors, and (2) Provide short narrative explanations or actions taken by the recipient to reduce such excess balances.

(d) *Frequency and due date.* Recipients shall submit the report no later than 15 working days following the end of each quarter. However, the USDA payment office may require recipients receiving advances of one million dollars or more per year to submit a report within 15 working days following the end of each month.

§ 3015.84 Request for advance or reimbursement.

(a) *Advance payments.* Recipients of nonconstruction grants or cooperative agreements shall request Treasury check advance payments on Standard Form 270, Request for Advance or Reimbursement. This form is not used for letter of credit drawdowns or predetermined automatic advance payments.

(b) *Reimbursements.* Recipients of nonconstruction grants or cooperative agreements shall request reimbursement on Standard Form 270, Request for Advance or Reimbursement (for reimbursement request under construction grants or cooperative agreements, see § 3015.85).

(c) The frequency for submitting payment requests on SF–270 is treated in § 3015.104.

§ 3015.85 Outlay report and request for reimbursement for construction programs.

(a) *Construction grants paid by reimbursement method.* (1) Requests for reimbursement under construction grants shall be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Awarding agencies may, however, prescribe the Request for Advance or Reimbursement form specified in § 3015.84 instead of this form.

(2) The frequency for submitting reimbursement requests is treated in § 3015.104.

(b) *Construction grants paid by letter of credit or Treasury check advance.*

(1) When a construction grant or a cooperative agreement is paid by letter of credit or Treasury check advances, the recipient shall report its outlays to the awarding agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The awarding agency will provide any necessary special instructions. However, frequency and due date shall be governed by § 3015.82 (c) and (d).

(2) When a construction grant or cooperative agreement is paid by Treasury check advances based on periodic requests from the recipient, the advances shall be requested on the form specified in § 3015.84.

(3) The awarding agency may substitute the Financial Status Report specified in § 3015.82 for the Outlay Report and Request for Reimbursement.

(c) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 3015.82 (b).

Subpart K—Monitoring and Reporting Program Performance

§ 3015.90 Scope.

This subpart establishes procedures for monitoring and reporting program performance of recipients. These procedures place responsibility on recipients to manage the daily operations of their grant and subgrant supported activities.

§ 3015.91 Monitoring by recipients.

Recipients shall constantly monitor the performance of grant and subgrant-supported activities to assure that performance goals are being achieved. Recipient monitoring shall cover each program, function, or activity.

§ 3015.92 Performance reports.

(a) *Non-construction.* The awarding agency shall, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the recipient to submit a performance report only upon expiration or termination of grant support. This report will be due on the same date as the final Financial Status Report (as provided in § 3015.82 (d) and (e)) unless waived by the awarding agency.

(1) Recipients shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports or unless covered under paragraph (a) of this section. Annual reports shall be due 90 days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report shall be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a recipient, the awarding agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the awarding agency.

(2) Performance reports shall contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the goals established for the period. Where the output of the project can be readily expressed in numbers, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established goals were not met.

(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Recipients shall not be required to submit more than the original and two copies of performance reports.

(4) Recipients shall adhere to the standards in paragraph (a) of this section in prescribing performance reporting requirements for sub-recipients.

(b) *Construction.* For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by awarding agencies to monitor progress under construction grants and subgrants. The awarding agency shall require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

§ 3015.93 Significant developments.

Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the recipient shall inform the awarding agency as soon as the following types of conditions become known:

(a) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure shall include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(b) Favorable developments which enable meeting time schedules and goals sooner or at less cost than anticipated or producing more beneficial results than originally planned.

§ 3015.94 Site visits.

The awarding agency shall make site visits as frequently as practicable to:

(a) Review program accomplishments and manage control systems.

(b) Provide such technical assistance as may be required.

§ 3015.95 Waivers, extensions and enforcement actions.

(a) *Reports from recipients.* USDA may waive any performance report required by this subpart if not needed.

(b) *Reports from subrecipients.* The recipient may waive any performance report from a subrecipient when not needed. The recipient may extend the due date for any performance report from a subrecipient if the recipient will still be able to meet its performance reporting obligations to the USDA awarding agency.

Subpart L—Payment Requirements

§ 3015.100 Scope.

This subpart prescribes the basic standards and methods under which a USDA awarding agency will make grant payments to recipients, and recipients will make subgrant payments to their subrecipients.

§ 3015.101 General.

Methods and procedures for making payments to recipients shall minimize the time elapsing between the transfer of funds and the recipient's disbursements.

§ 3015.102 Payment methods.

(a) *Non-construction.* (1) Letters of credit will be used to pay USDA recipients when all the following conditions exist:

(i) There is or will be a continuing relationship between the recipient and the USDA awarding agency for at least a 12 month period and the total amount of advances to be received within that period from the awarding agency is $120,000 or more per year.

(ii) The recipient has established or demonstrated to the USDA awarding agency the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the recipient.

(iii) The recipient's financial management system meets the standards for fund control and accountability prescribed in subpart H of this part.

(2) Advances by Treasury check will be used, in accordance with Treasury Circular No. 1075, when the recipient does not meet the requirements in paragraph (a)(1)(i) of this section but does meet the requirements in paragraph (a)(1) (ii) and (iii) of this section.

(3) Reimbursement by Treasury check shall be the preferred method when the recipient does not meet the requirements specified in either paragraph (a)(1)(ii) or paragraph (a)(1)(iii) of this section. This method may also be used when USDA financial assistance makes up only a minor portion of the program and where the major portion of the program is accomplished through private financing or Federal loans.

(b) *Construction.* (1) Reimbursement by Treasury check shall be the preferred method when the recipient does not meet the requirements specified in § 3015.102(a)(1) (ii) or (iii), and may be used for any USDA construction grant unless USDA has entered into an agreement with the recipient to use a letter of credit for all USDA grants, including construction grants.

(2) When the reimbursement by Treasury check method is not used, § 3015.102(a) (1) and (2) shall apply to the construction grant. Implementing procedures under § 3015.102 (1) and (2) will be the same for construction grants as for nonconstruction grants awarded to the same recipient, insofar as possible.

(3) USDA awarding agencies will not use the percentage of completion method to pay its construction grants. The recipient may use that method to pay its construction contractor, but if it does, USDA payments to the recipient will nevertheless be based on the recipient's actual rate of disbursements.

§ 3015.103 Withholding payments.

(a) Unless otherwise required by Federal statute, payments for proper charges incurred by recipients will not be withheld at any time during the grant period unless (1) the recipient has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or (2) the recipient is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States, or (3) the grant is suspended pursuant to subpart N of this part.

(b) Payments withheld for failure of a recipient to comply with reporting requirements, but without suspension of the grant, will be released to the recipient upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with subpart N of this part. When a debt is to be collected, USDA awarding agencies may withhold payments or require appropriate accounting adjustments to recorded cash balances for which the recipientis accountable to the Federal government, in order to liquidate the indebtedness.

§ 3015.104 Requesting advances or reimbursements.

(a) *Advances.* If advance payments are by Treasury check and are not prescheduled, the recipient shall submit its payment requests at least monthly. Less frequent requests are not permitted for they result in advances covering excessive periods of time. Recipient requests for advances shall not be made in excess of the Federal share of reasonable estimates of outlays for the month covered. These estimates shall be made on a cash basis, even if the recipient uses an accrual accounting system.

(b) *Reimbursements.* If payments are made through reimbursement or by Treasury check:

(1) Requests for reimbursements may be submitted monthly or more frequently if authorized to do so by the awarding agency. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

(2) The recipient shall not request reimbursement for the Federal share of amounts withheld from contractors to ensure satisfactory completion of work until after it makes those payments.

(c) *Forms.* The forms for requesting advances or reimbursements are identified in subpart J of this part.

§ 3015.105 Payments to subrecipients.

Recipients shall observe the requirements of this subpart in making (or withholding) payments to subrecipients, with the following exceptions:

(a) Advanced payment by Treasury check may be used instead of letter of credit;

(b) The forms specified in subpart J of this part for requesting advances and reimbursements are not required to be used by subrecipients; and

(c) The reimbursement by check method may be used to pay any construction subgrant, whether or not USDA has agreed to use a letter of credit for all direct USDA grants to that same recipient.

Subpart M—Programmatic Changes and Budget Revisions

§ 3015.110 Scope and applicability.

(a) *Scope.* This subpart deals with prior approval requirements for post-award programmatic changes and budget revisions by recipients.

(b) *Exemption of mandatory grants.* Sections 3015.113 through 3015.115 do not apply to programmatic changes or budget revisions made by recipients under State plans or other grants which the awarding agency is required by law to award if the applicant meets all applicable requirements for entitlement. (These are generally called "mandatory" grants.)

(c) *Exemption of certain subgrants.* Sections 3015.113 through 3015.115 do not apply to subgrants from States to their local governments under a mandatory grant, if the local government is not required to apply for the subgrant on a project basis. Generally, such exempt subgrants will occur under a State plan which provides for local administration of a State-wide program under State supervision.

§ 3015.111 Cost principles.

(a) The cost principles prescribed by subpart T of this part require prior approval of certain types of costs. Except when waived, those prior approval requirements apply to all

grants and subgrants, whether or not § 3015.113 through § 3015.115 apply.

(b) Procedures for prior approvals required by the cost principles are in § 3015.190. Procedures for prior approvals required by this subpart are in § 3015.112.

§ 3015.112 Approval procedures.

(a) *For grants or cooperative agreements.* When requesting a prior approval required by this subpart, recipients shall address their requests to the responsible official of the awarding agency. Approvals shall not be valid unless they are in writing and signed by either the responsible officer, the head of the awarding agency, or the head of the awarding agency's regional office.

(b) *For subgrants.* Recipients shall be responsible for reviewing requests from their subrecipients for the approvals required by this subpart and for giving or denying the approval. A recipient shall not approve any action which is inconsistent with the purpose or terms of the Federal grant or cooperative agreement. If an action by a subrecipient will result in a change in the overall grant project or budget requiring approval from the awarding agency, the recipient shall obtain that approval before giving its approval to the subrecipient. Approvals shall not be valid unless they are in writing and signed by an authorized official of the recipient organization.

(c) *Timing.* Within 30 days from the date of receipt of a request for approval, the approval authority shall review the request and notify the recipient of its decision. If the request for approval is still under consideration at the end of 30 days, the approval authority shall inform the recipient in writing as to when to expect the decision.

§ 3015.113 Programmatic changes.

(a) *Scope.* This section contains requirements for prior approval of departures, other than budget revisions, from approved project plans. In addition to the requirements in this section, awarding parties may require prior approval for other kinds of programmatic changes to an approved cooperative agreement, grant, or subgrant project.

(b) *Changes to project scope or objectives.* The recipient shall obtain prior approval for any change to the scope or objectives of the approved project. (For construction projects, any material change in approved space utilization or functional layout shall be considered a change in scope.)

(c) *Changes in key people.* This section applies to grants, subgrants, and cooperative agreements for research. This section does not apply to other types of grants, subgrants, or cooperative agreements unless other terms of the award make it apply. The recipient shall obtain prior approval:

(1) To continue the project during any continuous period of more than three months without the active direction of an approved project director or principal investigator,

(2) For its selection of a replacement for the project director or principal investigator,

(3) For its selection of a replacement for any other persons named and expressly designated as key project people in the grant, subgrant, or cooperative agreement award document, or

(4) To permit the project director or principal investigator (or anyone covered by paragraph (c)(3) of this section) to devote substantially less effort to the project than was anticipated when the award was made.

(d) *Transferring work and providing financial assistance to others.* Recipients shall obtain prior approval for transferring to another party the actual performance of the substantive programmatic work, and for providing any form of financial assistance to another party.

(e) *Audiovisual activities.*

(1) Except to the extent explicitly included in the project plan approved at the time of award, using grant support for any of the following requires prior approval:

(i) Producing an audiovisual.

(ii) Buying ownership of any of the rights in the work embodied in the audiovisual. (This does not apply to merely buying a license in any of the rights. For the remainder of this section, buying ownership of the rights is referred to simply as buying or purchasing an audiovisual.)

(iii) Presenting or distributing to the general public an audiovisual that was produced or bought with grant support.

(2) Prior approval is not required for:

(i) Any audiovisual activity under a subgrant.

(ii) Any audiovisual whose direct production or purchase cost to the recipient is $5,000 or less.

(iii) The production or purchase of an audiovisual as a research instrument or for documenting experimentation or findings, if the audiovisual is not intended for presentation or distribution to the general public.

(3) Following are examples of presentation or distribution of an audiovisual to the general public:

(i) Broadcast on commercial, cable, or educational television, or radio.

(ii) Showing in commercial motion picture theaters.

(iii) Showing in public places such as airports, waiting rooms, bus or railroad depots, and vacation resorts.

(iv) Showing to civic associations, schools (except when used as a teaching tool in a classroom setting), clubs, fraternal organizations, or similar lay groups.

§ 3015.114 Budgets—general.

(a) *Research and non-research project budgets.* For research and non-research projects which involve cost-sharing or matching, approved budgets shall ordinarily consist of a single set of figures covering total project cost (the sum of the awarding agency's share and the recipient's share). However, the awarding agency may specifiy that the recipient's share not be included in the approved budget. In no case, however, shall the approved budget be in the form of a separate set of figures for each share.

(b) *Subdivision by programmatic segments.* Some grants, subgrants, and cooperative agreements contain two or more programmatic segments (such as discrete programs, projects, functions, or types of activities). In these cases, the awarding agency may require that the approved budget be subdivided to show the anticipated cost of each programmatic segment.

§ 3015.115 Budget revisions.

(a) *Nonconstruction projects.* (1) Except as provided in paragraph (a)(2) of this section, the recipient of a grant, subgrant, or cooperative agreement having an approved budget shall obtain prior approval for any budget revision which will:

(i) Involve transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or

(ii) Involve transfer of amounts previously budgeted for student support (tuition waivers, stipends, and other payments to or for trainees), or

(iii) Result in a need for the award of additional funds, e.g., an increase in the base upon which indirect costs are calculated which will increase allocable indirect costs and result in a claim for a supplementary award.

(2) Any or all of the prior approval requirements in paragraph (a) of this section may be waived by the awarding agency.

(3) Except as provided in § 3015.116 other budget changes under nonconstruction grants do not require approval.

(b) *Construction projects.* Unless provided otherwise by the terms of the grant, subgrant, or cooperative agreement, revisions to construction project budgets do not require approval.

§ 3015.116 Construction and nonconstruction work under the same grant, subgrant, or cooperative agreement.

When a grant, subgrant, or cooperative agreement provides support for both construction and nonconstruction work, the awarding agency may require prior approval for any fund or budget transfers between the two types of work.

Subpart N—Grant and Subgrant Closeout, Suspension and Termination

§ 3015.120 Closeout.

(a) Each grant or subgrant shall be closed out as soon as possible after expiration or notice of termination.

(b) The following shall apply when closing out USDA grants:

(1) Upon request from the recipient, and allowable reimbursable cost not covered by previous payments shall be promptly paid by USDA.

(2) Any unobligated balance of cash advanced to the recipient shall be immediately refunded to the awarding agency or managed in accordance with USDA instructions.

(3) Within a maximum period of 90 days following the date of expiration or termination of a grant, all financial performance and related reports required by the terms of the agreement shall be submitted to the awarding agency by the recipient. USDA reserves the option of extending the due date for any report upon receiving a justified request from the recipient and may waive any report that it considers to be unnecessary.

(4) The provisions formally expressed and agreed to within the grant arrangement shall dictate the settlement of any upward or downward adjustments of the Federal share of costs.

(c)(1) A grant closeout shall not affect the retention period for, or Federal rights of access to, grant records. (See subpart D of this part).

(2) The closeout of a grant does not affect the recipient's responsibilities regarding property under subpart R of this part or with respect to any program income the recipient is still accountable for under subpart F of this part.

(3) Final audits (see Attachment L, Circular A–102) are not a required part of the grant or subgrant closeout procedures. Normally, a final audit should not be needed unless there are problems with a grant or subgrant that require audit attention. If a USDA agency considers a final audit to be necessary, it shall contact the OIG Region within which the recipient or subrecipient is located and inform OIG of the situation. OIG shall be responsible for assuring that necessary final audits are performed and for any necessary coordination with other Federal cognizant audit agencies, recipients or State and local auditors. Audits performed in accordance with subpart I may serve as final audits providing such audits meet the needs of the requesting agency.

(4) If a grant is closed out without audit, the awarding agency reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

§ 3015.121 Amounts payable to the Federal government.

The following outstanding sums for each grant shall be considered as a debt or debts owed by the recipient to the Federal government. They shall, if not paid upon demand, be subject to recovery by the awarding agency from the recipient or its successor or assignees by set off or other action provided by law:

(a) Any grant funds paid to the recipient by the Federal government which exceed the amount the recipient is finally determined to be entitled to under the provisions of the grant award;

(b) Any interest or other investment income earned on advances of grant funds which is due the Federal government;

(c) Any royalties or other special classes of program income which, under the provisions of the grant award, are required to be returned to the Federal government;

(d) Any amount the Federal government is entitled to under subpart R of this part; and

(e) Under the provisions of the grant award, any other amounts finally determined to be due to the Federal government.

§ 3015.122 Violation of terms.

(a) Whenever it is determined that the recipient has materially failed to comply with the provisions of the grant award, the awarding agency may suspend or terminate, in accordance with §§ 3015.123 and 3015.124, any grant in whole, or in part, at any time before the date of completion, or take such other remedies as may be legally available and appropriate.

(b) A grant may be suspended or terminated in the current period for failure to submit a report still due from a prior period. This action is applicable when a project or program is supported over two or more funding periods.

§ 3015.123 Suspension.

(a) When a recipient has materially failed to comply with the provisions prescribed in the grant agreement, the awarding agency may, after reasonable notice to the recipient, suspend the grant in whole or in part. A suspension notice shall be issued by the awarding agency stating the reasons for the suspension, any corrective action required of the recipient, and the effective date. Suspension may go into effect immediately if the awarding agency deems it necessary to protect its interest and if a delayed effective date would be unreasonable considering the awarding agency's responsibilities to protect the Federal government's interest. Suspension shall remain in effect until the recipient has taken corrective action satisfactory to the awarding agency, or given evidence that such corrective action will be taken, or until the awarding agency terminates the grant.

(b) Unless specifically authorized by the awarding agency in the notice of suspension or subsequently expressed in an amendment to it, new obligations incurred by the recipient during the suspension period shall not be allowed. Necessary and otherwise allowable costs which the recipient could not reasonably avoid during the suspension period will be allowed, if they result from obligations properly incurred by the recipient before the effective date of the suspension and not in anticipation of suspension or termination. If the awarding agency approves, third party in-kind contributions applicable to the suspension period may be allowed in satisfaction of cost-sharing or matching requirements.

(c) During the suspension period, appropriate adjustments to payments under the suspended grant will be made by not giving credit to the recipient for disbursements made in payment of unauthorized obligations incurred during the suspension period or by withholding subsequent payments.

§ 3015.124 Termination.

(a) *Termination for cause.* The awarding agency may terminate any grant or other agreement in whole, or in part, at any time before the date of expiration, whenever it is determined that the recipient has materially failed to comply with the conditions of the agreement. The awarding agency shall promptly notify the recipient in writing of the determination and reasons for the termination, together with the effective date.

(b) *Termination on other grounds.* Except as provided in paragraph (a) of this section, grants may be terminated in whole, or in part, only as follows:

(1) When the awarding agency and recipient agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

(2) By written notification by the recipient to the awarding agency setting forth the reasons for termination, the effective date, and, in the case of partial termination, the portion to be terminated. In the case of a partial termination, if the awarding agency decides that the remaining portion of the grant will not accomplish the purposes for which the grant was made, the awarding agency may terminate the award in its entirety under either paragraph (a) or paragraph (b)(1) of this section.

(c) *Termination settlements.* Upon termination of a grant, the recipient shall not incur any new obligations for the terminated portion of the agreement after the effective date, and shall cancel as many outstanding obligations as possible. The awarding agency, however, shall allow full credit to the recipient for the Federal share of the non-cancellable obligations properly incurred by the recipient prior to termination.

§ 3015.125 Applicability to subgrants.

Recipient subgrants shall be subjected to the same standards regarding closeout, suspension, and termination of subgrants as prescribed in this subpart for awarding agencies.

Subpart O [Reserved]

§ 3015.130 [Reserved]

Subpart P [Reserved]

§ 3015.140 [Reserved]

Subpart Q—Application for Federal Assistance

§ 3015.150 Scope and applicability.

(a) This subpart prescribes forms and instructions to be used by governmental organizations (except hospitals and institutions of higher education operated by a government) in applying to USDA for discretionary grants. This subpart is not applicable, however, to mandatory grants or programs which do not require applicants to apply to USDA for funds on a project basis.

(b) This subpart permits awarding agencies to prescribe the form of applications by nongovernmental organizations (including hospitals and institutions of higher education operated by a government), but prescribes the use of a standard facesheet for certain of these applications.

(c) This subpart applies only to applications for grants or cooperative agreements and is not required to be applied by recipients in dealing with applicants for subgrants. However, recipients are encouraged not to adopt more detailed or burdensome application requirements for subgrants.

§ 3015.151 Authorized forms.

(a) Sections 3015.152 through 3015.156 specify the forms that governmental organizations shall use to apply to USDA for a discretionary grant.

(b) Governments need not submit more than the original and two copies of application forms. When less will suffice, the awarding agency will notify potential applicants.

(c) When a government agency amends a previously submitted application or applies for additional funding (such as a continuation or supplemental award) only the facesheet and any other affected pages are required to be submitted. Previously submitted pages whose information is still current may be resubmitted, but are not required to be resubmitted.

§ 3015.152 Preapplication for Federal assistance.

(a) When a government submits a preapplication, it shall use the Preapplication for Federal Assistance form prescribed by Circular A–102. The purposes of these preapplications shall be to:

(1) Establish communication between the potential applicant and the awarding agency;

(2) Determine the potential applicant's eligibility;

(3) Identify projects which have little or no chance for Federal funding before applicants incur significant costs for preparing an application.

(b) Preapplication is always required if the potential applicant is a government and the proposed project (1) is for construction, land acquisition, or land development, and (2) would require more than $100,000 of Federal funding. If these conditions are not present, potential applicants need not submit preapplications unless required to do so by the awarding agency. Any government may submit a preapplication even when not required.

§ 3015.153 Notice of preapplication review action.

Awarding agencies shall inform governmental applicants of the results of their review of preapplications by using the Notice of Preapplication Review Action form prescribed by Circular No. A–102. If the review cannot be completed within 45 days, the awarding agency shall inform the applicant, in writing, when it will complete the review.

§ 3015.154 Application for Federal Assistance (Nonconstruction Programs).

Governments shall use the Application for Federal Assistance (Nonconstruction Programs) form prescribed by OMB Circular No. A–102 in applying for discretionary grants unless a form specified in section 3015.155 or section 3015.156 is to be used.

§ 3015.155 Application for Federal Assistance (Construction Programs).

Governments shall use the Application for Federal Assistance (for Construction Programs) form prescribed by Circular No. A–102 in applying for any grant whose purpose is solely or primarily construction, land acquisition, or land development.

§ 3015.156 Application for Federal Assistance (Short Form).

Governments shall use the Application for Federal Assistance (Short Form) form prescribed by Circular No. A–102 in applying for any single-purpose, one-time grant of less than $10,000 not requiring Circular A–95 clearinghouse review, an environmental impact statement or the relocation of persons, businesses, or farms. Awarding agencies may, at their discretion, authorize or require this form for applications for larger amounts.

§ 3015.157 Authorized form for nongovernmental organizations.

Nongovernmental organizations shall use application forms prescribed by the awarding agency. The facesheet of these applications shall be Standard Form 424.

Subpart R—Property

§ 3015.160 Scope and applicability.

(a) Except as explained in paragraphs (c), (d), and (e) of this section, this subpart applies to real property, equipment (including ADP) and supplies whose acquisition is supported by a grant.

(b) Also contained in this subpart are standards covering inventions, patents, and copyrights arising out of activities supported by a grant.

(c) This subpart does not apply to:

(1) Property for which only depreciation or use allowances are charged;

(2) Property donated entirely as a third party in-kind contribution; or

(3) Equipment or supplies acquired primarily for sale or rental, rather than for use.

(d) This subpart applies to equipment or supplies acquired by a contractor under a grant or subgrant only if, by terms of the contract, title vests in the recipient or subrecipient.

(e) For research grants that are subject to an institutional cost-sharing agreement, real property, equipment, and supplies shall be subject to this subpart only if at least some part of the acquisition cost is supported as a direct cost by Federal grant funds.

§ 3015.161 Additional requirements.

Provided they observe the requirements of this subpart, recipients may follow their own property management policies and procedures. Unless specifically required by Federal statutes or Executive Orders, awarding agencies may not impose on recipients property requirements (including property reporting requirements) not authorized by this subpart.

§ 3015.162 Title to real property, equipment and supplies.

Subject to the obligations and conditions specified in this subpart, title to real property, equipment, and supplies acquired under a grant or subgrant shall vest, upon acquisition, in the recipient or subrecipient, respectively. In certain cases, money due the Federal Government upon disposition of real property may be authorized to be used for allowable costs rather than paid to USDA. (See § 3015.173.)

§ 3015.163 Real property.

Except as stated otherwise by Federal statutes, real property applicable to this subpart shall be subject to the following requirements, in addition to any other requirements imposed by the provisions of the grant award:

(a) *Use.* The property shall be used for the originally authorized purpose as long as needed for that purpose. When no longer so needed, the awarding agency may approve the use of the property for other purposes. These uses shall be limited to:

(1) Projects or programs supported by other Federal grants or assistance agreements.

(2) Activities not supported by other Federal grants or assistance agreements but having purposes consistent with those of the legislation under which the original grant was made.

(b) *Transfer of title.* In accordance with paragraph (a) of this section, approval may be requested from the awarding agency to transfer title to an eligible third party for continued use for authorized purposes. If approval is permissible under Federal statutes, and is given, the terms of the transfer shall provide that the transferee shall assume all the rights and obligations of the transferor set forth in this subpart or in other terms of the grant or subgrant.

(c) *Disposition.* When the real property is no longer to be used as provided in paragraphs (a) and (b) of this section, the disposition instructions of the awarding agency shall be followed. Those instructions will provide for one of the following alternatives:

(1) The property shall be sold and the Federal Government shall have a right to an amount computed by multiplying the Federal share of the property times the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). Proper sales procedures shall be followed which provide for competition to the extent practicable and result in the highest possible return.

(2) The recipient shall have the option either of selling the property in accordance with paragraph (c)(1) of this section or of retaining title. If title is retained, the Federal Government shall have a right to an amount computed by multiplying the market value of the property by the Federal share of the property.

(3) The recipient shall transfer the title to either the Federal Government or an eligible non-Federal party named by the awarding agency. The recipient shall be entitled to be paid an amount computed by multiplying the market value of the property by the non-Federal share of the property. In cases where the property belonged to a subrecipient, see § 3015.172 for the subrecipient's share.

§ 3015.164 Statutory exemptions for equipment and supplies.

(a) In certain circumstances some Federal statutes permit title to equipment or supplies acquired with grant funds to vest in the recipient without further obligation to the Federal government or on such terms and conditions as deemed appropriate. The Federal Grant and Cooperative Agreement Act of 1977, Public Law 95–224, is an example of such a statute. It provides this authority for equipment and supplies purchased with the funds of grants (and Federal contracts and cooperative agreements) for the conduct of basic or applied scientific research at non-profit institutions of higher education or at non-profit organizations whose primary purpose is the conduct of scientific research.

(b) If equipment is subject to a statute of the kind described in paragraph (a) of this section, it shall be exempt from the requirements in the remaining sections of this subpart. However, when an equipment item has a unit acquisition cost of $1,000 or more, it shall be subject to § 3015.165 concerning rights to require transfer, and, while subject to such a right, to the rules on replacement in § 3015.167.

(c) If supplies are subject to a statute of the kind described in paragraph (a) of this section, they shall be exempt from all provisions of the remainder of this subpart which would otherwise apply.

§ 3015.165 Rights to require transfer of equipment.

(a) *USDA right.* The awarding agency shall have the right to require the transfer of equipment (including title) for items of equipment having a unit cost of $1,000 or more to the Federal government or to an eligible non-Federal party named by the awarding agency. Normally, USDA agencies will only exercise this right if the project or program for which the equipment was acquired is transferred from one recipient to another. The following conditions shall govern this right:

(1) The property shall be appropriately identified in the grant award or otherwise made known to the recipient in writing.

(2) In order for the awarding agency to exercise the right, disposition instructions must be issued no later than 120 days after the end of USDA grant support for the project or program for which the equipment was acquired. Furthermore:

(i) If the equipment is eligible for the exemptions in § 3015.164 and ceases to be needed for the project or program for which it was acquired while the project or program is still being performed by the recipient, the disposition instructions must have been received by the recipient while the equipment was still needed for that project or program.

(ii) If the equipment is not eligible for those exemptions, disposition instructions must have been received by the recipient before other permissible disposition of the equipment took place in accordance with § 3015.168.

(3) If the right is exercised, the recipient shall be entitled to be paid any reasonable, resulting shipping or storage costs incurred, plus an amount computed by multiplying the market value of the equipment by the non-Federal share of the equipment.

(b) *Right of parties awarding subgrants.* A recipient may reserve for itself, when awarding a subgrant, rights

similar to those found in paragraph (a) of this section which covers items of equipment having a unit acquisition cost of $1,000 or more which are acquired under that subgrant. Without the approval of the awarding agency, the right may be exercised only if the project or program for which the equipment was acquired is transferred to another subrecipient and only for the purpose of transferring the equipment to the new subrecipient for continued use in the project or program.

(c) *Equipment lists.* If at any time an awarding agency is considering exercising its right to require transfer of equipment, it may require the recipient to furnish it with a list of all items of equipment that are subject to the right. As such, the awarding agency will decide which items, if any, should be transferred.

§ 3015.166 Use of equipment.

(a) *Basic rule.* Whenever the equipment is not transferred under the provisions set forth in § 3015.165, it shall be used by the recipient in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When the equipment is no longer needed for the original project or program the recipient shall use the equipment, if needed, in other projects or programs currently or previously funded by the Federal government, in the following order of priority:

(1) Projects or programs currently or previously funded by the same awarding agency.

(2) Projects or programs currently or previously funded by any USDA awarding agency.

(3) Projects or programs currently or previously funded by other Federal agencies.

(b) *Shared use.* When equipment is used less than full time in the original project or program, the recipient shall make it available for use in other projects or programs currently or previously funded by the Federal government. Provided, such other use will not interfere with the work on the original project or program. First preference for such use, however, shall be given to other projects or programs funded by the same awarding agency.

(c) *Use by other recipients.* When the recipient can no longer use the equipment as required by paragraph (a) of this section, it may voluntarily make the equipment available for use on projects or programs currently or previously funded by the Federal government which the recipient is supporting through subgrants or through non-Federal grants. A subrecipient may also voluntarily make the equipment available for use on projects or programs currently or previously funded by the Federal government which are being conducted or supported by the recipient.

(d) *Other uses.* Unless the awarding agency provides otherwise, while equipment is being used as described in the preceding paragraphs of this section, it may also be used part-time for other purposes. The use as described in the previous paragraphs, however, shall be given priority over other uses.

§ 3015.167 Replacement of equipment.

(a) If needed, equipment may be exchanged for replacement equipment. Replacement of equipment may be done either through trade-in or through sale and application of the proceeds to the acquisition cost of replacement equipment. In either case, the transaction must be one which a prudent person would make in like circumstances.

(b) If an additional outlay to acquire the replacement equipment is charged as a direct cost to either Federal funds or required cost-sharing or matching under a Federal award, the replacement equipment shall be subject to whatever property requirements or exemptions are applicable to that award. If the award is a grant from USDA, the full acquisition cost of the replacement equipment shall determined which provisions of this subpart apply.

(c) For any replacement not covered by paragraph (b) of this section, the provisions of this subpart applicable to the equipment replaced shall carry over the replacement equipment. None of the provisions of this subpart shall carry over if (1) the Federal share of the equipment replaced was 10 percent or less or (2) the product of that share times the amount received for trade-in or sale is $100 or less.

§ 3015.168 Disposal of equipment.

When original or replacement equipment is no longer to be used in projects or programs currently or previously sponsored by the Federal government, disposal of the equipment shall be made as follows:

(a) Equipment with a unit acquisition cost of less than $1,000 and equipment with no further use value may be sold, retained or otherwise disposed of with no further obligation to the Federal government.

All other equipment may be retained or sold. The Federal government shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the Federal share of the equipment (see § 3015.172). If part of the Federal share of the equipment came from an award under which the exemptions in § 3015.164 were applicable, the amount due shall be reduced pro rata. In any case, if the equipment is sold, $100 or 10 percent of the total sales proceeds, whichever is greater, may be deducted and retained fromn the amount otherwise due for selling and handling expenses. If the recipient's project or program for which or under which the equipment was acquired is still receiving grant support from the same Federal program and if the awarding agency approves, the net amount due may be used for allowable costs of that project or program. Otherwise, the net amount must be returned to the awarding agency by check or money order.

§ 3015.169 Equipment management requirements.

Procedures for managing equipment shall, as a minimum, meet the following requirements (including replacement equipment) until such actions as transfer, replacement or disposal takes place:

(a) Property records shall be maintained accurately. (Subpart D of this part contains retention and access requirements for these records.) The records shall include for each item of equipment the following:

(1) A description of the equipment including manufacturer's serial numbers.

(2) An identification number, such as the manufacturer's serial number.

(3) Identification of the grant under which the recipient acquired the equipment.

(4) The information needed to calculate the Federal share of the equipment (see § 3015.172).

(5) Acquisition date and unit acquisition cost.

(6) Location, use and condition of the equipment and the date the information was reported.

(7) All pertinent information on the ultimate transfer, replacement, or disposal of the equipment.

(b) Every two years, at a minimum, a physical inventory shall be conducted and the results reconciled with the property records to verify the existence, current utilization, and continued need for the equipment. Any discrepancies between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the differences.

(c) In order to insure adequate safeguards to prevent loss, damage or theft of equipment, a control system shall be used. Any loss, damage or theft of equipment shall be investigated and fully documented.

(d) In order to keep the equipment in good condition, adequate maintenance procedures shall be implemented.

(e) Where equipment is to be sold and the Federal government is to have a right to part or all of the proceeds, selling procedures shall be established which will provide for competition to the extent practicable and result in the highest possible return.

§ 3015.170 Damage, loss, or theft of equipment.

(a) *Applicability.* This section applies to equipment with a unit acquisition cost of $1,000 or more that, before disposal (see § 3015.168), is damaged beyond repair, lost, or stolen.

(b) *Recipient at fault.* (1) *Applicability.* This paragraph applies if:

(i) At the time of the damage, loss, or theft, the recipient does not have a control system in effect as required by § 3015.169, and

(ii) The damage, loss, or theft is not due to an act of God.

(2) *Equipment replaced.* If the equipment is replaced, the replacement is governed by § 3015.167. When that happens, the market value of the original equipment at the time it was damaged, lost or stolen is used instead of the amount received for trade-in or sale.

(3) *Equipment not replaced.* If the equipment is not replaced, the Federal government has a right to an amount calculated by multiplying the Federal share in the equipment by its market value at the time of damage, loss, or theft. The amount is reduced pro rata if part of the Federal share of the equipment comes from an award under which the exemption in § 3015.164 applied.

(4) *Other remedies.* The provisions in this paragraph (b) are in addition to other remedies available to the awarding agency if a recipient acquires equipment with grant support but fails to establish the control system required by § 3015.169.

(c) *Recipient not at fault.* (1) *Applicability.* This paragraph applies if:

(i) At the time of the damage, loss, theft, the recipient does have a control system in effect as required by § 3015.169(c) or

(ii) The damage, loss, or theft is due to an act of God.

(2) *Recipient not compensated.* If the recipient is not compensated for the damage, loss, or theft through insurance or some other means, there is no obligation to USDA for the equipment.

(3) *Recipient compensated.* If the recipient is compensated for the damage, loss, or theft and replaces the equipment, § 3015.167 applies to the replacement equipment. If the recipent is compensated but does not replace the equipment, § 3015.168 applies as though the recipient had sold the equipment. (All of § 3015.168 applies including the rule permitting the amount due the Federal government to be reduced by 10 percent of the proceeds or $100, whichever is greater.) The amount received for trade-in or sale considered the lesser (i) the amount of compensation or (ii) the market value of the equiment at the time it was damaged, lost, or stolen.

(d) *Waivers.* The awarding agency may waive in whole or in part any provision of this section.

§ 3015.171 Unused supplies.

(a) If unused supplies exceeding $1,000 in total aggregate market value are left over upon termination or expiration of the grant or subgrant for which they were acquired and the supplies are not needed for any project or program currently or previously funded by the Federal government, the grant shall be credited by an amount computed by multiplying the Federal share of the supplies times the current market value or, if the supplies are sold, the proceeds from sale. If the supplies are sold, 10 percent of the proceeds may be deducted and retained from the credit, for selling and handling expenses.

(b) For possible exemptions from this section, see § 3015.164.

§ 3015.172 Federal share of real property, equipment, and supplies.

This subpart contains principles necessary to determine the Federal (or non-Federal) share of real property, equipment or supplies.

(a) *General.* (1) Except as explained in the following paragraphs of this section, the Federal share of the property shall be the same percentage as the Federal share of the acquiring party's total cost under the grant during the grant or subgrant year (or other funding period) to which the acquisition cost of the property was charged. For this purpose, "costs under the grant" means allowable costs which are either supported by the grant or counted toward satisfying a cost-sharing or matching requirement of the grant. Only costs shall be counted, not the value of third party in-kind contributions. If the property was acquired by a recipient that awarded subgrants, costs incurred by its subrecipients shall be included only to the extent supported by the subgrants.

(2) The provisions of some grant awards set different maximum percentages of Federal financial participation for different categories of costs. In these cases, for the purposes of this section, the costs in each category are considered as costs under a separate grant. If two categories have the same maximum percentage of Federal participation and costs in one category are permitted to count toward satisfying a cost-sharing or matching requirement of the other, they are a single category for the purposes of this rule. Also, all categories with a 100 percent rate are considered a single category for the purposes of this rule. (For example if a subrecipient incurred $200,000 of the project costs, of which $150,000 was supported by the subgrant, only the $150,000 shall be included in the recipient's costs.)

(3) If the property is acquired by a subrecipient, the Federal share of the subrecipient's costs under the grant and hence of the property shall be calculated by multiplying the Federal share of the recipient's costs by the latter's share of the subrecipient's costs. (For example, if the Federal share of the recipient's costs is 50 percent of a subrecipient's costs, then the Federal share of that subrecipient's costs (and of the property acquired by the subrecipient) is 25 percent.)

(b) *Property acquired only partly under a grant.* (1) Sometimes only a part of the acquisition cost of an item of property is supported as a direct cost by the grant or counted as a direct cost towards a cost-sharing or matching requirement. Occasionally, the amount paid for the property is only a part of its value. The remainder is donated as an in-kind contribution by the party that provided the property.

(2) To determine the Federal share of such property, first calculate the Federal share of the acquiring party's total costs under the grant as explained in paragraph (a) of this section. Next multiply that share by the percentage of the property's acquisition cost (or its market value, if the item was partly donated) which was supported as a direct cost by the grant or counted as a direct cost towards a cost-sharing or matching requirement.

(c) *Replacement equipment.* To calculate the Federal share of replacement equipment the following procedures shall be followed:

(1) Step 1: Determine the Federal share (percentage) of the equipment replaced.

(2) Step 2: Determine the percentage of the replacement equipment's costs that was covered by the amount

received for trade-in or the sale proceeds from the equipment replaced.

(3) Step 3: Multiply the step 1 percentage by the step 2 percentage.

(4) Step 4: If an additional outlay for the replacement equipment was charged as a direct cost either to USDA grant funds or to required cost-sharing or matching funds, calculate the Federal share attributable to that additional outlay as explained in paragraph (b)(2) of this section. Add that additional percentage to the step 3 percentage.

§ 3015.173 Using or returning the Federal share.

(a) This section applies when, under §§ 3015.163, 3015.168 or 3015.170, the Federal government has a right to an amount of money upon disposal or loss, theft, or damage of property.

(b) If the recipient's project or program for which the property was acquired is still receiving grant support from the same Federal program, the awarding agency may authorize use of the net money due for allowable costs of that project or program.

(c) Otherwise, the net amount must be returned to the awarding agency by check or money order.

§ 3015.174 Subrecipient's share.

Where this subpart requires a sharing of the market value or sale proceeds of property acquired under a subgrant, the non-Federal share shall be proportionally divided between the recipient and the subrecipient. The subrecipient shall be entitled to the amount it would have received or retained if the award to it had been made directly by the Federal government. The remainder of the non-Federal share shall belong to the recipient.

§ 3015.175 Intangible personal property.

(a) *Inventions and patents.* Allocation of rights in inventions and patents shall be determined in accordance with 35 U.S.C. 202 through 204.

(b) *Copyrights.* (1) *Applicability.* This section applies to the copyright in any original work of authorship prepared with grant support. Additionally, if ownership of a copyright or of any of the exclusive rights comprising a copyright is purchased with grant support, this section applies to the purchased copyright or rights.

(2) *Basic rules.* (i) USDA reserves a royalty-free, nonexclusive, and irrevocable license to exercise, and to authorize others to exercise, the rights for Federal government purpose. Subject to this license, the owner is free to exercise, preserve, or transfer all its rights. The recipient shall ensure that no agreement is entered into for transferring the rights which would conflict with the nonexclusive license of USDA.

(ii) One way that USDA may exercise its nonexclusive license is to authorize exercise of the rights in another project or activity that receives or has received grant support from the Federal government. That would be considered "for Federal government purposes."

(iii) A recipient awarding a subgrant is allowed to impose subgrant terms reserving a nonexclusive license for itself, similar to the one reserved by this section for USDA, with respect to any copyright or rights subject to this section that arise under the subgran..

(c) *Exceptions.* It is permissible for the other provisions of a grant award to restrict the owner from exercising, preserving, or transferring the rights. For a subgrant, the restrictions may be in the provisions of the grant or subgrant or both.

Subpart S—Procurement

§ 3015.180 Scope and applicability.

(a) This subpart contains information for complying with Attachment O, "Procurement Standards", of OMB Circulars A–102 and A–110. Circular A–102 covers grant and cooperative agreement programs with State and local governments and Indian Tribal governments. Circular A–110 covers grant and cooperative agreement programs with institutions of higher education, hospitals, and other nonprofit organizations. Copies of both circulars may be obtained from O&F.

(b) This subpart applies to recipient procurements (by purchase, rental, or barter) of supplies, equipment, and services (including construction).

(c) This subpart applies only to procurements that are supported by a grant or cooperative agreement.

(d) This subpart does not apply to procurements of land, existing land improvements or structures, or any other existing real property.

(e) The Attachments O of Circulars A–102 and A–110 apply to procurements under subgrants as well as grants.

§ 3015.181 Standards of conduct.

(a) Recipients shall maintain the following standards of conduct governing the performance of their officers, employees or agents engaged in awarding and administering contracts using Federal funds:

(1) No employee, officer or agent shall participate in the selection, award, or administration of contracts using Federal funds where to his knowledge, such employee, officer or agent or his immediate family, partners or organizations has a financial interest in, is negotiating with, or has any arrangements concerning prospective employment with the proposed contractor.

(2) The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or proposed contractors.

(3) Provisions shall be made for disciplinary actions against the recipient's officers, employees, or agents or by contractors or their agents violating the standards of conduct.

(b) Awarding agencies may review the written standards of conduct to determine if they meet the minimum standards of Attachment O of OMB Circulars A–110 and A–102. Recipients will be notified of deficiencies and make corrective action.

§ 3015.182 Open and free competition.

All procurement transactions, regardless of dollar value or whether negotiated or advertised, shall be conducted to provide maximum open and free competition.

§ 3015.183 Access to contractor records.

The Attachment O requires recipients to include in specified kinds of contracts a provision for access to the contractor's records by the recipient and the Federal government. The following applies to the provision:

(a) The provision must require the contractor to place the same provision in any subcontract which would have to have the provision were it awarded by the recipient.

(b) The provision must require retention of records for three years after final payment is made under the contract or subcontract and all pending matters are closed. The provision must also require, that, if an audit, litigation, or other action involving the records is started before the end of the three year period, the records must be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.

(c) In contracts and subcontracts under a subgrant, the provision must require that access to the records be provided to the recipient as well as the subrecipient and the Federal government.

§ 3015.184 Equal employment opportunity.

(a) The Attachment O requires recipients to include in contracts in excess of $10,000 a provision requiring compliance with Executive Order 11246, concerning equal employment opportunity, a supplemented in Department of Labor regulations (41 CFR Chapter 60). For USDA grants and subgrants, this requirement applies only if the contract is for construction, as construction is defined in those Department of Labor supplementing regulations.

(b) If construction is to be assisted by a grant or subgrant, the Executive Order and the Department of Labor supplementing regulations apply, unless an exemption is granted by or under those regulations. Recipients shall observe all applicable requirements of the Order and regulations and include in their nonexempt construction contracts the specific clauses prescribed by 41 CFR 60–1.4(b) and, if applicable, 41 CFR 60–4.3.

Subpart T—Cost Principles

§ 3015.190 Scope.

This subpart makes the allowable costs incurred by the recipient the maximum amount of money a recipient is entitled to receive from USDA. In addition, this subpart identifies the principles to be used in determining allowable costs. These cost principles shall apply to transactions and activities conducted under grants, subgrants, cooperative agreements, cost-type contracts and cost-type subcontracts under grants.

(a) *Allowable costs.* Grant funds may be used only for allowable costs of the activities for which the grant was awarded. This means that the total amount of money that the recipient is entitled to receive from USDA may not exceed the allowable costs incurred by the recipient for those activities.

(b) The following rules apply in computing maximum allowable costs:

(1) *Third party in-kind contributions.* Because they are not allowable costs of the party that receives them, the value of third party in-kind contributions received may not be included in determining maximum allowable costs. However, as provided in subpart G of this part, third party in-kind contributions may count towards satisfying a cost-sharing or matching requirement of the Federal grant.

(2) *Costs supported by another grant.* Allowable costs incurred by the recipient and supported by another Federal grant (or by a non-Federal grant) awarded to the recipient may not be included in determining maximum allowable costs. The basic intent of this rule is to prevent double compensation. It does not, however, prevent proration of costs that are allowable under two or more awards.

(3) *Costs used to match another Federal grant.* A cost that the recipient uses to meet a cost-sharing or matching requirement of one Federal grant may not count towards determining maximum allowable costs under another Federal grant, unless specifically authorized by a Federal statute.

(4) *Costs supported by general program income.* A grant may not pay for a cost which is supported by general program income earned by the recipient or by a subrecipient under the grant. Therefore, these costs may not be included in determining maximum allowable costs.

(5) *Use of money due Federal government.* In accordance with § 3015.173, an awarding agency, under certain circumstances, may authorize a recipient to use certain money due the Federal government for allowable costs of the project or programs, instead of returning the money to the Federal government. Costs supported by the money may not be included as part of the maximum allowable costs charged to USDA.

(6) *Subgrant and contract costs.* The recipient's allowable costs include allowable outlays, if any, to its subrecipients and contractors. If the recipient pays a subrecipient more than the allowable costs incurred by the subrecipient, the excess is not an allowable cost of the recipient and may not be included as part of the maximum allowable costs charged to USDA. However, for cost-type contracts a reasonable fee or profit paid by the recipient to the contractor, in addition to the contractor's allowable costs, may be included in this maximum unless prohibited by the provisions of the grant award.

§ 3015.191 Governments.

(a) OMB Circular No. A–87, and any subsequent amendments to this Circular published in the **Federal Register** by OMB, shall be used in determining the allowable costs of activities conducted by governments.

(b) Additional amendments to the Circular, unless otherwise prescribed by OMB, shall go into effect at the start of a government's first fiscal year following the amendment's publication in the **Federal Register.**

§ 3015.192 Institutions of higher education.

(a) OMB Circular No. A–21, including any amendments to the Circular published in the **Federal Register** by OMB, shall be used in determining the allowable costs of activities conducted by institutions of higher education (other than for-profit institutions).

(b) Additional amendments to the Circular, unless otherwise prescribed by OMB, shall go into effect at the start of an institution's first fiscal year following the amendment's publication in the **Federal Register.**

§ 3015.193 Other non-profit organizations.

(a) OMB Circular No. A-122, including any subsequent amendments to the Circulars published in the **Federal Register** by OMB, shall be used in determining the allowable costs of activities conducted by nonprofit organizations under grants, cooperative agreements, cost reimbursement contracts, and other contracts in which costs are used in pricing, administration, or settlement. It does not apply to colleges or universities which are covered by Circular A–21; State, local and Federally recognized Indian tribal governments which are covered by Circular A–87, or hospitals.

(b) Future amendments to the Circular, unless otherwise prescribed by OMB, shall go into effect at the time the initial award is made to the recipient.

§ 3015.194 For-profit organizations.

The principles to be used in determining the allowable costs of activities conducted by for-profit organizations are contained in the Federal Procurement Regulations at 41 CFR subpart 1–15.2. Exception: Independent research and development costs including the indirect costs allocable to them are unallowable. Independent research and development are defined in the Federal Procurement Regulations at 41 CFR 1–15.205–35.

§ 3015.195 Subgrants and cost-type contracts.

USDA cost principles applicable to a cost-type contractor or subrecipient will not necessarily be the same as those applicable to the recipient. For example, where a State government awards a subrecipient or cost-type contract to an institution of higher education, OMB Circular A–21 would apply to the costs incurred by the institution of higher education even though OMB Circular A–87 would apply to the costs incurred by the State.

§ 3015.196 Costs allowable with approval.

Each set of cost principles specifically identifies certain costs that, in order to be allowable, must be approved by the awarding agency. Other costs do not require approval. The following procedures govern approval of these costs:

(a) When costs are allocated in accordance with a government-wide cost allocation plan or when treated as

indirect costs, acceptance of the costs as part of the indirect cost rate or cost allocation plan shall constitute approval.

(b)(1) All direct costs must be approved in advance by the awarding agency.

(2) When costs are specified in the budget, approval of the budget shall constitute approval of the cost.

(3) Specific prior approval in writing from the awarding agency is required if the costs are not specified in the budget, or there is no approved budget. For this purpose the prior approval procedures of subpart M shall be followed, except that, for formula or mandatory grants, the awarding agency's written approval may be signed by any authorized official of the awarding agency.

(c) The awarding agency may waive or conditionally waive the requirement for its approval of the costs. A waiver, as such, shall be applicable only to the requirement for approval. If it is determined, by audit or otherwise, that the costs do not meet other requirements or tests for allowability specified by the applicable cost principles, such as reasonableness and necessity, the costs may be disallowed.

(d) In the case of subgrants and cost-type contracts, no approval shall be given which is inconsistent with the purpose or the provisions of the Federal grant.

Subpart U—Miscellaneous

§ 3015.200 Acknowledgement of support on publications and audiovisuals.

(a) *Definitions.* Appendix A defines "audiovisual," "production of an audiovisual," and "publication."

(b) *Publications.* Recipients shall have an acknowledgement of awarding agency support placed on any publications written or published with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity.

(c) *Audiovisuals.* Recipients shall have an acknowledgement of awarding agency support placed on any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over $5,000. Unless the other provisions of the grant award make it apply, this requirement does not apply to:

(1) Audiovisuals produced under mandatory grants or under subgrants.

(2) Audiovisuals produced as research instruments or for documenting experimentation or findings and not intended for presentation or distribution to the general public.

(d) *Waivers.* Awarding agencies may waive any requirement of this section.

§ 3015.201 Use of consultants.

(a) *Definition.* Appendix A defines "consultant."

(b) *Applicability.* This section applies only to the use of consultants whose fees are supported by a grant, subgrant, or cost-type contract.

(c) *Basic policy.*

(1) *Prior approval.* Awarding agencies shall not require prior approval for the use of consultants.

(2) *Exceptions.* (i) In unusual cases, using a consultant may constitute a transfer of substantive programmatic work, which requires prior approval under discretionary grants. (ii) Consulting fees paid by an organization to its own employees require prior approval.

(d) *Use of an organization's own employees.* (1) *Faculty members of education institutions.* Charges representing extra compensation (above base salary) paid by an educational institution to a salaried member of its faculty for consulting work are allowable only in unusual cases, and only if both of the following conditions exist:

(i) The consultation is across departmental lines or involves a separate or remote operation; and

(ii) The work performed by the consultant is in addition to his or her regular departmental load.

(2) *All other cases.* In all other cases, consulting fees paid in addition to salary by recipients or cost-type contractors to people who are also their employees may be supported by a grant, subgrant, or cost-type contract only in unusual cases, and only if all of the following three conditions exist:

(i) The policies of the recipient or contractor permit such consulting fee payments to its own employees regardless of whether Federal grant funds are involved;

(ii) The work involved is clearly outside the scope of the person's salaried employment; and

(iii) It would be inappropriate or not feasible to compensate for the additional work by paying additional salary to the employee.

(3) *Requirement for approval.* Consulting fees paid under this section must have specific prior approval in writing from the Head of the recipient or contractor or from his or her designated representative. If the recipient or contractor is a goverment, the approval may be given by the Head (or a designateß representative of the Head) of the government agency which is primarily responsible for administering or carrying out the project or program. If the designated representative is personally involved in the project or program under consideration, the approval may be given only by the Head. If the Head is personally involved in the project or program under consideration, prior approval from the awarding agency is required. Such prior approval must include a determination that the applicable requirements in paragraph (d) (1) or (2) of this section are present.

(e) *Documentation standards.* (1) Charges for consulting payments must be supported in the records of the recipient or cost-type contractor by an invoice from the consultant and a copy of the written report (if a report is appropriate) from the consultant.

(2) If any of the following information is not shown on the invoice and/or report from the consultant, the information must be shown in a memorandum or other document prepared by the recipient or contractor for its files, or noted in handwriting on the consultant's invoice by the recipient or constrator. The memorandum, other document, or handwritten notation must be signed by an official of the recipient or contractor and show:

(i) The name of the consultant;

(ii) The nature of the services provided (such as statistical analysis of data, participation on project advisory committee, or specified medical services to eligible beneficiaries);

(iii) The relevance of the services to the project or program, if not apparent from the nature of the services; and

(iv) Whichever of the following is applicable:

(A) (If the fee was based on a rate per day or hour worked) the rate and the dates and/or hours worked;

(B) (If the fee was based on a rate per unit of service provided, such as a number of patients examined by a physician) the rate, the number of units of service provided, and the beginning and ending dates of the overall period of service; or

(C) (If the fee was determined on some other basis) the basis for determining the fee and the beginning and ending dates of the period in which services were provided.

§ 3015.202 Limits on total payments to the recipient.

(a) This section summarizes the four most widely applicable limits on the total amount of money the recipient is entitled to receive from USDA as a result of a grant. It is permissible for the terms of a grant to provide one or more additional limits.

(b) For each grant, the lowest of the applicable limits is the one that governs the final settlement upon expiration or termination of the grant.

(c) The following two limits apply to every grant:

(1) The amount of Federal funds authorized.

(2) The Federal share of the allowable costs incurred by the recipient.

(d) Grants that require a specifed percentage of cost-sharing or matching are subject to the limit described in subpart G.

(e) For each budget period of an incrementally funded discretionary grant, the Federal share of that period's approved budget is a limit.

§ 3015.203 OMB Circular A-95

(a) *Part I—Project notification and reivew system (PNRS).* (1) Except as noted in paragraph (a)(4) of this section, applicants desiring Federal assistance must notify the appropriate State and areawide clearinghouses of their intention to apply for USDA funds. Clearinghouses have 30 days to review and comment on this notification of intent (NOI) which summarizes the proposed project. Clearinghouses may have another 30 days to review and comment on a completed application from the applicant. In cases where a completed application is initially submitted in lieu of a NOI, the clearinghouses will have a 60 day review and comment period. Clearinghouse comments must be submitted with applications to USDA.

(2) USDA agencies may not award grants for projects that are covered by Circular A-95 until the applicant has complied with those requirements.

(3) The kinds of projects covered by the project notification and review system are described in the A-95 Circular.

(4) Applicants desiring USDA housing assistance for projects involving new construction or substantial rehabilitation may submit an application to USDA rather than to a clearinghouse. In this case, USDA will transmit a copy of the application to the appropriate State and areawide clearinghouse for a 30 day review and comment period.

(b) *Part II—Direct federal development.* USDA agencies engaged in direct development of Federal projects must consult with State and local governments and environmental agencies that might be affected by those projects. State and areawide clearinghouses must be used to the greatest extent practicable in suring State and local views and comments.

(c) *Part III—Review of State plans.* Before a State submits a State plan or any amendment to USDA for approval, the State shall give its Governor or his designated agency 45 days to comment. The Governor's comments shall be submitted with the plan or amendment. If the Governor does not comment, the State offical submitting the plan or amendment shall certify to the awarding agency that the governor was given 45 days to comment, but did not comment.

(d) *Part IV—Coordination of planning in multijurisdictional areas.* USDA agencies responsible for areawide planning programs must assure coordination of planning in multijurisdictional areas as prescribed by Part IV of Circular A-95.

§ 3015.204 Federal Register publications.

(a) *Program regulations.* Most grant programs have program-specific regulations, which are published in the **Federal Register** and codified in the *Code of Federal Regulations.* In some cases the program-specific regulations are promulgated in the form of agency directives or manuals which may be obtained from the awarding agency.

(b) *Program announcements.* For each program, the awarding agency may publish in the **Federal Register** one or more program announcements. Program announcements invite applications for one of more stated program objectives. They include at least the following information:

(1) An estimate of how much money will be available for competing awards, and the expected size of the awards, broken down by subprogram or priority area when appropriate;

(2) Who is eligible;

(3) How to obtain application kits;

(4) Where to submit applications; and

(5) The deadline for submitting applications.

(c) *Cooperative agreements.* If any or all of the awards are likely to be cooperative agreements rather than grants, the program announcement so states. In that case, if feasible, the program announcement also describes the anticipated substantial Federal involvement in performance. (This paragraph does not prevent the award of cooperative agreements under a program announcement that mentioned only grants. Nor does it prevent the award of grants under a program announcement that mentioned only cooperative agreements.)

(d) *Evaluation criteria.* The awarding agency publishes its criteria for evaluating grant applications either in the program regulations or the program announcement. If the criteria are not all equal in importance, their relative weights are also published. The criteria cover at least the following factors (except where the nature of the eligible projects makes one or more of these factors irrelevant):

(1) How well qualified the project's personnel will be;

(2) The adequacy of the applicant's facilities and resources;

(3) The adequacy of the project plan or methodology;

(4) The cost-effectiveness of the project; and

(5) How closely the project objectives fit the objectives for which applications were invited.

(e) *Funding priorities.* If the awarding agency will give priority to one or more particular kinds of projects, the priority (and how it will be applied in deciding which applications to fund) is described in the program announcement.

(f) *Competing continuations vs. "new" projects.* If the awarding agency will give a preference to competing continuation applications over applications for projects not already receiving support under the program, or vice versa, the preference is described in the program announcement.

(g) *Programs with few potential applicants.* In some programs the number of potential applicants is relatively small. (For example, in some programs only the States are eligible.) In these situations the awarding agency may send a copy of the program announcement directly to every potential applicant instead of publishing it in the **Federal Register.**

(h) *Register—Other information which is available.* In addition to the items specified above, each awarding Agency makes available to the public the following information and materials for each program:

(1) A copy of, or reference to, the authorizing statutes for the program;

(2) All guidelines of general applicability for administration of the program;

(3) A description of the procedures the awarding agency will use for evaluating applications; and

(4) Any other information that the awarding agency believes will be helpful.

(i) *Consultation with applicants.* Each awarding agency publishes as much information as practicable to reduce the need for consultation by applicants. If the awarding agency does provide consultation, its staff members try to give consistent interpretations and fair treatment to all requestors.

Appendix A—Definitions

Section I. "Grant" and "Cooperative Agreement"

(a) "Grant" unless qualified by "non-Federal" means an award by the Federal

government of money or property instead of money, with the following characteristics:

(1) The principal purpose of the award is to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal government; and

(2) At the time the award is made, no substantial involvement is anticipated between the executive agency, acting for the Federal government, and the State or local government or other recipient during performance of the contemplated activity.

(b) "Cooperative agreement" has the same meaning as "grant," except that, at the time a cooperative agreement is awarded, substantial involvement is anticipated between the executive agency, acting for the Federal government, and the State or local government or other recipient during performance of the contemplated activity.

(c) "Grants" and "cooperative agreements" do not include technical assistance, which provides services instead of money; revenue sharing; loans; loan guarantees; capital contributions to loan funds; interest subsidies; insurance; or direct appropriations. (See the definition of "Non-Federal grant" in Section II of this appendix.)

Section II. Other definitions.

"Acquisition" of property includes purchase, construction, or fabrication of property. It does not include rental of property or alterations and renovations of real property.

"Acquisition cost" of an item of purchased equipment means the net invoice price of the equipment. It includes the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the equipment useable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty, or protective in-transit insurance shall be included in or excluded from the unit acquisition cost in accordance with the regular accounting practices of the organization purchasing the equipment.

If an item of equipment is acquired by trading in another item and paying an additional amount, "acquisition cost" means the amount received for trade-in plus the additional outlay. (See the definition of "amount received for trade-in.") Acquisition of property includes purchase, construction, or fabrication of property. It does not include rental of property or alterations and renovations of real property.

For purposes of the rules on equipment and supplies, "acquisition cost" of a copy of a work of authorship (such as a book, print of a motion picture, or tape of a television program) refers to the cost of fabricating or purchasing the individual copy, considered as a material object. It does not include the cost of developing, or acquiring rights to, the work embodied in the copy.

"Advance by Treasury check" is a payment made by a Treasury check to a recipient of a grant or cooperative agreement, before payments are made by the recipient of the grant or cooperative agreement. Advances by Treasury check are based on either a periodic request from the recipient or a predetermined payment schedule.

"Amount received for trade-in" of an item of equipment traded in for replacement equipment means the amount that would have been paid for the replacement equipment without a trade-in, minus the amount paid with the trade-in. The term refers to the actual difference, not necessarily the trade-in value, shown on an invoice. For example, suppose that a recipient can buy a new machine for $5,000 in cash. The recipient actually buys this machine by trading in a used machine and paying $3,000 in cash. In this case, the amount received for trade-in would be $2,000 ($5,000 minus $3,000) regardless of the trade-in allowance shown on the invoice.

"Approved budget" means a budget (including any revised budget) which has been approved in writing by the awarding agency. (See the definition of "budget.")

"Audiovisual" means a product containing visual imagery or sound or both. Examples of audiovisuals are motion pictures, live or prerecorded radio or television programs, slide shows, filmstrips, audio recordings, and multimedia presentations.

"Awarding agency" means (1) for grants and cooperative agreements, the USDA agency making the award and (2) for subgrants, the recipient.

"Bid guarantee" means a firm commitment such as a bid bond, certified check, or other negotiable instrument, accompanying a bid as assurance that the bidder will, if its bid is accepted, execute the required contractual documents within the time specified.

"Budget" means the recipient's financial expenditure plan approved by the awarding agency to carry out the purposes of the Federally-supported project. The budget is comprised of both the Federal share and any non-Federal share of such plan and any subsequent authorized rebudgeting of funds.

For those programs that do not involve Federal approval of the non-Federal share of costs, such as research grants, the term "budget" means the financial expenditure plan approved by the awarding agency including any subsequent authorized rebudgeting of funds, for the use of Federal funds only. Any expenditures charged to an approved budget consisting of Federal and non-Federal shares are deemed to be supported by the grant in the same proportion as the percentage of Federal/non-Federal participation in the overall budget.

"Budget Period" means the period specified in the grant or cooperative agreement during which Federal funds awarded are authorized to be expended, obligated, or firmly committed by the recipient for the purposes specified in the agreement.

"Closeout" of a grant or cooperative agreement means the process by which an awarding agency determines that all applicable administrative actions and all required work of the grant or cooperative agreement have been completed by the recipient and the awarding agency.

"Consultant" means a person who gives advice or services for a fee, but not as an employee. The term includes guest speakers when not acting as employees of the party that engages them. Note that in unusual cases it is possible for a person to be both an employee and a consultant at the same time. (See § 3015.196.)

"Contract" means a procurement contract awarded under a grant, cooperative agreement, or subgrant; and "subcontract" means a procurement subcontract under such a contract. Procurement contracts and subcontracts are ones which place the parties in a buyer-seller relationship, regardless of the label used by the parties to describe the relationship (e.g., purchase-of-service agreement). The terms "contract" and "subcontract" do not include any agreements between organizational components of the same legal entity, even if one of the components provides property or services to or for the other. (See definitions of "subgrant," "cost-type contract," and "fixed price contract.")

"Cost-sharing" and "matching" each mean the value of third party in-kind contributions plus that portion of the allowable costs of recipients not supported by the Federal government. (The terms "cost-sharing" and "matching," in this part, are synonymous.)

"Cost-type contract" means a contract or subcontract in which the contractor or subcontractor is paid on the basis of the costs it incurs. The term includes cost-plus-fixed-fee contracts and subcontracts. However, the term does not include any subcontracts under a fixed-price contract or subcontract. (See the definitions of "contract" and "fixed-price contract.")

"Discretionary" grants and cooperative agreements are ones which a Federal statute authorizes but does not require USDA to award.

"Equipment" means an article of tangible personal property that has a useful life of more than two years and acquisition cost of $500 or more. Any recipient may use its own definition of equipment if its definition would at least include all items of equipment as defined here.

"Expenditure report" means (1) for nonconstruction awards, the "Financial Status Report" (or other equivalent report); (2) for construction awards, the "Outlay Report and Request for Reimbursement for Construction Programs" (or other equivalent report).

"Federal funds authorized" means the total amount of Federal funds obligated by the Federal government for use by the recipient. This amount is a limit on the total amount of money that the recipient is entitled to receive from the Federal government as a result of the award. In addition to this limit, there are other limits. Refer to § 3015.197 for a summary of these.

"Federally recognized Indian Tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him or her through the Bureau of Indian Affairs.

"Fidelity bond" means a bond indemnifying the recipient against losses resulting from the fraud or lack of integrity, honesty or fidelity of one or more employees, officers or other persons holding a position of trust.

"Fixed-price contract" means any contract except a cost-type contract. The term includes firm-fixed price contracts. It also includes contracts under which the contractor is paid at a fixed rate per unit of service or unit of labor time. (See the definitions of "contract" and "cost-type contract.")

"General program income" means all program income except the special categories treated in §§ 3015.43 through 3015.46. The term "general program income" is limited to amounts that accrue to a recipient of grant or cooperative agreement during the period of Federally assisted support, or to a subrecipient during the period of sub-award support.

"Local government" means a local unit of government including specifically, a county, municipality, city, town, township, local public authority, school district, special district, intra-state district, council of governments (whether or not incorporated as a nonprofit corporation under State law), sponsor or sponsoring local organization of a watershed project (as defined in 7 CFR 620.2, 40 FR 12472, March 18, 1974), any other regional or interstate government entity, or any agency or instrumentality of a local government.

"Mandatory" grants and cooperative agreements are ones which a Federal statute requries USDA to award if the applicant meets specified conditions.

"Non-Federal grant" means an award of financial assistance in the form of money which includes no Federal funds, and for which the recipient must account to the donor on an actual cost basis. The term does not include any award that would be excluded from the definitions of "grant" and "cooperative agreement" if it were made by the Federal government.

"Obligations" means the amounts of orders placed, contracts and subgrants awarded, services received, and similar transactions during a given period, which will require payment during the same or future period.

"O&F" means the Office of Operations and Finance, which is an organizational component in USDA reporting to the Assistant Secretary for Administration.

"OMB" means the Office of Management and Budget in the Executive Office of the President.

"Outlays" means charges made to the grant project or program. Outlays may be reported on a cash or accrual basis.

"Payment bond" means a bond executed in connection with a contract, to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided in the contract.

"Percentage of completion method" refers to a system under which payments are made for construction work according to the percentage of completion of the work, instead of the recipient's rate of disbursements.

"Performance bond" means a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

"Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

"Production of an audiovisual" means any of the steps that lead to a finished audiovisual, including design, layout, script-writing, filming, editing, fabrication, sound recording, or taping. The term does not include the placing of captions for the hearing impaired on films or videotapes not originally produced for use with the hearing impaired.

"Program income" means gross income earned by a recipient from activities supported by a grant or cooperative agreement. (See definition of "supported by a grant or cooperative agreement.") It includes but is not limited to income in the form of fees for services performed during the life of the grant, cooperative agreement, or subgrant, proceeds from sale of tangible personal or real property, usage or rental fees, and patent or copyright royalties. If income meets this definition, it shall be considered program income regardless of the method used to calculate the amount paid to the recipient whether, for example, by a cost-reimbursement method or fixed price arrangement. Nor will the income's classification as program income be affected by the fact that the recipient earns it from a procurement contract awarded to the recipient (1) by the Federal government or (2) by another recipient acting under another Federal grant, cooperative agreement, or subgrant.

The following are not considered program income:

(1) "Revenues" raised by a government recipient under its governing powers, such as taxes, special assessments, levies, and fines. (However, the receipt and expenditure of these revenues shall be recorded as a part of the transactions of the Federally-assisted project or program when the revenues are specifically earmarked for the project in accordance with the terms of the grant, cooperative agreement, or subgrant.)

(2) Tuition and related fees received by an institution of higher education for a regularly offered course taught by an employee performing under a grant, cooperative agreement, or subgrant.

(3) Income earned by contractors or subcontractors.

(4) Internal reimbursements or transfers of funds between organizational components of the same legal entity (e.g., between agencies of the same government).

(5) Third party in-kind contributions.

(6) Gifts or financial assistance from another source, such as (i) a non-Federal grant, (ii) another Federal grant, and (iii) charitable contributions (whether or not for a restricted purpose), and

(7) Interest or other investment income earned from investing advances of Federal cash. (This kind of income is treated in § 3015.47.)

"Project period" means the total time for which the recipient's project or program is approved for support including any extensions. Project periods may consist of one or more budget periods.

"Publication" means a published book, periodical, pamphlet, brochure, flier, or similar item. It does not include any audiovisuals.

"Real property" means land, land improvements, structures, and things attached to them so as to become a part of them. Movable machinery and other kinds of equipment are not real property. If a question comes up about whether certain property should be classified as real property, the law of the State or foreign country in which the property is located governs.

"Recipient" means a State or local government, Federally recognized Indian Tribe, university, non-profit, for-profit, or other organization that is a recipient of grants or cooperative agreements from a USDA agency.

"Replacement equipment" means property acquired to take the place of other equipment. To qualify as replacement equipment, it must serve the same function as the equipment replaced and must be of the same nature or character, although not necessarily the same model, grade, or quality.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory, possession, or trust territory of the United States, or any agency or instrumentality of a State. The term does not include local governments.

"Subgrant" means an award of money, or property instead of money, which:

(1) Is made under a grant or cooperative agreement by the recipient of the grant or cooperative agreement; and

(2) Is made principally to accomplish a purpose of support of stimulation rather than to establish a buyer-seller relationship between the two parties.

Any award which meets that definition is a subgrant even if the parties to the award use some other label such as "grant," "agreement," "cooperative agreement," "contract," "allotment," or "delegation agreement." Also, if the award meets that definition, it is a subgrant whether or not the awarding agency is expected to be substantially involved in its performance. However, the term "subgrant" does not include any type of assistance which is excluded from the definitions of "grant" and "cooperative agreement" by Section I(c) of this Appendix.

"Supplies" means all tangible personal property other than equipment.

"Supported by a grant or cooperative agreement," as applied to a cost or an activity, means that the cost or the cost of the activity is entirely or partly (1) treated as a direct cost under a grant, cooperative agreement, subgrant, or cost-type contract, and (2) either supported by Federal funds or counted towards a Federal cost-sharing or matching requirement.

"Suspension" of an award means temporary withdrawal of the recipient's authority to obligate the funds awarded pending corrective action by the recipient or a decision to terminate the award.

"Termination" of an award means permanent withdrawal of the recipient's authority to obligate previously awarded funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the recipient.

"Termination" does not include:

(a) Withdrawal of the unobligated balance upon expiration of award;

(b) Refusal by the awarding agency to extend and award or to award additional funds (such as refusal to make a competing or noncompeting continuation, renewal, extension, or supplemental award);

(c) Annulment, i.e., voiding of an award upon determination that the award was obtained fraudulently or was otherwise illegal or invalid from inception;

(d) Withdrawal of surplus Federal funds from a discretionary grant or any analogous withdrawal of funds by a recipient from a subrecipient; or

(e) Withdrawal from a mandatory grant of surplus Federal funds authorized which the recipient will not obligate during the fiscal year, or any analogous withdrawal of funds by a recipient from a subrecipient.

"Terms" of a grant, cooperative agreement, subgrant, or contract means all rights and duties created by the award, whether stated in statute, this part or other regulations, the award document itself, or any other document.

"Third party" means, with respect to a grant or cooperative agreement, any entity except (1) the Federal government, (2) the recipient of the cooperative agreement, and (3) subrecipients under that grant or cooperative agreement. Note that contractors of recipients are third parties under this definition, although subrecipients are not.

"Third party in-kind contributions" means property or services benefiting the Federally-assisted project or program which are contributed by third parties without charge. Note that the term does not include any costs incurred by the recipient or subrecipient.

"Unliquidated obligations," means, for financial reports prepared on a cash basis, the amount of obligations incurred by the recipient that has not been paid. For reports prepared on an accrued expenditure basis, they are the amount of obligations incurred by the recipient for which an outlay has not been recorded.

"Unobligated balance" is the portion of Federal funds authorized which has not been obligated by the recipient. It is calculated by subtracting the Federal share of the recipient's cumulative obligations from the cumulative Federal funds authorized.

[FR Doc. 81-20403 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-ACE-3]

Transition Area—Seward, Nebr.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Seward, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Seward, Nebraska, Municipal Airport, utilizing the Seward Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before August 30, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 30, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Seward, Nebraska. To enhance airport usage, a new instrument approach procedure is being developed for the Seward, Nebraska, Municipal Airport, utilizing the Seward Non-Directional Radio Beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational air entails designation of a transition area at Seward, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Seward, Nebraska

That airspace extending upward from 700 feet above the surface within a 8.5 mile radius of the Seward Municipal Airport, Seward, Nebraska (Latitude 40°51'46" N., Longitude 97°06'32" W.) and 3 miles either side of the 344° bearing of the Seward NDB (Latitude 40°51'36" N., Longitude 97°06'16" W.) extending from 8.5 miles to 8.5 miles northwest of the NDB; excluding that airspace overlying the Lincoln, Nebraska transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Mo., on July 9, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-20024 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-34]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area: Hondo, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation of a transition area at Hondo, Texas. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Hondo Municipal Airport. This action is necessary to designate controlled airspace for aircraft executing a new instrument approach procedure to the Hondo Municipal Airport. This action is necessary to designate controlled airspace for aircraft using a proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before August 19, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Admininstration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Hondo, Texas, will necessitate an amendment to this subpart. This amendment will be required at Hondo, Texas, since there is a proposed establishment of instrument approach procedures at the airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-34." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding:

Hondo, Texas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Hondo Municipal Airport (Latitude 29°21'26" N., Longitude 99°10'34" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Tex. on July 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-20026 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. R-81-921]

Negotiated Interest Rate Program; Proposed Regulatory Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Proposed rule.

SUMMARY: The Department proposes to amend 24 CFR Part 203, Mutual Mortgage Insurance and Insured Home Improvement Loans, by adding a new § 203.51, entitled "Negotiated Interest Rate," to implement the authority

contained in Section 332 of the Housing and Community Development Act of 1980 (Public Law 96-399), 12 U.S.C. 1709-1. This proposed rule would amend the authority of the Secretary to prescribe maximum interest rates for FHA programs by permitting a limited number of Section 203 mortgages to be closed at a negotiated rate which may exceed the FHA ceiling.

DATE: Comments due: September 18, 1981.

ADDRESS: Written comments should be identified by the above docket number and title and filed with the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All relevant materials received in that Office by the above date will be considered before a final rule is adopted. Copies of written comments will be available during regular business hours at the above Office.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold H. Diamond, Director, Office of Financial Management, Room 6186, 451 7th Street SW., Washington, D.C. 20410 (202/426-4325, this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The negotiated interest rate program authorized by the 1980 legislation permits the greater of 50,000 Section 203(b) mortgages or 10 percent of mortgages insured under Section 203 during the previous fiscal year to carry an interest rate exempt from the maximum FHA interest rate ceiling. Instead, the interest rate and the number of discount points are negotiable between the borrower and lender. However, the lender must enter into a binding agreement under which it makes a commitment for at least 30 days to close the loan at the agreed upon interest rate and any discount points to be charged. This 30-day minimum commitment period may be extended by agreement of the lender and borrower.

The statute requires the lender to disclose to the borrower the current FHA interest rate ceiling and the prevailing number of discount points associated with the ceiling rate. The proposed rule includes a standard form for execution of the commitment agreement which also serves as the disclosure document.

Although the 1980 legislation treats the negotiated interest rate provisions as a permanent program, the statute prescribes that the Secretary of HUD "shall monitor experiences under this paragraph and report to Congress by March 1, 1982."

To facilitate the required monitoring by the Department of HUD, various statistics will be compiled from lenders and others regarding the negotiated interest rate program during its initial period of operation.

A key determination in the proposed rules is the starting date for measuring the duration of the lender's commitment to make a mortgage loan at the negotiated interest rate and discount points. The statute provides that the commitment shall extend for "at least 30 days" after the date on which the binding agreement has been entered into. After considering several alternatives, the Department of HUD concluded that this statutory requirement can best be met by: (a) requiring that the Lender's commitment to make the loan be signed on or before the date on which the Lender files an application for an FHA firm commitment to insure the mortgage and extend for a period of at least 30 days from the date of receipt of the application and signed Lender's commitment by the HUD field office, and (b) requiring the Lender to close the loan within the term of the Lender's commitment.

One of the alternatives considered would have required the lender to make its interest rate commitment at the time of the borrower's application to the lender for a loan, with the prescribed 30-day minimum to begin upon receipt by the lender of the borrower's application. The Department invites comments as to whether this alternative would be appropriate, especially if the prescribed time period during which the lender must close the loan is increased to 60 days from the date the borrower files an application with the lender.

The proposed rule prohibits the lender from charging a commitment fee as compensation for the risk it assumes in entering a binding agreement to make a loan on specified terms within 30 days from the date HUD receives the application for an FHA firm commitment. HUD invites comments regarding the possibility of permitting the lender to charge a commitment fee if it so chooses, but to make it mandatory that the commitment fee must be refunded to the borrower, if the loan is closed, by requiring the lender to apply the commitment fee to the closing costs payable by the borrower. Furthermore, under this option, the commitment fee must be refunded to the borrower if the property has been destroyed, if good title to the property cannot be delivered or if the mortgage is found to be not eligible for FHA insurance.

Comment is also invited on the desirability of placing a maximum ceiling, either in dollar or percentage terms, on a commitment fee, if permitted.

HUD plans to allocate the first 10,000 copies of the commitment form among the ten HUD regional offices on the basis of 1,000 copies per office. They, in turn, will distribute the forms to the HUD field offices that process FHA insurance for single-family mortgage loans. These offices will distribute copies of the forms to lenders in response to specific requests. The remaining 40,000 copies will be distributed by the HUD central office through the regional offices to the HUD field offices processing single-family mortgage insurance on an as needed basis.

The commitment form that will be used to evidence the binding agreement by the lender to make the mortgage loan provides that the lender is not obliged to make the loan unless "The mortgage shall be eligible for FHA insurance under its negotiated interest rate program." This condition is intended to cover circumstances that are discovered during HUD processing of the application for an FHA firm commitment to insure the loan or subsequently until the loan has been closed.

This proposed rule does not constitute a "major rule" as that term is defined in § 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (a) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

(The catalog of Federal Domestic Assistance program numbers are 14.117, 14.118, and 14.161)

Accordingly, 24 CFR Part 203 is proposed to be amended by adding a new § 203.51 as set forth below:

§ 203.51 Negotiated interest rate.

Notwithstanding the interest rate limitation of § 203.20 a mortgage covering a single family dwelling to be occupied by the mortgagor and bearing an interest rate agreed upon by the mortgagee and the mortgagor shall be eligible for insurance if it meets the requirements of this subpart and the following additional requirements:

(a) The mortgagee and the mortgagor shall enter into a commitment agreement on a form approved by the Commissioner which shall:

(1) Specify the interest rate agreed upon and the number of discount points payable by the mortgagor and by the seller of the property.

(2) Be binding on the mortgagee for at least thirty calendar days from the date on which the HUD field office receives a signed Lender's commitment and an application from the Lender for an FHA firm commitment to insure the mortgage. The agreement may be extended by mutual agreement between the mortgagee and mortgagor.

(3) Specify the maximum interest rate prescribed in § 203.20 at the time of execution and a good faith estimate of the prevailing number of discount points associated with such rate.

(b) The number of mortgages insured under this section in any fiscal year shall not exceed the greater of 50,000 or 10 percent of all mortgages insured under Part 203 during the preceding fiscal year. The number of mortgages authorized under this section shall be allocated in accordance with such procedures as the Commissioner finds appropriate.

(c) The mortgage shall not be insured under or pursuant to any section of the National Housing Act other than Section 203(b) and Section 244.

(d) Failure of a mortgagee to honor its commitment to close a loan pursuant to a commitment agreement entered into under this section shall be a ground for withdrawal of the mortgagee's approval as provided in Part 25 of this Title.

(e) The Lender shall not charge a commitment fee as compensation for entering into a binding agreement.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., May 14, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commission

FHA Case No. _____

Form Approved _____

HUD Field Office _____

OMB No. _____

Commitment To Make a FHA Insured Mortgage Loan at a Negotiated Interest Rate

This agreement, made on _____ between _____ located at _____ (Lender) and _____ located at _____ (Borrower) commits the Lender to make a mortgage loan to the Borrower in the amount of $_____ payable in ____ months at an interest rate of _____% per annum, for the purpose of financing the purchase of, or refinancing the existing debt on, property located at _____ (property) under the following terms and conditions:

1. The loan shall be closed not later than _____ days from the date on which the application for an FHA firm commitment has been received by the HUD field office.

2. The mortgage shall be eligible for FHA insurance under its negotiated interest rate program.

3. In addition to a loan origination fee not to exceed one percent, the Lender will be paid _____ discount points by the Borrower and _____ discount points by the seller.

The Lender has advised the Borrower that under the regular FHA Section 203(b) program, the maximum interest rate permitted is _____ percent and that _____ discount points are generally quoted in this market area to close such a loan. Most FHA mortgages are insured under the regular program.

The Borrower has read and understands the above and has elected to finance the property under the negotiated interest rate program rather than the regular program.

Lender:

(Name of officer) _____

(Title) _____

Borrower:

(Name) _____

Co-Borrower:

(Name) _____

By mutual agreement the above commitment is extended for another _____ days, with no additional fees to be paid by the borrower.

Lender:

(Name of officer) _____

(Title) _____

Borrower:

(Name) _____

Co-Borrower:

(Name) _____

Date of Receipt by HUD Field Office

Serial Number

Explanation and Instructions for Completion of Form _____

COMMITMENT TO MAKE AN FHA INSURED MORTGAGE LOAN AT A NEGOTIATED INTEREST RATE

1. *Agreement:* By entering into the commitment evidenced by this form, the Lender is obliged to make the mortgage loan within the specified period, irrespective of any changes in the mortgage market. This agreement is binding upon the lender unless the FHA determines that the mortgage is not eligible for FHA insurance under the negotiated interest rate program.

2. *Date of Agreement:* The Agreement must be negotiated between, and signed by the Borrower and the Lender, on or before the date on which the Lender files an application for an FHA firm commitment to insure the mortgage.

3. *Repayment Period:* Fill in repayment period, up to 420 months.

4. *Interest Rate:* Any percentage rounded to the nearest one eighth of one percent may be listed, but lenders are advised that all mortgages included in any one GNMA pool must bear the same contract interest rate.

5. *Property:* Fill in address of property to be financed by the mortgage loan.

6. *Duration of Agreement:* Fill in at least 30 days. By this Agreement the Lender is bound to make the mortgage loan not later than the specified number of days from the date on which the HUD field office has received application for a FHA firm commitment to insure the mortgage. If the need arises, this date can be obtained from the Lender or the HUD field office.

7. *Discount Points Payable By Borrower:* Enter the number of discount points that will be paid by the Borrower to close the loan. Do *not* include the loan origination fee, not to exceed one percent.

8. *Discount Points Payable By Seller:* Enter the number of discount points that

will be paid by the seller of the property at the time of loan closing. The sum of the discount points payable by the seller plus the discount points payable by the Borrower must equal the total discount points payable to the Lender.

9. *Maximum Interest Rate:* List the maximum FHA interest rate for level payment single family home mortgage loans prevailing at the time the commitment is made.

10. *Prevailing Number of Points:* The Lender should list its best judgment of the number of points lenders (including the lender making the commitment) active in making FHA-insured loans in the local mortgage market are currrenly quoting for committments to close an FHA-insured loan with similar terms, but carrying the prevailing maximum interest rate for a property comparable to the property identified on the form.

11. *Extension of Commitment:* The commitment may be extended beyond the initial period by mutual written agreement, with no changes in terms of the commitment.

12. *Incomplete Information:* If the Lender and Borrower fail to provide all of the information required on the form, the commitment shall not be regarded as valid. The Department of HUD will not endorse a negotiated interest rate loan for FHA insurance unless there is a valid commitment form on file with the HUD field office.

13. *Distribution of Copies:* The Commitment Form is made out in triplicate. Upon completion, the white original shall be filed with the local HUD field office with the application for an FHA firm commitment, the blue copy shall be given to the Borrower and the yellow copy shall be retained by the Lender. If the commitment period is extended, the Lender shall reproduce three copies of its yellow copy, with the bottom section filled in. One copy should be sent to the HUD field office, the second goes to the Borrower and the third is retained by the Lender.

14. *Shopping Around:* The Borrower may shop around among other lenders for better terms after receipt of this commitment. However, if a loan is obtained from another Lender, the Borrower is not entitled to a refund of the commitment fee listed on the form.

15. *Penalty:* If the Lender fails to honor its commitment to make the mortgage loan, it may lose its approval as a FHA mortgagee.

[FR Doc. 81-21163 Filed 7-17-81; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 375; Re: Notice No. 362]

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of hearing.

SUMMARY: This notice announces the time and location the Bureau of Alcohol, Tobacco and Firearms (ATF) will hold a public hearing to gather testimony on issues relating to the proposed labeling and advertising regulation changes published in the **Federal Register** on December 19, 1980 (Notice No. 362, 45 FR 83530).

Depending on the availability of funds and requests for hearings at other locations, the Bureau may schedule additional hearings at a later date.

DATES: Hearing dates: September 9 and 10, 1981, at 9:30 a.m. until 4:30 p.m.—open to the public.

Requests to testify: Requests to testify must be received on or before September 2, 1981.

ADDRESSES: Hearing location: Room 5041, Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC.

Requests to testify must be submitted to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. (Notice No. 375.)

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION: Requests to Testify; Rules Governing Public Hearings.

Persons requesting to testify shall indicate a preference for the date and time they wish to testify. To the extent possible, ATF will honor these preferences. Requests to testify must contain the name of the person who will testify, the company/organization represented, if any, and address and telephone number where such person can be contacted. The request must also include an outline of the topic or topics on which the testimony will be based. Testimony will be limited to ten minutes per speaker, however, additional time may be granted for answering questions. Persons testifying should be prepared to respond to questions regarding their testimony, or to any matters relating to written comments which they may have submitted. Persons not scheduled to testify may be allowed to do so at the conclusion of each hearing, if time permits.

ATF will notify all persons requesting to testify and will confirm the date and time. ATF will prepare an agenda listing all speakers for each hearing, and will make this agenda available at the hearing.

All public hearings held pursuant to this notice are open to the public and will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3).

Notice of Proposed Rulemaking and Public Hearing

On December 19, 1980, ATF published Notice No. 362 to obtain comment on proposed regulatory changes regarding the labeling and advertising regulations for wine, distilled spirits, and malt beverages. A total of 395 individual comments were received on this notice. Although most commenters supported the Bureau's intent and purpose of the proposed changes, many commenters submitted substantial suggestions and possible modifications to the proposed regulatory language. Furthermore, a number of commenters suggested that public hearings be held to provide a full discussion of these issues.

ATF believes that a hearing is essential in order that all possible information concerning the regulatory proposals be obtained and evaluated.

ATF specifically requests testimony concerning the following issues:

(a) The proposed standards for the use of the word "light" or other phonetically similar words;

(b) The proposed definition of "natural";

(c) The use of athletes and athletic events;

(d) The guidelines proposed under which taste tests may be conducted for comparative advertising;

(e) The use of curative or therapeutic claims such as, relax and refresh;

(f) The proposed definitions for "false" and "disparaging"; and

(g) The use and definition of subliminal and similar techniques.

Although ATF specifically requests testimony on these issues, this is not to preclude anyone from testifying on any subject concerning the proposed regulations.

Disclosure of Comments

Copies of the notice of proposed rulemaking, all written comments, and the hearing transcripts will be available for public inspection at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel in the Bureau participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

This notice of hearing is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205.

Signed: July 10, 1981.

G.R. Dickerson,

Director.

[FR Doc. 81-20850 Filed 7-17-81; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, 817, and 826

Surface Coal Mining and Reclamation Operations in the Interim and Permanent Regulatory Programs; Disposal of Excess Spoil

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Surface Mining is reproposing amendments to its rules relating to the disposal of excess spoil. The Office is proposing to encourage the use of excess spoil for the purpose of backfilling previously-mined benches (pre-existing benches). Presently, mine operators are permitted to dispose of excess spoil in valley, head-of-hollow or durable rock fill structures that have been approved by the regulatory authority. This new method of disposal will provide operators an additional option for disposal. This option will help operators achieve the goals of the Surface Mining Reclamation and Control Act as well as in many cases prove to be economically and technologically attractive.

DATE: Comments must be received not later than 5 p.m. on August 19, 1981, at the address below.

ADDRESS: Comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. The administrative record of this rulemaking, including public comments on the intial proposal, is available for inspection at the above address, Monday through Friday, 9:00 a.m.–4:30 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Technical Services and Research, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone number 202/343-4022.

SUPPLEMENTARY INFORMATION:

Background

In the Eastern Coal Province (Appalachia), mining may result in spoil material exceeding that necessary to reclaim the active bench and eliminate the highwall. Under the current OSM regulations for both the interim and permanent regulatory programs, this excess spoil material may be disposed of in valley, head-of-hollow or durable rock fill structures approved by the regulatory authority in accordance with excess spoil disposal requirements (*i.e.*, 30 CFR 715.15, 816.71–816.74, and 817.71–817.74).

Mining prior to August 3, 1977, has resulted in many miles of abandoned benches throughout the Appalachian coal region. One of the objectives of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), is the reclamation of these previously-mined areas. *See,* Section 102(h) of the Act, 30 U.S.C. 1202(h). Reclamation of these abandoned mine lands through disposal of excess spoil on pre-existing (*i.e.*, previously-mined) benches will help to achieve this objective of the Act, with a corresponding reduction in erosion, surface water degradation, flood hazards, and damage to fish and wildlife. Reclamation of these benches will also help protect the environment by reducing the quantity (both size and number) of valley and head-of-hollow fill structures in areas not disturbed by previous or active mining operations, and it will provide more certainty in the long-term stability of backfilled areas because the material will be placed primarily on solid rock rather than on valley soils.

Therefore, in view of the advantages to the environment and the extensive amount of pre-existing benches in steep slope mining areas, OSM is now re-proposing rules (initially proposed on May 16, 1980, at 45 FR 32331–33) to encourage the use of excess spoil for the purpose of backfilling these existing benches. The May 16, 1980 proposed rules are hereby withdrawn. In this re-proposed rulemaking, OSM in no way intends to require the use of pre-existing benches for the disposal of excess spoil. Rather, the changes are intended merely to provide operators with an additional option for the handling of excess spoil—an option which will help to achieve the important goal of reclaiming abandoned mine lands and which will, in many circumstances, prove to be economically and technologically attractive to operators. OSM is "encouraging" disposal of excess spoil on pre-existing benches by making this option attractive (*i.e.*, in comparison to the use of valley, head-of-hollow, and durable rock fills) to operators in two ways: (1) reducing the geotechnical analysis and design requirements through a reduced safety factor requirement of 1.3, and (2) providing that the existing highwall need not be completely eliminated when excess spoil disposal is on a pre-existing bench. As reproposed, the use of pre-existing benches for excess spoil disposal is in conformance with the statutory requirements of Section 515(b)(22) of the Act, 30 U.S.C. 1265(b)(22), which governs disposal of all excess spoil.

Federal Rulemaking

Amendments to excess spoil disposal regulatons at 30 CFR 715.15, 716.2, 816.71, 817.71, and 826.16 were initially proposed by OSM at 45 FR 32331–33 (May 16, 1980). An initial public comment period of 30 days was later extended for an additional 15 days and closed on June 30, 1980. 45 FR 40166 (June 13, 1980). In addition, a public hearing was held on June 11, 1980, at Charleston, West Virginia. As a result of the public comments received in writing and at the hearing, OSM has thoroughly re-examined its earlier proposal and is now re-proposing in substantially different form these amendments to the excess spoil disposal regulations.

The re-proposed rules amend 30 CFR 715, 816 and 817 by providing for disposal of excess spoil on pre-existing benches as an additional and separate option to disposal in valley, head-of-hollow, and durable rock fill structures. The re-proposed rules differ significantly from the initial proposal in several ways. First, the re-proposed rules contain no references to the backfilling and grading regulations at 30 CFR 715.14, 816.101–816.106, and 817.101–817.106. The intent of the previous reference to backfilling and grading regulations had been to reduce the requirements for geotechnical analysis and the long-term static safety factor. The re-proposed rules instead requires that excess spoil disposal on pre-

existing benches be conducted in conformance with all of the general requirements for excess spoil disposal (*i.e.*, 30 CFR 715.15(a), 816.71, and 817.71), with the exception of the general requirements governing the long-term static safety factor (*i.e.*, 30 CFR 715.15(a)(6), 816.71(f), and 817(f)). The re-proposed rules contain a specific provision requiring that disposal of excess spoil on preexisting benches be conducted to attain a long-term static safety factor of 1.3. Thus, the re-proposed rules not only state clearly the requirement for the long-term static safety factor, but also assure fulfillment of the general requirements for excess spoil disposal which are mandated by Section 515(b)(22) of the Act.

A second major difference between OSM's initial proposal and the re-proposed rules is that OSM is no longer proposing to amend 30 CFR 716.2. Because the re-proposed rules provide for disposal of excess spoil on pre-existing benches as an additional option within 30 CFR 715.15 (and because reference to the backfilling and grading regulations at 30 CFR 715.14 has been deleted), there is no longer a need to change the provisions at 30 CFR 716.2(c).

A third major difference between the initial proposal and the re-proposed rules is that the new proposal makes it clear that excess spoil disposal on pre-existing benches need only eliminate the highwall to the extent "practicable." Although this was OSM's intent in the initial proposal, this was not made clear due to drafting inconsistencies.

Fourth, rather than amending the provisions of 30 CFR 826.16, the re-proposed rules recommend repeal of that regulation. OSM believes that adoption of the re-proposed changes in 30 CFR 715.15, 816, and 817 will obviate completely the need for 30 CFR 826.16, which addresses similar issues.

Fifth, the initial proposal was entitled "steep slope mining." The re-proposal is entitled "disposal of excess spoil," because it is intended to apply to excess spoil disposal on pre-existing benches created by all types of surface coal mining operations.

Thus, the re-proposed rules provide minimum standards for environmental protection that must be applied to the disposal of excess spoil on pre-existing benches. The authority for this method of spoil disposal is derived from Section 515(b)(22) of the Act, 30 U.S.C. 1265(b)(22).

Disposition of Comments

As noted previously, OSM's re-examination of its initial proposal was prompted by the public comments received in writing and at the public hearing. The re-proposed rules published at the conclusion of this notice of proposed rulemaking resulted from OSM's re-examination. The previous public comments on the initial proposal are discussed below.

One commenter objected to the conclusions and views of OSM as presented in the 2nd paragraph under Supplemental Information (45 FR 32331). This objection was very general and not supported by any additional information. Therefore, OSM has rejected this comment.

One commenter suggested that the last sentence of the proposed amendments to 30 CFR 715.15, 816.71, and 817.71 be deleted and replaced with a set of five criteria to govern disposal. Although OSM recognizes the value of criteria in general and the recommended criteria in particular, this comment is nevertheless rejected. The reasoning behind this rejection is that while the criteria suggested appear to be sound and implement the intent of Congress in Section 102(h) of the Act, 30 U.S.C. 1202(h), the commenter does not mention nor consider the major point of the proposed amendment, which is to reduce the operation and reclamation requirements for those operators who choose to use a pre-existing bench for the disposal of excess spoil. The requirements which are being reduced as an incentive to operators to use pre-existing benches are the reduction in the safety factor and the deletion of a requirement that the highwall be completely eliminated. Both incentives are technically sound and are in full conformance with Section 515(b)(22) of the Act. In addition, the criteria presented by the commenter, while comprising the major items to be considered in disposal of excess spoil on pre-existing benches, is by no means a complete or exhaustive list.

One commenter indicated that the permittee should be required to demonstrate to the regulatory authority the precise outer limits of the solid bench through the use of cross-sections and site determination by a qualified professional. While this comment is of significant merit, OSM believes that this data is provided for in other sections of the regulations, specifically §§ 779.25 and 783.25, and need not be duplicated at this time and in this amendment. The re-proposed rules specifically require that the excess spoil be kept on the solid portion of the pre-existing bench. This requirement will be enforced by the regulatory authority.

Several commenters emphasized the point that the disposal area may not be within or contiguous to the permitted operation, but that it must still be permitted and bonded as are all other excess spoil disposal areas. This comment has been accepted by OSM because it is a requirement of both the Act and the regulations. *See*, Section 515(b)(22)(B) of the Act, 30 U.S.C. 1265(b)(22)(B), and 30 CFR 715.15(a), 816.71(a), 817.71(a). Thus, the re-proposed rules in no way alter the requirement that excess spoil disposal areas must be permitted and bonded.

Several commenters pointed out an apparent discrepancy between several of the sections which were proposed to be amended and the extent to which highwall elimination on the pre-existing bench was required. Specifically, 30 CFR 826.16(b) requires that spoil be graded "to eliminate the existing highwall to the extent possible," while the previously-referenced backfilling and grading regulations at 30 CFR 816.102(a)(2), 817.102(a)(2), and 715.14 require that in all cases the highwall be eliminated. This is a discrepancy, and the comments recommending clarification are accepted. The reference to backfilling and grading regulations in the initial proposal was intended to relate to the method of backfilling and grading and to the long-term static safety factor. The re-proposed rule eliminates this discrepancy by, as noted previously, deleting all reference to backfilling and grading regulations and by recommending repeal of 30 CFR 826.16. OSM believes that the re-proposed language clearly indicates its intent that excess spoil disposal on the solid portion of a pre-existing bench created by previous mining shall eliminate the existing highwall to the *extent practicable* with available spoil.

Several commenters questioned the August 3, 1977, date for cutoff of pre-existing benches and recommended that this date be deleted. These commenters suggested that are extensive areas which have been created after August 3, 1977, (*e.g.*, 2-acre exemptions; abandoned and wildcat operations) which OSM does not at this time have jurisdiction over and which consequently, fall into a tightly defused time zone with little potential for reclamation. OSM accepted this suggestion and has deleted the August 3, 1977, cutoff date contained in the initial proposal.

One commenter suggested in regard to 30 CFR 716.2(c), that spoil in excess of that necessary to achieve approximate original contour (AOC) (in accordance with § 715.14) only the disposed of in excess spoil fills when "adjacent, nearby, contiguous pre-existing benches are not available for spoil disposal." This suggestion would require the operator to use nearby adjacent or contiguous previously-mined benches for excess spoil disposal before being permitted to construct a fill structure. This suggestion goes beyond the intent of the amendment and the existing regulation, and may in fact impose an additional economic hardship on the operator and result in additional environmental damage by requiring use of these benches without regard to access or the additional environmental harm which may occur through construction of access roads to the benches. OSM again stresses that the re-proposed rules provide an additional option to operators for the disposal of excess spoil. While OSM is seeking to encourage excess spoil disposal on pre-existing benches by making such disposal attractive to operators by reducing requirements for geotechnical analysis and long-term static safety factors relative to valley, head-of-hollow, and durable rock fill structures, the re-proposed rules in no way diminish the operator's discretion to select an alternative method of excess spoil disposal under applicable regulations. Therefore, OSM rejects this suggestion.

One commenter believed that the initial proposal was generally reasonable, but that the new provisions could possibly be abused in some multiple seam mining situations. The commenter was concerned about operators simply pushing new overburden down to the pre-existing bench and failing to leave adequate material to return the new cut to AOC. OSM stresses that these regulations apply to disposal of spoil in *excess* of that needed to return an active mining operation to AOC. Violations of other provisions of the Act and the regulations are, of course, subject to enforcement by the regulatory authority.

One commenter indicated that it would be an economic benefit to the regulatory authority if operators were to dispose of excess spoil on pre-existing benches because this would reduce the need for time consuming reviews of alternative excess spoil sites and designs.

Another commenter indicated that it would be an economic benefit to the operator to conduct excess spoil disposal on pre-existing benches in terms of reduced permit data to be developed and economic savings on not having to design alternate spoil disposal sites.

This same commenter stated emphatically that OSM, while under the guise of "encouraging" operators to use pre-existing benches for excess spoil disposal, is in reality attempting to require the operator to use benches prior to the use of fill structures. OSM did not intend that its encouragement be interpreted as a requirement. It is the intent of OSM in re-proposing this amendment to encourage the use of pre-existing benches for the disposal of excess spoil in order to further the important objective of the Act to reclaim abandoned mine lands. However, this encouragement is in the form of reduced requirements with respect to the geotechnical analysis and necessary design requirements on the operator (*i.e.*, long-term static safety factor). Under the reproposed rules, OSM does *not require* the use of benches for disposal of excess spoil, but only provides an additional option to the operator. Operators will still be free to select alternative spoil disposal methods under applicable regulations.

One commenter objected to the statement in the preamble to the initial proposal that "remining in most instances will result in excess spoil material * * *," stating that in his experience just the opposite is true. OSM recognizes that there are instances where this statement will not be valid for certain site-specific situations, particularly in many of the steep slope remining operations in the Appalachian Coal Province. However, these amendments are applicable to all surface mining of coal and, therefore, are of a general nature. Although this comment in no way impacts the validity of the proposed amendment, OSM has substituted the word "may" for the phrase "in most instances" within the text of this preamble.

This same commenter states that the proposed changes require operators to use the same design analysis and construction standards for backfilling and grading as for fill structures. However, the proposed changes are intended to reduce the quantity of data necessary to conduct the geotechnical analysis, and the factor of safety from that required for fill structures (a safety factor of 1.5) to a safety factor of 1.3 (similar to that required for backfilling and grading on the actively-mined bench). For these reasons, this comment is rejected.

Several commenters were confused over the use of terms such as "solid bench," "pre-existing," and "abandoned" and requested clarification. These terms are all commonly used terms in the mining industry. OSM does not believe it is necessary to include formal definitions of these terms within this rulemaking. However, in response to comments, OSM does wish to clarify that these reproposed rules establish an alternative method of excess spoil disposal on "pre-existing" (*i.e.*, previously-mined) benches. However, where there is a "natural" (*i.e.*, not manmade) bench on the permit area, disposal of excess spoil will continue to be governed by Section 515(b)(22)(E) of the Act, 30 U.S.C. 1265(b)(22)(E), and its implementing regulations at 30 CFR 715.15(a)(5), 816.71(e), and 817.71(e).

Determinations Under Executive Order No. 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order No. 12291. OSM believes that economic benefits may accrue to operators choosing to exercise the proposed option of disposing excess spoil on pre-existing benches. The proposed rules should reduce the cost of compliance by: (1) reduction of data collection and engineering time necessary to meet permit requirements for disposal structures, (2) reduction of some actual construction costs, (3) reducing or eliminating the need for ancillary structures (e.g., haul roads).

In addition, the Department has examined this rulemaking under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and has determined that this rulemaking will not have "a significant economic effect on a substantial number of small entities."

OSM believes that the proposed rules will, in fact, be economically beneficial to small operators in southern and central Appalachian regions through a reduction in certain compliance costs. However, the cumulative effects are not estimated to be significant.

With respect to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), OSM has prepared a draft environmental assessment on the impacts of the proposed rules.

The draft environmental assessment and the determination of effects upon which the above findings were based are available in the administrative record of this rulemaking at the location listed in the "ADDRESS" section above.

Dated: June 16, 1981.

William P. Pendley,

Deputy Assistant Secretary—Energy and Minerals

Summary

30 CFR 715.15 is proposed to be amended by adding a new paragraph

providing for placement of excess spoil on pre-existing benches.

30 CFR 816 is proposed to be amended by adding a new section at 30 CFR 816.75 providing for placement of excess spoil on pre-existing benches.

30 CFR 817 is proposed to be amended by adding a new section at 30 CFR 817.75 providing for placement of excess spoil on pre-existing benches.

30 CFR 826.16 is proposed to be repealed.

Proposed Amendments to 30 CFR Chapter VII

PART 715—GENERAL PERFORMANCE STANDARDS

30 CFR 715.15 *Disposal of excess spoil,* is proposed to be amended by adding a new paragraph 715.15(e) as follows:

§ 715.15 Disposal of excess spoil.

* * * * *

(e) *Pre-existing benches.* In lieu of the requirements of §§ 715.15(b), 715.15(c) and 715.15(d), the regulatory authority may approve alternative methods of disposal of excess spoil through placement on pre-existing benches, provided that all the standards set forth in § 715.15(a) (1)–(5), (7)–(14), and the requirements of this section are met.

(1) All spoil shall be placed on the solid portion of the pre-existing bench;

(2) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static factor of safety of 1.3 for all portions of the fill;

(3) The pre-existing bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose, and to eliminate the highwall to the extent practicable.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

30 CFR 816 is proposed to be amended by adding a new § 816.75 as follows:

§ 816.75 Disposal of excess spoil: Pre-existing benches.

In lieu of the requirements of §§ 816.72, 816.73 and 816.74, the regulatory authority may approve alternative methods of disposal of excess spoil through placement on pre-existing benches, provided that all the standards set forth in § 816.71 (a)–(e), (g)–(n), and the requirements of this section are met.

(a) All spoil shall be placed on the solid portion of the pre-existing bench;

(b) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static factor of safety of 1.3 for all portions of the fill;

(c) The pre-existing bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose, and to eliminate the highwall to the extent practicable.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

30 CFR 817 is proposed to be amended by adding a new § 817.75 as follows:

§ 817.75 Disposal of excess spoil: Pre-existing benches.

In lieu of the requirements of § 817.72, 817.73 and 817.74, the regulatory authority may approve alternative methods of disposal of excess spoil through placement on pre-existing benches, provided that all the standards set forth in § 817.71 (a)–(e), (g)–(n), and the requirements of this section are met.

(a) All spoil shall be placed on the solid portion of the pre-existing bench;

(b) The fill shall be designed, using standard geotechnical analysis, to attain to long-term static factor of safety of 1.3 for all portions of the fill;

(c) The pre-existing bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose, and to eliminate the highwall to the extent practicable.

PART 826—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—OPERATIONS ON STEEP SLOPES

§ 826.16 [Removed]

30 CFR 826 is proposed to be amended by removing § 826.16 in its entirety.

[FR Doc. 81-21161 Filed 7-17-81; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 144, 149, and 175

[CGD 80-155b]

Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: In a separate document the Coast Guard is proposing to revoke obsolete specifications concerning cork and balsa wood ring life buoys. This action will require editorial amendments to the regulations that allow cork and balsa wood ring buoys on Artificial Islands, fixed offshore structures, and recreational boats. Since equipment that has been previously approved may be used if in good and serviceable condition, there are no substantive changes to the regulations.

DATES: Comments must be received on or before September 3, 1981.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24), (CGD 80-155b), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Merchant Marine Technical Division (G-MMT/12), Office of Merchant Marine Safety, Room 1216, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2174.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 80-155b) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion

Because they are no longer being manufactured, the proposed revocation of the approval specifications for cork or balsa ring life buoys and the material specifications for balsa wood and sheet cork are contained in Coast Guard NPRM CGD 80-155a, which appears elsewhere in this issue of the **Federal Register.**

This proposal involves only editorial amendments to reflect the proposed revocations. There would be no substantive changes to the lifesaving equipment regulations. The amendments would allow previously approved cork and balsa wood ring life buoys to continue to be sold and used as long as they are in good and serviceable condition.

Evaluation

The Coast Guard had evaluated this proposal under Executive Order 12291 and determined that it is not a major regulation. The Coast Guard has also determined that it is nonsignificant under the meaning of DOT Order 2100.5. Additionally, as required by Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), the Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

The reason for these findings is that this proposal deals only with the revocation of obsolete specifications for lifesaving equipment that is no longer manufactured.

In consideration of the foregoing, the Coast Guard proposes to amend Subchapter N, Title 33, Code of Federal Regulations as follows:

PART 144—LIFESAVING APPLIANCES

1. In § 144.01-25, by revising paragraph (a) to read as follows:

§ 144.01-25 Ring life buoys.

(a) Each manned platform must have at least four approved ring life buoys constructed in accordance with 46 CFR Subpart 160.050; except ring life buoys approved under former 46 CFR Subpart 160.009 may be used as long as they are in good and serviceable condition. One ring life buoy must be placed on a suitable rack on each side of a manned platform in an accessible place. The ring life buoy must always be capable of being cast loose and may not be permanently secured in any way.

* * * * *

2. In § 144.10-1, by deleting Table 2, revising paragraph (a)(2), and adding new paragraph (a)(3) to read as follows:

§ 144.10-1 Lifesaving equipment.

(a) * * *

(2) An approved ring life buoy, (Type IV PFD) for every two persons, but no more than four devices are required. Each ring life buoy must be of a type constructed in accordance with 46 CFR Subpart 160.050; except a ring life buoy that was approved under former 46 CFR Subpart 160.009 may be used as long as it is in good and serviceable condition.

(3) Each ring life buoy under paragraph (a)(2) of this section must have an approved automatic electric water light that is attached as described in § 144.01-25(b).

* * * * *

PART 149—DESIGN, CONSTRUCTION, AND EQUIPMENT

3. By revising § 149.526 to read as follows:

§ 149.526 Approved ring life buoys (Type IV personal flotation devices).

(a) Each PPC must have at least 8 approved ring life buoys (Type IV PFD's) and mounting racks distributed about the perimeter of the platform.

(b) Each ring life buoy must be constructed in accordance with 46 CFR Subpart 160.050 except a ring life buoy that was approved under former 46 CFR Subpart 160.009 may be used as long as it is in good and serviceable condition. Each ring life buoy must be of the 30 inch size, international orange, and easily accessible to persons onboard.

(c) At least fifty percent of the ring life buoys required by this section must have an electric water light approved under 46 CFR 161.010.

(d) At least one ring life buoy on each side of the platform must have a buoyant line attached to it that is 1½ times the distance from the buoy to the mean low water line of the platform, or 15 fathoms in length, whichever is greater.

4. By revising § 149.526 in the table of sections to read as follows:

(149.526 Approved ring life buoys (Type IV personal flotation devices))

PART 175—EQUIPMENT REQUIREMENTS

5. By adding footnote 1 to Table 175.23 as follows:

§ 175.23 Personal flotation device equivalents.

* * * * *

Table 175.23

Devices marked	Are equivalent to performance type.
160.009 Ring life buoy [1]	Type IV-personal flotation device.

[1] 46 CFR Subpart 160.009 has been revoked. Type IV PFD's approved under that subpart may be used as long as they are in good serviceable condition.

(43 U.S.C. 1333(e), 46 U.S.C. 1454, 1488, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), 1.46(n)(1))

Dated: July 6, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-21170 Filed 7-17-81; 8:45 am]
BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 1715-Y]

Standards of Performance for New Stationary Sources: Continuous Monitoring Performance Specifications; Proposed Revisions to General Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: On February 23, 1978 (43 FR 7568) the Environmental Protection Agency promulgated standards of performance for new or modified kraft pulp mills pursuant to Section 111 of the Clean Air Act as amended. The standards require a continuous emission monitoring system (CEMS) to monitor total reduced sulfur (TRS) for operation and maintenance purposes. However, at the time the standards were promulgated performance specifications for the monitors had not been completed and monitoring requirements were not to be effective until their completion. The specifications proposed herein complete the performance specifications. In addition, changes to the general monitoring requirements of Section 60.13 are proposed.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views or arguments concerning the proposed performance specification and changes to Section 60.13.

DATES:

Comments. Comments must be received on or before September 18, 1981.

Public Hearing. If requested, a public hearing will be held. Persons wishing to present oral testimony must contact EPA by August 10, 1981. If a hearing is requested, an announcement of the date and place will appear in a separate Federal Register notice.

ADDRESS:

Comments. Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-57, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

Public Hearing. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Office of the Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency,

Research Triangle Park, North Carolina 27711, telephone number (919) 541–5571.

Docket. Docket No. A–80–57, containing material relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:
Mr. Roger Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD–19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–2237.

SUPPLEMENTARY INFORMATION: On February 23, 1978 (43 FR 7568), the Environmental Protection Agency promulgated standards of performance for new or modified kraft pulp mills pursuant to Section 111 of the Clean Air Act as amended. The regulation requires new kraft pulp mills to demonstrate compliance with the standards of performance by means of performance tests at the time the new source commences operation or shortly thereafter. To insure that these sources, including associated air pollution control equipment, would be properly operated and maintained (to insure the intent of the standards to reduce air pollution), provisions were included that require several monitoring systems to continuously monitor emission levels. One of those monitoring systems was for total reduced sulfur (TRS).

At the time the standards, which included these monitoring requirements, were initially proposed, EPA and the kraft pulp mill industry were engaged in developing performance specifications for TRS monitoring systems. The performance specifications were not completed by the time the standards of performance were promulgated; therefore, the monitoring requirements were not to be effective until a joint EPA-industry effort to develop performance specifications was completed.

In October of 1977, the National Council of the Pulp and Paper Industry for Air and Stream Improvement submitted a technical assessment study to EPA. The results of a month-long evaluation of the performance of existing TRS monitors and a comparison with Method 16 data were included in this study. This study serves as the technical background for the performance specification proposed today.

The specification requires that monitors used to measure TRS be installed and ensured to operate properly. Calibration drift and relative accuracy tests are to be conducted to determine conformance of the continuous emission monitoring systems (CEMS) with the specification. Candidate monitors include the coulometric titrator, flame photometric and photoionization detectors, and others, fitted with appropriate sample extraction and conditioning equipment. A document has been prepared to provide vendors and operators with guidelines for performance and equipment specifications and suggested test and data reduction procedures for evaluating the CEMS. This guideline document is available from Mr. Foston Curtis, Mail Drop 19, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–2237. During the development of the TRS performance specification, a question arose concerning the possibility that the CEMS might be the same as Reference Method 16. The question concerns whether such systems should be exempted from the relative accuracy test because it would involve comparing a reference method against an automated reference method. Comments are requested on this question.

As discussed in the preamble to the final rule which established the standards of performance for kraft pulp mills (43 FR 7571), installation of continuous monitoring systems is not needed until promulgation of applicable performance specifications. Sections 60.13(a) of Title 40 indicates that continuous monitoring systems must comply with the monitoring requirements upon promulgation unless otherwise specified in an applicable subpart or by the Administrator.

When Performance Specification 5 is promulgated, the Administrator could decide if any delay in complying with the monitoring requirements after promulgation is warranted for kraft pulp mills which are already affected by the standards. However, notice of these requirements is being given with today's proposal. The time between proposal and promulgation is usually about one year. The time before promulgation should allow kraft pulp mills to initiate purchasing and installig a continuous monitoring system. A delay beyond promulgation similar to the 180 days allowed for performance tests (40 CFR 60.8) is considered reasonable. However, in certain cases, additional time may be required for kraft pulp mills which are already affected by the standards. The Administrator plans to specify additional delays as set forth in 40 CFR 60.13(a) based on the expected time a source already affected by the standards would need to review available monitors, to purchase a monitor, to install the monitor, and to place the monitor into operation. Comments concerning the 180-day delay and additional delays are specifically requested.

The costs associated with continuous monitoring are difficult to asess because costs will vary from source-to-source depending on the variations in the requirements for each installation, e.g., procurement, shipping, site preparation, and physical installation of the instrument system. However, for TRS monitoring systems, the normal costs of procurement are in the range of $15,000 to $30,000. The installation and testing costs required by Performance Specification 5 are approximately $3600 (30 man-days at $15 per hour).

During preparation of this performance specification, consistency with the existing monitoring requirements of 40 CFR 60.13 was checked. These existing monitoring requirements provide a general basis for continuous monitoring requirements found in standards of performance for new sources, such as the standards for kraft pulp mills. One minor inconsistency was found in paragraph 60.13(e). Because TRS was not mentioned in this paragraph, a revision to the paragraph is being proposed to make the paragraph apply to TRS and other emissions. In addition to this minor inconsistency, several paragraphs which are no longer applicable were found. These paragraphs were effective only until September 11, 1979. Therefore, to update and reduce the complexity of 40 CFR 60.13, it is proposed that the parts of paragraphs 60.13(a), 60.13(c), and 60.13(e) which are no longer applicable be removed from 40 CFR 60.13.

Pursuant to the provisions of 5 U.S.C Section 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. About two-thrids of the businesses owning kraft pulp mills are also engaged in other activities, such as chemical manufacture, detergent production, land development and can production. In addition, businesses owning kraft pulp mills but not engaged in these activities are almost always engaged in the production of timber or paperboard. Because most businesses owning kraft pulp mills are engaged in activities other than kraft pulping, very few small entities, as defined in 13 CFR Part 121, could be impacted by this rule. Thus, the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

I have reviewed this proposed rule to determine if it is a major rule as defined in Executive Order 12291 (46 FR 16193). The costs of procurement and installation, as indicated above, do not indicate that this rule would result in an annual effect of $100 million or more, a major increase in costs or prices, or other significant adverse effects. Thus, I have determined that this rule is not a major rule.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Sections 111, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7414, and 7601(a)).

Dated: July 6, 1981.

Anne M. Gorsuch,

Administrator.

It is proposed that § 60.13 and Appendix B of 40 CFR Part 60 be amended as follows:

1. By revising § 60.13(a), 60.13(c), and 60.13(e); by removing subparagraphs (1) and (2) of § 60.13(a); by removing subparagraphs (1), (2), and (3), of § 60.13(c); and by removing subparagraph (3) of § 60.13(e) as follows:

Subpart A—General Provisions

* * * * *

§ 60.13 Monitoring requirements.

* * * * *

(a) For the purposes of this section, all caontinuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under Appendix B to this part, unless otherwise specified in an applicable subpart or by the Administrator.

* * * * *

(c) During any performance tests required under § 60.8 or within 30 days thereafter and at such other times as may be required by the Administrator under Section 114 of the Act, the owner or operator of any affected facility shall conduct continuous monitoring system performance evaluations and furnish the Administrator within 60 days thereof two or, upon request, more copies of a written report of the results of such tests. These continuous monitoring system performance evaluations shall be conducted in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B.

* * * * *

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

* * * * *

2. By adding Performance Specification 5 to Appendix B of 40 CFR Part 60 as follows:

Appendix B—Performance Specifications

* * * * *

Performance Specification 5—Specifications and Test Procedures for TRS Continuous Emission Monitoring Systems in Stationary Sources

1. Applicability and Principle

1.1 Applicability. This specification is to be used for evaluating the acceptability of total reduced sulfur (TRS) continuous emission monitoring systems (CEMS) after initial installation and whenever specified in an applicable subpart of the regulations. The CEMS may include O_2 monitors.

The definitions, installation specifications, test procedures, data reduction procedures for determining calibration drifts and relative accuracy, and reporting of Performance Specification 2,[1] Sections 2, 3, 4, 5, 6, 8, and 9 also apply to this specification and must be consulted. The performance and equipment specifications do not differ from Performance Specification 2 except as listed below and are included in this specification.

1.2 Principle. Calibration drift and relative accuracy tests are conducted to determine conformance of the CEMS with the specification.

2. Performance and Equipment Specifications

2.1 Instrument Zero and Span. The CEMS recorder span must be set at 90 to 100 percent of recorder full-scale using a span level of 80 to 100 percent of the span value (other span levels may be used with the approval of the Administrator). The CEMS design shall also allow the determination of calibration at the zero and span level points of the calibration curve. If this is not possible or is impractical, these determinations may be conducted at a low level (up to 20 percent of span value) point and at a high level (80 to 100 percent of span value) point. The components of an acceptable permeation tube system are listed on pages 87–94 of Citation 2 of the bibliography.

2.2 Calibration Drift. The CEMS calibration must not drift or deviate from the reference value of the calibration gas by more than 3 percent of the established span value of 30 ppm. If the CEMS includes pollutant and diluent monitors, the calibration drift must be determined separately for each in terms of concentrations (see Performance Specification 3 for the diluent specifications).

2.3 CEMS Relative Accuracy (RA). The RA of the CEMS shall be no greater than 20 percent of the mean value of the reference method (RM) test data in terms of the units of the emission standard or 10 percent of the applicable standard, whichever is greater.

3. Relative Accuracy Test Procedure

3.1 Sampling Strategy for RM Tests, Correlation of RM and CEMS Data, Number of RM Tests, and Calculations. This is the same as Performance Specification 2, Sections, 7.1, 7.2, 7.3, and 7.5, respectively.

3.2 Reference Methods. Unless otherwise specified in an applicable subpart of the regulations, Method 16, Method 16A, or other approved alternative, shall be the reference method for TRS. Note: For Method 16, a set is made up of at least three separate injects equally spaced over time.

4. Bibliography

4.1 "Experimental Statistics." Department of Commerce, Handbook 91, 1963 pp. 3–31, paragraphs 3–3.1.4.

4.2 "A Guide to the Design, Maintenance and Operation of TRS Monitoring Systems," National Council for Air and Stream Improvement Technical Bulletin No. 89, September 1977.

4.3 "Observation of Field Performance of TRS Monitors on a Kraft Recovery Furnace," National Council for Air and Stream Improvement Technical Bulletin No. 91, January 1978.

[1] All references to Performance Specification 2 are to the one proposed on January 26, 1981 (46 FR 8352).

[FR Doc. 81-21894 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 180

[PP 1E2443/1E2444/P181; PH-FRL-1886-6]

Glyphosate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the herbicide glyphosate and its metabolite aminomethyl phosphonic acid. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This proposed regulation will establish a maximum permissible level for the combined residues of the subject herbicide and its metabolite in or on guavas and papayas at 0.2 part per million (ppm).

DATE: Written comments must be received on or before August 19, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Emergency Response Section, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition numbers 1E2443 and 1E2444 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities guavas and papayas.

The data submitted in the petitions and all other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/ kilogram (kg) of body weight (bw); a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies with a NOEL of 30 milligrams (mg)/kg of bw/ day; a two-year dog feeding study with a NOEL of 300 ppm; a three-generation rat reproduction study with a NOEL of 100 ppm; an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed); a two-year rat feeding study with a NOEL of 100 ppm (5 mg/kg/day); a hen neurotoxicity study (negative at 10 mg/kg of bw); a host-mediated mutagenicity assay (negative) and Ames test (negative); and a Rec-assay mutagenicity test (negative).

Additional toxicological studies include a rat teratology study negative at 3,500 mg/kg/day with a fetotoxic NOEL of 1,000 mg/kg/day, a third rabbit teratology study negative for teratogenicity at 350 mg/kg/day with a fetotoxic NOEL at 175 mg/kg/day, and a mouse dominant lethal study negative at 2,000 mg/kg. Data currently lacking include oncogenicity studies in two animal species.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 3 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances and tolerances under review is calculated to be 0.5714 mg/day for a 1.5 kg daily diet. The current action is calculated to be 0.00018 mg/kg/day for a 1.5 kg diet.

The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of the chemical. While the oncogenic potential of glyphosate is not fully elucidated, the chronic rat and mouse feeding studies provide assurance that glyphosate has a relatively low oncogenic potential. A further assurance of low risk with glyphosate is that, on a theoretical basis, the theoretical maximum exposure via the diet is about one-fifth of the ADI.

Based on the above information considered by the agency, it is concluded that the tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the ingredients listed herein may request, on or before August 19, 1981, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and docment control number, "[PP 1E2443/1E2444/P181]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: July 2, 1981.

Douglas C. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR 180.364 is amended by adding "guavas" and "papayas" to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodities	Part per million
* * * * *	
Guavas	0.2
* * * * *	
Papayas	0.2
* * * * *	

[FR Doc. 81-21108 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF TRANSPORTATION

46 CFR Parts 25, 33, 75, 94, 108, 160, 164, 190, 192

[CGD 80-155a]

Lifesaving Equipment; Revocation of Obsolete Specifications

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revoke the approval specification for cork and balsa wood ring life buoys, and the material specifications for cork and balsa wood. These ring buoys are no longer manufactured. The requirement for ring life buoys would be amended to allow buoys approved under these specifications to be used as long as they are in good and serviceable condition. This action would eliminate obsolete regulations from the Code of Federal Regulations.

DATE: Comments must be received on or before September 3, 1981.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24), (CGD 80-155a), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Merchant Marine Technical Division, (G-MMT/12), Office of Merchant Marine Safety, Room 1218, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-2174.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 80-155a) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion

The Coast Guard proposes to revoke 46 CFR Subpart 160.009, the approval specification for cork and balsa wood ring life buoys. Because these items are no longer manufactured, a specification for their approval is unnecessary. Ring life buoys made of foam plastic (see 46 CFR 160.050) have replaced the wooden type and would be the only type of ring life buoy approved by the Coast Guard. Cork and balsa wood ring life buoys approved under the revoked subpart may, however, be used as long as they are in good and serviceable condition. With the revocation of Subpart 160.009, the material specifications for sheet cork, Subpart 164.001, and for balsa wood, Subpart 164.002 would be unnecessary and therefore the Coast Guard proposes that they also be revoked.

These revocations would require amendments to the various requirements for ring life buoys on vessels and structures which are located throughout Title 33 and 46, Code of Federal Regulations. Proposed amendments to Title 33 similar in language and form to these amendments, are set out in a separate rulemaking document in this issue of the **Federal Register**.

Evaluation

The Coast Guard has evaluated this proposal under Executive Order 12291 and found that it is not a major regulation. This proposal has also been reviewed under the DOT Order 2100.5 Policies and Procedures for Simplification, Analysis and Review of Regulations and determined to be a nonsignificant regulatory action for which a Regulatory Analysis is not required. Because these amendments would revoke outdated approval specifications, but allow equipment previously approved under those specifications to remain in use as long as it is in good and serviceable condition, there is no economic effect. The expected impact of these amendments is so minimal that they do not warrant a full evaluation under DOT Order 2100.5. For these reasons the Coast Guard certifies, in accordance with section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), that this proposal will not have a significant economic affect on a substantial number of small entities.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 46, Code of Federal Regulations as follows:

PART 25—REQUIREMENTS

1. By revising § 25.25-5(d) to read as follows:

§ 25.25-5 Life preservers and other lifesaving equipment required.

* * * * * *

(d) In addition to the equipment required by paragraph (b) or (c) of this section, each vessel 26 feet in length or longer must have at least one approved ring life buoy, constructed in accordance with Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

PART 33—LIFESAVING EQUIPMENT

2. In § 33.40-1, by revising paragraph (a) read as follows:

§ 33.40-1 Ring life buoys and water lights, general requirements—TB/ALL.

(a) Each ring life buoy must be of an approved type, constructed in accordance with Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

* * * * * *

PARTS 75, 94 and 192—LIFESAVING EQUIPMENT

3. In §§ 75.43-5, 94.43-5, 160.30-1, and 192.43-5, by revising paragraph (a) to read as follows:

§ ——. General.

(a) Each ring life buoy must be of an approved type, constructed in accordance with Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

* * * * * *

PART 108—DESIGN AND EQUIPMENT

4. By revising § 108.515(b)(2) to read as follows:

§ 108.515 Ring life buoys.

* * * * * *

(b) * * *

(2) Be approved under Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

* * * * * *

PART 160—LIFESAVING EQUIPMENT

5. By removing and reserving Subpart 160.009—"Specification for a Buoy, Life

Ring, Cork or Balsa Wood for Merchant Vessels and Boats."

PART 164—MATERIALS

6. By removing and reserving Subpart 164.001—"Cork, Sheet, for Merchant Vessels." and Subpart 164.002—"Balsa Wood, for Merchant Vessels."

PART 180—LIFESAVING EQUIPMENT

7. By revising § 180.05–1(b)(7) to read as follows:

§ 180.05–1 Equipment of an approved type.

* * * * *

(b) * * *

(7) Ring Life Buoys	160.050

* * * * *

(46 U.S.C. 369, 375, 390b, 416 and 481; 49 U.S.C. 1655, 49 CFR 1.46(b))

Dated: July 6, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81–21174 Filed 7–17–81; 8:45 am]

BILLING CODE 4910–14–M

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46 CFR Part 45

[CGD 80–116]

Portable Deadlights on Great Lakes Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise the regulations which require hinged inside deadlights on side scuttles of vessels assigned Great Lakes loadlines. The revision would allow superstructure end bulkhead, companionway, and deckhouse doors leading to the freeboard decks to have either hinged or portable inside deadlights on port lights. Portable inside deadlights would facilitate the use of screen doors and avoid awkward screen door arrangements. Screen doors would enhance ventilation without compromising safety.

DATES: Comments must be received on or before September 3, 1981.

ADDRESSES: Comments may be submitted to Commandant (G–CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G–CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, between 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Office of Merchant Marine Safety (G–MMT/12), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426–2174, between 7:30 a.m. and 5 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Comments should include the name and address of the person submitting them, identifying this notice (CGD 80–116) and the specific action of the proposal to which the comment applies, and give the reasons for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on the proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if it is requested in writing by an interested person who is raising a genuine issue and desires to comment at the public hearing.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Collin Lau, Project Attorney, Office of the Chief Counsel.

Background

A "deadlight" is a metal plate used to cover a glass "port light" during heavy weather. A "hinged inside deadlight" is one which is permanently attached by hinges to the inside of a door and can be secured from the inside. A "portable deadlight" is a metal plate which, when not in use, can be removed from the port light and stowed in a nearby accessible location inside the superstructure, companionway, or deckhouse.

Discussion of the Proposed Rule

The existing rule in § 45.139(b) of this part requires the use of hinged inside deadlights on side scuttles of Great Lake loadlines certificated vessels. Hinged deadlights on doors hinder the installation of inside screen doors. This has caused awkward screen door arrangements.

The proposed rules §§ 45.139(b) and (c), would relax the existing rule to permit the use of portable deadlights on superstructure, companionway, and deckhouse doors. Portable deadlights would enhance ventilation because they would facilitate the installation of inside screen doors, but would not detract from the safety of the vessel.

Draft Evaluation

The proposed regulations have been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplication, Analysis and Review of Regulations", dated May 22, 1980, and have been determined to be nonsignificant. The proposed rules will relax the existing regulations which require hinged inside deadlights on port lights of vessels assigned Great Lakes loadlines. The use of portable deadlights is permissive, not mandatory. Because of this, the expected impact of the proposed regulations is so minimal that no evaluation has been prepared.

Regulatory Impact Analysis

No regulatory impact analysis is required because the proposed rule is not a major rule as evaluated under Executive Order 12291. The proposed rule would merely permit the use of portable deadlights which in turn would avoid awkward screen door arrangements. Consequently, there would be insignificant effect on the economy in terms of domestic or international competition, cost, or price increases, employment, investment, productivity, or innovation.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under the Regulatory Flexibility Act, (Pub. L. 96–354, 94 Stat. 1168) and are certified to have no significant economic impact on a substantial number of small entities. No significant impact was found because this permissive rule will relax existing regulations which require hinged inside deadlights on port lights of vessels assigned Great Lakes loadlines and the cost of deadlights is insignificant in relation to the cost of constructing or operating a vessel.

In consideration of the foregoing, it is proposed that 46 CFR 45.139 be amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 45.139 Side scuttles.

* * * * *

(b) Except as provided for in paragraph (c) of this section, each side scuttle to a space below the freeboard deck, or to a space within an enclosed superstructure, must have an hinged inside deadlight which is designed so that it can be secured watertight over the side scuttle.

(c) A port light of a superstructure end bulkhead door, companionway door, or deckhouse door may have a portable deadlight which is designed so that it can be:

(1) Secured watertight over the port light; and

(2) Stowed inside the superstructure, companionway, or deckhouse when not in use, in a readily accessible location on or adjacent to the door.

(46 U.S.C. 369, 49 U.S.C 1655(b)(1), and 49 CFR 1.4(b) and 1.46(b))

Dated: July 13, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81–21177 Filed 7–17–81; 8:45 am]

BILLING CODE 4910–14–M

Notices

Federal Register
Vol. 46, No. 138
Monday, July 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981—Crop Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981—crop peanut support levels.

SUMMARY: This notice of determination sets forth, effective with respect to the 1981 crop of peanuts (1) the national level of support for quota peanuts and (2) the national level of support for additional peanuts. This determination is necessary to satisfy the statutory requirements as provided for in Section 106 of the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Price Support and Loan Division, ASCS, USDA, 3741–South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: David Kincannon (ASCS) (202) 447–6733. The Final Impact Analysis describing the options considered in developing this determination and the impact of implementing each option is available upon request from Gypsy Banks, (ASCS), (202) 447–6733.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program that this final rule applies to is: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

A notice that the Secretary was preparing to make determinations with respect ot the provisions of Section 108 of the Act was published in the **Federal Register** on December 24, 1980 (45 FR 85039). The written comment period ended January 30, 1981. All comments received through this date were considered in making the final determination. There were 313 responses—3 from members of Congress; 23 from peanut grower organizations; 5 from general farm organizations; 2 from shellar organizations 7 from local banks; 6 from State governments, 251 from individuals; 6 from agribusinesses; 2 from area marketing associations; 1 from a county board of commissioners; and 5 from individuals not categorized by one of the preceding categories.

Summary of Comments Reviewed

Quota price support level, 313 commentators. All respondents recommended an increased support level, the recommendations ranging from $520 to $850 per ton. Ninety-one individuals and 131 organizations recommended a level in the range of $600 to $649 per ton. Fifty-five individuals and 5 organizations recommended a level of $700 or more per ton. Forty-five individuals and 2 organizations recommended $650 to $699 per ton. Nine individuals and 4 organizations recommended $600 per ton or lower.

The majority agreed that the level of support should cover the costs of production. Five individuals suggested the loan level should reflect a percentage of parity, the two levels being 75 percent of parity and 100 percent. Fourteen comments were not related to the proposed determinations.

Additonal price support level, 66 commentators. Ten individuals and 13 organizations recommended that the loan rate for additional peanuts be established at a level which would assure no program costs would be incurred by the Government. Thirteen individuals and 3 organizations recommended levels within the $400 to $600 per ton range. Twelve individuals recommended the support level for additional peanuts be the same as for quota peanuts. The majority of the remaining respondents recommended levels within the range of $200 to $400 per ton.

Determination

After taking into consideration the comments received as well as the applicable statutory provisions, the following determinations are being made with respect to the 1981 crop of peanuts:

A. *Applicability.* The support prices specified herein apply to 1981-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support under the General Price Support Regulations (44 FR 33827) at 7 CFR, Part 1446.

B. *National average level of support, quota peanuts.* The national average level of support for 1981-crop quota peanuts is $455 per ton.

Section 108(a) of the Act provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on quota peanuts of the 1981 crop at such level as he finds appropriate, but not less than $420 per ton. In determining price support levels, Section 108(a) of the Act directs the Secretary to take into consideration (a) any change in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period January 1 through December 31, 1980, inclusive, and (b) the eight factors specified in Section 401(b) of the Act, namely the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. In accordance with the criteria set forth above in Section 108(a) of the Act with respect to determining price support levels, the following data were considered:

1. *Index of prices paid for production items, interest, taxes, and wage rates.* The increase in the Prices Paid Index (1910–1914=100) during 1980 was about 12 percent. A comparable increase in the 1980 crop price support level of $455 per ton would result in a loan rate of about $510 per ton.

2. The eight factors to be considered, as specified in Section 401(b) of the Act, are as follows:

(a) *Supply of the commodity in relation to demand.* The estimated supply of 1981-crop peanuts is projected to exceed estimated requirements for domestic edible use, exports and carryover based on the following data:

1981-Crop Peanuts—Projected Supply and Demand with Most Likely U.S. Weather, 1981 Marketing Year in thousand tons

Projected supply:	
Carryin	100
Marketings and imports	1,873
Total supply	1,973
Projected utilization:	
Domestic edible, seed and related	1,200
Exports	425
Loan surplus	33
Total demand	1,658
Carryover	315

(b) *Price levels at which other commodities are being supported.* The quota loan level of $455 per ton reflects 56.0 percent of February parity. Of the 1981 price support levels announced, dairy at 80 percent, wool at 72.3 percent, and mohair at 72.3 percent reflect a higher percentage parity. The support for 1981 upland cotton and ELS cotton at 47.3 and 55, respectively, reflects a lower percentage of parity. The calculated percentages are based on parity at the time support levels were announced.

1981 Price Support Level

Commodity:	
Dairy (cwt.)	13.10
Upland cotton (lb.)	.5246
ELS cotton (lb.)	.99
Wool (lb.)	1.25
Mohair (lb.)	3.718

(c) *Availability of funds.* Program costs are projected at $4.8 million for the 1981 crop, under most likely U.S. weather conditions. It is estimated that Commodity Credit Corporation (CCC) funds will be available for this purpose.

(d) *The perishability of the commodity.* It is hazardous to hold peanuts in dry storage through the hot summer months because of danger of loss due to deterioration, insect infestation, or rodent damage. Shelled peanuts can be kept in cold storage for two years or more with little loss of weight or quality; however, the costs incurred would be prohibitive.

(e) *Importance of commodity to agriculture and the national economy.* Nationally, peanuts are a minor crop, representing about 1 percent of the total farm value of all U.S. crops. However, peanuts are an important crop in the major peanut-producing States and are extremely important to the economies of areas within those States. In 1980, over 98 percent of U.S. peanuts were produced in the following States: Georgia (43.3 percent) Alabama (11.3 percent), Florida (6.1 percent), North Carolina (12.6 percent), Virginia (5.6 percent), Texas (31.1 percent), and Oklahoma (6.2 percent). The value of production from the 1980 crop is estimated at $539 million.

(f) *The ability to dispose of stocks acquired through price support operations.* There is an immediate dollar market for peanuts for crushing at competitive prices. For the 1981 crop, projections indicate that CCC could lose $135 per ton on 33,000 tons of quota peanuts.

(g) *The need for offsetting temporary losses of export markets.* U.S. exports of peanuts in the 1980–81 marketing year is estimated to be around 287,500 tons, 46 percent below the 1979 exports of 532,000 tons. Whether the losses in export markets can be regained during the 1981–82 marketing year wil depend largely on peanut yields in the U.S. and on export availabilities from India and other producers of peanuts for edible use. The latest projection for 1981–82 U.S. exports is 425,000 tons, consisting of 161,000 tons of quota peanuts and peanut products, and 264,000 tons of additional peanuts. If 1981–82 export demand is higher, or the supply of additional peanuts is lower than projected, quota loan stocks will be available, at or above the quota loan rate, to make up the shortfall.

(h) *The ability and willingness of producers to keep supplies in line with demand.* In a referendum held December 8 through 11, 1980, 89.2 percent of the growers voting approved marketing quotas and acreage allotments for the 1981 through 1983 crops of peanuts.

After consideration of the comments received and the above data, the Secretary has determined that the national level of support for 1981-crop quota peanuts will be $455 per ton, the same as the 1980 level. This $455 per ton level is projected to assure an adequate peanut supply, cover 95 percent of the costs of production on a tonnage basis (assuming a planted acre yield of 2,569 pounds and an increase in per acre operating costs of 12 percent) and as a percent of January parity is fourth highest among announced 1981 support levels for other commodiies. A quota loan rate above $455 per ton was rejected primarily as being more inflationary, would increase program costs and would not be needed to assure adequate supplies for domestic edible, export, and carryover requirements.

C. *National average level of support, additional peanuts.* The national average level of support for 1981-crop additional peanuts is $250 per ton.

Section 108(b) of the Act provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on 1981-crop "additional peanuts," which are defined in the Act as any peanuts which are marketed from a farm and which are in excess of the marketings of quota peanuts from such farm for the marketing year, but which are not in excess of the actual production from the farm acreage allotment. This Section requires that the loan rate for 1981-crop additional peanuts shall be announced no later than February 15, 1981, and that in determining this rate, the Secretary shall take into consideration the following:

1. *Demand for peanut oil and meal.* With the 42 percent decrease in 1980–81 production, peanut supplies available for crushing are expected to be down by 30 percent or more from the 571 million pounds crushed last season. Some supplies will be channeled into the crushing market because of the poor peanut quality caused by drought conditions. For the 1981 crop, peanut oil prices could range from 30–40 cents per pound and meal prices could be about $255 per ton, compared with 32 cents per pound and $200 per ton, respectively, for the 1980 crop.

2. *Expected prices of other vegetable oils and protein meals.* World aggregate in 1980–81 production of oilseeds and related products is estimated at 177.6 million tons, with peanuts accounting for about 10 percent of the total. Because of soybean dominance of the total supply—soybeans account for about 51 percent of the aggregate world production of oil crops—they will lead the demand supply price patterns for oilseeds. Soybean oil prices during 1980–81 are expected to average around 3 percent below 1979–80. Reduced soybean meal supplies will push prices about the $180 per ton average last year to about $230 per ton for crop year 1980. The outlook for the 1981 crop year is for soybean oil price to average 26 cents per pound and soybean meal price to average $255 per ton.

3. *Demand for peanuts in foreign markets.* The demand for U.S. peanuts in foreign markets is expected to remain strong. The U.S. is expected to supply 425,000 tons to the export market in the 1981 marketing year, a sharp increase

from the 273,000 tons expected in 1980–81.

Taking into consideration these factors and the comments received, the Secretary has determined that the national level of support for 1981-crop additional peanuts will be $250 per ton. This level is projected to reduce the risk of loss to CCC and should not adversely affect producer income, since profits made on such peanuts can be returned to producers.

This determination is an affirmation of an announcement by the Secretary on February 13, 1981, with respect to the final loan levels for the 1981-crop quota and additional peanuts.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c, 1421); sec. 359, 52 Stat. 31, as amended (7 U.S.C. 1359).

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-21061 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-05-M

1981 Peanut Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Notice of determination of the 1981-crop peanut loan and purchase program differentials.

SUMMARY: The Commodity Credit Corporation (CCC) has previously announced the national level of price support for 1981-crop quota and additional peanuts. This notice of determination sets forth for 1981-crop peanuts adjusted loan and purchase rates for quota and additional peanuts for differences in type, quality, location and other factors. These differentials have been calculated in order to make price support available to eligible producers as required by the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Price Support and Loan Division, ASCS, USDA, 3752-South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–6733. The Final Impact Analysis describing the options considered in developing this determination and the impact of implementing each option is available upon request from Gypsy Banks.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major." It has been determined that this determination will not result in an annual effect on the economy of $100 million or more.

It is determined after review of these regulations for need, currency, clarity, and effectiveness that no additional changes be made.

The title and number of the federal assistance program that this final rule applies to are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

Harold L. Jamison, Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, has determined that an emergency situation exists which warrants publication of this notice of determination without opportunity for public participation as required by Secretary's Memorandum 1955 and by 5 U.S.C. 553. Peanut producers need to know immediately the support levels and differentials applicable to 1981-crop peanuts in order to market their quota and additional peanuts.

The 1981-Crop Peanut Loan and Purchase Program is authorized by the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"), and the Commodity Credit Corporation Charter Act, as amended. The program is intended to stabilize market prices and to protect producers, handlers, processors and consumers. The 1981-Crop Peanut Loan and Purchase Program, announced on February 13, 1981, established the national average support values for the 1981 crop at $455 per ton for quota peanuts and $250 per ton for additional peanuts. Section 403 of the Act provides that appropriate adjustments may be made in type, quality, location and other factors. The average of any such adjustments shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year. The options considered for determining the 1981 crop differentials were Virginia type Sound Mature Kernels (SMK) 2 percent above and Spanish type SMK one-half percent above Runner type SMK, and Virginia type SMK 3.9 cents above Runner type and Spanish type SMK.

It has been determined that the premiums, discounts, quality and location adjustments and other factors applicable to the support price for 1981 crop quota and additional peanuts shall remain the same as for the 1980 crop. It has further been determined that the percentage factor used in calculating the loan value for the 1981 crop of additional peanuts will continue to be 54.95 percent since the national average loan rates for 1981-crop quota and additional peanuts are unchanged from the 1980 levels. The sound mature kernel (SMK) value of Virginia type peanuts shall be 2 percent above and Spanish type one-half percent above the SMK value of Runner type peanuts, the same as for 1980 crop peanuts.

The historical objective of price support differentials has been to offer to eligible producers price support levels by type, quality, and location that are representative of the differences in market values between these types and qualities of peanuts. In addition, the statute authorizing the program requires that if any adjustments are made in the support level for any commodity for type, quality, or location, such adjustments shall be made in such manner that the average support for the commodity will, on the basis of the anticipated incidence of such factors, be equal to the national average support level. The type, quality, and location differentials which have been established are in accordance with this requirement.

Determination

1. *Average support values by type for quota peanuts.* The support values by type per average grade ton of 1981-crop quota peanuts are:

Type:	Average grade ton
Virginia	$451.69
Runner	459.09
Spanish	437.89
Valencia	
Southwest area—suitable for cleaning and roasting	451.69
Southwest area—not suitable for cleaning and roasting	437.89
Areas other than Southwest	437.89

2. *Calculation of support values for quota peanuts.* The support price per ton for 1981-crop quota peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums and discounts (with no value assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

(a) *Kernel value per ton excluding loose shelled kernels.* (1) The price per ton for each percent of sound mature and sound split kernels shall be:

Type:	Percent
Virginia	$6.518
Runner	6.390
Spanish	6.422
Valencia	
Southwest area—suitable for cleaning and roasting	6.786
Southwest area—not suitable for cleaning and roasting	6.422
Areas other than Southwest	6.422

(2) The price per ton for each percent of other kernels shall be:

	Percent
All types	$1.40

(3) The premium per ton for each percent of extra large kernels in Virginia shall be:

Type:	Percent
Virginia extra large kernels	$0.45

However, no premium for extra large kernels shall be applicable to any lot of such peanuts containing more than 4 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.* The price for each pound of loose shelled kernels shall be:

	Pound
All types	$0.07

(c) *Foreign material discount.* For all types of peanuts, the discount per ton for foreign material shall be as follows:

Percent	Discount
0–4	$0
5	1.00
6	2.00
7	3.00
8	4.00
9	5.00
10	6.00
11	7.00
12	8.50
13	10.00
14	11.50
15	13.00
16 and over	[1]

[1] For each full percent in excess of 15 percent deduct an additional $2.

(d) *Sound split kernel discount.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of:	Discount
1 through 4 percent	$0
5 percent	1.00
6 percent	1.60
7 percent and over	[1]

[1] For each full percent in excess of 6 percent deduct an additional $0.80.

(e)(1) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	$0
2 percent	3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8 to 9 percent	80.00
10 percent and over	100.00

(2) Notwithstanding the above discount schedule, the damaged kernel discount for Segregation 2 peanuts transferred from additional to quota loan pools shall not exceed $25 per ton.

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price per ton for Virginia-type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.10 per percent sound mature and sound split kernels.

(g) *Mixed type discount.* Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the associations for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

	Per ton
Arizona	$25.00
Arkansas	10.00
California	33.00
Louisiana	7.00
Mississippi	10.00
Missouri	10.00
Tennessee	25.00

(i) *Virginia Type Peanuts.* Virginia type peanuts, to receive peanut price support as Virgina type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $8\frac{1}{64}$ inch space. Virginia type peanuts so determined to contain less than 40-percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

(j) *Discount for Aspergillus flavus mold (segregation 3 peanuts).* There will be no discount applied to segregation 3 peanuts for A. flavus mold when such peanuts are placed under loan at additional loan rate. Should such peanuts later be transferred to a quota loan pool under 7 CFR 1446.16, they will be discounted at the rate of $25 per net ton from the quota price support loan rate.

3. *Calculation of support values for additional peanuts.* The support price per ton for 1981-crop additional peanuts of a particular type and quality shall be calculated on the basis of 54.95 percent of the same rates, premiums, and discounts as are applicable to quota peanuts. This percentage was computed by dividing the national average support rate per ton for additional peanuts by the national average support rate per ton for quota peanuts.

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-21060 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-05-M

Office of the Secretary

Compliance With Section 504 of the Rehabilitation Act of 1973, as Amended, by Recipients of Federal Financial Assistance From USDA

AGENCY: Department of Agriculture.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Anthony J. Buccitelli, Attorney, Office of the General Counsel (447–5837).

In the case of *Paralyzed Veterans of America, et al. Plaintiffs* v. *William French Smith, etc., et al.,* United States District Court, Central District of California, No. 79–1979 WPG, the Honorable William P. Gray ordered the United States Department of Agriculture to notify all recipients of federal financial assistance from the United States Department of Agriculture that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the United States Department of Agriculture has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the United States Department of Agriculture may look to the HEW regulation for guidance as to their obligation under section 504 of the Rehabilitation Act.

Dated: July 14, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-21668 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

Grassy-Troublesome Creeks Watershed, Missouri

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314/442-2271.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Grassy-Troublesome Creeks Watershed, Knox, Lewis, and Marion Counties, Missouri.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and prevention. The planned works of improvement include land treatment and reservoirs for floodwater detention and erosion control.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Kenneth G. McManus, State Conservationist.

Dated: July 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-21105 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-16-M

Middle Fork, Maple Creek Watershed, Nebraska

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Albert E. Sullivan, State conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall N., P.O. Box 82502, Lincoln, Nebraska 68501, telephone (402) 471-5300.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Middle Fork, Maple Creek Watershed, Colfax and Stanton Counties, Nebraska.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Albert E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This watershed plan describes a plan of accelerated land treatment including terraces, grassed waterways or outlets, underground outlets, diversions, grade stabilization structures, water and sediment control basins, critical area plantings, farmstead and feedlot windbreaks, irrigation pit or regulating reservoirs, pasture and hayland plantings, range seedings, and waste treatment lagoons. These conservation practices will reduce soil depletion by sheet and rill erosion, increase production, reduce voiding and depreciation of land by gully erosion, reduce flood plain deposition, improve water quality, and reduce sediment yields.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Albert E. Sullivan. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904 Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 7, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-21166 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL RIGHTS COMMISSION

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory committee to the Commission will convene at 9:00a and will end at 1:00p, on July 24, 1981, at the Imperial Motel, 125 Main Street, the Pioneer Room, Rapid City, South Dakota 57701. The purpose of this meeting is to plan future committee activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Mary E. McEldowney, 327 Kansas City Street, Rapid City, South Dakota 57701, (605) 787-5446; or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. July 1 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21100 Filed 7-17-81; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on August 11, 1981, at Hoff, Wilson and Powell, 192 College Street, Burlington, Vermont 05401. The purpose of this meeting is to discuss the proposed information kit on prejudice, the information kit on sexual harassment, revisions in the state's juvenile justice laws and the status of the report on Franco-Americans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson and Powell, Burlington, Vermont 05401, (802) 863-3992 or the Regional Office, 55 Summer Street 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21107 Filed 7-17-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Castor Oil Products From Brazil; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of Administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain castor oil products from Brazil. The review is based upon information for the period January 1, 1979, through December 31, 1979. As a result of this review, the Department has preliminary determined the amount of the net subsidy to be 2.71 percent of the f.o.b. invoice price on the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On March 16, 1976, a notice of "Countervailing Duties—Castor Oil Products from Brazil," T.D. 76-80, was published in the **Federal Register** (41 FR 11016). The notice stated that the Department of the Treasury had determined that exports of certain castor oil products from Brazil benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreement Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On January 4, 1980, T.D. 80-13 was published in the **Federal Register** (45 FR 1013) announcing the suspension of liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise exported from Brazil on or after December 7, 1979. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on certain castor oil products from Brazil.

Scope of the Review

Imports covered by this review are hydrogenated castor oil and 12-hydroxystearic acid imported directly or indirectly from Brazil. These imports are currently classifiable under items 178.20 an 490.26, respectively, of the Tariff Schedules of the United States.

There are three known exporters of this merchandise to the United States. The review is based on information from two or these exporters (representing 96% of exports) for the period January 1, 1979, through December 31, 1979, and is limited to the benefits received under programs for perferential financing for exports and income tax exemptions for exports earnings. Programs overrebating the Industrial Products Tax (IPI) and the Goods Circulation Tax (ICM), found countervailable in the order, were eliminated by December 7, 1979, and have no impact on the 1979 entries of this merchanise subject to this review.

Analysis of Programs

(1) *Working capital financing at rates lower than those commerically available.* Under this program, companies are declared eligible to receive working capital loans by CACEX (the Department of Foreign Commerce of the Banco Central, do Brasil), with the loans a duration of up to one year. Firms producing castor oil products can obtain preferential financing for up to 20 percent of the value of the previous year's exports.

The commerical rate paid for the acquisition of short-term working capital is the rate established by the Banco do Brasil for discounting sales of accounts receiveable. Although we are comparing the terms of a loan with the term of a sale of an asset, we have used this comparison because information provided by the Government of Brasil indicates that, within the Brazilian financial system, working capital is normally raised through the sale of accounts receivable.

During 1979, the two reviewed firms contracted for all of their loans at perferential discount rates provided for under Resolution 515 of the Banco Central do Brazil. The preferential rate available under the resolution was 8.0 percent, with an effective annual rate of 8.7 percent. The commerical rate for acquiring working capital was 22.7 percent, plus a 2.4 percent tax on financial transactions. Loans under the preferential financing program are exempt from this tax, thus the total difference between the commerical rate and the preferential rate was 16.4 percent.

On December 7, 1979, the publication of Resolution 583 completely revised the method of calculation of discount rates for preferential financing of exports. The effect of this resolution and its successors in 1980 (Resolutions 602 and 641) was to reduce considerably the benefits to exporters from the preferential financing program. However, because these companies did not contract for loans under Resolution 583, this change had no impact on the merchandise subject to this review.

For 1979, the amount saved divided by total export revenues produced a weighted-average benefit under this program for the two companies of 2.55 percent *ad valorem*.

With the publication of successor Resolution 674, effective January 22, 1981, there has been a considerable increase in benefits under this program. This latest resolution established a fixed interest (rather than discount) rate of 40 percent, with interest payable semi-

annually and the principal fully pays on the due date of the loan. The effective rate of interest for these loans is 44 percent. The comparable rate for discounting sales of accounts receivable is now 59.6 percent plus a 6.9 percent tax on financial transactions from which preferential loans remain exempt. Therefore, based upon the most current information available, we have estimated a potential benefit under this program of 4.5 percent *ad valorem* on future entries.

(2) *Income tax exemptions for export earnings* Under this program, the percentage of profit attributable to export revenue is exempt from income tax. To arrive at this percentage, export revenue is divided by total revenue. Because the Brazilian government counts IPI credits as revenue for tax purposes, the amount of IPI credits earned during 1979 is incorporated into both export and total revenue figures.

Despite the elimination of IPI credits on December 7, 1979, all such credits earned prior to that date were counted among export and total revenues for 1979. This procedure inflated export revenues as a percentage of total revenues and consequently raised the percentage of profit exempt from income taxes. On a weighted-average basis for both firms, the net value of the program is 0.16 percent *ad valorem*.

Verification

Department officials verified the information relied upon in reaching this preliminary determination through examination of government and company documents and discussions with officials of the Government of Brazil. Examples of the type of documents examined include official announcements of government programs, income tax returns, financial statements of firms, loan applications and certificates of eligibility for preferential loans received by the firms.

Preliminary Results of the Review

As a result of our calculations, we preliminarily determine that the aggregate net subsidy conferred by the Government of Brazil on the export of certain castor oil products is 2.71 percent of the f.o.b. invoice price.

The Department intends to instruct the Customs Service to assess countervailing duties of 2.71 percent of the f.o.b. invoice price on all unliquidated entries of certain castor oil products exported from Brazil during the period December 7, 1979, through December 31, 1979. All unliquidated entries exported from Brazil before December 7, 1979 shall be liquidated according to instructions in earlier **Federal Register** notices dated March 16, 1976 (41 FR 11018), July 3, 1979 (44 FR 38839), September 28, 1979 (44 FR 55825) and February 26, 1980 (45 Fr 12413).

Further, as required by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties of 4.66 percent of f.o.b. invoice price shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, a deposit of estimated duties of 1.0 percent of the f.o.b. invoice price shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any requests for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Traiff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 14, 1981.

[FR Doc. 81-21081 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Department of Commerce—NOAA; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cutural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00068. Applicant: U.S. Department of Commerce—NOAA, National Marine Fisheries Service, Atlanta Environmental Group, RR 7A, Box 522A, Narragansett, RI 02882. Article: Undulating Oceanographic Recorder—Mark II. Manufacturer: Almondbury Development Co., Ltd., United Kingdom. Intended use of article: See Notice on page 18570 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 3.7 to 28 kilometers preselected undulation length and continuously records data over an extended depth range. The National Bureau of Standards advises in its memorandum dated June 17, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicants's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21087 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Howard University and University of Illinois; Consolidated Decision on Applications for Duty-Free Entry of Nuclear Magnetic Resonance Spectrometers

The following is a consolidated decision on applications for duty-free entry of nuclear magnetic resonance spectrometers pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00023. Applicant: Howard University, Department of Chemistry, Washington, D.C. 20059. Article: Excimer-Multigas Laser, Model EMG-200. Manufacturer: Lambda-Physik, West Germany. Intended use of article: See Notice on page 11694 in the **Federal Register** of February 10, 1981. Advice submitted by: National Bureau of Standards: May 13, 1981. Date of order: May 7, 1980.

Docket No.: 81-00054. Applicant: University of Illinois, Urbana, Illinois 61801. Article: Excimer-Multigas Laser, Model EMG-102. Manufacturer: Lambda-Physik GmbH and Co., West Germany. Intended use of article: See Notice on page 18564 in the **Federal Register** of March 25, 1981. Advice submitted by: National Bureau of Standards: May 27, 1981. Application received by Commissioner of Customs: November 7, 1980.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States either at the time the articles were ordered or at the time the U.S. Customs Service received the application. Reasons: Each foreign article provides an average power above five watts using the appropriate laser medium. The National Bureau of Standards (NBS) advises in its respectively cited memoranda that the capabilities cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time the applications were received by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc 81-21085 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Department of Interior and Arizona State University; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m., in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81-00082. Applicant: U.S. Department of Interior, Bureau of Mines, 4900 LaSalle, Avondale, MD 20782. Article: Accessories for Model H-600-3 Electron Microscope. Manufacturer: Nissie Sangyo America, Ltd., Japan. Intended use of article: See Notice on page 18570 in the **Federal Register** of March 25, 1981. Advice submitted by: Department of Health and Human Services and the National Bureau of Standards: May 6, 1981 and June 16, 1981 respectively.

Docket No.: 81-00095. Applicant: Arizona State Univeristy, Tempe, AZ 85281. Article: Electron Microscope Gonimoeter Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18571 in the **Federal Register** of March 25, 1981. Advice submitted by: Department of Health and Human Services and the National Bureau of Standards: May 6, 1981 and June 4, 1981 respectively.

Docket No.: 81-00097. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope Specimen Holder, BLG No. 1. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18571 in the **Federal Register** of March 25, 1981. Advice submitted: Department of Health and Human Services and the National Bureau of Standards: May 6, 1981 and June 16, 1981 respectively.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services and the National Bureau of Standards in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instrument with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21088 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

National Aeronautics and Space Administration et. al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribed the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 81–00241. Applicant: National Aeronautics and Space Administration (NASA Resident Office, Jet Propulsion Laboratory), 4800 Oak Grove Drive, Pasadena, California 91109. Article: Solar Stirling Engine, Replacement Parts and Special Tooling. Manufacturer: KB United Stirling AB & Co., Sweden. Intended use of article: The foreign article is to be used in research investigating methods of harnessing and converting the sun's radiation to electricity. Application received by Commissioner of Customs: May 14, 1981.

Docket No.: 81–00245. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used to provide a high energy source of light at numerous wavelengths in the ultraviolet. In particular it will be used to produce large quantities of molecular fragments which will be studied by emission spectroscopy, laser induced flouresecence and double resonance techniques. In this area, the following will be studied: (1) the dissociation of CH_2CHF to produce HF and C_2H_2 and study of the rotational energy content of HF, (2) the dissociation of NOC1 and NOBr, (3) OH radicals produced in the multiphoton infrared dissociation of a number of acids, in particular formic acid, disorption of molecules, specifically CO from a number of metal surfaces. Application received by Commissioner of Customs: May 14, 1981.

Docket No.: 81–00246. Applicant: University of Louisville, c/o University Counsel, Louisville, Kentucky 40292. Article: Therac 20/Saturne Linear Accelerator. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for radiation therapy of malignancy in human patients, and for various radiobiological experiments in non-human species. In addition, the article will be used to train the residents in radiation therapy. Application received by Commissioner of Customs: May 14, 1981.

Docket No.: 81–00247. Applicant: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. Article: Therac 20/Saturne Linear Accelerator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used in the investigation of dynamic radiation therapy which involves computer control of a photon machine such that rotation couch movement, field size adjustment, and source-skin distance all may be vaired during treatment yielding a radiation dose which more uniformly conforms to the tumor volume. Research is also planned in radiation physics, in particular, design of an external magnetic analysis system to shape the area irradiated by the electron beam. This external magnetic analysis system would be computer interfaced to the scanned electron beam. In addition, the article will be used for educational purposes in the training of residents. Application received by Commissioner of customs: May 20, 1981.

Docket No.: 81–00248. Applicant: Marine Biological Laboratory, Water Street, Woods Hole, MA 02543. Article: Electron Microscope, Model Em 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in conducting studies on ciliary development, structure and function and studies on cell motility, microtubules, membranes, and mechanosensory transduction. The article will also be used for educational purposes in marined biological laboratory courses. Application received by Commissioner of Customs: May 20, 1981.

Docket No.: 81–00250. Applicant: Villanova University, Villanova, PA 19085. Article: Digital Oxygen Electrode System. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to measure the uptake or production of oxygen by cell suspensions, subcellular particles or enzyme systems. The techniques involved are those employed to make the synthetic prophyrin, distillation, evaporation—through vacuum pump, then dissolving compound into solvent, 0.01m $Na_2S_2O_3$ and bubbled with oxygen. Application received by Commissioner of Customs: May 22, 1981.

Docket No.: 81–00251. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, MI 49931. Article: Axiomat Optical Microscope with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used for studies of metals, alloys and ceramics. These studies will include investigations of the following:

(1) Interphase Boundary-Initiated Fracture.
(2) Microstructural Development and Evolution During Liquid Phase Sintering.
(3) Interphase Boundary Initiated Fracture.
(4) Structure-property Relationships in Powder Fabricated Metals.
(5) Cyclic Oxidation Resistance of Ni-Cr-A1 alloys.
(6) Deformation and Fracture of Titanium Alloys.
(7) The effect of Mo and V on the Kinetics of Secondary Graphitization in Ductile Irons.

Application received by Commissioner of Customs: May 22, 1981.

Docket No.: 81–00252. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Scanning Electron Microscope, Model S250–TP with Accessories. Manufacturer: Cambridge Instruments, Ltd., United Kingdom. Intended use of article: the article is intended to be use as a material measurement system as part of research and development of laser fusion targets needed to meet ignition goals on the Nova laser. Target materials must meet 100 angstrom surface finishes and must meet stringent classified requirements on composition, structure and dimensions. Application received by Commissioner of Customs: May 22, 1981.

Docket No.: 81–00253. Applicant: Massachusetts Institute of Technology, RM: E18–360, Cambridge, MA 02139. Article: Dye Laser, Model FL–2002. Manufacturer: Lambda Physics, Inc., France. Intended use of article: The article is intended to be used to provide light of the appropriate energy to excite gas phase molecules into the desired energy level during gas phase chemical reaction studies. The article will also be used in teaching graduate students the fundamentals of Laser Techniques in Physical Chemistry and Molecular Spectroscopy. Application received by Commissioner of Customs: May 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–21080 Filed 7–17–81; 8:45 am]

BILLING CODE 3510–25–M

Solar Energy Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81–00030. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Impedance Bridge. Manufacturer: Hewlett Packard, Japan. Intended use of article: See Notice on page 11695 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a broad range of measurement frequencies (10 to 10,000 kilohertz) in eleven increments. The National Bureau of Standards advises in its memorandum dated June 3, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–21081 Filed 7–17–81; 8:45 am]

BILLING CODE 3510–25–M

Solar Energy Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 81–00057. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: X-Ray Fluorescence Spectrometer. Manufacturer: Rigaku, Japan. Intended use of article: See Notice on page 18564 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has peak count rates of 11,000 counts per second (cps) on the fluorine peak in lithium fluoride and 35,000 cps on the sodium peak in sodium chloride. The National Bureau of Standards advises in its memorandum dated June 9, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–21058 Filed 7–17–81; 8:45 am]

BILLING CODE 3510–25–M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning October 1, 1981 within the geographic confines of the Detroit Standard Metropolitan Statistical Area (SMSA) which includes the counties of Wayne, Macomb and Oakland. The project will operate at a cost not to exceed $387,000 and the Project I.D. Number is 05–80–01557–00.

PROGRAM DESCRIPTION: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

—Preparation of business plans
—Financial packaging
—Industrial management assistance
—Personnel management services
—Marketing planning

And a broad range of other business services excluding legal services.

ELIGIBILITY REQUIREMENTS: Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

APPLICATION MATERIALS: An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: La Venia Webb, Grant Technician, Tel. (312) 353–0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit the applicant must specify its profit status; i.e., State or Local government, federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

AWARD PROCESS: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

CLOSING DATE: Applicants are encouraged to obtain an application kit as soon as possible in order to allow

sufficient time to prepare and submit an application before the closing date of August 10, 1981. Applications received after August 10, 1981 will not be considered.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: July 13, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-21062 Filed 7-17-81; 8:45 am]

BILLING CODE 3350-53-M

National Bureau of Standards

Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the Federal Register on March 6, 1981 (46 FR 15528), the National Bureau of Standards (NBS) announced proposed changes to the exclusion list pertaining to Federal Information Processing Standards Publication 60-1, I/O Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems; and Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems. Interested parties were allowed until April 20, 1981, to submit written comments regarding the proposed changes to the exclusion list.

As a result of a review and analysis of comments received, NBS has made a determination that the following additions will be made to the exclusion list:

Manufacturer	Model
Computervision	10100 System
Computervision	10500 System
CPT Corp.	8000 WP System
CPT Corp.	8000 WP System
Digital Equipment Corp.	VAX-11/750
Harris	H-80
Harris	H-100
Harris	H-300
Harris	H-500
Harris	H-800
Hewlett-Packard	9825 G/T Desktop Computer
Hewlett-Packard	9915A Modular Computer
Honeywell	DPS 6 Series

Interested parties are invited to submit written comments or recommendations regarding the exclusion list to the Director, Institute for Computer Sciences and Technology, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Comments specifically identifying candidate systems which should be added or removed from the exclusion list are especially encouraged. Comments should also include information supporting any proposed additions (or removals) to that list according to the criteria described in the Federal Register notice of March 19, 1979 (44 FR 16466), which announced the availability of a proposed initial exclusion list. Any comments submitted which are deemed by the sender to contain confidential or proprietary information should be appropriately designated and marked.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments or recommendations regarding the exclusion list.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: July 14, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-21065 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-13-M

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Monday, August 10, 1981, from 8:30 a.m. to 5:00 p.m., and Tuesday, August 11, 1981, from 8:30 a.m. to 12:30 p.m. in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and from 2:00 p.m. to 3:00 p.m. in Room 5859, Department of Commerce, Washington, D.C.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Ms. Kay Byerly, Office of the Director, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-3413.

Dated: July 14, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-21066 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-13-M

Proposed Revision to Federal Information Processing Standard 61, Channel Level Power Control Interface

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 USC 759(f)) and Executive Order 11717 (38 FR 12315) dated May 11, 1973, the Secretary of Commerce is authorized to establish uniform automatic data processing (ADP) standards. On February 16, 1979, notice was given in the Federal Register (44 FR 10098-10101) announcing that the Secretary of Commerce had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60-1), FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the Federal Register (44 FR 50078-50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

These standards were the subject of corrections and revisions announced in the Federal Register on August 27, 1979 (44 FR 50079-50080), August 31, 1979 (44 FR 51294), and December 3, 1979 (44 FR 69317).

FIPS 61 defines the specifications for a power control interface of a computer system. This interface provides a sequencing system to minimize power surge loading and to centralize control of system power and emergency disconnecting of power from the system console.

This announcement proposes that the Emergency Power Off (EPO) capability as specified in FIPS 61 be made optional.

The 1978 National Electrical Code Article 645 specified that in addition to any integral individual disconnect switches for components of the data processing system, a disconnecting means shall be provided to disconnect all electrical equipment except lighting and shall be controlled from locations readily accessible to the operator and at designated exit doors from the data processing room. This code accomplishes the same function as EPO. User implementation of this code would make EPO redundant. Therefore Federal ADP installations which conform to this National Electric Code need not implement the EPO function in the power control interface.

Interested parties may obtain copies of this proposed FIPS 61 revision from and submit their written comments to: Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, Attention: Proposed FIPS 61 Revision. Comments to be considered must be received on or before October 19, 1981.

Persons desiring further information about this proposed revision to FIPS 61 may contact Mr. Michael Wong, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone: 301/921-3427.

Dated: July 14, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-21067 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Single Audit Concept for Grantee Organizations

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Implementation of single audit concept required by OMB Circular A-102.

SUMMARY: Grant recipients that are State and local governments and Indian tribal governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-102, Attachment P, including any amendments to those requirements published in the Federal Register by OMB.

Grant recipients that are not governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-110, including any amendments to those requirements published in the Federal Register by OMB.

FOR FURTHER INFORMATION CONTACT: Suzanne J. Servis, Grants Office, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, MD 20852, (301) 443-8574.

Dated: July 9, 1981.

Francis J. Balint,

Acting Director, Office of Information and Management Services.

[FR Doc. 81-21007 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to GAF Corporation (GAF) of 140 West 51st Street, New York, N.Y. a limited exclusive right in the United States to manufacture, use and sell products and processes embodied in the invention "Plant Growth Promoting Brassinosteroids and Methods of Use." The invention is protected by U.S. Patent Application Nos. 182,209 and 182,210 (both dated August 28, 1980). Copies of the applications may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention has been assigned to the United States of America, as represented by the Secretary of Agriculture. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register (46 FR 18755, March 26, 1981) and in other publications. To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under these patent applications. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517).

The proposed license may be granted unless, on or before September 20, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: July 10, 1981.

Douglas J. Campion,

Liaison Officer.

[FR Doc. 81-21091 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-04-M

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Block Drug Company, Inc. a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Toluidine Blue Rinse for Detection of Squamous Carcinoma." The invention is protected by U.S. Patent Application No. 105,079 (dated December 19, 1979). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention will be transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register (46 FR 18755, March 26, 1981) and in *Government Inventions for Licensing* (March 17, 1981). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the

invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: July 9, 1981.

Douglas J. Campion,

Liaison Officer.

[FR Doc. 81-21102 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95-202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on July 6, 1981, that the service of the members of the group known as the Reconstruction Aides and Dietitians in World War I, be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans' Administration.

In addition, the Secretary also determined on July 6, 1981, that the service of the members of the following groups not be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans' Administration: Women's Air Raid Defense (WARD); and Women Aircraft Mechanics (WAM).

For further information contract: Technical Sergeant Stephen J. Koegle, USAF, telephone: 694-5380, Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington, D.C. 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-21063 Filed 7-17-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Privacy Act of 1974; New System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of new system of records.

SUMMARY: The Office of the Secretary of Defense publishes a notice of a new system of records and the amendment of another notice for system of records subject to the Privacy Act of 1974. The system notices are set forth below.

DATES: This system shall be effective on August 19, 1981 unless public comments are received which result in a contrary determination.

ADDRESSES: Send any comments to the System Managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20280) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22832) April 20, 1981
FR Doc. 81-12892 (46 FR 23067) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14228 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981

Then actions fall within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or alter system reports. These reports were submitted on June 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

July 15, 1981.

AMENDMENTS

DWHS P28

System Name:

The Office of the Secretary of Defense Clearance File (46 FR 6427, January 21, 1981).

Changes:

Authority for Maintenance of the System:

Delete the entry under above heading, and insert:

"In order to implement Executive Order 12065 and Executive Order 10450 within the Department of Defense, the Secretary of Defense has issued under the provisions of Title 5, United States Code, Section 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulation 5200.2R sets out the record keeping requirements needed to support the Departmental Personnel Security Program."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses:

Delete the entry under the above heading and insert:

"Internal Users, Uses, and Purposes:

Security Division, Directorate for Personnel and Security, Washington Headquarters Services, to grant and maintain security clearances or access.

External Users, Uses, and Purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices."

Storage:

Delete the entry under the above heading, and insert:

"Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk."

Safeguards:

Delete the entry under the above heading, and insert:

"Files are maintained in vaulted alarmed areas under direct control of DoD Personnel in the security office during duty hours. Office is locked and guarded during non-duty hours. Computer media residents are stored in controlled areas. Dial-up computer teminal access is controlled by user passwords that are periodically changed."

Systems Exempted from Certain Provisions of the Act:

Delete the entry under the above heading and insert:

"Portions of this system may be exempt from certain portions of the Privacy Act under the provisions of 5 U.S.C. 552a(k)(5). See the Office of the Secretary of Defense rules as set forth at 32 CFR part 286a (OSD Administrative Instruction 81)."

DWHS P28

System Name:

The Office of the Secretary of Defense Clearance File.

System Location:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3B-278, Pentagon, Washington, D.C. 20301

Categories of Individuals Covered by the System:

Military and civilian employees of the Office of the Secretary of Defense, its components and support organizations including the United States Court of Military Appeals and the United States Mission to NATO: experts and consultants serving with or without compensation; staff members of congressional committees requiring access to classified information or material, employees of other agencies detailed to the Office of the Secretary of Defense, very important people selected to attend orientation conferences, USO and Red Cross applicants for overseas posts.

Categories of Records in the System:

Background investigations, national agency checks, security clearance actions, security violations, and supporting documents, briefings and debriefings.

Authority for Maintenance of the System:

In order to implement the Executive Order 12065 and Executive Order 10450 within the Department of Defense, the Secretary of Defense has issued under the provisions of Title 5, United States Code, Section 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulation 5200.2R sets out the record keeping requirements needed to support the Departmental Personnel Security Program.

Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses:

Internal Users, Uses, and Purposes:

Security Division, Directorate For Personnel and Security, Washington, Headquarters Services, to grant and maintain security clearances or access.

External Users, Uses, and Purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and Practices for Storing, Reviewing, Accessing, Retaining, and Disposing of Records in the System:

Storage:

Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk.

Retrievability:

Active clearance files maintained alphabetically by last name of subject. Inactive clearance files serially numbered and indexed alphabetically.

Safeguards:

Files are maintained under the direct control of DoD Personnel in the Security Office during duty hours. Office is locked and guarded during non-duty hours. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Retention and Disposal:

Records are permanent. Retained in active files until separation or end of requirement for security clearance. Held in waiting file for 10 years.

System Manager(s) and Address:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B-347, Pentagon, Washington, D.C. 20301

Notification Procedure:

See Exemption.

Record Access Procedures:

See Exemption.

Contesting Record Procedures:

See Exemption.

Record Source Categories:

See Exemption.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt from certain portions of the Privacy Act under the provisions of 5 U.S.C. 552a(k)(5). The Office of the Secretary of Defense rules are set forth at 32 CFR Part 286a (OSD Administrative Instruction 81).

DWHS P39

System name:

Clerical Merit Promotion File.

System location:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Any applicant for employment who applies for a clerical position.

Categories of records in the system:

File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of "best qualified" and copies of nonselection and not certified letters.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal users, uses, and purposes:

Personnel and Security Directorate—To provide a file containing information on persons who have expressed interest in being considered for clerical positions for organizations serviced. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of routine users.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and on disks.

Retrievability:

Filed in folders by name, alphabetically.

Safeguards:

Building employs security guards. Records are maintained in file cabinet in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Retention and disposal:

Records are maintained for a two-year period or Office of Personnel Management (OPM) inspection, whichever occurs earlier. Then they are destroyed.

System manager (s) and address:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202–697–3305.

Record access procedures:

Requests from individuals should be addressed to the above System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

Record source categories:

Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as a reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 81-21228 Filed 7-17-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Depco, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Depco, Inc., 110 16th Street, Suite 1000, Denver, Colorado 80202. This Proposed Remedial Order charges Depco, Inc. with pricing violations in the amount of $839,037.02, connected with the production and sale of domestic crude oil during the time period February 1, 1976, through September 30, 1980, in the States of New Mexico, California, North Dakota and South Dakota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226, phone (303) 234–3195. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Lakewood, Colorado, on the 20th day of June 1981.

Kenneth E. Merica,

District Manager, Rocky Mountain District.

Concurrence by:

James A. Forrester,

Acting Regional Counsel.

[FR Doc. 81-21037 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incrememtal Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective August 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm. 4121, Washington, D.C. 20461; (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM 97–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (Btu's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.73
Arizona [1]	3.24
Arkansas [1]	3.52
California	3.20
Colorado [1]	3.22
Connecticut [1]	4.24
Delaware [1]	3.80
Florida	3.73
Georgia [1]	3.80
Idaho [1]	3.22
Illinois	3.08
Indiana [1]	3.63
Iowa [1]	3.78
Kansas	3.72
Kentucky [1]	3.63
Louisiana	3.51
Maine	4.17
Maryland [1]	3.80
Massachusetts [1]	4.24
Michigan [1]	3.63
Minnesota [1]	3.78
Mississippi [1]	3.80
Missouri	3.77
Montana	3.14
Nebraska [1]	3.78
Nevada [1]	3.24
New Hampshire [1]	4.24
New Jersey [1]	3.80
New Mexico [1]	3.52
New York	3.74
North Carolina [1]	3.80
North Dakota	3.74
Ohio [1]	3.63
Oklahoma [1]	3.52
Oregon [1]	3.24
Pennsylvania [1]	3.80
Rhode Island [1]	4.24
South Carolina [1]	3.80
South Dakota [1]	3.78
Tennessee	3.66
Texas [1]	3.52
Utah [1]	3.22
Vermont [1]	4.24
Virginia [1]	3.80
Washington [1]	3.24
West Virginia [1]	3.63
Wisconsin	3.46
Wyoming	2.60

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79–21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during May 1981 was $41.32 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of Btu's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective August 1, 1981 is $9.26 per million Btu's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 61, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of March 1981, April 1981, and May 1981.[2] All reports of volume sold and price were identified by the State into which the oil was sold.

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective August 1981 (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, March 1981, April 1981, May 1981. Reported prices for sales in March 1981 were adjusted by the percent change in the nationwide volume-weighted average price from March 1981 to May 1981. Prices for April 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from April 1981 to May 1981. The volume-weighted 3-month average of the adjusted March 1981 and April 1981, and the reported May 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up and down by the percent change in oil prices at the national level as discussed in Section III.B. (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million Btu's.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in the *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending July 10, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of May 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B. (3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois, Indiana, Kentucky, Michigan: Ohio, West Virginia, Wisconsin

Region E

Iowa, Kansas, Missouri, Minnesota: Nebraska, North Dakota, South Dakota

Region F

Arkansas, Louisiana, New Mexico: Oklahoma, Texas

Region G

Colorado, Idaho, Montana: Utah, Wyoming

Region H

Arizona, California, Nevada: Oregon, Washington

Issued in Washington, D.C. on July 16, 1981.

Jimmie L. Peterson,

Acting Administrotor, Energy Information Administrotion.

[FR Doc. 81-21349 Filed 7-16-81; 3:42 pm]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-396-000]

Columbia Gas Transmission Corp.; Application

July 15, 1981

Take notice that on June 26, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-396-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to West Lake Arthur Distribution Company (West Lake), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell on a best-efforts basis up to 200,000 Mcf of natural gas per day to West Lake for a period which shall terminate after December 31, 1981, unless a later date is agreed upon which date shall not be later than one year from the date of first delivery or on the date upon which 20,000,000 Mcf of gas have been sold and delivered. Applicant states that West Lake would pay for the gas purchased hereunder at the higher of:

(1) Applicant's Zone 1 SR rate in effect at the time of West Lake's purchase; or

(2) the price determined and published by the Commission pursuant to Section 102 of the Natural Gas Policy Act of 1978 in effect at the time of West Lake's purchase.

Applicant further states that the above rates are subject to adjustment as appropriate to reflect the actual heat content of the gas at the time of delivery.

It is stated that the natural gas proposed for sale herein would become a part of West Lake's available supply for use in meeting its market requirements. Applicant proposes to deliver the gas sold to West Lake at point or points where the facilities of Columbia Gulf Transmission Company (Columbia Gulf) or other third party delivering or transporting gas sold hereunder for Applicant connect to the facilities of West Lake or its representative. It is stated that such points shall be at the following locations:

(a) To Trunkline Gas Company (Trunkline) for the account of West Lake at the Centerville, Louisiana, interconnection of Columbia Gulf and Trunkline in St. Mary Parish, Louisiana;

(b) To Trunkline for the account of West Lake at the Garden City, Louisiana, plant operated by Exxon Corporation in St. Mary Parish, Louisiana;

(c) To West Lake at the aforesaid Exxon Garden City plant;

(d) To West Lake at a mutually agreeable point in the Cote Blanche Island Field in St. Mary Parish, Louisiana;

(e) Any other point including a mutually agreeable exchange of gas involving a third party acceptable to Applicant and West Lake.

Applicant states that it would not be necessary for Applicant to construct any facilities to accomplish the deliveries of the gas proposed for sale herein.

Applicant asserts that the gas it proposes to sell to West Lake is in excess of its current market requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21113 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RI80-10 and CI79-221]

Leben Oil Corp. and Arkansas Louisiana Gas Co.; Proposed Settlement

July 15, 1981.

Take notice that on July 8, 1981, Leben Oil Corporation (Leben), P.O. Box 35528, Tulsa, Oklahoma 74134, and Arkansas Louisiana Gas Company, (Arkla), Post Office Box 21734, Shreveport, Louisiana 71151, filed a Joint Motion for Approval of an Offer of Settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure. It is asserted that the Offer of Settlement would resolve all outstanding issues in these proceedings.

The Offer of Settlement states that these proceedings involve unilateral rate increase filings for natural gas sales by Leben to Arkla, Kansas-Nebraska Natural Gas Company, Inc. and Arkansas Oklahoma Gas Corporation. Leben seeks these rate increases on the basis that its gas sales contracts have been rejected, effective February 7, 1973, by a bankruptcy court pursuant to Chapter X of the Bankruptcy Act, 11 U.S.C. 516. *In the Matter of Tilco, Inc.*, No. 23682-B-2 (D. Kan. March 7, 1980) appeal pend. No. 80-1381 (10th Cir. appeal filed April 3, 1980). Arkla has opposed the four proposed rate increases relating to sales by Leben to Arkla.

The Offer of Settlement submits new contracts executed by Leben and Arkla. These contracts support Leben's rate increases in regard to its sales to Arkla.

In the motion that accompanies the Offer of Settlement, it is requested that the Commission order that comments and reply comments on the Offer of Settlement be filed on July 28, 1981 and August 7, 1981, respectively.

Notice is hereby given that any person desiring to comment on the Offer of Settlement should on or before July 28, 1981, file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. Reply comments should be filed on or before August 7, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21110 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RA80-49 and RA81-2-000]

Mardiros Torikian and Hergert Oil Co.; Dismissal of Requests for Confidential Treatment of Documents

Issued July 15, 1981.

In the above-captioned proceedings, which have been dismissed as moot, petitioners sought confidential treatment of certain documents which were included in the DOE administrative record. The Commission has determined that neither a grant nor a denial of such requests was necessary considering that the Commission relied upon none of the allegedly confidential material in its decision to dismiss the cases on grounds of mootness. The Commission will not retain the documents for which confidentiality was requested. The assertedly confidential documents included in the administrative records will be returned to DOE. Therefore, the requests for confidential treatment in the Commission's files are dismissed as moot.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21117 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP-79-161-004]

Midwestern Gas Transmission Co.; Petition To Amend

July 15, 1981.

Take notice that on June 23, 1981, Midwestern Gas Transmission Company (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP-79-161-004 a petition to amend further the order issued September 25, 1979, in the instant docket, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas imported from Canada to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) and Natural Gas Pipeline Company of America (Natural) for an additional year through October 31, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued September 25, 1979, in Docket No. CP-79-161-004, Petitioner was authorized to sell to Tennessee, Northern and Natural up to 350,000 Mcf of gas per day from TransCanada PipeLines Limited (TransCanada) and Great Lakes Gas Transmission Company (Great Lakes) and up to a total quantity of 132,000,000 Mcf for a term until and including October 31, 1980.

Petitioner asserts that amendments to the order now authorize the importation of up to 114,000,000 Mcf of natural gas from Canada at daily volumes of up to 600,000 Mcf through October 31, 1981. Petitioner further asserts that an additional import entery point on the U.S.-Canadian boundary near Niagara Falls, New York, was also subsequently authorized.

Petitioner proposes herein to extend the term of resale of gas to Tennessee, Northern and Natural until and including October 31, 1982. Petitioner asserts that the requested amendment would not result in increased total volumes permitted under present authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21718 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-17-000]

Public Service Company of Indiana, Inc.; Filing

July 15, 1981.

Take notice that on July 1, 1981, Public Service Company of Indiana, Inc. (PSI), submitted an Application For Authority To Sell Certain Electric Facilities to Wabash Valley Power Association, Inc. (WVPA).

PSI's filing states that the electric facilities consist of (a) joint transmission line facilities, joint transmission substation facilities (facilities to be jointly used by PSI and WVPA), (b) joint distribution facilities consisting of lines, substations and metering equipment (facilities to be jointly used by PSI and WVPA) and (c) sole use facilities consisting of transmission, substation, distribution and metering facilities. The sale price is $11,579,301. WVPA is a wholesale customer of PSI. WVPA has purchased from PSI a 17% undivided interest in the Marble Hill Nuclear Generating Station, now under construction in Jefferson County, Indiana. WVPA is organized as a public utility under the Indiana Not-For-Profit Corporation Act for the purpose of generating, transmitting, distributing and selling electric energy to its 24 member systems (REMC's). The general territory which WPVA proposes to serve is located in the Northern half of the State of Indiana.

The sale of WPVA of the electric facilities is proposed, as part of a larger transaction between PSI and WPVA providing for the joint ownership of the Marble Hill Nuclear Generating Station, to result in more reliability and lower costs of electric service to the customers of both PSI and WPVA, and to avoid duplication of facilities to serve such customers. PSI's filing states that upon completion of the transaction, PSI will cease delivering electric energy to 12 REMC members of WVPA. WVPA will deliver power to such member systems. PSI requests approval of its Application pursuant to Section 203 of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections

1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21119 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-426-000]

El Paso Electric Co.; Order Accepting for Filing and Suspending Revised Rates in Part, Rejecting in Part, Granting Motions for Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued: June 30, 1981.

On April 24, 1981, El Paso Electric Company (EPEC) submitted for filing increased rates for firm power service to two wholesale customers, Rio Grande Electric Cooperative (Rio Grande) and Texas-New Mexico Power Company (TNP).[1] The proposed rates would result in an increase in revenues of approximately $995,662 for the twelve-month period ending December 31, 1980. EPEC requests that the rates become effective on July 1, 1981.

In addition to the above rates, the company has included a separate request, pursuant to section 2.16 of the Commission's regulations, to include in rate base $308,228,429 (on a total company basis) of construction work in progress (CWIP) relating to its 15.8% share of three 1200 MW nuclear units now under construction at the Palo Verde Nuclear Generating Station (Palo Verde). EPEC asserts that, due to a lack of sufficient cash flow to finance its participation in the Palo Verde project, it is in severe financial difficulty which cannot, except by inclusion of CWIP in rate base, be alleviated without materially increasing the cost of electricity to its customers. While EPEC has not submitted rates reflecting the inclusion of the Palo Verde CWIP in rate base, EPEC has requested permission to place CWIP rates in effect prospectively after a final Commission order concerning the CWIP application and, thereafter, to collect the CWIP-based rates subject to refund pending resolution of the underlying cost of service case. EPEC also requests that a Commission decision on its CWIP application be expedited and that an initial decision be waived on that issue.

In proceedings on an earlier request by EPEC to include Palo Verde CWIP in rate base, the Commission denied EPEC's application.[2] In order to expedite consideration of its instant CWIP application, the company requests that the relevant evidentiary record from the earlier proceedings be incorporated by reference.

Notice of EPEC's filing was issued on May 6, 1981, with protests or petitions to intervene due on or before May 25, 1981. On May 15, 1981, TNP filed a petition to intervene. TNP does not raise any substantive issues or request suspension of EPEC's filing, but states that it has an important interest in the outcome of the proceeding.

On May 26, 1981, Rio Grande filed a protest, petition to intervene, motion to reject, motion for maximum suspension, motion to initiate price squeeze procedures, and answer to various procedural motions made by El Paso. Rio Grande states that it purchases all of the electricity for its members served in the Del City and Van Horn areas of Texas from EPEC. Rio Grande objects to EPEC's treatment of various cost of service items, including the amount of regulatory expense allocated to EPEC's wholesale customers, the exclusion of the revenues and costs associated with EPEC's off-system sales to the City of Juarez, Mexico, the claimed rate of return, the use of a 45-day cash working capital calculation, and a proposed increase in depreciation rates. In addition, Rio Grande has requested that the Commission summarily reject (1) EPEC's treatment of unamortized investment tax credits (ADITC) as a separate component of the capital structure, and (2) EPEC's method of allocating regulatory expenses among its wholesale customers. With regard to the company's claimed regulatory expenses, Rio Grande also requests that the Commission verify the status of an audit being conducted by the Commission staff with respect to EPEC.[3]

With respect to EPEC's CWIP application, Rio Grande contends that the company has failed to put forth the requisite showing of severe financial difficulty and requests that the application be rejected. In support of its position, Rio Grande states that EPEC's Annual Report to its stockholders cites various factors relating to EPEC's financial condition that contradict the company's claim of severe financial difficulty, including an increase, from 1979 to 1980, in net income as well as dividends per share of common stock. The Annual Report further states that a previously announced moratorium on retail rate increases has been extended from April, 1982, to October, 1982, in view of EPEC's off-system sales to Juarez.

Rio Grande also cites the results of a May 1, 1981 investment survey by Value Line which notes that: 1) EPEC's common stock dividends for the first quarter of 1981 were equivalent to an annual yield of 13.4%, above average for utility stocks; 2) EPEC can be expected to earn about 16% on common equity during 1981; 3) off-system sales to Juarez and others indicate continued high profits for 1981 and 1982; and 4) EPEC's profitability keeps its financing needs moderate.

In the event that summary disposition is not granted, Rio Grande requests denial of EPEC's requests for an expedited CWIP hearing, incorporation of the evidentiary record from the previous proceeding, and waiver of an initial decision. Rio Grande also alleges that a price squeeze may result from adoption of EPEC's filing, both with and without inclusion of CWIP in rate base.

Discussion

The Commission finds that participation in this proceeding by TNP and Rio Grande is in the public interest. Accordingly, the petitions to intervene will be granted.

As noted previously, EPEC has included ADITC as a separate component of its capital structure at the claimed overall rate of return. This treatment is in contravention of well-established Commission policy.[4] For capitalization purposes, the Commission has expressly limited utilities to one of two options: 1) proportionate distribution of the ADITC balance throughout the capital structure; or 2) total elimination of ADITC from the capital structure.[5] EPEC's treatment is not consistent with either of these alternatives. Therefore, we shall summarily dispose of this matter. However, it appears that the dollar effect of this adjustment will be relatively small in the instant proceeding, so we shall not require EPEC to refile its capitalization and rates at this time.

In light of the price squeeze allegations raised by Rio Grande, we shall institute price squeeze procedures and phase those procedures in accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979.

In support of its claim of severe financial difficulty, EPEC has submitted testimony and exhibits purporting to show its declining financial condition. The exhibits include historic data for the years 1975 to 1980, showing various coverage ratios, and indicating that during those years CWIP as a percentage of plant in service increased from 6.7% to 122.4%, and internally generated cash as a percentage of construction decreased from 47.61% to 11.36%.

EPEC has also provided forecasts of its financial condition through 1984, treating the company as though it were 100% within this Commission's jurisdiction, assuming no further conventional rate relief, and incorporating data both including and excluding CWIP. Based on these hypothetical forecasts, EPEC indicates that despite a need for about $186 million of new capital to finance its 1981 construction program, without CWIP in rate base, its 1981 indenture coverage ratio will be 1.3 times (below the minimum 2.0 times required for EPEC to issue new debt) and there will be no internally generated cash. The hypothetical forecast also shows that with the requested amount of CWIP in rate base, EPEC's coverage ratios will substantially improve through 1984, and internally generated cash as a percentage of construction will increase to 27.45% in 1983, and 52.6% in 1984.

Under the Commission's present standards, a utility requesting the inclusion of CWIP in rate base [6] must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity to consumers.[7] The Commission believes, however, that the time has come to reexamine these standards. Based upon this belief, the Commission intends to promptly issue a notice of proposed rulemaking in order to properly reevaluate this issue. In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we shall set for hearing the issue of EPEC's CWIP application and phase that issue to follow the rulemakings proceeding. Such phasing will allow EPEC to go forward on its CWIP application under such standards as will be developed through public notice and comments on the proposed rulemaking. As a result, the Commission will deny EPEC's request for incorporation by reference of the evidentiary record from the previous proceeding. This latter denial, however, is without prejudice to renewal of EPEC's request before the presiding law judge during the CWIP phase of the hearing. With respect to the other issues raised by Rio Grande, the Commission finds that these are matters to be considered and resolved in the initial phase of this proceeding.

Our analysis of the filing indicates that the non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. The financial circumstances cited by EPEC are appropriate considerations in the rate of return determination and have been evaluated by the Commission. However, we find that no circumstances have been presented to warrant a shortened suspension period. Accordingly, we shall suspend EPEC's rates for five months from sixty days after filing to become effective, subject to refund, on December 1, 1981.

The Commission orders:

(A) Rio Grande's motion to reject EPEC's application for authorization to include Palo Verde CWIP in rate base is hereby denied.

(B) EPEC's rates are hereby accepted for filing and suspended for five months from 60 days after filing to become effective, subject to refund, on December 1, 1981.

(C) Rio Grande's motion for summary disposition with respect to EPEC's method of allocating regulatory expenses is hereby denied.

(D) Rio Grande's motion for summary disposition with respect to EPEC's inclusion of ADITC in its capital structure is hereby granted.

(E) EPEC's procedural motions related to its CWIP application are hereby denied as noted in the body of this order.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of EPEC's rates.

(G) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) EPEC's application for authorization to include Palo Verde CWIP in rate base is hereby phased so

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[1] Formerly Community Public Service Company. *See* Attachment A for rate schedule designations.

[2] Opinion Nos. 85 and 85-A, Docket Nos. ER77-486 and ER78-320, issued May 19, 1980, and July 17, 1980, respectively.

[3] In response to this request, we note that the staff audit referred to by Rio Grande is not yet completed. As a result, comments on the audit and its effect, if any, on this proceeding would be premature.

[4] *E.g., Public Service Company of New Mexico*, Docket Nos. ER79-478 and ER79-479, order issued December 18, 1979; *see also El Paso Electric Co.*, Docket No. ER79-536, order issued September 24, 1979.

[5] *See* Opinion No. 19, *Carolina Power and Light Co.*, issued August 2, 1978, mimeo at 10.

[6] Other than CWIP associated with pollution control and fuel conversion facilities.

[7] 18 CFR § 2.16(b)(3).

that the application will be heard subsequent to action on the Commission's anticipated rulemaking concerning construction work in progress.

(J) The Commission staff shall serve top sheets in this proceeding on or before July 1, 1981.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

El Paso Electric Company

Docket No. ER81-426-000

Filed: April 24, 1981.
Dated: Undated.

Designation and Other Party

(1) Supplement No. 9 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 8)—Texas-New Mexico Power Company
(2) Supplement No. 8 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 7)—Rio Grande Electric Cooperative (Dell City Delivery Point)
(3) Supplement No. 8 to Rate Schedule FPC No. 19 (Supersedes Supplement No. 7)—Rio Grande Electric Cooperative (Van Horn Delivery Point)

[FR Doc. 81-21120 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-457-000 and EL81-13-000]

Louisiana Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Denying Waiver of Notice, Requiring Refunds, Consolidating Dockets, and Establishing Price Squeeze and Hearing Procedures

Issued: July 10, 1981.

On April 10, 1981, the City of Winnfield, Louisiana (Winnfield) filed a complaint, protest, petition to intervene, and request for injunctive relief from an anticipated change in service by its full requirements supplier, Louisiana Power and Light Company (LP&L). In its complaint, Winnfield stated that it had been a full requirements wholesale customer of LP&L's for over 30 years, that its current contract was due to expire on May 14, 1981, and that it had been unable to negotiate a superseding contract with LP&L. Winnfield further expressed concern that LP&L might either interrupt service after May 14, 1981, or begin charging Winnfield at an incremental rate under LP&L's standard interchange contract. Winnfield indicated that, as of that date, LP&L's contract proposals included service at incremental cost only. Such service, Winnfield asserted, is unsuited to its needs since it has no source of base load power.

Winnfield also maintained that service by LP&L under its standard interchange agreement would be unjust and unreasonable. The city requested that any such LP&L submittal be suspended for five months and set for investigation, stating that service at incremental cost, absent a suitable source of base load power, would force the city out of the electric power business. Additionally, Winnfield requested that the Commission initiate an investigation into LP&L's actions to determine whether its dealings with the city are part of an overall plan by LP&L to take over the operation of the few remaining Louisiana municipal electric systems which compete with LP&L. Winnfield noted that LP&L has already taken over the operation of four municipal systems in the last five years—Monroe, Thibodeaux, Homer, and Lake Providence, Louisiana.

Notice of the complaint was issued on April 14, 1981, with responses due on or before April 29, 1981. LP&L filed an answer on April 28, 1981, in which the company stated that it would continue electrical service to Winnfield beyond the expiration date of their contract at the Commission-approved rate for full requirements service.[1] In addition, LP&L acknowledged its obligation to file a notice of cancellation or a superseding agreement, as appropriate, to reflect any proposed change in service to Winnfield. Accordingly, LP&L asserted that the complaint was premature, constituted no basis for initiating a proceeding and, therefore, should be dismissed.

Two weeks after its response to Winnfield's complaint, on May 12, 1981, LP&L submitted in Docket No. ER81-457-000, an unexecuted copy of its standard interchange agreement proposing to serve any or all of Winnfield's needs at incremental cost.[2] LP&L requested waiver of the notice requirements so that the proposed rate schedule could become effective as of May 15, 1981.

Notice of the submittal in Docket No. ER81-457-000 was issued on May 18, 1981, with responses due on or before June 8, 1981. On June 8, 1981, Winnfield petitioned to intervene and reiterated the issues raised in its complaint. Based upon its belief that a rate reflecting incremental costs is inappropriate for supplying full requirements service, Winnfield requested that the company's submittal be rejected or that, alternatively, it be suspended for the maximum statutory period and investigated on a consolidated basis with the earlier complaint. Winnfield objected to LP&L's request for waiver of notice and requested the initiation of price squeeze proceedings.

On June 22, 1981, LP&L responded to Winnfield's protest and petition to intervene. According to the response, Winnfield has mischaracterized its service as full requirements since it is limited to 10 MW of demand. LP&L also alleged that, contrary to Winnfield's assertion, the city has its own operable generating capability. The company expressed its position that interchange service is appropriate as a supplement to Winnfield's own generation and alternate sources of power. In addition, LP&L asserted that its other cutomer are, in reality, subsidizing Winnfield's artificially low rates since the present service has been in effect since 1964. LP&L further contested Winnfield's price squeeze allegation on the basis of asserted alternate power supplies available to Winnfield.

On June 23, 1981, Winnfield amended its complaint to allege that LP&L is presently attempting to collect charges from the city based upon the unexecuted interchange agreement. Winnfield avers that such charges are predicated upon a rate which has yet to be accepted for filing in contravention of the Federal

[1] In compliance with the notice requirement of its present agreement, LP&L had notified Winnfield by letter dated April 18, 1980, of its intention to terminate the agreement on May 14, 1981.

[2] *See* Attachment A for rate schedule designations. The services include: emergency service, economy energy, firm and interruptible transmission service, surplus service (analogous to short-term power), reserve power, and supplemental service (analogous to limited-term power). Under the respective service schedules, the energy component is priced on an incremental basis. By order issued August 7, 1980, in Docket Nos. ER79-31, *et al.*, agreements identical to that proposed in the instant docket were suspended for five months and set for hearing. On May 27, 1981, a settlement agreement was certified to the Commission in these dockets.

Power Act. Winnfield (1) seeks a Commission declaration that such charge is in violation of section 205(d) of the Act, (2) requests the Commission to seek an injunction against further violation, and (3) requests expedited consideration of this matter.

In its response filed July 6, 1981, LP&L admits to billing Winnfield based upon the proposed interchange rate schedule. The company claims that due to the pendency of its rate increase filed in Docket No. ER77-533[3] there is no other lawful rate upon which to bill the city and that it has billed Winnfield under the proposed rate in acticipation of being granted its request for waiver of the Commission's notice requirement.

Discussion

The Commission finds that participation in this proceeding by the City of Winnfield is in the public interest. Accordingly, the petition to intervene in Docket No. ER81-457-000 will be granted.

Winnfield has stated that it operates no generation and has historically relied on LP&L for its total electric requirements. LP&L challenges these assertions. It appears to be undisputed, however, that in the absense of available base load capacity, the proposed interchange agreement would require a customer to purchase all of its requirements at incremental cost. Furthermore, the proposed interchange agreement contemplates mutuality of service and interchange of power.[4] Such interchange services may prove to be inappropriate for the supply of a customer's total requirements.

The allegation of anticompetitive conduct advanced in Winnfield's complaint raises significant issues with respect to LP&L's practices as they affect all of its wholesale customers. We note that the City of Vidalia, Louisiana, presently is being served under a full requirements rate based upon average system costs. Similarly, the loads of municipalities, formerly wholesale customers of LP&L and recently acquired by the company,[5] are served at average system cost rates. In contrast, the proposed rates for what appears to be full requirement service to Winnfield are based upon incremental costs. We are troubled by the allegations that LP&L may be engaging in a course of conduct which is inconsistent with its obligations under the Federal Power Act. Of particular concern is the application of average system cost rates to certain full requirements service while charges for apparently similarly situated customers are based upon incremental costs.[6] Such rate disparity may constitute undue discrimination in violation of section 205(b) of the Act.[7]

Our analysis of LP&L's filing indicates that the proposed rates have not been shown to be just and reasonable and that these rates may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Moreover, we find that good cause has not been shown to grant waiver of the notice requirements. Accordingly, we shall suspend the proposed rates for five months to become effective, subject to refund, on December 12, 1981.

The hearing to be convened in this proceeding should address the rates and the appropriate form of service for Winnfield as well as the allegations of discrimination, anticompetitive conduct, and price squeeze. In order to ensure that any relief which may be warranted is available to Winnfield at the earliest possible date, we shall direct the presiding judge and the parties to expedite this proceeding so that an initial decision may be issued within such time as to permit the Commission to act in these dockets within the five month suspension period.

Pursuant to section 2.17 of the Commission's regulations, we shall initiate price squeeze procedures in these dockets. Barring an extraordinary showing of good cause, this issue shall also be considered on an expedited basis and shall not be phased for subsequent resolution.

Because Docket Nos. EL81-13-000 and ER81-457-000 may present common questions of law and fact, we shall consolidate those dockets for purposes of hearing and decision.

In its response to the amendment to Winnfield's complaint, LP&L states that it has billed the city for service furnished from May 25, 1981, to June 1, 1981, under the incremental rates contained in the tendered interconnection agreement. The city contends that such charges have been demanded in violation of section 205(d) of the Federal Power Act as an attempt "to drive Winnfield out of the market in which it competes with LP&L."

Pursuant to section 205(d), a utility subject to the Commission's jurisdiction is prohibited from demanding or collecting any rates or charges other than those on file with the Commission. Section 35.1(e) of the Commission's regulations implements this prohibition by requiring jurisdictional utilities to adhere to the provisions of their filed rates schedules. *See Northwestern Public Service Company* v. *Montana-Dakota Utilities Company*, 161 F. 2d 19 (8th Cir., 1950) *aff'd* 341 U.S. 246 (1951).

While the contract between LP&L and Winnfield expired by its own terms as of May 14, 1981, the contract rate and terms of service had become part of LP&L's rate schedule on file with the Commission, and as such, continue in effect unless and until superseded by a subsequent rate schedule which is allowed to become effective by the Commission. Prior to the issuance of this order, the interchange agreement submitted by LP&L had not yet been

[3] Due to the contractually fixed nature of LP&L's service to the customers affected by its proposed rate in Docket No. ER77-533, that rate will not become effective until issuance of a final Commission order deciding all outstanding issues in that case. Opinion No. 110, issued January 28, 1981.

[4] For example, the various service schedules upon which Winnfield would rely for it power needs provide for: (1) mutual emergency assistance to and from a municipally owned and operated electric system which supplies the power and energy requirements of its own customers; (2) mutual reserve capacity service when the purchasing party has generating capability available to carry its load responsibility and spinning reserve; (3) supplemental power for that load in excess of 94% of the purchasing party's sustained run generation capability or purchased firm capacity; (4) surplus power provided on an interruptible basis; and (5) economy service priced on a split-savings basis intended to displace the purchaser's higher cost generation.

[5] Since 1975, LP&L has acquired the electric systems of the Cities of Homer, Jonesboro, Lake Providence, Rayville, and Thibodaux, Louisiana.

[6] *See Florida Power & Light Company*, Opinion No. 57, Docket Nos. ER76-19 (Phase I) and ER78-61 (August 3, 1979).

[7] We have previously expressed similar concerns with respect to other customers of LP&L's. In Docket Nos. ER79-31, *et al.*, involving interchange rates to Cajun Electric Cooperative, the Town of Jonesville, and the City of Houma, Louisiana, we noted certain rate differentials among these customers and we required LP&L to demonstrate that its imposition of disparate rates for ostensibly the same types of service would not be unduly discriminatory. *See* order issued August 7, 1980.

[8] *E.g., Boston Edison Co.*, Docket No. ER80-506 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-508, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

accepted for filing. The proposed incremental rate contained therein, therefore, was not LP&L filed rate for service to Winnfield. LP&L could not lawfully charge Winnfield under that rate schedule in advance of Commission acceptance of the interchange agreement for filing subject to any designated suspesion period and refund requirement. As a result, LP&L's bill to Winnfield dated June 16, 1981, contains unlawful charges to the city. Because, as noted above, waiver of the notice requirements has not been found to be warranted, LP&L will be directed to refrain from demanding or collecting any amounts under its currently proposed interconnection agreement for the period between May 19, 1981, and December 11, 1981. In addition, we shall require LP&L to refund all amounts which may already have been collected from Winnfield in excess of amounts properly chargeable under the previously effective rate schedule, and to refrain from taking any other action which may jeopardize Winnfield's rights under the prior rate schedule.

In light of the declaratory and other relief provided by this order, it should not be necessary for the Commission to seek injuctive relief against LP&L, as requested in Winnfield's amended complaint. Accordingly, the Commission will defer consideration of the request for injunctive relief at this time.

The Commission orders:

(A) Winnfield's motion to reject LP&L's submittal in Docket No. ER81-451-000 is hereby denied.

(B) LP&L's request for waiver of the notice requirements is hereby denied, and LP&L's submittal in Docket No. ER81-451-000 is hereby accepted for filing and suspended for five months from 60 days after filing to become effective, subject to refund, on December 12, 1981.

(C) Docket Nos. ER81-457-000 and EL81-13-000 are hereby consolidated for purposes of hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of LP&L's rates and practices.

(E) The City of Winnfield is hereby permitted to intervene in these proceedings subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in the complaint and petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(F) The hearing in this proceeding shall be expedited so as to permit the Commission to take final action within the five month suspension period.

(G) The price squeeze issue in this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations. Such issue shall not be phased unless so ordered by the presiding judge upon an extraordinary showing of good cause.

(H) LP&L shall refrain from: (1) taking any action to demand or collect any amounts under its currently proposed interconnection agreement for any period prior to December 12, 1981; (2) taking any action with respect to Winnfield as a result of Winnfield's nonpayment of charges based upon the suspended rate schedule (including LP&L's bill to Winnfield dated June 16, 1981); and (3) otherwise demanding or collecting from Winnfield any charge other than the filed rate presently applicable to service to Winnfield.

(I) Within ten (10) days of the date of this order, LP&L shall refund, with interest, any amounts collected from Winnfield in excess of the rate schedule currently on file with this Commission and being superseded by the filing in Docket No. ER81-452-000.

(J) Within ten (10) days of the refunds required by paragraph (C) above, LP&L shall submit a refund compliance report to the Commission.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held as soon as practicable for the purpose of expediting discovery and establishing expedited procedural dates, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Louisiana Power & Light Company

Docket No. ER81-457-000

Dated: May 12, 1981.
Filed: May 12, 981.
Other Party: City of Winnfield.

Designation and Description

(1) Rate Schedule FERC No. 68 (Supersedes Rate Schedule FPC No. 20 as supplemented)—Interconnection Agreement
(2) Supplement No. 1 to Rate Schedule FERC No. 68—Emergency Assistance
(3) Supplement No. 2 to Rate Schedule FERC No. 68—Reserve Capacity
(4) Supplement No. 3 to Rate Schedule FERC No. 68—Supplemental Power
(5) Supplement No. 4 to Rate Schedule FERC No. 68—Surplus Power
(6) Supplement No. 5 to Rate Schedule FERC No. 68—Economy Power
(7) Supplement No. 6 to Rate Schedule FERC No. 68—Firm Transmission Service
(8) Supplement No. 7 to Rate Schedule FERC No. 68—Interruptible Transmission Service

[FR Doc. 81-21121 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-462-000 and ER81-463-000]

Ohio Power Co.; Order Accepting for Filing and Suspending in Part Proposed Rates, Accepting Settlement Rates in Part, Granting and Denying Motions, Granting Interventions, and Establishing Procedures

Issued: July 14, 1981.

On May 15, 1981, Ohio Power Company (OPCO) tendered for filing in Docket No. ER81-462-000 revised rates for firm power service to fourteen municipal wholesale electric customers (Municipals). These rates, which are proposed to become effective on July 15, 1981, provide for an annual increase in jurisdictional revenues of approximately $1,464,000 based on the twelve month period ending December 31, 1981. Also on May 15, 1981, OPCO tendered for filing in Docket No. ER81-463-000 revised rates applicable to Wheeling Electric Company, a wholly-owned OPCO subsidiary. These rates represent an increase in jurisdictional revenues of approximately $9,122,000 for the twelve months ending December 31, 1981.[1]

Filed concurrently with the proposed rate increases were settlement agreements between OPCO and Wheeling and between OPCO and all

[1] See Attachment A for customers and rate schedule designations.

but one of the Municipals.[2] The executed settlement agreements purport to resolve all issues arising from OPCO's proposed rate increases and would reduce the annual rate increases from approximately $9.12 million to $7.14 million for Wheeling and $1.46 million to $0.76 million for the Municipals. OPCO has requested waiver of all applicable regulations so that in lieu of the filed rates the settlement rates in Docket No. ER81-462-000 may become effective as of May 1, 1981, and May 1, 1982, and the settlement rates in Docket No. ER81-463-000 may become effective as of July 15, 1981, and May 1, 1982.[3]

The settlement agreements further provide that they are conditioned upon waiver of the notice and filing fee requirements and upon acceptance of the settlement rates without suspension. If not accepted in their entirety, the settlement agreements are to be deemed withdrawn.

OPCO also submitted for filing new service agreements between OPCO and the Municipals dated in 1978 and 1979. The agreements provide for new initial five year terms with automatic three year renewals unless terminated on three years' notice. OPCO requests that they be made effective as of the dates specified in each agreement.

Notices of the filings were issued on May 29, 1981, with responses in both dockets due on or before June 15, 1981. On June 12, 1981, the West Virginia Public Service Commission (WVPSC) filed a notice of intervention in Docket No. ER81-463-000. On June 15, 1981, Linden Chemicals & Plastics, Inc., Mobay Chemical Corporation, and PPG Industries, Inc. (Industrials) filed a petition to intervene and motion for maximum suspension in Docket No. ER81-463-000. Neither pleading advances specific substantive claims. The WVPSC seeks intervention and ask that it be given a reasonable time in which to respond to OPCO's filing. The Industrials also note that they have had little opportunity to review OPCO's filing in detail and urge the Commission to impose a maximum five-month suspension. The Industrials state that they first became aware of OPCO's filing on June 8, 1981, by means of a June 5, 1981 notice in the Federal Register.[4]

[2] A settlement between OPCO and the remaining affected wholesale customer, the Village of Plymouth, Ohio, was filed on May 28, 1981.

[3] The settlement rates represent two-step rate increases with the second step for both the Municipals and Wheeling to be deferred until May 1, 1982.

[4] We note that the Industrials are customers of Wheeling rather than OPCO. As a result, it appears that they were not served by OPCO at the time of filing.

Discussion

Initially, we find that participation by the Industrials is in the public interest. Consequently, we shall grant the petition to intervene. The timely filed notice of intervention is sufficient to initiate participation in this proceeding by the WVPSC.

With respect to Docket No. ER81-462-000, no protest or petition to intervene has been received. Moreover, our analysis indicates that the proposed settlement rates will not yield excessive revenues. In view of the failure of anyone to object, the results of our preliminary analysis, and the agreement of the Municipals to the settlement, we shall accept the settlement rates for filing with respect to the Municipals, without suspension. Furthermore, because all of the affected customers have consented to the proposed effective dates, we find that good cause exists to grant OPCO's request for waiver of the notice requirements. Thus, the first and second phase settlement rates in Docket No. ER81-462-000 will become effective as of May 1, 1981, and May 1, 1982, respectively.

In addition, the new service agreements filed in Docket No. ER81-462-000 between OPCO and the Municipals have been agreed to by the Municipals and no protests have been filed. Accordingly, we shall again grant waiver of the notice requirements and the new service agreements will become effective on the dates contemplated by the respective agreements.

In light of the protests filed in Docket No. ER81-463-000, and particularly the fact that the intervenors may not have had sufficient time to examine and evaluate the proposed rate increase, we cannot conclude that the rates proposed by OPCO for service to Wheeling have been shown to be just and reasonable and we find that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates applicable to Wheeling for filing and suspend them as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While our preliminary analysis indicates that the proposed rates may not yield excessive revenues as applied to Wheeling, we acknowledge that the intervenors may not have had sufficient time in which to examine and evaluate the proposed rates. Moreover, as retail customers of a wholesale affiliate of the filing utility, the Industrials may be significantly affected by the proposed rates without having been served with notice of the filing. Accordingly, in order to ensure refund protection pending further review, we shall exercise our discretion to suspend the filed rates for one day from sixty days after filing, permitting these rates to take effect subject to refund thereafter on July 16, 1981. If, however, the WVPSC or the Industrials fail to raise any substantive issues within the rehearing period, the Commission would be inclined to favorably consider a request for waiver of notice and acceptance of the settlement rates.

Concerning OPCO's request for waiver of the Commission's filing fee requirements, we note that OPCO calculated and submitted its filing fees in these dockets based on the full proposed rate increases, rather than the lower settlement rates. Because no further filing fee is required by our regulations, the requested waiver is unnecessary.

The Commission orders:

(A) OPCO's request in Docket No. ER81-462-000 for waiver of the notice requirements is hereby granted.

(B) OPCO's settlement rates tendered for filing on May 15, 1981, in Docket No. ER81-462-000 are hereby accepted for filing, without suspension, with step one to become effective on May 1, 1981, and step two to become effective on May 1, 1982. OPCO's request for substitution of and acceptance of the settlement rates filed in Docket No. ER81-462-000 is hereby granted.

(C) The revised service agreements between OPCO and the Municipals filed in Docket No. ER81-462-000 are hereby accepted for filing to become effective, without suspension, as of the dates provided in the respective agreements.

(D) OPCO's proposed rates tendered for filing in Docket No. ER81-463-000 on May 15, 1981, are hereby accepted for filing and suspended for one day to

[5] *E.g., Boston Edison Co.*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-486 (August 22, 1980) (one day suspension).

become effective on July 16, 1981, subject to refund pending hearing and decision.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of OPCO's rates for service to Wheeling.

(F) The Industrials' petition to intervene in Docket No. ER81-463-000 is hereby granted subject to the rules and regualtions of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Ohio Power Company

Rate Schedule Designations—Firm Power Rates as Provided by "Settlement Agreements" With Wholesale Customers

Docket No. ER81-462-000

Filed: May 15, 1981.
Dated: Undated.
Effective: (1) through (4) May 1, 1981; (5) May 1, 1982.
Other Parties: Tariff Customers.

The following five designations are under FPC Electric Tariff, Original Volume No. 1:

(1) First Revised Sheet No. 7A (Supersedes Original Sheet No. 7A)
(2) Third Revised Sheet No. 8 (Supersedes Second Revised Sheet No. 8)
(3) Third Revised Sheet No. 9 (Supersedes Second Revised Sheet No. 9)
(4) Third Revised Sheet No. 10 (Supersedes Second Revised Sheet No. 10)
(5) Second Revised Sheet No. 7A (Supersedes First Revised Sheet No. 7A)

The following designation is applicable to each of the revised Service Agreements with the 14 Municipals:

Designation	Other Party	Dated and effective
Service Agreement under FPC Electric Tariff, Original Volume No. 1.	Arcadia	12-27-79
	Bloomdale	12-22-79
	Carey	12-22-79
	Cygnet	01-02-79
	Deshler	12-26-79
	Greenwich	12-26-79
	Ohio City	12-22-79
	Plymouth	12-22-79
	Republic	12-22-79
	St. Clairsville	12-15-79
	Shiloh	12-29-79
	Sycamore	12-22-79
	Wapakoneta	12-20-79
	Wharton	12-22-79

The following designation is applicable to the "Settlement Agreement" between the Company and each of the 14 Municipals:

Supplement to Service Agreement under FPC Electric Tariff, Original Volume No. 1.

Docket No. ER81-463-000

Filed: May 15, 1981.
Dated: Undated.
Effective: July 16, 1981, subject to refund.
Other Parties: Wheeling Electric Company.

Designation

Supplement No. 9 to Rate Schedule FPC No. 16 (Supersedes Supplement No. 8).

[FR Doc. 81-21122 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-7-000 (PGA81-2, IPR81-2, DCA81-2, and LFUT81-2)]

Southern Natural Gas Co.; Order Accepting for Filing, Subject to Conditions, and Suspending Proposed Tariff Sheets

Issued: June 30, 1981.

Southern Natural Gas Company (Southern) filed revised tariff sheets [1] on June 1, 1981, which reflect an increase in the cost of purchased gas, as well as a Louisiana First Use Tax (LFUT) adjustment, a revised surcharge designed to recover estimated demand charge credits, and approximately $478 million in costs related to purchases of deregulated Section 107 gas and certain deregulated high-cost gas from company-owned production. This rate increase also includes purchases of Mexican import gas at the current border price of $4.94 per Mcf and producer purchases escalated pursuant to area rate clauses. A July 1, 1981 effective date has been proposed by Southern.

Southern has reported Maximum Surcharge Absorption Capabilities (MSAC) of $667,113 for producer suppliers, incremental acquisition costs of $139,864,238, and MSAC allocated to upstream pipelines of $74,124. The PGA has been reduced by .229 cent per Mcf to reflect the amount of reported MSAC. The Commission notes further that Southern has not included in its current or deferred PGA account balances accrued purchased gas costs which were charged thereto prior to payment, excluding those entries associated with the normal PGA cycle.

Public notice of the filing was issued on June 8, 1981, providing for protests on petitions to intervene to be filed by June 22, 1981.

Petitions to intervene were filed by the petitioners listed in Appendix B to this order. In addition, a protest and request for suspension and formal proceedings was filed on June 22, 1981 by the Georgia Industrial Group. Having demonstrated an interest in the proceeding warranting their participation, the petitions listed in the Appendix are granted intervention.

The Georgia Industrial Group [2] alleges in their protest that Southern's increased urchased gas cost threaten to make Southern's gas so expensive at the burner tip that they may cause a loss of load and create particular burdens on industrial customers. This situation, according to the Georgia Industrial Group, has been caused by Southern's recent purchases of deregulated gas priced under Section 107 of the NGPA at prices far in excess of the cost of alternative fuels, including No. 2 fuel oil.[3]

The Georgia Industrial Group alleges that Southern's filing does not allow the Commission to determine whether abuses have been involved in the pipeline's recent Section 107 gas purchases. Specifically, the Georgia

[1] Forty-Seventh Revised Sheet No. 4A and Third Revised Sheet No. 4BR, to FERC Gas Tariff, Sixth Revised Volume No. 1.

[2] The members of the Group are: American Industrial Clay Company of Sandersville, Anglo-American Clays Corporation, Chemical Products Corporation, Engelhard Corporation, Freeport Kaolin Company, General Motors Corporation, Georgia Kaolin Company, Midland Glass Company, Inc., Nord Kaolin Company, Pabst Brewing Company, and Thiele Kaolin Company.

[3] The Georgia Industrial Group points out that twenty-two of the contracts covering this Section 107 gas provide for purchases at more than $8.30 per Mcf. Of these twenty-two contracts, two provide for purchases at $9.26 per Mcf. In addition, two of the contracts involve purchases from an affiliate of Southern at approximately $8.61 per Mcf.

Industrial Group claims that it is necessary to secure information regarding such things as Southern's gas purchase policies, efforts of the pipeline to secure less expensive sources of supply, efforts made in reaching price-related terms for their 107 contracts, information concerning other contract conditions including prepayment and take-or-pay provisions, and practices in setting prices of affiliate production. The Georgia Industrial Group claims that without this type of information, the Commission cannot make reasoned determinations that the pipeline has met the affiliated entities test of Section 601(b)(1)(E) of the NGPA and that the non-affiliated purchased gas costs are not excessive due to fraud, abuse or similar grounds under Section 601(c)(2) of the NGPA.

For these reasons the Georgia Industrial Group requests that the Commission suspend the effectiveness of Southern's proposed PGA increase, subject to refund, and set the matter for full evidentiary hearings.

In its deliberations on the Georgia Industrial Group's request to set for hearing the question of whether Southern should be allowed to pass through the cost of deregulated gas, the Commission remains uncertain as to the particularities of the Georgia Industrial Group's allegations.

Situations might arise in which it would be appropriate to deny pass through the gas costs in accord with Section 601 (b) and (c). We are not able at this stage to say whether the Georgia Industrial Group's allegations sufficiently define a wrong which would lead the Commission to deny pass through in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Southern's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rises to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. The Georgia Industrial Group's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the Judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost pass through for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have the burden to demonstrate the impropiety that would trigger the "fraud, abuse or similar grounds" basis for denying pass through of costs.[4]

With respect to the Georgia Industrial Group's concerns with Southern's purchases of Section 107 gas from its affiliate and Southern's pricing of company-owned production, the Commission notes that the appropriateness of costs associated with affiliate and company-owned production is controlled by Section 601(b)(1)(E) of the NGPA and Section 154.42 of the Commission's regulations. These provisions require that prices paid for affiliate production and costs assigned to company-owned production may not exceed prices paid for gas in comparable transactions between non-affiliated parties.

The Commission also shall set for hearing the issue of whether Southern has satisfied the affiliated entities test with respect to its affiliate purchases and company-owned gas. Consistent with our prior action on this issue with other pipelines, the Commission shall require Southern to respond to the data request attached as Appendix A to this order. The Commission notes that it has previously addressed in several orders the issue of the confidentiality of the gas purchase contracts requested in Appendix A.[5] The Presiding Judge is authorized to issue a protective order regarding these and other contracts which may be requested by the parties; provided, however, that such order is consistent with prior Commission orders.[6]

[4] The Commission has further addressed these matters in its order on rehearing in *Columbia Gas Transmission Corporation, et al.*, Docket Nos. TA81-1-21-001, *et al.* (issued April 30, 1981; concurring statement issued June 12, 1981.

[5] *See*, Order Granting in Part and Denying in Part Rehearing in *Transcontinental Gas Pipe Line Corporation*, Docket No. TA81-1-29-002, issued April 8, 1981; Order Directing Compliance Filing, *El Paso Natural Gas Company*, Docket No. TA81-2-33-000, issued May 29, 1981.

[6] *Ibid*, note 5.

Based upon a review of Southern's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Southern's filing and suspend its effectiveness as set out below, subject to refund and conditions described below.

In a number of suspension orders,[7] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are present here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate and grant waiver of the notice requirements so that rates may take effect July 1, 1981, subject to refund, and subject to conditions set forth below.

Southern shall file, within 30 days hereof, revised rates reflecting the proper price to be charged by Sea Robin Pipeline Company [8] as of July 1, 1981, provided that the revisions do not result in rates higher than those originally filed. In addition, the pricing methodology applicable to LNG costs shall be made subject to the outcome of proceedings in Docket No. RP80-136, *et al.*, to which Southern is a party. The acceptance of this filing is further conditioned upon the elimination of the Louisiana First Use tracking adjustment, in accordance with the Supreme Court Decree in *Maryland* v. *Louisiana*.

Southern's rate adjustment tracks increases in the cost of LNG purchased from its affiliate, Southern Energy

[7] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

[8] Southern purchases gas from Sea Robin Pipeline Company (Sea Robin). Sea Robin filed a PGA rate increase on June 1, 1981. Since the proper rate to be charged Southern by Sea Robin may not be the rate reflected in this filling, a revised filing is necessary.

Company (Southern Energy). Annualized payments to Southern Energy are projected to be $35 million, while $3,470,752 of that amount represents purchased gas costs for LNG from storage.[9] Southern Energy, however, is not currently receiving shipments of LNG at its facilities at Elba Island. The Commission notes that Southern Energy is presently a party to the proceeding in Docket No. RP80–136, *et al.*, in which the issue of whether the minimum bill provisions in Southern Energy's tariff should be used to compute LNG costs during such supply interruptions is being investigated. Accordingly, this tariff filing shall be suspended and permitted to become effective July 1, 1981, subject to refund, pending the outcome of the proceedings in Docket No. RP80–136, *et al.*

On June 15, 1981, the Supreme Court of the United States issued a Decree in *Maryland* v. *Louisiana*,[10] prohibiting Louisiana from collecting the First Use Tax which had been levied by that state. In accordance with that Decree, the LFUT tracking adjustment reflected herein shall be eliminated.

Finally, the Commission notes that Southern's filing includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79–22 [11]—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Southern shall be flowed through to the ratepayers in accordance with the procedures prescribed in Southern's PGA clause.

The Commission Orders:

(A) Pursuant to the authority of Section 601 of the Natural Gas Policy Act of 1978, the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Southern in the subject filing.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5), shall convene a pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(C) Subject to the conditions set forth in the body of this order and the ordering paragraphs below, Southern's proposed tariff sheets are accepted for filing and suspended, subject to refund, to become effective July 1, 1981.

(D) Southern shall file, within 30 days from the date of issuance of this order, revised tariff sheets reflecting the applicable price charged by Sea Robin Pipeline Company: *provided, however,* that the revisions do not result in rates higher than those originally filed.

(E) Southern shall file, within 30 days from the date of issuance of this order, revised tariff sheets reflecting the elimination of the LFUT current adjustment.

(F) Southern's collection of costs attributable to purchases of LNG from its affiliate, Southern Energy, shall be subject to refund pending the outcome of Docket No. RP80–136, *et al.*

(G) The petitioners listed in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

In order to make a determination regarding whether or not Southern's company-owned or affiliated purchases of Section 107 gas meets the affiliated entities test additional information is required. Please submit the following information:

(1) Please identify other sources of deregulated gas priced pursuant to Section 107 of the NGPA and purchased by Southern as of July 1, 1981. Further, please provide:

(a) Contracts between Southern and the suppliers of such gas;

(b) The geographic origin of such supplies including file and A.P.I. well number;

(c) Indicate if any of the Section 107 wells are jointly owned. If so, provide the names of the other sellers and, if applicable, other buyers;

(d) The price and purchase volumes of such gas;

(e) The pricing mechanism for such gas if no contract applies;

(f) Indicate if the contract has in it, or has determined, a maximum ceiling price for such gas. Provide details.

(2) Please identify any other producers who produce deregulated § 107 gas from the same field from which Southern, or its affiliate, produces or purchases its § 107 gas; if there are no other producers in the same field, then identify producers who produce § 107 gas from fields *adjacent* to that field. Please indicate the prices being paid for the deregulated § 107 gas in the same field in which Southern produces or purchases § 107 gas and, if there are no other producers in the same field, then indicate the prices being paid for § 107 gas in the adjacent fields.

Appendix B

The Georgia Industrial Group
Office of the Consumer's Utility Counsel
Atlanta Gas Light Company
Process Gas Consumers Group
Alabama Municipal Distributors Group
Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia
Columbia Nitrogen Corporation
Alabama Gas Corporation

[FR Doc. 81–21123 Filed 7–17–81; 8:45 am]

BILLING CODE 6450–85–M

[9] Southern Energy prices LNG to Southern on a full cost of service basis.

[10] 451 U.S. —— (1981), Decree Entered, No. 83 Original (June 15, 1981).

[11] These orders have been affirmed in *Pennzoil Company, et al.* v. *Federal Energy Regulatory Commission,* —— F. 2d ——, Nos. 79–1247, 79–1602, (5th Cir., May 20, 1981).

Office of Hearings and Appeals

Cases Filed; Week of June 19 through June 26, 1981

During the week of June 19 through June 26, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 C.F.R. Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occure first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 14, 1981.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 19 through June 26, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 22, 1981	Collins, Ted, Jr., Midland, Texas	BEE–1668	Price Exception. If granted: Ted Collins, Jr., would receive an exception from the provisions of 10 CFR § 212.131 regarding the certification of tertiary incentive crude oil.
June 22, 1981	Feago, Inc., Washington, D.C.	BRD–1445, BRH–1445.	Motion for Discovery and Request for Evidentiary Hearing. If Granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Feago, Inc., in response to a March 24, 1981 Proposal Remedial Order (Case No. BRO–1445)
June 22, 1981	Harkins and Company, Alice, Texas.	BEE–1669	Exception To The Reporting Requirements. If granted: Harkins & Company would not be required to file Form EIA–23.
June 22, 1981	San Joaquin Refining Company, Los Angeles, California.	BET–0023	Request for Temporary Stay. If granted: San Joaquin Refining Company would receive a temporary stay of its obligation to file a reply to a Notice of Probable Violation which is due by June 24, 1981.
June 23, 1981	Young Refining Corporation, Washington, D.C.	BER–0144	Request for Modification Recission. If granted: The March 30, 1981 Decisions (Case Nos. BEE–1296 and BEX–1479), April 20, 1981 Decisions (Case Nos. BEX–0080 and BEX–0190) issued to Young Refining Corporation by the Office of Hearings and Appeals would be modified.
June 24, 1981	Cray Research, Inc., Washington, D.C.	BFA–0696	Appeal of an Information Request Denial. If granted: The May 28, 1981, Information Request Denial issued by the Office of Nuclear Energy, Division of Naval Reactors, would be rescinded, and Cray Research, Inc., would receive access to certain DOE information.
June 24, 1981	Vinson & Elkins, Houston, Texas	BFA–0697	Appeal of an Information Request Denial. If granted: The May 27, 1981, Information Request Denial issued by the Office of Enforcement would be rescinded, and Vinson & Elkins would receive access to documents relating to prices charged by resellers for regular gasoline in the month of June 1978.
June 25, 1981	OE/R. W. Anderson, Washington, D.C.	BEF–0066	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, Subpart V, in connection with the May 31, 1979 Consent Order issued to R. W. Anderson.
June 25, 1981	Wells, Jerry, Bremerton, Washington.	BFA–0698	Appeal of Information Request Denial. If granted: The June 16, 1981, Information Request Denial issued by the Director of Military Application would be rescinded and Jerry Wells would receive access to a copy of the Los Alamos Primer, LA–1.
June 26,1981	OE/Loveladdy Oil Company, Washington, D.C.	BEF–0067	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, Subpart V, in connection with the July 26, 1979, Consent Order issued to Loveladdy Oil Company.
June 26, 1981	Warrior Asphalt Company of Alabama, Tuscaloosa, Alabama.	BET–0026	Request for Temporary Stay. If granted: Warrior Asphalt company of Alabama would receive a temporary stay of the provisions of 10 C.F.R. § 211.67, which would modify its entitlement purchase obligations.
June 26, 1981	Warrior Asphalt Company, of Alabama, Tuscaloosa, Alabama.	BYR–0132, BYR–0133.	Request for Modification Recission. If granted: The May 27, 1981 and June 4, 1981 Decisions (Case Nos. BYX–0211 and BEX–0078) issued to Warrior Asphalt Company of Alabama by the Office of Hearings and Appeals would be modified.

Notices of Objection Received

[Week of June 19, 1981 to June 26, 1981]

Date	Name and location of applicant	Case No.
June 22, 1981	Indiana Farm Bureau Cooperative Association, Inc., Washington, D.C.	BEE–1628

[FR Doc. 81–21112 Filed 7–17–81; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Week of June 15 Through June 19, 1981

During the week of June 15 through June 19, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before August 10, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 14, 1981.

Granada Chevron, Livermore, California, BRO–1447, Motor Gasoline

On June 16, 1981, Granada Chevron, 1825 Barcelona Street, Livermore, California filed a Notice of Objection to a Proposed Remedial Order which the DOE Western (San Francisco) District Office of Enforcement issued to the firm on May 29, 1981. If the PRO the Western District found that during the period August 1, 1979, to January 6, 1981, Granada Chevron charged more than the maximum lawful selling price for one or more grades of gasoline, failed to keep and maintain books and records to support the lawfulness of the price of gasoline on the audit date, and/or engeged in unlawful or discriminatory business practices. According to the PRO the Granada Chevron violation resulted in $1710.51 of overcharges.

[FR Doc. 81–21113 Filed 7–17–81; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Rate Order Confirming, Approving, and Placing a Power Rate Into Effect on an Interim Basis for the Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of a rate order—Fryingpan-Arkansas Project.

SUMMARY: Rate Order No. WAPA–9 places into effect on an interim basis a rate for sales of power from the Fryingpan-Arkansas Project (Fry-Ark). The Mt. Elbert Pumped-Storage Powerplant is the principal power feature of the Fry-Ark. The powerplant has two units; each is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The first unit is scheduled for initial operation in July 1981. The scheduled inservice date for the second unit is August 1983.

The power service being marketed from the Fry-Ark Project is capacity without energy; the customers will be

required to supply the necessary pumping energy. The monthly rate for Fry-Ark capacity without energy is $3.11 per kilowatt of contract rate of delivery. This rate has been designed, in accordance with mandates of the authorizing acts, to return to the United States the project costs allocated to power within 50 years of completion of each power unit and of the irrigation costs assigned to power for repayment within 50 years of completion of the irrigation facilities. It is based on data contained in the July 31, 1980, Fry-Ark power repayment study.

Fry-Ark power will be delivered over Western Area Power Administration's (Western) transmission system to Public Service Company of Colorado's (Public Service) Malta Substation. The Fry-Ark customers will bear transmission costs and losses incurred in transmitting generation and pumping energy between Malta Substation and the customer's point(s) of delivery. The United States and Public Service have entered into a contract which provides of Public Service to transmit Fry-Ark generation from its Malta Substation to other points of interconnection between the United States and Public Service, and to transmit pumping energy from the points of interconnection. The cost of this service by Public Service is 1 mill/kWh and 5-percent losses in each direction.

The sale of capacity without energy from Fry-Ark is a minor new service because it is a service from a new power system which will have annual sales of less than 100 million kilowatthours.

Further details and responses to public comments concerning the marketing of power from Fry-Ark are found in the rate order.

EFFECTIVE DATE: The rate will become effective on July 11, 1981, but will not be implemented until power is first available from the Mt. Elbert Powerplant, now anticipated to be later in July.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, Department of Energy, 201 South College Avenue, Fort Collins, CO 80522 (303) 224-7201

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401 (303) 231-1545

Mr. James A. Braxdale, Office of Power Marketing Coordination, CE, Department of Energy, Room 3363, Federal Building, Washington, DC 20461 (202) 633-8338

SUPPLEMENTARY INFORMATION: The power rate for the Fry-Ark has been developed by Western pursuant to the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), and the Reclamation Act of 1902, (43 U.S.C. 372, *et seq.*), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and the Fryingpan-Arkansas Project Acts (76 Stat. 389 (August 16, 1962) and 88 Stat. 1486 (October 27, 1974)).

By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority delegated to the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

This rate action is being conducted in accordance with the procedures for public participation in power and transmission rate adjustments and extensions which were published in the Federal Register on December 31, 1980 (45 FR 86975), as amended by notices published on January 22, 1981 (45 FR 6864) and May 7, 1981 (46 FR 25428). The rate will be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis pursuant to Delegation Order No. 0204-33.

Issued in Washington, D.C., July 10, 1981.

Joseph J. Tribble,

Assistant Secretary for Conservation and Renewable Energy.

Department of Energy,

Assistant Secretary for Conservation and Renewable Energy.

In the Matter of: Western Area Power Administration—Fryingpan-Arkansas Project Capacity Without Energy: Rate Order No. WAPA-9.

Order Confirming, Approving, and Placing a Power Rate Into Effect on an Interim Basis (July 10, 1981)

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*, the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), for the Bureau of Reclamation were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979,43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, Western Area Power Administration (Western), and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Ressource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

The Fryingpan-Arkansas Project

The Fryingpan-Arkansas Project (Fry-Ark) is a transmountain water diversion development in the central and southeastern parts of Colorado. The project divers water from the Fryingpan and Roaring Fork Rivers on the west slope of the Continental Divide to the east slope of the Continental Divide. The Arkansas River then conveys project water downstream for irrigation, and municipal and industrial uses.

The principal power feature of the project is the Mt. Elbert Pumped-Storage Powerplant, located on the east slope of the Continental Divide. The Mt. Elbert Powerplant will have two pump/generator units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The first unit is scheduled to begin operating in July 1981. The second unit is scheduled to begin operating in August 1983.

Western's Fry-Ark transmission system consists of one 230-kV line which extends from the Mt. Elbert Switchyard to Public Service Company of Colorado's (Public Service) Malta Substation. Western has contracted with Public Service for wheeling service for Fry-Ark generation from Malta Substation over Public Service's transmission system to points of interconnection between Western and Public Service, and for wheeling Fry-Ark pumping energy from the points of interconnection to Malta Substation. The initial Fry-Ark points of interconnection are Malta Substation, Midway Substation, Weld Substation, Rifle Substation, Beaver Creek Substation, Erie Substation, Summit Substation, and Poncha Junction. The Fry-Ark customer shall bear the transmission costs and losses incurred by the United States for transmission of generation and pumping energy between Malta Substation and the points of interconnection. This cost under the United States-Public Service contract is 1 mill/kWh and 5-percent losses in each direction.

Additional transmission beyond Fry-Ark points of interconnection shall require arrangements to be made by the customer.

However, Western has initiated discussions with other non-Federal owners of transmission in the market area in an attempt to expand the transmission service that the United States contracts for on behalf of Fry-Ark customers. The costs and losses for such transmission will have to be borne by the customer.

Public Notice and Comment

In accordance with the rate adjustment procedures published at 10 CFR Part 903 (45 FR 86975, December 31, 1980, as amended by 46 FR 6864 (January 22, 1981) and 46 FR 25428 (May 7, 1981)), Western published notice of the proposed minor rate in the Federal Register (46 FR 19809) on March 31, 1981. A public information forum was held on April 8, 1981. A public comment forum was held on April 29, 1981. The consultation and comment period ended on May 15, 1981.

The rate for Fry-Ark capacity without energy is defined as a minor rate adjustment under the aforementioned procedures because it is for a new service for a new power system which will have annual sales of less than 100 million kilowatthours.

Discussion

Service Availability

The power service which will be marketed fom the Fry-Ark is capacity without energy. It will be available for sale east of the Continental Divide in Colorado and Wyoming, west of the 101st meridian in Nebraska, and in Kansas west of the eastern boundaries of those counties intersected by the 100th meridian. The customers will be required to provide the necessary pumping energy.

Rate

The rate for Fry-Ark capacity without energy is $3.11/kW/mo based on the contract rate of delivery.

Repayment Accounting

The rate has been designed, in accordance with mandates of the authorizing acts, to return to the United States the project costs allocated to power within 50 years of completion of each power unit and the irrigation costs assigned to power for repayment within 50 years of completion of the irrigation facilities. It is based on data contained in the July 31, 1980, Fry-Ark power repayment study.

Allocation of Joint Costs

A recent Department of the Interior internal audit suggested a change in the allocation of joint costs that would increase the total capital costs allocated to power from $148,744,000 to $170,251,000. However, there is an unresolved question as to whether the possible change derives from a change in cost allocation or project evaluation standards, and therefore is subject to prior approval of Congress pursuant to the Department of Energy Organization Act. A decision on reallocation of joint costs will not be available in time for use in initial contracts. If the change is allowed, the power rate may have to be increased by a subsequent rate adjustment.

Public Comments

Two comments were received concerning transmission arrangements for Fry-Ark capacity. The thrust of the comments was:

A. The United States should negotiate on behalf of Fry-Ark customers for transmission arrangements in addition to those established in the United States—Public Service wheeling contract.

B. The costs of such present and future Fry-Ark transmission arrangements should be incorporated into the Fry-Ark power rate.

The Mt. Elbert-Malta transmission line is interconnected with Public Service's transmission system. Existing transmission arrangements were negotiated at a time when most of the interest in Fry-Ark power was expressed by entities interconnected with Public Service's transmission system. Additional transmission arrangements are needed to adequately serve the expanded group of entities now requesting Fry-Ark capacity. As stated previously, Western has initiated discussion with other non-Federal owners of transmission in the market area in an attempt to expand the transmission service that the United States contracts for on behalf of Fry-Ark customers.

Western recognizes that there may be merit to the suggestion that the cost of such present and future Fry-Ark transmission arrangements be incorporated into project costs and reflected in the Fry-Ark power rate. When and if additional transmission arrangements have been agreed upon, Western will consider incorporating all transmission charges set by United States Fry-Ark transmission service contracts into the Fry-Ark power rate.

National Environmental Policy Act

Western has determined that this ratesetting action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement has been prepared.

Availability of Information

Information regarding this rate adjustment proceeding is available for public review in the Office of the Administrator, Western Area Power Administration, 1536 Cole Boulevard, Golden Colorado 80401, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective July 11, 1981, Rate Schedule FA-1. This rate shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and approves this or a substitute rate on a final basis, whichever occurs first.

Issued in Washington, D.C., July 10, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[Rate Schedule FA-1]

United States Department of Energy—Western Area Power Administration

Fryingpan-Arkansas Project—Schedule of Rates for Capacity Without Energy

Effective: July 11, 1981.

Available: In the area served by power from the Fryingpan-Arkansas Project.

Applicable: To wholesale power customers for capacity without energy.

Character and Condition of Service: Alternating current, 60 hertz 3-phase, delivered and metered at the voltage and points established by contract.

Monthly Rate: $3.11 per kilowatt of contract rate of delivery.

Adjustments: Customers will be required to bear transmission costs and losses of 1 mill/kWh and 5-percent losses in each direction for wheeling of energy to and from the Malta Substation over the transmission system of Public Service Company of Colorado.

[FR Doc. 81-21699 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-232; PH-FRL-1886-6]

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted pesticide petitions to the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20450.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-232]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2501. Atlantic and Pacific Research Inc., PO Box 14545, North Palm Beach, FL 33408, proposes amending 40 CFR 180.1042 by establishing an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal derived from *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophyllum nodosum* in or on cotton. The proposed analytical method for determining residues is a bean hypocotyl. (PM 25, Robert J. Taylor, 703–557–7066).

PP 1F2504. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.223 by reducing the established tolerances for the combined residues of the herbicide 2,4-dichlorophenyl p-nitrophenyl ether and its metabolites containing the diphenyl ether linkage from 0.75 part per million (ppm) to 0.1 ppm in or on broccoli, brussel sprouts, cabbage, cauliflower, celery, kohlrabi, and onions (dry bulb form). The petition also proposes that the established tolerances for carrots at .75 ppm; green bunching onions at .75 ppm; parsley at .75 ppm; rice and rice straw at 0.1 ppm; milk fat at 0.5 ppm; poultry fat at 0.2 ppm; eggs and fat (except poultry), meat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm be withdrawn. The proposed analytical method for determining residues is gas-liquid chromatography with an electron capture detector. (PM 25, Robert J. Taylor, 703–557–7066).

PP 1F2506. Dow Chemical Co., PO Box 1706, Midland, MI 48640, proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the herbicide trichlpoyr [(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid and its metabolite 3,5,6-tricholo-2-pyridinol in or on the raw agricultural commodities grasses, forage at 1,000 ppm; grasses, hay at 300 ppm; milk at 0.1 ppm; meat, fat, and meat byproducts (except kidney) and liver of cattle, sheep, and goats at 0.1 ppm; kidney and liver of cattle, sheep, and goats at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM 25, Robert J. Taylor, 703–557–7066).

PP 1F2521. Ciba Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes amending 40 CFR 180.368 by establishing tolerances for the combined residues of the herbicide metolachlor (2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide) and its metabolites determined as 2-(2-ethyl-6-methylphenyl)-amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl]-3-morpholinone each expressed as the parent compound in or on the raw agricultural commodities popcorn at 0.1 ppm and fresh corn, including sweet corn (kernels plus cobs, husks removed) at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 23, Richard F. Mountfort, 703–557–7070).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: July 2, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–21078 Filed 7–17–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–51285; TSH–FRL–1886–4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–313, 81–314—August 25, 1981

PMN 81–316, 81–317 and 81–318—August 29, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS–51285]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticide and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460 (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No., Notice Manager, Telephone, and Room No.

81–313, 81–316, and 81–317—Richard Green (202–426–8815), E–208

81–314—Mary Cushmac (202–426–0503), E–221

81–318—Robert Jones (202–426–8815), E–208

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–313

Close of Review Period. September 24, 1981.

Manufacturer's Identity. Milliken & Company, Milliken Service Division, P.O. Box 1926, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cromophore substituted poly (oxyalkylene).

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a colorant.

Production Estimates. Claimed confidential business information.

Physicial/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that the PMN substance LD_{50} of closely related products with long production histories will have a very low order of toxicity.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–314

Close of Review Period. September 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided.

Manufacturing site—Middle Atlantic.

Standard Classification Code—285,e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Adduct of an anhydride and a polyester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer claims that the substance will have a destructive use that will release less than 50 kg/yr. of the new substance into the environment with potential for skin and eye exposure to chemical industry employees at a frequency of less than once per month and that there are no further potential exposures since the substance is totally consumed in a subsequent reaction.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1 year	0	20,000
2 year	20,000	80,000
3 year	80,000	150,000

Physical/Chemical Properties

Acid value—109mg KOH/gm.
Hydroxyl value—121mg KOH/gm.
Total solids (by weight)—90%.
Viscosity—98.7 stokes.*
Color—1.0.*

Toxicity Data. No data were submitted.

Exposure. No date were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81–316

Close of Review Period. September 28, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$100,000,000–$499,000,000.

Manufacturing site—West North Central U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Quaternary ammonium derivative of unsaturated amide.

Use. The manufacturer states that the PMN substance will be used as an industrial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Water Solubility—>50%
Vapor Pressure—$<10^{-5}$ torr.
Density—1.07g/ml.
Flash Point—>200°F.
pH—1.5.
Chemical Incompatability—Peroxides, oxidizing agents.

Toxicity Data

Acute oral LD_{50}(Rats)—1.8g/kg.
Acute dermal LD_{50}(Rabbit)—20g/kg.
Primary skin irritation—not an irritant.
Eye irritation (Rabbit)—not an irritant.

Exposure. Manufacturer states that contact with the substance during filter cleaning and possible intermediate drum filling/reactor charging will occur an average of only 3 times per month involving 2–3 people on each occasion.

Environmental Release/Disposal. Submitter states that release to air and land will be less than 10kg per year. When temporary storage is required, reactor cleaning will cause release into publicly owned treatment works (POTW). Anticipated release for this reason is estimated at less than 10kg per month. Off-space material will be disposed of by incineration.

*Values determined on a solution of the new substance at the % of total solids indicated above.

PMN 81–317

Close of Review Period. September 28, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$100,000,000–$499,000,000.

Manufacturing site—West North Central U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Copolymer of an unsaturated amide with quaternary ammonium derivative of an unsaturated amide.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Test and Results

Meltinig Point—Starts decomposing at 227°C; solid up to 295°.
Density—1.13g/ml.
Mol. weight—>1,000,000.
Residual monomer—0.1%.

Toxicity Data

Acute oral LD_{50} (Rats)—4.0g/kg.

Environmental Test Data. The values presented express the Chemical Oxygen Demand (COD) data as mg/1.0_2 of a 100mg sample and the Biological Oxygen Demand (BOD) as a percentage of COD.

CODmg/1—124.
BOD_5—7%.
BOD_{15}—12%.
BOD_{20}—16%.
96 Hour LC_{50}.(Bluegill sunfish)—0.35mg/1.

Exposure. The manufacturer states that principal exposure during the production stage will occur during drumming or disposal, exposing 2–3 workers for 8–10 hrs/day for no more than 30 days per year. Some exposure will also occur briefly (i.e., 2–10 minutes maximum) during material transfer. Possible skin and eye contact should be reduced or eliminated by the use of synthetic gloves along with protective face and eye equipment. Vapor inhalation should not be a significant route of exposure due to the extremely low vapor pressure of the product.

Environmental Release/Disposal. The manufacturer states that release to air and land during manufacture will be less than 10kg per year and that approximately 20kg per month will be released into a publicly owned treatment works (POTW) after cleaning the reactor and filter.

PMN 81–318

Close of Review Period. September 28, 1981

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: July 10, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81–21079 Filed 7–17–81; 8:45 am]

BILLING CODE 6560–31–M

[PW–FRL–1887–2]

Ciba-Geigy Corp.; Withdrawal of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp. has submitted withdrawals of pesticide petitions for use of the herbicide profluralin [*N*-(cyclopropylmethyl)-alpha, alpha, alpha-trifluoro 2,6-dinitro-*N*-propyl-p-toluidine] in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–7070).

SUPPLEMENTARY INFORMATION: Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro, NC 27409 has withdrawn the following pesticide petitions for use of the herbicide profluralin [*N*-(cyclopropylmethyl)-

alpha, alpha, alpha-trifluoro 2,6-dinitro-*N*-propyl-p-toluidine].

PP 7F1993 (42 FR 56643) proposed the establishment of a tolerance for profluralin in or on the raw agricultural commodities leafy vegetables at 0.1 ppm.

PP 7F1989 (42 FR 49839) proposed the establishment of tolerances for the herbicide profluralin in or on the raw agricultural commodities peanuts and peanuts forage at 0.1 ppm; peanut hay at 0.2 ppm, and peanut hulls at 0.3 ppm.

PP 8F2045 (43 FR 10970) proposed the establishment of a tolerance for the herbicide profluralin in or on the raw agricultural commodity flax seeds at 0.1 ppm.

Ciba-Geigy Corp., has withdrawn these petitions without prejeduce to further filing in accordance with the regulations (40 CFR 121.52) pertaining to section 408 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: July 2, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-21007 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Future World and Regional Administrative Radio Conferences as Scheduled by the International Telecommunication Union

July 13, 1981.

The recently concluded 36th Session of the Administrative Council of the International Telecommunication Union [ITU] has developed a schedule for the holding of ITU World Administrative Radio Conferences (WARC'S) and Regional Administrative Radio Conferences (RARC'S). These radio conferences will be held beginning in late 1981; conferences are scheduled through 1988. The schedule of these conferences, along with the associated Federal Communications Commission [FCC] Notices of Inquiry presently underway, is as follows:

Date/Duration	Scheduled administrative radio conferences	FCC notice of inquiry proceeding
Nov. 9–Dec. 18, 1981.	Second session of the RARC for medium frequency broadcasting in region 2 (Western Hemisphere).	BC Docket Nos. 79–164 and 79–166.
Feb. 23–Mar. 18, 1983.	WARC for mobile telecommunications.	Gen. Docket No. 80–184.
June 13–July 16, 1983.	RARC for the planning of the broadcasting satellite service in region 2 in the 12 GHz band and associated uplinks.	Gen. Docket No. 80–396 (see associated Gen. Docket No. 80–603).
January 1984 (5 wks).	First session of the WARC for the planning of the HF (short-wave) bands allocated to the broadcasting service.	
July 1985 (6 wks).	First session of the WARC on the use of the geostationary satellite orbit and the planning of the space services.	Gen. Docket No. 80–741.
January 1986 (7 wks).	Second session of the WARC for the planning of the HF (short-wave) bands allocated to the broadcasting service.	
September 1986 (4 wks).	RARC for region 2 planning of the AM broadcasting service in the 1605–1705 KHz band.	
September 1987 (6 wks).	Second session of the WARC on the use of geostationary satellite orbit and the planning of the space service.	Gen. Docket No. 80–741.
September 1988 (6 wks).	WARC for the mobile services.	

[This list does not include the Region 1 and Region 3 RARC'S)

The FCC will, as necessary, initiate public Notices of Inquiry proceedings for these conferences. The agenda, location, and exact dates, unless already decided, for each RARC or WARC will be established approximately 2–3 years in advance of the actual conference, in accordance with the procedures specified in the ITU Convention. Some of these radio conferences may be preceded by technical meetings of the ITU International Radio Consultative Committee [CCIR], or ITU Seminars.

While this schedule was set by the 1981 Session of the ITU Administrative Council, future considerations may dictate changes. Thus, the ITU Plenipotentiary Conference (September 28–November 5, 1982), or the annual Administrative Council Sessions may modify the schedule.

For further information, contact the International Staff, Office of Science and Technology at (202) 653–8102.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-21084 Filed 7-17-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Working Group Meetings

July 13, 1981.

Change in location

Working Group 1E—Public Service Requirements
Co-Chairman: Frank Norwood, 202/331–0660
Co-Chairman: David E. Honig, 202/387–8155
Meeting—July 14, 1981, 10:00 a.m.–3:30 p.m., Kennedy Room, 7th Floor, Philip Murray Building, 1126 16th Street, N.W., Washington, D.C.

Change in dates and location

Working Group 2A—Planning Parameters
Chairman: Jay Ramasastry, 212/975–1727
Vice Chairman: John E. Miller, 202/755–8570
July 21, 1981 Meeting *Cancelled*
Meeting—September 9, 1981, 9:30 a.m.–4:00 p.m., CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

Working Group 2B—Planning Approaches and Modification Procedures
Chairman: Ernesto Martin, 202/626–3629
Vice Chairman: Peter Sawitz, 301/588–6180
Vice Chairman: Reinhard Stamminger, 301/840–0320
July 22, 1981 Meeting *Cancelled*
Meeting—September 10, 1981, 9:30 a.m.–4:00 p.m., CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-21083 Filed 7-17-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Plan for Review of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Plan for Review of Regulations.

With this notice, the Federal Deposit Insurance Corporation ("FDIC") publishes its plan for the periodic review of rules, as required by the Regulatory Flexibility Act of 1980 (Pub. L. No. 96–354) ("Act"). The rules of FDIC are set forth in a number of Parts which constitute Chapter III of Title 12 of the *Code of Federal Regulations*.

The Act requires a periodic review (within ten years) of each rule which has or will have a "significant economic impact on a substantial number of small entities" (a term not defined by the Act). The purpose of each review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistently with stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities.

FDIC believes that it may most effectively implement this requirement by continuing the program required by its statement of policy on the development and review of regulations. Accordingly, FDIC will review each of its regulations (not just those having a significant economic impact on a substantial number of small entities) at least every five years to determine whether a regulation should be continued, revised, or eliminated. Additionally each year, FDIC will publish in the **Federal Register** a list of the rules which are to be reviewed in the ensuing twelve months. The list will include a brief description of each rule and the need for, and legal basis of, such rule and will invite public comment upon the rule. The first such list will be published on or before December 31, 1981.

Also, at this time, the FDIC invites public comment on three specific issues that pertain to the review of regulations:

(1) When does a rule have a significant economic impact?

(2) When is a bank a small entity?

(3) Which FDIC regulations warrant most immediate review?

Respondents are asked to explain the bases for their comments.

As stated in the last semiannual agenda of regulations (46 FR 28654, May 14, 1981), the FDIC is currently reviewing Parts 308, 328, and 329 of its regulations. Since January 1, 1981, FDIC has begun or completed review and acted upon the rules listed below. Though individually the following rules may not have a significant economic impact on a substantial number of small entities, nonetheless, the FDIC has reviewed and acted upon

(1) Parts 332 and 337, in a proposed rule which is procompetitive and would relieve restrictions on banks;

(2) Part 326.5(c), by eliminating this subsection and its reporting requirement;

(3) Part 335, a final rule which relieves restrictions and simplifies the earlier format; and

(4) Part 341, a final rule which eliminates a reporting requirement.

ADDRESS: Comments on the plan for the review of regulations may be mailed to Hoyle Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Carol Galbraith, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, (202) 389–4422.

By Order of the Board of Directors, July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-20402 Filed 7-17-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Commerce Group, Inc., et al.; Proposed Acquisition of Commerce Affiliated Life Insurance Co.

Commerce Group, Inc., Commerce Group Grand Island Inc., Commerce Group Hastings, Inc., Commerce Group North Platte, Inc., Commerce Group Kearney, Inc., Commerce Group West Point, Inc., all located in Lincoln, Nebraska, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Commerce Affiliated Life Insurance Company, Phoenix, Arizona.

The Applicants state that the proposed subsidiary would engage in the activities of providing credit life, credit health and accident reinsurance. These activities would be performed from offices of Applicants subsidiary in Phoenix, Arizona, and the geographic areas to be served are: For Commerce Group Inc., the Lincoln, Nebraska SMSA, and the County of Scott Bluff, Nebraska; For Commerce Group Grand Island, Inc., Hall County, Nebraska; For Commerce Group Hastings, Inc., the east half of Adams County, Nebraska; For Commerce Group Kearney, Inc., the south half of Buffalo County and north half of Kearney County, Nebraska; For Commerce Group North Platte, Inc., Lincoln County, Nebraska; and For Commerce Group West Point, Inc., Cumming County, Nebraska. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 12, 1981.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21070 Filed 7-17-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Report of Amended Routine Uses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notification of amended routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to amend uses applicable to the following notices of systems of records:

(1) 09–70–0005, Medicare Bill File (Statistics), HHS/HCFA/ORDS

(2) 09–70–0006, Medicare Enrollment Records (Statistics), HHS/HCFA/ORDS

(3) 09–70–0008, Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/ORDS

(4) 09–70–0501, Carrier Medicare Claims Records, HHS/HCFA/BPO

(5) 09-70-0502, Health Insurance Master Record, HHS/HCFA/BPO
(6) 09-70-0503, Intermediary Medicare Claims Records, HHS/HCFA/BPO
(7) 09-70-0506, Group Health Plan System, HHS/HCFA/BPO

We have provided background information about the routine uses in the "Supplementary Information" section below. We invite public comments on this proposal.

DATES: These routine uses will become effective, as proposed, without further notice August 19, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESS: Interested parties who wish to comment on this proposal should address their comments to Shirley Mulhall, the HCFA Privacy Officer, Health Care Financing Administration, G-C-3 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207.

We will make comments received available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn J. Martin, Office of Research, Room 1104, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207, telephone (301) 597-2999.

SUPPLEMENTARY INFORMATION: System notice 09-70-0005, Medicare Bill File (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits part of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data, and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09-70-0006, Medicare Enrollment Records (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits parts of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09-70-0008, Supplementary Medical Sample Bill Summary File (Statistics) contains records on suppliers and billing information on a 5 percent sample of Medicare beneficiaries. Data in this file are used for research and statistical purposes.

System notice 09-70-0501, Carrier Medicare Claims Records contains records on claims for Supplementary Medical Insurance Benefits including itemized bills to support payment to beneficiaries and to physicians and other suppliers of medical services. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09-70-0502, Health Insurance Master Record contains a record of each individual who is, or has been, entitled to health insurance benefits under title XVIII of the Social Security Act. Data in this file are used to administer the Medicare program and for research and statistical purposes.

System notice 09-70-0503, Intermediary Medicare Claims Records contains records on claims for Medicare benefits submitted by providers for reimbursement on a reasonable cost basis including hospital, skilled nursing facility and home health agency bills. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09-70-0506, Group Health Plan System contains records on Medicare beneficiaries receiving services from group health plans including entitlement and supplementary medical benefits usage. Data in this file are used in administering the Medicare program and for research and statistical purposes.

The Privacy Act allows us to disclose information routinely without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. We disclose information for "routine uses" when it is necessary to carry out our programs, including research, evaluation, or epidemiological projects. We may also routinely disclose information to other Federal, State or local or private agencies or individuals for purposes that are compatible with the purposes of our programs when the benefit of the proposed use outweighs the effect, or risk of an effect, on the privacy of individuals. We consider a purpose to be compatible if (1) it is related to the prevention of disease or disability or restoration or maintenance of health or (2) it is related to human services or to income maintenance programs such as those administered by the Social Security Administration. In evaluating the benefit of a proposed use, we consider the importance of the objectives of the use and likelihood that they will be attained. We also take into account whether release of the data is necessary and feasible and whether the data will be protected once released. We believe that the amended routine uses which we are proposing meet these criteria. Accordingly, we are revising the above-mentioned systems notices as indicated below.

Systems Notices 09-70-0005, 09-70-0006, 09-70-0008, 09-70-0501, 09-70-0502, 09-70-0503, and 09-70-0506

We have amended the routine uses of these systems by changing the routine uses that permit disclosure to HCFA contractors and grantees for research, evaluation, or epidemiological projects that are compatible with HCFA program purposes and meet criteria assuring that the benefit from the projects outweighs the intrusion or risk of intrusion into the privacy of individuals. We removed the limitation of disclosure to HCFA contractors and grantees and permit for disclosure to individuals and organizations. These disclosures would also be limited to those meeting criteria which assure that the use is likely to be for an important purpose; the use is likely to be effective in attaining the purpose; release of the data is necessary and feasible; and the data will be protected from further disclosure. The amended uses are as follows:

To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. *Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;*

b. *Determines that the purpose for which the disclosure is to be made:*

(1) *Cannot be reasonably accomplished unless the record is provided in individually identifiable form,*

(2) *Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and*

(3) *There is reasonable probability that the objective for the use would be accomplished;*

c. *Requires the information recipient to:*

(1) *Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and*

(2) *Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and*

(3) *Make no further use or disclosure of the record except:*

(a) *In emergency circumstances affecting the health or safety of any individual,*

(b) *For use in another research project, under these some conditions, and with written authorization of HCFA,*

(c) *For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or*

(d) *When required by law;*

d. *Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.*

The notices below contain the amended routine uses as indicated above.

Dated: July 6, 1981.

Carolyne K. Davis, Ph.D.,
Administrator, Health Care Financing Administration.

09-70-0005

SYSTEM NAME:

Medicare Bill File (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Marylaend 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons enrolled in hospital insurance or supplemental medical benefits parts of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bill data; demographic data on the beneficiary, diagnosis and surgery codes on a sampling of the population; provider characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the operation and effectiveness of the Medicare program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

(b) Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use of disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

All records are stored on magnetic taper.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by hospital provider number.

SAFEGUARDS:

For compterized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research
Demonstrations and Statistics
Health Care Financing Administration
Room 4228, HHS Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

(These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records; Medicare bill records: Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0006

SYSTEM NAME:

Medicare Enrollment Records (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons enrolled for hospital or supplemental medical benefits under the Medicare program, including enrollees for whom the State has paid the premiums sand enrollees who are members of direct dealing group practice prepayment plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment characteristics of the beneficiaries: demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the characteristics of persons enrolled in the Medicare program and established the basis for Medicare services utilization rates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee, of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State buy-in number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in the Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for program research analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write to the systems manager, who will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical participation in a direct dealing group practice prepayment plan, or payment of premium by State.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

(These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

Master beneficiary record: Medicare enrollment records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0008

SYSTEM NAME:

Supplementary Medical Sample Bill Summary File of Medicare Utilization [Statistics] HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Boulevard, Baltimore, Maryland 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician and supplier billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Socia' Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the effectiveness of the Supplementary Medical Insurance Medicare benefit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiableform,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earlist opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARDS:

For computerized records, safeguards are established in accordance with guidelines in Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics
Health Care Financing Administration, Room 4228, HHS Building 330, Independence Avenue SW., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims submitted to carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0501

SYSTEM NAME:

Carrier Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4.)
Federal Records Centers
Bureau of Quality Control
HCFA Office of Systems Analysis
6325 Security Boulevard
Baltimore, Maryland 21207
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier, Health Insurance Claim Form, Request for Medicare Payment, Patient's Request for Medicare Payment, Request for Medicare Payment—Ambulance, Explanation of benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of Part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of the title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that te purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety or any individual,

(b) For use in another research project, under these same conditions, and with writen authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When requird by law;

D. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicad program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations. Disclosures of physicians customary charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) In the event of litigation where the defendant is (a) the Department, any component of Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(17) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List or similar publications are based.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers to determine amount of Part B benefits. The bills are retained by the carriers. Copies of selected parts of the records will be used by the Office of Systems Analysis and data will be retieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additional years, transferred to Federal Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the Medicare Bureau Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0502

SYSTEM NAME:

Health Insurance Master Record, HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Blvd., Baltimore, Md. 21207
HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.
Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to heath insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 months to disability benefits under title II of the Act or under the Railroad Retirement Act, and individuals who have been; or currently are, entitled to such benefits because they have end-stage renal disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814 and 1833 of title XVIII of the Social Security Act.

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

ROUTINE USES OF RECORDS MAINTIANED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) Statement Welfare Department pursuant to agreements with the Department of Health and Human Services for detemining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility conserations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a reseach or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant (is) (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) The United States where the Department determines that the claim, if successful, is likely to direct affect the operations of the Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this stetem. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYTEM:

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with Department ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the Medicare Bureau Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3.)

Federal Records Centers
Bureau of Quality Control, HCFA
Office of Systems Analysis
6325 Security Boulevard
Baltimore, Maryland 21207
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare Parts A and B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient hospital and skilled Nursing Facility Admission and Billing; Provider Billing for Medical and Other Health Services; Inpatient Admission and Billing—Christian Science Sanatorium; Home Health Agency Report and Billing, and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1816 and 1874 of Title XVIII of the Social Security Act.

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

ROUTINE USES OF RECORDS MAINTANED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not as a matter of policy, provide it to the individual) or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program: the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act. (9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make not further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law:

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality controls studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) In the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department is his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Support Services, Baltimore, Md., where they are used to update the central office records. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the Medicare Bureau Regional Office, or to the system manager named above. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0506

SYSTEM NAME:

Group Health Plan System HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Asministration, Bureau of Support Services, 6325 Security Boulevard, Baltimore, Maryland 21207

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833(a)(1)(A), 1866 and 1876 of Title XVIII of the Social Security Act.

PURPOSE(S):

To maintain a master file of Group Health Plan members for acounting control; to expedite the exchange of data with the Group Health Plans; and to control the posting of pro-rata amounts to the Part B deductible of currently enrolled Group Health Plan members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly

affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be acomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

(e) Secures a written statement attesting to the information recipient's understanding of a willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and paper listing.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

RETENTION AND DISPOSAL:

Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration; Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Group Health Plan Operations Staff. The individuals should furnish his or her health insurance claim number as shown on social security records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix C. Health Insurance Claims

Medicare records are maintained at the HCFA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a representative of the HCFA Regional Office (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations, referred to as carriers and intermediaries, are under contract to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses:
Bureau of Program Operations, HCFA
6325 Security Boulevard
Baltimore, Maryland 21207
Office Hours: 8:15–4:45
Bureau of Support Services, HCFA
Office of Direct Reimbursement
Room 1705, Equitable Building
6325 Security Boulevard
Baltimore, Maryland 21207
Office Hours: 8:15–4:45

2. HCFA Regional Office Addresses:

BOSTON REGION—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
John F. Kennedy Federal Building
Room 1211
Boston, Massachusetts 02203
Office Hours: 8:30–5:00

NEW YORK REGION—New Jersey, New York, Puerto Rico, Virgin Islands
26 Federal Plaza—Room 715
New York, New York 10007
Office Hours: 8:30–5:00

PHILADELPHIA REGION—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
P.O.Box 8460
Philadelphia, Pennsylvania 19101
Office Hours: 8:30–5:00

ATLANTA REGION—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee
101 Marietta Street
Suite 702
Atlanta, Georgia 30223
Office Hours: 8:00–4:30

CHICAGO REGION—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Suite A–824
Chicago, Illinois 60604
Office Hours: 8:15–4:45

DALLAS REGION—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
1200 Main Tower Building
Dallas, Texas
Office Hours: 8:00–4:30

KANSAS CITY REGION—Iowa, Kansas, Missouri, Nebraska
New Federal Office Building
601 East 12th Street—Room 436
Kansas City, Missouri 64106
Office Hours: 8:00–4:45

DENVER REGION—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Federal Office Building
1961 Stout St—Room 1185
Denver, Colorado 80294
Office Hours: 8:00–4:30

SAN FRANCISCO REGION—American Samoa, Arizona, California, Guam, Hawaii, Nevada
Federal Office Building
10 Van Ness Avenue
20th Floor
San Francisco, California 94102
Office Hours: 8:00–4:30

SEATTLE REGION—Alaska, Idaho, Oregon, Washington
1321 Second Avenue—Room 615
Mail Stop 211
Seattle, Washington 98101
Office Hours: 8:00–4:30

3. Intermediary Addresses (Hospital Insurance):

Medicare Coordinator
Blue Cross/Blue Shield of Alabama
930 South 20th Street
Birmingham, Alabama 35298

Medicare Coordinator
Blue Cross of Arizona, Inc.
P.O. Box 13466
321 West Indian School Road
Phoenix, Arizona 85002

Medicare Coordinator
Arkansas Blue Cross/Blue Shield
P.O. Box 1416
601 Gains Street
Little Rock, Arkansas 72203

Medicare Claim Administrator
Aetna Life & Casualty
2600 Wilshire Boulevard
Los Angeles, California 90057

Medicare Coordinator
Blue Cross of Southern California
P.O. Box 70000
Van Nuys, California 91470

Medicare Coordinator
Blue Cross of Northern California
1950 Franklin Street
Oakland, California 94659

Medicare Coordinator
Kaiser Foundation Health Plan, Inc.
1950 Webster Street, Room 310A
Oakland, California 94612

Aetna Life & Casualty
Medicare Claim Administration
97 San Marin Drive
Novato, California 94947

Medicare Coordinator
Colorado Hospital Service
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06156

Medicare Coordinator
Connecticut Coordinator
370 Bassett Rd.
North Haven, Connecticut 06473

Administrator, Medicare Claims Office
Aetna Life & Casualty
P.O. Box 329
270 Farmington Avenue
Building 4, 2nd Floor
Farmington, Connecticut 06032

Medicare Administrator
Travelers Ins. Co.
One Tower Square
Hartford, Connecticut 06115

Connecticut General Life Ins. Co.
Medicare Claim Office
100 Barnes Road, North
Wallingford, Connecticut 06049

Triage, Inc.
719 Middle Street
Bristol, Connecticut 06019

Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilmington, Delaware 19801

Medicare Coordinator
Group Hospitalization, Inc.
550 12th Street, S.W.
Washington, D.C. 20024

Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 2711
Jacksonville, Florida 32203

Medicare Claim Administrator
Aetna Life & Casualty
The Taylor Building
121 North Osceola Avenue
Clearwater, Florida 33515

Medicare Coordinator
Blue Cross of Georgia/Columbus
P.O. Box 7368
2357 Warm Springs Rd.
Columbus, Georgia 31908

Medicare Coordinator
Blue Cross of Georgia/Atlanta
3348 Peachtree St., N.E.
P.O. Box 4445
Atlanta, Georgia 30326

Medicare Coordinator
Hawaii Medical Service Association
P.O. Box 860
1504 Kapiolani Boulevard
Honolulu, Hawaii 96808

Medicare Coordinator
Blue Cross of Idaho, Inc.
P.O. Box 7480
1501 Federal Way
Boise, Idaho 83707

Medicare Coordinator
Health Care Service Corp.
233 North Michigan Avenue
Chicago, Illinois 60601

Medicare Claims Administration
Aetna Life & Casualty
P.O. Box 1702
Peoria, Illinois 61603

Medicare Coordinator
Mutual Hospital Insurance, Inc.
120 West Market Street
Indianapolis, Indiana 46204

Medicare Coordinator
Blue Cross of Iowa
Ruan Building
636 Grant Avenue, Station 28
Des Moines, Iowa 50309

Medicare Coordinator
Blue Cross of Western Iowa and S. Dakota
Third and Pierce Street
Sioux City, Iowa 51102

Medicare Administrator
Kansas Hospital Service Association, Inc.
1133 Topeka Avenue, P.O. Box 239
Topeka, Kansas 66601

Medicare Coordinator
Blue Cross of Kentucky, Inc.
9901 Linn Station Road
Louisville, Kentucky 40223

Medicare Coordinator
Blue Cross of Louisiana
P.O. Box 15699
Baton Rouge, Louisiana 70815

Medicare Coordinator
Associated Hospital Service of Maine
100 Free Street
Portland, Maine 04101

Medicare Coordinator
Maryland Blue Cross, Inc.
700 East Joppa Road
Baltimore, Maryland 21204

Medicare Claims Admin.
Aetna Life & Casualty Co.
15 Midstate Drive
Auburn, Massachusetts 01501

Medicare Coordinator Part A
Blue Cross of Mass., Inc.
100 Summer Street
Boston, Massachusetts 02106

Medicare Coordinator
Blue Cross of Michigan
600 Lafayette East
Detroit, Michigan 48226

Medicare Coordinator
Blue Cross of Minnesota
3535 Blue Cross Road
St. Paul, Minnesota 55165

Medicare Coordinator
Blue Cross of Miss.
P.O. Box 1043
Jackson, Mississippi 39205

Medicare Coordinator
Blue Cross of Kansas City
P.O. Box 169
Kansas City, Missouri 64141

Medicare Coordinator
Blue Cross Hospital Service of Missouri
4444 Forest Park Boulevard
St. Louis, Missouri 63108

Medicare Coordinator
Blue Cross of Montana
P.O. Box 5004
Great Falls, Montana 59403

Medicare Coordinator
Mutual of Omaha Ins. Co.
Box 456 Downtown Station
Omaha, Nebraska 68101

Medicare Coordinator
Blue Cross of Nebraska
P.O. Box 3248
Main Post Office Station
Omaha, Nebraska 68103

Medicare Claims Administrator
Aetna Life & Casualty
P.O. Box 7290
Reno, Nevada 89510

Medicare Coordinator
New Hampshire Vermont Hospital Service
2 Pillsbury Street
Concord, New Hampshire 03301

Medicare Coordinator
Hospital Service Plan of New Jersey
33 Washington Street
Newark, New Jersey 07102

Medicare Coordinator
Prudential Ins. Co. of America
P.O. Box 5000
Millville, New Jersey 08332

Medicare Coordinator
New Mexico Blue Cross Inc.
12800 Indian School Rd., N.E.
Albuquerque, New Mexico 87112

Medicare Coordinator
Rochester Hospital Service Corp.
41 Chestnut Street
Rochester, New York 14604

Medicare Coordinator
Hospital Plan, Inc.
5 Hopper St.
Utica, New York 13501

Medicare Coordinator
Blue Cross of Western New York, Inc.
298 Main Street, Blue Cross Building
Buffalo, New York 14202

Medicare Coordinator
Blue Cross of Central New York, Inc.
344 South Warren Street
Syracuse, New York 13202

Hospital Service Corp. of Jefferson County
158 Stone Street
Watertown, New York 13602

Medicare Coordinator
B/C–B/S of Greater New York
622 Third Avenue
New York, New York 10017

Chautauqua Region Hospital Service Corp.
306 Spring Street
Jamestown, New York 14701

Medicare Coordinator
Blue Cross of N.E. New York, Inc.
P.O. Box 8650
Albany, New York 12208

Medicare Coordinator
North Carolina B/C–B/S
P.O. Box 3824
Durham, North Carolina 27702

Medicare Coordinator
Blue Cross of North Dakota
301 Eight St. South
Fargo, North Dakota 58102

Associated Hospital Service, Inc.
2400 Market Street
Youngstown, Ohio 44507

Medicare Coordinator
B/C of N.W. Ohio
P.O. Box 943
Toledo, Ohio 43601

Medicare Coordinator
B/C of N.E. Ohio
2066 East Ninth Street
Cleveland, Ohio 44115

Medicare Coordinator
Hospital Care Corporation
1351 William Howard Taft Road
Cincinnati, Ohio 45206

Medicare Coordinator
Nationwide Mutual Insurance Co.
P.O. Box 1625
Columbus, Ohio 43216

Medicare Coordinator
B/C of Central Ohio
P.O. Box 16526
Columbus, Ohio 43216

Medicare Coordinator
Blue Cross of Oklahoma
1215 South Boulder
Tulsa, Oklahoma 74119

Medicare Coordinator
Northwest Hospital Service
P.O. Box 1271
Portland, Oregon 97207

Medicare Coordinator
Blue Cross of Greater Philadelphia
1333 Chestnut Street
Philadelphia, Pennsylvania 19107

Medicare Coordinator
Blue Cross of Western Pennsylvania
One Smithfield Street
Pittsburgh, Pennsylvania 15222

Medicare Coordinator
B/C of N.E. Pennsylvania
70 North Main Street
Wilkes Barre, Pennsylvania 18711

Medicare Coordinator
Hospital Service Plan of Lehigh Valley
1221 Hamilton Street
Allentown, Pennsylvania 18102

Medicare Coordinator
Capital Blue Cross
100 Pine Street
Harrisburg, Pennsylvania 17101

Aetna Life & Casualty
Medicare Claim Administrator
500 Office Center Building
P.O. Box 546
Fort Washington, Pennsylvania 19304

Cooperative de Seguros de Vida de Puerto Rico
G.P.O. Box 3428
San Juan, Puerto Rico 00936

Blue Cross of Rhode Island
444 Westminister Mall
Providence, Rhode Island 02901

Medicare Coordinator
Blue Cross of S.C.
Drawer F Forest Acres Branch
Columbia, South Carolina 29219

Medicare Coordinator
Memphis Hosp. Serv. and Surg. Assn.
85 Danny Thomas Blvd.
Memphis, Tennessee 38101

Medicare Coordinator
Blue Cross of Tennessee
801 Pine Street
Chattanooga, Tennessee 37402

Medicare Administrator
Aetna Life & Casualty
Union Square Building
2670 Union Avenue
Suite 606
Memphis, Tennessee 38112

Medicare Coordinator
Group Hospital Service, Inc.
P.O. Box 22146
Dallas, Texas 75222

Medicare Coordinator
B/C of Utah
P.O. Box 30269
Salt Lake City 84125

B/C–B/S of S.W. Virginia
P.O. Box 13047
3959 Electric Rd.
Roanoke, Virginia 24045

Medicare Coordinator
Blue Cross of Virginia
P.O. Box 27401
Richmond, Virginia 23261

Medicare Coordinator
B/C Washington/Alaska, Inc.
15700 Dayton Avenue, North
P.O. Box 327
Seattle, Washington 98111

Medicare Administration
Aetna Life and Casualty Co.
P.O. Box C25902
Seattle, Washington 98125

Medicare Coordinator
Parkersburg Hosp. Serv., Inc.
P.O. Box 1948
Parkersburg, West Virginia 26101

Medicare Coordinator
Blue Cross Hospital Service Inc.
Commerce Square, P.O. Box 1353
Charleston, West Virginia 25325

Medicare Coordinator
West Virginia Hospital Service, Inc.
20th and Chapline Streets
Wheeling, West Virginia 26003

Medicare Coordinator
Assoc. Hosp. Serv. Inc.
401 W. Michigan Street
Milwaukee, Wisconsin 53201

Medicare Coordinator
Hospital Service of Wyoming
4020 House Avenue
P.O. Box 2266
Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans
Operations Staff
6325 Security Boulevard
Baltimore, Maryland 21207

Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

4. Carrier Addresses (Supplementary Medical Insurance)

Medicare Coordinator
Blue Cross Blue Shield of Alabama
930 South 20th Street
Birmingham, Alabama 35205

Medicare Claim Administrator
Aetna Life & Casualty
3010 West Fairmont Avenue
Phoenix, Arizonia 85017

Vice President for Medicare and Medical Services
Arkansas Blue Cross-Blue Shield
601 Games Street
Little Rock, Arkansas 72203

Medicare Coordinator
California Blue Shield
P.O. Box 7968
Rincon Annex
San Francisco, California 94120

Medicare Coordinator
Occidental Life Insurance Company of California
P.O. Box 54905 Terminal Annex
Los Angeles, California 90054

Assistant Vice President
Blue Shield of Colorado
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Travelers Ins. Co.
One Tower Square
Hartford Connecticut 06115

Medicare Administrator

Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06115

Medicare Coordinator
Connecticut General Life Insurance Company
200 Pratt Street
Meriden, Connecticut 06450

Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilmington, Delaware 19899

Medicare Coordinator
Medical Service of D.C.
550 12th Street, SW
Washington, D.C. 20024

Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 1798
Jacksonville, Florida 32201

Group Health, Inc.
1320 South Dixie Highway
Coral Gables, Florida 33146

Medicare Administrator
Prudential Insurance Company of America
P.O. Box 95466
57 Executive Park Station
Atlanta, Georgia 30347

Medicare Claim Administrator
Aetna Life & Casualty
120 Bishop Street, P.O. Box 3947
Honolulu, Hawaii 96812

Medicare
The Equitable Life Assurance Society
P.O. Box 6048, Hillcrest Plaza Shop
Boise, Idaho 83707

Continental Casualty Company
Medicare Benefits Division
P.O. Box 910
Chicago, Illinois 60690

Health Care Service Corporation
233 North Michigan Avenue
Chicago, Illinois 60601

Assistant Vice President Medicare Dept.
Blue Shield of Indiana
120 West Market Street
Indianapolis, Indiana 46204

Assistant Executive Director
Blue Shield of Iowa
Ruan Building, 636 Grand Avenue
Station 28
Des Moines, Iowa 50307

Medicare Administrator
Kansas Medical Association, Inc.
1133 Topeka Blvd., P.O. Box 239
Topeka, Kansas 66601

Manager
Metropolitan Life Insurance Co.
1218 Harrodsburg Road, Suite 300
Lexington, Kentucky 40504

Manager, Medicare Liaison
Pan American Life Insurance Co.
P.O. Box 60450
New Orleans, Louisiana 70160

Blue Shield of Massachusetts/Maine
Medicare Claims Office
477 Congress Street
Portland, Maine 0411

Medicare Coordinator
Maryland Blue Shield, Inc.
700 E. Joppa Road
Baltimore, Maryland 21204

Medicare Coordinator Part B
Massachusetts Blue Shield
100 Summer Street
Boston Massachusetts 02106

Asst. Vice Pres. Govern. Aff. Dept.
Michigan Medical Services
600 Lafayette East
Detroit, Michigan 48226

Blue Cross/Blue Shield of Minn.
3535 Blue Cross Road
St. Paul, Minnesota 55165

Vice President Government Programs
Blue Shield of Kansas City
P.O. Box 169
Kansas City, Missouri 64141

Director, Medicare Administration
General American Life Ins. Corp.
P.O. Box 505
St. Louis, Missouri 0366

Montana Physicians Service
404 Fuller Avenue
P.O. Box 2510
Helena, Montana 59601

Assistant Vice President
Health Insurance Benefits
Mutual of Omaha Insurance Co.
Box 456, Downtown Station
Omaha, Nebraska 68101

Medicare Claims Administrator
Aetna Life & Casualty
P.O. Box 7290
Reno, Nevada 89510

Medicare Coordinator
New Hampshire Vermont Phys. Serv.
2 Pillsbury St.
Concord, New Hampshire 03301

Medicare Coordinator
Prudential Insurance Co. of America
P.O. Box 471
Millville, New Jersey 08332

Medicare
The Equitable Life Assurance Society
P.O. Box 3070
Station D
Albuquerque, New Mexico 87110

Director of Medicare Part B
Blue Shield of Western New York, Inc.
298 Main Street
Buffalo, New York 14202

Medicare Coordinator
Group Health Insurance, Inc.
328 West 42nd Street
New York, New York 10036

Medicare Coordinator
Genesee Valley Medical Care, Inc.
42 Chestnut Street
Rochester, New York 14604

Medicare Coordinator
Blue Cross/Blue Shield of Greater N.Y.
622 Third Avenue
New York, New York 10017

Medicare Coordinator
The Equitable Life Assurance Society
1285 Avenue of the Americas
New York, New York 10019

Manager
Metropolitan Life Insurance Co.
P.O. Box 393
276 Genesee Street
Utica, New York 13503

Senior Vice President
Metropolitan Life Insurance Co.
One Madison Avenue
New York, New York 10010

Medicare Coordinator, B Division
Prudential Life Insurance Company
P.O. Box 2126
High Point, North Carolina 27261

Medicare Coordinator
Blue Shield of North Dakota
301 South Eight Street
Fargo, North Dakota 58102

Medicare System & Proc. Div.
Nationwide Insurance Company
P.O. Box 57
Columbus, Ohio 43216

Department of Institutions
Social & Rehabilitative Services
Box 25352 State Capital Station
Oklahoma City, Oklahoma 73125

Medicare Claims Admin.
Aetna Life & Casualty
Glenbrook Center, 1140 N.W. 63rd St.
Oklahoma City, Oklahoma 73116

Medicare Claim Admin.
Aetna Life & Casualty
1500 S.W. First Avenue
Crown Plaza
Portland, Oregon 97201

Medicare Coordinator
Pennsylvania Blue Shield
Blue Shield Building
Camp Hill, Pennsylvania 17011

Chief, Internal Operations
Seguros de Servicio de Salud de Puerto Rico, Inc.
G.P.O. Box 3628
San Juan, Puerto Rico 00936

Medical Coordinator
R.I. Medical Society Physicians Serv.
444 Westminster Mall
Providence, Rhode Island 02901

Medicare Coordinator
Blue Cross/Blue Shield of S.C.
Drawer F Forest Acres Branch
Columbia, South Carolina 29206

Assistant Executive Director
South Dakota Medical Service, Inc.
1601 West Madison
Sioux Falls, South Dakota 57104

The Equitable Life Assurance Society
P.O. Box 1465
Nashville, Tennessee 37202

Offices Services
Group Medical & Surgical Service
P.O. Box 22147
Dallas, Texas 75222

Manager, Part B
Blue Shield of Utah
P.O. Box 3270
2455 Parleys Way
Salt Lake City, Utah 84125

Assistant Administrator
Washington Physicians Service
4th & Battery Building—6th Floor
2401 4th Avenue
Seattle, Washington 98121

Medicare Coordinator, Surgical Care
The Medical Society of Milwaukee County
401 West Michigan Street
Milwaukee, Wisconsin 53203

Director, Medicare Claims Dept.
Wisconsin Physicians Service
330 E. Lakeside Street, P.O. Box 1109
Madison, Wisconsin 53701

Field Director
Equitable Life Assurance Society
P.O. Box 628
102 Indian Hills Shopping Center
Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans Operations Staff
6325 Security Blvd.
Baltimore, Maryland 21207

Director of Retirement Claims
U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

[FR Doc. 81-21102 Filed 7-17-81; 8:45 am]
BILLING CODE 4110-86-M

Public Health Service

National Institutes of Health; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of January 30, 1981 (46 FR 10016) by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Director, National Institutes of Health, with authority to redelegate, the following authorities under Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended, insofar as they apply to the functions assigned to the National Institutes of Health:

Section 301 (42 U.S.C. 241) relative to research, investigation, and testing functions;
Section 307 (42 U.S.C. 242*l*) relative to international cooperation;
Section 308 (42 U.S.C. 242m) insofar as general provisions pertain to sections 307 and 309 as delegated to the Director, National Institutes of Health;
Section 309(f) (42 U.S.C. 242n(f)) insofar as it pertains to the functions assigned to the National Library of Medicine relative to the publication, dissemination, and availability of standards, norms, and criteria concerning the use of particular health care technologies;
Section 311 (42 U.S.C. 243) concerning Federal-State Cooperation;
Section 321 (42 U.S.C. 248) concerning hospitals;
Section 327 (42 U.S.C. 254) concerning interdepartmental work;
Section 327A (42 U.S.C. 254a) insofar as it pertains to the sharing of medical care facilities and resources under the jurisdiction of the Director, National Institutes of Health;
Section 352 (42 U.S.C. 263) relative to the preparation of biological products as specified in section 352 for the use of the Public Health Service and for the use of other Federal departments or agencies, and public or private agencies and individuals engaged in work in the field of medicine;
Part I (42 U.S.C. 275–280e–1) concerning National Library of Medicine; and
Part J (42 U.S.C. 280b–280b–11) concerning assistance to medical libraries.

The above athorities do not include the authority to promulgate regulations.

The following delegations have been superseded: the April 1, 1977 delegation by the Assistant Secretary for Health (42 FR 19517) to the Director, National Institutes of Health, of authority under section 352 of the Public Health Service Act relative to biological products; the July 24, 1979 delegation by the Assistant Secretary for Health (44 FR 45759) to the Director, National Institutes of Health, of authority under section 301 of the Public Health Service Act relative to research, investigation, and testing functions; the September 24, 1980 delegation by the Assistant Secretary for Health (45 FR 65680) to the Director, National Institutes of Health, of authority under section 327A of the Public Health Service Act pertaining to the sharing of medical care facilities and resources under the jurisdiction of the Director, National Institutes of Health; the July 1, 1973 delegation by the Assistant Secretary for Health (38 FR 18261) to the Director, National Institutes of Health, insofar as it pertains to authorities under Title III of the Public Health Service Act; and the June 23, 1978 delegation by the Assistant Secretary for Health to the Director, National Institutes of Health, insofar as it pertains to authorities under Title III of the Public Health Service Act.

Provision has been made for previous delegations and redelegatins made to other officials within the National Institutes of Health to continue for no longer than 90 days from the effective date of the delegation to the Director, National Institutes of Health, provided they are consistent with the delegation to the Director, National Institutes of Health.

The delegation to the Director, National Institutes of Health became effective on June 26, 1981.

Dated: June 26, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-21051 Filed 7-17-81; 8:45 am]
BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-58]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: La Providencia Community, Toa Alta, Puerto Rico, and Coco Beach Development, Rio Grande, Puerto Rico. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., July 13, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on La Providencia Community, Toa Alta, Puerto Rico

The HUD Area Office in San Juan, Puerto Rico intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. The project site is located on State Road No. 861, at Km. 4.0, Mucarebones and Pimas Wards, Toa Alta, Puerto Rico. Hilven La Providencia, Inc. is planning to develop La Providencia Community, which will be an urban community. The complete project consists of 353 cuerdas and 2,500 housing units. The initial project is 116.5 cuerdas from which approximately 102.61 cuerdas are to be allocated for residential use and 13.89 cuerdas for community services and facilities. One cuerda is equivalent to 0.97 acres. The initial project will be an urban community for approximately 853 families.

The proposed project may be assisted under the following Federal Program: 209(b), 295, and Section 8.

Need. An EIS is being prepared because the overall project exceeds the threshold level for EIS's established by HUD (500 for Toa Alta) and its Departmental Procedure for Protection and Enhancement of Environmental Quality (24 CFR Part 50). A copy of the Draft EIS when published will be in Spanish, and will be available for inspection at the Area Office.

Alternatives Perceived. Alternatives to be considered are: no project, accept project as proposed, accept project with conditions or modifications of project.

Scoping. Response to the Notice will assist in identifying data sources and significant environmental issues which the EIS should address.

Comments. Comments should be sent or delivered before August 20, 1981, to: Jose R. Febres-Silva, Area Manager, U.S. Department of Housing and Urban Development, U.S. Courthouse and Federal Building, Carlos Chardon Avenue, Room 428, Hato Rey, Puerto Rico 00918. Commercial Telephone Number (809) 753–4201, FTS 967–1221 ask operator for 753–4201.

EIS on Coco Lagoon Development, Rio Grande, Puerto Rico

The HUD Area Office in San Juan, Puerto Rico intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. The project is located at Barrio Zarzal, municipality of Rio Grande, in the north-eastern coast of Puerto Rico. It is a flat coastal terrain in Punta Miquillo, bounded to the North by the Alantic Ocean, to the East by Bahia Comezon, to the West by the Espiritu Santo River and to the South by private property which eventually bounds with State Road Number 3.

The project site consists of 838 cuerdas: 254 cuerdas will remain in its natural state and 584 cuerdas will be developed in residential, recreational, commercial and tourist facilities. (One cuerda is equivalent to 0.97 acres).

This residential-tourist complex will consist of 4,340 units: 15% for hotel use, 35% for condo-hotel and 50% for residential use, for a maximum density of ten (10) units per cuerda. The residential area will be provided with commercial facilities consisting of a school, cultural center, parks and a commercial area at the main entrance of the project site. A waste treatment plant will be one of the service facilities provided by the project. The tourist area will comprise hotels, condo-hotels, recreational and boating facilities.

Initial development, however, is only considering the construction of 285 single family residential units to be built on a 45.26 cuerdas area. This initial project will combine several structural alternatives: detached residential units, duplex and walk-up apartments. The proposed Federal action is to make available FHA mortgage insurance under Sections 203(b) and 235 and Section 8-Housing Assistance Payments Program for Lower Income Families.

Need. An EIS is being prepared because the overall project exceeds the threshold level for EIS's established by HUD (500 for Rio Grande) and its Departmental Procedure for Protection and Enhancement of Environmental Quality (24 CFR Part 50).

Estimated date for the completion of the Draft EIS is September 14, 1981. A copy of the draft will be published in Spanish and will be available for inspeciton at the Area Office.

An EIS concerning this project was submitted to pertinent Commonwealth agencies in 1970. This EIS was reviewed and finally approved by the Commonwealth Government. The Puerto Rico Planning board issued two resolutions which enable the developer to construct on 584 cuerdas and requires him to leave in their natural state 254 cuerdas. The 45.26 cuerdas of the initial project have obtained site improvement and construction plan approvals from the Regulation and Permit Administration.

Alternatives Perceived. Alternatives to be considered are: no project, accept project as proposed, accept project with conditions or modifications of project.

Scoping. Response to the Notice will assist in identifying data sources and significant environmental issues which the EIS should address.

Comments. Comments must be mailed or delivered to HUD at the following address on or before August 20, 1981, to: Jose R. Febres-Silva, Area Manager, U.S. Department of Housing and Urban Development, U .S. Courthouse and Federal Building, Carlos Chardon Avenue, Room 428, Hato Rey, Puerto Rico 00918. Commercial Telephone Number (809) 753–4201, FTS 967–1221 ask opertor for 753–4201.

[FR Doc. 81–21101 Filed 7–17–81; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. NI–59]

Intended Environmental Impact Statement and Early Public Review for E.O. 11988 Floodplain Management

The Department of Housing and Urban Development gives notice that the City of Chicago, Illinois, intends to prepare an Environmental Impact Statement for the following project under HUD programs described in the appendix to this Notice: Lake Calumet Harbor Area Development and issue an Early Public Review for said project under Executive Order 11988 "Floodplain Management." This Notice and Early Public Review is required by the Council on Environmental Quality under its rules (40 CFR 1500) and E.O. 11988, of May 24, 1977.

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. July 13, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on the Lake Calumet Harbor Area Development Project and Early Public Review for E.O. 11988 Floodplain Management

The City of Chicago, Illinois intends to prepare an Environmental Impact Statement on the project described below. It is simultaneously annoucing this Notice for Early Public Review, in compliance with E.O. 11988 Floodplain Management for that same project. The City solicits information and comments for consideration in the EIS and for compliance with E.O. 11988.

Description. The primary short term goal of this project is to extend the roadway network and other basic city infrastructure to the existing industries in the Lake Calumet area. Currently the only road serving the east side of Lake Calumet is 122nd Street: a black-top road crossed at-grade by the mainline track of the Norfolk and Western RR. This limited roadway presents accessibility problems for existing industries and discourages new development, more importantly however are the potential safety problems associated with limited accessibility to these chemical industries in the event of an emergency.

The long range goal of the project is to stimulate future industrial development in this area thereby providing new jobs and tax revenues for the City of Chicago.

The project area is located on the southeast side of Chicago and lies entirely within the corporate limits of the City of Chicago. Until the 1920's this area was undisturbed wetland which formed part of the flood plain for old Lake Calumet. Between 1920 and 1930, man made flood controls which accompanied the construction of the Cal-Sag Canal made the site accessible for landfilling. Much of this area has since been used as landfill sites.

Longstanding factors which have deterred development within the Lake Calumet area are (1) its marshy condition, (2) the use of large sections of land for the disposal of industrial wastes and sanitary refuse, and (3) the lack of adequate roadways and utilities.

For the purpose of this DEIS a Primary Study Area and two Secondary Study areas have been defined.

The boundaries of the Primary Study Area are: 103rd Street on the North; Calumet Expressway on the West; 130th Street on the South; and Torrence Avenue on the East.

Two wetland areas immediately adjacent to the Primary Study Area will be included in this scope of work and studied at a comparable level of detail. These two areas, referred to as Secondary Study Areas, are depicted by the following site descriptions: Site 1: 95th Street on the North; Van Vlissingen Avenue on the East; Norfolk and Western RR ROW on the West; and 103rd Street on the South. Site 2: 130th Street on the North; Calumet River on the West; 133rd Street on the South; and Torrence Avenue on the East.

The Proposed Action has two major features. One is the suitable preparation of two large tracts of land for development; the other is the construction of four roadways to serve the area.

The tracts of land to be prepared for development include: 300 acres bounded by the Norfolk and Western Railroad tracks on the north (110th Street) and east (Yates Avenue), proposed 116th Street on the south, and proposed Stony Island Avenue on the west; 120 acres of land bounded by the proposed 110th Street on the north, Torrence Avenue on the east, 122nd Street on the south, and the Norfolk and Western Railroad tracks on the west.

Roadway construction included: The extension of Stony Island Avenue from 103rd Street to 122nd Street (4 thru lanes and 2 restricted parking lanes); 122nd Street from Torrence Avenue to Stony Island Avenue Extended (2 thru lanes and 2 restricted parking lanes); 116th Street from Torrence Avenue to Stony Island Avenue Extended (2 thru lanes and 2 restricted parking lanes); and 110th Street from Torrence Avenue to the Frontage Road of the Calumet Expressway (4 thru lanes and 2 restricted parking lanes).

The roadway improvements are proposed for funding under a Federal Highway Administration Federal-aid Urban System and/or as an Interstate Transfer Program.

Planning for the site preparation is proposed for partial funding under a Housing and Urban Development, Community Development Block Grant and/or Urban Development Action Grant.

Need. It has been determined by the City of Chicago, as the lead agency for the Lake Calumet Harbor Area Development Project, pursuant to Section 104(h) of Title I of the Housing and Community Development Act and applicable regulations (24 CFR Part 58, 33 CFR Parts 320–329, and 40 CFR Parts 1500–1508), that this Project and the issuance of a U.S. Army Corps of Engineers permit, as required under Section 404 of the Federal Water Pollution Control Act of 1972, in connection with this Project will constitute an action with the potential of significantly affecting the quality of the human environment. Accordingly, the City will prepare a Draft Environmental Impact Statement (DEIS) on the Project, in accordance with the National Environmental Policy Act of 1969.

The City of Chicago is preparing a DEIS on this Project for three primary reasons: (1) the installation of the proposed water and sewer lines exceeds the HUD EIS threshold; (2) there are potentially significant environmental issues associated with this action; and (3) there is considerable citizen interest both for and against this action.

Three additional impacts with the potential for being most significant are: (1) the elimination of wetland habitat that supports a large bird population; (2) the potential for encountering and having to dispose of hazardous or toxic wastes deposited during past fill activities; and (3) the potential flooding impacts resulting from the removal of a storm water retention wetland. Other impacts to be analyzed include air quality, water quality, socioeconomic, noise, land use and secondary impacts. The DEIS will also include the development of measures that may be employed to mitigate or eliminate any potential adverse impacts.

Regulations promulgated under Executive Order 11988 require that the public be provided the opportunity for early review as soon as it is determined that a federally funded project is proposed to be located in a floodplain as defined by the aforesaid Executive Order. The Federal Emergency Management Agency has determined that this Project is planned for a floodplain as designated on the applicable Flood Hazard Boundary Map. Therefore, this announcement is intended to constitute notice as required under Executive Order 11988 of the public's opportunity for early review of the Project.

Alternatives Perceived. The DEIS will describe and analyze reasonable alternatives to the Proposed Action including different scales of development and the "no build" alternative. As information from the habitat evaluation becomes available the range of alternatives will be adjusted to reflect the study findings.

Scoping. This notice is part of the process for determining the scope of the issues to be addressed in the DEIS, for identifying data and significant environmental issues related to the Project, and for identifying cooperating agencies. To assist in this scoping process, a public scoping meeting will be held. All interested agencies, groups and persons are invited to attend and participate. This meeting will be held on Wednesday, September 2, 1981, at the Central Office Building, 320 North Clark Street, Room 507 and will begin at 7:00 pm.

Comments. All interested agencies, groups and persons who are unable to attend the public scoping meeting are invited to submit written comments with respect to the proposed scope of the EIS. The official scoping meeting record will be open to receive such comments for a period of 10 days following the scoping meeting.

Comments should be sent to Mary Gallery, Chicago Department of Public Works, Bureau of Transportation Planning and Programming, 320 North Clark Street, Room 411, Chicago, Illinois 60610. Telephone Number (312) 744–7740.

[FR Doc. 81–21100 Filed 7–17–81; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. NI–60]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Weber West Subdivision, Greeley, Colorado, and Walnut Hills Subdivision, Salt Lake County, Utah. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., July 13, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

Environmental Impact Statement, Weber West Subdivision, Greeley, Colorado

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on Weber West Subdivision, described below and requests information and comments for consideration in the EIS.

Description. Approximately 804 dwelling units (single-family and multi-family) will be built in the west side of Greeley, Colorado, approximately ½ mile north of U.S. Highway 34 at 47th Avenue, at the northwest corner of 4th Street and 47th Avenue.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Greeley, Colorado.

Comments. Comments should be forwarded within 21 days of publication of this Notice in the **Federal Register** to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street,

Denver, Colorado 80202, or call (303) 837–3103 (FTS) 327–3103.

Environmental Impact Statement, Walnut Hills Subdivision, Salt Lake County, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Walnut Hills Subdivision, described below, and requests information and comments for consideration in the EIS.

Description. Approximately 4,000 dwelling units (single-family and multi-family) will be built in Salt Lake County, Utah, between 5600 West and State Highway 111, and 6200 South to 7000 South.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Salt Lake County, Utah.

Comments. Comments should be forwarded within 21 days of publication of this Notice in the **Federal Register** to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, or call (303) 837–3103 (FTS) 327–3103.

[FR Doc. 81–21089 Filed 7–17–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Environmental Document Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity and location	FONSI Date
Exxon/Exploration Plan, OCS Block 138 (110 miles E.S.E of Nantucket Island, North Atlantic)	6–22–81
Mobil/Exploration Plan, OCS Block 544 (71 miles East of Atlantic City, N.J., Mid-Atlantic)	6–26–81
Mobil/Exploration Plan, OCS Blocks 143, 273 and 316 (136 miles E.S.E. of Nantucket Island, North Atlantic)	6–11–81
Tenneco/Exploration Plan, OCS Blocks 187 and 230 (137 miles E.S.E. of Nantucket Island, North Atlantic)	6–19–81

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Offshore Field Operations, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street, NW., Suite 213, Washington, D.C. 20006, (202) 254–7870.

District Supervisor, North Atlantic District, Atlantic OCS Region, U.S. Geological Survey, Mary Dunn Road, Barnstable Municipal Airport/East Ramp, Hyannis Port, Massachusetts 02601, (617) 771–8506.

District Supervisor, Mid-Atlantic District, Atlantic OCS Region, U.S. Geological Survey, 26 South Pennsylvania Avenue, Atlantic City, New Jersey 08401, (609) 348–4700, FTS 8–483–4311.

FOR COPIES CONTACT: Records Management Section, U.S. Geological Survey, 1725 K Street, NW., Suite 213, Washington, D.C. 20006, (202) 634–6615.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Jack Willock,

Acting Regional Conservation Manager, Atlantic OCS Region.

[FR Doc. 81–21134 Filed 7–17–81; 8:45 am]

BILLING CODE 4310–01–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 052, Block 126, Eugene Island Area, offshore Louisiana

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 13, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–21095 Filed 7–17–81; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0317, Block 47, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 13, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–21005 Filed 7–17–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

Coeur d'Alene District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and CFR Part 1780, that the Coeur d'Alene District Advisory Council will meet Friday, Saturday, and Sunday, August 21–23, 1981.

The Coeur d'Alene Advisory Council members will convene at 2:00 p.m. at the Hammer Creek Recreation Site, ½ mile northwest of Whitebird, Idaho, for a meeting and resource management review of the lower Salmon River.

The agenda for the tour is as follows:

August 21, 1981

2:00 p.m.–2:30 p.m.—Public meeting at Hammer Creek Recreation Site
2:30 p.m.–3:00 p.m.—Public comment period
3:00 p.m.—Depart recreation site for river study tour

August 22, 1981

Within Salmon River corridor.

August 23, 1981

12:00 noon—Arrive Eagle Creek Recreation Site

The meeting and tour is open to the public. Anyone wishing to go on the tour must provide their own transportation. Interested persons may also make oral statements to the Council between 2:30 and 3:00 p.m., August 21, or file written statements for the Council's consideration. Anyone wishing to make an oral statement or attend the field tour must notify the Coeur d'Alene District Manager at 1808 North Third Street, Coeur d'Alene, Idaho 83814, by August 17.

The purpose of the meeting and field tour is to review existing resource use (cultural and recreational) and discuss future management opportunities along the lower Salmon River.

Summary minutes of the meeting will be maintained in the Coeur d'Alene District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 8, 1981.

Wayne Zinne,

Coeur d'Alene District Manager.

[FR Doc. 81–20760 Filed 7–17–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado; Craig District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Craig District Grazing Advisory Board will be held on August 27 and 28, 1981. The meeting will convene at 10:00 a.m. on the 27th of August at the Upper Colorado Environmental Plant Center, 5536 County Road 4, Meeker, Colorado 81641.

The agenda for the meeting will include: (1) the status of the implementation of the White River Range program; (2) the status of the Kremmling Resource Management Plan; (3) status of the inventory in the Little Snake Resource Area; (4) status of range improvement projects being constructed in FY '81; (5) the expenditures of advisory board funds for range improvements; (6) discussion of the Draft Rangeland Management Program Policy; (7) announcement of Craig District Grazing Advisory Board elections in the fall; (8) a review and discussion of Allotment Management Plans that have been written in accordance with the White River Grazing Environmental Impact Statement; and (9) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 a.m. on August 27, 1981, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by August 21, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 10, 1981.

Lee Carle,

District Manager.

[FR Doc. 81–21088 Filed 7–17–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

[Decision Volume No. 429]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served

concurrently upon the carrier's representative, or carrier if no representative is named.

MC 26396 (Sub-353F), (republication), filed April 1, 1980; published in the **Federal Register** issue of July 10, 1980; and republished this issue. Applicant: THE WAGGONERS TRUCKING P.O. Box 3135, Billings, MT 59107. Representative: Bradford E. Kistler, Box 82028, Lincoln, NE 68501. A Decision of the Commission, Review Board 1, acting as an appellate Division, decided April 9, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (1) *fertilizer and fertilizer additives*; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Stoller Chemical Company, Inc., at or near (a) Fresno, CA; (b) Jerome, ID; (c) Brownfield and Houston, TX; (d) Fremont, NE; (e) Oswego, IL; (f) Dawson and Pelham, GA; (g) Estis, FL; (h) Ehrhardt and Jericho, SC; (i) Severn, NC; and (j) Tooele, UT, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); the applicant is fit, willing, and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to correctly reflect the territorial description as granted.

MC 41136 (Sub-30), (republication), filed January 14, 1981; published in the **Federal Register** issue of February 3, 1981; and republished this issue. Applicant: FLEET CARRIER CORPORATION, 525 South Boulevard East, Pontiac, MI 48053. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. A Decision of the Commision, Review Board 3, acting as an Appellate Division, decided June 2, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *transportation equipment*, between points in Lehigh County, PA, and all United States ports on the Atlantic Ocean and the Gulf of Mexico, on the one hand, and, on the other, points in the United States; that the applicant is fit, willing, and able to properly perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the territorial description as granted.

MC 109346 (Sub-9), [republication), filed February 3, 1981; published in the **Federal Register** issue of February 26, 1981; and republished this issue. Applicant: J. L. COX & SON, INC. 777 Action St., Odessa, MO 64076. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. A Decision of the Commission, Review Board 1, acting as an Appellate Division, decided June 5, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (1) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment: (b) the completion of holes or wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells; and (2) *pipe, pipeline machinery, equipment, materials and supplies* incidental to and used in connection with the construction, operation, repair, servicing, maintenance or dismantling of pipelines, including the stringing and picking up thereof, between points in the United States; that the applicant is fit, willing and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the commodity description as granted:

MC 110817 (Sub-31F) (republication), filed October 28, 1980; published in the **Federal Register** issue of November 11, 1980; and republished this issue. Applicant: E. L. FARMER & COMPANY (a corporation), P.O. Box 3512, Odessa, TX 76760. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. A Decision of the Commission, Division 1, acting as an Appellate Division, decided May 27, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (1) *machinery, equipment, materials and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment; (b) the completion of holes and wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes and wells, between points in Indiana, Ohio, Michigan, Pennsylvania, West Virginia and Kentucky; that the applicant is fit, willing and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect applicant's intent to tack.

MC 123407 (Sub-665) (republication), filed February 9, 1981; published in the **Federal Register** issue of March 2, 1981; and republished this issue. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926-7575. A Decision of the Commission, Review Board 1, acting as an Appellate Division, decided June 3, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (1) *flooring, floor covering and related products;* and (2) *commodities* related to the manufacture, sale, or distribution of the commodities in (1), between points in Bartow County, GA, on the one hand, and, on the other, points in the United States; that the applicant is fit, willing and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the commodity description as granted.

MC 124236 (Sub-110F) (republication), filed December 22, 1980; published in the **Federal Register** issue of January 23, 1981; and republished this issue. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. A Decision of the Commission, Review Board 3, acting as an Appellate Division, decided May 19, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *potash*, between points in Eddy and Lea Counties, NM, on the one hand, and, on the other, points in Beckham County, OK, and Brazos, Freestone, Panola, Gregg and Victoria Counties, TX; that the applicant is fit, willing and able to properly perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the territorial description as granted.

MC 143737 (Sub-2F) (republication), filed September 4, 1979; published in the **Federal Register** issue of March 27, 1980; and republished this issue. Applicant: WHITE TRANSFER & STORAGE CO., INC., Box 1355, Fort Dodge, IA 50501. Representative: Leo Crimmins (same address as applicant). A Decision of the Commission, Review Board 3, acting as an Appellate Division, decided March 30, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Dodge, IA, on the one hand, and, on the other, points in Webster, Pocahontas, Humboldt, Wright, Calhoun, Greene, Story and Hamilton Counties, IA, restricted to traffic having a prior or subsequent movement by rail; that the applicant is fit, willing and able to properly perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to eliminate the restriction imposed in the previous publication: "restricted to traffic originating at the named origins and destined to the indicated destinations."

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21074 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-124]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 145765 (Sub-10) (republication), filed March 16, 1981, published in the **Federal Register** issue of April 9, 1981 and republished this issue. Applicant: WIEST TRUCKLINE, INC., RR #2, Jamestown, ND 58401. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. A decision of the Commission, Review Board Number 1, decided June 24, 1981, and served July 8, 1981, finds that the performance by applicant of the service as described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal products*, between Minneapolis, MN, on the one hand, and, on the other, points in IA, MN, MT, ND, SD, and WI; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21073 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Notice Volume No. 16]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 146833 (Sub-2) (Republication), filed August 13, 1979, published in the **Federal Register** of February 28, 1980, and republished this issue: Applicant: C. E. COCHRAN, Rt. 3, Box 320, Jacksonville, AR. Representative: C. E. Cochran (same address as applicant). A decision of the Commission, *Review Board 3*, decided December 19, 1980, and served January 15, 1981, finds that the present and future public covenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *roofing building materials*, from points in Arkansas, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas, and *materials and supplies* used in the manufacture of roofing building materials, from points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas, to points in Arkansas; that

applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 148329 (Sub-2F) (Republication), filed January 14, 1980, published in the **Federal Register** issue of March 21, 1980, and republished this issue. Applicant: AOL EXPRESS, INC., 6441 C Street, Anchorage, AK 99502. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101. An Order of the Commission, Review Board 2, decided January 12, 1981, and served March 19, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *general commodities* (except classes A and B explosives), between points in the Anchorage, AK, commercial zone, restricted to traffic having prior or subsequent movement by water, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Intrastate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-1507, filed June 30, 1981. Applicant: BLACK DIAMOND SERVICE, INC., 243 French Street, Buffalo, NY 14211. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between Erie, Niagara, Genesee and Monroe Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2381, filed June 30, 1981. Applicant: LIBERTY-MIDDLETOWN EXPRESS, INC., Box 630, Liberty, NY 12754. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Sullivan, Delaware, Orange, Ulster, Broome and Dutchess. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-4849, filed June 24, 1981. Applicant: KENNETH B. VAN LUVEN, d.b.a. WILLIAMS EXPRESS, Moose River Road, Box 11, Boonville, NY 13309. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in Oneida and Lewis Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9907, filed June 25, 1981. Applicant: JAMES F. VENDITTI, 427 Rosa Road, Schenectady, NY 12309. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between the City of Schenectady and all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21124 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 14, 1981.

Service Date: July 14, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.2-percent. Accordingly, we are authorizing that the surcharge for this traffic remains at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.6-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m., July 17, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

July 13, 1981 ..... 131.6¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.0%	2.9%	6.3%	3.3%
Percent surcharge developed	18.2%	3.1%	6.6%	[4] 2.9%
Percent surcharge allowed	18.5%	3.1%	6.6%	[4] 2.1%

[1] Apply to all truckload related traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-21126 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant [unless the application involves impediments] upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14655, filed June 23, 1981. WARDCO, INC. (Wardco) (241 West 56th Avenue, Denver, CO 80216).—Control—RICHNER, INC. (Richner) (28344 Highway 160, P.O. Box 2133, Durango, CO 81301); and DON WARD, INC., d.b.a. DON WARD & COMPANY (Don Ward Inc.) (same address as Wardco)—Purchase—RICHNER, INC. Representative: J. Albert Sebald, 1700 Western Federal Savings Bldg., 718—17th Street, Denver, CO 80202. Wardco seeks authority to acquire control of Richner through the purchase by Wardco of all the issued and outstanding capital stock of Richner. Through the same transaction, Don Ward Inc. (the sole stockholder of Wardco) will acquire all of the interstate operating rights of Richner. Don A. Ward, the majority stockholder of Don Ward Inc., seeks authority to acquire control of Richner's rights and properties through this transaction. Richner is authorized to operate as a motor common and contract carrier as follows: MC-139458: (A) over regular routes, *soda ash*, (a) from the site of the Westvaco plant near Green River, WY, to the plant site of the Vanadium Corporation of America at Durango, CO, serving no intermediate points, over specified routes, and (b) from the site of the Westvaco plant near Green River, WY, to the plant site of the Vanadium Corporation of America at Naturita, CO, serving no intermediate points, over specified routes; and (B) over irregular routes, (1) *uranium and vanadium ores*, in bulk, from points within 175 miles of Monticello, UT, to Naturita and Durango, CO; (2) *mining supplies and equipment*, excluding classes A and B explosives, between points within 175 miles of Monticello, UT, on the one hand, and, on the other, Durango and Naturita, CO; (3) *soda ash*, from the site of the Westvaco plant near Green River, WY, to Shiprock, NM, and Moab and Monticello, UT, and points within 5 miles of each; (4) *soda ash*, in bags, from the site of the Westvaco Chemical Company plant near Green River, WY, to Uravan, CO; (5) *soda ash*, in bulk, from the site of the Westvaco Chemical Company plant near Green River, WY, to Grand Junction, Uravan, and Gunnison, CO, the site of Phillips Petroleum and Chemical Company plant about 24 miles northwest of Grants, NM, and the site of the Homestake of New Mexico Partners plant near Grants, NM; (6) *soda ash*, in bulk, in tank-type vehicles, from Thompson and Crescent Junction, UT, and Grand Junction, CO, to Uravan, CO, and to the plant site of the Vanadium Corporation of America, at or near Durango, CO, with restrictions; (7) *ore concentrates*, in containers, from points in McKinley and Valencia Counties, NM within 30 miles of Grants, NM, to the site of the plant of the Atomic Energy Commission located approximately 4 miles from Grand Junction, CO; (8) *sulphuric acid*, in bulk, in tank vehicles, (a) from Garfield, UT, to Naturita and Durango, CO, (b) from Garfield, UT, to Uravan, CO, (c) from Garfield, UT, to points in San Juan County, NM, (d) from Thompson, UT, to Durango, Naturita, and Uravan, CO, and Shiprock, NM, (e) from Rico, CO, to Shiprock, NM, (f) from Garfield, UT, to Maybell, CO; (g) from Garfield and Thompson, UT, to Slick Rock, CO, (h)

from Rico, CO, to Monticello, UT, (i) from points within 25 miles of Granta, NM (not including Grants), to points in CO west of the Continental Divide, and (j) from Grand Junction, CO, to Uravan, CO; (9) *vanadium liquor*, in bulk, in tank vehicles, between points in McKinley and Valencia Counties, NM, on the one hand, and, on the other, Salt Lake City, UT, and points in La Plata, Mesa, and Montrose Counties, CO; (10) *vanadium liquor*, in bulk, from the facilities of United Nuclear Homestake Partners near Grants, NM, to points in Garfield County, CO; (11) *cement admixes*, in bulk and in bags, from points in Santa Barbara County, CA, to points in San Juan County, UT, Apache and Navajo Counties, AZ, San Juan and Rio Arriba Counties, NM, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; (12) *gypsum board and gypsum plaster* (other than points and joint cement compound), restricted to a prior movement by railroad, from Albuquerque, NM, to points in san Juan County, UT, Apache and Navajo Counties, AZ, San Juan and Rio Arriba Counties, NM, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; (13) *pumice block*, from Albuquerque, NM, to points in San Juan County, UT, Apache and Navajo Counties, AZ, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; (14) *clay products*, (a) from Denver and Pueblo, CO, to points in San Juan County, UT, Apache and Navajo Counties, AZ, and San Juan and Rio Arriba Counties, NM, and (b) from Albuquerque, NM, to points in San Juan County, UT, Apache and Navajo Counties, AZ, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; and (15) *pumice products, concrete products, and clay products*, from points in Bernalillo County, NM, to points in Alamosa, Archuleta, Chaffee, and La Plata Counties, CO, and points in Navajo and Apache Counties, AZ, north of U.S. Hwy 66, except those within 5 miles of said highway. MC–139458 (Sub-No. 3): over irregular routes, transporting *coal*, in bulk, from the facilities of Arness-McGriffin Coal Company, at or near Durango, CO, to points in Rio Grande County, CO, restricted to the transportation of traffic having a subsequent movement by rail. MC–144998 (Sub-No. 1): over irregular routes, transporting *salt* (except in bulk), *fertilizer, and animal feed*, (a) from points in AZ, ID, KS, NM, TX, UT, and WY, to the facilites of Basin Co-op, Inc., in La Plata County, CO; and (b) from the facilities of Basin Co-op, Inc., in La Plata County, CO, to points in UT and NM, under continuing contracts with Basin Co-op, Inc., of Durango, CO. Wardco holds no carrier authority. Don Ward, Inc., holds extensive authority under Docket No. MC–111434 and sub-numbers thereunder.

Note.—Application for TA has been filed.

MC–F–14658, filed June 30, 1981. Applicant: LIQUID BULK SERVICES, INC. (Liquid Bulk) (100 North Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044)—Control—ROLAND'S TRANSPORTATION SERVICES, INC. (Roland's) (9525 South 60th Street, Franklin, WI 53122). Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, NW, Washington, D.C. 20004. Liquid Bulk seeks authority to acquire control of Roland's through the purchase by Liquid Bulk of all the issued and outstanding capital stock of Roland's. Charles J. O'Brien and Richard T. Lewis are the persons in control of Liquid Bulk through stock ownership and management, and they seek authority to acquire control of Roland's through this transaction. Liquid Bulk is a non-carrier holding company. It controls Quality Carriers, Inc., a motor common carrier with authority under MC–110420 authorizing the transportation of specific commodities including commodities in bulk, between numerous points throughout the continental United States. Quality owns all the issued and outstanding stock of Beaver Transport Co., a motor common carrier holding authority in MC–119767 covering the transportation of specified commodities, generally those requiring temperature control equipment, between points in 13 midwestern States. Quality also owns all the issued and outstanding stock of Bulk Transport Co., a motor common carrier holding authority in MC–112893 with its operations being confined to the transportation of petroleum and petroleum products, in bulk, in WI, IL, IN, IA, MN, and MI. Roland's is a motor contract carrier holding authority in MC–136512 and sub-numbers thereunder, which authorize the transportation of specified commodities, generally those related to the food industry, under contracts with L. D. Schreiber; Grocery Products Group of Heublein, Inc.; Bausback Corporation; Sargento Cheese Company, Inc.; Landers and Sowers, Inc.; Swiss Colony, Inc.; Topoc Associates, Inc.; American Home Foods, a division of American Home Products Corporation; and Badger State Tanning Corporation. Condition: So far as can be ascertained from the evidence of record in this proceeding, Liquid Bulk Services, Inc., is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Liquid Bulk Services, Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will, therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—Application for TA has been filed.

MC–F–14648, filed June 9, 1981. ARROW COACH LINES, INC. (Arrow) 2715 West 10th Street, Little Rock, AR 72204—Purchase (Portion) TRAILWAYS, INC. (Trailways), MIDWEST BUS LINES, INC. (Midwest), and TRAILWAYS SOUTHERN LINES, INC. (Southern) (all 1500 Jackson Street, Dallas, TX 75201). Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902 and George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. Arrow, a motor common carrier of passengers holding regular-route and charter authority in the States of Arkansas, Louisiana, and Mississippi, seeks to acquire the following authority to transport, over regular routes, passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (from Trailways): (a) between Fort Smith and Hot Springs, AR over U.S. Hwys 71 and 270, serving all intermediate points and (b) between Hot Springs, AR and Texarkana, TX over U.S. Hwy 70, Arkansas Hwy 27 and U.S. Hwy 71, serving all intermediate points; (from Midwest): (a) between Little Rock, AR, and McGehee, AR, over U.S. Hwy 65, serving all intermediate points (b) between McGehee, AR and Monroe, LA over U.S. Hwy 165, serving all intermediate points and (c) between McGehee, AR and the junction of U.S. Hwy 165 and 65, over U.S. Hwy 65, serving all intermediate points; (d) between Lake Village, AR and junction U.S. Hwy 65 and 82, about five miles south of Lake Village, serving all intermediate points and (e) between Demott, AR and junction of U.S. Hwys No. 5 and 65, over U.S. Hwys 35 and 165, serving all intermediate points; (from Southern): (a) between Monroe, LA and Crossett, AR over U.S. Hwy 165, Louisiana Hwy 5204 and c–1490, and Arkansas Hwy 133, serving all intermediate points; (b) between Pine Bluff, AR and Hamburg, AR over U.S. Hwy 65 and Arkansas Hwy 81 between Texarkana, AR and Starkville, MS over U.S. Hwy 82, serving the intermediate and off-route points of Montrose, Lake Village, Leland and Ashton, AR, and Greenville, MS and intermediate points between Montrose and Texarkana, AR; and (d) between Montrose, AR and Greenville, MS, over U.S. Hwy 82, serving all intermediate points. By the same application Catharine M. Lienhart and Henry A. Lienhart, who control Arrow, seeks authority to acquire control of the rights and property through the transaction.

Note.—Vendors hold incidental special and charter authority for a portion of the above operating rights pursuant to 49 U.S.C. 10932(c) which will also be transferred in this transaction.

[FR Doc. 81–21125 Filed 7–17–81; 8:45 am]

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[Permanent Authority Decisions Volume No. 121]

Motor Carriers; Restrictions Removals Decision-Notice

Decided: July 14, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich

Secretary.

MC 11722 (Sub-80)X, filed June 22, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its lead and Sub-Nos. 33, 34, 39, 55, 56, 62F, 65F, 72F, 73F, 75, and 77 certificates to (1) broaden the commodity description in the lead to "lumber and wood products" from box shooks, to "food and related products" from fresh fruits, to "clay, concrete, glass or stone products" from brick and tile and to "farm products" from livestock, including livestock for exhibition purposes; to "food and related products" from hop extract in Sub-No. 33, from hides, green or salted in Sub-No. 34, from sugar in Sub-No. 39, from liquid sweetener in Sub-No. 73F, and from evaporated milk canned in Sub-No. 75; in Sub 55 to "textile mill products" from coir yarn, hop cloth and sisal, to "metal products" from steel wire, and to "pulp, paper and related products" from paper twine; in Sub 56 to "food and related products" from carbonated beverages, to "metal products, pulp, paper and related products, clay, concrete, glass or stone products and rubber and plastic products" from empty bottles and cans; in Sub 62F to "metal products, pulp, paper and related products, clay, concrete, glass or stone products, lumber and wood products, textile mill products and rubber and plastic products" from containers, container closures and container components in part (1); in Sub 65F to "metal products" from aluminum plate and aluminum sheet in part (1), and to "chemicals and related products" from fertilizers and agricultural chemicals in part (2); in Sub 72F to "pulp, paper and related products and materials, equipment and supplies used in their manufacture, sales and distribution" from paper and paper products and equipment, materials and supplies used in the manufacture, sales and distribution of paper and paper products and to "rubber and plastic products" from polyethelene bags; (2) change city to county-wide authority: Umatilla County, OR for Pendleton, Milton and Hermiston, OR, Multnomah County, OR for Portland, OR, Marion County, OR for Salem and Silverton, OR, Washington County, OR for Hillsboro, OR, Union County, OR for La Grande, OR, and Baker County, OR for Baker, OR in the lead; King County, WA for Seattle, WA, Yakima County, WA for Yakima, WA, Pierce County, WA for Tacoma, WA and Multnomah County, OR for Portland, OR in Sub 33; Yakima County, WA for Union Gap, WA, King County, WA for Seattle, WA, Pierce County, WA for Tacoma, WA and Multnomah County, OR for Portland, OR in Sub 34; Yakima County, WA for Toppenish and Sunnyside, WA, and Grant County, WA for Moses Lake, WA in Sub 39; King County, WA for Seattle, WA, Pierce County, WA for Tacoma, WA and Multnomah County, OR for Portland, OR in Sub-No. 55; Yakima County, WA for Harrah, WA, Misoula County, MT for Missoula, MT, Jefferson County, MT for Butte, MT, Cascade County, MT for Great Falls, MT and Nez Perce County, ID for Lewiston, ID in Sub-No. 73; Twin Falls County, ID for Buhl, ID in Sub-No. 75; and King County, WA for Kent, WA in Sub-No. 77, (3) remove facilities limitation (a) in Sub-No. 56 and replace Yakima, WA and Yakima County, WA, and (b) in Sub-No. 65 and replace Fentwood, WA with Spokane County, WA, (4) remove the in bulk, in tank vehicle restrictions in Sub-Nos. 39, 62, and 72, (5) broaden the ports of entry at Seattle and Tacoma, WA and Portland, OR to ports of entry in WA and OR in Sub-No. 55, (6) remove the restriction against traffic originating in OK and TX in Sub-No. 72 (7) remove the restriction to a prior or subsequent movement by water in Sub-Nos. 33, 34, and 55 (8) change one-way to radial authority, and (9) remove seasonal limitation on transportation of fresh fruit in the lead.

MC 52460 (Sub-334)X, filed June 29, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Applicant seeks to remove restrictions in its Sub-Nos. 39, 48, 49, 52, 57, 63, 74, 75, 79, 82, 85, 89, 93, 95, 96, 106, 107, 125, 126, 135, 156, 167, 186, 190, 195, 197, 226F, 228F, 229F, 248F, 250F, 265F, 267F, 268F, 273F, 276F, and 289F certificates to (1) broaden the commodity description(s) from caustic soda, benzene, toluene, xylene, petroleum napths, anhydrous hydrazine, unsymmetrical dimethylhydrazine, creosote, ammonium nitrate, urea, fertilizer materials, fertilizer ingredients, anhydrous ammonia, ammonium nitrate, nitric acid, sulfuric acid, dry chemicals, printing ink, coal tar products, zinc oxide, and fertilizer compounds and/or solutions to "chemicals and related products" in Nos. 39, 48, 49, 52, 57, 63, 74, 75, 79, 82, 85, 89, 93, 95, 96, 106, 107, 125, 126, 135, 156, 167, 190, 226, 250, 265, 276, and 289; from paper, paper products to "pulp, paper and related products" in Nos. 186, 195, 197, 228, 248, 265, 268, 273, and 276; from plastic bags, plastic film, plastic straws, plastic materials and plastic articles, to "rubber and plastic products" in Nos. 229, 265, 267, and 276; and from insulation to "building and

construction materials" in No. 289; (2) eliminate the facilities limitations in Sub-Nos. 79, 82, 186, 268 and 276; replace specific point or facilities authority with county-wide authority as follows: Pine Bluff with Jefferson County, AR in Sub-No. 39; Pine Bluff, AR, and Mt. Pleasant and Wichita Falls, TX with Jefferson County, AR and Titus and Wichita Counties, TX in Sub-No. 48; Potwin with Butler County, KS in Sub-No. 49; Lake Charles, LA, Saltville, VA, Nimbus and Santa Susuana, CA with Calcasieu Parish, LA, Smyth County, VA, and Sacrameto and Ventura Counties, CA in Sub-No. 52; Potwin, KS and Alton, East Alton, and Godfrey, IL with Butler County, KS and Madison County, IL in Sub-No. 57; Granite City, IL and Crickett, AR with Madison County, IL and Boone County, AR in Sub-No. 63; South River, MO with Marion County, MO in Sub-No. 74 and Sub-No. 75; Meredosia with Morgan County, IL in Sub-No. 85; Dodge City with Ford County, KS in Sub-No. 89; Fort Madison with Lee County, IA in Sub-No. 93; South River with Marion County, MO in Sub-No. 95; Borger with Hutchison County, TX, Conway with McPherson County, KS and Greenwood, Whiting, Early and Graner with Mohona, Sac and Dallas Counties, IA in Sub-No. 96; Military with Cherokee County, KS and Port of Catoosa with Rogers County, OK in Sub-No. 160; Tulsa with Tulsa County, OK in Sub-No. 107; Enid with Garfield County, OK in Sub-No. 125; Stroud with Lincoln County, OK in Sub-No. 126; Clay Center with Clay County, KS in Sub-No. 135; Ladora with Adams County, CO and Anniston with Calhoun County, AL in Sub-No. 156; Verdigris with Rogers County, OK in Sub-No. 167; Woodward with Woodward County, OK in Sub-No. 190; Muskogee with Muskogee County, OK in Sub-No. 195; Mobile and Moss Point with Mobile County, AL in Sub-No. 197; Friend with Finney County, KS in Sub-No. 226; Tifton and Savannah with Tift and Chatham Counties, GA in Sub-No. 228; Cartersville with Bartow County, GA in Sub-No. 229; Courtland with Lawrence County, AL in Sub-No. 248; Hoag with Gage County, NE in Sub-No. 250; Muskogee, OK, with Muskogee County, OK, in Sub-No. 267; and Neelys Landing with Cape Girardeau County, MO in Sub-No. 273; (3) change one-way to radial authority between numerous points throughout the U.S.; (4) remove the following restrictions limiting service to commodities "in bulk, in tank vehicles" in Sub-Nos. 39, 48, 49, 52, 57, 63, 75, 79, 82, 85, 89, 93, 95, 96, 107, 125, 135, 156, 167, 226, and 250, and against transportation of commodities "in bulk" in Sub-Nos. 186, 195, 197, 228, 248, 250, 265, 267, 268, and 276; "size or weight" in Sub-No. 287; "mixed loads and in bags" in Sub-No. 160; AK and HI in Sub-Nos. 107, 126, 186, and 265 and originating at and destined to restrictions in Sub-Nos. 85, 89, 93, 95, 96, 125, 126, 186, 195, and 276.

MC 56409 (Sub-17)X, filed June 24, 1981. Applicant: MAJOR TRANSPORT, INC., P.O. Box 204, Palmyra, WI 53156. Representative: David V. Purcell, 1330 Marine Plaza, 111 East Wisconsin Ave., Milwaukee, WI 53202. Applicant seeks to remove restrictions from its Sub-Nos. 14F and 15F certificates to (1) remove a facilities limitations at Chicago in Sub-No. 14F, (2) change city to county-wide authority from Joliet, Waukegan and Wilmington, IL to Will and Lake Counties, IL in Sub-No. 15, (3) change one-way to radial authority, and (4) remove the originating at and destined to restriction in Sub-No. 15.

MC 60633 (Sub-164)X, filed June 30, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW-6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 159 and 160 certificates to broaden the commodity description from General Commodities (with exceptions) to "General Commodities (except Classes A and B explosives)."

MC 78684 (Sub-4)X, filed July 6, 1981. Applicant: CENTRAL IND–ILL TRUCKING, INC., P.O. Box 67, Rochester, IN 46075. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) fertilizer to "chemicals and related products"; (b) fencing, agricultural limestone and binder twine to "metal products, clay, concrete, glass, or stone products"; (c) roofing to "building materials"; (d) farm supplies and equipment to "farm products"; (e) lumber to "lumber and wood products"; (f) livestock and emigrant movables to "farm products"; (g) livestock, feed, agricultural commodities, lumber, and wood to "farm products, and lumber and wood products"; (h) limestone and gravel to "clay, concrete, glass or stone products"; (i) farm machinery to "machinery"; (2) broaden cities to counties: (a) Joliet, IL, to Will County, IL; (b) Kankakee, IL, to Kankakee County, IL; (c) Wilmington and Danville, IL, to Will and Vermillion Counties, IL; (d) Kankakee and Chicago, IL, to Kankakee and Cook Counties, IL; and (3) authorized radial service in lieu of existing one-way authority between the counties named above and named points in IN and IL.

MC 95876 (Sub-403)X, filed June 25, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its MC–139468F and Sub-Nos. 3, 4, 6F, 11, 12F, 16, 19, 22, 24, 25, 28F, and 29F permits (acquired in MC–F–14273F) to (A) broaden the commodity descriptions to (1) "metal products, building materials, construction materials, and machinery and related materials, equipment and supplies" from metal buildings, parts for metal buildings, pipe, buildings, building sections, building panels, parts and accessories, pre-fabricated structural components and panels, windows and window frames, door and doorframes, iron and steel sheeting coil, and materials, machinery, equipment and supplies used in the manufacture, storage, distribution and installation of such commodities, in MC–139468F and Sub-Nos. 3, 4, 6F, 11, 12F, 19, 22, 28F and 29F, and (2) "lumber and wood products" from lumber, in Sub-Nos. 16, 24, and 25; (B) eliminate the facilities restrictions, in Sub-Nos. 4, 11, 12F, 16, 22, 24, 25, 28F and 29F; (C) eliminate the restriction prohibiting the transportation of commodities in bulk and/or in tank vehicles, in Sub-Nos. 19 and 22; (D) eliminate the restriction prohibiting service to AK and HI, in Sub-No. 19; and (E) broaden the territorial authority to between points in the U.S., under continuing contract(s) with named shippers, in all permits.

MC 103993 (Sub-1078)X, filed June 29, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and Kenneth M. Hays (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 944F, 946F and 947F certificates to (1) broaden the commodity description from cast iron pipe, fittings, and accessories to "metal products" in Sub-No. 944F; (2) eliminate the facilities limitations in Sub-Nos. 944F, 946F and 947F; (3) expand city to county-wide authority from Birmingham to Jefferson County, AL, in Sub-No. 944F; and (4) change one-way to radial authority in all Sub-Nos.

MC 103993 (Sub-1079)X, filed July 2, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and/or Kenneth M. Hays (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 963 certificate by broadening the commodity

description from "portable gasifiers" to "machinery"; and by eliminating the "AK and HI" exceptions from its nationwide authority.

MC 104523 (Sub-84)X, filed June 25, 1981. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-Nos. 1, 33, 36, 37, 38, 39, 41, 43, 44, 52, and 68 certificates to (A) broaden the commodity description from salt (Sub-No. 1), salt and salt compounds (Sub-No. 1), pepper, in packages, in mixed shipments with salt and salt compounds (Sub-No. 1), rejected shipments of salt (Sub-No. 1), salt and salt products (Sub-Nos. 41, 44), mineral mixtures (Sub-Nos. 1, 55), prepared animal and poultry feeds (Sub-Nos. 1, 52), mineral and high protein meal mixtures for livestock (Sub-No. 36), livestock and poultry feeds and rejected shipments of all related authorized commodities (Sub-No. 1), edible grain products (Sub-No. 52), dry animal and poultry feeds (Sub-Nos. 1, 33, 37, 38, 43, 55), dry earth paint (Sub-No. 1), mineral feed (Sub-No. 1), meat scrap, tankages, blood, alfalfa, alfalfa meat, grain and grain products (Sub-No. 1), dry animal and poultry mineral feed mixtures (Sub-Nos. 1, 33, 37, 38, 43), and dry ingredients used in animal and poultry feeds (Sub-No. 1), to "food and related products, chemicals and related products, and ores and minerals"; from insecticides (Sub-Nos. 1, 33, 37, 38, 43), insecticides (other than agricultural) (Sub-No. 55), tonics and medicines (Sub-No. 1), animal and poultry tonics (Sub-No. 55), animal and poultry antibiotics (Sub-No. 68), to "chemicals and related products, and ores and minerals"; livestock and poultry feeders (Sub-Nos. 37, 38, 43), livestock and poultry feeders and equipment (Sub-No. 55), to "machinery and metal articles"; related premiums and advertising matters when moving in mixed loads with animal and poultry feeds (Sub-Nos. 37, 38), and printed advertising matter and premiums, used solely in connection with the sale of mineral feeds and insecticides (Sub-No. 1), to "printed matter"; lignite, treated and untreated, in bags, and bentonite clay in bags (Sub-No. 1), to "coal and coal products, and clay, concrete, glass and stone products"; from bags, containers, and wrappers (Sub-No. 55), to "pulp, paper and related products"; (B) remove all plantsite restrictions and change to county-wide authority in its Sub-Nos. 1, 38, 39, 43, 44, and 55; (C) delete restrictions as to packaging, such as "in packages, in mixed shipments with salt and salt compounds", in bags, "when shipped in mixed loads with salt or salt products or compounds", "when moving in mixed loads with animal and poultry feed", from its Sub-Nos. 1, 37, 38, 39, 41, 43, and 44; (D) remove exceptions in bulk, in tank vehicles (Sub-No. 1), flour in bulk (Sub-No. 52), liquid commodities in bulk, in tank vehicles (Sub-No. 52), and chemicals in bulk (Sub-No. 43), (E) replacing city-wide authority with county-wide authority wherever they appear in each certificate as follows: Van Zandt County, TX for Grand Saline, TX; Reno County, KS for Hutchinson, KS; Rice County, KS for Lyons, KS; Adams County, IL for Quincy, IL; Platte County, NE for Columbus, NE; Ellsworth County, KS for Kanopolis, KS; Lancaster County, NE for Lincoln, NE; Douglas County, NE, for Omaha, NE, where appropriate; Keokuk County, IA for Sigourney, IA; Bowman County, ND for Gascoyne, ND; Butte County, SD for Beele Fourche, SD; Weston County, WY for Upton, WY; and Cass County, IA for Atlantic, IA; Cherokee County, IA for Marcus, IA; Dodge County, MN for Kasson, MN; and Dakota County, NE for Dakota City, NE; (F) expand its one-way authority to radial authority.

MC 109449 (Sub-64)X, filed June 30, 1981. Applicant: KUJAK TRANSPORT, INC., P.O. Box 799, Winona, MN 55987. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-No. 30F certificate to (1) broaden the commodity description from foodstuffs to "food and related products", (2) remove a facilities limitation at Minneapolis, MN; (3) remove "except commodities in bulk, in tank vehicles"; (4) remove the originating at and destined to restriction; and (5) replace one-way with radial authority.

MC 110841 (Sub-23)X, filed July 2, 1981. Applicant: PORT NORRIS EXPRESS CO., INC., North Avenue, Port Norris, NJ 08349. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 21F certificate to broaden the commodity descriptions from (1) gravel, clay and stone to "clay, conrete, glass or stone products", and (2) materials used in the manufacture and distribution of glass, in bulk to "commodities in bulk."

MC 111848 (Sub-7)X, filed June 16, 1981. Applicant: LAP TRANSPORT, INC., R.D. #2, Eldred, PA 16731. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden commodity descriptions from engines (some with exceptions), pumps, compressors, and parts thereof, rough castings, rough forgings, steel bars, patterns, weldments, firebrick, ferro alloy briquettes, tooling, and from engine parts and railroad diesel engine parts to "clay, concrete, glass or stone products, machinery, metal products, and transportation equipment," and (2) broaden territorial description to "between all points in the US," under continuing contract(s) with named shippers.

MC 113858 (Sub-55)X, filed June 18, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-Nos. 42F and 43F certificates to (1) change the commodity descriptions as follows: from such commodities as are dealt in or used by the manufacturers of chocolate products in Sub-No. 42F; and from meat, meat products, and meat by-products and articles distributed by meat packinghouses in Sub-No. 43F to "food and related products"; (2) provide for two-way radial operations in Sub-Nos. 42F and 43F; (3) to replace authority to serve plantsites with country-wide or city-wide authority: Logan County, CO, for Sterling, CO; Morgan County, CO, for Fort Morgan, CO; Denver, CO, for facilities in Denver in Sub-No. 43F; and (4) remove the "except hides and commodities in bulk" exceptions in Sub-No. 43F and the in bulk exception in Sub-No. 42F.

MC 113670 (Sub-6)X, filed June 26, 1981. Applicant: PRICE TRANSPORTATION CO., 2004 East 27th Street, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 3 permit to (1) broaden the commodity description to "food and related products and materials, equipment and supplies used in the manufacture of food and related products" from beer, gingerale, empty beverage containers, and fancy groceries; and (2) authorize service between points in the U.S. under contract(s) with a named shipper.

MC 116101 (Sub-14)X, filed June 16, 1981. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Columbus International Airport, Columbus, OH 43219. Representative: Russell S. Bernhard, 1625 K St., N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, 11 and 12F certificates to (1) remove the size and weight restrictions in Sub-Nos. 5, and 6, (2) remove the usual exceptions

to general commodities authority except classes A and B explosives in Sub-Nos. 11 and 12, (3) remove restriction to shipments having a prior or subsequent movement by aircraft in Sub-No. 11, (4) remove restriction against transportation of general commodities from or to Vandalia, OH (except shipments originating in or destined to a point in Butler County), office furniture and fixtures, furnishing dump truck service, and livestock (except when handled in connection with air transportation) in Sub-No. 11, (5) remove restriction limiting service to that moving in express service in Sub-No. 12, (6) remove the "originating at or destined to" named points in Sub-No. 6, (7) remove restriction to the exclusive use of one motor vehicle in the transportation of a single shipment, not weighing more than 5,000 pounds, from one consignor at one location to one consignee at one time in Sub-No. 11, (8) remove plantsite limitation (a) in Sub-No. 5 and replace Columbus, OH with Franklin County, OH, (b) in Sub-No. 6 and replace Mt. Vernon, OH with Knox County, OH, (9) remove airport limitations (a) in Sub-No. 11 and replace Municipal Airport of Dayton, OH near Dayton, OH, Port Columbus Airport near Columbus, OH, Cleveland-Hopkins Airport near Cleveland, OH and Greater Cincinnati Airport in Kentucky near Cincinnati, OH with Dayton, OH, Columbus, OH, Cleveland, OH and Cincinnati, OH, and Vandalia, OH Airport with Vandalia, OH, (10) change city to county-wide authority in Sub-No. 11 from Butler Township, OH to Montgomery County, OH, (11) broaden the commodity description to "machinery and machinery parts" from machinery parts and used machinery parts in Sub-No. 5 and from compressors, pumps and parts thereof in Sub-No. 6 (12) change one way to radial authority between (a) 1 OH county, and, 2 states in Sub-No. 5, and (b) 1 OH county, and 2 states in Sub-No. 6.

MC 116127 (Sub-10)X, filed June 22, 1981. Applicant: GEORGE D. CYRUS, INC., Route 1, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749. Applicant seeks to remove restrictions in its Sub-Nos. 7 and 9F permits to broaden territorial description to between points in the U.S., under continuing contracts with a named shipper in both Subs.

MC 126881 (Sub-19)X, filed June 30, 1981. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Maryland 21701. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, Virginia 22030. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 7, 11, 13, 16F, and 17F permits to (1) broaden the commodity descriptions from (a) fruit juices, fruit concentrates, and dairy products to "farm products, and food and related products" in Sub-No. 2; (b) dairy products and non-alcoholic drink preparations to "farm products, and food related products" in Sub-No. 5; (c) dairy products, to "farm products, and food and related products" in Sub-No. 7; (d) disposable grounding electrodes to "machinery" in Sub-No. 13; (e) bakery products, pan grease to "food and related products" in Sub-No. 16; (f) sweeteners to "food and related products" in Sub-No. 17; (2) authorize service between all points in the U.S., under continuing contract(s) with named shippers in all referenced authorities; (3) delete restriction against the transportation of canned goods in Sub-No., 2; (4) delete an in bulk, and vehicle restrictions in Sub-Nos. 7 and 17; (5) remove restrictions against the shipment of commodities in bulk, used in the preparation, manufacture, sale, and distribution of food, foodstuffs, dessert and dairy products, in Sub-No. 11.

MC 133324 (Sub-8)X, filed June 22, 1981. Applicant: CAR CARRIERS, INC., 13101 South Torrence Avenue, Chicago, IL 60803. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 6F, certificates: (A) to broaden the commodity description to (1) "transportation equipment" from new automobiles, new trucks, and new chassis, in initial movements, in truckaway service, automobiles, trucks, and chassis, new and used, unfinished, and/or wrecked, in subsequent or secondary movements, in truckaway service, new automobiles, trucks, chassis, commercial automotive vehicles, and unfinished automotive vehicles, in initial movements, in truckaway service, and new automotive vehicles, chassis, and automobile show equipment, displays, and advertising matter when moving with these commodities, in initial movements, in truckaway service, in paragraphs 1, 2, 4, 9, and 10 of its lead; (2) "transportation equipment and machinery" from automobiles, trucks, tractors, chassis, and commercial automotive vehicles, new, used, unfinished, and wrecked, in subsequent or secondary movements, in driveaway service, new automobiles, new trucks, new tractors (except farm tractors), new chassis and parts therefor, when moving with these commodities, and automobile show displays, when moving with display vehicles in initial movements, in truckaway service, and new bodies and parts therefor when moving with new bodies and automobile show displays when moving with display bodies, automobiles, chassis, station wagons, trucks, and truck tractors, in initial movements, in truckaway service, and automobiles, trucks, truck tractors, and chassis in initial movements, in truckaway service in paragraphs 3, 5, 6, 7, 8, and 11 of its lead, (3) to "machinery" from farm and industrial tractors in paragraph 12 of its lead; (4) "transportation equipment" from new automobiles, in initial movements, in truckaway service in its Sub-No. 4F; (5) "transportation equipment" from motor vehicles, in initial movements in it Sub-No. 6F; (B) to remove the restrictions: (1) against applicant's interline operations with either Automobile Carriers, Inc. or C&J Commercial Driveway, Inc. "by a coupling of the initial movement rights of one with the secondary movement rights of the other for through transportation of traffic under such combination" in paragraphs 1–12 of its lead; (2) limiting service "from places of manufacture and assembly" in paragraphs 1 and 4 of its lead; (3) limiting service to named facilities, including railheads, in paragraphs 1, 2, 3, 9, 10, and 11 of its lead; (4) against the transportation of platform, warehouse, and lift trucks in paragraph 11 of its lead; (5) limiting service to the transportation of traffic having a prior movement by rail or water to Chicago, IL in paragraph 12 of its lead; (6) limiting service to movements "in mixed loads with motor vehicles otherwise authorized" in paragraph 12 of its lead; (7) prohibiting service from Cook County, IL to Memphis, TN in paragraph 11 of its lead; and (8) against transportation of "trailers" and against service to AL and HI in its Sub-No. 6F; (C) to replace the one-way operations authorized in paragraphs 1–12 of its lead and Sub-Nos. 4F and 6F with radial authority; (D) to broaden the territorial scope to county wide authority: (1) replace Omaha, NE, with Douglas and Sarpy Counties, NE in paragraph 1a of its lead; (2) replace Indianapolis, IN with Marion County, IN in paragraph 1b of its lead; (3) replace Hegewisch, IL with Cook County, IL in paragraphs 5 and 7 of its lead; (4) replace Wixom, MI with Oakland County, MI in its Sub-No. 4F; and (5) replace Battle Creek, MI with Calhoun County, MI in its Sub-No. 6F.

MC 134838 (Sub-31)X, filed June 11, 1981. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, GA 30080. Representative: Walter S. Wallace (same address). Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6F, 7, 10G, 11, 12, 15, 17, 18, 20F, 21F, 24F, 25F, 26F, and 27F certificates to: (1) broaden the commodity description in its lead certificate and Sub-Nos. 6F, 7, 10G, 15, 18, and 24F from various specified lumber and wood products such as wooden poles, crossarms, ties, floor and paving blocks and posts to "lumber and wood products", (2) broaden the commodity descriptions in Sub-No. 11 from machinery, machinery parts, road construction machinery and contractors equipment; in Sub-No. 12, from jigs, tools, equipment, material and supplies used in the jobsite erection, installation or construction of prestressed, precast and reinforced concrete products, products made partially of precast, prestressed or reinforced concrete, concrete cooling towers and concrete cooling tower sections; in Sub-No. 20F, from material handling equipment and materials processing equipment and materials and equipment used in the manufacture of such commodities; in Sub-No. 25F, from pile drivers and pile extractors and parts, supplies, materials, and equipment used in the manufacture, installation, dismantling and distribution of steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers and pile extractors; and in Sub-No. 27F, from forestry, agricultural, and mining machinery and parts, attachments, components and accessories for forestry, agricultural and mining machinery and materials, equipment and supplies used in the manufacture and distribution of such commodities, to in each of the above numbered subs "machinery and equipment and parts, implements, attachments and accessories therefor, and materials, supplies and equipment used in the manufacture, distribution or sale thereof"; (3) broaden the commodity description in Sub-Nos. 11 and 21, from iron and steel articles to "metal products"; (4) broaden the commodity description in Sub-No. 25F from steel pipe, pipe fittings, beams, piling, rails and railway track accessories to "metal products"; (5) broaden the commodity description in Sub-No. 12 from prestressed, precast and reinforced concrete products and products partially made of precast, prestressed or reinforced concrete, concrete cooling towers and concrete cooling tower sections to "clay, concrete, glass or stone products"; (6) expand specific point authority to county-wide authority as follows: in Sub-No. 10G, Florence to Lauderdale County, AL, Athens to Limestone County, AL, Huntsville to Madison County, AL; In Sub-No. 12, Macon to Bibb County, GA, Stockbridge to Henry County, GA; In Sub-No. 17, Savannah to Chatham County, GA; In Sub-No. 20F, Loganville to Walton County, GA; in Sub-No. 21F, Greenville to Greenville County, SC; In Sub-No. 25F, Parkersburg and Washington to Wood County, WV; In Sub-No. 26, Hampton to Henry County, GA; In Sub-No. 27F, Cedartown to Polk County, GA; (7) broaden existing one-way authority to radial authority in its lead and Sub-Nos. 5, 6F, 12, 15, 17, 18F, 20F, and 27F; (8) remove facilities limitations in Sub-Nos. 12, 20F, 21F, 25F, 26F and 27F; (9) remove equipment restrictions such as in dump or tank vehicles wherever they appear in each certificate; (10) remove the restriction "except commodities in bulk" and other specified commodities such as "except plywood and veneer" wherever they appear in each certificate.

MC 135115 (Sub-4)X, filed July 2, 1981. Applicant: BRAZEAU TRANSPORT, INC., 660 Chemin Cote, St-Francois, Ville St-Laurent, Quebec H4S 1B7. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions from its Sub-No. 1 certificate to: broaden the commodity desciption from fuel oil, liquid asphalt, and gasoline, to "petroleum, natural gas and their products"; remove the "in bulk, in tank vehicles" restriction; and expand its one-way authority to radial authority between ports of entry on the United States-Canada boundary Line located in NY, NH, VT, and ME, and NY, NH, VT, MA, CT and RI.

MC 138108 (Sub-2)X, filed June 30, 1981. Applicant: GULF STATES TRUCKING SERVICE, INC., P.O. Box 2942, Laurel, MS 39440. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Lead and Sub-No. 1 certificates to: (1) broaden its commodity descriptions from (a) machinery, equipment, materials, and supplies used in replacing, servicing, and repair of machinery and equipment, used in or in connection with the discovery, development, and production of natural gas and petroleum and their products and by-products; (b) machinery, equipment, materials, and supplies used in replacing, servicing, and repair of machinery and equipment, used in the construction, erection, and maintenance of antipollution disposal wells and related facilities; and, (c) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, petroleum, petroleum products and petroleum by-products, to "Mercer commodities"; (2) remove the restriction against commodities in bulk in both Certificates; (3) broaden its present authority to serve named cities with countrywide authority as follows: Natchez, MS, with Adams County, MS and Concordia Parish, LA; Jackson, MS, with Hinds, Rankin, and Madison Counties, MS; Laurel, MS, with Jones County, MS; and, Brookhaven with Lincoln County, MS.

MC 138328 (Sub-138)X, filed June 24, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE. Representative: Donna Ehrlich (same as applicant). Applicant seeks to remove restrictions from its MC-133233 Sub-Nos. 23, 52 and 72 permits to (1) broaden the community description to "such commodities as are dealt in by or used by manufactures and distributors of cast iron products" from cast iron pipe and fittings and accessories for cast iron pipe in Sub-No. 23; materials and supplies used in the manufacture and distribution of cast iron products and finished products thereof in Sub-Nos. 52 and 72, (2) remove the in bulk restriction in Sub-No. 52 and (3) broaden territorial descriptions to between points in the U.S., under continuing contract(s) with a named shipper.

MC 138480 (Sub-6)X, filed June 25, 1981. Applicant: CENTRAL DELIVERY SERVICE OF WASHINGTON, INC., 8547 Piney Branch Road, Silver Spring, MD 20901. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "general commodities (except classes A and B explosives), from general commodities (with usual exceptions and radio pharmaceuticals and medical isotopes); (2) eliminate the size and weight restrictions; (3) eliminate the restriction prohibiting the transportation of (a) shipments having an immediate prior or subsequent movement by air between named points, and (b) specified commodities between banks and banking institutes; and (4) expand described portions of named counties to authorize service at all points in the named counties.

MC 139391 (Sub-12)X, filed June 25, 1981. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, AR 72394. Representative: Frank B. Hand, Jr., 523

South Cameron Street, Winchester, VA 22601. Applicant seeks to remove restrictions in its Sub-No. 8F permit to broaden the territorial description to "between points in the United States," under continuing contract(s) with the named shipper.

MC 140257 (Sub-3)X, filed July 2, 1981. Applicant: BENNETT & SON TRANSPORT, LTD., 47 Bothwell Crescent, Regina, Saskatchewan, Canada S4R 5Y7. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions from its Sub-No. 2 certificate to (1) broaden the commodity description to (a) "clay, concrete, glass or stone products" from cullet, glass spheres and glass beads; and (b) "metallic ores and waste or scrap materials" "from flattened vehicles, scrap metal, iron ore pellets and iron ore concentrates; and (2) change its one-way to radial authority between points in the central and northern portion of the U.S.

MC 140612 (Sub-87)X, filed June 19, 1981. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 5, 8, 9, 10, 12, 14, 15, 18, 19, 20, 24, 26, 27, 28, 29, 31, 33, 34, 35, 38, 39, 41, 42, 44, 45, 47, 48, 49, 51F, 54F, 55F, 57F, 60F, 63F, 64F, 67F, 68F, 71F, 72F, 73F, 80F, 81F, 83F, 84, and 85F, certificates to (1) delete the in bulk restrictions in the lead and Sub-Nos. 5, 14, 19, 26, 27, 28, 31, 34, 35, 41, 42, 45, 49F, 51F, 54F, 55F, 57F, 60F, 64F, 67F, 68F, 71F, 72F, 73F, 80F, 81F, 83F, 84F, and 85F, (2) remove restrictions against the transportation of commodities which because of size or weight require special equipment in Sub-Nos. 5, 26, 27, 31, 47, 60, 80, 81, and 85, (3) remove (a) in tank vehicle restrictions in Sub-Nos. 54, 65, 83, 81, 80, 73, 72F, 71F, 68F, 67F, 64F, 60, 55, 54F, and 28, restrictions against the transportation of (a) hides in Sub-No. 41, (b) motor homes in the lead (c) dairy products and frozen foodstuffs in Sub-No. 14, (d) foodstuffs, alcoholic beverages and plumbing fixtures in Sub-Nos. 24, 42 (e) foodstuffs, and alcoholic beverages in Sub-Nos. 54, 66 and 83 (4) remove the "originating at and/or destined to" named points restriction in Sub-Nos. 5, 10, 14, 19, 26, 28, 29, 31, 33, 34, 35, 38, 41, 44, 47, 48, and 73, (5) remove facilities limitation (a) in Sub-No. 14 and replace Austin and Owatonna, MN with Mower and Steele Counties, MN, (b) in Sub-No. 24 and replace Des Moines, IA with Polk County, IA, (c) in Sub-No. 26 and replace Ft. Smith AR with Sebastian and Crawford Counties, AR, (d) in Sub-No. 27 and replace Milledgville, GA with Baldwin County, GA, (e) in Sub-No. 29 and replace Amana, IA and Fayetteville, TN with Iowa County, IA and Lincoln County, TN, (f) in Sub-No. 31 and replace Chattanooga, TN, Ripon, WI, Searcy, AR, St. Louis, MO with Hamilton and Marion Counties, TN, Green Lake County, WI, White County, AR and St. Louis and Boone Counties, MO (g) in Sub-No. 34 and replace Mansfield, OH, Springfiled, TN, Murray, KY, Dalton, GA and Anaheim, CA with Richland County, OH, Davidson and Robertson Counties, TN, Calloway County, KY, Murray County, GA and Los Angeles County, CA, (h) in Sub-No. 38 and replace Rossville, Bells and Memphis, TN with Fayette, Crockett and Shelby Counties, TN, (i) in Sub-No. 41 and replace Ft. Dodge, IA and Austin, MN with Webster County, IA and Mower County, MN, (j) in Sub-No. 42 and replace Des Moines, IA with Polk County, IA (k) in Sub-No. 45 and replace Oxford, IA with Johnson County, IA, (1) in Sub-No. 47 and replace Louisville, KY with Jefferson County, KY, (m) in Sub-No. 51 and replace Forrest City, AR with St. Francis County, AR, (n) in Sub-No. 63 and replace Omaha, NE and Scottsboro, AL with Douglas County, NE and Jackson County, AL, (o) in Sub-No. 64 and replace Irving, TX with Tarrant and Dallas Counties, TX, (p) in Sub-No. 67 and replace Marion, IA with Linn county, IA and (q) in Sub-No. 72 and replace Battle Creek, Grand Rapids, and Kalamazoo, MI, Omaha, NE, Memphis, TN and San Leandro, CA with Calhoun, Kent and Kalamazoo Counties, MI, Douglas County, NE, Shelby County, TN, and Alameda County, CA, (r) in Sub-No. 15 and replace Bettendorf, IA with Scott County, IA (6) change city to county-wide authority from (a) Lincoln, NE to Lancaster County, NE in the lead, (b) Bellington, WA to Whatcom County, WA in Sub-No. 2, (c) San Diego, CA and Forrest City, AR to San Diego County, AR and St. Francis County, AR in Sub-No. 3, (d) Cedar Rapids, IA, Rock Island, IL, and McMinnville, TN to Linn County, IA, Rock Island County, IL and Warren County, TN in Sub-No. 5, (e) Long Beach, CA to Los Angeles County, CA in Sub-No. 9, (f) Cedar Rapids, IA to Linn County, IA in Sub-No. 12, (g) San Diego, CA and Davenport, IA to San Diego County, CA and Scott County, IA in Sub-No. 18, (h) Bloomington, IN, Davenport and Des Moines, IA, Springfield, MO, Ft. Smith and Little Rock, AR and Oklahoma City, OK to Monroe County, IN, Scott and Polk Counties, IA, Greene County, MO, Pulaski and Sebastian and Crawford Counties, AR and Canadian and Cleveland Counties, OK in Sub-No. 20, (i) Newton, IA to Jasper County, IA in Sub-No. 28, (j) Webster City and Ft. Dodge, IA, Des Plaines, IL and Milwaukee, WI to Webster and Hamilton Counties, IA, Cook County, IL and Milwaukee County, WI in Sub-No. 33, (k) Bettendorf, IA to Scott County, IA in Sub-No. 35, (1) Charlton and Cherokee, IA to Lucas and Cherokee Counties, IA in Sub-No. 38 (m) Sioux City, IA and Omaha and Lincoln, NE to Woodbury County, IA, Douglas and Lancaster Counties, NE in Sub-No. 42, (n) Ft. Smith, AR to Sebastian and Crawford Counties, AR in Sub-No. 44, (o) Plover, WI to Portage County, WI in Sub-No. 48, (P) Cedar Rapids, IA, Hanging Rock, OH and Waupaca, WI to Linn County, IA, Lawrence County, OH and Waupaca County, WI in Sub-No. 49, (q) Los Angeles, CA to Los Angeles County, CA in Sub-No. 54, (r) Moline, IL to Rock Island County, IL in Sub-No. 55, (s) Clinton and Davenport, IA to Clinton and Scott Counties, IA in Sub-No. 57, (t) Northridge, CA to Los Angeles County, CA in Sub-Nos. 68 and 83, (u) Landrum and Greenville, SC and Lyerly, GA to Spartanburg and Greenville Counties, SC and Chattooga County, GA in Sub-No. 71, (v) Des Moines, IA to Polk County, IA in Sub-No. 73, (w) Dallas, TX to Dallas County, TX in Sub-No. 84, (7) broaden the commodity description to "food and related products" from bananas and exempt agricultural commodities when transported in mixed loads with bananas in Sub-No. 9; from canned fruits and vegetables in Sub-No. 10; from canned and preserved foodstuffs in Sub-No. 14; from malt beverages in Sub-No. 8; from frozen fruits and vegetables in Sub-No. 38; and from frozen foodstuffs in Sub-No. 46; to "food and related products and pet foods" from cereal preparations, icing paste, grain and vegetable products, cornstarch and pet foods in Sub-No. 12, to "pulp, paper and related products" from toilet paper, paper towels and facial tissues in Sub-No. 2, to "electronic equipment, component parts and subassemblies" from television component parts and sub-assemblies in Sub-No. 3, to "packaging materials, empty containers and closures and paper products" from empty containers and closures in Sub-No. 18, to "rubber and plastic products" from rubber articles and plastic articles in the base commodity description of Sub-No. 64, and; from plastic articles, expanded cellular plastic products in part (1) of Sub-No. 67, and to "rubber and plastic produce, metal products, lumber and wood products, furniture and fixtures" from kitchen, bathroom and household cabients in part (1) of Sub-No. 73, (8) remove restrictions against service to AK and HI in Sub-Nos. 27, 47, 60F, 64F, 81F, 84F and 85F, and (9) change one-way to radial authority between various combinations of points throughout the U.S. in Sub-Nos. 2, 3, 8, 9, 10,12, 14, 15, 18, 19, 20, 28, 29, 31, 33, 34, 35, 38, 41, 42, 44, 45, 47, 49, 54F, 63F, 68F and 71F, and (10) remove restriction against the transportation of traffic originating at St. Louis, MO destined to Kansas City, KS and points in IL and Sub-No. 31.

MC 142059 (Sub-166)X, filed March 10, 1981, previously noticed in the Federal Register of March 25, 1981, republished as follows: Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). As is pertinent here, applicant seeks to remove restrictions in its Sub-Nos. 126F and 132F certificates. Applicant requested that the commodity descriptions be broadened to "metal products, furniture and fixtures, clay, concrete, glass or stone products, machinery, instruments and photographic goods, and chemicals and related products" from (1) heating equipment, stoves, fireplaces, furnaces, and incinerators, and (2) parts for the commodities in (1) above, in Sub-No. 126F, and from (1) fireplace accessories, in packages, and (2) materials, equipment, and supplies used in the manufacture and distribution of fireplace accessories (except in bulk, and commodities which because of size or weight require special equipment), in Sub-No. 132F. The issued certificate, however, included only metal products, furniture and fixtures, and clay, concrete, glass or stone products. The purpose of this republication is to reflect applicant's original request and to request comments from interested parties. The territory involved is (a) between points in Limestone and Madison Counties, AL, Sheffield, AL, and points in Sumter County, GA, on the one hand, and, on the other, those points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (b) between points in Morgan County, AL, on the one hand, and, on the other, points in the United States.

MC 144081 (Sub-24)X, filed June 22, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Rd., Hawthorne, NJ 07506. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. Applicant seeks to remove restrictions from its Sub-Nos. 2F, 7F and 15F permits to (1) broaden the commodity description to "liquid chemicals, in bulk" from pollution control additives, emission and stack neutralizing additives, and pollution control feeding equipment in Sub-No. 2F, (2) change territorial description to between points in the U.S., under continuing contract(s) with Apollo Technologies, Inc. in Sub-No. 2 and named shippers in Sub-Nos. 7 and 15F and (3) remove the in tank vehicle restriction in Sub-No. 7F.

MC 151168 (Sub-4)X, filed June 29, 1981. Applicant: STEPHEN W. KETCHUM, d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third Street, Traverse City, Mi 49684. Applicant seeks to broaden the commodity description in its lead certificate from motorcycles, snowmobile and all terrain vehicles and parts and accessories for the same to "transportation equipment" in its authority to serve the U.S. in and east of ND, SD, NE, KS, OK, and TX.

[FR Doc. 81-21120 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. P-34]

Passenger Train Operation

TO: Chicago and North Western Transportation Company

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Seattle, Washington. The operation of these trains requires the use of the tracks and other facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW). A portion of the MILW tracks at Sparta, Wisconsin, are temporarily out of service because of a derailment. An alternate route is available via Chicago and North Western Transportation Company between Camp Douglas, Wisconsin and St. Paul, Minnesota (Midway Station).

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Chicago and North Western Transportation Company (CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Camp Douglas, Wisconsin, and a connection with Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), near St. Paul, Minnesota (Midway Station).

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application*. The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date*. This order shall become effective at 6:30 p.m., July 9, 1981.

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., July 10, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corportion (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-21130 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of

the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–137

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 148447 (Sub-1–6 TA), filed July 7, 1981. Applicant: TANBAC, INC., 847 Glenbrook Road, Orange, CT 06477. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer or distributor of building materials,* between Hialeah, FL, on the one hand, and, on the other, points in the U. S. (except AK and HI) under continuing contract(s) with Clopay Corporation, Door Products Division, Hialeah, FL. Supporting shipper: Clopay Corporation, Door Products Division, 745 West 18th Street, Hialeah, FL 33010.

MC 155869 (Sub-1–2 TA), filed July 7, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main Street, Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413 Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities, usual exceptions, which include hazardous waste* between points in the U.S., under continuing contract(s) with Sheldon Forwarding Co., Inc., Holyoke, MA and United Freight Forwarders, Inc., Holyoke, MA. Supporting shipper(s): Sheldon Forwarding Co., Inc., 170 Main Street, Holyoke, MA 01040; United Freight Forwarders, Inc., 170 Main Street, Holyoke, MA 01040.

MC 156980 (Sub-1–1TA), filed July 7, 1981. Applicant: JOHN M. ALEXANDER, RFD #2 Hollywood Avenue, Raymond, NH 03077. Representative: John M. Alexander (same as applicant). *Contract carrier:* irregular routes: *Diodes, capacitors, rectifier assemblies, multipliers and equipment, including furnaces, used in the manufacture of the foregoing* (1) between points in MA, (2) between the facilities utilized by Unitrode Corporation at Salem and Methuen, MA, on the one hand, and, on the other, facilities utilized by Unitrode Corporation at Douglas, AZ, under continuing contract(s) with Unitrode Corporation, Lexington, MA. Supporting shipper: Unitrode Corporation, 5 Forbes Road, Lexington, MA 02173.

MC 87451 (Sub-1–27TA), filed July 7, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Iron and steel articles and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except commodities in bulk, classes A & B explosives and household goods as described by the Commission),* between points in MA on the one hand, and, on the other, points and places in the U.S. (except AK and HI), Supporting shipper: Barker Steel Co., Inc., 206 Dexter Ave., Watertown, MA 02172.

MC 140287 (Sub-1–3TA), filed June 30, 1981. Applicant: R. A. TRANSPORTATION, INC., Six Connerty Court, East Brunswick, NJ 08816. Representative: Thomas J. Beener, 67 Wall Street, Suite 2510, New York, NY 10005. *Contact carrier:* irregular routes: *Chemical and related products and plastic products,* between Glen Falls, NY, Toms River, NJ, on the one hand, and, on the other, points in NY, NJ, PA, MA, MD, DC, RI, CT, ME, VA, VT, MO AND NH, under continuing contract(s) with Ciba-Geigy Corp., Ardkey, NY. Supporting shipper: Ciba-Geigy Corp., Sawmill River Road, Ardkey, NY 10502.

MC 125040 (Sub-1–2TA), filed July 2, 1981. Applicant: R. CONLEY, INC., 6891 Seneca Street, Elma, NY 14059. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Glass bottles* from Buffalo, Niagara Falls and Lewiston, NY to points in NY. Supporting shipper: Pepsi Cola Allied Beverages, Inc., P.O. Box 338, Syracuse, NY 13057.

MC 156865 (Sub-1–1TA), filed June 30, 1981. Applicant: BRINDLE LEDGE FARMS, INC., 78 West Merrimac St., Manchester, NH 03101. Representative: Vincent E. Dubuc (same as applicant). *Horses and equipment and supplies used in the horse industry,* between points in U.S. on and east of the Mississippi River. Supporting shipper(s): There are 14 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 153965 (Sub-1–1TA), filed July 7, 1981. Applicant: ROBERT O. ALLEN, JR. d.b.a. R. O. ALLEN & SON, 57 Katteiville Road, P.O. Box 86, Chenango Bridge, NY 13745. Representative: Robert O. Allen, Jr. (same as applicant). *Paper and paper products and waste paper, pulp, paper or allied products and printed matter* between points and places in an area comprised of the States of CT, MA, NJ, NY, PA and VT. Supporting shipper(s): Malchak Salvage, Inc., Castle Creek Rd., Rt. 11, Binghamton, NY 13901; Our Press, Inc., P.O. Box 232, Chenango Bridge, NY 13745.

MC 156950 (Sub-1–1TA), filed July 6, 1981. Applicant: STAG MOTOR LINES, INC., P.O. Box 183, Bush Terminal Station, Brooklyn, NY 11232. Representative: Ira S. Lipsius, 225 West 34th Street, New York, NY 10122. *Knitted fabrics* from points in NC to points in the New York, NY Commercial Zone. Supporting shipper: Symphony Fabrics Corp., 229 W. 36th Street, New York, NY 10018.

MC 156957 (Sub-1–1TA), filed July 6, 1981. Applicant: 99087 CANADA LIMITED, 5755 Desjardens Street, St. Hyacinthe, PQ, CD J2S 1A6. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. *Pulp, paper and related products,* between ports of entry on the U.S.–CD boundary line in NY and VT, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and DC. Supporting shipper: Domtar, Inc., 395 Maisoneuve Boulevard W., Montreal, Quebec H3C 3M2.

MC 145085 (Sub-1–2TA), filed June 30, 1981. Applicant: SID'S, INC., 9 Western Avenue, P.O. Box D, Jonesport, ME 04649. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Tires, batteries and accessories* between points in PA and MO, on the one hand, and, on the other, points in the U.S. in and west of WI, IL, KY, TN and MS. Supporting shipper: World Tire Co., 4156 Hoffmeister Street, St. Louis, MO 63125.

MC 156859 (Sub-1–1TA), filed June 30, 1981. Applicant: RICE TRANSPORT INC., 17 Brookwood Road, Stanhope, NJ 07874. Representative: W. F. Rice (same as applicant), *contact carrier:* irregular routes: *Toys and hobby craft, materials, equipment and supplies used in connection therewith* between points in the U.S. under continuing contract(s) with Kay Bee Toy and Hobby Shops, Inc. of Lee, MA. Supporting shipper: Kay Bee Toy and Hobby Shops, Inc., Route 102, Lee, MA 01238.

MC 156858 (Sub-1–TA), filed June 30, 1981. Applicant: D J & R TRUCKING, 60 Leonard Street, Metuchen, NJ 08840. Representative: Phil Torrisi (same as applicant). *Contract carrier:* irregular routes: *Insecticides, herbicides, pesticides, fertilizer and agricultural chemicals, applicators thereof, and materials, equipment and supplies used in connection therewith* between points in Middlesex County, NJ and points in CT, DE, MD, NJ, NY, PA under continuing contract(s) with Chevron Chemical Co. of Perth Amboy, NJ 08861. Supporting shipper: Chevron Chemical Co., 1200 State St., Perth Amboy, NJ 08861

MC 87451 (Sub-1–28TA), filed July 7, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Iron and steel articles and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except commodities in bulk, classes A & B explosives and household goods as described by the Commission),* between points in MA on the one hand, and, on the other, points and places in the U.S. (except AK and HI), Supporting shipper: Northern Steel, Inc., 809 Gibson St., Medford, MA 02155.

MC 84428 (Sub-1–5TA), filed July 7, 1981. Applicant: CHESTER JACKSON COMPANY, 475 Schuyler Avenue, Kearny, NJ 07032. Representative: Edward F. Bowes, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Chemicals in bulk in tank vehicles,* between points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, and VT located within 200 miles of Kearny, NJ. Supporting shipper(s): There are 18 statements in support of this application which may be examined at the regional office of the I.C.C. in Boston, MA.

MC 154448 (Sub-1–2TA), filed July 7, 1981. Applicant: HEMPSTEAD LIMOUSINE SERVICE CORP., 20 Sterling Place, Hempstead, NY 11550. Representative: Harold Sacks, P.C., 19 W 44th Street, New York, NY 10036.

Passengers and their baggage in round trip charter operations from points beginning and ending in Nassau and Suffolk Counties, NY and the New York, NY Commercial area to points in the states of NY, CT, NJ, and Washington, DC. Supporting shipper(s): Paul Robeson Regular Democratic Club, Inc., 231–34 Merrick Blvd., Laurelton, Queens, NY 11413; Springfield Gardens United Methodist Church, 130–129 Farmers Blvd., Springfield Gardens, NY 11413; Mount Nemo Baptist Church, 178–14 140th Ave., Springfield Gardens, NY 11413.

MC 156857 (Sub-1–1TA), filed June 30, 1981. Applicant: EASTPORT CARRIERS, INC., c/o Gregory R. Keyes, 56 Cedar Lane, Closter, NJ 07624. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Electrical appliances, radios, televisions, calculators, stereos, games, toys, and related products,* between points in the New York, NY Commerical Zone, on the one hand, and, on the other, points in NY, NJ, PA, MA, CT, RI, MD, DE, and DC. Supporting shipper(s): Leisure Line Toys, Inc., 900 Secaucus Rd., Secaucus, NJ 07094; Sanyo Electric Inc., 200 Riser Rd., Little Ferry, NJ 07643.

The following applications were filed in Region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106

MC 127100 (Sub-II–4TA), filed July 6, 1981. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, OH 43604. Representative: Charles K. Boxwell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Contract, irregular: *Malt (beer and ale) beverages in containers* from Fulton, NY to Toledo, OH, under a continuing contract with Metropolitan Distributing Company. An underlying ETA seeks 120 days authority. Supporting shipper: Metropolitan Distributing Company, 911 Summit Street, Toledo, OH 43604

MC 113108 (Sub-II–9TA), filed July 6, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A Zyblut, 366 Executive Bldg., 1030 15th St., NW, Wash., D.C. 20005.*Beverages,* from Baltimore, MD and Havre de Grace, MD to pts. in DE, PA, NY, NJ, VA, OH, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Faygo Beverages, Inc., 1365 Jarvis St., Ferndale, MI 48220

MC 146202 (Sub-II–1TA), filed July 6, 1981. Applicant: CONTRACTURAL CARRIERS, INC., Allen Dr., Harmony Industrial Park, Newark, DE 19711. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Plastic and plastic products* from New Castle County, DE to points in MI, IL, IN, OH, NC, MA, SC and GA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Formosa Plastic Corp. U.S.A., 66 Havaner Rd., Florham Park, NJ 07932.

MC 113666 (Sub-II–19TA), filed July 8, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229 Representative: R. Scott Mahood (same address as applicant), *Ammonium nitrate, in bulk,* from points in OH to points in PA, OH, MD, VA, WV, KY and TN for 270 days. Restricted to shipments having a prior movement by water. An underlying ETA seeks 120 days authority. Supporting shipper: Hercules Inc., 814 Commerce Dr., Oak Brook, IL 60521

MC 138000 (Sub-II–35TA), filed July 9, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301–797–6060. *Paint and paint products* from Warren County, VA to points in the U.S. in and east of MN, IA, MO, AR and LA, for 270 days. Supporting shipper: E. I. de Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 146036 (Sub-II–2TA), filed July 7, 1981. Applicant: J & M TRUCKING & DISTRIBUTION CO., INC., Rt. 940, Pocono Summit, PA 18346. Representative: Joachim G. Rothe (same address as applicant). Contract, irregular: *Brass, bronze, copper and nickel products, brass and copper billets* from Reading and Ontelaunee, PA to points in AZ, CA, OR and WA, under continuing contract(s) with Reading Tube Co., Div. of Reading Industries, Inc., Reading, PA. Supporting shipper(s): Reading Tube Co., Div. of Reading Industries, Inc., P.O. Box 126, Reading, PA 19603.

MC 157039 (Sub-II–1TA), filed July 9, 1981. Applicant: JORDAN TRUCKING, INC., R. D. #1, Box 97, Woodland, PA 16881. Representative: Dwight L. Koerber, jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Lumber and lumber products,* between pts. in Clearfield Co., PA, on the one hand, and, on the other, pts. in NY, NJ, DE, MD, OH, VA, NC, and SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: C. A. Walker Lumber & Supply Co., Inc., A Division of Bradford Coal Co., Inc., 1101 Walker Rd., Bigler, PA 16825.

MC 111611 (Sub-II–7TA), filed July 8, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave.,

Lewistown, PA 17044. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Aluminum boats and canoes and related articles,* between St. Peter, MN and Arkadelphia, AR, on the one hand, and, on the other, points in Birmingham and Madison, AL; Tucson, AZ; Los Angeles, CA; Denver, CO; Norwich, CT; Lake Worth, Ft. Lauderdale and Tallahassee, FL; Atlanta and Albany, GA; Idaho Falls, ID; Chicago and E. Peoria, IL; Indianapolis, IN; Council Bluff and Des Moines, IA; Junction City, KS; Louisville, KY; Lake Charles and Shreveport, LA; Augusta, ME; Chesapeake Beach, MD; West Field, MA; Dearborn, MI; Brainerd, MN; Laurel, MS; Boremont, MT; Lincoln, NE; Ft. Lee, NJ; Hobbs, NM; Buffalo and Marathon, NY; Sioux Falls, SD; Knoxville, and Memphis, TN; Dallas, Houston, Lake Jackson and San Antonio, TX; Clear Field, UT; North Hero, VT; Petersburg, VA; Seattle, WA; Charleston, WV; Milwaukee and Wausau, WI and Sheridan, WY, for 270 days. Supporting shipper: Alumacraft Boat Co., 135 West Julien, St. Peter, MN 56082.

MC 152640 (Sub-II–5TA), filed July 8, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. *Contract;* irregular: *such merchandise as is dealt in and distributed by retail department stores and chain stores and materials and supplies used in the manufacture of the aforementioned commodities,* between Beaverton, OR and Greenland, NH, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Nke, Inc. of Beaverton, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nike, Inc., Beaverton, OR 97005.

MC 152640 (Sub-II–6TA), filed July 8, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy. Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Contract;* irregular: *such merchandise as is dealt in and distributed by retail department stores and chain stores and materials and supplies used in the manufacture of the aforementioned commodities,* between Culver and Wabash, IN, Miami, FL, and Los Angeles, CA, on the one hand, and, on the other, points in the U.S., (except AK and HI), under continuing contract(s) with Nexus Marketing Group, of Wabash, IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nexus Marketing Group, Wabash, IN 47992.

MC 8771 (Sub-II–6TA), filed July 9, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004 *Envelopes* from Buffalo, NY to points in NJ, DC, MI, OH and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Niagara Envelope Co., 701 Seneca St., P.O. Box 1084, Buffalo, NY 14210.

MC 148562 (Sub-II–1TA), filed July 9, 1981. Applicant: UNIVERSITY CORP., P.O. Box 2339, Columbus, OH 43216. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular:* (1) *Pneumatic rubber tires and tubes* between Columbus, OH and Indianapolis, IN for the account of The Mohawk Rubber Company, and (2) *such commodities as are dealt in or used by manufacturers and distributors of heating and air-conditioning units* between pts in the U.S. (except AK and HI) for the account of Johnson Corp., Division of Magic Chef for 270 days. Supporting shippers: The Mohawk Rubber Company, 2200 Fairwood Ave., Columbus, OH 43207; Johnson Corp., Division of Magic Chef, 851 W. 3rd Ave., Columbus, OH 43212.

MC 136511 (Sub-II–10TA), filed July 9, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Cosmetics, hair and skin care products and toilet preparations and materials and supplies used in the manufacture thereof,* between points in the United States for 270 days. Supporting shipper: Redken Laboratories, Inc., 6625 Variel Ave., Canoga Park, CA 91303.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 134105 (Sub-3–26TA), filed July 2, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Electric Lighting Fixtures and Lighting Accessories* between points in IA on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting Shipper: Musco Sportslighting, Inc., Box 14, Muscatine, IA 52761.

MC 143061 (Sub-3-8TA), filed July 6, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as applicant). *Contract carrier;* irregular routes: *General commodities (except classes A and B explosives)* between points in the US (except AK and HI). Supporting shipper: National Carrier Service, 2000 Santa Cruz Street, Anaheim, California 92805.

MC 155337 (Sub-3–7TA), filed July 2, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA. 30188. Representative: C. W. Patrick (same as applicant). *Food and Food Products* between the facilities of Nationwide Fund Raisers, Inc. at or near Atlanta, GA. and points in the U.S. (except AK and HI). Supporting shipper: Nationwide Fund Raisers, Inc. 2849 Mountain Industrial Blvd., Tucker, GA 30084.

MC 155314 (Sub-3–3TA), filed July 2, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 10 S. LaSalle Street, Chicago, IL 60603. *Bananas,* between Charleston, SC; New Orleans, LA; Gulfport, MS; Mobile, AL; Wilmington, DE and Miami and Port Everglades, FL on the one hand, and, on the other, points in Delaware and Marion County, IN. Supporting Shipper: Marsh Supermarkets, Inc., P.O. Box 155, Yorktown, IN, 47396.

MC 143786 (Sub-3–1TA), filed July 2, 1981. Applicant: HAL MAST TRUCKING COMPANY, INC., Route 1, Box 259, Sugar Grove, NC 28679. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204 *Contract carrier:* irregular: *beef, beef products, pork and pork products,* from NE, TX, CO and IA to NC, VA and MD, under continuing contract with Associated Meats, Inc. Supporting shipper: Associated Meats, Inc., Silver Springs, MD 20904.

MC 156738 (Sub-3–1TA), filed July 2, 1981. Applicant: PEM-KAY FURNITURE CO., INC., P.O. Box 595, Conover, NC 28613. Representative: William P. Farthing, Jr., 100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier:* irregular: *plastic foam,* from Hazelton, PA, and E. Rutherford, NJ, to Greensboro and St. Paul, NC, under continuing contract with Tenneco Chemicals, Inc. Supporting shipper: Tenneco Chemicals, Inc., W–100 Century Rd., Paramus, NJ 07652.

MC 140025 (Sub-3–3TA), filed July 2, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Bakery Products and Bakery Advertising Matter, Crates, and Racks,* between Valdosta, GA on the one hand, and, on the other, points in FL. Supporting Shipper: Winn Dixie Stores, Inc., Box B, Jacksonville, FL 32203.

MC 138157 (Sub-3–55TA), filed July 7, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as above). *Such commodities as are dealt in by manufacturers of drugs, medicines, and chemicals (except in bulk)* between the facilities of Miles Laboratories, Inc at or near Dayton, OH; Elkhart, IN; and West Haven, CT on the one hand, and, on the other, points in the U.S. Supporting Shipper: Miles Laboratories, Inc., P.O. Box 40, Elkhart, IN, 46515.

MC 155028 (Sub-3–5TA), filed July 8, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 E. Court Street, P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. *Chemicals and related products,* between points in Cabarrus County, NC, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Mineral Research & Development Corporation, Route 6, Box 222, Concord, NC 28025.

MC 154793 (Sub-3–2TA), filed July 8, 1981. Applicant: WILLIAM C. WOODARD d.b.a. DRACO TRUCK RENTAL, Box 206, Greenbriar Pike, Springfield, TN 37172. Representative: James Tyre Havron, 513 Nashville Trust Bldg., Nashville, TN 37201. *Contract Carrier:* irregular routes, *general commodities (except Classes A & B explosives)* between points in the U.S., under continuing contract(s) with United States Tobacco Company. Supporting shipper: United States Tobacco Company, Copenhagen Court, Franklin Park, IL 60131.

MC 156512 (Sub-3–1TA), filed July 8, 1981. Applicant: BUFFALO WOOD, INC., P.O. Box 307, Crosby, MS 39633. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. *Contract carrier;* irregular routes; *lumber,* from the facilities of Georgia Pacific Corporation at or near Centreville, MS, to points in LA, under a continuing contract(s) with Georgia Pacific Corporation of Crossett, AR. Supporting shipper: Georgia Pacific Corporation, P.O. Box 520, Crossett, AR 71635.

MC 156615 (Sub-3–1TA), filed July 8, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Materials, plastic film and sheeting material, equipment, and supplies related thereto and items used in the sale, manufacture and distribution thereof* between the facilities of Borden Chemical Company, Division of Borden, Inc., and all points in the continental U.S. Supporting shipper: Borden Chemical Company, Division of Borden, Inc., 1 Clark Street, North Andover, MA 01845.

MC 124951 (Sub-3–2TA), filed July 7, 1981. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Malt beverages and malt beverages containers,* between La Crosse, WS on the one hand, and, on the other, points in KY on and west of U.S. Hwy 31–W. Supporting shippers: William Sonny Burton, Distributors, 1750 S. Main Street, Henderson, KY 42420; Bowling Green Beer Distributors, Inc., P.O. Box 2250, Bowling Green, KY 42101.

MC 136123 (Sub-3–18TA), filed July 7, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *General commodities (except Classes A and B explosives and household goods),* between the facilities of Niagra Frontier Services, Inc., its subsidiaries and affiliates at points in NY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Niagra Frontier Services, Inc., 60 Dingens, Buffalo, NY 14206.

MC 155314 (Sub-3–4TA), filed July 7, 1981. Applicant: R.C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 10 S. La Salle Street, Chicago, IL 60603. *Meats, meat products and meat byproducts,* between points in IL, IN, OH, KY, KS and IA, on the one hand, and, on the other, points in FL and GA. Supporting shipper: B. DeYoung & Co., P.O. Box 2136, Clearwater, FL 33517.

MC 153606 (Sub-3–2TA), filed July 7, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29601. Representative: Francis P. Dilworth (same address as applicant). *Contract:* Irregular: *Fluorescent lighting fixtures and component parts* from Bristol, PA to points in the U.S. in and east of WI, IL, MO, AR and LA under a continuing contract with Keystone Lighting Corporation, Bristol, PA. Supporting shipper: Keystone Lighting Corporation, Beaver St. & Rt. 13, Bristol, PA 19007.

MC 145559 (Sub-3–5TA), filed July 7, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract;* irregular routes: *Carpet,* from Cartersville, Dalton and Dublin, GA, Greenville, MS, and Dillon, SC, to Portland, OR, and Seattle, WA. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with the International Supply Company, Inc., d.b.a. Mohawk International. Supporting shipper: International Supply Company, Inc., d.b.a. Mohawk International, 6408 N.E. Halsey, Portland, OR 97213.

MC 151859 (Sub-3–3TA), filed July 7, 1981. Applicant: P.B.M. COACHES, INC., 1010–6th Avenue South, Lake Worth, FL 33460. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW., Washington, DC 20005. *Passengers and their baggage,* in the same vehicle with passengers, in roundtrip charter and special operations, beginning and ending at points in Broward, Palm Beach, Martin, St. Lucie, and Indian River Counties, FL, and extending to all points U.S. There are 15 statements of support which may be examined at the ICC Regional Office in Atlanta, GA.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 44445 (Sub-4–2TA), filed July 7, 1981. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Commodities which, because of their size or weight, require the use of special handling or equipment,* between points in Milwaukee, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, and MN. Supporting shipper: Wisconsin Bridge & Iron Co., 5023 N. 35th St., Milwaukee, WI 53209.

MC 100785 (Sub-4–2TA), filed July 1, 1981. Applicant: LAWRENCE E. BULT, d.b.a. L. BULT CARTAGE, 123 North Williams, Thornton, IL 60476. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Zinc, ferro alloys, pig iron, salt and coke,* between points in Chicago, IL commercial zone, on the one hand, and, on the other, points in MI, IN, WI and IL. Supporting Shipper: Miller & Company, 55 East Monroe Street, Chicago, IL 60603; Associated Metals and Minerals Corp., 30 Rockefeller Plaza, New York, NY 10020; and Hickman, Williams & Company, 2021 Spring Road, Oakbrook, IL 60521.

MC 112223 (Sub-4–7TA), filed July 7, 1981. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative:

Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. *Asphalt in bulk in tank vehicles,* from West Fargo, ND to points in MN, restricted to traffic for Mark Sand & Gravel Company. Supporting Shipper: Mark Sand & Gravel Company, Fergus Falls MN 56537.

MC 113751 (Sub-4–1TA), filed July 1, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common;* irregular; *Charcoal and charcoal briquettes, and wood chips, vermiculite, lighter fluid, and accessories used in outdoor cooking, in mixed loads with charcoal and charcoal briquettes,* from: (a) Meta, MO, to Chicago, IL, and (b) Chicago, IL, to points in AR, IA, IN, KY, MI, MN, MO, OH, TN, and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Standard Milling Company, P.O. Box 410, Kansas City, MO 64141; and Mark Charcoal Co., Inc., 700 North Sacramento Boulevard, Chicago, IL 60612.

MC 116073 (Sub-4–2TA), filed July 2, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., Moorhead, MN 56560. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46515. (1) *Machinery and recycling equipment,* and (2) *related products* used in the manufacture and distribution of commodities in item (1), between points in Faulkner County, AR, and points in the U.S. Supporting shipper: Calli Corporation, 10 Half Moon Way, Chandler, AZ 85224.

MC 118808 (Sub-4–7TA), filed July 7, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnepeg, Manitoba R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Glass and glass products (except in bulk),* from the ports of entry of The International Boundary Line between the U.S. and Canada, located in MN, ND and MT, to points in SD, NE, KS, OK, MO, WI, AR, TN, KY & IN. Supporting shipper: Canasphere Industries, Ltd., 603 High Street West, Moose Jaw, Saskatchewan S6H 1T5.

MC 120737 (Sub-4–12TA), filed July 6, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Building and construction materials, machinery, and metal products (except Classes A and B explosives, hazardous waste materials, and commodities in bulk)* between points in the U.S. in and east of MN, IA, MO, AR and LA. An underlying ETA seeks 120 days authority. Supporting shipper: Georgia-Pacific Corp., 2210 Parklake Dr., N.E., P.O. Box 105313, Atlanta, GA 30348.

MC 126555 (Sub-4–27TA), filed July 6, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant). *Bentonite and Lignite Coal* between points in the U.S. Supporting shipper: American Colloid Company, P.O. Box 228, Skokie, IL 60077.

MC 134305 (Sub-4–3TA), filed July 1, 1981. Applicant: HAMM TRUCKING, INC., R.R. #1, Erie, IL 61250. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Il 60601. *Plastic pellets or plastic powder (except in bulk) and materials and supplies used or useful in the manufacture or distribution of plastic pellets and plastic powder,* between Clinton, IA, on the one hand, and, on the other, points in VT, RI, ME, DE, MD, VA, WV, TN and FL. Supporting shipper: Chemplex Company, 3100 Golf Road, Rolling Meadows, IL 60008.

MC 135410 (Sub-4–27), filed July 6, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *General commodities (except classes A & B explosives)* between points in the states of CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC, restricted to the transportation of traffic originating at or destined to the facilities of The Richardson Company. Supporting Shipper: The Richardson Company, Melrose Park, IL. 60160.

MC 139276 (Sub-R4–6TA), filed July 2, 1981. Applicant: ALOHA FREIGHTWAYS, INC., 1089 Bryn Mawr Avenue, Bensenville, IL 60106. Representative: Grace Kasallis (same address as applicant). *Contract,* irregular; *machinery* between Chicago, IL Commercial Zone and points in U.S. (except AK and HI). An underlying ETA seeks 120 days authority. There are 14 supporting shippers.

MC 142001 (Sub-4–1TA), filed July 6, 1981. Applicant: RITE-GUY HAULING, INC., 7124 South Hill Road, Deforest, WI 53532. Representative: Michael J. Wyngaard, 150 East Gilman, Madison, WI 53703. *Commodities in bulk* from the facilities of Illinois Power Company at or near Baldwin, East St. Louis, and Alton, IL to MA, IN, KS, MI, MN, MO, OH and WI and from the facilities of Wisconsin Power and Light Company at or near Sheboygan, Portage, Beloit, and Cassville, WI to IA, IL, IN, KS, MI, MN, MO and OH. Underlying ETA seeks 120 days authority. Supporting shipper: National Mineral Corporation, 27th St. and 5th Avenue South, Fargo, N.D. 58102.

MC 143280 (Sub-4–31TA), filed July 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Glass products, Fabricated metal products,* between Mitchell County, IA and Minneapolis and St. Paul MN, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Devac, Inc. 10130 Highway 55, Minneapolis, MN.

MC 143732 (Sub-4–1TA), filed July 2, 1981. Applicant: PICK A TREAT, INC., 3820 West Wisconsin Avenue, Milwaukee, WI 53208. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Contract* irregular: *Dated publications and printed matter, paper and paper products* between Milwaukee County, WI and Verona, WI on the one hand and points in MN, IA, IL, MI, IN and WI on the other hand, restricted to service under contracts with Seewhy, Inc. and Wisconsin Cuneo Press, Inc. Supporting shippers: Seewhy, Inc., 5380 N. 68th St., Milwaukee, WI 53218; Wisconsin Cuneo Press, Inc., 5400 W. Good Hope Rd., Milwaukee, WI 53223.

MC 144384 (Sub-4–1TA), filed July 1, 1981. Applicant: SOYA, INC., Box 396, Dawson, MN 56232. Representative: Ronald C. Anderson, Box 130, Willmar, MN 56201. *Agricultural machinery and equipment, spare parts and return parts for fertilizer spreaders, truck spreaders, truck sprayers, fertilizer tenders and fertilizer trucks* from Willmar, MN to Wichita, KS, Grand Island, NE, Philo, IL, Botkins, OH, Boonville, MO and return. Supporting shippers: Fairbank Equipment, Inc., 3700 Jewell Wichita, KS and Fertilizer Dealer Supply, Inc., Philo, IL 61864.

MC 145974 (Sub-4–6TA), filed July 7, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract;* irregular: *Such commodities as are dealt in, or used by, hardware stores, lumber yards, and home improvement centers,* from points in WA, OR, ID, CA, MT and WY, to points in ND, SD, MT, MN, WI, IL, IA, NE, KS, MO, OK, CO, WY, and MI, under contract(s) with Our Own Hardware Company of Burnsville, MN. Supporting shipper: Our Own Hardware, 2300 West Hwy. 13, Burnsville, MN 55337.

MC 146636 (Sub-4–4TA), filed July 6, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: JACK L. SHULTZ, P.O. Box 82028, Lincoln, NE 68501. *Clay, concrete, glass or stone products,* between points in MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Minnesota Tile Supply, a Division of Dale Tile Company, 4825 France Avenue North, Minneapolis, MN 55429.

MC 147039 (Sub-4–12TA), filed July 1, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Machinery and industrial building materials* between points in AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NB, NH, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, UT, VT, VA, WV, WA, WI, WY, on the one hand and TX on the other. Supporting shipper: Ford Motor Company, One Parklane Blvd., Parklane Tower East, Suite 200, Dearborn, MI 48121.

MC 147771 (Sub-4–3TA), filed July 1, 1981. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Metal articles,* (1) Between points in Madison County, NE, on the one hand, and, on the other, points in AZ, CA, CO, IA, IL, IN, KS, MN, MO, MT, NE, ND, NV, OR, SD, WA, WI and WY, and (2) From Chicago, IL, to Vermilion, SD. Supporting shipper: Norfolk Iron & Metal Company, P.O. Box 1129, Norfolk, NE 68701.

MC 148930 (Sub-4–7TA), filed June 30, 1981. Applicant: AERO DELIVERIES, INC., 529 Gidley Dr., Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between points in IL and MI, under a continuing contract with Encyclopaedia Britannica, Inc. Supporting shipper: Encyclopaedia Britannica, Inc., 425 N. Michigan Ave., Chicago, IL 60611.

MC 149308 (Sub-4–5TA), filed July 6, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract;* irregular *paper and paper products and plastic and plastic products, and materials, equipment and supplies used in the manufacture of such products* (except in bulk), between the facilities of St. Regis Paper Co., at or near Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restriction: Restricted to the transportation of shipments handled under a continuing contract(s) with St. Regis Paper Co. Supporting shipper: St. Regis Paper Co., 150 E. 42nd Street, New York, NY 10017.

MC 150746 (Sub-4–20TA), filed July 2, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Building materials and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* between Elgin, Chicago and Mundelein, IL and Deerfield, WI on the one hand, and, on the other, points in the U.S. Supporting shipper: Macor, Inc., 801 N. State, P.O. Box 77 Elgin, IL 60120.

MC 150746 (Sub-4–21TA), filed July 6, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. (1) *Malt beverages and related advertising materials;* (2) *Empty used beverage containers and materials and supplies used in and dealt with by breweries.* (1) from Jefferson County, CO to: TN, LA, and MS; (2) from TN, LA, and MS to Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 150798 (Sub-4–7TA), filed July 6, 1981. Applicant: CKR TRANSPORT LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Chemicals and related articles and food and related products* from points in IL (except Chicago) on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Alberto-Culver Company, 2525 Armitage Ave, Melrose Park, IL 60160.

MC 150746 (Sub-4–22TA), filed July 7, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Pulp board and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* between points in Coshocton County, OH on the one hand, and, on the other, points in NJ, NY, PA, IL, IN, MO, MI, MA and MD. Supporting shipper: Stone Container Corporation, 500 North Fourth Street, Coshocton, OH 43812.

MC 151823 (Sub-4–1TA), filed July 6, 1981. Applicant: PETER C. POKORSKI, d.b.a. PETE'S TRUCKING, 4316 Silver Creek Rd., Manitowoc, WI 54220. Representative: Michael S. Varda, P.O. Box 2509, 121 South Pinckney Street, Madison, WI 53701. *Malt beverages* from Memphis, TN to Appleton, Cleveland, and Shawano, WI, and, on return, *empty containers and pallets.* An underlying ETA seeks 120 days authority. Supporting shippers: Travis Distributing, Inc., 237 Humphrey Circle, Shawano, WI 54166; Lewis Distributing, Inc., P.O. Box 98, Cleveland, WI 53015; and Dougherty Sales, Inc., 911 S. Lynndale Drive, Appleton, WI 54911.

MC 154948 (Sub-4–3TA), filed July 7, 1981. Applicant: LARSON SERVICE COMPANY, INCORPORATED, 1132 Chateaugay Avenue, Naperville, IL 60540. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract;* Irregular: *Paper, Paper Articles, and Printed Matter,* (1) Between Fresno, CA, on the one hand, and, on the other, Naperville, IL and Monson, MA, under continuing contract(s) with Litton Financial Printing located in Naperville, IL; and (2) Between Lockport, IL, on the one hand, and, on the other, Ft. Smith, AR; Anaheim, Gustine, Los Angeles, Oakland, and Sacramento, CA; LaPorte, IN; and Highstown, NJ, under continuing contract(s) with Georgia Pacific Corp. located in Lockport, IL. Supporting shippers: Georgia Pacific Corp., #1 Label Lane, Lockport, IL 60441; Litton Financial Printing, 1560 W. Ogden Ave., Naperville, IL 60540.

MC 154948 (Sub-4–4TA), filed July 7, 1981. Applicant: LARSON SERVICE COMPANY, INCORPORATED, 1132 Chateaugay Avenue, Naperville, IL 60540. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract;* Irregular: *Plastic Bags, Putty, Glazing Compounds, and Spackling Compounds,* Between Aurora, IL, on the one hand, and, on the other, Tustin, CA; Omaha, NE; Lincoln, NE; Kansas City, MO; Little Rock, AR; Cleveland, OH; Columbus, OH; Springfield, MA; Memphis, TN; Newark, NJ; and Boston, MA, under continuing contract(s) with North American Plastics Corporation located in Aurora, IL. Supporting shipper: North American Plastics Corporation, 921 Industrial Drive, Aurora, IL 60506.

MC 155826 (Sub-4–2TA), filed July 7, 1981. Applicant: TRAFCO, INC., P.O. Box 328, Columbia City, IN 46725. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities (except Classes A and B explosives),* between St. Joseph and Whitley Counties, IN, on the one hand, and, on the other, NE and points in the U.S. in and east of WI, IA, MO, AR and TX. Supporting shippers: There are six statements of support attached.

MC 156047 (Sub-4–1TA), filed July 2, 1981. Applicant: ALLWAY TRANSPORT INC., 1949 Kingshighway, Washington Park, IL 62204. Representative: Roza Gossage, 209 S. Jackson, Belleville, IL 62221. *Machinery and machinery parts, metal products, waste and scrap metals* between points in St. Louis, MO and East St. Louis, IL to points in IL, IN, KY, FL, OH, MI, MO, TN, KS, OK, AR, TX, LA, MS, AL, and IA. Supporting shippers: McHenry Metals Products Co., Inc., 3838 Cote Brillante, St. Louis, MO. Southwest Parts Supply, 1959 State St., East St. Louis, IL. Foxtex Co., 1949 B Kingshighway, Washington Park, IL 62204.

MC 156133 (Sub-4–4TA), filed July 6, 1981. Applicant: TRI STATE TIRE & RUBBER, INC. d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 West, Michigan City, IN. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Composition board,* from the facilities of Abitibi-Price Corporation at or near Alpena, MI, Toledo, OH and Roaring River, NC, to points in that part of the U.S. in and east of MN, IA, MO, AR and LA. Supporting shipper(s): Abitibi-Price Corporation, 3250 West Big Beaver Road, Troy, MI 48084.

MC 156403 (Sub-4–1TA), filed June 29, 1981. Applicant: JAMES J. CAMALICK, d.b.a. J. AND J. CARTAGE, 18658 Henry Street, Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Avenue, Calumet City, IL 60409. *Recyclable Products* between points within the States of IL, IN, MI, OH and WI. Supporting shipper: Loop Recycling, Inc., Chicago, IL.

MC 156500 (Sub-4–2TA), filed July 1, 1981. Applicant: VANDCO, INCORPORATED, 1400 Division Street, Marquette, MI 49855. Representative: Jere B. Stafford, 1400 Division Street, Marquette, MI 49855. *Contract:* Irregular: *Such commodities as are used by or dealt in by wholesale and retail grocery and food business houses.* Between points in upper peninsula MI and WI on the one hand, and, on the other, the facilities of John Sexton & Co. at Minneapolis and Hopkins, MN, Kansas City, KS, Maryland Hts., MO, Elk Grove Village and Lyons, IL, Romulus, MI, Cincinnati, OH, and Indianapolis, IN; also from facilities of John Sexton & Co. at Kansas City, KS, Indianapolis, IN, to Minneapolis and Hopkins, MN, Elk Grove Village and Lyons, IL. Supporting shipper: John Sexton & Co., 222 S. Riverside Plaza, Chicago, IL 60606.

MC 156638 (Sub-4–1TA), filed July 6, 1981. Applicant: BIRD GRAIN CO., INC., 301 Pearl Street, Elk Point, SD 57025. Representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101. *Contract;* irregular: *(1) Trailers; and (2) Materials, equipment and supplies,* between Elk Point, SD, and points in the U.S., except AK and HI; under contract(s) with CMI Load King, a Division of CMI Corporation. Supporting shipper: CMI Loan King, a Div. of CMI Corporation, Box 427, Elk Point, SD 57025.

MC 156775 (Sub-4–1TA), filed July 1, 1981. Applicant: KENNETH FRED HAGEMAN and KENNETH J. HAGEMAN, d.b.a. HAGEMAN TRUCKING, Rural Route 2, Plano, IL 60542. Representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, IL 60603. *Contract:* irregular: *Beer and materials used in the distribution of beer* between Milwaukee, WI and Batavia, IL under continuing contracts with Fox River Distributing Corporation of Batavia, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Fox River Distributing Corporation, 1681 Hubbard, Batavia, IL 60510.

MC 156808 (Sub-4–1TA), filed July 2, 1981. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *(1) fruit juices, fruit drinks, oleomargarine, fixtures, and exempt agricultural commodities in mixed loads with the above commodities* from the facilities of Cedarburg Dairy, Inc., in WI, to points in IL on and north of IL Hwy 17; and *(2) materials, equipment and supplies used in the production and distribution of the commodities named in (1), above,* from points in IL on and north of IL Hwy 17, to the facilities of Cedarburg Dairy, Inc., in WI. Supporting shipper: Cedarburg Dairy, Inc., W55 N155 McKinley Blvd., Cedarburg, WI 53012.

MC 156809 (Sub-4–1TA), filed July 2, 1981. Applicant: MIDWEST CONSOLIDATORS, INC., 32483 Schoolcraft, Livonia, MI 48150. Representative: Robert E. McFarland, 2855 Coolidge, St. 201A, Troy, MI 48084. *Automobile parts, materials, equipment and supplies used in the manufacture and production of automobiles and automobile parts,* between points in DE, IL, MI, MO, OH, PA, and CA, on the one hand, and, on the other, ports of entry on the International Boundary Line between the U.S. and Mexico, located in TX. Supporting shippers: Chrysler Corporation, P.O. Box 1976, Detroit, MI 48288; Tebo, S.A., Ferrocarril No. 5, APDO Postal No. 243, Naucalpan, Edo de Mexico; Macopel S.A. de C.V., AP Postal 14156, Mexico City, 14 D.F.; Nacional De Cobre-Nacobre, Poniente 134 No. 719, Mexico 16, D.F.

MC 156932 (Sub-4–1TA), filed July 7, 1981. Applicant: PALLET PRODUCTS, INC., P.O. Box 70, Des Plaines, IL 60016. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. *Contract; irregular: Such commodities as are dealt in by manufacturers of corregated sheets,* between points in the U.S. under continuing contract with Corregated Supplies Corporation. Supporting shipper: Corregated Supplies Corporation, 5101 West 65th Street, Chicago, IL 60638.

MC 156945 (Sub-4–1TA), filed July 2, 1981. Applicant: E L M TRANSIT CO., Rural Route #1, Springfield, IL 62707. Representative: Edward D. McNamara, Jr., Lesleann G. Maxey, 907 South Fourth Street, Springfield, IL 62703. *Printed matter, magazines, periodicals, & parts thereof* between Cincinnati, OH, on the one hand, and, points in the states of IL, MO, & IA on the other hand. Supporting shipper is Triangle Publications, Inc., P.O. Box 500, Radnor, PA 19088.

MC 156962 (Sub-4–1TA), filed July 6, 1981. Applicant: BOB MASTRE, INC., P.O.B. 1500, Fargo, ND 58107. Representative: Robert N. Maxwell, P.O.B. 2471, Fargo, ND 58108. *Contract; irregular; Food and related products, construction materials and machinery,* between Fargo, ND and Minneapolis, MN, on the one hand, and, on the other, points in the U.S., under contract(s) with General Nutrition Mills, Inc., Fargo, ND; Robert Gibb & Sons, Inc., Fargo, ND; Fargo Water Equipment Co., Fargo, ND; Material Handling Engineers, Inc., Bloomington, MN; and Clarklift of North Dakota, a Division of Material Handling Engineers, Inc., West Fargo, ND; Supporting shippers: General Nutrition Mills, Inc., 1301 North 39th Street, Fargo, ND 58108, Robert Gibb & Sons, Inc., 205 Southwest 40th Street, Fargo ND 58107; Fargo Water Equipment Co., 2410 5th Avenue N, Fargo, ND 58102; Material Handling Engineers, Inc., 501 West 78th Street, Bloomington, MN 55420; and Clarklift of North Dakota, a Division of

Material Handling Engineers, Inc., 1734 East Main, West Fargo, ND 58078.

MC 156986 (Sub-4–1TA), filed July 7, 1981. Applicant: FIVE STAR TRUCKING, INC., 14934 Minnetonka Industrial Road, Minnetonka, Minnesota 55343. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Such commodities as are dealt in by wholesale and retail auto parts businesses,* between Minneapolis, MN, and points in its commercial zone, on the one hand and, on the other, points in MT, ND, SD, NE, IA, WI, the upper peninsula of MI and Moline, IL. Supporting shipper: There are five supporting shippers.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 9291 (Sub-5–7TA), filed July 6, 1981. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110 Topeka, KS 66612. Part 1: *Shortening and chemicals,* from the Commercial zone of Dallas-Ft. Worth, TX to the Commercial Zones of Emporia, KS and Kansas City, KS-MO; Part 2: *Bagged sugar* from the Commercial zone of Houston, TX to the Commercial zones of Emporia, KS and Kansas City, KS-MO; Part 3: *Paper products* from the Commercial zone of Grant Park, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO; Part 4: *Paper products* from the Commercial zones of Newman, GA and Blue Island, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO; Part 5: *Shortening* from the Commercial zone of Jacksonville, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO; Part 6: *Raisins* from points in CA to points in the Commercial zones of Emporia, KS and Kansas City, KS-MO; Part 7: *Powdered eggs from the Commercial zone of Chicago, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO; Part 8: Ingredients and articles useful in the baking, packaging and distribution of baked goods* between the Commercial zone of Kansas City, MO on the one hand and the Commercial zone of Emporia, KS on the other hand; Part 9: *Containers* between points in MT; WY; WY; CO; NM; ND; SD; NE; KS; OK; TX; MN; IA; MO; AR; LA; WI; IL; MS; AL; TN; KY; IN; OH; and MI on the one hand and the Commercial zones of Kansas City, KS-MO and Emporia, KS on the other hand and Part 10: *Baked goods* between Kansas City, KS-MO Commercial zone and Emporia, KS Commercial zone on the one hand and MT; WY; CO; NM; ND; SD; NE; KS; OK; TX; MN; IA; MO; AR; LA; WI; IL; MS; AL; TN; KY; IN; OH; and MI on the other hand. Supporting shipper: Interstate Brands, Inc., 1525 Industrial Rd., Emporia, KS 6680.

MC 106398 (Sub-5–70TA), filed July 6, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as above). *Anthracite coal* from: Locust Summit, PA to: Points in the U.S. in and East of ND, SD, NE, KS, OK, and TX. Supporting shipper: Infilco Degremont, Inc., 2828 Emerywood Parkway, Post Office Box 29599, Richmond, VA 23229.

MC 110567 (Sub-5–5TA), filed July 6, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Foodstuffs (sweeteners),* between Carroll County, IL, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Finn-Cal Sweetener Company, P.O. Box 488, Thomson, IL 61285.

MC 124174 (Sub-5–51TA), filed July 6, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Charcoal, charcoal briquetts, hickory chips, fireplace logs, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the Kingsford Charcoal plant located in Parsons, WV and all pts in the USA. Supporting shipper(s): The Kingsford Company, 1700 Commonwealth Building, Louisville, KY 40201.

MC 133262 (Sub-5–4TA), filed July 6, 1981. Applicant: TIGGES TRUCKING, INC., 5071 JFK Road, Dubuque, IA 52001. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Sand and gravel, in bulk,* from (1) Dubuque, IA to pts in Crawford, Grant and Lafayette Counties, WI and Jo Daviess County, IL, and (2) from East Dubuque, IL to pts in Dubuque, Jackson, Jones, Delaware, Clinton, and Linn Counties, IA and Crawford, Grant and Lafayette Counties, WI. Supporting shipper(s): Dubuque Sand and Gravel Co., Rural Route, East Dubuque, IL 61025.

MC 142697 (Sub-5–2TA), filed July 6, 1981. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages,* between Union, MO, on the one hand, and, on the other, Detroit, MI; Chicago, IL; Memphis, TN; Fort Wayne, IN; Peoria, IL; and Milwaukee, WI. Supporting shipper: Jim's Distributing Co., Inc., 201 Franklin Avenue, Union, MO 63084.

MC 143043 (Sub-5–2TA), filed July 6, 1981. Applicant: WATSON COMPANY, Rt. 2, Box 440, Colfax, LA 71417. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Chemicals and related products, and materials, equipment and supplies used in the manufacture and distribution of such commodities,* between points in AR, LA and MS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Vertac Chemical Corp., P.O. Box 3, Vicksburg, MS 39180.

MC 147743 (Sub-5–2TA), filed July 6, 1981. Applicant: GEMINI TRANSPORT, INC., Nashville Avenue Wharf, New Orleans, LA 70115. Representative: Martin Sterenbuch, Esq., 1919 Pennsylvania Ave., N.W., Suite 200, Washington, DC 20006. *Irrigation pipes, irrigation systems and pumps* from Valley, NE to New Orleans, LA. Supporting shipper: W.A.B. & Associates, 344 Camp St., New Orleans, LA 70130.

MC 148045 (Sub-5–1TA), filed July 6, 1981. Applicant: QUAD CITY SPOTTING SERVICE, INC., 1607 West River Drive, P.O. Box 17150, Fort Worth, TX 76102. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *General commodities (except classes A and B explosives),* between Davenport, IA, on the one hand, and, on the other, pts in IL, IN, IA, MI, MN and WI, restricted to the transportation of shipments having a prior or subsequent movement by rail. Supporting shipper: Midwest Shippers Agents, Inc., 407 Cleveland Building, 1705 2nd Avenue, Rock Island, IL 61201.

MC 154646 (Sub-5–7TA), filed July 6, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Clay, concrete, glass or stone products,* between the facilities of Sioux City Brick & Tile Co., and United Brick & Tile Co. of IA, on the one hand, and, on the other, pts in the US. Supporting shipper: Sioux City Brick & Tile Co. and United Brick & Tile Co. of IA, P.O. Box 807, 22 Commerce Building, Sioux City, IA 51102.

MC 154768 (Sub-5–8TA), filed July 6, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 106th, Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W. 106th, Des Moines, IA 50322. Contract irregular women's apparel, (1) between pts in IA,

(2) between pts in IA, on the one hand, and, on the other, Omaha, NE, under continuing contract(s) with Mid West Fashions, Omaha, Nebraska. Supporting shipper: Mid West Fashions, 3505 South 61st Ct., Omaha, NE 68106.

MC 156079 (Sub-5-5TA), filed July 6, 1981. Applicant: CIRCLE "C" CARRIERS, INC., P.O. Box 6158, Little Rock, AR 72216. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Building materials* between Bradley County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Masonite Corporation, Sykes Flooring Products Division, P.O. Box 9991, Warren, AR 71671.

MC 156142 (Sub-5-1TA), filed July 6, 1981. Applicant: HARBISON-REED TRANSPORT, INC., P.O. Box 10067, Metairie, LA 70181. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Lubricants, chemicals, fertilizers, petroleum products, steel containers, and plastics,* between New Orleans, LA, on the one hand, and, on the other, points in TN, KY, VA, NC, SC, MS, AL, PA, GA, OH, WV, AR and TX. Supporting shipper: Delta Petroleum Co., Inc., P.O. Box 10397, Jefferson, LA 70181.

MC 156381 (Sub-5-2TA), filed July 6, 1981. Applicant: BIG O TRUCKING, INC., Post Office Box 668, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Such Commodities as are dealt in Chain Grocery and Food Business Houses*—Between the facilities of Griffin Wholesale Grocery Distributors, Inc., at or near Van Buren, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Griffin Wholesale Grocery Distributors, Post Office Box 126, Van Buren, AR 72956.

MC 156503 (Sub-5-1TA), filed July 6, 1981. Applicant: WILLIAM J. TEMAAT, 615 Parkview, Oakley, KS 67748. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Toppings, syrups and flavorings,* between Bonner Springs, KS on the one hand and Denver, CO on the other hand. Supporting shipper: Mile Hi Frozen Foods Co., 1917 Denargo Market, Denver, CO 80216.

MC 156965 (Sub-5-1TA), filed July 6, 1981. Applicant: HARWARD & SONS FREIGHT, INC., R.R. #3, Fairfield, IA 52556. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Primary metal products,* (1) from Jefferson County, IA, to pts in IL, KS, MO, NE, and Tulsa, OK; and (2) from Lee County, IA, to pts in IL. Supporting shippers: Iowa Malleable Iron Co., 9th and Kirkwood, Fairfield, IA 52556 and Keokuk Diecasting, Division of St. Louis Diecasting Group of Hayes-Albion, P.O. Box 767, Main Street Road, Keokuk, IA 52632.

MC 156966 (Sub-5-1TA), filed July 6, 1981. Applicant: T BREWER TRANSPORT, INC., 5465 Blair Rd., Suite 201; Dallas, TX 75231. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Plastic or Rubber Articles and Materials Equipment and Supplies used in the manufacture or distribution of Plastic or Rubber Articles* between points in the U.S. Restricted to shipments orginating at or destined to the facilities of Winkler Flexible Products, Inc. Supporting shipper: Winkler Flexible Products, Inc., 13435 So. Main St., Los Angeles, CA 90061.

MC 156967 (Sub-5-1TA), filed July 6, 1981. Applicant: WAYNE MILLINGTON TRUCKING COMPANY, P.O. Box 169, Advance, MO 63730. Representative: Wayne Millington (same address as applicant). Contract: Irregular, *Limestone rock with dump trucks and dump trailers,* from Dongola, IL to Sikeston, MO. Supporting shipper: Sikeston Board of Municipal Utilities, P.O. Box 370, Sikeston, MO 63841.

MC 156969 (Sub-5-1TA), filed July 6, 1981. Applicant: JAMES E. WALLIS, d.b.a. JIM WALLIS TRUCKING, 1915 East 10th Street, Shawnee, OK 74801. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. Contract: Irregular, *Resturant equipment,* between all points and places in the U.S. execpt AK and HI. Under continuing contracts with Topeka Hotel Supply, Inc., 3802 Topeka Ave., Topeka, KS 66609. Stevenson Restaurant Supply Company, Inc., 805 North Kansas, Topeka, KS 66608.

MC 123285 (Sub-5-4TA), filed July 7, 1981. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Dry commodities in bulk,* between points in the United States in and west of WI, IL, MO, AR, and MS. Supporting shipper: Halliburton Services, Drawer 1431, Duncan, OK 73536.

MC 128273 (Sub-5-42TA), filed July 8, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). *General Commodities (except class A and B explosives and household goods as defined by the Commission),* between points in the US (except AK and HI). Restricted to traffic which originates at or is destined to facilities of the Echlin Mfg. Co., its subsidiaries and affiliates. Supporting shipper: Echlin Mfg. Co., P.O. Box 142, Branford, CT 06405.

MC 150006 (Sub-5-4TA), filed July 7, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper, Lee Reeder, 310 Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Contract, irregular; *metal products and materials and supplies used in the manufacture of metal products* between points in the U.S. under continuing contracts with Century Brass Products, Inc., Century Park, Waterbury, CT 06720.

MC 150008 Sub-5-5TA), filed July 7, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper, Lee Reeder, 310 Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Contract, irregular; *animal hides, raw, salted, fully and partially tanned,* between St. Joseph, MO on the one hand and Milwaukee, WI and Chicago, IL on the other under continuing contract(s) with Prime Tanning, Inc., Berwick, ME 03901.

MC 151660 (Sub-5-5TA), filed July 7, 1981. Applicant: IMPALA TRANSPORTATION SERVICES INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). Contract: Irregular; *Drugs, Medicines, Toilet Preparations, Plastic Articles, Feed Supplements and Weed Killing compounds* between all points in the U.S. under continuing contract with Eli Lilly and Company.

MC 151660 (Sub-5-4TA), filed July 7, 1981. Applicant: IMPALA TRANSPORTATION SERVICES INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). *Freight all kinds, General Commidities* between the facilities of McElroy Metal Mill Inc. and all points in the U.S. Supporting shipper: McElroy Metal Mill Inc., Shreveport LA.

MC 152366 (Sub-5-2TA), filed July 8, 1981. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717-17th Street, Suite 2600, Denver, CO 80202. *Minerals and mineral products,* from Custer County, SD to pts in the U.S. (except AK and HI). Supporting shipper: Pacer Corp., P.O. Box 912, Custer, SD 57730.

MC 154723 (Sub-5-3TA), filed July 7, 1981. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Greenwell Springs, LA 70739. Representative: Jackson Salasky, P.O. Box 45536, Dallas, TX 75245. *Waste materials and hazardous and/or non-hazardous materials;* between points in TX on the one hand, and, on the other, Lake Charles, LA. Supporting shippers: Denka Chemical Corporation, 8701 Park Place Blvd., Houston, TX 77017.

MC 155483 (Sub-5-1TA), filed July 8, 1981. Applicant: ACADIANA LIMOUSINE SERVICE, INC., P.O. Box 2143, Lafayette, LA 70502. Representative: James O. Feigler (same as applicant). *Passengers and their baggage in offshore crew changes* between points in LA, TX & MS. Supporting shippers: Transworld Drilling Co., Lafayette, LA 70505. Global Marine Drilling Co., Lafayette, LA 70501.

MC 156693 (Sub-5-1TA), filed July 7, 1981. Applicant: LYNN D. PLETCHER AND PAULETTE PLETCHER, d.b.a. PLETCHER TRUCKING, 450 Coombs Drive, Aurelia, IA 51005. Representative: D. Douglas Titus, Bikakis, Titus, Vohs & Storm, 340 Insurance Exchange Building, Sioux City, IA 51101. Contract irregular *(1) Food and related products; and (2) Articles used or distributed by food and variety stores,* between points in IA, MN, NE, and SD; under contract(s) with Hy-Vee Food Stores, Inc., 1010 Riverview Drive, Cherokee, IA 51012.

MC 156841 (Sub-5-1TA), filed July 8, 1981. Applicant: ANTHONY B. FOSTER, d.b.a. FOSTER TRANSPORT, 1119 "M" Street, Belleville, KS 66935. Representative: Eugene W. Hiatt, Hiatt, Hiatt & Carpenter, Chartered, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. *Expanded, sintered, clay and shale.* Between Ottawa, KS, Marquette, KS and Lincoln, NE, Omaha, NE, Nebraska City, NE. Supporting shipper: NEBCO Industries, 18th and Y Street, Lincoln, NE 68508.

MC 157012 (Sub-5-1TA), filed July 8, 1981. Applicant: BUCK'S TRANSPORT CO., R.R. No. 1, Box 81, Bethany, MO 64424. Representative: Ronald A. Baybayan, 4111 Hubbell Avenue, Des Moines, IA 50317. *Metal Products and Asphalt* between Chicago, IL on the one hand and on the other, points in KS, IA and MO, and between Wichita, KS on the one hand and on the other, points in WI, MO, IA and IL and between Kansas City, MO on the one hand, and, on the other, points in IA and IL. Supporting shippers: Central Steel and Wire Co., 3000 West 51st Street, Chicago, IL 60680 and Jack Kester Company, 2629 Esthner Court, Wichita, KS 67213 and Mid-American Asphalt Co., 4900 Blue Parkway, Kansas City, MO 64130.

MC 117765 (Sub-5-22TA), filed July 9, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Petroleum, natural gas and their products,* between points in Sedgwick County, KS, on the one hand, and, on the other, points in AR, CO, LA, NM, OK, TX and WY. Supporting shipper: Getty Refining & Marketing Company, P.O. Box 1650, Tulsa, OK 74102.

MC 119399 (Sub-5-75TA), filed July 10, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (address same as applicant). *Chemicals and related products (except classes A and B explosives and hazardous or toxic wastes),* from Memphis, TN to Altanta, IL. Supporting shipper: Nor-Am Agricultural Products, Inc., Naperville, IL.

MC 121517 (Sub-5-12TA), filed July 10, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Coal,* from Okmulgee County, OK, to Dallas, TX. Supporting shipper: General Portland, Inc., P.O. Box 324, Dallas, TX.

MC 124236 (Sub-5-21TA), filed July 10, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Lee Carpenter (same as applicant). *Cement in bags and bulk, and mineral filler in bulk,* between points in LA, MS, AL, and FL. Supporting shipper: Lone Star Industries, Inc., 14900 Intracoastal Drive, New Orleans, LA 70129.

MC 125535 (Sub-5-14TA), filed July 10, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald Helm (same as applicant). Contract: Irregular. (1) *Copper, copper products, wire and cable, flexible steel conduit, wrought steel pipe,* and (2) *commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk in tank vehicles),* between the facilities of Cerro Wire and Cable Company, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Cerro Wire and Cable Company, Inc., 5500 Maspeth Avenue, Maspeth, NY 11378.

MC 139182 (Sub-5-1TA), filed July 9, 1981. Applicant: ATLAS DELIVERY SERVICE, INC., P.O. Box 1514, Athens, TX 75751. Representative: Greg Muirhead, P.O. Box 1514, Athens, TX 75751. Contract: Irregular, *General Commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S. Under continuing contract with Domestic, Inc. of Bloomington, IL and its subsidiaries. Supporting shipper: Domestic, Inc., P.O. Box 2798, Bloomington, IL 61701.

MC 139182 (Sub-5-2TA), filed July 9, 1981. Applicant: ATLAS DELIVERY SERVICE, INC., P.O. Box 1514, Athens, TX 75751. Representative: Greg Muirhead, P.O. Box 1514, Athens, TX 75751. Contract: Irregular, *Plastic or Rubber Articles and Materials Equipment and Supplies used in the manufacture or distribution of Plastic or Rubber Articles* between Jacksonville, TX on the one hand, and, on the other, pts. in the U.S. Restricted to shipments originating at or destined to the facilities of Nichols-Kusan, Inc. Supporting shipper: Nichols-Kusan, Inc., P.O. Box 1911, Jacksonville, TX.

MC 144693 (Sub-5-2TA), filed July 10, 1981. Applicant: GLENN's TRUCK SERVICE, INC., No. 1 Product Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Printed matter, paper, and paper products,* and (2) *equipment, materials, and supplies, used in the manufacture, distribution, or sale of the commodities in (1) above.* between Jefferson, Randolph, Marion, and Effingham Counties, Illinois, on the one hand, and, on the other, points in TX, NM, AZ, CO, NV, UT, ID, OK, WA, MT, OR, WY, and CA. Supporting shipper: World Color Press, R.R. 45 South, P.O. Box 1248, Effingham, Illinois 62401.

MC 146553 (Sub-5-13TA), filed July 10, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Steep pipe and tubing,* from the facilities of Central Steel Tube Co. at or near Clinton, IA to pts. in CA, CO, KS, LA, NM, NV, OK, TX AND UT. Supporting shipper(s): Central Steel Tube Co., Box 55, Clinton, IA 52732.

MC 147070 (Sub-5-1TA), filed July 9, 1981. Applicant: JERNIGAN BROTHERS, INC., P.O. Box 75510, Oklahoma City, OK 73147. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Oilfield Commodities as defined by the Commission in T. E. Mercer Ext.—Oilfield Commodities, 46 MCC 845* between points in AR, CO, LA, NM, OK, TX and WY. Supporting shipper(s): 15.

MC 147348 (Sub-5-7TA), filed July 10, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: JAMES M. DUCKETT, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Paper and Paper Products,* from the facilites of American Can Company.

at Meridian, MS and Naheola, AL, to all points in AR. Supporting shipper: American Can Co., Meridian, MS.

MC 147743 (Sub-5–3TA), filed July 9, 1981. Applicant: GEMINI TRANSPORT, INC., Nashville Avenue Wharf, New Orleans, LA. 70115. Representative: Martin Sterenbuch, Esq., 1919 Pennsylvania Ave., N.W., Suite 200, Washington, DC 20006. *General Commodities in containers or trailers* from New Orleans, LA to AR. Supporting shipper: M. G. Maher & Company, New Orleans, LA.

MC 148021 (Sub-5–1TA), filed July 9, 1981. Applicant: TRUXILLO DELIVERY SERVICE, INC., 364 Hord Street, Harahan, LA 70123. Representative: Michael Truxillo, 2221 Pasadena Street, Metairie, LA 70001. *Foodstuffs and the supplies and ingredients used in their manufacture including candy, confectionery, other commodities requiring refrigerated transportation, and concession supplies*, between all points in LA, TX, AR, FL, AL and MS. Supporting shipper: Blevins Popcorn Company, 1017 Jefferson Highway, Jefferson, Louisiana; Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.

MC 148152 (Sub-5–9TA), filed July 10, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar Street, Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar Street, Dallas, TX 75215. *(1) BEDDING AND FURNITURE PARTS (2) COMPONENTS AND ACCESSORIES, AND MATERIALS, EQUIPMENT, AND SUPPLIES (EXCEPT COMMODITIES IN BULK) USED IN THE MANUFACTURE, SALES AND DISTRIBUTION OF THE COMMODITIES IN (1) ABOVE.* From Denver, CO., to points in TX, MO, KS, and NC. Supporting shipper: World of Sleep, Inc., 5901 Broadway, Denver, CO 80216.

MC 148740 (Sub-5–2TA), filed July 9, 1981. Applicant: SPECIALIZED SERVICES, INC., 809 Burleson, Grand Prairie, TX 75050. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Iron and Steel Bolts and Rods* between Farmers Branch, TX on the one hand, and on the other all points in the continental U.S. Restricted to shipments originating at or destined to the facilities of Church and Clark. Supporting shipper: Church and Clark, 13561 Denton Dr., Dallas, TX 75234.

MC 149382 (Sub-5–1TA), filed July 10, 1981. Applicant: BURT TRANSPORT, INC., North Highway 81, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Farm equipment*, from the Racine, WI Commercial Zone to the Kearney, NE Commercial Zone. Supporting shipper: Ag-World, Inc., Route 4, Box 161, Kearney, NE 68847.

MC 150086 (Sub-5–6TA), filed July 10, 1981. Applicant: WADE TRUCK LINES, INC. P.O. Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Contract, Irregular; *Such commodities as are dealt in or used by retail grocery or department stores*, Between points in the U.S. under a continuing contract with Purex Corp. Supporting shipper: Purex Corp., 6901 McKissock Avenue, St. Louis, MO 63147.

MC 151209 (Sub-5–3TA), filed July 9, 1981. Applicant: GULF WESTERN EXPRESS, INC., P.O. Box 2653, Natchitoches, Louisiana 71457. Representative: John Williams, 329 Cane River Shopping Center, Natchitoches, Louisiana 71457. Contract, Irregular; Woven Paper Products and Related Accessories, Between points in LA and points in TX and CA. Supporting shipper(s): Chase Bag Company, 814 Commerce Drive, Oak Brook, Illinois 60521.

MC 151435 (Sub-5–7TA), filed July 10, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Contract: Irregular, *general commodities* between points in the U.S. Supporting shipper: McGraw-Edison, Power Systems Group, Pittsburgh, PA.

MC 151435 (Sub-5–8TA), filed July 10, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Contract: Irregular, *Vinyl Siding and Trailer Skirting and other plastic and rubber products*, between Kearney, MO and points in the U.S. Supporting shipper: Variform Plastics, Kearney, MO 64060.

MC 151619 (Sub-5–16TA), filed July 9, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood Street, Dallas, TX 75201. Representative: Jackson Salasky, Post Office Box 45538, Dallas, TX 75245. *Sugar in bags*, from the facilities of the Godchaux Henderson Sugar Company at or near Kenner and Reserve, LA to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MS, MO, OH, OK, SC, NC, TN, TX, MI, MN, NE, WI, VA and WV. Supporting shipper(s): Godchaux Henderson Sugar Company Post Office Drawer AM Reserve, LA 70084.

MC 151619 (Sub-5–17TA), filed July 9, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood, Dallas, TX 75201. Representative: Jackson Salasky, Post Office Box 45538, Dallas, TX 75245. *Paper articles*, from New Orleans, LA to points in TX, OK, NM, CO, KS, NE, IA, MO, AR and CA. Supporting shipper(s): Westvaco Corporation-Bag Division, 140 Annunciation Street, New Orleans, LA 70130.

MC 151993 (Sub-5–3TA), filed July 9, 1981. Applicant: FRANK SMITH, d.b.a. FRANK SMITH TRUCKING, Route 1, Box 3, Marble Falls, TX 78654. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. *Contract* irregular; *"(1) Such commodities as are used or dealt in by manufacturers, processors, or distributors of paints, highway marking materials, and coatings, industrial coatings, highway safety products, and equipment and highway maintenance products and equipment, and (2) materials, equipment, and supplies used in the manufacture, processing, or distribution of commodities named in (1) above, (except in bulk)*, between Marble Falls, TX, on the one hand, and, on the other, points in TX, OK, CO, NM, NC, NY, IL, AR, AZ, MO and KS. Supporting shipper: Priamd Universal Corp., Marble Falls, TX.

MC 153138 (Sub-5–4TA), filed July 9, 1981. Applicant: LARRY DON EASLEY, d.b.a. EASLEY TRUCKING, Post Office Box 103, Ben Wheeler, TX 75754. Representative: Jackson Salasky, Post Office Box 45538, Dallas, TX 75245. *Plastic articles and ceiling fans* from Jacksonville, TX to points in WA, OR and CA. Supporting shipper(s): Nichols Kusan, Inc., Post Office Box 1191, Jacksonville, TX 75766.

MC 157061 (Sub-5–1TA), filed July 10, 1981. Applicant: ATLAS CARRIERS, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TX 38103. *Such commodities as are dealt in or used by discount stores* between points in KS, OK, TX, LA, AR, MS, AL, TN, KY, IL and MO, restricted to shipments moving to or from facilities utilized by Wal-Mart Stores, Inc. Supporting Shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 152333 (Sub-6–2TA), filed July 6, 1981. Applicant: A & R LUMBER SALES, INC., P.O.B. 47, Junction City, OR 97448. Representative: Robert B. Taylor, 882 Van Buren St., Eugene, OR 97402. *Contract*, Irregular, *gypsum wallboard and commodities used in the installation thereof*, from Pierce County, WA to points in OR and WA for 270 days. Supporting shipper: Domtar Gypsum America, Inc., 1221 Broadway Seventh Floor, Oakland, CA 94612.

MC 144624 (Sub-6–2TA), filed July 1, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O.B. 26828, Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. *Contract carrier*, irregular routes: *Home appliances* from Salt Lake City, UT to points in ID, WY, and UT under a continuing contract(s) with Western Supply, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Western Supply, Inc., P.O.B. 25717, Salt Lake City, UT 84125.

MC 52793 (Sub-6–15TA), filed July 2, 1981. Applicant: BEKINS VAN LINES CO., 3080 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Furniture, furnishings, fixtures, accessories and parts, and materials, supplies and equipment utilized in the manufacture of furniture, furnishings and fixtures*, between MN, IA, MO, AR, OK, TX, LA, MI, WI, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, MD, DC, DE, PA, NJ, NY, CT, MA, RI, VT, NH, and ME, for 270 days. Supporting shippers: There are 10 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 156942 (Sub-6–1TA), filed July 2, 1981. Applicant: RAYMOND M. CHENOWETH & SAMUEL A. BRUNI, a partnership, d.b.a. BEST WEST EXPRESS, 1900 Westland Drive, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. (1) *Building Materials*, between points in WA, OR, CA and AZ on the one hand, and points in Clark, Lincoln and Nye Counties, NV on the other hand; and (2) *Waste or Scrap Materials not identified by industry producing*, between points in Clark County, NV on the one hand, and Los Angeles County, CA on the other hand, for 270 days. Supporting shippers: There are seven Shippers. Their statements may be examined at the Regional Office listed.

MC 147660 (Sub-6–1TA), filed June 30, 1981. Applicant: BETTER LIVING, INC., P.O. Box 967, Vernal, UT 84078. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Mobile homes and office trailers*, between points in Daggett, Duchesne and Uintah Counties, UT and points in CO, ID, MT, NV, ND, SD, UT and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are six shippers. Their statements may be examined at the Regional Office listed above.

MC 155793 (Sub-6–1TA), filed July 2, 1981. Applicant: RONALD M. SHERROD, ROBERT M. YEAGER, JOHN O. MILLS, AND ALLEN SELBY, a partnership, d.b.a. BIG VALLEY EXPRESS, P.O. Box 1554, Central Valley, CA 96019. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *General Commodities* (except household goods, articles in bulk in tank vehicles, articles injurious to other lading, and articles the transportation of which requires the use of special equipment), between points in Washoe County, NV, and Tehama, Trinity, Modoc, Plumas, Lassen and Shasta Counties, CA, for 270 days. Authority is requested to interline traffic with other Motor Common Carriers at Reno-Sparks, NV., and at Redding, CA. Supporting shippers: There are eight supporting shippers; their Statements may be examined at the Regional Office listed.

MC 134387 (Sub-6–21TA), filed July 1, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Recycled products*, from points in CO, NM and TX to Snowflake, AZ for 270 days. Supporting shipper: Southwest Forest Industries, Inc., 3443 N. Central Ave., Phoenix, AZ 85011.

MC 156918 (Sub-6–1TA), filed July 1, 1981. Applicant: BRAK FREIGHTLINES, INC., P.O. Box 339, Fontana, CA 92335. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *General Commodities*, between points in the U.S. except Class, A and B Explosives, for 270 days. Supporting Shipper(s): There are 14 shippers. Their statements may be examined at the Regional Office Listed above.

MC 152238 (Sub-6–20TA), filed July 2, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O.B. 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Contract Carrier*, Irregular routes: *salt, salt products and salt based mineral products*, between Salt Lake City and Lake Point, UT, on the one hand, and, on the other, points in OR, WA, ID, WY, CA, NV, MT, CO, and AZ, restricted to shipments moving under continuing contract(s) with Leslie Salt Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Leslie Salt Co., P.O. Box 364, Newark, CA 94560.

MC 153095 (Sub-6–1TA), filed July 1, 1981. Applicant: CALIFORNIA EASTERN XPRESS, INC., 1543 Calada St., Los Angeles, CA 90023. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Paper and paper products; plastic articles, expanded; and equipment, materials, and supplies used in the manufacture and distribution of the above products (except commodities in bulk)*, between all points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Scott Paper Company, for 270 days. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 147981 (Sub-6–1TA), filed July 2, 1981. Applicant: JACK CORNWELL, d.b.a. CORNWELL TRANSPORTATION, P.O. Box 247, Norco, CA 91760. Representative: Jack Cornwell, 741½ Parkridge, Norco, CA 901760. *Contract Carrier*, Irregular Routes: *Poly Urethane Foam*, between points in CA, and points in AZ, OR, & WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): California/Division of Mobay Chemical Corp., 16661 Von Karman Ave., Irvine, CA 92713.

MC 134721 (Sub-6–2TA), filed July 1, 1981. Applicant: GEORGE M. DZIAK, d.b.a. DZIAK PRODUCE CO., P.O. Box 3494 T.A., Spokane, WA 99220. Representative: Richard H. Streeter, 1729 H St. N.W., Washington, D.C. 20006. *Carbonated and noncarbonated soft drinks and fountain syrups*: From Seattle, WA to points in MT and ID, for 270 days. An ETA seeking 120 days authority has been filed. Supporting shipper: Shasta Beverages, 1227 Andover Park, East, Tukwila, WA 98188.

MC 156441 (Sub-6–1TA), filed June 30, 1981. Applicant: GREEN TORTOISE, INC., 1667 Jerrold Ave., San Francisco, CA 94124. Representative: Kathryn Griffith (same address as applicant). *Passengers and their baggage* in special operations excursion service including camping and sightseeing ventures in specially equipped coaches with sleeping accommodations and camping gear: (1) Between Los Angeles and San Francisco, CA, on the one hand, and Eugene and Portland, OR, and Seattle, WA on the other. (2) Between Los Angeles and San Francisco, CA, Eugene and Portland, OR, and Seattle, WA on the one hand, and New York City, NY and Boston, MA, on the other hand, with intermediate service to and from Denver, CO, Chicago, IL, and Madison, WI, for 180 days. Supporting shipper(s): There are 63 supporters. Their statements may be examined at the Regional Office listed.

MC 154881 (Sub-6-2TA), filed July 2, 1981. Applicant: J. L. AND V. A. HATFIELD, d.b.a. HATFIELD ENTERPRIZES, 615 E. Riverside, Spokane, WA 99208. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier,* Irregular routes: *General commodities* except Class A & B explosives, between the facilities of Van Waters & Rogers Co., located at various points in the U.S., on the one hand, and suppliers, customers and branches of Van Waters & Rogers, on the other, for the account of Van Waters & Rogers Co., for 270 days. Supporting shipper: Van Waters & Rogers Co., 4515 E. Wisconsin Ave., P.O. Box 2767, Spokane, WA 99220.

MC 127012 (Sub-6-1 TA), filed July 1, 1981. Applicant: WILLIAM B. HUFF, R.F.D. #1, Box 361, Spanish Fork, UT 84601. Representative: William B. Huff (same as applicant). *Contract carrier;* irregular routes, *fuel and fuel tanks* under continuing contract(s) with Rocky Mountain Helicopters, Inc., between points in AZ, CA, CO, ID, MT, NV, ND, UT, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rocky Mountain Helicopters, Inc., 800 S. 3110 West, Provo, UT 84601.

MC 156922 (Sub-6-1 TA), filed July 1, 1981. Applicant: IMMANUEL FREIGHT LINES, 13920 Mica St., Santa Fe Springs, CA. 90670. Representative: Doug Adair (same as applicant). *General Commodities, except Classes A & B Explosives,* in containers or other than in containers, between points in CA., having a prior or subsequent movement by Water or Rail, for 270 days. Supporting shippers: There are eight supporting shippers, their statements may be examined at the regional office listed.

MC 156337 (Sub-6-1 TA), filed June 30, 1981. Applicant: VERYL L. KELLMER and DAVID V. KELLMER, d.b.a. VERYL L. KELLMER & SONS, 19206 E. 32nd, Greenacres, WA 99016. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract Carrier:* Irregular routes: *Food and such commodities as are dealt in or used by wholesale and retail grocery, drug and hardware stores,* from points in Multnomah, Washington, Clackamas, Marion, Polk and Yamhill Counties, OR, to points in Spokane County, WA., for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: U.R.M. Stores, Inc., N. 7511 Freya, Spokane, WA 99207.

MC 156936 (Sub-6-1 TA), filed July 2, 1981. Applicant: MTA FREIGHT CO., INC., 18601 Pacific Highway S., Seattle, WA 98188. Representative: Robert N. Munn, Suite 600, 2001 Western Ave., Seattle, WA 98121. *Contract carrier,* Irregular routes: *Wearing apparel (garments), on hangers or in cartons,* between points in WA and OR, for the account of LW & Associates, for 270 days. Supporting shipper: LW & Associates, 316 Interurban Building, 157 Yesler Way, Seattle, WA 98104.

MC 135705 (Sub-6-1 TA), filed June 29, 1981. Applicant: MELROSE TRUCKING CO., INC., 2671 S. Robertson Rd., Casper, WY 82601. Representative: Kim Melrose (same as above). *Cement* in bulk, in tanks from the facilities of Martin Marietta Cement in Boulder County, CO to points in Natrona County, WY for 270 days. An underlying ETA seeks 120 day authority. Supporting shippers are Martin Marietta Cement, 1111 S. Colorado Blvd., Denver, CO 80222; and Etlin Construction Company, DBA Falcon Concrete, Box 730, Mills, WY 82644.

MC 156897 (Sub-6-1TA), filed June 30, 1981. Applicant: DARRYL L. BARKER and ROBERT M. BARKER, d.b.a. MILE-HI LEASING, P.O.B. 2000, Sheridan, WY 82301. Representative: Charles M. Williams, 1600 Sherman St. #665, Denver, CO 80203. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* from the facilities of or used by Cattle King Beef Company, Inc., at or near Denver, CO to points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cattle King Beef Company, Inc., 5590 High Street, Denver, CO 80216.

MC 156866 (Sub-6-1TA), filed June 29, 1981. Applicant: MUDANZAS INTERNACIONALES MEXICANAS, INC., 10517 Long Beach Blvd., Lynwood, Ca 90262. Representative: Floyd L. Farano, Esq., 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. (1) *Household Goods* between points in AZ 250 miles from the International boundary line between U.S. and Mexico located in AZ and the ports of entry on the International Boundary line between U.S. and Mexico in AZ for import and export into the Republic of Mexico; and (2) *Household Goods* between points in CA 250 miles from the International Boundary line between U.S. and Mexico located in CA and the ports of entry on the International Boundary line between the U.S. and Mexico located in CA for import and export into the Republic of Mexico; and (3) *Household Goods* between points in AZ 250 miles from the International Boundary line between U.S. and Mexico located in AZ and points in CA 250 miles from the International Boundary line between U.S. and Mexico located in CA, for 270 days. An underlying ETA seeks 120 days authority. Support shippers: Mexican Benefit Committee, Inc., 2900 Euclid St., Los Angeles, CA; Consulate of the Republic of Mexico, 314 W. 6th St., San Bernardino, CA; Mexican Chamber of Commerce of Los angeles, 125 Paseo de la Plaza #404, Los Angeles, CA 90012.

MC 146464 (Sub-6-7TA), filed June 2 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 391, Elko, NV 89801. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Structural steel* from Tulsa, OK to Ogden, UT and the commercial zone thereof, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Riverside Industries, Inc., P.O. Box 2265, Tulsa, OK 74101.

MC 151471 (Sub-6-11TA), filed June 30 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Alcoholic beverages* from Jacksonville, FL to the facilities of Standard Liquor Corporation, at or near Wichita, KS, for 270 days. An underlying ETA seek 120 days authority. Supporting shipper: Standard Liquor Corporation, 3629 North Hydraulic, Wichita, KS 67219.

MC 151471 (Sub-6-12TA), filed July 1, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representive: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Paper and paper products* from the facilities of Prudential Feldco at or near the City of Industry, CA to points in CO, OR, and WA, for 270 days. Supporting shipper: Prudential Feldco, Inc. 911 Bixby Dr., City of Industry, CA 91745.

MC 140188 (Sub-6-3TA), filed June 29, 1981. Applicant: TIGER TRANSPORTATION, INC., Highway 10 West, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce, P.O. Box 8255, Missoula, MT 59807. *Metal Products* between points in Box Elder County, UT on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Rd., Charlotte, N.C. 28211.

MC 144956 (Sub-6-3TA), filed June 29, 1981. Applicant: TRANS-MUTUAL TRUCK LINES LTD., 4427A 72nd Ave. S.E., Calgary, Alberta, CD T2C 2C1. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Chemicals and related products* between points along the international boundary line between the U.S. and CD located in MN, ND, MT, ID and WA, on the one hand, and, on the other, points in CA, DE, GA, IL, LA, MA, MD, MI, MN, MO, MS, MT, NH, NV, WA, WI and WY for 270 days. Supporting shippers: MacKenzie & Feimann, Ltd., 311-255 W. First St., North Vancouver, B.C., CD V7M 3G6; Westhawk Traders, Ltd., 1250 Homer St., Vancouver, B.C., CD V6B 2Y5.

MC 156915 (Sub-6-1TA), filed June 30, 1981. Applicant: MICKEY SMITH TRANSPORTATION, P.O. Box 2580, Park City, UT 84060. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Office furniture,* from Borden, IN to points in NY, NJ, NC, SC, PA, KY, IL, OH, IA, I-S, NE, WY, MO, OK, TX, NM, CO, AZ, UT, NV, ID, OR, WA, CA and MA, for 270 days. Supporting shipper: Kimball Office Furniture Company, Borden, IN 47106.

MC 95920 (Sub-6-8TA), filed July 2, 1981. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier,* Irregular routes: *Foodstuffs and related products* from Vacaville, CA, to points in UT and MT for the account of American Home Foods Division of American Home Products Corp., for 270 days. Supporting shipper: American Home Foods Division of American Home Products Corp., 685 3rd Ave., New York, NY 10017.

W-1338 (Sub-6-1TA), filed June 29, 1981. Applicant: THE BINKLEY COMPANY, d.b.a. NORTHWEST NAVIGATION, P.O. Box 1085, Bethel, AK 99559. Representative: Johne Binkley (same as applicant). *General commodities,* by water vessel, between points on the Kuskokwim River and it's tributaries from it's mouth to and including Stoney River, AK. By decision entered JUne 30, 1981, the ICC Region 6, Motor Carrier Board granted applicant 180 days temporary authority to engage in the business of transportation in interstate commerce as a common carrier by water vessel, General Commodities between points on the Kuskokwim River and it's tributaries from it's mouth to and including Stoney River, AK. Any interested person may file a petition for reconsideration with the Region 6 Motor Carrier Board within 20 days of the date of this publication. Supporting shiper(s): Lower Kuskokwim School District, P.O. Box 305, Bethel, AK 99559; Kuspuk School District, P.O. Box 108, Aniak, AK 99557; Moffitt Contracting, P.O. Box 47, Palmer, AK 99645.

MC 52793, (Sub-6-16TA), filed July 6, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Jeffrey R. Graves, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Furniture and furnishings* between Selma, AL, Nichols, SC and Swanton, OH, on the one hand, and, on the other, points in NE, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, and VA for 270 days. Supporting shipper: Pilliod Cabinet Company, 105 Woodland Ave., Swanton, OH 43558.

MC 157004, (Sub-6-1TA), filed July 6, 1981. Applicant: BEST WAYS EXXPRESS, INC., 129 178th St., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421. *Contract Carrier,* Irregular routes: *General Commodities (except classes A & B explosives),* between points in the U.S., for the account of Pacific Resins & Chemicals, Inc., for 270 days. Supporting shipper: Pacific Resins & Chemicals, Inc., 1754 Thorne Rd., Tacoma, WA 98401.

MC 136605, (Sub-6-46TA), filed July 6, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as above). *Lumber and wood products,* From the facility of Eagle Forest Products, Inc., located at or near Sacramento, CA to points in the U.S. in and west of MI, IN, IL, MO, AR, LA, (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eagle Forest Products, P.O.B. 26164, Sacramento, CA 95828.

MC 156983, (Sub-6-1TA), filed July 6, 1981. Applicant: DIEBEL TRUCK SERVICE INC., 301 D St., Suite 104, Lewiston, ID 83501. Representative: William E. Seliski, 2 Commerce St. POB 8255, Missoula, MT 59807. *Building Materials;* from points in ID, MT, Wallowa County OR and Pend Orielle County WA to points in MT, CA, St. Paul MN, and White Cloud, MN, for 270 days. And underlying ETA seeks 120 days authority. Supporting shipper: Canyon Timber, General Delivery, White Bird, ID 83554.

MC 139906, (Sub-6-83TA), filed July 6, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Knit yarn piece goods* from the facilities of Dolphin Mills, at or near Miami, FL to the facilities of M & M Printers, at or near Glovesville, NC and the facilities of Decatone, at or near Gastonia, NC for 270 days. Supporting shipper: Marlene Industries Corp., 1372 Broadway, New York, NY 10018.

MC 139906 (Sub-6-84TA), filed July 6, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Automotive and metal products* (except in bulk) from the facilities of Kingston-Warren Corporation, at or near Newfields, NH, to points in the U.S. for 270 days. Supporting shipper: Kingston-Warren Corporation, Route 85, Newfields, NH 03856.

MC 127019 (Sub-6-2TA), filed July 6, 1981. Applicant: LA RUE LAMB TRUCKING, INC., POB 374, Myton, UT 84052. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. *Clay, concrete, glass or stone products,* between WY, CO, KS, OK, TX, UT & NM, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Halliburton Services, a Division of Halliburton Company, P.O. Drawer 1431, Duncan, OK 73536.

MC 144572 (Sub-6-25TA), filed July 6, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Building materials,* from Waco, TX to Denver, CO for 270 days, an underlying ETA seeks 120 days operating authority. Supporting shipper: Jones Heartz Lime Co., Inc., 1450 West Colfax Avenue, Denver, CO 80204.

MC 72423 (Sub-6-2TA), filed July 6, 1981. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut St., Sterling, CO 80751. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203. *Contract carrier,* irregular routes: (1) *Liquors, wines, and related products,* and (2) *meats, meat products, and meat by-products, and articles produced and distributed by meat packinghouses,* between points in the U.S. (except AK and HI), under continuing contracts with (1) Best Brands, Inc., of Denver, CO, and (2) Sterling Colorado Beef Co. of Sterling, CO, for 270 days. Supporting shippers: Best Brands, Inc., 10700 E. 40th Ave., Denver, CO 80239, and Sterling Colorado Beef Co., Right of Way Rd., Sterling, CO.

MC 133239 (Sub-6-1TA), filed July 6, 1981. Applicant: SANDNER BROTHERS TRANSPORT LTD., Box 40, Christina Lake, B.C. Canada V0H 1E0. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Forest products and lumber,* between points in OR, ID and MT and points on the U.S.-Canadian International Boundary in WA, ID and MT for 270 days. Supporting shippers: Lignum Sales Ltd., #1500-1080

W. Georgia St., Vancouver, B.C.; Weyerhaeuser Company, Tacoma, WA 98477; Berkley Forest Products Inc., 7123 Husky Way S.E., Olympia, WA 98503 and Humphry Lbr. Co., Inc., P.O. Box 99943, Tacoma, WA 98499.

MC 141867 (Sub-6-12TA), filed July 6, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Commodities dealt in or used by the manufacturers of insulation,* between Willows, CA and points in MT and WY, for 270 days. Supporting shipper: Johns-Manville Sales Corp., 2600 Campus Dr., San Mateo, CA 94403.

MC 156984 (Sub-6-1TA), filed July 6, 1981. Applicant: YELLOWSTONE DISPATCH, INC., 405 N. 7th St., Miles City, MT 59301. Representative: William E. Seliski, 2 Commerce POB 8255, Missoula, MT 59807. *Contract;* irregular: (1) *hides and pelts;* (2) *scrap metals;* (3) *such commodities as are used or dealt in by retail or wholesale hardware stores;* and (4) *such commodities as are manufactured or distributed by steel mills or metal fabricators,* (A) between the facilities of Pacific Hide and Fur Depot at or near (I) Billings, Bozeman, Butte, Glasgow, Great Falls, Havre, Helena, Kalispell, Miles City, Missoula, Lewistown, and Sidney, MT; (II) Seattle, Kennewick, Spokane and Tacoma, WA; (III) Mills, Riverton, Worland, Gillette and Rock Springs, WY; (IV) Salmon, Nampa, Sandpoint, Lewiston, Twin Falls, Boise, Burley and Pocatello, ID; and (V) Portland, OR; and (B) between the facilities of Pacific Hide & Fur Depot in (A) above, on the one hand, and, on the other, points in CA, CO, ID, MT, OR, UT, WA, WY, ND, SD, and NV, under continuing contract(s) with Pacific Hide and Fur Depot, for 270 days. Supporting shipper: Pacific Hide & Fur Depot, 1401 3rd ST. N.W., Great Falls, MT 59403.

MC 156830 (Sub-6-1TA), filed July 9, 1981. Applicant: JACK E. PRICE, d.b.a. AMBER TRUCK LINES, 4046 W. 2550 S., Ogden, UT 84401. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. (1) *Lumber and wood products,* (2) *building materials,* between points in AZ, CA, CO, ID, MT, NM, OR, TX, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Intermountain Orient, Inc., 11095 Executive Dr., Boise, ID 83704; Safe-Kote, Inc., POB 28975, Salt Lake City, UT 84126; Ogden Lumber & Milling, Inc., 944 W. 20th St., Ogden, UT 84041.

MC 157068 (Sub-6-1TA), filed July 9, 1981. Applicant: BLUE RIVER BUS LEASING, INC., 4649 N.E. 115th, Portland, OR 97220. Representative: Orville J. Luther (same as above). *Passengers, and their baggage, in special or charter operations;* beginning and ending at points in OR and WA and extending to points in CA, OR, WA, NV, AZ, UT, NM, CO, and ID, for 180 days. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the office listed.

MC 152330 (Sub-6-3TA), filed July 9, 1981. Applicant: GLACIER CARRIERS, POB 1438, Kalispell, MT 59901. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Construction equipment, materials and supplies,* from points in WA, OR, ID, UT, WY, CO, ND, SD, MN, WI, IL and IN to points in MT under continuing contract(s) with Frontier Masonry & Tile of Columbia Falls, MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Frontier Masonry & Tile, 3585 Lasalle Rd., Columbia Falls, MT.

MC 144893 (Sub-6-1TA), filed July 9, 1981. Applicant: NORMAN HOWARD, d.b.a., HOWARD TRUCKING OF UTAH, 1755 East 800 N., St. George, UT 84770. Representative: J. Ralph Atkin, P.O. Box 339, St. George, UT 84770. (1) *Malt Beverages* and related *advertising materials;* and (2) *Empty used beverage containers, materials,* and *supplies* used in and dealt with by breweries between Jefferson County, CO on the one hand and all points in AZ and CA on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 146300 (Sub-6-1TA), filed July 9, 1981. Applicant: J-LOR TRUCKING CO., 1518-15th N.W., Auburn, WA 98002. Representative: Jan Gudgel (same as applicant). *Contract carrier;* irregular routes: *Foodstuffs and related products* from the Commercial Zone Seattle, WA to points in CA under continuing contract with Richardson and Holland, for 270 days. Supporting shipper: Richardson and Holland, 1001 John St., P.O. B C19101, Seattle, WA.

MC 146300 (Sub-6-2TA), filed July 10, 1981. Applicant: J-LOR TRUCKING COMPANY, P.O. B 5908, Kent, WA. 98031. Representative: Jan Gudgel, 1528 15th N.W., Auburn, WA 98002. *Contract Carrier* Irregular route: *foodstuffs and related products* from the Commercial Zone of Seattle, WA to points in CA under continuing contract with Richardson and Holland Co. of Seattle, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Richardson and Holland, 1001 John St., P.O. B C19101, Seattle, WA 98102.

MC 157064 (Sub-6-1TA), filed July 9, 1981. Applicant: AL JACKSON'S TRUCKING, 3875 Newport Unit E, Denver, CO 80207. Representative: W. Allen Jackson (same as applicant). *Contract Carrier,* Irregular routes: *Rubber or miscellaneous plastics products, primary metal products including galvanized, fabricated metal products, machinery and supplies* between Jefferson, Larimer, Adams, Arapahoe Counties, CO and points in IL, IA, SD, NM, for 270 days for the account of Bateman Uranium Corporation/ Bateman Coal Technology Corporation. Supporting shipper: Bateman Uranium Corporation, 777 South Wadsworth, Building 1, Suite 101, Lakewood, CO 80226.

MC 148868 (Sub-6-1TA), filed July 9, 1981. Applicant: MALM CO., INC., 908 Denargo Market, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. *Malt Beverages and related products* between Jefferson County, CO, on the one hand, and, points in AR, AX, CA, LA, MS, MO, OK and TX, on the other hand, for 270 days. Supporting shipper: Adolf Coors Company, Golden, CO 80401.

MC 157063 (Sub-6-1TA), filed July 9, 1981. Applicant: NEL'S COURTESY CAB, INC., 20 N. Sacramento St., Susanville, CA 96130. Representative: Nelson G. Wilhelm (same as applicant). *Passengers and their baggage, in special operations, and express,* in vehicles with seating capacity of seven passengers or less between points in Lassen, Plumas, and Shasta Counties, CA, on the one hand, and, on the other, points in Washoe County and Carson City, NV for 180 days. Supporting shipper(s): "There are six shippers. Their statements may be examined at the Regional office listed."

MC 140688 (Sub-6-2TA), filed July 10, 1981. Applicant: NICOLL TRUCKING (MEDICINE HAT) LTD., P.O.B. 8008, Station F, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202. *Oilfield pipe,* between ports of entry on the International Boundary line between the U.S. and CD located in ID and MT on the one hand, and, on the other, points in CA, TX, OK, UT, ND, MT, WY, CO and KS, restricted to traffic moving in foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Toma Steel Supply, Inc., P.O.B. 27207, Denver, CO 80227.

MC 157062 (Sub-6-1TA), filed July 8, 1981. Applicant: BOB ROGERS TRUCKING INC., 1533 East Brill St., Phoenix AZ 85006. Representative: Bob Rogers (same as applicant). *Contract carrier;* irregular routes *tabasco pepper sauce, tabasco bloody mary mix, tabasco table sauces,* from Avery Island, LA to points in TX, NM, AZ, NV, CA, for the account of McIlhenny Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: McIlhenny Co., Avery Island, LA 70513.

MC 151920 (Sub-6-2TA), filed July 10, 1981. Applicant: TIDY TRANSPORT LTD., 20151 Logan Ave., Langley, B.C., CD. V3A 4L5. Representative: Robert G. Gleason, 1127-10th E., Seattle, WA 98102. *Contract Carrier:* Irregular routes: *Tanks, stands, fittings, pipe, steel plate and welding materials,* between points on the U.S.-Canadian International Boundary at Blaine, Lynden and Sumas, WA and between points in WA, ID and OR, for 270 days. Supporting shipper: Tidy Welders Ltd., 20151 Logan Ave., Langley, B.C., CD. V3A 4L5.

MC 157046 (Sub-6-1TA), filed July 7, 1981. Applicant: VARIETY TOURS, INC., 3840 Crenshaw Blvd., Suite #205, Los Angeles, CA 90008. Representative: Al C. Daniels (same as above). *Passengers* and their *Baggage* in charter operation from Los Angeles, Orange, Kern, and San Bernadino, Counties, CA, to points in AZ, CO, NM, NV, OR, UT, WA and return for 180 days. There are 13 supporting shippers, their statements may be examined at the office listed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21190 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-18351, published at page 32340, on Monday, June 22, 1981, on page 32345, in the first column, in the third paragraph "MC 99439", in the ninth line "FA" should be corrected to read "GA".

BILLING CODE 1505-01-M

[Volume No. OPY4-260]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 10, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,
Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 125687 (Sub-27), filed July 2, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405. Representative: Jeremy Kahn, 733 Investment Bldg., 1511 K Street NW., Washington, DC 20005, (202) 783-3525. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81-21675 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform

the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-201

Decided: July 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 61440 (Sub-213), filed June 19, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840-7579. Transporting *air cooling and heating equipment*, between points in the U.S., under continuing contract(s) with Rheem Manufacturing Company, a subsidiary of City Investing Corporation, of New York, NY.

MC 82841 (Sub-320), filed June 29, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of construction materials, between the facilities of Celotex Corporation or it subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 93711 (Sub-2), filed June 26, 1981. Applicant: WALLINGTON MOTOR LINES, INC., P.O. Box 428, Clifton, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *chemicals, cleaning equipment, plastic and plastic articles, glassware, and paper and paper products*, between New York, NY, on the one hand, and, on the other, points in CT, NJ, NY and PA.

MC 97580 (Sub-2), filed June 30, 1981. Applicant: M & S EXPRESS, INC., d.b.a. M & S EXPRESS, 200 Mystic Ave., Medford, MA 02155. Representative: Richard R. Sparks, Jr., 25 Boynton Rd., Medford, MA 02155, (617) 395-8787. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, NY, RI and VT, and those points in New Jersey located in the New York, NY, commercial zone, as defined by the Commission. Conditon: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC-97580 Sub 1.

MC 113751 (Sub-48), filed June 25, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *plastic products and resin*, between points in Waupaca County, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 116130 (Sub-123), filed June 29, 1981. Applicant: SOUTH EASTERN XPRESS, INC. P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 293-6286. Transporting *such commodities* as are dealt in or used by liquor stores, between points in NM, on the one hand, and, on the other, points in the U.S.

MC 121470 (Sub-84), filed June 19, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Helen Jones (same address as applicant), (615) 244-7417. Transporting *metal products*, between Jacksonville and points in Baker County, FL, on the one hand, and, on the other, points in KY, AL, GA and TN.

MC 124111 (Sub-68), filed June 29, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 133591 (Sub-145), filed July 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391, (606) 744-3503. Transporting *general commodities* (expcept classes A and B explosives), between the facilities used by ITOFCA, Inc. and its members at those points in the U.S. in and east of MI, IN, KY, TN, and MS, on the one hand, and, on the other, points in the U.S.

MC 138000 (Sub-94), filed June 26, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *furniture and fixtures*, between point in Frederick County, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK and TX.

MC 143230 (Sub-4), filed June 25, 1981. Applicant: LUCK TRUCKING, INC., Rural Route #1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *chemicals and related products*, between points in IA, IL, IN, KY, MI, MO, OH, WI, MN, KS, NE, SD, TN, TX, and OK.

MC 143060 (Sub-1), filed June 19, 1981. Applicant: PENN-PACIFIC, INC., 20815 Currier Rd., Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *such commodities* as are dealt in or used by restaurants, between points in Maricopa County, AZ, Los Angeles County, CA, and Pierce County, WA, on the one hand, and, on the other, points in AZ, CO, ID, MT, OR, TX, UT, and WA.

MC 146091 (Sub-3), filed June 26, 1981. Applicant: JOHN E. HOTH and BOBBIE J. HOTH, d.b.a. W.I. EXPRESS, Box 17, Colesburg, IA 52035. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, (319) 557-1320. Transporting *meat, meat products, meat byproducts and articles distributed by meat packinghouses* (1) between Cedar Rapids, IA and points in Freeborn County, MN, on the one hand, and, on the other, points in LA and MS, and (2) between Des Moines, IA, Omaha, NE, and points in Cherokee County, IA, Cass County, IN, Saline County, MO, and Warren County, IL, on the one hand, and, on the other, points in AL, AR, GA, KY, LA, MS, and TN.

MC 146681 (Sub-3), filed June 25, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 256-7444. Transporting *metal products*, between LaCrosse, WI, on the one hand, and, on the other, points in the U.S.

MC 146861 (Sub-3), filed June 25, 1981. Applicant: EDGAR A. SPIEGEL, Route 1, Neilsville, WI 54456. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *exhaust mufflers, spark arrestors, intake silencers, and air and oil filters*, between points in Clark, Jackson, Iowa, Vernon, Trempealeau, Chippewa, Waushara, Grant, and Dane Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 148490 (Sub-11), filed June 26, 1981. Applicant: C. & N. EVANS TRUCKING COMPANY, INC., R.F.D. 2, Box 39-E, Stoneville, NC 27048. Representative: Clarence B. Evans (same address as applicant), (919) 573-3761. Transporting *malt beverages, containers and container ends*, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 150451 (Sub-2), filed June 29, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting *such commodities* as are dealt in or used by tanneries, between points in the U.S., under continuing contract(s) with Irving Tanning Company, of Hartland, ME.

MC 150451 (Sub-3), filed June 29, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with (a) Milamac, Inc. ME and (b) Madison Paper Industries, Inc. of Madison, ME.

MC 152730 (Sub-2), filed June 16, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South, P.O. Box 21, Hartford City, IN 47348. Representative: William E. Ervin, 211 No High Street, Hartford City, IN 47348, (317) 348-0051. Transporting *plastic articles*, between the facilities used by Amoco Foam Products Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152730 (Sub-3), filed June 26, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South, P.O. Box 21, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348-0051. Transporting *containers, and container accessories*, between the facilities of Kerr Glass Manufacturing Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154581, filed June 25, 1981. Applicant: SANDPIPER CONTAINER TRUCKING, INC., 10844 E. Marginal Way South, Seattle, WA 98168. Representative: David A. Johnson, (same address as applicant), (206) 762-1664. Transporting *general commodities* (except classes A and B explosives), in containers or trailers having a prior or subsequent movement by water, between points in WA and Multnomah County, OR, on the one hand, and, on the other, points in WA, and Multnomah, Washington, and Clackamas Counties, OR.

MC 154781 filed June 25, 1981. Applicant: K & K WAREHOUSE CO., INC., P.O. Box 7088, Knoxville, TN 37921. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402, (615) 756-3620. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) AFG Industries, Inc. of Kingsport, TN, (2) Moody Dunbar, Inc. of Limestone, TN, and (3) Saticoy Foods Corporation of Santa Paula, CA.

MC 155440, filed June 25, 1981. Applicant: NEWAY CARPET EXPRESS CO., 533 E. Beltline S.E., Grand Rapids, MI 49506. Representative: William A. Thomas (same address as applicant), (616) 949-4111. Transporting *floor covering*, between points in MI, on the one hand, and, on the other, points in AL, GA, IL, IN, OH, PA, SC, NC, VA, WV and WI.

MC 156830, filed June 29, 1981. Applicant: JACK E. PRICE, d.b.a. AMBER TRUCK LINES, 4046 W. 2550 S., Ogden, UT 84401. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531-1300. Transporting (1) *lumber and wood products*, and (2) *building materials*, between those points in the U.S., in and west of MN, IA, MO, AR, and LA.

MC 156831, filed June 26, 1981. Applicant: TRANSPORTATION SERVICES, INCORPORATED, 422 Harrison St., Riverside, NJ 08075. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004, (202) 628-4800. Transporting *plastic containers*, between points in the U.S., under continuing contract(s) with Advance Chemical Technology, of Camden, NJ.

MC 156850, filed June 26, 1981. Applicant: CHARLES MARKLE, d.b.a. MARKLE TRANSPORT, 12815 W. Carlisle Road, Frazeysburg, OH 43822. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in Coshocton, Franklin, Holmes, Knox and Muskingum Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 156910, filed July 1, 1981. Applicant: COMPASS TRANSPORTATION, INC., P.O. Box 2069, Montgomery, AL 36197. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *forest products, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, metal products, those commodities which because of their size or weight, require the use of special handling or equipment, Mercer commodities, machinery, and building materials*, between those points in the U.S. in and east of WI, IL, MO, OK, and TX.

Volume No. OPY-2-125

Decided: July 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 59223 (Sub-12), filed March 9, 1981 (correction), previously published in the **Federal Register** issue of April 9, 1981, and republished this issue. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th St., New York, NY 10018. Representative: Kenneth M. Piken, 95-25 Queens Blvd., Rego Park, NY 11374, (212) 275-1000. Transporting *such commodities* as are dealt in by department stores, between points in Middlesex and Camden counties, NJ, on the one hand, and, on the other, points in Rockland County, NY.

Note.—This republication is to include points in Rockland County, NY in the radial territory, previously omitted from the prior publication. The prior publication remains the same.

MC 144982 (Sub-19), filed May 27, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *general commodities* (except classes A and B explosives), (1) between the facilities used by Borg-Warner Corporation, or its divisions, or subsidiaries, at Ottawa, IL, Parkersburg and Washington, WV, on the one hand, and, on the other, points in the U.S. (except points in AL, AR, GA, LA, MI, MS, NC, and TN), and (2) between the facilities used by Borg-Warner Corporation, or its subsidiaries, at points in the U.S., (except Ottawa, IL, Parkersburg, and Washington, WV), on the one hand, and, on the other, points in the U.S.

MC 152772, filed July 1, 1981. Applicant: EARTH INDUSTRIAL WASTE MANAGEMENT, INC., 1570 One Commerce Square, Memphis, TN 38103. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767–5600. Transporting *hazardous materials, and waste or scrap materials not identified by industry producing,* between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA and WV.

MC 156812, filed June 26, 1981. Applicant: HERIN BROTHERS, INC., 180 Loop Road, Hesperia, MI 49421. Representative: Gregory G. Prasher, 700 Commerce Building, Grand Rapids, MI 49503, (616) 459–9487. Transporting *food and related products* between points in the U.S., under continuing contract(s) with (a) Sawyer Fruit & Vegetable Cooperative Corporation, of Bear Lake, MI; (b) Huron Farms Decatur Storage, Inc., of Decatur, MI; (c) George E. Dent Sales, Inc., of Montague, MI; (d) Ludington Fruit Exchange, of Ludington, MI.

Volume No. OPY–4–258

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 40757 (Sub-23), filed July 6, 1981. Applicant: CREECH BROS. TRUCK LINES, INC., 100 Industrial Dr., Troy, MO 63379. Representative: Francis W. McInerny, 1000 16th St., N.W., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–6131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 140827 (Sub-18), filed July 6, 1981. Applicant: MARKET TRANSPORT, LTD., 110 North Marine Dr., Portland, OR 97217. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006 (202) 337–6500. Transporting *pulp, paper and related products,* between points in OR, WA, ID, MT, UT, CA, AZ, and NV.

MC 147727 (Sub-2), filed July 6, 1981. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: Donald A Clausen, 534 S.W. 3rd Ave., Willamette Bldg., Portland, OR 97204 (503) 221–1795. Transporting (1) liquid sugar as corn sweetners, between points in OR, and WA, and (2) soybean oil, between points in CA and OR.

MC 153137, filed July 1, 1981. Applicant: G&H TRANSPORTATION, INC., 1905 Turning Basin Dr., Suite 446, Houston, TX 77029. Representative: Lillian L Grindstaff (same address as applicant) (713) 672–8187. Transporting *general commodities* (except classes A and B explosives), between points in Brazoria County, TX, on the one hand, and, on the other, points in Harris and Galveston Counties, TX.

MC 156707, filed July 2, 1981. Applicant: MWK TRANSPORT CO., INC., 5401 West Donges Bay Rd., Mequon, WI 53092. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with M. W. Kasch Company, of Milwaukee, WI.

MC 156947, filed July 2, 1981. Applicant: WILLIE J. SMITH 6055 NE Glisan, Portland, OR 97213. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 239–7577. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–259

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 22147 (Sub-2), filed July 6, 1981. Applicant: OSBORN & SON TRUCKING CO., INC., 221 W. Johnson St., Fond du Lac, WI 54935. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273–1003. Transporting *general commodities,* between points in the U.S. under continuing contract(s) with Giddings & Lewis Machine Tool Company, a division of Giddings & Lewis, Inc., of Fond du Lac, WI.

MC 121517 (Sub-19), filed July 1, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st St. East Avenue, P.O. Box 16527, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *commodities in bulk,* between points in AR, CO, KS, LA, MO, NM, OK, TN, and TX.

MC 138157 (Sub-280), filed July 2, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant) (615) 756–7511. Transport *such commodities* as are dealt in by manufactures of drugs, medicines, and chemicals, between points in Elkhart County, IN, Montgomery County, OH, and New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 144757 (Sub-9), filed July 6, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343–4036. Transporting *general commodities,* (except classes A and B explosives), between points in ND and SD, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, MT, NE, ND, WI, and WY.

[FR Doc. 81–21079 Filed 7–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OP–3–240]

Motor Carriers; Permanent Authority Decision-Notice

Decided: July 10, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's rules of practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 43685 (Sub-24F), filed September 22, 1980, previously noticed in the **Federal Register** on October 20, 1980. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Marshall Hanning (same address as applicant). Transporting (1) *lumber, forest products, building materials, machinery, contractors' equipment,* and *concrete beams, trusses,* and *girders,* and (2) *iron and steel articles,* between points in WA, OR, ID, and MT.

Note.—This republication corrects the commodity and territorial descriptions.

[FR Doc. 81–21127 Filed 7–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. OPY–3–118]

Motor Carriers; Permanent Authority

Decided: July 9, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (46 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. § 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's Rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Williams not participating.

MC–F–14652, filed June 12, 1981. Applicant: ALLTRANS EXPRESS U.S.A., INC., (Alltrans Express) (1335 Sixth St., San Francisco, CA 94107)—continuance in control—ALLTRANS ALASKA TRUCKLINES, INC. (Alltrans Alaska) (650 South Othello St., Seattle, WA 98108). Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Alltrans Express seeks authority to continue in control of Alltrans Alaska upon the institution by Alltrans Alaska of operations in interstate or foreign commerce, as a motor common carrier. Alltrans Express (MC–99388) operates, generally as a motor common carrier, over regular routes, in a designated area surrounding San Francisco, CA. Alltrans Express is controlled by a non-carrier, Alltrans Holdings, Inc., which, in turn, is controlled by a non-carrier, Thomas Nationwide Transport, Limited whose stock is widely held. Alltrans Express controls a freight forwarder, Alltrans Alaska Freight, Inc. (FF–461); and a motor common carrier, Mmar Transportation, Inc., (MC–143445). Thomas Nationwide Transport, Limited controls a non-carrier/Alltrans Canada, Inc., which, in turn, controls a motor common carrier, TNT Canada, Inc. (MC–111307), which, in turn a motor common carrier, Overland Western International, Inc. (MC–42125) and a carrier, Champlain Septiles Express, Inc. (MC–116092). Champlain Septiles Express, Inc. owns 49 percent of the outstanding stock of a non-carrier Cowansville Express, Inc., which, in turn, controls a motor common carrier, Champlain

Express Transport (International), Inc. In a pending, non-directly related proceeding in MC–F–14574, Alltrans Pilot, Inc., which is controlled by Alltrans Holdings, Inc., seeks authority to control Pilot Freight Carriers, Inc. Alltrans Alaska currently holds no certificate or permit from the Commission and in a directly-related application (MC–156714), seeks authority to operate as a common carrier, by motor vehicle, over irregular routes transporting general commodities between points in CA, OR, WA and AK. No portion of the operating rights involved in the transaction is proposed to be cancelled or restricted. No application under 49 U.S.C. 11349 to perform temporarily the service proposed by the permanent application has been filed.

Note.—Alltrans Alaska has filed as a directly related application its initial common carrier permanent application. This application, docketed No. MC–156714 is published in this same **Federal Register** issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's general rules of practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant of grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Williams not participating.

MC 156714, filed June 12, 1981. Applicant: ALLTRANS ALASKA TRUCKLINES, INC., 650 South Othello St., Seattle, WA 98108. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840–8565. Transporting *general commodities* (except classes A and B explosives) between points in CA, OR, WA and AK.

Note.—This application is directly related to MC–F–14652, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–21139 Filed 7–17–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–117

Decided: July 10, 1981.

MC 2455 (Sub-1), filed June 29, 1981. Applicant: BAYARD TRUCKING COMPANY, INC., 237 Harrison St., Elizabeth, NJ 07208. Representative: Robert Cota, 212 Vine St., Elizabeth, NJ 07202, (201) 352–8354. Transporting (1) *food and related products,* between points in NJ and NY, on the one hand, and, on the other, points in the U.S., and (2) *pallet racks,* between points in NJ, on the one hand, and, on the other, points in the U.S.

MC 9644 (Sub-10), filed June 30, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4060, Kansas City, MO 64101. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives), between Kansas City, MO, on the one hand, and, on the other, points in KS.

MC 14045 (Sub-4), filed June 29, 1981. Applicant: LOS ANGELES-YUMA FREIGHT LIMES, INC., P.O. Box 4460, Yuma, AZ 85364. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 782–2503. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Yuma, AZ and Tucson, AZ, from Yuma over Interstate Hwy 8 to junction Interstate Hwy 10, and return over the same route, and (2) between Phoenix, AZ and junction Interstate Hwy 10 and Interstate Hwy 8, from Phoenix, AZ, over Interstate Hwy 10 to junction Interstate Hwy 8, and return over the same route, serving Casa Grande, AZ, as an off-route point.

MC 26825 (Sub-65), filed June 30, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (metal products), between the facilities of Nucor Corporation, at or near Norfolk, NE, on the one hand, and, on the other, points in the U.S.

MC 52614 (Sub-16), filed June 30, 1981. Applicant: R. S. POWELL, INCORPORATED, P.O. Box 338, Madison Heights, VA 24572. Representative: MORTON E. KIEL, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting (1) *gypsum and gypsum products,* (2) *building materials,* (3) *paper and paper products,* and (4) *chemicals and plastic products,* between points in the U.S. under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 146964 (Sub-15), filed June 29, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant), (717) 845–7030. Transporting *synthetic and textile fibers,* between the facilities used by Wonalancet Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC–149144 (Sub-5), filed June 22, 1981. Applicant: SCHIERDING TRUCKING CO., 3690 West Clay, St. Charles, MO 63301. Representative: James Schierding (same address as applicant), (314) 724–8711. Transporting *Malt beverages,* between Peoria, IL, on the one hand, and , on the other, St. Charles, Union and St Louis, MO. (2) between points in IN and MI, on the one hand, and, on the other, St. Charles, MO, and (3) between Memphis, TN, on the one hand, and, on the other, Belleville, IL and St. Charles, MO. Condition: Issuance of a certificated in the proceeding is subject to prior or coincidental cancellation of Permits Nos. MC 142382 Sub 2, MC 142382 Sub 4 and MC 142382 Sub 5, at applicant's written request.

Note: Applicant states the purpose of this application is to convert its existing contract carrier authoruity in MC 142382 Subs 2, 4 and 5 to a Certificate of Public Convenience and Necessity.

MC 149184, filed June 29, 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *(1) food and related products,* and (2) *such commodities* as are dealt in by retail gift and curio shops and catalog distribution centers, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 149184 (Sub-1), filed June 29 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products,* between points in Bergen County, NY and Trumbull County, OH, on the one hand, and, on the other, points in the U.S.

MC 151575, filed June 29, 1981. Applicant: WESTWAY TRANSPORT, INC., No. 2 Federal St., St. Albans, VT 05478. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853–0200. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WA, and DC, restricted to traffic having a prior or subsequent movement by rail

MC 152205 (Sub-3), filed June 19, 1981. Applicant: CATARACT TRUCK & CAR RENTAL CORP., 2445 Allen Avenue Niagara Falls, NY 14303. Representative: Victor Silverstein, Suite 800, Western Building, 15 Court Street, Buffalo, NY 14202, (716) 853–5100. Transporting *foodstuffs and pet foods,* between the facilities of Nabisco, Inc., at points in CO, CT, FL, GA, IL, MA, MD, ME, MN, MO, NC, NH, NJ, NY, OH, PA, RI, TN, TX, VA, VT and WV.

MC 156765, filed June 30, 1981. Applicant: AURELIANO VALDEZ, d.b.a. TOLVAS INDUSTRIALES, S.A. DE C.V., Fracia No. 2305, Fraccionamiento Juana de Arco, Monterrey, Nuevo Leon, Mexico. Representative: James Haynes, Jr., 841 Matamoros St., Laredo, TX 78040, (512) 723–4032. Transporting *polyprophylene pellets,* between ports of entry on the international boundary line between the U.S. and Mexico, at or near Laredo, TX, on the one hand, and, on the other, points in Harris, Houston, Fort Bend, Brazoria, Waller and Montgomery Counties, TX.

MC 155044 (Sub-1), filed June 30, 1981. Applicant: WILKIE CO., INC., 843 West College Ave., Waukesha, WI 53186. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788–2000. Transporting *food and related products,* between points in Waukesha County, WI, Johnson County, KS, Grimes, Brazos, and Washinton Counties, TX, Dougherty, Lee, Worth, and Terrell Counties, GA, and Freeborn County, MN, on the one hand, and, on the other, points in the U.S.

MC 156844, filed June 16, 1981. Applicant: A. BRENT DRAPER, d.b.a. BRENT DRAPER TRUCKING, 5280 S. 5500 W., Hooper, UT 84315. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *clay, concrete, glass or stone products,* and (2) *asphalt paving,* between points in UT and WY.

MC 156855, filed June 29, 1981. Applicant: CHEM-FREIGHT, INC., 33 Industry Dr., Bedford, OH 44146.

Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting *hazardous and toxic materials*, between points in the U.S.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 156904, filed June 26, 1981. Applicant: PACESETTERS TRAVEL SERVICES, INC., 25 Watson Circle, Montgomery, AL 36109. Representative: Naomi Golden (same address as applicant), (205) 279–6236. As a *broker*, at Montgomery, AL, in arranging for the transportation of *passengers and their baggage*, beginning at points in Montgomery County, AL, and extending to points in the U.S.

MC 156905, filed June 29, 1981. Applicant: BILL AND CAROL J. WEEKS, d.b.a. B & C TRUCKING CO., 12345 S.W. 62nd Ave., Portland, OR 97219. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Poly-Tech, div. of U.S. Industries, of Minneapolis, MN.

Volume No. OPY–3–114

Decided: July 10, 1981.

MC 13134 (Sub-106), filed June 26, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *metal products*, between Detroit, MI, on the one hand, and, on the other, points in OH.

MC 44445 (Sub-9), filed June 26, 1981. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins St., Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *commodities which because of their size or weight require the use of special handling or equipment*, between points in WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, and WI.

MC 114985 (Sub-67), filed June 26, 1981. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749, (316) 365–3161. Transporting *commodities in bulk*, between points in OK, MO, TN, TX, IL, IA, AR, and NE.

MC 119695 (Sub-5), filed June 26, 1981. Applicant: HAAG TRUCK LINE, INC., 300 W. Walnut, Washington, IN 47501. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting (1) *metal products*, and (2) *rubber and plastic products*, between points in Daviess County, IN, on the one hand, and, on the other, points in the U.S.

MC 128544 (Sub-7), filed June 26, 1981. Applicant: IOWA STEEL EXPRESS, INC., 2519 16th Ave., S.W., Cedar Rapids, IA 52406. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in MN.

MC 134484 (Sub-33), filed June 29, 1981. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Far East Europe Trading, Inc., of Emeryville, CA, B & F Distributing, Inc., and Bonneville Distributing, both of Idaho Falls, ID.

MC 143775 (Sub-165), filed June 26, 1981. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CT, IA, MD, MA, NV, NJ, NY, PA, TX, and those in Saline, Omaha and Lancaster Counties, NE, Ouchita County, AR, Branch County, MI, Oneida County, WI, and Denver, Jefferson, Douglas, Boulder, Adams, and Arapahoe Counties, CO, on the one hand, and, on the other, points in the U.S.

MC 145904 (Sub-41), filed June 26, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Food Corporation, of Oklahoma City, OK.

MC 146465 (Sub-12), filed June 26 1981. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Robert E. Born, Suite 506, 1447 Peachtree St., N.E., Atlanta, GA 30309, (404) 892–8020. Transporting *lumber and wood products*, between points in Greene County, TN, on the one hand, and, on the other, points in the U.S.

MC 154185 (Sub-1), filed June 26, 1981. Applicant: RENN TRANSPORTATION CO., INC., 780 N. Water St., Milwaukee, WI 53202. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305, (414) 497–7400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Kroger Company, of Cincinnati, OH, and Swift & Company, of Chicago, IL.

MC 155814, filed June 26, 1981. Applicant: S. ALBERT MOTOR SERVICE, INC., 237 Saugus Lane, Schaumburg, IL 60194. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–0937. Transporting *scrap iron and steel*, between points in the U.S. under continuing contract(s) with Scrap Corp. of America, of Northbrook, IL.

MC 1515 (Sub-296), filed February 9, 1981, previously noticed in the **Federal Register** issue of March 9, 1981. Applicant: GRAYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant), (602) 248–2942. Over regular routes, transporting (1) *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (a) between Pensacola, FL and Panama City, FL over U.S. Hwy 98, (b) between junction U.S. Hwy 231 and FL Hwy 20 and Tallahassee, FL, from junction U.S. Hwy 231 and FL Hwy 20 over FL Hwy 20 to Tallahassee, and return over the same route, serving all intermediate points; and (2) over irregular routes, transporting passengers and their baggage, in the same vehicle with passengers, in charter operations, beginning and ending at points in FL, and extend to points in the U.S.

Note.—This republication clarifies the route description in part (1).

MC 44735 (Sub-57), filed May 11, 1981, previously noticed in the **Federal Register** on May 29, 1981. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting (1) *building materials*, and (2) *construction materials*, between points in Posey County, IN, Will County, IL, Madison County, MO, Minneapolis, MN, St. Louis, MO, Kansas City, MO, Dallas, TX, Denver, CO, New Orleans, LA, Pembine, WI, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, LA, MN, MO, NE, OK, TN, TX, and WI.

Note.—This republication corrects the territorial description.

MC 153134 (Sub-2), filed June 8, 1981, previously notice in the **Federal Register** on June 29, 1981. Applicant: HI

COUNTRY CARRIERS, INC., 4061 South Broadway, Englewood, CO 80110. Representative: Charles J. Kimball, Capitol Life Center, 1600 Sherman St., Room 665, Denver, CO 80203, (303) 839–5856, Transporting (1) *clay, concrete, glass or stone products*, between points in Wichita County, TX, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM, and (2) *metal products*, and (3) *clay, concrete, glass or stone products*, between points in San Bernadino County, CA, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description in Part 2.

Volume No. OPY–4–257

Decided: July 13, 1981.

MC 138366 (Sub-5), filed July 2, 1981. Applicant: DOUG RUCKDASCHEL, d.b.a. RUKDASCHEL TRUCK LINE, R.R. 1, Box 9, Postville, IA 52162. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *food and related products*, between points in Allamakee County, IA and Jefferson County, WI, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, and LA.

MC 143776 (Sub-27), filed July 1, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 143776 (Sub-28), filed July 2, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

MC 147916 (Sub-2), filed July 1, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 Second Ave. South, Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464–4224. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 154236 (Sub-1), filed July 6, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC. d.b.a. MAMMOTH FREIGHT LINES, 6725 Motel Dr., Fresno, CA 93711. Representative: Edward L. Fanucchi, 2409 Merced, Suite 3, Fresno, CA 93721, (209) 268–8771. Transporting *returned or defective merchandise*, between points in the U.S., under continuing contract(s) with Ardan, Inc., of Fresno, CA.

MC 155916 (Sub-1), filed June 26, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *plastic resins*, between points in TN, NC, SC, GA, AL, MS, and FL, on the one hand, and, on the other, points in the U.S.

MC 156046, filed July 2, 1981. Applicant: TRANSPORT SERVICES UNLIMITED, INC., 322 Front St., Spooner, WI 54801. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Minneapolis, MN and Spooner, WI: from Minneapolis over Interstate Hwy 35W to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 8, then over U.S. Hwy 8 to junction U.S. Hwy 53, then over U.S. Hwy 53 to Spooner, and return over the same route, and (2) between Spooner, WI and Duluth, MN, over U.S. Hwy 53, serving all intermediate points on routes (1) and (2) above and all points in Barron, Burnett, Douglas, Polk, Rusk, and Washburn Counties, WI as off-route points.

Volume No. OPY–4–261

Decided: July 13, 1981.

MC 47336 (Sub-15), filed July 6, 1981. Applicant: ECLIPSE MOTOR LINES, INC., 920 National Rd., Bridgeport, OH 43912. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products*, between points in Mahoning, Belmont, and Jefferson Counties, OH, those in Washington and Westmoreland Counties, PA, and those in Brook, Hancock, Marshall, and Ohio Counties, WV, on the one hand, and, on the other, points in the U.S.

MC 151706 (Sub-2), filed June 29, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, LaCrosse, WI 54601, (608) 788–2000. Transporting *chemicals and related products*, between the facilities of Lehn and Fink Products, at points in the U.S., on the one hand, and, on the other, points in AR, KS, MS, AL, FL, KY, LA, NC, SC, OK, VA, WV, MD, DE, and RI.

MC 155236, filed July 2, 1981. Applicant: POTTLE'S TRANSPORTATION, INC., P.O. Box 164, Carmel, ME 04419. Representative: Clifton E. Pottle (same address as applicant), (207) 947–2179. Transporting *general commodities* (except classes A and B explosives), between points in ME, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81–21139 Filed 7–17–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the

application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–202

Decided: July 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 156851, filed June 25, 1981. Applicant: P & L TRANSPORTATION SERVICE, PO Box 27302, Memphis, TN 38127. Representative: Robert J. Pitts. (Same address as applicant), (901) 358–1172. As a *broker of general commodites* (except household goods), between points in the U.S.

MC 156890, filed June 30, 1981. Applicant: B. L. REEVER TRANSPORT, 7054 State Route #2, Martin, OH 43445. Representative: Barry Lee Reever, P.O. Box 8122, Toledo, OH 43605, (419) 836–9572. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156990, filed June 26, 1981. Applicant: EUGENE BERRY, d.b.a. EAGLE TRUCKING, Box 16186, Temple Terrace, FL 33617. Representative: Laura Berry, 6719 Drifting Sands Rd., Temple Terrace, FL 33617, (813) 988–3687. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–113

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 69084 (Sub-8), filed June 26, 1981. Applicant: INTERSTATE HEAVY HAULING, INC., P.O. Box 20536, Portland, OR 97220. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–105

Decided: July 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 144289 (Sub-2), filed June 26, 1981. Applicant: MESSA ENTERPRISES, INC., P.O. Box 2000, Wise, VA 24293. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 149069 (Sub-1), filed June 17, 1981. Applicant: KEPPEL CORPORATION, Route 1, Box 213, Staunton, VA 24401. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, (703) 691–0900. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156599, filed June 11, 1981. Applicant: BILL D. LAUTERBACH, 1985 N.W. 5th St., Gresham, OR 97030. Representative: Bill D. Lauterbach (same address as applicant), (503) 665–1642. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156618, filed June 18, 1981. Applicant: J & F LEASING COMPANY, 616 Essex Street, Lawrence, MA 01843. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, 1–617–273–3530. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156639, filed June 19, 1981. Applicant: STEWART TRANSPORTATION SERVICE CO., 1290 South Pearl Street, Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Washington, DC 20036, (202) 785–0024. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156709, filed June 16, 1981. Applicant: ECONO COURIER, INC., 55 River Road, Bogota, NJ 07603. Representative: Michael R. Werner, P.O. Box 1409, 167Fairfield, Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156789, filed June 25, 1981. Applicant: JON-MAR TRUCKING CO., INC., 13 Koosman Drive, Leonario, NJ 07737. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156799, filed June 26, 1981. Applicant: LOUIS J. LEMIRE d.b.a., L & F LEMIRE TRUCKING, Star Route Box 103, Menominee, MI 49858. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156819, filed June 26, 1981. Applicant: GERARD J. MALONEY, 9 Birch Tree Lane, Livingston, NJ 07039. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–21139 Filed 7–17–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 122]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: July 15, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR Part 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1184 (Sub-27)X, filed June 26, 1981. Applicant: K & B TRANSPORT, INCORPORATED, 21533 Mound Road, Warren, MI 48091. Representative: Alexis J. Miller, 555 S. Woodward, Ste. 512, Birmingham, MI 48011. Applicant seeks to remove restrictions in its lead and Sub-Nos. 23F, 25F and 26F certificates to: (a) broaden the commodity descriptions from new automobiles, new trucks and new chassis, imported automobiles, trailers, buses and bus chassis to "transportation equipment"; in all Sub-Nos; (b) replace one way with radial authorizations in lead and Sub-Nos. 23F and 26F; (c) remove the in truckaway and/or driveway service restrictions in lead and Sub-Nos. 23F, 25F and 26F; (d) remove the restrictions to initial and/or secondary movements in lead and Sub-Nos. 23F, 25F and 26F; (e) remove the restriction in lead limiting transportation to traffic having an immediately prior movement by water; (f) replace city wide (South Bend, IN) authority in lead and Sub-Nos 23F, 25F and 26 with county wide (St. Joseph County, IN) authority; (g) replace city wide authority (Atlanta, GA) with county wide (Fulton and Dekalb Counties, GA), Flint, MI with Genesee County, MI and Cincinnati, OH with Hamilton County, OH) authority in the lead; and (h) remove the restriction in Sub-No. 23F to the transportation of traffic having a prior movement by rail and to that originating at named facilities.

MC 62601 (Sub-10)X, filed June 26, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, RONALD J. RING, d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 1, 4F, and 5: (A) to broaden the commodity descriptions (1) from livestock, hay, grain, seed, agricultural implements, feed, and salt to "machinery, food and related products, and chemicals and related products" in its lead, (2)(a) eliminate all exceptions to its general commodities authority except classes A and B explosives, (b) from household goods as defined by the Commission to "household goods," (c) from feed, tankage, livestock, farm implements, building materials, and household goods as defined by the Commission, to "food and related products, building materials, Household goods, and such commodities as are dealt in by manufacturers or distributors of agricultural machinery and implements," and (d) from livestock, grain, hay, feed, agricultural implements, lumber, concrete blocks, and petroleum products in containers to "food and related products, lumber and wood products, building materials, petroleum, natural gas and their products, and such commodities as are dealt in by manufacturers or distributors or agricultural machinery and implements," in Sub-No. 1, (3) from communication equipment and telephone cable to "such commodities as are dealt in or used by manufacturers or distributors of machinery and communication equipment" in Sub-No. 4F, and (4) by removing all exceptions to its general commodities authority except dangerous explosives in Sub-No. 5F, and (B) to broaden the territorial descriptions (1) from (a) Omaha, NE, to Douglas, Washington, Sarpy, and Cass Counties, NE, in its lead and Sub-Nos. 1 (irregular routes only) and 4F, (b) Neola, IA, and points within 10 miles of Neola to Harrison and Pottawattamie Counties, IA, in its lead, (c) Neola, IA, and points within 15 miles of Neola to Harrison, Shelby, and Pottawattamie Counties, IA, in Sub-No. 1, (d) Harlan, IA, and points within 25 miles of Harlan to Shelby, Pottawattamie, Cass, Audubon, Carroll, Crawford, Monona, and Harrison Counties, IA, in Sub-No. 1, and (e) Underwood, IA, to Pottawattamie County, IA, in Sub-No. 4F, (2) by replacing service at named intermediate points with service at all intermediate points in Sub-No. 1 (regular route), (3) by replacing service at intermediate and off-route points within 25 miles of Audubon, IA, with service at all intermediate and off-route points in Audubon, Cass, Adair, Guthrie, Greene, Carroll, Crawford, Shelby, and Pottawattamie Counties, IA, in Sub-No. 5, and (4) by replacing one-way with radial authority in Sub-Nos. 1, 4F, and 5.

MC 106009 (Sub-14)X, filed July 2, 1981. Applicant: CAUSTIC SODA TRANSPORTATION CO., P.O. Box 6035, Asheville, NC 28806. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its regular and irregular route authority, lead and Sub-Nos. 10F, 11F and 13F certificates to (1) broaden its commodity descriptions to "commodities in bulk" from liquid caustic soda, in bulk, in tank trucks, and liquid sulphuric acid, in bulk, in tank vehicles, in the lead and Sub-Nos. 10F and 11F; acids and chemicals, in bulk, in tank vehicles, in part (1) of Sub-No. 13F and to "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in part (2) of Sub-No. 13F, (2) authorize service at all intermediate points in its regular route authority, in the lead and (3) replace one-way authority with two-way authority, in the lead and Sub-No. 11F.

MC 117165, (Sub. *65)X, filed June 19, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 5, 36, 39, 40, 42, 43, 45F, 46F, 48F, 49F, 51F, 52F, 53F, 54F, 55F, 56F, 57F, 58F, 60F and 61F certificates: to (I) replace one way with radial authority in all Sub-Nos. except Sub-No. 60F; (II) broaden commodity descriptions and replace facilities or city designations with county wide authority, as follows: (A) in Sub-No. 5 Part (A), wall board and building board to "lumber and wood products and

building materials" and Winnebago County, WI, for facilities at or near Oshkosh, WI and remove the facilities limitation at Chicago, IL in Par. 1; composition wood boards, panels, and sheets, and parts, materials and accessories used in connection therewith, to "lumber and wood products, and building materials", and Otsego County, MI for Gaylord, MI in Par. 2; salt and salt products, in bulk to "chemicals and related products", and Midland County, MI for Midland, MI in Par. 3; salt and salt products, other than in bulk to "chemicals and related products", and Midland County, MI for Midland, MI in Par. 4; salt and salt products to "chemicals and related products", and Midland, Gratiot, St. Clair and Manistee Counties, Mi for Midland, St. Louis, Marysville, St. Clair and Manistee, MI in Par. 5; paper bags, labels, and knocked down paper boxes in mixed loads with salt, to "pulp, paper and related products", and St. Clair County, MI for St. Clair, MI and Summit County, OH for Akron, OH in Par. 6; in Sub-No. 5 Part (B) beans to "farm products", in Par. 1; brick and clay products to "clay, concrete, glass or stone products", and Franklin, Delaware and Perry Counties, OH for Blacklick, Galena, Junction City and Taylor Station, OH in Par. 2; flour, feed and grain products to "farm products", and Isabella County, MI for Mt. Pleasant, MI in Par. 3; lime and lime products to "chemicals and related products", and Wood and Sandusky Counties, OH for Woodville, OH and Isabella County, MI for Mt. Pleasant, MI in Par. 4; lime, common or hydrated, lime, chlorinated, dry or liquid, and plaster to "chemicals and related products", and Ottawa County, OH for Genoa, OH in Par. 5; petroleum and petroleum products, in containers, to "petroleum, natural gas and their products", and Hancock County, OH for Findlay, OH in Par. 6; salt to "chemicals and related products", and Manistee, Midland and Saginaw Counties, MI for Manistee, Midland and Saginaw, MI in Par. 7(a); and Gratiot and St. Clair Counties, MI for St. Louis, St. Clair, Marysville and Port Huron, MI in Par. 7(b); fertilizer to "chemicals and related products", and Hamilton County, OH for Lockland, OH in Par. 8; chemicals and insecticides to "chemicals and related products", and Gratiot County, MI for St. Louis, MI in Par. 9; animal and poultry feeds to "farm products", and Lake County, IN for Hammond, IN in Par. 11; fence and fencing materials to "metal products", and Montgomery County, IN for Crawfordsville, IN in Par. 12; over 65 specific commodities, such as paint, wall board, boards, fasteners, metal and insulating material, to "chemicals and related products, building materials, lumber and wood products, clay, concrete, glass or stone products, metal products, and paper, pulp and related products", in Par. 13; and LaSalle and Will Counties, IL for Marseilles and Wilmington, IL and Henderson, Carroll, McCracken, Campbell and Boone Counties, KY for Newport, Carrollton, Paducah, Henderson and Latonia, KY in (a); Cook County, IL for Chicago Heights, IL and Carroll, Henderson and McCracken Counties, KY for Carrollton, Henderson and Paducah, KY in Par. (b); Lake County, IL for Waukegan, IL in Par. (c); Hamilton County, OH for Lockland, OH and Carroll County, KY for Carrollton, KY in Par. (d); Lake County, IN for Whiting, IN and Daviess County, KY for Owensboro and Camp Knox, KY, Girardeau Co., MO for Cape Girardeau, MO in Par. (e); LaSalle and Vermilion Counties, IL for Marseilles and Danville, IL and Lake County, IN for Lowell, IN, Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY, in Par. (f); Cook Co., IL for Chicago Heights, IL and Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (g); Will County, IL for Wilmington, IL, Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY, in Par. (h); Will County, IL for Joliet, IL, Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (i); Daviess and Hardin Counties, KY for Owensboro and Fort Knox, Ky in Par. (j); St. Joseph County, IN for South Bend, IN and Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (k); St. Joseph and Lake Counties, IN for South Bend, Lowell and Whiting, IN and Will County, IL for Joliet, IL in Par. (l); Will and Vermilion Counties, IL for Wilmington and Danville, IL and St. Joseph and Lake Counties, IN for South Bend, Lowell and Whiting, IN in Par. (m); materials and supplies used in the manufacture of roofing and asphalt siding to "building materials" and Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY, Lake County, IN for Lowell and Whiting, IN in Par. 14; rock wool to "building materials" and Madison County, IN for Alexandria, IN in Par. 15; insulating siding for exterior walls, and component parts thereof to "building materials" and Carroll County, IL for Savanna, IL in Par. 16; empty drums to "containers" and Hancock County, OH for Findlay, OH in Par. 17; Warren and Butler Counties, OH for Franklin, OH in Par. 18; in Sub-No. 5, Part (C), composition building slabs, loose or individually packaged to "building materials" and Starke Co., IN for North Judson, IN in Par. 1; prefabricated chimneys to "clay, concrete, glass or stone products" and Bureau Co., IL for Buda, IL in Par. 2; boards, building, wall and/or insulating fibreboard, and parts, materials and accessories incidental thereto, limited to movements or flatbed vehicles to "lumber and wood products and building materials" and Alpena County, MI for facilities at or near Alpena, MI in Par. 3(a); boards, building, wall and/or insulating fibreboard, and parts, materials and accessories incidental therto, limited to movements on flatbed vehicles to "lumber and wood products and building materials", and Alpena County, MI for Alpena, MI in Par. 4(a); roofing cement and wood preservatives to "building materials and chemicals and related products", and La Porte County, IN for Michigan City, IN in Par. 5; plastic and vinyl building materials, backerboard, and materials and supplies used in the installation thereof to "building materials and rubber and plastic products", and Nelson County, KY for facilities at Bardstown, KY in Par. 6; particle board, hardboard, plywood, moldings, and accessories for particle board, hardboard, plywood and moldings, when shipped therewith to "lumber and wood products and building materials", and Chicago, IL and Cook County, IL for facilities at Chicago and Franklin Park, IL in Par. 7; composition board, and materials, supplies and accessories used in the installation thereof, except commodities in bulk, to "building materials", and Wilkes County, NC for facilities at Roaring River, NC in par. 8; lime, in bags, to "chemicals and related products", in Par. 10; lumber to "lumber and wood products", and Otsego County, MI for Gaylord, MI in Par. 11; building boards, wall board and insulating fibreboard, sheathing, laminated wall boards, and parts, materials and accessories incidental to the commodities named above to "building materials, lumber and wood products", and Du Page County, IL for facilities near Wheaton, IL in Par. 12; Will County, IL for facilities at Wilmington, IL in Par. 13; boards, fibreboard, and composition boards, panels, sheets and parts to "building materials and lumber and wood products", and Seneca County, OH for Tiffin, OH and Alpena and Charlevoix Counties, MI for Alpena and Charlevoix, MI, Wilkes County, NC for Roaring River, NC and Dauphin County, PA for High Spire, PA in Par, 14; and remove restriction limiting transportation to traffic originating at named facilities

and destined to named points in Pars. 7, 12, and 13; and remove restriction against service to points on designated highways in Pars. 1, 2, and 10(a) and the in bulk restriction; (B) in Sub-No. 36, composition board, particle board, and plywood, and accessories, materials and supplies used in the sale and installation thereof (except in bulk) to "building materials, lumber and wood products", and Liberty and Calhoun Counties, FL for Blountstown, FL; and remove restriction limiting transportation to traffic originating at and destined to named points; (C) in Sub-No. 39, composition board and plywood to "building materials, lumber and wood products", and Lucas County, OH for facilities in Lucas County, OH; and delete the origin State exception of OH; (D) in Sub-No. 40, plastic foam insulation panels, except commodities in bulk, to "rubber and plastic products", and Will County, IL for facilities at or near Joliet, IL; and remove restriction limiting transportation to traffic originating at the named facilities; (E) in Sub-No. 42, salt (except in bulk, in tank vehicles), to "chemicals and related products". and Gratiot County, MI for St. Louis, MI; (F) in Sub-No. 43, construction materials (except commodities in bulk) to "building materials" and Adams County, MS for facilities at or near Natchez, MS and Hardin County, KY for facilities at or near Elizabethtown, KY; and remove restriction to the transportation of shipments originating at and destined to named points; (G) in Sub-No. 45F, insulation board and materials used in the installation of insulation board to "building materials", and Madison County, IN for facilities at Alexandria, IN; and plastic pipe to "rubber and plastic products", and Muscatine County, IA for facilities at Wilton, IA; (H) in Sub-No. 46F, construction materials, and materials and supplies used in the manufacture and distribution of construction materials except commodities in bulk, to "building materials", and Chicago, IL for facilities at Chicago, IL and Will County, IL for facilities at Wilmington, IL; (I) in Sub-No. 48F, salt in bags, to "chemicals and related products", and La Porte County, IN for Michigan City, IN; (J) in Sub-No. 49F, lumber and composition board, and materials, equipment and supplies used in the manufacture of these commodities to "lumber and wood products and building materials", and Lafayette County, MS for facilities at or near Oxford, MS, Charleston, Orangeburg and York Counties, SC for facilities at or near Catawba, Charleston and Orangeburg, SC and South Boston, VA for facilities at or near South Boston, VA; (K) in Sub-No. 51F, salt in bags to "chemicals and related products", and Manistee County, MI for Manistee, MI; (L) in Sub-No. 52F, (1) building materials and asbestos fibre and cement pipe to "building materials, clay, concrete, glass or stone products", and Lake County, IL for facilities at or near Waukegan, IL; (2) insulation board to "building materials", and Will County, IL for facilities at or near Rockdale, IL; and (3) plastic pipe and accessories to "rubber and plastic products", and Muscatine County, IA for facilities at or near Wilton, IA in (a), and Madison County, TN for facilities at or near Jackson, TN; (M) in Sub-No. 53F, composition board, and materials and supplies used in the production and distribution of composition board to "building materials", and Branch County, MI for Coldwater, MI; (N) in Sub-No. 54F, construction materials (except commodities in bulk) to "building materials", and (1) (a) Dubuque, IA for facilities at or near Dubuque, IA, (b) Adams and Coles Counties, IL for facilities at or near Quincy and Charleston, IL, and Peoria, IL, for facilities at or near Peoria, IL, (c) Hardin County, KY for facilities at or near Elizabethtown, KY, (d) Hamilton and Ottawa Counties, OH for facilities at or near Lockland and Port Clinton, OH, and (e) Hancock County, WV for facilities at or near Chester, WV; (2) Waubash County, IN for Lagro, IN; and (3) Northcumberland County, PA for Sunbury, PA; (O) in Sub-No. 55F, salt in bags to "chemicals and related products", and Summit County, OH for Akron, OH; (P) in Sub-No. 56F, building materials, and supplies used in the installation of the commodities of building materials (except commodities in bulk) to "building materials", and Chicago, IL for facilities at Chicago, IL and Warren County, OH for Franklin, OH; (Q) in Sub-No. 57F, materials and supplies used in the manufacture and distribution of building materials and insulating materials (except in bulk) to "building materials", and Madison and Delaware Counties, for facilities at or near Alexandria, IN, Madison County, TN for facilities at or near Jackson, TN, Lake County, IL for facilities at or near Waukegan, IL, and Muscatine Co., IA for facilities at or near Wilton, IA in (1); and points in Will County, IL for facilities at or near Rockdale, IL in (2); (R) in Sub-No. 58F, gypsum and gypsum products, and materials and supplies used in the manufacture, installation and distribution of these commodities to "building materials", and between Kent County, MI for facilities at Grand Rapids, MI; (S) in Sub-No. 60F, in part (1) from building and construction materials, to "building materials", and remove the restriction against service to AK and HI; (T) in Sub-No. 61F, lumber, fibreboard paneling, and composition board to "lumber and wood products and building materials", and Kent County, MI for Grand Rapids, MI; (III) and remove any restrictions against transportation of traffic in bulk, in bags, in containers, or otherwise wherever they appear in its certificates.

MC 119641 (Sub-190)X, filed June 18, 1981. Applicant: RINGLE EXPRESS, INC., P.O. Box 568, Fowler, IN 47944. Representative: Michael D. McCormick, Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in part of its lead and Sub-Nos. 44, 45, 51, 60, 101, 116, 122, 132, 133,135, 138, 161, and 164 to (1) broaden the commodity descriptions to "metal products" from iron and steel products and steel in sheets, bars, flats and shapes on sheet 5 of the lead; iron and steel articles in Sub-Nos. 44, 51, 101, 133, 161 and 164; wire, bale ties, nail, staples, steel fence and steel fence materials, pipe, sheet steel, steel ridge rolls, and steel rods, iron and steel articles, iron or steel bars, iron or steel bars reinforcements, with or without accompanying chairs, bar spacers, bar ties, bar supports, clips, screen chairs, stirrups, tie chairs or bar chairs and spacers combines, iron or steel cloth or fabric, and iron or steel mesh, bar or wire, concrete or plaster reinforcements in Sub-Nos. 45 and 60; from strip steel in Sub-No. 116; iron and steel articles in Sub-Nos. 122 and 135, fabricated aluminum products and parts, attachments and accessories in Sub-No. 135; to "waste and scrap materials" from scrap materials in Sub-No. 132, (2) remove the restriction against electric precipitators in Sub-No. 138 (3) remove the size and weight restrictions in Sub-Nos. 51 and 44 (4) remove the originating at restriction in Sub-No. 138; (5) remove facilities limitations (a) in Sub-No. 101 and replace Niles, Warren, Youngstown, Canton, Massillon and Cleveland, OH with Trumball, Mahoning and Starke Counties, OH Cleveland, OH, (b) in Sub-No. 122 and replace Lackawanna, NY with Erie County, NY, (c) in Sub-No. 116 and replace New Castle, PA and Mattoon, IL with Lawrence County, PA, and Coles County, IL (d) in Sub-No. 135 and replace Bristol, IN with Elkhart County, IN (e) in Sub-No. 138 and replace Warren, OH with Trumball County, OH, and (f) in Sub-No. 164 and replace Martins Ferry, Mingo Junction, Steubenville, Yorkville, and Canfield, OH and Allenport, and Monessen, PA

and Beechbottom, Follansbee, Banwood and Wheeling, WV with Belmont, Jefferson and Mahoning Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall and Ohio Counties, WV, (7) remove restriction against tacking authorities in Sub-Nos. 45 and 60 for the purpose of performing any through services. (8) change city to county-wide authority (a) from Shelbyville, IL to Shelby County, IL from Battle Creek, MI, and Springfield, OH to Calhoun County, MI and Clark County, OH in the lead, sheet 5, (b) from Kokomo, IN to Howard County, IN in Sub-Nos. 44, 45, 51, and 60, and (c) from Darlington, SC to Darlington County, SC in Sub-No. 133, and (9) change one-way to radial authority in part of the lead, and Sub-Nos. 45, 51, 60, 101, 118, 122, 132, 133, 135, 138, 161 and 164, and (10) remove originating at and/or destined to restrictions in Sub-Nos. 101 and 133.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042.10(b).

MC 119789 (Sub-675)X, filed July 6, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Applicant seeks to remove restrictions in its Sub-No. 675F certificate to (1) substitute two-way radial authority for existing one way service in Sub-No. 675F; (2) to replace authority to serve plantsite with county-wide authority, Orange County, CA for Justin, CA in Sub-No. 675F, and remove restrictions against service to AK, CA, and HI in its authority to serve points in the U.S.

MC 121677 (Sub-5)X, filed June 22, 1981. Applicant: WARREN COUNTY FREIGHT LINES, INC., 601 Red Road, McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2 certificates to (1) to remove all restrictions in its general commodities authority "except classes A and B explosives," in each certificate; and (2) broaden the regular-route authority in both certificates to authorize service at all intermediate points on described regular-routes between (a) Nashville, TN, and Cookeville, TN, (b) Nashville, TN, and Rock Island, TN, and (c) Nashville, TN, and McMinnville, TN.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042.10(b).

MC 124887 (Sub-133)X, filed June 22, 1981. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 9, 11M1F, 16, 17, 18, 22, 23, 25, 27, 28, 32, 33, 34, 35, 38, 40, 42, 44, 46, 48, 51F, 52F, 54F, 55F, 58F, 59F, 60F, 61F, 62, 63F, 64F, 65F, 67F, 71F, 72F, 73, 74F, 76F, 79, 80F, 85F, 88, 90F, 96F, 97F, 98, 100F, 101F, 102F, 103F, 107F, 108F, 109F, 112F, 113F, 114F, 115F, 117F, 118F, 119F, 121F, 122F, 125F, and 128F and authority acquired in MC-F-13411 (No. MC-116323), to broaden its commodity descriptions: in Sub-No. 1, to "chemicals and related products, food and related products, lumber and wood products, and nonmetallic minerals", from fertilizer and materials, in bags, poultry feed and materials, animal feed and materials in bags and in dry bulk, and treated fenceposts; in Sub-Nos. 3, 9, 18, 25, 34, 58F, 59F, 61F, 73, and 97F part (1), to "lumber and wood products", from wood chips, veneer, wood waste materials, wood residuals, pallets, pallet parts, lumber, cross ties, and plywood; in Sub-No. 4 parts (1) and (2), to "building materials and accessories, materials and supplies used in the manufacture and distribution thereof", from composition board, particle board, and plywood, and accessories, materials, and supplies used in the sale and installation thereof (except in bulk); in Sub-No. 11M1F, to "building materials and petroleum, natural gas and their products", from building materials and asphalt paving materials (except commodities in bulk), to "metal products", from steel joists; to "furniture and fixtures", from lighting fixtures and materials and supplies used in the installation and manufacture thereof (except commodities in bulk); and to "lumber and wood products" from composition board; in Sub-No. 16 and 118F to "pulp, paper, and related products", from waste or scrap paper; in Sub-No. 17 parts (1) and (2) to "building materials, and materials, equipment, and supplies used in the manufacture and distribution thereof", from roofing and roofing materials, and materials, equipment, and supplies used in the manufacture, distribution, or installation thereof; in Sub-Nos. 22, 23, 35, 42, 44, 54F, 62, 63F, 72F, 100F part (1), 101F, and 113F, to "building materials", from composition board, plywood, particleboard, gypsum, gypsum products (except in bulk), wall paneling, pre-cut log buildings, brick, tile, hardboard paneling, prefabricated log houses, construction materials, lumber and lumber mill products; in Sub-No. 27, to "such commodities as are dealt in or used by mobile and modular home manufacturers", from materials and supplies used in the manufacture and installation of mobile and modular homes; in Sub-Nos. 28, 52F, and 96F, to "chemicals and related products", from tall oil, tall oil products, and heads cuts, fatty acids, rosin, fractioned from crude tall oil (except commodities in bulk) and terpine chemicals (except in bulk); in Sub-Nos. 32, 33, and 79, to "chemicals and related products, and nonmetallic minerals", from fertilizer and fertilizer materials, dry (except in bulk); in Sub-Nos. 38, 46, 55F, 60F, 65F, 88, 102F, 107F, and 125F, to "metal products", from iron and steel articles, (except pig iron and scrap metals, in dump vehicles), steel wire, reinforcement mesh, steel joist, nails and construction mesh, metals, materials equipment and supplies used in the production of iron and steel articles, and primary metal products including galvanized (except coating or other allied processing) etc.; in Sub-No. 80F, to "metal products, and clay, concrete, glass or stone products", from iron and steel articles and pipe (except commodities in bulk); in Sub-Nos. 103F and 114F, to "metal products, and materials, equipment and supplies used in the manufacture and distribution thereof", from iron and steel articles, and materials, equipment and supplies used in the production thereof; in Sub-No. 40, to "clay, concrete, glass or stone products", from precast concrete; in Sub-No. 48, to "rubber and plastic products, and materials and supplies used in the manufacture and installation thereof", from plastic pipe and fittings, and materials and supplies used in the manufacture and installation of plastic pipe and fittings; in Sub-No. 51F, to "clay, concrete, glass or stone products, and nonmetallic minerals", from magnesite and magnesium products; in Sub-No. 64F, to "lumber and wood products, machinery, and metal products", from railroad equipment; in Sub-No. 67F parts (1) and (2) to "chemicals and related products, clay, concrete, glass or stone products and nonmetallic minerals", from refractories, magnesite, magnesite products, limestone and limestone products; in Sub-No. 71F, to "building materials, and lumber and wood products", from lumber, lumber products, and particleboard; in Sub-No. 74F, to "Building materials, and clay, concrete, glass or stone products", from brick and structural facing tile; in Sub-No. 76F, to "such commodities as are dealt in or used by stove and metal bed manufactures", from materials used in the manufacture of stoves and metal beds; in Sub-No. 84F, to "chemicals and related products, nonmetallic minerals, and materials used in the manufacture thereof" from chemicals, fertilizer, and materials used in the manufacture of fertilizer; in Sub-Nos. 90F, 108F, part (1), and 122F, to "general commodities (except classes A and B explosives)," from general commodities (with exceptions); in Sub-No. 98, to "chemicals and related products, nonmetallic minerals, and materials, equipment and supplies used in the manufacture thereof", from fertilizer and fertilizer materials and materials, equipment and supplies used in the manufacture of fertilizer; Sub-No. 109F and 119F, to "metal products and materials, equipment, and supplies used in the manufacture and distribution thereof", from iron and steel articles, pipe, and materials, equipment and supplies used in the production, manufacture and distribution thereof; in Sub-No. 112F, to "building materials, and materials, equipment, and supplies used in the manufacture and distribution thereof", from pre-cut log buildings and materials, equipment and supplies thereof; in Sub-Nos. 115F and 117F, to "building materials, and metal products, and materials, equipment and supplies used in the manufacture and distribution thereof", from steel roofing, steel siding, and components, and materials, equipment and supplies used in the manufacture and distribution thereof, prefabricated buildings, parts, attachments, tools and accessories used in the erection or installation thereof; in Sub-No. 121F, to "chemicals and related products, and equipment, materials and supplies used in the manufacture and distribution thereof", from chemicals, and equipment, materials and supplies used in the manufacture and distribution of chemicals; and in MC-F-13411, to "building materials, lumber and wood products, and forest products", from metal and concrete floor and roof materials, and lumber and forest products, except veneer and veneer products and plywood and plywood products; (2) replace cities with county-wide authority: in Sub-No. 1, Guntersville, AL, with Marshall County, AL; in Sub-No. 3, Cedar Springs, GA, with Early County, GA; in Sub-Nos. 4 and 44, facilities at Blountstown, FL, with Calhoun County, FL; in Sub-No. 11M1F, facilities in Wayne County, NC, with Wayne County, NC; Scottsboro, AL, with Jackson County, AL; and facilities at or near Marion, SC, with Marion County, SC; in Sub-No. 16, Cedar Springs and Savannah, GA, with Early and Chatham Counties, GA; in Sub-Nos. 17 and 40 facilities at or near Peachtree City, GA, with Fayette County, GA; in Sub-No. 18, Folkston, Higgston, and Meldrim, GA, with Charlton, Effingham, and Montgomery Counties, GA: in Sub-No. 22, facilities in Lucas County, OH, with Lucas County, OH; in Sub-No. 23, facilities at or near Clayton, AL, with Barbour County, AL; in Sub-No. 25, facilities at Albertville, AL, with Marshall County, AL; in Sub-No. 27, facilities at Cullman, AL, with Cullman County, AL; in Sub-No. 28, Porte St. Joe, FL, with Gulf County, FL; Mobile, AL, Jacksonville and Miami, FL, and Savannah, GA, with Mobile County, AL, Duval and Dade Counties, FL, and Chatham County, GA; in Sub-No. 32, facilities at or near Ozark, AL, with Dale County, AL; in Sub-No. 33, Sneads, FL, with Jackson County, FL; in Sub-No. 34, facilities at or near Crestview, DeFuniak and West Bay, FL, with Okaloosa, Walton, and Bay Counties, FL; in Sub-Nos. 35 and 38, facilities at or near Savannah, GA with Chatham County, GA; in Sub-No. 42, facilities at Norfolk, VA, with Norfolk, VA; in Sub-No. 46, facilities at Darlington, SC, with Darlington County, SC; in Sub-Nos. 51F and 52F, Porte St. Joe, FL, with Gulf County, FL; in Sub-No. 55F, facilities at or near Mt. Airy, NC, with Surry County, NC; in Sub-No. 60F, facilities at or near Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Allenport and Monessen, PA, and Beechbottom, Benwood, Follansbee, and Wheeling, WV, with Mahoning, Belmont, and Jefferson Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall, and Ohio Counties, WV, in Sub-No. 62, facilities at or near East Camden, AR; with Quachita County, AR; in Sub-No. 63F, facilities at or near Fletcher and Stateroad, NC, with Henderson and Surry Counties, NC; in Sub-No. 64F, Greenville, SC, with Greenville County, SC; in Sub-No. 65F, facilities in Florence County, SC, with Florence County, SC; in Sub-No. 67F, facilities at or near Maple Grove and Beltsville, OH, with Seneca County, OH, and Port St. Joe, FL, with Gulf County, FL; in Sub-No. 74F, East Canton, OH, with Stark County, OH; in Sub-No. 76F, facilities at or near Watkinsville, GA, with Oconee County, GA; in Sub-No. 79, Pascagoula, Meridian, and Yazoo City, MS, with Jackson, Lauderdale, and Yazoo Counties, MS, and Donaldsonville, LA, with Ascension Parish, LA; in Sub-No. 80F, Conroe, TX, with Montgomery County, TX; in Sub-No. 85F, Ozark, AL, and Walnut Ridge, AR, with Dale County, AL, and Lawrence County, AR; in Sub-Nos. 88 and 103F, Aberdeen, NC, with Moore County, NC; in Sub-Nos. 90F and 108F, Panama City, FL, with Bay County, FL; in Sub-No. 96F, Jacksonville, FL, and Savannah, GA, with Duval County, FL, and Chatham County, GA; in Sub-No. 97F, Cedar Springs, GA, with Early County, GA; in Sub-No. 98, Pace, FL, with Santa Rosa County, FL; in Sub-No. 102F, Quincy, FL, with Gadsden County, FL; in Sub-No. 112F, Claremore, OK, with Rogers County, OK; in Sub-No. 115F, Bossier City, LA, Clinton, IL, and Peachtree City, GA, with Bossier Parish, LA, DeWitt County, IL, and Fayette County, GA; in Sub-No. 117F, Portland, TN, with Summer County, TN; in Sub-No. 118F, Macon, GA, with Biff County, GA; and in MC-F-13411, Lilesville, NC, with Anson County, NC; (3) change its one way to radial authority between specified cities, counties, and States in the U.S., in Sub-Nos. 1, 3, 4, 11M1F, 16, 17, 18, 22, 23, 25, 26, 32, 33, 34, 35, 38, 40, 42, 44, 46, 51F, 52F, 54F, 55F, 58F, 59F, 60F, 61F, 62, 63F, 65F, 67F, 71F, 73, 74F, 76F, 79, 85F, 88, 96F, 97F, 117F, 118F, 119F, and MC-F-13411; (4) eliminate (a) the commodities in bulk restrictions wherever they appear, (b) originating at end destined to restrictions in Sub-Nos. 11M1F, 17, 23, 25, and 64F, (c) the AK and HI exceptions wherever they appear, and (d) restriction limiting transportation of traffic having an immediately and/or prior or subsequent movement by water, in Sub-Nos. 28 and 90F.

MC 125616 (Sub-10)X, filed June 16, 1981. Applicant: PAUL HENRY AIR FREIGHT, INC., P.O. Box 255, Airport Industrial Park. Representative: Russell S. Bernhard, 1625 K. St. N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 9F certificates to (1) remove all exceptions to its general commodity authority, except "classes A and B explosives" in its lead and Sub-No. 9F; (2) replace authority to serve named airports with city-wide authority: Washington, D.C., (for Dulles International Airport and Washington National Airport), Baltimore, MD. (for Friendship International Airport) in lead and Sub-No. 9F; (3) change the territorial description from part of Montgomery County, MD to all of Montgomery County, MD in lead; (4) remove the restriction limiting service to traffic having a prior or immediately prior or subsequent movement by air in lead and Sub-No. 9F; and (5) remove restriction against the transportation of machinery or machinery parts from Waynesboro, PA to Dulles International and Washington National Airports in lead.

MC 128981 (Sub-11)X, filed July 6, 1981. Applicant: LAND-AIR DELIVERY, INC., P.O. Box 2250, Bowling Green, KY 42101. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in its Sub-No. 11X certificate to eliminate the restriction against traffic

moving between Little Rock Municipal Airport, and, airports in OK, TX, and MO in part (2).

MC 129660 (Sub-12)X, filed June 22, 1981. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., 3708 Highway 90, Gautier, MS 39553. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 4, 5, 6, 8, 9F, and 10F certificates to (1) broaden the commodity descriptions: in the lead and Sub-No. 9, to "clay, concrete, glass or stone products" from refractory products; Sub-No. 1, to "ores and minerals" from magnesite; Sub-No. 2, to "lumber and wood products, and building materials" from plywood, molding and trim; Sub-Nos. 4 and 10, to "lumber and wood products" from lumber; Sub-No. 5, to "metal products" from iron and steel articles and ferrous scrap; Sub-No. 6, to "chemicals and related products" from fertilizer; and Sub-No. 8, to "lumber and wood products, and building materials" from plywood, and materials, supplies and equipment used in the manufacture of plywood (except in bulk); and remove the "in bulk, in dump vehicles" restriction in Sub-No. 1; (2) change one-way authority to radial authority in all certificates; (3) remove restrictions in Sub-No. 5 restricting service to the transportaion of shipments (a) destined to points in the nine States, named, (b) having an immediately prior movement by water in foreign commerce, and (c) originating in MS and having a subsequent movement by rail or water; and (4) broaden the named plantsites and municipalities to county-wide authority, as follows: in the lead and Sub-Nos. 1, 2, 6, 8, and 9, Jackson County, MS (for Pascagoula, MS, and facilities at Pascagoula, MS); and Sub-Nos. 4, 5, and 10, Harrison County, MS (Gulfport, MS, and facilities at Gulfport, MS).

MC 134493 (Sub-10)X, filed July 6, 1981. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 2064 W. 167th Street, Markham, IL 60426. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, Il 60602. Applicant seeks to remove restrictions in its Sub-No. 5 certificate to (1) delete all exceptions from the general commodity description except classes A and B explosives, and (2) replace Teutopolis and Elk Grove Village, IL with authority to serve Effingham, Cook, and DuPage Counties, IL.

MC 135215 (Sub-11)X, filed June 26, 1981. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its lead and Sub Nos. 5F, 7F, 9F, and 10F certificates and in its MC-145455F lead permit and Sub Nos. 2F and 3F to (A) in its certificates (1) broaden the commodity descriptions from (a) chemical fertilizers, dry fertilizers, and agricultural chemicals to "chemicals and related products," in its lead and Sub No. 7F, and (b) lime to "clay, concrete, glass or stone products," in Sub Nos. 5F, 9F, and 10F; (2) replace city-wide authority with county-wide authority as follows: (a) Nelson, AZ, to Coconino and Yavapai Counties, AZ, in Sub No. 5F, and (b) City of Industry, CA, to Los Angeles County, CA, and El Paso, TX to El Paso County, TX, in Sub No. 9F; and (3) broaden the territorial description to authorize radial authority to replace existing one-way service: (a) between points in CA and points in AZ and NV, in the lead and Sub No. 7F, (b) between specified counties in AZ and points in CA, in Sub No. 5F, (c) between Los Angeles County, CA, and El Paso County, TX, and points in NV, AZ, and NM in Sub No. 9F, and (d) between Clark County, NV, and points in CA and AZ in Sub No. 10F; and (4) remove bulk and bag restrictions, in the lead and Sub No. 10F; and (B) in its permits (1) broaden the commodity descriptions from liquid animal feed preparations, supplements, and additives and liquid feed ingredients to "food and related products," in the lead and Sub Nos. 2F and 3F; (2) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers; and (3) remove bulk restrictions in the lead and Sub No. 2F.

MC 135524 (Sub-169)X, filed June 22, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Spring Road, Youngstown, OH 44509. Applicant seeks to remove restrictions in its Sub-Nos. 11, 23F, 30, 34F, 48F, 55F, 56F, 67, 69F, 72F, 76F, 79F, 88F, 114, 123F, 127F, 131F, 134F, 137F, 142F, 145F, 152F, 153F, 157F, and 163F certificates to (1) broaden the commodity description from pipe (other than iron and steel) and accessories, parts, fittings and attachments therefor, materials, supplies and equipment used in the manufacture of pipe, (other than iron and steel), to "rubber and plastic products, clay, concrete, glass or stone products, metal products, building materials and materials, supplies and equipment used in their manufacture", in Sub-No. 11; from (a) conveyors and conveyor systems, to "machinery," in part (a) of Sub-No. 23F; from lumber and lumber products to "lumber and wood products", in Sub-No. 30; from plastic pipe, fittings, valves, and hydrants to "rubber and plastic products, clay, concrete, glass or stone products, metal products, and building materials", in part (a) in Sub-No. 34F; from scrap and recycled materials to "waste or scrap not identified by industry producing" in Sub-No. 48F; from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products, and materials, equipment, and supplies used in the manufacture and distribution of metal products" in Sub-No. 55F; from culverts, guard rails, iron and steel articles, retaining walls, sound barrier systems, highway signs, highway safety products, rolling mill shapes and feed-lot mats to "lumber and wood products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery," and those commodities which because of size or weight require the use of special handling or equipment in part (a) of Sub-No. 58F; from rubber articles and plastic articles, to "rubber and plastic products," in part (1) of Sub-No. 67F; from flavoring compounds to "food and related products" in Sub-No. 69F; from iron and steel articles, (except pipe), and pipe to "rubber and plastic products, clay, concrete, glass or stone products, metal products, and building materials" in part (1) of Sub-No. 72F; from iron and steel articles, and materials, equipment and supplies used n the manufacture of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture of metal products" in Sub-No. 76F; from lumber and lumber products to "lumber and wood products", in Sub-Nos. 79F, and 114; from welding equipment, materials, and supplies to "machinery and related materials, and supplies" in Sub-No. 88F; from (1)(a) plastic pipe and plastic pipe fittings to "rubber and plastic products"; (2)(a) clay products, and (b) materials, used in the manufacture and distribution and installation of clay products, to "(a) clay, concrete, glass, or stone products and (b) materials used in the manufacture, distribution, and installation of the commodities in (a)" and (3) iron and steel articles to "metal products" in Sub-No. 123F; from (a) plumbing supplies, vanities and vanity cabinets and iron and steel products to "ores and minerals, lumber and wood products, furniture and fixtures, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery, and building materials", in part (1) of Sub-No. 131F; from (1) rough iron castings, and (2) materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products" in Sub-No. 134F; from iron and steel pipe tubing, to "metal products, and building materials" in part (1) of Sub-No. 137; from (a) log homes, lumber and lumber products, metal and metal products, to "forest products, ores and minerals, lumber and wood products, metal products, and building materials, in part (1) of Sub-No. 142F; from plastic, plastic products, rubber and rubber products to "rubber and plastic products", in part (1) of Sub-No. 145F; from (a) iron and steel articles, aluminum articles, plastic articles and hardware to "furniture and fixtures metal products, and rubber and plastic products" in part (1) of Sub-Nos. 152F and 153F from aluminum articles to metal products in part (1) of Sub-No. 157F; from iron and steel articles to "metal products" in part (2) of Sub-No. 127F; (2) remove the AK and HI exceptions in Sub-Nos. 67, 72F, 88F, 114, 127F, 131F, 134F, 137F, 142F, 145F and 153F; (3) remove the "in bulk" restrictions, in Sub-Nos. 11, 134F and 145F; (4) remove the facilities restrictions, in Sub-Nos. 11, 23F, 34F, 67, 79F and 88F; (5) substitute radial authority in place of one-way authority, in Sub-Nos. 11, 30, 34F, 69F, 72F, 79F, and 134F and (6) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: in Sub-No. 11, Portage County, OH (plantsite at Ravenna, OH); Mobile County, AL (Mobile); Scotland County, NC (Lawrenburg, NC); Jackson County, MS (Pascogoula); Somerset Conty, NJ (Manville); Middlesex County, NJ (Woodbridge); Geauga County, OH (Chardon); Stark County, OH (Middlebranch); Summit County, OH (Twinsburg); Westmoreland and Allegheny Counties, PA (Perrysville); Lawrence County, PA (Wampum) and Newark, NJ; in Sub-No. 23F, Boone County, OH (facilities near Florence, KY); in Sub-No. 30, Rosebud County, MT, (Ashland, MT); in Sub-No. 34F, Boone County, MO (facilities near Columbia, MO); in Sub-No. 58F, Trumbull County, OH and Allegheny County, PA (Girard, OH and Neville Island, PA); in Sub-No. 67, Dallas County, TX (facilities near Irving, TX) in Sub-No. 69, Douglas County, NE (Omaha); Lade County, FL (Eurstis); Mecklenburg County, NC (Charlotte); Bristol County, MA (New Bedford); Granite City, MO, Lenexa, KS; Union, NY: Houston, TX; Columbus, OH; Birmingham, AL and Baltimore, MD; in Sub-No. 72F, Conroe, TX; in Sub-No. 79F, Yell and Columbia County, AR (Ola and Waldo, AR) in Sub-No. 88F, Outagamie County, WI (facilities near Appleton, WI); in Sub-No. 114, Hocking County, OH (Logan); St. Clair County, IL (East St. Louis, IL); Lincoln County, MO, (Winfield, MO); and St. Louis, MO; in Sub-No. 123F, Elkhart County, IN, (Bristol, IN); Lancaster County, PA (Leola, PA); Carroll County, OH (Carrollton, OH); Harrison County, OH (Bowerston, OH); Tuscarawas County,OH (Tuscarawas County,OH); in Sub-No. 131F, Evansville, IN and Spencer County, IN (Rockport, IN); in Sub-No. 134F, Jefferson County, AL (Bessemer, AL); in Sub-No. 137F, Wyoming County, NY (Wyoming, NY) in Sub-No. 145F, Dallas County, TX (Grand Prairie, TX); in Sub-No. 163, Fresno County, CA (Lanare, CA); Kings County, CA (Hub, CA); San Bernardino County, CA (Mentone, CA); Washington County, NE (Desoto and Nashville, NE); Fulton County, KY (Jordon, KY); Harrison County, WV (Spelter and Farnum, WV); Warren County, IL (Roseville and Youngstown, IL); Ottawa County, OK (Commerce, OK).

MC 138283, (Sub-16)X, filed July 6, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 11F permit to (1) broaden the commodity description to "food and related products" from bakery products (except frozen), and (2) broaden the territorial description to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 138652, (Sub-10) X, filed June 30, 1981. Applicant: BAKER TRUCK SERVICE, INC., P.O. Box 1301, Lewiston, ID 83501. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4F, 7F, and 9F certificates to (1) broaden its commodity descriptions to (a) "lumber and wood products and building materials" from particleboard, lumber and pre-cut log homes, knocked-down, pressure treated power poles, fence poles and treated dimensional lumber in Sub-Nos. 4F, 7F, 9F and parts (1), (4) and (8) of Sub-No. 3; (b) "machinery, those commodities which because of their size or weight require the use of special handling or equipment, building materials, food and related products, clay, concrete, glass or stone products, coal and petroleum products, and forest products" from heavy machinery, including farm machinery, agricultural commodities, livestock, building materials, cement, sand, gravel, manufactured forest products, food, seed, coal, and wood fuel in part (2) of Sub-No. 3; and "forest products, lumber and wood products, building materials, machinery, those commodities which because of their size or weight require the use of special handling or equipment food and related products, coal and coal and petroleum products" from forest products, building materials, machinery and equipment, grain and seed, hay and straw, and coal and wood in part (3) of Sub-No. 3; (c) "lumber and wood products building materials and furniture and fixtures" from lumber, millwork and shingles in part (5) of Sub-No. 3; (d) "machinery, those commodities which because of their size or weight require the use of special handling or equipment, clay, concrete, glass or stone products, building materials, and food and related products" from livestock, machinery, cement, brick and building materials, and agricultural commodities, including seeds, in part (6) of Sub-No. 3; (e) "waste or scrap materials not identified by industry producing" from scrap metal in part (7) of Sub-No. 3; (2) replace its cities and facilities with county wide authority: in Sub-No. 3; Garfield, WA, and Tacoma, WA within Whitman and Pierce Counties, WA and facilities at La Grande, OR with Union County, OR; in Sub-No. 4F facilities at Chester, GA and Juliaetta, ID with Plumas County, CA and Latah Country, ID; and in Sub-No. 9F, facilities at Boise, ID with Ada County, ID; (3) authorize service to all intermediate points between (a) Riggins and New Meadows, ID and (b) New Meadows and McCall, ID, in Sub-No. 3; the regular route portion; (4) replace authority to serve (a) points in ID, WA, and OR within 50 miles of Riggins, ID, with Washington, Gem, Valley, Custer, Lemhi, Idaho, Nez Perce, Lewis, Clearwater, Latah, Benewah, Shoshone and Kootenai Counties, ID, Spokane, Lincoln, Grant, Adams, Whitman, Franklin, Garfield, Columbia, Benton, Walla Walla and Asotin Counties, WA, and Umatilla, Wallowa, Union, Grant, Baker, Malheur, Harney and Marrow Counties, OR, in part (4) of Sub-No. 3; (b) points within 150 miles of Orofino, ID, with Washington, Gem, Valley, Custer, Lemhi, Idaho, Nez Perce, Lewis, Clearwater, Latah, Benewash, Shoshone, Kootenai, Banner, and

Boundary Counties, ID Beaverhead, Ravalli, Deer Lodge, Granite, Powell, Missoula, Mineral, Sanders, Lake, Lewis and Clark, Lincoln and Flathead Counties, MT, Pend Oreille, Stevens, Spokane, Lincoln, Grant, Adams, Whitman, Franklin, Garfield, Columbia, Benton, Walla Walla and Asotin Counties, WA, and Umatilla, Wallowa, Union, Grant and Baker Counties, OR, in part (5) of Sub-No. 3; and (c) points in ID and WA within 150 miles of Orofino, ID with points in ID in and north of Washington, Gem, Valley, Custer and Lemhi Counties, ID, and Pend Oreille, Stevens, Spokane, Lincoln, Grant, Adams, Whitman, Franklin, Garfield, Columbia, Benton, Walla Walla, and Asotin Counties, WA, in part (6) of Sub-No. 3, with authority to serve named counties; (5) replace one-way with radial authority between (a) points in ID, and, points in Multnomah and Washington, Counties, OR, and points in Pierce, King, and Spokane Counties, WA, in part (7) of Sub-No. 3; and points in Union Country, OR, and, points in Pierce County, WA, in part (8) of Sub-No. 3; (b) points in Plumas County, CA, and, points in Latah County, ID, in Sub-No. 4F; and (c) points in Ada County, ID, and, points in NE, ND, MT, and SD in Sub-No. 9F.

MC 145526 (Sub-2)X, filed June 30, 1981. Applicant: CTC TRANSPORTATION, INC., 514 North Clairborne Ave., New Orleans, LA 70112. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from household goods, in containers, in its lead to "household goods"; from general commodities (with exceptions) in Sub-No. 1, to "general commodities (except classes A and B explosives); (2) replace Long Beach, Oakland, and Los Angeles, CA, with Los Angeles, Alameda, Contra Costa, and San Francisco Counties, CA, Houston, TX, with Harris, Ft. Bend, Brazoria, Chambers and Montgomery Counties, TX, in its lead and New Orleans, LA, with Orleans, St. Charles and Jefferson Parishes, LA, Jacksonville, FL, with Duval, Nassau, Clay, and St. Johns Counties, FL, Savannah, GA, with Chatham County, GA, and Charleston, SC, with Charleston, Berkley, and Dorchester Counties, SC, in its lead and Sub-No. 1; (3) remove a restriction requiring traffic to have a prior or subsequent movement by water in Sub-No. 1; and (4) remove the exception of AK and HI.

MC 148095 (Sub-3)X, filed July 6, 1981. Applicant: TROJAN FREIGHT LINES, LTD, P.O. Box 3030, Station A, Mississauga, Ontario, Canada L5A 353. Representative: Jack Goodman, Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from general commodities with exceptions to "general commodities (except classes A and B explosives"; and (2) expand territorial description from points within 8 miles of Detroit, MI including Detroit to county-wide authority of Wayne, Oakland, Macomb, Monroe, Livingston and Washtenaw Counties, MI.

MC 148538 (Sub-2)X, filed July 6, 1981. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from iron and steel articles to "metal products", (2) replace one-way authority with radial authority and (3) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Scott County, IA (for Bettendorf, IA).

MC 151065 (Sub-1)X, filed July 1, 1981. Applicant: KANSAS CITY PIGGYBACK, INC., 3600 Great Midwest Drive, Kansas City, MO 64161. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove the restrictions in its lead certificate, to (1) broaden the commodity description from general commodities with exceptions to "general commodities (except classes A and B explosives)," and (2) remove the prior or subsequent by rail piggyback restriction.

MC 151333 (Sub-2)X, filed July 2, 1981. Applicant: PASCUZZO & HONEYMAN TRUCKING, INC., 5127 S. Maywood Ave., Maywood, CA 90270. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks (A) to remove restrictions in its MC–151333 Sub-No. 1 certificate to (1) remove exceptions to "general commodities (except classes A and B explosives)", and (2) remove the restriction requiring transportation to move on bills of lading of freight forwarders in its authority to serve 12 western States; and (B) to remove restrictions in its MC 142122 Sub-No. 1 permit to (1) broaden the commodity description from chicoite (except in bulk), to "ores and minerals"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shipper.

[FR Doc. 81–21137 Filed 7–17–81; 8:45 am]
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DEPARTMENT OF JUSTICE

U.S. v. Valentine Pulp and Paper Co.; Proposed Consent Decree

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19025, notice is hereby given that a proposed consent decree in *United States* v. *Valentine Pulp and Paper Company*, (E.D. La. No. 80–1180(A)(3)), was lodged with the United States District Court for the Eastern District of Louisiana. The proposed consent decree requires the defendant to construct at its Lockport, Louisiana facility, a new holding pond to hold storm water until it can be treated. In addition, Valentine Pulp and Paper Company, is required to change its process from begasse to deinking. Further the decree requires a penalty payment of $65,000 upon entry of this decree. Fianally, the decree requires stipulated penalties for violation of the terms and conditions of the consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days (30) from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Valentine Pulp and Paper Company*, (D.J. Ref. No. 90–5–1–1–1351).

The proposed consent decree may be examined at the Clerk's Office, Hale Boggs, Federal Building, 500 Camp Street, New Orleans, Louisiana; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the United States Department of Justice. There is a copying charge of $2.20 reflecting a rate of ten cents per page. Checks should be made payable to the Treasurer of the United States.

Carol E. Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–21094 Filed 7–17–81; 8:45 am]
BILLING CODE 4410–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physics Subcommittee for the Review of the NSF Atomic, Molecular, and Plasma Physics Program

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463 the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics; Subcommittee for the Review of the NSF Atomic, Molecular, and Plasma Physics Program.
Date and time: July 30–31; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 341, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550
Type of meeting: Closed.
Contact person: Dr. Laura P. Bautz, Deputy Director, Division of Physics, Room 341, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7611.
Purpose of subcommittee: To provide oversight concerning NSF support for research in atomic, molecular, and plasma physics.
Agenda: To review NSF Atomic, Molecular, and Plasma Physics Program documentation as part of the program oversight function.
Reason for closing: The meeting will deal with a review of grants and declarations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.
Reason for late notice: Administrative Oversight.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81–21099 Filed 7–17–81; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Waterford Steam Electric Station Unit No. 3; Meeting

The ACRS Subcommittee on Waterford Steam Electric Station Unit No. 3 will hold a meeting on August 5, 1981, Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will review the application of the Louisiana Power and Light Company for a license to operate the Waterford Steam Electric Station Unit No. 3. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 5, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Louisiana Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David Bessette (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 14, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81–21140 Filed 7–17–81; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co. (Pilgrim Nuclear Power Station, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR–35, which authorizes the operation of the Pilgrim Nuclear Power Station, Unit 1, (the facility) at steady-state reactor power levels not in excess of 1998 megawatts thermal. The facility is a boiling water reactor located at the licensee's site near Plymouth, Massachusetts.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed

[1] Attachment: NUREG–0737, available in NRC Public Document Room.

requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, January 5 and 22, and February 11 and 27, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21141 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–324 and 50–325]

Carolina Power and Light Co.

(Brunswick Steam Electric Plant Units Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Carolina Power and Light Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR–71 and DPR–62, which authorizes the operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facilities) at steady-state reactor power levels not in excess of 2436 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Brunswick County, North Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, March 3 and May 7, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment that had not been previously implemented as described in the licensee's December 15, 1980 submittal. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21142 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–237 and 50–249]

Commonwealth Edison Co. (Dresden Station, Units 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Commonwealth Edison Company (the licensee) is the holder of Operating License Nos. DPR–19 and DPR–25, which authorize the operation of Dresden Station, Units 2 and 3, (the facilities) at steady-state power levels not in excess of 2527 megawatts thermal for each unit. The facilities are boiling water reactors (BWRs) located at the licensee's site in Grundy County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 31, 1980, January 23, 1981, January 30, 1981, February 24, 1981, February 27, 1981, March 17, 1981, April 1, 1981, April 10, 1981, April 13, 1981, May 1, 1981 and July 2, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21143 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. (Quad Cities Nuclear Power Station, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Commonwealth Edison Company, et al. (the licensee) is the holder of Facility Operating License Nos. DPR–29 and DPR–30 which authorize the operation of the Quad Cities Station, Units 1 and 2, (the facilities) at steady-state power levels not in excess of 2511 megawatts thermal for each unit. The facilities are boiling water reactors (BWRs) located at the licensee's site in Rock Island County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 31, 1980, January 23, 1981, January 30, 1981, February 24, 1981, February 27, 1981, March 17, 1981, April 1, 1981, April 10, 1981, April 13, 1981, May 1, 1981 and July 2, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of ceretain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21144 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

[Docket No. 50-245]

Connecticut Light & Power Co., et al. (Millstone Nuclear Power Station Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachuetts Electric Company and Northeast Nuclear Energy Company (the licensees) are the holders of Provisional Operating License No. DPR–21, which authorizes Northeast Nuclear Power Company to operate the Millstone Nuclear Power Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 2011 megawatts thermal. The facility is a boiling water reactor (BWR) located in Waterford, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

III

Northeast Nuclear Energy Company's (NNECo) submittals dated December 15 and 31, 1980, and May 26, 1981, committed to complete each of the actions specified in the Attachment. NNECo's submittals included a modified schedule for submittal of certain information. The staff has reviewed NNECo's submittals and determined that NNECo's modified schedule is acceptable based on the following:

NNECo's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how NNECo is meeting the guidance of NUREG–0737. Therefore, this deferral of the NNECo submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that NNECo shall comply with the following conditions:

NNECo shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensees, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensees or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the NNECo should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this seventh day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21145 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Connecticut Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR–61, which authorizes the operation of the Haddam Neck Plant (the facility), at steady-state reactor power levels not in excess of 1825 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Middlesex County, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of

items, consisting of hardware modifications, adminstrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980, which are incorporated herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that they are acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee's submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this seventh day of July, 1981.

Darrell G. Eisenhut,

Director, Division of Licensing, Office Nuclear Reactor Regulation.

[FR Doc. 81–21146 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co. (Palisades Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Consumers Power Company (the licensee) is the holder of Provisional Operating License No. DPR–20 which authorizes the operation of the Palisades Plant (the facility) at steady-state power levels not in excess of 2530 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Van Buren County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1080, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 19, 1980, and June 1, 1981, committeed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this seventh day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21147 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–409]

Dairyland Power Cooperative (LaCrosse Boiling Water Reactor); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Dairyland Power Cooperative (the licensee) is the holder of Provisional Operating License No. DPR–45, which authorizes the operation of the LaCrosse Boiling Water Reactor (the facility) at steady-state reactor power levels not in exccess of 165 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Vernon County, Wisconsin.

II

Following the accident at three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provides substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 31, 1980, which is incorporated herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that it is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this seventh day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21148 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–331]

Iowa Electric Light and Power Co., et al. (Duane Arnold Energy Center); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the matter of Iowa Electric Light and Power Company, Central Iowa Power Cooperative, Corn Belt Power Cooperative.

Iowa Electric Light and Power Company, et al. (the licensee) is the holder of Facility Operating License No. DPR–49, which authorizes the operation of the Duane Arnold Energy Center (the facility) at steady-state reactor power levels not in excess of 1658 megawatts thermal. The facility is boiling water reactor located at the licensee's site near Palo in Linn County, Iowa.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980 and February 23, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified scheduled is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describe how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modificaton in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of such such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21149 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

[Docket No. 50–219]

Jersey Central Power & Light Co. (Oyster Creek Nuclear Generating Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Jersey Central Power and Light Company (the licensee) is the holder of Provisional Operating License No. DPR–16, which authorizes the operation of the Oyster Creek Nuclear Generating Station (the facility) at steady-state reactor power levels not in excess of 1930 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Ocean County, New Jersey.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated January 6, 1981, as supplemented February 10, 1981, which is incorporated herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that it is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Section II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this seventh day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21150 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–298]

Nebraska Public Power District (Cooper Nuclear Power Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Nebraska Public Power district (the licensee) is the holder of Facility Operating License No. DPR–46, which authorizes the operation of the Cooper Nuclear Power Station (the facility) at steady-state reactor power levels not in excess of 2381 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Nemaha County, Nebraska.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information

[1] Attachment: NUREG–0737 Requirements. Available in NRC Public Document Room.

to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 30, 1980, as supplemented February 27, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21151 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR–63, which authorizes the operation of the Nine Mile Point Nuclear Station, Unit 1 (the facility) at steady-state reactor power levels not in excess of 1850 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requireemnts and their associated implementation dates.

III

The licensee's submittal dated December 31, 1980 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

[1] Attachment: NUREG–0737, available in NRC Public Document Room.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10 day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21152 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–263]

Northern States Power Co. (Monticello Nuclear Generating Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Northern States Power Company (the licensee) is the holder of Facility Operating License No. DPR–22, which authorizes the operation of the Monticello Nuclear Generating Plant (the facility) at steady state reactor power levels not in excess of 1670 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Wright County, Minnesota.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for impementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated November 14 and December 30, 1980, and Janurary 30 and March 27, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Section II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21153 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–333]

Power Authority of the State of New York; (James A. FitzPatrick Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR–59, which authorizes the operation of James A. FitzPatrick Nuclear Power Plant (the facility) at steady-state power levels up to 2436 megawatts thermal. The facility consists of a boiling water reactor (BWR) located at the licensee's site in Oswego, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 16, 1980, January 8, March 13, April 10, June 5, and July 7, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21154 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

[Docket No. 50–244]

Rochester Gas and Electric Corp.; (Ginna Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Rochester Gas and Electric Corporation (the licensee) is the holder of Provisional Operating License No. DPR–18 which authorizes the operation of the Ginna Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1520 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Wayne County, New York.

II

Following the accident at the Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from this office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated November 24, 1980, December 15 and 30, 1980, January 30, 1981, March 13, 1981, and July 6, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee's submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21155 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

[Docket No. 50–206]

Southern California Edison Co. and San Diego Gas and Electric Co.; (San Onofre Nuclear Generating Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Southern California Edison Company and San Diego Gas and Electric Company (the licensees) are the holders of Provisional Operating License No. DPR–13, which authorizes the operation of San Onofre Nuclear Generating Station, Unit No. 1 at steady-state reactor power levels not in excess of 1347 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in San Diego County, California.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware

modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 30, 1980, and January 5 and 13, 1981, committed to implement each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of ceretain information. The staff has reviewed the licensee's submittals and determined that they are acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee's submittal will not alter the implementation of plan modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room,

Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 7th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21136 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–259, 260, and 296]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License Nos. DPR–33, DPR–52 and DPR–68 which authorize the operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3 (the facilities at steady-state power levels not in exesss of 3253 megawatts thermal for each unit. The facilities consist of boiling water reactors (BWRs) located at the licensee's site in Limestone County, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 23, 1980, March 17, April 9 and June 1, and July 2, 1981, the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant

[1] Attachment: NUREG–0737, available in NRC Public Document Room.

modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21137 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR–28, which authorizes the operation of the Vermont Yankee Nuclear Power Plant (the facility) at steady-state reactor power levels not in excess of 1593 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Windham County, Vermont.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 30, 1980, January 13, March 10 and 31, April 3 and 17, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementaton of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplicaton may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21158 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., et al.; Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the Matter of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Madison Gas and Electric Company (Kewaunee Nuclear Power Plant).

Wisconsin Public Service Corporation, et al. (the licensee) is the holder of Facility Operating License No. DPR–43, which authorizes the operation of Kewaunee Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1650 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Kewaunee, Wisconsin.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated January 5, March 9 and March 11, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21159 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737, available in NRC Public Document Room.

[Docket No. 50–29]

Yankee Atomic Electric Co. (Yankee Nuclear Power Station—Yankee Rowe); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Yankee Atomic Electric Company (the licensee) is the holder of Facility Operating License No. DPR–3, which authorizes the operation of the Yankee Rowe Nuclear Power Station (Yankee Rowe) (the facility) at steady-state power levels not in excess of 600 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located in Franklin County, Massachusetts.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from this office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated April 9, 1980, December 15, 1980, January 1, 1981, March 10, 1981, and July 6, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

1. The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. Part 1 of Item II.E.1.2, "Auxiliary Feedwater System Automatic Initiation," requested the licensee to submit final design information for a safety grade automatic initiation of the auxiliary feedwater system by January 1, 1981. The licensee has proposed that this requirement is not necessary for Yankee Rowe. The staff has this matter under review.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21160 Filed 7–17–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

July 15, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are

interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
Application for participation in food bank demonstration project
Nonrecurring
Businesses or other institutions
Voluntary organ. that sol. food don. for redist. to needy
SIC: 881 832
Small businesses or organizations
Food and nutrition assistance: 350 responses; 175 hours; $4,816 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Notice (1) announces USDA's intention to conduct a demonstration project, mandated by the Agricultural Act of 1980 (P. L. 96–494), involving surplus food donations to food banks for emergency distribution to needy families and individuals , (2) sets forth procedures for the project, and (3) solicits for participation by food banks.

• Food Safety and Quality Service
Designated handler's report application for refund of assessment
Quarterly
Farms/businesses or other institutions
Affects potato handlers and potato growers in the U.S.
SIC: 013 134
Public assistance and other income supplements: 10,000 responses; 832 hours; $10,000 Federal cost; 2 forms; not applicable under 3504 (h)
Charles A. Ellett, 202–395–7340

These forms are required to determine proper assessments of handlers and to remit proper refunds if producers choose not to support the program. Both forms have been in use since 1972, when program operations began.

• Forest Service
1981 five State private grazing fee survey
Nonrecurring
Farms
Livestock cattle producers
SIC: 021
Small businesses or organizations
Conservation and land management: 15,060 responses; 1,748 hours; $280,000 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Concern has surfaced among certain national grassland permitees over their 1981 grazing value as compared with grazing fees on public domain and national forest land. The study will determine actual fees paid for similar private grazing lands and is critical to resolving the current issue.

Extensions (No Change)

• Food and Nutrition Service
Status of claims against households
FNS–209
Monthly
State or local governments
SIC: 943
Food and nutrition assistance: 648 responses; 1,296 hours; $10,680 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Food stamp regulations part 273.18 (F) (2) mandates that each State submit monthly a form FNS–209 to detail the State's activities relating to claims against households. This submittal of this report is required to provide FNS with the number of claims established against households and the amount of funds recovered during the reporting period. This data is used in the determination of program losses and for State sharing of recoveries for fraud claims.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals–202–377–3627

Revisions

• Bureau of the Census
Mining machinery and mineral processing equipment (domestic and export shipments)
MA–35F
Annually
Businesses or other institutions
Manufacturers of mining machinery & mineral process. Equip.
SIC: 353 374
Small businesses or organizations
Other advancement and regulation of commerce: 235 responses; 157 hours; $3,315,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

This survey was begun in 1961 to provide quantity and value of shipments for mining machinery and mineral processing equipment. Government agencies use the data for trade analysis, measurement, and forecasting. Business firms and trade associations use the data for market share analysis and long-term planning.

Extensions (Burden Change)

• Bureau of the Census
1982 census of governments local government directory survey
C–25, 26, 27, 28, 29, 30, 31 & 32
Nonrecurring
State or local governments
Local government officials
Other advancement and regulation of commerce: 88,500 responses; 22,125 hours; $302,000 Federal cost; 8 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

These forms will be used for interrelated surveys which comprise the local government directory phase of the 1982 Census of Governments. The information requested on these forms is similar to that requested in the governmental organization phase of the 1977 Census of Goverments.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
Arms, Ammunition and Explosives (AA&E) inspection/survey
Report
Dis 90
Annually
Businesses or other institutions
AA&E defense contractors
SIC: Multiple
Department of Defense-Military: 273 responses; 273 hours; $3,335 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Information is needed to determine prospective DOD AA&E contractors ability to safeguard AA&E in accordance with DOD policy. Additionally, information will be used to assess contractor compliance with DOD security policy. Information will be forwarded to the Government contracting office for action as appropriate.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Reinstatements

• Bureau of Land Management
Simultaneous oil and gas lease application
3112–1
Other—See SF83
Individuals or households/farms/ businesses or other institutions U.S. citizens, assoc. of citiz. & corps. under U.S. law
SIC: 131
Small businesses or organizations
Conservation and land management: 4,200,000 responses; 350,000 hours; 1 form; not applicable under 3504 (h)
Robert Shelton, 202–395–7340

BLM form 3112–1 is the application card through which winners are selected for available parcels of land in the simultaneous oil and gas leasing program (see 43 CFR, subpart 3112).

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Bond for Spirits or Denatured Spirits or Rum Brought Into the U.S. Free of Tax
ATF F ACB–VI, –101 (5150.35)
On occasion
Businesses or other institutions
Importers of denatured spirits
SIC: 516
Small businesses or organizations
Federal law enforcement activities: 50 responses; 50 hours; $60 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The law provides for the importation of spirits from the Virgin Islands under certain conditions without payment of tax. This bond must be filed in order to ensure payment of all taxes should the principal become liable due to improper or illegal importation.

• Internal Revenue Service
Election by a Small Business Corporation
2553
Nonrecurring
Businesses or other institutions
Any corporation wanting to elect subchapter S status
SIC: 201, 202, 203, 204, 205, 206, 222, 236, 251, 345
Small busineses or organizations
Central fiscal operations: 2,054 responses; 2,054 hours; $17,261 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Filed by a qualifying corporation to elect subchapter S status. The information obtained is necessary to determine if the election should be accepted. When the election is accepted, the qualifying corporation is classified as an electing small business corporation having subchapter S status.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Bond for Articles Brought Into the U.S. Free of Tax ATF F ACB–VI, –102 (5150.36)
On occasion
Businesses or other institutions
Importers of articles containing alcoholic beverage
SIC: 516
Small businesses or organizations
Federal law enforcement activities: 3,579 responses; 3,579 hours; $175 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The law provides for the importation of articles containing alcohol from the Virgin Islands without payment of tax. This bond must be filed to ensure payment of taxes should liability be incurred due to improper or illegal importation.

• Bureau of Government Financial Operations
Report of Banking Facilities (cont.)
TFS 404
Quarterly
Businesses or other institutions
Commercial and stock savings bank
SIC: 602 606
Small businesses or organizations
Central fiscal operations: 152 responses: 304 hours; $1,165 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by authorized commercial banks operating banking facilities on military installations to report the income and expense generated by the banking operation for the purpose of receiving reimbursement from treasury for any net expenses.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

Extensions (Burden Change)

• State Drinking Water Supply Program Information
On occasion, weekly, monthly, quarterly, annually
State or local governments/businesses or other institutions
Public water supplies and State water supply programs
SIC: Multiple
Small businesses or organizations

Pollution control and abatement: 21,158 responses; 147,161 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The information under discussion is collected for use in the administration of public water systems by State governments and the U.S. EPA. Analyses of the information are designed to reflect the effectiveness of public water supply programs.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

New

• Equal Employment Opportunity (EEO) Guidelines and Model Program
Other—see SF83
Businesses or other institutions
AM, FM & TV commercial & noncom. broad. station licensees
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 3,197 responses; 15,985 hours; $125,061 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

This program provides comprehensive and clearly defined practices to assist the nonexempt broadcast applicant in developing an effective EEO program and may be used by the licensee for self evaluation. It also assures the Commission that equal employment opportunity is being provided by license.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–6515

Revisions

• Fair Plan Quarterly Report
FEMA
Quarterly
Businesses or other institutions
4
SIC: Multiple
Defense-related activities: 112 responses; 1,120 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Part A of title XII of the National Housing Act (as enacted by title XI of the Housing and Urban Development Act of 1968) provides for the development and carrying out of statewide plans to assure fair access to insurance requirements in urban areas (usually known as fair plans).

Extensions (Burden Change)

• Flood Insurance Application, Flood Insurance General Change Endorsement, Flood Insurance Cancellation/Nullification Request form
FEMA 81–16, 17, 18, 23, 25, 26, 27
On occasion
Individuals or households/farms/businesses or other institutions
Resi. & bus. in flood-prone areas insur. agents, etc.
SIC: All
Disaster relief and insurance: 892,000 responses; 223,000 hours; $35,000 Federal cost; 7 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Forms needed for the continued sale and servicing of policies under the national flood insurance program.

• Payment Activities Under the Disaster Relief Act of 1974
90–2
Monthly
State or local governments
State employment security agencies in disaster States
SIC: Multiple
Disaster relief and insurance: 600 responses; 600 hours; $6,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

To implement the DUA program, DOL needs payment statistics from each SESA (State Employment Security Agencies) which receives funding. These reports are analyzed by DOL staff and are used as the basis for reporting to FEMA, which funds the DUA program.

Extensions (No Change)

• Inspection and Estimate/Adjuster's Short Form Report/Work Sheet Contents/Personal Property/Statement Replacement Cost Coverage/Proof of Loss/Notice of Loss
FEMA
On occasion
Individuals or households/farms/businesses or other institutions/individuals or households
Resi. & bus. in flood-prone areas insur. agents, etc.
SIC: All
Disaster relief and insurance: 200,000 responses; 50,000 hours; $25,000 Federal cost; 7 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Forms needed for the continued processing of claims for flood damages under the national flood insurance program.

• Training Course Application
FEMA 95–2
On occasion
State or local governments
Federal/State/local officials requesting training
SIC: Multiple
Defense-related activities: 5,000 responses; 500 hours; $10,980 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Form is needed to: (1) Enroll and confirm a student in a FEMA training course, (2) obligate funds for student travel and per diem, (3) provide for certification by local, State and regional officials, and (4) serve as a data base document from which various statistical reports are compiled.

• Standards Reinsurance Contract
FEMA 81–6, FEMA 81–7
Annually
Businesses or other institutions
Private insurance companies in 16 States, U.S.A.
SIC: multiple
Small businesses or organizations
Community development; 200 responses; 600 hours; 2 forms; Not applicable under 3504(h)
Robert Veeder, 202–395–4814

The standard reinsurance contract program reinsures against excess aggregate losses resulting from riots or civil disorders to eligible insurers for the contract year (Oct.–Sept.). The offer and the contract are authorized under the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended.

Reinstatements

• Final Inspection Report
FEMA 90–45
On occasion
State or local governments
Federal and State government inspectors
SIC: multiple
Disaster relief and insurance; 2,000 responses; 4,000 hours; $273,000 Federal cost; 1 form; Not applicable under 3504(h)
Robert Veeder, 202–395–4814

Prepared by Federal or State Inspector to document completion of work authorized under section 306, 402, 402, 419, P.L. 93–288 as a basic for Federal reimbursement. Required by FEMA handbook DRR–2.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5328

Revisions

• General Order 11—Financial Reports by Common Carriers by Water in the Domestic Offshore Trades
46 CFR 512
On occasion
Businesses or other institutions
Vocc's by water in the U.S. domestic offshore trades
SIC: 442
Water transportation; 1 responses; 14 hours; $100,000 Federal cost; 1 form; NPRM under 3504(h)
William T. Adams, 202–395–4814

Rules affecting vessel operating common carriers in the domestic offshore trades are proposed to be amended to require annual balance sheet, income statement and certain stockholder information and eliminate requirement for G.O. 5 reports.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–3512

New

• On going Intermittent surveys of Households
FR 3016
On occasion
Individuals or households
Occasional samples of 700 households nationwide
General government; 4,200 responses; 467 hours; $102,220 Federal cost; 1 form; Not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This information is needed by Federal Reserve Board and Federal Open Market Committee to enhance interpretation of monetary aggregates and effects of monetary policy. The Board also requires this information to fulfill its statutory responsibilities to administer consumer credit regulations.

INTERNATIONAL DEVELOPMENT CORPORATION AGENY

Agency Clearance Officer—Ms. Melita Yearwood—202–653–6064

New

• Application for Political Risk Insurance for Hydrocarbon Projects
OPIC–77
Nonrecurring
Businesses or other institutions
International petroleum companies
SIC: 131, 132, 138
Foreign economic and financial assistance; 15 responses; 240 hours; 1 form; Not applicable under 3504(h)
Phillip T. Balaza, 202–395–4814

Form is used to obtain from international petroleum companies the information necessary to draft political risk insurance contracts. The inapplicability hydrocarbon projects are based. Form is simply a modification of a related form.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

• Representative Payee Report
G–99A
Other—See SF83
Individuals or households
Individuals, guardians
General retirement and disability insurance: 5,000 responses; 833 hours; $125,000 Federal cost; 1 form; not applicable under 3504(H)
Barbara F. Young, 202–395–6880

Under the RRA, a representative payee may be selected to receive benefits for a beneficiary unable to handle his or her own funds. The report obtains information on the payee's use of the benefits to determine if the payee is acting in the best interests of the beneficiary.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Form N–1, Registration Statement Under the Securities and Investment Company Acts for Open End Management Investment Companies
1715
On occasion
Businesses or other institutions
Open-end management investment companies
Other advancement and regulation of commerce: 900 responses; 800,000 hours; $344,571 Federal cost; 1 form; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Form N–1 is the registration statement used by open-end management investment companies to register as investment companies under the Investment Company Act and to register their securities for sale to the public under the Securities Act. It contains the prospectus, the principal selling document for these companies' securities.

Extensions (Burden Change)

• Information Required of Institutional Investment Managers Pursuant to Section 13F of the SEC Act of 1934
Form 13F
Quarterly
Businesses or other institutions
Certain institutional investment managers
Other advancement and regulation of commerce: 3,200 responses; 99,000 hours; $25,000 Federal cost; 1 form, not applicable under 3504(H)
Robert Veeder, 202–395–4814

Form 13F is made necessary by the statutory obligation of section 13(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78M(F) and rule 13F–1 thereunder (17 CFR 24C.13F–1).

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–21184 Filed 7–17–81; 8:45 am]
BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. R81–1]

Attached Mail Rates, 1981; United States Postal Service Filing of a Request for a Recommended Decision on Changes in Rates of Postage for Attached Mail

July 14, 1981.

Notice is hereby given that on July 6, 1981, the United States Postal Service ("Postal Service"), pursuant to section 3622 of the Postal Reorganization Act (39 U.S.C. 3622), filed a request with the Postal Rate Commission for changes in rates of postage for mail of one class attached to or enclosed with mail of another class ("attached mail"). This filing has been assigned Docket No. R81–1.

The Postal Service states that its request is filed in accordance with the Commission's rules of practice and contains such information and data which explain the nature, scope, significance and impact of the proposed rate changes. Further the Postal Service states that the proposed rate changes will allow first-class mail attached to or enclosed with second- or fourth-class mail and first-class mail attached to or enclosed with third-class merchandise to pay the rate as if it were part of the combined host piece rather than pay the rate as if it were mailed separately. The Postal Service proposes certain language changes in the Domestic Mail Classification Schedule to effectuate the proposed rate changes. It is estimated that the proposed rate changes will cause an overall reduction of Postal Service net revenues of $12,064,760.

On February 5, 1981, the Postal Rate Commission instituted a classification proceeding to provide the basis for a

recommended decision on separate classifications for mail of one class attached to a piece of mail of another class.[1] Many issues pertinent to this rate case are also relevant to the classification proceedings (Docket No. MC81–2) initiated by the Commission on February 5, 1981. Hence the Commission will conduct simultaneous hearings in Docket Nos. MC81–2 and R81–1. Parties who are full intervenors or limited intervenors in Docket No. MC81–2 will be considered to have the same status in this proceeding and need not petition for intervention in the combined proceeding.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. R81–1 as well as Docket No. MC81–2. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before July 28, 1981, and must be in accordance with section 3001.20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 3001.20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before July 28, 1981, file a written request for leave to be heard as a "limited participator," pursuant to § 3001.19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 3001.19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 54(s), filed a motion for waiver of the requirements of section 54(f)(2), to permit the use of a non-fiscal test year. The Postal Service requests that it be permitted to use the same hybrid test year of March 21, 1981 to March 20, 1982 used in Docket Nos. R80–1 and MC81–2. The Commission has decided to grant this motion because this case is a minor rate case which does not require the development of more current cost, revenue and volume data than the Docket No. R80–1 test year, March 21, 1981 to March 20, 1982, which is the test year in the companion proceedings, Docket No. MC81–2.[2]

The request of the Postal Service for a recommended decision in rate changes for attached mail is on file with the Commission and is available for public inspection during regular business hours.

David F. Harris,
Secretary.

[FR Doc. 81-21697 Filed 7-17-81; 8:45 am]
BILLING CODE 7715-01-M

[Order No. 386, Docket Nos. MC81-2 R81-1]

Attached Mail Proceeding, 1981, Attached Mail Rates, 1981; Order Combining Proceedings, Designating OOC, Establishing Tentative Procedural Schedule and Granting Postal Service's Motion for Waiver

Issued: July 14, 1981.

On July 6, 1981, the Postal Service filed a Request for a Recommended Decision on changes in Rates of Postage for Attached Mail. The Commission designated this proceding as Docket NO. R81–1. Previously on February 5, 1981, the Commission initiated a classification proceeding (Docket No. MC81–2) to provide the basis for "separate classifications for mail of one class attached to a piece of mail of another class (hereinafter referred to as 'attached mail')."[1] At present settlement negotiations are being conducted in Docket No. MC81–2. Direct testimony was filed on June 19, 1981 and hearings on the direct testimony were to begin on July 23, 1981.

As both of these proceedings involve attached mail, the Commission concludes that efficiency and economy of resources dictate that both the attached mail classification and rate proceedings be combined. A tentative hearing schedule for the combined proceeding is attached and supersedes the procedural schedule issued on May 12, 1981 by the presiding officer in Docket No. MC81–2. Similarly, the presiding officer's ruling of June 29, 1981, granting the Postal Service's motion for a settlement conference will also apply to the Postal Service's proposal for changes in rates. Persons having comments on the attached procedural schedule should file their comments on or before July 28, 1981.

Hearings, Appointment of Officer of the Commission and Presiding Officer. In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice [39 CFR 3001.30(b)], the Commission will conduct hearings en banc.[2] In an order issued by the Chairman on February 26, 1981, A. Lee Fritschler was designated to serve as the Presiding Officer in Docket No. MC81–2.[3] 39 U.S.C. 3604(a)(2). Unless otherwise changed by the Acting Chair, this designation will remain in effect. Conferences and hearings will be held on such dates as may be designated by the Presiding Officer and will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the Presiding Officer determines otherwise.

As in Docket No. MC81–2, the Commission designates Mark Stephens as Officer of the Commission (OOC) in this combined docket. The Officer of the Commission is designated to represent the general public. (*See* 39 U.S.C. 3624(a)]. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in or advise as to any Commission decision in the case. *See* 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of practice [39 CFR 3001.10(c)].

Grant of Postal Service Motion for Partial Waiver of Rule 54(f)(2). Accompanying the Postal Service's rate filing was a motion for a partial waiver of rule 54(f)(2) to permit the use of the March 21, 1981 to March 20, 1982 hybrid test year used in the recent general rate case, Docket No. R80–1.

In support of its motion the Postal Service states that use of the R80–1 test year will simply these proceedings because it will obviate much of the need to develop new cost, revenue and volume data. The Postal Service cites rule 54(s) which makes provision for special waivers in minor rate cases such as this attached mail proceeding. Also the Postal Service notes that in instituting Docket No. MC81–2, the Commission recommended that the parties file their cases-in-chief based upon the test year of Docket No. R80–1.[4]

It is our opinion that the use of the test year of Docket No. R80–1 will facilitate and simplify these proceedings as much of the data which would otherwise have to be developed are already available. In the context of this minor rate case, we do not believe the use of a test year which is not totally prospective will impair the Commission's ability to evaluate proposals pertinent to attached mail. Hence, we are granting the Postal Service's motion at this early stage of the proceeding.

We recognize that this ruling is being made before parties have an opportunity to file answers to the Postal Service's motion. Therefore, we will allow the filing of petitions for reconsideration of this ruling to be made on or before July 28, 1981.

The Commission orders:

(A) Pursuant to 39 U.S.C. 3624(a), Mark Stephens is designated as Officer of the Commission for these proceedings. Service of documents on the Commission does not constitute service on the OOC, who shall be served separately three copies of all documents.

(B) The Postal Service's motion for a partial waiver of rule 54(f)(2) is granted. Petitions for reconsideration may be filed on or before July 28, 1981.

By order of the Commission.

David F. Harris,
Secretary.

Attachment.—*Hearing Schedule for Attached Mail*

Docket Nos. MC81–2, R81–1

Month/date/year	
Aug. 14, 1981	Completion of all discovery directed to the Postal Service witness.
Sept. 22, 1981	Beginning of hearings, (ie., cross-examination of the Postal Service's case-in-chief.
Oct. 5, 1981	Filing of the case-in-chief of each participant (including that of OOC).[1]
Oct.30, 1981	Completion of all discovery directed to the intervenors.
Nov. 23, 1981	Beginning of evidentiary hearings as to the case-in-chief of other participants.
Dec. 14, 1981	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
Jan. 5, 1982	Beginning of evidentiary hearings on rebuttal evidence.
Jan. 8, 1982	Record closed.
Jan. 19, 1982	Initial briefs filed.
Jan. 29 1982	Reply briefs filed.
Feb. 2, 1982	Oral argument (if scheduled).

[1] Parties may amend previously filed testimony through this date.

[FR Doc. 81-21698 Filed 7-17-81; 8:45 am]
BILLING CODE 7715-01-M

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[1] 46 FR 12377–379.

[2] We do not believe this ruling is a controversial one; hence we are granting the Postal Service's motion at an early stage of the proceeding. Parties may file petitions for reconsideration through July 28, 1981.

[3] 46 FR 12377–378.

[4] A prehearing conference was held in Docket No. MC81–2 on June 25, 1981. Pending motions for reconsideration, all rulings and determinations made at that prehearing conference will continue in the combined proceeding.

[5] *See* 39 CFR 3001.5(e) and 3001.23 for the scope of authority delegated to the Presiding Officer.

[4] PRC Order No. 367, February 5, 1981, p. 5.

[Order No. 387 Docket MC81–4]

Mail Classification Schedule, 1981 Express Mail Insurance Claims Eligibility Requirements; Order Granting Petitions for Intervention and Allowing Participation, Fixing Date for a Prehearing Conference, Establishing Procedural Schedule and Granting Postal Service's Motion for Waiver and Motion for Settlement Conference

Issued July 14, 1981.

Before Commissioners: Janet D. Steiger, Acting Chair; Simeon M. Bright, Vice-Chairman; James H. Duffy; Clyde S. DuPont; A. Lee Fritschler.

On June 15, 1981, the Commission issued a Notice[1] stating that the United States Postal Service had filed a Request for a recommended decision on proposed revisions in the eligibility requirements and processing procedures for Express Mail insurance claims. The Notice directed those desiring to participate in the proceeding to file, on or before June 30, 1981, petitions for leave to intervene,[2] or requests to be heard as a limited participant.[3] In addition, persons wishing to express their views informally, but not desiring to become a limited participant, were permitted to file comments.[4]

I. Intervention

In response to this Notice, the Commission received one petition to intervene and one request for limited participation. These parties are listed in Attachment A.

The petitioners listed in Attachment A are either users of the mail or have otherwise demonstrated an interest in this proceeding. Accordingly, their requests for participation will be granted.

Concurrent with the issuance of this Order, the Secretary is transmitting a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice[5] will be required to serve copies of its Request and its prepared direct evidence upon the parties in Attachment A and upon the Officer of the Commission. Where service upon more than one representative has been requested in the petition to intervene or leave to be heard as a limited participator, the service will be required only on the first two named representatives in the petition.[6]

II. Hearings, Initial Prehearing Conference and Motion for Settlement Conference

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice [39 CFR 3001.30(b)], the Commission will conduct all prehearing conferences and hearings en banc. In Order No. 384 issued July 1, 1981, Commissioner James H. Duffy was designated to serve as the Presiding Officer in this proceeding.[7] An initial prehearing conference will be held on July 22, 1981, and thereafter on such further dates as may be designated by the Presiding Officer and subject to the conditions outlined below. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, Suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the Presiding Officer determines otherwise.

On July 8, 1981, the Postal Service filed a motion,[8] pursuant to 39 CFR section 3001.29, requesting that it be permitted to arrange a conference between the parties to determine if the issues in this case can be resolved through settlement. We agree that such a conference could be very useful and, in the interests of expedition, we are granting the Postal Service's motion subject to reconsideration on the basis of any replies which may yet be filed. However, in accordance with past practice we are directing the OOC to coordinate this conference.

The Commission perceives as a major issue in this case, the question of which of the two alternative proposals submitted by the Postal Service is superior to the other. Parties should be prepared to address this issue as well as any others they find appropriate, including those outlined in rule 24 (39 CFR 3001.24).

As noted above, the OOC is directed to report on the results of this conference. In this regard, both the date for the initial prehearing conference as well as the tentative hearing schedule may be adjusted pending the results of the settlement conference. In particular, if the parties determine that the prehearing conference should be postponed or cancelled, a joint motion

[1] Published in the Federal Register on June 19, 1981 (46 FR 32110–11).

[2] 39 CFR 3001.20.

[3] 39 CFR 3001.19a.

[4] 39 CFR 3001.19b.

[5] 39 CFR 3001.65.

[6] *See* sections 12 (c) and (d) of the rules of practice [39 CFR 3001.12(c) and 3001.12(d)].

[7] *See* 39 CFR 3001.5(e) and 3001.23 for the scope of authority delegated to the Presiding Officer.

[8] Motion of the United States Postal Service for Settlement Conference, July 8, 1981.

to that effect should be filed with the Commission.

III. Procedures for Expedition

To the degree consistency with procedural fairness permits, it is our intention to expedite the proceedings in Docket No. MC81–4. Accordingly, we are issuing a proposed schedule of procedural stages which all participants should review and be prepared to comment upon at the settlement conference and the initial prehearing conference. This tentative schedule is presented in Attachment B.

IV. Postal Service Motion for Waiver

Concurrently with the filing of its Request, the Postal Service filed a motion for waiver of certain of the filing requirements of the Commission's rules of practice pursuant to 39 CFR §§ 3001.22 and 3001.64(h)(3). The Postal Service seeks waiver of rules 64(d), 64(b)(3), 64(c)(2), 64(e), and 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rule 54(q).[9] In the Notice of the filing, we directed parties who wished to address this motion to file their answers by June 30, 1981, and in Order No. 384 we extended this time until July 10, 1981. No party has filed an objection to the Postal Service's motion and the OOC supports the motion.[10]

The Postal Service requests waiver of rule 64(h), to the extent described above, because the proposed changes do not significantly change the cost-revenue relationships.[11] The Postal Service also states that rule 64(d) should be waived, to the extent it requires compliance with rules 54(h), 54(f) and 54(j). It states that compliance with 54 (h) and (f) is unnecessary because the Postal Service is not requesting any changes in rates or fees, and because the effects of the proposals on the costs attributed and assigned to Express Mail and on the total costs of the Postal Service are so minuscule as to be unmeasurable.[12] With respect to 54(j) the Service claims that the volume of Express Mail and the number of claims filed will not be affected by the proposed changes and states that, in any event, there is no known method to measure the volume and demand data.[13]

The Postal Service requests waiver of rule 64(b)(3) because the proposals entail no changes in rates or fees and therefore will not affect the economic substitutability between Express Mail or any class or subclass of mail. It states that 64(c)(2) should be waived because the physical attributes of Express Mail have no bearing on Express Mail insurance claims eligibility requirements and procedures. Finally, the Postal Service states that 64(e) should be waived because the proposed changes do not entail any interclass changes.[14]

The Commission concludes that the requirements for waiver have been met. From the Postal Service's filing it appears that the cost-revenue relationships will not be significantly changed.[15] It further appears that the proposals would have only a minimal impact on any cost segment or combination of cost segments. As to the volume estimates and demand analysis required by rule 54(j), we conclude that the waiver should be granted because volume estimates would be very difficult to produce and we believe a thorough consideration of the proposals can be made without those projections. With respect to rules 64(e) and 64(c)(2), it does not appear that the proposals entail any interclass changes or that the physical attributes of Express Mail have any bearing on the proposed changes. As to rule 64(b)(3), it does not appear that the proposals will affect the economic substitutability between Express Mail or any class or subclass of mail.

The waiver given the Postal Service at this stage of the proceedings is not absolute in its terms. The Commission reserves the right to request information covered by the waiver as this case develops or to honor a party's request, if adequately supported, for such information.

The Commission Orders:

(1) Each of the petitioners identified in Attachment A to this Order is hereby permitted to intervene or to become a limited participator in this proceeding, subject to the provisions of paragraph (2) below.

(2) The participation of the intervenors and limited participators permitted by paragraph (1), above, is subject to the rules and regulations of the Commission: *Provided, however,* that their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators, and *Provided, further,* that the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(3) The Postal Service shall serve copies of its Request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(4) The Postal Service also shall serve copies of its Request and its prepared direct evidence on the OOC. Service of documents on the Commission does not constitute service on the OOC, who shall be served separately three copies of all documents.

(5) A prehearing conference in this proceeding is tentatively scheduled for July 22, 1981, commencing at 9:30 a.m. in the Postal Rate Commission hearing room, Suite 500, 2000 L Street, N.W., Washington, D.C. 20268. The conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR 3001.24) and in this Order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determined the issues to be resolved in Docket No. MC81–4. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the Presiding Officer.

(6) The Postal Service's motion of July 8, 1981, for settlement conference is granted to the extent described in the body of this Order. The OOC is directed to coordinate this conference.

(7) The procedural schedule, Attachment B, is tentatively established.

(8) The Postal Service's motion of June 8, 1981, for waiver of certain filing requirements in MC81–4 is granted. The Commission reserves the right to request information covered by the waiver if necessary as this case develops or to honor a party's request, if adequately supported, for such evidence.

[9] Motion of United States Postal Service for Waiver of Certain Provisions of the Rules of Practice and Procedure, June 8, 1981 (hereinafter Postal Service Motion).

[10] Response of the Officer of the Commission to Postal Service Motion for Waiver, June 30, 1981.

[11] Postal Service Motion, pp. 2–3.

[12] *Id.* at 3.

[13] *Id.* at 3–4.

[14] *Id.* at 4.

[15] For example, the Postal Service states that the proposed changes would increase attributable costs for Express Mail by approximately 1/50 of one cent per piece. Postal Service Motion, p. 2. This figure stems from Postal Service witness Ganley's analysis of the second proposal which, he states, is equally applicable to the first proposal. USPS–T–1, p. 17 n.1. It appears that the effect on cost-revenue relationships would not be significant with respect to either proposal.

By the Commission.

David F. Harris,

Secretary.

Attachment A

Petition to Intervene: J. C. Penney Company, Inc.

Request to Become Limited Participator: American Retail Federation

Attachment B.—Tentative Hearing Schedule for Proceedings—Express Mail Insurance Claims Eligibility Requirements, Docket No. MC81–4

Month/Date/Year

7/22/81—Prehearing Conference
8/31/81—Completion of all discovery directed to the Postal Service
9/25/81—Filing of the case-in-chief of each participant (including that of OOC)
10/5/81—Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief
10/8/81—Completion of evidentiary hearings as to the Service's case-in-chief
11/23/81—Completion of all discovery directed to the intervenors
12/8/81—Beginning of evidentiary hearings as to the case-in-chief of other participants
1/4/82—Rebuttal evidence of the Postal Service and each participant. (No discovery permitted on this rebuttal evidence; only oral cross-examination)
1/11/82—Beginning of evidentiary hearings on rebuttal evidence
1/15/82—Close of evidentiary record
2/15/82—Initial briefs filed
3/2/82—Reply briefs filed
3/9/82—Oral argument (if scheduled)

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SECURITIES AND EXCHANGE COMMISSION

[File No.: 2–69040, 22–11183]

The Horn & Hardart Co.; Application and Opportunity for Hearing

July 10, 1981.

Notice is Hereby Given That The Horn & Hardart Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeships of Chemical Bank (the "Bank") under an indenture dated as of October 15, 1980, heretofore qualified under the Act, and a new indenture dated as of February 28, 1981, which will not be qualified under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety (90) days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. The Bank is Trustee under an Indenture dated as of October 15, 1980 with the Company, as amended (the "1980 Indenture") pursuant to which $35,000,000 principal amount of 11¼% Convertible Subordinated Debentures due October 15, 2000 (the "Debentures") were issued and sold. The 1980 Indenture has been qualified under the Act.

2. The Company proposes to issue and sell in a transaction which will be exempt from registration under the Securities Act of 1933, up to $1,851,280 principal amount of its 10% Convertible Subordinated Notes due 1986 (the "Notes"), to be issued under an Indenture between the Company and the Bank, as trustee (the "1981 Indenture").

3. The 1981 Indenture will not be qualified under the Act.

4. The 1980 Indenture is, and the 1981 Indenture will be, wholly secured and the obligations of the Company in respect thereto will rank pari passu. The Company is not in default under the 1980 Indenture.

5. The differnces in the provisions of the indentures are unlikely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the indentures.

The Company waives notice of hearing, waives hearing and waives any and all rights to specific procedures under Section 8(b) of Rules of Practice of the Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than August 4, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

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BILLING CODE 8010–01–M

[812–4909; Rel. No. 11859]

Nationwide Life Insurance Co. and Nationwide Variable Account; Notice of Application for an Amended Order

June 25, 1981.

Notice Is Hereby Given that Nationwide Life Insurance Company ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and its Nationwide Variable Account ("Variable Account"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (hereinafter "Applicants"), filed an application on June 29, 1981 pursuant to Section 11 of the Act for an amended order approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order amending certain exemptions previously granted from Sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d), and Rule 22c–1 of the Act, insofar as such exemptions are necessary to permit the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Under the combination fixed and variable annuity contracts ("Contracts"), proposed to be amended, the purchasers are not assessed a traditional front-end sales load at the time purchase payments are made. A purchaser may make a single purchase payment, an irregular series of periodic purchase payments, or a regular series of periodic purchase payments. The amount and frequency of purchase payments is discretionary with the purchaser, and no requirements are imposed except for minimum amounts of the initial purchase payments ($1,500 for non-qualified contracts and $300 on an annualized basis for the first contract year for qualified contracts). The purchaser may allocate all or a portion of each purchase payment among one or more of four sub-accounts of the Variable Account, each consisting of the shares of one of four mutual funds of Mutal Investing Foundation managed by Heritage Securities, Inc., or to the general account of Nationwide Life. The Contracts provide for the accumulation of such purchase payments with accrued earnings, until the annuity commencement date selected by the purchaser, at which time annuity payments begin as designated by the contract owner.

The contract owner may, at any time prior to the annuity commencement date, withdraw some or all of the accumulated contract value, subject to a contingent deferred sales charge, which is applied in the case of certain withdrawals by a contract owner from the contract value. The contingent deferred sales charge equal 5 percent of the lesser of (1) all purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; or (2) the amount surrendered. The cumulative sum of all such charges, per contract owner, does not exceed 5 percent of that owner's purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; and no such charge is made against any values which have been held under the Contracts for at least 96 months. The contingent deferred sales charge is retained by Nationwide Life to reimburse it for the expenses incurred in connection with the sale of the Contracts. These expenses include commissions, promotional costs, sales administration, and similar sales related expenses.

An exception to the contingent deferred sales charge currently permits certain surrenders without the imposition of a charge after the beginning of the third Contract year. Under the exception, a contract owner may redeem up to 10 percent of purchase payments made within 96 months immediately prior to the valuation period during which the surrender is requested without imposition of the contingent deferred sales charge. Therefore, the contingent deferred sales charge currently applies only after an amount equal to 10 percent of such purchase payments has been redeemed free of such charges.

Applicants propose a modification in the imposition of the contingent deferred sales charge when the contract owner requests certain partial surrenders of Contract values under the following circumstances: For each purchase payment made under Contracts issued on or after January 30, 1981, the contract owner may, after the first year from the date of each purchase payment, withdraw without a contingent deferred sales charge, up to 5 percent of that purchase payment, less the amount of such purchase payment previously surrendered free of charge, for each year that the purchase payment has remained on deposit.

Other charges assessed by Nationwide Life under the Contracts, which are not changed by the modifications of the withdrawal provision, include an annual contract maintenance charge of $30 per Contract and an asset charge equal, on an annual basis, to 1.3 percent of the daily net asset value of the assets of the Variable Account. The asset charge is composed of a mortality risk premium, equal to .8 percent, and an expense risk charge, equal to .5 percent. These charges are calculated solely to reimburse Nationwide Life for costs related to administration of the Contracts and the assumption of mortality and expense risks.

Applicants assert that none of the original rationale for the earlier granting of the exemptions referred to above is in any way changed by the proposed modification of the provision for certain withdrawals without contingent deferred sales charge. In this regard, reference is made to the original application of Applicants, sought to be amended by this application, which was noticed on January 9, 1981, in Release No. 40-11554, and granted on January 30, 1981, in Release No. 40-11594.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants assert that the contingent deferred sales charge is not made inconsistent with the intent of the definition of "sales load" contained in the Act, by virtue of the proposed modification of the withdrawal provision. The contingent deferred sales charge will still fit within the Section 2(a)(35) definition of sales load, but for the timing of the imposition of the charge. Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35), to the extent necessary, to implement the proposed revision of the Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1 promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that implementation of the proposed change in the free withdrawal provision will in no way make the contingent deferred sales charge violative of Section 22(c) or Rule 22c-1 promulgated thereunder. When a surrender is requested to effect a cash withdrawal, the price on redemption will be based on the current net asset value. The contingent deferred sales charge, when applicable, will merely be deducted as the time of redemption in arriving at the contract owner's proportionate share or account value. However, the Applicants have requested an amended exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to implement the change in the withdrawal provision of the Contracts.

Sections 26(a)(2)(C) and 27(c)(2)

Section 26(a)(2)(C) provides that no payment to the depositor of, or a principal underwriter for, a registered unit investment trust shall be allowed the trustee or the custodian as an expense. Applicants assert that the contingent deferred sales charge is not the typical kind of "expense" contemplated by Section 26(a)(2) and submit that the requirements of this section were not intended to preclude the depositor of a unit investment trust from taking a sales load. Applicants also assert that the contingent deferred sales charge is intended specifically and solely to reimburse Applicants for sales related expenses. The deferral of the imposition of this charge, and making it contingent upon an event which may never occur, and the proposed change in the provision of the Contracts for certain withdrawals without charge, do not change the basic nature of this charge as a sales charge to which Section 26(a)(2)(C) was not intended to apply.

Section 27(c)(2) of the Act makes it unlawful to sell any periodic payment plan certificate unless the proceeds of all payments on such certificates are deposited with a custodian having the qualifications described in Section 26(a)(1), and are held by such custodian under an agreement containing substantially the provisions required in Sections 26(a)(2) and (3) of the Act. Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian. Applicants assert that the contingent deferred sales charge is a sales load to which this exception should apply, and that deferring the imposition of the charge, making it contingent upon an event which might never occur, and permitting certain withdrawals without the charge should in no way be construed as violative of Section 27(c)(2).

While Applicants assert that the sections should be construed as set forth above, they nevertheless have requested amendment of their original exemptive order from Sections 26(a)(2)(C) and 27(c)(2), to the extent necessary, to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants consent to the amended exemptions requested from Sections 26(a)(2)(C) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services; and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 27(c)(1)

Section 27(c)(1) of the Act prohibits restrictions on the redemption of contracts of the nature of those which are the subject of this application. Applicants submit that the proposed change in the withdrawal provision of the Contracts does not make the assessment of a contingent deferred sales charge upon certain redemptions, which is fully disclosed in the prospectus, such a restriction on redemption.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d), and that this assertion is not altered by the proposed change in the withdrawal provision of the Contracts. Nevertheless, Applicants have requested amendment of their original exemptive order from Sections 2(a)(32) and 27(d), to the extent necessary, to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants suggest that the amended exemptions requested are appropriate and in the public interest, are consistent with the protection of investors, and are consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an amended order pursuant to Section 11(a) and 11(c) to permit contract owners, upon written request, to transfer part or all of their contract value from the Variable Account to Nationwide Life's general account to the Variable Account within any twelve month period. Such transfers must be made prior to the earlier of the annuity commencement date or the death of the designated annuitant. However, no such transfers will be permitted prior to the first contract anniversary, or within six months of any prior transfer. The Contracts also permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, pursuant to such terms and conditions as may be imposed by the mutual funds comprising the sub-accounts of the Variable Account. Both of such types of transfers described above are effected at "net asset value," with no assessment of any kind of transaction or sales charge against owners for effecting such transfers.

Applicants assert that the transfer rights, the offering of which has been approved by the Commission's previous order, are in no way affected by the proposed change in the withdrawal provision of the Contracts; nevertheless, Applicants are requesting amendment of their original order pursuant to Section 11, to the extent deemed necessary, to permit the offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing

thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following August 3, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21982 Filed 7-17-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0263]

Charles River Resources, Inc.; License Surrender

Notice is hereby given that Charles River Resources, Inc. (CRR), 133 Federal Street, Boston, Massachusetts 02110, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). CRR was licensed by the Small Business Administration on April 21, 1977.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 30, 1981, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 13, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-21987 Filed 7-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 764]

Claims Against Iran

This notice concerns the procedures applicable to the filing of claims of U.S. nationals against Iran before the Iran-U.S. Claims Tribunal. It supplements information provided in Public Notice 763 (46 FR 36277, July 14, 1981). For further information, contact David P. Stewart, Administrator of Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632–5040.

The Iran-U.S. Claims Tribunal has issued preliminary instructions, contained in Administrative Directive No. 1, with respect to the procedures for the submission of claims pursuant to the Claims Settlement Agreement of January 19, 1981. The text of the Directive is set forth below.

Claimants with claims in the aggregate of *more than* $250,000 should prepare to submit their claims, on or after October 20, 1981, directly to the Tribunal in accordance with the provisions of the Directive. It should be noted that the address for the filing of claims, as specified in paragraph 8 of the Directive, may be changed by a later directive announcing the establishment of the Tribunal's permanent offices.

Claimants with claims in the aggregate of *less than* $250,000 will be represented before the Tribunal by the U.S. Government. In the event that claims in this category are not settled by lump-sum agreement, claimants will submit their claims to the Department of State, not to the Tribunal. The Department of State will prepare a standardized statement of claim form to be furnished to all claimants in the less than $250,000 category who have registered their claims with the Department. U.S. nationals with claims of less than $250,000 who have not yet registered their claims should do so *immediately.*

Iran-United State Claims Tribunal Administrative Directive No. 1

July 6, 1981.

1. *Introduction.* This Administrative Directive has been issued by the Iran-United States Claims Tribunal (the "Tribunal") to set forth requirements for the submission of claims to the Tribunal of nationals of the United States against Iran and of nationals of Iran against the United States pursuant to Article II, paragraph 1 of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran of January 19, 1981 ("Claims Settlement Declaration").

2. *Earliest Day for Filing Claims.* Article I of the Claim Settlement Declaration provides that Iran and the United States will promote the settlement of claims by the parties directly concerned. The Tribunal has been informed by the Agents of Iran and the United States that the two Governments have agreed that the period for settlement established by Article I has been extended until October 19, 1981. Therefore, no claims with respect to which the Tribunal has jurisdiction pursuant to Article II, paragraph 1 of the Claims Settlement Declaration may be filed before October 20, 1981.

3. *Last Day of Filing Claims.* Pursuant to Article III, paragraph 4 of the Claims Settlement Declaration, January 19, 1982 is the last day for filing claims by nationals of the United States and of Iran pursuant to Article II, paragraph 1 of the Claims Settlement Declaration.

4. *UNCITRAL Arbitration Rules Apply.* Pursuant to Article III, paragraph 2 of the Claims Settlement Declaration the Tribunal shall conduct its business in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (the "UNCITRAL Arbitration Rules"), except to the extent modified by the parties or by the Tribunal to ensure that the Claims Settlement Declaration can be carried out.

5. *Notice of Arbitration Not Required.* No Notice of Arbitration pursuant to Article 3 of the UNCITAL Arbitration Rules is to be given.

6. *Contents of Statement of Claim.* The party initiating recourse to arbitration before the Tribunal (the "Claimant") shall do so by filing a Statement of Claim within the period of time provided for in paragraph 2 and 3 above.

Because no Notice of Arbitration is to be given, certain information required to be included in such notice by Article 3 of the UNCITRAL Arbitration Rules is instead to be included in the Statement of Claim. Accordingly, notwithstanding the provisions of Article 18 of the UNCITRAL Arbitration Rules, each Statement of Claim is to contain the following particulars:

(a) A demand that the dispute be referred to arbitration by the Tribunal;

(b) The names and last known addresses of the parties;

(c) A reference to the debt, contract (including transactions which are the subject of letters of credit or bank guarantees) expropriations or other measures affecting property rights out of or in relation to which the dispute arises and as to which the Tribunal has jurisdiction pursuant to Article II, paragraph 1 of the Claims Settlement Declaration;

(d) The general nature of the claim and an indication of the amount involved, if any;

(e) A statement of the facts supporting the claim;

(f) The points at issue;

(g) The relief or remedy sought;

(h) If the Claimant has appointed an attorney-at-law or other person for purposes of representation or assistance in connection with the claim, the name and address of such person and an indication whether the appointment is for purposes of representation or assistance;

(i) The name and address of the person to whom communications should be sent on behalf of the Claimant (only one such person shall be entitled to be sent communications).

It is advisable that Claimants (a) annex to their Statements of Claim such documents as will serve clearly to establish the basis of the claim, and/or (b) add a reference and summary of relevant portions of such documents, and/or (c) include in the Statement of Claim quotations of relevant portions of such documents.

7. *Languages of Statement of Claim.* The Agents of Iran and the United States have agreed that Statements of Claim and any documents and references annexed thereto, or included therein, shall be submitted by Claimants in both English and Farsi.

8. *Filing Statement of Claim; Number of Copies.* Statements of Claim are to be filed with the Tribunal by delivering 12 copies to the Tribunal at the Peace Palace, The Hague, Netherlands. It is suggested that Statements of Claim be delivered by hand, by air courier service, or by registered mail with return receipt requested.

By virtue of Article VI, paragraph 2 of the Claims Settlement Declaration, the Tribunal will promptly deliver copies to the Agents of the two Governments. The Agent of the Government against which the claim is made (the "Respondent") has the responsibility of promptly delivering a copy of the Statement of Claim to the Respondent.

Claimants are not required to deliver their Statements of Claim to the Respondent's habitual residence, place of business or mailing address. The Statement of Claim is deemed to have been received by the Respondent when physically delivered to the Tribunal for forwarding to the Repondent in accordance with the above-described procedure.

9. *Size of Paper.* Statements of Claim are to be submitted either on paper 8-½ inches x 11 inches or on so-called A–4 size paper or on paper no larger than A–4.

10. *Further Procedural Rules.* The Tribunal is presently considering and expects to issue in a timely manner additional Administrative Directives and procedural rules.

Gunner Lagergren.

For certified true copy:

J. Varekamp.

Dated: July 10, 1981.

David P. Stewart,

Aministrator of Iranian Claims.

[FR Doc. 81-21908 Filed 7-10-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Regulatory Docket No. 80-AGL-139.49E-27013]

Outagamie County Airport, Appleton, Wis.; For an Exemption From Section 139.49 of the Federal Aviation Regulations

Grant of Extension of Exemption

By letter dated May 19, 1981, and subsequent telephone conversations with Mr. Arthur E. Borchardt, Airport Manager, on behalf of Outagamie County Airport, Appleton, Wisconsin (the Airport), petitioned for an extension of the exemption of the Airport from the provisions of Section 139.49 of the Federal Aviation Regulations (14 CFR 139.49) which sets forth the requirements pertaining to airport fire fighting and rescue equipment and service for airports classified as Index AA for the purpose of Section 139.49.

At the present time, the Airport has a Crash-Fire-Rescue (CFR) vehicle with 500 gallons of water for Aqueous Film Forming Foam (AFFF) production and 300 pounds of dry chemical extinguishing agent; however, this CFR vehicle is 1968 Howe vehicle in very poor condition. This vehicle is handline operated and unable to meet the response time (3 min.), Section 139.49(e)(1).

The Petitioner has a tentative allocation in accordance with the Airport Development Aid Program (ADAP) for the purchase of a CFR vehicle. The specifications of the proposed vehicle will include a remote operated turrent, capable of dual agent discharge, 500 gallons of water and 300 pounds of dry chemical.

The delivery of the new fire vehicle had been delayed, by the manufacturer. There is an additional time element required for fire fighter training and construction of a building to house the fire truck.

Upon consideration of all available information regarding Petitioner's airport operation, including facts and circumstances mentioned above, Federal Aviation Administration believes a grant of extension of the exemption to the airport to be reasonable, and that to require compliance with §139.49 of the FAR prior to September 30, 1981, would be contrary to public interest.

Therefore, pursuant to the authority contained in Section 313(a), 601(c), and 612 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(c) and 1432) and delegated to me by the Administrator (37 FR 12278, 14 CFR 139.19(c)), Outagamie County Airport, Appleton, Wisconsin, is hereby granted an extension of exemption from the provisions of Section 139.49 (b)(1) of the Federal Aviation Regulations (14 CFR 139.49(b)(1).

However, this extension of exemption is granted upon the condition that Outagamie County Airport will maintain the current level of fire fighting and rescue protection that now exists at the airport.

This extension exemption will remain in effect until September 30, 1981, unless and until it is superseded, modified or rescinded.

Issued in Des Plaines, Illinois, on July 2, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-20088 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-19]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before August 10, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in

the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washinton, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of section 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 10, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21778	Eastern Airlines, Inc	14 CFR 121.317(b)	To permit petitioner to operate its B-727 and DC-9 airplanes after August 31, 1981, without there being affixed to each forward bulkhead and each passenger seatback a sign or placard that reads "Fasten Seat Belt While Seated"
21691	Atlantic International Airlines	14 CFR 121.291(a)(b) Appendix D	To permit petitioner to commence initial B-727-100 service in a 118 passenger seat configuration using 3 flight attendants without first conducting the required evacuation demonstration.
21829	Cochise Airlines	14 CFR 135.261(a)(1)	To permit petitioner to assign and let flight crewmembers at accept an assignment for duty during flight time when the total flight time of that flight exceeds eight hours during any 24 consecutive hours for a flight crew consisting of one pilot.
21711	Sun Air, Inc	14 CFR 121.291(a)	To permit petitioner to introduce its DC-9-15F series aircraft into passenger-carrying service in a 95-seat configuration using two flight attendants without first conducting a full-seating capacity emergency evacuation demonstration.
21752	Hemisphere Aircraft Leasing Co	14 CFR 91.31(a)(3)	To permit petitioner to increase their zero fuel and landing weight by 5 percent on DC-6 Aircraft as provided in SR 411 A and B, FAR 121, and FAR 129.
21776	Mr. Louis Edward McCollum	14 CFR 61.58(c)(1) and 91.4	To permit petitioner to act as pilot in command of a variety of aircraft for which he holds a type rating and that require more than one pilot flight crewmember without meeting the 24-month proficiency check requirements.
21803	Richard Berdyn	14 CFR 61.129(a)(1)(ii)	To permit petitioner to apply for a commercial pilot certificate with airplane rating without meeting the required 10 hours of flight instruction and practice in airplanes having flaps, retractable landing gear, controllable pitch propeller.
21768	Mr. Charles E. Ketchu	14 CFR 65.71(a)(3)	To permit petitioner to become eligible for an airframe and powerplant certificate without complying with the requirement to complete the written and practical tests within a two year period.
21749	Trans Air Link Corp	14 CFR 91.31	To permit petitioner to operate their Douglas DC-6 aircraft at a 5 percent increase in zero fuel and landing weight as provided in SR 411 A and B FAR 121 and FAR 129.
19949	Airline Training Institute	14 CFR 61.63(d)(2) and (3) and 61.157(d)(1)	Extension of exemption; No. 2936A which permits petitioner's trainees to complete the same practical test for issuance of a type rating to be added to a pilot certificate, regardless of its grade, in an airplane simulator as set forth in Appendix A of Part 61, as is done by the trainees of those operators who have an operating certificate issued under Part 121.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
21069	Aerospatiale	14 CFR 29.811(b) (1)	To permit certification of petitioner's Model SA-365N and SA-366G helicopters without complying with the passenger emergency exit external marking requirements. *Partial grant 6/29/81.*
21404	AAR Oklahoma, Inc	14 CFR 135.261	To permit petitioner's pilots to accept an assignment for duty during flight time when an assignment would not provide at least 10 consecutive hours of rest during a 24-hour period preceding the planned completion of the assignment. *Denied 6/29/81.*
21367	AirKaman, Inc	14 CFR 135.89(a) (3)	To permit petitioner to operate its Learjet Model 23, 24, and 25 aircraft above flight level (FL) 350 up to FL 410 without at least one pilot at the controls wearing an oxygen mask which is secured and sealed. *Granted 6/29/81.*
21771	Venezolana Internacional De Aviacion, S.A. and World Airways, Inc.	14 CFR Parts 21, 43, 91, and 121	To permit petitioners to operate a U.S. registered DC-10-30F aircraft using an FAA-approved Master Minimum Equipment List and to allow the aircraft to be maintained in accordance with a continuous airworthiness maintenance program for the aircraft. *Granted 6/30/81.*
19144	American Airlines	14 CFR 121.99	Extension of exemption No. 1332 which permits petitioner to operate over certain specified routes without maintaining two-way radio communications between each airplane and the dispatch office during a brief segment of the routes. *Granted 7/1/81.*
21149	Starbird, Inc., and Kodiak Western, Alaska Airlines, Inc	14 CFR 91.39 and 121.157	To permit petitioner to operate Restricted Category C-118L aircraft for compensation or hire in cargo-carrying operations within the state of Alaska. *Denied 7/2/81.*
21525	Venezolana Int'l de Aviacion, S.A. (VIASA) and World Airways, Inc.	14 CFR Parts 21, 43, and 91 and 121	To permit petitioners to operate a B-747-273C airplane, N747WR, pursuant to a lease agreement between VIASA and World Airways using the FAA approved master minimum equipment list and to maintain the airplane in accordance with World Airways' FAA-approved continuous airworthiness maintenance and inspection program. *Granted 7/2/81.*
21586	Capitol Int'l Airways	14 CFR 121.583(a)	To permit petitioner to carry passengers in its DC-10 airplanes during proving tests. *Denied 7/2/81.*

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
21838	Air Panama International, S.A.	14 CFR Parts 21 and 91	To permit petitioner to operate a leased B.E.-registered aircraft using the FAA-approved master minimum equipment list and to maintain the aircraft under an approved continuous airworthiness maintenance program. *Granted 7/2/81.*
20258	Altair Airlines, Inc	14 CFR 121.371(a) and 121.378	To permit petitioner to use, on Altair's Netherlands-built Fokker F-28 aircraft, certain engines, propellers, and spare parts that have been repaired, overhauled, or inspected by persons outside of the United States who do not hold U.S. airman certificates. *Granted 6/29/81.*
17067	Sis-Q Flying Service, Inc	14 CFR 91.27	Extension-of exemption No. 2439 which permits ferry flights of petitioners owned or operated four-engine McDonnell Douglas DC-8 aircraft to be conducted with one engine inoperative when the aircraft is operated under contract with the U.S. Forest Service for forest fire control. *Granted 6/30/81.*
21293	Clay Lacy Aviation, Inc	14 CFR 135.243(a)	To permit petitioner to obtain an airline transport pilot certificate prior to his 23rd birthday. The certificate is required in order to comply with the pilot-in-command requirements. *Denied 7/6/81.*
21707	Aeromech Airlines	14 CFR 61.31	To allow petitioner's pilots to operate Swearingen SMB 110/PI and PE aircraft, that will be retrofitted in accordance with SFAR 41 after June 1981, without possessing the appropriate type rating for the retrofitted aircraft. The type rating would be obtained at the next 6-month check following retrofitting. *Granted 7/6/81.*
21450	Stephen L. Higgins	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday. *Denied 7/6/81.*

[FR Doc. 81-20907 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[ERA Waiver Petition Docket HS-81-7]

Algers, Winslow & Western Railroad Co.; Petition for Exemption From the Hours of Service Act.

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Algers, Winslow and Western Railroad (AWW) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the AWW be granted authority to permit certain employees to continously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The AWW seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-7, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received before August 21, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d)).

Issued in Washington, D.C. on July 9, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-21089 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-6]

Oregon and Northwestern Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Oregon and Northwestern Railroad (ONW) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the ONW be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The ONW seeks this exemption so that it can permit certain employees to remain continously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen

employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–6, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before August 21, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on July 9, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–21082 Filed 7–17–81; 8:45 am]

BILLING CODE 4910–06–M

Office of the Secretary

[OST Notice No. 81–6]

Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government; Inventory of Commercial and Industrial Activities

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: DOT publishes its Inventory of Commercial and Industrial Activities in accordance with Office of Management and Budget Circular A–76.

FOR FURTHER INFORMATION CONTACT: Philip Rockmaker, Office of Installations and Logistics, (202) 426–4243.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) Circular A–76, revised, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government (March 29, 1979), sets forth the general policy of the Government to rely on competitive private enterprise to supply the products and services which the Government needs. In pursuance of this policy, it requires Executive agencies to compile and publish for the information of the public a complete inventory of all their commerical and industrial activities subject to the Circular, DOT's inventory follows.

Issued in Washington, DC on July 9, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

Department of Transportation—Inventory of In-House Commercial or Industrial Activities

(OMB Circular A–76) May 1981

Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A–B)	Basis for continuation of activity (see code C–H)	
Office of the Secretary								
Reproduction, Copying and Duplication	Office of the Assistant Secretary for Administration, Washington, DC.	0	1,779	12	None	9/83 A		
Warehouse Facilities	do	30	450	15		12/82 A		
Motor Pool/Bus Service	do	0	120	4		6/82 A		
Mail/Messenger	do	35	1,000	90		7/82 A		
Library Operations	do	230	2,200	30		6/83 A		
Transportation Computer Center—Computer Operations and Tape Libraries (Interim Update).	do	0	(1)	32		Ongoing B		
U.S. COAST GUARD								
Air Station, Cape Cod, MA								
General Messing		136	100K–500K	12M				E.
Base Maintenance		394	Over 500K	27M		9/81 (A)		
Roads & Grounds Maintenance—Housing.		157	100K–500K	8C, 3M				
Base, South Portland, ME								
Maintenance of Cutters, Boats & Associated Equipment.		89	100K–500K	8M		9/81 (A)		
Electronics Shop		82	100K–500K	9M		9/81 (A)		
Engineering Support Activity		263	Over 500K	7M, 6C				
Base, Woods Hole, MA								
Engineering Support Activity:								
Electronics Shop		110	Over 500K	15M		9/81 (A)		
Boat Repair Facility		741	100K–500K	9C				
Industrial Repair, Maintenance & Electronics Support.	Base, Southwest Harbor, MA	67	100K–500K	7M, 7C				
Repair, Refurnishment, Preperation, and Transportation of Buoys.	Buoy Depot Facility, South Weymouth, MA	624	100K–500K	12C				
Maintenance of Buildings and Grounds of Family Housing & LORAN "C" Tower Antenna Field.	LORAN Station, Nantucket, MA	43	100K–500K	6M				
Support Center, Boston, MA								
Maintenance of Buildings, Grounds		26	100K–500K	19C				
Security		80	100K–500K	16M		9/81 (A)		
Engineering Support Activity		602	Over 500K	53C				
Maintenance, Servicing and Repair of Buildings.		167	100K–500K	16C, 3M				
General Messing		162	100K–500K	10M				E.
Electronic Maintenance & Repair	Station, Portsmouth Harbor, VA	33	100K–500K	9M		9/81 (A)		
Electronic Maintenance & Repair	Station, Castle Hill, RI	4	100K–500K	9M		9/81 (A)		
Mess Hall	Base, St. Louis, MO	36	100K–500K	7M				E.
ADP Service	Headquarters, St. Louis, MO	0	100K–500K	9C				
Electronic Maintenance & Repair	Group, Atlantic City, NJ	56	100K–500K	6M		9/81 (A)		
Group, Sandy Hook, NJ								
Electronic Maintenance & Repair		15	100K–500K	6M		9/81 (A)		

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

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Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A–B)	Basis for continuation of activity (see code C–H)	
Boat Maintenance Facility		6	100K–500K	20M		9/81 (A)		
Electronic Maintenance & Repair	Group, Cape May, NJ	22	100K–500K	6M		9/81 (A)		
Electronic Maintenance & Repair	Group, New York, NY	76	100K–500K	6M		9/81 (A)		
Support Center, Governors Island, NY								
Print Shop		21	100K–500K	8C				
Ferryboat Maintenance		43	500K+	13M, 38C				
Trash Collection		18	500K+	10C				
Bus Service		12	100K–500K	6M, 2C		9/81 (A)		
Support Center Supply, Industrial Supply.		817	100K–500K	12C				
Serviart		122	100K–500K	3M, 3C				
Mail Room		36	100K–500K	6M		9/81 (A)		
Telephone Communications		324	100K–500K	5M		9/81 (A)		
Food Service		110	500K+	21M				
Industrial Functions:								
Machine Shop		609	100K–500K	6C				
Motor Repair			100K–500K	8C				
Teletype Repair			100K–500K	6C				
Wood and Plastic Shop			100K–500K	8C				
Electric Shop			100K–500K	7C				
Paint Shop		140	100K–500K	11C				
Golf Course		1,463	100K–500K	4M, 3C				
Public Works		506	500K+	30M, 150C				
Electronics Maintenance & Repair		30	100K–500K	6M		9/81 (A)		
Data Processing	Governors Island, NY	46	100K–500K	12C				
Electronic Maintenance & Repair	Group Rockway, NY	55	100K–500K	6M		9/81 (A)		
Electronic Maintenance & Repair	Group Long Island, NY	262	100K–500K	6M		9/81 (A)		
Electronic Maintenance & Repair	Electronic Shop/Major Telephone, Manasquan, NJ.	59	100K–500K	6M		9/81 (A)		
Support Center, Elizabeth City, NC								
Plumbing Services		7.4	100K–500K	4M, 3C				
Electrical Services		5.3	100K–500K	1M, 4C				
Heating, Ventilating and Air Conditioning & Refrigeration.		2.7	100K–500K	1M, 4C				
Boiler Operation & Maintenance		50	100K–500K	6M, 1C		9/81 (A)		
Motor Vehicle Maintenance & Repair		94	100K–500K	8M, 2C		9/81 (A)		
Building & Structure Maintenance and Repair.		24.4	100K–500K	6M, 14C				
Ground Care		7	Under 100K	2M, 4C				
Security Services		18.7	100K–500K	10M		9/81 (A)		
Food Services—Meal Preparation		29.3	100K–500K	10M, 10C				E
Food Serving & Cleanup		0	100K–500K	13M				E
Custodial Services—Barracks		48.9	Under 100K	6M		9/81 (A)		
Maintain & Man Recreation Areas		9	Under 100K	14M, 1C		9/81 (A)		
Support Center, Portsmouth, VA								
Motor Pool		80	100K–500K	6M		9/81 (A)		
Pipe & Plumbing Shop		65	100K–500K	2M, 2C				
Utilities System		1,836	500K+	10C				
Grounds Maintenance		109	100K–500K	3M, 4C				E
Structures Maintenance		59	100K–500K	6M, 4C				E
General Messing		253	100K–500K	10M				
Mess Serving & Cleanup			100K–500K	6M				
Maintenance Overhaul & Repair of Ships, Boats & Components.		1,422	500K+	4M, 21C				
Structures, Lighthouses & Offshore Towers.		394	100K–500K	7M				
Electronics Maintenance & Repair		394	100K–500K	14M		9/81 (A)		
ATON Maintenance Overhaul & Repair		507	100K–500K	3M, 24C				
Electronic Maintenance & Repair	Base, Ft Macon, FL	11.5	100K–500K	6M		9/81 (A)		
Electronic Maintenance & Repair	Group, Chincoteague, VA	8.5	100K–500K	6M		9/81 (A)		
Electronic Maintenance & Repair	Group, Hampton Roads, VA	31.3	100K–500K	6M		9/81 (A)		
Electronic Maintenance & Repair, Overhaul and Repair.	Communications Station, Portsmouth, VA	54.5	100K–500K	6M				
Air Station, Clearwater, FL								
Maintenance & Repair of Buildings, Grounds.		38	100K–500K	25M, 1C		9/81 (A)		
General Messing		194	Under 100K	5C				E
Electronic Repair		90	500K+	30M		9/81 (A)		
Air Station, Miami, FL								
Maintenance & Repair of Electrical Equipment.		4	500K+	40M		9/81 (A)		
Building Maintenance & Repair		37	100K–500K	10M		9/81 (A)		
Custodial Service		3	100K–500K	5M, 2C		9/81 (A)		
General Mess		112	100K–500K	3M, 5C				
Air Station, Borinquen, PR								
Maintenance & Repair of Buildings, Grounds.		17	500K+	39M		9/81 (A)		
Janitorial Services		2	Under 100K	7M		9/81 (A)		
Electrical Equipment Repair Shop	Air Station, Savannah, GA	18	100K–500K	10M		9/81 (A)		
Base, Miami Beach, FL								
Base Security		12	100K–500K	7M		9/81 (A)		
Maintenance, Overhaul & Repair of Ships, Boats & Components.		73	500K	18C				

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

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Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Maintenance, Overhaul & Repair of Electrical Equipment & Components.		63	100K–500K	6C			
Shops & Services—Machine, Carpentry, Electrical & Welding.		1,100	100K–500K	14C			
General Messing	Station Group Office, St. Petersburg, FL	22	100K–500K	6M			E.
Security Services	Radio Station, Miami, FL		100K–500K	5M		9/81 (A)	
INDUSTRIAL BASE, GALVESTON, TX							
Grounds & Building Maintenance		6	Under 100K	5M		9/81 (A)	
Base Industrial Functions		80	500K+	55M, 10C		9/81 (A)	
Base Industrial Functions	Industrial Base, New Orleans, LA	30	500K+	110M, 21C		9/81 (A)	
Base Industrial Functions	Industrial Base, Mobile, AL	940	500K+	48M, 18C		9/81 (A)	
BASE, DETROIT, MI							
Maintenance and Repair of Buildings & Structures.		10	100K–500K	9M		9/81 (A)	
Electronic Equipment Overhaul Facility		10	100K–500K	7M		9/81 (A)	
Boat Maintenance, Repair & Alteration Facility & Engine Overhaul Facility.		18	100K–500K	9M		9/81 (A)	
BASE, MAYPORT, FL							
Engineering Shop		12	100K–500K	14M		9/81 (A)	
Buoy Preparation		53	100K–500K	10C			
BASE, SAN JUAN, PR							
General Mess		58	100K–500K	6M			E.
Overhaul & Repair—Aids to Navigation		180	100K–500K	6C			
Maintenance & Repair of Shore Facilities & Equipment.		75	100K–500K	4M, 6C			
Maintenance & Repair of Electronic Equipment.		40	100K–500K	8M		9/81 (A)	
BASE, BUFFALO, NY							
Maintenance Repair of Building Structural Mechanical, Electrical & Electronic Systems.		15	100K–500K	10M		9/81 (A)	
Depot Level Maintenance Component Rework Repair, & Modification of Systems.		20	100K–500K	5M		9/81 (A)	
General Mess	Group, Monterey, CA	22	Under 100K	5M			E.
Building Maintenance	Group, Humboldt Bay, McKinleyville, CA	12	100K–500K	5M		9/81 (A)	
Data Processing Services	Twelfth District, San Francisco, CA	35	100K–500K	6C			
AIR STATION, SAN FRANCISCO, CA							
General Mess		64	100K–500K	6M			E.
Building Maintenance		46	100K–500K	9M		9/81 (A)	
Housekeeping—Cleanup		6	100K–500K	10M		9/81 (A)	
BASE, SAN FRANCISCO, CA							
Mess Facilities—Serving & Cleanup			Under 100K	6M			E.
Internal Combustion Engine Shop		25	100K–500K	6C			
Janitorial Service—Barracks		9	Under 100K	6M		9/81 (A)	
Maintenance, Servicing & Repair of Facilities.		66	100K–500K	30M		9/81 (A)	
Electronic Shop (telephone)		124	100K–500K	12M, 18C			
Buoy Depot		394	100K–500K	9C			
General Mess		113	100K–500K	10M			E.
Building, Ground & Structure Maintenance.	Group Air Station, Port Angeles, WA	80	100K–500K	6M, 1C		9/81 (A)	
Building & Grounds Maintenance	Marine Safety Office, Portland, OR	10	100K–500K	5M, 8C			
ELECTRONIC SHOP/MAJOR TELEPHONE EMPIRE, COOS BAY, OR							
Electronic Maintenance & Repair		58	100K–500K	6M		9/81 (A)	
Data Processing		All 3	500K+	7C			
Graphic Services		Activities	100K–500K	1M, 6C			
SUPPORT CENTER, SEATTLE, WA							
Security Guards for Facility		8,665	100K–500K	9C			
General Messing—Food Preparation		All 6	100K–500K	9M			E.
Warehousing		Activities	100K–500K	7M		9/81 (A)	
Food Serving & Cleanup			100K–500K	6M			E.
Maintenance, and Repair of Buildings, Structures and Grounds.			500K +	22M, 7C		9/81 (A)	
Electronics Maintenance & Repair			100K–500K	6M		9/81 (A)	
BASE, HONOLULU, HI							
General Messing		100	100K–500K	7M			E.
Machine & Welding Shop		200	100K–500K	9M		9/81 (A)	
Electrical Shop		All 3	100K–500K	6M		9/81 (A)	
Electronic/Telephone Shop		Activities	100K–500K	6M		9/81 (A)	
Security Guards		9	100K–500K	8M		9/81 (A)	
Building Maintenance		30	100K–500K	11M		9/81 (A)	
AIR STATION, BARBARA PT., HI							
Food Preparation		30	500K+	6M			
Building & Grounds Maintenance		40	100K–500K	7M		9/81 (A)	
Janitorial Service		3	100K–500K	10M		9/81 (A)	
General Mess		100	100K–500K	6M			E.
Maintenance & Repair of Buildings & Structures.		30	500K+	3C			

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Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Maintenance & Repair of Buildings & Structures (minor).		5	100K–500K	11M		9/81 (A)	
Janitorial Services		3	100K–500K	13M		9/81 (A)	
BASE, KETCHIKAN, AK							
General Mess		37	100K–500K	7M			E.
Metal Trades Shop		25	100K–500K	1M, 8C			
Building Maintenance		6	100K–500K	7M		9/81 (A)	
Carpenter Shop		25	100K–500K	4C, 7M			
Electronics Shop & Major Telephone (ESMT).		25	100K–500K	8M		9/81 (A)	
Janitorial Services		6	100K–500K	7M		9/81 (A)	
Electronic Shop & Major Telephone (EMT)		100	500K+	17M, 13C			
SUPPORT CENTER, KODIAK, AK							
Operation of Support Center		0	100K–500K	6M		9/81 (A)	
Mail Handling		0	500K+	30M		9/81 (A)	
Security		3	500K+	2M, 9C		9/81 (A)	
Housing		340	100K–500K	3M, 2C			
Bowling Alley		1,000	100K–500K	4M, 2C			
Warehousing & Troop Issue		1,000	100K–500K	6M			E.
General Mess Food Preparation			100K–500K	6M			
Mess Cook		2,955	100K–500K	5M, 4C			
Fuel Farm		5,633	500K+	29C			
Power Plant		150	100K–500K	5M		9/81 (A)	
Motor Pool		150	100K–500K	6C		9/81 (A)	
Garage & Vehicle Repair							
AVIATION TRAINING CENTER, MOBILE, AL							
Maintenance & Repair of Building Structures, Utilities, Vehicles and Equipment.		50	500K	12C, 13M			
Landscaping & Grounds Maintenance		20	500K	2C, 5M		9/81 (A)	
Mess—Serving & Cleanup		0	Under 100K	6M			E.
COAST GUARD ACADEMY, NEW LONDON, CT							
Mess Operations		1,132	500K+	58M		9/81 (A)	
Landscaping, Drainage & Grounds Maintenance.		204	100K–500K	10C			
Industrial Shops & Services—Machine, Carpentry, Electric & Other.		207	500K+	13M, 2C		9/81 (A)	
Industrial Shops & Services—Plumbing, Heating, Electrical, AC Service Repair.		29	500K+	18M, 4C		9/81 (A)	
Operation of Utility Systems		1,775	100K–500K	10M		9/81 (A)	
TRAINING CENTER, PETALUMA, CA							
General Mess		100	100K–500K	15M			E.
Maintenance & Repair of Buildings & Structures.		7	100K–500K	6C			
Maintenance & Repair of Plumbing, Heating, Electrical, Refrigeration & Air Conditioning.		2	100K–500K	5C			
Security Services		62	100K–500K	17M			
Operation of Bachelor Enlisted Quarters.		0	100K–500K	5M			
TRAINING CENTER, CAPE MAY, NJ							
General Mess		2,233	100K–500K	42M			E.
Messing Facilities		0	100K–500K	27M			E.
Building/Grounds Maintenance		185	100K–500K	9M, 1C		9/81 (A)	
STATION, ALEXANDRIA, VA							
Building Maintenance		30	100K–500K	7M		9/81 (A)	
Grounds Maintenance		50	100K–500K	11M		9/81 (A)	
Maintenance & Repair Electrical systems.		120	100K–500K	5M		9/81 (A)	
RESERVE TRAINING CENTER, YORKTOWN, VA							
General Mess		969	100K–500K	21M, 2C			E.
Officer's Mess		76	100K–500K	7M			E.
Security		41	100K–500K	9M		9/81 (A)	
Carpenter Shop		61	100K–500K	11M, 1C		9/81 (A)	
Machine Shop		12	100K–500K	5M, 2C		9/81 (A)	
Electric Shop		9	100K–500K	7M, 1C		9/81 (A)	
Refrigeration & Air Conditioning		7	100K–500K	5M, 2C		9/81 (A)	
Operation of Boiler Plant		337	100K–500K	8C			
Janitorial Service		0	Under 100K	5C			
Roads & Grounds Maintenance		38	100K–500K	10C			
TRAINING CENTER, ALAMEDA, CA							
General Mess		1,000	500K+	21M		9/81 (A)	
Security Guards		20	100K–500K	6C			
Mess Serving & Cleanup		0	100K–500K	28M			E.
Landscape Maintenance		0	100K–500K	3C			
Janitorial Service		0	100K–500K	8M, 1C		9/81 (A)	
Physical Education/Special Security		268	Under 100K	8M, 1C		9/81 (A)	
Clothing Locker		200	Under 100K	8M, 1C		9/81 (A)	
Machine/Carpenter Shop	Research & Development Center, Groton, CT	10	100K–500K	4M, 1C		9/81 (A)	

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

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Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Printing	Coast Guard Institute, Oklahoma City, OK			6C			
	COAST GUARD YARD, BALTIMORE, MD						
Operation of Power house		320	500K+	10C		6/81 (A)	
Ship Construction & Repair/Structural Work—Lofwork Welding, Shipfitting & Sheet Metal.		3,847	500K+	286C		6/81 (A)	
Ship Construction & Repair/Electric, Electronics & Ordnance Work.		955	500K+	150C		6/81 (A)	
Ship Construction & Repair/Joiner Work, Tiling, Painting, Insulation, Decking, Plastic Boat Building, Rigging Material Handling & Tool Distribution.		3,594	500K+	100C		6/81 (A)	
General Messing		518	100K-500K	6M		6/81 (A)	E.
Support for the Renovation Activities/Laborers, Fire Watch, Cleanup Crew, etc.		216	100K-500K	16C		6/81 (A)	
Services & Repair of Buildings & Utilities.		30	500K+	10C		6/81 (A)	
Grounds Maintenance		7	100K-500K	14M		9/81 (A)	
Mess Serving & Cleanup		0	100K-500K	13M		9/81 (A)	E.
Security Services		20	100K-500K	13M		9/81 (A)	
Graphic Services Industrial Photography, Printing, Silk Screen Blueprinting, Reproduction & Audio-Visual Taping.		145	100K-500K	5C		6/81 (A)	
Computing Facilities & Keypunching		240	100K-500K	9C		6/81 (A)	
Maintenance Mobile Equipment		30	100K-500K	8M		9/81 (A)	
Instrument Repair Shop	TRAINING CENTER, GOVERNORS ISLAND, NY	34	100K-500K	5M		9/81 (A)	
Word Processing Center		29	100K-500K	6M	9/81 (A)		
Building/Grounds Maintenance		14	100K-500K	6M	9/81 (A)		
	Federal Aviation Administration						
ADP Services—Programming, systems analysis, design, development, simulation, key punch, data entry, equipment installation, operation and maintenance.	FAA Headquarters, Washington, DC	123	2,330	16	3/82 B		
	Alaskan Region, Anchorage, AK	705	566	9	3/82 B		
	Central Region, Kansas City, MO	621	722	12	3/82 B		
	Eastern Region, Jamaica, NY	621	980	16	3/82 B		
	Pacific-Asia Region, Honolulu, HI	502	258	4	3/82 B		
	Southern Region, Atlanta, GA	621	970	15		3/82 B	
	Southwest Region, Ft. Worth, TX	603	962	16		3/82 B	
	Western Region, Los Angeles, CA	621	985	19		3/82 B	
	Aeronautical Center, Oklahoma City, OK 10,854	7,172	182		3/81A		
	Technical Center, Atlantic City, NJ	40,824	8,769	94		3/82 A	
Janitorial Services	Washington National Airport and Dulles International Airport.	48	1,004	80		3/81 B	
Landscaping, mowing, care of grounds, and street sweeping, Maintenance of buildings, structures, runways, roads, and other paved areas.	do	466	2,525	80		7/81 B	
Operation and maintenance of airport utility systems.	do	127	5,532	99		3/82 B	
Maintenance and operation of automotive and other equipment (including mobile lounges at Dulles).	do	4,444	2,844	100		1/82 B	
Warehousing	do	98	459	10		10/81 B	
Design, engineering, construction, modification, repair, and maintenance of buildings and structures.	Technical Center, Atlantic City, NJ	61	1,026	16		12/81 B	
Construction, alteration, repair, and maintenance of roads and other surfaced areas.	do	11,183	628	20		12/81 B	
Landscaping, drainage, mowing and care of grounds.	do	2,837	178	8		12/81 B	
Photography	do	1,100	252	6		3/82 B	
Arts and Graphic Services	do	198	284	9		12/81 B	
Industrial shops and services—machine, carpentry, electrical, plumbing, heating, paint, environmental, water & sewage.	do	1,158	2,321	40		1/81 B	
Operation of utility systems	do	1,957	233	6		3/82 B	
Operation of motor pool	do	180	215	3		12/81 B	
Audiovisual products and services, motion and still photography, graphics and closed circuit TV.	Aeronautical Center Oklahoma City, OK	838	873	33		9/80 B	
Maintenance of special purpose vehicles.	do	310	777	21		2/81 B	
Operation, maintenance, repair and modification of utility systems, buildings & structures.	do	329	1,143	67		7/81 B	
Industrial shops and services, equipment and instrument fabrication, repair and calibration.	do	2,900	8,010	202		10/81 A	
Bulk storage operations—A centralized depot for receiving, inspecting, storing, shipping, and modifying materials and equipment.	do	908	5,844	198		12/81 A	

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Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
	CENTRAL REGION						
Maintenance, Modification, & Repair of Buildings, Structures, Grounds, Roads, & other Surfaced Areas.	Kansas City, MO area	150	400	14		1/82A	
	Omaha, NE area	45	190	6		1/82A	
Word Processing Center	Kansas City, MO Federal Office Building	54	130	10		1/82A	
	SOUTHWEST REGION						
Custodial/Janitorial Services Refuse Collection & Processing.	Ft. Worth, TX Regional Office	11	112	10		9/81B	
Word Processing Center	do	10	320	15		9/81A	
Industrial Shops/Services and Warehousing.	do	17	131	4		11/81A	
	SOUTHERN REGION						
Maintenance, Modification, & Repair of Buildings, Structures, Grounds, Roads, & other Surfaced Areas.	Atlanta, GA area	29	221	11		9/81A	
	Memphis, TN area	25	190	8		9/81A	
	Jacksonville, FL area	22	168	6		9/81A	
	EASTERN REGION						
Industrial Shops and Services	Jamaica, NY Regional Office	50	143	3		9/81B	
Warehousing	do	41	173	4		9/81B	
	ALASKAN REGION						
Word Processing Center	Anchorage, AK, Federal Office Bldg		155	9		6/81A	
Repair & Maintenance of Industrial Plant Equipment.	Anchorage, AK, International Arpt	490	130	1		4/81A	
Warehousing, Bulk Storage	do	149	180	6		4/81A	
Freight Handling	do		115	3		5/81A	
Carpenter Shop	do		145	2		12/80B	
Commissary Service	do	242	(2)	(2)		5/81A	
	WESTERN REGION						
Maintenance, Modification and Repair of Buildings, Structures Roads, and other Surfaced Areas.	Phoenix, AZ area	60	127	4		1/82A	
	Lancaster, CA area	42	109	2		1/82A	
	Las Vegas, NV area	36	149	2		1.82A	
	Riverside, CA area	42	120	2		1/82A	
	Reno, NV area	60	129	3		1/82A	
Operation and Maintenance of Buildings and Grounds.	Fairbank Highway Research Station, McLean, VA.	0	309	11	Not previously reviewed.	A—underway	
Messenger Service	Fairbank Highway Research Station, McLean, VA.	0	24	1	Not previously reviewed.	A—underway	
Systems Analysis and Programming in Support of FHWA Administrative and Mission Applications.	Data Systems Division Washington, D.C.	0	770	32	Not previously reviewed.	A—underway	
Systems Analysis and Program Support of FHWA Work not Provided in-House.	General Services Administration Huntsville, Alabama.	0	330				H.
Video Production	Office of Management Systems	18	39	1	Not previously reviewed.	A—underway	
ADP Support Services	Eastern Direct Federal Division, Arlington, VA	167	278	6	Not previously reviewed.	3rd Qtr. FY 81 A	
ADP Support Services	Central Direct Federal Division, Denver, CO	631	434	12	Not previously reviewed.	3rd Qtr. FY 81 A	
Property and Supply Support (Warehousing, equipment inspection).	Central Direct Federal Division, Denver, CO	23	230	5	Not previously reviewed.	3rd Qtr. FY 81 A	
ADP Support Services	Western Direct Federal Division, Vancouver, WA	105	286	9	Not previously reviewed.	3rd Qtr. FY 81 A	
Supply and Maintenance Support—equipment, warehousing, building and ground maintenance.	Western Direct Federal Division, Vancouver, WA	1,800	284	4	Not previously reviewed.	3rd Qtr. FY 81 A	
Alaska Railroad	State of Alaska	145,000	37,000	474		6*	

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment ($000)	Annual operating cost ($000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
NHTSA Hot Line	Office of Defects Investigation, Enforcement, Washington, DC.	18	310	3	10/80	12/81	
Logistics Support—Mail, Messenger, Switchboard, Travel Reservations.	Transportation Systems Center, Cambridge, MA	6	122	7	11/80	12/86 B	F.
Property & Supply Support—Cataloging, Warehousing, Stock Issue.	do	11	128	5		Ongoing B	
Facilities Maintenance & Operation	do	60	366	13		1/82 B	

Code: A—Step 1 (noncost criteria). B—Step 2 (comparative cost analysis). C—No satisfactory commercial or other Federal agency source available. D—Use of commercial source would disrupt program. E—National defense. F—Contracting not economical based on comparative cost analysis. G—Waived from future review. H—Product/service provided by other Federal agency.

[1] To be provided.

[2] Annual operating costs and employees vary depending on sales volume. Operating costs are underwritten by proceeds from sales.

[3] Legislation is being prepared by FRA which would transfer the railroad to the State of Alaska.

Department of Transporation Inventory of Contract Commercial or Industrial Activities

(OMB Circular A-76) May 1981

Contract No.	Contract description	Using facility and organization	Contractor name	Contract period	Period of options	Contract price ($000)	Scheduled review (see code)
Office of the Secretary							
DTOS59-80-D-00001	Moving and hauling	Washington Headquarters	Edwards Trucking Co	10/80-9/81	None	420	C.
U.S. Coast Guard							
SUPPORT CENTER, NEW YORK, NY							
DOT-CG03-7573	Custodial Services		Sea Clear Maintenance Corp	10/80-9/81	[1] 1	653	C.
DOT-CG03-7949	Security Services		City Wide Security Service, Inc	4/81-3/82	[1] 1	778	C.
DOT-CG03-8010	Janitorial Services		Space Services of Georgia, Inc	7/80-6/81		138	6/81
DTCG-80-C00018	Security Services	Base, San Juan, PR	Chemical Technology	12/80-9/81	[1] 3	465	9/81
DOTCG80-0410	Leased Helicopter	Marine Safety Office, Galveston, TX.	PHI, Inc	10/80-9/81	[1] 1	1,800	D.
DOT-80-798-A	Electronic Maintenance	Vessel Traffic System, New Orleans, LA.	Burroughs Corp	10/80-9/81		200	D.
DOT-CG1752196-A	VHF-FM Communications	Base, Valdez, AK	Engineering Systems	10/80-9/81		500	9/81 (A).
DOT-CG1751409-A	VHF-FM Communications	Base, Juneau, Ketchikan, Kodiak, AK.	Engineering Systems	10/80-9/81		500	9/81 (A).
78-651000-0165-Pro12	Contract Field Service HH52A/HH3F Simulator.	Aviation Training Center, Mobile, AL.	Reflectone, Inc	10/80-9/81		158	D.
GSA, GS-00C-50361, PS-92130	ADP Services/Timeshare (OMEGA).	Washington Headquarters	U.S. Steel	10/80-9/81		150	D.
COAST GUARD ACADEMY, NEW LONDON, CT							
DOT-CG8079-2003	Janitorial Services		Sunset Custodial Services, Inc	10/80-9/81	[1] 2	220	9/81.
DOT-CG8079-1898	Security Guards		Sunset Custodial Services, Inc	10/80-9/81	[1] 1	284	9/81.
DOT-CG-8079-1876	Mess Attendant Service		Logistical Support, Inc	10/80-9/81	[1] 1	767	9/81.
MIPRZ-80110-401	ADP Support		GSA Boston (Input/Output Computer Service).	7/80-9/81	[1] 4	295	C.
DOT-CG-8079-1948	ADP Service		Dartmouth College	2/81-9/81	[1] 2	234	D.
DOT-CG74-123	Mess Attendant Services	Training Center, Petaluma, CA	Small Business Administration	10/80-9/81	[1] 3	452	9/81.
AIRCRAFT REPAIR AND SUPPLY CENTER, ELIZABETH CITY, NC							
DTCG39-80-C-00020	Overhaul/Repair Components HH52/HH3F Helicopter.		Sikorsky Aircraft	10/80-9/81	[1] 1	4,000	9/81 (A).
DTCG39-80-C-00038	Overhaul Fuel Controls for HH51/HH3F Helicopter.		Hamilton Standard	10/80-9/81	[1] 1	350	9/81 (A).
AIRCRAFT REPAIR AND SUPPLY CENTER, ELIZABETH CITY, NC							
DTCG39-80-R-00015	Overhaul/Repair Auxiliary Service.		MODQ, Inc	10/80-9/81	[1] 1	264	9/81 (A).
DOT-CG40-4472	Maintenance for LTN-72		Litton Industries	10/79-9/81	10/80-9/81	195	9/81 (A).
COAST GUARD YARD, BALTIMORE, MD							
DTCG-40-80-D-50013	Supply of Plastic Discrepancy Buoys.		Environmental Plastics Engineering Co.		[1] 1	1/80-12/80	150	12/81 (A).
DTCG-80-2672	Janitorial Services		J&L Janitorial Services, Inc		[1] 1	4/80-12/80	117	12/81 (A).
DTCG-80-2976	Vacuum Clean Dry Docks & Dispose of Grit.		Tri-State Industrial Vacuum Services.		[1] 1	6/80-7/80	125	9/81 (A).
DTCG-80-2883	Tank & Bilge Cleaning		J&L Industries		[1] 1	5/80-12/80	133	12/81 (A).
DTCG-80-00029	Security Guards Services	Base, Charleston, SC	WHAT-MAC		[1] 1	10/80-9/81	85	9/81 (A).
DTCG-80-8215	Security Services	Air Station Miami, FL	So. States		[1] 1	10/80-9/81	85	9/81 (A).
GREAT LAKES REGION							
DTFA14-81-C-A0273	Janitorial Service	Air Route Traffic Control Center, Oberlin, OH.	Sullivan Janitorial Service	1/81-12/81			882	C.
DTFA14-80-C-A0074	Janitorial Service	Air Route Traffic Control Center, Indianapolis, IN.	Givens-Ultimate Janitorial	5/80-9/81			127	C.
DTFA14-80-C-A0176	Maintenance of Beech C-90 Aircraft.	Flight Standards Division, Des Plaines, IL.	George J. Priester Services, Inc	5/80-9/81	9/81-8/83		177	3/83.

Department of Transporation Inventory of Contract Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Contract No.	Contract description	Using facility and organization	Contractor name	Contract period	Period of options	Contract price ($000)	Scheduled review (see code)
DTFA14-81-C-A0297	Janitorial Service	Air Route Traffic Control Center, Farmington, MN.	Byrd Maintenance Co	12/80-11/81		203	C.
DTFA14-80-C-A0055	Janitorial Service	Air Route Traffic Control Center, Aurora, IL.	A&R Window Cleaning	4/80-5/81		297	C.
EASTERN REGION							
80-C-70026	Janitorial Service	Air Route Traffic Control Center, Leesburg, VA.	Unified Services	6/80-5/81		154	C.
79-EA-8469	Janitorial Service	Air Route Traffic Control Center, Ronkonkoma, NY.	Commercial Building Maintenance.	9/79-8/80	9/80-8/81	172	5/81.
77-EA-9089	Armed Guard Service	Air Route Traffic Control Center, Leesburg, VA.	Blue Ridge Security	9/79-8/80	9/80-8/81	137	5/81.
79-EA-8469	Armed Guard Service	Terminal Radar Approach Control Facility, Garden City, NY and Air Route Traffic Control Center, Ronkonkoma, NY.	City Wide Services	9/79-8/80	9/80-8/81	347	C.
SOUTHWEST REGION							
DTFA07-80-C-02861	Armed Guard Service	Air Route Traffic Control Center, Ft. Worth, TX, Houston, TX, Albuquerque, NM.	Taylor Detective Agency	10-80-9/81		150	C.
DTFA07-80-C-02867	Janitorial Service	Air Route Traffic Control Center, Ft. Worth, TX.	Widman, Inc	10/80-9/81		139	C.
DTFA07-80-C-02842	Janitorial Service	Air Route Traffic Control Center, Albuquerque, NM.	Tafaya Maintenance Service	9/80-8/81		134	C.
DTFA07-80-C-02795	Janitorial Service	Air Route Traffic Control Center, Houston, TX.	Rowe Contracting Service, Inc	6/80-5/81		169	C.
DTFA07-80-C-02801	Maintenance/Inspection of Beech C-90 Aircraft.	Flight Standards Division Ft. Worth, TX.	Executive Jet Works, Inc	10/80-9/81		196	9/81.
SOUTHERN REGION							
DTFA06-80-C-30211	Janitorial Service	Air Route Traffic Control Center, Hampton, GA.	Brown-Ko Services, Inc	10/80-9/81		129	C.
DTFA06-81-C-30208	Armed Guard Service	Air Route Traffic Control Center, San Juan, PR.	Vigilantes, Inc	3/81-2/82		135	C.
NEW ENGLAND REGION							
DTFA12-81-C-A0010	Janitorial Service	Air Route Traffic Control Center, Nashua, NH.	Chief's Cleaning Co	10/80-9/81		144	C.
DTFA12-81-C-A0011	Armed Guard Service	Air Route Traffic Control Center, Nashua, NH.	Security Unlimited Enterprise, Inc.	10/80-9/81		103	C.
ALASKAN REGION							
DTFA04-81-C-10020	Board & Lodging of FAA Personnel.	Deadhorse, AK	Alaska International Construction.	10/80-9/81	10/81-12/81	180	9/81.
NORTHWEST REGION							
DTFALL-81-C-00001	Janitorial Service	Air Route Traffic Control Center, Auburn, WA.	Bill Pitman Janitorial Service	10/80-9/81		185	C.
WESTERN REGION							
DTFA08-81-C-06091	Janitorial Service	Office/Hangar Complex, Los Angeles Intl Arpt, CA.	A1 & Associates	10/80-9/81	10/81-9/82	152	C.
DTFA08-81-C-06061	Janitorial Service	Air Route Traffic Control Center, Palmdale, CA.	A1 & Associates	10/80-9/81	10/80-9/82	213	C.
DOTFA-80-WE-5443	Janitorial Service	Air Route Traffic Control Center, Fremont, CA.	B&S Maintenance	10/79-9/80	10/80-9/81	126	C.
ROCKY MOUNTAIN REGION							
D800046A	Janitorial Service	Air Route Traffic Control Center, Longmont, CO.	Young's Janitorial	9/80-8/81	9/81-8/82	147	C.
CENTRAL REGION							
DTFA09-81-C-20001	Janitorial Service	Air Route Traffic Control Center, Olathe, KS.	Sylvester James & Sons Maintenance Service.	10/80-9/81		158	C.
DTFA09-81-A-30100	Maintenance of Beech BE-90 Aircraft.	Flight Standards Division, Kansas City, MO.	Executive Beechcraft, Inc	10/80-9/81		169	9/81.
DTFA-02-81-D-81034	Sabre 40	Mike Monroney Aeronautical Center, Oklahoma City, OK.	Flight Safety International	12/80-12/81		197	9/81.
DTFA-02-81-D-81528	Overhaul/repair communications monitors.	do	Knowles Communication	12/80-12/81	12/81-12/83	116	9/82.
DTFA-02-81-D-81124	DC-10	do	United Airlines	3/81-3/82		422	12/81.
DOT-FA-78AC-8427	Overhaul/repair IBM keyboards	do	A&J Industries	10/78-10/79	10/79-10/81	170	7/81.
DTFA-02-81-C-81514	Dedicated repair ARSR-3	do	Westinghouse	12/80-11/81	11/81-11/83	225	9/83.
DTFA-02-81-D-81102	ADP Maintenance	do	Eaton Corp	2/81-2/82	2/82-2/84	182	11/83.
DTFA-02-81-D-81160	Sabre 80	do	Flight Safety International	4/81-4/82		391	1/82.
DOT-FA79AC-8154	Hawker-Siddeley 125	do	Flight Safety International	5/80-5/81		113	5/81.
DTFA-02-80-D-80224	Gulfstream II	do	Flight Safety International	5/80-5/81		162	5/81.
DOT-FA79AC-8157	Gulfstream II	do	Flight Safety International	7/80-7/81		155	4/81.
DTFA-02-81-D-81026	Lasichead 1011	do	Eastern Airlines	11/80-11/81		289	8/81.
DTFA-02-80-D-80261	Jet Commander 1121/1124	do	Flight Safety International	9/80-9/81		339	5/81.
DOT-FA79AC-8251	Cessena 500	do	Flight Safety International	9/80-9/81		104	5/81.
DTFA-02-81-D-81085	B 707/720	do	Trans World Airlines	1/81-1/82		346	9/81.
DTFA-02-81-D-81002	B 737	do	United Airlines	2/81-2/82		215	11/81.
DTFA-09-81-D-81023	Lear 23/24/25 +35/36	do	Flight Safety International	11/80-11/81		384	8/81.
DTFA-02-81-D-81158	DC-8	do	United Airlines	4/81-4/82		484	1/82.
DTFA-02-81-D-81147	Aircraft Rental—Various	do	Stopher Mechanical	4/81-4/82	4/82-4/84	486	1/82.
DTFA-02-81-D-81108	Aircraft Rental—Sabre 40	do	Rockwell International	10/80-9/81	10/81-9/83	199	6/83.
DTFA-02-80-D-80155	Training—ILS Equipment	do	Wilcox Electric	8/80-8/81		259	2/81.

Department of Transporation Inventory of Contract Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1991

Contract No.	Contract description	Using facility and organization	Contractor name	Contract period	Period of options	Contract price ($000)	Scheduled review (see code)
		PILOT TRAINING					
DTFA-02-80-D-80113	DC-9	do	Braniff Airways, Inc	5/81-5/80		403	1/81.
DTFA-02-81-D-81114	B727	do	Braniff Airways, Inc	3/81-3/82		840	12/81.
DTFA-02-80-D-80168	A300 AIRBUS	do	Eastern Airlines, Inc	6/80-6/81		105	2/81.
DTFA-02-80-D-80114	DC-9	do	Republic Airlines, Inc	5/80-5/81		177	1/81.
DTFA-02-81-D-81155	B-747	do	Braniff Airways, Inc	4/81-4/82		494	1/82.
DTFA-02-81-D-81012	Cessna Citation 500	do	American Airlines	10/80-10/81		104	7/81.
DTFA-02-81-D-81507	Janitorial Service	do	Angel-Aire Chemical Co	3/81-3/82		477	C.
DOT-FA78AC-8208	Security Guard Services	do	Contract Security Services/SBA	9/80-9/81		284	C.
DTFA-02-80-D-8006	Bus Service	do	Airport Transfer Services, Inc	10/80-9/81	10/80-9/82	410	6/82.
DOT-FA70AC-8179	Lease of Training Facilities & Services.	do	Cameron University, Lawton, OK.	10/80-9/81	10/81-9/83	1,102	6/83.
DTFA-02-80-C-80001	Supervisory & Management Training Program.	do	University of Oklahoma	9/80-9/81	9/81-9/82	1,036	6/82.
DOT-FA78AC-8560	Lease of Facilities & Service for Training.	do	University of Oklahoma	9/80-9/81		376	6/81.
DOT-FA78AC-8074	Predevelopment Training Service.	do	University of Oklahoma	10/80-9/81		494	6/81.
DOT-FA78AC-8544	Airport Use/Fire Protection	do	Midwestern Oklahoma Development Authority.	10/80-10/81		414	7/81.
DTFA-02-81-D-81001	Into Plane Fueling & Defueling	do	MR Equipment	10/80-9/81	9/81-9/83	275	C.
DTFA-02-80-D-80120	Overhaul/Repair and Mod. P&W JT8D-7 Engines.	do	Cooper Airmotive	6/80-6/81	6/81-6/83	1,199	3/83.
DOT-FA78AC-8122	Overhaul/Repair Allison 501D13D Engines.	do	National Airmotive	7/80-7/81	7/81-4/82	564	1/82.
DTFA-02-80-D-80063	Overhaul/Repair Pratt Whitney J12A-9N Engines.	do	Cooper Airmotive	3/80-3/81	3/81-3/83	211	12/82.
DOT-FA78AC-8046	Overhaul/Repair CJ805-3B, CEC Assys.	do	Batch Air, Inc	1/80-1/81	1/81-1/82	125	4/81.
DOT-FA78AC-8152	Overhaul/Repair Propellers and Components.	do	Hamilton Standard	7/80-8/81		253	10/81.
DOT-FA78AC-8628	Elevator Maintenance	do	Universal Elevator Co	9/80-8/81	9/81-8/82	123	C.
DOT-FA79AC-81003	Grounds Maintenance	do	City of Oklahoma City	10/80-9/81		161	6/81.
DTFA-02-81-D-81506	Janitorial Service	do	S&M Cleaning Service	3/81-3/82		477	C.
DOT-FA78AC-8460	Repair Navigational Aids	do	Raytheon Service	5/80-5/81	5/81-5/82	362	2/82.
DOT-FA79AC-8365	IBM Printer Repair	do	A&J Industries	12/79-12/80	12/80-12/83	296	9/83.
DTFA-02-80-D-80457	Repair Component Parts for ARTS III A.	do	Sperry Univac	4/80-4/81	4/81-4/82	1,427	1/82.
DTFA-02-80-D-80658	Dedicated Repair for ARTS III	do	Burroughs Corp	9/80-8/81	9/81-8/83	463	5/83.
AC-9350	Dedicated Repair for ARSR-3	do	Westinghouse Electric	10/80-10/81		260	6/81.
DOT-FA79AC-8071	Construct Antenna Towers	do	Andrews Tower, Inc	1/80-1/81	1/81-1/82	160	10/81.
DTFA-02-80-D-81004	Overhaul/Repair of VOR Components.	do	Wilcox Electric, Inc	9/80-8/81	9/81-9/83	163	4/83.
DTFA-02-80-C-80032	Test/Repair Inertial Sensor Units.	do	Litton Systems	1/80-1/81	1/81-1/83	122	10/82.
DTFA-02-80-D-80121	Overhaul/Repair Rolls Royce Dart Model 529-8X Engines.	do	Rolls Royce (Canada) Limited	5/80-5/81	5/81-5/83	135	2/83.
DTFA-03-81-C-00046	Operation and Maintenance of two steam generating plants.	FAA Technical Center, Atlantic City, NJ.	I.E.S. of Texas, Inc	5/81-4/82		129	C.
DOT-FA77NA-4039	Maintenance of 9020 Computer Complex.	do	IBM	10/80-9/81		788	6/81
DOT-FA73NA-6146	Custodial and Trash Collection Services.	do	Atlantic Maintenance, Inc	10/80-9/81		759	C.
DTFA-03-80-C-00084	Guard & Fire Services	do	JOWA Security, Inc	11/80-8/81		1,108	C.
19-0881	Develop Computer Software	do	GSA	10/80-9/81		148	D.
LG 5-8-0008	ADP Systems Analysis and Programming Services.	FAA Headquarters, Washington, D.C.	Input/Output Computer Services, Inc.	10/80-10/81		700	C.
DTFA-01-80-Y-20500	Engineering Services	do	Unified Industries	10/80-9/81		300	C.
DOT-FA76WA 1-125	do	do	Lloyd Arthur & Associates	10/80-9/81		137	C.
DOT-FR-638-OC-00015	Track Geometry & Rail Flaw Inspection Vehicle Operations.	Washington Headquarters	ENSCO, Inc	1/80-12/83	1/84-12/84	13,050	10/82 (A).
		National Highway Traffic Safety Administration					
DTNH22-80-C-01190	Data Management System	Office of Defects Investigations	Opportunity Systems	2/81-2/82		217	C.
DOT-HS-9-02236	Parts Return Program	Office of Defects Investigations	Kappa Systems	9/81-8/82		125	D.
		Research and Special Programs Administration					
DOT-TSC-1729	Information Support Services	Transportation Test Center, Cambridge, MA.	Raytheon Service Co	7/79-6/82	7/79-6/83	8,525	C.
DOT-TSC-1745	ADP Support Services	do	SDC Integrated Services, Inc	10/79-10/82	11/82-10/83	14,695	C.
DOT-TSC-1576	Custodial Services	do	Empire Cleaning Co	7/79-6/81	None	602	C.
DTRS-57-80-C-0003	Material Handling Services	do	C. Walsh, Inc	10/79-9/82	10/82-9/83	450	C.
DOT-RC-82008	RSPA Management Information System.	Office of Policy, Plans & Administration, Washington, DC.	Information Sciences Corporation.	1/79-6/81	(1)	450	5/81.
Award Pending	Hazardous Materials Information System.	Office of Facilitation, Washington, DC.		10/81-10/86	(1)	600	10/82.

[1] Year or years. [2] No options.

Code: A—Step 1 (preliminary cost evaluation); B—Step 2 (comparative cost analysis); C—Contract awarded under set-aside program—no review required; D—In-house performance not feasible.

[FR Doc. 81-20881 Filed 7-20-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

1980 Populations for Indian Tribes and Alaskan Native Villages

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Notice of the dates and changes in the data definitions of the 1980 populations for Indian Tribes and Alaskan native villages.

SUMMARY: The Office of Revenue Sharing gives notice that it has mailed 1980 resident population data to all eligible Indian tribes and Alaskan native villages for their review, and that the Office has revised the definitions of the Indian population data for Oklahoma tribes and other population data matters affecting certain other Indian tribes.

DATES: The 1980 population data were mailed to all Indian tribes and Alaskan native villages between June 17 and 30, 1981. Those persons wishing to challenge these data are requested to do so by August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E St., N.W., Washington, D.C. 20226, (202) 634-5166.

SUPPLEMENTARY INFORMATION: In a **Federal Register** notice on May 21, 1981 (46 FR 27829), the Office of Revenue Sharing described the data definitions and challenge procedures for the Data Improvement Program for Entitlement Period 13 (October 1, 1981–September 30, 1982). On May 19, 1981 all eligible units of government except Indian tribes and Alaskan native villages were given their 1980 Census counts of population for review. Since the 1980 population data for Indian tribes and Alaskan native villages were not available from the Bureau of the Census, the population data sent to these governing bodies were their 1978 population estimates developed by the Bureau of Indian Affairs (hereafter referred to as BIA). The estimated allocations for Entitlement Period 13 shown on the data forms were computed using the 1978 population estimates.

The Bureau of the Census has recently supplied the Office of Revenue Sharing with 1980 resident Indian and Alaskan native population data. Between June 17 and 30, 1981, the Office of Revenue Sharing provided these data to all eligible Indian tribes and Alaskan native villages on either a ORS 3233 or TDR 90-18.3 form. A description of the forms was detailed i the May 21, 1981 **Federal Register** notice.

Indian tribes and Alaskan native villages are requested to review their 1980 population data. Except for the changes detailed in this notice, the definition of the 1980 population data is contained in the publication *General Revenue Sharing Data Definition for Allocation to Local Governments, Entitlement Period 13.* Copies of this publication were sent to all governments on May 19, 1981. If an Indian tribes or Alaskan native village believes that there are errors in its population data relative to the data definitions, it should return the data form to the Office of Revenue Sharing by August 1, 1981 with evidence justifying the proposed data corrections. Governments which do not wish to question their data or to certify a disaster need not return the form.

When the Office of Revenue Sharing receives a written challenge from a tribe or Alaskan native village, it will work with the Bureau of the Census or BIA to either substantiate or revise the questioned data, and will advise the tribal or Alaskan native village government of its decision. Any resulting population changes received by the Office of Revenue Sharing will be used to affect the tribal government's allocation for Entitlement Periods 12 (October 1, 1980—September 30, 1981) and 13.

Population Definition for Oklahoma Tribes

The Office of Revenue Sharing is also giving notice of a change in the data definitions of the 1980 populations for the Oklahoma tribes with trust lands located within the historic reservation areas. The Bureau of the Census intends to provide the Office of Revenue Sharing by June 1982 with the resident populations for these tribes based on tribal information data taken from the 1980 Census long forms (sample).

Oklahoma Indian governments except the Osage Tribal Council do not have current reservation boundaries within which population can be determined. Also, the Bureau of the Census cannot determine the Indian population on Oklahoma Indian trust lands since they do not match the geography of Census enumeration districts. The BIA has advised that Indian governing bodies in Oklahoma which do not have current reservations generally do not provide governmental services to persons not identified with the tribe of that governing body. Therefore, the Office of Revenue Sharing is giving notice that the population of Oklahoma Indian tribes (except the Osage Tribal Council which has a reservation) will include only Indians identified with the tribe of the Indian governing body and their spouses and children. They must be living within the boundaries of the historic area of any tribe in those Oklahoma counties where their tribes had a reservation which had legally established boundaries during the period 1900–1906.

Oklahoma Historic Areas

The lands in each Oklahoma county which were part of one or more Indian reservation which had legally established boundaries during the period 1900–1906 will be treated jointly as the land of all the reservations located in that county. Therefore, within a given county, Indians identified with a tribe whose historic reservation includes a portion of that county will be enumerated with that tribes regardless of whether they reside within their tribe's own historic reservation area or that of one of the other tribes. Areas inside cities and towns will be substracted from the land of the tribes. Only Indians identified with the tribe of the Indian governing body and their sponses and children living within the boundaries of the tribal area described above are to be included in the population data of Oklahoma Indian govenments.

The Oklahoma tribal population data for 1980 will not be available from the Bureau of the Census until tribal information enumerated on the 1980 Census long form (sample) is tabulated in June 1982. As requested by the Office of Revenue Sharing after consultation with the BIA, the Bureau of the Census projected the 1978 population estimates for Oklahoma Indian tribes to the April 1, 1980 Census date. The 1980 population estimates were computed by applying for 1979 and 1980 the same rate of increase in Indian population which occurred between 1977 and 1978 to the 1978 population estimates developed by the BIA for revenue sharing purposes. These estimates were rounded to the nearest "5," and adjusted if necessary so as not to exceed the total counts from the 1980 Census of the Indian population of the county.

Jointly Owned Areas

There are several areas or reservations which are jointly owned by more than one tribal governing body. The 1980 Census population for these was distributed proportionally among the governing bodies using the same proportions developed by BIA to produce the 1978 BIA population estimates for these areas.

Population Revisions for Certain Tribes

The Bureau of the Census has advised the Office of Revenue Sharing that the Census counts of ten reservations will be affected by future revisions in data. The tribes affected are:

Huron Potawatomi (MI)
Mattaponi Indian Tribe (VA)
Miccosukee Business Council (FL)
Onondaga Nation (NY)
Pomunkey Indian Tribe (VA)
Santa Clara Pueblo Council (NM)
Santa Ynez Business Council (CA)
Standing Rock Sioux Tribal Council (SD, ND)
Tigua Indian Community (TX)
Tuscarora Nation (NY)

The Bureau of the Census estimated the expected number of American Indians for these tribes. The Bureau of the Census will be reprocessing selected States to develop the actual population data. As a result, the revised figures may vary from population used in the final allocation of Entitlement Period 12 (October 1, 1980–September 30, 1981) and the initial allocation for Entitlement Period 13 (October 1, 1981–September 30, 1982).

The Bureau of the Census has not as yet enumerated the resident populations for two eligible tribal governments, the Robinson Tribal Council of California and the Siletz Interim Council of Oregon. The Bureau of the Census did not have appropriate maps of the lands of these tribal governments at the time of the 1980 Census. The BIA has provided 1980 population estimates for the Robinson Tribal Council and for the Siletz Interim Council. These data and the revenue sharing allocations based on them are subject to revision as soon as appropriate 1980 Census data become available.

Allocation Adjustments

When the Bureau of the Census provides the Office of Revenue Sharing with the resident population for the tribes described in this notice based on tribal information data taken from the 1980 Census long form (sample), the Office of Revenue Sharing will compute allocation adjustments for these tribes. Subject to the one year limitation on adjustments, the Office of Revenue Sharing will make demands for adjustments to the final allocations of Entitlement Period 12 (October 1, 1980–September 30, 1981) for these Indian tribes.

These resident population data also will be used in the final allocation for Entitlement Period 13 (October 1, 1981–September 30, 1982) if they are available. Otherwise, when these data are received the Office of Revenue Sharing will make demands for adjustments to the final Entitlement Period 13 allocations for these tribes subject to the one year limitation on adjustments.

Authority: This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224, January 20, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977.

Dated: July 10, 1981.

Kent Peterson,

Deputy Director, Administration and Operations, Office of Revenue Sharing.

[FR Doc. 81-21044 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-25-M

[General Counsel Order No. 25]

Office of the Secretary

Appointment to the Performance Review Board

I hereby appoint James Keightley to replace Stephen Miller on the General Panel of the Legal Division Performance Review Board.

Effective date: April 9, 1981.

David R. Brennan,

Acting General Counsel.

[FR Doc. 81-21081 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-25-M

Release of New "Model" Income Tax Treaty for Public Comment

The Treasury Department released for public comment a draft of a new United States "Model" Convention to avoid double taxation and fiscal evasion with respect to taxes on income and capital. The new Model would replace the Model of May 17, 1977 as the basic United States negotiating position in bilateral income tax treaty negotiations.

The proposed new Model adheres closely to the 1977 Model Income Tax Convention published by the Organization for Economic Co-operation and Development, deviating principally when necessary to reflect unique characteristics of United States law or policy. While most of the changes from the 1977 U.S. Model are of a technical or clarifying nature, some are substantive. Among the changes are reduction of the basic permanent establishment threshold from 24 months to 12 months; inclusion of a definition of "attributable to" in the business profits article; addition of a provision in the capital gains article dealing with real property holding companies; a new Article 16 dealing with limitation of treaty benefits; elimination of the 183 day threshold for independent personal services; and inclusion of a per country limitation in the credit article.

In practice U.S. bilateral conventions will never reflect precisely the Model. The process of agreeing upon a balanced income tax convention requires the United States to depart at times from its preferred positions. Moreover, at times the United States seeks variations in provisions of the Model where particular features of foreign law render those provisions inappropriate. Since, however, the U.S. Model does represent the starting U.S. negotiating position, Treasury is soliciting public comment before deciding finally on changes to the 1977 Model. Comments should be addressed to Acting International Tax Counsel, Room 4013, Main Treasury Building, Washington, D.C. 20220. To assure consideration, comments should be submitted by August 31, 1981.

Treasury is also considering issuing a commentary on the new Model. Commentators are asked to indicate areas in which explanation would be helpful and whether they believe a public meeting to discuss the proposed new Model would be desirable.

A limited number of copies of the draft Model is available from the Treasury Press Office, Room 2313, Treasury Department, Washington, D.C. 20220, telephone (202) 566–2041.

Dated: July 13, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-21080 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 138
Monday, July 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: See Federal Register dated July 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m. Tuesday July 21, 1981.

CHANGES IN THE MEETING: Addition to the Meeting—10:30 a.m.—Enforcement Matter—Litigation.

[S-1101-81 Filed 7-15-81; 4:36 pm]

BILLING CODE 6351-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of Meeting

July 15, 1981.

TIME AND DATE: 10 a.m., July 22, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda— 497th Meeting, July 22, 1981, Regular Meeting (10 a.m.)

CAP–1. Project No. 2985, The Mead Corp.
CAP–2. Docket No. ER81–498–000, The Cleveland Electric Illuminating Corp.
CAP–3. Docket No. ER78–517, Connecticut Light & Power Co.
CAP–4. Docket No. Docket Nos. ER81–267–000 and ER81–341–000, Kentucky Utilities Co.
CAP–5. Docket No. ER81–392–000, Pennsylvania Power & Light Co.
CAP–6. Docket No. ER81–388–000, Virginia Electric & Power Co.
CAP–7. Docket No. ER81–387–000, Central Power & Light Co.
CAP–8. Docket No. ER80–363, Delmarva Power & Light Co.
CAP–9. Docket No. ER80–559, Kansas Power & Light Co.

Consent Miscellaneous Agenda

CAM–1. Docket No. Docket No. RM81–2, small power production and cogeneration facilities—eligibility rates and exemptions for qualifying and utility-owned geothermal small power production facilities
CAM–2. Docket No. RM81– , contractral services for dubplication of documents
CAM–3. Docket No. RM80–33, final rules for part 270, Subpart B, Sections 270.201, 270.202 and 207.204
CAM–4. Docket No. GP81–12–000, State of Mississippi, § 107 NGPA determination, Tomlinson Interests, Inc., Charles W. Cavanaugh No. 1 Well, FERC No. JD81–17507
CAM–5. Docket No. RA81–46–000, Navajo Refining Co.

Consent Gas Agenda

CAG–1. Docket No. RP81–78–000, Cities Service Gas Co.
CAG–2. Docket Nos. CP79–84–003 and CP79–84–004, Panhandle Eastern Pipe Line Co.
CAG–3. Docket Nos. RP81–67–000, North Penn Gas Co.
CAG–4. Docket Nos. RP80–91, and RP80–93, Arkansas Louisiana Gas Co.
CAG–5. Docket Nos. RP71–107 (phase II) (PGA76–1), and RP72–127 (R&D76–1), Northern Natural Gas Co.; Docket Nos. RP72–155 and RP73–104, El Paso Natural Gas Co.; Docket No. RP75–109, United Gas Pipe Line Co.; Docket No. RP78–18, El Paso Natural Gas Co.
CAG–6 Docket No. TA80–2–21 (PGA80–3), Columbia Gas Transmission Corp. and Columbia LNG Corp.; Docket No. TA80–2–22 (PGA–5, IPR80–3, LFUT80–2 and RD&D80–2), Consolidated Gas Supply Corp. and Consolidated LNG Co.; Docket No. RP80–136, Southern Natural Gas Co.; Docket No. RP80–129, State of Ohio ex rel., William J. Brown, Attorney General
CAG–7 Docket Nos. CI65–1047–000, et al., Amoco Production Co., et al.; Docket No. CI81–56–001, General American Oil Co.; Docket No. CI81–242–000, et al., Getty Oil Co.; (succesor to Reserve Oil, Inc.); Docket Nos. CI81–249–000 and CI81–257–000, Getty Oil Co.
CAG–8. Docket Nos. G–20555 (FERC gas rate schedule No. 2) and CI68–308 (FERC gas rate schedule No. 17), J. P. Owen (operator), et al.
CAG–9. Docket Nos. G–20195 and RI61–51 (FERC gas rate schedule Nos. 1, 3 and 5), Pioneer Oil & Gas Co., Inc. (operator), et al.
CAG–10. Docket No. CP80–349, Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.
CAG–11. Docket Nos. CP81–225–000 and CP81–256–000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–12. Docket No. CP81–73–000, Natural Gas Pipeline Co. of America and Tennessee Gas Pipeline Co., A Division of Tenneco Inc.
CAG–13. Docket No. CP81–151–000, Lone Star Gas Co., a Division of Enserch Corp.
CAG–14. Docket No. CP79–205–003, Colorado Interstate Gas Co.
CAG–15. Docket No. CP80–456, Northwest Pipeline Corp.
CAG–16. Docket No. CP79–374–002, Southern Natural Gas Co.
CAG–17. Docket No. CP81–353–000, Pennsylvania Gas & Water Co., applicant, Transcontinental Gas Pipe Line Corp., respondent
CAG–18. Docket No. CP81–177–000, Shenandoah Gas Co.
CAG–19. Docket Nos. CP81–284–000 and CP81–285–000, Consolidated Gas Supply Corp.

Regular Power Agenda

I. Licensed Project Matters

P–1. Project No. 2545, the Washington Water Power Co.
P–2. Project No. 4111–000, North Kern Water Storage District

II. Electric Rate Matters

ER–1. Docket No. ER81–518–000, the Toledo Edison Co.
ER–2. Docket No. ER81–504–000, Delmarva Power & Light Co.
ER–3. Docket No. ER79–277, Middle South Services, Inc.
ER–4. Docket No. ER77–533 (phase III), Louisiana Power & Light Co.
ER–5. Docket No. EL78–30, Concerned Citizens Against Power Monopoly V. Louisiana Power & Light Company

Regular Miscellaneous Agenda

M–1. Docket No. OF81–13–000, EG&G, Inc.

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Reserved

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket Nos. CP81–170, CP81–193 and CP81–203, Cities Service Gas Co.
CP–2(a) Docket No. CP81–174, Colorado Interstate Gas Co.

CP–2(b) Docket No. CP81–67, Trans Louisiana Gas Co., Inc.
CP–3. Docket No. CP81–188, Consolidated Gas Supply Corp.
CP–4. Docket Nos. CP81–219–000 and CP81–219–001, East Tennessee Natural Gas Co.; Docket No. CP81–337–000, Texas Eastern Transmission Corp.
CP–5. Docket No. CP81–230, Northern Natural Gas Co.
CP–6(a) Docket Nos. CP81–302–000, CP81–303–000 and CP81.304–000, Natural Gas Pipeline Co. of America; Docket No. CP81–322–000, Texas Gas Transmission Corp.
CP–6(b) Docket No. CP80–540, Faustina Pipe Line Co.
CP–6(c) Docket No. ST80–176–001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP–7. Docket No. CP78–266, Bear Creek Storage Co., Southern Natural Gas Co., and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket No. CP78–267, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP–8. Docket No. ST81–268–000, Dow Intrastate Gas Co.

Kenneth F. Plumb,
Secretary.

[S–1102–81 Filed 7–17–81; 8:45 am]
BILLING CODE 6450–85–M

3

NATIONAL MUSEUM SERVICES BOARD (NMSB).

DATE AND TIME: July 24, 1981, 8:30 a.m. to 5 p.m.

PLACE: Room 4003, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

STATUS: There will be a closed, executive session of the meeting from 8:30 a.m. to 10 a.m. The remainder of the meeting will be open to the public. Certification has been received for the Department of Education, Office of General Counsel, that in the opinion of that office, the NMSB "Would be authorized to close portions of its meeting on July 24, 1981, under 5 U.S.C. 552b(c)(6) and 34 CFR 64.78 for the purpose of discussing the membership and staffing of NMSB."

MATTERS TO BE CONSIDERED:

1. Executive Session—8:30 to 10:00 a.m. (closed to the public).
2. Introduction 10:00 a.m. to 10:15 a.m.
3. Remarks by a representative of a White House Task Force on the Arts and Humanities—10:15 to 10:45 a.m.
4. Remarks by Elam K. Hertzler, Executive Assistant to Secretary T. H. Bell—10:45 to 11:15 a.m.
5. Minutes—11:15 to 11:25 a.m.
6. Director's Report—11:25 to 11:45 a.m.
7. Conflict of interest guidelines for NMB—11:45 to 12:00 p.m.
8. Lunch—12:00 to 1:00 p.m.
9. Museum Assessment Program—1:00 to 1:15 p.m.
10. Report of Grants Review Panel and Committee—1:15 to 4:00 p.m.
11. Program Report, including emergency grants and preliminary grant statistics—4:00 to 5:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Kate Merlino, Executive Assistant to NMSB; Telephone: 202/426–6577.

Dated: July 15,1981.

Kate Merlino,
Executive Assistant, National Museum Services Board.

[S–1103–81 Filed 7–17–81; 8:45 am]
BILLING CODE 4000–01–M

4

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: TO BE PUBLISHED..

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, July 6, 1981.

CHANGES IN THE MEETING: Deletion/additional meeting. The following item was not considered at an open meeting scheduled for Thursday, July 16, 1981, at 10:00 a.m.

Consideration of whether to approve the selection of Donald J. Robinson as a public member of the Municipal Securities Rulemaking Board. For further information, please contact Susan J. Walters at (202) 272–2825.

The following items will be considered at a closed meeting scheduled for Thursday, July 16, 1981, following the 10:00 a.m. open meeting:

Litigation matter.
Report of investigation.
Institution of administrative proceeding of an enforcement nature.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Institution of injunctive action.
Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Loomis and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

July 15, 1981.

[S–1104–81 Filed 7–15–81; 3:59 pm]
BILLING CODE 8010–01–M

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federal register

Monday
July 20, 1981

Part II

Department of Education

Institutional Aid Programs

DEPARTMENT OF EDUCATION

34 CFR Parts 624, 625, 626 and 627

Institutional Aid Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations for the Institutional Aid Programs under Title III of the Higher Education Act of 1965, as amended. The regulations are necessary to implement the eligibility requirements and establish the application procedures and selection criteria for programs of institutional aid established by the Education Amendments of 1980. The programs provide assistance to institutions of higher education and include: the Strengthening Program, the Special Needs Program, and the Challenge Grant Program.

DATES: Comments must be received on or before September 18, 1981.

ADDRESSES: Comments should be addressed to Ms. Alfreda M. Liebermann, Chief, Policy and Planning Section, Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza, Post Office Box 23668, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Ms. Alfreda M. Liebermann. Telephone: (202) 245-2384.

SUPPLEMENTARY INFORMATION:

A. Background

Title II Institutional Aid Programs provide financial assistance to help eligible institutions of higher education to solve problems that threaten their ability to survive and to stabilize their management and fiscal operations so that they may achieve self-sufficiency. Beginning in FY 1982 eligible institutions will be able to apply for funding under the following three new grant programs:

- *The Strengthening Program,* which provides Federal assistance to institutions to improve their academic quality, institutional management, and fiscal stability.
- *The Special Needs Program,* which provides Federal assistance to institutions with special needs to strengthen their planning, management, and fiscal capabilities.
- *The Challenge Grant Program,* which provides Federal assistance on a matching basis as an incentive for eligible institutions to seek alternative sources of funding.

These programs provide funds to plan, develop, and implement activities for: the development of academic programs and faculty; administrative management; acquisition of equipment for use in management of funds and academic programs; joint use of facilities such as libraries and laboratories; and student services.

Federal assistance under these programs is not intended to supplement the operating expenses of grantees or to supplant what an institution would otherwise spend to carry out activities allowed under the programs. The purpose of these programs, rather, as expressed in Section 301 of the Higher Education Act, is to assist eligible institutions to carry out activities that enable them to become "viable, thriving institutions of higher education"; i.e., self-sufficient.

Thus, the Secretary provides the following:

- *Planning grants* to enable designed colleges and universities—including branch campuses that meet special eligiblity requirements—to develop long-range plans for self-sufficiency if they do not already have acceptable long-range plans. Planning grants under the Strengthening Program may also be used to assist in the development of an application for a development grant.
- *Development grants* to enable designated institutions to implement their long-range plans.

In general, eligible recipients are institutions that are providing higher education to substantial numbers of persons from low-income families and that do not yet have sufficient resources to provide adequate management, improve academic programs and student services, or upgrade the quality of their faculty members.

Both two-year and four-year public and nonprofit private colleges are eligible for funding under all the programs. In addition, certain graduate schools and certain medical schools are eligible for funding under the Challenge Grant Program.

Both the Strengthening Program and Special Needs Program provide for grants to institutions in cooperative arrangements. A cooperative arrangement is an agreement under which two or more eligible institutions share or combine resources and otherwise cooperate in order to carry out the purposes of the Institutional Aid Programs more efficiently and effectively than if each institution were to conduct those activities separately.

B. Highlights of the Proposed Regulations

For each of the three new programs, these proposed regulations govern—

a. The *eligibilty* of colleges and universities to participate;

b. The *types of awards and activities* that the Secretary funds;

c. The contents and assessment of the *comprehensive long-range development plan*;

d. The *number of applications*; and

e. The *criteria and priorities* the Secretary uses in selecting grantees.

Provisions common to all three programs are contained in 34 CFR Part 624. Specific program requirements are found in 34 CFR Part 625 for the Strengthening Program; 34 CFR Part 626 for the Special Needs Program; and 34 CFR Part 627 for the Challenge Grant Program.

a. *Eligibility. General.* The Institutional Aid Programs require a two-tier application process: an application for designation by the Secretary as an eligible institution and a subsequent application for a grant.

In order to be eligible for a new grant under any of the three programs in any given year, an institution must first meet basic qualifications for participation in the programs and apply to the Secretary for designation as an eligible institution under the program or programs from which the applicant plans to seek assistance.

If the Secretary designates the institution as an eligible institution under a program for that year, the institution may then apply for a grant and compete with other institutions applying for the same type of grant under the same program.

An institution that receives a grant covering a period of more than one year must submit to the Secretary each year an assurance that it continues to meet the basic qualifications for participation in the Institutional Aid Programs.

As general basic qualifications for participation in any of the three programs, the statute requires that an institution award a degree, have been providing for five academic years an educational program legally authorized by the State in which it is located, and have been accredited for five academic years or have been making reasonable progress toward accreditation for five academic years.

Institutions must also meet the eligibility requirements specific to that program. These requirements are based, in varying degrees, on an institution's comparative standing with similar institutions in terms of having both of the following:

- A low average educational and general (E&G) expenditure per full-time-equivalent undergraduate student.
- A substantial percentage of undergraduate students receiving large average awards under the Pell Grant Program or, in the case of the Special Needs Program, under the Pell Grant Program and other Title IV need-based student assistance programs.

An institution that is not designated as an eligible institution under a particular Institutional Aid Program may reapply for designation as an eligible institution under that program in a subsequent year.

Designation as an eligible institution does not guarantee that the Secretary will fund the institution's application. The Secretary selects grantees on the basis of the procedures, criteria, and other provisions in Subpart D of 34 CFR Part 624.

If an institution is receiving a grant of more than one year's duration under the Strengthening Developing Institutions Program (SDIP)—the predecessor of the Institutional Aid Programs—that institution is not eligible to apply for a grant under either the Strengthening Program or the Special Needs Program until the last year of its SDIP grant. The institution may, however, apply for a challenge grant during any year of its continuing SDIP grant.

Waiver of the five-year requirement. (34 CFR 624.3). The statute gives the Secretary the authority to waive the five-year requirement, regarding accreditation and the provision of an educational program, for institutions that serve substantial percentages of Amerioan Indian, Spanish-speaking, rural, or low-income students. The Secretary grants a waiver only if it will substantially increase higher educational opportunities appropriate to the needs of those persons.

This waiver is also available to institutions that traditionally have served substantial numbers of black students.

Designation of eligibility (34 CFR 625.2, 626.2, and 627.2). Once an institution meets the basic requirements for participation in the Institutional Aid Programs (34 CFR 624.2), it must meet further standards before the Secretary designates it as eligible under each of the three programs. In general, these standards are based on the following:

- An institution's enrollment of a "substantial percentage" of students who receive aid under certain specified need-based student assistance programs.
- The average amount of assistance each student receives under those programs.
- The average educational and general (E&G) expenditure by the institution per full-time-equivalent (FTE) undergraduate student.

The following is an explanation of these standards for each of the Institutional Aid Programs:

Designation of eligibility: Strengthening Program. Under the Strengthening Program an institution seeking designation must meet three tests:

1. Its average E&G expenditure per FTE undergraduate student in the base year must be less than the average E&G expenditure per FTE undergraduate student in that year at institutions that offer similar instruction.
2. The institution must enroll a substantial percentage of students who receive Pell Grants (formerly Basic Educational Opportunity Grants).
3. The average Pell Grant received by the institution's students in the base year must be higher than the average Pell Grant received by students at comparable institutions in that year.

Under the proposed regulations the Secretary considers that an institution has a substantial percentage of Pell Grant recipients if "at least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year * * *." (34 CFR 625.2(a)(2)(i))

The base year is the year selected by the Secretary for the purpose of establishing this and certain other requirements. The Secretary announces it annually in a notice in the Federal Register.

For purposes of determining what constitutes an "institution that offers similar instruction" or a "comparable institution" these regulations categorize institutions in four groups:

(1) Four-year public institutions.
(2) Four-year nonprofit private institutions.
(3) Public junior or community colleges including vocational or technical junior or community colleges.
(4) Nonprofit private junior or community colleges including vocational or technical junior or community colleges.

Designation of eligibility: Special Needs Program. Under the Special Needs Program an institution seeking designation must meet four tests:

1. It must have at least 100 FTE students during the academic year in which it applies for designation.
2. Its average E&G expenditure per FTE undergraduate student in the base year must be less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction.
3. The institution must enroll a substantial percentage of students who receive Pell Grants *and* a substantial percentage of students who receive assistance under the Campus-Based programs (Supplemental Educational Opportunity Grants Program, National Direct Student Loan Program, and College Work-Study Program). (NOTE: The Secretary has established separate percentages because the Secretary does not have data that provides an unduplicated count of students receiving Pell Grants and assistance under the Campus-Based programs.)
4. The average Pell Grant received by the institution's students in the base year must be higher than the average Pell Grant received by students at comparable institutions in that year *and* the average amount of assistance received by the institution's students in the base year under the Campus-Based programs must be greater than the average amount of assistance received by students under those programs at comparable institutions in that year.

Under the proposed regulations the Secretary considers that the institution has a substantial percentage of Pell Grant recipients and a substantial percentage of students receiving assistance under the Campus-Based programs if "at least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year; and at least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for student financial assistance under one or more of the Campus-Based programs (Supplemental Educational Opportunity Grants Program, National Direct Student Loan Program, and College Work-Study Program) in the base year received assistance under the Campus-Based programs in that year * * *." (34 CFR 626.2(a)(2) (i) and (ii))

As used in the Special Needs Program, the definitions of "base year," "institution that offers similar instruction," and "comparable institution" are the same as the definitions presented in the preceding description of designation of eligibility for the Strengthening Program.

Designation of eligibility: Challenge Grant Program. Under the Challenge Grant Program an institution seeking designation must have met the tests of designation under either the Strengthening Program or the Special Needs Program or, instead, meet other tests described in 34 CFR 627.2.

b. *Types of Awards and Activities. Types of grants* (34 CFR 625.10, 626.10, 627.10). Under the Strengthening

Program and Special Needs Program the Secretary awards two kinds of grants: Planning grants and development grants. Under the Challenge Grant Program the Secretary awards development grants only. Readers are advised that activities such as the Endowment Funding Plan are not authorized and, therefore, may not be funded under the Institutional Aid Programs.

c. *Long-Range Plan.* Because the purpose of these programs is to assist institutions to attain self-sufficiency, the statute requires that each applicant for a development grant submit a viable long-range plan directed to that purpose and acceptable to the Secretary. This must be a comprehensive plan in which the applicant describes fully its strategy for moving towards self-sufficieny (in the case of an application for a short-term development grant) or its strategy for achieving self-sufficiency (in the case of an application for a long-term development grant).

The Secretary does not award a long-term development grant unless the Secretary believes that the applicant will be able to carry out by the end of the grant period all activities—in the long-range plan—necessary to achieve self-sufficiency. These activities may include those not funded under Title III.

The required contents of a long-range plan are listed in 34 CFR 624.22.

The criterion the Secretary applies in assessing a long-range plan is found in 34 CFR 624.32 and discussed further elsewhere in this preamble.

d. *Number of Applications. Limitations on the number of applications and simultaneous funding* (34 CFR 624.35, 625.20, and 626.20). Applicants should note the following carefully:

- An applicant may receive only one planning grant.
- An applicant may not receive a planning grant and a development grant during the same year.
- All planning and development grants under the Strengthening Program (with the exception of one-to-three-year development grants), all planning and development grants under the Special Needs Program, and all development grants under the Challenge Grant Program are *one-time-only* grants. Therefore, once an institution has received a particular grant, it may not reapply for the same type of funding.
- Under the Strengthening Program an applicant may not apply in the same fiscal year for both a short-term (one-to-three-year) development grant and a long-term (four-to-seven-year) development grant.
- Except as provided in 34 CFR 624.35(d), an institution may receive only one long-term development grant.
- However, an institution may receive one long-term development grant under the Challenge Grant Program in addition to any other long-term development grant under the Strengthening Program or the Special Needs Program.

e. *Criteria and Priorities Used in Selecting Grantees.* Under the proposed regulations the Secretary takes a number of steps in selecting grantees:

1. The Secretary appoints a panel of readers—as described in Section 343 of the Act (Application Review Process)—to review and provide comments on each application and to assign points to the application depending on its quality.

2. (a) The readers evaluate each long-range plan on the basis of the criteria in 34 CFR 624.32. An applicant should note that submission of a long-range plan is not simply a requirement of the application process but has further ramifications with regard to the evaluation of its application. Under these proposed regulations the readers will evaluate the long-range plan as an important criterion in assessing an application for a development grant. This evaluation will be based on whether the implementation of the long-range plan is likely to enable the applicant institution to move toward or achieve self-sufficiency. If the long-range plan does not clearly indicate that the institution will move toward or achieve self-sufficiency by the end of the grant period, the Secretary does not consider the application for funding.

(b) The readers further evaluate each application on the basis of the selection critera in 34 CFR 624.31 or 624.33, as applicable. The selection criteria are based on requirements adapted from the Education Department General Administrative Regulations (EDGAR) and on other factors necessary to implement the legislation.

3. In evaluating applications the Secretary considers the comments of the readers and the ratings recommended by them. The Secretary may also consider other appropriate information from sources such as existing public records, site visits, and external evaluation reports.

4. The Secretary totals the points each application receives for the selection criteria in 34 CFR 624.31 or 624.33, as applicable, and assigns to each application an appropriate number of points.

5. The Secretary prepares separate rank-order lists for each type of grant under each of the Institutional Aid Programs. Please note that the Secretary ranks applications from institutions that grant bachelors' degrees together with applications from junior and community colleges.

6. Using the rank-order lists for each program, the Secretary then prepares funding-order slates for each program. The Secretary takes into consideration the funding limitations in 34 CFR 624.35, 625.20 and 626.20, as applicable.

7. Using the funding order slates the Secretary funds applications in descending order.

Other funding priorities (34 CFR 625.31 and 626.31). If a sufficient number of high quality applications is received for the following categories, the regulations provide for these statutory requirements:

- The Secretary makes available each year to two-year institutions at least 24 percent of that year's appropriation for the Strengthening Program and at least 30 percent of that year's appropriation for the Special Needs Program.
- The Secretary makes available each year for long-term (four-to-seven-year) development grants at least 25 percent of that year's appropriation for the Strengthening Program. Any of these funds that are not awarded by the Secretary in any given year may be carried over to be used for long-term development grants under this program the following year.
- Under the Special Needs Program the Secretary makes available each year to institutions that have historically served substantial numbers of black students not less than 50 percent of the amount they received under the Strengthening Developing Institutions Program in fiscal year 1979, approximately $27,035,000.
- If the Secretary awards a multi-year grant, the funds available for each year of the grant will come from the funds appropriated for that year.

Executive Order 12291

These regulations have been reviewed by the Department in accordance with Executive Order 12291 and are classified as non-major regulations because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities. The small entities affected by these regulations are small institutions of higher education. Any significant economic impact will affect only the small proportion of small institutions of higher education that must develop a new comprehensive long-range development plan. However, this economic impact will not be a burden to these small institutions because the Secretary awards grants to develop these plans.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before the 60th day after publication of the document will be considered in the development of the final regulations.

The Secretary particularly requests comments to be submitted as soon as possible on the proposed definition of a "substantial percentage" of recipients of need-based student assistance, as found in 34 CFR 625.2 and 626.2.

To assist the Department in complying with the special requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is expecially invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

The Secretary also requests comments on whether these regulations would require institutions of higher education to transmit information that is already being gathered by or is available from any other agency or authority of the United States.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3045, ROB–3, 7th and D Streets, S.W., Washington, D.C. between the hours of 8:30 a.m and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Legal Authority

A citation of statutory of other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.031, the Institutional Aid Programs. Part I of OMB Circular A–95 does not apply to these programs)

Dated: July 14, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 624 of Title 34 of the Code of Federal Regulations to read as follows:

PART 624—INSTITUTIONAL AID PROGRAMS

Subpart A—General

Sec.
624.1 Institutional Aid Programs.
624.2 Eligible applicants.
624.3 Waiver of five-year requirement.
624.4 Eligible grantees.
624.5 Regulations that apply to the Institutional Aid Programs.
624.6 Definitions that apply to the Institutional Aid Programs.

Subpart B—What Kinds of Projects Does the Secretary Assist Under the Institutional Aid Programs?

624.10 Types of grants.
624.11 Planning grant.
624.12 Development grant.
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Subpart C—How Does One Apply for a Grant?

624.20 Designation as an eligible applicant.
624.21 How to apply for a grant.
624.22 Long-range plan.
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Subpart D—How Does the Secretary Make a Grant?

624.30 General evaluation of applications.
624.31 Selection criteria for planning grants.
624.32 Long-range plan to achieve self-sufficiency.
624.33 Selection criteria for development grants.
624.34 Grants under coorperative arrangements.
624.35 Funding relationships among grants awarded under the Institutional Aid Programs.

Subpart E—What Conditions Must a Grantee Meet?

624.40 Maintenance of eligibility.
624.41 Fiscal requirements.
624.42 Restrictions on the use of funds.

Subpart F—[Reserved]

Subpart G—What Compliance Procedures Does the Secretary Use?

624.60 Failure to maintain eligibility.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1051–1069c).

Subpart A—General

§ 624.1 Institutional aid programs.

(a) The Institutional Aid Programs are designed to provide Federal funds for a limited period of time to assist eligible institutions of higher education to become self-sufficient by—

(1) Solving problems that threaten their ability to survive; and

(2) Stabilizing their management and fiscal operations.

(b) The Institutional Aid Programs consist of the following:

(1) The Strengthening Institutions Program (34 CFR Part 625), referred to in these regulations as the Strengthening Program.

(2) The Aid to Institutions with Special Needs Program (34 CFR Part 626), referred to in these regulations as the Special Needs Program.

(3) The Challenge Grant Program (34 CFR Part 627).

(20 U.S.C. 1057, 1060, 1065, 1066)

§ 624.2 Eligible applicants.

(a) In order to apply for a grant under the Institutional Aid Programs, an institution of higher education or a branch campus must first be designated by the Secretary as an eligible institution.

(b) Before applying to the Secretary for designation as an eligible institution under § 624.20, the institution must satisfy basic eligibility requirements; that is, it must be an educational institution and—

(1) Admit as regular students persons who are—

(i) High school graduates;

(ii) The recognized equivalent of high school graduates; or

(iii) Beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered by the institution;

(2) Be, and have been for five academic years preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to—

(i) Provide an educational program for which it awards a bachelor's degree; or

(ii) Be a junior or community college;

(3) Be, and have been for five academic years preceding the academic year for which it seeks assistance—

(i) Accredited by a nationally recognized accrediting agency or association; or

(ii) Making reasonable progress toward accreditation according to that accrediting agency or association; and

(4) Meet specific eligibility requirements for designation in 34 CFR 625.2, 626.2, or 627.2, as appropriate.

(c) If an institution changes its status from a junior or community college to an institution that awards bachelors' degrees or *vice versa*, it may satisfy the five-year requirements of paragraphs (b)(2) and (3) of this section by combining the periods of time it qualified as either type of institution.

(20 U.S.C. 1058, 1061, 1064, and 1141)

§ 624.3 Waiver of five-year requirement.

(a) At the request of an institution, the Secretary may waive for that institution all or part of the five-year requirements

in paragraphs (b) (2) and (3) of § 624.2 if the Secretary determines that—

(1)(i) In the case of an institution located on an Indian reservation or near an Indian reservation or a substantial population of Indians, the waiver will substantially increase the higher educational opportunities appropriate to the needs of American Indians;

(ii) For purposes of paragraph (a)(1)(i) of this section, generally the Secretary considers "near" to mean within 50 miles. However, the Secretary reserves the right to adjust this on a case-by-case basis, depending on reasons stated by the applicant in its request for a waiver;

(2) Wherever the institution is located, the waiver will substantially increase higher educational opportunities for—

(i) Spanish-speaking people;

(ii) Individuals living in rural areas, whose needs are for the most part unserved by other institutions of higher education; or

(iii) Individuals whose income is below the poverty level establishing by the United States Bureau of the Census (low-income individuals); or

(3) Wherever the institution is located, the institution has traditionally served substantial numbers of black students.

(b) For purposes of this section a rural area means an area that is not included in a standard metropolitan statistical area as defined by the United States Bureau of the Census.

(c) An institution requesting a waiver under this section shall submit to the Secretary a written statement that includes sufficient information and explanations as to why the Secretary should grant the waiver.

(20 U.S.C. 1067)

§ 624.4 Eligible grantees.

(a) The Secretary awards a grant under the Strengthening Program or the Special Needs Program to—

(1) An institution the Secretary has designated as eligible; or

(2) Two or more eligible institutions under a cooperative arrangement.

(b) The Secretary awards a grant under the Challenge Grant Program to individual eligible institutions only.

(20 U.S.C. 1057, 1060, 1064 and 1069)

§ 624.5 Regulations that apply to the Institutional Aid Programs.

The following regulations apply to the Institutional Aid Programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions) except for 34 CFR 75.128(a)(2) and 75.129(a), in the case of applications under cooperative arrangement.

(b) The regulations in this Part 624.

(c) The regulations in 34 CFR Parts 625, 626, or 627, as applicable.

(20 U.S.C. 1221e-3(a)(1), 1057, 1060, 1064)

§ 624.6 Definitions that apply to the Institutional Aid Programs.

(a) The following terms used in this part are defined in EDGAR, 34 CFR Part 77:

Applicant
Application
EDGAR
Grant
Grant period
Grantee
Nonprofit
Private
Project
Public
Secretary
State

(b) The following definitions apply specifically to the Institutional Aid Programs:

"Academic year" means a period of time, generally eight or nine months, in which a full-time student is expected to complete—

(1) The equivalent of at least two semesters, two trimesters, or three quarters at an institution using credit hours; or

(2) At least 900 hours training for each program at an institution using clock hours.

"Activity" means a specific component of a project for which Federal funds are requested.

"Based year" means a 12-month period ending on June 30 of the year identified by the Secretary through a notice in the **Federal Register**.

"Branch campus."

(1) This term means, in a university or college, a unit that is—

(i) Independent of the main campus; and

(ii) Geographically apart from the main campus of the university or college.

(2) The Secretary considers a branch campus to be independent of the university's or college's main campus if the branch campus—

(i) Is separately accredited;

(ii) Is permanent in nature;

(iii) Offers courses for credit and programs leading to an associate or bachelor's degree;

(iv) Is autonomous to the extent that has its own faculty and administrative or supervisory organization; and

(v) Has its own budgetary and hiring authority.

"Comparable institutions" and "institutions that offer similar instruction" mean institutions that are being compared with an applicant institution and that fall within one of the following four categories:

(1) Four-year public institutions.

(2) Four-year private institutions.

(3) Public junior or community colleges.

(4) Nonprofit private junior or community colleges.

"Cooperative arrangement" means an agreement between two or more eligible institutions that share and combine resources and otherwise cooperate in order to carry out the purpose of the Institutional Aid Programs more effectively and efficiently than if each institution were to conduct those activities separately.

"Educational and general (E&G) expenditures" means the total amount expended by an institution of higher education for—

(1) Instruction;

(2) Research;

(3) Public service;

(4) Academic support, including library expenditures;

(5) Student services;

(6) Institutional support;

(7) Scholarships and fellowships;

(8) Operation;

(9) Maintenance expenditures for physical plant; and

(10) Any mandatory transfers that the institution is required to pay by law.

"Full-time equivalent (FTE) undergraduate students."

(1) This term means the sum of—

(i) The number of full-time undergraduate students; and

(ii) The full-time equivalent of the number of part-time undergraduate students enrolled at the institution.

(2) The Secretary determines the full-time equivalent of the number of part-time students in paragraph (1)(ii) of this definition by—

(i) Adding the number of credit hours taken by all part-time students; and

(ii) Dividing that number by 12.

"Half-time student" means a student who is carrying a half-time academic work load as determined by the institution according to its own standards and practices. However, the institution's half-time standards must equal or exceed the equivalent of the following minimum requirements:

(1) Six semister hours or quarter hours per academic term in an institution using standard semester, trimester, or quarter systems.

(2) Twelve semester hours or 18 quarter hours per academic year for an institution using credit hours to measure progress, but not using a standard semester, trimester, or quarter system, or the prorated equivalent for a program of less than one year.

(3) Twelve clock hours per week for an institution using clock hours.

"Junior or community college" means an institution of higher education that provides an educational program—

(1) For which it does not award a bachelor's degree; but

(2)(i) That is of not less than two years' duration and is acceptable for full credit toward a bachelor's degree; or

(ii) That is a two-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"Long-term grant" means a broad-purpose, non-renewable development grant designed to enable an institution or group of institutions to achieve self-sufficiency by the end of the grant period.

"Pell Grant" (formerly Basic Educational Opportunity Grant) means the grant awarded under Title IV–A–1 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

"Renewable grant" means a short-term grant for which an institution may reapply.

"Self-sufficient" means the point at which, in the determination of the Secretary, an institution should be able to survive without funding under the Institutional Aid Programs.

"Short-term grant" means a narrow-purpose, renewable development grant designed to help an institution or group of institutions move toward self-sufficiency.

"Strengthening Developing Institutions Program (SDIP)" means the program authorized under Title III of the Higher Education Act of 1965 before October 1, 1981.

(20 U.S.C. 1058, 1059, 1061, 1062, 1066, and 1069)

Subpart B—What Kinds of Projects Does the Secretary Assist Under the Institutional Aid Programs?

§ 624.10 Types of grants.

The Secretary awards two principal types of grants under the Institutional Aid Programs:

(a) Planning grants, as described in § 624.11.

(b) Development grants, as described in § 624.12.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1064)

§ 624.11 Planning grant.

(a) Unless otherwise provided, a planning grant may be used for a project to develop—

(1) A long-range comprehensive development plan (long-range plan), as described in § 624.22;

(2) An application for a development grant; or

(3) A long-range plan and an application for a development grant.

(b) The Secretary does not consider awarding a planning grant to an institution—

(1) That is receiving or has received another grant under the Institutional Aid Programs; or

(2) Solely to prepare an application for a development grant under the Strengthening Program if that institution does not submit a long-range plan containing all of the elements described in 624.22.

(c) The Secretary does not consider awarding a planning grant to develop a long-range plan to a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each of the participating institutions.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1069)

§ 624.12 Development grant.

(a) A development grant may be used for a project to implement portions of an applicant's long-range plan to enable it to move toward or achieve self-sufficiency.

(b) Under the Institutional Air Programs the Secretary does not consider awarding—

(1) A development grant to an institution if the institution received a grant under SDIP and is not in the final year of that grant; or

(2) Funds under a development grant to duplicate, in whole or in part, an activity for which the prospective grantee has received funds or is receiving funds under the Institutional Aid Programs.

(20 U.S.C. 1057, 1059, 1060, 1062, 1066, and 1069)

§ 624.13 Allowable activities.

(a) The Secretary awards grants under the Institutional Aid Programs to assist eligible institutions to plan, develop, or implement activities that the Secretary determines are likely to enable the institution to become self-sufficient.

(b) The following types of development activities are allowable:

(1) Development of faculty.

(2) Management of funds and administrative management.

(3) Development and improvement of academic programs.

(4) Acquisition of equipment for use in strengthening management of funds and in strengthening academic programs.

(5) Joint use of facilities such as libraries and laboratories.

(6) Student services.

(20 U.S.C. 1057, 1060, 1060, 1062, 1064)

Subpart C—How Does One Apply for a Grant?

§ 624.20 Designation as an eligible applicant.

(a) An institution that wishes to be designated as an eligible institution for a particular Institutional Aid Program must file with the Secretary a request for designation for that program, according to the instructions contained in an annual application notice published in the **Federal Register**.

(b) An institution that receives a grant for a grant period lasting more than one year shall include in its annual application for a continuation award the assurance described in § 624.40(b).

(20 U.S.C. 1056, 1061, and 1064)

§ 624.21 How to apply for a grant.

(a) *General.* In an application for either a planning grant or a development grant, an applicant shall—

(1) Explain how the grant will assist the institution to prepare for the critical financial and other problems facing it in the next decade;

(2) If it is requesting funding for more than one activity—

(i) Identify those activities that would be a sound investment of Federal funds if funded separately;

(ii) Identify those activities that would be a sound investment of Federal funds only if funded along with other activities in the application; and

(iii) Rank the activities in order of preferred funding;

(3) Submit all budgetary information the Secretary may require, including a separate detailed budget for each activity;

(4) Identify the policies and procedures it will use to ensure that any Federal funds it receives as a result of the application will be used to supplement—and not supplant—funds it would otherwise make available to carry out its long-range plan;

(5) Identify the fiscal control and accounting procedures necessary for proper disbursement of and accounting for any Federal funds it receives as a result of the application; and

(6) Provide assurance to the Secretary that it will comply with the restrictions on the use of funds specified in § 624.42 (a) through (d).

(b) *Development grant.* In an application for a development grant, an applicant shall—

(1) Include its long-range plan containing all the elements required in § 624.22;

(2) Provide information that fully addresses each component of each selection criterion in § 624.33;

(3) Identify the measurable objectives in its long-range plan that each proposed activity will help achieve; and

(4) If it is requesting a multi-year grant, explain why—

(i) A multi-year grant of that length is necessary; and

(ii) A single year grant would be inadequate.

(c) *Planning grant.* In an application for a planning grant, an applicant shall—

(1) Provide information that fully addresses each component of each selection criterion in § 624.31; and

(2) If it is requesting funding solely to develop an application for a development grant, submit a long-range plan containing all of the elements required in § 624.22.

(20 U.S.C. 1060, 1066b; 1221e-3

§ 624.22 Long-range plan.

(a) In its comprehensive long-range development plan (referred to in these regulations as the long-range plan), an institution shall describe its strategy for achieving self-sufficiency by strengthening its—

(1) Academic quality; and

(2) Institutional management.

(b) The long-range plan must include—

(1) The institutional mission statement (that is, a broad statement of fundamental purpose that includes the social and intellectual aspirations of the institution);

(2) Long-range and short-range institutional goals;

(3) Objectives for each major unit of the institution;

(4) Time frames to achieve institutional goals and unit objectives;

(5) Resource requirements; and

(6) Evaluation strategies and performance measures.

(20 U.S.C. 1066)

§ 624.23 Applications for grants under cooperative arrangements.

(a) To apply for a grant under the Strengthening Program or the Special Needs Program, the participating institutions in a cooperative arrangement shall submit a single, collective application that includes—

(1) The information required in 34 CFR 624.21; and

(2) The names of the institutions participating in the cooperative arrangement.

(b)(1) *Development grant.* The application for a development grant under a cooperative arrangement shall—

(i) Explain the relationship of the activities for which funding is requested to—

(A) The long range plan of each participating institution; and

(B) The activities each participating institution carried out or is carrying out under a short-term development grant, if any, awarded previously under the Strengthening Program;

(ii) Explain the rationale for each participating institution's decision to request funds to carry out activities to achieve self-sufficiency as part of a cooperative arrangement rather than individually; and

(iii) Identify the activities included in any other application the cooperative arrangement or any participating institution is submitting for funding in the same fiscal year under the Institutional Aid Programs.

(2) An application may not include any activity that duplicates, in whole or part, an activity that was funded previously under the Institutional Aid Programs.

(c) *Planning grant.* The application for a planning grant under a cooperative arrangement shall explain the rationale for each participating institution's decision to request funds to develop, as appropriate, its application or its long-range plan as part of a cooperative arrangement rather than individually.

(20 U.S.C. 1069)

§ 624.24 Separate applications.

If an institution applies in the same year for both a grant as an individual institution and a grant under a cooperative arrangement, the institution shall submit as an individual institution an application that is separate from the application the cooperative arrangement submits.

(20 U.S.C. 1066 and 1221e-3)

Subpart D—How Does the Secretary Make a Grant?

§ 624.30 General evaluation of applications.

(a) The Secretary evaluates an application for a planning grant on the basis of the criteria in § 624.31.

(b) The Secretary evaluates an application for a development grant on the basis of—

(1) The appropriate criterion in § 624.32 for assessing the long-range plan to achieve self-sufficiency; and

(2) The selection criteria in § 624.33.

(c)(1) The Secretary awards up to 100 points for the criteria in § 624.31 and up to 100 points for the criteria in § 624.33.

(2) The maximum possible score for each complete criterion is indicated in parentheses following the title of that criterion.

(3) In the case of criteria worth more than 10 possible points, the maximum possible score for each component of a criterion is indicated in parentheses following that component.

(20 U.S.C. 1221e-3)

§ 624.31 Selection criteria for planning grants.

(a) *Plan of operation.* (Total: 50 points)

(1) The Secretary reviews each application for information that shows that the proposed project is likely to develop a high quality—

(i) Long-range plan;

(ii) Application; or

(iii) Long-range plan and application.

(2) The Secretary looks for information that shows—

(i) Measurable objectives appropriate to the purpose of the project (10 points); and

(ii) The quality of the project plan to achieve the objectives. The Secretary bases this assessment of quality on—

(A)(*1*) The implementation strategy for developing the applicant's long-range plan or application; and

(*2*) A realistic timetable for achieving each objective (20 points);

(B) The extent to which the applicant will use its own resources and personnel to achieve each objective (10 points); and

(C) The extent to which procedures described by the applicant in its application are likely to ensure effective administration of the proposed project (10 points).

(b) *Key personnel.* (Total: 30 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant will use to develop the long-range plan or application.

(2) The Secretary looks for information that shows—

(i) The extent to which the applicant involves a variety of its own personnel, students, and governing board members in the planning process for the project (12 points);

(ii) The qualifications of the project director (6 points);

(iii) The role of each of the other key personnel who will participate in the planning process as part of the project (6 points); and

(iv) The time that each person referred to in paragraphs (b)(2) (i) through (iii) of this section plans to commit to the project (6 points).

(c) *Budget and cost effectiveness.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the planning process; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation design.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of the proposed evaluation design for the project.

(2) The Secretary looks for information that shows that—

(i) The methods of evaluation are appropriate for a planning process; and

(ii) The evaluation criteria are appropriate for determining success in achieving the objectives of the project.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1221e-3)

§ 624.32 Long-range plan to achieve self-sufficiency

(a) The Secretary reviews each application for a development grant for information that shows whether the applicant's long-range plan provides for self-sufficiency.

(1) In the case of an application for a short-term development grant, the Secretary looks for information that shows whether implementing the long-range plan with Federal funds is likely to result in that institution *moving toward self-sufficiency* by the end of the proposed grant period.

(2) In the case of an application for a long-term development grant, the Secretary looks for information that shows whether implementing the long-range plan with Federal funds is likely to result in that institution *becoming self-sufficient* by the end of the proposed grant period.

(b) In reviewing the applicant's long-range plan the Secretary looks for information showing that—

(1) The institution identifies the major problems or deficiencies that inhibit it from becoming self-sufficient and thriving; and

(2) The institution proposes effective strategies to overcome each problem or deficiency.

Note.—Congress has determined (in section 301 of the Higher Education Act) that eligible institutions face problems that relate to declining enrollments, scarce resources, management, long-range planning, recruitment and development. Long-range plans should address these and any other problems as applicable.

(c) The Secretary does not consider further an application for a development grant unless the applicant's long-range plan clearly meets the appropriate criterion in paragraph (a) of this section.

Note.—The Secretary does not assign points to this criterion. Rather, the Secretary determines whether or not the applicant meets the criterion.

(20 U.S.C. 1057, 1059, 1060, 1064, and 1221e-3)

§ 624.33 Selection criteria for development grants

(a) *Plan of operation.* (Total: 70 points)

(1) The Secretary reviews each application for information that shows the quality of the project's plan of operation.

(2) The Secretary looks for information that shows the following:

(i) The extent to which objectives for each activity—

(A) Address the goals in the institutional long-range plan;

(B) Are clear and specific; and

(C) Are measurable (10 points).

(ii) The quality of the project plan to achieve the objectives. The Secretary bases this assessment of quality on—

(A)(*1*) The implementation strategy (a complete description of what the applicant plans to do and how the applicant plans to do it) for each activity; and

(*2*) The extent to which achieving the objectives of the proposed activities in the project plan is likely to contribute to the achievement of self-sufficiency by the institution (30 points);

(B) A timetable for achieving the objectives of each activity (5 points);

(C) The extent to which the applicant will use its own resources and personnel to achieve each objective (15 points); and

(D) The extent to which procedures described by the applicant in its application are likely to ensure effective administration of the proposed project (10 points).

(b) *Quality of key personnel.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (c)(2)(i) and (ii) of this section plans to commit to the project.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the activities of the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation design.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation design for the project.

(2) The Secretary looks for information showing that proposed methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(20 U.S.C. 1057, 1060, and 1221e-3)

§ 624.34 Grants under cooperative arrangements.

(a) In considering applications from institutions that propose to carry out projects under a cooperative arrangement, the Secretary gives priority to those applications that the Secretary determines are—

(1) Geographically sound; and

(2) Economically sound.

(b) The Secretary determines that a cooperative arrangement is—

(1) Geographically sound based on the proximity of the participating institutions; and

(2) Economically sound if participating institutions demonstrate that—

(i) There is no duplication of effort among participating institutions; and

(ii) Each activity proposed in the application will be carried out more efficiently and effectively at less cost than would be possible if each participating institution were awarded a grant individually.

(c) The Secretary considers each participating institution in a cooperative arrangement to be a separate grantee for purposes of this part.

(20 U.S.C. 1069)

§ 624.35 Funding relationships among grants awarded under the Institutional Aid Programs.

(a) *Planning grants.* The Secretary awards only one planning grant to an institution under the Institutional Aid Programs.

(1) If an institution receives a planning grant under the Strengthening Program, the Secretary does not award that institution a planning grant under the Special Needs Program.

(2) Similarly, if an institution receives a planning grant under the Special Needs Program, the Secretary does not award that institution a planning grant under the Strengthening Program.

(3) The Secretary does not award a planning grant to an institution that has received or is receiving a development grant under the Institutional Aid Programs.

(b) *Development grants.* Under the Institutional Aid Programs, except as provided in paragraphs (c) and (d) of this section—

(1) An institution may receive the following:

(i) More than one short-term development grant.

(ii) During the same fiscal year, one short-term development grant individually and one short-term development grant as part of a cooperative arrangement.

(iii) Only one long-term development grant either individually or as part of a cooperative arrangement.

(iv) One long-term development grant after it has received one or more short-term development grants.

(2) An institution may not receive a short-term development grant if it has received a long-term development grant.

(3) An institution may not receive funds from more than one short-term development grant simultaneously except as provided in paragraph (b)(1)(ii) of this section.

(c) An institution may receive one long-term development grant under the Challenge Grant Program in addition to any other development grant under the Strengthening Program or the Special Needs Program.

(d) If an institution can demonstrate to the Secretary's satisfaction that extraordinary circumstances—such as a natural disaster—prevent the institution from achieving or sustaining self-sufficiency, the Secretary may award—

(1) A long-term development grant under the Special Needs Program to an institution that received a long-term development grant under the Strengthening Program, provided the institution is otherwise eligible under the Special Needs Program; or

(2) A long-term development grant under the Strengthening Program to an institution that received a long-term development grant under the Special Needs Program, provided the institution is otherwise eligible under the Strengthening Program.

(20 U.S.C. 1057–1065)

Subpart E—What Conditions Must a Grantee Meet?

§ 624.40 Maintenance of eligibility.

(a) A grantee under an Institutional Aid Program must maintain its eligibility under § 624.2(b)(1) through (3) or 34 CFR 627.2(b) or (c) for the duration of the grant period.

(b) An institution that receives a grant for a grant period lasting more than one year must annually submit to the Secretary an assurance that it continues to meet eligibility requirements under § 624.2(b)(1) through (3) or 34 CFR 627.2(b) or (c).

(20 U.S.C. 1058, 1061, and 1064)

§ 624.41 Fiscal requirements.

A grantee shall use Federal funds under the Institutional Aid Programs to supplement—and not supplant—funds the grantee would otherwise have available to plan, develop, or implement activities to become self-sufficient.

(20 U.S.C. 1066)

§ 624.42 Restrictions on the use of funds.

A grantee may not use funds under any Institutional Aid Program for any of the following:

(a) Activities other than those in its approved application.

(b) Activities that are inconsistent with any State plan of higher education applicable to the institution.

(c) Activities that are inconsistent with a State plan for desegregation of higher education, if any, applicable to the institution.

(d) A school or department of divinity or any religious worship or sectarian activity.

(e) General operating and maintenance expenses.

(f) Indirect costs.

(g) Construction costs except for minor remodeling as part of an approved activity.

(20 U.S.C. 1066, 1069b)

Subpart F [Reserved]

Subpart G—What Compliance Procedures Does the Secretary Use?

§ 624.60 Failure to maintain eligibility.

If an institution does not continue to meet the basic eligibility requirements under § 624.2(b)(1) through (3) or 34 CFR 627.2(b) or (c) during the grant period, the Secretary terminates the grant.,

(20 U.S.C. 1058, 1061, and 1064)

The Secretary adds a new Part 625 to Title 34 of the Code of Federal Regulations to read as follows:

PART 625—STRENGTHENING PROGRAM

Sec.

Subpart A—General

625.1 Strengthening Program.
625.2 Designation of eligibility.
625.3 Waiver of E&G requirement.
625.4 Regulations that apply to the Strengthening Program.

Subpart B—What Kinds of Grants Does the Secretary Award Under the Strengthening Program?

625.10 Types of grants under the Strengthening Program.
625.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

625.20 Limitations on applications.
625.21 Planning grants and development grants.

Subpart D—How Does the Secretary Make a Grant?

625.30 General rules.
625.31 Funding availability.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1057–1059 and 1066–1069c).

Subpart A—General

§ 625.1 Strengthening program.

(a) The Strengthening Institutions Program (referred to in these regulations as the Strengthening Program) assists eligible institutions of higher education to become self-sufficient and thereby strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.

(b) The program provides funds to help the institutions referred to in paragraph (a) of this section to improve their—

(1) Academic quality;

(2) Institutional management; and

(3) Fiscal stability.

(20 U.S.C. 1057)

§ 625.2 Designation of eligibility.

(a) The Secretary designates an institution of higher education or a branch campus as eligible to be considered for a grant under the Strengthening Program if—

(1) It satisfies the basic institutional eligibility requirements in 34 CFR 624.2;

(2)(i) At least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year; and

(ii) The Secretary determines that the average Pell Grant received by its students in the base year was greater than the average Pell Grant received by students at comparable institutions in that year; and

(3) The Secretary determines that the average educational and general (E&G) expenditure per full-time-equivalent (FTE) undergraduate student in the base year was less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction.

(b) In determining institutional eligibility, the Secretary gives the factors described in paragraphs (a)(2) (i) and (ii) of this section double the weight the Secretary gives the factor described in paragraph (a)(3) of this section.

(20 U.S.C. 1058)

§ 625.3 Waiver of E&G requirement.

(a) An institution may seek a waiver of the E&G requirement in § 625.2(a)(3) by submitting to the Secretary a written statement including information and an explanation as to why the Secretary should grant the waiver.

(b) The Secretary may waive the E&G requirement in § 625.2(a)(3) if the Secretary determines that—

(1) The institution's failure to comply with the requirement is caused by factors that distort that requirement with regard to that institution; and

(2) The institution's designation as an eligible institution for this program is consistent with the purposes of the program.

(c) Factors that the Secretary considers may distort an institution's E&G expenditures per FTE undergraduate student include, but are not limited to, the following:

(1) Low student enrollment.

(2) Size of the campus.

(3) Location in an unusually high cost of living area.

(4) High energy costs.

(5) An increase in State funding to that institution in order to comply with a desegregation plan for higher education.

(20 U.S.C. 1057)

§ 625.4 Regulations that apply to the strengthening program.

The following regulations apply to the Strengthening Program:

(a) The regulations in 34 CFR 624.

(b) The regulations in this Part 625.

(20 U.S.C. 1221e–3, 1057–1059, and 1066–1069c)

Subpart B—What Kind of Grants Does the Secretary Award Under the Strengthening Program?

§ 625.10 Types of grants under the strengthening program.

Under the Strengthening Program the Secretary, subject to the provisions of 34 CFR 624.35, awards—

(a) Planning grants;

(b) Short-term development grants for a period of one to three years; and

(c) Long-term development grants for a period of four to seven years.

(20 U.S.C. 1059)

§ 625.11 Allowable activities.

The Secretary considers applications for grants to carry out any of the activities listed in 34 CFR 624.13(b) or other activities that meet the purpose of this program as described in § 625.1(b).

(20 U.S.C. 1057 and 1059)

Subpart C—How Does One Apply for a Grant?

§ 625.20 Limitations on applications.

(a) Regardless of whether an institution is applying for a grant individually or as part of a cooperative arrangement, it may not apply in the same fiscal year for a short-term (one-to-three-year) development grant and a long-term (four-to-seven-year) development grant.

(b) An institution that has received a long-term development grant is ineligible to apply for another grant under this part, either individually or as part of a cooperative arrangement.

(20 U.S.C. 1057 and 1059)

§ 625.21 Planning grants and development grants.

(a) In its application for a grant under this program, an applicant shall—

(1) Indicate whether it is applying individually or under a cooperative arrangement for—

(i) A planning grant;

(ii) A short-term (one-to-three-year) development grant; or

(iii) A long-term (four-to-seven-year) development grant; and

(2) Include the applicable information required under 34 CFR 624.21 and, if appropriate, 624.23.

(b) If the application is for a planning grant, the applicant shall indicate whether it will use the grant to—

(1) Develop its long-range plan;

(2) Develop an application for a development grant; or

(3) Develop both a long-range plan and an application for a development grant.

(20 U.S.C. 1059, 1066)

Subpart D—How Does the Secretary Make a Grant?

§ 625.30 General rules.

(a) Using the procedures in 34 CFR 624.30, the Secretary evaluates applications for—

(1) Planning grants on the basis of the criteria in 34 CFR 624.31; and

(2) Development grants on the basis of the criteria in 34 CFR 624.32 and 624.33.

(b) In the case of applications for development grants, the Secretary gives special consideration to applicants that propose to carry out the activities described in 34 CFR 624.13(b).

(20 U.S.C. 1057, 1066, and 1068)

§ 625.31 Funding availability.

(a) If sufficient high-quality applications are received, the Secretary makes available, for any fiscal year, the following:

(1) For awards to junior or community colleges, not less than 24 percent of the funds appropriated under this program.

(2) For awards for long-term development grants, not less than 25 percent of the funds appropriated under this program.

(b) Each year the Secretary announces through a notice in the **Federal Register**—

(1) The amount of funds that will be used to fund long-term development grants under this program; and

(2) The maximum amount of funds that the Secretary may award to a grantee that year for each type of grant available under this program.

(20 U.S.C. 1069c)

The Secretary adds a new Part 626 to Title 34 of the Code of Federal Regulations to read as follows:

PART 626—SPECIAL NEEDS PROGRAM

Subpart A—General

Sec.

626.1 Special Needs Program.
626.2 Designation of eligibility.
626.3 Waiver of E&G requirement.
626.4 Regulations that apply to the Special Needs Program.

Subpart B—What Kinds of Grants Does the Secretary Award Under the Special Needs Program?

626.10 Types of grants under the Special Needs Program.
626.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

626.20 Limitation on applications.
626.21 Planning grants and development grants.

Subpart D—How Does the Secretary Make a Grant?

626.30 General rules.
626.31 Funding availability.

Subpart E—What Conditions Must a Grantee Meet?

626.40 Cost sharing.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1060–1063 and 1066–1069c).

Subpart A—General

§ 626.1 Special needs program.

The Aid to Institutions with Special Needs Program (referred to in these regulations as the Special Needs Program) assists institutions of higher education to become self-sufficient by strengthening their planning, management, and fiscal capabilities.

(20 U.S.C. 1060)

§ 626.2 Designation of eligibility.

(a) The Secretary designates an institution of higher education or a branch campus as eligible to be considered for a grant under the Special Needs Program if—

(1)(i) It satisfies the basic institutional eligibility requirements in 34 CFR 624.2; and

(ii) In the case of a branch campus, it is located in a community different from that in which its parent institution is located;

(2)(i) At least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year;

(ii) At least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for student financial assistance under one or more of the Campus-Based programs (Supplemental Educational opportunity Grants Program, National Direct Student Loan Program, and College Work-Study Program) in the base year received assistance under the Campus-Based programs in that year; and

(iii) The Secretary determines that—

(A) The average Pell Grant received by its students in the base year was greater than the average Pell Grant received by students at comparable institutions in that year; and

(B) The average amount of assistance received by its students in the base year under the Campus-Based programs was greater than the average amount of assistance received by students under those programs at comparable institutions in that year;

(3) The Secretary determines that the average educational and general (E&G) expenditure per full-time-equivalent (FTE) undergraduate student in the base year was less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction; and

(4) It has an enrollment of at least 100 FTE students during the academic year in which it applies for designation.

(b) In determining the eligibility of an institution, the Secretary gives the factors described in paragraph (a)(2) of this section the same weight the Secretary gives the factor described in paragraph (a)(3) of this section.

(20 U.S.C. 1061)

§ 626.3 Waiver of E&G requirement.

(a) An institution may seek a waiver of the E&G requirement in § 626.2(a)(3) by submitting to the Secretary a written statement including information and an explanation as to why the Secretary should grant the waiver.

(b) The Secretary may waive the E&G requirement in § 626.2(a)(3) if the Secretary determines that—

(1) The institution's failure to comply with the requirement is caused by factors that distort that requirement with regard to that institution; and

(2) The institution's designation as an eligible institution for this program is consistent with the purposes of the program.

(c) For the purposes of paragraph (b)(1) of this section, factors that the Secretary considers may distort an institution's E&G expenditures per FTE undergraduate student include, but are not limited to, the following:

(1) Low student enrollment.

(2) Size of the campus.

(3) Location in an unusually high cost of living area.

(4) High energy costs.

(5) An increase in State funding to that institution in order to comply with a desegregation plan for higher education.

(d) For purposes of paragraph (b)(2) of this section, factors that the Secretary uses in determining whether an institution's designation as an eligible institution is consistent with the needs of this program include whether the institution has—

(1) Extreme financial limitations requiring low faculty salaries, low cost of instruction for students, and low library expenditures;

(2) Little or no endowment, whether or not unrestricted;

(3) A high student-to-faculty ratio;

(4) A substantial percentage of students receiving need-based Federal student assistance;

(5) Limited library resources;

(6) A low percentage of faculty with earned doctoral degrees;

(7) Poor physical facilities and limited resources to maintain them;

(8) Little or no support from foundations, alumni, or corporations;

(9) Limited or no sponsored research or faculty publications;

(10) An inadequate development office and a limited capacity for long-range planning; and

(11) Poor or inadequate fiscal management and accounting procedures.

(20 U.S.C. 1061 and 1067)

§ 626.4 Regulations that apply to the special needs program.

The following regulations apply to the Special Needs Program:

(a) The regulations in 34 CFR Part 624.

(b) The regulations in this Part 626.

(20 U.S.C. 1060–1063, 1066–1069c, and 1221e–3)

Subpart B—What Kinds of Grants Does the Secretary Award Under the Special Needs Program?

§ 626.10 Types of grants under the special needs program.

Under the Special Needs Program the Secretary, subject to the provision of 34 CFR 624.35, awards—

(a) Planning grants for a period of one year; and

(b)(1) Long-term development grants for a period of one to five years; or

(2) Long-term development grants for a period of one to four years, in the case of an institution that has previously received a planning grant under this program.

(20 U.S.C. 1062)

§ 626.11 Allowable activities.

(a) Planning grants may be used only to develop a long-range plan as described in 34 CFR 624.22.

(b) Development grants may be used only to carry out the activities listed in 34 CFR 624.13(b).

(20 U.S.C. 1060 and 1062)

Subpart C—How Does One Apply for a Grant?

§ 626.20 Limitation on applications.

An institution that has received a long-term development grant may not apply for another grant under this part, either individually or as part of a cooperative arrangement.

(20 U.S.C. 1060 and 1062)

§ 626.21 Planning grants and development grants.

In its application for a grant under this program, an applicant shall—

(a) Indicate whether it is applying individually or as part of a cooperative arrangement for—

(1) A planning grant; or

(2) A long-term development grant;

(b) Include the applicable information required under 34 CFR 624.21; and

(c) In the case of an application for a development grant, provide assurances to the Secretary that it has the fiscal resources to pay for its share of assistance beyond the second year.

(20 U.S.C. 1060, 1062, and 1066)

Subpart D—How Does the Secretary Make a Grant?

§ 626.30 General rules.

Using the procedures in 34 CFR 624.30, the Secretary evaluates applications for—

(a) Planning grants on the basis of the criteria in 34 CFR 624.31; and

(b) Development grants on the basis of the criteria in 34 CFR 624.32 and 624.33.

(20 U.S.C. 1060, 1066, and 1068)

§ 626.31 Funding availability.

(a) If sufficient high-quality applications are received, the Secretary makes available, for any fiscal year, the following:

(1) For awards to junior or community colleges with special needs, not less than 30 percent of the funds appropriated under this program.

(2) For awards to institutions with special needs that have historically served substantial numbers of black students, not less than 50 percent of the amount received by those institutions under the Strengthening Developing Institutions Program (SDIP) for fiscal year 1079. This amount is approximately $27,000,000 dollars.

(b) The Secretary considers institutions that have historically served substantial numbers of black students to be those identified by the National Center for Education Statistics in its publication entitled "Traditionally Black Institutions: A Profile and an Institutional Directory.

(c) Each year the Secretary announces through a notice in the **Federal Register** the maximum amount of funds that the Secretary may award to a grantee that year for each type of grant available under this program.

(20 U.S.C. 1069c)

Subpart E—What Conditions Must a Grantee Meet?

§ 626.40 Cost sharing.

The Secretary pays the entire cost of any grant for the first two years of assistance under this program. After that the Secretary pays—

(a) Ninety percent of the cost in the third year;

(b) Eighty percent of the cost in the fourth year; and

(c) Seventy percent of the cost in the fifth year.

(20 U.S.C. 1063)

The Secretary adds a new Part 627 to Title 34 of the Code of Federal Regulations to read as follows:

PART 627—CHALLENGE GRANT PROGRAM

Subpart A—General

Sec.
627.1 Challenge Grant Program.
627.2 Eligible applicants.
627.3 Regulations that apply to the Challenge Grant Program.

Subpart B—What Kind of Grant Does the Secretary Award under the Challenge Grant Program?

627.10 Type of grant under the Challenge Grant Program.
627.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

627.20 General.

Subpart D—How Does the Secretary Make a Grant?

627.30 Evaluation of applications.
627.31 Evaluation of applications for continuation awards.

Subpart E—What Conditions Must a Grantee Meet?

627.40 Matching requirements.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1064–1069c).

Subpart A—General

§ 627.1 Challenge Grant Program.

The Challenge Grant Program provides Federal financial assistance as an incentive for eligible institutions of higher education to seek alternative sources of funding to become self-sufficient.

(House Report 96–520, 96th Cong. 1st Sess., pp. 16–17, (1979))

§ 627.2 Eligible applicants.

(a) An institution of higher education or a branch campus is eligible to apply for a grant under the Challenge Grant Program if—

(1) The Secretary has designated it as an eligible institution under the Strengthening Program (34 CFR 625.2) of Special Needs Program (34 CFR 626.2); or

(2) The Secretary has designated it as an eligible institution under paragraph (b) or (c) of this seciton.

(b) The Secretary designates an institution of higher education as eligible to be considered for a grant under this program if that institution—

(1) Does not award a bachelor's degree; but

(2) Is, and has been for the five academic years preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to provide an educational program for which it awards a graduate, postgraduate, or professional degree;

(3) Awards a graduate, postgraduate, or professional degree;

(4) Satisfies the requirements of 34 CFR 624.2, othe than the requirement of § 624.2(b)(2); and

(5) Would have qualified as an eligible institution under 34 CFR 625.2 or 626.2 if the requirement of 34 CFR 624.2(b)(2) were disregarded.

(c) The Secretary designates an institution of higher education as eligible to be considered for a grant under the this program if that institution—

(1) Is not a junior or community college; and

(2) Does not award a bachelor's, graduate, postgraduate, or professional degree; but

(3) Is, and has been for five academic years, preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to provide a medical education program;

(4) Makes a substantial contribution to medical education opportunities for minorities and the economically disadvantaged;

(5) Satisfies the requirements of 34 CFR 624.2, other than the requirement of § 624(b)(2); and

(6) Would have qualified as an eligible institution under 34 CFR 625.2 or 626.2 if the requirement of § 624.2(b)(2) were disregarded.

(20 U.S.C. 1064)

§ 627.3 Regulations that apply to the challenge grant program.

The following regulations apply to the Challenge Program:

(a) Unless otherwise indicated, the regulations in 34 CFR Part 624.

(b) The regulations in this Part 627.

(c) Applicable provisions of 34 CFR Parts 625 and 626.

(20 U.S.C. 1221e–3(a)(1), 1064)

Subpart B—What Kind of Grant Does the Secretary Award Under the Challenge Grant Program?

§ 627.10 Type of grant under the challenge grant program.

(a) Under the Challenge Grant Program the Secretary, subject to the applicable provisions of 34 CFR 624.35,

awards one development grant to an applicant for a period of up to five years.

(b) The Secretary does not award planning grants under this program.

(c) The Secretary may award a grant under this program to an institution that is simultaneously receiving funds or has previously received funds under—

(1) The Strengthening Developing Institutions Program (SDIP); or

(2) A development grant under the Strengthening Program or the Special Needs Program.

(20 U.S.C. 1064 and 1065)

§ 627.11 Allowable activities.

(a) If an institution qualifies for a grant on the basis of being designated by the Secretary as eligible under the Strengthening Program, as described in 34 CFR 625.2, it may use its grant to carry out only those activities authorized under the Strengthening Program (see 34 CFR 625.11).

(b) If an institution qualifies for a challenge grant on the basis of being designated by the Secretary as eligible under the Special Needs Program, as described in 34 CFR 626.2, it—

(1) May use its grant to carry out only the activities authorized under the Special Needs Program (see 34 CFR 626.11); and

(2) Must use those funds for the purpose of—

(i) Achieving greater financial independence; and

(ii) Eradicating the applicable conditions—

(A) Listed in 34 CFR 626.3(d); and

(B) Discussed in the application for funds, as required in § 627.20(a)(2).

(20 U.S.C. 1064 and 1065)

Subpart C—How Does One Apply for a Grant?

§ 627.20 General.

(a)(1) In its application for funding, an institution shall include the information required under 34 CFR 624.21.

(2) In the case of an applicant that qualifies under this part on the basis of being designated an eligible institution under the Special Needs Program, the applicant shall discuss, in its application, those factors listed in 34 CFR 626.3(d) that are characteristic of its status as an institution with special needs.

(b) In its application for funding, an institution shall also include the following:

(1) Evidence that the institution's matching funds are available at the time it submits its application. The applicant may satisfy this requirement by—

(i) Providing a list of the source(s) and the amount of funds each source is contributing for each year of the grant period; and

(ii) Including a letter of commitment from each source listed.

(2) An assurance that all matching funds will be—

(i) From new sources previously unavailable to the institution; and

(ii) Used to carry out those portions of the institution's long-range plan for which funds are being requested under this part.

(c) If an applicant is a public institution, it shall include in its application—

(1) The comments of the appropriate State agency responsible for higher education in its State; or

(2) A statement that the institution requested the State agency to comment and the agency failed to comment.

(20 U.S.C. 1065, 1066, and House Report 96-520, 96 Cong. 1st Sess., p. 16 (1979))

Subpart D—How Does the Secretary Make a Grant?

§ 627.30 Evaluation of Applications.

(a) Using the procedures in 34 CFR 624.30, the Secretary evaluates applications on the basis of the criteria in 34 CFR 624.32 and 624.33.

(b) In awarding grants under this part, the Secretary gives preference to applications from institutions that are receiving, or have received, grants under the Strengthening Program or Special Needs Program.

(20 U.S.C. 1065)

§ 627.31 Evaluation of applications for continuation awards.

In evaluating an institution's application for a continuation award, the Secretary looks for evidence that its matching funds are available at the time it submits its application.

(20 U.S.C. 1065)

Subpart E—What Conditions Must a Grantee Meet?

§ 627.40 Matching requirements.

A grantee must match, on a dollar-for-dollar basis from new non-Federal sources, the funds it receives under this program.

(20 U.S.C. 1065)

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Monday
July 20, 1981

Part III

Department of Education

Library Research and Demonstration Program (Title II-B HEA)

DEPARTMENT OF EDUCATION

34 CFR Part 777

Library Research and Demonstration Program (Title II–B HEA)

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Library Research and Demonstration Program. The prior regulations are amended to reflect the statutory changes contained in the Education Amendments of 1980 (Pub. L. 96–374), to incorporate the general selection criteria in the Education Department General Administrative Regulations (EDGAR), and to reflect administrative experience.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register** (September 3, 1981). If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Henry Drennan, Library Research and Demonstration Branch, U.S. Department of Education, (Room 3319–A, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–2993.

SUPPLEMENTARY INFORMATION:

A. Background

The Library Research and Demonstration Program awards and administers grants and contracts for research and demonstration projects to improve libraries, including the promotion of economical and efficient information delivery, cooperative efforts related to librarianship, and developmental projects; to improve training in librarianship; to improve information technology; and to disseminate information that is derived from Library Research and Demonstration Program projects. Regulations were previously issued on May 17, 1974, *39 FR 17546*, and amended February 6, 1976, *41 FR 5393*, to implement the Library Research and Demonstration portion of Title II–B of the Higher Education Act 1965, Pub. L. No. 89–329, as amended. A proposed revision of the 1974 regulations was published in the **Federal Register** on December 30, 1980, *45 FR 86312*, for public comment.

The most significant changes from the current regulations are the following:

(a) The selection criteria for judging applications emphasize and clarify the following criteria: plan of operation, quality of key personnel, and significance of the proposed project. Based on program experience, weights have been assigned to provide proper balance to the criteria.

(b) The purpose of the program has been expanded to include the promotion of economical and efficient information delivery, the promotion of cooperative efforts related to librarianship, the support of developmental projects, and the improvement of information technology.

(c) Eligibility for grants and contracts is expanded to include profit-making organizations, agencies, and institutions. A different set of regulations apply to contracts made under this program. (See EDGAR, 34 CFR 75.4 Education Department contracts.)

(d) Quarterly reports are no longer required of a grantee. Only an annual performance report must be submitted. (See EDGAR, 34 CFR 75.720 Performance reports.)

The regulations in this part will be codified in Title 34 of the Code of Federal Regulations. That title currently encompasses most Department of Education regulations.

B. Public Comments on the NPRM

The following comments were received on the NPRM:

Comment: One commenter expressed concern "that the transferral of the program purposes from a single integrated paragraph of the law (section 223) to a separate listing of program purposes or authorized activities, as is done in §§ 777.1 and 777.10 [of the regulations], may cause confusion."

Response: No change has been made. The Secretary believes that the separate statement of program purposes and authorized activities will aid applicants as they prepare their applications.

Comment: One commenter maintained that the terms "The improvement of information technology," as used in § 777.1 and "information technology," as used in § 777.10 are too broad, and would modify each by adding the words: "as it relates to libraries."

Response: No change has been made. The regulatory provision follows the statutory language.

Comment: One commenter believed that research, development, and demonstration activities in the statute should be included in the regulations; that dissemination of information derived from such projects should be included in the program purposes; and that §§ 777.1 and 777.10 should be more consistent.

Response: A change has been made. The commenter's suggestions have been adopted.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

CITATION OF LEGAL AUTHORITY: A citation of statutory or other legal authority has been placed in parentheses on the line following each provision.

Dated: July 14, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.039, Library Research and Demonstration Program)

The Secretary revises Part 777 of Title 34 of the Code of Federal Regulations to read as follows:

PART 777—LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

Subpart A—General

Sec.

777.1 The Library Research and Demonstration Program.
777.2 Eligible parties.
777.3 Regulations that apply to this program.
777.4 Definitions that apply to this program.

Subpart B—Kinds of Projects the Secretary Assists Under This Program

777.10 Authorized activities.

Subpart C—How To Apply for a Grant

777.20 Application requirements.

Subpart D—How the Secretary Makes a Grant

777.30 How the Secretary judges applications.
777.31 Selection criteria for evaluating applications.

Subpart E—Conditions That Must Be Met by a Grantee

777.40 Coordination with other groups.

Authority: Part B of Title II of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96–374), 94 Stat. 1383 (20 U.S.C. 1021 *et seq.*).

Subpart A—General

§ 777.1 The Library Research and Demonstration Program.

The Library Research and Demonstration Program encourages research, development, and demonstration activities relating to—

(a) The improvement of libraries, including—

(1) The promotion of economical and efficient delivery of information;

(2) Cooperative efforts; and

(3) Developmental projects.

(b) The improvement of information technology.

(c) Training in librarianship.

(d) The dissemination of information derived from these projects.

(Secs. 201, 223 of the Act; 20 U.S.C. 1021, 1033)

§ 777.2 Eligible parties.

An application for assistance under this program may be submitted by—

(a) An institution of higher education.

(b) A public or private agency, institition, or organization.

(Sec. 223 of the Act; 20 U.S.C. 1033)

§ 777.3 Regulations that apply to this program.

The following regulations apply to grants under the Library Research and Demonstration Program:

(a) The Education Department General Administration Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) A different set of regulations apply to contracts made under this program. (See EDGAR, 34 CFR 75.4 Education Department contracts).

(20 U.S.C. 3474)

§ 777.4 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget
Department
EDGAR
Equipment
Facilities
Grant
Grantee
Private
Project
Public
Secretary
Supplies

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

"Institution of higher education" means the type of institution defined by Section 1201 of the Act.

"Librarianship" means the principles and practices of the library and information science, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and other information resources.

(20 U.S.C. 1141; 3474)

Subpart B—Kinds of Projects the Secretary Assists Under This Program

§ 777.10 Authorized activities.

(a) The Secretary may award a grant for a project that supports research, development, demonstration, or any combination of these, related to—

(1) The improvement of libraries through —

(i) The promotion of economical and efficient delivery of information;

(ii) Cooperative efforts; and

(iii) Developmental projects;

(2) Training in librarianship;

(3) Information technology; and

(4) The dissemination of information derived from a project funded under this program.

(b) A project that includes any one or more of the activities described in § 777.10(a) may be supported under this program.

(Sections 201, 223 of the Act; 20 U.S.C. 1021, 1033)

Subpart C—How To Apply for a Grant

§ 777.20 Application requirements.

An applicant shall demonstrate, in its application, that the project meets the requirements of the Act and all applicable regulations.

(Section 223 of the Act; 20 U.S.C. 1033)

Subpart D—How the Secretary Makes a Grant

§ 777.30 How the Secretary judges applications.

(a) The Secretary evaluates an application on the basis of the criteria in § 777.31 and awards up to 100 points for these criteria.

(b) The maximum possible score for each criterion is indicated in parentheses next to the heading of that criterion.

(20 U.S.C. 3474)

§ 777.31 Selection criteria for evaluating applications.

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (b)(2)(ii) will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the

project. Cross-reference.—See 34 CFR 75.590 Evaluation by the grantee.

(2) the Secretary looks for information that shows methods of evaluation that are appropriate for the project, and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Significance of proposed project.* (30 points)

The Secretary reviews each application for information that shows the extent to which—

(1) The proposed research, development, or demonstration (or any combination) activities—

(i) Address an important library or information problem;

(ii) Are likely to improve operations or service in a significant number of libraries; or

(iii) Are likely to fulfill unmet informational, educational, or cultural needs related to libraries and information science.

(2) The applicant demonstrates an understanding of the nature and magnitude of the needs to be addressed, as well as the success or failure of related research, development, or demonstration activity.

(g) *Dissemination and continuation.* (5 points)

The Secretary reviews each application for information that shows that—

(1) The results of the project will be adequately disseminated or replicated; and

(2) To the extent possible, the project results will be implemented or continued after the termination of Federal funding.

(20 U.S.C. 1033; 3474)

Subpart E—Conditions That Must Be Met by a Grantee

§ 777.40 Coordination with other groups.

An institution of higher education that receives a grant under this part shall annually inform the State agency, designated under Section 1203 of the Act, of its project activities.

(Section 202 of the Act; 20 U.S.C. 1022)

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Monday
July 20, 1981

Part IV

Department of Transportation

Office of the Secretary

Nondiscrimination on the Basis of Handicap; Interim Final Rule and Request for Comments

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 27

[Docket No. 56A; Amdt. No. 1]

Nondiscrimination on the Basis of Handicap

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Interim final rule and request for comments.

SUMMARY: This interim final rule amends the Department's regulation concerning nondiscrimination on the basis of handicap in programs and activities receiving financial assistance from the Department of Transportation. The amendment deletes Subpart E of the regulation, which required mass transit systems to become accessible to handicapped persons. A recent Federal court decision held that section 504 of the Rehabilitation Act of 1973 did not authorize this requirement. The Department is seeking comments on how it should carry out section 504 and other applicable statutes with respect to mass transit services for handicapped persons in light of the court's decision. Meanwhile, the Department in this interim amendment is adding a new section to the regulation which requires mass transit operators receiving financial assistance from the Department to certify that they are making special efforts to provide transportation that handicapped persons can use.

DATE: This regulation is effective July 20, 1981.

Comments are due September 18, 1981.

ADDRESSES: Comments should be sent to: Docket Clerk (Docket No. 56A), 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590. Comments are available for public examination at that address Monday through Friday from 9:00 a.m. to 5:30 p.m. Persons wishing to have receipt of their comments acknowledged must send a stamped, self-addressed post card with their comments. The docket clerk will return those post cards when the comments are docketed.

Comment closing date: (60 Days from Date of Publication).

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4723.

SUPPLEMENTARY INFORMATION:

Background

Before the publication of the Department of Transportation's present regulation concerning nondiscrimination on the basis of handicap (49 CFR Part 27; 44 FR 31442, May 31, 1979), mass transit operators receiving financial assistance through the Urban Mass Transportation Administration (UMTA) were required to make special efforts to provide transportation that handicapped persons can use. (Wherever the term "handicapped persons" is used, elderly persons who are handicapped by reason of age are intended to be included.) UMTA regulations (49 CFR Part 609; 49 CFR § 613.204 and the appendix to that section) permitted operators substantial flexibility in deciding how to meet this requirement. The UMTA regulations implemented section 504 of the Rehabilitation Act of 1973, sections 3, 5, and 16 of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973.

In response to a question by a commenter who asked whether these UMTA regulations were being withdrawn, the preamble to the Department's present regulation (44 FR 31454) stated that 49 CFR Part 27 "supersedes the existing UMTA regulations." That is, 49 CFR Part 27's requirements with respect to the purchase of lift-equipped buses, retrofitting of rail mass transit systems, and other accessibility modifications of transit programs went well beyond the steps required by the UMTA rules. However, the UMTA regulations were never withdrawn, and remain a part of the Code of Federal Regulations.

The mass transit portion (Subpart E) of 49 CFR Part 27 has always been very controversial. Operators of existing rail transit systems projected extremely high costs for retrofitting their systems with station elevators and other accessibility modifications. Many transit operators and local officials asserted that purchasing lift-equipped buses was a too costly and insufficiently effective way of providing transportation services to handicapped persons. While some transit systems began to implement accessibility programs for their bus systems, many others asked for exemptions from the rule's requirements so that they could implement their own "local option" services for handicapped persons.

In 1980, several measures were introduced in Congress to permit local option. The House and the Senate each passed a version of local option legislation. Because the legislative session ended before Congress could agree on the provisions of a mass transit bill, this legislation was not enacted. The Department of Transportation Appropriations Act for Fiscal Year 1981 (Pub. L. 96–400) did contain two general provisions limiting the Department's authority to carry out 49 CFR Part 27, however. One provision prohibited the expenditure of funds appropriated under the Act to retrofit existing rail systems. The other prohibited the Department from expending funds appropriated under the Act to enforce its bus accessibility requirements with respect to any transit system that had submitted and had won approval of an alternative service plan meeting the requirements of the Senate-passed local option legislation.

Early in this Administration, the Department identified its accessibility requirements as requiring priority review and began that review. The Presidential Task Force on Regulatory Relief, headed by Vice-President Bush, also identified the mass transit requirements of 49 CFR Part 27 as one of the Federal government's costly and controversial regulations deserving priority review. The Task Force is one of the Administration's mechanisms for implementing the key Administration policy of reducing costly and inflexible regulatory demands on local governments and other affected parties. As a result of this review, the Department established a clear policy on this issue: ensuring the provision of transportation that handicapped persons can use is an obligation of recipients of Federal assistance for mass transit, but the major responsibility for deciding how this transportation is to be provided should be returned to local communities. Both our legislative proposal and regulatory changes are based on this policy.

The Administration has submitted to Congress a proposal (section 108 of S. 1160, a bill "To amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations and for other purposes") to permit UMTA recipients to certify that they had developed and implemented a program of transportation services for handicapped persons. While this rulemaking provides a mechanism to ensure compliance with section 504, section 16(a), and section 165(b), the Administration's legislative proposal is still necessary as a means of creating a uniform Federal standard cutting across all related Federal requirements. It is also necessary in order to develop a local option process that goes beyond current law.

The Court Decision

The American Public Transit Association (APTA) and several of its members sued the Department of Transportation in June 1979, alleging that Subpart E exceeded the Department's authority and was arbitrary and capricious. The Federal District Court for the District of Columbia upheld the rule (*American Public Transit Association v. Goldschmidt*, 485 F. Supp. 811 (D.D.C., 1980)). The United States Court of Appeals for the District of Columbia Circuit reversed the District Court's decision (*American Public Transit Association v. Lewis*, No. 80–1497, May 26, 1981).

The Court of Appeals held that under section 504, a transit authority might be required to take "modest, affirmative steps to accommodate handicapped persons" in order to avoid discrimination which the statute prohibits. Slip op. at 12. However, in the Court's view, Subpart E required extensive and costly affirmative action efforts to modify existing systems, and, therefore, exceeded the authority provided by section 504. The Court said section 504 was a nondiscrimination statute that did not mandate this degree of affirmative action.

While the Court said that section 504 did not authorize the Department's regulatory requirements for mass transit, the Court did not void the regulation. Rather, the Court remanded the regulation to the Secretary for a determination of whether other statutory authorities on which the Department had also relied in promulgating the regulation—sections 3, 5 and 16 of the Urban Mass Transportation Act and section 165(b) of the Federal-Aid Highway Act of 1973, as well as other statutory provisions—provided a proper statutory basis for the regulatory requirements in the absence of authorization by section 504. It should be pointed out that the Court's decision directly affects only Subpart E of 49 CFR Part 27; no other portion of the regulation was at issue in the case.

The Interim Amendment

In connection with its ongoing review of 49 CFR Part 27, as well as in response to the Court's decision, the Department is considering what regulatory requirements it should impose in the mass transit area to carry out the nondiscrimination requirement of section 504, the special efforts requirement of section 16, and the requirements of section 165(b). This process is not complete. Because of the change in the legal situation brought about by the Court's decision, and the necessity for transit operators to know the rules under which they must operate, the Department has decided to issue an interim final rule, effective immediately. Doing so will avoid the uncertainty that otherwise would cause problems for the numerous transit authorities that are in the process of ordering or preparing to take delivery on buses and rail cars.

For an interim rule, the Department has decided to require recipients to certify that special efforts to provide transportation that handicapped persons can use are being made in their service area. The content of these special efforts for all but section 18 recipients may be understood by reference to Appendix A to this Part. This appendix is a slightly modified version of a key part of the 1976 UMTA special efforts regulations.

There are a number of reasons for this choice. First, the guidance set forth in the appendix has been in existence in essentially the same form since 1976, and most UMTA grantees have operated under it in the past. Consequently, both UMTA and the grantees have considerable familiarity with it, and it will not be necessary to have a lengthy shakedown period, as there might be if the Department drafted a new rule as its interim measure. Second, it is important that the Department publish an interim regulation promptly, in order to avoid confusion and disruption in the procurement, planning, and operations functions of recipients. Using this appendix, which is derived from an appendix which was never withdrawn from the UMTA special efforts regulation, will make it unnecessary to take the time to develop a completely new regulation. Third, the guidance in the appendix appears to provide for a reasonable level of service to handicapped persons, sufficient as an interim measure to meet the requirements of section 504 (as understood in light of the Court's decision in *APTA v. Lewis*), section 16 (a) of the Urban Mass Transportation Act, and section 165(b) of the Federal-Aid Highway Act of 1973. Fourth, revival of the guidance in the appendix as an interim measure has the explicit support of the transit industry, which has consistently supported the special efforts/local option approach that these regulations take, as has a portion of the handicapped people's community.

One important change is being made to the original appendix. The Department wants to maintain a level of effort under this interim rule equivalent to that maintained under the 1976 rules when they were actively being implemented. To take into account the effects of changes in the structure and funding level of the UMTA section 5 grant program, as well as the effects of inflation, the example of acceptable special efforts in the appendix calling for the expenditure of the equivalent of a minimum of five percent of a recipient's section 5 funding is being amended to call for the expenditure of the equivalent of a minimum of three and one-half percent of this funding. Three and one-half percent of contemporary section 5 funding, in real dollar terms, is essentially equivalent to five percent of section five funding in Fiscal Year 1977, the first full fiscal year in which the 1976 UMTA regulations were in effect.

Recipients in service areas where special efforts consistent with the guidance in Appendix A are being made are regarded as meeting the terms of their certification and, therefore, as in compliance with this regulation.

The provision on special efforts for section 18 recipients is adapted from the existing section 18 regulation (23 CFR Part 625, Appendix A, Para. 5(b)). The obligations of section 18 recipients will in general not change as the result of this interim rule, except that section 18 recipients will be required to make a certification.

Section-by-Section Description

The interim regulation deletes the entire Subpart E of 49 CFR Part 27, and substitutes for it a new section 27.77 in Subpart D. In addition to the substantive changes discussed below, the rule makes a few technical conforming amendments. The rule deletes references to Subpart E in the Table of Contents to the entire regulation and in sections 27.61, 27.65 and 27.67. The rule also deletes several definitions that were used only in Subpart E. The title of Subpart D is changed to include mass transit, since the new mass transit section is being placed in that subpart.

Subsection (a) of the new section 27.77 establishes a system through which recipients can meet their obligations for ensuring the provision of transportation that handicapped persons can use. Under paragraph (a)(1), recipients under sections 3 and 5 are required to certify that special efforts are being made in their service area to provide transportation that handicapped persons can use. These special efforts must be made in a manner consistent with Appendix A to this Part. Appendix A is a slightly modified version of the Advisory Information Appendix to 49 CFR Part 613, Subpart B. Actions consistent with the guidance in that

appendix are sufficient to meet the requirements of this section.

An Appendix B has also been added to this Part. This Appendix is also a slightly modified version of another appendix; it is derived from an Advisory Information Appendix to 23 CFR Part 450, Supart A. It provides advisory information for planning transportation that handicapped persons can use.

Subsection (a)(2) provides that section 18 recipients must certify that special efforts are being made in their service area to provide transportation that handicapped persons can use, that is reasonable in comparison to the service provided to the general public, and that meets a significant fraction of the transportation needs of such persons. The language of this special efforts requirement for section 18 recipients derives from the existing section 18 regulation (23 CFR 825.1, Appendix A, paragraph 5(b); 43 FR 58308, December 13, 1978). The obligations of section 18 grantees are not generally intended to change as a result of this regulation.

In making the certifications under Paragraphs (a)(1) and (a)(2), recipients may use the following certification. Whether or not a recipient uses the model language provided below, an appropriate certification must be executed by an official authorized by the recipient to make such certifications.

Certification of Special Efforts To Provide Transportation That Handicapped Persons Can Use

(Insert name of recipient) hereby certifies that special efforts are being made in its service area to provide transportation that handicapped persons, including wheelchair users and semiambulatory persons, can use. For recipients of funds under sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act), these special efforts (1) are consistent with the guidance in Appendix A to 49 CFR Part 27, Subpart D and (2) are already made or will be made within six months of the effective date of 49 CFR 27.77. For recipients of funds under section 16 of the UMT Act, the transportation resulting from these special efforts is reasonable in comparison to the transportation provided to the general public and meets a significant fraction of the actual transportation needs of such persons within a reasonable time.

(Signature) _____
(Name and title of signer) _____
(Date) _____

Paragraph (a)(3) establishes the timing of the certification process. A recipient that has a program meeting the criteria of the section can make the certification as soon as it wants to, so long as it can do so honestly (a knowing and willful false certification by a recipient could violate a Federal criminal statute, 18 U.S.C. 1001). A current recipient or applicant under section 3, 5, or 16 must make its first certification within 60 days of the effective date of this amendment. Certifications should be sent to the UMTA Regional Administrator or, for section 18 recipients or applicants, to the FHWA Division Administrator through the designated section 18 state agency. Grant applications submitted after the effective date of this amendment must include a certification or incorporate a prior certification by reference.

During the first six months after this section becomes effective, applicants and recipients may certify that their areas *will* make special efforts conforming to the requirements of this section by six months from the section's effective date. This provision is intended to allow the appropriate certification to be made by recipients, committing them to ensuring that appropriate special efforts are made in their area in cases where a start-up period is needed to bring these efforts up to the level called for by this section.

With respect to buses which are in a previously approved UMTA grant but which have not been delivered to the transit operator, UMTA will not require a prior grant amendment or a public hearing prior to acquiring buses without wheelchair lifts. Where a change to a third-party contract is required, UMTA's normal third-party contracting procedures should be followed. Before attempting to acquire such buses without lifts, transit operators should definitely be prepared to satisfy the special efforts requirement of § 27.77(a)(1) in a way that does not require additional wheelchair-accessible buses. Buying wheelchair-accessible new buses until one-half of its fleet is accessible is one of the specific illustrations of satisfactory special efforts mentioned in Appendix A, for a city whose mass transit system consists of a fixed-route bus system.

Today's amendment allows up to six months for the level of local special efforts to reach an appropriate level. It is expected that by that time those areas choosing to serve handicapped persons with specialized service will have actual transportation in place, or at least have prepared draft applications for any grants necessary to meet the special efforts requirements.

Consultation with representatives from the local handicapped community should occur before an area decides on what approach it will pursue (see Appendix B, Paragraph 3).

Paragraph (a)(4) recites that compliance with the certification under this subsection shall be deemed compliance with section 504, section 16, and section 165. Compliance in this context refers only to compliance with the obligation of recipients to ensure the provision of transportation service that handicapped persons can use (and planning for such transportation). The certificate does not stand for compliance with other requirements, such as nondiscrimination in employment on the basis of handicap. However, it does satisfy requirements such as the transition plan requirement of 49 CFR 27.65(d).

Subsection (b) spells out the circumstances under which a recipient may be found in noncompliance with this new section. Noncompliance means a failure to certify as required by this section or a *pattern* of failure to carry out special efforts as required by this section. An isolated problem (e.g., the failure of a paratransit vehicle to arrive as scheduled to pick up a handicapped individual) does not constitute noncompliance, and the Department will accept only those complaints of noncompliance that allege a consistent pattern of failing to make efforts called for under this section. Noncompliance subjects the recipient to administrative enforcement proceedings and sanctions as provided in Subpart F of 49 CFR Part 27.

Subsection (c) makes explicit that a recipient's certification under this section does not permit the recipient to engage in disparate treatment to the disadvantage of a handicapped person with respect to transportation on the recipient's regular mass transit system. If a handicapped person is capable of using the recipient's regular service provided to the general public, then the transit operator cannot deny such service to the handicapped person on the ground of handicap. This obligation means, for example, that a recipient must permit persons using auxiliary aids, such as guide dogs or crutches, to use its vehicles and services. Disparate treatment of this kind is prohibited under § 27.7, the general nondiscrimination section of 49 CFR Part 27. However, in view of the fact that a recipient's certification will constitute compliance with section 504 as it relates to the transportation of handicapped persons, the Department believes that it is useful to make this prohibition specific, notwithstanding the certification.

Request for Comments

This rule is intended as an interim rule, to remain in effect only until the Department publishes a new, permanent regulation governing the provision of mass transit services that handicapped persons can use. For the next 60 days, the Department invites comment on what this new, permanent regulation should require. After reviewing the comments received, the Department intends to publish a notice of proposed rulemaking on the subject.

One alternative that the Department could follow is to make this interim provision permanent. We invite comments on this alternative. Specifically, what are the advantages and disadvantages of this approach? If the Department follows this course, are there substantive or technical modifications to the rule that the Department should make? Should the Department provide additional, more specific guidance or, alternatively, more specific requirements for the transit service provided to handicapped persons?

Another alternative would be for the Department to prescribe a new local option program. This alternative would require recipients to create their own programs for transportation of handicapped persons. What are the advantages and disadvantages of this approach? What should the Department's role be in ensuring that the programs are created and implemented? Should the Department require that the programs meet certain service criteria, and, if so, what should the criteria be? Should the Department require that there be a local consultative process to establish such programs and, if so, what should the process look like and who should be involved? What role should local elected officials play in the process?

There may be other approaches to the mass transit portion of the rule that the Department could take as well, and we are interested in receiving suggestions or comments on any other alternatives. The Department wishes to emphasize that its consideration of the content of a final rule is fully open, and that, within the scope of Administration policy on transportation for handicapped persons, the Department is not committed to any specific approach at this time, including the approach used in this interim rule.

In preparing its notice of proposed rulemaking, the Department is interested in considering whether changes should be made in portions of the rule other than those affecting urban mass transit. The provisions of 49 CFR Part 27 concern highway, railroad, and airport programs as well as mass transit. General provisions of the rule concern nondiscrimination in employment and the administrative process by which the Department implements the relevant statutes through the regulation. Should there be changes to any of all of these provisions, and, if so, what should the changes be?

Immediate Effective Date

Under the Administrative Procedure Act, 5 U.S.C. 553(d), publication of a rule must normally take place 30 days before the rule's effective date. However, exceptions to this normal requirement are permissible in the case of "a substantive rule which . . . relieves a restriction" (5 U.S.C. 553(d)(1)) and "as otherwise provided by the agency for good cause found and published with the rule" (5 U.S.C. 553(d)(3)).

This rule is a substantive rule that relieves a restriction. Former Subpart E of 49 CFR Part 27 had restricted the discretion of UMTA grantees by requiring that they purchase only accessible buses and that they make existing rail mass transit systems accessible. By permitting local option for recipients to determine what special efforts to make, this rule relieves that restriction. On this ground alone, the Department is justified in publishing the rule with an immediate effective date.

Moreover, the Department finds that there is good cause for making this rule effective immediately. The Court's decision in *APTA* v. *Lewis* abruptly and significantly removed a major legal premise underlying former Subpart E. It is necessary for the Department to act expeditiously to conform its regulation to the understanding of the law resulting from the Court's decision. While the Court allowed the Department to consider whether section 16 and section 165, among other statutes, might support the requirements of Subpart E, we believe that these statutes do not mandate, although they may permit, the kinds of affirmative action that Subpart E contained.

In light of the very recent court decision and this Administration's legislative submissions, it is no longer tenable for the Department to attempt to maintain in effect and to enforce Subpart E. Retaining the *status quo*, even for an additional 30-day period, would create unnecessary confusion among recipients. Many recipients are preparing to order or to have ordered buses, and it would create uncertainty in or delay these procurement actions if the change were not made effective immediately.

These same reasons support publishing the rule without an opportunity for prior public comment under the Department of Transportation's Regulatory Policies and Procedures.

Regulatory Flexibility Act Determination

The Department has determined that this regulation will not have a significant economic impact on substantial numbers of small entities. That is, while some small units of government and small transit authorities will be affected by this regulatory change, the effect will be to relieve costs and burdens associated with former Subpart E of 49 CFR Part 27.

Instead of being required to buy lift-equipped buses as a condition of receiving Federal financial assistance, these entities will be able to choose a means of providing transportation to handicapped persons that they decide meets their needs in a cost-effective way. This effect will be welcomed, as it has been one that has been consistently requested by small recipients of UMTA funds during the two years that the Department's regulation on nondiscrimination on the basis of handicap has been in existence. In any event, since this interim final rule is being issued without a notice of proposed rulemaking, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act do not apply to this rule.

Regulatory Impact Analysis

This regulation is classified as a "major" regulation under Executive Order 12291, which calls for a Regulatory Impact Analysis to be prepared for major rules. Because of the interim nature of this rule and because of the need to provide expeditious relief to regulated parties, the Office of Management and Budget has agreed to waive the Regulatory Impact Analysis requirement for this interim rule. The Department intends to prepare a Regulatory Impact Analysis in connection with its subsequent rulemaking on this subject. The Department, pursuant to its own Regulatory Policies and Procedures, did prepare a brief regulatory evaluation on this interim rule, based on existing studies. A copy of this evaluation has been placed in the docket for this rule, and members of the public may obtain a copy by contacting the Office of the Assistant General Counsel for Regulation and Enforcement, at the address listed in "For Further Information Contact."

Environmental Impact Evaluation

The interim rule, in adopting the major requirements of the pre-existing special efforts regulation, falls within the general range of alternatives considered by the Department in its environmental impact statement (EIS) on the existing

regulation. That document was filed with the U.S. District Court for the District of Columbia in November 1980 and made available to the general public at that time. In view of the emergency nature of the interim rule and the fact that its environmental impacts were within the range of those fully considered in the existing EIS, the Council on Environmental Quality has advised the Department that publication of the interim rule without further environmental documentation is consistent with the provisions of section 1506.11 of the Council's regulations for implementing the National Environmental Policy Act of 1969 (NEPA).

(Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); sections 3, 5, 16 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, 1612, and 1614); section 165(b) of the Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142 nt))

Issued in Washington, D.C. on July 16, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

Therefore,

A. Title 49 of the Code of Federal Regulations, Part 27, is amended as follows:

§§ 27.61–27.107 (Subpart E) [Removed]

1. By removing Subpart E thereof;

Table of Contents [Amended]

§§ 27.61, 27.65(c) and 27.67(a) [Amended]

2. By removing the references to Subpart E in the Table of Contents and in sections 27.61, 27.65(c) and 27.67(a) thereof;

§ 27.5 [Amended]

3. By removing the definitions of "commuter rail", "fixed route bus system", "light rail", "public paratransit system", "rapid rail", and "transportation improvement program" from section 27.5 thereof;

Subpart D—Heading [Amended]

4. By revising the title of Subpart D thereof in the Table of Contents and in the body of the regulation to read "Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, Highways, and Mass Transit";

5. By adding a new section 27.77, a new Appendix A, and a new Appendix B to Subpart D thereof, to read as follows:

Subpart D—Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, Highways and Mass Transit

§ 27.77 Urban Mass Transportation Administration—Mass Transit.

(a) *Certification.* (1) Recipients of funds under sections 3 and 5 of the Urban Mass Transportation Act shall certify that special efforts are being made in their service area to provide transportation that handicapped persons, including wheelchair users and semiambulatory persons, can use. These special efforts shall be consistent with the guidance in Appendix A to this Subpart. Appendix B to this Subpart provides advisory information on planning transportation that handicapped persons can use.

(2) Recipients of funds under section 18 of the Urban Mass Transportation Act shall certify that special efforts are being made in their service area to provide transportation that handicapped persons, including wheelchair users and semiambulatory persons, can use. This transportation shall be reasonable in comparison to the transportation provided to the general public and shall meet a significant fraction of the actual transportation needs of such persons within a reasonable time.

(3) The initial certification by each current recipient or grant applicant under this section shall be made within 60 days of the effective date of this section, and sent to the UMTA Regional Administrator, or, for section 18 applicants and recipients, to the FHWA Division Administrator through the designated section 18 state agency. Grant applications submitted after the effective date of this section shall include a certification or incorporate a prior certification by reference. Certifications may provide that the special efforts will be made within six months of the effective date of this section.

(4) The UMTA or FHWA Administrator shall accept such certification, and compliance with such certification shall be deemed to constitute compliance with section 504 of the Rehabilitation Act of 1973, section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973, insofar as these statutes relate to the provision of mass transportation service that handicapped persons can use.

(b) *Noncompliance.* A failure to certify as required by this section or a pattern of failure to carry out special efforts as required by this section constitutes noncompliance with this Part. Following administrative enforcement procedures set forth in Subpart F of this Part, recipients that have failed to certify as provided in subsection (a) of this section or that are found to have exhibited a pattern of failure to carry out such efforts are subject to having their certification revoked and to other administrative sanctions as provided in Subpart F.

(c) *Disparate Treatment.* Notwithstanding the recipient's certification under subsection (a) of this section, the recipient shall not on the ground of handicap deny transportation service on the recipient's system of mass transportation for the general public to any handicapped person capable of using such service, or otherwise discriminate against such person in connection with such service.

Appendix A

Advisory Information on Programming for Handicapped Persons

Pursuant to the planning requirements established for urbanized areas in title 23 and the Urban Mass Transportation Act of 1964, as amended, the Urban Mass Transportation Administration (UMTA) and the Federal Highway Administration (FHWA) have previously jointly issued regulations (23 CFR Part 450 and 49 CFR Part 613) that require the urban transportation planning process to include special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons. A supplementary statement which provides advisory information on the special efforts planning requirements is found in Appendix B to this Part.

As a result of special efforts in planning, projects designed to benefit handicapped persons, including projects designed specifically to benefit wheelchair users and those with semiambulatory capabilities, should appear in the annual element of transportation improvement programs submitted to UMTA. (Whenever the term "handicapped persons" is used, elderly persons who are handicapped by reason of age are intended to be included.) The term "projects" is meant to include significant features of larger projects (e.g., level-change mechanisms on full-size buses), as well as specially designed services and improvements in the coordination of existing services and resources. "Projects" includes payment of current operating costs of previously purchased wheelchair-accessible equipment and includes payment of expenses associated with indirect methods of providing service, such as subsidies to reduce taxi fares for wheelchair users or trip coupons provided directly to wheelchair users.

Projects funded by UMTA under section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended (UMT Act) may be identified as deriving from local special efforts to meet the needs of wheelchair users and semiambulatory persons only to the extent that the following four conditions are met: (1) the service and vehicles serve wheelchair users and semiambulatory persons; (2) the service meets a priority need identified in this planning process; (3) the service is not restricted to a particularized organizational or institutional clientele; and (4) any fares charged are comparable to those which are charged on standard transit buses for trips of similar length.

The coordination of existing transportation available for wheelchair users and semiambulatory persons, and funds which support the provision or purchase of such transportation, provided by the transit operators, governmental health and welfare agencies, and private nonprofit organizations may be identified as a project deriving from local special efforts. If the service and resources thus coordinated meet the four conditions for eligible section 16(b)(2) services (see above) and appear in the transportation improvement program, then those services and resources themselves may be identified as deriving from local special efforts.

Transportation improvement programs submitted to UMTA should identify those projects that result from the wheelchair user aspect of the handicapped special efforts requirement. Compliance with the regulation of the General Services Administration (GSA) on Accommodations for the Physically Handicapped (41 CFR Subpart 101–19.6) should not be identified as deriving from local special efforts. On the other hand, efforts which go beyond what GSA's regulation requires (e.g., making an existing subway station wheelchair accessible when GSA's regulation does not so require) may be part of the local special effort.

UMTA will not specify a program design to meet the "special efforts" requirement. However, the following examples are illustrative of a level of effort that will be deemed to satisfy this requirement with respect to wheelchair users and semiambulatory persons:

1. A program for wheelchair users and semiambulatory handicapped persons that will involve the expenditure of an average annual dollar amount equivalent to a minimum of 3.5 percent of the financial assistance that the urbanized area receives under section 5 of the UMT Act. Recipients in nonurbanized areas that receive assistance under section 3 but not section 5 cannot, of course, use this first illustration. Although their certifications would be submitted to UMTA, such recipients should be guided by the requirements applicable specifically to section 18 recipients (see 49 CFR 27.77(a)(2) and 23 CFR Part 825, Appendix A, Para. 5(b)). These "3.5 percent funds" may be derived from sources other than section 5. The term "average" permits lower expenditure years to be balanced by higher expenditure years but does not permit an initial delay in implementing projects. Projects that qualify as local "special efforts" for wheelchair users and other semiambulatory persons under the initial paragraphs of this advisory information would be counted in computing the 3.5 percent.

For areas that choose to offer specialized service, there is, of course, no obligation to make that service available to persons who can use the regular transit system, although localities certainly may offer the service to such persons.

2. Purchase of only wheelchair-accessible new fixed route equipment until one-half of the fleet is accessible, or, in the alternative, provision of a substitute service that would provide comparable coverage and service levels.

3. A system, of any design, that would assure that every wheelchair user or semiambulatory person in the urbanized area would have public transportation available if requested for 10 round-trips per week at fares comparable to those which are charged on standard transit buses for trips of similar length, within the service area of the public transportation authority. The system could, for example, provide trip coupons to individuals who would then purchase the needed service.

These examples are illustrative of a level of effort that will satisfy the "special efforts" requirement. They are not regulatory standards or minimums, neither do they exhaust all valid approaches. They are meant to guide the development of local public transportation opportunities for wheelchair users and semiambulatory persons that in fact meet a significant fraction of the identified need within a reasonable time.

While the focus of the guidance in this appendix is on programming, reasonable progress in implementing programmed projects and in ensuring actual service is essential to meeting the "special efforts" requirement.

Appendix B

Advisory Information on Planning for Handicapped Persons Under UMTA and FHWA Joint Regulations, 23 CFR 450, Subparts A and C, and 49 CFR 613, Subparts A and B

1. *Background.* Section 16(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612), declares the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; directs that special efforts be made in the planning and design of mass transportation facilities and services so that the availability of mass transportation which elderly and handicapped persons can effectively utilize with be assured; and directs that all federal programs offering assistance in the field of mass transportation contain provisions implementing this policy. Section 165(b) of the Federal-Aid Highway Act of 1973, as amended, contains a similar provision applicable to title 23 mass transportation assistance.

Pursuant to the planning requirements established for urbanized areas in title 23 and the Urban Mass Transportation Act of 1964, as amended, UMTA and FHWA have jointly issued regulations (23 CFR Part 450 and 49 CFR Part 613) that require the urban transportation planning process to include special efforts to plan public mass transportation facilities and services that can effectively be utilized by handicapped persons. (Whenever the term "handicapped persons" is used, elderly persons who are handicapped by reason of age are intended to be included.) The purpose of this supplementary statement is to provide additional guidance on the special efforts requirement.

2. *General.* Elderly persons and the ambulatory handicapped constitute a significant fraction of present transit ridership. General improvement to transit service can thus be expected to improve conditions for these groups.

The focus of this guidance is on service to persons who, because of age or disability, are unable to utilize present transit service and facilities effectively, particularly those who use wheelchairs or other mobility aids. In many communities, persons who use wheelchairs or who otherwise have considerable difficulty negotiating steps find public transportation impossible to use for physical reasons, and private transportation-for-hire (e.g., special taxicab service, medicab, etc.) prohibitively expensive. Specific planning for this group is central to meeting the special efforts requirement.

3. *Consumer representation.* Section 450.120 of the joint planning regulations requires that the planning process include provisions to ensure involvement of the public. Handicapped persons, including wheelchair users and semiambulatory persons, are a part of the public and should be appropriately involved in the planning process to meet the special efforts requirement. It is presumed to be unlikely that effective project development to meet the needs of these users can occur without the assistance and cooperation of such persons, including wheelchair users and semiambulatory persons, and of public and private health and welfare agencies and handicapped consumer groups.

4. *Special efforts, urban transportation planning process.* The urban transportation planning process must include special efforts to plan public mass transportation facilities and service that can effectively be utilized by handicapped persons. As used in this guidance, the term "special efforts" refers both to service for handicapped persons in general and specifically to service for wheelchair users and semiambulatory persons. With regard to transportation for wheelchair users and others who cannot negotiate steps, "special efforts" in planning means genuine, good-faith progress in planning service for wheelchair users and semiambulatory handicapped persons that meets a significant fraction of the identified transportation needs of such persons within a reasonable time period. Particular attention should be given to those handicapped persons who are employed or for whom the lack of adequate transportation constitutes the major barrier to employment or job training.

In order to fulfill the special efforts requirement in planning, it will be necessary to identify the location and transportation

needs of wheelchair users and semiambulatory handicapped persons within the urbanized area. To the extent possible this information should be derived from existing and secondary sources.

In carrying out planning for wheelchair users and semiambulatory persons, a range of alternative service improvements should be evaluated as to coverage, cost, and benefit. Maximum feasible opportunity should be given to private carriers, whether or not they are presently providing mass transportation services, to provide some or all of the services selected.

Considerable short-term benefit can be derived from the coordination and rationalization of existing resources and services to meet the needs of the elderly and handicapped, including wheelchair users and semiambulatory handicapped persons. Governmental health and welfare agencies and private nonprofit organizations spend substantial sums each year to provide or purchase transportation for their clients, and these resources as well as any reduced fare local taxi service should be considered for inclusion in a local coordinated plan.

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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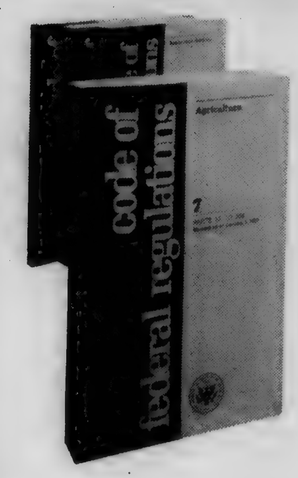
Day-of-the-Week Program Coordinator,
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National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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37521 **Social Security** HHS/SSA proposes benefits for certain remarried widowers and surviving divorced husbands.

37511 **Manufactured (Mobile) Home Loans** HUD/FHC increases maximum loan amounts.

37516 **Banking—Regulations T, U and G** FRS invites comments on proposed simplification and reduction of regulatory burdens in margin regulations.

37612 **Budget Rescissions and Deferrals** OMB issues report. (Part IV of this issue)

37594, 37605 **Desegregation Support Program** ED implements bilingual education grants for minority group children and seeks applicants. (2 documents) (Part II of this issue)

37504 **Indian Community Development** HUD/CPD revises regional allocation formula for block grants.

37608 **Asbestos Exporting** EPA clarifies reporting responsibilities (Part III of this issue)

37500 **Food—Market Testing** HHS/FDA clarifies procedure for submission of temporary permit applications.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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37533 **Foreign Fishing Vessels** Commerce/NOAA announces sum to be collected in 1982 from owners or operators fishing in the U.S. conservation zone.

37505 **Helium** Interior/Mines revises rule on sales of helium and rental of containers.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Florida Avocado Reg. 24; Avocado Import Reg. 30]

Avocados Grown in South Florida and Imported Avocados; Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and maturity requirements for shipments of fresh avocados grown in south Florida, and for avocados imported into the United States. Such action is necessary to assure the shipment of ample supplies of mature avocados of acceptable quality in the interests of producers and consumers.

DATES: Effective August 17, 1981, through April 30, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on May 20, 1981 (46 FR 27469) which specified grade and maturity requirements applicable to shipments of Florida avocados and imported avocados through August 16, 1981. That rule provided an opportunity to file comments through June 19, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

The Florida avocado regulation is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The avocado import regulation is issued under section 8e (7 U.S.C. 608e–1) of this act. The grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

The regulations establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color would also be authorized as a method of determining maturity, for those varieties which turn red or purple when mature. The requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop. They are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality, in the interest of producers and consumers pursuant to the declared policy of the act.

The import requirements are issued under section 8e of the act, which requires that when specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

For the 1981–82 season, the Avocado Administrative Committee estimates fresh shipments at a record 1,150,000 bushels (55 pounds net weight), 3 percent more than the 1,113,951 bushels shipped fresh in 1980–81 and 13 percent more than the 1,016,862 bushels shipped fresh in 1979–80. Shipments of fresh avocados from California are expected to reach a record 7,760,000 bushel equivalents during the California season ending in late October 1981. Relatively small amounts of avocados are imported into the United States, mostly from the Dominican Republic.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of avocados is now underway; (2) these regulatory provisions are the same as those currently in effect through August 16, 1981, under an interim rule which provided 30 days for filing of comments, none of which were received; (3) the Florida avocado regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida avocado handlers have been apprised of these requirements for Florida avocados and the effective date; (5) the avocado import requirements are mandatory under § 8e of the act, and they become effective at the same time as the domestic requirements; (6) the import regulation imposes the same grade requirement as is being made applicable to the shipment of avocados grown in Florida under Florida Avocado Regulation 24; (7) the import regulation imposes the same maturity requirements for Pollock, Catalina, and Trapp varieties and comparable maturity requirements for other varieties of avocados as are being made applicable under Florida Avocado Regulation 24; and (8) three days notice, the minimum prescribed by section 8e, is provided with respect to this import regulation.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new §§ 915.324 and 944.22 are added to read as follows: (§§ 915.324 and 944.22 expire April 30, 1982, and will not be published in the annual Code of Federal Regulations).

§ 915.324 Florida Avocado Regulation 24.

(a) *Order.* (1) During the period August 17, 1981 through April 30, 1982, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in paragraphs (a)(8) and (9) of this section, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (a)(3), (4), (5), (6), and (7) of this section;

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is at least the diameter specified for such variety in said Column 7;

(6) Except as otherwise provided in paragraphs (a)(8) and (9) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) From August 17, 1981, through August 30, 1981, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(ii) From August 31, 1981, through September 27, 1981, individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(7) Except as otherwise provided in paragraphs (a)(8) and (9) of this section, varieties of avocados not covered by paragraphs (a)(2) through (6) hereof shall not be handled except in accordance with the following terms and conditions;

(i) Such avocados shall not be handled prior to September 14, 1981.

(ii) From September 14, 1981, through October 11, 1981, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 12, 1981, through December 13, 1981, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(8) Notwithstanding the provisions of paragraphs (a)(2) through (7) of this section regarding the minimum weight of diameter for individual fruit up, to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (a)(6) and (7) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(9) The provisions of paragraphs (a)(2) through (8) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

Table I

Variety—(1)	Date—(2)	Minimum weight or diameter—(3)	Date—(4)	Minimum weight or diameter—(5)	Date—(6)	Minimum weight or diameter—(7)	Date—(8)
Ruehle		12 oz., 3¹⁵⁄₁₆ in	8-17-81			10 oz., 3¹⁵⁄₁₆ in	8-24-81
Cash	7-13-81	16 oz					
Bondo	7-20-81	13 oz					8-17-81
Peterson			8-3-81			10 oz., 3¹⁵⁄₁₆ in	
232			8-24-81				8-10-81
Trapp			8-24-81				8-31-81
B&B	7-27-81	16 oz., 3¹⁵⁄₁₆ in					8-10-81
Pinelli			8-24-81	16 oz., 3¹⁵⁄₁₆ in	9-7-81		8-10-81
Miguel			8-24-81	14 oz., 3¹⁵⁄₁₆ in	8-31-81		8-10-81
Hall			8-17-81				
Choquette	7-27-81	18 oz					
Bernecker	7-27-81	16 oz., 3¹⁵⁄₁₆ in					8-24-81
Waldin	8-10-81	16 oz., 3¹⁵⁄₁₆ in					8-24-81
Mills-D	8-10-81	16 oz					9-7-81
Shula	8-10-81	22 oz					8-31-81
Tonnage	8-10-81	16 oz., 3¹⁵⁄₁₆ in					8-24-81
Bena	8-10-81	16 oz., 3¹⁵⁄₁₆ in					8-17-81
K-9	8-10-81	16 oz					8-31-81
Gorham	8-10-81	28 oz., 4¹⁵⁄₁₆ in					8-24-81
Tower-2	8-10-81	14 oz., 3¹⁵⁄₁₆ in					8-24-81
The Fairfield	8-17-81	22 oz., 3¹⁵⁄₁₆ in					8-24-81
Lula	8-24-81	16 oz., 3¹⁵⁄₁₆ in					9-7-81
Fairchild	8-24-81	16 oz., 3¹⁵⁄₁₆ in					9-7-81
Nirody	8-24-81	16 oz., 3¹⁵⁄₁₆ in					9-7-81
Loretta	8-24-81	28 oz., 4¹⁵⁄₁₆ in					10-5-81
Catalina	8-24-81	24 oz					9-7-81
Booth 8	9-7-81	16 oz., 3¹⁵⁄₁₆ in					9-28-81
Black Prince	9-7-81	23 oz., 3¹⁵⁄₁₆ in					9-21-81
Blair	9-7-81	16 oz., 3¹⁵⁄₁₆ in					9-21-81
Booth 7	9-7-81	16 oz., 3¹⁵⁄₁₆ in					9-21-81
Osceola	9-14-81	22 oz					10-12-81
Brooks 1978	9-14-81	12 oz					9-21-81
Booth 5	9-14-81	14 oz., 3¹⁵⁄₁₆					9-28-81
Marcus	9-14-81	32 oz., 5¹⁵⁄₁₆					10-19-81
Gibson	9-21-81	12 oz., 3¹⁵⁄₁₆ in					10-5-81
Rue	9-21-81	30 oz., 4¹⁵⁄₁₆ in					9-28-81
Hickson	9-21-81	12 oz., 3¹⁵⁄₁₆ in					10-5-81
Simpson	9-28-81	16 oz., 3¹⁵⁄₁₆ in					10-19-81
Vaca	9-28-81	16 oz					10-19-81
Sheiman	9-28-81	84 oz., 4¹⁵⁄₁₆ in					10-12-81
Choquette	9-28-81	16 oz., 3¹⁵⁄₁₆ in					11-2-81
Booth	10-5-81	16 oz., 3¹⁵⁄₁₆ in					10-26-81
Avon	10-5-81	15 oz., 3¹⁵⁄₁₆ in					10-26-81
Booth 11	10-5-81	16 oz., 3¹⁵⁄₁₆ in					10-19-81
Lasca	10-5-81	16 oz., 3¹⁵⁄₁₆ in					10-26-81
Windsorton	10-5-81	14 oz., 3¹⁵⁄₁₆ in					10-19-81
Nelson	10-5-81	16 oz., 3¹⁵⁄₁₆ in					10-26-81
Lula	10-12-81	16 oz., 3¹⁵⁄₁₆ in					10-26-81
Herman	10-12-81	16 oz., 3¹⁵⁄₁₆ in					10-26-81
Murphy	10-12-81	16 oz					10-26-81
Alex (S-7)	10-19-81	16 oz., 3¹⁵⁄₁₆ in					11-9-81
Booth 3	10-19-81	16 oz., 3¹⁵⁄₁₆ in					10-26-81
Taylor	10-19-81	14 oz., 3¹⁵⁄₁₆ in					11-2-81
Dunedin	11-2-81	16 oz., 3¹⁵⁄₁₆ in					11-16-81
Byars	11-2-81	16 oz., 3¹⁵⁄₁₆ in					11-30-81
Monroe	11-9-81	84 oz., 4¹⁵⁄₁₆ in					11-23-81
Linda	11-9-81	16 oz., 3¹⁵⁄₁₆ in					11-30-81
Nabal	11-9-81	14 oz., 3¹⁵⁄₁₆ in					11-30-81
Booth 1	11-16-81	16 oz., 3¹⁵⁄₁₆ in					12-7-81
Zill	11-16-81	16 oz., 3¹⁵⁄₁₆ in					12-14-81
Lamb	11-23-81	12 oz., 3¹⁵⁄₁₆ in					12-21-81
Wagner	11-30-81	12 oz., 3¹⁵⁄₁₆ in					12-14-81
Schmidt	11-30-81	16 oz., 3¹⁵⁄₁₆ in					12-28-81
Keys	12-21-81	16 oz., 3¹⁵⁄₁₆ in					1-4-82
Brookslate	12-14-81	16 oz., 3¹⁵⁄₁₆ in					12-28-81
Reserve			8-3-82			12 oz	8-10-82

(b) The term "diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069).

§ 944.22 Avocado Import Regulation 30.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period August 17, 1981, through April 30, 1982, unless such avocados meet the following minimum grade and maturity requirements:

(1) All avocados imported during the period shall grade not less than U.S. No. 3.

(2) Avocados of the Catalina variety shall not be imported (i) prior to August 24, 1981, (ii) from August 24, 1981, through September 6, 1981, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 7, 1981, through September 27, 1981, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(3) Avocados of the Trapp variety shall not be imported from August 17, 1981, through August 23, 1981, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

(4) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) August 17, 1981, through August 30, 1981, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (ii) from August 31, 1981, through September 27, 1981, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; *Provided,* That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(5) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 14, 1981; (ii) from September 14, 1981, through October 11, 1981, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 12, 1981, through December 13, 1981, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(6) Notwithstanding the provisions of paragraphs (a)(2) through (5) of this section regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter; *Provided,* That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(d) It is hereby found that the application of the maturity restrictions being imposed pursuant to Order No. 915 (7) CFR Part 915), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties are the same as those being imposed upon the domestic commodity.

(e) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(g) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069). "Diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Customs Service.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 16, 1981, to become effective August 17, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-21186 Filed 7-20-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 916

[Nectarine Reg. 14]

Nectarines Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh nectarines grown in California. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California nectarines in the interest of producers and consumers.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on May 29, 1981 (46 FR 28835) which specified grade and size requirements applicable to shipments of California nectarines through August 15, 1981. That rule provided an opportunity to file comments through June 29, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

This regulation is issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of fresh nectarines grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Nectarine Administrative Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the terms of the regulation the grade and size requirements would be effective on and after August 16, 1981. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to each season and consider recommendations for continuation, modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether continuation, modification, suspension, or termination of regulation of shipments of California nectarines would tend to effectuate the declared policy of the act.

The committee has adopted a marketing policy for the 1981 season California nectarine crop, in which it estimates that this season fresh shipments of California nectarines will total 16,206,000 packages, compared with actual shipments of 15,677,000 packages last season. More than adequate supplies of California nectarines should be available to meet fresh market demand during the 1981 season.

The grade and size requirements are necessary to prevent the shipment of California nectarines of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) they are the same as those currently in effect through August 15, 1981, under an interim rule which provided 29 days for filing comments, none of which were received; (2) they were recommended by the committee following discussion at a public meeting; (3) California nectarine handlers have been apprised of these requirements and the effective date; and (4) shipment of the current crop of nectarines is in progress and this regulation should be applicable to all shipments.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, a new § 916.356 is added under a new subpart heading *Grade and Size Regulation* to read as follows:

Subpart—Grade and Size Regulation

§ 916.356 Nectarine Regulation 14.

(a) On and after August 16, 1981, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided,* that maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further,* That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 122 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Aurelio Grand, Mayfair, Maybelle, or Royal Delight variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 98 nectarines.

(4) Any package or container of Apache, Armking, Arm Queen, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, 73–40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independent, Kent Grant, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal Grand, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Star

Grand, Summer Grand, Sun Grand, or Sun King variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" means the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145–3160); "No. 22D standard lug box" means the same as defined in Section 1380.19(17) of the "Regulations of the California Department of Food and Agriculture."

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: July 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-21197 Filed 7-20-81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 130

[Docket No. 81N-0063]

Food Standards; Temporary Permits for Market Testing; Clarification

AGENCY: Food and Drug Administration.

ACTION: Final rule; clarification.

SUMMARY: The Food and Drug Administration (FDA) clarifies the procedure for submission of temporary permit applications to facilitate market testing of foods.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: Section 130.17 (21 CFR 130.17) provides for FDA to issue temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). In recent years many such permits have been issued. Section 130.17(k) requires that all temporary marketing permit applications, as well as applications for an extension of a temporary permit and related records, be made available for public disclosure (at the Dockets Management Branch (formerly the Hearing Clerk's office)) upon publication of the notice granting either a temporary permit or an extension of a temporary permit previously granted. Most have been sent directly to the Commissioner of Food and Drugs and then forwarded to the Division of Food Technology. FDA believes that the issuance of the permits can be expedited by the submission of the applications and related correspondence directly to the FDA division that processess the application. Since permit applications will no longer be directed to the Commissioner, all references to "the Commissioner" have been changed to "the Food and Drug Administration." FDA is also correcting the reference to "Part 4" in paragraph (k) to read "Part 20" and the reference to "Subpart F of Part 10" in paragraph (l) to read "Part 16."

This regulation relates to agency organization and management and thus is exempt from the requirements of Executive Order 12291 by virtue of section (1)(a)(3) of the Order.

§ 130.17 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 341, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), § 130.17 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity* is amended in paragraphs (b), (c), (d), (e), (f), (g), and (i) by changing the word "Commissioner" to read "Food and Drug Administration" wherever it appears; in paragraph (c) by revising the introductory text to read: "(c) Any person desiring a permit may file with the Deputy Director, Division of Food Technology, Bureau of Foods (HFF–211), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, a written application in triplicate containing as part thereof the following:"; and in paragraph (k) by changing the reference "Part 4" to read "Part 20"; and in paragraph (l) by changing the reference "Subpart F of Part 10" to read "Part 16."

Effective Date: August 20, 1981.

(Secs. 401, 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 341, 371(a)))

Dated: July 14, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-21220 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 510 and 522

Animal Drugs, Feeds, and Related Products; Oxytetracycline Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wendt Laboratories providing for safe and effective use of a 50-milligram-per-milliliter (mg/mL) oxytetracycline (as oxytetracycline hydrochloride or OTC HCl) injection for treating certain infections of cattle. The regulations are also amended to add the firm to the list of sponsors of approved NADA's.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011, filed an NADA (48–287) providing for intramuscular use of a sterile solution containing 50 mg/mL of OTC HCl in beef cattle, beef calves, nonlactating dairy cattle, and dairy calves for treating certain diseases caused by OTC-susceptible organisms.

Wendt Laboratories' injection is similar to Pfizer's 50 mg/mL OTC HCl injection. Pfizer's injection was one of several OTC HCl injectable preparations reviewed by the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group. The evaluation was published in the **Federal Register** of July 21, 1970 (35 FR 11646). In that document, NAS/NRC and FDA concluded that the preparations were probably effective for treating infections in cattle, sheep, swine, horses, cats, dogs, chickens, and turkeys caused by pathogens sensitive to OTC HCl.

Pfizer responded to the evaluation notice by submitting a supplemental NADA (8–789) that revised the labeling for safe and effective use of injections containing 50 mg/mL of OTC HCl for treating cattle, swine, and poultry. The supplemental application was approved by a regulation published in the **Federal Register** of September 18, 1974 (39 FR 33509). The regulation reflecting this approval amended 21 CFR 135b.65 (recodified as 21 CFR 522.1662a) by adding new paragraph (d).

Wendt Laboratories submitted cross-over blood level studies demonstrating bioequivalency between its product and Pfizer's 50 mg/mL OTC HCl injectable thereby justifying agency approval for use of the product in cattle. The conditions of use in cattle specified by the labeling of Wendt Laboratories' product are among those mentioned in the paragraph above which discussed Pfizer approval. Accordingly, 21 CFR 522.1662a is amended by adding a paragraph reflecting approval of Wendt's product. The regulations are also amended to include this firm in the list of sponsors of approved NADA's.

Approval of the application poses no increased human risk from exposure to residues of oxytetracycline because the drug is already regulated at the requested use level. Accordingly, this approval does not require a complete reevaluation of human safety data supporting the drug's use.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug Labeler Code
* * * * *	
Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011	015579
* * * * *	

(2) * * *

Drug Labeler Code	Firm name and address
* * * * *	
015579	Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.
* * * * *	

2. In Part 522, § 522.1662a is amended by adding new paragraph (i), to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(i)(1) *Specifications.* Each milliliter of sterile solution contains 50 milligrams of oxytetracycline hydrochloride.

(2) *Sponsor.* See No. 015579 in § 510.600(c) of this chapter.

(3) *Conditions of use.*—(i) *Amount.* The drug is used in beef cattle, beef calves, nonlactating dairy cattle, and dairy calves as follows: Administer 3 to 5 milligrams of the oxytetracycline hydrochloride intramuscularly per pound of body weight per day.

(ii) *Indications for use.* The drug is used for treatment of bacterial pneumonia and shipping fever complex associated with *Pasteurella spp.;* foot-rot and diptheria caused by *Spherophorus necrophorus;* bacterial enteritis (scours) caused by *Escherichia coli;* wooden tongue caused by *Actinobacillus lignieresi;* wound infections and acute metritis caused by staphylococcal and streptococcal organisms susceptible to oxytetracycline.

(iii) *Limitations.* In severe forms of the indicated diseases, administer the equivalent of 5 milligrams of oxytetracycline hydrochloride per pound of body weight per day. Continue treatment 24 to 48 hours following remission of disease symptoms, not to exceed a total of 4 consecutive days. If no improvement is noted within 24 to 48 hours, consult a veterinarian for diagnosis and therapy. In adult livestock, do not inject more than 10 milliliters at any one site. Reduce the volume administered per injection site according to age and body size. In calves weighing 100 pounds or less inject only 2 milliliters per site. Discontinue treatment at least 18 days before slaughter. Not for use in lactating dairy cattle.

Effective date. This regulation is effective July 21, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 9, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-21049 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Fenbendazole Granules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoechst-Roussel Pharmaceuticals, Inc., providing for over-the-counter (OTC) use of fenbendazole granules as an equine anthelminthic rather than the currently approved use by or on the order of a licensed veterinarian.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Pharmaceuticals, Inc., Rte. 202–206 N., Somerville, NJ 08876, filed a supplemental NADA (111–278) providing for OTC use of fenbendazole granules as a horse anthelminthic for control of large strongyles, small strongyles, pinworms, and ascarids. The drug is currently approved for these uses when used by or on the order of a licensed veterinarian. The supplemental application provides for the product to be marketed OTC, in 0.17-ounce (5.2-gram) packets rather than 5-gram packets (one packet per 500 lb of body weight rather than one per 450 to 480 lb), with re-treatment at 6- to 8-week intervals if required, for the control of certain helminth infections, and a statement to consult a veterinarian for

assistance in managing helminth problems. The supplement is approved, and 21 CFR 520.905b is amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) [21 CFR 514.11(e)(2)(ii)], a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21-U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.905b is amended by revising paragraph (c)(2) and (3) to read as follows:

§ 520.905b Fenbendazole granules.

* * * * *

(c) *Conditions of use.* * * *

(2) *Indications for use.* For the control of infections of large strongyles (*Strongylus edentatus, S. equinus, S. vulgaris*), small strongyles, pinworms (*Oxyuris equi*), and ascarids (*Parascaris equorum*) in horses.

(3) *Limitations.* Sprinkle the appropriate amount of drug on a small amount of the usual grain ration. Prepare for each horse individually. Withholding feed or water is not necessary. Re-treat in 6 to 8 weeks if required. Do not use in horses intended for food. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. July 21, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 10, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-21048 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-86-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH–FRL–1888–8; FAP 9H5198/T69]

Tolerances for Pesticides in Animal Feeds; Thidiazuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a feed additive regulation related to the experimental use of the defoliant thidiazuron on cotton. This regulation was requested by Nor-Am Agricultural Products, Inc. This rule will permit the marketing of cottonseed hulls while further data are collected on thidiazuron.

EFFECTIVE DATE: July 21, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 16, 1980 (45 FR 32295) that Nor-Am Agricultural Products, Inc., 350 West Shurman Boulevard, Naperville, IL 60566 had submitted a feed additive petition (FAP 9H5198) to the EPA. The petition established a regulation permitting the combined residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3,-thiadiazole-5-ylurea) and its aniline-containing metalolites in or on cottonseed hulls resulting from the application of the defoliant of cotton leaves prior to harvest in a proposed experimental program with a tolerance limitation of 0.4 part per million.

Nor-Am has requested an extension of the temporary feed additive regulation.

The data submitted in the petition and other relevant material have been evaluated and it has been determined that extension of the temporary feed additive regulation will protect the public health. The pesticide is considered useful for the purpose which the regulation is sought, therefore, 21 CFR Part 561 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this regulation in the Federal Register, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new food and feed additive levels or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

Effective on: July 21, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: July 6, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 561.385(a) is revised to read as follows:

§ 561.385 Thidiazuron.

(a) A feed additive regulation of 0.4 part per million is established for combined residues of thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazole-5-ylurea) and its aniline-containing metabolites in or on cottonseed hulls resulting from the preharvest application of the defoliant thidiazuron to cotton in accordance with

an experimental use permit which expires July 1, 1982.

* * * * *

[FR Doc. 81-21245 Filed 7-20-81; 8:45 am]

BILLING CODE 4910-33-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Fenethylline in Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule placing the substance, fenethylline, into Schedule I of the Controlled Substances Act. As a result of this rule, fenethylline will be subject to the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation and importation controls of Schedule I.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: A notice was published in the Federal Register on Friday, May 1, 1981 (46 FR 24593), proposing that fenethylline be placed into Schedule I of the Controlled Substances Act. All interested persons were given until June 2, 1981 to submit any comments or objections in writing regarding this proposal. One comment was received from the American Society of Hospital Pharmacists (ASHP), which supported the proposed placement of fenethylline in Schedule I. No other comments or objections were received in response to this proposal, nor were there any requests for a hearing.

Based on the scientific and medical evaluation and recommendation of the Secretary of Health and Human Services, received in accordance with section 201(b) of the Controlled Substances Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), finds that:

(1) Based on information now available, fenethylline has a high potential for abuse;

(2) Fenethylline has no currently accepted medical use in treatment in the United States; and,

(3) Fenethylline lacks accepted safety for use under medical supervision.

The above findings are consistent with the placement of fenethylline in Schedule I of the Controlled Substances Act. All regulations applicable to Schedule I substances are effective on August 20, 1981.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports fenethylline, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Fenethylline must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), (c), and (d), 1301.73, 1301.74(a)–(f), 1301.75(a), and 1301.76 of Title 21 of the Code of Federal Regulations on or before August 20, 1981. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of fenethylline and all labeling of fenethylline packaged after August 20, 1981 must comply with the requirements of § 1302.03–1302.05, 1302.07, and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified request for an extension of time.

4. *Quotas.* All persons required to obtain quotas on fenethylline shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of fenethylline shall take an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of fenethylline on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding fenethylline commencing on the date on which the inventory of fenethylline is taken.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding fenethylline commencing on the date on which the inventory of fenethylline is taken.

8. *Order Forms.* The order form requirements of §§ 1305.01–1305.16 of Title 21 of the Code of Federal Regulations shall be in effect on the date which the inventory of fenethylline is taken.

9. *Importation and Exportation.* All importation and exportation of fenethylline shall be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to fenethylline not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful, except that any person who is entitled to registration under such Acts may continue to conduct normal business, research or professional practice with fenethylline between the date on which this order is published and the date on which he obtains or is denied registration: *Provided,* That application for such registration is submitted on or before August 20, 1981.

11. *Other.* In all other respects, this order is effective August 20, 1981.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that control of fenethylline, as ordered herein, will have no significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act. This action involves initial control of a substance not approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12291 and from the postponement of pending regulations under the President's memorandum of January 30, 1981.

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby orders that § 1308.11 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (f)

entitled *Stimulants* and that § 1308.11 be amended to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline 1,503

Dated: July 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-21200 Filed 7-20-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-81-923]

Increase in Manufactured (Mobile) Home Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule provides for increases in loan amounts for manufactured (mobile) home loans as authorized by Section 308 of the Housing and Community Development Act of 1980. Rising costs of housing without corresponding increases in loan amounts results in excessive downpayment requirements, thus precluding many low and moderate income families from homeownership. This rule will establish increased loan limits for manufactured (mobile) homes making it easier for low and moderate income families to purchase them which will convey a benefit on the manufactured housing and other related industries.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9172, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6680 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 308 of the Housing and Community Development Act of 1980 amended Section 2(b) of the National Housing Act to authorize increases for manufactured (mobile) home loans in the following amounts: (1) On single-wide homes from $18,000 to $20,000; (2) on double-wide homes from $27,000 to $30,000.

The term, manufactured housing, has been used throughout this rule to reflect the new terminology of the 1980 Act. However, the word, mobile, is used parenthetically as a guide to persons familiar with the old terminology.

Rising costs of housing without corresponding increases in loan amounts results in excessive downpayment requirements, thus precluding many low and moderate income families from homeownership. This rule will establish increased loan limits for manufactured (mobile) homes making it easier for low and moderate income families to purchase them which will convey a benefit on the manufactured housing and other related industries. Publishing a notice of proposed rulemaking with comments would cause substantial delay in making the benefits available. Therefore, the Secretary finds that prior notice and public procedure on the rule would be contrary to public interest and that the rule should become effective as soon as possible under legal applicable requirements.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The program affected by this rule change is identified in the Catalog of Federal Domestic Assistance as follows:

14.110 Mobile Home Loan Insurance. Financing Purchase of Mobile Homes as Principal Residences of Borrowers (Title I).

Accordingly, 24 CFR Part 201 is amended by revising the first sentence of paragraph (a) and by revising paragraph (c) of § 201.530 to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The proceeds of a manufactured (mobile) home loan shall not exceed the lesser of $20,000 ($30,000 where the manufactured (mobile) home is composed of two or more modules) or 110 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part). * * *

* * * * *

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $20,000 ($30,000 where the manufactured (mobile) home is composed of two or more modules).

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) Title I, sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., July 7, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-21204 Filed 7-20-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 571

[Docket No. R-81-924]

Community Development Block Grants for Indian Tribes and Alaskan Natives; Allocation of Funds

AGENCY: Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule revises the regional allocation formula for the Indian Community Development Block Grant Program. The funding formula phases out the weight given to past funding while increasing the weight given to population. A study of the old formula revealed that funds had not been distributed equitably. This revision is being made to more equitably distribute the funds among the various tribes.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Marcia A. B. Brown, Office of Policy Planning, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, Telephone Number (202) 755-6092. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 19, 1979 (44 FR 75136) HUD published an Interim Rule for the Indian Community Development Block Grant Program which phased out the weight given to past funding while increasing the weight given to population in the regional allocation formula for Fiscal Years 1980 and 1981. The rule was published as an interim rule rather than a proposed rule in order to resolve some inequities in the regional allocation formula prior to the Fiscal Year 1980 allocations to the Regions. It was therefore impracticable to afford an opportunity for extensive public comment prior to publication of the rule.

However, comments were solicited for a period of 20 days prior to the effective date of the Rule. Five public comments were received. Two of the comments were similar to those discussed in the third response. The following are some of the comments which were received from Tribes which expressed concerns as to the outcome of the Interim Rule:

1. One comment described the proposed regulation as an attempt by the Department to begin to allocate Indian Community Development Block Grant funds in the same manner as Revenue Sharing.

The Indian Community Development Block Grant program differs significantly from Revenue Sharing in both intent and funding allocation approach. For Indian communities, population data will be temporarily used as the sole means of distributing funds only because (1) it has been found to have a high factual relationship to needs on a regional level, and (2) no better indicator of needs is currently available. A more need-related funding approach will be used once 1980 Census data is available.

2. Another comment questioned the use of preparing preapplications if the Department intends to fund on the basis of need. The commenter apparently assumed that HUD was no longer requesting that preapplications address need as one of the criteria used in the ranking and rating of preapplications. The Department is using population data only in its distribution of funds to the Regions. The Regions will continue to set their Rating and Ranking Criteria with need being only one of the criteria used for determining final applicants.

3. The third comment reflected concerns of smaller Tribes. The primary concern was that larger Reservations will receive a disproportionate share of the funding because of the percentage of total eligible Indian population in each region. The commenter proposed that a provision be included so that need can be a determining factor in the selection of future recipients.

The Department is not using this formula to select recipients of Indian Community Development Block Grant funds. The need factor the Commenter refers to will remain in the rating and ranking criteria used by the regions to select recipients. Population will only be used in determining the allocation of funds to each Region.

A study of the regional allocation formula used for the first two years of the Indian Community Development Block Grant Program revealed that funds had not been allocated equitably. Regional allocations in those years were biased towards those Regions with Tribes who, at the time the formula was established, had greater success in receiving grants than other Tribes. In trying to determine what Regional allocation formula would insure the most equitable distribution of funds, many variables which measure need were examined. Population data proved to be the only data available which had a clear relationship to need. A new formula containing reliable measures of need will be developed once 1980 Census and other improved data are available. Thus, the Interim Rule phased out the weight given to past funding and phased in the weight given to population in the regional allocation formula for Fiscal Years 1980 and 1981. During Fiscal Year 1982 and until a new formula is available, funds will be allocated to the Region solely on the basis of population.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. Copies of the finding are available for inspection and copying in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this Rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance Number is 14.223.

Accordingly, 24 CFR 571.101 is amended by adding paragraph (c) as follows:

§ 571.101 Allocation of Funds to Regional and Field Offices.

* * * * *

(c) In Fiscal Years following 1981, funds will be allocated to the Regional Field Office responsible for the program totally on the basis of population until such time that a weighted formula can be developed which includes an acceptable measure of need, along with population.

(Sec. 107, Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (42 U.S.C. 5301 et seq.); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., July 6, 1981.

Donald G. Dodge,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 81-21203 Filed 7-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 601

Sales of Helium by and Rental of Containers From the Bureau of Mines

AGENCY: Bureau of Mines, Interior.

ACTION: Final rule.

SUMMARY: This revised rule on sales of helium and rental of containers simplifies the regulation and eliminates the need to republish the regulation when prices and charges are changed. This action reduces Government costs and paperwork associated with publication of revised regulations. Additionally, about 70 percent of the wording was eliminated.

DATE: The revised regulation will become effective August 20, 1981.

FOR FURTHER INFORMATION CONTACT: B. J. King, Chief, Branch of Administration, Division of Helium Operations, Bureau of Mines, 1100 S. Fillmore St., Amarillo, Texas, 79101. Telephone 806-735-1608.

SUPPLEMENTARY INFORMATION: The proposed rule revising 30 CFR Part 601 was published on pages 25653-25656 of the Federal Register of Friday, May 8, 1981. A 30-day period ending June 10, 1981, was allowed for public comment. No comments were received. Therefore, the Bureau of Mines, Department of the Interior, by publication herein will make the revision final, subject to the following minor additions and corrections.

§ 601.3 [Amended]

§ 601.3(b) is redesignated as paragraph (c);

§ 601.3(c) is redesignated as paragraph (d);

§ 601.3(d) is redesignated as paragraph (e).

§ 601.3 Add a new paragraph (b) which reads as follows:

(b) The information collection requirement contained in this paragraph has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1932–0111. The information is being collected to identify firms desiring to enter into a contract. This information will be used to complete contract documents and establish cash advance required. The obligation to respond is required to obtain a benefit.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis and review under Executive Order 12291 and 43 CFR 14.

Accordingly, pursuant to authority provided by the Helium Act of 1960, 50 U.S.C. 167 et seq., 30 CFR Part 601 is revised to read as set forth below.

Dated: July 10, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

CHAPTER VI—BUREAU OF MINES

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM THE BUREAU OF MINES

Sec.

601.1 Purpose.
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Authority: Pub. L. 86–777, approved September 13, 1960, 74 Stat. 918; 50 U.S.C. 167–167n.

§ 601.1 Purpose.

The purpose of this Part 601 is to establish procedures governing the sale of helium and related services by the Bureau of Mines, and the rental of helium containers from the Bureau of Mines.

§ 601.2 Definitions.

(a) "Act" means the Helium Act, Pub. L. 86–777, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167–167n).

(b) [Reserved]

(c) "Helium plant" means a facility operated by or for the United States Bureau of Mines for the production, purification, repurification, or shipment of helium.

(d) "Bureau" means the Bureau of Mines of the Department of the Interior.

(e) "Purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, having a new (after revision of this Part) helium purchase contract with the Bureau, and any agency of the United States Government, purchasing helium from the Bureau or using helium containers rented from the Bureau.

(f) "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and is 99.995 percent pure helium, or better by volume.

(g) "Standard cubic foot" (scf) is a 1-cubic foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit.

(h) "Cylinder" means a standard-type cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve, safety relief device, and valve-protective cap, or a similar cylinder acceptable to the Bureau as a standard type.

(i) "Valve" means a standard-type cylinder valve acceptable to the Bureau of Mines having a valve outlet conforming to Specification No. 580 or No. 350 as described by the latest edition of Compressed Gas Association, Inc., Pamphlet V–1, ANSI B57.1–1977; Provided, That at the Bureau's option, valves with outlets conforming to other specifications may be accepted as alternate standards.

(j) "Tank car" means a railroad car permanently equipped with multiple tubes manufactured in accordance with 49 CFR 179.500.

(k) "Tube trailer" means a road-type semitrailer without motive power permanently equipped with multiple tubes manufactured in accordance with 49 CFR 178.36, 178.37, or 178.45.

(l) "Tube module" means one or more seamless steel tubes, manufactured in accordance with 49 CFR 179.500, that by means of a framework are joined together to form a unit. Valves may be manifolded.

(m) "Liquid helium trailer" means a special road-type semitrailer without motive power, equipped with a vacuum-jacketed container suitable for transporting 1,000 U.S. gallons or more of liquid helium. The container may be separable or an integral part of the chassis and dependent upon design, may or may not require a Department of Transportation (DOT) special permit for transporting.

(n) "Liquid helium dewar" (dewar) means a portable or skid-mounted, vacuum-jacketed container suitable for shipping less than 1,000 U.S. gallons of liquid helium.

(o) "Schedule of Prices and Charges" (Schedule) means a listing of prices and charges for products and services provided under contract pursuant to this Part.

(p) "Federal Agency" is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101–05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(q) "Contracting officer" is the person executing a contract on behalf of the Government, and includes any duly appointed successor.

§ 601.3 Contract application forms and procedures.

(a) Any prospective helium purchaser may make application to the Bureau to become a purchaser of helium, and, if desired, rent containers from the bureau and, upon meeting the requirements of this Part and upon execution of a purchase (and container rental) contract with the Bureau, may purchase helium (and rent containers) from the Bureau. To be eligible, a prospective purchaser must: demonstrate adequate financial resources to pay for helium and helium-related services in advance, hold a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective purchaser is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to enter into a Bureau contract under applicable laws and regulations.

(b) The information collection requirement contained in this paragraph has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032–0111. The information is being collected to identify firms desiring to enter into a contract. This information will be used to complete contract documents and establish cash advance required. The obligation to respond is required to obtain a benefit.

(c) The contract shall include, among other things, duties and responsibilities of the parties, definitions, term, minimum contract volume, and other conditions, such as advance payments, deposits, surety bonds, repurchase rights of the Government, liabilities, reservations with respect to sales and deliveries, power of inspection, notification to repurchasers, violations and penalties, cancellation and assignment of contract, termination, general provisions, and standard provisions.

(d) Application forms are available upon written request from Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Applicable contract form(s) and Schedule will be included for examination by the prospective purchaser.

(e) Upon approval by the Contracting Officer of the returned application, the contract will become effective when executed by both parties.

§ 601.4 [Reserved]

§ 601.5 Schedule of prices and charges.

(a) The Schedule of Prices and Charges (Schedule) is published by the Bureau of Mines, Division of Helium Operations, and is periodically updated. The Schedule is available upon request from the Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806–376–2638 or FTS 735–1638. The Schedule shows prices and charges for helium, ordinary related services, use or rental of Bureau-owned helium containers or equipment, cash advance, and deposit required, and bonds and/or insurance to guarantee return of containers.

(b) Terms and conditions under which products and services can be acquired under contract pursuant to this Part are shown in Appendix 1 to the Schedule. The Terms and Conditions are reviewed at least annually, and are revised as required.

(c) Revisions to the Schedule are determined at least annually by the Division of Helium Operations in accordance with Office of Management and Budget (OMB) Circular No. A–25, as revised. In no case will a revised Schedule become effective in less than 30 days after date of distribution to all Bureau helium customers known at the time of distribution.

§ 601.6 Purchase price of helium

(a) The purchase price of Grade-A helium shipped f.o.b. origin shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) [Reserved]

(c) The purchase price of Grade-A helium shipped f.o.b. destination shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant plus any service charges, container charges, transportation charges, and other charges incurred in making such delivery. Delivery of helium f.o.b. destination is made only in Bureau-furnished containers.

§ 601.7 Service charges.

In addition to the purchase price of helium, the following charges for services and use of equipment rented from the Bureau shall be paid by the purchaser.

(a) *For filling containers.* The charge for filling helium containers shall be as shown in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *For ordinary work performed on containers supplied by the purchaser and for ordinary services performed in connection with shipment of helium from a helium plant.* The charge for ordinary work shall be as shown in the Schedule that is in effect on the date the work is performed.

(c) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery for which prices are not stated in the effective Schedule including, but not limited to, costs of work on purchaser's containers, filling, servicing, and rental of containers of types other than those stated in the effective Schedule, purifying helium beyond normal plant purity, (delete "liquefying helium") analytical services, shipment of helium from other than a helium plant selected by the Bureau, and unusual handling, transportation, and communications, may be determined by the Bureau and charged to the purchaser as they arise on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense, and commercial common-carrier rates.

(d) *For use of helium containers supplied by the Bureau.* The charge for use of each Bureau-supplied container shall be as shown in the Schedule in effect on the date of shipment from a helium plant.

§ 601.8 Settlements under existing contracts.

Contracts for the purchase of helium or for the rent of Bureau-owned shipping containers which are in effect on the effective date of the amended regulations in this Part shall remain in effect, subject to the terms and conditions of the amended regulations in this Part, for a period of not more than 90 days after the effective date of these amended regulations or until replaced by new contract or contracts as described in these amended regulations, should such replacement occur prior to expiration of the 90 days. In the event that purchaser does not enter into replacement contract or contracts within 90 days after effective date of these regulations, the existing contract(s) shall terminate and purchaser shall pay any sums due Bureau under terms of the contracts and shall return any Bureau-owned shipping containers outstanding under any container rent contract so terminated.

§ 601.9 Shipping containers.

(a) *Containers may be provided by the purchaser or the Bureau.* The purchaser may provide containers or may request the Bureau to provide them under contract. Containers provided by the purchaser must be satisfactory to the Bureau in all respects, must be free internally from oil or water, and shall comply with the requirements for shipment in interstate commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* Specific provisions for all types of containers, such as, cylinders, tank cars, tube trailers, tube modules, liquid helium trailers, and liquid helium dewars, are detailed in the container rental contract and the Schedule.

§ 601.10 [Reserved]

§ 601.11 Applicability to Federal Agencies.

The regulations in this Part are applicable to Federal agencies procuring helium or services from Bureau or using containers furnished by Bureau; *except that* Federal agencies shall not be required to: (a) enter into contracts for the purchase of helium or lease of containers, (b) furnish advance payments, or (c) provide surety for the return of containers or payment of bills.

[FR Doc. 81–21101 Filed 7–20–81; 8:45 am]

BILLING CODE 4310–53–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL 1849-7]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1982 Model Year Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This amended regulation revises the oxides of nitrogen (NO_x) emission standards for 1982 model year light-duty diesel vehicles for which EPA has granted a waiver from the standard otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). This amendment applies only to one diesel engine family manufactured by Automobiles Peugeot (Peugeot) which I have determined qualifies under the statutory criteria for waiver of the NO_x standard for model year 1982. This rule has the effect of setting an interim NO_x standard at the most stringent level that will permit Peugeot to market this diesel engine family in model year 1982.

EFFECTIVE DATE: August 20, 1981.

ADDRESSES: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN-81-1 at the Central Docket Section of the Environmental Protection Agency, Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Copies of the decision documents may also be obtained from the Manufacturers Operations Division by contacting Mr. Chernekoff as stated below.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 gram per vehicle mile (g/mi). Regulations implementing this requirement have established this NO_x standard.

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any light-duty diesel engine family for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject light-duty diesel engine families for those model years for which I have granted waivers.

Peugeot has submitted an application for a waiver for one of its diesel engine families. My decision to grant the waiver application, which includes the statutory criteria and my determinations with respect to the vehicle model covered by that application, will be made available to interested parties in the Public Docket and at the Manufacturers Operations Division, as stated above. In that decision, I granted a waiver covering Peugeot's engine family for the 1982 model year because Peugeot has demonstrated that technology is unavailable to enable these vehicles to meet both the 1982 model year NO_x standard and the 1982 model year particulate standard applicable to this engine family. Specifically, Peugeot has demonstrated that, using current exhaust gas recirculation (EGR) technology, it can only meet the 1982 model year particulate standard at a NO_x level of 1.2 g/mi. Information in the record indicates that none of the various emission control technology alternatives which Peugeot has tested or will have available for use in the XD2C engine family is sufficient to assure compliance with both the 1982 model year particulate standard and the 1.0 g/mi NO_x standard. Additionally, Peugeot has met the public health, fuel economy, and long-term air quality benefit criteria of the Act.

The waiver I granted covers the following engine family for the model year specified:

Manufacturer	Engine family	Model year
Peugeot	2.3 Liter (L) naturally aspirated (NA) XD2C.	1982

For reasons discussed in the decision on Peugeot's application, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1982 model year vehicles of this engine family to exceed 1.2 g/mi, the level Peugeot requested be established in its application. Data submitted by Peugeot indicate that at an interim NO_x standard of 1.2 g/mi, Peugeot is capable of meeting a particulate standard of 0.6 g/mi. The public has received an opportunity to comment on the waiver application at issue, and the 1982 model year certification process is underway. For these reasons, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

In addition, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim NO_x emission standard established by this rulemaking only directly affects Peugeot, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it grants a waiver request for one model produced by one manufacturer, and is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The applicant, Peugeot, indicated that if EPA did not grant the requested waiver, it would not be able to produce its diesel engine family so as to be in compliance with all applicable exhaust emission standards. Granting this waiver averts losses for Peugeot that might have resulted if the waiver were denied and Peugeot could not market its vehicles. Further, granting this waiver will place Peugeot in the same competitive position in the diesel vehicle market as domestic manufacturers, most of which have already received waivers of the statutory NO_x emission standards.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: July 12, 1981.

Anne M. Gorsuch,

Administrator.

For the reasons set forth in the preamble, 40 CFR 86.082-8(a)(1)(iii), is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 model year light-duty vehicles.

(a) * * *

(1) * * *

(iii) Oxides of nitrogen—1.0 grams per mile (g/mi), except that: (A) oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (b) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 model year engine families shall not exceed the prescribed levels:

Manufacturer	Engine family	NO_x (grams per mile)
General Motors Corp.	5.7 liter (L)	1.5
	1.8 L	1.5
	4.3 L	1.5
Daimler-Benz AG	2.4L	1.25
	3.0L naturally-aspirated (NA).	1.5
	3.0L turbocharged (TC)	1.5
AB Volvo	2.4L NA	1.5
Peugeot	2.3L-TC-XD2S	1.5
	2.3L-NA-XD2C	1.2
Volkswagen AG	1.6L-NA-2250 pounds inertia weight (I.W.).	1.3
	2.0L-NA-3000 I.W.	1.5
	1.6L-TC-2250 I.W.	1.3
	1.6L-TC-2500 I.W.	1.4
	2.0L-TC-3000 I.W.	1.5
	1.6L-NA-2750 I.W.	1.4
	1.6L-NA-2500 I.W.	1.4
	1.6L-TC-2750 I.W.	1.4
Nissan Motor Company.	2.8L	1.5
Isuzu Motors, Ltd.	1.9L	1.5

* * * * *

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a) (Supp. I 1977))

[FR Doc. 81-21111 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-29-M

40 CFR Part 180

[PH-FRL-1888-6; OPP-300049A]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ammonium Thiocyanate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient ammonium thiocyanate when used as an adjuvant and intensifier for defoliation of cotton and soybeans.

EFFECTIVE DATE: Effective on July 21, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 1, 1981 (46 FR 24605) that Ralph W. Fogleman, DVM, Ringoes, NJ 08551, had requested that the Administrator amend 40 CFR 180.1001(d) by exempting ammonium thiocyanate, as an inert (or occasionally active) ingredient in pesticide formulations, from tolerance requirements when applied as an adjuvant and intensifier (preharvest) to cotton and soybeans.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the regulation established by amending 40 CFR Part 180 will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 21, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: July 8, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is amended by alphabetically inserting "ammonium thiocyanate" to read as follows:

§ 180.1001 Exemption from the requirements of a tolerance.

* * * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Ammonium thiocyanate		Adjuvant/intensifier for defoliation of, and weed control in/on cotton and soybeans.
* * * * *		

[FR Doc. 81-21245 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of reduction in fishing time.

SUMMARY: This notice reduces the allowable fishing time from 24 hours to 12 hours per week for fishing vessels harvesting Atlantic surf clams within the fishery conservation zone. Action is necessary to prevent the overharvest of cumulative surf clam allocations and avoid prolonged closure of the fishery. This action should keep harvests from exceeding the cumulative allocations.

and reduce the possibility of exceeding annual optimum yield.

EFFECTIVE DATE: July 26, 1981.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; or Frank Grice, Chief, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617–281–3600.

SUPPLEMENTARY INFORMATION: The surf clam fishery regulations (50 CFR 652.22(a)(4)) provide for reduction of surf clam fishing time if the Regional Director determines, on review of available information and public comment, that the quota for surf clams for any quarterly period will be exceeded.

Harvest of surf clams during the first quarter of 1981 exceeded the quarterly allocation of 400,000 bushels by approximately 120,000 bushels. Accordingly, the quarterly allocation for the second quarter of 500,000 bushels has been reduced by the amount of the overage, making the quota for the second quarter 380,000 bushels. Catch statistics for the period through April 24, 1981, indicate that approximately 200,000 bushels were taken in the first four weeks of the second quarter. Projection of landings at the current rate suggests that the quarterly quota will be exhausted three or four weeks prior to the end of the quarter.

In consultations with the Mid-Atlantic Fishery Management Council and industry spokesmen, the Regional Director has been advised that continued harvest of surf clams through the second quarter is critical to efforts to rebuild inventories of surf clam products for the important summer sales season, and that reduction of fishing time will allow for continued operation and employment in both the harvesting and processing sectors of the industry and is preferable to the alternative action of fishery closure.

The Regional Director has determined that the reduction of fishing time for surf clams in the fishery conservation zone is necessary both to prevent harvest of surf clams from significantly exceeding cumulative allocations, and to reduce the possibility of exceeding the annual optimum yield.

The reduction of fishing time will begin on July 26, 1981, and continue until harvests and allocations are again in balance.

The Acting Administrator, NOAA, has determined that this action is not a major rule under E.O. 12291 and, as such, does not require a regulatory impact analysis. A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because the rule is exempt from the notice and comment requirements of the Administrative Procedure Act. In addition, the rule does not have a significant economic effect on small businesses for the purposes of § 609 of the Regulatory Flexibility Act. The rule which is being published in final form, implements an existing provision in the regulations which allows the Regional director to make inseason reductions in the surf clam fishing time when he determines the quarterly quota will be exceeded. This rulemaking does not call for additional collection of information from the public under the Paperwork Reduction Act of 1980. The environmental impact for this action was evaluated in the final environmental impact statement and supplements prepared for the fishery management plan for the Atlantic surf clam and ocean quahog fisheries and its amendments which are on file with the Environmental Protection Agency.

(16 U.S.C. 1801 *et seq.*)

Dated: July 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-21180 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 139
Tuesday, July 21, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service[1]

7 CFR Part 68

Adjustment of Fees for Federal Rice Inspection Service

AGENCY: Federal Grain Inspection Service [1], USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) proposes to increase fees for Federal rice inspection services. This change is being made to equate the fees as nearly as possible with the cost of the service. Rice inspection is a permissive service made available upon request of an applicant. This proposed rule will also limit the availability of commitment service rates to the number of hours specified in the commitment agreement. A priority noncommitment service is also being proposed in addition to the current noncommitment service. This service will be available upon request. The applicant may request this priority noncommitment service when the projected time to fulfill prior requests for noncommitment service with local FGIS resources will not meet the applicant's time requirements.

DATE: Written comments must be submitted on or before August 20, 1981.

ADDRESSES: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, Federal Grain Inspection Service, Room 1127, Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr.; tel. (202) 447–3910.

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been determined to be nonmajor. This proposed increase in rice inspection service fees will add approximately one-half cent per hundredweight to the cost of rice and is considered not significant.

Kenneth A. Gilles, Administrator, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities because most users of rice inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164–1170).

Section 203(h) of the Agricultural Marketing Act of 1946 provides for the collection of such fees as will be reasonable and as nearly as possible cover the cost of the service rendered. The fees currently in effect do not cover FGIS costs in providing the service. Accordingly, FGIS has determined that an increase in Federal rice inspection service fees (7 CFR 68.42c) is necessary to more closely equate with its costs in order to continue providing the service to applicants.

It is FGIS' intent, when practical, to make the effective date for any adjustments in rice inspection service fees coincide with the crop year for rice, which begins in the month of August. Accordingly, it is necessary that a final determination of this matter be made as soon as practicable as FGIS plans to implement final rulemaking on the proposed adjustment of fees by August 31, 1981, the start of the next crop year. Therefore, a 30-day comment period for all interested parties on this proposed rule is provided because of the time limitations.

Rice Inspection Service Fees

In July 1977, FGIS reduced the rice inspection service fees by approximately 10 percent to reduce the operating reserve fund which is maintained for contingencies when fees may not cover the cost of providing the service. These fees were again reduced in August 1978 by approximately 10 percent to further reduce the operating reserve fund. Both reductions resulted in a return of funds to the industry. However, due to a rapidly increasing rate of monetary loss in the rice inspection program, FGIS increased the fees approximately 15 percent in August 1980. At that time, it was noted that this fee increase would reduce, but not halt, the rate of loss in the program. FGIS indicated that the rice inspection service fee schedule would be closely monitored to determine if the level of fees was adequate to maintain a reasonable operating reserve. Since fiscal year 1977 there have been increases in Federal salaries totaling approximately 32 percent of the fiscal year 1977 base. These increases in salaries, coupled with increases in general program costs, have resulted in a sharp decrease in the operating reserve. At the present rate of loss the operating reserve will be depleted in the fall of 1981.

As a result, it has been determined that a fee increase for all rice inspection services ins necessary to continue to provide service in FY 1982. The increase will be in conjunction with cost-saving measures such as reductions in staff and travel. The percent of the proposed increase from the current fee schedule varies by type of service; for example, proposed commitment hourly rates are increased approximately 27 percent and noncommitment hourly rates approximately 33 percent. The proposed fees are being set to more nearly reflect the costs incurred in providing each type of inspection service and will add approximately one-half cent per hundredweight to the cost of inspection services. At sale prices in 1981 of $18.00 to $30.00 per hundredweight, depending on the quality of the rice, any increase in cost to consumers would be insignificant.

Restricting Commitment Service Agreement

It is proposed that an applicant may enter into a commitment service agreement for a specified period whereby (1) the applicant agrees to pay for 8 hours of service per person for 5 consecutive days per week and (2) FGIS agrees to provide this inspection service during the specified period at a reduced hourly rate. A commitment service argument assures FGIS a constant workload and aids in determining the number of official personnel needed to provide services and thereby provides for the most efficient use at the least cost to applicants.

Presently, fees for hours worked for a commitment applicant in excess of the hours specified in the commitment service agreement are charged at the commitment service rate. These hours in excess of the commitment are often

performed on a sporadic basis which requires FGIS to incur costs for overtime work. In most instances, the assessment of hours in excess of those specified in the commitment service agreement at the reduced rate does not enable FGIS to recover the additional costs because of overtime costs. The proposed fee schedule provides that the commitment service rate will apply only to the hours stated in the commitment service agreement. All hours worked in excess of the agreement will be charged at the noncommitment service rate. This will better compensate FGIS for the additional cost to the program for the hours worked in excess of those specified in the commitment service agreement.

Priority Noncommitment Service

It is proposed that an applicant may request inspection service at the higher rate priority noncommitment service fee. Generally, service to applicants on a noncommitment basis is furnished if personnel are available and in the order the requests are received. With the establishment of the priority noncommitment service, it will be possible for applicants who require immediate service to obtain inspection service at the earliest possible time, if they are willing to pay the higher hourly rate. FGIS's costs for providing personnel on a temporarty basis from other field offices are increased because of travel, per diem, and other costs associated with official travel. These costs are reflected in the higher fees for this service. The applicant for priority noncommitment service will be charged a minimum of 8 hours per man at the higher hourly rate.

The proposed adjustments in fees include the following changes:

(1) Commitment service hourly rates, except holidays, from $17.00 to $21.60 between the hours of 6 a.m. and 6 p.m.; from $20.40 to $26.00 between the hours of 6 p.m. and 6 a.m. except holidays; and from $24.00 to $30.60 for holidays.

(2) Noncommitment service hourly rates for Monday through Friday, except holidays, from $21/60 to $28.60 between the hours of 6 a.m. and 6 p.m.; from $24.80 to $33.00 between the hours of 6 p.m. and 6 a.m. and during weekends except holidays; and from $28.20 to $37.60 for holidays.

(3) Establishment of priority noncommitment service hourly rates, except holidays, $41.80 between the hours of 6 a.m. and 6 p.m.; $44.40 between the hours of 6 p.m. and 6 a.m. and during weekends, except holidays; and an hourly rate of $50.00 for holidays.

(4) Fee per lot or sublot when inspecting for quality at other than the point of sampling and the per sample fee for sample inspections. The charges are from $12.50 to $19.60 for rough rice, $10.70 to $18.00 for brown rice processing, and $9.00 to $16.00 for milled rice.

(5) Fee per factor for any single factor from $3.60 to $4.70. This per factor fee will also be charged for factors analyzed which are not included in the U.S. Rice Standards, such as milling yield in brown rice for processing.

(6) Fee for extra copies of certificates (per copy) from $1.15 to $1.50.

(7) Fee for Parboiled Light Interpretive Line (per sample) from $10.00 to $13.00.

In 7 CFR Part 68—Regulations and Standards for Inspection and Certification of Certain Agricultural Commodities and Products thereof, section 68.42c Fees for Federal Rice Inspection Services is proposed to be revised as follows:

§ 68.42c Fees for Federal rice inspection services.

The following fees apply to the Federal rice inspection services specified below:

Service and Fees

(a) *Commitment service.* An applicant may enter into an agreement with FGIS for rice inspection services on weekly basis, whereby the applicant agrees to pay for 8 hours of service per day per person, for at least 5 consecutive days per week, and FGIS agrees to make official inspection personnel available to perform the service for the applicant at reduced hourly rates. The hourly rate service may include sampling, grading, weighing, and other services requested by the applicant when performed at the point of sampling. All hours of service performed in excess of the commitment shall be charged at the noncommitment rate or priority noncommittment service rates, as applicable. If one of the consecutive days per week falls on a holiday and inspection services are not needed, the applicant is not charged for this day. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service. Hourly rates include the cost of travel and transportation to perform the service requested and the original and 3 copies of each certificate.

To enter into a commitment agreement, the applicant must give FGIS 60 days written notice specifying the proposed effective date of the commitment. However, a commitment may become effective prior to the proposed effective date with the consent of both parties. To terminate a commitment, the applicant must give FGIS 60 days written notice specifying the date of termination. A commitment agreement may be terminated at any time by mutual consent of both parties.

FGIS reserves the right to: (1) Determine the number of official inspection personnel needed to perform the service for a commitment applicant, which may be different than the number of official personnel under commitment, (2) terminate a commitment agreement by giving the applicant 60 days written notice specifying the date of termination, and (3) temporarily reassign official inspection personnel from a commitment applicant when, in the opinion of the Administrator, the official inspection personnel are not needed to perform service for the commitment applicant, in which event, the commitment applicant is credited with the number of commitment hours charged to other applicants or other FGIS activities.

(b) *Noncommittment service:* A noncommitment service is provided for applicants who do not enter into a commitment service agreement with FGIS, and also for all hours not covered under the commitment service or the priority noncommitment service. Service on a noncommitment basis will be furnished to applicants if personnel are available and in the order in which requests are received, insofar as is consistent with good management, efficiency, and economy. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 3 copies of each certificate. This hourly rate service may include sampling, grading, weighing, and other services as requested by the applicant when performed at the point of sampling. Precedence will be given, when necessary, to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Standby time per person is to be charged at the applicable hourly rate. The minimum fee per callout or inspection visit for noncommitment service is charged at the applicable hourly rate with a 2-hour minimum.

(c) *Priority noncommitment service.* A priority noncommitment service will be provided for applicants who need a more timely service than may be available through a noncommitment request. In order to provide this more timely service, FGIS will make official inspection personnel available to perform such service by detailing inspectors from other field offices. When this situation occurs, the priority noncommittment rates will apply. A minimum service request will be 8 hours per inspector. The priority noncommitment service rate includes travel expenses and per diem incurred by FGIS to provide personnel for the request.

The following fees shown in Tables 1 and 2 apply to the Federal rice inspection services specified below:

Table 1.—*Hourly rates* [1]
[Rates per hour]

	Day [2]	Night and weekend [3]	Holiday [3]
Commitment service	$21.60	$26.00	$30.60
Noncommitment service [4] [5]	28.60	33.00	37.60
Priority noncommitment service, 8-hour per man minimum	41.80	44.80	50.00

[1] The hourly rate man included sampling, grading, weighting, and other services requested by the applicant if performed at the point of smapling.
[2] 6 a.m. to 6 p.m.
[3] Holiday means the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal Statute or Executive Order. If the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be considered to be the holiday.
[4] Minimum fee per person per callout or inspection visit for noncommitment service 2 hours at the applicable hourly rate.
[5] Standby time per person per hour shall be charged at the applicable hourly rate.

Table 2.—*Other services*

	Rough rice	Brown rice for processing	Milled rice
(1) Appeal [1]			
(2) Extra copies of certificates, per copy	$1.50	$1.50	$1.50
(3) Grading only, per lot or sample [2] [3]	19.60	18.00	16.00
(4) Grading only, per factor	4.70	4.70	4.70
(5) Interpretive line samples [4]:			
(a) Milling degree, per set			50.00
(b) Parboiled light, per sample			13.00

[1] The same inspection fee is charged as would have been charged if the inspection were not an appeal. No charge is made if the appeal result indicates a material error was made on the original inspection.
[2] When graded according to the U.S. Standards for rice. Factorr requested in addition to the U.S. Standards will be charged the factor fee for each additional factor.
[3] Inspection for quality charges per lot or sublot when performed at the office of inspection.
[4] Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Standardization Division, Board of Appeals and Review, Richards-Gebaur AFB, Building #221, Grandview, MO 64030. Interpretive line samples are also available for examination at selected FGIS field offices. A list of the field offices may be obtained from the Director, Inspection Division, USDA, FGIS, Washington, D.C. 20250. The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

* * * * *

(Sec. 203(h), Pub. L. 79–733, 60 Stat. 1087 (7 U.S.C. 1622))

Done in Washington, D.C., on July 8, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 81–21215 Filed 7–20–81; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Marketing Service

7 CFR Part 905

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to exempt the handling of Florida citrus for animal feed from regulations under the order subject to specified safeguards to prevent fruit from entering fresh channels of trade. It would also specify the procedures for determining the quantities of Robinson tangerines each handler is permitted to ship when a portion of the 210 size of such variety is restricted by regulations. This action is designed to maintain orderly marketing conditions for such fruits and protect the interest of consumers.

DATES: Written comments must be received by August 20, 1981. Proposed effective date September 15, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, and they will be made available for public inspection during regular business hours (7 CFR Part 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This proposed rule is issued under the marketing agreement, as amended, and marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Citrus Administrative Committee established under the order and other available information. It is found that this amendment of Subpart—Rules and Regulations (§ 905.120 *et seq.*) as hereinafter set forth is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act.

The exemption applicable to the handling of citrus fruit for animal feed is authorized under § 905.80 of the order. Under the exemption any person may handle citrus fruit for animal feed without regard to the provisions of § 905.52 (Issuance of regulations) and § 905.53 (Inspection and certification) subject to necessary safeguards to prevent such fruit from entering fresh channels.

The amendment of § 905.52 is authorized under § 905.152(a)(1) of the order. It establishes procedures for determining the quantity of Robinson tangerines each handler is permitted to ship when a portion of the 210 size of such variety is restricted by regulation. Section 905.152 currently applies only to Dancy and similar varieties of tangerines. When a size limitation restricts the shipment of a portion of 210 size Dancy or Robinson tangerines during a particular week, the committee computes the quantity of 210 size of such variety that may be shipped by each handler. The committee notifies each handler of such quantity that may be handled during the particular week. The amendment provides a uniform rule for determining quantities of 210 size Dancy or Robinson tangerines each handler is permitted to ship when a portion of such size is restricted.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained. The proposal is being published with less than a 60-day comment period because there is insufficient time between the date when the information upon which it is based became available and the effective date necessary to effectuate the declared policy of the act.

Therefore, such rules and regulations are revised by adding a new § 905.142 and revising § 905.152 to read as follows:

§ 905.142 Animal feed.

(a) The handling of citrus for animal feed shall be exempt from the provisions of § 905.52 and § 905.53 and the regulations issued thereunder under the following conditions:

(1) The handler notifies the committee each fiscal period, prior to such handling of his/her intention to handle such fruit, the quantity he/she anticipates handling and the destination point of each lot of fruit and receives from the committee a special shipping permit for the shipment of such fruit;

(2) The fruit is used for animal feed and is not offered for resale, disposed of, or in any way handled so as to enter frush fruit channels;

(3) The quantity does not exceed 1,000 4/5 bushel cartons per fiscal period or such other quantity as may be specified by the committee;

(4) The fruit is placed in containers of uniform capacity; and

(5) Each shipment is certified by the Federal-State Inspection Service as to the quantity shipped.

§ 905.152 Procedure for determining handlers' permitted quantities of Robinson, Dancy and similar tangerine varieties when a portion of the 210 size of such varieties is restricted.

(a) For the purposes of this section, the prior period specified in § 905.52 is hereby established as a average week within the immediately preceding three seasons, together with the current season. When used in the regulation of Dancy tangerines the term "season" means the twenty weeks beginning with the first full week in October, and the term "current season" means the elapsed weeks beginning with the first full week in October of the current fiscal period through the most recent week that certified shipping records are available for all shippers. When used in the regulation of Robinson variety tangerines, the term "season" means the fifteen weeks beginning with the first full week in September, and the term "current season" means the elapsed weeks beginning with the first full week in September of the current fiscal period through the most recent week that certified shipping records are available for all shippers.

(b) When a size limitation restricts the shipment of a portion of the 210 size Dancy or Robinson tangerines during a particular week as provided in § 905.52, the committee shall compute the quantity of the 210 size of such variety that may be shipped by each handler by multiplying the handler's volume of shipments of such variety in the applicable prior period by the percentage established by regulation for such variety for that week.

(c) The committee shall notify each handler of the quantity of 210 size Dancy or Robinson tangerines such handler may handle during the particular week.

(d) Any handler may transfer any or all of his or her shipping allowance of 210 size Dancy or Robinson tangerines to another handler. Each handler party to such transfer shall promply notify the committee so the proper adjustment of records may be made. The commmittee shall confirm all such transfers immediately after completion thereof by memorandum to the handlers involved.

Dated: July 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-21198 Filed 7-20-81; 8:45 am]
BILLING CODE 3410-02-M

Food Safety and Inspection Service[1]

9 CFR Parts 312 and 381

[Docket No. 80-046P]

Official Export Certificates, Marks, and Devices

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) proposes to amend the Federal meat inspection regulations and the poultry products inspection regulations to provide for a new "Application for Export Certificate" (MP Form 130–A), which will be used for making applications for both meat and poultry export certificates. This new form will replace MP Form 412, which is currently used for making applications for meat exports, and will provide an application form for poultry exports (currently, there are no application forms used for poultry exports). A new official export certificate (MP Form 130), to be used in connection with meat and poultry exports, is also proposed. The new official export certificate would replace MP Form 412–3 and MP Form 506, which are respectively used currently for meat and poultry exports. The new proposed export certificate would eliminate the necessity of using three of the four official export marks described in the poultry products inspection regulations. A new letterhead is also proposed as part of this new form to replace the current legends on the meat and poultry export certificates.

DATE: Comments must be received on or before September 20, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments on the poultry products inspection regulations may be made to Dr. W. I. Leary, (202) 447–9051. (For additional information, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. W. I. Leary, Director, Export Coordination Staff, Inspection Operations, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–9051.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule" under Executive Order 12291. No significant additional costs on industry are foreseen. This action would provide for a reduction in the existing number of forms and provide uniformity in their use. Consequently, it will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service has determined that this proposal will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601 *et seq.*), because the information obtained with respect to the issuance of export certificates is presently required. Therefore, the new proposed application and export forms are not imposing any significant additional economic impact. In fact, the reduction and uniformity in the current forms should ease the existing burden. Additionally, the export certificates are required by most foreign countries.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Coordination Division. Comments must reference the docket number located in the heading of this document. Any person desiring opportunity for oral presentation of views, pursuant to section 14(c) of the Poultry Products Inspection Act (21 U.S.C. 463(c)), concerning the proposed amendments to the poultry products inspection regulations, must make such request to Dr. Leary so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

Pursuant to the authority granted in section 21 of the Federal Meat Inspection Act (21 U.S.C. 621) and section 14(b) of the Poultry Products Inspection Act (21 U.S.C. 463(b)), the Food Safety and Inspection Service is proposing to amend the Federal meat and poultry products inspection regulations to provide for (1) the use of a uniform application for all meat and poultry export certificates, (2) the use of a uniform meat and poultry export certificate to replace the two separate certificates currently in use for meat and poultry exports, (3) the elimination of three of the four official export marks currently described in the poultry products inspection regulations, and (4) the deletion of the certificate legends that now appear on meat and poultry export certificates.

Currently, the meat and poultry inspection regulations each prescribe how exporters may obtain export certificates, but the regulations are not consistent with one another. Under the Federal meat inspection regulations (9 CFR 322.2), exporters of meat products must submit an application (MP Form 412) to the inspector in charge in order to obtain an export certificate. However, under the Federal poultry products inspection regulations (9 CFR 381.105), exporters of poultry products need only "request" an export certificate.[2] Therefore, to eliminate the inconsistent provisions in regard to the requirement of formal applications for an export certificate and to provide for a uniform manner of obtaining export certificates, FSIS has designed a new application form (MP Form 130–A) for use by both exporters of meat products and exporters of poultry products. Information on the application will be reviewed by the inspector prior to issuing an export certificate.

Additionally, to provide consistency and cost savings, a new official export certificate, MP Form 130, for issuance in connection with meat and poultry exports, has been developed. The new form will combine the information now contained on MP Form 412–3, the "Meat Export Certificate", and MP Form 506, "Poultry Export Certificate", on to one form. MP Forms 412–3 and 506 will be discontinued. Therefore, only two forms will be needed for meat and poultry exports—the application (MP Form 130–A) and the official export certificate (MP Form 130). The reduction in the number of forms will provide a projected savings of approximately $1,700 annually, while providing for uniformity in connection with the issuance of export certificates. If the regulations are not amended as proposed, the desired results will not be obtained.

Three official marks, shown in figures 8, 9, and 10 of section 381.104 of the poultry products inspection regulations (9 CFR 381.104) and used to identify where the product was inspected and passed for export, are no longer necessary and will be eliminated because of the provisions in the new export certificate. This proposed official export certificate includes blocks for checking where the product was inspected and passed for export, such as slaughter plants, processing plants, warehouses or docksides. Only one mark, figure 11 of section 381.104 of the poultry products inspection regulations (9 CFR 381.104), also contained in section 312.8 of the Federal meat inspection regulations and prescribed in section 322.1 of the Federal meat inspection regulations (9 CFR 312.8 and 322.1), would continue to be used to mark outside containers of any products inspected and passed for export.

Additionally, the certificate legend, "United States Department of Agriculture, Animal and Plant Health Inspection Service, Meat and Poultry Products Inspection" prescribed in section 312.8 of the meat inspection regulations (9 CFR 312.8), and the similar legend prescribed in section 381.106 of the poultry products inspection regulations (9 CFR 381.106), would be replaced by a requirement that the certificate bear a letterhead of this Department. This would avoid the necessity for amending the regulations in the event of Agency name changes.

Accordingly, Part 312 of the Federal meat inspection regulations (specifically, 9 CFR 312.8(b)) and Part 381 of the Federal poultry products inspection regulations (specifically, 9 CFR 381.104, 381.105(a), and 381.106) would be amended as follows:

1. The authority citation for Parts 312 and 381 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 et seq., 601 et seq., 33 U.S.C. 466–466k; Sec. 14, 71 Stat. 441, 76 Stat. 110, 21 U.S.C. 463.

PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES

2. Section 312.8(b) of the Federal meat inspection regulations (9 CFR 312.8(b)) would be amended by removing the words "the legend: United States Department of Agriculture, Animal and Plant Health Inspection Service, Meat and Poultry Products Inspection" and adding the words "a letterhead" to the first sentence to read as follows:

§ 312.8 Official export inspection marks, devices, and certificates.

(a) * * *

(b) The official export certificate required by Part 322 of this subchapter is a paper certificate form for signature by a Program employee, bearing a letterhead and the seal of the United States Department of Agriculture, with a certification that meat or meat food products described on the form is from animals that received anti-mortem and post-mortem inspection and were found sound and healthy and that it has been inspected and passed as provided by law and the regulations of the Department of Agriculture and is sound and wholesome. The certificate also bears a serial number such as "No. 184432."

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. Section 381.104 of the poultry products inspection regulations (9 CFR 381.104) would be amended by deleting Figures 8, 9, and 10 and the references to those figures to read as follows:

§ 381.104 Official export certificates, marks and devices.

The form of certificate described in § 381.106 is an official export certificate, and the mark shown in Figure 11 is the official mark used on outside containers to identify inspection and passed poultry products for export. Devices used by the Department to apply such a mark are official devices.

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[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1000–1, issued June 17, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

[2] Sections 12, 13, 14, 16, 17, and 18 of the Federal Meat Inspection Act (21 U.S.C. 612, 613, 614, 616, 617, 618) provide a specific requirement for export certificates to accompany meat and meat food products being exported from the United States. The Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) does not specifically require the use of an official certificate for exporting poultry and poultry products. However, the poultry products inspection regulations provide for this certificate on a request basis by the exporter since most foreign countries require an export certificate for products exported to such countries. The general authority for the regulations is found in section 14(b) of the Poultry Products Inspection Act (21 U.S.C. 462(b)).



FIGURE 11.

4. Section of the poultry products inspection regulations (9 CFR 381.105) would be revised by changing the second word in paragraph (a) from "request" to "application", and would read as follows:

§ 381.106 Export certification; marking of containers.

(a) Upon application by any person intending to export any poultry product, any inspector is authorized to issue an official export certificate as prescribed in § 381.107 with respect to the shipment to any foreign country of any inspected and passed poultry product, after adequate inspection of the product has been made by the inspector to determine its identify as inspected and passed and eligible for export:

Provided, That the product is offered for inspection at an offical establishment. Each shipping container covered by the export certificate shall be market with an official export stamp as shown in § 381.104 bearing the number of the export certificate. Official export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for certification. If reinspection discloses that any poultry products covered by an export certificate are not eligible for such certification, a superseding certificate setting forth such findings shall be issued and copies shall be furnished to interested persons.

* * * * *

5. Section 381.106 of the poultry products inspection regulations (9 CFR 381.106) would be amended by removing the words "form (MP–506)" and "the legend United States Department of Agriculture Animal and Plant Health Inspection Service Meat and Poultry Inspection Program, Export Certificate" and adding the words "a letterhead" to the first sentence to read as follows:

§ 381.106 Form of official export certificate.

The official export certificate authorized by this subpart is a paper certificate form for signature by an inspector, bearing a letterhead and the seal of the U.S. Department of Agriculture, with a certification that the slaughtered poultry and other poultry products described on the form came from birds that were officially given an ante-mortem and post-mortem inspection and passed in accordance with the regulations of the Department and that such products are wholesome and fit for human consumption. The certificate also bears a serial number, such as "MPA 002805", and shows the respective names of the exporter and consignee, the destination, the shipping marks, the name of such products, the total net weight thereof, and such other information as the Administrator may prescribe or approve in specific cases.

The reporting and recordkeeping requirements prescribed herein have been approved by the Office of Management and Budget.

Done at Washington, DC, on July 8 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81–21173 Filed 7–20–81; 8:45 am]

BILLING CODE 3410–DM–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, and 221

[Docket No. R–0362; Regulations G, T, and U]

Securities Credit by Persons Other Than Banks, Brokers, or Dealers; Credit by Brokers and Dealers; Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed amendments.

SUMMARY: The Board of Governors is inviting comment on a second set of proposals to simplify and reduce the regulatory burden of its margin regulations, Regulations T, U and G (12 CFR 220, 221 and 207). The first group of proposed amendments was published for comment in the Federal Register on June 24, 1981 (46 FR 32592). In this second group of amendments the following changes are proposed:

1. Amend Regulation T to reduce the number of accounts and restructure them along functional lines; increase types of firms that may offer certain accounts; permit dealers in OTC margin securities to obtain credit from other broker/dealers and make special provision for jointly-owned clearing firms.

2. Change the terminology of Regulation T when referring to the amount of credit that can be extended by a broker/dealer to "margin/equity" from "maximum loan value/adjusted debit balance."

3. Revise the definition of "indirectly secured" in Regulations U and G to incorporate more objective standards.

4. Amend Regulation G to permit G-lenders to extend both regulated and nonregulated credit to the same borrower. This action would remove restrictions which are no longer believed to be necessary and would parallel more lenient restrictions applicable to banks under Regulation U. In addition, Regulations G and U would be amended to permit consolidation of loans secured by convertible bonds with other regulated loans. This action would parallel a previously announced consolidation proposal for Regulation T.

DATE: Comments should be received on or before September 15, 1981.

ADDRESS: Comments, which should refer to Docket No. R–0362, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Consitution Avenue, NW., Washington, D.C. 20551 or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Division of Banking Supervision and Regulation (202) 452–2781, or Robert Rewald, Division of Research and Statistics (202) 452–3637, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or Mindy R. Silverman (212) 791–5032 or James M. McNeil (212) 791–5914, Federal Reserve Bank of New York.

SUPPLEMENTARY INFORMATION: *Account consolidation.* The 11 accounts currently required by Regulation T would be consolidated into 7 accounts along functional lines. Four of these accounts would be used for public customer transactions and three for transactions between industry members. The four public customer transaction accounts would be as follows:

1. General Account. This account would consolidate the present General Account and the two bond accounts. It would contain margin stock, margin bonds, including convertible bonds, and exempted securities. Virtually all extensions of securities credit to public customers would be recorded in this consolidated General Account.

2. Segregated Equity Account. This account would contain public customer transactions currently described in one subdivision of the Special Miscellaneous Account (12 CFR 220.4(f)(6)) and commonly known as SMA transactions. The following types of credit would be permitted to be recorded in a Segregated Equity Account: (i) dividends and interest payments; (ii) deposits not required by Regulation T; (iii) net proceeds released by a sale of securities; and (iv) transfer of credit available because of the increase in loan value of securities in the General Account. Although the SMA has a long history of use for the purposes indicated, the Board questions whether, in fact, the type of credits for which it is now used could as easily be accommodated in the Cash Account. Accordingly, comment is specifically invited as to justifications for retaining the SMA account (to be renamed the Segregated Equity Account), including what, if any, adverse effects would result from its elimination. Comment is also requested as to what, if any, problems might arise if the SMA is eliminated and the previously proposed minimum level adjustment [46 FR 32953] is applied to the Cash Account.

3. Cash Account. This would be substantially identical to the present Special Cash Account (12 CFR 220.4(c)). A Cash Account is used for the purchases and sales of securities that are *bona fide* cash transactions. Credit is extended in the account only for clearing and settlement, if at all.

4. Non-securities Credit Account. This account would be used for transactions in commodities and foreign exchange and for the extension or maintenance of non-purpose credit, *i.e.* credit that is not to be used to purchase, carry, or trade in securities. Currently, commodity transactions are effected in the Special Commodity Account (12 CFR 220.4(e)) and foreign exchange transactions and non-purpose credits are effected in the Special Miscellaneous Account (12 CFR 220.4(f)).

The accounts that would be used for transactions with other brokers or dealers are as follows:

5. Market Functions Account. This account would consolidate the present provisions for special credit on transactions contributing to efficient and orderly markets. The account would combine the Specialist Account (12 CFR 220.4(g)), Special Arbitrage Account (12 CFR 220.4(d)), and the provisions in the Special Miscellaneous Account (12 CFR 220.4(f)) for extensions of credit to odd-lot dealers and the underwriting or distribution of securities. In addition, this account would include a new provision for special credit for market in OTC margin securities comparable to the provisions in Regulation U that permit such loans by banks (12 CFR 221.3(w)). The current inability of a dealer in OTC margin stock to get special credit from another broker/dealer is a burden for any dealer who clears transactions through another broker/dealer and wishes to finance the dealer inventory with the clearing broker.

6. Omnibus Account. This account would contain the same transactions as the present Special Omnibus Account (12 CFR 220.4(b)). In addition it would be amended to permit broker/dealers who are not members of exchanges to carry these accounts.

7. Broker-Dealer Credit Account. This account would be a consolidation of those provisions of the Special Miscellaneous Account that have not been incorporated into either the Market Functions Account, the Non-securities Credit Account or the Segregated Equity Account. The account would consolidate the present provisions for credit used to finance capital contributions to broker/dealers, delivery against payment transactions between broker/dealers and credit extended to broker/dealers in emergency circumstances. In addition, this account would permit financing on a special basis by a broker/dealer clearing firm which is owned jointly by a group of broker/dealers. Currently, transactions processed by a jointly-owned clearing firm for its owners are subject to the restrictions in Regulation T on credit to customers, whereas a firm that clears its own transactions is not subject to Regulation T restrictions on those transactions.

Two accounts presently contained in Regulation T would be deleted. These are the Special Subscription Account (12 CFR 220.4(h)) and the Special Insurance Premium Funding Account (12 CFR 220.4(k)). It appears that at the present time these accounts are rarely used and may no longer be necessary. Unless there are substantial reasons for their continued existence, both of these accounts would be deleted from the regulation in the interest of simplification.

Terminology. The Board proposes to rewrite Regulation T to change the terminology when describing the amount of credit that can be extended by a broker/dealer to "margin/equity" from "maximum loan value/adjusted debit balance." It has been suggested that the terminology currently employed in the regulation is unnecessarily complex and confusing and is not the terminology used by the securities industry. The same regulatory effect can be achieved by placing the structure and language of the regulation in a margin/equity framework in which the regulatory status of an account would be determined by comparing the required margin to the equity (or net worth) of the account. The regulatory text to effect this recommendation will be published at a later date. However comments are requested on the proposal.

Indirect security. The Board is proposing amendments to Regulations U and G to narrow the definition of "indirectly secured." The present definition has caused undue regulatory burden since it is premised on a subjective standard that is difficult to interpret and administer. It is expected that many of the interpretive problems that now exist will be mooted if the Board adopts its proposal to eliminate nonmargin stock from the collateral test in Regulation U (46 F.R. 32592). However, to further reduce the complexity of interpretation engendered by the "indirect security" concept, the Board is proposing a more objective definition.

Restrictions on Regulation G-lenders. Lenders subject to Regulation G are currently prohibited from extending regulated loans and non-purpose loans to the same borrower if the non-purpose loan is over $5,000 and both loans are secured by the same margin securities. In addition, G-lenders are prohibited from extending purpose credit on assets other than margin equity securities concurrently with or subsequent to an extension of purpose credit secured by margin equity securities to the same borrower. The proposed amendments would permit G-lenders to extend both non-purpose and purpose credit secured by assets other than margin equity securities concurrently with the extension of regulated purpose credit. This would provide a regulatory structure comparable to that presently applicable to banks under Regulation U. In addition, the present provision of Regulation G requiring segregation of purpose loans secured by convertible bonds from other regulated loans would be eliminated. This action would parallel the Board's proposal concerning Regulation T that was published on June 24, 1981. A similar change will be made in Regulation U.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w), the Board proposes to amend Regulations T, U and G (Parts 220, 221 and 207 respectively) as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

A. Section 220.4 of Regulation T is amended as follows:

§ 220.4 Special Accounts [Amended]

1. In § 220.4 paragraphs (a) (3) and (4) are revised to read as follows:

(a) *General Rule.* * * *

(3) A special account established pursuant to this section shall not be used in any way for the purpose of evading or circumventing any of the provisions of this part. If a customer has with a creditor both a general account and one or more such special accounts, the creditor shall treat each such special account as if the customer had with the creditor no general account.

(4) The only other conditions to which transactions in such special accounts shall be subject under the provisions of this part shall be such conditions as are specified in the appropriate paragaph of this section and in §§ 220.2, 220.6, 220.7, or 220.8.

* * * * *

2. Existing paragraph (b) is removed and paragraph (c) is relettered as paragraph (b) and the word "Special" is removed from the title of the account so it now reads "Cash Account."

3. Existing paragraphs (d), (e), (f) and (g) are removed and the following new paragraphs (c), (d), (e), (f) and (g) are added:

* * * * *

(c) *Segregated Equity Account.* In a segregated equity account a creditor may receive from or for any customer deposits derived from:

(1) Dividend and interest payments

(2) Cash resulting from a maintenance margin call or other requirement of a self-regulatory organization which are not required by this Part.

(3) Proceeds of a sale of securities that may be released under provisions of § 220.3.

(4) Excess loan value of securities in a general account.

or pay out to any customer or transfer to any other account any credit balance.

(d) *The Non-securities Credit Account.* In a non-securities credit account a creditor may:

(1) Effect and carry transactions in commodities.

(2) Effect and carry transactions in foreign exchange.

(3) Extend and maintain credit without collateral or on any collateral whatever for any purpose other than purchasing or carrying or trading in securities, provided that the requirements of § 220.7(c) are met.

(e) *Omnibus Account.* In a special omnibus account, a creditor may effect and finance transactions for a member of a national securities exchange or a broker or dealer registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) from whom the member receives (1) written notice, pursuant to a rule of the Securities and Exchange Commission concerning the hypothecation of customers' securities by brokers or dealers (Rule 8c–1 (17 CFR 240.8c–1) or Rule 15c2–1 (17 CFR 240.15c2–1)), to the effect that all securities carried in the account will be carried for the account of the customers of the broker or dealer and (2) written notice that any short sales effected in the account will be short sales made in behalf of the customers of the broker or dealer other than his partners.

(f) *Broker-dealer Credit Account.* In a broker-dealer credit account, a creditor may:

(1) With the approval of any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, extend and maintain credit to meet the emergency needs of any creditor;

(2)(i) Extend and maintain credit, (A) to or for any partner of a firm which is a member of a national securities exchange to enable such partner to make a contribution of capital to such firm, or to purchase stock in an affiliated corporation of such firm, or (B) to or for any person who is or will become the holder of stock of a corporation which is a member of a national securities exchange to enable such person to purchase stock in such corporation, or to purchase stock in an affiliated corporation of such corporation; provided the lender as well as the borrower is a partner in such member firm or a stockholder in such member corporation, or the lender is a firm or a stockholder in such member corporation, or the lender is a firm or corporation which is a member of a national securities exchange and the borrower is a partner in such firm or a stockholder in such corporation;

(ii) Extend and maintain subordinated credit to another creditor for capital purposes: Provided, That

(A) Either the lender or the borrower is a firm or corporation which is a member of a national securities exchange or national securities association, the other party to the credit is an affiliated corporation of such firm or corporation, the credit is not in contravention of any rule of the exchange or association and the credit has the approval of appropriate committees of the exchange or association, or

(B) The lender as well as the borrower is a creditor as defined in § 220.2(b), the subordinated loan agreement has the approval of the appropriate Examining Authority as defined in Securities and Exchange Commission Rule 15c3–1(c)(12) (12 CFR 240.15c3–1(c)(12)) and such examining authority is satisfied, in the case of a borrower who would be considered a customer of the lender apart from the subordinated loan, that the loan will not be used to increase the amount of dealing in securities for the account of the borrower, his firm or corporation or an affiliated corporation of such firm or corporation.

(iii) For the purpose of paragraphs (f)(2) (i) and (ii) of this section, the term "affiliated corporation" means a corporation all the common stock of which is owned directly or indirectly by the member firm or general partners and employees of the firm, or by the member corporation or holders of voting stock and employees of the corporation and an appropriate committee of the exchange has approved the member firm's or member corporation's affiliation with such affiliated corporation.

(3) Purchase any security from any customer who is a member of a national securities exchange or a broker or dealer registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), or sell any security to such customer: *Provided,* That the creditor acting in good faith purchases or sells the security for delivery, against full payment of the purchase price, as promptly as practicable in accordance with the ordinary usage of the trade;

(4) If the creditor is a clearing and servicing broker/dealer, owned jointly or individually by other creditors, effect and finance transactions of any of its owners.

(g) *The Market Functions Account.* In a market functions account a creditor may:

(1) Effect and finance for any customer bona fide arbitrage transactions in securities. For the purpose of this paragraph, the term "arbitrage" means (i) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (ii) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security for the purpose of taking advantage of a disparity in the prices of the two securities, except that when the security purchased is solely a due bill for, or other evidence of the right to receive only the security that is sold, and the security that is sold is trading as a when-issued security, such period shall be 180 calendar days.

(2) Clear and finance for a specialist who is a member of a national securities exchange such member's securities transactions or transactions of any joint account in which all participants, or all participants other than the creditor, are registered and act as specialists.

(i) A specialist in options is permitted to establish in this account on a share-for-share basis a long or short position in the securities underlying the options in which the specialist makes a market, and a specialist in securities other than options is permitted to purchase or write options overlying the securities in which the specialist makes a market, only under one or more of the following conditions (such positions are referred to in this paragraph as "permitted offset positions"):

(A) The account holds a short options position which is "in or at the money" and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is "in the money;"

(B) The account holds a long option position which is "in or at the money" and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is "in the money;"

(C) The account held a short option position against which an exercise notice was tendered;

(D) The account held a long option position which was exercised;

(E) The account holds a net long position in a security (other than an option) in which the specialist makes a market; or,

(F) The account holds a net short position in a security (other than an option) in which the specialist makes a market.

(ii) The maximum loan value of securities which may be used as collateral in the account shall be:

(A) No more than 100 percent of the current market value of any long position in a security in which the specialist makes a market, a wholly-owned margin security, or an exempted security issued by the United States Government or an agency thereof;

(B) 75 percent of the current market value of any permitted offset position that is purchased and held in the account under the terms of paragraph (g)(2) of this section;

(C) The maximum loan value prescribed by the Board in § 220.8 (the Supplement to Regulation T) when a security purchased and held in the account does not qualify as a specialist or permitted offset position.

(iii) The amount to be included in the adjusted debit balance of the account shall be:

(A) Not less than 100 percent of the current market value of either a security sold short or an option written where such position qualifies as a specialist transaction;

(B) 125 percent of the current market value of any permitted offset position sold short or written in the account under the terms of paragraph (g)(2) of this section;

(C) The amount prescribed by the Board in § 220.8 (the Supplement to Regulation T) when a security sold short in the account does not qualify as a specialist or permitted offset position plus, for a short position in a security other than an option, the current market value of the security sold short.

(iv) Except as required by paragraph (g)(2)(vi) of this section, on any day when additional margin is required as a result of transactions in the account, the creditor shall issue a call for a deposit of cash or securities having loan value and may allow the specialist a maximum of five full business days to make a deposit sufficient to meet the call. To prevent "free-riding" in the account, a creditor who has not obtained this deposit (and is therefore required to liquidate sufficient securities to meet the call) is prohibited for a 15 day period from extending any further credit in the account to finance transactions in securities in which the specialist is not registered to make a market. The acquisition or liquidation of a permitted offset position shall not be subject to this "free-riding" penalty. The restriction on "free-riding" shall not apply to any national securities exchange adopting a "free-riding" rule applicable to specialists which has been approved by the Securities and Exchange Commission.

(v) On any day when a specialist requests a withdrawal of cash or securities from the account, the creditor shall compute the status of the account for non-specialist securities positions in accordance with the provisions of § 202.8 (the Supplement to Regulation T), permitted offset positions in accordance with the provisions of paragraphs (g)(2)(ii) and (g)(2)(iii), and specialist positions on a "good faith" basis. Withdrawals shall be permitted to the extent that the adjusted debit balance in the account would not exceed the total value of all of the collateral held in the account after the withdrawal has been made.

(vi) On any day when the account would liquidate to a deficit, the creditor shall not extend any further credit in the account, and shall issue a call for additional cash or collateral which shall be met by noon of the following business day. In the event sufficient cash or collateral is not deposited the creditor shall liquidate existing positions in the account.

(vii) The provisions of this paragraph are available to a specialist who is a member of a national securities exchange which submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding the use of specialist credit.

(viii) For the purpose of this paragraph:

(A) The term "joint account" means an account in which the creditor may participate and which by written agreement permits the commingling of the security positions of the participants and provides for a sharing of profits and losses from the account on some predetermined ratio;

(B) The term "underlying security" means the security which will be delivered upon exercise of the option and does not include a security convertible into the underlying security;

(C) The term "overlying option" means (*1*) a put option purchased or a call option written against an existing long position in a specialist's or market-maker's account, or (*2*) a call option purchased or a put option written against a short position in a specialist's or market-maker's account.

(D) The term "in or at the money", with respect to a call option, indicates that the current market price of the underlying security is not more than one standard exercise interval below the exercise price of the option, and, with respect to a put option, that the current market price of the underlying security is not more than one standard exercise interval above the exercise price of the option.

(E) The term "in the money", with respect to a call option, indicates that the current market price of the underlying security is not below the

exercise price of the option and, with respect to a put option, that the current market price of the underlying security is not above the exercise price of the option.

(3) Effect and finance, for any member of a national securities exchange who is registered and acts as an odd-lot dealer in securities on the exchange, such member's transactions as an odd-lot dealer in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as odd-lot dealers;

(4) Effect transactions for and finance any joint venture or group in which the creditor participates and in which all participants are dealers (whether such participants be acting jointly or severally), or any member thereof or participant therein, for the purpose of facilitating the underwriting or distributing of all or part of an issue of securities (i) not through the medium of a national securities exchange, or (ii) the distribution of which has been approved by the appropriate committee of a national securities exchange;

* * * * *

4. Paragraphs (h), (i), (j) and (k) are removed.

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

B. Section 221.3 of Regulation U is amended as follows:

1. Section 221.3(c) is revised to read as follows:

§ 221.3 Miscellaneous provisions.

* * * * *

(c) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin equity securities owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

(1) If, following application of the proceeds of the credit, not more than 25 percent of the fair market value of the assets subject to the arrangement are margin equity securities;

(2) To a lending arrangement that permits acceleration of maturity of the credit as a result of a specified event of default or the renegotiation of the terms of another credit to the same customer by another lender that is not an affiliate[1] of the bank; or

(3) If the margin equity securities are held by the bank only in the capacity of custodian, depositary, or trustee, or under similar circumstances, and the bank in good faith has not relied upon such margin equity securities as collateral in the extension or maintenance of the particular credit.

* * * * *

2. Existing paragraphs (r) and (t) are removed; existing paragraph (s) is redesignated as paragraph (r); and existing paragraphs (u) through (z) are redesignated as paragraphs (s) through (x).

§ 221.1 [Amended]

C. Section 221.1(a) is amended by removing all the words at the end of paragraph (a)(1) following the words "as described in § 221.3(s).". Section 221.2 is amended by removing the phrase "or in § 221.3(t)" (and the commas before and after the phrase) in the introductory sentence of the section after the words "the limitations prescribed therein."

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

D. Section 207.1 of Regulation G is amended as follows:

§ 207.1 General rule. [Amended]

1. Paragraph (c) is amended to remove all words at the end of the paragraph after the words "or as determined by the lender in good faith for any collateral other than margin securities:" and beginning with "*Provided,* That."

2. Paragraph (d) is removed in its entirety and paragraphs (e) and (f) are redesignated as (d) and (e) respectively.

3. Paragraph (g) is redesignated as paragraph (f) and revised to read as follows:

* * * * *

(f) *Combining purpose credit extended to the same customer.* For the purpose of this part, except for a credit subject to § 207.4(a)(2), the aggregate of all outstanding purpose credit extended to a customer by a lender shall be considered a single credit and all the collateral securing such a credit, whether directly or indirectly, in whole or in part, shall be considered in determining whether the credit complies with this part.

4. Existing paragraphs (h) and (i) are removed and paragraph (j) is redesignated as paragraph (g) and revised to read as follows:

* * * * *

(g) *Withdrawals and substitutions of collateral.* Except as permitted by § 207.4(a), a lender shall not at any time permit any withdrawal or substitution of collateral, if, after completion of the transaction, there would be any increase in the amount by which the credit exceeded the maximum loan value of the collateral.

* * * * *

5. New paragraphs (h) and (i) are added to read as follows:

* * * * *

(h) *Purpose and nonpurpose credit extended to the same customer.*

(1) The lender shall identify all the collateral used to meet the requirements of § 207.1(c) (the entire credit being considered a single credit and collateral being similarly considered) and shall not cancel the identification of any portion thereof except in circumstances that would permit the withdrawal of that portion. Such identification may be made by any reasonable method.

(2) For any credit extended to the same customer that is not subject to § 207.1(c) the lender shall in good faith require as much collateral not so identified as would be required (if any) if the lender held neither the indebtedness subject to § 207.1(c) nor the identified collateral.

(i) *Purpose credit secured by margin securities and other collateral.* A lender may extend credit for the purpose of purchasing or carrying margin securities secured by collateral other than margin securities, and, in the case of such credit, the maximum loan value of the collateral shall be as determined by the lender in good faith.

E. Section 207.2(i) is revised to read as follows:

§ 207.2 Definitions.

* * * * *

(i) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin equity securities owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

[1] For this purpose the term "affiliate" shall mean a bank holding company of which the bank is a subsidiary within the meaning of the Bank Holding Company Act of 1956, as amended, or any other subsidiary of such bank holding company, or any other corporation, business trust, association or other similar organization which is an affiliate as defined in section 2(b) of the Banking Act of 1933 (12 U.S.C. 221a).

(1) if, following application of the proceeds of the credit, not more than 25 percent of the fair market value of the assets subject to the arrangement are margin equity securities;

(2) to a lending arrangement that permits acceleration of maturity of the credit as a result of a specified event of default or the renegotiation of the terms of another credit to the same customer by another lender that is not an affiliate [2] of the lender; or

(3) if the margin equity securities are held by the lender only in the capacity of custodian, depositary, or trustee, or under similar circumstances, and the lender in good faith has not relied upon such margin equity securities as collateral in the extension of maintenance of the particular credit.

* * * * *

Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment on additional proposed changes to its margin regulations. These changes are the second part of a planned package of proposed amendments intended to simplify margin regulations, generally, and to reduce specific administrative and regulatory burdens imposed upon lenders by Regulation T (broker lending), Regulation U (bank lending), and Regulation G (lending by persons other than brokers or banks).

The simplification of margin regulations that is being proposed at this time will provide benefits in the form of overall clarity and consistency of treatment across margin lenders. For example, two basic changes have been proposed for Regulation T: one calling for consolidation and reorganization of the entire structure of margin accounts that the Board requires and the other recommending that the terminology employed in the Regulation be changed to correspond to existing recordkeeping practices of the brokerage industry. Also, the number of accounts is reduced from eleven to seven and, after these changes, all public customer transactions will be recorded in four new accounts and transactions between brokers and other market professionals—including credit extensions to market makers in over-the-counter margin stocks—will be recorded in three new accounts.

The two recommended changes in Regulations G and U are in the nature of clarifying or relaxing amendments. The proposed amendment that defines "indirectly secured" margin lending is expected to greatly reduce the need for corporate borrowers to seek and Board staff to issue opinions on the applicability of margin regulations to certain unsecured loan agreements. The other proposed changes to Regulations G and U involve relaxation of the Board's rules for consolidating credit by purpose and by type of security. These changes bring about parallel regulatory treatment between banks and G-lenders for purpose and nonpurpose borrowing by the same customer and, because the quantitative limitations for non-purpose loans would no longer apply, would allow G-lenders (for example, credit unions and insurance companies) to expand their nonpurpose lending activities. In addition, the proposed changes relax various collateral segregation rules to achieve comparability between provisions of Regulations G and U and the newly proposed consolidated account structure of Regulation T.

By order of the Board of Governors of the Federal Reserve System, July 8, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-20898 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

[2] For this purpose the term "affiliate" shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with the lender.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Benefits; Benefits for Remarried Widowers and Surviving Divorced Husbands

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Social Security Administration proposes to issue regulations which provide widower's benefits to a widower who remarried before age 60 if the marriage terminated before the time of application, and to surviving divorced husbands. These regulations reflect court decisions which prevent implementation of two gender-based distinctions in the Social Security Act. The court decisions are discussed in the Supplementary Information section of this preamble. We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for major regulations.

DATE: Your comments will be considered if we receive them no later than September 21, 1981.

ADDRESS: Send your written comments to: Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

FOR FURTHER INFORMATION CONTACT: Lawrence Dudar, 4-H-10, West High-rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 301-594-6629.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 1980, the District Court for the Southern District of Texas held in *Mertz* v. *Harris*, a class action, that section 202(f)(1) of the Social Security Act unconstitutionally denies widower's benefits solely on the basis of gender to widowers who remarried before age 60. The Act, section 202(f)(1), provides that a man who remarried before age 60 may not qualify for widower's benefits. Section 202(e)(1) of the Act does not so restrict women but requires only that they not be married at the time they apply for widow's benefits.

On July 17, 1980, the U.S. District Court for the District of Oregon held in *Ambrose* v. *Califano*, a class action, that section 202(f)(1) of the Social Security Act unconstitutionally denies widower's benefits to surviving divorced husbands solely on the basis of gender. Section 202(e) of the Act provides widow's benefits for a surviving divorced wife of an individual who died fully insured; section 202(f) does not provide a comparable widower's benefit for a surviving divorced husband.

The Solicitor General determined that the constitutional issues raised by the *Mertz* and *Ambrose* decisions are substantially the same as issues previously decided by the Supreme Court involving other gender-based provisions. He, therefore, declined to appeal these cases to the Supreme Court and declined to defend further 3 other district court cases raising the same issues as the *Ambrose* case. Subsequently, the Attorney General, as the law requires him to do, advised the Congress of the decision not to appeal or further defend these cases. Since the decisions are final and there will be no further judicial proceedings on the specific issues raised in the cases, they are being implemented on a nationwide basis and are reflected in these proposed regulations.

Proposed Regulations

The proposed regulations concern the following new benefits:

(a) Widower's benefits for a remarried widower who is not married at the time

he applies for benefits, if he otherwise meets the conditions for entitlement to widower's benefits.

(b) Widower's benefits for a surviving divorced husband, if he otherwise meets the conditions for entitlement to widower's benefits.

Effective Date

The court order in *Mertz* directed us to stop denying widower's benefits to the plaintiff and the class he represents solely because they remarried after the insured individual died. The class certified by the court consists of persons who were not married at the time they applied for widower's benefits, who were denied by us solely because they had remarried after the death of the wife on whose earnings record they claimed benefits, and who received notices of the denial mailed to them on or after April 30, 1978. These persons who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of their previously denied application for widower's benefits. Other persons claiming widower's benefits who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of a current application.

The court order in *Ambrose* directed us to stop denying widower's benefits to the plaintiff and the class he represents solely because they are surviving divorced husbands rather than surviving divorced wives. The class certified by the court consists of persons who applied for widower's benefits, who were denied by us solely because they were suviving divorced husbands, and who received notices of the denial on or after November 24, 1978. These persons who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of their previously denied applications. Other persons claiming widower's benefits as surviving divorced husbands will be awarded benefits based on the effective date of a current application, assuming all other conditions of entitlement are met.

Notice of Proposed Rulemaking

When the Supreme Court declares a provision of the Social Security Act unconstitutional and requires the payment of benefits not expressly provided by Congress, we comply and issue interim regulations that apply to all claimants qualifying for benefits under the same circumstances as those covered by the Supreme Court's decision. We do, as we are legally obliged to do, what the Court requires, leaving to the judgement of the Congress any extension of the Supreme Court's decision to comparable circumstances.

However, when the Supreme Court decides an issue that relates to other claimants with almost identical interests, and the Government (the Executive Branch and the Congress) declines to appeal later lower court decisions that apply the Supreme Court decision to the latter claimants because the Supreme Court decision is considered to be binding, we believe the agency concerned has no practical alternative but to adopt a regulation giving the mandate in those decisions nationwide effect.

These proposed regulations involve one of those rare situations where we will pay benefits without express statutory authority on the basis of one or more district court decisions. Therefore, we are issuing a Notice of Proposed Rule Making to provide an opportunity for public comment and to give full notice of our reasons for proceeding in this manner.

We certify that these regulations do not have a significant impact on small entities because these regulations affect only individuals. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

(Secs. 202, 216, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended, 64 Stat. 510 as amended, 49 Stat. 647, as amended; (42 U.S.C. 402, 416, and 1302))

(Catalog of Federal Domestic Assistance Programs Nos. 13.802 Social Security—Disability; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors' Insurance)

Dated: June 17, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: July 1, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.335 is amended by revising paragraph (e) to read as follows:

§ 404.335 Who is entitled to widow's or widower's benefits.

* * * * *

(e) You are unmarried unless you remarried after you became 60 years old.

2. Section 404.336 is amended by revising the section heading and the material preceding paragraph (a) and revising paragraphs (a), (b), and (c)(1) to read as follows:

§ 404.336 Who is entitled to widow's or widower's benefits as a surviving divorced spouse.

You may be entitled to widow's or widower's benefits as the surviving divorced wife or the surviving divorced husband of a person who was fully insured when he or she died. You are entitled to these benefits if—

(a) You are the insured's surviving, divorced wife or surviving divorced husband and—

* * * * *

(b) You apply, except that you need not apply again if—

(1) You are entitled to wife's or husband's benefits for the month before the month in which the insured dies and you are 65 years old or you are not entitled to old-age or disability benefits; or

(2) You are entitled to mother's or father's benefits for the month before the month in which you become 65 years old;

(c) * * *

(1) The disability started not later than 7 years after the insured died or 7 years after you were last entitled to mother's or father's benefits or to widow's or widower's benefits based upon a disability, whichever occurred last; and

* * * * *

3. The captioned heading above § 404.1577 is revised and § 404.1577 is amended by revising the section heading and the first sentence to read as follows:

Widows, Widowers, and Surviving Divorced Spouses

§ 404.1577 Disability defined for widows, widowers, and surviving divorced spouses.

To be entitled to a widow's or widower's benefit as a disabled widow, widower or surviving divorced spouse, the law provides that you must have a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.* * *

4. Section 404.1578 is amended by revising the section heading and paragraph (a) to read as follows:

§ 404.1578 How we determine disability for widows, widowers, and surviving divorced spouses.

(a) We will find that you are disabled and pay you widow's or widower's benefits as a widow, widower, or surviving divorced spouse if—

* * * * *

5. Section 404.1579 is amended by revising paragraph (a) to read as follows:

§ 404.1579 Why and when we will find that your disability ended.

(a) *If you are not disabled.* If you are entitled to widow's or widower's benefits as a disabled widow, widower, or surviving divorced spouse, we will find that your disability ended in the earlier of—

* * * * *

[FR Doc. 81-21382 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-07-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations; 706 State and Local Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission proposes to revise its procedural regulations by the addition of §§ 1601.75, 1601.76, 1601.77, 1601.78, 1601.79 and 1601.80 to 29 CFR Part 1601.These sections set forth procedures whereby the Commission and certain State and local fair employment practices agencies (706 agencies) are relieved of the present Commission individual, case-by-case review of cases processed by these agencies under contract with the Commission, as provided in section 709(b) of Title VII of the Civil Rights Act of 1964, as amended. These sections set forth the procedures by which the Commission may certify certain 706 State and local agencies which meet prescribed criteria. Such certification of a 706 State or local agency means that the Commission will accept the findings and resolutions in cases processed under contract with EEOC by those agencies, with certain exceptions, without conducting an individual, case-by-case review of those findings and resolutions. These procedures provide for maintenance of high quality processing of cases by certified agencies through regular and special audits. Certification of an agency is purely discretionary with the Commission and may be revoked by the Commission. Parties to cases processed by certified agencies have the right to request review by the Commission.

DATE: Comments on the proposed regulations must be submitted on or before September 21, 1981.

ADDRESS: Comments should be addressed to the Office of the Executive Secretariat, Room 4096, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506. (202) 634-6595.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission presently reviews on an individual, case-by-case basis the findings and resolutions of charges processed by designated 706 agencies under contract with the Commission, as provided in section 709(b) of Title VII, to insure that the 706 agencies comply with the Commission's Substantial Weight Review Procedures, EEOC Order 916. The Commission is proposing that, where the performance of certain designated 706 agencies has been substantially in conformance with the Commission's Substantial Weight Review Procedures in the past, the Commission may certify these agencies. Certification will be based on the assumption that agencies that have performed satisfactorily in the past will perform satisfactorily in the future. Thus for those agencies the Commission can dispense with the individual, case-by-case substantial weight review and accept the agency's findings and resolutions with three exceptions. First, the parties whose cases are to be processed by the certified 706 agencies have the right to request substantial weight review by the Commission of the final agency action. The parties are to be advised of this right by the Commission at the same time the Commision notifies them that the charge is to be processed by the designated 706 agency. Second, charges closed for lack of jurisdiction under the laws of the State or local agency processing the charge must be reviewed to ensure that lack of jurisdiction applies under Title VII as well. Third, all charges closed as a result of unsuccessful conciliation must be reviewed to ascertain whether the cause finding meets EEOC's litigation worthy standard and whether additional processing is necessary.

The proposal insures continued high quality performance by 706 agencies receiving certification through regular, periodic audits or by audits or evaluations triggered by specified percentage rejections by the Commission of the 706 agencies' findings and resolutions. An agency will be audited at least once every three years. In addition an audit will be mandated whenever its rejection rate is 5% or more at the end of the year or 20% or more for two consecutive quarters as a result of substantial weight reviews requested by the parties or required in regard to charges closed as a result of unsuccessful conciliation or for lack of jurisdiction. Where the Commission rejects 20% or more of a designated 706 agency's findings during any quarter, the Commision shall initiate an inquiry and may conduct an on-site review.

Certification of a designated 706 agency is discretionary with the Commission and can be revoked by the commission as a result of an audit or evaluation or for any other reason if the Commission determines that the certification no longer serves the interest of effective enforcement of Title VII.

Section 1601.75 provides that designated 706 agencies may be certified based upon past performance and the Commission will accept the findings and resolutions of those agencies without performing an individual, case-by-case substantial weight review. This section sets forth the criteria which a 706 agency must meet prior to being certified: That the agency has been a designated 706 agency for four years; that the agency's work product has been evaluated within the past 12 months by the Operations Evaluations Division, Office of Field Services, and conforms with the Commission's Substantial Weight Review Procedures; and that 95% of the cases processed by the agency have been accepted by the Commission. Paragraph (b) of this section provides for the publication in the **Federal Register** of the names of those agencies which the Commission intends to certify and for a 60-day notice and comment period.

Section 1601.76 provides that the Commission must notify the parties whose cases are to be processed by a certified 706 agency that they have the right to request review by the Commission of the final agency action. The parties must request review within 15 days of the final agency action. The Commission will conduct the review in accord with the Substantial Weight Review Procedures currently in effect.

Section 1601.77 requires the Commission to review charges closed by the certified 706 agency for lack of jurisdiction or as a result of unsuccessful conciliation. Section 1601.78 provides for a periodic audit of each designated 706 agency certified by the Commission at least once every 3 years and for mandatory audits whenever 5% of an agency's findings

and resolutions and cases closed as a result of unsuccessful conciliation or for lack of jurisdiction are rejected by the Commission in one year or 20% are rejected in two consecutive quarters. When 20% of the agency's actions are rejected during one quarter, the Commission will initiate any inquiry and may conduct an audit. These provisions for audit and evaluation are to assure that the certified 706 agency continues to process cases consistent with the requirements of the Commission's Substantial Weight Review Procedures.

Section 1601.79 makes clear that certification of a designated 706 agency is discretionary with the Commission and that the Commission may revoke the certification for any reason which leads the Commission to believe that the certification no longer serves the interests of effective enforcement under Title VII. The section further provides for the publication of the revocation of certification by amendment to section 1601.80.

Section 1601.80 lists the designated 706 agencies that have been certified by the Commission.

Signed at Washington, D.C., this 26th day of May 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

In 29 CFR Part 1601, §§ 1601.75, 1601.76, 1601.77, 1601.78, 1601.79 and 1601.80 are proposed to be added to read as follows:

§ 1601.75 Certification of designated 706 agencies.

(a) The Commission may certify designated 706 agencies based upon the past, satisfactory performance of those agenices. The effect of such certification is that the Commission shall accept the findings and resolutions of designated 706 agencies in regard to cases processed under contracts with those agencies, as provided in section 706(b) of Title VII, without individual, case-by-case substantial weight review by the Commission except as provided in §§ 1601.76 and 1601.77.

(b) Eligibility criteria for certification of a designated 706 agency are as follows:

(1) That the State or local agency has been a designated 706 agency for 4 years;

(2) That the State or local designated 706 agency's work product has been evaluated within the past 12 months by the Operations Evaluation Division, Office of Field Services, and found to be in conformance with the Commission's Substantial Weight Review Procedures (EEOC Order 916); and

(3) That the State or local designated 706 agency's findings and resolutions pursuant to its contract with the Commission, as provided in section 709(b) of Title VII, have been accepted by the Commission in at least 95% of the cases processed by the 706 agency in the past 12 months.

(c) Upon Commission approval of a designated 706 agency for certification, it shall notify the agency that it proposes to issue such certification. Such proposed certification shall be published in the **Federal Register** and shall provide any person or organization not less than 60 days in which to file written comments with the Commission. If after evaluating any comments so received, the Commission is still of the opinion that issuance of the proposed certification as published in the **Federal Register** is appropriate, it shall effect such certification by issuance and publication of an amendment to § 1601.80.

§ 1601.76 Right of party to request review.

The Commission shall notify the parties whose cases are to be processed by the designated, certified 706 agency of their right, if aggrieved by the agency's final action, to request review by the Commission within 15 days of that action. The Commission, on receipt of a request for review, shall conduct such review in accord with the procedures set forth in the Substantial Weight Review Procedures (EEOC Order 916).

§ 1601.77 Review by the Commission.

After a designated 706 agency has been certified, the Commission shall accept the findings and resolutions of that agency as final in regard to all cases processed under contract with the Commission, as provided in section 709(b) of Title VII, except that the Commission shall review charges closed by the certified 706 agency for lack of jurisdiction or as a result of unsuccessful conciliation.

§ 1601.78 Audit and evaluation of designated 706 agencies certified by the Commission.

To assure that designated 706 agencies certified by the Commission, as provided in § 1601.75, continue to maintain performance consistent with the Commission's Substantial Weight Review Procedures (EEOC Order 916), the Commission shall provide for the audit and evaluation of such agencies as follows:

(a) Each designated 706 agency certified by the Commission shall be audited at least once every 3 years; and

(b) Each designated 706 agency certified by the Commission shall be audited when, as a result of a substantial weight review requested as provided in § 1601.76 or required in regard to cases closed as a result of unsuccessful conciliation or for lack of jurisdiction as provided in § 1601.77, the Commission rejects 5% or more of a designated 706 agency's findings at the end of the year or 20% or more of its findings for two consecutive quarters. When the Commission rejects 20% or more of a designated 706 agency's findings during any quarter, the Commission shall initiate an inquiry and may conduct an audit.

(c) The Commission may, on its own motion, require an audit or evaluation at any time.

§ 1601.79 Revocation of Certification.

Certification of a designated 706 agency is discretionary with the Commission and the Commission may, upon its own motion, withdraw such certification as a result of audits conducted pursuant to section 1601.78 or for any reason which leads the Commission to believe that such certification no longer serves the interest of effective enforcement of Title VII. The revocation shall be effected by the issuance and publication of an amendment to section 1601.80.

§ 1601.80 Certified designated 706 agencies.

The designated 706 agencies receiving certification by the Commission are as follows:

* * * * *

[FR Doc. 81-21199 Filed 7-20-81; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Clarifying Regulation Concerning Appeals

AGENCY: Geological Survey, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The proposed amendment would make it clear that the present language of § 250.81 was not intended to apply to appeals before the Board of Land Appeals pursuant to 30 CFR 290.7 and 43 CFR 4.411.

Under 43 CFR 4.21, a decision is not effective while an appeal to the Interior Board of Land Appeals is pending, except as otherwise provided elsewhere in the regulations. Regulation 30 CFR 250.81 provides that the filing of an appeal will not excuse compliance with the decision or order being appealed. However, 30 CFR 250.81 was not intended to apply to appeals before the Interior Board of Land Appeals. The proposed amendment would clarify the intent of § 250.81.

DATE: This regulation pertains to a matter of Agency practice and procedure; however, public comments are being solicited to afford the public an opportunity to participate in the rulemaking process. Comments on the proposed rule should be submitted on or before September 21, 1981.

ADDRESS: Responses should identify the subject matter and be directed to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 610, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Eva R. Datz, telephone 703-860-7395, Legal Staff Assistant, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, Reston, Virginia 22092.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12291, the Department of the Interior has determined that the proposed rule is not major and a Regulatory Impact Analysis is not required.

The Department has also determined that the proposed rule will not have a significant economic effect on a substantial number of small entities. The proposed rule would impose no new recordkeeping or reporting requirements.

It is hereby determined that publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The proposal to review 30 CFR Part 250 (including 250.81) was announced in the April 1981 Semiannual Agenda of Rules Scheduled for Review or Development (46 FR 24462).

PRINCIPAL AUTHOR: Eva R. Datz, Branch of Offshore Rules and Procedures, U.S. Geological Survey, Conservation Division, National Center, Mail Stop 640, Reston, Virginia 22092.

§ 250.81 [Amended]

Pursuant to the authority of 43 U.S.C. 1334 and 1335, it is proposed to amend § 250.81, Title 30 of the Code of Federal Regulations, by adding the words "with the Director" to the second sentence of that section. The second sentence would read:

"The filing of an appeal with the Director shall not suspend the requirement for compliance with an order or decision."

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

July 7, 1981.

[FR Doc. 81-21200 Filed 7-20-81; 8:45 am]
BILLING CODE 4310-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1878-7]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to announce that EPA is proposing approval of Massachusetts regulation 310 CMR 7.18(2)(b). The intended effect of this proposal would allow surface coaters of metal cans, large appliances, magnetic wire insulation, automobile, metal coil, miscellaneous metal parts and products, graphic arts—rotogravure and flexography, paper, fabric, and vinyl to "bubble" volatile organic compound (VOC) emissions. EPA is proposing to approve 310 CMR 7.18(2)(b) provided it is amended to include conditions stated in this Notice.

DATES: Comments must be received on or before August 20, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 and Department of Environmental Engineering, One Winter Street, Boston, Massachusetts 02110.

Comments should be submitted to Harley Laing, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION:

Description of the Massachusetts Bubble Regulation for Surface Coating Operations of Metal Cans, Large Appliances, Magnetic Wire Insulation, Automobile, Metal Coil, Miscellaneous Metal Parts and Products, Graphic Arts—Rotogravure and Flexography, Paper, Fabric, and Vinyl

EPA designated the entire state of Massachusetts as nonattainment for ozone in the March 3, 1978, **Federal Register** (43 FR 9002). Massachusetts was then required to submit an implementation plan for ozone to meet the requirements of Part D of the Clean Air Act. It submitted such a plan on December 31, 1978; May 16, September 19, November 13, 1979; and March 20, 1980. The plan includes regulations establishing requirements for reasonably available control technology (RACT) at existing stationary volatile organic compound (VOC) sources. These regulations, codified in 310 CMR 7.18(2)(b), specified particular control measures for certain designated source categories listed in 310 CMR 7.18 (4), (5), (6), (7), (10), (11), (12), (14), (15) and (16). Regulation 310 CMR 7.18(2)(b) provides for owners of VOC sources covered by subsections (4), (5), (6), (7), (10), (11), (12), (14), (15), (16) to propose a plan containing a mix of emission limits such that the total emissions from all source coating lines is less than or equal to the sum of emissions which results if each individual coating line is in compliance with the specified emission limitation. In EPA parlance, this procedure is called "bubbling". The Massachusetts bubble will apply to 310 CMR 7.18 (4), (5), (6), and (7) which have already been approved by EPA; and it will apply to 310 CMR 7.18 (10), (11), (12), (14), (15), and (16) once these regulations are finally submitted to and approved by EPA. (Regulations 310 CMR 7.18 (14), (15), and (16) are being proposed for approval in a separate rulemaking. Regulations 310 CMR 7.18 (10), (11) and (12) have not yet been submitted to EPA by the State.)

Presently, EPA must approve a bubble for an individual source as a SIP revision. The Massachusetts bubble regulation is a "generic" VOC bubble rule which would not require each individual bubble from surface coating sources mentioned above to be submitted to EPA for inclusion in the SIP. This will reduce the amount of time necessary for a source to eventually come into compliance with the emission limitations. This proposed bubble regulation would permit owners of the surface coating sources containing two

or more emission points to propose emission limits different from those specified in the SIP, so long as on a solids-applied basis the total allowable emissions for the plant remains the same or is reduced. Each emission point under the bubble would have a specified emission limitation. These emission points may be in different Control Technique Guideline (CTG) categories so long as the state has an EPA-approved regulation which defines RACT for the relevant emission points. (EPA has issued a series of documents, CTGs, which establish a "presumptive norm" for controlling nationally important industrial source categories.) Trades, without regards to CTG categories, are allowed if RACT emission levels are defined in an EPA-approved regulation, and if the new total of emission limits after the trade are equal to RACT. If the SIP provides for mechanical procedures to change SIP emission limits, those new limits must be a mathematical equivalent of the existing limits. EPA need not approve each application of those procedures if the mathematical equivalency means that the impact on the ambient air quality is equivalent. In approving these surface coating VOC bubble rules EPA is in essence approving in advance all bubbles adopted under those rules. In this way EPA is expressing confidence that Massachusetts emission limitations, developed under these rules, will not interfere with attainment and maintenance of the ozone standard and that EPA review of each application of these rules is therefore unnecessary.

In its bubble policy published December 11, 1979 (44 FR 71780) EPA provided that a bubble could be approved for individual sources as a SIP revision. In the Federal Register approving the New Jersey bubble rule (46 FR 20551), however, EPA revised its bubble policy to approve generic VOC bubble regulations, using the New Jersey bubble regulation as a standard. That Notice specified guidance for other states that wish to implement a similar generic bubble regulation. In today's proposed rulemaking EPA proposes to approve Massachusetts' bubble regulation, 310 CMR 7.18(2)(b), provided that it be made consistent with the policy set forth in the New Jersey rule and in the EPA bubble policy set forth on December 11, 1979 (44 FR 71780). This action would allow Massachusetts to approve alternative emission limits for the surface coating operations provided the alternative set of limits does not result in an increase in the total allowable emissions, without submitting each individual bubble as a SIP revision.

Since 310 CMR 7.18(2)(b) applies to state regulations which control some source categories which are not presently part of the federally approved SIP, EPA is proposing to approve 310 CMR 7.18(2)(b) now only as it applies to those source categories presently in the approved SIP with the additional categories to be added when they are finally approved by EPA and made part of the SIP. EPA will issue a Final Rulemaking Notice on these additional categories when they are finally approved.

Proposed Action

In light of the New Jersey bubble rule, EPA is proposing today to approve the Massachusetts bubble regulation 310 CMR 7.18(2)(b) as it applies to 310 CMR 7.18 (4), (5), (6), and (7) which have already been approved by EPA; to regulations 310 CMR 7.18(14), (15), and (16) which are being proposed for approval in a separate rulemaking, and will be eligible for bubbling when they are finally approved by EPA; and to regulations 310 CMR 7.18 (10), (11), and (12) which will be added when they are finally submitted to and approved by EPA, provided it is consistent with the bubble criteria set forth in the December 11, 1979 Notice (44 FR 71780) and provided the bubble regulation is amended to meet the following conditions prior to the Final Rulemaking Notice approving this regulation:

1. Massachusetts must provide adequate opportunity for public notice and comment on each alternative set of emission limitations developed under its bubble program and notify the public after each final approval.

2. Massachusetts must provide that this regulation does not apply to or supersede conditions that sources must meet under nonattainment or Prevention of Significant Deterioration (PSD) permit programs, including any Best Available Control Techniques (BACT) or Lowest Achievable Emissions Reduction (LAER) determinations; Federal New Source Performance Standards (NSPS); National Emission Standards of Hazardous Air Pollutants (NESHAPs), 40 CFR Part 61; or other conditions that the Act specifically requires for new or modified sources.

3. Massachusetts must provide that the pollutants under the alternate proposal must be comparable. That is, pollutants that pose significant health hazards cannot be traded against less harmful pollutants. In all cases, sources must meet applicable Section 112 regulations and be consistent with the December 11, 1979 EPA bubble policy.

4. Massachusetts must promptly transmit to EPA notice of an alternative set of emission limitations, assigned by the state, when they are adopted pursuant to the bubble regulation. These new emission limits set for each emission point must be approvable according to the test methods for VOC surface coaters as specified in 310 CMR 7.18 and those test methods must be federally enforceable.

5. Massachusetts must keep a record of each approved bubble under 310 CMR 7.18(2)(b) and a record of the emission limitations to which the source was originally subject.

6. Massachusetts must provide that the compliance schedules for new emission limitations developed with the bubble regulation proposed today shall be subject to compliance dates as set forth in 310 CMR 7.18(2)(a).

If the regulation is substantially changed, beyond including the conditions specified herein, EPA will re-evaluate those changes and publish a revised Notice of Proposed Rulemaking. If no substantive changes are made to 310 CMR 7.18(2)(b) other than those conditions specified herein, EPA will issue a Notice of Final Rulemaking on the regulation.

The final Rulemaking Notice approving Massachusetts regulation 310 CMR 7.18 will contain a statement such as found in the Final Rulemaking Notice approving the New Jersey bubble rule, 46 FR 20554, that emission limitations in a bubble developed under Massachusets Regulation 310 CMR 7.18(2)(b) are the applicable requirements in the SIP, enforceable by EPA and private citizens under Sections 113 and 304(a) of the Clean Air Act.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements, and provides for greater flexibility and the use of more cost-effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulation Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Massachusetts state actions enabling sources to meet the existing state requirements with more cost-effective control strategies, with greater flexibility, and adds no new

requirements. Further, this regulation should decrease the time between application and implementation of certain alternative, more cost-effective control strategies by eliminating the requirement that they be approved, individually, by EPA via the SIP revision process.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51.

This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended 42 U.S.C. 7401 and 7601.

Dated: June 16, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-21114 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1879-3]

Georgia: Alternate Compliance Schedules for Volatile Organic Compound (VOC) Sources; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA proposes to approve State Implementation Plan (SIP) revisions that Georgia submitted on December 18, 1980, and May 7, 1981; these revisions consist of alternate compliance schedules for the St. Regis Paper Company, Printpack Incorporated and American Can Company in the Atlanta area. These compliance schedules are included as part of the plants' operating permits.

The issuance of the permits by the State represents implementation of Georgia's volatile organic compound (VOC) regulations which EPA approved on September 18, 1979 (44 FR 54047). The regulations are included as a part of Georgia's control strategy to attain the ozone standard in the metropolitan Atlanta area by December 31, 1982.

DATE: Comments must be received by August 20, 1981, to be considered.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street SW., Atlanta, Georgia 30334

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: The Georgia Environmental Protection Division submitted to EPA SIP revisions consisting of alternate compliance schedules for the St. Regis Paper Company, Printpack Incorporated and American Can Company in the Atlanta area. These compliance schedules are included as part of the plants' operating permits.

The issuance of the permits with compliance schedules is necessary in order for the State to implement its VOC regulations and ensure reasonable further progress toward attaining the National Ambient Air Quality Standard (NAAQS) for ozone, as stated in Georgia's 1979 nonattainment SIP submittal, and approved by EPA at 44 FR 54047, September 18, 1979.

On November 4, 1980, permits to operate with conditions of the alternate compliance schedules were issued to the following plants: St. Regis Paper Company, 840 Woodrow Avenue, S.W., Atlanta, Georgia.

The facility for lamination of plastic film shall have all process modifications completed and use low solvent content coatings by September 1, 1983. The facility must demonstrate full compliance with Rule 391-3-1-.02(2)(w) by November 1, 1983: Printpack Incorporated, 4335 Wendell Drive, Altanta, Georgia.

The facility for paper laminating and coating must use a greater percentage of low solvent content coating each year until October 1, 1985, when it must use 100% low solvent content coatings and be in compliance with Rule 391-3-1-.02(2)(w): American Can Company, 115 Lake Mirror Road, Forest Park, Georgia.

The alternate compliance schedule applies to three-piece can coating operations including sheet coating, litho varnishing, interior body spraying, striping and end sealing. Average annual VOC contents vary for each operation prior to demonstration of compliance by January 31, 1986. At that time they shall meet Rule 391-3-1-.02(2)(u)1. (i) through (iv) which is based on a daily weighted average.

EPA has reviewed these alternate compliance schedules and found they are acceptable.

ACTION: EPA is today proposing to approve the SIP revision and is soliciting public comment on the revision.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to three facilities and simply modifies compliance dates.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely extends compliance dates for three VOC facilities.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: June 30, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-21367 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 264

[SWH-FRL-1868-3]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period for reproposed rule and for supplemental notice of reproposed rulemaking.

SUMMARY: On February 5, 1981, EPA reproposed standards for permitting hazardous waste land disposal facilities.

On May 20, 1981, EPA published in the **Federal Register** a supplemental notice to the February 5 reproposal, setting forth more fully the various issues which EPA has considered in developing the standards. The purpose of the supplemental information is to enable the public to better comment on the February 5 reproposal as well as other regulatory options. Today's notice extends the comment period on the February 5 reproposal and on the May 20 notice to October 4, 1981. Both comment periods were originally due to end on August 4, 1981.

DATE: Comments on 46 FR 11126–11177, February 5, 1981 (reproposal of proposed rule and proposed amendments to rule) and on 46 FR 28314–28328, May 20, 1981 (supplemental notice of reproposed rulemaking) must be received on or before October 4, 1981.

ADDRESS: Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755–9173.

Comments on the reproposed rule or the supplemental notice should identify the regulatory docket as follows: "Section 3004: Permitting Standards for Land Disposal Facilities."

The public docket for this rulemaking is available at Room 2711B, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 and is available for reviewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: For further information on today's notice, contact Kenneth Shuster, Office of Solid Waste (WH–564), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755–9125.

SUPPLEMENTARY INFORMATION: Under Section 3004 of the Resource Conservation and Recovery Act of 1976, as amended, EPA is required to establish standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities, as may be necessary to protect human health and the environment. On December 18, 1978 (43 FR 58982), EPA proposed technical standards for permitting hazardous waste disposal facilities based on specific design standards. On October 8, 1980 (45 FR 66816), EPA published a supplemental notice of proposed rulemaking briefly outlining options the Agency was considering, and announcing the tentative selection of a risk assessment approach. On February 5, 1981 (46 FR 11126), EPA reproposed the technical standards for land disposal facilities using a site-specific risk assessment approach. On May 20, 1981 (46 FR 28314), EPA published a supplemental notice of reproposed rulemaking in order to set forth more fully the regulations, as well as numerous complex policy and technical issues underlying the selection of any approach.

Because of the scope, complexity, and inter-relationship of the issues raised in the February 5 reproposed rule and the May 20 supplemental notice, and the desire of the Agency to fully explore the benefits and costs of each option (in accordance with Executive Order 12291) and the effects of regulation on small businesses (as required by the Regulatory Flexibility Act), today's notice extends the close of the public comment period on both the February 5 reproposal and the May 20 supplemental notice by 60 days, from August 4 to October 4, 1981. This extension will allow commenters an opportunity to review the background documents to the February 5 reproposal before finalizing their responses. The availability of the background documents will be announced in a separate **Federal Register** notice in the near future. The extension will also provide the public more time to evaluate and respond to the questions raised in the supplemental notice. The extension also responds to requests to extend the comment period for the above reasons.

Dated: July 14, 1981.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 81-21327 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Ch 60

Government Contractors; Affirmative Action

Correction

In FR Doc. 81–20614, appearing at page 36213, in the issue for Tuesday, July 14, 1981 make the following correction:

On page 36214, in the second column, first paragraph, line 9, the word "not" should be corrected to read "now".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation; Reclamation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Resumption of comment period on proposed rules.

SUMMARY: This Notice resumes the comment period on the proposed rules and regulations for acreage limitation the Department of the Interior published in the **Federal Register** on January 14, 1981 (46 FR 3350–3357) until December 31, 1981. The comment period on the proposed rules and regulations, which originally was to have closed on March 16, 1981, was suspended indefinitely on February 19, 1981 (46 FR 12991) to allow adequate time for the Department to study and review thoroughly the issues involved. The comment period is being resumed to comply with a United States District Court order directing that rules and regulations dealing with acreage limitation be prepared. Comments received during the extended period will be considered in preparing revisions to the proposed rules that the Department determines appropriate. The schedule for any public hearings on the proposed rules that may be held will be published in a future edition of the **Federal Register**. A Notice resuming the comment period on the draft environmental impact statement on the proposed rules and regulations for acreage limitation is published separately in this issue of the **Federal Register**. While the original comment period was in effect, from January 14 to February 19, 1981, a number of comments on the proposed rules and draft environmental impact statement were submitted. These comments have been retained and will be considered in preparing the final environmental impact statement and rules. Comments received after the comment period was closed on February 19 were returned and must be resubmitted in order to be considered.

DATE: Comment period closes December 31, 1981.

ADDRESS: Comments on the proposed rules should be submitted to: Phillip T. Doe, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, D–700, Denver, Colorado 80225. Comments reviewers wish to submit on the draft environmental impact statement on acreage limitation may be incorporated with proposed rules and regulations comments.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 (202) 343–2148.

Dated: July 15, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-21195 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-09-M

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43 CFR Part 426

[Int-DES 81-1]

Acreage Limitation; Resumption of Comment Period on Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Resumption of comment period on draft environmental impact statement.

SUMMARY: This Notice resumes the comment period on the draft environmental impact statement on the proposed rules and regulations for administering the acreage limitation provisions of reclamation law for which the Department of the Interior published a Notice of Availability in the **Federal Register** on January 14, 1981 (46 FR 3358). The comment period on the draft environmental impact statement, which originally was to have closed on March 16, 1981, was suspended indefinitely on February 19, 1981 (46 FR 12992) to allow adequate time for the Department to study and thoroughly review the issues involved. The comment period is being resumed to comply with a United States District Court order halting further action on proposed rules and regulations for acreage limitation until an environmental impact statement on the proposed rules has been published. Comments received during the extended comment period will be addressed in the final environmental impact statement. The schedule for any public hearings that may be held on the draft environmental impact statement will be published in a future edition of the **Federal Register**. While the original comment period was in effect, from January 14 to February 19, 1981, a number of comments on the proposed rules and draft environmental impact statement were submitted. These comments have been retained and will be considered in preparing the final environmental impact statement and rules. Comments received after the comment period was closed on February 19 were returned and must be resubmitted in order to be considered.

DATE: Comment period closes December 31, 1981.

ADDRESS: Comments on the draft environmental impact statement should be submitted to Phillip T. Doe, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, D–700, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, (202) 343–2148.

SUPPLEMENTARY INFORMATION: Copies of the draft environmental impact statement are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Division of Management Support, General Services, Library Section, Code 950, Engineering and Research Center, P.O. Box 25007, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019

Regional Director, Pacific Northwest Region, Bureau of Reclamation, 550 West Fort Street, P.O. Box 043, Boise, ID 83724, Telephone: (208) 384–1208

Regional Director, Mid-Pacific Region, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (415) 916–4880

Regional Director, Lower Colorado Region, Bureau of Reclamation, Nevada Highway and Park Street, P.O. Box 427, Boulder City, NV 89005, Telephone: (703) 293–7652

Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, P.O. Box 11568, Salt Lake City, UT 84147, Telephone: (801) 234–5457

Regional Director, Southwest Region, Bureau of Reclamation, 714 South Tyler, Amarillo, TX 79101, Telephone: (806) 378–5400

Regional Director, Upper Missouri Region, Bureau of Reclamation, 316 North 26th Street, P.O. Box 2553, Billings, MT 59103, Telephone: (406) 657–6412

Regional Director, Lower Missouri Region, Bureau of Reclamation, Building 20, Denver, Federal Center, P.O. 25247, Lakewood, CO 80225, Telephone: (303) 234–3327

Copies will also be available for inspection at other Federal offices and public and university libraries within each region. Their location may be obtained by contacting the appropriate regional office.

Individual copies of the statement may be obtained on request to any of the offices shown above.

Dated: July 15, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-21194 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-09-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6052]

Connecticut; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Killingworth, Middlesex County, Connecticut, previously published at 46 FR 27140 on May 18, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Killingworth, Middlesex County, Connecticut, previously published at 46 FR 27140 on May 18, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not

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have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Due to a clerical error, a location under the Source of Flooding of Hammonasset River was listed as "4,450' downstream of State Route 80"; it should be amended to read "approximately 3,900' downstream of State Route 80". The corresponding elevation was correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21205 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6027]

New Jersey; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Holmdel, Monmouth County, New Jersey, previously published at 46 FR 21031 on April 8, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Holmdel, Monmouth County, New Jersey, previously published at 46 FR 21031 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following location to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding Hop Brook in the Township of Holmdel, Monmouth County, New Jersey, the elevation for the location "Downstream of Roberts Road" should be amended to read 102 feet. Additionally, the corresponding elevations for the following locations under the Source of Flooding Waackaack Creek should be amended to read as follows:

Waackaack Creek	Downstream Corporate Limits	*10
	1,500 downstream of upstream Corporate Limits	*18

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21206 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

(44 CFR Part 67)

[Docket No. FEMA 6033]

New Jersey; National Flood Insurance Program Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Mullica, Atlantic County, New Jersey, previously published at 46 FR 22620 on April 20, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Mullica, Atlantic County, New Jersey, previously published at 46 FR 22620 on April 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

In order to better describe the tidal flooding affecting the Township of Mullica, Atlantic County, New Jersey, the sample of Proposed Base Flood Elevations published in the *Egg Harbor News* on April 9, 1981, and April 16, 1981, and in the **Federal Register** at 46 FR 22620 on April 20, 1981, may be amended as follows so as to more accurately reflect the FIS (profiles) and Flood Insurance Rate Map which were correct as distributed.

Mullica River	Downstream State Route 542	*11
Great Bay	Mullica River shoreline from downstream Corporate Limits to approximately 3,050 feet downstream of State Route 542 (tidal flooding).	*9

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21207 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6027]

Pennsylvania; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Collier, Allegheny County, Pennsylvania, previously published at 46 FR 21033 on April 8, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Collier, Allegheny County, Pennsylvania, previously published at 46 FR 21033 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

In order to more correctly correspond with the Flood Insurance Rate Map and Flood Insurance Study (profiles) for the Township of Collier, Allegheny County, Pennsylvania, the Proposed Flood Elevation Determinations published at 46 FR 21033 on April 8, 1981 should incorporate the Source of Flooding Chartiers Creek Division Channel to read as follows:

Chartiers Creek Diversion Channel.	Outlet to Chartiers Creek Steen Road (upstream side) Low Flow Diversion Weir.	*792 *813 *815

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 6, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21209 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6033]

Pennsylvania; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of South Abington, Lackawanna County, Pennsylvania, previously published at 46 FR 22622 on April 20, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of South Abington, Lackawanna County, Pennsylvania, previously published at 46 FR 22622 on April 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Due to a clerical error, the location description listed as "approximately 13' downstream of Pennsylvania Turnpike (northeast extension)", under the Source of Flooding of Lackawanna Trail Tributary, should be amended to read "approximately 1,300' downstream of Pennsylvania Turnpike (northeast extension)". The corresponding elevation, Flood Insurance Study (profile) and Rate Map are correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21208 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6027]

Rhode Island National Flood Insurance Program; Proposed Flood Elevation Determination; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Exeter, Washington County, Rhode Island, previously published at 46 FR 21037 on April 8, 1981.

EFFECTIVE DATE: July 21, 1981. publication.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Exeter, Washington County, Rhode Island, previously published at 46 FR 21037 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

In order for the following locations to be more carefully identified with corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding for Queens Fort Brook and Chipuxet River in the Town of Exeter, Washington, County, Rhode Island, the following descriptions should be amended to read as follows. The elevations were correct as cited.

Queens Fort Brook	Approximately 2,480' downstream of Ladd School Drive No. 2 (Dawley Road).	*140
	Upstream of Ladd School Drive No. 2 (Dawley Road).	*150
	Approximately 620' upstream of Biscarnville Road.	*159
Chipuxet River	Approximately 1,470' upstream of Yawgoo Valley Road.	*112

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21210 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-3166]

Wisconsin National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of River Falls, Pierce and St. Croix Counties, Wisconsin.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *River Falls Journal* on May 29, 1980 and June 5, 1980, and at 45 FR 84707 on December 23, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of River Falls, Pierce and St. Croix Counties, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will goven future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accordance with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Based (100-year) Flood Elevations

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) River Falls Pierce and St. Croix Counties	Kinnickinnic River	At the downstream corporate limits	*814
			Just downstream of dam near Park Street	*815
			Just upstream of dam near Park Street	*832
			Approximately 320 feet downstream of dam located downstream of Falls Street.	*833
			Just upstream of dam located downstream of Falls Street.	*875
			Approximately 200 feet upstream of Maple Street	*877
			At upstream corporate limits	*884
		South Fork Kinnickinnic River	At the confluence with Kinnickinnic River	*837
			Approximately 120 feet upstream of South Main Street	*879
			Approximately 360 feet upstream of Sixth Street	*885
			Just downstream of Wasson Lane (upstream corporate limits).	*894
		Unnamed Tributary No. 1	At confluence with South Fork Kinickinnic River	*864
			Just upstream of Cascade Avenue	*889
			Just downstream of Spring Street	*900
			About 150 feet upstream of Hazel Street	*904
			Just downstream of Division Street	*911

Maps available for inspection at the City Hall, 123 Elm Street, River Falls, Wisconsin.

Send comments to Honorable J. Lawson, Mayor, City of River Falls, City Hall, 123 Elm Street, River Falls, Wisconsin 54022.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Adminstration.

[FR Doc. 81-21204 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The American Fisheries Promotion Act of 1980 establishes a formula for calculating the sum of the fees to be collected from owners or operators of foreign vessels which conduct fishing operations in the fishery conservation zone off the United States. This notice announces the sum to be collected in 1982 and explains how the sum was calculated. This notice also contains three alternative methods of apportioning the sum among foreign countries. The notice is intended to provide an opportunity for comments and to aid the collection of economic data necessary for NOAA to evaluate the alterntive methods.

DATES: A public hearing will begin at 10:00 a.m. on August 5, 1981. Written comments may be submitted until August 20, 1981.

ADDRESSES: The public hearing will be held in Room B–100, Page Building I, 2100 Wisconsin Avenue NW., Washington, D.C. Written comments may be addressed to the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:
Denton R. Moore or Alfred J. Bilik, (202) 634–7432.

SUPPLEMENTARY INFORMATION: This advance notice is published to solicit information from all interested parties on the anticipated impact of alternative fee collection systems and to assist the National Marine Fisheries Service (NMFS) to develop an equitable system.

The foreign fishing fee issue is both important and sensitive. We hope that this notice will elicit helpful comments not only from the foreign fishermen who must pay the fees, but also from the public at large, particularly from the domestic fishing community.

Executive Order 12291

The first issue to consider is whether this regulation should be classified as a "major rule" within the meaning of Executive Order 12291.

E.O. 12291 lists three criteria to define a "major rule." These are:

(1) An annual impact on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under these criteria, NMFS believes that this fee schedule would not be a "major rule." However, because the fee schedule is significant, NMFS solicits comments on this determination.

The Sum of the Fees To Be Collected

The fees are intended to reimburse the United States for a portion of the costs associated with the conservation and management of fishery resources in the fishery conservation zone (FCZ). Those costs are related to the presence of foreign fishermen in the FCZ, and not to the removal of fish from the water.

The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended by the American Fisheries Promotion Act (AFRA) of 1980, Pub. L.

96-561, specifies a formula for determining the total amount of foreign fishing fees which must be collected. NMFS believes this total cost should include all funded activities which are reasonably necessary for the agency to fulfill its statutory responsibilities under the Act.

The Magnuson Act requires that the ratio of the foreign harvest in the FCZ to the U.S. harvest in the territorial waters and the FCZ be used to determine the share of total Federal costs which must be paid by foreign fishermen.

Based on a careful assessment of the total harvest in the FCZ and territorial waters, NMFS determined that foreign fishermen harvested about 45 percent of the total catch. That ratio is expected to be about the same in 1981. NMFS assumes, therefore, that the sum of money to be collected in 1982 will be approximately $58 million (45 percent of $128 million).

In addition to these fees, there will be a surcharge for the Fishing Vessel and Gear Damage Compensation Fund, as well as an additional sum of money to defray the observer costs. Those cost are prescribed by other section of the Magnuson Act and the Fishermen's Protective Act of 1967 and are beyond the scope of this notice.

A summary of these relative costs, together with other Federal costs and fees, is shown below:

Agency	
NMFS	$54,008,800
NOAA	$3,819,800
State	$250,000
Coast Guard	$71,000,000
Costs (total)	$129,869,000
Percentage apportioned for payment by foreign fisherman	x0.45
	$57,987,000
Other Fees	
Surcharge for fishing vessel and gear damage compensation fund	$5,000,000
Estimated observer fees	$14,000,000
Total cost and fees	$76,987,000

Apportioning the Sum Among Foreign Countries

Seven criteria have been developed to measure alternative fee collection proposals. NMFS believes any foreign fee system should:

(1) Be consistent with the Magnuson Act and other applicable law;

(2) Minimize incentive for under-reporting by foreign vessel captains;

(3) Be easy to administer and be self-enforcing, if possible;

(4) Take appropriate account of traditional fishing practices and methods;

(5) Be flexible;

(6) Be reasonable; and

(7) Support long-range management objectives.

Reviewers are encouraged to comment on these criteria, including possible additions and deletions.

The Magnuson Act does not prescribe any particular method for collecting the fees from foreign fishermen. NMFS proposes three alternative systems for public comment:

Option 1. *Continue the present system* of basing fees on the tonnage of each species caught, with the fee varying by species. This system has the advantage of being familiar, flexible, and allowing a selective fishery. It has the disadvantage of rewarding under-reporting and encouraging debates about the "value" of different species of fish. It might also be construed as a tax rather than a fee. Below is our estimate of what the value for each species would be in 1982, and the total amount we think may be collected based on a preliminary TALFF estimation.

Species	Fee (metric ton)	Total
Pollock (Alaska)	$36	$36,288,000
Flounders (Alaska)	40	5,800,000
Whiting (Pacific)	28	1,400,000
Cod (Pacific)	75	4,950,000
Other groundfish (Alaska)	28	1,400,000
Hake, silver	25	100,000
Atka mackerel	28	1,008,000
Other finfish (Atlantic)	40	120,000
Squid, *Loligo*	125	2,125,000
Pacific ocean perch	180	1,800,000
Squid, *Illex*	35	385,000
Rockfish	90	405,000
Squid (Pacific)	25	225,000
Sablefish (Alaska)	168	1,328,000
Hake, red	25	7,500,000
Butterfish	180	40,000
Jack mackerel	25	22,000
Snails	48	3,000
Seamount groundfish	36	88,000
Other fish (WOC)	86	4,000
River herring	25	1,000
Sablefish (WOC)	168	14,000
Flounders (WOC)	138	360
Total		57,288,000

NOTE.—This list of species is not inclusive, but does include all species for which applications are expected.

Option 2. *Charge a flat percentage fee to the reviewing country based on the national allocation.*

The total allowable level of foreign fishing (TALFF) for 1982 will be approximately 1,800,000 metric tons. The cost could be apportioned simply by dividing that sum by the TALFF and multiplying that quotient by the tonnage in the allocation. There would not be any species price discrimination. Although this system would be the easiest alternative to administer, there would be difficulties. The Magnuson Act specifies that the fees shall be paid by the owner or operator of the foreign fishing vessels. This has not been the general practice except by the socialist countries. In virtually all other cases, governmental or quasi-governmental organizations have acted as agents for the "owners or operators." This system would require a degree of cooperation that some countries probably could not provide. It has other short-comings as well. All species of fish are valued differently in the market place. This system could result in an intense competition for the more valued species and possible indifference toward the less valued species. NMFS is concerned that this approach might result in significant underutilization of some lower value species which could have long-range adverse biological management implications. Under-reporting would continue to be a vexing problem.

Option 3. *Base fees on number of days foreign vessels spend in FCZ.*

This system has numerous advantages and is the option preferred by NOAA. It is logical, because many costs of administering the Magnuson Act are incurred only when the foreign fishing vessels are in the FCZ. This system would be easy to administer and would encourage more efficient operations by the foreigners. One big advantage from the standpoint of the United States is that it will, with refinement and experience, match effort with resource availability. It has the disadvantage of discouraging foreign fishing vessels from taking the time to move away from areas of high by catches or prohibited species, but the presence of observers should remedy this shortcoming.

In this system, each vessel could be assessed a fee based on variables such as size, gear, fishery and the number of days spent in the FCZ. However, the foreign fisheries would continue to be managed on the basis of allocation and catch. Only the fees would be related to days in the FCZ.

Each vessel would be assigned to a vessel class based on gross registered tonnage. The vessel classes would be similar to the Northwest Atlantic Fisheries Organization (NAFO) classes: Class 2=0-49.9 GRT, class 3=50-149.9 GRT, class 4=150-499.9 GRT, class 5=500.-999.9 GRT, class 6=1,000-1999.9 GRT, class 7=2,000-2,999.9 GRT, class 8=3,000-3,999.9 class 9, 4,000 and over.

An average daily catch rate will be calculated for each vessel class in each of three major foreign fisheries (e.g., Alaska groundfish, Pacific whiting, and Atlantic squid). From this, NMFS will derive a standard effort unit (SEU) for each class in each fishery. For example:

Class	Catch per day (metric tons)	Standard effort unit
2	2.5	1
3	7.0	3
4	10.0	4
5	15.00	6
6	25.00	10
7	40.00	16
8	50	20
9	80	32

The fee charged will be based on the SEU. For example, NMFS may establish a fee of $288 per SEU. Thus, a vessel in class 2 would pay ($288/SEU×(1 SEU/day) or $288/day. A vessel in class 4 would pay ($288/SEU×(4 SEU/day) or $1,152/day.

Commenters are encouraged to submit further refinements of this option, as well as alternate ways of apportioning the costs among foreign vessel owners and operators.

Information Specifically Desired

NMFS specifically seeks advice on the following points:

(1) Given that NMFS must collect about $58 million (plus surcharge and observer fees) in 1982, what will be the likely effect on foreign fishing strategies in the FCZ?

(2) If one or more prices under Option 1 seem excessive, what alternative prices would be more reasonable, keeping in mind that if one price is reduced another must be increased to offset the reduction?

(3) Are the effects of these higher fees likely to be "major" within the meaning of Executive Order 12291?

(4) What impact are these fees likely to have on world-wide and domestic fish prices (especially blocks)?

(5) Will supplies to the United States be affected?

(6) What other impacts might reasonably be expected?

(16 U.S.C. 1801 *et seq.*)

Dated: July 16, 1981.

William H. Stevenson,

Acting Assistant Administrator for Fisheries. National Marine Fisheries Service.

[FR Doc. 81-21311 Filed 7-17-81; 10:14 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 139
Tuesday, July 21, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Hi-Country Cattle Co., Ignacio, Colorado, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyards	Date of posting
CO-150 Hi-County Cattle Company, Ignacio, Colorado.	May 8, 1981.
GA-190 Triple T Livestock Co., Dalton, Ga.	March 24, 1981.
NY-161 Bullville Auction, Bullville, N.Y.	June 8, 1981.
NY-162 English Select Sales, Inc., Madison, N.Y.	June 30, 1981.
MO-253 Charleston Auction Company, Charleston, Mo.	June 27, 1981.

Done at Washington, D.C., this 15th day of July, 1981.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-21182 Filed 7-20-81; 8:45 am]
BILLING CODE 3410-02-M

Rural Electrification Administration

Copper Valley Electric Association, Inc.; Glennallen, Alaska; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $836,000 to Copper Valley Electric Association, Inc., of Glennallen, Alaska, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $5,726,000 to this cooperative. These loan funds will be used for the financing of cost overruns on a project consisting of a 12,500 kW hydro generating unit, substation, and 106 miles of 138 kV and 4 miles of 24.9 kV transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed construction, including the engineering and economic feasibility studies and the proposed schedule of advances to the borrower of the guaranteed loan funds from Mr. James F. Palin, Manager, Copper Valley Electric Association, Inc., Box 45, Glennallen, Alaska 99588.

In order to be considered, proposals must be submitted (within 30 days from the date of the **Federal Register** publication of this notice) to Mr. Palin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Copper Valley Electric Association, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 15th day of July, 1981.

Joe S. Zoller,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-21303 Filed 7-20-81; 8:45 am]
BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Pinehurst Airlines, Inc.

AGENCY: Civil Aeronautics Board

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-94, Order to Show Cause

SUMMARY: The Board is proposing to find that Pinehurst Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-94.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce A Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-94 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-94 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 16, 1981

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21280 Filed 7-20-81; 8:45 am]
BILLING CODE 6320-01-M

Fitness Determination of Comair, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-95, Order to Show Cause.

SUMMARY: The Board is proposing to find that Comair, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-95.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-95 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-95 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 16, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21361 Filed 7-20-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-7-71]

Fischer Bros. Aviation, Inc., d.b.a. Gallon Commuter Service; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-7-71, order to show cause.

SUMMARY: The Board is proposing to find that Fischer Bros. Aviation, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 31, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-71.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6064.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-71 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-71 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 14, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 21189 Filed 7-20-81; 8:45 am]
BILLING CODE 6320-01-M

[Dockets 30499 and 30696]

Mrs. William Thomas Fuller v. American Airlines, Inc. and Nancy W. Lawrence v. American Airlines, Inc. (Part 252 Enforcement Proceedings); Reassignment of Proceedings

The above captioned proceedings have been reassigned to the undersigned.

Dated At Washington, D.C., July 14, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-21190 Filed 7-20-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-7-72]

Southern International Airways, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-7-72, order to show cause.

SUMMARY: The Board is proposing to find that Southern International Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 31, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-72.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-72 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-72 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 14, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21188 Filed 7-20-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Columbia University in the City of New York; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5 P.M. in Room

2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00025. Applicant: Columbia University in the City of New York, Department of Chemistry, 119th Street and Broadway, New York, NY 10027. Article: High Pressure Cell. Manufactured: Union Giken, Ltd., Japan. Intended use of article: See Notice on page 11694 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a (1) circulated thermostated water for precise temperature control as well as variability and (2) a seven centimeter light path. The National Bureau of Standards advises in its memorandum dated May 29, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–21230 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–25–M

Cornell University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00093. Applicant: Cornell University, Department of Chemistry, Baker laboratory, Ithaca, New York 14853. Article: Ion Microanalyzer, Model IMS–3F. Manufacturer: Cameca Instruments, France. Intended use of article: See Notice on page 18571 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides mass resolving power up to 10,000. The National Bureau of Standards advises in its memorandum dated June 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientic value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–21231 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: California Department of Fish and Game (P191B).

b. Address: 1416 Ninth Street, Sacramento, California 95814.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seal *(Phoca vitulina richardii)*, 520+; California sea lion *(Zalophus californianus)*, +; Pilot whale *(Globicephala macrorhynchus)*, +.

4. Type of Take: Harbor seals will be roto-tagged and/or marked with pelage dye. Sea lions, Pilot whales, and harbor seals will be subject to acoustic harassment studies.

5. Location of Activity: California waters.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before August 19, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 16, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–21179 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–22–M

Modification of Permit

Notice is hereby given that pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 311 issued to the U.S. Air Force, HQ Space Division, Los Angeles, California 90009, on December 3, 1980, is modified as follows:

Section A–2 is modified by deleting "A total of three hundred (300) Northern elephant seals *(Mirounga angustirostris)* may be subjected to harassment * * *" substituting therefor the following:

"A total of four hundred (400) Northern elephant seals *(Mirounga angustirostris)* may be subjected to harassment * * *"

This modification became effective on July 16, 1981.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 7, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals/ Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–21305 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–22–M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to import marine mammals as authorized by the Marine Mammal Portection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Marine Mammal Revcovery Foundation (P285)

b. Address: P.O. Box 463, Storrs, Connecticut 06268

2. Type of Permit: Scientific Research and Scientific Purposes.

3. Species:

Humpback Whale (Megaptera novaeanglia)
Blue Whale (Balaenoptera musculus)
Sie Whale (Balaenoptera borealis)
Fin Whale (Balaenoptera physalus)
Minke Whale (Balaenoptera acutorostrata)
Beluga Whale (Delphinapterus leucas)
Sperm Whale (Physeter catodon)
Harbor Porpoise (Phocoena phocoena)
White Beaked Dolphin (Lagenorhynchus albirostris)
Atlantic Whitesided Dolphin (Lagenorhynchus acutus)
Northern Bottlenosed Whale (Hyperoodon ampullatus)
Pilot Whale (Globisephala melaena)
Harbor Seal (Phoca vitulina)
Gray Seal (Halichoerus grypus)
Common Dolphin (Delphinus delphis)
Killer Whale (Orcinus orca)

4. Type of Take: To collect tissue samples from an unspecified number of dead beached and stranded or indicientally captured marine mammals.

5. Location of Activity: Newfoundland, Canada.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, August 19, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachsetts 01930.

Dated: July 16,1981

Ricahard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–21360 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent application 6–194,192: Process for the Recovery of Carborane from Reject Propellant, filed October 6, 1980

Patent application 6–194,640: Lightweight One Piece Side Rack with Stakes for Flatbed Semitrailers; filed October 6, 1980

Patent application 6–198,577: Homodyne Radar System; filed October 20, 1980

Patent application 6–205,359: Pulse Width Spectrum Analyzer; filed November 10, 1980

Patent application 6–209,809: Hemispherical Coverage Microstrip Antenna; filed November 24, 1980

Patent application 6–214,367: Priority Circuit for Service Request Signals; filed December 8, 1980

Patent application 6–218,235: Glass Lead Seal Test Apparatus; filed December 19, 1980

Patent application 6–216,400: Cure Rate Inhibitors for Ferrocene-Containing Propellants; filed December 19, 1980

Patent application 6–219,050: Stable NF_4^+ Salt of High Fluorine Content; filed December 22, 1980

Patent application 6–221,737: Combined Side Lobe Canceller and Frequency Selective Limiter; filed December 31, 1980

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, D.C. 20324

Patent application 6–100,320: Fiber Optic Rotation Sensing Interferometer; filed December 5, 1980

Patent application 6–179,597: Troposcatter System Antenna Alignment; filed August 19, 1980

Patent application 6–216,103: Automatically Sequenced Signaling System; filed December 15, 1980

Patent application 6–219,396: Polyaromatic Amides; filed December 22, 1980

Patent application 6–225,540: Grease Compositions; filed January 16, 1981

Patent 4,254,668: Low Friction Servo Valve; filed May 3, 1979, patented March 10, 1981; not available NTIS

Patent 4,257,164: Optical Protractor; filed November 9, 1978, patented March 24, 1981; not available NTIS

Patent 4,258,965: Adjustable Electronic Circuit Card Supporter; filed August 3, 1979, patented March 31, 1981; not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 0–230,994: Low Sidelobe Pulse Compressor; filed February 3, 1981

Patent application 0–236,948: 360 Degree Closed Circuit Television System; filed February 23, 1981

Patent 4,207,450: Continuous Oil Concentration Monitor; filed June 14, 1979, patented June 10, 1980; not available NTIS

Patent 4,243,935: Adaptive Detector; filed May 18, 1979, patented January 16, 1981; not available NTIS

Patent 4,243,949: Frequency Stabilization Technique for Microstrip Oscillators; filed November 17, 1978, patented January 6, 1981; not available NTIS

Patent 4,243,991: Antenna Feed for Scan-with-Compensation Tracking; filed May 30, 1978, patented January 6, 1981; not available NTIS

Patent 4,249,143: Xenon Fluoride and Mercury Chloride Photodissociation Lasers; filed April 25, 1979, patented February 3, 1981; not available NTIS

Patent 4,249,257: Radio Frequency Signals Analyzer; filed September 1, 1977, patented February 3, 1981; not available NTIS

[FR Doc. 81–21342 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–04–M

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administration Service Division, Federal Building, Science and Education Administration, Hyattsville, Md. 20782.

Patent application 6,228,853: Chemotherapeutically Active Maytansinoids from Trewia nudiflora; filed Jan. 27, 1981.

Patent 4,247,644: Foam Flotation Process for Separating Bacillus thuringiensis Sporulion Products; filed Aug. 8, 1979, patented Jan. 27, 1981, not available NTIS.

Patent 4,253,970: Flocculation of Coals with Water-Soluable Starch Xanthates; filed Oct. 1, 1979, patented Mar. 3, 1981; not available NTIS.

U.S. Department of Energy, Office of the Assistant General Counsel for Patents (GC–42), 1000 Independence Avenue, N.W., Washington, D.C. 20585.

Patent application 6,128,203: Heat Transfer System; filed Mar. 7, 1980.

Patent application 6,129,866: Method for Fabricating Thin Films of Pyrolytic Carbon; filed Mar. 13, 1980.

Patent application 6,130,995: Spacer Grid Assembly and Locking Mechanism; filed Mar. 17, 1980.

Patent application 6,131,303: Reactor Control Rod Timing System; filed Mar. 18, 1980.

Patent application 6,133,702: Device for Conversion of Electromagnetic Radiation Into Electrical Current; filed Mar. 25, 1980.

Patent application 6,134,352: Method and Apparatus for Measuring Irradiated Fuel Profiles; filed Mar. 27, 1980.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 6,116,700: Radar Video Compression System; filed Oct. 14, 1980.

Patent application 6,230,577: Water-Armed/Air-Safed Release Apparatus; filed Feb. 2, 1981.

Patent application 4,221,417: Line Release System; filed Aug. 19, 1976; patented Sept. 9, 1980; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–4, Washington, D.C. 20546.

Patent application 6,210,491: Leading Edge Vortex Flaps for Drag Reduction; filed Nov. 20, 1980.

Patent application 6,210,498: A Low Energy Electron Magnetometer; filed Nov. 20, 1980.

Patent application 6,210,506: Fixture for Environmental Exposure of Structural Materials under Compression; filed Nov. 20, 1980.

Patent application 6,228,231: Intrusion Detection Method and Apparatus; filed Jan. 28, 1981.

Patent application 6,229,693: Heat Pipes to Reduce Engine Exhaust Emissions; filed Jan. 30, 1980.

Patent application 6,233,269: Electromigration Process for the Purification of Molten Silicon During Crystal Growth; filed Feb. 10, 1981.

Patent application 6,233,271: Antenna Grout Replacement System; filed Feb. 10, 1981.

Patent application 6,233,274: Optical Signature Generating and Correlating Apparatus; filed Feb. 10, 1981.

Patent application 6,234,244: Sidelooking Laser Altimeter for a Flight Simulator; filed Feb. 13, 1981.

Patent application 6,235,797: Improved Thermionic Energy Converters; filed Feb. 19, 1981.

Patent application 6,235,867: Fiberglass/Epoxy Composite Automotive Door Structure Including a Glass-Reinforced Intrusion Strip; filed Feb. 19, 1981.

Patent 4,236,684: Thrust Augmented Spin Recovery Device; filed Apr. 27, 1979; patented Dec. 2, 1980; not available NTIS.

Patent 4,241,312: Self-Calibrating Threshold Detector; filed Jul. 27, 1979; patented Dec. 23, 1980; not available NTIS.

Patent 4,242,553: Apparatus for Use in the Production of Ribbon-Shaped Crystals from a Silicon Melt; filed Aug. 31, 1978; patented Dec. 30, 1980; not available NTIS.

Patent 4,242,884: Integrated Control System for a Gas Turbine Engine; filed May 25, 1976; patented Jan. 6, 1981; not available NTIS.

Patent 4,244,853: Composition and Method for Making Polyimide Resin-Reinforced Fabric; filed Apr. 6, 1979; patented Jan. 13, 1981; not available NTIS.

Patent 4,245,286: Buck/Boost Regulator; filed May 21, 1979; patented Jan. 13, 1981; not available NTIS.

Patent 4,245,288: Elimination of Current Spikes in Buck Power Converters; filed Oct. 31, 1978; patented Jan. 13, 1981; not available NTIS.

Patent 4,245,566: Safety Shield for Vacuum/Pressure Chamber Viewing Port; filed June 29, 1979; patented Jan. 20, 1981; not available NTIS.

Patent 4,245,766: Method of Cold Welding Using Ion Beam Technology; filed July 26, 1978; patented Jan. 20, 1981; not available NTIS.

Patent 4,245,956: Compensating Linkage for Main Rotor Control; filed Dec. 25, 1978; patented Jan. 20, 1981; not available NTIS.

Patent 4,247,434: Process for Preparation of Large-Particle-Size Monodisperse Latexes; filed Dec. 29, 1978; patented Jan. 27, 1981; not available NTIS.

Patent 4,248,083: Containerless High Temperature Calorimeter Apparatus; filed June 29, 1979; patented Feb. 3, 1981; not available NTIS.

Patent 4,249,238: Apparatus for Sensor Failure Detection and Correction in a Gas Turbine Engine Control System; filed May 24, 1978; patented Feb. 3, 1981; not available NTIS.

Patent 4,249,957: Copper Droped Polycrystalline Silicon Solar Cell; filed May 30, 1979; patented Feb. 10, 1981; not available NTIS.

[FR Doc. 81–21341 Filed 7–20–81; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, September 1, 1981; Tuesday, September 8, 1981; Tuesday, September 15, 1981; Tuesday, September 22, 1981; and Tuesday, September 29, 1981 at 10:00 a.m. in Room 3D–321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–264, The Pentagon, Washington, D.C.

July 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–21292 Filed 7–20–81; 8:45 am]

BILLING CODE 3810–70–M

Department of the Army

Ongoing Operation of the United States Military Academy; Filing of Environmental Impact Statement

The Army, on July 17, 1981, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing operation of the United States Military Academy, West Point, New York. The DEIS evaluates the environmental impacts associated with (1) the ongoing operations of the Academy, and (2) the ongoing operations associated with major construction developed as part of the USMA Master Plan. Copies of the statement are being forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Superintendent, United States Military Academy, ATTN: MAEN-AE (LTC MacKinnon), West Point, New York 10996.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

July 9, 1981.

[FR Doc. 81–21108 Filed 7–20–81; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Duluth—Superior Harbor Improvement; Intent To Prepare Draft Environmental Impact Statement

Intent to prepare a draft environmental impact statement (DEIS) for the Duluth-Superior Harbor Improvement. The harbor is located between Duluth, Minnesota and Superior, Wisconsin.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY:

Proposed Actions

The construction and maintenance of a confined disposal facility (CDF) at the Duluth-Superior Harbor is proposed for containment of the sediments to be removed from deepening the upstream channels. The project activities include: (a) Construction of a confined disposal facility at an inwater location at the Berwind Dock site in Duluth, Minnesota or at an upland location in the Superior Forest in Superior, Wisconsin; (b) dredging of the existing upstream channels from 23 feet to 27 feet from mile 4.0 to 7.3 to remove approximately 2,000,000 cubic yards of sediment; and (3) placement of pipe, if necessary, from the mooring location to the disposal site.

Alternatives

In addition to dredging to the 27-foot depth by mechanical or hydraulic dredge with disposal at the Berwind or Superior Forest site, six other alternatives will be evaluated. These alternatives include: no action; widening the cross channel area; deepening the existing upstream channels by mechanical dredge to 25 feet with disposal at the Berwind Site; deepening the existing upstream channels by hydraulic dredge to 25 feet with disposal at the Berwind Site; deepening the existing upstream channels by hydraulic dredge to 25 feet with disposal at the Superior Forest Site; and downstream development (relocation).

Scoping Process

a. *Public Involvement.* A public meeting was held in April 1972 and had been coordinated with the members of existing local organizations to assist in project planning. Due to the lack of agreement on a disposal location, the project was deactivated in 1978. Apparent consensus on two proposed disposal sites allowed the project to be reactivated in 1979. The Harbor Advisory Committee, developed by the Metropolitan Interstate Committee (MIC), assisted in coordinating efforts with local interests to agree upon a final plan for disposal. A public workshop was held in January 1981 and strong support to deepen the channel to 27 feet, to widen the cross channel, and to complete the study rapidly was indicated. Throughout this period of time, many formal and informal

meetings have been held with Federal, State and local agencies.

b. *Significant Issues.* The selection of one disposal location is a significant issue and is being resolved between the two cities of Duluth, Minnesota and Superior, Wisconsin and other Federal, state and local agencies. The two cities have expressed concern about the cost-sharing formula. There have also been questions concerning the Federal funding and as to the Federal responsibility.

c. *Environmental Review and Consultation Requirements.* This project will be reviewed for compliance with the following rules and regulations: Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Executive Order 11990, Wetlands Protection, May 1977; Clean Water Act of 1977; and Environmental Quality, Policy and Procedures for Implementing NEPA (Corps Engineering Regulation 200-2-2).

Estimated Date of Release

It is anticipated that the DEIS will be available to the public March 1982.

Address

Questions about the proposed action and DEIS can be answered by: Miss Judith McLane, Environmental Branch, U.S. Army Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, Tel (313) 226-6753.

John O. Roach II,

Department of Army Liaison Officer with the Federal Register.

[FR Doc. 81-21170 Filed 7-20-81; 8:45 am]

BILLING CODE 3710-GA-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-015; OFC Case Number 55119-9207-01-12]

General Motors Corp.; Acceptance of Petition for Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On June 18, 1981, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

GM requested a permanent fuels mixture exemption in order to burn natural gas in a mixture with coal in a new field-erected boiler to be constructed at its Assembly Division Plant at Lake Orion, Michigan.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. GM utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether GM will be granted the requested permanent exemption to use natural gas in a mixture with coal in the new MFBI in which the amount of natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit. In its petition, GM did not request an exemption to burn petroleum in the unit.

ERA has determined that GM's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant GM the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of GM's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis notice herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of GM's petition for exemption are due on or before September 4, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of GM's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-015 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler to be constructed at GM's Assembly Division Plant at Lake Orion, Michigan. The new MFBI, designated as the boiler No. 1 by GM, will have a design heat input rate of approximately 60 million Btu's per hour and will burn coal in a mixture with natural gas. Boiler No. 1, when aggregated with three other

new coal-fired boilers of approximately the same size at the same site, is subject to the prohibitions of Title II of the Act in accordance with the aggregation criteria contained in 10 CFR 500.5 (b)(2).

GM has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of natural gas to be used in the fuels mixture in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That, pursuant to 10 CFR 503.15(b), GM will, prior to operating boiler No. 1 under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

All steam pipes will be insulated and all steam traps properly maintained; and

That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that GM's petition for a permanent fuels mixture exemption for its boiler No. 1 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis. The ERA staff has examined the aforementioned certifications made by GM in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant GM the requested permanent fuels mixture exemption for its boiler No. 1. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for boiler No. 1.

Terms and Conditions. Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of natural gas to be used in a mixture with an alternate fuel in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(3) Prior to operating boiler No. 1 GM will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements. In addition to the above standard terms and conditions, GM will, pursuant to 10 CFR 503.38(g), certify to ERA the date boiler No. 1 is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of that anniversary date, a certification that the amount of petroleum and natural gas used in Boiler No. 1 during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM. Cite OFC Case Number 55119-9207-01-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55119-9207-01-12, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines. On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. GM's responses to the questions contained therein indicate that the operation of the new boiler No. 1 will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial questions regarding the application of the categorical exclusion in this instance are raised during the proceeding on GM's petition which indicate otherwise, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.66 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on July 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-21171 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-016; OFC Case No. 55119-9206-01-12]

General Motors Corp.; Acceptance of Petition for Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Acceptance of Petition for Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Notice of Availability of Tentative Staff Analysis.

SUMMARY: On June 18, 1981, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38278 and 38302 respectively.

GM requested a permanent fuels mixture exemption in order to burn natural gas in a mixture with coal in a new field-erected boiler to be constructed at its Assembly Division Plant at Wentzville, Missouri.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. GM utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether GM will be granted the requested permanent exemption to use natural gas in a mixture with coal in the new MFBI in which the amount of natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit. In its petition, GM did not request an exemption to burn petroleum in the unit.

ERA has determined that GM's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant GM the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of GM's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the Supplementary Information section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of GM's petition for exemption are due on or before September 4, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of GM's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-016 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler to be constructed at GM's Assembly Division Plant at Wentzville, Missouri. The new MFBI, designated as the boiler No. 1 by GM, will have a design heat input rate of approximately 80 million Btu's per hour and will burn coal in a mixture with natural gas. Boiler No. 1, when aggregated with three other new coal-fired boilers of approximately the same size at the same site, is subject to the prohibitions of Title II of the Act in accordance with the aggregation criteria contained in 10 CFR 500.5(b)(2).

GM has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of natural gas to be used in the fuels mixture in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That, pursuant to 10 CFR 503.15(b), GM will, prior to operating boiler No. 1 under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

All steam pipes will be insulated and all steam traps properly maintained; and

That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that GM's petition for a permanent fuels mixture exemption for its boiler No. 1 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis. The ERA staff has examined the aforementioned certifications made by GM in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant GM the requested permanent fuels mixture exemption for its Boiler No. 1. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for Boiler No. 1.

Terms and Conditions. Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of natural gas to be used in a mixture with an alternate fuel in Boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(3) Prior to operating boiler No. 1 GM will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements. In addition to the above standard terms and conditions, GM will, pursuant to 10 CFR 503.38(g), certify to ERA the date boiler No. 1 is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of that anniversary date, a certification that the amount of petroleum and natural gas used in Boiler No. 1 during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM. Cite OFC Case Number 55119-9206-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55119-9207-01-12, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines. On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. GM's responses to the questions contained therein indicate that the operation of the new boiler No. 1 will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial questions regarding the application of the categorical exclusion in this instance are raised during the proceeding on GM's petition which indicate otherwise, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on July 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-21172 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Murray Enterprises, of Livermore, California, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 4,095,560, entitled "Fuel-Injecting Spark Plug." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

This is republication of the notice appearing in the **Federal Register** (46 FR 29495, June 2, 1981), which identified the incorrect patent number. Accordingly, the prior notice is hereby cancelled.

The proposed license will have a duration of 10 years and will contain terms and conditions in accordance with 35 U.S.C 209. DOE intends to grant the license unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) an application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States, in which applicant states that he has already brought the invention to

practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical application within a reasonable period and (ii) that the granting of the license will be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Signed at Washington, D.C. this 14th day of July, 1981.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81-21240 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of June 8 through June 12, 1981

During the week of June 8 Through June 12, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 14, 1981.

Benson-Montin-Greer, Drilling Corporation, Farmington, New Mexico, BEE-1118, crude oil

Benson-Montin-Greer Drilling Corporation (BMG) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit BMG to establish the base production control level of a new unit in accordance with the provisions of 10 CFR § 212.72 rather than Section 212.75. On June 12, 1981, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Indiana Farm Bureau Cooperative Association, Washington, D.C., BEE-1628, crude oil

Indiana Farm Bureau Cooperative Association filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Indiana Farm to sell additional entitlements to correct a crude oil cost disparity which the firm alleges to have experienced during the period January 1, 1980 through January 27, 1981. On June 12, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-21239 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of June 8 Through June 12, 1981

During the week of June 8 through June 12, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Orders

Batson Petroleum Corporation, d.b.a. Tiny Town Truckstops, 6/12/81, DRO-0136.

Batson Petroleum Corporation d.b.a. Tiny Town Truckstops objected to a Proposed Remedial Order which was issued to the firm by the ERA Southeast Enforcement District on October 25, 1978. In the Proposed Remedial Order, the Southeast Enforcement District found that the firm had charged prices to customers of No. 2 diesel fuel that exceeded the firm's maximum legal selling prices for that product as set forth in 10 CFR 212.93.

In considering the firm's objectives, the DOE found that Batson failed to demonstrate that the PRO was factually or legally deficient. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. (The important issues discussed include whether the firm should be permitted to net overcharges with undercharges without regard to the conditions set forth in *Mid-Continent, Inc.*, 3 FEA ¶ 80,507 (1975).)

Joe E. Smith, 6/11/81, DRO-0149

Joe E. Smith filed a Statement of Objections to a Proposed Remedial Order issued to him by Region VI of the DOE Economic Regulatory Administration's Office of Enforcement. In the Proposed Remedial Order, Region VI found that Smith had, at various times during the period 1974 through 1976, sold crude oil at prices in excess of those permitted by the price regulations. In his Statement of Objections, Smith does not contest the finding of the violation, but rather requests that the period in which he must refund the overcharge, plus interest, be extended from 90 days to five years. In considering Smith's Objections, the DOE determined that the refund period be extended from 90 days to twenty months. Additionally, the DOE determined that the ERA's Motion to Modify Proposed Remedial Order to Provide for Alternate Disposition of Overcharges, in which the ERA seeks to have Smith refund the overcharge, plus interest, to a DOE escrow account instead of to his purchaser, be granted. The DOE also determined that the ERA's Motion for Modification of the PRO with respect to interest rates be granted prospectively from the date the Motion was filed, and be denied in all other respects. Finally, the DOE determined that a twelve (12) percent rate of interest be assessed on Mr. Smith's refund obligation from February 1, 1980 until the date the Motion with respect to interest rates was filed.

Sycamore Shell, 6/12/81, BRO-1385

On December 15, 1980, A. J. Atale d/b/a Sycamore Shell filed a Statement of Objections to a Proposed Remedial Order that the DOE Office of Enforcement has issued to the firm on July 30, 1980. In the Proposed Remedial Order, the Office of Enforcement found that the firm had charged prices for gasoline higher than those permitted by 10 CFR § 212.93(a)(2) and had refused to make records available for inspection upon the request of the DOE in violation of 10 CFR 210.92(b). In its Statement of Objections, the firm stated that it had charged a cents-per-gallon fee for services associated with the sale of gasoline, despite the fact that such fees were prohibited by 10 CFR 210.62(d)(1). After considering the firm's objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Remedial Order. The issues discussed in the decision include the authority of the DOE to fashion equitable remedies for violations of the agency's regulations.

Remedial Orders

In the following case involving a Proposed Remedial Order and/or Interim Remedial Order for Immediate Compliance, no Statements of Objection were filed. The DOE therefore issued the orders in final form.

Company Name and Case No.

George Clement d/b/a George's Standard, BRW-0089

Request for Modification and/or Rescission

San Joaquin Refining Company, Inc., 6/12/81, BYR-0125

On May 4, 1981, San Joaquin Refining Company, Inc. filed a Motion for Reconsideration of a Supplemental Decision and Order issued to the firm on April 20, 1981. In the April 20 Supplemental Order, we determined that San Joaquin had received excessive benefits for its fiscal year ended April 30, 1979 and should thus purchase $660,713 of entitlements to repay those excessive benefits. In granting the firm's Motion for Reconsideration, we found that the April 20 Supplemental Order had erroneously applied the 1975 NOOSR ceiling on a retroactive basis. Accordingly, we concluded that the firm should only purchase $31,896 of entitlements in order to reimburse the Entitlements Program for the excessive entitlement benefits which it received for its 1979 fiscal year.

Requests for Exception

Asamera Oil (U.S.), Inc., 6/8/81, BXE-1600, BXE-1601

On January 19, 1981, Asamera Oil (U.S.), Inc. (Asamera) filed Applications for Exception from the provisions of 10 C.R.R., Part 212, Subpart D in which the firm sought extensions of previously granted exception relief enabling it to sell portions of the crude oil production from the Myrin Ranch and Carrell leases located in Duchesne County, Utah at prices in excess of the applicable ceiling price levels. In the final Decision and Order, the DOE also considered a Statement of Objections to the extension of relief filed by the Standard Oil Company of Ohio (Sohio). In considered the Asamera request, the DOE determined that the firm failed to meet the applicable criteria for retroactive relief and thus was not eligible for an extension of exception relief effective December 1, 1980, the date on which previously granted exception relief terminated. However, the DOE determined that the firm's January 19 submission contained adequate information to evaluate its applications under the standards set forth in *Great Southern Oil & Gas Co., Inc.*, 3 FEA ¶ 83,124 (1976). Accordingly, under the precedent established in *Chevron U.S.A., Inc.*, 3 DOE ¶ 81,003 (1979), Asamera was accorded exception relief on a prospective basis effective January 19, 1981. As a result of Executive Order No. 12287, 46 Fed. Reg. 9909 (January 30, 1981), which immediately exempted crude oil from price and allocation controls effective January 28, 1981, however, no exception relief was found to be necessary beyond January 27, 1981, and exception relief for Asamera's Myrin Ranch and Carrell lease production was therefore limited to the period January 19 through 27, 1981.

Colstrip Town Pump, Inc., 6/9/81, BXE-1150

Colstrip Town Pump, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary in order to prevent the residents from experiencing an unfair distribution of burdens. Accordingly, the firm's Application for Exception was granted for the period November 1980 through January 1981.

Rehoboth Amoco, 6/10/81, BEO-0092

On April 27, 1979, Rehoboth Amoco (Rehoboth) filed an Application for Exception in which it sought an increase in its base period allocation of motor gasoline. On September 20, 1979, the Northeast Regional Center of the DOE Office of Hearings and Appeals issued a Proposed Decision tentatively granting the firm relief. This relief was made effective immediately by an Interim Order issued on September 25, 1979. Subsequently, Rehoboth filed a Statement of Objections, arguing that the relief which had been tentatively approved was insufficient to enable the firm to meet its operating expenses.

After considering the matter, the DOE determined that Rehoboth's Statement of Objections was rendered moot by the January 28, 1981 Executive Order that exempted motor gasoline from the provisions of the DOE Mandatory Allocation Regulations. Accordingly, the firm's Statement of Objections was dismissed and the September 20, 1979 Proposed Decision issued as a final Decision and Order of the DOE.

Ross Oil Company, 6/12/81, BEE-1592

Ross Oil Company (Ross) filed an Application for Exception in which it requested that it be relieved of the requirement to file Form EIA-172, "Sales of Fuel Oil and Kerosene" for calendar year 1979. In considering the exception request, the DOE found that the reporting requirements imposed a grossly inequitable burden on the firm. Accordingly, exception relief was granted.

SSM Oil & Gas Producers, 6/10/81, BEE-1137

SSM Oil and Gas Producers filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought permission to recertify the crude oil produced in October 1979 from the Myrtle Hubbard lease located in Richland Parish, Louisiana as stripper well crude oil. In considering the request, the DOE determined that the firm failed to satisfy the generally applicable criteria for the approval of retroactive exception relief. The DOE also determined that the firm had failed to demonstrate that the requirement that stripper well crude oil be certified as such to the purchaser within the two month period following the month in which the crude oil was produced and sold constituted an invalid regulation. Accordingly, exception relief was denied.

USA Petroleum Corporation, 6/10/81, BEE-1357

USA Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought exception relief from its entitlements purchase obligation for the month of July 1980 with respect to its receipts of upper tier Alaskan North Slope (ANS) crude oil during May 1980. In considering the request, the DOE determined that USA did not experience a gross inequity as a result of the treatment of ANS crude oil under the Entitlements Program and that the firm failed to demonstrate that it would experience a serious hardship in the absence of exception relief. Accordingly, exception relief was denied.

Requests for Stay

Masonite Corporation, Uncle Ben's Foods, Inc., 6/12/81, BES-0670, BES-0672

Masonite Corporation and Uncle Ben's Foods, Inc. filed Applications for Stay in which the firms requested that they be placed on the January Entitlements List and issued runs credits for their production and consumption of sold waste pursuant to 10 CFR 211.67(a)(5)(i)(F). The Applications for Stay related to Appeals filed by the firms in which they claim that the ERA's failure to act upon their Applications for Entitlements Benefits for Petroleum Substitutes is a constructive denial thereof that should be reversed. In considering the Applications for Stay, the DOE rejected the firms' claims with respect to the nature of the irreparable harm and the appropriateness of the requested relief. The DOE further found, however, that the ERA's apparent policy of suspending the issuance of decisions on pending Applications for Entitlements Benefits for Petroleum Substitutes, pending the outcome of a related rulemaking proceeding, warranted an alternative form of relief. Accordingly, the DOE determined that the ERA should be directed to resume the issuance of decisions on pending Applications for Entitlements Benefits for Petroleum Substitutes and, thus, the Applications for Stay were granted in part.

Motions for Discovery

Atlantic Richfield Company, Office of Special Counsel, 6/10/81, BRD-1243, BRD-0079

Atlantic Richfield Company (Arco) filed a Motion for Discovery in connection with a Statement of Objections it filed to a Proposed Order of Disallowance issued to it by the Office of Special Counsel (OCS) on May 15, 1980. OSC later filed a Motion for Discovery directed toward Arco in connection with its Response to Arco's Statement of Objections. On April 27, 1981, the Office of Hearings and Appeals convened a hearing concerning both these discovery motions. At the hearing, it was found that those portions of both motions seeking information which was relevant and material to the enforcement proceeding should be granted. The DOE accordingly issued a Decision and Order granting both Motions for Discovery in part, for the reasons stated at the hearing. Among the discovery granted was discovery of DOE's contemporaneous construction of the Transfer Price Regulations, 10 CFR 212.93-94, discovery of the administrative records of

these regulations, and discovery of Arco's constructions of portions of these regulations.

Exxon Company, USA., Cities Service Company, Conoco, Inc., Marathon Oil Company, Sun Oil Company of Pennsylvania, The Standard Oil Company of Ohio, Tosco Corporation, Mobile Oil Corporation, 6/12/81, BED-0096, BEH-0096, BED-0097, BEH-0097, BED-0098, BEH-0098, BED-0099, BEH-0099, BED-0100, BEH-0100, BED-0101, BEH-0101, BED-0102, BEH-0102, BED-0103, BEH-0103

On December 31, 1980, a Decision and Order was issued to the Citronelle Unit in which exception relief in the amount of $80 million was approved in order to provide the working interest owners with the requisite financial incentives to undertake a tertiary recovery project on the Citronelle Field. In connection with their administrative appeals of the December 31 Order, eight firms filed Motions for Discovery and Evidentiary Hearing in connection with the Statements of Objections phase of the proceeding. The petitioners sought extensive discovery of the background and the events leading up to the approval of exception relief to the Citronelle Unit. The material requested by the petitioners is encompassed within four discrete categories:

(1) The motion must seek specific information which is relevant and material to factual issues which remain in dispute after all Statements of Objections and Responses have been filed.

(2) The requested information cannot be obtained through a method of discovery which ranks higher in the order of preference set forth in 10 CFR 205.64(a)

(3) The requested discovery must not place an undue burden on another person or on the DOE.

(4) The requested discovery must not cause undue delay.

After a review of the file in the Citronelle case, the DOE found that a substantial amount of the information sought through discovery had recently been made available to the petitioners by the Citronelle Unit. In addition, the DOE determined that discovery of certain material was warranted in order to provide information which would lead to the resolution of certain material issues of fact that remain in dispute. In this connection, the DOE concluded that discovery of the efforts undertaken by the Citronelle Unit to secure the agreement of the working interest owners to agree to undertake the tertiary recovery project was appropriate since one of the Citronelle Unit's contentions was that in the absence of exception relief the Unit could not garner the requisite percentage of the ownership interest to agree to undertake the project. The DOE also concluded that in order for all the parties to possess a full record in this case, the Citronelle Unit would be required to provide the petitioners with a summary of all communications that representatives of the Unit had with employees of the federal government prior to the issuance of the December 31 Order.

Finally, the DOE determined that an evidentiary hearing should be convened in order to receive testimony on disputed material issues of fact. The principal factors underlying the approval of exception relief were the alleged inability of the Citronelle Unit to secure the requisite percentage of the ownership interest to agree to undertake the enhanced crude oil recovery project and the alleged inability of the Citronelle Unit to obtain financing for the project in the absence of exception relief. It was determined that resolution of these disputed issues would be significantly enhanced by the oral testimony and cross examination of Citronelle officials and experts nominated by the requesters.

Hunt Oil Company, 6/10/81, BRD-0114

Hunt Oil Company filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm by the ERA on August 2, 1979. In its Motion, the firm submitted interrogatories and requests for production of DOE documents regarding the DOE definition of "property" and the reasons the DOE changed its position regarding the status of Hunt's Amacker Leases. In considering the Motion, the DOE determined that the firm failed to show that the information it requested is relevant or material or that the approval of the Motion would advance the resolution of any disputed factual issue in the case. Hunt's discovery request was therefore denied.

True Oil Company, 6/12/81, BRD-0268, BRH-0268

True Oil Company (True) filed Motions for Discovery and Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order that ERA's Rocky Mountain District issued to it on June 8, 1979. In its Motion for Discovery, True requested: (1) administrative record discovery of the regulations defining the terms "posted price" and "property" and the rulings relating to these definitions; (2) contemporaneous construction discovery of these terms; (3) specific information relating to the ERA's determination that the Amoco Bulletin A-3 reflected the highest posted price on May 15, 1973 for certain crude oil produced in Wyoming's Power River Basin; (4) documents relating to all audits of True's properties; (5) information concerning the DOE employees involved in the audits; and (6) information relating to True's contention that it is not liable for all the overcharges alleged in the PRO. Although the DOE denied the motion in most respects, it ordered the ERA to provide True with (1) all documents authored, approved, or authorized by responsible agency officers generated in the period between August 17, 1973 and January 31, 1976, that discuss the effect of "royalty, overriding royalty, or working interest accounting requirements or practices" under the "property" definition; (2) a list of all enforcement proceedings concerning May 15, 1973 Powder River Basin posted prices in which a Notice of Probable Violation or a Proposed Remedial Order has been issued; and (3) all documents in the ERA audit file that have not been released to True and which contain price offerings for the crude oil produced from the Powder River Basin which were in effect on May 15, 1973. With respect to the True Motion for Evidentiary Hearing, the DOE determined that none of the 14 issues identified in True's submission raised relevant and material issues of fact whose resolution would be substantially assisted by an evidentiary proceeding. The Motion for Evidentiary Hearing was therefore denied.

Interlocutory Order

Office of Special Counsel, 6/10/81, BRZ-0104

Pursuant to *Office of Special Counsel*, 8 DOE ¶ —— (May 15, 1981), the Office of Hearings and Appeals entered an Order finding Texaco Inc. to have admitted specified factual findings in a Remedial Order issued to it on May 1, 1979, which it failed to controvert in its Statement of Factual Objections.

Supplemental Orders

First National Bank in Dallas, 6/9/81, BEX-0217

On December 31, 1980, the DOE approved exception relief to the Citronelle Unit in order that the working interest owners could implement a tertiary recovery project on the Citronelle Field. *The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ 81,140 (1980). As a condition subsequent to receiving exception relief, the DOE indicated that it would appoint a special trustee to monitor the project. As a result, the DOE appointed the First National Bank in Dallas as special trustee and ratified the agreement that would be executed by the bank and the Citronelle Unit. The agreement sets forth the powers, duties and liabilities of the special trustee.

Office of Enforcement (GORCO), 6/9/81, BRX-0206

The Office of Enforcement of the Economic Regulatory Administration filed a Motion for Supplemental Order in which it requested that the Office of Hearings and Appeals lift the stay granted to Guam Oil & Refining Company, Inc. (GORCO) on May 20, 1978, *See Guam Oil & Refining Co.*, 1 DOE ¶ 82,052 (1978), and require GORCO to file a Response to the Notice of Probable Violation (NOPV) issued to the firm on March 30, 1978. In considering the Motion, the DOE found that the stay was intended to remain in force during the pendency of a related exception proceeding (Case No. FEE-4105) and that the completion of that exception proceeding warranted lifting of the stay at this time. The DOE also found that the public interest in the expeditious resolution of enforcement proceedings strongly favored lifting the stay. Accordingly, the Motion for Supplemental Order was granted.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name and Case No.

Farmers Union Central Exchange, Inc., Cities Service Company—BEJ-0302

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed:

Company Name and Case No.

Arnold's Arco & Rental, BEO-0560

Dismissals

The following submissions were dismissed without prejudice:

Company Name and Case No.

Allied Materials Corporation, BEA-0109
Giant Industries, Inc., BEE-1631; BES-1613; BET-1614
Hewit and Dougherty, DEE-2195
Dougherty Group, DEE-3455

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.
July 14, 1981.

[FR Doc. 81-21281 Filed 7-20-81; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Period of May 11 Through June 12, 1981

During the period of May 11 through June 12, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 on or before August 10, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Acting Director, Office of Hearings and Appeals.
July 14, 1981.

Conoco, Inc., Washington, D.C. BRO-1448, motor gasoline

On June 11, 1981, Conoco, Inc., High Ridge Park, Stamford, Connecticut 06904, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on May 6, 1981. In the PRO the Southwest District found that during the period from September 1, 1973 to December 31, 1980, Conoco overcharged certain customers who purchased gasoline and No. 2 oil at certain terminals in the firm's Reseller Sales Division. According to the PRO the Conoco violation resulted in $339,827.48 of overcharges.

Conoco, Inc., Washington, D.C. BRO-1448, motor gasoline

On June 11, 1981, Conoco, Inc., High Ridge Park, Stamford, Connecticut 06904, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on April 30, 1981. In the PRO the Southwest District found that during the period from June 7, 1973 to December 31, 1980, Conoco overcharged customers who purchased motor gasoline at its Lake Charles, Louisiana refinery. According to the PRO the Conoco violation resulted in $6,947,712.00 of overcharges.

Pacific Valley Center, Big Sur, California, BRO-1449, motor gasoline

On June 12, 1981, Pacific Valley Center, Big Sur, California 93920, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on May 29, 1981. In the PRO the Western District found that during July 11, 1980 to January 16, 1981, Pacific Valley Center has charged certain prices for certain grades of gasoline in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR § 212.93. According to the PRO the Pacific Valley Center violation resulted in $6,868.79 of overcharges.

[FR Doc. 81-21282 Filed 7-20-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4448-000]

CHASM Hydro, Inc.; Application for Preliminary Permit

July 15, 1981.

Take notice that CHASM Hydro, Inc. (Applicant) filed on April 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4448 known as the Forge Dam Project located on the Chateaugay River in Franklin County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Dowd, Box 319, Chateaugay, New York 12920.

Project Description—The proposed project would utilize the existing facilities owned by the Town of Belmont, New York, consisting of: (1) a 155-foot long and 20-foot high concrete reinforced masonry buttress-type dam with a 90-foot long wingwall at the right (east) side and a 77.5-foot long wingwall at the left (west) side; (2) two screened and steel-gated 6-foot square intake structures at the dam's left side; (3) a reservoir (Chateaugay Lake) having a surface area of 3,000 acres and a storage capacity of 82,500 acre-feet at normal maximum pool elevation 1,310 m.s.l.; (4) an 8-foot diameter 6-foot long steel penstock; and (5) appurtenant facilities.

Applicant proposes to construct: (1) an 8-foot diameter 400-foot long penstock along the left bank; (2) a reinforced concrete powerhouse containing a generating unit having a rated capacity of 350-kW; (3) a 600-foot long transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,150,000 kWh. Applicant would sell the project energy to New York State Electric & Gas Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would evaluate the existing facilities, determine the engineering, economic and environmental feasibility, perform studies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21278 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 4645-000]

Greenwood Ironworks; Application for Preliminary Permit

July 15, 1981.

Take notice that Greenwood Ironworks (Applicant) filed on May 11, 1981, and application for preliminary permit [pursuant to the Federal Powder Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4645 known as the Locks Dam Project located on the Appomattox River in Dinwidie and Chesterfield Counties, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joshua Greenwood, Greenwood Ironworks, 420 Grove Avenue, Petersburg, Virginia 23803.

Project Description—The proposed project would consist of: (1) an existing 300-foot long and 6-foot high diversion dam; (2) an existing 2.5 mile long intake canal; (3) a proposed powerhouse with an estimated installed generating capacity of 1,000 kW; (4) an exisitng 5-acre reservoir having 30 acre-feet of storage capacity; (5) an existing 40-foot high overflow spillway at the downstream terminus of the canal; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,200 MWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investigation decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $40,000.

Competing Applications—This application was filed as a competing application to the Locks Dam Project No. 3684 filed on November 5, 1980, by Chesdin Development Ltd. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4645. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21279 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-58-000]

Gulf States Utilities Co.; Application

July 16, 1981.

Take notice that on July 9, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission (the Commission) seeking an order pursuant to Section 204(a) of the Federal Power Act authorizing the issuance of not more than $100,000,000 Principal Amount of First Mortgage Bonds via negotiated placement.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21280 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-59-000]

Gulf States Utilities Co.; Application

July 16, 1981.

Take notice that on July 9, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authorization to enter into a leasing arrangement for coal porters which will be utilized to begin building the coal pile for the Applicant's Nelson Unit No. 6, a 540 megawatt coal-fired unit presently planned to be in service in 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21281 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-91]

Montana-Dakota Utilities Co.; Amendment of Stipulation and Agreement in Settlement of Remaining Issues

July 15, 1981.

Take notice that on July 10, 1981, Montana-Dakota Utilities Co. ("MDU") filed with the Commission for its consideration and approval, pursuant to § 1.18(e) of the Commission's Rules of Practice and Procedure, an Amendment of Stipulation and Agreement in Settlement of Remaining Issues ("Amendment"). The Amendment asserts that it revises MDU's currently effective curtailment plan, as approved by the Commission on November 30, 1979. The Amendment is joined in by all the active intervenors in the proceeding.

The proposed Amendment would restate the 1979 Settlement provisions regarding new connections for the years 1979 and 1980, allowing MDU to make up to 5,000 and 7,500 new high priority connections in calendar years 1979 and 1980, respectively. Article II of the 1979 Settlement is amended to allow MDU to make up to 7,500 new high priority connections and up to 50 new low priority connections (large commercial or industrial customers whose estimated usage is less than 300 Mcf on a peak day) as determined by reserve additions and deliverability limitations set forth in the Amendment. For any year in which MDU is permitted to make less than 7,550 new connections MDU must file a tariff sheet on or before March 31 of that year, fixing the number of new connections permitted.

Article II of the 1979 Settlement is further amended to provide that nothing in MDU's curtailment plan shall limit MDU's right to contract to and seek authorization to sell gas to Cody Gas Company as an on-system customer and, in fact, provides for express consent to the on-system sale of gas to Cody Gas Company by the intervenors who ratify this Amendment. MDU is thereby allowed to make sales of gas to off-system customers subject to deliverability conditions set forth in the Amendment. Again, ratification of the Amendment by the intervenors herein provides express consent to the excess gas sale to Colorado Interstate Gas Company and MIGC, Inc., as proposed in Docket No. CP81-316.

Article V of the 1979 Settlement is amended to allow MDU to offer its essential agricultural (including boiler fuel) users annual contracts for 100% of the essential agricultural use requirements through June 30, 1985, without requiring alternate fuel tests to be met by the agricultural customers.

Article VI of the 1979 Settlement is amended to allow MDU to offer its large industrial customers annual contracts for 100% of their Priority 2(b) and 4 requirements, as set forth in MDU's Index of Requirements, through June 30, 1985.

Article VII of the 1979 Settlement is amended to require MDU to take into account the availability of storage gas in determining its ability to make deliveries under Articles V and VI, and to withdraw gas from storage to the maximum extent feasible before invoking curtailment procedures. Moreover, before curtailing any of such contract quantities, MDU shall first curtail all Article II excess gas sales to off-system customers.

Article VIII of the 1979 Settlement is amended to require MDU to reduce deliveries to off-system purchasers before imposing an interruption on on-System customers except when doing so would not increase the gas available to the on-system customers which are subject to interruption. MDU will supply plant protection gas in the event of interruption. Finally, those customers who have converted to coal under Section 2.6(c) of MDU's FERC curtailment plan, shall be treated for purposes of ordering interruptions in the same manner as firm commercial requirements without alternate fuel capability installed.

MDU also agrees to propose and accept conditions to the excess gas sales certificate it is seeking in Docket No. CP81-316 which condition the proposed sale upon the deliverability conditions of Section (D) of Article II of the Amendment, provide for price conditions relative to the price for on-system customers, and require MDU to file various gas cost and deliverability reports on or before April 30 of each year through October 31, 1985.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 30, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10).

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21282 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4511-000]

City of Monticello; Application for Preliminary Permit

July 16, 1981.

Take notice that the City of Monticello (Applicant) filed on April 13, 1981, an applicaton for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4511 known as the Monticello Mill Dam Project located at the Monticello Mill Dam on the Maqyoketa River in Jones County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael E. Ament, P.E., Shive-Hattery & Associates, P.O. Box 1803, Cedar Rapids, Iowa 52406.

Project Description—The proposed project would utilize the existing Monticello Mill Dam owned by the Jones County Conservation Board. The project works would include: (1) an existing 12-foot high, 430-foot long concrete

structure with an overflow spillway; (2) an existing 40-acre reservoir with approximately 240 acre-feet of storage capacity; (3) a proposed powerhouse with an installed generating capacity of 300 kW and an estimated average annual generation of 1,314 GWh; (4) a proposed approach channel; (5) a proposed tailrace channel, and (6) appurtenant facilities. The Applicant states that the most likely customer for the power produced would be the Iowa Electric Light and Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, in support of an application for license for the project. The cost of Applicant's studies are estimated to be $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21277 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-60-000]

Northwestern Public Service Co.; Application

July 16, 1981.

Take notice that on July 10, 1981, the Northwestern Public Service Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to issue and sell 200,000 additional shares of its Common Stock, par value $7 per share, pursuant to Applicant's Automatic Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 198, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21203 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-37]

Oklahoma Natural Gas Gathering Corp.; Third Party Protest [1]

July 16, 1981.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,[2] and "Order on Rehearing of Order No. 23-B," [3] The Staff of the Commission protested on July 2, 1981 the assertion by the Oklahoma Natural Gas Gathering Corporation (Oklahoma) and certain producers that the contracts identified in its protests constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the following contracts does not constitute authority for the producer to increase prices to the extent claimed by Oklahoma in its evidentiary submission:

Seller	Rate schedule No. or contract date
Ladd Petroleum Corporation	30.
Texaco Inc	253.
ONG Exploration, Inc	22.
Union Texas Petroleum	61.
D.P.H. Ltd	30.
Al McCord, Inc	Mar. 4, 1977.
Home Petroleum Corporation	July 4, 1977.
Texas Oil & Gas Corporation	Sept. 11, 1978.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before July 31, 1981, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21204 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4692-000]

City of Paris, Ky.; Application for Preliminary Permit

July 16, 1981.

Take notice that the City of Paris, Kentucky (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4692 known as the Kentucky River Lock and Dam No. 12 located on Kentucky River in Estill County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, Inc., P. O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, containing two generating units rated at 9 MW each for a total installed capacity of 18 MW; (2) a proposed 0.5 mile, 69 kV transmission line; and (3) appurtenant facilities. Applicant estimates that the annual energy output for the project would be 51.02 GWh. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be performed: (1) selection of generating equipment; (2) land use; (3) transmission line right-of-way; (4) hydraulic analyses; (5) flow/energy calculations; (6) cost estimates; (7) financing; and (8) water quality. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 12 Project Nos. 3660, 3680 and 3971 filed on November 4, 1980, November 5, 1980, and January 12, 1981, by Continental Hydro Corporation, Dam Twelve Development Ltd, and Energenics System Inc., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, of petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4692. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21278 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4757]

Public Utility District No. 1 of Jefferson County; Application for Preliminary Permit

July 16, 1981.

Take notice that Public Utility District No. 1 of Jefferson County (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4757 known as the Rocky Brook Project located on Rocky Brook in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. R. Kint, Manager, Public Utility District No. 1 of Jefferson County, Jefferson County Courthouse, Jefferson and Cass Streets, Port Townsend, Washington, 98368.

Project Description—The proposed project will consist of: (1) an 80-foot high concrete dam, impounding approximately 450 acre-feet; (2) a 3,000-foot long, 48-inch diameter power conduit; (3) a powerhouse containing two units, each rated at 1,250 kW; (4) a tailrace; and (5) a two-mile long transmission line. The average annual energy generation is estimated to be 20.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. The cost of studies is estimated to be $320,000.

Competing Applications—This application was filed as a competing application to the Rocky Brook Project No. 3783 filed on November 24, 1980, by Rocky Brook Electric Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A

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[1] The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21286 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI81-414-000 et al.]

Southern Union Exploration Company (Partial Successor in Interest to Supron Energy Corporation); Application for Certificates of Public Convenience and Necessity

July 16, 1981.

Take notice that on June 29, 1981, Southern Union Exploration Company ("SX"), 1217 Main St., Suite 400, Dallas, Texas 75202, filed an application for certificates of public convenience and necessity to act as partial successor in interest to service previously authorized by the Commission to Supron Energy Corporation ("Supron"), as shown on Exhibit I. SX also requests that certain of dockets and rate schedules currently held by Supron be amended to reflect SX as the applicant for a portion of the service previously rendered by Supron.

Prior to the December 31, 1980 transfer between SX and Supron, the Commission had on file certificates of public convenience and necessity and rate schedules assigned in the name of Southern Union Exploration Company. On December 30, 1980 the name of that company was changed to Southern Union Exploration Company of Texas.

In a separate transaction, and pursuant to a corporate reorganization, Supron conveyed, as a contribution to capital, interests in certain of its properties to Southern Union Properties, Inc., a newly formed, wholly owned subsidiary of Supron. On December 31, 1980, all of the stock of Southern Union Properties, Inc. was traded to Southern Union Company in return for approximately 27% of the outstanding stock of Supron, which stock was owned by Southern Union Company. Because of the name change executed December 30, 1980, bringing into existence Southern Union Exploration Company of Texas on December 31, 1980, it was possible to change the name of Southern Union Exploration Company (SX) by amendment to the Articles of Incorporation.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Exhibit I

Supron Energy Company gas rate schedule No.	Certificate docket No.	Purchaser
1	CI 61-414-000	G-4612	El Paso Natural Gas Co.
3	CI 61-415-000	G-7671	Southern Union Exploration Co.
10	CI 61-416-000	CI 61-1267	El Paso Natural Gas Co.
11	CI 61-417-000	CI 64-935	Michigan Wisconsin Pipeline Co.
14	CI 61-418-000	CI 65-472	Michigan Wisconsin Pipeline Co.
15	CI 61-419-000	CI 65-767	El Paso Natural Gas Co.
17	CI 61-420-000	CI 66-403	Arkansas Louisiana Gas Co.
19	CI 61-421-000	Unknown	Michigan Wisconsin Pipeline Co.
20	CI 61-422-000	Unknown	Michigan Wisconsin Pipeline Co.
32	CI 61-423-000	Unknown	Arkansas Louisiana Gas Co.
34	CI 61-424-000	Unknown	Arkansas Louisiana Gas Co.
37	CI 61-425-000	Unknown	Northwest Pipeline Corp.
39	CI 61-426-000	Unknown	Arkansas Louisiana Pipeline Co.

[FR Doc. 81-21288 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI77-428-003, et al.]

Southern Union Exploration Company of Texas (Formerly: Southern Union Exploration Company); Corporate Name Change

July 16, 1981.

Take notice that on June 29, 1981, Southern Union Exploration Company of Texas ("SXT"), 1217 Main St., Suite 400, Dallas, Texas 75202, filed an application in Docket Nos. CI72-428-003, *et al.*, to amend the certificates currently held by Southern Union Exploration Company ("SX"), so as to substitute SXT for SX as certificate holder and to redesignate the rate schedules in the name of the Applicant.

By Certificate of Amendment of Certificate of Incorporation, effective December 30, 1980, Southern Union Exploration Company changed its name to Southern Union Exploration Company of Texas.

The various dockets and rate schedules are listed in the attached appendix.

Notice is hereby given that all certificates, rate schedules and pending applications and proceedings as listed in the attached Appendix are redesignated to reflect the corporate name change from Southern Union Exploration Company to Southern Union Exploration Company of Texas, effective December 30, 1980.

Kenneth F. Plumb,

Secretary.

Appendix

[Docket numbers of Southern Union Exploration Company]

Rate schedule No.	Docket No.	Purchaser
1	CI 77-428-003	Western Gas Interstate.
2	CI 77-469-002	El Paso Natural Gas Co.
3	CI 77-578-001	Southern Union Co.
4	CI 78-579-003	El Paso Natural Gas Co.
5	CI 77-577-002	Western Gas Interstate.

[FR Doc. 81-21287 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RM79-34 and ST81-260]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Mustang Fuel Corp.; Self-Implementing Transactions

July 16, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to Section 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to Section 284.202 of the Commission's Regulations. Any interested person may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date*	Transportation rate (¢/MMBTU)
ST81-260	Mustang Fuel Corp	El Paso Natural Gas Co	05/01/81	C	09/28/81	32.39
ST81-261	Channel Industries Gas Co	Transcontinental Gas Pipe Line Corp	05/01/81	C		
ST81-262	Northwest Pipeline Corp	El Paso Natural Gas Co	05/04/81	G		
ST81-263	United Gas Pipe Line Co	Valero Transmission Co	05/04/81	B		
ST81-264	Colorado Interstate Gas Co	Texas Gas Transmission Corp	05/04/81	G		
ST81-265	Texas Eastern Transmission Corp	Transwestern Pipeline Co	05/05/81	G		
ST81-266	Trunkline Gas Co	Southern Natural Gas Co	05/05/81	G		
ST81-268	Dow Intrastate Gas Co	Natural Gas Pipeline Co. of America	05/05/81	C	10/02/81	15.00
ST81-269	Monterey Pipeline Co	Columbia Gas Transmission Corp	05/08/81	C	10/05/81	17.50
ST81-270	Louisiana Resources Co	Texas Gas Transmission Corp	05/11/81	C	10/08/81	6.00
ST81-271	National Fuel Gas Supply Corp	Connecticut Natural Gas Co	05/04/81	B		
ST81-272	National Fuel Gas Supply Corp	Lowell Gas Co	05/04/81	B		
ST81-273	Northern Natural Gas Co	Northwest Pipeline Co	05/11/81	G		
ST81-274	Coronado Transmission Co	Southern Natural Gas Co	05/11/81	C		
ST81-275	Mountain Fuel Supply Corp	Northwest Pipeline Corp	05/12/81	G		
ST81-276	Tennessee Gas Pipeline Co	Florida Gas Transmission Co	05/13/81	G		
ST81-277	Delhi Gas Pipeline Corp	Southern Natural Gas Co	05/13/81	C	10/10/81	39.07
ST81-278	Houston Pipe Line Co	Public Service Electric and Gas Co	05/11/81	C		
ST81-279	Houston Pipe Line Co	El Paso Natural Gas Co	05/11/81	C		
ST81-280	Oasis Pipe Line Co	El Paso Natural Gas Co	05/11/81	C		
ST81-281	Texas Eastern Transmission Corp	Consolidated Edison Co., Inc	05/18/81	F		
ST81-282	The East Ohio Gas Co	Bay State Gas Co	05/14/81	G(HT)		
ST81-283	The East Ohio Gas Co	Fitchburg Gas and Electric Light Co	05/14/81	G(HT)		
ST81-284	Tennessee Gas Pipeline Co	Bay State Gas Co	05/20/81	B		
ST81-285	Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Light Co	05/20/81	B		
ST81-286	Tennessee Gas Pipeline Co	Consolidated Gas Supply Corp	05/21/81	G		
ST81-287	Natural Gas Pipeline Co of America	Enlex, Inc	05/26/81	B		
ST81-288	Black Marlin Pipeline Co	Lone Star Gas Co	05/20/81	B		
ST81-289	Seagull Pipeline Corp	United Gas Pipe Line Co	05/26/81	C		
ST81-290	Seagull Pipeline Corp	United Gas Pipe Line Co	05/26/81	C		
ST81-291	Galaxy Energies, Inc	United Gas Pipe Line Co	05/26/81	C		
ST81-292	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	05/26/81	B		
ST81-293	Natural Gas Pipeline Co. of America	United Gas Pipe Line Co	05/29/81	G		
ST81-294	Mountain Fuel Supply Co	Colorado Interstate Gas Co	05/27/81	G		
ST81-295	The Nuecos Co	Colorado Interstate Gas Co	05/29/81	D	10/26/81	39.84
ST81-296	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	05/29/81	G		

*The intrastate pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 81-21289 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-64-000]

USA Petroleum Corp.; Filing of Petition for Review

July 16, 1981.

Take notice that USA Petroleum Corporation on July 10, 1981 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 31, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participant in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 31, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025,

1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21289 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4505-000]

C.D.M. Generating Inc.; Application for Preliminary Permit

July 15, 1981.

Take notice that C.D.M. Generating Inc. (Applicant) filed on April 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4505 to be known as Iron Mountain Project located on Spring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Gary Drumm, P.O. Box 1776, Redding, California 96099. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3-foot high concrete overflow diversion dam; (2) a 4,200-foot long and 36-inch diameter steel penstock; (3) a powerhouse containing one generating unit rated at 2,000 kW; and (4) a 600-foot long transmission long.

The Applicant estimates that the average annual energy output would be 13 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company or to the City of Redding, California.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $90,000.

Competing Applications—This application was filed as a competing application to Iron Mountain Mines, Inc.'s Project No. 4311 filed on March 10, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4505. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21290 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4736-000]

City of Malden, Missouri; Application for Preliminary Permit

July 15, 1981.

Take notice that the City of Malden, Missouri (Applicant) filed on May 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4736 to be known as the Wappapello Lake Project located on the St. Francis River in Wayne County, Missouri. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip A. Santie, City of Malden, 115 East Main Street, Malden, Missouri 63863.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Wappapello Dam and would consist of a powerhouse containing one or more generating units having a rated capacity of 4 MW, an existing 69-kV transmission line, a penstock, a spillway, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 24,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for an FERC license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Competing Applications—This application was filed as a competing application to the Wappapello Lake Project No. 3563 filed on October 14, 1980, by the City of Nashville, Arkansas under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4736. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21291 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-53-000]

Iowa Public Service Co.; Amended Application

July 14, 1981.

Take notice that on July 10, 1981, Iowa Public Service Company (Applicant), filed an amended application pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $30 million aggregate principal amount of First Mortgage Bonds by means of a private placement. All such Bonds are to be issued on or about July 27, 1981, and will bear final maturity dates not later than eight years after the date of issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1981, file with the Federal Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is avialable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21292 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2744-001]

Menominee Co.; Application for License (Major)

July 15, 1981.

Take notice that Menominee Company (Applicant) filed on December 5, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)] for continued operation of the Park Mill and Menominee Project No. 2744. The project is located on the Menominee River in Marinette County, Wisconsin and Menominee County, Michigan. Correspondence with the Applicant should be directed: Mr. R. Duke Vickrey, Scott Paper Company, Scott Plaza Two, Philadelphia, Pennsylvania 19113.

Project Description—The existing project consists of the Park Mill and Menominee Project facilities. The Park Mill facility (upstream) consists of: (1) an existing reservior with a normal elevation of 610 feet (m.s.l.) and a surface area of approximately 539 acres; (2) an existing concrete gravity dam structure approximately 22 feet high and 536 feet long with a normal operating head of 16 feet; (3) an existing intake canal approximately 2,400 feet long; (4) an existing spillway section consisting of seven, 20-foot wide by 11-foot high tainter gates and 350 feet of overflow spillway with flashboards; (5) an existing brick and concrete powerhouse with two horizontal and three vertical turbines having a combined maximum capacity of 1,744 kW; and (6) appurtenant facilities. The Menominee facility (downstream) consists of: (1) an existing reservoir with a normal elevation of 594 feet (m.s.l.) and a surface area of approximately 143 acres; (2) an existing concrete gravity dam structure approximately 26 feet high and 456 feet long with a normal operating head of 12 feet; (3) an existing spillway section consisting of twelve, 20-foot wide by 11-foot high tainter gates and a 150-foot long overflow spillway; (4) an existing 13-foot long concrete gravity closed dam and a 20-foot long earth embankment with concrete core wall at the south end of the spillway; (5) an existing concrete powerhouse with four vertical-type turbines having a combined maximum capacity of 2,240 kW; and (6) appurtenant facilities. The two facilities have a combined generating capacity of 3,984 kW and an average annual energy output of 20.265 MWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 21, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 19, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commisson, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before September 21, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21288 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GT81-6-000]

North Penn Gas Co.; Proposed Revision of Service Agreement

July 14, 1981.

Take notice that North Penn Gas Company (North Penn), on June 22, 1981, tendered for filing proposed Revision No. 1 to the Service Agreement between North Penn and Corning Natural Gas Corporation (Corning). North Penn states that the only effect of this revision is to increase the daily volume of gas that Corning may purchase from Consolidated Gas Supply Corporation at Horsehead, New York, during the months of December through March from 7,000 Mcf to 8,000 Mcf. No change in North Penn's revenues is contemplated.

North Penn proposes an effective date of July 22, 1981.

Copies of the filing were served on North Penn's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21286 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2833-002]

Public Utility District No. 1 of Lewis County; Application for a New Major License

July 15, 1981.

Take notice that on April 6, 1981, the Public Utility District No. 1 of Lewis County, Washington (Applicant) filed an application for license with the Federal Energy Regulatory Commission [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction, operation and maintenance of the Cowlitz Falls Hydroelectric Project, FERC No. 2833 to be located on the Cowlitz River in Lewis County, Washington. Correspondence with the Applicant should be directed to: Mr. Garry H. Kalich, Manager, Lewis County Public Utility District No. 1 of Lewis County, P.O. Box 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of (1) a concrete-gravity dam, 800 feet long, 140 feet high with four spillway bays each 60 feet wide and equipped with four hoist-operated 600-foot wide and 36-foot high radial gates; (2) a reservoir which would extend about 12.3 miles up the Cispus River, with a gross storage capacity of 13,150 acre-feet and a surface area of 870 acres at 866 feet m.s.l.; (3) an intake structure integral with a non-overflow, gravity section of the dam consisting of two rectangular, 27-foot by 33-foot bellmouth openings, each leading by way of a transition to 16-foot diameter penstocks; (4) a reinforced concrete powerhouse integrated with the dam and intake structure, housing two identical generating units with a total rated capacity of 35.1 MW; (5) two generator step-up 3-phase, 60-Hz transformers rated at 40.5 MVA FOA located at the powerhouse; (6) a switchyard containing two circuit breakers located 500 feet downstream from the powerhouse; (7) a 5.2 mile long transmission line connecting to the Applicant's proposed Glenona Substation which would be connected to existing Bonneville Power Administration transmission line.

Proposed Scope of Studies Under Permit—The Applicant proposes to develop campgrounds, a boat launch facility and a day park as recreational facilities at the reservoir site and estimates the cost of project to be $140,715. The power generated by the project would be integrated into the Bonneville Power Administration's interconnected transmission and distribution system.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 29, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c) (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before August 31, 1981. The Commission's address: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21296 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4490-000]

Richvale Irrigation District; Application for Preliminary Permit

July 15, 1981.

Take notice that Richvale Irrigation District (Applicant) filed on April 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4490 known as the Sutter-Butte Power Project located on Sutter-Butte Main Canal in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed: Mr. Lloyd E. Horn, Secretary-Manager, Richvale Irrigation District, P.O. Box 147, Richvale, California 95974.

Project Description—The proposed project would consist of: (1) an intake structure located adjacent to the headworks structure for the Sutter-Butte Maine Canal at the California Department of Water Resources Thermalito Afterbay Dam; (2) a 650-foot long penstock; (3) a powerhouse containing a single 3,000 kW generating unit and discharging into the canal; and (4) associated electrical and transmission equipment.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct a detailed study to determine the technical, economic, financial and environmental feasibility of the proposed project. Applicant estimates that the proposed study and preparation of a license application would cost $80,000.

Competing Applications—This application was filed as a competing application to Project No. 4301 filed on March 5, 1981, by the City of Gridley, California under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4490. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21298 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-63-000]

San Joaquin Refining Co.; Filing of Petition for Review Under 42 U.S.C. 7194

July 15, 1981.

Take notice that San Joaquin Refining Co. on July 6, 1981 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 30, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior preceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 30, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-21287 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4499-000]

The Village of Winnetka, Illinois; Application for Preliminary Permit

July 15, 1981.

Take notice that the Village of Winnetka, Illinois (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4499 to be known as the Marseilles Dam located on Illinois River in LaSalle County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would consist of: (1) a proposed powerhouse that would be constructed on Bell's Island and would contain 9 generating units rated at 2,650 kW each for a total installed capacity of 23,850 kW; (2) proposed 138 kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands.

Applicant estimates that the average annual generation would be 113,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be performed: (1) environmental assessments; (2) hydraulic assessments; (3) transmission analysis; (4) foundation analysis; (5) cost estimates; (6) financing; and (7) preliminary and final designs. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Marseilles Dam Project No. 3594 filed on October 22, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for

filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit commits on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21288 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2486/T316]

Sandoz, Inc.; Establishment of a Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance has been established for residues of the virus codling moth granulosis when used as a virus on apples, pears, and walnuts.

DATE: This temporary exemption expires May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: A temporary exemption from the requirement of a tolerance has been established for residues of the virus codling moth granulosis when used as a virus on apples, pears, and walnuts. This temporary exemption from the requirement of a tolerance was requested by Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit (11273-EUP-23), which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that establishment of the temporary exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance is established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experiment use permit.

2. Sandoz, Inc. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires May 15, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the temporary exemption from the requirement of a tolerance. This exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of the Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: July 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-21229 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51279; TSH-FRL-1878-2]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81-19964 appearing at page 35339, in the issue of Wednesday, July 8, 1981, make the following change:

On page 35340, the third column, the heading now reading "PMN 81-228" should be changed to read "PMN 81-288".

FEDERAL MARITIME COMMISSION

[Docket No. 78-32]

Pacific Westbound Conference—Equalization and Absorption Rules and Practices; Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 78-32 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Docket No. 78-32 is an investigation to determine whether PWC's basic agreement No. 57 permits equalization and absorption of motor carrier inland freight rates and charges and whether or not these practices violate the Shipping Act, 1916, or the Merchant Marine Act, 1936.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21181 Filed 7-20-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 7 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. 7680 DR (Second DR Westbound).

Filing party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: The American West African Freight Conference has filed an application to extend, indefinitely, the second westbound exclusive patronage (dual rate) contract, denominated as 7680 DR (Second DR Westbound). Said contract is presently set to expire on August 2, 1981.

By Order of the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21182 Filed 7-20-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *10* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. 9745-3.

Filing party:

Edwin Longcope, Attorney for Compagnie Maritime Belge, S.A., and Consolidated Container Service Co. Ltd., Hill Betts and Nash, One World Trade Center, New York, New York 10048

Edward Schmeltzer, Attorney for Centennial Shipping Limited, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 9745-3 substitutes Centennial Shipping Limited for Bristol City Line Limited as a party to the agreement. The purpose of the modification is to reflect the purchase by Centennial Shipping Limited of the interest previously held by Bristol City Line Limited.

By Order of the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21184 Filed 7-20-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or

between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 9238–11.

Filing party: Anthony J. Ciccone, Jr., Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9238–11 modifies the basic agreement of the Greece/United States Atlantic Rate Agreement by extending its geographical scope to include inland points in the United States.

Agreement No. 9548–23.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9548–23 would extend the geographic scope of the North Atlantic Mediterranean Freight Conference Agreement to cover inland points in the United States.

Agreement No. 10392–1.

Filing party: Ronald C. Rasmus, President, American Atlantic Lines, c/o Chester, Blackburn & Roder (NY), Inc., Suite 1067, One World Trade Center, New York, New York 10048.

Summary: Agreement No. 10392–1, between American Atlantic Shipping, Inc. and Frota Amazonica, S.A., extends the term of the lapsed discussion agreement between them from the date the Commission approves such extension, through July 8, 1982.

By Order of the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–21185 Filed 7–20–81; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License Applicants; Allied Van Lines International Corp., et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Allied Van Lines International Corporation, 25th Avenue & Roosevelt Rd., Broadview, IL 60153
Officers:
Sidney Epstein, President
William H. Whalen, Jr., Chairman
Robert S. Seeler, Vice President
Frank W. Borta, Vice President
George R. Sikora, Vice President
Richard L. Ryan, Secretary
Robert D. Linnell, Treasurer
Rex C. Denkmann, Assistant Secretary
Terry G. Fewell, Assistant Secretary
William J. Welty, Assistant Treasurer

International Cargo Network, Inc., 8020 N.W. 33rd Street, Miami, FL 33122
Officers:
Guillermo H. Ayala, President
Jose I. Cabrera, Vice President/Treasurer
Jose G. Herrera, Vice President
Carlos A. Castaneda, Vice President/Secretary

Samaras International Corporation, 6753 E. 47th Avenue, Suite A, Raycom Bldg. (P.O. Box 38235 AMF), Denver, CO 80238
Officers:
James P. Samaras, President
Mary J. Samaras, Secretary/Treasurer
George Papadeas, Director

All States International Forwarding Co., 2100 Travis, Suite 1205, Houston, TX 77002
Officers:
R. T. Herrin, Sr., Chairman
D. W. McCormick, President
R. T. Herrin, Jr., Vice President
Ruth M. Martin, Secretary/Treasurer

Impex International Brokerage, Inc., 7425 N.W. 48th Street, Miami, FL 33166
Officers:
Alberto del Cerro, Jr., President
Juan A. del Cerro, Vice President
Margarita Piedra, Treasurer

Texas Gulf Iberia Navigation, 5200 South Yale, Suite 202, Tulsa, OK 74135
Officers:
Fred C. Leatherland, President/Director
Philip E. Boyd, Vice President/Director
Gayla S. Crosby, Secretary/Treasurer/Director

Hubert Deal Hagan, 110 North Kensington, La Grange, IL 60525

Quick International Service, Inc., 4723 N.W. 72nd Avenue, Miami, FL 33166
Officers:
Arturo E. Insignares, President/Director
Javier Perez, Vice President/Director
Louis Perez, Jr., Vice President
Carmen Perez, Treasurer/Secretary

Scan-Shipping Inc., 170 Broadway, #410, New York, NY 10038
Officers:
Arne Simonsen, President/Director
Henning B. Agerskov, Vice President
Klaus H. Jepsen, Vice President/Assistant Secretary
Lennard K. Rambusch, Secretary.

By the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–21186 Filed 7–20–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843 (c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been detemined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should indentify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 13, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Deutsche Bank AG, Frankfurt, Germany (securities custodial activities; United States): to engage through its subsidiary, Atlantic Capital Corporation, in the activity of acting as custodiam for securities in connection with the brokerage business conducted by Atlantic Capital Corporation. These activities would be conducted from offices located in New York, New York, serving the United States and Germany.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Pennsylvania): to expand the geographic scope of activities engaged through its indirect subsidiary, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation. FinanceAmerica is engaged in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life, credit-related accident and health and credit-related property insurance. Such activities include, but are not limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Consumer Discount Company. These activities will be conducted from an existing office located in Norristown, Pennsylvania, serving the entire State of Pennsylvania.

Security Pacific Corporation, Los Angeles, California (industrial loan, financing and credit-related insurance activities; California): to engage in financing and industrial loan corporation activities through its indirect subsidiary Security Pacific Finance Money Center Inc., including making, acquiring and servicing loans and other extensions of credit; selling and issuing investment certificates; and acting as agent for the sale of credit-related life, credit-related accident and health and credit-related property insurance, all as authorized by California law. These activities would be conducted from an office of Security Pacific Finance Money Center Inc. in the city of Encino, California, serving the State of California.

Security Pacific Corporatrion, Los Angeles, California (financing activities, Massachusetts): to engage through its subsidiary, Security Pacific Finance Crop., in making or acquiring for its own account or for others, loans and extension of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office located in Dedham, Massachusetts, serving the State of Massachusetts.

Other Federal Reserve Systems.

None.

Board of Governors of the Federal System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–21220 Filed 7–20–81; 8:45 am]

BILLING CODE 6210–01–M

First International Bancshares, Inc.; Acquistion of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares of the The First National Bank in Mount Pleasant, Mount Pleasant, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–21219 Filed 7–20–81; 8:45 am]

BILLING CODE 6210–01–M

Puget Sound Bancorp; Formation of Bank Holding Company

Puget Sound Bancorp, Tacoma, Washington, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger of the Puget Sound National Bank, Tacoma, Washington. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Puget Sound Bancorp, Tacoma, Washington, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Telecheck Washington, Inc., and Check Services Northwest, Inc., both located in Seattle, Washington.

Applicant states that the proposed subsidiaries would engage in the activities of check verification and check collection. These activities would be performed from offices of Applicant's subsidiaries in Seattle, Washington, and the geographic area to be served is the entire State of Washington, except for Clark County, Washington. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 13, 1981.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–21224 Filed 7–20–81; 8:45 am]

BILLING CODE 6210–01–M

Lytton Bancorporation; Formation of Bank Holding Company

Lytton Bancorporation, Lytton, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding

Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Lytton Savings Bank, Lytton, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21221 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

National City Bancorporation; Acquisition of Bank

National City Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 85 percent or more of the voting shares of National City Bank of Ridgedale, Ridgedale Center, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21223 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

Security National Corporation; Acquisition of Bank

Security National Corporation, Sioux City, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Akron, Akron, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21222 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

GSA Bulletin FPR 53 Federal Procurement

July 14, 1981.

To: Heads of Federal agencies

Subject: Current interest rate of 14 7/8 percent under Pub. L. 92-41

1. *Purpose.* This bulletin provides, for the information of executive agencies, the current interest rates established by the Secretary of the Treasury under Pub. L. 92-41 (85 Stat. 97) for the Renogotiation Board.

2. *Expiration date.* This bulletin expires December 31, 1981, unless sooner revised or superseded.

3. *Background.*

a. The interest rate determined by the Secretary of the Treasury, as required by Pub. L. 92-41 for Renegotiation Act purposes, has been applied to various interest payment requirements in the FPR. This rate is established semiannually and is based on commercial rates of interest for new loans maturing in approximately 5 years. The following sections in the FPR include a reference to this rate: §§ 1-3.1204-1, 1-3.1204-2, 1-7.203-15, 1-8.212-1(f), 1-8.701, 1-8.702, 1-8.703, 1-8.704-1, 1-8.706, 1-8.804-2(b), 1-8.808-4, 1-30.403, 1-30.414-2(k) (2), 1-30.414-2(n) (3), and FPR Temporary Regulation 55, dated May 23, 1980, (45 FR 35815, May 28, 1980).

b. In June 1980, the Treasury Fiscal Requirements Manual (TFRM) was amended to establish a "Value of Funds" rate which is calculated on the basis of prevailing short-term interest rates. This rate, published quarterly by the Treasury Department, is applicable to situations indicated in §§ 8020.20 and 8040.30 of the TFRM, but is not applicable to situations covered by the FPR sections referenced in the preceding paragraph.

c. Consideration is being given to the propriety of adopting the "Value of Funds" rate. Meanwhile, the Renegotiation Act rate will continue in effect when so specified.

4. *Agency information.* The Secretary of the Treasury has established an interest rate of 14 7/8 (14.875) percent as applicable to the 6-month period beginning July 1, 1981, and ending December 31, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81-21289 Filed 7-20-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced.

Miscellaneous Internal Drug Products Panel

Date, time, and place. August 21, 22, and 23, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD (August 21), Bldg. A, Lecture Rm. C, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD (August 22 and 23).

Type of meeting and executive secretary. Open public hearing, August 21, 9 a.m. to 11 a.m., open committee discussion, August 21, 11 a.m. to 5 p.m.; August 22, 9 a.m. to 5 p.m., August 23, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of nonprescription drugs.

Open public hearing. Any interested person may present data, information, or views, orally or in writing, before the committee on any of the issues mentioned below. Those who desire to make such a presentation should notify the executive secretary before August 7, 1981, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). This is the last meeting of the Panel. The Panel will be adopting a report on drug products for overindulgence in alcohol and food and a report on menstrual drug products. The Panel also invites comments on, and may discuss the following drug categories: glucose tolerance, appetite stimulants, leg muscle cramps, oral electrolyte replacement, poison oak/ivy remedies, ammonia inhalants, benign prostatic hypertrophy, kidney and bladder irritation remedies. The agency will use these comments, in the future, in developing proposed rulemaking for these categories of drugs. The Panel will also be approving the summary minutes of the July 10, 1981, meeting that was conducted by conference call.

Applications for reimbursement. Must be received by July 31, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the othe. three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5200 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meeting listed above should be sent to the Office of Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: July 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-21052 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0200]

Review of Agency Rules

Correction

In FR Doc. 81-20532, appearing at page 36332 in the issue of Tuesday, July 14, 1981, the following changes should be made:

The date appearing in the second line of the "DATE" paragraph on page 36334, column one, and in the second line of the last complete paragraph on page 36335 should read, "October 13, 1981".

BILLING CODE 4110-03-M

[Docket No. 81F-0197]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethlyamine-epichlorohydrin copolymer for use as a flocculant and/or decolorizer in the clarification of refinery sugar liquors and juices.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP-0A3500) has been filed by American Cyanamid C., Wayne, NJ 07470, proposing that Subpart A—Polymer Substances for Food Treatment of Part 173 21 CFR Part 173) be amended to provide for the safe use of dimethylamine-epichlorohydrin copolymer for use as a flocculant and/or decolorizer in the clarification of refinery sugar liquors and juices.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the

evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-16088 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1062]

President's Commission on Housing: Meeting

The President's Commission on Housing will meet in Room 2010 of the New Executive Office Building, Washington, D.C., on Tuesday, August 18, 1981 from 8:30 a.m. to 5:00 p.m. The purpose of the meeting, among other things, is to provide each of the Commission's four Committees an opportunity to brief the full Commission on its progress and activities to date.

Beginning July 20, 1981 and continuing through August 17, meetings will be held by the Committees both in Washington, D.C., and outside of Washington, D.C. A schedule of those meetings is being developed and information on the dates, locations and times of specific Committee meetings may be obtained by calling the Offices of the Commission at (202) 395-5832.

Further information may be obtained from the President's Housing Commission, 730 Jackson Place, NW, Washington, D.C. 20503, (202) 395-5832.

(Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App I))

Issued at Washington, D.C., July 16, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-21227 Filed 7-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 8597]

California; Order Providing for Opening of Public Land: Correction

July 13, 1981.

In **Federal Register** Document 81-9764, appearing on page 19858, the tenth line of the first paragraph reading Sec. 21, SW¼NW¼, NW¼SW¼, is corrected to Sec. 21, SW¼SW¼SW¼NW¼, W½SW¼SE¼NW¼, NW¼SW¼, W½NW¼NE¼SW¼, SE¼SW¼NW¼, SE¼SW¼SW¼NW¼.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-21233 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73795, 2800-A]

Wyoming; Application

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company, of Casper, Wyoming filed an application for an existing 6" and 8" pipeline and pipeline pumping and storage facilities for the purpose of transporting oil and other synthetic liquid fuels across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 50 N., R. 100 W.,
Sec. 4: Lot 4, SW¼NW¼, W½SW¼;
Sec. 5: Lots 1, 2;
Sec. 9: W½NW¼, SE¼NW¼.
T. 51 N., R. 100 W.,
Sec. 4: W½SW¼, SE¼SW¼;
Sec. 5: Lot 2, S½NE¼, E½SW¼;
Sec. 8: NE¼NE¼;
Sec. 9: Lot 1, W½NW¼, N½SW¼;
Sec. 16: Lot 6;
Sec. 20: SE¼, S½SW¼;
Sec. 21: N½NE¼, SE¼NE¼, E½SE¼, E½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 28: NE¼NE¼, S½NE¼, W½SE¼;
Sec. 29: E½NW¼;
Sec. 33: NW¼NE¼, E½W½.
T. 52 N., R. 100 W.,
Sec. 32: SE¼NW¼, NE¼SW¼, W½SE¼.

The pipeline and related facilities begin at a point located in the SE¼ of section 5, T. 50 N., R. 100 W., and extend to a point in the SW¼ of section 32, T. 52 N., R. 100 W., all within Park County, Wyoming.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-21234 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada Realty Action; Public Sale; Public Lands in Elko County

The following described land has been identified as suitable for disposal by noncompetitive sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value:

T. 33 N., R. 70 E., Mount Diablo Meridian, Nevada,
Sec. 16, lots 7, 9, N½SW¼.
Containing 141.84 acres.

The sale will be made on approximately the 12th day of September 1981.

The above described land is being offered as a direct, noncompetitive sale to Elko County on behalf of the unincorporated town of West Wendover, Nevada to facilitate residential expansion of the community.

The land is not required for any Federal purpose. The sale is consistent with the Bureau's planning for the land involved and is in response to Elko County's expression of need for the land. The public interest would be served by offering the land for sale. The land will not be offered for sale until 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. All leasable minerals in the land will be reserved to the United States in accordance with Sec. 209 (a) and (b) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Those rights of Kerr-McGee Corporation, their successors and assigns under oil and gas lease N-25080 issued September 1, 1979 pursuant to Act of February 25, 1920 (30 U.S.C. 181 et. seq.).

4. Those rights for railroad purposes which have been granted to Western Pacific Railroad Company, its successors or assigns, by Permit No. CC-05090 under the Act of March 3, 1875, 18 Stat. 482, 43 U.S.C. 934.

5. Those rights for highway purposes which have been granted to Nevada Department of Highways, its successors or assigns by Permit No. Nev-041037 under the Act of August 27, 1958, 72 Stat. 885, 23 U.S.C. Sec. 107(d).

Detailed information concerning the sale including the planning documents and environmental assessment, is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior, Bureau of Land Management (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this Notice of Realty Action will become the final determination of the Department of the Interior and the required payment requested of Elko County. Such payment, in full, shall be in accordance with 43 CFR 1822.1-2.

Dated: July 13, 1981.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-21235 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

[M 51879]

Montana; Invitation Coal Exploration License Application

July 14, 1981

Members of the public are hereby invited to participate with Consolidation Coal Company in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Big Horn County, Montana:

T. 9 S., R. 39 E., P.M.M.
Sec. 14: All.
Sec. 23: E½W½, SW¼NW¼, NW¼SW¼.
Sec. 26: E½W½.
Sec. 35: Lots 1, 2, 3, 4, NW¼, N½S½.
1,467.28 acres.

Any party electing to participate in this exploration program, shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Consolidation Coal Company, #14 Inverness Drive East, Building #6-Q, Englwood, Colorado 80112. Such written notice must refer to serial number M 51879 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in the Hardin Herald, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-21222 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 27250, Survey Group 115]

Minnesota; Filing of Plat of Survey

Correction

In FR Doc. No. 81-19854, published on page 35193 in the issue of Tuesday, July 7, 1981, column two, paragraph 1, line 9, now reading "(45 days from publication)." should be corrected to read "August 21, 1981."

BILLING CODE 1505-01-M

Fish and Wildlife Service

Migratory Bird Hunting; Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces that representatives of the U.S. Fish and Wildlife Service will be in attendance at meetings of the Atlantic, Mississippi, Central, and Pacific Flyway Councils at the following times and locations.

DATES:

July 30-31, 1981—Atlantic Flyway Council, 8:30 a.m.
July 30-31, 1981—Mississippi Flyway Council, 8:30 a.m. and 9 a.m., respectively.
July 29-30, 1981—Central Flyway Council, 1:30 p.m. and 8 a.m., respectively.
July 28, 1981—Pacific Flyway Council, 1 p.m.

ADDRESS: Council meetings will be held at the following locations:

Atlantic Flyway Council, Lord Baltimore Hotel, Baltimore, MD.;
Mississippi Flyway Council, Music City Rodeway Inn, Nashville, TN.;
Central Flyway Council, Sheraton Inn, Billings, MT.;
Pacific Flyway Council, Sands Hotel, Reno, NV.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone AC 202-254-3207.

SUPPLEMENTARY INFORMATION: Flyway Councils are organizations of State conservation agencies which cooperate with the U.S. Fish and Wildlife Service and the Canadian Wildlife Service in migratory bird management and research programs. Although the U.S. Fish and Wildlife Service is not a member of these councils, it will be represented at the above meetings to facilitate discussions of various migratory bird management and research programs, many of which are conducted jointly with the Service.

Dated: July 15, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-21313 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-55-M

Office of Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Meeting

Notice is hereby given that a meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on July 27, 1981 at 10:15 a.m. in Room 2010 of the New Executive Office Building on 17th and Pennsylvania Avenue, NW.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and gas and royalty management problems. The potential loss in revenues to the Federal Treasury, Indian tribes and individuals, and State treasuries is great. Thus the first meeting of the Commission is to be held in less than 15 days from publication of this notice. The importance of organizing the Commission's efforts and planning its initiatives and activities dictates this decision.

The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian Tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian Community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. Departmental efforts to improve the Royalty Accounting System will be evaluated by the Commission. A final report will be presented to the Secretary recommending improvements in the Royalty Accounting System, internal controls and actions relating to the allegations of oil theft.

Purpose of the Meeting

The purpose of the meeting will be primarily to organize and to plan the Commission's approach to the study.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning matters to be discussed with the Committee. Oral testimony will not be

accepted at the organizational and briefing meeting.

For this meeting, persons wishing further information concerning the meeting may contact the Federal Representative in Room 4356, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, phone (202) 343–4701.

Minutes of the meeting will be available for public inspection in 30 days in Room 4356, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: July 10, 1981.

Richard R. Hite,

Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 81–21310 Filed 7–30–81: 8:45 am]

BILLING CODE 4310–10–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 10, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 5, 1981.

Sarah G. Oldham,

Acting Chief of Registration.

INDIANA

Wabash County

Roann vicinity, *Roann Covered Bridge, 4th,* N of Roann on SR 700W

MINNESOTA

Ramsey County

St. Paul, *Smith Avenue High Bridge (Bridge No. 5753)* Smith Ave.

NEW JERSEY

Essex County

Bloomfield, *Oakes Estate,* 240 Belleville Ave.

NEW MEXICO

Bernalillo County

Albuquerque, *Monte Vista School,* 3211 Monte Vista Blvd., NE.

[FR Doc. 81–21307 Filed 7–30–81: 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR DOC. 81–19694 appearing at page 34845 in the issue of Monday, July 6, 1981 please make the following change:

On page 34847, first column, 5th paragraph, "MC 118282 (Sub-43)" should read "MC 118292 (Sub-45F)".

BILLING CODE 1505–01–M

[Finance Docket No. 29600]

American Forest Products Co.—Control—Amador Central Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the acquistion of control of Amador Central Railroad Company (AMC) by American Forest Products Company (AFP) from the requirements of prior approval under 49 U.S.C. 11343.

DATES: This exemption will be effective 30 days from the date of this publication in the **Federal Register.** Petitions for reconsideration of this decision must be filed within 20 days of this publication.

ADDRESSES: Send petitions for reconsideration to:

(1) Interstate Commerce Commission Section of Finance Room 5414 Washington, DC 20423; and (2) Petitioner's Representative: Robert D. Browning, 1321 S.E. Water Avenue, Portland, OR 97214.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7425.

SUPPLEMENTAL INFORMATION: AMC and AFP have filed a joint petition to exempt AFP's acquisition of AMC from the requirements of prior approval under 49 U.S.C. 11343.

Background

AMC is a Class III railroad owned by Bendix Forest Products Corporation (Bendix). Bendix also owns a mill at Martell, CA, where it produces lumber, plywood, particleboard and lumber products. AMC operates over an 11.8-mile track between Martell and Ione, CA. Its sole function is to haul lumber and lumber mill products from the Bendix mill at Martell to Ione, where the freight is interchanged with Southern Pacific Transportation Company.

On January 27, 1981, AFP agreed to purchase the assets of Bendix, including AMC. AFP is a California limited partnership that is engaged in the lumber business. AFP's general partner is KKR Associates, and one of its limited partners is Kohlberg, Kravis and Roberts Company. Henry R. Kravis, Jerome Kohlberg, Jr., and George R. Roberts are directly involved in the two partnerships and have controlling interests in Eagle Motor Lines (Eagle).

Eagle is a motor common carrier authorized under Certificate No. MC–73165 (Sub-No. 460)F to transport lumber and wood products from points in California, Washington, Montana, Idaho and Oregon to points in Oklahoma, Texas, Arkansas and Louisiana. Mr. Kravis is a member of Eagle's board of directors and holds nearly 200,000 of the 337,916 outstanding shares of Eagle's common stock. Mr. Kohlberg and Mr. Roberts are also members of Eagle's board of directors and have beneficial interests in Eagle's stock. In addition, Eagle controls two other motor common carriers, F–B Truck Line Company and Machinery Transports. Because of these relationships, petitioners believe the proposed transaction requires authorization under 49 U.S.C. 11343.

AFP seeks to acquire Bendix's assets to expand its capability and market within the lumber industry; the Bendix mill, rather than the railroad, is viewed as the focal point of the transaction. AFP does not intend to change the railroad's operations but merely to substitute itself in place of Bendix. AFP will continue to employ the same personnel and operate the railroad as it has been operated under Bendix's control. For these reasons, petitioners believe the transaction satisfies the criteria for exemption under 49 U.S.C. 10505.

Statutory Provisions

The acquisition of control of a carrier by persons controlling one or more other carriers requires our approval under 49 U.S.C. 11343, in accordance with the regulations under 49 CFR Part IIII (1979).

Under 49 U.S.C. 10505 (as amended by Section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96–448) we may exempt a transaction when we find that (1) regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from an abuse of market power.

Discussion and Conclusions

Because the transaction would result in the common control of at least two carriers, it would require approval under 49 U.S.C. 11343. However, we agree with petitioners that the transaction should be exempted under 49 U.S.C. 10505.

The proposed acquisition would have no significant impact on interstate transportation. Our scrutiny of the transaction under 49 U.S.C. 11343 is not necessary to carry out the objectives of the Rail Transportation Policy. In fact, our exempting the transaction would promote at least one objective of Section 10101a: to minimize the need for regulatory control. See 49 U.S.C. 10101(a)(2).

Additionally, the proposal is of limited scope because it involves a small carrier with very limited operations, will not result in changed rail operations, and will not adversely affect employees, shippers or other carriers.

Having concluded that the transaction is of limited scope, we need not determine whether regulation is needed to protect shippers from the abuse of market power. We note, however, that since AFP will merely replace Bendix as the owner and sole user of the line, no shipper should be affected by the transaction.

Intermodal Ownership. We cannot use our exemption power under section 10505 to authorize intermodal ownership that is otherwise prohibited by 49 U.S.C., Subtitle IV. 49 U.S.C. 10505(g)(1). The only statutory limitations on intermodal ownership under Subtitle IV are those contained in 49 U.S.C. 11344(c). [1] However, section 11344(c) does not apply to this transaction. The limitations imposed by section 11344(c) are aimed at preventing rail domination of the motor carrier industry. They are intended to carry out the policies of preserving the inherent advantages of each mode of transportation and promoting healthy competition between rail and motor carriers. See 49 U.S.C. 10101(a)(1) and 10101a(4) and (5); *American Trucking Ass'ns, Inc. v. United States,* 364 U.S. 1 (1960).

These concerns clearly do not arise in this transaction. The transaction does not involve the acquisition or control of a motor carrier by a railroad. The railroad involved is of such inconsequential size that it is highly unlikely that its resources could be used to affect materially the competitive situation in the territories served by its affiliated motor carriers. See *ET & WNC Transport. Co.—Purchase—Huckabee,* 56 M.C.C. 50, 56 (1949). Indeed, there is no indication that the parties even intend or would be able to create a new or expanded transportation network through the transaction. To the contrary, AFP has stated its intention to maintain the status quo. AFP's acquisition of the railroad is a collateral impact of the transaction. Moreover, because AFP will simply step into the prior owner's shoes as the sole user of the line, the transaction is essentially a change of form rather than substance. We conclude, therefore, that the transaction will not result in prohibited intermodal ownership and should be exempted.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of its employees as otherwise required by 49 U.S.C., Subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective conditions developed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in control transactions such as that proposed here. Accordingly, these employee protective conditions will be imposed.

This action will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt AFP's control of AMC from the requirements of 49 U.S.C. 11343, subject to the emloyee protective conditions imposed in *New York Dock Ry. Co.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

(2) AFP shall, within 60 days after consummation of the transaction, submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(4) This exemption will contiue in effect for one year from the effective date of this decision. The parties must consummate this transaction during that time to take advantage of the exemption.

(5) This decision shall be effective 30 days after the date of publication in the Federal Register.

(6) Petitions to stay in effective date of this decision must be filed no later than 10 days following the date of publication in the Federal Register.

(7) Petitions to reopen this proceeding for reconsideration must be filed within 20 days after the date of publication in the Federal Register.

Decided: July 14, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Vice-Chairman Alexis did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–21236 Filed 7–30–81; 8:45 am]

BILLING CODE 7035–01–M

[1] Section 11344(c) provides that we may approve a section 11343 transaction when the applicant is a rail carrier or a person controlled by or affiliated with a rail carrier and the transaction involves a motor carrier, only if we find that the transaction (1) is consistent with the public interest, (2) will enable the rail carrier to use the motor carrier transportation to public advantage in its operations, and (3) will not unreasonably restrain competition.

Washington; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

July 16, 1981.

This application for long-and-short-haul relief has been granted by the I.C.C. No. 43920, Illinois Central Gulf Railroad Company (ICG RR No. 81–1), reduced rates on Wheat from Herscher and Paxton, IL to Chicago, IL, minimum weight 200,000 pounds per car, with an aggregate minimum shipment consisting of 25 or more cars per shipment. The rates are published in Item 3731, supplement 99 to its tariff ICC ICG 4012, effective June 26, 1981. Grounds for relief—motor competition.

This application was received by the Commission's Suspension Board on June 22, 1981. This precluded the Board from publishing the requested relief in the Federal Register in order to give interested parties an opportunity to protest.

By action of June 26, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson and O'Malley, concluded to grant the requested relief in Long-and-Short Haul No. 20245, subject to the proviso that the authority will expire 45 days from June 26, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–21236 Filed 7–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–203]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by

order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 144221 (Sub-3), (republication), filed February 6, 1981, published in the Federal Register March 13, 1981, and republished this issue. Applicant: KINGSWAY FREIGHTLINES LIMITED, 212 Meridian Road N.E., Calgary, Alberta, Canada 2TA246. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except classes A and B explosives), (1) between Portland, OR, and the port of entry on the international boundary line between the United States and Canada at or near Blaine, WA, over Interstate Hwy 5, serving all intermediate points, (2) between the port of entry on the international boundary line between the United States and Canada at or near Lynden, WA, and the junction of Washington Hwy 539 and Interstate Hwy 5 at or near Bellingham, WA, over Washington Hwy 539, serving all intermediate points, and (3) between the port of entry on the international boundary line between the United States and Canada at or near Sumas, WA, and the junction of Washington Hwy 542 and Interstate Hwy 5 at or near Bellingham, WA, from the international boundary line, over Washington Hwy 9 to junction Washington Hwy 542, then over Washington Hwy 542 to junction Interstate Hwy 5, and return over the same route, serving all intermediate points. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. Conditions: The person or persons engaged in common control or management of applicant and any other carrier operating in interstate or foreign commerce must file an application for approval thereof as required by the provisions of 49 U.S.C. § 11343 or submit an affidavit explaining why such approval is unnecessary. Applicant should submit the required documents to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. The purpose of this republication is to allow interested parties time for filing petitions to intervene.

MC 153130 (Sub-1F), (republication), filed January 27, 1981 published in the FR of February 18, 1981, and republished this issue. Applicant: MERSCHMAN TRUCKING CORPORATION, P.O. Box 67, West Point, IA 52656. Representative: Gregory J. Humphrey, 627 Avenue G, Fort Madison, IA 52627. A decision by the Commission, Review Board 3, decided June 4, 1981, served July 1, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer equipment and agricultural equipment and parts and accessories*, between points in Lee County, IA, on the one hand, and, on the other, points in Illinois, Missouri, and Wisconsin. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to clarify the proper grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21237 Filed 7-20-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree In Action To Enjoin Discharge of Air and Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 36 FR 19029, notice is hereby given that on June 30, 1981, a proposed consent decree in *United States* v. *Velsicol Chemical Corporation* (consolidated cases) was lodged with the United States District Court for the Southern District of Texas, Houston Division. The proposed decree requires Velsicol Chemical Corporation to pay a civil penalty and to provide the Environmental Protection Agency, Region VI, with an analysis of storm water runoff from Velsicol's Bayport facility.

The Department of Justice will receive written comments relating to the proposed judgment on or before August 20, 1981. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Departent of Justice, Washington, D.C. 20530, and refer to *United States* v. *Velsicol Chemical Corporation* (consolidated cases), D. J. Ref. 90-5-1-1-826 and 90-5-1-1-1145.

The proposed consent decree may be examined at the office of the United States Attorney, Courthouse & Federal Building, 515 Rusk Avenue, Houston, Texas 77002, at the Region VI Office of the Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1254), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-21343 Filed 7-20-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of New Jersey

This notice announces the ending of the Extended Benefit Period in the State of New Jersey, effective on July 18, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of New Jersey on March 9, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of New Jersey has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 27, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 18, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits at the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of New Jersey should contact the nearest State Employment Service Office of the New Jersey Department of Labor and Industry in their locality.

Signed at Washington, D.C. on July 15, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-21250 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-131-C]

Clinchfield Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Clinchfield Coal Company, Dante, Virginia 24237, has filed a petition to modify the application of 30 CFR 75.1704-1(b) (escapeways and escape facilities) to its Moss No. 4 Mine located in Dickenson County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each escape shaft which is more than 20 feet deep shall include elevators, hoists, cranes or other such equipment, which shall be equipped with cages and buckets.

2. Access into the mine is by multiple drift entries and the recently completed intake airshaft. Due to the close proximity of the Alvy Creek, the depth of the shaft was increased from 30 to 56 feet. This projects the top of the shaft above the 100-year storm level. At the 30 foot level a six foot diameter slope pipe constructed of 8-gauge corrugated metal will be connected into the airshaft and extend on a 15 degree slope to the surface at the top-of-the-shaft elevation. The slope will be equipped with a four foot wide grated metal walkway with a handrail on one side. The stairway up the shaft from the mine floor to the slope pipe will consist of three sections installed on 45 degree angles. The stairs will be constructed of fabricated metal, 4 feet wide with landings at the end of each section and with suitable handrails on the open sides.

3. Petitioner states that the procedures outlined above will at all times afford a greater degree of safety for the miners affected than that afforded by the standard in that:

a. In event of an emergency necessitating escape, people can exit the mine much quicker, safer and in a more orderly manner;

b. This facility eliminates machinery that may possibly malfunction, creating more delays in escape;

c. The width of the stairs and the width and height of the slope pipe will permit a 4-man carry of stretchers bearing injured persons to the surface;

d. In event of an emergency requiring rescue efforts this facility will permit rescue crews quick ingress and egress of the mine.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 20, 1981. Copies of the petition are available for inspection at that address.

Dated: July 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-21255 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-132-C]

T And V Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

T and V Coal Company, 113 E. Main Street, Whitesburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 1 located in Letcher County, Kentucky. The petition is filed under Secton 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because:

a. The visibility of the equipment operator would be diminished and the operator could not properly control the machinery;

b. The cab or canopy could strike the roof supports, because of uneven top and bottom conditions, and create the danger of a roof fall.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 20, 1981. Copies of the petition

are available for inspection at that address.

Dated: July 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-21284 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period July 6–10, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,463; CTS of Berne, Inc., Berne, IN

TA–W–11,733; Inland Equipment Co., Inc., Lewisburg, TN

TA–W–10,818; Nova, Inc., Fowlerville, MI

TA–W–11,348; Barth Industries, Inc., Cleveland, OH

TA–W–12,090; She Shop, Inc., Bohemia, NY

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,155; Joseph Perrella, Inc., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of gloves did not increase as required for certification.

TA–W–9388; Keiper USA, Battle Creek, MI

Investigation revealed that criterion (2) has not been met.

TA–W–10,173; Peerless Tanning Co., Inc., Johnstown, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of sheepskins and cattlehides did not increase as required for certification.

TA–W–10,934; Manhattan Shirt Co., Americus, GA

Investigation revealed that criterion (3) has not been met. Employment declines at the firm are attributable to a training program designed to increase plant efficiency.

TA–W–9184; Sheller-Globe Corp., Research Center, Detroit, MI

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

I hereby certify that the aforementioned determinations were issued during the period July 6–10, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 14, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21287 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published June 17, 1981 (46 FR 31801). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Shoreham Nuclear Power Station Unit 1*, July 21, 1981, Washington, DC—*cancelled.*

**Comanche Peak Steam Electric Station Units 1 and 2*, July 22, 1981, Washington, DC—*cancelled.*

**Electrical Systems*, July 22, 1981, Washington, DC. The Subcommittee will discuss the proposed rulemaking, Section 50.49 of 10 CFR Part 50, "Environmental and Seismic Qualification of Electric Equipment Important to Safety for Nuclear Power Plants" and the proposed Revision 1 to Regulatory Guide 1.89, "Environmental Qualification of Electric Equipment Important to Safety for Light-Water-Cooled Nuclear Power Plants". Notice of this meeting was published July 8.

**Susquehanna Steam Electric Station Units 1 and 2*, July 23, 1981, Washington, DC. The Subcommittee will discuss the Pennsylvania Power & Light Company's request for an Operating License. Notice of this meeting was published July 7.

**Enrico Fermi Atomic Power Plant Unit 2*, July 24, 1981, Washington, DC. The Subcommittee will review the application of Detroit Edison Company for an Operating License. Notice of this meeting was published June 17.

**Reliability and Probabilistic Assessment*, July 28 and 29, 1981, Los Angeles, CA. The Subcommittee will review some of the strengths and weaknesses of risk assessments and their potential for use in the design/licensing processes and review the NRC efforts to develop a quantitative safety goal. Notice of this meeting was published June 17.

**Decay Heat Removal Systems*, August 4, 1981, Washington, DC. The Subcommittee will review the proposed NRC action plan for Task A–45, "shutdown Decay Heat Removal Requirements."

**Program Management and Plan*, August 5, 1981, Washington, DC. The Subcommittee will discuss a proposed report by DOE regarding a Management Plan for the conduct of Research, Development and Demonstration Activities. This report is in response to Public Law 96–567, "Nuclear Safety Research, Development, and Demonstration Act of 1980." Notice of this meeting was published June 17.

**Waterford Steam Electric Station Unit No. 3*, August 5, 1981, Washington, DC. The Subcommittee will continue review of the application by Louisiana Power and Light Company for an Operating License. Notice of this meeting was published June 17.

**Visit of ACRS Members to Japan*, August 22–28, 1981, Tokyo, Japan. Visit by ACRS members to research and test facilities in and around Tokyo and discussions with representatives of Japanese nuclear agencies, vendors and nuclear plant operators regarding safety-related items including seismic design of nuclear facilities.

**Emergency Core Cooling Systems*, August 28, 1981, Monterey, CA. The Subcommittee will discuss various topics related to NRC Nuclear Reactor Regulation's Emergency Core Cooling Systems licensing matters and General Electric's proposed revisions to their Emergency Core Cooling System licensing model. Notice of this meeting was published June 17.

**Waste Management*, August 31, 1981, Washington, DC. The Subcommittee will discuss the proposed rule on Technical Criteria for Disposal of High-Level Radioactive Wastes in Geological Repositories (10 CFR 60) and the Licensing Requirements for Land Disposal of Radioactive Waste (10 CFR 61).

**National Engineering Simulator/Nuclear Manpower and Training Study*, September 1, 1981, Washington, DC. The Subcommittee will discuss the draft report from DOE to the Congress that reports the results of a study regarding the need for and feasibility of a National Engineering Simulator; and the sufficiency of efforts in the U.S. to provide specifically trained professionals to operate the controls of nuclear power plants and other facilities in the back-end of the nuclear fuel cycle.

**Regulatory Activities*, September 9, 1981, Washington, DC. The Subcommittee will review Proposed Regulatory Guides and Regulations.

**Evaluation of Licensee Event Reports*, September 9, 1981, Washington, DC. The Subcommittee will discuss recent developments in NRC's LER sequence coding and search procedure.

**Sequoyah Nuclear Plant*, September 9, 1981, Washington, DC. The Subcommittee will review operating experience, response to ACRS requests, status of hydrogen control measures.

**Transportation of Radioactive Materials*, Date to be Determined, Oak Ridge, TN. The Subcommittee will review the package certification procedures used by the Transportation Certification Branch of NRC.

**Shoreham Nuclear Power Station Unit 1*, Date to be Determined, Washington, DC. The Subcommittee will discuss the application of the Long Island Lighting Company's request for an Operating License.

ACRS Full Committee Meetings

August 6–8, 1981—Items are *tentatively* scheduled.

*A. *Susquehanna Steam Electric Station Units 1 and 2*—Operating License.

*B. *Waterford Steam Electric Station Unit 3*—Operating License.

*C. *Enrico Fermi Atomic Power Plant Unit 2*—Operating License.

*D. *Proposed NRC rule (10 CFR 50.49), Environmental and Seismic Qualification of Electrical Equipment Important to Safety*—ACRS comments.

*E. *Proposed NRC Task Action Plan (A–45), Alternate Means of Decay Heat Removal in PWR Nuclear Plants*—ACRS comments.

*F. *Reports of ACRS Subcommittees*—Safety related matters such as use of PRA in licensing, and criteria for advanced reactors.

*G. *Meeting with NRC Chairman and other Commissioners*—To discuss regulatory matters such as the NRC Safety Research Program budget, materials test program for radwaste disposal containers, and appointment of new ACRS member.

September 10–12, 1981: Agenda to be announced.

October 15–17, 1981: Agenda to be announced.

Dated: July 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-21285 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317, 50-318]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Units No. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR–53 and DPR–69, which authorize the operation of the Calvert Cliffs Nuclear Power Plant, Units No. 1 and 2 (the facilities) at steady-state power levels not in excess of 2700 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Calvert County, Maryland.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 30, 1980 and January 31, February 11, 20, 25 and 26, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21286 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co., Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR–62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation on the Brunswick Steam Electric Plant, Unit No. 2 (the facility), located in Brunswick County, North Carolina. The amendment is effective June 29, 1981.

The amendment revises the Technical Specifications to permit a temporary exemption from the containment oxygen concentration limiting condition for operation requirements of 72 hours commencing 6:30 a.m. June 29, 1981.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 29, 1981, (2) Amendment No. 61 to License No. DPR–62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 14th day of July 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch #2, Divison of Licensing.

[FR Doc. 81-21287 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co. et al.; Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the Matter of the Connecticut Light & Power Co.; the Hartford Electric Light Co.; Western Massachusetts Electric Co.; Northeast Nuclear Energy Co. (Millstone Nuclear Power Station, Unit No. 2).

The Northeast Nuclear Energy Company, et al. (the licensee) is the holder of Facility Operating License No. DPR–65, which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 2, (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Waterford, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980, February 13, 19, and 27, and March 4 and 18, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's intereest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21288 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR–31, and Amendment No. 63 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate certain of the lessons learned Category A requirements into the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 23, 1980, as supplemented March 10, 1981, (2) Amendment Nos. 70 and 63 to License Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-21269 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Florida Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-67 which authorizes the operation of the St. Lucie Plant, Unit No. 1 (the facility) at steady-state power levels not in excess of 2560 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in St. Lucie County, Florida.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 23, 1980, May 28, 1981, and June 19, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21270 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Maine Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR-36, which authorizes the operation of Maine Yankee Atomic Power Station (the facility) at steady-state power levels not in excess of 2630 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Lincoln County, Maine.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

III

The licensee's submittals dated December 15, 1980, and January 8, 16, and 30, March 11 and 16, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Section II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21271 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District (Fort Calhoun Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Omaha Public Power District (the licensee) is the holder of Facility Operating License No. DPR-40, which authorizes the operation of the Fort Calhoun Station Unit No. 1 (the facility) at steady-state power levels not in excess of 1500 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Washington County, Nebraska.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 12, 1980, as supplemented by letters dated December 31, 1980, and January 6 and 26, and February 27, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 10th day of July, 1981.

Darrell G Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21272 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co. et al.; Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the matter of Portland General Electric Co., the City of Eugene, Oregon, Pacific Power and Light Co., (Trojan Nuclear Plant).

Portland General Electric Company, *et al.* (the licensee) is the holder of Facility Operating License No. NPF–1, which authorizes the operation of the Trojan Nuclear Plant (the facility) at steady-state power levels not in excess of 3411 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Columbia County, Oregon.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

III

The licensee's submittal dated December 23, 1980 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21273 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guides; Notice of Issuance and Availability and Withdrawals

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.136, Revision 2, "Materials, Construction, and Testing of Concrete Containments (Articles CC–1000–2000, and –4000 through –6000 of the 'Code for Concrete Reactor Vessels and Containments')," describes bases acceptable to the NRC staff for implementing portions of the Commission's regulations, with regard to the materials, construction, and testing of concrete containments.

This revision was developed to endorse, with some exceptions, Articles CC–1000, –2000, and –4000 through –6000 of Section III, Division 2, "Code for Concrete Reactor Vessels and Containments," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, also known as American Concrete Institute Standard 359–80, and to include any guidance necessary as a result of public comment and additional staff review.

With the issuance of this revision, the regulatory positions of six regulatory guides are considered to be covered by one or more of the following national standards:

—ACI 359 (ASME Section III, Division 2), "Code for Concrete Reactor Vessels and Containments," endorsed by Regulatory Guide 1.136.

—ACI 349, "Code Requirements for Nuclear Safety-Related Concrete Structures," endorsed by Regulatory Guide 1.142, "Safety-Related Concrete Structures for Nuclear Power Plants (Other than Reactor Vessels and Containments)."

—ANSI N45.2.5, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, Structural Steel, Soils, and Foundations During the Construction Phase of Nuclear Power Plants," endorsed by Regulatory Guide 1.94, "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants."

Therefore, the six regulatory guides identified below have been withdrawn. Withdrawal of these guides does not alter any prior or existing licensing commitments based on their use.

1.10 "Mechanical (Cadweld) Splices in Reinforcing Bars of Category I Concrete Structures," Revision 1, January 1973,

1.15 "Testing of Reinforcing Bars for Category I Concrete Structures," Revision 1, December 1972,

1.18 Structural Acceptance Test for Concrete Primary Reactor Containments," Revision 1, December 1972,

1.19 "Nondestructive Examination of Primary Containment Liner Welds," Revision 1, August 1972 (Safety Guide 19),

1.55 "Concrete Placement in Category I Structures," June 1973, and

1.103 "Post-tensioned Prestressing Systems for Concrete Reactor Vessels and Containments," Revision 1, October 1976.

Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C.20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))Q02

Dated at Rockville, Maryland this 14th day of July 1981.

For the Nuclear Regulatory Commission.

Robert B. Monogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-21274 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR–77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment updates technical specifications 3.7.5 and 4.7.5 to reflect design changes resulting from the implementation of the new Essential Raw Cooling Water (ERCW) pumping station. This amendment also increases the ultimate heat sink temperature from 81 degrees F to 83 degrees F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated July 14, 1981, (2) Amendment No. 8 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 8 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of July, 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-21275 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Intergovernmental Personnel Act Grant Program; Expiration of Grant Authority

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) announces that, as a result of the enactment of the Supplemental Appropriations and Rescission Act of 1981, no further award of Intergovernmental Personnel Act (IPA) grant funds will be made.

DATES: OPM's authority to award IPA grant funds expired as of June 5, 1981. (This corrects the **Federal Register** notice of May 22, 1981, which stated that awards would be made until September 30, 1981.)

ADDRESS: U.S. Office of Personnel Management, Intergovernmental Personnel Programs, P.O. Box 14184, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Richard L. Romero, telephone (202) 632–6274.

SUPPLEMENTARY INFORMATION: The official program number and title for this program is 27.012—Intergovernmental Personnel Grants.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Intergovernmental Personnel Grants

Award of Funds for Fiscal Year 1981 and Prior Years

Expiration of Award Authority

On June 5, 1981, the Supplemental Appropriations and Rescission Act of 1981 (P.L. 97–12) was signed into law. That portion of the Act which pertains to the Office of Personnel Management (OPM) includes the following provision:

> Of the funds provided for the Intergovernmental Personnel Act Grant program for fiscal year 1981 in Public Law 96–536, $5,600,000 are rescinded: Provided, That no funds appropriated or made available by this or any other Act shall be available to fund the Intergovernmental Personnel Act Grant program after June 5, 1981.

The rescission of $5.6 million had already been taken into account by OPM and the award of fiscal year 1981 grant funds has been made at the reduced program level of $14.4 million (original request was for $20.0 million). No further action needs to be taken on the rescission.

As a further result of the provision, however, OPM's authority to award Intergovernmental Personnel Act (IPA) grants funds expired on June 5, 1981. This expiration of award authority applies to IPA funds appropriated for previous fiscal years as well as for fiscal year 1981.

This notice amends the **Federal Register** notice of May 22, 1981, which said that OPM would award available IPA funds until September 30, 1981. The impact of this provision is not extensive, since almost all fiscal year 1981 funds were awarded prior to the close of business on June 5, 1981.

Remaining Grant Operations

As indicated in the notice of May 22, 1981, OPM will continue to work with current grant recipients until all existing IPA grants are completed and closed out. To the greatest extent possible, all existing IPA grants will be scheduled for completion on or before May 31, 1982. OPM's goal is to disburse approved funds to grantees and close out the agency's grant operations by the end of fiscal year 1982.

Relation to IPA Mobility Authority

The May 22, 1981, notice resulted in a number of inquiries concerning its effect on the IPA mobility program. The mobility authority, contained in Title IV of the IPA, permits the temporary assignment of employees between the Federal Government and State and local governments, institutions of higher education, Indian tribal governments, and certain nonprofit organizations. This notice and the notice of May 22 pertain only to the expiration of the grant program authorized by Titles II and III of the IPA. Neither notice has any effect on the IPA mobility authority. The mobility provision remains available as a staffing authority for sharing expertise among the various participating organizations.

Federal agencies should continue to send a copy of each IPA mobility agreement (Optional Form 69) to OPM. The address for sending these forms is: Faculty Fellows and Personnel Mobility Division, Office of Personnel Management, P.O. Box 14184, Washington, D.C. 20044.

[FR Doc. 81-21201 Filed 7-20-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17941; File No. SR-CBOE-81-11]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organizations Relating to Certain Charges and Fees

Comments requested on or before August 11, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 29, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

Pursuant to Exchange Rules 2.20 and 2.22, the Exchange revises effective July 1, 1981 certain of its charges and fees as described below.

Charge or fee	Old	New
1. Membership applications:		
Individual (includes sole proprietors, lessors, lessees and nominees)	$1,000	$2,000
Firm	1,250	250
Firm stockholder (ten percent or more)	1,000	250
Limited partner	500	250
Status change	500	100
2. Other:		
Stock phone per line		[1] 5
Clerk badge	150	300
Member dues	800	1,000
Communications wire line		[1] 150
Trade match per contract side	.02	.03

[1] Per month.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the revised charges and fees is to enable the Exchange to increase revenue to meet increased costs. The basis under the Securities Exchange Act of 1934 (the Act) for the revisions is section 6(b)(4), which requires that reasonable charges and fees be allocated equitably. The revisions are consistent with this requirement because they are fair and equitable charges to members and others for Exchange services that members and others make use of and benefit from.

III. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not have an impact on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

July 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21216 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17939; File No. SR-NYSE-81-15]

Proposed Rule Change by Self-Regulatory Organizations, New York Stock Exchange, Inc.; Relating to the Allocation of Stock to Specialists in Cases Where Two Listed Companies Combine

Comments requested on or before August 11, 1981

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 13, 1981 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change clarifies the procedures for allocating to a specialist the stock of a newly listed company in those instances where the new listing results from a combination of two listed companies each of which has been assigned different specialists, and neither of the two is the clear survivor of such combination. Under such circumstances, the Allocation Committee of the Exchange will invite applications from all specialist units, and will make a determination based upon its consideration of all applications received.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to clarify the procedures to be followed by the Exchange with respect to the allocation of listed company stock to a specialist in these cases where a new listing results from a combination of two previously-listed companies which were assigned different specialists where neither one of the companies is the clear survivor of the combination. It is specified that under such circumstances, the Allocation Committee of the Exchange will consider the allocation of the new stock based upon the same criteria applicable to other new issues after inviting all specialist units to apply.

The statutory basis for the rule change is section 6(b)(5) of the Securities Exchange Act of 1934 as amended which, among other things, requires Exchange rules to be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions

in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose a burden on competition. It will enhance competition in that every specialist will have the opportunity to apply and be considered for the allocation of a newly-listed stock resulting from the combination of two listed companies with different specialists, where neither company is the clear survivor.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–21217 Filed 7–20–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–6853]

Shaw Industries, Inc., Common Stock, No Par Value; Application To Withdraw From Listing and Registration

July 15, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Shaw Industries, Inc. (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on June 9, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before August 5, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–21216 Filed 7–20–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17944; File No. SR–Amex–81–1; Amendment No. 1]

American Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of options on Treasury securities; comments requested on or before September 4, 1981.

Pursuant to Section 19(b)(1), of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 13, 1981 the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange ("Amex" or the "Exchange") proposes to amend its filing SR–AMEX–81–1 to provide for the trading of options on Treasury securities with smaller principal amounts than originally filed for in addition to the options on Treasury securities which were proposed in that filing. The Exchange also proposes certain other modifications to its originally filed plan for trading options on Treasury securities, as described below. A summary of the proposed rule changes is set forth below.

Series of Options Open for Trading

The Exchange intends generally to list options on Treasury notes and bonds with two to five point exercise intervals and options on Treasury bills with one to two point exercise intervals, depending on the then current market conditions and price volatilities. Similarly, certain exercise intervals may be omitted if the Exchange determines that their listing would be unnecessary due to the then current volatility of interest rates, market conditions, and other related relevant factors.

Position Limits and Exercise Limits (Exchange Rules 904 and 905)

The Exchange proposes to amend the position and exercise limits set forth in the original filing to provide for the contracts on smaller underlying principal values. The new proposed change provides, in effect, that the position and exercise limits shall be proportionally greater for option contracts on the smaller underlying principal values, in relation to the decreased amount of the underlying principal amounts of the bonds, notes or bills and the position limits prescribed in the original filing. For example, assuming the Exchange lists contracts on notes or bonds with principal values of $20,000, this would mean position and exercise limits of 10,000 such contracts on Treassury notes or bonds (which is the equivalent of 2,000 contracts on securities with underlying principal values of $100,000).

In addition, certain changes were made in the text of Rule 905 to conform the exercise limits to the position limits prescribed in Rule 904. The language found in Rule 905 of the Exchange's previous filing had been inserted at a time when the Exchange was considering the possibility of listing Treasury notes or bonds with public issuances of less than $1 billion. Since this is no longer a consideration, the different exercise limits for options on securities having public issuances (plus reissuances) of less than $1 billion and those with more than $1 billion is not applicable.

Reporting of Options Positions (Exchange Rule 906)

Similarly, the Exchange proposes that the number of contracts which would trigger the reporting requirement for Treasury securities be proportionally increased for the smaller sized contracts by the inverse of the proportional amount that the principal value is less than that of a contract with an underlying principal amount of $100,000 for Treasury bonds or notes and $1,000,000 or $500,000 for 13-week and 26-week Treasury bills, respectively.

Trading Rotations, Halts and Suspensions (Exchange Rule 918) and Rules of General Applicability (Exchange Rule 950)

The changes in this amendment note the new text of Rule 917 (currently proposed to be remunbered as Rule 918), and Rule 950 as recently approved by the Commission (see SR–AMEX–81–4; approved by the SEC in Release No. 34–17778).

Premium Bids and Offers (Exchange Rule 951)

The Exchange proposes to delete that portion of the language in the originally proposed rule changes, relating to bids and offers on option contracts on Treasury securities, which referred to the underlying principal value of Treasury bills as $1,000,000 and the principal amount of Treasury bonds and notes as $100,000. Instead, the Exchange is proposing a new formula applicable to Treasury bills with different underlying principal amounts. The new rule states that bids or offers for option contracts relating to an underlying Treasury bill will be expressed as a percentage of an amount which shall be determined by multiplying the principal amount of the underlying Treasury bill by a fraction whose numerator is the number of weeks to maturity of the underlying Treasury bill and whose denominator is 52. Hence, in the case of options on Treasury bills having 13 weeks to maturity, a bid of "1" shall represent a bid to pay a premium of one percent of 13/52 (1/4) of the principal value of the underlying Treasury bill, i.e., one percent of $250,000 ($2,500) if the underlying principal amount is $1,000,000 and one percent of $50,000 ($500) if the underlying principal amount is $200,000.

In the case of options on Treasury bills having 26 weeks to maturity, a bid of "1" shall represent a bid to pay one percent of 26/52 (1/2) of the principal value of the underlying Treasury bill, i.e., one percent of $250,000 ($2,500) if the principal value of the underlying Treasury bill is $500,000 and one percent of $50,000 ($500) if the principal value of the underlying Treasury bill is $100,000.

In place of reference to the fixed underlying amount of $100,000, the Exchange proposes to change the language to include Treasury bonds and notes with different underlying principal amounts. Therefore, the Exchange proposes that bids and offers for option contracts relating to an underlying Treasury bond or note shall be expressed as a percentage of the principal amount of the underlying Treasury bond or note. Hence, a bid of "1" shall represent a bid to pay a premium of one percent of $100,000 ($1,000) if the principal value of the underlying Treasury bond or note is $100,000 and one percent of $20,000 ($200) if the principal value of the underlying Treasury bond or note is $20,000.

Minimum Fractional Changes (Exchange Rule 952)

The purpose of this amendment to the originally proposed rule change regarding fractional changes is to provide for the various underlying principal amounts of the Treasury securities on which the Exchange proposes to trade options. This amendment replaces the reference to an underlying principal amount of $250,000 (in the previous filing) with a formula applicable to all Treasury bills, regardless of the underlying principal amount. Hence, the new proposed rule change states that the minimum fractional change for dealing on the Exchange in option contracts for which the underlying security is a Treasury bill shall be one-hundredth of one percent (0.01%) of the amount determined by multiplying the principal amount of the underlying Treasury bill by a fraction whose numerator shall be the number of weeks to maturity of the underlying Treasury bill and whose denominator shall be 52. For example, in the case of options on Treasury bills having 13 weeks to maturity, the minimum fractional change would be $25.00 if the principal amount of the underlying Treasury bill is $1,000,000 and $5.00 if the principal amount of the underlying Treasury bill is $200,000. In the case of options on Treasury bills having 26 weeks to maturity, the minimum fractional change would be $25.00 if the principal amount of the underlying Treasury bill is $500,000 and $5.00 if the principal amount of the underlying Treasury bill is $100,000.

Similarly, the Exchange proposes to amend the previous rule change proposal regarding minimum fractional changes for option contracts on Treasury bonds or Treasury notes by eliminating the fixed underlying principal amount of $100,000. The currently proposed change provides, instead, that the minimum fractional change for dealing on the Exchange in option contracts for which the underlying security is a Treasury bond or note shall be one thirty-second of one percent (1/32%) of the principal amount of the underlying Treasury bond or note. For example, the minimum fractional change would be $31.25 if the principal amount of the underlying Treasury bond or note is $100,000 and $6.25 if the principal amount of the underlying Treasury bond or note is $20,000.

Hours of Business (Exchange Rule 1)

Lastly, the Exchange proposes to begin trading in options on Government securities each trading day at 9:00 a.m.

since the underlying securities begin trading at that time, and proposes to amend the rule pertaining to hours of business accordingly.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The proposed rule changes are intended to provide for the trading of options on Treasury securities with smaller principal values than originally filed for in addition to the Treasury security options previously proposed. Hence, if the security underlying an option contract is a Treasury bond or note, the security would be identified by its coupon rate, maturity date and principal amount. The option contract may relate to $100,000 principal value of the underlying bond or note, or a lesser principal value. The contracts on underlying principal values of less than $100,000 may be aggregated so that when the amount of underlying principal values totals $100,000, the contracts on smaller underlying values would be fungible with one contract on a security with an underlying principal value of $100,000. Conversely, one contract on a security with an underlying principal amount of $100,000 would be fungible with the proportional number of smaller contracts. The examples described in the original filing remain applicable, but should be scaled down proportionally for contracts on securities with a lesser underlying principal value. The Exchange plans to list contracts with one-fifth the value of the contract originally proposed with respect to Treasury notes and bonds (i.e., $20,000 underlying principal value).

If the security underlying an option contract is a Treasury bill, the security will be identified as either a 13-week or 26-week Treasury bill and by the underlying principal amount. An option contract may relate to $1,000,000 or $500,000 underlying principal values for 13-week and 26-week Treasury bills, respectively, or to lesser underlying principal values. The Exchange plans to list contracts with one-fifth the value of the contracts originally proposed ($200,000 underlying principal value for 13-week bills and $100,000 underlying principal value for 26-week bills). Again, the examples described in the original filing remain applicable, but should be scaled down proportionally for the contracts on securities with the smaller principal values.

The Exchange now intends to list for trading, options on both 13-week and 26-week bills when it begins listing options on Treasury bills, rather than just options on 13-week bills as originally proposed.

In addition, the Exchange has amended its definition of "long-term" bonds since its original filing, in view of the U.S. Treasury Department's recent issuance of 20-year maturity bonds. The Exchange now considers the term "long-term" Treasury bond to refer to bonds with a minimum period to call of 15 years if callable, or if not callable a minimum period to maturity at the time of expiration of the option contract of 15 years, instead of a period of 20¼ years at the time of expiration of the option contract as indicated in the Exchange's initial filing.

The purpose of the proposed rule changes contained in this amendment to the Exchange's original filing, which introduces option contracts on securities with principal amounts less than those originally proposed, is to make the option contracts on U.S. Treasury securities a more useful tool for smaller investors.

As the Exchange pointed out in its original filing, the average transaction in stock option contracts is approximately six contracts. The amendments to the previous filing are intended to make government securfty options more accessible to small investors. Obviously, if the average number of stock option contracts traded is six, there must be many small investors whose transactions are averaged with those of the larger institutional options traders. So as not to preclude small investors from the government securities option market, by pricing the options out of their reach, the Exchange has proposed to list for trading the contracts with lesser underlying principal amounts as described above. However, since it is expected that much of the volume in Government securities options will be due to those who trade in large volume, the Exchange continues its desire to trade the Government security options as originally proposed. It is expected that the ability to interchange contracts with varying underlying principal amounts will add to the liquidity of both markets.

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they promote a market in Government security options which are appropriately sized to meet the investment needs of all investers, small and large, thereby adding to the depth of the market. The fungibility of the contracts on smaller underlying principal amounts and the contracts with underlying principal amounts originally proposed should give great liquidity to the Government security options market as well. The proposed rule changes will contribute to the maintenance of a fair and orderly market in Government security options.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect public investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited or received any written comments on the proposed rule changes since the date of the original filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concernig the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commsission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 4, 1981.

For the Commisson by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

July 16, 1981.

[FR Doc. 81-21306 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17940; SR-CBOE-81-4]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

July 14, 1981.

On May 22, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to revise certain of its rules governing the establishment of joint accounts and trading activity by participants in a joint account. Among other things, the rule change would (1) permit the establishment of a joint account among more than two market makers; (2) eliminate the requirement that joint account participants register as broker-dealers;[1] (3) for purposes of evaluating market maker performance in accordance with Rule 8.7, credit trading activity to the joint account participant initiating each transaction; and (4) for purposes of determining a joint account participant's compliance with position and exercise limits, aggregate positions or exercises in the joint account with all positions and exercises covering the same underlying security which any participant or member organization associated with a participant holds or controls or is obligated in respect of.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17834, June 3, 1981) and by publication in the **Federal Register** (46 FR 30613, June 9, 1981). No written comments on the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21308 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[1] Joint account participants would remain subject to general CBOE and Exchange Act requirements concerning broker-dealer registration. CBOE Rule 3.2 provides that individual exchange memberships may only be owned by natural persons who are registered as broker-dealers under Section 15 of the Act or are associated with registered broker-dealers. Section 15(a)(1) of the Act generally requires any natural person not associated with a registered broker-dealer who acts as a broker or dealer to register as a broker-dealer under Section 15(b) of the Act.

[File No. 22-11198]

MassMutual Mortgage and Realty Investors; Application and Opportunity for Hearing

July 14, 1981.

Notice is hereby given that MassMutual Mortgage and Realty Investors (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under four existing indentures, and one new indenture of the applicant and MassMutual Mortgage and Realty Investors Finance N.V. ("Finance"), a Netherlands Antilles Corporation and an affiliate of the Trust, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issurer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) Chemical Bank currently is acting as trustee under four separate indentures in which the Applicant is the obligor. The first indenture, dated October 1, 1970, involved the issuance of $50,000,000 principal amount 6¾% Convertible Subordinated Debentures due 1990; the second indenture, dated October 1, 1971, involved the issuance of $50,000,000 principal amount 6¼% Convertible Subordinated Debentures due 1991; and the third indenture dated April 1, 1961, involved the issuance of $35,800,000 principal amount 7% Convertible Subordinated Debentures due 2000. All these indentures were filed as exhibits to registration statements filed under the Securities Act of 1933 and have been qualified under the Trust Indenture Act of 1939.

(2) Under an indenture between the Applicant and Chemical Bank dated July 15, 1972, the Applicant issued $25,000,000 principal amount 6¾% Convertible Subordinated Debentures due 1987 (the "Old Eurobonds"). The Old Eurobonds were not registered under the Securities Acts of 1933, and were not qualified under the Trust Indenture Act of 1939 because the Old Eurobonds were offereed and sold outside of the United States, its territories and possessions to persons who were not nationals or residents

thereof. On August 23, 1972, the Securities and Exchange Commission (the "Commission") issued an order granting the Applicant's application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 to allow Chemical Bank to act as Indenture Trustee under the Old Eurobond Indenture.

(3) The Applicant is not in default in any respect under any of the indentures described above or under any other existing indenture.

(4) Chemical Bank has entered into an indenture with Applicant and Finance as of June 1, 1981, pursuant to which there are to be issued $21,000,000 principal amount 8% Guaranteed Convertible Subordinated Debentures due 1994 (the "New Eurobonds"), guaranteed as to principal and interest by the Applicant on a subordinated basis. The New Eurobonds are to be issued in connection with an exchange offer currently being made by Finance for the Old Eurobonds. The guarantee contained in the New Eurobonds Indenture, if enforced against the Applicant, would rank on a parity with the obligations issued in 1970, 1971, 1972, and 1981 described above. The New Eurobonds have not been registered under the Securities Act of 1933 and have not been qualified under the Trust Indenture Act of 1939 because the New Eurobonds are being offered and sold under circumstances reasonably designed to preclude distribution or redistribution within, or to nationals of the United States.

(5) The New Eurobond Indenture and the other four indentures described above are wholly unsecured and, aside form differences among these five indentures as to amounts, interest rates, maturity dates, redemption dates and redemption powers, certain covenants relating to United States taxation, and differences in form between the New Eurobond Indenture and the other four indentures mentioned above, the terms of said indentures are substantially similar.

Such differences as exist among the four existing indentures under the trusteeship of Chemical Bank and the proposed indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of said indentures.

(6) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given than any interested person may, not later than August 10, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21304 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17942; SR-Phlx-81-9]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 14, 1981.

On May 27, 1980, the Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which provides uniform standards of conduct for both the options and equity trading floors and increases the maximum assessments for violations of the exchange's rules governing conduct on the respective trading floors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17846, June 5, 1981) and by publication in the Federal Register (46 FR 30949, June 11, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21307 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2000]

Kansas; Declaration of Disaster Loan Area

Douglas County and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by a tornado, hail, wind and rain which occured on June 19, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 14, 1981, and for economic injury until the close of business April 15, 1982, at: Small Business Administration, District Office, 12 Grand Bldg., 5th Floor, 1150 Grand Avenue, Kansas City, Missouri 64106, or other locally announced locations.

For recent change in disaster loan eligibility see Federal Register 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-21259 Filed 7-20-81; 8:45 am]

BILLING CODE 8025-01-M

TRADE REPRESENTATIVE, OFFICE OF THE U.S.

Trade Policy Staff Committee; Hearings on Additional Articles Being Considered for Duty Modification

1. Notice of Public Hearings. Pursuant to section 133 of the Trade Act of 1974 (19 U.S.C. 2153), the Trade Policy Staff Committee, chaired by the Office of the United States Trade Representative, has scheduled public hearings for August 18, 1981, concerning additional articles being considered for possible duty modification, notice of which was published in the Federal Register of July 7, 1981 (46 FR 35234).

2. Time and Place of Hearings. The Committee's hearings will open at 2:00 p.m., EST, on August 18, 1981. They will be held in Washington, D.C., Office of the United States Trade Representative, Winder Building, 600 Seventeenth Street, NW, Room 403.

3. Requests to Present Oral Testimony. All requests to present oral testimony must be received by the Secretary of the Trade Policy Staff Committee, Room 413, Winder Building, 600 Seventeenth Street, NW, Washington, D.C. 20506 not later than noon, August 11, 1981. Procedures for the submission of written briefs and rebuttal briefs, and other relevant information concerning the hearing process is contained in the Federal Register of August 28, 1980 (45 FR 57636) and Trade Policy Staff Committee Regulations codified at 15 CFR 2003.

4. All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 413, Winder Building, 600 Seventeenth Street, NW, Washington, D.C. 20506 (Phone: 202-395-3467).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-21244 Filed 7-20-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-168]

Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs

Notice is hereby given pursuant to the provisions of § 151.43 of the Customs Regulations (19 CFR 151.43) that the application of National Maritime Surveys, Inc., 8935 Jefferson, River Ridge, Louisiana 70123, to gauge imported petroleum and petroleum products in all Customs districts in accordance with the provisions of § 151.43 of the Customs Regulations is approved.

Dated: July 15, 1981.

Anthony L. Plazzo,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 81-21239 Filed 7-20-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[Department Circular/Public Debt Series—No. 21-81]

Treasury Notes of July 31, 1983, Series T-1983

July 16, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,500,000,000 of United States securities, designated Treasury Notes of July 31, 1983, Series T-1983 (CUSIP No. 912827 MC 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additonal amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated July 31, 1981, and will bear interest from that date, payable on a semiannual basis on January 31, 1982, and each subsequent 6 months on July 31 and January 31 until the principal becomes payable. They will mature July 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, July 22, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, July 21, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only

permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, July 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, July 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amended rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-21408 Filed 7-20-81; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 139
Tuesday, July 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of Meeting

July 17, 1981.

TIME AND DATE: 10 a.m., July 24, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Docket No. IN81-3
(2) Docket No. IN 80-7
(3) Docket Nos. GP80-72, GP80-73, GP80-85, GP80-86, GP80-87, GP80-95, GP80-103, and GP80-25-000
(4 Docket Nos. E-9548 and E-9549

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

[S-1110-81 Filed 7-17-81; 3:50 pm]

BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, July 23, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board Meeting.

Statement of Policy Regarding Due-on-Sale Clauses

No. 517, July 17, 1981

[S-1109-81 Filed 7-17-81; 3:49 pm]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 36985, July 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., July 21, 1981.

CHANGES IN THE MEETING: Addition of the following items to the closed session:

2. Docket No. 77-7: Agreements Nos. 9929-2, 9929-4 (Modifications to the Combi Line Joint Service Agreement) and Agreements Nos. 10266 and 10266-1 (Joint Marketing Agreement Between Intercontinental Transport, B.V. and Compagnie Generale Maritime)—Proceedings on Remand from Court of Appeals.
3. Agreement No. 10266-4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

[S-1108-81 Filed 7-17-81; 10:31 am]

BILLING CODE 6730-01-M

4

BFFL FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

July 15, 1981.

TIME AND DATE: 10 a.m., Wednesday, July 22, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Frederick Bradley v. Belva Coal Company, Docket No. WEVA 80-706-D.

Following the oral argument the Commission will consider and act upon the following:

1. American Materials Corporation, Docket No. LAKE 79-9-M; (Petition for Descretionary Review).
2. Tazco, Inc., Docket No. VA 80-121.
3. Salt Lake County Road Department, Docket No. WEST 79-365-M.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1111-81 Filed 7-17-81; 3:52 pm]

BILLING CODE 6630-13-M

5

FEDERAL RESERVE SYSTEM.

(Board of Governors).

TIME AND DATE: 10 a.m., Monday, July 27, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal regarding the funding of post-retirement pension supplements of the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignmnets, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 17, 1981.

James McAfee, Assistant Secretary of the Board.

[S 1107-81 Filed 7-17-81; 1:14 pm]

BILLING CODE 6210-01-M

6

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH (NIE).

DATE AND TIME: July 28, 1981, 9:30 a.m.-3:30 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street, N.W., Washington, D.C.

STATUS: Certification is being sought from the Department of Education Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on July 28, 1981, under 5 U.S.C. 522b(c)(9)(B) and 34 CFR 705.2(a)(9) for the purposes of reviewing and discussing with the Director of NIE options for the NIE fiscal year 1983 budget and procurement planning and budget for fiscal year 1982." Agenda item *#8* will be closed, the rest of the agenda will be open to the public. The public should call to verify the *closing* of this portion of the meeting.

MATTERS TO BE CONSIDERED:

1. Convene (9:30 a.m.).
2. Approve minutes of April 29, 1981 NCER meeting (9:35 a.m.).
3. Acting Director's Report (9:40 a.m.-10:15 a.m.).
4. Report on Minimum Competency Testing Hearings (10:15 a.m.-11:00 a.m.).
5. Report on Preliminary Planning concerning Educational Technology (11:00 a.m.-11:30 a.m.).
6. Staff report on ways of further examining NIE fundamental research work (continuation of April 29 review) (11:30 a.m.-12:15 p.m.).
7. Discussion of NIE activities in International Education (1:30 p.m.-2:15 p.m.).
8. Budget Planning for FY 1983 and procurement planning and budget for FY 1982 (Closed Session—2:15 p.m.-3:30 p.m.)

CONTACT PERSON FOR MORE INFORMATION: Martha H. Catto: Telephone: 202/254-7900

[S-1108-81 Filed 7-17-81; 3:25 pm]

BILLING CODE 4000-05-M

7

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting

In accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on July 29, 1981.

A. The meeting will be held on Wednesday, July 29, 1981, in the Pierre Suite, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W., Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow:

Agenda—National Railroad Passenger Corporation, Meeting of the Board of Directors—July 29, 1981

(9:30) *Closed Session*
1. *Internal Personnel Matters*
2. *Litigation Matters*
(10:30) *Open Session*
3. *Approval of Minutes of Regular Meeting of June 24, 1981*
4. *Commitment Approval Requests:*
80-197-R1: Revision of CAR 80-197: Reservations Expansion and Modernization (REM) Project
5. *Resolution Authorizing Corporate Officers to Execute Agreements for Development of 30th Street Station-Philadelphia*
6. *Board Committee Reports:*
Audit
Legal Affairs
Northeast Corridor Improvement Project
Organization and Compensation
7. *President's Report*
8. *New Business*
9. *Adjournment*

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3754.

July 17, 1981.

Sandra Spence,
Corporate Secretary.

[S-1106-81 Filed 7-17-81; 11:13 am]

BILLING CODE 8080-08-M

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federal register

Tuesday
July 21, 1981

Part II

Department of Education

Desegregation Support Program

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

34 CFR Part 520

Bilingual Education: Desegregation Support Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations to implement the Desegregation Support Program under the authority of Section 751 of the Bilingual Education Act. These regulations govern financial assistance awards that enable desegregating school districts to meet the special educational needs of minority group children who, because of language barriers and cultural differences, do not have equal educational opportunity.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect September 4, 1981. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Ms. Regina Robbins, Office of Bilingual Education and Minority Languages Affairs, Department of Education, (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472–3520.

SUPPLEMENTARY INFORMATION:

I. Authority

The statutory authority for this program is the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978, Pub. L. 95–561 (20 U.S.C. 3261).

II. Background

To encourage a greater degree of coordination among Education Department programs that support bilingual education programs for children of limited English proficiency, the Education Amendments of 1978 transferred the authority for the Desegregation Support Program from the Emergency School Aid Act (Title VI of the Elementary and Secondary Education Act) to the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act). On June 29, 1979, The Commissioner of Education published a notice of proposed rulemaking (NPRM) in the **Federal Register** (44 FR 18906) to implement changes to the Bilingual Education "Title VII" Program made by the Education Amendments of 1978. With the exception of regulations for the Desegregation Support Program, final regulations for Title VII were published in the **Federal Register** (45 FR 23208) on April 4, 1980. Regulations were not needed to make fiscal year (FY) 1980 awards under the Desegregation Support Program; the legislation provided that recipients of FY 1979 funds would receive continued assistance under the program for FY 1980. These regulations, when effective, will govern applicants and grantees under the Desegregation Support Program, beginning with the FY 1981 grants competition, and will remain in effect until modified or replaced by a change in the authorizing legislation.

These regulations govern the award of grants to develop curricula for, and to conduct, instructional programs of bilingual-bicultural education designed to complement school districts' qualifying desegregation plans and to meet the special educational needs of eligible minority group children enrolled in schools participating in the desegregation plans.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burden found in these regulations.

III. Summary of Public Comment

The Secretary has made several important changes from the proposed regulations for the Desegregation Support Program based on review of comments received on the NPRM, review of the content and format of the final regulations implementing other programs authorized under the Bilingual Education Act, and review of the authorizing legislation. All comments and recommendations received prior to August 29, 1979 were considered in the development of these final regulations. A summary of those comments and the Secretary's responses to them are contained in Appendix A to the regualtions. In addition, the Bilingual Education: General Provisions (34 CFR Part 500) have been republished here as Appendix B for the reader's information and better understanding of the Desegregation Support Program, since those regulations apply to all programs implemented under the Act.

The proposed regulations for the Desegregation Support Program closely resembled and in some instances

repeated, the definitions, target populations, eligible activities, selection criteria, and application and grant requirements in the regulations proposed for the Basic Projects Program. The NPRM even provided that quality Desegregation Support applications would be considered for support under the Basic Project Program when available funds under the Desegregation Support Program had been exhausted. The majority of commenters opposed the points of similarity that the regulations established between two programs and suggested that the differences in the authorizing legislation for the two programs should be more strongly reflected in the implementing regulations. They also suggested that the regulations should emphasize that, unlike the other programs established under Title VII, this program supports bilingual-bicultural education programs designed specifically to complement desegregation plans implemented by school districts.

In response to public comment, the Secretary has revised the regulations for the Desegregation Support Program to clarify the distinctions between the program and the Basic Projects Program and to emphasize that the Desegregation Support Program provides assistance to desegregating school districts. Some of the provisions in these regulations parallel the language and format of the Basic Projects regulations, where application requirements under the two programs are similar. However, these regulations use language and terms that are specific to the authorizing legislation for the Desegregation Support Program (Section 751 of the Act) and otherwise make clear the different purposes of the two programs.

Eligibility requirements under the Desegregation Support Program, as well as a description of a qualifying desegregation plan and the procedures for obtaining a waiver of ineligibility, are contained in Section 606 of the Emergency School Aid Act and in regulations which implement Section 606 for Emergency School Aid Act programs. The reader should refer to the Desegregation Support Program regulations (34 CFR 520.3) for citations of the Emergency School Aid Act regulations that apply to the Desegregation Support Program. An applicant that has been found to be out of compliance with the Civil Rights Act must have applied for a waiver of ineligibility as described in Section 606(c) of the Emergency School Aid Act and in implementing regulations to be eligible for a grant under the Desegregation Support Program. However, an applicant may use assistance received under this program to support compliance activities carried out under any United States or State court order regarding special programs of education for children of limited English proficiency.

A project assisted under the Desegregation Support Program must be designed to complement the qualifying desegregation plan of an eligible school district. Implementation of the project must be coordinated with activities carried out under the school district's qualifying desegregation plan. Therefore, it is expected a project assisted under this program will not be designed or implemented in such a way that minority group isolation in the school district is continued or exacerbated. It is also hoped that activities supported under this program will increase the self-esteem of the minority group children served by the project and will cultivate in all project participants—children, teachers, principals, and parents—a better understanding of special educational needs of the minority group children and an appreciation of the history, language, and cultural heritage of those children. A number of commenters asserted that the positive self concept and proud sense of cultural awareness fostered under this program would contribute fundamentally to a minority group child's ability to achieve in school.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority placed in parentheses on the line following each substantive provision of the regulations.

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Program No. 84.003, Bilingual Education Program)

The Secretary revises Part 520 of Title 34 of the Code of Federal Regulations to read as follows:

PART 520—BILINGUAL EDUCATION: DESEGREGATION SUPPORT PROGRAM

Subpart A—General

Sec.

520.1 What is the Desegregation Support Program?
520.2 Who is eligible for assistance under these programs?
520.3 What regulations govern this program?
520.4 What definitions apply?

Subpart B—What Kinds of Projects Does the Secretary Assist?

520.10 What activities are eligible for assistance?

Subpart C—How Does One Apply for a Grant?

520.20 What requirements pertain to project committees?
520.21 How does the Secretary provide for the participation of children enrolled in nonprofit private schools in an instructional program of bilingual-bicultural education?
520.22 What requirements pertain to training activities?
520.23 What requirements pertain to nonprofit private organizations that apply for a bilingual-bicultural curriculum development project?

Subpart D—How Does the Secretary Make a Grant?

520.30 How does the Secretary evaluate an application proposing a bilingual-bicultural curriculum development project?
520.31 How does the Secretary evaluate an application proposing an instructional program of bilingual-bicultural education?
520.32 What factors does the Secretary consider in awarding grants?

Subpart E—What Conditions Must Be Met by a Grantee?

520.40 What requirements pertain to all grantees?
520.41 What additional requirement pertains to grantees carrying out an instructional program of a bilingual-bicultural education?

Appendix B—Bilingual Education: General Provisions.

Authority: Section 751 of the Title VII Elementary and Secondary Education Act, Pub. L. 95–561, 20 U.S.C. 3281.

Subpart A—General

§ 520.1 What is the Desegregation Support Program?

(a) The purpose of this program is to provide assistance to eligible local educational agencies (LEAs) that–

(1) Are implementing qualifying desegregation plans; and

(2) Have eligible minority group children enrolled in schools participating in the qualifying desegregation plans.

(b) This program supports two types of projects designed to complement an LEA's qualifying desegregation plan and to meet the special educational needs of eligible minority group children:

(1) Bilingual-bicultural curriculum development projects that develop curriculum for use in instructional programs of bilingual-bicultural education;

(2) Projects that implement instructional programs of bilingual-bicultural education.

(20 U.S.C. 3261(a))

§ 520.2 (See 34 CFR 500.2(g)—Who is eligible for assistance under these programs?)

§ 520.3 What regulations govern this program?

(a) The following regulations apply to grants awarded under this program:

(1) The regulations in this part (34 CFR Part 520)

(2) The Bilingual Education: General Provisions (34 CFR Part 500) with the following exceptions:

(i) The definitions in 34 CFR 500.4 do not apply. Definitions for this program are contained in this part (34 CFR 520.4).

(ii) The Secretary approves a project period of from one to three years.

(3)(i) Emergency School Aid Act regulations which implement Sections 606(a) and 606(c) of the Emergency School Aid Act, specifically those sections in the regulations which govern—

(A) Limitations on eligibility (34 CFR 280.21–280.24);

(B) Continuing conditions of eligibility (34 CFR 280.26);

(C) Show cause conferences (34 CFR 280.27);

(D) Waivers of ineligibility (34 CFR 280.28–280.32); and

(E) Qualifying plans (34 CFR 280.42(a)–(c)).

(ii) For the purposes of this program, the term "under the Act" as used in the Emergency School Aid Act regulations cited in this section (34 CFR 520.3(A)(3)(i)) shall mean "under Section 751 of the Bilingual Education Act.

§ 520.4 What definitions apply?

In addition to terms defined in EDGAR (34 CFR Part 77), the following terms are used in this part:

"Act" means the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3221)

"Curriculum" is considered to encompass the instructional activities, including the use of materials, planned and provided for students by the school or school system. The curriculum, therefore, is the planned interaction of students with instructional content, instructional resources, and instructional processes for the attainment of educational objectives.

(20 U.S.C. 3281)

"Emergency School Aid Act" means the Emergency School Aid Act, Title VI of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3191)

"Instructional program of bilingual-bicultural education" means a program of instruction designed to meet the special educational needs of minority group children in elementary and secondary schools and having the following characteristics:

(1) There is instruction given in, and study of, English and the native language of the parents and grandparents of the minority group children.

(2) Instruction is given with appreciation for the heritage of the minority group children and of other children in American society.

(20 U.S.C. 3261(a)(1)(A))

"Minority group children" means children who are from environments in which the native language is other than English and who, as a result of language barriers and cultural differences, do not have equal educational opportunity.

(20 U.S.C. 3207(6), 3261)

"Native language" means the language normally used by an individual, or in the case of a child, the language normally used by the parents or grandparents of the child.

(20 U.S.C. 3261(a)(1))

"Qualifying desegregation plan" means the desegregation plan that satisfies the requirements of Section 606 of the Emergency School Aid Act (ESAA) and qualifies an LEA for assistance under this program.

(20 U.S.C. 3261)

Subpart B—What Kinds of Projects Does the Secretary Assist?

§ 520.10 What activities are eligible for assistance?

The Secretary funds two types of projects which must be designed to complement the LEA's qualifying desegregation plan.

(a) *Bilingual-bicultural curriculum development projects.* An eligible LEA, or a nonprofit private organization that has received a request for curriculum development from one or more eligible LEAs may propose to develop curriculum for use in instructional programs of bilingual-bicultural education. This curriculum is designed to—

(1) Increase the skills of minority group children in understanding, speaking, reading, and writing both English and the native language of the parents or grandparents or the minority group children;

(2) Enhance the understanding of minority group children and their classmates about the history and cultural backgrounds of the minority group children; and

(3) Complement the LEA's qualifying desegregation plan.

(b) *Instructional programs of bilingual-bicultural education.*

(1) An eligible LEA may propose to implement—

(i) Curriculum developed under paragraph (a) of this section; or

(ii) Any other curriculum that the Secretary determines meets the requirements in paragraph (a) of this section.

(2) In its plan to implement an instructional program of bilingual-bicultural education, an LEA shall provide, as necessary, training for teachers, principals, and other educational personnel who work with minority group children, to enable them to provide services more effectively to those children.

(20 U.S.C. 3231(a)(2) and 3261(a)(1) and (b))

Subpart C—How Does One Apply for a Grant?

§ 520.20 What requirements pertain to project committees?

(a) An LEA applying for a bilingual-bicultural curriculum development project or an instructional program of bilingual-bicultural education shall establish a project committee meeting the requirements of paragraph (b) of this section that will fully participate in the preparation of the application and in the implementation of the project and join in submitting the application.

(b) (1) The project committee must be broadly representative of parents, school officials, teachers, and other interested members of the community or communities to be served.

(2) At least half of the committee members must be parents.

(3) At least half of the committee members must be members of the minority group(s) whose educational needs the project is intended to meet.

(c) The LEA may use the following procedures, or other procedures it determines appropriate, to meet the requirements of paragraph (b):

(1) Solicit nominations for project committee membership from parents, other representatives of minority group children, and interested members of the community or communities to be served.

(2) Publish a solicitation of nominations for membership in a manner likely to bring the solicitation to the attention of potential members; for example, publication of an announcement in a local newspaper or other local publication.

(3) Include at least seven members on the committee.

(d) The LEA shall provide the project committee with adequate resources (as determined by the LEA), including staff with language skills in the native language of the committee members.

(e) The LEA shall submit with its application—

(1)(i) Documentation of its consultations with the project committee;

(ii) The project committee's comments on the application; and

(iii) Documentation of support for the project signed by the majority of the members of the project committee; and

(2) An assurance that in carrying out its project, the applicant will provide for frequent consultations with, and participation by, the project committee.

(f) The requirements in paragraphs (a) through (e) of this section apply to a nonprofit organization applying for a bilingual-bicultural curriculum development project, with the following exceptions:

(1) The committee must consist of at least ten persons; and

(2) The committee must exercise policy-making authority with respect to the program or project.

(20 U.S.C. 3223(a)(4)(E) and 3261(a)(2))

§ 520.21 How does the Secretary provide for the participation of children enrolled in nonprofit private schools in an instructional program of bilingual-bicultural education?

(a) An applicant shall provide for the participation in its project of minority group children enrolled in nondiscriminating nonprofit private schools in the LEA, whose participation would assist in achieving the purposes of the LEA's qualifying desegregation plan, if the educational needs, language(s), and grade level(s) of those children are of a similar type to those which the project is intended to address.

(b) (1) In meeting the requirements in paragraph (a) of this section, the applicant shall comply with the requirements in EDGAR (34 CFR 76.651–76.662).

(2) For the purpose of this section, the terms "subgrantee" and "subgrant" as used in those sections of EDGAR mean "grantee" and "grant", respectively.

(c) If an applicant fails to provide for the participation of minority group children enrolled in nonprofit private schools as required in paragraph (a) of this section, the Secretary—

(1) Withholds approval of the application until the applicant demonstrates that it will provide for the participation of those children; or

(2) Reduces the amount of the grant by the amount the Secretary needs to—

(i) Arrange to assess the needs of minority group children in nonprofit private schools whose participation would assist in achieving the purposes of the LEA's qualifying desegregation plan; and

(ii) Carry out an instructional program of bilingual-bicultural education for minority group children whose educational needs, language(s), and grade level(s) are of a similar type to those which the project is intended to address.

(d) (1) In addition to meeting the requirements in paragraphs (a) and (b) of this section, an applicant may, at its option, provide an instructional program of bilingual-bicultural education for minority group children and their classmates enrolled in nondiscriminating nonprofit private schools in the LEA, whose participation would assist in achieving the purposes of the LEA's qualifying desegregation plan, although the educational needs, language(s), and grade level(s) of the minority group children are not of a type similar to those of the public school participants.

(2) An applicant that proposes to provide services under paragraph (d)(1) of this section to children enrolled in nonprofit private schools shall comply with the requirements in 34 CFR 76.657–76.662.

(20 U.S.C. 3231(b)(3)(C)(ii) and (f), 3261(a)(1))

§ 520.22 What requirements pertain to training activities?

An LEA proposing to carry out an instructional program of bilingual-bicultural education shall—

(a) Assess the training needs of the teachers, principals, and other educational personnel who work with minority group children in school(s) participating in the qualifying desegregation plan;

(b) Include in its application plans for training activities that provide, as necessary, training for teachers, principals, and other education personnel who work with minority group children; and

(c) Include in its budget adequate funds for these activities.

(20 U.S.C. 3261(a)(1))

§ 520.23 What requirements pertain to nonprofit private organizations that apply for a bilingual-bicultural curriculum development project?

A nonprofit private organization must include in its application—

(a) Evidence that it has received a request from one or more eligible LEAs to develop bilingual-bicultural curriculum under this program; and

(b) Evidence that it has the capacity to obtain the services of adequately trained and qualified staff.

(20 U.S.C. 3261(a)(2))

Subpart D—How Does the Secretary Make a Grant?

§ 520.30 How does the Secretary evaluate an application proposing a bilingual-bicultural curriculum development project?

The Secretary considers the following criteria worth a total of 150 possible points. The maximum possible score for each criterion is indicated in parentheses.

(a) *Curriculum design.* (40 points)

The Secretary considers the quality of the applicant's plans for designing a curriculum that complements—

(1) The LEA's qualifying desegregation plan; and

(2) Any programs of Federal financial assistance that are related to the purposes of this program.

(b) *Needs identification.* (10 points)

The Secretary considers the extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the special educational needs of the minority group children.

(c) *Impact.* (40 points total)

The Secretary considers the extent to which the proposed curriculum will—

(1) Meet the special educational needs of minority group children; (15 points);

(2) Increase the skills of minority group children in understanding, speaking, reading, and writing both English and the native language of the parents or grandparents of the minority group children (10 points);

(3) Enhance the understanding of the minority group children and their classmates about the history and cultural backgrounds of the minority group children (10 points); and

(4) Involve parents of minority group children in the education of their children (5 points).

(d) *Curriculum evaluation.* (15 points)

The Secretary considers the adequacy of the applicant's plans—

(1) To test the curriculum as it is developed to determine whether it meets the needs identified in the application; and

(2) To include teachers, principals, and other educational personnel from schools participating in the qualifying desegregation plan in the evaluation of the curriculum.

(e) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(f) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

Note.—The qualifications of project personnel should relate to the population served by the project. For example, when reviewing projects that serve children of a particular ethnic population, the Secretary looks for project personnel who have extensive experience or expertise in the culture and language of that population.

(g) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(h) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 3261(a)(1) and 20 U.S.C. 3474(a))

§ 520.31 How does the Secretary evaluate an application proposing an instructional program of bilingual-bicultural education?

The Secretary considers the following criteria worth a total of 150 possible points. The maximum possible score for each criterion is indicated in parentheses.

(a) *Project design.* (40 points)

The Secretary considers the quality of the applicant's plans to coordinate the implementation of the instructional program of bilingual-bicultural education with—

(1) Activities carried out under the LEA's desegregation plan; and

(2) Any programs of Federal financial assistance that are related to the purpose of the program.

(b) *Rationale for selection of project sites and participants.* (5 points)

The Secretary considers the rationale and the appropriateness of the methods used to select the schools and children to be served by the project.

(c) *Needs assessment.* (10 points)

The Secretary considers the adequacy of the applicant's assessment of the needs of the children to be served by the project, including assessments of—

(1) The special educational needs of the minority group children;

(2) Proficiency of the minority group children in understanding, speaking, reading, and writing both English and the native language(s) of the parents or grandparents of the minority group children to be served by the project; and

(3) Knowledge and understanding of the children of the history and cultural heritage of the minority group children to be served;

(d) *Impact.* (40 points total)

The Secretary considers the extent to which the proposed program of bilingual-bicultural education will—

(1) Meet the special educational needs of the minority group children (15 points);

(2) Increase the skills of minority group children in understanding, speaking, reading, and writing both English and the native language of the parents or grandparents of the minority group children (10 points);

(3) Enhance the understanding of the minority group children and their classmates about the history and cultural backgrounds of the minority group children and increase their tolerance and appreciation for ethnic differences, (10 points); and

(4) Involve parents of minority group children in the education of their children (5 points).

(e) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(f) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (unless the building principal is to be so designated);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (f)(2) (i) and (ii) of this section plans to commit to the project;

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic groups, women, handicapped persons, and the elderly; and

(v) The extent to which the building principal is involved in the daily administration of the project.

(3) To determine the qualifications of a person, the Secretary considers evidence of the past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

Note.—The qualifications of project personnel should relate to the population served by the project. For example, when reviewing projects that serve children of a particular ethnic population, the Secretary looks for project personnel who have extensive experience or expertise in the culture and language of that population.

(g) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590—Evaluation by the grantee)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(h) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(i) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 3261(a)(1) and 20 U.S.C. 3474(a))

§ 520.32 What factors does the Secretary consider in awarding grants?

(a) The Secretary considers the rank order of the application as determined by applying the selection criteria in § 520.31 (for applications proposing instructional programs of bilingual-bicultural education).

(b) The Secretary also considers the need for the proposed activities in the LEA(s) to be served by the project.

(1) In determining need under paragraph (b) of this section, the Secretary considers—

(i) The number of minority group children who would benefit from the program of bilingual-bicultural education;

(ii) Assistance the applicant is receiving under other programs of Federal financial assistance that are related to the purposes of this program; and

(iii) Previous assistance that the applicant has received under this program or under Section 708 of the Emergency School Aid Act and the need for further assistance.

(2) In determining need under paragraph (b)(1) of this section, the Secretary uses—

(i) Information provided in the application;

(ii) Information provided in the SEA review of the application (under 34 CFR 500.20);

(iii) Information on current and past educational and training activities supported under the Bilingual Education Act and the Emergency School Aid Act; and

(iv) Other information available to the Secretary; and

(c) For applications proposing to implement instructional programs of bilingual-bicultural education, the Secretary gives priority to applications that propose to implement bilingual-bicultural curriculum developed under this program, if that curriculum is determined to be appropriate to the needs of the LEA.

(20 U.S.C. 3231(c), 3261)

Subpart E—What Conditions Must Be Met by a Grantee?

§ 520.40 What requirements pertain to all grantees?

A grantee shall—

(a) Work closely with its project committee in carrying out project activities; and

(b) Coordinate project activities with—

(1) The goals and implementation of the LEA's qualifying desegregation plan; and

(2) Any programs of Federal financial assistance that are related to the purposes of the program.

(c) A grantee shall comply with the "supplement not supplant" requirement in Section 721(b)(3)(G) of the Act.

(20 U.S.C. 3231(b)(3)(G) and 3261(a) (2) and (3))

§ 520.41 What additional requirement pertains to grantees carrying out an instructional program of bilingual-bicultural education?

A grantee shall inform parents of children participating in the program of the instructional goals of the program and the progress of their children in the program.

(20 U.S.C. 3223(a)(4)(F))

Note.—This appendix will not be codified in the Code of Federal Regulations.

Appendix A

Summary of Comments and Responses

Approximately 20 persons commented on the notice of proposed rulemaking (NPRM) for the Bilingual Education: Desegregation Support Program. Their comments are arranged in the order of the sections of the proposed regulations to which they pertain. Each set of comments is followed by a response that indicates any change that has been made to the regulations or why no change was considered appropriate.

PART 510—BILINGUAL EDUCATION: DESEGREGATION SUPPORT PROGRAM (FORMERLY 45 CFR PART 123b)

§ 123b.3 *What definitions apply to the program?*

Comment. Several commenters suggested that the regulations should use terminology that more closely parallels the legislative language and that definitions should be added to clarify the type of educational program supported under these regulations. Commenters also asked for clarification of the relationship between these regulations and regulations implementing Emergency School Aid Act programs, since Section 606 of the Emergency School Aid Act contains eligibility requirements that also apply to the Desegregation Support Program.

Response. The regulations now use language that more closely parallels the language in the legislation. A section has been added to clarify the terms and provisions contained in the regulations for Emergency School Aid Act programs that apply to this program. A section has been added to these regulations that defines terms used in this program. The definitions section in the General Provisions (34 CFR 500.4) no longer applies to this program.

Comment. Several commenters questioned whether Black English was considered a "native language" that could qualify minority group children for assistance under this program.

Response. The Department of Education holds the position that so-called "Black English" is a form of English and not a separate and distinct language. It is one of many forms of non-standard English in common currency. It cannot, therefore, be considered a native language that is other than English. Programs that propose to use "Black English" as one of the languages in a bilingual education program are therefore not eligible for funding under Title VII ESEA. This position is supported by the legislative history of the Act.

§ 123b.10 *What activities are eligible for assistance under the desegregation support program?*

Comment. Several commenters questioned the legal authority for supporting projects designed solely to develop the native language skills of participants and suggested that projects supported under this program be bilingual in approach. Commenters questioned the focus of the regulations on the needs and native language(s) of children of limited English proficiency, since those children are not mentioned in the authorizing legislation. Several commenters suggested the regulations clarify that the curricula developed and the instructional programs implemented under this program be designed to complement the local educational agency's (LEA's) desegregation plan. Commenters suggested that programs of bilingual-bicultural education should be designed to meet the needs of minority group children and their classmates and that they should include instruction in and of the language of parents or grandparents of the minority group children. A few commenters suggested that an LEA be required to include in its project training activities for teachers, principals, and other education personnel who work with minority group children, designed to increase their understanding of the special needs of those children and to enable them to provide services more effectively to those children.

Response. This section has been rewritten to clarify that this program supports the development of curriculum for, and the implementation of, instructional programs of bilingual-bicultural education to complement the LEA's qualifying desegregation plan and to meet the special educational needs of minority group children. These programs are bilingual in focus, with students studying both English and the native language of the parents or grandparents of the minority group children. The regulations make it clear that an LEA is required to provide training for teachers, as necessary, and may provide training for principals and other education personnel who work with minority group children, as appropriate.

Comment. A few commenters suggested that the regulations state that a nonprofit private organization must have received a request from an eligible LEA to develop bilingual-bicultural curriculum to be eligible for support under this program.

Response. The eligibility criterion for nonprofit private organizations is stated in the Bilingual Education General Provisions (34 CFR 500.2), which establish eligibility requirements for applicants under all the programs authorized under the Bilingual Education Act. For emphasis and clarity, the regulations now require a nonprofit private organization to submit with its application evidence of an eligible LEA's request for curriculum development.

§ 123b.20 *What are the requirements when applying for a desegregation support project?*

Comment. Commenters asked why the regulations use terms different from those used in the law in the description of the advisory committees required of applicants under the Desegregation Support Program. One commenter asked why the regulations establish a minimum number of members for the LEA's committee and why the regulations assign responsibilities to the committee that were not specified in the law. One commenter asked the reason for requiring an LEA to provide the committee with staff and resources. The commenter asked whether an LEA must use its own funds to meet this requirement. One commenter suggested that advisory committees be required to meet at least quarterly.

Response. The regulations now use the term "project committee", one of the terms used in the legislation, to describe the advisory group required of applicants under this program. The same term is used to describe the committees required of LEA's and nonprofit private organizations, since requirements are similar for two types of applicants. To avoid undue burden on applicants, certain requirements have been made permissive rather than mandatory. The requirement for a seven-member committee and the proposed nomination process have both been made permissive. The regulations retain the requirement that an LEA provide adequate staff and resources to its project committee to ensure that the committee is able to carry out its advisory responsibilities effectively. However, the regulations provide that the determination of what constitutes "adequate staff and resources" is left to the LEA. The regulations require an applicant to provide an assurance that it will provide for frequent consultations with, and participation of, its project committee, but defer to the grantee the scheduling of project committee meetings.

§ 123b.30 *What are the funding procedures?*

Comment. Several commenters requested clarification of the procedures used to allot funds under this program.

Response. This section has been deleted from the final regulations. The Secretary announces in the closing date notice the approximate amount of funds available for the two types of projects supported under this program. The Secretary bases the decision concerning allotment of funds on the best available information on the needs of desegregating school districts. However, the amounts announced in the closing date notice are only estimates and do not bind the Department of Education. The Secretary may reallocate funds if too few applications of high quality are received under a competition. Applications submitted under the Desegregation Support Program compete only for funds made available for awards under that program. Applications submitted under that program will not be supported with funds specifically made available for any other program under the Bilingual Education Act.

§ 123b.31 *What are the selection criteria for applications that propose activities described in § 123b.10(a)?*

Comment. Several commenters asked the reason for including recency as a selection criterion. Commenters feared that the recency criterion would favor school districts which have not made an effort to desegregate and that the criterion would not be sensitive to the needs of school districts that experience continuing problems with desegregation. One commenter suggested that design of a project that complements the LEA's qualifying desegregation plan is a requirement which must be met by an applicant and should not be a criterion to which points are assigned. Several applicants suggested that criteria be added which evaluated the quality of the applicant's assessment of the needs of minority group children, the expected impact of the project, and the needs of the activities proposed in schools be chosen for the project.

Response. The recency criterion has been deleted. Under the final regulations, the Secretary makes awards based on the quality of the proposed project as determined by review according to the appropriate selection criteria. The Secretary also considers the need for the proposed activities as determined by review of the assistance that an applicant receives under federally-funded programs for related activities and purposes and any previous assistance that an applicant may have received under the Desegregation Support Program or under Section 708 of the Emergency School Aid Act. In determining need, the Secretary considers information provided in the application and in the SEA review.

The Secretary makes an award to a project only if it has been designed to complement the LEA's qualifying desegregation plan. However, the quality of applicants' designs and implementation plans will vary. This variance should be recognized and reflected in the Secretary's selection of quality projects for support. Therefore, under the final regulations, the Secretary evaluates the quality of an applicant's plans to coordinate the implementation of the project with the activities carried out under the LEA's qualifying desegregation plan.

Criteria have been added that evaluate the quality of the applicant's assessment of the needs of the minority group children, the rationale and methods used to select schools to participate in the project, and the expected impact of the proposed project. In addition, the selection criteria in the Education Department General Administrative Regulations have been added to the selection criteria to be used in evaluating the applicant's proposed project.

§ 123b.32 *What are the selection criteria for applications that propose activities described in § 123b.10(b)?*

Comment. Commenters repeated their concerns regarding the recency criterion. Several commenters suggested the addition of criteria that evaluate the quality of the applicant's identification of the needs of the minority group children for whom curriculum is to be developed, the expected impact of the project, and the quality of the applicant's plans to evaluate and field-test the curriculum as it is developed. Commenters also suggested that an applicant should involve teachers, principals, and other education personnel from schools participating in the qualifying desegregation plan in the evaluation of the curriculum.

Response. The recency criterion has been deleted. The criteria suggested by commenters have been added to the final regulations.

§ 123b.40 *What are the requirements of advisory committees?*

Comment. Several commenters asked why the regulations used the term "committee" when the law uses the term "board"? A few commenters noted that the regulations omitted the legal requirement that a nonprofit private organization demonstrate its capability of obtaining the services of trained and qualified staff.

Response. The regulations use the term "project committee" to be consistent with the term used to describe the committee required to advise an LEA in the development of its application to implement an instructional program of bilingual-bicultural education. Since most of the requirements pertaining to project committees are the same for LEAs and nonprofit private organizations, the same term is used to describe both committees. The final regulations now require a nonprofit private organization to submit with its application evidence that it has the capacity to obtain the services of adequately trained and qualified staff.

§ 123b.41 *What requirements apply to LEAs?*

Comment. Commenters questioned the appropriateness of requiring an applicant under this program to meet grant requirements established for an applicant under the Basic Projects Program. Commenters also questioned the omission of the requirement that projects supported under the Desegregation Support Program be bilingual-bicultural programs of education.

Response. The grant requirements for the Basic Projects Program no longer apply to applicants under the Desegregation Support Program. The regulations now include a definition of an instructional program of bilingual-bicultural education. The Desegregation Support Program assists only projects that propose to develop curriculum for, or to implement, an instructional program of bilingual-bicultural education.

Additional Comments

Comment. A few commenters suggested the addition of a section to the final regulations to explain requirements pertaining to the participation of children enrolled in nonprofit private schools. Commenters also suggested that prior recipients under this program or under Section 708 of the Emergency School Aid Act (ESAA), be required to submit a justification for continued assistance, since the overall thrust of Title VII is toward building commitment and capacity in its grantees. Several commenters suggested that a grantee implementing an instructional program of bilingual-bicultural education be required to inform parents of children participating in the program of the progress of their children in the program.

Response. A section has been added to the final regulations to explain requirements for providing services to children enrolled in nonprofit private schools. The final regulations provide that, in making grant awards, the Secretary considers any previous assistance that an applicant has received under this program or under Section 708 of the Emergency School Aid Act and the applicant's need for continued assistance. A grantee carrying out an instructional program of bilingual-bicultural education is now required to inform parents of children participating in the program of their children's progress in the program.

Note.—The attached appendix to 34 CFR Part 520 will not be published in the Code of Federal Regulations.

PART 500—BILINGUAL EDUCATION: GENERAL PROVISIONS

Subpart A—General

Sec.

500.1 What programs are authorized under the Bilingual Education Act?
500.2 Who is eligible for assistance under these programs?
500.3 What regulations govern these programs?
500.4 What definitions apply to these programs?

Subpart B—[Reserved]

Subpart C—How Does One apply for a Grant?

500.20 What are the requirements for SEA review of an application?

Subpart D—[Reserved]

Subpart E—What Conditions Apply to a Grantee?

500.40 What is the length of the project period?
500.41 What requirements pertain to the use of funds for training activities and fellowships?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284).

Subpart A—General

§ 500.1 What programs are authorized under the Bilingual Education Act?

The Bilingual Education Act authorizes the following programs:

(a) *Basic Projects in Bilingual Education* (34 CFR Part 501). This program provides financial assistance to establish, operate, or improve programs of bilingual education to assist children of limited English proficiency to improve their English language skills. These projects are designed to build the capacity of the grantee to continue programs

of bilingual education when Federal funding is reduced or no longer available.

(20 U.S.C. 3223–3231)

(b) *Demonstration Projects* (34 CFR Part 502). This program provides financial assistance to demonstrate exemplary approaches to providing programs of bilingual education and to building the capacity of the grantee to continue those programs when Federal funding is reduced or no longer available.

(20 U.S.C. 3223–3231)

(c) *State Educational Agency Projects for Coordinating Technical Assistance* (34 CFR Part 503). This program provides financial assistance to State educational agencies (SEAs) to coordinate technical assistance to programs of bilingual education funded under the Act within their States.

(20 U.S.C. 3231(b)(5))

(d) *Support Services Projects* (34 CFR Part 504). This program provides financial assistance to strengthen programs of bilingual education and bilingual education training programs. There are two types of centers authorized:

(1) *Bilingual Education Service Centers* (BESCs). These centers provide training and other services to programs of bilingual education and bilingual education training programs within designated service areas.

(2) *Evaluation, Dissemination, and Assessment Centers* (EDACs). These centers assist programs of bilingual education and bilingual education training programs within designated service areas in assessing, evaluating, and disseminating bilingual education materials.

(20 U.S.C. 3231, 3233)

(e) *Training Projects* (34 CFR Part 510). This program provides financial assistance to establish, operate, or improve training programs for persons who are participating in, or preparing to participate in, programs of bilingual education or bilingual education training programs.

(20 U.S.C. 3233)

(f) *School of Education Projects* (34 CFR Part 514). This program provides financial assistance to institutions of higher education (IHEs) to develop or expand their capability to provide degree-granting bilingual education training programs by—

(1) Establishing such programs at the undergraduate or graduate level; or

(2) Expanding the scope of existing programs to include curricula related to other fields of study useful in training personnel for participation in programs of bilingual education.

(20 U.S.C. 3233)

(g) *Desegregation Support Program* (34 CFR Part 520). This program provides assistance to desegregating local educational agencies (LEAs) to meet the needs of children who are from an environment in which the dominant language is other than English and who lack equality of educational opportunity because of language barriers and cultural differences.

(20 U.S.C. 3261)

(h) *Fellowship Program* (34 CFR Part 575). This program provides financial assistance to full-time graduate students who are preparing to become trainers of teachers for bilingual education.

(20 U.S.C. 3233)

(i) *Materials Development Projects Program* (34 CFR Part 506).

(1) This program awards grants and contracts to develop instructional and testing materials for use in programs of bilingual education and bilingual education training programs.

(2) Grants under this program are covered by these regulations.

(3) Contracts are subject to—

(i) The requirements of the Bilingual Education Act;

(ii) The regulations in 41 CFR Chapters 1 and 3; and

(iii) The requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 3231 (a)(1), (a)(4))

(j) *Research and Development Program.*

(1) This program authorizes—

(i) Research activities funded by the Department of Education (ED);

(ii) Research—funded by the National Institute of Education (NIE) in consultation with ED—to enhance the effectiveness of bilingual education and other programs for persons who have language proficiencies other than English;

(iii) Coordination—by the Assistant Secretary for Education—of ED, NIE, the National Center for Education Statistics (NCES), and other appropriate agencies to develop a national research program for bilingual education; and

(iv) Development and dissemination of instructional materials and equipment suitable for programs of bilingual education.

(2) Awards under this program are made by contract and are not covered by these regulations.

(3) These contracts are subject to—

(i) The requirements of the Bilingual Education Act;

(ii) The regulations in 41 CFR Chapters 1 and 34; and

(iii) The requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 3252)

§ 123.2 Who is eligible for assistance under these programs?

(a) *Basic Projects in Bilingual Education.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An IHE that applies jointly with one or more LEAs; or

(3) An elementary or secondary school operated or funded by the Bureau of Indian Affairs (BIA) for Indian children on a reservation.

(20 U.S.C. 3231(b)(1), 3232)

(b) *Demonstration Projects.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An IHE that applies jointly with one or more LEAs; or

(3) An elementary or secondary school operated or funded by BIA for Indian children on a reservation.

(20 U.S.C. 3231(b)(1), 3232)

(c) *State Educational Agency Projects for Coordinating Technical Assistance.* An SEA is eligible for assistance under this program.

(20 U.S.C. 3231(b)(5))

(d)(1) *Support Services Projects: BESCs.* Those eligible for assistance under this program are—

(i) An LEA;

(ii) An SEA;

(iii) An IHE or a nonprofit private organization that applies after consultation with one or more LEAs or with an SEA; or

(iv) An IHE or a nonprofit private organization that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(2) *Support Services Projects: EDACs.* Those eligible for assistance under this program are—

(i) An LEA; or

(ii) An IHE that applies jointly with one or more LEAs.

(20 U.S.C. 3231(b)(1))

(e) *Training Projects.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An SEA;

(3) An IHE or a nonprofit private organization that applies after consultation with one or more LEAs or with an SEA; or

(4) An IHE or a nonprofit private organization that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(f) *School of Education Projects.* Those eligible for assistance under this program are—

(1) An IHE with a school, department, or college of education or a bilingual education training program that applies after consultation with one or more LEAs or with an SEA; or

(2) An IHE with a school, department, or college of education or a bilingual education training program that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(g) *Desegregation Support Program.* (1)(i) An LEA that meets the requirements of Sections 606(a) and 606(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and any regulations implementing those sections, may apply for a grant.

(ii) If an applicant LEA does not meet the requirements in Section 606(c) of ESEA, the Secretary uses the procedures for show cause conferences established by regulations under Title VI of ESEA.

(iii) The secretary uses the procedures for granting a waiver of ineligibility described in Section 606(c) of ESEA and in regulations implementing that section.

(2) A nonprofit private agency, institution, or organization may apply for a grant if it has received a request for curriculum development from an LEA that is eligible under paragraph (g)(1)(i) of this section or that has received a waiver of ineligibility under paragraph (g)(1)(iii) of this section.

(20 U.S.C. 3261)

(h) *Fellowship Program.* (1) An IHE that offers a program of study leading to a degree above the master's level in the field of training teachers for bilingual education is eligible to participate in this program.

(2) An individual is eligible to apply for a fellowship under this program if this individual—

(i)(A) Is a citizen, a national, or a permanent resident of the United States;

(B) Is in the United States for other than a temporary purpose and can provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident; or

(C) Is a permanent resident of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territories of the Pacific Islands; and

(ii) Has been accepted for enrollment as a full-time student in a course of study offered by an IHE approved for participation in this program. The course of study must lead to a degree above the master's level in the field of training teachers for bilingual education.

(20 U.S.C. 3233)

(i) *Materials Development Projects.* Those eligible for assistance under this program are—

(1) An LEA; or

(2) An IHE that applies jointly with one or more LEAs.

(20 U.S.C. 3231(b)(1))

§ 123.3 What regulations govern these programs?

(a) The following regulations apply to grants and fellowships awarded under the Act:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(2) The Education Appeal Board regulations in 34 CFR Part 78.

(3) The regulations in these parts (34 CFR Parts 500, 505, 510, 514, 515, and 520).

(b)(1) However, the regulations in these parts to not apply to noncompeting continuation grants under the Basic Projects in Bilingual Education, Support Services Projects, Training Projects, and Materials Development Projects programs for fiscal year 1980.

(2) The interim final regulations for the Bilingual Education Program, published in the Federal Register on March 29, 1979 (44 FR 18906), apply to those grants for fiscal year 1980.

(c) The following provisions of EDGAR do not apply to the types of awards described:

(1) The provisions in 34 CFR Part 75 do not apply to the Fellowship Program (Part 515), except for the provisions in 34 CFR 75.51 (relating to proof of nonprofit status).

(2) The provisions in 34 CFR 75.250(a), 75.253 (a) and (b), and 75.254 (relating to the approval of multi-year projects) do not apply to grants made to LEAs as sole or joint applicants under any of the Bilingual Education Programs.

(3) The provisions in 34 CFR 75.217(a)(3) and (c)–(e) (relating to the review of applications) do not apply to the State Educational Agency Projects for Coordinating Technical Assistance Program. In addition, the provisions of 34 CFR 75.217 (a) and (b) do not apply to the review of applications from SEAs submitted under 34 CFR 503.30(c).

(4) Any provision in EDGAR that conflicts with any provision in these parts does not apply to awards under these parts.

(20 U.S.C. 1221e–3)

§ 123.4 What definitions apply to these programs?

In addition to terms defined in 34 CFR Part 77, the following terms are used in these parts:

"Act" means the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended).

(20 U.S.C. 3221)

"Full-time student" means a student who is carrying a full-time academic work load as determined by the institution at which he or she is enrolled. The institution's standards for determining the student's full-time status in a program of study must be applicable to all students enrolled in the program.

(20 U.S.C. 3221–3281)

"Institution of higher education" (IHE) means an educational institution, including a junior college or community college, in any State that meets the requirements of Section 1001(e) of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3381(e))

"Limited English proficiency", with reference to an individual, means an individual—

(1)(i) Who was not born in the United States or whose native language is other than English;

(ii) Who comes from a home in which a language other than English is most relied upon for communication; or

(iii) Who is an American Indian or Alaskan Native student and comes from an environment in which a language other than English has had a significant impact on his or her level of English language proficiency; and

(2) Who, as a result of the circumstances described in paragraph (1) of the definition of "Limited English Proficiency" of this section, has sufficient difficulty in understanding, speaking, reading, or writing the English language to deny him or her the opportunity to learn successfully in classrooms in which the language of instruction is English.

(20 U.S.C. 3223(a)(1))

"Local educational agency" (LEA) means—

(1) An LEA as defined in EDGAR; or

(2) A nonprofit institution or organization of an Indian tribe that—

(i) Operates an elementary of secondary school in which Indian children constitute more than 50 percent of the enrollment; and

(ii) Is approved by the Commissioner for purposes of carrying out programs under the Act.

(20 U.S.C. 3232(a), 3381(f)

"Low income" means an annual family income that does not exceed the poverty level determined under Section 111(c)(2) of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3223(a)(3))

"Native language" means the language normally used by an individual, or, in the case of a child, the language normally used by the parents of the child.

(20 U.S.C. 3223(a)(2))

"Program of bilingual education" means a program of instruction designed for children of limited English proficiency in elementary or secondary schools, with the following characteristics:

(1) There is instruction given in, and study of, English and (to the extent necessary to allow children to achieve competence in the English language) the native language of the children of limited English proficiency.

(2) The instruction is given with appreciation for the cultural heritage of the children of limited English proficiency and of other children in American society, with emphasis on those cultures represented in the LEA.

(3) The instruction is given in all courses or subjects of study to the extent necessary to allow a child to progress effectively through the educational system.

(20 U.S.C. 3223(a)(4))

"Qualified bilingual personnel" means individuals—

(1) Who are qualified under State and local law to teach the subjects and grades to which they are assigned;

(2) Who have successfully completed a course of study or the equivalent inservice training in the use of classroom materials and instructional practices for bilingual education;

(3) Who are able to converse with proficiency in English and in the native language of the students, both on general topics and in their assigned areas of instruction. This includes the ability to understand, speak, read, and write the language; it neither implies nor precludes an extensive vocabulary which might be necessary to converse with native speakers on complicated matters not related to the subjects which they are required to teach; and

(4) Who are able to communicate effectively with parents in their native language and in English about school matters.

(20 U.S.C. 3231(b)(3))

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

§ 123.20 What are the requirements for SEA review of an application?

(a) Except as specified in paragraph (d) of this section, an applicant that seeks assistance for a project under 34 CFR Parts 501, 502, 504, 510, 514, and 520 shall submit its application for comment to the SEA of the State(s) in which the applicant proposes to conduct the project.

(b) If an applicant seeks assistance under Support Services Projects (Part 504), the applicant shall submit its application for comment to the SEAs of all States within its designated service area.

(c) Procedures for State comment are specified in EDGAR (34 CFR 75.155–75.159) except that—

(1) The applicant shall provide a copy of its application to the SEA in advance of its

submission to OE in order to afford the SEA a reasonable opportunity to comment on the application to the applicant; and

(2) If the applicant subsequently makes substantive revisions in its application, it shall submit a copy of the revised application to the SEA so that the SEA may comment to the Secretary under the provisions in EDGAR.

(d) An eligible school operated or funded by BIA shall submit its application for comment to the Secretary of the Interior or his or her designee, using the procedures described in paragraph (c) of this section.

(20 U.S.C. 2331(b)(3)(D))

Subpart D—[Reserved]

Subpart E—What Conditions Apply to a Grantee?

§ 123.40 What is the length of the project period?

(a) *Grants to LEAs.* In the case of an application submitted by an LEA as either a sole or joint applicant, the Secretary uses the following procedures:

(1) The Secretary approves a project period of from one to three years based on—

(i) The severity and likely duration of the problems addressed by the project;

(ii) The nature of the proposed activities; and

(iii) The quality of the application based on the appropriate selection criteria.

(2) The Secretary makes a continuation award for a budget period after the first budget period of an approved multi-year project under the conditions in Section 721(e)(2) of the Act.

(3) In determining whether the grantee is making satisfactory progress toward achieving the stated objectives of the program, the Secretary—

(i) Compares the objectives contained in the approved application with the results of the grantee's annual evaluation; and

(ii) Considers the information attained through site review and any other contact with the grantee.

(20 U.S.C. 3231(e))

(b) *Grants to applicants other than LEAs.* (1) In the case of an application submitted by an applicant other than an LEA, the Secretary uses the procedures and criteria in EDGAR for setting the project period and determining whether to make a continuation award.

(2) However, in the case of an application under the School of Education Projects Program, the Secretary approves a project period of three years.

(20 U.S.C. 1221e–3, 3233)

(c) *Fellowship Program.*—(1) *Approvals of IHEs for participation.* The Secretary approves an IHE's application for participation in the Fellowship Program (34 CFR Part 515) for a period of from one of five years based on the quality of the applicant's bilingual education training program.

(2) *Fellowship awards.* (i) The Secretary approves a fellowship for one year.

(ii) A recipient of a fellowship who seeks assistance beyond this period to continue in the program of study must be renominated by the participating IHE.

(iii) The Secretary approves all renominations of recipients who maintain satisfactory progress in the program of study before approving nominations of new students.

(iv) A fellowship may be awarded for a maximum of two years to a student who maintains satisfactory progress in a post-master's program of study.

(v) A fellowship may be awarded for a maximum of three years to a student who maintains satisfactory progress in a doctoral program of study.

(vi) However, where adequate justification is provided by an IHE, the Secretary may extend a fellowship beyond the maximum period to a recipient who, for circumstances beyond his or her control, is not able to complete the program of study in that period.

(20 U.S.C. 3233(a)(2))

§ 123.41 What requirements pertain to the use of funds for training activities and fellowship?

(a) *Allowable costs.* The allowable costs for training activities under those Bilingual Education Programs in which training is an authorized activity and for fellowships under the Fellowship Program may include—

(1) Tuition and fees—the normal and usual costs associated with the course of study;

(2) Books—up to $250;

(3) Travel—up to $250 for travel to field-study sites; and

(4) A stipend.

(b) *Stipends for long-term training.* (1) Long-term training is training with a duration in excess of 90 days.

(2) An individual may receive a stipend if he or she is—

(i) A full-time student in a program of study which was approved in the application; and

(ii) Gainfully employed no more than 20 hours a week or the annual equivalent.

(3) A stipend for an individual enrolled in a course of study leading to a master's degree or baccalaureate degree may not exceed $325 per month.

(4) A stipend for an individual enrolled in a course of study leading to a degree beyond the master's level may not exceed $400 per month. However, an individual participating in the Fellowship Program who has been employed in the field of bilingual education for at least two years may receive a stipend of up to $500 per month.

(c) *Stipends for short-term training.* (1) Short-term training is training with a duration of 90 days or less.

(2) An individual may receive a stipend only if he or she is not otherwise compensated for his or her time during that training.

(3) The grantee may award a stipend to an individual participating in short-term training in accordance with its prevailing policies and rates for training not funded under the Act.

(20 U.S.C. 3231(b)(1), 3233(a)(3), 3233(b))

[FR Doc. 81-21298 Filed 7-20-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Bilingual Education: Desegregation Support Program

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications.

Applications are invited for new projects under the Bilingual Education Act—Desegregation Support Program.

Authority for this program is contained in Section 751 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95–561).

(20 U.S.C. 3261)

This program issues awards to eligible local educational agencies that are implementing qualifying desegregation plans under Section 606 of the Emergency School Aid Act (as amended by Pub. L. 95–561), and to nonprofit private organizations that have received requests for curriculum development from eligible local educational agencies.

The purpose of the awards is to develop curricula for, or to implement, instructional programs of bilingual-bicultural education to meet the special educational needs of minority group children who, because of language barriers and cultural differences, do not have equal educational opportunity. The curricula developed and the instructional programs implemented under this program must be designed to complement the local educational agency's qualifying desegregation plan.

Closing date for transmittal of applications: An application must be mailed or hand delivered by August 21, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.003A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Final regulations governing the Desegregation Support Program are published in this issue of the **Federal Register**. An applicant should review the regulations, particularly the appropriate selection criteria before preparing its application.

The maximum project period which an applicant may propose is three years.

An application may be ruled ineligible under the Education Department General Administrative Regulations (34 CFR 75.216) if the applicant does not meet the following requirements.

(1) An applicant must establish a project committee as required in the program regulations (34 CFR 520.20) to assist in the development of its application. Regulatory requirements include documentation of the applicant's consultations with the committee and the committee's comments on the application.

(2) An applicant must provide a copy of its application to the appropriate State educational agency in its State in advance of submitting it to the Department of Education. Requirements pertaining to State educational agency review are contained in the Bilingual Education General Provisions (34 CFR 500.20).

(3) A local educational agency, applying as a sole or joint applicant, is required to hold at least one meeting, open to the public, to discuss the contents of its application. Requirements for scheduling and holding this open meeting are contained in the Education Department General Administrative Regulations (34 CFR 75.139–75.141). The local educational agency must complete the certification form in the application package.

(4) Joint applicants must complete a special certification form in the application package.

(5) An applicant proposing to develop curricula for an instructional program of bilingual-bicultural education must submit evidence that it has received a request from one or more eligible local educational agencies to develop bilingual-bicultural curriculum under this program.

(6) An applicant proposing to conduct an instructional program of bilingual-bicultural education must provide for the participation in its project of eligible minority group children enrolled in nonprofit private schools that are participating in the qualifying desegregation plan, if the educational needs, language(s), and grade level(s) of those children are of a similar type to those which the project is intended to address. Requirements pertaining to private school participation are contained in the program regulations (34 CFR 520.21).

(7) An applicant proposing to implement an instructional program of bilingual-bicultural education must include in its application plans for training activities that provide, as necessary, training for teachers, principals, and other education personnel who work with minority group children. Applicants should refer to the Bilingual Education General Provisions (34 CFR 500.41) for allowable rates and costs for trainees participating in the training programs.

Available Funds: It is expected that approximately $8,100,000 will be available for new grants under the Desegregation Support Program in fiscal year 1981.

It is estimated that these funds could support 30 projects.

The anticipated award for most projects is between $100,000 and $250,000.

However, these estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Allocation of Funds. The Secretary holds separate competitions for applications proposing to develop bilingual-bicultural curriculum under 34 CFR 520.10(a) and for applications proposing to implement instructional programs of bilingual-bicultural education under 34 CFR 520.10(b)

For fiscal year 1981, the Secretary anticipates that funds will be allocated to those competitions in the amounts

stated below. However, these amounts are only estimates and do not bind the Department of Education. The Secretary may reallocate funds if too few applications of high quality are recieved under a competition.

34 CFR 520.10(a). Bilingual-bicultural curriculum development projects: $800,000.

34 CFR 520.10(b). Implementation of instructional programs of bilingual-bicultural education: $7,300,000.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. The Secretary strongly urges that the narrative portion of the application not exceed 30 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(1) The Bilingual Education General Provisions (34 CFR Part 500).

(2) The regulations governing the Bilingual Education Desegregation Support Program (34 CFR Part 520) published in this issue of the **Federal Register** as 7/16/81.

(3) The Education Department General Administrative Regulations (34 CFR Parts 75 and 77) published on April 3, 1980 at 45 FR 22494.

(4) The regulations governing Emergency School Aid Act Programs (34 CFR Part 280) published on May 16, 1980 at 45 FR 32586.

Further Information: For further information, contact the Desegregation Support Application Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 421, Reporters Building) 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone (202) 447-9227.

(20 U.S.C. 3261)

Dated: July 16, 1981.

(Catalog of Federal Domestic Assistance Number 84.003, Bilingual Education)

T. H. Bell,

Secretary of Education.

[FR Doc. 81-21219 Filed 7-20-81; 8:45 am]

BILLING CODE 4000-01-M

federal register

Tuesday
July 21, 1981

Part III

Environmental Protection Agency

Asbestos Export Notification

V 46 J L 2 1 8 1 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 707

[TSH-FRL-1881-5; OPTS 120001C]

Asbestos Export Notification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Statement of clarification.

SUMMARY: The purpose of this statement is to clarify the reporting responsibilities of persons exporting asbestos or mixtures containing asbestos. Under section 12(b) of the Toxic Substances Control Act (TSCA), exports of bulk asbestos must be reported. Also, mixtures containing asbestos must be reported if the mixture is in an amorphous form or if the mixture's shape must be fundamentally changed before use.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS–799), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, Toll free: (800–424–9065), Washington, D.C.: (554–1404), Outside the USA: (Operator–202–554–1404)

SUPPLEMENTARY INFORMATION:

I. Background

Final regulations interpreting the requirements of section 12(b) of the Toxic Substances Control Act were published in the **Federal Register** of December 16, 1980 (45 FR 82844). These regulations require that any person who exports certain regulated chemical substances or mixtures must notify the Administrator of the first annual export to a country. Exports of a substance as a bulk chemical or mixture must be reported if that substance is subject to one or more of the following TSCA rules, actions, or orders:

1. A final rule requiring submission of test data under section 4 or 5(b).
2. An order issued under section 5.
3. A proposed or final rule under section 5 or 6.
4. A pending or final court action under section 5 or 7.

To date, the following chemical substances are subject to section 12(b) export reporting requirements: polychlorinated biphenyls (PCBs), fully halogenated chlorofluoroalkanes (CFCs), 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or dioxin), N-methanesulfonyl-p-toluenesulfonamide, and asbestos.

The provisions of section 12(b) of TSCA are self-implementing, i.e., not requiring that specific regulations for reporting be promulgated. However, as an aid to affected exporters, EPA issued interim guidance published in the **Federal Register** of June 7, 1978 (43 FR 24818) for submitting notice of export of CFCs and PCBs—the only two substances regulated at that time. EPA proposed a rule published in the **Federal Register** of October 2, 1979 (44 FR 56856) to interpret the requirements of section 12(b) and to immediately supersede the interim guidance. While these interim actions were proceeding, only PCBs and CFCs were subject to export reporting. However, by the time the final rule was promulgated, three more substances, including asbestos, had become subject to reporting.

II. EPA Received Inquiries Regarding Asbestos Exports

After promulgation of the final section 12(b) regulations, the Agency received requests for clarification of the requirements for reporting exports of asbestos. The final section 12(b) regulations require reporting of a chemical if it is exported as the "substance" (e.g., asbestos in bulk form) or as part of a mixture. The regulations set no minimum percentage cut-off for the substance as part of a mixture. However, reporting is required only if the substance is known to be present in the mixture. In other words, a person should not test exported mixtures to see if they contain asbestos as an impurity (e.g., to determine whether vermiculite, talc, or water in a mixture contain asbestos fibers as an impurity). Also, one is not required to report exports of *articles* containing the substance in question unless specifically so required in the underlying section 4, 5, 6, or 7 action. The Agency did not require submission of export notices for asbestos-containing articles in the proposed section 6 rule.

On January 12, 1980, EPA staff met with representatives of the Asbestos Information Association of North America (AIA), an organization that represents many of the largest U.S. and Canadian producers of asbestos and asbestos products. AIA stated that it was relatively easy to identify bulk shipments of asbestos. However, companies trying to report asbestos exports found it difficult to distinguish between a reportable asbestos-containing mixture and a non-reportable asbestos-containing article. In order to respond to this concern of the asbestos industry, the Agency decided to publish this statement of clarification. Also, in the meeting and in subsequent communications, AIA requested an exemption from section 12(b) for asbestos exports. This issue will be discussed later in this notice.

III. Statement of Clarification

The Agency considers the following types of asbestos exports to be reportable:

(1) Bulk shipments of asbestos including raw spinnable fibers and slivers. This includes, but is not limited to, asbestos commodities exported under Bureau of Census Schedule B numbers 518.1115 (asbestos, not manufactured, asbestos crudes, fibers, and stucco) and 518.1125 (asbestos sand and refuse).

(2) An asbestos-containing mixture that is amorphous, i.e., the mixture assumes the shape of its container (e.g., asbestos-reinforced plastic pellets, asbestos-containing paints, and bags of dry asbestos-cement mix).

(3) An asbestos-containing mixture that is formed to a shape that must be fundamentally changed before use.

For purposes of section 12(b) export notification only, the Agency will not require reporting of asbestos-containing mixtures of which the fundamental form is unlikely to change during further processing or end use. For example, asbestos paper by the roll will generally be cut or trimmed for installation, but will retain the same basic form. Other examples of non-reportable asbestos-containing mixtures include asbestos-cement pipe, brake linings, sheet gasketing, unfinished asbestos textiles, and floor tiling. EPA is not requiring these mixtures to be reported because exporters will not know in all cases what the nature or extent of the next processing step will be for such products.

Exporters should follow the above guidelines and apply them to their individual situations. Exporters are encouraged to contact the Agency concerning questions about applying the guidelines to any material to be exported. These guidelines are intended for the purpose of interpreting TSCA section 12(b) requirements for asbestos only. They should not be taken as definitional precedent for other TSCA purposes.

IV. Request for Exemption

As mentioned above, the Asbestos Information Association requested that asbestos be exempted from section 12(b) export reporting.

First, AIA expressed its belief that asbestos should not have been made subject to export reporting based on the proposed section 6 Asbestos-Containing Materials in Schools Rule (45 FR 78970). According to AIA, this proposed rule bears no relation to the asbestos export trade.

Second, of the 160 countries in the world, AIA identified over 100 countries to which asbestos and asbestos products were exported in 1980. AIA estimated that as many as 575 companies may be involved in the asbestos export trade. As an alternative to section 12(b) reporting, AIA proposed that EPA send a blanket notice to all nations regarding asbestos. Such notice they contend would satisfy the requirements of section 12(b) and lift a regulatory burden from the industry.

EPA studied AIA's request, but concluded that it cannot exempt asbestos from the requirements of section 12(b). First, asbestos is the subject of a proposed section 6 rule. The statutory language of section 12(b) clearly requires reporting of exports of a substance covered by, among other actions, a proposed TSCA section 6 regulation. It is true that the proposed rule covers only one situation (friable asbestos in schools) in which asbestos is used. However, basic to the proposed rulemaking is the fact that EPA has made a finding that asbestos may present a risk to a human health in the use considered. Thus, the Agency is bound by section 12(b) to notify foreign governments of its action with respect to this substance.

Second, EPA authority to exempt chemicals from reporting just because of an anticipated high volume of reports is very questionable. There is also the question of whether such action would be fair to other industries affected by section 12(b) now or in the future. For example, section 12(b) reports received in 1980 show that CFCs were exported to at least 80 countries. Leaving aside the legal questions, where would the Agency draw the line for determining how many countries justify an exemption to section 12(b)?

Furthermore, the alternative of a blanket notice to all foreign governments would not carry out the intent of Congress. The Agency interprets section 12(b) to require a link of the notice to foreign governments to the fact of actual export or firm intent to export. A blanket notice to all countries regarding asbestos exports would not carry the message that the country may be actually affected by exports.

V. Reconsideration of Section 12(b) Procedures

In addition to the requests of AIA that are addressed by this notice, the Agency has received a petition from the Chemical Manufacturers Association for changes in section 12(b) procedures. Also, representatives of the Synthetic Organic Chemical Manufacturers Association requested a meeting with Agency staff at which these procedures were discussed. A number of alternative approaches have been suggested to the Agency by these groups for changing the way that section 12(b) is implemented. We are examining these approaches in light of our experience to date and the language of the statute. The Agency will consider revisions to the present procedures based on this examination.

Dated: June 30, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81–21321 Filed 7–20–81; 8:45 am]

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federal register

Tuesday
July 21, 1981

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a new proposal to rescind $173.0 million in budget authority previously provided by the Congress. In addition, I am reporting ten new deferrals totaling $495.1 million, and revisions to four previously reported deferrals increasing the amount deferred by $76.4 million.

The rescission proposal affects a program in the Department of Energy. The deferrals affect programs in the Departments of Agriculture, Commerce, Defense, Health and Human Services, Justice, and Labor, as well as the Railroad Retirement Board and the United States Railway Association.

The details of each rescission proposal and deferral are contained in the attached reports.

THE WHITE HOUSE,
July 16, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE (continued)

Deferral #	Item	Budget Authority
	Department of Labor	
	Employment and Training Administration	
D81-368	Employment and training assistance	751,155
	Other Independent Agencies	
	Railroad Retirement Board	
D81-128	Milwaukee railroad restructuring administration	179
	United States Railway Association	
D81-129	Payments for purchase of Conrail securities	242,000
	Subtotal, deferrals	1,359,179
	Total, rescission proposals and deferrals	1,532,179

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Energy	
	Energy Programs	
R81-164	Fossil energy construction	173,000
	Subtotal, rescission proposals	173,000

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Foreign Assistance Programs	
D81-107A	Expenses, P.L. 480, foreign assistance programs	
	Agriculture	49,000
	Agricultural Stabilization and Conservation Service	
D81-120	Dairy and beekeeper indemnity programs	1,500
	Farmers Home Administration	
D81-121	Rural development planning grants	2,000
D81-122	Rural housing insurance fund	166,000
D81-123	Agricultural credit insurance fund	25,000
	Forest Service	
D81-124	Construction and land acquisition	13,578
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
D81-125	Coastal zone management	33,000
	Department of Defense -- Civil	
	Cemeterial Expenses, Army	
D81-126	Salaries and expenses	650
	Department of Health and Human Services	
	Alcohol, Drug Abuse and Mental Health Admin.	
D81-104	Construction and renovation, St. Elizabeth's Hospital	36,073
	Human Development Services	
D81-127	White House Conference on Aging	1,152
	Department of Justice	
	Federal Prisom System	
D81-168	Buildings and facilities	28,882

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(In thousands of dollars)

	Rescissions	Deferrals
Twelfth special message:		
New items	173,000	495,068
Change to amounts previously submitted	---	76,426
Effect of twelfth special message	173,000	571,494
Previous special messages	15,188,937	8,906,247
Total amount proposed in special messages	15,361,937 a/	9,477,741 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.
b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

Rescission Proposal No: R81-166

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-514 & 97-12): $ 333,900,000
Bureau: Energy Programs	Other budgetary resources: 162,645,823
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total budgetary resources: 496,545,823
	Amount proposed for rescission: $ 173,000,000
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Governments of Japan, the Federal Republic of Germany and the United States recently agreed to terminate support for the SRC II project and further agreed that the U.S. Government should take prompt action to terminate the prime contract with SRC International, Inc. This action was taken because of large projected increases in project costs and the Government's desire to reallocate research and development funds elsewhere. Funds for the SRC II project, totaling $100 million that were previously deferred (D81-338), are included within this rescission proposal. The rescission is consistent with language in Senate Report No. 97-67, accompanying the Supplemental Appropriations and Rescission Bill, 1981 (H.R. 3512), which noted the possibility of the deferral being changed to a rescission proposal following the consultations between Governments.

Estimated Effects: This decision has the effect of removing international financial support for the project. Sufficient funds will remain to cover currently estimated termination costs.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
45	45	-0-	-16	-0-	-0-

R81-166

DEPARTMENT OF ENERGY

Energy Programs

Fossil Energy Construction

Of the funds appropriated under this head in Public Law 96-514 and Public Law 97-12, $173,000,000 are rescinded.

D81-107A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-107, transmitted to the Congress on June 19, 1981.

This revision to a deferral for expenses, P.L. 480 in the Department of Agriculture, increases the amount reported as deferred from $28,000,000 to $48,000,000. The increase reflects a reduction in prices for Title II commodities below estimated prices used in preparation of the fiscal year 1981 budget plan.

Deferral No: D81-107A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Department of Agriculture	New budget authority (P.L. 96-528 ___): $1,228,930,000
Bureau: Foreign Assistance Program	Other budgetary resources: ____
Appropriation title & symbol: Expenses, Public Law 480, Foreign Assistance Programs, Agriculture 12X2274	Total budgetary resources: 1,228,930,000
	Amount to be deferred: Part of year: $ ____ Entire year: 48,000,000*
OMB identification code: 12-2274-0-1-151	Legal authority (in addition to sec 1013): ☒ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Agricultural Trade Development and Assistance Act of 1954, P.L. 83-480, as amended, authorizes the President in Titles I and III to negotiate with friendly countries to provide for the sale of agricultural commodities for dollars on credit terms or for foreign currencies; and in Title II to furnish agricultural commodities on behalf of the people of the United States to meet famine or other urgent or extraordinary relief requirements. Section 403 of the Act authorizes to be appropriated such sums as may be necessary to carry out this Act. Public Law 96-528, making appropriations for the Department of Agriculture Rural Development, and Related Agencies, 1981, made an appropriation of $1,228,930,000 for expenses during fiscal year 1981 under the Act.

This deferral of $48 million is taken primarily because of lower commodity prices during the current year; current actual prices are in some cases below the estimated prices used in preparation of the fiscal year 1981 budget plan. The resulting savings are $5 million in the Titles I and III programs and $39 million in the Title II program. A deferral of these savings is expected to have no impact on the planned commodity levels of these programs. A further saving is possible in the Titles I and III programs due to anticipated changes in some country allocations. As noted in each quarterly allocation submitted to Congress, all allocations under Titles I and III are subject to review and change as circumstances change during the year. Such changes in allocations this year enable a deferral of an additional $8 million for Titles I and III.

Estimated Effects: This deferral action will have no programmatic effect because deferring the savings will have no impact on planned commodity levels.

Outlay Effects:* This deferral action will shift $48 million in outlays into FY 1982 and later years.

* Revised from previous report

Deferral No: D81-120

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528): $ 1,700,000
Bureau: Agricultural Stabilization and Conservation Service	Other budgetary resources: --
Appropriation title & symbol: Dairy and beekeeper indemnity program 1213314	Total budgetary resources: 1,700,000
	Amount to be deferred: Part of year: $; Entire year: 1,500,000
OMB identification code: 12-3314-0-1-351	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other P.L. 97-12
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Indemnity payments are made under this experimental program to dairy farmers, manufacturers of dairy products, and beekeepers who suffer losses of honey bees as a result of using approved and registered insecticides near or adjacent to property on which the beehives are located. The Congress provided the authority for the Administration to withhold these funds from obligation until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will result in no indemnity payments being made to beekeepers in fiscal year 1981.

Outlay Effect: The deferral action will reduce fiscal year 1981 outlays by $1.5 million.

Deferral No: D81-121

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528): $ 5,000,000
Bureau: Farmers Home Administration	Other budgetary resources: --
Appropriation title & symbol: Rural development planning grants 1212068	Total budgetary resources: 5,000,000
	Amount to be deferred: Part of year: $; Entire year: 2,000,000
OMB identification code: 12-2068-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other P.L. 97-12
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Grants are made to public bodies or such other agencies as the Secretary may select under this program to prepare comprehensive plans for rural development. The Congress provided the authority for the Administration to withhold these funds from obligation until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will reduce the number of grant awards made in fiscal year 1981 by 40% or from 133 to 80.

Outlay Effect: The deferral action will reduce fiscal year 1981 outlays by $0.4 million and fiscal year 1982 outlays by $1.2 million.

Deferral No: D81-122

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528, 97-12): $ 24,000,000
Bureau: Farmers Home Administration	Other budgetary resources: 3,927,100,000
Appropriation title & symbol: Rural housing insurance fund 12X4141	Total budgetary resources: 3,951,100,000
	Amount to be deferred: Part of year: $; Entire year: 166,000,000
OMB identification code: 12-4141-0-3-371	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other P.L. 97-12
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of authority: ☐ Appropriation ☐ Contract authority ☒ Other Loan authority

Justification: The Rural housing insurance fund finances loans to purchase, develop, improve, repair, and rehabilitate housing in rural areas. The Congress provided the authority for the Administration to withhold from obligation $166 million of these funds until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will decrease the amount of direct loans to be made for moderate income housing from $675 million to $509 million, and the number of housing units receiving assistance from 18,743 to 14,700 in fiscal year 1981.

Outlay Effect: This deferral action will shift an estimated $0.8 million in fiscal year 1981 outlays into fiscal year 1982.

Deferral No: D81-123

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528, 97-12): $ --
Bureau: Farmers Home Administration	Other budgetary resources: 8,660,200,000
Appropriation title & symbol: Agricultural credit insurance fund 12X4140	Total budgetary resources: 8,660,200,000
	Amount to be deferred: Part of year: $; Entire year: 35,000,000
OMB identification code: 12-4140-0-3-351	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other P.L. 97-12
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of authority: ☐ Appropriation ☐ Contract authority ☒ Other Loan authority

Justification: The Agricultural credit insurance fund finances a number of loan programs for individuals and associations. This action defers $30 million for farm ownership loans and $5 million for the Soil and Water Conservation program. The Congress provided the authority for the Administration to withhold obligation of these funds until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will decrease the amount of funds obligated for direct loans under the farm ownership program in fiscal year 1981 from $870 million to $840 million and the number of loans made in 1981 from 10,876 to 10,700. The soil and water loan program will be reduced from $53.1 million to $48.1 million and the number of loans made in 1981 will be decreased from 2,260 to 2,050.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

Deferral No: D81-124

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-514, P.L. 97-12): $530,118,429
Bureau: Forest Service	Other budgetary resources: 70,429,643
Appropriation title & symbol: Construction and Land Acquisition 12X1103	Total budgetary resources: 600,548,072
	Amount to be deferred: Part of year: $ ____ Entire year: 13,578,000
OMB identification code: 12-1103-0-1-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: A substantial portion of the roads constructed for timber sales is required to be constructed by timber purchasers as a condition of the timber sale contract. Section 14i of the National Forest Management Act of 1976 provides that small business firms have the discretion to elect, however, to have the Forest Service construct such roads costing more than $20,000. A permanent appropriation, Timber Purchaser Roads Constructed by the Forest Service, is made for this purpose.

Purchaser elections in excess of the budget estimate for fiscal year 1981 will reduce the requirement for Construction and Land Acquisition funds in the current fiscal year as the costs will be financed from the permanent appropriation. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will have no programmatic effect because roads planned to be constructed with these funds will be financed by the Timber Purchaser Roads Constructed by the Forest Service permanent appropriation.

Outlay Effects: This deferral action will have no effect on fiscal year 1981 outlays.

Deferral No: D81-125

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536, 97-12): $ 51,585,000
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: $ 57,681,443
Appropriation title & symbol: Coastal Zone Management 13X1451	Total budgetary resources: $109,266,443
	Amount to be deferred: Part of year: $ ____ Entire year: 33,000,000
OMB identification code: 13-1451-0-1-302	Legal authority (in addition to sec 1013): [ ] Antideficiency Act [ ] Other ____
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: The Coastal Zone Management Program provides program administration grants to States to support State and territorial coastal management activities. The Supplemental Appropriations and Rescission Act, 1981 authorized the transfer of $33 million from the Coastal Energy Impact Fund to this program. The Conference Report (H.R. 97-124) accompanying the bill (H.R. 3512) indicated that the funds were to be transferred to phase down grants to recipient coastal States for the period 1982-84 and that no additional Federal funding should be anticipated. This deferral action is taken in accordance with the intent of the Congress as expressed in the Conference Report.

Estimated Effects: This deferral action will have the effect of preserving these funds for use in fiscal years 1982-1984 in accordance with the intent of the Congress.

Outlay Effect: This deferral action has no effect on fiscal 1981 outlays.

Deferral No: D81-126

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Civil	New budget authority (P.L. 96-526): $ 5,032,000
Bureau:	Other budgetary resources: 1,217,417
Appropriation title & symbol: Cemeterial Expenses, Army Salaries and Expenses 21X1805	Total budgetary resources: 6,249,417
	Amount to be deferred: Part of year: $ ____ Entire year: $659,000
OMB identification code: 21-1805-0-1-705	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification

These funds provide for the maintenance, operation, and improvements of the cemetery at the U.S. Soldiers' and Airmen's Home and Arlington National Cemetery. This deferral of $659,000 results from a recovery of prior year obligations. These funds are deferred for the remainder of fiscal year 1981, and will be used to meet program requirements in fiscal year 1982. This deferral is consistent with Congressional intent to provide no-year funding for this program and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

This deferral has no programmatic or budgetary effect in 1981.

Outlay Effects

This deferral action has no outlay effects in 1981.

D81-10A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-10, transmitted to the Congress on October 1, 1980.

This revision to a deferral for construction and renovation projects at Saint Elizabeth's Hospital funded within the Alcohol, Drug Abuse, and Mental Health Administration increases the amount reported as deferred from $10,698,000 to $36,072,994. The increase reflects amounts not required for obligation based upon the current renovation schedule for the hospital.

Deferral No: D81-10A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority ($) (P.L.)
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources 47,903,635*
Appropriation title & symbol: Construction and Renovation, Saint Elizabeths Hospital 1/ 75X1312	Total budgetary resources 47,903,635
	Amount to be deferred: Part of year ($) Entire year 36,072,994*
OMB identification code: 75-1312-0-1-551	Legal authority (in addition to sec 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: * Funds were provided in the Second Supplemental Appropriations Act, 1978 (Public Law 95-355), for the purpose of upgrading Saint Elizabeth's Hospital to meet accreditation standards. Since 1979, the Joint Commission on Accreditation of Hospitals has granted Saint Elizabeth's Hospital accreditation contingent upon implementation of the renovation plans. Plans and design for renovation and reconstruction are now being implemented. This deferral represents amounts not required for obligation in 1981, based on the current renovation schedule for the hospital. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

1/ This account was the subject of a similar deferral during fiscal year 1980.
* Revised from previous report.

Deferral No: D81-127

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority ($ 3,000,000) (P.L. 97-12)
Bureau Human Development Services	Other budgetary resources 2,056,345
Appropriation title & symbol: 75X1636 Human Development Services (White House Conference on Aging)	Total budgetary resources 5,056,345
	Amount to be deferred: Part of year ($) Entire year $ 1,152,000
OMB identification code: 75-1636-0-1-999	Legal authority (in addition to sec 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: The White House Conference on Aging was established pursuant to P.L. 95-478 to develop recommendations for a comprehensive national policy on aging. The Supplemental Appropriations and Rescission Act, 1981, provided authority to continue funding for the Conference at a $3 million level for the remainder of FY 1981 to cover all remaining costs of planning and carrying out the Conference. This deferral represents amounts not required for obligation in FY 1981. The $1.152 million will be made available for FY 82 to pay certain expenses of the national meeting scheduled for November 29 through December 3, 1981, and to develop, print, and distribute the final report to the President and the Congress by June 3, 1982. This deferral action is consistent with congressional intent to provide no-year funding for the Conference, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: There is no programmatic effect in FY 1981 resulting from this deferral.

Outlay Effect: This deferral action has no effect on fiscal 1981 outlays.

D81-16B

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-16A transmitted to the Congress on January 15, 1981.

The amount deferred for the Federal Prison System's Buildings and Facilities account is $28,883,419, an increase of $9,083,419 over the amount previously reported as deferred. This increase occurred shortly after the transmittal of D81-16A but was delayed in being reported due to an administrative oversight. The increase is attributable to delays in the completion of repairs to existing facilities, and the Phoenix project.

Deferral No: D81-16B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 96-536, 97-12): $10,020,000*
Bureau: Federal Prison System	Other budgetary resources: 40,237,419
Appropriation title & symbol: Buildings and Facilities 15X1003 1/	Total budgetary resources: 50,257,419*
	Amount to be deferred: Part of year: $ ___ Entire year: 28,883,419*
OMB identification code: 15-1003-0-1-753	Legal authority (in addition to sec 1013): ☒ Antideficiency Act ☐ Other ___
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification:* This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities, as well as construction, remodeling and equipping of necessary buildings and facilities at existing penal and correctional institutions.

Reserves are routinely maintained in this account because of the time required for planning, site acquisition, design efforts, and selection of contractors. Funds not required for obligation in the current fiscal year are deferred for use in subsequent years.

The deferral of funds for the entire year is consistent with Congressional intent to provide no-year funding for the total cost of these projects and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred for the entire year could not be economically used, if made available in fiscal year 1981, because of the planned phased procurement, construction and installation cycle.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

1/ This account was also the subject of a deferral in fiscal year 1980 (D80-17B).
* Revised from previous report.

D81-36B

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-36A transmitted to the Congress on March 10, 1981.

The amount deferred for Employment and Training Assistance in the Department of Labor is $751,155,000, an increase of $21,968,000 over the amount previously deferred. This increase is attributable to deferral of portions of additional funding provided by the extension of the 1981 continuing resolution by Public Law 97-12. These additional deferred amounts are for the Young Adult Conservation Corps ($20.9 million) and for CETA evaluation and research activities ($1.1 million).

Deferral No: D81-36B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Labor	New budget authority (P.L. 96-536, 97-12): $7,142,973,000*
Bureau: Employment and Training Administration	Other budgetary resources: 242,854,510*
Appropriation title & symbol: Employment and training assistance 16X/2017*	Total budgetary resources: 7,385,827,510*
	Amount to be deferred: Part of year: $ ___ Entire year: 751,155,000*
OMB identification code: 17-[illegible]-0-1-504	Legal authority (in addition to sec 1013): ☐ Antideficiency Act ☐ Other ___
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year: September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification:*

In addition to the $729,187,000 previously reported as deferred, an additional $21,968,000 of the amount made available by the Continuing Resolution (P.L. 96-536) as extended by the Supplemental Appropriations and Rescission Act, 1981 (P.L. 97-12) is now deferred. The Supplementary Report D81- 36 A, transmitted to the Congress on March 10, 1981, stated that an additional $21,968,000 would be deferred if the financing levels provided by the Continuing Resolution were extended beyond June 5, 1981. Of the total additional deferral, $20.9 million reflects continuation of the phase-out of the Young Adult Conservation Corps (YACC) program included in the original deferral transmitted to the Congress on January 10, 1981. The remaining $1.1 million reflects a reduction in research on and evaluation of employment and training programs. This reduction is consistent with the reduced levels of programs financed by this account.

The amounts are to be deferred for the entire year. Their availability in 1982 will decrease the need for budget authority for continuing other programs financed under this account.

Estimated Effects:*

The additional deferral will have no effects on the YACC program in addition to those described in the January 10, 1981 report. Fewer research and evaluation contracts, however, will be let, but major ongoing efforts in this area will not be affected by the $1.1 million deferral of research and evaluation funds.

D81-36B

Outlay Effects:*

Current outlay estimate for 1981:

Under current deferral	$6,806,177,000*
Under revised deferral	6,806,177,000*
Additional 1981 outlay savings	--*

All of the outlay effects of this deferral increase will occur in fiscal year 1982.

* Revised from previous report.

Deferral No: ___ 081-129 ___

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency United States Railway Association
Bureau
Appropriation title & symbol
Payments for purchase of Conrail securities
98X0111

New budget authority (P.L. 96-400) $431,000,000
Other budgetary resources —
Total budgetary resources $431,000,000

Amount to be deferred:
Part of year $ —
Entire year 243,000,000

OMB identification code:
50-0111-0-1-401

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year ____ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other

Justification: This appropriation is used to purchase securities issued by the Consolidated Rail Corporation (Conrail) so that the Corporation will have funds to rehabilitate its plant and equipment and for working capital. Revenues from operations have been insufficient to cover the Corporation's operating expenses and capital needs, and the Corporation has requested capital needs for the remainder of this fiscal year. As a result, this deferral represents only amounts not required for obligation in fiscal 1981. This deferral is consistent with congressional intent to provide funding for this appropriation that remains available until expended, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will not affect the Corporation's capital requirements this year. Funds not required in 1981 will be available to cover Conrail's needs for capital in subsequent years.

Outlay Effect: This deferral action has no effect on fiscal 1981 outlays.

Deferral No: ___ 081-128 ___

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Railroad Retirement Board
Bureau
Appropriation title & symbol
Milwaukee railroad restructuring, administration
60X0106

New budget authority (P.L. ___) $ —
Other budgetary resources 278,673
Total budgetary resources 278,673

Amount to be deferred:
Part of year $ —
Entire year 278,673

OMB identification code:
60-0106-0-1-603

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year ____ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other

Justification: This account funds administrative expenses incurred by the Railroad Retirement Board in disbursing benefit payments under the Milwaukee Railroad Restructuring Act and the Rock Island Railroad Transition and Employee Assistance Act. The Board estimates that only $100,000 in administrative expenses will be charged to this account in fiscal year 1981, and that $278,673 will be carried over into fiscal year 1982. This deferral, therefore, only represents amounts not required for obligation in fiscal year 1981. It is also consistent with Congressional intent to provide funding for the Board that remains available until expended, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: There will be no effect upon the operation of the programs, as the funds are not needed in this fiscal year.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing July 14, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3520 / Pub. L. 97-23 Steel Industry Compliance Extension Act of 1981. (July 17, 1981; 95 Stat. 139) Price: $1.50.

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Revised as of April 1, 1981

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Highlights

37706 **Mediterranean Fruit Fly** USDA/APHIS establishes quarantine in California and restricts certain agricultural commodities.

37714 **Mortgage Loans** FHLBB proposes regulations on balloon payment mortgage loans and reverse annuity mortgage loans.

37625 FHLBB issues regulations on graduated payment adjustable mortgage loan instruments.

37725 **Oil and Gas Leasing** Interior/BLM proposes procedures for conducting oil and gas lease sales in the National Petroleum Reserve—Alaska.

37862, 37866, 37870 **Grant Programs—Education** ED issues final regulations for the Pell Grant Institutional Grants for Graduate and Professional Study and the Legal Profession Training Programs. (Parts II, III, and IV of this issue) (3 documents)

37631 **Taxes—Environmental** Treasury/IRS provides temporary regulations for imposition of taxes on petroleum, certain chemicals, and hazardous wastes.

37716 **Surface Mining** Interior/SMREO announces availability of and requests comments on draft rule on use of explosives in surface coal mining operations.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

37747 **Merchant Marine and Fisheries** Commerce/MA/NOAA and Treasury/IRS announce applicable rate of interest on nonqualified withdrawals from a capital construction fund.

37693 **Maritime Education and Training** Commerce/MA adopts regulations and standards for merchant marine training at State maritime academies.

37634 **Armed Forces** DOD/Army sets policy for authorizing and operating private organizations on Army installations.

37832, 37838 **Procurement** OMB/OFPP requests comments on proposed policy letters on government-wide bid protest and debarment and suspension procedures. (2 documents)

37651 **Security Measures** GSA clarifies information on ADP and Telecommunications services to reflect current policy on risk analysis requirements.

37792 **Handicapped** Interior/Sec'y notifies recipients of Federal financial assistance to comply with nondiscrimination provisions.

37651 **Archives and Records** GSA/NARS revises fee schedule for reproduction services.

37742 **Agriculture—Soybeans and Sunflower** USDA/FGIS requests comments on proposed primary standard reference methods for moisture, oil, and protein determinations in soybeans and sunflower.

37739 **Common Carriers** FMC proposes to amend financial reporting requirements applicable to vessel operating common carriers in domestic offshore trades.

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37844 **Sunshine Act Meetings**

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-402]

Graduated Payment Adjustable Mortgage Loan Instruments

Dated: July 14, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has authorized federal savings and loan associations and federal mutual savings banks to make, purchase, participate or otherwise deal in graduated payment adjustable mortgage loan instruments. Such instruments permit the initial payment amount on an adjustable mortgage loan to be insufficient at the beginning of the loan term to fully amortize the loan, but only if the payment amount is adjusted within ten years of the date of the closing of the loan, and at least every five years thereafter, to a level sufficient to amortize the loan. Promulgation of this regulation provides federally-chartered thrift institutions with additional flexibility in designing various types of mortgage loan instruments. This action also amends the Board's graduated payment mortgage regulation, and makes clarifying and corrective amendments to the adjustable mortgage loan regulation.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ((202) 377-6466) or Joseph A. McKenzie, Office of Policy and Economic Research ((202) 377-6763), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On September 30, 1980, the Board proposed to authorize federally-chartered thrift institutions to make graduated payment adjustable mortgages (GPAMs) (FHLBB Res. No. 80-612; 45 FR 66798, October 8, 1980). In that proposal, the GPAM was described as a renegotiable rate mortgage (RRM) on which the scheduled monthly payments would begin at a level lower than that of a standard renegotiable rate mortgage loan. The proposed GPAM regulation would have incorporated the adjustable-rate feature of the RRM as well as the limitations on annual payment increases contained in the graduated payment mortgage (GPM) regulation (12 CFR 545.6-4(b)).

After studying the comments received both in response to that proposal and at joint hearings held with the Office of the Comptroller of the Currency, the Board requested comments on several additional issues relating to adjustable-rate mortgages generally but not specifically addressed in the September 1980 proposal (FHLBB Res. No. 81-118; 45 FR 15175, March 4, 1981). The request greatly broadened the scope of possible amendments to the Board's adjustable-rate mortgage regulations by asking for comment on whether or not the Board's regulations should impose limitations on adjustment of the interest rate or monthly payment amount.

Effective April 30, 1981, the Board replaced the variable-rate mortgage (VRM) and RRM regulations (12 CFR 545.6-4(c), 545.6-4a) with a new regulation authorizing federally-chartered thrift institutions to make adjustable mortgage loans (AMLs) (12 CFR 545.6-4a, as amended by FHLBB Res. No. 81-206; 46 FR 24148, April 30, 1981). The AML regulation permits adjustment of the interest rate, which may be implemented through changes in the payment amount, the outstanding principal loan balance, the loan term, or any combination of these variables. The regulation imposes no restrictions on the amount by which any of these factors may be adjusted, except that the term of an AML may never exceed 40 years from the date of loan closing and interest-rate adjustments must reflect the movement of one of the indices authorized by the regulation.

In the preamble to the AML regulation, the Board stated that it had considered incorporating a GPAM into the AML regulation, but felt that all of the implications of such an instrument had not yet been fully explored. Therefore, the Board at that time deferred action on the GPAM. The Board has now determined to authorize a GPAM which, like the AML, would not be subject to any regulatory restrictions on the amount by which the payments may be increased or decreased.

Overview of Comments

The Board received 92 comments in response to its September 1980 GPAM proposal and 645 comments in response to its February 1981 request for comments. Approximately 57% of the comment letters were from federal savings and loans, 20% were from state-chartered savings and loans, and 10% were from consumers and consumer-oriented organizations. Other commenters included trade associations, real estate professionals, secondary market entities, title insurers, lawyers, investment brokers and consultants, commercial banks, and the Federal Home Loan Banks.

Savings and loans overwhelmingly supported the broadest possible liberalization of the Board's adjustable-rate mortgage regulations. The majority of associations supported the elimination of both periodic and aggregate interest-rate adjustment limitations. In contrast, consumers opposed liberalization of the restrictions contained in the RRM and GPM regulations. Their major concern was that large interest-rate increases, and consequent payment increases, might make it difficult for homebuyers to meet mortgage payments. Some concern also was expressed with the impact negative amortization could have on a borrower's ability to repay the loan in those areas where property values could not be expected to rise steadily.

Graduated Payment Adjustable Mortgage Loan Instruments

After careful consideration of the comment letters, testimony at the hearings, staff reports and other available information, the Board has determined to authorize graduated payment adjustable mortgage loans. A GPAML is an adjustable mortgage loan (12 CFR 545.6-4a, as amended effective April 30, 1981; FHLBB Res. No. 81-206; 46 FR 24148, April 30, 1981) on which the monthly payment amount is insufficient at the beginning of the loan term to fully amortize the loan. Within ten years of the date of the closing of the loan and at least every five years thereafter, the

monthly payment amount must be adjusted to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan. The GPAML regulation imposes no restrictions on the amount by which the monthly payment, the interest rate, or the loan term may be adjusted during the term of the loan, except that the term of a GPAML, inclusive of adjustments, may never exceed 40 years from the date of the closing of the loan. However, the Board will consider loans that provide for or permit sharp increases in payments over the initial period of up to ten years as evidence of unsafe and unsound operation of an association.

Except for the initial period of up to ten years, the monthly payment amount may be adjusted only because of an adjustment to the interest rate, or because of the requirement that the payment amount be adjusted within ten years of loan closing and at least every five years thereafter to fully amortize the remaining balance of the loan. But for this initial period of up to ten years, a GPAML operates identically to an AML.

Discussion

The GPAML is an important addition to the types of mortgage instruments currently available to federally-chartered thrift institutions. The GPAML will enable individuals who otherwise could not qualify for financing, but whose incomes are expected to increase in the future, to secure home mortgage loans. The instrument will also enable lenders to keep apace of market rates, thus providing the flexibility associations need to pursue sound operating policies.

The GPAML presents two potential concerns for both borrowers and lenders in an inflationary environment—the possibility of significant amounts of negative amortization and the possibility of large payment increases. After studying the ramifications of these concerns and various means of mitigating severe adverse effects on the borrower, the Board determined to limit to ten years the period during which negative amortization can occur as a result of insufficiently-large payments. This is the same limitation currently contained in the GPM regulation. The regulation also requires that the payment amount be adjusted at least every five years thereafter to a level sufficient to fully amortize the loan.

The Board also has concluded that GPAMLs can be written so that payment increases are not unduly burdensome to borrowers and negative amortization is not excessive. These concerns can be addressed by shortening the period during which the monthly payment is insufficient to amortize the loan or by establishing a limitation on the amount by which the payment may be increased from one period to the next. In addition, the effects of negative amortization will probably be mitigated by the operation of the market. Although the loan balance on a GPAML will increase as a result of negative amortization, the borrower's equity in the property will tend to grow at a rate relative to the increases in the market value of the property. This appreciation in the property's value will tend to offset the increase in the loan balance.

Because the potential concerns posed for lenders by a GPAML are essentially underwriting problems, the Board believes that the establishment of limitations on payment increases and on the period between payment adjustments should depend on the situation of the particular borrower, the geographic area, the interest rate offered on the loan, and a variety of other pertinent factors. The most effective way to facilitate the development of a loan instrument that is responsive to all of these factors is to permit the lender and the borrower to negotiate the provisions of the loan. Thus, if a need arises in the market for an instrument with tighter constraints on payment increases and negative amortization, the Board expects that such instruments would necessarily be offered to satisfy that need.

Disclosure

The regulation requires associations offering GPAMLs to add certain information to the disclosure required by the AML regulation to be given to a loan applicant at the time the applicant receives an application or upon request (12 CFR 545.6–4a(f)). The additional disclosures describe the features of a GPAML in general terms, and require a description of the particular type of GPAML the association is offering as well as an example of how that GPAML would operate. The notification required to be given by the AML regulation (12 CFR 545.6–4a(e)) at least 30 but not more than 45 days prior to each adjustment of the payment amount does not need to be amended by this regulation to accommodate the GPAML since it already requires disclosure of adjustments of the principal loan balance.

Graduated Payment Mortgage

Currently, the Board's GPM regulation (12 CFR 545.6–4(b)) places limitations on the amount by which the payment may be increased from one year to the next during the graduation period. These limitations range from 7.5% per year during a graduation period of five years to 3% per year for a graduation period of 10 years. In view of the Board's belief that associations should be given maximum flexibility in designing mortgage instruments containing graduated payment features, the Board has determined to amend the GPM regulation by deleting the existing limitations on payment increases. The GPM regulation, though, would continue to limit the graduation period to a maximum of 10 years. Because the Board is also of the opinion that individual associations should be free to develop their own underwriting standards relative to negative amortization, the Board has determined to amend the GPM regulation to assume continued compliance with the loan-to-value requirements (12 CFR 545.6–2(a)) if the original loan-to-value ratio of the GPM met the requirements. A similar provision is contained in the AML regulation (12 CFR 545.6–4a(b)(3)). The Board has also determined to delete the prohibition against payment adjustments occurring more often than once a year. This change makes the GPM regulation consistent with the GPAML and AML regulations, which permit payment adjustments to occur as often as monthly.

As part of its October 1980 proposed alternative mortgage instrument amendments (FHLBB Res. No. 80–653; 45 FR 72875, November 3, 1980), The Board requested comment on whether the GPM regulation should continue to permit a borrower to convert to a standard mortgage instrument (with a fixed interest rate, level payments, and full amortization) at any time during the graduation period. Fourteen of the sixteen S&L industry members commenting on this proposal supported eliminating this right, while the six consumers and consumer organizations commenting on the issue favored retention of the right to convert. The Board has determined to eliminate the requirement that associations permit a GPM borrower to convert to a standard instrument. This is in keeping with the Board's view that a mortgage loan instrument should reflect the specific needs of the borrower and lender, the geographic area, the interest rate offered on the loan, and other pertinent factors, and therefore should be a matter of negotiation between the borrower and lender.

Also in its October 1980 proposal, the Board proposed to provide a standardized disclosure form for the GPM. Although few commenters opposed that proposal, the Board has determined that a standardized form is unnecessary to ensure full disclosure since the GPM is in essence simply a fixed-rate mortgage. In addition, because the regulation will no longer require inclusion of the conversion option, it is no longer necessary to require that the GPM disclosure provide a side-by-side comparison of a GPM with a level-payment mortgage.

Adjustable Mortgage Loan Amendments

The Board is taking this opportunity to make several clarifying and corrective amendments to its AML regulation (12 CFR 545.6–4a, as amended effective April 30, 1981). First, the third sentence of subparagraph (c)(1) is amended to clarify that, to calculate the adjusted interest rate, it is necessary to add or subtract the difference between the initial index value and the current index value to or from the original loan interest rate, taking into account any contractual limitations on the amount by which the rate may be adjusted from one adjustment date to the next. Second, subparagraph (c)(2)(iv) is amended by correcting the citation to the Statistical Release in which the Federal Reserve Board publishes the monthly average yield of one- to five-year securities (G. 13(415) as opposed to B. 13(415)). Third, the phrase "key terms" replaces "basic terms" in the first sentence of the bracketed material appearing under the heading "KEY TERMS." This is intended to clarify that the material inserted under the heading "How Your Adjustable Mortgage Loan Would Work" must be a description elaborating upon each of the key terms summarized under the heading "KEY TERMS." Finally, the bracketed directive under the heading *"Example of operation of your type of AML"* is expanded to clarify the Board's intent that the example should demonstrate the operation of all of the features of the AML plan described in the disclosure.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) it relieves restriction, and (2) is in the public interest to make it available expeditiously since it will provide an additional important instrument for home financing.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Amend § 545.6–4 by removing paragraph (b)(3), redesignating subparagraphs (b)(4), (b)(5) and (b)(6) as paragraphs (b)(3), (b)(4), and (b)(5), respectively, and revising paragraphs (b)(1), (b)(2) and new (b)(4) and (b)(5), to read as follows:

§ 545.6–4 Graduated payment and reverse-annuity mortgage instruments.

* * * * *

(b) *Graduated payment mortgage.*—(1) *Description.* This instrument's scheduled payments begin at a level lower than that of a comparable standard mortgage instrument, and rise to a predetermined point, after which they remain constant; the graduation period and rate of increase and the interest rate are fixed at loan origination.

(2) *Graduation period, rate and frequency.* Graduation periods are limited to ten years, with the rate and frequency of increases in mortgage payments as set out in the mortgage loan contract.

(3) *Interest capitalization.* * * *

(4) *Loan-to-value-ratio limitations.* For purposes of determining compliance with the loan-to-value-ratio limitations set out in § 545.6–2(a) of this Part, the Board will assume continued compliance where the original loan-to-value ratio met the requirements of § 545.6–2(a) of this Part.

(5) *Disclosure.* Each prospective borrower shall receive materials explaining the graduated payment mortgage offered.

* * * * *

2. Revise paragraphs (c)(1) and (c)(2)(iv) and paragraph (f) of § 545.6–4a, to read as follows:

§ 545.6–4a Adjustable mortgage loan instruments.

* * * * *

(c) *Index.* (1) Adjustments to the interest rate of an adjustable mortgage loan shall correspond directly to the movement of an index authorized by subparagraph (2) of this paragraph, subject to such rate-adjustment limitations, if any, as an association may provide. The initial index value shall be the most recently available value of the index at, or within six months prior to, the date of the closing of the loan. The interest rate at adjustment shall reflect the difference, in reference to the interest rate of the loan on the date of closing, between the initial index value and either the index value most recently available as of the date of rate adjustment, if the payment is not simultaneously adjusted, or the index value most recently available as of the date of notification of a payment adjustment; *Provided,* That where the movement of the index permits an interest-rate increase, the association may decline to increase the interest rate by the indicated amount, and the association may decrease the interest rate at any time.

(2) * * *

* * * * *

(iv) The monthly average yield on United States Treasury securities adjusted to a constant maturity of one, two, three, or five years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month; or

* * * * *

(f) *Disclosure.* * * *

Key terms of ———— Federal Savings and Loan Association's adjustable mortgage loan.

* * * * *

[Provide summary of key terms of the * * *

* * * * *

Example of Operation of Your Type of AML

[Set out an example of the operation of all of the features of the type of AML * * *

* * * * *

3. Add new § 545.6–4b, to read as follows:

§ 545.6–4b Graduated payment adjustable mortgage loan instruments.

(a) *Authorization.* (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6-2(a) of this Part may use graduated payment adjustable mortgage loan instruments as described in this section.

(2) This regulation is preemptive of conflicting state law pursuant to § 545.6–4a(a)(2) of this part.

(b) *Description.* A graduated payment adjustable mortgage loan is an adjustable mortgage loan on which the scheduled monthly payment amount at the beginning of the loan term is insufficient to fully amortize the loan. As such, a graduated payment adjustable mortgage loan is subject to the provisions of § 545.6–4a of this part except to the extent they are inconsistent with the provisions of this section. During a period the length of which may not exceed ten years beginning with the date of the closing of the loan, the scheduled payments must rise to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan. After the end

of this period, the payment amount must be adjusted at least every five years to a level sufficient to fully amortize the loan.

(c) *Disclosure.* An applicant must be given, at the time the applicant receives an application, or upon request, a disclosure notice in the following form:

Important Information About the Graduated Payment Adjustable Mortgage Loan—Please Read Carefully

You have received an application form for a graduated payment adjustable mortgage loan ("GPAML"). The GPAML may differ from other mortgages with which you are familiar.

General Description of Graduated Payment Adjustable Mortgage Loan

The graduated payment adjustable mortgage loan is a flexible loan instrument on which the scheduled monthly payment amount at the beginning of the loan term is insufficient to fully amortize the loan. Within ten years of the date of the closing of the loan, and at least every five years after that, the payment amount must be adjusted to a level that will fully amortize the loan. The interest rate on a GPAML may be adjusted by the lender from time to time. Such adjustments will result in increases or decreases in your payment amount, in the outstanding principal loan balance, in the loan term, or in all three (see discussion below relating to these types of adjustments). Federal regulations place no limit on the amount by which the interest rate may be adjusted either at any one time or over the life of the loan, or an the frequency with which it may be adjusted. Adjustments to the interest rate must reflect the movement of a single, specified index (see discussion below). This does not mean that the particular loan agreement you sign must, by law, permit unlimited interest-rate changes. It merely means that, if you desire to have certain rate-adjustment limitations placed in your loan agreement, that is a matter you should negotiate with the lender. You may also want to make inquiries concerning the loan terms offered by other lenders on GPAMLs to compare the terms and conditions.

Another flexible feature of the GPAML is that the regular payment amount, in addition to being increased because it was too small to fully amortize the loan at the beginning of the loan term, may be increased or decreased by the lender from time to time to reflect changes in the interest rate. Again, Federal regulations place no limitations on the amount by which the lender may adjust payments at any one time, or on the frequency of payment adjustments. If you wish to have particular provisions in your loan agreement regarding adjustments to the payment amount, you should negotiate such terms with the lender prior to entering such an agreement.

A third flexible feature of the GPAML is that the outstanding principal loan balance (the total amount you owe) may be increased or decreased from time to time when, because of adjustments to the interest rate or because the payment amount was too small at the beginning of the loan term to fully amortize the loan, the payment amount is either too small to cover interest due on the loan, or larger than is necessary to pay off the loan over the remaining term of the loan.

The final flexible feature of the GPAML is that the loan term may be lengthened or shortened from time to time, corresponding to an increase or decrease in the interest rate. When the term is extended in connection with a rate increase, the payment amount does not have to be increased to the same extent as if the term had not been lengthened. In no case may the total term of the loan exceed 40 years.

Index

Adjustments to the interest rate of a GPAML must correspond directly to the movement of an index, subject to such rate-adjustment limitations as may be contained in the loan contract. If the index has moved down, the lender must reduce the interest rate by at least the decrease in the index. If the index has moved up, the lender has the right to increase the interest rate by that amount. Although taking such an increase is optional by the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

[Name and description of index to be used for applicant's loan, initial index value (if known) or date of initial index value, a source or sources where the index may be readily obtained by the borrower, and the high and low index rates during the previous calendar year.]

Key terms of ———— Federal Savings and Loan Association's graduated payment adjustable mortgage loan.

Following is a summary of the key terms of the type of GPAML to be offered to you. This summary is intended for reference purposes only. Important information relating specifically to your loan will be contained in the loan agreement, which alone will establish your rights under the loan plan.

[Provide summary of key terms of the loan, including the loan term, over what period and by what amounts the payment will be adjusted to fully amortize the loan, the frequency of rate changes, the frequency of payment changes, the maximum rate change, if any, at one time, the maximum rate change, if any, over the life of the loan, the maximum payment change, if any, at one time, minimum increments, if any, of rate changes, and whether there will be adjustments to the principal loan balance, in the following format:

Loan term.....
Graduation period.....
Rate of payment increases during graduation period.....
Frequency of payment increases during graduation period.....
Frequency of rate changes.....(etc.)]

How Your Graduated Payment Adjustable Mortgage Loan Would Work

Initial Interest Rate

The initial interest rate offered by ———— Federal Savings and Loan Association on your GPAML will be established and disclosed to you on [commitment date, etc.] based on market conditions at the time.

[Insert a short description of each of the key terms of the type of GPAML to be offered to the borrower, using headings where appropriate.]

Notice of Payment Adjustments

———— Federal Savings and Loan Association will send you notice of an adjustment to the payment amount at least 30 but not more than 45 days before it becomes effective. [Describe what information the notice will contain.]

Prepayment Penalty

You may prepay a GPAML in whole or in part *without penalty at any time* during the term of the loan.

Fees

You will be charged fees by ———— Federal Savings and Loan Association and by other persons in connection with the origination of your GPAML. The association will give you an estimate of these fees after receiving your loan application. However, you will not be charged any costs or fees in connection with any regularly-scheduled adjustment to the interest rate, the payment, the outstanding principal loan balance, or the loan term initiated by the lender.

Example of Operation of Your Type of GPAML

[Set out an example of the operation of all of the features of the type of GPAML to be offered to the borrower, including, where appropriate, the use of a table.]

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81-21802 Filed 7-21-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 546 and 563

[No. 81-403]

Delegation of Authority Regarding Merger Approvals

July 14, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: These amendments increase the scope of the Board's delegation of authority to its Principal Supervisory Agents to approve applications for mergers involving Federal savings and loan associations or institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: John R. Hall, (202) 377-6450, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2) provides rules and procedures for mergers involving Federal savings and loan associations, and § 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) similarly provides rules for mergers involving institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Under those rules as amended by Resolutions Nos. 80-446 (July 24, 1980; 45 FR 50553), 81-18 (January 16, 1981; 46 FR 9917), and 81-90 (February 27, 1981; 46 FR 14727), Board approval for a merger may be given in specified circumstances by the Board's Principal Supervisory Agent ("PSA"), i.e., the president of the Federal Home Loan Bank of which the resulting institution in the proposed merger is a member. Approval under that delegation of authority may be given if:

(1) The merging association has assets of less than $30,000,000 or the resulting association would have assets of less than $250,000,000.

(2) The resulting association would hold less than 8% of the total savings accounts in each county in which both the merging and resulting associations have an office and less than 10% of the total savings accounts in counties where only the merging association has an office.

(3) The resulting association would account for less than 8% of the total residential mortgage loans made in each county where both the merging and resulting association have an office and less than 10% of the total residential mortgage loans in counties where only the merging association has an office.

(4) The maximum percentage figures in items (2) and (3) may be 12% provided that the PSA receives appropriate clearance from Board staff.

(5) The resulting association's net worth, excluding goodwill, would at least equal the amount required for the association under 12 CFR 563.13.

(6) Any proposed increase in compensation to any officer, director, or controlling person of the merging association by the resulting association or any service corporation would not exceed 15% or $10,000, whichever is greater.

(7) Any proposed advisory director fee would not exceed the greater of the following amounts: (i) 115% of the fee per monthly meeting attended received as a director of the merging institution, (ii) $150 per monthly meeting attended, or (iii) the fee per monthly meeting attended that advisory directors of the resulting association receive.

(8) No association involved in the merger received on its most recent examination a rating of less than satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder.

(9) The merger was not instituted for supervisory reasons.

(10) No employment contract offered to an officer of the merging association exceeds 5 years in length.

(11) The merger is not protested.

(12) The merger does not raise significant issues of law or policy for which the Board has not established a formal position.

The Principal Supervisory Agent may also recommend modifications of the plan of merger. If the recommendations are not accepted by the directors of both institutions, and if an institution requests it, the Principal Supervisory Agent must submit the merger application to the Board.

In approving a merger, the Principal Supervisory Agent may approve maintenance of an office of the merging institution as a facility of the resulting Federal association and may approve an application for insurance of accounts and Federal Home Loan Bank membership filed by an uninsured institution merging into a Federal association.

In the preamble to the February 27, 1981, amendment of the merger delegation, the Board described the significant increase in merger activity that had occurred prior to that amendment and stated that a continued high volume of mergers was anticipated. In response to that activity the Board decided to increase the scope of the delegation of authority to approve mergers to permit approvals by the Board's Principal Supervisory Agents of mergers involving larger institutions. The Board provided for delegated approval authority where either of the merging institutions has assets of less than $30 million, or where the resulting institution has assets of less than $250 million. Those maximum amounts were previously $10 million and $150 million, respectively.

Based on its experience with the large number of mergers occurring after those amendments were adopted, the Board has decided to further liberalize certain criteria for approval of mergers under delegated authority. First, the Board is increasing the existing asset size limits. The Board believes it is appropriate for it to continue to review all mergers involving very large institutions and those that raise significant issues. However, it will no longer review mergers where either the merging institution has assets of less than $100 million, or the resulting institution has assets of less than $500 million, provided the merger satisfies the other criteria specified in the regulation and no unusual issues are raised by application. This change will permit more efficient use of the Board staff time and will permit expedited processing of additional merger applications.

Second, the Board is increasing the maximum market share criteria for delegated approvals. The Board intends to review all mergers that raise significant issues under the antitrust laws. However, existing market share benchmarks require Board review of many mergers that cannot reasonably be expected to have a significant competitive impact. Therefore, the Board has determined that mergers may be approved under delegated authority if, in addition to all of the other specified criteria being satisfied, the resulting institution would account for less than 10% of the total savings accounts and the total residential mortgage loans made in each county where both the merging and resulting associations have an office and less than 12% of the total savings accounts and the total mortgage loans in each county where only the merging association has an office. Those maximum percentages may be 15% in a particular case, provided the PSA receives the concurrence of the Board's Office of General Counsel and Office of Policy and Economic Research.

Third, the Board has determined that, as a general rule, it need review only those supervisory mergers, otherwise qualifying for approval under delegated authority, that involve an agreement with the Federal Savings and Loan Insurance Corporation or require forebearance with respect to supervisory action under the regulations. All other mergers instituted for supervisory reasons that meet the other criteria for approval under delegated authority may be approved by the PSA.

Fourth, the Board has determined that applications may be approved under delegated authority even though the disappearing merger partner has a less than satisfactory CRA rating, provided the institution that will be the resulting institution after the merger has at least a satisfactory CRA record. The Board believes that the important consideration with respect to the effect of a merger on CRA performance is the CRA policy that the institution will implement following the merger.

Because, in most instances, that policy will be the policy of the acquiring partner in the merger, the policy of the disappearing merger partner is usually irrelevant. Therefore, the Board is amending its regulation to authorize approval of mergers under delegated authority without regard to the CRA rating of the disappearing institution, provided the acquiring institution has at least a satisfactory CRA rating and no significant deficiencies with respect to the Board's nondiscrimination regulations. However, the PSA will carefully review the CRA performance of the disappearing institution and the intentions of the acquiring institution to determine whether any unacceptable policies or procedures of the disappearing institution may be implemented by the resulting institution after the merger. If the PSA believes such a possibility exists, he will submit the application to the Board for such action as it deems appropriate.

Finally, the Board has determined to permit approval of a merger under delegated authority where compensation paid by the resulting institution to officers, directors, or controlling persons of the disappearing institution or fees paid to advisory directors of the resulting institution will exceed the amounts specified in the Board's Policy Statement on mergers (12 CFR 571.5), provided the applicant submits evidence sufficient to rebut a presumption of unreasonableness and sale of control. Whenever proposed compensation or fees exceed the guidelines and the PSA determines that the evidence is insufficient to rebut that presumption, he will submit the application to the Board.

Because the amendments affect internal Board procedures and will facilitate the processing of applications for mergers, and because it is in the public interest to provide prompt action on applications to the Board, the Board believes it is in the public interest to implement the amendments without delay, and has therefore determined that observance of the notice and public procedure provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) would be contrary to the public interest and unnecessary, and because publication of the amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments would, in the Board's opinion, likewise be unnecessary for the same reasons, the Board hereby provides that the amendments shall become effective as provided herein.

Accordingly, the Board hereby amends Part 546 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

1. Revise paragraph (h) of § 546.2 to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(h) The Principal Supervisory Agent may give Board approval (including recommending modification of a plan of merger, consolidation, or purchase of bulk assets) required by paragraph (c), if the following conditions are met:

(1) Either association has assets of less than $100,000,000 or the resulting association would have assets of less than $500,000,000;

(2) The resulting association would hold less than 10 percent of the total savings accounts (including savings accounts under $100,000 held by commercial banks) of financial associations in any county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office;

(3) The resulting association would hold less than 12 percent of the total savings accounts (including saving accounts of under $100,000 held by commercial banks) of financial associations in each county (or similar political subdivision) in which, prior to the merger, the merging association has an office;

(4) The resulting association would account for less than 10 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office, based on mortgage recording data or such other evidence as is available;

(5) The resulting association would account for less than 12 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the merging association has an office, based on mortgage recording data or such other evidence as is available;

(6) The resulting association's net worth, excluding goodwill, would at least equal the amount required for that association under § 563.13 of this Chapter;

(7) The association that will be the resulting association in the merger received on its most recent examination a rating of at least satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder and has no significant deficiencies with respect to the Board's Nondiscrimination regulations;

(8) The merger does not involve any agreement with the Federal Savings and Loan Insurance Corporation or forbearance with respect to supervisory action under any regulation;

(9) The merger is not protested;

(10) The percentages in subparagraphs (h) (2), (3), (4) and (5) of this section shall be 15 percent, provided that the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition; and

(11) No employment contract offered to an officer of the disappearing association exceeds 5 years in length.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Board if one of the institutions requests it.

The authority to approve mergers under this paragraph (h) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to this delegation raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Revise paragraph (e) of § 563.22 to read as follows:

§ 563.22 Merger, consolidation ~~ purchase of bulk assets.

* * * * *

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) Either institution has assets of less than $100,000,000 or the resulting institution would have assets of less than $500,000,000;

(2) The resulting institution would hold less than 10 percent of the total savings accounts (including savings accounts under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which, prior to the merger, both the merging institution and the resulting institution have an office;

(3) The resulting institution would hold less than 12 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, the merging institution has an office;

(4) The resulting institution would account for less than 10 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which, prior to the merger, both the merging institution and the resulting institution have an office, based on mortgage recording data or such other evidence as is available;

(5) The resulting institution would account for less than 12 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the merging institution has an office, based on mortgage recording data or such other evidence as is available;

(6) The resulting institution's net worth, excluding goodwill, would at least equal the amount required for that institution under § 563.13 of this Part;

(7) The institution that will be the resulting institution in the merger received on its most recent examination a rating of at least satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder and has no significant deficiencies with respect to the Corporation's Nondiscrimination regulations;

(8) The merger does not involve any agreement with the Federal Savings and Loan Insurance Corporation or forbearance with respect to supervisory action under any regulation;

(9) The merger is not protested;

(10) The percentages in subparagraphs (e) (2), (3), (4) and (5) of this section shall be 15 percent, provided that the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Federal Home Loan Bank Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition; and

(11) No employment contract offered to an officer of the disappearing association exceeds 5 years in length.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if one of the institutions requests it.

The authority to approve mergers under this paragraph (e) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to this delegation raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

(Section 5 of the Home Owners' Loan Act, 12 U.S.C. 1464; Section 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1728, and 1730; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-21303 Filed 7-21-81; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 57

[T.D. 7782]

Temporary Regulations in Connection With Environmental Taxes; Imposition of Taxes on Petroleum, Certain Chemicals and Hazardous Wastes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for persons who must pay environmental taxes. Changes to the applicable tax law were made by the Hazardous Substance Response Revenue Act of 1980. These regulations affect all persons who must pay environmental taxes and provide them with the guidance needed to comply with the law.

DATE: The amendments made by these regulations are effective on April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Clark of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention CC:LR:T:LR–47–81 202–566–4336, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to certain procedural requirements for the payment of environmental taxes under sections 6011, 6071, 6091, 6151 and 6302 of the Internal Revenue Code of 1954 (Code), to reflect the additions to the Code made by section 211 of the Hazardous Substance Response Revenue Act of 1980 (Pub. L. 96–510, 94 Stat. 2797). A new Chapter 38 relating to the imposition of taxes on petroleum and certain chemicals is added to the Code by the Act. The Act also creates a fund which will be financed by the taxes imposed on crude oil, petroleum products and specified chemicals, and will be used to clean up abandoned hazardous waste dumpsites and hazardous substance spills. Further, a new Part 57, Temporary Regulations in Connection with Environmental Taxes, is added by this document to Title 26 of the Code of Federal Regulations. The regulations adopt collection procedures that are similar to those currently used to collect the Manufacturer's Excise Taxes. No deposit of environmental taxes is required with respect to such taxes payable for the calendar quarter ending June 30, 1981. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject. The Act also adds sections 4681 and 4682 to the Code. These sections generally impose a tax on the receipt after September 30, 1983, of hazardous waste at a qualified hazardous waste disposal facility. Guidance will be provided later with respect to the collection of this tax.

Drafting Information

The principal author of this regulation is Kyllikki Kusma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need for immediate guidance to persons required to file a return of tax. For this reason, Roscoe L. Egger, Jr., Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive

(TD 50-04.F) relating to improving government regulations must be waived.

Adoption of Amendments to the Regulations

Accordingly, a new part 57, Temporary Regulations in Connection with Environmental Taxes, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted:

PART 57—TEMPORARY REGULATIONS IN CONNECTION WITH ENVIRONMENTAL TAXES

Sec.

57.6011(a)-1 Returns.
57.6011(a)-2 Final returns.
57.6071(a)-1 Time for filing returns.
57.6091-1 Place for filing returns.
57.6151-1 Time and place for paying tax shown on return.
57.6302(c)-1 Use of Government depositaries.

Authority. Sections 6011 (68A Stat. 732, 26 U.S.C. 6011), 6071 (68A Stat. 749, 26 U.S.C. 6071), 6091 (68A Stat. 752, 26 U.S.C. 6091), 6302 (68A Stat. 775, 26 U.S.C. 6302), and 7805 (68A Stat. 917, 26 U.S.C. 7805) Internal Revenue Code of 1954.

§ 57.6011(a)-1 Returns.

(a) *In general.* Effective as of April 1, 1981, liability for tax imposed under section 4611, Imposition of Tax on Petroleum, or section 4661, Imposition of Tax on Certain Chemicals, shall be reported on Form 720, Quarterly Federal Excise Tax Return. Except as provided in paragraphs (b)(1) and (2) of this section, a return on Form 720 shall be filed for a period of one calendar quarter beginning with the quarter ending June 30, 1981. Every person required to make a return on Form 720 for the return period ended June 30, 1981, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on such return for such return period) until a final return has been filed in accordance with § 57.6011(a)-2. Every person not required to make a return on Form 720 for the return period ended June 30, 1981, shall make a return for the first calendar quarter thereafter in which the person incurs liability for tax imposed under section 4611 or section 4661 and shall make a return for each subsequent calendar quarter month or semimonthly period until a final return has been filed in accordance with § 57.6011(a)-2.

(b) *Monthly and semimonthly returns*—(1) *Requirement.* If the district director determines that any taxpayer who is required to make a deposit of taxes under the provisions of § 57.6302(c)-1 has failed to make deposits of such taxes, such taxpayer shall be required, if so notified in writing by the district director, to file a monthly or semimonthly return on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form. Every person so notified by the district director shall make a return for the calendar month or semimonthly period (as defined in § 57.6302(c)-1(c)(1)) in which the notice is received and for each calendar month or semimonthly period thereafter until the taxpayer has filed a final return or is required to make returns on the basis of a different return period pursuant to notification as provided in paragraph (b)(2) of this section.

(2) *Change of requirement.* At the district director's discretion, the taxpayer may be notified in writing that the taxpayer is required to make a quarterly or monthly return, if the taxpayer has been filing returns for a semimonthly period or is required to make a quarterly or semimonthly return, if the taxpayer has been filing monthly returns.

(3) *Return for period change takes effect.* If a taxpayer who has been filing quarterly returns receives notice to file a monthly or semimonthly return or a taxpayer who has been filing monthly returns receives notice to file a semimonthly return, the first return required pursuant to the notice shall be made for the month or semimonthly period in which the notice is received and all prior months or semimonthly periods which are not includible in a prior period for which the taxpayer is required to file a return. If a taxpayer who has been filing monthly or semimonthly returns receives notice to file a quarterly return, the last month or semimonthly period for which a return shall be made is the last month or semimonthly period of the calendar quarter in which such notice is received. If a taxpayer who has been filing semimonthly returns receives notice to file a monthly return, the last semimonthly period for which a return shall be made is the last semimonthly period of the month in which such notice is received.

§ 57.6011(a)-2 Final returns.

(a) *In general.* Any person who is required to make a return on Form 720 pursuant to § 57.6011(a)-1, and who in any return period ceases operations in respect of which the person is required to make a return on such form, shall make such return for such period as a final return. Each return made as a final return shall be marked "Final Return" by the person filing the return. A person who has only temporarily ceased to incur liability for tax required to be reported on Form 720, because of temporary or seasonal suspension of business or for other reasons, shall not make a final return but shall continue to file returns.

(b) *Statement to accompany final return.* There shall be executed as a part of each final return a statement showing the address at which the records required by the regulations in this part will be kept, the name of the person keeping such records, and, if the business of a taxpayer has been sold or otherwise transferred to another person, the name and address of such person and the date on which such sale or transfer took place. If no such sale or transfer occurred or the taxpayer does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement.

§ 57.6071(a)-1 Time for filing returns.

(a) *Quarterly returns.* Each return required to be made under paragraph (a) of § 57.6011(a)-1 for a return period of not less than one calendar quarter shall be filed on or before the last day of the first calendar month following the period for which it is made. However, a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under section 6302(c) of the Code and the regulations thereunder have been made in full payment of such taxes due for the period. For the purpose of the immediately preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the earliest date stamped on the applicable deposit form by an authorized financial institution or by a Federal Reserve bank.

(b) *Monthly and semimonthly return*—(1) *Monthly returns.* Each return required to be made for a monthly period under paragraph (b)(1) of § 57.6011(a)-1 shall be filed not later than the 15th day of the month following the period for which it is made.

(2) *Semimonthly returns.* Each return required to be made for a semimonthly period under paragraph (b)(1) of § 57.6011(a)-1 shall be filed not later than the 10th day of the semimonthly period following the period for which it is made.

(c) *Last day for filing.* For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see § 301.7503-1 of this chapter (Regulations on Procedure and Administration). Section 7502, relating to timely mailing treated as timely filing and paying, shall apply to the same extent it applies to the collection of taxes under Chapter 32, relating to Manufacturers' Excise Taxes.

(d) *Late filing.* For additions to the tax in case of failure to file a return within the prescribed time, see § 301.6651-1 of this chapter (Regulations on Procedure and Administration).

§ 57.6091-1 Place for filing returns.

(a) *Persons other than corporations.* The return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Md. 21202, except as provided in paragraph (c) of this section.

(b) *Corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Director of International Operations, U.S. Internal Revenue Service, Hato Rey, Puerto Rico 00917.

(d) *Returns filed with service centers.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with a service center, such returns shall be so filed in accordance with such instructions.

(e) *Hand-carried returns.* Except as provided in paragraph (e)(3) of this section, and notwithstanding paragraphs (1) and (2) of section 6091 (b) and paragraph (d) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone, or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone, or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (b) of this section.

(3) *Exceptions.* This paragraph (e) shall not apply to returns of—

(i) Persons who have no legal residence, no principal place of business, nor principal office or agency in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons and foreign corporations.

(f) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this part in any internal revenue district, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 6091(b) and paragraphs (a), (b), (c), (d), and (e) of this section.

§ 57.6151-1 Time and place for paying tax shown on return.

The tax required to be reported on each tax return required under this part is due and payable to the internal revenue officer with whom the return is filed at the time prescribed in § 57.6071(a)-1 for filing such return. See the applicable sections in Part 301 of this chapter (Regulations on Procedure and Administration), for provisions relating to interest on underpayments, additions to tax, and penalties. For provisions relating to the use of Federal Reserve banks or authorized financial institutions in depositing the taxes, see § 57.6302(c)-1.

§ 57.6302(c)-1 Use of Government depositories.

(a) *Requirements—(1) Monthly deposit.* Except as provided in paragraph (a)(2), (a)(3), or (a)(4) of this section, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes reportable on such form, the amount of such liability for taxes (to which this part relates) shall be deposited with a Federal Reserve bank or authorized financial institution on or before the last day of the month following such month.

(2) *Semimonthly Deposit.* This paragraph (a)(2) applies to excise taxes (to which this part relates) which are reportable on Form 720 by any person whose total liability for all excise taxes reportable on Form 720 for any calendar month in the preceding calendar quarter exceeds $2,000. In any case to which this paragraph (a)(2) applies (except as provided in paragraphs (a)(3) or (a)(4) of this section), the excise tax payable under this part for a semimonthly period (as defined in paragraph (c)(1) of this section) shall be deposited by such person in a Federal Reserve bank or authorized financial institution on or before the depositary receipt date (as defined in paragraph (c)(2) of this section). A person will be considered to have complied with the requirements of this paragraph (a)(2) for a semimonthly period if—

(i) The person's deposit for such semimonthly period is not less than 90 percent of the total amount of the excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on Form 720 for such period and if such period occurs in a month other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month; or

(ii) The person's deposit for each semimonthly period in the month is not less than 45 percent of the total amount of the excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on Form 720 for the month, and if such month is other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month; or

(iii) The person's deposit for each semimonthly period in the month is not less than 50 percent of the total amount of the excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on Form 720 for the second preceding calendar month, and if such

month is other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month;

(iv) The requirements of paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section (if applicable under the last sentence of this paragraph (a)(2)) are satisfied for the first semimonthly period in the month and the person's deposit for the second semimonthly period in such month is, when added to the deposit for such first semimonthly period, not less than 90 percent of the total amount of the excise taxes to which this part relates reportable by the person on Form 720 for such month, and if such period occurs in a month other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month.

Accordingly, a person who makes deposits in accordance with the provisions of paragraph (a)(2)(ii), (a)(2)(iii), or (a)(2)(iv) of this section will not find it necessary to keep books and records on a semimonthly basis. However, paragraph (a)(2)(ii) or (a)(2)(iii) of this section shall not apply to any such person who normally incurs in the first semimonthly period in each month more than 75 percent of the total excise tax liability (to which this part and Parts 46, 48, and 49 relate) for the month.

(3) *Exception.* The provisions of this section shall not apply with respect to taxes for the month or the semimonthly period in which the taxpayer receives notice from the district director that returns are required under paragraph (b)(1) or (2) of § 57.6011(a)–1, or for any subsequent month or semimonthly period for which such a return is required.

(4) *No deposit for the calendar quarter ending June 30, 1981.* No deposit is required under the provisions of this part 57 with respect to the taxes payable for the calendar quarter ending June 30, 1981.

(b) *Special requirements.* The provisions of this paragraph (b) apply to every person (whether or not required by paragraph (a)(1) or (a)(2) of this section to make a deposit of taxes) required to file a quarterly excise tax return on Form 720 for a calendar quarter who has a total liability for all excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on such form which exceeds by more than $100 the total amount of taxes deposited pursuant to paragraph (a)(1) or (2) of this section for the quarter. The person shall, on or before the last day of the month following the calendar quarter for which the return is required to be filed, deposit with a Federal Reserve bank or authorized financial institution the full amount by which the liability for all excise taxes reportable on such form for the calendar quarter exceeds the amount of excise taxes previously deposited for that calendar quarter.

(c) *Definitions.* The terms enumerated in this section are to be defined in the following manner:

(1) *Semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of the month.

(2) *Depositary receipt date.* The "depositary receipt date" is the 9th day of the semimonthly period following the semimonthly period for which the taxes are reportable.

(d) *Depositary forms*— (1) *In general.* A person required to make deposits by paragraphs (a) (1) or (2) or (b) of this section may make one, or more than one, remittance of the amount required to be deposited. An amount of such tax which is not required to be deposited may nevertheless be deposited if the person liable for the tax so desires.

(2) *Remittance.* Each remittance of an amount required to be deposited shall be accompanied by a Federal Tax Deposit, Excise Taxes, form (Form 504) which shall be prepared in accordance with the applicable instructions. The remittance, together with Form 504, shall be forwarded to a Federal Reserve bank, or, at the election of the person making the remittance, forwarded to a financial institution authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date stanped on the Federal Tax Deposit form by a Federal Reserve bank or by the authorized financial institution, whichever is earlier. Section 7502(e), relating to timely mailing treated as timely filing and paying, shall apply to the same extent it applies to the collection of taxes under Chapter 32, relating to Manufacturers' Excise Taxes. Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(3) *Time deemed paid.* Amounts deposited under paragraph (d)(2) of this section shall be considered as paid on the last day prescribed for filing the return for the tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later.

(4) *Procurement of prescribed forms.* Copies of Form 504 will so far as possible be furnished persons required to deposit. The person may secure the forms or additional forms by applying for them to the district director or director of a service center and by supplying the person's name, identification number, address, the type of tax, and the taxable period to which the deposits will relate. A person will not be excused from making a deposit, however, by the fact that no form has been furnished. A person not supplied with the proper form should make application for it in ample time to make the required deposit within the time prescribed.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 6011 (68A Stat. 732, 26 U.S.C 6011), 6071 (68A Stat. 749, 26 U.S.C. 6071), 6091 (68A Stat. 752, 26 U.S.C. 6091), 6302 (68A Stat. 775, 26 U.S.C. 6302), and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954)

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: June 30, 1981

John E. Chapoton,
Assistant Secretary of the Treasury

[FR Doc. 81-21380 Filed 7-17-81; 1:00 pm]

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DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Parts 212 and 556

[Army Regulation 210–1]

Private Organizations on Department of Army Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: Army Regulation 210–1 implements Department of Defense Instruction 1000.15, "Private Organizations on Military Installations" (published in the Federal Register December 12, 1978, as Part 212, Title 32, CFR, Chapter 1). This regulation was published as a Proposed Rule in the Federal Register on January 15, 1981. The regulation is applicable to all private organizations on Army installations except those under special Department of Defense sanction as set forth in separate agreements or regulations. The regulation clarifies the facts that private organizations are private and self-sustaining; are not officially affiliated with the United States Government or its instrumentalities; and are subject to state laws and local ordinances. Accordingly, this regulation does not direct or regulate the operational policies of private organizations, but establishes only those prerequisites necessary for private organizations to operate on Army installations.

EFFECTIVE DATE: August 15, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Terri N. Slocomb, Program Analyst, Office of The Adjutant General, ATTN: DAAG–CMP–P, Department of the Army, Washington, DC 20310, Telephone (202) 325–0370.

SUPPLEMENTARY INFORMATION: No comments were received on the proposed rule as published in the Federal Register (46 FR 3561). However, changes were made to clarify and improve the rule in accordance with the Army's Plain English program.

The Department of the Army has determined that this Final Rule is a non-major rule in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no burden upon small entities.

Dated: June 19, 1981.

John O. Roach II,
Army Liaison Officer with the Federal Register.

PART 212—PRIVATE ORGANIZATIONS ON DOD INSTALLATIONS

Accordingly, 32 CFR is amended as follows:

PART 212 [REMOVED]

1. 32 CFR Part 212 is removed.

2. 32 CFR Part 556 is added to read as follows:

PART 556—PRIVATE ORGANIZATIONS ON DEPARTMENT OF ARMY INSTALLATIONS

Subpart A—General

Sec.
556.1 Purpose.
556.2 Applicability.
556.3 References.
556.4 Explanation of terms.
556.5 Types of private organizations (POs).

Subpart B—Policies

556.6 General.
556.7 Restrictions.
556.8 PO employment and membership practices.
556.9 Insurance.
556.10 Audits.
556.11 Taxes.
556.12 PO Compliance with State or local laws.

Subpart C—Responsibilities and Procedures

556.13 The Adjutant General (TAG).
556.14 Major Army commanders.
556.15 Installation commanders.
556.16 General.
556.17 Recreational and educational POs.
556.18 Standardized documentation.

Subpart D—Support and Services

556.19 General.
556.20 Resale and fundraising activities.
556.21 General.
556.22 Permissive temporary duty (TDY).
556.23 Specialevents.
556.24 General.
556.25 Space and facilities.
556.26 Equipment.
556.27 Transportation.
556.28 Utilities.
556.29 Printing and copying services.
556.30 Postal support.
556.31 Other services.
Appendix A. References.
Appendix B. Classification System for Private Organizations by Type and Subtype
Appendix C. Sample Format—Constitution and Bylaws
Appendix D. Sample Format—Amendment to Constitution and Bylaws
Appendix E. Private Organization Checklist
Appendix F. Type 2 POs with DA approved Constitutions and Bylaws

Authority: 10 U.S.C. Section 3102.

Subpart A—General

§ 556.1 Purpose.

This regulation sets forth policy for authorizing and operating private organizations (POs) on Army installations. This guidance does not cancel any specific agreements between Federally sanctioned or affiliated POs and—

(a) The U.S. Government,

(b) The Department of Defense (DOD), or

(c) The Department of the Army (DA).

§ 556.2 Applicability.

(a) This regulation applies to the Active Army, U.S. Army Reserve, and Army National Guard with POs which are—

(1) Authorized to operate on DA installations worldwide. (See exceptions in paragraph (b) of this section), and

(2) Using space or facilities other than Army Reserve Centers. (For POs on Army Reserve Centers, see AR 140–488.)

(b) This regulation does not apply to—

(1) POs operating outside of DA installations which request occasional or nonrecurring use of Army space or facilities. AR 360–61 contains guidance for Army liaison with these POs.

(2) Any funds and activities on DA installations that serve officially recognized Federal Government purposes (e.g., Morale Support Program activities). Such funds and activities are not defined as private in nature. These include:

(i) Any funds accounted for under U.S. Treasury symbols.

(ii) Nonappropriated fund instrumentalities (NAFIs).

(iii) Any funds cited in paragraph 1–2b (1) through (7), AR 230–1.

(iv) Appropriated fund (APF) and nonappropriated fund (NAF) contractor and subcontractor organizations and funds on DA installations.

(3) Certain unofficial activities which may operate on DA installations without being authorized at Type 3 (independent) POs. Installation commanders may exclude certain funds or activities from regulation due to their limited scope, activities, membership, or funds. (Examples: Office coffee funds, flower funds, Christmas party funds, dance funds, or sympathy funds.) Installation commanders may set procedures for these informal activities and funds.

(4) Chapel organizations which operate as parts or extensions of the DA chapel program. These organizations must not make or manage funds in their name or interest; and they must be supervised, controlled, and directed by installation chaplains acting within (the scope of) their assigned duties. (Examples: Catholic Ladies Guild, Protestant Women of the Chapel, and Youth of the Chapel.) Chapel organizations which make or manage their own funds are subject to all provisions of this regulation.

§ 556.3 References.

Required and related publications are listed in Appendix A.

§ 556.4 Explanation of terms.

(a) Audit. An official examination, verification, and correction of account books that show the financial status of the PO.

(b) DA installation. A location, facility, or activity assigned to, owned, leased, controlled, or occupied by DA.

(c) DOD family. All of the following:

(1) Active duty military personnel.

(2) Retired military members.
(3) Members of reserve components.
(4) Family members and surviving spouses of personnel in (1) through (3) above.
(5) Local DOD civilian employees.
(6) Other civilians as authorized by major commanders and installation commanders.

(d) Double entry accounting system. A system in which both elements of each transactions (debits and credits) are—
(1) Recorded separately, and
(2) Recorded during the period of occurrence.

(e) Gross annual revenue. The total revenue of a PO. This includes gross income from—
(1) Sales of goods and services.
(2) Membership assessments or dues.
(3) Contributions and donations.
(4) Interest.

(f) Private organization. A self-sustaining, non-Federal entity constituted or established and operated on a DA installation by individuals acting outside any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities. It can be incorporated or unincorporated; and it must have the written consent of the installation commander or higher authority to operate on a DA installation.

(g) Qualified auditor.
(1) An auditor qualified to hold grade UA/GS 9 (or local national equivalent grades) or above in civilian jobs series 510.
(2) A public accountant or certified public accountant licensed by a State or other recognized licensing jurisdiction.

(h) Single entry accounting system. (Often called a combination journal system.) A simple system recording transactions on a cash basis. No inventories or accounts receivable or payable are kept.

§ 556.5 Types of private organizations (POs).

POs are categorized and identified by 3 types as follows—

(a) Type 1—Federally sanctioned POs. POs that conduct service operations. They are sanctioned by specific DOD authority or by special authority from HQDA. All Type 1 POs are governed by this regulation except those listed in paragraphs (a) (1) through (9) of this section. POs listed below are governed by other regulations as stated.
(1) Credit unions. See AR 210–24.
(2) Banking offices or institutions. See AR 210–135.
(3) American National Red Cross. See AR 930–5.
(4) United Service Organizations, Inc. (USO), See AR 930–1.
(5) United Seamen's Service. See AR 700–83.
(6) Labor organizations subject to Title 5, USC chapter 71. See Federal Personnel Manual (FPM), chapter 711.
(7) Association of Supervisors and Managers. See Civilian Personnel Regulation (CPR) 251 and AR 1–210.
(8) Civil Air Patrols. See Air Force Regulation (AFR) 46–6, "Support for Civil Air Patrol."
(9) Army Emergency Relief. See AR 930–4.

(b) Type 2—Affiliated POs. POs that conduct activities of common interest to a voluntary membership. They require the written approval of the installation commander to operate on DA installations. Type 2 POs operate as local affiliations, chapters, lodges (fraternal or benevolent organizations), or elements of POs with national or State charters.

(c) Type 3—Independent POs. POs established, organized, operated, and controlled locally by common interest groups. Type 3 POs conduct activities that meet certain accepted needs or wants of some members of the DOD family. The local PO must obtain written permission to operate from the installation commander. Type 3 POs have no formal connection with organizations outside the installation.

(d) PO subtypes.
(1) For classification purposes, there are eight authorized subtypes of POs. POs in each subtype have one or more of the following characteristics in common:
(i) They have similar purposes or objectives.
(ii) They conduct related activities.
(iii) Their members or participants in their activities are of a common age level.
(2) A subtype may include more than one type of PO. For example, Type 1 (Red Cross), Type 2 (PTA), and Type 3 (thrift shop), POs all perform the subtype function of community services.
(3) Classification of POs by type and subtype clarifies the distinction between POs and NAFIs. Appendix B lists various types of POs commonly found on DA installations by type and subtype. (These are only examples, the list is not complete.)

Subpart B—Policies

§ 556.6. General.

(a) POs are not NAFIs, and so they are not entitled to the special immunities and privileges given NAFIs.
(b) There is no official relationship between PO activities and official duties, and responsibilities of DOD personnel who are PO members or participants.
(c) POs are not part of the military organization, so they receive limited Government supervision.
(d) POs operate on a financially self-sustaining basis, except for support authorized in Subpart D.
(e) Neither the Federal Government nor its NAFIs have any vested interest in the assets of a PO; nor will either make any claim to PO assets, or incur or assume any obligation of a PO.
(f) Installation commanders may, following DA policy and Federal laws which apply, acquire for the installation, property—
(1) Abandoned by a PO due to its disestablishment.
(2) Given to the installation by the PO.
(g) POs will follow all laws governing comparable private sector activities (see § 556.12).
(h) DA interest in the operation of POs is due only to their—
(1) Location on DA installations.
(2) Relationships with both the Federal and private sector.
(3) Activities which support recognized programs that benefit the DOD family.
(4) Responsibilities as employers.

§ 556.7. Restrictions.

(a) No PO will use or include in its title, logo or letterhead—
(1) The name or seal of DOD or the acronym "DOD."
(2) The name, abbreviation, or seal of any military department or service. (POs already using the name of a military department or service are excluded from this restriction; but sponsorship or endorsement must not be stated or implied.)
(3) The seal, insignia, or other identifying device of the local installation. The installation commander may authorize an exception to this restriction if clear identification is needed; official sponsorship or endorsement must not be stated or implied.

(b) Activities of POs will in no way prejudice or discredit DOD components or other agencies of the Federal Government.

(c) A PO will not duplicate or compete with the establishment or existence of a NAFI or APF government function on a DA installation.

(d) All PO functions and expenditures must be authorized by the local PO's constitution and bylaws. Only the PO will choose its specific functions and expenditures. DOD personnel acting in an official capacity will not influence these choices.

(e) A PO will not be created, operated, or administered by DOD personnel acting in or on behalf of an official purpose to evade restrictions on expenditures APF or NAF.

§ 556.8 PO employment and membership practices.

(a) POs must follow all labor laws that apply to private sector employment standards. POs will not be allowed to operate on DA installations if their employment practices discriminate based on—
(1) Sex
(2) Age
(3) Religion
(4) Race
(5) Color
(6) National origin
(7) Lawful political affiliation
(8) Labor organization membership, or
(9) Physical handicap not affecting performance of duties.

(b) POs operating on DA installations will not discriminate in membership on the basis of race, color, sex, national origin or religion. This does not preclude the existence of religious, cultural or ethnic POs, when—
(1) Their membership is not restricted or discriminatory, and
(2) Approval is given to similar religious, cultural or ethnic POs without preference.

(c) If the majority of members of the installation DOD family do not object, the installation commander may approve the operation of certain POs which restrict membership to one sex. One or more of the following must apply:
(1) The PO's purpose is philanthropic and, by tradition, its membership has been of one sex. Such POs are generally service organizations which contribute to the morale and welfare of the local community.
(2) The PO's purpose and function is to benefit one sex and its membership is composed of that sex. (Examples are: Scouting organizations or ladies'/men's sports associations.)
(3) The PO has a specific purpose and function which restricts membership to one sex, but also has an auxiliary, distaff or counterpart organization which has the same purpose and function (i.e., separate but equal). Examples are: ladies/mens sports clubs, ladies/mens civic organizations, boy/girl/Scouting organizations, etc.

§ 556.9 Insurance.

(a) If appropriate, POs will obtain adequate insurance as protection against public liability claims, property damage claims, or other legal actions arising from—
(1) Activities of the PO or
(2) One or more of the PO's members acting in its behalf.

(b) Normally, such insurance will be appropriate when PO activities or functions expose the public to possible risk.

(c) Insurance, such as fidelity or fire insurance, of PO assets is the responsibility of each PO's membership.

§ 556.10 Audits.

POs with gross annual revenue of $1,000 or more will be audited annually at their own expense. The following provisions apply:

(a) POs using a double entry accounting system, regardless of source of income over $1,000 will be audited by a qualified auditor. (See definition in § 556.4(g)).

(b) POs using a single entry accounting system—
(1) With income only from contributions, dues, and assessments, may be audited by either—
(i) A PO member who holds no office, or
(ii) A qualified auditor. (See § 556.4(g)).
(2) Which engage in resale or fundraising activities may be audited by either—
(i) An appointed committee of three PO members who hold no offices, or
(ii) A qualified auditor. (See § 556.4(g)).

(c) Type 2 POs with financial statements audited annually by their national headquarters may submit a copy of such an audit. If not audited by their national headquarters, the provisions of paragraphs (a) and (b) of this section apply.

§ 556.11 Taxes.

POs must comply with all Federal, State and local tax. POs must seek private counsel or contact proper tax officials to ensure compliance with all tax laws. POs located overseas will obtain a statement of clarification from the local office of the Staff Judge Advocate (SJA).

(a) Federal income tax. Certain types of POs charitable, religious, educational, scientific, etc., may qualify for exemption from Federal income tax, under section 501 of the Internal Revenue Code. Type 2 POs, whose national organizations control taxes for all local chapters, only need to provide a statement to this effect; it must be signed or notarized by the national headquarters. All other POs will obtain a statement of their tax status from their IRS district office.

(b) State and local sales, income, occupation, and employer taxes. Local law will determine whether POs—
(1) Must comply with State and local tax requirements, or
(2) Are exempt from State and local tax requirements.

§ 556.12 PO compliance with State or local laws.

Licensing, certification, or registration with State or local commissions may be required for POs engaging in certain activities. (These are activities such as bingo, raffles, or insurance operations.) In approving a permit to operate, the installation commander will decide whether the PO should request a written statement from State or local commissions of how State laws, local laws, or other requirements apply. The commander will consult with the local SJA office in making this decision. POs are not exempt from State or local law because they operate on Federal property; but this regulation does not require licensing, certification, or registration of PO activities unless specifically required by State or local authorities. This requirement applies only to the State containing the Federal property in which the PO operates.

Subpart C—Responsibilities and Procedures

§ 556.13 The Adjutant General (TAG).

TAG will—
(a) Be HODA Staff's proponent for POs on DA installations.
(b) Establish DA policies and procedures for operation of POs on DA installations.
(c) Make staff assistance visits to insure that MACOMs and installations follow established policies.

§ 556.14 Major Army commanders.

Major Army commander will—
(a) Prescribe policies and procedures to insure that subordinate commands comply with this regulation.
(b) During staff assistance visits and inspections, review installation policies and procedures to monitor POs and take required corrective action.

§ 556.15 Installation commanders.

Installation commanders will—
(a) Insure that all POs operating on their installations comply with this regulation.
(b) Establish installation policy for implementing this regulation to include issues of reimbursement, logistical support, etc.
(c) Determine what conditions require an official inquiry or investigation of a PO to best preserve US interests. When

such a determination is made, APF audit or other resources of APFs may be used. An official inquiry will not be made to meet the annual PO audit requirement.

(d) Insure that participation in POs by DOD personnel is in accord with AR 1–210.

(e) Prohibit the possession or sale of drug abuse paraphernalia by or in POs as required by AR 190–30.

§ 556.16 General.

The following procedures apply to all POs subject to this regulation, except those POs discussed in §§ 556.17 and 556.18.

(a) Operating permits. POs seeking a permit to operate on a DA installation must apply in writing to the installation commander. All POs must have the permit revalidated every 2 years.

(b) Documentation

(1) Application for a permit will include—

(i) A charter, articles of agreement, or constitution and bylaws. Sample format of a constitution and bylaws, and format for amendment, are in Appendixes C and D.

(ii) Any other documentation that states the nature, functions, objectives (including planned use of funds) and activities of the PO.

(2) Application documentation will—

(i) Define membership eligibility. (The majority of membership will be members of the DOD family.)

(ii) Set forth responsibilities for all management functions. These functions include accountability of assets, coverage and limitation of insurance, and disposition of remaining assets upon breakup of the PO.

(iii) Include a statement of the PO's liability if assets are not enough to cover all PO liabilities. The statement of liability will meet all State and jurisdictional laws; it will also address the extent of PO members' personal liability for debts of or claims against the PO. State laws governing the liability of national headquarters of Type 2 POs apply to all local chapters unless specifically superseded by laws of State where local chapters are established.

(3) To operate on a DA installation, Type 2 POs must meet the requirements on both their national headquarters and this regulation.

(c) Revalidation. Requests for revalidation of PO operating permits will be sent to the installation commander. This must be done 90 days before the current permit expires. The letter of application will request continued operation, it will include any (major) changes in PO activities, objectives, organization or constitution and bylaws, articles of agreement, charter, etc. If revalidation is not obtained, the current permit automatically expires 2 years from the date of the last approval. Commanders will establish suspense dates for each PO to seek revalidation and will notify POs of these dates.

(d) Installation review. Installation commanders will review all documentation submitted by POs for both initial permission to operate and revalidation; approval will be granted or denied based on this review. Approval of a request to operate (initial or revalidation) will permit operation of a PO on the installation for 2 years. After 2 years, revalidation must be obtained. The installation commander may revoke permission at any time during the 2-year period. Written approval will include a statement that frees the DA installation from any liability of the PO. Installation commanders' review of PO applications will insure that—

(1) PO income will not personally profit individual members, except through—

(i) Wages and salaries as employees of the PO, or

(ii) Payment for services rendered.

(2) PO income will be used to pay operating expenses; expenses include charitable contributions by the PO and competitive awards to PO members or installation personnel. This does not preclude the installation commander from authorizing an investment club that satisfies the provisions of this regulation.

(e) Reporting requirements.

(1) POs will supply the following to the installation commander:

(i) Minutes of PO meetings. POs will submit minutes or summaries of PO meetings, if required by the installation commander. POs will inform installation commanders of any change in PO officers or points of contact.

(ii) Financial statements. POs with a gross annual revenue of $1,000 or more will submit annual financial statements to the installation commander; the installation commander may require more frequent submission. These statements may be submitted as part of the annual audit. (Annually, installation commanders will send financial statements of POs whose gross annual revenue exceeds $100,000 to their Major Army Command (MACOM). MACOMs will send one copy to HQDA(DAAG–CMC–FM).

(iii) A copy of audit reports.

(iv) A copy of tax status, if required.

(v) A copy of correspondence concerning applicability of State or local laws. (See § 556.12).

(2) Installation commanders will keep a current file on each PO. It will contain the latest copy of—

(i) All reports submitted by the PO, as found in (1) above.

(ii) The PO's charter, constitution and bylaws, or articles of agreement, etc.

(iii) The PO's request for a permit to operate or for revalidation and a copy of the installation commander's letter of approval.

(iv) The PO checklist, as found in Appendix E. This will be completed by the installation commander at least every 2 years.

(f) Termination of PO operation on a DA installation. A PO may be discontinued by—

(1) The membership, or

(2) A decision of the installation commander who may withdraw permission to operate on the DA installation at any time.

§ 556.17 Recreational and educational POs.

Certain POs may operate on DA installations as adjuncts or extensions of APF or NAF recreational or educational activities. Such POs need not fulfill the procedural requirements of Sec. 556.16. (They remain subject to all other provisions of this regulation.) The operation of these POs on the installation requires the approval of the installation commander; the commander will prescribe local guidance for them. POs of this kind are—

(a) Bowling leagues, national scouting organizations, sports and other special interest groups. These POs must be under the administrative supervision of the Morale Support Program Director or subprogram managers.

(b) POs formed and operated in conjunction with installation dependent schools. These POs must be under the administrative supervision of a member of the school faculty. (Examples are: School drama club, yearbook fund, and language club, National Honor Society and Keyettes/Keys.)

§ 556.18 Standardized documentation.

The national constitution and standard bylaws, charters or articles of agreement of the Type 2, POs listed in Appendix F, have been reviewed by HQDA. These meet all requirements of this regulation. Affiliated chapters of these organizations may fulfill the requirements of § 556.16(b) by following these procedures:

(a) Local chapters will submit a letter to the installation commander requesting a permit to operate on the installation.

(b) The letter will contain—

(1) A statement of the chapter's standing with the national organization.

(2) A statement that the standard chapter bylaws prescribed by the national headquarters have been adopted by the local chapter without change. Any changes made to the standard bylaws by the local chapter will require review by the installation commander.

(3) A statement of the intended scope and substance of chapter activities on the installation.

(c) Local chapters must also provide a copy of the national constitution and bylaws, charter, or article of agreement. Installation commanders will use these in reviewing PO operations for compliance with the policies in Subpart B. Local review of constitutions and bylaws, etc., is not required to grant permission to operate.

(d) While completing procedures in this paragraph satisfies the requirements of §§ 556.16 (a) and (b), local chapters are still subject to revalidation and reporting requirements. (See §§ 556.16 (c) and (d)).

Subpart D—Support and Services

§ 556.19 General.

(a) POs subject to this regulation will be self-sustaining except for limited logistic support which may be granted by installation commanders. (See § 556.24 below.) Funds will be obtained through dues, contributions, service charges, fees, or special assessment of members.

(b) APFs or NAFs may give financial support for scouting programs overseas when approved by HQDA as part of annual MACOM Morale Support Fund budgets. Otherwise, Federal APFs or NAFs will give no direct financial assistance to a PO through contributions, dividends, or other donations of money or assets.

§ 556.20 Resale and fundraising activities.

POs will not engage in on-post resale and fundraising activities unless the installation commander authorizes—

(a) Thrift shop sales of used clothing and used merchandise.

(b) Museum shop sales of items related to museum activities per AR 870–20.

(c) Occasional fundraising activities such as dances, car washes, or cake raffles. All POs will comply with State codes requiring licensing for raffles; PO sponsored raffles will not be permitted in states that prohibit raffles.

(d) Occasional sales for fundraising purposes (bake sales, bazaars, and similar activities). Only those services and merchandise listed in Appendices B and C, AR 60–20, will be offered during such sales within CONUS. Exceptions to the prohibition of continuing resale operation may be granted as follows:

(1) Installation commanders may authorize POs to engage in continuing resale operations when—

(i) Sales are restricted to PO members, and

(ii) Merchandise sold relates directly to the purpose and function of the PO; and

(iii) Local exchanges and other installation NAFIs state in writing an inability to meet the resale requirement.

(2) Major commanders may authorize continuing resale operations with sales not restricted to PO members and merchandise not directly related to the PO's purpose and function. The conditions in paragraphs (d)(2) in (i) through (iii) of this section must be met:

(i) AAFES and other installation NAFIs state in writing and inability to meet the resale requirement.

(ii) Proceeds from sales will be used by the PO solely to support a DA authorized Morale, Welfare, and Recreation activity or purpose. (This does not include proceeds used to cover the PO's expenses in providing such sales.)

(iii) A copy of MACOM approval for such operations will be sent to HQDA (DAAG–CMP–P).

§ 556.21 General.

APF (military or civilian) or NAF employees will not, as an official duty, be assigned to or work for POs.

§ 556.22 Permissive temporary duty (TDY).

Installation commanders may authorize permissive TDY for active duty military personnel to support national scouting organizations, per Chapter 11, AR 630–5.

§ 556.23 Special events.

Installation commanders may authorize the use of military personnel and APF or NAF civilians to support special events which may benefit POs. The following conditions must be met:

(a) The commander must approve the special event (fair, bazaar, picnic, etc.) to be conducted on the installation.

(b) The event must benefit or enhance the morale of the installation DOD family.

(c) The event is open to all members of the installation DOD family, not just PO members.

(d) PO-sponsored special events will not pre-empt fundraising activities of the installation Morale Support Activity or Installation Club System.

(e) The event will not state or imply endorsement of any specific commercial good or service.

(f) The use of such personnel is only to prepare installation facilities and grounds for the special event.

(g) The use of special duty enlisted military personnel is authorized by AR 600–200.

§ 556.24 General.

The amount and type of support authorized for a PO depends on the authority under which the PO is organized.

(a) Type 1 POs governed by other directives (see Sec. 556.5) are authorized support as stated therein.

(b) Sections 556.25–556.31 will be followed for—

(1) Support for other Type 1 POs.

(2) Support for all Type 2 and 3 POs.

(c) Under the provisions of paragraph 2–3, AR 37–30, installation commanders may waive or reduce charges to nonprofit POs for any of the support elements listed in paragraph 1–7, AR 37–30. This applies only to support requested by a PO and provided on an occasional or nonrecurring basis.

§ 556.25 Space and facilities.

Most POs require space only for periods of time necessary to conduct regular organizational meetings or for other occasional or nonrecurring PO sponsored events. Installation commanders may grant such use of space or facilities to include utilities, in place equipment and janitorial supplies used without charge to the PO when such use is incidental to other uses of the facility. Otherwise PO use of space or facilities is governed by AR 405–80. Specific provisions are as follows:

(a) Nonexclusive use of space or facilities. Nonexclusive use gives no rights to the PO; the Army may reclaim use of space or facilities without prior notice to the PO. Installation commanders may grant use of available space or facilities rent free to POs on a full-time or part-time basis when such use is nonexclusive (see para 2–33, AR 405–80).

(b) Exclusive use of space or facilities. Exclusive use gives certain rights to the PO and requires a lease between the PO and the U.S. Government. Requirements and procedures for rent agreements are in AR 405–80.

(1) Rent for exclusive use of space in CONUS will be set by the installation commander per recommendation of the post engineers.

(2) Rent in overseas areas will be set by overseas commanders per host country Status of Forces Agreements.

treaties or other agreements under which the Army controls such real estate.

(c) Installation commanders may grant on-post youth group POs (boy or girl scouts, little league groups, etc.) revocable-at-will licenses for one time, intermittent, or continuing use of available meeting facilities. (See para 2–29, AR 405–80.)

(d) Paragraph 2–38, AR 405–80 authorizes major commanders to lend certain real property, including unoccupied barracks, to veterans organizations for—

(1) Use at state or national conventions, or

(2) National youth athletic or recreational tournaments which are sponsored by Veterans Organizations.

§ 556.26 Equipment.

POs must furnish or procure equipment, supplies and other materials at their own expense. Government-owned equipment may be loaned or rented to a PO located on a DA installation; such equipment must be directly related to the purpose and function of that PO. APFs and NAFs will not be used to restore or repair equipment owned by or loaned to tenant POs unless a request is made to and approved by the installation commander for PO reimbursement for such repairs. Audio-visual hardware and software may be used by POs when not in use for official purposes. (See AR 108–2.)

§ 556.27 Transportation.

Government motor vehicles may be used to transport PO goods and personnel for PO-sponsored or cosponsored special events. Such events must meet the conditions of Section 556.23. Installation commanders will decide whether to provide transportation on a reimbursable or nonreimbursable basis per AR 58–1. The commander will also insure that transportation made available to POs will not detriment the installation and command mission. Otherwise, transportation support for POs will be per AR 58–1 and will not generate requirements for more military vehicles.

§ 556.28 Utilities.

(a) All POs will reimburse the installation for utilities except when not required under §§ 556.24 and 556.25 or (b) below.

(b) Installation commanders may grant nonreimbursable utilities support to the following types of POs when they operate nonexclusively on DA facilities:

(1) Thrift shops.

(2) Child care centers established as exceptions to AR 608–1.

§ 556.29 Printing and copying services.

POs may not obtain printing services from Government printing plants or with APF or NAF. Copying services may be authorized by the installation commander for PO use when requested by the PO for—

(a) Documentation required by this regulation, or

(b) Special events or functions on military installations, such events must meet the conditions of § 556.23. These services include copying flyers, posters, programs, etc. Costs of services will not exceed $50 per event.

§ 556.30 Postal support.

POs will not use official mail indicia or the Military Postal Service except as shown in figure 4–1 below. Questions regarding postal support to POs will be directed to HQDA (DAAG–MP), Military Postal Service Agency, Wash DC 20310.

Figure 4–1

Use of Military Postal Service or Official Mail by Private Organizations on DA Installations

	Official Mail Indicia	MPS
I. Type 1—Federally Sanctioned:		
a. Banks	No[1]	Yes[2]
b. Credit Unions	No	Yes[2]
c. Labor Organizations	No	Yes[2]
d. Association of Managers and Supervisors	No	Yes[2]
e. USO	No	Yes[2]
f. Red Cross	No	Yes[2]
g. United Seamen's Service	No	Yes[2]
h. Component Relief/Aid Organizations.	Yes[3]	Yes
i. Civil Air Patrols	Yes[4]	N/A
j. Youth Organizations	No	Yes
k. Other Type 1	No	Yes[2]
II. Type 2—Affiliated:		
All type 2 POs	No	Yes[2]
III. Type 3—Independent:		
All Type 3 POs	No	Yes[2]

Notes:

[1] Only when using Postage and Fees Paid indicia of the overseas US Army Central Finance and Accounting Officer for currency shipments within the oversea theater and to CONUS.

[2] Use of MPS is authorized outside CONUS only where there is no US Postal Service (USPS). Use will be limited to transactions arising from official operations for the benefit of the military installations and their personnel. All such mail entered into the MPS will bear proper postage. See DODD 4525.5.

[3] MPS privileges are authorized outside CONUS only: (a) Where there is no USPS, (b) to the extent that existing MPS facilities and personnel of the command permit, (c) if the major overseas commander determines, and the proper Military Department concurs, that local civil postal service is inadequate, and (d) if the host Government does not object. (See DODD 4525.5.)

[4] Authorized the use of MPS outside CONUS only where there is no USPS. (See DODD 4525.5.)

[5] When a US Army organization is acting on behalf of these organizations.

[6] Per HQ USAF (AF/DAAC(S)), use of USAF indicia authorized.

§ 556.31 Other services.

POs may not use installation auditing, data processing, financial management, legal, purchasing, or other similar services. POs must obtain such support at their own expense. However, this paragraph does not—

(a) Prohibit use of expertise on the installation commander's staff in exercising command oversight responsibilites for POs, or

(b) Require POs to pay for staff resources expended in performing the command oversight function.

Appendix A—*References*

A–1. Required publications.

a. AR 1–210, Participation in Activities of Private Organizations, cited in Section 556.21(d).

b. AR 37–30, User Charges, cited in § 556.24(c).

c. AR 60–20, Army and Air Force Exchange Service, Operating Policies, cited in § 556.20(c).

d. AR 405–80, Granting Use of Real Estate, cited in § 556.25.

e. AR 600–200, Enlisted Personnel Management System, cited in § 556.23(e).

f. AR 870–20, Historical Properties and Museums, cited in § 556.20(b).

A–2. Related Publications.

a. AR 28–1, Army Morale Support Activities.

b. AR 58–1, Management Acquisition and Use of Administrative Use Motor Vehicles.

c. AR 108–2, Army Training and Audio-visual Support.

d. AR 140–486, Licenses to Use Army Reserve facilities.

e. AR 190–30, Military Police Investigations.

f. AR 210–24, Credit Unions.

g. AR 210–135, Banking Service on Army Installations.

h. AR 230–1, The Nonappropriated Fund System.

i. AR 360–61, Community Relations.

j. AR 608–1, Army Community Service Program.

k. AR 630–5, Leave, Passes, Permissive Temporary Duty and Public Holidays.

l. AR 700–83, Army Support of United Seamen's Service.

m. AR 930–1, Army Use of USO Services.

n. AR 930–4, Army Emergency Relief.

o. AR 930–5, American National Red Cross Service Program and Army Utilization.

p. AFR 40–6, Support for Civil Air Patrols.[1]

Appendix B—Classification System for Private Organizations by Type and Subtype

B–1. Types of Private Organizations.

a. Type 1—Federally Sanctioned.

b. Type 2—Affiliated.

c. Type 3—Independent.

B–2. Subtypes of Private Organizations.

a. Financial Institutions.

[1] May be obtained by writing to: Air Force Publications Center, 1100 Air Base Wing/DAP, Bolling AFB, WASH DC 20332.

b. Community Services, Fraternal/Benevolent.

c. Labor-Management Organizations.

d. Sports, Hobbies, Crafts.

e. Distaff Service Organizations.

f. Youth Groups.

g. Professional, Scientific, and Management.

h. Religious Groups.

B–3. Examples of Private Organizations by Type and Subtype.

a. Type 1—Federally Sanctioned.

Subtypes

Financial Institutions

Banks
Credit Unions

Labor—Management

Labor Organizations
Association of Managers and Supervisors

Community Services

USO
Red Cross
United Seamen's Service
Component Relief/Aid Organizations

Youth Groups

b. Type 2—Affiliated.

Subtypes

Professional, Scientific, Management

Engineering or Scientific Fraternities
Associations of Active Duty Personnel
Nurses Guilds
Financial Management Associations
Personnel Management Organizations

Sports, Hobbies, Crafts

ABC Bowling Leagues
Affiliated Hobby, Craft Groups
Sports Officials Association

Religious Groups

Altar Guild Society
Guilds
Religious Youth Organizations

Community Services

Veterans Organizations
PTA
Surviving Spouse/Parent Organizations
Ethnic Groups Affiliations
Reserve/Retired Association
Affiliated Community Service Clubs

Youth Organizations

Junior Army Navy Guild Organizations (JANGO)
4–H Clubs
Scouting Organizations
Little League

Distaff

(Only those affiliated)

c. Type 3—Independent.

Subtypes

Sports, Hobbies, Crafts

Model Clubs
Stamp, Coin, Other Collectors
Theater and Dance Guilds
Fish and Game Clubs
Golf Leagues
Investment Clubs

Youth Organizations

Contemporary Age Clubs (Teens, etc.)
Youth Sports/Recreation Club

Community Service

Thrift Shops
School Booster Clubs
Local Ethnic Groups
Child Care Center [1]
Preschool and Kindergarten [1]
Social Problem Study Groups

Distaff Organizations

Spouses or
Wives Clubs (May include Thrift Shop Operation)
National Origin Clubs

Professional, Scientific, Management

Local, Independent
Unaffiliated Organizations

Religious

Local, Independent
Unaffiliated Organizations

Appendix C—Sample Format—Constitution and Bylaws [2]

Constitution—(Organization Title)

Article I.—Name and Purpose

Article II.—General Provisions

Include in this section all statements required by this regulation such as the statement of personal liability in case of PO fund deficiency, and licensing or registration of activities as required by law (for bingo, raffle, insurance resale, etc.). Any documentation such as a license or certificate of registration should be attached to the constitution and bylaws and noted in this section.

Article III.—Officers and Governing Body

Article IV.—Membership or Patronage

Article V.—Method of Financing

Article VI.—Activities

Article VII.—Meetings and Quorums

Article VIII.—Adoption and Amendments

(Include "subject to final review by the installation commander.")

Article IX.—Dissolution

Include the following paragraph as a separate Section of Article IX.

Section:

If the organization is dissolved, all funds in the treasury at the time will be used to meet any outstanding debts, liabilities, or obligations. The balance of these assets will be disposed of as determined by the membership.

[1] When established as a PO as an exception to AR 608–1.

[2] This format is a sample only, and all PO constitutions and bylaws need not follow this format. POs not using charters, constitutions, and bylaws, or articles of agreement in this standard format must insure that all information required by this regulation is submitted to the installation commander; the PO may provide a separate document along with the constitution and bylaws that completes all information required by Section 556.16 of this regulation.

Sample Bylaws

Article I.—Duties of Officers

Article II.—Election and Voting

Article III.—Dues or Fees

Article IV.—Standing Committees

Article V.—Finances and Taxes

Article VI.—Insurance Coverage

Article VII.—Awards/Gifts

Article VIII.—Hiring and Supervision of Employees

Article IX.—Duties of Employees and Employees' Benefits

Approved by majority vote on (date)———

(Signed) President———

(Signed) Secretary———

Appendix D—Sample Format—Amendment to Constitution and Bylaws

(Association Title)———

Current Date———

Amendment

Constitution/Bylaws (as applicable)

Article———, Section———, which reads:

Is amended to read:

Approved by majority vote on (date)———

(Signed) President———

(Signed) Secretary———

Appendix E—Private Organization Checklist

To be completed by installation commanders at least every 2 years. (See § 556.16(e)(2)(iv).)

	YES	NO
1. Have all private organizations on the installation received permission to operate or revalidation within the last 24 months?		
2. Does each PO and the command have a copy of AR 210–1 and all applicable local command supplements and related guidance?		
3. Do the command and the PO have the following documents in their current files:		
a. Charter, constitution, or bylaws?		
b. PO request for permission to operate and biennial revalidation with all required supporting documents?		
c. Initial command "permission to operate" letter or indorsement and biennial command revalidation letter/indorsement?		
d. Copies of minutes of the last monthly or quarterly meetings, if required?		
e. Copies of latest financial statement?		
f. Copies of last audit?		
g. List of current PO officers?		
h. Valid IRS tax status determination?		
i. Copies of all documents filed by the PO with the US Government (e.g., IRS), State, or other political subdivision government, as required by law?		
4. If a PO has been granted exclusive use of Army real estate, has the PO been issued a document so stating, per AR 405–80?		
5. Is the Government billing and the PO paying for all US Government support provided to the PO on a reimbursable basis under the lease or as otherwise required by law and Government regulation?		
6. Are any US Government military or civilian personnel employees working for or with POs other than outside the scope of their official duties?		

	YES	NO
7. For PO's engaged in resale activities:		
a. Have POs with gross annual revenues of $100,000 or more submitted financial statement as required?		
b. Have the audit requirements been met? (See Section 556.10).		
c. Have POs engaged in other than "occasional sales" obtained installation or major commander approval?		
d. Have commanders, in reviewing PO resale requests, documented that:		
(1) No other NAFIs or APF activities offer the same or similar resale service on the installation?		
(2) Sales are made only to members?		
(3) Provisions of Section 556.20 are met to justify an exception to resale restriction?		
8. Do minutes of PO meetings submitted show any of the following:		
a. Conduct of programs and activities which may discredit the US Army, DOD, or the Government?		
b. Conduct of programs and activities which impose a financial obligation on the Army or any NAFI?		
c. Conduct of programs and activities which duplicate and compete with authorized Army or NAFI activities?		
9. Do the PO financial statements confirm the financially self-sustaining requirements of a PO?		
10. Has the command revoked permission to operate or directed necessary corrective action for PO's violating any provisions of AR 210-1?		
11. Has the installation established procedures to insure followup on inspection and audit findings? Are they being followed?		

Appendix F—Type 2 POs With DA Approved Constitutions and Bylaws

The national constitutions and bylaws of the following Type 2 POs have been reviewed by HQDA and found compatible with this AR[1]:

Name of organization	Address of national headquarters	Federal tax exempt
Association of the United States Army (AUSA).	2425 Wilson Blvd., Arlington, VA 22201.	Yes.
Non Commissioned Officers Association (NCOA).	International HQ Complex, PO Box 33610.	Yes.
United States Army Warrant Officers Association.	PO Box 3755, Washington, D.C. 20007.	Yes.

[FR Doc. 81-21316 Filed 7-21-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

32 CFR Part 286

[DOD Directive 5400.7 and DOD 5400.7-R]

DOD Freedom of Information Act Program; Correction

AGENCY: Office of the Secretary, DOD.

[1] This is not a complete list and does not imply official DA sanction, endorsement, or sponsorship of these POs. National HQs of other type 2 POs may submit national constitutions and bylaws, etc., for review and possible inclusion in this list by sending a complete copy to: HQDA DAAG-CMP-P, Washington, D.C. 20310.

ACTION: Final rule; correction.

SUMMARY: This action corrects 2 items in the DOD regulation on the Freedom of Information Act: (a) the deletion of enclosures 1 through 7 vice 1 through 6 in § 286.5; and (b) the codification of § 286.31 of this title to conform to **Federal Register** requirements.

FOR FURTHER INFORMATION CONTACT: Margarete S. Healy, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-37868, appearing in the **Federal Register** on December 5, 1980 (45 FR 80502) the Office of the Secretary of Defense published its regulation on the Freedom of Information Act, 5 U.S.C. 552. This action corrects two errors:

1. In the SUPPLEMENTARY INFORMATION, page 80502, the last paragraph deletes enclosures 1 through 6. This should be corrected to read "* * * delete enclosures 1 through *7* * * *."

2. On page 80506, § 286.31 *Exemptions.* The paragraphs reading "Number 1." and "Number 2." should be corrected to read "(1)" and "(2)." The paragraphs following "(2)" should be renumbered as follows:

From	To
(1)	(i)
(2)	(ii)
Number 3	(3)
(1)	(i)
(2)	(ii)
(3)	(iii)
(4)	(iv)
Number 4	(4)
(1)	(i)
(2)	(ii)
(3)	(iii)
(4)	(iv)
(5)	(v)
Number 5	(5)
(1)	(i)
(i)	(A)
(ii)	(B)
(iii)	(C)
(iv)	(D)
(v)	(E)
(vi)	(F)
(vii)	(G)
(2)	(ii)
(3)	(iii)
(4)	(iv)
(5)	(v)
Number 6	(6)
(1)	(i)
(i)	(A)
(ii)	(B)
(2)	(ii)
(3)	(iii)
(4)	(iv)
Number 7	(7)
(1)	(i)
(i)	(A)
(ii)	(B)
(iii)	(C)
(iv)	(D)
(v)	(E)
(vi)	(F)
(vii)	(G)
(2)	(ii)
(i)	(A)
(ii)	(B)
(iii)	(C)
(3)	(iii)
(4)	(iv)
Number 8	(8)
Number 9	(9)

Dated: July 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 81-21388 Filed 7-21-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1887-7]

Ohio: Approval and Promulgation of Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Response to petitions for reconsideration and additional comments.

SUMMARY: On June 24, 1980, EPA promulgated final sulfur dioxide (SO_2) emission limitations for Cleveland Electric Illuminating Company's (CEI's) Avon Lake and Eastlake power plants in Ohio (45 FR 42279). EPA received three petitions for reconsideration including requests for an opportunity to comment on EPA's action. On January 27, 1981, EPA announced its decision that an additional comment period was appropriate, and invited submissions from interested persons on the emission limitations for the CEI plants (46 FR 8581).

EPA has reconsidered the emission limitations in light of the petitions for reconsideration and the comments received, and reaffirms the emission limitations made immediately effective in the promulgation of June 24, 1980. In a separate notice, EPA is proposing to withdraw a second set of emission limitations that were to become effective on June 24, 1981.[1]

DATES: EPA's reconsideration of the current emission limitations is effective July 22, 1981.

[1] This document will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312/886-6030.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 1979, EPA proposed to revise the emission limitations applicable to CEI's Avon Lake and Eastlake power plants from 1.15 to 6.09 lbs. sulfur dioxide (SO_2) per million BTU (MBTU) for Avon Lake and from 1.43 to 6.58 lbs. SO_2 per MBTU for Eastlake. 44 FR 33711. EPA proposed this change because it had concluded that the urban RAM model which had been used to calculate the original limitations was inappropriate for use in the areas where the CEI plants are located.

On June 24, 1980, the Administrator took final action on the CEI emission limitations (45 FR 42279). EPA set the limitations at 4.10 or 4.65 lb. SO_2 per MBTU for the Avon Lake plant, depending on the sulfur content of the oil burned, and set the Eastlake limitations at 5.64 lbs. SO_2 per MBTU. Comments submitted during the rulemaking had raised doubts about the adequacy of the proposed limitations to protect the National Ambient Air Quality Standards (NAAQS) for SO_2. MPTER modeling performed by EPA in establishing a monitoring network for the plants also suggested that the proposed limits would not prevent violations of the NAAQS. Consequently, EPA decided to perform a further modeling analysis using the CRSTER model, EPA's benchmark model for isolated sources in non-urban areas. *See* EPA's "Guidelines on Air Quality Models" April 1978. This analysis showed that under Class A stability conditions, limits of 4.10/4.65 and 5.64 lbs. for Avon Lake and Eastlake, respectively, were necessary to prevent SO_2 violations.

During this time EPA also decided to revise its stack height policy to require sources seeking to raise existing stacks to demonstrate through fluid modeling or field studies that any increased height was necessary to avoid excessive concentrations due to downwash, wakes or eddies.[2] Since CEI was replacing existing stacks at each of the two plants with taller stacks, EPA announced this policy change as part of its final action and applied the revised policy in developing the final CEI emission limitations. As a result, EPA promulgated two sets of emission limitations: 4.10/4.65 lb. for Avon Lake and 5.64 lbs. for Eastlake, assuming credit for the plant's new taller stacks in accordance with EPA's formula for determining good engineering practice (GEP) height; and 3.43/3.93 lbs. for Avon Lake and 3.04 lbs. for Eastlake assuming no credit for the new tall stacks. The first set of limitations was made immediately effective, and the second set was made effective one year later in order to provide CEI with an opportunity to demonstrate through fluid modeling that the stack height increase were necessary.

[2] In contrast EPA's proposed stack height regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. *See* 44 FR 2606 (January 12, 1979).

Petitions for Reconsideration

In August, 1980, CEI, the North American Coal Corporation, the NACCO Mining Company, and the Northern Ohio Lung Association (NOLA) filed petitions for reconsideration. The petitioners stated that they had had no opportunity to comment on the use of the CRSTER model and Class A stability conditions in determining the final emission limitations, and on EPA's stack height policy revision as applied to CEI. They requested that EPA provide an opportunity for comment on the final rulemaking, and reconsider the rule in light of the comments received. Because EPA has made a commitment to the Sixth Circuit Court of Appeals to promulgate final emission limitations for CEI by June 17, 1980—the attainment date for the Ohio State Implementation Plan (SIP)—the Agency had been unable during the rulemaking to provide as much opportunity for public participation as it would have preferred to do. Therefore EPA granted the petitions, 46 FR 8581 (January 27, 1981), and solicited further comments from interested parties. EPA denied CEI's request for a stay of the effectiveness of the current emission limitations and deferred action on CEI's request for a stay of the second set of limitations.

EPA deferred decision on the second stay request because the Agency hoped to resolve issues related to the stack height policy change on which the limitations were based in the context of final action on the stack height regulations it had proposed on January 12, 1979 (44 FR 2608). At the time it promulgated the limitations, EPA expected to complete work on the stack height regulations within a few months. However, since the June 1980 promulgation, the need for further analyses has resulted in a postponement of final action of the stack height regulations. Due to the extended delay in issuing the final regulations, EPA decided to withdraw the policy revision announced in the CEI rulemaking, pending final action on the stack height regulations. In view of the withdrawal of the policy on which the second set of emission limitations were based, EPA determined it was also appropriate to stay the effectiveness of the second set of emission limitations. 46 FR 28650 (May 28, 1981).

After careful consideration of all timely comments, EPA has decided that the first set of emission limitations for the CEI plants as promulgated on June 24, 1980, are necessary and sufficient to protect the NAAQS for SO_2. EPA therefore has determined to reaffirm those limitations. Because EPA has withdrawn the fluid modeling policy on which the second set of limitations was based and has stayed those limitations, EPA is proposing in a separate notice to withdraw those emission limitations. A more detailed response to comments follows.

Response to Comments

A. Use of Class A Stability Conditions and P-G Dispersion Coefficients

1. *Comment:* CEI asserted that EPA's promulgation of emission limitations to attain the NAAQS under rare Class A conditions is irrational.

Response: As stated in the Notice of Final Rulemaking (NFR), EPA's modeling demonstrated that Class A stability conditions were the controlling meteorological conditions for establishing emission limitations at the CEI plants. In view of this fact, EPA believes it is rational to use Class A conditions in setting the CEI limitations. Though Class A conditions are less common than other meteorological conditions, they do occur in the vicinity of the CEI plants with a frequency of more than once per year. The NAAQS requires that the standard for SO_2 not be exceeded more than once per year, and EPA must therefore consider any meteorological events which can cause the standard to be exceeded more frequently than once per year.

2. *Comment:* CEI and others asserted that use of the Class A stability Pasquill-Gifford (P-G) dispersion coefficients has been the subject of extensive criticism, and consequently they should not have

been applied in the determination of the CEI emission limitations.

Response: EPA has reconsidered its use of the P-G coefficients in response to the decision of the United States Court of Appeals for the Sixth Circuit in *Cincinnati Gas & Electric Co. v. EPA*, 578 F. 2d 660 (1978), *cert. denied* 439 U.S. 1114 (1979). In that case the Court remanded the Agency's decision to use the P-G coefficients in modeling four isolated rural powerplants in Ohio. During the reconsideration EPA reviewed a number of the publications cited by CEI in its comments on this rulemaking, and performed comparisons of monitored air quality data with predicted air quality data generated by the Class A P-G coefficients. The comparisons indicated that the P-G coefficients do not result in overpredictions; in fact, monitored values exceeded predicted values in several instances. *See* 45 FR 41501 (June 19, 1980). Both the vertical (sigma-z) dispersion curve and the horizontal (sigma-z) dispersion curve were found to be accurate estimations of plume dispersion rates. On the basis of these studies, the Agency decided to retain the Class A P-G dispersion coefficients. EPA therefore rejects CEI's claim that the P-G coefficients should not have been applied in the instant rulemaking. EPA's conclusion and supporting documentation are discussed more fully in the previously cited **Federal Register** notice.

3. *Comment:* CEI claimed that the Class A P-G dispersion coefficients were developed for inland powerplants, and that they are inaccurate for Avon Lake and Eastlake which are located in a coastal setting where a large body of water exerts a stabilizing influence on meteorological conditions.

Response: The Class A P-G dispersion coefficients described the impact of plumes that are contained within and dispersed by a very turbulent, unstable layer of air, regardless of the geographic location of the unstable air. The CRSTER model used in assessing the CEI plants is applicable under these conditions to both inland and coastal sites. Although such meteorological conditions occur less frequently at coastal sites, such conditions must still be considered in determining expected impacts on ambient air quality in coastal areas.

Furthermore, the meteorological data used in analysis of the CEI facilities do not reflect conditions at an inland location. The data were taken from the Cleveland/Buffalo airport National Weather Service (NWS) station which is situated within a few miles of Lake Erie. Consequently, contrary to CEI's claim, the modeling performed with this data is more representative of coastal conditions than it is of inland meteorology.

4. *Comment:* CEI asserted that the supplemental record developed upon reconsideration of the Class A P-G dispersion coefficients does not support their application to the CEI facilities.

Response: CEI has misconstrued the purpose of the Agency's reconsideration of the P-G coefficients. As noted above, the reconsideration was in response to a remand from the Sixth Circuit, which required the Agency to develop a more adequate record on the application of the P-G coefficients in setting emission limits for four powerplants in Ohio. The reconsideration was not intended as a general rulemaking on Class A P-G coefficients, nor could it have encompassed the application of P-G coefficients to specific facilities such as CEI's. *See* 45 FR 8581 (June 19, 1980). However, the data generated during the reconsideration generally supports the use of the P-G dispersion coefficients and is therefore relevant to the development of CEI's emission limitations.

5. *Comment:* CEI argued that other EPA studies of power plant plume dispersion at coastal sites support petitioner's position that the Class A P–G coefficients should not be applied to its facilities.

Response: CEI refers in this comment to the study of the Big Bend power plant in Tampa, Florida, conducted by Environmental Measurements, Inc. In EPA's final determination on the Class A P–G coefficients the Agency rejected data collected at Big Bend because the "unstable meteorological conditions associated with Class A stability conditions were suppressed [by the Gulf of Mexico where the plant is located] during * * * the field study * * *." 45 FR 41508 (June 19, 1980). However, as EPA has since made clear (45 FR 74044, November 7, 1980), the Agency did not intend to imply that such meteorological conditions *never* occur near large bodies of water. The period of study at Big Bend simply did not include any Class A meteorological conditions, and therefore the data was irrelevant to the accuracy of the Class A P–G dispersion coefficients in coastal areas.

6. *Comment:* CEI stated that site-specific plume dispersion studies conducted by CEI in 1980 prove the inaccuracy of the P–G Class A dispersion coefficients at CEI's coastal plants.

Response: Review of the reports and data submitted by CEI's consultant indicate that no measurements of the CEI plumes were made during meteorological conditions that were representative of Class A stability conditions. That is, on each of the days studied by CEI's consultant, the plant's plume was not contained within the unstable, turbulent layer of air characteristic of Class A conditions that disperses a plume rapidly and thereby gives rise to high ground level concentrations. Instead, the plume was contained entirely within a stable layer of air found above the unstable mixed layer. Under such conditions, the CRSTER model would calculate the ground-level impact from such plumes to be zero. That is, the CRSTER model recognizes that plumes above the turbulent layer of air have little or no impact on ground-level concentrations even if the dispersive conditions within the mixed layer are very unstable (*e.g.*, P–G Class A). Therefore, the CEI site-specific dispersion studies provide no basis for determining that the P–G Class A dispersion coefficients are inaccurate as applied to the CEI facilities.

B. Long Range Transport of SO_2 and Sulfates

1. *Comment:* New York and Massachusetts claim that EPA failed to comply with Sections 110(a)(2)(E) and 126 of the Clean Air Act. The commenters argued that EPA erred by not considering the long-range impacts of SO_2 on sulfate formation, total suspended particulate levels, and acid deposition. The commenters do not contend that the Avon Lake or Eastlake plants, specifically, will interfere with attainment or maintenance of SO_2 standards in Massachusetts, New York, or any other state, or that EPA erred in its determination that the plants would have an insignificant impact on SO_2 concentrations in other states. Rather, the commenters argued that EPA was required to calculate the impacts of the SO_2 revisions on sulfate and particulate matter concentrations in other states. Furthermore, the commenters claimed that modeling tools are available and should have been used by EPA to address the long-range transport problem. As support for their claim that SO_2 emissions from CEI are transported to and have adverse impacts in downwind states in the northeast, the commenters submitted several studies (*e.g.*, ORBES, a Climatology Study, and many trajectory analyses).

Response: EPA's review and approval of the SIP revisions was consistent with Sections 110(a)(2)(E) and 126 for several reasons. First, these revisions involve only the SO_2 emissions limitations. Accordingly, EPA modeled the revisions for their impact on SO_2 concentrations. The revisions did not alter the particulate matter emission limitations for the plants and EPA, therefore, did not model the effect of the revisions on particulate matter levels. This modeling approach is the same approach used by EPA in developing the Ohio SO_2 plan. That approach has been reviewed and sustained by this Court consistently. *Cincinnati Gas & Electric Co.* v. *EPA*, 578 F. 2d 660 (6th Cir. 1978), *cert. denied* 439 U.S. 910 (1979); *Ohio Environmental Council* v. *EPA*, 593 F. 2d 24 (6th Cir. 1979); *Republic Steel Corp.* v. *EPA*, 621 F. 2d 797 (6th Cir. 1980).

Second, the modeling done here indicated there would be no interstate transport problem for SO_2. In evaluating a revision to emission limitations in a state implementation plan, EPA models the proposed limitations to determine where the highest ambient concentrations will occur under the revised limits (see page 33 of EPA's the "Guideline on Air Quality Models", April 1978). In this case, EPA found that the three-hour concentrations would be the highest and, therefore, controlling in setting emission limitations for the plants. The three-hour highest, second-high concentrations occurred within 0.9 to 1.2 kilometers of the plants, depending on the meteorological conditions and the plant (see "Summary Report on Modeling for the Avon Lake and Eastlake Power Plants", Docket No. VII. C). Moreover, EPA found that within 9.1 kilometers of Avon Lake the concentrations had dropped to less than half of the peak value and within 13.6 kilometers of Eastlake the concentrations had dropped to less than a quarter of the peak value. The nearest state border, that of Pennsylvania, is 73 kilometers from Eastlake and 125 kilometers from Avon Lake, considerably beyond the points of highest impact. In view of the sharp decrease in concentrations within 14 kilometers of both plants, EPA conducted no modeling in Pennsylvania or other states. Based on its modeling results, however, EPA reasonably concluded that SO_2 emissions from the two plants would not prevent attainment or maintenance of SO_2 standards in Pennsylvania or other more distant downwind states.

Third, EPA reference models are only valid out to 50 km from a source. No reference techniques have yet been established for accurately evaluating impacts beyond 50 km. The "state-of-the-art" of long-range transport models is not sufficiently advanced to be used for regulatory purposes. Consequently, contrary to the commenters' claim, there are no EPA-approved regulatory tools currently available to assess long-range impacts.

Fourth, with respect to the claim that EPA should have modeled the SO_2 emissions for their effect on the particulate matter levels in other states, EPA's currently adopted models are simply not capable of such an analysis. EPA models estimate ground-level SO_2 concentrations caused by a plant's SO_2 emissions. Similarly, EPA models estimate ground-level particulate matter concentrations caused by a plant's particulate matter emissions. Models capable of estimating the impact of SO_2 emissions on ground-level particulate matter concentrations have been developed by researchers and EPA is presently evaluating their predictive accuracy as part of an overall revision to its Modeling Guideline. Application of these models at this time, however, is premature.

Fifth, for the purposes of Section 110(a)(2)(e), it is important to note that the commenters have not shown that the SO_2 emissions from the two CEI plants actually contribute materially or at all to particulate pollution in other states. The commenters cite nothing that supports a finding that Avon Lake or Eastlake is responsible for any pollutant concentrations in another state, let alone concentrations that prevent a state from attaining or maintaining particulate matter standards.

Finally, the sulfate question raised by the commenters is a complex one. To date, EPA has not established a national ambient air quality standard for sulfates. However, the sulfate issue is being evaluated as part of EPA's current review, under Section 109(d)(1), 42 U.S.C. 7409(d)(1), of the criteria and national standards for sulfur oxides and particulate matter (see "Second External Review Draft, Air Quality Criteria for Particulate Matter and Sulfur Oxides," and notice announcing comment period on draft, 46 FR 15569 (March 6, 1981)). At present, in the absence of a national standard for sulfates, EPA is not required to consider the impact of the CEI revisions on sulfate levels.

2. *Comment:* The Province of Ontario, Canada, claimed that emissions from Avon Lake and Eastlake and other sources in the Great Lakes region adversely affect air quality in southern Ontario in contravention of Section 115 of the Clean Air, the principles of international law, and the Memorandum of Intent Between the Government of Canada and the Government of the United States of America Concerning Transboundary Air Pollution (August 5, 1980). Ontario argued that the long range transport of the sulfate derivatives of SO_2 causes acid deposition and decreased visibility in that province.

Response: Ontario's claim that Section 115 prohibits international air pollution is not appropriately raised in the context of this SIP revision. Under Section 115 the Administrator may notify a State that a SIP revision is necessary to prevent transboundary air pollution if reports or studies submitted by an international agency lead her to believe that public health or welfare in a foreign country is endangered.[3] 42 U.S.C. 7415. Absent formal notification, however, Section 115 does not require EPA to consider transboundary air pollution in approving a SIP revision.

Ontario also argues that principles of international law prohibit EPA, as an agency of the federal government, from permitting individuals within the U.S. to pollute Canadian territory or property. However, Ontario bases its claim of injury from transboundary air pollution upon the cumulative impacts of total SO_2 emissions from the midwestern and northeastern U.S., and not specifically upon emissions from the CEI plants that are the subject of this rulemaking. Ontario has had an opportunity to submit its views on the cumulative interstate effects of SO_2 and sulfates at a hearing held by EPA on June 16 and 19. See 46 FR 24602 (May 1, 1981). Furthermore, transboundary SO_2 emissions are the subject of ongoing negotiations between Canada and the U.S. In view of the limited scope of this proceeding and the other fora available in which Ontario may raise issues of aggregate SO_2 emissions and international law, EPA does not believe that it is required to consider these issues here.

Finally, Ontario claims that the Memorandum of Intent (MOI) between the Government of Canada and the United States of America places affirmative obligations upon EPA. In that document Canada and the U.S. stated their intent to "promote vigorous enforcement of existing laws and regulations * * * in a way that is responsive to the problems of transboundary air pollution," pending the conclusion of a formal agreement on air pollution between the two countries. The U.S. has honored the intent of the MOI by controlling its SO_2 emissions to the extent allowed by the provisions of domestic law. In this rulemaking EPA has concluded that the current emission limits are adequate to protect and maintain the NAAQS. Therefore it has

[3] The Secretary of State may also request the Administrator to give such notification to a State.

met its obligations under the MOI to enforce domestic law.

C. The Revised Stack Height Policy and Its Application to CEI

1. *Comment:* Numerous comments raised both procedural and substantive objections to EPA's revised stack height policy, as announced in the final rulemaking on the CEI emission limitations, and its application to CEI. Commenters objected that EPA failed to follow rulemaking procedures prescribed by Section 123 of the Clean Air Act, 42 U.S.C. § 7423, and claimed that interested parties were thereby deprived of an opportunity to comment on a significant policy change affecting industry as a whole. CEI further urged EPA to apply the proposed stack height regulations that were in effect when the company initiated construction of its new taller stacks at Avon Lake and Eastlake. Other commenters urged retention of the new policy.

Response: On January 12, 1979 (44 FR 2608), EPA proposed stack height regulations to implement Section 123 of the Act. Those regulations generally allowed sources automatic credit for stack heights up to a good engineering practice (GEP) height, as determined by an EPA formula. As noted above, EPA revised the stack height policy in its final rulemaking on the CEI emission limitations (45 FR 42279) to require existing sources seeking stack height increases to demonstrate through fluid modeling or field studies that stack height increases were necessary to avoid excessive concentrations due to downwash or other problems. As a result of the policy revision, EPA promulgated two sets of emission limitations for CEI: the limitations currently in effect, and a second set to become effective one year later on June 24, 1981, unless CEI submitted the appropriate studies.

When EPA granted the requests for further opportunity to comment on the final CEI emission limitations (46 FR 8581, January 27, 1981), EPA denied CEI's request to stay the first set of limitations but deferred action on any stay of the second set. EPA stated that it would act on the deferred request before the effective date of the second set of limitations. EPA intended to promulgate final stack height regulations prior to the effective date of the second set of emission limitations. However, because of the need to conduct further analyses prior to promulgation of the stack height rules, EPA determined that it would be unable to complete action on those rules prior to June 24, 1981. Therefore, on May 28, 1981 (46 FR 28650), EPA withdrew the stack height policy revision requiring fluid modeling studies and stayed the emission limits. This action moots the concerns raised by the commenters who questioned application of the policy without an opportunity to comment. If the new final stack height regulations incorporate a requirement for fluid modeling or field studies, CEI and any other affected sources will be given ample time to perform the necessary modeling. As to commenters urging retention of the policy, EPA determined it was inappropriate to require sources to comply with a new stack height policy prior to promulgation of final stack height rules. EPA therefore decided not to retain the policy in the interim period before promulgation.

2. *Comment:* The North American Coal Company and the NACCO Mining Company (jointly NACCO) argued that imposition of the 3.04 lbs. SO_2 per MBTU emission limit for Eastlake that was to become effective on June 24, 1981, would cause social and economic disruption in Ohio because CEI would be forced to discontinue purchasing high sulfur coal from NACCO.

Response: The 3.04 lbs. emission limit for Eastlake was based upon the stack height policy revision that has been withdrawn, and it has now been stayed. 46 FR 28650 (May 28, 1981). EPA is today proposing to withdraw the 3.04 lbs. emission limit altogether, and consequently concerns raised by NACCO have been mooted.

D. Adequacy of the CEI Emission Limitations

1. *Comment:* Several commenters noted that the monitored violations during 1980 in the vicinity of the Eastlake plant indicate that the revised emission limits will not protect the NAAQS. In addition, two commenters stated that the violations could not be explained simply by saying that the violations occurred prior to the tie-in of the new taller stack, since it has not been determined that the new stack satisfies the requirements of Section 123 of the Clean Air Act. CEI on the other hand, argued that the ambient monitoring data support the emission limitations proposed in June 1979. CEI attributed the monitored violations to building-induced downwash which should be corrected with the new taller stack at Eastlake.

Response: the violations of the NAAQS monitored near the Eastlake plant in 1980 occurred when CEI was emitting at levels above the currently effective emission limitations which were promulgated in June of that year. Commenters apparently are assuming that CEI was emitting at levels less than or equal to the current emission limitations prior to the effective date of the limitations. However, there is no evidence that such was the case, and therefore the monitored violations have no relevance to the adequacy of the current emission limits. Furthermore, during the monitoring in question, the new taller stack at Eastlake had not yet replaced two of the four short stacks. The current emission limits assume full use of the new tall stack and replacement of all four old stacks. Therefore, compliance with the current limits in conjunction with use of the new stack will adequately protect the NAAQS.

Contrary to assertions by two parties, it is appropriate to take into account the new tall stack at Eastlake in determining the adequacy of the current emission limits. In promulgating the two sets of emission limits for CEI, EPA determined that the new taller stacks conformed to good engineering practice (GEP) in accordance with EPA's GEP formula under the proposed stack height regulations. *See* 45 FR 42279 (June 24, 1980). *See* also 44 FR 33711 (June 12, 1979). Since the new stack was to be in operation by January 1981 and in fact is now in full use, it was proper for EPA to develop the emission limits for Eastlake assuming credit for the new stack.

CEI has not supported its claim that the monitored violations are due to building-induced downwash. EPA believes that such downwash effects are negligible at a distance of 30 building heights downwind of the Eastlake plant (*i.e.*, at the Jefferson monitor site where the violations in question were recorded). Consequently, any problems attributed to building-induced downwash are unfounded. EPA has already determined that the emission limit of 6.58 lbs., which was in effect at the time of the violations, is not adequate to protect the SO_2 NAAQS and that the promulgated limits are necessary and sufficient to protect the standards.

2. *Comments:* Several commenters argued that EPA erred in not modeling the CEI facilities' impact on nonattainment areas in Cuyahoga County.

Response: EPA found that concentrations dropped off sharply within 10 kilometers of Avon Lake and within 14 kilometers of Eastlake. Since Cuyohoga County is located more than 15 kilometers from the CEI plants, EPA determined that it was not necessary to model for air quality impacts in Cuyahoga County.

In addition, EPA's decision not to model the facilities' impact on those areas followed EPA's overall modeling approach in developing Ohio's sulfur dioxide plan (see "Technical support Document: Sulfur Dioxide Control Strategy for the State of Ohio," August, 1978, pp. IV–7). As noted previously, that plan has been upheld by the Sixth Circuit Court of Appeals. The plan divided the tri-county Cleveland metropolitan area into seven separate subregions. Each subregion was then modeled individually. The Avon Lake and Eastlake plants were not part of the Cuyahoga county subregion, and the emission limitations for the Avon Lake and Eastlake plants therefore were not modeled for impacts in Cuyohoga County.

EPA had previously determined, and continues to believe, that this modeling approach is a reasonable means of insuring attainment and maintenance of the NAAQS in the Cleveland area. The large number of sources and geographic scope of the area restrict the Agency's ability to conduct source-specific modeling. Division into subregions is needed to assess individual source effects and allows the Agency to identify the sources principally contributing to high ambient concentrations. Once the major contributors are identified, standards can be attained by controlling those sources. Since subregional modeling effectively defined the dominant sources in the Cleveland area, it was reasonable for EPA to continue modeling the area on a subregional basis.

Furthermore, the modeling analysis suggested by commenters is not possible with current reference modeling techniques. A combined source analysis would require modeling the CEI plants, which EPA has determined to be located in rural areas, with sources in the urban Cleveland area. No tools currently exist to assess the interaction of non-urban sources with urban sources.

3. *Comment:* One commenter maintained that under Section 110 of the Clean Air Act, EPA may not promulgate or approve a SIP unless it ensures attainment and maintenance of the NAAQS, and that EPA had failed to demonstrate that relaxation of CEI's emission limits would ensure attainment. Instead, EPA first relaxed the limits and then established a monitoring network to calculate the effects on air quality. The commenter also contended that EPA was aware that the new Eastlake stack would not be fully operative until January 1981, and yet EPA approved emission limits based on operation of the new stack that became effective in June 1980. Therefore EPA set limits that it knew would not protect the NAAQS during the last half of 1980.

Response: CEI was required to establish the extensive monitoring system referred to in this comment at the time that EPA proposed to relax emission limitations to 6.09 lbs. and 6.58 lbs. for Avon Lake and Eastlake, respectively. 44 FR 33711 (June 12, 1979). The monitoring system, however, was not established to determine the adequacy of the proposed emission limitations but rather for use in developing a site-specific model, if necessary, since none of EPA's approved models were precisely applicable to CEI's plants. However, EPA subsequently determined that the proposed limits were not adequate to attain and maintain SO_2 standards and therefore promulgated the currently effective limits. These limits were based on dispersion modeling and not on the results of the previously proposed monitoring network. As noted elsewhere, based on its modeling EPA has determined that those limits will protect the SO_2 standards.

Regarding the commenter's second point, EPA was aware that the new stack was not fully operative for all four stack units at Eastlake when the regulations were promulgated. However, EPA was also aware that two of the four units were scheduled to be out of operation for 10 to 13 weeks each during the last half of 1980.[4] EPA reasonably concluded that the anticipated reduction in emissions during this period would ensure that the 1980 promulgated limits would protect national standards prior to full operation of the new stack. Furthermore, the commenter presented no evidence that the promulgated limits were not adequate during 1980. In view of the anticipated reduction in emissions during these six months, and the lack of evidence that the current limits would be inadequate, EPA believes it was reasonable to make the current emission limitations effective during the latter half of 1980.

E. Adequacy of the Modeling Analysis

1. *Comment:* Pennsylvania contended that the technical support document (TSD) did not contain sufficient information for interested parties to independently duplicate the modeling results, as is required by EPA's guidelines.

Response: The TSD contains the model itself and four basic categories of input data: an emission inventory, calculation of the background concentration, meteorological data, and receptor locations. This information is sufficient to allow Pennsylvania to reproduce EPA's modeling analysis.

2. *Comment:* A commenter maintained that EPA should have used meteorological data from the CEI tower or nearby Perry Nuclear Tower in its modeling analysis instead of data from the Cleveland/Buffalo Airport.

Response: EPA could not use meteorological data from the CEI tower or Perry Nuclear Tower. The CEI tower station was not established until after June 1979, as part of the monitoring network that CEI was required to set up, 44 FR 33711 (June 12, 1979), and it had not generated a sufficient amount of data to be useful prior to the final rulemaking on CEI's emission limits. The Perry Nuclear Tower data base was deficient for several reasons: it relied on different parameters to determine meteorological stability classes than those approved by EPA; it included no mixing data; and the data were not in an acceptable format for dispersion modeling. Therefore the Cleveland NWS data were determined to be the most complete and representative data set available at the time of modeling.

3. *Comment:* Several commenters claimed that the CEI plants are not isolated sources and that a multi-source modeling analysis should have been performed by EPA.

Response: EPA used its CRSTER model in analyzing the revisions for the Avon Lake and Eastlake plants. The CRSTER model is EPA's approved single-source model. The CRSTER model is essentially identical to MAXT24, the model used by EPA in developing the Ohio SO_2 plan upheld by the sixth Circuit Court of Appeals. As discussed in the June 24, 1980 Federal Register notice, EPA believed that the single-source CRSTER model was more appropriate than a multi-source model. *See* 45 FR 42281. As stated in the notice, EPA's review of modeling done with the MPTER model (a multi-source model which had been used to develop a proposed monitoring network for the plants) showed that the plant's emissions were of overwhelming significance when compared to other nearby sources. The single-source CRSTER model, which is designed to model isolated rural sources, was therefore determined to be more appropriate to model the plants than the

[4] The new stack is one part of a plant modification that also involves installation of new electrostatic precipitators (ESPs) on all four units. The Delayed Compliance Order (DCO) implementing the installation of the ESPs requires CEI to submit quarterly progress reports. According to the Seventh Quarterly Progress Report, dated April 15, 1980, units 3 and 4 were scheduled to shut down nonsimultaneously to allow ESP installation during the latter half of 1980.

multi-source MPTER model, which is designed to model multiple sources of comparable significance.

Subsequent to its June 1980 final action, however, EPA learned that the emission inventory it had used in modeling the revised limitations had excluded a significant point source located near the Avon Lake plant. As a result, in July 1980, EPA remodeled the Avon Lake plant and the point source with the MPTER multi-source model. The new modeling demonstrated that the revised emission limitations would still insure attainment and maintenance of the SO_2 standards. Specifically, the addition of the new point source emissions to the Avon Lake emissions and background concentration did not result in a violation of the secondary SO_2 standard of 1300 $\mu g/m^3$. In response to the commenter's argument, EPA has included these modeling results in the docket. Docket No. IV.D.

4. *Comment:* One commenter argued that EPA was correct in concluding in its June 12, 1979 Notice of Proposed Rulemaking (44 FR 33711) that no modeling can accurately predict air quality at the location of the CEI plants, and that consequently EPA should not have employed modeling in setting the current emission limitations. Several commenters stated that the current limits should not have been promulgated until CEI's on-Site monitoring program was complete.

Response: As noted above, EPA utilized the RAM urban model to set the initial emission limitations of 1.15 lbs. SO_2 per MBTU for Avon Lake and 1.40 lbs. SO_2 per MBTU for Eastlake. That model was rejected on the basis of air quality data as inappropriate for the non-urban area in which the CEI facilities are located. *See* 44 FR 33711 (June 12, 1979). The rural RAM model was also rejected because it does not take into account lake breeze and fumigation effects that are characteristic of the plants' location. 45 FR 42279 (June 12, 1980). Ultimately, EPA determined that the CRSTER single-source model was an appropriate tool for developing CEI's emission limits because the CRSTER model proved to be relatively accurate in predicting elevated air quality values that result from lake-breeze and fumigation effects (see reponse to comment E.5, below). Furthermore, subsequent to the initiation of rulemaking on CEI's plants the CRSTER model superseded the RAM rural as EPA's benchmark model for isolated sources in non-urban areas. In June, 1978, EPA instructed its regional offices to use the CRSTER model in non-urban areas, unless other techniques were shown on a case-by-case basis to provide more appropriate and accurate results. *See* "Memorandum: Consistency in the use of Air Quality Models," Docket No. III.B.6. For these reasons, EPA determined that the CRSTER model was a more adequate modeling tool for CEI than either RAM model had been.

Contrary to the commenters' assertion that EPA should have awaited the results of the monitoring program, it is clear from the foregoing discussion that the modeling developed for CEI was an accurate basis from which to develop emission limitations. The monitoring network had never been intended to provide the data for emission limits (see response to comment D.3, above).

5. *Comment:* One commenter argued that EPA did not have sufficient information on lake-breeze and fumigation effects to demonstrate that the current emission limitations will protect the NAAQS under such conditions. Specifically, the commenter alleged that: (a) the use of the Weisman equation may underestimate thermal/turbulent internal boundary layer (TIBL) heights and concentrations; (b) Cleveland meteorological data is inappropriate; and (c) no site-specific upper air data were utilized. In addition, the commenter argued that EPA's fumigation analysis, despite its inadequacies, *did* predict violations of the NAAQS, thereby demonstrating the inadequacy of the current emission limits.

Response: Fumigation effects occur in coastal areas when a plume intersects a turbulent layer of air (TIBL) that develops from solar heating of the coastal lands. The turbulent layer erodes the plume and downward mixing occurs, while plume rise is prevented by an overlying "lid" of stable air. Horizontal dispersion of the plume extends over a relatively large area, increasing maximum ground-level concentrations around the source. Since the CRSTER model does not take into account fumigation effects, EPA conducted a fumigation analysis for the CEI plants to determine whether the model was failing to predict standard violations caused by fumigation. Meteorological data were obtained from the nearest NWS station at Cleveland. Although the data were not site-specific, it was the best available data base (See response to comment E.2., above). The Weisman equation was used to estimate TIBL heights in the absence of on-site upper air data.[5] EPA believes that this was a reasonably accurate methodology, and comparison of predicted and monitored air quality values have borne this out (see below).

First, meteorological data was screened to determine the three hour periods most likely to cause maximum concentrations due to shoreline fumigation. Air quality concentrations for these periods were then determined and compared to high concentrations predicted by CRSTER. The comparison indicates that concentrations associated with lakeshore fumigation in most cases would not be higher than high concentrations calculated by CRSTER for Class A stability conditions. The data does suggest that under certain conditions fumigation effects could be controlling. However, there is not sufficient information available to draw this conclusion, and the results of the fumigation analysis which are available are less reliable than the standard concentration estimates provided by CRSTER. Consequently, EPA believes that the current emission limitations based on the CRSTER modeling will be adequate to protect the NAAQS. A detailed discussion of the CRSTER modeling and the lakeshore fumigation analysis is contained in the docket. *See* "Summary Report on Modeling for the Avon Lake and Eastlake Plants," Docket No. VII.C.

6. *Comment:* CEI noted that the field studies conducted near Avon Lake during the summer of 1980 measured no short-term violations under fumigation conditions. CEI also cited previous studies indicating that the point at which fumigation occurs is so highly mobile that the potential for exceeding the three-hour NAAQS at any one time is small. According to CEI, the improbability of a violation is increased by the fact that a persistent wind speed within a critical range must coincide with the occurrence of a turbulent layer of air. Therefore CEI concluded that fumigation effects should not be considered in setting emission limitations.

Response: CEI has submitted only raw data from the Avon Lake fumigation study, and it is premature for EPA to comment on the study until it has seen the full report. CEI's assertions that three-hour violations under fumigation conditions are unlikely are contradicted by EPA's fumigation analysis for the CEI plants which, as noted above, suggests that fumigation effects may cause high three-hour concentrations. In any case, the current emission limitations are not based upon maximum concentrations calculated during lakeshore fumigation, but are based upon CRSTER predictions of air quality values during Class A stability conditions. (See discussion above.) Since fumigation effects did not form the basis for the emission limitations for the CEI plants, CEI's concerns are not directly relevant to this rulemaking.

7. *Comment:* Pennsylvania, Massachusetts and NOLA raised numerous objections to EPA's calculation of background concentrations:

(a) Pennsylvania questioned EPA's interpretation of "similar" meteorological conditions.

(b) Pennsylvania and Massachusetts claimed that EPA should have considered the variability of background levels. Pennsylvania argued that basing background on meteorological conditions modeled to produce high concentrations may not yield the highest total concentrations. Massachusetts argued that background should not be based on an average of high monitored values, but on the highest or second-highest single value.

(c) Pennsylvania objected to the use of a single monitor located so that the impact of several sources was not registered.

(d) Massachusetts questioned EPA's rejection of 1977 data collected at the monitoring site.

(e) Massachusetts noted that no actual data were presented to verify the background calculations.

(f) Massachusetts argued that EPA failed to define the criteria for excluding the impacts from the CEI plants.

(g) Massachusetts claimed that EPA did not include violations monitored in 1979 in the derived background levels.

(h) NOLA claimed that use of a monitor located only 1.85 km from the source is inappropriate for assessing background levels where the fumigation effects are expected to occur (*i.e.*, 4–10 km from the source).

Response: EPA's derivation of background levels due to natural and unidentified manmade sources is discussed in detail in "Summary Report on Modeling for the Avon Lake and Eastlake Power Plants" (June 1980). Among the points addressed in this document are the monitoring data base, the basis for dismissing the 1977 data, the criteria for excluding impacts from the CEI plants, and the reason for not including 1979 monitored violations in the background levels. In summary, background concentrations were derived from hourly SO_2 data that were both representative and readily accessible. Only one monitor (Eastlake) satisfied these two criteria. (The hourly data from this monitor are available from EPA's National Aerometric Data Bank.) Although it would have been preferable to employ a multi-monitor data base, such a data base was simply not available. Consequently, EPA determined that the derived background values represent the best estimate possible with available data. Data collected during 1977 at the Eastlake monitor were excluded because the recorded concentrations remained above a relatively high value for unusually long periods of time. Data from 1979 did not show this trend, and were more likely to be representative of future air quality.[6] Several violations recorded during 1979 were excluded from the background concentration calculations because the CEI plant was affecting the monitor during those periods.[7]

The methodology used by EPA was consistent with that specified in the "Guideline on Air Quality Models." In accordance with its Guideline, EPA characterized the meteorological conditions associated with the highest, second-highest modeled ambient concentrations, and selected the monitored background levels associated with similar meteorological conditions (Class A or B stability near mid-day).[8] EPA then averaged the values associated with those conditions and arrived at an estimated background of 70 $\mu g/m^3$ for the three-hour average case, and 40 $\mu g/m^3$ for the 24-hour average case.

By using this worst-case background concentration in all modeling of the plants, EPA used a conservative assumption since for some hours background will probably be less than it is under worst-case conditions. While Massachusetts characterizes this approach as use of a "fixed" background, the concentration is based on an analysis of varying meteorological events within Class A stability conditions, screening of data to exclude hours associated with impacts from the plant, and an averaging of the selected figures. EPA submits that such an approach takes into account fluctuating source impacts and meteorological conditions. Massachusetts' suggestion that EPA use only the highest or second highest recorded concentration would base background concentration on a single annual meteorological event. By averaging background concentrations, on the other hand, EPA derives the concentration that is most likely to occur under Class A stability conditions, and is therefore most representative of background concentrations under worst case conditions.

Contrary to NOLA's contention, the exact location of monitors to be used in deriving background levels is not critical. According to the "Guideline on Air Quality Models", background levels from isolated point sources such as the two CEI plants should be based on air quality data collected *in the vicinity* of the source at times when the point source itself is not impacting the monitor. Moreover, since EPA's modeling led to a determination that concentrations due to fumigation effects are not controlling at the plants, it was not essential that background concentrations be based on data from monitors located where fumigation effects are expected to occur.

8. *Comment:* Several commenters argued that CRSTER was generally inappropriate for modeling the CEI plants because: a) its range is too limited; b) CRSTER is an uneven terrain model and the plants are located in flat terrain; and c) CRSTER assumes all stacks are co-located but the CEI stacks are spatially separated.

Response: As stated above, CRSTER is the benchmark model for isolated sources in non-urban areas, and is capable of simulating pollutant dispersion in both even and uneven terrain. The model can assess ground-level concentrations as far as 50 km downwind from a source, the maximum distance at which EPA approved models can be applied.

In response to the comment that CRSTER's assumption of colocation of stacks is inaccurate for the CEI plants, EPA remodeled Avon Lake and East Lake using the MPTER model which takes into account the separation of stacks. The remodeling showed that slightly different emission limits for both plants would result from use of MPTER. The emission limits would change to 3.9 and 4.46 for Avon Lake, depending on the sulfur content of the fuel, and to 5.74 for Eastlake. In other words, using MPTER the Avon Lake limits would be slightly more stringent and the Eastlake limits slightly less so. The impact of these changes on air quality would be negligible, amounting to approximately a 4% decrease in SO_2 concentrations in the vicinity of Avon Lake and a 2% increase near Eastlake. Given the fact that the margin of error for air quality models is generally considered to be 10–20%, EPA does not consider these changes significant. Therefore EPA has concluded that the use of CRSTER is reasonable, and there is no need to

[5] The Weisman equation is a method of calculating the probable height of the TIBL at various distances downwind from a source.

[6] There were too few data from 1976 to calculate background concentrations.

[7] Those hours when the wind direction was within 45° of the azimuth from the plant to the monitor were selected as periods when the plant's plume would not be affecting the monitor. *See* "Summary Report on Modeling for the Avon Lake and Eastlake Power Plants", p. 4, Docket No. VII.C.

[8] EPA's Guideline does not specify a method for identifying "similar" meteorological conditions, but in this case EPA matched wind speed and stability class in correlating monitored and modeled conditions.

revise the emission limits on the basis of the MPTER modeling.

F. Miscellaneous

1. *Comment:* Massachusetts claimed that the CEI emission limitations were based on data and analyses that would not be acceptable in other EPA regions, and that EPA had therefore violated Section 301 of the Clean Air Act which requires consistency among regions.

Response: The technical basis for the promulgated emission limitations is consistent with EPA's "Guideline on Air Quality Models" (April 1978). The Guideline establishes national EPA policy or air quality analyses, and is applied uniformly in all EPA regions. EPA did not deviate from nationally applicable standards in generating and analyzing data for CEI's facilities. The Agency's action in this rulemaking therefore did not violate Section 301 of the Act.

2. *Comment:* Pennsylvania raised several objections to the design of the on-site monitoring network established for the CEI plants.

Response: As noted above, EPA required CEI to set up the monitoring network in June 1979, after the Agency had tentatively concluded that emissions limitations of 6.09 lbs. and 6.58 lbs. would protect the NAAQS. *See* 44 FR 33711 (June 12, 1979). The purpose of the network was simply to gather further air quality information in the vicinity of CEI's plants emission limits.

In fact, the current limits were established by modeling analysis.

The design of the monitoring network is therefore unrelated to this rulemaking.

3. *Comment:* One commenter claimed that there was no basis for the emission limitations established by EPA, and that the entire action seemed to be based on assumptions with no relation whatsoever to the real world.

Response: The emission limitations promulgated by EPA were based on dispersion modeling that was performed in accordance with the "Guideline on Air Quality Models" (April 1978). The use of modeling to set emission limitations is permitted by the Clean Air Act and has been upheld by U.S. Courts of Appeals. The models are intended to simulate real world conditions and use measured meteorological data and actual source parameters in calculating ambient concentrations. Thus, the emission limitations are based on modeling that reflects actual conditions.

4. *Comment:* The revision of the emission limitations should have included a monitoring/reporting requirement.

Response: On the basis of air quality monitoring, EPA has determined that the current emission limitations are adequate to protect the NAAQS. Nevertheless, based on EPA's June 1979 proposal, CEI is operating a monitoring network and is submitting data to EPA.

5. *Comment:* Ohio EPA and CEI stated that since the limitations promulgated were necessary to assure attainment of the *secondary* NAAQS, EPA should extend the date for compliance rather than providing for immediate compliance.

Response: Section 110(a)(2)(A) of the Act provides that ambient air quality standards must be attained "as expeditiously as practicable" and in the case of secondary standards, within "a reasonable time." Statements provided by CEI indicate that the Eastlake and Avon Lake plants are in compliance with the promulgated limitations. The record therefore supports EPA's conclusion that immediate compliance was both practicable and reasonable, and no compliance date extension is appropriate.

6. *Comment:* EPA should have provided prior notice and opportunity for comment on the methodology used in setting final emission limits, the factual data obtained, and the legal basis for rulemaking.

Response: EPA initiated rulemaking on CEI's facilities with a notice of proposed rulemaking and opportunity for public comment, as required by Section 307(d)(3) of the Clean Air Act, 42 U.S.C. § 7607(d)(3) and by the Administrative Procedure Act, 5 U.S.C. §§ 553(b). *See* 44 FR 33711 (June 12, 1979). Reproposal of a rule is only required when there is not sufficient continuity between a proposed rule and an agency's subsequent action to have provided meaningful notice of the final action and an opportunity to comment. *See, e.g., South Terminal Corp. v. EPA*, 504 F. 2d 646, 659 (1st Cir. 1974); *International Harvester Co. v. Ruckelshaus*, 478 F.2d 615 (D.C. Cir. 1973). In promulgating CEI's emission limits, EPA believed that the promulgated emission limitations were generally based on currently approved, known EPA methodologies, and policies that were sufficiently similar to existing EPA policies not to require reproposal of the limitations. However, the Agency did conclude that a further comment period was appropriate in response to the petitions for reconsideration. Interested parties have now had full opportunity to submit their views on all aspects of this rulemaking, and any disadvantage due to the absence of a second comment period on the limitations has been alleviated.

Furthermore, EPA had made a commitment to the Sixth Circuit to promulgate final emission limitations for these plants by June 17, 1980. (*See* p. 4, above.) Courts have recognized court-imposed deadlines as good cause for dispensing with full rulemaking procedures. *See, e.g., American Federation of Government Employees, AFL–CIO v. Block* (No. 79–2128, D.C. Cir., March 18, 1981). Nor is it fatal that EPA did not state its rationale for invoking the good cause exception to notice and comment in its final rulemaking, if good cause indeed existed.[9] *DeRieux v. Five Smiths, Inc.*, 499 F.2d 1312, 1333 (Em. App.), *cert. denied* 419 U.S. 898 (1974). Therefore even if the emission limits should ideally have been reproposed with further notice and comment, good cause existed for EPA to dispense with informal rulemaking in these circumstances.

7. *Comment:* The State of New York claims that EPA must consolidate this proceeding with other pending midwestern SO_2 SIP relaxations, and, using state-of-the-art methodology, assess the cumulative impact of these relaxations on New York State.

Response: To the extent that New York's comments relate to SO_2 and particulate levels in New York, they are being considered at New York's request as part of a consolidated hearing pursuant to Section 126(b) of the Act. This hearing, which was held June 18 and 19, 1981, in Washington, D.C. addressed whether and how EPA should consider aggregate emissions in approving SIP revisions. 46 FR 24602 (May 1, 1981).

To the extent that New York's petition raises issues concerning sulfates and acid rain, EPA has stated that it has no national ambient air quality standards for acid deposition or sulfates. Consequently, the Agency has no basis for regulating emissions under Sections 110 or 126 because of their impacts on acid deposition or sulfates. 46 FR 24602, 24603.

Conclusion

EPA has reconsidered the final emission limitations promulgated for CEI's Avon Lake and Eastlake facilities in light of the petitions for reconsideration and all comments received. The Agency has determined that current emission limits of 4.10/4.85 lbs. for Avon Lake and 5.64 lbs for Eastlake made effective on June 24, 1980 are necessary and sufficient to attain and maintain the SO_2 NAAQS.

[9] EPA did in fact articulate the court-imposed deadline as the basis for good cause to make the limits effective immediately rather than delaying effectiveness for 30 days, as is otherwise required by the APA. See 45 FR 8581 (June 24, 1980).

Therefore EPA is reaffirming these limits. However, since EPA has determined to withdraw the fluid modeling policy on which the second more stringent limits of 3.43/3/93 lbs. and 3.04 lbs. were based, EPA is proposing in a separate notice to withdraw those limitations.

Under Section 307(b)(1) judicial review of this action is available only by filing a petition for review in the U.S. Court of Appeals for the appropriate circuit by September 21, 1981. Under Section 307(b)(2) today's action may not be challenged later in a separate civil or criminal proceeding.

Dated: July 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-21918 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-26-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-35, 101-36

[FPMR Amdt. F-49]

ADP and Telecommunications Security

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This directive clarifies the information contained in FPMR Part 101–35, ADP and Telecommunications Management Policy, and FPMR Part 101–36, ADP Management, to reflect current policy concerning risk analysis requirements, and deletes reference to the National Security Agency.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Evaluation Division (202–566–0194).

SUPPLEMENTARY INFORMATION: the General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101–35—ADP AND TELECOMMUNICATIONS MANAGEMENT POLICY

Subpart 101–35.3—Security of Federal ADP and Telecommunication Systems

1. Section 101–35.304 is revised to read as follows:

§ 101–35.304 Security program elements.

The agency security program shall contain all of the elements necessary to ensure an adequate level of security for all agency data whether processed by the agency, other Government agencies, or commercially. The program shall be consistent with policies, procedures, and standards issued by OMB, GSA, the Department of Commerce, and the Office of Personnel Management. Where national security information/or cryptologic systems are involved, the provisions of Executive Order 12065, other applicable national security issuances, and the agency implementations thereof shall also apply.

2. Section 101–35.304–2(a) is revised and § 101–35.304–2(c) is reserved to read as follows:

§ 101–35.304–2 Risk analysis.

(a) A risk analysis shall be performed for each ADP and telecommunications facility to provide an understanding of the probable losses and the effect of these losses; for example, what is the probability of loss of a tape or microfilm library and what is the economic or other consequence of that loss? Expected losses should be estimated in dollars or other significant indicators, such as loss of data affecting vital programs. The analysis shall be performed before the approval of design specifications for new installations or whenever there is a significant change to the physical facility or to the hardware or software. The analysis shall be reviewed and updated whenever changes affecting the degree of protection occur. In any event, the interval between reviews shall not exceed 5 years. A copy of each risk analysis shall be maintained for evaluation and audit purposes. These should be protected to the greatest extent practicable under law. Where National Security Systems are involved, appropriate classification and declassification markings shall be applied to the risk analysis package. These risk analyses are the basis for determining the type and scope of security measures required at each location. The National Bureau of Standards (NBS) publication, FIPS PUB 65, Guideline for Automatic Data Processing Risk Analysis, provides guidance on risk analysis.

* * * * *

(c) [Reserved]

PART 101–36—ADP MANAGEMENT

Subpart 101–36.7—Environmental and Physical Security

3. Section 101–36.701(a) is revised to read as follows:

§ 101–36.701 Definitions.

Terms used in this subpart are defined as follows:

(a) "ADP facility" means an area, usually enclosed, containing a computer or other operational ADPE, and related supporting ADP resources essential to the operation of an ADP system. The areas needing protection include those where there are terminals capable of displaying sensitive data or that can alter, change, or affect data.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: June 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-21365 Filed 7-21-81; 8:45 am]

BILLING CODE 6820-25-M

National Archives and Records Service

41 CFR Part 105-61

[ADM 7900.2 CHGE 17]

Public Use of Records, Donated Historical Materials, and Facilities in the National Archives and Records Service; Location of Records and Hours of Use; Fees for Reproduction Services

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revises the fee schedule for reproduction services established by the National Archives and Records Service (NARS). The revised fee schedule will be in effect during fiscal year 1981.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Alex Mallus, Management Analysis Division, Office of Program Support, National Archives and Records Service, General Services Administration (NAA), Washington, DC 20408. (202–523–3214).

SUPPLEMENTARY INFORMATION: Since NARS is authorized to establish fees for reproduction services under existing

law, we do not believe that it is necessary to obtain agency comments before the regulation becomes effective. Therefore, the regulation is effective upon publication in the Federal Register.

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105–61.51—Location of Records and Hours of Use

1. Section 105–61.5101–3 is amended by revising paragraph (a) and adding paragraph (g) as follows:

§ 105–61–5101–3 Presidential libraries.

(a) Herbert Hoover Library, Parkside Drive, West Branch, IA 52358. Hours: 9 a.m. to 5 p.m., Monday through Friday.

* * * * *

(g) Gerald R. Ford Library, 1000 Beal Avenue, Ann Arbor, MI 48109. Hours: 9 a.m. to 5 p.m., Monday through Friday.

Subpart 105–61.52—Fees

2. Section 105.61.5201(c) (2), (5) and (6) are revised to read as follows:

§ 105–61–5201 Applicability.

* * * * *

(c) * * *

(2) Audiovisual materials sold by the National Audiovisual Center. Prices for these materials are available from the Distribution Branch (NEAD), National Audiovisual Center (GSA), Washington, D.C. 20409.

* * * * *

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$5.

(6) Passenger lists more than 75 years old—$5.

* * * * *

3. Section 105–61.5205 is amended by revising paragraphs (a) and (d) through (e) as follows:

§ 105–61.5205 Mail orders.

The following fees apply only when reproductions are ordered by mail:

(a) Except for those processes showing a higher minimum in § 105–61.5206, a minimum fee of $5 per order is charged for reproductions ordered by mail.

* * * * *

(d) The following special shipping fees are computed as a percentage of the fee for the item ordered:

Type of reproduction	Shipping fee (percent)		
	Foreign surface	Foreign airmail	Domestic expedited
(1) Electrostat	7	18	8
(2) Photostat	8	15	9
(3) Diazo	10	24	13
(4) Copy negative	4	11	5
(5) Slides (2 by 2 in)	4	10	4
(6) Photographic prints (8 by 10 in or smaller)	4	10	6
(7) Photographic prints (larger than 8 by 10 in)	14	40	11
(8) Sound and video tapes	7	20	6
(9) Motion pictures	8	11	8
(10) Microfilm [1]	2	4	2

[1] Shipping fees for microfilm publications are included in the "Catalog of National Archives Microfilm Publications".

(e) Registered mail may be used for insurance purposes when the service is requested by the customer. Priority postage rates apply for domestic mailings in addition to the following fees:

Amount insured	Fee
0 to $100	$3.90
$100.01 to $500	3.60
$500.01 to $1,000	3.90
$1,000.01 to $2,000	4.20

Foreign mail may be registered for an additional $3.25. (Maximum indemnity $15.76.)

4. Section 105–61.5206 is amended by revising paragraphs (b) through (j) to read as follows:

§ 105–61.5206 Fee schedule.

* * * * *

(b) Still Photography (minimum order, $5).

	Black and white
(1) Copy negatives:	
4 in by 5 in	$4.00
8 in by 10 in	8.00
(2) Aerial prints:	
10 in by 10 in or smaller (contact)	5.00
10 in by 10 in enlargement	5.00
14 in by 14 in	8.80
16 in by 16 in	10.30
20 in by 24 in	10.30
27 in by 28 in	19.55
40 in by 41 in	28.45
Photo-indexes (usually 20 in by 24 in)	10.30
(3) Photographic prints (includes prints from microfilm):	
4 in by 5 in (contact: A contact print is an exact copy of a negative which cannot be altered. The service is available only when there is a 4 in by 5 in negative on file)	2.75
8 in by 10 in or smaller	5.35
11 in by 14 in	8.60
16 in by 20 in	9.60
20 in by 24 in	12.35
22 in by 28 in	14.85
24 in by 30 in	16.40
30 in by 40 in	20.55
Copie, add	5.20
(4) Slides and transparencies:	
2 in by 2 in from existing negative	2.00
Additional fee when negative must be made	4.00
	Color
2 in by 2 in	3.10
(5) Photostat:	
Paper (up to 17 in by 23 in)	7.25
Film (up to 17 in by 23 in)	8.00
(6) Diazo (per foot)	1.00
(7) 105 mm microfilm prints: 16 in by 24 in paper copy	1.90

(c) Microfilm.

	16mm rotary	16mm planetary	35mm planetary	35mm oversize
(1) Negative (per frame; minimum order, $11) Customer take documents for microfilming	$0.05	$0.15	$0.15	$0.02
NARS identifies documents for microfilming	.07	.20	.20	.09
(2) Next generation (per foot; minimum $7 per roll)		.09	.12	
(3) Direct duplicate (per foot; minimum order, $7)		.14	.16	

(d) Microfiche duplication:

(Per fiche, minimum order, $3)	$0.46

(e) Electrostatic copying.

(1) Paper to paper (up to 11 in by 17 in):	
Customer take documents for copying	$0.20
NARS identifies documents for copying	.25
(2) Paper to paper (18 in by 24 in)	.50
(3) Oversized electrostatic copies (per foot)	0.90
(4) Red line facsimile (for public laws)	3.15
(5) Microfilm to paper:	
From negative (Copy/lo, per foot; minimum order, $11)	1.55
From positive (per frame):	
When work is done by customer (up to 8½ in by 14 in per frame)	.15
When work is done by NARS (minimum mail order, $5):	
Nonconsecutive frames or first of consecutive frame, any size	.85
Consecutive or duplicate frames:	
Up to 8½ in by 14 in	.30
11 in by 17 in	.40
18 in by 24 in	.50
High resolution-wet process (8½ in by 11 in):	
When work is done by customer	.25
When work is done by NARS	.35

(f) Sound recordings.

Reel to reel (per minute; minimum order, $6)	$0.50
Cassette (per minute; minimum order, $6)	.50
Film-to-tape sound transfer—16mm sprocketed tape (per minute; minimum order, $17)	3.00
Film-to-tape sound transfer—¼ inch tape (per minute; minimum order, $6)	1.40

(g) Video recordings.

Film to tape:	
10 min	$46.00
20 min	64.00
30 min	79.00
40 min	101.00
60 min	115.00
90 min	131.00
Tape to tape:	
10 min	39.00
20 min	51.00
30 min	63.00
40 min	74.00
60 min	82.00
90 min	91.00

(h) Machine-readable records.

Tape-to-tape copying (per reel)	$86.00
Tape-to-tape printout copying (computer processing time per hour; minimum order, $57)	172.00
Tape-to-printout extract (computer processing time per hour; minimum order $287)	172.00
Tape-to-extract (per output reel)	75.00
(Computer processing time per hour)	172.00
Card-to-card (per card; minimum order, $11)	.02
Tape-to-card (per card; minimum order, $11)	.02

(i) Motion pictures. (minimum order, $17.00)

	35 mm	16mm	16mm from 35mm
Black and white (per foot):			
Master positive	$0.24	$0.21	$0.30
Duplicate negative	.32	.26	.38
Projection print	.21	.17	.29
Work print	.17	.15	.24
Answer print	.23	.23	
Reversal print		.24	.35
Sound track	.20	.16	.28
Composite, add	.01	.01	.03
Color (per foot):			
Master positive		.36	
Duplicate negative		.41	
Projection print		.20	
Reversal print		.29	
Reversal internegative		.48	

(j) Technical services.

	Regular	Overtime
Motion picture preparation (per hour)	$29.00	$33.00
Photographer (per hour)	28.00	32.00
Microfilm preparation (per hour)	20.00	23.00
Sound and video recordings (per hour)	32.00	39.00

* * * * *

5. Section 105–61.5207 and 105–61.5208 are revised as follows:

§ 105–61.5207 Payment of fees.

Fees may be paid in cash or by check, or by money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order payable in U.S. dollars, or check drawn on a U.S. bank. Checks for prepaid orders over $200 must be certified. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval ahead of time.

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective upon publication in the Federal Register.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C 486(c))

Dated: July 14, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81–21400 Filed 7–21–81; 8:45 am]

BILLING CODE 6320–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6116]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama: Jefferson County	Bessemer, city of	010115	750513 emergency, 810601 regular	740628
California:				
Sonoma County	Rohnert Park, city of	060380	750211 emergency, 810601 regular	741129
Santa Barbara County	Santa Maria, city of	060336	740115 emergency, 810601 regular	740517
Connecticut				
Tolland County	Bolton, town of	090109	750904 emergency, 810601 regular	749697
Hartford County	Burlington, town of	090145	750414 emergency, 810601 regular	740716

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Delaware: Sussex County	Dagsboro, town of	100039	750709 emergency, 810601 regular	740628
Florida:				
Manatee County	Bradenton, city of	120155	750805 emergency, 810601 regular	740301
Pinellas County	Seminole, city of	120257	740528 emergency, 810601 regular	741129
Georgia: Gwinnett County	Suwanee, city of	130328	800922 emergency, 810601 regular	750404
Hawaii: Maui County	Maui County[1]	150003	700918 emergency, 810601 regular	771206
Illinois:				
Cook County	Burnham, village of	170079	750304 emergency, 810601 regular	740322
Cook County	Inverness, village of	170111	741127 emergency, 810601 regular	740322
Cook County	Lansing, village of	170116	750113 emergency, 810601 regular	740201
Indiana: Morgan County	Morgan County[1]	180178	810527 emergency, 810601 regular	741220
Louisiana: Acadia Parish	Eunice, city of	220166	750805 emergency, 810601 regular	740531
Massachusetts:				
Hampden County	Monson, town of	250145	760607 emergency, 810601 regular	740623
Hampshire County	Williamsburg, town of	250174	750928 emergency, 810601 regular	740913
North Carolina: Mecklenburg County	Mecklenburg County[1]	370158	730517 emergency, 810601 regular	781022
New Jersey:				
Burlington County	Medford Lakes, borough of	340100	750103 emergency, 810601 regular	740531
Morris County	Morris Plains, borough of	340361	750723 emergency, 810601 regular	740628
Morris County	Morris, township of	340350	750521 emergency, 810601 regular	740531
New York:				
Erie County	Alden, town of	360225	731228 emergency, 810601 regular	740531
Livingston County	Caledonia, town of	361411	750707 emergency, 810601 regular	750110
Livingston County	Caledonia, village of	360361	750707 emergency, 810601 regular	750807
Oklahoma: Craig County	Vinita, city of	400050	750918 emergency, 810601 regular	740524
Oregon: Jackson County	Ashland, city of	410090	740809 emergency, 810601 regular	740807
Pennsylvania: Lycoming County	Fairfield, township of	420972	730925 emergency, 810601 regular	740301
South Carolina: Florence County	Lake City, city of	450079	740808 emergency, 810601 regular	740531
Tennessee: Fayette County	Rossville, city of	470060	760213 emergency, 810601 regular	740719
Texas:				
Maverick County	Eagle Pass, city of	480471	740923 emergency, 810601 regular	740534
Bell County	Nolanville, city of	480032	750908 emergency, 810601 regular	740524
Cameron County	Rio Hondo, town of	480112	750403 emergency, 810601 regular	740510
Bell County	Troy, city of	480709	770720 emergency, 810601 regular	781112
Vermont: Chittenden County	Jericho, town of	500037	780716 emergency, 810601 regular	740814
Washington:				
King County	Auburn, city of	530073	740529 emergency, 810601 regular	740524
Cowlitz County	Kalama, town of	530099	800709 emergency, 810601 regular	750711
Wisconsin:				
Dodge County	Mayville, city of	550103	730721 emergency, 810601 regular	731130
Buffalo County	Mondovi, city of	550031	740528 emergency, 810601 regular	740108
Nebraska: Colfax County	Howells, village of	310389	780522 emergency, 810602 regular	750117
Montana: Powell County	Powell County[1]	300050	81069 emergency, 810602 regular	800916
Indiana: St. Joseph County	Indian Village, town of	180225	810611 emergency, 810611 regular	741016
Alabama:				
Shelby County	Alabaster, city of	010192	741213 emergency, 810615 regular	740524
Walker County	Jasper, city of	010206	790121 emergency, 810615 regular	740123
Shelby County	Pelham, town of	010188	760113 emergency, 810615 regular	740621
Arkansas:				
Craighead County	Jonesboro, city of	050049	740620 emergency, 810615 regular	731026
Washington County	Springdale, city of	050219	740620 emergency, 810615 regular	760306
Connecticut: New London County	East Lyme, town of	090096	791023 emergency, 810615 regular	740815
Florida:				
Martin County	Martin County[1]	120161	720519 emergency, 810615 regular	770729
Martin County	Ocean Breeze Park, Town of	120169	780418 emergency, 810615 regular	740802
Georgia:				
De Kalb County	Clarkston, city of	130057	760607 emergency 190615 regular	750221
De Kalb County	Pine Lake, city of	130070	750227 emergency, 810615 regular	740412
Iowa:				
Story County	Cambridge, city of	190265	740728 emergency, 810615 regular	740618
Lee County	Lee County[1]	190162	780611 emergency, 810615 regular	770621
Illinois:				
Whiteside County	Albany, village of	170668	740401 emergency, 810615 regular	740408
Lake County	Antioch, village of	170328	750512 emergency, 810615 regular	740406
Cook county	Bartlett, village of	170099	741015 emergency, 810615 regular	740412
Cook County	Des Plaines, city of	170081	721013 emergency, 810615 regular	730804
Greene County	Eldred, village of	170251	810615 emergency, 810615 regular	731217
St. Clair County	Fayetteville, village of	170628	760512 emergency, 810615 regular	740222
Fulton County	Liverpool, village of	170782	741219 emergency, 810615 regular	731228
St. Clair County	Mascoutah, city of	170630	740501 emergency, 810615 regular	740301
Lake County	Waukegan, city of	170397	740312 emergency, 810615 regular	740510
Indiana: Vermillion County	Newport, town of	180282	810825 emergency, 810615 regular	740531
Kentucky: Bourbon County	Paris, city of	210015	740723 emergency, 810615 regular	740116
Louisiana:				
Lincoln Parish	Ruston, city of	220247	750218 emergency, 810615 regular	791224
Webster Parish	Springhill, city of	220239	750312 emergency, 810615 regular	740315
Massachusetts:				
Worcester County	East Brookfield, town of	250308	750918 emergency, 810615 regular	740807
Berkshire County	Monterey, town of	250020	750707 emergency, 810615 regular	740315
Maryland:				
Somerset County	Crisfield, city of	240062	750428 emergency, 810615 regular	760123
somerset County	Somerset County[1]	240061	760609 emergency, 810615 regular	750425
Michigan:				
Berry county	Hastings, township of	260648	751119 emergency, 810615 regular	771216
Washtenaw County	Ypsilanti, township of	260542	780320 emergency, 810615 regular	770408
Minnesota:				
Morrison County	Morrison County[1]	270617	740320 emergency, 810615 regular	760421
Mille Lacs County	Princeton, city of	270292	740702 emergency, 810615 regular	740510
Goodhue County	Wanamingo, city of	270147	810324 emergency, 810615 regular	740510
Missouri:				
Perriecot County	Hayti Heights, city of	290277	760320 emergency, 810615 regular	760423
Adair County	Novinger, city of	290009	760604 emergency, 810615 regular	740807

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
St. Louis County	Pearless Park, village of	290378	731001 emergency, 810615 regular	750109
Franklin County	Sullivan, city of	290136	740808 emergency, 810615 regular	740328
New Jersey:				
Burlington County	Fieldsboro, borough of	340543	740501 emergency, 810615 regular	741129
Bergen County	Montvale, borough of	340052	750502 emergency, 810615 regular	740806
New York:				
Steuben County	Addison, village of	360762	740109 emergency, 810615 regular	730723
Onondaga County	Cammillus, town of	360570	750723 emergency, 810615 regular	740808
Yates County	Dresden, village of	360956	800308 emergency, 810615 regular	780228
Yates County	Penn Yan, village of	360962	750618 emergency, 810615 regular	740531
Monroe County	Riga, town of	360430	750805 emergency, 810615 regular	740308
Chemung County	Wellsburg, village of	360157	730918 emergency, 810615 regular	730801
Ohio:				
Cuyahoga County	Brateshl, village of	390734	750809 emergency, 810615 regular	750711
Cuyahoga County	Brooklyn Heights, village of	390101	750516 emergency, 810615 regular	740208
Cuyahoga County	Cuyahoga Heights, village of	390654	760618 emergency, 810615 regular	740328
Montgomery County	Miamisburg, city of	390413	740801 emergency, 810615 regular	740301
Cuyahoga County	Shaker Heights, city of	390129	751028 emergency, 810615 regular	750801
Oklahoma: Tulsa County	Sand Springs, city of	400211	740805 emergency, 810615 regular	740726
Pennsylvania:				
Allegheny County	Bethel Park, borough of	420012	740803 emergency, 810615 regular	761219
Berks County	Brecknock, township of	421053	751124 emergency, 810615 regular	740813
Washington County	California, borough of	420848	740705 emergency, 810615 regular	761006
Washington County	Centerville, borough of	422552	760322 emergency, 810615 regular	750228
Beaver County	Center, township of	422310	760811 emergency, 810615 regular	750117
Clinton County	Colebrook, township of	420324	730725 emergency, 810615 regular	740322
Luzerne County	Dupont, borough of	422250	740729 emergency, 810615 regular	750214
Beaver County	Economy, borough of	420109	770228 emergency, 810615 regular	740405
Erie County	Edinboro, borough of	420448	750121 emergency, 810615 regular	740807
Blair County	Frankstown, township of	421367	740816 emergency, 810615 regular	741213
Allegheny County	Heidelburg, borough of	420043	750221 emergency, 810615 regular	740201
Lackawanna County	Lehigh, township of	422459	760311 emergency, 810615 regular	750228
Cumberland County	Middlesex, township of	420363	730126 emergency, 810615 regular	740208
Allegheny County	Penn Hills, township of	421092	740724 emergency, 810615 regular	740820
Luzerne County	Pittston, township of	421834	741114 emergency, 810615 regular	750124
Adams County	Reading, township of	420004	730128 emergency, 810615 regular	740123
Bucks County	Richland, township of	421095	740515 emergency, 810615 regular	741025
Beaver County	Rochester, township of	421322	750311 emergency, 810615 regular	741227
York County	West Manchester, township of	422233	740822 emergency, 810615 regular	741115
South Carolina:				
Berkeley County	Hanahan, city of	450030	731025 emergency, 810615 regular	740626
Lexington County	Lexington County[1]	450129	740906 emergency, 810615 regular	740808
Dorchester County	Summerville, town of	450073	731105 emergency, 810615 regular	740814
Tennessee:				
Shelby County	Bartlett, city of	470175	731228 emergency, 810615 regular	740222
Davidson County	Goodlettsville, city of	470267	750421 emergency, 810615 regular	761019
Texas:				
Atascosa County	Atascosa County[1]	480014	740805 emergency, 810615 regular	750117
Bexar County	Converse, city of	480036	740326 emergency, 810615 regular	740201
Waller County	Hempstead, town of	481045	810527 emergency, 810615 regular	780730
Hidalgo County	McAllen, city of	480343	730905 emergency, 810615 regular	761209
Dallas County	Seagoville, city of	480167	750625 emergency, 810615 regular	740201
Virginia: Giles County	Giles County[1]	510067	731024 emergency, 810615 regular	740802
Washington: King County	Kirland, city of	530061	740419 emergency, 810615 regular	740628
Wisconsin:				
Calumet County	Brillion, city of	550036	750422 emergency, 810615 regular	740308
Outagamie County	Combined Locks, village of	550304	750327 emergency, 810615 regular	740821
Dodge County	Dodge County[1]	550094	730718 emergency, 810615 regular	750103
Outagamie County	Little Chute, village of	550307	750529 emergency, 810615 regular	740614

Total is: 128.

[1] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21982 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6117]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In

return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Georgia: Ware.	Waycross, city of	130196B	Jan. 10, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 24, 1974 and Apr. 6, 1978.	Aug. 3, 1981.
Illinois: Cook	Lynwood, village of	170119C	Jan. 30, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12 1974, and May 7, 1976, and Apr. 21, 1978.	do.
Kane	Geneva, city of	170325B	Sept. 26, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Aug. 9, 1974, and Jan. 23, 1976.	Do.
Indiana: Adams	Unincorporated areas	180424C	Aug. 28, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Aug. 26, 1977, and May 12, 1978.	Do.
Cass	Unincorporated areas	180022B	June 12, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Jan. 10, 1975, and June 2, 1978.	Do.
Howard	Kokomo, city of	180088B	Feb 19, 1975, emergency; Aug. 3, 1981, regular; Aug. 1981, suspended.	Dec. 17, 1973, and Jan. 3, 1978.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Iowa: Story	Nevada, city of	190258B	Nov. 25, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and Jan. 16, 1976.	Do.
Pottawattamie.	Oakland, city of	190237B	May 30, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Jan 9, 1974 and Apr. 23, 1976.	Do.
Montgomery.	Red Oak, city of	190210B	Aug. 22, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and Jan. 16, 1976.	Do.
Kansas: Wyandotte.	Kansas City, city of	200363A	Dec. 10, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Nov. 1, 1974	Do.
Kentucky: Greenup.	South Shore, city of	210091B	Sept. 8, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Feb. 1, 1974, and Nov. 21, 1975.	Do.
Louisiana: Vermilion	Abbeville, city of	220264B	July 1, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 15, 1974, and July 2, 1976.	Do.
St. Landry Parish.	Opelousa, city of	220173B	Dec. 12, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 14, 1974, and Oct. 17, 1975.	Do.
Michigan: Lapeer	Almont, village of	260311B	Aug. 14, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 10, 1974, and Nov. 28, 1975.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Macomb	Sterling Heights, city of	260129E	Jan. 12, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 29, 1973, and Apr. 12, 1974, and Sept. 10 1976, and Feb. 10, 1978, and Sept. 7, 1979.	Do.
Missouri: New Madrid.	Matthews, city of	290254B	Apr. 14, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 17, 1974, and Dec. 12, 1975.	Do.
Do	North Lilburn, village of	290857A	Apr. 21, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Feb. 6, 1978	Do.
Do	Tallapoosa, city of	290262B	Aug. 1, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 15, 1977	Do.
Nebraska: Madison.	Madison, city of	310340B	Sept. 6, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 6, 1974, and Dec. 19, 1975.	Do.
New Jersey: Monmouth.	Atlantic Highlands, borough of	340266B	June 19, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 21, 1975, and Feb. 20, 1976.	Do.
Hunterdon.	Califon, borough of	340232B	Sept. 18, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 13, 1974, and Feb. 27, 1976.	Do.
Do	Franklin, township of	340507B	March 22, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 26, 1974, and July 9, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
New York: Onondaga.	Camillus, village of	360571A	July 23, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 30, 1976	Do.
Monroe	Churchville, village of	360899C	Aug. 1, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and June 11, 1976, and May 9, 1980.	Do.
Steuben	Corning, town of	360773B	Mar. 25, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 14, 1973, and Oct. 6, 1978.	Do.
Onondaga.	East Syracuse, village of	360574B	July 23, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12, 1974, and Oct 24, 1975.	Do.
Broome	Fenton, town of	360046B	June 12, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 3, 1974, and Feb. 7, 1975.	Do.
Chenango.	Greene, town of	361067B	Jan. 9, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 27, 1974, and Jan. 9, 1976.	Do.
Do	Greene, village of	360159C	Mar. 4, 1977, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Feb. 20, 1976, and May 21, 1976, and Jan. 19, 1979.	Do.
Monroe	Hilton, village of	360420B	Nov. 15, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 8, 1974, and Oct. 24, 1975.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Genesee	Leroy, village of	360281B	Oct. 9, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 8, 1974	Do.
Rockland	Piermont, village of	360667B	Nov. 8, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 15, 1974, and Sept. 17, 1976.	Do.
Seneca	Seneca Falls, village of	360757B	May 30, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12, 1974, and Jan. 9, 1976.	Do.
Do	Seneca Falls, town of	360758B	June 26, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12, 1974, and Jan. 9, 1976.	Do.
Rensselaer	Stephentown, town of	361170A	May 13, 1977, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 20, 1974	Do.
Cayuga	Sterling, town of	360126B	Nov. 26, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 26, 1974, and July 8, 1976.	Do.
Seneca	Waterloo, village of	360760B	July 24, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 19, 1974, and July 1, 1977.	Do.
Wyoming	Wyoming, village of	360652B	July 21, 1976 emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 17, 1974, and June 25, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
North Carolina: Edgecombe	Unincorporated areas	370087B	Aug. 6, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Nov. 29, 1974, and Mar. 24, 1978.	Do.
Catawba	Hickory, city of	370054B	Sept. 23, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 13, 1974, and Jan. 23, 1976.	Do.
Pennsylvania: Adams	Bonneauville, borough of	422294A	Aug. 5, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 27, 1974	Do.
Do	Hamilton, township of	420002B	Feb. 9, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 20, 1973, and June 25, 1976.	Do.
South Carolina: Cherokee	Gaffney, city of	450046C	Feb. 11, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and Apr. 23, 1976, and June 3, 1977.	Do.
Tennessee: Sumner	Gallatin, city of	470185B	May 27, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Aug. 16, 1974, and July 16, 1976.	Do.
Texas: Cameron	Harlingen, city of	485477B	June 23, 1972, emergency; Aug. 3, 1981, regular; Aug. 3, 1981,suspended.	July 13, 1972, and July 1, 1974, and Oct. 17, 1975.	Do.
Bell	Killeen, city of	480031B	Dec.10, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Nov. 1, 1974, and July 4, 1978.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Utah: Davis	West Bountiful, city of	490052B	July 2, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 28, 1973, and Nov. 5, 1976.	Do.
Washington: King.	Tukwila, city of	530091B	Apr. 2, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 24, 1974, and Sept. 13, 1977.	Do.
Wisconsin: Brown	Pulaski, village of	550024B	May 28, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 24, 1974, and May 28,1976.	Do.
Monroe	Sparta, city of	550290B	Apr. 15, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Jan. 9, 1974, and June 25, 1976.	Do.
Marathon	Unincorporated areas	550245B	Apr. 9, 1971, emergency; Feb. 1, 1979, regular; Aug. 3, 1981, suspended.	Feb. 1, 1979	Do.
Oconto	Oconto, city of	550297B	Sept. 17, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 28, 1973, and Aug. 6, 1976.	Do.
Minnesota: McLeod.	Unincorporated areas	270516B	Mar. 4, 1974, emergency; Feb. 4, 1981, regular; Aug. 3, 1981, suspended.	June 3, 1977	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969) 33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21368 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA 6108]

44 CFR Part 65

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–5585.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community were the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.4 (Presently appearing at its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former Section 24 CFR Part 1915.4):

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
California: Sacramento	Unincorporated area	Sacramento Union, Apr. 20, 1981, Apr. 21, 1981.	Mr. Brian Richter, Sacramento County Executive, 700 H. Street, Room 7650A, Sacramento, Calif. 95814.	Apr. 21, 1981	060262B.
Colorado: Boulder	City of Boulder	Daily Camera, May 5, 1981, May 6, 1981.	Honorable Ruth Correll, Mayor, City of Boulder, 1777 Broadway, P.O. Box 791, Boulder, Colo. 80306.	Apr. 17, 1981	080024C.
Florida: Broward	City of Coral Springs	Sun Sentinel, May 15, 1981, May 22, 1981.	Mr. Dodd H. Southern, City Manager, 9551 West Sample Road, Coral Springs, Fla. 33065.	Apr. 17, 1981 (868)	120033A.
Illinois: Cook	Village of Western Springs	Surburban Trib, May 15, 1981, May 22, 1981.	Arthur H. Jens, Village President, Village of Western Springs, 740 Hillgrove Avenue, Western Springs, Ill. 60558.	Apr. 27, 1981 (868)	170171C.
Illinois: Winnebago	Unincorporated area	Register Star, Apr. 24, 1981, May 1, 1981.	Paul Schiever, County Administrator, Winnebago County, 400 West State Street, Rockford, Ill.	Apr. 13, 1981 (868)	170720B.
New York: Westchester	City of Rye	Rye Channels, May 14, 1981, May 21, 1981.	Honorable John Corey, Mayor, City of Rye, City Hall, Rye, N.Y. 10580.	Apr. 28, 1981 (868)	360881B.
North Carolina: Carteret	Unincorporated area	Carteret County News Times, May 14, 1981, May 21, 1981.	Honorable Mary Sue Noe, County Commissioner, Carteret County Courthouse, P.O. Drawer 630, Beaufort, N.C. 28516.	Apr. 28, 1981	370043A.
Tennessee: Hamilton	City of Chattanooga	Chattanooga Times, Apr. 17, 1981, Apr. 24, 1981.	Honorable Charles H. Rose, Mayor, City of Chattanooga, City Hall, East 11th Street, Chattanooga, Tenn. 37402.	Apr. 13, 1981	470072A.
Texas: Harris, Fort	City of Houston	Houston Chronicle, Houston Post, May 11, 1981, May 17, 1981.	Honorable Jim McConn, Mayor, City of Houston, 900 Brazos, P.O. Box 1562, Houston, Tex. 77001.	Apr. 23, 1981 (868)	480296.
West Virginia: Logan	Town of Chapmanville	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Chester G. Browning, Town of Chapmanville, P.O. Box 426, Chapmanville, W. Va.	Apr. 9, 1981 (868)	540092B.
Do	City of Logan	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Robert L. Wright, City of Logan, Logan, W. Va. 25601.	Apr. 13, 1981 (868)	545535B.
Do	Town of Mitchell Heights	do	Honorable Melvin Tido, Town of Mitchell Heights, 305 Central Avenue.	Apr. 13, 1981 (868)	540095.
Do	Town of Man	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Melvil Perry, Town of Man, P.O. Box 70, Man, W. Va. 25635.	Apr. 13, 1981 (868)	545537A.
Do	Unincorporated area	Logan Banner, Apr. 24, 1981, May 1, 1981.	Mr. Ott H. Dameron, County Administrator, Logan County, Logan County Courthouse, Logan, W. Va. 25601.	Apr. 13, 1981 (868)	545536A.
Do	Town of West Logan	do	Honorable Steve Toth, Town of West Logan, P.O. Box 260, West Logan, W. Va. 25601.	Apr. 13, 1981 (868)	545539C.

(National Flood Insurance Act of 1968 (Title XIII of Housing Urban Development Act 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 40014128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 22, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21214 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood

elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(C) Topeka Shawnee County (Docket No. FEMA-8000)	Kansas River	At downstream corporate limits	*876
			Just upstream of Sardou Avenue	*882
			Just upstream of Topeka Avenue	*886
			About 1.2 miles upstream of U.S. Highway 75	*894
		Shunganunga Creek	About 600 feet downstream of confluence of Deer Creek.	*877
			Just upstream of Atchison, Topeka and Santa Fe Railway.	*895
			Just upstream of Van Buren Street	*900
			Just upstream of Washburn Avenue	*908
			About 2,400 feet downstream of Gage Boulevard	*920
			About 300 feet upstream of Gage Boulevard	*924
			Just downstream of Fairlawn Road	*936
			About 0.9 mile upstream of West 29th Street	*951
		Deer Creek	At confluence with Shunganunga Creek	*878
			About 1,750 feet downstream of East 6th Street	*883
			Just upstream of East 6th Street	*891
			Just downstream of Interstate 70	*895
			Just downstream of 21st Street	*900
			At the upstream corporate limits	*914
		Butcher Creek	Mouth at Shunganunga Creek	*896
			Just downstream of East 25th Street	*908
			Just upstream of East 25th Street	*912
			Just downstream of East 29th Street	*923
			About 1600 feet upstream of East 29th Street	*934
			Just downstream of East 37th Street	*952
			Just downstream of Interstate 470	*970
		South Branch Shunganunga Creek	At confluence with Shunganunga Creek	*919
			About 450 feet upstream of West 37th Street	*927
		Indian Creek	About 725 feet upstream confluence with Soldier Creek.	*879
			At upstream corporate limits	*952
		West Fork Butcher Creek	Mouth at Butcher Creek	*944
			Just downstream of Interstate 470	*968
Maps available for inspection at the City-County Planning Commission, 820 Southeast Quincy, Suite 512, Topeka, Kansas.				
Missouri	(C) Columbia Boone County (Docket No. FEMA-8006)	Bear Creek	Downstream corporate limit	*696
			Just upstream of Creasy Springs Road	*819
			About 100 feet downstream of Garth Avenue	*839
			Just upstream of Garth Avenue	*845
			Just upstream of U.S. Highway 63	*861
			Upstream corporate limit	*707
		Unnamed Tributary No. 1	About 200 feet downstream of Oakland Gravel Road	*703
			Just upstream of Brown Station Road	*762
		Unnamed Tributary No. 2	About 1,700 feet upstream of Starke Avenue	*742
			Upstream corporate limits	*779
		Harmony Branch	Downstream corporate limits	*806
			About 650 feet upstream of private drive located 2,400 feet upstream of Interstate 70 Drive southwest.	*838
		County House Branch	At confluence with Hinkson Creek	*590
			About 1,400 feet upstream of West Boulevard South	*806
			Just downstream of Stadium Boulevard	*821
		Mill Creek	Downstream corporate limit	*820
			Just upstream of Sholey Street	*837
			Just downstream of Bothel Street	*897
		Hinkson Creek	Downstream corporate limits	*586
			Just upstream of Old Providence Road	*807

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Rock Quarry Road	*818
			Just downstream of Rock Wall Ruins	*835
			Just upstream of Rock Wall Ruins	*888
			About 100 feet upstream of Clark Lane	*880
			Just upstream of Mexico Gravel Road	*886
			Just upstream of Hinkson Creek Road	*723
			About 6,700 feet upstream of Hinkson Creek Road	*741
		Hominy Branch	Confluence with Hinkson Creek	*689
			Just upstream of spillway	*654
			About 150 feet upstream of East Broadway	*672
			Just upstream of Interstate 70	*730
			At upstream corporate limit	*747
		Grindstone Creek	Confluence with Hinkson Creek	*820
			Just downstream of U.S. Highway 63 (Business Route)	*834
			About 650 feet upstream of U.S. Highway 63	*862
		Flat Branch	At confluence with Hinkson Creek	*588
			Just upstream of Stadium Boulevard	*636
			About 1,900 feet downstream of Stewart Road	*680
			Just downstream of West Broadway	*769
Maps available for inspection at the City Hall, Planning & Public Works, P.O. Box N, Columbia, Missouri.				
Pennsylvania	Millbourne, Borough Delaware County (Docket No. FEMA-6012).	Cobbs Creek	Downstream Corporate Limits	*70
			Upstream side of Dam	*80
			Upstream Corporate Limits	*85
Maps available for inspection at the Office of the Borough Solicitor, Mr. George Koudelis, 7104 Chestnut Street, Upper Darby, Pennsylvania.				
Pennsylvania	Reading (City) Berks County FEMA-5947	Schuylkill River	Confluence with Angelica Creek	*189
			Centerline of Buttonwood Street	*212
			200 feet upstream from centerline of Schuylkill Street	*215
			100 feet downstream from centerline of Warren Street Bypass.	*224
		Angelica Creek	250 feet downstream from centerline of Morgantown Road.	*209
			100 feet upstream from centerline of Morgantown Road.	*222
		Wyomissing Creek	Centerline of Museum Road	*211
			Centerline of West Shore Bypass	*209
		Tulpehocken Creek	500 feet downstream from centerline of Conrail	*214
			Centerline of Warren Street	*215
Maps available for inspection at City Hall, Eighth & Washington Streets, Reading, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21212 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts

flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Unincorporated Areas of Orange County (FEMA–5845)	St. Johns River	Just upstream of State Road 50	*13
			Just downstream of State Road 520	*18
		Econlockhatchee River	Just downstream of Cheney Highway	*44
			Just upstream of State Road 528	*60
		Little Econlockhatchee River	Just downstream of Buck Road	*54
		Wekiva River	Just upstream of Miami Springs Drive	*16
		Boggy Creek-East Branch Boggy Creek.	Just upstream of State Road 527A	*74
			Just upstream of State Road 526	*89
		West Branch Boggy Creek	Just upstream of Seaboard Cost Line Railroad Spur B	*90
			Just upstream of State Road 528	*98
		Shingle Creek	Just upstream of State Road 528	*84
			Just upstream of Florida's Turnpike	*89
			Just upstream of McLeod Road	*98
		Little Wekiva River	Just upstream of Egret Way	*68
			Approximately 100 feet upstream of 2,150' long arch pipe.	*71
			Just upstream of Road 424	*87
		Howell Creek	Downstream of Temple Drive	*64
			Just downstream of Horatio Drive	*66
		Cypress Creek	At confluence with Little Fish Lake	*102
		Lake Apopka	Entire Shoreline	*68
		Lake Barton	Entire Shoreline	*96
		Little Lake Barton	Entire Shoreline	*96
		Bay Lake	Entire Shoreline	*93
		Lake Beauclair	Entire Shoreline	*96
		Lake Bell	Entire Shoreline	*92
		Lake Bennet	Entire Shoreline	*118
		Lake Beese	Intersection of Lee St. & Conror Road	*103
		Black Lake	Entire Shoreline	*101
		Lake Blance	Entire Shoreline	*102
		Lake Bosse	Entire Shoreline	*65
		Lake Bryan	Entire Shoreline	*100
		Lake Burkett	Entire Shoreline	*68
		Lake Butler	Entire Shoreline	*102
		Lake Cane	Entire Shoreline	*100
		Lake Carlton	Entire Shoreline	*96
		Lake Catherine	Entire Shoreline	*94
		Lake Charity	Entire Shoreline	*73
		Lake Chase	Entire Shoreline	*102
		Clear Lake	Entire Shoreline	*97
		Little Lake Conway	Entire Shoreline	*89
		Lake Conway	Entire Shoreline	*89
		Lake Cora Lee	Entire Shoreline	*76
		Crooked Lake	Entire Shoreline	*80
		Cypress Lake	Entire Shoreline	*102
		Lake Destiny	Entire Shoreline	*91
		Upper Doe Lake	Entire Shoreline	*70
		Lake Dora	Entire Shoreline	*88
		Lake Down	Entire Shoreline	*102
		Lake Fairview	Entire Shoreline	*91
		Lake Faith	Entire Shoreline	*73
		Fischer Lake	Entire Shoreline	*94
		Little Fish Lake	Entire Shoreline	*102
		Lake Fuller	Entire Shoreline	*70
		Lake Gandy	Entire Shoreline	*78
		Lake Gatlin	Entire Shoreline	*86
		Lake Georgie	Entire Shoreline	*82
		Lake Hart	Entire Shoreline	*96
		Lake Herrick	Entire Shoreline	*82
		Lake Hiawassee	Entire Shoreline	*83
		Lake Holden	Entire Shoreline	*93
		Lake Hope	Entire Shoreline	*74
		Lake Irma	Entire Shoreline	*87
		Lake Jennie Jewel	Entire Shoreline	*92
		Lake Jessamine	Entire Shoreline	*94
		Johns Lake	Entire Shoreline	*101
		Lake Killarney	Entire Shoreline	*86
		Lawne Lake	Entire Shoreline	*90
		Lake Lenore	Entire Shoreline	*76
		Lake Lockhart	Entire Shoreline	*76
		Long Lake	Entire Shoreline	*76
		Lake Louies	Entire Shoreline	*130
		Lake Louise	Entire Shoreline	*102
		Lake Mabel	Entire Shoreline	*97
		Lake Maitland	Entire Shoreline	*70
		Lake Mann	Entire Shoreline	*95
		Lake Marion	Entire Shoreline	*96
		Marshall Lake	Entire Shoreline	*70
		Lake Mary	Entire Shoreline	*95
		Lake Mary Jane	Entire Shoreline	*96
		Lake McCoy	Entire Shoreline	*95
		Lake Meadow	Entire Shoreline	*90
		Lake Minnehaha	Entire Shoreline	*70
		Lake Mira	Entire Shoreline	*91
		Lake Ola	Entire Shoreline	*74
		Lake Olympia	Entire Shoreline	*101
		Lake Orlando	West and southeast from U.S. Highway 441 Bridge over Little Wekiva River.	*96
		Lake Palmer	Entire Shoreline	*102
		Lake Phillips	Entire Shoreline	*96
		Pike Lake	Entire Shoreline	*97
		Lake Pinelock	Entire Shoreline	*96
		Lake Pleasant	Entire Shoreline	*93
		Pocket Lake	Entire Shoreline	*102
		Prairie Lake	Entire Shoreline	*90
		Lake Rose	Entire Shoreline	*99
		Lake Rowena	Entire Shoreline	*75
		Lake Ruby	Entire Shoreline	*118
		Big Sand Lake	Entire Shoreline	*101
		Little Sand Lake	Entire Shoreline	*102
		Lake Shadow	Entire Shoreline	*95
		Lake Sheen	Entire Shoreline	*102
		Lake Sherwood	Entire Shoreline	*96
		Lake Sidney	Entire Shoreline	*96
		Lake Sims	Entire Shoreline	*96
		South Lake	Entire Shoreline	*97
		Lake Spier	Entire Shoreline	*95
		Spring Lake (near Ocoee)	Entire Shoreline	*121
		Spring Lake (near Little Sand Lake).	Entire Shoreline	*102
		Starke Lake	Entire Shoreline	*101
		Lake Steer	Entire Shoreline	*96
		Lake Sue	Entire Shoreline	*75
		Lake Susannah	Entire Shoreline	*96
		Lake Telfer	Entire Shoreline	*91
		Lake Tibet	Entire Shoreline	*102
		Trout Lake	Entire Shoreline	*76
		Turkey Lake	Entire Shoreline	*96
		Lake Warren	Entire Shoreline	*99
		Lake Waunatta	Entire Shoreline	*94
		Lake Willis	Entire Shoreline	*109

Maps available for inspection at Orange County Public Works Office, 2450 33rd Street, Orlando, Florida 32808.

Pennsylvania	Lehigh, Township Northampton County (Docket No. FEMA–5841).	Lehigh River	Downstream Corporate Limits	*323
			Downstream of State Route 145 Bridge	*330
			Downstream side of Treichler's Dam	*335
			Upstream side of Treichler's Dam	*345
			Downstream Corporate Limits of the Borough of Walnutport.	*357
			Upstream Corporate Limits of the Borough of Walnutport.	*366
			Downstream of State Route 873 Bridge	*365
			Upstream Corporate Limits	*367

Maps available for inspection at the Lehigh Township Building, 1069 Municipal Road, Walnutport, Pennsylvania.

Virginia	Prince William County (Docket No. FEMA–5841)	Broad Run	Confluence with Occoquan River	*169
			Upstream of Brentsville Road	*170
			Upstream of Lucasville Road	*173
			Upstream of Southern Railway	*181
		Bull Run	Southern Railway	*160
			Centerville Road	*167
			Confluence w/Bull Run Tributary D	*170
			Downstream of Vandor Lane	*176
			Downstream State Route 29/211	*180
			Confluence with Little Bull Run	*196
			Upstream State Route 659 (Gum Spring Road)	*210
			Downstream State Route 705 (Sanders Lane)	*253
			Upstream State Route 705 (Sanders Lane)	*257
		Bull Run Tributary A	Confluence with Bull Run	*164
			Downstream Oak Street	*175
			Upstream Oak Street	*179
			Downstream Brown's Lane (Extended)	*212
		Bull Run Tributary B	Confluence with Bull Run	*166
			Downstream Centerville Road	*176
			Upstream Centerville Road	*183
			Downstream Well Street	*184
			Upstream Well Street	*188
			Downstream Howard Street	*198
			Upstream Howard Street	*201
			Downstream Spruce Street	*215
			Upstream Spruce Street	*221
			Downstream Maplewood Drive	*250
		Bull Run Tributary C	Confluence with Bull Run	*169
			Upstream Parkland Street	*173
			Downstream Yorkshire Lane	*186

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Yorkshire Lane	*201
			Approximately 250' downstream of West Rugby Road	*208
		Bull Run Tributary D	Confluence with Bull Run	*170
			Downstream Todd Place (Extended)	*174
			Downstream Sudley Road	*211
		Cannon Branch	Confluence with Broad Run	*176
			Downstream Southern Railway	*183
			Upstream Southern Railway	*187
			Downstream Nokesville Road	*188
			Upstream Nokesville Road	*193
		Catharpin Creek	Confluence with Little Bull Run	*262
			Upstream State Route 676	*279
			Downstream State Route 685 (Lightner Road)	*306
		Cedar Run	State Route 619 (Bristow Road)	*169
			Upstream Izaak Walton Drive (Extended)	*174
		Cow Branch	Confluence with Neabsco Creek	*8
			Upstream State Route 638 (Blackburn Road)	*26
			Downstream Jefferson Davis Highway	*31
			Upstream Jefferson Davis Highway	*39
			Upstream Optiz Boulevard	*60
			Upstream Montgomery Avenue	*76
			Longview Drive	*111
			Downstream Interstate 95	*127
			Upstream Old Telegraph Road	*138
		Farm Creek	Confluence with Potomac River	*8
			Upstream Richmond, Fredericksburg and Potomac Railroad.	*10
			Approximately 200' downstream of Featherstone Road	*17
		Flat Branch	Confluence with Bull Run	*170
			Lomond Drive	*175
			Confluence with Flat Branch Tributary C	*180
			Downstream State Route 234 (Sudley Road)	*194
			Upstream State Route 234 (Sudley Road)	*196
			Downstream Ridew Lane	*209
			Upstream Ridew Lane	*214
		Flat Branch Tributary A	Lomond Drive	*173
			County Boundary	*189
		Flat Branch Tributary B	Confluence with Flat Branch	*170
		Flat Branch Tributary C	Confluence with Flat Branch	*180
			Upstream State Route 234 (Sudley Road)	*193
			Downstream of Dam	*196
			Upstream of Dam	*199
		Tributary 1 to Flat Branch Tributary C.	Confluence with Flat Branch Tributary C	*186
			Corporate Limits	*201
		Hooes Run	Confluence with Occoquan River	*130
			Upstream State Route 641 (Old Bridge Road)	*130
			Downstream Lake Ormieol Dam	*158
			Upstream Lake Ormieol Dam	*174
		Kettle Run	Upstream State Route 619 (Bristow Road)	*175
		Little Bull Run	Confluence with Bull Run	*196
			Upstream Robin Drive	*205
			Upstream State Route 705 (Pageland Lane)	*250
			Upstream State Route 704 (Artemus Road)	*255
			Approximately 400' upstream from confluence w/Catharpin Creek.	*263
			Upstream Catharpin Road	*281
			Downstream State Route 625 (Old Carolina Road)	*300
			Downstream U.S. Route 15 (James Madison Highway)	*304
		Little Creek	Confluence with Quantico Creek	*8
			Upstream Little Road	*13
			Upstream Geiger Road	*18
			Upstream Liversedge Road (Extended)	*31
			Upstream Windsor Road	*40
			Upstream Mockingbird Heights Road (Extended)	*57
			Downstream Perry Street (Extended)	*62
			Downstream Purvis Road (Extended)	*69
			Downstream Lionsfield Road (Extended)	*76
			Upstream Mason Drive (Extended)	*81
			Courtney Drive (Extended)	*86
			Upstream Fuller Heights Road	*101
			Upstream Creek Road	*116
			Upstream Inn Road	*134
		Marumsco Creek	Confluence with Potomac River	*8
			Downstream Richmond, Fredericksburg and Potomac Railroad.	*13
			Upstream Richmond, Fredericksburg and Potomac Railroad.	*22
			Easy Street	*25
			Upstream Congress Street (Extended)	*36
			Upstream D Street (Extended)	*43
			Downstream E Street (Extended)	*47
			Upstream Horner Road	*55
			Downstream Margaret Street (Extended)	*69
			Upstream Hylton Avenue	*81
			Upstream Willow Lane (Extended)	*107
		Marumsco Creek Tributary A	Confluence with Marumsco Creek	*25
			Downstream Lynn Drive Culvert	*54
			Upstream Lynn Drive Culvert	*61
			Downstream Longview Drive	*71
			Downstream Church Hill Drive	*76
			Upstream Bolts Avenue (Extended)	*87
		Marumsco Creek Tributary B	Downstream Richmond, Fredericksburg and Potomac Railroad.	*9
			Upstream Richmond, Fredericksburg and Potomac Railroad.	*15
			Downstream Longview Drive	*21
			Upstream Longview Drive	*26
			Downstream Colchester Road	*39
			Upstream Colchester Road	*46
		Tributary 1 to Marumsco Creek Tributary B.	Confluence with Marumsco Creek Tributary B	*15
			Alden Drive (Extended)	*19
			Upstream Robinson Court (Extended)	*41
			Upstream Longview Drive	*58
			Downstream Jefferson Davis Highway (Route 1)	*74
		Neabsco Creek	Richmond, Fredericksburg and Potomac Railroad	*8
			Downstream U.S. Route 1	*17
			Upstream U.S. Route 1	*19
			Downstream Interstate 95	*29
			Upstream Interstate 95	*35
			Approximately 7,800 feet upstream of Interstate 95	*39
			Upstream Celestco Lane (Extended)	*102
			Upstream Daisy Lane (Extended)	*144
			Downstream Derbydale Avenue	*154
			Upstream Derbydale Avenue	*165
			Downstream Minnieville Road	*177
			Upstream Minnieville Road	*188
			Downstream Delaney Road	*195
		Neabsco Creek (Tributary A)	Confluence with Neabsco Creek	*167
			Downstream Korvette Drive (Extended)	*214
			Downstream Kilbane Road (Extended)	*228
			Upstream State Route 784 (Dale Boulevard)	*228
			Upstream Kingswell Drive (Extended)	*264
			Approximately 9,500 feet upstream of State Route 784 (Dale Boulevard).	*334
		Occoquan River	Devils Reach Road Extended	*11
			Upstream of Town of Occoquan Corporate Limits	*12
			Downstream Lower Occoquan Dam	*44
			Upstream Lower Occoquan Dam	*60
			Downstream Upper Occoquan Dam	*76
			Upstream Upper Occoquan Dam	*129
			Upstream Ryan's Dam	*132
			Upstream State Route 663 (Davis Ford Road)	*136
			Downstream Lake Jackson Dam	*148
			Upstream Lake Jackson Dam	*161
			Confluence of Cedar Run and Broad Run	*169
		Powells Creek	Upstream U.S. Route 1	*27
			Downstream Interstate 95	*55
			Upstream Interstate 95	*63
			Downstream Northgate Drive	*101
			Upstream Northgate Drive	*112
			Downstream Waterway Drive	*132
			Upstream Waterway Drive	*146

Maps available for inspection at the Department of Public Works, 9258 Lee Avenue, Manassas, Virginia.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21288 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a

local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Attalla, Etowah County (FEMA–6006)	Big Wills Creek	Just upstream of Southeastern corporate limits	*529
			Just upstream of U.S. Highway 11 (3rd St. S.W.)	*543
		Little Wills Creek	Just upstream of Cleveland & Forrest Ave. S.E.	*532
			Just upstream of Southern Railway	*536
	Maps available for inspection at City Hall, 512 North Fourth Street, Attalla, Alabama 35954.			
Alabama	City of Bay Minette, Baldwin County (FEMA–6006)	Hollinger Creek	Just upstream of Old Pensacola Road	*236
			Just upstream of Louisville and Nashville Railroad	*243
	Maps available for inspection at City Hall, Bay Minette, Alabama 36507.			
Alabama	City of Glencoe, Etowah County (FEMA–6005)	Little Drive Creek	Just upstream of Rabbit Town Road	*526
			Just downstream of College Street	*535
			Just upstream of Keyaburg Road (First crossing located near Debbie Drive).	*554
			Approximately 200 feet at downstream of Louisville and Nashville Railroad (2nd crossing located at upstream of Keyaburg Road).	*569
		Macon Drive Creek	Just downstream of Fourth Ave. (extended)	*541
		Coosa River	At River Cliff Road extended	*517
	Maps available for inspection at City Hall, 118 Lonesome Ben Road, Glencoe, Alabama 35990.			
Alabama	Town of Loxley, Baldwin County (FEMA–6006)	Corn Branch	Just upstream of County Highway 49 (Magnolia Street)	*163
			At confluence of Corn Branch Tributary	*169
			At Union Avenue	*170
		Corn Branch Tributary	Just downstream of U.S. Highway 90	*169
	Maps available for inspection at City Hall, Feltham Drive, Loxley, Alabama 36551.			
Alabama	City of Robertsdale, Baldwin County (FEMA–6006)	Rock Creek	Just upstream of County Road 71 (College Avenue)	*112
			Just upstream of U.S. Highway 90	*127
		Tributary B	Just upstream of County Road 52 (Alabama Street)	*113
			Just upstream of State Highway 104	*117
		Tributary C	Just upstream of County Road 71 (College Avenue)	*121
		Tributary D	Mobile Street (extended)	*117
	Maps available for inspection at City Hall, Pecans Street, Robertsdale, Alabama 36567.			
Arkansas	City of Benton, Saline County (FEMA 6015)	Salt Creek	Just downstream of Misty Drive	*318
			Just upstream of State Highway 5	*330
		McNatt Creek	Just downstream of Interstate Highway 30 (U.S. Highway 70).	*323
			Just upstream of State Highway 5	*363
		Willow Depot Creek	Approximately 110' upstream of Nealey Street	*313
			Just upstream of Gray Drive	*364
		Upper Depot Creek	Just upstream of Gattin Road	*340
		Saline River	Just upstream of Interstate Highway 30 (U.S. Highway 70).	*286
			Just upstream of Old State Highway 67	*299
	Maps available for inspection at City Hall, 222 West South Street, Benton, Arkansas 72015.			
Colorado	Fruita (Town), Mesa County FEMA–6000	Little Salt Wash	Intersection of Washington Place and U.S. Highways 6 and 50.	*4494
			Intersection of Ottley Avenue with the channel	*4496
			Intersection of Mesa Street with the channel	*4501
			Intersection of Maple Street with the channel	*4509
	Maps available for inspection at Town Hall, Fruita, Colorado.			
Colorado	La Plata County (Unincorporated Areas), FI–4069	Animas River	Along Denver and Rio Grande Western Railroad (River side of Railroad) approximately 0.2 mile north along U.S. Route 550 from Hospital in Durango.	*6553
			Durango Corporate Limits at Station 66.28 upstream side.	*6547
			Durango Corporate Limits at Station 62.4 downstream side.	*6485
			La Posta Road (New Bridge) upstream side	*6454
			100 feet downstream of La Posta Road (Old Bridge)	*6450
		Junction Creek	Private Drive No. 3 Bridge downstream side	*6776
			Private Drive No. 2 Bridge upstream side	*6767
			Private Drive No. 1 Bridge upstream side	*6754
		Dry Gulch Creek	On Creek side of Dirt Road 0.8 mile north along Dirt Road from Y intersection in Durango (Dirt Road is parallel to Dry Gulch Creek).	*6690
			Corporate Limits at Station 3750 upstream side	*6690
		Lightner Creek	Bridge No. 11 downstream side	*7160
			Bridge No. 10 upstream side	*6808

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Bridge No. 9 upstream side	*6656
			Bridge No. 6 downstream side	*6711
			Bridge No. 4 upstream side	*6585
			Bridge No. 3 upstream side	*6548
		Vallecito Creek	Upper County Road Bridge upstream side	*7835
			Upper County Road Bridge downstream side	*7833
			Lower County Road Bridge upstream side	*7660
			Lower County Road Bridge downstream side	*7660
			50 feet downstream of Lower County Road Bridge	*7660
		Los Pinos River at Bayfield	U.S. Highway 160 Bridge upstream side	*6696
			Downstream of Bayfield Corporate Limits approximately 1300 feet downstream of U.S. Highway 160 (Alternate) Bridge.	*6654
		Grimes Creek	400 feet downstream of Upper County Road	*7775
			Lower County Road Bridge upstream side	*7669
			Lower County Road Bridge downstream side	*7691
	Maps available for inspection at La Plata County Courthouse, 1060 Second Avenue, Durango, Colorado.			
Connecticut	Ashford, Town, Windham County (Docket No. FEMA–6005)	Mount Hope River	Downstream Corporate Limits	*340
			Approximately 3,050' upstream of the downstream crossing of State Route 89.	*359
			Approximately 4,950' upstream of the downstream crossing of State Route 89.	*360
			Approximately 80' downstream of State Route 44	*383
			Approximately 100' upstream of upstream crossing of State Route 89.	*391
			Approximately 2,150' downstream of Mosley Road	*409
			Mosley Road	*430
	Maps available for inspection at the Office of the Town Clerk, Town Hall, Ashford, Connecticut.			
Connecticut	Franklin, Town, New London County (Docket No. FEMA–6012).	Susquetonscut River	Upstream of State Route 97	*126
			Upstream of Murphy Road	*140
			Approximately 1,680' upstream of Murphy Road	*146
			Approximately 3,175' downstream of Meet House Hill Road.	*161
			Approximately 1,050' downstream of Meeting House Hill Road.	*181
			Downstream of Meeting House Hill Road	*206
		Yantic River	Approximately 430' downstream of Franklin Road	*117
			Approximately 140' upstream of Franklin Road	*117
	Maps available for inspection at the Office of the Planning Board, Town Hall, Meetinghouse Road, Franklin, Connecticut.			
Illinois	(V) Albany, Whiteside County (Docket No. FEMA–6000)	Mississippi River	At downstream corporate limits	*587
			At upstream corporate limits	*590
	Maps available for inspection at the Village Hall, Linn Street, Albany, Illinois.			
Illinois	(V) Cordova, Rock Island County (Docket No. FEMA–6000)	Mississippi River	At downstream corporate limits	*583
			At upstream corporate limits	*584
	Maps available for inspection at the Village Hall, P.O. Box 6, Cordova, Illinois			
Illinois	(V) Pecatonica, Winnebago County (Docket No. FEMA–6005).	Pecatonica River	Approximately 2700 feet downstream of Pecatonica Road.	*743
			Approximately 3500 feet upstream of Pecatonica Road	*744
		Unnamed Tributary to Pecatonica River.	Just downstream of Jackson Street	*746
			At upstream corporate limits	*771
	Maps available for inspection at the Village Hall, 111 W. Third Street, Pecatonica, Illinois			
Illinois	(V) Riverton Sangamon County (Docket No. FEMA–6005)	Sangamon River	About 5,500 feet downstream of the Norfolk and Western Railroad.	*525
			About 800 feet upstream of U.S. Route 36	*537
	Maps available for inspection at the Village Hall, 313 East Jefferson, Riverton, Illinois			
Illinois	(Uninc.) St. Clair County (Docket No. FEMA–6005)	Richland Creek	At the downstream county boundary	*417
			Just upstream of U.S. Route 460	*468
			About 400 feet upstream of State Route 161	*506
			Just upstream of St. Clair Township Line Road	*530
		West Fork Richland Creek	At the confluence with Richland Creek	*424
			Just upstream of Knab Road	*452
			About 100 feet upstream of State Route 841	*512
		Douglas Creek	At the confluence with Richland Creek	*433
			About 1800 feet upstream of County Road 47	*468
		Wolf Branch	At the confluence with Richland Creek	*359
			Just downstream of State Route 161	*369
		Kaskaskia River	At the southernmost downstream county boundary	*385
			About 2.2 miles upstream of U.S. Route 460	*459
			At the upstream county boundary	*462
		Silver Creek	At the mouth	*366
			About 9000 feet downstream of U.S. Route 460	*451
			About 9000 feet downstream of County Road 65	*521
			Just upstream of State Route 161	*435
			About 2000 feet upstream of U.S. Route 50	*441
			At the northern county boundary	*454
		Hog River	At the mouth	*432

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Loop Creek	About 4100 feet upstream of Grodeon Road	*422
			At the mouth	*422
			Just upstream of State Route 177 (downstream crossing).	*429
			Just downstream of County Road 66	*488
			Just downstream of State Route 161	*496
			About 3600 feet upstream of State Route 161	*503
		Ash Creek	At the mouth	*426
			Just upstream of State Route 161	*431
			About 4000 feet upstream of State Route 161	*442
		Little Silver Creek	At the mouth	*432
			About 500 feet upstream of State Route 4	*435
			Just upstream of Midgley Neiss Road	*451
			At the county boundary	*466
		Ogles Creek	At the mouth	*451
			Just upstream of County Road 61	*461
			Just upstream of County Road 45	*491
			About 14,100 feet upstream of Milburn School Road	*545
		Schoenberger Creek	Just upstream of 65th Street	*437
			About 1500 feet upstream of State Route 161	*462
		Mississippi River	At the downstream county boundry	*421
			About 6.8 miles upstream of the confluence of Prairie Du Pont Diversion Channel.	*426
		Prairie Du Pont Diversion Channel	At the mouth	*423
			At the confluence of Canal No. 1	*423
		Canteen Creek	About 3.1 miles downstream of Lakeside Drive	*421
			Just upstream of Lakeside Drive	*453
			At the upstream county boundary	*486
		Shallow Flooding	Area just east of the Village of East Carondelet and west of the Village of Dupo.	*403
			Area just east of the Village of Dupo	*404
			Area just northeast of the Village of East Carondelet	*406
			Area just east of the Missouri Pacific Railroad and north of Prairie Du Pont Diversion Channel.	*406
			Area just south of the Village of Cahokia	*406
			Area just southeast of southeast Village of Sauget Corporate limit.	*408
			Area just north of Pocket Road	*410
			Area just east of the Village of Washington Park and north of Bunkum Road.	*411
			Area just south of the City of East St. Louis and northest of the Village of Sauget.	*411
			Area just east of the Village of Washington Park and south of Forest Boulevard.	*415
			Area just east of the Village of Fairmont City, bounded by northern county boundary, County Road 33, Conrail, and the Acun and Southern Railway.	*416
			Area along Canal No. 1	*416
			Area just east of Harding Ditch and north of Interstate 64.	*419
			Area just east of the Village of Fairmont City	*421
			Area just east of County Road 33 and north of the Village of Caseyville.	*421
			Area just east of Harding Ditch and south of Interstate 64.	*483
		Engle Creek	About 1370 feet downstream of the Illinois Terminal Railroad.	*510
			About 400 feet downstream of the Illinois Terminal Railroad.	*514

Maps available for inspection at the Intergovernment Grants Department, Community Development Division, St. Clair County Courthouse, 10 Public Square, Belleville, Illinois.

Illinois	(V) Swansea, St. Clair County (Docket No. FEMA-8000)	Richland Creek	About 900 feet downstream of Louisville and Nashville Railroad.	*500
			Just downstream of State Route 161	*500
			About 300 feet upstream of State Route 161	*506
			About 2,800 feet upstream of State Route 161	*507
		Wolf Branch	Just downstream of State Route 161	*500
			Just upstream of State Route 161	*507
			Just downstream of Smelting Works Road	*510
			Just upstream of Smelting Works Road	*516

Maps available for inspection at the Swansea Village Hall, 1999 North Illinois, Belleville, Illinois.

Illinois	(V) Wauconda, Lake County (Docket No. FEMA-8000)	Senga Lake Drain	About 900 feet downstream of U.S. Route 12	*768
			Just upstream of Main Street	*778
			At confluence of Garland Road Tributary	*778
		Kimball Avenue Tributary	Within corporate limits	*776
		Willow Road Creek	About 1,400 feet above mouth	*768
			About 3,700 feet above mouth	*774
		Garland Road Tributary	About 900 feet upstream of Nall Avenue	*776

Maps available for inspection at the Village Hall, 101 North Main Street, Wauconda, Illinois.

Illinois	(V) Wayne, Du Page County (Docket No. FEMA-8005)	Norton Creek	About 1,900 feet downstream of White Thorn Road	*723
			About 900 feet upstream of White Thorn Road	*727
			Just upstream of Dunham Road	*741
			About 5,700 feet upstream of farm road	*746
		Norton Creek Tributary	At the mouth	*741

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 2,000 feet upstream of the Chicago and North Western Railroad.	*746

Maps available for inspection at the Village Hall, Wayne, Illinois.

Illinois	(V) West Dundee, Kane County (Docket No. FEMA-5920)	Fox River	At downstream corporate limit	*717
			At upstream corporate limit	*729
		Sleepy Creek	Confluence with Fox River	*717
			About 100 feet downstream Illinois Route 31	*727
			About 100 feet upstream of Market Loop	*732
			About 1,100 feet upstream of Market Loop	*733

Maps available for inspection at the Village Clerk's Office, Village Hall, 102 South Second Street, Dundee, Illinois.

Indiana	(C) Terre Haute, Vigo County (Docket No. FEMA-8000)	Wabash River	About 2.3. miles downstream of Interstate 70	*468
			About 0.5 mile upstream Interstate 70	*470
			Upstream corporate limit	*476
		Thompson Ditch	Just upstream Margaret Avenue	*500
			Just upstream Wallace Road	*506
			Just downstream Reservoir Dam	*515
		Lost Creek	Mouth at Wabash River	*479
			Upstream Louisville and Nashville Railroad	*491
			Just downstream Maple Avenue	*498
			Just upstream Fruitridge Avenue	*505
			Upstream corporate limit	*509
		East Branch Lost Creek	At mouth	*485
			Just upstream Conrail	*497
			Just upstream Chicago, Milwaukee, St. Paul and Pacific Railroad.	*497
		Lost Creek Tributary	Just upstream Beech Street	*508
			0.34 mile upstream of Beech Street	*508
		Little Lost Creek	At mouth	*509
			0.4 mile upstream from mouth	*513
			0.7 mile upstream from mouth	*515

Maps available for inspection at the Executive Director's Office, Courthouse Annex, 120 S. 7th Street, Terre Haute, Indiana.

Indiana	(T) Zionsville, Boone County (Docket No. FEMA-5978)	Eagle Creek	At the downstream corporate limits (near Interstate 465).	*830
			Approximately 100 feet downstream of Zionsville Road	*829
			Approximately 200 feet upstream of Zionsville Road	*833
			Just downstream of State Route 334	*835
			Approximately 200 feet upstream of Willow Avenue	*838

Maps available for inspection at the Office of the Clerk Treasurer, Town Hall, 110 South 4th Street, Zionsville, Indiana.

Louisiana	City of Hammond, Tangipahoa Parish (FEMA-5973)	Ponchatoula Creek	Just upstream of U.S. Highway 190 Westbound Lane	*39
			Just upstream of North Cherry Street	*43
		Yellow Water River Canal	Just upstream of Cherie Drive extended	*45
		Shallow Flooding Area	At intersection of Pecan Street and Western Avenue	*44

Maps available for inspection at City Hall, 303 East Thomas, Hammond, Louisiana 70404.

Massachusetts	Warren, Town, Worcester County (Docket No. FEMA-5966).	Quaboag River	Downstream Corporate Limits	*366
			Approximately 4,910' upstream of Corporate Limits	*419
			Approximately 3,880' downstream of most downstream Conrail bridge.	*436
			Approximately 970' downstream of most downstream Conrail bridge.	*469
			Most downstream Conrail bridge (Dolnstream side)	*476
			Most downstream Conrail bridge (Upstream side)	*484
			Gilbert Road (Upstream side)	*488
			South Street (Upstream side)	*522
			Upstream of Wright Fabric Company Dam	*538
			Downstream Breached Dam (Downstream side)	*544
			Downstream Breached Dam (Upstream side)	*550
			Valley Road	*583
			Bridge Street (Upstream side)	*583
			State Route 67 (Upstream side)	*592
			River Street (Upstream side)	*597
			Approximately 3,035' upstream of River Street	*601

Maps available for inspection at the Planning Board, Town Hall, Warren, Massachusetts.

Michigan	(C) Flat Rock, Wayne County (Docket No. FEMA-8005)	Huron River	About 0.2 miles downstream of the downstream corporate limits.	*587
			Just downstream of Telegraph Road	*592
			Upstream corporate limits	*596
		Silver Creek	Downstream corporate limits	*587
			Just upstream of Gibraltar Road	*591
			Just downstream of Detroit Toledo and Ironton Railroad.	*596
			Upstream corporate limits (about 2,300 feet upstream of Telegraph Road.	*602
		Cook and Gladding Drain	Just upstream of Gibraltar Road	*591
			Just downstream of Detroit Toledo and Ironton Railroad.	*592
			Just upstream of Detroit Toledo and Ironton Railroad	*596
			Just downstream of Inkster Road	*596

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Silver Creek Diversion to Smith Creek.	Divergence from Silver Creek	*800
			About 1,100 feet upstream of Smith Creek	*800
Maps available for inspection at the Clerk's Office, City Hall, 25500 Gibraltar Road, Flat Rock, Michigan.				
Michigan	(V) Franklin, Oakland County (Docket No. FEMA-6005)	Franklin Branch-River Rouge	Downstream corporate limits	*712
			Just downstream 14 mile road	*760
Maps available for inspection at the Clerk's Office, Village Hall, 32325 Franklin Road, Franklin, Michigan.				
Minnesota	(C) Eyota, Olmsted County (Docket No. FEMA-6005)	South Fork Whitewater River	Downstream corporate limits	*1,220
			About 1,110 feet downstream of Center Street	*1,230
			Upstream corporate limits	*1,235
Maps available for inspection at the City Hall, P.O. Box 328, Eyota, Minnesota.				
Minnesota	(C) Mazeppa, Wabash County (Docket No. FEMA-6005)	North Fork Zumbro River	About 1.1 mile downstream of 1st Street	*893
			Just downstream of Maple Street	*913
			Just upstream of Maple Street	*930
			About 0.54 mile upstream of dam	*932
Maps available for inspection at the City Hall, Mazeppa, Minnesota.				
Minnesota	(C) Pine City, Pine County (Docket No. FEMA-6000)	Cross Lake	Shoreline	*939
		Snake River	Mouth at Cross Lake	*939
			About 2,300 feet upstream of north-bound Interstate 35.	*943
Maps available for inspection at the City Hall, 3rd Avenue and 5th Street, Pine City, Minnesota.				
Missouri	(Uninc.) Cole County (Docket No. FEMA-6012)	Missouri River	At eastern county boundary	*547
			At confluence of Moreau River	*552
			At western corporate limit of City of Jefferson	*559
			At confluence of Montieau Creek	*566
			At upstream county boundary (with Montieau County)	*573
		Osage River	At eastern county boundary	*545
			At U.S. Highway 50-63	*545
		Moreau River	Approximately 920 feet downstream of Bald Hill Road	*558
			Approximately 1,280 feet upstream of Bald Hill Road	*559
			Approximately 2,660 feet downstream of County Route B.	*567
			Just upstream of County Route B	*568
		Wears Creek (Frog Hollow)	At western Jefferson City corporate limits	*583
			Approximately 2,080 feet upstream of Jefferson City corporate limits.	*586
			Approximately 1.8 mile upstream of Jefferson City corporate limits.	*637
		Frog Hollow Tributary	At confluence with Wears Creek	*614
			Approximately 2,580 feet upstream of confluence with Wears Creek (Frog Hollow.	*644
		Dickerson Creek	Approximately 1,300 feet downstream of U.S. Highway 50.	*646
			Just upstream of U.S. Highway 50	*650
			Approximately 150 feet upstream of Apache Trail	*685
			Approximately 0.9 mile upstream of Apache Trail	*728
		Dickerson Creek Tributary No. 1	At confluence with Dickerson Creek	*647
			Just upstream of U.S. Highway 50	*647
			Approximately 630 feet upstream of U.S. Highway 50	*652
		Dickerson Creek Tributary No. 2	At confluence with Dickerson Creek	*699
			Approximately 570 feet upstream of confluence with Dickerson Creek.	*704
			Approximately 3,250 feet upstream of confluence with Dickerson Creek.	*739
Maps available for inspection at the Public Works Department, Cole County Courthouse, Jefferson City, Missouri.				
New Jersey	Bethlehem, Township, Hunterdon County (Docket No. FEMA-6012).	Musconetcong River	Most downstream Corporate Limits	*257
			Corporate Limits 4,300' downstream of Person Road	*280
			Person Road	*287
			2,200' downstream of Valley Station Road	*297
			Approximately 700' upstream of Valley Station Road	*303
			2,500' downstream of Main Street	*315
			Just upstream of Dam	*327
			Most upstream Corporate Limits	*334
		Spruce Run	Downstream Corporate Limits	*313
			1,215' upstream of Corporate Limits at Private Drive	*325
			2,000' upstream of Corporate Limits	*335
			1,310' downstream of State Route 31	*345
			State Route 31 at upstream Corporate Limits	*365
Maps available for inspection at the Municipal Building, Office of the Township Clerk, Mine Road, Asbury, New Jersey.				
New Jersey	Bloomsbury, Borough, Hunterdon County (Docket No. FEMA-6005).	Musconetcong River	Downstream Corporate Limits 80' upstream of Conrail at downstream crossing in Township of Bethlehem.	*258
			Just upstream of Conrail at upstream crossing	*268
			Approximately 820' upstream of Church Street	*274
			Just upstream of State Route 22	*278
			Just upstream of Interstate 78	*279
			Upstream Corporate Limits	*280

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Bloomsbury Borough Clerk, East Street, Bloomsbury, New Jersey.				
New Jersey	Camden, City, Camden County (Docket No. FEMA-6005)	Cooper River	Confluence of Delaware River Back Channel	*10
			Upstream Tidal Dam	*12
			Upstream Corporate Limits	*13
		Delaware River Back Channel	Entire Shoreline	*10
		Newton Creek	Entire Shoreline	*10
		North Branch Newton Creek	Entire Shoreline	*10
Maps available for inspection at the Camden City Hall, Sixth and Market Streets, Camden, New Jersey.				
New Jersey	Cresskill, Borough, Bergen County (Docket No. FEMA-6005).	Tenakill Brook	Downstream Corporate Limits	*37
			Upstream Corporate Limits	*39
		Demarest Brook	Confluence with Tenakill Brook	*39
			Upstream Corporate Limits	*40
		Cresskill Brook	Confluence with Tenakill Brook	*39
			Downstream intersection of Park Avenue and Piermont Road.	*41
			Upstream Corporate Limits	*43
Maps available for inspection at the Office of the Borough Clerk, 97 Union Avenue, Cresskill, New Jersey.				
New Jersey	Hillsdale (Borough) Bergen County (FEMA-5825)	Hillsdale Brook	60 feet upstream from center of Everdell Avenue	*48
			Intersection of Hillsdale Brook and the upstream corporate limits.	*74
		Holdrum Brook	185 feet southeast of intersection of Baylor Avenue and Kent Road.	*86
		Musquapsink Brook	250 feet west of intersection of Hillsdale Court and Ell Road.	*108
			20 feet upstream from center of Hillsdale Avenue	*122
			Intersection of Musquapsink Brook and center of Werimus Lane.	*157
		Pascack Brook	70 feet southeast of intersection of Dueno Vista Avenue and Carlyle Place.	*43
			25 feet downstream from center of Patterson Street	*58
			Intersection of Pascack Brook and Church Road	*109
		Tandy Brook	80 feet upstream from center of Saddlewood Drive	*71
			Intersection of Tandy Brook and center of Pascack Road.	*86
		Township Brook	60 feet upstream from center of Maple Avenue	*89
Maps available at Borough Hall, 380 Hillsdale Avenue, Hillsdale, New Jersey.				
New Jersey	Mahwah, Township, Bergen County (Docket No. FEMA-6012).	Hohokus Brook	Confluence with Valentine Brook	*292
			Upstream of Access Road	*306
			Upstream Corporate Limits	*312
		Mahwah River	Confluence with Ramapo River	*272
			Confluence of Masonicus Brook	*275
			Upstream Corporate Limits	*277
		Masonicus Brook	Confluence with Mahwah River	*275
			Upstream of abandoned railroad siding	*283
			Upstream State Route 17 (2nd upstream crossing)	*292
			Upstream State Route 17 (3rd upstream crossing)	*298
			Upstream North Central Avenue	*306
			Approximately 230' upstream North Central Avenue	*318
			Approximately 70' upstream Constantine Drive	*324
		Ramapo River	Downstream Corporate Limits	*239
			Upstream Dam	*248
			Upstream Private Drive	*259
			Upstream State Route 17	*268
			Confluence of Mahwah River	*272
			Upstream Corporate Limits	*276
		Valentine Brook	Confluence of Hohokus Brook	*292
			Upstream Forest Road	*310
			Upstream Corporate Limits	*322
Maps available for inspection at the Town Hall, 211 Franklin Turnpike, Mahwah, New Jersey.				
New Jersey	Raritan, Borough, Somerset County (Docket No. FEMA-6012).	Raritan River	Upstream of downstream Corporate Limits	*51
			Downstream of upstream Corporate Limits	*54
Maps available for inspection at the Borough Clerk's Office, 22 First Street, Raritan, New Jersey.				
New Jersey	Spring Lake Heights, Borough, Monmouth County (Docket No. FEMA-6012).	Wreck Pond Brook	Downstream Corporate Limits	*10
			Upstream Corporate Limits	*14
Maps available for inspection at the Office of the Borough Clerk, 557 Brighton Avenue, Spring Lake Heights, New Jersey.				
New Jersey	Washington, Township, Burlington County (Docket No. FEMA-6012).	Great Bay	Mullica River entire shoreline within community	*8
Maps available for inspection at the residence of the Township Clerk, River Road, Lower Bank, New Jersey.				
New Jersey	(BOR) West Paterson, Passaic County (FEMA-6012)	Passaic River	Intersection of Passaic River and center of Hillery Street.	*126
			Intersection of Passaic River and center of Lackawanna Avenue.	*132
		Peckman River	Intersection of Peckman River and upstream corporate limit.	*134
		Dowling Brook	Intersection of Dowling Brook and center of Lackawanna Avenue.	*259
			200 feet north-northwest along Andrews Drive from intersection with Browertown Road.	#2

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pearl Brook	90 feet upstream from center of McBride Avenue	*130
			360 feet east-southeast along Woodrow Avenue from intersection with Garden Avenue.	#3
		Slippery Rock Brook	30 feet upstream from center of Glover Avenue	*162
			Intersection of Squirrelwood Road and center of Slippery Rock Brook.	*265
			40 feet upstream from center of Rifle Lamp Park Road	*382
		Great Notch Brook	105 feet upstream from center of Lower Notch Road	*255
	Maps available for inspection at McBride Avenue and Brophy Lane, West Paterson, New Jersey.			
New Jersey	Woodlynne, Borough, Camden County (Docket No. FEMA-6005).	North Branch Newton Creek	Downstream Corporate Limits	*10
			Upstream Conrail Bridge	*10
			Downstream Dwight Avenue	*10
	Maps available for inspection at the Woodlynne Borough Hall, 200 Cooper Avenue, Woodlynne, New Jersey.			
New York	Lancaster, Town, Erie County (Docket No. FEMA-6005)	Ellicott Creek	Upstream side of Transit Road	*700
			Upstream side of Genesee Street	*703
			Upstream side of Harris Hill Road	*708
			Downstream side of Stony Road	*721
		Scajaquada Creek	Downstream Corporate Limits	*686
			Upstream side of Central Avenue	*692
			Upstream of Seneca Place	*696
			2,400' upstream of Seneca Place	*700
		Plum Bottom Creek	Downstream Corporate Limits	*680
			Upstream side of Steinfeldt	*685
			Downstream of 1st cemetery access road	*690
			Upstream side of cemetery access road	*695
			Upstream side of Cemetery Road	*700
		North Branch Plum Bottom Creek	Confluence with Plum Bottom Creek	*683
			Downstream side of Erie Road	*685
			Upstream side of Conrail	*695
			670' upstream of Cemetery Road	*698
		North Branch Slate Bottom Creek	Confluence with South Branch Slate Bottom Creek	*668
			Upstream of Aurora Avenue	*678
			1,200' upstream of Aurora Avenue	*679
		South Branch Slate Bottom Creek	1st Corporate Limits	*668
			2nd Corporate Limits	*674
			3rd Corporate Limits	*682
			7,200' upstream of 3rd Corporate Limits	*692
	Maps available for inspection at Lancaster Town Clerk's Office, Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.			
New York	Monroe, Town, Orange County (Docket No. FEMA-6012)	Ramapo Creek	Downstream Corporate Limits	*620
			Downstream of Third Dam	*628
			Upstream Corporate Limits	*632
		Ramapo Creek (Downstream of Freeland Street).	Upstream of Village of Herriman, Village of Monroe Corporate Limits.	*565
		Tributary No. 25	Downstream Corporate Limits	*565
			Downstream of footbridge	*570
			80' upstream of Spring Street	*578
			390' upstream of Spring Street	*585
			1,170' upstream of Spring Street	*598
		Orchard Hill Brook	Downstream Corporate Limits	*552
			500' upstream of Corporate Limits	*562
			1,150' upstream of Corporate Limits	*580
			1,610' upstream of Corporate Limits	*598
			1,850' upstream of Corporate Limits	*605
			2,270' upstream of Corporate Limits	*630
			2,585' upstream of Corporate Limits	*642
			2,950' upstream of Corporate Limits	*654
			3,336' upstream of Corporate Limits	*662
	Maps available for inspection at the Office of the Town Engineer, Monroe Town Hall, 11-13 Stage Road, Monroe, New York.			
New York	Union Springs, Village, Cayuga County (Docket No. FEMA-6000).	Cayuga Lake	Entire shoreline within village	*366
		Tributary No. 2	Confluence with Cayuga Lake	*366
			Factory Street, 700' below State Route 90 (Upstream)	*390
			Just below outlet of culvert for State Route 90 (Downstream).	*408
			At inlet of culvert for State Route 90 (Upstream)	*418
	Maps available for inspection at the Village Hall, Factory Street, Union Springs, New York.			
North Carolina	Unincorporated Areas of Alamance County (FEMA-6005)	Haw River	100 feet downstream of State Highway 1005 (Greensboro-Chapel Hill Road).	*424
			Just upstream of State Highway 2159	*464
			Just upstream of State Highway 1561	*601
		Haw Creek	Just downstream of State Highway 2153	*467
			Just downstream of State Highway 2131	*535
			Just downstream of State Highway 1007	*577
		Tributary A to Haw Creek	Just upstream of State Highway 3121	*552
		Big Alamance Creek	Just downstream of State Highway 87	*486
			100 feet upstream of State Highway 49	*501
			400 feet upstream of Dam above State Highway 62	*512
		Little Alamance Creek	Just downstream of State Highway 49	*530
		Stinking Quarter Creek	At State Highway 1938 (Bellemont-Mt. Hermon Road)	*467

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Creek	Approximately 400 feet downstream of State Highway 1130.	*587
		Gunn Creek	Just downstream of Burlington Extraterritorial Limits	*518
		West Back Creek	100 feet downstream of State Highway 1149	*530
			Just downstream of Interstate Highway 85	*567
		West Back Creek Tributary	Just upstream of Quarry Haul Road	*555
		East Back Creek	100 feet upstream of State Highway 1928	*498
			Just downstream of U.S. Highway 70	*516
			Just downstream of State Highway 1921	*528
		McAdams Creek	100 feet downstream of State Highway 1940	*508
		Mill Creek	Just upstream of State Highway 1930	*545
		Boyds Creek	Approximately 100 feet downstream of Dam	*548
		Stony Creek	Just upstream of State Highway 1901	*554
		Dry Creek	Just upstream of State Highway 1529 (Cesipee Road)	*576
		Travis Creek	Just upstream of State Highway 87	*586
			50 feet downstream of State Highway 1500	*612
		Tickle Creek	50 feet downstream of State Highway 1504	*602
		Tributary A to Travis Creek	Just downstream of Guilford County Line	*623
		Reedy Fork	Just upstream of State Highway 87	*588
	Maps available for inspection at Alamance County Planning Department, County Courthouse, 124 West Elm Street, Graham, North Carolina 27253.			
North Carolina	City of Albemarle, Stanly County (FEMA 6000)	Long Creek	275 feet upstream from Charlotte Highway	*426
			100 feet upstream from West Main Street	*435
		Little Long Creek	75 feet upstream of U.S. 73	*439
			At U.S. 52	*459
		Poplin Creek	Just downstream of Winston Salem Southbound Railroad.	*427
			125 feet upstream of Norwood Hwy (US 52-NC 73)	*439
		Town Creek	80 feet upstream of Snuggs Street	*454
		Melchor Branch	100 feet downstream of North Second Street	*455
			100 feet downstream of Smith Street	*595
	Maps available for inspection at City Hall, 144 North 2nd Street, Albemarle, North Carolina 28001.			
North Carolina	Unincorporated areas of Lincoln County (FEMA 6000)	South Fork Catawba	Just downstream of State Route 1242	*728
			Just upstream of State Route 1242	*729
			Just downstream of State Route 1248	*745
			Just upstream of State Route 1248	*746
			Just downstream of State Route 1252	*750
			Just upstream of State Route 1252	*751
			Just downstream of State Route 1470	*764
			Just upstream of State Route 1470	*764
			Just downstream of State Route 1008	*770
			Just upstream of State Route 1008	*771
		Indian Creek	Just downstream of State Route 1250	*751
			Just upstream of State Route 1252	*752
			Just downstream of State Route 1175	*763
			Just upstream of State Route 1175	*764
			Just downstream of State Highway 150	*768
			Just upstream of State Highway 150	*769
			Just downstream of State Route 1177	*770
			Just upstream of State Route 1177	*771
			Just downstream of State Route 1169	*775
			Just upstream of State Route 1169	*777
		Clark Creek	Just downstream of State Route 1009	*765
			Just upstream of State Route 1009	*765
			Just downstream of State Route 1282	*772
			Just upstream of State Route 1282	*774
		Walker Branch	Just downstream of U.S. Highway 321A	*765
			Just upstream of U.S. Highway 321A	*767
			Just downstream of U.S. Highway 321 (State Highway 150).	*780
			Just upstream of U.S. Highway 321 (State Highway 150).	*782
		Lithia Inn	Just downstream of a point which is 1500 feet upstream of U.S. Highway 321A.	*777
			Just upstream of a point 1500 feet upstream of U.S. Highway 321A.	*779
	Maps available for inspection at Lincoln County Courthouse, Lincolnton, North Carolina 28092.			
North Carolina	City of Lincolnton, Lincoln County (FEMA 6000)	Lithia Inn Branch	Just upstream of Laboratory Road	*780
			Approximately 140 feet upstream of U.S. Highway 321A.	*779
		Walker Branch	Just upstream of U.S. Highway 321A	*786
			Approximately 50 feet downstream of North First Street.	*777
		Clark Creek	At North Grove Street	*765
		South Fork Catawba River	Approximately 140 feet upstream of Madison Street	*762
			Approximately 300 feet at upstream of Riverine Road	*764
	Maps available for inspection at City Hall, West Sycamore Street, Lincolnton, North Carolina 28092.			
North Carolina	Town of Mount Airy, Surry County (FEMA 6000)	Ararat River	Just upstream Pine Street (State Highway 103)	*1015
			Just upstream Linville Road (State Road 1727)	*1028
		Lovills Creek	Just upstream of U.S. Highway 601	*997
			Just upstream of U.S. Highway 52 Business	*1,039

Maps available for inspection at Town Hall, 300 South Main Street, Mount Airy, North Carolina 27030.

North Carolina	Unincorporated areas of Stanly County (FEMA 6000)	Long Creek	At State Highway 24-27	*418
			Just downstream of State Highway 1401	*478
		Little Long Creek	100 feet downstream of Morgan Road	*414
			50 feet upstream of State Highway 1524	*524
		Rock Creek	Approximately 2300 upstream of confluence with Poplin Creek.	*460
		Town Creek	Just downstream of State Highway 1421	*467
		Meltcher Branch	Approximately 100 feet downstream of Ridge Street	*515

Maps available for inspection at Stanly County Courthouse, 201 South Second Street, Albemarle, North Carolina 28001.

North Carolina	Unincorporated areas of Surry County (FEMA 6000)	Ararat River	Just upstream of U.S. highway 52 Bypass	*963
			Just upstream of U.S. Highway 52 Business	*1,003
			Just upstream State Highway 103 (Pine Street)	*1,015
			Just upstream Linville Road (SR 1727)	*1,026
			Just upstream State Highway 104	*1,080
		Lovills Creek	Just upstream of State Road 1371	*1,009
			Just upstream State Road 1841 (Independence Boulevard).	*1,016
			Just upstream Greenville Road (SR 1700)	*1,084
		Stewart Creek	Just upstream of State Road 2000	*992
			Just upstream State Road 2258	*1002
			Just upstream U.S. Highway 601	*1006
			Just upstream State Road 1350	*1049
			Just upstream State Highway 89	*1060
			Just upstream State Road 1621	*1,125
		Pauls Creek	Just upstream of Pipers Gap Road (State Road 1624)	*1,109

Maps available for inspection at Surry County Courthouse, Commissioner's Office Dobson, North Carolina 27017.

North Carolina	Town of Wingate, Union County (FEMA-6000)	Meadow Branch	Just upstream of Jeffry Circle extended	*524
			Just downstream of East Wilson Street	*529
		Meadow Branch West	Just downstream of East Wilson Street	*530

Maps available for inspection at Town Hall, U.S. Highway 74 West, Wingate, North Carolina 28174.

Ohio	(Uninc.) Montgomery County (Docket No. FEMA-6012)	Dry Run Creek	At the downstream county boundary	*700
			About 1160 feet upstream of downstream county boundary.	*705
		Great Miami River	At the downstream county boundary	*669
			About 0.25 mile upstream of Interstate Route 75	*750
			About 660 feet downstream of Taylorsville Dam	*777
		Holes Creek	Just upstream of Springboro Pike in City of Moraine	*727
			Just downstream of Alexandersville-Bellbrook Road (downstream most crossing).	*753
			Just upstream of Alexandersville-Bellbrook Road (downstream most crossing).	*757
			About 2.0 miles upstream of State Route 725	*810
		Lilly Creek	About 340 feet downstream of Smithville Road	*766
			Just downstream of Harshman Road	*787
		Little Twin Creek	At Germantown corporate limits	*726
			About 1530 feet upstream of Germantown corporate limits.	*731
		Stillwater River	About 1.3 miles downstream of Shoup Mill Road	*760
			About 950 feet downstream of Englewood Dam	*782
		West tributary Great Miami River	At convergence with Great Miami River	*762
			At divergence with Great Miami River	*768
		Sugar Creek	At Centerville corporate limits	*960
			At upstream county boundary	*994
		Wolf Creek	At Dayton corporate limits, just upstream of Gettysburg Avenue.	*772
			About 0.7 mile upstream of Airhill Road	*867
		Twin Creek	At downstream county boundary	*669
			About 1700 feet downstream of Germantown Dam	*729
		Shallow flooding (overflow from Holes Creek).	At intersection of Student Street and Jessamine Drive	*723
			At intersection of Student and Palm Drive	*722
		Shallow flooding (overflow from Great Miami River near Carlisle).	At Carlisle corporate limit	*660
			At intersection of Farmington Road and Chautauqua Road.	*694

Maps available for inspection at the Office of the County Planner, 451 West Third Street, P.O. Box 972, Dayton, Ohio.

Ohio	(V) Riverside, Montgomery County (Docket No. FEMA-5978).	Lilly Creek	Just downstream of Byesville Boulevard	*767
			About 900 feet upstream of Byesville Boulevard	*771

Maps available for inspection at the Village Clerk's Office, Riverside Village Hall, 1119 Harshman Road, Dayton, Ohio.

Oregon	Amity (City), Yamhill County FEMA-6000	Salt Creek	Approximately 200 feet west of intersection of 2nd Street and Enos Street.	*135
			Approximately 150 feet west of intersection of Roth Street and Getchell Street.	*135

Maps available for inspection at City Hall, Trade and Maddox, Amity, Oregon.

Oregon	Lyons (City), Linn County FEMA-6015	North Santiam River	Upstream side of the intersection of State Highway 20 and the channel.	*619
			Approximately 400 feet north of the intersection of North 14th Street and East Dogwood Street.	*635

Maps available for inspection at the City Hall, 449 5th Street, Lyons, Oregon.

Pennsylvania	Export, borough, Westmoreland County (Docket No. FEMA-6012).	Turtle Creek	Downstream Corporate limits	*955
			Abandoned concrete bridge	*966
			Confluence of tributary No. 1	*960
			2nd Cornell crossing (upstream side)	*963
			Approximately 175' upstream of Jefferson Street	*968
		Tributary No. 1	Confluence with Turtle Creek	*960
			Access road	*966

			Approximately 1,000' upstream of confluence with Turtle Creek.	*1,055
			Approximately 1,600' upstream of confluence with Turtle Creek.	*1,055
			Upstream corporate limits	*1,037
		Tributary No. 2	Confluence with Turtle Creek	*966
			Approximately 70' upstream of corporate limits	*967

Maps available for inspection at the Borough Hall, Export, Pennsylvania.

Pennsylvania	Manchester Township, York County (Docket No. FEMA-6000).	Codorus Creek	Downstream corporate limits	*347
			Emig Road (upstream)	*351
			Conrail (upstream)	*360
			Upstream corporate limits	*363
		Little Conewago Creek	Downstream corporate limits	*338
			Approximately 6,850' upstream of corporate limits	*335
		Tributary 1	Approximately 400' upstream of confluence with Little Conewago Creek.	*347
			Private drive approximately 670' upstream of confluence with Little Conewago Creek (upstream).	*371
			Private drive approximately 3,000' upstream of confluence with Little Conewago Creek (upstream).	*396
			Greenbrier Road (downstream)	*442
			Greenbrier Road (upstream)	*447
		Tributary 2	Confluence with Codorus Creek	*347
			Emig Road approximately 2,180' upstream of confluence with Codorus Creek (upstream).	*354
			Emig Road approximately 4,360' upstream of confluence with Codorus Creek (upstream).	*362
			Conrail (downstream)	*376
			Conrail (upstream)	*380
			Church Road (upstream)	*393
			Approximately 9,140' upstream of confluence with Codorus Creek.	*408
		Tributary 3	Confluence with tributary 2	*355
			Conrail Culvert (upstream)	*364
			Private drive approximately 2,970' upstream of confluence with tributary 2 (upstream).	*374
		Tributary 4	Confluence with Codorus Creek	*361
			Interstate 83 (upstream)	*369
			South George Street (upstream)	*375
			Private drive approximately 7,300' upstream of confluence with Codorus Creek (upstream).	*382
			Private drive approximately 9,000' upstream of confluence with Codorus Creek (upstream).	*391
			Susquehanna Trail (upstream)	*402
			Approximately 75' upstream of Susquehanna Trail	*404

Maps available for inspection at the Township Building, R.D. 22, Manchester, Pennsylvania.

Pennsylvania	Moscow Borough, Lackawanna County (Docket No. FEMA-6005).	Langan Creek	Confluence with Roaring Brook	*1,479
			Upstream Brook Street	*1,498
			Downstream New Street	*1,521
			Confluence of Van Brunt Creek	*1,541
		Van Brunt Creek	0.15 mile downstream of Van Brunt Street	*1,574
			Downstream of Van Brunt Street	*1,602
			Approximately 0.58 mile upstream of Van Brunt Street	*1,660
			Downstream of State Route 690	*1,669

Maps available for inspection at the Borough Building, Moscow, Pennsylvania.

Pennsylvania	Mt. Pleasant Township, Adams County (Docket No. FEMA-6005).	South branch Conewago Creek	Approximately 2,400' downstream of Spangler Road (extended).	*456
			Approximately 2,340' downstream of Fleshman Mill Run.	*467
			Downstream of Cheese System	*475
			Downstream side of Kohler Mill Road	*486
			Approximately 1,140' downstream of Storms Shore Road.	*496
			Upstream of downstream crossing of L.R. 01060	*504
			Upstream of L.R. 01005 bridge	*518
			Upstream corporate limits	*524
		South branch tributary 1	Confluence with south branch Conewago Creek	*488
			Approximately 150' upstream of Hill Road	*508
			Approximately 650' downstream of L.R. 01005	*515
			Approximately 50' downstream of L.R. 01005	*521
		White Run	Downstream corporate limits	*475
			Approximately 1,800' upstream of White Run Road	*488
			Approximately 70' upstream of State Route 116	*493
		Chicken Run	Approximately 300' upstream from confluence with White Run.	*488
			Downstream of downstream corporate limits	*506
			Approximately 60' upstream of upstream crossing of S.R. 116.	*539
			Downstream of upstream corporate limits	*532
		Plum Run	Just upstream of corporate limits	*483
			Approximately 970' upstream of S.R. 116	*488
			Approximately 2,050' upstream of S.R. 116	*501
			Approximately 3,120' upstream of S.R. 116	*510
			Approximately 3,980' upstream of S.R. 116	*529
			Approximately 4,740' upstream of S.R. 116	*538

Maps available for inspection at the Township Municipal Building, Mt. Pleasant, Pennsylvania.

Pennsylvania	New Stanton Borough, Westmoreland County (Docket No. FEMA-6012).	Sewickley Creek	Downstream corporate limits	*937
			Upstream of Center Avenue	*948
			Upstream of Conrail	*942
			Upstream corporate limits	*969

Pennsylvania	Oxford Township, Adams County (Docket No. FEMA-6006)..	South branch Conewago Creek	Approximately 250' downstream of downstream corporate limits.	*459
			Downstream corporate limits	*460
			Approximately 4,700' upstream of corporate limits	*466
			Upstream side of Fleshman Road	*470
			Upstream side of Chessie System	*475
			Upstream side of State Route 30	*480
			Confluence of tributary 2	*484
			Upstream side of Kohler Mill Road	*486
			Upstream side of Storms Store Road	*496
			Downstream of Fish and Game Road	*502
			Upstream corporate limits	*509
			Approximately 2,020' upstream of upstream of corporate limits.	*510
		Tributary 1	Downstream corporate limits	*507
			Approximately 1,690' upstream of downstream corporate limits.	*514
			Downstream of Legislative Route 01003	*522
			Upstream of Legislative Route 01003	*526
			Approximately 2,100' upstream of Legislative Route 01003.	*536
		Tributary 2	Confluence with south branch Conewago Creek	*484
			Upstream side of Poplar Road	*494
			Approximately 1,780' upstream of Poplar Road	*506
			Approximately 916' downstream of Farm Lane	*516
			Approximately 230' upstream of Farm Lane	*521

Maps available for inspection at the Oxford Township Municipal Building, New Oxford, Pennsylvania.

Pennsylvania	Pittsburgh City, Allegheny County (Docket No. FEMA-6013).	Ohio River	Downstream corporate limits	*724
		Monongahela River Confluence w/Ohio and Allegheny Rivers.	Confluence with Monongahela and Allegheny Rivers *730	*730
			Tenth Street Bridge Downstream	*730
			Monongahela connecting railroad bridge downstream	*732
			Glenwood Bridge upstream	*735
			Upstream corporate limit	*737
		Allegheny River	Confluence with Monongahela and Ohio Rivers	*730
			Sixteenth Street Bridge upstream	*731
			31st Street Bridge upstream	*732
			51st Street (extended)	*734
			Lock and Dam No. 2 upstream	*738
			Upstream corporate limit	*739
		Chartiers Creek	Pittsburgh and Lake Erie Railroad (upstream)	*730
			Wind Gap Bridge downstream	*733
			Round House Bridge downstream	*735
			Beatty Bridge downstream	*736
			Thornburg Bridge	*748
			Turner Road upstream	*768
			Corporate limits	*763
		Saw Mill Run	Westend by-pass upstream	*740
			Independence Street upstream	*746
			Pittsburgh and West Virginia Railroad upstream	*751
			Shaler Street downstream	*760
			Shaler Street upstream	*764
			Penn Lincoln Parkway downstream	*773
			Penn Lincoln Parkway upstream	*776
			Pittsburgh and West Virginia Railroad Bridge (downstream of Watkins Lane Bridge) upstream.	*802
			Watkins Lane Bridge upstream	*806
			Private Bridge upstream	*827
			Crane Avenue upstream	*838
			Liberty Tunnels upstream	*854
			Armory Bridge upstream	*860
			Interval Street upstream	*874
			Edgebrook Avenue upstream	*899
			Railroad company bridge	*907
			Midwood Street downstream	*910
			Footbridge upstream (3rd crossing)	*925
			Footbridge downstream (4th crossing)	*938
			State Road 88 and Saw Mill Run Boulevard upstream	*942
			State Route 88	*955
			Corporate limit	*967

Maps available for inspection at the City Planning Department, City County Building, Pittsburgh, Pennsylvania.

Pennsylvania	South Lebanon Township, Lebanon County (Docket No. FEMA-6014).	Hazel Dyke Creek	Downstream corporate limits	*479
			Upstream Klein Avenue	*482
			Upstream Fonderwhite Road (downstream crossing)	*494
			Downstream Fonderwhite Road (upstream crossing)	*509
			Upstream East Evergreen Road	*511
			Downstream Legislative Route 38016	*521
			Downstream Conrail	*537
			Upstream Conrail	*543
			Approximately 460' downstream of private drive	*552
			Downstream of private drive	*559
			Approximately 100' upstream of Legislative Route 38016.	*564
			Upstream of first access road	*581
			Upstream of second access road	*595
			Upstream Pa Route 419	*597
			Upstream wagon patch	*616
			Upstream corporate limits	*632
		Tributary 1	Confluence with Hazle Dyke Creek	*490
			Approximately 1,340' upstream of East Evergreen Road	*595

Maps available for inspection at the Township Municipal Building, South Lebanon, Pennsylvania.

Pennsylvania	Swatara Township, Lebanon County (Docket No. FEMA-6000).	Swatara Creek	Downstream corporate limits	*409
			Approximately 2,200' upstream side of State Route 72	*409
			Approximately 1,000' downstream side of State Route 22.	*412
			Confluence of Oil Creek	*419
			Upstream side of Legislative Route 140	*428
			Upstream side of Legislative Route 38049	*434
			Upstream side of Township Route 575	*443
			Approximately 1,290' upstream of upstream Interstate 81 crossing.	*449
		Little Swatara Creek	Confluence with Swatara Creek	*409
			Approximately 4,600 upstream of South Lancaster Street.	*419
		Monroe Creek	Confluence with Swatara Creek	*432
			Approximately 0.83 mile upstream of second driveway crossing.	*443
			Upstream corporate limits	*462

Maps available for inspection at the Township Municipal Building, Swatara, Pennsylvania.

Pennsylvania	Upper Burrell Township, Westmoreland County (Docket No. FEMA-6012).	Pucketa Creek	Downstream corporate limits	*794
			Approximately 1,300' upstream from downstream corporate limits.	*804
			Approximately 570' upstream from Alta Drive	*813
			Approximately 300' downstream from Myers Drive	*823
			Upstream from Myers Drive	*838
			Approximately 2,000' upstream from Myers Drive	*857
			Approximately 3,570' upstream from Myers Drive	*867
			Approximately 760' downstream from Marwin Road	*857
			Approximately 450' upstream from Marwin Road	*878
			Upstream from downstream crossing of State Route 366.	*884
			Approximately 2,330' upstream from downstream State Route 366.	*895
			Approximately 1,360' downstream from Plan Road	*895
			Upstream from Plan Road	*916
			Upstream corporate limits	*919
		Tributary No. 1	Confluence with Pucketa Creek	*857
			Approximately 1,240' upstream from confluence with Pucketa Creek.	*883
			Approximately 2,240' upstream from confluence with Pucketa Creek.	*901
			Approximately 2,320' upstream from Marwin Road	*911
			Approximately 3,200' upstream from Marwin Road	*926
		Tributary No. 2	Upstream from State Route 366	*882
			Approximately 960' upstream from State Route 366	*904
			Approximately 1,375' upstream from State Route 366	*912
			Approximately 2,230' upstream from State Route 366	*925
		Little Pucketa Creek	Downstream corporate limits	*808
			Approximately 1,700' upstream from corporate limits	*823
			Downstream Briar Lane	*837
			Approximately 1,060' upstream from Briar Lane	*845
			Approximately 500' upstream from Milligantown Road	*858
			Approximately 1,430' upstream from Milligantown Road.	*868
			Downstream Township Route 644/Baxter Drive	*879
			Approximately 1,520' upstream from Township Route 644/Baxter Drive.	*888
			Upstream Rich Hill Road	*1,812
			Approximately 1,000 upstream from Rich Hill Road	*1,817

Maps available for inspection at the Township Building, Upper Burrell, Pennsylvania.

Pennsylvania	Waterford Borough, Erie County (Docket No. FEMA-6012)	LeBoeuf Creek	Downstream corporate limits	*1,178
			Upstream corporate limits	*1,180
		Trout Run	Confluence with LeBoeuf Creek	*1,178
			0.18 mile downstream of West Third Street	*1,178

Maps available for inspection at the Waterford Borough Municipal Building, Waterford, Pennsylvania.

Pennsylvania	Youngwood Borough, Westmoreland County (Docket No. FEMA-6012).	Jacks Run	Downstream corporate limits	*851
			Upstream of Conrail crossing	*851
			Upstream of Depot Street	*852
			Upstream corporate limits	*858

Maps available for inspection at the Borough Hall, Youngwood, Pennsylvania.

South Carolina	City of Florence, Florence County (FEMA-6000)	Jefferies Creek	Just upstream of South Irby Street (U.S. Highways 52 and 301).	*99
			Just downstream of Deberry Boulevard	*93
			Just upstream of West Palmetto Street	*100
		Pye Creek	Just upstream of East Pine Street	*111
		Brewerdam Creek	Just downstream of northern most crossing of corporate limits.	*102

Maps available for inspection at City-County Complex, Development Division, Florence, South Carolina 29501.

South Dakota	Pennington County (unincorporated areas) FEMA-5701	Box Elder Creek (at Blackhawk)	70 feet upstream from center of State Highway 79	*3,468
		Spring Creek (in Hill City)	At downstream limit of detailed study	*4,646
		Spring Creek (at Hill City)	60 feet upstream from center of Poplar Street	*4,886
		Rapid Creek (east of Rapid City)	Intersection of creek and center of County Road 255	*2,889
			Intersection of County Road 210 and Willow Drive	*3,023
			Intersection of Valley Drive and Orchard Lane	*3,139
			Intersection of Valley Drive and Long Acres Lane	*3,157

		Rapid Creek (east of Rapid City) overflow.	Area at overflow from Rapid Creek	*3,098
		Unnamed tributary	70 feet upstream from center of Jolly Lane County Road 274 (East 39th Street).	*3,099
		Unnamed tributary	60 feet upstream from center of Interstate 90 access road.	*3,159
		Rapid Creek (in Rapid City)	130 feet downstream from center of Park Canyon Road County Road 2334 (at most upstream Rapid City corporate limits).	*3,456
		Rapid Creek (in Dark Canyon)	Intersection of Creek and center of Dark Canyon Approach Road.	*3,579
		Rapid Creek (Hisega to Pactola	Intersection of Creek and center of Thunder Falls Road County Road 200 (approximately 600 feet south from the intersection of County Road 200 and State Highway 44).	*4,171
		Deer Creek	70 feet upstream from center of an unnamed road (approximately 950 feet upstream from the confluence with Rapid Creek).	*4,323
		Cleghorn Canyon	40 feet upstream from center of Harris Approach Road.	*3,421
		Red Rock Canyon	Intersection of Red Rock Canyon and center of Rapid City corporate limits.	*3,423
		Robbinsdale drain	Area south of Rapid City corporate limits, approximately 1200 feet upstream from center of State Highway 79.	*3,205
Maps available for inspection at Pennington County Courthouse, Rapid City, South Dakota.				
Vermont	Fletcher Town, Franklin County (Docket No. FEMA-6005)	Lamoille River	Downstream corporate limits	*442
			Upstream corporate limits	*446
Maps available for inspection at the office of the Town Clerk, Fletcher, Vermont.				
Vermont	Hyde Park Village, Lamoille County (Docket No. FEMA-6012).	Lamoille River	Upstream corporate limits	*540
			Downstream corporate limits	*541
Maps available for inspection at the Village Offices, Hyde Park, Vermont.				
Virginia	Onancock Town, Accomack County (Docket No. FEMA-6012).	Chesapeake Bay	Onancock Creek shoreline	*5
Maps available for inspection at the Municipal Building, Onancock, Virginia.				
Washington	Island County (unincorporated areas) FEMA-6000	Puget Sound	At Useless Bay—approximately 2,000 feet northeast along Shore Avenue from its intersection with Double Bluff Road.	*7
			At Mutiny Bay—at the intersection of South Mutiny Bay Road and Fish Road.	*8
			At Mutiny Bay West—approximately 2,000 feet west along Adams Road from its intersection with Grigware Road.	*9
			At Lagoon Point—at the intersection of Steelhead Drive and Salmon Street.	*9
			At Maxwelton—intersection of Maxwelton Road and Swede Hill Road.	*9
			At Admiralty Bay—along Keystone Road where it parallels the shoreline of the bay.	*11
		Strait of Juan de Fuca	At Swantown—along the western side of West Beach Road where it parallels the shoreline of the strait for approximately 4,000 feet south of Whidbey Island Naval Reservation.	*10
		Port Susan	At Sunny Shore Avenue—approximately 1,800 feet north of the intersection of East Camano Drive and Beach Way.	*9
			At Driftwood Shores	*11
		Saratoga Passage	At Rodens Beach—approximately 5,100 feet north of the intersection of State Highway 20 and Morris Road.	*9
			At East Point—approximately 3,800 feet east of the intersection of Baby Island Road and Fox Spit Road.	*11
		Holmes Harbor	At Dines Point—approximately 5,000 feet north of the intersection of Classic Road and Resort Road.	*9
		Dugualla Bay	Approximately 2,000 feet north along State Highway 20 from its intersection with Frostad Road.	*2
Maps available for inspection at Island County Courthouse, N.E. 6th & Main Street, Coupeville, Washington.				
Washington	South Prairie (town), Pierce County FEMA-6014	South Prairie Creek	200 feet upstream from center of State Route 162	*437
			Intersection of stream and eastern corporate limits	*447
Maps available for inspection at City Hall, South Prairie, Washington.				
Washington	Yakima (city), Yakima County FEMA-6015	Yakima River	Intersection of Interstate Highway 82 and Burlington Northern Railroad.	*1,048
		Wide Hollow Creek	40 feet downstream from center of South 24th Avenue	*1,065
		Bachelor Creek	20 feet downstream from center of Airport Road south access.	*1,063
		Spring Creek 1	At upstream end of culvert under north/south runway of Yakima Municipal Airport.	*1,060
		Spring Creek 1 tributary 1	At confluence with Spring Creek	*1,078
		Spring Creek 1 tributary 2	50 feet upstream from center of West Washington Avenue.	*1,105
Maps available for inspection at Planning Department, City Hall, 129 N. 2nd Street, Yakima, Washington.				
Wisconsin	(C) Columbus, Columbia County (Docket No. FEMA-6006)	Crawfish River	About 600 feet downstream Mill Pond dam	*828
			Just upstream Mill Pond dam	*831
			At upstream corporate limit (near northern corporate limit).	*833
		Robbins Creek	At downstream corporate limit	*840
			Just downstream U.S. Highway 151 bypass	*848
		2nd Ward Creek	About 300 feet upstream of James Street	*833
			Just upstream Farnham Street	*837
			About 0.7 mile downstream of corporate limit	*845
			At upstream corporate limit	*851
		2nd Ward Creek tributary	At mouth at 2nd Ward Creek	*834
			Just upstream of Fuller Street	*840
			At upstream corporate limit	*846
Maps available for inspection at the Office of City Clerk, City Hall, P.O. Box 127, Columbus, Wisconsin.				
Wisconsin	(V) Mazomanie, Dane County (Docket No. FEMA-6000)	Black Earth Creek	About 2600 feet downstream of Bridge Road (at westernmost corporate limit).	*764
			Just downstream of State Street	*771
			About 300 feet downstream of Hudson Street	*775
			About 100 feet upstream of Crescent Street	*778
Maps available for inspection at the Office of the Village Clerk, Village Hall, Mazomanie, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21233 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

California et al.; National Flood Insurance Program; Final Flood Elevation Determinations

Correction

In FR Doc. 81-14035, appearing at page 26322 in the issue for Tuesday, May 12, 1981 please make the following correction:

On page 26332, in the flood elevation table, in the middle block of entries, beginning "Chipewa River" (under "source of flooding") and ending "Elk Creek", the following "State" and "City/town/county (Docket No.)" items were left out:

"Wisconsin . . . . . (Unic.) Dunn County (Docket No. FEMA-5978)".

BILLING CODE 1505-01-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment For the City of Scottsdale, Ariz.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Scottsdale, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Scottsdale, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 045012A Panel 20, published on October 6, 1980, in 45 FR 66116, indicates that Lot 76, Casa del Mar Subdivision, Scottsdale, Arizona, as recorded in Book 187, Page 27, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 045012A Panel 20 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 9, 1976. This lot is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21363 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Arizona, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION:
If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIT) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0055B, published on October 6, 1980, in 45 FR 66116, indicates that Lots 6 through 26 and Lots 37 through 47, Eagle's Eyre III, Phase One, and Eagle's Eyre III, Phase Two, as recorded in Book 206, Page 11, and Book 224, Page 37, respectively, in the Office of the Recorder, Maricopa County, Arizona, are within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0055B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on December 4, 1979. These lots are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21384 Filed 7–21–81; 8:45 am]
BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Phoenix, Arizona, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 707.7(b):

Map No. H & I 040051 Panel 0050B, published on October 6, 1980, in 45 FR 66116, indicates that Lot 725, Moon Valley II, Phoenix, Arizona, recorded as Instrument No. 106793 in Docket No. 15132, Page 505, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0050B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on December 4, 1979. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21385 Filed 7–21–81; 8:45 am]
BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Village of Tinley Park, Illinois Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

§ 70.7 [Amended]

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 7 through 18, Lots Nos. 34 through 51, Lots Nos. 69 through, 73, Lots Nos. 75 through 82, Lots Nos. 87 through 102 and Lots Nos. 107 and 108, Bremen Towne Estates Unit 1, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 20749473, in the Office of the Recorder of Cook County, Illinois are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 95 and 96 are in Zone B. The residential structures located on Lots Nos. 7 through 18, Lots Nos. 34 through 51, Lots Nos. 69 through 73, Lots Nos. 75 through 82, Lots Nos. 87 through 94, Lots Nos. 97 through 102 and Lots Nos. 107 and 108 are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P. E.,
Acting Assistant Administrator Federal Insurance Administration.

[FR Doc. 81–21372 Filed 7–21–81; 8:45 am]
BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the Village of Tinley Park, Illinois Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620 toll free.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. 170169, Panel 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 627 through 676, Lots Nos. 678 through 691, Lots Nos. 695 through 697, Lots Nos. 701 through 719 and Lots Nos. 724 through 726, Bremen Towne Estates Unit 6, Phase 1, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21558166, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel 0005B, is hereby corrected to reflect that the existing residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 680, 681, 691, 695, 719 and Lots Nos. 724 through 726 are in Zone B. The residential structures located on Lots Nos. 627 through 676, Lots Nos. 678, 679, Lots Nos. 682 through 690, Lots Nos. 695, 697 and Lots Nos. 701 through 718 are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,
Acting Assistant Administrator Federal Insurance Administration.

[FR Doc. 81–21373 Filed 7–21–81; 8:45 am]
BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for East Baton Rouge Parish, Louisiana, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included East Baton Rouge Parish, Louisiana. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further

technical review of the Flood Insurance Rate Map for East Baton Rouge Parish, Louisiana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 220058 Panel 0100A, published on October 6, 1980, in 45 FR 66092, indicates that Lot 7, Shenandoah Acres, East Baton Rouge Parish, Louisiana, as recorded in Conveyance Book 2699, Folios 870 and 871, in the Office of the Deputy Clerk and Recorder, East Baton Rouge Parish, Louisiana, is within the Special Flood Hazard Area.

Map No. H & I 220058 Panel 0100A is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 2, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21363 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5699]

Letter of Map Amendment for the City of Blaine, Minnesota Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Blaine, Minnesota. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Blaine, Minnesota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

§ 70.7 [Amended]

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 270007, Panel No. 0005B, published on October 6, 1980, in 45 FR 66082, indicates that Lot No. 17, Block 2, Lunds Meadowbrook, City of Blaine, Anoka County, Minnesota, as recorded in Book 9, Page 5, in the Office of the Registrar of Titles of Anoka, Minnesota, is located within the Special Flood Hazard Area.

Map No. 270007, Panel No. 0005B, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on November 15, 1979. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21362 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5709]

Letter of Map Amendment for St. Charles County, Missouri, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri, It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 6, 1980, in 45 FR 66107, indicates that Lot 27, Southgate Plat One, St. Charles County, Missouri, as recorded in Book 20, Pages 47 and 48, in the Office of the Rocorder, St. Charles County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned lot is not within the Spccial Flood Hazard Area identified on September 15, 1978. This structure is in Zonc C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21361 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Borough of Florham Park, New Jersey Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Florham Park, New Jersey, It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Florham Park, New Jersey that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement for purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 340342, Panel 0005B, published on October 6, 1980, in 45 FR 66028, indicates that Lots 2 and 28, Block 65–C, and Lot 246, Block 65, all in Section Number 2, Lots 19 and 26, Block 65–C and Lots 236 and 239, Block 65, all in Section Number 3, and Lot 237, Block 65, Section Number 4, Paragon at Lakeside, as recorded on Maps 3600, 3866, and 3914, respectively, in the Office of the Clerk of Morris County, Florida, are within the Special Flood Hazard Area.

Map No. H & I 340342, Panel 0005B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on September 14, 1979. These lots are partially within zone B and partially within Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21364 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Township of Livingston, N.J., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of Livingston, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Livingston, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 340185, Panel 0004C published on October 6, 1980, in 45 FR 66028 indicates that a parcel of land located in the Township of Livingston, New Jersey, as recorded in the Deed Book 4642, Pages 198, 199, and 200, in the Office of the County Register, Essex County, New Jersey is within the Special Flood Hazard Area. This property is also known as Lots 17 and 18, Block 254, as shown on the Tax Map for the Township of Livingston, New Jersey.

Map Number H & I 340185, Panel 0004C is hereby corrected to reflect that the topographic survey for the Twin Oaks Subdivision, dated July 9, 1979, prepared by Harold J. Hamilton Associates, accurately reflects the 100-year and 500-year flood limit on the above-mentioned property. The area between the 100-year flood limit and the 500-year flood limit on the topographic survey is in Zone B, and the area of the property which is outside both the 100-year flood limit and the 500-year flood limit on the topographic survey is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21385 Filed 7-21-81; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5009]

Letter of Map Amendment for the City of Salem, Oreg., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Salem, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Salem, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410167 Panel 0005B, published on October 6, 1980, in 45 FR 66124, indicates that Lots 6 and 19, Block 9, Battlecreek Estates No. 3, Salem, Oregon, as recorded in Volume 32 of Town Plats, Page 29, in the Office of the Recorder, Marion County, Oregon, are within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that the existing structure located on Lot 19 is not within the Special Flood Hazard Area identified on June 15, 1979. This structure is in Zone C.

Map No. H & I 410167 Panel 0005B is also corrected to reflect that Lot 6 is not within the Special Flood Hazard Area identified on June 15, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21391 Filed 7-21-81; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5009]

Letter of Map Amendment for the City of Garland, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Garland, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Garland, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485471 Panel 0020B, published on October 6, 1980, in 45 FR 66098, indicates that Lots 1 through 7, Block 6, Northlake Estates No. 10, Garland, Texas, as recorded in Volume 76067, Page 1136, in the Office of the Clerk, Dallas County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485471 Panel 0020B is hereby corrected to reflect that Lots 1 through 5 of the above mentioned property are not within the Special Flood Hazard Area identified on November 1, 1979. These lots are in Zone B.

Map No. H & I 485471 Panel 0020B is also corrected to reflect that Lots 6 and 7 of the above mentioned property are not within the Special Flood Hazard Area identified on November 1, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P. E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21388 Filed 7-21-81; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5009]

Letter of Map Amendment for the Village of Tinley Park, Ill., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is and certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is and is not within the Special Flood Hazard Area, removes or reinforces the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain in full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

§ 70.7 [Amended]

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170169, Panel No. 0005B, published on October 6, 1980 in 45 FR 66075, indicates that the residential structures located on Lots Nos. 245 through 254, Lots Nos. 268, 269, 286 and 320 and Lots Nos. 354 through 371, Brementowne Estates Unit 3, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21009262, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that the residential structure located on Lot No. 353, of the above-mentioned property is located in Zone B and that the residential structures located on Lots Nos. 377 through 379 are in Zone C.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on Lots Nos. 245 through 254, Lots Nos. 268, 269, 286 and 320 and Lots Nos. 354 through 371, are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 254, 286, 320, 370 and 371 are in Zone B. The residential structures located on Lots Nos. 245 through 253, Lots Nos. 268 and 269 and Lots Nos. 354 through 369 are in Zone C.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that the residential structure located on Lot No. 353, is in Zone A and the residential structures located on Lots Nos. 377 through 379 are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 6, 1981.

Robert G. Chappell, P.E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21370 Filed 7-21-81; 8:45 am]
BILLING CODE 6718-03-[illegible]

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Village of Tinley Park, Ill., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were publised identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620. toll free.

§ 70.7 [Amended]

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 170169, Panel No. 0006B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 615, 618 and Lots Nos. 623 through 626, Bremen Towne Estates Unit 5, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21457731, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator Federal Insurance Administration.

[FR Doc. 81-21371 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5712]

The City of Coral Springs, Florida; Letter of Map Amendment Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Coral Springs, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Coral Springs, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 120033, Panel 0001A, published on October 6, 1980 in 45 FR 66058, indicates that 1840 NW 107th Terrace, also known as Lot 10, Block DD of Cypress Run, a subdivision in Sections 29, 30 and 32, Township 48 South, Range 41 East and recorded in Plat Book 93, Page 16 of the Broward County Register's Office, is within the Special Flood Hazard Area.

Map Number H & I 120033, Panel 0001A, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on January 17, 1978. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21391 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5712]

Escambia County, Florida; Letter of Map Amendment Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Escambia County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Escambia County, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW, Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7 (b):

Map Number H & I 120080, Panel 0011A, published on October 6, 1980 in 45 FR 66058, indicates that Lots 4, 5, 10, 11, 16, 17, 19, 20, 25, 26 and 27, 29 through 34, 38, 39 and 40, 45, 56 and 59, Block B, Lake Charlene Subdivision, as recorded in Plat Book 9, Pages 53A, 53B, 53C and 53D, in the Office of the Controller of Escambia County, Florida, are located within the Special Flood Hazard Area.

Map Number H & I 120080, Panel 0011A, is hereby corrected to reflect that the existing structures on the above-mentioned lots are not within the Special Flood Hazard Area identified on September 30, 1977. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21352 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the City of Arlington, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485454 Panel 0010B, published on October 6, 1980, in 45 FR 66097, indicates that the Mobile Home Sites on Lots 1 through 55, 61 through 66, 118, 133, 134, 149, 150, 165, 166, 181, 182, 197, 198, 213, 214, 229, 230, 244, and 245, as shown on the Grading Plan for Arlington Mobile Home Park by Carter and Burgess, Inc., and being an unplatted subdivision of Lot 1, Block A, Mobile Housing Environments Addition, Arlington, Texas, as recorded in Plat Record Volume 388–78, Page 37, in the Office of the Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485454 Panel 0010B is hereby corrected to reflect that the Mobile Home Sites on Lots 1 through 4 of the above mentioned property are not within the Special Flood Hazard Area identified on June 20, 1980. These Sites are in Zone C.

Map No. H & I 485454 Panel 0010B is hereby corrected to reflect that Lots 61 through 77, with the exception of the 25-foot Setback Requirement as shown on the Grading Plan cited above; and Lots 5 through 55, 78 through 86, 118, 133, 134, 149, 150, 165, 166, 181, 182, 197, 198, 213, 214, 229, 230, 244, and 245 of the above mentioned property are not within the Special Flood Hazard Area identified on June 20, 1980. These lots are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21353 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the City of Bedford, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480585A Panel 01, published on October 6, 1980, in 45 FR 66097, indicates that Lots 7 through 10, Block 5, Whisperwood, Section One; and Lots 24 through 26, Block 5, Whisperwood, Section Two, Bedford, Texas, as recorded in Volume 388–123, Page 1, and Volume 388–123, Page 2, respectively, in the Office of the Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480585A Panel 01 is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on July 18, 1977. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21304 Filed 7–21–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the City of Bedford, Texas, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Telephone: (800) 638–6620.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480585A Panel 01, published on October 6, 1980 in 45 FR 66097, indicates that Lots 13 and 14, Block 5, Whisperwood, Section One; and Lots 22 and 23, Block 5, Whisperwood, Section Two, Bedford, Texas, as recorded in Volume 388–123, Page 1, and Volume 388–123, Page 2, respectively, in the Office of Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480585A Panel 01 is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on July 18, 1977. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Uban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21305 Filed 7–21–81; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 310

Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges

AGENCY: Maritime Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MarAd) is adopting, with two substantive changes and various language refinements, its proposed regulations relative to merchant marine training at the State maritime academies to conform the regulations to the provisions of the recently enacted Maritime Education and Training Act of 1980 (P.L. 96–453) and to revise the form of the agreement between MarAd and the State maritime academies and colleges. The notice of proposed rulemaking (46 FR 30507 June 9, 1981) discusses each amendment to Subpart A of 46 CFR, Part 310.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Erich J. Bernhardt, Academies Program Officer, Maritime Administration, Office of Maritime Labor and Training, Washington, D.C. 20230, (202) 377–1170.

SUPPLEMENTARY INFORMATION: On June 9, 1981, MarAd published in the **Federal Register**, as proposed rulemaking with opportunity for comment, a revision of Subpart A of 46 CFR, Part 310. We received comments from three of the six State academies. The following is a summary of the comments:

1. *Comment: Two week comment period*—One Commentator objected that the two week comment period for the proposed regulations is not sufficient for proper analysis and comment.

Disposition: MarAd had no alternative but to opt for a two week comment period. As stated in the notice of proposed rulemaking, the standard agreement between MarAd and each of the six State maritime academies, to be executed on or before July 1, 1981, provides that it is subject to the provisions of the regulations. Accordingly, an abbreviated comment period was required.

2. *Comment:* Section 310.4 *Training Ship*—One commentator suggested deleting, in the introductory paragraph of Section 310.4, the sentence, "If a training ship is not available, adequate cruising facilities shall be the responsibility of the State and its School."

Disposition: We are not in a position to make this change. This is merely a statement of the existing situation and should be read in light of paragraph (b) of this section which gives MarAd discretion to act in the event it terminates use of a training ship by a State academy. Paragraph (b) makes provision for various alternatives if a training ship is removed from service. MarAd intends to continue, as it has in the past, to exercise the discretion authorized in paragraph (b) wherever possible and practicable.

3. *Comment:* Section 310.4 *Training Ship*—Two commentators suggested that Section 310.4 be revised to state that it is the Federal Government's responsibility to provide sea time on board merchant vessels when a training ship is not available.

Disposition: There is no statutory obligation for MarAd to assume this responsibility. However, once it assumes the responsibility it incurs an obligation to provide for travel expenses. Paragraph 1304(c)(3) of the Maritime Education and Training Act of 1980 (P.L. 96–453) specifically provides that "While traveling under orders for purposes of receiving training under this paragraph on ships other than training ships, any individual who is attending a State academy shall receive from the Secretary allowances for transportation (including reimbursement of traveling expenses) in accordance with any regulations promulgated by the Secretary." MarAd cannot assume this responsibility without assurance that sufficient appropriated funds will be available for this purpose. Therefore, we are not in a position to make this change.

4. *Comment:* Paragraph 310.4(e) *Training Ship*—One commentator suggested that we revise paragraph 310.4(e) to indicate that MarAd will supply all consumables that are equipment apparel for the training ships.

Disposition: Again, MarAd cannot assume the financial obligation without assurance that appropriated funds will be available.

5. *Comment:* Paragraph 310.4(f) *Training Ship*—One commentator suggested that paragraph 310.4(f) be revised to permit the academies to make their own arrangements with Navy for visits of their training ships to naval stations or naval bases.

Disposition: We agree and have made the necessary revision.

6. *Comment:* Section 310.6 *Entrance Requirements*—All three commentators urged that paragraph (a)(3) be revised by deleting the proposed requirement under which a school would not issue a graduation certificate until the United States Coast Guard examination is passed. The academies contend that this is an infringement upon the prerogatives of the State, the institution and the Board of Trustees to issue a degree.

Disposition: This provision has been deleted.

7. *Comment:* Section 310.7 *Federal Student Allowance Payments*—One commentator suggested that MarAd delete the requirement which calls for the submission of the lists of freshmen who are to receive student allowance payments by the close of business October 31, 1981.

Disposition: The deadline for identifying freshmen who are entitled to receive student allowance payments is necessary to insure the availability of sufficient appropriated funds for FY 1982. Delaying the submission of these lists in the past created a steady increase in the cost of the program.

8. *Comment:* Section 310.10 *Discipline and dismissal*—One commentator suggests that paragraph (c), which indicates that cadets may be listed as not in good standing for not in excess of six (6) months, should be clarified as to whether this applies to any single period or to the total over the full course of training.

Disposition: The wording of paragraph (c) is quite specific and self explanatory. The meaning of ". . . *for any period* not to exceed six (6) months for the purpose of Section 310.7(4)" is clear.

9. *Comment:* Article 8 *Regulations*—One academy has indicated that the wording which would bind a school to future amendments of Subpart A, 46 CFR, Part 310 is unacceptable.

Disposition: This Article merely indicates what has been past practice. Also, it should be noted that under the Administrative Procedure Act (5 U.S.C. 553) and Executive Order 12291 substantive amendments to the regulations will be subject to public comment and review by the Office of Management and Budget.

10. *Comment:* Article 14 *Assignment Prohibited*—One academy maintains that the wording should be bilateral and not unilateral, as currently worded, where only the school agrees that assignment is prohibited.

Disposition: MarAd cannot accede to this request. The Federal Government is offering the agreement.

The Assistant Secretary of Commerce for Maritime Affairs has made a determination, pursuant to the provisions of Executive Order 12291, that the preparation of a regulatory

impact analysis is not required. The regulation is not considered a major rule under Executive Order 12291. The regulation concerns maritime training, would have no impact on U.S. commerce, and does not require preparation of a regulatory flexibility analysis, pursuant to the regulatory Flexibility Act of 1980 (P.L. 96–354). The reporting requirement imposed on six (6) State academies under section 310.7(b)(6) is exempt from the provisions of the Paperwork Reduction Act of 1980 (P.L. 96–511). MarAd will develop specific reporting requirements for State academy graduates, which are subject to approval by the Office of Management and Budget.

Accordingly, Subpart A of 46 CFR, Part 310 is revised to read as follows:

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges

Sec
310.1 Definitions.
310.2 Federal assistance.
310.3 Schools and courses.
310.4 Training ship.
310.5 Personnel.
310.6 Entrance requirements.
310.7 Federal student subsistence allowances and student incentive payments.
310.8 Leave.
310.9 Medical attention and injury claims.
310.10 Discipline and dismissal.
310.11 Cadet uniforms.
310.12 Scope and effect.
310.13 Form of agreement.

Subpart A—Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges

§ 310.1 Definitions.

For purposes of this Subpart A:

(a) "The 1958 Act" means the Maritime Academy Act of 1958, Public Law 85–672.

(b) "Act" means the Maritime Education and Training Act of 1980, Public Law 96–453.

(c) "Administration" means the Maritime Administration, United States Department of Commerce.

(d) "Agreement" means an agreement between a State, or Territorial or Regional maritime academy or college and the Assistant Secretary of Commerce for Maritime Affairs as authorized by the 1958 Act or the Act and set forth in § 310.13 of this part.

(e) "Secretary" means Secretary of Commerce.

(f) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs.

(g) "Cadet" means cadet enrolled in the United States Maritime Service and in good standing at a State or Territorial or Regional maritime academy or college meeting the requirements of the 1958 Act.

(h) "Commanding Officer" means the Commanding Officer of a training ship furnished by the Administration.

(i) "Deputy" means the Deputy Assistant Secretary of Commerce for Maritime Affairs.

(j) "Maritime Service" means the United States Maritime service.

(k) "Officers" means all officers and faculty employed by a State maritime academy or college.

(l) "Region Director" means the Director of the Administration's region office in which a School is located or in which a training ship is located.

(m) "School" means State or Territorial or Regional maritime academy or college meeting the requirements of the Act.

(n) "Superintendent" means the superintendent or president of a School.

(o) "Supervisor" means the employee of the Administration designated to supervise the Federal Government's interest in a School under the provisions of the Act, an agreement, and this subpart.

(p) "Training ship" means a vessel used for training by a school and furnished by the Administration to a State or Territory, and includes the ship itself and all its equipment, apparel, appliances, machinery boilers, spare and replacement parts and other property contained in it.

(q) "Midshipmen" means a student in good standing at a State maritime academy or college who has accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) under the Act.

§ 310.2 Federal assistance.

(a) The Assistant Secretary may enter into agreements with the present or later established schools (not more than one such school in each State or Territory) meeting the requirements of the Act to make annual payments, for not in excess of four (4) years in the case of each such agreement, to be used for the maintenance and support of such Schools. The amount of each such annual payment shall be not less than the amount furnished to such School for its maintenance and support by the State or Territory in which such academy is located or, in the case of a Regional maritime academy an amount equal to the amount furnished to such academy for its maintenance and support by all States or Territories, or both, cooperating to support such School, but shall not exceed $100,000. However, the amount shall not exceed $25,000, if such academy does not meet the requirements of subsection 1304(f)(2) of the Act.

(b) Pursuant to the provisions of section 1304(c) of the Act, The Assistant Secretary, may furnish to any State or Territory of the United States for use as a Training Ship by a school any suitable vessel that is under his or her jurisdiction, obtain such vessel from any department or agency of the United States, or may construct and furnish a suitable vessel, if such vessel is not available.

(c) The Assistant Secretary may pay to any School the amount of the costs of all fuel consumed by a Training Ship furnished under the provisions of section 1304(c)(1) of the Act while such vessel is being used for training purposes by such a School, if such funds have been appropriated and are available for that purpose.

(d) As a condition to receiving any payments or the use of any Training Ship under the provisions of the Act, the school shall comply with the requirements of the Act and this subpart and shall agree in writing to conform to such requirements.

(e) As a further condition to receiving any payments or the use of any Training Ship, a School shall agree that, with respect to the training program for merchant marine officers, consistent with provisions of the Act, the 1958 Act, and the Agreement, it will comply with the following provisions of law and implementing regulations duly promulgated thereunder, to the extent applicable, including, but not limited to: Title VI, Civil Rights Act, 1964 (42 USC 2000d); the Age Discrimination Act of 1975 (42 USC 6101); the Vocational Rehabilitation Act—Section 504 (29 USC 794); and 15 CFR Part 8. Each school shall give assurances that it will take any and all measures necessary to effectuate compliance.

§ 310.3 Schools and Courses.

(a) *Schools with Federal aid.* The following schools are presently operating with Federal aid under the 1958 Act or the Act:

California Maritime Academy
Maine Maritime Academy
Massachusetts Maritime Academy
State University of New York Maritime College
Texas Maritime College of the Texas A&M University at Galveston
The Great Lakes Maritime Academy

(b) *General rules for operation of a School.* (1) The Schools shall maintain adequate berthing, messing and classroom instruction facilities ashore, or have plans to establish same at the earliest possible time, unless prevented from doing so by conditions beyond the control of the School. During a period a school is implementing an approved plan, Cadets may be housed and instructed on a Training Ship. However, the approved plan may include the ongoing use of the training ship as an instructional and laboratory facility and for the berthing of entering class cadets for a period not to exceed six months for purposes of shipboard indoctrination.

(2) The School shall arrange for the Cadet or Midshipman to take the United States Coast Guard original licensing examination prior to the date of graduation.

(3) As a condition to receiving payments of any amount allowable by the 1958 Act and the Act in excess of $25,000 for any year, a School shall agree to admit student residents of other States to the extent of at least ten percent (10%) of each entering class, if such out-of-State students apply for admission and are otherwise qualified for such admission. The calculation of residents of other States shall exclude residents of foreign countries, but shall include residents of Territories and possessions of the United States (including the Commonwealth of Puerto Rico).

(4) Upon the request of the Administration a school shall furnish such reports and estimates as may be required in the preparation of Federal Budget estimates.

(5) State authorities shall prescribe and administer rules and regulations for the internal organization and administration of each School.

(6) The Administration shall have the right to inspect shore base facilities at all reasonable times.

(7) Records pertaining to a School, its officers, crew, Cadets, the Training Ship, and shore base, shall be maintained by each School and shall be available to the Supervisor upon request. A detailed record of applications for admissions, enrollments, reenrollments, absences with or without leave, hospitalizations, determinations of students not in good standing, disenrollments, graduations, and other data concerning cadets and Midshipmen shall be kept by each school for the period of enrollment plus one year. Copies of these records shall be furnished to the Supervisor upon request.

(8) The Administration may include in any pamphlets, brochures or other public information materials an adequate description of each School giving the reader knowledge of the existence of the School, its purposes and where to obtain application forms and further information.

(c) *Curriculum.* (1) The minimum period of training shall be three (3) years. For the Cadets and Midshipmen at the schools located in California, Maine, Massachusetts, New York and Texas at least six (6) months of the total time must be aboard a Training Ship in cruise status. A maximum of two (2) months of training time aboard commercial vessels of not less than 2,500 horsepower may be substituted for two (2) months of the specified cruise time. For the cadets at the Great Lakes Maritime Academy, six (6) months of the time shall be aboard Great Lakes commercial vessels and an additional three (3) months shall be aboard either a Training Ship in a cruise status or Great Lakes commercial vessels while underway. Cadets in training status aboard commercial vessels shall sign on board as cadets and shall pursue their training within the framework of formal sea projects prepared and monitored by their respective Schools.

(2) State authorities shall prescribe and be responsible for the courses of instruction and general system of training and the addition of such reasonable maritime courses as may be prescribed by Federal authorities, subject to approval by the Assistant Secretary. The curriculum as a composite shall, as a minimum, meet the requirements set out in the Federal Curriculum Standards for Merchant Marine Officers Training Program.

(3) Copies of the Federal Curriculum Standards for Merchant Marine Officers Training Program at the State maritime academies may be obtained from the Maritime Administration, Office of Maritime Labor and Training, Main Commerce Building, Washington, D.C. 20230.

§ 310.4 Training Ship.

The Administration may furnish a Training Ship, if such is available, to any School. Training Ships which may be designated for use by a School will be delivered to the School at a location determined by the Administration, in condition found to be in class by the American Bureau of Shipping and certificated by the U.S. Coast Guard. If a Training Ship is not available, adequate cruising facilities shall be the responsibility of the State and its School. The furnishing of a Training Ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The State, acting through the School shall exercise reasonable care to safeguard the interests of the Administration and avoid (i) injury to any person aboard the Training Ship, and (ii) loss and damage of every nature with respect to the Training Ship. Also, the school shall have reasonable layup procedures during noncruise status of the Training Ship.

(2) Excerpts from log books and reports shall be submitted as directed by the Supervisor.

(3) Initial telegraphic or telephonic reports shall be made promptly to the Supervisor and the appropriate Region Director in the event of an accident causing (i) serious injury to any person, or to the Training Ship, or (ii) damage inflicted by the Training Ship upon any other ship or other property. Such reports shall be followed by complete written details of the occurrence.

(4) The Supervisor shall determine whether or not the berth of the Training Ship at the base in its home port is suitable from the standpoint of safe mooring. When the Training Ship is not on cruise, the Commanding Officer or Superintendent shall keep the Supervisor informed of the location of the Training Ship and any contemplated change of berth.

(5) The following notice shall be posted conspicuously aboard each Training Ship furnished to a State for use by a School:

This training ship is the property of the United States of America. It is furnished to the State of ———— by the Department of Commerce, Maritime Administration, for the purpose of training young men and women to become officers in the merchant marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power or authority to create, incur or permit to be imposed upon this vessel, any lien whatever.

(6) No changes requiring U.S. Coast Guard approval shall be made to the Training Ship without the written approval of the Administration.

(7) In the event of the termination of the use of a Training Ship by the State or by the Assistant Secretary, the State shall return to the State base port, the Training Ship and all property whatsoever owned by the Administration. Title to all additions, replacements, and renewals made by the State shall vest in the Administration without charge.

(b) *Termination of use.* The Assistant Secretary may terminate the use of a

Training Ship upon such reasonable notice to the State as the circumstances may permit in the judgment of the Assistant Secretary. If use of the Training Ship is terminated by the Assistant Secretary, the Assistant Secretary may:

(1) Substitute another Training Ship;

(2) Require the sharing of a Training Ship by two or more Schools; or

(3) Cooperate with the School in arranging for training time aboard commercial vessels for its Cadets and Midshipmen.

(c) *Property aboard the Training Ship.* The State shall have the complete use of a Training Ship as defined, subject to the following terms and conditions:

(1) All property, or its equivalent furnished by the Administration, shall be returned to the Administration when use of the Training Ship is terminated. The only exceptions are: spare and replacement parts consumed; and losses due to ordinary wear and tear, unavoidable accident and perils of the sea. All other property otherwise lost or destroyed shall be replaced at the expense of the State.

(2) Administration property shall not be permanently removed from the Training Ship to the shore base without the prior written approval of the Supervisor.

(3) The administration shall take inventories of State and Federal property aboard the Training Ship at such times as it deems necessary. The school, at its expense, shall furnish such assistance as may be necessary in taking such inventories.

(d) *Condition Surveys.* Before a Training Ship is released to a School and manned by officers under State control, a condition survey shall be made by duly authorized representatives of the School and the Administration. If the Training Ship is found in order, the School representative shall sign a receipt for the Training Ship. Subsequently, after due notice to the State authorities, a condition survey may be made of the Training Ship whenever deemed advisable by the Administration, and, in any event, upon redelivery of the Training Ship by the State to the Administration.

(e) *Maintenance and repairs.* (1) *Administration payment.* A Training Ship shall be maintained in good repair by the Secretary as provided by the 1958 Act and the Act. Expenses for repairs, changes and alterations, repairs to equipage and replacements of equipage in accordance with the Administration's approved allowance lists for the Training Ship (i.e. authorized under the Act and to the extent that funds are available), shall be borne by the Administration under the following terms and conditions:

(i) When it is necessary to repair or drydock the Training Ship because of damage (except in an emergency, when on foreign cruise), the Commanding Officer or Superintendent shall notify the Supervisor and appropriate Region Director by telephone or telegraph in order to enable a representative of the Region Director, if available, to be present, when the survey of the damage is made.

(ii) Repairs which need not be carried out during the annual overhaul period shall be made by the Cadets or Midshipmen, if possible, under the supervision of the officers. When repair material is required for this purpose, the Commanding Officer or Superintendent shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the Cadets or Midshipmen. The Supervisor shall promptly advise the Commanding Officer or Superintendent whether or not such work comes under the heading of repairs, and if procurement of the material is authorized.

(iii) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the Training Ship and submitted by the Commanding Officer or Superintendent to the Supervisor at least forty–five (45) days before the date of the annual overhaul, with one copy to the Region Director.

(iv) The State is authorized to expend not to exceed $5,000 for emergency repairs which become necessary while the Training Ship is on foreign cruise. The Adminstration shall reimburse the State upon submission of vouchers to, and approval by, the Assistant Secretary. To obtain reimbursement for emergency repairs estimated to cost in excess of $5,000, authorization must be obtained by the State from the Supervisor prior to undertaking such repairs. The Commanding Officer shall be responsible for all necessary filings with the United States Customs Service to avoid duties upon all emergency repairs performed outside the United States. If penalties are imposed, for non-filing or improper filing, they shall be solely the responsibility of the State.

(2) *State payment.* Except as otherwise provided in this section, the State shall, at its own expense, accomplish the following:

(i) Undertake usual preventive maintenance of the Training Ship, adhere to minimum levels of preventive maintenance as prescribed by the Administration, and keep the Training Ship clean and painted, above the waterline according to good maritime practices.

(ii) Cause the Training Ship to be fumigated if required by the Administration and forward to the Supervisor a copy of the fumigation certificate.

(iii) Pay for all consumable stores, freshwater and costs incidental to the operation of the Training Ship.

(iv) Pay for fuel of the training ship except that the Administration may assist in paying the cost of fuel consumed on the Training Ship while being used for training purposes if funds are appropriated and available for such purposes.

(f) *Cruises.* The school shall submit the cruise itinerary of the Training Ship including a listing of foreign ports to be visited, for approval of the Supervisor at least sixty (60) days in advance of the date such cruise is scheduled to begin. The Supervisor shall arrange with the Department of State for clearance of the Training Ship to visit foreign ports.

(g) *Hospitalization.* The School shall be responsible for all medical treatment and hospitalization of all persons aboard the Training Ship at all times, including officers and Cadets and Midshipmen. If available, facilities of the United States Public Health Service should be utilized.

(h) *Repatriation and return to home port.* The School shall be responsible for the return to the home port of the Training Ship of all persons, including officers and Cadets and Midshipmen, who originally embarked on a training cruise from a Continental United States port and who are left behind, after the departure of the Training Ship from any port, foreign or domestic, or are to be brought home from the ship at any time or for any reason. The School shall be solely responsible for all expenses of repatriation and return to home port.

§ 310.5 Personnel.

(a) *Selection and appointment of Superintendent and faculty by State authorities.*

(1) The State shall select and appoint the Superintendent of a School in accordance with qualifications established by appropriate State authorities. The State shall notify the Assistant Secretary whenever a new Superintendent is appointed and furnished with appropriate background information on the appointee for informational purposes.

(2) The State shall appoint faculty members in disciplines other than engineering and navigation on the basis of the same criteria used in the employment of such personnel in State-supported colleges and universities throughout the State. Faculty members in navigation and engineering courses, including steam and diesel, shall meet appropriate academic and practical experience standards adopted by the school and approved by the Administration.

(b) *Personnel for Training Ships.* (1) *Commanding Officer.* The Commanding Officer shall hold a valid Master's Ocean, Unlimited Tonnage license, including Radar Observer endorsement issued by the United States Coast Guard and must have served at least two (2) years within the last five (5) years as Master, Chief Officer, Commanding Officer, or Executive Officer either (i) on oceangoing vessels under the authority of said Master's Ocean, Unlimited Tonnage license, or (ii) in the case of sea service as a member of the Uniformed Services of the United States, on ships accepted by the United States Coast Guard as equivalent for qualifying service for issue of a Master's Ocean, Unlimited Tonnage license.

(2) *Chief Engineer.* The Chief Engineer must hold a valid Chief Engineer's (Steam) Ocean, Unlimited Horsepower license, issued by the United States Coast Guard and have served as Chief Engineer of an oceangoing steamship of comparable horsepower to that of the particular Training Ship.

(3) *Watch Officers.* Both Deck and Engineer Watch Officers in charge of a watch, underway, shall hold valid Ocean, Unlimited Tonnage licenses, issued by the United States Coast Guard, in their particular field.

(4) *Radio Officers.* During each training cruise the Training Ship shall have assigned one or more radio officers holding a valid license issued by the United States Coast Guard, in accordance with its regulations.

(5) *Licensed Engineer.* When a Training Ship boiler is in operation, there shall be a Licensed Engineer qualified to stand the watch aboard at all times.

(c) *Insignia for officers and other School personnel.* The State may furnish insignia for officers and other school personnel, other than officers of the United States Navy, United States Naval Reserve, United States Maritime Service and United States Coast Guard.

§ 310.6 Entrance requirements.

(a) *Enrollment prior to April 1, 1982.* A candidate for admission to a school who wishes to be considered for Federal student subsistence payments shall:

(1) Be a citizen of the United States.

(2) Agree in writing before enrollment to (i) complete the Naval Science curriculum (ii) take all necessary and positive steps to obtain a commission as ensign in the United States Naval Reserve, (iii) apply before graduation for such commission, and (iv) accept such commission if offered. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments. The requirements of this paragraph shall not apply at The Great Lakes Maritime Academy.

(3) Agree in writing before enrollment to sit for the appropriate licensing examination of the United States Coast Guard. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments.

(4) Meet the physical standards specified by the United States Coast Guard for original licensing as a merchant marine officer. The written certification of the Superintendent of the school, based on a physical examination by a doctor, the results of which are on record at the school, that a candidate meets these requirements, will be acceptable to the Administration.

(5) Possess a secondary school education or equivalent, satisfactory for admission as an undergraduate, to colleges or universities under control of the State in which the school is located.

(6) Meet requirements established by the school in regard to such criteria as the individual's secondary school grades, rank in graduating class, aptitude, achievement, and qualities of leadership.

(b) *Enrollment on or after April 1, 1982.* A candidate for admission to a school who wishes to be considered for the Federal student incentive payments shall:

(1) meet the requirements of subdivisions (1), (4), (5) and (6) of paragraph (a) of this section.

(2) be at least seventeen (17) years of age and not have passed the twenty-fifth (25th) birthday on the day of enrollment at a School.

(3) apply for, be offered, and have accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) and simultaneouly have applied and been accepted for Enlisted Reserve status.

§ 310.7 Federal student subsistence allowances and student incentive payments.

(a) *Subsistence allowances.* (1) *Selection and allocation.* In accordance with the Administration's established freshmen subsidy allocation for each School, the school shall select the individuals in its new entering class who will be enrolled in the United States Maritime Service as cadets and start to receive Federal student subsistence payments for uniforms, textbooks and subsistence as provided in the 1958 Act. The freshmen subsidy allocations for each School are as follows: California Maritime Academy 110; Maine Maritime Academy 150; Massachusetts Maritime Academy 77; State University of New York Maritime College 251; Great Lakes Maritime Academy 50; and the Texas Maritime College 35. Each student who meets the entrance requirements in § 310.6(a) and applies for enrollment in the United States Maritime Service shall be entitled to consideration for a student subsistence payment at a rate and under the conditions in the 1958 Act. The list identifying the selected students shall be forwarded to the Administration on or before October 31, 1981. The Federal student subsistence payments will be paid to the School while a cadet is in attendance but not in excess of four (4) academic years for any one student.

(2) *Resignation or disenrollment.* There will be no substitution for students removed or dropped from the list of those originally receiving Federal student subsistence payments. Subsidized students who resign or are disenrolled from a school shall not, on subsequent reenrollment, be in a position to reclaim their subsidy status.

(3) *Selection criteria; rate of payment.* The selection of the students to receive such payments shall be made by the School in accordance with criteria established by the School, with the prior approval of the Administration. The rate of Federal student subsistence payments will be determined by the Administration according to the 1958 Act or the Act.

(4) *NROTC enrollment.* Subsidized Cadets who make a commitment to the Naval Reserve Officer Training Corps will be removed from the Administration subsidy rolls effective on the date they receive funds from the United States Navy. Should they leave the Navy program for any reason they may not reclaim the Maritime Administration subsidy as a Cadet.

(5) *Payment procedure.* The Administration shall make the Federal student subsistence payments no more frequently than monthly, directly to the School upon the presentation of a statement containing the names of each Cadet selected by the Academy (within the quotas furnished pursuant to paragraph (a) of this section) to be enrolled in the Maritime Service and to

receive the Federal student subsistence payments. For newly selected Cadets in a new entering class, the statement supporting the first voucher for payment shall certify that the cadets have met the entrance requirements in § 310.6.

(6) *Certification procedure.* All vouchers submitted for payment shall contain a certification by the Superintendent that the payment will be used to assist in defraying the cost of the uniforms, textbooks, and subsistence of each Cadet on the basis of the amount to which the cadet is entitled, as reflected by the attached Daily Attendance Report. No cadet shall receive a federal student subsistence payment for any time during which he or she is absent without leave or for absence due to a condition not in line of duty, or when determined by the School to be not in good standing.

(7) *Insufficient appropriations.* If it appears that the amount appropriated by Congress under the Act shall not be sufficient to make payments at the maximum rate, not in excess of $1,200 per academic year per cadet, the Assistant Secretary, after consultation with the Schools, may determine the exact rate to be paid at each School for the remainder of the fiscal year.

(b) *Federal student incentive payments.* (1) *General provisions.* In accordance with the Administration's established subsidy quotas for new entering classes entering after April of 1982, each School will identify to the Administration; the students who are to be considered for the student incentive payment authorized by the Act. The students so identified must meet the requirements of § 310.6(b). The Administration shall provide the school with the necessary service obligation agreements. The agreements will be signed by the designated students and returned by the School to the Supervisor and shall become effective when signed by the Supervisor or his or her designee. A copy shall be returned to the School for transmittal to the student. Payments will be issued to these midshipmen in amounts equaling $1,200 for each academic year of attendance. Payments shall commence to accrue on the day each such midshipman begins his or her first term of work at the School. Such payments shall be made quarterly to the midshipman until the completion of his or her course of instruction but in no event for more than four (4) academic years. The School shall submit a monthly certified Daily Attendance Report listing the names of all designated midshipmen who are entitled to student incentive payments.

(2) *Temporary reallocation of Federal student incentive payments.* If a School does not have a sufficient number of eligible freshmen to utilize all of its alloted payments, then the unused subsidies may be reallocated on a need basis to academies with eligible students. In the next academic year, each School's subsidy quota for entering students will revert to its original level.

(3) *Form of the Service Obligation Agreement.* The service obligation agreement shall obligate the midshipman to—

(i) use the student incentive payment to defray the cost of uniforms, books and subsistence;

(ii) complete the course of instruction at the School unless sooner separated by the school;

(iii) take the examination for a license as an officer in the merchant marine of the United States on or before the date of graduation from a School and to fulfill the requirements for such license not later than three (3) months after graduation;

(iv) maintain a license as an officer in the merchant marine of the United States for at least six (6) years following graduation from a School;

(v) apply for an appointment as, accept if tendered, and serve as a commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve), the United States Coast Guard Reserve, or any other Reserve unit of an armed force of the United States, for at least six (6) years following graduation from a School; and

(vi) serve in the foreign or domestic commerce or both, and the national defense of the United States for at least three (3) years following graduation from a School—

(A) as a merchant marine officer serving on vessels documented under the laws of the United States or on vessels owned and operated by the United States or by any State or Territory of the United States;

(B) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Assistant Secretary), if the Assistant Secretary determines that service under paragraph (A) is not available to such individual;

(C) as a commissioned officer on active duty in an armed force of the United States or in the National Oceanic and Atmospheric Administration; or

(D) by combining the services specified in subdivisions (A), (B) and (C).

(4) *Marine-related employment.* (i) graduates who intend to claim employment in a United States maritime-related industry, profession of marine science as meeting all or part of the service obligation under paragraph (b)(3)(vi) of this section, shall submit evidence to the Supervisor that they have conscientiously sought employment as a merchant marine officer, and that such employment is not available. Such evidence and other information available, shall be considered in any finding. In view of current and projected employment opportunites, afloat, the Assistant Secretary will grant the shoreside employment option infrequently and only on the basis of comprehensive evidence.

(ii) The Assistant Secretary may consider the positions of operational, management and administrative responsibility in the following marine-related categories under the provisions of paragraph (b)(3)(vi) of this section: civilian employment in Federal and State agencies related to maritime affairs, steamship companies, stevedoring companies, vessel chartering and operations, cargo terminal operations, naval architecture, shipbuilding and repair, municipal and state port authorities, port development, marine engineering, and tug and barge companies. The above list is not all inclusive and is only intended to serve as a general guide.

(5) *Afloat employment year.* For purposes of the service obligation, a satisfactory year of afloat employment, shall be a number of days employed afloat that is at least equal to the median number of days of seafaring employment under Articles achieved by deck or engine officers in the most recent calendar year for which statistics are available.

(6) *Reporting requirement.* The schools shall promptly submit copies of all resignation forms (containing the name, reason, address and telephone number) of juniors and seniors to the Supervisor, to be used for monitoring and enforcement purposes. Each graduate shall submit an employment report form to the Supervisor on or before July 1 of each year following their year of graduation, for three years. In case a deferment has been granted to engage in a graduate course of study, semi-annual reports must be submitted for any extension of the three (3) year obligation period resulting from such deferments. Reporting forms will be distributed by the school and the Supervisor. The reporting requirement for graduates will not become effective until there are State academy graduates subject to this provision, not earlier than 1985. The specific form to be developed by the Maritime Administration shall be subject to approval by the Office of Management and Budget.

(7) *Breach of Agreement.*

(i) If the Administration determines that any midshipman who has attended a school for not less than 2 years has failed to complete the course of instruction at a school, the Secretary of the Navy may order that midshipman to active duty in the United States Navy, to serve for a period of time not to exceed 2 years. The Supervisor shall submit the list of those who have breached their agreement to the Chief of Naval Education and Training, Pensacola, Florida 32508.

(ii) If the Administration determines that a graduate of a school has broken his or her agreement under paragraph (3), the Secretary of the Navy may order that individual to active duty to serve a period of time not less than 2 years and not more than the unexpired portion of the service required. The Assistant Secretary for Maritime Affairs, in consultation with the Secretaries of Defense and Transportation, shall determine in which service the graduate shall serve such period of time.

(8) *Waivers*—Waivers may be granted in cases where there would be undue hardship or impossibility of performance of the provisions of the agreement due to accident, illness or other justifiable reason. Applications for waiver will be submitted to the Supervisor.

(9) *Deferments*—In exceptional cases the Administration may grant a deferment of all or part of the service commitment under clauses (3)(ii)—(vi) for a period not to exceed two years, only for graduates considered to have superior academic and conduct records while at the school, for the purpose of their entry after graduation into a marine-or maritime-related graduate course of study at an accredited graduate school. However, the Secretary of the department (including the Secretary of the department in which the U.S. Coast Guard is operating and the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration) which has jurisdiction over such service shall approve any deferment of service as a commissioned officer. Applications for such deferment shall be made through the Superintendent of Midshipman's school, who shall forward each application together with the Superintendent's recommendation for approval or disapproval and an evaluation of the applicant's academic and conduct records, to the Supervisor for appropriate action.

(10) *Determination of Compliance with Service Agreement, Appeals and Review Procedures*—

(i) An official of the Administration designated by the Supervisor shall:

(A) render determinations of whether a student or graduate has breached his or her service agreement;

(B) grant or deny a deferment of the service obligation under subparagraph (b)(9) of this section, except obligations otherwise a part of the graduate Reserve officer status;

(C) grant or deny a waiver of the requirements of the service agreement in hardship cases.

(ii) A four-person Appeals Review Panel consisting of the Supervisor serving as Chairman, and representatives of the Department of the Navy, the NOAA Corps, and the U.S. Coast Guard, decisions of which shall be final, shall:

(A) consider appeals of the decisions of the designated official pertaining to a breached agreement in hardship cases;

(B) consider appeals from denial of deferral by the designated official; and

(C) consider any issues of procedure or of the merits of cases referred to it by the designated official.

(iii) The procedures for processing determinations of compliance with the service agreement shall be developed by the Supervisor and approved by the Assistant Secretary. Actual notice of such procedures will be given to each student at the time of enrollment in the program.

§ 310.8 Leave.

Cadet and Midshipman leave without loss of Federal student subsistence or incentive payments shall be as follows, with the specific periods to be set at the discretion of the Superintendent on an academic year basis:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four (4) months.

(b) For an emergency due to the serious illness, injury or death of a very near relative, not to exceed seven (7) days.

(c) Annual leave not to exceed thirty (30) days.

(d) Christmas and Easter not to exceed a total of twelve (12) days. Plus all legal holidays—Federal and State. This leave is in addition to that granted in paragraph (c) of this section.

(e) Leave in addition to that provided in paragraphs (c) and (d) of this section, may be granted only if approved in advance by the Supervisor upon direct request by the Superintendent.

§ 310.9 Medical attention and injury claims.

(a) *Medical attention and hospitalization.* The school shall be responsible for arranging that a medical officer shall be attached or on call to the school. During the cruise, the School shall assign a medical officer to the Training Ship.

(b) *Compensation claims of cadets or midshipmen.* Compensation claims for personal injuries or death sustained by a Cadet or Midshipman in the performance of official duty shall be forwarded to the Supervisor for transmission to the Office of Workers' Compensation Programs. The Supervisor shall furnish necessary forms.

(c) *Medical care and compensation for Officers and other personnel.* Officers and other personnel of the School, and of the Training Ship may avail themselves of any medical facilities furnished by the State or Federal Government for which they qualify. See, for example, 42 CFR Part 32. Such persons who are not Federal employees shall look to the State alone for pay, allowances, compensation and other benefits during injury or illness.

§ 310.10 Discipline and dismissal.

(a) Each School shall establish and publish rules and regulations governing Cadet and Midshipman discipline and providing for a demerit system for infractions of these rules and regulations. Serious or excessive violations of the rules and regulations by a Cadet or Midshipman may be considered as evidence of inaptitude for the demanding career of a merchant marine officer and warrant dismissal by the school.

(b) Each Cadet or Midshipman shall, upon admission to the School, be furnished a copy of the School's rules and regulations.

(c) Any Cadet or Midshipman placed on probation for failure to meet the conduct requirements of the school may, at the discretion of the Superintendent, be listed as not in good standing for any period not to exceed six (6) months for the purpose of § 310.7(a)(5).

§ 310.11 Cadet uniforms.

Cadet uniforms shall be supplied at the school in accordance with the uniform regulations of the School. Those regulations shall prescribe a distinctive insignia or device approved by the Assistant Secretary.

§ 310.12 Scope and effect.

(a) If any provisions of this Subpart conflict with laws and regulations of the State, the appropriate State authorities

shall notify the Assistant Secretary in writing of such conflict and pertinent circumstances. The Assistant Secretary, as a matter of discretion, shall take, or not take, any action determined appropriate under the 1958 Act or the Act.

(b) The Assistant Secretary may, after consultation with the Superintendents of the schools issue binding executive instructions supplementing this subpart.

§ 310.13 Form of agreement.

(a) The form of agreement between the Assistant Secretary and a school for annual maintenance and support payments, Federal student subsistence and incentive payments and fuel assistance under the 1958 Act and the Act is set forth below. The form of agreement may be augmented by special, additional articles if requested by the State and if agreed to by the Assistant Secretary. Agreement by the Assistant Secretary will be rare and will occur only if (1) the State presents good cause (e.g. explicit requirement of State law) and (2) the requested addition is not inconsistent with the 1958 Act or the Act and this subpart.

United States of America, Department of Commerce, Maritime Administration

State Maritime Academy or College Agreement

This Agreement, entered into as of the 1st day of July 1981, by and between the United States of America, acting through the Department of Commerce, Maritime Administration (hereinafter called the "Administration") and the State of ———— (hereinafter called the "State"), acting through the ———— Maritime Academy (hereinafter called the "School").

Witnesseth

Whereas:

1. The Agreement is effective July 1, 1981. A number of its provisions will become effective October 1, 1981, or later, and are so indicated;

2. "The Maritime Education and Training Act of 1980," Public Law 96–453 (hereinafter called the "Act"), effective October 1, 1981, and its predecessor statute "The Maritime Academy Act of 1958," Public Law 85–672 (hereinafter called the "1958 Act"), provide for payments to State, Regional, and Territory maritime academies and colleges (hereinafter called "schools") for the maintenance and support of such schools;

3. The 1958 Act provides for payments to the schools for students in attendance at such schools commencing with the day such students begin their first term of work at such schools until the completion of the course of instruction, but in no event for more than four academic years;

4. The Act authorizes the Administration to make payments to students entering into a service obligation agreement with the Administration;

5. The Act authorizes the Administration to pay for the cost of all fuel consumed by a training ship furnished by the Administration while such vessel is being used for training purposes;

6. The Act and the 1958 Act provide for certain requirements regarding courses of instruction and educational standards which any such schools must meet in order to receive said payments referred to in paragraph 2 above; and,

7. The Administration has determined that the School has met or by virtue of this Agreement meets all the requirements referred to in paragraph 6 above.

Now, therefore, in consideration of the premises and of the mutual promises hereinafter set forth, the parties hereto agree as follows:

Article 1. *Assistance Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make annual payments to the school for not in excess of four years if the school has a four-year course and not in excess of three years if the school has a three-year course under this Agreement to be used for the maintenance and support of the school. The amount of each such annual payment shall be not less than the amount furnished to the school for its maintenance and support by the State but shall not exceed $25,000, or $100,000 if the school meets the requirements of Article 5(b) of this Agreement.

Article 2. *Subsistence Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make payments for each student enrolled in a subsidized status before April 1, 1982, at a rate not in excess of $1,200 for each academic year. These payments shall be made to the school for the account of each such subsidized student who is attending the school. The school agrees that such payments shall be used by the student to assist in defraying the cost of his or her uniforms, textbooks, and subsistence. It is further agreed that the payments under this Article 2 shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid to the school in such installments as the Administration shall prescribe while such student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 3. *Student Incentive Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to provide the school with service obligation agreement forms for a specified number of students beginning the first term of work at the school on or after April 1, 1982. The service obligation agreement forms shall be signed by the designated students and returned by the school to the Administration which agrees to issue payments to these students in amounts equaling $1,200 for each academic year to assist them in paying the cost of uniforms, books and subsistence. It is further agreed that under Article 3 payments shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid in such installments as the Administration shall prescribe while the student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 4. *Fuel Payments.*

If funds are appropriated in any given fiscal year and are made available for expenditure by the Administration for fuel consumed by Government-owned training ships furnished to the schools, the allocation of such funds may be as determined in the discretion of the Administration.

Article 5. *Requirements.*

(a) In consideration of the payments to be made to the school pursuant to Articles 1, 2 and 4 of this Agreement, and of the payments to designated students enrolled in the school pursuant to Article 3 of this Agreement, the school shall, and as a condition of this Agreement agrees to,

(1) Provide courses of instruction in navigation, marine engineering (including steam and diesel propulsion), the operation and maintenance of vessels and equipment, and innovations being introduced to the merchant marine of the United States; and,

(2) Conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors, as are established by the Administration after consultation with the Superintendents of schools.

(b) In addition to the condition provided in paragraph (a) of this Article 5 and as an express condition to receiving payments of any amount in excess of $25,000 for any one year under Article 1 of this Agreement, the school hereby agrees to admit to its courses of instruction otherwise qualified students resident in any other State or Territory in such numbers as the Administration shall prescribe, except that the number so prescribed shall not, at any time, exceed one third of the total number of students attending the school.

(c)(1) The school agrees that, with respect to the training program for merchant marine officers under the Act and the 1958 Act, and this Agreement, it will, to the extent applicable, comply with the following provisions of law and implementing regulations duly promulgated thereunder (including, but not limited to 15 CFR Part 8): Title VI, Civil Rights Act, 1964 (42 USC 2000d); Age Discrimination Act of 1975 (42 USC 6101); and Vocational Rehabilitation Section 504 (29 USC 794). The school further agrees that it will immediately take any measures necessary to effectuate this subparagraph (c)(1).

(2) It is agreed that these assurances are given in consideration of and for the purpose of obtaining and continuing in effect any financial assistance extended after the date hereof to the school by the Administration including any payments to be rendered pursuant to agreements extending financial assistance which were approved prior to such date, and any violation by the school of any of the provisions of this assurance of nondiscrimination shall constitute a breach of this Agreement and of each of such prior agreements.

(3) The school further recognizes and agrees that such financial assistance will be extended by the Administration in reliance upon the representations and agreements made in this assurance of nondiscrimination, and that the United States shall have the right (in addition to any of its other rights under its agreements with the school) to seek judicial enforcement of these assurances. These assurances are binding on the school, its principals, officers, employees, agents, successors, transferees, and assignees.

(d) The Administration is hereby authorized to examine and audit the books, records and accounts of the school whenever it is deemed necessary or desirable. Further, the school agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda or other documents and to furnish without charge, adequate office space and other facilities reasonably required by such auditors of the Administration or other persons designated by the Administration in the performance of their duties in administering the provisions of the payments provided under this Agreement. This provision complies with Federal Management Circular 73–6 providing for a single audit for educational institutions and assigning one Federal agency with the audit responsibility for schools receiving Federal aid.

Article 6. *Methods of Payment.*

(a) *Assistance Payments.* The school shall submit to the Administration annually, at the time and in the form approved by the Administration, a voucher for the assistance payment provided in Article 1 of this Agreement. Each voucher for an assistance payment whether under the Act or the 1958 Act, shall be supported by certified statements of operating expenses for the preceding year, of an estimate of operating expenses for the year with respect to which the voucher is submitted, of amounts furnished by the State to the school for maintenance and support, and of evidence of compliance with the requirements of paragraph (b) of Article 5 of this Agreement. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(b) *Subsistence Payments.* The school shall submit a monthly voucher, in form approved by the Administration, for the subsistence payments provided in Article 2 of this Agreement. Each voucher for subsistence payments shall be supported by a certified Daily Attendance Report listing the names of all subsidized students and the number of days each was in attendance at the school and is entitled to payment as stated on such voucher. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(c) *Student Incentive Payments.* The school shall submit a monthly certified Daily Attendance Report listing the names of all designated students who are entitled to the student incentive payments provided in Article 3 of this Agreement and the number of days each was in attendance at the school and is entitled to payment. The Administration shall issue quarterly payments directly to such students.

(d) *Fuel Payments.* Upon notice from the Administration that appropriated funds are available for fuel payments provided in Article 4 of this Agreement, the school will submit a statement of the fuel consumed by the Government-owned training ship supported by copies of all billings representing fuel purchases, a statement of fuel consumed while such ship was being used for training purposes, copies of appropriate fuel consumption entries in the engineering log, and such other information as the Administration may require. The Administration will prepare the necessary voucher and make payment to the school.

Article 7. *Public Information.*

It is agreed that the school shall include in its curriculum catalogue, student information pamphlets, brochures, and other public information materials, a detail description of the assistance available to the school and its students under the Act, the 1958 Act and this Agreement, including the service obligations of student and graduates who first enter the school on or after April 1, 1982.

Article 8. *Regulations.*

This Agreement is subject to all the provisions of Part 310, Subpart A, Title 46, Code of Federal Regulations, and the school hereby agrees to conform to said provisions as they may be amended from time-to-time during the period this Agreement is in effect.

Article 9. *Officials not to Benefit or be Employed.*

No member of or delegate to Congress, nor Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

Article 10. *Disputes.*

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Director, Office of Maritime Labor and Training who shall reduce his or her decision to writing and mail or otherwise furnish a copy thereof to the school, which decision shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the school appeals by mailing or otherwise furnishing said Director, Office of Maritime Labor and Training, a written appeal addressed to the Assistant Secretary for Maritime Affairs. The decision of the Assistant Secretary for Maritime Affairs, or his or her duly authorized representative, shall be final and conclusive. In connection with any appeal, the school shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the school shall proceed diligently with performance of the Agreement in accordance with the decision of the Director, Office of Maritime Labor and Training.

Article 11. *Duration of Agreement.*

This Agreement is effective as of the day and year first set forth hereinabove and shall remain in full force and effect for a period of —— years after said date, unless sooner terminated by either party as herein provided.

Article 12. *Termination of Agreement.*

This Agreement may be terminated by either party upon sixty (60) days written notice to the other party, *provided, however,* that notwithstanding any such termination the parties hereto shall continue to be responsible for the faithful performance of all of the terms and provisions of this Agreement through the effective date of such termination. Termination or expiration of this Agreement shall neither affect nor relieve either party of any liability or obligation that may have arisen or accrued prior thereto.

Article 13. *Renewal of Agreement.*

Unless terminated by notice, as provided for herein under Article 12 of this Agreement, the rights and privileges granted to, and the obligations assumed by, the parties together with all other provisions of this Agreement shall continue in full force and effect and shall be renewed from year-to-year for an additional period of one (1) year from the expiration date herein, unless either party shall at least three (3) months prior to the date of expiration of any additional one (1) year period notify the other party in writing that it does not desire the Agreement to be extended for such additional one (1) year period. This Agreement, as extended year-to-year as aforesaid, may be amended, modified or supplemented in writing at any time by the mutual consent of the parties hereto.

Article 14. *Assignment Prohibited.*

It is hereby agreed by the school that the Agreement, or any interest herein, shall not be assigned to any other person without the prior written consent of the Administration, which consent may be subject to such terms and conditions as the Administration deems appropriate.

Article 15. *Availability of Funds.*

It is understood and agreed by and between the parties hereto that the obligations under this Agreement shall be deemed executory to the extent of the monies available to said parties for the purpose thereof and no liability on account thereof shall be incurred beyond such available monies by either of said parties.

Article 16. *Prior Agreement.*

It is hereby understood and agreed by and between the parties hereto that the agreement in effect between the parties on the date prior to the effective date of this Agreement is superseded by this Agreement but only as to obligations not incurred prior to the expiration date of said prior agreement under the provisions of said prior agreement.

In witness whereof, the UNITED STATES OF AMERICA, represented as aforesaid, has caused this Agreement to be executed on its behalf in three counterparts as of the day and year first written hereinabove and actually on the —— day of ——— 19—.

Attest:
United States of America, Department of Commerce, Maritime Administration.
Secretary: ————————
By: ————————

————————
Assistant Secretary of Maritime Affairs.
[Seal]
Attest:
State of ————————
————Maritime Academy

By: _____
[Seal]
Approved as to form:

General Counsel, Maritime Administration.

(Public Law 85–672, 72 Stat. 622 (46 U.S.C. 1381–1388) and Public Law 96–453, 94 Stat. 1997; Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Public Law 91–469 (84 Stat. 1036); Department of Commerce Organization Order 10–8 (38 FR 19707, July 23, 1973))

(Catalog of Federal Domestic Assistance Program No. 11–500 State marine schools)

Dated: June 30, 1981.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 81–21314 Filed 7–21–81; 8:45 am]
BILLING CODE 3510–15–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte No. 404]

Changes in the Fee Schedule

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: On May 6, 1981 [46 FR 25326], the Commission published in the **Federal Register** the Notice of Proposed Rulemaking in the proceeding relating to changes in the fee schedule. At that time we explained the purpose of an increase in fees for copying and certifying certain records and documents in the Secretary's Office, as well as certain technical changes in the fee schedule. Since we have not received any comments regarding this proposed measure, we intend to adopt the proposed rules as final.

DATE: This action is effective upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Joseph Ross, (202) 275–0993
or
Kathleen King, (202) 275–0956.

SUPPLEMENTARY INFORMATION: This action will not significantly alter the quality of the human environment or conservation of energy resources.

These rules will not have a significant effect on small businesses.

Accordingly, we adopt the amendment set forth in the appendix.

Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: July 16, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha Mergenovich,
Secretary.

Appendix

1. Title 49 CFR 1002.2(d), Schedule of Filing Fees, is amended by removing 49 CFR 1002.2(d)(12) and reserving it for future use and by removing 49 CFR 1002.2(d)(42) and reserving it for future use.

2. Title 49 CFR 1002.1 is amended by revising paragraphs (a), (e), and (f) (1), (2) and (3) as follows:

§ 1002.1 Fees for record search, copying, certification, and services in connection therewith.

* * * * *

(a) Certificate of the Secretary, $2.50.

* * * * *

(e) Electrostatic copies of tariffs, reports, and other public documents, at the rate of $0.25 per letter size or legal size exposure. A minimum charge of $2.50 will be made for this service.

(f) * * *

(1) The search fee shall be $4.00 per hour for services performed by clerical personnel, and $12.00 per hour for services performed by supervisory and professional personnel. A fee of $25.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(2) The fee for electrostatic copies shall be $0.25 per letter size or legal size exposure, with a minimum charge of $2.50 for this service.

(3) The fees for searches requiring the use of computers shall be $0.30 per port minute on the NDC system and $0.12 per port minute on the Compu Serve System. Printing shall be charged at a rate of $0.10 per page of computer generated output with a minimum charge of $25.00. A charge of $25.00 per reel of magnetic tape will be made if the tape is to be permanently retained by the requestor.

* * * * *

[FR Doc. 81–21421 Filed 7–21–81; 8:45 am]
BILLING CODE 7035–01–M

49 CFR Part 1120A

[Finance Docket No. 28990F]

Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Modification of rules.

SUMMARY: The Commission is clarifying the rules codified at 49 CFR 1120A which provide for a modified certificate of public convenience and necessity for operation of rail lines abandoned or authorized for abandonment and acquired by a State. Specifically, we recognize that lines for which an abandonment application was filed prior to January 1, 1979 are eligible for Federal rehabilitation assistance under 49 U.S.C. 1654(k)(3)(C) regardless of whether the application was approved. The rules are also modified to require the notice to include information about the abandonment.

DATES: This decision will be effective on July 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson, (202) 275–7245
or
Elaine Sehrt, (202) 275–7899.

SUPPLEMENTARY INFORMATION: Patrick W. Simmons, Illinois Legislative Director for United Transportation Union (UTU), the State of Michigan Department of Transportation (Michigan DOT), the United States Department of Transportation (U.S. DOT) and the New York State Department of Transportation (New York DOT) separately ask us to reconsider our decision in Finance Docket No. 28990F, *Common Carrier Status of States, State Agencies*, 363 I.C.C. 132 (1980) (*States' Exemption*). Final rules in that decision were published at 45 FR 53827, August 13, 1980, corrected at 45 FR 55205, August 19, 1980, and the effective date clarified at 45 FR 57129, August 29, 1980.

Modified Certificate and Local Rail Assistance

Michigan DOT contends that we did not correctly interpret section 107 of the Local Rail Service Assistance Act of 1978, 92 Stat. 3059, which amended section 5(k) of the Department of Transportation Act, 49 U.S.C. 1654(k). At page 139 of the decision, we stated:

> Since all the rail lines that will be covered by this exemption would have been abandoned pursuant to our regular procedures but for this exemption, we conclude that they would not be eligible for rehabilitation assistance. If a carrier wishes to take advantage of Federal rehabilitation assistance programs, it will have to apply for a full-fledged certificate of public convenience and necessity pursuant to section 10901 of the Act.

Because lines for which an abandonment application was filed before January 1, 1979, are eligible for rehabilitation funds under section 1654(k)(3)(C) (until September 30, 1981), Michigan DOT requests that the decision be modified to reflect this fact. U.S. DOT supports this request.

Because U.S. DOT supports the interpretation of a program administered by one of its subsidiary agencies, the Federal Railroad Administration (FRA), we will adopt Michigan DOT's request. Lines for which an abandonment application were filed prior to January 1, 1979, are eligible for rehabilitation funds until September 30, 1981, *whether or not the application has been granted.* In the event that an abandonment application in such cases is granted, the lines would also be eligible for a modified certificate under our regulations.

Adequacy of the Notice and Lawfulness of the Modified Certification Procedure

In its petition to reopen the proceeding, UTU questions our authority to exempt States and their operators from the requirements of 49 U.S.C. 10901 (acquisition and operation) and 10903 (abandonment), and our authority to set up a *modified* certification procedure. Initially, UTU asserts that our final rules go beyond the scope of the notice of the proceeding published at 45 FR 19585 on March 26, 1980. It points to the statement of proposed rule 1120A.2 in the notice that when a State acquires an abandoned rail line and operates the line itself or contracts with an operator to provide service, both the State and the operator become carriers. This is compared to the final rule 1120A.2, which provides that a State would be considered a common carrier only if it operates the line.

We believe that the March 26 notice fully informed the public of the possible scope of this proceeding. The Commission's consideration of exempting both the States and operators from common carrier obligations is clearly set forth in the notice which stated, "We have, however, exempted States and operators of abandoned rail lines from the statutory and regulatory requirements applicable to common carriers, that govern the acquisition of these lines and the start up and abandonment of operations over them." See 45 Fed. Reg. 19585, rule 1120A.2. Moreover, the March 26 notice contained a compendium of frequently-asked questions regarding the implications of the proceedings on operations over abandoned lines. In answer to question 9, we indicated that ownership of a line that has been abandoned or approved for abandonment would not *per se* impose a common carrier obligation. The submission of a proposed rule for comment does not of necessity bind an agency to undertake a new round of notice and comment before it adopts a rule which is different—even substantially different—from the proposed rule. * * * the adequacy of the notice must be tested by determining whether it would fairly apprise interested persons of the "subjects and issues" before the Agency. *American Iron & Steel Inst.* v. *Envir. Prot. Agency*, 568 F. 2d 284 (3rd Cir. 1977). * * * The initial Notice of Proposed Rulemaking included in this record demonstrates that it fairly apprised interested persons of the "subjects and issues" before the ICC. *Bonney Motor Exp., Inc.* v. *United States*, 640 F. 2d 646, 650 (5th Cir. 1981). In light of the information provided, we believe UTU's claim of inadequate notice is without merit.

UTU also contends that a *modified* certification procedure is unlawful, arguing that we must either subject the States to the requirements of 49 U.S.C. 10901 and 10903 or exempt them entirely from our regulation. Petitioner is incorrect in its assertion. Under section 10505(d), we may revoke an exemption to the extent necessary to carry out the rail transportation policy of section 10101a. We see no functional difference between a partial revocation of an exemption under subsection (d) and a partial initial grant of an exemption. Additionally, the statute authorizes us to exempt "a transaction" but does not require us to exempt fully every transaction. This view is reinforced by the legislative history of the Staggers Rail Act of 1980 (Staggers Act), Rep. No. 96–1430, 96th Cong. 2d Sess., which states, "[t]he conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemptions from remaining regulation." Thus, in establishing less vigorous licensing requirements and in partially exempting certain operations, we are implementing the intent of Congress.

Labor Protective Conditions

UTU also objects to the use of the section 10505 exemption authority as a means of relieving States and their operators from mandatory labor protective conditions under 49 U.S.C. 10903(b)(2). However, the 1120A rules apply only to lines that have been abandoned or authorized for abandonment. Thus, conditions will generally have already been imposed on the abandoning carrier to protect *existing* railway employees. As for *new* employees hired by the new operator, we see no need for protection. As these people accept employment with an exempt operator with knowledge of the exempt character of the operation and with no expectation of protection. Further, these lines generally would not be in operation but for the State's involvement and the existence of the exemption. These are lines which the private sector will no longer sponsor. Therefore, the new employees of these operators are not disadvantaged by this exemption. To the contrary, they would otherwise not be employed in this operation.

We recognize that the Staggers Act modified and limited our exemption authority so that we may not exercise that authority in the future in such a way as "to relieve a carrier of its obligation to protect the interests of employees as required by [the Interstate Commerce Act]." See 49 U.S.C. 10505(g)(2). However, we do not believe that Congress intended these modified certificate operators to be subject to mandatory labor protective conditions. The *States' Exemption* was issued, and the rules became final, months before the passage of the Staggers Act. Clearly, Congress was aware of this exemption. It could have required labor protection for new employees of modified certificate operators, but chose not to do so. The decision not to require labor protection in this area is consistent with Congressional actions in a similar area—the feeder railroad development program of section 10910.

Under the newly established feeder development program, Congress set forth a procedure by which shippers and communities could ensure the preservation of adequate rail service by purchasing certain rail lines from rail carriers even if the carriers did not wish to sell. Significantly, Congress provided that persons acquiring lines under this program could elect to be exempt from any provisions of Title 49 except those dealing with joint rates. Thus, an applicant under this program could elect to be exempt from the labor protection provisions of Title 49. Furthermore, under section 10910(g)(2), any financially responsible person acquiring any line abandoned during the 18-month period prior to passage of the Staggers Act is afforded the same exemption election.

Congress' action in establishing a feeder development program with such broad exemption provisions evidences an intent that where a choice must be made between automatic labor protection and continued service to the community, continued service prevails. The modified certification procedure is analogous. When State participation is necessary to insure continued rail service, we will not impose mandatory labor protective conditions. We believe that this approach is consistent with the will of Congress.

Preferential Treatment of States

UTU asserts that the effect of the *States' Exemption* decision is to give States and their operators preferential treatment *vis-a-vis* privately operated enterprises. It is the intent of Congress, as set forth in the Regional Rail Reorganization Act of 1973 (3R Act) and the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), that the States take an active role in maintaining rail service. *States' Exemption*, at 139. This intent was also expressed in section 401 of the Staggers Act, the feeder railroad development program (49 U.S.C. 10910). UTU argues that that decision will permit certain private sector concerns to obtain unfair advantages over their competitors by contributing qualifying funds to a State to acquire additional Federal funds. We disagree. Instances of such conduct are likely to be very limited. In addition, all business entities will have similar opportunities to assist in preserving transportation service that is important to them. Most importantly, we believe that each State is best suited to assess transportation needs within its boundaries and in allocating its own (as well as *any* additional) funds available for service continuation programs.

Moreover, the purpose of the modified certification procedure is to reduce regulatory barriers so as to encourage the continuation of rail service which might otherwise be ended. There is a need to reduce regulatory burdens for States especially as many State constitutions prohibit the assumption of common carrier status. Thus, our decision is intended to remedy otherwise insurmountable problems for States wishing to preserve rail service. Private concerns do not face barriers of this magnitude. It is well established that remedial action, in addressing only certain facets of a particular problem and in neglecting others, is neither a violation of equal protection nor due process. *Williamson* v. *Lee Optical of Okla.*, 348 U.S. 483, 487–488 (1955); and *A. F. of L.* v. *American Sash Co.*, 335 U.S. 538, 541–542 (1949). Thus, UTU's final contention is without merit.

Commission Jurisdiction Over States

New York DOT alleges that we erred in not granting its previously filed motion to dismiss the proceeding for lack of jurisdiction.[1] It believes that Congress, in enacting both the 3R Act and the 4R Act, intended that States be exempt from regulation in this area.

We considered the issue of our jurisdiction over States in both the March 26 notice and the *States' Exemption* decision. We found that where a State acquires a line of railroad which has been abandoned, the transaction is outside the scope of our jurisdiction. We also found that where a State acquires a line authorized for abandonment, but over which service is still being provided, the transaction is subject to our regulation. In the latter instance, the State would succeed to the common carrier obligations required of the former owner. Cf. *Pittsburgh & W. Va. R—Pur.—Pittsburgh & W. Va. Ry. Co.*, 330 I.C.C. 503, 506–507 (1967), and *Leelanau Transit Co. Abandonment, North Port Branch*, 307 I.C.C. 95, 101 (1959). However, in view of the substantial burdens on the States which common carrier status would occasion, we granted an exemption where the State would not actually operate the line. Thus, the burden of ownership on the State has been minimized to the greatest extent consistent with our statutory obligations.

Other Matters

New York DOT requests that we clarify the status of lines that have not been abandoned and over which operations have continued through subsidy. If the line has not been authorized for abandonment, then the modified certification procedures would not apply. But, a State could use the feeder line development program mentioned above to acquire the line and elect to be exempt from regulation (except with respect to joint rate provisions) under 49 U.S.C. 10910(g)(1).[2]

A need for clarification of these rules also arose in Finance Docket No. 29636, *Modified Certificate Notice by the Delaware and Hudson Railway Company* (not printed), decided May 5, 1981. There, the Delaware and Hudson Railway Company sought a modified certificate to operate a rail line which it had been operating as a designated Operator (D–OP).[3] The rail line was recently purchased by the Tioga County Industrial Development Agency, removing it from D–OP eligibility. This is a proper use of these modified certification regulations. A rail line which was approved for abandonment under the Final System Plan (FSP)[4] but over which operations were continued by a D–OP, comes within the meaning of "abandoned or authorized for abandonment", as required by 1120A.

In another recent proceeding, *Delaware and Hudson Ry Co.—Modified Cert. of PC&N*, 363 I.C.C. 808 (1981), a notice for a modified certificate was rejected. There, no operations had been conducted over the line for several years. That proposal involved service to a new shipper, a service which differed significantly from the abandoned service. We reiterated that the 1120A procedures were designed to facilitate *continuation* of rail service over marginal lines where service would be discontinued but for the role of the State (363 I.C.C. at 810). We noted that the *States' Exemption* procedures would apply only to recently abandoned lines. (363 I.C.C. at 809).

Use of the 1120A procedures has also revealed a need for specific information about the abandonment. Accordingly, section 1120A.3 will be modified to require that the notice filed by the operator include information about the abandonment, including docket number, status and date of the first decision approving the abandonment.

Energy and Environmental Impact

All of the rail lines subject to the modified certification procedures will already have been authorized for abandonment. Thus, specific energy and environmental findings will have been made in the individual abandonment proceedings. We note, in addition, that the preservation or reinstitution of rail service will have a salutary impact in these areas. Use of existing rail facilities will decrease motor traffic and extend roadway life. It will result in decreased fuel consumption and preservation of other natural resources.

This action does not significantly affect the quality of the human environment or conservation of energy resources.

It is ordered:

(1) The motion of New York Department of Transportation to file its late-tendered petition to reopen is granted.

(2) The petition to reopen submitted by Patrick W. Simmons, Illinois Legislative Director for United Transportation Union and the petition for administrative review filed by the State of Michigan, Department of Transportation are granted, in part.

(3) The petition to reopen for reargument and reconsideration filed by New York Department of Transportation is denied.

(4) The regulations pertaining to the modified certification procedure codified at 49 CFR 1120A *et seq.* are modified to the extent set forth in the Appendix.

(5) This decision will be effective on July 16, 1981.

Dated: July 13, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix

§ 1120A [Amended]

49 CFR 1120A.3 is amended as follows:

1. Existing paragraphs (b) (2) through (5) are redesignated as (b) (3) through (6).

2. Paragraph (b)(2) is added to read as follows:

* * * * *

(b) * * *

(2) Information about the prior abandonment, including docket number, status and date of the first decision approving the abandonment.

[FR Doc. 81-21422 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

[1] New York DOT moves that we permit it to submit a late-tendered petition to reopen on the grounds that it never received notice of the Commission's decision and learned of it only after being served with the responses of other parties. Receipt into evidence of New York DOT's petition to reopen and our consideration of the issues it raises will not prejudice the interests of any party. Accordingly, its motion will be granted.

[2] We believe the situations described by New York DOT would be limited. Unless and until authorized by the Commission (unless the line is subject to a legal embargo), a carrier must fulfill its common carrier obligation to provide service on its trackage. There would be no need for a State or private entity to furnish a subsidy to assure itself of service unless a certificate of abandonment is issued.

[3] A D–OP operates under a special certification procedure adopted in response to the 3–R Act as amended by the 4–R Act. Rail lines in the Northeast which were not transferred to the Consolidated Rail Corporation (ConRail), but still owned by the estate of former northeastern carriers, were made available for subsidy. Operations over these lines, conducted by a "D–OP", could be abandoned after termination of the rail service continuation payment.

[4] The FSP, developed pursuant to the 3R Act, included only the most viable of the northeastern lines for transfer to the Consolidated Rail Corporation. Lines not included in the FSP could be abandoned, pursuant to the 3–R Act, without Commission approval.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule: correction, extension of effective date and comment period.

SUMMARY: Emergency regulations in effect through July 20, 1981, implement the 1981 amendment to the Fishery Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of California, Oregon, and Washington (FMP). NOAA extends the effective date of these emergency regulations for another 45 days through September 3, 1981, to maintain effective regulations for the fishery. NOAA publishes two corrections and extends the comment period for another fifteen days.

DATES: Effective date from July 20, 1981 through September 3, 1981. Comments must be received by August 6, 1981.

ADDRESSES: Submit comments to: Office of the Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

Copies of the 1981 FMP amendment, final supplemental environmental impact statement, regulatory impact review/regulatory flexibility analysis and NOAA analysis of issues contained in the minority report are available at the above address. Copies of the minority report and the emergency rulemaking are available at the above address and from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, telephone 503–221–6352.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Regional Director, National Marine Fisheries Service, 206–442–7575.

SUPPLEMENTARY INFORMATION: Emergency regulations implementing the 1981 amendment to the FMP were published in the Federal Register on June 10, 1981 (46 FR 30633) and were effective for 45 days from June 5, 1981. NOAA reissues the emergency rules for 50 CFR Part 661 for another 45 days, and makes corrections in §§ 661.4 and 661.13 (a) and (b), to continue management until final regulations are in effect in 1981.

The first sentence of § 661.4, "Effective dates", is removed to delete reference to emergency regulation effective dates, and the second sentence is modified slightly to delete reference to subsequent "Final Regulations". In § 661.13 (a) and (b), the place "Sandy Point" is changed to the correct spelling "Sand Point." The regulations will read as they were intended in the plan amendment.

The amendment and the regulations are discussed thoroughly in the preamble to the emergency regulations. To save public expense and reduce the volume of matter printed, NOAA has considered the emergency regulations as proposed regulations without republishing them. Comments have been received on the emergency regulations, as well as on the plan amendment. The emergency rulemaking was reviewed by the Office of Management and Budget. Anyone interested in submitting additional comments is referred to the Federal Register notice of June 10, 1981 (46 FR 30633) for the text and public discussion of these rules. The preamble to the 45-day emergency rule requested public comment. NOAA is providing another 15 days for comment to allow the public more time before the final rulemaking.

Minority Report

On May 19, 1981, the Secretary of Commerce received a minority report from Mr. Guy R. McMinds, a member of the Pacific Council. In that report, Mr. McMinds criticized recent Council actions in developing and adopting the 1981 amendment to the ocean salmon plan. Mr. McMinds objected to the process by which the Council proposed the amendment; in particular, he objected to the method of handling scientific (biological) issues and data in a manner that allegedly affected adversely the fishing rights of treaty Indians. The minority report reflects concerns which representatives of the Quinault Indian Nation and the Hoh and Quileute Indian Tribes raised at an earlier date. Those concerns prompted NOAA to perform an independent analysis of the data and methodology which comprised the basis of the tribes' concerns. NOAA's analysis adequately demonstrates that those concerns (and the concerns expressed in Mr. McMinds' minority report) would not justify Secretarial disapproval or partial disapproval of the 1981 amendment to the ocean salmon plan.

Classification

A regulatory impact review/initial flexibility analysis (RIR/RFA) has been prepared for the 1981 amendment to the FMP and its availability was referred in the emergency rulemaking.

The draft RIR/RFA contains a detailed description of the problems addressed by the amendment and an economic analysis of alternatives to individual proposed regulations. The RIR/RFA supports the determination that the rulemaking is unlikely to result in an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, the salmon industry, government agencies, or geographic regions; or have significant adverse effects on competition, employment,

investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. It also demonstrates that the regulations to implement the 1981 amendment comply with the requirements of Section 2 of E.O. 12291:

(a) The management measures specified in the 1981 amendment are based upon adequate information concerning the need for the consequences of regulating the salmon fisheries;

(b) The potential benefits to society from regulation of the salmon fisheries outweigh the potential costs to society;

(c) The chosen regulatory objectives maximize the net benefits and involve the least net costs to society.

The RIR/RFA analyzes the social and economic impacts of the alternative management measures considered by the Pacific Fishery Management Council when it developed the 1981 amendment to the salmon plan. The small business entities affected most directly by the salmon plan are the commercial salmon trollers (approximately 13,800 vessels) and the ocean charterboat (headboat) businesses (approximately 800 charterboats). Indirectly affected are treaty Indian fishermen (approximately 2,200) and their communities; commercial salmon net fishermen in Washington and Oregon; other sport and commercial fishermen (coastwide); fish processors, wholesalers, and distributers; marine trade industries (boatbuilders, shipfitters, and bait suppliers); and support industries (e.g., restaurants, bars, grocery stores, motels, campgrounds, gift shops, gas stations and banks). The number of entities in each of these indirectly affected categories is unknown.

The RIR/RFA discusses the costs and benefits of alternative incremental changes to the 1980 management regime. It is only the first step toward a complete analysis of the impacts of managing the ocean salmon fisheries. The RIR/RFA examines 14 socioeconomic questions. In summary, the management measures adopted by the Council for 1981, compared to 1980, are likely to result in substantially higher gross revenues to the troll fisheries south of Cape Falcon, Oregon, but significantly reduced revenues to the troll fisheries north of the Quinault River, Washington; continued low gross revenues for treaty-Indian and other commercial fisheries in the Columbia River; and reduced gross revenues for the Puget Sound net fisheries. The amended plan will not increase compliance requirements for small entities over the requirements imposed in 1980. All of these estimates of social and economic impacts discussed in the RIR/RFA are based on limited data and should be interpreted with care. The restrictions imposed on the fisheries, however, are necessary to prevent further deterioration to the salmon resource and the fisheries, and are intended to help the resource rebuild and, eventually, to improve the fisheries.

The Assistant Administrator for Fisheries, NOAA, has determined that the emergency situation described in the emergency rulemaking (46 FR 30633) continues to exist and he therefore extends the emergency regulations for another 45 days. The Assistant Administrator for Fisheries, NOAA, has determined that extending these emergency regulations is necessary and appropriate to the conservation of ocean salmon resources off California, Oregon, and Washington, and that the regulations are consistent with the national standards and other provisions of the Magnuson Fishery Conservation and Management Act, as well as with other applicable law.

The Acting Administrator, NOAA, determined that the regulations proposed to implement this amendment when the emergency regulations expire are nonmajor for the purposes of Executive Order 12291, but that they will have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601–612.

This FMP amendment contains no Federal collection of information request, nor do the regulations contain a collection of information requirement, for the purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The final supplemental environmental impact statement has been filed with the Environmental Protection Agency, and a notice of availability was published in the **Federal Register** on May 1, 1981 (46 FR 24674).

Dated: July 20, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

1. The authority for these regulations reads as follows:

Authority: 16 U.S.C. 1801 *et. seq.*

2. For the reasons set out in the preamble, 50 CFR 661 is amended as set forth below:

a. 50 CFR 661.4 is revised to read as follows:

§ 661.4 Effective dates.

These regulations shall be effective until superceded or otherwise modified, except that those portions of §§ 661.10–661.12 relating to Sub-area C (the FCZ adjacent to California) shall remain in effect no longer than the 1981 fishing season, after which time those portions of §§ 661.10–661.12 of the 1980 ocean salmon fishing regulations (45 FR 50764) relating to the FCZ adjacent to California shall again become effective for that area unless superseded or otherwise modified.

§§ 661.13 [Corrected]

b. 50 CFR 661.13(a) and 661.13(b) are corrected by changing the parenthetical geographical reference point from "Sandy Point" to "Sand Point".

[FR Doc. 81–21619 Filed 7–20–81; 4:59 pm]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 331

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule and notice of public hearing.

SUMMARY: Because of the occurrence of the Mediterranean fruit fly this document establishes a quarantine and regulations under the Plant Quarantine Act regarding the State of California for the purpose of restricting the interstate movement (movement from California into or through any other State, Territory or District of the United States) of articles designated as regulated articles from areas in California designated as regulated areas. Portions of Alameda and Santa Clara Counties are designated as regulated areas based on a proposal, and the remaining portions of Alameda and Santa Clara Counties and all of San Mateo County are designated as regulated areas based on emergency circumstances. The establishment of the quarantine and regulations is necessary to prevent the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of the document is to impose restrictions on the interstate movement of regulated articles from Alameda, San Mateo, and Santa Clara Counties in California.

DATES: Effective date of amendments July 20, 1981. Written comments concerning the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County in California as regulated areas must be received on or before September 14, 1981. A public hearing concerning these emergency designations will be held on August 13, 1981.

ADDRESSES: Written comments concerning the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County in California as regulated areas should be submitted to Thomas Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning these emergency designations will be held at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, CA 95030.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department it has been determined that the final rule will have an annual effect on the economy of less than $150,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period. This situation concerns the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County as regulated areas. Due to the possibility that the Mediterranean fruit fly could be spread artifically to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this rule is impracticable and contrary to the public interest; and good cause is found for making this rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible. There is authority to establish emergency regulations without a public hearing only until a quarantine can be established under the Plant Quarantine Act, after a public hearing. At the time of the establishment of the emergency regulations it was assumed that the Mediterranean fruit fly would be eradicated before final regulations could be established after a public hearing. Although eradication measures are being taken, the Mediterranean fruit fly infestation in California has continued as discussed below. Therefore, it is necessary to make this final rule effective immediately in order to enable the Department to regulate the movement of articles from regulated areas of California on a uniform permanent basis under the Plant Quarantine Act. In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The provisions in the final rule restrict the interstate movement of specified articles from Alameda, San Mateo, and Santa Clara Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information submitted by the California Department of Food and Agriculture, it has been determined that fewer than 45 entities move such articles interstate from Alameda, San Mateo, and Santa Clara Counties. Further, the overall economic impact from this action is estimated to be less than $150,000.

Background

The Mediterranean fruit fly, *Cerotitis capitata* (Wiedemann), has been found to occur in certain areas in California. It is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to quarantine any State, Territory, or District of the United

States, or any portion thereof, and to prohibit or restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of articles from areas within such quarantined areas when the Secretary of Agriculture or his delegate determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee) there is authority for similar action without a public hearing on an emergency basis until a quarantine can be established under the Plant Quarantine Act after a public hearing.

Because of infestations of the Mediterranean fruit fly found in areas in California, emergency Mediterranean fruit fly regulations were published in the **Federal Register** on July 29, 1980 (45 FR 50318–50324), and emergency amendments to the regulations were published in the **Federal Register** on August 15, 1980 (45 FR 54302–54304), September 12, 1980 (45 FR 60402–60403), December 12, 1980 (45 FR 81728–81731), March 20, 1981 (46 FR 17753–17754), and July 14, 1981 (46 FR 36138–36150). The regulations and the amendments thereto became effective on the dates of publication and were set forth in 7 CFR 331.1 through 331.1–9.

The emergency regulations were designed to restrict the interstate movement of regulated articles from regulated areas in California. Under these regulations certain movements of regulated articles were allowed to be made only pursuant to certificates or limited permits.

In a document published in the **Federal Register** on April 16, 1981 (46 FR 22197–22202) the Department proposed to remove the emergency regulations, and to establish a quarantine and regulations containing essentially the same provisions as were contained in the emergency regulations. It was proposed to restrict the interstate movement of regulated articles from portions of Alameda and Santa Clara Counties. The document of April 16, 1981, included a notice of a public hearing concerning the proposal. The public hearing was held on May 19, 1981, in San Francisco, California, and no comments were received at the public hearing. Six written comments were received in response to the proposal.

Based on the reasons set forth in the proposal, the provisions in the proposal have been adopted in the final rule as proposed except as otherwise explained below. Further, all of the comments submitted pursuant to the proposal have been carefully considered and are discussed below.

Of the six written comments, three were from representatives of State Departments of Agriculture, one was from a representative of a county farm bureau, one was from a representative of a farm bureau federation, and one was from a nurserymen's association. Five of the comments were generally in favor of the proposal. One comment indicated that the proposal was not stringent enough in certain respects.

Two commenters, who otherwise stated that they were generally in favor of the proposal, indicated that a major effort should be made to conduct research and establish better fumigation procedures relating to the issuance of certificates because current fumigation treatments tend to destroy the value of some crops. The commenters did not indicate which crops were of concern to them. No changes are made based on these comments. The government is currently conducting extensive research relating to fumigation and its effect on regulated articles. However, at this time it does not appear that there is a basis for changing the fumigation procedures.

The commenter who indicated that the proposal was not sufficiently stringent suggested that the proposed provisions be changed by restricting the movement of regulated articles from all of California and by amending certain provisions relating to criteria for allowing certain movements of regulated articles without certificates. This commenter further requested that certain comments made at public meetings held in Texas be considered in this rulemaking proceeding.

It was asserted in essence that it is necessary to designate all of California as a regulated area and thereby restrict the movement of all regulated articles moving interstate from California. In support of this assertion it was contended that the State quarantine enforcement program in California was inadequate to prevent the spread of the Mediterranean fruit fly into other parts of California. It was further contended that this was because there were no restrictions controlling the movement of regulated articles moving from the infested area in personal vehicles and because the State quarantine stations at the edge of infested areas were staffed only a few hours a day. It was suggested that, if the whole state of California were designated as a regulated area, Federal inspectors could be assigned to State border facilities to check vehicle traffic for compliance with the Federal requirements as they leave the State of California. No changes are made based on this comment. Initially, as further explained below, it should be noted that the regulated areas have been expanded to include all of Alameda, San Mateo, and Santa Clara Counties in California. Further, it should be noted that the movement of regulated articles from regulated areas is restricted within California under California law regardless of the means of transportation. Also, it appears that it is not necessary to designate all of California as a regulated area at this time. Inspections have been substantially increased at the edge of infested areas, and greatly increased eradication efforts are in effect to reduce the risk of artificial and natural spread of the flies.

The regulations, as proposed, provided that a regulated article may be moved interstate from any regulated area in the State of California without a certificate or limited permit, (1) if moved to Hawaii without moving through any nonregulated area; or (2)(i) if moved directly through any regulated area, (ii) if the article originated outside of any regulated area, and (iii) if the point of origin of the article is clearly indicated by shipping documents and its identity has been maintained. It was asserted that regulated articles should not be allowed to be moved without a certificate based only on compliance with criteria in subsection (2) (ii) and (iii), and that additional criteria such as that in subsection (2)(i) should also be required to be met. This was based on an incorrect assumption because under the provisions cited above regulated articles would be allowed to be moved pursuant to subsection (2) without a certificate or limited permit only if all of the criteria in subsection (2) (i), (ii), and (iii) were met. Further, it should be noted that these provisions are amended to include additional requirements as explained below.

Also, it was asserted that the term "directly through" in subsection (2)(i) cited above, should be defined as "moving through the regulated area without stopping except for traffic lights or stop signs." This was the general idea that was intended by the use of the term "directly through." Consistent with this concept the provisions are amended to explain that this term means "without stopping except under normal traffic conditions, such as for traffic lights or stop signs."

It was asserted that such regulated articles moving directly through a regulated area without a certificate or limited permit under subsection (2) cited above should also be required to be covered or otherwise protected to prevent exposure to the Mediterranean fruit fly during movement through a regulated area. Based on Departmental expertise it has been determined that regulated articles moving through a regulated area in accordance with the criteria set forth in subsection (2) could present some risk of becoming infested with the Mediterranean fruit fly unless moved in an enclosed vehicle or otherwise completely enclosed by a covering adequate to prevent the introduction of the Mediterranean fruit fly, such as canvas, plastic, or closely woven cloth. Accordingly, the provisions are amended to include this criteria.

The regulations provide that a certificate shall be issued by an inspector for the movement of a regulated article if such inspector, among other things, determines based on inspection of the premises of origin that it is free from the Mediterranean fruit fly. Based on these provisions, it was asserted that certificates should not be allowed to be issued based on visual inspection of regulated articles. No changes are made based on this comment. The cited provisions were not intended to allow the issuance of a certificate based merely on the inspection of regulated articles. It would be virtually impossible to detect Mediterranean fruit fly eggs in regulated articles based solely on visual inspection. However, the criteria relate to inspection of the premises of origin and not merely to visual examination of regulated articles. In this connection, it should be noted that certain determinations relating to the issuance of certificates could be made under such criteria. For example, regulated articles grown in greenhouses adequate to prevent the introduction of the flies could be eligible for movement pursuant to a certificate under such criteria.

It was also requested that comments made by representatives of the Texas Department of Agriculture and by other persons at public meetings held in Texas in the Rio Grande Valley and San Antonio in 1981 be considered in this rulemaking proceeding. However, these comments were not submitted as part of the rulemaking record, and therefore it would be improper to consider them in this rulemaking proceeding.

It was proposed to designate as regulated areas the following portions of Alameda and Santa Clara Counties in California:

Alameda County

Those areas of Alameda County within the city limits of Fremont and within the city limits of Newark; and that portion of Alameda County beginning at the junction of Palomares Road, State Highway 84, and the Fremont city limit line; then westerly along the Fremont city limit line to its junction with the Alameda County Flood Control Channel; then westerly along said Channel to its junction with Dry Creek; then northerly along Dry Creek to its junction with Whipple Road; then easterly on Whipple Road to its junction with State Highway 238; then easterly from said junction along an imaginary line to its junction with the northernmost point of the Fremont city limits; then due east for three miles on an imaginary line; then due south along another imaginary line to its junction with State Highway 84; then westerly along State Highway 84 to the point of the beginning.

Santa Clara County

That portion of Santa Clara County bounded by a line beginning at the Junction of Metcalf Road and U.S. Highway 101; then southeasterly along U.S. Highway 101 to its junction with Bailey Avenue; then southwesterly along Bailey Avenue to its junction with McKean Road; then northwesterly along McKean Road to its junction with Almaden Road; then southerly along Almaden Road to its junction with Alimitos Road; then southerly along an imaginary line to the northern terminus of Loma Prieta Road; then southerly on Loma Prieta Road to its junction with the Santa Clara County line; then northwesterly, northerly, and easterly on the Santa Clara County line to its junction with Mt. Day Road (dirt road which is approximately 8 miles east of Interstate 680); then along an imaginary line projected southeast from such junction to the crest of Black Mountain; then southerly along an imaginary line projected from the crest of Black Mountain to the northernmost point of Joseph D. Grant County Park; then easterly and southerly along the boundaries of the Joseph D. Grant County Park to its junction with San Felipe Road No. 2; then along San Felipe Road No. 2 to its junction with Metcalf Road; then southerly and westerly along Metcalf Road to the point of beginning.

However, in a document published in the **Federal Register** on July 14, 1981, the emergency regulations were amended to include all of Alameda, San Mateo, and Santa Clara Counties in California as regulated areas. Heavy populations of Mediterranean fruit fly larvae recently have been found in San Mateo and Santa Clara Counties. As explained in the document of July 14, 1981, this indicates that a population explosion of Mediterranean fruit flies is occurring in the Santa Clara Valley area. It was further explained that because of the possibility of a rapid natural spread of the flies and because of the difficulty of preventing movements of regulated articles accompanied by the flies in the Santa Clara Valley commuting area, it was necessary to include all of Alameda, San Mateo, and Santa Clara Counties as resulted areas. Since this document establishes a quarantine, there is no longer a basis for the emergency regulations established without a quarantine, and, therefore, it is necessary to remove them, including the amendments set forth in the document of July 14, 1981. However, under the circumstances explained in the document of July 14, 1981, it is necessary on an emergency basis to amend the list of regulated areas as proposed by including all of Alameda, San Mateo, and Santa Clara Counties as regulated areas in this final rule. As noted above in the "DATES" and "ADDRESSES" portions of this document, interested persons are given until September 14, 1981, to submit written comments concerning the areas added to the list of regulated areas on an emergency basis. In addition, because of the public interest in the Medfly eradication program, a public hearing regarding this matter is scheduled for August 13, 1981, at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, California. These are the same dates and places that were set for the conclusion of the comment period and for a public hearing in the document of July 14, 1981, concerning the addition of these areas to the list of regulated areas in the emergency regulations. Under the circumstances referred to above, any comments submitted in response to the document of July 14, 1981, will be considered as part of this rulemaking proceeding.

Alternatives

Alternatives were considered in connection with the proposed quarantine and regulations.

Consideration was given concerning whether (1) to allow the unrestricted interstate movement of articles proposed to be designated as regulated articles, or (2) to establish a Federal quarantine and regulations with respect to the interstate movement of such articles. While alternative (1) might impose little private or public costs in the very short term, there is a high risk that the unrestricted interstate movement of such articles would cause further spread of the Mediterranean fruit

fly, possibly throughout the United States. If the fly became established throughout the United States, production losses could exceed one-half billion dollars in citrus and could be several times that amount in all host crops. Also, if the fly were to spread, it is likely that foreign nations would embargo United States exports of host commodities. California alone exports over $500 million of host commodities annually. Alternative (2) will impose costs on shippers of host commodities; cold storage treatment costs $20 per ton, and fumigation costs $200 per 40,000 pound load. However, the area designated as a regulated area is not a major commercial agricultural area. Few shippers move articles interstate from the regulated area; additional shippers move articles intrastate. Total compliance and enforcement costs relating to interstate movement are likely to be less than $150,000. Alternative (2) was chosen since these costs are far outweighed by the benefits of avoiding losses that would result if the fly were to spread.

Consideration was also given concerning whether (a) to prohibit the interstate movement of any such articles, or (b) to allow the interstate movement of such articles in accordance with the provisions set forth in section 301.78–4 of the final rule. Alternative (b) is adopted because it appears that the interstate movement of such articles in accordance with the provisions in section 301.78–4 would not present a significant risk of spread of the Mediterranean fruit fly. Total prohibition of the interstate movement of all articles would place an undue economic burden on growers in the regulated area.

Finally, consideration was given to the extent to which portions of the State should be included as regulated areas. Based upon monitoring conducted by the Department and the State of California, the Department has determined that it is necessary to designate only the three counties specified as "regulated areas" in order to prevent the artificial spread of Medfly to other areas. Inclusion of other areas would impose an unnecessary economic burden on producers of host commodities in the other areas and an undue burden on interstate commerce.

Text Of Final Rule

Under the circumstances referred to above, the Mediterranean Fruit Fly emergency regulations in 7 CFR 331.1 through 331.1–9 are removed, and a new "Subpart-Mediterranean Fruit Fly" is added to 7 CFR Part 301 to read as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly

Quarantine And Regulations

Sec.

301.78 Quarantine and regulations; restrictions on interstate movement of regulated articles.
301.78–1 Definitions.
301.78–2 Regulated articles.
301.78–3 Regulated areas.
301.78–4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.
301.78–5 Issuance and cancellation of certificates and limited permits.
301.78–6 Compliance agreement and cancellation thereof.
301.78–7 Assembly and inspection of regulated articles.
301.78–8 Attachment and disposition of certificates and limited permits.
301.78–9 Costs and charges.
301.78–10 Treatments.

Authority: Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565.

§ 301.78 Quarantine and regulations; restrictions on interstate movement of regulated articles.[1] [2]

(a) *Quarantine and regulations.* The Secretary of Agriculture hereby quarantines the State of California in order to prevent the artificial spread of the Mediterranean fruit fly (*Ceratitis capitata* Wiedemann), a dangerous insect of fruits and vegetables and not heretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations governing the interstate movement of regulated articles specified in § 301.78–2.

(b) *Restrictions on interstate movement of regulated articles.* No common carrier or other person shall move interstate from any regulated area any regulated article except in accordance with the conditions prescribed in this subpart.

§ 301.78–1 Definitions.

Terms used in the singular form in this subpart shall be construed as a plural and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for interstate movement in accordance with § 301.78–5(a).

(b) *Compliance agreement.* A written agreement between Plant Protection and Quarantine and a person engaged in the business of growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(c) *Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for Plant Protection and Quarantine, or any officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

(d) *Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the quarantine and regulations in this subpart.

(e) *Interstate.* From any State into or through any other State.

(f) *Limited permit.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such regulated article is eligible for interstate movement in accordance with § 301.78–5(b).

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed in accordance with this definition.

(h) *Person.* Any individual, partnership, corporation, company, society, association, or other organized group.

(i) *Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and quarantines and regulations promulgated thereunder.

(j) *Regulated area.* Any State, or any portion thereof, listed in § 301.78–3(c), or otherwise designated as a regulated area in accordance with § 301.78–3(b).

(k) *Regulated article.* Any article listed in § 301.78–2 (a) or (b) or otherwise designated as a regulated article in accordance with § 301.78–2(c).

(l) *State.* Any State, Territory, or District of the United States, including Puerto Rico.

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

[2] Regulations concerning the movement of live Mediterranean fruit flies in interstate or foreign commerce are contained in Part 330 of this chapter.

§ 301.78–2 Regulated articles.

(a) The following fruits, vegetables and berries:

Almond (*Prunus duleis* (*P. amygdalus*))
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Calamondin orange (*Citrus mitis*)
Cherries (sweet and sour) (*Prunus avium, Prunus cerasus*)
Citrus citron (*Citrus medica*)
Date (*Phoenix dactylifera*)
Fig (*Ficus carica*)
Grape (*Vitis vinifera*)
Grapefruit (*Citrus parodisi*)
Guava (*Psidium guajava*)
Japanese persimmon (*Diospyros kaki*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*)
Lime (*Citrus aurantiifolia*)
Loquat (*Eribotrya japonica*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Mock orange (*Murraya exotica*)
Mountain apple (*Syzygium alaccense* (*Eugenia malaccensis*))
Natal plum (*Carissa macrocarpa* and *Terminalia chebula*)
Nectarine (*Prunus persica*)
Olive (*Olea europea*)
Opuntia cactus (*Opuntia* spp.)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepper (*Capsicum annuum* and *Capsicum frutescens*)
Pineapple guava (*Feijoa sellowiana*)
Pummelo (shaddock) (*Citrus grandis*)
Pomiform guajava (*Psidium guajava pomiferum*)
Plum (*Prunus americana*)
Prune (*Prunus domestica*)
Pyriferm guajava (*Psidium guajava pyriferum*)
Quince (*Cydonia oblonga*)
Rose apple (*Syzygium jambos* (*Eugenia jambos*))
Sour orange (*Citrus aurantium*)
Spanish cherry (Brazilian plum) (*Eugenia dombeyi* (*E. brasiliensis*))
Strawberry guava (*Psidium cattleianum*)
Surinam cherry (*Eugenia uniflora*)
Sweet orange (*Citrus sinensis*)
Tomato (pink and red ripe) (*Lycopersicon esculentum*)
White sapote (*Casimiroa edulis*)
Yellow oleander (bestill) (*Thevetia peruviana*)

Except that the list does not include any fruits, vegetables, or berries which have been canned, or frozen below −17.8°C (0°F);

(b) Soil within the drip area of plants which produce the fruits, vegetables, or berries listed in paragraph (a) of this section, and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) or (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mediterranean fruit fly and the person in possession thereof has actual notice that the product, article or means of conveyance is subject to the restrictions of this section.

§ 301.78–3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a regulated area in paragraph (c) of this section, each quarantined State, or each portion thereof, in which the Mediterranean fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mediterranean fruit fly is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mediterranean fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly occurs. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mediterranean fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonregulated area and, thereafter, the interstate movement of any regulated articles from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as regulated areas:

California

Alameda County. The entire county.
San Mateo County. The entire county.
Santa Clara County. The entire county.

§ 301.78–4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.[3]

Any regulated article may be moved interstate from any regulated area in a quarantined State only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.78–5 and 301.78–6; or

(b) Without a certificate or limited permit, if

(1) Moved to Hawaii without moving through any nonregulated area; or

(2)(i) Moved directly through (moved without stopping except under normal traffic conditions, such as for traffic lights or stop signs) any regulated area in an enclosed vehicle or completely enclosed by a covering adequate to prevent the introduction of the Mediterranean fruit fly (such as canvas, plastic, or closely woven cloth),

(ii) The article originated outside of any regulated area, and

(iii) The point of origin of the article is clearly indicated by shipping documents and its identity has been maintained.

§ 301.78–5 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the movement of a regulated article if such inspector:

(1)(i) Determines that it has been treated under the direction of an inspector [4] in accordance with § 301.78–10; or

(ii) Determines based on inspection of the premises of origin that it is free from Mediterranean fruit fly; and

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [5] and

[3] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

[4] Treatments shall be monitored by inspectors in order to assure compliance with the requirements in this subpart.

[5] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means or conveyance, which is moving into or through the United States or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest.

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(b) A limited permit shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) Determines, in consulation with the Deputy Administrator, that it is to be moved to a specified destination for specified handling, utilization, processing, or for treatment in accordance with §301.78–10 (such destination and other conditions to be specified on the limited permit), when, upon evaluation of all of the circumstances involved in each case, it is determined that such movement will not result in the spread of the Mediterranean fruit fly because life stages of the pest will be destroyed by such specified handling, utilization, processing, or treatment;

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [5] and

(3) Determines that it is eligible for such movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(c) Certificates and limited permits for use for shipments of regulated articles may be issued by an inspector or person engaged in the business of growing, handling, or moving regulated articles provided such person is operating under a compliance agreement. Any such person may execute and issue a certificate for the interstate movement of a regulated article if such person has treated such regulated article to destroy infestation in accordance with the provisions in §301.78–10 and the inspector has made the determination that such article is otherwise eligible for a certificate in accordance with paragraph (a) of this section; or if the inspector has made the determination that such article is eligible for a certficate in accordance with paragraph (a) of this section without such treatment. Any such person may execute and issue a limited permit for interstate movement of a regulated article when the inspector has made the determination that such article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit which has been issued or authorized may be withdrawn by an inspector if such inspector determines that the holder thereof has not complied with any condition under the regulations for the use of such document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.78–7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under §301.78–5(c)), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector [7] to take any necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart.

§ 301.78–8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during such movement, shall be securely attached to the outside of the container containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document; *Provided however,* that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping document only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.78–9 Costs and charges.

The services of the inspector shall be furnished without cost. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

§ 301.78–10 Treatments.

Treatment for regulated articles shall be as follows:

[6] Compliance Agreement forms are available without charge from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782, and from local offices of the Plant Protection and Quarantine. (Local offices are listed in telephone directories.)

[7] Inspectors are assigned to local offices of Plant Protection and Quarantine which are listed in telephone directories. Information concerning such local offices may also be obtained from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782.

(a) Avocado:

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 2½ hours at 21° C. (70° F.) or above, followed by refrigeration for 7 days at 7.22° C. (45° F.) or below. The 7 day period may include up to 24 hours precooling time. Time between fumigation and start of cooling not to exceed 24 hours, but must include at least 30 minutes aeration.

(b) Calamondin orange, citrus citron, grapefruit, kumquat, lemon, lime, mandarin orange (tangerine), orange, and pummelo.

Fumigation with ethylene dibromide (EDB) at normal atmospheric pressure.

Dosage as follows:

Fruit load in chamber	Dosage of EDB in g/m³ for 2 h (grams)	
	15.5°–20.5° C. (60°–69° F.)	21° C. or above (70° F. or above)
25% or less	10	8
More than 25% but less than 50%	12	10
50% or more	14	12

Required post-treatment aeration: Forced circulation in the fumigation chamber for ½ hour following treatment and then placed in a well ventilated area.

(c) Tomato:

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21° C. (70° F.) or above.

(d) Bell pepper, tomato, and zucchini squash:

Heat the article by saturated water vapor at 44.44° C. (112° F.) until approximate center of article reaches 44.44° C. (112° F.), and maintain at 44.44° C. (112° F.) for 8¾ hours, then immediately cool.

Note.—Commodities should be tested by the shipper at the 44.44° C. (112° F.) temperature to determine each commodity's tolerance to the treatment before commercial treatments are attempted. Pretreatment conditioning is optional. Such conditioning is the responsibility of the shipper and would be conducted in accordance with procedures the shipper believes necessary. It is common to perform pretreatment conditioning. For example, it is the practice to condition eggplant at 43.3° C. (110° F.) at 40 percent relative humidity for 6 to 8 hours.

(e) Apple, apricot, cherry, grape, peach, pear, and plum:

Fumigation with 32 g/m³ methyl bromide at 21° C. (70° F.) or above (chamber load not to exceed 80 percent of volume), and at normal atmospheric pressure, followed by refrigeration, as set forth below.

Fumigation exposure time	Refrigeration
2 hours	4 days at 0.56°–2.7° C. (33°–37° F.); or 11 days at 3.33°–8.3° C. (38°–47° F.).
2½ hours	4 days at 1.11°–4.44° C. (36°–40° F.); or 6 days at 5.0°–8.33° C. (41°–47° F.); or 10 days at 8.86°–13.33° C. (48°–56° F.).
3 hours	3 days at 6.11°–8.33° C. (43°–47° F.); or 6 days at 8.86°–13.33° C. (48°–56° F.).

Minimum concentrations for above fumigations.

(25 g minimum gas concentration at first ½ hr.)

(18 g minimum gas concentration at 2 or 2½ hrs.)

(17 g minimum gas concentration at 3 hrs.)

Aerate all fruit at least 2 hours following fumigation. Time lapse between fumigation and start of cooling not to exceed 24 hours.

Note.—Some varieties of fruit may be injured by the 3-hour exposure. Shippers should test treat before making commercial shipments.

(f) Bell peppers:

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21° C (70° F) or above.

Note.—Bell peppers have been found marginally tolerant to methyl bromide fumigation. Shelf life after treatment is reduced to between 5 to 7 days. Injury may appear as pitting on the skin of the pepper, darkening of the seed and placental material, and internal decay resulting from killing of the stem and calyx.

(g) Apple, apricot, Calamondin orange, cherry, citrus citron, grape, grapefruit, mandarin orange, nectarine, peach, pear, plum, prune, sour orange and sweet orange:

Cold treat the article according to one of the following:

10 days at 0° C. (32° F.) or below
11 days at 0.55° C. (33° F.) or below
12 days at 1.11° C. (34° F.) or below
14 days at 1.66° C. (35° F.) or below
16 days at 2.22° C. (36° F.) or below

PART 331 [AMENDED]

Sections 331.1 through 331.1–9 are removed.

Done at Washington, D.C., this 20th day of July 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–21631 Filed 7–21–81; 10:48 am]

BILLING CODE 3410–34–M

Proposed Rules

Federal Register
Vol. 46, No. 140
Wednesday July 22, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-401]

Balloon Payment Mortgage Loans and Reverse Annuity Mortgage Loans

July 14, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to amend its regulation authorizing federally-chartered thrift institutions to make non-amortized and partially-amortized loans by permitting such loans to be made in an amount not exceeding 95% of the value of the property securing the loan. The Board also proposes to liberalize its regulation authorizing federally-chartered thrift institutions to make reverse-annuity mortgage loans.

DATE: Comment must be received by: August 21, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ((202) 377-6466), at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to permit federally-chartered thrift institutions to make non-amortized and partially-amortized home loans in amounts not exceeding 95% of the value of the property securing the loan. Currently, institutions are permitted to make such loans for a period of up to five years and in an amount not exceeding 60% of the value of the security property, with interest payable at least semiannually (12 CFR 545.6-2(a)(4)(i)).

If adopted, the proposed amendment could have an impact on the manner in which homes are financed in the United States. The traditional means of financing homes has been through the use of long-term mortgage loans on which the monthly payment amounts have been sufficient to fully amortize the loan over the term of the loan. Borrowers have been assured of a fixed source of financing at a fixed interest rate for a period of time sufficiently long to enable them to pay off the entire amount of their debts.

In view of the changes that the financial markets have undergone in recent years, the Board believes that the long-term, fixed-rate mortgage is not responsive to all of the needs of borrowers for home-financing funds and of lenders for rate-sensitive assets. Since 1978, the Board has supplemented this traditional home-financing tool by authorizing federally-chartered thrift institutions to develop a number of alternative mortgage loan plans, including plans that permit adjustment of the loan interest rate during the term of a loan. For example, effective April 30, 1981, the Board authorized the issuance of adjustable mortgage loans, on which interest rate adjustments are not subject to regulatory constraints (FHLBB Res. No. 81-206; 46 FR 24148, April 30, 1981).

Short-term financing is similar to adjustable-rate financing in that the lender, at maturity of the short-term loan, has the opportunity to adjust the loan interest rate through a refinancing of the loan. Given the volatility interest rates have demonstrated in the recent past, the Board believes a federal savings and loan must have the power to adjust loan rates to match more closely and yield it receives on its loans with the amount it must pay to obtain savings deposits and other sources of loan funds. The more closely a lending institution can match its yield on assets with its payments on liabilities, the less likely it is to experience periods during which income is insufficient or only marginally sufficient to meet all of its obligations. Because savings and loan associations have not generally had this ability to match yields and terms, they are currently experiencing a severe earnings squeeze, which has been exacerbated by the large number of long-term, fixed-rate loans made at interest rates below what institutions currently must pay to attract savings deposits.

Balloon payment mortgage loans should also prove attractive to secondary mortgage market investors. Normally, the majority of long-term loans in a mortgage pool are paid off prior to maturity. This means that holders of mortgage pass-through certificates receive constantly declining payments. These payments eventually may become so small that the pool becomes expensive to administer. Because balloon payment mortgates have a shorter term to maturity than long-term loans, they are less likely to be paid off prior to maturity. This feature has three favorable implications for the secondary mortgage market. First, pass-through certificates should be more attractive to investors. Second, such a pool will be less costly on a per-loan basis to administer. Finally, balloon payment loans that are refinanced at maturity are less likely to be paid off prior to maturity. These loans can be repackaged and, because of the relative certainty of a low rate of prepayment, priced at a premium.

The chief advantages of short-term financing for borrowers are that they can obtain a fixed interest rate and payment amount for a fixed period of time, and the assurance that they will not be trapped with a long-term loan carrying a higher interest rate than is currently available in the market. While these are also features of long-term, adjustable-rate mortgages, there are significant differences for the borrower between the two types of financing. First, short-term loans have tended to provide borrowers with a longer period of fixed interest rates and fixed payment amounts than have adjustable-rate mortgages. The Board's adjustable mortgage loan (AML) regulation (12 CFR 545.6-4a), for example, places no limitation on the frequency of interest rate adjustments and permits the payment amount to be adjusted as often as monthly. In contrast, short-term financing is usually granted for a term of at least one year and, more often, for terms of three to five years. In addition, unlike rate adjustments on an AML, a change in the interest rate at maturity of a short-term loan would not be tied to any type of index, but would simply be the lender's current market rate.

The risk of short-term financing for both lenders and borrowers is the possibility that at the maturity of the short-term loan, the borrower will not be able to afford to refinance the outstanding balance due, forcing the borrower to sell the security property or to default on the loan. Similarly, the lender risks not obtaining repayment of the entire amount of the loan proceeds, and thus might find itself involved in a greater number of borrower defaults and foreclosure proceedings. These risks would tend to be offset by a steady increase in the borrower's income, such as can be expected from an upwardly-mobile borrower. The borrower's equity is also likely to increase significantly as the market value of the security property increases with inflation, further reducing the risks of short-term financing.

The Board requests comment on all aspects of short-term financing, including the extent of market demand for such lending. In addition, the Board specifically requests comment on the following issues:

1. Should an authorization to make short-term loans also require lenders to give loan applicants a disclosure setting forth a general description of such loans and the specific terms of the type of loan offered to the applicant? Currently, such disclosures are required by the Board for adjustable mortgage loans (12 CFR 545.6-4a(f)), graduated payment mortgages (12 CFR 545.6-4(b)) and reverse-annuity mortgages (12 CFR 545.6-4(c)). As proposed, the regulation would require associations to affix a notice to a short-term loan contract that states the term of the loan, the fact that the association is under no obligation to refinance the loan at maturity, and the fact that prevailing market rates at maturity of the loan may be considerably higher than the current interest rate on the loan. This notice is identical to that required of national banks in regulations recently enacted by the Office of the Comptroller, of the Currency authorizing such banks to make adjustable-rate loans (12 CFR 29.8(c), published at 46 FR 18932, March 27, 1981). The Board requests comment on whether the proposed regulations should also provide, as does the Comptroller's regulation, that if the lender fails to give the required notice, the short-term loan will be characterized as a adjustable-rate loan and must conform to the appropriate disclosure and rate-adjustment provisions. The Board also requests comment on whether a disclosure requirement should contain mandatory language, as is the case under the Board's adjustable mortgage loan regulation, or whether a disclosure provision should merely describe what information must be given the borrower.

2. Should the proposed regulation impose a maximum permissible term on short-term loans? The proposal gives lenders maximum flexibility by permitting a term of up to 40 years. This permits lenders to make balloon payment loans for terms more closely matching the average life of a home loan. Currently, associations cannot make a 90% loan with a payment level based on an amortization period longer than the term of the loan. For example, it is not permitted (except pursuant to the leeway authority granted by 12 CFR 545.6-5(b)) to make a 15-year loan with the payment amount based on a 30-year amortization.

3. Should the maximum amount of a short-term loan be set at 90% of the value of the security property, or should lenders be permitted to lend up to 95% of value if the requirements of § 545.6-2(a)(2) are met? Permitting associations to lend to 95% of value would mean a borrower typically would have a larger balance due at maturity of the loan than if some lower loan-to-value limitation were imposed. However, it would also mean that more borrowers would be able to qualify for such loans, given the lower downpayment requirement. If associations are authorized to make short-term loans to 90% or 95% of value, is it appropriate to impose any special requirements, in addition to the Board's standard requirements for 95% home loans pertaining to owner-occupancy and escrows?

4. What provisions, if any, should be included in the regulation regarding refinancing?

5. Should the regulation permit adjustment of the interest rate on balloon payment loans made on the security of borrower-occupied homes? Currently, adjustment of the rate on a balloon loan on such security property in effect is not permitted because the Board's adjustable-rate mortgage regulations (12 CFR 545.6-4a, 545.6-4b) apply only to fully-amortizing loans.

6. Should the balloon-payment concept be extended to the Board's home-improvement loan regulation (12 CFR 545.6-3)? At present, home improvement loans, with or without security and with terms up to 20 years, must be paid in substantially equal installments or use a payment system complying with one of the Board's adjustable mortgage plans under 12 CFR 545.6-4 or 545.6-4a.

Reverse-Annuity Mortgage Loans

The Board proposes to amend its reverse-annuity mortgage (RAM) regulation (12 CFR 545.6-4(c)) by deleting the requirements that such plans be submitted to the Board for review and that lenders offer refinancing of such loans at maturity. The proposed changes would also permit adjustment of the interest rate on a reverse-annuity mortgage loan.

The Board believes that, based on its experience with RAM programs to date, the disclosure requirements imposed by the RAM regulation are sufficiently comprehensive to render Board review of such loan plans unnecessary. The Board also is of the view that retaining the refinancing requirement would be inappropriate if the Board determined to authorize balloon payment loans without such a requirement. Finally, given the broad authority provided to associations to make adjustable-rate mortgages, it appears consistent to provide a similar authorization for RAMs. The Board specifically requests comment on each of these three proposed changes. The Board also requests comment on whether the regulation should provide for a standardized disclosure form, as do the AML and GPAML regulations.

Regulatory Flexibility Analysis

The proposed amendments are being considered by the Board as a means of providing new tools for home financing, and to give home lenders additional flexibility in designing mortgage instruments. The proposal is being made pursuant to the Board's authority under section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), as amended, to prescribe regulations governing home lending by federally-chartered thrift institutions. The proposed regulations would apply to all federal savings and loan associations and federal mutual savings banks, regardless of size, and would impose no new reporting, recordkeeping or other compliance requirements. The proposed amendments do not duplicate, overlap or conflict with any existing federal regulations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise paragraph (a)(4)(i) of

§ 545.6–2 to read as follows:

§ 545.6–2 Other residential real estate loans.

(a) *Home loans.* * * *

(4) *Loans without full amortization.* (i) *General rule.* Nonamortized loans (loans on which no principal payments are made until the end of the term) and loans that are not fully amortized shall not exceed the loan-to-value limitations of subparagraphs (a)(1) and (a)(2) of this section. Interest on such loans shall be payable at least semiannually. A borrower may prepay all or part of such a loan at any time without penalty. An association making such loans must include the following notice in each loan application form and in each loan contract: "This loan is payable in full at the end of —— years. You must repay the entire principal balance of the loan and unpaid interest then due. The lender is under no obligation to refinance the loan at that time. You will therefore be required to make payment out of other assets you may own, or you will have to find a lender willing to lend you the money at then-prevailing market rates, which may be considerably higher than the interest rate on this loan."

* * * * *

2. Revise paragraph (c) of §545.6–4, to read as follows:

§ 545.6–4 Alternative mortgage instruments.

* * * * *

(c) *Reverse-annuity mortgage.*

(1) *Description.* This instrument provides periodic payments to homeowners based on accumulated equity; the payments are made directly by the lender or through purchase of an annuity from an insurance company. The loan becomes due either upon a specific date or when a specified event occurs, such as sale of the property or death of the borrower. The interest rate on this instrument may be fixed, or may be adjusted periodically, as provided in § 545.6–4a of this Part.

(2) *Requirements.*

(i) Loan applicants shall not be bound for seven days after the loan commitment is made.

(ii) Associations shall obtain a statement signed by the borrower acknowledging disclosure of all contractual contingencies which could force a sale of the home.

(iii) The instrument shall provide for prepayment without penalty at any time during the loan term.

(iv) If payments are to be made to the borrower through purchase of an annuity, the association shall use an insurance company authorized to engage in such business and supervised by the State in which it is incorporated.

(3) *Disclosures.*

Each prospective borrower shall receive written materials explaining the type of mortgage being offered and its specific terms, including:

(i) If refinancing is not guaranteed, a prominent notice indicating that a large payment (and the elements of which it is comprised) will be due at the end of the loan terms;

(ii) schedule and explanation of payments to the borrower and whether property taxes and insurance are to be deducted;

(iii) schedule of outstanding debt over time;

(iv) repayment date or event (such as sale of home or death of one or more mortgagors) which causes loan to become due;

(v) method of repayment and schedule, if any;

(vi) all contractual contingencies, including lack of home maintenance and other default provisions, which may result in forced sale of the home;

(vii) interest rate, annual percentage rate, and total interest payable on the loan;

(viii) effective interest rate and interest earned or expected to be earned on purchased annuities, based on standard mortality tables;

(ix) name and address of insurance company issuing a purchased annuity;

(x) initial loan fees and charges;

(xi) description of prepayment features and refinancing features, if any; and

(xii) inclusion of a statement that such mortgages have tax and estate-planning consequences and may affect levels of, or eligibility for, certain government benefits, grants, or pensions, and that applicants are advised to explore these matters with appropriate authorities.

If the Loan contract permits periodic adjustment of the loan interest rate, the disclosure provided the prospective borrower must parallel the disclosure required by § 545.6–4a(f) of this Part, and must include such of the information set out above as is possible to disclose prior to closing of the loan.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Fine,

Secretary.

[FR Doc. 81–21801 Filed 7–21–81; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 939

The St. Thomas National Marine Sanctuary

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; correction.

SUMMARY: On Tuesday, June 30, 1981, the National Oceanic and Atmospheric Administration published proposed regulations for the proposed St. Thomas Marine Sanctuary (46 FR, page 33530). This document contained three errors that should be corrected. An incorrect Part number was assigned. The proposed regulation should be referenced as Part 939, not Part 937. The date for comments due is incorrect and should read August 30, 1981, not July 16, 1981. Finally, the second sentence under Public Review and Comment (page 33532, first column,) should read "A public hearing was held June 3, 1981 at the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands, on the Draft Environmental Impact Statement for the proposed St. Thomas Marine Sanctuary."

DATE: Comments due August 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward Lindelof, Gulf and Caribbean Project Manager, Sancutary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, telephone 202–634–4236.

(Federal Domestic Assistance Catalog No. 11.419; Coastal Zone Management Program Administrator)

Dated: July 9, 1981.

William Matuszeski,

Acting Deputy Assistant Administration for Coastal Zone Management.

[FR Doc. 81–21348 Filed 7–21–81; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 816

Surface Coal Mining; Use of Explosives; Availability of Draft Rule

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of draft rule.

SUMMARY: The Office of Surface Mining has prepared a draft rule on the use of explosives in surface coal mining operations which is available for comment and recommendation.

DATES: Comments will be received until 5:00 p.m. August 14, 1981. This Draft Rule will serve as the basis in developing a proposed rulemaking to begin on or about October 23, 1981.

ADDRESSES: Copies of the draft rule and the schedule to be followed are available at the following location: Office of Surface Mining, Headquarters, Interior South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202–343–4728.

All comments received along with a copy of the draft rule will be available for inspection at the Office of Surface Mining, 1951 Constitution Avenue, N.W., Room 153, Interior South, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Russ Price, Civil Engineer, Technical Services Division, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. (202) 343–4022.

SUPPLEMENTARY INFORMATION: This draft rule governing the ue of explosives was developed by the Directorate of Technical Services and Research to meet the Administration's mandates on regulatory reform and to develop revised methodology for litigated portions of the existing regulations remanded by court decisions. The draft rule also reflects recommendations by commenters to the Secretary of the Interior's request on January 28, 1981 to identify burdensome, counterproductive and excessive regulations in the Office's Permanent Regulatory Program.

In addition, comments received during the public comment period for the rule proposed on January 22, 1981, 46 FR 6982, have been considered in this draft preamble. Many comments during the initial proposal provided constructive alternatives found beneficial in drafting this draft version for preproposed review. The initial proposal was withdrawn (46 FR 32445 June 23, 1981) from rulemaking after deciding that all rules governing the use of explosives should be considered for amendment. The office appreciates this opportunity to obtain comments and reaction to this draft rule, in the initial stage, and personnel will be available to discuss the contents at the office listed under Addresses or at any of the five regional offices: Charleston, WV; Indianapolis, IN; Kansas City, MO; Knoxville, TN, or Denver, CO.

Dated: July 16, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81–21312 Filed 7–21–81; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Proposed rule.

SUMMARY: The State and Local Fiscal Assistance Act Amendments of 1980 were enacted on December 28, 1980. The law amended the State and Local Fiscal Assistance Act of 1972, as amended. The proposed rule would implement the minor and technical changes made by the 1980 amendment.

DATES: Written comments must be received on or before August 21, 1981.

ADDRESSES: Send comments to: Chief Counsel for Revenue Sharing; Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Acting Chief Counsel, or Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Washington, DC 20226, Telephone: (202) 634–5182.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1980, the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96–604) were enacted to amend the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512, the Revenue Sharing Act) which established the General Revenue Sharing Program. The Act was previously amended in 1976 by Pub. L. 94–488. The amendments in 1980 renewed the General Revenue Sharing Program for three years until the end of fiscal year 1983 (September 30, 1983). The amendments also eliminated entitlements to State governments, but authorized the appropriation of Revenue Sharing payments to State governments for fiscal years 1982 and 1983. Payments to State governments were not appropriated for fiscal year 1981. The 1980 Amendments also made certain technical changes to the formula, public participation and audit provisions in the Act.

The 1980 Amendments necessitate several revisions to the regulations contained in 31 CFR Part 51, which implement the Revenue Sharing Act. On December 31, 1979, the Office of Revenue Sharing published in the **Federal Register** a notice of proposed rulemaking to revise the whole of 31 CFR Part 51 (44 FR 77356). Final regulations implementing the revisions were delayed pending renewal of the program and determination of the changes that would result from the 1980 Amendments. The technical changes that are the subject of this proposed rule are made to the regulation in its December, 1979, proposed form. The following is a section-by-section analysis of the proposed revisions to the regulations.

Section 51.0 Scope and Application of Regulations

Paragraph (a) of this section describes the statutes which these regulations implement. The Director proposes to amend paragraph (a) to reference the 1980 Amendments.

Section 51.1 Establishment of Office of Revenue Sharing

This section reflects the establishment of the Office of Revenue Sharing (hereinafter referred to as the "ORS") and cites the implementing legislation. The proposed rule would update the cite with a reference to the 1980 Amendments.

Section 51.2 Definitions

The proposed rule would amend paragraph (a) which defines "Act" to include a reference to the 1980 Amendments.

The proposed rule would amend paragraph (f) "Entitlement period" to include the three additional entitlement periods created by the 1980 Amendments.

Section 51.13 Proposed Use Hearing; § 51.14 Budget Hearing

The proposed rule would amend § 51.13 entitled "Proposed use hearing" and § 51.14 entitled "Budget hearing" to add an additional waiver of the hearing and publication requirements. Because the Revenue Sharing Program was renewed several months after the scheduled expiration of the program on September 30, 1981, some recipient governments enacting budgets containing revenue sharing funds for fiscal year 1981, which encompasses entitlement period twelve, may have had to estimate the amount of funds they would receive during the coming fiscal year without the usual guidance from the ORS as to the amount of entitlement funds they might be expected to receive. For this reason,

Section 2(e) of the 1980 Amendments provides that a recipient government, which conducted hearings on the proposed uses of revenue sharing funds prior to December 28, 1980 (the enactment date of the 1980 Amendments) using reasonable projections as to the amount of those funds, would not be considered to have violated the provisions of the Act. The proposed rule would add new §§ 51.13(c)(3) and 51.14(f) to provide that where hearings have been held based upon reasonable estimates, additional hearings would not be required concerning the entitlement funds not subjected to the budget process for entitlement period twelve. This provision is in no way meant to exempt recipient governments from compliance with the public hearing requirements for subsequent entitlement periods. The proposed rule would further amend § 51.14 by the redesignation of paragraph (f) and (g) as (g) and (h).

Section 51.28 "Optional Formula"

The proposed rule would amend § 51.28 entitled "Optional formula" to update the time period within which a State may apply for use of an optional formula. The date in § 51.28(a)(3)(iii) is changed from September 30, 1980, to September 30, 1983, the end of the last entitlement period authorized by the 1980 Amendments.

Section 51.30 Adjustment of Maximum and Minimum per Capita Entitlement; 100 Percent Criterion

The proposed rule would amend paragraphs (a) and (b) of this section to eliminate the reference to inclusion of the States in the formula for determining constraints on allocations to local governments. The proposed rule would also add new subsections which set forth the methods by which the amounts described in this section, which some local governments cannot receive due to the formula constraints, would be reallocated within States to eligible local governments.

Section 51.31 Separate Law Enforcement Officers

The proposed rule would amend § 51.31 "Separate law enforcement officers" to set forth the source and percentage of direct funding for the separate law enforcement officers of the State of Louisiana during entitlement periods in which funds are not appropriated for State governments.

Section 51.32 Population

The proposed rule would add a new § 51.32 entitled "Population." Paragraph (a) restates the current definition of population. Paragraph (b) would implement the 1980 Amendment regarding the potential use of population undercount adjustments provided by the Bureau of the Census. Paragraph (c) would implement the 1980 Amendment regarding population adjustments due to legal immigrants entering the country within six months after the 1980 Census.

Paragraph (d) updates the definition of population for Indian tribes and Alaskan native villages and describes the population data of Oklahoma Indian governments. Oklahoma Indian governments, except the Osage Tribal Council, do not have current reservation boundaries within which population can be determined and the Bureau of the Census cannot determine the Indian population on Oklahoma Indian trust lands since they do not match the geography of Census enumeration districts. Since Oklahoma Indian tribes do not now have reservations, the Bureau of Indian Affairs has advised that it is unlikely that Indian governing bodies in Oklahoma would be providing governmental services to anyone but Indians identified with the tribe of that governing body. Therefore, the population of Oklahoma Indian tribes for revenue sharing purposes will include only Indians and their spouses and children identified with the tribe of the Indian governing body, who are living within the boundaries of the historic areas in those Oklahoma county areas where the tribe had a reservation at the time of the allotment of Oklahoma lands.

Section 51.43 Restriction on Expenditures by Indian Tribes and Alaskan Native Villages

Section 123(a)(7) of the Revenue Sharing Act and § 51.43 of the regulations require Indian tribes and Akaskan native villages to spend their revenue sharing funds to benefit members of the tribe living in the county area for which the funds are allocated. This provision presented a hardship on tribes and villages which were located in more than one county area. The 1980 Amendments eliminated Section 123(a)(7) from the Act. The proposed rule would, therefore, delete § 51.43. Sections 51.44 "Lobbying" and 51.45 "Use of entitlement funds for debt retirement" would be redesignated §§ 51.43 and 51.44 respectively.

Section 51.102 Auditing and Evaluation

A new subparagraph (a)(2) is proposed to be added to Section 102 to inform recipient governments when audits must be submitted to the Director.

Section 2(g) of the 1980 Amendments provided a special modification of the audit requirements for local governments within the State of Michigan. In this situation, the State agency had entered into an agreement with ORS to perform the required audits for county governments, but later found that it could not complete the audits. The affected counties are authorized to conduct the required audits in accordance with generally accepted auditing standards and only concerning fund accounts in which revenue sharing funds are placed. The proposed rule would add a new § 51.102(d) "Modification of audit requirement" to implement that special modification.

Since the 1980 Amendments merely authorized, but did not appropriate revenue sharing funds for the State governments, an amendment to the regulations was needed to clarify when, if ever, the States would be required to conduct independent audits required by the Act. The Department has determined that a State government will be required to conduct such audits only if it receives entitlement funds for three consecutive entitlement periods. The same approach was taken for local governments which receive less than $25,000 in entitlement funds. A new paragraph (f) is added to § 51.102 to clarify our interpretation of this provision.

Section 51.103 Waiver of Audit Requirement

Section 2(f) of the 1980 Amendments provides an additional waiver for the situation in which the accounts of units of local government are audited by a State audit agency which either does not follow generally accepted auditing standards or which is not independent. The State agency must be demonstrating progress towards meeting the audit standards or becoming independent. The proposed rule would revise proposed § 51.103 "Waiver of audit requirement" to include the new basis for granting a waiver and clarify the procedure by which the waiver will be granted.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354, hereinafter referred to as the RFA) requires that regulations with significant economic impact on a substantial number of "small entities" should undergo regulatory flexibility analysis. With respect to the General Revenue Sharing Program, small entities are defined as recipient governments with a population below 50,000.

The proposed regulations implement the 1980 Amendments to the Revenue Sharing Act made by the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96-604). The 1980 Amendments renewed the General Revenue Sharing Program for an additional three years, made technical and conforming changes to the statute, and modified or waived certain public participation and audit requirements that would have otherwise been unnecessarily burdensome for recipient governments.

The proposed regulations merely implement these statutory changes. The revenue effects of the proposed regulations, if any, flow directly from the statute, and the regulations impose no additional paperwork, compliance, or financial burdens on recipient governments. The proposed regulations are primarily interpretive, providing needed guidance to recipient governments with respect to the General Revenue Sharing Program. The proposed regulations are not expected to have a significant economic impact on small governmental units. Accordingly, the provisions of the RFA are not applicable to this regulatory project, and an initial regulatory flexibility analysis is not required.

Executive Order 12291—"Federal Regulation"

The proposed regulations do not constitute a "major rule" within the meaning of Section 1(b) of Executive Order 12291, entitled "Federal Regulation." A regulatory analysis is not required.

Authority

This proposed rule is issued under the authority of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512) as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488), the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96-604) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision No. 2) dated May 17, 1977.

32 CFR Part 51 is therefore proposed to be amended in the manner set forth below:

Dated: July 17, 1981.

Kent Peterson,

Deputy Director, Administration and Operations, Office of Revenue Sharing.

Robert W. Rafuse, Jr.,

Deputy Assistant Secretary (State and Local Finance).

1. Section 51.0(a) is revised to read as follows:

§ 51.0 Scope and application of regulations.

(a) *In general.* The rules and regulations in this subpart are prescribed for carrying into effect the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) applicable to entitlement periods beginning January 1, 1972, and ending December 31, 1976, as amended by the State and Local Fiscal Assistance Amendments of 1976 (Public Law 94-488) applicable to entitlement periods beginning January 1, 1977, and ending September 30, 1980, and by the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96-604) applicable to entitlement periods beginning on or after October 1, 1981, and ending September 30, 1983. Subpart A of this part sets forth general information and definitions of terms used in this part. Subpart B of this part prescribes the reporting, public hearing and publication requirements under this part. Subpart C of this part contains rules regarding the computation, allocation and adjustment of entitlements. Subpart D of this part prescribes prohibitions and restrictions on the use of funds. Subpart E of this part contains the nondiscrimination requirements applicable to programs and activities funded by recipient governments. Subpart F of this part prescribes fiscal procedures and auditing requirements. Subpart G of this part contains rules relating to procedure and practice requirements where a recipient government has failed to comply with any provision of this part.

* * * * *

2. Section 51.1 is revised to read as follows:

§ 51.1 Establishment of Office of Revenue Sharing.

There is established in the Office of the Secretary of the Treasury Department, the office of Revenue Sharing. The Office shall be headed by a Director who shall be appointed by the Secretary of the Treasury. The Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972, Title I, (Public Law 92-512) as amended by the State and Local Fiscal Assistance Amendments of 1976 (Public Law 94-488) and the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96-604). A reference to the individuals in the feminine or masculine gender shall not be construed to exclude either gender.

3. Section 51.2 (a) and (g) are revised to read as follows:

§ 51.2 Definitions.

(a) "Act" means the State and Local Fiscal Assistance Act of 1972 (Title I of Public Law 92-512) enacted October 20, 1972, as amended by the State and Local Fiscal Assistance Amendments of 1976 (Public Law 94-488) enacted October 13, 1976, and as amended by the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96-604) enacted December 28, 1980 (31 U.S.C. 1221 *et seq.*).

* * * * *

(g) "Entitlement period" means one of the following periods of time:

(1) Entitlement Period One is the 6-month period beginning January 1, 1972, and ending June 30, 1972.

(2) Entitlement Period Two is the 6-month period beginning July 1, 1972, and ending December 31, 1972.

(3) Entitlement Period Three is the 6-month period beginning January 1, 1973, and ending June 30, 1973.

(4) Entitlement Period Four is the fiscal year beginning July 1, 1973, and ending June 30, 1974.

(5) Entitlement Period Five is the fiscal year beginning July 1, 1974, and ending June 30, 1975.

(6) Entitlement Period Six is the fiscal year beginning July 1, 1975, and ending June 30, 1976.

(7) Entitlement Period Seven is the 6-month period beginning July 1, 1976, and ending December 31, 1976.

(8) Entitlement Period Eight is the 9-month period beginning January 1, 1977, and ending September 30, 1977.

(9) Entitlement Period Nine is the fiscal year beginning October 1, 1977, and ending September 30, 1978.

(10) Entitlement Period Ten is the fiscal year beginning October 1, 1978, and ending September 30, 1979.

(11) Entitlement Period Eleven is the fiscal year beginning October 1, 1979, and ending September 30, 1980.

(12) Entitlement Period Twelve is the fiscal year beginning October 1, 1980, and ending September 30, 1981.

(13) Entitlement Period Thirteen is the fiscal year beginning October 1, 1981, and ending September 30, 1982.

(14) Entitlement Period Fourteen is the fiscal year beginning October 1, 1982, and ending September 30, 1983.

* * * * *

4. Secton 51.13(c) is amended by adding a new paragraph (3) to read as follows:

§ 51.13 Proposed use hearing.

* * * * *

(c) * * *

(3) *Waiver of proposed use hearing and publication requirements where*

hearing is based upon projections. A recipient government shall not be required to conduct an additional hearing under paragraph (a) of this section concerning entitlement funds appropriated for entitlement period twelve where:

(i) The hearing was held prior to December 28, 1980, and,

(ii) The recipient government used reasonable projections as to the amounts of entitlement funds received during entitlement period twelve to determine the amount of entitlement funds subject to the budget process.

5. Section 51.14 is amended by redesignating (f) and (g) as (g) and (h) and adding a new (f) to read as follows:

§ 51.14 Budget hearing.

* * * * *

(f) *Waiver of budget hearing and publication requirements where hearing is based upon projection.* A recipient government shall not be required to conduct an additional hearing under subsection (a) concerning entitlement funds appropriated for entitlement period twelve where:

(1) The hearing was held prior to December 28, 1980, and,

(2) The recipient government used reasonable projections as to the amounts of entitlement funds received during entitlement period twelve to determine the amount of entitlement funds subject to the budget process.

* * * * *

§ 51.28 Optional formula. [Amended]

6. Section 51.28(a)(3)(iii) is amended by removing "September 30, 1980" and inserting "September 30, 1983".

7. Section 51.30 (a)(1), (b), and (c) are revised and new paragraphs (d) and (e) are added as follows:

§ 51.30 Adjustment to entitlements; application of adjustments.

(a) *County area maximum and minimum per capita entitlement.* (1) *In general.* Pursuant to Section 108(b)(6) of the Act, the per capita amount allocated to any county area shall be not less than 20 percent, nor more than 145 percent, of the amount allocated to the State under section 106 of the Act, divided by the population of that State.

* * * * *

(b) *Local government (other than a county government, Indian tribe or Alaskan native village).* (1) *In general.* Except as provided below, the per capita amount allocated to any unit of local government (other than a county government, Indian tribe or Alaskan native village) shall be not less than 20 percent, nor more than 145 percent, of the amount allocated to the State under Section 106 of the Act, divided by the population of that State.

(2) *One hundred forty-five percent rule.* If a unit of local government is allocated an amount greater than the 145 percent limit, its allocation shall be reduced to that level.

(3) *Twenty-percent rule.* If a unit of local government is allocated an amount less than the 20 percent limit, its allocation shall be increased to the lower of either the 20 percent limit or 50 percent of the sum of that local government's adjusted taxes and intergovernmental transfers of revenue (other than entitlement funds).

(4) *Entitlement less than $200.* If a unit of local government below the level of a county government is allocated an amount less than $200 for an entitlement period, the amount of the entitlement of that local government for that entitlement period shall become a part of the entitlement of the county government of the county area in which the local government is located.

(c) *Fifty percent limitation.* (1) *In general.* The amount of entitlement funds allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of that local government's adjusted taxes, plus its intergovernmental transfers of revenue (other than entitlement funds).

(2) *Reallocation of excess amounts due to the fifty percent limitation.* In any case in which the amount of entitlement funds allocated to a unit of local government other than a county government is reduced pursuant to paragraph (c)(1) of this section, the amount of the reduction of funds shall be reallocated as follows—

(i) The amount shall be added to the county government in which the local government is located, to the extent that the county government may receive funds after application of the provisions of paragraphs (a) and (c) of this section.

(ii) If the county government cannot receive such funds, the provisions of paragraphs (d) and (e) of this section shall be applied.

(d) *One hundred-percent criterion.* If the amounts allocated to units of local government within a State do not total 100 percent of the amount allocated to that State, due to application to the adjustments set forth in paragraphs (a), (b) and (c) of this section, the amount to be allocated to county areas shall be adjusted appropriately, and the allocation process shall be repeated until the amounts allocated to such units of local government total 100 percent of the amount allocated to that State.

(e) *Distribution of funds in excess entitlement funds resulting from adjustments.* Funds which are not distributed after application of paragraph (d) of this section shall be added on a pro rata basis to all units of local government within the State.

8. Section 51.31 is revised to read as follows:

§ 51.31 Separate law enforcement officers.

(a) *Entitlement of separate law enforcement officers.* (1) The Office of the separate law enforcement officer within any parish area in the State of Louisiana, other than the parishes of East Baton Rouge and Orleans, shall be entitled to receive for each entitlement period beginning on or after January 1, 1977, 15 percent of the entitlement of the government of the Parish government, unless entitlement funds are not appropriated to State governments, in which case the Office shall receive 13.5 percent of the entitlement.

(2) The Office of the separate law enforcement officer within the area of the government of the parish of East Baton Rouge shall be entitled to receive for each entitlement period, beginning on or after January 1, 1977, 7.5 percent of the entitlements of the governments of Baton Rouge, Baker and Zachary, Louisiana for each such entitlement period, unless entitlement funds are not appropriated to State governments, in which case the Office shall receive 6.75 percent of the entitlement of those governments.

(b) *Reduction of entitlement of parish government.* (1) The governments of each parish (other than East Baton Rouge, and Orleans, Louisiana) shall receive for an entitlement period entitlements reduced by one-half of the amount due the separate law enforcement officer for such parish, except that after October 1, 1981, the parish government entitlement shall be reduced by the full amount if entitlement funds are not appropriated to the State governments.

(2) The governments of Baton Rouge, Baker and Zachary, Louisiana shall receive, for an entitlement period, entitlements reduced by an amount equal to 3.75 percent of such government's normal entitlement, unless entitlement funds are not appropriated to State governments in which case the entitlements for the governments of Baton Rouge, Baker and Zachary shall be reduced by 6.75 percent.

(c) *Reduction of entitlement of State government.* The State government of Louisiana shall receive for an entitlement period an entitlement reduced by the same amount as the reduction to entitlement of the parishes and the governments of Baton Rouge, Baker and Zachary. This subparagraph shall not apply for entitlement periods beginning after October 1, 1981, if entitlement funds are not appropriated to the government of the State of Louisiana.

(d) *Entitlement of the Parish of Orleans.* The provisions of paragraphs (a), (b) and (c) of this section shall not apply to the entitlements of the Parish of Orleans. The Parish of Orleans shall be entitled to receive for each entitlement period beginning on or after January 1, 1977, from the State government's entitlement, an additional amount equal to 7.5 percent of the amount it is otherwise entitled to receive. This subparagraph shall not apply for entitlement periods beginning after October 1, 1981, if entitlement funds are not appropriated to the State government of Louisiana.

9. Section 51.32 is added to read as follows:

§ 51.32 Population.

(a) *Population generally.* Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(b) *Undercount adjustment.* To adjust for any possible undercount during the 1980 census, the Director shall—

(1) As soon as practicable, request the Bureau of the Census to adjust the population data provided to include a reasonable estimate of the number of resident persons not counted in the 1980 census or subsequent revisions thereof.

(2) Estimates received from the Bureau of the Census shall be used to calculate allocations for entitlement periods beginning after receipt of such estimates.

(c) *Adjustment as result of legal immigrants.* The determination of population shall reflect any adjustments made pursuant to Section 116 of Pub. L. 96–369 conducted due to a major population change resulting from the movement of a large number of Cuban or Haitian legal immigrants into a jurisdiction within 6 months after the 1980 census. The adjustments to such population figures shall be reflected in entitlement periods beginning with fiscal year 1981 and shall continue to be used until the Bureau of the Census makes available 1981 population estimates.

(d) *Population of Indian tribes and Alaskan native villages.* (1) The population of an Indian tribe or Alaskan native village is the resident population as of April, 1980, defined as—

(i) For Indian tribes, American Indians living on a reservation, plus the number of American Indians living in Census Enumeration Districts (ED's) containing adjacent tribally owned trust lands of that tribe. Resident non-Indian members of families with an American Indian householder or spouse are also included in the population data.

(ii) The lands in each Oklahoma county which were part of one or more Indian reservations at the time of allotment will be treated jointly as the land of all the reservations located in that county. Therefore, within a given county, an Indian identified with a tribe whose historic reservation includes a portion of that county will be enumerated with that tribe regardless of whether they reside within their tribe's own historic reservation area or that of one of the other tribes. Areas inside cities and towns will be subtracted from the land of the tribes. Only an Indian identified with the tribe of the Indian governing body and their spouses and children living within the boundaries of the tribal area described above are to be included in the population data of Oklahoma Indian governments. The population of the Osage Tribal Council of Oklahoma is as defined in paragraph (d)(1)(i) of this section since this tribe has its own current reservation.

(iii) For Alaskan native villages, the number of American Indians, Eskimos and Aleuts living in the village on the April 1, 1980, Census date. Resident non-Alaskan native members of families with an Alaskan native householder or spouse are also included in the population data.

(2) The Director will request the Bureau of the Censes to provide updated population estimates for Indian tribes and Alaskan native villages when such estimates are provided for other local governments in the Revenue Sharing Program.

10. Section 51.43 is removed.

§ 51.43 Restriction on expenditures by Indian tribes and Alaskan native villages [Removed]

§ 51.44 Redesignated as § 51.43.

§ 51.45 Redesignated as § 51.44.

11. Section 51.44 is redesignated as § 51.43 and § 51.45 is redesignated as § 51.44.

12. Section 51.101 is amended by revising (a) and (d), redesignating (f) as (e) and (e) as (f), and revising (f) as follows:

§ 51.101 Auditing and evaluation.

(a) *Audit requirement.* (1) Each recipient government which expects to receive entitlement funds for entitlement periods beginning on or after January 1, 1977, shall have an independent audit of its financial statements conducted for the purpose of determining compliance with the provisions of the Act, in accordance with generally accepted auditing standards, not less often than once every three years. The financial and compliance aspects of the audit may be performed separately. However, the compliance audit must be performed for the same year in which the financial audit is performed on the funds into which revenue sharing entitlements are deposited.

(2) Audits conducted to comply with the provisions of this section shall be submitted to the Director within eight months from the end of the fiscal year audited.

* * * * *

(d) *Modification of audit requirement.* A unit of local government may conduct an audit required pursuant to paragraph (a) of this section solely on those funds of accounts in the financial activity into which entitlement funds have been deposited where:

(1) The State in which the unit of local government is located entered into an agreement on July 25, 1974, to conduct audits required by the Act on behalf of such units of local government, and

(2) The audits were not conducted as required for entitlement periods beginning after December 31, 1976, and before January 1, 1980.

(e) *Series of audits.* * * *

(f) *Audits by State governments; local governments receiving less than $25,000 in entitlement funds in one entitlement period.* (1) A State government which receives entitlement funds will be required to conduct audits described in paragraph (a) of this section only if such government receives entitlement funds for three consecutive entitlement periods. The required audit would then be conducted for any one of the three years in which entitlement funds were received.

(2) Units of local government which receive entitlement funds shall be required to conduct audits described in paragraph (a) of this section only when such governments received $25,000 or more entitlement funds for each of three consecutive entitlement periods. The required audit would then be conducted for any one of these three consecutive years in which $25,000 or more in entitlement funds were received.

13. Section 51.102 is revised as follows:

§ 51.102 Waiver of audit requirement.

(a) *Basis for granting waiver.* The Director may waive the provisions of §51.102 of this subpart in whole or in part, for any local government which makes an application for such a waiver.

for any fiscal period upon determining that:

(1) The accounts of such government are not auditable and the government is making substantial progress towards making its accounts auditable; or

(2) The government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent as defined in §§ 51.100 (c) and (e) respectively, and which is demonstrating progress toward taking the necessary corrective action.

(b) *Procedure for requesting waiver.* (1) The chief executive officer of the recipient government shall apply to the Director in writing for the waiver and provide the following information:

(i) If the waiver is requested due to unauditability of government financial accounts, an assurance that in the course of determining compliance with § 51.102, the independent auditor rendered an opinion that some or all of the financial accounts are not auditable. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward making such financial accounts auditable.

(ii) If the waiver is requested pursuant to paragraph (a)(2) of this section, an assurance that the State audit agency is demonstrating progress toward performing audits in accordance with generally accepted auditing standards or becoming independent. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward establishing the use of generally accepted auditing standards or achieving independence. The Director shall determine whether the State audit agency is making sufficient progress.

(2) The Director shall determine whether the recipient government or the State agency is achieving substantial progress towards taking the necessary corrective action.

[FR Doc. 81-21430 Filed 7-17-81; 3:58 pm]
BILLING CODE 4910-39-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1880-5]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the request of the Wisconsin Department of Natural Resources (DNR) for a revision of the Wisconsin State Implementation Plan (SIP). The proposed revision is a variance from Section NR 154.13(4)(g)4.a., Wisconsin Administrative Code, for the General Motors Assembly Division Janesville Plant located in Rock County, Wisconsin. Section NR 154.13(4)(g)4.a. requires the priming of light duty trucks to be done using an electrodeposition primer with not more than 2.2 pounds of volatile organic compounds (VOC) per gallon of coating, excluding water, after January 1, 1981 and until December 31, 1982. The purpose of this notice is to discuss EPA's evaluation of the variance and to solicit public comments on the SIP revision and EPA's proposed approval.

DATE: Written comments must be submitted on or before August 21, 1981. Please submit an original and four copies if possible.

ADDRESSES: Copies of the SIP revision, supporting data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, DC 20460

Copies of the submission are also available at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 S. Webster Street, Madison, Wisconsin 53707.

Comments should be addressed to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Section 107 of the Clean Air Act (Act) requires EPA to designate those areas which have not attained the National Ambient Air Quality Standards (NAAQS) for various air pollutants. On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), EPA designated certain areas of the State of Wisconsin as nonattainment areas for ozone. Rock County, Wisconsin, where the General Motors Assembly Division Janesville Plant is located, is classified as attainment/unclassifiable for ozone.

Part D of the Act requires the State to revise its SIP for all areas that have not attained the NAAQS. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide. Although Wisconsin was not required to revise its SIP for ozone for Rock County, since it is not a nonattainment area, the State elected to apply its VOC RACT regulations statewide.

An adequate Part D SIP for ozone is one which provides for control of VOC from stationary and mobile sources resulting in attainment of the NAAQS.

For stationary sources, EPA requires the application of reasonably available control technology (RACT) to those sources of VOC for which EPA had published a control techniques guideline (CTG) before January, 1978. Each CTG describes techniques available for reducing emissions of VOC from a category of sources and recommends levels of control. For further discussion of CTG's see **Federal Register** dated September 17, 1979 (44 FR 53761). EPA published a CTG for coating automobiles and light duty trucks in May 1977 (EPA-450/2-77-008).

On June 4, 1979, the State of Wisconsin submitted Sections NR 154.01 and NR 154.13 as revisions to the SIP. These revisions included new or additional controls from fifteen categories of stationary sources which emit VOC. These controls are a part of Wisconsin's strategy to attain the ozone standard. In EPA's January 11, 1980 final rulemaking (45 FR 2319), EPA approved these revisions as part of the Wisconsin ozone SIP.

The Wisconsin DNR has authority to grant source-specific variances from the SIP under Section NR 154.02(3), although such variances do not become effective until submitted to and approved by EPA. On July 28, 1980, the DNR received from the General Motors Assembly Division a request for a variance from Section NR 154.13(4)(g)4.a., Wisconsin Administrative Code, for its Janesville Plant, located in Rock County. NR 154.13(4)(g)4.a. requires the priming of light duty trucks to be done using an electrodeposition primer with not more than 2.2 pounds of VOC per gallon of coating excluding water, after January 1, 1981 and until December 31, 1982. DNR granted the requested variance and on January 15, 1981 submitted it to EPA as a SIP revision.

In support of this request General Motors submitted to Wisconsin DNR information which demonstrates that compliance with the requirements of Section NR 154.13(4)(g)4.a., would cause the plant an unnecessary economic burden. To meet the requirements of Section 154.13(4)(g)4.a., General Motors would need to install a electrodeposition prime system (ELPO) by January 1, 1981. Currently, truck front end sheet metal is primed in a solvent based dip prime system. There are presently three ELPO systems in use at the Janesville plant. Two of the existing systems are being used in the automobile manufacturing operations with one used in the priming of bodies and the other for front end sheet metal. The other existing ELPO systems is used in the priming of truck cabs. General Motors has planned product modifications that by the end of 1982 will allow automobile bodies and front end sheet metal to be primed together on a single ELPO system. This modification will allow the ELPO system previously used for automobile front end sheet metal to become available for use on the truck line. Therefore, the installation of an additional ELPO system would only be necessary for a two year period.

In light of the proposed modifications, General Motors requested the variance from Wisconsin DNR. The request also includes an emission reduction strategy to be implemented during the period of the variance which will more than offset the increased VOC emissions resulting from variance.

The emission reductions proposed by General Motors are to be achieved by using a higher solids enamel for truck topcoat and by using an electrodeposition prime with a VOC content lower than presently required on the automobile body prime system. The higher solids enamel for the truck topcoat will apply to the following General Motors operations: the cab dulux, cab two tone, box dulux, and sheet metal spray operations and will lower the VOC content of the coating from 4.8 pounds per gallon, excluding water, as is presently being used, to 4.3 pounds per gallon, exluding water.

Based on a 12.5% increase in film buildup for the higher solids coating, the topcoat change will result in a 48.36 pound per hour reduction in emissions. The automobile body prime system is also required to meet a VOC limit of 2.2 pounds per gallon, excluding water, through December 31, 1982. To achieve an emission reduction, the automobile body electrodeposition prime will convert to a coating containing 1.2 pounds VOC per gallon, excluding water. This conversion will reduce VOC emissions by 30.34 pounds per hour. Although the variance allows General Motors to emit 66.20 pounds of VOC per hour more than is allowed under Section NR 154.13(4)(g)4.a., the other modifications proposed by General Motors will result in an emission reduction of 78.70 pounds per hour. Therefore, General Motors' emission reduction strategy will not only offset the variance but also will result in an additional emission reduction of 12.50 pounds per hour.

Based on EPA's review of this variance request and on the proposed emission reduction strategy, EPA has determined that approval of this revision will not interfere with the attainment and maintenance of the NAAQS and will result in a net decrease in VOC emissions. Therefore, EPA proposes to approve the variance from the provisions of Section NR 154.13(4)(g)4.a., Wisconsin Administrative Code, for the General Motors Assembly Division Janesville Plant located in Rock County as a revision to the Wisconsin ozone SIP. This proposed approval incorporates the following conditions specified by Wisconsin in the variance:

(1) This variance, as well as the requirements herein, shall be in effect from January 1, 1981 (or the approval date of this variance, whichever is later) through December 31, 1982.

(2) This variance can not delay General Motors from attaining compliance with Section NR 154.13(4)(g)4.b.

(3) General Motors shall maintain priming of truck front end sheet metal with a coating having a VOC content not to exceed 4.94 pounds per gallon, excluding water.

(4) After January 1, 1981, the automobile body electrodeposition prime coating VOC content shall not exceed 1.2 pounds per gallon, excluding water.

(5) Between January 1, 1981, and December 31, 1982 light duty truck topcoat (i.e. cab dulux, cab two tone, box dulux and sheet metal spray) VOC content shall not exceed 4.3 pounds per gallon, excluding water.

All interested persons are invited to comment on this revision to the Wisconsin SIP and on EPA's proposed action. Comments should be submitted to the address listed at the beginning of this notice. Public comments received on or before August 21, 1981 will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action merely approves a State action and, therefore, imposes no new requirements. In addition, this action applies to only one facility.

Under Executive Order 12291, EPA must determine whether a proposed regulation is a major rule and is therefore subject to the requirement of a regulatory impact analysis. I have reviewed this proposed rule and determined that it is not a major rule because EPA is merely approving a rule adopted by the State and is not imposing any new requirements. Moreover, the proposed rule will result in a more cost-effective control strategy for the source. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172 and 301(a) of the Act as amended)

Dated: June 30, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21357 Filed 7-21-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-4-FRL-1885-1]

Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On August 7, 1980 (45 FR 52676), EPA promulgated revised regulations for Prevention of Significant Air Quality Deterioration (PSD) and requirements for States to develop and submit revised regulations for PSD. The State of Alabama has responded and on January 30, 1981 submitted to EPA revised regulations meeting EPA's requirements. EPA is today proposing to approve the State of Alabama's revised PSD plan.

DATES: To be considered, comments must be submitted on or before August 21, 1981.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 21460.

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Archie Lee, EPA Region IV, Air Programs Branch, EPA Region IV at the above listed address and phone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 5, 1974, EPA published regulations under the 1970 version of the Clean Air Act for the prevention of significant air quality deterioration (PSD). These regulations established a program for protecting areas with air quality cleaner than the national ambient air quality standards (NAAQS). Then, on August 7, 1977, the Clean Air Act Amendments of 1977 became law and changed the 1970 act and EPA's regulations in many respects, particularly with regard to PSD. In addition to mandating certain immediately effective changes to EPA's PSD regulations, the new Clean Air Act, in sections 160–169, contains comprehensive new PSD requirements. These new requirements are to be incorporated by States into their implementation plans. On June 19, 1978 (43 FR 26380), EPA promulgated further guidance. On August 7, 1980 (45 FR 52676) EPA promulgated the latest guidance to assist States in preparing State Implementation plan (SIP) revisions meeting the new requirements. The State has complied with these requirements and has adopted and submitted additional regulations to Chapter 16 of the Alabama Air Pollution Control Commission's *Rules and Regulations*. After thorough review by EPA, these regulations were determined to be equivalent to EPA's PSD regulations. In addition, the State has full delegation of authority under these same regulations to carry out the PSD program in Alabama.

Action

EPA has reviewed the submitted material and found it to be equivalent to present EPA requirements. Therefore, EPA is today proposing to approve the Alabama submittal as satisfying the requirements of an acceptable plan for implementing PSD and is soliciting public comment on the regulations.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) (NMS) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110 and 161 of the Clean Air Act (42 U.S.C. 7410 and 7471))

Dated: May 19, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-21488 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 81

[A-5-FRL 1884-7]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to redesignate portions of Wayne County, Indiana from nonattainment of the National Ambient Air Quality Standards (NAAQS) to unclassified for total suspended particulates (TSP) pursuant to Section 107 of the Clean Air Act (CAA), as amended. The basis for this redesignation is that the monitors initially used to designate this area as nonattainment of the NAAQS for TSP have now been found to be gathering unrepresentative data or not meeting proper siting criteria. The purpose of this notice is to discuss EPA's evaluation of the redesignation and to solicit public comments on the redesignation and on EPA's proposed action.

DATE: Comments on this revision and on EPA's proposed action must be received by August 21, 1981.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review:

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

And by appointment at: Air Programs Branch, Docket Room, 11th Floor, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312-353-2211.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Susanne S. Karacki at 312-353-2211.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the CAA, EPA designated Boston, Center, Wayne, and Webster Townships in Wayne County, Indiana, as primary nonattainment of the NAAQS for TSP. The remainder of Wayne County was designated as attainment of the standards. On November 20, 1980, the State petitioned EPA to revise the Wayne County TSP designation from primary nonattainment to attainment based on the EPA rural fugitive dust policy. Indiana's redesignation request was not accompanied by the correlated promulgation of changes in the Indiana Air Pollution Control Board Regulation 325 IAC 1.1-3 which designated the attainment status of geographical areas in Indiana.

An area can be designated attainment if it complies with several rural fugitive dust policy criteria. A rural area is defined as an area which has a population of less than 100,000–200,000 and which has no major industrial development as indicated by the absence of significant industrial particulate sources which emit 100 tons or more of TSP per year. The State submitted a technical support document to support its redesignation request based on the rural fugitive dust policy criteria. EPA has reviewed the technical information and has determined that Wayne County cannot be redesignated as attainment based on the rural fugitive dust policy because there are four major industrial sources emitting over 100 tons of TSP per year.

However, the technical support document and discussions with the State and the Richmond, Indiana Chamber of Commerce indicate that the two TSP ambient air quality monitors in the City of Richmond may have been inappropriately sited. The City Hall monitor, which showed secondary TSP violations in 1978, apparently has been unduly influenced by the construction of the County Court House which is located directly across the street. The fire station monitor does not meet EPA siting criteria. Accordingly, EPA recommends that the State relocate the monitors to more representative sites.

Because of the uncertainty in monitored TSP data in Wayne County, EPA proposes to redesignate Boston, Center, Wayne, and Webster Townships from primary nonattainment to unclassified. The remainder of Wayne County is presently designated as attainment and will remain so designated. A detailed discussion of EPA's evaluation can be found in the Rationale for the Wayne County Redesignation which is on file at the addresses listed above.

This action, if promulgated, will remove the requirement for Indiana to develop a State Implementation Plan (SIP) for TSP in Wayne County pursuant to Part D of the CAA and will remove the restrictions on industrial growth contained in Section 110(a)(2)(I) of the CAA for TSP in Wayne County, Indiana.

Final promulgation of this proposed action will follow analysis of the comments received and will depend on consistency with Section 107 of the CAA.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only changes the air quality designation and will, if promulgated, remove some regulatory requirements mandated by the CAA.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes air quality designations and will, if promulgated, remove the requirement for the development of nonattainment SIP pursuant to Part D of the CAA. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Regional EPA Office listed above.

This Notice of Proposed Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: July 2, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21485 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3130

Oil and Gas Leasing—National Petroleum Reserve—Alaska; Proposed Rulemaking Authorizing Oil and Gas Leasing in the National Petroleum Reserve—Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would provide procedures for oil and gas leasing in the National Petroleum Reserve—Alaska in accordance with the provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981. The proposed rulemaking would institute a competitive bidding procedure for awarding leases on lands determined suitable for oil and gas leasing.

DATE: Comments by September 8, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Marcia E. Rohn (202) 343-7753; or Robert C. Bruce (202) 343-8735

SUPPLEMENTARY INFORMATION: The Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514) directed the Secretary of the Interior to conduct an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve—Alaska, appropriated funds for that and outlined procedures to be followed in issuing those leases. The Act required that the first lease sales be held within 20 months of its enactment. In order to carry out the requirements of the Act, procedures are needed for conducting the sale and issuing the oil and gas leases to the successful bidders. This proposed rulemaking will provide the necessary procedure for conducting oil and gas lease sales in the National Petroleum Reserve—Alaska.

The development of the oil and gas potential of the National Petroleum Reserve—Alaska will reduce the United States' dependence on foreign oil supplies. The proposed rulemaking is designed to expedite the exploration, development and production of oil and gas resources in the National Petroleum Reserve—Alaska. It will ensure that the United States receives a fair and equitable return on the oil and gas resources of the National Petroleum Reserve—Alaska, while involving the State of Alaska and its local governments as well as Native corporations in the decisionmaking process to ensure that decisions which relate to their economy, livelihood and lifestyles are fair and equitable. Finally, the proposed rulemaking is designed to balance energy development with environmental protection and subsistence values, especially in areas of critical wildlife habitat or subsistence use.

The procedures outlined in this proposed rulemaking are needed because the Solicitor, Department of the Interior, has determined that the Department of the Interior Appropriations Act, Fiscal Year 1981, provides new and independent authority for oil and gas leasing in the National Petroleum Reserve—Alaska and the provisions of the Mineral Leasing Act of 1920 (30 U.S.C. 188 et seq.) are not applicable to oil and gas leasing in the National Petroleum Reserve—Alaska.

Several of the provisions of the regulations for oil and gas leasing conducted under the Mineral Leasing Act of 1920 have been adopted in this proposed rulemaking. These provisions involve the Secretary of the Interior's discretionary authority in connection with the granting of oil and gas leases in the National Petroleum Reserve—Alaska. Among these provisions are: the requirement that only citizens and nationals of the United States, aliens lawfully admitted for permanent residence and private, public or municipal corporations, including associations, organized under the laws of the United States or of any State will be qualified to participate in the lease sale; a bonding requirement to assure the payment of rentals and royalties and compliance with all of the terms and conditions of the leases; and provision for termination of leases for the non-payment of full rental by the anniversary date of the leases.

In accordance with the provisions of the Appropriations Act, the proposed rulemaking contains requirements for two special lease stipulations. The first special stipulation requirement applies to the Reserve generally and provides that activities undertaken will include or provide for such conditions, restrictions and prohibitions as the Secretary of the Interior deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the Reserve. The second special stipulation requirement applies to the special areas provided for

in section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504).

The principal author of this proposed rulemaking is Marcia E. Rohn, Division of Onshore Energy Resources, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, and the staff of the Office of the Solicitor, Department of the Interior.

The information collection requirements contained in this proposed rulemaking have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

It is hereby determined that these rules do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is a major rule under Executive Order 12291 and will have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354). The regulatory impact analysis and a small entities flexibility analysis are being combined into a single document.

The requirement of the Department of the Interior Appropriations Act, Fiscal Year 1981, that the first lease a sale within the National Petroleum Reserve—Alaska be held within 20-months of its enactment makes it impossible to comply with the schedule for preparation of a regulatory impact analysis according set forth in Executive Order 12291. In recognition of this fact, the Office of Management and Budget has agreed to the following schedule for preparation of the Preliminary and Final Regulatory Analyses which are required by Executive Order 12291.

A summary and notice of availability of the Preliminary Regulatory Impact Analysis will be published with the final rulemaking on November 9, 1981.

Upon completion of the Final Regulatory Impact Analysis, which is scheduled for March 1982, a summary and notice of availability will be published in the **Federal Register**.

Under the authority of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), it is proposed to amend Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations by adding a new Part 3130 as set forth below:

PART 3130—OIL AND GAS LEASING—NATIONAL PETROLEUM RESERVE—ALASKA

Subpart 3130—Oil and Gas Leasing—National Petroleum Reserve—Alaska; General

Sec.

3130.0-1 Purpose.
3130.0-2 Policy.
3130.0-3 Authority.
3130.0-5 Definitions.
3130.0-7 Cross references.
3130.1 Attorney General review.
3130.2 Limitation on time to institute suite to contest a Secretary's decision.
3130.3 Drainage.
3130.4 Leasing—general.
3130.4-1 Tract size.
3130.4-2 Lease term.
3130.5 Leases within unit areas.
3130.6 Bona fide purchasers.
3130.7 Leasing maps and land descriptions.
3130.7-1 Leasing maps.
3130.7-2 Land descriptions.

Subpart 3131—Leasing Program

3131.1 Receipt and consideration of nominations; public notice and participation.
3131.2 Tentative tract selection.
3131.3 Special stipulations.
3131.4 Lease sales.
3131.4-1 Notice of sale.

Subpart 3132—Issuance of Leases.

3132.1 Who may hold a lease.
3132.2 Submission of bids.
3132.3 Payments.
3132.4 Qualifications statements.
3132.5 Award of leases.
3132.5-1 Forms.
3132.5-2 Dating of leases.

Subpart 3133—Rentals and Royalties.

3133.1 Rentals.
3133.2 Royalties.
3133.2-1 Minimum royalties.
3133.3 Compensatory payments for drainage.

Subpart 3134—Bonding—General

3134.1 Bonding.
3134.1-1 Form of bond.
3134.1-2 Additional bonds.

Subpart 3135—Assignments, Transfers and Extensions

3135.1 Assignments, transfers and extensions, general.
3135.1-1 Assignments.
3135.1-2 Requirements for filing of transfers.
3135.1-3 Separate filings for assignments.
3135.1-4 Effect of assignment of a particular tract.
3135.1-5 Extension of lease.
3135.2 Suspension of lease.

Subpart 3136—Relinquishments, Terminations and Cancellations of Leases

3136.1 Relinquishment of leases or parts of leases.
3136.2 Terminations.
3136.3 Cancellation of leases.

Authority: The Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514); 42 U.S.C. 6504; 43 U.S.C. 1701 et seq.

Subpart 3130—Oil and Gas Leasing—National Petroleum Reserve—Alaska; General

§ 3130.0-1 Purpose.

These regulations establish the procedures under which the Secretary of the Interior will exercise the authority granted to administer a competitive leasing program for oil and gas within the National Petroleum Reserve—Alaska.

§ 3130.0-2 Policy.

The oil and gas leasing program within the National Petroleum Reserve—Alaska shall be conducted in accordance with the purposes and policy directions provided by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), and other executive, legislative, judicial and Department of the Interior guidance.

§ 3130.0-3 Authority.

(a) The Department of the Interior Appropriations Act, Fiscal year 1981 (Pub. L. 96-514);

(b) The Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504); and

(c) The Federal Lands Policy and Management act of 1976 (43 U.S.C. 1701 et seq.), except that sections 202 and 603 are not applicable.

§ 3130.0-5 Definitions.

As used in this part, the term:

(a) "The Act" means the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514).

(b) "Bureau" means the Bureau of Land Management.

(c) "Construction operations" means the exploring, testing, surveying or otherwise investigating the potential of a lease for oil and gas, the actual drilling or preparation for drilling of wells therefor, or any other actions directed toward the eventual production or attempted production of oil and gas from such lands.

(d) "NPR-A" means the area formerly within Naval Petroleum Reserve Numbered 4 Alaska which was redesignated as the National Petroleum Reserve—Alaska by the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501).

(e) "Regional Conservation Manager" means the U.S. Geological Survey's Regional Conservation Manager stationed at Anchorage, Alaska.

(f) "Reworking operations" means all operations designed to secure, restore or improve production through some use of a hole previously drilled, including, but not limited to, mechanical or chemical treatment of any horizon, deepening to test deeper strata and plugging back to test higher strata.

(g) "Special Areas" means the Utokok River, the Teshekpuk Lake areas and other areas within NPR-A identified by the Secretary as having significant subsistence, recreational, fish and wildlife or historical or scenic value.

§ 3130.0-7 Cross references.

(a) 43 CFR 1821.1 Office hours; place of filing.

(b) 43 CFR 2361 Management and Protection of the National Petroleum Reserve in Alaska.

(c) 30 CFR Part 221 Oil and Gas Operating Regulations.

(d) 30 CFR Part 226 Unit or Cooperative Agreements.

(e) 40 CFR 1500—08 National Environmental Policy Act.

§ 3130.1 Attorney General review.

Prior to the issuance of a lease or the approval of an assignment or transfer, the Secretary shall consult with and give due consideration to the views of the Attorney General.

§ 3130.2 Limitation on time to institute suit to contest a Secretary's decision.

Any action seeking judicial review of the adequacy of any programmatic or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in NPR-A shall be barred unless brought in the appropriate District Court within 60 days after notice of availability of such statement is published in the **Federal Register**.

§ 3130.3 Drainage

Upon a determination by the Director, U.S. Geological Survey, that lands owned by the United States within NPR-A are being drained, the regulations under § 3100.3 of this title shall apply.

§ 3130.4 Leasing—general.

§ 3130.4-1 Tract size.

A tract selected for leasing shall consist of a compact area of not more than 60,000 acreas.

§ 3130.4-2 Lease term.

Each lease shall be issued for an initial period of 10 years, unless a shorter term is provided in the notice of sale.

§ 3130.5 Leases within unit areas.

Before being issued an oil and gas lease for lands within an approved unit agreement, the lessee or successful bidder shall file evidence that he/she has entered into an agreement with the unit operator for the development and operation of the lands in his/her lease under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable, he/she shall be permitted to operate independently but shall be required to conform to the terms and provisions of the agreement with respect to such operations.

§ 3130.6 Bona fide purchasers.

The provisions of § 3102.1-2 of this title shall apply to bona fide purchasers of leases within NPR-A.

§ 3130.7 Leasing maps and land descriptions.

§ 3130.7-1 Leasing maps.

The Bureau shall prepare leasing maps showing the parcels to be offered for lease sale.

§ 3130.7-2 Land descriptions.

(a) All parcels shall be composed of entire sections either surveyed or protracted, whichever is applicable, except that if the parcels are adjacent to water areas, they may be adjusted on the basis of subdivisional parts of the sections.

(b) Leased lands shall be described according to section, township and range in accordance with the official survey or protraction diagrams.

Subpart 3131—Leasing Program

§ 3131.1 Receipt and consideration of nominations; public notice and participation.

During preparation of a proposed leasing schedule, the Secretary shall invite and consider suggestions and relevant information for such program from the Governor of Alaska, local governments, Native corporations, industry, other Federal agencies, including the Attorney General in consultation with the Federal Trade Commission, and all interested parties, including the general public. This request for information shall be issued as a notice in the **Federal Register**.

§ 3131.2 Tentative tract selection.

(a) The State Director Alaska, Bureau of Land Management, shall issue calls for Nominations and Comments on tracts for leasing for oil and gas in specified areas. The call for Nominations and Comments shall be published in the **Federal Register** and may be published in other publications as desired by the State Director. Nominations and Comments on tracts shall be addressed to the State Director Alaska, Bureau of Land Management, with a copy to the Regional Conservation Manager, U.S. Geological Survey. The State Director shall also request comments on tracts which should receive special concern and analysis.

(b) The State Director, in consultation with the Regional Conservation Manager, shall select tracts to be offered for sale. In making the selection, the State Director shall consider available environmental information, multiple-use conflicts, resource potential, industry interest, information from appropriate Federal agencies and other available information. The State Director shall develop measures to mitigate adverse impacts, including lease stipulations and notices to lessees. These mitigating measures shall be made public in the notice of sale.

§ 3131.3 Special stipulations.

Special stipulations shall be developed to the extent the authorized officer deems necessary and appropriate for mitigating reasonably foreseeable and significant adverse impacts on the surface resources. Special Areas stipulations for exploration or production shall be developed in accordance with section 104 of the Naval Petroleum Reserves Production Act of 1976. These special stipulations shall be set forth in the notice of sale and shall be attached to and made a part of the lease, if issued.

§ 3131.4 Lease sales.

§ 3131.4-1 Notice of sale.

(a) The State Director Alaska, Bureau of Land Management, shall publish the notice of lease sale in the **Federal Register**, and may publish the notice in other publications if he/she deems it appropriate. The publication in the **Federal Register** shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids are to be filed, and the place, date and hour at which bids are to be opened.

(b) Parcels shall be offered for lease by competitive sealed bidding under conditions specified in the notice of lease sale and in accordance with all applicable laws and regulations. Bidding systems used in lease sales shall be based on bidding systems included in section (205)(a)(1) (A) through (H) of the Outer Continental Shelf Lands Act

Amendments of 1976 (43 U.S.C. 1801 et seq.).

(c) A detailed statement of the sale, including a description of the areas to be offered for lease, the lease terms, conditions and special stipulations and how and where to submit bids shall be made available to the public immediately after publication of the notice of lease sale.

Subpart 3132—Issuance of leases

§ 3132.1 Who may hold a lease.

Leases issued pursuant to this subpart may be held only by:

(a) Citizens and nationals of the United States;

(b) Aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20);

(c) Private, public or muncipal corporations organized under the laws of the United States or of any State or of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa or any of its territories; or

(d) Associations of such citizens, nationals, resident aliens or private, public or municipal corporations.

§ 3132.2 Submission of bids.

(a) A separate sealed bid shall be submitted for each parcel in the manner prescribed. A bid shall not be submitted for less than an entire parcel.

(b) Each bidder shall submit with the bid a certified or cashier's check, bank draft, U.S. currency or any other form of payment approved by the Secretary for one-fifth of the amount of the cash bonus, unless stated otherwise in the notice of sale.

(c) Each bid shall be accompanied by statements of qualifications prepared in accordance with § 3132.4 of this title.

(d) Bidders are bound by the provisions of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

§ 3132.3 Payments.

(a) Payments of bonuses, including deferred bonuses, first year's rental, other payments due upon lease issuance, filing charges and fees shall be made to the Alaska State Office, Bureau of Land Management. All payments shall be made by certified or cashier's check, bank draft, U.S. currency or any other form of payment approved by the Secretary. Payments shall be made payable to the Bureau of Land Management, unless otherwise directed.

(b) All other payments required by a lease or the regulations in this part shall be payable to the U.S. Geological Survey.

§ 3132.4 Qualifications statements.

(a) If the bidder is an individual, a statement of citizenship shall accompany the bid.

(b) If the bidder is an association (including a partnership), the bid shall be accompanied by a certified copy of the articles of association or appropriate reference to the serial number of the record and the office of the Bureau in which such copy has already been filed with a statement as to any amendments thereto.

(c) If the bidder is a corporation, the following information shall be submitted with the bid:

(1) A statement attesting to its authorization to conduct business in the State of Alaska, showing the State in which it is incorporated and that it is authorized to hold oil and has leases in NPR–A or appropriate reference to the serial number of the record and the office of the Bureau in which such statement has already been filed with a statement as to any amendments thereto.

(2) A statement attesting to the authority of the person who signed the bid to bind the corporation, including reference to the serial number of the record and the office of the Bureau in which a copy of such statement has already been filed with a statement as to any amendments to the authority.

§ 3132.5 Award of leases.

(a) Sealed bids received in response to the notice of lease sale shall be opened at the place, date and hour specified in the notice of sale. The opening of bids is for the sole purpose of publicly announcing and recording the bids received. No bids shall be accepted or rejected at that time.

(b) The United States reserves the right to reject any and all bids received for any tract, regardless of the amount offered.

(c) In the event the highest bids are tie bids, the tying bidders shall be allowed to submit additional oral bids to break the tie. The oral high bidder who has submitted the highest oral bid shall, at the close of the bidding, tender any additional amount necessary to bring the amount tendered with his/her bid to one-fifth of the oral bid.

(d) If the authorized officer fails to accept the highest bid for a lease within 90 days or a lesser period of time as specified in the notice of sale, the highest bid for that lease shall be considered rejected. This 90-day period or lesser period as specified in the notice of sale shall not include any period of time during which acceptance, rejection or other processing of bids and lease issuance by the Department of the Interior are enjoined or prohibited by court order.

(e) Written notice of the final decision on the bids shall be transmitted to those bidders whose deposits have been held in accordance with instructions set forth in the notice of sale. If a bid is accepted, 2 copies of the lease shall be transmitted with the notice of acceptance to the successful bidder. The bidder shall, not later than the 15th day after receipt of the lease, sign both copies of the lease and return them, together with the first year's rental and the balance of the bonus bid, unless deferred, and shall file a bond, if required to do so. Deposits shall be refunded on rejected bids.

(f) If the successful bidder fails to execute the lease within the prescribed time or otherwise to comply with the applicable regulations, the deposit shall be forfeited and disposed of as other receipts under the Act.

(g) If the awarded lease is executed by an agent acting on behalf of the bidder, the lease shall be accompanied by evidence that the bidder authorized the agent to execute the lease on his/her behalf.

(h) When the executed lease is returned to the authorized officer, he/she shall within 15 days of receipt of the material required by paragraph (e) of this section, execute the lease on behalf of the United States. A copy of the fully executed lease shall be transmitted to the lessee.

§ 3132.5–1 Forms.

Leases shall be issued on forms approved by the Director.

§ 3132.5–2 Dating of leases.

All leases issued under the regulations in this part shall become effective as of the first day of the month following the date they are signed on behalf of the United States. When prior written request is made, a lease may become effective as of the first day of the month within which it is signed on behalf of the United States.

Subpart 3133—Rentals and Royalties

§ 3133.1 Rentals.

(a) An annual rental shall be due and payable at the rate prescribed in the notice of sale and the lease, but in no event shall such rental be less than $3 per acre, or fraction thereof. Payment shall be made by the first day of each lease year prior to discovery of oil or gas on the lease.

(b) If there is no actual or allocated production on the portion of a lease that has been segregated from a producing lease, the owner of such segregated lease shall pay an annual rental for such segregated portion at the rate per acre specified in the original lease. This rental shall be payable each lease year following the year in which the segregation became effective and prior to discovery of oil or gas on such segregated portion.

(c) Annual rental paid in any year shall be in addition to, and shall not be credited against, any royalties due from production.

§ 3133.2 Royalties.

Royalties on oil and gas shall be at the rate specified in the lease, unless the Secretary, in order to promote increased production on the leased area through direct, secondary or tertiary recovery means, reduces or eliminates any royalty set out in the lease.

§ 3133.2–1 Minimum royalties.

For leases which provide for minimum royalty payments, each lessee shall pay the minimum royalty specified in the lease at the end of each lease year beginning with the first lease year following a discovery on the lease.

§ 3133.3 Compensatory payments for drainage.

The provisions of §§ 3100.3–1 and .3–2 of this title shall apply to compensatory payments for drainage within the NPR–A.

Subpart 3134—Bonding—General

§ 3134.1 Bonding.

(a) Prior to issuance of an oil and gas lease, the successful bidder shall furnish the authorized officer a corporate surety bond in the sum of $100,000 conditioned on compliance with all the lease terms, including rentals and royalties, conditions and any special stipulations. The bond shall not be required if the bidder already maintains or furnishes a bond in the sum of $300,000 conditioned on compliance with the terms, conditions and special stipulations of all oil and gas leases held by the bidder within NPR–A.

(b) An operator's bond in the sum of $100,000 or $300,000 may be substituted at any time for the lessee's lease bond (provided there has been an approved designation of operator or agent or approved operating agreements). The operator's bond shall assume the responsibilites and obligations of the lessee for the entire leasehold in the same manner and to the extent as though he/she were the lessee.

(c) If as a result of a default, the surety on a $100,000 lease bond or a $300,000 NPR-A-wide bond makes payment to the United States of any indebtedness under a lease secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(d) A new $100,000 lease bond or $300,000 NPR-A-wide bond shall be posted within 6 months or such shorter period as the authorized officer may direct after a default. In lieu of a new NPR-A-wide bond, the lessee may substitute a separate $100,000 bond for each lease within the time period authorized. Failure to post a new bond shall, at the discretion of the authorized officer, be the basis of cancellation of all leases covered by the defaulted bond, except to the extent that a separate bond in lieu of a $300,000 NPR-A-wide bond has been filed within the time authorized.

(e) The bonds required by this section are in addition to any other bonds the successful bidder may have filed or be required to file under subparts 3104 and 3318 of this title.

§ 3134.1 Form of bond.

All bonds furnished by a lessee shall be on a form approved by the Director.

§ 3134.1–2 Additional bonds.

The authorized officer may require the lessee to supply additional security in the form of a supplemental bond or bonds or to increase the coverage of an exisitng bond if, after operations or production have begun, such additional security is deemed necessary to assure maximum protection of Special Areas.

Subpart 3135—Assignments, Transfers and Extenstions

§ 3135.1 Assignments, transfers and extensions, general.

§ 3135.1–1 Assignments.

(a) Subject to approval of the authorized officer, a lessee may assign his/her leases, or any undivided interest therein, or any legal subdivision, to anyone qualified under § 3132.4 of this title to hold a lease.

(b) Any approved assignment shall be deemed to be effective on the first day of the lease month following its filing in the proper BLM office, unless, at the request of the parties, an earlier date is specified in the approval.

(c) The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

(d) The assignee shall be liable for all obligations under the lease subsequent to the effective date of an assignment, and shall comply with all regulations issued under the Act.

§ 3135.1–2 Requirements for filing of transfers.

(a) (1) All instruments of transfer of lease or of an interest therein, including operating rights, subleases and assignments or record-title shall be filed in triplicate for approval. Such instruments shall be filed within 90 days from the date of final execution. The instruments of transfer shall include a statement, over the transferee's own signature, with respect to citizenship and qualifications as required of a bidder under § 3132.4 of this title and shall contain all of the terms and conditions agreed upon by the parties thereto. Carried working interests, overriding royalty interests or payments out of production may be created or transferred without approval.

(2) An application for approval of any instrument required to be filed shall not be accepted unless accompanied by a nonrefundable fee determined by the Secretary. Any document not required to be filed by the regulations in this part but submitted for record purposes shall be accompanied by a nonrefundable fee as determined by the Secretary per each lease affected. Such documents may be rejected by the authorized officer.

(b) An attorney-in-fact, on behalf of the holder of a lease, operating rights or sublease, shall furnish evidence of authority to execute the assignment or application for approval and the statement required by § 3132.5(g) of this title.

(c) Where an assignment creates separate leases, a bond shall be furnished covering the assigned lands in the amount prescribed in § 3134.1 of this title. Where an assignment does not create separate leases, the assignee, if the assignment so provides and the surety consents, may become a joint principal on the bond with the assignor.

§ 3135.1–3 Separate filings for assignments.

A separate instrument of assignment shall be filed for each lease on an approved form. When transfers to the same person, association or corporation, involving more than 1 lease are filed at the same time for approval, 1 request for approval and 1 showing as to the qualifications of the assignee shall be sufficient.

§ 3135.1–4 Effect of assignment of a particular tract.

(a) When an assignment is made of all the record title to a portion of the acreage in a lease, the assigned and retained portions are divided into separate and distinct leases. Assignment shall not be made for less than 1 full section nor shall less than 1 full section be retained.

(b) Each segregated lease shall continue in full force and effect for the

primary term of the original lease and so long thereafter as oil or gas is produced in paying quantities from that segregated portion of the lease area or so long as drilling or well reworking operations, either actual or constructive, as approved by the Secretary, are conducted thereon.

§ 3135.1–5 Extension of lease.

(a) The term of a lease shall be extended beyond its primary term so long as oil or gas is produced from the lease in paying quantities or so long as drilling or reworking operations, actual or constructive, as approved by the Secretary, are conducted thereon.

(b) In accordance with an approved exploration plan or development and production plan, a lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining lands not covered by the lease. In such circumstances, drilling shall be considered to have commenced on the lease area when drilling is commenced on the adjacent or adjoining lands for the purpose of directional drilling under the leased area through any directional well surfaced on adjacent or adjoining lands. Production, drilling or reworking of any directional well shall be considered production or drilling or reworking operations on the lease area for all purposes of the lease.

§ 3135.2 Suspension of lease.

The provisions of § 3103.3–8 of this title shall be applicable to suspensions of leases in NPR–A.

Subpart 3136—Relinquishments, Terminations and Cancellations of Leases

§ 3136.1 Relinquishment of leases or parts of leases.

A lease may be surrendered in whole or in part by the record-title holder by filing a written relinquishment, in triplicate, with the Alaska State Office of the Bureau. No filing fee is required. In the case of partial relinquishments, neither the relinquished lands nor the retained lands shall be less than 1 full section. A relinquishment shall take effect on the date it is filed subject to the continued obligation of lessee and the surety to make all payments due, including any accrued rental, royalties and deferred bonuses and to abandon all wells, and condition or remove other facilities on the lands to be relinquished to the satisfaction of the Director, U.S. Geological Survey. A statement shall be furnished that all monies due and payable to workers employed on the leased premises have been paid.

§ 3136.2 Terminations.

Any lease on which there is no well capable of producing oil or gas in paying quantities shall terminate if the lessee fails to pay the annual rental in full on or before the anniversary date of such lease if such failure continues for more than 30 days after the notice of delinquent rental has been delivered by registered or certified mail to the lease owner's record post office address.

§ 3136.3 Cancellation of leases.

(a) Any nonproducing lease may be canceled by the authorized officer whenever the lessee fails to comply with any provisions of the Acts cited in § 3130.0–3 of this title, of the regulations issued thereunder or of the lease, if such failure to comply continues for 30-days after a notice thereof has been delivered by registered or certified mail to the lease owner's record post office address.

(b) Producing leases or leases known to contain valuable deposits of oil or gas may be canceled only by court order.

James G. Watt,

Secretary of the Interior.

July 1, 1981.

[FR Doc. 81–21407 Filed 7–21–81; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–5955]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for Unincorporated Areas of Travis County, Texas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Travis County, Texas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 F.R. 83286 on December 18, 1980, and in the *Austin-American Statesman* on November 13, and November 20, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at Travis County Courthouse Annex, Eleventh and San Antonio Avenue, Austin, Texas 78767.

Send comments to: Judge Mike Renfro or Mr. Davis Preble, County Engineer, County Courthouse, Eleventh and San Antonio Avenue, Austin, Texas 78767.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Travis County in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(A)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Texas	Unincorporated areas of Travis County	Apache Shores Creek	Just downstream of Running Deer Trail	*527
			Just upstream of Apache Lake Dam	*609
		Apache Shores Tributary	Just upstream of Geronimo Trail	*557
			Just upstream of Indain Creek Road	*612
		Barton Creek	Just downstream of Barton Springs Road	*447
			Just upstream of Loop 360	*536
		Bear Creek	Just downstream of Missouri Pacific Railroad	*625
			Just upstream of FM 1626	*663
		Bear Creek Tributary	Just downstream of Hewitt Road	*690
			Just upstream of Frate Baker Lane	*709
		Bee Creek	Just upstream of Road Runner Road	*618
		Big Sandy Creek	Just downstream of Highway 1431	*730
			Just upstream of Highway 1431	*739
			Just upstream of Round Mountain Road	*801
		Big Sandy Creek Tributary 1	Just upstream of Highway 1431	*727
		Big Sandy Creek Tributary 3	Just upstream of Round Mountain Road	*823
		Boggy Creek	Just downstream of Interstate Highway 35	*597
			Just upstream of Interstate Highway 35	*608
			Just upstream of Missouri Pacific Railroad	*669
		Bull Creek	Just upstream of Loop 360 (near confluence of Tributary 2).	*588
			Just upstream of Spicewood Springs Road (near confluence of Tributary 4).	*717
		Bull Creek Tributary 1	Just upstream of County-Limits	*622
		Bull Creek Tributary 2	Upstream of Loop 360	*629
		Bull Creek Tributary 3	Just upstream of a small dam at 800 feet above mouth.	*639
		Bull Creek Tributary 4	Just upstream of Spicewood Springs Road	*728
		Bull Creek Tributary 5	Just upstream of confluence of Tributary 6	*776
		Bull Creek West	Just upstream of West Frontage Road	*535
			Just upstream of FM 2222 near confluence of Tributary 1.	*536
		Carson Creek	Just upstream of Dalton Lane	*463
			Just upstream of Riverside Drive	*494
			Just upstream of Hoake Lane	*519
			Just upstream of Montopolis Drive	*548
		Colorado River	Just upstream of confluence with Gilleland Creek	*409
			Just upstream of State Highway 973	*429
			Just downstream of Bohn Road	*432
		Lake Travis	Shoreline	*716
		Cypress Creek	Just upstream of Highway 2769	*749
			Just upstream of Cypress Creek Tributary 1	*749
		Cypress Creek Tributary 1	Just upstream of confluence of Cypress Creek Tributary 2.	*784
		Cypress Creek Tributary 2	Just upstream of Highway 2769	*768
		Decker Creek	Just upstream of Taylor Lane	*415
			Just upstream of the confluence of Decker Creek Tributary 1.	*467
		Decker Creek Tributary 1	Just upstream of unpaved road	*467
			Just upstream of Earth Dam	*508
		Dry Creek	Just upstream of Bee Caves Road	*580
			Just upstream of Walsh Tarleton Drive	*642
			Just downstream of West Lake High Drive	*695
			Just upstream of West Lake High Drive	*710
		Dry Creek North	Approximately 300 feet upstream of Mt. Bonnell Road	*518
			Approximately 200 feet downstream of FM 2222	*576
		Dry Creek South	Just upstream of River Road	*405
			Just upstream of West Bound State Highway 71	*414
			Just upstream of FM 812	*467
			Just upstream of FM 973	*512
		Gilleland Creek	Just upstream of Taylor Lane	*419
			Just upstream of confluence of Gilleland Creek Tributary 1.	*447
		Hancock Branch	Just upstream of Shoal Creek Boulevard	*669
			Just upstream of Houston St.	*651
			Just upstream of Koenig Lane	*668
			Just upstream of Justin Lane	*708
		Harris Branch	Just upstream of Dessau Road	*632
			Just upstream of Kansas Missouri and Texas Railroad	*676
		Hurst Creek	Just downstream of Lohman Crossing Road	*748
			Just upstream of World of Tennis Boulevard	*784
		Hurst Creek Tributary 1	Approximately 200 feet downstream of Carla Van Road.	*744
		Lime Creek	Just upstream of Lime Creek Tributary 2	*776
		Lime Creek Tributary 1	Just downstream of Trails End Road	*778
			Just upstream of Trails End Road	*782
		Lime Creek Tributary 2	Just upstream of Trails End Road	*788
		Little Barton Creek	Just upstream of Highway 71	*784
			Just upstream of confluence of Little Barton Tributary	*844
		Little Barton Tributary	Just downstream of Highway 71	*871
			Just upstream of Highway 71	*877
		Little Bear Creek	Just upstream of Travis/Hays Counties Lines	*647
		Onion Creek	Just upstream of Highway 71	*437
			Just downstream of Burleson Road	*468
			Just upstream of Highway 183	*477
			Just upstream of Old Lockhart Road	*500
			Just upstream of Interstate Highway I–35	*537
		Rinard Creek	Just upstream of Bradshaw Road	*573
		Slaughter Creek	Just upstream of I–35	*569

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Missouri Pacific Railroad	*660
			Just upstream of Brodie Lane	*735
			Just upstream of Wyldwood Road	*757
		Slaughter Creek Tributary 1	Just downstream of Slaughter Creek Drive	*686
			Just upstream of Missouri Pacific Railroad	*674
		Unnamed Tributary to Lake Austin	Approximately 2,000 feet upstream of West Lake Drive	*520
		Yaupon Creek	Just upstream of Duck Lake Drive	*746
			Just upstream of World of Tennis Boulevard	*776
			Just upstream of Rolling Green Drive	*807
			Just upstream of Lohmann Crossing Road	*866
		Walnut Creek	Just downstream of Manor Road	*602
			Just upstream of US Route 290	*618
			Just downstream of Cameron Road (Blue Goose Road).	*542
			Just upstream of Dessau Lane	*661
			Just downstream of North Lamar Boulevard	*624
			Just downstream of Burnet Road	*666
			Just upstream of Missouri Pacific Railroad	*782
		Walnut Creek Tributary 3	Just upstream of Manor Road	*511
			Just upstream of US Highway 290	*525
		Walnut Creek Tributary 4	Just downstream of Manor Road	*517
			Just downstream of Springdale Road	*536
		Walnut Creek Tributary 5	Just upstream of Springdale Road	*532
			Just upstream of Sensom Road	*546
		Walnut Creek Tributary 7	Just downstream of Duval Road	*773
		Walnut Creek Tributary 8	Just downstream of Missouri Pacific Railroad	*797
		Walnut Creek Tributary 9	Just downstream of McNeil Drive	*752
			Just upstream of Howard Lane	*774
		Walnut Creek Tributary 10	Just upstream of Delrobles Drive	*756
		Williamson Creek	Just upstream of confluence of Tributary 1	*600
			Just upstream of Brodie Lane	*706
			Just upstream of US Highway 290	*811
			Just upstream of Oakhill Bee Caves Road	*836
			Just downstream of Silvermile Drive	*892
		Williamson Creek Tributary	Just downstream of Nuckles Crossing Road	*562
			Just upstream of Nuckles Crossing Road	*570
		Dry Fork Branch	Just upstream of William Cannon Boulevard	*700
		Williamson Creek Tributary	Just upstream of State Highway 71	*857
			Just upstream of Oak Meadow Drive	*873
		Wells Branch	Just upstream of Parmer Lane	*668
			Just upstream of Howard Lane	*734

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority of Federal Insurance Administrator)

Issued: June 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21211 Filed 7-21-81; 8:45 am]

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44 CFR Part 67

[Docket No. FEMA 6110]

National Flood Insurance Program; Proposed Corporate Limits, Base Flood Elevation, Zone Designations, and Floodways for the City of Albany, Ga.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed corporate limits, base flood elevations, zone designations, and floodways described below.

The proposed corporate limits, base flood elevations, zone designations, and floodways will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed corporate limits, base flood elevations, zone designations, and floodways are available for review at the Mayor's Office, City of Albany, Georgia.

Send comments to: The Honorable James H. Gray, Sr., Post Office Box 447, Albany, Georgia 31702.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed corporate limits, base flood elevations, zone designations, and floodways for the City of Albany, Georgia in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed corporate limits, base flood elevation, zone designations, and floodways together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed corporate limits, base flood elevations, zone designation, and floodways will also be used to calculate the appropriate flood insurance premium rate for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of Flooding	Location	Elevation (feet)	Zone
Cooleewahee Creek	Southern corporate limits to Gillionville Road	182 to 191	A2.
Percoen Creek	Southern corporate limits to Gordon Avenue	182 to 184	A2.
Marine Corps Supply Center Drainage Canal.	Eastern corporate limits to 2,000 feet west	181	A10.
	2,000 feet from eastern corporate limits to western corporate limits.	181	A14.
Flint River	From southern to confluence with Muckaloonee	181 to 192	A14.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128), Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21366 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6111]

National Flood Insurance Program; Proposed Base Flood Elevation, Zone Designation, and Floodway Fringe Designation for the City of Smyrna, Ga.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevation, zone designation and floodway fringe designation described below.

The proposed elevation, zone designation and floodway fringe designation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevation, zone designation and floodway fringe designation are available for review at the Mayor's Office, Smyrna, Georgia.

Send comments to: The Honorable Frank B. Johnson, Mayor, City of Smyrna, P.O. Box 1226, Smyrna, Georgia 30081.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevation, zone designation and floodway fringe designation (100-year flood) for the City of Smyrna, Georgia in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (Presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed elevation, zone designation and floodway fringe designation, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevation, zone designation and floodway fringe designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance of existing buildings and their contents.

The proposed 100-year flood elevation, zone designation and floodway fringe designation for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Laurel Creek	Point approximately 1,000 feet upstream of Ashwood Drive.	902 (NGVD)	A3.
Area changed from floodway to floodway fringe:			
Poplar Creek	Upstream of Spring Road		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21367 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6112]

National Flood Insurance Program; Proposed Zone Designations for the City of Woodstock, McHenry County, Ill.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 121 West Calhoun Street, Woodstock, Illinois.

Send comments to: Mr. Dennis Anderson, City Manager, City of Woodstock, P.O. Box 190, 121 West Calhoun Street, Woodstock, Illinois 60098.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Woodstock, McHenry County, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A and Zone C in portions of the area bounded by McConnell Road on the south and by the corporate limits on the north, east, and west; in portions of the area bounded on the north by a line parallel to and approximately 125 feet south of Westwood Trail, and on the south, east, and west by the corporate limits; in a portion of the area bounded on the south by a line parallel to and approximately 1250 feet north of Country Club Road, on the east by the corporate limits, on the west by a line parallel to and approximately 1300 feet east of Irving Avenue, and on the north by McHenry Avenue; and in portions of the area bounded on the east by Borden Street and by the semicircle of approximate radius 350 feet with center at the point on Borden Street which is approximately 1400 feet south of the intersection of Dane Street and Borden Street.

Zone A in a portion of the area bounded on the north by Hoy Avenue, Division Street, and Schryver Avenue from Division Street to Dean Street, on the west by Dean Street, on the east by Bunker Street, and on the south by a line parallel to and approximately 200 feet south of Kimball Avenue.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21388 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6113]

National Flood Insurance Program; Proposed Base Flood Elevation for the Town of Hooksett, New Hampshire

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation described below.

The proposed base flood elevation will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevation are available for review at the Selectmen's Office, Hooksett, New Hampshire.

Send comments to: Mr. Lowell D. Apple, Chairman, Board of Selectmen, Municipal Building, 16 Main Street, Hooksett, New Hampshire 03106.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation (100-year flood) for the Town of Hooksett, New Hampshire, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevation, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevation for selected locations are:

Source of flooding	Location	Elevation (feet)
Merrimack River	Bayside Airport	189 feet NGVD.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21389 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6114]

National Flood Insurance Program; Proposed Regulatory Floodway for the Township of Hanover, NJ.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed regulatory floodway described below.

The proposed regulatory floodway will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed regulatory floodway are available for review at the Administrator's Office, Whippany, New Jersey.

Send comments to: Mr. Harold Keenan, Township Administrator, Township of Hanover, Post Office Box 250, Whippany, New Jersey 07981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed regulatory floodway for the Township of Hanover, 110 of the Flood Disaster Protection Act New Jersey in accordance with Section of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The proposed regulatory floodway, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirement. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed regulatory floodway will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed regulatory floodway for selected locations are:

Source of Flooding	Location of modified regulatory floodway
Whippany River	From confluence with Black Brook to a point approximately 6,000 feet upstream of this confluence.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21390 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6115]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Cheyenne, Laramie County, Wyo.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Planning Office, Cheyenne City Hall, 2101 O'Neil Avenue, Cheyenne, Wyoming.

Send comments to: The Honorable Don Erickson, Mayor, City of Cheyenne, City Hall, 2101 O'Neil Avenue, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Cheyenne, Wyoming, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zones and base flood elevations are as follows:

Source of flooding	Location	Elevation in feet (NGVD)	Zone desig-nation
Crow Creek	In the area southwest of Lexington Avenue	5963	A3.
	Upstream of Snyder Avenue	6042	A5.
	Just upstream of the Union Pacific Railroad	6048	A5.
	Upstream of Missile Drive	6064	A10.
Dry Creek	Just upstream of Dell Range Boulevard	6002	A3.
	Just upstream of Converse Avenue	6034	A2.
	Just downstream of Powder House Road	6075	A2.
	Just upstream of Prairie Avenue	6086	A2.
Dry Creek	Upstream of Sunset Road Extended	6113	A1.
	Just downstream of Education Drive	6130	A3.
North Fork Dry Creek	At Bishop Boulevard	6147	A1.
	At Deer Avenue	6154	A1.

In addition, the Base flood elevations have been adjusted along Crow Creek and Dry Creek to coincide with the published profiles. All the remaining annexed areas are Zone B and Zone C. The floodway delineations have been added along the aforementioned reaches of Crow Creek, Dry Creek, and North Fork Dry Creek.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21301 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6079]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Riley County, Kansas, previously published at 45 FR 31684 on June 17, 1981.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Riley County, Kansas previously published at 45 FR 31684 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

Wildcat Creek BFE 1043 description was changed to "About 3,000 feet downstream of Fairman Road," and Little Kitten Creek BFE 1060 description was changed to "Just downstream of County Road 412." These changes were made so that they described points that are shown on the Flood Insurance Rate Map.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(Unincorporated), Riley County	Wildcat Creek	About 3,000 feet downstream of Fairman Road	*1,043
		Little Kitten Creek	Just downstream of County Road 412	*1,060

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 9, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21274 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6109]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Gulf Shores (town), Baldwin County.	Gulf of Mexico	Intersection of Each 3d Street and East Beach Boulevard.	*14
			Approximately 300 feet south of East Beach Boulevard along East 3d Street.	*15
Maps available for inspection at Town Hall, Town of Gulf Shores, P.O. Box 299, Gulf Shores, Alabama 36542.				
Send comments to the Honorable Thomas Norton, Mayor, Town of Gulf Shores, P.O. Box 299, Gulf Shores, Alabama 36542.				
Illinois	Downers Grove, village, DuPage County	East Branch DuPage River	Downstream corporate limits	*677
			Upstream corporate limits	*677
		Lacey Creek	Confluence with East Branch DuPage River	*677
			Approximately 1,960' above confluence with East Branch DuPage River.	*677
Maps available for inspection at the Village Hall, 801 Burlington Street, Downers Grove, Illinois.				
Send commends to Honorable Jon Council, Mayor of Downers Grove, Village Hall, 801 Burlington Street, Downers Grove, Illinois 60515.				
New York	Cato, town, Cayuga County	Cross Lake	Entire shoreline within community	*382
		Seneca River	Confluence with Cross Lake	*382
			Confluence of Mustrat Creek	*383
			Upstream corporate limits	*384
Maps available for inspection at the residence of the Town Clerk, Marilyn Cole, 13071 Bonta Bridge, Cato, New York.				
Send commends to Honorable Lewis Hosse, Town Supervisor of Cato, R.D. 1, Box 53, Jordan, New York 13081.				
New York	Evans, town, Erie County	Little Sister Creek	Confluence with Lake Erie	*580
			Upstream Dennis Road	*580
			Upstream private road	*582

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream State Route 5	*615
			Upstream Delameter Road	*643
		Tributary No. 2 to Little Sister Creek.	Confluence with Little Sister Creek	*604
			Upstream State Route 5	*615
			Downstream Church Road	*649
			Downstream Delameter Road	*660
			170' upstream Norfolk and Western Railway	*668
		Pike Creek	Confluence with Lake Erie	*580
			Upstream private drive	*595
			Approximately 1,820' upstream of private drive	*610
			Upstream Wisconsin Road	*640
			Upstream Delameter Road	*658
			Upstream Derby Road	*668
			Upstream Depot Street	*704
		Rotech Creek	Confluence with Lake Erie	*580
			Downstream private drive	*594
			Upstream Old Lake Shore Road	*612
			Downstream Seminary Access Road	*630
			Downstream Nettle Creek Drive	*641
			Upstream Prescott Drive	*661
			Upstream Hamilton Drive	*660
			Upstream Revere Drive	*663
		Fern Brook	Confluence with Lake Erie	*580
			Downstream Waterman Road	*586
			Upstream Madison Avenue	*598
			Approximately 1,000' upstream of Dawn Avenue	*601

Maps available for inspection at the office of the Building Inspector, Evans Town Hall, 42 North Main Street, Angola, New York.

Send comments to Honorable Adelia Cook, Town Supervisor of Evans, Town Hall, 42 North Main Street, Angola, New York 14006.

Rhode Island	Pawtucket, City Providence County	Ten Mile River	Downstream corporate limits	*52
			Upstream side of Armistice Boulevard	*59
			Corporate limits downstream of Central Avenue	*64
			Upstream corporate limits	*68
		Moshassuck River	Downstream corporate limits	*34
			Upstream side Interstate 95	*37
			Upsream side of Mineral Spring Avenue	*45
			Upstream corporate limits	*52
		Blackstone River	Main Street Dam upstream side	*32
			Upstream Central Avenue	*38
			Upstream Pantex Dam	*45
			Upstream corporate limits	*48
		Seekonk River	Entire shoreline downstream of Main Street Dam	*16

Maps available for inspection at the City Engineer's Office, City Hall, Pawtucket, Rhode Island.

Send comments to Honorable Dennis Lynch, Mayor of Pawtucket, City Hall, Pawtucket, Rhode Island 02860.

Texas	City of Grand Prairie, Dallas and Tarrant Counties	West Fork of Trinity River	Just upstream of Gifford Hill Railroad Spur	*432
			Just upstream of Meyers Road	*436
			Just upstream of Belt Line Road	*442
			Approximately 500 feet upstream of N.W. 19th Street	*454
			Just downstream of State Highway 360	*461
		Bear Creek	Just downstream of Shady Grove Road	*455
			Just downstream of of Rock Island Road	*462
		Dry Creek	Just upstream of Shady Grove Road	*460
			Approximately 200 feet downstream of Thousand Oaks Boulevard.	*466
			Just downstream of Rock Island Road	*473
		Johnson Creek	Approximately 500 feet upstream of Carrier Parkway	*458
			Just upstream of Duncan-Perry Road	*471
			Approximately 100 feet upstream of Avenue J East	*507
		Stream 6S1	Just upstream of Carrier Parkway	*454
			Just downstream of Egyptian Way	*469
			Just downstream of Interstate Highway 30 (Dallas-Ft. Worth Turnpike).	*486
		Stream 6A4	Just upstream of W. Tarrant Road	*454
			Just downstream of Carrier Parkway	*466
		Mounain Creek	Just downstream of Interstate Highway 30 (Dallas-Ft. Worth Turnpike).	*431
			Just upstream of Texas and Pacific Railroad	*433
			Just upstream of U.S. Highway 80	*435
		Cottonwood Creek	Just downstream of S.E. 8th Street	*470
			Approximately 200 feet downstream of S.W. 3d Street	*480
			Just upstream of West Freeway-Robinson Road	*494
			Just downstream of Great Southwest Parkway	*528
		South Fork of Cottonwood Creek	Approximately 200 feet upstream of Carrier Parkway	*480
			Just downstream of West Freeway	*508
			Approximately 200 feet downstream of State Highway 303.	*537
		Stream 9D6	Just downstream of State Highway 303	*520
			Just upstream of State Highway 303	*526
		Stream 8D1	Approximately 400 feet downstream of Marshall Drive	*474
			Just downstream of Marshall Drive	*479
		Fish Creek	Approximately 200 feet upstream of Old Matthews Road.	*514
			Just upstream of Great Southwest Parkway	*535
			Just downstream of Northbound State Highway 360	*566

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Kirby Creek	Just upstream of New Bridge at County Club Park	*481
			Just downstream of Corn Valley Road	*491
			Just upstream of Belt Line Road	*527
		Stream 8C5	Just upstream of Corn Valley Road	*516
			Just upstream of Shady Trail	*526
		Stream 8C6	Just upstream of small dam	*480
			Approximately 100 feet downstream of Camp Wisdom Road.	*486

Maps available for inspection at City Hall, 317 West College Street, Grand Prairie, Texas 75050.

Send comments to Mayor James Weems or Mr. J. E. Powell, City Engineer, City Hall, P.O. Box 11, Grand Prairie, Texas 75050.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21375 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 511 and 512

[Docket 81-46; General Orders, 5 and 11]

Financial Reports of Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The financial reporting requirements applicable to vessel operating common carriers in the domestic offshore commerce of the United States are proposed to be amended to relieve certain requirements and to make certain housekeeping changes. The purpose of this action is to provide some relief of the regulatory burden imposed on carriers while maintaining the Commission's ability to discharge its responsibilities to the public.

DATES: Comments due on or before August 21, 1981.

ADDRESS: Comments (original and fifteen copies) and inquiries to: Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission proposes to amend its regulations governing the financial reporting requirements promulgated in Parts 511 and 512 of Title 46 of the Code of Federal Regulations, General Order 5 and General Order 11, Revised, respectively.

The Commission's General Order 11, Revised, was published in the **Federal Register** on January 17, 1980 (45 FR 3272). Its purpose was to establish methodologies that the Commission would use in evaluating the reasonableness of rates in the domestic offshore trades filed by vessel operating common carriers and to provide for the orderly acquisition of data essential to this evaluation. In the intervening months, the Commission's staff has had the opportunity to appraise the operation of these regulations. With a view towards providing some relief from the regulatory burden imposed on carriers while continuing to carry out mandated regulatory responsibilities, certain amendments to General Order 11, Revised, are being proposed. While some of the proposed amendments are solely relief provisions, others require certain additional information or constitute housekeeping changes.

One amendment would eliminate the requirement that the carrier submit financial data when filing overall rate changes of less than 3 percent. Thus, the 50 percent rule as it applies to commodities would no longer be in effect. To preclude a carrier from submitting an inordinate number of 2.9 percent increases, a carrier would forego this relief if overall rate changes accumulated to 9 percent in a twelve-month period.

Another change would allow a carrier to use its annual financial data in lieu of historical data for general rate changes filed within six months rather than 150 days of the end of its fiscal year. A third change allows for the historical data period to begin up to 15 months prior to date of submission of the new rates. The former change extends the period during which a carrier can submit a general rate change without bearing the expense of preparing historical financial data. The latter provides the carrier with greater flexibility in the preparation of that data. A change is also proposed which would raise the monetary limit for a waiver of the annual reporting requirement from $5 million to $10 million.

Another change will eliminate the **Federal Register** notice of a carrier's request for permission to submit alternative data. This requirement was added to General Order 11 when the revised version was promulgated in early 1979. In the period since that date, we know of no instance where a carrier's request for such permission was protested as a result of the publication. Therefore, we see no benefit to be gained by continuing this practice.

Certain additions to the General Order are proposed. The first would require the submission of stockholder and certain ownership information, as well as a company-wide balance sheet and income statement. The information is requested in view of the proposed elimination of the Commission's General Order 5 (46 CFR Part 511) reports, which will result in a significant lessening of the reporting burden imposed on regulated carriers. The elimination of all references to General Order 5 or to its report designations has also been provided for. A second addition would incorporate the Commission's decision to eliminate from rate base those vessels withdrawn from service for reconstruction or renovation for the

entire period. In addition, any depreciation and profit included in related company transactions will be excluded from vessel operating expense. This is done to eliminate the impact of these items on the computation of working capital included in rate base.

The several housekeeping and wording changes include the address to which the statements are to be mailed and the identification of the non-contiguous areas for the purpose of consistency. We also changed the term "books and accounts" to "books of account", a more correct expression of what was intended. Finally, the means of identifying those items to be included in working capital, as well as the wording of a number of sections, will be changed for greater clarity.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the proposed rulemaking will not, if adopted, have a significant economic impact on a substantial number of small entities.

Therefore, pursuant to 5 U.S.C. 553, section 18(a) and 43 of the Shipping Act, 1916, (46 U.S.C. 817, 841a) and section 2 of the Intercoastal Shipping Act, 1933, (46 U.S.C. 844) the Commission proposes to eliminate Part 511 and to amend Part 512 of Title 46 CFR in the manner set forth in the attached appendix.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

PART 512—FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Proposed amendments to 46 CFR Part 512 are as follows:

§ 512.2 [Amended]

I. Section 512.2 *General Requirements* is amended as follows:

1. The filing address shown in paragraph (a) is to be amended to read: Federal Maritime Commission, Bureau of Tariffs, 1100 L Street, N.W., Washington, D.C. 20573.

2. Paragraph (b) is to be revised to read:

* * * * *

(b) Annual statements under this part shall be filed within 150 days after the close of the carrier's fiscal year and be accompanied by a company-wide balance sheet and income statement having a time period coinciding with that of the annual statements.

3. The last sentence of paragraph (d) is to be removed to eliminate the **Federal Register** notice of alternative data applications.

4. Paragraph (e) is to be amended to increase the waiver amount from $5,000,000 to $10,000,000.

5. The introductory text of paragraph (f) is to be amended to read:

* * * * *

(f) Whenever a carrier files with the Commission an increase or decrease in rates which would result in an increase or decrease of not less than 3 percent in the carrier's gross revenues in that particular Trade, it shall simultaneously file in duplicate: * * *

6. Paragraph (f)(1)(i) is to be amended to change "fourteen (14) months" to read "fifteen (15) months."

7. Paragraph (g) is to be amended to change "150 days" to read "six (6) months".

8. Paragraph (h) is to be amended to change the certification to read:

Certification

I, [type or print name of officer] of [name of reporting company] certify under the penalties of 18 U.S.C. 1001, that the proposed rate changes submitted herewith will result in an increase or decrease of less than 3 percent in the gross revenue in the Trade. I further certify that rate changes of less than 3 percent submitted within twelve months of the filing of the proposed rate changes will result in an increase or decrease in gross revenue in the Trade of less than 9 percent. Therefore, the proposed rate changes are not accompanied by the financial and operating data required by paragraphs (1) and (2) of § 512.2(f).

Signature: _____
Title: _____
Date: _____

9. Paragraph (l) is to be revised to read:

(l) With respect to the annual statements required by this part, all data shown must conform or be reconciled to the figures listed in the balance sheet and income statement filed therewith.

§ 512.3 [Amended]

II. Section *512.3 Certification* is amended as follows:

1. In the introductory test of § 512.3, the phrase "books, accounts and financial records" is to be amended to read "books of account and financial records".

2. In § 512.3(a) the phrase "books and accounts" is to be amended to read "books of account".

§ 512.5 [Amended]

III. Section 512.5 *Definitions* is amended as follows:

1. Paragraph (f)(2)(vii) is to be revised to read "Alaska".

2. Paragraph (f)(2)(viii) is to be revised to read "Hawaii".

Paragraph (o) is to be revised to read:

* * * * *

(o) *Vessel Operating Expense:* (1) For carriers required to file Form FMC–378: the total of Direct Vessel, Port, Terminal and Container/Barge Expenses, less Other Revenue.

(2) For carriers required to file Form FMC–377: the total of Direct Vessel and Other Shipping Operations Expenses, less Other Revenue.

* * * * *

4. Paragraphs (s), (t) and (u) are to be revised to read:

* * * * *

(s) *Trade Operating Expense*—The total of all expenses shown on Exhibit B (Income Account), including Federal income taxes and related company transactions.

(t) *Company Operating Expense*—The total of all expenses shown on the company-wide income statement, including Federal income taxes.

(u) *Operating Expense Relationship*—The ratio of Trade Operating Expense to Company Operating Expense.

§ 512.6 [Amended]

IV. Section 512.6 *Forms* is amended as follows:

1. Paragraph (a)(1), introductory text, is to be revised to read:

(a) * * *

(1) The submission required by this Part shall be in the prescribed format and shall include General Information regarding carrier ownership and stockholders, as well as the following schedules as applicable:

* * * * *

2. Paragraph (a)(2) is to be revised to read:

(a) * * *

(2) Statements containing the required exhibits and schedules are described in paragraphs (b), (c), (d), (e) and (f) of this section and are available upon request from the Commission. The required General Information, schedules and exhibits are contained in forms FMC–377 and FMC–378. For carriers required to file Form FMC–378, the statements are based on the Uniform System of Accounts for Maritime Carriers prescribed by the Maritime Administration and the Interstate Commerce Commission. For carriers required to file Form FMC–377, the statements are based on the accounts prescribed by the Interstate Commerce Commission for Carriers by Inland and Coastal Waterways. The schedules contained in these statements are distinguished from those contained in the Form FMC–378 statements by the suffix "A" (e.g., Schedule A–IV(A)).

* * * * *

3. The introductory text of paragraph (b)(1) is to be revised to read:

* * * * *

(b) * * *

(1) *Investment in Vessels (Schedules A–I and A–I(A)).* Each cargo vessel (excluding vessels chartered under leases which are not capitalized in accordance with section 512.6(b)(10)) actually employed during the period in the Service for which a statement is filed shall be listed by name, showing the original cost to the carrier or to any related company, *plus* the cost of improvements, conversions, and alterations, *less* the cost of any deductions. All additions and deductions made during the period shall be shown on a gross and *pro rata* basis, reflecting the number of days they were applicable during the period. The result of these computations shall be called Adjusted Cost.

4. Paragraph (b)(1)(i)(B) is to be revised to read:

* * * * *

(b) * * *
(1) * * *
(i) * * *

(B) For those cargo vessels employed in the Service for less than the entire period, the Adjusted Cost shall be prorated between voyages in the Service and voyages in Other Services. The total number of days of service excludes lay-up days and is therefore likely to be less than the number of days in the reporting period. Lay-up days of vessels in this category will normally be allocated to the respective Services on the same basis used in allocating the Adjusted Cost of such vessels, i.e., active days. However, if one or more of the vessels normally employed in the Service has been diverted temporarily to Other Services in lieu of incurring lay-up expense, no assignment of lay-up time to Other Services is required. If a vessel(s) is permanently withdrawn from the Service and laid-up pending disposition, the period of lay-up shall be assigned to other Services. Vessels withdrawn from the Service for the entire period for renovation or conversion shall be assigned to Other Services. That portion of the Adjusted Cost of the vessels not allocated to Other Services shall be included in the total to be allocated to the Trade.

* * * * *

5. Paragraph (b)(2)(i) is to be revised to read:

* * * * *

(b) * * *
(2) * * *

(i) Each cargo vessel (excluding vessels chartered under leases which are not capitalized in accordance with section 512.6(b)(10)) employed in the Service shall be listed separately, showing for each its depreciable life and residual value. For vessels owned the entire year, accumulated depreciation as of the beginning and the end of the year shall be reported and the arithmetic average computed. This amount shall be allocated to the Service and to the Trade in the same proportions as the cost of the vessel was allocated on Schedule A–I or A–I(A). If the depreciable life of any equipment installed on a vessel differs from the depreciable life of the vessel, the cost and the depreciation bases shall be set forth separately.

* * * * *

6. Paragraph (b)(4)(i) is to be amended to eliminate the reference to Forms FMC–63 and FMC–64.

7. Paragraph (b)(4)(iii) is to be removed.

8. Paragraphs (b) (5) and (6) are to be revised to read:

* * * * *

(b) * * *

(5) *Working Capital (Schedule A–VI).* Working Capital for vessel operators shall be determined as average voyage expense. Average voyage expense shall be calculated on the basis of the actual expenses of operating and maintaining the vessel(s) employed in the Service (excluding lay-up expenses) for a period represented by the average length of time of all voyages (excluding lay-up periods) during the period in which any cargo was carried in the Trade. Expenses for operating and maintaining the vessels employed in the Trade shall include: Direct Vessel Expense, Port Expense, Terminal Expense, Container/ Expense, Administrative and General Expense and Interest Expense allocated to the Trade as provided in § 512.6(c) (2), (4) and (5). For this purpose, if the average voyage, as determined above, is of less than 90 days duration, the expense of hull and machinery insurance and protection and indemnity insurance (accounts 730 and 732, respectively) shall be determined to be 90 days, provided that such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the period.

(6) *Working Capital (Schedule A–VI(A)).* Working Capital for tug and barge operators shall be determined as the average monthly expense. Average monthly expense shall be equal to one-twelfth of the expenses of the carrier during the relevant 12-month period, computed by adding gross Vessel Operating Expense, Administrative and General Expense-Net, Interest Expense and Inactive Vessel Expense, each as allocated to the Trade, and dividing the total by 12.

* * * * *

9. Paragraph (b)(7) is to be amended to eliminate the reference to Forms FMC–63 and FMC–64.

10. The introductory text of paragraph (c)(2) and paragraph (c)(3) are to be revised to read:

* * * * *

(c) * * *

(2) *Vessel Operating Expense (Schedule B–II).* A vessel operating expense summary for the period in which any cargo was carried in the Service shall be submitted. Depreciation and profit included in related company transactions shall be excluded from vessel expense. Allocations to the Trade shall be on the following basis:

(3) *Vessel Operating Expense (Schedule B–II(A)).* This schedule shall be submitted by tug and barge operators. Where multiple barge units are towed by a single tug, vessel expense shall be allocated on the basis of the cargo-cube relationship.

* * * * *

11. Paragraph (c)(9)(i) is to be amended to eliminate the reference to Forms FMC–63 and FMC–64.

12. Paragraphs (e)(2) and (f)(2) are to be amended to change "books, accounts and financial records" to read "books of account and financial records".

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES [REMOVED]

It is proposed that 46 CFR Part 511 be removed.

[FR Doc. 81–21454 Filed 7–21–81; 8:45 am]
BILLING CODE 6730–01–M

Notices

Federal Register
Vol. 46, No. 140
Wednesday, July 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Proposed Primary Standard Reference Methods for Moisture, Oil, and Protein Determinations in Soybeans and Sunflower

AGENCY: Federal Grain Inspection Service, USDA.
ACTION: Notice.

SUMMARY: The Federal Grain Inspection Service (FGIS) invites public comment on the standard reference methods which FGIS is using or proposing to use as its primary standard references for the calibration of instrumentation used in determining moisture, oil, and protein of soybeans and sunflower.

COMMENT DATE: Written comments must be submitted on or before September 21, 1981.

ADDRESS: Comments should be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditor's Building, 1400 Independence, SW., Washington, D.C. 20250, telephone (202) 447-3910, where they will be made available for public inspection during regular business hours [7 CFR 1.27].

FOR FURTHER INFORMATION CONTACT: Individual as indicated above.

SUPPLEMENTARY INFORMATION: Under the authority of the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.* (Act)) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) (AMA of 1946) FGIS is researching methods for quickly and accurately determining moisture, oil, and protein content in soybeans and sunflower. Several methods have been studied including near-infrared reflectance (NIR) and nuclear magnetic resonance (NMR). IN the determination of quality factors by these or other experimental methods, it is essential that instrument calibrations be based on primary standard reference methods which are consistent with market practice and custom and which will facilitate marketing. Soybeans are grain, as that term is defined in section 3(g) of the Act (7 U.S.C. 75(g)), for which standards have been established pursuant to section 4 of that Act (7 U.S.C. 76). Sunflower is not presently considered a grain under the Act nor an agricultural product under the AMA of 1946 (7 U.S.C. 1626). FGIS is presently conducting a study to determine if sunflower should be included under one of the above acts and official sunflower standards developed.

Moisture is currently one of the grading factors in soybeans. FGIS is researching the development of possible methods to determine new quality factors (oil and protein) for soybeans, while reviewing methods for more quickly and accurately determining moisture. Methods for determining moisture, oil, and protein in sunflower are being researched so that these quality factors could be included in any official standards that may be established in the future.

FGIS is presently using the following recognized standard reference method as its primary standard for:

Soybeans:

Moisture: Method GR Instruction 916–6. U.S. Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

FGIS proposes to use the following recognized standard reference methods as its primary standard reference for:

Soybeans:

Oil: AOCS Method Ac 3–44. Official and Tentative Methods of the American Oil Chemists Society, 508 South Sixth Street, Champaign, IL 41820, Third Edition.

Protein: AACC Method 46–11. Approved Methods of the American Association of Cereal Chemists, Inc., 3340 Pilot Knob Road, St. Paul, MN 55121.

Sunflower:

Moisture: Method GR Instruction 916–6. U.S. Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

Oil: AOCS Method Ai 3–75(T). Official and Tentative Methods of the American Oil Chemists Society, 508 South Sixth Street, Champaign, IL 41820, Third Edition.

Protein: AACC Method 46–11. Approved Methods of the American Association of Cereal Chemists, Inc., 3340 Pilot Knob Road, St. Paul, MN 55121.

FGIS invites all interested parties to submit comments on the existing and the proposed primary standard reference methods as mentioned above. FGIS will review its current primary standard reference methods for calibration of instruments to determine moisture in soybeans in light of comments received and allother information available to FGIS. Comments received as to the proposed standard reference methods for calibration of instruments to determine oil and protein content in soybeans and moisture, oil, and protein content in sunflower will be considered together with all other information available to FGIS, in the use of such FGIS primary standard reference methods. Data, documents, and other supportive information may be submitted with the comments.

(Secs. 203 and 205, Pub. L. 79–733, 60 Stat. 1087, 1090, and Sections 4 and 16, Pub. L. 90–487, 82 Stat. 762, 768, as amended by Sections 5 and 18, Pub. L. 94–582, 90 Stat. 2889, 2884 (7 U.S.C. 76 and 87e))

Dated: July 17, 1981.

D. R. Galliart,
Acting Administrator.

[FR Doc. 81-21437 Filed 7-21-81; 8:45 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

Order Concerning IATA Fare Constructions Rules

AGENCY: Civil Aeronautics Board.
ACTION: Summary Notice of Order 81–7–96, July 16, 1981, disapproving proposed IATA fare construction rules for international passenger service (Agreements C.A.B. 28155 and C.A.B. 28163, Docket 32660).

SUMMARY: The Board is disapproving the proposed "ticketed point" version of IATA Resolution 014a (the Construction Rule for Passenger Fares) and various supplementary fare construction provisions. Resolution 014a establishes a worldwide system of routing controls, circuity allowances, and excess-mileage surcharge for passenger service, and sets forth the basic procedures IATA carriers must use to construct international through fares. The proposed fare construction rules included several major revisions in Resolution 014a and the accompanying resolutions.

The Board commended the proposed "ticketed point principle" as a libralization which would enhance competition on indirect through-plane routings. On the whole, however, the Board found that the proposed fare construction rules would reduce competition in international markets, be unduly prejudicial to U.S. carriers and U.S.-originating passengers, and adversely affect the public interest. The Board specifially cited: (1) the proposed 25 percent reduction in the circuity allowance, which would limit competition by carriers offering indirect connecting services (online or interline); (2) the proposed dual surcharge system, which would produce inequitable and markedly higher mileage surcharges for U.S.-originating passengers; and (3) the proposed intra-European circuity control, which would restrict transatlantic carriers' marketing freedom and subject passengers to an unwarranted fare recomputation en route. The Board also found that many of the proposed restrictions would be introduced on an arbitrary regional basis, disproportionately burdening U.S. carriers and U.S.-originating travelers.

FOR FURTHER INFORMATION CONTACT: Martha Langelan, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428; 202–673–9070.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–7–96 is available from our Distribution Section, Room 516, 1825 Connecticut Ave., NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–7–96 to the Distribution Section, Civil Aeronautics Board 1825 Connecticut Ave., N.W., Washington, DC. 20428.

By the Civil Aeronautics Board: July 16, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21445 Filed 7-21-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39285]

Texas International-Continental Acquisition Case; Recommended Decision; Comments and Hearing

Notice is hereby given that comments on the recommended decision of Administrative Law Judge William A. Kane, Jr., will be due by 1:00 p.m., Friday, July 24, 1981. Consistent with the Board's statement in Order 81–5–91, parties should not restate the arguments which they made in their briefs to the judge, but instead should direct their comments solely to the judge's findings and conclusions.

Notice is also given that the Board will hold oral argument on the judge's recommended decision at 10:00 a.m., Wednesday, July 29, 1981. Those wishing to participate in the oral argument should so advise the Board's Secretary by 4:30 p.m., Thursday, July 23, 1981.

Dated in Washington, D.C. on the 17th day of July 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21444 Filed 7-21-81; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

New Hampshire Advisory Committee; Rescheduled Meeting

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New Hampshire Advisory Committee of the Commission originally scheduled for July 16, 1981, at Manchester, N.H., (FR Doc. 81–19578 on page 34612) has been changed.

The meeting now will be held on July 23, 1981, beginning at 7:30 p.m. and will end at 9:30 p.m. at the Federal Building, 275 Chestnut Street, Manchester, N.H. 03101.

Dated at Washington, D.C., July 16, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-21517 Filed 7-21-81; 8:45 am]
BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 10:00 p.m., on August 11, 1981, at the Holiday Inn, Blue Room, Yonkers, New York. The purpose of this meeting is to inverview community leaders.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Honorable Franklin H. Williams, Phelps Stokes Fund, 10 E. 87 Street, New York, N.Y. 10028, (212) 427–8100 or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, N.Y. 10007, (212) 264–0543.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 17, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-21518 Filed 7-21-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-695]

American President Lines, Ltd.; et. al.; Applications for Amendment of Contractual Service Descriptions To Include Diego Garcia as a Privilege Port of Call; Show Cause Notice, Section 605(c) of the Merchant Marine Act, 1936, as Amended

Notice is hereby given that American President Lines, Ltd. (APL), by application dated April 7, 1981; Lykes Bros. Steamship Co., Inc. (Lykes), by application dated May 27, 1981; Waterman Steamship Corporation (Waterman), by application dated April 21, May 28 and June 3, 1981; Moore McCormack Lines, Incorporated (Mormac), by application dated June 17, 1981; and Farrell Lines Incorporated (Farrell)), by application dated June 18, 1981; request amendment of their operating-differential subsidy agreements to include Diego Garcia as a privilege port of call. Diego Garcia is a British atoll in the Indian Ocean located at 7.3 degrees south latitude and 72.4 degrees east longitude and is not included as part of any essential U.S. foreign trade route.

There is no U.S.-flag commerical service to or from Diego Garcia. Service is currently provided by vessels under the control of the Department of Defense which carry supplies from Subic Bay, Philippines. The Department of Defense plans to expand its facilities in Diego Garcia. The expansion will be undertaken by a U.S. construction firm which may also be responsible for arranging for U.S. commercial shipping to carry its construction materials and equipment to Diego Garcia. The Department of Defense has selected a construction contractor to undertake the planned construction program on Diego Garcia and is now in the final stages of contract negotiations. The first shipments are scheduled to move four to six weeks after the contract is signed.

APL requests amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-417, to add Diego Garcia as a privilege port to its contractual service descriptions for both its Line A Extension service and its Line B Extension service. The Extension services are services that extend beyond APL's Line A (California/ Far East) and Line B (Washington-Oregon/Far East) and cover ports on TRs 17 and 28. APL is currently operating two extension services. One extension service calls at ports in both California and the Pacific Northwest. APL maintains this service with C6 containerships and sailings are provided about every two weeks to ports in the Far East (TR 29) and Indonesia, Malaysia and Singapore (TR 17). The second extension service provides about 17 sailings a year between the U.S. Pacific Northwest and ports in the Far East (TR 29), Indonesia, Malaysia, Singapore (TR 17) and Southeast and South Asia (TR 28). This is designated Line B Extension Service and operates with C5 breakbulk ships. In addition, APL maintains feeder service between Singapore and the Persian Gulf-South Asia areas with C6 containerships sailing about every two weeks. A second feeder service operates between Taiwan and the Philippines on a weekly sailing frequency utilizing a C6 containership.

Lykes requests amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-451, to add Diego Garcia as a privilege port to its contractual service descriptions on TR 13 (Line C—Mediterranean Line), TR 22 (Line D—Orient Line), TR 15-B (Line E— African Line), TA 4 (Line G—Great Lakes/Mediterranean, India, Persian Gulf and Red Sea Service), TR 29 (Line J—North Pacific) and TR 17/29 (Line K—South Pacific). Lykes is currently providing about four sailings a month on its TR 13 service, about three sailings a month on its TR 22 service, about two sailings a month on its TR 15-B service, approximately monthly sailings during the navigation season on its TA 4 service, sailings about every three weeks on its TR 29 service, and sailings about every three weeks on its TR 29/17 service. Lykes employs C3, C4 and C5 conventional cargo vessels on all but one of these services (including one Seabee on TR 13). The exception is TR 29 where Lykes also operates two RO/RO vessels.

Waterman requests amendment of its Operating-Differential Subsidy Agreement, Contracts Nos. MA/MSB-115 and MA/MSB-378, to incorporate the privilege of calling at Diego Garcia in the contractual service descriptions. Contract No. MA/MSB-115 covers Waterman's service on TR 18/17 between U.S. Gulf and Atlantic ports and ports from Suez to Burma and ports in Indonesia, Malaysia and Singapore. Contract No. MA/MSB-378 covers Waterman's service on TR 12/22/17 between U.S. Atlantic and Gulf ports and ports in the Far East, Indonesia, Malaysia and Singapore.

Waterman is presently operating six C9 LASH vessels on its TR 18/17 service. A seventh vessel (RO/RO) is scheduled to enter service in late 1982. Waterman is providing approximately two to three sailings a month via the Suez Canal to ports on TR 18/17. On its TR 12/22/17 service, Waterman operates two C9 LASH vessels which provide approximately monthly service via the Panama Canal.

Mormac requests amendment of Operating-Differential Subsidy Agreement, Contract No. MA/MSB-338, to modify its contractual service description on TR 15-A to add Diego Garcia as a privilege port of call. Mormac is currently serving TR 15-A between U.S. Atlantic ports and South and East Africa with C4 breakbulk vessels at a frequency of two sailings a month.

Farrell requests amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-482, to authorize the privilege of calling at Diego Garica in conjunction with its operations on TR 18. Farrell's vessels currently serve U.S. Atlantic ports but not the U.S. Gulf although Farrell has the privilege of doing so. Farrell currently serves TR 18 with monthly sailings from U.S. Atlantic ports utilizing two C5-S-78a type container vessels, but has the privilege to operate certain other of its vessels on the service.

The applicants propose to serve Diego Garcia in conjunction with existing subsidized services as described above. Except for Lykes TR 13 service which will not be amended, the Maritime Administration intends to find that these existing subsidized services, amended to include calls at Diego Garcia, remain essential under section 211 of the Merchant Marine Act, 1936, as amended (the Act), and to find section 605(c) of the Act is not a bar to the proposed amendment to include Diego Garcia.

The cargo that will move to Diego Garcia is military cargo and is required to be carried exclusively by U.S.-flag ships. Because of the variety of ways in which the applicants could serve Diego Garcia and in order to afford the applicants maximum flexibility and maximum opportunity to compete for this cargo, the proposed amendment of the applicants' contractual service description to include calls at Diego Garcia will provide that operating-differential subsidy shall be paid for not more than 3½ days of the total excess time (steaming and port time) required by reason of the call at Diego Garcia.

The Maritime Administration proposes to find that service to Diego Garcia is service in addition to the existing service because none of the applicants now provide service there and that the service already provided by U.S.-flag vessels is inadequate. The Maritime Administration also proposes to find that because of the importance of the expansion of facilities on Diego Garcia to the national defense, it is in the accomplishment of the purposes and policy of the Act to grant subsidy and to provide as much service potential as possible to allow maximum flexibility and service.

Interested parties are hereby given an opportunity to show cause why the Board should not find that section 605(c) of the Act is not a bar to the proposed amendment of the contractual services as described above, except for Lykes' TR 13 service which will not be amended. Any person, firm or corporation having an interest in the application who desires to submit such showing of cause is invited to file a written statement, in triplicate, with the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce building, 14th and E Streets, N.W., Washington, D.C. 20230 by the close of business on or before August 5, 1981.

All allegations of factual issues which a party wishes the Board to consider shall include: (1) a clear and concise statement of the issues raised; and (2) the grounds upon which such allegations rest in such detail as to permit the Board to determine the exact nature of the allegations.

The Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed, including, at the discretion of the Board, the ordering of an evidentiary hearing or other administrative process.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By order of the Maritime Subsidy Board.

Dated: July 15, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-21515 Filed 7-21-81; 8:45 am]

BILLING CODE 3810-15-M

[Docket S-884]

Amherst Shipping Co., Inc., et al.; Applications for ODS by Operators With Interest in Vessels Engaged in Domestic Service Under Section 805(a) of the Merchant Marine Act, 1936, as Amended

Notice is hereby given that Amherst Shipping Co., Inc. (Amherst), Ariadne Marine Company, L.P. (Ariadne), Bolton Shipping Co., Inc. (Bolton), Colby Shipping Co., Inc. (Colby) and Kingston Shipping Co., Inc. (Kingston), filed applications dated June 16, 1981 under the Merchant Marine Act, 1936, as amended (Act), for operating-differential subsidy (ODS) for their respective vessels to carry bulk raw and processed agricultural products from the United States to the Union of Soviet Socialist Republics.The companies and vessels are as follows:

Applicant	Vessel
Amherst	*Scorpio* (ex-*Aries*).
Ariadne	*Charleston.*
Bolton	*Pisces.*
Colby	*Virgo.*
Kingston	*Capricorn.*

The applicants are affiliates of the Berger Group of subsidized bulk operators, namely, Aeron Marine Shipping Company; American Shipping, Inc.; Aquarius Marine Company; Aries Marine Shipping Company; Atlas Marine Company; Pacific Shipping, Inc.; and Worth Oil Transport Company. By letter of counsel of June 22, 1981, it was requested that written permission under section 805(a) of the Act be granted to the applicants and to the companies of the Berger Group to be affiliated with any other operator having no subsidized operations of any kind. Counsel advises that the granting of this permission will avoid the need for repetitive applications under section 805(a). Counsel stresses that Berger Group is not thereby seeking advance section 805(a) permission for domestic operation pursuant to section 506 of the Act or even for an unsubsidized vessel owned by a subsidized operator.

By the letter of counsel of June 22, the applicants requested written permission under section 805(a) of the Act for their vessels to continue operations in the domestic trade while not engaged in the grain trade to the Soviet Union. Written permission for the domestic operation of these vessels, however, was previously granted under section 805(a) to the companies of the Berger Group. Inasmuch as the applicants are affiliates of the Berger Group, and in view of their request to be subsidized operators, it will be necessary to extend to the applicants the same written permission. It is as follows:

For the operation in the domestic coastwise or intercoastal service of the Pisces by Bolton Shipping Co., Inc.; the Virgo by Colby Shipping Co., Inc.; the Aries By Amherst Shipping Co., Inc.; the Capricorn by Kingston Shipping Co., Inc.; and the Charleston by Ariadne Marine Company, L.P.

Inasmuch as the Berger Group of companies has been granted written permissions under section 805(a) in addition to those mentioned above, it will be necessary to extend such additional permissions also to the applicants. The permissions to be extended are as follows:

1. For Judge Oil Transport, Inc. to continue operating a barge engaged principally in the transportation of oil in New York harbor, with occasional operation between points on the U.S. East Coast.

2. For Artemis Marine Company to operate one Gatug tanker in domestic trade, except between U.S. Pacific Coast ports and ports in the State of Hawaii.

3. For Archon Shipping, Inc. and Acturus Shipping, Inc. to be the bareboat charterers in the domestic trade of the TT Brooklyn and TT Williamsburgh, respectively, and for Anndep Steamship Corp. to be the operator of the two vessels in the domestic trade.

The applicants also requested written permission under section 805(a) of the Act for Andover Company, L.P. to be the prospective owner and operator of the SS Adonis which will be constructed from the burned-out hull of the SS Aikaterini. The 80,000-DWT Adonis will operate in the domestic trade as a crude oil carrier.

Because of the affiliation of the applicants with the companies of the Berger Group, it will be necessary to extend to the Berger Group the foregoing permission requested by the applicants for the Adonis.

Any person, firm, or corporation having any interest in such applications (within the meaning of section 805(a)) and desiring to submit comments concerning the applications must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on Aug. 14, 1981, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs/Maritime Subsidy Board.

Dated: July 15, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-21317 Filed 7-21-81; 8:45 am]

BILLING CODE 3810-15-M

[Docket No. S-883]

Bolton Shipping Co. et. al.; Application

Notice is hereby given that Bolton Shipping Co., Inc., Colby Shipping Co., Inc., Amherst Shipping Co., Inc., Kingston Shipping Co., Inc., and Ariadne Shipping Company, L.P., Triad Office Center, 2001 Marcus Avenue, Lake Success, New York 11042, have filed applications dated June 16, 1981, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy contracts, to expire December 31, 1981, unless extended, to operate the SSs Pisces, Virgo, Scorpio, Capricorn, and Charleston, respectively, in the carriage of bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels,

appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the applications and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before August 14, 1981 notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act, and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject applications, the purpose of such hearing will be to receive evidence relevant to (1) whether the applications herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (OSDS))

Dated: July 15, 1981.

By order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-21916 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-15-M

International Trade Administration

Viscose Rayon Staple Fiber From Finland; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Finland. The review is limited to the only known exporter, Kemira Oy Sateri, and to the period March 1, 1980 through February 28, 1981. The review disclosed no shipments to the United States of this merchandise during this time period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margin found on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 1, 1981 the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 19844-45) the final results of its first administrative review of the antidumping finding on viscose rayon staple fiber from Finland (44 FR 17156; March 21, 1979) and announced its intent to conduct the next administrative review by the end of March, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review of the antidumping duty finding on viscose rayon staple fiber from Finland.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known Finnish exporter to the United States is Kemira Oy Sateri. The review covers the period March 1, 1980 through February 28, 1981. There are no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 3.9%, based on the weighted-average margin for the period January 1, 1979 through February 29, 1980, shall be required on all shipments of viscose rayon staple fiber from Finland entered, or withdrawn from warehouse, for consumption of or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments within 30 days from the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 16, 1981.

[FR Doc. 81-21331 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-25-M

Patent and Trademark Office

Current Membership of Performance Review Board

This notice announces the current membership of the Performance Review Board for the Patent and Trademark Office. The original membership was announced in the **Federal Register** of February 6, 1980 (45 FR 8083). Changes in membership were announced in the **Federal Register** of August 5, 1980 (45 FR 51867) and October 24, 1980 (45 FR 70537). Three of the persons whose

appointments were previously announced are no longer serving as members of the PRB and two new members have been appointed. The current membership, excluding the three persons who no longer are members and including the two new members, is as follows:

Rene D. Tegtmeyer, Member, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

Margaret M. Laurence, Member, Assistant Commissioner for Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

Richard J. Shakman, Member Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

James O. Thomas, Jr., Member, Director, Patent Examing Group 140, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1983.

Herbert C. Wamsley, Member, Director, Trademark Examining Operation, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1983.

William Feldman, Member Deputy Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1982.

Jere W. Sears, Member, Deputy Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1982.

Richard J. Wieland, (Outside) Member, Assistant General Counsel for Litigation, HQ National Aeronautics and Space Administration, Washington, D.C. 20546 Term—expires July 12, 1984.

The three persons who are no longer members of the PRB are:

Mr. Lutrelle F. Parker, former Deputy Commissioner, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Mr. S. William Yost, former Assistant Commissioner for Finance and Planning, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Mr. James R. Wright, National Bureau of Standards, Washington, D.C. 20234.

The new members of the PRB who have been appointed are:

Mrs. Margaret M. Laurence, Assistant Commissioner for Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Mr. Richard J. Wieland, Assistant General Counsel for Litigation, HQ, National Aeronautics and Space Administration, Washington, D.C. 20546.

Persons desiring any further information about the membership of the PRB may contact Mr. Aaron W. Deitch, Personnel Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. Telephone (703) 557-2662

Dated: July 16, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 81-21915 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF COMMERCE

Maritime Administration
National Oceanic and Atmospheric Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Merchant Marine and Fisheries Capital Construction Fund; Notice of Applicable Rates of Interest on Nonqualified Withdrawals

Under the authority in section 607(h)(4) of the Merchant Marine Act, 1936, (46 U.S.C. 1101), as amended by section 21 of the Merchant Marine Act of 1970 (84 Stat. 1031), we hereby determine and announce that the applicable rate of interest on the amount of additional tax attributable to any nonqualified withdrawals from a capital construction fund established under section 607 of the Act shall be 12.41 percent, with respect to nonqualified withdrawals made in the taxable year beginning in 1981.

The determination of the applicable rate of interest with respect to nonqualified withdrawals was computed according to the joint regulations issued under the Act (46 CFR Part 391, § 391.7(e)(2)(ii)) by multiplying 8 percent by the ratio which (a) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year, bears to (b) the average yield on 5-year Treasury securities for the calendar year 1970. The applicable rate so determined was computed to the nearest one hundredth of one percent.

Dated: July 13, 1981.

Samuel B. Nemirow,

Assistant Secretary for Maritime Affairs.

James P. Walsh,

Administrator, National Oceanic and Atmospheric Administration.

John E. Chapoton,

Assistant Secretary of the Treasury.

So ordered by: Assistant Secretary for Maritime Affairs, Administrator, National Oceanic and Atmospheric Administration, Assistant Secretary of the Treasury.

Robert J. Patton,

Secretary, Maritime Administration.

[FR Doc. 81-21320 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-16-M

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange Proposed Amendments to its U.S. Treasury Bill and U.S. Treasury Bond Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendments.

SUMMARY: The New York Futures Exchange ("NYFE") has submitted amendments to add four additional delivery months for trading in both the 90-day Treasury bill and the 20-year Treasury bond futures contracts. The additional four months would be March, June, September and December. The Commodity Futures Trading Commission ("Commission") has determined that the amendments are of major economic significance and that, accordingly, publication of the proposals is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exhange Act.

DATE: Comments must be received on or before [thirty days after publication].

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYFE Treasury Bill/ Bond Delivery Months.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commision, 2033 K Street, N.W., Washington, D.C. 20581, Telephone: (202) 254-7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W. Washington, D.C. 20581, Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: NYFE submitted the proposed amendments to its 90-day Treasury bill and 20-year Treasury bond futures contracts for Commission approval pursuant to Section 5a(12) of the Commodity Exchange Act (7 U.S.C. §7a(12) (Supp. III 1979)). The Commission has determined that these contract rule changes are of major economic significance. Accordingly, the text of the proposed amendments follows, with deletions in brackets and additions in italics:

Trading in 90-Day Treasury Bill Futures Contracts shall be conducted for delivery in [October, January, April and

July] *January, March, April, June, July, September, October and December.*

Rule 624

Trading in 20-year Treasury Bond Futures Contracts may be conducted for delivery in February, *March,* May, *June,* August, *September,* [and] November *and December.*

* * * * *

Other materials submitted by NYFE in support of its proposals may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. § 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments or with respect to other materials submitted by NYFE in support of the proposals should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by August 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on July 17, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-21800 Filed 7-21-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Department of Army Performance Review Boards

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards for the Department of the Army for 1981.

EFFECTIVE DATE: July 27, 1981

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, D.C. 20310, (202) 697–2204.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Tile 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executives' appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds the notice published in 46 CFR, page 22421, dated April 17, 1981, to account for additions and deletions to the membership of those boards previously published.

The Members of the Performance Review Board for the Office, Secretary of the Army (OSA), their Field Operating and Joint DoD Activities are:

1. Mr. Milton H. Hamilton, Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army—Alternate Chairperson.
2. Mr. Robert K. Dawson, Principal Deputy Assistant Secretary of the Army (Civil Works), Office, Assistant Secretary of the Army (Civil Works).
3. Mr. Isaac C. Hunt, Jr., Principal Deputy General Counsel, Office, General Counsel.
4. Ms. Amoretta M. Hoeber, Deputy Assistant Secretary of the Army (Research and Development), Office, Assistant Secretary of the Army (Research, Development and Acquisition).
5. Mr. John F. Wallace, Deputy for Management Systems, Office, Assistant Secretary of the Army (Installations, Logistics, and Financial Management).
6. Mr. Clayton N. Gompf, Deputy for Military Personnel Policy and Programs, Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).
7. Brigadier General Johnnie H. Corns, Deputy Chief of Legislative Liaison, Office, Chief of Legislative Liaison.
8. Mr. Walter W. Hollis, Deputy Under Secretary of the Army (Operations Research), Office, Under Secretary of the Army.
9. Mr. Peter Stein, Deputy Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army.
10. Mr. Darrell L. Peck, Deputy General Counsel (Military and Civil Affairs), Office, General Counsel.
11. Mr. George E. Dausman, Deputy for Materiel Acquisition Management, Office, Assistant Secretary of the Army (Research, Development and Acquisition).
12. Mr. Joseph L. Miller, Deputy for Resources Analysis, Office, Assistant Secretary of the Army (Installations, Logistics and Financial Management).
13. Mr. Leon Kniaz, Deputy for Civilian Personnel Policy, Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).

The Members of the Performance Review for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Brigadier General James E. Drummond, Deputy Director, Army Materiel Systems Analysis Activity, Aberdeen Proving Ground, Maryland.
5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Charles W. Weatherholt, Deputy Director of Civilian Personnel, Directorate of Civilian Personnel, Office of the Deputy Chief for Personnel.
8. Brigadier General Walter J. Mehl, Director of Personnel Plans and Systems, Office of the Deputy Chief of Staff for Personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.
10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.
11. Mr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
12. Mr. Charles H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.
14. Major General Sampson H. Bass, Jr., Director of Supply and Maintenance, Office of the Deputy Chief of Staff for Logistics.
15. Major General Edward B. Atkeson, Commander, US Army Concepts Analysis Agency.
16. Mr. Harold L. Stugart, The Auditor General.
17. Mr. Michael A. Janoski, Deputy Auditor General.

18. Mr. Hunter M. Woodall, RDA Analysis Officer, Office of the Deputy Chief of Staff for Research and Development.
19. Mr. Charles N. Davidson, Technical Director, US Army Nuclear Agency.
20. Major General Niles J. Fulwyler, Director, Nuclear and Chemical Directorate, Deputy Chief of Staff for Operations.
21. Mr. Leroy E. Hoole, Jr., Deputy Director of the Army Budget for Budget Management, Comptroller of the Army.
22. Mr. Carroll A. Olson, Deputy Director for Operations and Maintenance, Comptroller of the Army.
23. Major General Clay T. Buckingham, Assistant Chief of Staff for Automation and Communications, Office of the Chief of Staff, Army.
24. Major General Robert L. Kirwan, Commanding General, US Army Operational Test and Evaluation Agency.
25. Major General Vincent M. Russo, Director of Plans, Force Structure, and Systems, Office of the Deputy Chief of Staff for Logistics.

The Members of the Performance Review Board for the US Army Corps of Engineers (COE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.
2. Major General Hugh G. Robinson, Division Engineer, Southwestern Division.
3. Major General E. R. Heiberg, Director of Civil Works, Office, Chief of Engineers.
4. Brigadier General Mark J. Sisinyak, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.
5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.
6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.
7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.
8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.
9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.
10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.
11. Mr. Rodney H. Resta, Chief, Engineer Division, Lower Mississippi Valley Division.
12. Mr. William N. McCormick, Jr., Chief, Engineer Division, South Atlantic Division.
13. Dr. James Chromokos, Jr., Chief, Research and Development, Office, Chief of Engineers.
14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.
15. Mr. Delbert E. Olson, Chief, Planning Division, North Pacific Division.

The Members of the Performance Review Board for the US Army Materiel Development and Readiness Command are:

1. Major General William H. Schneider, HQ US Army Materiel Development and Readiness Command.
2. Major General Stan R. Sheridan, Sr., HQ US Army Materiel Development and Readiness Command.
3. Major General Robert L. Herriford, Sr., HQ US Army Materiel Development and Readiness Command.
4. Major General Henry Doctor, Jr., HQ US Army Materiel Development and Readiness Command.
5. Major General Benjamin F. Register, Jr., HQ US Army Materiel Development and Readiness Command.
6. Brigadier General (P) Arthur H. Holmes, Jr., HQ US Army Materiel Development and Readiness Command.
7. Mr. Robert E. Bean, HQ US Army Materiel Development and Readiness Command.
8. Dr. Richard L. Haley, HQ US Army Materiel Development and Readiness Command.
9. Mr. Burton M. Blair, HQ US Army Materiel Development and Readiness Command.
10. Mr. Thomas J. Keenan, US Army Troop Support and Aviation Materiel Readiness Command.
11. Mr. Donald R. Lathrop, US Army Armament Materiel Readiness Command.
12. Mr. Richard B. Lewis II, US Army Aviation Research and Development Command.
13. Mr. Seymour J. Lorber, HQ US Army Materiel Development and Readiness Command.
14. Dr. William C. McCorkle, Jr., US Army Missile Command.
15. Dr. Herman Robl, US Army Research Office.
16. Mr. Barton J. Toohey, US Army Tank-Automotive Command.
17. Dr. Robert E. Weigle, US Army Armament Research and Development Command.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General.
2. Brigadier General Robert T. Cutting, M.D., Director of Health Care Operations.
3. Brigadier General Garrison Rapmund, M.D., Commander, US Army Medical Research and Development Command.
4. Dr. G. K. Bahr, M.D., Department of Cellular Pathology, Armed Forces Institute of Pathology.
5. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.
6. Mr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed, Forces Institute of Pathology.
7. Dr. Lorenz E. Zimmerman, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.
8. Dr. Samuel B. Formal, Ph.D., Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.
9. Brigadier General Frank F. Ledford, M.D., Director of Professional Services, Office of the Surgeon General.
10. Dr. L. S. Baron, Ph.D., Chief, Department of Bacterial Immuniology, Walter Reed Army Institute of Research.
11. Dr. B. P. Doctor, Ph.D., Director, Division of Biochemistry, Walter Reed Army Institute of Research.
12. Dr. F. M. Enzinger, M. D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.
13. Dr. R. F. Goldman, Ph.D., Director, Military Ergonomics Laboratory, US Army Institute of Environmental Medicine.
14. Dr. E. D. Helwig, M.D., Chairman, Department of Skin and Gastrointestinal Patholgy, Armed Forces Institute of Pathology.
15. Dr. K. G. Ishak, M.D., Chairman, Department of Hepatic Pathology, Armed Forces Institute of Pathology.
16. Dr. F. N. Johnson, M.D., Chairman, Department of Chemical Pathology, Chief, Basic Science Division and Histochemistry Branch, Armed Forces Institute of Pathology.
17. Dr. A. D. Mason, Jr., M.D., Chief, Laboratory Division, US Army Institute of Surgical Research.
18. Dr. H. E. Noyes, Ph.D., Associate Director for Research Management, Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General John S. Crosby, Deputy Chief of Staff for Personnel, US Army Forces Command.
2. Major General John B. Blount, Chief of Staff, US Army Training and Doctrine Command.
3. Dr. Wilbur B. Payne, Director, US Army Training and Doctrine Command, Systems Analysis Activity.
4. Brigadier General Charles H. Edmiston, USAF, Vice Commander, Headquarters Military Traffic Management Command.

5. Mr. Leonard J. Mabius, Technical Director, Chief, Engineer, US. Army Communications Command.
6. Brigadier General Walter C. Cousland, Deputy Chief of Staff for Personnel, Administration and Logistics, US Army Training and Doctrine Command.
7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, US Army Training and Doctrine Command.
8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, US Army Training and Doctrine Command.
9. Major General Charles C. Rogers, Deputy Chief of Staff for Personnel, Headquarters USAREUR/7th Army.
10. Mr. Phillip G. Hillen, Senior Transportation Advisor, Headquarters, Military Traffic Management Command.
11. Brigadier General William G. O'Leksy, Commander, 1st PERSCOM and AG, USAREUR.
12. Mr. Harry M. West III, Deputy Director of Manpower, Plans and Budget, Deputy Chief of Staff for Personnel.
13. Mr. Darell B. Harmon, Jr., Director, Radar Directorate, Ballistic Missile Defense Advance Technology Center.

John O. Roach II,

Department of the Army Liaison Officer With the Federal Register.

[FR Doc. 81-21542 Filed 7-21-81; 8:45 am]
BILLING CODE 3710-08-M

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Section 10 and Section 404 Permit To Construct a Hurricane Protection Levee in Jefferson Parish, Louisiana

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. Proposed Action. This statment will analyze work proposed in a permit application submitted by Jefferson Parish Council. This work would consist of a hurricane protection levee on the West Bank of Jefferson Parish to protect the residents of that area from storm driven tidal surges. Approximately 58,000 feet of levee would be constructed or rebuilt. A portion of the proposed alinement would follow existing levees which would be improved. Three gated water control structures would be installed in the levee. These control structures would allow water to flow into and out of the wetland areas which would be inclosed within the levee. In the event of a hurricane or similar emergency the gates could be closed, thus providing protection to the area within the levee.

2. Alternatives. Alternatives such as no action and alternative alinements, including a nonwetland alinement will be discussed in the DEIS.

3. Scoping Process.

a. The levee alinement now proposed by the applicant, which includes control structures, is the result of meetings with the U.S. Army Corps of Engineers and other State and Federal agencies.

b. Significant issues for the proposed hurricane protection levee to be discussed in the DEIS include: flood protection, promotion of residential and commercial/industrial growth in wetlands, and the impacts to fishery and wildlife resources resulting from construction, operation, and maintenance.

c. No formal assignments are currently planned for input into the DEIS by other Federal and State agencies. Nonetheless informal meetings will be held and communications maintained throughout the EIS Process with all concerned agencies.

d. Periodic reviews will be held with various Federal, State, and local agencies; they will be kept apprised of the progress.

4. Scoping Meeting.

A public scoping meeting will be held at 1900 hours (7:00 p.m.) on Thursday, 13 August 1981, at the Helen Cox Middle School, in Harvey, Louisiana. The meeting will consist of an introduction and description of the proposed project, the EIS process, and scoping process; after which the attendees will be divided into workshop groups, allowing individuals more freedom to input their ideas and concerns. Comments made by individuals in the work shops will be recorded, compiled, and analyzed. A summary of the results will be forwarded to each registered participant.

5. Availability. The DEIS is scheduled to be available to the public in December 1981.

ADDRESS: Questions concerning the proposed action and DEIS may be directed to either Ms. Laura Swilley at (504) 838-2272 or Mr. Michael Skougard at (504) 838-2259, both at the New Orleans District, U.S. Army Corps of Engineers, Regulatory Assessment Section (LMNOD-SA), P.O. Box 60267, New Orleans, Louisiana 70160.

Thomas A. Sands,

Colonel, CE, Commander and District Engineer.

[FR Doc. 81-21434 Filed 7-21-81; 8:45 am]
BILLING CODE 3710-84-M

Intent; To Prepare a Draft Environmental Impact Statement (DEIS) for the Roanoke River (South Boston and Vicinity), North Carolina and Virginia Study

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The Dan River Basin is located in South Central Virginia and North Central North Carolina and is divided almost equally by the North Carolina-Virginia State Line. The Basin includes all or part of 6 counties in Virginia and 10 counties of North Carolina for a total land area of 3,855 square miles. Flooding along the Dan River, especially at and in the vicinity of South Boston, Danville, Martinsville, and Basset, Virginia and Madison, Mayodan, and Eden, North Carolina, were idenified as a major concern. Basin environmental studies revealed significant values related to potential national wild and scenic river segments, natural areas, fish and wildlife habitat, and cultural resources.

The proposed flood control features included removal of Union Street Dam in Danville, Virginia, the construction of a dike on the north side of the Dan River adjacent to the Danville Sewage Treatment facility and a diversion channel to handle flood flows on the Mayo River at Stuart, Virginia. The proposed dike would have a base width of 70 feet, and average height of 15 feet and a total length of 2,900 feet. The diversion channel dimensions are 100-foot bottom width, and a total length of 2,500 feet. The only environmental quality feature still being considered is removal of all four dams in Danville, Virginia to add several miles of the spawning routes for stripped bass along the Dan River.

2. Other water resource measures considerd during stage 3 of the basin study included reservoirs on the Dan and Mayo Rivers, evacuation at Riverdale, Virginia, re-regulation of Philpott Reservoir, linear park development along river corridors and wild and scenic river designation for a portion of the upper Dan River system.

3. a. A public involvement program was developed and initiated in 1976 by establishing a public advisory committee made up initially of representatives from cities and counties in the basin, North Carolina and Virginia State Water Resource representatives, planning commissions in the basin, and environmental group representatives from both North Carolina and Virginia. The first meeting was held in Danville, Virginia in December 1976 and the second was held in October 1978 in Wentworth, North Carolina.

All Federal and State agencies with an interest in this study have been notified and their reviews requested. Also, all county, city, and town governments have been contacted to determine needs and to coordinate solutions.

b. The significant issue related to the recommended actions is the historical significance of the Union Street Dam in the context of the Dan River mills complex.

c. The U.S. Fish and Wildlife Service will provide evaluations and recommendations in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-666C).

d. Environmental review and consultation requirements include:

(1) National Environmental Act of 1969 (42 U.S.C. 4321-4347);

(2) the Fish and Wildlife Coordination Act (16 U.S.C. 661-666C);

(3) the National Historic Preservation Act of 1966 (80 Statute 915, 16 U.S.C. 470); and

(4) Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

4. Additional scoping input will be solicited through the public notice process.

5. The scheduled date for release of the Draft EIS to the public is December 1981.

ADDRESS: Richard Jackson, SAWEN-E, U.S. Army Engineers District, Wilmington, P.O. Box 1890, Wilmington, NC 28402.

John O. Roach II,

Department of the Army Liaison Officer With the Federal Register.

[FR Doc. 81-21543 Filed 7-21-81; 8:45 am]
BILLING CODE 3710-AI-M

Office of the Secretary

Privacy Act of 1974; Deletion of a System Notice

AGENCY: Office of the Secretary, DOD.

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for system of records DUSDP 01, "Telephone Directory", subject to the Privacy Act of 1974. It has been determined that this system of records is adequately covered by OPM/GOVT-1.

DATE: These deletions shall be effective July 22, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301, telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93-579 were published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8261 (46 FR 17243) March 18, 1981
FR Doc. 81-8262 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1961

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 17, 1981.

[FR Doc. 81-21498 Filed 7-21-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Houston Oil & Minerals Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of final action taken on a consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action of a Consent Order.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235; Phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On April 24, 1981 the Office of Enforcement of the ERA executed a Proposed Consent Order with Houston Oil & Minerals Corporation of Houston, Texas. Under 10 CFR 205.199l(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received five notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Houston Oil & Minerals Corporation is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas on the 1st day of July 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-21336 Filed 7-21-81; 8:45 am]
BILLING CODE 6450-01-M

Houston Natural Gas Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on

potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: July 2, 1981. Comments by: August 27, 1981.

ADDRESS: Send comments to : Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] 214/767–7745.

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Houston Natural Gas Corporation, Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Houston Natural Gas Corporation, is a firm engaged in the processing of natural gas and sale of natural gas liquids, natural gas liquid products and certain condensate, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids, natural gas liquid products and plant condensate, the Office of Enforcement, ERA, and Houston Natural Gas Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through January 27, 1981, and it included all sales of natural gas liquids, natural gas liquid products and certain condensate which were made during that period. The Consent Order does not settle claims and disputes between the DOE and Houston Natural Gas Corporation concerning sales of crude oil and condensate included in the Proposed Remedial Order issued under DOE case number 010C00329.

2. Houston Natural Gas Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts D, E and K, when determining the prices to be charged for its natural gas liquid products and certain condensate; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Houston Natural Gas Corporation have agreed to a settlement in the amount of $760,000, including interest, to be refunded on or before 30 days after the effective date of this Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Houston Natural Gas Corporation.

4. the provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Houston Natural Gas Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $750,000, including interest, in the manner specified in I. 3. above, plus $10,000 in penalty. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send you comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Houston Natural Gas Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on August 21, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of July 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-21334 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-85-000]

Alabama Power Co.; Order Granting Motion for Imposition of Interim Rates Pending Commission Action on Settlement Proposal

Issued July 15, 1981.

On June 16, 1981, Alabama Power Company (Alabama Power or the Company), the Municipal Intervenors, and the Cooperative Intervenors filed a joint motion seeking Commission authorization to impose interim rates in lieu of the rates originally filed in this docket pending the Commission's action on a settlement agreement also filed on June 16, 1981. The parties seek permission to collect, subject to refund, the reduced rates retroactive to June 5, 1981. They also request provision be made for a surcharge in the event of Commission rejection of the settlement. For the reasons stated below, we grant the joint motion.

The proceeding in this docket began on November 5, 1980. Alabama Power filed proposed tariff revisions governing its service to wholesale power customers. By order issued January 2, 1981, the Commission accepted the proposed rates for filing, provided for a hearing, and suspended the proposed tariff changes to June 5, 1981. Thereafter, the staff distributed its top sheets. Prehearing conferences were conducted by the Administrative Law Judge. The parties entered into extended negotiations that ultimately led to the execution of the Settlement Agreement filed on June 16, 1981. The Settlement Agreement includes the tariff sheets by which the settlement will be implemented.

In light of the facts surrounding Alabama Power and the intervenors' request and the lack of any opposition, we grant the motion. Rather than collect the higher rates to which Alabama Power is entitled, subject to refund, under its November 5, 1980 filing, Alabama Power should be granted permission to collect on an interim basis the lower rates that reflect the offer of settlement highlighted above. Further, Alabama Power's request that the lower interim rates be made effective retroactive to June 5, 1981 is also granted, along with any necessary waiver of our notice and filing requirements to permit such a retroactive reduction.

We are convinced that no matter the final result in this proceeding the customers will benefit by being charged the reduced interim rates while the Commission considers the concurrently filed settlement. In the event of Commission rejection of the settlement:

The originally filed rates will be made effective (subject to refund) on the date of issuance of the order rejecting the settlement, and

A surcharge will be added (subject to refund) to such originally filed rates to enable the Company to recover over a period of six months the difference between revenues collected under the interim rates and the revenues that would have been collected under the filed rates for the period of time when the interim rates were in effect, and

Interest on the surcharge amounts will be included at the rates provided for in Section 35.19a of the Commission's regulations.

The procedure requested in this joint motion is essentially the same as the procedure approved in *Western Power Division Central Telephone and Utilities Corp.*, Docket No. ER80–113, order issued August 22, 1980. The affected customers concur in this provision. Therefore, we shall permit the surcharge to operate in the event that the settlement is not approved.

Pursuant to Section 35.1(e) of the regulations, we find that good cause exists to permit the collection of the interim rates as of June 5, 1981, until such time as we may act on the settlement agreement filed by Alabama Power. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

The Commission orders:

(A) The joint motion filed on June 16, 1981 by Alabama Power, Municipal Intervenors, and the Cooperative Intervenors for approval to collect interim rates in lieu of the rates originally filed in this docket is hereby granted.

(B) Good cause having been shown, Alabama Power is hereby authorized, pursuant of Section 35.1(e) of the Commission's Rules, to collect, subject to refund, the proposed rates reflected in the motion and settlement from June 5, 1981, until the Commission acts on the settlement. Alabama Power's proposed surcharge as described in this order will operate in the event that the proposed settlement is not approved by the Commission, and the originally filed rates shall be reinstated on the date of an order rejecting settlement.

(C) The 60 day notice requirement of § 35.3 of the Commission's Rules is waived for good cause shown.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21455 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-583-000]

Appalachian Power Co.; Filing

July 20, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on July 9, 1981, tendered for filing on behalf of its affiliate, Appalachian Power Company (APCo.) Modification No. 7, dated June 1, 1981 to the Interconnection Agreement dated February 7, 1957 between APCo. and Carolina Power & Light Company designated APCo.'s Rate Schedule FPC No. 24.

The modification includes a new Service Schedule which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule provides for transmission service charges of 1.7 and 2 mills per kilowatthour, plus adjustments for transmission losses, for deliveries of Fuel Conservation Energy, when such receiving companies are Carolina Power & Light Company and APCo., respectively, and for generation of (a) 6 mills per kilowatthour plus incremental energy costs, plus 2 mills when APCo. is the deliverying party and (b) 6 mills per kilowatthour plus incremental costs, plus 2 mills when Carolina is the deliverying party.

The filing parties have requested that these Schedules be permitted to become effective immediately should circumstances arise requiring their use.

Copies of the filing were served upon Carolina Power & Light Company, the State Corporation Commission of Virginia and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21470 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-48-000]

Baruch-Foster Corp.; Application for Staff Adjustment

July 20, 1981.

On July 1, 1981, Baruch-Foster Corporation (Applicant), 1160 One Energy Square, 4925 Greenville Avenue, Dallas, Texas 75206, filed an application for a Staff Adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Applicant claims special hardship, inequity or unfair distribution of burdens and irreparable injury if unable to collect the difference between the collected section 109 rate and the section 102(c)(1)(C) rate, an amount of $151,531.59. Applicant drilled additional wells into a previously designated new onshore reservoir and commenced sales to the gas purchaser prior to the time a jurisdictional agency determination was filed. Applicant states it did not "focus on a requirement that it seek and secure a second jurisdictional agency determination before commencing sales from a second well in a reservoir already determined to be a new onshore reservoir." The gas purchaser has refused to make retroactive payments at the section 102(c)(1)(C) rate for the period prior to filing. Applicant requests an adjustment to section 273.204 allowing him to make retroactive collections prior to the date of filing for a determination.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before August 6, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21468 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-19589-004, et al.]

Belco Petroleum Corp., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 20, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 Mcf [2]	Pressure base
G-19589-004, D, June 24, 1981	Belco Petroleum Corporation, One Dag Hammarskjold Plaza, New York, New York 10017.	Northwest Pipeline Corporation, Big Piney Field, "P" Sand reservoir, Sections 25, 36 and the S/2 of Section 24, T28N, R113W, Sublette County, Wyoming.	(3)	
CI77-19-001, July 6, 1981 [24]	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, Eugene Island Blocks 257 and 258, Offshore Louisiana.	(4)	15.025
CI77-782-001, C, July 6, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation, South Pass 78 Field, Offshore Louisiana.	(5)	14.73
CI81-220-001, July 2, 1981	Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.	United Gas Pipe Line Company and Southern Natural Gas Company, [17] West Cameron Block 116 "A" Platform (OCS-G 2629 "A" platform), Offshore Louisiana.	(6)	15.025
CI81-431-000, A, July 9, 1981	FIN-OIL, Inc., P.O. Box 2159, Dallas, Texas 75221	United Gas Pipe Line Company, Block A-562, High Island Area, Offshore Texas.	(7)	14.65
CI81-397-000 (CI76-67), B, June 22, 1981.	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	Texas Gas Transmission Corporation, Bayou Pigeon Field, Iberia Parish, Louisiana.	(8)	
CI81-398-000, A, June 24, 1981	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Columbia Gas Transmission Corporation, Mississippi Canyon, Blocks 148, 192, and 193, Offshore Louisiana.	(1)	15.025
CI81-399-000, E, June 24, 1981 [9]	Southland Royalty Company (Succ. in Interest to Opubco Resources Inc. formerly Publishers Petroleum), 1000 Fort Worth Club Tower, Fort Worth, Texas 76102.	Panhandle Eastern Pipe Line Company, Geno No. 1-2, Geno No. 2-2 and Traylor No. 1 Wells and located in the N/2 of Section 2, Range 31 West, Township 32 South, Seward County, Kansas.	(9)	14.65
CI-400-000, E, June 24, 1981 [9]	do	Cities Service Gas Company, Eskins C-1 Well Located in Section 22, Township 17 North, Range 25 West, Roger Mills County, Oklahoma.	(10)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 Mcf [2]	Pressure base
CI-401-000, E, June 24, 1981 [9]	do	Northern Natural Gas Company, Gas is produced from depths shallower than the base of the Mississippian System in the Nine No. 1, No. 2 and No. 3 Wells located in Section 15, Township 2 North, Range 26 East, Beaver County, Oklahoma.	(11)	14.65
CI81-402-000, E, June 24, 1981 [9]	do	Michigan Wisconsin Pipe Line Company Gas is produced from the Stinson Unit located in the SE/4 SW/4 of Section 22, Township 27 North, Range 25 West, Harper County, Oklahoma.	(12)	14.65
CI81-403-000, E, June 24, 1981 [9]	do	Arkansas Louisiana Gas Company, Gas is produced from the Government A-1 Well located in Section 7, Township 6 North Range 17 East, Pittsburg County, Oklahoma.	(13)	14.65
CI81-404-000, E, June 24, 1981 [9]	do	Northern Natural Gas Company, Gas is produced from the Johannsen No. 1 Well located in Section 28, Township 34 South, Range 27 West, Meade County, Kansas.	(14)	14.65
CI81-405-00, E, June 24, 1981 [9]	do	Colorado Interstate Gas Company, Gas is produced from the Adams 1-11, 2-11, 5-11 and 6-11 Wells located in Section 11, Township 35 South, Range 29 West, Meade County, Kansas.	(15)	14.65
CI81-406-000, June 26, 1981 [16]	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Florida Gas Transmission Company and Florida Power & Light Company, St. Landry Parish, Section 48, Township 6 South, Range 2 East, St. Landry Parish, Louisiana.	-	
CI81-407-000, A, June 26, 1981	Aminoil USA, Inc., 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Blocks 385 and 386, Vermilion Area, South Addition, Offshore Louisiana.	(16)	15.025
CI81-408-000, A, June 29, 1981	Zapata Exploration Company, P.O. Box 4240, Houston, Texas 77001.	Tennessee Gas Company, a Division of Tenneco Inc., East Cameron Block 359, South Addition, Offshore Louisiana.	(17)	15.025
CI81-409-000, A, June 29, 1981	do	Trunkline Gas Company, East Cameron Block 358, South Addition, Offshore Louisiana.	(18)	15.025
CI81-410-000, (G-14256), B, June 23, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001	Transcontinental Gas Pipe Line Corporation, South Intracoastal City Field, Vermilion Parish, Louisiana.	(19)	
CI81-411-000, (G-11739), B, June 23, 1981.	do	Northern Natural Gas Company, SE and SW Elmwood Fields, Beaver County, Oklahoma.	(20)	
CI81-412-000, (G-15893), B, June 23, 1981.	do	Arkansas Louisiana Gas Company, Colquitt Field, Claiborne Parish, Louisiana.	(20)	
CI81-413-000, (G-19418), B, June 23, 1981.	do	Columbia Gas Transmission Corporation, Calcasieu Pass Field, Cameron Parish, Louisiana.	(20)	
CI81-427-000, A, June 26, 1981	Amerada Hess Corporation, 1200 Milam Street, 6th Floor, Houston, Texas 77002.	Texas Eastern Transmission Corporation, Blocks 369 and 386, Vermilion Area, South Addition, Offshore Louisiana.	(21)	15.025
CI81-428-000, A, July 1, 1981	Pan Eastern Exploration Company, P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, East Cameron, South Addition, Block 359 Field, Offshore Louisiana.	(22)	15.025
CI81-429-000, A, July 2, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, West Cameron Block 601, Offshore Louisiana.	(23)	15.025
CI81-430-000, A, June 29, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, West Cameron 285 Field, Federal Offshore Louisiana.	(24)	14.73

[2] To allow sale of nearly depleted reservoir to FMC Corporation for use as a gas storage field. All economically recoverable reserves in the reservoir dedicated to Northwest Pipeline Corporation will be produced and sold to Northwest prior to abandonment.
[3] Applicant is filing under Gas Purchase and Sales Agreement dated August 26, 1976, amended by Amendment dated May 27, 1981.
[4] Applicant is filing under Gas Sales Contract dated August 25, 1977, amended by Amendment dated April 20, 1981.
[5] Applicant is filing under Gas Purchase Contract dated January 29, 1981.
[6] Applicant is filing under Gas Purchase and Sales Agreement dated March 9, 1981.
[7] The leases in which Gulf acquired an interest, as successor to the Cenard Oil and Gas Company, expired and were released to landowner prior to the date of cancellation of the contract.
[8] Applicant is filing under Gas Purchase Contract dated April 28, 1981.
[9] Effective as February 1, 1979, Southland acquired all of Opubco's interest in said properties.
[10] Applicant is filing under Gas Purchase and Sales Agreement dated September 24, 1968.
[11] Applicant is filing under Gas Purchase Contract dated October 1, 1965.
[12] Applicant is filing under Gas Purchase Contract dated February 7, 1968.
[13] Applicant is filing under Rollover Contract dated April 24, 1979.
[14] Applicant is filing under Gas Purchase Contract dated May 3, 1971.
[15] Applicant is filing under Gas Purchase Contract dated March 31, 1967.
[16] Applicant is filing under Gas Purchase Contract dated July 7, 1966.
[16] Applicant proposes to construct and operate two compressors for the purpose of delivering gas to Florida Gas Transmission Company and Florida Power & Light Company in satisfaction of its warranty obligations to those companies.
[17] Koch Industries, Inc., amends Certificate of Public Convenience and Necessity in the subject docket to include Southern Natural Gas Company an additional buyer.
[18] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy of 1978, Part 271 Subpart B, Section 102(d).
[19] Applicant is filing under Gas Purchase Contract dated February 3, 1981.
[20] The available supply of gas is depleted, and the contract has expired.
[21] Applicant is filing under Gas Purchase Contract dated June 5, 1981.
[22] Applicant is filing under Gas Purchase Contract dated January 29, 1981.
[23] Applicant is filing under Gas Purchase Contract dated June 30, 1981.
[24] To include the additional delivery point on Eugueno Island Block 257 "E" platform.
[25] Applicant is willing to accept a certificate for the sale proposed herein conditioned upon the maximum lawful price under Section 104 of the NGPA.
[26] Applicant is filing under Gas Purchase Contract dated February 12, 1981.

Filing Code: A—Initial Services. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-21467 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4958-000]

Boise Project Board of Control, Idaho; Application for Exemption of Conduit Hydroelectric Facility

July 20, 1981.

Take notice that on June 10, 1981, the Boise Project Board of Control (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Arena Drop Hydroelectric Plant would be located at the junction of the Golden Gate Canal and the Arena Canal, part of the Applicant's Irrigation System in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. Willian Bienapfl, Chairman, Mr. Royse Van Curen, Project Manager, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Project Description—The proposed project would consist of: (1) an intake structure within the Golden Gate Canal; (2) a 900-foot long, 42-inch diameter penstock; and (3) a powerhouse containing two generating units with a total rated capacity of 540 KW discharging into the Golden Gate Canal.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Inervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21471 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2284-004]

Central Maine Power Co.; Application for Amendment of License

July 17, 1981.

Take notice that on June 30, 1981, Central Maine Power Company (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for amendment of its license for the Brunswick Hydroelectric Project No. 2284 located on the Androscoggin River, in the Towns of Brunswick and Topsham, in Cumberland and Sagadahoc Counties, Maine. Correspondence with the Licensee should be addressed to: Mr. Jon S. Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04336.

Licensee proposes that its project license be amended to authorize the addition of two turbine-generator units with a total rated capacity of 7.0 MW. The units would be located in an extension to the project powerhouse. The powerhouse is presently under construction. The turbine-generators would allow the production of an additional 15,000,000 kWh annually. The project would continue to be operated as a run-of-the-river facility.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 28, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21450 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4529-000]

City of Gillette, Wyoming; Application for Preliminary Permit

July 17, 1981.

Take notice that The City of Gillette, Wyoming (Applicant, filed on April 4, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4529 known as the Stateline Dam Project located on The East Fork of Smiths Fork River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul G. Schamp, P.E., Post Office Box 3003, Gillette, Wyoming 82716.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Stateline Dam and would consist of: (1) A powerhouse containing one or more generating units having a rated capacity of 450 kWh; (2) a spillway; (3) a transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,640,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

Competing Applications—This application was filed as a competing application to the Stateline Dam Project No. 3847 filed on December 9, 1980 by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21447 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4836-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4836 to be known as the Canyon Creek Power Project located on Canyon Creek in Nevada County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 103-foot long concrete diversion structure; (2) a 4,000-foot long diversion conduit; (3) a 1,000-foot long steel penstock; (4) a powerhouse with a total rated capacity of 4,300 kW; and (5) a 4.5-mile long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of the project. No new road construction would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to the Canyon Creek Project No. 4078 filed on January 12, 1981, by Consolidated Hydroelectric, Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4836. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21469 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4834-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4834 to be known as the Fall River Below Nelson's Crossing Power Project located on Fall River in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high diversion structure; (2) a 5,300-foot long diversion conduit or channel; (3) a 1,060-foot long steel penstock; (4) a powerhouse containing generating units with a total rated capacity of 2,045 kW; (5) a 5-mile long, 12.5-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electronic transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s Project No. 4084 filed on January 29, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accrodance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4634. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21460 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4520]

City of Seymour, Iowa; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Seymour (Applicant) filed on April 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4520 known as the Rathbun Dam Project located at the U.S. Army Corps of Engineers' Rathbun Dam on the Charlton River in Appanoose County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harold Swan, Seymour Municipal Light & Water Works, P.O. Box 64, Seymour, Iowa 52590.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers's dam. The proposed project works would consist of: (1) a proposed powerhouse with an estimated installed capacity of 1.2 MW and an estimated average annual, generation of 5,256,000 kWh; (2) a proposed bypass structure; (3) a proposed tailrace channel; and (4) appurtenant facilities. The Applicant states that the most likely customer for the power produced would be the Applicant with any excess power sold to Iowa Southern Utilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, in support of an application for license for the project. The cost of Applicant's studies are estimated to be in the range of $40,000 to $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, August 31, 1981 either the competing application itself [See 18 C.F.R. 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application, (A copy of the application may be obtained directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21448 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4871-000]

City of Tacoma, Wash.; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Tacoma, Washington (Applicant) filed on June 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No 4817 to be known as the Elwha River Project located on the Elwha River in Clallam County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Nolan, Director—City of Tacoma, Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411.

Project Description—The proposed project would consist of: (1) a concrete diversion weir and intake structure; (2) an 18,000-foot long tunnel; (3) a surge tank; (4) a 10-foot diameter, 500-foot long steel penstock; (5) a powerhouse to contain one turbine-generating unit with a total rated capacity of 17 MW; (6) a 69–KV transmission tie line to connect with an existing Crown Zellerbach transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of the project. No new road construction would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21472 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4797-000]

Cogeneration, Inc.; Application for Preliminary Permit

July 17, 1981.

Take notice that Cogeneration, Inc. (Applicant) filed on June 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4797 known as the Auger Falls Hydroelectric Project located on Snake River in Twin Falls County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John J. Straubhar, Cogeneration, Inc., 2405 Spring Mountain Drive, Boise, Idaho 83702.

Project Description—The proposed project would consist of: (1) an inlet structure; (2) an approximately 2-mile long power canal; (3) a 10-foot diameter, 1,000-foot long steel penstock; (4) a powerhouse to contain two Francis-type, turbine-generating units, with a total rated capacity of 4.9 MW; (5) a tailrace channel; and (6) a 4-mile long transmission line to connect to an existing Idaho Power Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of the project. No new road construction would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21461 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-383-000]

Columbia Gas Transmission Corp.; Application

July 17, 1981.

Take notice that on June 18, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-383-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities located in Kanawha County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon Well No. 7100 in Coco B (X–52–B) Storage Field located in Kanawha County, West Virginia. Applicant explains that Well No. 7100 is an observation well which is not connected to the Coco B Storage Field pipline system. It is said that in order to avoid any future problems that may result from utilization of a church parking lot which has been constructed

in the immediate area of the well, Applicant seeks authorization herein to abandon Well No. 7100. Such abandonment, it is asserted, would not affect storage deliverability.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21482 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-219-002]

East Tennessee Natural Gas Co.; Amendment to Application

July 20, 1981.

Take notice that on July 6, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP81-219-002 an amendment to its pending application filed in the instant docket on March 2, 1981, pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in its proposed sales, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it sought authorization to sell on an interruptible basis up to 50,000 Mcf of natural gas per day to Orange and Rockland Utilities, Inc. (Orange and Rockland) and 50,000 Mcf of natural gas per day to Public Service Electric and Gas Company (Public Service). Applicant asserts that the sales were proposed to occur during the period June 1, 1981, through October 31, 1982. Applicant explains that it additionally requested authorization to sell to customers other than Orange and Rockland and Public Service any portion of the 50,000 Mcf daily that each of these two customers were unable to purchase or which transporting pipelines were unable to deliver.

Applicant indicats that during June of 1981 there was a very small amount of available capacity to transport gas to Orange and Rockland and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) has advised Applicant that there appears to be no available capacity for such transportation in July of 1981.

Applicant has determined that it would not be able to sell sufficient volumes of gas in order to meet its minimum bill obligation because of the delay in Texas Eastern Transmission Corporation's (Texas Eastern) receiving authorization necessary to effectuate sales by Applicant to Public Service, the unavailability of capacity of Tennessee for transportation of the proposed sale to Orange and Rockland, the interruptible nature of the transportation service by Tennessee and Texas Eastern, the lack of market by Public Service on weekend days, and the limited number of days remaining in the month of July to meet the monthly minimum bill obligation. Applicant therefore states that it must make other off-system sales to avoid the minimum bill penalties from its supplier.

Applicant asserts that based on actual sales in July 1980 it must sell 1,266,804 Mcf off-system in July of 1981 to avoid the incurrence of minimum bill penalties.

Applicant states that Trans Louisiana Gas Company (Trans Louisiana) has expressed a need to purchase for its system supply up to 100,000 Mcf per day at the same price and subject to the same terms and conditions as the gas purchased by Public Service.

Applicant proposes herein to sell natural gas to Trans Louisiana. Applicant states that the gas would be transported from Applicant to Trans Louisiana by displacement by Tennessee to its interconnection with Louisiana Intrastate Gas Corporation (LIG) at Centerville, Louisiana, or other mutually agreeable points of interconnection and by LIG to its interconnection with Trans Louisiana.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21473 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4750-000]

Energenics Systems Inc.; Application for a Preliminary Permit

July 20, 1981.

Take notice that Energenics Systems Inc. (Applicant) filed on May 29, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4750 known as the Eltopia Branch-Potholes East Canal Station 625+90 Hydroelectric Project located on the Eltopia Branch Canal in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would consist of: (1) a gated intake structure located at Station 625+50; (2) a check structure at Station 625+70; (3) a 62-inch diameter, 628-foot long surface penstock; (4) a power plant to contain one generating unit with a rated capacity of 1,200 kW and (5) a short tailrace.

The average annual energy output is 4.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21474 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4749-000]

Energenics Systems, Inc.; Application for Preliminary Permit

July 20, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on May 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4749 known as the Portholes East Canal 1973t000 Hydroelectric Project located on the Potholes East Canal in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—the proposed project would consist of: (1) a gated intake; (2) a 162–inch diameter, 98–foot long surface penstock; (3) a power plant to contain one generating unit with a rated capacity of 2,260 kW; and (4) a short tailrace. The average annual energy output is 8.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for a FERC license. No new roads will be required to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS","NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21475 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4767-000]

Energenics Systems, Inc.; Application for Preliminary Permit

July 20, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4767 known as the Long Lake Dam Canal Hydroelectric Project located on Billy Clapp Lake Canal in Lincoln County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a power plant to contain three generating units with a combined rated capacity of 67,610 kW; and (4) a short tailrace. The average annual energy output is 267.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic and environmental feasibility studies and consult with Federal, State, and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21470 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-531]

Illinois Power Co.; Compliance Filing

July 20, 1981.

Take notice that on June 24, 1981, Illinois Power Company (Illinois Power) submitted for filing a compliance report in accordance with a Commission Order Affirming in Part and Reversing in Part Initial Decision dated April 10, 1981. According to Illinois Power, the compliance report reflects (1) the effect of the revised rate schedule on revenues to Illinois Power, (2) cost of service data and (3) that Illinois Power will issue a refund to Village of Ladd, City of Oglesby and Cedar Point Light and Water Company pursuant to Ordering Paragraph A of the Order Affirming in Part and Reversing in Part Initial Decision dated April 10, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 10, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21477 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4541-000]

John N. Webster; Application for Preliminary Permit

July 20, 1981.

Take notice that John N. Webster (Applicant) filed on an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4541 known as the Milton Leather Board Project located on Salmon Falls Rivers in Strafford County, New Hampshire and York County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John N. Webster, P.O. Box 1073, Dover, New Hampshire 03820.

Project Description—The proposed project would consist of the following existing works: (1) the Milton Leather Board Company Dam, a 28-foot high stone masonry and concrete gravity dam having a length of 350 feet; (2) a 3-acre reservoir having neglible storage capacity; (3) a powerhouse located approximately 600 feet downstream of the dam; and (4) appurtenant works. The dam and powerhouse associated with the proposed project are presently owned by the Milton Leather Bond Corporation. The existing structures would be refurbished, and a new penstock would be constructed leading from the dam to the powerhouse. The project would have an installed capacity of approximately 600 kW and an average annual net generation of 3,153,600 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 25, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 24, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intevene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21449 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4664-000]

Long Lake Energy Corp.; Application for Preliminary Permit

July 17, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4664 known as the J & J Rogers (Au Sable Forks) Hydro Project located on the West Branch Ausable River in Essex and Clinton Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) a concrete gravity dam with masonry abutments and a 100 foot long, 37 foot high ogee spillway section; (2) a reservoir with negligible pondage; (3) a restored 7-foot diameter penstock, approximately 5,000 feet long, along the left river bank; (4) a restored powerhouse containing generating units having a total rated capacity of 2,800 kW; (5) a tailrace; (6) a new transmission line, approximately 3,700 feet long; and (7) appurtenant facilities. The Applicant estimates that the average annual output would be 13,300,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $52,000.

Competing Applications—This application was filed as a competing application to Essex County Industrial Development Agency's application for Project No. 3625 filed on October 29, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21463 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-23-001]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

July 20, 1981.

Take notice that on June 12, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST79-23-001 an application pursuant to Sections 284.123(b)(2) and 284.144(a)(3)

of the Commission's Regulations for approval of the rate charged for the treating, processing, and transporting of gas sold to Mid Louisiana Gas Company (Mid La), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas sales agreement with Mid La which has been extended for an additional two-year term beginning May 5, 1980.

Applicant proposes a base charge of 20.0 cents per million Btu of gas sold and delivered to Mid La plus reimbursement for any third party interstate transportation fees which are needed to move the gas to Mid La's system. Applicant further states that this rate to be charged for the treating, processing, transporting, and delivering of gas sold to Mid La was previously approved by the Commission in Docket No. ST79–23.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–21464 Filed 7–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ST81–319–000]

Louisiana Intrastate Gas Corp.; Application

July 20, 1981.

Take notice that on June 18, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81–319–000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Natural Gas Pipeline Company of America (Natural) and pursuant to § 284.127 of the Commission's Regulations for approval of a transportation agreement with Natural dated June 11, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that on June 11, 1981, Natural and Applicant entered into a gas transportation agreement under which Applicant would receive gas from Natural at points of receipt in Cameron Parish, Louisiana, and redeliver directly to Central Louisiana Electric Company, Inc. (CLECO), Natural's customer, at points in Evangeline, St. Mary and Rapides Parishes, Louisiana, an equivalent quantity of gas less 2 percent of the gas used as compressor fuel, company use and unaccounted for gas. Applicant asserts that the proposed transportation service would continue for a term of 363 days from date of first deliveries under Natural's gas sales contract with CLECO.

Applicant estimates the total volume of gas to be transported under the proposed transportation agreement to be 37,000,000 Mcf. The expected maximum daily delivery volumes would be approximately 100,000 Mcf, it is asserted.

Applicant proposes to charge Natural 20.0 cents per million Btu for each million Btu redelivered. Furthermore, Applicant asserts that the transportation agreement grants Applicant the contractual right to increase its rates to reflect any increased severance tax and to file with any entity or entities having jurisdiction over its rates to receive a higher rate.

Applicant requests approval of its transportation agreement which is not self-implementing because Applicant is delivering gas directly to Natural's customer for Natural's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–21476 Filed 7–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4572–000]

Morgan City Corp.; Application for Preliminary Permit

July 20, 1981.

Take notice that Morgan City Corporation (Applicant) filed on April 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4572 to be known as the East Canyon Project located on East Canyon Creek in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis Woolsey, Morgan City Corporation, P.O. Box 276, Morgan, Utah 84050.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's East Canyon Dam and would consist of a powerhouse with one or more generating units having a rated capacity between 2.5 and 3.0 MW, a 25-kV transmission line, a tailrace, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 19.18 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed permit is 30 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $95,000.

Competing Applications—This application was filed as a competing application to the East Canyon Project No. 3540 filed on October 8, 1980, by Utah Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4572. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–21450 Filed 7–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–392–000]

Natural Gas Pipeline Company of America; Application

July 20, 1981.

Take notice that on June 23, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81–392–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited term transportation of natural gas on an interruptible basis in order to effectuate a direct sale of gas to Central Louisiana Electric Company (CLECO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas sales agreement dated June 3, 1981, it proposes to sell up to 37,000,000 Mcf of natural gas to CLECO on a best-efforts basis. Such gas, it is asserted, would be used to generate electricity. Applicant explains that the subject sale would be for a term of 363 days commencing on the date of first deliveries to CLECO.

Applicant states that in order to transport the gas to CLECO it has executed a transportation agreement with Louisiana Intrastate Gas Company (LIG) dated June 11, 1981, which would cause the gas to be transported to existing points of interconnection between CLECO and LIG in Evangeline, St. Mary and Rapides Parishes, Louisiana.

Applicant asserts that pursuant to the transportation agreement with LIG, it would deliver the gas for LIG's account to Louisiana Resources Company (LRC) at an existing tap and valve assembly on Stingray Pipeline Company located in Cameron Parish, Louisiana. Applicant further assers that LIG and LRC have an agreement dated April 28, 1976, as amended, whereby LIG has a contractual right to capacity on LRC's system. Applicant explains that the gas would enter LIG's facilities at an existing point of interconnection in Cow Island, Cameron Parish, Louisiana, and would be transported to the CLECO delivery points in Evangeline, St. Mary and Rapides Parishes, Louisiana.

Applicant states that for each million Btu of gas sold to CLECO Applicant would charge a rate equal to the sum of (1) the average of the rates effective under Applicant's Rate Schedules E–1, G–1, and WS–1, each minus the GRI surcharge, and (2) a transportation charge which reflects all the current or future costs that LIG charges Applicant for such transportation plus the value of fuel gas consumed. Applicant explains that the rate in part (1) is a composite rate which reflects effective rates in Applicant's tariff. It is also said that the transportation charge currently consists of 20.0 cents per million Btu plus the value of any fuel gas consumed.

Applicant indicates that its present composite rate is approximately $2.84 per million Btu and Applicant's average cost of gas is approximately $1.92 per million Btu as of March 1, 1981.

Applicant states that its gas supply is sufficient to make the proposed sale with CLECO without impairing or reducing service to its present customers.

Applicant asserts that with the exception of the revenues from the transportation charge component and 1.0 cent per million Btu for the volumes sold. Applicant proposes to credit the revenues from the proposed sale to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–21479 Filed 7–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. ER80–66, ER80–67, ER80–68, and ER80–220]

New England Power Co.; Refund Report Resulting From Coal Conversion Adjustment

July 20, 1981.

Take notice that New England Power Company (NEP) on June 19, 1981, filed a refund report which reflects NEP's

adjustment for actual coal conversion costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21480 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4696-000]

New York State Electric & Gas Corp.; Application for Preliminary Permit

July 17, 1981.

Take notice that the New York State Electric & Gas Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4696 known as the Alice Falls Project located on the Ausable River in Clinton and Essex Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondance with the Applicant should be directed to: Mr. M. J. Ray, Assistant Vice President, New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghampton, New York 13902.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing 50-foot high, 215-foot long masonry dam, located adjacent to a retired J&J Rogers Company mill and approximately 2,700 feet upstream of the Rainbow Falls Hydroelectric Project No. 2835; (2) a reservoir having a surface area of approximately 4 acres; (3) a proposed powerhouse containing units with a total installed capacity of 2,050 kW; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be between 10,000,000 and 11,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 18, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no coments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before Sepember 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETNG APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21481 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-594-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

July 20, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 9, 1981 tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated June 4, 1981.

Niagara presently has on file an agreement with Rochester dated December 26, 1968. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 58. This new agreement is being transmitted as a supplement to the existing agreement.

The December 26, 1968 agreement is for the use of Niagara's transmission facilities by Rochester for the purpose of connecting Rochester's Gina Nuclear Plant into the New York Cross-State transmission system. The June 4, 1981 agreement revises the rate to be paid by Rochester for the use of Niagara's facilities. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of October 1, 1980.

Copies of the filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21482 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-399-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

July 20, 1981.

Take notice that on June 29, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-399-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove certain facilities near Carlton, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the emergency interconection with Great Lakes Gas Transmission Company (Great Lakes) near Carlton, Minnesota, known as the Carlton interconnection no longer has the capacity capabilities needed to measure the volumes being exchanged with Great Lakes. Applicant further states that since 1973 said volumes have been measured through the facilities of Great Lakes. It is stated that inadvertently Applicant abandoned and removed two 10-inch orfice meter runs on November 11, 1980.

Applicant indicates that the cost of removing the meter runs was $500 which was finances from cash on hand.

Applicant, therefore, requests permission and approval to abandon the two 10-inch meter runs.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petifion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21483 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4673-000]

Oconto Electric Power & Light Cooperative; Application for Preliminary Permit

July 17, 1981.

Take notice that the Oconto Electric Power & Light Cooperative (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4673 known as the Pulcifer Dam Waterpower Project located on the Oconto River in Shawano County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Donohue & Assoc., P.O. Box 1067, 4738 North 40th Street, Sheboygan, Wisconsin 53081, Attention: Mr. Ananta Nath.

Project Description—The proposed project would consist of: (1) The removal of an existing 150-foot rock and gravel filled timber crib, and a new concrete gravity control section. The proposed dam after replacement of a new section will have a 24.5-foot height and a 510-foot length; (2) an existing reservoir with a 670 acre surface area, 10,080 acre-feet storage capacity, and a 678 square-mile drainage area; (3) a proposed powerhouse containing generating units having an installed 825 kW capacity and an estimated 4,100,000 kWh annual energy production; (4) a proposed 7,000-foot long, 12,470 volt transmission line to be interconnected with an existing Oconto Electric Cooperative 12-kV transmission line; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $27,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *September 17, 1981*, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all copital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be

filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21486 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-141-000]

Potomac Edison Co.; Compliance Filing

July 20, 1981.

Take notice that on May 8, 1981, The Potomac Edison Company (Potomac Edison) submitted for filing a compliance report in accordance with the Commission's Order of April 8, 1981. Potomac Edison submitted revised tariff sheets Second Revised Sheet Nos. 9, 12, and 15 under FERC Electric Tariff, Second Revised Volume II replacing those originally tendered for filing on November 24, 1980. According to Potomac Edison, the compliance report reflects (1) revisions of Statements BG and BH for Periods I and II resulting in the elimination of the "adjustment factor" and the inclusion of a new bill comparison summarizing present and proposed revenues, (2) the elimination of lime and calcilox expenses from Period II fuel clause revenues in Revised Statements BG and BH, (3) the recalculation of the fuel cost adjustment factors in Revised Statement BI for Period II and (4) that the refund ordered in Ordering Paragraph (c) is not required because lime and calcilox expenses included in fuel charge calculations have never been included in billing calculations of the fuel cost adjustment factor.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21496 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4794-000]

Robert Thompson; Application for Preliminary Permit

July 17, 1981.

Take notice that Mr. Robert Thompson (Applicant) filed on June 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4794 to be known as the Hat Creek Hereford Ranch Power Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Thompson, Rt. 2, Box 655, Hat Creek, California 96040.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure across the Hat Creek; (2) a 3,000-foot long open flume; (3) a 1,200-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 700 kW; and (5) a 600-foot long transmission line connecting the powerhouse to an existing Pacific Gas and Electric transmission line. The Applicant estimates that the average annual energy output would be 5.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24 month permit to prepare a project report including results of geological, environmental and economic feasibility studies. No new roads are needed to complete the studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *September 17, 1981*, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21487 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4795-000]

Siskiyou County Flood Control and Water Conservation District; Application for Preliminary Permit

July 17, 1981.

Take notice that Siskiyou County Flood Control and Water Conservation District (Applicant) filed on June 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4795 known as the McKinney Hydroelectric Project located on McKinney Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dave A. Gravenkamp, District Engineer, Siskiyou County Flood Control and Water Conservation District, 305 Butte Street, Yreka, California 96097; and Mr. Frank J. DeMarco, District Counsel, 304 Lane Street, P.O. Box 659, Yreka, California 96097.

Project Description—The proposed project would consist of: (1) a 5-foot high, 90-foot long diversion dam; (2) a 7,000-foot long open channel conduit; (3) a 1,100-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 3,500 kW; and (5) appurtenant facilities. The Applicant estimates that the annual energy output to be 14 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Fedeal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Consolidated Hydroelectric, Inc.'s Project No. 4230 filed on February 20, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4795. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21488 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-4715-004]

Southern Natural Gas Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

July 17, 1981.

Take notice that on July 2, 1981, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. G-4715-004 a joint petition to amend the order issued April 6, 1977,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the maximum volume that Southern may deliver to Tennessee for exchange at the existing Carthage delivery point and to authorize the exchange of natural gas at an additional point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by the order issued April 6, 1977, as amended, they were authorized to exchange gas at various points on their respective pipeline systems. Petitioners further assert that they have entered into an agreement on November 18, 1980, to amend their general exchange agreement dated November 5, 1976, so as to increase the maximum volume that Southern may deliver to Tennessee for exchange at the existing Carthage delivery point from the currently authorized volume of 5,000 Mcf per day to 15,000 Mcf per day. It is averred that under the November 18, 1980, agreement Petitioners further propose to add an existing point of interconnection between their respective pipeline systems known as the Rose Hill meter station in Clarke County, Mississippi, as an additional point of exchange.

Petitioners state that the proposed amendments would not affect Southern's or Tennessee's respective pipeline system daily design capacity and would enhance the operational flexibility of Petitioners' respective pipeline systems. Furthermore, Petitioners assert that the proposed amendments would not adversely affect either party's ability to serve its existing customers.

Petitioners assert that no new facilities are required to effectuate the proposed change.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21489 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP81-395-000]

Sugar Bowl Gas Corp.; Petition for Declaratory Order

July 20, 1981.

Take notice that on June 18, 1981, Sugar Bowl Gas Corporation (Petitioner), 1200 Milam Street, Suite 3310, Houston, Texas 77002, filed in Docket No. CP81-395-000 a petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order disclaiming juriadiction over the transportation of natural gas by Petitioner on behalf of Columbia Gas Transmission Corporation (Columbia) or, in the alternative, for authorization pursuant to § 284.127 of the Commission's Regulations to transport natural gas on behalf of Columbia for a period in excess of two years, all as more fully set forth in the petition for declaratory order which is on file with the Commission and open to public inspection.

Petitioner proposes to transport volumes of natural gas to Union Carbide Corporation (UCC) on behalf of Columbia pursuant to a pre-existing gas transportation agreement between Petitioner and UCC. Under such agreement, it is submitted, Petitioner would transport volumes of natural gas produced from lands and leaseholds owned by UCC in Louisiana and volumes purchased in Louisiana by UCC to UCC's plant in Taft, Louisiana.

Petitioner states that UCC has requested Columbia to receive its excess ethane in Kanawha County, West Virginia, and transport equivalent quantities of natural gas in exchange for ultimate delivery to UCC's Taft, Louisiana, plant and that UCC has subsequently requested Petitioner to take for UCC's account natural gas at the outlet of Exxon Corporation's Garden City Plant in St. Mary Parish, Louisiana. It is further stated that delivery of such volumes to Petitioner would be effectuated by a reduction in Columbia's scheduled receipts of natural gas at the Garden City plant and that the volumes which Petitioner would receive would be volumes presently being sold to Columbia pursuant to authorization under the Natural Gas Act.

Petitioner estimates that the maximum daily and total quantities of gas to be transported would be 16,200 dekatherms (dt) equivalent and 17,739,000 dt equivalent, respectively.

Petitioner also submits that it would charge 17.0 cents per million Btu for such transportation service.

Petitioner asserts that it would only participate in the above-described transportation arrangement if such participation would not prejudice Petitioner's intrastate status or violate the terms of its contract with UCC.

Petitioner, therefore, requests that the Commission find that the gas to be transported by Petitioner is not comingled with gas transported or sold in interstate commerce, that Petitioner's participation in the proposed transportation arrangement would not affect its status as an intrastate pipeline, or in the alternative, Petitioner requests that the Commission authorize Petitioner to transport gas on behalf of an interstate pipeline pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Part 284, Subpart C of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21483 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4596-000]

Utah Municipal Power Agency; Application for Preliminary Permit

July 20, 1981.

Take notice that Utah Municipal Power Agency (Applicant) filed on April 27, 1980 an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)-825(r)] for Project No. 4596-000 known as the Joes Valley Dam Hydroelectric Project located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, 345 North 200 East; Springville, Utah 84663.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Joes Valley Dam and would consist of: (1) a powerhouse containing two generating units with rated capacities of 1000 and 3000 kW respectively; (2) a penstock; (3) a 12,500 volt 3-phase transmission line; and (4) appurtenant facilities. Applicant estimated that the average energy output would be 7,500,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environemntal impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Competing Applications—This Application was filed as a competing application to the Joes Valley Dam Project No. 3824 filed on December 4, 1980 by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21482 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-595-000]

Washington Water Power Co.; Filing

July 20, 1981.

The filing Company submits the following:

Take notice that on July 9, 1981 The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and Pacific Power & Light Company which applies to the exchange of energy between the parties. Washington would deliver surplus energy to Pacific Power & Light Company during the months of March and April, 1981. Pacific Power & Light Company would return the amount of energy delivered by Washington divided by 1.45 during the period of July through December 1981. The Agreement terminates December 31, 1981.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to March 1, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21484 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed Week of June 29 through July 2, 1981

During the week of June 29 through July 2, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 C.F.R. Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

July 16, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of June 29 through July 2, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 29, 1981	Cladouhos & Brashares, Washington, D.C	BFA-0699	Appeal of Information Request Denial. If granted: The June 12, 1981 Information Request Denial issued by the DOE Office of Safeguards and Securities would be rescinded, and Cladouhos & Brashares would receive access to the Intrusion Detection Systems Handbook.
June 29, 1981	Keystone Fuel Oil Co., Washington D.C	BFA-0700	Appeal of Information Request Denial. If granted: The May 29, 1981 Information Request Denial issued by the Office of Enforcement of the Economic Regulation Administration would be rescinded, and Keystone Fuel Oil Company would receive access to certain DOE information.
June 30, 1981	DOE/Mid-Atlantic Legal Foundation, Philadelphia, Pa	BEH-0214	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with a reconsideration of the Freedom of Information Act Appeal Decision issued to Mid-Atlantic Legal Foundation by the Office of Hearings and Appeals on April 3, 1980. The Decision was remanded to the DOE by the U.S. District Court for the Eastern District of Pennsylvania on April 29, 1981.
June 30, 1981	Federal Document Retrievals, Inc., Washington, D.C	BFA-0701	Appeal of Information Request Denial. If granted: The June 16, 1981 Information Request Denial issued by the DOE Office of Resource Control and Administration would be rescinded, and Federal Document Retrievals, Inc. would receive access to documents submitted in connection with Request for Proposal No. 81.1.1-00-37.
July 1, 1981	Basin, Inc., Midland, Tex	BEE-1670	Price Exception. If granted: Basin, Inc. would receive an exception from the provisions of 10 CFR 212.131 regarding recertification of crude oil.
July 1, 1981	Fenix 7 Scieson, Inc., Washington, D.C	BFA-0703	Appeal of Information Request Denial. If granted: The June 24, 1981 Information Request Denial issued by the Acting DOE Inspector General would be rescinded, and Fenix & Scieson, Inc. would receive access to a copy of the April 30, 1981 memorandum entitled "Review of the Management of Naval Petroleum Reserve No. 3 by Fenix & Scieson, Inc."
July 1, 1981	Jones, Day, Reavis & Pogue (Wilderotter), Washington, D.C.	BFA-0702	Appeal of Information Request Denial. If granted: The June 18, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Jones, Day, Reavis & Pogue would receive access to information regarding the Entitlements Notice for the month of January 1981.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of June 29 through July 2, 1981]

Date	Name and location of applicant	Case No.	Type of submission
July 1, 1981	Office of Special Counsel, Washington, D.C.	BRD-0125	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel regarding disputed factual matters in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to the Proposed Remedial Order (Case No. DRO-0193) issued to the firm on May 1, 1979.
July 1, 1981	Office of Special Counsel, Washington, D.C.	BRD-0126	Motion for Discovery. If granted: Discovery regarding Atlantic Richfield Company's "corporate state of mind" in applying the crude oil pricing regulations would be granted to the Office of Special Counsel in connection with OSC's Response to the Statement of Objections submitted by ARCO in response to the Proposed Remedial Order (Case No. DRO-0193) issued to the firm on May 1, 1979.
July 1, 1981	R. L. Burns Corp., Washington, D.C.	BRD-1432 BRH-1432	Motion for Discovery. Request for Evidentiary Hearing. If granted: Discovery would be granted to R. L. Burns Corporation and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by the firm in response to the March 26, 1981 Proposed Remedial Order (Case No. BRO-1432) issued to the firm by the San Antonio Audit Group of the Economic Regulatory Administration.
July 2, 1981	Midwest Solvents Co., Inc., Atchison, Kans.	BEE-1671	Exception from the Entitlements Program. If granted: Midwest Solvents Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements obligations.

[FR Doc. 81-21325 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-5-FRL 1689-6]

Columbus and Southern Ohio Electric Co., Franklin County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Columbus and Southern Ohio Electric Company (CSOE), Walnut Substation, Franklin County, Ohio.

On August 7, 1978, CSOE submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct four oil-fired peaking turbines. The application was submitted pursuant to the regulations for PSD.

On August 10, 1979, CSOE was notified that its application was complete and preliminary approval was granted.

On July 18, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to CSOE. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by CSOE, the Company was notified on April 8, 1981, that U.S. EPA had determined that the proposed new construction in Franklin County, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve CSOE of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and, therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed.

For further information contact David A. Ullrich, Acting Chief, Air Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

Environmental Protection Agency; Region V

In the matter of Columbus and Southern Ohio Electric Company in Franklin County, Ohio, Walnut Substation, Proceeding Pursuant to the Clean Air Act, as amended. Approval to Construct EPA–5–A–81–5.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the June 19, 1978 and August 7, 1980, Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Columbus and Southern Ohio Electric Company (CSOE) plans to construct a combustion turbine peaking facility at the Walnut site which will house four turbine units, each with a 70.3 Megawatt peak capacity, for a total peak capacity of 281, Megawatts. Each turbine is projected to operate for 2380 hours per year. The oil storage tank of the fixed roof design will have a 4,200,000 gallon capacity. The substation will be located in Franklin County, Ohio, near the Village of Groveport.

2. The section of Franklin County in which the Walnut substation site is located has been designated as an attainment area for particulate matter (TSP) and nitrogen oxides (NO_x). The area has been designated as nonattainment for carbon monoxide (CO), hydrocarbons (HC), and sulfur dioxide (SO_x). For the purpose of this review, CSOE demonstrated that the area in which the proposed facility will be situated is in attainment for CO and SO_x and will not adversely affect nearby nonattainment areas. Franklin County is a Class I area as determined pursuant to Section 162 of the Act.

3. The newpeaking substation was determined to be subject to further PSD review for SO_x, NO_x, and CO. Allowable emissions for SO_x, NO_x, and CO were calculated to be 2267, 1250, and 495 tons per year respectively.

4. CSOE submitted a PSD application for the Walnut substation to the U.S. Environmental Protection Agency (U.S. EPA) on August 7, 1978. The application was determined to be complete and preliminary approval was issued on August 10, 1979.

5. On July 18, 1980, public notice appeared in the *Columbus Dispatch*. No public comments were received and no public hearing was requested.

6. The source will be using best available control technology for all three pollutants.

7. The PSD increment and/or the National Ambient Air Quality Standards will not be jeopardized by the operation of the facility.

Conditions for Approval

8. Nitrogen oxide (NO_x) emissions from each turbine shall not exceed 0.0075 percent by volume (75 ppm) at 15 percent oxygen on a dry basis.

9. The No. 2 fuel oil shall not contain sulfur in excess of 0.5 percent by weight.

Conditions 8 and 9 represent the application of BACT as required by Section 165 of the Act.

10. Operation of each new turbine shall not exceed 2380 hours per calendar year.

Condition 10 is required under Section 165 of the Act.

11. Any change in CSOE's application for PSD approval of the proposed new substation might alter U.S. EPA's conclusion, therefore, any change must receive the prior written authorization of U.S. EPA.

12. No construction activity shall take place at the Walnut site should CSOE select the alternate Hayden site for construction of the peaking unit. U.S. EPA will consider any construction activity upon both sites as a change in CSOE's application, thus requiring U.S. EPA's prior written authorization.

Approval

13. Approval to construct the combustion turbine peaking substation at the Walnut site is hereby granted to CSOE, subject to the conditions expressed herein and consistent with the materials and data filed by CSOE. Any departure from the conditions of this approval or the terms expressed in the data filed by CSOE, must receive the prior written authorization of U.S. EPA.

14. On December 14, 1979, the United States Court of Appeals for the District of Columbia Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle*, 606 F.2d 1068 (1979, which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52676 may affect future actions under PSD with respect to the substation.

15. This approval to construct does not relieve CSOE of the responsibility to comply with all Federal, State and local regulations and requirements, including the applicable State Implementation Plan.

16. This approval is effective immediately. This approval to construct shall become invalid, if construction is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

17. A copy of this approval has been sent to the Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, 10th Floor, Columbus, Ohio 43216.

Dated: April 8, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21405 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-5-FRL-1690-3]

Columbus and Southern Ohio Electric Co., Franklin County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Columbus and Southern Ohio Electric Company (CSOE), Hayden Substation, Franklin County, Ohio.

On August 7, 1978, CSOE submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct four oil-fired peaking turbines. The application was submitted pursuant to the regulations for PSD.

On August 10, 1979, CSOE was notified that its application was complete and preliminary approval was granted.

On July 18, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to CSOE. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by CSOE, the Company was notified on April 8, 1981, that U.S. EPA had determined that the proposed new construction in Franklin County, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve CSOE of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and, therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact David A. Ullrich, Acting Chief, Air Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

ENVIRONMENTAL PROTECTION AGENCY

Region V

In the matter of Columbus and Southern Ohio Electric Company in Franklin County, Ohio, Hayden Substation. Proceeding pursuant to the Clean Air Act, as amended. Approval to Construct. EPA–5–A–81–4.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the June 19, 1978 and August 7, 1980, Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Columbus and Southern Ohio Electric Company (CSOE) plans to construct a combustion turbine peaking facility at the Hayden site which will house four turbine units, each with a 70.3 Megawatt peak capacity, for a total peak capacity of 281 Megawatts. Each turbine is projected to operate for 2380 hours per year. The oil storage tank of the fixed roof design will have a 4,200,000 gallon capacity. The substation will be located in Franklin County, Ohio, near the Village of Hilliard and 0.8 mile east of the Madison County line.

2. The section of Franklin County in which the Hayden substation site is located has been designated as an attainment area for sulfur dioxide (SO_x), particulate matter (TSP), and nitrogen oxides (NO_x). The area has been designated as nonattainment for carbon monoxide (CO) and hydrocarbons (HC). For the purpose of this review, CSOE demonstrated that the area in which the proposed facility will be situated is in attainment for CO and will not adversely affect nearby nonattainment areas. Franklin County is a Class II area as determined pursuant to Section 162 of the Act.

3. The new peaking substation was determined to be subject to further PSD review for SO_x, NO_x, and CO. Allowable emissions for SO_x, NO_x, and CO were calculated to be 2267, 1250, and 495 tons per year respectively.

4. CSOE submitted a PSD application for the Hayden substation to the U.S. Environmental Protection Agency (U.S. EPA) on August 7, 1978. The application was determined to be complete and preliminary approval was issued on August 10, 1979.

5. On July 18, 1980, public notice appeared in the *Columbus Dispatch*. No public comments were received and no public hearing was requested.

6. The source will be using the best available control technology for all three pollutants.

7. The PSD increment and/or the National Ambient Air Quality Standards will not be jeopardized by the operation of the facility.

Conditions for Approval

8. Nitrogen oxide (NO_x) emissions from each turbine shall not exceed 0.0075 percent by volume (75 ppm) at 15 percent oxygen on a dry basis.

9. The No. 2 fuel oil shall not contain sulfur in excess of 0.5 percent by weight.

Conditions 8 and 9 represent the application of BACT as required by Section 165 of the Act.

10. Operation of each new turbine shall not exceed 2380 hours per calendar year.

Condition 10 is required under Section 165 of the Act.

11. Any change in CSOE's application for PSD approval of the proposed new substation might alter U.S. EPA's conclusion, therefore, any change must receive the prior written authorization of U.S. EPA.

12. No construction activity shall take place at the Hayden site should CSOE select the alternate Walnut site for construction of the peaking unit. U.S. EPA will consider any construction activity upon both sites as a change in CSOE's application, thus requiring U.S. EPA's prior written authorization.

Approval

13. Approval to construct the combustion turbine peaking substation at the Hayden site is hereby granted to CSOE, subject to the conditions expressed herein and consistent with the materials and data filed by CSOE. Any departure from the conditions of this approval or the terms expressed in the data filed by CSOE, must receive the prior written authorization of U.S. EPA.

14. On December 14, 1979, the United States Court of Appeals for the District of Columbia Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle*, 606 F.2d 1068 (1979), which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52676 may affect future actions under PSD with respect to the substation.

15. This approval to construct does not relieve CSOE of the responsibility to comply with all Federal, State and local regulations and requirements, including the applicable State Implementation Plan.

16. This approval is effective immediately. This approval to construct shall become invalid, if construction is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

17. A copy of this approval has been sent to the Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, 10th Floor, Columbus, Ohio 43216.

Dated: April 8, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21404 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[A-5-FRL 1889-7]

Conoco Inc., Noble County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Conoco Incorporated (Conoco), Noble County, Ohio.

On May 27, 1980, Conoco submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a coal gasification demonstration plant. The application was submitted pursuant to the regulations for PSD.

On August 13, 1980, Conoco was notified that its application was complete and preliminary approval was granted.

On October 23, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to Conoco. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Conoco, the Company was notified on February 23, 1981, that U.S. EPA had determined that the proposed new contruction in Noble County, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Conoco of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact David A. Ullrich, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

Environmental Protection Agency

Region V

In the matter of Conoco Incorporated, Pipeline Gas Demonstration Plant, Noble County, Ohio. Proceeding pursuant to the Clean Air Act, as amended. Approval to construct. EPA-5-A-81-2.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. Conoco Incorporated proposes to construct a coal gasification demonstration plant in Noble County, Ohio. The proposed plant consists of process units, off-site units and support facilities. The process is based upon the British Gas/Lurgi Slagging Gasifier. Two gasifiers will be present in the demonstation plant; only one will be operated at a time, with the other serving gas as a back-up unit. Other processes contain a single train.

2. Feedstock preparation, acid-gas removal, air speparation, carbon dioxide removal, and gas drying and compression steps utilized commercially proven technology. All by-product processing units and the off-site facilities are based on commercially proven technology.

3. Conoco Incorporated's proposed plant is to be constructed in a rural area within Noble County, Ohio. The proposed demonstration plant will be located in an attainment area for sulfur dioxide (SO_2), nitrogen oxides (NO_x) and carbon monoxide (CO) and an unclassifiable area for total suspended particulate (TSP) and ozone (O_3).

4. The proposed construction is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

5. Based on the maximum allowable emissions, the proposed demonstration plant is a major source for SO_2 and NO_x. The U.S. Environmental Protection Agency (U.S. EPA) performed a PSD review for both pollutants.

6. Conoco Incorporated submitted a PSD application to the U.S. EPA on May 27, 1980. On August 13, 1980, the application was determined to be complete and preliminary approval was granted.

7. On October 23, 1980, notice was published in *The Journal-Leader* (Caldwell, Ohio) seeking comments from the public on Conoco Incorporated's application and the U.S. EPA's preliminary approval of the proposed modification. No public comments were received and a public hearing was not requested.

8. The U.S. EPA has determined that Conoco Incorporated will employ Best Available Control Technology (BACT) to control emissions.

9. After review and analysis of the material submitted by Conoco Incorporated, the U.S. EPA has determined that the emissions from the proposed demonstration plant will not violate the applicable air quality increments as promulgated in 40 CFR 52.21.

Conditions for Approval

10. The emission rate for particulates should not exceed the limitation of 0.06 pounds per million Btu of heat input to the boilers.

The fuel oil burned in the boilers shall contain less than 0.5 percent sulfur by weight.

12. The emission rate for sulfur dioxide shall not exceed the limitation of 1.6 pounds per million Btu of heat input to the boilers.

13. The emission rate for nitrogen oxides shall not exceed the limitation of 0.6 pounds per million Btu of heat input to the boilers.

14. To assure that the limitations are met, stack testing by means of U.S. EPA-approved methods shall be conducted by the applicant after installation of the appropriate control equipment. A notice of such tests shall be forwarded to the U.S. EPA 30 days prior to the tests' actual performance.

15. The applicant shall not alter the design stack parameters identified in its application including exit gas temperature, exit gas velocity, stack diameter and stack height. The air quality analysis relies heavily on the combination of stack parameters, control devices and emission limitations such that any change in these factors could alter the results of the air quality analysis. Therefore, design changes must receive written authorization of the U.S. EPA.

Conditions 10 through 13 represent the application of BACT as required by Section 165 of the Act. Conditions 14 and 15 are necessary to ensure that on a continual basis, emissions from Conoco Incorporated do not violate Class II increments for SO^2, and the emission standards established in Condition 10 through 13 are not violated.

Approval

16. Approval to construct the coal gasification demonstation plant is hereby granted to Conoco Incorporated subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by Company, must receive the prior written authorization of U.S. EPA.

17. On December 14, 1979, the U.S. Court of Appeals for the D.C. Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52735, may affect future actions under PSD with respect to the Conoco Incorporated demonstration plant.

18. This approval to construct does not relieve Conoco Incorporated of the responsibility to comply with the control strategy and all local, State and Federal requirements.

19. This approval is effective immediately. This approval to construct shall become invalid, if construction of the coal gas demonstration plant is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced.

20. A copy of this approval has been forwarded to the Caldwell Public Library, Court House, Caldwell, Ohio 43724.

Dated: February 23, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21405 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-5-FRI-1890-4]

Stone Container Corp., Coshocton County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Stone Container Corporation, Coshocton County, Ohio.

On December 21, 1979, Stone Container Corporation submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a combination wood waste/natural gas-fired boiler. The application was submitted pursuant to the regulations for PSD.

On September 19, 1980, Stone Container Corporation was notified that its application was complete and preliminary approval was granted.

On January 9, 1981, U.S. EPA published notive of its decision to grant a preliminary approval to Stone Container Corporation. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Stone Container Corporation, the Company was notified on February 27, 1981, that U.S. EPA had determined that the proposed new construction in Coshocton, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construction does not relieve Stone Container Corporation of the responsiblity to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and, therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petition for review must be filed.

For further information contact David A. Ullrich, Acting Chief, Air Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

In the matter of Stone Container Corporation, Coshocton, Ohio Facility. Proceeding pursuant to the Clean Air Act, as amended. Approval to Construct. EPA-5-A-81-3.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Stone Container Corporation proposes to install a 516.6 million Btu/hr. combination wood waste/natural gas-fired boiler at its Coshocton, Ohio facility. The proposed combination boiler will replace four existing package steam boilers fired by oil and/or natural gas.

2. The proposed combination boiler will provide the entire steam for the plant. The existing No. 5 boiler firing distillate No. 2 fuel will be retained as a stand-by unit to provide heat during the regularly scheduled yearly maintenance shut-down of the main boiler.

3. Stone Container's facility is located in Coshocton County, Ohio. Coshocton County has been designated attainment for total suspended particulate (TSP), carbon monoxide (CO), nitrogen Dioxide (NO_x), ozone (O_3) and sulfur dioxide (SO_2) pursuant to Section 107 of the Act.

4. The proposed modification is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

5. Based on the maximum allowable emissions, the proposed boiler is a major source for TSP, NO_x, HC and CO. The U.S. Environmental Protection Agency (U.S. EPA), Region V, performed a PSD review for TSP, NO_x, HC and CO.

6. Stone Container submitted a PSD application to the U.S. EPA on December 21, 1979. On September 19, 1980, the application was determined to be complete and preliminary approval was granted.

7. On January 9, 1981, notice was published in *The Coshocton Tribune* seeking comments from the public on Stone Container's application and the U.S. EPA's preliminary approval of the proposed modification. No public comments were received and a public hearing was not requested.

6. For particulate emissions, Stone Container proposes to install a multi-cyclone dust collector followed by a wet Venturi scrubber.

9. After review and analysis of the material submitted by Stone Container, the U.S. EPA has determined that the emissions from the proposed Stone Container wood waste/natural gas boiler will not violate the National Ambient Air Quality Standards (NAAQS) within the vicinity of the Stone Container facility. TSP emissions will not exceed the Class II PSD increment.

Conditions for Approval

10. Operation of Boiler No. 5 shall be restricted to the regularly scheduled yearly maintenance period and to emergency shutdowns of the new wood waste combination boiler. At no time should Boiler No. 5 and the combination boiler be allowed to operate simultaneously.

11. The new boiler shall not exceed 516.6 million Btu per hour heat input.

12. The new boiler shall be equipped with a multi-clone followed by a Venturi scrubber. Their combined efficiency for removal of particulate matter shall be no less than 98.5%.

13. Maximum emissions from the new boiler are restricted to the following limitations:

Particulate: 0.06 lbs/MMBtu actual heat input
SO_2: 0.02 lbs/MMBtu actual heat input
CO: 0.20 lbs/MMBtu actual heat input
HC: 0.02 lbs/MMBtu actual heat input
NO_x: 0.36 lbs/MMBtu actual heat input

14. Boilers Nos. 1 through 4 shall be permanently shutdown when operation of the combination boiler commences.

15. The following controls on fugitive emissions shall be implemented and maintained:

(a) wet/oil suppression along unpaved roadways
(b) covered conveyors
(c) tied-down covers on all ash hauling trucks
(d) auxilliary baghouse or reinjection to boiler of particulate emissions from air washer atop ash silo.

16. To assure that the limitations are met, stack testing by means of U.S. EPA-approved methods shall be conducted by the applicant after installation of the appropriate control equipment. A notice of such tests shall be forwarded to the U.S. EPA 30 days prior to the tests' actual performance.

17. The applicant shall not alter the design stack parameters identified in its application including exit gas temperature, exit gas velocity, stack diameter and stack height. The air quality analysis relies heavily on the combination of stack parameters, control devices and emission limitations such that any change in these factors could alter the results of the air quality analysis. Therefore, design changes must receive written authorization of the U.S. EPA.

Conditions 12 and 13 represent the application of BACT as required by Section 165 of the Act. Conditions 16 and 17 are necessary to ensure that on a continual basis, emissions from Stone Container do not violate Class II increments for TSP, and the emission standards established in Condition 12 and 13 are not violated.

Approval

18. Approval to install the combination wood waste/natural gas-fired boiler is hereby granted to the Stone Container Corporation subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by the Company must receive the prior written authorization of U.S. EPA.

19. On December 14, 1979, The United States Court of Appeals for the District of Columbia Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52735, may affect future actions under PSD with respect to the Coshocton, Ohio facility.

20. This approval to construct does not relieve Stone Container of the responsibility to comply with the control strategy and all local State and Federal regulations which are part of the State Implementation Plan.

21. This approval is effective immediately. This approval to construct shall become invalid, if installation of the combination wood waste/natural gas-fired boiler is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced.

22. A copy of this approval has been forwarded to the Coshocton Public Library, Coshocton, Ohio 43812.

Dated: February 27, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21482 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[A-5-FRL-1869-8]

Flambeau Paper Corp., Park Falls, Wisconsin; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulagted thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Flambeau Paper Corporation, Park Falls, Wisconsin.

On December 21, 1980, Flambeau Paper Corporation submitted an application to the Wisconsin Department of Natural Resources (WDNR) for an approval to construct a combination coal-wood fired boiler. The application was submitted pursuant to the regulations for PSD.

On February 27, 1981, Flambeau Paper Corporation was notified that its application was complete and preliminary approval was granted.

On April 15, 1981, the WDNR and U.S. EPA published notice of its decision to grant a preliminary approval to Flambeau Paper Corporation. A public hearing was held by the WDNR on April 15, 1981. No adverse comments were received.

After review and analysis of all materials submitted by Flambeau Paper Corporation, the Company was notified on May 5, 1981, that U.S. EPA had determined that the proposed new construction in Park Falls, Wisconsin would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Flambeau Paper Corporation of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307 (b)(1), petitions for review must be filed . . .

For further information contact David A. Ullrich, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

In the matter of Flambeau Paper Corporation, Park Falls, Wisconsin. Proceeding pursuant to the Clean Air Act, as amended. Approval to Construct. EPA–5–A–81–6.

Authority

The approval to construct is issued to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. Flambeau Paper Corporation proposes to construct a steam generating station at its existing plant in Park Falls, Wisconsin. The proposed plant will include a coal/wood-fired boiler, with a maximum design capacity of 150,000 pounds per hour of steam. The proposed boiler will replace Boiler #2 which will be shut down.

2. Flambeau Paper Corporation is located in Park Falls, Wisconsin, which is designated an attainment area for all criteria pollutants. However, violations of both the primary and secondary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide SO_2 were recorded in 1980. These violations were caused by mill operations at Flambeau Paper Corporation.

3. The proposed construction is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

4. The Wisconsin Department of Natural Resources (DNR) and the Flambeau Paper Corporation have agreed that the proposed coal/wood/fired boiler should undergo review as a nonattainment source for SO_2 emissions.

5. Because of recent violation of the NAAQS for SO_2 at the existing plant, the proposed coal/wood-fired boiler was reviewed as a nonattainment area major source for SO_2, and the lowest allowable emission rate (LAER) must apply. Low sulfur coal will be burned. The sulfur content of the coal burned in the proposed coal/wood-fired boiler shall not exceed .78% sulfur. The sulfur content of the fuel used in the existing Boilers #4 and #5 shall not exceed 3.4% sulfur.

6. The proposed construction and modification of the existing plant is a major modification and is subject to a full PSD review for particulate matter, sulfur dioxide, nitrogen oxides and carbon monoxide. Emissions of particulate matter, nitrogen oxides and carbon monoxide exceed the level of significance. Therefore, best available control technology (BACT) must be utilized for all pollutants from modified or new sources resulting in a net emission increase greater than the specified significance or de-minimus levels. The plant will operate 24 hours a day, 7 days a week, 8,760 hours a year.

7. Flambeau Paper Corporation submitted a PSD application to the Wisconsin Department of Natural Resources on December 21, 1980, additional information was submitted on January 21, 1981 and February 11, 1981. The application was determined to be complete on February 27, 1981.

8. A public hearing was held on April 15, 1981, and no adverse public comments were received during the public comment period.

9. The potential tons per year of controlled emissions from the proposed coal/wood-fired boiler are as follows:

Boiler fired with 80 percent wood, 20 percent coal

Pollutant	Potential emissions (tons per year)
PM	62
SO_2	369
NO_x	746
CO	1014

Boiler fired with 100 percent coal

Pollutant	Potential emissions (tons per year)
PM	80
SO_2	1169
NO_x	679
CO	57

10. For particulate emissions, a multicyclone followed by a venturi scrubber and an impingement separator with an overall control efficiency of 99.0% will be used. The emission limitation will be 0.08# PM/10^6 BTU when firing the normal fuel mix of 80% wood/20% coal or any other wood/coal mix and 0.10# PM/10^6 BTU when firing 100% low sulfur coal. Emissions from the fuel handling facilities which include the coal preparation building, wood hogging and screening building, coal bunker, and wood storage bin has been determined to consist of baghouse filters with a design efficiency of 99.9%. The emission limitation will be 0.1#PM 10^3# gas. This method of control for a combinaiton coal/wood-fired boiler is considered BACT.

11. For sulfur dioxide emissions, an emission limitation of 1.2 #SO_2/10^6 BTU will be met burning a normal fuel mix of 80% wood/20% low sulfur coal without scrubbing. When burning 100% low sulfur coal, a caustic injection system will be utilized to scrub SO_2 from the flue gas. A continuous pH monitor will be utilized in conjunction with stack tests to determine the quantity of caustic to add to the scrubbing liquid in order to meet the emission limitation. This control method is considered LAER.

12. For nitrogen oxides, an emission limitation of 0.7 #NO_2/10^6 BTU has been determined to be appropriate BACT. The limitation will be met by controlling the air-fuel ratios and thus the combustion air temperature.

Excess air will be controlled with a zirconium oxide O_2 analyzer. Nitrogen oxides will also be absorbed by scrubber liquid when caustic is being added to the system. Overall control of 30–50% is expected to occur.

13. No emission limitations for carbon monoxide is applicable. BACT will consist of controlling the amount of excess air.

14. Fugitive dust from the fuel handling system will be controlled by enclosing the coal conveyors and spraying the coal pile(s) with a surfactant as needed to prevent visible emission. Ash will be wetted as it is loaded on the trucks utilized for disposal. All haul roads shall be paved and sprayed to reduce fugitive dust emissions to a minimum.

15. After review and analysis of the material submitted by Flambeau Paper Corporation, the U.S. Environmental Protection Agency (U.S. EPA) has determined that a emissions from the proposed boiler will not violate the NAAQS.

Conditions for Approval

16. Maximum heat input to the boiler shall at no time exceed 249 x 10^6 BTU/hr.

17. The emission rates for particulate shall not exceed the limitation of 0.08 #PM/10^6 BTU when firing the normal fuel mix of 80% wood and 20% low sulfur coal and any other wood and coal mix.

18. The emission rate for particulate shall not exceed the limitation of 0.10 #PM/10^6 BTU when firing 100% low sulfur coal.

19. The emission rate for particulate from the fuel handling facilities, which include the coal preparation building, wood hogging and screening building, coal bunker, and wood storage bin shall not exceed 0.1 #PN/10^3 gas.

20. Sulfur dioxide emissions from the boiler shall not exceed 1.2 #/10^6 BTU, when burning 100% coal or any combination of coal/wood fuel.

21. A continuous pH monitor shall be used when burning 100% low sulfur coal; in conjunction with stack tests to determine the quantity of caustic to add to the scrubbing liquid.

22. A caustic injection system shall be used to scrub SO_2 from the flue gas.

23. The sulfur content of the coal burned in the proposed boiler shall not exceed .78% sulfur, on a 24 hour basis.

24. The sulfur content of the fuel used in existing Boilers #4 and #5 shall not exceed 2.4% sulfur, on a 24 hours basis.

25. The operation of Boiler #2 shall cease and be shut down prior to start-up of the proposed coal/wood-fired boiler. SO_2 emissions shall be offset by a decrease of 2,592 tons of SO_2 per year from the existing mill.

26. The mill modernization project shall be completed prior to the start-up of the proposed coal/wood-fired boiler. The emissions from the digester blow tank, sulfur burner, six stage evaporators, and other SO_2 sources covered under the modernization project shall be vented through a wet scrubber which has a minimum of 90% control efficiency. The SO_2 emissions from the scrubber shall be limited to 65.4 pounds per hour. These emissions shall be vented at a height of 132.5 feet above ground.

27. The emission rate for nitrogen oxides shall not exceed the limitation of 0.7 #NO_x/10^6 BTU. The air-fuel ratio and the air temperature will be controlled.

28. A zirconium oxide O_2 analyzer shall be used to control excess air.

29. Nitrogen oxides will be absorbed by scrubber liquid when caustic is being added to the system. Overall control of 30–50% is expected to occur.

30. No emission limitations for carbon monoxide is applicable. BACT will consist of controlling the amount of excess air.

31. There shall be no visible emissions from coal conveyors, coal elevators, or coal piles.

32. There shall be no emissions from the rail car receiving hopper.

33. The unloading of coal rail cars shall be executed in an enclosed building. Coal handling and processing (crushers, conveyors, transfer points, and bunkers) will be enclosed.

34. Emissions from the coal storage silos shall be controlled and shall not exceed 0.03 grains per cubic foot of displaced air.

35. Ash shall be wetted whenever it is loaded on the trucks utilized for disposal.

36. The trucks utilized for ash disposal shall be covered securely to prevent ash from

becoming airborne, and there shall be no visible emission.

37. All haul roads shall be paved and sprayed, as needed, to minimize fugitive dust emissions.

38. Based on the proposed boiler building dimensions, a 175 foot stack will be constructed.

Conditions 16 through 19 represent the application of BACT as required by Section 165 of the Act. Conditions 20 and 25 are necessary to ensure that on a continual basis, emissions from Flambeau Paper Corporation do not violate Class II increments for SO_2.

Approval

39. Approval to construct a steam generating plant is hereby granted to Flambeau Paper Corporation subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by the Company, must receive the prior written authorization of U.S. EPA and the Wisconsin DNR.

40. On December 14, 1979, the U.S. Court of Appeals for the D.C. Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle* (76–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52735, may affect future actions under PSD with respect to the steam generating plant.

41. This approval to construct does not relieve Flambeau Paper Corporation of the responsibility to comply with the control strategy and all local, State and Federal requirements.

42. This approval is effective immediately. This approval to construct shall become invalid, if construction of the steam generating plant is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced and five days after operations commence.

43. A copy of this approval has been forwarded to the Wisconsin Department of Natural Resources, Bureau of Air Management, P.O. Box 7921, Madison, Wisconsin 53707 and the Northwest District Office, P.O. Box 309, Spooner, Wisconsin 54801.

Dated: May 5, 1981

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21401 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-5-FRL-1882-1]

City of Detroit; Central Industrial Park Project—Detroit, Michigan; Applicability of New Source Review Regulations

AGENCY: Environmental Protection Agency, Region V.

ACTION: Final determination.

EFFECTIVE DATE: April 29, 1981.

SUMMARY: On April 24, 1981, the City of Detroit requested a formal determination from the United States Environmental Protection Agency (U.S. EPA) under the Agency's regulations for the Prevention of Significant Deterioration (PSD) and certain nonattainment area regulations (40 CFR 51.18) with regard to site clearing activities then being undertaken by the City of Detroit in conjunction with the Central Industrial Park Project. Set forth below is the Agency's April 29, 1981, determination of applicability.

As noted in the letter below, this determination may now be considered final agency action. As such, judicial review is available only by the filing of a petition for review in the United States Circuit Court of Appeals for the appropriate circuit within sixty (60) days from the date of this notice (September 21, 1981).

FOR FURTHER INFORMATION CONTACT: Louise C. Gross, Attorney, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

United States Environmental Protection Agency, Region V

April 29, 1981.

Joseph M. Polito, Esquire,
Honigman, Miller, Schwartz and Cohen, 2290 First National Building, Detroit, Michigan.

Re: City of Detroit/General Motors Corporation, Central Industrial Park Project

Dear Mr. Polito: We are in receipt of your letter dated April 24, 1981, in which you have requested a formal determination from the United States Environmental Protection Agency (U.S. EPA) under the Agency's regulations for the Prevention of Significant Deterioration (PSD) (40 CFR 52.21) and certain nonattainment area regulations (40 CFR 51.18). More specifically, you have inquired as to whether either of these Federal rules prohibits the site clearing activities currently being undertaken by the City of Detroit in conjunction with the Central Industrial Park Project. After reviewing the information provided in your letter, as well as the applicable regulations, we have determined that the cited demolition activities do not fall within the Federal definitions of "begin actual construction" and are thus not prohibited by the Federal PSD or nonattainment regulations in question.

As you are aware, under the PSD rules, no subject stationary source or modification can "begin actual construction" prior to issuance of the appropriate permit. 40 CFR 52.21(i). On December 16, 1976, the Agency articulated its policy as to which activities could be conducted prior to receiving a necessary PSD permit. In a memorandum from Edward E. Reich, Director of the Division of Stationary Source Enforcement, to the ten U.S. EPA Regions, Mr. Reich concluded that certain limited activities would be allowed in all cases, and that this included site clearing. The memorandum distinguished those activities of a preparatory nature from those of a permanent nature (such as installation of building supports) for which a permit would be a prerequisite. Mr. Reich further stated that any such activities undertaken prior to permit issuance would be solely at the owner's or operator's risk. A copy of this document is attached for your information.

Under the August 7, 1980 PSD regulations, "begin actual construction" is defined as follows:

"Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit *which are of a permanent nature.* Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to change in method of operation, this term refers to those *on-site activities other than preparatory activities* which mark the initiation of the change. 40 CFR 52.21(b)(11), 45 FR 52736. Emphasis added.

This definition is based upon Mr. Reich's December 16, 1976 memorandum, and was intended to embody in regulatory form the Agency's policy that site preparation activities do not trigger Federal PSD requirements.

In addition to defining "begin actual construction," the new PSD rules of August 7, 1980, also define the term "construction." 40 CFR 52.21(b)(8). This definition does include "demolition." It was not adopted, however, to subject site preparation activities to permit requirements. Rather, one purpose of this inclusion was to enable emission reductions resulting from demolition at major sources occurring after January 6, 1975, to be added to the available PSD increment. See 45 FR 52719–20, August 7, 1980.

In conclusion, U.S. EPA's PSD regulations do not prohibit the site clearing activities described in your April 24, 1981 letter without a permit, since the actions do not fall within the Federal definition of "begin actual construction." This definition is consistent with Mr. Reich's December 16, 1976 memorandum and is not affected by the addition of the term "demolition" to the definition of "construction."

In addition, the nonattainment regulations at 40 CFR 51.18 would not prohibit the demolition in question. Unlike the PSD regulations, they do not contain a prohibition against construction without a permit which applies directly to specific projects. Rather, 40 CFR 51.18 describes the elements that a State program for nonattainment new source review must contain in order to warrant U.S. EPA approval. Even if 40 CFR 51.18 did apply directly to specific projects, however, it would still not prohibit the demolition in this case because demolition does not fall within the phrase "begin actual construction" for nonattainment, as well as PSD, purposes. Although 40 CFR 51.18 does contain a definition of "construction" which encompasses "demolition," U.S. EPA did not intend to render demolition a permittable event. The Agency included the definition of "construction" in an effort to be consistent with the PSD regulations.

Please be advised that this determination may be considered final agency action on your request for a final determination. As such, it will be published in the Federal Register. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action will be available only by the filing of a petition for review in the United States Circuit Court of Appeals for the appropriate circuit within 60 days of Federal Register publication.

Sincerely yours,

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21402 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

Organization and Functions

AGENCY: Federal Maritime Commission.

ACTION: Notice of Change of Bureau Name.

SUMMARY: Notice is given of redesignation of the Bureau of Investigation and Enforcement as the Bureau of Hearings and Field Operations.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: John Robert Ewers, 202–523–5783.

SUPPLEMENTARY INFORMATION: As a result of a redesignation of Bureau name on July 14, 1981 by the Chairman of the Federal Maritime Commission: The Bureau of Investigation and Enforcement is now The Bureau of Hearings and Field Operations (Effective July 14, 1981)

The renamed Bureau has the same authority as its predecessor, including the authority to compromise, assess, settle and collect civil penalties under 46 CFR part 505 and to appear in formal proceedings under Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42). Appropriate changes to the rules, regulations and others will appear soon.

Within the new Bureau, there have been designated the Office of Hearing Counsel and the Office of Investigations.

Accordingly, all communications and references to the Bureau should be addressed to and use the new name at the same address: 1100 L Street, NW., Washington, D.C. 20573, Tel: (202) 523–5783.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21443 Filed 7-21-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American Bancshares of Houma, Inc., Acquisition of Bank

American Bancshares of Houma, Inc., Houma, Lousiana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 64.5 percent of the voting shares of American Bank and Trust Company of Houma, Houma, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be reserved not later than August 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21395 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 10, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (real estate lending activities; California): to expand the activities of two existing offices of its indirect subsidiary, Citicorp Homeowners, Inc., located in the cities of Van Nuys and Riverside, California. The proposed activities are the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit secured by liens on residential real estate. Previously approved activities of these offices are the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate. The previously approved service areas of the offices, comprised of the entire State of California, would be the same for the new activities.

Citicorp, New York, New York (real estate lending activities District of Columbia and the following states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wyoming): to expand the activities of four existing offices of its subsidiary, Citicorp Homeowners, Inc., located in Denver, Colorado, Atlanta, Georgia, Dallas, Texas and Annandale, Virginia, and to expand the service areas of three of these offices. The proposed new activity for all four offices would be the making, acquiring, and servicing, for its own account and for the account of

others, of extensions of credit secured by liens on residential real estate. The previously approved activities of the offices include the originating, for its own account and the account of others, of 1–4 family residential mortgage loans. The Denver office also engages in the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate. The proposed activities would be conducted in the District of Columbia and the following states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wyoming.

The Chase Manhattan Corporation, New York, New York (financing, servicing, insurance activities and sale of travelers checks at retail; California): to engage, through its subsidiary, Chase Manhattan Financial Services, Inc. in the making or acquisitioin for its own account and for the account of others, secured loans and other extensions of credit, including but not limited to, consumer and business lines of credit, installment loans for personal, household and business purposes, servicing of loans and other extensions of credit; the sale of travelers checks at retail; and acting as insurance agent for credit life, disability and property insurance directly related to such lending and servicing activities. These activities would be conducted from an office in San Diego, California, serving the State of California.

Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

First Arkansas Bankstock Corporation, Little Rock, Arkansas (real estate appraisal activities; Arkansas): to engage through its subsidiary, National Credit Corporation, in the activity of performing appraisals of all types of real estate. These activities would be conducted from an office in Pine Bluff, Arkansas, serving the State of Arkansas. Comments on this application must be received not later than August 3, 1981.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (data processing activities; Ohio, Georgia, Flordia, Alabama, Tennessee, Mississippi and Louisiana): to engage, through its subsidiary, Decimus Corporation, in storing and processing banking, financial or related economic data. Such activities will include, but not be limited to, account reconciliation, deposit accounting, general ledger accounting, loan accounting, credit union accounting and providing payroll, accounts receivable and payable, billing and other similar data processing services. These activities will be conducted from an existing data center located in Piscataway, New Jersey, and will be conducted in the States of Ohio, Georgia, Flordia, Alabama, Tennessee, Mississippi, and Louisiana.

Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; West Virginia, Maryland, Pennsylvania, and Virginia): to engage, through its indirect subsidiary, FinanceAmerica Corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company: servicing loans and other extensions of credit; and offering credit-related life and credit-related accident and health insurance; credit-related property insurance will not be offered in the states of West Virginia, Maryland, Pennsylvania, or Virginia. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from existing offices in Fairmont, West Virginia, serving the entire State of West Virginia; Martinsburg, West Virginia, serving the entire States of West Virginia, Maryland, and Virginia; and Morgantown, West Virginia, serving the entire States of West Virginia, Maryland, and Pennsylvania.

Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21400 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens and Southern International Bank; Relocaton of Home Office and Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Citizens and Southern International Bank, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under section 25(a) to relocate its home office to Atlanta, Georgia, and has also applied under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Miami, Florida. Citizens and Southern International Bank operates as a subsidiary of Citizens and Southern National Bank, Atlanta, Georgia.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application maybe inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21396 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Fidelity Corp.; Formation of Bank Holding Company

Fidelity Corp., Carmel, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Fidelity Bank of Indiana, Carmel, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21397 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Palos Bancshares, Inc.; Formation of Bank Holding Company

Palos Bancshares, Inc., Palos Heights, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Palos Bank and Trust Company, Palos Heights, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21399 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Southeastern Bancshares, Inc.; Formation of Bank Holding Company

Southeastern Bancshares, Inc., Cartersville, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Cartersville, Cartersville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21398 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of May 18, 1981

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on May 18, 1981.[1]

The information reviewed at this meeting suggests that real GNP will grow much less rapidly in the current quarter, following the substantial expansion in the first quarter; prices on the average have continued to rise rapidly, although somewhat less so most recently than earlier in the year. The dollar value of total retail sales increased slightly further in March, but it declined appreciably in April when sales of new cars fell in response to the ending of price concessions. Industrial production rose moderately in both months, while nonfarm payroll employment changed little, after adjustment for strikes, and the unemployment rate was stable at 7.3 percent. In March housing starts remained at a reduced pace. Over the first four months of 1981, the rise in the index of average hourly earnings was slightly less rapid than during 1980.

The weighted average value of the dollar against major foreign currencies has risen steadily since the end of March to its highest level in three and a half years. The U.S. trade deficit declined sharply in March, bringing the first-quarter deficit to a level well below the 1980 average.

Growth in M–1B, adjusted for the estimated effects of shifts into NOW accounts, accelerated sharply in April and growth in M–2 remained rapid. Since March, both short-term and long-term market interest rates have risen substantially. On May 4 the Board of Governors announced an increase in Federal Reserve discount rates from 13 to 14 percent and an increase in the surcharge from 3 to 4 percentage points on frequent borrowings of large institutions.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote economic growth, and contribute to a sustainable pattern of international transactions. At its meeting in early February, the Committee agreed that these objectives would be furthered by growth of M–1A, M–1B, M–2, and M–3 from the fourth quarter of 1980 to the fourth quarter of 1981 within ranges of 3 to 5½ percent, 3½ to 6 percent, 6 to 9 percent, and 6½ to 9½ percent respectively, abstracting from the impact of introduction of NOW accounts on a nationwide basis. The associated range for bank credit was 6 to 9 percent. These ranges will be reconsidered as conditions warrant.

In the short run the Committee seeks behavior of reserve aggregates consistent with a substantial deceleration of growth in M–1B from April to June to an annual rate of 3 percent or lower, after allowance for the impact of flows into NOW accounts, and with growth in M–2 at an annual rate of about 6 percent. The shortfall in growth of M–1B from the two-month rate specified above would be acceptable, in light of the rapid growth in April and the objective adopted by the Committee on March 31 for growth from March to June at an annual rate of 5½ percent or somewhat less. It is recognized that shifts into NOW accounts will continue to distort measured growth in M–1B to an unpredictable extent, and operational reserve paths will be developed in the light of evaluation of those distortions. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 16 to 22 percent.

By order of the Federal Open Market Committee, July 15, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-21338 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of May 18, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y

(12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and request for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 12, 1981.

Federal Reserve Bank of Boston (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, London England (financing and insurance activities; Alabama, Louisiana, New Mexico, Texas, Washington, and Wyoming): to engage through their subsidiaries—BarclaysAmerican-Corporation, a North Carolina corporation ("BAC"), Barclays American/Credit, Inc., a North Carolina corporation ("BACI"), BarclaysAmerican/Financial, Inc., a North Carolina corporation ("BAFI"), and BarclaysAmerican/Industrial Loan Company, a Washington corporation ("BAIL")—in (i) making direct consumer loans including loans secured by real estate, and purchasing of sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning) and (ii) acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from offices of BAC located in Alexandria, Louisiana, serving the City of Alexandria, and Casper, Wyoming serving the city of Casper; offices of BACI located in Mobile, Alabama, and Huntsville, Alabama, serving an area within a 25-mile radius of Mobile; offices of BAFI in Roswell, New Mexico, serving an area within a 25-mile radius of Roswell; Santa Fe, New Mexico, serving the City of Santa Fe; San Antonio, Texas, serving the City of San Antonio; Tacoma, Washington, serving the City of Tacoma; Vancouver, Washington, serving the City of Vancouver; and offices of BAIL located in Tacoma, Washington, Vancouver, Washington, serving the cities of Tacoma and Vancouver.

The Chase Manhattan Corporation, New York, New York (financing and leasing activities; Florida): to engage, through its indirect subsidiary, Chase. Commercial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances and over-advances on receivables and inventory and business installment lending as well as unsecured commercial loans; servicing loans and other extensions of credit; leasing on a full payout basis and in accordance with the Board's Regulation Y, or acting as agent, broker or adviser in leasing personal property, including motor vehicles. These activities would be conducted from an office in Tampa, Florida, serving the State of Florida.

Federal Reserve Bank of Cleveland (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101: Mellon National Corporation, Pittsburgh, Pennsylvania (financing and leasing activities; Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Kentucky, Missouri, and New Jersey): to engage through its subsidiary, Freedom Financial Services Corporation, in commercial lending and including accounts receivable and inventory financing and leasing activities. These activities will be conducted from an office in Oak Brook, Illinois, serving the ten states listed in the caption to this notice.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690: Irwin Union Corporation, Columbus, Indiana (mortgage banking activities; Florida, Illinois, Maryland, Virginia and the District of Columbia): to engage, through its subsidiary Inland Mortgage Corporation, in mortgage banking activities, including the origination of first mortgage loans on single family residences, second mortgage loans, multi-family mortgage loans, and commercial mortgage loans. Such activities would be conducted from offices of the subsidiary located in Westmont, Illinois; Tampa, Florida; Camp Springs, Maryland; Lanham, Maryland; and Woodbridge, Virginia, serving the States of Florida, Illinois, Maryland, and Virginia and the District of Columbia. Comments on this application must be received not later than August 10, 1981.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21339 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 15, 1981.

Federal Reserve Bank of New York (A. Marshall Pucket, Vice President) 33 Liberty Street, New York, New York 10045:

Correction

Citicorp, New York, New York, (consumer lending-related activities, Maryland): This notice corrects a previous Federal Register notice (FR Doc. 18-19845), published at page 35186 of the issue for Tuesday, July 7, 1981. The previous notice requested comments be sent to the Federal Reserve Bank of Boston. They should be sent to the Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Imperial Bancorp, Inglewood, California (data processing activities, Virginia, California; management consulting activities, Virginia): to engage through its subsidiaries, Imperial Data Resources-Virginia, Inc., Imperial Data Resources Services, Inc., in the activities of providing data processing services to affiliates of Imperial Bancorp and to other persons; and through its subsidiary Imperial Data Resources-Virginia, Inc., in providing management consulting services to nonaffiliated banks. The data processing activities will be conducted from offices in Richmond, Virginia, and Los Angeles, California, serving Virginia and California. The management consulting activities will be conducted from an office in Richmond, Virginia, serving the Commonwealth of Virginia.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21300 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 15, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activities and insurance activities; Georgia): to continue to hold the shares of Termplan Incorporated of Georgia ("Termplan") after Termplan establishes a *de novo* office from which Termplan would engage in the activities of arranging, making, or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, and from which Termplan would engage in the activities of purchasing installment sales finance contracts, and acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. Tempco Life Insurance Company would reinsure such credit life and accident and health insurance. These activities would be conducted from a *de novo* office located at Perimeter Center, 245 Perimeter Center Parkway, Atlanta, Georgia 30338, and serving the following counties: Pickens, Cherokee, Cobb, Dawson, southwestern Hall, Forsyth, Fulton, Coweta, Douglas, Carroll, Barton, western Jackson, DeKalb, Gwinnett, western Oconee, Walton, Clayton, Newton, Haralson, eastern Polk, Paulding, southeastern Floyd, Henry, northwestern Jasper, Butts, northwestern Monroe, northern Lamar, Fayette, Pike, northern Meriwether, southeastern Gordon, northeastern Heard.

Manufacturers Hanover Corporation, New York, New York (relocation of office and expansion of service area; Oklahoma): to continue to hold the shares of Termplan Incorporated of Oklahoma ("Termplan") after Termplan relocates an office which is authorized to engage in consumer finance, sales finance, home equity lending, and credit related insurance activities and is located at 6123 East 31 Street, Tulsa, Oklahoma 71435, to Copper Oaks Office Park, 7030 South Yale, Suite 103, Tulsa, Oklahoma 74177, and expands the service area of the office. The new office will serve customers in Washington, Rogers, Mayes, Creek, Tulsa, Wagoner, Okmulgee, Muskogee, south-central Osage, southwestern Craig, southeastern Pawnee, south-central Nowata, eastern Payne, western Cherokee, northeastern Lincoln, northern McIntosh, and northeastern Okfuskee counties, Oklahoma.

Other Federal Reserve Banks: None

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21301 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc.; Acquisition of Bank

Commercial Bancshares, Inc., Mitchell, South Dakota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Sanborn County Bank, Woonsocket, South Dakota. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21336 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Deer Lodge Holding Co.; Formation of Bank Holding Company

Deer Lodge Holding Company, Butte, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 90.057 percent of the voting shares of Deer Lodge Bank and Trust Company, Deer Lodge, Montana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21340 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares, less director's qualifying shares, of the successor by merger to Paris Bank of Texas, Paris, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21341 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Gulfstream Banks, Inc.; Acquisition of Bank

Gulfstream Banks, Inc., Boca Raton, Florida, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge its wholly-owned subsidiary, Gulfstream Merger Corporation, with Summit Banking Corporation, Tamarac, Florida, a registered bank holding company, and thereby acquire indirectly, ownership of 90 percent of the voting shares of Summit Bank, Tamarac, Florida, the subsidiary of Summit Banking Corporation. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

In addition to the factors considered under § 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in § 4 of the Act (12 U.S.C. § 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21342 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Lawton Financial Corp.; Formation of Bank Holding Company

Lawton Financial Corp., Lawton, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.12 per cent of the voting shares of Citizens Bank, Lawton, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21343 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Oppegard Agency, Inc.; Acquisition of Bank

Oppegard Agency, Inc., Hinckley, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 98 per cent of the voting shares of Twin Valley State Bank, Twin Valley, Minnesota; 83.375 per cent of the voting shares of Clay County State Bank, Dilworth, Minnesota; and 91.933 per cent of American State Bank of Erskine, Erskine, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21337 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Provident National Corp.; Proposed Acquistion of L.S. Consulting Corp.

Provident National Corporation, Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire through its subsidiary, Provident National Investment Corporation, 51 per cent or more of the voting shares of L.S. Consulting Corp., Philadelphia, Pennsylvania d/b/a Littlewood Shain & Company).

Applicant states that L.S. Consulting Corp., would provide management consulting advice to non-affiliated banks and bank-related indutry associations. These activities would be performed from offices of L.S. Consulting Corp., in Philadelphia, Pennsylvania serving the entire United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 13, 1981.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-21344 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

The Federal Employee Alcoholism Programs Work Group; Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of August 1981.

The Federal Employee Alcoholism Programs Work Group—Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

August 10; 1:00–4:00 p.m. Open

Conference Rooms 303–305–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201

Contact: Ms. Lisa Teems, Room 509–F, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 245–7153

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group: (1) evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and (4) submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on the development of standards for consortia, a discussion on the benefits and disadvantages of contracted EAP services vs. in-house programs, a report on regional FEAP activities, and reports by Federal agencies.

Substantive program information may be obtained from the contact person listed above. Summary of the meeting and roster of Committee members may be obtained from Mr. Leland H. Towle, Executive Secretary, National Institute on Alcoholism and Alcohol Abuse, Room 16C–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2593.

Dated: July 16, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-21323 Filed 7-21-81; 8:45 am]

BILLING CODE 4110-88-M

Health Resources Administration

Nurse Training National Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1981:

Name: National Advisory Council on Nurse Training

Date and Time: September 14–16, 1981

Place: Conference Room G–20, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

Open September 14, 9:00 a.m.–12:15 p.m.

Closed September 14, 1:00 p.m. for remainder of meeting

Purpose. The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda. Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Acting Administrator, the Acting Director, Bureau of Health Professions (BHPr), the Financial Management Officer, BHPr, the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on

September 14, 1981, at 1:00 p.m., for the remainder of the meeting for the review of grant applications for advanced nurse training grants, national research service awards, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources Administration, Room 3–50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6861.

Agenda items are subject to change as priorities dictate.

Dated: July 16, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81–21322 Filed 7–21–81; 8:45 am]

BILLING CODE 4110–83–M

National Institutes of Health

Establishment of Advisory Committees

The Acting Director, National Institutes of Health, announces the establishment on June 26, 1981, of the advisory committees indicated below by the Director, National Cancer Institute, under the authority of section 404(b)(3) of the Public Health Service Act [42 U.S.C. 285(b)(3)]. Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Cancer Resources and Repositories Contracts Review Committee. This committee shall advise the Director, NCI, and the Directors, Division of Cancer Treatment; Division of Cancer Cause and Prevention; Division of Cancer Biology and Diagnosis; and Division of Resources, Centers, and Community Activities concerning the scientific merit of proposals for contracts that will contribute to the development of NCI programs through the establishment and maintenance of the said response and repositories.

Developmental Therapeutics Contracts Review Committee. This committee shall advise the Director, NCI, and the Director, Division of Cancer Treatment, concerning the scientific merit of proposals for contracts that will contribute to the development of chemotherapeutically useful anti-cancer agents and biological response modifiers through research in molecular biology, biochemistry, pharmacology, clinical oncology, experimental therapeutics, medicinal chemistry, radiobiology, immunochemistry and immunobiology.

Authority for these committees shall terminate on June 26, 1983, unless renewed by appropriate action as authorized by law.

Dated: July 14, 1981.

Thomas E. Malone, Ph.D.,

Acting Director, NIH.

[FR Doc. 81–21361 Filed 7–21–81; 8:45 am]

BILLING CODE 4110–08–M

Renewal of NIH Public Advisory Committees

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776, October 6, 1972), the National Institutes of Health announces the renewal by the Secretary, HHS, with the concurrence of the Committee Management Secretariat, General Services Administration, of the following committees:

Allergy, Immunology and Transplantation Research Committee [1]
Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
Biopsychology Study Section
Blood Diseases and Resources Advisory Committee
Board of Scientific Counselors, NEI
Board of Scientific Counselors, NHLBI
Board of Scientific Counselors, NIAID
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Clinical Applications and Prevention Advisory Committee
Clinical Trials Review Committee
Communicative Sciences Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Immunobiology Study Section
Microbiology and Infectious Diseases Advisory Committee
National Advisory Allergy and Infectious Diseases Council
National Advisory Eye Council
National Heart, Lung and Blood Advisory Council
Neurology A Study Section
Physiological Chemistry Study Section
Pulmonary Diseases Advisory Committee
Radiation Study Section
Research Manpower Review Committee
Sickle Cell Disease Advisory Committee
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Vision Research Program Committee

Authority for the above committees will expire on June 30, 1983, unless the Secretary formerly determines that continuance is in the public interest.

Dated: July 14, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 81–21360 Filed 7–21–81; 8:45 am]

BILLING CODE 4110–08–M

[1] Formerly Allergy and Clinical Immunology Research Committee and the Transplantation Biology and Immunology Committee.

Social Security Administration

Privacy Act of 1954; Report of New Routine Uses

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: New routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to establish new routine uses of information in the Privacy Act system of records entitled Earnings Recording and Self-Employment Income System, HHS, SSA, OEER, 09–60–0059. The proposed new routine uses will provide for disclosure of Internal Revenue Service tax return information to—

(1) the Department of Agriculture, upon request, and State food stamp agencies, upon written request, for determining an individual's eligibility for, and amount of, benefits under the food stamp program; and

(2) State or local child support enforcement agencies, upon written request, for purposes of establishing and collecting child support obligations from, and locating, individuals who owe such obligations.

As explained in the supplementary information section below, we are proposing these disclosures pursuant to recent amendments to section 6103 of the Internal Revenue Code, as amended, which governs disclosure of tax return information.

The purpose of this notice is to provide public awareness of the proposal and meet the technical requirements of the Privacy Act. We invite public comments on this proposal.

DATES: The proposed routine uses will become effective, as proposed, without further notice on August 21, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESSES: Individuals may comment on this proposal by writing to the SSA Privacy Officer, Social Security Administration, 3–F–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard A. Oehlers, Chief, Privacy Branch, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–6978.

SUPPLEMENTARY INFORMATION: We maintain and use Internal Revenue Service tax return information (e.g., wage data, self-employment income data, and payments of retirement income which have been disclosed to SSA) in the administration of our programs. Our use of this information is subject to the provisions of section 6103 of the Internal Revenue Code of 1954, as amended. Basically, section 6103 limits our use of tax return information to that which we need to administer social security programs, and to assist the States in administering the Aid to Families with Dependent Children program and (on a limited basis) the Child Support Enforcement program. Congress, however, recently enacted two laws which broaden our use of tax return information as indicated below. We are proposing to adopt these new uses as routine uses under the Privacy Act.

A. On May 26, 1980, Congress enacted Pub. L. 96–249, the Food Stamp Act Amendments of 1980. Section 127 (A) and (B) of this law provides that SSA may disclose tax return information, upon request, to the Department of Agriculture, and upon written request, to State food stamp agencies for determining an individual's eligibility for, or amount of, benefits under the food stamp program. Accordingly, we are proposing the following statement of routine use:

SSA may disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, and payments of retirement income which have been disclosed to SSA),

(a) Upon request, to officers and employees of the Department of Agriculture, and

(b) Upon written request, to officers and employees of a State food stamp agency,

for purposes of, and to the extent necessary in, determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

Although we are proposing to disclose tax return information to State food stamp agencies for the purposes stated above, we will do so only upon receipt of a written request from the State food stamp agencies.

B. Congress enacted Pub. L. 96–265, the Social Security Disability Amendments of 1980, on June 9, 1980. Section 408 of this law mandates SSA to disclose tax return information, upon written request, to officers and employees of a State or local child support enforcement agency for purposes of establishing and enforcing child support obligations and locating individuals owing such obligations under programs established under title IV–D of the Social Security Act (42 U.S.C. 651ff). In accordance with this provision, we are proposing the following statement of routine use:

Upon written request from appropriate officers and employees of a State or local child support enforcement agency, the Social Security Administration will disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income, and business and employment addresses) to those officers or employees for purposes of, and to the extent necessary in,

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals,

under a program established under title IV–D of the Social Security Act (42 U.S.C. 651ff).

We are proposing the above statements of routine use in accordance with the Privacy Act and our regulation 20 CFR Part 401 (**Federal Register**, November 13, 1980, pp. 74908–74918). Both permit us to disclose information under a routine use for use in other programs which are compatible with our own programs, or if disclosure is required by law. We consider other programs compatible when they concern determining an individual's eligibility for, or amount of, cash or noncash benefits or health services. The food stamp program is a noncash benefit program and is therefore, compatible with our programs. Also, Pub. L. 96–249 permits us to disclose tax return information for its administration. Thus, it is appropriate to make the disclosures under a routine use. Disclosure of tax return information in connection with the child support enforcement program, established under 42 U.S.C. 651ff, is required by Pub. L. 96–265 and thus it is equally appropriate for us to make those disclosures under a routine use.

Since we have prepared this proposal in accordance with the Privacy Act of 1974 and our regulation 20 CFR Part 401, we do not anticipate that any disclosure under the proposed routine uses would have an adverse effect on the privacy rights of individuals.

Dated: July 2, 1981.

John A. Svahn,

Commissioner of Social Security.

09–60–0059

SYSTEM NAME:

Earnings Recording and Self-Employment Income System HHS SSA OEER.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed from this system as indicated below:

1. Employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security purposes.

2. The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of social security checks and for tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.

3. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

4. The Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

5. The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for National security matters and in connection with threats on the life of the President or other dignitaries.

6. Energy Research and Development Administration for their study of low-level radiation exposure.

7. Congressional Office from the record of an individual in respose to an inquiry from the congressional office made at the request of that individual.

8. The Department of State for administering the Social Security Act in foreign countries; the American Institute on Taiwan for administering the Social Security Act on Taiwan; and the Veterans Administration Regional Office, Philippines for administering the Social Security Act in the Philippines; through facilities and services of those agencies.

9. State Audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

10. In the event of litigation where the defendant is (a) the Department of Health and Human Services (DHHS), any component of DHHS or any employee of DHHS in his or her official capacity, (b) the United States where DHHS determines that the claim, if successful, is likely to directly affect the operations of DHHS or any of its components, or (c) any DHHS employee in his or her individual capacity where the Justice Department has agreed to represent each employee, DHHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

11. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

12. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Secuity Act may be disclosed to a foreign country which is a party to that agreement.

13. Information pertaining to wages and self-employment income may be disclosed in response to requests from State welfare agencides under Sections 402(a)(29) and 411 of the Social Security Act for determining an individual's eligibility for aid or services under State plans for Aid to Families with Dependent Children and the amount of such aid or services.

14. To Federal, State, or local agencies (or agents on their behalf) for the purpose of validating social security numbers used in administering cash or noncash income maintenance or health maintenance programs.

15. The Social Security Administration may disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, and payments of retirement income which have been disclosed to SSA).

(a) Upon request, to officers and employees of the Department of Agriculture and,

(b) Upon written request, to officers and employees of a State food stamp agency,

for the purposes of, and to the extent necessary in, determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

16. Upon written request from appropriate officers and employees of a State or local child support enforcement agency, SSA will disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income, and business and employemnt addresses) to those officers or employees for purposes of, and to the extent necessary in,

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals, under a program established under title IV–D of the Social Security Act (42 U.S.C. 651ff).

* * * * *

[FR Doc. 81-21302 Filed 7-21-81; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2068, Block 64, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25, of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21429 Filed 7-21-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3540, Block 330, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Suvey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21428 Filed 7-21-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Producing Texas & New Mexico Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2404, Block A–283, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21430 Filed 7-21-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1442, Block 27, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21431 Filed 7-24-81; 8:45 am]
BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Radioactive Tracer Studies on the North Fork Licking River near Utica, Ohio

ACTION: Notice of availability of environmental documents prepared for a proposed USGS radioactive tracer study on the North Fork Licking River Near Utica, Ohio.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessment (EA) and finding of no significant impact (FONSI) prepared by the USGS for the following radioactive tracer study proposed on the North Fork Licking River near Utica, Ohio. The EA and FONSI are available for review for 30 days following publication of this notice.

Operator/activity	Location	FONSI-date
USGS/Comparing Radioactive and Hydrocarbon Gas Methods for Measuring Reaeration Coefficients.	North Fork Licking River near Utica, Ohio.	6/30/81

Persons interested in reviewing environmental documents for the proposed study listed above or obtaining information about the EA or FONSI prepared for activities on the North Fork Licking River are encouraged to contact the USGS office listed below.

FOR FURTHER INFORMATION CONTACT: Janet Hren, Project Chief, U.S. Geological Survey, Ohio District Office, 975 West Third Avenue, Columbus, Ohio 43212, (614) 469–5553.

SUPPLEMENTARY INFORMATION: The EA examines the potential environmental effects of activities described in the proposal and USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102 (2)(c). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Dated: July 13, 1981.

Steven M. Hindall.

[FR Doc. 81-21433 Filed 7-21-81; 8:45 am]
BILLING CODE 4310-31-M

Bureau of Land Management

Arizona Strip District Multiple Use Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Multiple Use Council will meet on Monday and Tuesday, August 24 and 25, 1981 to visit Wilderness Study Areas in the Shivwits Resource Area of the Arizona Strip District.

DATES: August 24 and 25, 1981.

ADDRESS: The Federal Building, 196 East Tabernacle Street, St. George, Utah 84770.

SUPPLEMENTARY INFORMATION: The meeting will be a 2-day tour of selected

Wilderness Study Areas in the Shivwits Resource Area in northwestern Arizona. The Council will depart from the Federal Building at 196 E. Tabernacle Street in St. George, Utah at 8:00 a.m. on Monday, August 24, 1981 and return on Tuesday, August 25, 1981.

The Council will advise the District Manager regarding the application of the wilderness study criteria to the Wilderness Study Areas in the Shivwits Resource Area.

Interested persons are welcome to join the tour. However, the District can only guarantee transportation for Council Members.

FOR FURTHER INFORMATION CONTACT: Billy R. Templeton, 196 E. Tabernacle St., St. George, Utah 84770, (801) 673-3545.

Billy R. Templeton,

District Manager, Arizona Strip District.

[FR Doc. 81-21440 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Public Land Exchange; Elmore County, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action supplement—exchange, public lands in Elmore County, Idaho.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange (casefile No. I-16857) under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. This addition of public lands helps to equalize land value for the exchange:

Bell Rapids Lands

	Acres
Boise Meridian:	
T. 6 S., R. 12 E.,	
Section 19, E2SW4	80
Section 30,	
Lot 1	80.96
Lot 2	30.75
Total	188.33

In exchange for these lands the Federal Government will acquire one parcel of non-Federal land in Elmore County from Joseph Davidson of Jerome, Idaho, described previously in Notice of Realty Action published February 26, 1981.

The gross area contained in the offered land is 547 acres more of less.

The purpose of the exchange is to acquire scenic lands that exhibit a high potential for multiple uses. The public interest will be well served by making the exchange. This Notice of Realty Action is subject to the Shoshone District Canyon Planning Unit Management Framework Plan amendment notice, amendments, and their approval.

The value of the lands to be exchanged, including this addition, is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All valid existing rights as shown on the Master Title Plat on the date this Notice of Realty Action and supplement becomes final.

3. Mineral estates will be transferred with the surface on both the non-Federal and Federal land.

DATES: Comments are due by September 11, 1981.

ADDRESSES: Comments should be submitted to the Shoshone District Manager, P.O. Box 2B, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Jack L. Durham, Bennett Hills Area Manager, at the above address or telephone (208) 886-2206, FTS 554-6576.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the Environmental Assessment and any record of public comment, is available for review at the Shoshone District Office, P.O. Box 2B, Shoshone, Idaho 83352.

Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Charles J. Hessler,

District Manager.

[FR Doc. 81-21442 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

[2913 (14.33) OR 26167]

Realty Action; Lease of Public Lands in Clackamas County, Oregon

July 14, 1981.

The following described land has been examined and found suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2782; 43 U.S.C. 1732):

Willamette Meridian, Oregon

T. 6 S., R. 2 E.,
Sec. 5, portion of SW¼SE¼NW¼.
Containing approximately 0.35 acre.

A proposal has been submitted by Mr. George Gurley, Sr., to lease the above-described land for his use as a homesite. The land is presently improved with a wood-frame residence and detached shop owned by Mr. Gurley. Because of Mr. Gurley's improvements, the land will not be offered for lease through bidding but will be offered for lease directly to Mr. Gurley at the fair market rental value.

The lease will be inconsistent with the Bureau of Land Management's land use plan but will not conflict with any State or local government programs or regulations. The land is best suited for multiple use management with timber production as the primary resource. A recent survey revealed that Mr. Gurley's improvements are actually located on public land. The direct lease of the land to Mr. Gurley will protect his equity investment in the improvements. The lease will have a term of 15 years and will not be renewed. Upon termination of the lease, the improvements will have to be removed.

For period of 30 days from the date of this notice, interested parties may submit comments to the Oregon State Director, Bureau of Land Mangement, P.O. Box 2967, Portland, Oregon 97208. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

John D. Evans,

Acting District Manager.

[FR Doc. 81-21441 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3 p.m. on Tuesday, Aug. 4, 1981 at the William Fitts Ryan Visitor Center, Floyd Bennett Field, Brooklyn, N.Y.

The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. Status Reports
   a. Ferry Service
   b. B9 and B46 and Sandy Hook public access service
   c. Floyd Bennett Field Design Concept Plan
   d. Concession Contracts, Canarsie Pier, Sandy Hook
   e. Resolution to meet with Secretary of Interior
   f. Seasonal Hiring
2. Finalized Summer Program Agenda
3. Secretary of Interior, Visit to New York City and Gateway Tour
   a. Fountain Avenue landfill, methane recovery
   b. Midland and South Beaches
   c. Fort Wadsworth
4. Problem Projections
   a. Sand Renourishment, Staten Island
   b. Lawsuit by Lifeguards
   c. Lawsuit by Handicapped
   d. Inspection of Great Kills Marina by New York City Fire Department
   e. Riis Beach Visitation vs Public Safety
   f. Safety at Canarsie Pier
   g. Increased Visitation at Jamacia Bay Wildlife Refuge
5. New Business

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statement, may contact Herbert S. Cables Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, N.Y. 11234, area code (212) 630-0353.

Minutes of the meeting will be available for inspection four weeks after the meeting at Gateway National Recreation Area Headquarters Building.

Herbert S. Cables Jr.,

Superintendent.

July 8, 1981.

[FR Doc. 81-21370 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on August 21, 1981.The Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Sammy Hamilton, Jr., authorizing him to continue to provide sightseeing tour boat, canoe rental, limited merchandising and related services for the public within Everglades National Park, Florida, for a period of ten (10) years from January 1, 1982, through December 31, 1991.

It has been determined that the proposed issuance of this contract does not have potential for causing significant impacts on the human environment and, therefore, additional environmental documentation is not required.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981, and, therefore, pursuant to the Act of October 9, 1965, s cited above, is entitled to be given perference in the negotiation of a new contract. This provision, in effect, grants Sammy Hamilton, Jr., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if thereafter, the proposal of Sammy Hamilton, Jr., is substantially equal to others received. In the event a responsive proposal superior to that of Sammy Hamilton, Jr., (as determined by the Secretary) is submitted, Sammy Hamilton, Jr., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Sammy Hamilton, Jr. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before August 21, 1981 to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: July 8, 1981.

C. W. Ogle,

Regional Director Southeast Region.

[FR Doc. 81-21379 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession permit with McCarter's Riding Stables, Inc., authorizing it to continue to provide saddle horse livery and guide services within Great Smoky Mountains National Park for a period of five (5) years from January 1, 1982, through December 31, 1986.

It has been determined that the proposed issuance of this permit does not have potential for causing significant impacts on the human environment and, therefore, additional environmental documentation is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1981, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new permit. This provision, in effect, grants McCarter's Riding Stables, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new permit and a preference in the award of the permit, if, thereafter, the offer of McCarter's Riding Stables, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of McCarter's Riding Stables, Inc. (as determined by the Secretary), is submitted, McCarter's Riding Stables, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new permit will be negotiated with McCarter's Riding Stables, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposals, including that of the existing concessioner, must be postmarked or hand-delivered on or before August 21, 1981. Following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-21378 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Intent To Prepare a General Management Plan and Environmental Assessment for Lake Clark National Park and Preserve, Alaska

AGENCY: National Park Service, Interior.

ACTION: Prepare a general management plan and environmental assessment for Lake Clark National Park and Preserve, Alaska.

SUMMARY: The National Park Service intends to prepare a general management plan for the conservation and management of Lake Clark National Park and Preserve. The plan will chart the strategies for solving the park and preserve's problems and meeting its management objectives over the next 5–10 years for resources management and protection, visitor use and interpretation, and general development at a level of detail that will facilitate implementation. An environmental assessment will be prepared in concert with the plan to evaluate major environmental issues and to determine if the environmental consequences on the human environment are significant enough to require the preparation of an environmental impact statement.

The planning effort will consider the alternatives of no action, or continuing existing conditions and trends; the minimum actions required to meet the purpose of the area under the Alaska National Interest Lands Conservation Act of 1980; and, these reasonable and practical strategies developed during public and other agency participation in the planning process. Other than the alternative of no action, there is no reasonable and practical alternative to locating some actions within the 100-year floodplain to accommmodate boat and floatplane access to the area.

The plan as directed by law will contain a review of wilderness suitability for those lands not already so designated by Congress. Although patently suitable, it is not anticipated that legislated wilderness designation will be needed to protect the primitive nature of these lands. Subsistence, sport hunting, access, and similar activities will continue as specified in the Alaska National Interest Lands Conservation Act and the regulations of 36 CFR 13.

Preliminary scoping workshops and meeting will be held during the summer of 1981 to establish the major environmetnal issues to be addressed in the environmental assessment and to solicit ideas for the development of reasonable and practical strategies. The time and place of public scoping workshops will be announced in the regional news media. Public meetings will also be held in the fall and winter of 1981 following the official release of the general management plan and its environmental assessment. The time and place of these meetings will be announced in the **Federal Register** and in the regional news media.

FOR FURTHER INFORMATION CONTACT: Paul Haertel, Superintendent, Lake Clark National Park and Preserve, 1011 E. Tudor Road, Anchorage, Alaska 99501, (907) 277–1666. In the lower-48 contact Jon Haman, Team Captain, U.S. National Park Service, Denver Service Center (LCD), P.O. Box 25287, Denver, Colorado, 80225, (303) 234–5050.

John E. Cook,

Alaska Regional Director.

[FR Doc. 81-21377 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Notice to All Recipients of Federal Financial Assistance; Non-Discrimination on the Basis of Handicap

In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, etc., et al.,* United States District Court, Central District of California, No. 79–1979 WPG, the Honorable William P. Gray ordered the *Department of the Interior* to notify all recipients of federal financial assistance from the *Department of the Interior* that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), even though the *Department of the Interior* has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the *Department of the Interior* may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Joseph E. Doddridge, Jr.,

Deputy Assistant Secretary.

July 20, 1981.

[FR Doc. 81-21391 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers, Permanent Authority Decisions Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–205

Decided: July 15, 1981.

MC 156820 (Sub-1), filed July 2, 1981. Applicant: SOUTHEASTERN MICHIGAN BROKERAGE COMPANY, a corporation, 559 N. Cedar St., Imlay City, MI 48444. Representative: Douglas John Kazal (same address as applicant), (313) 724–6402. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–2–129

Decided: July 14, 1981.

MC 13313 (Sub-4), filed June 26, 1981. Applicant: CUMMINGS TRANSFER CO., 740 29th Ave. W, Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210 (503) 228–3755. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146162 (Sub-7), filed June 26, 1981. Applicant: TRANSPORT EQUIPMENT CORP., 240 112th Street, Hammond, IN 46320. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603, (312) 263–2300. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148372 (Sub-2), filed June 29, 1981. Applicant: COLONEL C. HEETER, d.b.a. MAIL DELIVERY, 5 Vine St., P.O. Box 651, Pittsburgh, PA 15230. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151142 (Sub-4), filed June 30, 1981. Applicant: H & H TRANSPORTATION, INC., 1425 E. Main St., Newark, OH 40035. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, (703) 691–0900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156813, filed June 26, 1981. Applicant: ALLTRANS INTERNATIONAL, INC., 145 Route 46, Wayne, NJ 07470. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8585. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156822, filed June 29, 1981. Applicant: LESLIE H. FARRIN, Rte. 113, No. Fryeburg, ME 04058. Representative: Leslie H. Farrin (same as applicant), (207) 697–2755. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156852, filed June 30, 1981. Applicant: LENGNER & SONS PRODUCE EXPRESS, 3438 Mendocino Ave., Santa Rosa, CA 95404. Representative: Laurence E. Lengner, 3524 Flintwood Dr., Santa Rosa, CA 95404. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156862, filed June 30, 1981. Applicant: JACK FRICKEY and PAUL FRICKEY, d.b.a. TRUCKERS CLEARING, 802 First St. South, Nampa, Idaho 83651. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156883, filed June 30, 1981. Applicant: KANSAS CITY COLD STORAGE DISTRIBUTION, INC., 500 East 3rd, Kansas City, MO 64106. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 256, 816–781–6000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156972, filed July 2, 1981. Applicant: ALL-AMERICAN TRANSFER & STORAGE, INC., 1040 Highway 15 North, Laurel, MS 39440. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *used house hold goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

[FR Doc. 81-21340 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed.

Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservaton Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–204

Decided: July 15, 1981.

MC 28080 (Sub-66), filed July 9, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (Except classes A and B explosives), between points in the U.S., under continuing contract(s) with Nationwide Brokerage Co., Inc., of Sioux Falls, SD.

MC 62601 (Sub-11), filed July 2, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, RONALD J. RING, d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James P. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between Omaha, NE, on the one hand, and, on the other, points in MI, IN, WI, IL, MN, and IA.

MC 85561 (Sub-13), filed July 10, 1981. Applicant: OLIVER TRUCK LINES, INC., 1238 So. Cleveland-Massillon Rd., Akron, OH 44321. Representative: James M. Burtch, 100 E. Broad Street, Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Sandusky County, OH, on the one hand, and, on the other, points in OH.

MC 94430 (Sub-56), filed July 7, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting *cement*, between points in Lawrence County, PA, on the one hand, and, on the other, points in Cuyahoga County, OH.

MC 111941 (Sub-38), filed June 25, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 636–1301. Transporting *metal products and machinery*, between points in Butler County, OH and Milwaukee County, WI, on the one hand, and, on the other, points in the U.S.

MC 112070 (Sub-27), filed July 8, 1981. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl St., Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Nobel, Inc., of Denver, CO.

MC 116670 (Sub-2), filed June 25, 1981. Applicant: JOSEPH F. PRINCIPE, d.b.a. TWO NATION TOURISM, 1260 95th St., Niagara Falls, NY 14304. Representative: Joseph F. Principe (same address as applicant), (716) 297–5038. In foreign commerce only, transporting *passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than 14 passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age, beginning and ending at points in Niagara County, NY, and extending to the ports of entry on the international boundary line between the U.S. and Canada at Niagara Falls, Lewiston, Fort Niagara, and Youngstown, NY.

MC 117551 (Sub-12), filed July 2, 1981. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan St., Denver, CO 80204. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *printed matter*, between points in CO, NM and UT.

MC 121801 (Sub-4), filed July 6, 1981. Applicant: HAYES MOTOR FREIGHT, INC., P.O. Box 793, Ardmore, OK 73401. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Ardmore, OK and Dallas, TX, over U.S. Hwy 77 and Interstate Hwy 35, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 129301 (Sub-23), filed June 25, 1981. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: David M. English, (same address as applicant), (609) 845–8475. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, VA, and DC.

MC 133490 (Sub-18), filed July 8, 1981. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Michigan Fruit Canners, Division of Curtice-Burns, Inc., of Coloma, WI.

MC 134721 (Sub-9), filed July 7, 1981. Applicant: GEORGE M. DZIAK, d.b.a. DZIAK PRODUCE CO., P.O. Box 3494 TA, Spokane, WA 99220. Representative: Chandler L. van Orman, 1729 H St., N.W., Washington, DC 20006, (202) 337–6500. Transporting *beverages and sirups*, between Seattle, WA, on the one hand, and, on the other, points in MT and ID.

MC 134790 (Sub-6), filed June 3, 1981, and previously noticed in **Federal Register** issue of June 17 1981. Applicant: DANIEL C. HAFFNER, d.b.a. HAFFNER TRUCKING SERVICE, R.R. #1, Farmington, IA 52626. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *metal products and machinery*, between points in Des Moines County, IA, on the one hand, and, on the other, points in the U.S.

Note.—This republication includes machinery in the commodity description.

MC 138000 (Sub-95), filed July 1, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–8060. Transporting *general commodities* (except classes A and B explosives) between Norfolk, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 141561 (Sub-1), filed July 6, 1981. Applicant: DIXIE TRANSPORT COMPANY, a corporation, P.O. Box 668, Toccoa, GA 30577. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *machinery*, between points in the U.S., under continuing contract(s) with The Woodman Co., Inc., of Decatur, GA.

MC 142080 (Sub-19), filed July 7, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Procter & Gamble Company, of Cincinnati, OH.

MC 144140 (Sub-59), filed July 7, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson, (same address as applicant), (904) 357–1300. Transporting *general commodities* (except classes A and B explosives), between Cleveland, OH, on the one hand, and, on the other, points in the U.S.

MC 144981 (Sub-5), filed June 30, 1981. Applicant: JOHN DAY-PORTLAND AUTO FREIGHT, INC., P.O. Box 5, John Day, OR 97845. Representative: Lawerence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Over regular routes, transporting *general commodities* except classes A and B explosives), (1) between Portland and John Day, OR, over U.S. Hwy 26, (2) between Portland, OR, and junction OR Hwy 19 and U.S. Hwy 26, at or near Dayville, OR, from Portland over Interstate Hwy 84 to Biggs, then over U.S. Hwy 97 to Wasco, then over OR Hwy 206 to Condon, then over OR Hwy 19 to junction U.S. Hwy 26, and return over the same route, and (3) between John Day and Hines, OR, over U.S. Hwy 395, serving all intermediate points in routes (1)–(3) above.

MC 148281 (Sub-17), filed July 7, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, between points in IA, ID, KS, MI, MO, MT, NE, OR, SD and WA, on the one hand, and on the other, points in the U.S.

MC 148380 (Sub-16), filed July 7, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312)–236–9375. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Northern Industries, Inc., of Crestwood, IL.

MC 151660 (Sub-4), filed July 2, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin, (same address as applicant), (214) 438–2851. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Blue Diamond Plastics Corporation, of Memphis, TN.

MC 153601 (Sub-3), filed July 7, 1981. Applicant: ITO, LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Road C, St. Paul, MN 55113, (612) 633–2861. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 157030, filed July 7, 1981. Applicant: MAX L. MURPHY, d.b.a. MURPHY TANK TRUCK SERVICE, R.R. #1, Geff, IL 62842. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Union Oil Company of California, 76 Division, of Olney, IL.

MC 157051, filed July 9, 1981. Applicant: JAMES MORGAN, LTD., a corporation, 2256 Linden Ave., Highland Park, IL 60035. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives), between Los Angeles, CA, on the one hand, and, on the other, points in the U.S.

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Decided: July 10, 1981.

MC 111422 (Sub-11), filed June 24, 1981. Applicant: O.D. ANDERSON, INC., R.D. #3, Conneaut Lake Rd., Greenville, PA 16125. Representative: Jeremy Kahn, 733 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005, 202–783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Allegheny and Westmoreland Counties, PA, and extending to points in the U.S. (including AK but excluding HI), restricted in one-way operations only, to the transportation of passengers and their baggage (1) having a subsequent movement by air to the indicated points in PA, or (2) having a prior movement by air from the indicated points in PA.

MC 127902 (Sub-22), filed June 26, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: Robert B. Walker, 425 13th Street, N.W., Washington, DC 20004, (202) 737–1030). Transporting *sugar* from Supreme, LA, to points in NC and SC.

MC 134282 (Sub-21), filed July 1, 1981. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., P.O. Box 385, Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1)(a) *chemicals and related products*, (b) *clay, concrete, glass or stone products*, and (c) *pulp, paper and related products*, between Omaha, NE, Van Buren, AR, Minneapolis, MN, Rock Island and Chicago, IL, and points in Otoe and Nance Counties, NE, Lea and Eddy Counties, NM, Whiteside County, IL, Sweetwater and Crook Counties, WY, Rice County, KS, Marathon and Brown Counties, WI, Sandusky and Seneca Counties, OH, and Onondaga County, NY, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers and distributors of feed, feed ingredients and animal and poultry health products, between points in MI, OH, KY, IN, TN, IL, WI, MN, IA, MO, AR, OK, KS, NE, SD, ND, MT, WY and CO.

MC 135082 (Sub-120), filed June 29, 1981. Applicant: ROADRUNNER TRUCKING, INC., P.O Box 26748, Albuquerque, NM 87125. Representative: Robert G. Russell (same address as applicant), 505–345–8856. Transporting (1) *electrical equipment*, and (2) *metal products*, between the facilities of McGraw-Edison Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142913 (Sub-3), filed June 29, 1981. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Rd., Des Moines, IA 50317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *petroleum products*, between points in IA, on the one hand, and, on the other, points in IA, IL, MO, KS, NE, SD, MN, and WI.

MC 144842 (Sub-14), filed July 1, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. NW, Washington, DC 20005; 202–347–4332. Transporting *food and related products*, between points in Sebastian County, AR, on the one hand, and, on the other, points in CO, IL, IA, KS, KY, LA, MS, MO, NE, NM, OK, SD, TN, TX, and WY.

MC 144982 (Sub-20), filed June 30, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112; 817–457–0804. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of steel shelving, storage racks, and plastic bins, between points in the U.S., under continuing contract(s) with San Jose Shelving Distribution Center, Inc., of San Jose, CA.

MC 148153 (Sub-2), filed June 30, 1981. Applicant: WALBON & COMPANY, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Willson, Rd., Suite 307, Edina, MN 55424; 612–927–8855. Transporting *general commodities* (except classes A and B explosives), between points in MN, IA, WI, ND, and SD, on the one hand, and, on the other, New York City, NY, Baltimore, MD, Milwaukee, WI, and points in FL.

MC 150433, filed June 30, 1981. Applicant: CRUSE H. THOMASON, Second and Houston, Yuma, CO 80759. Representative: Pam Phifer (same address as applicant) 303–848–3811. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of anhydrous ammonia, between points in the U.S., under continuing contract(s) with Northeast Fertilizer and Chemical Co., of Eckley, CO.

MC 153492, filed July 2, 1981. Applicant: JOHN M. CORCORAN, d.b.a. CORCORAN'S DRIVEWAY, 1713 Bracknel Blvd., Rockford, IL 61103. Representative: John M. Corcoran (same address as applicant) (815) 633–7740. Transporting *motor vehicles* between points in IL, on the one hand, and, on the other, points in IA, IN, MI, MO, MN, and WI.

MC 153553 (Sub-1), filed June 29, 1981. Applicant: ROCKINGHAM CARRIAGE SERVICE, INC., Rte. #1 Bypass, P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181; 617–235–5571. Transporting *motor vehicles*, between points in the U.S.

MC 154632 (Sub-1), filed July 1, 1981. Applicant: K & A TRANSPORTATION, INC., P.O. Box 1708, Marion, NC 28752. Representative: Gary E. Morgan (same as applicant) (704) 652–8383. Transporting *containers and container ends*, between Arden, NC, on the one hand, and, on the other, points in the U.S.

MC 155282 (Sub-1), filed June 23, 1981. Applicant: J & J CONSULTING SERVICES, INC., P.O. Box 23053, New Orleans, LA 70183. Representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Washington, DC 20036 (202) 785–0024. As a *broker* in arranging for the transportation of household goods between points in the U.S.

MC 156013, filed June 29, 1981. Applicant: WILSON FREIGHT LINES, INC., 729 South Jupiter, Garland, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062; 214–255–6279. Transporting *such commodities* as are dealt in by manufacturers and distributors of building and construction materials, between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 156853, filed June 26, 1981. Applicant: NORTH SHORE BUS COMPANY, INC., 31 Milk St., Room 1111, Boston, MA 02109. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St. NW, Washington, DC 20005; 202–783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Suffolk, Essex, and Middlesex Counties, MA, and extending to points in the U.S. (including AK but excluding HI).

MC 156902, filed June 26, 1981. Applicant: CONTAINER TRUCKING, INC., 3410 North Edgewood Avenue, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in Duval County, FL, on the one hand, and, on the other, points in FL, GA, NC, SC and AL.

MC 156932, filed July 1, 1981. Applicant: PALLET PRODUCTS, INC., P.O. Box 70, Des Plains, IL 60016. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603; (312) 263–1600. Transporting *such commodities* as are dealt in by manufacturers of corrugated sheets, between points in the U.S., under continuing contract(s) with Corrugated Supplies Corporation, of Chicago, IL.

MC 156962, filed July 2, 1981. Applicant: MOVE AMERICA, 8411 Old Marlboro Pike, Unit #2, Upper Marlboro, MD 20870. Representative: James J. Fratino, P.O. Box 82, Edgewater, MD 21037, 301–261–7227. Transporting *household goods*, between points in AL, CT, DE, FL, GA, IL, IN,, KY, LA, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV and DC.

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Decided: July 9, 1981.

MC 58522 (Sub-14), filed July 1, 1981. Applicant: RIVER TRAILS TRANSIT LINES, INC., Highway 20, West, Galena, IL 61036. Representative: Richard A. Westley, P.O. Box 5086, 4506 Rengent Street, Suite 100, Madison, WI 53705. Transporting *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Vernon, Walworth, Washington, and Waukesha Counties, WI and IL and IA, and extending to points in the U.S., under continuing contract(s) with Tri-State Tours, Inc., of Galena, IL.

MC 43963 (Sub-34), filed June 26, 1981. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *such commodities as are dealt in or used by manufacturers, converters, and printers of paper, paper products, paper manufacturing by-products, and plastic products*, between points in WI, on the one hand, and, on the other, points in AR, AL, FL, GA, IL, IN, IA, KY, LA, MN, MO, MI, OH, PA and TN.

MC 87113 (Sub-21), filed June 29, 1981. Applicant: WHEATON VAN LINES, INC., 6010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006 (202) 833–8884. Transporting *toys and games*, between the facilities of Knickerbocker Toys, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133562 (Sub-45), filed June 30, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 452, Estherville, IA 51334. Representative: Herbert W. Allen, P.O. Box 2733, Des Moines, IA 50315 (515) 287–1602. Transporting *food and related products*, between points in the U.S.

MC 142672 (Sub-175), filed June 30, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are used in the manufacture and distribution of plastic games and toys, between points in Washington County, PA, on the one hand, and, on the other, points in the U.S.

MC 147712 (Sub-19), filed April 6, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wasatch Shippers Association, of Salt Lake City, UT.

MC 148553 (Sub-3), filed July 9, 1981. Applicant: B. J. EXPRESS, INC., 4928 Assisi Lane, Cincinnati, OH 45238. Representative: Bobby Ray Johnson (same address as applicant) 513–631–2790. Transporting (1) *transportation equipment*, (2) *Mercer commodities*, (3) *rubber and plastic products*, and (4) *pulp, paper and related products*, between points in AL, AZ, AR, CA, CT, DE, GA, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NV, NH, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, and WY.

MC 149563 (Sub-11), filed June 26, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203 (205) 251–2881. Transporting (1) *metal products*, and (2) *plastic pipe and pipe fittings*, between points in the U.S.

MC 153583, filed June 26, 1981. Applicant: S&F TRUCKING INC., R.R. 1 Box 79, Joseph, OR 97846. Representative: Rex L. Smith (same address as applicant). Transporting *steel and lumber* between points in OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, UT, and WY.

MC 155143, filed June 26, 1981. Applicant: NEW DIXIE TRANSPORTATION CORP., P.O. Box 112, Providence Forge, VA 23140. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *forest products, lumber and wood products*, between points in the U.S., under a continuing contract(s) with New Kent Wood Preservatives, Inc., of Providence Forge, VA.

MC 155723 (Sub-1), filed June 26, 1981. Applicant: SYSTEM 81 EXPRESS, INC., P.O. Box 305, Clinton, TN 37716. Representative: Jerry A. Farmer, P.O. Box 1708, Knoxville, TN 37901 (615) 637–5600. Transporting *minerals, ores, stone and clay products, and such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, and hard stores, between points in the U.S., under continuing contract(s) with Evans Clay Company of McIntyre, GA, Thompson, Weinman & Company of Cartersville, GA, The Clorox Company of Oakland, CA, and Stokely-Van Camp, Inc. of Indianapolis, IN.

MC 156903, filed June 26, 1981. Applicant: ROBERT COOK, d.b.a. COOK TRANSPORT, Street Road and Clive Ave., Cornwells Heights, PA 19020. Representative: Robert Cook (same address as applicant) (215) 639–1122. Transporting *metal products*, between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, SC, VA, and DC.

MC 156923, filed June 16, 1981. Applicant: ROBINSON COACH, INCORPORATED, 2123 Old Hwy. 8, New Brighton, MN 55112. Representative: John D. Robinson (same address as applicant) (1–612–633–3267 or 1–612–636–4411). Transporting *passengers and their baggage*, in round trip charter operations, beginning and ending at points in MN, and extending to points in the U.S.

MC 156933, filed July 2, 1981. Applicant: IMOGENE L. PITTMAN, d.b.a. SEE AMERICA FIRST TOURS, 1218 4th Street Lane, N.E., P.O. Box 1286, Hickory, NC 28601. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893–3050. As a *broker*, at Hickory, NC, in arranging for the transportation, by motor vehicle, of passengers and their baggage, beginning and ending at points in Alexander, Avery, Burke, Caldwell, Catawba, Lincoln, Rutherford, Watauga, and Wilkes Counties, NC, and extending to points in the U.S.

Volume No. OPY–2–128

Decided: July 14, 1981.

MC 2232 (Sub-18), filed June 29, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd. & Corbin Lane, Morrisville, PA 19063. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603 (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Purex Corporation, of Lake Wood, CA.

MC 5723 (Sub-8), filed July 6, 1981. Applicant: VANGUARD INTERSTATE TOURS, INC., 1 Westerly Road, Ossining, NY 10510. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, N.W., Washington, D.C. 20005 (202) 783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, (1) beginning and ending at points in Westchester, Putnam, and Rockland Counties, NY, and extending to points in the U.S., (including AK but excluding HI) and (2) beginning and ending at New York, NY, and extending to points in the U.S., (including AK, but excluding CT, PA, NJ, DE, and HI and DC).

MC 16513 (Sub-25), filed July 1, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312 (703) 750–1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 31533 (Sub-19), filed July 2, 1981. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive St., P.O. Box 545, South Bend, IN 46624. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MO, OH and WI.

MC 41932 (Sub-17), filed July 6, 1981. Applicant: BROWNING FREIGHT LINES, INC., 650 South Redwood Rd., Salt Lake City, UT 84104. Representative: Ronald D. Browning, 1321 S.E. Water Ave., Portland, OR 97214 (503) 238–5747. Transporting *general commodities* (except classes A and B explosives) between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 56623 (Sub-3), filed June 29, 1981. Applicant: SHANNON YOUNG TRUCKING COMPANY, d.b.a. OIL FIELD TRUCKING SERVICE, P.O. Box 5707, Abilene, TX 79605. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237 (214) 330–

4108. Transporting (1) *Mercer commodities*, (2) *Metal products*, and (3) *machinery*, between points in TX, on the one hand, and, on the other, points in AR, LA, OK, KS, NM, and TX.

MC 112063 (Sub-26), filed June 30, 1981. Applicant: P. I. & I. MOTOR EXPRESS, INC., Broadway Ave. Extension, Masury, OH 44438. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420 (216) 545–3081. Transporting *Mercer commodities*, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 116073 (Sub-385), filed July 2, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 421 So. Second St., Elkhart, IN 46515 (219) 693–3597. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of machinery and recycling equipment, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.

MC 119762 (Sub-6), filed July 7, 1981. Applicant: KIMBERLAIN TRUCKING, INC., 5307 Cynthia Lane, Racine, WI 53406. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) W. H. Kruse, Inc., of Wheeling, IL, and (b) B. B. Dist., Inc., of Sycamore, IL.

MC 121423 (Sub-5), filed June 29, 1981. Applicant: BOYD NAEGELI, INC., 7201 East Haven St., Houston, TX 77017. Representative: Joe G. Fender, 9801 Katy Freeway, Suite 320, Houston, TX 77024. Transporting *road construction machinery and equipment and contractors equipment*, between points in TX, on the one hand, and, on the other, points in AR, FL, LA, MS, NE, NM, OK, SC, and TN.

MC 125023 (Sub-88), filed July 1, 1981. Applicant: SIGMA–4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005 (202) 347–3987. Transporting *clay, concrete, glass or stone products*, between Dallas, TX, points in Hamilton and Shelby Counties, TN, Mineral County, WV, Knox County, OH, Harrison and Desoto Counties, MS, Navarro County, TX, and Anne Arundel County, MD, on the one hand, and, on the other, points in the U.S.

MC 125113 (Sub-6), filed July 6, 1981. Applicant: CHRISTMAN TRUCKING CORPORATION, P.O. Box 770, Washington, PA 15301. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with (1) Edgewater Steel Company, of Oakmont, PA, (2) Modulus Corporation of Mt. Pleasant, PA, (3) Mine Safety Appliances Company of Pittsburgh, PA, and (4) H. H. Robertson Co., of Pittsburgh, PA.

MC 125403 (Sub-14), filed June 30, 1981. Applicant: S.T.L. TRANSPORT, INC., 120 Grace Ave., P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580 (716) 265–9510. Transporting *food and related products*, between points in the U.S., on the one hand, and, on the other, the facilities of (a) Ragu Foods, Inc., and (b) CantisSANO Foods, Inc., at points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 135562 (Sub-10), filed July 7, 1981. Applicant: OCC, INC., 2214 4th Ave. S., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with El Dorado Tire Co., Inc., of Troy, MI.

MC 141603 (Sub-4), filed June 26, 1981. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT LTD., Suite E–330, Atria North, 2255 Sheppard Ave. E., Willowdale, Ontario, Canada M2J 4Y1. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807, Transporting *general commodities* (except classes A and B explosives), between points in WA and those in Cascade County, MT, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in ID, MT, and WA.

MC 144982 (Sub-21), filed July 7, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112 (817) 457–0804. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paint, chemicals, and related products, between points in IL, KY, and OH, on the one hand, and, on the other, points in CA and TX.

MC 145282 (Sub-3), filed June 29, 1981. Applicant: FALCON TRANSPORT, INC., 10 Greenfield Rd., Lancaster, PA 17604. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043 (716) 681–7190. Transporting *metal products*, between points in Lancaster County, PA, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, VA, and WV.

MC 145742 (Sub-8), filed June 29, 1981. Applicant: BOLES TRUCKING, INC., R.R. #1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *(1) Petroleum and petroleum products, (2) lumber and wood products, and (3) clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with The Jennison-Wright Corporation, of Toledo, OH.

MC 146782 (Sub-54), filed June 29, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Ave. South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *metal products*, between points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC.

MC 149172 (Sub-4), filed June 29, 1981. Applicant: GARY HOFFMAN, an individual, d.b.a. HOFFMAN TRUCKING, 2807 Desirae St., Chickasha, OK 73018. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *metal products and* (2) *machinery*, between points in the U.S., under continuing contract(s) with CMI Corporation, of Oklahoma City, OK.

MC 149333 (Sub-4), filed July 1, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141; 816–842–8600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic pipe and fittings, between points in Phelps County, MO, on the one hand, and, on the other, those points in the U.S. in and east of CA, ID, and NV.

MC 149553 (Sub-5), filed July 1, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064; 615–790–2510. Transporting *general commodities* (except classes A and B explosives) between the facilities of Union Camp Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153432 (Sub-1), filed June 29, 1981. Applicant: STEWART INTERMODAL TRANSPORT, INC., d.b.a. TRUCKLOAD EXPRESS, 1621 Elmore St., Cincinnati, OH 45223. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, MO, NY, OH, PA, and WV.

MC 154562 filed June 29, 1981. Applicant: J.B.L., INC., 1245 Wedgewood St., Cleburne, TX 76031. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. Transporting *lime, limestone products, fly ash and sand*, between points in TX, NM, OK, AR, LA, and MS.

MC 154783, filed June 29, 1981. Applicant: CARL MOCK, d.b.a. O. C. BRUMSHIRE, 1115 Roma, N.E., Albuquerque, NM 87106. Representative: David C. Olson, P.O. Drawer 965, Albuquerque, NM 87103 (505) 243–2826. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cosmetics, toilet preparations, and toilet articles, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

MC 156312, filed June 23, 1981. Applicant: C MILE TRANSPORT LTD., Box 424, Exeter Rd., 100 Mile House, British Columbia, Canada VOK 2E0. Representative: George Costello (same address as applicant) (604) 395–2229. Transporting (1) *lumber and wood products*, under continuing contract(s) with (a) Taiga Wood Products Ltd., of Burnaby, B.C. Canada, (b) Quinault Pacific Corporation, of Shelton, WA, (c) North Pacific Lumber, of Portland, OR, (d) Far West Fir Sales, of Woodburn, OR, and (e) Chandler Corporation, of Meridian, ID, (2) *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, under continuing contract(s) with (a) Domino Sales Ltd., of Burnaby, B.C., Canada, (b) Utah Salt Company, of Salt Lake City, UT, and (c) 100 Mile Feed and Ranch Supplies Ltd., of 100 Mile House, B.C., Canada, (3) *such commodities* as are dealt in or used by manufacturers and distributors of irrigation equipment, under continuing contract(s) with Highlands Irrigation Limited, of Williams Lake, B.C., Canada, and (4) *such commodities* as are dealt in or used by manufacturers and distributors of farm Hardware and ranch equipment, under continuing contract(s) with 100 Mile Feed and Ranch Supplies Ltd., of 100 Mile Feed and Ranch Supplies Ltd., of 100 Mile House, B.C., Canada, between points in the U.S.

MC 156773, filed June 25, 1981. Applicant: WOZNIAK'S HOBBIT TRAVEL, 1821 University Ave., St. Paul, MN 55104. Representative: George W. Wozniak (same address as applicant) 612–645–3988. As a broker, at St. Paul, MN, in arranging for the transportation by motor vehicle of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in ND, SD, MN, WI, IA, IL, MI, IN, OH, MO, PA, and NY, and extending to points in the U.S.

MC 156873, filed June 29, 1981. Applicant: CONFEDERATE CONTAINER TRANSPORT CORP., 1374 NW 78th Ave., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd. St., Miami, FL 33166 (305) 592–0036. Transporting *general commodities* (except classes A & B explosives) between those points in FL east and south of the western boundary of Jefferson County, FL.

MC 156892, filed June 30, 1981. Applicant: N. W. GRISWOLD TRUCKING, INC., 5760 Farish Rd., Placerville, CA 95667. Representative: Wayne Griswold (same address as applicant) (916) 626–4533. Transporting *building materials*, between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 157002, filed July 7, 1981. Applicant: NICK WOCK, d.b.a. NICK'S TRAILER MOVERS, 6 Mile P.O. Box 8, Butte, MT 59701. Representative: Neil J. Lynch, 305 East Front St., Butte, MT 59701 (406) 782–0428. Transporting buildings and mobile homes between points in ID, MT, UT and WY.

[FR Doc. 81–21348 Filed 7–21–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of

effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: July 15, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14657, filed June 29, 1981. OCCIDENTAL PETROLEUM CORPORATION, 10889 Wilshire Blvd., Los Angeles, CA 90024, Knoxville, TN 37919—(Control)—PROCESSED BEEF EXPRESS INC. and MADISON LINES, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Donald T. Bliss, O'Melvney & Myers, 1800 M St., NW, Washington, DC 20036. Occidental seeks authority to acquire control of PBX and Madison Lines. Acquisition of control will result from the merger of Oxy Merger Corp., a newly formed wholly-owned subsidiary of Occidental, into Iowa Beef Processors, Inc. (IBP), P.O. Box 515, Dakota City, NE 68731. Occidental will in turn, acquire the stock of IBP. IBP in turn, owns the capital stock of PBX and Madison Lines. The Permian Corporation (Permian) is a subsidiary of Occidental, and Permian controls a motor carrier, Western Oil Transportation Company, Inc. (Western Oil) through ownership of its capital stock. Occidental is primarily a natural resource-oriented company and IBP is a meat processor. PBX has a motor carrier authority to transport food and related products over irregular routes under certificates issued by the Commission in Docket No. MC–136669 and Sub-Numbers. The authority is primarily contract authority for IBP. Other contracts are for Howard Johnson Company and Columbia Foods. Limited common carrier authority also is held to haul alcoholic beverages. Madison Lines has one grant of contract carrier authority over irregular routes contained in a certificate issued in Docket No. MC–139067 Sub 1. The contract is to haul meat and meat products for Madison Foods Co., from Madison, NE to points in the United States (except Nebraska, Alaska and Hawaii). Western Oil has common carrier authority, under certificates issued in Docket No. MC–115001 and Sub-Numbers, to haul petroleum and brine in bulk over irregular routes between points in the south and west and temporary contract carrier rights, under Docket No. MC–151076, to haul the same commodities.

MC–F–14604 (Supplemental publication) filed March 23, 1981. Transferee: LISA MOTOR LINES, INC. (LISA), P.O. Box 4550, Fort Worth, TX 76106. Transferor: P & L MOTOR LINES, INC. (P & L), P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. By decision of July 13, 1981, Review Board Number 3 modified its prior decision published in the **Federal Register** on April 23, 1981, and authorized transfer of additional authority in Certificate No. MC–150311 (Subs 3, 9, 11, and 13) from P & L to Lisa. The authority transferred authorizes: Sub 9: (1) chain and (2) such commodities as are used in the manufacture and distribution of chain, from the facilities of American Chain and Cable at York, PA, to point in TX; Sub 11: (1) machinery power transmissions, shears, bushings, V-belt, and bearings; and (2) equipment used in the distribution and manufacture of the commodities in (1) above, (a) from Chambersburg, PA, to Dallas, Houston and Lufkin, TX, Trenton, TN, Chicago, IL, Atlanta, GA, Tulsa, OK, and San Leandro, CA, and (b) from Trenton, TN, to Dallas, Houston, and Lufkin, TX, Chicago, IL, Atlanta, GA, Tulsa, OK, San Leandro, CA, and Chambersburg, PA; Sub 3: Metal shelving and store fixtures, from Terrell, TX, to points in the United States (except AK and HI); Sub 13: (1) alcoholic liquors; and (2) materials, equipment and supplies used in the manufacture and distribution of alcoholic liquors, between points in AR, KY, and NJ on the one hand, and, on the other, points in the United States.

MC–F–14338F, filed June 25, 1981. (Republication—supplementary decision-notice) (Previously published in the **Federal Register** issue of July 30, 1980, at pages 50947/48; corrected in the **Federal Register** issue of August 20, 1980, at page 5544. C–B–C TRANSPORTS, INC. (C–B–C) (1415 Railroad Avenue, Greenville, MS 38701)—Purchase—C–B–C TRANSPORTS, INC., General Partner, and M. A. CREEKMORE, JASPER V. BENNETT AND OSCAR CARADINE, Limited Partners, d.b.a. C–B–C TRANSPORTS, A Limited Partnership, (C–B–C Limited Partnership) (same address as C–B–C). Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. The purpose of this republication is to given notice that by a petition to reopen this proceeding for supplementary decision, C–B–C seeks authority to be substituted as buyer in the place and stead of H. Hoyt McKarem, An Individual, d.b.a. C–B–C Transportation Co. At the same time, H. Hoyt McKarem, Gerlad W. Lindsay, John P. McDonald, Steven L. Walls, Alex Taylor and Julius Rowe Taylor, Jr., who each own 200 shares (⅕) of the common stock of C–B–C, seek authorization through this transaction, to control the operating rights. In addition, Alex Taylor and Julius Rowe Taylor, Jr., also seek authority, through the transaction, to commonly control, through management, C–B–C and Taylor Truck Lines, Inc. (Taylor), Operating under Docket No. MC–106585 and sub-numbers thereunder, of which the Taylors are officers and directors, each of whom owns 25 percent of its stock. By Notice of Effectiveness served in this proceeding on March 13, 1981, McKarem, who is President of Taylor and owns 25 percent of its stock, was authorized to purchase the interstate operating rights and properties of C–B–C Limited Partnership and to commonly control, through management, C–B–C and Taylor (as well as other motor common carrier over which McKarem, but not the Taylors, exercises control as defined in the Act). Therefore, McKarem's common management control of C–B–C and Taylor has already been approved by this Commission and this supplemental decision-notice would only permit other persons controlling Taylor to participate in management control of C–B–C.

MC–F–14663, filed July 8, 1981. Applicant: JACK C. ROBINSON, d.b.a. ROBINSON FREIGHT LINES, 3600 Papermill Road, Knoxville, TN 37919 and DEAN TRUCK LINE, INC., P.O. Drawer 631, Corinth, MS 38834. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137 (901) 767–5600. Jack C. Robinson, d.b.a. Robinson Freight Lines holds authority to transport General Commodities, over regular and irregular routes, in Georgia Tennessee, Kentucky and Mississippi, issued in MC–110144 and subs thereunder. He also controls The Robinson Fright Lines, Inc., which holds authority to transport commodities in bulk, an Classes A and B explosives over regular routes in Tennessee, issued in MC–128520. Mr. Robinson seeks to purchase the regular route general commodity held by Dean Truck Line, Inc., issued in MC–921 and subs thereunder, over regular routes in Florida, Alabama, Mississippi, Tennessee and Kentucky. Temporary authority to lease the certificates of Dean Truck Line, Inc. is being sought.

[FR Doc. 81-[illegible]347 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 124]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 85788 (Sub-13)X, filed July 6, 1981. Applicant: JACOBSEN TRANSFER, INC., P.O. Box 47, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 8, 9, 10 and 11F certificates and No. MC 129720 Sub-Nos. 5 and 6 permits to (1) broaden the commodity descriptions as follows: to "food and related products" from meat, meat products, and meat by-products, and articles distributed by meat packinghouses, in Sub-Nos. 8, 9, 10 and 11F certificates and Sub-6 prmit; to "metal products" from automated feeding systems, feed storage systems, and parts and components for the foregoing commodities, in Part (1) of Sub-5 permit; to "machinery" from forage wagons, choppers and blowers, in Part (2) of Sub-No. 5 permit; and to "metal products" from steel buildings and component parts for steel buildings, in Part (3) of Sub-5 permit; (2) remove the facilities restrictions in Sub-Nos. 8 and 11F certificates; (3) replace city with county authority as follows: York, NE with York County, NE, in Sub-Nos. 8 and 11F certificates; Lexington, NE with Dawson County, NE in Sub-Nos. 9, and 10 and 11F certificates; and Minden, NE with Kearney County, NE in Sub-No. 10 certificate; (4) remove originating at and destined to restrictions in Sub-Nos. 8, 9, 10 and 11F certificates; (5) remove "hides and commodities in bulk" restrictions in Sub-Nos. 8, 9, 10 and 11F certificates; (6) remove "commodities in bulk, in tank vehicles" restriction in Sub-6 permit; (7) replace one-way with radial authority between specified points located throughout the U.S. in Sub-Nos. 8, 9, 10 and 11F certificates; and (8) broaden the territorial description to authorize service between points in the U.S. under continuing contract(s) with named shippers in Sub-Nos. 5 and 6 permits.

MC 104421 (Sub-37)X, filed July 6 1981. Applicant: ECONOLINES, INC., P.O. Box 623 DTS, Omaha, NE 68101. Representative: Roger R. Norris (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 27F, 28F and 31F certificates to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in the lead (parts 2, 7, 9, 14, and 20) and Sub-Nos. 13 and 28F; (b) "household goods and emigrant movables, and such commodities as are dealt in or used by manufacturers or distributors of farm products or machinery" from livestock, household goods, emigrant movables, and farm machinery and parts, in the lead (part 3); (c) "such commodities as are dealt in or used by manufacturers, producers or distributors of agricultural commodities" from agricultural commodities, in the lead (part 4); (d) "farm products, food and related products and building materials" from feed and building materials, in the lead (part 5); (e) "farm products" from livestock, in the lead (parts 6, 10, 15, 19, and 27) and livestock and unprocessed agricultural commodities, in the lead (part 28); (f) "farm products and agricultural commodities" from livestock and agricultural commodities, in the lead (parts 8 and 13); (g) "farm products and food and related products" from feed, in the lead (part 11) and grain, in the lead (part 12); (h) "machinery, household goods or agricultural commodities", from farm machinery and parts, household goods, and agricultural commodities, in the lead (part 18); (i) "farm products, food and related products, chemicals and related products, building materials, petroleum, natural gas and their products, gasoline station supplies, containers and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities" from binder twine, feed, paint, building materials, petroleum products, in containers, empty petroleum products containers, and gasoline station supplies, in the lead (part 21); (j) "farm products, food and related products, pulp, paper and related products and materials, equipment and supplies used in the manufacture, distribution and sale of the named commodities "from eggs, poultry shipping boxes, paper and paper articles, egg cases, egg case materials, and egg case flats, in the lead (part 22); (k) "building materials" from sand and gravel, in the lead (part 23); (l) "petroleum or coal products, food and related products, and such commodities as are dealt in or used by manufacturers or distributors of hardware or automotive accessories and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities named" from coal, plumbing supplies, automobile accessories, cooling equipment, wire, hardware, candy, and tankage, in the lead (part 24); (m) "machinery and parts" from farm machinery and farm machinery parts, in the lead (part 25); (n) "such commodities as are used by producers, distributors, or manufacturers of agricultural commodities, petroleum products or building materials "from livestock, agricultural commodities, feed, petroleum products in containers, empty petroleum product containers, building materials, and agricultural implements and parts, in the lead (part 26); (o) "food and related products" from malt beverage (except commodities in bulk), in Sub-No. 27F; and (p) "such commodities as are dealt in or used by manufacturers or distributors of sporting goods, recreational equipment, hunting equipment and clothing and materials, and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities named" from sporting goods, recreational equipment, hunting equipment, and clothing, accessories for the commodities named and such commodities used in the manufacture, distribution, and installation of the

commodities named (except commodities in bulk), in Sub-No. 31F; (2) allow service at all intermediate points on its regular route authority between (a) Morrowville, KS and Fairbury, NE, in the lead (part 2), (b) Axtell, KS and St. Joseph, MO, in the lead (part 3a), (c) Axtell, KS and Kansas City, MO, in the lead (part 3b), (d) Axtell, KS and St. Joseph, MO, in the lead (part 4), (e) St. Joseph, MO and Axtell, KS, in the lead (part 5), and (f) Winifred, KS and points within 12 miles thereof, and Kansas City and St. Joseph, MO, in the lead (part 6); (3) change its one-way regular route authority to two-way, in the lead (parts 2, 4 and 5); (4) change its one-way irregular route authority to radial, in the lead (part 23); (4) remove the following restrictions: (a) restricted to pick-up and delivery of traffic moving to or from St. Joseph, in the lead (part 3); (b) restricted to pick-up only, in the lead (part 4); (c) restricted to delivery only, in the lead (part 5); (d) restricted against the transportation of chemicals from points in TN to points in Burt County, NE, in Sub-No. 28F; and (e) against transporting hides, skins, and tannery products and against traffic originating at or destined to the facilities of Ardans Wholesale, Inc., in Sub-No. 31F; (5) eliminate "except that no service is authorized to or from Hubbard and Dakota City, NE, in the Sub-No. 13, and "except AK and HI", in Sub-No. 31F; and (6) replace cities with counties on its irregular route authority as follows: Axtell and Summit, KS with Marshall County, in the lead (part 20a); Burchard, NE with Pawnee County and Summerfield, KS with Marshall County, in the lead (part 20b); Beattie, KS with Marshall County, in the lead (part 22); Barneston, NE with Gage County and Summerfield, KS with Marshall County, in the lead (part 23); Maryville, KS with Marshall County, in the lead (parts 24 and 25); Blue Rapids, KS with Marshall County, in the lead (part 26); Morrowville, KS with Washington County, in the lead (parts 27 and 28); Beatrice, Grand Island, and Lincoln, NE with Gage, Hall and Lancaster Counties, in the lead (part 28); and, Jackson, NE with Dakota County, in Sub-No. 13.

MC 104430 (Sub-67)X, filed May 27, 1981. Previously noticed in the Federal Register of June 17, 1981, republished as corrected. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 62F and 63X certificates to (1) broaden its commodity description to "commodities in bulk", from chemicals in bulk, in tank vehicles; and (2) replace cities with county-wide authority; in Sub-Nos. 62F and 63X, Baton Rouge, LA, with Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes, LA; in Sub-No. 63X, Gretna, LA, with Orleans, Plaquemines, and St. Bernard Parishes, LA; Gulfport, MS, with Harrison County, MS; New Orleans, LA, with Orleans, Plaquemines, St. Bernard, St. Charles, and St. Tammany Parishes, LA; Montgomery, AL, with Autauga, Elmore, and Montgomery Counties, AL; Pascagoula, MS, and points within ten miles thereof, with Jackson County, MS and Mobile County, AL; and Adams County, MS (previously expanded from Natchez, MS), with Adams County, MS, and Concordia Parish, LA. The purpose of this republication is to correct the County-wide territorial scope of the Gretna, Natchez, and New Orleans commercial zones.

MC 116254 (Sub-327)X, filed July 2, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35360. Representative: Fred H. Daly, 2550 M Street, NW., Suite 475, Washington, DC 20037. Applicant seeks to remove restrictions in its Sub-Nos. 51, 70, 72, 76, 111, 157, 159, 167, 176, 187, 189, 207F, 234F, 236F, 239F, 255F, 256F, 277F, 286F, 298F, 307F, 310F, 315F, 317F, 320, 321 and 326X certificates and E-10 letter notice to (1) broaden the commodity descriptions from (a) fertilizer and fertilizer ingredients to "chemicals and related products" in Sub-No. 51; (b) chemicals and anhydrous ammonia to "chemicals and related products" in Sub-Nos. 70, 72, 76, and 298; (c) caskets, vaults, boxes, materials and supplies used in the production thereof, to "such commodities as are dealt in by the manufacture of caskets, vaults, and boxes" in Sub-No. 111; (d) pig iron to "metal products" in Sub-No. 157; (e) liquid chemicals to "chemicals and related products" in in Sub-Nos. 159 and 277; (f) glass containers to "clay, concrete, glass or stone products" in Sub-No. 167; (g) brick, brickette, and brickette mini-panels to "clay, concrete, glass, or stone products" in Sub-No. 176; (h) hydrofluosilicic acid to "chemicals and related products" in Sub-No. 187; (i) herbicides to "chemicals and related products" in Sub-No. 189; (j) aluminum roof, aluminum siding, and aluminum nails to "building materials" in Sub-No. 207; (k) titanium dioxide slurry to "chemicals and related products" in Sub-No. 234; (l) aluminum articles, brass articles, bronze articles, copper articles, scrap and unfinished shapes thereof, materials, equipment, and supplies to "metal products, waste or scrap materials, materials, equipment, and supplies" in Sub-No. 236; (m) petroleum, and petroleum products to "petroleum, natural gas, and their products" in Sub-No. 239; (n) aluminum and aluminum articles, materials, equipment and supplies to "metal products, materials, equipment, and supplies" in Sub-No. 255; (o) steel footwalks, steel structural forms, and steel area gratings to "metal products" in Sub-No. 256; (p) steel articles to "metal products" in Sub-No. 286; (q) glass and glass articles, to "clay, concrete, glass, or stone products" in Sub-No. 307; (r) steel articles, to "metal products" in Sub-No. 310; (s) titanium dioxide blurry to "chemicals and related products" in Sub-No. 315; (t) metallic ores, non-metallic minerals, primary and fabricated metal products to "ores and minerals, and metal products" in Sub-No. 317 (parts 1, 2, 4, and 5); (u) gloves, mittens, headwear, and yarn to "textile mill products" in Sub-No. 320; (v) chemicals or allied products, and petroleum and coal products to "chemicals and related products, petroleum, natural gas, and their products, and coal and coal products" in Sub-No. 326; (w) clay, to "clay, concrete, glass, or stone products" in E-10; (2) remove commodity restrictions such as in bulk, in tank, in vehicles equipped with mechanical refrigeration, in dump vehicles, in Sub-Nos. 51, 70, 72, 111, 157, 159, 187, 189, 234, 239, 298, and 315 and E-10; (3) delete plantsite restrictions in Sub-Nos. 51, 70, 72, 111, 159, 167, 189, 234, 236, 239, 255, 277, 286, 298, 310, and 315; (4) delete originating at or destined to restriction in Sub-Nos. 70, 72, 76, 239, and 255; (5) eliminate the exceptions of service to AK and HI in Sub-Nos. 70, 72, 111, 189, 298, and 310; (6) authorize radial service in lieu of existing one-way authority between numerous points in the U.S. in Sub-Nos. 51, 70, 72, 76, 159, 167, 176, 187, 189, 207, 234, 239, 256, 277, 286, 298, 307, 310, 315, 320 and E-10; (7) broaden cities to counties: Wilson Dam and Cherokee, AL, to Lauderdale and Colbert Counties, AL, in Sub-No. 51; Luling, LA, to Saint Charles Parrish, LA, in Sub-No. 70; Tuscaloosa, AL, to Tuscaloosa County, AL, in Sub-No. 72; Arab, AL, to Marshall County, AL, in Sub-No. 76; Loretto, TN, to Lawrence County, TN; Muscle Shoals, AL, to Sheffield County, AL, in Sub-No. 111; Henderson, NV, to Clark County, NV; St. Gabriel, LA, to Iberville Parrish, LA; LeMoyne, AL, to Mobile County, AL, in Sub-No. 159; Henryetta, OK, to Okmulgee County, OK, in Sub-No. 167; Owensboro, KY, to Daviess County, KY, in Sub-No. 176; Florence, AL, to Lauderdale County, AL, and Albuquerque, NM, to Bernalillo County, NM, in Sub-No. 187; Fox, AL, to Tuscaloosa County, AL, in Sub-No. 189; New Johnsonville, TN, to Humphreys County, TN, in Sub-Nos. 234 and 315; Scottsboro, AL, to Jackson County, AL, Detroit, MI, to Wayne County, MI; Belton, SC, to Anderson County, SC; Clinton and Franklin Park, IL, to DeWitt and Cook Counties, IL; Shelbyville, KY, to Shelby County, KY; Monett and Cassville, MO, to Barry County, MO; Rome, NY, to Oneida County, NY; Hannibal, OH, to Monroe County, OH; North Liberty, IN, to St. Joseph County, IN; Moultrie, GA, to Colquitt County, GA; and Newport, AR, to Jackson County, AR, in Sub-No. 236; Blawnox, PA, to Allegheny County, PA, and Jackson, MS, to Hinds County, MS, in Sub-No. 256; Henderson, NV, to Clark County, NV, in Sub-No. 277; Andrews, SC, to Georgetown County, SC; Chicago, IL, to Cook County, IL; Detroit, Taylor, and Warren, MI, to Wayne and Macomb Counties, MI, in Sub-No. 286; Taft, LA, to St. Charles Parrish, LA, in Sub-No. 298; Jeanette, PA, to Westmoreland County, PA, and Clarksburg, WV, to Harrison County, WV, in Sub-No. 307; Cincinnati, OH, to Hamilton County, OH, in Sub-No. 310; Appleton and Milwaukee, WI, to Outagamie and Milwaukee Counties, WI, in Sub-No. 320; Waterloo, AL, and 10 miles thereof, to Colbert and Lauderdale Counties, AL, in E-10; (8) eliminate the restriction against transporting petrochemicals to 23 named States in Sub-No. 70; (9) delete the restriction against transporting petrochemicals, fertilizer, and dry chemicals to several states in Sub-No. 76; and (10) delete the commodity restrictions, such as except fuels, ordnance, transportation equipment and machinery, in order to transport ores and minerals and metal products, without exceptions, in Sub-No.317 (parts 2 and 5).

MC 119631 (Sub-46)X, filed June 30, 1981. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 20, 22, 23, 24, 26F, 27F, 28F, 29F, 30F, 32F, 35F, 36F, 37F, 38F, and 39F certificates and its E-1, E-3, E-4, E-5, and E-6 letter notices to (A) broaden its commodity descriptions (1) in the lead and Sub-Nos. 2, 3, 4, 6, 14, 15, 16 part (1), 20, 30F, 37F, E-1, and E-3, to "clay, concrete, glass or stone products", from floor and wall tile, clay, clay products, brick, ceramic floor and wall tile, glassware, fire clay, dolomite magnesite, high temperature bonding mortar, cement in bags, concrete in bags, glass, bagged clay, and clay products (except pottery); (2) in the lead and Sub-Nos. 4, 9, 26F, and 27F, to "Food and related products", from sugar, nuts, dates, coffee, food products, and sugar in packages or containers; in the lead, to "machinery and lumber and wood products", from machinery, tools, dies, and empty containers; in the lead and Sub-Nos. 2 and 8, to "containers, carriers or shipping devices" from pallets, skids, and empty containers, which have been used in the transportation of clay products on return movements, and pallets and other shipping containers used in the transportation of clay products other than pottery, etc. * * *; (3) in Sub-Nos. 5, 7, 22, 23, 24, 28F, 32F, 36F, 38F part (1), 39F, E-4, E-5, and E-6, to "ores and minerals, coal and coal products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, and machinery", from refractories, bonding mortar, brick and tile refractory products and materials, clay products and refractories (except pottery), etc. * * *; (4) in Sub-Nos. 6 and 8, to "farm products", from urea fertilizer, dry, in bags, and in bulk; (5) in Sub-No. 8, to "machinery", from tools and equipment necessary for the laying of building tile, and backwalls and radiants; to "lumber and wood products", from lumber; to "rubber and plastic products, clay, concrete, glass or stone products, and metal products", from sewer pipe; to "chemicals and related products", from superphosphate; to "clay, concrete, glass or stone products, and ores and minerals", from clay and talc, earthware and dishes, and silica sand in bags; to "ores and minerals, and chemicals and related products", from hydrate of aluminum; to "clay, concrete, glass or stone products, metal products, and machinery", from clay backwalls and radiants, clay stove and furnace parts, clay fireplace parts, and clay gas heater and radiator parts; (6) in Sub-Nos. 8 and 38F part (2), to "ores and minerals" from wollastonite, saggers and hillers, and magnesite and magnesite products, and materials, equipment and supplies used in the manufacture and distribution thereof; (7) in Sub-Nos. 8, 14, and 35F, to "metal products", from enamelware, steel trusses and reinforcing wire, steel angles, and iron and steel articles; (8) in Sub-Nos. 10 and 14, to "rubber and plastic products", from plastic manikin forms, and liquid latex; (9) in Sub-No. 11, to "Food and related products, and materials equipment and supplies used in the preparation, serving or consumption, transportation, sales and distribution of food and related products" from foods and food products, materials and supplies used in the preparation, serving or consumption thereof, and premiums, advertising materials, and containers and racks used in the transportation thereof; (10) in Sub-No. 13, to "building materials and equipment materials, and supplies used in their erection and installation", from concrete backed building panels, and materials and supplies used in erection and installation thereof, in mixed loads; (11) in Sub-Nos. 14 and 16, to "building materials", from clay construction panels, and concrete construction panels; (12) in Sub-No. 16 to "clay, concrete, glass or stone products and materials, equipment and supplies used in their manufacture", from clay products and materials and machinery used in the manufacture of clay products; and (13) in Sub-No. 29F, to "textile mill products, chemicals and related products, rubber and plastic products, machinery, and metal products", from buffing pads, cleaning cloths, polishing and cleaning compounds, tools, putty, and paint (except in bulk), and accessories thereof; (B) replace its cities and facilities with county-wide authority: (1) in the lead, East Sparta, OH, with Stark and Tuscarawas Counties, OH; Parkersburg, OH, with Wood County, OH; (2) in the lead and Sub-5, Goshen, Mill, and Warwick Townships, Tuscarawas County, OH, with Tuscarawas County, OH; Palmyra Township, Portage County, OH, with Portage County, OH; Lisbon and East Liverpool, OH, with Columbiana County, OH and Hancock County, WV; Windham, OH, with Portage County, OH; Portsmouth, OH, with Sciota County, OH, and Greenup County, KY; (3) in Sub-No. 2, Lisbon, OH, with Columbiana County, OH, and Hancock County, WV; Wellsville, OH, and points within 10 miles of Wellsville, with Columbiana and Jefferson Counties, OH, Hancock County, WV, and Beaver County, PA; (4) in Sub-No. 3, Canton, OH, with Stark County, OH; (4) in Sub-No. 4, Washington, PA, with Washington County, PA; (5) in Sub-No. 6, North Claymont, DE, with New Castle County, DE; (6) in Sub-No. 7, East Palestine, OH and points within five miles thereof, with Columbiana and Mahoning Counties, OH and Lawrence and Beaver Counties, PA; Alliance, OH and points within five miles thereof, with Stark, Columbiana and Portage Counties, OH; Haydenville, OH, with Hocking and Athens Counties, OH; Rose Township (Carroll County, OH) with

Carroll County, OH; Osnaburg, Lake and Sandy Townships (Stark County, OH), with Stark County, OH; Unity Township, (Columbiana County, OH), with Columbiana County, OH; West Bridgewater, PA, with Beaver County, PA; Williamsport, MD, with Washington County, MD and Berkeley County, WV; Malvern, OH, with Carroll County, OH; East Liverpool, OH, and Lisbon, OH, with Columbiana County, OH and Hancock County, WV; Wickliffe, OH with Mahoning, Trumbull, Lake, and Cuyahoga Counties, OH; Alliance, OH with Stark and Columbiana Counties, OH; Canton, OH and points within 40 miles thereof, with Geauga, Cuyahoga, Summit, Lorain, Medina, Huron, Ashland, Holmes, Coshocton, Guernsey, Harrison, Jefferson, Stark, Columbiana, Carroll, Tuscarawas, Wayne, Portage, Trumbull, Mahoning Counties, OH and Hancock County, WV;

Nelsonville, OH with Hocking and Athens Counties, OH; Fredericksburg, OH with Wayne and Holmes Counties, OH; Liberty Township (Seneca County, OH) with Seneca County, OH; (7) in Sub-No. 8, East Palestine, OH and points within five miles thereof with Columbiana and Mahoning Counties, OH and Lawrence and Beaver Counties, PA; Alliance, OH with points in Stark and Columbiana Counties, OH; Jamestown, NY with Chautauqua County, NY; Canton, OH with Stark County, OH, Sugarcreek, OH, with Tuscarawas and Holmes Counties, OH; Summitville, OH, with Columbiana County, OH; Toronto, OH, with Jefferson County, OH and Hancock County, WV; Newell, WV, with Hancock County, WV; Malvern, OH with Carroll County, OH; Salineville, OH with Columbiana County, OH; Empire, OH with Jefferson County, OH; Uhrichsville and Dennison, OH with Tuscarawas County, OH; New Cumberland, WV with Hancock and Jefferson Counties, WV; East Palestine, OH and points within five miles thereof, with Columbiana and Mahoning Counties, OH, and Lawrence and Beaver Counties, PA; Alliance, OH and points within five miles thereof, with Stark, Columbiana and Portage Counties, OH; Rose Township, Carroll County, OH, with Carroll County, OH; Osnaburg, Lake and Sandy Townships, Stark County, OH with Stark County, OH; Unity Township, Columbiana County, OH, with Columbiana County, OH; Haydenville, OH with Hocking and Athens Counties, OH; West Bridgewater, PA with Beaver County, PA; East Liverpool and Lisbon, OH, with Columbiana County, OH and Hancock County, WV; Wickliffe, OH with Mahoning, Trumbull, Lake, and Cuyahoga Counties, OH; Haydenville, OH, with Hocking and Athens Counties, OH; Canton, OH, with Stark County, OH; Dennison, OH, with Tuscarawas County, OH; Nelsonville, OH, with Athens and Hocking Counties, OH; facilities at Curtis Bay, Baltimore, MD, with Curtis Bay, Baltimore, MD; Columbus, OH, with Franklin, Fairfield, Licking, Delaware, Union, and Madison Counties, OH; facilities in Lexington Township, Stark County, OH, with Stark County, OH; Fredericksburg, OH, with Wayne and Holmes Counties, OH; Williamsport, MD, with Washington County, MD and Berkeley County, WV; Liberty Township, Seneca County, OH, with Seneca County, OH; facilities three miles north of Willsboro, NY, with Essex County, NY; Sebring, OH, with Columbiana and Mahoning Counties, OH; Connersville, IN, with Fayette County, IN; Evansville, IN, with Vanderburgh and Warrick Counties, IN and Henderson County, KY; Indianapolis, IN, with Marion, Johnson, Shelby, Hancock, Hamilton, Boone, Hendricks, and Morgan Counties, IN; Muskegon, MI with Muskegon County, MI; Erie, PA, with Erie County, PA; Carnegie, PA, with Allegheny County, PA; Pittsburgh, PA, with Allegheny, Washington, and Westmoreland, Counties, PA; St. Paul, MN with Ramsey, Washington, Dakota, Anoka, and Hennepin Counties, MN; St. Cloud, MN with Benton, Sherburne, and Stearns Counties, MN; Huntington, WV, with Cabell and Wayne Counties, WV and Lawrence County, OH; Natrona, PA, with Allegheny and Westmoreland Counties, PA; Carnegie, PA, with Allegheny County, PA; Louisville, KY, with Jefferson and Oldham Counties, KY and Floyd and Clark Counties, IN; Warren, OH, with Trumbull County, OH; Youngstown, OH with Mahoning and Trumbull Counties, OH and Lawrence and Mercer Counties, PA; facilities at or near Riverton, VA, with Warren County, VA; (8) in Sub-No. 10, Barberton, OH, with Summit, Wayne and Medina Counties, OH; (9) in Sub-No. 11, facilities at or near Pitman, NJ, with Gloucester County, NJ; (10) in Sub-No. 13, Canton, OH, with Stark County, OH; (11) in Sub-No. 14, Minerva, OH, with Carroll, Columbiana and Stark Counties, OH; Peoria, IL, with Peoria, Tazewell, and Woodford Counties, IL; Pittsburgh, PA, with Allegheny, Westmoreland, and Washington Counties, PA; Gary, IN, with Porter and Lake Counties, IN and Cook County, IL; Wampum, PA, with Lawrence and Beaver Counties, PA; Louisville, KY, with Jefferson and Oldham Counties, KY, and Floyd and Clark Counties, IN; (12) in Sub-No. 15, facilities at Cambridge, OH, with Guernsey County, OH; (13) in Sub-Nos. 16 and 30F, Summitville, OH, with Columbiana County, OH; Pekin, OH, with Warren County, OH; (14) in Sub-No. 18, Fairfield, OH, with Butler County, OH; (15) in Sub-No. 20, Gnadenhutton, OH, with Tuscarawas County, OH; Sugar Creek, OH with Tuscarawas and Holmes Counties, OH; (16) in Sub-No. 22, Windham, OH, with Portage County, OH; (17) in Sub-No. 23, White Cloud, MI, with Newaygo County, MI; (18) in Sub-No. 24, Newell, WV, with Hancock County, WV; (19) in Sub-No. 26F, facilities at or near Boston, MA, with Boston, MA; facilities at Brooklyn, NY, with Kings, Queens, Richmond and New York Counties, NY, and Essex County, NJ; (20) in Sub-No. 28F, White Cloud, MI, with Newaygo County, MI; Hammond, IN, with Lake County, IN; Gary, IN, with Porter and Lake Counties, IN, and Cook County, IL; Rockdale, IL, with Will County, IL; (21) in Sub-No. 29F, Canton, OH, with Stark County, OH; (22) in Sub-No. 32F, Shreve, OH, with Wayne and Holmes Counties, OH; Houston, MS, with Chickasaw County, MS; points in Tuscarawas County, OH, within 5 miles of East Sparta, OH, with Tuscarawas County, OH; (23) in Sub-No. 35F, facilities at Canton, OH, with Stark County, OH; Cleveland, OH, with Cuyahoga, Lorain, Medina, Summit, and Lake Counties, OH; Massillon, OH, with Stark and Wayne Counties, OH; Warren, OH, with Trumbull County, OH; Youngstown, OH, with Mahoning and Trumbull Counties, OH and Lawrence and Mercer Counties, PA; (24) in Sub-No. 36F, facilities at or near: Curwensville, PA, with Clearfield County, PA; Womelsdorf, PA, with Berks and Lebanon Counties, PA; Mt. Union, PA, with Huntingdon and Mifflin Counties, PA; Vanport, PA, with Beaver County, PA; White Cloud, MI, with Newaygo County, MI; Farber, MO, with Audrain County, MO; (25) in Sub-No. 37F, Mayfield, KY, with Graves County, KY; Gleason and Whitlock, TN, with Weakley and Henry Counties, TN; Sledge, MS, with Quitman County, MS; (26) in Sub-No. 38F, facilities at or near: Maple Grove, OH, with Seneca and Sandusky Counties, OH; Bettsville, OH, with Seneca County, OH; Gabbs, NV, with Nye County, NV; Port Saint Joe, FL, with Gulf County, FL; (27) in Sub-No. 39F, facilities at or near: Rockdale, IL with Will County, IL; Gary, IN, with Porter and Lake Counties, IN and Cook County, IL; Hitchins, KY, with Carter County, KY; Warren, OH, with Trumbull

County, OH; Claysburg, PA, with Blair and Bedford
Counties, PA; Salina, PA, with Westmoreland County, PA; Sproul, PA, with Blair County, PA; Bessemer, AL with Jefferson County, AL; Eufala, AL, with Barbour County, AL and Quitman County, GA; Fairfield, AL, with Jefferson County, AL; Brunswick, GA with Glynn and Camden Counties, GA; Calhoun, GA, with Gordon County, GA; Hammond, IN, with Lake County, IN and Cook County, IL; Jennings, MD, with Garrett County, MD; Ludington, MI, with Mason County, MI; Fulton, MO, with Callaway County, MO; Vandalia, MO, with Audrain, Ralls and Pike Counties, MO; Cape May, NJ, with Cape May County, NJ; Portsmouth, OH, with Scioto County, OH and Greenup County, KY; Windham, OH, with Portage County, OH; Mt. Union, PA, with Huntingdon and Mifflin Counties, PA; Clearfield, PA with Clearfield County, PA; Templeton, PA, with Armstrong County, PA; and (28) in Sub-No. E-3, points in Ohio within 40 miles of Canton, with Geauga, Cuyahoga, Summit, Lorain, Medina, Huron, Ashland, Holmes, Coshocton, Guernsey, Harrison, Jefferson, Stark, Columbiana, Carroll, Tuscarawas, Wayne, Portage, Trumbull, and Mahoning Counties, OH and Hancock County, WV; (C) change one-way to radial authority between specified cities, counties, and States in the U.S., in the lead and all of the above sub-numbers except Sub-No. 39F; (D) eliminate: (1) in Sub-No. 6, the restriction against the use of air slide, pressure differential, and hopper type vehicles; (2) remove the commodities in bulk exceptions wherever they appear; (3) in Sub-No. 24, the restriction against transportation in foreign commerce; (4) in Sub-No. 2, against transportation to Port Homer, OH; (5) in Sub-No. 5, restriction against the transportation of lime, limestone, and limestone products; and (6) in Sub-No. 11, restriction against the transportation of frozen foods.

MC 123681 (Sub-39)X, filed July 2, 1981. Applicant: WIDING TRANSPORTATION, INC., P.O.B. 03159, Portland, OR 97203. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6, 7, 8, 9, 18, 19, 20, 22, 23, 26b, 30, 31, 33 35F, 36F, E1, E2, E3, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, and E24 certificates to (1) broaden the commodity description from various specified commodities such as liquid chemicals and acids, contractor's materials and supplies, molasses, fertilizer, and petroleum products, all in bulk, to "commodities in bulk" in all of the above Sub-Nos.; (2) remove vehicle and minimum weight restrictions in Sub-Nos. 2, 7, 8, 9, 19, 20, 22, 26G, 30, 31, 33, 35, E1, E2, E3, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, and E24; (3) remove restrictions to foreign commerce only in Sub-Nos. 6, and 19, (4) remove a restriction against specified commodities moving (a) to points in Ada and Canyon Counties, ID in Sub-No. 8 and (b) from Sweetwater County, WY in Sub-No. 36F; (5) remove facilities limitations at/or replace Chico, CA with Butler County in Sub-No. 2, Vancouver, WA, with Clark County, WA, in Sub-Nos. 2, 8, 30, E19 and E20, Portland, OR, with Mulnomah County, OR, in Sub-Nos, 7, 8, 19, 23, 26b, 35F, E17, and E18, Linnton and Willbridge, OR, with Mulnomah County, OR in Sub-No. 7, Baker and Blachly, OR, with Baker and Lane Counties, OR, and points within 5 miles of Pasco, WA, with Franklin, Benton and Walla Walla Counties, WA, in Sub-No. 7, Toppenish, WA, with Yakima County, WA, Longview, WA, with Cowlitz County, WA, Eugene, Albany and Tillamook, OR, with Lane, Linn and Tillamook Counties, OR, and Seattle and Tacoma, WA, with King and Pierce Counties, WA, Ferndale, WA, with Whatcom County, WA, Bandon, Coos Bay, Coquille, and Empire, OR, with Coos County, OR Finley, WA, with Benton County, WA, Kellogg, ID, with Shoshone County, ID, Springfield, OR, with Lane County, OR, Kent, WA, with King County, WA, Wallula, WA, with Walla Walla County, WA, Kalawa, WA, with Cowlitz County, WA, Geneva, UT, with Utah County, UT, North Portland, OR, with Multnomah County, OR, Lebanon, OR, with Linn County, OR, in Sub-No. 8; Avon, CA with Contra Costa County, CA and Springfield, OR, with Lane County, OR, Anderson, Eureka and Crescent City, CA, with Shasta, Humboldt, and Del Notre Counties, CA, Redding and Santa Clara, CA, with Shasta and Santa Clara Counties, CA in Sub-No. 19, Kalama, WA, with Cowlitz County, WA in Sub-No. 20, Sparks, NV, with Washoe County, NV, in Sub-No. 30, East Helena, MT, with Lewis and Clark County, MT, in Sub-No. 33, Hood River, OR, with Hood River and County, OR in Sub-No. 35F, Bellingham, WA, with Whatcom County, WA, Antioch and Pittsburgh, CA, with Contra Costa County, CA, in Sub-No. 36F, and Missoula, MT, with Missoula County, MT, in Sub-No. El (6) replace ports of entry on the international Boundary line between the United States and Canada at Blaine, Oroville, and Sumas, WA, with all ports of entry in WA in Sub-Nos. 8 and 19; and (7) replace one-way with radial authority.

MC 124170 (Sub-175)X, filed June 29, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, Suite 205, 2021 Midwest Road, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 39 and 53 certificates to (1) broaden the commodity description in each certificate to "food and related products" from bananas, and exempt agricultural commodities; and remove restrictive language "when transported in mixed loads with bananas"; (2) remove the restriction limiting service to traffic having an immediately prior movement by water in Sub-No. 39; (3) remove restrictions (a) requiring transportation of traffic in shipper-owned containers equipped with mechanical refrigeration, and (b) limiting transportation of traffic to that originating at the named facilities, and having an immediately prior movement by water, in Sub-No. 53; (4) change one-way authority to radial authority; and (5) substitute county-wide authority for the named points as follows: Sub-No. 39, Mobile County, AL (Mobile, AL); and Sub-No. 53, Harrison County, MS (Gulfport, MS).

MC 129712 (Sub-51)X, filed July 6, 1981. Applicant: GEORGE BENNETT, MOTOR EXPRESS, INC., Representative: Guy H. Postell, Suite 713 3384 Peachtree Road, NE., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-No. 14 permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with named shipper.

MC 133035 (Sub-28)X, filed June 29, 1981. Applicant: DILTS TRUCKING, INC., Route No. 1, P.O. Box 156, Crescent, IA 51526. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 8, 10, 11, 12, 13, 15, 16, 22, 24, 25, and 27 certificates to (1) broaden the commodity descriptions to "chemicals and related products" from salt, salt products and/or salt compounds, in the lead; anhydrous ammonia, urea and dry fertilizer, in Sub-No. 4; dry fertilizer and dry fertilizer materials and ingredients, in Sub-Nos. 5, 12 and 16; dry superphosphate and dry potash, in Sub-No. 10; dry ammonium nitrate, in Sub-No. 11; anhydrous ammonia, in Sub-No. 15; and dry urea, in Sub-No. 22; to "commodities in bulk" from anhydrous ammonia, in bulk, in tank vehicles, in Sub-Nos. 8 and 25;

liquid feed and liquid feed supplement in bulk, in Sub-No. 13; liquid fertilizer, in bulk, in tank vehicles, in Sub-No. 24 and nitrogen fertilizer solution, in bulk, in Sub-No. 27, (2) replace one-way authority with radial authority, in the lead and all subs, and (3) broaden the territorial description by substituting city-wide and county-wide authority in place of city-wide authority and facilities as follows: Douglas County, NE (for Omaha, NE) Pottowattamie County, IA (for Council Bluffs, IA), in the lead; Gage County, NE (for facilities at Beatrice, NE), in Sub-No. 5; Monona, Sac and Hancock Counties, IA (for facilities at Whiting, Early and Garner, IA) and Cass County, NE (for facilities at Greenwood, NE), in Sub-No. 6; Des Moines, IA (for facilities at Des Moines, IA), in Sub-No. 10; Douglas County, KS (for facilities at Lawrence, KS), in Sub-No. 11; Humboldt County, IA (for Humboldt, IA), in Sub-No. 12; Washington County, NE (for Blair, NE), in Sub-No. 15; Kansas City, MO and Kansas City, KS (for facilities at Kansas City, MO and Kansas City, KS), in Sub-No. 16; Douglas County, KS (for facilities at Lawrence, KS), in Sub-No. 22; Richardson County, NE (for facilities at Falls City, NE), in Sub-No. 24; Gage County, NE (for facilities at Hoag, NE), in Sub-No. 25F, and Washington County, NE (for facilities at Blair, NE), in Sub-No. 27F, and (5) remove the originating at and/or destined to restrictions, in Sub-Nos. 5,6 and 10.

MC 141562 (Sub-47)X, filed July 7, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 13, 15, 19, 22, 25F, 30F, 36F, and 37F certificates to (1) broaden the commodity descriptions from power tools, electrical motors and industrial vacuum cleaners in Sub-Nos. 13 and 25 lighting fixtures and parts attachments and accessories for lighting fixtures in Sub-No. 19, and lamps, bulbs, and materials and supplies used in the distribution thereof in Sub-No. 22, to "machinery"; from power tool stands in Sub-Nos. 13 and 25 to "furniture and fixtures"; from cleaning compounds and toiletries (except in bulk) in Sub-Nos. 15 and 37F, to "chemicals and related products"; from clothing and piece goods in Sub-No. 36F, to "apparel and textile mill products"; and from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 30F; (2) remove facilities limitations in Sub-Nos. 13, 15, 22, 30F, 36F, and 37F; (3) replace one-way with radial authority in all named Sub-Nos.; and (4) remove originating at or destined to restrictions in Sub-Nos. 13, 15, 36F, and 37F.

MC 142872 (Sub-177)X, filed July 7, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 69F certificate to (1) broaden the commodity description from frozen prepared foodstuffs to "food and related products", (2) replace one-way authority with radial authority, (3) broaden the territoral description by substituting county-wide authority for facilities: Los Angeles County, CA (for facilities at San Fernando, CA) and (4) remove the originating at restriction.

MC 144622 (Sub-210)X, filed July 6, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 135F, and 155 certificates to (1) broaden the commodity description from general commodities with exceptions in Sub-Nos. 2F, 135F, and 155, to "general commodities (except classes A and B explosives)", (2) remove the originating at and/or destined to restriction in Sub-No. 2F, (3) remove the restriction requiring traffic to have a prior movement by water in Sub-No. 155, (4) remove the exception of AK and/or HI in Sub-Nos. 135F and 155, (5) replace facilities or city-wide authority with county-wide authority: (a) Berlin, CT; La Mirada, Oakland, Fresno, and San Diego, CA; Denver, CO; Dallas, Houston, and San Antonio, TX; Salt Lake City, UT; Phoenix, AZ; Reno, NV; Portland, OR; and Seattle, WA with Harford County, CT; Los Angles, Alameda, Fresno, and San Diego Counties, CA; Denver County, CO; Dallas, Harris, and Bexar Counties, TX; Salt Lake County, UT; Maricopa County, AZ; Washoe County, NV; Multnomah County, OR; and King County, WA in Sub-No. 2F, and (b) facilities at Santa Fe Springs, CA with Los Angeles County, CA in Sub-No. 135F, and (6) replace one-way with radial authority in Sub-Nos. 2F and 155.

MC 145130 (Sub-6)X, filed July 6, 1981. Applicant: ATICO TRANSPORT, INC., 6700 S. Leclaire Avenue, Chicago, IL 60638. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) broaden the commodity decription from chemicals (except in bulk) to "chemicals and related products", in Sub-No. 2F, (2) remove the "in bulk" restriction, in Sub-No. 3F, (3) replace one-way authority with radial authority, and (4) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: Hamilton County, OH (for facilities at St. Bernard, OH), and Cincinnati, OH (for facilities at Cincinnati, OH), in Sub-No. 2F and Marshall County, KY (for Calvert City, KY) and Union County, NJ (for Linden, NJ), in Sub-No. 3F.

MC 146097 (Sub-5)X, filed June 29, 1981. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan Street, Hutchison, MN 55350. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Permits No. MC 138539 (Sub-Nos. 1, 3, 6, 7, and 10) to (A) broaden the commodity description in all permits to "food and related products" from malt beverages; (B) remove the "except in bulk" commodity restriction in Sub-No. 10; and (C) broaden the territoral descriptions to authorize service between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-21418 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY3-123]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 14, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 113545 (Sub-20), filed July 7, 1981. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, NJ 07303. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156764, filed July 6, 1981. Applicant: L.V.L., INC., P.O. Box 767, 221 S. Redmond Rd., Jacksonville, AR 72076. Representative: Larry Vassar (same address as applicant), (501) 982-0806. Transporting *general commodities*, between Primrose and Luthersville, GA, Cardwell, Arbyard, Hornersville, Edna, Lewistown, Hurdland, and Ewing, MO, McHenery, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allison, TX, Raymond, Oakley, Adams, and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokedale, NC, Radcliff, Aurora, Ellsworth, and Lawn Hill, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton, and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva, and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia, and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon, and Butler, OK, McDonald, OH, Paris Crossing and Paris, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 156934, filed June 24, 1981. Applicant: ALMA C. BAYNE, P.O. Box 30193, Billings, MT 59107. Representative: Alma C. Bayne (same address as applicant), (406) 245-8100. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S., and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156964, filed July 6, 1981. Applicant: FRED W. ALKIRE, Route 8, P.O. Box 530-A, Yakima, WA 98908. Representative: Fred W. Alkire (same address as applicant), (509) 966-5897. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156974, filed August 2, 1981. Applicant: THORE THORSON, R.R. 7, P.O. Box 495, Bemidji, MN 56601. Representative: Gordon Rosenmeier, 72 Broadway East, Little Falls, MN 56345, (612) 632-5456. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156995, filed July 7, 1981. Applicant: PETER ROBERT TRAMBOFF, d.b.a. BELL TRUCK BROKERS, 14140 Beach Blvd., Suite 203, Westminster, CA 92683. Representative: Peter Robert Tramboff (same address as applicant), (714) 891-1612. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-21418 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

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Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representatives of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public

need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volumn No. OPY-3-121

Decided: July 15, 1981.

MC 1924 (Sub-19), filed June 29, 1981. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., N. 400 Sycamore, P.O. Box 3383, Terminal Annex, Spokane, WA 98055. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235-4730. Transporting *general commodities* (except classes A and B explosives), over regular routes, (1) Between Spokane, WA and Missoula, MT, over Interstate Hwy 90 and U.S. Hwy 10, serving off-route points in Spokane County, WA, Benewah, Kootenai and Shoshone Counties, ID, and Missoula County, MT; (2) Between Missoula, MT and Kalispell, MT, over U.S. Hwy 93; (3) Between Spokane, WA and Kalispell, MT, over U.S. Hwy 2, serving off-route points in Spokane County, WA, Kootenai, Bonner and Boundry Counties, ID and Lincoln and Flathead Counties, MT; (4) Between Libby, MT and Kalispell, MT: From Libby over MT Hwy 37 to junction U.S. Hwy 93, then over U.S. Hwy 93 to Kalispell, and return over the same route, serving off-route points in Lincoln and Flathead Counties, MT; (5) Between Spokane, WA and Laurier, WA, over U.S. Hwy 395; (6) Between junction U.S. Hwy 395 and WA Hwy 25, and the port of entry on the international boundry line between the U.S. and Canada at or near Boundary, WA: From junction U.S. Hwy 395 and WA Hwy 25 over WA Hwy 25 to junction WA Hwy 251, then over WA Hwy 251 to the port of entry on the international boundry line between the U.S. and Canada, serving off-route points in Stevens County, WA; and (7) Between Coeur d'Alene, ID and Sandpoint, ID, over U.S. Hwy 95.

MC 10345 (Sub-104), filed June 30, 1981. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 West St. Joseph St., Lansing, MI, 48901. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., N.W., Washington, DC 20004, (202) 737-1060. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Volvo of America Corporation, of Rockleigh, NJ.

MC 30504 (Sub-26), filed June 19, 1981. Applicant: TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, IN 46691. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312)-236-9375. Transporting: *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MO, MN, OH, TN, WI, MI and those points in PA on and west of U.S. Hwy 219.

MC 121265 (Sub-2), filed July 1, 1981. Applicant: MONROE CARTAGE, INCORPORATED, 425 West Factory Rd., Addison, IL 60101. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, MI, MO, and WI. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request of its existing Certificate of Registration No. MC-121265 Sub 1.

MC 136325 (Sub-9), filed June 1981. Applicant: CUFURAY, LTD., Route 1, Box 333, Delavan, WI 53115. Representative: Lorna J. Granger, Marine Plaza, Suite 1330, 111 East Wisconsin Ave., Milwaukee, WI 53202, (414) 272-6550. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Del Monte Corporation, of Rochelle, IL.

MC 139994 (Sub-5), filed June 26, 1981. Applicant: STENCEL TRUCKING, P.O. Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402, (612) 340-0800. Transporting: (1) *hides, pelts or skins*, and (2) *wood*, between points in the U.S.

MC 148485 (Sub-4), filed June 22, 1981. Applicant: SMITH CARTAGE, INC., 104 South Vine Avenue, Marshfield, WI, 54449. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting *general commodities*, between points in the U.S., under a continuing contract(s) with Master-Craft Casket, Inc., of Ladysmith, WI, and Preway, Inc., of Wisconsin Rapids, WI.

MC 148874 (Sub-7), filed June 30, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773-4111. Transporting (1) *food and related products* (2) *furniture and fixtures*, (3) *paper and related products*, and (4) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Burger King Corporation, of Miami, FL.

MC 148874 (Sub-8), filed June 30, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773-4111. Transporting *office furniture*, between points in the U.S. under continuing contract(s) with United States Stationers, of Marywood, IL.

MC 148874 (Sub-9), filed June 30, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773-4111 Transporting (1) *food and related products*, (2) *furniture and fixtures*, (3) *paper and related products*, and (4) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Beatrice Foods Co., of Chicago, IL.

MC 150295 (Sub-1), filed June 30, 1981. Applicant: K & M DIESEL SERVICE, INC., 10 East Maple Ave., Cedarville, NJ 08311. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *sand*, between Dividing Creek and Millville, NJ, on the one hand, and, on the other, points in CT, DE, MD, NY, and PA.

MC 150444 (Sub-3), filed June 30, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as applicant), (703) 734-2810. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Franklin Mint, its subsidiaries and affiliates, of Franklin Center, PA.

MC 151985 (Sub-3), filed June 30, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346, (404) 398-1111. Transporting (1) *food and related products*, and (2) *metal products*, between points in the U.S. under continuing contract(s) with Allied Foods, Inc., of Atlanta, GA.

MC 154574, filed July 2, 1981. Applicant: LANCASTER TRANSIT, INC., P.O. Box 521, Lancaster, SC 29720. Representative: James K. Davis, P.O. Box 337, Lancaster, SC 29720, (803) 283-3386. Transporting *passengers*, between Lancaster, SC, and Charlotte, NC.

MC 155784, filed may 4, 1981. Applicant: KEN GRAVES, d.b.a. KPS TRUCKING CO., 504 Florham Ave., San Dimas, CA 90773. Representative: Miles L. Kavaller, 315 South Beverly Drive, Beverly Hills, CA 90212, (213) 277-2323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Hill Refrigeration Corporation, a subsidiary of Emhart, Inc., of Los Angeles, CA.

MC 156814, filed July 1, 1981. Applicant: ARCTIC AIR TRANSPORT, INC., 584 Parker Ave., Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *pulp, paper and related products*, between points in Chippewa, Eau Claire, and Rusk Counties, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156884, filed July 1, 1981. Applicant: EDWIN M. STALEY, d.b.a. RIVER DRIVE WRECKER SERVICE, 4101 North Front St., Harrisburg, PA 17110. Representative: Lloyd R. Persun, P.O. Box 729, Harrisburg, PA 17108, (717) 232-6701. Transporting *wrecked or disabled vehicles*, between points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 156894, filed July 1, 1981. Applicant: MELRHO, INC., Colts Towne Plaza, #34, Colts Neck, NJ 07722. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457-1124. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with S. B. Thomas, Inc., of Totowa, NJ.

MC 156895, filed June 16, 1981. Applicant: RKF TOURS & TRAVEL INDUSTRY, LTD., 1469 York Ave., New York, NY 10013. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. As a *broker*, at New York, NY, in arranging for the transportation of *passengers and their baggage*, in charter and special operations, beginning at points in NY and extending to points in the U.S.

MC 156975, filed July 6, 1981. Applicant: VIRGINA MOTOR LINES, INC., 11211 Timberlake Rd., Lynchburg, VA 24502. Representative: S. P. Montgomery (same address as applicant), (804) 525-8473. Transporting *general commodities* (except classes A and B explosives), between points in VA.

MC 156985, filed June 30, 1981. Applicant: TRICHEM ENVIRONMENTAL INDUSTRIES, INC., P.O. Box 360, Stamford, CT 06904. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *hazardous materials and waste*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

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Decided: July 13, 1981.

MC 19945 (Sub-74), filed June 30, 1981. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *commodities in bulk* and *chemicals and related products*, (1) between points in LaSalle County, IL on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MO, OH, IN, and WI, and (2) between points in Williamson County, IL, on the one hand, and, on the other, points in IA, IN, and KY.

MC 60014 (Sub-210), filed July 2, 1981. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in AZ, AR, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 98614 (Sub-14), filed July 2, 1981. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244-6100. Transporting *petroleum, natural gas and their products*, between points in AR, MS, and TN.

MC 105774 (Sub-11), filed June 30, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 & U.S. Hwy 24, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison St., P.O Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *building materials*, between points in Phillips County, KS, on the one hand, and, on the other, points in AZ, CA, Co, ID, IL, IA, MO, MT, NE, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 120364 (Sub-38), filed July 1, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61105. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *printed matter, pulp, paper and related products*, between points in the U.S., under a continuing contract(s) with Westvaco, U.S. Envelope Division, of Springfield, MA.

MC 123265 (Sub-5), filed July 6, 1981. Applicant: SANTRY TRUCKING CO., 10505 N. E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with American Home Foods Division of American Home Products Corp., of Vacaville, CA.

MC 133314 (Sub-11), filed July 6, 1981. Applicant: SILVAN TRUCKING COMPANY, INC., Route 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, (317) 634-6313. Transporting *cleaning compounds*, between points in the U.S. under continuing contract(s) with Blue Lustre Home Care Products, Inc., of Indianapolis, IN.

MC 135524 (Sub-170), filed July 6, 1981. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501.

Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509, (216) 747–4461. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135895 (Sub-131), filed July 1, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O.Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *chemicals and related products*, and (2) *such commodities* as are dealt in or used by retail filling stations and automotive service centers, between the facilities of Speciality Oil Company, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 136635 (Sub-62), filed July 6, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting (1) *rubber and plastic products*, and (2) *containers and container ends*, between points in the U.S.

MC 138415 (Sub-23), filed June 30, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571, (219) 593–2179. Transporting *camping trailers, boats, vans, and motor homes*, between points in the U.S., under continuing contract(s) with Coachmen Industries, Inc., of Middlebury, IN.

MC 139434 (Sub-12), filed June 30, 1981. Applicant: MID AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68401. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO. 64141, (816) 842–8600. Transporting *food and related products*, between points in IA and NE, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IN, KY, MA, ME, MI, MD, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, and WV.

MC 144115 (Sub-22), filed July 2, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Avenue SW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting *general commodities* (except classes A and B explosives), between the facilities of International Paper Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144275 (Sub-5), filed July 1, 1981. Applicant: J.K. EXPRESS, INC., P.O. Box 2508, Trenton, NJ 08690. Representative: Mel P. Booker, Jr., P.O. Box 1281, 110 S. Columbus St., Alexandria, VA 22313, (703) 836–6115. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with General Nutrition Centers, Inc., of Pittsburgh, PA.

MC 145085 (Sub-3), filed July 2, 1981. Applicant: SID'S INC., P.O. Box D, Jonesport, ME 04649. Representative: James E. Mahoney, 148 State St., Boston, MA 02109, (617) 523–2660. Transporting *tires, batteries and accessories*, between points in PA and MO, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, KY, TN, and MS.

MC 145815 (Sub-2), filed July 2, 1981. Applicant: COBRA TRUCKING, INC., 132 Highway 80 West, P.O. Box 2137, Clinton, MS 39056. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *cookware*, between points in the U.S., under continuing contract(s) with Regal Ware, Inc., of Flora, MS.

MC 146585 (Sub-4), filed June 30, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, 1600 One Main Pl., 101 S.W. Main St., Portland, OR 97204, (503) 224–5525. Transporting (1) *machinery*, (2) *metal products*, and (3) *rubber and plastic products*, (a) between points in CA, ID, OR, UT, and WA, and (b) between points in CA, ID, OR, UT, and WA, on the one hand, and, on the other, points in GA, IA, IN, IL, KS, KY, MN, MO, NE, NY, OH, OK, PA, SD, and WI.

MC 151985 (Sub-4), filed July 2, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Hwy, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. Transporting *metal products*, between points in Darlington County, SC, on the one hand, and, on the other, points in the U.S. on and east of U.S. Hwy 85.

MC 155894, filed July 1, 1981. Applicant: COLE COUNTRY EXPRESS, INC., 4401 River Road, Grand Rapids, MN 55744. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in Itasca County, MN, on the one hand, and, on the other, points in the U.S.

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Decided: July 15, 1981.

MC 2934 (Sub-108), filed July 7, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *plastic articles*, between the facilities of Mobile Chemical Company, on the one hand, and, on the other, points in the U.S.

MC 44445 (Sub-10), filed July 7, 1981. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives), between points in WI and IL, under continuing contract(s) with International Nu-Way Shippers, Inc., of Chicago, IL.

MC 38055 (Sub-3), filed July 2, 1981. Applicant: BROWN MOVING & STORAGE, INC., 360 Warren Ave., East Providence, RI 02914. Representative: Charles L. Plante (same address as applicant), (404) 434–5100. Transporting *household goods* as defined by the Commission, between points in RI, ME, NH, VT, MA, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, IL, MI, OH, WI, IN, KY, TN, AL, MS, and DC.

MC 120544 (Sub-4), filed July 7, 1981. Applicant: KELLER TRUCKING COMPANY, INC., 470 Old Skokie Rd., Park City, IL 60085. Representative: Richard Armstrong, 925 Hyland Drive, Stoughton, WI 53589, (608) 837–8929. Transporting *general commodities* except classes A and B explosives), between points in Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, and Waukesha Counties, WI, and points in Boone, Cook, DuPage, Kane, Lake, McHenry, Winnebago, and Will Counties, IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, and WI.

MC 128574 (Sub-13), filed July 7, 1981. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 134305 (Sub-2), filed July 2, 1981. Applicant: HAMM TRUCKING, INC., R.R. #1, Erie, IL 61250. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives) between the facilities of the Chemplex Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136385 (Sub-16), filed July 7, 1981. Applicant: HALL WAY, INC., Box 22, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1906 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food products*, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 136635 (Sub-63), filed July 7, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, OH, MI, KY, TN, WI, MN, IA, and MO.

MC 138875 (Sub-304), filed July 7, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers Association, Inc., of Bristol, PA.

MC 140025 (Sub-8), filed July 7, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, IL, KY, LA, MS, NC, PA, SC, TN and TX.

MC 140615 (Sub-67), filed July 7, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant), (715) 421–0888. Transporting *rubber and plastic products*, and *metal products*, between the facilities of Mid-West Plastics Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143085 (Sub-10), filed July 7, 1981. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, a corporation, 3725 W. Division, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *general commodities* (except classes A and B explosives), between the facilities of Mead Johnson and Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143144 (Sub-3), filed July 7, 1981. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1) *construction equipment*, (2) *machinery*, (3) *metal and metal products*, and (4) *lumber and wood products*, between points in WA, on and west of U.S. Hwy 97, on the one hand, and, on the other, points in WA, ID, OR, MT, CA, NV, AZ and UT.

MC 145974 (Sub-14), filed July 8, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *such commodities* as are dealt in or used by hardware stores, lumber yards and home improvement centers, between points in the U.S., under continuing contract(s) with Our Own Hardware Company of Burnsville, MN.

MC 146855 (Sub-3), filed July 2, 1981. Applicant: JOEL WEHRMAN, Route 4, Box 4173, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055, (206) 235–4730. Transporting *plastic products*, between points in AR, CA, IA, ID, MT, OR, UT and WA.

MC 147165 (Sub-1), filed May 11, 1981, previously noticed in the **Federal Register** on May 29, 1981. Applicant: RUIZ TRANSPORT, INC., 324 Suffolk St., Lowell, MA 01852. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hill, MA 02181, (617) 235–5571. Transporting (1) *such commodities* as are dealt in or used by (a) automotive service stations, and (b) automotive supply dealers, and (2) *petroleum products*, between points in the U.S., under continuing contract(s) with Northeast Lubricants, Inc., of Lowell, MA.

Note.—This republication indicates that applicant seeks contract carrier authority under contract with the above-named shipper.

MC 147524 (Sub-6), filed July 7, 1981. Applicant: SINED LEASING, INC., 106 High St., Mt. Holly, NJ 08060. Representative: Frank L. Newburger III, 17th Floor, 1234 Market St., Philadelphia, PA 19107, (215) 854–7190. Transporting *sweeteners*, between points in the U.S., under continuing contract(s) with Refined Sugars, Incorporated, of Yonkers, NY.

MC 147685 (Sub-4), filed July 2, 1981. Applicant: BASSETT FURNITURE INDUSTRIES OF NORTH CAROLINA, INC., d.b.a. BASSETT TRUCKING COMPANY, P.O. Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, 301 S. McDowell Street, Charlotte, NC 28204, (704) 372–6730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jiffy Packaging Corporation, of Hickory, NC.

MC 148045 (Sub-5), filed July 7, 1981. Applicant: QUAD CITY SPOTTING SERVICE, INC., 1607 W. River Dr., P.O. Box 4168, Davenport, IA 52808. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *general commodities* (except classes A and B explosives), between Davenport, IA, on the one hand, and, on the other, points in IL, IN, IA, MI, MN and WI.

MC 150285 (Sub-3), filed July 7, 1981. Applicant: GUY J. JOHNSON TRANSPORTATION COMPANY, INCORPORATED, 5 Timberlake Dr., Newark, DE 19711. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628–9243. Transporting (1) *chemicals and related products, and plastic products*, between points in the U.S.; and (2) *textile mill products and waste or scrap materials*, between points in CA, LA, MI, and TX, and those in the U.S. in and east of MI, OH, WV, VA, NC, GA, and AL.

MC 151725 (Sub-3), filed July 7, 1981. Applicant: LEAF TRANSPORTATION, INC., 1155 No. Cicero Ave., Chicago, IL 60651. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Warehouse Company of St. Paul, MN.

MC 152575 (Sub-1), filed July 6, 1981. Applicant: CARLTON TRUCKING CO., INC., 83 Southgate St., Worcester, MA 01603. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784–6041. Transporting (1) *iron and steel articles*, and (2) *iron and steel machines and machinery*, between points in CT, DE, ME, MD, MA, NY, NH, NJ, OH, PA, RI, VT, VA, and DC.

MC 152775, filed July 2, 1981. Applicant: RAM ROD TRUCKING, INC., P.O. Box 707, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Steel, Incorporated, of Marrero, LA, Halter Marine, of New Orleans, LA, Mississippi Valley Equipment Company of Reserve, LA, Associated Metals and Minerals Corporation, International Mineral and

Metals Corporation, Metal Traders Company, all of New York, NY, Gerald Metals, Inc., of Stamford, CT, and L. B. Foster Company, of Houston, TX.

MC 154765 (Sub-1), filed July 2, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same address as applicant), (913) 888–9800. Transporting *vending machines*, between points in the U.S., under continuing contract(s) with The Vendo Company, of Pinedale, CA.

MC 156254 (Sub-7), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 697–7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Container Corporation of America, of Chicago, IL.

MC 156895, filed July 2, 1981. Applicant: RKF TOURS & TRAVEL INDUSTRY, LTD., 1469 York Avenue, New York, NY 10013. Representative: Larsh B. Mewhinney, 555 Madison Avenue, New York, NY 10022. As a *broker*, at New York, NY, in arranging for the transportation of *passengers and their baggage*, in charter and special operations, beginning and ending at points in the U.S.

MC 157005, filed July 7, 1981. Applicant: APOLLO, INC., 10838 Eddyburg Rd., N.E., Newark, OH 43055. Representative: John E. LeFevre (same address as applicant), (614) 345–7472. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Paper Company of New York, NY.

[FR Doc. 81-21417 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–138

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 157136 (Sub-1–1TA), filed July 14, 1981. Applicant: P.T.L. TRANSPORTATION, INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives, and hazardous waste)* between points in the U.S., under continuing contract(s) with Buitoni Foods Corp., South Hackensack, NJ; Knomark, Inc., Jamaica, NY; Paramount Macaroni Manufacturing Co., Inc., Deer Park, NY; Purex Corporation, Ltd., Bristol, PA; Eagle Electric Manufacturing Co., Inc., Long Island City, NY; Delta Strapping Industries, Woodside, NY; and Cerro Wire & Cable Co., Maspeth, NY. Supporting shipper(s): There are seven statements in support of this application which may be examined at the I.C.C. regional office in Boston, MA.

MC 148867 (Sub-1–2TA), filed July 10, 1981. Applicant: TRANS–ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Representative: Frank M. Cushman, 38 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: *Wire; cable; conduit; equipment materials and supplies used in the manufacture thereof* between Wallingford, CT; Chatham, VA; and Phoenix, AZ on the one hand, and, on the other, all points in the 48 contiguous U.S., under continuing contract(s) with Times Wire Cable Division, Times Fibre Communications, Inc., Wallingford, CT. Supporting shipper: Times Wire Cable Division, Times Fibre Communications, Inc., 358 Hall Ave., Wallingford, CT 06492.

MC 157020 (Sub-1–1TA), filed July 8, 1981. Applicant: F & P CARTING INC., P.O. Box 2344, 550 County Road, Secaucus, NJ 07094. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Metal products and scrap metals* between the Commercial Zones of New York, NY, Baltimore, MD, and Philadelphia, PA, on the one hand, and, on the other, points in CA, IL, FL, MI and WI under continuing contract(s) with North Brook Metals, Inc., Northbrook, IL. Supporting shipper: North Brook Metals, Inc., 555 Skokie Boulevard, Northbrook, IL 60062.

MC 140988 (Sub-1–4TA), filed July 8, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Spent nickel catalyst fatty or oil harden materials containing nickel and alumina silica fully oxidize material combustible not inflammable*, between Pittsburgh, PA on the one hand, and, on the other, points in the U.S. except AK and HI under continuing contract(s) with Pittsburgh Pacific Processing, Co., of Pittsburgh, PA. Supporting Shipper: Pittsburgh Pacific Processing Co., 300 Grand Avenue, Pittsburgh, PA 15225.

MC 34564 (Sub-1–2TA), filed July 8, 1981. Applicant: ADOLPH J. DAROSKA, 50 Concord Hill, Pittsfield, NH 03263. Representative: Adolph J. Daroska (same as applicant). *Agricultural limestone* from New Hamburg, NY and Duchess, Putnam, and Westchester Counties, NY to points and places in ME, NH, VT, MA, CT, and RI. Supporting shipper: Agway, Inc., Fert. Div., Syracuse, NY 13201.

MC 143110 (Sub-1–5TA), filed July 10, 1981. Applicant: K & B EXPRESS, INC., 1410 Pinewood Street, Rahway, NJ 07065. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier:* irregular routes: *General commodities, (except classes A and B explosives, household goods, and hazardous waste* between points in the U.S. under continuing contract(s) with United Freight, Inc. of Morrow, GA, and Distribution Services of America, Inc., of Boston, MA. Supporting shipper(s): United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260; Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210.

MC 150801 (Sub-1–3TA), filed July 10, 1981. Applicant: McBURNEY TRANSPORT LIMITED, Lot 16, Concession 3, Township of Oneida, Regional Municipality, of Haidimond, Norfolk, P.O. Box 427, Hagersville, Ontario, CD N0A 1H0. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Residential furnaces, fire brick parts, metal vents, castings, oil burner parts, and similar parts for furnaces*, between ports of entry on the US–CD international boundary line, on the one hand, and, on the other, points in CT, GA, IL, ME, MA, MI, MN, NH, ND, NY, OH, PA, VT, WV and WI, under continuing contract(s) with Duo-Matic/Olsen Inc., Tilbury, Ontario, CD. Supporting shipper: Duo-Matic/Olsen Inc., P.O. Box 900, Tilbury, Ontario, Canada N0P 2L0.

MC 157073 (Sub-1–1TA), filed July 10, 1981. Applicant: RESOURCE CONSERVATION AND RECOVERY AGENCY, INC., 34 N. Main Street, Farmington, NH 03835. Representative: David J. Green (same as applicant). *Hazardous wastes, and non-hazardous industrial waste* from points in ME, NH, and MA to points in NY, OH, PA, CT, RI, NJ, SC, AL, and MD. Supporting shipper(s): Kingsbury Tools, Inc., 80 Laurel St., Keene, NH; Pioneer Plastics Co., Pionite Road, Auburn, ME; USM Bailey Corp., Route 1, Seabrook, NH, and High St. and Water St., Amesbury, MA.

MC 144591 (Sub-1–1TA), filed July 13, 1981. Applicant: FUSARO TRANSPORTATION, INC., P.O. Box 360, Ridge Hill Road, Assonet, MA 02702. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Contract Carrier:* irregular routes: *Commodities used by or dealt in by manufacturers of bedspreads, curtains and draperies* between points in NC, SC, NJ, CT, MA and PA, under continuing contract(s) with Louis Hand, Division of Aberdeen Manufacturing Corp., Fall River, MA. Supporting shipper: Louis Hand, Division of Aberdeen Manufacturing Corp., 847 Pleasant St., Fall River, MA. 02722.

MC 156987 (Sub-1–1TA), filed July 9, 1981. Applicant: T.R.T. SERVICE CORPORATION, Building #9, 1 Jacobus Avenue, South Kearny, NJ 07032. Representative: Thomas F. X. Foley, Esq., P.O. Box F, Colts Neck, NJ 07722. *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities of bulk, commodities requiring special equipment, and hazardous waste*, between Alexandria, VA, Baltimore, MD, New York, NY, and Philadelphia, PA, on the one hand, and, on the other points, in the States of AL, AR, CT, DC, FL, GA, IA, IL, IN, KY, LA, MA, MO, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, TN, VA, VT, WI, WV, restricted to transportation having a prior or subsequent movement by railroad. Supporting shipper(s): Metro Shippers, Inc., 251 W. DeKalb Pike, Suite B–110, King of Prussia, PA 19406; De-pen Lines, Inc., 200 Ross Road, Bridgeport, PA 19405.

MC 100327 (Sub-1–4TA), filed July 14, 1981. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Passengers and their baggage in special and charter operations*, beginning and ending at points in Hartford County, CT, and extending to points in the U.S. Supporting shipper(s): Montreal Good Timers, 11 Meriden Road, East Hartford, CT 06108; Emhart Industries—Hartford Division, 123 Day Hill Road, Windsor, CT 06095; Travel Opportunities, Inc., 2437 Albany Avenue, West Hartford, CT 06117; Windsor AARP Chapter 1101, 17 Arrowbrook Road, Windsor, CT 06095; R. J. McKenna & Sons, Inc., 20 Main Street, Windsor Locks, CT 06096.

MC 115880 (Sub-1–1TA), filed July 14, 1981. Applicant: BROOKFIELD BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10017. *Passengers and their baggage in special operations* between New York, NY, Nassau County and Suffolk County, on the one hand, and, on the other, Great Adventure Amusement Park in Jackson, NJ. Supporting shipper(s): Twenty First Century Tours, 1756 Ocean Ave., Bohemia, NY 11716; Six Flags Great Adventure, 230 Park Ave., New York, NY 10017.

MC 144598 (Sub-1–4TA), filed July 14, 1981. Applicant: C & J TRANSPORT, INC., Route 32, P.O. Box 42, N. Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Pulp, paper, or related products*, between Kennebec County, ME, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA. Supporting shipper: Keyes Fibre, Upper College Ave., Waterville, ME 04901.

MC 157060 (Sub-1–1TA), filed July 10, 1981. Applicant: JANCO, LTD., 34 Burgess Place, Wayne, NJ 07470. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract carrier: irregular routes: Passengers and such commodities as are used or dealt in by theatrical production companies* between points in the U.S., under continuing contract(s) with Janco Productions, Inc., New York, NY. Supporting shipper: Janco Productions, Inc., 1500 Broadway, New York, NY 10036.

MC 157021 (Sub-1–1TA), filed July 14, 1981. Applicant: VASILIOS N. TATSIS, d.b.a. ALPHA COURIER AND DELIVERY SERVICE, 163 Birchwood Road, Manchester, NH 03104. Representative: Robert E. Jauron, McLane, Graf, Raulerson & Middleton, Professional Association, 40 Stark Street, P.O. Box 326, Manchester, NH 03105. *Shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between points in NH and MA. Supporting shipper(s): Ultrascan, Inc., 7 Park Ave., Hudson, NH 03051; Granite State Fruit Co., 30 Auburn Street, Manchester, NH 03101; E. F. Hutton & Company, Inc., 1100 Elm St., Manchester, NH 03102.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 157099 (Sub-II–1TA), filed July 13, 1981. Applicant: HUGO'S SERVICES, INC., P.O. Box 3158, Shiremanstown, PA 17011. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General Commodities (except Classes A and B explosives)*, between points in Alexandria, VA, Baltimore, MD, Harrisburg, Lancaster, and York, PA, on the one hand, and, on the other, points in PA, for 270 days. Supporting shipper: Fort Pitt Consolidators, 5008 Erbs Bridge Road, Mechanicsburg, PA 17055; IMEX, P.O. Box 567, Paoli, PA 19301.

MC 143394 (Sub-II–27TA), filed July 13, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: Paper and Paper products*, from Mobile, AL and Jacksonville, FL to pts. in AL, FL, GA, IL, IN, KY, LA, NC, SC, and TN, under continuing contract(s) with Scott

Paper Co., Philadelphia, PA for 270 days. Supporting shipper(s): Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.

MC 157098 (Sub-II–1TA), filed July 13, 1981. Applicant: NEVIN L. MARTIN, SR., d.b.a. NEVIN L. MARTIN TRUCKING, 1793 Hykes Road, Greencastle, PA 17225. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Fertilizer,* between Baltimore, MD, Keymar, MD, and Milnar, PA, for 270 days. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101.

MC 143394 (Sub-II–26TA), filed July 13 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: General Commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* from Chicago, IL and Minneapolis, MN and commercial zones to points in PA, NY, DE, MD, AL, LA, MS, NJ and GA, under continuing coninuing contracts(s) with Transportation Systems International, Inc. Minneapolis, MN for 270 days. Supporting shipper(s): Transportation Systems International Inc., 2500 Kennedy Street, NE., Minneapolis, MN 55413.

MC 119086 (Sub-II–1TA), filed July 13, 1981. Applicant: WILBUR MILLER d.b.a. MILLER TRUCKING CO., P.O. Box 316, Taneytown, MD 21787. Representative: Wilbur Miller (same as applicant). Contract, irregular: *Machinery,* between pts. in AR, on the one hand, and, on the other, points, pts in MO, IN, IL, OH, TN, VA and MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: FMS, Inc., 1000 Connecticut Ave. No. 1200, Washington, DC 20036.

MC 156290 (Sub-II–1TA), filed July 13, 1981. Applicant: PARRISH TRUCKING CO., INC., Route 1 Box 54, Kenbridge, VA 23944. Representative: Wayne J. Parrish (same as applicant). Contract irregular, (1) *Charcoal, charcoal briquettes, materials, equipment and supplies* used in the manufacture and distribution thereof, and (2) *lumber and/or wood products,* between Kenbridge, VA (and points in the commercial zone) on the one hand, and, on the other, points in DE, MD, NJ, NC, SC, PA, VA, WV, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: (1) Imperial Briquet Corp., P.O. Box 403, Kenbridge, VA 23944. (2) Barnes Manufacturing Co., Box 439, Kenbridge, VA 23944. (2) Epperson Lumber Co., Route 4 Box 124, Amelia, VA 23002.

MC 146885 (Sub-II–4TA), filed July 13 1981. Applicant: M. T. SERVICES, INC. d.b.a. BRENNAN EXPRESS, P.O. Box 16402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *General commodities (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and hazardous waste),* between Baltimore, MD; Norfolk, Portsmouth, Newport News and Hampton Roads, VA; points in their respective commercial zones, and points in KY, NJ, NY, NC, OH and WV, restricted to the transportation of traffic having a prior or subsequent intermodal movement, for 270 days. Supporting shipper: Danzas Ailtransport, Incorporated, World Trade Center-Baltimore, Suite 753, Baltimore, MD 21202.

MC 66140 (Sub-II–2TA), filed July 13, 1981. Applicant: FYOCK MOTOR LINES, INC., 2700 E. Main St., Columbus, OH 43209. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. *Food and related products* between Albany, NY, Port Newark, NJ, and Baltimore, MD, on the one hand, and, on the other, ME, NH, VT, RI, CT, MA, NY, NJ, PA, DE, OH, MI, IN, KY, IL, WI, MN, MD, MO, DC, VA, WV and TN, for 270 days. Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Dr., Montvale, NJ 07645.

MC 157096 (Sub-II–1TA), filed July 13, 1981. Applicant: MT. STORM FUEL CORP., Riverton, WV 26814. Representative: George I. Sponaugle, Chestnut St., Franklin, WV 26807. Contract, irregular: *Petroleum, natural gas,* between pts. in the US, for 270 days. Under continuing contracts with Ruddle Trucking, Inc., Riverton, WV, Hinkle Trucking, Inc., Circleville, VA, and Allegheny Mining Corp., Mt. Storm, WV. Supporting shippers: Ruddle Trucking, Inc., Riverton, WV. Hinkle Trucking, Inc., Circleville, VA. Allegheny Mining Corp., Mt. Storm, WV.

MC 145416 (Sub-II–2TA), filed July 13, 1981. Applicant: HEINEMAN DISTRIBUTING, INC., 301 W. Second St., Port Clinton, OH 43452. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Contract, irregular: *Malt beverages,* from Milwaukee, WI; Eden, NC; Fulton, NY; Newport, KY and Frankenmuth, MI to the facilities of Glenn Distributors, Inc. at Painesville, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Glenn Distributors, Inc., 44 Burton St., Painesville, OH 44077.

MC 156289 (Sub-II–2TA), filed July 9, 1981. Applicant: BUSH BROKERAGE, INC., 2933 Frazer Rd., Newark, DE 19702. Representative: Perry F. Goldlust, Suite 913, 901 Market St. Mall, P.O. Box 2084, Wilmington, DE 19899. Contract, irregular: (1) *Furnace-coke, in bulk, in dump trucks,* from Conshohocken, PA to Wilmington, DE, and (2) *silt-coal, in bulk, in dump trucks,* from Pottsville, PA, to Wilmington, DE, under continuing contract(s) with F. A. Potts & Co., Inc. and Thyssen Carbometal Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): F. A. Potts & Co., Inc., Pottsville, PA. Thyssen Carbometal Co., 114 Avenue of the Americas, New York, NY 10036.

MC 156048 (Sub-II–1TA), filed July 13, 1981. Applicant: MORTON FROZEN FOODS, INC., 1 Morton Dr., Charlottesville, VA 22906. Representative: Harry J. Jordan, 1000 16th St., NW., Washington, DC 20036. Contract, irregular: *General commodities, except Class A and B explosives,* between all pts. in the US, under continuing contract(s) with International Telephone and Telegraph and its subsidiaries: ITT Continental Baking Co., ITT Royal Electric Div., ITT Suprenant Div., Alfred Teves, Inc., ITT Marlow, ITT Grinnell Corp., ITT Thompson Industries Div., for 270 days. Supporting shipper: International Telephone and Telegraph Corp., 320 Park Ave., New York, NY 10022.

MC 149495 (Sub-II–1TA), filed July 13, 1981. Applicant: DOMINION LINES, LTD., Suite 608, 145 W. Campbell Ave., Roanoke, VA 24011. Representative: William B. Vanderbilt, Jr. (same as applicant). Common, regular: *Passengers and their baggage, express, newspapers and mail in the same vehicle with passengers,* between Roanoke, VA and Greensboro, NC via U.S. 220 to Jct. U.S. 220 VA–NC 87; thence via VA–NC 87 to U.S. 29; thence via U.S. 29 to Greensboro thence via local roads to Greensboro Regional Airport. Primary intermediate cities, Martinsville, VA, Eden, NC, Reidsville, NC; also charter and special operations from pts. and places on said route to pts. and places in the US, excluding HI but including AK, for 180 days. An underlying ETA seeks 120 days authority. Applicant intends to interline. Supporting shipper(s): P. Victor Levin, 3715 Parliment Rd. Roanoke, VA 24014. Roy Z. Meador, 718 9th St., SE., Roanoke, VA.

MC 145838 (Sub-II–2TA), filed July 13, 1981. Applicant: OHIO CONTAINER SERVICE, INC., 2701 Lakeside Ave., Cleveland, OH 44114. Representative: Peter A. Greene, 1920 N Street, NW., Washington, D.C. 20036. *General Commodities* (except Classes A and B explosives) between Baltimore, MD; New York, NY; Philadelphia, PA; Norfolk, VA; and Port Everglades, FL; on the one hand, and, on the other, points in KY for 270 day. An underlying ETA seeks 120 days authority. Supporting shipper(s): B.F. Goodrich, Chemical Group, 6100 Oak Tree Blvd., Cleveland, OH 44131. S.R. Teimouri & Co., Inc., One Leader Bldg., Cleveland, OH 44114.

MC 140889 (Sub-II–19TA), filed July 13, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *textile mill products* from points in GA and TN to facilities located in Allegheny County, PA, Milwaukee County, WI, Cook County, IL and Cuyahoga, Franklin and Hamilton Counties, OH under a continuing contract(s) with Carson-Pirie-Scott & Co. of Chicago, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carson-Pirie-Scott & Co., 13–127 Merchandise Mart, Chicago, IL 60654.

The following applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Compliant and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 107162 (Sub-4–11TA), filed July 8, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. *Salt,* in bags, from Milwaukee, WI to Escanaba, MI. Supporting shipper: Culligan Water Conditioning, 1008 North Lincoln Road, Escanaba, MI 49829.

MC 128031 (Sub-4–1TA), filed July 9, 1981. Applicant: GEORGE McFARLAND d.b.a. McFARLAND TRUCKING, P.O. Box 643, Austin, MN 55912. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Iron and steel articles,* from Chicago Heights, IL and Burns Harbor, IN, to Plymouth, MN. Supporting shipper: Ex-L-Tube. 1605 North County Road 18, Plymouth, MN 55441.

MC 144323 (Sub-4–4TA), filed July 8, 1981. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Printed matter and materials, equipment, and supplies used in the manufacture of printed matter* between the facilities of Quadgraphics, Inc., at Pewaukee, WI, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, TX, VA, VT, WV and DC, under a continuing contract with Quadgraphics, Inc., of Pewaukee, WI. Supporting shipper: Quadgraphics, Inc., W224 N3323 Duplainville Road, Pewaukee, WI 53072.

MC 144630 (Sub-4–19TA), filed July 8, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40246, Indianapolis, IN 46240. (1) *Stoves and Ranges,* From the facilities of Jenn-Air Corporation at Indianapolis, IN to points in the U.S. (except AK and HI); and (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* From points in the U.S. (except AK and HI) to the facilities of Jenn/Air Corporation at Indianapolis, IN. Supporting shipper: Jenn-Air Corporation, Indianapolis, IN.

MC 147343 (Sub-4–11TA), filed July 8, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46280. Representative: Thomas O. Cartmel (same as applicant). *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, trucks and busses as described in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766).* Between points in the U.S. (except AK and HI). Restricted to the transportation of traffic originating at or destined to the facilities of International Paper Company. Supporting shipper: International Paper Company, 77 West 45th Street, New York, NY 10036.

MC 150746 (Sub-4–23TA), filed July 8, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Plastic and plastic products, vinyl siding and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Highland Park, IL, on the one hand, and, on the other, points in CT, DE, FL, GA, ID, IN, IA, KY, LA, ME, MD, MA, MI, MO, NE, NV, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT and VA. Supporting shipper: Vydel Corporation of America, 1660 Old Deerfield Road, Highland Park, IL 60035.

MC 152073 (Sub-4–2TA), filed July 9, 1981. Applicant: DENVER NETTLES TRUCKING, INC., 1148 Denver Dr., Carpentersville, IL 60110. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Waste oil* and *petroleum products, in bulk, in tank vehicles,* between IL, WI, IN, and MI. Supporting shipper: Fluids Engineering Corp., 2500 New York Avenue, Whiting, IN 46394.

MC 152080 (Sub-4–2TA), filed July 9, 1981. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings Street, Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract* irregular: *General Commodities, except commodities in bulk and Classes A & B explosives,* between points in the U.S. Restricted to traffic moving under continuing contracts with United Freight, Inc., and Distribution Services of America, Inc. Supporting shippers: United Freight, Inc., 1260 Southern Road, Morrow, GA and Distribution Services of America, Inc., 666 Summer Street, Boston, MA.

MC 154127 (Sub-4–1TA), filed July 9, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular: *Such commodities* as are dealt in or used by fool services distributors, from points in IL, IN, OH, and WI to points in Kent County, MI, under a continuing contract(s) with Dykstra Food Services, Incorporated, Comstock Park, MI and Sysco Frost Pack Food Services Incorporated, Grand Rapids, MI. An underlying ETA seeks 120 days of authority. Supporting shippers: Dykstra Food Services, Incorporated, 498 7 Mile Road, Comstock Park, MI 49321 and Sysco Frost Pack Food Services Incorporated, 3700 Sysco Drive, Grand Rapids, MI 49506.

MC 156981 (Sub-4–1TA), filed July 6, 1981. Applicant: RATH, INC., Box 2, Sterling, ND 58572. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract; irregular; general commodities* (except Classes A & B explosives), between points in the U.S. in and west of MI, IN, IL, MO, AR, and LA. Supporting shipper: Jet Sales, Inc., Bismarck, ND.

MC 157037 (Sub-4–1TA), filed July 9, 1981. Applicant: SPICER TRUCKING, Highway 81 North, Grand Forks, ND

38201. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Food products and such commodities as are used or dealt in by food business houses,* between the U.S. facilities of The Pillsbury Company, on the one hand, and, on the other, points in the states of MN, ND, IL, IN, and WI. Supporting shipper: The Pillsbury Company, 608 Second Ave., S., Minneapolis, MN 55402.

MC 157075 (Sub-4–1), filed July 9, 1981. Applicant: HALVOR JOHN McCABE d.b.a. H. M. TRANSPORT, 6422 Lyndhurst Lane, Rockford, IL 61109. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *General Commodities, except Classes A and B Explosives,* between points in IL, IN, IA, MI, MN, and WI on the one hand, and, on the other, points in the U.S. Supporting shippers: Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310; Ello Furniture Mfg. Company, 1034 Elm Street, Rockford, IL 61101; Taslitz International, 1698 Merchandise Mart, Chicago, IL 60654; and Teletechnology International, Inc., 1701 South Schroeder Lane, McHenry, IL 60050. An underlying ETA seeks a 120 days.

MC 141459 (Sub-4–6TA), filed July 10, 1981. Applicant: A G S ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). Contract, irregular, transporting *General Commodities (except Classes A & B explosives and commodities in bulk),* between points in the U.S. under contract(s) with Distribution Services of America, Inc. of Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 147783 Sub-4–2TA), filed July 10, 1981. Applicant: B. L. CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Fuel oil,* in bulk, in tank vehicles, from St. Joseph, MI, to Burns Harbor and Gary, IN. Supporting shipper: Nova Oil, Inc., 4415 Harrison Street, Hillside, IL 60162.

MC 153359, filed July 10, 1981. Applicant: COSMOPOLITAN EXPRESS, INC., 2861 Carl Blvd., Elk Grove Village, IL 60007. Representative: Patrick H. Smyth, Smyth & Guth, P.C., 19 South LaSalle St., Suite 401, Chicago, IL 60603. *General Commodities* (except classes A and B explosives) between Chicago, Illinois, and its Commercial Zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to the prior or subsequent movement by rail or water. Supporting shippers: There are four (4) supporting shippers.

MC 146866, filed July 9, 1981. Applicant: GILBERT F. & RAYMOND L. GUSTAFSON, d.b.a. G & R GUSTAFSON TRANSPORT CO., 102 North Griffin Street, Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Bakery Goods; Materials, Supplies and Equipment used in the manufacture, sale and distribution of bakery goods;* between the facilities of Interbake Foods, Inc., at or near Richmond, VA; Battle Creek, MI; North Sioux City, SD; and Tacoma, WA on the one hand, and, on the other, points in the continental U.S. Supporting shipper: Interbake Foods, Richmond Div., P.O. Box 27467, Richmond, VA 23261.

MC 146436 (Sub-4–6TA), filed July 8, 1981. Applicant: ETV, INC., P.O. Box 3[illegible], Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Food and related products and material, equipment and supplies used in the manufacture and distribution thereof* between points in the U.S., restricted to movements to and from facilities used by Cherry Central, Inc. Supporting shipper: Cherry Central, Inc., P.O. Box 988, Traverse City, MI 49684.

MC 157048 (Sub-4–1TA), filed July 9, 1981. Applicant: LAKEHEAD TRUCKING, INC., 6040 Lavaque Road, Duluth, MN 55803. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract* irregular: *Expandable Polystyrene Insulation Board,* from Superior, WI, to Norman, OK; Brownsville and Houston, TX; Lawrence, KS; Denver, CO; and Kearney, NE, under continuing contract(s) with Polytherm Industries, Inc., Superior, WI. Supporting shipper: Polytherm Industries, Inc., Superior, WI.

MC 150328 (Sub-4–3TA), filed July 9, 1981. Applicant: WILLIAM KNOLL, d.b.a. K & D TRUCKING, 1328 North Elm St., Fargo, ND 58102. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. *Expanded clay, shale and slate,* from Minneapolis, MN commercial zone to Grand Forks, ND. Supporting shipper: Lightweight Distributing Company, Division of Silo Systems, Inc., 15685 32nd Avenue North, Plymouth, MN 55447.

MC 153075 (Sub-4–2), filed July 13, 1981. Applicant: SHERMAN HANSON, d.b.a. HANSON TRUCKING, 402 Center Street, Box 256, Boyceville, WI 54725. Representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Contract* irregular: *Agricultural machinery, implements, and parts; and materials, equipment and supplies used in the manufacture thereof,* between points in the U.S. under continuing contracts with Hedlund Manufacturing Company, Inc. Supporting shipper: Hedlund Manufacturing Company, Inc., Route 2, Boyceville, WI 54725.

MC 145974 (Sub-4–7TA), filed July 13, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* Irregular: *Lumber and wood products,* from points in WA, OR, ID, CA, MT, WY and SD to points in MN. An underlying ETA seeking 270 days. Supporting shipper: Clarkson Lumber Company, Inc., Suite 104, Wesley Temble Bldg., Minneapolis, MN 55402.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21416 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29660]

Chicago and North Western Transportation Company—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10903

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 1.3-mile segment of Chicago and North Western Transportation Company (C&NW) track in La Crosse, WI, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: This exemption is effective 30 days after publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, 12th St. and Constitution Ave., Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representatives
Louis T. Duerinck
Stuart F. Gassner,
John T. Van Gessel, 400 West Madison St., Chicago, IL 60606

Please make reference to Finance Docket No. 29660.

FOR FURTHER INFORMATION CONTACT:

Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

The Proposal

C&NW filed a petition on June 8, 1981, to exempt its abandonment of a 1.3-mile segment of track between milepost 270.5 and milepost 271.8, in La Crosse, WI, from the requirements of 49 U.S.C. 10903.

There are currently no shippers on the line, and therefore no need for service, because the City of La Crosse has purchased the facilities and real estate of the two shippers that were formerly located along the right-of-way. The City purchased the land to make way for downtown, street, and bridge redevelopment. C&NW will continue to serve the shipper located at the terminus of the line proposed to be abandoned (near milepost 270.5). Burlington Northern Inc., and Chicago, Milwaukee, St. Paul and Pacific Railway Company also serve La Crosse.

Petitioner states that the City of La Crosse supports its petition because the redevelopment projects require purchase of the right-of-way and removal of the railroad bridge involved, in order to relocate the City's Long Drive Bridge. The City must purchase the C&NW right-of-way by September 1, 1981, in order to receive funding assistance.

Following abandonment, C&NW will remove its track and bridge and sell the right-of-way to the City.

Statutory Provisions

Rail abandonments require the prior approval of this Commission under 49 U.S.C. 10903. To obtain our approval an application must be filed in compliance with our regulations at 49 CFR 1121 (1978). C&NW requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modifed by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980) (Staggers Act), the Commission is authorized to exempt a transaction when (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a because the abandonment will not adversely affect shippers, employees or competing carriers.

The proposed transaction is very limited in scope. It will affect a relatively short track segment which is no longer being used because the former shippers have relocated. Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2)). Therefore, as a condition to this exemption, we will impose the same level of labor protection as is usually required in abandonment transactions. The employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Based on our initial review of the proposal, we find that the abandonment will not significantly affect energy consumption or the quality of the human environment. Various Wisconsin agencies concerned with environmental issues have been informed of this proposal by our Section of Energy and Environment. These agencies or other interested persons may file petitions to reopen this proceeding on environmental grounds.

It is ordered: (1) We exempt from the requirements of 49 U.S.C. § 10903 the abandonment by C&NW of the 1.3-mile segment of track described in its petition, subject to the conditions for the protection of employees provided in *Oregon Short Line R. Co—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register,** for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. Abandonment of the line-segment must occur during that time in order to use this exemption.

(4) This decision is effective 30 days following the date of publication in the **Federal Register.**

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication.

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after date of publication in the **Federal Register.**

Dated: July 14, 1981.

By the Commission, Chairman Taylor, Commissioners, Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21423 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29665]

Grand Trunk Western Railroad Company Relocation Over the Consolidated Rail Corporation; Exemption

July 14, 1981.

The Grand Trunk Western Railroad Company (GTW) has notified the Commission that it will participate in a joint relocation project with the Consolidated Rail Corporation (CR) which comes within the exemption described at 49 CFR 1111.5(c)(5).

The current route used by the Detroit, Toledo and Ironton Railroad Company (DTI) which is owned and operated with GTW between its Flat Rock, MI classification yard and GTW's "East" or Ferndale, MI classification yard is over DTI's line from Flat Rock to Mill, approximately 12.8 miles. The route then continues via CR through West Detroit to Vinewood Junction and then via GTW. The distance operated on CR is approximately 6.5 miles.

GTW reached an agreement on March 3, 1980 with CR for trackage rights between "East" Yard in Detroit and DTI's "Rouge Yard" in Dearborn, MI over the Detroit Terminal Railroad Company in the event that CR assumes control of that railroad (this condition precedent has taken place). See Finance Docket No. 29489 Consolidated Rail Corporation-Control and Lease-Detroit Terminal Company, Exemption Under 49 U.S.C. 10505 from 49 U.S.C. 11343 (not printed) served March 17, 1981. This arrangement with CR will allow the GTW system to gain an alternate route, and avoid heavy congestion occasionally encountered on the existing CR route through West Detroit.

The GTW employees affected by the trackage rights shall be protected pursuant to *Norfolk and Western Ry. Co.-Trackage Rights-BN,* 345 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.-Lease and Operate,* 360 I.C.C. 653 (1980).

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21415 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

Water Carrier Temporary Authority Applications

The following were filed with the Regional Offices. Petition for Reconsideration is to be filed, within 20 days of this publication with the Regional Office noted in each caption summary. Replies to petition may be filed within 20 days of the date petition is filed.

The following application was filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

W 1332 (Sub-5-1TA), filed July 9, 1981. Applicant: ALTER BARGE LINE, INC., 2333 Rockingham Road, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Common water *metal products,* between LaPlace, LA, on the one hand, and, on the other, all pts and ports on the Mississippi, Illinois, Ohio, Missouri, Tennessee, Arkansas, and Cumberland Rivers, the Intracoastal Canal, and all tributaries to the aforenamed rivers and canal. Supporting shipper: Bayou Steel Corporation (of LaPlace), P.O. Box 5000, LaPlace, LA 70068.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21420 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 123]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 41406 (Sub-168)X, filed March 3, 1981, and noticed in the FR of March 23, 1981 and June 10, 1981, republished as corrected this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 8414, Merrellville, IN 46410. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 68 and 139F certificates to broaden the commodity description from automobile parts, and materials, equipment and supplies to "general commodities, except classes A and B explosives." The Board has decided to renotice this portion of the original application following the presentation of evidence which demonstrated that "transportation equipment" was insufficiently broad.

MC 59457 (Sub-61)X, filed June 29, 1981. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions from its lead and Sub-No. 1, 3, 10, 11, 12, 13, 15, 16, 17, 20, 22, 24, 26, 27, 28, 29, 31, 32, 35, 36, 39F, 41F, 43F, 46F, 48F, 49F, 52F, 54F, and Sub-No. 59X, pages 1, 2 and 3, certificates as follows: (1) broaden the commodity descriptions from (a) box board and paper boxes (lead docket); mats, molds, plates, shells and vinylites (Sub-Nos. 16, 17, 20, and 22); waste paper (Sub-No. 12); knocked-down fiberboard containers (Sub-No. 13); printing paper (Sub-No. 31 and Sub-No. 35); and fiberboard, paperboard and pulpboard (Sub-No. 43F); to pulp, paper, and related products; (b) plumbing and plumbing supplies (lead Docket) to "rubber and plastic products; clay, concrete, glass, or stone products; and metal products"; (c) fertilizer and dry fertilizer (Sub-No. 3); fertilizer and fertilizer materials (Sub-Nos. 10, 11, and 29); pesticides (Sub-Nos. 10, 11, and 29); to "chemicals and related products;" (d) animal and poultry feed and animal and poultry feed ingredients (Sub-Nos. 11 and 29); bananas (Sub-Nos. 3, 15, 20, 22 and 24); dairy products and dry ice cream stabilizers (Sub-No. 41F); ice cream, ice cream products, dairy products, frozen and refrigerated desserts (Sub-No. 46F); concentrated frozen citrus juices (Sub-No. 49F); and ice cream and ice products, dairy products, desserts and concentrated frozen citrus juices in containers (Sub-No. 52F); to "food and related products"; (e) related advertising materials (Sub-Nos. 10 and 11); magazines, magazine parts, magazine inserts, (Sub-Nos. 16, 17, 20 and 22); newspapers, and newspaper supplements (Sub-No. 17); magazines, books, newspaper, newspaper inserts and supplements and parts of magazines and newspapers (Sub-Nos. 27 and 39); dated, printed publications and parts of such publications (Sub-Nos. 28, 28, and 36); and magazines, periodicals, newspapers, newspaper supplements, circulars, leaflets, catalogs, advertising matter, printed forms and calenders (Sub-No. 32) to "printed matter"; (f) castings and patterns (Sub-No. 17); mats, molds, plates, shells and vinylites (Sub-Nos. 16, 17, 20 and 22); to "metal products"; (g) scrap metals (Sub-Nos. 17 and 59X page 3); and waste materials (lead docket) to "waste or scrap materials not identified by industry producing;" (h) clothing and wearing apparel (Sub-No. 54F) to "textile mill products"; (i) aluminum dollies (Sub-No. 41F) to "containers, carriers or devices, shipping returned empty"; (j) mats, molds, plates, shells and vinylites (Sub-Nos. 16, 17, 20, and 22) to "rubber and plastic products"; (2) remove facilities limitations where they exist and expand the territorial description from specific point authority to county-wide authority on its irregular-route authority as follows: from (a) New Haven, CT to New Haven County, CT; Westfield, Holyoke, Springfield, and Palmer, MA to Hampden County, MA; Fitchburg, MA to Worcester County, MA; and Lowell, MA to Middlesex County, MA; Poughkeepsie, NY to Dutchess County, NY; Providence and Philipsdale, RI to Providence County, RI; and Bogota, NJ to Somerset County, NJ; and Manville, NJ to Bergen County, NJ, (lead Docket); (b) Cambridge, MA to Middlesex County, MA; North Weymouth, MA to Norfolk County, MA; Fitchburg and Southbridge to Worcester County, MA; Springfield, MA to Hampden County, MA; and Lawrence, MA to Essex County, MA; Wilmington, DE to New Castle County, DE; Woodbridge, CT to New Haven County, CT; Wethersfield, CT to Hartford County, CT; Lebanon, PA to Lebanon County, PA; Cateret, NJ to Union County, NJ, (Sub-No. 3); (c) Windsor, NJ to Mercer County, NJ, (Sub-No. 10); (d) Albany, NY to Albany County, NY; Millerton, NY to Dutchess County, NY; and Waverly, NY to Chemung County, NY; Wilmington, DE to New Castle County, DE, (Sub-No. 11); (d) New Haven, CT to New Haven County, CT; Manchester, CT to Hartford County, CT; Albany, NY to Albany County, NY; Amsterdam, NY to Montgomery County, NY; Schenectady, NY to Schenectady County, NY; Castleton and Troy, NY to Rensselaer County, NY: (Sub-No. 12); (e) Momauguin, Morris Cove, Lighthouse Point, Short Beach, Silver Sands, Double Beach, Stony Creek, and Guilford, CT, to New Haven County, CT, and from points in NJ within 15 miles of Jersey City, NJ, to Somerset, Monmouth, Passiac, Middlesex, Essex, Union, Bergen, Morris, and Hudson Counties, NJ (Sub-No. 59X), pages 2 and 3 (f) Chambersburg, PA to Franklin County, PA; and Bridgeport, CT to Fairfield County, CT; (Sub-No. 13); (g) Fall River, MA to Bristol County, MA, (Sub-No. 15); (h) Old Saybrook, CT to Middlesex County, CT; Albany, NY to Albany County, NY, (Sub-No. 16); (i) Bradley Field, Windsor Locks, Hartford, and Plainville, CT to Hartford County, CT; New Haven, CT to New Haven County, CT; Albany, NY to Albany County, NY; Springfield and Westfield, MA to Hampden County, MA; and Perth Amboy, NJ to Middlesex County, NJ, (Sub-No. 17); (j) John F. Kennedy International Airport, NY to New York, NY; Albany, NY to Albany County, NY; Wilmington, DE to New Castle County, DE; and Bridgeport, CT to Fairfield County, CT; New Haven, Wallingford, and Waterbury, CT to New Haven County, CT; and Hartford, CT to Hartford County, CT; (Sub-No. 20); (k) Albany, NY to Albany County, NY; Woodbridge, NJ to Middlesex County, NJ; Charleston, SC to Beaufort County, SC; and Bridgeport, CT to Fairfield County, CT; New Haven and Wallingford, CT to New Haven County, CT, (Sub-No. 22); (l) Albany, NY to Albany County, NY, (Sub-No. 24); (m) Bridgeport, CT to Fairfield County, CT; Wilmington, DE to New Castle County, DE; Canton, MA to Norfolk County, MA; Springfield, MA to Hampden County, MA; Concord, NH to Merrimac County, NH; New Brunswick, NJ to Middlesex County, NJ; and Trenton NJ to Mercer County, NJ, Carle Place and Hauppauge, Long Island, NY to Suffolk County, NY; and Providence, RI to Providence County, RI, (Sub-No. 26); (n) Pittsfield, MA to Berkshire County, MA; Lowell, MA to Middlesex County, MA; Springfield, MA to Hampden County, MA; Long Island City, NY to Nassau County, NY; Albany, NY to Albany County, NY; South Kearny and Jersey City, NJ to Hudson County, NJ; Norwich, CT to New London County, CT; Putnam, CT to Windham County, CT; and Old Saybrook, CT to Middlesex County, CT; Westerly, RI to Washington County, RI; Woonsocket, RI to Providence County, RI; Dixfield, ME to Franklin County, ME; Veazie, ME, to Penobscot County, ME, (Sub-No. 27); (o) Lancaster, PA to Lancaster County, PA; Bridgeport, CT to Fairfield County, CT; Bethany, CT to New Haven County, CT; and Old Saybrook, CT to Middlesex County, CT; Hauppauge, NY to Suffolk County, NY; Carle Place, NY to Nassau County, NY; and Albany, NY to Albany County, NY, (Sub-No. 28); (p) Salem, NY to Washington County, NY; Guilderland Center, NY to Albany County, NY; and Oneonta, NY to Otsego County, NY; Yardville and Bordentown, NJ to Mercer County, NJ; and Camden, NJ to Camden County, NJ, (Sub-No. 29); (q) Albany, NY to Albany County, NY; Lancaster, PA to Lancaster County, PA; old Saybrook, CT to Middlesex County, CT; Bucksport, ME to Hancock County, ME; East Millinocket and Millinocket, ME to Penobscot County, ME; Jay, ME to Franklin County, ME; and Rumford, ME to Oxford County, ME, (Sub-No. 31); (r) Trenton, NJ to Mercer County, NJ, (Sub-No. 32); (s) Bethany, CT to New Haven County, CT; Bristol, CT to Hartford County, CT; Old Saybrook, CT to Middlesex County, CT; Albany, NY to Albany County, NY; Buffalo, NY to Erie County, NY; Millinocket and East Millinocket, ME to Penobscot County, ME; Rumford, ME to Oxford County, ME; Bucksport, ME to Hancock County, ME; and Jay, ME to Franklin County ME; (Sub-No. 35); (t) North Bergen, NJ to Hudson County, NJ; Harrisburg, PA to Dauphin County, PA; Bethany, CT to New Haven County, CT; and Buffalo, NY to Erie County, NY; (Sub-No. 39F); (u) Strasburg, VA to Shanandoah County, VA; (Sub-No. 36); (v) Stratford, CT to Fairfield County, CT; Springfield, MA to Hampden County, MA; Chattanooga, TN to Hamilton County, TN; Syracuse, NY to Onondago County, NY; Woodbridge, NJ to Middlesex County, NJ; Burlington, VT to Chittenden County, VT; (Sub-No. 41F); (w) Augusta, GA to Richmond County, GA; Montville and Franklin, CT to New London County, CT; Riegelwood, NC to Columbus County, NC; Lakewood, NJ to Ocean County, NJ; Greencastel, PA to Franklin County, PA; Pulaski, TN to Giles County, TN; and Fayetteville, NC to Cumberland County, NC; (Sub-No. 43F); (x) Fort Wayne, IN to Allen County, IN; Canton, OH to Stark County, OH; Syracuse, NY to Onondaga County, NY; and Milford, DE to Suffolk County, DE; (Sub-No. 46F); (y) Glasgow, KY to Barren County, KY; (Sub-No. 48F); (z) Lake Wales, FL to Polk County, FL; and Stratford, CT to Fairfield County, CT; (Sub-No. 49F); (aa) from Stratford, CT to Fairfield County, CT; Lake Wales, FL to Polk County, FL; and Menands, NY to Albany County, NY; (Sub-No. 52F); (bb) New Haven and Branford, CT to New Haven County, CT; Fall River, MA to Bristol County, MA; Salisbury, MD to Wicomico County, MD; Wytheville, VA to Wyth County, VA; Lexington, NC to Davidson County, NC; Abbeville, SC to Abbeville County, SC; Samson, Al to Geneva County, AL; Thomaston, GA to Upson County, GA; Rochelle, GA to Wilcox County, GA; (Sub-No. 54F); (3) expand the territorial description to county-wide authority on the off-route points to its regular-routes as follows: from Hamden, Meriden, West Haven, Greenville, South Meriden, Fair Haven, Waterbury, to New Haven County, CT; Saybrook Point, Essex, Ivoryton, Portland, Gildersleeve, Rockfall, and Middlefield, CT to Middlesex County, CT; Noank, Montville and Greenville, CT to New London County, CT; New Britain and East Hartford, CT to Hartford County, CT; South Norwalk, CT to Fairfield County, CT; and points in NJ within 15 miles of Jersey City, NJ to Somerset, Monmouth, Passaic, Middlesex, Essex, Union, Bergen, Morris, and Hudson Counties, NJ; (Sub-No. 59X, pages 1 and 2); (4) broaden the commodity description from general commodities (with the usual exceptions) to general commodities (except classes A and B explosives) in Sub-Nos. 17; (5) eliminate the following: (a) the "ex-air" restriction in Sub-Nos. 17 and 20, (b) the "mixed load" restriction in Sub-No. 10, (c) the exceptions "Brattleboro, Burlington, and Ruthland, VT" in Sub-No. 28, (d) the exceptions "Hartford, Meirden, and New Haven, CT" in Sub-No. 27, (e) the "except commodities in bulk" restrictions in Sub-Nos. 29, 41F and 48F; (f) remove the "ex motor or rail" restriction in Sub-No. 27, (g) remove the "originating at and/or destined to" restrictions wherever they appear. (6) expand its one-way authority to radial

authority in each of the above numbered certificates; and (7) remove the tacking restriction in Sub-No. 12.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042 10(b).

MC 69454 (Sub-14)X, filed July 2, 1981. Applicant: DITTO FREIGHT LINES, 1575 Industrial Avenue, San Jose, CA 95112. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-Nos. 5, 9F, and 11F certificates to (1) broaden the commodity description (a) from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 5 and 11F; and (b) from glass containers to "such commodities as are dealt in or used by manufacturers and distributors of class containers" in Sub-No. 9F; (2) remove a vehicle restriction and a restriction requiring a prior or subsequent movement by water in Sub-No. 5; (3) replace one-way with radial authority in Sub-No. 11F; (4) replace the ports of Los Angeles and San Francisco, CA with those cities in Sub-No. 5; (5) replace Phoenix, AZ, with Maricopa County, AZ, in Sub-No. 11F; (6) replace portions of San Diego, Ventura, Colusa, Glenn, Tehama, Fresno, Kern, Tulare, and Madera Counties, CA, as off-route points with all of those counties in Sub-No. 9F; and (7) remove restrictions against (a) local traffic between described portions of CA and (b) traffic moving in ocean containers and empty containers between described portions of CA in Sub-No. 9F.

MC 75138 (Sub-4)X, filed June 23, 1981. Applicant: OGDEN TRANSFER AND STORAGE COMPANY, 2105 Wall Avenue, Ogden, UT 84401. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) broaden the commodity descriptions: in the lead certificate, to (a) "forest products, and miscellaneous products of manufacturing " from Christmas trees; (b) "rubber and plastic products, chemicals and related products, and miscellaneous products of manufacturing " from toys, children's vehicles, and toy vehicles; (c) "pulp, paper and related products" from stationery; (d) "clay, concrete, glass or stone products" from glassware; (e) "household goods and furniture and fixtures" from household goods; (f) "*Mercer* commodities" from machinery, materials and supplies incidental to the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (g) "clay, concrete, glass or stone products, metal products, machinery, and lumber and wood products" from culverts, metal troughs, and lumber; (h) "those commodities which because of their size or weight require the use of special handling and equipment" from heavy machinery; (i) remove all restrictions in the general commodities authority "except classes A and B explosives"; and in Sub-No. 2, "household goods, and furniture and fixtures" from household goods as defined by the Commission; (2) replace one-way authority with radial authority in the first four paragraphs of the lead certificate; and (3) broaden named points to authorize county-wide service: lead certificate, Box Elder, Weber, Davis and Morgan Counties, UT (Ogden, UT); Salt Lake, Davis and Morgan Counties, UT (Salt Lake City, UT); Utah County, Ut (Provo, UT); Cache and Box Elder Counties, UT (Logan, Brigham City, and Smithfield, UT); Weber, Davis, Box Elder, Morgan, Cache and Rich Counties, UT (Ogden, UT and points within 25 miles thereof); and Box Elder, Davis, Morgan and Weber Counties, UT (Sgden, UT and points within 10 miles thereof).

MC 108973 (Sub-18)X, filed July 7, 1981. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, MN 55114. Representative: Joseph J. Dudley, Sr., W–1260 First National Bank Building, St. Paul, MN 55101. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 15 and 17F permits to broaden the territorial description to "between points in the United States under continuing contract(s) with named shippers.

MC 119710 (Sub-34)X, filed June 24, 1981. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 32 permit to (A) broaden the commodity description in part (1) to "food and related products" from salt and salt products; and, in part (2) eliminate the restrictive language "in mixed loads with salt and salt products"; and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 120737 (Sub-80)X, filed March 2, 1981 and noticed in the **Federal Register** of March 23, 1981, republished as corrected in this issue. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 7, 8, 10, 16, 27, 35, 39, 45, 67F, and 69F certificates to (1) broaden its commodity descriptions from various machinery items such as agricultural implement parts, tractor parts, non-agricultural tractor parts, tractor attachments and equipment, and irrigation systems, and parts and attachments, thereof, to "machinery", in each certificate; (2) replace its cities with country-wide authority (a) in Sub-Nos. 35 and 67F, Havana, IL, with Mason County, IL, and (b) in Sub-No. 69F, Litchfield, MN, with Meeker County, MN and (c) in Sub-No. 16, Eau Claire, WI, with Chippewa and Eau Claire Counties, WI; (3) in Sub-No. 39, replace the facilities located at East Moline, Moline, and Rock Island, IL, with East Moline, Moline, and Rock Island, IL; (4) change its one-way authority to radial authority (a) in Sub-No. 7, between Louisville, KY, and points in Fulton and Rock Island Counties, IL, (b) in Sub-No. 16, between Chippewa and Eau Claire Counties, WI, and points in 16 several specified eastern States, (c) in Sub-No. 27, between Louisville, KY, and points in the U.S., (d) in Sub-No. 35, between Mason County, and points in the U.S. (with exceptions), (e) in Sub-No. 39, between East Moline, Moline, and Rock Island, IL, and points in the U.S. (with exceptions), (f) in Sub-No. 45, between Harrison County, MS and points in the U.S., (g) in Sub-No. 67F, between Mason County, IL, and points in FL, GA, and OK, and (h) in Sub-No. 69F, between Meeker County, MN, and points in MI, IA, and NC, (5) in Sub-Nos. 16, 35, 39, and 45, eliminate the originating at and destined to restrictions; (6) in Sub-Nos. 8, 16, and 35, eliminate the size and weight restrictions; and (7) remove the exceptions in Sub-Nos. 27, 35, 39, and 45, against service to AK and HI. The purpose of this republication is the substitution of Chippewa and Eau Claire Counties, WI for Eau Claire, WI in applicant's Sub-No. 16 certificate as it originally requested. The replacement of this county-wide authority was inadvertently omitted from the initial Federal Register notice.

MC 128917 (Sub-9)X, filed July 1, 1981. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 4, 6, and 8 certificates to (1) in Sub-No. 4, broaden the commodity description to "paper and paper products", from boxes and sheets, knocked-down; remove the facilities

limitation and expand Burley, ID to Cassia County, ID; (2) in Sub-No. 6 broaden the commodity description to "clay, concrete, glass or stone products and chemicals and related products", from fly ash and potash; (3) in Sub-No. 8 broaden the commodity description to "clay, concrete, glass or stone products and chemicals and related products, from cement, lime, and pozzuolana products; and (4) replace existing one-way authority with radial authority (a) in Sub-No. 4, between Cassia County, ID, and UT and WY; (b) in Sub-No. 8, between ID and OR, and, UT, CO, and OR.

MC 135861 (Sub-98)X, filed May 28, 1981. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550. Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 7, 8, 11, 16, 20, 23, 25, 27, 30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 48, 49, 50, 51, 54, 57, 58, 59, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 84M, 85, 86, 87, 88, 89, 90, 91 and 92 permits to (1) broaden the commodity descriptions to "food and related products" from meat and packinghouse products, in Sub-Nos. 2, 3, 7, 8, 11, 25, 32, 34, 38, 57, 58, 65, 71, 72, 82, 83, and 92; from tea, in Sub-Nos. 30 and 37; from food products, in Sub-No. 49; from bakery goods, in Sub-No. 62; from canned and preserved foodstuffs, in Sub-No. 63; from foodstuffs, except in bulk, in Sub-Nos. 69, 75, 79, 87, 88 and 90; from alcoholic and non-alcoholic beverages, in Sub-Nos. 84 and 84M; from frozen foodtuffs, in Sub-No. 89; and from sugar, in Sub-No. 91; from candies and related items, in Sub-Nos. 16, 54, 59, and 77; to "chemicals and related products, food and related products and medical supplies" from medicines, drugs, suppositories, and medical supplies, in Sub-Nos. 20, 27, 31, 36 and 66; to "instruments and photographic goods, chemicals and related products, building materials, and rubber and plastic products", from photographic and reproductive equipment, parts, accessories, roofing, insulation materials, vinyl siding, floor covering, chemicals, cleaning, scouring, washing, and scouring compounds, photographic and duplicating equipment, materials, equipment and supplies used in the packaging, sale and distribution of such commodities, in Sub-Nos. 39 and 73; to "chemicals and related products, machinery, and food and related products", from drugs, toilet preparations, personal care products, confectionery and chewing gum in Sub-No. 40; to "such commodities dealt in or used by food and drug establishments and department stores", from such commodities as are dealt in or used by food and drug stores and food and drug business houses, such commodities as are dealt in or used by retail department stores, in Sub-Nos. 85 and 48; to "general commodities (except classes A and B explosives)", from general commodities (except commodities in bulk and classes A and B explosives), in Sub-No. 66; to "chemicals and related products, and such commodities as are dealt in or used by drug, department, grocery and hardware stores", from toilet preparations, chemicals, shampoo, soap, and such articles as are dealt in or used by drug, department, grocery and hardware stores (except foodstuffs, meats and commodities in bulk, in tank vehicles), and materials, equipment and supplies used in the manufacture of such commodites, in Sub-No. 80; to "such commodities dealt in or used by department stores", from such commodities dealt in or used by retail department stores (except commodities in bulk, in tank vehicles), in Sub-No. 81; to "chemicals and related products and food and related products", from toilet preparations and soap, in Sub-No. 51; from personal care items in Sub-No. 64; from confectionery, chewing gum, drugs and toilet preparations in Sub-No. 76; to "reproduction goods, and pulp paper and related products", from reproduction paper, in Sub-No. 50; to "chemicals and related products, and building materials, and textile mill products", from paint, paint ingredients, floor covering, plastic and vinyl siding, building materials, siding, window profiles, insulation board, and accessories, in Sub-Nos. 23, 41 and 74; to "furniture and fixtures", from store fixtures and shelving, in Sub-No. 70; to "machinery and transportation equipment", from power transmission machinery, and parts and attachments for power transmission machinery, in Sub-No. 86, (2) remove the in bulk, in tank vechicles, except hides, in refrigerated equipment, in all subs wherever they appear, and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 138283 (Sub-17)X, filed July 6, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 12F permit to (1) broaden the commodity description from foodstuffs (except in bulk, dairy products, frozen food products, meat and meat products) to "food and related products"; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 143433 (Sub-18)X, filed July 6, 1981. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 4F, 9F, 13F, and 15 certificates to (1) broaden the commodity descriptions to (a) "food and related products" from meats, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in Sub-Nos. 13 and 15, and from frozen bakery products in Sub-No. 4; (b) "textile mill products and rubber and plastic products" from carpets and carpet padding in Sub-No. 2, and from carpeting, carpeting samples, materials and accessories used in the installation of carpeting, and materials, and supplies used in the manufacture of carpeting in Sub-No. 9; (2) eliminate restrictions against serving Dallas and Fort Worth, TX, in Sub-No. 9; (3) replace named point authority with county-wide authority: Muskogee, OK, with Muskogee County, OK, in Sub-No. 13; (4) replace plantsite authority with county-wide authority: (a) facilities at or near Wagner, SD, with Charles Mix County, SD, in Sub-No. 15; (b) facilities at or near Pawhuska, OK, with Osage County, OK, in Sub-No. 2; (c) facilities at or near Bedford Heights, OH, with Cuyahoga County, OH, in Sub-No. 4; (5) eliminate the restriction against traffic originating at Beloit, WI, in Sub-No. 15; (6) replace one-way authority with radial authority in all referenced authorities between the counties named above and various points in the US; (7) delete the exception of service to AK and HI in Sub-No. 4; (8) remove originating at or destined to restrictions in Sub-No. 15; and (9) remove restriction limiting transportation to shipments having a prior movement by rail with specific destinations in Sub-No. 15.

MC 144009 (Sub-1)X, filed June 25, 1981. Applicant: ALLSTATES TRANSWORLD VAN LINES, INC., 5736 Dr. Martin Luther King Drive, St. Louis MO 63112. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "household

goods, and furniture and fixtures" from household goods as defined by the Commission, and (2) remove the exception of AK and HI in its nationwide authority between points in the U.S. (except VT and NH).

MC 145103 (Sub-6)X, filed July 1, 1981. Applicant: UNITED TRANSPORT CORP., 319 O'Brien Road, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its No. MC–145013 (Sub-No. 5)F permit and its No. MC–109501 and (Sub-Nos. 3, 6, 8, 10, and 11) permits acquired in MC–FC–78687 to: (1) broaden the commodity description in MC–109501 from iron and steel mill products, not fabricated, to "metal products, petroleum, natural gas and their products, coal and coal products, chemicals and related products"; from aluminum products in sheets and bars not fabricated to "metal products"; in Sub-No. 3, from air conditioner sub assemblies and parts to "machinery"; form pallets to "containers, carrier's or other shipping devices"; in Sub-No. 6 from boilers to "machinery and metal products"; from radiators to "machinery, metal products, and transportation equipment" from furnaces to "instruments and photographic goods, metal products, and machinery"; from air conditioning units to "machinery, transportation equipment, and instruments or photographic goods"; from parts for above to "machinery parts, metal products, transportation equipment parts, clay, concrete, glass or stone products"; in Sub-Nos. 6, 10 and 11, broaden the commodity descriptions form household appliances, furnaces, air cleaners, conditioners, heaters, humidifiers and dehumidifiers and air cleaners, to "such commodities as are dealt in or used by manufacturers of appliances and air cooling, heating, cleaning, humidifying and dehumidifying equipment"; in MC–145103 Sub-No. 5F, broaden the commodity descriptions form concrete products to "clay, concrete, glass or stone products"; (2) expand the territorial descriptions in each permit to between points in the U.S. under continuing contract(s) with named shippers; and (3) eliminate the "in bulk" restriction in No. MC–109501 Sub-Nos. 8, 10, and 11, and in No. MC–145103 Sub-No. 5F.

MC 146388 (Sub-9)X, filed June 24, 1981. Applicant: NATIONAL RETAIL TRANSPORTATION, INC., 10 East Oregon Avenue, Philadelphia, PA 19106. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in MC–70083 and Sub-Nos. 11, 14, 23, 28, and 29G certificates acquired in MC–FC–78242, to (1) broaden the commodity descriptions from (a) pianos, and piano benches, seats and stools, new, used, uncrated, other than those transported as a part of a household goods movement to "furniture and fixtures" in the lead; and (b) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-Nos. 14, 23, 28, and 29G; (2) remove the restrictions "except grocery store supplies" in the lead and Sub-No. 29G; "except commodities in bulk, in tank vehicles" in Sub-No. 11; "against shipments from the facilities of B. Altman Company, St. Davids, PA. to points in NJ and DE in the lead and Sub-Nos. 23 and 29G; and against traffic originating at or destined to Cherry Hill Industrial Park, NJ in Sub-No. 11 and 28; (3) change city to county-wide authority from Ardmore, Jenkintown and Upper Darby to Montgomery and Delaware Counties, PA, in the lead, and Camden (and the Cherry Hill Industrial Park in Sub-Nos. 11 and 28) to Camden County, NJ, in the lead and Sub-Nos. 11 and 28; (4) replace one-way with radial authority between (a) Philadelphia, PA, and, points in IL, IN, MI, and NY, and points in that part of NJ in the New York, NY Commercial Zone, in the lead; (b) Philadelphia, PA, and, points in NJ, in Sub-No. 23; and (c) points in MA, and, points in CT; points in NY east of the Hudson River and south of Interstate Hwy 84, and, points in MA; and, points in RI, in Sub-No. 29G, and (5) remove the tacking restriction in the lead to permit tacking of applicant's regular and irregular route authority.

Note.—Carrier's ability to tack will be governed by 49 CFR 1042.10(b).

MC 146751 (Sub-12)X, filed July 6, 1981. Applicant: J. C. LAWRENCE TRUCKING, INC., P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, Suite 475, 2550 M Street, N.W., Washington, D.C. 20037. Applicant seeks to broaden the commodity description in Sub-No. 6F certificate from iron and steel articles to "metal products and materials, equipment, and supplies used in the manufacture, sale and distribution thereof, or in connection therewith."

MC 147039 (Sub-4)X, filed March 6, 1981, published in the **Federal Register** of March 24, 1981, republished as corrected this issue. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48133. Representative: H. Neil Garson, Suite 400, 3251 Old Lee Highway, Fairfax, VA 22030. Applicant seeks to remove restrictions in its Sub-No. 3F certificate. This Board previously broadened the commodity description from automotive parts, materials, accessories, and supplies used in the manufacture of automotive vehicles and parts to "transportation equipment, machinery, metal products, and rubber and plastic products." Through an inadvertent error on applicant's part, it omitted a request for the commodity description "clay, concrete, glass or stone products" to be included with the broadened descriptions. Inasmuch as applicant is not precluded from handling glass automotive materials, parts, supplies or accessories under the present authorization, notice is hereby given that applicant seeks to broaden the commodity description to "transportation equipment, machinery, metal products, rubber and plastic products, and clay, concrete, glass, or stone products."

MC 148503 (Sub-4)X, filed July 6, 1981. Applicant: BERKSHIRE CHEMICAL HAULERS, INC., P.O. Box 602, Adams, MA 01220. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3 certificates to (1) broaden the commodity descriptions from (a) alum, sodium aluminate, and rosin sizing to "chemicals and related products" in Sub-No. 2; (b) petroleum products to "petroleum, natural gas, and their products" in Sub-No. 3; (2) eliminate an in bulk restriction in both Sub-Nos.; (3) delete plantsite restriction in Sub-Nos. 2; (4) remove an originating at and/or destined to restriction in Sub-No. 2; (5) broaden Adams, MA, to Berkshire County, MA, in Sub-No. 2; and (6) authorize radial authority in lieu of existing one-way authority between named points in seven New England States in both
Sub-Nos.

MC 148515 (Sub-3)X, filed July 7, 1981. Applicant: PORT CITY TRUCKING, INC., 3280 Highway 82 East, Greenville, MS 38701. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to remove restriction in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) delete the restriction limiting transportation to traffic having a prior or subsequent movement by water; and (3) broaden Greenville, MS, to Washington County, MS.

[FR Doc. 81-21360 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 142]

Assistant Administrator, Bureau for Private Enterprise Functions and Authorities; Delegation of Authority

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979, from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and in furtherance of my decision relating to the establishment of a new Bureau for Private Enterprise as announced in AID Notice dated May 21, 1981, it is hereby ordered as follows:

Section 1. There is hereby delegated to the Assistant Administrator for Private Enterprise all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, Handbook policy directive or determination, circular or instruction or communication of any nature relating to:

1. The coordination of private sector initiatives.

2. The conduct of the Housing Guaranty program.

3. The conduct of the small and disadvantaged business utilization programs to the extent such authorities and functions may be delegated by law.

4. Liaison with the IDCA Trade and Development Program (TDP) and the IDCA Overseas Private Investment Corporation (OPIC).

Sec. 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders and similar implementation authorizations and authorizations for official travel and related expenses.

Sec. 3. Delegation of Authority No. 88, dated November 4, 1970 (35 FR 17675), as amended, is further amended by deleting the title "Assistant Administrator for Development Support" throughout and inserting in lieu thereof the title "Assistant Administrator for Private Enterprise."

Sec. 4. Delegation of Authority No. 86, dated June 13, 1978 (43 FR 28281 and 28282), is amended by deleting section 1. c. (8) and section 5 in their entirety.

Sec. 5. Currently effective redelegations of authority issued by the appropriate officials with respect to the authorities enumerated above are hereby retained in effect according to their terms until modified or revoked by the Assistant Administrator for Private Enterprise.

Sec. 6. The authorities made available above may be exercised by an officer serving in an acting capacity and may be delegated by the Assistant Administrator for Private Enterprise, except as otherwise provided.

Sec. 7. Actions heretofore taken by the appropriate officials with respect to the authorities enumerated above are hereby ratified and confirmed.

Sec. 8. This delegation of authority shall be effective immediately.

Dated: July 8, 1981.

M. Peter McPherson,
Administrator.

[FR Doc. 81-21425 Filed 7-21-81; 8:45 am]
BILLING CODE 4710-02-M

International Private Investment Advisory Council on Foreign Aid

The International Private Investment Advisory Council on Foreign Aid, authorized by Section 601(c)(1) of the Foreign Assistance Act of 1961, as amended, has been reactivated. The Council will serve as a forum through which A.I.D. and the U.S. business and financial community can exchange information, review strategies, and explore areas of mutual interest with the overall objective of fostering a fuller partnership between A.I.D. and U.S. private enterprise in meeting national objectives in foreign assistance programs.

Those desiring further information regarding the Council may contact Linda Meade on (202) 632–8298.

Dated: August 19, 1981.

Christian Holmes,
Acting Assistant Administrator, Bureau for Private Enterprise.

[FR Doc. 81-21427 Filed 7-21-81; 8:45 am]
BILLING CODE 4710-02-M

[Delegation of Authority No. 95 (Revised)]

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance; Functions and Authorities; Delegation of Authority

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and in furtherance of my decision relating to the establishment of a new Bureau for Food for Peace and Voluntary Assistance as announced in A.I.D. General Notice dated May 21, 1981, it is hereby ordered as follows:

Section 1. There is delegated to the Assistant Administrator for Food for Peace and Voluntary Assistance all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, Handbook, policy directive or determination, circular or instruction or communication of any nature relating to:

a. The coordination of the Food for Peace Program (Pub. L. 480);

b. The development and implementation of interregional programs involving private nongovernmental entities excluding universities; and

c. The coordination of the American Schools and Hospitals Abroad Program under Sec. 214 of the Foreign Assistance Act of 1961 as amended.

Section 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders and similar implementation authorities and authorizations for official travel and related expenses. This authority shall also include the authority to sign or approve those documents set forth in those delegations of authority designated as Nos. 23, 54, and 69.

Section 3. Each of the following delegations of authority is amended by deleting the title "Assistant Administrator for Private and Development Cooperation" throughout and inserting in lieu thereof the title "Assistant Administrator for Food for Peace and Voluntary Assistance":

a. Delegation of Authority No. 40, dated February 20, 1961 (46 FR 15237 and 15238);

b. Delegation of Authority No. 41, dated May 8, 1964 (29 FR 6892) as amended;

c. Delegation of Authority No. 54, dated October 21, 1964 (29 FR 14880) as amended;

d. Delegation of Authority No. 69, dated March 23, 1967 (32 FR 5475) as amended;

e. Delegation of Authority No. 100, dated December 13, 1976 (42 FR 6042) as amended relating to section 110(a) of the Act; and

f. Delegation of Authority No. 134, dated November 26, 1979 (44 FR 73167).

Section 4. Delegation of Authority No. 23 dated December 28, 1962 (23 FR 563) as amended is further amended by deleting the titles "Coordinator, Food for Peace" and "Asistant Administrator for Private and Development Cooperation" throughout and inserting in lieu thereof the title "Assistant Administrator for Food for Peace and Voluntary Assistance."

Section 5. Delegation of Authority No. 99 dated April 27, 1973 (38 FR 12834) as amended is further amended as follows:

a. Paragraph 1.D. shall conform in its entirety to the insert set forth in Section 2.b of Delegation of Authority No. 116 dated August 31, 1976 (41 FR 36671) as amended.

b. Paragraph 3.D.(8) is deleted in its entirety.

Section 6. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Food for Peace and Voluntary Assistance except as otherwise provided for above.

Section 7. Currently effective redelegations of authority issued by the Assistant Administrator for Private and Development Cooperation with respect to projects, programs and other activities within his or her areas of responsibility are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

Section 8. Action heretofore taken by officials designated herein are hereby ratified and confirmed.

Section 9. This Delegation of Authority amends and supersedes Delegation of Authority No. 95 dated May 17, 1978 (43 FR 27627 and 27628).

Section 10. This Delegation of Authority shall be effective immediately.

Dated: July 8, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-21424 Filed 7-21-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-107; Order No. 1]

Certain Ultrafiltration Membrane Systems and Components Thereof, Including Ultrafiltration Membranes

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: July 15, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-21412 Filed 7-21-81; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Harmonized Commodity Description and Coding System; Release for Public Comment of Provisionally Adopted Chapters

AGENCY: International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System (Harmonized System), as provisionally adopted by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

Chapter 72: Iron and steel
Chapter 73: Articles of iron or steel
Chapter 83: Miscellaneous articles of base metal

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by August 15, 1981.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized System should contact the Secretary of the Commission by July 31, 1981, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: In its public notices of February 6, 1980 (45 FR 9628 of February 13, 1980), March 21, 1980 (45 FR 19696 of March 26, 1980), August 15, 1980 (45 FR 55549 of August 20, 1980) and June 24, 1981 (46 FR 34439 of July 1, 1981) the Commission identified 94 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature Committees of the Customs Cooperation Council. The purpose of the above mentioned notices was to invite comments and views of interested parties with respect to the 94 chapters.

Since the release of the June 24, 1981 notice, provisionally adopted texts of two further chapters have been received from the Customs Cooperation Council. This notice hereby amends the previous notice by adding these two new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (45 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of Commodity identification and specification and modern producing methods and trading practices • • •

The Harmonized System is being developed by the Customs Cooperation Council (CCC), a 91-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized System will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussel's Tariff Nomenclature (BTN).

The Technical Team, working under auspices of the CCC, prepared drafts of the various chapters of the Harmonized System for consideration by the Harmonized System Committee, which was established in order to develop the system. These drafts were forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee met three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters often extended to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), September 5, 1979 (44 FR 53112 of September 12, 1979), January 28, 1980 (45 FR 7648 of February 4, 1980), February 1, 1980 (45 FR 8166 of February 6, 1980), May 20, 1980 (45 FR 36231 of May 29, 1980), May 23, 1980 (45 FR 36230 of May 29, 1980), and August 20, 1980 (45 FR 57228 of August 27, 1980) the Commission identified those chapters which had been considered by the Harmonized System Committee, and the chapters for which a Technical Team draft had been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwarded recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for the Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both committees are then held in abeyance pending final revision sessions. The Harmonized System Committee began final revision sessions in May 1981.

The draft chapters released for public comment today have been provisionally adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure and are on the Harmonized System Committee's agenda for the October 1981 revision session. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized System, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized System for consideration by the interagency committee in the determination of U.S. proposals with respect to the Harmonized System. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

Issued: July 17, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-21409 Filed 7-21-81; 8:45 am]

BILLING CODE 7020-02-M

[332-128]

Implications of Recent Technological Changes on Watch Production; Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation based on recent developments in the watch industry indicating that an investigation of the scope proposed is no longer appropriate.

EFFECTIVE DATE: July 13, 1981.

Background

The investigation is being terminated because recent changs in the watch industry in terms of entries and withdrawals of firms have made it impractical to gather data for the 5-year period envisioned for the investigation of the intended scope.

Notice of the institution of the investigation was published in the **Federal Register** of July 1, 1981 (46 FR 34439).

Issued: July 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-21410 Filed 7-21-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-2]

Optic Liquid-Level Sensing Systems From Canada

Determination

Based on the record[1] developed in investigation No. 104-TAA-2, the Commission unanimously determines, pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of the optic liquid-level sensing systems covered by the countervailing duty order if the order were to be revoked.

Background

On December 27, 1979, the U.S. International Trade Commission received from Honeywell, Inc., a request for an investigation under section 104(b) of the Trade Agreements Act of 1979. A second request for the investigation was received from the Canadian Government on January 2, 1980.

On January 14, 1981, the Department of Commerce published a notice in the **Federal Register** of its preliminary determination of the net amount of the subsidy applicable to Honeywell's optic liquid-level sensing systems. On the basis of that determination by Commerce, the U.S. International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, on March 14, 1981, instituted investigation No. 104-TAA-2 on optic liquid-level sensing systems from Canada manufactured by Honeywell Ltd. and currently entered under item 685.90 of the Tariff Schedules of the United States, to determine whether an industry in the United States would be materially injured or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked.

Notice of the institution of the Commission's investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of March 18, 1981 (46 FR 17311). The hearing was held in Washington, D.C. on June 3, 1981; all persons requesting the opportunity were permitted to appear in person or by counsel. The Commission vote on this investigation was held in public session on July 2, 1981.

Issued: July 10, 1981.

[1] The "record" is defined in § 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

By order of the Commission.

Kenneth R. Mason,
Secretary.

Views of the Commission

Introduction

On the basis of the record in investigation no. 104–TAA–2, we determine that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason if imports from Canada of optic liquid-level sensing systems [2] if the countervailing duty order currently covering those imports were to be revoked.

Discussion

The domestic industry. In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[4]

The imported Canadian articles are loading dock-mounted fiber optic control monitors and fiber optic sensors or probes designed and produced in part by Honeywell, Ltd.[5] When combined, these two articles operate as optic liquid-level sensing systems (OLLSS). Liquid-level sensing systems are devices designed for use by the petroleum industry primarily in bottom-loading tank trucks. The system is used to detect when a tank truck or fixed storage tank has been filled, and serves as a secondary or back-up system to the primary control in preventing the accidental overfilling of the tank. The promary control is a pre-set loading meter control valve that stops the flow of liquid into the tank when a predetermined quantity has been pumped.[6] The imported Canadian system contains a self-checking, or "fail-safe," feature, which provides continuous assurance that the system is operating properly.

There are three principal types of liquid-level sensing systems—optic, thermistor, and float. For this investigation we consider there to be two like products: (1) sensors for self-checking liquid-level sensing systems and (2) loading dock-mounted control monitors for self-checking liquid-level sensing systems. Thus, pursuant to section 771(4)(A) of the Act, there are two domestic industries subject to this investigation. The first includes Scully Electronics Systems (Scully) and Liquidometer Corp. (Liquidometer), both of which manufacture sensors for self-checking liquid-level sensing systems. The second includes only Scully, which produces loading dock-mounted control monitors for self-checking fiber optic and thermistor systems.

These definitions of the like products exclude floats entirely, while treating separately the two principal components of the OLLSS and the thermistor. The float is quite different from the imported optic system. In contrast to the sophisticated fiber optic technology utilized in the OLLSS, floats operate by a simple mechanical switching process. They are inexpensive unitary devices lacking a separate sensor and monitor. Most importantly, floats are not self-checking and thus do not compete in that portion of the market represented by purchasers who are most concerned about the reliability and safety of the system.

The thermistor, while it differs in the technology used to carry out the overfill protection function, is otherwise substantially like the imported OLLSS.[7] Both systems are fully electronic in nature, with a similar overall system design. Both utilize separate sensors and control monitors, the former being mounted inside the tank and the latter on the loading dock. Importantly, the thermistor, like the OLLSS, is self-checking. We consider the capability for self-checking to be a key element for distinguishing between the products involved in this investigation. The overriding purpose of all overfill prevention devices is the promotion of safety, and fail-safe systems represent a significant advance over other systems because they permit the operator to determine continuously whether the system is defective, thus eliminating the potential for overfilling of flammable and explosive petroleum products in the event the system fails. Those purchasers who are highly concerned about safety would likely choose a self-checking system in preference to one lacking that feature.[8]

Our treatment of the self-checking OLLSS and thermistor systems as being comprised of two separate like products is based upon information in the record demonstrating a significant distinction between the markets in which each component is sold. While the probe and control monitor form a complete system and neither can be used without the other, each is a distinct unit with its own features and characteristics. For the imported Honeywell and domestic Scully devices, the principal purchasers of the control monitors are operators of petroleum terminals, on whose loading docks the monitors are mounted. The Liquidometer OLLSS control monitor, however, does not compete in this market, since it is mounted on the tank truck, rather than the loading dock. Because Liquidometer's monitor is significantly different in this important characteristic and thus is not part of the market in which the imported monitor is sold, it is appropriate to exclude it from the definition of the like product.

All the OLLSS and thermistor probes, however, compete in the same market. The chief buyers of the probes are the motor carriers on whose tank trucks the probes are installed. Since the Liquidometer probe competes in the motor carrier market along with the imported probes and the two kinds of Scully probes, it would not be appropriate to remove it from the definition of that like product.

Present health of the domestic industries. Our determination is based on an assessment of the impact of the

[2] These products are provided for in item 685.90 of the Tariff Schedules of the United States.

[3] Section 771(4)(A) of the Tariff Act of 1930 (the Act), 19 U.S.C. § 1677(4)(A).

[4] Section 771(10) of the Tariff Act of 1930, 19 U.S.C. § 1677(10).

[5] Honeywell was the sole manufacturer of the items until this year. OPW Division of Dover Corp., the importer of the items, is now licensed by Honeywell to manufacture them in Canada. OPW has already taken over production of OLLSS sensors from Honeywell and will begin manufacturing the control monitors at some undetermined future date. Transcript of hearing of June 3, 1981, at 75–76.

[6] Staff report at A–6 (all references to the staff report are to the confidential version).

[7] The thermistor differs from the OLLSS in its use of thermal, rather than optic, technology. Complete descriptions of the systems, their components, and their manner of operation can be found in the staff report at A–6 to A–10. The variation in technology between the OLLSS and the thermistor has a minor practical impact on the range of uses to which each can be put. When used with heavier grade petroleum products, the prism in the OLLSS probe becomes coated and is thereafter rendered ineffective. Transcript of hearing at 34. As a result, the OLLSS is usable chiefly in loading gasoline and other lighter petroleum products. The thermistor is not subject to this limitation and can be used with any grade of petroleum. The parties to this investigation agree, however, that heavy oil accounts for only a small, and perhaps declining, share of the overall petroleum market. Moreover, most heavy oil is transported by pipeline or barge, rather than by tank truck. Transcript of hearing at 39; transcript of Commission meeting of July 2, 1981, at 9. Thus, the difference in potential uses of the two systems is not particularly significant.

[8] Transcript of hearing at 39–40. We further note that this situation is similar to that in Electric Golf Cars from Poland, inv. No. 731,–TA–1 (formerly No. AA1921–147A), USITC Pub. No. 1069 (1980), in which the Commission found that all golf cars (both gas and electric) were "like" the imported electric golf cars.

imported Canadian optic liquid-level sensing systems in relation to production of the two like products—(1) sensors for self-checking liquid-level sensing systems and (2) loading dock-mounted control monitors for self-checking liquid-level sensing systems. In the present investigation the trends are the same for domestic production and sales of both the sensors and monitors. In addition, because there are so few domestic firms producing the items all the statistical data regarding the aggregate performance of these companies must be held confidential and will necessarily be discussed only in general terms. For these reasons the trends for both sensors and monitors will be considered together for purposes of discussion.

Current indicators show that the condition of the U.S. industry is healthy and growing stronger. Production of both probes and dock-mounted monitors for self-checking overfill protection devices increased dramatically from 1978 to 1980, and it appears that this trend is continuing in 1981.[9] Capacity utilization and employment of production and related workers also increased steadily between 1978 and 1980, although employment declined negligibly in the first quarter of 1981 as compared to the same period in 1980.[10] Domestic shipments of probes and monitors increased greatly during the period 1978–1980; partial data for the first quarter of 1981 indicate that this trend may be continuing.[11] Inventories held by domestic producers grew between 1978 and 1980, but the increases reflect in part the growth of inventories of OLLSS components from the zero level in 1978. An increase in the size of inventories in March 1981 over that in March 1980 is also accounted for by reasons unrelated to the competitive posture of the domestic firms.[12]

The information that is available indicates a dramatic rise in net profits each year between 1978 and 1980.[13] A complete picture of the combined profit-and-loss experience of the domestic producers is unavailable, however. This is because profitability data were not supplied by Liquidometer. While access to this kind of information ordinarily is important to a determination of material injury, there are several reasons why its absence in this investigation is not critical and will not significantly hamper our assessment of the question of injury. First, the Commission has received complete financial data from Scully. Second, other questionnaire information submitting by Liquidometer providing indices of its competitive standing and health show that it is performing very well.[14] Third, Liquidometer has informed Commission staff that it does not support the effort to retain the countervailing duty.[15] The failure to provide the information or to participate in or support the investigation allows a permissible inference that Liquidometer is competitively healthy and that it will not suffer material injury by reason of the subsidized Canadian imports as a result of removal of the duty.[16]

Likely effects of removal of the countervailing duty. As a result of the Treasury Department's countervailing duty order published January 8, 1979 (44 FR 1728), imports from Canada of optic liquid-level sensing systems have been subject to a countervailing duty equalling 9 percent of the invoice price for export to the United States. Thus, removal of this duty would provide a definite financial advantage to the importer, OPW Division of Dover Corp., in the amount of the foregone additional duty, an amount which in this instance is not inconsequential. Our review of the record, however, leads us to conclude that receipt of this benefit will not significantly alter the behavior of the importer so as to cause injury to the domestic producers.

OPW has stated that if the countervailing duty were removed it would have no effect on OPW's pricing of the imports or on its efforts to market them.[17] Instead, the increased revenue will be used to improve OPW's profitability on the items.[18] Even if the 9 percent duty elimination were applied to price reductions, we have no reason to believe that the domestic industries would be injured given their current strong competitive position. Moreover, according to OPW, the cost of the items is not the primary concern in determining sales. Other considerations, including compatibility of systems, the distribution network, and service capability, are also important.[19] Information received by the Commission in the course of this investigation in fact confirms that price, while significant, is not determinative in decisions regarding the purchase of liquid-level sensing devices.[20]

There is nothing to indicate the likelihood of a surge of imports in the future. Imports of control monitors have declined without interruption from 1978 to 1980, and no imports were reported in the first quarter of 1981.[21] The ratio of imports of control monitors to total domestic consumption of control monitors has also declined since 1978. Production in Canada of sensors has recently been shifted from Honeywell to OPW.[22] Although imports of Canadian fiber optic sensors increased in absolute terms from 1978 to 1980, the ratio of imports to total domestic consumption decreased significantly. The downward trend in imports as a percentage of total consumption continued in the first quarter of 1981, while the number of imports fell substantially compared to the first quarter of 1980.[23] This may in part be due to the recent shift in production of sensors from Honeywell to OPW. However, this change-over in production facilities has brought about a sharp reduction in production capacity for Canadian sensors for the near future.[24] Finally, the incompatibility of the imported articles with at least some of the competing domestic products, e.g., Honeywell control monitors with thermistor sensors,[25] reduces the ability of the imports to penetrate further those portions of the market in which the competing products have already been sold and installed on trucks and loading docks.

Since we do not anticipate significant changes in import prices or volume as a

[9] Staff report at A–18 to A–19.

[10] Staff report at A–18 to A–19, A–30 to A–32.

[11] Staff report at A–21 to A–24.

[12] *See* confidential discussion in staff report at A–29 to A–30.

[13] Available data on profitability are not broken down for sensors and monitors. We will discuss profitability for sensors and monitors together.

[14] Since Liquidometer's production of control monitors has been excluded from our consideration of the condition of that domestic industry, only profit from loss data regarding its sensors would have been relevant to this discussion, reducing further the impact of the absence of the information.

[15] Transcript of Commission meeting of July 2, 1981, at 8–10.

[16] A similar inference was drawn in Weighing Machinery and Scales from Japan, Inv. No. 701–TA–7 (Final), USITC Pub. 1063 (1980), at 12–13 ("Views of Vice Chairman Alberger and Commissioner Calhoun").

[17] Transcript of hearing at 64–69.

[18] Transcript of hearing at 68; confidential submission from OPW Division of Dover Corp., June 10, 1981.

[19] Transcript of hearing at 68.

[20] Staff report at A–44; Transcript of hearing at 40–41. With the exception of the Scully Biclops monitor, which accommodates both fiber optic and thermistor sensors, there is no compatibility between optic and thermistor components. The parties are in dispute as to whether the Scully and imported OLLSS components can be used interchangeably with each other. Staff report at A–7.

[21] Staff report at A–14.

[22] *See* n. 4, *supra.*

[23] Staff report at A–14.

[24] Staff report at A–30. Although OPW's inventories of sensors increased greatly during the period that production of the sensors moved from Honeywell to OPW, the increase apparently does not represent an attempt to increase available stocks in anticipation of the drop in production capacity. Rather, it is explained as the result of sales failing to keep pace with market projections. Staff report at A–29 to A–30.

[25] *See* n. 19, *supra.*

result of revocation, it follows that such revocation will not adversely impact the current strong performance of the domestic industries. Thus, we have concluded that the domestic industries would not be materially injured or threatened with material injury by termination of the countervailing duty order.[28]

[FR Doc. 81-21411 Filed 7-21-81; 8:45 am]
BILLING CODE 7020-02-M

[TA-131(b)-6]

Probable Economic Effects of Possible Tariff Reductions Under Section 124 of the Trade Act of 1974

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 131(b) of the Trade Act of 1974 (hereinafter referred to as "the Act"), the Commission has instituted investigation No. TA-131(b)-6 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(b) of the Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) on June 17, 1981 in accordance with section 131(a) of the Act with respect to articles classified in the following 6 items of the Tariff Schedules of the United States:

TSUS item	Brief description
147.64	Fresh grapes (except hothouse) entered July 1 to February 14, inclusive.
642.30	Fourdrinier wires for papermaking machines.
653.01 (pt.)	Only tents and similar structures having an aluminum frame and a vinyl laminated polyester fabric shell or cover
685.7010	Indicator panels incorporating semiconducting luminescent devices (LED's).
685.80 (pt.)	Only fixed or variable electrical vacuum capacitors.
687.3010	Light emitting diodes.

For each of these articles the USTR requests the probable economic effects on U.S. industries producing like or directly competitive articles and on consumers of the reduction of United States duties by the maximum amount permissible under the residual tariff reduction authority granted to the President under section 124. The USTR published the list of articles in the July 7, 1981 **Federal Register** (46 FR 35234).

EFFECTIVE DATE: July 16, 1981.

[28] Scully alleged that material retardation of the establishment of an industry in the United States would result if the duty were revoked. However, since there is already firmly established production of the like products as defined in this investigation, the question of material retardation does not arise.

FOR FURTHER INFORMATION CONTACT:

(1) Agricultural products, Mr. Edward Furlow (202-724-0066); (2) Minerals and metals, Mr. Larry Brookhart (202-523-0275); (3) Machinery and equipment, Mr. Aaron Chesser (202-523-0353); Office of Industries, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436; (4) Legal aspects, Mr. William Gearhart (202-523-0487), Office of General Counsel, at the same address.

SUPPLEMENTARY INFORMATION:

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on August 18, 1981. All persons shall have the right to appear by council or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, August 11, 1981.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons.

To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than August 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: July 17, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-21413 Filed 7-21-81; 8:45 am]
BILLING CODE 7020-02-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Arkansas Power & Light Company (the licensee) is the holder of Facility Operating License No. NPF-6, which authorizes the operation of Arkansas Nuclear One, Unit No. 2 plant, (the facility) at steady-state power levels not in excess of 2815 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements included Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

III

The licensee's submittals dated December 19 and 31, 1980, January 19, February 27 (two letters), March 11, 13, and 31, and April 30, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's, submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21405 Filed 7-21-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Northern States Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-43 and DPR-60, which authorize the operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, (the facility) at steady-state power levels not in excess of 2815 megawatts thermal. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Goodhue County, Minnesota.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order) [1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated November 20, and December 30, 1980 and January 16, January 30, March 27, and July 6, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified shedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediated effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21488 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344; DD-81-13]

Portland General Electric Company, et al., Trojan Nuclear Plant; Issuance of Director's Decision

By petition dated May 17, 1979, Nina Bell, *pro se,* and Eugene Rosolie, on behalf of the Coalition for Safe Power, requested that the Nuclear Regulatory Commission order shutdown of the Trojan Nuclear Plant. The asserted bases for the request were that deficiencies exist with respect to fire protection and environmental qualification of electrical equipment. On September 10, 1979, I determined that no adequate basis existed for ordering shutdown of the Trojan Nuclear Plant and the request for immediate action was therefore denied. Further consideration of the petition was held in abeyance pending the Commission's decision in the closely-related Petition for Emergency and Remedial Relief filed by the Union of Concerned Scientists. Since the Commission's decision has been issued (Memorandum and Order, CLI-80-21) I have again evaluated the petitioner's request and related information and have determined not to grant the relief requested. Accordingly, pursuant to 10 CFR 2.206, the requested action is denied.

The reasons for this decision are stated fully in the "Director's Decision Under 10 CFR 2.206", which is available for public inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The decision is also available for inpection in the local public document room for the Trojan facility, which is located at Multnomah County Library, Social Science & Science Department, 801 S.W., 10th Avenue, Portland, Oregon 97205. A copy will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

As provided in 10 CFR 2.206(c), this Decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of this action within that time.

Dated at Bethesda, Maryland this 13th day of July, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21487 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.

(North Anna Power Station, Units No. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. NPF-4 and NPF-7 which authorize the operation of the North Anna Power Station, Units No. 1 and No. 2 (the facilities) at steady-state power levels not in excess of 2775 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Louisa County, Virginia.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedeness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 31, 1980, and February 27, May 29 and July 6, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

[1]Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11,1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C.20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21486 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant Units 1 and 2); Order Confirming Licensee Commitments On Post-TMI Related Issues

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the Point Beach Nuclear Plants Units 1 and 2 (the facilities) at steady-state power levels not in excess of 1518 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Manitowoc County, Wisconsin.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the attachment to this order)[1] NUREG-0737 was transmitted to each licensee and applicant by NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 23, 1980, January 19, 1981, March 4, 1981, March 31, and July 6, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 11981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21499 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Program Management and Plan; Postponement

The ACRS Subcommittee on Program Management and Plan scheduled for August 5, 1981, Washington, DC has been postponed indefinitely. Notice of this meeting was published June 17.

Dated: July 16, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-21500 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

The Cleveland Electric Illuminating Co.; Receipt of Antitrust Information

Note.—This document was originally published in the issue of July 15, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

The Cleveland Electric Illuminating Company on behalf of itself and as agent for the four other owners of the Perry Nuclear Power Plant, Units 1 and 2, submitted antitrust information in connection with the owners' plans to operate two boiling water reactors in Lake County, Ohio. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 21, 1981.

Dated at Bethesda, Maryland, this 9th day of July 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20745 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Invitation for Public Comment on Proposed OFPP Policy Letter

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comment on proposed OFPP policy letter.

SUMMARY: The Office of Federal Procurement Policy is requesting public comment and Government agency review and comment on a proposed Policy Letter setting forth Government-wide debarment and suspension procedures and providing for a consolidated listing of administrative debarments and suspensions. In addition, it provides for the listing of offerors, contractors and subcontractors that have been debarred, suspended or declared ineligible pursuant to specific statutes and other regulatory authority.

DATE: Written comments must be received on or before September 21, 1981.

ADDRESS: Comments are to be submitted ot the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia A. Szervo. Associate Administrator for Procurement Law and Legislation, (202) 395-3501.

SUPPLEMENTARY INFORMATION: The development of Government-wide administrative debarment and suspension procedures that more effectively protect the Government's interest in dealing only with responsible business concerns and individuals, while affording fundamental fairness to those affected by those procedures, is a subject that has been studied by various Government and private groups. In response to those studies and in an effort to assure consistency in the application of debarment and suspension provisions, OFPP convened a task force composed of representatives of a number of Executive Agencies and the General Accounting Office to review current procrdures and draft those changes necessary to meet the foregoing objectives.

The proposed coverage developed by the task force constitutes a uniform procedure for agencies to apply in administratively debarring or

suspending those doing business or seeking to do business with the Government. Much of the coverage is a synthesis of existing practice; however, other provisions, the most significant of which are noted below, are substantial departures from the present regulatory approach. Additionally, certain matters that were not addressed in the proposed directive are included herein as proposed guidance for agency implementation of the coverage.

A. Among the significant changes to current practice are the following:

1. *Consolidated List of Debarred, Suspended and Ineligible Contractors.* Under present regulations, there is no central reference point for those actions taken by agencies to exclude concerns and individuals from doing business with the Government. The directive provides that all administrative debarments and suspensions imposed under its procedures, as well as debarments, suspensions and declarations of ineligibility effected pursuant to statute, or regulatory authority other than the FPR, DAR or NASA PR, shall be published in a consolidated list to be compiled, maintained and distributed by GSA. While the proposed coverage does not prohibit agencies from maintaining their own lists, it is expected that most agencies will rely on the consolidated list to identify those against whom action has been taken.

2. *Government-wide Effect of Administrative Debarments and Suspensions.* Presently, debarment or suspension by one agency is not necessarily binding on others. If one agency wishes to exclude a concern or individual, it cannot rely on the prior decision of another agency. Instead, it must make an independent determination that a cause for debarment or suspension exists, and that imposition of that sanction is necessary to protect the Government's interest. Under the proposed coverage, debarment or suspension by one agency would result in an exclusion from Government contracting throughout the Executive Branch. An agency could only contract with a debarred or suspended concern if the agency head or designee determines in writing that contineud business dealings between the agency and the contractor are in the best interest of the Government. Similar restrictions and exceptions are provided with respect to the extension of contracts with a debarred or suspended contractor, and to approval of such a contractor as a subcontractor under a Government prime contract.

3. *Uniform Procedures for Imposing Administrative Debarments and Suspensions.* The proposed directive establishes a uniform framework of causes and procedures to impose debarment and suspension, as well as a standard of due process that must be accorded by the agnecies. In cases based upon a conviction or indictment, the procedures require the issuance of a notice sufficient to apprise the affected concern or individual of the basis for the action and the opportunity to submit a response in opposition. In cases not based on a conviction or indictment, fact-finding will be conducted if the contractor's submission raises genuine disputes over the material facts that form the basis for the action. Finally, under the proposed coverage, when fact-finding is appropriate the debarring or suspending official has the option of conducting the fact-finding or referring the case to another agency official.

The directive authorizes the official to whom the matter is referred only to make findings of fact. A recommended decision will not be made, since the discretion to impose debarment or suspension on the basis of the facts as determined rests with the debarring or suspending official. An agency that elects to have fact-finding conducted by reference must ensure that the official presiding in the case is qualified and unbiased. While the official need not be qualified as an administrative law judge, or be admitted to practice as an attorney, he or she should be knowledgeable as to the applicable contract law and regulations, have some experience in conducting informal proceedings, and be competent to draft findings of fact from the information presented.

B. Among the metters which were not considered by the task force as appropriate for inclusion in the text of the coverage, but which are provided as guidance to the agencies, are the following:

1. *Interagency Coordination.* Debarment or suspension of a concern or individual by one agency can have an edverse impact on the missions, programs or operations of other agencies with which the concern or individual does business. In cases in which it is apparent that the potential exists for such an adverse impact, the cognizant debarring or suspending official should solicit the comments of those agencies that could be affected prior to taking action. In those instances in which the potential for adverse impact is not apparent, an agency that believes it could be affected by the debarment or suspension may communicate its comments to the cognizant debarring or suspending official, who should consider them prior to taking action. When several agencies have an interest in the case, consideration should be given to designation of one agency as lead agency for making the debarment or suspension decision.

2. *Withholding of Payments.* In cases in which the debarred or suspended concern or individual is performing existing contracts with the agency, it often is appropriate to withhold payments under those contracts in order to recover funds paid as a result of fraud or other misconduct. Withholding and similar contractual and common law remedies are effective methods to protect the Government's interest in these circumstances, and their use should be the rule rather than the exception.

Donald E. Sowle,

Administrator.

July 16, 1981.

Policy Letter 81-3

To the Heads of Executive Departments and Establishments

Subject: Policy Guidance Concerning Government-wide Debarment, Ineligibility, and Suspension

1. *Scope.* This Policy Letter:

a. Prescribes policies and procedures governing the debarment and suspension (see paragraph 3 for the use of these terms) of contractors by agencies;

b. Provides for listing offerors, contractors, and subcontractors that have been:

(1) debarred or suspended under the procedures set forth in this Policy Letter, or

(2) Debarred, suspended, or declared ineligible on the basis of disqualification under or noncompliance with certain other statutory or regulatory authority, and

c. Sets forth the consequences of such listing.

2. *Policy.*

a. Agencies shall solicit offers from, award contracts to, and consent to subcontracts only with responsible business concerns and individuals. Debarment and suspension by agencies are discretionary actions that, taken in accordance with this Policy Letter, are appropriate means to effectuate this policy.

b. The drastic nature of debarment and suspension requires that these sanctions be imposed only in the public interest, for the Government's protection, and not for purposes of punishment. Agencies shall impose debarment or suspension only for the

time determined to be necessary to protect the Government's interest and only for the causes and in accordance with the procedures set forth in this Policy Letter.

c. Agencies shall establish appropriate procedures to implement the policies and procedures of this Policy Letter.

3. *Definitions.*

a. "Adequate evidence" means information sufficient to form the reasonable belief that a particular act or omission may have occurred.

b. "Affiliates," for the purpose of this Policy Letter, means business concerns or individuals are affiliates if, directly or indirectly:

(1) Either one owns, manages, directs or controls the other in whole or in part, or has the power to do so; or

(2) Another owns, manages, directs, or controls both in whole or in part, or has the power to do so.

c. "Agency," as used in this Policy Letter, means any executive department, military department or defense agency, or other agency or independent establishment of the executive branch.

d. "Consolidated list of debarred, ineligible, and suspended contractors" means a list compiled, maintained, and distributed by the General Services Administration, in accordance with paragraph 4, that contains the names of contractors that have been debarred or suspended by agencies under the procedures set forth in this Policy Letter, as well as contractors that have been declared ineligible, suspended, or debarred under other statutory or regulatory authority.

e. "Contractor," as used in this Policy Letter, means any individual or other legal entity that submits offers for or is awarded or reasonably may be expected to submit offers for or be awarded a Government contract or a subcontract under a Government contract. The term includes a contractor's officers, agents, and representatives. The term also includes, but is not limited to, suppliers' and vendors' representatives doing business with the Government and their respective agents and representatives.

f. "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

g. "Debarment," as used in this Policy Letter, means action taken by a debarring official under paragraph 6 to exclude a contractor from Government contracting for a reasonable, specified period; a contractor so excluded, or excluded under other statutory or regulatory authority, is "debarred."

h. "Debarring official" means an agency head, a designee authorized by the agency head, or another official as provided by law, who may impose debarment.

i. "Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

j. "Legal proceedings" means any criminal proceeding initiated by the Government, or any civil judicial proceeding, whether initiated by the Government or another. The term includes appeals from such proceedings.

k. "Substantial evidence" means such relevant evidence as a reasonable person might accept as sufficient to support a particular conclusion.

l. "Suspending official" means an agency head, a designee authorized by the agency head, or another official as provided by law, who may impose suspension.

m. "Suspension," as used in this Policy Letter, means action taken by a suspending official under paragraph 7 to disqualify a contractor temporarily from Government contracting; a contractor so disqualified, or disqualified under other statutory or regulatory authority, is "suspended."

4. Consolidated list of debarred, ineligible, and suspended contractors.

a. The General Services Administration (GSA) shall—

(1) Compile and maintain current a consolidated list of all contractors debarred, suspended, or declared ineligible by agencies or by the General Accounting Office;

(2) Revise and distribute the list quarterly and issue monthly supplements to all agencies and the General Accounting Office; and

(3) Provide with the list the name and telephone number of the official responsible for its maintenance and distribution.

b. The consolidated list shall indicate—

(1) The names and addresses of all debarred, ineligible, or suspended contractors, in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) The name of the agency or other authority taking the action;

(3) The cause for the action (see paragraphs 6.2 and 7.2 for causes authorized under this Policy Letter) or other statutory or regulatory authority for the action;

(4) The termination date for each listing; and

(5) The name and telephone number of the point of contact for the action.

c. Each agency shall—

(1) Notify GSA of the information required by paragraph b. above within 5 working days after taking action;

(2) Notify GSA within 5 working days after modifying or rescinding an action;

(3) Notify GSA of the names and addresses of agency organizations which are to receive the consolidated list and the number of copies to be furnished to each;

(4) In accordance with internal retention procedures, maintain records relating to each suspension or debarment action taken by the agency;

(5) Establish procedures to provide for the effective use of the list, to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with, listed contractors, except as otherwise provided in this Policy Letter; and

(6) Direct inquiries concerning listed contractors to the agency or other authority that took the action.

5. Effect of listing.

a. Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with, contractors listed as having been debarred or suspended by any agency under paragraphs 6 or 7, unless the acquiring agency's head or a designee authorizes such action as in the Government's interest (see paragraphs 5.2, 6.1c, and 7.1d).

b. Contractors listed as having been debarred, suspended, or declared ineligible on the basis of statutory or other regulatory procedures are excluded from receiving contracts and, if applicable, subcontracts, under the conditions and for the period set forth in the statute or regulation.

5.1 Continuation of current contracts.

a. Notwithstanding the listing of a contractor for the causes set forth in this Policy Letter, agencies may continue contracts or subcontracts in existence at the time the contractor was debared or suspended, unless the agency head or a designee directs otherwise. A decision as to the type of termination action, if any, to be taken should be made only after review by agency contracting and technical personnel and by counsel to ensure the propriety of the proposed action.

b. Agencies shall not renew current contracts or subcontracts of contractors listed for the causes set forth in this Policy Letter, or otherwise extend their duration, unless the agency head or a designee provides a written determination, including reasons, stating that such action is in the best interest of the Government.

5.2 Restrictions on subcontracting.

a. When a listed contractor is proposed as a subcontractor for any subcontract subject to Government consent, approval shall not be given unless the agency head or a designee provides a written determination, including reasons, stating that approval is in the best interest of the Government.

6. Debarment.

6.1 General.

a. A debarring official may, in the public interest, impose debarment upon a contractor for any of the causes in paragraph 6.2, using the procedures in paragraph 6.3.

b. Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarring official may extend the debarment decision to include any affiliates of the contractor if they are given written notice of the proposed debarment and an opportunity to respond on the issue of their status as affiliates (see paragraph 6.3b).

c. A contractor's debarment by any agency shall be effective throughout the executive branch of the Government, unless an agency head or a designee provides a written determination, including reasons, stating that continued business dealings between that agency and the contractor are in the best interest of the Government.

6.2 Causes for debarment.

A debarring official may impose debarment upon a contractor for any of the causes listed in paragraphs a. through c. following:

a. Conviction for—

(1) Commission of fraud or a criminal offense in connection with (i) obtaining; (ii) attempting to obtain, or (iii) performing a public contract or subcontract;

(2) Violation of Federal anti-trust statutes relating to the submission of offers;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen propery; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the question of present responsibility as a Government contractor or subcontractor.

b. Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as—

(1) Willful failure to perform in accordance with the terms of one or more contracts, provided this failure has occurred within a reasonable time (considering the circumstances) preceding the decision to impose debarment;

(2) A history of failure to perform, or of unsatisfactory performance of, one or more contracts, provided this failure or unsatisfactory performance has occurred within a reasonable time (considering the circumstances) preceding the decision to impose debarment.

c. Any other cause of so serious or compelling a nature that it affecs the question of present responsibility as a Government contractor or subcontractor.

6.3 Procedures.

a. Investigation and referral. Agencies shall establish procedures for the prompt reporting, investigation, and referral to the debarring official of matters appropriate for that official's consideration.

b. Notice. If the debarring official determines that there is cause for debarment and that debarment is necessary to protect the Government's interest, the official shall advise the contractor and, as applicable, any specifically named affiliates by certified mail, return receipt requested—

(1) That debarment is being considered;

(2) Of the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;

(3) Of the cause(s) relied upon under paragraph 6.2 for proposing debarment;

(4) That, within 30 days after receipt of the notice, the contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts upon which the proposed debarment is based;

(5) That, except when the action is based on a conviction, fact-finding will be conducted if the debarring official determines that the contractor's submission raises a genuine dispute over material facts upon which the proposed debarment is based;

(6) That the debarring official's decision will be based on the administrative record; and

(7) If no suspension is in effect under paragraph 7 when debarment is proposed, that no contracts will be awarded to the contractor by the agency pending a debarment decision.

c. Submission in opposition. The contractor (and specifically named affiliates) may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment. Except when action is based on a conviction, if the debarring official determines that the contractor's submission raises a genuine dispute over the material facts upon which the proposed debarment is based, the official shall, in accordance with paragraph d. following, conduct fact-finding or refer the case to another official of the agency for fact-finding.

d. Fact-finding.

(1) Any fact-finding as to disputed material facts shall be conducted promptly following receipt of the contractor's submission. Fact-finding in cases in which no suspension is currently in effect under paragraph 7 shall be initiated within 20 working days after receipt of the submission, unless the debarring official extends this period for good cause.

(2) Fact-finding shall be conducted in accordance with procedures established by the agency. These procedures shall (i) be as informal as practicable; (ii) be consistent with principles of fundamental fairness; and (iii) afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any persons the agency presents. A transcribed record shall be made and shall be available at cost to the contractor upon request, unless the contractor and the agency, by mutual agreement, waive the requirement for a transcript.

(3) The official conducting fact-finding, if not the debarring official, shall prepare written findings of fact and transmit them to the debarring official for review promptly after the conclusion of the fact-finding proceeding. The contractor shall be provided a copy by certified mail, return receipt requested.

e. Debarring official's decision.

(1) In cases based on a conviction, or in which the contractor's submission does not raise a genuine dispute over the material facts upon which the action is based, the debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the contractor. When no suspension is in effect under paragraph 7, the decision shall be made within 30 working days after receipt of any information and argument submitted by the contractor, unless the debarring official extends this period for good cause.

(2) In cases in which fact-finding has been conducted, the debarring official shall base the decision on the facts as found, together with any information and argument submitted by the

contractor and any other information in the administrative record. In cases referred to another official for fact-finding, the debarring official may reject only those facts that have been found that are clearly erroneous. When no suspension is in effect under paragraph 7, the decision shall be made within 30 working days after the conclusion of fact-finding, unless the debarring official extends this period for good cause.

(3) In any case in which the proposed debarment is not based on a conviction, the cause for debarment must be proved by substantial evidence.

f. Notice of debarring official's decision.

(1) If the debarring official decides to impose debarment, the contractor and any affiliates involved shall be given prompt notice by certified mail, return receipt requested—

(i) Referring to the notice of proposed debarment;

(ii) Specifying the reasons for debarment;

(iii) Stating the period of debarment, including effective dates (see paragraph 6.4); and

(iv) Advising that the debarment is effective throughout the executive branch of the Government, unless the head of an agency or a designee makes the determination set forth in paragraph 6.1c.

(2) If debarment is not imposed, the debarring official shall promptly notify the contractor and any affiliates involved, by certified mail, return receipt requested.

6.4 Period of debarment.

a. Debarment shall be for a period commensurate with the seriousness of the cause(s). As a rule, a debarment shall not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

b. The debarring official may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined necessary, the procedures of paragraph 6.3 above shall be followed to extend the debarment.

c. The debarring official may reduce the period or extent of debarment, upon the contractor's request, supported by documentation, for reasons such as—

(1) Newly discovered material evidence;

(2) Reversal of the conviction or judgment upon which the debarment was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the debarment was imposed; or

(5) Other reasons the debarring official deems appropriate.

6.5 Scope of debarment.

a. The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a contractor may be inputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

b. The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor who participated in, knew of, or had reason to know of, the contractor's court.

c. The fraudulent, criminal, or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

d. The fraudulent, criminal, or other seriously improper conduct of an individual debarred under this Policy Letter may be imputed, during the debarment period to a contractor with which the individual is employed or otherwise associated in a significant decision-making capacity, provided the contractor is—

(1) notified of proposed debarment based on the employment of, or association with, the individual; and

(2) given an opportunity to respond.

7 Suspension.

7.1 General.

a. A suspending official may, in the public interest, impose suspension upon a contractor for any of the causes in 7.2, using the procedures in 7.3.

b. Suspension is a drastic action to be imposed based on adequate evidence pending the completion of investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, agencies should consider how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.

c. Suspension constitutes suspension of all divisions or other organizational elements of the contractor, unless the suspension decision is limited by its terms to specific divisions, organizational elements or commodities. The suspending official may extend the suspension decision to include any affiliates of the contractor if they are given written notice of the suspension and an opportunity to respond on the issue of their status as affiliates.

d. A contractor's suspension by any agency shall be effective throughout the executive branch of the Government, unless an agency head or a designee provides a written determination, including reasons, stating that continued business dealings between that agency and the contractor are in the best interest of the Government.

7.2 Causes for suspension. A contractor may be suspended for any of the following causes:

a. Suspected, upon adequate evidence, of—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or in the performance of, a public contract or subcontract;

(2) Violation of Federal anti-trust statutes relating to the submission of offers;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(4) Commission of any other offense indicating a lack of business integrity or business honesty, which directly and seriously affects the question of present responsibility as a Government contractor or subcontractor.

b. Indictment for any of the foregoing causes in subsection a. above constitutes adequate evidence for suspension.

c. The suspending official may also impose suspension upon a contractor for any other cause of so serious or compelling a nature that it affects the question of present responsibility as a Government contractor or subcontractor.

7.3 Procedures.

a. Investigation and referral. Agencies shall establish procedures for the prompt reporting, investigation, and referral to the suspending official of matters appropriate for that official's consideration.

b. Notice. If the suspending official determines that there is cause for suspension and that suspension is necessary to protect the Government's interest, the official shall impose suspension upon the contractor and, as applicable, any specifically named affiliates and immediately advise them by certified mail, return receipt requested, that—

(1) The suspension is based on an indictment or other adequate evidence that the contractor has committed irregularities (i) of a serious nature in business dealings with the Government; (ii) seriously reflecting on the propriety of further dealings with the contractor, describing any such irregularities in terms sufficient to place the contractor on notice without disclosing the Government's evidence;

(2) The suspension is for a temporary period pending the completion of an investigation and any ensuing legal proceedings;

(3) Unless it is in the Government's interest to do so, during the suspension period (i) offers will not be solicited from the contractor and, if received, will not be considered; and (ii) contracts and subcontracts that require Government approval will not be awarded the contractor;

(4) The suspension is effective throughout the executive branch of the Government unless the head of an agency or a designee makes the determination set forth in paragraph 7.1d;

(5) Within 30 days after receipt of the notice, the contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over the material facts upon which the suspension is based;

(6) Except when action is based on an indictment, in the absence of a determination that the substantial interests of the Government would be prejudiced, fact-finding will be conducted if the suspending official determines that the contractor's submission raises a genuine dispute over the material facts upon which the suspension is based; and

(7) The suspending official's decision to terminate, modify, or continue the suspension will be based on the administrative record.

c. Submission in opposition.

(1) The contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension. Except as provided in subparagraph (2) following or when action is based on an indictment, if the suspending official determines that the contractor's submission raises a genuine dispute over the material facts upon which the suspension is based, the official shall conduct fact-finding or refer the case to another official of the agency for fact-finding.

(2) If the basis for suspension involves pending or contemplated legal proceedings, before any fact-finding is undertaken the suspending official shall seek the formal advice of the Department of Justice concerning the possible impact of the release of evidentiary material on these proceedings. Fact-finding shall be conducted unless the suspending official determines, on the basis of advice from the Department of Justice, that substantial interests of the Government would be prejudiced.

d. Fact-finding.

(1) Any fact-finding as to disputed material facts shall be initiated within 20 working days after receipt of the contractor's submission, unless the suspending official extends this period for good cause.

(2) Fact-finding shall be conducted in accordance with procedures established by the agency. These procedures shall (i) be as informal as practicable; (ii) be consistent with principles of fundamental fairness; and (iii) afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any persons the agency presents. A transcribed record shall be made and shall be available at cost to the contractor upon request, unless the contractor and the agency by mutual agreement, waive the requirement for a transcript.

(3) The official conducting fact-finding, if not the suspending official, shall prepare written findings of fact and transmit them to the suspending official for review promptly after the conclusion of the fact-finding proceeding. The contractor shall be provided a copy by certified mail, return receipt requested.

e. Suspending official's decision

(1) In cases (i) based on an indictment; (ii) in which the contractor's submission does not raise a genuine dispute over the material facts upon which the action is based; or (iii) in which fact-finding is denied on the basis of Department of Justice advice, the suspending official shall make a decision on the basis of all the information in the administrative record, including any submission made by the contractor.

(2) In cases in which fact-finding has been conducted, the suspending official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record. In cases referred to another official for fact-finding, the suspending official may reject only those facts that have been found that are clearly erroneous.

(3) The suspending official may modify, terminate, or continue the suspension. However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of (i) suspension by any other agency; or (ii) debarment by any agency.

(4) Prompt written notice of the suspending official's decision shall be sent to the contractor and any affiliates involved, by certified mail, return receipt requested.

7.4 Period of suspension.

a. Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the suspending official or as provided in this paragraph 7.4.

b. If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

c. The suspending official shall notify the Department of Justice of the proposed termination of the suspension, at least 30 days before the 12-month period expires, to give that Department an opportunity to request an extension.

7.5 Scope of suspension.

The scope of suspension shall be the same as that for debarment (see paragraph 6.5).

8. Limited debarment or suspension.

When it is determined to impose debarment or suspension upon a contractor, the debarring or suspending official shall decide whether the debarment or suspension shall extend to acquisition contracts, to sales contracts, or to both. If the debarment or suspension is limited to acquisition contracts or to sales contracts, the

listing of the contractor on the consolidated list shall so indicate.

Donald E. Sowle,
Administrator.

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BILLING CODE 3110-01-M

Invitation for Public Comment on Proposed OFPP Policy letter

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comment on proposed OFPP Policy Letter.

SUMMARY: The Office of Federal Procurement Policy is requesting public and Government agency review and comment on a proposed Policy Letter relating to bid protests.

The subject of bid protest procedures has been studied by a number of public and private groups, including the Commission on Government Procurement. To respond to these studies and to develop Government-wide procedures for bid protests, OFPP convened an interagency group consisting of representatives of a number of agencies with large procurement responsibilities, the Small Business Administration, and the General Accounting Office. The proposed coverage developed by this interagency group places responsibility for resolving bid protests with the procuring agency while recognizing the role of the General Accounting Office when it considers bid protests brought to its attention.

As a related action, the General Accounting Office will review its bid protest procedures, with particular attention to describing issues that it will not consider in bid protests.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Comments are to be submitted to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia A. Szervo, Associate Administrator for Procurement Law and Legislation, (202) 395-3501.

Donald E. Sowle,
Administrator.
July 17, 1981.

Policy Letter 81-4

To The Heads of Executive Departments and Establishments

Subject: Policy Guidance Concerning Government-Wide Bid Protest Procedures

A. *Formal advertising.*

1. Bid protests.

(a) *Definitions.* As used in this part, "bid protest" (or "protest") means a written protest by a bidder or other interested party, against the award or prorposed award of an advertised contract. The term includes protests based on alleged improprieties in an invitation for bids. It does not apply to questions regarding small business status or eligibility under the Walsh-Healey Public Contracts Act.

"Designated official," as used in this subsection, means an agency official, at a level high enough above that of the contracting officer to ensure: (1) detachment from the immediate controversy; and (2) the exercise of independent judgment, whom the agency designates to decide protests.

(b) *Policy.*

(1) Agencies are responsible for deciding or otherwise resolving bid protests. Agency responses to protests shall: (i) be objective, fair and prompt; and (ii) reflect consideration of all applicable procedures, regulations, precedents and laws, and of the Government's requirements.

If the designated official finds that a protest has merit, the agency shall take appropriate corrective action (such as termination for convenience) consistent with the Government's requirements and with the need for fair and equal treatment of all bidders. Unless exceptional circumstances (see subparagraph (e)(4) below) dictate otherwise, agencies shall decide or otherwise resolve all protests filed before award prior to taking any contractual action.

(2) Designated officials shall: (i) consider all timely (see subparagraph (d)(1) below) protests, whether submitted before or after contract award; and (ii) respond with a written decision unless the protest is otherwise resolved.

(3) A protest may be filed with the Comptroller General, in accordance with the GAO's bid protest precedures promulgated in Title 4, Code of Federal Regulations (CFR), Chapter I, Part 20. Agencies may obtain the GAO's views regarding a protest whether or not it has been filed with the GAO.

(4) Agencies shall, by a statement in their Invitation for Bids (IFBs), notify offerors of the policy and procedures of this section so that an offeror's attention will be directed to the applicable requirements for the filing of a bid protest.

(c) *General.*

(1) Designated officials shall: (i) dispose of all bid protests within their cognizance, including those determined to be untimely; and (ii) document these dispositions fully.

(2) Agencies shall furnish all bidders having a reasonable prospect of receiving an award if the protest is denied (or the contractor, if award has been made)—

(i) Notice of receipt of the protest,

(ii) A copy of the protest, and

(iii) A copy of all supporting information except any withheld as permitted or required by law or regulation.

The notice shall inform these parties of their right to comment on the protest within the time limit established in subparagraph (d)(2) below and, if the protest has been filed with the GAO as well, advise them to send the GAO a copy of their comments. They shall be furnished a copy of any decision responding to the protest.

(3)(i) When a protest has been filed with the GAO and the GAO requests the contracting office to submit a report, the report shall include:

(A) A statement fully responsive to the allegations, setting forth findings, actions, recommendations, and any additional information needed for determining the protest's validity;

(B) Copies of the bids submitted by the protesting bidder and by the bidder whose bid is being protested;

(C) A copy of the invitation for bids;

(D) A copy of the abstract of bids;

(E) A copy of the authorization required by subparagraph (e)(4) below, if award was made after reciept of the protest; and

(F) Copies of any other relevant documents.

(ii) Simultaneously, the contracting office shall furnish a copy of this report (except for any information withheld under law or regulation) to:

(A) The protester, and

(B) Other interested praties with instructions to furnish any comments they may wish to make on the report to the GAO and the contracting office within the GAO's time limits (see 4 CFR 20.3).

(iii) Whenever the GAO informally advises the contracting office that a protest has been received, the contracting office should begin compiling its report, in anticipation of a formal request.

(4) The contracting office should not delay or suspend consideration of a protest when the protest has been filed also with the GAO, but it shall ordinarily suspend its own final action on the protest pending receipt of the Comptroller General decision (see subparagraph (e)(3) below).

(5) To facilitate the exchange of information regarding protests filed also with the GAO, agencies shall—

(i) Furnish the GAO the name, title, and telephone number of one or more officials to serve as contacts; and

(ii) Promptly advise the GAO of any change of these officials.

(6) Agencies shall promptly advise the GAO of any judicial proceedings involving a protest pending before the GAO.

(d) *Time limits and objectives.* The time limits for filing protests and comments, and objectives for prompt disposition of protests, are as follows:

(1) *Filing of protests.* To be timely, protests must be received at the contracting office in writing either:

(i) Before bid opening, if based upon alleged improprieties in an invitation for bids that are apparent before bid opening, or

(ii) In other cases, within 10 working days after the basis for protest is known or should have been known, whichever is earlier.

A complete statement of the grounds of protest must be filed within these time limits; mere notice of protest, to be followed later by details, does not make a protest timely. Any protester attempting to register a protest orally with the Contracting Officer shall immediately be informed of these requirements.

(2) *Comments by interested parties.* To be considered, interested parties' comments on protests must be received at the contracting office within 10 working days after the party receives a copy of the protest.

(3) *Reports to the GAO.* The contracting office shall—

(i) Furnish reports required by the GAO ordinarily within 25 working days after receiving a formal request;

(ii) Promptly inform the GAO whenever additional time is required; and

(iii) Expeditiously furnish other information requested by the GAO.

(e) *Protest disposition.*

(1) If a bid protest filed with the contracting office is not timely, it may be dismissed and award may be made in the normal manner, unless the designated official determines that:

(i) the protest should be considered nevertheless, or

(ii) corrective action is required.

(2) To avoid any need for resolicitation because of expired bids, before bids expire, the contracting office should request:

(i) any bidder to whom award is proposed, and

(ii) any others whose bids might become eligible for award, to extend the time for acceptance (with the consent of any sureties), unless the chief of the contracting office authorizes award before a decision on the protest. If extensions cannot be obtained, the contracting office should consider proceeding with award under subparagraph (4) below.

(3) After considering all pertinent information regarding a protest, the designated official shall promptly decide the matter. However, if the protest has been filed with the GAO, the contracting office shall withhold award or other final action until the GAO completes its review of the matter, unless exceptional circumstances, as set forth in subparagraph (4) below, necessitate an earlier award or other final action. In such cases, informal advice on the status of the GAO's deliberations should be taken into account if circumstances permit. If the decision is made to proceed before the Comptroller General issues a decision, the GAO shall be given prompt notice and an explanation.

(4) If a bid protest is received before award, no award shall be made or other final action taken until it is resolved, except in exceptional circumstances, and then only with the advance authorization of the chief of the contracting office. That official shall promptly furnish a copy of any such authorizations to the agency head or a designee, who shall maintain a file of them. Each authorization shall explain the exceptional circumstances justifying award prior to resolution of the protest. Examples of such circumstances are situations in which:

(i) The supplies or services to be acquired are urgently required;

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be in the Government's interest.

(5) If the designated official finds that a protest, timely or not, received after award has merit, and a delay in contract performance will not harm the Government, that official should consider suspending contract performance until the protest is resolved.

(f) *Protest data.* Agencies shall establish procedures:

(1) For maintaining data showing the number and nature of protests received, their disposition, and time required for disposition; and

(2) Providing for annual review of the data for acquisition management purposes.

B. *Contracting by negotiation.*

1. Protests against award.

(a) *Definition.* As used in this part, "protest against award" (or "protest") means a written protest by an offeror or other interested party, against the award or proposed award of a negotiated contract. The term includes protests based on alleged improprieties in a request for proposals or for quotations. It does not apply to questions regarding small business status or eligibility under the Walsh-Healey Public Contract Act.

(b) *Procedures.* Protests against award shall be handled in substantially the same manner as bid protests except that:

(1) The deadline established by bid opening in subparagraph 1(d)(1)(i) for Formal Advertising is replaced by a deadline established by the time set for the receipt of proposals; and

(2) Other terms and procedures peculiar to Formal Advertising are similarly replaced by their negotiation counterparts.

Donald E. Sowle,
Administrator.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17937; File No. SR-MCC-81-3]

Midwest Clearing Corp.; Proposed Rule Change

Relating to a change in the participation and number of Directors of the Midwest Clearing Corporation Board of Directors.

Comments requested on or before August 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 6, 1981, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.* Article 3, Section 3.1 of the Midwest Clearing Corporation's By-Laws are hereby amended as follows:

Additions Italicized [Deletions Bracketed]

ARTICLE 3

Directors

Number, Election and Term of Office

Section 3.1 The number of directors which shall constitute the whole board shall be twenty-[four] *five*. The chairman of the board, the vice chairman of the board [and], the president *and the president of the majority shareholder* shall be directors ex officio. They shall become directors upon election to their respective offices and shall remain directors for as long as they shall continue to hold such offices. The other [eighteen] *twenty-one* directors shall be divided into three classes, to be known as Class I, Class II, and Class III, respectively, and, except as provided in Section 3.2 of this Article, shall be elected as provided in this Section 3.1. The term of office of the initial Class I directors shall expire at the annual meeting of stockholders in 1975, the term of office of the initial Class II directors shall expire at the annual meeting of stockholders in 1976, and the term of office of the initial Class III directors shall expire at the annual meeting of stockholders in 1977, or thereafter in each case when their respective successors are elected and qualified. At each annual meeting of stockholders held thereafter the directors chosen to succeed those whose terms then expire shall be identified as being of the same class as the directors they succeed and shall be elected for a term expiring at the third succeeding annual meeting of stockholders or until their respective successors in each case are thereafter elected and qualified. Directors need not be stockholders.

(b) Not Applicable.

(c) Not Applicable.

II. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The Midwest Clearing Corporation is a wholly owned subsidiary of the Midwest Stock Exchange. As required, the Exchange and the Clearing Corporation are managed as separate corporations. Nevertheless, it is clear that major decisions and managerial considerations relating to the operations of the Clearing Corporation affect the Exchange. For example, financial results, financial and operational integrity of participants (most of which are also members of the Exchange) and structural and competitive considerations relating to NSCC operations and those of other clearing corporations are all of importance to the Exchange as well as to the Clearing Corporation.

The President of the Clearing Corporation is the Chief Operating Officer of the Clearing Corporation and is a member of the Clearing Corporation Board. On the other hand, the President of the Exchange, who is the Chief Operating Officer of the Exchange complex and participates in all discussions and considerations of the Clearing Corporation Board, is not a member of the Clearing Corporation Board. Consistent with sound management practices and requirements, the Clearing Corporation Board has voted to amend the by-laws of the Clearing Corporation to include the President of the Exchange as a Director of the Clearing Corporation. The change in the number of directors other than the chairman, vice chairman, president and the president of the majority shareholder (eighteen to twenty-one) is merely a correction of a previously undetected printing error.

The proposed amendment is consistent with Section 17a(b)(3)(A) of the Securities Exchange Act of 1934 as amended in 1975 in that it improves the management of the organization and thus the capacity of the Clearing Corporation to facilitate the prompt and accurate clearance and settlement of securities for which it is responsible, to safeguard securities and funds in its custody and control or for which it is responsible, to comply with the provisions of the Act and rules and regulations thereunder and to enforce compliance by its participants with the rules of the clearing agency and to carry out the provisions of Section 17A.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.* The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.* Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 12, 1981.

Dated: July 13, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21812 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 16, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

First Atlanta Corporation, Common Stock, $5 Par Value (File No. 7-5979).

Mellon National Corporation, Common Stock, $.50 Par Value (File No. 7-5980).

Novo Industries A/S, American Depositary Shares (File No. 7-5981).

Paradyne Corporation, Common Stock, $.10 Par Value (File No. 7-5982).

Varco International, Inc., Common Stock, No Par Value (File No. 7-5983).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 6, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549.

Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21814 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17946; File No. SR-NSCC-81-10]

National Securities Clearing Corp.; Proposed Rule Change

Relating to the procedure for deleting original trade date plus one (T+1) input on the day of submission for National Securities Clearing Corporation's (NSCC) participants.

Comments requested on or before August 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 6, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.*

Add the following sentence to the first paragraph of Item II., B., 1., of the Procedures of NSCC:

Members who subsequent to their submission of T+1 input find that any trade data is incorrect may delete any item by forwarding a Delete of Original Trade Input Form to the Corporation in accordance with the time schedules prescribed by the Procedures.

II. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the proposed rule change is to allow members to delete their original trade date plus one (T+1) input on the day of submission. This procedure allows members to delete erroneous trade input before it is entered into the comparison cycle. The proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to NSCC as the deletion of erroneous T+1 input will assist the members in the prompt and accurate clearance and settlement of securities transactions. The proposed rule change does not relate to the safeguarding of securities and funds in NSCC's custody or control because it is merely a method of deleting erroneous trade input.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

No comments on the proposed rule change have been solicited or received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At anytime within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 12, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 17, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21510 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17938; File No. SR-OCC-81-4]

The Options Clearing Corp.; Proposed Rule Change

Relating to the pledge of uninvested cash Clearing Fund contributions to secure certain borrowings.

Comments requested on or before August 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described below, which has been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change.*

The proposed rule change would amend Article VIII, Section 5(c) of OCC's By-Laws to permit OCC to pledge, as security for certain emergency borrowings described therein, not only securities deposited by Clearing Members as contributions to the OCC Clearing Fund and securities in which case Clearing Fund contributions have been invested by OCC (as is presently the case), but also uninvested cash Clearing Fund contributions.

II. *Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. The self-regulatory organization has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the proposed rule change is to permit OCC to pledge, as security for certain emergency borrowings, uninvested cash contributions to its Clearing Fund. Until recently, cash contributions to the Clearing Fund represented a small percentage of Clearing Fund contributions as a whole and were routinely invested by OCC for its own account upon receipt. Accordingly, the By-Law provision that authorizes OCC to pledge Clearing Fund assets to secure emergency borrowings refers only to securities held in the Clearing Fund, and not to uninvested cash.

Recently, however, some Clearing Members have begun to meet their Clearing Fund obligations through the use of "segregated funds accounts"—demand deposit accounts maintained by OCC in its own name with an approved bank but confined to the Clearing Fund contribution of a single Clearing Member. The funds on deposit in such an account may be treated by the depository bank as compensating balances maintained by the depositing Clearing Member, thereby enabling the latter to borrow from the bank at reduced rates.

If the use of segregated funds accounts becomes prevalent, cash contributions may come to represent a significant part of the OCC Clearing Fund. Cash contributions should be subject to pledge by OCC to the same extent as other Clearing Fund assets. The proposed rule change is intended to achieve that result.

The proposed rule change is consistent with the requirements of the 1934 Act and the rules and regulations applicable to OCC thereunder because it enables OCC to provide its Clearing Members with a means of meeting their Clearing Fund obligations at reduced cost and enhances the system of safeguards that enables OCC to discharge its obligations in the event of a Clearing Member's insolvency.

(B) *Burden on Competition.*

OCC does not believe that the proposed rule change will have any material impact on competition.

(C) *Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C § 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the prinicpal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 13, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21511 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 17, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Berkeley Bio-Medical, Inc., Common Stock, $.01 Par Value (File No. 7-5956).

Provident Bankcorp, Inc., Common Stock, No Par Value (File No. 7-5957).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 7, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds,

based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21513 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[General Counsel Order No. 26]

Appointment to the Performance Review Board

I hereby appoint John M. Miller to replace John E. Shockey on the General Panel of the Legal Division Performance Review Board.

Effective date: July 20, 1981.

Peter J. Wallison,

General Counsel.

[FR Doc. 81-21394 Filed 7-21-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 140
Wednesday, July 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

[M-323, July 16, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., July 23, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 34808, Petition of Cochise Airlines for establishment of subsidy mail rates under section 406; and Docket 35035, Application of Cochise for elimination of the subsidy ceiling in its 401 certificate. (Memo 209–B, BDA, OCCR, OC, OGC)
3. Dockets 36243 and 39042, Removal of a certificate restriction on payment of subsidy, and establishment of a final subsidy rate for service to Cedar City, Utah, and Page, Arizona. (Memo 662, BDA, OCCR, OC)
4. Docket EAS–793; Appeal of 419(b) Eligibility Determination of Blacksburg/Radford/Pulaski, Virginia, for designation as an eligible point. (Memo 656, OGC, OCCR, BDA)
5. Docket EAS–101; Appeal filed by Dothan, Alabama, of its EAS definition (EAS–101). (Memo 661, OGC, OCCR, BDA)
6. Commuter carrier fitness determination of Britt Airways, Inc. (Memo 660, BDA)
7. Commuter carrier fitness determination of Cen-Tex Airlines, Inc. (Memo 655, BDA)
8. Fitness determination of Air Nevada, Inc. to provide service pursuant to section 401(d)(5) of the Act. (BDA)
9. Docket 37470, *Alaska International Air, Inc., Acquisition of Control of Great Northern Airlines, Inc.*, Petition of Great Northern Pilots for Exercise of Jurisdiction. (BDA, OGC, BCCP)
10. Docket 38108—Exemption of small aircraft operators from oversales rule. (OGC, BDA)
11. Dockets 27838, 30818 *(Aerovias Quisqueyana C. por A. et al., Enforcement Proceeding)*, order on discretionary review of ALJ's recommended decision to revoke Quisqueyana's foreign air carrier permit. (OGC, BIA)
12. Docket 39054, complaint of DHL against Pan American baggage rules. (Memo 659 BIA, BDA)
13. Docket 39535—Application of Monarch Airlines Limited for an initial foreign air carrier permit for charter authority primarily between the U.S. and U.K. (BIA, OGC, BALJ)
14. Docket 39006—Application of Federal Express for scheduled all-cargo transborder authority. (Memo 321–A, BIA, OGC, BALJ)
15. Dockets 37940 and 38063—Final order concerning the applications of Pan American World Airways and The Flying Tiger Line, respectively, for scheduled transborder all-cargo authority. (Memo 041–A, BIA, OGC, BALJ)
16. Dockets 36595 & EDR 408, Docket 38740—Investigation into the Competitive Marketing of Air Transportation. (BIA)

STATUS: 1–13 (Open), 14–16 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–1110–81 Filed 7–20–81; 2:00 pm]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 am, Tuesday, July 28, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Chicago Mercantile Exchange Certificate of Deposit Contract.

Section 5(12) Consideration of Financial Protection Rules.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 am, Tuesday, July 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1114–81 Filed 7–20–81; 12:40 pm]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 am, Friday, July 31, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 6th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 am, Friday July 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1115–81 Filed 7–20–81; 12:40 pm]

BILLING CODE 6351–01–M

4

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from July 16, 1981, open meeting.

The following item has been deleted at the request of the Chairman's Office and the Office of General Counsel from the list of agenda items scheduled for consideration at the July 16, 1981 Open Meeting, and previously listed in the Commission's Public Notice of July 9, 1981.

Agenda, Item No., and Subject

Cable Television—1—"Joint Petition for Partial Reconsideration" (CSR–1671, CSR–1672) filed April 8, 1981, by the Standard Corporation and by Communications Investment Corporation.—The Standard Corporation and Communications Investment Corporation seek partial reconsideration of the Commission's decision in the *The Standard Corporation*, FCC 81–86, 85 FCC 2d—— (1981), partially granting the corporations requested tax certificates.

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7647.

Issued: July 16, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

Deletion of agenda item from July 16, 1981, closed meeting.

The following item has been deleted at the request of Office of Opinions and Review from the list of agenda items scheduled for consideration at the July 16, 1981, Closed Meeting, and previously listed in the Commission's Public Notice of July 9, 1981.

Agenda, Item No., and Subject

Hearing—4—Conditional Petition for Approval of "Distress Sale" in the Tupelo, Mississippi AM radio renewal proceeding (Docket No. 21430).

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

[S–1112–81 Filed 7–20–81; 9:53 am]

BILLING CODE 6712–01–M

5

NATIONAL LABOR RELATIONS BOARD.

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 12:30 p.m., Thursday, July 16, 1981.

PLACE: Board Conference Room, 6th Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTER TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254–9430.

Dated: Washington, D.C., July 17, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S–1117–81 Filed 7–20–81; 3:25 pm]

BILLING CODE 7545–01–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of July 20, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, July 20,

2:30 p.m. 1. Budget Session (Public meeting, time changed).

Tuesday, July 21,

2 p.m. 1. Budget Session (Public meeting, as announced).

Wednesday, July 22,

1:30 p.m. 1. Affirmation/Discussion Session (Approximately 30 minutes—Public meeting, rescheduled).

Affirmation and/or Discussion and Vote:

(a) Revisions to Honicker Petition Response;

(b) Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM;

(c) PRM to Reduce or Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance (Tent).

2 p.m. 2. Budget Session (Public meeting, as announced).

Thursday, July 23,

10 a.m. 1. Budget Session (Open/closed status to be determined, as announced).

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

July 17, 1981.

Walter Magee,

Office of the Secretary.

[S–1116–81 Filed 7–20–81; 3:54 pm]

BILLING CODE 7590–01–M

7

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., July 22, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Closed Briefing.

MATTERS TO BE CONSIDERED: The Commission has scheduled a staff briefing on the matter of the Governor's, U.S. Postal Service, remand on June 29, 1981, of the Commission's Recommended Decision Upon Reconsideration in Docket R80–1 (Postal Rate and Fee Changes, 1980) dated June 4, 1981. The briefing may lead to a requirement for a meeting which could be closed to the public by majority vote of the Commissioners pursuant to 5 U.S.C. § 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–1113–81 Filed 7–20–81; 11:21 am]

BILLING CODE 7715–01–M

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federal register

Wednesday
July 22, 1981

Part II

Department of Education

Pell Grant Program; Cost of Attendance

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program; Cost of Attendance

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary is issuing final regulations for the Pell Grant Program concerning the determination of a student's cost of attendance at a postsecondary institution. These regulations revoke and replace the Pell Grant Cost of Attendance regulations published on January 21, 1981.

The Secretary is also clarifying that an otherwise eligible student who has had a title IV loan discharged in bankruptcy is not by that fact alone ineligible to receive future title IV assistance.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a futurte date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations. When these regulations become effective, they will apply to Pell Grant awards made for the 1981–82 award year (beginning July 1, 1981).

FOR FURTHER INFORMATION CONTACT: William L. Moran or Andrea Foley, Office of Student Financial Assistance, ROB–3, Room 4318, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 472–4300.

SUPPLEMENTARY INFORMATION: I. Section 482(d) of the Higher Education Act as added by the Education Amendments of 1980, Pub. L. 96–374, establishes components to be used in determining a student's cost of attendance for the National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, Guaranteed Student Loan, Parent Loans for Undergraduate Students and Pell Grant Programs. This provision gives institutions substantially greater latitude in establishing certain cost allowances for the Pell Grant Program than under previous legislation, with a lesser impact on the other programs.

On January 21, 1981, final regulations with parallel provisions for each of the above programs were published to implement the statutory cost of attendance components in the Education Amendments of 1980. These components, with one exception, allow total discretion on the part of the institution in determining student cost allowances. Such discretionary cost allowances have enormous potential for increasing Pell Grant Program costs. Therefore, in an effort to reduce Federal expenditures and curb inflation, Congress has, as part of the Supplemental appropriations and Rescission Act, 1981, Pub. L. 97–12, authorized the Secretary to forego for the Pell Grant Program for the 1981–82 award year, the cost of attendance liberalizations that were included in the Education Amendments of 1980. Accordingly, the Cost of Attendance regulations for the Pell Grant Program published in the **Federal Register** of January 21, 1981 (46 FR 6322, 6330–6331) are being revoked. The regulations published herein reinstate, except as noted below, for the 1981–82 award year the Cost of Attendance regulatory provisions contained in Subpart E of the Pell Grant Program regulations published in the **Federal Register** of January 25, 1979 (44 FR 5258, 5248–5265). The Cost of Attendance regulations for the other title IV student financial aid programs, published on January 21, remain in effect and thereby supersede the Cost of Attendance regulations published on January 19, for the National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grants programs.

The substantive changes made in Subpart E as published on January 25, 1979 are as follows:

1. For the determination of the tuition and fee component, the provision in the January 21 regulations, which gave an institution the option of using actual charges or calculating an average tuition and fee charge has been retained. Also being retained is the institution's option of using actual charges or calculating an average charge for students who enter into a contract with the institution for room and/or board. These provisions are intended to alleviate any administrative burden that would be imposed by a return to the "actual cost" restriction on tuition and fees and room and board which existed prior to the Education Amendments of 1980. However, the concept of averaging has been revised slightly from the January 21 regulations. Accordingly, under these regulations, an institution must choose only one method of determining tuition and fees and room and board and use that method consistently for all students attending that institution. These provisions thus preclude an institution which elects to use average charges for some students from using actual charges for other students.

2. These regulations include, as did the January 21 regulations, a section concerning attendance costs for those students whose program length is less than an academic year. That section is intended to provide a more equitable cost of attendance determination for those students.

II. *Student eligibility—title IV loans discharged in bankruptcy.* In conjunction with the publication of the Cost of Attendance regulations in the **Federal Register** of January 21, 1981 (46 FR 6322 *et seq.*), the Education Department published a provision for each title IV student financial assistance program dealing with the eligibility of a student who has had a loan authorized under title IV of the Higher Education Act discharged in bankruptcy. The new provision stated in effect that an otherwise eligible student who had a title IV loan discharged in bankruptcy would be eligible to receive future title IV assistance. This new provision reversed, for each program, the previous rule which made such persons ineligible for future title IV assistance if they re-enrolled in the same institution.

The Pell Grant and campus-based program regulations (Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan) were recently republished to take into account the changes made in those programs by the Education Amendments of 1980. The revised Pell Grant regulations were published in the **Federal Register** of December 30, 1980 (45 FR 86394 *et seq.*) while the revised campus-based program regulations were published in the **Federal Register** of January 19, 1981 (46 FR 5238 *et seq.*). Each of these regulations included the long standing rule which made students who have had their title IV loans discharged in bankruptcy ineligible for further title IV assistance if they re-enroll in the same institution. In the normal course of events, each program regulation would have become effective 45 days after it was transmitted to the Congress for review under section 431(d) of the General Education Provisions Act. Accordingly, the rule published in the **Federal Register** of January 21 would have become effective last and would thus have been the governing rule for all programs. However, on January 29, 1981, President Reagan postponed the effective date of all pending regulations for 60 days. As a result, all of the above discussed regulations became effective on the same date, March 30, 1981, creating the apparent anomaly of mutually exclusive provisions being in effect.

To clear up this anomaly, the Secretary announces that the provisions published in the **Federal Register** of January 21, 1981 will apply. Accordingly in § 674.2(c), the definition of *default or in default*, provides—

The Secretary considers a loan discharged in bankruptcy not to be in default.

and §§ 674.9(g), 675.9(h), 676.9(g), 682.201(c)(3), and 690.75(g)(3) provide—

The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan or Parent Loans for Undergraduate Students Program that is discharged in bankruptcy to be in default for purposes of this section.

Waiver of Notice of Proposed Rulemaking

These regulatory provisions revoke the final Cost of Attendance regulations for the Pell Grant Program which were published on January 21, 1981 and reinstate the cost components which were contained in previous regulations. Since a student's cost of attendance has a direct relationship to the amount of his or her Pell Grant, and since these cost of attendance rules will apply to Pell Grant awards made for the award period starting on July 1, 1981, the Secretary finds that publication of a proposed rule in this instance would be unnecessary, impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(b), and is publishing these rules as final regulations.

(Catalog of Federal Domestic Assistance No. 84.063, Pell (Basic) Grant Program)

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

PART 690—PELL GRANT PROGRAM

34 CFR Part 690, Pell Grant Program, is amended as follows:

1. Subpart E is removed, retroactive to March 30, 1981.

2. A new Subpart E is added to read as follows:

Subpart E—Costs of Attendance

Sec.

690.51 Allowable costs of attendance—general.
690.52 Tuition and fees.
690.53 Room and board.
690.54 Attendance costs for students in correspondence study programs.
690.55 Attendance costs for students who are charged for a program whose length exceeds the academic year.
690.56 Attendance costs for students who are charged for a program whose length is less than the academic year.
690.57 Attendance costs for incarcerated students.
690.58 Attendance costs for students at U.S. Armed Forces Academies.

Subpart E—Costs of Attendance

§ 690.51 Allowable costs of attendance—general.

(a) Except as provided in §§ 690.54–690.58, a student's cost of attendance means—

(1) The tuition and fees charged to a full-time undergraduate student for an academic year by the institution he or she is attending as determined under § 690.52;

(2) Room and board costs for an academic year as determined under § 690.53; and

(3) An allowance of $400 for books, supplies, and miscellaneous expenses for an academic year.

(b) An institution must be able to justify and document the cost of attendance figures established under this subpart.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.52 Tuition and fees.

(a)(1) An institution shall determine the tuition and fees charged a full-time undergraduate student by calculating either—

(i) The actual amount it charges each full-time undergraduate student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time undergraduate students for tuition and fees for an academic year.

(2) However, the institution must use the option it selects under paragraph (a)(1) of this section to determine the tuition and fee charges of all its students under this part.

(b) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(c) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.53 Room and board.

The institution shall determine a student's room and board costs for an academic year as follows—

(a) For a student who enters into a contract with the institution for room and/or board, the institution shall choose one of the following cost options but must use the option it selects for all students. The two options are:

(1) The actual amount it charges each student for:

(i) Room and board for an academic year,

(ii) Room, plus an allowance of $625 for board for an academic year, or

(iii) Board, plus an allowance of $475 for room for an academic year, or

(2) The average amount it charges most students for:

(i) Room and board for an academic year,

(ii) Room, plus an allowance of $625 for board for an academic year, or

(iii) Board, plus an allowance of $475 for room for an academic year;

(b) For a student who does not enter into a contract for either room or board, an allowance of $1,100 for an academic year whether or not the student lives with his or her parent(s);

(c) If a student enters into a contract with the institution for room and/or board for less than 7 days a week, a daily rate will be computed based upon the standard allowance in paragraph (b) and used for those days not covered by the contract. This amount will be added to the costs established under the applicable subparagraph (1) or (2) of paragraph (a) of this section.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.54 Attendance costs for students in correspondence study programs.

The cost of attendance for a student enrolled in a correspondence study program means—

(a) Actual tuition and fees charged to the student for an academic year; and

(b) If incurred in fulfilling a required period of residential training, room and board costs based on—

(1) The actual amount charged to the student by the institution; or

(2) The standard allowance established in § 690.53(b) prorated in the same ratio as the course work completed in residential training bears to the course work for the academic year.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.55 Attendance costs for students who are charged for a program whose length exceeds the academic year.

The cost of attendance for a student enrolled in an institution who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(a) Tuition and fees ×

clock or credit hours in the academic _____ year _____ clock or credit hours in the program

and

(b) Room and board costs as determined under § 690.53; and

(c) An allowance of $400 for books, supplies and miscellaneous expenses.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

§ 690.56 Attendance costs for students who are charged for a program whose length is less than the academic year.

The cost of attendance for a student enrolled in an institution who is charged tuition and fees for a program whose length is less than the length of the academic year at the institution is determined by adding—

(a) Tuition and fees × clock or credit hours in the academic _____ year _____ clock or credit hours in the program

and

(b) Room and board costs as determined under § 690.53; and

(c) An allowance of $400 for books, supplies and miscellaneous expenses.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

§ 690.57 Attendance costs for incarcerated students.

(a) The cost of attendance for a student who is incarcerated and for whom at least one-half of his or her room and board expenses is provided includes—

(1) Tuition and fees as determined under § 690.52; and

(2) An allowance of $150 for books and supplies.

(b) The cost of attendance for a student who is incarcerated and for whom less than one-half of his or her room and board expenses is provided is the same as that allowed for a student who is not incarcerated.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

§ 690.58 Attendance costs for students at U.S. Armed Forces Academies.

A student enrolled at the U.S. Military Academy at West Point, the U.S. Naval Academy, the U.S. Air Force Academy or the U.S. Coast Guard Academy is considered to have no cost of attendance.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

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federal register

Wednesday
July 22, 1981

Part III

Department of Education

Institutional Grants for Graduate and Professional Study

DEPARTMENT OF EDUCATION

34 CFR Part 648

Institutional Grants for Graduate and Professional Study

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations to implement the Institutional Grants for Graduate and Professional Study program. These regulations implement Title IX, Part A of the Higher Education Act of 1965, as amended by the Education Amendments of 1980. These regulations describe the purpose of the program and specify the selection criteria to be used in evaluating applications for institutional grants for graduate and professional study. These regulations also describe the application procedures and eligibility requirements for the program.

EFFECTIVE DATES: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the Federal Register. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the Federal Register stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow. Telephone (202) 245-2347.

SUPPLEMENTARY INFORMATION: The Education Amendments of 1980 make minor changes in Title IX, Part A of the Higher Education Act. The amendments delete the phrase, "to strengthen, improve, and where necessary, expand", and replace it with, "to maintain, strengthen, and improve graduate and professional school programs." These regulations implement that change.

A separate regulation has been developed for Part A of Title IX of the Act, instead of merging it with Parts B and C as had been done under the previous regulations.

These regulations, for the first time, clarify the relationship of Part A to Part B as currently in effect by giving priority to projects that strengthen activities which support Graduate and Professional Opportunities fellowships and Public Service Fellowships funded under Title IX-B of the Act.

These proposed regulations reflect in § 648.31 (a), (b), and (h) the concern expressed in the legislative history regarding the opportunity of predominantly minority institutions of higher education to participate in the program (S. Rep. No. 96-733, p. 73, 1980).

These regulations have been modified to reflect the format and criteria of the Education Department's General Administrative Regulations. (34 CFR Parts 75 and 77).

Summary of Comments and Responses

In the Notice of Proposed Rulemaking published in the Federal Register on December 31, 1980 (34 FR 86886), the Secretary of Education invited comments on the proposed regulations to implement Title IX-A of the Higher Education Act of 1965, as amended. The following is a summary of the comments received and the responses of the Department of Education.

Comment. One commenter noted that although the proposed rules acknowledge legislative history that the historically black colleges and universities be given "special consideration" in the grants award process, the rules do not accomplish that intent. It was suggested that up to 25 additional points be awarded, based on the quality of the proposal, to those applications from historically black colleges.

Response. No change has been made in the regulations. While there is not a separate criterion relating to whether an applicant is an historically black college or university, there are several criteria relating to minority group concerns. Historically black colleges and universities should be in a position to compete strongly under these criteria. The criteria include § 648.31(h), concerning project activities to promote graduate and professional education for individuals from groups that are underrepresented in colleges and universities; § 648.31(a)(v), concerning equal access and treatment for members of groups that have been traditionally underrepresented; and § 648.31(b)(iv), concerning nondiscriminatory employment practices. Also, § 648.30 provides that for applications of substantially equal quality, the Secretary gives priority to projects that strengthen activities in support of fellowships funded under Title IX-B of the Act. A statutory criterion for all Title IX-B fellowship programs concerns the extent of opportunities for individuals who have been traditionally underrepresented.

In addition, historically black colleges and universities have been very successful in competing under this program.

For these reasons, the regulations are fully consistent with the legislative history, notwithstanding the absence of an express priority for historically black colleges and universities.

Comment. One commenter stated that the use of examples in defining "professional study" was too narrowly limiting the definition. It was suggested that these examples be eliminated and that the definition read as follows: "Professional study" means post-baccalaureate study leading to the advanced degree that enables an individual to enter a professional career.

Response. The Secretary agrees that the examples used too narrowly limit the definition and has eliminated them in the final regulations.

Comment. Several commenters recommended expanding eligibility for participation in the program to include consortia or more specifically, regional-interstate agencies that represent formal cooperative arrangements among graduate and professional schools.

Response. The regulations have been revised to clarify that an institution of higher education may apply on its own behalf or on behlaf of a group of institutions of higher education. This change is consistent with provisions of the Education Department General Administrative Regulations (34 CFR 75.127-129) and the Act. However, under the Act, a grant award may be made only to one or more institutions of higher education. An "agent" that is not itself an institution of higher education may not apply on behalf of one or more institutions of higher education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance No. 84.094, Graduate and Professional Study Institutional Grants)

Dated: July 10, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 648 of Title 34 of the Code of Federal Regulations to read as follows:

PART 648—INSTITUTIONAL GRANTS FOR GRADUATE AND PROFESSIONAL STUDY

Subpart A—General

Sec.
648.1 Institutional Grants for Graduate and Professional Study.
648.2 Eligible parties.
648.3 Regulations that apply to the Institutional Grant Program.
648.4 Definitions.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

648.10 Eligible activities.

Subpart C—How Is Application Made for a Grant?

648.20 How does one apply for funds?

Subpart D—How Is a Grant Made?

648.30 How does the Secretary evaluate an application?
648.31 What selection criteria does the Secretary use?

Subpart E—What Conditions Must a Grantee Meet?

648.40 Costs.

Authority: Part A of Title IX of the Higher Education Act as amended by Pub. L. 96-374 (94 Stat. 1367, 1487; 20 U.S.C. 1134-1134b)

Subpart A—General

§ 648.1 Institutional Grants for Graduate and Professional Study.

Institutional Grants for Graduate and Professional Study—referred to in these regulations as the Institutional Grant Program—provide Federal financial assistance to enable institutions of higher education to maintain, strengthen, and improve the quality of graduate and professional programs leading to an advanced degree (other than a medical degree), and to strengthen undergraduate programs when it is determined that strengthened undergraduate programs will contribute to the purposes of Title IX-A of the Act.

(20 U.S.C. 1134)

§ 648.2 Eligible parties.

An institution of higher education is eligible to apply for a grant under this program on its own behalf, or on behalf of a group of institutions of higher education.

(20 U.S.C. 1134; 1134b(b)(4))

§ 648.3 Regulations that apply to the Institutional Grant Program.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions); and

(b) The regulations in this Part 648.

(20 U.S.C. 1221e-3, 1134-1134b)

§ 648.4 Definitions.

(a) *Definition in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget Period
Department
EDGAR
Secretary

(b) *The following definitions apply specifically to this Part:* "Act" means the Higher Education Act of 1965, as amended.

"Professional study" means post-baccalaureate study leading to the advanced degree that enables an individual to enter a professional career.

(20 U.S.C. 1221e-3, 1134-1134b)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 648.10 Eligible activities.

Eligible activities include, but are not limited to, the following: Faculty improvement; maintenance and improvement of quality of graduate and professional programs of study; acquisition of appropriate instructional equipment and materials; cooperative arrangements among graduate and professional schools; strengthening graduate and professional school administration; development of proposed graduate and professional programs; and needed innovation in graduate and professional programs.

(20 U.S.C. 1134b(b))

Subpart C—How Is Application Made for a Grant?

§ 648.20 How does one apply for funds?

(a) To apply for funds, an institution of higher education shall submit an application that responds to the criteria described in § 648.31.

(b) An application under this part must include the following:

(1) A description of the proposed graduate or professional project which contributes to achieving the program's goals.

(2) An assurance that the appropriate State entity that performs planning functions under Title I of the Act has been given an opportunity to offer recommendations on the application both to the applicant and to the Secretary.

(20 U.S.C. 1134a(b), 1143)

Subpart D—How Is a Grant Made?

§ 648.30 How does the Secretary evaluate an application?

(a) For applications of substantially equal quality, the Secretary gives priority to projects that strengthen activities that support Graduate and Professional Opportunities Fellowships and Public Service fellowships funded under Title IX-B of the Act.

(b)(1) The Secretary evaluates an application on the basis of the criteria in § 648.31.

(2) The Secretary awards up to 100 possible points for these criteria.

(3) The maximum possible score for each criterion is indicated in parentheses following the title of the criterion.

(20 U.S.C. 1134a(b))

§ 648.31 What selection criteria does the Secretary use?

(a) *Plan of operation.* (15 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points) (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project, and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Strength of the academic program.* (15 points) The Secretary reviews each application for information that shows that the overall graduate or professional academic program of the institution is strong enough to assure the success of the proposed project.

(g) *Impact of the project on the institution.* (15 points) The Secretary reviews each application for information that shows the project's proposed activities are likely to result in maintaining, strengthening, or improving programs in graduate and professional study in relation to the identified needs.

(h) *Activities proposed for underrepresented groups.* (10 points) The Secretary reviews each application for information that shows the project proposes activities that would assist in providing graduate and professional education to persons with varied backgrounds and experiences including, but not limited to, members of minority groups and women who are underrepresented in colleges and universities and in the academic and professional career fields to which the education leads.

(i) *Cooperative arrangements.* (5 points) The Secretary reviews each application for information that shows that in planning the project, the institution has considered, and where appropriate, has entered into cooperative arrangements with other graduate or professional units of the institution, and/or outside institutions or agencies in supportive efforts of mutual benefit.

(j) *Local, State, or national priorities.* (5 points) The Secretary reviews each application for information that shows the project is consistent with local, State, or national priorities. Any national priorities will be determined on the basis of documentation of national needs in the application submitted.

(20 U.S.C. 1134; 1134a(c))

Subpart E—What Conditions Must a Grantee Meet?

§ 648.40 Costs.

Funds awarded under these regulations may not be used for:

(a) Payment in excess of 66⅔ percent of the total cost of the approved project or activity;

(b) Payment in excess of 50 percent of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any percent of such cost, as determined by the Secretary, that is paid from sums received (other than under this part) as Federal financial assistance; and

(c) Fellowship assistance to students.

(d) Sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

(20 U.S.C. 1134b(c))

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Wednesday
July 22, 1981

Part IV

Department of Education

Training in the Legal Profession

DEPARTMENT OF EDUCATION

34 CFR Part 651

Training in the Legal Profession

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Legal Profession Training Program. These final regulations authorize awards to assist individuals from disadvantaged backgrounds to undertake training for the legal profession. These final regulations cover eligible activities and costs under the program.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the Federal Register. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the Federal Register stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow, Telephone (202) 245-2347.

SUPPLEMENTARY INFORMATION: The Legal Profession Training Program is designed to help admit to accredited law schools disadvantaged students who, but for the program, would not have been admitted, and to assist these students in obtaining a legal education and law degree. The program funds preliminary training to prepare students for law school, counseling and related services, and stipends to help support the students during both their preliminary and law school training.

Since its inception, the program has been carried out through a non-competitive award to the Council on Legal Educational Opportunity (CLEO), a non-profit private agency. With substantial funding from other sources, CLEO started the program before it was authorized in the Higher Education Act. The program has been popularly known as the "CLEO Program."

These final regulations authorize but do not require the Secretary to continue to carry out the program through an award to CLEO, consistent with the legislative history of the statute. (H.R. Rep. No. 96-520, 96th Cong. 1st Sess. 55 (1979); S. Rep. No. 96-733, 96th Cong. 2d Sess. 72 (1980)). As called for by the statute, these final regulations also supply criteria for identifying eligible individuals from disadvantaged backgrounds and provisions on eligible activities.

Summary of Comments and Responses

In the Notice of Proposed Rulemaking published in the Federal Register on December 30, 1980 (45 FR 86331), the Secretary of Education invited comments on the proposed regulation to implement this program. No public comments were received on the proposed regulations. However, two changes have been made. To conform their language more closely to that of the statute, § 651.10 is amended to read "to undertake training for the legal profession" instead of "in obtaining a legal education". Section 651.30 has also been amended to state more clearly the costs that are eligible under the program.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance No. not applicable, Training in the Legal Profession)

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

The Secretary of Education amends Title 34 of the Code of Federal Regulations by adding a new Part 651 reading as follows:

PART 651—TRAINING IN THE LEGAL PROFESSION

Subpart A—General

Sec.

651.1 Training in the Legal Profession.
651.2 Eligible parties.
651.3 Regulations that apply to this program.
651.4 Definitions.

Subpart B—What Kinds of Activities Does the Secretary Support Under This Program?

651.10 What kinds of support does the Secretary provide?
651.11 What activities are eligible for support?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make an Award?

651.20 How does the Secretary select an award recipient?

Subpart E—What Conditions Must Be Met by an Award Recipient?

651.30 What are the limitations on allowable costs?

Authority: Part D of Title IX of the Higher Education Act of 1965, as amended by Sec. 904 of Pub. L. 96-374, 94 Stat. 1488-87 (20 U.S.C. 1134l).

Subpart A—General

§ 651.1 Training in the Legal Profession.

(a) The Legal Profession Training Program assists individuals from disadvantaged backgrounds to undertake training for the legal profession.

(b) The program is designed to—

(1) Help admit, to accredited law schools, disadvantaged students who, but for the program, would not have been admitted; and

(2) Assist these students in obtaining a legal education and law degree.

(20 U.S.C. 1134l)

§ 651.2 Eligible parties.

(a) Public and private agencies and organizations other than institutions of higher education are eligible to apply for grants or contracts under these regulations.

(b) The Secretary may implement this program through the award of a single grant or contract.

(20 U.S.C. 1134l(a))

§ 651.3 Regulations that apply to this program.

(a) *Regulations for procurement contracts.* The following regulations apply to any procurement contract under the Legal Professional Training Program:

(1) Procurement regulations in 41 CFR Chapters 1 and 34; and

(2) The regulations in this Part 651.

(b) *Regulations for grants.* The following regulations apply to any grants under the Legal Profession Training Program:

(1) The Education Department General Administrative Regulations (EDGAR) in Part 75 (Direct Grant Programs) and Part 77 (Definitions).

(2) The regulations in this Part 651.

§ 651.4 Definitions.

As used in these regulations—

(a) "Act" means the Higher Education Act of 1965, as amended.

(b) "Disadvantaged backgrounds" are backgrounds involving educational, cultural, or financial deprivations that hinder individuals from successfully competing for admission to law school or from successfully completing a course of legal study. These backgrounds include but are not limited to—

(1) Family income dependent in whole or in part on public assistance or inadequate to provide for needs beyond basic necessities such as food, housing, and clothing;

(2) Rural isolation;

(3) Limited English proficiency as defined in section 703(a)(1) of the Bilingual Education Act (20 U.S.C. 3223); or

(4) Attendance at a minority group isolated school, as defined for purposes of the Emergency School Aid Act in 34 CFR 185.02(g).

(20 U.S.C. 1134l, 1221e-3)

Subpart B—What Kinds of Activities Does the Secretary Support Under This Program?

§ 651.10 What kinds of support does the Secretary provide?

Under this program the Secretary provides financial support for activities that assist individuals from disadvantaged backgrounds to undertake training for the legal profession.

(20 U.S.C. 1134l(a))

§ 651.11 What activities are eligible for support?

The following activities are eligible for support under a grant or contract awarded under this program:

(a) Selecting individuals from disadvantaged backgrounds for training for the legal profession, including disseminating information about the program to eligible students;

(b) Making arrangements with accredited law schools to arrange entry of participating students into these schools;

(c) Providing counseling and related services—both prior to and during law school training—designed to assist participating students in preparing for and completing law school training;

(d) Providing preliminary training in legal education to prepare participating students for law school.

(1) Preliminary training may include, but need not be limited to, orientation of students to the legal process, the epistemology of law, and law school learning methods; evaluation of the law school potential of students; and development of students' legal reading, research, and writing skills.

(2) Preliminary training may be provided for participating students not more than six months prior to their commencement of law school courses; and

(e) Paying stipends to participating students for any period of preliminary training and for the period of law school training, as provided in § 651.30.

(20 U.S.C. 1134l(b))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make an Award?

§ 651.20 How does the Secretary select an award recipient?

(a) The Secretary decides to make one or more awards and bases selection of the award recipient(s) on a judgment of what arrangements most effectively contribute to the purposes of this program (Title IX-D of the Act).

(b) The Secretary may decide to make a non-competitive award to implement the program if—in the Secretary's judgment—there is one eligible organization that is exclusively or predominantly qualified to carry out effectively the purposes of the program in the light of legislative history of the authorizing statute.

(20 U.S.C. 1221e-3, 1134l)

Subpart E—What Conditions Must Be Met by an Award Recipient?

§ 651.30 What are the limitations on allowable costs?

Allowable costs include, but are not limited to, the following:

(a) Stipends for participating students, as determined by the Secretary, during any period of preliminary training or for the period of law school training during which the student maintains satisfactory academic progress, as determined by the Secretary.

(b) Other necessary costs for any period of training of the participating students, as determined by the Secretary.

(20 U.S.C. 1134l(b))

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 26 through August 1, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30073 8-5-81 / Cotton fiber and processing tests; comments by 8-1-81

37055 7-17-81 / Milk in Chicago Regional Marketing area; temporary revision of shipping percentages; comments by 7-31-81

37054 7-17-81 / Raisins produced from grapes grown in Calif.; increase in payment rates for services for reserve tonnage raisins; comments by 7-31-81

37054 7-17-81 / Study of marketing orders for fruits, vegetables, and specialty crops; comments by 8-1-81

35264 7-9-81 / Tennessee Valley Federal milk order; recommended decision on proposed amendments to tentative marketing agreement and order; comments by 7-30-81

Animal and Plant Health Inspection Service—

26860 5-29-81 / Importation of mares over 731 days of age into the U.S. from countries affected with contagious equine metritis (CEM) when specific requirements to prevent them introducing CEM into the U.S. are met; comments by 7-28-81

Commodity Credit Corporation—

35520 7-9-81 / General regulations governing 1979 and subsequent crops peanut warehouse storage loans and handler operations; comments by 7-28-81

Farmers Home Administration—

26330 5-26-81 / Emergency loans, insured; comments by 7-27-81

Federal Grain Inspection Service—

28170 5-26-81 / United States standards for hay and straw; comments by 7-27-81

Rural Electrification Administration—

28170 5-26-81 / Public information; Appendix A—REA Bulletins Specification for filled telephone cables with expanded insulation, PE89; comments by 7-27-81

CIVIL AERONAUTICS BOARD

29282 6-1-81 / Airlines; terminations, suspensions, and reductions of service; comments by 7-31-81

29727 6-3-81 / Extension of fare flexibility to Micronesia and American Samoa; comments by 7-30-81

29719 6-3-81 / "Joint fares" for flights using two or more carriers; statement of general policy; comments by 7-31-81

29285 6-1-81 / Standard Foreign Fare Level methodology; statements of general policy; reply comments by 7-30-81

COMMERCE DEPARTMENT

International Trade Administration—

23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81

COMMODITY FUTURES TRADING COMMISSION

33293 6-29-81 / Domestic exchange—traded commodity options pilot program; comments by 7-29-81

CONSUMER PRODUCT SAFETY COMMISSION

31901 6-18-81 / Omnidirectional citizens band base station antennas; comments by 7-31-81

[Originally published at 44 FR 53670, 9-14-81]

28665 5-28-81 / Standards for the flammability of clothing textiles and vinyl plastic film; comments by 7-27-81

DEFENSE DEPARTMENT

Army Department—

33057 6-26-81 / Personal privacy and rights of individuals regarding personal records; comments by 7-27-81

Office of the Secretary—

34351 7-1-81 / Implementation of the Civilian Health and Medical Services; comments by 7-31-81

ENERGY DEPARTMENT

29242 6-1-81 / Weatherization assistance for low-income persons; comments by 7-31-81

Economic Regulatory Administration—

31216 6-12-81 / Powerplant and Industrial Fuel Use of 1978; proposed revision of final rules; comments by 7-27-81

Federal Energy Regulatory Commission—

35119 7-7-81 / Pennsylvania; high-cost gas produced from tight formations; comments by 7-29-81

ENVIRONMENTAL PROTECTION AGENCY

33059 6-26-81 / Air quality planning areas; Alabama; redesignation for Etowah County; comments by 7-27-81

33269 6-29-81 / Exemption from requirement of a tolerance for boiled linseed oil (final rule); comments by 7-29-81

34353 7-1-81 / Exemption from requirement of a tolerance for cross-link nylon-type encapsulating polymer; comments by 7-31-81

29292 6-1-81 / Kansas application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 7-31-81

35126 7-7-81 / Motor vehicle pollution control; waiver of oxides of nitrogen (NO_x) emission standards; comments by 7-30-81

31677 6-17-81 / New motor vehicles; emission control system warranties; comments by 7-30-81

21789 4-14-81 / Standards of performance for new-stationary sources; VOC fugitive emission sources; synthetic organic chemical manufacturing industry; comments by 7-31-81

33336 6-29-81 / State implementation plan; Wash.; control of Volatile Organic Compound (VOC) emissions for source categories covered by Group II of the VOC Control Techniques Guidelines; comments by 7-29-81

33333 6-29-81 / State Implementation Plan; West Va.; test method for prevention and control of air pollution from emission of volatile organic compounds from bulk gasoline terminals (Regulation XXIII); comments by 7-29-81

31279 6-15-81 / Virginia application for interim authorization, Phase I; Hazardous Waste Management Program; comments by 7-30-81

28873 5-29-81 / Water pollution, effluent limitations guidelines and new source performance standards; coal mining point source category; comments by 7-28-81

[*See also* 46 FR 3136, 1-13-81]

FARM CREDIT ADMINISTRATION

35663 7-10-81 / Eligibility and scope of financing loan policies and operations; comments by 7-28-81

FEDERAL COMMUNICATIONS COMMISSION

30150 6-5-81 / Deregulation of customer premises inside wiring; comments by 7-31-81

33533 6-30-81 / Development of regulatory policy on Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference; reply comments extended to 7-31-81

[*See also* 46 FR 30124, 6-5-81]

29488 6-2-81 / FM broadcast station in Kailua-Kona, Hawaii, proposed changes in table of assignments; reply comments by 7-31-81

27726 5-21-81 / FM Broadcast Station in Newport, Washington; proposed changes in table of assignments; reply comments by 7-30-81

27727 5-21-81 / FM Broadcast Station in Owensville, Missouri; proposed changes in table of assignments; reply comments by 7-30-81

27728 5-21-81 / FM Broadcast Station in Atoka, Okla.; proposed changes in table of assignments; reply comments by 7-30-81

31288 6-15-81 / Inquiry into the policies to be followed in the authorization of common carrier facilities to meet Pacific Region Telecommunications needs during the 1981-1985 period; reply comments by 7-30-81

22215 4-16-81 / Proposed amendments to registration standards; reply comments by 7-27-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

29294 6-1-81 / Disaster preparedness assistance; reply comments by 7-31-81

FEDERAL MARITIME COMMISSION

30667 6-10-81 / Procedures for environmental policy analysis; reply comments by 7-27-81

FEDERAL TRADE COMMISSION

28444 5-27-81 / Palm Beach Co.; consent agreement with analysis to aid public comment; reply comments by 7-27-81

GENERAL SERVICES ADMINISTRATION

29955 6-4-81 / Licensing of federally-owned inventions; availability of draft regulations; reply comments by 7-31-81

30369 6-8-81 / Telecommunications, procurement and contractors; reply comments by 7-28-81

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33027 6-27-81 / Canned peaches; standards of identity; "chunky" designation; objections by 7-27-81

33512 6-30-81 / Capreomycin, cycloserine, gramicidin, and froleandomycin; revision of standard response line concentrations; comments by 7-27-81

35120 7-7-81 / Policy for irradiated foods; advance notice of proposed procedures for the regulation of irradiated foods for human consumption; comments extended to 7-27-81

[*See also* 46 FR 18992, 3-2-81]

18995 3-27-81 / Soda water, standard of identity; caffeine requirements; comments period extended to 7-29-81

[*See also* 45 FR 69616, 10-21-80 and 45 FR 84837, 12-23-80]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner, Office of the Assistant Secretary for Housing—

29259 6-1-81 / Mortgage insurance and assistance payments for home ownership and project rehabilitation; change in maximum mortgage amounts; comments by 7-31-81

[Corrected at 46 FR 31257, 6-15-81]

28401 5-27-81 / Repayment by mortgagor under section 235(c) of assistance payments made to lower income families (interim rule); comments by 7-27-81

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34348 7-1-81 / Permanent regulatory programs for non-federal and non-Indian lands; comments by 7-31-81

33056 6-26-81 / Permanent state regulatory programs of Colo., Md., N.M., N. Dak., Utah, W. Va., and Wyo.; comments by 7-27-81

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30668 6-10-81 / Motor carriers; agricultural cooperative exemption; comments by 7-27-81

30092 6-5-81 / Motor carrier rate bureaus; implementation; reply comments by 7-30-81

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29482 6-2-81 / Federal credit unions, establishment of minimum standards for surety bond and insurance coverage; comments by 7-31-81

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34600 7-2-81 / Preparation requirements for third-class 5-digit ZIP code presorted mail; comments by 8-1-81

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29276 6-1-81 / Minority small business and capital ownership development assistance; comments by 7-31-81

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22210 4-16-81 / Provisions on tank stop valves and their controls and indicators; comments by 7-30-81

Federal Aviation Administration—

34598 7-3-81 / Air Line Pilots Association (ALPA); petition on water survival; comments by 7-30-81

[Originally published at 46 FR 19245, 3-30-81]

Federal Highway Administration and Urban Mass Transportation Administration—

8426 1-26-81 / Air quality conformity and priority procedures for use in Federal aid highways and federally funded transit programs; comments by 7-27-81

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25491 5-7-81 / Transport of radioactive materials; proposed changes to international regulations; comments by 7-31-81

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23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81

28172 5-26-81 / Proposed revision of the customs bond structure; comments by 7-27-81

[Corrected at 46 FR 29953, 6-4-81]

Deadlines for Comments On Proposed Rules for the Week of August 2 through August 8, 1981

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Agricultural Marketing Service—

27126 5-18-81 / Almonds grown in California; change in administrative rules and regulations for creditable advertising; comments by 8-7-81

[*See also* 46 FR 22901, 4-22-81]

Agricultural Stabilization and Conservation Service—

29453 6-2-81 / Experimental rural clean water program (RCWP); comments by 8-3-81

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30327 6-8-81 / Cooperative marketing associations; Eligibility requirements for price support; comments by 8-7-81

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30322 6-5-81 / U.S. Grains Standards Act; revisions to regulations; comments by 8-4-81

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29718 6-3-81 / Expedited procedures for processing licensing cases; Service of Documents; comments by 8-3-81

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36715 7-15-81 / Survey of foreign direct investment in U.S. fish and seafood processing industries; comments by 8-6-81

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34583 7-2-81 / Shipping safety fairways and anchorages, Gulf of Mexico; Administrative procedures; comments by 8-3-81

[Corrected at 46 FR 35123, 7-7-81]

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36715 7-15-81 / Commonwealth of Massachusetts, department of public utilities; request for declaratory order; comments by 8-5-81

[Originally published at 46 FR 26353; 5-12-81]

35298 7-8-81 / Proposed revision of Form No. 80, licensed projects recreation report; comments by 8-3-81

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24602 5-1-81 / Air quality; interstate pollution abatement; petitions by New York and Pennsylvania; comments by 8-4-81

34817 7-6-81 / Approval and promulgation of Illinois State Implementation Plan; comments by 8-5-81

34816 7-6-81 / Approval and promulgation of implementation plans; Alabama; alternative control strategy for 3M Co., Alabama; comments by 8-5-81

34818 7-6-81 / Approval and promulgation of Implementation Plans; Georgia; revised permit for Union Camp Corp's. Power Boilers 11 and 12 in Savannah; comments by 8-5-81

35301 7-8-81 / Approval of portions of Colorado Regulation No. 7 "Control of Volatile Organic Compounds (VOC)"; comments by 8-7-81

34819 7-6-81 / Change in existing nonattainment designation for particulate matter (TSP) for an area in City of Dallas (Dallas 3) to attainment; comments by 8-5-81

11126 2-5-81 / Hazardous waste management system: standards applicable to owners and operators of treatment, storage, and disposal facilities permit program; comments by 8-4-81

[Corrected at 46 FR 11680, 2-10-81]

28314 5-26-81 / Standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities; comments by 8-4-81

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36871 7-16-81 / Amendment of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to, the use of radio in Digital Termination Systems for the Provision of Digital Communications Services; Order extending time for filing replies to oppositions to petitions for reconsideration; comments by 8-7-81

35532 7-9-81 / Elimination of harmful interference to radio communications involving safety to life and protection of property; reply comments by 8-3-81

35130 7-7-81 / FM broadcast station in Emporia, Kans.; proposed changes in table of assignments; comments by 8-7-81

35129 7-7-81 / FM broadcast station in Eureka Springs, Ark.; proposed changes in table of assignments; comments by 8-7-81

36217 7-14-81 / Use of subsidiary communications authorization for utility load management; comments extended to 8-7-81

[*See also* 46 FR 31290, 6-15-81]

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32459 6-23-81 / Exemption of exclusive equipment interchange agreements from the filing and approval requirements of section 15 of the Shipping Act, 1916; comments by 8-7-81

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35066 7-7-81 / Sodium zinc potassium polyphosphate; indirect food additives; (final rule); objections by 8-6-81

35067 7-7-81 / Tetrakis [methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane; indirect food additives; (final rule); objections by 8-6-81

25107 5-5-81 / Vaginal contraceptive drug products for over-the-counter human use; establishment of a monograph: extension of time for comments; reply comments by 8-3-81

[Originally published at 45 FR 82014, 12-12-80]

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29490 6-3-81 / Endangered and threatened wildlife and plants; propose redefinition of "harm"; comments by 8-3-81

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32289 6-22-81 / Alternative Methods of Accounting for railroad track structures; comments by 8-6-81

35194 7-7-81 / Electronic transmission of loss and damage claims and freight bills; comments by 8-6-81

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32460 6-23-81 / Interchange policies at international boundary lines; comments by 8-7-81

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35301 7-8-81 / Exemption of the alcoholism program system from access provisions of the Privacy Act; comments by 8-7-81

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29484 6-2-81 / Schedules of controlled substances; proposed placement of ketamine into schedule III; comments by 8-3-81

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32601 6-24-81 / Administrative matters, required sources of supplies and services, and transportation: availability of segment of draft Federal acquisition regulation; comments by 8-7-81

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29712 6-3-81 / Upgraded emergency preparedness for certain fuel cycle and material licensees; comments by 8-3-81

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29968 6-4-81 / Wet electric storage batteries; transportation requirements; comments by 8-3-81

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[*See also* 46 FR 24962, 5-4-81]

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34598 7-3-81 / Customs regulations; amendments relating to the importation of certain fresh, chilled, or frozen beef; comments by 8-3-81

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35123 7-7-81 / Post-liquidation agreements for indemnification of mobile home holders; clarification of regulations governing foreclosure or repossession of mobile home loans; comments by 8-6-81

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33084 6-26-81 / East Carson National Forest Grazing Advisory Boards, Penasco, N. Mex. (open), 8-1-81

35323 7-8-81 / Continental Divide National Scenic Trail Advisory Council, Denver, Colo. (open), 7-30, 7-31 and 8-1-81

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33573 6-30-81 / National Agricultural Research and Extension Users Advisory Board, Seattle, Wash. (open), 7-29 through 7-31-81

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33396 6-29-81 / Humanities National Council Advisory Committee, Washington, D.C. (closed), 7-30-81

00000 7-15-81 / National Council on the Arts, Washington, D.C. (open), 7-31 through 8-2-81

35588 7-9-81 / Visual Arts Advisory Panel, Washington, D.C. (open), 7-30-81

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32299 6-22-81 / Connecticut Advisory Committee, Cromwell, Conn. (open), 7-28-81

34612 7-2-81 / Washington Advisory Committee, Seattle, Wash. (open), 7-29-81

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35139 7-7-81 / National Marine Fisheries Service and Fish and Wildlife Service, Discussion of Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, Wash., D.C. (open), 7-27-81

35717 7-10-81 / New England Fishery Management Council, Danvers, Mass. (open), 7-28 and 7-29-81

34360 7-1-81 / Western Pacific Fishery Management Council, Scientific and Statistical Committee and its Advisory Panel, Kailua-Kona, Hawaii, (open), 7-29 through 7-31-81

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32607 6-24-81 / Army Science Board, Washington, D.C. (closed), 7-28-81

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32303 6-22-81 / National Hydropower Study, Fort Belvoir, Va. (open), 7-28 through 8-1-81

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31305 6-15-81 / DOD Advisory Group on Electronic Devices, Working Group D (Mainly Laser Devices), Lexington, Mass. (closed), 7-29 and 7-30-81

31917 6-18-81 / DOD Wage Committee, Washington, D.C. (closed), 7-28-81

33356 6-29-81 / Defense Science Board Task Force on EW, Washington, D.C. (closed), 7-27-81

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36731 7-15-81 / Intergovernmental Advisory Council on Education, Washington, D.C. (partially open), 7-30 and 7-31-81

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34624 7-2-81 / National Petroleum Council, Arctic Oil and gas Resources Committee, Environmental Protection Task Group, Anchorage, Alaska (open), 7-28-81

Federal Energy Regulatory Commission—

34635 7-2-81 / Idaho Power Co.; intent to prepare an environmental impact statement, Gooding, Idaho (open), 7-28-81

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33626 6-30-81 / Benefits analysis of National Ambient Air Quality Standards for sulfur oxides and particulate matter, Raleigh, N.C. (open), 7-27 and 7-28-81

33364 6-29-81 / Revised Motor Vehicle Compliance Program, Washington, D.C. (open), 7-29 and 7-30-81

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35184 7-7-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 7-28-81

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35786 7-10-81 / Consumer Advisory Council, Washington, D.C. (open), 7-29 and 7-30-81

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33655 6-30-81 / Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Bethesda, Md. (partially open), 7-30 and 7-31-81

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29336 6-1-81 / Clinical Cancer Program Project and Cancer Support Review Committee, Bethesda, Md. (partially open), 7-30 through 8-1-81

32317 6-22-81 / General Research Support Review Committee, Bethesda, Md. (partially open), 6-25 and 6-26-81 rescheduled to 7-30 and 7-31-81

[*See also* 46 FR 24302, 4-30-81]

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35553 7-0-81 / National Council on Health Care Technology, Washington, D.C. (closed), 7-30-81

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30706 6-10-81 / Battle Mountain Grazing Advisory Board, Tanopah, Nev. (open), 7-28 and 7-29-81

35562 7-0-81 / Elko District Advisory Council, Elko, Nev. (open), 7-30-81

33372 6-29-81 / Fairbanks District Advisory Council, Fairbanks, Alaska (open), 7-28 through 7-30-81

31777 6-17-81 / Moab District Grazing Advisory Board, Moab, Utah (open), 7-27-81

30706 6-10-81 / Multiple Use Advisory Council, Moab, Utah (open), 7-30 and 7-31-81

National Park Service—

35991 7-13-81 / Upper Delaware National Scenic and Recreation River Planning Team, Shohola, Pa. (open), 7-28-81

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35829 7-10-81 / Earth Sciences Geophysics Advisory Committee, Geophysics Subcommittee, Princeton, N.J. (closed), 7-31 through 8-2-81

35829 7-10-81 / International Programs Advisory Committee, Washington, D.C., (open), 7-28 through 7-29-81

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36017 7-13-81 / Reactor Safeguards Advisory Committee, Subcommittee on Reliability and Probabilistic Assessment, Inglewood, Calif. (open), 7-28 and 7-29-81

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36032 7-13-81 / Radio Technical Commission for Aeronautics, Special Committee 146 on Airborne Automatic Direction Finding Equipment, Washington, D.C., (open), 7-29 and 7-30-81

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32888 6-25-81 / Revision of State participation in railroad safety inspections and investigations, Washington, D.C., 7-30-81

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35240 7-7-81 / Debt Management Advisory Committee, Washington, D.C., (closed), 7-28 and 7-29-81

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32969 6-25-81 / Station Committee on Educational Allowances, Muskogee, Okla., 7-28-81

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19908 3-31-81 / Power allocation applications; power marketing plan; draft plan recommendations, Sacramento, Ca., 7-27-81

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31279 6-15-81 / Hazardous Waste Management Program, Virginia Application for Interim Authorization, Phase I, Richmond, Va., 7-30-81

34699 7-2-81 / Predator control toxicants; information-gathering sessions, Denver, Colo., 7-28 and 7-29-81 and Washington, D.C., 7-31-81

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Land Management Bureau—

35562 7-0-81 / Casper District Office, Powder River Regional Coal Team, Casper, Wyo., 7-29 and Billings, Mont., 7-30-81

28951 5-29-81 / Outer Continental Shelf Offshore Southern California; availability of a draft environmental impact statement; proposed oil and gas lease sale No. 68, Santa Barbara, Calif., 7-28 and 7-29-81 and Long Beach, Calif., 7-30 and possibly 7-31-81

Surface Mining Reclamation and Enforcement Office—

34748 7-2-81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria, Kansas, Mo., 7-28 and Denver, Colo., 7-30-81

34748 7-2-81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria, Charleston, W.Va., 7-21 and Washington, D.C., 7-23-81

34349 7-1-81 / Permanent Regulatory Programs for Non-Federal and Non-Indian Lands, Washington, D.C., 7-28-81

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32694 6-24-81 / Certain Modular pushbutton switches and components thereof, Washington, D.C., 7-27-81

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30649 6-4-81 / Compulsory License for Cable Systems, Washington, D.C., 7-28-81

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00 7-13-81 / Metropolitan Washington Airports, Washington, D.C., 7-28 and 7-29-81

Federal Railroad Administration—

32889 6-25-81 / Revision of State safety participation regulations, Washington, D.C., 7-30-81

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

36338 7-14-81 / ED—Law School Clinical Experience Program; final regulations

Note: Effective date of regulations will be published in the Federal Register at a later date.

APPLICATIONS DEADLINES

35990 7-13-81 / HHS / PHS—Cooperative agreements to Support a National Health Promotion Training Network; apply by 8-12-81

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36016 7-13-81 / NFAH—Humanities National Council Advisory Committee, Washington, D.C., (partially open), 8-13 and 8-14-81

OTHER ITEMS OF INTEREST

35953 7-13-81 / Commerce / Sec'y—Department administrative order on grants administration; effective 1-12-81

37072 7-17-81 / ED—National Direct Student Loan, College Work-Study and Supplemental Opportunity Grant; list of approved need analysis systems that institutions of higher education must use in making awards to students during 1981-1982

35991 7-13-81 / HUD / CPD—Director and Deputy Director, Office of Field Operations and Monitoring; Redelegation of Authority With Respect to the Transfer of and Administration of Appalachian Regional Commission, Title V Regional Commission, and Department of Defense Funds Under the Community Development Block Grant Program and the Comprehensive Planning Assistance Program

37101 7-17-81 / Labor / ETA—CETA; migrant and seasonal farmworker program; submission of preapplications for fiscal assistance for fiscal year 1982

36016 7-13-81 / NFAH—Handicapped; notice to all recipients of Federal financial assistance; compliance with section 504, Rehabilitation Act

36784 7-15-81 / NSF—Notification to recipients of federally assisted programs to comply with non-discrimination provisions for handicapped

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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federal register

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Highlights

37891 **Occupational Exposure to Lead** Labor/OSHA denies petitions for stays of new trigger levels for medical removal protection under lead standard and gives notice of variance applications and interim orders.

37973 **Banking** FRS adopts fees for securities and non-cash collection services.

37875 FDIC changes membership advertisement provisions.

37905 **Bank Holding Companies** FRS requests comments on proposed rule on data processing and electronic funds transfer activities.

37890 **Employment Taxes** Treasury/IRS permits interest-free adjustment with respect to erroneous filing of Federal Insurance Contributions Act (FICA) and Railroad Retirement Tax Act (RRTA) returns.

37888 **Income Tax** Treasury/IRS publishes regulations on definition of private foundation.

38025 **Grants Programs—Buses** DOT/UMTA asks for comments on removal of price offsets and weight incentive provisions from advanced design bus specifications.

37873 **Housing Standards** USDA/FmHA changes regulations on disposal of acquired property.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

38054, 38056 **Aircraft Major Repairs** DOT/FAA proposes to improve understanding of term "major repairs" and requests comments on proposed advisory circular. (2 documents) (Part III of this issue)

37876 **Airworthiness Maintenance Programs** DOT/FAA extends certain special flight permit eligibility.

38062 **Aviation Safety** DOT/FAA reopens comment period on parts manufacturer approval and falsification of airworthiness certification documents. (Part IV of this issue)

38048 **Air Carriers** DOT/FAA provides for new storage method of travel canes for blind passengers and public availability of evacuation procedures. (Part II of this issue)

37902 **Motor Carriers** DOT/FHWA interprets its jurisdiction over qualifications and maximum hours of service of certain commercial motor vehicle drivers.

37951 **Hazardous Materials Transportation** DOT/RSPA requests comments on petition to remove display requirements for "EMPTY" placards on tank cars.

37952 **Motor Vehicle Safety—Air Brakes** DOT/NHTSA proposes to remove requirement for separate reservoir capable of releasing parking brakes.

37887 **Customs Inspection** Treasury/Customs discontinues special tag manifest for domestic baggage transported through foreign territory.

37916 **Radio** FCC proposes allocating remaining frequencies in certain private land mobile frequency bands.

37916 **Television** FCC proposes allocating frequency band to TV auxiliary broadcast pickup stations on secondary basis.

38028 **Sunshine Act Meetings**

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38054 **Part III, DOT/FAA**
38062 **Part IV, DOT/FAA**

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Federal Register
Vol. 46, No. 141
Thursday, July 23, 1981

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 673]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 26–30, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on July 21, 1981 at Visalia, California to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at a open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 908.973 is added as follows:

§ 908.973 Valencia Orange Regulation 673.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 24, 1981, through July 30, 1981, are established as follows:

(1) District 1: 498,000 cartons;

(2) District 2: 382,000 cartons;

(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 22, 1981.

D. S. Kuryloski,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–21708 Filed 7–23–81; 11:45 am]
BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1955

Disposal of Acquired Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding Disposal of Acquired Property. This revision is necessary because of legislation. The effect of this action is to require that acquired residential property meet the Agency's standard of decent, safe, and sanitary housing, including meeting the Agency's Thermal Performance Standards, prior to being sold, or the purchaser is obligated as a condition of the sale to meet such standards with respect to the property before such property is occupied, or the purchaser is precluded as a condition of the sale from using the property for residential purposes.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ron Tharrington, Chief, Property Management Branch, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone: (202) 382–1452.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250, (202) 447–4057.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in the Secretary's Memorandum 1955 and Executive Order 12291. It has been determined to be not major. This Instruction does not directly affect any FmHA programs or projects which are

subject to A–95 clearinghouse review. The reference in the Catalog of Federal Domestic Assistance is No. 10.410 Low- to Moderate-Income Housing Loans and No. 10.417 Very-Low-Income Housing Repair Loans and Grants.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

On December 16, 1980, the Farmers Home Administration published a notice of proposed rulemaking (45 FR 82653) to amend Subpart C of Part 1955, Chapter XVIII, Title 7, Code of Federal Regulations. Interested persons were invited to submit comments concerning the proposed rule by February 17, 1981. In response to the notice of proposed rulemaking, written comments from four individuals and organizations were received by FmHA. This final rule contains revisions based on comments received as well as other information available to FmHA. The following is a discussion of the comments received:

1. Section 1955.117 (b) and (c). It was recommended that acquired property be classified according to its condition rather than by the purchaser of the property. This amendment does provide that a property will be determined to be suitable or unsuitable based on the condition of the property, whether it is feasible to repair the unit and the location of the property.

2. Section 1955.117(c)(1). It was suggested that properties should not be determined to be unsuitable if they meet all standards except thermal standards when it is determined that conforming to the thermal standards would be too costly. All residential units sold to eligible applicants are to meet HUD MPS Standards including the FmHA thermal performance standards for existing structures. Unsuitable property which cannot feasibly be repaired to include meeting the thermal performance standards will be sold "as is", with a restrictive covenant placed in the Deed of Conveyance requiring, as provided in the legislation, that the property meet decent, safe, and sanitary standards, including the thermal performance standards, before it is occupied. The agency believes that only one thermal standard is necessary and appropriate for all existing units.

3. Section 1955.117(c)(2). It was suggested that property sold "as is" should not be deeded to the purchaser until after repairs have been made or the unit demolished. The Agency believes that restrictive covenants placed in the sales agreement and the Quitclaim Deed will assure that residential units sold "as is" will be repaired to meet decent, safe, and sanitary standards prior to being occupied.

4. Section 1955.117(c). One comment recommended that purchasers of residential units sold as chattel be required to demolish the unit or repair the unit if moved to another site. The agency believes the requirement to dismantle and remove the unit from the site meets the legal requirements.

Therefore, Part 1955 Subpart C is amended as follows:

1. Section 1955.103, paragraph (g) is revised to read as follows:

§ 1955.103 Definitions.

* * * * *

(g) *Unsuitable property.* Property acquired pursuant to the Housing Act that is unfit for a borrower to carry out the objectives of an FmHA loan program; e.g., a dwelling that cannot be feasibly repaired to meet HUD Minimum Property Standards for existing construction as adopted and modified by FmHA in Subpart A of Part 1924 of this Chapter, or a property that is so poorly located it will not serve as an adequate residential unit.

§ 1955.104 [Amended]

2. In § 1955.104, paragraph (a) is amended by removing the words, "and Property Management Staff," and paragraph (b)(1) is amended by removing the words, "Chief, Property Management."

3. In § 1955.117, paragraph (b)(3) is amended by removing the words, "in accordance with paragraph (c) of this section," and inserting in their place the words, "in accordance with paragraph (f) of this section."

4. In § 1955.117, the introductory paragraph of paragraph (b) and paragraph (c) are revised, paragraphs (d) and (e) are redesignated to (e) and (f) respectively, without change, and a new paragraph (d) is added to read as follows:

§ 1955.117 Sale of real estate that secured Rural Housing (RH) loans.

* * * * *

(b) *Sale of suitable property.* Except as provided below, property sold to an eligible applicant must meet the Department of Housing and Urban Development Minimum Property Standards (HUD–MPS) for existing construction as adopted and modified by FmHA. Any repairs or improvements needed to meet HUD–MPS and to make the property saleable will be made prior to the property being offered for sale unless an eligible applicant has indicated an interest in buying the property or the County Supervisor or District Director documents that the property would likely be damaged by vandalism prior to its being sold. In such cases, a subsequent loan for improvement may be processed to eligible applicants simultaneously with the credit sale. If a suitable property not yet repaired to comply with HUD–MPS for existing construction and also not meeting the definition of "Decent, Safe, and Sanitary Housing," as outlined in paragraph (c)(1) of this Section, is offered for sale, the provisions of paragraph (c)(2)(i) and (c)(2)(ii) of this Section will apply. Suitable property will be offered for sale to eligible and ineligible applicants as follows:

* * * * *

(c) *Sale of unsuitable property.* Unsuitable property which can feasibly be improved to meet the definition of decent, safe, and sanitary housing in § 1955.117(c)(1) will be repaired prior to the property being offered for sale unless a prospective ineligible purchaser has indicated an interest in buying the property "as is" or the County Supervisor or District Director documents that the property would likely be vandalized prior to its sale. If the property is not repaired to meet decent, safe and sanitary standards, the requirements outlined in paragraphs (c)(2) (i) and (ii) of this section must be met. If the property cannot be feasibly improved to meet the definition of decent, safe, and sanitary, it will either be offered for sale "as is" with a requirement that the provisions outlined in paragraphs (c)(2) (i) and (ii) of this section be met or the structure will be offered for sale as a chattel for salvage to be dismantled and removed from the site. Units sold as chattel must be sold in accordance with § 1955.121 (a)(4) of this Subpart. If no offer is received, the unit(s) will be demolished and removed from the site and the site then offered for sale. The cost of demolishing and removing the unit(s) from the site will be handled in accordance with Subpart D of Part 1955 of this Chapter.

(1) *Decent, safe, and sanitary housing.* For the purpose of a sale of Government acquired Single Family, Multi-Family and Labor Housing structures, the following definition is applicable: "Decent, safe, and sanitary housing" unit(s) are structures which meet the requirements of HUD–MPS for existing construction or if not meeting the requirements of HUD–MPS—

(i) Are structurally sound and habitable,

(ii) Have a potable water supply,

(iii) Have a functionally adequate, safe, and operable heating, plumbing, electrical and sewage disposal system, and

(iv) Meet the Thermal Performance Standards as outlined in Exhibit D of Subpart A of Part 1924.

(2) *Requirements for sale.* (i) If the structure does not meet the requirements of "Decent, Safe and Sanitary Housing," the Notice of Sale, Listing Agreement and Agreement of Sale, must each contain the following clause:

The structure on this property presently does not meet the standards of "Decent, Safe, and Sanitary Housing" as defined by the Farmers Home Administration. Prior to being used for residential purposes, the structure must be restored or repaired to:

(A) Be structurally sound and habitable,

(B) Have a potable water supply,

(C) Have a functionally adequate, safe, and operable heating, plumbing, electrical and sewage disposal system, and

(D) Meet the Thermal Performance Standards for existing construction as outlined in Exhibit D to Supart A of Part 1924 of this Chapter.

(ii) The following or similar language adopted for use in an individual State pursuant to a State instruction approved by OGC must be added to the Quitclaim Deed for properties which do not meet the definition of decent, safe, and sanitary.

Pursuant to section 510(e) of the Housing Act of 1949, as amended, 42 U.S.C. 1480(e), the purchaser ("Grantee" herein) of the above-described real property (the "subject property" herein) convenants and agrees with the United States acting by and through Farmers Home Administration (the "Grantor" herein) that the dwelling unit(s) located on the subject property as of the date of this Quitclaim Deed shall not be occupied or used for residential purposes until such time as such unit(s) is structurally sound and habitable, has a potable water supply, has a functionally adequate, safe, and operable heating, plumbing, electrical and sewage disposal system and meets the Thermal Performance Standards as outlined in Exhibit D of 7 CFR Part 1924 Subpart A. This covenant shall be binding on Grantee and Grantee's heirs, assigns and sucessors and shall be construed as both a covenant running with the subject property and as an equitable servitude. This covenant shall be enforceable by the United States in any court of competent jurisdiction. At such time as the existing dwelling unit(s) on the subject property complies with the aforementioned Standards of the Farmers Home Administration or such unit(s) shall have been completely razed, upon application to Farmers Home Administration in accordance with its regulations, the subject property may be released from the effect of this covenant and this covenant shall thereafter be of no further force or effect.

In addition, Form FmHA 405–10 should be amended to contain the following language when the residential unit(s) being sold does not meet decent, safe and sanitary standards.

Note.—This property contains a dwelling unit or units which FmHA has deemed to be inadequate for residential occupancy. The Quitclaim Deed by which the property will be conveyed to the purchaser will contain a covenant binding the purchasers and the property which will restrict the residential unit(s) on the property from being used for residential occupancy until such time as the dwelling unit(s) is structually sound and habitable, has a potable water supply, has a functionally adequate, safe, and operable heating, plumbing, electrical and sewage disposal system, and meet the Thermal Performance Standards as outlined in Exhibit D, 7 CFR Part 1924, Subpart A. This restriction imposed is pursuant to section 510(e) of the Housing Act of 1949, as amended, 42 U.S.C. 1480.

(iii) A State supplement outlining the procedure for releasing the decent, safe, and sanitary covenant will be issued with the consent and approval of the Regional Attorney, Office of the General Counsel.

(d) *Urban Homesteading Program.* Provisions of the Housing and Community Development Act of 1979, Pub. L. 96–153, specifically authorized the Secretary of Housing and Urban Development (HUD) to pay for acquired Farmers Home Administration residential properties sold through the Urban Homesteading (UH) Program. Local governmental units may make application through HUD to participate in the UH Program. State Directors will be notified by the Assistant Administrator, Single Family Housing, when local governmental units in their States have obtained funding for the UH Program and will received assistance in applying this regulation to the sale of properties through the Urban Homesteading Program.

* * * * *

§ 1955.122 [Amended]

5. Section 1955.122, Report on Property not Sold, is amended by adding the words "appropriate Assistant" before the word "Administrator" and by removing the words "Attention: Property Management Staff."

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2941; 5 U.S.C. 301; Sec. 10, Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70; 28 FR 14764, 33 FR 8950)

Dated: June 17, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-22068 Filed 7-22-81; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 328

Advertisement of Membership; Miscellaneous Amendments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: FDIC is amending several provisions of Part 328 concerning advertisement of membership. The amendments (1) add language to § 328.0 to clearly indicate that the part applies to the insured branches of foreign banks under the FDI Act as amended by the International Banking Act; (2) eliminate the requirement under § 328.1(a) for insured banks to display the official FDIC sign on automatic service facilities which receive deposits and are part of approved offices; (3) incorporate in § 328.1(b) the existing dimensions and available colors for the official FDIC sign and delete the reference to the "Official Catalog of Insured Bank Signs" which contains the information, but is no longer published; and (4) incorporate in § 328.2 the existing interpretative ruling which requires foreign banks to identify their insured and uninsured branches in all advertisements which must contain the FDIC official advertisement statement. The amendments will not impose any new requirements and will not adversely affect any insured banks. The authorities for the amendments are Sections 9 (Tenth) and 18(a) of the Federal Deposit Insurance Act.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Jerry L. Langley, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202) 389–4237.

SUPPLEMENTARY INFORMATION: The first amendment is made to clarify that the part applies to foreign banks having insured branches. Section 6 of the International Banking Act of 1978 amended the definition of "insured bank" in Section 3 (h) of the FDI Act to include such entities.

Regarding the second amendment, § 328.1 of FDIC's regulations formerly required insured banks to display the

official sign on all automatic service facilities which received deposits and were part of larger, approved banking sites. FDIC now exempts the automatic service facilities from the requirement because the facilities are frequently used by a network of banks, and other financial institutions, some of which may not be insured by FDIC. The imposition of the official sign requirement was inpractical and confusing to the public. An identical exemption exists for automatic service facilities which are not part of a larger banking facility (*i.e.*, "service" facilities) for the same reason. At the sites where the newly exempted automatic service facilities are located, the offical sign will continue to be displayed at the other stations and windows where insured deposits are received. The amendment was made under Section 18(a) of the Federal Deposit Insurance Act which authorizes FDIC to prescribe the locations for the official signs in an insured bank's place of business. The official signs are provided to the banks by FDIC without cost. Thus, no significant savings will result to insured banks from the change.

The third amendment updates § 328.1(b). It deletes the reference to the "Official Catalog of Insured Bank Signs" which is no longer published. Further, it specifies the required dimensions for the signs and the colors of the signs which can be obtained from FDIC. Formerly, this information was available only in the catalog.

The fourth amendment incorporates in Part 328 an interpretative ruling regarding Section 18(a) of the Federal Deposit Insurance Act and one of its implementing regulations, § 328.2 of FDIC's regulations. Both, with certain exceptions, require an insured bank to include in its advertisement a statement indicating that its deposits are insured by FDIC. A foreign bank having an insured branch is defined in the Federal Deposit Insurance Act to be an insured bank and is subject to these requirements to prevent public confusion. FDIC construes this requirement to mean that a foreign bank with both insured and uninsured U.S. branches must specifically identify which branches are insured and which branches are uninsured in all advertisements for which the FDIC deposit insurance statement is required.

None of the amendments will have a significant impact on any insured bank. Two amendments merely incorporate into Part 328 requirements that already exist; one makes a technical correction; and the remaining amendment eliminates a minor regulatory burden. Thus, they will not have a significant economic impact on a substantial number of small entities; nor, will they affect the competitive status or recordkeeping requirements of an insured bank. For these reasons, no cost/benefit study, alternative approaches, or regulatory-flexibility analyses were undertaken or considered.

For the same reasons stated above, the FDIC Board of Directors has concluded that, under Section 553 of the Administrative Procedure Act, it is unnecessary to provide a general notice of proposed rulemaking, a period of public comment, or a 30-day delayed effective date for the amendments.

Accordingly, the FDIC Board of Directors amends 12 CFR Part 328 as follows:

(1) The authority citation for Part 328 is revised to read as follows:

Authority: Sec. 9, Pub. L. 797, 64 Stat. 881 as amended by Sec. 309, Pub. L. 95-630, 92 Stat. 3677. (12 U.S.C. 1819); Sec. 18(a), Pub. L. 797, 64 Stat. 891 (12 U.S.C. 1828(a))

(2) A sentence is added at the end of § 328.0 to read as follows:

§ 328.0 Scope.

* * * For purposes of this Part 328, the term "insured bank" includes a foreign bank having an insured branch.

(3) Section 328.1 is amended by revising the first sentences in paragraphs (a) and (b) and the first two sentences in paragraph (b)(1) to read as follows:

§ 328.1 Mandatory requirements with regard to the official sign and its display.

(a) *Insured banks to display official sign.* Each insured bank shall continuously display an official sign as prescribed below at each station or window where insured deposits are usually and normally received in its principal place of business and in all its branches, except on automatic service facilities including automated teller machines, cash dispensing machines, point-of-sale terminals, and other electronic facilities where deposits are received. However, no bank becoming an insured bank shall be required to display such official sign until twenty-one (21) days after its first day of operation as an insured bank. * * *

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be 7" by 3" and of the following design: * * *

(1) Any insured bank may procure official signs with black letters on a gold background from the Corporation for official use at no charge. * * *

* * * * *

(4) A paragraph (a)(4) is added to § 328.2 to read as follows:

§ 328.2 Mandatory requirements with regard to the official advertising statement and manner of use.

(a) * * *

(4) When a foreign bank has both insured and noninsured U.S. branches, the bank must identify which branches are insured and which branches are not insured in all of its advertisements requiring the use of the official advertising statement.

* * * * *

By order of the Board of Directors July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-21024 Filed 7-22-81; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21129, Amdt. 21-54]

Special Flight Permits; Extension of Eligibility

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the eligibility for special flight permits with continuing authorization to all aircraft operated under the air taxi and commercial operator rules in Part 135 that are maintained under continuous airworthiness maintenance programs. This action further implements the recent major change to Part 135 which requires certain aircraft to be maintained under continuous airworthiness maintenance programs; and grants to Part 135 operators the same benefits already accorded to certificate holders under Parts 121 and 127. Under the amended rule, operators of affected aircraft under Part 135 will be relieved of many economic burdens associated with excessive maintenance downtime and of administrative burdens imposed by the prior requirement for individual flight permits or regulatory exemptions. This regulatory change is in full accord with Executive Order 12291 in reducing the burden of existing and future regulations.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Keenan, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8128.

SUPPLEMENTARY INFORMATION:

Background

Permitting the flight of aircraft which may not currently meet with all applicable airworthiness requirements for the purpose of accomplishing necessary maintenance or alterations is a practice of long standing, and FAA experience with this practice does not indicate that safety has been compromised. These flights are frequently advantageous and may be safely conducted under carefully selected operating conditions and appropriate restrictions.

The authorization for flight of such aircraft is procedurally granted in the form of a special flight permit which is an airworthiness certificate issued by FAA airworthiness inspectors, upon application of the registered owner or its agent. The permit imposes conditions to insure the safety of the proposed flight and to require a certified inspection of the aircraft by an appropriately certificated maintenance entity to confirm that the aircraft is safe for that flight.

Section 21.197 of the Federal Aviation Regulations (FAR), recodified from § 1.76 of the Civil Air Regulations (CAR), basically provides that upon application by the registered owner or agent, a special flight permit may be issued for an aircraft that may not meet applicable airworthiness requirements, but is capable of safe flight for specified purposes. Section 21.199, recodified from CAR § 1.77, prescribes the method for issuance of special flight permits by the FAA airworthiness inspectors assigned to the FAA field office responsible for activities in the area where the intended flight is to originate.

Under that portion of the rule which has been in effect for over 25 years, a separate permit is required for each flight. The permit imposes conditions and limitations to insure an adequate level of safety for the proposed operation, including certification by an appropriately certificated person that the aircraft has been inspected and found safe for the intended flight.

On October 25, 1967, the FAA proposed to relax the separate permit requirement by extending the authority to allow a special flight permit to be issued with continuing authorization. That proposal made all Part 121 and Part 127 operators eligible to request a special flight permit that could be used repeatedly. The proposal became effective September 21, 1968, as § 21.197(c) in Amendment 21-22. That rule change was initiated by several requests from air carrier certificate holders for authority to issue their own ferry permits,under certain specifically controlled circumstances. The petitioners indicated that a special flight permit with a continuing authorization for such holders would be economically and administratively beneficial without derogating safety. Experience indicated that certain problems which necessitated the ferrying of aircraft reoccurred sufficiently often to justify granting to the operator a special flight permit with continuing authority to enable the ferrying of aircraft in those recurring situations. The Part 121 and Part 127 certificate holders, by virtue of FAA supervised continuous airworthiness maintenance programs are in a position to establish procedures, for necessary flights to a maintenance base, that will assure an adequate level of safety. Requiring a separate application for each ferry flight, as was previously necessary, placed a burden upon both the certificate holder and the FAA, where each request was required to be handled individually with the FAA assigned maintenance inspector.

There is a distinct relationship between continuous airworthiness maintenance programs and special flight permits with continuing authorizations. Specifically, both are dependent on formal management controls by the certificate holder in conjunction with the assignment of primary responsibility for airworthiness of aircraft subject to those programs. In addition, these certificate holders have internal communications systems which lend themselves to expeditious and accurate processing of the permit and related information. The FAA issues a permit with continuing authorization to each certificate holder in the form of operations specifications which impose conditions and limitations commensurate with the characteristics of their operations and their administrative capabilities.

The next development in amending special flight permit requirements for air carriers occurred on April 5, 1976, when the FAA proposed extending the authority of § 21.197(c) to allow operators of large aircraft under § 135.2 to apply for special flight permits with continuing authorization. The rationale for this action was that aircraft operated under § 135.2 had to be maintained under a continuing airworthiness maintenance program in accordance with Part 121 and, therefore, were subject to the same high level of control. That proposal was adopted in Amendment 21-45, effective October 28, 1977.

In December 1978, Part 135 was substantially revised to require that aircraft with 30 passenger seats or less, or a maximum payload capacity of 7,500 pounds be operated and maintained under Part 135. Further, it requires that aircraft operated under Part 135 with 10 or more passengers be maintained in accordance with continuous airworthiness maintenance programs and that aircraft with nine or less passengers could be so maintained upon election of the operator. In effect, the now current maintenance requirements for these aircraft satisfy the established eligibility criteria that have been applied to other air carriers for special flight permits with continuing authorization.

The Proposal and Discussion of Comments

The FAA has processed a number of petitions for exemption from Part 135 operators to allow issuance to them of special flight permits with continuing authorization. In granting the exemptions as being in the public interest, the FAA agreed with the operators that aircraft maintained under continuous airworthiness maintenance programs could be given such permits with no adverse effect on safety. It was also shown that under the regulation requiring individual flight permits, the operators were subject to economic penalties due to excessive aircraft downtime for maintenance items resulting from the requirement to get individual ferry approvals from FAA offices that in many cases were distantly located or closed during non-working hours. In many situations where operators believed they could not get timely FAA ferry approval, they perceived their only alternative was the relatively expensive one of transporting maintenance personnel to the remotely located aircraft that required service. Finally, even in cases where individual permits could be readily obtained, the procedure imposed an administrative burden on both the operator and the FAA.

Based on the number of petitions for exemption, the considerations that led to grants of exemption, and the overall regulatory policy of granting the same relief to all certificate holders that had been given by exemption to a few, the FAA proposed in Notice 80-23 (45 FR 80450; December 4, 1980) that the eligibility for a special flight permit with continuing authorization be extended to all Part 135 operators. Accordingly, the notice proposed to amend § 21.197(c) by

deleting the special provision for large aircraft operating under § 135.2 and substituting instead an eligibility provision covering all Part 135 aircraft operated and maintained under a prescribed continuous airworthiness maintenance program.

The proposed amendment to § 21.197 is one of 32 proposed changes contained in Notice 80–23. The other proposals of Notice 80–23 do not relate special flight permits and will be dealt with in other rulemaking actions.

Three comments were received on the proposal. All of the commenters concurred in the proposal; however, one commenter recommended further extending the eligibility to manufacturers to allow them to ferry uncertificated (i.e., "green") aircraft from one manufacturing facility to another. This suggestion is beyond the scope of the notice since the proposal was clearly limited to Part 135 operators flying aircraft to a base where maintenance or alterations are to be performed. Morever, the commenter did not explain why manufacturers need such a permit or why current procedures are inadequate.

Discussion of the Amendment

The revision of § 21.197 adopted by this amendment is the same as the one proposed in Notice 80–23. Under the amendment, the specific guidelines, conditions, and limitations for administering the authorization for certificate holders under Part 135 will be identical to those for certificate holders under Parts 121 and 127. Procedurally, the special flight permit with a continuing authorization will be issued as an amendment to the certificate holders' operations specifications using the certificate holders' manual for amplification. The special flight permit with continuing authorization will eliminate the considerable economic and administrative burden on the certificate holders under Part 135, and the affected FAA elements associated with individual special flight permits needed for ferrying aircraft to bases where maintenance can be performed. Through approval of the certificate holder's continous airworthiness maintenance programs, by setting conditions and limitations in operations specifications, and by prescribing detailed instructions in the certificate holder's manual, the FAA's issuance of special flight permits with continuing authorization afford an equivalent level of safety to that established when the FAA issues individual special flight permits. It should be noted that no flight conducted under a special flight permit with a continuing authorization will involve carriage of passengers.

Based upon its experience with Parts 121 and 127 operators, the FAA concludes that allowing air taxi operators the same rights to be eligible for continuing authorization of special flight permits is in the public interest. It will allow a segment of the aviation industry that maintains its aircraft under a continuous airworthiness maintenance program the same rights as other segments. The rule does not grant blanket authority solely because the operator uses a continuous airworthiness maintenance program, but gives eligibility to all those operators. Special flight permits with continuing authorization will be granted on an individual operator basis, similar to those granted to Part 121 and Part 127 operators.

Adoption of the Amendment

Accordingly, Part 21 of the Federal Aviation Regulations (14 CFR Part 21) is amended effective July 23, 1981, as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

By revising § 21.197(c) to read as follows:

§ 21.197 Special flight permits.

* * * * *

(c) Upon application, as prescribed in §§ 121.79, 127.27, and 135.17 of this chapter, a special flight permit with a continuing authorization may be issued for aircraft that may not meet applicable airworthiness requirements but are capable of safe flight for the purpose of flying aircraft to a base where maintenance or alterations are to be performed. The permit issued under this paragraph is an authorization, including conditions and limitations for flight, which is set forth in the certificate holder's operations specifications. The permit issued under this paragraph may be issued to—

(1) Certificate holders authorized to conduct operations under Part 121 or Part 127 of this chapter; or

(2) Certificate holders authorized to conduct operations under Part 135 for those aircraft they operate and maintain under a continuous airworthiness maintenance program prescribed by § 135.411 (a)(2) or (b) of that part.

* * * * *

(Secs. 313(a), 314, and 601 Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1355, and 1421); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.49).)

Note.—Since this amendment is relaxatory in nature and affects relatively few aircraft operators, it has been determined that this document (1) involves a regulation which is not a major rule under Executive Order 12291; (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) under the criteria of the Regulatory Flexibility Act, promulgates a rule that will not have a significant economic impact on a substantial number of small entities.

A copy of the final regulatory evaluation for this action is contained in the public docket. A copy of that evaluation may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C. on July 1, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81–21884 Filed 7–22–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–GL–6–AD; Amdt. 39–4172]

Airworthiness Directive; Bellanca Aircraft Corporation Model 8KCAB, FAA Approved Airplane Flight Manuals and Model 7ECA, 7GCAA, 7GCBC, and 7KCAB Operations Limitations Instructions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), which requires information to be added to:

1. Bellanca Model 8KCAB, FAA Approved Airplane Flight Manuals and;
2. Bellanca Models 7ECA, 7GCAA, 7GCBC and 7KCAB Operations Limitations Instructions.

This AD is being issued as a result of NTSB Safety Recommendation No. A–81–45, which addressed improper field installations of occupant safety belts. This AD is being enacted to prevent a potentially dangerous situation. Due to improperly installed front seat occupant "competition harness" safety belts, the rear seat stick becomes entangled in the front seat safety belt.

DATES: Effective—July 28, 1981.

ADDRESSES: Written comments are not requested.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth W. Payauys, Engineering and Manufacturing Branch, AGL–210, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7138.

SUPPLEMENTARY INFORMATION: The FAA agrees with the NTSB Safety Recommendation No. A–81–45 except that the AD should not be limited to the Bellanca Model 8KCAB only. The FAA believes that similar field installations of occupant safety belts may be made in Bellanca Model 7ECA, 7GCAA, 7GCBC and 7KCAB airplanes, and that these airplanes should be included for proper consideration.

In many instances, the original lap belt and single diagonal shoulder harness has been supplemented with an additional harness for competition aerobatics. This additional harness is provided as an option by the manufacturer, or as an added alteration by other persons.

At least two accidents have occurred because the competition harness was not configured according to the approved data. Namely, the harness straps were passed behind the seat back so as to foul the rear control stick in the full forward position. The proper installation should insure that the harness straps be installed on the forward side of the front seat back cushion.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Bellanca Aircraft Corporation. Applies to Models 8KCAB, 7ECA, 7GCAA, 7GCBC and 7KCAB airplanes certificated in Acrobatic category.

To insure that the competition harness (also referred to as the ACRO harness) is installed properly, accomplish the following before further flight:

1. Unless previously accomplished, insert figure I of this AD into all applicable aircraft having approved flight manuals.

2. Attach figure I of this AD to all "Operating Limitations Instructions" (yellow card) for those applicable aircraft where a flight manual is not required (Model 7 Series airplanes).

3. Inspect all competition harness installations to insure that the shoulder straps are installed in accordance with figure I of this AD. Insure that the shoulder straps of the added harness pass on the forward side of the seat back.

This amendment becomes effective July 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing the Engineering and Manufacturing Branch, AGL–210, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. It has also been determined under the criteria for the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. The aforesaid determinations under the Regulatory Flexibility Act and Executive Order 12291 are based upon the small number of aircraft and entities which will be affected by the AD, and upon the minimal cost which these entities will incur in complying with this AD.

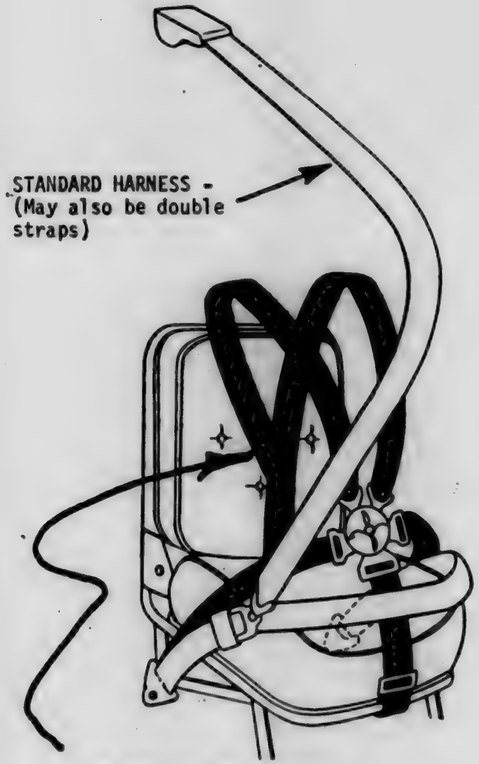
This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois, July 13, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

BILLING CODE 4910–13–M



SUPPLEMENTAL ACRO HARNESS
(Shoulder Straps must be on forward side of seat back)

NOTE: Acro harness does not provide for forward restraint crash protection and therefore should always be used with primary lap belt and shoulder strap.

WEARING FRONT SEAT ACRO HARNESS

ACRO HARNESS ASSEMBLY INCLUDES:

-Double Shoulder Harness with retractor reel.
-Lap belt (L & R portions).
-Groin strap.
-Five point buckle.

Installation:

-Extend shoulder harness from reel.
-Adjust over shoulders and couple to buckle.
-Allow shoulder harness reel to retract and adjust harness placing the buckle above the waist but below the chest.
-Attach both lap belt portions to buckle and tighten.

CAUTION

DO NOT ALLOW SHOULDER HARNESS TO RUN UP BEHIND THE FRONT SEAT BACK WHERE IT MAY POSSIBLY INTERFERE WITH REAR STICK MOVEMENT.

Figure 1 of A.D. Note 39-4172

[FR Doc. 81-21332 Filed 7-22-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 81-GL-07-AD; Amdt. 39-4169]

Airworthiness Directives; Dowty Rotol (c) R.289/3 Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new Airworthiness Directive (AD), which was previously made effective by priority mail letter dated June 12, 1981, AD 81-13-05, applicable to Dowty Rotol (c) R.289/3-110-F/1 and (c) R.289/3-110-F/11 propellers installed on the WSK-Pezetel Model PZL-3S engine used on Gulfstream American (formerly Grumman) Model G-164A, B, C airplanes modified by Supplemental Type Certificate (STC) SA 2731SW, and Ayres (formerly Rockwell) Model S2R-R3S, and Model S2R airplanes modified by STC SA3897WE. This amendment requires a repetitive visual inspection of the propeller blade leading edge for damage prior to each engine start or prior to accumulating three hours of engine operating time, whichever occurs first, and a dye penetrant inspection every 15 hours of engine operating time to preclude the possibility of catastrophic propeller blade tip failure.

DATES: Effective—July 28, 1981.

Comments related to this amendment must be received on or before September 1, 1981. Depending on the comments received, the requirements of this amendment may be modified.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: None. No service document is required for compliance with this AD.

FOR FURTHER INFORMATION CONTACT: Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-7130.

SUPPLEMENTARY INFORMATION: This amendment was prompted by two blade tip failures on airplanes utilizing this engine/propeller combination that were in compliance with previously issued ADs 81-05-04 and 81-07-09 which imposed a restricted operating range and required reindexing the propeller to the engine crankshaft to reduce blade tip stress. This new AD is necessary in addition to the previously issued ADs to preclude the possibility of catastrophic propeller blade tip failures which may lead to loss of life or property.

Failures of the blade in the form of cracks or tip separations are directly related to vibration fatigue which initiates from nicks and gouges in the leading edge in the outer 15 inches of the blade. Accordingly, this AD prescribes frequent inspection for damage and cracks in the blade leading edge. Nicks must be removed by certificated mechanics or propeller repair stations using procedures and techniques prescribed in Section 3 of Advisory Circular 43.13.1A or in accordance with instructions provided by Dowty Rotol.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective immediately.

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Dowty Rotol. Applies to Dowty Rotol (c)R.289/3-110-F/1 and (c)R.289/3-110-F/11 propellers used on the WSK-Pezetel Model PZL-3S engine installed on but not limited to Gulfstream American (formerly Grumman) Model G-164A, B, C airplanes modified by STC SA2731SW, and Ayres (formerly Rockwell) Model S2R-R3S, and Model S2R airplanes modified by STC SA3897WE.

Compliance is required as indicated unless previously accomplished. To preclude the possibility of blade tip failures, accomplish the following:

Prior to each engine start or prior to accumulating 3 hours of engine/propeller operating time, whichever occurs first, using a 2x to 5x power magnifying glass, or equivalent, visually inspect for cracks, scratches, pitting, nicks, dents or gouges the outer 15 inches of the leading edge on propeller blades, P/N 660705335, in the area extending at least one inch on either side of the leading edge. No cracks or damage are permitted. Any blades with cracks must be replaced with an airworthy blade before further flight. All surface damage in the form of scratches, pitting, nicks, dents or gouges must be removed before further flight in accordance with Dowty Rotol Service Instructions or Section 3 of Advisory Circular 43.13-1A.

In addition, prior to accumulating 15 hours of engine/propeller operating time, using dye penetrant or equivalent, inspect the outer 15 inches of the leading edge of propeller blades, P/N 660705335, in the area extending at least one inch on either side of the leading edge for cracks and reinspect at least once every 15 operating hours thereafter. No cracks are permitted, and any blades with cracks must be replaced with an airworthy blade before further flight.

Upon request of the operator, an equivalent means of compliance with the requirement of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region.

This amendment becomes effective July 28, 1981 as to all persons except those to whom it was made immediately effective by the priority mail letter dated June 12, 1981, AD 81-13-05, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on July 14, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-21337 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-GL-17-AD; Amdt. 39-4171]

Airworthiness Directives; Dowty Rotol (c)R.175 Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires an inspection for cracks in the hub and driving center assembly, P/Ns 601022104 and 601022420, of certain Dowty Rotol Root 30 propellers, replacement of the hub if cracks are found, and repetitive inspections of the hub and driving center assembly until a modified hub and driving center assembly is incorporated. The AD is needed to prevent failures of the propeller hub which could occur if cracks are not detected before the hub strength is reduced to an unsafe level.

DATES: Effective—July 28, 1981.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service documents may be obtained from:

Dowty Rotol, Inc, Staverton West, Sully Road, Box 5000, Sterling, VA 22170

or

Dowty Rotol, Ltd., Cheltenham Road, Gloucester, England GL2 9QH.

A copy of the applicable service documents is contained in the Rules Docket, Office of the Regional Counsel, Great Lakes Region, Room 415, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-7130.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection of Dowty Rotol (c)R.175 propellers was published in the Federal Register at 45 FR 66175, October 6, 1980. The proposal was prompted by Dowty Rotol Service Bulletin No. 61-909 which was classified as mandatory by the British Civil Aviation Authority.

There have been reports of cracks occurring in the radius between the front wall and the snout of the hub on certain Dowty Rotol Root 30 propellers (Type R.175/4-30-4/13E), with hub and driving center assembly, P/Ns 601022104 or 601022420, that do not have Dowty Rotol Service Bulletin 61-604 (Mod. No. (c) VP2388) incorporated. This can seriously reduce the structural integrity of the propeller hub, and if undetected could cause a propeller to fail. Since this condition is likely to exist on other propellers of the same type design, this AD would require repetitive inspections on these propellers until modified by Service Bulletin 61-604.

Interested persons have been afforded the opportunity to participate in the making of the amendment and no comments were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Dowty Rotol Ltd. Applies to Dowty Rotol propellers Type R175/4-30-4/13E with hub and driving assembly, P/Ns 601022104 or 601022420, which do not have Dowty Rotol Service Bulletin 61-604 (Mod. No. (c)VP2388) incorporated, as installed on, but not limited to Fairchild F-27, F-27B, and Fokker F-27 Mks 100, 300, and 700 airplanes.

Compliance is required as indicated, unless already accomplished.

To prevent propeller failure due to cracking of the propeller hub, accomplish the following repetitive actions until modified in accordance with paragraph (d) below:

(a) Propeller hubs with less than 20,000 total hours time in service, inspect in accordance with paragraph (c) at next overhaul or prior to accumulating 22,000 total hours, whichever occurs first, and reinspect in accordance with paragraph (c) at each subsequent overhaul. If an operator finds a cracked hub in his fleet, the reinspection interval must not exceed 2,000 operating hours on all of his propellers that exceed 20,000 total hours.

(b) Propeller hubs with 20,000 or more total hours time in service, inspect as follows:

(1) Hubs with more than 1400 hours since last inspection or overhaul, inspect in accordance with paragraph (c) prior to accumulating 600 additional operating hours after the effective date of this AD and reinspect in accordance with paragraph (c) at each subsequent overhaul. If an operator finds a cracked hub in his fleet, the reinspection interval must not exceed 2,000 operating hours on all of his propellers that exceed 20,000 total hours.

(2) Hubs with less than 1400 hours since last inspection or overhaul, inspect in accordance with paragraph (c) prior to accumulating 2,000 hours since last inspection or overhaul and reinspect at each subsequent overhaul. If an operator finds a cracked hub in his fleet, the reinspection interval must not exceed 2,000 operating hours on all of his propellers that exceed 20,000 total hours.

(c) Inspection Procedure:

(1) During overhaul or propeller disassembly, crack test the hub front wall to snout radius in accordance with Part 2A of Dowty Rotol Service Bulletin No. 61-909 dated September 19, 1978, as revised March 12, 1979, or FAA approved euivalent. If cracks are found, replace the cracked hub with a hub known to be free of cracks.

(2) For propellers between overhauls, remove, disassemble, inspect, reassemble and reinstall in accordance with Part 2B of Dowty Rotol Service Bulletin No. 61-909 dated September 19, 1978, as revised March 12, 1979, or FAA approved equivalent. If cracks are found during inspection, additional propeller disassembly is necessary to replace the cracked hub with a hub known to be free of cracks, and testing and rebalancing and resetting blade angles is necessary.

(d) Terminating Action:

The inspections required by this AD may be discontinued when propellers are modified by Dowty Rotol Service Bulletin No. 61-604 (Mod. No. (c) VP2388) dated July 1988 as revised by Revision 2 dated November 24, 1971, or FAA approved equivalent.

Upon request of an operator, the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region, may adjust the compliance time specified in paragraph (a) of this AD provided such requests are made through an FAA maintenance inspector, and the request contains substantiating data to justify the request for that operator.

For purposes of this AD, an FAA approved equivalent must be approved by the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region.

This amendment becomes effective July 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, FAA, 2300 East Devon Ave., Des Plaines, Illinois 60018. It has also been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have significant economic impact on a substantial number of small entities. The aforesaid determinations under the Regulatory Flexibility Act and Executive Order 12291 are based upon the small number of aircraft and entities which will be affected by this AD, and upon the minimal cost which these entities will incur in complying with this AD.

The manufacturer's specifications and procedures identified in the directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to:

Dowty Rotol, Inc., Staverton West, Sully Road, Box 5000, Sterling, VA 22170

or

Dowty Rotol, Ltd., Cheltenham Road, Gloucester, England GL2 9QH.

These documents may also be examined at the Great Lakes Region, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on July 13, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-21334 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-GL-14-AD; Amdt. 39-4170]

Airworthiness Directives; Dowty Rotol Root 20, 30 and 40 Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires a one-time inspection of the pitch lock cylinder for cracks and a dimensional check in specified areas of the pitch lock cylinder and the lock support sleeve of Dowty Rotol Root 20, 30 and 40 propellers, replacement of the pitch lock cylinder if cracks are found, and rework of the pitch lock cylinder and lock support sleeve if incorrect dimensions are found. This AD is needed to prevent fatigue failures of the propeller pitch lock which could result in loss of control of the propeller.

DATES: Effective—July 28, 1981.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service documents may be obtained from:

Dowty Rotol, Inc., Staverton West, Sully Road, Box 5000, Sterling, VA 22170

or

Dowty Rotol, Ltd., Cheltenham Road, Gloucester, England GL2 9QH.

A copy of the applicable service documents is contained in the Rules Docket, Office of the Regional Counsel, FAA, Great Lakes Region, Room 415, 2300 E. Devon Avenue, Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT:

Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312/694-7130.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection of Dowty Rotol Root 20, 30 and 40 propellers was published in the Federal Register at 45 FR 58134 September 2, 1980. The proposal was prompted by Dowty Rotol Service Bulletin No. 61-908 which was classified as mandatory by the British Civil Aviation Authority.

There have been reports of cracks occurring in the pitch lock cylinder on Dowty Rotol Root 20, 30 and 40 propellers which have Dowty Rotol Service Bulletin 61-838 (Mod. No. (c)VP2833) or SB 61-889 (Mod. No. (c)VP2866) incorporated. Cracks could cause the pitch lock cylinder to fail and result in loss of adequate control of the propeller in certain regimes of airplane operation.

Since this condition is likely to exist or develop on other propellers of the same type design, the AD requires (a) a one-time inspection of the pitch lock cylinder to detect cracks; (b) replacement of cracked pitch lock cylinders; (c) a dimensional check and rework as needed of the pitch lock cylinder chamfer; and (d) a dimensional check and rework as needed of the lock support sleeve internal chamfer, as installed on certain Dowty Rotol Root 20, 30 and 40 type propellers, and pitch lock cylinders and lock support sleeves held as spares.

Interested persons have been afforded the opportunity to participate in the making of the amendment and comments were received. The National Business Aircraft Association, Inc. apprised us that the latest revision to Dowty Rotol Service Bulletin No. 61-908 was Revision 4 dated June 12, 1980, and otherwise concurred with the proposed AD.

Indian Airlines of Calcutta indicated they have been complying with Dowty Rotol Service Bulletin No. 61-908 since 1978, and they have not found any cracks in any of their propellers.

The FAA concurred with these comments and they are incorporated in this AD.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Dowty Rotol, Ltd. Applies to the 7 Dowty Rotol propeller types listed which have Mod. No. (c)VP2833 (Service Bulletin 61-838) or Mod. No. (c)VP2866 (Service Bulletin 61-889) incorporated, as installed on, but not limited to the airplane models shown, and pitch lock cylinders and lock support sleeves, P/N 601027277, held as spares.

Note.—This AD does not apply to propellers Serial No. DRG 67/78 and subsequent or any pitch lock assembly having a ¾ inch white paint spot on the cylinder cover.

Propeller type	Installed airplane model
R184/4-30-4/50...	Grumman G-159.
R193/4-30-4/50 & 61.	Fairchild F-27A, F, G, and J; Fokker F-27 Mks 200, 400, 500 & 600; Fairchild Hiller FH-227 Series.
R257/4-30-4/60...	Fairchild F-27M; Fairchild Hiller FH-227 B, C, D & E.
R209/4-40-4.5/2.	YS11 & 11A.
R245/4-40-4.5/13.	GD/Convair 240 with STC # SA1054WE installed, GD/Convair 340/440 with STC # SA1086WE installed.
R259/4-40-4.5/17.	GD/Convair 340/440 with STC # SA1086WE installed.
R179/4-20-4/33...	Viscount 810 Series.

Compliance is required as indicated, unless already accomplished.

To prevent cracks in the propeller pitch lock cylinder, accomplish the following one-time only actions:

(a) Within the next 1,000 hours time in service after the effective date of this AD, or at the next propeller overhaul, whichever occurs first, inspect the propeller pitch lock cylinder for cracks in accordance with paragraph 2.A., "Accomplishment Instructions," of Dowty Rotol Service Bulletin 61-906, Revision 4, dated June 12, 1980 (hereinafter referred to as service bulletin), or an FAA-approved equivalent, and—

(1) If any cracks are found, before further flight, remove the pitch lock cylinder from service and replace it with a crack-free pitch lock cylinder of the same part number, which has been inspected and, if necessary, reworked and reprotected in accordance with paragraphs (b) and (c) of this AD.

(2) If no cracks are found, comply with paragraphs (b) and (c) of this AD before further flight.

(b) Inspect the chamfer around the snout adjacent to the radius at the base of the bore at the forward end of the pitch lock cylinder in accordance with paragraph 2.A.(5) of the service bulletin, or an FAA-approved equivalent and—

(1) If the chamfer is found to be within the dimensions shown in Figure 2 of the service bulletin, or an FAA-approved equivalent, the pitch lock cylinder may be returned to service.

(2) If the chamfer is found to be outside the dimensions shown in Figure 2 of the service

bulletin, or an FAA-approved equivalent, rework and reprotect it in accordance with paragraph 2.A.(5) of the service bulletin, or an FAA-approved equivalent before returning the pitch lock cylinder to service.

(c) Inspect the large internal chamfer at the rear end of the lock support sleeve, P/N 601027277, in accordance with paragraph 2.A.(6) of the service bulletin, or an FAA-approved equivalent, and—

(1) If the dimensions are found to be within the dimensions shown in Figure 3 of the service bulletin, or an FAA-approved equivalent, the lock support sleeve may be returned to service.

(2) If the dimensions are found to be outside the dimensions shown in Figure 3 of the service bulletin, or an FAA-approved equivalent, rework and reprotect the lock support sleeve, P/N 601027277, in accordance with paragraph 2.A.(6) of the service bulletin, or an FAA-approved equivalent, before returning the lock support sleeve to service.

(d) Before releasing to service any pitch lock cylinders held as spares, irrespective of part number, inspect them and remove from spares or rework and reprotect, as required, in accordance with paragraphs (a) and (b) of this AD.

(e) Before releasing to service any support sleeves, P/N 601027277, held as spares, inspect them and remove from spares or rework and reprotect, as required, in accordance with paragraph (c) of this AD.

Upon request of an operator, the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region, may adjust the compliance time specified in paragraph (a) of this AD provided such requests are made through an FAA maintenance inspector, and the request contains substantiating data to justify the request for that operator.

For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region.

This amendment becomes effective July 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60016. It has also been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. The aforesaid determinations under the Regulatory Flexibility Act and Executive Order 12291 are based upon the small number of aircraft and entities which will be affected by this AD, and upon the minimal cost which these entities will incur in complying with this AD.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to:

Dowty Rotal, Inc., Staverton West, Sully Road, Box 5000, Sterling, VA 22170

or

Dowty Rotol, Ltd., Cheltenham Road, Gloucester, England GL2 9QH.

These documents may also be examined at the Great Lakes Regional Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on July 13, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-21335 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21986; Amdt. 39-4174]

Airworthiness Directives; Flug Und Fahrzeugwerke AG Model Diamant 16.5 and 18 Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which supersedes an existing airworthiness directive (AD) applicable to certain Flug Und Fahrzeugwerke AG Model Diamant 16.5 and 18 Gliders. The new AD provides for terminating action of the operating limitations required by the existing AD by making mandatory the incorporation of wing reinforcements.

DATES: Effective—August 6, 1981.

Compliance schedule—as prescribed in the body of the AD.

ADDRESS: The applicable service bulletin may be obtained from: Flug Und Fahrzeugwerke AG, CH-9422 Staad-SG, Switzerland.

A copy of each service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

[1] Service bulletins were filed as a part of the original document.

FOR FURTHER INFORMATION CONTACT:

C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-3905 (45 FR 57368), AD 80-18-09, which currently requires the installation of a legible operating limitations placard in full view of the pilot on certain Flug Und Fahrzeugwerke AG Model Diamant 16.5 and 18 gliders. The AD was necessary to reduce the possibility of wing failure due to possible inadequate bonding of the wing spar cap to the wing shear web. After issuing Amendment 39-3905 the FAA determined that certain wing reinforcements on the gliders are necessary to preclude wing failure. These wing reinforcements will terminate the operating limitations required by the existing AD. Therefore, the FAA is superseding Amendment 39-3905 (AD 80-18-09) by requiring an inspection and repair of inadequate bonding between the upper hat section and the shear web, reinforcement of the right hand wing stub spar, and eliminating the requirement for the operating limitations placard.

Since a situation exists that requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Flug Und Fahrzeugwerke AG. Applies to Model Diamant 16.5 and 18 gliders, serial numbers 11 through 80, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To reduce the possibility of wing failure due to possible inadequate bonding of the wing spar cap to the wing shear web, accomplish the following:

(a) Before further flight, install a legible operating limitations placard in full view of the pilot that reads:

"V_{NE}—Never Exceed Speed 103 MPH, 90 KTS
VA—Caution Speed Range 74 to 103 MPH, 64 to 90 KTS
No Abrupt Control Movements—Avoid Turbulence
Maximum Maneuver Load Factor: +2.8 to −1.4
Maximum Gust Load Factor: +3.5 to −1.75,"

or install an equivalent placard approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(b) Prior to the accumulation of 1500 hours time in service or 50 hours after the effective date of this AD, whichever comes later, for gliders with serial numbers 26 through 80, and 1000, hours time in service or 50 hours after the effective date of this AD, whichever comes later, for gliders with serial numbers 11 through 25:

(1) Inspect, and repair as necessary, wing bonding in accordance with paragraphs 2 and 3, "Inspection Instructions," of Flug Und Fahrzeugwerke AG Service Bulletin No. 07, dated December 1978, or an FAA-approved equivalent; and

(2) For gliders with serial numbers 26 to 80, reinforce right hand wing stub spar in accordance with paragraph 2, "Accomplishment Instructions," of Flug Und Fahrzeugwerke AG Service Bulletin 06, dated December 1978, or an FAA-approved equivalent.

(3) For gliders with serial numbers 11 through 25, reinforce right hand wing stub spar in accordance with paragraph 2, "Accomplishment Instructions," of Flug Und Fahrzeugwerke AG Service Bulletin 08A, dated February 1979, or an FAA-approved equivalent.

(c) Upon accomplishment of the inspection, repair and wing reinforcement required by paragraph (b) of this AD, the flight limitations placard required by paragraph (a) of this AD is no longer required.

(d) If an equivalent means of compliance is used in complying with paragraph (b) of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment supersedes Amendment 39-3905, AD 80-18-09.

This amendment becomes effective Aug. 6, 1981

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Flug Und Fahrzeugwerke AG, CH-9422 Staad SG, Switzerland. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on July 16, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-21333 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 75-SW-7; Amdt. 39-4166]

Airworthiness Directives; Gulfstream American (Rockwell) Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), and 720 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an amendment to an existing Airworthiness Directive (AD), applicable to Gulfstream American (Rockwell) Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), and 720 to require additional inspections, repair, or modification to the "bob-weight" mounting bracket side supports to prevent crack recurrence.

DATES: Effective August 9, 1981. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Gulfstream American Corporation, 5001 North Rockwell Avenue, Bethany, Oklahoma 73008.

These documents may also be examined at the o[illegible] of the Regional Counsel, Soutl[illegible] Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

James L. Patras, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) to amend Part 39 of the Federal Aviation Regulations to amend an existing airworthiness directive requiring inspection, repair, or modification to prevent crack recurrence on Gulfstream American Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), and 720 airplanes, was published in the Federal Register (46 FR 26070).

The NPRM was needed because inspection of six aircraft found cracks in the original "bob-weight" support installation. Total hours since the "bob-weight" installation averaged 3,220 hours prior to detecting cracks. This condition is likely to exist or develop on other aircraft with the "bob-weight" installation. This amendment to the AD would require inspection, repairs, or modification of the structure to prevent recurrence. Gulfstream American (Rockwell) Service Bulletin No. 179 dated January 26, 1981; Service Bulletin No. 129, Revision 4, dated January 26, 1981; and Service Bulletin No. 136, Revision 3, dated January 26, 1981, refer to this subject.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39.2223, 40 FR 21178, AD 75-12-01, as follows:

(1) Add the following paragraphs after the second paragraph of the AD:

Aircraft that have complied with Service Bulletin No. 129, prior to Revision 4 dated January 26, 1981, or Service Bulletin No. 136 prior to Revision 3 dated January 26, 1981, must comply with Service Bulletin No. 179 dated January 26, 1981, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, unless already accomplished. Initial

compliance with the inspection specified in Service Bulletin No. 179 by an appropriate mechanic or repair station is required within 25 hours' time in service after the effective date of this amendment to the AD. When compliance with the repair or strengthening of the supports in accordance with Service Bulletin No. 179, or Service Bulletin No. 129, Revision 4, or Service Bulletin No. 136, Revision 3, has been accomplished, the repetitive inspection of Service Bulletin No. 179 may be discontinued.

In accordance with FAR 21.197, a ferry flight is permitted to a base where the inspection, repair or modification required by this AD may be accomplished.

(2) Change the last paragraph to read as follows:

Copies of these bulletins may be obtained by contacting the Service Manager, Gulfstream American Corporation, 5001 North Rockwell Avenue, Bethany, Oklahoma 73008.

This amendment becomes effective August 9, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89.)

Note.—The FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) nor will it have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. An evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on July 9, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-21330 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-13-AD; Amendment 39-4167]

Airworthiness Directive; Rockwell International Models NA-265-60, NA-265-70 and NA-265-80 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Rockwell International Models NA-265-60, NA-265-70 and NA-265-80 airplanes and codifies the corresponding emergency AD letter dated June 16, 1981, and identified as AD 81-13-04 into the Federal Register. This AD requires measurement of the inside diameter of the trunnion on the aft side of the main landing gear (MLG) shock strut outer cylinder to determine if an approved part is installed. It further requires replacement of ineligible outer cylinders with an airworthy part (P/N 1127L001-3, -4, -5 or -6 as appropriate) prior to further flight. Use of the ineligible parts could result in failed landing gear because the parts do not meet the strength requirements for the above-listed airplane models.

DATES: Effective date: July 30, 1981, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated June 16, 1981.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Sabreliner Service Bulletin No. 81-4, dated June 11, 1981, pertains to this matter. This Bulletin may be obtained from Rockwell International, Sabreliner Division, Technical Publications, Dept. 732, Perryville Municipal Airport, Perryville, MO 63775; Telephone (314) 543-2212.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the right MLG shock strut outer cylinder failed on a Rockwell International Model NA-265-80 airplane. The airplane subsequently made a gear-up landing. During the investigation as to the cause of the outer cylinder failure, it was determined that a P/N 1127L001-2 outer cylinder was installed instead of the approved P/N 1127L001-4 or -6 for the right MLG. The P/N 1127L001-1 and -2 are approved for the basic NA-265-60 model airplane and all earlier lighter models. Further investigation indicated that the mix-up occurred at Menasco, Incorporated, the landing gear vendor during 1974 and 1975, when Rockwell International was producing Models NA-265-40, NA-265-60 and NA-265-80 airplanes simultaneously during these 2 years.

In addition to being ineligible on the NA-265-80 and -70, the 1127L001-1 and -2 outer cylinder is ineligible on NA-265-60 airplanes that have been modified with the Raisbeck conversion. This conversion increases the gross weight. Serial numbers of the modified airplanes are known and are listed in the AD. Use of the ineligible parts could result in failed landing gear because the parts do not meet the strength requirements for the above-listed models. The FAA determined that this was a serious safety hazard, that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, an emergency AD airmail letter dated June 16, 1981, was sent to all known registered owners of the affected airplanes. The AD, which is identified as 81-13-04, sets forth a means for detecting and correcting ineligible outer cylinder installations. AD 81-13-04 became effective to registered owners upon receipt of the airmail letter. Since the unsafe condition described herein may still exist on other airplanes of the models referred to herein, AD 81-13-04 is being published in the Federal Register as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Rockwell International: Applies to Models NA-265-60 (S/N 306-5, -8, -12, -10, -24, -47, -50, -71, -73, -81, -109, -116, -119, and -122); NA-265-70 (S/N 370-1 through -9); and NA-265-80 (S/N 380-1 through -72) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished. Reflect this AD compliance by an appropriate entry in the aircraft maintenance records.

(A) Prior to next flight, clean interior of (MLG) shock strut trunnion and measure inside diameter of trunnion from aft side of gear using an internal micrometer. (Ref. Fig. 1 Sabreliner Service Bulletin 81-4, dated June 11, 1981.)

1. If measurement is 2.948 inches or less, return the airplane to service with an appropriate entry in the aircraft maintenance record.

2. If the measurement exceeds 2.948 inches, either replace the outer cylinder with an airworthy part (P/N 1127L001-3, -4, -5, or -6) and return the aircraft to service with an appropriate entry in the aircraft maintenance record, or remove the airplane from service and contact the FAA Aircraft Certification Program Office at telephone (316) 942-4210.

(B) A special flight permit, in accordance with Federal Aviation Regulation (FAR) 21.197 for a flight by the most direct route to a base where maintenance can be performed, is authorized provided a dye penetrant check of the shaded area of the main landing gear shock strut outer cylinder as shown on Figure 1 of Sabreliner Service Bulletin No. 81-4, dated June 11, 1981, is conducted and no cracks are found. If cracks are found, a ferry flight will not be authorized unless the defective outer cylinder is replaced with an airworthy part (P/N 1127L001-3, -4, -5, or -6). The airplane shall be limited to a maximum gross weight of 20,500 pounds and a landing weight of 17,500 pounds for this special flight.

(C) The owner/operator shall report defects found to the Chief, Aircraft Certification Program at the address shown in Paragraph (D) below, within 48 hours of the inspection. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4285.

Sabreliner Service Bulletin No. 81-4, dated June 11, 1981, pertains to the subject matter of this AD.

This amendment becomes effective on July 30, 1981, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated June 16, 1981, and is identified as AD 81-13-04.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Courts of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on July 10, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-21330 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 18

[T.D. 81-197]

Domestic Baggage Transported Through Foreign Territory; Customs Form Discontinued

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule deletes a provision of the Customs Regulations, relating to procedures used by Customs and carriers for manifesting domestic baggage transported from one port in the United States to another port via a foreign port or through foreign territory. The use of the special tag manifest, In-Transit Baggage Manifest (Customs Form 7524), on baggage transported on trains on the United States-Canadian border is being discontinued because changes in train traffic patterns have made the use of the special tag manifest unnecessary.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. Schenarts, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5607).

SUPPLEMENTARY INFORMATION:

Background

Frequently, checked baggage of domestic origin is transported from port-to-port in the United States by way of a foreign port or through foreign territory. Section 18.15, Customs Regulations (19 CFR 18.15), provides that upon request of the carrier, a special manifest furnished by the carrier may be completed and attached, under Customs supervision, to each piece of that baggage. For any such baggage transported via a Canadian port or through Canadian territory, a joint United States-Canada in-transit baggage card (Customs Form 7524/Canada Customs Form A-21) is used as the special manifest. The Customs Form 7524 identifies the baggage as being in transit, and allows Customs greater discretion in selecting a particular piece of baggage for inspection.

Representatives of the three Customs regions which have used Customs Form 7524 in the past concur that its use should be discontinued. The San Francisco Region no longer has any train traffic to which the form would be applicable, and its use in the Boston and Chicago Regions has been rare in recent years. The Chicago Region already has discontinued use of the form, and the Boston Region now has no baggage car traffic to which the form would be applicable. The representatives of three regions also have contacted affected carriers about the proposal to eliminate use of Customs Form 7524 and have met with no objections. The form itself has not been printed by Customs for several years.

Canadian Customs does not object to this action because it may continue to use its form(s), or simply examine the baggage.

Accordingly, section 18.15 is deleted.

Notice and Public Procedure Unnecessary

Because this minor amendment involves a matter of internal agency administration and does not impose any additional affirmative duty or burden on the public, but rather, merely simplifies Customs procedure by discontinuing use of an unnecessary form, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary, and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291 and Regulatory Flexibility Act

It has been determined that the amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis has been prepared.

In addition, it has been determined that the amendment is not subject to the provisions of Pub. L. 96-354, the Regulatory Flexibility Act (5 U.S.C. 601-612), because publication of a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, other Customs personnel participated in its development.

Amendment to the Regulations

§ 18.15 [Removed]

Part 18, Customs Regulations (19 CFR Part 18), is amended by removing § 18.15.

(R.S. 251, as amended, sections 554, 624, 46 Stat. 743, 759 (19 U.S.C. 66, 1554, 1624))

William T. Archey,
Acting Commissioner of Customs.

Approved: July 14, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81-21688 Filed 7-22-81; 8:45 am]
BILLING CODE 4810-22-M

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19 CFR Part 151

[T.D. 81-189]

Examination of Cigars, Cigarillos, and Tobacco of Cuban Origin

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations to centralize responsibility for the general supervision of the examination of all imported tobacco which may be of Cuban origin, in the tobacco National Import Specialist at the port of New York.

Previously, tobacco suspected to be of Cuban origin was examined by import specialists at the ports of New York and Tampa.

Customs has determined that to improve the efficiency of service to the public and to utilize fully its personnel resources, centralization of that examination function is necessary.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: George Pinto, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2957).

SUPPLEMENTARY INFORMATION:

Background

The Cuban Assets Control Regulations issued by the Office of Foreign Assets Control, Department of Treasury (31 CFR 515.201–515.801), prohibit the unlicensed importation of all goods of Cuban origin, all goods imported from or through Cuba, and also the unlicensed importation of merchandise derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

Accordingly, in the early 1960's, Customs developed and issued regulations (present § 151.111, Customs Regulations (19 CFR 151.111)), and operational guidelines designed to prevent the unlicensed importation of cigars, cigarillos, and tobacco, which may be made or derived in whole or in part of Cuban articles, or which may be of Cuban origin.

From the inception of Customs program to implement the provisions of the Cuban Assets Control Regulations, general supervision of the examination of all *cigars* or *cigarillos* suspected of being Cuban articles has been the responsibility of the tobacco import specialist at the port of New York, regardless of the actual U.S. port of importation (section 151.111(a)).

However, § 151.111(b) divided the responsibility for the general supervision of the examination of *tobacco* suspected to be of Cuban origin between the tobacco import specialist at New York and the tobacco import specialist at Tampa, Florida. Supervision of imports of such tobacco occurring in Customs Regions I (Boston), II (New York), III (Baltimore), and IX (Chicago) was assigned to New York, while Tampa supervised examination of such tobacco imported in Regions IV (Miami), V (New Orleans), VI (Houston), VII (Los Angeles), and VIII (San Francisco).

That system of dividing operational responsibility for a commodity between two import specialists is unique in Customs. Headquarters and Regional surveys have uniformly agreed that the present procedures relative to those tobacco importations are contrary to good management principles and do not result in optimum utilization of available import specialist resources. As a result, it has been decided to amend § 151.111 as set forth below to centralize responsibility for examination of tobacco which may be of Cuban origin in the tobacco National Import Specialist at the port of New York. The Tampa position will be used for normal import specialist functional responsibilities within the Tampa Customs District alone.

Notice of Proposed Rulemaking Unnecessary

Because this minor amendment involves a matter relating solely to agency personnel management, pursuant to 5 U.S.C. 553(a)(2), notice and public procedure thereon are unnecessary.

Executive Order 12291 and Regulatory Flexibility Act

It has been determined that the amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis has been prepared.

In addition, it has been determined that the amendment is not subject to the provisions of Pub. L. 96–354, the Regulatory Flexibility Act (5 U.S.C. 601–612), because publication of a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, other Customs personnel participated in its development.

Amendment to the Regulations

Part 151, Subpart I, Customs Regulations (19 CFR Part 151, Subpart I), is amended by revising § 151.111 to read as follows:

§ 151.111 Cigars, cigarillos, and tobacco of Cuban origin.

The tobacco National Import Specialist at the port of New York shall have general supervision of the examination of (a) all cigars or cigarillos which may be made or derived in whole or in part of Cuban articles, and (b) all tobacco which may be of Cuban origin.

(R.S. 251, as amended, sections 499, 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 66, 1499, 1624))

William T. Archey,
Acting Commissioner of Customs.

Approved: July 9, 1981.

Robert E. Powis,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81-21689 Filed 7-22-81; 8:45 am]
BILLING CODE 4810-22-M

Internal Revenue Service

26 CFR Part 1

[T.D. 7784]

Income Tax; Definition of a Private Foundation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the definition of a private foundation. Changes to the applicable tax law were made by Pub. L. 94–81, enacted August 9, 1975. The regulations affect certain tax-exempt organizations seeking to qualify as other than private foundations which acquire unrelated trades or businesses after June 30, 1975. The regulations provide such organizations with guidance necessary to determine whether they qualify as other than private foundations.

DATES: The regulations are effective for taxable years ending after June 30, 1975.

FOR FURTHER INFORMATION CONTACT: Samuel E. Berger of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202–566–3544, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On October 10, 1980, proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 507 and 509 of the Internal Revenue Code of 1954 were published in the **Federal Register** (45 FR 67360). The amendments were proposed to conform the regulations to section 3 of the Act of August 9, 1975 (Pub. L. 94–81, 89 Stat. 418). No comments concerning the proposed regulations were received. No Public hearing was requested or held.

Explanation of Provisions

Prior to the amendment of section 509 (a)(2)(B) of the Internal Revenue Code of 1954, an organization which normally received not more than one-third of its annual support from gross investment income could, if it satisfied the other support requirements of section 509(a)(2), qualify as other than a private foundation. Gross investment income includes, generally, interest, rents, dividends and royalties. The amendment to section 509(a)(2)(B) provides that income from an unrelated trade or business acquired by the organization after June 30, 1975 (less any tax imposed by section 511 on such income), is to be treated like gross investment income in determining whether an organization meets the test under section 509(a)(2)(B).

Drafting Information

The principal author of these proposed regulations is Samuel E. Berger of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations. The proposed amendments to 26 CFR Part 1, as set forth in the notice of proposed rulemaking in the **Federal Register** on October 10, 1980 (45 FR 67360), are hereby adopted as proposed.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805)

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: May 26, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

§ 1.507–2 [Amended]

Paragraph 1. Paragraph (c)(1)(iv)(A) of § 1.507–2 is amended by removing the words "gross investment income" and inserting in lieu thereof "items described in section 509(a)(2)(B)".

Par 2. Section 1.509(a)–3 is amended as follows:

1. Paragraph (a)(1) is amended by adding the heading *"General rule."* and removing the words "one-third gross investment income" in the second sentence and inserting in lieu thereof "not-more-than-one-third support".

2. Paragraph (a)(2) is amended by adding the heading *"One-third support test."*

3. Paragraph (a)(4) is amended by adding the heading *"Purposes."* and removing the words "one-third gross investment income" and inserting in lieu thereof "not-more-than-one-third support".

4. Paragraph (c)(1)(i) is amended by removing the words "gross investment income" in the second sentence wherever it appears and inserting in lieu thereof "items described in section 509(a)(2)(B)".

5. Paragraph (c)(1)(iii)(*a*) is amended by removing the words "one-third gross investment income" in the first sentence and inserting in lieu thereof "not-more-than-one-third support".

6. Paragraph (c)(3) is amended by removing the words "one-third gross investment income" in the first sentence and inserting in lieu thereof "not-more-than-one-third support" and by removing the words "of gross investment income" in the fourth sentence and inserting in lieu thereof "described in section 509(a)(2)(B)".

7. Paragraph (c)(6) is amended by removing the words "gross investment income referred to" in the third sentence of example 1 and inserting in lieu thereof "items described" and by removing the words "gross investment income" in the fourth sentence of example 1 and inserting in lieu thereof "items described in section 509(a)(2)(B)".

8. Paragraph (d)(2) is amended by removing the words "one-third gross investment income" in the first sentence and inserting in lieu thereof "not-more-than-one-third support" and by removing the words "gross investment income" from the second sentence and inserting in lieu thereof "items described in section 509(a)(2)(B)".

9. Paragraph (d)(3)(iii) is amended by removing the words "gross investment income" and inserting in lieu thereof "items described in section 509(a)(2)(B)".

10. Paragraph (e)(4)(i)(*f*) is amended by removing the words "gross investment income" from the second, third, fourth and second sentences of examples 1, 2, 3, and 4 respectively and inserting in lieu thereof "not-more-than-one-third support".

11. Paragraph (a)(3) is revised to read as follows:

§ 1.509 (a)–3 Broadly, publicly supported organizations.

(a) * * *

(3) *Not-more-than-one-third support test*—(i) *In general.* An organization will meet the not-more-than-one-third support test under section 509(a)(2)(B) if it normally (within the meaning of paragraph (c), (d), or (e) of this section) receives not more than one-third of its support in each taxable year from the sum of its gross investment income (as defined in section 509(e)) and the excess (if any) of the amount of its unrelated business taxable income (as defined in section 512) derived from trades or businesses which were acquired by the organization after June 30, 1975, over the amount of tax imposed on such income by section 511. For purposes of this section the amount of support received from items described in section 509(a)(2)(B) will be referred to as the numerator of the not-more-than-one-third support fraction, and the total amount of support (as defined in section 509(d)) will be referred to as the denominator of the not-more-than-one-third support fraction. For purposes of section 509(a)(2), paragraph (m) of this section distinguishes gross receipts from gross investment income.

(ii) *Trade or business.* For purposes of section 509(a)(2)(B)(ii), a trade or business acquired after June 30, 1975, by an organization shall include, in addition to other trades or businesses:

(A) A trade or business acquired after such date from, or as a result of the liquidation of, an organization's subsidiary which is described in section 502 whether or not the subsidiary was held on June 30, 1975.

(B) A new trade or business commenced by an organization after such date.

(iii) *Allocation of deductions between businesses acquired before, and businesses acquired after, June 30, 1975.* Deductions which are allowable under section 512 but are not directly connected to a particular trade or

business, such as deductions referred to in paragraphs (10) and (12) of section 512(b), shall be allocated in the proportion that the unrelated trade or business taxable income derived from trades or businesses acquired after June 30, 1975, bears to the organization's total unrelated business taxable income, both amounts being determined without regard to such deductions.

(iv) *Allocation of tax.* The tax imposed by section 511 shall be allocated in the same proportion as in paragraph (a)(3)(iii) of this section.

* * * * *

§ 1.509(a)–4 [Amended]

Par. 3. Paragraph (k)(2) of § 1.509(a)–4 is amended by removing the words "gross investment income" in the third and sixth sentences of the example and inserting in lieu thereof "items described in section 509(a)(2)(B)".

§ 1.509(a)–5 [Amended]

Par. 4. Section 1.509(a)–5 is amended as follows:

1. Paragraph (a)(1) is amended by removing the words "gross investment income" in the first sentence and inserting in lieu thereof "not-more-than-one-third support".

2. Paragraph (b)(1) is amended by removing the words "one-third gross investment income" in the first sentence and inserting in lieu thereof "not-more-than-one-third support".

3. Paragraph (c) is amended by removing the words "one-third gross investment income" and inserting in lieu thereof "not-more-than-one-third support".

[FR Doc. 81-21308 Filed 7-22-81; 8:45 am]
BILLING CODE 4830-01-M

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26 CFR Part 6a

[T.D. 7760]

Mortgage Subsidy Bonds; Temporary Income Tax Regulations

Corrections

In FR Doc. 81–19338 appearing on page 34311 in the issue of Wednesday, July 1, 1981, make the following changes:

1. On page 34314, first column, third paragraph, first line, "* * * § 1.103A–" should read "* * * § 6a.103A–"; and in the second column, § 6a.103A–1 (a)(3), third line, "* * * § 1a.103A–3 * * *" should read "* * * § 6a.103A–3 * * *".

2. On page 34316, first column, § 6a.103A–1 (c)(2), last line, "* * * § 1.103A–1 * * *" should read "* * * § 6a.103A–1 * * *"; third column, § 6a.103A–1 (d)(3), second line, "* * * § 1.103A–1 * * *" should read "* * * § 6a.103A–1 * * *".

3. On page 34319, first column, § 6a.103A–1 (e)(2)(iii), second line should read as follows: "(as defined in § 6a.103A–2(b)(10)).".

4. On page 34325, first column, § 6a.103A–3 (f), twelfth line, "basis * * *" should read "basic * * *".

BILLING CODE 1505-01-M

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26 CFR Part 31

[T.D. 7763]

Employment Taxes; Interest-Free Adjustment With Respect to Erroneous Filing of FICA and RRTA Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations permitting an interest-free adjustment in certain circumstances where an employer erroneously either files a Federal Insurance Contributions Act (FICA) tax return instead of a Railroad Retirement Tax Act (RRTA) return, or files a RRTA tax return instead of a FICA tax return. The amendment affects employers required to deduct and withhold either FICA tax or RRTA tax.

EFFECTIVE DATE: The regulations are effective on July 23, 1981.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1980, the **Federal Register** published a proposed amendment to the Employment Tax Regulations (26 CFR Part 31) under section 6205 of the Internal Revenue Code of 1954 (45 FR 63879). The amendment was proposed to clarify the regulations under section 6205 of the Code. No public hearing was requested or held. No public comment concerning this amendment was received. Accordingly, the amendment is adopted by this Treasury decision as proposed.

Explanation of Provisions

The Employment Tax Regulations presently provide that if an employer has filed a return, and if no employment tax, or less than the correct amount of tax upon employees' wages or compensation under either the Federal Insurance Contributions Act or the Railroad Retirement Tax Act has been reported on the return and paid, the employer may, in certain circumstances, make an interest-free adjustment of such underpayment. The amendment adds a new provision to make clear that an employer who has erroneously filed Form 941 and paid FICA tax on an employee's wages rather than filing Form CT–1 and paying RRTA tax, or vice versa, under certain circumstances, may make such an interest-free adjustment if he timely pays and reports the adjustment in accordance with § 31.6205–1(b)(2)(iii).

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will impose no new reporting or recordkeeping requirements.

Drafting Information

The principal author of these regulations is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations. Accordingly, the regulations proposed to be prescribed as final Employment Tax Regulations (26 CFR Part 31) published as a notice of proposed rulemaking in the **Federal Register** for September 26, 1980 (45 FR 63879), are hereby adopted as proposed.

This Treasury decision is issued under the authority contained in sections 6205 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 768, 917; 26 U.S.C. 6205, 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: July 1, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

Paragraph (b)(2) of § 31.6205–1 is amended by adding a new subdivision (iii) immediately after subdivision (ii) to read as follows:

§ 31.6205–1 Adjustments of underpayments.

* * * * *

(b) *Federal Insurance Contributions Act and Railroad Retirement Tax Act.* * * *

(2) *Underpayment ascertained after return is filed.* * * * (iii) If a return relating to tax under the Federal Insurance Contributions Act is filed although a return relating to tax under the Railroad Retirement Tax Act was required to be filed, or vice versa, and if the amount reported on the return filed and paid to the district director was less than the correct amount which should have been reported on the return required to be filed, the employer shall adjust the underpayment by reporting the additional amount due on an original return for the correct tax for the return period in which the payment of wages or compensation was made, accompanied by an explanation of the adjustment being reported. The reporting of such additional amount on an original return constitutes an adjustment within the meaning of this section only when the original return is filed on or before the last day on which the return for the correct tax is required to be filed for the return period in which the error is ascertained. The amount of each underpayment adjusted in accordance with this subdivision shall be paid to the district director, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subdivision, but the amount thereof is not paid when due, interest thereafter accrues (see section 6601).

* * * * *

[FR Doc. 81–21589 Filed 7–22–81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; Denial of Petitions for Stays; Notice of Variance Applications; Interim Orders

AGENCY: Occupational Safety and Health Administration, Labor.

ACTIONS: Denial of petitions and notice of variance applications and interim orders.

SUMMARY: OSHA hereby denies petitions by the primary and secondary lead smelting industries for one-year, industry-wide stays of the new trigger levels for medical removal protection (MRP) under the lead standard (29 CFR 1910.1025(k)). The new triggers thus will take effect for lead smelters on July 21, 1981. OSHA also hereby denies the lead battery manufacturers' petition for reconsideration of OSHA's earlier denial of its request for an industry-wide stay. These actions are taken because data submitted by industry were insufficient to justify granting industry-wide stays.

The data did, however, show serious and potentially serious problems of compliance with the new triggers in certain smelting and battery manufacturing plants. As a result, conditioned upon OSHA receiving by August 3, 1981, for each such plant a variance application, certification of notice to affected employees, and written acceptance of the requirements of the Order, the Agency is granting interim orders under section 6(b)(6)(A) of the OSHA Act to those lead smelting and battery manufacturing plants that have supplied data sufficient to establish the need for relief. The interim orders relieve those facilities from having to comply with the 60/40 removal return triggers, but obligate them to comply with the 70/50 triggers, all other provisions of the lead standard, and certain other requirements set out in the Interim Order. OSHA also invites other eligible lead smelting and battery manufacturing plants, including those that have submitted data but have not been granted an Interim Order via this notice, if they choose, to apply individually for temporary variances. Finally, OSHA requests every applicant to submit particular data needed by the Agency to determine whether to issue a temporary variance, and invites public comment on the variance requests.

DATES: The effective date of the new trigger levels (29 CFR 1910.1025(k) originally published on November 14, 1978 at 43 FR 53007) for primary and secondary smelters is July 21, 1981.

For all companies conditionally granted interim orders, variance applications, written acceptances and certifications must be received by August 3, 1981. All data requested herein by OSHA in support of each application for a temporary variance must be received by September 1, 1981. The last date for interested persons to submit comments on the variance applications is September 30, 1981. The last date for affected employers and employees to request a hearing on the applications is September 30, 1981.

ADDRESSES: Send applications, submissions, comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3662, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: (202) 523–7144.

SUPPLEMENTARY INFORMATION:

A. Background

On March 3, 1981, OSHA published a notice in the **Federal Register** (46 FR 14897) delaying the effective date of the new removal and return trigger levels for medical removal protection (MRP) from March 1, 1981, as specified in the standard on occupational exposure to lead (29 CFR 1910.1025(k), November 14, 1978, 43 FR 53007) to April 1, 1981. That notice summarized the provisions of MRP and explained the need in the standard for progressively phased-in blood-lead levels triggering employee removal from, and subsequent return to, lead-exposed jobs. The notice also explained that the delay was granted as an interim measure in response to applications from certain employers and industry groups representing several lead industries for a one-year delay in the effective date of the new trigger levels. In the notice, interested persons were invited to submit information and views on all issues involved in the applications.

In support of their request for a stay of the 60 μg/100g removal and 40 μg/100g return triggers, the lead industries allege that implementation of the new trigger levels is infeasible. Essentially, industry makes a four-pronged feasibility argument: (1) The 60/40 triggers will require for the first time the removal of many "supervisory" and "highly skilled" employees, whose blood-lead levels allegedly tend to fall in the 60–70 μg/100g range; (2) their removal will be prolonged beyond OSHA's original expectations in order for their blood leads to drop to the 40 μg/100g return level; (3) since these employees are highly paid, crucially positioned, and extremely difficult to replace, putting them on MRP not only will be costly but also can result in reduced production and a less safe and healthful workplace; and (4) the 60/40 triggers will require the removal of many production workers as well, thus adding to the cost of MRP. In combination, these factors assertedly will make implementation of the new triggers infeasible.

Since industry's allegations raised serious questions concerning the feasibility of the new trigger levels and what relief, if any, would be appropriate, the March 1, 1981, effective date of the new triggers was delayed for all lead industries until April 1, 1981, to enable the Agency to obtain and consider additional evidence.

To facilitate this process, OSHA in a letter dated March 5, 1981, specifically requested certain information from the lead industries. That request

subsequently was included in a notice (46 FR 16974) further deferring the effective date to May 1, 1981, in which OSHA again invited all interested persons to submit information and views on any issues involved in the request for the one-year delay in the effective date of the new MRP trigger levels. The record was open until April 15, 1981, for the receipt of these submissions.

Comments opposing a delay of the effective date of the new trigger levels, mostly from unions, were received. The unions agreed generally on the following points: (1) That the original lead industry petition provided an inadequate factual and legal basis for either an industry-wide stay or a stay to individual plants; and (2) that temporary relief for individual plants which documented the infeasibility of applying the new trigger levels should be granted by means of the temporary variance procedure.

On May 1, 1981, for primary and secondary smelters only, OSHA again delayed the effective date of the new triggers. In granting that additional delay, OSHA explained that more time was needed to complete its analysis of the complex submissions of data by the lead smelters and to determine the appropriate relief. Since no significant evidence justifying relief had been presented to OSHA by companies or trade associations in the other lead industries, the Agency indicated that the new triggers would take effect with regard to those industries on May 15, 1981 (46 FR 24558). After this decision, OSHA received from the Battery Council International (BCI) a petition for reconsideration of OSHA's denial of an industry-wide stay for the battery industry, or, in the alternative, for temporary variances for named members of BCI, some of whom supplied supporting data.

The effective date applying the 60/40 triggers to primary and secondary lead smelters was further delayed by OSHA from June 1 to July 1, 1981, to allow the Agency more time to complete its efforts to fashion appropriate relief for the smelting industries while at the same time providing necessary protection to employees (46 FR 28845). Finally, to give the Agency time to prepare and publish the decision documents, that effective date was deferred to July 21, 1981 (46 FR 33516).

B. OSHA's Analysis of the Primary and Secondary Smelting Record

Submissions by the lead smelting industries include summary memoranda; raw data covering individual employee blood-lead levels, dates and lengths of MRP removals, and air-lead levels; information on respirator usage and in-plant environmental improvements; statistical analyses predicting the length of removal time needed to reduce blood leads from 60 to 40 μg/100g; and various recommendations. Analyzable data were submitted by all of the 8 primary smelters and by 6 of the approximately 55 secondary smelters.

OSHA's analysis of the evidence in the record yields the following general conclusions:

(1) Among primary smelters, the number of anticipated removals at the 60 trigger ranges from 2% to 12% of the total workforce. When subdivided into categories of "supervisory and skilled" and "unskilled" employees, the range among plants is from 2% to 15% for supervisory and skilled employees; and from 2% to 14% for unskilled.

(2) Among secondary lead smelters that submitted analyzable data, the number of anticipated removals at the 60 trigger ranges from 14% to 40% of the total workforce. When subdivided into categories of "supervisory and skilled" and "unskilled" employees, the range among plants is from 13% to 49% for supervisory and skilled; and from 6% to 37% for unskilled.

(3) Based upon MRP data submitted by primary smelters, OSHA estimated the length of medical removal time under the 60/40 triggers for removed workers to drop from a mean blood-lead level of 65 μg/100g to 40 μg/100g as follows: For 50% of removed workers to return is expected to take from 1.8 to 3.5 months; for 80% to return is expected to take from 3.1 to 7.3 months. These estimates, representing OSHA's best scientific judgment, admittedly are based upon extrapolations from data reflecting industry's experience with the 80/60 and 70/50 triggers, rather than upon data drawn from direct experience with blood-lead dynamics below 50 μg/100g. Industry disputes these estimates, claiming that for long-term workers with body burdens built up over many years the rate at which blood-leads drop slows dramatically below 50 μg/100g.

(4) The data in the record are too sparse either to substantiate or refute industry claims that substantial numbers of removable employees are, in practical terms, irreplaceable.

(5) The data in the record are too sparse to draw firm conclusions concerning the long-term economic impact of the costs attributable to the 60/40 triggers on either the primary or secondary smelting industry.

C. Conclusions Drawn by OSHA From the Primary and Secondary Smelting Record

Based upon its analysis, OSHA cannot conclude that the potential removal and return problems faced by individual primary and secondary smelters in complying with the 60/40 triggers constitute industry-wide infeasibility to comply with those triggers. Many smelters submitted no data; others submitted data insufficient to support a finding of industry-wide infeasibility. The petitions for industry-wide stays, therefore, are denied. Except as set forth below, the effective data of the new triggers for the primary and secondary smelting industries is July 21, 1981.

Feasibility problems do, however, appear to exist on a plant-by-plant basis in both industries. In the secondary lead smelting industry, for example, most facilities submitting data appear to have severe problems in coming into compliance with the new triggers. In some cases, such as Gopher Smelting and Refining Company, which will have to remove approximately 47% of its supervisory and skilled employees under the 60 trigger, numbers alone suggest the extreme dimensions of the problem. In other cases, a combination of various factors may establish the need for relief.

Given that need, OSHA intends to use the temporary variance mechanism, set out in Section 6(b)(6)(A) of the OSHA Act and covered by regulations in 29 CFR Part 1905, to afford relief, if appropriate, on a plant-by-plant basis. For those plants that already have submitted data indicating feasibility problems, OSHA is granting interim orders under Section 6(b)(6)(A). The issuance of each Order is conditioned upon OSHA's receipt by August 3, 1981, of an application for a temporary variance, a certification of notice to affected employees, and a written acceptance of the requirements of the Interim Order for each such plant.

For those plants whose data submissions are inadequate, no interim relief is granted. Primary and secondary smelting plants that have not been granted interim relief at this time and those that have not yet submitted data may apply for a temporary variance and submit all required supporting data by September 1, 1981. Such applicants then will become eligible for an interim order, pending final disposition of each variance request.

D. OSHA's Analysis and Conclusions From Data Submitted by the Lead Battery Manufacturing Industry

Based upon analyzable data submitted by 17 of the 27 named members of the Battery Council International after the record had closed, OSHA's analysis yields the following general conclusions:

(1) Among battery manufacturing plants, the number of anticipated removals at the 60 trigger ranges from 1% to 65% of the total workforce, with broadly comparable ranges for supervisory and skilled employees and for unskilled employees.

(2) The evidence concerning the estimated length of removal time, irreplaceability of removable employees, and long-term economic impact of costs attributable to the 60/40 triggers on the lead battery manufacturing industry is virtually the same as the evidence presented by the lead smelting industries.

Based upon this analysis, OSHA cannot conclude that potential removal and return problems which individual battery manufacturing plants face in complying with the 60/40 triggers constitute industry-wide infeasibility to comply with those triggers. BCI's petition for a reconsideration of OSHA's denial of its earlier request for an industry-wide stay is therefore denied.

As indicated above, however, feasibility problems do appear to exist on a plant-by-plant basis within the lead battery industry. In Miami Battery & Electric, for example, 6 of 6 skilled workers will have to be removed under the 60 trigger. In such extreme cases, the numbers alone manifest the severity of the problem. In other cases, a combination of various factors may establish the need for relief. Given that need, OSHA intends to use the temporary variance mechanism to grant plant-by-plant relief within the battery industry in the same way and under the same conditions as in the primary and secondary lead smelting industries.

Notice of Application and Interim Order

In accordance with the requirements of 29 CFR 1905.14(b), OSHA hereby gives notice that: (1) The primary and secondary lead smelting and lead battery manufacturing companies listed below have applied for temporary variances from 29 CFR 1910.1025 (k)(1)(i)(C) and (1)(iii)(A)(3) of the lead standard; (2) their documented request for relief is based upon alleged inability to comply fully with the standard arising from the anticipated removal and consequent unavailability of certain employees under the 60/40 triggers for MRP; (3) the said companies are conditionally granted interim orders on a plant-by-plant basis, as authorized by 29 CFR 1905.10(c); (4) all interested persons are invited to submit before September 30, 1981, written data, views or arguments regarding any such application; and (5) affected employers, employees and appropriate State authorities having jurisdiction over the said plants are apprised of their right to request a hearing on an application by no later than September 30, 1981.

Interim Order

Interim orders are being issued to the following companies on an individual plant basis to enable each to prove its need for a temporary variance. The orders are issued conditioned upon OSHA's receipt by August 3, 1981, from each company of the following:

(1) Application for a temporary variance and interim order for a particular plant;

(2) Written acceptance of the conditions and requirements, enumerated below, of the Interim Order; and

(3) Certification that employees who would be affected by a variance have been notified of the application, by the employer's giving copies of it to their authorized employee representative and by the employer's posting copies at all places where notices to employees normally are posted, and also have been informed of their right to petition the Assistant Secretary for a hearing.

Primary Smelters

Bunker Hill—Idaho Plant
St. Joe, Missouri Plant
ASARCO, Glover Plant
ASARCO, East Helena Plant
ASARCO, Whiting Plant
ASARCO, Omaha Plant

Secondary Smelters

Gopher Smelting and Refining Co., Minnesota
Ross Metals, Inc.
Sanders Lead Company, Alabama
Tonolli Corp. Nesquehoning
Houston Lead Co., Texas
Chloride Metals—Tampa
Chloride Metals—Columbus
Chloride Metals—Florence

Battery Manufacturers

Mule Emergency Lighting, Inc., Cranston, RI
East Penn Manufacturing Co., Inc., Lyon Station, PA
Crown Battery Manufacturing Company, Frenost, OH
Miami Battery and Electric Corp., Miami, FL
New Castle Battery Co., New Castle, PA
Standard Industries, San Antonio, TX
Standard Storage Battery Co., St. Paul, MN
Surrette Battery, Tilton, NH
Estee Battery Co., Commerce, CA
Meekan Battery Co., S. San Francisco, CA
Pico Battery Manufacturing Co., San Francisco, CA

Other Industries

Oxide and Chemical Corp., Indianapolis, IN
Oxide and Chemical Corp., Memphis TN
Associated Lead, Inc., Philadelphia, PA
Associated Lead, Inc., Brooklyn, NY

A. Summary and Rationale

In granting interim orders for certain plants and denying them for others, OSHA has decided to apply a rule of decision that it developed from its analysis of the record: Plants where 10 percent or more of the total lead-exposed supervisory and maintenance employees would have to be removed because of blood-leads between 60–70 μg/100g are considered to merit relief and hence be entitled to an Interim Order. Plants where less than 10% would have to be removed are, at the present time, denied interim orders.

The 10% figure thus is treated as the rough boundary line of feasibility. Although no particular centage can be proven to precisely demarcate the line between feasibility and infeasibility, record data and discussions with both industry and labor support the conclusion that the limits of feasibility are in the vicinity of 10%. The United Steelworkers of America, for example, in its Supplemental Memorandum suggests generally that "plants where the proportion of skilled/supervisory workers with blood leads between 60–70 μg/100g is 10 percent or more merit relief through a one-year temporary variance * * *." Similarly, representatives of the secondary lead smelting industry stated that a plant can feasibly remove between 5% to 10% of its employees.

OSHA is using the 10% figure only as a rule of thumb to grant interim relief at this time. The percentage alone will not necessarily determined whether a temporary variance ultimately will be issued. Plants below the 10% figure may still show by compelling evidence that relief is needed. Conversely, even a plant with 10% or more of its supervisory/maintenance employees subject to removal because of the 60 trigger might fail to establish the need for a temporary variance.

Where granted, the Interim Order temporarily relieves the affected employer from compliance with the 60/40 triggers but requires the employer to continue to comply with the 70/50 triggers. The relief is conditioned upon the employer's ongoing compliance with all other provisions of the lead standard and all the conditions of the Order. The interim order will be in effect from the date of publication of this notice until a final decision is rendered by OSHA on

the application for a temporary variance.

The primary purpose of the additional conditions contained in the interim order is to provide some protection for employees with elevated blood-lead levels between 60–70 μg/100. These employees, in the absence of the relief granted herein to employers, would have been protected from continued occupational exposure to lead by the requirement that they be removed until their blood-leads had dropped to 40 μg/100g. Because the Order temporarily denies employees that particular form of protection, OSHA, in fulfillment of its statutory obligation under Section (6)(b)(6)(A) of the OSHA Act, has designed a combination of other forms of protection to "safeguard * * * employees against the hazards covered by the standard * * *".

Generally, OSHA seeks by means of these conditions to enhance the level of protection afforded by other provisions of the lead standard pertaining to medical examinations and consultations, respirator usage, zinc protoporphyrin (ZPP) tests, and the like. OSHA bases its decision upon the extensive record on lead compiled in developing the lead standard, including the record compiled in conjunction with the MRP petitions.

Specifically, OSHA sets the following requirements in the interim order for the following reasons.

(1) The Order requires that employers perform blood-lead and ZPP tests bi-monthly on all employees with blood-leads over 40 μg/100g who are exposed to lead above the 30 μg/m³ action level. This requirement imposes no additional burden upon employers. Section 1910.1025(j)(2) of the lead standard presently requires such monitoring. OSHA includes it in this Order to remind employers that the requirement for ZPP tests no longer is judicially stayed.

(2) The Order requires that employers remove an employee with blood-leads over 70 μg/100g to areas where lead exposure is below 30 μg/m³, and return the employee when his/her blood-lead is at or below 50 μg/100g. Removal and return at 70/50 simply extends the second year triggers during the relief period. Requiring removal to places where exposures are below 30 μg/m³ affords some of the protection to removed employees that would be provided by the 60/40 triggers.

(3) The Order also requires that employers provide for a consultation every 2 months and a comprehensive medical examination every 6 months for employees with blood-leads between 60–70 who are exposed at or above the action level but are not being removed from exposure. Section 1910.1025(j)(3) requires medical examinations and consultations at least once a year for any employee whose blood sample tests during the preceding 12 months indicate blood-leads at or above 40 μg/100g. Since by this Order some employees with blood-lead levels in excess of 60 will be subjected to continuing exposure to air-lead levels above 30 μg/m³, more frequent medical examinations and consultations are required to monitor their health to prevent increased risk of material impairment. Based upon its expertise, the Agency has concluded that two medical examinations and four additional consultations with a doctor per year will provide reasonable and not unnecessarily burdensome safeguards.

(4) The Order further requires that the examining or consulting doctor make a written determination as to whether the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead. Section 1910.1025(k)(1)(ii) of the lead standard already requires removal of an employee from lead exposure at or above 30 μg/m³ on each occasion that a final medical determination indicates the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead. To maximize the preventive effect of the more frequent medical consultations and examinations required by this Order, OSHA is requiring written determinations after each such visit.

(5) The Order requires full-shift respirator usage for employees with blood-lead levels at or above 60 μg/100g who are working in areas with air-lead levels at or above 30μg/m³. Employees with such elevated blood-lead levels, who would be removed but for this Order, require increased protection from exposure to lead. Since engineering controls cannot generally be rapidly implemented, stricter requirements for the duration of respirator use is one means to increase employee protection.

(6) The Order requires that employers make special inspections and evaluations of employees with blood-lead levels at or over 60 who need not be removed under this Order, and to take short-term corrective steps to reduce employee lead absorption through work practices, respirator usage, use and availability of hygiene facilities and personal hygiene habits. Such small corrections can be made relatively easily with noticeable health benefit to affected employees.

(7) The Order requires that the employer agree to OSHA inspections related to its variance application. OSHA, in granting variance relief, must be assured that it can readily monitor compliance with these conditions of the relief.

(8) Finally, the Order requires that employers complete their temporary variance application (in original and six copies) and required data submissions by September 1, 1981, as a condition for the continuance of interim relief. The data the Agency requests is necessary for OSHA to make a final determination of whether individual plants need relief and to evaluate the compliance problems likely to occur during any period of interim and final relief.

B. The Order

Pursuant to the authority in Section (6)(b)(6)(A) of the Occupational Safety and Health Act of 1970, in the Secretary of Labor's Order No. 8–76 (41 FR 25059), and in 29 CFR Part 1905, it is ordered that all plants listed above are authorized to comply with the requirements of the Interim Order set forth below, in lieu of complying with the requirements of 29 CFR 1910.1025(k)(1)(i)(C) and 1910.1025(k)(1)(iii)(A)(3). All other provisions of the lead standard are unaffected by this Order and therefore must be complied with in conjunction with the terms of this Order.

The terms of the Interim Order are as follows:

(1) As presently required by 29 CFR 1910.1025(j)(2) of the lead standard, employers shall perform blood-lead and zinc protoporphyrin (ZPP) tests every two months on each employee whose last blood test indicated a blood-lead level at or above 40 μg/100g and who is exposed to lead above the action level of 30 μg/m³.

(2) Employers shall remove and return all employees with blood-lead levels at or above 70 μg/100g in accordance with the provisions of Sections 1910.1025(k)(1)(i)(B) and 1910.1025(k)(1)(iii)(A)(2) of the lead standard, except that removal shall be to areas where lead exposure is below 30 μg/m³.

(3) For employees with blood-lead levels between 60–70 μg/100g, who work in jobs having airborne lead exposure at or above 30 μg/m³, the employer shall provide:

(a) A personal consultation with a licensed physician every two months; and

(b) A comprehensive medical examination by a licensed physician every six months.

(4) After both the personal consultation and the comprehensive medical examination, the physician shall make a written determination as to whether the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead. If the employee is determined to have such a condition, he or she shall be removed from work having an exposure to lead at or above 30 μg/m³.

(5) For employees with blood-lead levels at or above 60 μg/100g who are working in areas with air-lead levels at or above 30 μg/m³, respirator usage shall be mandatory during the entire workshift.

(6) For all employees with blood-lead levels at or above 60 uμg/100g who need not be removed under the terms of this Order, the employer shall make an immediate inspection and evaluation of:

(a) The lead-related work practices affecting the employee;

(b) The employee's respirator usage; and

(c) The use and availability of hygiene facilities, and the employee's relevant personal hygiene habits.

Based on that inspection and evaluation, the employer shall take all reasonable and appropriate corrective steps in these regards to reduce the employee's absorption of lead.

(7) The employer shall agree to allow OSHA to inspect its premises in connection with this variance application and this Interim Order.

(8) Employers who herein have been granted interim orders, and employers who may in the future apply for similar orders and temporary variances, shall, by September 1, 1981, submit the data requested below. A failure to provide the required data by that date will result in the automatic expiration of the interim order or the denial of a request for such an order.

C. Data Request

To permit speedy determination by OSHA, the following data must be submitted in the form and sequence set out below for each plant:

(a) Blood-lead, air-lead, and, if available, ZPP data for the past 12 months for each employee exposed to lead above the 30 μg/m³ action level. Employee identification may be coded, but job classification must be stated.

(b) The name and address of the laboratory performing the blood analyses.

(c) A copy of the safety and health program presently administered and enforced by the employer at the plant. This program shall include, but not be limited to, descriptions of: (i) Engineering and administrative controls; (ii) work practices; (iii) personal protective clothing; (iv) hygiene measures; (v) housekeeping measures; (vi) training and education; and (vii) medical surveillance program.

(d) A statement of when the applicant expects to be able to comply with the 60/40 triggers and of what additional steps it has taken and will take to come into compliance with those triggers by March 1, 1982. The statement shall include an initial list of engineering controls that may be necessary and an outline of the written compliance program for engineering controls required by 29 CFR 1910.1025(e)(3), including the projected dates for the development and implementation of such controls.

(e) A copy of the existing written respirator program, which shall include details on respirator cleaning and maintenance and employee comfort and acceptance, as required by § 1910.1025(f) of the lead standard.

(f) A statement as to whether any citations, pending or in the process of abatement, for lead-related violations of Federal or State standards have been issued to the employer. Identify the citation(s) and provide a copy of any abatement plan(s).

(g) A specific analysis of any adverse safety and health consequences of removing supervisory and maintenance employees who have blood-lead levels between 60–70 μg/100g.

(h) The following information regarding supervisory and/or maintenance employees whose removal the employer claims is infeasible:

(i) The number, location(s), and job classification(s) of such removable employees;

(ii) The total number, location(s) and job classification(s) of all employees in the particular work area, operation or process referred to in the employer's answer to (i), above;

(iii) The extent to which the employees to be removed are replaceable and a concrete description of the problems (e.g., training time, costs, etc.) anticipated in replacing them;

(iv) The specific reasons why any of the employees to be removed are irreplaceable;

(v) The number of positions available for transferring employees who would be removed; and

(vi) Alternate proposals that have been considered for production planning and shift changes to reduce and eliminate potential lead exposures.

(i) Regarding production workers whose removal the employer claims is infeasible, the same information requested in paragraphs (g) and (h) above.

The above-listed companies shall give notice of this grant of Interim Order to employees affected thereby by the same means required to be used to inform them of the applications for variance. This Interim Order shall become effective on July 21, 1981.

The Assistant Secretary may revoke this Order at any time if the applicant does not comply with any requirement of the Order or the relevant standards, or if other information indicates that revocation of the Interim Order is warranted. Unless revoked, the Interim Order will remain in effect until a decision is made on the application for variance.

Signed at Washington, D.C., this 20th day of July 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-21700 Filed 7-21-81; 3:55 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Olympic National Park, Washington State; Hunter Access Routes

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On July 2, 1980, the National Park Service published in the Federal Register (45 FR 44989) a proposed regulation to abolish hunter access routes and special hunting camps within the Queets Corridor and the Pacific Coast Area of Olympic National Park, Washington. Regulations currently found in 36 CFR 7.28 (b)(2) and (d) allow for the establishment of camping areas and the designation of access routes in these areas, during the State authorized open hunting seasons for deer and elk, for the purpose of hunting outside the park. The construction of logging roads on either side of the Queets Corridor has provided the hunters with necessary access and eliminated the need for this regulation. Neither hunting camps nor access routes have ever been established in the Pacific Coast Area also covered in this regulation because access to legal State hunting lands exists without entering Olympic National Park.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roger J. Contor, Superintendent, Olympic National Park, Telephone: (206) 452–4501.

SUPPLEMENTARY INFORMATION:

Background

In 1960 a cooperative agreement

between Olympic National Park and the Washington State Game Department provided for the establishment of hunter access routes within the Queets Corridor of the park. The purpose of these routes was to allow for the harvesting of elk in the inaccessible areas adjacent to this corridor.

Special regulations (36 CFR 7.28(d)) also allowed hunters, during the State authorized open hunting seasons for deer and elk, to establish camps at locations designated by the Superintendent, for the purpose of hunting outside the park. This regulation provided an exception to the National Park Service's general camping regulations found in 36 CFR 2.5(h) which state:

> Except in those park areas where hunting is permitted, the use of a camp in a park area as a base for hunting outside the park is prohibited.

Since the 1960 agreement, logging roads have been built north and south of the Queets Corridor, providing hunters with access to this area and making this special regulation unnecessary. With the promulgation of this rule, the park access routes will be eliminated and the general camping regulations in 36 CFR 2.5(h) will be applicable to this area of Olympic National Park.

On July 2, 1980, this proposed rule was published in the Federal Register (45 FR 44969) and open to public comment until August 1, 1980. The National Park Service received one comment from a group which expressed its full agreement with the proposed closure of hunter access routes and hunting camps. They felt the existence of routes and camps violated the purpose of the park. No objections have been received from local hunters. The Service's analysis shows that the construction of logging roads adjacent to the park provides adequate access for local sport hunting.

The regulation promulgated below is the same as that proposed.

Compliance With Other Laws

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981).

Since this regulation was proposed in 1980, it is not subject to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354) which became effective January 1, 1981.

This rulemaking contains no provisions that would entail the collection of information or require compliance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Drafting Information

The following persons participated in the writing of this regulation: Gordon D. Boyd, Chief Ranger, Olympic National Park, and Maureen Finnerty, National Park Service, Division of Ranger Activities and Protection, Washington, D.C.

(Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3))

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

In consideration of the foregoing, Part 7 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.28 Olympic National Park [Amended]

1. Removing the subparagraph "Queets River only at the designated elk hunter access routes during the general bull elk season" from § 7.28(b)(2) and

2. Removing and reserving all of § 7.28(d).

[FR Doc. 81-21888 Filed 7-22-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL 1999-7]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designation; California and Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: This notice revises the attainment status designations for the western portion of San Diego County, California and the Truckee Meadows (Reno) area of Nevada. The Designation for west San Diego County is changed from nonattainment to attainment for nitrogen dioxide (NO_2). The designation for Truckee Meadows is revised from nonattainment for oxidant to attainment for ozone. The revisions are the result of 1) no detected violations of the NO_2 National Ambient Air Quality Standard (NAAQS) in San Diego County for the past two years, and 2) EPA establishing a new NAAQS for ozone of 0.12 parts per million (ppm) to replace the photochemical oxidant standard of 0.08 ppm.

DATE: This action is effective August 24, 1981.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section (A-2-4), Air Programs Branch, Air and Hazardous Materials Division, EPA, Region IX, 215 Fremont St., San Francisco, CA 94105, Attn: Ronald Leach (415) 556-6728.

SUPPLEMENTARY INFORMATION: On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act (CAA), as amended, EPA promulgated attainment status designations for all states (43 FR 8962). The western portion of San Diego County, California was designated as nonattainment for NO_2 (for a boundary description see 36 FR 22430, November 25, 1971). The Truckee Meadows area of Nevada was designated nonattainment for photochemical oxidant. EPA established a new NAAQS for ozone of 0.12 ppm to replace the oxidant standard of 0.08 ppm on February 8, 1979 (44 FR 8202). In addition, EPA established a statistical method of determining whether the standard has been violated. Under Paragraph 107(d)(5) of the CAA, a state may revise its designations of attainment status and submit them to EPA for approval and promulgation.

On March 26, 1981, the California Air Resources Board requested that San Diego County be redesignated from nonattainment to attainment for NO_2. This notice concerns only the western portion of the County, since the eastern section is already designated attainment for NO_2. Attached to the State's request was a summary of air quality data showing no violations of the NO_2 NAAQS in the County for the past two years (1979 and 1980). Based upon a review of the data, EPA believes that the NO_2 standard is attained in the western portion of San Diego County.

A redesignation request was submitted to EPA by the State of Nevada for Truckee Meadows on November 5, 1980. On March 18, 1981, Washoe County submitted to EPA a summary of the highest ozone concentrations in Truckee Meadows over the past three years (1978 through 1980). The data showed that the ozone NAAQS had not been violated. EPA reviewed the data and believes that the ozone standard is attained in Truckee Meadows.

EPA published a notice of proposed rulemaking concerning both redesignations on May 6, 1981 (46 FR 25324) and provided a 30-day public comment period. No comments were received during this time. Today's notice takes final action to redesignate the western portion of San Diego County to attainment for NO_2 and the Truckee Meadows area of Nevada to attainment for ozone.

As a result of these redesignations, California and Nevada are no longer subject to the requirements of Title I, Part D (Plan Requirements for Nonattainment Areas) of the CAA, as amended, for NO_2 in West San Diego County and for ozone in Truckee Meadows.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves the state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it is proposing approval of State actions. It imposes no new regulatory requirements.

This proposal was submitted to the Office of Management and Budget (OMB) for review, as required by Executive Order 12291.

(Section 107(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)))

Dated: July 13, 1981.

Anne M. Gorsuch,

Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designation

1. Section 81.305—California, the attainment status of West San Diego County for NO_2 (published March 3, 1978, 43 FR 8974) is revised to read as follows:

§ 81.305 California.

* * * * *

California—NO_2

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
San Diego Air Basin:		
West San Diego County		X

2. Section 81.329—Nevada, the attainment status of Truckee Meadows for O_3 (last revised on May 7, 1980, 45 FR 30071) is revised to read as follows:

§ 81.329 Nevada.

* * * * *

Nevada—O_3

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Truckee Meadows		X

[FR Doc. 81-21894 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-178; RM-3410]

FM Broadcast Station in Bullhead City, Ariz.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Bullhead City, Arizona, and modifies the license of the Class A station, KRHS, to specify the Class C channel at the request of the licensee, Holiday Broadcasting Company.

DATE: Effective September 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792

SUPPLEMENTARY INFORMATION:

Adopted: July 6, 1981.

Released: July 10, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bullhead City, Arizona), BC Docket No. 80-178, RM-3410; Report and Order (Proceeding Terminated).

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 Fed. Reg. 29867, published April 29, 1980, proposing the substitution of Class C Channel 274 for Channel 272A at Bullhead City, Arizona, in response to a petition filed by Holiday Broadcasting Company ("petitioner"), licensee of FM Station KRHS (Channel 272A). The *Notice* also proposed modification of the license for Channel 272A to specify operation on Channel 274. Petitioner submitted comments, restating its interest in the Class C channel. Comments were also filed by Shoblom Broadcasting, Inc., licensee of AM Station KFWJ and FM Station KRFM, Lake Havasu City, Arizona.

2. Bullhead City—not listed in the 1970 U.S. Census, in Mohave County (population 25,827),[1] is located approximately 286 kilometers (180 miles) northwest of Phoenix, Arizona. It is served locally by Station KHRS-FM (Channel 272A).

3. Shoblom in comments restated its previous argument regarding consideration of the Bullhead city and the Lake Havasu City proposal (BC Docket No. 80-293) at the same time, so that neither station would receive a competitive advantage. Shoblom argues that both proceedings involve requests for upgrading Class A stations to Class C facilities with overlapping coverage. Shoblom now argues that the competitive equality should be maintained and therefore the proceedings should be taken into account in a combined fashion.

4. Petitioner incorporated by reference the information in the *Notice* that demonstrated the need for a Class C assignment. It contended that the coverage area gain would be almost 2,000 miles and almost 100 percent more population by upgrading its facilities

[1] Population figures are taken from the 1970 U.S. Census.

from a Class A channel to a Class C channel. The *Notice* indicated that since there were only a few stations in the area it appeared substantial first FM and nighttime aural service would be provided. On that basis, we proposed the Class C assignment.

5. The assignment of Channel 274 to Bullhead City would cause preclusion on Channels 272A, 273, 274, 275, 276A and 277. Several Communities within the precluded area would be affected (Eagle Mountain, California (pop. 2,453); Hurricane, Utah (pop. 1,408); Kanab, Utah (pop. 1,381); and Bagdad, Arizona (pop. 2,079)). Petitioner did not submit a listing of alternate channels available to the communities precluded by the Class C assignment, as requested in the *Notice*. However, it did state that no community with a population exceeding 2,000 would be affected by the proposal.

6. As we stated in the *Notice*, the proposal for Bullhead City and Lake Havasu City are sufficiently unrelated that we did not believe that consolidation was warranted. The predicted 1 mV/m service from the proposed Bullhead City station was not expected to reach Lake Havasu City, according to our studies. However, the signal is likely to be heard in Lake Havasu due to the favorable terrain conditions. We recently granted the request of Shoblom to upgrade its Class A station to a Class C channel in Docket No. 80-293.

7. After careful consideration of the instant proposal, we believe that the public interests would be served by the substitution of channels, inasmuch as it would provide expanded service to the surrounding area and population. We have also authorized in paragraph 9, a modification of petitioner's license, Station KRHS-FM, to specify operation on Channel 274, since there has been no other expression of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

8. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered That effective September 4, 1981, the FM Table of Assignments, Section 73.202(b) of the Rules, is amended with regard to Bullhead City, Arizona, as follows:

City	Channel No.
Bullhead City, Ariz	274

9. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Holiday Broadcasting Company, for Station KRHS-FM, Bullhead City, Arizona, IS MODIFIED, effective September 4, 1981, to specify operation on Channel 274 instead of Channel 272A. Station KRHS-FM may continue to operate on Channel 272A for one year from the effective date of this action or until it is ready to operate on Channel 274, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 274, the licensee of Station KRHS-FM shall submit to the Commission the technical information normally requested of an applicant for Channel 274;

(b) At least 10 days prior to commencing operation on Channel 274, the licensee of Station KRHS-FM shall submit measurement data required of an applicant for a broadcast license; and

(c) The licensee of Station KRHS-FM shall not commence operation on Channel 274 without prior Commission authorization.

Nothing contained herein shall authorize a major change in transmitter site or the necessity of filing an environmental impact statement where required.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-21634 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-293; RM-3440]

FM Broadcast Station in Lake Havasu City, Ariz.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C Channels 266 and 286, deletes Channel 240A and modifies the license for Channel 240A to specify Channel 266 at Lake Havasu City, Arizona, in response to a request from Shoblom Broadcasting Inc. and Kenneth A. Jones. The assignments could provide additional service to Lake Havasu City, and coverage to presently unserved and underserved areas.

DATE: Effective September 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 6, 1981.

Released: July 17, 1981.

In the Matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Lake Havasu City, Arizona), BC Docket No. 80-293, RM-3440; Report and Order (Proceeding Terminated).

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 45 FR 42725, published June 25, 1980, proposing the assignment of Channel 286 to Lake Havasu City, Arizona, and the substitution of Channel 266 for Channel 240A in the same community. Maurice W. Coburn ("Coburn"), proponent of the Channel 286 assignment, did not file comments to the *Notice*. Shoblom Broadcasting, Inc., ("Shoblom"), licensee of Station KRFM(FM) (Channel 240A), Lake Havasu City, filed comments in support of the substitution, which it originally proposed. In addition, when it became clear that Coburn would not pursue his request, Shoblom filed "reply comments" as well. Mount Wilson FM Broadcasters, Inc. ("Mount Wilson") and Kenneth A. Jones ("Jones") also filed comments, the latter submitted in an untimely fashion.

2. Lake Havasu City (population 13,000),[1] in Mohave County (population 25,857)[2] is located approximately 320 kilometers (200 miles) northwest of Phoenix. It is served locally by daytime-only AM Station KFWJ and by Station KRFM(FM) (Channel 240A). As our *Notice, supra*, reflects, Lake Havasu City's population qualifies it for two FM assignments. Further, the proposed provision of first and second FM service to a significant area and population, as set forth in the *Notice*, justifies assignments of Class C channels to this community.

3. Our procedures for amending the FM Table of Assignments call for comments from the proponent of a proposed assignment and for a restatement of its intention to apply for the channel if assigned. Failure to file may lead to denial of the request. Coburn, proponent of the proposed Channel 286 assignment, did not file comments as required, giving us the option of termination without formal action. We will not take this course. Jones' submission, although untimely, reflects a present intent to apply for a Channel 286 facility if assigned.[3] Requiring that this intention be expressed in a new petition for rule making, rather than through a pleading in this proceeding, would serve no useful purpose, we believe. The public interest favors prompt institution of needed services, a goal best achieved here by permitting Jones to replace the original petitioner for assignment purposes. Hence, we will accept Jones' pleadings and, to avoid prejudice to the other parties, Shoblom's responsive pleading as well.

4. Our *Notice, supra*, listed four communities with populations exceeding 1,000 and with no FM assignments which would be precluded by the proposed Channels 266 and 286 assignments: Bagdad, Williams and Grand Canyon, Arizona, and Eagle Mountain, California. Shoblom's reply comments indicate that several Class A channels are available for assignment in each community. As for other technical considerations, Mount Wilson, licensee of Station KKGO, Los Angeles, California, expresses concerns of co-channel interference with the proposed Channel 286 assignment. The distance between Lake Havasu City and KKGO is approximately 208 miles, though, a figure well in excess of our 180 mile separation requirement. As for Shoblom's acknowledgement that the second harmonic of Channel 286 falls within television Channel 11, we do not generally take this into account, particularly where, as is the case in Lake Havasu City, the channel is occupied by a television translator.

5. There remains the question of reimbursement. Shoblom has asked from the outset that the ultimate Channel 286 licensee reimburse it for its frequency change. Under the circumstances here, this does not seem to us appropriate. As a general proposition, we will require a party who benefits from a new assignment which necessitates modification of an existing facility to bear the reasonable costs of the changeover where the Commission finds this to be equitable. See *e.g., Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976). Channel 286's ultimate licensee will benefit from our proposed substitution, it is true, since the assignment might not have been made were intermixture unavoidable. At the same time, however, Shoblom has independently expressed a willingness to pursue a Class C assignment, making it clear when Coburn did not respond to our *Notice, supra*, that it would convert to a Channel 266 operation without reimbursement should a second Class C assignment not be made. Unlike the licensee in *Mitchell, South Dakota, supra*, then, Shoblom is neither reluctant to modify its facility nor unable financially to bear the costs alone. Its conversion is to this extent voluntary rather than compelled and as such, we believe, should be undertaken at its own expense.

6. Mexican concurrence in the assignment of Channels 266 and 286 has been obtained.

7. In view of the foregoing, it is ordered, That effective September 4, 1981, pursuant to authority contained in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, Section 73.202(b) of the Commission's Rules, is amended for the following community:

City	Channel No.
Lake Havasu City, Ariz	266, 286

8. It is further ordered, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license for Station KRFM (Channel 240A) at Lake Havasu City, Arizona, is modified to specify operation on Channel 266 instead of Channel 240A. Station KRFM may continue to operate on Channel 240A for one year from the effective date of this action or it may obtain modification of its license to operate on Channel 266 earlier, subject to the following conditions:

(a) At least 30 days before operation on Channel 266, the licensee of FM Station KRFM shall submit to the Commission the technical information normally required of an applicant for a construction permit;

(b) At least 10 days prior to commencing operation on Channel 266, the licensee of FM Station KRFM shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee of FM Station KRFM shall not commence operation on Channel 266 without prior Commission authorization.

Nothing contained herein shall be construed to authorize a major change in transmitter location or to waive the filing of an environmental impact statement where needed pursuant to Section 1.301 of the Commission's Rules.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning the above, contact Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-21636 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-733; RM-3649]

Radio Broadcast Services; FM Broadcast Station, Spirit Lake, Iowa; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 280A to Spirit Lake, Iowa, in response to a petition by Paul C. Hedberg. This action could provide a first local aural broadcast service to Spirit Lake.

DATE: Effective September 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 6, 1981.

Released: July 14, 1981.

By the Chief, Policy and Rules Division.

[1] This figure represents the preliminary count of a local census, there being no figure for the community in the 1970 U.S. Census.

[2] Population figure taken from the 1970 U.S. Census.

[3] Shoblom's assertion to the contrary notwithstanding, Jones' planned association with a local advertising agency does not render him unqualified to apply for the new facility. In any event, Jones' position and qualifications are matters to be resolved in the application processing stage and need not be impugned here. His expression of interest would be sufficient for us to base this assignment.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Spirit Lake, Iowa), Docket No. 80-733, RM-3649; report and order.

1. The Commission herein considers a *Notice of Proposed Rule Making*, 45 FR 78189, published November 25, 1980, proposing the assignment of FM Channel 280A to Spirit Lake, Iowa, as that community's first FM assignment, at the request of Paul C. Hedberg ("petitioner"). Supporting comments were filed by the petitioner in which he reaffirmed his intent to file for the channel, if assigned. No oppositions to the proposal were received. This assignment can be made in compliance with the applicable minimum distance requirements of § 73.207.

2. Spirit Lake, Iowa (population 3014), in Dickinson County (population 12,565) [1] is located approximately 309 kilometers (192 miles) northwest of Des Moines. This community has no local aural service.

3. Petitioner has submitted information with respect to Spirit Lake and the Iowa Great Lakes region which is persuasive as to its need for a first FM assignment.

4. We believe the public interest would be served by the assignment of channel 280A to Spirit Lake, Iowa. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective September 4, 1981, § 73.202(b) of the Commisson's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Spirit Lake, Iowa	280A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Population data are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-21601 Filed 7-23-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-701; RM-3616 and RM-3681]

FM Broadcast Stations in Andrews and Pawley's Island, S.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 265A to Andrews, South Carolina, in response to a petition filed by the Andrews Broadcasting Company, Inc. This assignment could provide Andrews with a first FM station. Another proposal by Linda Knop to assign the same channel to Pawley's Island, South Carolina, is dismissed.

DATE: Effective September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 13, 1981.

Released: July 16, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Andrews and Pawley's Island, South Carolina), BC Docket No. 80-701, RM-3616, RM-3681; Report and Order (Proceeding Terminated).

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 Fed. Reg. 73719, published November 6, 1980, proposing the assignment of Channel 265A to either Andrews or Pawley's Island, South Carolina, as either community's first FM assignment. In the *Notice*, the Commission tentatively favored Andrews, the larger of the two communities, which receives less 1 mV/m service from nearby stations. Since that time, Linda Knop, petitioner for Pawley's Island, filed comments stating that she was no longer interested in the assignment of Channel 265A. Andrews Broadcasting Company, Inc. ("petitioner") filed comments reaffirming its intent in applying for the channel, if assigned.

2. Andrews (population 2,879) [1] is located in Georgetown County (population 33,500), 78 kilometers (50 miles) northeast of Charleston, South Carolina. The community is without local aural broadcast service.

3. Petitioner has submitted information with respect to Andrews, which is persuasive as to its need for a first local FM assignment.

4. In order to prevent short-spacing with FM Station WWOM (Channel 267) in Sumter, South Carolina, a site restriction of approximately 3 miles southeast of Andrews is required.

5. We believe the public interest would be served by the assignment of Channel 265A to Andrews, South Carolina. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

6. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective September 14, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community.

City	Channel No.
Andrews, S.C.	265A

8. It is further ordered, That this proceeding IS TERMINATED.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-21636 Filed 7-23-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-235; RM-3693 and RM-3792]

FM Broadcasts Station in Montpelier, Stowe, Vergennes, and Waterbury, Vt.; and Moriah and Port Henry, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

[1] Population data are taken from the 1970 U.S. Census.

SUMMARY: This action assigns Channel 292A to Vergennes, Vermont, as that community's first FM assignment, at the request of Russell and Linda Kinsley. This action also reassigns Channel 276A from Montpelier, Vermont, to Waterbury, Vermont, at the request of Masterpeace Communications Corporation. In order to accommodate those assignments, Channel 292A is deleted from Moriah, New York; Channel 221A is assigned to Port Henry, New York, and the permit issued to Peter Edward Hunn is modified to specify operation on Channel 221A. Finally, Channel 269A is reassigned from Waterbury, Vermont, to Stowe, Vermont, to reflect its actual use at Stowe.

DATE: Effective September 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 10, 1981.

Released: July 16, 1981.

In the Matter of Amendment of § 73.202(b), FM Broadcast Stations. (Montpelier, Stowe, Vergennes, and Waterbury, Vermont; and Moriah and Port Henry, New York), BC Docket No. 81-235, RM-3693 RM-3792; Report and Order (Proceeding Terminated).

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 46 FR 22400, published April 17, 1981, proposing the following amendments to the FM Table of Assignments:

City	Channel No. Present	Channel No. Proposed
Moriah, N.Y.	292A	
Port Henry, N.Y.		221A
Montpelier, Vt.	224A, 276A	224A
Stowe, Vt.		269A
Vergennes, Vt.		292A
Waterbury, Vt.	269A	276A

These amendments were proposed in response to petitions filed by Russell P. and Linda M. Kinsley ("Kinsley"), who seek a new assignment at Vergennes, Vermont; and Masterpeace Communications Corporation, Inc., ("Masterpeace"), who seeks a new FM assignment at Waterbury, Vermont.[1] In order to accommodate both proposals, a channel substitution was proposed at Moriah, New York. Accordingly, Peter Edward Hunn ("Hunn"), the permittee of Channel 292A was asked to show cause why his permit should not be modified to specify operation on Channel 221A.[2] Comments in response to the *Notice* were received from Kinsley, Masterpeace, and Hunn. No reply comments were filed.

2. In its comments, Kinsley reaffirms its intention to apply for a construction permit on Channel 292A at Vergennes, if assigned. Masterpeace also supports the proposals and states that it will attempt to activate the channel at Waterbury as soon as possible following the conclusion of the rule making. Hunn states in his comments that he does not oppose modification of his permit to specify operation on Channel 221A.

3. Vergennes (population 2,242),[3] in Addison County (population 24,266), is located near the New York State border approximately 55 kilometers (34 miles) east of Montpelier, Vermont. Vergennes presently has no local aural broadcast service. Waterbury (population 2,840), in Washington County (population 47,659), is located 16 kilometers (10 miles) northwest of Montpelier, Vermont. Waterbury is currently served locally by AM Station WDEV.

4. We have determined that the public interest would be served by making the assignments as proposed in the *Notice*. Kinsley and Masterpeace have submitted persuasive information regarding the desirability of making first FM assignments to Vergennes and Waterbury. Furthermore, no interest has been expressed in the unused assignment at Montpelier; thus, no objection exists to our reassigning Channel 276A from Montpelier to Waterbury. Also, as proposed in the *Notice*, we shall reassign Channel 269A from Waterbury to Stowe to reflect that channel's actual usage at Stowe.

5. Canadian concurrence in the assignments has been obtained.

6. Accordingly, it is ordered, That effective September 14, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following communities:

City	Channel No.
Moriah, New York	
Port Henry, New York	221A
Montpelier, Vermont	224A
Stowe, Vermont	269A
Vergennes, Vermont	292A
Waterbury, Vermont	276A

7. It is further ordered, That pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, the permit of Peter Edward Hunn for Channel 292 at Port Henry, New York, is modified to specify operation on Channel 221A, subject to the following provisions:

(a) At least 30 days before operating on Channel 221A, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 221A;

(b) At least 10 days prior to commencing operation on Channel 221A, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license;

(c) The licensee shall not commence operation on Channel 221A without prior Commission authorization; and,

(d) Nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

8. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to Peter Edward Hunn, Station WHRC-FM, P.O. Box 92, Port Henry, New York 12974.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-21637 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Masterpeace originally sought only the reassignment of Channel 269A from Waterbury to Stowe, Vermont. Masterpeace then would have applied for Channel 276A (currently assigned to Montpelier) for use at Waterbury under the "10-mile rule," § 73.203(b). In the *Notice*, the Commission proposed instead simply to reassign Channel 276A from Montpelier to Waterbury to reflect where the interest was manifested.

[2] We also proposed to assign Channel 221A to Port Henry, New York, because that is the proposed city of license for Hunn's FM station.

[3] All population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 1

Redelegation of Authority To Make Determinations Under the Regulatory Flexibility Act

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment redelegates to the Director, Materials Transportation Bureau, the authority to make findings and determinations under the Regulatory Flexibility Act with regard to any rulemaking document for which issuance authority has already been delegated.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Vita A. Simon, Office of the Chief Counsel, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 755–4972.

SUPPLEMENTARY INFORMATION: Since this amendment relates to agency management, procedures, and practices, notice and public procedure on it are not required and it may be made effective in fewer than 30 days after publication in the **Federal Register**. For the same reasons, it is not subject to the requirements of Executive Order 12291 on Federal Regulations.

The Regulatory Flexibility Act, Pub. L. 96–354, which became effective on January 1, 1981, requires the Department to consider the effect of proposed and final rules on small entities, i.e., small businesses, organizations, and governments. In connection with these considerations, the Act requires agency heads to make findings and determinations in several instances. For example, 5 U.S.C. 608(b), which was added by the Act, permits an agency head to delay the completion of a regulatory flexibility analysis (an analysis of the impact of a rule on small entities) for a final rule being issued in response to an emergency situation.

On April 20, 1981, the Secretary of Transportation delegated to the Administrator, Research and Special Programs Administration, the authority to make the required findings and certifications required under the Regulatory Flexibility Act. This authority was codified as 49 CFR 1.45(a)(13).

That authority is now redelegated to the Director, Materials Transportation Bureau. 49 CFR Part 1, Appendix A, § 5, is amended by adding the following words after "* * * safety":

and the authority of 49 CFR 1.45(a)(13) relating to the findings and certifications required under the Regulatory Flexibility Act are hereby redelegated to the Director of the Materials Transportation Bureau.

(49 CFR 1.45(a) and 1.53(a))

Issued in Washington, D.C., on July 14, 1981.

Howard Dugoff,

Administrator, Research and Special Programs Administration.

[FR Doc. 81–21804 Filed 7–22–81; 8:45 am]

BILLING CODE 4910–60–M

Federal Highway Administration

49 CFR Part 390

[Notice No. 81–4]

Application of the Federal Motor Carrier Safety Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of interpretation.

SUMMARY: This notice presents an interpretation of the FHWA's jurisdiction to regulate the qualifications and maximum hours of service of commercial motor vehicle drivers engaged in interstate or foreign commerce. An interpretation of FHWA jurisdiction is important because Section 13(b)(1) of the Fair Labor Standards Act provides an exemption from the maximum hours and overtime requirements of Section 7 of the Act for employees subject to the jurisdiction of the FHWA.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, (202) 426–0767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: A major question has arisen regarding the jurisdiction of the FHWA to regulate the qualifications and hours of service of commercial motor vehicle drivers engaged in interstate or foreign commerce. An interpretation of FHWA jurisdiction is important because Section 13(b)(1) of the Fair Labor Standards Act provides an exemption from the maximum hours and overtime requirements of Section 7 of the Act (29 U.S.C. 213(b)(1)) for employees subject to the jurisdiction of the FHWA under 49 U.S.C. 304.

Background

In order to determine whether a driver is subject to the FHWA's jurisdiction the activities or likely activities of the individual driver must be reviewed. "Morris v. McComb 322" U.S. 422 (1947). If in the regular course of employment a driver is, or could be, called upon to transport a shipment in interstate commerce the driver would be subject to the FHWA's jurisdiction under 49 U.S.C. 304. 49 U.S.C. 304 provides the authority to regulate the qualifications and maximum hours of service of employees, and safety of operation and equipment of common carriers, contract carriers, private carriers of property, and carriers of migrant workers.

The court cases relevant to this issue include "Morris v. McComb", "Starrett v. Bruce," 391 F. 2d 320 (10th Cir. 1968), "Brennan v. Schwerman Trucking Co.," 540 F. 2d 1200 (4th Cir. 1976), "Rogers Cartage Co. v. Reynolds", 166 F. 2d 317 (6th Cir. 1948), "Kerr v. Jeans," 193 F. 2d 572 (5th Cir. 1952), "Pyramid Motor Freight v. Ispass," 330 U.S. 695 (1947), "Sinclair v. Beacon Gasoline Co.," 447 F. Supp. 5, 11 (W.D. La. 1976), aff'd 571 F. 2d 976 (5th Cir. 1978), and "Cooker v. Sexton Motor, Inc.," 469 F. 2d 206 (1st Cir. 1972). These cases establish the basic tests for determining whether a driver is subject to Federal jurisdiction under 49 U.S.C. 304. They hold that even a minor involvement in interstate commerce as a regular part of an employee's duties will subject that employee to the jurisdiction of the FHWA. In two of the cases mentioned, "Morris v. McComb" and "Starrett v. Bruce", the courts found jurisdiction over drivers even though those drivers had not driven at all in interstate commerce. The findings of jurisdiction were based on the probability of those drivers being assigned to interstate runs in the regular course of their employment. The findings are consistent with the decision in "Goldberg.v. Faber Industries," 291 F. 2d 232 (7th Cir. 1961), a case in which the court determined that particular employees were not subject to jurisdiction under 49 U.S.C. 304. In this case, the employees had never been used in interstate commerce and could not reasonably be expected to handle an interstate run in the normal performance of their duties. 291 F. 2d at 234.

In "Starrett v. Bruce", the employee did no interstate driving during the 10-month period in question, but was found to be subject to 49 U.S.C. 304 because there was a reasonable expectation that he/she could have been called on to do interstate driving during that time period. The expectation existed because the carrier held interstate authority, advertised for interstate work, assigned drivers indiscriminately to that work, and would have had to perform the interstate transportation had the business been presented. Likewise, in "Morris v. McComb", two drivers who had never driven interstate during the 6-month period of their employment were found to be subject to 49 U.S.C. 304 because of their likelihood of performing interstate work. The company in that case did only four percent of its business in interstate commerce but assigned its drivers to that work indiscriminately.

"Baird v. Wagoner", "Goldberg v. Faber" and "Coast Van Lines v. Armstrong," 167 F. 2d 705 (9th Cir. 1948) are three cases in which the courts found no jurisdiction under 49 U.S.C. 304. In the "Baird" case the carrier held interstate authority that had not been used for a long period of time. The court found that the mere existence of the authority was insufficient to establish jurisdiction. There was no evidence in that case to indicate that the carrier had actually solicited interstate business. In the "Goldberg" case the stipulated facts established that the drivers in question had never been used in interstate commerce and could not reasonably be expected to be so used. Lack of jurisdiction was found in "Coast Van Lines" because the carrier presented evidence of interstate trips during only one month. The court held that this was insufficient to establish what the drivers' activities were during the entire time period in question.

A week-by-week approach and the application of the *de minimis* principle, which states that the law does not take notice of very small or trifling matters, were examined in other cases. A week-by-week approach to jurisdiction was rejected by the courts in application to both "for hire" and "private" carriers. "Rogers Cartage v. Reynolds" and "Kerr v. Jeans". The use of the *de minimis* principle to jurisdictional questions under 49 U.S.C. 304 has also been rejected by the courts. The courts that have applied this principle find that it should seldom, if ever, be applied to drivers because of the direct effect of driving on the safety of motor vehicle operations. "Sinclair v. Beacon Gasoline" and "Crooker v. Sexton Motor". In a case representing the minority view the *de minimis* principle was applied to find no jurisdiction under 49 U.S.C. 304. The driver in that case, however, performed only a small amount of driving in interstate commerce. "Coleman v. Jiffy June Farms, Inc.," 324 F. Supp. 664 (S.D. Alabama 1970).

In summary, the cases discussed above provide some guidance on the jurisdictional question under 49 U.S.C. 304. They establish that a driver who is called on, or is subject to being called on, to drive in interstate commerce as part of the driver's regular employment is under the jurisdiction granted in 49 U.S.C. 304. "Morris v. McComb". This jurisdiction applies even if the driver has not personally driven in interstate commerce if, because of company policy and activity, the driver could reasonably be expected to do interstate driving. "Morris v. McComb" and "Starrett v. Bruce". In determining the reasonable expectation, the courts will look at whether the carrier (employer) does any interstate work or whether the carrier is actively attempting to obtain interstate work during the period in question. If the carrier does interstate work or advertises for such work and assigns drivers randomly to that driving, all the drivers are under the jurisdiction of 49 U.S.C. 304. "Morris v. McComb", "Starrett v. Bruce", and "Brennan v. Schwerman Trucking".

Jurisdiction does not attach if there is no possibility of the individual driver doing interstate driving or if the possibility of interstate driving is remote. "Baird v. Wagoner" and "Goldberg v. Faber".

Once a driver is subject to jurisdiction under 49 U.S.C. 304, the driver remains so for longer than a week, but jurisdiction cannot be implied for a lengthy period of time based on only a few interstate trips during a 1-month period. "Rogers Cartage v. Reynolds", "Kerr v. Jeans", and "Coast Van Lines v. Armstrong". A driver is not under the jurisdiction of 49 U.S.C. 304 merely because the employing carrier has interstate authority which has not been actively used for several years. "Baird v. Wagoner".

The cases establish that a driver will remain under the jurisdiction of 49 U.S.C. 304 for as long as the driver is in a position to be called upon to drive in interstate commerce as part of the driver's regular duties. The question left unanswered by case law is how to determine whether a driver is in that position. It is clear that evidence of several interstate trips in a short period of time is insufficient to support a finding of jurisdiction for an unlimited period. Most of the cases where jurisdiction has been found relied on actual evidence of driving in interstate commerce or evidence showing the driver would be called on to drive in interstate commerce.

Interpretation

The FHWA view is that in order to establish jurisdiction under 49 U.S.C. 304 the carrier must be shown to have engaged in interstate commerce within a reasonable period of time prior to the time at which jurisdiction is in question. The carrier's involvement in interstate commerce must be established by some concrete evidence such as an actual trip in interstate commerce or proof, in the case of a "for hire" carrier, that interstate business had been solicited. If jurisdiction is claimed over a driver who has not driven in interstate commerce, evidence must be presented that the carrier has engaged in interstate commerce and that the driver could reasonably have been expected to make one of the carrier's interstate runs. Satisfactory evidence would be statements from drivers and carriers, and any employment agreements.

Evidence of driving in interstate commerce or being subject to being used in interstate commerce should be accepted as proof that the driver is subject to 49 U.S.C. 304 for a 4-month period from the date of the proof. The FHWA believes that the 4-month period is reasonable because it avoids both the too strict week-by-week approach and the situation where a driver could be used or be subject to being used once and remain subject to jurisdiction under 49 U.S.C. 304 for an unlimited time.

This interpretation relates solely to the jurisdiction over drivers under authority granted in 49 U.S.C. 304. It does not define the scope of coverage of the Federal Motor Carrier Safety Regulations which in certain instances is less than a full exercise of jurisdiction.

(49 U.S.C. 304; 49 CFR 1.48(b) and 301.60) (Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: July 17, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 81–21439 Filed 7–22–81; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 70-7; Notice 11]

Fields of Direct View; Availability of Analysis

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of availability of analysis.

SUMMARY: The National Highway Traffic Safety Administration has placed in the public docket an analysis relating to certain of the agency's conclusions in its recent notice rescinding Federal Motor Vehicle Safety Standard No. 128, *Fields of Direct View* (June 22, 1981; 46 FR 32254). In the notice, the agency concluded that it had substantially underestimated the problem of production variations in "A" pillars, weatherstripping, door frames and interior and exterior trim. The notice also discussed the manufacturer's statements about the substantial costs of redesigning certain cars to ensure that the production variations did not result in the noncompliance of any car and concluded that the estimated costs appeared to be reasonable.

ADDRESS: Copies of the analysis may be obtained by writing to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: George Parker, Telephone 202-426-2720.

Issued on July 17, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-21414 Filed 7-17-81; 2:00 pm]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 46, No. 141
Thursday, July 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y]

Bank Holding Companies and Change in Bank Control; Data Processing and Electronic Funds Transfer Activities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: On November 5, 1980, the Board issued an amended Order for Hearing [45 FR 75221 (1980)] regarding an application by Citicorp, New York, New York, to engage in certain data processing activities through a subsidiary to be known as Citishare Corporation. The amended Order reflected an amendment to Citicorp's application involving certain activities related to data processing and transmission, including electronic funds transfer activities, that may not previously have been authorized by Regulation Y. The Board's amended Order and related Federal Register notice announced initiation of rulemaking and set out Citicorp's proposed data processing and transmission activities in detail. Comments are requested concerning the rule proposed by Citicorp that would authorize such activities, for consideration as part of the record of the hearing on Citicorp's proposal.

DATE: Comments must be received by October 1, 1981.

ADDRESS: Comments may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Carl V. Howard, Senior Attorney (202/452-3786), or Michael L. Kadish, Attorney (202/452-3428), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), a bank holding company or its subsidiaries may engage, with the Board's prior approval, in any activity that the Board has determined "to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." This section authorizes the Board to make the determination of whether an activity is closely related to banking by regulation.

The Administrative Law Judge in the hearing on Citicorp's proposal has ruled that interested persons may, without participating in the adjudicatory aspects of the hearing, express their views on the question of whether the activities covered by the proposed rule are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

Pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), the Board proposes the following amendments to 12 CFR 225.4:

1. Section 225.4(a)(8) would be revised to read as follows:

§ 225.4 Nonbank activities.

(a) * * *

(8)(i) Providing data processing and transmission services, information or facilities [1] for the internal operations of the holding company and its subsidiaries;

(ii) Providing to others data processing and transmission services, information or facilities, or access to such services, information or facilities, wherein the data to be processed or furnished are financial, banking or economic related;

(iii) Providing by-products of permissible data processing and transmission activities; and

(iv) Providing excess capacity on data processing and transmission equipment and facilities used in connection with activities under (i) and (ii) above, but only to the extent of furnishing the facilities necessary to the utilization of the excess capacity.

* * * * *

2. Footnotes 7, 8, 9, 10, 11, and 12 to 12 CFR 225.4 would be redesignated as footnotes 8, 9, 10, 11, 12, and 13, respectively.

Board of Governors of the Federal Reserve System, July 17, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-21587 Filed 7-22-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The term "facilities" includes data processing and transmission hardware, software, documentation, and operating personnel.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-11]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before: September 20, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on July 15, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
21716	Israel Aircraft Industries	Amend SFAR 14, to delete the 12,500 pounds maximum zero fuel weight limitations of paragraph 4.1(a) and 41.1(b) in order to allow certain airplanes to operate with an increased revenue payload. Petitioner states the 12,500 pound maximum zero fuel weight limitation is exclusively an economic penalty and is not a safety consideration. It imposes a restriction on the efficient operation of such commuter type airplanes certificated under SFAR 41 requirements.
21758	Mr. Stanley J. Green General Aviation Manufacturers Assoc. (GAMA).	Change to Section 21.50(b) of FAR issued in Amendment 21-51 effective October 14, 1980, as further modified in Amendment 21-51(A), effective December 29, 1980, to defer the compliance date of January 28, 1981, for general aviation airplanes and transport airplanes up to 75,000 pounds takeoff weight, with respect to compliance with the provisions of Parts 23.1529 and 25.1529, until such time as the objectives and intent of the FAA in accord with the original NPRM, are clarified and made known.

Petitions for Rulemaking: Denied

Docket No.	Petitioner	Description of the rule requested
None this period.		

[FR Doc. 81-21319 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWE-19]

Proposed Establishment of Transition Area, Casa Grande, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a 700 foot transition area for Casa Grande Municipal Airport, Casa Grande, Arizona in order to provide additional controlled airspace for aircraft executing an instrument approach procedure to the Casa Grande Municipal Airport.

DATES: Comments must be received on or before August 14, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before August 14, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700 foot transition area at Casa Grande, Arizona. This action will provide controlled airspace for aircraft utilizing IFR procedures to and from Casa Grande Municipal Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following transition area.

Casa Grande, Ariz.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casa Grande Municipal Airport (latitude 32°57'11" N, longitude 111°45'54" W.) and within 3 miles each side of the localizer course extending from the 5-mile radius area to the Casa Grande VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on July 10, 1981.

H. C. McClure,

Acting Director.

[FR Doc. 81-21347 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWE-20]

Proposed Establishment of Transition Area, Grass Valley, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a 700 foot transition area for Nevada County Air Park Airport, Grass Valley, California in order to provide controlled airspace for aircraft executing an instrument approach procedure to the Nevada County Air Park.

DATES: Comments must be received on or before August 23, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before August 17, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700 foot transition area at Grass Valley, California. This action will provide controlled airspace for aircraft utilizing IFR procedures to and from Nevada County Air Park.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following transition area.

Grass Valley, Calif.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nevada County Air Park Airport (latitude 39°13'25" N., longitude 121°00'15" W.) and within 4 miles each side of the Marysville, California VOR (latitude 39°05'56" N., longitude 121°34'19" W.) 074° radial extending from the 5-mile radius area to 16 miles east of the VOR.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on July 10, 1981.

H. C. McClure,

Acting Director.

[FR Doc. 81-21646 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-27]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to correct the current published definition of the transition area designated for Chippewa County Airport, Sault Ste. Marie, Michigan. The current definition omits any reference to that airspace required above 1200 feet above the surface. The intended effect of this action is to ensure agreement between the currently charted transition area and the published definition.

DATES: Comments must be received on or before August 24, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-27, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The transition area as currently defined and published does not include any reference to that airspace above 1200 feet above the surface, which is depicted on current maps and charts. This action is to include reference to that airspace in the published definition.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-27, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date

for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Sault Ste. Marie, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Sault Ste. Marie, Michigan

That airspace extending upward from 700 feet above the surface within 8.5 miles of the Chippewa County Airport (latitude 46°14'52" N., longitude 84°28'15" W., estimated) and that airspace extending upward from 1200 feet above the surface within a 25-mile radius of Chippewa County Airport excluding that airspace outside the continental limits of the United States.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 7, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81–21550 Filed 7–22–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AGL–12]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this action is to alter the control zone serving the Glenview (Illinois) Naval Air Station, by relinquishing controlled airspace no longer required for Haley Army Airfield in Fort Sheridan, Illinois, and by adding to the control zone to encompass current and proposed operations at the Glenview Naval Air Station and the Palwaukee Airport in Wheeling, Illinois. The intended effect of this action is to insure segregation of aircraft using approach procedures in instrument conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 30, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 81–AGL–12, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The nature of this Federal action is two-fold. The existing control zone serving the Glenview (Illinois) Naval Air Station will be reduced by eliminating that portion of the control zone which was previously required to accommodate instrument operations at Haley Army Air Field at Fort Sheridan, Illinois. Haley Field has been closed by the military. The floor of the airspace removed from the control zone status will be raised from the surface to 700 feet above ground. That alteration would return a large block of airspace to a non-control zone status and reduce the burden on visual flight operations. In addition, the control zone will also be altered to encompass all current and proposed operations at the Glenview (Illinois) Naval Air Station and the Palwaukee Airport in Wheeling, Illinois. That will require an addition to the control zone of a two-mile extension to the southeast of the Glenview (Illinois) Naval Air Station and a two-mile extension north of the Palwaukee Airport. The floor of the controlled airspace in the extension areas will be lowered from 700 feet above ground down to the surface. Aeronautical maps and charts will be amended to reflect the defined areas which will enable other aircraft to circumnavigate the areas of instrument procedures in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 81–AGL–12, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 30, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Glenview, Illinois. Subpart F of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 F.R. 455).

The Proposed Amendment

Accordingly, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 F.R. 455) the following control zone is amended to read:

Glenview, Illinois

Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N, longitude 87°49'20" W); within 2 miles each side of the Northbrook, IL VOR, 160° and 143° radials extending from the Chicago, IL (O'Hare International Airport), and the Glenview, IL, 5-mile radius zones to 2 miles south (160° radial) and 4.5 miles southeast (143° radial) of the VOR, within 2 miles each side of the 360° bearing from NAS Glenview RBN; extending from the 5-mile radius zone to 8 miles north of the RBN; and within 2 miles eachside of the NAS Glenview TACAN 098° radial, extending from the 5-mile radius zone to 6.5 miles east of the TACAN, excluding the area that overlies the Chicago, IL (O'Hare International Airport) control zone.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 7, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81–21548 Filed 7–22–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AGL–31]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to alter the existing control zone serving Greater Rockford Airport, Rockford, Illinois by redefining the control zone using reference to an Outer Marker (OM) in lieu of a VORTAC. The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 30, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 81–AGL–31, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The slight alteration to the control zone boundary was necessitated by the completed relocation of the Rockford VORTAC. A small area of airspace approximately one (1) mile by 3.5 miles located northwest of the Rockford VORTAC, which is currently described as being within the control zone will be returned to a non-control zone status and the floor of controlled airspace in that area will be raised from the surface to 700 feet above the surface. Aeronautical maps and charts will reflect the defined areas, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 81–AGL–31, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 30, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Rockford, Illinois. Subpart F was published in the **Federal Register** on January 2, 1981, (46 FR 455).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 F.R. 455) the following control zone is amended to read:

Rockford, Illinois

Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N, longitude 89°05'45" W); within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 7, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-21552 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-22]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to redefine the description of the control zone serving Delta County Airport, Escanaba, Michigan, to reflect the part-time use status of the control zone.

DATES: Comments must be received on or before August 24, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-22, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The published description of the Escanaba, Michigan control zone does not reflect the capability of establishing use times of NOTAM. This action adds that capability.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-22, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of part 71 to alter the control zone near Escanaba, Michigan. Subpart F was published in the **Federal Register** on January 2, 1981 (46 FR 455).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 FR 455), the following control zone is amended to read:

Escanaba, Michigan

Within a 5-statute mile radius of Escanaba VORTAC (lat. 45°43'19" N., long. 87°05'31" W.), within 3 statute miles each side of the Escanaba VORTAC 007° and 101° radials, extending from the 5-mile radius zone to 8.5 statute miles north and east of the VORTAC; within 3 statute miles each side of the Escanaba VORTAC 286° radial extending from the 5-mile radius zone to 8 statute miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 7, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-21548 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-26]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to revoke the designated controlled airspace associated with the transition area for Miller Airport, Reed City, Michigan. The instrument approach procedure for Miller Airport has been cancelled because the airport is no longer in use, and the intended effect of this action is to return the controlled airspace to visual weather conditions use.

DATE: Comments must be received on or before August 30, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-26, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of controlled airspace in the area will be raised from 700 feet above the surface to 1200 feet above the surface. In addition, aeronautical maps and charts will reflect the change.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-26, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 30, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Reed City, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

§ 71.181 (46 FR 540) the following transition area is amended to read:

Reed City, Michigan

Revoked

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 7, 1981.

Frederick Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-21665 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1879-5]

Approval and Promulgation of Implementation Plans; Imperial County and Monterey Bay Area, State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the California State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of these revisions is to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas." This Notice provides a description of the proposed SIP revisions, summarizes the Part D requirements, compares the revisions to these requirements, proposes to approve the revisions, and invites public comments on this rulemaking action.

DATE: Comments may be submitted up to August 24, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, State Implementation Plan Section (A-4-2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revision and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Imperial County Board of Supervisors, Imperial County Courthouse, 939 Main Street, El Centro, Calif. 92243;

Monterey Bay Unified Air Pollution Control District, 1270 Natividad Road, Salinas, CA 93906;

Association of Monterey Bay Area Governments, 23845 Holman Highway, Suite 227, Monterey, CA 93940;

California Air Resources Board, 1102 "Q" Street, Sacramento, Calif. 95812;

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

On November 10 and December 4, 1980 (45 FR 74480 and 80279), the Environmental Protection Agency (EPA) approved with conditions the Imperial County Nonattainment Area Plan (NAP) and the North Central Coast (Monterey) NAP, respectively. These conditions required, among other things, that the State of California submit a cutback asphalt rule reflecting reasonably available control technology (RACT), as a SIP revision by January 1, 1981, for Imperial County and by March 4, 1981 for the Monterey Bay Unified Air Pollution Control District. (MBUAPCD).

Review of Proposed Revision

On March 30, 1981, the Governor's designee submitted Rule 416.1, "Cutback Asphalt", for Imperial County and Rule 425, "Cutback Asphalt", for the MBUAPCD as official SIP revisions to fulfill the conditions of approval. EPA also received a letter dated April 2, 1981 from the MBUAPCD which provided data to justify an exemption contained in their rule.

Sections 172(a)(2) and (b)(3) of the Clean Air Act require that minimum levels of control technology be provided for in the NAPs. For nonattainment areas such as Imperial County and the Monterey Bay Area the plan must include adopted, legally enforceable regulations which reflect the application of RACT for those major stationary source categories (i.e., those with over 100 tons per year potential emissions) for which EPA has published a Control Techniques Guideline (CTG) document by January, 1978 (i.e., Category I CTGs).

The State has previously submitted adopted rules for both counties that regulated all of the required Group I CTG source categories, with the exception of cutback asphalt. As stated previously, the cutback asphalt rule was made a condition of approval for the two NAPs.

Based on information contained in the CTG's, EPA believes that Imperial County's Rule 416.1 and MBUAPCD's Rule 425, submitted on March 30, 1981,

contain control requirements which are adequate to fulfill the requirements for RACT for cutback asphalt. Therefore, EPA proposes to approve these rules and incorporate them into the SIP.

The approval of Rules 418.1 and 425 would satisfy one of the conditions of approval for the Imperial County and the MBUAPCD NAPs. However, the conditional approval will be continued until EPA publishes in the Federal Register final approval or disapproval of all the conditional approval items for the Imperial County and the MBUAPCD NAPs.

Public Comments

Under Section 110 of the Act, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State.

The Regional Administrator hereby issues this notice setting forth the revisions described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

Comments received on or before August 24, 1981, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the revisions meet the requirements of Section 110(a)(2) and Part D of the Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605 (b) the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

(Secs. 110, 129, 171 to 178 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: June 4, 1981.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 81-21497 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-9-FRL 1838-5]

Approval and Promulgation of State Implementation Plans; Nonattainment Area Plans for Colorado

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On December 29, 1980, the Governor of Colorado submitted Regulation No. 11 to the U.S. Environmental Protection Agency (EPA) for review as required under Section 110 of the Clean Air Act. The regulation covers certain aspects of the Colorado motor vehicle emission inspection program required to be submitted under the EPA 1982 State Implementation Plan (SIP) policy of January 22, 1981 (46 FR 7182). In this notice, the EPA is proposing to approve Regulation No. 11. However, the agency cannot take action on the overall Colorado inspection program until the remaining elements required by the 1982 SIP policy are received.

DATES: Comments due on or before August 24, 1981.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295

Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Barry F. Levene, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-6131.

SUPPLEMENTARY INFORMATION:

Background

Section 172(b)(11)(B) of the Clean Air Act requires the State Implementation Plan (SIP) for areas which cannot attain the National Ambient Air Quality Standards for ozone or carbon monoxide (CO) by 1982 to include provisions for a vehicle emission control inspection and maintenance (I/M) program. The 1979 SIP revision was required to contain only qualitative descriptions of the key elements of the I/M program: legal authority, schedule, and commitments to implement and enforce the program, to provide adequate resources to support the program, and to achieve the required program effectiveness.

Colorado's SIP submittal of January 2, 1979, did not contain the required evidence of legal authority, but a subsequent submittal allowed EPA to conditionally approve the I/M portion of the SIP (44 FR 57401). When the date provided in the conditional approval passed, EPA disapproved the CO and ozone portions of the Colorado SIP (45 FR 16486 and 45 FR 21634). The Colorado legislature passed a bill on May 7, 1980, which Governor Richard Lamm submitted as a SIP revision to EPA on May 29, 1980. The law established legal authority for an I/M program throughout the Colorado Front Range from Colorado Springs through Greeley and Ft. Collins, encompassing all Colorado CO or ozone nonattainment areas. EPA's evaluation and approval of that SIP revision is documented in 45 FR 47682 (July 16, 1980).

EPA published the 1982 SIP policy (part of which pertains to I/M programs) on January 22, 1981 (46 FR 7182). As discussed in that policy, states with areas that have I/M programs under development or operational as part of their 1979 SIP revisions were required to submit only qualitative descriptions of their I/M program elements in the 1979 SIP submittal. The 1982 SIP revision must include, unless already submitted and approved as part of a previous SIP submittal, rules and regulations and all other I/M elements which could affect the ability of the I/M program to achieve the minimum emission reduction requirements.

More specifically, the 1982 submittal must include: (1) inspection test procedures; (2) emission standards; (3) inspection station licensing requirements; (4) emission analyzer specification and maintenance/calibration requirements; (5) recordkeeping and record submittal requirements; (6) quality control, audit, and surveillance procedures; (7) procedures to assure that non-complying vehicles are not operated on the public roads; (8) any other official program rules, regulations, and procedures; (9) a public awareness plan; and (10) a mechanics training program, if additional emission reduction credits are being claimed for mechanics training. Colorado submitted the first four of these ten elements.

EPA will determine the overall adequacy of the critical elements of each I/M program and, therefore, the approvability of the 1982 SIP by comparing those elements to established I/M policy. I/M program elements must be consistent with EPA policy or a demonstration must be made that the program elements are equivalent.

In the case of a partial submittal, EPA's action will be limited to the submitted program elements. Final action on the total I/M program must be reserved until all elements are submitted and reviewed in order to assure that the program satisfies the requirements in Part D of the Clean Air Act.

State Submittal

On December 29, 1980, Colorado submitted Regulation No. 11 which satisifes a portion of the I/M requirements for the 1982 SIP revision. It includes procedures for garage licensing (including mechanic testing and licensing), equipment requirements (including standards and specifications for exhaust gas analyzers), requirements for inspections, and emission standards. The emission standards are designed to provide a maximum stringency of 40% for 1968 through 1974 vehicles and 30% for 1975 and newer vehicles.

Cars will be tested using emission analyzers. Emission analyzers used in conducting the inspection must be approved by the Air Quality Control Commission. If cars comply with the standards, they will be issued a certificate of emissions compliance. Model year 1968–1980 vehicles which fail to comply with the standards, at the time of testing, will be adjusted to manufacturer's specifications and then retested. If they still fail to meet standards, they will be issued a certificate of emission adjustment and no further repairs or maintenance will be required, unless emissions control devices have been altered, removed, disabled or rendered inoperative. Visual inspection of emission control devices will be performed. owners of model year 1981 and later vehicles which fail to comply with standards at the time of testing will be required to repair their vehicles to meet standards. If these vehicles still fail to meet standards after expending up to $100.00 on emissions related repair costs, they will be issued a certification of emissions adjustment.

The high altitude performance adjustments provided by Section 215 of Clean Air Act will be included as part of the adjustments required.

The full program will begin on January 1, 1982, but a change of ownership and voluntary program began July 1, 1981. The provisions of the program requiring repairs on 1981 and later model year vehicles began July 1, 1982.

Proposed Action

EPA is proposing to approve Regulation No. 11 of Colorado's I/M program because it contains provisions which satisfy part of the requirement for the 1982 SIP revision, namely, the inspection test procedures, emission standards, inspection stations licensing requirements and emission analyzer specification and maintenance/calibration requirements. For all four of these elements, the provisions of Regulation No. 11 meet or exceed the applicable requirements of EPA's I/M policy. However, because Colorado has not yet submitted all of the required elements for the 1982 SIP revision, EPA cannot propose action at this time on Colorado's total I/M program or total 1982 SIP revision for I/M. As soon as Colorado submits the final six elements, and EPA determines to meet I/M requirements, total approval will be granted.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. Section 605(b)), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). This proposed rule, if promulgated, constitutes a SIP approval within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA is required to perform a regulatory impact analysis for major rules. I have reviewed this regulation and determined that it is not a major rule because it merely approves State action and imposes no new requirements. Therefore, this proposed rule is not subject to the substantive and procedural requirements of Executive Order 12291, regarding preparation of a regulatory impact analysis.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

Dated: April 15, 1981.

Roger Williams,

Regional Administrator.

[FR Doc. 81-21886 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1879-6]

Approval and Promulgation of Implementation Plans; Florida, Georgia, Kentucky, South Carolina, and Tennessee: Set II VOC Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Part D of the Title I of Clean Air Act, as amended in 1977, requires that states revise their State Implementation Plan (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). As part of their control strategies for attainment of the NAAQS for ozone (O_3), Georgia, Florida, South Carolina, Tennessee, and Kentucky have revised their SIPs to require control of volatile organic compounds (VOCs) from additional categories of sources which have emissions before control of 100 tons per year or more. Ozone nonattainment areas in these states are as follows:

- Georgia: Atlanta (Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding and Rockdale Counties; and Columbus (Muscogee County).
- Florida: Duval, Broward, Dade, Palm Beach, Orange, Hillsborough, and Pinellas Counties.
- South Carolina: Charleston (Charleston and Berkeley Counties), Columbia (Richland and Lexington Counties), and York County.
- Tennessee: Nashville (Davidson, Sumner, Rutherford, Wilson and Williamson Counties); and Shelby, Maury, Hamilton, Knox, Sullivan, Bradley and Roane Counties.
- Kentucky: Boyd, Boone, Campbell, Fayette, Henderson, Jefferson, and Kenton Counties.

EPA proposes to conditionally approve the SIP revisions submitted by Kentucky and fully approve the SIP revisions submitted by Georgia, Florida, South Carolina and Tennessee. This notice solicits comments on EPA's proposed action.

DATE: To be considered, written comments must be received on or before August 24, 1981.

ADDRESSES: Comments should be directed to Waymond A. Blackmon of EPA, Region IV's Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365. Copies of the materials submitted by the states may be examined during normal business hours at the EPA Region IV Library, at the Public Information Reference Unit of EPA's Washington, D.C. Office at 401 M Street, S.W., at the Offices of the Georgia Department of Natural Resources, Florida Division of Environmental Programs, Kentucky Department for Natural Resources and Environmental Protection, South Carolina Department of Health and Environmental Control, and Tennesse Department of Public Health.

FOR FURTHER INFORMATION CONTACT: Waymond A. Blackmon, EPA, Region IV, Air Programs Branch, 404/881–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: Provisions of the Clean Air Act enacted in 1977 require states to revise their SIPs for areas that have not attained the NAAQS. For states with O_3 nonattainment areas, EPA has stated that the minimum acceptable level of O_3 control includes reasonably available control technology (RACT) requirements for sources of volatile orgnic compound (VOC) emissions for which EPA has published a Control Technique Guideline (CTG) by January 1978, and additional requirements on an annual basis for VOC sources covered by January of the preceding year. (See 44 FR 20372 (April 4, 1979) as supplemented at 44 FR 38583 (July 2, 1979); 44 FR 50371 (August 28, 1979); 44 FR 53761 (September 17, 1979); and 44 FR 67182 (November 23, 1979).) Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980 (44 FR 50371, August 28, 1979). However, because states' regulatory processes took longer than anticipated, and since in most cases good faith efforts were being made to adopt the necessary regulations, EPA revised the July 1, 1980, deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

EPA published the CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories:

- Factory Surface Coating of Flatwood Paneling
- Petroleum Refinery Fugitive Emissions (Leaks)
- Pharmaceutical Manufacture
- Rubber Tire Manufacture
- Surface Coating of Miscellaneous Metal Parts and Products
- Graphic Arts (Printing)
- Perchloroethylene Dry Cleaning
- Gasoline Tank Trucks, Leak Prevention
- Petroleum Liquid Storage, Floating Roof Tanks

On January 14, 1981, Georgia submitted to EPA revisions to the SIP that consist of regulations for all of the above categories except perchloroethylene dry cleaning. The state submitted a letter certifying the nonexistence of sources which have emissions before control of 100 tons per year or more. These regulations are applicable to all counties within the State of Georgia. Georgia has incorporated EPA methods 24 & 25 into the state's test manual and has certified in writing that the state will use these test methods for testing VOC sources. Furthermore, all captive systems will be evaluated against "good engineering practices" as defined by certain recognized engineering manuals. The agency interprets the level of control that will arise from this evaluation to be consistent with RACT. With respect to applicable test methods for determining compliance with the above regulations, pursuant to 40 CFR 52.12(c)(1), the appropriate methods prescribed in 40 CFR Part 60 shall apply in those cases where a state has not adopted methods under the State Implementation Plan in accordance with the rulemaking requirements of Section 110 of the Clean Air Act and 40 CFR Part 51.

On April 30, 1979, Florida submitted revisions to the SIP that consist of regulations for all of the above categories except petroleum refineries, synthesized pharmaceuticals, and rubber tire manufacture. The state has certified that no such sources exist in the Florida nonattainment areas. (The state has made the regulations applicable only to counties that are designated nonattainment.)

On December 22, 1978, South Carolina submitted revisions to the SIP that consist of regulations for all the above categories except petroleum refineries, auto coating, fugitive emissions from refineries, perchloroethylene dry cleaning, and leaks from gas tank trucks and collection systems. The state has certified that no sources in these five categories exist that have potential emissions of 100 tons per year or more. These regulations are applicable to all counties within the State of South Carolina, except for counties designated attainment. South Carolina has test method and procedures for determining compliance with the state's VOC regulation in an appendix of their SIP. Furthermore, the state has certified in writing to EPA that they are in the process of incorporating EPA's method 25 in their test procedures and will use this test method to determine compliance for appropriate add-on controls. With respect to applicable test methods for determining compliance with the above regulations, pursuant to 40 CFR 52.12(c)(1), the appropriate methods prescribed in 40 CFR Part 60 shall apply in those cases where a State has not adopted methods under the State Implementation Plan in accordance with the rulemaking requirements of Section 110 of the Clean Air Act and 40 CFR Part 51.

On June 26, 1979, July 2, 1979, and May 8, 1980, Tennessee submitted revisions to the SIP that consist of regulations for all of the above categories. These regulations are applicable to all counties within the State of Tennessee. However, one regulation, 1200–3–18–.23 Petroleum Refinery Leaks, allows an open-ended negotiation process for determining an inspection protocol. This approach has credibility considering the different plant size configurations. When this approach is used, the agency must ensure that any negotiated inspection protocol will consistently reduce leaks at the affected facility. Therefore, use of this regulation will require a source-specific SIP revision for each affected facility.

On June 6, 1979, Kentucky submitted revisions to the SIP that consist of regulations for all of the above categories except leaks from gas tank trucks and collection systems. The Commonwealth's VOC regulations are not fully approvable because of the lack of an appropriate tank truck certification regulation. The state has indicated that they will submit an adopted VOC regulation for gas tank trucks and collection systems by October 1, 1981. Further, Kentucky has made these regulations applicable to a portion of the State, including all nonattainment areas and some areas designated unclassifiable. For nonurban areas where the regulations apply, new sources will be able to locate under an accommodative SIP. This means that no offsets will be required. The regulations do not apply to areas designated attainment and in some unclassified areas.

For a number of the unclassified counties where the regulations do not apply, the Commonwealth has requested, based on recent monitoring data, that EPA redesignate these counties as attainment. For the remainder, a monitoring program will be conducted during the summer of 1981. The Commonwealth believes that these areas will also show attainment. The effect on exempted unclassified counties is two-fold:

(1) Sources that would otherwise have to control will not be required to; and

(2) New VOC sources subject to PSD wishing to locate in these areas will not have the benefit of an accommodative SIP. They will therefore be required to perform preconstruction monitoring and, if nonattainment is indicated, secure the necessary emission offsets. However, if EPA subsequently redesignates the counties to attainment, offsets and preconstruction monitoring would not be required. If they are subsequently redesignated to nonattainment, offsets would be required for new sources while a SIP was being prepared and EPA is acting on that SIP (a maximum of 18 months).

At the present time, Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Triggs, and Union Counties are exempted from 401 KAR 61:122, Existing Graphic Arts Facilities; 401 KAR 61:124, Exising Factory Surface Coating Operations; 401 KAR 61:132, Existing Miscellaneous Metal Parts and Products; 401 KAR 61:137, Leaks from Existing Petroleum Refinery Equipment; 401 KAR 61:150, Existing Synthesized Pharmaceutical Product Manufacturing; KAR 61:155, Existing Pneumatic Rubber Tire Manufacturing Plants; and KAR 61:160, Existing Perchloroethylene Dry Cleaning. Further, Kentucky has provided for a variance provision in all their regulations. Any variances must be submitted as SIP revisions. Kentucky has certified in writing that they will use methods 90, 91 and 95 for determining add-on control efficiency. These methods (90 and 91) are equivalent to EPA methods 24 and 25 with method 95 being used for testing bulk terminal facilities. With respect to applicable test methods for determining compliance with the above regulations, pursuant to 40 CFR 52.12(c)(1), the appropriate methods prescribed in 40 CFR Part 60 shall apply in those cases where a state has not adopted methods under the State Implementation Plan in accordance with the rulemaking requirements of Section 110 of the Clean Air Act and 40 CFR Part 51.

With the exception of the missing tank truck certification regulation in the Commonwealth of Kentucky, EPA believes that all five state's regulations are consistent with RACT.

Proposed Action

EPA proposes to conditionally approve the Commonwealth of Kentucky's VOC regulations subject to the state submitting adopted regulations for leaks from gas tank trucks and collection systems by October 1, 1981. Furthermore, EPA proposes to approve these revisions in the Georgia, Florida, South Carolina, and Tennessee VOC regulations. The public may participate in this rulemaking by submitting written comments. After weighing pertinent comments received together with all other information available to him, the Administrator will take final action.

Purusant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that the attached rule (46 FR 8709) will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it would merely ratify requirements already in effect under State law, and would have no significant economic impact.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110, 172, and 301 of the Clean Air Act as Amended)

Dated: June 4, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81–21595 Filed 7–22–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[A–4–FRL 1884–8]

Approval and Promulgation of Implementation Plans; South Carolina: Proposed Plan Revision for VOC Compliance Schedules

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: After public hearing on November 24, 1980, the South Carolina Department of Health and Environmental Control adopted alternative schedules of compliance as a part of 62.5, Standard No. 5, Section II, Part H of South Carolina's Rules and Regulations on December 18, 1980. The revision was formally submitted to EPA on January 5, 1981. Upon review of these schedules for volatile organic compounds (VOC) compliance, EPA is today proposing to approve the revision. The public is invited to submit written comments on this proposed action.

DATE: Comments must be submitted to EPA, Region IV on or before August 24, 1981.

ADDRESSES: The South Carolina submittal may be examined during normal business hours at the following offices:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201

Comments should be addressed to Mr. Wally Warren, EPA Region IV, Air Program Branch, 345 Courtland Street, N.E., Altanta, Georgia 30365, Phone 404/881–3286 or FTS 257–3286.

FOR FURTHER INFORMATION CONTACT: Mr. Wally Warren, 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On January 12, 1978, the South Carolina Department of Health and Environmental Control adopted regulations for the control of VOC's and after reviewing the submitted regulations, EPA conditionally approved the submitted regulations on January 29, 1980 (44 FR 6572).

On January 5, 1981, South Carolina submitted an alternative compliance schedule for W. R. Grace and Company of Simpsonville, South Carolina. For it to be part of the VOC plan for South Carolina, this plan revision was subjected to a public hearing on November 24, 1980 and was approved by the State on December 18, 1980.

The company is proposing to comply with the VOC requirements by employing low solvent technology. The compliance schedule will require a 57% emission reduction by December 31, 1983, a 67% emission reduction by June 30, 1984, and a 75% emission reduction by December 31, 1984. Besides these requirements, the company will report on the development of low solvent technology for the laminate, film, and bag usages by July 1, 1982. If the

company cannot show that commercialization development has progressed to a point where usage of waterbase white and solvent base colors on the laminate presses is practical by this date, then installation of a fluidized carbon absorption system (or approved equivalent) will be installed. This procedure will achieve the emission reduction specified in Regulation 62.5, Standard No. 5, Section II, Part H (Graphic Arts—Rotogravure and Flexography) by December 31, 1984.

PROPOSED ACTION: Based on the previous information EPA is today proposing to approve the alternative compliance schedule for the Cryovac Division of W. R. Grace and Company.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reason for this finding is that the Federal action proposed only approves state actions and imposes no requirements on any entity.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 110(a) and 172 of the Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: June 15, 1981.

Rebecca W. Hanmer

Regional Administrator.

[FR Doc. 81-21490 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PH-FRL-1872-6; PP 7E1914/P116]

Cross-Link Nylon-Type Encapsulating Polymer; Proposed Exemption From the Requirement of a Tolerance

Corrections

In FR Doc. 81-19306 appearing on page 35353 in the issue of Wednesday, July 1, 1981, make the following changes:

1. On page 34353, second column, ninth line from the bottom, the first "by" should read "be"; third column, second full paragraph, third line from the bottom, insert "any" after "there".

2. On page 34354, first column, the nine lines at the bottom of the page should be transferred up and placed below the line that reads:

"(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))"

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 74

[Gen. Docket No. 81-415; RM-3075; FCC 81-292]

Amendment To Allocate a Certain Frequency Band to TV Auxiliary Broadcast Pickup Stations On a Secondary Basis

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC is proposing certain rules that would add a band of frequencies to those currently available to TV auxiliary broadcast pickup stations.

Due to heavy usuage of the other allocated bands and a need to provide for future growth of this service, this further allocation is proposed. This proposed rulemaking is in response to a petition filed by CBS, Inc., which intends to use this band for relaying television signals over short distances in conjunction with electronic newsgathering activities.

Use of the proposed band by TV auxiliary broadcast pickup stations would be on a secondary, or non-interference basis, to the primary services in the 38.6–40 GHz band.

DATES: Comment deadlines: Comments must be submitted on or before September 18, 1981 and reply comments on or before October 19, 1981.

ADDRESSES: Comments may be mailed to the Secretary, Federal Communications Commission, Washington, D.C. 20554 or delivered to Room 222, FCC, 1919 M St., NW, Washington, D.C., between 8:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Melvin Murray, Spectrum Utilization Branch, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, (202) 653–8168.

In the matter of amendment of Parts 2 and 74 of the Commission's Rules and Regulations to allocate the 38.6–40 GHz band to TV Auxiliary Broadcast Pickup stations on a secondary basis, Gen. Docket 81–415, RM–3075.

Adopted: June 30, 1981.
Released: July 20, 1981.
By the Commission: Commissioners Forgarty and Jones absent.

1. On March 8, 1978, the Commission received a petition for rulemaking (RM–3075), filed by CBS, Inc., to amend §§ 2.106, Table of Frequency Allocations, and 74.602, Frequency Assignments for Television Auxiliary Broadcast Stations. The petitioner has requested the addition of the frequency band 38.6–40 GHz to the bands currently available to Television Auxiliary Broadcast Pickup Stations (TV Aux. Bcst.). TV Aux. Bcst. pickup stations currently are assigned to 1990–2500 MHz (band A), 6875–7125 MHz (band B), and 12.7–13.25 GHz (band D).[1]

The Petition

2. CBS indicates that it became aware of the potential of the 40 GHz band for television pickup use in the course of a development contract for the U.S. Navy. It claims new equipment and materials technology have made the utilization of the band quite feasible, in particular for use in very short distance temporary fixed links as in a Television Pickup Station.[2] Its request for allocation of the 38.6–40GHz band is accordingly interpreted for use by this class station.[3]

3. With respect to further utilization of the currently allocated bands (i.e., Bands A, B, and D stated in paragraph 1 herein), CBS, Inc., claims that "virtual saturation has been reached in Bands A and B in New York, Chicago, Los Angeles, and Philadelphia; and, the situation is approaching saturation in many other large cities. Band D, which lay almost fallow for years, has already reached virtual saturation in New York and Los Angeles and severe shortages are developing in many other large cities."

4. CBS further contends that the "previously exclusive television broadcast auxiliary allocations have been eroded by assignments to other services. Several frequencies in Band A have been made available for use by the federal government in connection with space research programs. All of Band B has been made available to the fixed-satellite service for domestic satellite

[1] In a Notice of Proposed Rule Making in Docket No. 81–272 (46 FR 26507, May 13, 1981) adopted April 23, 1981, the Commission also proposed that the band 6.425–6.525 GHz be allocated for use by TV Pickup stations on a secondary basis to the local Television Transmission Service under subpart J of Part 21 of the Commission's Rules.

[2] We note that CBS, Inc., has been granted an authorization for a station (KI2XHT) in the Experimental Service (Developmental) to carry out the development of equipment operating in the 38.6–40 GHz band.

[3] Under § 74.601 (Subpart F of Part 74) there are listed four classes of Television Auxiliary Broadcast Stations: Television pickup; Television STL; Television intercity relay; and Television translator relay.

'downlinks'." Additionally, it claims that all of Band D is shared on a primary basis with Cable Television Relay Stations (CARS).

Comments Received

5. Comments supporting the Petition *in toto* were received from American Broadcasting Companies, Inc. (ABC), National Association of Broadcasters (NAB), National Broadcasting Company, Inc. (NBC) and the Public Broadcasting Service (PBS).

6. However, in comments, dated October 16, 1980, the Siemens Corporation points out that it has also developed equipment for use in the 38.6–40 GHz band. Designated by Siemens as the FSK–30,000, this equipment employs digital transmission for two-way communication in industrial applications. An an example in railroad "yards," communication of operating data such as train location, safe speeds, maximum efficient energy consumption speeds would be conveyed between railroad rolling stock and a central point. Because of its low power (approximately 50 milliwatts ERP) and the narrow beam, line-of-sight propagation characteristics of the band, Siemens foresees the potential for possible objectionable interference as being minuscule. At the present time, the system is being tested at Siemens' facilities in Germany and expects to request FCC equipment approval within the next several months.

7. In assessing the need for a futher allocation, we have reviewed the growth in numbers of TV auxiliary broadcast pickup stations. In 1970, there were approximately 560 such stations operating collectively in Bands A, B, and D. By the end of 1979 this number had grown to nearly 1850. In Los Angeles, the percentage of pickups to all other TV Auxiliary stations in 1979 was about 58 percent; in New York, this number was 70 percent. Nationwide, this percentage was approximately 35 percent. In the First Report and Order in Docket No. 21505[4] CBS had stated that future growth in the number of stations using ENG[5] would be leveling off and Microwave Associates expected that 60 percent of any future growth would occur in the smaller markets. However, in light of current congestion problems, in Bands A, B, and D and the fact that some continued growth in the use of "ENG" is anticipated we are persuaded that CBS' request for this allocation is reasonable and justifiable.

The 38.6–40 GHz Band

8. At the present time, within the United States, this non/government band is allocated to Fixed and Mobile services on a shared, co/equal primary basis. Under Parts 21 and 94, stations may be authorized in the Point-to-Point Microwave Service and the Private Operational/Fixed Microwave Service, respectively. There have been several authorizations granted in the past for such fixed links. However, it is our understanding that these links have had difficulties in providing reliable service due to higher attenuation from rain at these frequencies. Accordingly, for the present, such 40 GHz links may be acceptable only for those areas with minimal rainfall. On the other hand, "short-distanced" links as would be used by ENG and similar TV auxiliary pickup stations would seem to be ideally suited for this higher-frequency bank. However, to ensure that fixed links receive adequate protection from pickup operations we propose that TV auxiliary broadcast pickup operations be made a secondary service in this band, as it now is in Band D. [6] Because of the relatively lower power of ENG and similar TV auxiliary broadcast pickup transmitters and their limited transmission range,[7] we do not expect their usage to constitute a significant interference potential to fixed users.

9. For informational purposes we point out that the World Administrative Radio Conference (WARC) in 1979 reallocated the 37.5–39.5 GHz band to Fixed, Fixed-Satellite (space-to-Earth), and Mobile radio services and the 39.5–40.5 GHz band to Fixed, Fixed-Satellite (space-to-Earth), Mobile, and Mobile-Satellite (space-to-Earth) services. In view of this, it is anticipated that sharing between Fixed-Satellite, Mobile-Satellite and terrestrial services in the United States will be proposed in a separate rulemaking proceeding dealing with the provisions of the 1979 WARC. Although we do not anticipate a problem with the sharing of these services, we do not know at this time the extent of satellite operations in this band or how they will affect terestrially based services. It is with this in mind that we are soliciting coments regarding the proposed allocation. In the attached apendices we have included several pertinent extracts from the Final Acts of the World Administrative Radio Conference.[8]

Techincal Standards

10. CBS, Inc., in its Petition, suggested a maximum authorized bandwidth of 50 MHz for the proposed allocation, as is now specified in the 38.6–40 GHz band for the Point-to-Point Microwave Radio Service (§ 21.703) and the Private operational-Fixed Microwave Service (§ 94.71). We are uncertain at this time whether or not 50 MHz or some other limit should be proposed. One manufacutrer has developed equipment capable of transmitting three television channels using FDM–FM [9] in a 100 MHz channel. It may be benificial not to assign channel boundaries to permit manufacutrers the flexibility to design equipment with a higher degree of spectrum efficiency than has been previously possible. Accordingly, we ask comments that address this matter.[10]

If channel boundaries are not adopted for this service in the proposed band, as discussed in the previous paragraph, then we propose that the carrier frequency be maintained within a tolerance of 0.005 percent. Otherwise, if lower and upper frequency boundaries are adopted, then a frequency tolerance specification appears to be unnecessary. We are further proposing that the rated power output of a transmitter used in a pickup station for this band be limited to 1.5 watts. This limit should provide such a station satisfactory techincal opeartion over the relatively short transmision paths that would be used in this service.

[4] 44 FR 32377, June 6, 1979.

[5] An Electronic Newsgathering (ENG) system using a mobile TV Camera is a TV auxiliary broadcast pickup station when program information is relayed via a microwave link operating in any of the currently allocated frequency bands.

[6] Stations of a secondary service; (a) shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date, (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

[7] The transmitter associated with a TV pickup station generally is used with a portable or fixed receiver to provide a temporary transmission link over very short distances varying from about 100 meters to perhaps a few kilometers.

[8] We do not anticipate that satellites will be using this band before 1990 for at least two reasons: (1) lower frequency bands for satellite usage will most likely be taken advantage of first, and (2) teachnology has not suficiently advanced to the point that transmitters with sufficient power are realizable for Satellite-Earth usage. We expect, however, that TV auxiliary broadcast pickup stations would also be secondary to any such space services that may be implemented in the future in the 38.6-40 GHz band.

[9] FDM/FM is generally considered to be a process by which individual channels are separated in frequency, thereby permitting more than one channel to be carried on a single carrier.

[10] We are presently looking at ways to impoove the efficiency of spectrum utilization in the 2, 7, and 13 GHz TV auxiliary broadcast bands. For these bands, it is anticipated that this matter will be addressed in a separate rulemaking proceeding in the near future.

12. We are not proposing any performance standards for antennas; to do so would restrict the flexibility of ENG and similar TV Pickup operations. However, interference considerations necessitate that such operations be secondary to the primary services already allocated to this band.

13. Other technical considerations such as "emissions and emission limitations," and "modulation limits" are found within the existing Subpart F of Part 74 Rules. Type acceptance of a transmitter used in a Pickup station will be required if its peak output power exceeds 250 mW. Type acceptance will accordingly *not* be required if the transmitter's peak output power is 250 mW or less.

14. Pursuant to Section 605(b) of the Regulatory Flexibility Act, Pub. L. 96–354, we find that the proposed action herein would not have, if adopted, a significant economic impact on a substantial number of small businesses. It does not propose to displace anyone assigned to this band nor to harm their existing operations. The spectrum allocation proposed herein would only provide broadcast stations of whatever size the further option to operate their pickup stations in the 38.6–40 GHz band. As noted elsewhere, this option already exists in other bands allocated for this purpose. Moreover, because the broadcast use of the spectrum will be on a secondary basis, existing and future users will not be adversely affected.

15. Authority for issuance of this *Notice* is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before September 18, 1981, and reply comments on or before October 19, 1981.

All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into account information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

16. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

17. For further information concerning this Notice, contact Melvin J. Murray, FCC, Office of Science and Technology, Spectrum Utilization Branch, Washington, D.C. 20554, telephone (202) 653–8169. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts made to members of the Federal Communications Commission in this proceeding must be disclosed in the public docket file. A summary of the Commission's procedure governing *ex parte* contacts in rulemaking proceedings is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632–2700. This is also set out in the Commission's Rules in § 1.1231.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A.—"Article N7/5: Frequency Allocations" Final Acts of the World Administrative Radio Conference, Geneva, 1979

Region 1 allocation GHz	Region 2 allocation GHz	Region 3 allocation GHz
37.5–39.5	Fixed	
	Fixed-Satellite (space-to-Earth).	
	Mobile	
	3607C	
39.5–40.5	Fixed	
	Fixed-Satellite (space-to-Earth).	
	Mobile	
	Mobile-Satellite (space-to-Earth).	
3607C	Subject to an agreement obtained under the procedure set forth in Article N13A, the bands 37–39 GHz may also be used in Japan for Earth-to-space transmissions in the fixed-satellite service up to December 1990.	

Appendix B

It is proposed that Parts 2 and 74, Chapter I, Title 47 of the Code of Federal Regulations be amended as follows:

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, columns 7 through 11 for the band 38.6–40 GHz are amended as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

Federal Communications Commission

7 Band (GHz)	8 Service	9 Class of Station	10 Frequency (GHz)	11 Nature of services of stations
38.6–40 (NG 123)	FIXED MOBILE	Television Pickup		

* * * * *

NG123 Television pickup stations may be authorized to use frequencies in this band on a secondary basis to stations operating in the fixed services.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

2. In § 74.602(a) the frequency table is amended by adding "38.6–40 GHz [2]" to the end of the table and by adding the following footnote:

§ 74.602 [Amended]

* * * * *

[2] The band 38.6–40 GHz is available for usage by Television Pickup stations on a secondary basis to fixed stations.

3. In Section 74.636, the table is revised to read as follows:

Band	Power limit	Class of station
A (1990–2500 MHz)	20 Watts	Fixed.
	12 Watts	Mobile.
B (6875–7125 MHz)	20 Watts	Fixed.
	12 Watts	Mobile.
D (12.7–13.25 GHz)	5 Watts	Fixed.
	1.5 Watts	Mobile.
38.6–40 GHz	1.5 Watts	Mobile.

[FR Doc. 81–21661 Filed 7–22–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–433; RM–3803]

FM Broadcast Station College, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to College, Alaska, in response to a petition filed by the Associated Students of the University of Alaska. The assignment would provide College with a first local aural service.

DATES: Comments must be filed on or before September 14, 1981, and reply comments must be filed on or before October 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (College, Alaska), BC Docket No. 81–433 RM–3803.

Adopted: July 6, 1981.

Released: July 15, 1981.

1. A petition for rule making [1] was filed by the Associated Students of the University of Alaska ("petitioner"), requesting the assignment of Channel 280A to College, Alaska, as that community's first FM assignment. Petitioner states that it will apply for the channel, if assigned to College. No responses to the petition have been received. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules.

2. College (population 3,434),[2] in the Fairbanks Division (population 45,864) is located approximately 6.4 kilometers (4.0 miles) west of Fairbanks, Alaska. It currently has no local service.[3]

3. Petitioner states that the population of College increased approximately 96% between 1960–1970, and that during that same decade, the number of housing units increased from 427 to 866, an increase of 102.8%. According to petitioner, the primary activity in College, and the base of the community's economic existence, is higher education. It states that considerable retail sales activity is attributable to the supply and support of the campus community. Petitioner indicates that within the Fairbanks Division (an area comprised of 18,321 square kilometers (7,074 square miles)) are 23 manufacturing and 239 retail establishments. Petitioner has submitted sufficient data to demonstrate the need for a first FM assignment to College, Alaska.

4. Since the assignment proposed herein is within 400 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

5. In view of the fact that the proposed FM channel would provide a first local aural FM broadcast service to College, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.207(b) of the Commission's Rules, with regard to that community, as follows:

City	Channel No.
College, Alaska	280A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before September 14, 1981, and reply comments on or before October 5, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–433 RM–3803]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in

[1] *Public Notice* of the petition was given December 8, 1980, Report No. 1281.

[2] Population figures are taken from the 1970 U.S. Census.

[3] The University of Alaska is the licensee of Class C educational Station KUAC–FM (Channel 284) in Fairbanks, Alaska.

reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-21689 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-437; RM-3840]

FM Broadcast Station Delhi, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to assign FM Channel 228A to Delhi, Louisiana, as its first FM channel in response to a petition from Baker Broadcasting Enterprises.

DATES: Comments must be filed on or before September 21, 1981, and reply comments must be filed on or before October 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 9, 1981.

Released: July 21, 1981.

By the Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Delhi, Louisiana); BC Docket No. 81-437 RM-3840.

1. The Commission herein considers a petition filed by Baker Broadcast Enterprises ("petitioner") proposing the assignment of FM Channel 221A to Delhi, Louisiana, as that community's first FM assignment. No comments opposing the assignment were received.

2. Delhi (population 3289), located in Richland Parish (population 22,098)[1], presently has no local aural service. Delhi is located approximately sixteen miles west of Rayville (population 4,552), the Richland Parish seat.

3. In another proceeding, BC Docket 81-346, Channel 221A was recently proposed for Rayville, Louisiana, which is approximately 24 kilometers (15 miles) from Delhi. To avoid the short spacing, we have determined that Channel 228A can be proposed to Delhi instead.

4. According to the petitioner, Delhi's chief industry is the manufacturing of boats and antique automobile bodies. The community also is said to be a thriving agricultural community where large amounts of cotton, soybeans, pecans, timber, and various other crops are grown and marketed.

5. In view of the interest expressed in the proposed assignment and the provision of a first local aural service thereby, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to the following community.

City	Channel No.	
	Present	Proposed
Delhi, Louisiana		228A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and incorporated by reference herein.

Note.—A showing of continued interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before September 21, 1981, and reply comments on or before October 13, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* FR 11549, published February 9, 1981.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(j), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel that was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission's Rules.

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-21690 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-438; RM-3725]

FM Broadcast Station in Redmond, Oreg.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channels 275 and 298 to Redmond, Oregon, and the modification of the license of Station KSBC, Redmond, to specify operation on Channel 275. Alternatively, the action proposes the assignment of Channel 252A to Redmond as that community's second FM assignment. This action was initiated in response to a request by the Oregon Broadcasting Company.

DATE: Comments must be filed on or before September 8, 1981, and reply comments on or before September 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Redmond, Oregon), BC Docket No. 81-438, RM-3725.

Adopted: July 9, 1981.

Released: July 17, 1981.

1. Before the Commission is a petition for rule making[1] filed by the Oregon Broadcasting Company ("petitioner") seeking the assignment of Class C FM Channel 275 to Redmond, Oregon, as that community's second FM assignment. Petitioner states that if the channel is assigned, it will apply for authority to build and operate a station. No comments on the petition were filed.[2] The channel can be assigned in accordance with minimum distance separation requirements.

2. Redmond (population 3,721)[3], in Deschutes County (pop. 30,442), is located approximately 265 kilometers (165 miles) southeast of Portland, Oregon. Redmond is presently served by FM Station KSBC (Channel 224A) and fulltime AM Station KPRD.

3. In support of its request, petitioner states that the population in Redmond grew to 6,450 by 1978 according to Oregon State estimates. Petitioner asserts that Redmond is the geographic and trading center of the centeral Oregon area. According to petitioner, the two largest contributors to Redmond's economy are the agricultural and lumbering industries.

4. The preclusion study submitted by petitioner indicates that the assignment of Channel 275 to Redmond will cause preclusion on Channels 272A, 273, 274, 275, 276 and 278. Nine communities with populations over 1,000 lie within the precluded areas.[4] Alternative channels are available for assignment to the precluded communities. Petitioner states that the assignment would provide first FM service to 8,100 persons in a 5,427 square kilometer (2,120 square mile) area, and a second FM service to 1,800 persons in an area of 1,075 square kilometers (420 square miles).[5]

5. The assignment of Channel 275 to Redmond would create intermixture with Station KSBC, the Class A channel currently operating in Redmond. To avoid intermixture, the Commission generally attempts to upgrade the Class A station to Class C facilities by assigning a second Class C channel and modifying the Class A station's license. A staff study indicates that Class C Channel 298 can be assigned to Redmond with a site restriction of approximately 17.7 kilometers (11 miles) southwest. However, the existing transmitter site of Station KSBC cannot accommodate the necessary site

[1] Public Notice of the petition was given August 13, 1980, Report No. 1244.

[2] In its comments in BC Docket No. 80-401, proposing the assignment of Channel 243 to Madras, Oregon, Capps Broadcasting Group, Inc. ("Capps") moves to consolidate that proceeding with three other pending rule makings, including this one. Capps states that all four proposals seek to add Class C FM channels to the central Oregon area. Capps requests the consolidation so that the four proceedings may be examined jointly to determine the viability of the proposed stations and their effects on the service offered by existing stations in the area. The proceedings which Capps seeks to have consolidated are, in addition to the Madras proposal and the present proceeding concerning Redmond, include RM-3680 seeking the assignment of Channel 248 to Bend, Oregon, and RM-3708, seeking the assignment of Channel 289 to Bend, Oregon (BC Dkt. 81-155). KBND, Inc., the petitioner in RM-3708, opposes Capp's motion for consolidation as a blatant effort by an established broadcaster to seek economic relief. We have taken note of the ramifications of the possible assignments in paragraph 6, *infra*, and have alternatively proposed a second Class A assignment due to the possible impact of the other proposed Class C assignments. As we have determined in the other cases, however, consolidation is not necessitated in order to consider the reciprocal impact.

[3] Population figures are taken from the 1970 U.S. Census.

[4] The precluded communities, all of which are located in Oregon, are: Bend, Prineville, Lakeview, Madras, Burns, Hines, Klamath Falls, Altamont and Falcon Heights.

[5] Petitioner's first and second service showings may be overstated. It appears that petitioner may have understimated the coverage area of Station KICE, Bend, Oregon.

restriction for Channel 298, and, as a general matter, the Commission will not require the relocation of a licensee's transmitter site without the licensee's consent. Therefore, in this instance, we shall propose to assign both Channel 275 and Channel 298 to Redmond, and further propose to modify the license of Station KSBC to operate on Channel 275, the channel originally sought by petitioner. This leaves Channel 298 open for competing applications in Redmond. Also, whenever an existing licensee is required to switch frequencies to accommodate a new assignment, we require the permittee of the new assignment to reimburse the station for the costs incurred in changing frequencies. Petitioner should therefore indicate whether it would be willing to reimburse Station KSBC for its costs in changing frequencies to Channel 275. Reimbursement for the expenses needed to upgrade the station's facilities to Class C status is not required.

6. Normally, high powered Class C channels are reserved for communities much larger than Redmond. Exceptions are made where the assignment of a Class C channel would provide first and second FM services to a significant population. In the instant case, petitioner asserts that the assignment of a Class C channel to Redmond will provide a first service to 8,100 persons and a second service to 1,800 persons. However, as noted above, there are currently three additional proposals pending which would, if granted, add Class C channels to the general vicinity of Redmond. Should those proposals be adopted, it is possible that the Redmond assignment would provide little or no new first or second FM service. In that event, the assignment of a Class C channel to Redmond may be improper. Therefore, we are proposing an alternative assignment of Channel 252A to Redmond. This alternative would also eliminate the need for Station KSBC to change its operating frequency. Interested parties should indicate whether they would be interested in applying for a Class A channel in Redmond in the event that the Commission determines that a Class C assignment is not justified.

7. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with respect to Redmond, Oregon, as follows:

Alternative I

City	Channel No.	
	Present	Proposed
Redmond, Oreg	224A	275, 298

Alternative II

Redmond, Oreg	224A	224A, 252A

8. It is ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, Sonshine Broadcasting Corporation, the licensee of Station KSBC, Redmond, Oregon, shall show cause why its license should not be modified to specify operation on Channel 275 as proposed in Alternative I herein instead of the present Channel 224A.

9. Pursuant to § 1.87 of the Commission's rules, Sonshine Broadcasting Corporation may, not later than September 8, 1981, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Sonshine may, not later than September 28, 1981, file a written statement showing with particularity why its permit should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Sonshine to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Sonshine will be deemed to have consented to the modifications as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above channel modifications are ultimately found to be in the public interest.

10. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before September 8, 1981, and reply comments on or before September 28, 1981.

12. It is further ordered, that the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Notice and Order to Show Cause* to Sonshine Broadcasting Corporation, P.O. Box 123, Bend, Oregon 97701, the licensee affected by the *Order to Show Cause*.

13. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

14. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-438 RM-3725]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-21602 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-421; RM-3130; FCC 81-306]

Amendment To Permit Increased Antenna Height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In response to a petition filed by Radio Musical Incorporated, this action proposes to permit Class A FM broadcast stations in Puerto Rico and the Virgin Islands to operate with increased antenna height. The increase is being proposed to permit Class A stations to regain portions of their service area lost when Class B stations were permitted to increase their antenna height and to compensate for the unusually rugged terrain found on these islands.

DATES: Comments must be filed on or before September 15, 1981 and reply comments must be filed on or before October 15, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bernard Gorden, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: June 30, 1981.

Released: July 17, 1981.

By the Commission: Commissioners Fogarty and Jones absent.

In the Matter of Amendment of § 73.211(b)(3) of the Commission's Rules to Permit Increased Antenna Height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands; BC Docket No. 81-421, RM-3130.

1. The Commission has before it for consideration a petition for rule making filed by Radio Musical Incorporated ("RMI"), licensee of Class A FM Station WBRQ at Cidra, Puerto Rico.[1] The petiton requests amendment of rule Section 73.211(b)(3) to permit the operation of Class A FM stations with 3 kW effective radiated power (ERP) at antenna heights of 1200 feet above average terrain (AAT) in Puerto Rico and the Virgin Islands. At antenna heights above 1200 feet, RMI suggests the station's power should be reduced appropriately to prevent an increase in the service area from that possible with the proposed maximum facilities. The maximum facilities now permitted Class A stations are 3 kW power at an antenna height of 300 feet AAT regardless of location.

Background

2. The petitioner submits that the irregularity of the terrain in Puerto Rico and the Virgin Islands severely limits the coverage of all FM radio stations in the area, and particularly that of Class A stations due to their existing power and antenna height limitations. This irregularity and its effect on achieving adequate coverage was recognized and acted upon by the Commisison in Docket No. 14185, *Fourth Report and Order*, adopted on October 7, 1964.[2] In that *Report and Order*, Class B stations in Puerto Rico and the Virgin Islands were authorized to operate with antenna heights of 2,000 feet AAT and a maximum ERP of 25 kW. Class B stations elsewhere operate with maximum facilities of 50 kW ERP and an antenna height of 500 feet AAT.

3. At the time of the Commission's action in the *Fourth Report and Order* there were no Class A stations or allotments in either Puerto Rico or the Virgin Islands. They were later assigned based on the mileage separation requirements without compensating for the excessive facilities allowed for Class B stations. The petitioner asserts that Class A stations' actual coverage areas are limited due not only to the rough terrain but also by the facilities permitted Class B stations. Thus, the petitioner is seeking relief in the form of increased antenna height.

Discussion

4. Greater than normally expected signal attenuation as a result of rugged terrain is a recognized physical phenomenon. Methods of dealing with the adverse effects of terrain have been developed by the commission but are currently under additional study and review.[3] While this proposal arises as a result of the terrain situation in Puerto Rico and the Virgin Islands, terrain effect methodology is not under consideration here. That matter will be pursued in connection with a future Commission action such as that in connection with rule making petition RM-3367.[4] In the instant proceeding we have chosen to examine the relationship of Class A to Class B stations in terms of theoretical coverage areas. As a result of this examination we are persuaded changes in the Class A FM commercial station antenna height limitation should be proposed.

5. The Commission began its analysis of the petitioner's proposal by comparing the computed service areas obtainable by first-adjacent channel Class A and Class B stations in Puerto Rico and the Virgin Islands with those obtainable by the same stations on the U.S. mainland. Since the separation requirements and the Class A facilities

[1] Radio Musical is also a particpant in BC Docket 80-520 in which it, as the licensee of Station WBRQ, as well as two other licensees seek to upgrade their Class A stations to occupy Class B assignments. Since the proposal here may have a significant impact on their plans to increase coverage area as well as their pursuit of Class B assignments, we shall serve this *Notice of Proposed Rule Making* on each party to that proceeding and also withhold action on BC Docket 80-520 until an opportunity to submit comments to the instant proposal is given.

[2] 29 FR 14116, October 14, 1964.

[3] *Report and Order* in Docket Nos. 18004 and 18052, 52 F.C.C. 2d 455 *but see*, 58 F.C.C. 2d 749, 750 (1975).

[4] RM-3367 was filed by the National Telecommunications and Information Administration requesting a number of changes in the FM broadcast rules. Among other matters is sought amendment to permit consideration of terrain effects.

permitted are identical, changes in the protected service area of each class of station are due solely to the difference in the Class B station facilities permitted in Puerto Rico and the Virgin Islands. By applying the signal protection ratios found in Section 73.509(d)(3) [5], in this acknowledged idealized situation, we found that an increase in the Class A station's antenna height merely restores the approximate service radius, in the direction of the interfering Class B station, to that which would occur if both classes of stations were operating with standard maximum facilities.

6. For example, Class B stations with standard maximum parameters (50 kW, 500 ft.) located the minimum distance of 105 km (65 miles) from first-adjacent) channel Class A stations with standard parameters (3 kW, 300 ft.), receive −6 dB interference signal protection out to their 57 dBu field strength contour extending approximately 61 km (38 miles) in the direction of the Class A station. The Class A stations in this case receive −6 dB protection out to just beyond their desired 60 dBu contour, extending approximately 22.5 km (14 miles) in radius. Presently, in Puerto Rico and the Virgin Islands, the Class B stations operating with the permitted maximum facilities (25 kW, 2,000 ft.) may receive −6 dB protection extending approximately 74 km (46 miles) (a 21% increase over the above service with standard facilities) in the direction of the Class A station. However, the Class A stations in this case receive −6 dB protection extending only approximately 14.5 km (9 miles) (a 36% loss of service) in the direction of the Class B station.

7. If Class A stations are permitted to raise their antenna height to 1,100 feet,[6] their originally intended −6 dB protection is restored, extending approximately 24 km (15 miles) in the direction of Class B stations. Conversely, the Class B stations' −6 dB protection is also returned to their originally intended approximate distance, extending 59.5 km (37 miles) in the direction of the Class A station. By comparision analysis, the impact of second and third adjacent channel stations is minimal and relatively insignificant. While both Class A and Class B stations may theoretically derive a greater coverage area, the interference free coverage radius directly between adjacent channel stations will approximately, equal, in distance, that originally intended.

Action

8. The Commission finds action on the proposal is warranted to bring Class A FM commercial stations within some degree of comparability, in terms of service area in the direction of adjacent channel Class B stations, to those located on the U.S. mainland. Therefore, the Commission proposes § 73.211(b)(3) to permit the operation of Class A FM commercial stations, in Puerto Rico and the Virgin Islands, with 3 kW ERP with antenna height at 1,100 feet AAT. At antenna heights above 1,100 feet, the power must be reduced so that the station's 1 mV/m contour extends no farther from the transmitter site than with the facilities of 3 kW at 1,100 feet.

9. *Regulatory Flexibility Act Initial Analysis*

I. *Reason for action:* This action is needed in order that Class A stations in Puerto Rico and the Virgin Islands may overcome the adverse impact of the irregular terrain found there and previous Commission action granting Class B stations there the right to operate with increased antenna height.

II. *The objective:* The objective is to theoretically restore the approximate service area of Class A FM stations in Puerto Rico and the Virgin Islands, to that intended by the Commission when it originally adopted the minimum distance separation requirements (see § 73.207 of the Rules).

III. *Legal basis:* This action is proposed in accordance with Section 303(c) and (f) of the Communications Act of 1934, as amended.

IV. *Description, potential impact and number of small entities affected:* The proposed rule amendment would directly affect five Class A FM commercial broadcast station licensees in Puerto Rico and the Virgin Islands; but, only if the individual stations elect to take advantage of the proposed rule by increasing their antenna heights. Also, six adjacent channel Class B station licensees could possibly be affected to some degree (if the related Class A stations should increase their antenna heights) by a predicted slight loss of coverage area.

V. *Recording, record keeping and other compliance requirements:* None.

VI. *Any significant alternatives minimizing impact on small entities and consistent with stated objective:* One Commission alternative is to await the outcome of BC Docket 80–520, adopted August 15, 1980, to which the petitioner, in the instant proceeding, is also a party.[7] That proceeding proposes to substitute Class B channels for three of the five Class A channels currently allocated to Puerto Rico. To accommodate those substitute channels, four Class B stations will have to change their channel assignments, which may pose a greater impact on those affected entities. Another Commission alternative, however, is to maintain the status quo, and associate this matter with any future action taken with respect to resolution of the terrain factor, such as in NTIA's petition RM–3367. (See footnote 3)

Filing Responses to This Notice

10. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR § 1.1231.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before September 15, 1981, and reply comments on or before October 15, 1981. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding. The commission may also consider any other relevant information brought to its attention.

12. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*. In accordance with the provision of § 1.419 of the FCC's Rules and Regulations, an original and 5 copies of all comments, replies or other documents filed in this proceeding shall be furnished to the FCC. participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that BC Docket No. 81–421 is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy may file an additional 5 copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, NW). Further information concerning this proceeding may be obtained from Bernard Gorden, Broadcast Bureau, 202–632–9660.

13. It is ordered That the Secretary shall serve by certified mail, return receipt requested this *Notice of Proposed Rule Making* on the following entities: all parties to BC Docket 880–520 and to Southwestern Broadcasting Corp., licensee of Station WGIT, Hormigueros, Puerto Rico, c/o Voz Villa Fontana Park, Carolina, Puerto Rico 00630 and to Carlos Rivera, licensee of Station WZOL, Luquillo, Puerto Rico, c/o P.O. Box 10547, Caparra Heights, Puerto Rico 00922.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

It is proposed to revise § 73.211(b)(3) to read as follows:

§ 73.211 Power and antenna height requirements.

* * * * *

(b) (3) In Puerto Rico and the Virgin Islands:

(i) Class B stations may use antenna heights up to 2,000 feet above average terrain with effective radiated powers up to 25 kW. For antenna heights above 2,000 feet the power shall be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 25 kW and antenna heights of 2,000 feet. For powers above 25 kW (up to 50 kW) no antenna heights will be authorized which result in greater coverage by the 1 mV/m contour than that obtained with the facilities of 25 kW and antenna heights up to 2,000 feet.

(ii) Class A stations may use antenna heights up to 1,100 feet above average terrain with effective radiated powers up to 3 kW. For antenna heights above 1,100 feet the power shall be reduced so that the station's 1 mV/m contour (located pursuant to Figure 1 of § 73.333) will extend no farther from the station's transmitter than with the facilities of 3 kW and antenna height of 1,100 feet.

* * * * *

[FR Doc. 81-21480 Filed 7-22-81; 8:45 am]

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47 CFR Part 73

[BC Docket No. 80–512; RM–3595]

FM Broadcast Station in Tremonton, Utah; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of either Channel 264 or Channel 285A to Tremonton, Utah, as that community's first FM assignment. Additionally, further information is sought from petitioner, Bear River Broadcasting Company, Inc., regarding the location of its proposed transmitter site for a Tremonton station.

DATES: Comments must be filed on or before September 15, 1981, and reply comments on or before October 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 13, 1981.

Released: July 17, 1981.

By the Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Tremonton, Utah); BC Docket No. 80–512 RM–3595.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 58622, published September 4, 1980, proposing the assignment of Class C FM Channel 264 to Tremonton, Utah, as that community's first FM assignment at the request of Bear River Broadcasting Company, Inc. ("petitioner"). Comments in response to the *Notice* were filed by petitioner, in which it indicated its intention to apply for the channel, if assigned, and by Simmons Family, Inc. ("Simmons"), licensee of FM Station KSFI, Salt Lake City, Utah. Late-filed reply comments were submitted by petitioner, to which Simmons responded.[1]

2. In its comments, petitioner states that in addition to being a first local FM service, a Class C station at Tremonton would provide a first FM service to 3,000 persons and a second FM service to 600 persons. Simmons opposes the assignment of Channel 264 to Tremonton due to the alleged interference such an assignment would cause to its FM translator operation on Channel 262 at Brigham City, Utah. Simmons also states that Tremonton is not large enough to justify the assignment of a Class C channel. Simmons counterproposes that either Channel 285A or 292A be assigned to Tremonton. In the alternative, Simmons states that if the Commission determines that a Class C channel is justified for Tremonton, either Channel 248 or Channel 290 should be assigned.

3. In reply comments, petitioner states that if the Commission is inclined to adopt one of the counterproposals, it should assign a Class C channel to Tremonton. Petitioner argues that precisely because Tremonton is small, a station there will have to cover a wide rural area in order to survive. Petitioner reiterates that a Class C channel in Tremonton will provide first and second FM service to substantial populations. In a subsequently filed supplemental pleading, petitioner claims that only Channel 264 can be utilized at the site which petitioner wishes to use. The channels suggested by Simmons, because of site restrictions, cannot be

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[5] These protection ratios are those used for authorizing educational FM stations. Nonetheless, they are the same ratios originally used in establishing the distance separation requirements for co-channel and first adjacent channel assignments in the non-reserved portion of the FM broadcast band.

[6] In making the analysis, we note that while the petitioner has requested an antenna height of 1200 feet AAT, we find 1,100 feet sufficient to restore the original service radius.

[7] 45 FR 58634, September 4, 1980. Also, see footnote 1.

[1] Petitioner states that it did not receive a copy of Simmons' counterproposal which is the reason for submitting its reply comment after the filing deadline. Because Simmons has taken the opportunity to respond to petitioner's comments on the merits, we shall accept petitioner's late filed reply.

located at the site which petitioner has purchased. For this reason, petitioner states that it cannot support the assignment of any channel to Tremonton other than Channel 264. In response to petitioner's reply, Simmons states that the site preference of petitioner cannot be considered in making an assignment decision such as this because the eventual permittee may not be the petitioner. Simmons reiterates that other Class C channels are available for assignment to Tremonton which will not cause a disruption in its existing FM translator service.

4. Tremonton (population 2,794)[2], in Box Elder County (population 28,129), is located approximately 104 kilometers (65 miles) north of Salt Lake City, Utah. There is currently no local aural service in Tremonton, although an application for a daytime-only AM station on 1470 kHz is pending.

5. As we stated in the *Notice*, high-powered, wide-coverage area Class C channels are normally not assigned to communities as small as Tremonton. Exceptions to this policy are made, however, where a Class C channel could provide a significant amount of first or second FM service to surrounding areas and population. *See, e.g., Cobleskill, New York*, 48 R.R. 2d 1406 (Broadcast Bureau 1981). At the time the *Notice* in the present case was released, the assignment of a Class C channel to Tremonton would have provided first and second service to approximately 3,000 and 600 persons, respectively. In the interim, however, an application to upgrade the facilities of Station KJKJ, Logan, Utah, has been received by the Commission.[3] If granted, the modification to Station KJKJ would completely eliminate the area of first service which Chanel 264 at Tremonton would have served. Similarly, a pending application for a new Class C station at Roy, Utah,[4] may, if granted, significantly decrease the amount of second service which the channel at Tremonton would have provided. Therefore, absent further information, if the above-mentioned applications are granted, no reason would exist to consider assigning a Class C channel to Tremonton. Our assumptions on the extent of first and second service provided, however, could change depending on the proposed location of petitioner's transmitter site in Tremonton. Our analysis indicates that the unserved and underserved areas near Tremonton lie generally to the northwest of the city. If petitioner's proposed transmitter site is located in that direction, the possibility of providing first and second service may be present notwithstanding the possible Logan facility change and the Roy application. On the other hand, if petitioner's proposed transmitter site is closer to Logan, the prospects of providing first and second service is considerably less.[5] Precise information on the land which petitioner alleges to have purchased for its transmitter site will also be enlightening with regard to petitioner's assertion that spacing requirements preclude its use of any channel other than Channel 264.

6. In addition to seeking further information about petitioner's proposed site for its Class C operations, we are also requesting comment on Simmons' counterproposal to assign a Class A channel to Tremonton. If the amounts of first and second service to be provided by a Class C station in Tremonton are not sufficiently large to justify assigning a Class C channel, assigning a Class A channel would be more appropriate. Any parties interested in applying for a Class A channel at Tremonton should make their intentions known in response to this *Further Notice*.

7. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Tremonton, Utah		264 or 265A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

11. Comments must be filed on or before September 15, 1981, and reply comments on or before October 5, 1981.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-21639 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

[2] Population figures are taken from the 1970 U.S. Census.

[3] File No. BPH-801020AD.

[4] File No. BPH-810420AD.

[5] Due to Tremonton's proximity to the larger city of Logan, the assignment of a Class C channel to Tremonton could raise an issue of which community petitioner actually intends to serve. If petitioner seeks to serve the Logan community, it should so indicate in its comments and counterpropose an assignment to Logan.

47 CFR Part 90

[Docket No. 79-191, 79-334, RM-3691]

Allocation of the Remaining Frequencies in Certain Private Land Mobile Frequency Bands

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: This document proposes rules for the release, allocation, assignment, and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band. It also modifies the action taken in the Report and Order of Docket 79-191, and incorporates Docket 79-334 and RM-3691 into this proceeding. This action is necessary to alleviate the shortage of 800 MHz frequencies in the major urban areas as well as to increase the efficiency of utilization of these frequencies.

DATES: Comments are due on or before September 14, 1981 and replies on or before October 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, or Lewis Goldman, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the Matter of amendment of Part 90 of the Commission's Rules to Designate Frequencies in the 806-821 and 851-866 MHz bands for Slow-Growth Land Mobile Radio Systems of Utilities and Public Safety Agencies; PR Docket No. 79-191, RM-3380. Amendment of Part 90 of the Commission's Rules to Allocate Frequencies in the 806-821 and 851-866 MHz bands for Public Safety/Special Emergency, Industrial/Land Transportation, Business Radio Service and SMRS/CR Frequency Pools. Amendment of Part 90 of the Commission's Rules to Facilitate Authorization of Wide-Area Mobile Radio Communications Systems on Frequencies Allocated for Trunked Systems; PR Docket No. 79-334. Amendment of Part 90 of the Commission's Rules to Allocate Additional Frequencies from the 800 MHz Spectrum Reserve to Loaded Specialized Mobile Radio-Trunked Systems in Markets Having All Presently-Allocated SMR-Trunked Frequencies Assigned; RM-3691.

Adopted: June 18, 1981.

Released: July 14, 1981.

1. In the rulemaking proceeding in Docket No. 18262 the Commission addressed the allocation of frequency spectrum in the 806-947 MHz band (900 MHz band) to the land mobile radio service, and to the development of regulations pertaining to the future use of that spectrum. The first phase of the proceeding was initiated on July 17, 1968, with a Notice of Proposed Rule Making and Notice of Inquiry (33 FR 8644). It accomplished a general reallocation of spectrum in the 806-947 MHz band from broadcast to land mobile use, with the effect of providing an additional 115 MHz of spectrum to the land mobile radio service. It also provided a tentative sub-allocation of this spectrum within the land mobile service, with 75 MHz being allocated for the development of high capacity common carrier mobile communications systems, (i.e. "cellular systems") and 40 MHz for the development of efficient private and shared systems. The second phase of this proceeding was initiated with a Second Notice of Inquiry, released coincident with the First Report and Order. It dealt in greater detail with the questions of spectrum allocations within the land mobile service and with the development of systems' standards and other regulations applicable to the new 900 MHz land mobile band. This second phase was completed in 1974 with the adoption of a Second Report and Order (FCC 74-470) which addressed the frequency allocation and related matters, together with the policies and regulations pertaining to various systems being accommodated at 900 MHz. *Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974). *Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 945 (1975). *Memorandum Opinion and Order*, Docket No. 18262, 55 FCC 2d 771 (1975).

2. In 1976, the Commission began assigning frequencies in the 806-821 MHZ and 851-866 MHz bands which had been allocated to the private land mobile radio services. The Commission initially released 300 of the 600 channel pairs available for these services, designating 200 of these channels for trunked systems [1] and 100 channels for conventional systems.[2] Since trunked systems were new to land mobile operations, however, there was some uncertainty both as to their actual performance and their degree of user acceptance. Even though trunked systems were theoretically more spectrally efficient than conventional systems, the Commission decided that it should reserve 300 frequency pairs until a number of trunked systems had been constructed and operated. It would then decide how to release the remaining 300 channels based on its operating and regulatory experience.

3. Early in 1978, the original 100 channels designated for use by conventional systems were all assigned in major metropolitan areas and requests to release additional spectrum were received. In response, the Commission issued an Order in August of 1978 (FCC 78-584),[3] releasing an additional 50 channels for conventional systems. Since trunked systems were not actively marketed until 1978, no additional channels were made available for trunked systems. In October of 1979, to alleviate a continuing shortage of spectrum for conventional systems in Chicago, New York and Los Angeles, without depeleting the remaining reserve, the

[1] A trunked system is one in which 5 or more channels are interconnected with a computer so that when a user wishes to communicate, the system will automatically search all the channels until a vacant one is located.

[2] A conventional system is one in which one or more channels are operated independently. Unlike a trunked system, with the multi-channel conventional system, the user must manually search for a vacant channel.

[3] Order releasing fifty channels from the reserve pool for use by conventional land mobile systems in the 800 MHz band, FCC 78-584, adopted August 1, 1978, 43 FR 35394, August 9, 1978.

Commission in PR Docket 79-106[4] increased the mobile loading limits for conventional channels in the top 25 urbanized areas of the country. By late 1979, it had also become apparent that the popularity of trunked systems technology had resulted in spectrum shortages for trunked systems in the Nation's major urban centers. Waiting lists of applicants seeking spectrum for each type of system have resulted in anticipation of additional spectrum allocation.

4. During this same period of time the Commission received petitions from representatives of various radio services. Some wished all of the remaining reserve private land mobile spectrum to be released immediately with first priority to fully loaded trunked systems on the waiting lists. Others wished it divided between conventional and trunked system. Others did not wish a general release of spectrum at all, but instead wished it released to generic classes of users. This latter group contended that particular types of radio services eligibles were disadvantaged by a general release of spectrum, be it to conventional or trunked systems or both, because these "slow growth" types of users could not compete for channels with the same alacrity in application submissions as Business Radio Service and Specialized Mobile Radio (SMR) licensees.[5]

Docket 79-191

5. In response to these kinds of arguments, on August 1, 1979, the Commission adopted a Notice of Proposed Rule Making to set aside 50 of the 250 remaining reserve channels for public safety and public utility slow-growth systems.[6] The Commission recognized by this action that of the 350 channels already allocated, most were assigned to Business Radio Service licensees or SMRs, and it concluded there was merit to assuring that licensees who wished to construct their own systems rather than share that of another were allowed this option. It therefore proposed to set aside 50 channels of the remaining spectrum for eligibles in other radio services, to accommodate important radio needs. It proposed to limit the eligibility to use these channels to genuine "slow growth" systems and sought comment as to the proper definition of such systems.

6. Comments and replies on the Commission's proposal were received from 13 parties.[7] While there was general support for the allocation of some portion of the remaining 250 channels in the private land mobile reserve for public safety and public utility systems (a group the Commission specifically proposed to include) most who commented though (1) that public safety and other users should not be grouped on the same channels, and (2) that more than 50 channels should be allocated. They felt "slow growth" requirements existed in many other services and they requested additional reserve channels be allocated, and that the ability to access these channels, and not to have to compete directly with Business Radio Service eligibles and SMRs, be extended to eligible entities in other radio services.

7. On November 6, 1980, the Commission adopted a Report and Order,[8] which allocated 50 of the 250 reserve channels only to local governments for slow growth systems. The Commission concluded these were the only systems in which true external constraints on immediate system implementation existed and beyond this it was not possible to distinguish one category of user from another.

8. We now have before us three Petitions requesting reconsideration of the Report and Order which the Commission adopted in this proceeding,[9] as well as an Opposition to the Reconsideration Petitions, and four replies to the Opposition.[10] These petitions argue the Commission has been arbitrary and capricious in artifically distinguishing between local governmental requirements and those of non-governmental concerns. They argue the equitable approach is to release channels to all services that require them while incorporating into this release the recognition of the fact that many systems in many services have longer lead time requirements than Business and SMR licensees. They contend a "common pot" release approach does not serve the public interest because if there are not frequencies available for single as well as shared system approaches, the Commission constrains the ability of eligibles to satisfy their requirements as they deem appropriate in the furtherance of the public good. All petitioners for reconsideration make reference in requesting relief to a proposal submitted to the Commission by the Land Mobile Communications Council (LMCC) concerning the disposition of reserve channels. Additionally, the Commission has before it other proposals addressing how this reserve should be approached including one from Advanced Mobile Radio Telephone Services, Inc. (RM-3691), one from the National Mobile Radio Association, Inc. (NMRA) and one from the General Electric Company (GE).[11]

9. In the petitions for reconsideration of our decision in Docket 79-191, the petitioners do not take issue with our action allocating 50 channels to a public safety frequency pool available to local governmental eligibles on a shared basis. They do, however, dispute our decision not to make additional reserve channels available to other radio services eligibles. Petitioners state that the objective of the proceeding in Docket 79-191, as described in the Commission's Notice of Proposed Rule Making, was not solely to accommodate local governmental "slow growth"

[4] Amendment of §§ 90.305 and 90.377 of the Commission's rules to change the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806-821 MHz & 851-866 MHz. *Memorandum Opinion and Order*, PR 79-106, adopted September 25, 1979, 45 FR 66034, October 25, 1979.

[5] For a discussion of SMR licensees see Docket No. 18262, *supra*.

[6] *Notice of Proposed Rule Making, PR Docket No. 79-191*, FCC 79-470, 44 FR 5987.

[7] The following parties filed comments and replies to our Notice of Proposed Rule Making: the Utilities Telecommunications Council; the Associated Public Safety Communications Officers, Inc.; the International Association of Chiefs of Police; the General Telephone Companies; the Association of Maximum Service Telecasters, Inc.; the Central Committee on Communications of the American Petroleum Institute; the Special Industrial Radio Association, Inc.; the International Municipal Signal Association; Mr. Jorge E. Calderon Sanchez, Communications Officer, Puerto Rico Police Department; the American Telephone and Telegraph Company; the Southern California Rapid Transit District, County of Los Angeles; and the Virgin Islands Department of Public Safety.

[8] *Report and Order, PR Docket 79-191*, FCC 80-668, 45 FR 81204 (Dec. 10, 1980).

[9] Docket 79-191, Petition for Reconsideration submitted by the Utilities Telecommunications Council (UTC); Petition for Reconsideration submitted by the Central Committee of Telecommunications of the American Petroleum Institute (API); and Petition for Reconsideration submitted by the Special Industrial Radio Service Association, Inc., (SIRSA).

[10] Opposition to Petitions for Reconsideration submitted by the Associated Public Safety Communications Officers, Inc., (APCO). Reply to Opposition submitted by Utilities Telecommunications Council; Reply to Opposition submitted by Maximum Service Telecasters, Inc.; Reply to Opposition submitted by API; and Reply to Opposition submitted by SIRSA.

[11] Incorporated by reference in the matters now before us are also the proposal from the Land Mobile Communications Council (LMCC) captioned "Policies Governing the Assignment and Use of the Remaining Channels in the 806-821 and 851-866 MHz Bands Currently Held in Reserve" a proposal from the National Mobile Radio Association (NMRA) captioned "Proposal for Release of 806 MHz Reserve-Pool Channels," and a proposal from the General Electric Company titled "Petition for Inquiry, Allocation of Frequencies in the 800 MHz Reserve Pool for Private Radio Systems." Executive summaries of these proposals are contained in Appendices A, C, and D respectively. We invite public comment on these proposals in addition to the proposals we are making herein.

systems, but was also to ensure, in view of the rapidity with which frequencies are assigned once allocated at 800 MHz, the channels will be available to accommodate radio systems which are in the public interest and which, for a variety of reasons, have not in the past been as successful as Business Radio Service and SMRs eligibles in securing necessary 800 MHz frequencies. They also note that the need for additional channels for all services is readily apparent and that the public interest is not served by continuing to hold frequencies back from private land mobile users.

10. All urge as relief the allocation of additional frequencies. The petitioners for reconsideration support the Land Mobile Communications Council proposal as to how, and under what conditions, this allocation should be made. APCO, in its Opposition, expresses its fears, however, that if additional frequencies are allocated in, this proceeding, it will unreasonably delay the ability of local government systems to access the 50 channels already allocated for their use to construct slow growth systems.[12] Other proposals before us demonstrate that there is significant opposition to the LMCC proposal by other land mobile interests. They do not agree that a sequestering allocation approach is desirable, and they argue the first come-first served assignment process originally adopted in Docket No. 18262 should be adhered to.

11. After a careful review of all the comments and proposals which have been made, we conclude that it is appropriate to consider modifying somewhat both the decisions we reached in our Reprt and Order in Docket No. 18262 and that reached in Docket No. 79-191. To outline our reasoning before we address both the modification and our proposals, first we agree that the last of the remaining spectrum in the private land mobile reserve should be allocated now. While it might be argued that the only need for additional spectrum exists in the Nation's major urban centers and that it is only in these locations that it should be released, we believe it is administratively desirable generally to release the spectrum, rather than confine the allocation to specific metropolitan areas.

12. Second, we also think there is merit to some frequency sequestering. Each private radio service had its genesis in the recognition through a notice and comment rule making proceeding that the public interest was served by having spectrum available to satisfy particularized service requirements, (e.g. Police Radio Service; Local Government Radio Service; Power Radio Service; Railroad Radio Service, *etc.*). We have consistently concluded that licensees should have the option of electing the form that satisfying this requirement should take. See e.g. generally *Multiple Licensing-Safety and Special Radio Services*, Docket No. 18921, 24 FCC 2d 510 (1970); *Special Emergency Radio Service, Report and Order*, Docket No. 17581, 24 FCC 2d 310 (1970); *Cooperative Sharing of Operational Fixed Stations, Report and Order*, Docket No. 16218, 4 FCC 2d 406 (1966); *Coleman Petroleum Engineering Co. et al*, 24 FCC 2d 378 (1970); *Land Mobile Radio Service*, Docket No. 18262, 46 FCC 2d 752 (1974); *Memorandum Opinion and Order*, Docket No. 18262, 55 FCC 2d 771 (1975). The record before us establishes that there are eligibles who have not been able to satisfy communications requirements in the manner they deemed most appropriate, be they local governmental entities or otherwise, because, for whatever reasons, they were not as quick as eligibles in other radio services in securing spectrum. To the extent that this has resulted in broad classes of eligibles being denied spectrum to satisfy legitimate communications requirements in the public interest, we do not think it is desirable. Further we note that while much of the spectrum has been assigned to SMR systems, these systems generally are not heavily loaded.

Therefore, while the spectrum is gone, it is not necessarily being used. Just as we have always concluded that the public interest has been furthered by providing eligibles with a choice whether to satisfy their communications requirements either through private or common carrier facilities, so we think it is served by offering them a choice between shared and unshared private facilities. We have, therefore, decided to allocate the remaining spectrum in categories. This would not be a return to the "balkanized" "block approach" which we declined to follow initially in Docket No. 18262 as some have argued, because the categories are so large as to preclude the "hoarding" which can result when allocations are made radio service by radio service. The very size of the classes should assure spectrum in demand will not lie fallow.

13. Third, we believe that the vertically loading and sequential assignment approach initially adopted in Docket No. 18262 has had some negative repercussions. As we noted in our proceeding in Docket No. 79-334, the Docket No. 18262 approach envisioned essentially circular areas of operation with a twenty mile radius. As such, the assignment plan now being followed does not lend itself readily to wide area, regional or ribbon configuration requirements which often occur in the user environment. This somewhat rigid assignment approach also has not permitted modifications in appropriate circumstances where topography or operational characteristics may warrant a somewhat modified approach. The Commission cannot undertake the analysis that individualized evaluations would require in the absence of an available automated data base and an increase in staff resources. The LMCC in its proposal has offered to make the necessary data base available. Various user associations have also volunteered to bring to bear on the 800 MHz frequency assignment process the expertise they have acquired over the years in making frequency recommendations for Commission consideration below 800 MHz. We are, therefore, proposing to allow eligibles to request frequencies of us after preparing their own field surveys or securing a recommendation from a frequency advisory group.

14. Lastly, we are proposing to modify a variety of rules for systems which would operate on these 250 frequency pairs from the rules we adopted in Docket No. 18262 and earlier in Docket No. 79-191. Our reasoning will be discussed below. With this summary now outlined, we will proceed to the specific proposals under consideration.

LMCC Proposal

15. Appendix A to this Further Notice of Proposed Rule Making is the Executive Summary of the LMCC Proposal for release of the remaining channels in the 806-821 and 851-866 MHz bands. The full text of this proposal is included in the Docket File in this proceeding. In brief the LMCC Plan would:

(a) Group channels into the following four separate, but flexible, categories with the following frequency allocations:

[12] In its Reply, UTC clarified its position by requesting that we adopt a Memorandum Opinion and Order releasing an additional 60 channels to accommodate slow growth systems in the Power and other Industrial Radio Services, and that we issue a separate Docketed Notice of Proposed Rule Making to determine the rules which should govern operations on these channels. However, since we believe the allocation of frequencies and the rules which would govern the operations of systems on them are intrinsically tied and should be treated together, we have declined to adopt the approach requested by UTC in its Reply Comments. See discussion, *infra*.

—Commercial Users (SMRS and Common Carriers) 70 channels.
—Business Users (includes "community repeaters"[12] but not SMRs) 60 channels.
—Public Safety Users—60 channels (includes 50 channels released in our Report and Order earlier in this proceeding).
—All other Industrial and Land Transportation Users 60 channels.

(b) Permit trunked or conventional use at the user's option.

(c) Apply the "field study" and "frequency advisory committee" provisions of § 90.175(a) (47 CFR 90.175(a)) of the rules to the initial selection of frequencies so that applicants have the option to avail themselves in selecting their frequencies or the services of frequency coordinating committees which are representative of the various categories of users.

(d) Recognize that the LMCC will establish a nationwide data base for use in the initial frequency selection process which is available to all users.

(e) Have the Commission establish rules for appropriate loading, engineering, operating and interference criteria for each category.

(f) Have the Commission establish for the Commercial User category:

i. Rules for common interference criteria (not fixed mileages);

ii. Rules which would permit applicants to apply for up to 20 channels, and where there are more applicants than channels, divide the available channels among all applicants who may pool them; and

iii. Rules which would permit the use of these channels by common carriers and which would permit equipment manufacturers to be licensed for any number of systems.

(g) Have the Commission establish for the three non-commercial user categories:

i. Rules which permit only non-exclusive frequency assignments;

ii. Rules which provide for frequency registration and extended construction periods for slow growth users; and

iii. Rules which permit "engineered-in" assignments through the use of the criteria established through rule making and the information in the data base.

(h) Permit the Commission after 5 years to change channel boundaries for each category. In the meantime, provide for intercategory sharing by mutual agreement of coordinating committees.

[12] For a description of the Commission's multiple licensing practices See generally, *Multiple Licensing Safety and Special Radio Services, Memorandum Opinion and Order and Notice of Proposed Rule Making, Docket No. 18921*, 24 FCC 2d 510 (1970).

16. In support of its request, the LMCC [14] notes that its proposal calls for the use of limited and flexible blocks, frequency coordination and frequency sharing. It contends that these are useful and necessary approaches and will represent an improvement over the frequency and use policies adopted in Docket No. 18262. Specifically, the LMCC argues that six years have now elapsed since the Report and Order in Docket No. 18262 was adopted, and that it is appropriate to revisit the decisions made therein. In this regard, the LMCC points out that the Commission itself acknowledged that as it gained experience it would have to re-examine and, if necessary, modify its initial regulatory approach to 800 MHz. *Land Mobile Radio Service, Second Report and Order, Docket No. 18262*, 46 FCC 2d 752 (1974), *Memorandum Opinion and Order Docket No. 18262*, 51 FCC 2d 945, 978 (1975). To quote from the LMCC proposal:

> It has now been six years since the Second Report and Order in Docket No. 18262 was adopted and four years since radio systems have been licensed at 800 MHz. Any examination of the original wisdom of the move away from block allocations at 800 MHz must be in light of the experience gained during that time and more importantly in light of the needs of the land mobile community. First, it is clear that the rate of success and willingness of users to utilize 800 MHz, particularly in urban areas, has far surpassed the Commission's original expectations. In this regard, at the present, all allocated frequencies for trunked channels have been assigned in Chicago, Los Angeles, New York, San Francisco, Washington, Houston, and Dallas/Ft. Worth. Conventional channels are exhausted in the first three of these cities. In each of these cities, there is a pending backlog of applications for additional frequencies as well as a substantial number of potential users who have in all likelihood not even filed due to the present unavailability of channels. It can, therefore, be said that the reception of 800 MHz channels in urban areas is a success, with the need for available frequencies in such areas at a critical stage, given the fact that there exists in a large number of urban areas simultaneously more applicants than there are available frequencies. Second, the variety of systems which were only in a developmental stage at the time of the adoption of the Second Report and Order have now had sufficient opportunity for development so there can be little justification on that score not to release the necessary additional channels. Third, the original loading standards and co-channel mileage separation standards for conventional systems have already been modified, allowing somewhat further utilization and demand of the frequencies by users, but requiring greater care in selecting a frequency. However, even these modified standards are not sufficient to allow the maximum and efficient utilization of the frequencies. Fourth, given the already existing backlog of applicants and growing demand for channels at 800 MHz, there is a need to make certain that all land mobile groups have equal access to the channels. In addition, with the present demand on channels and the revised loading standards, the Commission's assignment of frequency and coordination ability at 800 MHz is not satisfactory. Not only is the Commission presently without adequate resources to make the assignment decisions necessary, but its continued adherence to strict policies of rigid co-channel mileage separation and loading standards and sequential assignment of frequencies have resulted in under-utilization of the spectrum. That is, continued adherence to the Commission's present rigid policies will not allow the type of reasoned decision making necessary to allow for specific engineering-in of additional systems which will allow greater spectrum efficiency. In short, the Commission's existing policies of spectrum assignment do not operate in the public interest.
>
> LMCC Proposal pp. 14–16 (footnote omitted).

17. In essence, the petitioners for reconsideration asked as relief the adoption of the LMCC approach. They argue that if the four category groupings proposed were adopted, along with a release of channels to each group and a relaxation of the rules as described, it would accomplish the Commission's objectives of assuring that allocations and assignments in the 800 MHz private land mobile reserve would accommodate the needs and requirements of SMRs and Business users, while at the same time assuring that the important communications requirements of other classes of eligibles including, but not limited to "slow-growth" systems (governmental or otherwise), would also be satisfied. They also contend that the introduction of flexible pool allocations and frequency coordination rather than geographic separation and sequential frequency loading would achieve more efficient spectrum management.

NMRA Proposal

18. The Commission has also received a proposal on this subject from the National Mobile Radio Association. This proposal has also been placed in the Docket file and its summary is included herein as Appendix C. The NMRA proposal differs from the LMCC proposal in many significant aspects. In brief, under the NMRA plan, the Commission would release the remaining 200 channels (excluding the 50 "slow-growth" channels) into a single private user pool. These frequencies would be available on a "first-come, first-served" basis to all private services eligibles and would be allocated for trunked use only. In cities where applications are pending for more than 200 channels, only 180 channels would be released on a first come, first served basis. The remaining 20 channels would be distributed in 5 channels blocks by means of either a lottery or a "paper" hearing to minimize comparative hearing. In support of its proposal NMRA contends:

> NMRA submits that the record confirms the Commission's wisdom in selecting chronological priority; for in the space of two short years 27 trunked SMR systems were licensed and placed in service in Los Angeles even though trunked mobile equipment presently carries a premium price. Trunked SMR systems have enjoyed similar success in other urban markets, including Chicago and New York. The user demand for trunked systems will drastically increase in early 1981 as lower cost units become available. Given the proven ability of entrepreneurs to place 800 MHz resources to productive use under the current assignment scheme, there is no reason to search for new methods of accomplishing the task.[15]

This proposal discounts the need for election between different kinds of private systems and argues all private needs can be satisfied through shared SMR systems.

19. NMRA further contends that another reason for continuing the "first come, first served" licensing approach is "fairness" to applicants presently waiting for additional spectrum to be released. NMRA also makes two additional points in its proposal. First, in view of the special problem present in San Diego, California, because lack of an agreement with the Mexican government has blocked use of 800 MHz frequencies in areas near the border, it proposes that:

> * * * a full complement of 600 conventional and trunked 800 MHz frequencies offset 12.5 kHz from Los Angeles frequencies be made available in San Diego. Use of offset frequencies has a long and successful history of permitting intensive frequency reuse in both the land mobile and broadcast services. The geographical separation between the Los Angeles and San Diego markets permits the Commission and the public in this special case to have their cake and eat it, too.[16]

16. Second, NMRA takes exception with the LMCC's proposal to remove the present restrictions which limit persons engaged in the manufacture of radio equipment from controlling, directly or indirectly, more than one trunked SMR system nationwide. The gist of NMRA's position is:

> Removal of this restriction would permit Motorola and other manufacturers to not only manufacture, sell, install, and maintain the mobile equipment but also to provide the trunked SMR service on a vertical integrated basis. Independent SMRs who have made large capital investments in their trunked systems would then be placed in the position of competing with manufacturers who can easily subsidize their trunked facilities at the expense of their small business competitors.[17]

20. In sum, the NMRA proposal takes serious exception with many of the LMCC proposals. To quote from NMRA:

> NMRA has renewed (sic) the Land Mobile Communications Council's (LMCC) proposal contained in its letter of October 28, 1980, addressed to the Chief, Private Radio Bureau, for disposition of the remaining 200 reserve pool channels and believes that the LMCC proposal is not in the public interest. The LMCC proposal would divide the remaining 800 MHz spectrum into four blocks. Each different class of applicant would be assigned spectrum from one of the blocks. For example, one block would be available only for public safety applicants. Except for the "commercial user" category, which would encompass SMR and Radio Common Carrier (RCC) operations, no restrictions on co-channel reuse and maximum number of mobile units that may be operated on a channel would apply. Local "spectrum management groups" would be in charge of frequency assignments with the FCC acting as an arbiter should local agreements prove impossible. The LMCC proposal represents a step backward into service-by-service "balkanized" frequency allocation. Under the current rules, and NMRA's plan, all categories of users have access to all channels. The marketplace has decided that in Los Angeles, for example, most of the currently authorized 800 MHz channels should go to users in the general business category. LMCC would demand by the substitute its arbitrary division of frequencies for the actual demand by the consumers of radio communications services. The marketplace has also shown that trunked systems are installed and operated virtually without exception, by independent entrepreneurs, as trunked SMR systems, open to users in every eligibility category. The small users over which LMCC is concerned are not being denied radio service under NMRA's proposal. Public safety, industrial and land transportation users can obtain radio service from SMR stations authorized to service mixed eligibility groups. Trunked systems not only offer major theoretical increases in spectrum efficiency, but experience with existing SMR trunked operations shows a real world increase in efficiency. Only a handful of non-SMR systems are trunked. By gerrymandering the 200 channels and foreclosing SMR operations on most of the frequencies, the LMCC would insure that spectrum inefficient non-trunked systems will predominate.[18]

General Electric Co. Proposal

21. The GE proposal is captioned a Petition for Inquiry. It has been placed in Docket files and its Executive Summary is included herein as Appendix D. GE argues that in Docket No. 18262, the Commission sought to avoid the "inefficiencies" of lower band licensing and to establish "new schemes" for licensing the use of radio spectrum. To quote GE:

> The most important of these efforts was the allocation of 200 channels for "trunked" communications sytems—utilizing switched multi-channel techniques. Through an automated assignment of channels to users as needed for communications, trunked systems offer a vast improvement in efficiency over conventional radio systems utilized in lower frequency bands. In order to take advantage of this new technology, the Commission required trunking for all systems of five channels or more, and authorized a new type of profit-making system operator, the Specialized Mobile Radio system or SMRs to encourage the substantial investments necessary to bring trunked service to the public. The remainder of the rules for licensing radio systems at 800 MHz reflected the decision to encourage trunking as the most efficient use of new spectrum. Trunked systems, for example, were given the largest block of 600 MHz spectrum; by contrast, 100 channels were allocated for "conventional" or nonswitched, shared systems for users who preferred this alternative. Moreover, manufacturers of mobile radio equipment were limited to ownership of one trunked system, on the theory that numerous small entrepreneurs would better exploit the new frequencies in a competitive marketplace if they were left free of domination by powerful, vertically integrated companies.
>
> GE Petition for Inquiry, pp. 2–3 (footnote omitted).

22. GE continues that trunked systems have "demonstrated their greater efficiency" and have "confirmed the wisdom of requiring trunking for most 800 MHz systems." GE's plan therefore includes "three basic requirements:

> First, any allocation made at this time for trunked and conventional systems should be in the same proportion as the original Docket 18262 allocations * * *
>
> Second, the existing restriction on manufacturer ownership of 800 MHz systems should be equally applied, to any new frequency release * * *
>
> Third, no new allocations should be utilized for community repeater operations, as these operations can be used among other things, to circumvent the ban on manufacturer-owned systems * * *
>
> *Id* at pp. 5–6.

23. Additionally GE would limit initial grants to SMR systems to five channels. Seventy percent loading of these channels would be required within three years. Ninety percent loading would be required before additional channels

[14] The membership of the LMCC is set forth in Appendix B. It is made up of land mobile radio user groups, providers of common carrier land mobile service, and equipment manufacturers.

[15] NMRA Proposal December 8, 1980, pg. 3.
[16] *Ibid*, at page 7.
[17] *Ibid*, at page 8 (footnote omitted).
[18] *Ibid* at pp. 13, 14 (footnote omitted).

were authorized to such a licensee. All pending applications (i.e. those on the waiting lists) would be reduced to five channels in order to grant the channels under the "first come/first served" process.

Advanced Mobile Radiotelephone Services, Inc. Petition (RM–3691)

24. The final proposal before us is a Petition for Rule Making, and related comments, submitted by Advanced Mobile Radiotelephone Services Inc. It requests the Commission to allocate sufficient additional frequencies from the 800 MHz reserve spectrum to permit presently authorized SMR trunked systems of less than twenty channels, in markets having all presently-allocated trunked frequencies assigned, to increase their systems to twenty channels provided they can demonstrate seventy percent of authorized mobile loading. Thus, Advanced Mobile says:

> When the Commission began authorizing SMR Trunked systems, it accepted applications for systems of up to 20 channels. At that time, though, no mobile units were available that could operate with more than five trunked channels. Rather than authorizing the earliest SMR Trunked licensees for the channels for which they had applied in excess of five channels, the Commission authorized only five channels and placed licensees' applications for additional channels on a waiting list behind not-yet-reached applications for 20 channels. When mobiles became available that would operate with more than 5 trunked channels, the Commission began making 20 channel grants as applications were reached for processing, rather than giving priority to licensees' applications for additional channels. Allocated channels were exhausted before some original licensees' applications for additional channels had been reached. In the largest markets, therefore, no more SMR-Trunked frequencies are available to anyone. In those markets, some early SMR operators are heavily loaded and cannot expand beyond the five channels initially authorized, while some later-entering SMR operators are authorized to use 20 channels, merely because their applications were reached for processing neither too early (so they were not restricted to five channels) nor too late (so they were not frozen out). Thus, SMR operators with courage and the foresight to file earliest have been penalized by the Commission for their earnest attempt to carry out the Commission's policy of placing 800 MHz frequencies in use as quickly as possible.
>
> Petition for Rule Making, pp. 1–2.

Advanced, therefore, requests that additional frequencies be made available to seventy percent loaded trunked systems now on the waiting list.

25. Comments on Advanced's petition were submitted by Matheny Communications which argued that additional spectrum "should not be handed over on a preferential basis to existing five channel licensees when there are applicants like Matheny, in the waiting list line for trunked licenses." Such action, Matheny says, would be "unfair and discriminatory" with regard to those in the waiting line. In reply Advanced says:

> In fact, all that Advanced is suggesting is that a subclass of those in the waiting line be recognized and that all persons in that class be treated similarly. Those not in the same class as Advanced should not be discriminated against and would not if the Commission were to allocate sufficient frequencies for their SMR-Trunked purposes as well.
>
> Reply to Comments by Matheny Communications, pp. 1–2.

Discussion

26. Before turning to the specifics of our proposal, we think it would be useful to revisit our Docket 18262 decision concerning trunked and conventional systems, service categories, and licensee options since a variety of different views on these matters have been outlined. There we stated:

> The second class of system under consideration is the multi-channel trunked system. This system is similar in concept to so-called community repeaters widely employed in the private dispatch service today except that the users would have access to a number of channels instead of just one. Actual channel access is controlled by a central computer, which gives a user the first available channel or places the user in a waiting line (queue) to be served in turn * * * The innovation lies in its intended application to vehicular fleet dispatching and the potential for using many more channels per system than is now possible * * * (T)runked dispatch systems would be suitable either for large single users, cooperative groups of users on a cost shared basis, or commercial operators providing service for hire. The nature of trunked systems make them particularly suitable for serving different types of users on the same group of channels without interference. With today's single-channel systems it is generally desirable to put similar types of users on the same channels in order to control interference. That approach, however, requires separate allocations of channels for the various classes of users which often leads to spectrum inefficiencies. In the trunked system, different types of users can be intermixed more readily as they operate essentially independently of each other, the computer assigning channels on demand * * *
>
> 46 FCC 2d at 754.

We also clearly recognized that there were other considerations in addition to spectrum efficiency which must be considered.

> While these (conventional) systems may also employ one or more channels, their distinguishing feature is manually controlled channel access as opposed to the computer control used in trunked systems. This makes the conventional system simpler and cheaper but causes some loss of traffic efficiency resulting in either fewer mobiles per channel or lower service quality. The degree of such inefficiency depends largely upon the traffic characteristics of the users. Our analysis would indicate that for a significant segment of the land mobile requirement, particularly where short range, short message communications are involved, the conventional system can be as or more efficient than the trunked system. Therefore, considering its lower cost and greater operational simplicity, the conventional system, we feel, has a definite place in the 900 MHz band alongside the more sophisticated systems described above.
>
> *Id.* at 754–55.

27. With regard to the allocation of spectrum among various types of systems, we noted that in the past the Commission had taken land mobile spectrum requirements from a radio service perspective and that this method of allocation had "led to parochialism" among the users and inequitable situations where spectrum shortage and abundance existed side by side in the same cities.

> In this docket, we are proceeding to meet land mobile spectrum requirements in a somewhat different manner. Rather than allocating according to user categories or services, we have chosen to allocate by system type and to allow the market to determine ultimately how much spectrum is utilized by the various types of users.
>
> *Id.* at 755.

28. We then continued:

> Throughout this docket the Commission, industry and the public have been dealing with innumerable unknowns, ranging from radio propagation phenomena and new system technologies to innovative service offerings and future market projections for these services. While we now believe that we have a better grasp of these factors through our analysis of the information submitted to the Commission and discussions with industry and user groups. There are still a number of technical questions which only further developmental work can answer and the ultimate demand for the proposed systems can only be determined in the market itself. For these reasons it is important that any allocation plan be flexible enough to cope with new and often unforeseen technological and economic forces * * *
>
> *Id.* at 755.

29. Lastly on this point, we stated that reliance ultimately should rest with marketplace forces and that neither shared or unshared systems were to be preferred since our underlying regulatory objective was to assure that each licensee could seek the type of system he or she found most advantageous to him or herself (46 FCC 2d p. 765).

30. Therefore, to the extent that some parties argue private users, in effect, should be compelled to use SMR systems through a restrictive allocation of frequencies to conventional systems, we disagree. We recognized from the Beginning that ultimately user preferences expressed in the marketplace would control how frequencies should be allocated. The fact of the matter is that although all available trunked frequencies have been assigned, few trunked systems are fully loaded. It is also clear that many private land mobile service licensees would prefer to wait for a conventional system than commence immediate operation on an SMR system. These factors cannot be ignored nor can be rely solely on the position expressed, but not supported, by some that this will change in the immediate future. These types of user preferences are clearly the very type of marketplace elections we said we would consider in allocating spectrum at 800 MHz.

31. We also find merit to the arguments that some sequestering of frequencies by categories of eligibles would serve the public interest, and this not inconsistent with our Docket No. 18262 plan. There we defined our problem as:

> * * * (D)efining the systems to be accommodated, determining how much spectrum will be needed to satisfy the demand for such systems over a reasonable period of time, and arranging the separate allocations in an orderly plan, taking into account the technical characteristics of the systems and their electrical compatibility of each other and with systems in neighboring bands.
>
> 46 FCC 2d 755.

The plan we are proposing will do just this. It will consider categories of users and allocate spectrum to each category after deciding how much spectrum is appropriate for each category. It will also consider these allocations in the context of the time reasonable for eligibles in the categories to apply for and construct systems. The allocations would not be permanent and should not lead to long term parochialism or inequity.

Proposal

32. We have considered these petitions for reconsideration. We conclude there is merit to API, SIRSA and UTC's points. The public interest is served by assuring that 800 MHz frequencies are available for all eligible users who have communications requirements, slow growth or otherwise, and that these entities should have a choice whether to satisfy this communications requirement through constructing their own systems, sharing facilities, or taking service from SMRs. We also conclude that it is appropriate, for the reasons discussed, now to revisit the assignment and operating rules we adopted in Docket No. 18262 in light of the experience we have gained in the invervening years. As already indicated, we believe that the appropriate method of doing this is through a Further Notice of Proposed Rule Making in this proceeding which will insure consistency of approach, rather than as UTC has suggested, having an allocation proceeding and then a separate proceeding which would consider the rules to apply to systems operating under the allocations. Further we believe in light of these views, some modification of our earlier decision in Docket 79–191 is appropriate. Finally, for reasons which will be discussed, we are consolidating our proceeding in Docket 79–334 into this proceeding.

Frequency Pools

33. Essentially, we believe for the reasons noted already that the proposals to group private land mobile radio service eligibles into four categories and to allocate a pool of frequencies to each category has merit, despite various arguments to the contrary. Allocations of pools of frequencies do not of necessity result in spectrum hoarding. We believe it strikes a reasonable compromise between total pooling of frequencies, as NMRA and others propose, and service-by-service allocations. The communications needs and the implementation approaches of entities vary among radio services and we do not believe that the public interest is served by adopting a free access to all frequencies approach when it has been demonstrated this results in vital communications requirements not being met. Accordingly, we are proposing to establish four service "categories," generally in accordance with the LMCC recommendation. These would be:

a. Public Safety/Special Emergency Radio Services.
b. Industrial/Land Transportation Radio Services.
c. Business Radio Service.
d. Specialized Mobile Radio Systems/Multiple Licensed Facilities.

The structure of these categories, channel allocations and regulatory constraints are discussed in later paragraphs. We have not, however, proposed to include as eligible in the SMR category radio common carriers (RCCs) as the LMCC proposed. Docket 18262 allocated 30 MHz of spectrum for private land mobile communications systems, and 40 MHz for common carrier cellular systems. The frequencies in question in this proceeding are those allocated for private systems, and it is inappropriate to expand the eligibility for their use to the common carriers since 40 MHz of spectrum is available to them for their systems. There is not set forth in the LMCC proposal any reasoned basis for inclusion of the common carriers, and in the absence of documentation of why it would promote the public interest, we are not persuaded to propose such a change. Moreover, this does not appear to be necessary in view of the allocations made for cellular service in Docket No. 18262, and with the plans for implementation of that service being developed through the proceedings in Docket No. 79–318. *Inquiry Into The Use of the Bands 825–845 MHz for Cellular Communications Systems and Amendment of Part 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems*, CC Docket 79–318, *Notice of Inquiry and Notice of Proposed Rule Making*, 78 FCC 2d. 984 (1980).

Data Base

34. The LMCC, through its constituent members has expressed its confidence that within these broad groupings, or "pools," satisfactory methods for sharing the available frequencies, taking into account the particularized requirements of each eligible, can be developed on a fair and equitable basis, subject to established frequency recommendation criteria and Commission approval. The LMCC has also pledged its willingness to establish the data base necessary for the initial frequency selection process and to make it available to all users. It is not clear from the LMCC proposal, however, whether the LMCC is willing to make the information in its data base directly available to all applicants, should they wish to avail themselves of this resource. We, therefore, ask here for specific clarification from the LMCC as to whom they would make this data base resource available, and on what terms and conditions. We also ask the LMCC as to the specific type of information, if any, that the Commission would be expected to provide as input for this data base.

Slow Growth Local Governmental Systems

35. We believe there is merit in APCO's position that local governments should not be delayed in their implementation of slow-growth systems

pending the outcome of this further proceeding, since there is no essential issue with that portion of our earlier decision allocating channels for this purpose to local governmental systems. As described in the Report and Order, fifty (50) channels will be immediately available, therefore, to accommodate local governmental slow-growth systems. As described in paragraph 41 later, we are proposing to provide a total of 60 channels for the Public Safety/Special Emergency Radio Services category. The remaining 10 frequency pairs, for which the slow-growth systems would also be eligible, will be released upon termination of this proceeding. The 50 channels will be authorized subject to existing rules as outlined in the Report and Order. The new rules being proposed herein would somewhat alter the operating rules for these 50 channels. These proposed changes, if adopted, would bring the operations on these 50 channels by local governments into a framework consistent with that which would apply to the remaining 200 channels in the reserve.[19]

Docket No. 79-334

36. In Docket 79-334 we noted that the present rules governing licensing and operaton of trunked radio systems were designed primarily for mobile radio communications systems operating from a single transmitter site and providing radio service in a relatively small area (normally 20 to 35 miles in radius). We also noted that the needs of some users do not fit the single transmitter configuration. See *Memorandum Opinion and Order*, Docket No. 18262, FCC 2d 945 (1975). We acknowledged that certain types of activities require wide area or "ribbon" configurations which simply cannot be accommodated adequately by radio systems that employ a single transmitter site. We stated we would address these situations on a case-by-case basis.

37. Since heretofore we had been handling requests for such systems on an *ad hoc* basis, we initiated the proceeding in Docket No. 79-334 to permit revision of the rules governing trunked radio systems so that wide area, regional and ribbon systems could be authorized more routinely.[20]

38. After reviewing all of the submissions received in that proceeding, as well as the comments in this proceeding, we have concluded that these issues overlap in many regards. The most expeditious way to address them in our estimation is therefore to consolidate these proceedings. This has been done in our accompanying Order and this proceeding is therefore also expanded to address these issues.

Proposed Rules

39. The following is a discussion of the regulatory structure we are proposing for these channels, and a description of the procedures to implement their release and assignment.

Special Emergency Radio Service

40. The LMCC proposal, failed to include any discussion of the Special Emergency Radio Service and in which pool(s) it should be placed. In our recent action in PR Docket No. 81-110,[21] we proposed to split the eligibles in this service between the Industrial group and the Public Safety group, depending on whether the Special Emergency Radio Service eligible was a local governmental entity or not. On the other hand, in the past there has been sentiment expressed by APCO and others to group the Special Emergency Radio Service with public safety entities for coordination purposes. Therefore, we are proposing to expand the eligibility for the Public Safety frequency pool to include the Special Emergency Radio Service *in toto*, since we believe a unified approach to coordination of this service is preferable to fragmenting it.

Public Safety/Special Emergency Radio Services Pool [22] (60 channels)

41. Since we are proposing to group the Public Safety and Special Emergency Radio Services into a single pool, we are also proposing to augment the number of channels available to this pool by 10 frequency pairs to bring the total complement to 60 channels.[23] Additionally, we are proposing to remove the limitation imposed in our earlier Report and Order that use of these channels be confined to slow growth systems. Consistent with this proposed modification, we would eliminate justification of slow growth need and implementation scheduling reports to access the channels. Upon a demonstration of need, however, extensions for a longer implementation period than usual would be permitted. Further, we are proposing that any wide area, regional and ribbon configuration systems requirements be satisified on these frequencies. The only exception would be for presently authorized 5 to 20 channels trunked systems desiring to establish a wide-area, regional, or ribbon system utilizing some of their authorized channels outside of the initial service area. We would permit such systems to use the channels on a secondary basis rather than require the use of the new frequencies being released.

Industrial/Land Transportation Radio Services Pool [24] (70 channels)

42. With regard to the Industrial and Land Transportation category, we propose to allocate 70 channels from the reserve to this frequency pool to accommodate future systems including slow growth, wide area, regional and ribbon configuration systems (the only exception being the same as permitted above in the Public Safety/Special Emergency situation). Excluded from this pool are the Business Radio Service, SMRS operations serving more than a single user, and multiple licensed mobile relay systems, (e.g. "community repeaters").

Business Radio Service Pool (50 channels)

43. With respect to the Business Radio Service category, we propose to allocate 50 channels from the reserve to this pool to accommodate future systems including any wide-area, regional, and ribbon configuration systems (the same exception discussed above would apply). Excluded from this pool are multiple licensed radio facilities (e.g., community repeaters) and SMRS entrepreneurs.

Specialized Mobile Radio Systems (SMRS)/Multiple Licensed Facilities (70 channels)

44. We propose to allocate 70 channels from the reserve to this frequency pool for use by SMRS operations that serve more than a single user and to multiple licensed facilities (e.g. community repeaters). SMRS operators who serve only a single user would be eligible in the pool of the customer. We are not proposing wide area or ribbon operations for this pool on a routine basis. To the extent that particular customers of SMR systems have wide area or ribbon configuration requirements, we propose handling applications for waiver on a case-by-case basis depending on particular circumstances. Although GE has asked us to exclude multiple licensed facilities (so-called community repeaters) from this allocation, it has provided no information to support its allegation that multiple licensing has resulted in unfair or predatory business practices *vis-a-vis* SMR systems. In the absence of some hard evidence of such abuses, we are not inclined at this time to deny this valuable option to users. Further, we have an on-going proceeding on this issue in Docket 79-107, and we think that it is the more appropriate vehicle to explore these allegations. See *Notice of Inquiry*, Docket No. 79-107, FCC 79-283, adopted May 3, 1979, released May 11, 1979.

New Rules

45. The following is a discussion of the areas where the structure we propose for the remaining 250 channels differs from the structure developed for the original 350 channels. In all other cases, including interconnection of land mobile systems with the public switched telephone network, we will impose the same 800 MHz regulatory structure for the new channels that we now impose for the original channels.

Frequency Allocation

46. One area where the regulatory structure we propose for the new 250 channels differs from the structure we adopted for the original 350 channels concerns premissible channel uses. In assigning the original 350 channels, the Commission designated specific frequencies for use in conventional systems and specific frequencies for use in trunked systems in order to encourage adoption of the more efficient trunked technology to the extent it satisfied user needs. Indications, however, are that there are no clear user preferences for one approach over the other and, therefore, we now propose a regulatory structure which accords licenses the maximum degree of flexibility in implementing systems. Therefore, we propose to assign the remaining 250 channels to licensees for either the conventional or trunked mode of operations as desired by the applicant. However, once a channel is assigned for a particular mode in a specific area, we would not assign it in the same geographic area for the other mode. Also, a licensee, operating on exclusive conventional channels would be permitted to change to the trunked mode of operation utilizing his previously authorized channels. Such a change would require that the Commission be notified and that the trunked system would be subject to all applicable trunked system rules.

Channel Assignments

47. For all two-way systems, mobile station transmitting channels would be selected from those available in the 806-821 MHz band, and base station transmitting channels from those allocated in the 851-866 MHz band. There would be a uniform 25 kHz channeling, and the spacing between associated base and mobile frequencies would be 45 MHz.

48. The 250 channels would be arranged into ten, 20 channel blocks and 50 contiguous frequencies. Each 20 channel block would have a minimum spacing of 10 channels between frequencies within the block. Each 20 channel block is arranged into 5 channel groups with 40 channel spacings between successive frequencies in each 5 channel group. Each 20 channel block is successively offset by one channel to form the ten 20 channel blocks. The channel groups as well as the channel assignments to the four categories of users (service pools), is shown in Appendix E.

Limitation on Number of Channels

49. Under existing rules, a person or entity, with certain exceptions, may be assigned no more than five conventional channels in any one market area.[25] A person or entity, other than an equipment manufacturer, may be assigned up to 20 trunked channels at any one time.[26] If the licensee of a trunked system loads its system to capacity, the licensee may continue to be assigned as many as 20 additional channels at a time. For the new 250 channels, we are proposing to reduce the number of conventional channels that would be assigned to any one person or entity in any one market area to two (2). An applicant desiring a third conventional channel would be required to convert to trunked operation. However, we will consider the authorization of more than two channels for conventional system use upon the presentation of a showing that more than two channels are needed and that trunked system operation is not feasible due to the licensee's operating requirements. We are also proposing that trunked system applicants can obtain a minimum of three and a maximum of five channels at a time. They would have to load the channels to the loading standards being proposed herein before they would be eligible for up to another five channels.

50. Another area where we believe it might be appropriate to allow licenses of the new 250 channels greater flexibility concerns the limit on the number of channels that may be assigned to equipment manufacturer. Present rules limit manufacturers to the operation of one trunked system nationwide. The rationale for imposing this limit in Docket 18262 was to prevent manufacturers from gaining dominance in a new market. Our concern then was to offer potential competitors the opportunity to enter the 800 MHz equipment market and/or the 800 MHz communication market. Since the action in 18262, two factors have occurred which make a change in policy timely. First, there has been a substantial increase in entrepreneurs offering SMR services. The current restrictions have provided these SMRs an opportunity to become established in the market place without substantial competition by potentially dominant equipment manufacturers. In addition, there has been an increase in equipment manufacturers of trunked equipment.

51. Second, having initially provided protection for entrepreneurs to provide SMR services, the Commission is now concerned that trunked systems have not been put into use as rapidly as anticipated. It is felt that an increased level of participation by equipment manufacturers could serve to spur a greater utilization of trunked systems. On the other hand, arguments have been made against removing this restriction on the basis of possible restraint of trade and anti-competitive practices. We are tentatively proposing to change the rules to permit manufacturers to operate more than one trunked system, but we ask for additional arguments for and against, and we request specific factual information and case law on point. The rule being proposed would allow equipment manufacturers to operate one trunked system per market area as defined by the 40 dBu contour (approximately 20 miles from the transmitter site). While this proposal would give equipment manufacturers more flexibility than they presently

[19] Eligible slow-growth governmental systems will be authorized on the 50 channels previously allocated. New system authorizations will be conditioned so they will be subject to the final outcome of this proceeding. Slow-growth systems already authorized are put on notice that at renewal time they would be subject to rules established by the outcome of this proceeding.

[20] *Notice of Proposed Rule Making, Docket No. 79-334* (FCC 79-855), adopted December 19, 1979, released January 3, 1980.

[21] *Notice of Proposed Rulemaking, PR Docket No. 81-110*, FCC 81-70, adopted February 25, 1981, released March 9, 1981.

[22] Included in this pool are the Local Government, Police, Fire, Highway Maintenance, Forestry-Conversation and Special Emergency Radio Services. SMRS operations will be allowed only as discussed in paragraph 44.

[23] This pool would include the 50 channels already allocated to local governmental slow growth systems in the Report and Order in Docket 79-191, supra, plus an additional 10 channels.

[24] Included in this pool are the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Manufacturers, Telephone Maintenance, Motor Carrier, Railroad, Taxicab, and Automobile Emergency Radio Services.

[25] Under Commission rules, a "market area" is considered to encompass about a 32 km. (20 mi.) radius from the transmitter site where the average signal level would be 40 dBu at the edge of the service area. See *Second Report and Order*, Docket 18262, FCC 74-470, footnote 20.

[26] "Equipment manufacturer" will be used to refer to RF equipment manufacturers of systems type-accepted to operate in the 800 MHz band.

have, it still imposes more restrictions on them than are imposed on other licensees. Therefore, we also solicit comments on an alternative proposal to remove all limitations on the number of trunked systems that can be licensed to manufacturers. Commenters should bear in mind that manufacturers, as well as other licensees of trunked systems, would continue to be limited by § 90.375 of the rules to loading only one trunked system at a time in a given area. Once a system is loaded however, manufacturers would be able to progress to licensing their next system in the same geographic area, under this alternative proposal.

Loading Standards

52. We turn now to the question of loading standards for this complement of reserve channels which we here propose to release. In so doing we deem it appropriate first to review Docket No. 18262[27] and the history of the way in which those 800 MHz channels previously released have been loaded.

53. In the Second Report and Order in Docket No. 18262 the Commission pointed out that because it was then dealing with novel and untried standards in a previously unused frequency band, future revisions of the assignment standards might be necessary.[28] The Commission again addressed the possibility of future changes in the new loading standards (as well as mileage separations for channel reuse) in its Memorandum Opinion and Order disposing of petitions for reconsideration of the Second Report and Order.[29] We noted there that the provisions for frequency assignment and loading of both conventional and trunked systems had been established will full consideration to accepted standards of good engineering practice. They were, in the Commission's view at the time, necessary to afford the quality of service that systems in this frequency band must have, if sufficient interest were to be generated in them to justify the additional expense of operating in that spectrum. Nevertheless, the Commission reiterated that:

> • • • (W)e will revisit all of the system parameters as we gain knowledge from actual operating experence; and adjustments will be made as it becomes possible to do so. *Memorandum Opinion and Order, Land Mobile Services*, Docket 18262, 51 FCC 2d at 978–9.

54. That revisitation was accomplished in the case of conventional systems in 1979. By notice of Proposed Rule Making in Docket No. 79–106 adopted May 13, 1979 (FCC 79–282, released May 23, 1979) we proposed revisions to the co-channel mileage separation and frequency loading standards to increase the loading levels for shared systems or for individual systems sharing the same channel in the same area to the level that previously had been prescribed for unshared single licensee systems. We also proposed to increase from 70% to 90% the level to which a licensee of a group of licensees must load a channel before it is assigned exclusively to that user or users. In addition we proposed that the 90% loading level be achieved in four months rather than the eight months then permitted. Finally we proposed to eliminate conventional channel loading maximums.

55. We instituted the rule making in Docket No. 79–106 because our experience over the several years that had elapsed since the 800 MHz frequencies were made available led us to believe that the initial loading standards for conventional systems had resulted in the under-utilization of spectrum. We took no action with respect to the standards for trunked systems because at that time licensing of these facilities had just begun and we had virtually no experience with them.

56. The comments in Docket No. 79–106 were generally favorable to the proposed revisions, except for very strong opposition to the twin proposals to increase from 70% to 90% the minimum loading level for channel exclusivity and to shorten from eight to four months the loading period. These latter proposals were ultimately dropped. In response to our inquiry as to whether different, higher loading levels should be imposed in the larger urban areas, Motorola, EIA and NABER all concurred, asserting that a higher loading standard should be applied where the need for frequencies was or would likely become greater.

57. Thus in a Report and Order in Docket No. 79–106, *supra.*, adopted September 25, 1979 (FCC 79–583, released October 3, 1979) we revised the loading standards for conventional systems as outlined above, but only in the case of those facilities operating within 75 miles of the 25 largest urban areas. Standards for systems operating elsewhere remained unchanged. The proposal to eliminate unconditionally conventional system loading maximums was not adopted in the *Report and Order.*

58. In the nearly two years that have elpsed since our action in the Docket No. 79–106 proceeding we have gained substantial practical experience in the assignment and loading of trunked radio systems as well as further knowledge of the efficiency of our standards for conventional systems. We are persuaded that higher loading for both conventional and trunked systems should be imposed for the new channels. We are also convinced, for the reasons set forth at paragraphs 65 *et seq., infra,* that the higher loading standards and shorter construction periods which we are proposing for conventional and trunked systems operating in and near the larger urbanized areas should be applied to conventional and trunked facilities now operating and authorized in the future to operate on the initial group of 150 conventional and 200 trunked channels. We further believe that our posposed removal of the loading maximum on all SMR, community repeater and single user channels should also be applied to systems operating on the original 350 channels.

59. We look first at the minimum requirements for loading a channel (or groups of channels in the case of trunked systems) to obtain exclusive use of these frequencies. We believe that the present 70% loading minimum for exclusivity is too low and results in under-utilization of the channel. This inefficiency is demonstrated, for instance, by the situation in the Chicago urban area where one of the 150 available conventional channels may be exclusively secured in the Special Industrial Radio Service by as few as 49 mobile units (70% of the prescribed maximum of 70 mobile units), and in the Business Radio Service, by 63 mobile units (70% of the maximum of 90 units). In the Los Angeles urbanized area, a number of community repeaters are loaded to much less than 70% of capacity (63 mobiles), and that situation has continued for several years.

60. These circumstances demonstrate, we believe, that both the requisite level of loading for channel exclusivity and the prescribed maximum loading levels demand revision. On the other hand, we remain convinced that any period shorter than eight months in which to achieve construction and operation of a conventional system would be unrealistic. Therefore, we propose that the level of frequency loading necessary to obtain channel exclusivity be increased to 90% and that such level be achieved within eight months of authorization of the facilities. We also propose to increase the prescribed maximum number of mobile units to be loaded on conventional systems operating within 75 miles of the 25 largest urbanized areas, as specified in § 90.477(c). In those areas, where loading is presently 50 mobiles for Public Safety facilities, it would be increased to 70 units. Business facilities, which now have a total loading of 90 mobiles, would instead have a total of 110 units. Most other radio services, which now have a total of 70 mobile units, would be increased to 90 units. The loading of SMRs and multiple licensed facilities (e.g., community repeaters) would be determined by the eligibility of the sharing users. The figures now prescribed in our rules for portable units would be adjusted proportionally. (See § 90.377(b)).

61. We stress that these higher mobile unit levels would be imposed only in the case of systems to be located in and near the largest urban area. We believe that the present frequency loading standards, even though they represent increases over the levels initially prescribed when these frequencies were allocated, are still conservative and can be further raised while nevertheless upholding a quite satisfactory quality of service. However, we do solicit specific comments on the effect these increased mobile unit levels will have upon the grade of service offered by conventional systems, keeping in mind that we anticipate having the benefit of frequency coordinators in assigning users to shared channels operating with these proposed higher loading levels.

62. In other locales, where demand for spectrum is minimal and where that situation should continue for some time, the loading level for exclusivity will still be 90% but the licensee would have two years from authorization of the facilities in which to achieve that level of loading. We propose, moreover, to apply these loading standards and other rule provisions governing channels in the new group of frequencies to any of the 350 channel pairs which have been assigned but are subsequently retrieved due to the failure to meet the loading standards prescribed for channels in the initial group of frequencies. These new rules would be applied to retrieved frequency pairs at the time the channels are reassigned. The new rules, including the loading provisions, would also govern SMR systems authorized to operate on any of 350 initially released channels at the time of renewal of SMR systems, provided that, at renewal, the SMR systems were not loaded to the maximum levels prescribed in our rules.

63. Our experience during the last two years of authorizing trunked systems convinces us that higher loading is appropriate here, also. Our rules presently permit trunked applicants to be authorized for increments of 5, 10, 15 or 20 channels. A licensee may build an entire system—no matter how many channels—in one year. In that case the licensee has five years to reach the requisite 70% loading for channel block exclusivity. A licensee of more than 5 channels who elects to build in stages need build only the first stage in the year following authorization and then has two years in which to load that first segment, with another three years in which to reach the minimum 70% level on the balance of the frequencies. Furthermore, our rules now provide that a trunked SMR system has one year in which it may be constructed. There is no requirement that the SMR facility serve any mobiles after construction, so long as after five years (two years for the first stage if built in stages) there are loaded the minimum number of mobile units prescribed in the rules. These rules for trunked systems have allowed the situation in larger urban areas where large numbers of trunked channels have been assigned to SMRs but have only a handful of mobile units on them. Under the present rule structure, we cannot make these channels available to others for two—and in many cases five—years. There is no explicit provision now contained in our rules for the cancellation of part or all of these trunked authorizations at the end of the prescribed loading period where the minimum levels have not been achieved.

64. Accordingly, we would limit any initial trunked authorization on the new frequencies to five channels. In addition, we propose to increase the minimum loading level for achieving channel block exclusivity from the present 70% to 90%. The latter level would remain the minimum loading necessary to be assigned a second trunked system. The period during which the 90% level for channel exclusivity may be obtained would be two years rather than the five years presently allowed to systems authorized on the trunked spectrum released in the Docket No. 18262 proceeding. At the conclusion of the two-year loading period, where the requisite minimum level has not been achieved, the channels not so loaded would automatically be cancelled. For example, if a five-channel SMR system at the end of the two years only served 200 mobiles rather than the 450 (90% of 500 units) to be required by our new rules as the minimum for exclusivity, three of the channels would then be "taken back" pursuant to specific provisions in the new rules which would also be stated on the face of the authorization. Such sanctions would be imposed only when all channels have been authorized in an area and a waiting list has been established.

65. After reviewing our channel assignments and loading records for trunked SMR systems as well as conventional SMR and community repeater facilities operating in the three largest urbanized areas—New York, Chicago, and Los Angeles—and the relatively light loading of mobile units on these systems, we are persuaded that the higher loading standards and shorter construction periods we are herein proposing should also apply to previously authorized conventional and trunked systems. For instance, as of May 1, 1981, in the New York City metropolitan area, 27 SMR trunked systems are presently authorized to serve 1713 mobile units. Some previously issued authorizations for SMR systems in the New York City area have been cancelled for failure to construct within the one year period prescribed in our rules, and the frequencies were re-assigned for new or expanded SMR systems; in one instance, for a 20 channel single-user facility. Of the 27 trunked SMR systems in New York area, 25 were authorized more than a year ago. Our rules now state that a total of 500 mobile units can be assigned to a 5-channel system. Of these New York systems, one 5-channel system has no mobile units, there are eight 5-channel systems each with fewer than 20 mobiles, and four 5-channel systems each have fewer than 100 mobiles. The first 5-channel stages of three 20-channel systems, have 11, 38, and 100 units respectively. Meanwhile there is a waiting list of 8 applications seeking 125 channels for new or modified trunked systems in or near New York City.

66. Similar situations exist in Chicago and Los Angeles. In Chicago, four 5-channel SMRs authorized more than a year ago serve no mobile units; four 5-channel systems serve fewer than 10 units; and six such systems serve less than 100 units. There has been some

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[27] *Second Report and Order, Land Mobile Radio Service*, Docket No. 18262 (46 FCC 2d 752, adopted May 1, 1974).

[28] • • • (W)e wish to be clear that it is our intention to review and study continually all aspects of our assignment plan. In this regard, we fully recognize that the subject concept is new. It is in part untried and untested. Most likely changes and modifications will have to be made; and we will be alert to adjust our policies, standards, and criteria to what the public interest requires. This will be done on our own motion; and, in addition, we would expect, and we request, significant input from the land mobile industry and from land mobile users and those representing them. However, we are confident of the soundness of the structure of the measures we have adopted; of the desirability of the goals and objectives we have set for ourselves; and of the benefits to the public that will flow out of our approach to licensing at 800 MHz." 46 FCC 2d at 781–2.

[29] *Memorandum Opinion and Order, Land Mobile Service*, Docket No. 18262, 51 FCC 2d at 978–9.

recovery of channels in the Chicago area due to failure to meet construction deadlines. Yet in Chicago there is a waiting list of 13 applicants, some of whom are licensees of the above-cited sparsely loaded systems, seeking an aggregate of 145 trunked frequencies. In Los Angeles, ten 5-channel systems have no mobile units, five others serve fewer than 10 units each, and another five systems serve fewer than 100 mobiles. There has been no recovery of channels due to failure to meet construction deadlines. Since June 1979, there are 28 applications pending on the Los Angeles area waiting list. They seek a total of more channels than are available in the reserve group. Also, among these applicants are licensees of existing trunked SMR systems seeking to expand even though they are not loaded or serve only a handful of mobile units. Los Angeles records indicate that a significant number of conventional community repeaters are loaded far below 70% of capacity.

67. The foregoing review of the conventional and trunked channel availability and loading situations in the three largest markets illustrates under-utilization of these frequencies and indicates our regulatory objectives are not being met. Existing rules require only construction, but not loading, within the first year of authorization of trunked facilities. All trunked systems now have five years in which to reach the 70% loading level prescribed in the rules, except for those facilities building in stages, where the first state must load to 70% of that stage's capacity within two years after licensing. Conventional channels often are under-utilized also, as the Los Angeles situation described above indicates.

68. In order to provide the fullest measure of relief in those urban areas where channel demand is greatest, we are proposing to make the channel loading and construction standards for conventional and trunked systems operating on the new block of frequencies, within 75 miles of 25 largest urban areas also applicable to existing systems operating on presently assigned channels. We have noted at paragraph 53, *supra*, that in Docket 18262 the Commission contemplated adjustments in the rules where this was found necessary and appropriate through experience gained in the administration of the novel method of channel assignment and loading adopted in that proceeding. There is little question, in view of the many under-utilized channels and long waiting lists in the largest urban areas, that the construction and loading periods prescribed initially for these systems have not been effective. These adjustments in conventional loading levels are not major in nature and are proposed only where channel demand is greatest. We are confident that these proposed higher conventional loading levels will still provide service of good quality. Accordingly we proposed that these new loading and construction standards, if adopted, would apply to *all* conventional and trunked system operations on *all* 800 MHz band channels, including those previously authorized, if the systems are located within 75 miles of the 25 largest urbanized areas. The permissibility of this approach was thoroughly considered when we modified the 800 MHz conventional loading and separation standards in Docket 79–106. (Report and Order, FCC 79–583, released October 3, 1979, at paragraph 16). As we noted there:

> If we failed to give these revised rules immediate effect, with respect to existing licensees, the beneficial effects of this entire rule making would be lost in those urbanized areas where conventional channels have been or may in the future be exhausted.

69. Our experience with trunked SMR systems since 1979 and our longer experience with conventional facilities have shown that retroactive application of these new rules will provide the requisite efficiency of spectrum usage and enable us expeditiously to reclaim unused spectrum for reassignment of other users. There is a clear line of precedent for this action. *California Citizens Band Association v. U.S.*, 375 F. 2d 43, 51–52 (9th Cir. 1967), *cert. denied*, 389 U.S. 844 (1967); *General Telephone Co. of Southwest v. U.S.*, 449 F. 2d 846, 863–864 (5th Cir. 1971). See also *U.S. v. Storer Broadcasting Co.*, 315 U.S. 192 (1956); *American Airlines v. C.A.B.*, 359 F. 2d 624 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 843 (1966); *Air Line Pilots Ass'n v. Quesada*, 276 F. 2d 892 (2d Cir. 1960); *WBEN, Inc. v. U.S.* 396 F. 2d 601 (2d Cir. 1968), *cert. denied*, 393 U.S. 914 (1968); *Pacific and Southern Company v. FCC*, 405 F. 2d 1371 (1968). See also Section 304 of the Communications Act of 1934, as amended (47 U.S.C. § 304), which provides that the rights of licensees are always subject to the regulatory power of the Commission.

70. As already indicated, we propose to adopt a bifurcated loading standard, imposing these new loading standards where the need for frequencies will be greatest—in the 25 largest urbanized areas, as listed in the Table contained in § 90.477(c) of our rules. Elsewhere the standards now contained in § 90.375 and 90.377 of our rules for all trunked systems and for conventional systems outside the 25 largest urbanized areas would also apply to this new allocation. We want, therefore, to assure existing and prospective licensees of facilities which are operating on, or will use in the future, the original, group of 800 MHz channels beyond 75 miles of the 25 largest urbanized areas, that we are proposing no change in the construction or loading criteria now governing those facilities. If should be noted that the Commission is primarily concerned with protecting the integrity of the spectrum. Of particular concern are situations where there is an existing demand for spectrum, and assignments have been made but are not being utilized. As previously indicated, this problem seems to be confined to the major and urban areas. The Commission intends, therefore, to focus its enforcement efforts in these areas. There is no data before us which would indicate a need for similar rules outside the major urban areas. Comments are specifically requested on the more stringent loading requirements.

71. A related question is the authorization of trunked radio systems of fewer than five channels. We have received informal suggestions that there is a demand for these smaller facilities. In particular, it has been suggested, trucked radio facilities are attractive, aside from the relatively high price, to prospective users in smaller communities outside the major metropolitan areas. It has been suggested that three or four channel SMR systems will encourage and thus increase entrepreneur involvement in the trunked SMR marketplace. It should also be noted that if we "recapture" portions of prior channel assignments due to failure to meet the minimum loading standard, then we will have spectrum consisting of "off lots," thereby making three or four-channel assignments for trunked systems feasible. We propose, therefore, to license trunked systems with a minimum of three channels. These smaller trunked facilities would be authorized both within and beyond the largest urbanized areas.

72. We have set forth how we propose to adjust the mobile loading totals for conventional systems and the percentage of those totals necessary for channel exclusivity. We now take up the question of the loading *maximums* for conventional and trunked shared facilities. In the past we have required SMR licensees and other multiple licensed systems operators to obtain the consent of all sharing users before the loading maximums prescribed in our rules for conventional systems could be exceeded. The Commission has not specified whether the same process could be employed by trunked SMR licensees who desire to exceed the loading levels prescribed in our rules. We here propose to lift the loading limits unconditionally and retroactively for all conventional and trunked systems—single user, community repeater or SMR. Mobile licensees of community repeater or SMR facilities may change systems if the loading level is unacceptable for their requirements; licensees of single user systems can load mobiles as they deem appropriate to their needs. Hence, the market place would govern, in terms of acceptable quality of serviced, the loading maximums. The mobile unit totals specified in our rules would thus be significant only for determining whether the requisite *percentage* of full loading had been reached for channel exclusivity or to obtain an additional conventional frequency or group of trunked frequencies. In this way our goal of increasing efficiency of frequency usage should be furthered.

Technical Flexibility

73. Another area where the regulatory structure for the new 250 channels differs from the structure we imposed for the original 350 channels concerns allowing certain licensees in the new 250 channels greater technical flexibility.[30] Specifically, we believe it would be advantageous to allow flexibility in choosing the type of emission mode to be used and the amount of bandwidth to be occupied. This type of flexibility would enable licensees to use the combination of emission mode and bandwidth that is most appropriate for their particular communication requirements. We believe greater technical flixibility is important for several reasons. First, it would enable licensees to engineer their communication systems without being constrained to use a specific emission mode or bandwidth. Second, it will recognize the fact that the "best" combination of emission mode and bandwidth may differ for various users as well as for various geographic areas. While it is conceivable that the Commission could develop geographically specific rules, this would be a difficult task, and would undoubtedly constrain some licensees more than necessary. A third reason for permitting these types of flexibility is that the existing regulatory structure for the 800 MHz channels serves to perpetuate the status quo. For example, th current 25 kHz bandwidth in the 806.821 MHz and 851–866 MHz bands encourages licensees to use FM emissions, since this is the best type of emission to use given that bandwidth and other current technical requirements. Equipment manufacturers are unlikely to commit large sums of money to develop a more efficient technology unless there is some assurance that the Commission would allow licensees to utilize new technologies which would be more appropriate to their needs.

74. In order to permit licensees to choose an alternative emission mode or bandwidth, we believe it is necessary to develop a more flexible set of technical standards regarding authorized emissions. We propose to regulate these new channels in such a way that licensees will have the option of using any emission mode they desire, provided the emissions are contained within the authorized bandwidth. Furthermore, we propose to allow a licensee to establish more than a single emission, that is, more than one channel, within the authorized bandwidth to provide the greatest flexibility and to permit the most effective use of spectrum-saving techniques. For example, a licensee desiring good speech quality might elect to utilize the assigned bandwidth entirely for an FM mode of modulation, while a licensee desiring more channels might employ a mode producing lower speech quality, but requiring a smaller bandwidth. The second licensee would be permitted to divide the authorized bandwidth possibly into several individual channels.

75. To allow this flexibility, we must identify which standards we propose to change and how we propose to protect licensees from unacceptable interference. For ease of discussion, we will refer to standards for intended emissions occurring inside the authorized bandwidth as "in-band" technical standards and to standards for unintended emissions occurring outside of the authorized bandwidth as "out-of-band" technical standards. We propose to continue to identify channel assignments by the center frequency even though this may not necessarily correspond to the emission carrier frequency. Since the current out-of-band technical standards appear to be adequate in protecting against interference in most cases[31] without placing an excessive burden on transmitter design, we propose to retain these standards for the new channel release.[32]

76. The in-band technical standards should provide the greatest possible flexibility while protecting co-channel licensees from excessive interference. We intend to permit combinations of output power and authorized bandwidth occupancy which are consistent with these goals, while not presupposing any specific type of modulation technique or spectrum usage.

77. The approach we have developed is to normally allow licensees to employ any bandwidth up to a maximum of 25 kHz and any effective radiated power up to a maximum of 1000 watts in urban systems, and 500 watts in suburban systems[33] over the entire 25 kHz channel. In cases in which a licensee chooses to use more than a single emission within a 25 kHz channel, the sum of the emissions may not exceed the afore-mentioned limits on effective radiated power. Other constraints on output power may also be necessary as discussed later. The maximum antenna height authorized for the above power limits is 304 m. (1000 ft.) above average terrain (AAT) for urban systems, and 152 m. (500 feet) AAT for suburban systems. For antenna height greater than 304 m. (1000 ft.) AAT in urban systems, or 152 m. (500 ft.) AAT in suburban systems, effective radiated power shall be reduced in accordance with existing rules.

78. It is evident that this more flexible set of technical standards will make many of our current requirements, as they might apply to the new channels, ambiguous or obsolete. For example, since we intend to permit any type of emission, including those which are not traditional or not currently recognized, the designation of specific emission classes for the frequencies is inappropriate. Consequently, we do not intend to apply these current emission designations to the new channels. Furthermore, for the same reasons, we propose to eliminate all restrictions on "non-voice" and other specialized

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[30] The greater technical flexibility proposed herein would be limited to the channels assigned for exclusive use to a single licensee, to SMRS operations and to those shared systems where all users agree to the intended use of the channel.

[31] In certain cases, such as amplitude companded single side-band transmitters, type-acceptance tests will be performed for worst case conditions (i.e., operating on frequencies nearest the channel edge).

[32] See § 90.209 of the Commission's rules, 47 CFR 90.209.

[33] Systems to be located within 26 km. (15 mi.) of the geographic center of the 25 urbanized areas detailed in 47 CFR 90.305 will be considered "urban" systems. All others will be considered "suburban" systems. Systems located on Santiago Peak, Sierra Peak, Mount Lukens or Mount Wilson (all in California) will be permitted to utilize an effective radiated power of 1000 watts. Pending propagation tests in the Southern California and Mexican border areas may result in reduced ERP limits being imposed.

operations. Since we intend to permit a licensee to operate any number of channels desired in any configuration within the assigned channel, current requirements regarding frequency stability would no longer be applicable as discussed below. We propose to eliminate all such requirements, subjecting licensees only to the constraint that they comply with the out-of-band emission standards at all times.

79. We believe that it is appropriate to propose this more flexible technical approach during the initial release of these new channels, as it would be significantly more difficult to implement such an approach later in the development of this allocation. However, a prime concern in allowing such technical flexibility is to cause no increase in the interference levels to other users of the spectrum. As stated in paragraph 67 above, the existing out-of-band technical standards appear to be sufficient to protect against interference and should be retained. Yet, the necessary overlap of the adjacent channel receiver bandwidth and the frequency stability of both the transmitter and the receiver could also necessitate retaining the in-band emission standards. Specifically, those standards currently contained in § 90.209(g) may have to be retained. Stations wishing to operate, utilizing a narrow bandwith transmission, at the edge of the channel may be required to reduce their output power level below the level authorized in this service by an amount dictated under § 90.209(g). For example, a 5 kHz wide transmission that is centered 10 kHz from the carrier frequency (7.5 kHz to 12.5 kHz from the carrier frequency) may be restricted to a maximum power output between 15 to 35 dB below that normally authorized. The attenuation of out-of-band emissions would be required to comply with the standards contained in § 90.209(g)(2) for signals removed from the carrier frequency of 12.5 kHz and greater.

80. The possible use of the entire 25 kHz channel assignment is described in the above paragraph. This conceivably could be applied to allow a 25 kHz transmission bandwidth, albeit at a reduced power level, versus the present 20 kHz bandwidth limitation. This technique could allow the transmission of higher data rates, etc. However, the deletion of the frequency stability requirement may necessitate including the frequency stability of the transmitter with the bandwidth of the transmission. Under this technique, the total transmitter bandwidth would be the bandwidth (either occupied or necessary bandwidth, whichever is the greater of the two) of the transmission plus twice the frequency stability of the transmitter. This is the same concept as presently contained under § 90.217 of the Commission's regulations.

81. Comments are requested on the above in addition to other ideas or problems which would allow or restrict such a flexible channel utilization without increasing the interference to other users. For example, would it be more desirable to restrict narrowband operation to only two channels, 12.5 kHz wide, on each side of the carrier frequency? Would operation at the channel edge be feasible considering the possibility of reduced power output? Would the use of 12.5 kHz off-set channels still be feasible under this system and would such off-set operation require additional standards or restrictions? Are narrowband modulation techniques sufficiently developed to warrant the introduction of this concept at this time? In regard to the latter point, the Commission is well aware of the developmental work being done in the 150 MHz region to improve and implement narrowband transmissions, primarily amplitude companded sideband (ACSB) transmissions. However, that particular modulation technique is not currently feasible in this frequency range. Procedures do exist to reduce the frequency deviation of an FM signal, causing a reduction in the quality of the transmitted signal, or to decrease the data rate of transmission, both resulting in a bandwidth reduction. Is there sufficient demand for these techniques to justify the necessary changes contemplated in this item?

82. With respect to the type acceptance of transmitters to be used on the new channels, it may be necessary to test equipment for type acceptance purposes under worst case conditions, i.e., operating in the frequency band nearest the channel edge as designed bandwidth permits and under the conditions of worst frequency drift. This technique could require that transmitters be approved to operate only within specific portions of the channel. For example, the approval of a medium power, 10 kHz bandwidth transmitter may require that operation of the transmitter be restricted to the center 15 kHz of the authorized channel. Such an approval would restrict any potential operator as to the amount of remaining spectrum within the channel that he could effectively utilize. Additionally, it could create a type acceptance subscript designation, to show where the transmitter could be located, that would be both confusing to the public and administratively difficult to license, type accept, and monitor. An alternative would be to require that all transmitters be approved as though they were to be operated at the edge of the assigned channel. This latter point would put tighter restrictions on equipment design and manufacture than the current regulations and would require the use of separate amplifiers to boost the output power for those transmitters located in the center of the channel assignment. Comments are requested on this matter.

83. Our proposed technical rules and channeling plan are based on the assumption that for conventional and trunked systems, discreet channel FM technology will be the normal mode of operation in this band. However, as discussed above, we have also proposed to allow a certain degree of in-band technical flexibility to permit, within channels exclusively assigned, the use of multiple narrow band emissions, at the discretion of the licensee. Similarly, it would be desirable, we believe, to allow applicants who can justify exclusive use of more than one 25 kHz channel to elect either interleaved or contiguous channels, depending upon the particular system technology desired. For example, contiguous channels can be used for technologies such as time division multiple access (TDMA), packet radio, and spread spectrum. Such technologies require contiguous spectrum but may be more efficient than conventional FM systems in terms of users/MHz/sq.km. Again, since we expect that most systems will be of the normal FM, discreet channel variety, the proposed assignment plan arranges most (200) of the channels into non-contiguous groups. However, we have also provided in each service allocation, several contiguous channels in either two, three or four-channel groups. Thus, applicants proposing large systems, which can justify multiple, exclusively assigned channels, may apply for either interleaved or contiguous channel groups.

84. Where contiguous channels are assigned to a single licensee in a given area, the adjacent channel limits of § 90.209 will apply only to the upper and lower edge of the combined bandwidth: also the total in-band power permitted within the contiguously assigned bandwidth would be the power normally permitted within a 25 kHz channel, times the number of channels assigned. Thus, an urban assignment of, for example, three contiguous channels (75 kHz of spectrum) would be permitted a total in-band power of 3000 watts ERP except in the border areas. To control co-channel interference, no more than 1000 watts ERP (500 W rural) would be permitted within any 25 kHz segment of assigned bandwidth.

85. Because there are only a few contiguous channels available in each service block, a rule may be appropriate which would reserve them temporarily for systems requiring contiguous spectrum assignment in excess of 25 kHz. Such a reservation might be made to apply only for as long as all of the other, interleaved channels have not been assigned in each area. Comments on this proposal are especially invited as well as on the desirability of allowing licensees, who are originally assigned interleaved channels, to voluntarily exchange or trade channels at a later date to acquire adjacent channels for new technologies requiring larger blocks of contiguous spectrum. This additional flexibility would permit the introduction of more efficient wider bandwidth technologies, which may become feasible in the future, without delay of rulemaking.

Frequency Coordination

86. Since we are proposing that the remaining reserve channels will be subject to different criteria than the original 350 channels, we will consider the issue of frequency coordination. The frequency coordination requirements in § 90.175 of the Rules do not apply to the original 350 channels since the Commission deleted the block allocation concept and assigned all frequencies. As previously indicated, we are now proposing a modified approach to the block concept. Accordingly, we are proposing that applicants for the remaining 250 channels would have the option, as described in § 90.175, of either obtaining the services of a frequency coordinating committee in selecting their frequencies, or making their own selection and submitting the necessary field study. This option would apply to all eligibles in all four categories, including SMRS operators and applicants in the Special Emergency Radio Service. If station distance separation is requested, or recommended, in accordance with our present separation standards as specified in § 90.365(b) (1) thru (5), only the required field study or coordination letter will be submitted with the application. We also request comments on whether there are less costly alternatives to the use of frequency coordinators than the submission of a field study. As an example, an applicant might certify that he meets the mileage separations in the Rules based on the latest frequency data base published by the Commission.

87. Also, in an attempt to obtain the most efficient utilization of these new channels, we are proposing allowing applicants or coordinators to request a decrease in the separation distance between co-channel stations now mandated in the rules to take into account special conditions such as terrain, antenna height, transmitter power, service area required, etc. When such a decrease from the presently established mileage standards is requested, a letter of concurrence shall be submitted from all affected licensees, i.e., all co-channel licensees closer than the mileage separation stated in the rules.

88. In addition, we are proposing to allow applicants a greater leeway in the frequency recommendation process. For example, applicants, with the assistance of the frequency coordinator, if one is used, will be permitted to select and request the frequencies for any wide-area or ribbon systems that they may require based upon their own analysis of potential co-channel interference, since these types of system designs are more complex than the standard base/mobile or repeater type systems, due to such factors as station separations, area of coverage necessary, conventional and/or trunked system considerations, it is felt that the applicant is in the best position to select frequencies for the proposed system, subject to Commission approval. However, if an applicant should desire to expand an existing system for wide-area or ribbon operation, any new station that is fit in between existing co-channel assignments, will be authorized only with the concurrence of those co-channel users, if any, located closer to the proposed station than the mileage separation stated in the rules.

89. Another area where we are proposing additional leeway in the frequency coordination process is that we will consider requests for frequencies and station separation distances that are different from the norms where they are based upon other justifiable needs of the applicant. Such factors could include consideration of projected mobile growth rate, area, type, and hours of system operation, and channel loading.

90. Also, to further enchance the use of this new spectrum, we are proposing to allow inter-category frequency sharing similar to that as proposed for other frequency bands in PR Docket 81-110 [34]. As an example, an applicant who finds that there are no frequencies available in the category for which he is eligible, may apply for frequencies in any of the other three categories provided that the frequency advisory committee(s) having responsibility for the coordination of the frequencies concur in its "out-of-category" assignment. This "out-of-category" assignment also shall not result in any harmful interference to any existing to planned system, shall comply with all technical requirements, and shall be deemed by the Commission to be in the public interest.

[34] *Notice of Proposed Rule Making, PR Docket 81-110*, FCC 81-70, 46 FR 16104, March 11, 1981.

Southern California/San Diego Area Channel Allocations

91. In the Southern California area, a slightly different arrangement from the rest of the U.S. is necessary because of the proximity of San Diego to Mexico, and to unusual propagation conditions in the Southern California region. The San Diego area has not had the benefit of the use of frequencies in the 800 MHz band and the number of channels to be allocated to this area is contingent upon a pending agreement with Mexico. Considering the population distribution in Southern California, it appears that the Los Angeles area population is approximately 7 times that of the San Diego area. Therefore, a similar division of the total number of channels available (600) between the two areas would result in approximately 500 channels allocated to the Los Angeles area and 100 channels to the San Diego area. Since Los Angeles already has access to 350 channels, an additional 150 would be allocated for their use, making a total of 500 channels. Therefore on this basis, the proposed allocation of the 250 reserve channels to the two areas is given in the following table:

Categories	No. of Channels	
	San Diego	Los Angeles area
Public Safety/Special Emergency	25	35
Industrial/Land Transportation	25	45
Business	20	30
SMRS/Comm Rptr	30	40
Total	100	150

The number of frequencies for each category of user groups for the San Diego and Los Angeles areas is approximately in the same ratio as the number of frequencies available to these groups throughout the rest of the country.

92. To be compatible with existing allocation arrangements in the 800 MHz band in the U.S., of the 250 channels available, 200 channels have been divided for trunked or conventional use

into ten (10) blocks of 20 channels and the remaining 50 contiguous channels would be available for conventional use for systems located more than 200 miles from the U.S./Mexico border. Appendix E shows the proposed channel and frequency arrangements for the San Diego and Los Angeles areas. Actual frequencies will be published when a formal agreement is signed with the Mexican government.

93. Because of the known unusual propagation conditions in a generally north-south direction in the Southern California area, coupled with the use of generally very high antenna site elevations, co-channel interference is experienced over longer distances than predicted. The Commission has established a program to explore these conditions and until the results of this program are analyzed, we believe that a 200 mile restriction on frequency reuse in a north-south direction would be appropriate. If a lesser distance were established, applicants in the Southern Los Angeles area would obtain the frequencies more rapidly than applicants in San Diego because of their greater numbers. Should this lesser distance prove inadequate because of interference due to propagation, the San Diego area would again be penalized in quality of service due to their unusual circumstances. Therefore, to prevent interference among frequencies assigned in the San Diego area and the Los Angeles area we propose that the 100 channels allocated to San Diego only be assigned within the boundary of San Diego County and not be reused within 200 miles north of the U.S./Mexico border and west of longitude 116 west.

94. The NMRA proposed that a full compliment of 600 conventional and trunked 800 MHz channels offset 12.5 kHz from the Los Angeles frequencies be made available in San Diego. We recognize that the use of offset frequencies can, in certain instances, permit greater frequency re-use, and in fact considered their use. However, the use of offsets are not a viable solution in this case. First, since the 800 MHz spectrum will be shared by the U.S. and Mexico, any 12.5 kHz assignments would require some sort of coordination between the two countries. Secondly, the approximately 15 dB advantage that offset operation has over co-channel operation is insufficient to overcome the long distance interference experienced in the Southern California region because of propagation conditions. For these reasons the use of offset frequencies was rejected and replaced with exclusive area frequencies.

US / Canada Border Areas

95. These new channels are not available within 233 km (145 miles) of the Canadian border. This area will be addressed at a later time once the border area issues are resolved. Stations located between 233 km (145 miles) from the Canadian border and 402 km (250 miles) must coordinate their operations under existing agreements.

Application Processing and Station Authorizations

96. We are proposing the following procedures for releasing and assigning these channels. Each eligible person or entity may apply for a maximum of 5 channels in a single market area. The purpose of imposing the 5 channel limitation is to insure that in market areas where there will be a great demand for these new channels, all applicants will have a reasonable opportunity to obtain spectrum. Applications for more than 5 channels in a single market area as well as applications for radio facilities that cannot be granted in any area will be returned.

97. Applications for new licenses in New York, Los Angeles, Chicago, San Francisco, Houston, and Dallas/Fort Worth which could not be granted because of lack of frequencies and have been placed on a waiting list pending the availability of new frequencies will be returned to the applicant for modification necessary in accordance with the new rules. Modified applications resubmitted will retain their original place in line. The Commission will not add any new applications to these lists, nor will any new lists for additional cities be created.

98. Applications for modification of an existing authorization to add new channels will be retained on the waiting list only if the licensee's initial channel authorization meets the loading criteria of the rules. Applicants whose present systems are not fully loaded will have their applications returned.

99. Also, we are proposing that the allocation of the quantity of channels assigned to each of the four groups automatically expire at the end of three years, making any remaining unassigned channels available to any eligible applicant. We ask for comments on this approach and on any alternative approaches, such as keeping the number of channels allocated to each group permanent, or having the Commission revisit the boundaries of channels for each category pool after five years of the date of any Report and Order we might adopt.

100. While we recognize that these proposals are a departure from the strict "systems" licensing approach which we adopted in Docket No. 18262, *supra*, we believe it is appropriate to revisit as well that portion of our decision in light of the experience which we have gained in the intervening years. Further, in Docket No. 18262, we specifically stated, as petitioners note, that as matters developed at 800 MHz, the Commission would re-examine and where appropriate modify our initial regulatory approach. Our experiences in the intervening years since 1974 has disclosed certain inefficiencies in potential spectrum utilization that have arisen out of the initial and modified Docket No. 18262 allocation plan. We seek to determine, therefore, whether the modifications we propose here would permit more effective use of the radio spectrum available to the classes of eligibles involved.

101. We believe that there are clear public benefits to be achieved by these rules which are proposing, and we feel these groupings and frequency assignments, plus frequency coordination and greater frequency sharing if ultimately adopted, can result in more efficient spectrum utilization of without degradation of service. This is why we are proposing to make the trunked loading standards set forth in paragraphs 62 *et seq., supra*, fully retroactive to all trunked systems operating on any 800 MHz channels within 75 miles of the largest 25 urbanized areas. This is also why we are proposing to lift the channel loading maximums for all conventional and trunked systems wherever located.

102. Pursuant to procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before September 14, 1981, and reply comments on or before October 14, 1981. The Commission will consider all relevant and timely comments before taking final action in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

103. In accordance with the provisions of Section 1.419 of the Commission's Rules, 47 CFR 1.429, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner

to have a personal copy of their comments should file an original and eleven copies. Members of the public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

104. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presenation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. see generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

105. Accordingly, notice is hereby given of rulemaking to amend Part 90 of the Commission's rules, in accordance with the proposal set forth in Appendix E below.

106. The proposed amendment to the rules is issued pursuant to authority contained in Sections 4(i), 303(f), 303(g), and 303(r) of the Communications Act, as amended.

Regulatory Flexibility Act

107. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) may apply to this rulemaking proceeding. Accordingly, notice is given that the actions taken in this rule-making proceeding may have a significant impact on small business entities by making additional frequencies available for their communications needs. All such business concerns are thus encouraged to participate, and the Commission will entertain suggestions from businesses in this class as to how their views can best be presented for consideration.

108. In this proceeding the Federal Communications Commission is proposing to release additional 800 MHz band frequency spectrum, now held in reserve, which will be used by private land mobile radio systems, and to promulgate rules intended to increase the efficiency of use of this reserve spectrum as compared with other 800 MHz band spectrum previously released for use by private land mobile radio systems. The Commission is considering this action because existing 800 MHz band spectrum for these systems has been or shortly will be exhausted in the largest urban areas and demand for this spectrum continues. The Commission has authority, pursuant to pertinent provisions of the Communications Act of 1934, as amended, to release for public use 800 MHz spectrum now held in reserve and to promulgate new and revised rules for the use of that spectrum.

109. Most 800 MHz band conventional and trunked private land mobile radio systems serve the communications needs and requirements of small entities, which employ from one to ninety mobile radio units. The entrepreneurs who provide mobile relay service to the end users are themselves engaged in small businesses. These end users and entrepreneurs providing shared mobile relay service fall within the purview of the Regulatory Flexibility Act. It is estimated that there are now a few thousand radio systems of this type in the United States. These proposals, if adopted, will have a beneficial impact upon these small businessmen located in those areas where available 800 MHz band spectrum has been or will be fully assigned because it will make available radio frequencies for the use these businessmen, including the entrepreneurs who provide shared mobile relay facilities to those small business users who cannot or do not wish to constuct and operate mobile relay systems solely for their own use. Because land mobile radio communications can be an essential component of certain types of small business operations, a demonstrable benefit to small business users of radio communication should result. There are no other existing Commission rules that would overlap these provisions, nor are there any significant alternatives to the release of new spectrum—and rules for its more efficient use—which the Commission might pursue with respect to the 800 MHz band.

110. It is not anticipated that the rules proposed herein would have any adverse impact upon small business users *except* that frequencies in the original allotment, if not fully loaded within certain time periods set forth in these proposed revisions to the Commission's rules, would thereafter be subjected to the more stringent loading standards applicable to the new group of frequencies that is here proposed to be released. Furthermore, present rules governing these radio systems require licensees to notify the Commission at the conclusion of the times prescribed in the rules for completing construction of these systems that the systems have been built and the number of mobile radio units being used thereon. It is also not anticipated that the rules proposed herein would change this record keeping requirement in any way. The reporting requirement, a one-time obligation in the vast majority of cases and at most a three-time obligation, would be at most a one-time obligation on the frequencies here proposed to be released. The reporting requirement can be completed in a few minutes, requires no special skills to accomplish, and consists solely of advising the Commission that a radio system has been built and the number of radios being used therewith.

111. To the extent indicated, the Petitions for Reconsideration submitted in PR Docket 79-191 by the Utilities Telecommunications Council, the Central Committee on Telecommunications of the American Petroleum Institute, and the Special Industrial Radio Service Association, Inc. are granted. In all other respects they are denied.

112. To the extent indicated, the Report and Order, Docket 79-191, FCC 80-663, 45 FR 81204 (December 10, 1980) is amended.

113. To the extent indicated, the Petition for Rule Making, RM-3691, submitted by Advanced Mobile Radiotelephone Services, Inc. is granted. In all other respects, it is denied.

114. It is further ordered, That the Secretary shall cause a copy of this proposal to be published in the **Federal Register**.

115. It is further ordered, That the Secretary shall cause a copy of this

Notice of Proposed Rule Making to be served upon the Chief Counsel for Advocacy of the Small Business Administration.

116. For further information concerning this document, contact Eugene Thomson, or Lewis Goldman, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, Telephone (202) 632–6497.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—*Summary of LMCC Proposal for Policies Governing the Assignment and Use of Remaining Channels in the 806–821 and 851–866 MHz Bands Currently Held in Reserve*

1. As an alternative to either a continuation of the existing assignment and use policy for 800 MHz conventional or trunked systems or the Commission Staff's proposal in this Docket, the Land Mobile Communications Council (LMCC) recommends the following policy be adopted in this proceeding for the remaining channels being held in reserve in the 806–821 and 851–866 MHz bands:

a. In order to facilitate the most efficient spectrum management and to enable fundamentally different land Mobile Radio Services to make maximum use of the spectrum, the remaining channels would be grouped into four separate, but flexible, categories as follows:

- Commercial Users—to include both SMRs and common carriers—70 channels.
- Business Users—to include community repeater systems but not SMRs—60 channels.
- Public Safety Users—60 channels. (includes 50 channels from PR Docket No. 79–191).
- Industrial and Land Transportation Users—60 channels.

b. Trunked and conventional systems would be permitted in each category, at the choice of the licensee.

c. To provide a basis for better spectrum management and improved initial frequency selection the provisions of § 90.175 of the rules would be applicable to the channels in each of the four categories. This will permit applicants either to take advantage of the services of frequency coordination groups representative of the users in each category and acting in an advisory capacity to the applicants, as provided for in § 90.175(a)(2) of the rules, or to make their own frequency selection based upon their own field studies, as provided for in § 90.175(a)(1) of the rules. While the Commission would be relieved of the initial frequency selection as a result of this reliance on the users and the private sector, it would continue to maintain exclusive licensing authority over all applicants. Also, the Commission would establish, through rule making, the criteria for these frequency coordination groups to apply in their frequency coordination efforts at 800 MHz, and would continue to monitor their performance.

d. Through LMCC channels, one current master data base would be available to all users, to the Commission and to each frequency coordination committee. However, such groups may also retain their own data base if they do desire.

e. Through rule making, users in each category would be free to establish their own loading, engineering, operating and interference criteria which would then be followed by the frequency coordination group for each category and applicants.

f. As to the Commercial user category:

(1) Commercial users would operate under common interference and reliability engineering standards (not fixed mileage limitations). These standards would, in effect, provide Commercial users with exclusive assignments.

(2) Requests for up to 20 channels may be made initially. All initial period applicants, if requests exceed available channels, would have channels divided among them on an equitable basis. After the initial period, applicants can pool spectrum for joint ventures so that marketplace forces will determine the ultimate efficient spectrum configurations.

(3) In order to avoid license speculation, there will be a one-year construction requirement and an initial three-year license term during which a reasonable loading level must be achieved. In other respects, and in other markets, a part 94 licensing approach would be used in the Commercial block.

(4) LMCC recommends the inclusion of common carriers in the Commercial category and the removal of the limitations on the number of SMRs that manufacturers can operate. The inclusion of common carriers is recommended because, apart from the Cellular Service, users should have a further choice in the 800 MHz band of a common carrier-type service, either conventional or trunked. Removal of the existing limitations on manufacturers operating SMRs is in line with the Commission's intent to eliminate artificial barriers to entry. These recommendations are made consistent with the desire of the Commission to provide *ultimate users* with as many options as possible.

g. As to the Business, Public Safety and Industrial/Land Transportation user categories:

(1) All licensees would have non-exclusive assignments as is presently the case with private land mobile channels below 470 MHz. Making exclusive assignments to Business, Public Safety and Industrial/Land Transportation users serves little useful purpose, restricts greater use of channels and creates serious legal and procedural problems.

(2) With regard to all three non-Commercial categories, a frequency registration and extended construction procedure would be established for those licensees which need considerable lead time in planning and budgeting for systems ("slow-growth" users) and for those cases where there are large systems or systems covering extensive areas which have to be constructed and implemented in stages extending beyond one year.

(3) By having non-exclusive assignments in the three non-Commercial categories and by establishing engineering, operating and interference criteria for each category in the Rules, the frequency coordinating committees for each of those categories (or individual applicants) will be free to engineer-in additional systems which would not be possible under either an exclusive assignment concept or by using rigid mileage separation standards.

h. The initial number of channels in each of the four categories would remain the same for at least five years. During this period there will be, pursuant to rule making, inter-category sharing at the local level by mutual agreement of the frequency coordinating groups. Where a user from one category is permitted to use channels in another category, the user involved will be required to comply with the loading, engineering, interference and operating criteria applicable to the category in which it will now operate. At the end of the five-year period, if needed, the Commission can examine the utilization of channels by users in the various categories and make appropriate adjustments in the boundaries. The ability of the Commission to change category boundaries should be a very strong incentive for all users to make maximum efficient use of the spectrum and to seek out the use of new technologies which would enhance spectrum utilization.

2. The LMCC proposal calls for use of limited and flexible blocks, frequency coordination based upon user-developed engineering, operating and interference criteria and frequency sharing. The assignment and use policies adopted in Docket No. 18262, such as abandonment of block allocations and the decision not to use coordinating committees to assist applicants in frequency selection, the establishment of rigid mileage limitations and loading standards, have resulted in inefficiencies and should not only be revisited but changed.

3. The LMCC proposal lets the user decide whether to operate a trunked or a conventional system. The policy adopted in PR Docket No. 79–100 of restricting additional conventional systems in order to promote trunked systems has been a failure, has resulted in large amounts of "assigned" trunked spectrum being unused due to apparent "spectrum speculation" by existing SMR licensees and has left legitimate user needs unmet. This policy error must not be extended to the remaining channels. The construction and mobile unit loading requirements and initial three-year license term applicable to licensees in the Commercial user category will discourage such "spectrum speculation." The Commission should promptly take steps to rectify this policy error as to the 200 trunked channels already released.

4. LMCC's proposal is more spectrum-efficient than either the present 800 MHz assignment policy or the Staff's proposal. The flexible block, frequency coordination, frequency registration/extended construction and inter-category sharing provisions of LMCC's proposal all enhanced by a data base, will result in greater spectrum utilization with minimum degradation of service than is possible with rigid mileage separations, first-come, first-served assignments and vertical stacking.

5. The provision in LMCC's proposal to utilize private frequency coordinating committees representative of users in each category pursuant to the provisions of § 90.175(a)(2) of the Rules is not an unlawful delegation of authority since these committees do not exercise any authority or control. Rather, they merely perform ministerial functions of applying criteria in the Rules to a commonly available data base. Since these committees make recommendations to applicants upon request and do not advise the Commission they are not "Advisory Committees" under the Federal Advisory Committee Act. These committees do not operate in restraint of trade since membership is not restricted, there is equal access to their services by both members and non-members, and all frequency recommendations are necessarily based upon objective standards codified in the Commission's regulations and applied equally to members and non-members. Furthermore, their operations are subject to pervasive regulatory scrutiny. In fact, these committees promote competition by enabling all users, large and small, to find the best channels for their operations on an equal basis.

6. LMCC's proposal for assignment of frequencies in the Commercial user category, where there are more applicants than channels, meets the requirements of the Communications Act, employs marketplace forces to the degree practical and recognizes public interest considerations.

Appendix B—*List of Members—Land Mobile Communications Council*

American Association of State Highway & Transportation Officials (AASHTO)
American Automobile Associations (AAA)
American Petroleum Institute (API)
American Telephone and Telegraph Company (AT&T)
American Trucking Association, Inc. (ATA)
Association of American Railroad (AAR)
Associated Public-Safety Communications Officers, Inc. (APCO)
Eastern States Public Safety Radio League (ESPRL)
Electronic Industries Association (EIA)
Forest Industries Telecommunications (FIT)
Forestry Conservation Communications Association (FCCA)
International Association of Fire Chiefs (IAFC)
International Association of Fish and Wildlife Agencies (IAFWA)
International Bridge, Tunnel & Turnpike Association, Inc. (IBT&TA.
International Municipal Signal Association (IMSA)
Manufacturers Radio Frequency Advisory Committee (MRFAC)
National Association of Business & Educational Radio, Inc. (NABER)
National Association of State Foresters (NASF)
Special Industrial Radio Service Association, Inc. (SIRSA)
Telecator Network of America (TNA)
Utilities Telecommunications Council (UTC)

Appendix C—*National Mobile Radio Association, 1304 R Street NW., Washington, D.C. 20009*

Proposal for Release of 800 MHz Reserve-Pool Channels

The National Mobile Radio Association (NMRA) is a nationwide non-profit association of small businesses engaged in sales and maintenance of radio communications equipment and systems (NMRA was formerly known as the California Mobile Radio Association). NMRA members, in many cases, own and operate conventional and trunked Specialized Mobile Radio Systems (SMR) and community repeaters in the 800 MHz band. Many NMRA members wish to provide trunked SMR systems but are blocked by continued unavailability of frequencies in the major urban areas of Los Angeles, New York, Chicago, San Francisco, Houston and Ft. Worth/Dallas. NMRA is well positioned, therefore, to express the views of existing and potential 800 MHz licensees. NMRA members are persons who are in direct day to day contact, with present and prospective end-users of the frequencies assigned to the land mobile services and therefore NMRA is able to accurately express the needs of these end-users.

Summary of NMRA Proposal

Under the NMRA plan, the Commission would release the remaining 200 channels in the private user reserve pool on a "first-come, first served" basis, for trunked use only. In cities where applications are pending for more than 200 channels, as is presently true for Los Angeles, 180 channels should be released on the first come—first served basis, with the remaining 20 channels distributed in 5-channel blocks by means of either a lottery or "paper" hearing. A decision between lottery and paper hearing can only be made following review of public comments in the forthcoming Notice of Inquiry.

Appendix D—*Executive Summary*

The General Electric Company has submitted a plan for the FCC's consideration in any release of the reserve pool frequencies for private radio systems at 800 MHz. The GE plan would designate specific allocations of frequencies for trunked and conventional systems as in the original Docket No. 18262 decisions. Under this plan, users could choose between the two technologies, and the Commission would retain the authority to review the allocations when either block was fully licensed.

Specifically, the GE plan included three basic points:

First, any allocation made at this time for trunked and conventional systems should be in the same proportion as the original Docket 18262 allocations. This division would be the most direct and the least burdensome administrative approach to preserve user choices and the Commission's commitment to spectrum efficiency through trunking.

Second, the existing restriction on manufacturer ownership of 800 MHz systems should be equally applied to any new frequencies released. This rule reduces the influence of vertically integrated entities that are capable of manipulating prices and sales of equipment and access to transmitter sites so as to prevent the independent SMRs from reaping the returns on their investments through service to the land mobile community.

Third, no new allocations should be utilized for community repeater operations, as these operations can be used to circumvent the ban on manufacturer-owned systems. In contrast, the licensing of SMRs has given the Commission an identifiable entity whose primary livelihood is an FCC license to provide service. These entrepreneurs can be held accountable for use of 800 MHz frequencies with far more administrative efficiency than community repeaters and their operators.

Appendix E

It is proposed to amend Part 90 of the Commission's rules as follows:

1. In § 90.175 a new paragraph (f) is added to read as follows:

§ 90.175 Frequency coordination requirements.

* * * * *

(f) For frequencies between 809.750–816 MHz and 854.750–861 MHz.

(1) A report showing that the frequencies applied for are available for assignment in accordance with the applicable loading and separation standards as specified in Subpart M, or;

(2) A statement from a frequency coordinating committee recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations as specified in Subpart M.

(3) Deviations from the station separation standards that may be required because of local conditions (terrain, antenna height, transmitter power, area of required coverage, etc.) will be considered and when requested, will require the submission of a letter of concurrence from all co-channel licensees closer than the mileage separation stated in the rules.

(4) In certain cases, eligibles in the Public Safety/Special Emergency Industrial/Land Transportation, Business, and SMR/Multiple Licensed Facilities categories may apply for frequency allocated to any category. Such applications must be accompanied by:

(i) A determination by the applicant's frequency advisory committee, or a demonstration by a field study, that there are no frequencies available within the applicant's own service category in the area of desired operation;

(ii) A demonstration that the frequencies requested in another service category are not assigned in that category in the ara desired operation;

(iii) A statement that the frequency coordinator(s) having responsibility for the coordination in the category in which the frequencies are assigned concur in its "our-of-category" assignment in the manner proposed, and it will not result in harmful interference to existing or planned systems in the category in which the frequency is assigned;

(iv) A statement or showing that the proposed use of the assignment will not violate any of the technical limitations applicable in the category or services in which the frequency is assigned.

2. In § 90.207, a new paragraph (l) is added to read as follows:

§ 90.207 Types of emission.

* * * * *

(l) Stations authorized frequencies in the 809.750–816/854.750–861 MHz band that are for exclusive use by a single licensee, for Specialized Mobile Radio system operations as described in Section 90.355, or multiple licensed facilities that have the written concurrence of all users, may employ any mode of emission desired. Multiple emissions within the authorized bandwidth will be allowed. Out-of-band emissions shall be in conformance with § 90.209. When multiple emissions are utilized, the sum of the emissions may not exceed the effective radiated power limits of Section 90.379.

3. In § 90.209, a new paragraph (b)(7) is added to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(7) Stations described in § 90.207(l) which are authorized frequencies in the 809.750–816/854.750–861 MHz bands will be authorized a bandwidth of 25 kHz. For these stations, consideration will be given, upon justification, to authorize more than one 25 kHz channel for systems requiring more than 25 kHz bandwidth.

* * * * *

4. In § 90.213(a), footnote 14 is added to the 806–821 and 851–866 MHz frequency ranges in the Frequency Tolerance Table to read as follows:

§ 90.213 Frequency tolerance.

(a) * * *

806–821 [14]			
851–866 [14]			

* * * * *

[14] No tolerance shall be specified for frequencies in the 809.750–816/854.750–861 MHz band that are assigned for exclusive use of those licensees authorized under § 90.207(l). The out-of-band emission limitations of § 90.209 shall be met.

* * * * *

5. In § 90.359, paragraph (c) is revised and a new paragraph (e) is added to read as follows:

§ 90.359 Supplemental information to be furnished by applicants for facilities under this subpart.

* * * * *

(c) All applicants for trunked systems shall specify the number of mobile units to be placed in operation within the terms of the license: *Provided, however,* Where an applicant for trunked facilities in the frequency bands 816–821/861–866 MHz applies for more than the minimum 5 channels, and elects to construct in 5-channel stages, he shall so specify and shall state the number of mobile units to be placed in operation by the end of two years from the date of the grant of his station authorization.

* * * * *

(e) Frequencies in the 809.750–816/854.750–861 MHz band are subject to the frequency coordinated requirements of § 90.175(f).

6. In § 90.365, paragraphs (a), (a)(1), and (a)(3) are revised, and new paragraphs (i) and (j) are added to read as follows:

§ 90.365 Selection and assignment of frequencies.

(a) The Commission will select and assign frequencies for conventional system operation in the 806–809–750/851–854.750 MHz bands and for trunked systems operating in the 816–821/861–866 MHz bands.

(1) For trunked systems, the assignment of frequencies will be made in accordance with applicable loading criteria and in accordance with the following:

* * * * *

(3) For conventional systems, mobile station transmitting frequencies, as well as those for use by control stations, will be selected from those allocated in the 806–821 MHz band. Mobile and control station transmitting frequencies will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz and proceed to the band end with uniform 25 KHz channeling. Base station transmitting frequencies will be selected and assigned from those allocated in the 851–866 MHz band, with Channel No. 1 commencing at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25 KHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz.

* * * * *

(i) This paragraph not used.

(j) Applicants will select and request frequencies in the 809.750–816/854.750–861 MHz bands.

(1) The channels in this band consist of paired frequencies and shall be numbered 201–450. Mobile and control station frequencies will commence with Channel 201 at 815.9875 MHz, followed by Channel 202 at 815.9625 MHz and proceeding downward in frequency with uniform 25 KHz channeling to channel 450 at 809.7625 MHz. Base station transmitting frequencies are 45 MHz higher in frequency than the mobile transmitting frequency.

(2) The maximum number of channels that will be assigned at any one time will be five. All frequencies may be utilized for either conventional or trunked system use.

(i) Applicants for five channel trunked systems should select a five channel group in accordance with the tables given in §§ 90.365(j) and 90.366.

(ii) Applicants requesting less than a five channel trunked group shall request frequencies from any trunked group that is broken (less than 5 channels remaining). If these are unavailable, a 5 channel trunked group shall be broken.

(iii) Frequencies for conventional systems should be selected from broken 5 channel groups, if available.

(iv) For conventional systems the assignment of frequencies will be made in accordance with applicable loading criteria. Accordingly, depending upon the number of mobile units to be served, the applicant may either be required to share a channel, or, if the applicant shows a sufficient number of mobile units to warrant the assignment of one or more channels for its exclusive use, he may be licensed to use such channel or channels on an exclusive basis in his area of operation.

(3) Stations authorized by the Commission to operate in the 809.750–816/854.750–861 MHz bands will be afforded protection solely on the basis of the mileage separation criteria set out below. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

(i) For trunked systems, the minimum separation between co-channel systems must be 112 km. (70 mi.) except that no trunked system shall be less than 168 km. (105 mi.) distant from co-channel wide areas trunked systems on any of the following mountain top sites: Santiago Peak, Sierra Peak, Mount Lukens, Mount Wilson (California).

(ii) For urban-conventional systems, where the channel is assigned for exclusive use at a single site, co-channel base stations will be authorized only when the separation between that site and (*a*) the proposed other exclusive site is at least 112 km. (70 mi.) or (*b*) the other urban area is at least 136 km. (85 mi.). In all other cases the separation between centers of the urban areas involved must be at least 160 km. (100 mi.).

(iii) For suburban-conventional systems, where the channel is assigned for exclusive use at a single site, co-channel base station will be authorized only when the separation between that site and (*a*) the proposed other exclusive site is at least 96 km. (60 mi.) or (*b*) the proposed other suburban loading area is at least 136 km. (85 mi.). In all other cases the separation between centers of suburban loading areas will be at least 176 km. (110 mi.).

(iv) For a suburban-conventional system to operate co-channel with an urban-conventional system, where both the suburban and the urban conventional systems use the channel at single sites, the distance between those sites must be at least 112 km. (70 mi.). In all cases where the channel is used by either the suburban or urban-conventional system at multiple sites, the distance between the center of the urban area and the center of the suburban loading area must be at least 176 km. (110 mi.).

(v) The minimum distance from any of the following four sites: Santiago Peak, Sierra Peak, Mount Lukens, and Mount Wilson (California) to the center of the nearest co-channel urban area and to the center of the nearest co-channel suburban loading area (for a suburban-conventional station) must, in all cases where both of the co-channel stations use the channel at single sites, be 168 km. (105 mi.).

In all cases where the channel is used by either of the co-channel stations at multiple sites, the minimum distance from any of these four sites to the center of the nearest co-channel urban must be 192 km. (120 mi.) and to the center of the nearest co-channel suburban loading area (for a suburban-conventional station), must be 208 km. (130 mi.).

(4) Notwithstanding the provisions of paragraph (j)(3)(ii) of this section, where an assigned channel of an urban-conventional system is not fully loaded in accordance with applicable loading criteria, and where the transmitter site of that system is located within 24 km. (15 mi.) from the center of the urbanized area involved, the Commission may issue additional authorizations for facilities to be located within 24 km. (15 mi.) of the center of that urbanized area until the channel in question is occupied in conformity with applicable loading criteria.

(5) Notwithstanding the provisions of paragraph (j)(3)(iii) of this section, where an assigned channel of a suburban-conventional system is not fully loaded in accordance with applicable loading criteria, the Commission may issue additional authorizations for facilities to be located within 40 km. (25 mi.) of the transmitter site of the first station authorized until the channel in question is occupied in conformity with applicable loading criteria.

(6) Notwithstanding the provisions of paragraph (j)(3)(v) of this section, where a channel is assigned for use at either Santiago Peak, Sierra Peak, Mount Lukens, or Mount Wilson (California) and the channel is not fully loaded in accordance with applicable loading criteria, the Commission may issue additional authorizations for wide-area-coverage facilities to be located at the same site area until the channel in question is occupied in conformity with applicable loading criteria. A channel previously assigned at one such site area may not be used at any of the three remaining designated mountain-top sites.

(7) UHF television translator stations using UHF output channels from Channel 70 through Channel 83, shall operate on a secondary basis to land mobile stations using the UHF bands allocated under this subpart for land mobile use, and, accordingly, such television translator stations will not be protected from interference from such authorized land mobile stations.

(8) Pending further negotiations with Canada and Mexico, land mobile stations operating in the 806–890 MHz band shall do so on a secondary basis to any Canadian or Mexican television station placed in operation on television channels in this band.

(9) The frequencies listed in Table 1 are available to eligible applicants in the Public Safety Category which consists of the Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, and Special Emergency Radio Services. These frequencies are available in areas farther than 200 miles from the US/Mexico border. They are not available within 145 miles of the US/Canada border. Applications for stations farther than 145 miles but less than 250 miles from the Canadian border must be coordinated under existing agreements.

Table 1.—Public Safety Category, 60 Channels

Group No.	Channel No.	Mobile	Base
201	201	815.9875	860.9875
	241	814.9875	859.9875
	281	813.9875	858.9875
	321	812.9875	857.9875
	361	811.9875	856.9875
202	202	815.9625	860.9625
	242	814.9625	859.9625
	282	813.9625	858.9625
	322	812.9625	857.9625
	362	811.9625	856.9625
203	203	815.9375	860.9375
	243	814.9375	859.9375
	283	813.9375	858.9375
	323	812.9375	857.9375
	363	811.9375	856.9375
211	211	815.7375	860.7375
	251	814.7375	859.7375
	291	813.7375	858.7375
	331	812.7375	857.7375
	371	811.7375	856.7375
212	212	815.7125	860.7125
	252	814.7125	859.7125
	292	813.7125	858.7125
	332	812.7125	857.7125
	372	811.7125	856.7125
213	213	815.6875	860.6875
	253	814.6875	859.6875
	293	813.6875	858.6875
	333	812.6875	857.6875
	373	811.6875	856.6875
221	221	815.4875	860.4875
	261	814.4875	859.4875
	301	813.4875	858.4875
	341	812.4875	857.4875
	381	811.4875	856.4875
222	222	815.4625	860.4625
	262	814.4625	859.4625
	302	813.4625	858.4625
	342	812.4625	857.4625
	382	811.4625	856.4625
231	231	815.2375	860.2375
	271	814.2375	859.2375
	311	813.2375	858.2375
	351	812.2375	857.2375
	391	811.2375	856.2375
232	232	815.2125	860.2125
	272	814.2125	859.2125
	312	813.2125	858.2125
	352	812.2125	857.2125
	392	811.2125	856.2125
	401	810.9875	855.9875
	402	810.9625	855.9625
	411	810.7375	855.7375
	412	810.7125	855.7125
	421	810.4875	855.4875
	422	810.4625	855.4625
	431	810.2375	855.2375
	432	810.2125	855.2125
	441	809.9875	854.9875
	442	809.9625	854.9625

(10) The frequencies listed in Table 2 are available to eligible applicants in the Industrial/Land Transportation Category which consists of the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Manufacturers and Telephone Maintenance Radio Services. These frequencies are available in areas farther than 200 miles from the U.S. Mexico border. They are not available within 145 miles of the U.S./Canada border. Applications for stations farther than 145 miles but less than 250 miles from the Canadian border must be coordinated under existing agreements.

Table 2.—*Industrial/Land Transportation Category, 70 Channels*

Group No.	Channel No.	Mobile	Base
204	204	815.9123	860.9125
	244	814[0125	859.9125
	284	814.9125	859.9125
	2324	812.9125	857.9125
	364	811.9125	856.9125
205	206	815.8675	860.8675
	245	814.8675	859.8675
	285	813.8675	858.8675
	365	811.8675	856.8675
	325	811.8875	857.8875
214	615	.8625	860.8625
	254	814.8625	859.8625
	294	.8625	813859.8625
	334	812.8625	857.8625
	374	8116.625	856.8625
215	215	815.8375	860.8375
	255	814.8375	859.8375
	295	813.8375	858.8375
	335	812.8375	857.8375
	375	811.8375	856.8375
223	223	815.4375	860.4375
	263	814.4375	859.4375
	303	813.4375	858.4375
	343	812.4375	857.4375
	383	811.4375	856.4375
224	224	815.4125	860.4125
	264	814.4125	859.4125
	304	813.4125	858.4125
	344	812.4125	857.4125
	384	811.4125	856.4125
225	225	815.3875	860.3875
	265	814.3875	859.3875
	305	813.3875	858.3875
	345	812.3875	857.3875
	385	811.3875	856.3875
233	233	815.1875	860.1875
	273	814.1875	859.1875
	313	813.1875	858.1875
	353	812.1875	857.1875
	393	811.1875	856.1875
234	234	815.1625	860.1625
	274	814.1625	859.1625
	314	813.1625	858.1625
	354	812.1625	857.1625
	394	811.1625	856.1625
235	235	815.1375	860.1375
	275	814.1375	859.1375
	315	813.1375	858.1375
	355	812.1375	857.1375
	395	811.1375	857.1375
	403	810.9375	855.9375
	404	810.9125	855.9125
	405	810.8875	855.8875
	406	810.8625	855.8625
	407	810.8375	855.8375
	413	810.6875	855.6875
	414	810.6625	855.6625
	415	810.6375	855.6375
	416	810.6125	855.6125
	417	810.5875	855.5875
	423	810.4375	855.4375
	424	810.4125	855.4125
	425	810.3875	855.3875
	426	810.3625	855.3625
	427	810.3375	855.3375
	433	810.1875	855.1875
	434	810.1625	855.1625
	435	810.1375	855.1375
	436	810.1125	855.1125
	437	810.0875	855.0875

(11) The frequencies listed in Table 3 are available to eligible applicants in the Business Radio Category. This category does not include Specialized Mobile Radio Systems as defined in § 90.355(c) or multiple licensed facilities (e.g. community repeaters). These frequencies are available in areas farther than 200 miles from the US/Mexico border. They are not available within 145 miles of the US/Canada border. Applications for stations farther than 145 miles but less than 250 miles from the Canadian border must be coordinated under existing agreements.

Table 3.—*Business Radio Category, 50 Channels*

Group No.	Channel No.	Mobile	Base
209	209	815.7875	860.7875
	249	814.7875	859.7875
	289	813.7875	858.7875
	329	812.7875	857.7875
	369	811.7875	856.7875
210	210	815.7625	860.7625
	250	814.7625	859.7625
	290	813.7625	858.7625
	330	812.7625	857.7625
	370	811.7625	856.7625
219	219	815.5375	860.5375
	259	814.5375	859.5375
	299	813.5375	858.5375
	339	812.5375	857.5375
	379	811.5375	856.5375
220	220	815.5125	860.5125
	260	814.5125	859.5125
	300	813.5125	858.5125
	340	812.5125	857.5125
	380	811.5125	856.5125
229	229	815.2875	860.2875
	269	814.2875	859.2875
	309	813.2875	858.2875
	349	812.2875	857.2875
	389	811.2875	856.2875
230	230	815.2625	860.2625
	270	814.2625	859.2625
	310	813.2625	858.2625
	350	812.2625	857.2625
	390	811.2625	856.2625
236	236	815.0825	860.0825
	276	814.0825	859.0825
	316	813.0625	858.0825
	356	812.0625	857.0625
	396	811.0625	856.0825
239	239	815.0375	860.0375
	279	814.0375	859.0375
	319	813.0375	858.0375
	359	812.0375	857.0375
	399	811.0375	856.0375
240	240	815.0125	860.0125
	280	814.0125	859.0125
	320	813.0125	858.0125
	360	812.0125	857.0125
	400	811.0125	856.0125
	446	809.8625	854.8625
	447	809.8375	854.8375
	448	809.8125	854.8125
	449	809.7875	854.7875
	450	809.8623	054.8625

(12) The frequencies listed in Table 4 are available only for Specialized Mobile Radio Systems (SMRS) eligible under § 90.255(c) and multiple licensed facilities (e.g. community repeaters). These frequencies are available in areas farther than 200 miles from the U.S./Mexico border. They are not available within 145 miles of the U.S./Canada border. Applicants for stations farther than 145 miles, but less than 250 miles from the Canadian border must be coordinated under existing agreements.

Table 4.—*Specal Mobile Radio Systems/Multiple Licensed Facilities, 70 Channels*

Group No.	Channel No.	Mobile	Base
206	206	815.9625	860.9625
	246	814.9625	859.9625
	286	813.9625	858.9625
	326	812.9625	857.9625
	366	811.9625	856.9625
207	207	815.9375	860.9375
	247	814.9375	859.9375

7. A new § 90.366 is added to read as follows:

§ 90.366 Use of the frequency bands 809.750–816/854.750–861 MHz in the Southern California area.

(a) The frequencies listed in Table 5 are the only frequencies available for assignment in San Diego County, California for eligible applicants in the Public Safety Category consisting of the Local Government, Police, Fire, Highway Maintenance, Forestry-Conservation, and Special Emergency Radio Services.

Table 4.—*Special Mobile Radio Systems/Multiple Licensed Facilities, 70 Channels*—Continued

Group No.	Channel No.	Mobile	Base
	287	813.6375	858.6375
	327	812.6375	857.6375
	367	811.6375	856.6375
208	208	815.8125	860.8125
	248	814.8125	859.8125
	288	813.8125	858.8125
	328	812.8125	857.8125
	368	811.8125	856.8125
216	216	815.6125	860.6125
	256	814.6125	859.6125
	296	813.6125	858.6125
	336	812.6125	857.6125
	376	811.6125	856.6125
217	217	815.5875	860.5875
	257	814.5875	859.5875
	297	813.5875	858.5875
	337	812.5875	857.5875
	377	811.5875	856.5875
218	218	815.5625	860.5625
	258	814.5625	859.5625
	298	813.5625	858.5625
	338	812.5625	857.5625
	378	811.5625	856.5625
226	226	815.3625	860.3625
	266	814.3625	859.3625
	306	813.3625	858.3625
	346	812.3625	857.3625
	386	811.3625	856.3625
227	227	815.3375	860.3375
	267	814.3375	859.3375
	307	813.3375	858.3375
	347	812.3375	857.3375
	387	811.3375	856.3375
228	228	815.3125	860.3125
	268	814.3125	859.3125
	308	813.3125	858.3125
	348	812.3125	857.3125
	388	811.3125	856.3125
236	236	815.1125	860.1125
	276	814.1125	859.1125
	316	813.1125	858.1125
	356	812.1125	857.1125
	396	811.1125	856.1125
237	237	815.0875	860.0875
	277	814.0875	859.0875
	317	813.0875	858.0875
	357	812.0875	857.0875
	397	811.0875	856.0875
409	409	810.8125	855.8125
409	409	810.7875	855.7875
410	410	810.7625	855.7625
418	418	810.5625	855.5625
419	419	810.5375	855.5375
420	420	810.5125	855.5125
428	428	810.3125	855.3125
429	429	810.2875	855.2875
430	430	810.2625	855.2625
438	438	810.0625	855.0625
439	439	810.0375	855.0375
440	440	810.0125	855.0125
443	809.9375	854.9375	
444	809.9125	854.9125	
446	809.8875	854.8875	

Table 5—Public Safety Category (San Diego County) 25 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(b) The frequencies listed in Table 6 are the only frequencies available for assignment in San Diego County, California for eligible applicants in the Industrial/Land Transportation Category consisting of the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Manufacturers, and Telephone Maintenance Radio Services.

Table 6—Industrial/Land Transportation Category (San Diego County) 25 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(c) The frequencies listed in Table 7 are the only frequencies available for assignment in San Diego County, California for eligible applicants in the Business Radio Category. This category does not include Specialized Mobile Radio Systems as defined in § 90.355(c) and multiple licensed facilities (e.g. community repeaters).

Table 7—Business Radio Category (San Diego County) 20 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(d) The frequencies listed in Table 8 are the only frequencies available for assignment in San Diego County, California for Specialized Mobile Radio Systems (SMRS) eligible under § 90.355(c) and multiple licensed facilities (e.g. community repeaters).

Table 8—Specialized Mobile Radio Systems/Multiple Licensed Facilities (San Diego County) 30 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(e) The frequencies listed in Table 9 are available for assignment in areas farther than 70 miles but less than 200 miles from the US/Mexico border for eligible applicants in the Public Safety Category consisting of the Local Government, Police, Fire, High Maintenance, Forestry-Conservation, and Special Emergency Radio Services.

Table 9—Public Safety Category (70–200 miles from US/Mexico Border) 35 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(f) The frequencies listed in Table 10 are available for assignment in areas farther than 70 miles but less than 200 miles from the US/Mexico border for eligible applicants in the Industrial/Land Transportation Category, consisting of the Power, Petroleum, Forest Products, Motion Picture, Relay Press, Special Industrial, Manufacturers, and Telephone Maintenance Radio Services.

Table 10—Industrial/Land Transportation Category (70–200 miles from US/Mexico border) 45 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(g) The frequencies listed in Table 11 are available for assignment in areas farther than 70 miles but less than 200 miles from the US/Mexico border for eligible applicants in the Business Radio Category. This category does not include Specialized Mobile Radio Systems as defined in § 90.355(c) or multiple licensed facilities (e.g. community repeaters).

Table 11—Business Radio Category (70 to 200 miles from US/Mexico border) 30 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

(h) The frequencies listed in Table 12 are available for assignment in areas farther than 70 miles but less than 200 miles from the US/Mexico border for Specialized Mobile Radio Systems (SMRS) eligible under § 90.355(c) and multiple licensed facilities (e.g. community repeaters).

Table 12—Specialized Mobile Radio Systems/Multiple Licensed Facilities (70–200 miles from US/Mexico border) 40 channels

(Frequencies will be published after signing of agreement with the Mexican government.)

8. In § 90.367, paragraph (a) is revised and a new paragraph (d) is added to read as follows:

§ 90.367 Limitation on the number of frequencies assignable for conventional systems.

(a) Except as indicated in paragraph (d) of this section, the maximum number of frequency pairs that may be assigned to any one licensee for the operation of a conventional radio system shall be two (2). Conventional systems requiring a third frequency will be required to convert to trunked operations.

* * * * *

(d) For licensees utilizing frequencies in the 809.750–816/854.750–861 MHz band, more than 2 frequency pairs may be assigned for the operation of a conventional radio system upon showing that more than 2 frequency pairs are required and that trunking is not feasible for the proposed operation.

9. In § 90.369, paragraph (a) is revised to read as follows:

§ 90.369 Other criteria to be applied in assigning channels for use in conventional systems of communications.

(a) In every case, the Commission will examine a proposal to determine the requirements of the applicant in terms of the number of mobile units to be served, together with the nature of the activites the applicant is engaged in. Where an applicant for facilities in the 806–809.750/851–854.750 MHz bands shows that the channel will be loaded to 70 percent of its assigned capacity, or where an applicant for facilities in the 809.750–816/854.750–861 MHz bands whose base station(s) would be located within 75 miles of the designated centers of the largest 25 urbanized areas, as specified in § 90.477, shows that the channel will be loaded to 90 percent of its assigned capacity, as those capacities are defined in § 90.377, then that channel will be made available to that applicant for its exclusive use in the area in which it proposes to operate. Where the showing made justifies the assignment of more than one channel to the applicant, then additional frequencies will be made available for its use.

* * * * *

10. In § 90.371, paragraph (a) is revised to read as follows:

§ 90.371 Limitation on the number of frequency pairs assignable for trunked systems and on the number of trunked systems.

(a) The maximum number of frequency pairs that may be assigned for use by a trunked radio system operating in the 816–821/861–866 MHz bands shall be twenty. The minimum number of frequency pairs that may be assigned for such a system shall be five. A trunked radio system operating in the 809.750–816/854.750–861 MHz bands may be assigned a minimum of three and a maximum of five channels.

* * * * *

11. Section 90.373 is revised to read as follows:

§ 90.373 Restriction on licensing manufacturers in the 806–821 and 851–866 MHz bands.

Persons engaged in the manufacture of radio frequency (FR) equipment to be used in systems authorized under this subpart, or any person directly or indirectly controlled (through stock

ownership or otherwise) by such manufacturing entity, be licensed to operate only one trunked system of communications when utilizing frequencies in the bands 816–821/861–866 MHz, or one trunked system per market area as defined by the 40 dBu contour when employing frequencies in the 809.750–816/854.750–861 MHz bands. These systems shall be utilized to provide base station and ancillary facilities to eligibles under Subpart B, C, D or E of this part.

12. In § 90.375, paragraphs (c) and (e) are revised to read as follows:

§ 90.375 Trunked system loading requirements.

* * * * *

(c) (1) Applicants for trunked systems to operate in the 816–821/861–866 MHz frequency band, and applicants for trunked systems located beyond 120 km. (75 miles) of the largest 25 urbanized areas as set forth in § 90.477(c) that will operate in the 809.750–816/854.750–861 MHz frequency bands, shall certify that a minimum of 70 percent of the mobile units specified in its application will be placed in operation not later than the date on which the term of its license for the system expires; *Provided, however,* That where channels in the 816–821/861–866 MHz band have previously been assigned for single use or SMR trunked systems located within 120 km. (75 miles) of the largest 25 urbanized areas as set forth in § 90.477(c) but have subsequently been retrieved due to the licensee's failure to meet the loading standards for trunked facilities prescribed in this subpart, then those channels, if subsequently reassigned, shall be subject to paragraphs (c)(2) and (e)(2) of this section; *Provided, further,* that where channels in the 816–821/861–866 MHz band have previously been assigned for a trunked SMR system located within 120 km. (75 miles) of the largest 25 urbanized areas as set forth in § 90.477(c) and that trunked SMR facilities has not, at the time of the expiration of its initial license term, met the maximum loading standards for trunked systems prescribed in this subpart, then, at time of renewal of the license, the SMR facility shall be subject ot the provisions of paragraphs (c)(2) and (e)(2) of this section.

(2) Each applicant for trunked facilities located within 120 km. (75 miles) of the top 25 urbanized areas as set forth in § 90.477(c) and which will operate in the 809.750–816/854.750–861 MHz frequency band shall certify that a minimum of 90% of the mobile units specified in its application will be placed in operation not later than two years after the date of issuance of the first authorization for the system. At the conclusion of the two-year loading period, where the requisite minimum level of loading specified herein has not been achieved, the station authorization will modified to cancel the authorization for those channels not so loaded.

* * * * *

(e) (1) Licensees of trunked facilities on frequencies in the 816–821/861–866 MHz frequency band must commence construction within six months from the date of grant and complete construction within one year; *Provided, however,* That a licensee of a trunked facility assigned more than the minimum five-channel group may elect to construct the facility in stages. In this event, the licensee shall complete construction of the basic five-channel group of the authorized facility within the time limits specified above; *Provided, further,* That should the licensee elect to proceed in this manner, then he must demonstrate that at the end of a two-year period from the date of the grant of his station authorization, the constructed facility is occupied to a minimum of 70 percent of the loading require, notwithstanding the provisions of paragraph (c) of this section.

(2) Licensees of trunked facilities which will operate in the 809.750–816/854.750–861 MHz frequency band must also commence construction within six months from the date of grant and complete construction within one year; *Provided, however,* That trunked systems will not be authorized in excess of five channels where the stations will be located within 120 km. (75 mi.) of the largest 25 urbanized areas as set forth in § 90.477(c).

13. In § 90.377, paragraph (c) is revised and a new paragraph (f) is added to read as follows:

§ 90.377 Conventional systems loading requirements.

* * * * *

(c) (1) Every applicant for conventional facilities in the frequency band 806–809.750/851–750 MHz shall certify that a minimum of 70 percent of the mobile units specified in his application will be placed in operation not later than 8 months aftar the date of grant of its license for the system; *Provided, however,* That where a channel in the 806–809.750/851–864.750 MHz band has previously been assigned for a single user, multiple user, or SMR conventional system located within 120 km. (75 miles) of the largest 25 urbanized areas as set forth in § 90.477(c) but has subsequently been retrieved due to the failure of the licenee(s) to meet the loading standards for conventional facilities prescribed in this subpart, then that channel if subsequently reassigned, shall be subject to paragraph (c)(2) of this section; *Provided, further,* That where a channel in the 806–809.750/851–864.750 MHz band has previously been assigned for a conventional SMR system located within 120 km. (75 miles) of the largest 25 urbanized areas as set forth in § 90.477(c) and that conventional SMR facility has not, at the time of expiration of its initial license term, met the maximum loading standards for conventional systems prescribed in this subpart, then as a term of renewal of the license the SMR facility shall be subject to the provisions of paragraph (c)(2) of this section.

(2) Every applicant for conventional facilities utilizing frequencies in the 809.750–816/854.750–861 MHz band that will be located within 75 miles of the top 25 urbanized areas as specified in § 90.477(c) shall certify that a minimum of 90 percent of the mobile units specified in his application will be placed in operation not later than 8 months after date of grant of its license for the system. Applicants whose facilities utilizing these frequencies are located farther than 75 miles from the top 25 urbanized areas will have 2 years from authorization of the facilities to achieve the 90% loading level.

* * * * *

Table 1.—Loading Requirements for Conventional Systems

* * * * *	
Police and fire group	70/140
Business radio group	110/220
* * * * *	
Other services group[3]	90/180
* * * * *	

(f) Specialized Mobile Relay facilities and single user systems, wherever located, may exceed the channel loading maximums specified in the Tables in this section freely without consent of any other party. Other shared mobile relay facilities may exceed these channel loading maximums only upon consent of all sharing users.

* * * * *

14. In § 90.385, a new paragraph (d) is added to read as follows:

§ 90.385 Restrictions and limitations on permissible communications on use, and on mode of operation.

* * * * *

(d) Systems operating in the frequency bands 806–750.816/855–750.861 MHz that have been authorized for exclusive use of a licensee because of loading standards having been met, systems authorized for Specialized Mobile Radio System operations under § 90.355(c), and shared systems that have the expressed agreement of all users, will be permitted to employ any emission mode, provided that the emissions are contained within the channel bandwidth. The authorized bandwidth will be 25 kHz with the center of the bandwidth being the assigned channel frequency. This bandwidth may be subdivided into individual narrow band channels if desired. If more than a single emission is used within a 25 kHz channel, the sum of the emissions shall not exceed the effective radiated power limits specified in § 90.379. Out of band emissions shall conform to those indicated in § 90.209.

[FR Doc. 81-21632 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[Docket No. 79–191, 79–334, RM–3691]

Allocation of the Remaining Frequencies in Certain Private Land Mobile Frequency Bands

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: On January 3, 1980, a notice of Proposed Rule Making, PR Docket 79–334, was released concerning rules to be applied to wide-area, regional, and ribbon type 800 MHz land mobile radio systems. Many of the comments received cross-referenced comments filed in PR Docket 79–191 and since the issues in both Dockets are interrelated in this Order, we are consolidating PR Docket 79–334 into PR Docket 79–191.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Lewis Goldman, Private Radio Bureau, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Adopted: June 16, 1981.

Released: July 14, 1981.

By the Commission:

In the Matter of Amendment of Part 90 of the Commission's Rules to Designate Frequencies in the 806–821 and 851–866 MHz bands for Slow-Growth Land Mobile Radio Systems of Utilities and Public Safety Agencies; PR Docket No. 79–191 RM–3380. Amendment of Part 90 of the Commission's Rules to Allocate Frequencies in the 806–821 and 851–866 MHz bands for Public Safety/Special Emergency, Industrial/Land Transportation, Business Radio Service and SMRS/CR Frequency Pools. Amendment of Part 90 of the Commission's Rules to Facilitate Authorization of Wide-Area Mobile Radio Communications Systems on Frequencies Allocated for Trunked Systems; PR Docket No. 79–334. Amendment of Part 90 of the Commission's Rules to Allocate Additional Frequencies from the 800 MHz Spectrum Reserve to Loaded Specialized Mobile Radio-Trunked Systems in Markets Having All Presently-Allocated SMR-Trunked Frequencies Assigned; RM–3691.

1. On January 3, 1980, we released a Notice of Proposed Rule Making to explore what rules should be applied to the operation of wide area and ribbon configuration systems in the 806–821 and 851–866 MHz bands. Notice of Proposed Rule Making, Docket No. 79–334, FCC 79–855, adopted December 19, 1978, released January 3, 1980, published in the Federal Register on January 10, 1980 (45 FR 2067).

2. Seventeen parties submitted comments and replies in our Notice. Several cross referenced the comments which had been filed in our proceeding in Docket No. 79–191.

3. After careful examination of the comments in this proceeding, we conclude the public interest would best be served by consolidating the proceedings in Docket No. 79–334 and Docket No. 79–191. The issues are interrelated and should be addressed comprehensively.

4. Accordingly, it is ordered That the proceeding in Docket No. 79–334 is consolidated into Docket No. 79–191 and will henceforth be addressed under the latter docketed proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-21631 Filed 7-22-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Program Administration

49 CFR Parts 172 and 174

[Docket HM–180 Advance Notice]

Placarding of Empty Tank Cars

AGENCY: Materials Transportation Bureau (MTB) Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The MTB is publishing this Advance notice of proposed rulemaking to request comments on a petition for rulemaking submitted by the International Association of Fire Chiefs for removal of requirements for display of EMPTY placards on tank cars. The petition is quoted for comment.

DATE: Comments must be received by October 20, 1981.

ADDRESS: Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday. Telephone (202) 426–3148.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Regulations Development Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590, (202) 426–0656.

SUPPLEMENTARY INFORMATION: MTB requests comments from interested persons concerning a petition to eliminate the requirement for display of EMPTY placards on tank cars. The petition is quoted as follows:

Petition for Rulemaking

Pursuant to the procedures specified in Part 106 of your regulations, the International Association of Fire Chiefs (IAFC) hereby petitions for removal of all references to EMPTY placards set forth in Title 49, Code of Federal Regulations, Parts 172 and 174.

Your regulations presently require that an EMPTY placard be displayed on a tank car that has been emptied but not cleaned and purged of all hazardous residues. This means that a significant quantity of a hazardous material may remain in a tank car while the placards displayed on the car indicated that it is empty. An EMPTY placard (or sign) may be useful to emergency personnel in making assessments in how to deal with accidents if the tank car bearing such a message is truly empty (cleaned and purged). However, THE PRESENT SYSTEM IS MISLEADING AND DANGEROUS and should be terminated.

We believe that many qualified experts will agree that, in many instances, a nearly empty tank car presents a potentially greater danger than a filled car. If the Federal Railroad Administration were to conduct a full-scale fire test on a 32,000-gallon propane car which is empty according to the law but full of propane vapor and possible a few gallons of liquefied propane, what would be the result? If a car similarly containing chlorine were breached in an accident, what would be the result? Keep in mind the cars just described would be placarded EMPTY during their transportation.

We recognize that placards are used by the railroad industry to comply with the car placement and other handling requirements of your regulations. However, we maintain that the system could be modified to accomplish these objectives and still provide

for proper communication of the risks presented by the hazardous material in tank cars. For example, the words on shipping papers now reading "EMPTY Last contained * * *" could be changed to read "NEAR EMPTY" in recognition of the need for brevity in the entries on shipping documents. Some other indication on the placard could also be developed which would not give the false impression that the EMPTY one does.

An additional argument is our contention that the placarding system should be consistent. Tank trucks must remain placarded when empty unless cleaned and purged of all hazardous material residue or reloaded with a nonhazardous material, while rail tank cars can use the EMPTY placard with residue and vapors present. It is difficult for us to have an effective and comprehensive training program for hundreds of thousands of firefighters when major inconsistencies, such as demonstrated in this petition, are permitted by your agency to exist.

Based on its evaluation of the comments received in response to this advance notice, MTB may issue a Notice of Proposed Rulemaking proposing to delete or modify the requirements for display of EMPTY placards.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT implementing procedure (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.)

Issued in Washington, D.C. on July 14, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-21565 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-60-M

Federal Railroad Administration

49 CFR Part 212

[FRA Docket No. RSSP-3 Notice No. 2]

Revision to State Safety Participation Regulations; Correction

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a notice of proposed rulemaking to revise the FRA regulations on state participation in railroad safety inspections and investigations that appeared at page 32888 in the Federal Register of Thursday June 25, 1981 (46 FR 32888). The action is necessary to correct a typographical error in the preamble to the notice that appeared on page 32891.

DATES: (1) Written comments: Written comments must be received before August 14, 1981. Comments received after that date will be considered so far as possible without incurring additional expense or delay.

(2) Public hearing: A public hearing will be held at 10:00 a.m. on July 30, 1981. Any person who desires to make an oral statement should notify the Docket Clerk before July 24, 1981, by phone or by mail.

ADDRESSES: (1) Written comments: Written comments should identify the docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Written comments will be available for examination, both before and after the closing date for written comments, during regular business hours (8:30 a.m.–5:00 p.m.) in Room 8211 of the Nassif Building at the above address.

(2) Public hearing: A public hearing will be held in Room 4234 of the Nassif Building. Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202–426–8836) or by writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Bruce Fine, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590 (Phone 202–426–4345). Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 (Phone: 202–426–8836).

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 81–18880 appearing on page 32888 of the June 25, 1981 issue of the Federal Register:

On page 32891 at the top of the third column, the text beginning with "Section 221.223, by contrast * * *" through "* * * to issue qualification requirements." is corrected to read as follows:

"*Section 212.223* by contrast, would define the position of operating practices compliance inspector, whose duties would be limited to measuring particular conduct against uniform and objective requirements. While the compliance inspector would not be involved in the general evaluation of railroad operating rules programs, the compliance inspector would (a) observe operations to determine the extent of compliance with Blue Signal requirements and the Rear End Marking Device Regulations; (b) examine records and conduct interviews to determine the extent of compliance with the Accident/Incident Reporting Regulations; and (c) conduct investigations to develop facts relevant to compliance with the Hours of Service Act.

"*Section 212.225* would prescribe entry qualifications for operating practices inspector apprentices.

"*Section 212.227* would permit the Associate Administrator for Safety, FRA (Associate Administrator), to determine that a qualification requirement is not germane to the duties of a particular position. For instance, an individual seeking qualification as a signal and train control inspector in a state where there is no traffic control system in service should not have to demonstrate particularized knowledge of 49 CFR Part 236, Subpart D. Similarly, an operating practices inspector of a state that did not seek authority with respect to the Radio Rules should not be required to have specialized knowledge of those requirements.

"*Section 212.229* would permit the state program to keep pace with regulatory change in the major areas of technical expertise by authorizing the Associate Administrator to issue qualification requirements."

Issued in Washington, D.C., on July 17, 1981.

John H. Broadley,

Chief Counsel.

[FR Doc. 81-21566 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79–03; Notice 5]

Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 121, *Air Brake Systems*, to delete the requirement for a separate reservoir capable of releasing parking brakes. This action is being taken as a result of a petition from the Berg Manufacturing Co. Berg suggested, and agency test data confirm, that other methods are available to release parking brakes that can be as effective as a reservoir. Accordingly, to promote innovation and less costly compliance methods, the agency proposes to amend the standard in a way that will permit the manufacture of trailers with other parking brake release mechanisms. The agency also is proposing to change the parking and emergency brake sections of the standard at this time to simplify and clarify them.

DATES: Comment closing date August 24, 1981.

Proposed effective date: Upon publication of the Final Rule in the Federal Register.

ADDRESSES: Comments should refer to the docket number and be submitted to Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours: 8:00 a.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. John Machey, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2715).

SUPPLEMENTARY INFORMATION: On April 18, 1980, the Berg Manufacturing Company petitioned the agency to amend Standard No. 121, *Air Brake Systems*. The Berg proposal would have the agency amend S5.2.1.1 of the standard to allow the release of parking brakes by the use of tractor service air. Presently, the section requires that parking brakes be capable of being released by the air from a pressurized reservoir tank. The agency tentatively concludes that the Berg system would provide the same level of safety as the existing brake systems. Therefore, NHTSA is proposing an amendment to Standard No. 121 to permit the Berg and other innovative trailer parking brake release systems.

Paragraph S5.2.1.1 was included in Standard No. 121 to provide a means for releasing parking brakes once they have been applied. Without providing for such a release, parking brakes could be actuated and subsequently be incapable of being released owing to the nature of air brake systems. Since parking brakes are identical to emergency brakes on trailers, an inability to release brakes could create a safety problem. If emergency brakes on trailers were not capable of being released, a situation could result where a trailer would be blocking a road creating a safety hazard after performing an emergency braking maneuver. Previously, NHTSA had concluded that the best way to assure the release of parking brakes and emergency brakes was to require a pressurized reservoir tank. However, subsequent testing and analysis of existing systems lead the agency tentatively to conclude that this is not necessary to allow brakes to be released when necessary.

All existing brake systems in compliance with the air brake standard allow the release of the parking brakes with the pressurized tank. However, in order for that tank to operate, most systems require a signal to be sent to the tank. Typically, that signal comes from the tractor air supply. Accordingly, current systems require the use of tractor air to actuate the reservoir tank. The Berg petition and proposal correctly raise the question that if tractor service air is already required why is it not possible to allow the entire release of the parking brakes by the use of tractor service air. Since the agency is determined to reduce the design restrictiveness of its safety standards wherever possible, NHTSA agreed to test the Berg system to determine its viability as an alternative to the existing reservoir requirement.

The agency's tests were conducted at the Transportation Research Center in East Liberty, Ohio, and the results are available in the docket (file number 79–03–GR–006). The tests showed that with one failed reservoir, the remaining reservoir could not release the parking brakes. Therefore, the system failed the existing requirements of Standard No. 121. However, the parking brakes could be easily released by use of tractor supplied air. The amount of time necessary to release the brakes using either reservoir or tractor supplied air is not significant. Further, testing showed that operation of a vehicle with the Berg system when a reservoir had failed would not result in excessive brake temperatures. As a result of these test results and to promote flexibility in the compliance with agency safety standards, the agency proposes to amend the standard in a way that will permit the use of tractor air to release parking brakes.

First, NHTSA proposes that S5.2.1.1 of the standard be deleted. This action would remove the present requirement that a trailer be equipped with a reservoir tank that is capable of releasing the parking brakes when there is a failure in the service air system. The agency proposes to amend the language of the standard in the parking brake system section by adding a new section (S5.6.5) to allow the use of tractor air to release the parking brakes on trailers. This section would also include a performance specification regarding the ability to remove a trailer with a failure in its service brake system from the roadway. Comments are specifically requested on the appropriateness of the proposed value of the maximum drawbar force necessary to move the trailer.

The agency is also proposing the amendment of other sections of the standard to clarify the emergency and parking brake requirements. These sets of requirements have been detailed in S5.6 and S5.8 of the standard. However, these sections have been very confusing because they cross reference each other and regulations of the Bureau of Motor Carrier Safety. The title of the emergency braking section (S5.8) would be changed to "breakaway braking capability," to more accurately describe its true function. In Notice 22 to this docket, the agency proposed amending these sections to simplify and clarify the requirements. That action received mostly favorable comments. The proposal was terminated, however, when the agency became involved in litigation on the standard.

NHTSA proposes to reword these sections now in a slightly different manner than that proposed earlier. The new wording would simplify the parking brake requirements and more clearly specify the breakaway brake performance requirements. The BMCS regulation would no longer be referenced in the standard. However, the BMCS test requirement would be incorporated directly into the standard in S5.8. The wording change merely would clarify the requirements and would not impose any new requirements on any manufacturer nor would it change the manner in which existing vehicles comply with the standard.

The agency has examined the costs and other impacts of this proposal. Deletion of the requirement for a separate reservoir capable of releasing the parking brakes will enable manufacturers to achieve cost savings of approximately three dollars and to make innovations in brake systems. The agency tentatively concludes that this can be done without adversely affecting safety.

Based on this examination, the agency concludes that the proposal is neither a major one within the meaning of E.O. 12291 nor a significant one within the meaning of the DOT Regulatory Policies and Procedures. The agency also concludes that the cost savings are not sufficiently large to warrant preparation of a regulatory evaluation under those DOT Policies and Procedures. Further, since there is a cost savings, the agency concludes that the proposed action would not have a significant adverse impact on a substantial number of small entities.

This agency is providing a 30-day comment period instead of the normal 45-day period to expedite this rulemaking. This step is being taken because the proposed action could result in reduced compliance costs and in additional opportunity for innovation in designing improved brake systems and because there is a desire to take immediate advantage of these possibilities. For these reasons and because this proposal would relieve a restriction, the agency is also proposing that the amendments would become effective upon publication in the Federal Register.

NHTSA is in the process of reviewing Standard No. 121 and requests any suggestions that commenters may have relating to any aspect of the standard.

§ 571.121 [Amended]

In accordance with the foregoing, the agency proposes the following amendments to Volume 49, Part 571 of the Code of Federal Regulations, § 571.121:

1. S5.2.1.1 would be removed and reserved.

2. S5.6 would be amended to read:

S5.6 *Parking brake systems.* Each vehicle other than a trailer converter dolly, agricultural commodity trailer, heavy hauler trailer, or pulpwood trailer shall have a parking brake system that, under the conditions of S6.1, meets the requirements of S5.6.1 or S5.6.2, at the manufacturer's option, and the requirements of S5.6.3 and S5.6.4.

3. S5.6.5 would be added to read as follows:

S5.6.5 *Parking brake control—trailers.*

S5.6.5.1 *Parking brake application.* The parking brake system shall apply whenever the air pressure in the supply line is reduced to atmospheric pressure.

S5.6.5.2 *Parking brake release.* Connecting a 2,000 cubic inch reservoir (pressurized to 100 psi) to the supply line of the trailer (with trailer reservoirs initially pressurized to 100 psi) shall fully release all parking brakes on the trailer. The introduction of any single leakage type failure in the service brake system of the trailer (other than a failure of the trailer air supply line or a valve common to the service and parking brake systems which would cause complete loss of air pressure on the supply line) shall not cause reapplication of the parking brakes on more than one axle. Any such reapplication shall not prevent the trailer from being towed with a drawbar force equivalent to 5 percent of the sum of the GAWR's of the trailer.

4. S5.8 would be amended to read as follows:

S5.8 *Breakaway braking capability—trailers.* Each trailer shall be equipped with a brake system which, under the conditions of S6.1, conforms to the requirements of S5.8.1 and S5.8.2. The components of that brake system may be the same as those of the parking brake system.

S5.8.1. *Breakaway braking performance.* The application of the brakes shall be with a force not less than that required to meet S5.6.1 or S5.6.2.

S5.8.2. *Breakaway braking operation.* The brakes shall apply automatically when the air pressure in the supply line is at atmospheric pressure, and shall release when 90 psi is applied to the trailer air supply line coupling.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detain their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The principal authors of this notice are Mr. John Machey of the Crash Avoidance Division and Mr. Roger Tilton of the Office of Chief Counsel.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397 and 1407); delegations of authority at 49 CFR Part 1.50 and 501.8)

Issued on June 23, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-21048 Filed 7-21-81; 10:10 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on Amendment Number 1 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico.

DATES: Written comments on the amendment from members of the public may be submitted no later than August 15, 1981. Individuals or organizations wishing to comment on the amendment may do so at public hearings to be held as follows:

August 10, 1981—Mobile, Alabama.

August 11, 1981—Lafayette, Louisiana.

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Public hearing locations:

August 10, 1981, Holiday Inn—Downtown, 255 Church Street, Mobile, Alabama.

August 11, 1981, Holiday Inn South, U.S. 90 East, Lafayette, Louisiana.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 2401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228-2815.

SUPPLEMENTARY INFORMATION: The hearings will deal with a proposal to amend the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), under authority of the Magnuson Fishery Conservation and Management Act.

The FMP is based on the premise that restraint of the harvest of small shrimp until they reach a more optimum size will produce more pounds of shrimp and a greater total value. To accomplish this the Gulf of Mexico Fishery Management Council (Council) established a closed area in the fishery conservation zone (FCZ) off Florida inhabited by small pink shrimp. A seasonal closure for brown shrimp in the FCZ off Texas was provided to protect a mass migration of small shrimp until they reach a larger size and provide a greater biomass. Both closures correspond to closures established in the territorial seas of the adjacent states.

The Council, through the Southeast Fisheries Center of National Marine Fisheries Service (NMFS), is monitoring to identify the effect of the closures which became effective in May 1981.

This amendment directs the Regional Director of NMFS to review research findings each year and authorizes him to adjust the regulations in accordance with findings and objectives. He is to publish annually his intent to take action or not to take action as provided. Lead time to make the change through FMP and regulation amendments presently requires about 280 days. The action proposed herein will provide for a flexible procedure within the FMP to allow for future regulatory amendment, if needed, within about 120 days. The shorter time period for regulation change would allow correction of any undue hardship to participants in the fishery before the following season.

Dated: July 20, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-21023 Filed 7-22-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 141
Thursday, July 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 81-7-102; Docket 39647]

Sea Airmotive Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-7-102).

SUMMARY: The Board is instituting the *Sea Airmotive Additional Points Proceeding* and is proposing to grant unrestricted authority to Sea Airmotive at 86 Alaskan points under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than August 6, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39647, which we have entitled the *Sea Airmotive Additional Points Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon all parties in the service list to Order 81-7-102.

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See 14 CFR 302.1701 et seq.)

Week ended July 17, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 16, 1981	39613	Delta Air Lines, Inc., Hartsfield Atlanta International Airport Atlanta, Georgia 30320. Application of Delta Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a new certificate of public convenience and necessity or for an amendment to its certificates for Routes 27F and 154 permanently or temporarily authorizing Delta to engage in the scheduled air transportation of persons, property, and mail on an unrestricted basis between Cincinnati, Ohio and Toronto, Ontario, Canada. Conforming applications, motions to modify scope, and answers may be filed by August 13, 1981.
July 16, 1981	39617	A/S Conair, c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of A/S Conair pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to operate charter flights of persons and/or property between points in the Kingdom of Denmark and points in the United States, as well as authority to operate charters from various specified European countries to the United States. A/S Conair also seeks authority to operate circle tour charter flights. Answers may be filed by August 13, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21567 Filed 7-22-81; 8:45 am]
BILLING CODE 6320-01-M

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-102 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-7-102 to that address.

By the Bureau of Domestic Aviation: July 17, 1981

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21585 Filed 7-22-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 39251]

New Gateways to Brazil Case; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on Wednesday, August 12, 1981, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Friday, July 31, 1981, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., July 20, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-21586 Filed 7-22-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council and its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC). The Council and its SSC will hold joint and separate public meetings. The Council and its SSC will meet to discuss the role of the SSC in Council activities; election of officers; report from the intercouncil swordfish meeting; snapper-grouper fishery management plan (FMP) modification update; review of other FMP activities, as well as other management and administrative matters. The SSC will also meet separately to discuss the role of the SSC in Council activities.

DATES: The Council/SSC public meeting will convene on Tuesday, August 25, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, August 27, 1981, at approximately noon, at the South Carolina Wildlife and Marine Resources Department, Division of Marine Fisheries, Fort Johnson Road, Charleston, South Carolina. The SSC public meeting will convene on Monday, August 24, 1981, at approximately 1:30 p.m., and will adjourn on Tuesday, August 25, 1981, at approximately noon, at the Council's Headquarters, One Southpark Circle, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: July 16, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-21521 Filed 7-22-81; 8:45 am]
BILLING CODE 3510-22-M

National Telecommunications and Information Administration

[Grant No. 35-02-00752]

University of New Mexico Grant Appeal; Memorandum Opinion

By the NTIA Grant Appeals Board:

In 1979, the University of New Mexico ("University") was awarded a grant of $550,000 under our Public Telecommunications Facilities Program ("PTFP"). This competitive grant, which was one of the 148 that were awarded that year, was to cover 75 percent of the cost of some fifty pieces of equipment that the University would use to expand and improve the service provided by its VHF public television station in Albuquerque.

This appeal centers upon the procedures that the University used to buy the television transmitter and associated apparatus, items falling within the cluster covered by the PTFP grant award. The relevant facts are not in dispute. The University issued a solicitation in February 1980. Bids were obtained and the Harris Corporation was the low bidder, offering to provide the relevant equipment for $189,977. The University, however, exercised its lawful prerogatives and cancelled this bid solicitation without award.

In June 1980, the University again called for competitive bids. The new bid specifications were "generally based upon the manufacturer's (RCA's) architects and engineers specifications * * *," and incorporated thirty "Highly Desirable Features." The only domestic supplier currently able to provide all thirty such features was in fact the sole bidder, RCA Corporation. Harris did not submit a bid this time, but instead protested the bid specifications, objecting specifically to ten of the listed "Highly Desirable Features." Harris complained to the University that the practical effect of the bidding process was to direct the award to the competitor.

The University did not act affirmatively on Harris' complaint. Instead, the University determined to award the contract to RCA, in the amount of $219,874. On July 7, 1980, however, Dr. John Cameron, director of the PTFP, notified the University that, having received a complaint from Harris, completing the award to RCA would be at the University's own risk. In essence, Dr. Cameron apparently determined, as the NTIA Grant Officer's March 1981 decision fully details, that the University's bid procedures were not consistent with the general requirement contained in OMB Circular No. A-110 (which is part of the PTFP regulations as published in the Federal Register), namely, that "[a]ll procurement transactions [of Federal grant recipients] shall be conducted in a manner to provide, to the maximum extent practical, open and free competition." See 41 FR 3207 (July 30, 1976). The University has protested this action and, in conjunction with this appeal, has argued that the PTFP should release the funds necessary for it to consumate the procurement of the RCA equipment.

Attorneys for the University, Harris Corporation, and RCA participated ably and actively in this unusually complicated and issue-laden PTFP grant appeal. The University's basic argument is that NTIA lacks the authority under the relevant enabling statutes and regulations lawfully to control the procurement conduct of PTFP grantees. The University cites provisions of the 1978 Public Telecommunications Financing Act and the underlying public broadcasting legislation. It also maintains that it did not violate proper procurement standards and advances responsible arguments regarding appropriate burdens of proof.

We have carefully reviewed all of the pleadings and associated documents surrounding this appeal, examined the relevant laws, and considered at length the arguments that all parties to this matter have presented. We have determined to sustain the Grant Officer's decision and to reject the University's appeal.

We believe that the University's basic contention—that NTIA lacks any authority to consider and to act on the basis of an alleged exclusion of competition in the procurement of equipment pursuant to a grant—is wrong. Competition, as an abundance of Supreme Court decisions attest, has long been "our fundamental national economic policy" (*United States* v. *Philadelphia National Bank*, 374 U.S. 321, 372 (1963)), the "Magna Carta of free enterprise" (*United States* v. *Topco Assoc., Inc.*, 405 U.S. 596, 610 (1972)), and the "polestar by which all must be guided * * *." (*City of Lafayette* v. *Louisiana Power & Light Co.*, 435 U.S. 389, 406 (1978)). The enabling legislation under which the PTFP operates specifically directs the program to achieve "delivery of public telecommunications services * * * by the most efficient and economical means" (47 U.S.C. 390(1)), language that invites, indeed, almost compels reference to competitive standards and considerations. See, e.g., *Denver & R.G.W.R. Co.* v. United States, 387 U.S. 485, 492 (1967); *Gulf States Util. Co.* v. *FPC*, 411 U.S. 747, 759 (1973).

It is true, as the University points out, that section 398 of the Communications Act prohibits any Federal agency from exercising "any direction, supervision, or control over the content or distribution of public telecommunications programs and services * * *" (47 U.S.C. 398(c)). We do not believe, however, that this language can reasonably be construed to, in effect, completely immunize the University's procurement of equipment from all PTFP scrutiny. Cf. *Ft. Pierce Utilities Authority* v. *NRC*, 606 F.2d 998, 995 (D.C. Cir. 1979).

This is so, first, because the basic purpose of this prohibition, enacted initially as part of the 1967 public broadcasting legislation, is to forestall

any government regulation of program content. See generally *Community Service Broadcasting of MidAmerica v. FCC*, 593 F.2d 1102 (D.C. Cir. 1978); *Network Project v. CPB*, 561 F.2d 963 (D.C. Cir. 1977) (and citations therein). The Grant Officer's March 1981 decision in this proceeding discusses the manifest purpose of this provision of the statute, and we are in general agreement with that discussion. Id. at p. 7 et seq.

Second, while it may be possible to argue hypothetically that requiring sound bidding practices in a grantee's equipment procurement could be extended to such an extreme degree that some control over program content would be achieved (cf. *Grosjean v. American Press Co.*, 297 U.S. 233 (1936)), the conventional, and we believe generally accepted, view is that statutes should not be so literally construed as to "lead to absurd results * * * or thwart the obvious purpose of the statute." *Chicago Transit Auth. v. Adams*, 607 F.2d 1284, 1289 (7th Cir. 1979), *quoting Commissioner v. Brown*, 380 U.S. 563, 571 (1965).

It is axiomatic that agencies are required to consider generally all relevant factors (*Citizens To Preserve Overton Park v. Volpe*, 401 U.S. 402, 416 (1971)); *Natural Resources Defense Council v. NRC*, 539 F.2d 824, 845 (D.C. Cir. 1976)). Sensitivity to competitive issues is required on the part of virtually all Federal agencies. See, e.g., *Volkswagenwerk AG v. FMC*, 390 U.S. 261, 274 (1968); *Sabin v. Butz*, 515 F.2d 1061, 1067 (10th Cir. 1975); *Heath v. Aspen Skiing Corp.*, 325 F. Supp. 223, 232 (D. Colo. 1971); *Overseas Media Corp. v. McNamara*, 385 F.2d 308 (D.C. Cir. 1967); *Financial Analysis Service, Inc. v. Califano*, 1978–2 CCH Trade Cas. ¶ 62,232 (D.D.C., March 28, 1978).

To accept the construction of section 398 of the Act urged by the University would, in effect, create an unwarranted "glaring loophole" (*Connell Construction Co.*, 421 U.S. 616, 633 (1975)). We will not thereby repeal the general requirement that basic economic policies favoring free and open competition be considered. Furthering "efficient and economic delivery" of telecommunications services, as the basic PTFP statute directs, and insuring that grantees do not artificially limit competition in their procurement activities, are not repugnant but rather complementary objectives. See, e.g., *Mid-Texas Communications v. AT&T*, 615 F.2d 1372, 1379 (5th Cir. 1980) (and citations therein).

We appreciate the University's argument that it is subject to requirements independent of any PTFP scrutiny or review, such as New Mexico State procurement requirements and other possible sanctions. See generally Note, *Antitrust and Nonprofit Entities*, 94 Harv. L. Rev. 802 (1981). This Board need not determine with great particularity here, however, exactly what actions would or would not pass its own, let alone another jurisdiction's, competitive policy muster. For whatever may be the permissible limits, the University's actions were reasonably determined by the Grant Officer to exceed them, and we agree. We concur in his finding—that the University's cancellation of a bid solicitation, followed by a new solicitation based upon the successful bidder's product specifications and calling for these ten "Highly Desirable Features" available only from that one domestic supplier—does not comport with reasonable, competitive bidding procedures. The Grant Officer's decision in short, was fair, reasonable, and supported by substantial evidence.

The University has argued that special features, unique to RCA's equipment, could prove worth the additional approximately $30,000 expenditure in the long run. However, the Grant Officer specifically found that many of the protested bid specifications did not reasonably relate to the minimum performance needs of the University, and that other factors used in evaluating the bids were not ascertainable with reasonable certainty. Nothing in our regulations or any others would prohibit the University from purchasing equipment of whatever degree of engineering sophistication and expense it deems desirable—but not, of course, with Federal grant money. To fulfill its statutory requirements, the PTFP is ordinarily required to support more modest undertakings, a general requirement that is especially relevant given today's overriding necessity for fiscal austerity and budgetary restraint. The Grant Officer also acted correctly, in our judgment, in declining to condone procurement actions which, regardless of post hoc rationalizations, nonetheless create even the appearance of anticompetitive conduct.

While we are thus sustaining the Grant Officer's ruling as well within his necessary operational discretion, we want to stress that we are not denying support of the University's transmitter procurement effort. The University, if it so chooses, may request further bids for this equipment, and we are assured that funding will be available to assist in any proper procurement.

In summary, we believe that the Grant Officer acted reasonably here and that the actions taken are consistent with the lawful and prudent administration of the Public Telecommunications Facilities Program. The Grant Officer's decision, accordingly, is affirmed.

(Catalogue of Federal Assistance: 11.550)

Dated: June 26, 1981.

Veronica Ahern,
Richard M. Firestone,
Kenneth Robinson,
Chair.

[FR Doc. 81-21930 Filed 7-22-81; 8:45 am]
BILLING CODE 3610-06-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Quillayute River Navigation Project, La Push, Wash.; Intent To Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, Seattle District.

ACTION: Preparation of a draft environmental impact statement (EIS) for long-term operation and maintenance of the existing Quillayute River Navigation Project at the town of La Push, Washington. The project is located entirely within the bounderies of the Quileute Tribe Indian Reservation.

SUMMARY: 1. *Description of Action.* The current Quillayute River Navigation Project was authorized by the River and Harbor Act of 3 July 1930. Work under this project included dredging of a small boat basin and navigation channel, construction of a jetty and dike, and maintenance of the existing spit at the river mouth. The proposed action consists of long-term maintenance and operation of project features.

2. *Preferred Alternative.* No preferred alternative exists at this time.

3. *Other Alternatives.* Alternatives at this time include, but are not limited to, the following: (a) modification of project structures and reduction of maintenance dredging, (b) cease maintenance (no action), (c) offshore breakwater construction, (d) diversion of Quillayute River through the spit, (e) upgrading of boat basin training wall, (f) continuation of existing maintenance, and (g) alternative rehabilitation structures.

a. *Modification of Project Structures and Reduction of Maintenance Dredging.* This alternative involves rehabilitation of the upper spit, construction of a lower spit berm, rehabilitation of the jetty, and extension of the training wall. It would also include maintenance dredging of the navigation channel about every other year, starting in FY 1983, and dredging of the small boat basin every four to five years. The construction and rehabilitation work would require excavation of 30,000 cubic yards (c.y.) of material as well as placement of approximately 110,000 tons of bedding material and armor rock. This would result in significantly reduced need for normal maintenance dredging activities, which currently involve removal of approximatley 100,000 c.y. of material every other year from the channel. It would also reduce the frequency of short-term work performed on the spit.

b. *No Action.* This alternative would allow breaching of the spit by ocean wave action, with subsequent shoaling and loss of the navigation channel. Extensive damage would occur to the Quileute tribal fisheries, resorts, fish canneries, small boats, commercial and charter fish facilities, and U.S. Coast Guard facilities during severe winter storms.

c. *Offshore Breakwater Construction.* This alternative would provide good protection for the spit, but would entail high construction and annual maintenance costs and may disrupt natural littoral drift. It may also have an adverse effect on the esthetics of the area. This would not reduce the need for the dredging currently required.

d. *Diversion of the Quillayute River Through the Spit.* This alternative would consist of breaching the spit and diverting the river with a dike across the river downstream of the breach. River bedload would provide nourishment for the spit. Diversion would eliminate or alter Quileute tribal fisheries in the river mouth and restrict boat access to the river during rough seas.

e. *Upgrading of the Boat Basin Training Wall.* This would allow the spit to behave naturally and would require upgrading the training wall to withstand wave forces transmitted over the spit, especially during storm conditions. An advantage would be the elimination of the maintenance costs of Quillayute Spit. Disadvantages include lack of protection of non-Federal facilities downstream of the boat basin and the ensuing loss of general navigation benefits they contribute as well as the loss of the use of the navigation channel due to shoaling.

f. *Continuation of Existing Maintenance.* This alternative would allow continuation of current practices and would be expected to result in continuation of the problems currently existing at the site, which include degradation of the spit, shoaling of the navigation channel, and damage to structures in the small boat basin. It would also necessitate continuation of periodic work on short-term solutions to breaches in the spit, such an emergency berms.

g. *Alternative Rehabilitation Structures.* This alternative would involve substitution of various alternative structures in place of those outlined in alternative 3a. These alternative structures include such material as using cobble fill or sheetpile wall in place of the rock types previously mentioned.

4. *Signficant Issues.* (Significant issues pertain to those concerns which will be addressed in the draft EIS. The significance of an issue does not necessarily mean that significant impacts to any resources will result.) Major concerns to be addressed in this EIS include effects of the various alternatives on salmon migration and rearing, smelt habitat, other fish and shellfish resources, water quality, threatened and endangerd species, backwater flooding of the town of La Push, cultural resources, wetlands, sediment movement, and socioeconomic impacts.

5. *Other Environmental Review.* A Pub. L. 95–341 ethnological survey of the project area is in progress and the results will be discussed in the draft EIS.

6. *Draft EIS Availability.* The draft EIS for the long-term, continued operation and maintenance of the Quillayute River Navigation Project is scheduled to be available for public review by 15 December 1981.

ADDRESS: Questions and/or comments on this proposed action and draft EIS should be directed to: Messrs. David Kehoe and Keith Phillips, Environmental Resources Section, Seattle District, U.S. Army Corps of Engineers, Post Office Box C–3755, Seattle, Washington 98124. Telephone (206) 764–3624 (FTS 399–3624).

Dated: July 17, 1981.

Leon K. Moreski,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-21938 Filed 7-22-81; 8:45 am]
BILLING CODE 3710-EA-M

Intent To Prepare Environmental Impact Statement for the Waterloo, Iowa, Local Protection Project

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a supplement to the final environmental impact statement.

SUMMARY:

1. *Description of Action.* The Final Environmental Impact Statement (FEIS) for the Waterloo, Iowa, Local Protection Project was filed with the Council on Environmental Quality on 12 November 1971. The original project consists of about 15 miles of earthen levees, 2 miles of concrete floodwalls, and a small dam and detention reservoir on Virden Creek. The project included 5 pumping stations, ponding area, and 38 gatewells to handle interior drainage. The purpose of the original project is to provide protection from flooding of Cedar River, Black Hawk Creek, and Virden Creek for approximately 4,200 acres of residential, commercial, and industrial property within the city of Waterloo, Iowa. The original project also provides for widening the Cedar River cut-off channel along approximately 3,000 feet of the channel, and dredging the Cedar River channel for about 2,500 feet along the channel.

This Supplement to the FEIS concerns additional flood protection measures along Blower's Creek and its upstream branches at the east end of the original project. The additional flood protection measures are:

a. Channel modifications along stretches of approximately 6,800 feet, 1,600 feet, and 1,000 feet of Blower's Creek and its upstream branches.

b. Removal of, modifications to, and new construction of railroad and vehicle bridges over Blower's Creek.

2. *Alternatives.*

a. A discussion of alternatives considered for the original project can be found in the Final Environmental Impact Statement for the Waterloo, Iowa, Local Protection Project.

b. Three alternatives for additional flood protection measures along Blower's Creek are being considered: protection from the 50-, 100-, and 200-year floods. Channel modifications for each alternative will be along the same stretches of the creek but will vary in channel width, channel depth, and side slopes. A pumping station at the mouth of Blower's Creek may also be considered. The 50-year alternative would modify one highway bridge, remove one vehicle bridge, and provide for construction of two new vehicle bridges and one new railroad bridge. The 100- and 200-year alternatives would be the same as the 50-year alternative except a new highway bridge would be constructed instead of just a modification to an existing structure and an additional railroad bridge would be constructed.

3. *Public Involvement.* Various meetings were held with local officials to discuss planning aspects of the

original project. On 24 June 1970, a public meeting was held to review and discuss the environmental, recreational, and engineering aspects of the proposed plan. News releases were issued concerning the meetings. A news release was also issued on 27 August 1971 announcing that the Draft Environmental Impact Statement had been prepared and was available from the District Engineer. The Draft and Final Environmental Impact Statements were sent to government agencies requesting their views and comments.

The Supplement to the Final Environmental Impact Statement addressing additional flood control measures along Blower's Creek will be sent to Federal, State, and local government agencies, as well as private groups and individuals for comment. Coordination with interested agencies and individuals will be maintained during preparation of environmental documents.

4. *Elements to be Addressed in the Supplement to the FEIS.* The Supplement to the FEIS will address modifications to the original project in the form of additional flood control measures along Blower's Creek. This project is subject to the Fish and Wildlife Coordination Act, Historic Preservation Act, Endangered Species Act, Executive Order 11988 on Flood Plain Management, and Executive Order 11990 on Wetlands. If required under Section 404 of the Clean Water Act, an evaluation report will be prepared and, in accordance with Section 401 of the Act, an application for water quality certification will be submitted to the State of Iowa. Public notices would be issued.

5. *Estimated Release Date.* The Draft Supplement to the FEIS will be released for public review on or about 31 August 1981.

Questions about the proposed action and the Supplement to the Final Environmental Impact Statement should be directed to Commander, US Army Engineer District, Rock Island, Clock Tower Building, Rock Island, Illinois 61201.

Dated: July 16, 1981.

Bernard P. Siefen,

Colonel, Corps of Engineers, Commander and District Engineer.

[FR Doc. 81-21589 Filed 7-22-81; 8:45 am]

BILLING CODE 3710-KE-M

Office of the Secretary

Defense Science Board Task Force on Application of High Technology to Ground Forces; Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Application of High Technology to Ground Forces will meet in closed session on 10 August 1981 at Fort Lewis, Washington, and on 16 September 1981 at Fort Bragg, North Carolina.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meetings on 10 August and 16 September 1981 the Task Force will review current missions of light forces and make recommendations concerning the application of high technology to enhance battlefield capabilities.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 20, 1981.

[FR Doc. 81-21597 Filed 7-22-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-012; ERA Case No. 52970-9039-81, 02, 03, 04-82]

Issuance of Final Prohibition Orders; Tucson Electric Power Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice and issuance of final prohibition orders to Tucson Electric Power Company.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of the issuance of final prohibition orders to Tucson Electric Power Company's (TEP) Irvington Generating Station Units 1, 2, 3 and 4. The orders, issued pursuant to section 301(c) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), prohibit the powerplants from burning natural gas or petroleum in a mixture with an alternate fuel in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units consistent with maintaining reasonable fuel efficiency.

DATE: The final orders will take effect on September 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, 202-653-4055.

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3302, Washington, D.C. 20461, 202-653-4187.

Marilyn L. Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-178, Washington, D.C. 20585, 202-252-2967.

SUPPLEMENTARY INFORMATION: On December 31, 1980, ERA issued proposed prohibition orders to the following powerplants owned and operated by TEP:

Docket No. and generating station	Plant No.	Nameplate capacity	Location
ERA-FC-81-012:			
Irvington Station	1	80	Tucson, AZ.
Do.	2	99	Do.
Do.	3	105	Do.
Do.	4	156	Do.

Notice of the proposed prohibition orders was published on January 7, 1981 (46 FR 1769) and January 28, 1981 (46 FR 8078). These proposed prohibition orders were issued pursuant to sections 301(c) and 701(b) of FUA and, when final, will prohibit the units from burning natural gas or petroleum in a mixture with an alternate fuel in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units consistent with maintaining reasonable fuel efficiency. The proposed prohibition orders set forth the criteria which ERA used for making the statutorily-required findings that it is technically and financially feasible for each of the powerplants to use a mixture of petroleum or natural gas and an alternate fuel as its primary energy source, prior to the issuance of final prohibition orders.

In accordance with 10 CFR 501.51(b), the publication of the proposed prohibition orders commenced an initial public comment period of three months, during which time TEP was given an opportunity to respond to ERA's initial finding of technical feasibility contained in the proposed prohibition orders, and to identify its entitlement to any exemptions for which the powerplants might qualify. No comments were received. TEP did not challenge ERA's initial finding, nor did it identify any exemptions for which the units might qualify.

On May 4, 1981, a public meeting was convened by DOE in Tucson, Arizona, for the purpose of encouraging public participation in identifying the key issues, including environmental issues, associated with the proposed conversion of the units. A transcript of the meeting was prepared and incorporated in the record of the proceeding.

On May 18, 1981, ERA issued a combined Notice of Intention to Proceed (NOIP) and Notice of Availability of Tentative Staff Analysis (Notice of Availability) pursuant to 10 CFR 501.51(b)(4) and 501.51(b)(6) (46 FR 27155, May 18, 1981). The NOIP would normally commence a second three-month comment period; however, TEP requested, and ERA granted the request, that the remaining public comment periods be combined, pursuant to 10 CFR 501.51(b)(8), into a single 45-day comment period.

The Tentative Staff Analysis (TSA) concluded that the findings of technical and financial feasibility required by section 301(c) of FUA could be made. The staff conclusions were based on a review of the information provided by TEP, including technical and feasibility reports, and on the Company's stipulations regarding the technical and financial feasibility of the conversion. The TSA recommended that the proposed prohibition orders be finalized, and that units 1 and 2 be limited to no more than 52.9 percent of the operating hours on petroleum or natural gas, and units 3 and 4 be limited to no more 36.5 percent of the operating hours on petroleum or natural gas.

Following the publication of the NOIP/Notice of Availability, ERA received reqsests for a public hearing pursuant to 10 CFR 501.51(b), from the Southern Arizonans for Fair Energy Rates (SAFER) and the Phoenix Building and Construction Trades Council and the Southern Arizona Building and Construction Trades Council (Trades Councils). A notice of the public hearing, to be held in Tucson, Arizona on June 22, 1981, was published in the Federal Register on May 26, 1981 (46 FR 28210). Participants in the hearing included SAFER, the Trades Councils, TEP and ERA. ERA staff and representatives of TEP made presentations, and were questioned by particpants at the hearing. A number of questions regarding the conversion and based on information contained in a trip report dated January 15, 1981 prepared by the case manager, were raised by the Trades Councils. The questions focused on information in the report which varied from testimony presented by ERA witnesses. ERA's responses to these questions indicated that the trip report has been based on information supplied by TEP in early planning phases of the conversion, and that ERA's analysis utilized information supplied by the company later in the proceedings. Following the public hearing, the record remained open for a period of 14 days. No comments were received during this time. On July 10, 1981, the Presiding Officer certified the record.

An environmental assessment was prepared by ERA and was reviewed and approved by DOE's Office of Environment. On the basis of the environmental assessment, the Office of Environment determined, after consultation with the Office of General Counsel, that the proposed prohibition orders are not major federal actions significantly affecting the quality of the human environment and, therefore, an environmental impact statement was not required. The Finding of No Significant Impact was published in the Federal Register on June 25, 1981 (46 FR 32931).

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to issue final prohibition orders to TEP for its Irvington Generating Station Units 1, 2, 3, and 4, located in Tuscon, Arizona. The final prohibition orders, including the findings on which they are based, are set forth following this notice.

Finding of Technical Feasibility

In accordance with section 301(c) of FUA, ERA has found that it is technically feasible for Irvington Station Units 1, 2, 3, and 4 (hereafter rferred to as Irvington 1, 2, 3, and 4) to use a mixture of petroleum or natural gas and coal as their primary energy source without substantial physical modification of units and without substantial reductions in the rated capacities of the units.

This finding is based upon information contained in the public record, particularly:

1. For Irvington 1, 2, and 3, a feasibility study entitled "Engineering Report Coal Conversion, Tuscon Electric Power Co., Irvington Units 1, 2, 3", dated October 1980, and prepared by Combustion Engineering, the manufacturer and builder of these three units (OFC Docket No. 52970-9039-01, 02, 03, 04-82, Document No. 15;

2. For Irvington 1, 2, and 3, the testimony of Vincent Llinares, Manager of Performance Design Special Services, Combustion Engineering, regarding conversion of the units to burn a coal/natural gas or oil mixture, given at the public hearing, Tuscon, Arizona, June 22, 1981 (*supra*, Document No. 72, pp. 97-117);

3. For Irvington 4, a feasibility study entitled "Conversion to Coal Firing, Tucson Electric Power Company, Irvington Station Unit No. 4", dated October 7, 1980, and prepared by the Foster Wheeler Energy Corporation, the manufacturer and builder of Irvington 4 (*supra*, Document No. 14);

4. For Irvington 4, the testimony of Ronald Lewis Davies, Manager of Engineering Projects, Foster Wheeler Energy Corporation, given at the public hearing, Tucson, Arizona, June 22, 1981 (*supra*, Document No. 72, pp. 86-93);

5. For Irvington 1, 2, 3, and 4, the testimony of Alfred C. Metz, Chief, Engineering Analysis Branch, Office of Fuels Conversion, ERA, regarding the proposed conversion, given at the public hearing, Tucson, Arizona, June 22, 1981 (*ibid.*, pp. 16-22);

6. For Irvington 1, 2, 3, and 4, a letter of stipulation dated May 4, 1981, from J. Thomas Via, Jr., Vice President, Environmental, Tucson Electric Power Company to Robert L. Davies, Assistant Administrator for Fuels Conversion, ERA (*supra*, Document No. 27); and

7. For all units, the testimony of Marian F. Eilers, Senior Environmental Protection Specialist, Environmental Analysis Branch, Office of Fuels Conversion, ERA, regarding stack height, given at the public hearing, Tucson, Arizona, June 22, 1981 (*supra*, Document No. 72, p. 30).

The evidence, taken together, confirms ERA's initial finding that the conversion of Irvington 1, 2, 3 and 4 are technically capable of physical conversion to permit the use of a coal/natural gas mixture as their primary energy source (Tentative Staff Analysis, May 19, 1981, *supra*, Document No. 33, pp. 5-7). The necessary and suggested modifications to the units will require a number of changes including the addition of equipment such as pulverizers, an ash conveying system and sootblowers; the replacement of the economizers of an in-line spiral fin or bare tube type; the relocation of the windboxes and increasing the slope of the furnace hopper bottoms in Irvington 1, 2, and 3 to prevent coal ash accumulation; an increase in the stack

height of 102 feet; and the possible conversion of all of the units from a pressurized to a balanced draft operation. None of the modifications, either individually or collectively, have been found by ERA to be substantial within the meaning of FUA, a fact also stipulated to by TEP.

ERA has found that post-conversion operations will involve an overall 24.6% annualized derating of the units (*supra*, Document 33, pp.6–7) with the following operational limitations which are incorporated into the terms of these final prohibition orders:

(1) Irvington 1 and 2 will be limited to no more than 52.9% of operating hours on petroleum or natural gas,

(2) Irvington 3 and 4 will be limited to no more than 36.5% of operating hours on petroleum or natural gas.

ERA has also found that the ordered conversion will not affect the reliability of operation of the units nor will it result in TEP's reserve margin dropping below 15% during any period of the year, including the peak load season during which the units can operate at full capacity using natural gas as their primary energy source (*supra*, Documents 27; 33, p. 6; and 72, pp. 124–127).

Finding of Financial Feasibility

In accordance with section 301(c) of FUA, ERA has found that it is financially feasible for Irvington 1, 2, 3 and 4 to use a mixture of petroleum or natural gas and coal as their primary energy source.

This finding is based upon information contained in the public record, particularly:

1. Letter of stipulation, dated May 4, 1981, from J. Thomas Via, Jr., Vice President, Environmental, Tucson Electric Power Company to Robert L. Davies, Assistant Administrator for Fuels Conversion, ERA (*supra*, Document No. 27).

2. Testimony of Barbara J. Ioanes, Financial Analysis Branch, Office of Fuels Conversion (OFC) ERA, and Lois Marks, Fuel Supply and Transportation Analysis Branch, Fuels Conversion Analysis Division, OFC, ERA, given at the public hearing, Tucson, Arizona, June 22, 1981 (*supra*, Document No. 72, pp. 22–29).

The testimony given by the ERA staff analysts confirms TEP's stipulation that the proposed conversion is financially feasible in that the total and individual unit costs of using a coal/natural gas or a coal/petroleum mixture will not substantially exceed the cost of using imported petroleum (*ibid.*, pp. 27–28).

This conclusion is based on cost calculations performed by ERA staff using the formula provided in 10 CFR 504.12 *ibid.*, p. 64). Calculations of the delta, or discounted life cycle cost savings, indicated a savings of $131 million as a result of the proposed conversions, using the special amortization for pollution control equipment and the sum of the years digits depreciation method for the capital expenditures. ERA's calculations used an oil price of $29.76 a barrel, delivered to site, and a coal price of $45 per ton, delivered to site. The delivered coal cost includes $25.70 per ton plus $19.30 transportation cost. However, the evidence indicates that TEP may be able to negotiate a more favorable, unit train rate for coal delivery, thereby reducing the transportation cost, perhaps significantly (*ibid*, pp. 23–25 and 28–29). The fuel inventory assumed was 78 days average supply at the prices cited (*ibid.*, p. 28).

Conclusion

Based upon the evidence in the public record, ERA has concluded that the requirements of section 301(c) of FUA that findings of technical and financial feasibility with respect to the conversion of Irvington 1, 2, 3, and 4 have been met and that Irvington 1, 2, 3, and 4 should be prohibited from the use of petroleum or natural gas as their primary energy source in excess of 52.9% and 36.5%, respectively, of their operating hours.

Final Prohibition Orders

Pursuant to section 301(c) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) ERA, having made the findings of technical and financial feasibility required by section 301(c) of FUA, issues these prohibition orders to the following powerplants owned and operated by the Tucson Electric Power Company:

Docket No. and generating station	Plant No.	Megawatt capacity	Location
ERA-FC-81-012:			
Irvington Station	1	80	Tucson, AZ.
Do	2	80	Do.
Do	3	106	Do.
Do	4	156	Do.

The prohibitions contained in the final orders issued to the above-named powerplants shall be effective as follows:

Unit 1—June 1, 1987
Unit 2—June 1, 1987
Unit 3—June 1, 1986
Unit 4—June 1, 1985

These dates are subject to revision by ERA, at its discretion, upon notification by Tucson Electric Power Company of unanticipated delays in the schedule for conversion. After the prohibitions take effect, Units 1 and 2 shall be limited to no more than 52.9 percent of their operating hours on petroleum or natural gas, and units 3 and 4 shall be limited to no more than 36.5 percent of their operating hours on petroleum or natural gas. Until such time that the prohibitions take effect, each of the units may use natural gas or petroleum, as a primary energy source for up to 100% of their operating hours. These orders shall be effective on September 21, 1981.

(Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 et seq.) as amended by Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620 and Pub. L. 95–621; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (42 U.S.C. 8301 et seq.); E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (Sept. 15, 1977))

Issued in Washington, D.C., on July 15, 1981.

Robert L. Davies,
Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-21567 Filed 7-22-81; 8:45 am]
BILLING CODE 6450-01-M

The Office of Hearings and Appeals

Cases Filed; July 3 Through July 10, 1981

During the week of July 3 through July 10, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: July 17, 1981.

George B. Breznay,
Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of July 3 through July 10, 1981]

Date	Name and Location of Applicant	Case No.	Type of submission
July 6, 1981	Armour Oil Company, Washington, D.C.	BFA-0704	Appeal of Information Request Denial. If granted: The June 3, 1981, Information Request Denial issued by the Western District Office of Enforcement of the Economic Regulatory Administration would be rescinded, and Armour Oil Company would receive access to information regarding the March 25, 1981, Notice of Probable Violation issued to the firm.
July 6, 1981	Miller & Chevalier, Washington, D.C.	BFA-0705	Appeal of Information Request Denial. If granted: The June 4, 1981 Information Request Denial issued by the Assistant General Counsel for Interpretations and Rulings would be rescinded, and Miller & Chevalier would receive access to certain DOE information.
July 7, 1981	Office of Enforcement, Washington, D.C.	BRR-0145	Request for Modification. If granted: The June 17, 1981, Decision and Order (Case No. BRO-1086) issued to A's Auto Safety by the Office of Hearings and Appeals would be modified regarding stipulated interest on the firm's overcharges.
July 8, 1981	Office of Enforcement/Mabee, Petroleum Corporation, Washington, D.C.	BEF-0068	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the April 20, 1981 Consent Order between the DOE and Mabee Petroleum Corporation.

Notices of Objection Received

[Week of July 3 to July 10, 1981]

Date	Name and location of applicant	Case No.
July 2, 1981	La Gloria Gas & Oil Company, Washington, D.C.	BEE-1653

[FR Doc. 81-21570 Filed 7-22-81; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order

During the period of June 15 through June 26, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of the proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated July 17, 1981.

George B. Breznay,
Director, Office of Hearings and Appeals.

LaGloria Oil & Gas, Houston, Texas; BEE–1653 Crude Oil

On March 30, 1981, LaGloria Oil & Gas Company (LaGloria) filed an Application for Exception from the provisions of 10 C.F.R. § 211.67. The exception request, if granted, would permit LaGloria to receive entitlement relief for crude oil purchases acquired to increase crude oil inventories in connection with a refinery expansion. On June 25, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-21560 Filed 7-22-81; 8:45 am]
BILLING CODE 6450-01-M

Western Area Power Administration

Mead-Phoenix Area Transmission Line, Arizona-Nevada

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of intent to prepare an environmental impact statement and opportunity for comment.

Notice is hereby given that in accordance with the National Environmental Policy Act of 1969 (NEPA), the Western Area Power Administration (Western) has commenced preparation of an environmental impact statement (EIS) to assess the environmental implications of a proposed action to construct, in conjunction with the Salt River Project and the Southern California Public Power Authority, a new transmission facility from the Mead Substation near Boulder City, Nevada, area to the Phoenix, Arizona, area. The proposed action would be located in Maricopa, Yuma, Yavapai, and Mohave Counties in Arizona and in Clark County, Nevada.

The objectives of the subject EIS and related environmental activities are to study and assess the environmental implications of the proposed action. These include the possibilities of locating structures within floodplains or wetlands impacting Federal or State listed or proposed threatened or endangered species or critical habitats, esthetic impacts, crossing irrigated or irrigable agricultural land, crossing Lake Mead National Recreation Area, and possibly causing an adverse effect on historic or cultural properties that are included in or eligible for inclusion in the National Register of Historic Places.

Alternatives currently planned to be assessed in the EIS include the no action alternative; system planning alternatives of building new transmission facilities at ±500-kV a.c.; and building new transmission facilities at ±500-kV d.c.; locational alternatives, and design alternatives.

It is planned that public scoping meetings will be held. One meeting will be in Phoenix, Arizona; one in Lake Havasu City, Arizona; one in Kingman, Arizona; and one in Boulder City, Nevada. A separate public notice of the meetings will be issued to Federal, State, and local agency officials and the generalized public when the exact locations and dates have been finalized.

The draft EIS is tentatively scheduled to be released to the public for review and comment in the fall of 1982. The final environmental report is tentatively scheduled for release during 1983.

All interested agencies, organizations, and persons are invited to submit questions, comments and suggestions.

DATE: Any comments are due on or before August 7, 1981.

ADDRESS: Send comments or suggestions to: Gary W. Frey, Environmental Manager, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401 (303) 231–1527.

FOR FURTHER INFORMATION CONTACT: R. A. Olsen, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005.

Issued at Golden, Colorado, July 10, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-21563 Filed 7-22-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 1890-2]

Information Collection Activities

The purpose of this notice is to identify certain information collection activities to be undertaken by the United States Environmental Protection Agency (EPA) during the six month period July 1, 1981 through December 31, 1981 for specific industrial point source categories. Prior notification will alert affected industries that potential questionnaires, analytical sampling surveys or self monitoring surveys are forthcoming and will enable them to participate in the rulemaking activities. Thus, we are providing the opportunity for any interested persons to comment on these activities during the survey design phase of the data collection efforts.

The following list of industrial categories is organized by type of information collection activity, i.e., economic assessment, analytical sampling, or technical assessment. Data collected through these surveys will be used in supporting and establishing effluent limitation guidelines as required under Sections 301, 304, 306 and 307 of the Clean Water Act.

These information collection activities will be reviewed by the Office of Management and Budget (OMB) in light of the Paperwork Reduction Act of 1980 and in accordance with OMB Clearance No. 2000–0047, formerly No. 158–R–0160. This list of information gathering activities is published twice yearly in the **Federal Register.**

The Environmental Protection Agency has obtained an interim extension of clearance No. 2000–0047 which expired recently. Pending final approval of the application for extension of this clearance, the Agency is continuing to submit surveys to OMB under the interim extension using clearance No. 2000–0047.

Several information collection activities mentioned in this notice were contained in EPA's **Federal Register** notice of Data Collection Activities dated January 15, 1981. Information collection requests repeated in this notice did not commence during the previous reporting period.

Questions concerning economic surveys should be directed to the appropriate project officer at the following address: U.S. Environmental Protection Agency, Office of Water Regulations and Standards, Office of Analysis and Evaluation (WH–586), 401 M Street S.W., Washington, D.C. 20460.

Questions concerning technical or analytical sampling surveys should be directed to the appropriate project officer at the following address: U.S. Environmental Protection Agency, Office of Water Regulations and Standards, Effluent Guidelines Division (WH–552), 401 M Street S.W., Washington, D.C. 20460.

Dated: July 15, 1981.

James N. Smith,

Acting Assistant Administrator for Water.

Economic Assessment

Electrical and Electronic Components
Subcategories: Semiconductors, Electron Tubes
Estimated Number of Plants in Sample: 300
Approximate Response Burden in Total Manhours Per Plant: 8
Project Officer: Renee Rico, (202) 426–2617

Analytical Sampling

Asbestos Self-Sampling
Estimated Number of Plants in Sample: 80
Approximate Response Burden in Total Manhours Per Plant: 8
Project Officer: Dean Neptune, (202) 426–7770

Oil and Gas Exploration and Production
Subcategory: Offshore
Estimated Number of Plants in Sample: 30
Approximate Response Burden in Total Manhours Per Plant: 10
Project Officer: John Lum or Teresa Wright, (202) 426–4617

Technical Assessment

Coil Coating
Subcategory: Can Making
Estimated Number of Plants in Sample: 30
Approximate Response Burden in Total Manhours Per Plant: 40
Project Officer: Rex R. Reges, (202) 426–2566

Electrical and Electronic Components
Subcategories: Semiconductors, Electron Tubes
Estimated Number of Plants in Sample: 300
Approximate Response Burden in Total Manhours Per Plant: 8
Project Officer: John C. Newbrough, (202) 426–2582

Pesticides
Subcategories: Manufacturers of Active Ingredients
Estimated Number of Plants in Sample: 55
Approximate Response Burden in Total Manhours Per Plant: 40
Project Officer: George M. Jett, (202) 426–2497

Pesticides
Subcategories: Formulators/Packagers
Estimated Number of Plants in Sample: 100
Approximate Response Burden in Total Manhours Per Plant: 20
Project Officer: George M. Jett, (202) 426–2497

Poultry Processing Phase II
Estimated Number of Plants in Sample: 75
Approximate Response Burden in Total Manhours Per Plant: 16
Project Officer: Daniel Lent, (202) 426–2707

[FR Doc. 81-21575 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-26-M

[OPTS-59056; TSH-FRL-1891-4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by August 16, 1981. Persons should submit written comments on the applications no later than August 7, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–711, 401 M Street, SW., Washington, DC 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1,1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined many present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before August 7, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–409, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59056]". Comments received may be seen at the above address 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays in Rm. E–107.

TME 81–21

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—$500,000,000 and up.

Manufacturing site—Middle Atlantic Region.

Standard Industrial Classification Code—399.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 1,1-methylenebis[4-isocyanatocyclohexane], polymer with 1,3-benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.

Use. The manufacturer states that the TME substance will be used as a site limited web coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light amber liquid.

Solids (toluene)—35–45%.

Pounds per gallon—7.99.

Viscosity at 74°—75–200 cps.

Vapor pressure (40% solids in toluene)—27 mm Hg/77° F.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5g/kg.

Acute dermal toxicity LD_{50} (rabbit)—>2g/kg.

Eye irritation (rabbit)—irritating.

Primary dermal irritation (rabbit)—nonirritating.

Acute inhalation (rat)—no mortality 14 days after 4 hr. exposure.

Skin sensitization (guinea pig)—in progress.

Exposure. The manufacturer states that 8 workers manufacturing and using the new chemical substance will have skin exposure for ½ to 4 hr./day, 7 days/yr. during reactor sampling and operating. Exposure levels for workers manufacturing and using the TME substance will average and peak at 0–1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr for ½ hrs./day, 7 days/yr. will be released into the air and from 1,000 to 10,000 kg/yr. into the land. Small amounts of the TME substance will be spilled during reactor sampling and operating. Spilled materials will be drummed and sent to vaulted burial for disposal in an approved landfill.

TME 81–22

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—$500,000,000 and up.

Manufacturing site—Middle Atlantic Region.

Standard Industrial Classification Code—399.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: 1,3-benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.

Use. The manufacturer states that the TME substance will be used as a site limited intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light amber liquid.
Solids (toluene)—65–75%.
Acid number—5.
Hydroxyl number—50–70.
Pounds per gallon—8.95.
Viscosity at 73° F—2,500 cps.
Vapor pressure—42 mm Hg/75° F.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—>5g/kg.
Acute dermal toxicity LD_{50} (rabbits)—>2g/kg.
Eye irritation (rabbits)—nonirritating.
Primary dermal irritation—nonirritating.
Skin sensitization—in progress.

Exposure. The manufacturer states that 2 workers manufacturing the TME substance will have skin exposure for ⅛hr./day, 7 days/yr. during reactor sampling and filling. Exposure levels for the workers manufacturing the new chemical substance will average and peak at 0–1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr for ½ hrs./day, 7 days/yr. will be released into the air and less than 10 kg/yr. into the land. Small amounts of the chemical substance may be spilled during reactor sampling and filling. Spilled materials will be drummed and sent to vaulted burial in an approved landfill.

TME 81–23

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organization information provided:
Annual sales—$500,000,000 and up.
Manufacturing site—Middle Atlantic Region.
Standard Industrial Classification Code—399.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: 1,3-Benzenedicarboxylic acid, polymer with 2,2'-[1,2-ethanediylbis(oxy)]bis[ethanol], 1,6-hexanedioic acid, and substituted alkane.

Use. The manufacturer states that the TME substance will be used as a site limited intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light amber liquid.
Solids—70%.
Viscosity at 130° F.—1200 cps.
Vapor pressure—2 mm Hg/77° F.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—>5g/kg.
Acute dermal toxicity LD_{50} (rabbits)—>2g/kg.
Eye irritation (rabbit)—irritating.
Primary dermal irritation (rabbit)—nonirritating.
Acute inhalation (rat)—no mortality 14 days after 4 hr. exposure.
Skin sensitization (guinea pig)—in progress.
Patch test of cured film on humans (24 hour)—negative.

Exposure. The manufacturer states that 4 workers manufacturing and using the TME substance will have skin exposure for ¾ to 4 hr./day, 7 days/yr. during drum filling, removing and operating. Another site controlled by the submitter states that 4 workers using the new chemical substance will have skin exposure for 4 hrs/day, 3 to 260 days/yr. during drum opening. Exposure levels will average and peak at 0–1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 30 kg/yr. for 5 to 8 hrs/day for 3 to 7 days/yr. will be released into the air and less than 3,000 to 30,000 into the land. Small amounts of the TME substance will be spilled during reactor sampling, filling and opening. Fumes will be exhausted from the coater. Spilled materials will be cured to a hard film and disposed of in an approved landfill.

Dated: July 15, 1981.

Denise F. Swink,
Acting Director for Management Support Division.

[FR Doc. 81-21880 Filed 7-22-81; 8:45 am]
BILLING CODE 6560-51-M

[OPTS-51283; TSH-FRL-1891-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements or interim policy published in the Federal Register of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by:
PMN 81–304—August 18, 1981.
81–306, 81–308, 81–309, 81–310, 81–312—August 23, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51283]" and the specific PMN number, should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–304, 81–312.	Carrie Berlin	202–426–8816	E–221.
81–306, 81–308, 81–310.	Robert Jones	202–426–2601	E–208.
81–309	Kathleen Ehrensberger.	202–755–1150	E–335.

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–304

Close of Review Period. September 17, 1981.

Manufacturer's Idenfity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: 4-substituted amino-substituted-phenylazo-benzothiazole sulfonic acid salt.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH at 10 g/l water—6.8.
Solubility in water—150 g/l at 20°C. 200 g/l at 90°C.
Physical form—Solid.

Toxicity Data

Acute oral LD_{50} (rat)—5.0 g/kg.
Primary dermal irritation (rabbit)—Slight irritant.
Eye irritation—(rabbit)—Moderate irritant.
Skin sensitization (guinea pig)—Not a strong sensitizer.

Environmental Test Data

Fish toxicity (rainbow trout)—LC_{50} at 96 hrs, 100 mg/l.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–306

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational information provided:
Annual sales—Between $10,000,000–$99,000,000.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—284.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: complex of 4,4'-dihydroxyphenyl sulfone and an alkylamine.

Use. Claimed confidential business information. Generic use information provided: ingredient of a paper coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—100°C.
Crystalline form and color—White needles.
Solubility—Insoluble in water and methanol.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that 5 workers manufacturing and processing the new substance may be exposed dermally and by inhalation 2–8 hr/da, 28–66 da/yr.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the environment.

PMN 81–308

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational information provided:
Annual Sales—Between $10,000,000 and $99,000,000.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—284.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: complex of mixture of 4,4'-dihydroxyphenyl sulfone and 2,4-dihydroxyphenol sulfone and an alkylamine.

Use. Claimed confidential business information. Generic use information provided: ingredient of a paper coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—100°C
Solubility—Soluble in acetone, insoluble in water and methanol.
Crystalline form and color—White powder.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that five workers may have skin and inhalation exposure 2–8 hr/da, 28–66 da/yr during the manufacture and processing of the new substance.

Environmental Release/Disposal. The submitter states that there will be no environmental release during production of the new substance.

PMN 81–309

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational information provided:
Manufacturing site—Mid-Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: adduct of a substituted alkanediol and a silicate.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50 but less than 5,000 kg/yr into the environment with potential skin and eye exposure to chemical and nonchemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	1,800
2d year	1,800	2,400
3d year	2,400	3,000

Physical/Chemical Properties

Total solids at 105°C—85.3%
Viscosity—0.52 stokes mg KOH/g.
Color—1 (Gardner).
Hydroxyl value—150 mg KOH/g.
(Values are based on 100% solids of the new substance).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 24 workers may have skin and eye exposure 4–6 hr/da, 3–24 da/yr during

the manufacture and processing of the new substance. Four workers in a user's site may be exposed through the skin and eyes 8 hr/da, 240 da/yr.

Environmental Release/Disposal. The manufacturer states that during manufacture and processing, total sites environmental release to air and water will be less than 40 kg/yr; release to land will be between 10 and 100 kg/yr. At a typical user location, environmental release will be less than 20 kg/yr to air or water and between 10 and 100 kg/yr to land.

PMN 81-310

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: modified phenolic novalak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-312

Close of Review Period. September 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Mid-Atlantic U.S.

Standard Industrial Classification Code—2869.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: alkenylated cyclohexanone.

Use. Claimed confidential business information. Generic use information provided: destructive use that will release less than 50 kg/yr of the new substance into the environment with potential exposure to chemical industry employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: July 16, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-21982 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51286; TSH-FRL-1891-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements or interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-320, 81-321, 81-322, 81-323, 81-324 August 31, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51286]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-320, 81-321, 81-322, 81-323.	Carla Berlin	202-426-8815	E-711.
81-324	George Bagley	202-426-8943	E-210.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-320

Close of Review Period. September 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000 and up

Manufacturing site—Middle Atlantic Region

Standard Industrial Classification Code—399

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 1,1 Methylenebis[4-isocyanatocyclohexane], polymer with 1,3-benzene-dicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.

Use. The manufacturer states that the PMN substance will be used as a web coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light amber liquid.

Solids (toluene)—35-45%.

Pounds per gallon—7.99.

Viscosity at 74°F—75-200 cps.

Vapor pressure at 77°F—27 mm Hg (40% solids in toluene).

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5g/kg.

Acute dermal toxicity LD_{50} (rabbit)—>2g/kg.

Primary dermal irritation (rabbit)—nonirritating.

Eye irritation—irritating.

Acute inhalation toxicity (rat)—no mortality 14 days after 4 hr. exposure.

Exposure. The submitter states that during manufacture and use a maximum of 8 workers could have dermal exposure for ½ hr. to 4 hrs./day for 280 days/yr. at an average concentration of 0-1 ppm.

Environmental Release/Disposal. The manufacturer states that less than to 10 kg per year of the substance will be released into the air and between 1,000 to 10,000 kg per year will be released into the land. Spilled materials are drummed and sent to vaulted burial landfill. Cured film on scrapped articles is also landfilled.

PMN 81-321

Close of Review Period. September 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000 and up

Manufacturing site—Middle Atlantic Region

Standard Industrial Classification Code—399

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 1,3-Benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2 (hydroxymethyl)-1,3-propanediol.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light amber liquid.

Solids—65-75% in toluene.

Acid number—50-70.

Pounds per gallon—8.95.

Viscosity at 73°F—2,500 cps.

Vapor pressure—42mm Hg/75°.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—> 5g/kg.

Acute dermal toxicity LD_{50} (rabbits)—> 2g/kg.

Eye irritation (rabbit)—nonirritating.

Primary dermal irritation—nonirritating.

Exposure. The manufacturer states that dermal exposure may occur for a maximum of 2 workers for ½ hr./day for 159 days/yr. at an average and peak concentration of 0-1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr. will be released into either the land or the air.

PMN 81-322

Close of Review Period. September 30 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000 and up

Manufacturing site—Middle Atlantic region

Standard Industrial Classification Code—399

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 1,3-Benzenedicarboxylic acid, polymer with 2,2'-[1,2-ethanediethylbis(oxy)]-bis(ethanol), 1,6-hexanedioic acid, and substituted alkane.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, light amber liquid.

Solids—100%.

Acid number—5.

Hydroxy number—140-180.

Pounds per gallon—8.42.

Viscosity at 73°F—1,000 cps.

Vapor pressure—<1mm Hg/77°F.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—>5g/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2g/kg.

Eye irritation (rabbit)—nonirritating.

Primary dermal irritation—nonirritating.

Exposure. The submitter states that during manufacture a maximum of 2 workers may have dermal exposure for ½ hr/day, 47 days/yr. at an average and peak concentration of 0-1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the new substance will be released to the air or land. Small amounts may be spilled during reactor sampling or tank filling. Spilled materials will be drummed and sent to an approved landfill.

PMN 81-323

Close of Review Period. September 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000 and up

Manufacturing site—Middle Atlantic region

Standard Industrial Classification Code—399

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polyester based on carbomonocyclic anhydride and alkane diols.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the substance will be used in an open use that will release more than 50 but less than 5,000 kgs per year.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	1,000,000
2d year	1,000,000	2,000,000
3d year	2,000,000	4,000,000

Physical/Chemical Properties

Total solids at 105°C—67.0%.

Color (Gardner)—5.

Density—1.122.

Flash Point—82°F.

Acid Value—22.0mg KOH/g.

Toxicity Data. No data were submitted.

Exposure. The manufacturer claims that manufacture and/or processing will involve potential skin and eye contact for chemical industry employees with a frequency of five times per week; that its' use will involve potential skin and

Acute inhalation toxicity (rat)—no mortality 14 days after 4 hr. exposure.

Eye irritation (rabbit)—irritating.

Primary dermal irritation (rabbit)—nonirritating.

Patch testing of cured film on humans. 24 hrs—negative.

Exposure. The submitter states that during manufacture and use dermal exposure may occur for a maximum of 4 workers, 4 hrs/day, 280 days/yr. at an average and peak concentration of 0-1 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr. of the new substance will be released into the air and between 1,000-10,000 kg/yr. into the land. Spilled materials are cured to a hard film and disposed of in an approved landfill. Cured film on scrapped articles is also landfilled.

PMN 81-324

Close of Review Period. September 30. 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic Region

Standard Industrial Classification Code—285,e

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polyester based on carbomonocyclic anhydride and alkane diols.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the substance will be used in an open use that will release more than 50 but less than 5,000 kgs per year.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	1,000,000
2d year	1,000,000	2,000,000
3d year	2,000,000	4,000,000

Physical/Chemical Properties

Total solids at 105°C—67.0%.

Color (Gardner)—5.

Density—1.122.

Flash Point—82°F.

Acid Value—22.0mg KOH/g.

Toxicity Data. No data were submitted.

Exposure. The manufacturer claims that manufacture and/or processing will involve potential skin and eye contact for chemical industry employees with a frequency of five times per week; that its' use will involve potential skin and

eye contact for non-chemical industry employees with a frequency of five times per week; and that there will be essentially no consumer contact since the substance will be an integral part of an article.

Environmental Release/Disposal. The manufacturer states that there will be a loss to the environment as a component of certain byproduct materials, as a sludge from Publicly Owned Treatment Works (POTW) and to landfill from manufacture.

Dated: July 15, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-21561 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-31-M

[PP 1G2450/T312; PH-FRL-1891-7]

Dow Chemical Co.; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been established for residues of the herbicide 3,6-dichloro-2-pyridinecarboxylic acid in or on the raw agricultural commodities forage grasses and forage grass hay at 100 part per million (ppm); cattle, horses, and sheep (kidney) at 1 ppm; cattle, horses, and sheep (meat, fat, and meat byproducts except kidney) at 0.2 ppm.

DATE: These temporary tolerances expire May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: Dow Chemical Co., Agricultural Products Division, P.O. Box 1706, Midland, MI 48640, has submitted a pesticide petition 1G2450 to the EPA. The petition requested the establishment of a tolerance for residues of the herbicide 3,6-dichloro-2-pyridinecarboxylic acid in or on forage grasses and forage grass hay at 100 ppm; cattle, horses, and sheep (kidney) at 1 ppm; cattle, horses, and sheep (meat, fat, and meat byproducts except kidney) at 0.2 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (464-EUP-67) which is being established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Dow Chemical will immediately notify EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire May 1, 1983. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: July 13, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-21570 Filed 7-22-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-303, BC Docket No. 81-416, et al.]

Cumberland College of Tennessee and Vanderbilt Student Communications, Inc.; Applications for Hearings

Adopted: June 30, 1981.

Released: July 17, 1981.

By the Commission: Commissioners Fogarty and Jones absent.

In re applications of Cumberland College of Tennessee, Lebanon, Tennessee. Has: 91.3 MHz, Channel 217, .48 kW, 86 feet. For renewal of license. Req: 91.3 MHz, Channel 217, .48 kW, 86 feet; BC Docket No. 81-416, File No. BRED-521. For an extension of time of its construction permit to complete modification of facilities of noncommercial station WFMQ(FM), Lebanon, Tennessee; BC Docket No. 81-419, File No. BMPED-801106AL. Vanderbilt Student Communications, Inc., Nashville, Tennessee. Has: 91.1 MHz, Channel 216, 430 W, 150 feet; Req: 91.1 MHz, Channel 216, 4.465 kW, 659 feet; BC Docket No. 81-420, File No. BPED-2424. For modification of facilities of noncommercial station WRVU(FM), Nashville, Tennessee.

1. The Commission has before it for consideration the 1973 renewal application, as supplemented, of Cumberland College of Tennessee (hereinafter Cumberland) for noncommercial educational radio station WFMQ(FM), Lebanon, Tennessee, and the application of Vanderbilt Student Communications, Inc. (Vanderbilt), tendered January 28, 1977, for improvement of the facilities of its noncommercial educational radio station WRVU(FM), Nashville, Tennessee. The modification proposal of WRVU(FM) to increase both its effective radiated power and antenna height results in an overlap of its 54 dBu signal level interference contour with WFMQ(FM)'s normally protected 60 dBu signal level contour. This results in prohibited objectionable interference, as defined by 73.509 of the Commission's Rules, rendering the applications mutually exclusive. Therefore, they must be designated for a comparative hearing.

2. *The Cumberland Application.* This matter dates back to 1973, when

Cumberland failed to file its renewal application for the license term beginning August 1, 1973, until August 13, 1973, after the previous license term had expired.[1] Subsequently, in the fall of 1974, the station went silent without so notifying the Commission. Thereafter, in 1976, it failed to supplement its pending 1973 renewal application. By letter dated June 15, 1976, the Chief of the License Division of the Broadcast Bureau informed Cumberland that unless it submitted its application within 30 days, with a statement regarding its intentions to resume operations, the original 1973 renewal application would be dismissed for failure to prosecute and its call letters deleted. Subsequently, Cumberland tendered its 1976 supplemental renewal application on October 26, 1976. That renewal application contained a narrative explaining that WFMQ(FM)'s silence was due to a change in its original plans to locate the transmitter and studio off the Cumberland main college campus and the prolonged illness of a local engineer who agreed to construct the station at no cost to the licensee. We were informed, however, that in an effort to make the station more accessible and to permit a longer weekly broadcast schedule, an application was being prepared to request a move of the station's facilities to the Cumberland campus.

3. Subsequently, on November 27, 1978, Cumberland was again asked to state its plans for WFMQ(FM) in light of its lengthy silence and the interest of others in its frequency. In response, William O. Barry, Cumberland's consulting engineer, visited the Commission on the licensee's behalf, and stated that a decision would be made within one month whether to reactivate WFMQ(FM) or to surrender its authorization. As we again received no response, by letter dated January 17, 1979, Cumberland's pending 1973 renewal application was dismissed for failure to prosecute and the station's call sign was deleted.

4. By letter received February 2, 1979, Cumberland petitioned to reinstate its application and call sign. In support, Cumberland again informed us of the need to move the WFMQ(FM) facilities onto the main campus and an impending meeting of the school's Board of Trustees, scheduled for February 12, 1979, to address that question. In addition, Cumberland requested until February 28, 1979, to respond as to its future plans.

5. The future direction of WFMQ(FM) became apparent when, on March 6, 1979, Cumberland tendered to the Commission a minor facilities change application seeking to change its transmitter, antenna and main studio location to the Cumberland campus. In light of Cumberland's commitment to reactivate WFMQ(FM), the Chief, Broadcast Bureau, by letter dated April 12, 1979, reinstated the license renewal application and call letters. Shortly thereafter, Cumberland's minor modification request was granted and a construction permit was issued requiring completion of construction by June 14, 1980.

6. Cumberland's 1979 renewal supplement to its still pending 1973 application was due at the Commission April 2, 1979. It was tendered on July 5, 1979, three months late. By letter dated August 2, 1979, we informed Cumberland that it had failed to comply with the publication requirement of Section 1.580 (now 73.3580) of the Rules. Nothing to indicate such compliance has been received at the Commission.

7. On June 13, 1980, Cumberland sought additional time to complete construction of its facility due to the discovered state of disrepair of its antenna. Cumberland estimated that construction would be completed by October 1, 1980. Therefore, on July 16, 1980, we granted the requested extension requiring construction to be completed by November 8, 1980. Thereafter, by application filed November 6, 1980, Cumberland again requested additional time, until March 1, 1981, for construction due to the non-delivery of certain equipment on order. To date Cumberland has tendered no information to indicate whether WFMQ(FM) has resumed operation nor has it reported on its progress toward completion of the construction. In fact, the Field Operations Bureau reports that the station remains silent.

8. Initially, we note that by granting a construction permit and extensions thereto, the Commission relies on an applicant's representations that it will promptly and expeditiously proceed with construction and initiation of its authorized service. Moreover, in the case of extensions, the Commission has expressly stated that such requests will be granted only where the permittee has demonstrated that it has proceeded with due diligence but was prevented from construction by unforeseen circumstances beyond its control or where there are other public interest considerations demonstrated to justify the extension. Section 73.3534(a) of the Commission's Rules; *Harold A. Jahnke*, 79 FCC 2d 109, 42 RR 2d 1113, *recon. denied*, 48 RR 2d 855 (1980). Therefore, an issue is appropriate to determine whether the facts and circumstances justify grant of the application for an exension of time to complete construction of the WFMQ(FM) broadcast facilities.[2]

9. Under the Communications Act of 1934, as amended, a broadcast license is granted only if the public interest, convenience and necessity will be served thereby. In this context, it has been longstanding Commission policy that in fairness to prospective applicants and the listening public, and in the interest of an efficient utilization of the broadcast frequency spectrum, prolonged periods of inactivity by a licensee will not be tolerated. See *Palladium Times, Inc.*, 6 RR 846 (1950). Cumberland was granted a license to operate a broadcast station to serve the Lebanon community, but since at least the fall of 1974, WFMQ(FM) has been silent and, therefore, has failed to fulfill its public service obligations. Although the Commission generally attempts to take a more lenient posture with regard to the status of noncommercial educational operations, we must still expect that the overriding duty of any licensee in this situation to be the "prompt restoration of service." See *Hex Country Radio, Inc.*, 64 FCC 2d 914, 40 RR 2d 1096 (1977), *aff'd.*, 44 RR 2d 396 (1978). "Prompt restoration of service" has not been accomplished by the licensee. Further, from the materials presently before us, we are unable to ascertain whether Cumberland's conduct, either before or after repeated Commission inquires, warnings, dismissal of its pending renewal application, deletion of its call letters, and finally reinstatement of its license, exhibits the necessary concern for restoring service. In light of the above circumstances, an issue is warranted to examine the facts and circumstances surrounding Cumberland's prolonged silence to determine whether Cumberland is committed to restoring service to the Lebanon community.

10. Moreover, as outlined above, the licensee's conduct in its dealings with the Commission since 1973, concerning relevant matters of major significance

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[1] In order to be timely filed under then Section 1.539 of the Commission's Rules, the Cumberland renewal application was to have been received by May 3, 1973, three months before expiration of the license period. That filing requirement was subsequently amended, and, pursuant to Section 73.3539, for all license periods after December, 1974, renewal applications must be tendered to the Commission four months prior to the license expiration date.

[2] Cumberland's failure to complete construction by March 1, 1981, as represented, may also raise questions as to this licensee's diligence in its operation of WFMQ(FM) (see paragraphs 9 and 10, *infra*.).

such as filing and supplementing its renewal application, responding to Commission inquiries, and keeping us timely informed of the status of WFMQ appears to reveal a consistent pattern of ineptness, negligence and disregard for Commission processes. Cumberland's failure to exercise sufficient care in preparing and prosecuting its application resulted in unnecessary inconvenience and delay in the administrative process, and, most significantly, deprivation of an existing service for the public of the Lebanon community of license. The Commission cannot condone such a pattern of carelessness, inadvertence, and indifference to our rules and procedures. Cumberland's lack of diligence in preparing and prosecuting its applications as well as its failure to timely and adequately respond to numerous inquiries require us to examine whether Cumberland can be relied upon in the future to fulfill the duties and responsibilities incumbent on a Commission licensee. *Marvin C. Hanz*, 22 FCC 2d 147, 18 RR 2d 830 (Rev,. Bd. 1970), *rev. denied*, FCC 70–724, released July 8, 1970; *Beamon Advertising, Inc.*, FCC 63R–467, 1 RR 2d 285 (Rev. Bd. 1963). Accordingly, such an issue will be specified.

11. *The Vanderbilt Application.* Vanderbilt is legally, financially and technically qualified to operate as proposed. However, since its proposal is mutually exclusive with Cumberland's, it must be designated for hearing in a consolidated proceeding on the issues specified below. Moreover, the respective proposals are for different communities. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio services.

12. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

A. To determine, pursuant to Section 319(b) of the Communications Act of 1934, as amended, and § 73.3534(a) of the Commission's Rules whether the failure of Cumberland College of Tennessee to complete construction of Station WFMQ(FM) has been due to causes not under its control or whether there are other matters sufficient to justify a further extension of time to complete construction.

B. To determine whether Cumberland's conduct in its dealings with the Commission constitutes a pattern of carelessness, ineptness, negligence and/or disregard for Commission processes and, if so, the effect thereof on Cumberland's qualifications to remain a licensee.

C. To determine, in light of the facts and circumstances surrounding its prolonged silence, whether Cumberland is legitimately committed to restoring broadcast service to the Lebanon community of license, and, if not, the effect thereof on Cumberland's qualifications to remain a Commission licensee.

D. To determine the areas and populations which would receive primary aural service (1 mV/m or greater) from each proposal, and the availability of other primary aural service to such areas and populations.

E. To determine, in the light of § 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

F. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to § 311(a)(2) of the Commission Rules, give local notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.359(g) of the Rules.

15. It is further ordered, That the Secretary of the Commission shall send, by Certified Mail, Return Receipt Requested, a copy of this Memorandum Opinion and Order to each of the parties named herein.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–21888 Filed 7–23–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. A–27B]

FM Broadcast Applications Accepted for Filing and Notification of Cut-off Date; Erratum

Released: July 16, 1981.

The FM application listed below, which was inadvertently placed on the cut-off notice, Report No. A–27, Mimeo Number 002048 released on July 10, 1981 is hereby removed from that notice.

BPH–810410AF (new), Coffeyville, Kansas, The Midwest Broadcasting Co., Inc., Req: 92.1 MHz; Channel No. 221A, ERP: 3 KW; HAAT: 300 ft.

On the same cut-off notice the application shown below was inadvertently listed on an incorrect Channel (217): the correct listing is:

BPED–791226AI (WGEV), Beaver Falls, Pensylvania, Geneva College, HAS: 86.3 MHZ; Channel No. 202D, TPO: .01 KW. (LIC), Req: 86.3 MHZ; Channel No. 202A, ERP: .149 KW; HAAT: 232 ft.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–21892 Filed 7–23–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. A–27A]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Erratum

Released: July 14, 1981.

The FM application listed below, which was inadvertently placed on the cut-off notice, Report No. A–27, Mimeo Number 002048 released on July 10, 1981, is hereby *removed* from that notice. Cut-off date:

BPH–810427AG (new), Paxton, Illinois, Plowshare Broadcasting, Inc., Req: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 feet.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–21890 Filed 7–23–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

[Docket No. R–0324]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Adoption of Fee Schedules for the Book-Entry and Definitive Securities Safekeeping services, the Securities Purchase and Sale Service, and the Noncash Collection Service.

SUMMARY: The Monetary Control Act of 1980 (Title I of Pub. L. 96–221) requires that fees be set for Federal Reserve Bank services. The Board has adopted a set of pricing principles for Federal Reserve Bank services and has established implementation dates on which fees for each of the services will become effective. The Board has now adopted fees for the securities and noncash collection services.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lorin S. Meeder, Associate Director for Federal Reserve Bank Operations (202/452–2738); Earl G. Hamilton, Manager, Service Pricing (202/452–3879); Merphil S. Kondo, Senior Economist (202/452–3875); Florence M. Young, Manager, Fiscal Agency Review (202/452–3954); Gilbert T. Schwartz, Associate General Counsel (202/452–3625); Lee S. Adams, Senior Counsel (202/452–3623).

SUPPLEMENTARY INFORMATION:

Introduction

The Monetary Control Act of 1980 requires that fees be developed for Federal Reserve Bank services according to a set of pricing principles established by the Board. The Act provides that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981, and that services covered by the fee schedule are to be made available to all depository institutions. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689). The period for public comment expired on October 31, 1980. On December 30, 1980, after considering the more than 230 comments received from the public, the Board took a number of actions related to the pricing of Federal Reserve services, including adoption of revised pricing principles and scheduling of full access and pricing of the book-entry and definitive securities safekeeping securities purchase and sale, and the noncash collection services for October 1981, stating that fee schedules for these services would be published in 1981 (46 FR 1338). The Board has now adopted fee schedules for securities and noncash collection services.

1981 Fee Schedule

The Monetary Control Act of 1980 requires that "over the long run fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced." The Act also requires that fees for Federal Reserve services take into account imputed taxes and financial costs that would have been incurred if the System services had been provided by a private firm. This markup is referred to as the private sector adjustment factor (PSAF).

The proposed fee schedules for Federal Reserve Bank securities and noncash collection services published by the Board in August 1980 were based on estimates of the full 1980 direct and indirect costs of providing these services plus a 12 percent PSAF. On December 30, 1980, the Board adopted a 16 percent PSAF for use in calculating 1981 prices.

The revised fee schedules for securities and noncash collection services will become effective October 1, 1981, at which time access to these services will be provided to all depository institutions. The fee schedules are based on the estimated full direct and indirect costs of providing these services in 1981 plus the 16 percent PSAF. On average, the fees for 1981 are approximately 12 percent higher than those published in 1980 based on 1980 estimated costs. About one-third of this increase results from the use of a higher PSAF. The remainder is due to cost increases and reallocations of costs derived from the improved cost accounting procedures for securities services implemented on January 1, 1981. However, the comparison is not straightforward because of the redefinition of the account maintenance fee in the definitive securities services, and the change in volume units for which such fees will be assessed.

The 1981 fee schedules were calculated by the Federal Reserve Banks using a methodology similar to that used to compute the fee schedule published by the Board in August 1980. The few changes made are described below. The same methodology was used for all Federal Reserve Districts and offices, and estimates were based on full costs using the Federal Reserve's Planning and Control System (PACS). (The cost accounting principles and procedures used by the Reserve Banks are described in System accounting manuals available to the public.)

The fee structure for 1981 has been changed in some respects from that published in August 1980 to simplify the fee schedules and to allow them to conform more closely with current market practice. The amount of revenue projected is essentially the same as under the original fee structure assuming the same volume of activity. The changes are summarized as follows:

Book-Entry and Definitive Securities Safekeeping Services

1. *National Book-Entry Securities Services Fees.* National fees have been established for all book-entry services—the basic on-line transfer charge, the account maintenance charge, and the off-line transfer surcharge. The latter replaces the District off-line surcharge proposed in August. The Federal Reserve Bank of New York will continue time-of-day pricing of intradistrict on-line transfers and extend the practice to interdistrict transfers originating in that District, recovering the standard national fee on average.

The $3.00 fee assessed currently on behalf of the U.S. Treasury and various Federal agencies for interdistrict transfers of book-entry securities will be discontinued when the fee schedule adopted by the Board becomes effective on October 1, 1981.

2. *Definitive Securities Safekeeping Services Fees.* All definitive securities safekeeping services will be priced at the District level except in the Chicago District, where they will be priced at the office level. In accord with its current practice, the San Francisco District's definitive securities services are limited to certain special collateral accounts. General safekeeping accounts are not provided in the San Francisco District.

3. *Accounts Maintenance Fee for Definitive Securities.* The fee for maintaining definitive securities safekeeping accounts will be based on number of receipts or issues held, and not on the par value held as originally proposed. (The Federal Reserve Banks of New York and Minneapolis will base their fees upon number of issues because of the filing systems used.) The separate fee for clipping coupons has been eliminated; however, the fee for collecting clipped coupons will continue to be charged under the noncash collection service fee schedule as a separate charge. The account maintenance fee is now calculated to recover the full costs of both maintenance and coupon clipping. While these changes result in the appearance of a lower fee for account maintenance than that proposed under the 1980 structure, the new fee is based on physical volume, rather than value held, and will be levied monthly on the Federal Reserve statement of service charges. Formerly, the account maintenance fee was expressed as an annual fee to be assessed quarterly. At the same time, fees for deposits, withdrawals, redemptions, and account switches are generally lower due to cost reallocations.

Purchase and Sale of Government Securities Service

The basic structure of fees for the purchase and sale of government securities remains unchanged; the fees have been increased to reflect 1981 cost estimates and the 16 percent private sector adjustment factor. It should be noted that the Atlanta District and the St. Louis District do not offer securities purchase and sale services.

Noncash Collection Services

The fees for noncash collection services have been updated to reflect 1981 cost estimates and the 16 percent private sector adjustment factor. In the case of coupons clipped from securities held in safekeeping and shipped to another Reserve District for collection, full costs for the collection service will be recovered by charging the fee of the collecting Reserve Bank.

Currently, a Systemwide coupon shipping fee of $1 per $1,000 value is charged. With the implementation of pricing, this fee will be established at the District level and will differ from $1 at those Reserve Banks where use of the $1 fee will result in significant over- or under-recovery of actual costs.

The 1981 fee schedules for securities and noncash collection services are set forth in Appendix I. Appendix II contains a description of all priced Federal Reserve securities and noncash collection services, and an identification of nonpriced services.

By order of the Board of Governors of the Federal Reserve System, July 17, 1981.

William W. Wiles,

Secretary of the Board.

Appendix I—Fee Schedule Book-Entry Securities Services

[Effective October 1, 1981]

	Per transaction
Security Transfers:	
Originated On-Line	[1] $2.00
Originated Off-Line	[2] 8.50
Received Off-Line	6.50
Account Maintenance	[3] 6.00

[1] Fees at the Federal Reserve Bank of New York will vary by time of day as follows: Time of day, 9:00 a.m.—12:00 noon, originated on-line, $2.50; time of day 12:01 p.m.—2:00 p.m., originated on line, $1.25; time of day, 2:01 p.m.—close, $4.50.

[2] Composed of the on-line origination fee of $2.00 plus the $6.50 off-line surcharge.

[3] Per account per month.

Note.—The $3.00 fee currently assessed by the Federal Reserve Banks on behalf of the Treasury and various Federal agencies for interdistrict transfers of securities will be discontinued effective October 1, 1981.

Fee Schedule—*Definitive Securities Safekeeping, Purchase and Sale, and Noncash Collection Services*

[Effective October 1, 1981]

Federal Reserve District	Definitive securities safekeeping			Purchase or sale	Noncash collection (coupon, bond or noncash item)	
	Deposit, withdrawal or redemption (per transaction)[1]	Account switch (per transaction)	Account maintenance (per receipt per month)[2]	Per transaction [3]	Per envelope or item processed [1]	Per $1,000 coupon value shipped
Boston	$12.50	$12.50	$2.66	$12.00	$1.80	$1.00
New York	35.50	13.50	5.35	23.00	1.40	1.00
Philadelphia	15.00	10.00	2.50	17.00	2.90	1.00
Cleveland	11.00	11.00	2.00	27.00	2.85	1.00
Richmond	20.00	12.50	1.50	27.00	2.00	1.00
Atlanta	20.00	10.00	2.50	—	1.40	1.00
Chicago	15.00	10.00	3.20	17.50	2.50	1.30
Detroit	11.00	10.00	1.75	17.50	2.50	1.30
St. Louis	16.00	16.00	1.45	—	2.80	.50
Minneapolis	13.50	11.50	1.70	5.50	2.25	.80
Kansas City	15.00	8.50	1.35	10.50	3.20	1.00
Dallas	12.00	5.00	1.40	28.50	2.25	1.00
San Francisco	—	—	—	22.00	6.85	1.00

[1] For bonds as well as other noncash items, add shipping expenses, insurance fees and fees assessed by other Federal Reserve Banks, if any.

[2] In the New York and Minneapolis Districts, the fee shown is per issue per month.

[3] Plus brokers' fees, if any.

Appendix II—Description of Federal Reserve Securities Services

Service Descriptions

The securities services offered to depository institutions by the Federal Reserve fall into three categories: book-entry and definitive safekeeping services; purchase and sale of government securities; and noncash collection services.

Account maintenance fees for book-entry and definitive safekeeping services cover establishing, maintaining, and servicing safekeeping accounts for depository institutions. Separate fees will be imposed for each transaction affecting safekeeping account balances, such as deposits, withdrawals, account switches, and wire transfers of book-entry securities. However, no fees will be imposed for: (1) establishing, maintaining, and servicing collateral accounts for borrowings from the Federal Reserve or for Treasury deposits, such as Treasury tax and loan accounts (see Treasury Department Circulars No. 92 and No. 176.); (2) the handling of transactions affecting the balances of these collateral accounts; [1] (3) the deposit of book-entry securities on original issue; (4) the conversion of definitive securities to book-entry form or the conversion of book-entry holdings to definitive securities (other than wire-related fees); and (5) the payment of principal and interest on U.S. Government and Federal agency securities, including the withdrawal of matured book-entry securities. These services are provided by the Federal Reserve either in its capacity as Fiscal Agent of the United States where reimbursement is provided by the Treasury Department or other Federal agencies, or in its capacity as a central bank lender, under the provisions of Regulation A.

When the fees in the attached schedule are implemented on October 1, 1981, the $3.00 fee for interdistrict security transfers that the Federal Reserve Banks now collect on behalf of the Department of the Treasury and various Federal agencies will be discontinued.

The fees for the purchase or sale of government securities cover the Federal Reserve Banks' costs for receiving requests from depository institutions and placing purchase or sale orders for Treasury and Federal agency securities in the secondary market. Fees assessed by dealers and brokers for executing transactions, if any, will also be recovered from users of this service.

The fees for noncash collection services include receiving, collecting, and crediting the accounts of depository institutions for deposits of items eligible for collection through the Federal Reserve, such as municipal coupons and bonds (including coupons clipped from securities held in safekeeping). See Part C of this appendix for a listing of eligible items. In general, deposits should be shipped directly to the Federal Reserve office that services the territory in which the paying agent is located. Credit for deposits will be posted to accounts maintained at the local Federal Reserve office of the depository institution even though deposits may have been received at another Federal Reserve office.

A. Book-Entry and Definitive Securities Safekeeping Services

1. Book-Entry Safekeeping Services

A depository institution may establish several types of book-entry safekeeping accounts (e.g., a general account, an investment account, a trust account, or a dealer account) with its local Federal Reserve office. To determine the specific types of accounts available, depository institutions should contact their local Federal Reserve office. Account maintenance fees will be assessed for custody and collateral accounts; fees will also be assessed for processing security transfers affecting those accounts. No fees, however, will be assessed for the maintenance of or activity in collateral accounts supporting borrowings from the Federal Reserve or Treasury deposits.

a. *Security Transfer: Originated On-line.* On-line security transfers are wire transfers of book-entry securities originated by a depository institution that has direct access to its book-entry accounts held at a Federal Reserve office. A depository institution may: (1) transfer book-entry securities held in one of its custody or collateral accounts to another one of its custody or collateral accounts (account switches); and (2) transfer book-entry securities held in one of its custody or collateral accounts to a custody account of another depository institution located within the same Federal Reserve District (intradistrict transfer) or another Federal Reserve District (interdistrict transfer). These transfers may be sent against payment, with the funds being credited to the sending institution's reserve account.

b. *Security Transfer: Originated Off-line.* Off-line security transfers are wire transfers of book-entry securities transmitted by Federal Reserve personnel acting on authenticated requests received from depository institutions. At the request of depository institutions, Federal Reserve personnel will: (1) transfer book-entry securities between custody or collateral accounts of the same depository institution (account switch); and (2) transfer book-entry securities from a custody or collateral account of one depository institution to a custody or collateral account of another financial institution located within the same Federal Reserve District (intradistrict transfer) or another Federal Reserve District (interdistrict transfer), against payment if so authorized. The off-line surcharge only will be imposed for off-line transfers and account switches that do not require the use of the Federal Reserve Communications System.

c. *Security Transfer: Received Off-line.* Security transfers received off-line include intra and interdistrict security transfers destined for depository institutions that have not established on-line communications links with the Federal Reserve. Acting upon authenticated instructions submitted by the receiving depository institution, Federal Reserve personnel will deposit book-entry securities to the custody or collateral account of the depository institution, against payment if so authorized.

d. *Account Maintenance.* Book-entry safekeeping account maintenance fees reflect the costs associated with establishing accounts, maintaining account instructions, maintaining records reflecting book-entry holdings, reconciling accounts, notifying account holders of maturing securities in collateral accounts, and providing periodic statements of account holdings. Except for collateral accounts supporting borrowings from the Federal Reserve or Treasury deposits, a separate monthly fee will be assessed for each custody and collateral account maintained for a depository institution.

2. Definitive Safekeeping Services

A depository institution may establish several types of definitive safekeeping accounts (e.g., a free or unpledged account, a Treasury tax and loan collateral account, a discount collateral account, or in some Districts a public monies collateral account) with its local Federal Reserve office. To determine the specific types of accounts available, depository institutions should contact their local Federal Reserve office. It should be noted that the San Francisco District's services are limited to certain special collateral accounts.

Account maintenance fees will be imposed for custody and collateral definitive securities accounts; fees will also be assessed for processing transactions affecting those accounts. No fees will be assessed for the maintenance of or deposit and withdrawal activity in collateral accounts supporting borrowings from the Federal Reserve or Treasury deposits. Fees will be imposed, however, for the collection of maturing securities other than U.S. Government securities held in these accounts.

a. *Deposits, Withdrawals, and Redemptions.* Deposits, withdrawals, and redemptions of definitive securities are processed at the direction of depository institutions. Acting upon authenticated instructions, Federal Reserve personnel will: (1) accept deposits to custody or collateral accounts and process the related payments; (2) withdraw securities from custody or collateral accounts, effect deliveries, and process the related payments; and (3) withdraw maturing securities from custody or collateral accounts, present them to the paying agent, collect the principal, and credit depository institutions' reserve or clearing accounts. Fees for processing deposits and withdrawals are based on the number of transactions processed without regard to the number of pieces involved. Fees for processing redemptions will include the transaction fees of the Reserve Bank holding the securities as well as the noncash collection fees of the collecting Reserve Bank. Shipping expenses and insurance fees incurred in delivering security withdrawals and redemptions will also be recovered from depository institutions.

b. *Account Switches.* Account switches are transfers of definitive securities among the custody accounts of the same depository institution. Account switches will be processed by Federal Reserve personnel on the basis of authenticated instructions received from depository institutions. Fees for processing account switches are based on the number of transactions processed without regard to the number of pieces involved.

c. *Account Maintenance.* Definitive safekeeping account maintenance fees reflect and costs associated with establishing accounts, maintaining account instructions, storing securities, maintaining records reflecting security holdings, reconciling accounts, detaching maturing coupons from securities and preparing them for delivery to the appropriate paying agent, notifying depositing institutions of maturing securities, and providing periodic statements of account holdings.

A monthly fee will be assessed per account based on the number of receipts held in that account for each depository institution.[2] It should be noted that the fees associated with shipping and collecting maturing coupons will be assessed separately under the noncash collection service.

B. Purchase and Sale of Government Securities

The purchase and sale service includes the receipt of instructions from depository intitutions and the placing of orders to purchase or sell Treasury or Government agency securities through brokers or dealers. A fee will be charged for each transaction processed. Fees assessed by brokers or dealers, if any, will be recovered from users of this service. It should be noted that this service is not available in the Atlanta and the St. Louis Federal Reserve Districts.

C. Noncash Collection

The noncash collection service includes receiving, collecting, and crediting reserve or clearing accounts of depository institutions for eligible items. Federal Reserve offices accept the following items for collection: maturing or matured municipal coupons; called, maturing, or matured municipal securities; bankers' acceptances; bills of lading; drafts; checks with documents attached; and other checks that cannot be handled as cash items. The collection of and crediting for maturing coupons detached from definitive securities held in custody and collateral accounts at a Federal Reserve office are also included in this service. Maturing and matured municipal coupons are processed on a cash basis; that is, depositors are credited on the basis of a time schedule in much the same way that depositors are credited for checks deposited at the Federal Reserve for collection. Credit availability schedules (that is, the specific time frames in which depositors will be credited) are available from any Federal Reserve office. All other noncash collection items are credited to the depositor's account only after payment has been collected. a fee will be assessed for each item (e.g., envelope or security) included in a deposit. In addition, fees for shipping collection items will be charged to users of this service. Fees for shipment of coupon envelopes will be assessed on a fixed rate per thousand dollars of value. Fees for shipment of bonds and othe noncash items will generally be assessed on an out-of-pocket recovery basis.

In general, deposits should be shipped directly to the Federal Reserve office that services the territory in which the paying agent is located. If such items are deposited with the local Reserve office, handling and shipping fees or expenses will be assessed by both the depositing and the collecting office. The fee for collection of coupons detached from securities held in a custody or collateral account at any Federal Reserve office will be

[1] There is no charge for withdrawal of a matured security from a collateral account, but a charge will be imposed for collection of securities other than those issued by the U.S. Treasury or various Federal agencies.

[2] The Federal Reserve Bank of New York and Minneapolis have based their fees on the number of issues held in an account.

the fee set by the collecting Federal Reserve office.

[FR Doc. 81-21574 Filed 7-22-81; 8:45 am]
BILLING CODE 6210-01-M

[Docket No. R-0324]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Fee Schedules for Coin and Currency Transportation and proposed policy for access to Federal Reserve cash processing services.

SUMMARY: The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) requires that fees be set for Federal Reserve Bank services. The Board has previously adopted a set of pricing principles for Federal Reserve Bank services and has established implementation dates on which fees for each of the services will become effective. The Board now seeks comment on its proposed coin and currency transportation fee schedules and proposed policy for access to cash processing services.

DATE: Interested parties are invited to submit relevant data, views and other comments. Comments must be received by September 25, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0324, should be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m. except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Lorin S. Meeder, Associate Director for Federal Reserve Bank Operations (202/452-2738); Merphil S. Kondo, Senior Economist (202/452-3875); Earl G. Hamilton, Manager, Service Pricing (202/452-3879); Steven O. App, Manager, Cash Services, (202/452-2705); Gilbert T. Schwartz, Associate General Counsel (202/452-3625); Lee S. Adams, Senior Counsel (202/452-3623).

SUPPLEMENTARY INFORMATION:

Introduction

The Monetary Control Act of 1980 requires that fees be developed for Federal Reserve Bank services according to a set of pricing principles established by the Board. The Act provides that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981, and that services covered by the fee schedule are to be made available to all depository institutions. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689). The period for public comment expired on October 31, 1980. On December 30, 1980, after considering the more than 230 comments received from the public, the Board took the following actions: adopted revised pricing principles; approved the fee schedules for several services, and established implementation dates on which fee schedules for each service will become effective. The Board concluded that commenters had raised significant concerns with respect to the cash transportation fee schedules proposed in August 1980 and announced that: (1) the pricing of currency and coin transportation services would be reviewed; (2) the public would be given the opportunity to comment on a revised fee schedule; and (3) the implementation of pricing of currency and coin transportation and coin wrapping services would be delayed until January 1982.

Comments on the August 1980 proposed fee schedule for coin and currency transportation included statements that no charge should be imposed for this service and suggestions for revision of the fee structure to reduce the disparity in fees. After reconsideration the Board concluded that cash transportation is a service that must be priced under the provisions of the monetary Control Act. The Board continues to regard currency and coin processing (paying, receiving and verifying both coin and currency, and issuing, processing, canceling and destroying currency) as governmental functions and accordingly has not proposed fees for these functions. However, the Board has proposed for comment a policy regarding access to the nonpriced cash processing services.

No significant public comment was received on the coin wrapping fee schedule published in August 1980. The fee schedule for this service will be updated to reflect expected 1982 costs and will be published later this year for implementation in January 1982.[1]

[1] Some Reserve Banks are considering contractual arrangements with private sector suppliers for provision of wrapped coin, similar to the arrangements Reserve Banks have with armored carriers for cash transportation.

Proposed 1982 Fee Schedule

The Monetary Control Act of 1980 requires that "over the long run fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced . . . except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide." The Act also requires that fees for Federal Reserve services take into account "the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm." This markup is referred to as the private sector adjustment factor (PSAF).

The proposed fees for armored carrier service are based on the estimated full 1982 costs of providing the service and existing usage patterns. A private sector adjustment factor of 16 percent has been applied to the administrative costs of cash transportation incurred by the Reserve Banks but not to payments to armored carriers, since the cost of capital and taxes is already included in the System's payments to private carriers.

As in the August 1980 proposal, the revised fee schedule for armored carrier service has two elements: a volume charge and a per-stop charge.[2] In the current proposal, the volume charge is $0.50 nationwide per bag of currency or coin for both deliveries and deposits. A single uniform bag charge simplifies the fee schedule when contrasted with the Board's August proposal which provided for separate charges per bag of coin and per bundle of currency at each Federal Reserve office. This approach also provides for more appropriate allocation of costs between high volume and low volume endpoints.

The revised schedule of per stop charges shows fees by zones served by each Federal Reserve office. These zones now include city and suburban endpoints, and are not comparable to the numbered zones published in August 1980, which were related principally to distance to over-the-road endpoints. The revised zone identifications reflect Reserve Bank groupings of endpoints that have a common proposed per stop charge, and are intended to improve the allocation of costs among endpoints; however, disparities among fees for endpoints located equidistant from a Federal Reserve office are not eliminated completely. Since armored carrier service costs are not simply a function of distance, but also reflecf the frequency of stops along a route and the extent of competition in the areas served, such disparities may be expected to continue.

[2] The fee structures for some routes in the Cleveland, St. Louis, and Dallas Districts include charges based on mileage or value. These fee structures reflect tariff rates in those areas.

A ceiling of $75 is proposed on the per-stop portion of the charge for 1982; a ceiling of $32 per stop was proposed in August 1980 when the volume charge accounted for a larger proportion of armored carrier service revenue. (The share of armored carrier service revenue associated with volume charges is reduced from approximately 50 percent to about 20 percent.) A $75 ceiling is projected to result in costs exceeding revenues by approximately $2.8 million (about 7.3 percent of 1982 armored carrier service costs). A ceiling is proposed for a period no longer than two years (1982 and 1983). The ceiling would be reviewed by the Board after one year and may well be adjusted. By the end of the two-year period, the System intends to recover all costs of armed carrier service within the 48 contiguous States,[3] subject to the Federal Reserve's responsibility to provide a minimum level of service nationwide. During the two-year interim, a variety of methods of reducing transportation costs to high-cost locations will be explored, such as encouragement of increased competition, establishment of cash depots and support for currency exchanges.

Separate fees will be established for institutions with specialized high volume arrangements, such as direct shipments from the Bureau of Engraving and Printing or armored carrier service to a large volume endpoint with circumstances of difficult access. Reduced transportation charge may be available for depository institutions that deposit currency sorted by quality or suitably packaged for high speed processing, or that accept containerized shipments (i.e., trunks or pallets) where the significant reduction in Reserve Bank processing costs justifies a reduction in transportation charges.

The Federal Reserve Banks also accept and deliver coin and currency shipped by registered mail. This service is provided generally to depository institutions at remote locations without armored carrier service available routinely. For endpoints served by registered mail, charges will be based on actual Reserve Bank expenses incurred for postage and full insurance. A ceiling of $37.50 would be established on the 1982 charge for one-way mail delivery either to or from a Reserve Bank. This figure is one-half the ceiling for armored carrier stops, since the armored carrier both delivers cash orders and picks up excess coin and currency in the same trip. The ceiling on registered mail charges will be evaluated after one year.

[3] The same $75 ceiling would apply in 1982 to areas in the noncontiguous United States, such as Alaska, Hawaii, Guam, and Puerto Rico.

Access Policy

In connection with the revised fee schedule for cash transportation services, the following policy regarding access to the Federal Reserve's coin and currency processing services is proposed:

By the end of 1983, all Federal Reserve offices will offer access to, at minimum,

- One office of a depository institution per municipality, subject to adjustment where special circumstances (such as the size of the municipality) require a modified policy; *or*
- One office per institution if that suits the structure in the territory served.

The policy proposed provides, after a transition period, for uniform, minimum access nationwide to every depository institution that seeks coin and currency directly from the Federal Reserve. This minimum standard for access to Federal Reserve cash processing service applies to all depository institutions independent of the method of delivery—via Federal Reserve armored carrier, via registered mail or at the Federal Reserve dock.

The Federal Reserve intends to offer access to cash services on the same terms (such as frequency, quality and operating requirements) to both existing and prospective customers. Few difficulties are foreseen in providing uniform access to registered mail service and to Federal Reserve docks for pickups and deliveries of cash by depository institutions that arrange their own transportation. Depository institutions may pick up and deliver currency and coin without charge at Federal Reserve docks, since the provision of coin and currency itself is a responsibility of the central bank. However, Reserve Banks may impose reasonable restrictions on scheduling of pickups and deliveries at the docks to facilitate nondiscriminatory access to Federal Reserve cash processing services.

Because the contractual arrangements between the Federal Reserve and armored carrier firms restrict the latitude for immediate accommodation by the System to changes in requests for armored carrier service, and in view of the short-term constraints of dock capacity and processing equipment, the proposed access policy provides for an interim adjustment period. On the effective date of cash transportation pricing, Reserve Banks will extend access to existing levels of cash service to new customers to the extent feasible. Due to the uncertainties surrounding the response of armored carrier firms and depository institutions to cash transportation pricing, Reserve Banks will continue to impose reasonable limitations on all users regarding the frequency of service,[4] the number of offices served and the size of orders/deposits. The purpose of such limitations is to achieve an orderly transition to uniform direct access to coin and currency for both the private sector and the Reserve Banks. During the transition period, Federal Reserve offices may reduce access to service to existing customers as service to new customers is accommodated. Reserve Banks may also ask depository institutions to enter into agreements for regularly scheduled armored carrier service over a period of time, with advance notice for termination of the agreement.

The proposed access policy permits a Federal Reserve office to serve additional offices of depository institutions where feasible, but only if greater access to cash processing service is offered on a nondiscriminatory basis to all depository institutions via all delivery methods. At the same time, the proposed access policy recognizes the geographic and structural differences among territories served such as terrain, size of political jurisdictions and extent of branching.

The proposed 1982 fee schedules for cash transportation are shown in the Appendix. Detailed information on the endpoints contained within each zone will be made available by the Federal Reserve Banks.

By order of the Board of Governors of the Federal Reserve System, July 17, 1981.

William W. Wiles,

Secretary of the Board.

Appendix—Proposed Fee Schedule, Armored Carrier Cash Transportation Service

Effective January, 1982.

Volume charge: $0.50 per bag for each bag of coin and currency. The fee will be assessed for both deliveries and deposits of cash.

Per stop charge: Shown below.

Total charge: for a single incidence of armored carrier service, the total charge

[4] Generally, armored carrier service can be arranged on a weekly or alternate week basis.

will be the sum of the volume charge and per stop charge. The minimum total charge will be $10 per incidence for endpoints covered by the stop/volume charge structure.

Note.—There are exceptions to the $0.50 per bag charge in the St. Louis and Dallas Districts, and at the Pittsburgh and Nashville offices, where tariff rates apply.

Contact your Federal Reserve office for information about the institutions served within each zone.

Federal Reserve office	Armored carrier per stop charge in dollars				
Boston:					
Zones 1–5	29	40	62	[1] 80	83
Zone 6	[1] 107				
New York:					
Zones 1–5	35	34	29	63	42
Zones 6–10	17	30	63	37	30
Zones 11–14	35	43	24	28	
Buffalo:					
Zones 1–5	27	29	31	33	36
Zone 6	25				
Philadelphia:					
Zones 1–5	10	18	22	10	25
Zones 6–10	29	37	33	30	44
Zones 11–14	43	51	69	[1] 136	
Cleveland:					
Zones 1–5	29	15	40	40	37
Zones 6–7	46	41			
Cincinnati					
Zones 1–5	64	24	31	25	61
Zones 6–10	[1] 84	56	47	65	37
Pittsburgh:					
Zones 1–5	18	19	27	18	47
Zones 6–10	21	72	19	24	19
Pittsburgh common carrier:					
Zones 1–5	28	31	34	51	36
Zones 6–10	21	16	43	20	21
Zones 11–13	18	30	61		
Richmond:					
Zones 1–5	22	22	22	41	54
Charlotte:					
Zones 1–4	14	34	40	46	
Baltimore:					
Zones 1–5	1	27	47	25	29
Zones 6–7	[1] 80	[1] 116			
Atlanta:					
Zones 1–4	10	34	41	47	
New Orleans:					
Zones 1–5	19	46	56	63	67
Nashville:					
Zones 1–3	[2]	25	30		
Birmingham:					
Zones 1–2	12	30			
Jacksonville:					
Zones 1–3	24	34	93		
Miami:					
Zones 1–4	16	30	40	50	
Chicago:					
Zones 1–5	[2]	[2]	29	86	[1] 93
Zones 6–9	[1] 129	[1] 166	[1] 201	[1] 236	
Detroit					
Zones 1–5	[2]	23	45	74	[1] 103
Zones 6–7	[1] 132	[1] 161			
St. Louis:					
Special tariff rates apply. Contact your Federal Reserve office for information.					
Little Rock:					
Special tariff rates apply. Contact your Federal Reserve office for information.					
Memphis:					
Special tariff rates apply. Contact your Federal Reserve office for information.					
Louisville:					
Zones 1–5	9	9	27	39	[1] 225
Minneapolis:					
Zones 1–5	14	17	23	29	35
Zones 6–10	42	46	55	62	66
Zones 11–15	75	[1] 81	[1] 87	[1] 93	[1] 100
Zone 16	[1] 107				
Helena:					
Zones 1–5	10	0	18	40	55
Zones 6–10	71	[1] 86	[1] 102	[1] 117	[1] 133
Kansas City:					
Zones 1–5	17	7	66	[1] 78	73
Zones 6–7	60	60			
Denver:					
Zones 1–5	0	4	65	[1] 98	84
Zones 6–10	10	29	10	30	50
Zones 11–15	65	25	40	50	60
Zones 16–20	30	45	60	60	[1] 91
Zones 21–24	30	60	[1] 77	[1] 113	
Oklahoma City:					
Zones 1–5	1	10	6	24	9
Zones 6–10	10	23	39	47	65
Zones 11–14	15	25	26	[1] 80	64
Zones 16–18	50	[1] 86	60		
Omaha:					
Zones 1–5	6	28	47	34	46
Zones 6–8	34	41	42		
Dallas: [3]					
Zones 1–2	8	26			
Houston: [3]					
Zone 1	16				
El Paso: [3]					
Zones 1–5	6	69	72	73	83
San Antonio: [3]					
Zone 1	6				
San Francisco:					
Zones 1–5	[2]	11	[1] 76	24	14
Zones 6–10	9	11	9	23	16
Zone 11	12				
Los Angeles:					
Zones 1–5	[2]	18	13	16	15
Zones 6–10	14	17	17	16	14
Zones 11–15	12	20	12	12	20
Zones 16–20	24	[1] 93	[1] 171	63	29
Salt Lake City:					
Zones 1–5	[2]	20	6	19	47
Zones 6–8	33	39	66		
Portland:					
Zones 1–5	[2]	29	34	12	45
Zones 6–9	43	12	51		
Seattle:					
Zones 1–5	[2]	22	34	13	6
Zones 6–9	10	23	12	35	

[1] The proposed maximum 1982 per stop charge is $75, nationwide. Thus, the per stop fee charged would be $75 instead of the figure shown, which is based on full cost of service to endpoints in that zone.

[2] Specific fees will apply to each institution, and a single all-inclusive fee may be charged (instead of separate per stop and bag charges).

[3] In Texas, Oklahoma and Louisiana, armored carrier service subject to tariff rates is offered to over-the-road endpoints that are not included among the zones listed. Contact your local Federal Reserve office for more information.

Proposed Fee Schedule—Cash Transportation by Registered Mail

Effective: January, 1982.

The fee for cash delivery to or from a Federal Reserve office via registered mail will be the actual cost of postage and insurance, up to a maximum. The maximum charge for registered mail delivery, one way either to or from a Federal Reserve office, will be $37.50 per shipment.

[FR Doc. 81-21875 Filed 7-22-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Bancorp, INc.; Formation of Bank Holding Company

Citizens Bancorp, Inc., Glasgow, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 61.12 per cent or more of the voting shares of Citizens Bank and Trust Company, Glasgow, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21871 Filed 7-22-81; 8:45 am]

BILLING CODE 6210-01-M

North Fork Bancorporation, Inc.; Formation of Bank Holding Company

North Fork Bancorporation, Inc., Mattituck, New York, has applied for the Board's approval under section 3(a)(1) of the the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to The North Fork Bank and Trust Company, Mattituck, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21872 Filed 7-22-81; 8:45 am]

BILLING CODE 6210-01-M

Oppegard Agency, Inc.; Proposed Acquisition of Erskine Agency, Inc., Erskine, Minnesota

Oppegard Agency, Inc., Hinckley, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Erskine Agency, Inc., Erskine, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency located in a community with a population of less than 5,000. There activities would be performed from the offices of Applicant's subsidiary in Erskine, Minnesota, and the geographic area to be served is the town of Erskine, Minnesota, and the surrounding are within a 12-mile radius of the town. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any person wishing to comment on the application should summit view in writing to the Reserve Bank to be received no later than August 15, 1981.

Board of Governors of the Federal Reserve System, July 10, 1981.

D, Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21873 Filed 7-22-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-61]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Areawide Environmental Impact Statement (EIS) is intended to be prepared for Jacksonville, Onslow County, North Carolina as described in the appendix to this Notice. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. July 14, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

Areawide EIS for Jacksonville, Onslow County, North Carolina

The U.S. Department of Housing and Urban Development, Atlanta Regional Office intends to prepare an Areawide Environmental Impact Statement for an anticipated growth area of Jacksonville and solicits information and comments for consideration in the Areawide EIS.

Description. The preliminary definition of the project area is as follows: that portion of the City of Jacksonville and Onslow County bounded by State Highway 258/24 to the West, State Highway 24 (Lejeune Boulevard) to the South, and all portions in between which are contained by a radius of 6 miles centered on the Jacksonville CBD.

Need. Due to the numerous HUD actions anticipated in the growth area of Jacksonville (Onslow County), North Carolina, the Department intends to prepare an Areawide Environmental Impact Statement (EIS) for that portion of the County lying generally to the north of the current City limits. Two Title X (Mortgage Insurance for Site Development) applications in this area have been suspended pending final completion of this EIS. These developments include the Piney Green Development (420 lots) and the White Oaks Estates (500 units). Although separately these developments do not exceed the HUD 500 unit threshold mandating an EIS, the potential aggregate of these and future developments will collectively pose probable, significant impacts to the local environment.

Scoping. HUD will hold two scoping meetings, the first was held in the Council Chambers of the Jacksonville City Hall, 208 Marine Blvd., Jacksonville, North Carolina and the second is scheduled to be held on or before August 10, 1981 at the HUD Greensboro Area Office, 415 North Edgeworth Street, Greensboro, North Carolina.

Comments. Comments should be forwarded within or or before August 10, 1981 to: Mr. John Ogden, Environmental Protection Specialist, U.S. Department of Housing and Urban Development, R.I.E.A.T.—Room 634, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone Number (404) 221–5151 or (FTS) 242–5151.

[FR Doc. 81-21583 Filed 7-22-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-62]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Countryside Subdivision, Rapid City, Pennington County, South Dakota. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies

planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., July 14, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

Environmental Impact Statement on Countryside Subdivision

The HUD Area Office in Denver, Colorado intends to prepare an EIS on Countryside Subdivision, described below and requests information and comments for consideration in the EIS.

Description. Approximately 735 dwelling units (single-family and multi-family) will be built in Pennington County, approximately 3½ miles southwest of Rapid City, South Dakota on the north side of Sheridan Lake Road.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This Notice will also appear in a paper of local circulation in Rapid City, South Dakota.

Comments. Comments should be forwarded within 21 days of publication of this Notice in the **Federal Register** to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202.

[FR Doc. 81-21594 Filed 7-22-81; 8:45 am]

BILLING CODE 4210-01-M

Bureau of Indian Affairs

Washoe Indian Reservation, California and Nevada; Amendment to Ordinance Regulating the Introduction, Possession, and Sale of Intoxicating Beverages

July 7, 1981.

This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following amendment to the Washoe Liquor Ordinance published February 10, 1976, relating to the application of the Federal Indian liquor laws on the Washoe Indian Reservation of California and Nevada, was adopted on June 8, 1979, by the Washoe Tribal Council which has jurisdiction over the area of Indian country included in the amended ordinance, reading as follows:

Kenneth Smith,

Assistant Secretary—Indian Affairs.

Washoe Tribe of Nevada and California

Ordinance Legalizing the Introduction, Possession, Use and Consumption of Alcoholic Beverages. February 3, 1976.

Be it enacted by the Tribal Council of the Washoe Tribe of Nevada and California, pursuant to the authority vested in it by Article VI, Section I(f) of the Constitution of the Washoe Tribe of Nevada and California that the introduction, possession, use and consumption of alcoholic beverages shall be lawful within the exterior boundaries of those lands in the States of Nevada and California under the territorial jurisdiction of the Washoe Tribe of Nevada and California.

Provided, that such introduction, possession, use and consumption shall be in accordance with the following:

Section 1. It shall be unlawful to sell alcoholic beverages by the bottle, can or package, except on the premises of business operated and licensed by the Washoe Tribe.

Section 2. It shall be unlawful to use or consume any alcoholic beverages in a motor vehicle while such vehicle is being driven.

Section 3. It shall be unlawful to possess any open bottle, can, package, or container of alcoholic beverage in the passenger compartment of a motor vehicle when such vehicle is being driven.

Section 4. It shall be unlawful for any person actually under the influence of alcoholic beverages to possess, use or consume alcoholic beverages.

Section 5. It shall be unlawful for any person to furnish any alcoholic beverage to any person under the age of twenty-one (21) or to leave or to deposit any alcoholic beverages with the intent that the alcoholic beverages shall be procured by any person under the age of twenty-one (21) years.

Section 6. It shall be unlawful for any person under the age of twenty-one (21) years of age to introduce, possess, use or consume alcoholic beverages.

Section 7. Any Indian who violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not more than $50 or by imprisonment of not more than ten (10) days or both such fine and imprisonment: Provided, however, that any person under the age of eighteen (18) years may, in the discretion of the judge, be treated as a juvenile and have the charge(s) disposed of pursuant to 25 CFR 11.36.

Section 8. All ordinances, resolutions, or acts that have previously been enacted by the Washoe Tribal Council which are in conflict with any provision of this ordinance are hereby repealed.

Certification

It is hereby certified that the Washoe Tribe Council is the governing body of the Washoe Tribe of Nevada and California composed of nine (9) members who were present at a special meeting duly held on the 6th day of June, 1979 and the foregoing amendment was adopted by the affirmative vote of 6 for 0 opposed 3 abstentions pursuant to the authority contained in Article VI, Section I(f) of the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California.

Dated: July 3, 1979.

Clare L. Smokey,

Secretary/Treasurer.

[FR Doc. 81-21523 Filed 7-23-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos.: A-15984, A-15985, A-15986]

Arizona; Classification of Public Lands for State Indemnity Selection

In **Federal Register** document 81-15018 appearing on page 27562 of the issue for May 20, 1981, the following changes should be made for application A-15985:

Under T. 3 S., R. 4 W., Section 11: Lots 1-15, 25, 26, 27, 30-35, 37-42, 45, 46, 47, 64, 66-70, 74-78, 81-86, N½NE¼, S½SE¼SW¼, S½S½SE¼, S½S½SE¼ should be Lots 1-15, 25, 26, 27, 30-35, 37-42, 45, 46, 47, 64, 66-70, 74-78, 81-86, N½NE¼, S½SE¼SW¼, S½S½SE¼.

M. J. Schnitker,

Acting District Manager.

[FR Doc. 81-21532 Filed 7-22-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Release of the Dillon Mesa Wilderness Inventory Unit From the Wilderness Review Process

I hereby announce my final revised intensive inventory decision for the Dillon Mesa wilderness inventory unit (CO-030-063) under the authority of Section 603 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579), in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78-61, Change 3, and Instruction Memorandum No. 81-451. This notice also announces a protest period on my final intensive wilderness inventory decision for Dillon Mesa which begins on the date of this announcement and ends August 20, 1981.

The Dillon Mesa unit was originally identified as a 2,520 acre Wilderness Study Area as these BLM lands were bounded by U.S. Forest Service RARE II lands proposed for wilderness designation. Pub. L. 96-560, commonly referred to as the Colorado Wilderness Act, released these contiguous U.S. Forest Service lands from further wilderness consideration on December 22, 1980. Therefore, Dillon Mesa is no longer contiguous to lands under wilderness study for possible designation within the National Wilderness Preservation System.

This notice hereby rescinds my previous decision on Dillon Mesa as announced by Publication in the **Federal Register**, Vol. 45, No. 222, Friday, November 14, 1980 and Vol. 46, No. 2, Monday, January 5, 1981. The final intensive wilderness inventory decision on Dillon Mesa will become effective on August 20, 1981.

Persons wishing to protest my decision announced herein must file a written protest with the Colorado State Director, Colorado State Office, Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205, on or before 4:00 p.m. August 20, 1981. Only those protests received by the Colorado State Office by the time and date specified will be accepted. The protest must include a clear and concise statement of the reasons for the protest, as well as data to support the reasons stated. The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest may appeal such decision under the provisions of 43 CFR Part 4. Information on the Dillon Mesa wilderness inventory unit can be obtained by contacting BLM personnel at the following location: Montrose District Office, 249-7791, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81402; District Manager: Marlyn V. Jones, Wilderness Specialist: Jon Wesley Sering.

In Denver contact: Colorado State Office, 2000 Arapahoe Street, Denver, Colorado 80205; State Wilderness Coordinator: Harold Belisle, 837-3393.

Dated: July 21, 1981.

George C. Francis,

State Director, Colorado, Bureau of Land Management, Denver, Colorado.

[FR Doc. 81-21539 Filed 7-22-81; 8:45 am]

BILLING CODE 4310-84-M

Miles City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City District Grazing Advisory Board will be held September 2, 1981. The meeting will begin at 10:00 a.m. in the conference room at the Miles City District Bureau of Land Management Office, West Highway 10-12, Miles City, Montana.

The agenda is as follows:

(1) Allotment Management Plans

(a) Resource Management Plan status

(b) Environmental Impact Statement status

(2) Range improvements for fiscal year 1982

(3) Draft federal range management policy

The meeting is open to the public. The public may make oral statements before the Grazing Advisory Board or file written statements for the board's consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the Bureau of Land Management District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Ray Brubaker,

District Manager.

[FR Doc. 81-21531 Filed 7-22-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 46404]

New Mexico; Proposed Withdrawal and Reservation of Lands

July 15, 1981.

The Corps of Engineers, Department of the Army, on June 29, 1981, filed application Serial No. NM 46404, for the withdrawal and reservation of the following described lands:

New Mexico Principal Meridian

T. 17 S., R. 8 E.,

A strip of land situate in the N½ of Section 27 and the NE¼ of Section 28, being 5,026.63 feet long and 150.00 feet wide, lying 60.00 feet on the northerly side of and 90.00 feet on the southerly side of the following described centerline:

Beginning from a point on the west boundary of Holloman Air Force Base, said point bears S 80° 22' 35" W, a distance of 1,337.75 feet from the section corner common to Sections 22, 23, 26 and 27;

Thence S 41° 46' 42" W a distance of 55.86 feet to a point;

Thence S 41° 41' 37" W a distance of 916.57 feet to a point;

Thence S 83° 24' 21" W a distance of 3,544.25 feet to a point;

Thence N 39° 05' 40" W a distance of 510 feet to the Point of Termination.

A strip of land 1,433.00 feet in length and 20.00 feet in width situate in the NE¼ of Section 21. Commencing from the section corner common to Sections 15, 16, 21 and 22, south 56° 30' 00" west a distance of 2,080.00 feet to a point; thence south 63° 45' 00" east a distance of 450.00 feet to the true Point of Beginning for said tract;

Thence continuing S 63° 45' 00" E a distance of 470.00 feet to a point;

Thence S 14° 00' 00" E a distance of 718.00 feet to a point;

Thence S 10° 00' 00" E a distance of 245.00 feet to the Point of Termination for this parcel.

A tract of land situate in the S½S½NE¼ of Section 21. Commencing from the section corner common to Sections 15, 16, 21 and 22, thence south 56° 30' 00" west a distance of 2,080.00 feet to a point; thence south 63° 45' 00" east a distance of 920.00 feet to a point; thence south 14° 00' 00" east a distance of 718.00 feet to a point; thence south 10° 00' 00" east a distance of 245.00 feet to the true Point of Beginning, said Point of Beginning being the northeast corner of said parcel;

Thence continuing S 10° 00' 00" E a distance of 175.00 feet to a point, said point being the southeast corner of said parcel;

Thence S 89° 52' 00" W a distance of 660.00 feet to a point, said point being on the 16th line of Section 21;
Thence N 00° 42' 00" E along the east 16th line of Section 21, a distance of 173.00 feet to a point, said point being the northwest corner of said parcel;
Thence N 89° 52' 00" E a distance of 620.00 feet to the Point of Termination for said parcel.

A tract of land situate in the NE¼ and N½SE¼ of Section 28, being more particularly described as follows:
All of the W½NE¼ except the SW¼SW¼SW¼NE¼, W½E½NE¼, SW¼SW¼NE¼NE¼NE¼, W½W½E½SE¼NE¼, NE¼NW¼NE¼NW¼SE¼, N½NE¼NE¼NW¼SE¼, N½NW¼NW¼NE¼SE¼, N½NE¼NW¼NE¼SE¼, SE¼NE¼NW¼NE¼SE¼, NE¼SE¼NW¼NE¼SE¼, NW¼SW¼NE¼NE¼SE¼, W½NW¼NE¼NE¼SE¼.
Sec. 21, E½NW¼NE¼.
The area described contains approximately 173.00 acres in Otero County.

The applicant desires the area for the use and benefit of the U.S. Department of the Air Force, and will be operated as a sewage treatment and disposal system for Holloman Air Force Base, New Mexico.

On or before August 17, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned before August 17, 1981. Upon a determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing.

Public hearings are scheduled and conducted in accordance with Bureau of Land Management Manual, Section 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will ensure that the area sought is the minimum essential to meet the desired needs while providing for the maximum concurrent utilization of the lands for other purposes.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn and reserved as requested. The determination of the Secretary on the application will be published in the Federal Register. The Secretary's determination shall, in a proper case, be subject to the provisions of Section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

Subject to valid existing rights, the lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall continue for a period of 2 years from the date of publication of the notice in the Federal Register, unless sooner terminated by action of the Secretary of the Interior. If the withdrawal is approved by the Congress, it will be segregated for a period of 20 years from date of approval.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,
Chief, Division of Technical Services.

[FR Doc. 81-21530 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

Grazing Environmental Impact Statement for Henry Mountain Planning Area; Public Workshop

July 16, 1981.

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of public workshops. Notice of intent to prepare grazing environmental impact statement for Henry Mountain Planning Area.

SUMMARY: Notice is hereby given that the Bureau of Land Management will hold public workshops on August 25, 1981 at the Hanksville Elementary School, Hanksville, Utah, and August 26, 1981 at the Salt Palace, Room 220, in Salt Lake City, Utah. Both workshops will begin at 7:30 p.m.

The purpose of the workshop is:

(1) *Discussion and Public Comment on resource management alternatives for the Henry Mountain Planning Area.* The alternatives will address management of minerals, recreation, forestry, fire, livestock grazing, wildlife habitat, soil, and water.

(2) *Discussion and public comment on wilderness suitability reports for each of 10 wilderness study areas in the Henry Mountain Resource Area.* These 10 wilderness study areas are:

Henry Mountain Planning Area:
- UT-050-236A, Dirty Devil
- UT-050-236B, French Spring-Happy Canyon
- UT-050-237, Horseshoe Canyon
- UT-050-238, Blue Hills-Mt. Ellen
- UT-050-241, Fiddler Butte
- UT-050-242, Bull Mountain
- UT-050-247, Little Rockies
- UT-050-248, Mt. Pennell
- UT-050-249, Mt. Hillers

Parker Mountain Planning Unit:
- UT-050-221, Fremont Gorge

The wilderness suitability reports include an analysis of at least four alternatives for each Wilderness Study Area. These alternatives are (1) all wilderness, (2) partial wilderness, (3) no wilderness, (4) no action.

(3) *Scoping of issues and alternatives for an Environmental Impact Statement to be prepared on the rangeland program in the Henry Mountain Planning Area.*

Background

The Henry Mountain Planning Area consists of 1,621,512 acres of BLM-administered land in Wayne and Garfield Counties, Utah. BLM also administers the livestock grazing program on the adjacent Glen Canyon National Recreation Area and Capitol Reef National Park.

Comments

Comments will be accepted at the public workshops. For persons unable to attend the workshops, public comment packets will be available on request after August 25, 1981 from the Public Information Officer, Richfield District Office, Bureau of Land Management, Box 768, Richfield, Utah 84701, or telephone (801) 896-8221. Written comments will be accepted until September 28, 1981 at the Richfield District Office.

FOR FURTHER INFORMATION CONTACT: Public Information Office, Bureau of Land Management, Box 768, Richfield, Utah 84701.

Donald L. Pendleton,
District Manager.

[FR Doc. 81-21581 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

Utah; Moon Lake Power Plant Decision Issued by BLM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces BLM's decision authorizing issuance of rights-of-ways and other federal land uses associated with construction of the Moon Lake Power Plant Project (Units 1 and 2) northwest of Bonanza in Uintah County by Deseret Generation and Transmission Cooperative. The project also involves the development and operation of an underground coal mine northeast of Rangely, Colorado, by Western Fuels-Utah, Inc.

The BLM authorizations included approval of the following: land sale and rights-of-way for the Bonanza power plant site; a railroad right-of-way for transportation of coal from the mine in Colorado to power plant site in Utah; rights-of-way for a pipeline from the Green River to the power plant; rights-of-way for a pipeline from the White River in Colorado to the coal mine; rights-of-way for one 345-kilovolt transmission line from the power plant to a proposed substation near Mona, Utah, in Juab County; approval of a double circuit design for the 345-kilovolt line; and approval of use of public lands for three routes proposed by the applicant for a 138-kilovolt transmission system.

The BLM decision follows review of the final environmental impact statement (FEIS) issued May 1, 1981. The FEIS was the result of more than a year of study by several agencies and consultants. It was prepared by BLM's Richfield (Utah) District and the Rural Electrification Administration (REA), with the assistance of the Forest Service (FS), Office of Surface Mining (OSM), and other cooperating agencies.

The BLM Decision Option Document and Record of Decision are available to the public from the following offices:

BLM Washington Office (W-332), Board of Trade Building—Room 508, 1129 20th Street, N.W., Washington, D.C. 20240 phone (202)343-5441.

BLM Utah State Office, Project Management Staff, 136 East South Temple, Salt Lake City, Utah 84111 phone (801)524-5645.

FOR FURTHER INFORMATION CONTACT: Dell Waddoups, BLM, Utah State Office (801) 524-5645.

Dated: July 16, 1981.

Dean Stepanek,
Acting Utah State Director.

[FR Doc. 81-21585 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

[NM 44130 OK]

New Mexico; Request for Public Comment

July 17, 1981.

Department of the Interior, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The coal resource to be evaluated consists of all the coal mineable by surface methods from the Upper and Lower Hartshorne coal beds in the following described land located south of the town of Milton in Le Flore County, Oklahoma:

T. 8 N., R. 23 E., I.M., Oklahoma
Sec. 21: SE¼NE¼, N½NE¼SE¼;
Sec. 22: N½NE¼, N½SW¼NE¼, S½NW¼.
Containing 240 acres.

The estimated total strippable reserves are 162,000 short tons. The average coal quality of both seams in this land is as follows (as received): BTU-13,083; sulfur—2.15 percent; and ash—7.17 percent. The combined Upper Hartshorne and Lower Hartshorne coal beds average 5.3 feet thick over 28 acres of the described lands.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and to the Conservation Manager, South Central Region, Conservation Division, U.S. Geological Survey, P.O. Box 26124, Albuquerque, New Mexico 87125 to arrive no later than 30 days of the date of this notice.

Larry Woodard,
Associate State Director.

[FR Doc. 81-21582 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

[Serial No. I-3378]

Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, serial number I-3378, for withdrawal and reservation of lands was published as Federal Register Document No. 70-2376 on page 3828 of the issue for February 27, 1970. The Bureau of Reclamation has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 8:00 a.m. on August 20, 1981 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

T. 1 N., R. 43 E.
Sec. 1, Lots 5, 6, 9, 10, 11, 30, 43, 44, 45, 46, 48, 49, 50, 51, 55, 58, 61, 66, 69, 70, 73, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 91, 92, 93, 96.

The area described aggregates 70.74 acres in Bonneville County.

William E. Ireland,
Acting Chief, Branch of L&M Operations.

[FR Doc. 81-21580 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

Wyoming and Montana; Adoption of Regional Lease Target

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Under the Federal coal management regulations (43 CFR 3420.3-2(f)), the Secretary of the Interior has the responsibility for establishing a Federal coal leasing target for each of the Federal coal production regions. This notice is to inform the public that on June 22, 1981, the Assistant Secretary for Land and Water Resources, Department of the Interior, adopted a leasing target of 1.4 to 1.5 billion tons of recoverable Federal coal reserves for the Powder River Federal Coal Production Region. The 1.4 to 1.5 billion ton level will be reflected as the preferred alternative in the Regional Environmental Impact Statement. The target is to achieve 1990 production levels and to promote competition in the region.

The target was arrived at after analyzing potential production from current and projected mining operations in the region, after extensive public hearings, and after consultation with State and local officials and the Department of Energy and Justice.

FOR FURTHER INFORMATION CONTACT: Robert O. Buffington, Regional Coal Team Chairperson, 208-324-1401, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724, or J. Stan McKee, Project Manager, 307-778-2220, extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

F. William Eikenberry,
Associate Director.

[FR Doc. 81-21586 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

Wyoming and Montana; Powder River Regional Coal Team Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Powder River Regional Coal Team will meet October 2, 1981, to formally review the Draft Environmental Impact Statement and all public comments received. The team will also review their selection of alternatives.

Public attendance at the regional coal team meeting is welcome and encouraged. The opportunity for the public to address the regional coal team will be provided during the meeting.

DATE: The regional coal team meeting will be held October 2, 1981, in Billings, Montana. The meeting is expected to last 1 day and will begin at 9 a.m.

ADDRESS: The meeting will held in the Prospector Room at the Ramada Inn, I-90 and Mullowney Lane, Billings, Montana 59102.

FOR FURTHER INFORMATION CONTACT: Robert O. Buffington, Regional Coal Team Chairperson, 208-324-1401, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724, or J. Stan McKee, Project Manager, 307-778-2220, extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

F. William Eikenberry,
Associate Director.

[FR Doc. 81-21585 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

Salt Lake District Grazing Advisory Board

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Salt Lake District Grazing Advisory Board will be held on August 4 and 5, 1981.

The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management, Randolph, Utah.

The purpose of the meeting will be to give advice and recommendations for the expenditure of the district's Range Betterment Funds and review and to give recommendations on Allotment Management Plans that are being developed.'

The meeting is open to the public. Interested persons may make oral statements between 10:00 to 11:00 a.m. on August 4th or file written statements for board's consideration. Anyone wishing to make oral statements must notify the District Manager, 2370 South 2300 West, Salt Lake City, UT 84119, by July 31, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the board will be maintained at the District Office and be available for public inspection and reproduction (during business hours) within 30 days following the meeting.

Date Signed: July 13, 1981.

Sammy J. St. Clair,
Acting District Manager.

[FR Doc. 81-21533 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-84-M

Fish and Wildlife Service

Intent of the U.S. Fish and Wildlife Service To Prepare Regional Resource Plans

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service intends to gather and analyze information necessary to develop Regional Resource Plans. During this planning process the Service will encourage public participation and interagency coordination; opportunities will be provided by each Regional Office.

DATE: Plan development will begin August 1, 1981, and final plans are scheduled for completion by March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Those persons, organizations, or agencies who desire additional information shold contact the persons listed below.

Region 1

Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Bldg., Suite 1692, 500 N.E. Multnomah St., Portland, OR 97232, FTS: 429-6118, Commercial: 503/231-6118.

States Which Are Included in Region 1

Washington, Oregon, California, Nevada, Idaho, and Hawaii.

Region 2

Regional Director, U.S. Fish and Wildlife Service, 500 Gold Ave, SW., P.O. Box 1306, Albuquerque, NM 87103, FTS 474-2321, Commercial: 505/766-2321

States Included in Region 2

Texas, New Mexico, Oklahoma, and Arizona.

Region 3

Regional Director, U.S. Fish and Wildlife Service, Federal Bldg., Fort Snelling, Twin Cities, MN 55111, FTS: 725-3563, Commercial: 612/725-3563.

States Included in Region 3

Indiana, Michigan, Ohio, Iowa, Illinois, Missouri, Minnesota, and Wisconsin.

Region 4

Regional Director, U.S. Fish and Wildlife Service, Richard B. Russell Federal Bldg., 75 Spring St., SW., Atlanta, GA 30303, FTS: 242-3588, Commercial: 404/221-3588.

States Included in Region 4

Florida, Alabama, Georgia, Arkansas, Louisiana, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands.

Region 5

Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, MA 02158 FTS: 829-9200, Commercial: 617/965-5100, X200.

States Included in Region 5

Delaware, Maryland, Virginia, West Virginia, District of Columbia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, Pennsylvania, and New York.

Region 6

Regional Director, U.S. Fish and Wildlife Service, 134 Union Blvd., P.O. Box 25486, Denver Federal Center, Denver, CO 80225, FTS: 234-2209, Commercial: 303/234-2209.

States Included in Region 6

Montana, North Dakota, Wyoming, Nebraska, South Dakota, Kansas, Colorado, and Utah.

Region 7

Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Ankorage, AK 99503, FTS: (Seattle) 399-0150, Commercial: 907/263-3534.

States Included in This Region

Alaska.

SUPPLEMENTARY INFORMATION: Regional resource plans (RRPs) serve in the Fish and Wildlife Service Planning System as a critical link, trying national direction with field operational activities. Regional resource planning distills broad and complex national desires into meaningful guidance applicable to a particualr geographic area. Specific outputs of this planning effort includes: regional fish and wildlife objectives; the identification of problems impeding their accomplishment; a statement of alternative means (strategies) to resolve these probelms, and a list of specific operational activities to implement the strategies. The result is a solid analytical base for decision-making and an excellent tool to communicate decisions, once they are made. The RRP should facilitate the exchange of information with the Service and coordination with other agencies and interested public. RRPs will also form the basis for budget development.

F. Eugene Hester,
Acting Deputy Director.

[FR Doc. 81-21541-filed 7-22-81; 8:45 am]
BILLING CODE 4310-55-M

Geological Survey

Safety and Offshore Oil; Correction

AGENCY: Geological Survey, Interior.

ACTION: Erratum notice.

SUMMARY: The U.S. Geological Survey, in consultation with the U.S. Coast Guard, is conducting a study of the adequacy of existing safety and health regulations and of the technology available for exploration, drilling, development, and production of oil and gas on the Outer Continental Shelf (OCS). The study is required by section 21 of the OCS Lands Act (43 U.S.C. 1357). By Notice published in the **Federal Register** on June 25, 1981 (46 FR 32885), public comments concerning the contents of the study were sought. However, due to an inadvertent error, the Notice was headlined as pertaining to 30 CFR Chapter II and was labelled an "Advanced Notice of Proposed Rulemaking." The heading should have read solely "Request for Comments."

Robert L. Rioux,
Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81-21488-filed 7-22-81; 8:45 am]
BILLING CODE 4310-13-M

Office of the Secretary

Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of Performance Review Board Appointments.

SUMMARY: This Notice provides the names of those individuals who have been appointed to serve as members of the Department of the Interior Performance Review Boards. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95-454; 5 U.S.C. 4314(c)(4)).

DATE: These appointments are effective on July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Morris A. Simms, Director of Personnel, Office of the Secretary, Department of the Interior, Room 5201, 1800 C Streets, NW., Washington, D.C. 20240, Telephone number 343-6761.

Departmental PRB

Donald Paul Hodel, Chairperson
J. Robinson West (NC)
Arnold Petty (Career)
Stanley Hulett (NC)
Emily DeRocco (NC)
Sidney L. Mills (Career)
F. Eugene Hester (Career)

Office of the Secretary

Steven Shipley (NC), Chairperson
William Horn (NC)
Douglas P. Baldwin (NC)
Newt Frishberg (Career)
John Fulbright (Career)
Derrell P. Thompson (Career, Field)
Diane K. Morales (NC)

Assistant Secretary—Indian Affairs

Theodore Krenzke (Career), Chairperson
Roy H. Sampsel (NC)
Stanley Speaks (Career, Field)
Maurice W. Babby (Career)

Solicitor

William H. Satterfield (NC), Chairperson
Donald Tindal (NC)
Raymond Sanford (Career, Field)
W. Pierce Elliott (Career)

Assistant Secretary—Policy, Budget and Administration

Richard R. Hite (Career), Chairperson
Morris Simms (Career)
Alan Powers (Career)

Assistant Secretary for Fish and Wildlife and Parks

Cleo F. Layton (Career), Chairperson
J. Craig Potter (NC)
Howard Larsen (Career, Field)
Robert Baker (Career, Field)
Ira Hutchison (Career)
Ronald Lambertson (Career)

Assistant Secretary—Energy and Minerals

William P. Pendley (NC), Chairperson
Doyle Frederick (Career)
Ed Grant (Career)
Frank Block (Career, Field)
J. Stephen Griles (NC)
Dean K. Hunt (NC)
Betty A. Miller (Career)

Assistant Secretary—Land and Water Resources

David Russell (NC), Chairperson
Ed Hastey (Career)
Eugene Hinds (Career)
George Francis (Career, Field)
David Houston (NC)
James Flannery (Career)
Sandra Blackstone (NC)

Dated: July 13, 1981.
Richard R. Hite,
Deputy Assistant Secretary of the Interior.
[FR Doc. 81-21594 Filed 7-22-81; 8:45 am]
BILLING CODE 4310-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7329.

Volume No. OPY-5-106

Decided: July 14, 1981.

MC 29328 (Sub-11), filed June 29, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. Transporting *metal and metal products*, between the facilities used by Alumax, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 43269 (Sub-75), filed June 30, 1981. Applicant: WELLS CARGO, INC., 1775 East 4th St., Reno, NV 89512. Representative: David N. Inwood, P.O. Box 1511, Reno, NV 89505, 702-329-0061. Transporting *chemicals and related products*, between points in NV on the one hand, and, on the other, points in AR, TX and WY.

MC 109448 (Sub-33), filed June 29, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turaon, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of heating and air-conditioning units, between St. Louis, MO, on the one hand, and, on the other, points in the U.S.

MC 114028 (Sub-40), filed July 1, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312-236-9375. Transporting *chemicals*, between points in the U.S. under continuing contract(s) with Chemidyne Corp. of Macedonia, OH.

MC 120888 (Sub-3), filed June 30, 1981. Applicant: SHEPARD'S EXPRESS, INC., 207 Mill St., Leominster, MA 01453. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760, 301-840-8565. Transporting *general commodities* (except classes A and B explosives), between points in NH and MA, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 123389 (Sub-62), filed June 30, 1981. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612-227-7731. Transporting *food and related products*, between points in Saline County, MO, on the one hand, and, on the other, points in the U.S.

MC 134798 (Sub-10), filed June 24, 1981. Applicant: BLAIR CARTAGE, INC., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, (614) 224-2477. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The B.F. Goodrich Company of Akron, OH.

MC 140729 (Sub-7), filed June 5, 1981. Applicant: RUSS EDIGER TRUCKING, INC., 4001 Martindale Rd., Sioux Falls, SD 57107. Representative: Russ Ediger (same address as applicant), (605) 336-7553. Transporting *food and related products*, between points in Pennington County, SD, on the one hand, and, on the other, points in MN, NE, and WY.

MC 142268 (Sub-48), filed June 18, 1981. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1GO. Representative: Thaddeus A. Gorski (same address as applicant), (519) 948-4121. Transporting *alcoholic beverages* (a) between points in Wayne County, MI, Hartford County, CT, San Mateo County, CA, and McCracken County, KY, and (b) between points in part (a), on the one hand, and, on the other, points in the U.S.

MC 144398 (Sub-11), filed July 1, 1981. Applicant: WAYNE TRANSPORTS, INC., Box 67, Milaca, MN 56353. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *commodities in bulk*, between points in MT, WY, ND, SD, NE, MN, IA, MO, WI, IL, MI, and IN.

MC 144779 (Sub-9), filed July 1, 1981. Applicant: AHA, INC., Box 158, Panguitch, UT 84759. Representative: Glen M. Hatch, 80 West Broadway, Suite 300, Salt Lake City, UT 84101, 801-328-1666. Transporting (1) *furniture and fixtures*, and (2) *metal products*, between points in Iron County, UT, on the one hand, and, on the other, points in Maricopa County, AZ under continuing contract(s) with Morton Metalcraft of Cedar City, UT.

MC 144858 (Sub-46), filed June 29, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, (402) 348-0832. Transporting *such commodities* as are dealt in by manufacturers and distributors of alcoholic beverages, between points in the U.S.

MC 145228 (Sub-2), filed June 29, 1981. Applicant: AUGUST D. BADALI, JR., d.b.a. A & M CARTAGE, 17401 Odell St., Tinley Pk., IL 60477. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236-8225. Transporting *fly ash*, (a) between Chicago, IL, on the one hand, and, on the other, points in MI, MS, WI, and AL, and (b) between points in Lake County, IL, on the one hand, and, on the other, points in WI.

MC 145468 (Sub-48), filed June 29, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 & Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. (402) 397-7033. Transporting *such commodities* as are dealt in by manufacturers and distributors of printed matter, paper and paper products, between points in the U.S., under continuing contract(s) with Baldwin Paper Company, Division, Alco Standard Corporation, of New York, NY.

MC 145829 (Sub-29), filed June 30, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Julius J. Schaefer Associates, of Englewood, NJ. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

Volume No. OPY-5-107

Decided: July 14, 1981.

MC 147259 (Sub-17), filed June 29, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 Van Dam Rd., South Holland, IL 60473, 312-596-9200. Transporting *printed matter*, between points in the U.S.

MC 148018 (Sub-7), filed June 29, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O.B. 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. B. 1576, Boise, ID 83701, (208) 343-3071. Transporting (1) *building materials*, and (2) *lumber and wood products* (except those in (1)), between points in ID, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 153509 (Sub-3), filed June 25, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202, (502) 584-5519. Transporting *general commodities* (except classes A and B explosives), between Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153759 (Sub-2), filed June 22, 1981. Applicant: GLOUCESTER DISPATCH, INC., 150 Eastern Ave., Gloucester, MA 01930. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *foodstuffs*, between points in the U.S. under continuing contract(s) with The Gorton Group, a division of General Mills, Inc., of Minneapolis, MN.

MC 155828 (Sub-1), filed June 25, 1981. Applicant: PAC-TRANS, INC., 1900 Powell St., Emeryville, CA 94608. Representative: Donald E. Cross, 918 16th Street NW., Suite 700, Washington, D.C. 20006, (202) 785-3700. Transporting *general commodities* (except classes A and B explosives), between points in CA, OR, WA, NV, and ID.

MC 156069, filed June 29, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603, (312) 782-8880. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Container Express, Inc., of Chicago, IL.

MC 156379, filed June 26, 1981. Applicant: RONALD HAGEMAN, d.b.a. HAGEMAN ENTERPRISES, R.R. #1, Box 259-22, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *trailers* designed to be transported by passenger automobiles, and *buildings* complete or in sections, mounted on wheel undercarriages, between points in IA, IL, and MO.

MC 156698, filed June 22, 1981. Applicant: HAROLD MYERS AND VIOLA MYERS, d.b.a. HAROLD MYERS TRUCKING, 28011 228th Ave. S.E., Maple Valley, WA 98038. Representative: Harold Myers (same address as applicant), (206) 432-0997. Transporting *concrete products*, between points in the U.S., under continuing contract(s) with Centrecon, Inc., of Everett, WA.

MC 156719, filed June 22, 1981. Applicant: LEE TRANSPORT, INC., 34 Troy St., Auburn, ME 04210. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773-5651. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, and VT, on the one hand, and, on the other, those points in the U.S. in and east of OH, WV, VA, and NC.

MC 156899, filed June 26, 1981. Applicant: CAROL DIXON, d.b.a. CAD BUILDING SUPPLIES, 9715 N.E. Prescott, Portland, OR 97220. Representative: Carol Dixon (same address as applicant), 503-257-9152. Transporting (1) *lumber and wood products;* (2) *pulp, paper, and related products;* (3) *building materials;* (4) *machinery;* and (5) *transportation equipment*, between points in AL, CA, ID, MS, OR, and WA.

MC 156939, filed June 25, 1981. Applicant: KANATA CARRIERS, INC., 2203 Dunwin Dr., Mississauga, Ontario, Canada L5L 1X2. Representative: Ronald N. Cobert, 1730 M St., NW, Suite 501, Washington, D.C. 20036, 202-296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Interamerican Transport Systems, Inc., of Mississauga, Ontario, Canada.

MC 156949, filed June 30, 1981. Applicant: SHAW BUS SERVICE, INC.,

6523 Baltimore National Pike, Baltimore, MD 21228. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at Baltimore, MD, and points in the commercial zone, and extending to points in the U.S.

MC 156958, filed July 1, 1981. Applicant: MAGIC CARPET TOURS, INC., 360 W. Office Bldg., Suite 212, 7206 Hull St. Road, Richmond, VA 23235. Representative: Charlotte June Smith (same address as applicant), 804–745–3396. To operate as a *broker* in Chesterfield, Hanover, Powhatan and Henrico Counties, VA arranging for the transportation of passengers and their baggage, by motor vehicle, between points in VA on the one hand, and, on the other, points in the U.S.

MC 156988, filed June 30, 1981. Applicant: CLIFFORD VAN DE BRAKE, Rt. 3, Box 3752, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *malt beverages and wine*, between points in Umatilla, Morrow, Baker and Union Counties, OR, and Walla Walla County, WA, on the one hand, and, on the other, points in CA.

MC 156989, filed July 2, 1981. Applicant: ADVANCED TRANSPORTATION SYSTEMS, INC., 18 Tremont St., Boston, MA 02108. Representative: Angelo P. Catanzaro (same address as applicant), (617) 426–7100. Transporting *general commodities* (except classes A and B explosives), between points in MA, ME, NH, VT, CT, RI, NY, NJ, and PA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–5–108

Decided: July 15, 1981.

MC 468 (Sub-27), filed June 29, 1981. Applicant: BREMAN'S EXPRESS COMPANY, 318 Haymaker Rd., Monroeville, PA 15146. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., 5th Floor, Pittsburgh, PA 15219, (412) 281–1980. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 989 (Sub-42), filed June 29, 1981. Applicant: IDEAL TRUCK LINES, INC., 416 East Holme, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 East 50th Ave., Commerce City, CO 80022, (303) 287–5519. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Salina, KS and Colby, KS over Interstate Hwy 70, serving all intermediate points and the off-route points of Hill City and Oakley, KS.

MC 108649 (Sub-21), filed June 29, 1981. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, IL 61614. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603, (312) 236–0375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 140389 (Sub-98), filed June 29, 1981. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027, (404) 363–8584. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, and NM, on the one hand, and, on the other, Chattanooga, TN, points in Warren County, KY, and points in GA, NC, and TX.

MC 143059 (Sub-182), filed June 29, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 584–2301. Transporting *general commodities* (except classes A and B explosives), between those points in KY on and west of Interstate Hwy 75 and those in IN on and south of U.S. Hwy 50, on the one hand, and, on the other, points in the U.S.

MC 152238 (Sub-15), filed July 2, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), 916–436–2266. Transporting *lumber and wood products*, between points in CA, OR, WA, ID, MT, and WY, on the one hand, and, on the other, points in the U.S.

MC 154728 (Sub-1), filed July 6, 1981. Applicant: HARVEY G. ALLEN, d.b.a. ALLEN TRUCKING COMPANY, 11603 Kerry Lane, Mablevale, AR 72103. Representative: Thomas B. Staley, 1550 Tower Bldg. Little Rock, AR 72201, 501–375–9151. Transporting *posts, poles and pilings and pole line hardware*, between points in MS, LA, OK, AR, and MO on the one hand, and, on the other, points in LA, AR, TX, OK, KS, IA, and MO.

MC 155529, filed June 26, 1981. Applicant: G & D TRANSPORT, INC., 33 Spring Hollow Lane, Westerville, OH 43081. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215 (614) 464–4103. Transporting (1) *mercer commodities*, between points in Starke County, OH, on the one hand, and, on the other, points in the U.S., (2) *such commodities* as are dealt in or used by manufacturers of buses, between points in Ashland and Delaware Counties, OH, on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in or used by manufacturers and distributors of clay, concrete, glasses, or stone products, between Franklin County, OH, on the one hand, and, on the other, points in U.S.

MC 156158 (Sub-1), filed July 2, 1981. Applicant: PULLEY CONTRACT CARRIERS, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, 205 West Touhy Ave., Park Ridge, IL 60068, 312–698–2235. Transporting *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, between points in the U.S. under continuing contract(s) with General Foods Corporation of White Plains, NY; Jeno's Inc., of Duluth, MN; Standard Brands, Inc., of New York, NY; Friday Canning Corporation of New Richmond, WI and The Pillsbury Company of Minneapolis, MN.

Volume No. OPY–5–110

Decided: July 16, 1981.

MC 98869 (Sub-6), filed June 30, 1981. Applicant: KOSCHKEE TRANSFER, INC., Route 1, Fennimore, WI 53809. Representatives: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Over Regular Routes, transporting *general commodities* (expect classes A and B explosives), between Prairie due Chiên, WI and Dubuque, IA, (a) from Prairie due Chien over U.S. Hwy 18 to junction WI Hwy 35, then over WI Hwy 35 to junction WI Hwy 133, then over WI Hwy 133 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Dubuque, and return over the same route, and (b) from Prairie du Chien over U.S. Hwy 52, then over U.S. Hwy 52 to junction IA Hwy 3, then over IA Hwy 3 to Dubuque, and return over the same route, serving all intermediate points in (a) and (b) above; and over irregular routes, transporting *general commodities* (expect classes A and B explosives), between points in St. Croix, Pierce, Dunn, Pepin, Buffalo, Eau Claire, Jackson, Trempeleau, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, Columbia, Grant, Iowa, Dane, Lafayette, Green, and Rock Counties, WI; Boone, Winnebago, Ogle, Lee, Jo Daviess, Stephenson, Carroll, Whiteside, Henry, and Rock Island Counties, IL; Worth, Mitchell, Howard, Winneshiek,

Allamakee, Cerro Gordo, Floyd, Chickasaw, Wright, Franklin, Butler, Bremer, Fayette, Clayton, Hamilton, Hardin, Grundy, Blackhawk, Buchanan, Delaware, Dubuque, Boone, Story, Marshall, Tama, Benton, Linn, Jones, Jackson, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Muscatine, Cedar, Scott and Clinton Counties, IA; and Freeborn, Mower, Fillmore, Houston, Winona, Olmsted, Dodge and Steele Counties, MN.

Note.—Applicant intends to tack this authority with its existing authority.

MC 118838 (Sub-87), filed July 7, 1981. Applicant: GABOR TRUCKING, INC., RR #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *building materials*, between points in Alpena County, MI; Elkhart County, IN and Lucas, Ottawa and Wood Counties, OH on the one hand, and, on the other, points in CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, ND, OR, SD, UT, WA, WI and WY.

MC 121568 (Sub-88), filed July 7, 1981. Applicant: HUMBOLT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James C. Caldwell (same address as applicant), 615–242–5552. Over regular routes transporting *general commodities* (except classes A and B explosives), between Louisville, KY and Birmingham, AL, from Louisville, KY over Interstate Highway 65 to Birmingham, AL and return, serving all intermediate points.

Note.—Applicant intends to tack with its existing authority.

MC 138308 (Sub-143), filed June 18, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205, (601) 948–8820. Transporting (1) *furniture and fixtures*, and *such commodities* as are dealt in or used by manufacturers and distributors of traffic control products, between points in Hinds, Madison and Rankin Counties, MS, on the one hand, and, on the other, points in the U.S., and (2) *metal products* (a) between points in Bolivar County, MS, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, LA, MD, MI, MO, NE, NY, NC, ND, OH, OK, OR, PA, TN, TX, VA, WA, and WI, and (b) between Detroit, MI, and points in Worcester County, MA, Livingston, Oscoda, and Charlevoix Counties, MI, and Northumberland County, PA, on the one hand, and, on the other, Los Angeles, CA, Chicago, IL, Baltimore, MD, New York, NY, Cleveland and Toledo, OH, Pittsburgh, PA, Dallas and Houston, TX, and points in Hartford County, CT, Elbert County, GA, McHenry County, IL, DeKalb and Howard Counties, IN, Des Moines County, IA, Genesee County, MI, Essex and Bergen Counties, NJ, Chautauqua County, NY, Washington and Seneca Counties, OH, Putnam County, TN, Webb County, TX, Winnebago County, WI, and Sweetwater County, WY.

MC 138899 (Sub-6), filed June 25, 1981. Applicant: GREEN RIVER TRANSPORTATION COMPANY, INC., P.O. Box 634, Central City, KY 42330. Representative: Ray S. Stone (same address as applicant), (502) 754–3249. Transporting *wooden pallets, boxes, crates, and bases*, and *lumber*, between points in KY, on the one hand, and, on the other, points in IN, IL, OH, and TN.

MC 139858 (Sub-37), filed July 8, 1981. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives), between points in DE, MD, NJ, NY, PA and VA on the one hand, and, on the other, points in IL, IN, KY, MI and OH under continuing contract(s) with Delaware Valley Shippers Association, Inc. of Bristol, PA.

MC 140889 (Sub-21), filed July 7, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, 216–781–1600. Transporting *carpeting*, between points in the U.S. under continuing contract(s) with Regal Carpet Center, Inc. of South Euclid, OH.

MC 141459 (Sub-22), filed July 7, 1981. Applicant: AGS ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant), 217–324–3713. Transporting *general commodities* (except classes A and B explosives), between the facilities used by International Paper Company at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 143059 (Sub-183), filed July 7, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), 502–584–2301. Transporting *machinery*, between points in the U.S.

MC 145068 (Sub-12), filed July 7, 1981. Applicant: S & T TRUCKLOAD, INC., P.O. Box 4408, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, 817–332–4718. Transporting *hides and pig skins*, between points in Tarrant County, TX, on the one hand, and, on the other, points in the U.S.

MC 145359 (Sub-40), filed July 9, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6855. Transporting *such commodities*, as are dealt in or used by service stations, food stores, auto supply stores and retail department stores, between points in AR, TN, MO, IL, MI, PA, IA, KY, WI, IN, OH, and WV on the one hand, and, on the other, points in the U.S.

MC 150578 (Sub-21), filed June 30, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Dr., Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant), (214) 681–0454. Transporting *such commodities* as are dealt in or used by wholesale and retail food or grocery business houses, and department and variety stores, between points in the U.S.

MC 150578 (Sub-22), filed July 7, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830, 814–765–9611. Transporting *confectionaries*, between the facilities of M & M/Mars, Division, Mars, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 150738 (Sub-2), filed July 6, 1981. Applicant: HORNOI TRANSPORT, INC., 511 Pleasant, P.O. Box 934, Miles City, MT 59301. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, 701–235–4487. Transporting *commodities in bulk*, between points in ID, MN, MT, ND, OR, SD, WA and WY.

MC 151319, filed June 30, 1981. Applicant: SEQUIN BUS LINES, P.O. Box 691, Marinette, WI 54143. Representative: Richard A. Rechlicz, N88 W16414 Main St., Menomonee Falls, WI 53051, (414) 251–2245. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Marinette County, WI, and extending to points in MI, MN, IL, IN, and IA.

MC 151819 (Sub-6), filed July 7, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *food and related products*, between points in Anderson

County, TX on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IA, KS, LA, MI, MN, MS, MO, NY, NM, NC, NE, OH, OK, PA, SC, TN, WI, UT, and VA.

MC-151969, filed June 18, 1981. Applicant: K & N, INC., d.b.a. TRANS-WESTERN TANK LINES, 2850 North Avenue, Grand Junction, CO 81501. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209, (303) 320-6100. Transporting *petroleum, natural gas, and their products*, between points in AZ, NM, CO, UT, and WY.

MC 154108 filed July 6, 1981. Applicant: CALHOUN TRANSPORTATION SERVICE, INC., Old Route 11, P.O. Box 10, Calhoun, TN 37309.Representative: M. C. Ellis, 1011 Market St., Chattanooga, TN 37402, 615-756-3620. Tranporting *pulp, paper and elated products*, between the facilities of Bowater Southern Paper Company at points in the U.S. located in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 156739, filed June 18, 1981. Applicant: RICHARD L. SIMPSON, d.b.a. RICHARD SIMPSON TRUCKING, 1224 So. Roosevelt, Harrisburg, IL 62946. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217-544-5468. Transporting *petroleum products*, between points in Vanderburg County, IN and Cape Girardeau County, MO, on the one hand, and, on the other, points in Franklin, Gallatin, Hardin, Hamilton, Jefferson, Johnson, Massac, Pulaski, Saline, White, and Williamson Counties, IL.

MC 156808, filed June 26, 1981. Applicant: J. J. FRICK SAWMILL, INC., P.O. box 96, Coward, SC 29530. Representative: Wesley Frick (same address as applicant), (803) 389-4428. Transporting (1) *canned vegetables*, between points in Florence County, SC, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, and (2) *charcoal briquettes*, between points in Florence County, SC, Lunenburg County, VA, and Cumberland County, TN, on the one hand, and, on the other, those points in the U.S. on and east of the above-described territory.

MC 156848, filed June 29, 1981. Applicant: GARY M. KING, JR., d.b.a. KING TRUCKING CO., 45 Commerical Drive, Burlington, KY. Representative: Gary M. King, Jr., (same address as applicant), (606) 525-7660. Transporting (1) *sand* between points in IN and OH, on the one hand, and, on the other, points in Jessamine County, KY; and (2) *coal*, between points in Perry County, KY, on the one hand, and, on the other, Cincinnati, OH.

MC 156859, filed June 30, 1981. Applicant: RICE TRANSPORT, INC., 17 Brookwood Road, Stanhope, NJ 07874. Representative: William F. Rice (same address as applicant), (201) 347-112. Transporting (1) *toys*, and (2) *hobbycraft*, between points in the U.S., under continuing contract(s) with Kay-Bee Toy and Hobby Shops, Inc., of Lee, MA.

MC 156889, filed July 1, 1981. Applicant: C. K. BLAIR INC., 1500 Route 202, Franklin Center, Huntington, P.Q. (J0S 1B0) Canada. Representative: Adrien R. Paquette, 200 James St. Room 900, Montreal, P.Q. Canada (H2Y 1M1), 514-842-1864. In foreign commerce only, transporting *pork rinds*, between the ports of entry on the international boundary line between the U.S. and Canada on the one hand, and, on the other, Chicago, IL, and points in Middlesex County, MA; Allen County, OH; and Northampton County, PA.

[FR Doc. 81-21630 Filed 7-22-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions: Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-206

Decided: July 16, 1981.

MC 2830 (Sub-7), filed July 6, 1981. Applicant: THE E. J. KELLEY CO., INC., 30 Railroad Square, Torrington, CT 06790. Representative: Thomas A. Kelley, Jr. (same address as applicant) (203) 489-0243. Transportating *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA.

MC 2960 (Sub-49), filed July 2, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TX, INC., 2301 McKinney St., Houston, TX 77023. Representative: Jackson Salasky, PO Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting (1) *rubber and plastic products* and (2) *metal products*, between points in Cowley County, KS, and Houston, TX.

MC 8771 (Sub-79), filed July 8, 1981. Applicant: S M TRANSPORT INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 737-1030. Transporting *envelopes*, between Buffalo, NY, on the one hand, and, on the other, points in NJ, MI, OH, PA, and DC.

MC 111941 (Sub-37), filed June 25, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., Box 233, Laketon, IN 46943. Representative: Norman R Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638-1301. Transporting (1) *lumber and wood products, and building materials*, between the facilities of Wolohan Lumber Company at points in IN, IL, KY, MI, OH, and WI, on the one hand, and, on the other, points in the U.S., and (2) *lumber and wood products*, between points in Pike County, IN, on the one hand, and, on the other, points in the U.S.

MC 121821 (Sub-20), filed June 29, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100383, Nashville, TN 37210. Representative: Ralph B. Matthews, Suite 1200, Gas Light Tower, 235 Peachtree St., Atlanta, GA 30303, (404) 522-2322. Transporting *general commodities* (except classes A and B explosives), between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular-route authority in MC-121821 Subs 13X, 14X, and 16X.

MC 144510 (Sub-6), filed July 7, 1981. Applicant: JERRY J. KOBS, INC., 131 Bridge Court, Sgt. Bluff, IA 51053. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255-3127. Transporting *food and related products*, between points in ME, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 146491 (Sub-3), filed July 7, 1981. Applicant: ABC TRANSFER & DELIVERY, INC., 700 NW 5th Ave., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *general commodities* (except classes A and B explosives), between points in OR, WA, and ID.

MC 150211 (Sub-17), filed July 2, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P. O. Box E, Bowling Green, KY 42101, (502) 781-4446. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Jackson, TN, and Chicago, IL, from Jackson over U.S. Hwy 45E to junction U.S. Hwy 51, at or near Fulton, KY then over U.S. Hwy 51 to junction Interstate Hwy 57, at or near Future City, IL then over Interstate Hwy 57 to Chicago, IL and return over the same route, serving all intermediate points.

MC 152080 (Sub-3), filed July 7, 1981. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings St., Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236-0548. Transporting (1) *chemicals*, and (2) *oil and oil products*, between points in IL and IN, on the one hand, and, on the other, points in the U.S.

MC 152650 (Sub-2), filed July 7, 1981. Applicant: SHAVER TRUCKING, INC., 3600 Highway 68 W., P.O. Box 104, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846-2185. Transporting *such commodities* as are dealt in or used by discount and grocery stores, between the facilities of Wal-Mart, Inc., at points in AR, AL, KS, MO, OK, TX, LA, MS, KY, TN, and IL, on the one hand, and, on the other, points in the U.S.

MC 155470, (Sub-1), filed July 6, 1981. Applicant: H & O TRANSPORT, INC., PO Box 357, Campbellsville, KY 42178. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244-6100. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, NC, OH, TN, VA, and WV, on the one hand, and, on the other, points in the U.S.

MC 156640, filed July 10, 1981. Applicant: L & M TRUCKING, INC., 9125 Wicker, St. John, IN 46410. Representative: Lyndel Adams (same address as applicant) (219) 769-1600. Transporting *metal products*, between points in IL and IN, on the one hand, and, on the other, points in KY, TN, GA, FL, AL, MS, LA, AR, NC, SC, TX, OK, and MO.

MC 156961, filed July 1, 1981. Applicant: LOUDOUN TRAVEL LTD., 12 South King St., Leesburg, VA 22075. Representative: Clifford O. Bullard, Jr. (same address as applicant) (703) 777-7610. As a *broker*, at Leesburg, VA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in VA, WV, and MD, and extending to points in the U.S.

MC 157011, filed July 7, 1981. Applicant: KISKO TRANSPORTATION CO., INC., 504 Raritan Street, Sayreville, NJ 08872. Representative: Edward F. Bowes, PO Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575-7700. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Solvents Recovery Service of New Jersey, Inc., of Linden, NJ.

MC 157041, filed July 9, 1981. Applicant: CHEMICAL TRANSPORT, INC., 1895 Willowdale Road, Dalton, GA 30720. Represenative: John W. Greer, III, 925 Healey Bldg., 57 Forsyth Street, Atlanta, GA 30303, (404) 523-1601. Transporting *latex, clay, chemicals and related products, and textile mill products*, between points in the U.S.

Volume No. OP1-208

Decided: July 16, 1981.

MC 2900 Sub 449, filed July 1, 1981. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant) (904) 353-3111. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Arco Polymers, Inc., of Philadelphia, PA.

MC 6741 (Sub-13), filed July 1, 1981. Applicant: WILLEY'S EXPRESS, INC., 118 Hall St., P.O. Box 2009, Concord, NH 03301. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742-3530. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, NY, NJ and PA.

MC 8771 (Sub-77) (republication), filed June 16, 1981, previously noticed in the **Federal Register** issue of July 7, 1981. Applicant: S M TRANSPORT INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 737-1030. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobiles, between points in MI and OH, on the one hand, and, on the other, points in VA.

Note.—The purpose of this republication is to include the territorial description.

MC 14321 (Sub-14), filed July 2, 1981. Applicant: ENGEL VAN LINES, INC., 901 Julia Street, Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036, (202) 785–0024. Transporting *household goods*, between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, MS, LA, AR, TN, KY, OH, MI, IN, IL, MO, IA, WI, MN, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, AZ, CA, NV, OR, WA, and DC.

MC 52750 (Sub-28), filed June 29, 1981. Applicant: BLUE LINE TRANSPORATION CO., INC., P.O. Box 11125, Portland, OR 97211. Representative: Randall D. Imes 1407 N. Baldwin St., Portland OR 97217, (503)–289–2152. Transporting (1) *chemicals and related products*, between points in OR, WA, CA, ID, MT, UT and NV; and (2) *clay, concrete, glass or stone products*, between points in OR and WA.

MC 59150 (Sub-195), filed July 2, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. Transporting *air conditioning equipment and furnaces and parts and accessories* for the foregoing commodities, between the facilities used by Carrier Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 61440 (Sub-212), filed June 25, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840–7579. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Texaco U.S.A., a Division of Texaco, Inc., of Houston, TX.

MC 61440 (Sub-214), filed July 7, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840–7579. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Baldor Electric Company, of Ft. Smith, AR.

MC 65900 (Sub-2), filed June 29, 1981. Applicant: REMICK TRANSFER CO., INC., 288 Sanford St., Menasha, WI 54956. Representative: Edward J. Gerrity, 601 W. College Ave., P.O. Box 914, Appleton, WI 54912, (1)–(414) 734–5608. Transporting *pulp, paper and related products*, between points in Brown, Outagamie, Portage, Wood and Winnebago Counties, WI.

MC 82841 (Sub-321), filed July 7, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *general commodities* (except classes A and B explosives), between the facilities of Clow Corporation and its subsidiaries, located at points in CA, AL, IA, IL, KY, OH and WV, on the one hand, and, on the other, points in AR, FL, GA, OH, TN and TX.

MC 84450 (Sub-11), filed July 7, 1981. Applicant: S.R.T. MOTOR FREIGHT, INC., 1801 S. Pennsylvania Ave., Morrisville, PA 19067. Representative: Steven R. Tranovich (same address as applicant), (215) 736–0233. Transporting *metal products*, between points in Lebanon and Dauphin Counties, PA, on the one hand, and, on the other, points in OH, IN, IL, MI, IA, WI, MN, MO, AR, KY, TN, MS, AL, LA, TX, VA, WV, NC, SC, GA and FL.

MC 111401 (Sub-623), filed July 7, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center Bldg., 1600 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 112070 (Sub-25), filed July 7, 1981. Applicant: GRAY MOVING & STORAGE, INC., 1290 So. Pearl St. Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Fearn International, Inc., of Franklin Park, IL.

MC 116300 (Sub-89), filed June 30, 1981. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *building materials*, between points in Iberia Parish, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV.

MC 121611 (Sub-7), filed June 29, 1981. Applicant: McCLELLAN'S ENTERPRISES, INC., P.O. Box 1327, Tifton, GA 31794. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *metal products*, between points in AL, FL, GA, NC, SC and TN.

MC 135231 (Sub-60), filed July 2, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in Pennington County, MN, on the one hand, and, on the other, points in the U.S.

MC 135691 (Sub-67), filed June 29, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402) 489–3585. Transporting *chemicals and related products*, (1) between points in GA, IL, KY, MD, MA, MS, NJ, NY, NC, OH, OK, VT, PA, AL, and Santa Barbara County, CA, on the one hand, and, on the other, points in TX and LA, and (2) between points in Dallas County, TX, on the one hand, and, on the other, Phoenix, AZ.

MC 138861 (Sub-35), filed July 7, 1981. Applicant: C–LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Colbert, 1730 M Street, N.W., Suite 501, Washington, DC 20036, (201) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Northern Telecom, Inc., of Warwick, RI.

MC 143060 (Sub-2), filed July 7, 1981. Applicant: PENN–PACIFIC, INC., 20615 Currier Rd., Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *such commodities* as are dealt in or used by restaurants, between the facilities used by Burger King Corporation, and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143280 (Sub-31), filed July 6, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave., South, Eden Praire, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting (1) *clay, concrete, glass or stone products;* and (2) *metal products*, between Minneapolis, MN, and points in Mitchell County, IA, on the one hand, and, on the other, points in the U.S.

MC 144630 (Sub-58), filed July 6, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46016. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655, Transporting *pulp, paper and related products, and plastic materials*, between the facilities used by Georgia-Pacific Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146801 (Sub-6), filed July 1, 1981. Applicant: POTEAT MOTOR LINES, INC., P.O. box 2030, Hickory, NC 28601. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204, (704) 333–8801. Transporting *textile mill products*, between points in AL, CT, DE, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI, SC, TN, VA, WV, and Hillsborough and Rockingham Counties, NH.

MC 150040 (Sub-2), filed June 26, 1981. Applicant: AUTUMN INDUSTRIES, INC., 3875 Herr-Fieldhouse Rd., Southington, OH 44470. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting (1) *ores and minerals*, (2) *coal and coal products*, (3) *clay, concrete, glass, or stone products*, (4) *metal products* and (5) *waste or scrap materials not identified by the industry producing*, between points in IL, IN, MI, OH, KY, WV, MD, PA, NY, NJ, WI and VA.

MC 152311, filed July 1, 1981. Applicant: IMR TRANSPORTATION, INC., P.O. Box 573, Casa Grande, AZ 85222. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *cottonseed oil*, between points in the U.S., under cintinuing contract(s) with Casa Grande Oil Mill, of Casa Grande, AZ.

MC 152671 (Sub-5), filed July 1, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers P.O.B. 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Allied Stores Corporation, of New York, NY.

MC 152730 (Sub-4), filed June 29, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South P.O. Box 21, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348–0051. Transporting *glass products*, between points in Jay, Blackford, and Delaware Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 152730 (Sub-5), filed July 1, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South P.O. Box 21, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348–0051. Transporting *rubber and plastic products*, between points in Jay County, IN, on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-12), filed July 1, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant) (201) 234–0301. Transporting *drugs and medicines* between the facilities used by Carter Wallace, Inc., its subsidiaries, divisiosn, or vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154280, filed July 7, 1981. Applicant: HERALD LIMA d.b.a HAL TRANSPORT SERVICE, 1514 E. Thomas Ave., Milwaukee, WI 53211. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414)–722–2848. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Wisconsin Paperboard Corporation, of Milwaukee, WI

MC 154460 (Sub-2), filed July 1, 1981. Applicant: Q CARRIERS, INC., 14066 Rutgers St., NE., Prior Lake, MN 55372. Representative: Randall D. Quiring (same address as applicant), (612)–445–8718. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with R.C. Smith Co., of Minneapolis, MN.

MC 154851, filed July 1, 1981. Applicant: DOUBLE J TRANSPORT, LTD., 9520—51 Ave., Edmonton, Alberta, Canada. Representative: Charles M. Williams, 665 Capital Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting *Mercer commodities and pumps*, between points in Lincoln, Flathead, Glacier, Toole, Liberty, Hill, Blaine, Phillips, Valley, Daniels and Sheridan Counties, MT, and Divide, Burke, Renville, and Bottineau Counties, ND, on the one hand, and, on the other, points in MT, ND, UT, WY, CO, TX, OK, KS, and NM.

MC 154881, filed June 23, 1981. Applicant: J. L. AND V. A. HATFIELD, d.b.a. HATFIELD ENTRPRIZES, 6159 E. Riverside, Spokane, WA 99206. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Van Waters & Rogers, of Spokane, WA.

MC 155140, filed July 1, 1981. Applicant: PIEDMONT CARTAGE, INC., Route 11, Highway 124, Greenville, SC 29611. Representative: David L. Dorrity (same address as applicant), (803) 269–3393. Transporting *general commodities* (except classes A and B explosives), between points in SC, NC, GA, TN, and AL.

MC 155300, filed June 25, 1981. Applicant: WIARD'S ORCHARDS, INC., 5565 Merritt Rd., Ypsilanti, MI 48197. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (1) Supreme Distributors Company, of Southfield, MI, (2) Bay City Milling & Grocer Company, of Bay City, MI, (3) Country Farm Meats, Inc., and (4) Wiard's Orchards, Inc. both of Ypsilanti, MI.

MC 156900, filed July 1, 1981. Applicant: ARCADIA TRANSPORTATION COMPANY, 350 Madison Street, Arcadia, WI 54612. Representative: Edward H. Instenes, 128½ East Third, P.O. Box 676, Winona, MN 55987, (1–507) 454–3914. Transporting *general commodities* (except classes A and B explosives), between points in Trempealeau County, WI, on the one hand, and, on the other, points in the U.S.

MC 156911, filed July 1, 1981. Applicant: B & D EXPRESS, INC., P.O. Box 143, Federalsburg, MD 21632. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–3525. Transporting *bananas*, between Baltimore, MD, Wilmington, DE and New York, NY, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC.

MC 156951, filed July 1, 1981. Applicant: MELTON TRANSPORTATION, Rt. 4 Box 494, Salisbury, NC 28144. Representative: Kenneth Ray Melton (same address as applicant) (704)–637–2871. Transporting *mobile homes*, between points in NC, on the one hand, and, on the other, points in VA, SC, GA, AL, FL, MS, TN, KY, WV, OH, PA, DE and MD.

MC 157001, filed July 7, 1981. Applicant: KERN FOODS, INC., 13000 E. Temple, City of Industry, CA 91749. Representative: Pete Peterson (same address as applicant), (213) 962–5111. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Rosarita Mexican Foods Company, of Mesa, AZ.

MC 157010, filed July 7, 1981. Applicant: COMMERCIAL WAREHOUSE COMPANY, a

Corporation, 2920 South 19th Avenue, Chicago, IL 60153. Representative: Ronald N. Cobert, 1730 M Street, NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in IL, on the one hand, and, on the other, points in CT, DE, IN, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WI, WV, and DC.

[FR Doc. 81–21639 Filed 7–23–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326

Volume No. OP1–207

Decided: July 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 146491 (Sub-2), filed June 29, 1981. Applicant: ABC TRANSFER & DELIVERY, INC., 700 N.W. 5th Ave., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. As a *broker of general commodities* (except household goods), betwen points in the U.S.

MC 156891, filed July 1, 1981. Applicant: TIMOTHY INC., 823 Valley Brook Ave., Lyndhurst, NJ 07071. Representative: Judy McCarthy (same address as applicant), (201) 933–5484. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156971, filed July 6, 1981. Applicant: TRUCK DISPATCH SERVICE, INC., 2055 East North Avenue, Fresno, CA 93771. Representative: Tom Kourafas, 1336 West San Bruno, Fresno, CA 93711, (209) 431–1052. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157031, filed July 7, 1981. Applicant: ROADCO TRANSPORTATION SERVICES, INC., 175 East Delaware St., Chicago, IL 60611. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. As a *Broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP1–209

Decided: July 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 10761 Sub 267, filed June 30, 1981. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 2843 E. Paris Rd., Grand Rapids, MI 49501. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036 (202) 659–5157. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, harzardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 135111 (Sub-9), filed June 29, 1981. Applicant: REESE TRUCKING, INC., P.O. Box 99, Dover, OH 44622. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471–1600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156880, filed June 23, 1981. Applicant: ONAN CONSOLIDATION INC., P.O. Box 24363 Seattle, WA 98124. Representative: Bruce S. Meston, 911 Western Avenue, Suite 522, Seattle, WA 98104 (206) 682–7855. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–109

Decided: July 15, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 79999 (Sub-16), filed June 30, 1981. Applicant: RANGER TRUCK LINE, INC., 1633 Miles (P.O. Box 2008), Houston, TX 77001. Representative: Mike Cotton, P.O. Box 1148, Austin, TX 78767, 512–472–6800. (1) Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. and (2) Transporting *shipments weighing 100 poounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 140829 (Sub-373), filed June 30, 1981. Applicant: CARGO, INC., P.O. Box 208, U.S. Hwy 20, Sioux City, IA 51102. Representative: Robert A. Wichser, P.O. Box 155, 920 West 21st St., South Sioux City, NE 68776 (402) 494–5466. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156896, filed June 26, 1981. Applicant: SOUTHERN PARCEL & FREIGHT, P.O. Box 767, New Albany, MS 38652. Representative: James L. Catt (same address as applicant) (601) 534–2400. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156968, filed July 2, 1981. Applicant: CARDINAL TRUCK BROKERS, Division of JAN Equipment and Leasing Company Inc., 12903 Main St., Rogers, MN 55374. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–21638 Filed 7–23–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 125]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 57228 (Sub-7)X, filed July 8, 1981. Applicant: DWORKIN, INC., 5400 Harvard Avenue, Cleveland, OH 44105. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-No. 6F certificate to broaden the commodity description from precast building materials, to "building materials" in Part 2(a).

MC 65626 (Sub-44)X, filed July 1, 1981. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 10, 12, 14, 15, 17, 20, 21, 22, 23, 24, 26, 29, 31, and 32 certificates and E–1 letter notice to (A) broaden the commodity descriptions from (1) canned goods, vegetables, fruits, fruit juices, jellies, preserves, and table sauces; macaroni and spaghetti; grape juice; sugar; malt beverages; in the lead; canned and preserved foodstuffs in the Sub-Nos. 10 and 12; mushrooms, steak sauce and soups in the Sub-No. 17; frozen foods (except frozen fruits, berries, and vegetables) in the Sub-Nos. 20 and 21; food and foodstuffs (except in bulk) in the Sub-No. 22; foodstuffs (except in bulk) from the Sub-No. 23; canned goods and sugar (except in bulk) in the Sub 24; malt beverages (except in bulk) in the Sub-No. 26; food and foodstuffs (except commodities in bulk, in tank vehicles), in the Sub-No. 27; foodstuffs (except in bulk) in the Sub-No. 29; canned and preserved foodstuffs (except in bulk) in the Sub-No. 31; and foods, food products, food ingredients, animal foods, animal food ingredients, meat by-products, and products requiring mechanical refrigeration (except in bulk), in the Sub-No. 32; and malt beverages (except in bulk) and mushrooms, steak sauce, and soup, in the E–1 letter notice to "food and related products"; (2) heating equipment and heating parts and accessories; foundry and core equipment and rough casting, such as are used in the manufacture of heating radiators, radiator parts, and heating equipment and heating equipment parts and accessories in the lead to "clay, concrete, glass, or stone products, metal products, machinery, transportation equipment and instruments and photographic goods"; (3) heating radiator parts and accessories in Sub-No. E–1 to "textile mill products, lumber and wood products, furniture and fixtures, clay, concrete, glass, or stone products, metal products, machinery and transportation equipment"; (4) seed and seed display cases; and fresh fruits and vegetables in the lead to "farm products, forest products, furniture and fixtures"; (5) sulphate of alumina in the lead to "chemicals and related products", empty jars, glass cans, and jelly glasses, bottles, with or without tops, corks, or stoppers in the lead to "rubber and plastic products"; empty containers, glass, plastic and metal) in the Sub-Nos. 10, and 14 to "clay, concrete, glass or stone products, metal products, and rubber and plastic products"; (6) glass containers in the Sub-No. 15 to "clay, concrete, glass or stone products"; (B) change city to county-wide authority from Westfield, Brockton, Dunkirk, Fredonia, Jamestown, and Faulconer, NY, to Chautauqua County, NY; South Dayton and Geauga, NY, to Cattaraugus County, NY; Springville, NY, to Erie County, NY; West Newton, PA, to Westmoreland County, PA; Fogelsville, PA, to Lehigh County, PA; Bloomsburg, PA, to Columbia county, PA; Erie and North East, PA to Erie County, PA; Camden, NJ to Camden County, NJ; freehold to Monmouth County, NJ; Millville and Bridgeton to Cumberland County, NJ; Paterson to Passaic County, NJ; and Gloucester City, to Gloucester County, NJ; Dunkirk, IN, to Jay, Blackford and Delaware County, IN; Cheriton, VA, to Northampton County, VA; Hopeton, VA, to Accomack County, VA; and Wilmington, DE, to New Castle County, DE; (C) eliminate the facilities limitations in Sub-Nos. 22, 27, 31, and 32; (D) replace one-way with radial authority; and (E) remove the restrictions against the transportation of commodities in bulk, in tank vehicles, in containers, in bottles or jars, with or without caps or closures, empty iron and steel containers being transported from Jersey City and Paterson, NJ, to points in Chautauqua County, NY, and empty containers, caps, covers, discs, tops, boxes, crates, cases, and rubber rings, from points in PA, Bridgeton, NJ, and Charleston, Huntington, Fairmont, Grafton and Clarksburg, WV, and

remove the originating at and destined to restrictions, seasonal restrictions, the restriction against transportation of specified commodities from and to named points; the exception of Brockton and Westfield, NY.

MC 117503 (Sub-19)X, filed June 12, 1981, previously noticed in the **Federal Register** of July 9, 1981, republished as corrected this issue. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions in its Sub-No. 9 certificate as previously noticed. In addition, applicant seeks to replace Sacramento Metropolitan Airport with Sacramento, CA. The purpose of this republication is to correct the inadvertent omission.

MC 119767 (Sub-368)X, filed March 26, 1981, published in the **Federal Register** of April 10, 1981, republished as follows: Applicant: BEAVER TRANSPORT CO., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same as applicant). As is pertinent here, applicant seeks to remove restrictions in its Sub-No. 71 certificate to broaden authority to serve facilities at New Albany, IN, with authority to serve points in Clark and Floyd Counties, IN, and Jefferson County, KY. The certificate issued in this proceeding included only Clark and Floyd Counties, IN. The purpose of this republication is to reflect applicant's original request and to request comments from interested parties.

MC 120646 (Sub-30)X, filed February 3, 1981, published in the **Federal Register** of February 24, 1981, and republished as follows: Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, NC 28803. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. As is pertinent here, applicant seeks to remove restrictions in its Sub-Nos. 5, 20, and 27 certificates to (A) in Sub-No. 5, broaden the territorial descriptions from Ferndale Station, KY, and facilities at Westminster, SC, to Bell County, KY, and Oconee County, SC; (B) in Sub-No. 20, broaden the territorial descriptions from facilities at Whittier and Hildebran, NC, to Swain, Jackson, Burke, and Catawba Counties, NC; and (C) in Sub-No. 27, (1) broaden the commodity description from new furniture and such commodities as are used in the manufacture of new furniture to "furniture and fixtures," and (2) broaden the territorial description from facilities at or near Drexel, Marion, Morganton, Hildebran, Shelby, Mocksville, High Point, Black Mountain, Asheville, and Whittier, NC, to Burke, Catawba, McDowell, Cleveland, Davie, Gilford, Buncombe, Swain, and Jackson Counties, NC. The certificate issued in this proceeding failed to encompass the revisions noted above. The purpose of this republication is to reflect applicant's original request and to request comments from interested parties.

MC 135235 (Sub-11)X, filed July 6, 1981, Applicant: LOMA CARTAGE, INC., 11359 Franklin Ave., Franklin Park, IL 60131. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 5 certificate to (1) change the commodity description from floor coverings to "textile mill products, rubber and plastic products, and clay, concrete, or stone products;" (2) broaden the territorial description from one-way to two-way radial authority; and (3) remove the "except commodities in bulk" and "except tile" restrictions.

MC 138216 (Sub-1)X, filed July 6, 1981. Applicant: THOMAS E. EGGERS, 2004 Franklin Avenue, Las Vegas, NV 89104. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from gypsum plaster and gypsum wall board to "building materials;" (2) authorize county-wide authority in Clark County, NV, to replace existing point service, Blue Diamond, NV; and (3) authorize radial service to replace existing one-way service, between points in Clark County, NV, and points in Los Angeles, Orange, San Bernardino, and Riverside Counties, CA.

MC 150183 (Sub-6)X, filed June 26, 1981. Applicant: CASSCO REFRIGERATED TRANSPORT, DIVISION OF CASSCO CORPORATION, 125 West Bruce Street, Harrisonburg, VA 22801. Representative: James M. Hodge, 1000 United Central Bank Bldg, Des Moines, IA 50309. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 2F, 3F and 4F certificates to (1) broaden the commodity description to "food and related products and materials, equipment, and supplies used in the manufacture and distribution of food and related products" from foodstuffs and materials, equipment, and supplies in Sub-Nos. 1 and 4, (2) remove the restriction to commodities in bulk in Sub-Nos. 1, 2 and 4, (3) remove facilities limitation (a) in Sub-No. 2 and replace Harrisonburg, VA with Rockingham County, VA, (4) change city to county-wide authority (a) in Sub-No. 3 from Harrisonburg, VA to Rockingham County, VA, (b) in Sub-No. 4 from Timberville, VA to Rockingham County, VA and (5) change one way to radial authority between a described portion of the U.S., and, 1 VA county in Sub-Nos. 2 and 3.

MC 152543 (Sub-2)X, filed June 29, 1981. Applicant: J & S TRANSPORTATION, INC., 1015 North Street, Conyers, GA 30207. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (A) broaden the commodity description from liquid chemicals, in bulk, to "chemicals and related products"; and (B) remove the vehicle restriction limiting service "in tank vehicles."

[FR Doc. 81-21627 Filed 7-22-81; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. P-35]

Passenger Train Operation; Chicago and North Western Transportation Co.

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Seattle, Washington. The operation of these trains requires the use of the tracks and other facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW). A portion of the MILW tracks at Lake, Wisconsin, are temporarily out of service because of a derailment. An alternate route is available via Chicago and North Western Transportation Company between Milwaukee (Washington Street) and Shermer, Wisconsin.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Chicago and North Western Transportation Company (CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Milwaukee (Washington Street) and a connection with Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), at Shermer, Wisconsin.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 5:00 p.m., July 14, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 14, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-21626 Filed 7-22-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Attorney General's Task Force on Violent Crime; Meeting

The Attorney General's Task Force on Violent Crime will meet from 9:00 a.m until 5:00 p.m. on August 4 and 5, 1981 at the Lowe's Summit Hotel, 51st Street and Lexington Avenue, New York, New York.

On the first day and the morning of the second day of the meeting public testimony will be taken on a wide range of criminal justice issues, with special emphasis on bail, sentencing, and federal assistance to state and local governments. Persons interested in testifying should contact the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Washington, D.C. 20530 (telephone 202/633-1617).

On the afternoon of the second day of the meeting the Task Force members will discuss and arrive at recommendations to the Attorney General on ways in which the federal government could do more to combat violent crime by changing federal statutes and resource allocations to make the federal role more effective.

The meeting will be open to the public. Approximately 300 seats will be available for the public and media representatives on a first-come first-served basis. We regret that exigencies of arranging this meeting precluded the normal 15-day notice period.

Inquiries may be addressed to the Committee Management Liaison Officer at the above address.

Sue A. Lindgren,

Staff Director, Attorney General's Task Force on Violent Crime.

[FR Doc. 81-21440 Filed 7-22-81; 8:45 am]
BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Central Louisiana Legal Services, Inc., in Alexandria, Louisiana, to serve Vernon Parish.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, NE., 9th Floor, Atlanta, GA 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-21530 Filed 7-22-81; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project. * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Tri-Parish Legal Services Corporation, in Jonesville, Louisiana to serve Catahoula, Concordia and LaSalle Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, GHA 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-21519 Filed 7-22-81; 8:45 am]
BILLING CODE 6820-35-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Hydrology Panel; Meeting

Pursuant to Section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Hydrology Panel of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday on July 29-30, 1981. The Subgroup will meet at the Tulsa River Forecast Center, 333 West 4th Street, Room 3031, Tulsa, OK 74103.

The sessions, which will be open to the public, will convene at 8:30 a.m. and adjourn at 4:30 p.m. on Wednesday, July 29 and will convene at 8:30 a.m. and adjourn at 12:00 noon on Thursday, July 30. The purpose of this meeting will be to tour the River Forecast Center (RFC) facilities, and discuss the operations and plans of the RFC, as part of the NACOA review of the Hydrologic Services of the National Weather Service.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Hydrology Panel, Paul Bock, in advance of the meeting.

The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or James A. Almazan, the Staff Member for the Hydrology Panel. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Dated: July 20, 1981.

C. P. Idyll,

Senior Marine Analyst.

[FR Doc. 81-21539 Filed 7-22-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL CAPITAL PLANNING COMMISSION

Environmental Policies and Procedures; Proposed Amendment

AGENCY: National Capital Planning Commission.

ACTION: Notice of amendment to procedures with request for comment.

SUMMARY: The proposed amendment would include among the Commission's categorical exclusions those type of actions which are designated as a categorical exclusion by a Federal agency submitting projects to the Commission for review. (Categorical Exclusion means a category of actions which do not individually or cumulatively have a significant effect on human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of the CEQ regulations and for which, therefore, neither an environmental assessment nor an environmental impact statement is required.) The Commission's current policies and procedures now may require environmental assessments or environmental statements with respect to categories of actions which the regulations of other Federal agencies have identified as not having a significant effect on the human environment, thereby resulting in unnecessary evaluations and paperwork. The proposed amendments would alleviate the inconsistency between the Commission's procedures and other agencies' procedures.

DATE: Comments must be received on or before August 24, 1981.

ADDRESS: Comments should be mailed to: Patricia J. Crawford, Chief, Environmental/Energy Branch, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

FOR FURTHER INFORMATION CONTACT: Patricia J. Crawford, Chief, Environmental/Energy Branch, National Capital Planning Commission, Room 1028, 1325 G Street, N.W., Washington, D.C. 20576, (202) 724-0160 or 724-1082.

For the reasons set out in the preamble, the National Capital Planning Commission's Environmental Policies and Procedures. 44 FR 64923-64928 (November 8, 1979), are proposed to be amended as set forth below:

(1) The second sentence of Section 3.C.1 is amended to read: "For each action listed under Sec. 7, except for any action determined to be a categorical exclusion pursuant to Sec. 8, the sponsoring agency's submission to the *Commission* must include an *EIS* or an *environmental assessment.*"

(2) Section 8 is amended by changing the period at the end of clause (10) in the first paragraph to a semicolon and adding:

"(11) Take any other action which any other Federal agency has designated as a categorical exclusion."

July 10, 1981.

Daniel H. Sheer,

Secretary to the Commission.

[FR Doc. 81-21538 Filed 7-22-81; 8:45 am]

BILLING CODE 7520-01-M

Floodplain Management and Wetlands Protection

AGENCY: National Capital Planning Commission.

ACTION: Notice of proposed procedures and amendment to procedures with request for comments.

SUMMARY: This notice sets forth procedures for implementing Executive Order 11988, "Floodplain Management", and Executive Order 11990, "Protection of Wetlands", and an amendment to the Commission's Site and Building Plans requirements which are proposed to be adopted by the Commission. Both of the Executive Orders have as their key requirement avoidance of unwise floodplain and wetland development and require Federal agencies to identify workable and reasonable procedures for applying the Executive Orders to all actions affecting floodplains and wetlands. The proposed procedures are designed to aid the Commission in its efforts to reduce the risk of flood loss; minimize the impact of floods on human safety, health, and welfare; and restore and preserve natural floodplain and wetland values. The amendment to the Commission's Site and Building Plans Requirements will conform these requirements to the Commission's new Procedures for Floodplain Management and Wetlands Protection.

DATE: Comments must be submitted on or before August 24, 1981.

ADDRESS: Send comments to Patricia J. Crawford, Chief, Environmental/Energy Branch, National Capital Planning Commission, Washington, D.C. 20576.

FOR FURTHER INFORMATION CONTACT: Patricia J. Crawford, Chief, Environmental/Energy Branch, National Capital Planning Commission, Room 1028, 1325 G Street, N.W., Washington, D.C. 20576, (202) 724-0182 or 724-0180.

Procedures for Floodplain Management and Wetlands Protection

Sec.

1. Purpose.
2. Definitions.
3. Objectives and Procedures.
4. Scope and Responsibilities.
5. Decisionmaking Process.

Sec. 1. Purpose.

The Commission will, to the fullest extent possible, develop policies, plans, and programs to protect and maintain the environmental quality of Floodplains and Wetlands.

Sec. 2. Definitions.

The following definitions shall apply throughout these procedures

(a) *Action* means any Commission activity including: (1) acquiring, managing and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including, but not limited to, water and related land resources planning, regulating, and licensing activities.

(b) *Base Flood* means the flood which has a one percent chance of being equalled in any given year (also known as a 100-year flood).

(c) *Commission* means the National Capital Planning Commission created by the National Capital Planning Act of 1952, as amended (40 U.S.C. 71-711, 72, 73, 74; D.C. Code, secs. 1-1001 to 1-1013).

(d) *Direct Impacts* means changes in Floodplain or Wetland values and functions caused or induced by an Action or related activity. Direct Impacts are caused whenever Natural Values are affected as a direct result of an Action.

(e) *Executive Director* means the director employed by the Commission.

(f) *Floodplain* means the lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, those areas subject to a one percent or greater chance of flooding in any given year.

(g) *Indirect Impacts* means an indirect result of an Action whenever the Action induces or makes possible related activities which affect the Natural Values of Floodplains or Wetlands. Such impacts occur whenever these values are potentially affected, either in the short- or long-term, as a result of undertaking an Action.

(h) *Natural Values* means the qualities of or functions served by Floodplains and Wetlands which include, but are not limited to: (1) water resource values (natural moderation of floods, water quality maintenance, groundwater recharge) (2) living resource values (fish, wildlife, plant resources and rehabitats); and (3) cultural resource values (open space, natural beauty, scientific study, agriculture, aquaculture, forestry).

(i) *New Construction* means the construction of a new structure or facility, or the reconstruction of a structure or facility which has been totally destroyed.

(j) *Non-structural Flood Protection Methods* means techniques designed to achieve desired future Floodplain conditions which may include such things as changes in flood regulations and flood insurance, and the development of educational and protection programs.

(k) *Statement of Findings* is a written public explanation which includes a description of (1) why the proposed action must be located in the Floodplain or Wetland; (2) all significant facts considered in making the determination including alternative sites and Actions; and (3) a statement indicating whether the Actions conform to applicable State or local Floodplain protection standards.

(l) *Structure* means anything constructed, including a building, mobile homes, and gas and liquid storage tanks, which requires permanent location on the ground.

(m) *Wetlands* means those areas which are inundated or saturated by surface or ground water with a frequency sufficient to support, or that under normal hydrologic conditions does or would support, a prevalence of vegetation or aquatic life typically adapted for life in saturated or seasonally saturated soil conditions. Wetlands include, but are not limited to, swamps, fresh and salt water marshes, estuaries (for purposes of these procedures, estuaries refer to non-major river estuaries), bogs, beaches, wet meadows, sloughs, potholes, mud flats, river overflows and other similar areas. This definition includes those Wetland areas separated from their natural supply of water as a result of such activities as the construction of structural flood protection methods or solid-fill road beds, mineral extraction, and navigation improvements. This definition is intended to be consistent with the definition utilized by the U.S. Fish and Wildlife Service.

Sec. 3. Objectives of Procedures.

The objectives of these procedures are to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of Floodplains and Wetlands and to avoid direct or indirect support of development in Floodplains and Wetlands wherever there is a practicable alternative. Where Floodplain or Wetland impacts cannot be avoided, these procedures will focus on mitigation of the adverse effects of any action. In implementing these procedures the Commission will:

(a) Encourage the wise use and conservation of Floodplains and Wetlands to preserve their natural and beneficial values;

(b) Avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of Floodplains and the destruction or modification of Wetlands;

(c) Avoid the direct or indirect support of development and New Construction in Floodplains and Wetlands whenever there is a practicable alternative;

(d) Minimize the potential harm to people and property and to Natural Values when an Action must be located in the Floodplain;

(e) Promote the use of Non-structural Flood Protection Methods to reduce the risk of flood loss; and

(f) Attempt to achieve a suitable balance between the protection of Floodplains and Wetlands and development.

Sec. 4. Scope and Responsibilities.

(a) Applicability. These procedures apply to all Actions initiated by the Commission which have the potential for adversely impacting Floodplains or Wetlands or their occupants, or which are subject to potential harm by location in Floodplains or Wetlands. An Action has the potential to affect Floodplains or Wetlands if the probability for adverse effects is associated with:

(1) The occupancy or modification of Floodplains both direct and indirect; or

(2) The destruction or modification of Wetlands both direct and indirect.

(b) Scope. If the Commission finds that the Floodplain and/or Wetlands would be impacted, the Commission shall:

(1) Identify and evaluate practicable alternatives to locating in a Floodplain or Wetland, including practicable alternative sites outside the Floodplain or Wetland; alternative Actions which serve essentially the same purpose as the proposed Action but which have less potential to adversely affect the Floodplain or Wetland; and the "no action" alternative. The following factors should be analyzed in determining the practicability of alternatives.

(i) Natural environment (topography, habitat, hazards);

(ii) Social concerns (aesthetics, historical and cultural values, land use patterns);

(iii) Economic aspects (costs of space, construction, services and relocation); and

(iv) Legal constraints.

(2) Identify the full range of potential direct or indirect adverse impacts associated with the occupancy and modification of Floodplains and Wetlands. The following factors should be analyzed:

(i) Flood hazard-related factors, such as (A) depth, velocity and rate of rise of flood water; (B) duration of flooding; (C) high hazard riverine areas (areas subject to high velocity waters); (D) available warning and evacuation time and routes; and (E) effects of special problems, e.g., levees and other protection works, erosion, subsidence, sink holes, ice jams, combinations of flood sources debris load and pollutants.

(ii) Natural Values, such as (A) water values (natural moderation of floods, water quality maintenance, and ground water recharge); (B) living resource values (fish and wildlife and biological productivity);

(C) Cultural resource values (archeological and historic sites, and open space for recreation and green belts); and (D) agricultural, aquacultural and forestry resource values.

(c) Responsible Official. The Executive Director shall be the responsible official for ensuring Commission compliance with Executive Orders 11988 and 11990 and for preparing or reviewing and applicable Statement of Findings.

Sec. 5. Decisionmaking Process.

Prior to taking any Action subject to these procedures, the Commission shall:

(a) Notify the public at the earliest possible time that consideration is being given to carrying out an Action potentially affecting or affected by a Floodplain or Wetland, and involve the

broadest affected and interested public in the decisionmaking process.

(b) For actions subject to the Office of Management and Budget Circular A–95, the Commission shall send a notice, not to exceed three pages in length, including a location map, to the state and areawide A–95 clearing-houses for the geographic areas affected. The notice shall include: (1) the reasons why the Action is proposed to be located in a Floodplain or Wetland; and (2) a list of the practicable alternatives considered. A brief comment period of 30 days will be allowed prior to taking any Action.

(c) If a Statement of Findings is required, it shall include the following:

(1) Reasons why the Action is proposed to be located in the Floodplain or Wetland;

(2) A statement indicating whether the Action conforms to applicable state or local Floodplain management standards;

(3) A list of the alternatives considered;

(4) A list of the mitigation measures and/or revisions made to the proposed Action so as to minimize harm to or within the Floodplain, and to minimize the destruction, loss, or degradation of Wetlands; and

(5) A map of the general area clearly delineating the proposal's locale and its relationship to its environs.

Site and Building Plans Requirements: Proposed Amendment

Subsection C of section 3 of the Commission's Site and Building Plans Requirements, 37 FR 3011–3013 (February 10, 1972), as amended, 37 FR 10330–10331 (March 19, 1974), is further amended by adding at the end thereof the following:

"(7) *Floodplain Management and Wetlands Protection.* The initial submission by a Federal agency for a project to be located in a Floodplain or Wetland, as defined in the Commission's Floodplain Management and Wetlands Protection Procedures (——— FR ———), shall include a copy of the agency's statement of findings, evaluation of impacts, and proposed mitigation measures prepared pursuant to Executive Order 11988 or Executive Order 11990."

Daniel H. Shear,

Secretary to the Commission.

July 10, 1981.

[FR Doc. 81–21599 Filed 7–22–81; 8:45 am]

BILLING CODE 1820–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–30]

Recommendations, Responses; Availability

On June 27, 1981, an Aerospatiale AS350 helicopter, N1381BH, experienced a severe tail rotor vibration while in flight. Four similar fatigue failures of the tail rotor pitch change horn have occurred recently—one in Canada, three in the United States. In view of its findings, the Board on July 10 issued to the Federal Aviation Administration the following "Class I, Urgent Action" recommendations:

Take immediate action to revise the existing inspection instructions of AD 81–13–09 to stress the importance of thoroughly cleaning the pitch change horn in the area of the mounting bolt countersinks and adjacent yoke radii before performing the dye penetrant and visual inspections required. (A–81–71)

Expedite review of the recent failure history and existing flight-load data on the AS350, PN350A–12–1368–01, tail rotor pitch change horn and issue an Emergency Airworthiness Directive to establish a life limit for the part. (A–81–72)

Responses from the Federal Aviation Administration:

A–78–82 and –83 (June 29).—FAA remains convinced that to rely on pilots' requests before applying visual separation would have adverse impact on efficient use of airspace at many terminals. Increased delays in Terminal Radar Service Areas would cause many pilots to decline participation in Stage III services, increasing the risk of collisions. Handbook 7110.65B, paragraph 490, was revised Oct. 1, 1980. (Ref. 45 FR 51006, July 31, 1980.)

A–80–35 (June 29).—AD 81–11–04, issued May 15, 1981, requires inspection of nosewheels on Piper PA–31, PA–31–325, and PA–61–350 airplanes. (Ref. 46 FR 17665, Mar. 19, 1981.)

A–81–30 and –31 (June 24).—Amendment of AD 68–05–01 to require annual inspection of the Piper tri-pacer exhaust system would be redundant to existing requirements. Instead, FAA will develop an advisory circular that emphasizes safety hazards of poorly maintained exhaust systems on single engine airplanes and that provides pilot guidance on checks on exhaust system during operation of aircraft between required inspection. (Ref. 46 FR 21284, Apr. 9, 1981.)

A–81–35 (July 1).—A June 30, 1981, letter to all FAA Regional Flight Standards Division Chiefs requires additional emphasis on surveillance of operators of aircraft not equipped with a weather detection device or weather radar. Surveillance will include observation of conduct of flights with reference to hazardous weather. (Ref. 46 FR 21284, Apr. 9, 1981.)

A–81–36 through –38 (July 1).—FAA does not concur in these recommendations, which concern lift strut forks installed on Piper aircraft; to require replacement of all forks as recommended in A–81–36 is not justified. FAA cannot require the manufacturer to identify parts by an FAA-specified method, but FAA agrees with the intent of A–81–37, which is to provide operators and mechanics in the field with better identification of parts with rolled threads; FAA will meet with Piper to discuss this issue. To require, per A–81–38, small airplane owners/operators to have inspections performed by manufacturers and only certain other designated inspection stations, could create unnecessary expense, inconvenience, and confusion. FAA will revise AD 80–22–15 for purpose of simplification. (Ref. 46 FR 21284, Apr. 9, 1981.)

A–81–39 through –42 (June 29).—The required use of localizer facility distance measuring equipment (DME) when established on the final approach course to runway 3 at Spokane (Wash.) International Airport is adequately reflected, and FAA finds no justification for publishing a Notice to Airmen or for adding a precautionary note relative to this procedure. FAA has reviewed approach procedures where DME is installed at a localizer and finds the chart portrayal adequate. FAA and the National Ocean Survey are determining if the existing method of depiction can be improved. FAA will reemphasize the fact that multiple navigation aids may be required in utilization of an instrument procedure and will restate importance of proper navigation aid selection, tuning, and identification. (Ref. 46 FR 21284, Apr. 9, 1981.)

Other Recommendation Responses:

H–77–31, from the Federal Highway Administration (July 2).—FHWA's National Highway Institute now offers training course 80–15, "Selecting, Locating and Designing Traffic Barriers," based on the American Association of State Highway and Transportation Officials' publication of the same title. In addition to classroom training, 80 sets of self-teaching audio visual training packages on this subject have been distributed to FHWA regional and division offices and State highway departments. (Ref. 44 FR 17608, Mar. 22, 1979.)

P–77–27, from Exxon Gas System, Inc. (June 29).—Exxon reports that the period of torque verification from 4,500 to 9,000 operating hours will be extended, based on experience gained from 20 torque verifications performed since early 1978. Data shows that the torque verification period can be extended and still maintain present level of personnel and equipment safety. (Ref. 43 FR 1851, Jan. 12, 1978.)

R–81–31, from the American Public Transit Association (June 16).—APTA reports increased involvement with safety-related organizations and lists speakers at its recent annual Rapid Transit Conference. (Ref. 46 FR 20012, Apr. 2, 1981.)

R–81–41 through –47, from the Union Pacific Railroad Company (June 25).—Union Pacific contends that last October's rear-end train collision near Hermosa, Wyo., resulted from inattention of the engineer and head brakeman and "gross violation" of company operating rules and practices. Union Pacific says that its expensive tests, including actual test trains with NTSB personnel present, proved safe operation under the rules and practices in effect at the time of the accident. (Ref. 46 FR 28772, May 28, 1981.)

R–81–54 through –58, from Conrail (July 1).—Under a stepped-up program for monitoring rules compliance by operators and dispatchers, during the first four months of 1981 Conrail increased its testing for compliance with blocking device rules by 71.7 percent over the same period of 1980. Conrail has increased concentration on rules compliance by newer employees. Regarding R–81–55, it is improper to permit operational safety to rely upon the possibility that one train will overhear radio communication intended for another train or base station. Conrail has already acted to implement R–81–56, providing Metropolitan Region operators with the ability to display a train order signal as required. (Ref. 46 FR 31950, June 18, 1981.)

On Nov. 14, 1980, the Safety Board, based on investigation of a 1978 corrosion leak in an inactive service line in Lafayette, La., recommended that the Research and Special Programs Administration, U.S. Department of Transportation, initiate rulemaking to prescribe a time limit when an inactive service line would be required to be abandoned and physically disconnected from the main (P–80–74). On Feb. 9 the Florida Public Service Commission informed the Board that its recommendation letter incorrectly referred to the State of Florida as having a regulation requiring service lines to be physically disconnected and purged of gas after having been inactive for 3 years. In reply on June 29 to the Commission, the Board states that a review of its file on the investigation of that accident shows that the reference to Florida was incorrect. (Ref. 46 FR 16367, Mar. 12, 1981.)

Note.—Copies of recommendation letters, responses, and related correspondence may be obtained free by writing to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

July 17, 1981

[FR Doc. 81–21618 Filed 7–22–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–458 and 50–459]

Gulf States Utilities Co., Cajun Electric Power Cooperative; Receipt of Antitrust Information

Gulf States Utilities Company, on behalf of itself and Cajun Electric Power Cooperative, has filed antitrust information for their application for operating licenses for the River Bend Station, Units 1 and 2. This information was filed pursuant to Part 2.101 of the Commission Rules and Regulations and is in connection with the owners' plans to operate two boiling water reactors in West Feliciana Parris, Louisiana. The application contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The remainder of the application for operating licenses is currently undergoing acceptance review. Following docketing, a notice will be published in the **Federal Register.**

Following completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial findings concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the application for operating licenses and the antitrust information submitted are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and in the local public Document Rooms at the Audubon Library, West Feciliana Branch, Ferdinand Street, St. Francisville, Louisiana and at the Louisiana State University, Government Document Department, Baton Rouge, Louisiana.

Any person who desired additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicant's activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 14, 1981.

Dated at Bethesda, Maryland, this 30th day of June 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81–20982 Filed 7–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–313]

Arkansas Power and Light Co. (Arkansas Nuclear One, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Arkansas Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR–51, which authorizes the operation of the Arkansas Nuclear One, Unit No. 1 (the facility) at steady-state power levels not in excess of 2568 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 19 and 31, 1980, January 19, 1981 and February 5 and 27, 1981, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 12, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, Maryland this 10th day of July 1981.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc.81–21607 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–269, 50–270, and 50–287]

Duke Power Co. (Oconee Nuclear Station, Units 1, 2, and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Duke Power Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR–38, DPR–47, and DPR–55, which authorize the operation of the Oconee Nuclear Station, Units 1, 2, and 3, (the facilities) at steady-state power levels not in excess of 2568 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Oconee County, South Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirments include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 15, 1980, and the references stated therein, which is incorporated herein be reference, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

[1] Attachment: NUREG–0737 Requirements, available in the NRC Public Document Room.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 30 days after the effective of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 12, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, Maryland this 10th day of July, 1981.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21608 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–302]

Florida Power Corp., et al. (Crystal River Unit No. 3 Nuclear Generating Plant); Order confirming Licensee Commitments on Post-TMI Related Issues

I.

Florida Power Corporation (the licensee) and eleven other co-owners are the holders of facility Operating License No. DPR–72, which authorizes the operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) at steady-state power levels not in excess of 2452 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Citrus County, Florida.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulator Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 19 and 31, 1980, March 3, April 1, May 29, and July 3, 1981, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will no alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 12, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for Hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, Maryland, this 10th day of July 1981.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21608 Filed 7-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR–72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specifications to clarify the term "Operable" as it applies to Safety Systems and Emergency Power and to make shutdown times consistent with Standard Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 21, 1980, (2) Amendment No. 40 to License No. DPR–72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-21611 Filed 7-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

The Georgia Power Company (the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR–57 and NPF–5, which authorize the operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2 (the facilities) at steady state reactor power levels not in excess of 2436 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Appling County, Georgia.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980, and January 13 and March 6, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff decribes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 12, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information wa approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, Maryland this 10th day of July 1981.

This order is effective upon issuance.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21610 Filed 7-22-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment:

(1) Revises the Technical Specifications to support the operation of the Maine Yankee Atomic Power Station at full rated power during Cycle 6.

(2) Revises additional Appendix A Technical Specifications by:

a. Incorporating changes required by our letter dated April 20, 1981 regarding redundant barrier isolation of the primary coolant system from the low pressure safety injection system,

b. Incorporating changes to the reactor vessel fluence figures, and

c. Incorporating changes in method of disabling the safety injection tank isolation valves and corresponding loop isolation valves in the open position.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 13, March 25, April 28 and June 30, 1981, as supplemented, (2) Amendment No 58 to License No. DPR–36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-21612 Filed 7-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station, Units Nos. 2 and 3); Order Confirming License Commitments on Post-TMI Related Issues

I

The Philadelphia Electric Company (the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR–44 and DPR–56, which authorize the operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facilities) at steady state reactor power levels not in excess of 3292 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in York County, Pennsylvania.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to proved substantial additional protection for the operation of nuclear facilities based on experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this

Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 22, 1980, and February 20, 1981, and the references stated therein, which are incorporation herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall be describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, Maryland this 10th day of July 1981.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21613 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 6–8, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on June 17 and July 22, 1981.

The agenda for the subject meeting will be as follows:

Thursday, August 6, 1981

8:30 a.m.–8:45 a.m.: Opening Session (Open)

The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including selection and appointment of a new ACRS member and NRC action regarding ACRS budget and staffing requests for FY 1983.

Portions of this session will be closed as necessary to discuss information of a personal nature the release of which would constitute a clearly unwarranted invasion of personal privacy.

8:45 a.m.–12:30 p.m. and 1:30 p.m.–3:00 p.m.: Enrico Fermi Atomic Power Plant Unit 2 (Open)

The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed operation of this unit. The Committee will also hear and discuss reports from members of the NRC Staff and representatives of the Applicant concerning this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

3:00 p.m.–8:00 p.m.: Waterford Steam Electric Station Unit 3 (Open)

The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed operation of this unit. The Committee will also hear and discuss reports from members of the NRC Staff and representatives of the Applicant concerning this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

Friday, August 7, 1981.

8:30 a.m.–12:30 p.m. and 1:30 p.m.–3:00 p.m.: Susquehanna Steam Electric Station Units 1 and 2 (Open)

The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed operation of this unit and the program for resolution of problems regarding the Mark II type containment used in this type plant. The Committee will also hear and discuss reports from members of the NRC Staff and representatives of the Applicant concerning this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

3:30 p.m.–4:00 p.m.: Discuss Items for Meeting with NRC Chairman and Commissioners (Open/Closed)

The members will consider those items to be discussed with the NRC Chairman and other Commissioners who may have an interest. Topics will include the status of the appointment of a new ACRS member, clarification of the Commission request for ACRS review of the proposed NRC program to evaluate alternate materials for radwaste disposal containers, and to respond to questions the Commissioners may have regarding the ACRS report (NUREG–0798) on the proposed NRC Safety Research Program budget for FY 1983.

Portions of this session will be closed as necessary to discuss information of a personal nature the release of which would constitute a clearly unwarranted invasion of personal privacy.

4:00 p.m.–5:00 p.m.: Meeting with NRC Chairman and Other Commissioners (Open/Closed)

The Committee will meet with the NRC Chairman and other Commissioners who may have an interest to discuss items noted above.

Portions of this session will be closed as necessary to discuss information of a personal nature the release of which would constitute a clearly unwarranted invasion of personal privacy.

5:00 p.m.—6:00 p.m.: Proposed NRC Regulation (10 CFR 50.49) on Environmental and Seismic Qualification of Electrical Equipment Important to Safety (Open)

The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding this proposed NRC rule. Representative of the NRC staff and the nuclear industry will participate as appropriate.

6:00 p.m.—6:30 p.m.: Quantitative Safety Goals (Open)

The Committee will hear and discuss the report of its Subcommittee on Probabilistic Risk Assessment regarding the development and use of quantitative safety goals in the regulation of nuclear facilities.

6:30 p.m.—8:00 p.m.: Preparation of ACRS Reports (Open)

The committee will discuss proposed ACRS reports regarding projects considered during this meeting.

Saturday, August 8, 1981

8:30 a.m.—12:30 p.m. and 1:30 p.m.—3:30 p.m.: Preparation of ACRS Reports (Open)

The Committee members will discuss proposed ACRS comments/reports regarding matters considered during this meeting. The Committee will also discuss its proposed schedule for future activities.

Portions of this session will be closed as necessary to permit discussion of Proprietary Information.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552(c)(6).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: July 20, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–21617 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–443, 50–444]

Public Service Co. of New Hampshire, et al., (Seabrook Station, Units 1 and 2); Issuance of Director's Decision (DD–81–14)

On February 11, 1980, the Director of Nuclear Reactor Regulation denied under 10 CFR 2.206 a petition filed by the Seacoast Anti-Pollution League (SAPL). *See* DD–80–6, 11 NRC 371 (1980). While the Director's decision was pending before the Commission for possible review, SAPL filed a letter on June 30, 1980, before the Commission in support of its petition. Although the Commission declined to review the Director's decision, the Commission referred SAPL's June 30th letter to the Director for consideration as a separate petition under 10 CFR 2.206. SAPL's June 30th letter essentially reiterates its earlier request for institution of proceedings to suspend or revoke the permits issued to Public Service Company of New Hampshire for construction of the Seabrook Station. SAPL's June 30th letter raises issues concerning emergency planning and evacuation as the basis of its request. The Commonwealth of Massachusetts filed a memorandum in support of SAPL's request on March 13, 1981.

Upon consideration of the information provided by SAPL and the Commonwealth of Massachusetts, I have determined not to institute the requested proceeding. The reasons for this decision are set forth in a "Director's Decision Under 10 CFR 2.206", which is available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and in the local public document room at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883. A copy of the decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Md., this 15th day of July 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21614 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District, (Rancho Seco Nuclear Generating Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I. Sacramento Municipal Utility District (the licensee) is the holder of Facility Operating License No. DPR–54, which authorizes the operation of the Rancho Seco Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California.

II. Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set

forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardward modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III. The licensee's submittals dated November 17 and 18, 1980, December 15, 1980, January 16, 1981, February 20, 1981, and July 3, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals include a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV. Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V. Any person who has an interest affected by this Order may request a hearing on or before August 12, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, MD., this 10th day of July 1981.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21615 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–346]

Toledo Edison Co. and Cleveland Electric Illuminating Co., (Davis-Besse Nuclear Power Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I. The Toledo Edison Company (TECo) and The Cleveland Electric Illuminating Company (licensees) are the holders of Facility Operating License No. NPF–3, which authorizes the operation on the Davis-Besse Nuclear Power Station, Unit No. 1, at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Ottawa County, Ohio.

II. Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensees, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III. The licensees' submittals dated December 30, 1980, and July 6, 1981, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensees' submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensees' submittals and determined that the licensees' modified schedule is acceptable based on the following:

The licensees' schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensees are meeting the guidance of NUREG–0737. Therefore, this deferral of the licensees' submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

of public health and safety, and therefore, should be confirmed by Order.

IV. Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensees shall comply with the following conditions:

The licensees shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensees' facility) as early as practicable but no later than 60 days after the effective date of the Order.

V. Any person who has an interest affected by this Order may request a hearing on or before August 12, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensees, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensees or other persons who ave an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensees should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

Dated at Bethesda, Md., this 10th day of July 1981.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nulcear Reactor Regulation.

[FR Doc. 81–21616 Filed 7–22–81; 8:45 am]

BILLING CODE 7590–01–M

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96–511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of you intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please end them to Jim J. Tozzi, Deputy Administator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

- Bureau of the Census
- Special Census Enumeration Schedule and Address Register
- SC–19 & SC–19A
- Other—See SF83
- Individuals or households

Individual households
Other advancement and regulation of commerce: 1 response; 1 hour; 2 forms; not applicable under 3504(H)
Office of Federal Statistical Policy and Standard, 202–673–7974

Provides current population and housing counts for local governments between the decennial censuses.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

NEW

• Department and Others
Significant AA&E Incident Report
DIS 91
On occasion, annually
Businesses or other institutions
Department of Defense AA&E Contractors
SIC: Multiple
Department of Defense—Military: 35 responses; 35 hours; $429 Federal cost; 1 form; not applicable under 3504(H)
Kenneth B. Allen, 202–395–3785

The information will serve as a record of thefts/losses of AA&E in the custody or possession of DOD contractors. Information will provide a basis for determining/identifying trends and magnitude of AA&E losses. It will also assist in evaluating adequacy of contractor's physical safeguards and in prescribing corrective action where appropriate.

• Department of the Air Force
Community Response to Air Force Noise
Nonrecurring
Individuals or households
Individual households
Department of Defense—Military: 650 responses; 435 hours; $82,000 Federal cost; 1 form; not applicable under 3504(H)
Edward C. Springer, 202–395–4814

(Air installation compatability use zones) testing validity of air installation compatability use zones predicted noise exposure contours. Present noise indexes (LDN) are based on best available judgments. Noise contours are used in land acquisition and operations planning. Present indexes will be tested and new methods for combining noise exposures and community reactions could result.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

NEW

• Office of Postsecondary Education
Federal Loan Transaction Statement
Guaranteed Student Loan Program
ED 1199
Monthly
Businesses or other institutions
Businesses and other institutions not engaged in deposit banking
SIC: 822 601 602 603 604 605
Small businesses or organizations
Higher education: 144,000 responses; 216,000 hours; $11,000 Federal cost; 1 form; not applicable under 3504 (h)
Federal Education Data Acquisition Council 202–426–5030

This form is used by Ed's guaranteed student loan branch to bill lenders for insurance primiums. It is also used by lenders to report changes in the status of existing loans and to report loans paid in full.

• Office of Educational Research and Improvement
National Assessment of Educational Progress Citizenship/
Social Studies, Mathematics and Science Assessments
Sept. 1981–Aug. 1982
2371–13A–13I 13SLF 13SSR–13PQ 13SOQ 13QC 13TEQ
Biennially
Individuals or households/State or local governments
9, 13, 17 year old students, and school officials
SIC: 821
Research and General education aids: 81,850 responses; 27,559 hours; $5,521,338 Federal cost; 1 form; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

Congress has mandated the collection of national assessment survey data. The data collection will occur during the 1981–82 school year in the areas of citizenship/social studies, mathematics and science with respondent ages 9, 13, and 17. The data will be used by policy makers to monitor changes in student performance over time in the United States. The data will be useful to the public, researchers, legislators and educators in determining changes in education.

Extensions (No Change)

• Office of Postsecondary Education
Teacher Exchange Program—Application Package
OE 350 350–1–2–3
Annually
Individuals or households
Hers and Education personnel at all levels
Higher education; 2,100 responses; 1,500 hours; $194,500 Federal cost; 4 forms; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

To be used by applicants under the fiscal year 1982 teacher exchange program which provides opportunities for U.S. teachers to exchange positions for an academic year with foreign counterparts or to attend one of a variety of short-term seminars worldwide on a variety of topics.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464

Extensions (Burden Change)

• Federal Energy Regulatory Commission
Reserve Dedication Report
FPC 334
On Occasion
Businesses or other institutions
Natural gas pipelines
SIC: 492
Small businesses or organizations
Energy information, policy, and regulation: 104 responses; 52 hours; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Used to provide a method of reporting to FERC dedications of new gas to obtain credit toward the discharge of refund obligations of producers and toward the contingent escalation of area rates

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Alcohol, Drug Abuse, and Mental Health Administration
National household Survey on Drug Abuse
ADM T 16–1 ADM T 16–2
Biennially
Individuals or households
12 years or older family members in coterminous U.S.
Health: 5,500 responses; 4,583 hours; $1,000,000 Federal cost; 3 forms; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

The 1981–82 national survey on drug abuse consists of personal interviews with approximately 5,500 respondents aged 12 and older randomly selected from the household population of the coterminous U.S. findings will provide prevalence estimates and be used by Federal and State agencies to determine policy and strategy for education, prevention and treatment programs.

• Centers for Disease Control
Request for Health Hazard Evaluations—Contents of a Request for Health Hazard Evaluation
NIOSH 286 NIOSH 2106
On occasion
Businesses or other institutions
Representatives (general industry and mining)
SIC: Multiple

Small businesses or organizations
Health: 650 responses; 130 hours; $2.000 Federal cost; 2 forms; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

Application form for requesting health hazard evaluation/technical (assistance general industry and mining).

• Food and Drug Administration
Protection of human subjects (recordkeeping requirements for Institutional Review Boards)
On occasion
Businesses or other institutions
Biomedical research institutions
SIC: 739 892
Consumer and occupational health and Safety; 14,600 responses; 17,520 hours; $735,073 Federal cost; 1 form; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

Documentation of IRB activities and retention of those records is necessary for FDA to be able to assess compliance with regulations during inspections.

• Human Development Services
Performance and Financial Status Report for Title VI
Quarterly
Businesses or other institutions
Federally recognized Indian tribes
SIC: 835
Multiple Functions: 340 responses: 680 hours; $6,800 Federal cost; 2 forms; $6,800 Public cost; not applicable under 3504 (h)
Gwendolyn Pla 202–395–6880

(1) Monitor program operations (2) establish program operations, growth and output (3) provide U.S. Department of Agriculture with specific data elements to formulate entitlements mandated under the FNS program (4) prepare responses to Congress, OMB, GAO, and other Federal, public, and private agencies.

• Social Security Administration
State Plan for Refugee Resettlement
OS–9–81
On occasion
State or local governments
State refugee resettlement programs
SIC: 944
Public assistance and other income supplements: 50 responses; 2,400 hours; $2,000 Federal cost; 1 form; not applicable under 3504 (h)
Barbara F. Young, 202–395–6880

As a condition for receipt of funds under the refugee resettlement program, a State must submit a plan which satisfies the requirements in section 412(A)(6) of the Immigration and Nationality Act.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331.

New

• Employment and Training Administration
Win status change notice
ETA–597
On occasion
State or local governments
Governments are local win projects
SIC: 944
Training and employment: 1,900,000 responses; 95,000 hours; $155,140 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

The 597 provides a format for recording win registrant status and activity in the win program from entry into employment deregistration and subsequent follow through. It is the principal document utilized in entering win E & T client activity in the employment and security ads and ESARS. It is also used to transmit information on the registrant's progress between the IMU, SAU and E & T agency.

• Employment and Training Administration
Win employability plan & certification record
ETA–596
On occasion
Individuals or households/State or local governments
Government local win project
SIC: 944
Training and employment: 845,000 responses; 70,389 hours; $1,491 Federal cost; 6 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

This form provides a format for summarizing information secured in the appraisal and employability plan, and provides a place for registrants to sign, indicating their agreement with employability plan, and a place for an assurance by the SAU that register is certified. The subject form is used by both SAU and E & T agency. It facilitates entry of social services data into ESARS, and exchange of information between SAU and E & T Agency.

• Employment Standards Administration
A study of accommodations provided to handicapped employees by Federal contractors
ESA–103–T
Nonrecurring
Individuals or household/businesses or other institutions
Fed'l contrs. in manufacturing & handicapped employees
SIC: 200, 399, 600, 899
Small Businesses or organizations
Other labor services: 1,725 responses; 572 hours; $206,620 Federal cost; 4 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

By measuring the extent, nature, and costs of accommodation that have been provided for handicapped workers, DOL will evaluate impacts of current policy and effectively link forthcoming policy and regulations to economic reality. By gathering information on accommodation processes and technologies, DOL will build a strong technical assistance capability.

• Employment Standards Administration
Request for earnings information
LS–426
On occasion
Individuals or households
Recipients of Longshore and Harbor Worker's Compensation
Income security: 2,400 responses; 600 hours; $3,200 Federal cost; 1 form not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Report gathers information regarding injured employees average weekly wage. This information is required for determination of compensation amounts in accordance with section 10 of the Longshoremen's and Harbor Workers' Compensation Act.

Revisions

• Employment and Training Administration
Win registration record
ETA–595
On occasion
Individuals or households/State or local governments
Indiv. resp. are AFDC appl. & recip. regis. for Win, etc.
SIC: 944
Training and employment: 990,500 responses; 41,271 hours; $215 Federal cost; 1 form; $412,710 public cost; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

This form is used with registrants to provide (1) a written explanation of the Win program—its purpose, the difference between mandatory and voluntary registrants, (2) an explanation of rights & responsibilities, (3) a place for identifying information on the registrant (case No., address, etc.) and (4) a place for the registrant's and interview's signatures. It ensures that registrants have written proof of their registration.

Extensions (burden change)

• Departmental Management
Standard questionnaire for manufacturing firms
ILAB A–B–C
On occasion
Businesses or other institutions
Manufacturers
SIC: multiple
Small businesses or organizations
Other labor services: 405 Responses; 1,620 hours; $1,650 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Data and information needed to prepare report to president under sections 202 and 224 of the Trade Act of 1974 which used in determining type of import relief granted import impacted industries.

• Departmental Management
Petition for adjustment assistance ILAB 20 (revised). ILAB 20–1 (Spanish)
On occasion
Individuals or households/businesses or other institutions
Firms/businesses or officers of unions rep. indv. workers
SIC: multiple
Other labor services: 1,800 responses; 450 hours; $18,000 Federal cost; 2 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Petition used by American workers applying to the U.S. Department of Labor for eligibility to receive worker trade adjustment assistance in accordance with the provisions of the Trade Act of 1974. The petition initiates action on part of the Department to determine if the worker is eligible.

Reinstatements

• Employment and Training Administration
Impact evaluation of youth incentive Entitlement pilot project—Wave IV
ETA–13
Nonrecurring
Businesses or other institutions
Youth in pilot and control sites
Training and employment: 4,558 responses; 3,798 hours; $1,600,000 Federal Cost; 1 form; $37,980 public cost; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

This is the third and final followup survey of a youth sample assembled in 1976 to test the impacts of the youth incentive entitlement pilot project on eligible youth participants. Key impact findings are expected in education and employment improvements and are crucial to the development of youth program planning and policy development.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887.

New

• Urban Mass Transportation Administration
Progress reports
Quarterly
State or local governments/businesses or other institutions
Pulic and private mass transportation agencies
SIC: 411
Ground transportation: 3,000 responses; 450,000 hours; $200,000 Federal cost; 2 forms; not applicable under 3504 (h)
Mahesh Podar, 202–395–7340

Progress reports are required by OMB circular A–102 and A–110 and UMTA circular 5010.1. Reports are submitted quarterly to UMTA regional offices and describe current and proposed project activities.

• Federal Aviation Administration
Application for parking permits at IAD or DCA
MA 1780–1 & 2, MA 4665–1
On occasion
Individuals or households
Gov. & Non-Gov. employees who park POVS at National & Dulles
Air transportation: 26,000 responses; 2,165 hours; $65,000 Federal costs; 3 forms; not applicable under 3504 (h)
Mahesh Podar, 202–395–7303

The data requested by FAR 159.23 is required to determine applicant's eligibility for an airport parking permit. To maintain record of people authorized to park on the airport, and to determine the need for and utilization of airport employee parking spaces.

• Coast Guard
Declaratioin of inspection
On Occasion
Businesses or other institutions
Owners & oper. of ves. & fac. that transfer oil inbulk
SIC: 441, 442
Small businesses or organizations
Water transportation: 200,000 responses; 16,000 hours; $19,000 Federal cost; 0 form; not applicable under 3504 (h)
Mahesh Podar, 202–395–7340

33 USC 1321—The coast Guard has determined that to prevent pollution by oil of the navigable waters of the U.S. detailed procedures must be followed during oil transfer operations at facilities and on board vessels. This report/recordkeeping requirement provides a tool to check for regualtory compliance.

Extensions (burden change)

• Federal Aviation Administration
Certification and operations: air carriers and commercial operators of large aircraft—FAR 121
FAR 121
On occasion
Businesses or other institutions
Air carriers
Air transportation: 23,407,318 responses; 6,836,857 hours; $1,798,200 Federal cost; 0 form; not applicable under 3504 (h)
Mahesh Podar, 202–395–7340

Federal Aviation Act of 1958, section 604 (49 USC 1424), authorizes issuance of air carrier operating certificates. 14 CFR 121 prescribes regulations governing air carrier operations. Information collected is used to determine compliance and applicant eligibility.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394.

Mew

• Internal Revenue Service
Federal tax deposit
Weekly, monthly, quarterly
State or local governments/farms/businesses or other institutions
All taxpayers required to make deposits under FTDS.
SIC: All
Small businesses or organizations
Central fiscal operations: 58,000,000 responses; 1,578,000 hours; $12,276,710 federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

The Federal tax deposit (FTD) form is used by taxpayers to deposit the required taxes at authorized financial institutions or federal reserve banks or branches. The depositary sends the card to the IRS center where the deposited amount is credited to the depositor's tax account. The data is used to make the credit and to verify the tax deposit claimed on a return.

ACTION

Agency Clearance Officer—Mr. Don Romine—202–254–8523.

New

• Senior Companion Program Impact Evaluation Phase III
On occasion
Individuals or households
SCP volunteers. clients & people wishing to become volntrs
Social services: 615 responses; 513 hours; $95,400 Federal cost; 1 form; not applicable under 3504 (h)
Diane Wimberly, 202–395–6880

This is the second-year assessment of a previously approved three-year, longitudinal study of the impact of participation in the senior companion program (SCP), either as a vól or ascipient of volunteer services. The focus is on changes in the functional abilities of the individuals involved.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513.

Revisions

• Application for authorization in the Auxiliary Radio Broadcast Services
313
On occasion
Businesses or other institutions
Licensees of AM, FM or TV broadcast stations
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 3,200 responses; 16,000 hours; $77,029 Federal cost; 1 form; not applicable under 3504 (h)
Willian T. Adams, 202–395–4814

Filing is required when applying for authority for remote pick-up, stl, or other station coming under the auxiliary radio broadcast services. The data is used to determine whether the proposal will serve the public interest.

Extensions (Burden Change)

• Application for a new or Modified Common Carrier Microwave Radio Station License Under Part 21
436
On occasion businesses or other institutions
Common carriers req. microwave radio station licenses
SIC: 481,482,489
Small businesses or organizations
other advancement and regulation of commerce: 3,200 responses; 1,600 hours; $132,918 Federal cost; 1 form; not applicable under 3504 (h)
William T. Adams, 202–395–4814

Application is required of common carriers when applying for a new or modified common carrire microwave radio station license. It is used by the FCC to venaluate construction status and authorize the operation of point-to-point microwafe, local TV transmission, and multipoint distribution radio stations.

• Application for Periodic Inspection
Form 812
Biennially
Businesses or other institutions
Shipboard station licensees
SIC: 442
Other advancement and regulation of commerce: 1,700 responses; 142 hours; $3,500 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Form needs to be submitted by the licensee to request an inspection of a shipboard station. Data is used by the inspecting office to gather information to conduct the inspection.

Extensions (No Change)

• Application for Renewal of Radio Station License in Specified Services
405
Other—see SF83
Businesses or other institutions, domestic public radio services
SIC: 481, 482, 489
Small businesses or organizations
Other advancement and regulation of commerce: 2,700 responses; 1,350 hours; $148,514 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Application must be filed by the licensee between 30 and 60 days prior to the expiration date of the license sought to be renewed. The data is used to renew authorization for current licensees.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481.

Extensions (No Change)

• Part 335—Securities of insured State Nonmember Banks F–1, F–2, F–3, F–4, F–5, F–6, F–7, F–8, F–11, F–11A, F–12, F–13
Nonrecurring, on occasion, quarterly, annually
individuals or households/businesses or other institutions
insured State nonmember banks with assets over $1,000,000
SIC: 602
Small businesses or organizations
Mortgage credit and thrift insurance; 15,946 responses; 107,061 hours; $330,050 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information collected is required by Securities Exchange Act of 1934 and regulations and rules prescribed thereunder by Sec. Information, available for public inspection and in some cases required to be furnished to security holders, is designed to help public make intelligent investment decisions and is also used for supervisory purposes.

• Foreign Branch Report of Condition
Annually
Businesses or other institutions
U.S. chartered commercial banks with foreign branches.
SIC: 602
Small Businesses or organizations
Mortgage credit and thrift insurance: 23 responses; 69 hours; $500 Federal cost; 1 form; $1,725 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The report contains asset and liability information for foreign branches of State insured nonmember banks and is required for regulatory and supervisory purposes. It is used in examination planning and in determining the composition of assets and liabilities and overall banking trends. An identical report is collected by the Comptroller of the Currency and the Federal Reserve System.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–3512

Revisions

• Monthly Survey of Variable Interest Rate Ceiling Time
Deposits
FR 2042
Other—see SF83
Businesses or other institutions
Sample of insured commercial banks and mutual savings banks
SIC: 602, 603
Small Businesses or organizations
General government: 5,264 responses; 3,527 hours; $31,740 Federal cost; 1 form; $52,905 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These data are used by the Federal Reserve Board (1) to analyze and interpret movements in the monetary aggregates, (2) to observe competitive developments between banks and thrift institutions, and (3) to help monitor the earnings position of depository institutions. These data provide the Federal Reserve Board and the Depository Institutions Deregulation Committee (DIDC) with a factual basis for appraising the effects of interest rate ceilings and for monitoring.

• Survey of Time and Savings Deposits
FR 2298
Quarterly
Businesses or other Institutions
Sample of insured commercial banks
SIC: 602
Small businesses or organizations
General government: 2,200 responses; 7,920 hours; $38,000 Federal cost; 1 form; $118,800 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These data are used by the Federal Reserve Board (1) to analyze and interpret movements in the monetary

aggregates, (2) to observe competitive developments between banks and thrift institutions for various classes of deposits. These data provide the Federal Reserve Board and the Depository Institutions Deregulation Committee (DIDC) with a factual basis for appraising the effects of interest rate ceilings and for monitoring the impact of the gradual removal of such.

• Bank Merger Application
FR 70
On occasion
Businesses or other institutions
Commercial banks insured by the Federal Deposit Ins. Corp.
SIC: 602
Small businesses or organizations
General government: 25 responses; 900 hours; $100,000 Federal cost; 1 form; $225,000 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To provide current information for analysis on respondents' overall condition, competitive aspects of the proposed merger and enhancement of the convenience and needs of the community (IRS) involved in accordance with the Bank Merger Act.

• Application for membership
FR 83
On occasion
Businesses or other institutions
Nonmember State banks and mutual savings banks.
SIC: 602
Small businesses or organizations
General government: 50 responses; 900 hours; $150,000 Federal cost; 1 form; $337,500 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To provide managerial, financial, and structural data relative to the financial needs, and convenience of the community to be served, for analysis pursuant to the Federal Reserve Act, and the board's regulation H.

Extensions (No Change)

• Report of Certain Eurocurrency Transactions
FR 2950 FR 2951
Weekly
Businesses or other institutions
Depository institutions
SIC: 602, 603, 612, 614, 605
Small businesses or organizations
General government: 28,496 responses; 28,496 hours; $938,712 Federal cost; 2 forms; $427,440 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These reports collect information on Eurocurrency deposits from depository institutions that obtain funds from foreign (non-U.S.) sources or that maintain foreign branches. Reports are used to insure compliance with Federal Reserve regulation D, as authorized by the Monetary Control Act of 1980. These data are used to calculate reserve requirements and to estimate nondeposit sources of funds.

• Report of Transaction Accounts, Other Deposits and Vault Cash
FR 2900
Weekly, quarterly
Businesses or other institutions
Depository institutions
SIC: 602, 603, 612, 614
Small businesses or organizations
General government: 772,440 responses; 3,962,617 hours; $6,336,538 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report collects deposits data from depository institutions that have transaction accounts or nonpersonal time deposits. This report is used to insure compliance with Federal Reserve regulation D on reserve requirements as authorized by the Monetary Control Act of 1980 and to provide information for monetary policy purposes. These data are used to calculate reserve requirements and to estimate monetary aggregates.

• Allocation of Low Reserve Tranche on Transaction Accounts for U.S. Branches and Agencies of Foreign Banks and Edge Act and Agreement Corporations
FR 2930
On occasion, annually
Businesses or other institutions
Banks and agreement corps. more than one Federal Reserve District
SIC: 605
Small Businesses or organizations
General Government: 431 responses; 108 hours; 1 form; not applicable under 3504(h)
Kevin Broderick; 202–395–6880

In calculating reserve requirements for transaction accounts, which are reported on the FR 2900, the first $25 million of such deposits (the low reserve tranche) are reserved at a lower ratio than amounts in excess of $25 million. This report collects information on the allocation of this tranche from all U.S. branches and agencies of foreign banks and from Edge Act and agreement corporations that have offices located in more than one State or Federal Reserve District.

• Form F–2 Annual Report to Security Holders
F–2
On occasion, quarterly
Individuals or households/businesses or other institutions
State banks listed on national securities exchanges
SIC: 602
General government: 1,615 responses; 10,910 hours; $95,000 Federal cost; 15 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information collected is required by Securities Exchange Act of 1934 and regulations and rules prescribed there under by sec. information available for public inspection and in some cases required to be mailed to security holders, is designed to help public make intelligent investment decisions and is also used for supervisory purposes.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Office—John F. Gilmore—202–566–1164.

New

• Employee Parking Claims Form
Nonrecurring
Individuals or Households
Fac., etc.
Other advancement and regulation of commerce; 170,000 response; 85,000 hours; $1,150 Federal cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

In accordance with U.S. District Court order, this form will be used to collect data from Federal employees for fees paid to the Government pursuant to OMB Circular A–118 and FPMR Temporary Regulation D–65.

• Building Service Contractor Work Report
GSA 3430
Weekly
Individuals or Households
Bus. firms or indiv. prov. services under contr. by GSA
Small businesses or organizatons
General property and records management: 28,080 responses; 14,040 hours: $501,973 Federal cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 3430, Building Service Contractor Work Report, is required to improve GSA's procedures for administering building service contracts such as janitorial, guard, and related services. It is used to record and certify productive hours worked.

Extensions (Burden Change)

• Statement of Financial Information
GSA 534
On occasion
Businesses or other institutions
Prospective contractors
SIC: all
Small businesses or organizations
General Property and records management: 7,500 responses; 15,000 hours; $375,000 Federal cost; $225,000 public cost; 1 form; not applicable under 3504(H)
Franklin S. Reeder, 202–395–3785

The form is necessary for the proper performance of the agency's functions in evaluating the financial capabilities of prospective contractors that deal with GSA. This form provides the Office of Finance with the necessary fiancial information to complete its evaluation of the prospective contractors.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737.

Reinstatements

• Application To Be Listed Under Voting Rights Act
CSC 805–T
On occasion
Individuals or Households
Adults in cert. st. who desire to be Fed. listed to vote
Central Personnel Management: 1,000 responses; 333 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under the Voting Rights Act of 1964, the Department of justice may request OPM to examine the qualifications of persons to vote. The OPM form 805 series elicits information from which this determination can be made. If eligible, the person's name is certified to appropriate State officials for addition to the official voting lists.

SELECTIVE SERVICE SYSTEM

Agency Clearance Officer—Clarence E. Boston—202–724–0683.

New

• Request for Survey of SSS Registrants
Other—see SF83
Individals or households
Random sample of draft age persons in form SMSA's
Defense-related activities: 140 responses; 350 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Compliance rates for the continuous registration process have been declined during the past six months. The proposed research will enable us to identify the causes of noncompliance and structure programs to correct the problem.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2596.

New

• 1981 Commercial and Industrial (Energy) Survey: Customers of Local Electric Utilities Distributing TVA Power
Nonrecurring
Businesses or other institutions
Clas. (Known SIC Code) and unclas. (SIC code unknown), etc.
SIC: multiple
Small businesses or organizations
Energy supply: 4,680 responses; 2,903 hours; $595,725 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

To forecast future power requirements, the TVA needs information on current and projected energy consumption and conservation in the Valley for commercial and industrial firms. This information will also be used for TVA program planning and its scheduled for collection between September 1981 and December 1981.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Extensions (No Change)

• VA Report of Nursing Home Care
10–1204B
Monthly
Business or other institutions
Public or private nursing homes
Small businesses or organizations
Hospital and medical care for veterans; 96,000 responses; 16,000 hours; $189,112 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Required by Title 38, U.S.C. 210e(1), to collect information on veterans in community nursing homes under title 38 U.S.C. 620. Reports on veteran's general condition, reaction to treatment plans and recommends whether nursing home care should be continued. Also used for quality control or services and in planning for veteran's future needs.

C. Louis Lincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–21635 Filed 7–22–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[812–4685; Rel. No. 11981]

IMS Variable Leverage Fund, Ltd.; Filing of Application

July 17, 1981.

Notice Is Hereby Given that IMS Variable Leverage Fund, Ltd., 16829 East Enterprise Drive, (P.O. Box 17980), Fountain Hills, Arizona 85268, a Nebraska Limited Partnership ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on June 17, 1981 ("Amended Application") pursuant to Section 6(c) of the Act requesting an order of the Commission amending a previous order of the Commission dated August 6, 1980 (Investment Company Act Release No. 11288), which granted Applicant an exemption from the provisions of Sections 2(a)(3), 2(a)(19) and 22(e) of the Act to the extent necessary to permit Applicant to operate using the limited partnership form. That order was granted subject to the condition of the continued effectiveness of several undertakings which Applicant had made in its Application, one of which was Applicant's obtaining an errors and omissions insurance policy up to a maximum amount of $5 million with a $10,000 deductible for any one claim, and a stockbrokers' blanket bond in the amount of $10 million. The requested amended order would reduce the amounts of errors and omissions insurance and fidelity bond coverage required to be maintained by Applicant. All interested persons are referred to the Amended Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The investment objective of Applicant is providing investors with capital appreciation and modest annual distributions of income. Applicant seeks to achieve its investment objective by investing in a diversified portfolio of common stocks or securities convertible into common stock, or (for defensive purposes or for temporary periods) in non-convertible fixed obligations. Applicant was organized as a limited partnership in order to accrue certain tax benefits for its investors which would not be available if Applicant were organized in corporate form. Specifically, because Dr. Herbert W. Robinson and members of his family would initially be, and were as of May 31, 1981, beneficial owners of

substantially all the outstanding shares of Applicant, had Applicant been organized as a corporation (since more than 50 percent of its shares were held by members of the Robinson Family and the four other largest shareholders of Applicant) it would have been classified as a personal holding company under the Internal Revenue Code subject to corporate tax on income and a substantial penalty tax on undistributed income. The Robinson Family's initial contribution of cash and securities in return for shares of Applicant were valued at $3,803,533. Applicant has stated in both its Original and Amended Application that it is committed to convert to corporate form when the aforementioned investment of the Robinson Family and the four other largest investors amounts to no more than 40 percent of Applicant's outstanding shares. Dr. Herbert W. Robinson and IMSC as of May 31, 1981, owned 76.16% of Applicant's outstanding shares, having a value of $3,005,877. Applicant estimates that conversion will become possible when Applicant's net assets reach approximately $12,000,000, assuming that investment by the other four largest investors will average $200,000.

Applicant's Original Application stated that its organization, pursuant to its agreement of limited partnership, provides (1) for the general partners of Applicant to consist of three Director General Partners and Adviser General Partner; (2) that Applicant will be managed solely by the Director General Partners except in certain circumstances; and (3) only individuals may serve as Director General Partners. Director General Partners will perform the same functions as directors of incorporated investment companies. Applicant further stated in its Original Application that its organization is such that the Adviser General Partner, International Management Systems Corporation ("IMSC"), in its capacity as such, is excluded from participation in the management of Applicant except in limited circumstances. In its capacity as investment adviser, however, IMSC will have authority to act on behalf of Applicant to the extent provided in its advisory agreement.

Furthermore, Applicant's Original Application stated that according to the limited partnership agreement Applicant's limited partners have no right to control Applicant's business, but may exercise certain rights and powers of a limited partner under the partnership agreement, including voting rights, and the giving of consents and approvals provided for in the partnership agreement. Applicant stated therein that the partnership agreement authorizes limited partners to exercise voting rights on certain matters, including the right to elect or remove general partners, approval or termination of investment advisory contracts, approval or disapproval of the sale of all or substantially all of the assets of Applicant, ratification or rejection of the appointment of the independent public accountants of Applicant and amendments to the partnership agreement (other than those to admit or substitute limited partners or to return or reduce the amount of partners' capital contributions).

Applicant's Original Application also stated that Applicant had been advised that it was the opinion of its Nebraska counsel that the existence or exercise of the aforementioned voting rights does not subject the limited partners to liability as general partners under the Uniform Limited Partnership Act of Nebraska. However, Applicant further stated in the Original Application that it is possible that, because of such voting rights, the limited partners might be found to be subject to liability as general partners by the courts of another state. Consequently, as a result of utilizing the limited partnership form of operation, Applicant's Original Application was required to contain certain undertakings by Applicant designed to minimize the risk that the status of investors as limited partners under the Uniform Limited Partnership Act of Nebraska might not be recognized in other jurisdictions, resulting in their being subjected to liability for obligations of Applicant as general partners.

Accordingly, in its Original Application, Applicant undertook, inter alia: (1) that if a limited partner is sued to satisfy an obligation of Applicant, Applicant will, upon notice of such suit, either satisfy such obligation or, if it believes such suit is without merit, undertake the defense of such suit; (2) that Applicant will include in all of its material contracts a provision that any claim under the contract may be asserted only against Applicant's assets; and (3) that Applicant's general partners, as a condition to obtaining a ruling from the Internal Revenue Service on the tax status of Applicant, agreed to make and retain an investment in shares of Applicant in the aggregate of at least one percent of all outstanding shares of Applicant. IMSC agreed to purchase sufficient shares to maintain this one percent interest.

As a further protection against the risk that the limited partners might be held personally liable for Applicant's obligations as general partners, Applicant's Original Application also contained an undertaking by Applicant to obtain insurance protection against losses by reason of the errors and omissions of partners, officers or employees of Applicant in the amount of $5,000,000 (with a $10,000 deductible for any one claim) and a stockbrokers' blanket bond in the amount of $10,000,000. Applicant represents in its Amended Application that this undertaking was entered into in the expectation that insurers would write the required insurance coverage at nominal rates. Applicant states in its Amended Application that it has obtained and is carrying insurance coverage in the specified amounts. Applicant further states that despite extended negotiation, the cost of this coverage for one year is $26,933, approximately 0.67% of the net assets of Applicant at May 31, 1981. Applicant states that had premiums at these rates been payable for the full six month period ending on that date, they would have amounted to 39 percent of Applicant's total expenses, whereas for most funds such premiums are a minor part of total expenses.

Applicant states that Rule 17g–1 under the Act, which specifies minimum amounts of investment company fidelity bond coverage, would require a corporate fund of Applicant's present size of $4,000,000 to carry a fidelity bond of $125,000. Under Rule 17g–1 a corporate fund with $12,000,000 of assets, the aforementioned point at which Applicant has committed to covert to corporate form, would be required to carry a fidelity bond of $200,000. There is no statutory or other requirement of insurance coverage for errors and omissions.

Applicant represents in its Amended Application that its organization as a limited partnership does not so increase risks of the kind covered by a fidelity bond or by errors and omissions insurance so as to justify requiring insurance coverage more than ten times the customary coverage. In support of this argument, Applicant states that (1) its errors and omissions insurance carrier has indicated that the premium rates charged Applicant will be greater when it becomes a corporation than they are now when it is a partnership. Applicant states that it believes this is an indication of the insurers' belief that the risks are actually lower for partnerships; (2) Applicant is subject to all the regulatory requirements of the Act and the Rules thereunder specifically designed to provide reasonable protection to investment company investors. Thus, Applicant's securities and cash balances are held by The Bank of New York as Custodian, The Bank of New York acts also as its Transfer and Paying Agent, Applicant is audited on a regular basis by independent public accountants, and its annual and other periodic reports are filed with and subject to review by the Commission; (3) Applicant's management structure differs from that of a corporate fund in minor detail but not in matters of substance. Applicant notes that its Limited Partnership Agreement provides that no single Director General Partner may bind Applicant except in a case where only one Director General Partner remains, in which case additional general partners are to be promptly elected. In addition, Applicant's Director General Partners, like directors of a corporation, must act by majority vote at a meeting or by unanimous written consent, and at least 40 percent of Applicant's Director General Partners must be, and at present 60 percent are, non-interested persons; and (4) under Applicant's Custodian Agreement and Transfer Agency Agreement the manner of giving instructions and the procedures for designating and identifying the persons authorized to give instructions are the same as in the case of a corporation with the Director General Partners functioning in the same manner as a board of directors.

In its Amended Application Applicant states, while it recognizes that, despite Nebraska law to the contrary, there is some possibility that the limited partners could be held subject to personal liability in a suit brought in a jurisidiction other than Nebraska, it considers such a possibility to be remote for the following reasons: (1) the risk of personal liability on the part of any partner is minimized by the requirement for inclusion in Applicant's material contracts of a provision that the other parties to such contracts will look only to partnership assets for payment of their claims; (2) so far as the limited partners are concerned, Applicant is obligated to defend and indemnify them against personal liability; (3) the likely target of any suit would be one or more of the general partners, who could not defend on the basis that their liability was limited by the Nebraska limited partnership statute and their non-participation in management; (4) the possibility of exhaustion of assets to the point where Applicant could not pay creditors is remote; and (5) the nature of Applicant's operations is such that the only significant liabilities likely to be incurred would be bank loans for leverage purposes, which pursuant to Section 18(f)(1) of the Act require 300% asset coverage, making an asset deficiency to discharge them unlikely. Applicant represents that, short of its insolvency, the risks of a limited partner investor are no different from those of an investor in a corporate fund, which are normal risks of any investor in an equity product and which fidelity bond coverage and errors and omissions insurance do not protect against.

Applicant states in its Amended Application that the Director General Partners have reviewed the matter of appropriate errors and omissions insurance and fidelity bond coverage, taking into account all relevant factors including the view of the staff of the Securities and Exchange Commission that generous insurance coverage is appropriate in view of the special problems of using the limited partnership form. Applicant states that the Director General Partners, including the two individuals who are not interested persons of Applicant, have concluded that errors and omissions insurance and fidelity bond coverage for Applicant will be adequate to cover risks reasonably to be anticipated if maintained, in each case, in the following amounts: $1,000,000 plus $200,000 for each $1,000,000 or part thereof by which the gross assets of Applicant as of the end of any calendar quarter exceed $5,000,000, with any required increases in coverage being effected promptly following the end of each calendar quarter. Applicant's Amended Application states that in the judgment of the Director General Partners insurance coverage in excess of this amount would involve unjustified expense detrimental to the interests of Applicant's shareholders.

Section 6(c) of the Act provides, in pertinent part, that the Commission may by order upon application conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities, or transactions, from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that subject to granting of the amendment by the Commission of its order of August 6, 1980, requested herein, Applicant undertakes to obtain and maintain errors and omissions insurance and fidelity bond coverage in the amounts specified in the Original Application. However, Applicant estimates the cost of obtaining the reduced errors and omissions insurance and fidelity bond coverage which would be allowed under the requested amended order, assuming $1,000,000 of errors and omissions insurance and fidelity bond coverage, will be aproximately $7,000 annually. Applicant represents that the saving of $19,000 in expenses by reason of the reduced errors and omissions insurance and fidelity bond coverage far outweights any additional risk to the limited partners as a result of the reduced insurance coverage. Thus, Applicant maintains that the requested amended order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 10, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21620 Filed 7-22-81; 8:45 am]

BILLING CODE 8010-01-M

[812-4732; Rel. No. 11083]

Madison Fund, Inc.; Filing of an Application

July 17, 1981.

Notice is hereby given that Madison Fund, Inc. ("the Applicant"), 885 Second Avenue, New York, N.Y. 10017, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management investment company, filed an application on September 8, 1980, and amendments thereto on April 2, 1981, and June 22, 1981, for an order pursuant to Section 23(c)(3) of the Act to permit the Applicant to repurchase shares of its common stock from those shareholders who own less than 100 shares at a premium of $1.00 per share in excess of the market price (but in no event more than its net asset value per share). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant states that, as of March 31, 1981, it had 22,295,635 shares of its common stock outstanding which were held by 58,370 shareholders. Of this total, 801,712 shares representing 3.6% of the Applicant's total common stock outstanding were owned by approximately 26,077 shareholders who individually owned less than 100 shares. The Applicant proposes to offer to these shareholders who own less than 100 shares of its common stock, as of a fixed record date, the opportunity to tender such shares of common stock to the Applicant for cash ("Old-Lot Repurchase"). In addition to payment of the market price (i.e., the reported composite closing sales price) on the first business day following the last day on which shares may be tendered pursuant to the Odd-Lot Repurchase, the Applicant proposes to pay a premium of $1.00 per share, but in no event shall the per share price for such shares exceed the net asset value per share. In this regard, the Applicant states that although no prediction can be made about the relationship that the market value of its common stock will bear to the underlying net asset value, it should be noted that its common stock has traded at a discount from its net asset value since February 18, 1972. The Applicant anticipates that the Odd-Lot Repurchase will remain open for a period of 30–40 days.

The Applicant states that its current annual maintenance charge per shareholder account is $3.85 irrespective of the size of such account. Thus, the Applicant asserts that the proportionate expense of maintaining smaller accounts as against the investment in the Applicant they represent is greater than in the large accounts. According to the application, the maximum acceptance rate for the Odd-Lot Repurchase, as of March 31, 1981, would be about 3.6% of its total outstanding common stock, or 801,712 shares in 26,077 shareholder accounts. Assuming a market price of $21.625 per share (the reported closing price on March 3, 1981), the total cost of implementing the Odd-Lot Repurchase would be $18,136,734 and would be paid from general corporate funds. Assuming all 26,077 of its small shareholder accounts are eliminated through the Odd-Lot Repurchase, the Applicant anticipates yearly operating expense savings of approximately $230,781. According to the application, approximately 3⅓ years of such savings would be required to recoup the total premium paid by the Applicant in implementing the Odd-Lot Repurchase.

Section 23(c)(3) of the Act prohibits a closed-end investment company from purchasing its own securities except under such circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Rule 23c–1(a) under the Act recites the conditions under which a registered closed-end company may purchase for cash securities of which it is the issuer other than on a securities exchange or pursuant to tenders to all holders of securities of the class to be purchased. Rule 23c–1(c) further provides, in pertinent part, that in the event a registered closed-end company cannot meet the conditions of this rule it may file an application with the Commission for an order pursuant to Section 23(c)(3) of the Act to permit the purchase of any security of which it is the issuer.

The Applicant cannot rely on the exemption from the repurchase prohibition of Section 23(c)(3) provided by Rule 23c–1 thereunder because each repurchase of its common stock at a premium over market value would be contrary to the requirement of paragraph (a)(6) of the rule that such repurchases be made at a price not above the market value, if any, or the asset value of such security, whichever is lower, at the time of purchase. Nevertheless, for purposes of the requested order pursuant to Section 23(c)(3) of the Act, the Applicant undertakes to otherwise comply with all the remaining requirements of the rule which are applicable.

The Applicant further represents that the Odd-Lot Repurchase will not be made in a manner or on a basis which unfairly discriminates against any holders of its common stock, the class of securities proposed to be repurchased. In support thereof, the Applicant asserts that the Odd-Lot Repurchase is voluntary and that no shareholder will be required to tender his shares. The Applicant further asserts that any securities tendered pursuant to the Odd-Lot Repurchase may be withdrawn at any time until expiration of ten business days from the commencement thereof. The Applicant states that those eligible shareholders who choose to tender their shares of common stock will have the opportunity to sell their small amount of odd-lot shares to the Applicant at a $1.00 premium per share, and without incurring brokerage charges or taxes. With respect to those remaining shareholders who choose not to participate in the Odd-Lot Repurchase, as well as those who are not being offered an opportunity to tender their shares for repurchase, the Applicant further asserts that implementation of the Odd-Lot Repurchase will save it the cost of maintaining a number of small accounts which will reduce the Applicant's expenses for the benefit of its remaining shareholders. Also, to the extent that shares of Applicant's common stock will be repurchased at a sales price which is less than net asset value, the net asset value attributable to the shares held by its remaining shareholders will increase.

The Applicant finally represents that participation in this Odd-Lot Repurchase is being limited to the record holders of less than 100 shares of its common stock because the number of tenders from its beneficial holders in past "odd-lot" tender offers was a very small fraction of those tenders from such record holders. The Applicant contends that the relatively short period (30–40 days) that the offer will remain open will make it difficult for brokers and others to communicate with their beneficial holders and to receive and forward instructions. In addition, the Applicant asserts that certain of the charges involved in maintaining a shareholder account, especially separate postage and transfer agent fees, are not present in the case of beneficial holders lumped together in one nominee account and, hence, a greatly reduced savings to the Applicant would not result from closing these shareholder accounts. As a result, the Applicant does not view the proposed $1.00 premium to be cost-effective for those odd-lot beneficial shareholder accounts.

Notice is further given that any interested person may, not later than August 11, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

As provided in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing on request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–21621 Filed 7–22–81; 8:45 am]

BILLING CODE 8010–01–M

Release No. 22134/ July 20, 1981

[70–6051; Rel. No. 22134]

Middle South Utilities, Inc. and Middle South Energy, Inc.; Proposal by Subsidiary to Issue and Sell Common Stock To Parent Holding Company

July 20, 1981.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and Middle South Energy, Inc. ("MSE"), 225 Baronne Street, New Orleans, Louisiana, a wholly-owned subsidiary of MSU, have filed a post-effective amendment to an application-declaration previously filed with the Commission pursuant to Sections 6(a), 7, 9(a), 10 and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 43 promulgated thereunder.

By an order dated October 21, 1980, in this matter, MSE was authorized to issue and sell to MSU up to 50,000 additional shares ("1981 Common Stock") of MSE's no par common stock from time to time through December 31, 1981, at a price of $1,000 per share. As of June 5, 1981, MSE had sold 13,300 shares of such stock to MSU. It now appears that in addition to the 36,700 unsold shares of 1981 Common Stock it may be necessary for MSE to sell to MSU up to an additional 50,000 shares of common stock through December 31, 1982 ("Additional Shares"). The proceeds of such sales will be used by MSE to finance, in part, construction of the Grand Gulf generating facility near Natchez, Mississippi. Sales of the Additional Shares will be timed to coincide with MSE's cash needs for construction of the Grand Gulf plant.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 13, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–21622 Filed 7–22–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0303]

Cohasset Capital Corp.; License Surrender

Notice is hereby given that Cohasset Capital Corporation (CCC), 4 Tupelo Road, Cohasset, Massachusetts 02025, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). CCC was licensed by the Small Business Administration on February 29, 1968.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on July 7, 1981, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81–21589 Filed 7–22–81; 8:45 am]

BILLING CODE 8025–01–M

[License No. 09/09–0184]

Grocers Capital Co. Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2801 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1981)) for approval of two conflict of interest transactions.

Grocers proposes to loan $16,000 to Royalty Grocery, Inc., 6600 E. Florence Avenue, Bill Gardens, CA 90201 and $75,000 to Sunnycrest Market Inc., 1635 Sunnycrest Drive, Fullerton, California 92632. The proceeds of the loan will be used to purchase equipment from Grocers Equipment Company (G.E.C.), an associate of the licensee.

All of Grocers stock is owned by subsidiaries of Certified Grocers of California, Ltd. (certified), a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by Section 107.3 of the SBA Rules and Regulations. As a result, Grocers financing to Royalty and Sunnycrest falls within the purview of Sections 107.3 and 107.1004(b)(5) of the SBA Regulations. Grocers loan to Royalty and Sunnycrest requires prior written approval of SBA.

Notice is hereby given that any person may not later than August 7, 1981, submit written comments to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in

both the Bill Gardens and Fullerton, California areas.

(Catalog of Federal Domestic Assistance Programs No. 95.001, Small Business Investment Companies)

Dated: July 15, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-21854 Filed 7-22-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-5294]

United Financial Enterprises; Notice of Application for License To Operate as a Small Business Investment Company.

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by United Financial Enterprises (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102(1981).

The officers, directors and stockholders of the Applicant are as follows:

Samuel C. H. Ching, 15 Presidio Terrace, San Francisco, CA 94118, Chairman of the Board, 20 percent Stockholder

Saul Wilder, 920 Crestview Drive, San Carlos, CA 94070, Vice President, Director, 20 percent Stockholder

Gerald J. Chan, 1422 Sacramento Street, San Francisco, CA 94109, Secretary, Director, 20 percent Stockholder

Russell J. Lau, 2920 Octavia Street, San Francisco, CA 94123, Treasurer, Director, General Manager, 20 percent Stockholder

Joanne M. Kutsunai, 1425 Ward Avenue, Honolulu, HI 96822, Director, 20 percent Stockholder

The Applicant, a California corporation, with its principal place of business at 150 O'Farrell Street, San Francisco, California 94102, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 50,750 shares of common stock.

The Applicant will conduct its activities principally in the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than August 7, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 15, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-21855 Filed 7-22-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5230]

Minority Enterprise Funding, Inc.; Filing of Application for Transfer of Control

Notice is hereby given that an Application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1981)) for transfer of control of Minority Enterprise Funding, Inc. (MEF) a small business investment company licensed by the Small Business Administration on March 9, 1979, and operating under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of control of MEF is subject to the prior written approval of SBA.

Assuming consummation of the proposed transfer of ownership and control, the management and stockholder of MEF will be:

Name Officers, Directors, and Percent of Ownership

Frederick C. Chang, 2020 NASA Road 1, Houston, Texas 77058, President, Director, 100

John J. Lin, 808 Kenforest Drive, Missouri City Texas 77489, Vice President, Director

James Y. Lin, 15214 Corona Del Mar, Houston, Texas 77083, Secretary/Treasurer, Director

Upon consummation of the transfer of control it is the intention of the new management to move the Licensee's principal office to Suite D, Building A, 2020 Nasa Road 1, Houston, Texas 77058.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new shareholders and management, and the probability of successful operations of the company under such management (including profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any person may, not later than August 7, 1981, submit written comments on the proposed transfer of ownership and control to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Company)

Dated: July 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

DEPARTMENT OF STATE

[Public Notice CM-8/424]

Modem Working Party of Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the Modem Working Party of Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet at 9:00 a.m., August 6, 1981 in Room 3012, Department of Commerce Building, 325 South Broadway, Boulder, Colorado 80303. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission.

The agenda for the August 6 meeting will include the results of the June Paris meeting of Study Group XVII rapporteurs on 2400 bits per second duplex modem recommendation and consideration of possible editorial changes to be suggested for CCITT recommendations V.22 and Z.54.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Requests for further information may be directed to Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202)632–1007 or T. de Haas, Chairman of U.S. Study Group D, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone (303)499–1000, Ext. 3728.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-21536 Filed 7-22-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/423]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on August 6, 1981 at 9:30 a.m. in Room A–110, of the Federal Communications Commission, 1225 20th Street, NW., Washington, D.C. This Study Group will deal with U.S. Government aspects of international telegram and telephone operations and tariffs.

The U.S. Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. This meeting of Study Group A will examine the questions and contributions relating particularly to the upcoming September meetings of CCITT Study Group III, during the 9:30 a.m.–12:30 p.m. morning session and issues concerning CCITT Study Group I (scheduled for January, 1982) in the afternoon session 1:30 p.m.–4:30 p.m. There will be an ad hoc meeting of the Public Data Network Group on August 5, 1981 at 1:00 p.m. in Room A–106, of the Federal Communications Commission, 1225 20th Street, NW., Washington, D.C.

Members of the general public may attend the meetings and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to seating available.

Requests for further information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C., telephone (202) 632–3214.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-21537 Filed 7-22-81; 8:45 am]

BILLING CODE 4710-01-M

[CM-8/425]

Study Group D of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on August 7, 1981 at 9:00 a.m. at the Main Building of the U.S. Department of Commerce, 325 South Broadway, Boulder, Colorado. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission.

The agenda for the August 7 meeting will include consideration of the following:

1. Consideration of the contributions for the CCITT Study Group XVII meeting, November 23–27, 1981.

2. Report on the CCITT Study Group VII meeting held in Kyoto, April 23–May 1, 1981.

3. Consideration of status of preparatory work for the Study Group VII Working Parties meetings to be held late 1981 and early 1982.

4. Other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Requests for further information may be directed to Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–1007 or T. de Haas, Chairman of U.S. Study Group D, Institute for Telecommunications and Information Administration, Boulder, Colorado 80303, telephone (303) 499–1000, Ext. 3728.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-21538 Filed 7-22-81; 8:45 am]

BILLING CODE 4710-01-M

[CM-8/426]

Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on August 13, 1981 at the U.S. Naval Observatory, Building 1, Conference Room, 34th and Massachusetts Avenue, N.W., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting will be a review of foreign documents in preparation for the international meeting of Study Group 7 in September.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520 (telephone (202) 632–2592).

Dated: July 7, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-21540 Filed 7-22-81; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-20]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal

Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before August 12, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of section 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 17, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Doc. No.	Petitioner	Regulations affected	Description of relief sought
20419	Cascade Airways, Inc	14 CFR 21.197	Extension of Exemption No. 3060 which permits petitioner to apply for and permit the use of a special flight permit with a continuing authorization to fly an aircraft, that may not meet applicable airworthiness requirements but is capable of safe flight, to a base where repairs or maintenance are to be performed.
17324	Gulf Air Company	14 CFR Parts 21, 61, 63, and 121	To permit petitioner to continue to operate certain U.S.-registered L-1011 airplanes using a master minimum equipment list and a continuous airworthiness maintenance program as provided by the previous issuance of Exemption No. 2498.
21697	Mr. Terry L. Spath	14 CFR 65.91(c)(1)	To permit petitioner to become eligible for an Inspection Authorization without meeting the specific experience requirements of the FAR.
21624	Pan American World Airways	14 CFR 121.310(b)(2)	To permit petitioner to operate its B-727-100 and L-1011-385 airplanes after December 1, 1981 and until March 6, 1982 and April 1, 1983, respectively, without having the required public address system microphone installed for each flight attendant seated near a floor-level exit.
21844	Airborne Express, Inc	14 CFR 121.625(a)	To permit petitioner relief from the requirement to list at least one alternate airport for each destination airport in the flight release for its all-cargo aircraft operation.
19165	Executive Jet Aviation, Inc	14 CFR 135.89(b)(3)	To permit petitioner to operate its Learjet aircraft up to and including FL 410 without requiring at least one pilot to wear and use an oxygen mask at all times above FL 350.
21601	Valley-Todeco	14 CFR 21.303(3)	To allow petitioner temporary relief from the Parts Manufacturer Approval requirements for certain replacement and modification parts they manufacture and sell for installation on type certificated aircraft or engines.
21730	Clay Lacy Aviation	14 CFR 135.89(b)(3)	To allow petitioner to operate its Learjet Models 24, 25, and 35A aircraft above FL 350 up to and including FL 410 without one pilot having to wear and use an oxygen mask.
21619	Air Nevada	14 CFR 135.113	To permit passenger seating in the copilot seat of petitioner's Cessna 404 aircraft during day and night visual flight rule (VFR) conditions.
21618	Military Aircraft Command	14 CFR 91.116(a)(2) and 91.121(b)(1)	To permit petitioner to use Advance Weather Aerial Delivery System (AWADS) and Station Keeping Equipment/Inertial Navigation System/Zone Marker (SKE/INS/ZM) systems under all weather conditions.
21610	Alaska Int'l Air	14 CFR 65.53(a)	To permit petitioner to be eligible for an aircraft dispatcher certificate prior to his attaining 23 years of age.

Dispositions of Petitions for Exemption

Doc. No.	Petitioner	Regulations affected	Description of relief sought—Disposition
21300	Elan Air Corp	14 CFR 121.291(a)(b)	To permit petitioner to initially introduce a DC-9-55 CF airplane into passenger-carrying operations in 189-passenger-seating configuration without first conducting a full-scale aborted takeoff and ditching demonstration of emergency evacuation procedures. *Granted 7/13/81.*
21574	Ransome Airlines (RAA)	14 CFR 135.261(b)	To permit RAA to assign a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment. *Denied 7/10/81.*
21642	Golden Gate Airlines	14 CFR 121.538	To permit petitioner to operate without maintaining a full security program. *Granted 7/10/81.*
21256	Midway Airlines	14 CFR 91.307	To allow operation in the United States under a service of small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988—9-DC-9-10. *Granted 6/29/81.*
21614	Wein Air Alaska, Inc	14 CFR 91.307	To allow operation in the United States under a service of small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988—3-B-737-210C. *Granted 6/29/81.*
21579	Key Airlines, Inc	14 CFR 121.611(a)(2)	To allow petitioner to employ Mr. Joseph Donald Malogrino as Chief Inspector without meeting the 1 year of experience requirement as a maintenance inspector. *Granted 7/14/81.*

Dispositions of Petitions for Exemption—Continued

Doc. No.	Petitioner	Regulations affected	Description of relief sought—Disposition
21580	Daniel J. Livingston	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday. *Denied 7/15/81.*

[FR Doc. 81-21534 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration Environmental Impact Statement: Detroit, Michigan (Wayne County)

AGENCY: Federal Highway Administration (FHWA), MDOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed Travel Information Center development at I-75 near the Ambassador Bridge in Detroit, Michigan (Wayne County).

FOR FURTHER INFORMATION CONTACT: Thomas Fort, District Engineer, Federal Highway Administration, Michigan Division, P.O. Box 10147, 315 W. Allegan, Lansing, Michigan 48901, Telephone: (517) 377-1879, (FTS 374-1879), or Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1-800-292-0576 (toll free), (517) 373-2166.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to develop a Travel Information Center in the vicinity of I-75 and the Ambassador Bridge in Detroit, Michigan. This project was requested in a resolution passed by the Detroit Common Council on February 26, 1974. Also included in this proposal are associated roadway improvements.

Alternatives under consideration include (1) taking no action; (2) three (3) separate sites for the Travel Information Center; and (3) three (3) separate roadway configurations to provide access to the selected site. Incorporated into and studied with the various build alternatives will be design variations within the sites.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who had previously expressed interest in this proposal.

Early coordination with a number of Federal, State and local agencies as well as input received from a series of public information meetings conducted in 1977 have identified the more significant issues to be addressed in the draft EIS. Accordingly, a preliminary scoping document is being prepared by FHWA and MDOT identifying those issues and will be available on request to all interested agencies, organizations, and individuals. No formal scoping meeting is planned at this time. Comments and suggestions on the scoping document and the issues identified are invited from all interested parties and should be submitted to the FHWA or MDOT. Please furnish any comments to the above contact persons. Separate copies of the scoping document are being furnished to field offices of the following Federal agencies who have been involved in the early coordination activities or who may be designated a cooperating agency: U.S. Department of the Interior; General Services Administration; U.S. Immigration and Naturalization Service; and Environmental Protection Agency.

A series of public meetings will be held in Detroit in late 1981. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comments.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, or MDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular Number A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on June 15, 1981.

David A. Merchant,

Division Administrator, Lansing, Michigan

[FR Doc. 81-21527 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Memphis, Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Memphis, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. E. G. Oakley, Division Administrator, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway, Suite A-926, Nashville, Tennessee 37203, telephone (615) 251-5394.

SUPPLEMENTAL INFORMATION: The FHWA in cooperation with the City of Memphis and the Tennessee Department of Transportation intends to prepare an EIS on a proposal to construct transportation improvements in the Midtown area of the city. The corridor for the proposed project covers approximately 7.5 square miles extending from the I-40/I-240 interchange on the west to former I-40 at Holmes Street on the east. The purpose of the proposed action is to connect the ends of the completed segments of former I-40 to the existing street system in the general vicinity of Overton Park, thus improving accessibility to and through the Midtown area, eliminating existing circuitous traffic routings in the corridor, and providing for existing and projected future traffic volumes in the area.

Alternative improvements are being considered separately for the portions of the corridor east and west of Overton Park. Numerous "build" alternatives are being considered, ranging from the construction of new streets at grade with no control of access to the construction of new elevated roadways with full control of access and interchanges at major cross streets. All alternatives in the western portion of the corridor include ramp improvements at the I-40/I-240 interchange. A "Minimum Modification" alternative is also being considered. Under this alternative only ramp improvements at the I-40/I-240 interchange and other

committed improvements scheduled by the city would be implemented. None of the alternatives being considered will encroach on Overton Park.

A public meeting to discuss the proposed project was held on February 17, 1981, and a second public meeting will be held before completion of the draft EIS. Also, various Federal, State, local, and private agencies and organizations have been requested to comment on the proposed action. These activities are providing input regarding the scope of the EIS.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or suggestions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: July 15, 1981.

Edward G. Oakley,

Division Administrator, Tennessee Division, Nashville, Tennessee.

[FR Doc. 81-21539 Filed 7-22-81; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Jefferson County, Ohio, Cities of Wintersville and Steubenville

AGENCY: Federal Highway Administration.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) is being prepared for a proposed highway project in Jefferson County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McBee, Division Administrator, or Mr. Lawrence J. Kastner, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215, Telephone: (614) 469-6896 or 469-6874.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation (ODOT), has been preparing a draft EIS for several years on the proposed construction of approximately nine miles of limited access divided highway in the Cities of Wintersville and Steubenville and in Jefferson County, Ohio a relocation of U.S. Route 22. Two connectors with the existing route will also be provided along with three interchanges with other presently existing routes. The western terminus of the proposed facility is a completed section of a rural freeway; the eastern terminus will be a six-lane bridge over the Ohio River, currently under construction, connecting Steubenville with Weirton, West Virginia. The contruction of the proposed section of highway would complete an improved U.S. Route 22 linking Pittsburgh, Pennsylvania and Cadiz, Ohio. It would eliminate congestion and delay on the existing route in the Steubenville urban area and provide better east-west access for the surrounding region.

The project has been under consideration for many years and several alignments have been studies. Various alignments were eliminated because of community opposition, potential urban impacts, or preemption by new residential and commercial development. The two alignments now under study pass to the north of the Wintersville-Steubenville area, one traversing a creek valley, the other the fringe of the developed area. For connection with the bridge, either a line through Steubenville urban area or an overlap on a widened State Route 7 along the Ohio River is possible, with the latter plan having local support. The preferred alternative is a combination of the line traversing the valley and the connection following State Route 7. The no build alternative has also been studied, but the inadequacies of the existing facility cannot be corrected on the present location.

There are currently no plans to hold a formal scoping meeting. However, there has been extensive coordination with federal, state, and local agencies and the public. It is envisioned that such involvement will continue throughout further development of the project.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Research, Planning & Construction. The provisions of OMB Circular No. A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: July 15, 1981.

John W. McBee,

Division Administrator, Columbus, Ohio.

[FR Doc. 81-21432 Filed 7-22-81; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Minneapolis, Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed roadway project in Minneapolis, Minnesota.

FOR FURTHER INFORMATION CONTACT: Stephen Bahler, Area Engineer, Federal Highway Administration, Suite 490, Metro Square Building, St. Paul, Minnesota 55101, Telephone: (612) 725-5956. C. E. Weichselbaum, District State Aid Engineer, District 5, Minnesota Department of Transportation, 2055 North Lilac Drive, Golden Valley, Minnesota 55422, Telephone: (612) 545-3761. Robert Mattson, Minneapolis Park and Recreation Board (MPRB), 310 Fourth Avenue South, Minneapolis, Minnesota 55415, Telephone: (612) 348-2222.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Minnesota Department of Transportation and the Minneapolis Park and Recreation Board, will prepare an environmental impact statement (EIS) on a proposal to extend West River Parkway and develop associated recreational areas along the downtown riverfront in Minneapolis, Minnesota. The project is part of the Federal Great River Road program, and is identified by the following project numbers: S.P. 141-080-02, GR 5242(1); S.P. 141-080-04, GR 5220(5); and S.P. 141-080-05, GR 5242(3).

The proposed roadway would extend from an existing section of West River Parkway at Franklin Avenue to an existing section of West River Road at Plymouth Avenue, a distance of approximately 3.5 miles. The proposed roadway would provide for two 12-foot moving lanes of traffic, with adjacent boulevards, lighting, landscaping, bicycle and pedestrian paths, and parking. The proposed project would also include recreational sites for viewing of the Mississippi River, park activities, and interpretation of the river environment.

The objectives of the project include: (1) creating an open space corridor and circulation routes along the Minneapolis riverfront, (2) developing a Great River Road link to provide access to the riverfront and scenic views of the Mississippi River, (3) increasing awareness of the riverfront for recreational use and economic development, and (4) preserving physical and cultural river resources and compatible river-oriented institutions.

Alternatives under consideration include: (1) taking no action or (2) up to three alternative roadway locations, each with an associated configuration of open space facilities. The alternatives will be studied in more detail to determine roadway alignment and grade, recreational facility location and design, and the extent of property acquisition.

A Project Development Report was prepared for the proposed project in accordance with the State of Minnesota Action Plan Guidelines.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. Public meetings regarding the project have been held throughout the first half of 1981. A scoping meeting to identify issues and receive comments on the project alternatives will be held on July 28, 1981 at 7:30 p.m. The location of the meeting will be Summit Bank Building, Fourth Floor, 310 Fourth Avenue South, Minneapolis, Minnesota. A public hearing on the location of the proposed project will be held in early 1982. Public notice will also be given of the time and place of the scoping meeting and location public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, Mn/DOT, or the Minneapolis Park and Recreation Board at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: July 10, 1981.

James E. St. John,

District Engineer, St. Paul, Minnesota.

[FR Doc. 81-21168 Filed 7-22-81; 8:45 am]
BILLING CODE 4910-22-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 7:30 a.m., August 7, 1981, at the Flanders Inn, Massena, New York. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review of Report of Joint Tolls Review Board; Old and New Business; Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than August 4, 1981 and information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C., on July 7, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 80-21726 Filed: 7-22-81; 8:45 am]
BILLING CODE 4910-61-M

Urban Mass Transportation Administration

[Docket No. 81-C]

Deletion of Price Offsets and Weight Incentive Provision From Advanced Design Bus (ADB) Specification

AGENCY: Urban Mass Transportation Administration.

ACTION: Notice and request for comments.

SUMMARY: Public agencies who receive grant funds from the Urban Transportation Administration to purchase Advanced Design Buses (ADB) are currently required to evaluate bids using mathematical bid adjustments called "price offsets." This Notice deletes the current Federal requirement of evaluating bids using price offsets and is designed to increase local flexibility. It also deletes the weight incentive provision contained in the Advanced Design Bus Specification. While public agencies will be able to use alternative methods of evaluating bids for these buses, with UMTA approval, they must continue to certify that they have considered performance, standardization and life-cycle costs in awarding contracts for ADB's. UMTA is asking for comments concerning the deletion of the price offsets in order to assist in developing further technical guidance.

DATES: 1. This notice takes effect on July 24, 1981, and applies to any procurement for which bids are opened on or after that date. In the case of bids pending but unopened on July 24, 1981, the procurements must be amended to delete the price offsets and weight incentive provision. In the case of bid openings prior to July 24, 1981, any award made pursuant to that solicitation must be based on the price offsets and weight incentive provision. 2. Comments on the need for further technical guidance for price offsets must be received by August 23, 1981.

ADDRESS: Comments must be submitted to UMTA Docket No. 81-C, Urban Mass Transportation Administration, Room 9228, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 5 p.m. local time Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Wilbur Hare, Urban Mass Transportation Administration, Room 9306, 400 Seventh Street, SW., Washington, D.C. 20590, 202/426-1428.

SUPPLEMENTARY INFORMATION: On March 14, 1977, UMTA published Notice in the Federal Register that public agencies who receive UMTA grant funds ("recipients") to purchase advanced design buses would be required to follow the Advanced Design Bus procurement procedures, commonly called the "White Book "specification, which included price offsets and a weight incentive provision. (42 FR 13616) A price offset is a mathematical adjustment used to evaluate a bid price, which places a value on particular bus features believed to be desirable. The values assigned to price offset represent the approximate values of these features to the transit operating properties and do not relate to production costs. During the bid evaluation process, the offsets awarded each manufacturer are deducted from its unit bid price to arrive at the evaluated bid price which determines the winner of the

competition. The weight incentive provision works to increase or decrease the actual contract price, depending upon whether the buses as delivered come in above or below a specified weight. In a Federal Register Notice published on May 15, 1980, in response to a statutory provision in UMTA's Appropriations Act for Fiscal Year 1980, UMTA stated that the ADB procurement procedure with price offsets is a more advanced method of addressing standardization, performance and life-cycle costs than that used for most other rolling stock, and that such procedure would continue to be the only acceptable method for procuring ADB's until modified by UMTA. (45 FR 3224)

UMTA is deleting the price offsets and the weight incentive provision for several reasons. This deletion is consistent with the President's policy of reducing unnecessary Federal intrusion into State and local decision making. While the price offsets, at the time they were created, were considered to provide a more sophisticated method for addressing standardization, performance and life-cycle cost factors, UMTA believes that there should be more State and local flexibility in determining how these factors are to be considered. The price offsets were intended to value product features that were considered desirable. However, experience with the price offsets has shown that they are outdated in many respects, since most of these product features have been incorporated into designs. It is therefore more appropriate to permit recipients to begin utilizing other or more advanced procurement techniques rather than continue to impose the existing mandatory price offsets which may or may not adequately address standardization, performance and life-cycle cost factors from the perspective of individual recipients. This action is not intended and should not be interpreted to mean that UMTA is less concerned about these factors. On the contrary, it is UMTA's intention to continue to provide technical assistance to recipients in improving their procurement techniques. The results of life-cycle cost studies will be made available to recipients. Recipients are encouraged to improve techniques for their consideration of standardization, performance and life-cycle cost factors, and are encouraged to add techniques as appropriate, subject to UMTA concurrence in the specific techniques. In addition, grant recipients purchasing ADB's after the effective date of this Notice must continue to certify to UMTA after the procurement award that they have considered performance, standardization and life-cycle costs in awarding their contracts, in accordance with the guidance set forth in 45 FR 32224, May 15, 1980. The deletion of the price offsets and weight incentive provision is being published in order to give notice to all interested and affected parties as well as to provide the opportunity to comment. The Administrator has determined that the deletion of price offsets is effective immediately but has determined that it is in the public interest to allow comments in order to assist UMTA in developing further technical guidance.

Dated: July 17, 1981.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 81-21600 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-57-M

VETERANS ADMINISTRATION

Geriatrics and Gerontology Advisory Committee; Meeting

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that a meeting of the Geriatrics and Gerontology Advisory Committee will be held in Room 6400 at the Wadsdworth Veterans Administration Medical Center, Wilshire and Sawtelle Boulevards, Los Angles, California, on August 14, 1981. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Administrator and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research Education and Clinical Centers established by the Department of Medicine and Surgery of the Veterans Administration.

The session will convene at 1: p.m. and will be open to the public up to the seating capacity of the room. Because seating capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Pryor, Executive Secretary, Geriatrics and Gerontology Advisory Committee, Veterans Administration Central Office (phone 202-389-2298) prior to August 4, 1981.

Dated: July 16, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-21577 Filed 7-22-81; 8:45 am]

BILLING CODE 8320-01-M

Scientific Review and Evaluation Board for Rehabilitative Engineering Research and Development; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitative Engineering Research and Development. This meeting will convene at the Stouffers National Center Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202, August 5-6, 1981, beginning at 9 a.m. on Wednesday and 9 a.m. on Thursday. The purpose of the meeting is to review rehabilitative engineering research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitative Engineering Research and Development (RER&D) Service regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the August 5th session for approximately one hour to cover administrative matters and to discuss the general status of the program. During the closed session, the Board will be reviewing research and development applications relating to the delivery and organization of rehabilitative engineering. This review involves oral review and discussion of site visits, staff and consultant critiques of research protocols, and similar documents that necessitate the consideration of personnel qualifications and the performance and competence of individual investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with Section 552b, Subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and the determination of the Administrators of Veterans Affairs under Section 10(d) of Pub. L. 92-463 as amended by Section 5(c) of Pub. L. 94-409.

Due to the limited seating capacity of the room those who plan to attend the open session should contact Mr. Robert Fleming, Administrative Officer, Rehabilitative Engineering Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, D.C. 20420 (Phone: (202) 389-5414) at least 5 days before the meeting.

Dated: July 16, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-21578 Filed 7-22-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 141
Thursday, July 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, July 20, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of United Mizrahi Bank, Ltd., Tel Aviv, Israel, a foreign bank, for Federal deposit insurance of deposits received at and recorded for the account of its proposed United States branch to be located at 727 West Seventh Street, Los Angeles, California.

Notice of acquisition of control: Name and location of bank and name of acquiring party authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,147-NR—United States National Bank, San Diego, California.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1121-81 Filed 7-21-81; 1:05 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)) notice is hereby given that at its open meeting held at 2 p.m. on Monday, July 20, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

A recommendation regarding the purchase of two leases of space in the Corporation's building located at 1776 F Street, N.W., Washington, D.C.

A recommendation regarding an agreement to reserve the option to purchase certain space in San Francisco, California.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: July 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1122-81 Filed 7-21-81; 1:05 pm]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, July 28, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * *

DATE AND TIME: Tuesday, July 30, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Pending legislation.
Appropriations and budget:
Budget reallocation FY 1981;
Budget Execution Report;
Budget update FY 1983.
Classification action.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, public information officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1124-81 Filed 7-21-81; 3:24 pm]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 37433 July 20, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 22, 1981, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CP-9—CP80-135, *et al.*, Northern Natural Gas Company.
CP-10—CP75-104, High Island Offshore System; CP76-116, U-T Offshore System.
M-2—RM81-38, Construction Work in Progress for Public Utilities.

Kenneth F. Plumb,

Secretary.

[S-1119-81 Filed: 7-21-81; 10:37 am]

BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM: Board of Governors.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR, 36286, Tuesday, July 14, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, July 20, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposals for changes in internal system procedures for report clearance and information management.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: July 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1120-81 Filed 7-21-81; 10:56 am]

BILLING CODE 6210-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Thursday, July 23 (Revised) and Week of July 27, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Thursday, July 23

10 a.m. Budget Session (Markup) (Closed—Ex. 2, 6, 9)

Monday, July 27

2 p.m. Budget Session (Markup) (Closed—Ex. 2, 6, 9) (Tent.)

Tuesday, July 28

10 a.m. Budget Session (Markup) (Closed—Ex. 2, 6, 9) (Tent.)

ADDITIONAL INFORMATION: By a vote of 3-0, Commissioner Ahearne not present, on July 16, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that Discussion of Draft Letter to Senator Hatfield, Chairman, Subcommittee on Energy and Water Development, held that day, be held on less than one week's notice to the public.

Automatic telephone answering service for schedule update: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:
Walter Magee (202) 634-1410.

July 20, 1981.

Walter Magee,

Office of the Secretary.

[S-1125-81 Filed 7-21-81; 3:50 pm]

BILLING CODE 7590-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 27, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meeting will be held on Tuesday, July 28, 1981, at 11:00 a.m. An open meeting will be held on Thursday, July 30, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 28, 1981, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceedings of a enforcement nature.
Settlement of injunctive action.
Regulatory matter bearing enforcement implications.
Administrative proceeding of an enforcement nature.
Institution and settlement of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Freedom of Information and Privacy Act appeals.
Regulatory matters regarding financial institution.
Opinion.

The subject matter of the open meeting scheduled for Thursday, July 30, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the appeal of Donald B. Lewis for access to internal staff documents and Commission Minutes pertaining to the Commission's determinations regarding the initiation, prosecution and/or termination of the Commission's enforcement effort against the Firestone Tire & Rubber Co. For further information, please contact Theodore S. Bloch at (202) 272-2454.
2. Consideration of whether to affirm action, taken by the Duty Officer, granting access to non-public documents to John M. Fedders, Esquire, in connection with his assuming the position of Director of the Division of Enforcement. For further information, please contact Myrna Siegel at (202) 272-2430.
3. Consideration of whether to issue a proposed release which would amend the Commission's rules governing the delegation of authority to Regional Administrators to grant requests for changes of dates for annual audited reports filed by brokers and dealers. For further information, please contact Robert A. Love at (202) 272-2761.
4. Consideration of whether to approve the proposal of Colonial Gas Energy System, an exempt holding company subject to the financing sections of the Public Utility Holding Company Act pursuant to a stipulation, to merge with its two operating gas subsidiaries, Lowell Gas Company ("Lowell") and Cape Cod Gas Company ("Cape Cod"). The proposed transactions would combine Lowell and Cape Cod into one operating utility company and eliminate the holding company. For further information, please contact Mary Ann Oliver at (202) 523-5685.
5. Consideration of whether to issue a series of eight releases which propose (or repropose) for comment the following rulemaking actions designed to implement the integrated disclosure system (the name and phone number of the persons to contact for further information on each release is in brackets following the description of the release):
   (1) reproposal of Forms S-1, S-2, and S-3 (originally denominated Forms A, B, and C) to establish a three tier system for the registration of securities under the Securities Act of 1933 (the "Securities Act") [William H. Carter at (202) 272-2604];
   (2) reproposal of revised and expanded Regulation S-K in its entirety and reproposal of rescission of the Guides for the Preparation and Filing of Registration Statements and Reports (the "Guides"), other than the Guides relating to specific industries [Linda C. Quinn at (202) 272-2589];
   (3) proposal of amendments to conduct a "sunset" review of and generally revise the procedural requirements of Regulation C (17 CFR 230.400 through 230.494) under the Securites Act and Regulation 12B under the Securities Exchange Act of 1934 (the "Exchange Act") [W. Scott Cooper at (202) 272-2589];

(4) reproposal of new Rule 462A under the Securities Act governing the registration of securities to be sold in delayed or continuous offerings [Beverly K. Rubman at (202) 272–2804];
(5) proposal of a new Rule 176 under the Securities Act relating to the responsibility of persons subject to Section 11 of the Securities Act in an integrated disclosure system [Gregory H. Mathews at (202) 272–2589];
(6) proposal of new Rule 436(g) under the Securities Act and publication of a release concerning the Commission's policy with respect to the disclosure of security ratings [Beverly K. Rubman at (202) 272–2804];
(7) proposal of amendments to certain existing Securities Act registration forms to coordinate those forms with revised Regulation S–K and other aspects of the integrated disclosure system and proposed rescission of certain other Securities Act registration forms [William H. Carter at (202) 272–2804]; and
(8) proposal of amendments to Exchange Act rules, forms and schedules to coordinate with revised Regulation S–K and other aspects of the integrated disclosure system; reproposal without change of amendments to Schedule 14A relating to business and other relationships between a director and an issuer and the vote required for the election of directors; and proposal of amendments to Rule 175 under the Securities Act and the corresponding safe habor rules relating to projections under the other federal securities laws to broaden and clarify the scope of protection provided thereunder [Susan Davis at (202) 272–2390].

AT TIMES CHANGES IN COMMISSION PRIORITIES REQUIRE ALTERATIONS IN THE SCHEDULING OF MEETING ITEMS. FOR FURTHER INFORMATION AND TO ASCERTAIN WHAT, IF ANY, MATTERS HAVE BEEN ADDED, DELETED OR POSTPONED, PLEASE CONTACT: Bruce Mendelsohn at (202) 272–2091.

July 20, 1981.

[S–1123–8 Filed 7–21–81; 1:37 pm]
BILLING CODE 8010–01–M

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federal register

Thursday
July 23, 1981

Part II

Department of Transportation

Federal Aviation Administration

Carry-On Baggage; Flexible Travel Canes

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 17320; Amdt. No. 121-174]

Carry-On Baggage—Flexible Travel Canes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides special rules for the storage of flexible travel canes used by blind passengers. Under current regulations, these canes must be placed in storage bins which are not readily accessible to blind passengers. This amendment provides methods by which flexible travel canes may be stored safely within reach of blind passengers.

The amendment further provides that the certificate holder must make available to the public any procedure it establishes relating to the air carriage of persons who may need evacuation assistance. The amendment is necessary since some passengers have experienced difficulty in determining what procedures apply to their use of air transportation. This amendment provides that certificate holders must make such procedures available to the public at airports which the certificate holder serves.

EFFECTIVE DATE: November 20, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

This final rule is based on Notice of Proposed Rulemaking (NPRM) No. 80-18, published in the **Federal Register** on November 13, 1980 (45 FR 75138). Notice 80-18 proposed amending Section 121.586 of the Federal Aviation Regulations (FAR) which relates to the transportation of passengers who may need evacuation assistance, and Section 121.589 which relates to the storage of carry-on baggage. All interested persons have been given an opportunity to participate in the making of the rule and due consideration has been given to all matters presented.

Regulatory History

This rulemaking action is in response to a petition for rulemaking. By letter dated September 14, 1977, Mr. James Gashel, Chief, Washington Office, National Federation of the Blind (NFB), Suite 212, Dupont Circle Building, 1346 Connecticut Avenue, NW., Washington, D.C. 20026, petitioned the Administrator to revoke those portions of Parts 121 and 123 of the FAR which deal with air transportation of persons who may need evacuation assistance. The FAA first denied the petition on March 10, 1978. The petition was reconsidered based, in part, upon a request by the FAA's Deputy Administrator that the Civil Aeromedical Institute (CAMI) in Oklahoma City conduct additional tests regarding the feasibility and safety of allowing blind persons to keep long, rigid (that is, not folding or telescoping) canes at their seats during takeoff and landing. CAMI accomplished the additional testing and on May 3, 1979, the FAA published in the **Federal Register** (44 FR 25869) the NFB petition and a summary of the CAMI report, and solicited public comments on questions relating to the use of canes by blind passengers. The petition and summary of the CAMI report were published as part of the agency's policy to maximize public involvement in the regulatory process. In addition, this enabled the agency to solicit all available information before a review of the issues presented in the NFB petition was completed to ensure that all regulatory alternatives were considered.

The NFB petition requested the following:

1. Amendment of § 121.13(a) to delete the phrase "121.586."
2. Repeal of § 121.586.
3. Amendment of § 121.589(a) to exclude flexible travel canes carried by blind persons from those items which must be stowed away from the passenger.
4. Amendment of § 123.27(k) to delete the phrase "121.574 and 121.586" and insert instead "and 121.574."

Section 121.13(a) specifies the Part 121 rules which apply to helicopter operations.

Section 121.586 states, in pertinent part, that no certificate holder may refuse transportation to a person who may need evacuation assistance unless the certificate holder has established procedures (including reasonable notice requirements) and the passenger fails to comply with the notice requirements or cannot be carried in accordance with the certificate holder's procedures.

Section 121.589(a) states, in pertinent part, that no certificate holder may permit an airplane to take off or land unless each article of baggage is properly stowed.

Section 123.27 specifies the rules of Part 121 which are applicable to holders of air travel club certificates.

For purposes of the petition it is assumed that the term "flexible travel canes" does not include folding or telescoping canes since those canes presently can be carried in accordance with § 121.589(a).

The NFB states the following in support of its petition:

> Our interest in the repeal of the above-listed FAR sections is as follows: The sections enforce procedures for the carriage of the handicapped on air carriers. The procedures work unreasonable hardship on the blind citizens of the United States in pursuit of their constitutionally protected activities for the following reasons:
>
> (1) The sections require blind citizens to follow procedures set up arbitrarily by private air carriers, which procedures are kept secret from those who must follow them.
>
> (2) The sections enforce humiliating, discriminatory, and unnecessary procedures to ensure "safety," although there is no evidence that the safety hazards cited actually exist.
>
> (3) The sections do not prohibit illegal discrimination in treatment of the handicapped by private air carriers.
>
> (4) The sections were published by the FAA after a long rulemaking process. The FAA published proposed regulations and elicited comments and held hearings on the proposed rules. The sections published as final regulations, however, bore so little similarity to the proposed rules as to nullify the validity of the process leading to their publication. These sections have not been submitted for public comment.

Published with the NFB petition was a summary of a CAMI report entitled "Considerations Relative to the Use of Canes by Blind Travelers in Air Carrier Cabins." This report was completed in 1979 and reported the results of tests accomplished to reveal some of the safety implications of allowing blind travelers to retain rigid canes at their seats during takeoff and landing. Among the issues considered in establishing the test program were the impact cane retention would have on an emergency evacuation, the relative utility of folding or telescoping canes versus rigid ones, the movement of an unsecured cane during high "g" decelerations, and the potential of canes for injuring passengers or damaging evacuation slides.

Also published with the NFB petition were specific questions to the public regarding the use of canes by blind persons aboard aircraft.

The publication of the NFB petition, the CAMI report summary, and the questions posed by the FAA resulted in the receipt of 120 comments from various individuals, organizations affiliated with blind persons, and aviation organizations. The majority of these commenters expressed the view that blind passengers should be permitted to retain flexible travel canes at, or in the immediate vicinity of, their seats.

After consideration of the CAMI study and the responses to the NFB petition, it was decided to grant the petition.

On January 16, 1980, the FAA granted the petition submitted by NFB. The petition was granted to allow the initiation of rulemaking to permit the readily accessible stowage of flexible travel canes. It was determined that the special utility that canes have for blind passengers can be preserved while, with appropriate stowage, any conceivable safety hazard posed by their placement in readily accessible locations can be minimized.

The FAA published Notice 80-18 on November 11, 1980 (45 FR 75138), which proposed to amend Part 121. Interested parties were invited to submit comments and suggestions for consideration in formulating the final rule.

Discussion of the Amendments

In response to Notice 80-18, 31 comments were received. Thirty generally support the NPRM; one would have supported it if strapping canes in with the seat belt was permitted. The comments on the merits of the various proposals are discussed below.

After considering the comments, the FAA is amending Part 121 almost as proposed in Notice 80-18. Stowage of canes in overhead racks not equipped with approved restraining devices or doors will not be permitted. Some minor changes in wording and organizing the new materials also are made.

Stowage of Baggage

Under § 121.589, each article of baggage carried aboard by passengers must be stowed in a suitable baggage or cargo stowage compartment, in a cargo bin approved in accordance with § 121.285, or under a passenger seat. This stowage requirement only applies during takeoff or landing. All items carried on aircraft by passengers are considered to be "carry-on baggage." This includes articles of loose clothing, pocketbooks, attache cases, umbrellas, and canes. All these items must be stowed during takeoff and landing in accordance with § 121.589.

Most cargo stowage compartments will not accommodate items the length of a cane. Canes also will not fit under a passenger seat as specified in § 121.589. Therefore, on most aircraft, the current rule requires that canes be stowed in an appropriate cargo bin that is not always accessible to a blind passenger during flight. As pointed out by many commenters on the NFB petition this imposes a restriction on the mobility of blind passengers during flight since they must first obtain assistance from a flight attendant before they can obtain their canes.[1]

While the FAA agrees with many commenters that canes should be stowed near blind passengers, it is necessary that any method of stowage take into consideration the safety of all passengers and crewmembers. Proper stowage of baggage is directly related to the ability of individuals to evacuate an aircraft in an emergency. Improper stowage of baggage could result in blocked aisles or emergency exits, could cause delay in evacuation resulting in loss of crucial time, and could injure passengers or crewmembers. This was recognized in the Operations Review Program Notice No. 8 (43 FR 20452; May 11, 1978), which stated:

> During hard or crash landings carry-on baggage has become dislodged from stowage areas, inflicting injuries to passengers and hampering the emergency evacuation of the aircraft. The FAA believes that all carry-on baggage should be screened before being allowed aboard the aircraft to prevent loading of baggage which cannot be properly stowed.

As a result of these concerns, Part 121 was amended (Amendment 121-159 (45 FR 41586; May 19, 1980)) to make several changes to the carry-on baggage stowage requirements. These changes included: installing a means to prevent baggage stored under aisle seats from sliding sideward into the aisle; limiting items which may be placed in overhead racks; and requiring passenger compliance with these requirements. These rules lessen the number of problems crewmembers face and enable them to concentrate on their safety-related duties.

The FAA considers it essential that any modification to the regulations pertaining to carry-on baggage be consistent with these safety considerations.

Based upon the FAA's extensive examination of this subject, stowage of flexible travel canes using the following methods is consistent with the agency's safety mandate and ensures that they are readily accessible to blind passengers.

1. In accordance with § 121.589(a) (1), (2), or (3);
2. Under a series of passenger seats in the same row of the aircraft as long as the cane does not protrude into the aisle;
3. Between a window passenger seat and the fuselage as long as the cane is flat on the floor and is not in an exit row;
4. Beneath any window passenger seat and the seat directly in front of the passenger as long as the cane is flat on the floor; and
5. In accordance with any other method approved by the Administrator.

Notice 80-18 also proposed to permit stowage in an overhead rack with a solid bottom as long as the cane was flush with the bottom. This is not being implemented, as discussed below.

A brief discussion of these methods follows:

1. Current § 121.589 provides stowage requirements for all carry-on baggage including canes. Therefore, canes can be properly stowed in a suitable closet or baggage or cargo stowage compartments, in a cargo bin, or under a passenger seat.

2. Current § 121.589 allows carry-on baggage to be stowed under a passenger seat. This requires that the stowage be under a single seat. While a flexible travel cane will not fit under one seat, it will fit under a series of seats. New § 121.589(e)(1) allows a blind passenger to place her or his cane under a series of adjoining seats in the row immediately in front of her or him. This will make the cane readily accessible to the passenger. Any flexible cane stowed in this manner must be flat on the floor and must not protrude into an aisle. This will lessen the possibility that the cane will come dislodged. The proposed amendment did not specifically state that the cane must be flat on the floor, but this final rule includes those words to make this requirement clear. Four comments specifically address this method, all of which support the proposal.

Notice 80-18 proposed that the cane be "flush with" the floor. A commenter points out, however, that this wording could be construed to require that the cane be in a recess and rest beneath the surface of the floor. This is not what was intended. The FAA agrees that the "flush with" wording could be misconstrued. The wording of this section, and of § 121.589(e) (2) and (3) discussed below, is changed to specify that the cane must be "flat on" the floor. The cane must have its entire length resting on the surface of the floor.

[1] The Civil Aeronautics Board (CAB) is currently engaged in rulemaking which may affect this practice. In an NPRM (SPDR-70; 44 FR 32401; June 6, 1979), the CAB proposed that carriers be required to return canes to passengers other than during takeoff or landing.

3. Section § 121.589(e)(2) also allows canes to be placed between the window seat and the fuselage of the aircraft. A cane placed in such a location will be secure and should not interfere with passengers in the event of an emergency. The rule requires that the entire length of the cane be flat on the floor and does not allow such stowage in an exit row. Under Notice 80–18 the cane was required to be "flush with" the floor, but this wording is changed to "flat on," as discussed above.

4. Carry-on baggage can be placed under a single seat; however, flexible travel canes are too long to be stowed in this manner. New § 121.589(e)(3) allows blind passengers sitting at a window seat to place their flexible travel canes longitudinally underneath the seat in front of them and underneath their seat if the cane is adjacent to or as close as possible to the fuselage and the passenger is not in an exit row. Canes must be placed "flat on" the floor, as discussed above.

5. New § 121.589(e)(4) allows other methods of stowage if approved by the Administrator. To obtain approval, the particular carrier is required to submit a plan showing a method of stowage which would be secure and which would not interfere with evacuation in the event of an emergency. One possible method would be the use of clips secured to a bulkhead.

Stowage in accordance with these rules will give blind passengers ready access to their canes and will maintain the required level of safety.

In addition to submitting comments on the Notice 80–18 proposals, commenters were invited to suggest alternate methods of stowage. Several commenters suggest that clips or velcro strips be attached to bulkheads to secure canes. This may prove to be a satisfactory means of stowing canes. Under § 121.589(e)(4) of the new rule, individual certificate holders may submit such a method to the Administrator for approval.

Several commenters to Notice 80–18 continue to advocate that passengers be allowed to hold canes during takeoff and landing while securing them under their seat belts. This method was examined by the CAMI in its report, "Considerations Relative to the Use of Canes by Blind Travelers in Air Carrier Aircraft Cabins." This report is in the docket and a summary was published with the NFB petition in the **Federal Register**. The FAA has determined that securing canes in seat belts with the passenger creates safety hazards for both the blind passenger and for others. With some methods of stowage, the cane is resting next to the body and the seat belt unavoidably has some slack. During a crash, an occupant with a slack seat belt will tend to impact the belt with sufficient speed to cause some injury, perhaps to internal organs. The cane next to the body may break, and will tend to be forced into the body. Another method of stowage is to have the cane handle inserted into the corner area between the seat belt and seat fabric, with the other end inserted under the seat in front of the passenger. However, in order to exit from the row, passengers would have to step over the cane or the cane would have to be removed. This would create an unacceptable delay and possibility of tripping in an emergency evacuation. In view of the alternate methods of stowage allowed by this amendment, and because of the safety hazards involved, stowage of travel canes under the seat belts is not allowed.

New § 121.589(e) (2) and (3) do include some restrictions for blind passengers: if they are seated in exit rows, they may not store their canes near the windows in the methods indicated. While several commenters object to any restrictions on passenger seating, the rule is considered to provide a minimal restriction on the individual. Every effort was made in developing this rule to afford blind passengers the same rights as all others traveling by air. Similar to restrictions placed on other items utilized by passengers, certain restrictions as to the locations in which canes can be stowed are necessary. The Association of Flight Attendants (AFA) in its well-thought-out comment perhaps best addresses this issue by stating:

> The Association does not advocate the unrestricted right of a blind passenger to retain his cane with him during flight, under any conditions he alone determines. Such a situation where one individual can make an arbitrary decision which may adversely affect the safety of others is intolerable. AFA does assert, though, that the various alternatives discussed above [this refers to the alternatives discussed in its comments, not necessarily to the alternatives in this rulemaking] are consistent with both the safety of all passengers and a blind traveler's desire to retain his cane. If a blind passenger is given the choice of either carrying a folding cane or carrying a rigid cane, but being seated in a particular seat, it seems obvious that reasonable efforts have been made to accommodate the particular needs of these travelers.

The fact that a limitation on seat selection may be incidental to one of these options is immaterial for three reasons. First, a blind passenger could effectively avoid the seat limitation by opting to carrying a folding cane. Second, only those seats located in exit rows or lacking the physical constraints for securing canes would be affected by the restriction. An adequate selection of seats would still be available. Third, no passenger—blind or not blind—is ever guaranteed that he will have the seat he wants on the flight he wants on the day he wants. The realities of high passenger volume in air travel simply do not permit such guarantees. Thus, the question of whether a blind passenger is "willing" to sit in certain seats need not even be considered if adequate alternatives, as indicated above, are available.

Section 121.589(b), effective August 31, 1980, states that the only baggage that may be placed in an overhead rack without restraining devices or doors are articles of loose clothing. Under Notice 80–18, a proposal was made to permit flexible travel canes to be placed in such racks if they had solid bottoms. These racks are immediately above the passengers and would have placed the canes within the reach of passengers. It was reasoned that flexible travel canes are light enough not to cause any danger to passengers if they were in such a rack. In addition, it was anticipated that, in most cases, other items would be placed on top of the canes in the racks, lessening the possibility that they would come out of the rack.

Of the seven comments received particularly addressing this method, five commenters, including one blind person and four aviation associations, object to the proposal. The Air Line Pilots Association maintains that stowage in racks without doors does not provide adequate safety. The Association of Flight Attendants states that it cannot be assumed that other articles would be placed on top of the canes, and that placing canes in open racks would produce an unacceptable safety hazard. As stated by the Aerospace Industries Association of America:

> Even lightweight, flexible canes can become dangerous missiles during unplanned high "G" load conditions. The sharp ends especially can be hazardous to personnel, particularly to the eyes, ears and face. We believe the provisions of 121.589 as amended by adding paragraph 4 provide sufficient alternatives for stowage of flexible canes by blind travelers to obviate the need for unrestrained stowage in overhead racks.

After further considering the potential hazards, the FAA agrees with these commenters. The other methods are sufficient to provide convenient stowage of canes. Accordingly, because of the potential safety hazard involved, stowage of canes in open overhead racks is not permitted.

In Notice 80–18 the proposed amendments to § 121.589 were to be inserted as new paragraph (4) to paragraph (a). The wording of the amendment does not complete the sentence of paragraph (a), however.

These alternate methods of stowing travel canes therefore are incorporated in a new paragraph (e). Paragraph 121.589(c) is amended to require that passengers comply with instructions given by crewmembers regarding compliance with new paragraph (e).

Some commenters suggest that a definition of "flexible travel cane" be inserted into the regulations. While they are not subject to precise definition, they can be described as follows: flexible travel canes are lightweight, generally long and thin, generally made of aluminum or fiberglass, usually of white or metallic color. These amendments do not include the heavier, shorter canes, such as those used for support in walking. It is the light weight and the flexibility of the travel canes which allow their safe stowage under this amendment.

Passengers Needing Assistance

Notice 80–18 proposed amending § 121.586 which relates to the transportation of individuals. Section 121.586 provides that no certificate holder may refuse transportation to a passenger who may need the assistance of another to move expeditiously to an exit in the event of an emergency unless the certificate holder has established procedures (including notice requirements) relating to such persons, and either the passenger has not complied with the notice requirements of the procedures or the passenger cannot be carried in accordance with the procedures.

The NFB points out that passengers have had difficulty in obtaining information from the carriers concerning the procedures established in accordance with § 121.586. The FAA agrees that this point has merit and, therefore, is amending § 121.586 to require that all procedures established by the certificate holder under this section be made available to the public at each airport served by the certificate holder. A carrier would meet this requirement by having one complete set of these procedures available for inspection by any interested individual.

Notice 80–18 invited comments as to whether these procedures should also be available at locations other than airports and whether they should be available in braille. Of the two comments specifically addressing this issue, one supports the amendment as proposed, and one wishes it expanded. Making procedures "available to the public" encompasses more than merely providing a copy for public inspection. It is anticipated that certificate holders will explain their procedures to all who inquire. Further, not all blind people read braille. In view of these considerations, and the extra costs that would be involved, it is not considered necessary to require that braille copies be made available. It has further been determined that it is not necessary to require availability at locations other than airports.

The grant of petition included the following discussion of another issue raised in the NFB petition:

> In addition, that portion of the NFB petition that requires the initiation of rulemaking concerning the amendment of § 121.586 which governs the carriage of persons who may need the assistance of others in the event of an emergency evacuation is granted. Inasmuch as § 121.586 was promulgated for the benefit of an airline passenger population that greatly exceeds the potential airline passengers currently represented by the NFB, and since there was virtually no comment from the public on that section when the NFB petition was published, comment will be sought from the public before any action is taken to amend or repeal its protective provisions.

The FAA has received some complaints about inequities existing in the air carrier procedures. The CAB, as part of SPDR–70 (see footnote 1), is currently reviewing air carrier procedures to determine what is discriminatory. Included in that notice are questions relating to refusal of service and availability of service and equipment. Consistent with a stated purpose of Executive Order 12291, signed by the President on February 17, 1981, the FAA will not duplicate the regulatory effort of the CAB.

In Notice 80–18, the FAA sought comments on whether blind individuals should be excluded from the requirement of § 121.586. In its petition, the NFB questions the need for this section. Two comments specifically address this question, one supports and one opposes including blind individuals in § 121.586. Clear evidence has not been presented to show that this rule has created unnecessary burdens and, therefore, should be amended. In light of this and the CAB review, the FAA will take no action at this time but will continue to monitor developments.

Economic Evaluation

The FAA conducted a regulatory evaluation which is included in the regulatory docket for this action. FAA determined that there is only a minimal-to-negligible cost impact on certificate holders. Specifically, each Part 121 certificate holder is required to make available to the public at each airport it serves a copy of each procedure it establishes in accordance with § 121.586(a)(1), the cost of which is considered minimal. Costs to certificate holders associated with the amendments to § 121.589 are negligible. These costs involve informing their employees as to the requirements of the new regulation.

This final rule provides benefits to the blind population that chooses to fly. It relieves hardships on blind citizens by allowing more convenient stowage of flexible canes, relaxes restrictive procedures by providing alternate safe methods of stowing flexible travel canes, and eliminates the conflicts which have existed between the requirement to safely stow all carry-on baggage and the desires of blind passengers to keep their canes near them. It makes available more readily the established procedures of the certificate holder concerning carriage of passengers who may need evacuation assistance. In addition, stowage of flexible travel canes in an area that is readily accessible preserves the special utility of canes for the blind person.

Accordingly, the benefits of this amendment outweight any burden created.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended, effective November 20, 1981, as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By adding a new paragraph (d) to § 121.586 to read as follows:

§ 121.586 Authority to refuse transportation.

* * * * *

(d) Each certificate holder shall make available to the public at each airport it serves a copy of each procedure it establishes in accordance with paragraph (a)(1) of this section.

2. By amending § 121.589(c) and adding a new paragraph (e) to read as follows:

§ 121.589 Carry-on baggage.

* * * * *

(c) Each passenger must comply with instructions given by crewmembers regarding compliance with paragraphs (a), (b), and (e) of this section.

* * * * *

(e) In addition to the methods of stowage in paragraph (a), flexible travel canes carried by blind individuals may be stowed—

(1) Under any series of connected passenger seats in the same row, if the

cane does not protrude into an aisle and if the cane is flat on the floor; or

(2) Between a nonemergency exit window seat and the fuselage, if the cane is flat on the floor; or

(3) Beneath any two nonemergency exit window seats, if the cane is flat on the floor; or

(4) In accordance with any other method approved by the Administrator.

(Secs. 313(a), 601, 602, and 609 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 Cal, 1421, 1422, and 1429), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1055(c)))

Note.—The FAA has determined that this amendment will have minimal cost impact. Specifically, there will be only a minimal impact on certificate holders (for some additional copies of a few pages contained in their manuals). It, therefore, is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on June 22, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-20808 Filed 7-23-81; 8:45 am]

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federal register

Thursday
July 23, 1981

Part III

Department of Transportation

Federal Aviation Administration

Aircraft Major Repairs; Proposed Rule and Advisory Circular

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1 and 43

[Docket No. 21988; Notice No. 81-10]

Major Repairs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes certain actions which will improve understanding of the term "major repair" and corollary terms used in relation to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. This action is desirable to preclude incorrect repair classification which may result in repairs being approved for return to service by unauthorized persons or in an unknown or questionable condition. It is proposed to delete the current section on major repair from Appendix A of Part 43 and publish it, after updating, as an advisory circular. The advisory circular will discuss in detail those areas most frequently misunderstood.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Comments on the proposals may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Docket No. 21988, 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. All comments must be marked: Docket No. 21988. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Marvin J. Walker, Regulatory Review Branch (ABS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications must identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21988." The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should request a copy of Advisory Circular 11-2 which describes the application procedures.

Background

The scheme of maintenance regulations established in Parts 43, 91, and 121 of the FAR depends in part upon a threshold determination of whether a specific required aircraft repair is "major" or "minor," since that classification will dictate the type of repair data required for proper accomplishment of the work, and the correct procedures to return the repaired aircraft to service.

Classifying major repairs as minor repairs may result in an aeronautical products being approved for return to service by unauthorized person following maintenance or repair of unknown or questionable quality, and without the mechanical reliability and alteration and repair reports required under §§ 121.703 and 121.707, respectively. Conversely, classifying minor repairs as major repairs can result in wasted technical and administrative man-hours.

To determine the proper classification of a repair, persons making the repair have traditionally referred to the definitions in § 1.1 and paragraph (b) of Appendix A of Part 43. While the definitions in Part 1 provide the fundamental distinction between "major" and "minor" repairs, § 43.3(a) directs these persons to Appendix A for specific guidance to determine those repairs which are "major." This list is frequently misinterpreted as being all-inclusive rather than a list of examples, as intended, and results in improper classification of repairs. In addition, the appendix frequently fails to deal with repair situations encountered in modern aircraft.

To provide a document which states the meaning to these terms in a format which can be easily amended and facilitate repair classification, the FAA proposes to remove paragraph (b) from Appendix A, and incorporate it in an advisory circular (published elsewhere in this issue) in which the definitions of the terms "major repair" and "minor repair" are discussed. This will reduce regulatory material and is consistent with the President's goal of reforming the regulatory process. The appropriate use of "acceptable methods, techniques, and practices" and "technical data approved by the Administrator" would also be discussed because, certain instances, the proper repair classification depends upon the procedures used and the data available. However, in all instances, proper completion of the repair and regulatory compliance depend upon the application of appropriate repair data and procedures. In addition to the proposed deletion of paragraph (b) of Appendix A of Part 43, the FAA proposes to delete the phrase ", a major repair," from § 43.3 for regulatory consistency.

Economic Impact

A decrease in the number of incidents of incorrect classification of aircraft repairs and the return to service of improperly repaired equipment, by mechanics, repair stations, manufacturers' maintenance facilities, and air carriers is expected to result from the proposed amendment.

Costs

The costs to the Government would be incurred in revising and promulgating the revision to Part 43. Since regulatory revision is an on-going aspect of the FAA program, the costs of revising Part 43 would be negligible.

The aviation industry will not incur additional costs if the proposed amendments is adopted. The advisory circular proposes to amplify and clarify the already existing definitions of minor and major repair and corollary terms used in repair procedures. It would not impose any new or additional requirements on the industry.

Benefits

Although the aggregate savings in any given year by the aviation industry and the Government as a result of adopting the proposal has not been determined, implementation is expected to benefit the FAA and the industry. All categories of repair facilities are expected to benefit from the clarifications contained in the advisory circular due to a decrease in the incidence of erroneous classification of aircraft repairs, and the avoidance of unnecessary technical and processing costs encountered when a minor repair is improperly classified as major. Additionally, major repairs improperly classified as minor can result in a derogation of safety and costly duplication of repair procedures to comply with FAA prescribed standards.

Benefits to the Government are anticipated from a decrease in improper repair classifications by repair facilities. Specifically, the proposal is expected to reduce FAA administrative and legal costs associated with the investigation, processing, and prosecution of Enforcement Investigation Reports issued for repair and maintenance violations.

Regulatory Flexibility

Under the criteria of the Regulatory Flexibility Act, this proposed rule at promulgation will not have a significant impact on a substantial number of small entities.

The Proposed Amendment

In consideration of the foregoing, it is proposed to amend Part 43 of the Federal Aviation Regulations (14 CFR Part 43) as follows:

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

By removing the phrase ", a major repair," from § 43.3(a), by removing the phrase ", major repairs," from the title of Appendix A, by removing the phrase ", major repairs," from the Part 43 index, and by removing paragraph (b) of Appendix A and marking it "[Reserved]."

(Secs. 313(a), 314, 601, and 602 Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1355, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. Sec. 1655(2)); 14 CFR 11.45)

Note.—The FAA has determined that this document does not propose to impose any new or additional requirements upon aircraft owners or operators. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on July 2, 1981.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 81-21551 Filed 7-22-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular for Aircraft Major Repairs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on a proposed advisory circular.

SUMMARY: The proposed advisory circular (AC) will improve the understanding of the term "major repair" and corollary terms used in relation to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. This should reduce the incidence of incorrect repair classification which can result in repairs being approved for return to service by unauthorized persons or in a questionable or unknown condition. The advisory circular discusses in detail those areas most frequently misunderstood.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Interested parties are urged to submit their comments on the proposed advisory circular. Commenters are also requested to provide information concerning additional or other actions which would assist in alleviating the problem. Comments may be mailed to: Federal Aviation Administration, Office of Airworthiness, Aircraft Maintenance Division (AWS–340), 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered to: Room 313, 800 Independence Avenue, SW., Washington, D.C. Comments may be inspected at Room 313 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Schaffer, General Aviation Commercial Branch (AWS–340), Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 426–8203.

SUPPLEMENTARY INFORMATION:

Discussion of the Draft Advisory Circular

The scheme of maintenance regulations established in Parts 43, 91, and 121 of the FAR depends in part upon a threshold determination of whether a specific required aircraft repair is "major" or "minor," since that classification will dicate the type of repair data required for proper accomplishment of the work, and the correct procedures to return the repaired aircraft to service.

Classifying major repairs as minor repairs may result in an aeronautical product being approved for return to service by unauthorized persons following maintenance or repair of unknown or questionable quality, and without the mechanical reliability and alteration and repair reports required under §§ 121.703 and 121.707, respectively. Conversely, classifying minor repairs as major repairs can result in wasted technical and administrative man-hours.

To determine the proper classification of a repair, persons making the repair have traditionally referred to the definitions in § 1.1 and paragraph (b) of Appendix A of Part 43. While the definitions in Part 1 provide the fundamental distinction between "major" and "minor" repairs, § 43.3(a) directs these persons to Appendix A for a specific guidance to determine those repairs which are "major." This list is frequently misinterpreted as being all-inclusive rather than a list of examples, as intended, and results in improper classification of repairs. In addition, the appendix frequently fails to deal with repair sutuations encountered in modern aircraft.

To provide a document which states the meaning of these terms in a format which can be easily amended and facilitate repair classification, the FAA proposes to remove paragraph (b) from Appendix A (published elsewhere in this issue), and incorporate it in an advisory circular in which the definitions of the terms "major repair" and "minor repair" are discussed. This will reduce regulatory material and is consistent with the President's goal of reforming the regulatory process. The appropriate use of "acceptable methods, techniques, and practices" and "technical data approved by the Administrator" would also be discussed because, in certain instances, the proper repair classification depends upon the procedures used and the data available. However, in all instances, proper completion of the repair and regulatory compliance depend upon the application of appropriate repair data and procedures. In addition to the proposed deletion of paragraph (b) of Appendix A of Part 43, the FAA proposes to delete the phrase ", a major repair," from § 43.3 for regulatory consistency.

The Proposed Advisory Circular

In accordance with the above, the FAA publishes proposed Advisory Circular AC 43–XX, Aircraft Major Repairs, as follows:

Issued in Washington, D.C. on July 2, 1981.

M. C. Beard,

Director of Airworthiness.

Subject: Aircraft Major Repairs

1. *Purpose:* This advisory circular (AC) provides information and guidance concerning major repairs to aircraft, airframes, aircraft engines, propellers, and appliances.

2. *Related Federal Aviation Regulations (FAR):* Part 1, § 1.1; Part 21, § 21.289; Part 43, §§ 43.3, 43.5, 43.7, 43.9, 43.17, Appendix A, and Appendix B; Part 65, §§ 65.81, 65.85, 65.87, 65.95; Part 91, Subpart C; Part 121, §§ 121.379, and 121.707; Part 127, Special Federal Aviation Regulations (SFAR) No. 36; Part 135, § 135.437; and Part 145, § 145.51.

3. *Background:* Guidance material relating to aircraft major repairs is contained in the FAR and other documents prepared by the Federal Aviation Administration (FAA) and the aviation industry. In view of the diversity and volume of this material, this AC has been prepared to provide consolidated information concerning the terms, definitions, and regulatory requirements associated with major repairs.

4. *Discussion:* To more easily understand the classification of repairs as major or minor, it may be well to discuss repair in general. FAR Part 1 defines maintenance as, "inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance." By inference then, "repair," generally, is maintenance other than "inspection, overhaul, preservation, the replacement of parts, and preventive maintenance." However, in the past, repair has included "the replacement of parts," when that replacement required the use of fabrication techniques. This distinction is preserved. Therefore, "repair" includes the replacement of parts which require the use of a fabrication process such as, riveting or welding, or when structural parts used as replacement parts are fabricated.

5. *Definitions:* A frequently encountered problem involves the erroneous classification of aircraft repairs. A major repair mistakenly classified as minor can result in it being accomplished without the use of approved data and improperly approved for return to service. Erroneous classification may thus adversely affect safety. Conversely, classifying a minor repair as major results in unnecessary technical and administrative processing. To avoid such errors, the following terms must be clearly understood.

a. *Major repair,* as defined in FAR § 1.1, means a repair—

"(1) that, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) that is not done according to accepted practices or cannot be done by elementary operations."

Note.—In this context "improperly done" connotes deficiencies in workmanship, or the failure to use appropriate instructions, data, methods, techniques, tooling, or other factors, while "appreciably" is taken to mean measurably.

b. *Minor repair,* as defined in FAR § 1.1, means a repair other than a major repair.

c. *Approved,* as defined in FAR § 1.1, and unless used with reference to another person, means approved by the Administrator. Under this definition, the Administrator is the Federal Aviation Administrator, or any person to whom the Administrator has delegated authority in the matter concerned.

d. *Acceptable* is not defined in the FAR, but is used in connection with methods, techniques, and practices which the Administrator accepts in lieu of those prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by the manufacturer.

6. *Major Repairs:* FAR §§ 43.3, 43.5, 65.95, 121.379(b), 127.140(b), 135.437(b), and 145.51 each require an aircraft, airframe, aircraft engine, propeller, or appliance, which has undergone major repair, to have had the work accomplished in accordance with technical data approved by the Administrator. Major repairs which meet the regulatory requirements generally fall into three groups:

a. *Those accomplished* using technical data previously approved by the Administrator. Such data may be used by any person authorized by FAR Part 43 to make repairs or to approve products for return to service after major repairs.

b. *Those accomplished* using technical data developed for the specific repair involved. Such data, except for that developed under SFAR No. 36, requires approval by the Administrator, and that approval is required prior to the product being approved for return to service. Approval and the limitations on the use of the approved data is normally indicated in Item 3 of FAA Form 337 (Major Repair and Alteration, Airframe, Powerplant, Propeller or Appliance).

c. *Those accomplished* without benefit of approved data. Such repairs are usually accomplished in anticipation of the finished repair being evaluated and approved or disapproved by the Administrator. Approval or disapproval is normally indicated in Item 7 on FAA Form 337. Use of this procedure may result in delay in gaining approval with resulting delays in approval for return to service.

7. *Examples of "Approved" Data:* Any aircraft, airframe, aircraft engine, propeller, or appliance which has undergone a major repair must have had the work accomplished in accordance with "technical data approved by the Administrator" prior to its being approved for return to service. This is recognized by FAR Part 43, §§ 65.95, 121.379(b), 127.140(b), 135.437(b) and 145.51. The following are examples of approved data:

a. *Manufacturer's maintenance* and repair manuals, service bulletins, service letters, and instructions associated with service kits, provided the applicable portion of such documents bear indication of FAA approval.

b. *Major Repair and Alteration,* FAA Form 337, when Item 3 on the obverse of the form has been executed by an FAA inspector indicating approval of data.

c. *Airworthiness Directives.*

d. *Supplemental Type Certificate* data, provided the applicability extends to the specific article being repaired and is appropriate for the repair being made.

e. *Parts Manufacturer Approvals.*

f. *FAA approved* data approved under Delegation Option Authorization procedures.

g. *Designated Alteration Station* authorization approvals.

h. *FAA approved* data approved under Designated Engineering Representative (DER) procedures.

i. *Other data* that is approved by the Administrator and bears indication of that approval.

8. *Acceptable Methods, Techniques, and Practices:* An aircraft, airframe, aircraft engine, propeller, or appliance which has undergone a MINOR REPAIR may be approved for return to service without further showing by a person authorized in § 43.7 of the FAR provided the work was done using methods, techniques, and practices prescribed in the manufacturer's current maintenance manual or Instructions for Continued Airworthiness prepared by the manufacturer. Other methods, techniques, and practices acceptable to the Administrator may be used in lieu of those of the manufacturer. The following is a list of sources of acceptable methods, techniques, and practices, even though they may not be marked FAA approved.

a. *Current manufacturer's* maintenance manuals or Instructions for Continued Airworthiness.

b. *Current manufacturer's* overhaul and repair manuals which are referenced in the manufacturer's maintenance manual.

c. *Manufacturer's service bulletins and letters not marked FAA approved.*

d. *Air carrier* maintenance, overhaul, and repair manuals.

e. *Military maintenance manuals,* handbooks, and technical orders applicable to surplus military aircraft.

f. *Data developed* by persons under the authority of SFAR No. 36.

Note.—Persons issued an authorization under SFAR No. 36 may approve aeronautical products for return to service after MAJOR REPAIR using data acceptable to the Administrator (developed in accordance with SFAR No. 36), even though such data is not specifically "approved by the Administrator."

g. *Advisory Circular 43.13–1A,* Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair.

9. *Special Instructions for Use of Advisory Circular 43.13–1A.*

a. *Advisory Circular 43.13–1A,* (Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair), has proven satisfactory, over a period of years, for use as "technical data approved by the Administrator" in making major repairs and in approving products for return to service after major repair. However, the person using the advisory circular must exercise precautions or such use may result in products being returned to service in an unsafe condition. Therefore, the user must determine that those paragraphs and/or figures used in connection with major repairs are:

(1) Appropriate to the precise repair being made;

(2) Appropriate to the precise product being repaired; and

(3) Not contrary to the manufacturer's current maintenance manual or Instructions for Continued Airworthiness prepared by the manufacturer.

b. *Broad reference* to Advisory Circular 43.13–1A in maintenance records is not appropriate. Reference to the specific paragraphs and/or figures selected from the advisory circular for use as "technical data approved by the Administrator" is required in all maintenance record entries and required forms.

10. *Performance Rules:* FAR Part 43, Section 43.13, imposes general performance rules for persons performing maintenance (including

major repairs). The section provides in effect that:

a. *Each person* making repairs shall use methods, techniques, and practices prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by the manufacturer or other methods, techniques, and practices acceptable to the Administrator.

b. *The person* shall use tools, equipment, and test apparatus necessary to assure completion of the work in accordance with accepted industry practices.

c. *If special equipment* or test apparatus is recommended by the manufacturer involved, then the person must use that equipment or apparatus, or its equivalent, acceptable to the Administrator.

d. *In addition,* the work shall be done in such a manner, and the material used of such quality, that the condition of the product, appliance, or part worked on will be at least equal to its original or properly altered condition.

e. *In the case of an air carrier or commercial operator,* and unless otherwise notified by the Administrator, the methods, techniques, and practices contained in its own maintenance manual(s) constitute acceptable means for performing repairs.

11. *Procedural and Administrative Processing:* While the performance rules of FAR Part 43 are applicable to all entities performing major repairs, the specific procedures for approval for return to service are dependent upon the certificate under which approval for return to service is authorized. An air carrier might use an engineering authorization or order, a certificated repair station might use a work order, while a mechanic with inspection authorization might use an FAA provided form (FAA Form 337). The recording and administrative processing of major repairs are as follows:

a. *General Aviation.* FAR Part 43, § 43.9, provides, in effect, that each person who performs a major repair on an aircraft, airframe, aircraft engine, propeller, or appliance shall make an entry in the maintenance record of that equipment containing:

(1) *A description* (or reference to data acceptable to the Administrator) of the work performed.

(d) *The date* of completion of the work performed.

(3) *The name* of the person performing the work.

(4) *If the work performed* is approved for return to service, the signature (and, if a certificated mechanic, the certificate number) of the person who approved it.

(5) *In addition to the above entry,* FAR Part 43, Appendix B, requires each person who performs a major repair to prepare the FAA Form 337 in duplicate. The original form is given to the aircraft owner and the duplicate copy sent to the local FAA District Office within 48 hours after the repair has been approved for return to service. The form provides the aircraft owner/operator with a record of the details of the repair, a certification that the work was accomplished in compliance with the applicable FAR, a record of who accomplished the work, and that the person accomplishing the work was certificated and appropriately rated. The copy provided to the FAA allows timely follow-up as deemed necessary and is maintained in the Airmen and Aircraft Registry (Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, Okla. 73125) in the event the owner/operator has need for the information in the future. Details concerning FAA Form 337 can be found in Advisory Circular 43.9–1 (current issue), Instructions for Completion of FAA Form 337, Major Repair and Alteration Airframe, Powerplant, Propeller, or Appliance.

b. *Air Carrier or Commercial Operators* with approved continuous airworthiness maintenance programs generally use an engineering authorization form compatible with their maintenance administrative system to authorize and record major repairs. The authorization may identify the FAA-approved data used for accomplishment of the repair, or it may serve as the data approval vehicle. Exact procedures to be used are contained in the operator's maintenance manual. These procedures are designed to ensure that technical data and methods, techniques, and practices used in accomplishing repairs are determined to be approved and acceptable prior to approval of the item for return to service.

c. *Repair Stations* have the option under FAR Part 43, Appendix B, or SFAR No. 36 to record major repairs as follows:

(1) *Execute FAA Form 337* in duplicate; or

(2) *Use the customer's* work order upon which the repair is recorded (FAR Part 43, Appendix B, paragraph (b));

(3) *Provide the owner* a maintenance release that properly identifies the article repaired and the location of the repaired area;

(4) *Make an entry* in the log or other record provided by the carrier for such work when a repair is made on a certificated air carrier's aircraft; and

(5) *Provide the records* required by the authorization issued under SFAR No. 36.

12. *Examples of Major Repairs.* The following is a list of repairs generally considered by the FAA to constitute major repairs as defined in § 1.1. The listed items are examples to facilitate judgment and are not all-inclusive. When repairs of a questionable classification are made, the person making the repair must determine the proper classification (major or minor) of the repair, based on the definition in § 1.1 of the FAR, the material in this advisory circular, and, if questions still exist, by consultation with the FAA.

a. *Airframe:* Repairs to the following parts of an airframe and repairs of the following types, involving strengthening, reinforcing, and splicing, and the manufacture of primary structural members or their replacement, when replacement is by fabrication such as riveting or welding, are generally considered to be major repairs.

(1) Box beams.

(2) Monocoque or semimonocoque wings or control surfaces.

(3) Wing stringers or chord members.

(4) Spars.

(5) Spar flanges.

(6) Members of truss-type beams.

(7) Thin sheet webs of beams.

(8) Keel and chine members of boat hulls or floats.

(9) Corrugated sheet compression members which act as flange material of wings or tail surfaces.

(10) Wing main ribs and compression members.

(11) Wing or tail surface brace struts.

(12) Engine mounts.

(13) Fuselage longerons.

(14) Members of the side truss, horizontal truss, or bulkheads.

(15) Main seat support braces and brackets.

(16) Landing gear brace struts.

(17) Axles.

(18) Wheels.

(19) Skis, and ski pedestals.

(20) Parts of the control system such as control columns, pedals, shafts, brackets, or horns.

(21) Repairs involving the substition of material.

(22) The repair of damaged areas in metal or plywood stressed covering exceeding 6 inches in any direction.

(23) The repair of portions of skin sheets by making additional seams.

(24) The splicing of skin sheets.

(25) The repair of three or more adjacent wing or control surface ribs or the leading edge of wings and control surfaces, between such adjacent ribs.

(26) Repair of fabric covering involving an area greater than that required to repair two adjacent ribs.

(27) Replacement of fabric on fabric covered parts such as wings, fuselages, stabilizers, and control surfaces.

(28) Repairing, including rebottoming, or removable or integral fuel tanks and oil tanks.

(29) Disassembly and reassembly of helicopter main rotor transmissions.

(30) Disassembly and reassembly of helicopter tail rotor gear boxes, including drive quills and angle boxes.

(31) Disassembly and reassembly of helicopter main rotor hub assemblies, excluding removal of blades from the yoke.

(32) Any repair to Structural Significant Items (SSI) as defined by the Maintenance Review Board (MRB) process on transport category airplanes is considered to be a major repair. SSI are those local areas of primary structure which are judged by the manufacturer to be relatively the most important from a fatigue or corrosion vulnerability standpoint or from a failure effects standpoint.

b. *Powerplant:* Repairs of the followjng parts of an engine and repairs of the following types are generally considered to be major repairs.

(1) Separation, disassembly, or reassembly of a crankcase or crankshaft of a reciprocating engine equipped with an intergral supercharger.

(2) Separation, disassembly, or reassembly of a crankcase or crankshaft of a reciprocating engine equipped with other than spur-type propeller reduction gearing.

(3) Special repairs to structural engine parts of welding, plating, metalizing, or other methods.

(4) Welding of crankcases.

(5) Machining operations necessitated by weld reparis.

(6) Crankshaft grinding.

(7) Camshaft recontouring and similar complex or precision machining.

(8) Boring crankshaft or camshaft bosses.

(9) Machining oil pump housings, accessory drive pads, etc.

(10) Disassembly and reassembly of modules in modular type turbine engines.

(11) Disassembly and reassembly of main sections of nonmodular turbine engines.

(12) Welding or machining operations on structural members or rotating parts of turbine engines.

c. *propeller:* Repairs of the following types to a propeller are generally considered to be major repairs.

(1) Any repairs to, or straightening of steel blades.

(2) Repairing or machining of steel hubs.

(3) Shortening of blades.

(4) Retipping of wood propellers.

(5) Replacement of outer laminations on fixed-pitch wood propellers.

(6) Repairing elongated bolt holes in the hub of fixed-pitch wood propellers.

(7) Inlay work on wood blades.

(8) Repairs to composition blades.

(9) Replacement of tip fabric.

(10) Replacement of plastic covering.

(11) Repair of propeller governors.

(12) Overhaul of controllable pitch propellers.

(13) Repairs to deep dents, cuts, scars, nicks, etc., and straightening of aluminum blades.

(14) The repair or replacement of internal elements of blades.

d. *Appliance:* Repairs of the following types to appliances are generally considered to be major repairs.

(1) Calibration and repair of instruments.

(2) Calibration and repair of radio equipment.

(3) Rewinding of field coil of an electrical accessory.

(4) Complete disassembly of complex hydraulic power valves.

(5) Overhaul of pressure type carburetors, and pressure type fuel, oil, and hydraulic pumps.

Notes.—(1) *Calibration* involves those work functions which cause the instrument or radio equipment to perform within specified tolerances. It may require special skills and knowledge and the use of test equipment. It does not include those adjustments of instruments and equipment which are accomplished using readily accessible and simple adjusting means, including adjustments that are normally accomplished during cockpit checklist procedures, the adjusting of the zero setting of meter scales, and simple testing to determine error in instrument performance operation. These work functions do not have appreciable effects on the instruments or equipment and do not require special skill and knowledge of the use of test equipment.

(2) *Radio equipment* is any item of equipment on the aircraft which utilizes the transmission and/or reception of radio waves. The calibration of radio equipment, regardless of its function, is classified as a major repair.

[FR Doc. 81–21523–Filed 7–22–81; 8:45 am]
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July 23, 1981

Part IV

Department of Transportation

Federal Aviation Administration

Parts Manufacturer Approval; Falsification of Airworthiness Certification Documents

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 21 and 45

[Docket No. 17147; Notice No. 77-19D]

Parts Manufacturer Approval; Falsification of Airworthiness Certification Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for initial and reply comments to Notice 77-19C (46 FR 3776; January 15, 1981). That notice, which, in part, pertains to Parts Manufacturer Approvals (PMA's), withdraws and supersedes outstanding notices and proposes amended PMA rules which will eliminate unnecessary procedural burdens, improve safety, and standardize the PMA process between FAA regions. This action is in response to a request from Superior Air Parts, Inc., for additional time to evaluate the proposal and submit its comments.

DATES: Initial comments must be received on or before August 24, 1981; reply comments must be received on or before September 21, 1981.

ADDRESS: Comments on Notice 77-19C may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 17147, 800 Independence Avenue SW., Washington, D.C. 20591. All comments must be marked "Docket No. 17147."

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn M. Sidwell, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of the proposal contained in Notice 77-19C may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. Initial comments must be received on or before the first date specified above. Reply comments which specifically respond to the initial comments on this notice must be received on or before the second date specified above. All communications received on or before these dates will be considered by the Administrator before taking action on the proposed rule. The proposals contained in Notice 77-19C may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket between 8:30 a.m. and 5 p.m. for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of the proposal will be filed in the Rules Docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 17147." The postcard will be dated, time stamped, and returned to the commenter.

Additional Copies of Notice

Any person may obtain a copy of Notice 77-19C by submitting a request to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 426-8058. Each communication must identify the notice number of this Notice of Proposed Rulemaking. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

Background

On August 24, 1977, the FAA issued Notice 77-19 (42 FR 43985; September 1, 1977). The FAA proposed to: (1) revise the application and reporting requirements applicable to Parts Manufacturer Approvals (PMA); (2) clarify the means by which an applicant for a PMA can show that the design of the applicant's part is identical to the design of a part that is covered under a type certificate (TC); (3) update certain form number references; (4) provide for the issuance of export certificates of airworthiness for unassembled normal category rotorcraft; and (5) provide for the issuance of export airworthiness approvals for aeronautical products that do not meet certain requirements if the importing country agrees to accept the products in such conditions.

The comment period was reopened twice to allow persons and organizations to submit comments to the docket.

The portions of the notice dealing with form number revisions and export airworthiness requirements (Items 3, 4, and 5) were adopted by Amendment 21-48 (44 FR 15648; March 15, 1979).

On January 8, 1981, the FAA issued Notice 77-19C which withdrew and superseded the proposals concerning PMA contained in Notice 77-19. In addition, Notice 77-19C also proposed a rule that would clarify and strengthen the agency's enforcement policy by prohibiting and prescribing administrative sanctions for certain acts involving falsifying applications, reports, and records under Part 21.

Notice 77-19C specified that initial comments must be received on or before April 15, 1981, and reply comments must be received on or before May 15, 1981.

Reopening of Comment Period

By letter dated April 14, 1981, Robert M. Beckman, attorney for Superior Air Parts, Inc., petitioned the FAA for a 30-day extension of the comment period. This petition was denied. By letter dated June 18, 1981, Superior Air Parts, Inc., petitioned the Administrator to review the Director of Airworthiness' denial of Superior Air Parts' request to reopen the comment period on NPRM 77-19C. The petitioner states that for reasons outside its control, Superior Air Parts was unable to prepare its comments within the short time provided by Notice 77-19C and that additional time is needed to evaluate the proposal and develop its comments. The petitioner contended in the April 14 letter that reopening the comment period is in the public interest because of the need for additional public comments on what were perceived to be certain novel and confusing aspects of the proposal.

The FAA has reviewed this request and has determined that reopening the comment period would afford the public an additional opportunity to furnish information that should be considered in the development of the final regulations. This action is consistent with Executive Order 12291 and the FAA's desire to assure full public participation in its regulatory actions. The FAA concludes that the public interest would be served by granting an additional 30 days for submission of written comments.

Accordingly, the comment period for initial comments to Notice 77-19C is reopened to close on August 24, 1981. Reply comments are due on or before September 21, 1981.

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)

Note.—This document reopens the comment period on a previously issued NPRM, Notice 77-19C, but makes no substantive change to the proposals of that notice.

The FAA has determined that Notice 77-19C involves changes to regulations which are considered to the significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A draft regulatory evaluation has been prepared for Notice 77-19C and is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact" in this document. The FAA has further determined that the proposed rules are not major under Executive Order 12291 and if promulgated will not have a significant economic impact on a substantial number of small entities since the changes proposed would relieve the administrative burden currently encountered for applicants for Parts Manufacturer Approvals.

Issued in Washington, D.C., on July 2, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-21845 Filed 7-22-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

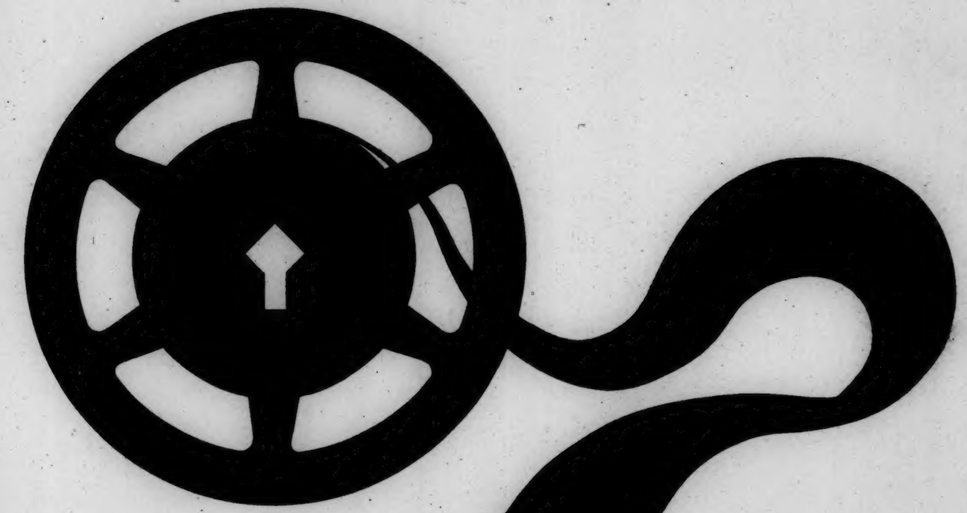
List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.